

ENROLLED ORDINANCE 178-65

YEAR 2023 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(5 – WAUKESHA COUNTY PARK AND PLANNING COMMISSION/FARMLAND
PRESERVATION PLAN, WAUKESHA COUNTY)

WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance 163-81, approved a Comprehensive Development Plan for Waukesha County; and

WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual updates and amendment procedures; and

WHEREAS, on October 19, 2023, the Waukesha County Park and Planning Commission held a Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated October 19, 2023, a Staff Recommendation for a proposed change to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on October 19, 2023, and a recommendation was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby **approved** to the Year 2035 Comprehensive Development Plan for Waukesha County:

5. *The Waukesha County Park and Planning Commission*, 515 W. Moreland Blvd., Waukesha, WI 53188, requests a comprehensive amendment to the 2011 Waukesha County Farmland Preservation Plan, which is Appendix D of the Comprehensive Development Plan for Waukesha County, in accordance with Chapter 91 of the *Wisconsin Statutes* that requires a 10-year recertification of the plan. The draft plan can be viewed online at www.waukeshacounty.gov/planningandzoning (see the “Special Projects” heading in the lower right portion of this webpage).

BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

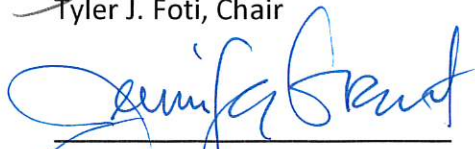
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall transmit copies of this Ordinance and copies of the Plan to the governing bodies of all of the cities, villages and towns within the county and to the designated agencies set forth in sec. 66.1001, Wis. Stats.

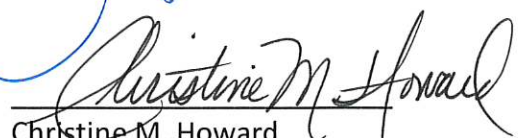
YEAR 2023 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (5 – WAUKESHA COUNTY PARK AND PLANNING COMMISSION/FARMLAND PRESERVATION PLAN, WAUKESHA COUNTY)

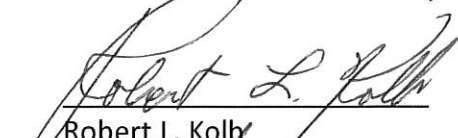
Presented by:

Land Use, Parks, and Environment Committee


Tyler J. Foti, Chair


Jennifer Grant

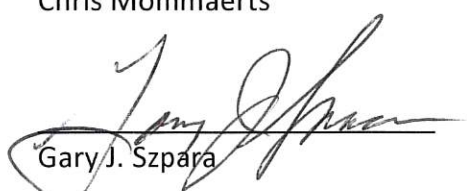

Christine M. Howard


Robert L. Kolb



Brian Meier

Absent

Chris Mommaerts


Gary J. Szpara

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 12/1/23, 
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____


Date: 12/4/23, 
Paul Farrow, County Executive

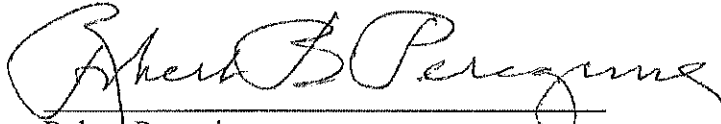
COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2023 Amendment to the Comprehensive Development Plan for Waukesha County, (5 – Waukesha County Park and Planning Commission/Farmland Preservation Plan) hereby recommends approval.

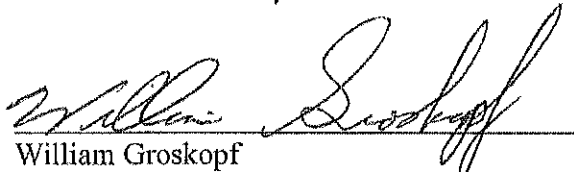
PARK AND PLANNING COMMISSION

October 19, 2023


James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


Gary Szpara

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
YEAR 2023 AMENDMENT TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY

DATE: October 19, 2023

REQUEST:

Year 2023 amendment to the Comprehensive Development Plan for Waukesha County to update and amend the Waukesha County Farmland Preservation Plan pursuant to the procedures outlined in the Plan.

5. *The Waukesha County Department of Parks and Land Use* requests that the Waukesha County Farmland Preservation Plan (Appendix D of the Comprehensive Development Plan for Waukesha County) be updated and amended in order to comply with the requirements of the State of Wisconsin farmland preservation law, which are set forth in Chapter 91 of the *Wisconsin Statutes*. The plan is available for viewing at www.waukeshacounty.gov/planningandzoning, see the "Special Projects" heading.

PUBLIC HEARING DATE:

Thursday, September 21, 2023.

PUBLIC REACTION

None. The draft plan was also circulated to all Waukesha County municipalities in draft form. All minor comments have been addressed in the proposed plan.

STAFF ANALYSIS:

State farmland preservation law sets forth requirements for county farmland preservation plans in counties that have communities with certified farmland preservation zoning ordinances. In counties where certified farmland preservation zoning ordinances are in effect, law requires that counties update farmland preservation plans every ten years. In order to align with 2020 census data availability, the county received a two-year extension to the end of 2023 to prepare this plan update. Portions of the towns of Eagle, Oconomowoc, Ottawa contain farmland preservation zoning. The Waukesha County Zoning Code and Waukesha County Shoreland and Floodland Protection Ordinance (relative to Ottawa and Oconomowoc) and the Town of Eagle Zoning Code are the certified ordinances in effect within the county.

The 2023 draft Farmland Preservation Plan (FPP) is available for viewing in its entirety on the Waukesha County website at www.waukeshacounty.gov/planningandzoning under the Special Projects heading. The Waukesha County Corporation Counsel and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) have reviewed drafts of this plan. DATCP has indicated that final certification of the plan is expected within the next week.

The current FPP was adopted by the County Board in 2011. The 2011 plan was a full refresh of the county's farmland preservation plan and was guided by an advisory committee of farmers, planners and other stakeholders. Because of the comprehensive nature of the 2011 plan update and because relatively little has changed in the county regarding generalized agricultural land use patterns and interest in farmland preservation over the past twelve years, this plan update is generally limited to bringing in updated census data, SEWRPC land use data, various other updated farm and agricultural support industry data and updated maps. As has been typical over many decades, updated statistics show that between 2011 and 2020, the number of agricultural acres in the county continued to decline while residential and other urban uses increased. For the first time, the number of acres in

residential land use now exceeds the number of agricultural acres within the county. However, farming continues to be an important part of the landscape and is validated as having value by virtue of local plans in four communities that designate lands for farmland preservation.

This plan continues to set forth three primary farmland preservation objectives:

1. Identify sustainable blocks of productive agricultural lands to target for preservation.
2. Minimize land use conflicts in designated farmland preservation areas.
3. Encourage agricultural investment and promote farmland incentive program for areas designated as farmland preservation areas.

The 2011 Plan carried forward some of the key criteria of previous generations of land use and farmland preservation plans for the county in calling for preservation of intact blocks of farmland in minimum five square mile contiguous blocks and preserving prime agricultural soils in such blocks. The 2023 Plan update advances the same standard, with the only caveat being that lands with existing or planned agricultural conservation easements are proposed to be made eligible for inclusion in farmland preservation areas, regardless of sewer service area boundaries. The application of the five square mile block, soils and sewer service area criteria has again resulted in preservation maps (see Maps DB1-DB-4 at end of plan) that are similar to those displayed in the original 1996 County Development Plan. The northern part of the Town of Oconomowoc, the far western portions of the towns of Ottawa and Eagle and a single Merton farm are the only areas formally designated for farmland preservation.

A total of 14,624 acres, of which approximately 9,855 acres is cultivated, has been designated within the Farmland Preservation land use category, with the majority of that acreage being located within the Town of Oconomowoc (see Map DB-2 and Map D3-2). Lands that meet these criteria are proposed to be mapped in the Farmland Preservation category of the WCCDP, which permits a maximum density of one dwelling unit per 35 acres. This designation is consistent with the local plan designations of the subject towns.

The 2011 Advisory Committee strongly supported making farmland preservation programs available to lands that fell short of the 5 square mile block standard if, in the future, there was landowner and community interest in preservation. Accordingly, the adopted 2011 plan and this plan update identified a “secondary standard” that would enable blocks of land as little as 1,000 acres to be eligible for consideration as farmland preservation areas if the local municipality requested designation of part or all of such an area as an Agricultural Enterprise Area. No such requests have been advanced since 2011. However, in 2018, a single Town of Merton farm owner requested the town and county’s support to be designated in the farmland preservation category directly adjacent to the Town of Oconomowoc farmland preservation area. That request was approved by both parties and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Similar to the 2011 plan, ten unrefined areas have been mapped as meeting the secondary eligibility standard. These areas encompass 20,283 acres (see Map D3-2 and Exhibit A). Lands within these areas would only be considered farmland preservation areas if landowner and local support for such a designation was demonstrated in the future.

Similar to the 2011 plan, the 2023 plan contains maps that identify remaining farmland in twelve different township areas. As noted above, the recommended farmland preservation areas are limited to the towns of Eagle, Oconomowoc, Ottawa and Merton. Analysis shows that the 2011 Plan has been highly successful in preserving farmland within designated farmland preservation land use categories. Only four requests have been made to remove lands from the farmland preservation category since 2011. All four requests were for parcels of less than ten acres and were approved as part of the annual plan amendment process after a determination was made that the lands were better suited for other uses and that the redesignation would not undermine the remaining five square mile block. In addition, two farms, with a total of 226.5 acres, were added to the Farmland Preservation category within the towns of Merton and Ottawa in accordance with the owners' requests and with the support of the local municipalities and Waukesha County. The existing Farmland Preservation Plan and the county zoning ordinances allow for residential densities of one dwelling unit per 35 acres in farmland preservation areas. Since 2011, 17 new residential parcels encompassing 48 acres have been created within the farmland preservation areas that are subject to county zoning ordinances.

This plan proposes to maintain the existing farmland preservation areas with the above described minor changes and also with minor adjustments within the Town of Oconomowoc to reclassify several parcels of less than ten acres to conventional land use plan categories. An annexation of Town of Oconomowoc lands to Lac La Belle also results in a small change in the preservation maps. Pages D1-6 and D1-7, along with Exhibit E found at the end of the plan, detail the Oconomowoc map changes.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**.

The proposed Farmland Preservation Plan amendments update agricultural statistics and affirms the criteria that are used to map the farmland preservation areas within the towns of Eagle, Oconomowoc and Ottawa and a single farm within the Town of Merton. This updated plan will keep landowners eligible for tax credits and other incentives while preserving productive farmland within remaining five square mile blocks. The plan complies with the statutory requirements for farmland preservation plans and only includes lands for preservation that have been supported for inclusion in this plan by virtue of a similar local land use plan designation.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

JF:kb

VOTE RESULTS >

24 YES

0 NO

0 ABSTAIN

1 ABSENT

Ordinance 178-O-065

Ordinance 178-O-065: Year 2023 Amendment to the Comprehensive Development Plan for Waukesha County (Commission/Farmland Preservation Plan, Waukesha County)

 **Passed By Majority Vote**

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	ABSENT	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		