

## **Appendix D**

# **Waukesha County Farmland Preservation Plan<sup>1</sup>**

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<sup>1</sup> (draft) *This Farmland Preservation plan was adopted as a 2011 Amendment to “A Comprehensive Development Plan for Waukesha County”, adopted by the Waukesha County Board of Supervisors on February 24, 2009.*

# Chapter 1

## INTRODUCTION

### BACKGROUND

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 very significant revisions to Chapter 91 Wisconsin Statutes, which has been home to Wisconsin’s farmland preservation law since 1977. These new revisions continue over three decades of state leadership on the issue of farmland preservation, recognizing its importance not only for food and fiber production, but for the State’s economic health and the quality of life for its residents - today and tomorrow. The new law continues a long history of relying on county and 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
- Creating new tools to assist in local program implementation, including:
  - Promulgation of Agricultural Enterprise Areas (AEAs)
  - Creation of a Purchase of Agricultural Conservation Easement (PACE) matching grant program

More details on these and other program changes are provided later in this document. 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, which is the purpose of this document. Under the new law, the Waukesha County farmland preservation plan must be updated by December 31, 2011. But before starting a new planning process, it is important to look back and learn from previous planning efforts, which are described below.

### HISTORY OF FARMLAND PRESERVATION PLANNING IN WAUKESHA COUNTY

Due to its close proximity to Milwaukee, Waukesha County has a rich history of trying to manage growth and preserve farmland and natural areas. It is no coincidence that concerns over land use became more prevalent shortly after I-94 was completed in the early 1960’s, providing an efficient east-west transportation corridor to the Milwaukee area from much of Waukesha County, as shown in Map D1-1. Following this map is a brief summary of some of the key planning efforts that followed this freeway construction.

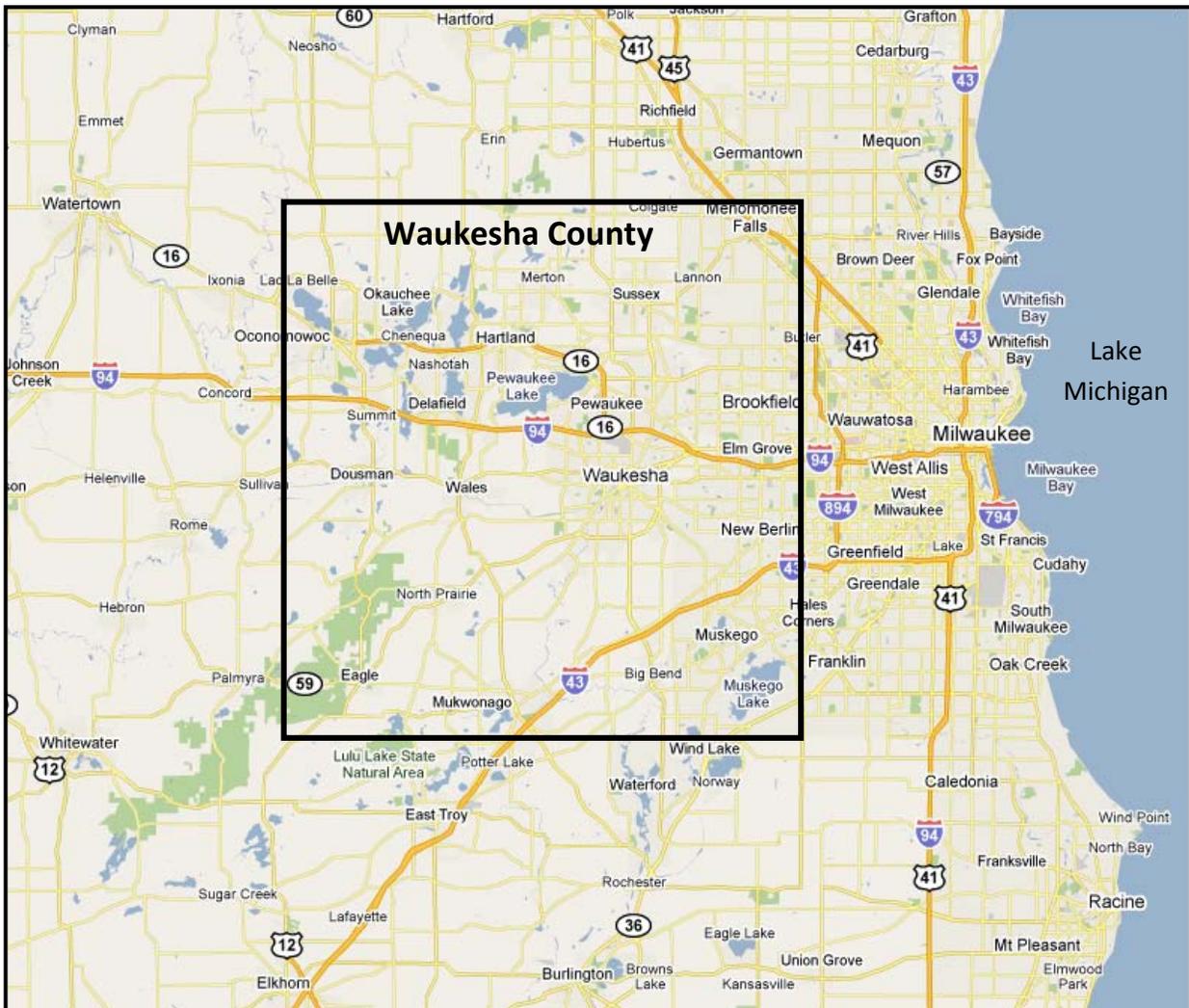
*1967 – Waukesha County Board adopts the “1990 Regional Land Use and Transportation Plan”, prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC).* The first of its kind for the seven-county region, this plan promoted future growth patterns to be focused where public sewer and water utilities were available.

*1969 - Waukesha County Agricultural and Natural Resources Council (ad hoc council of the County Board) publishes report “A Citizens Look at Urbanization”.* This effort was led by the Waukesha County University of Wisconsin Cooperative Extension (UWEX) office and involved 54 county citizens in its development. One of the stated purposes of the report was to “bring about sound and rational development of our agricultural and natural resources.” Some of the key land use recommendations contained in the report are paraphrased below:

- All municipalities should:
  - Adopt exclusive agricultural zoning ordinances to control “leap frog development” (urban sprawl).
  - Encourage residential growth contiguous to areas served by public sewer and water.
  - Consult with and make more use of data and maps available through SEWRPC to solve local zoning and development problems.

## Map D1-1

### Location of Waukesha County in Relation to the Freeway System and Surrounding Communities in Southeast Wisconsin



Source: Google Maps

- The Waukesha County Board should:
  - Adopt a subdivision control ordinance to prevent urban sprawl, preserve future road rights-of-way, and minimize environmental damages.
  - Adopt a shoreland and floodplain control ordinance to protect and preserve water resources, wildlife habitat and open space.
  - Adopt a sanitary ordinance to regulate on-site sewage treatment and minimize water pollution.
  - Provide financial support for three SEWRPC studies, resulting in model ordinances, regulations or other implementation procedures relating to:
    1. The costs and benefits of residential development
    2. The preservation of agricultural lands in an urbanizing region
    3. The preservation of environmental corridors
- SEWRPC should develop a handbook of planning guides for use by average citizens serving on local government boards or planning commissions.

- County departments should expand educational programs on effective land use planning and zoning, and sponsor public information meetings on proposed ordinances.

**1978** – *Waukesha County Board adopts resolution 197/3/78*, which designated the county Park and Planning Commission with the responsibility of preparing an Agricultural Land Preservation Plan and exclusive agricultural zoning ordinance for Waukesha County. This resolution was adopted in response to the 1977 state law creating the Farmland Preservation Program. This new program included planning grants to counties and income tax credits for owners of farmland designated for preservation in state certified county farmland preservation plans.

**1980** – *Waukesha County Land Use Steering Committee* works with staff from SEWRPC and the County Park and Planning Department to prepare a prospectus for the preparation of the first Waukesha County Development Plan. However, the proposed planning effort was not funded at the time.

**1984** – *Waukesha County Board adopts “Waukesha County Agricultural Land Preservation Plan”*. This planning document was completed by the Waukesha County Park and Planning Commission in late 1981. Exclusive agricultural zoning language was enacted into the Waukesha County Zoning Code on September 9, 1980. A County Board resolution to approve the Agricultural Land Preservation Plan was narrowly defeated in July 1982 under widespread opposition. The plan was reintroduced and adopted by the County Board in November 1984. Only six local communities in the county adopted exclusive agricultural zoning ordinances, as shown in Map D1-2. These ordinances were a prerequisite to make landowners eligible for the tax credits. Since plan adoption, about 100-120 landowners claimed the annual income tax credit in Waukesha County. Due to credit scales not being indexed to inflation, and the implementation of use-value assessment in the late 1990’s, the average income tax credit for Waukesha County program participants declined from an average of \$1,473 in the late 1980’s to \$520 in the late 2000’s. DATCP estimated that only 26% of eligible landowners claimed the tax credit in the county in 2009. The 1984 plan mapped areas as small as 100-acre blocks for agricultural preservation. The 100-acre block standard was also utilized in the 2010 Regional Land Use Plan for Southeastern Wisconsin adopted by SEWRPC. Ultimately, the program was not successful in preserving farmland in the county, which will be discussed in the next chapter.

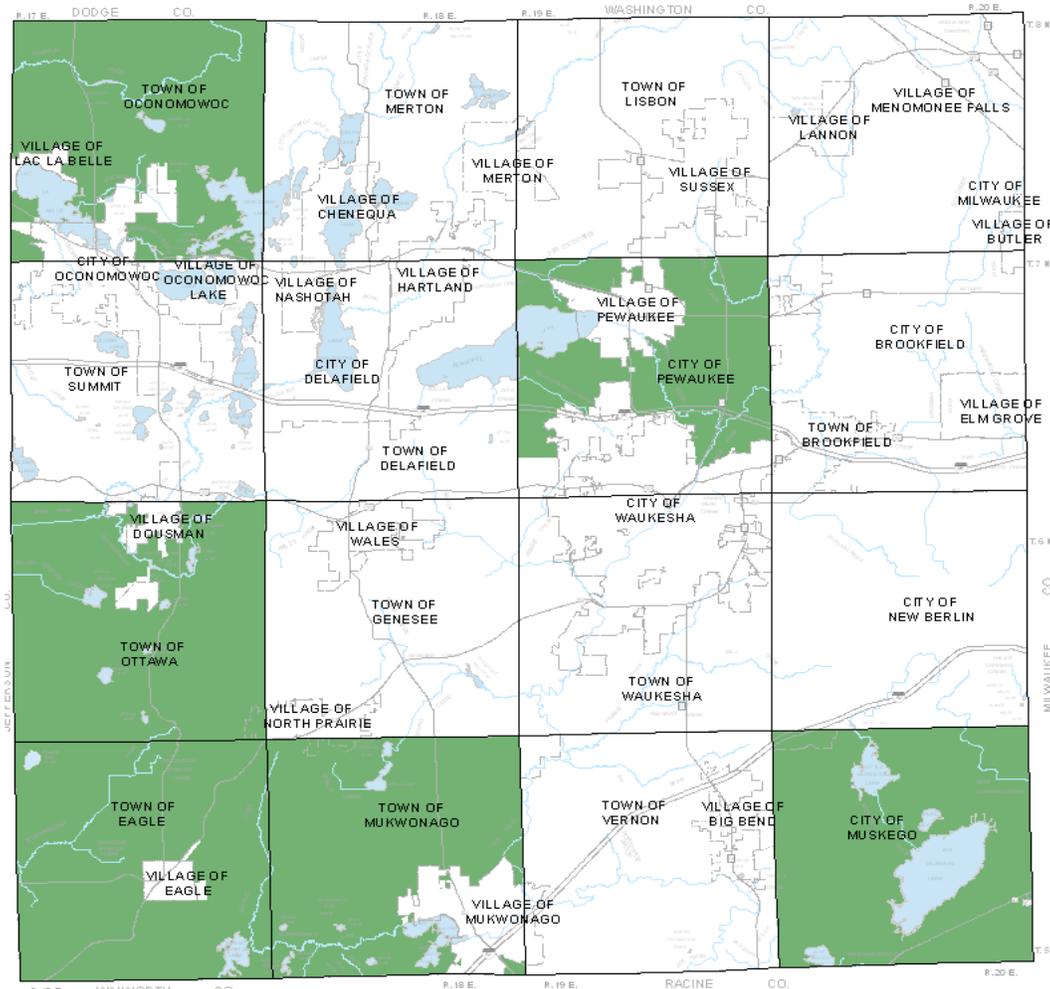
**1996** - *“A Development Plan for Waukesha County Wisconsin” was adopted by the Waukesha County Board*. This 4-year planning effort represents the first county-wide development plan prepared in the state of Wisconsin. It established a consistent set of planning objectives, principles and standards and incorporated existing land use plans for all of the communities in the county. The plan took effect on January 1, 1997, serving as a guide to future land use and zoning decisions.

**1998** – *“Waukesha County Agricultural Land Preservation Plan” was prepared*. At the time, state statutes read: *“...agricultural preservation plans shall be a component of and consistent with any county development plan...”* [s. 91.51 Wis. Stats.]. Following the adoption of the 1996 Development Plan, Waukesha County prepared this separate document outlining the farmland preservation elements of the Development Plan. This plan would serve as an update to the 1984 Agricultural Land Preservation Plan. The update included a comparison of the 1984 farmland preservation plan maps to the updated versions for each of the 16 public land survey townships in the county (see Chapter 2, Map D2-5). This plan update was never adopted due to objections by the Wisconsin Department of Agriculture, Trade and Consumer Protection. DATCP objections were mainly related to the planning standard the county used for prime agricultural land designation, which included a requirement for 5 square miles of contiguous agricultural lands. The 5 square mile standard was used in the 1990 and 2000 Regional Land Use Plans for Southeastern Wisconsin, adopted by SEWRPC in 1966 and 1978, respectively.

**2009** – *Waukesha County Board adopts “A Comprehensive Development Plan for Waukesha County”, herein referred to as the “WCCDP”*. This plan was prepared to meet the 1999 state law [s. 66.1001 Wis. Stats.] which requires county and local governments to adopt a comprehensive plan in order to enforce zoning, land division or official mapping ordinances. Twenty-nine out of the 37 local government units in Waukesha County signed cooperative agreements to work together with the County on this 4-year planning process. This comprehensive

plan serves as an update to the 1996 Waukesha County Development Plan and as the foundation to this farmland preservation plan, as required under s. 91.10(2) Wis. Stats.

### Map D1-2 Certified Exclusive Agricultural Zoning Ordinances in Waukesha County



Source: Waukesha County and DATCP

**2011** – Waukesha County Board adopts “Appendix D – Waukesha County Farmland Preservation Plan”. This appendix is an amendment to the 2009 Comprehensive Development Plan and represents an update to the 1984 Agricultural Land Preservation Plan. Since the state law changed after the adoption of the 2009 WCCDP, Appendix D was prepared to meet the new farmland preservation planning requirements without duplicating any of the other applicable material in the 2009 WCCDP. The farmland preservation planning standards adopted in the WCCDP were used as the starting point for this plan amendment, as discussed in the next chapter.

## 2011 FARMLAND PRESERVATION PLANNING PROCESS

### Advisory Committee

The State’s farmland preservation law requires all counties to adopt a farmland preservation plan that complies with the requirements of Chapter 91 of the Wisconsin Statutes by January 1, 2016. A tiered system was implemented by the State with regard to required adoption dates. As previously noted, Waukesha County is one

of the counties required to adopt a plan by December 31, 2011, because the population density increase realized in the county between 2000 and 2007 exceeds nine persons per square mile. The county started the farmland planning process in the summer of 2010 so that the completed plan could be considered for adoption in early 2011 during the annual amendment cycle for the WCCDP.

Waukesha County invited a cross section of nine interested parties to serve on the Waukesha County Farmland Preservation Planning Advisory Committee. A similar subcommittee structure was utilized to prepare the chapters of the adopted 2009 WCCDP. Gary Goodchild, a Town of Ottawa Board Supervisor and a member of the Waukesha County Park and Planning Commission, agreed to serve as chairman of the advisory committee. The committee membership included farmers, local plan commissioners, town planners, local and county elected officials, a land conservancy organization member and regional planning commission staff. The membership was representative of farm owners in different parts of the county and numerous local governments, as listed below.

**Waukesha County Farmland Preservation Plan Advisory Committee Members:**

Gary Goodchild (Chair)	Ottawa Town Board/Co. Park and Planning Commission
Bob Bartholomew	Town of Vernon Farmer
John Koepke	Town of Oconomowoc Board/Farmer
Tom Oberhaus	Town of Delafield Plan Commission/Farmer
Jeff Herrmann	Towns of Oconomowoc and Genesee, Administrator/Planner
Barb Holtz	Town of Mukwonago Plan Commission/Farmer
Nancy Anderson	Southeastern Wisconsin Regional Planning Commission
Ted Rolfs	County Board Supervisor/LUPE Committee/Tall Pines Conservancy
Tim Schwecke	Towns of Eagle and Mukwonago, Planner

The Advisory Committee held its first meeting on June 17, 2010 and three subsequent meetings were held in 2010 and 2011. DATCP representatives Lisa Schultz and Alison Volk attended the July 29, 2010 meeting to provide information regarding the Working Lands Initiative and to answer questions. Draft mapping criteria were also reviewed at this meeting. On November 5, 2010, the first two draft plan chapters and draft of county-wide maps were presented to the committee, based on previously reviewed mapping criteria. On January 6, 2011, the third and final chapter of the plan was reviewed by the advisory committee.

**Local Community Input/Public Comment**

Community input was solicited in a number of different ways. The planning process was inclusive of citizen representatives and allowed for public comment throughout its duration. The following is a summary of the solicited public participation and community input:

1. As noted above, the Advisory Committee membership included citizen members and representatives from numerous local units of government. All Advisory Committee meetings were open to the public. Public comments were welcomed during all committee meetings.
2. Perry Lindquist, Land Resources Manager gave a presentation at a Working Lands Initiative event sponsored jointly by The Nature Conservancy and the Town of Eagle on August 26, 2010 at the Town of Eagle Hall. The event also included a presentation regarding the Working Lands Initiative by DATCP staff. Perry Lindquist and Jason Fruth, Planning and Zoning Manager, participated in the question and answer session held immediately after the presentation.
3. A draft map of proposed Secondary Agricultural Areas was presented to the Town of Mukwonago Plan Commission and Board on September 1, 2010. A presentation regarding the status of the County Farmland Plan was provided by Jason Fruth.
4. A presentation regarding farmland law changes and plan progress was given at a public meeting of the Land Use, Parks and Environment Committee of the Waukesha County Board on November 16, 2010.

5. A countywide informational meeting was held on December 9, 2010 regarding the farmland planning effort. All municipalities within the county received an invitation to the event. The informational meeting included a presentation regarding the history of farmland preservation planning in Waukesha County, an overview of the farmland preservation law and an explanation of the farmland preservation planning process utilized for this plan effort. Draft objectives and standards were explained and mapping exhibits were displayed for comment. A question and answer period was provided.
6. A presentation regarding state law changes and the farmland plan update was made to the Waukesha County Farm Bureau on January 6, 2011 by Perry Lindquist and Jason Fruth.
7. Meeting times with local community planners were made available to solicit community specific comments regarding both the plan content and proposed mapping as it affects local units of government. Meetings were held during January of 2011 with planners from the Towns of Merton, Oconomowoc, Ottawa and Vernon and the City of Oconomowoc.
8. A presentation regarding the plan was given during a public meeting of the Waukesha County Park and Planning Commission on January 20, 2011 by Perry Lindquist and Jason Fruth, similar in scope to the presentation given at the December 9, 2010 public informational meeting. Members of the Waukesha County Land Use, Parks and Environment Committee were also invited to attend. This presentation included updated information and maps, as amendments were being made following all the other public input processes.
9. County Development Plan-2011 Plan Amendment Public Hearing. A joint public hearing of the Waukesha County Park and Planning Commission and the Land Use, Parks and Environment Committee of the County Board was held on February 17, 2011. A copy of the public hearing notice is presented in Exhibit D.