

## Appendix T – Chapter VIII

# IMPLEMENTATION

### INTRODUCTION

Section 91.10(2) of the *Wisconsin Statutes* requires that if a county has a comprehensive plan, the county shall include the farmland preservation plan in its comprehensive plan and ensure that the farmland preservation plan is consistent with the comprehensive plan. A *Multi-Jurisdictional Comprehensive Plan for Washington County: 2035* was adopted by the Washington County Board of Supervisors on April 15, 2008. This farmland preservation plan was adopted by the Washington County Board of Supervisors in the form of Amendment No. 2 to the comprehensive plan as Appendix T on **(insert date)**.

Section 91.10(3) of the *Statutes* requires a county to follow the plan adoption and amendment procedures outlined in Section 66.1001(4), the comprehensive planning law, when adopting or amending a farmland preservation plan. These adoption and amendment procedures are summarized in Chapter XV (Implementation Element) of Washington County's comprehensive plan.<sup>1</sup> Section 91.10(5) of the *Statutes* requires a county to notify the Department of Agriculture, Trade and Consumer Protection (DATCP) prior to holding a public hearing and provide DATCP copies of the plan or amendment providing an opportunity to review and comment. During the development and adoption of this farmland preservation plan, the County followed steps outlined in a *Public Participation Plan for Developing and Amending the Farmland Preservation Plan* which was adopted by the Washington County Board of Supervisors on March 16, 2010.

### PART I: PLAN REVIEW AND ADOPTION

For any planning process, it is good practice to hold public informational meetings and hearings on recommended plans before their adoption. Such actions provide opportunity to acquaint residents and landowners with the recommended plan and solicit public feedback about the plan. The plan may then be modified to reflect any pertinent new information and incorporate sound and desirable new ideas presented at these meetings. Accordingly, a public hearing was held before the Washington County Planning, Conservation and Parks Committee (PCPC) on October 24, 2011 with a public informational meeting preceding the hearing. A copy of the public hearing notice can be found in the end of this plan appendix. The County provided public notice of the hearing in accordance with the requirements of *State Statute* 66.1001 and distributed the draft plan report to all of the parties specified in the law. The PCPC recommended approval of the plan to the County Board on October 26, 2011 by approving a resolution and ordinance by majority vote of the entire committee. Pursuant to sections 91.16, 91.18, and 91.20 of the *Statutes*, outlining the plan certification process and requirements, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) certified the FPP on May 17, 2013 for a period expiring on December 31, 2023.<sup>2</sup> Changes based on DATCP's recommendations were presented to the PCPC on September 30, 2013. The PCPC recommended adoption of the FPP to the Washington County Board of

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<sup>1</sup> See pages 610-612 of *A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035*.

<sup>2</sup> DATCP's certification order is included as Attachment B at the end of this plan appendix.

Supervisors by approving a resolution and ordinance.<sup>3</sup> Upon adoption, the plan became a guide to be used by County officials and staff in making agricultural and land use decisions. The Washington County Board adopted this farmland preservation plan by ordinance on (insert date).

## **PART II: PLAN AMENDMENT PROCEDURE**

Since this farmland preservation plan has been adopted as an appendix within the comprehensive plan, procedures for amending this farmland preservation plan must comply with the amendment procedures for comprehensive plans as outlined by Section 66.1001(4) of the *Statutes*.<sup>4</sup> In addition to the procedures outlined in Section 66.1001(4), any amendment to this farmland preservation plan (Appendix T of Washington County's comprehensive plan) requires review and recertification of the farmland preservation plan by DATCP which involves a timeframe not to exceed 90 days. The certification of an amendment to the approved farmland preservation plan expires on the date that the certification of the farmland preservation plan expires. However, a comprehensive revision to a farmland preservation plan may be treated as a new plan and DATCP may specify a new expiration date for a period that does not exceed ten years.

When applying for certification of a farmland preservation plan amendment, the following must be submitted in writing to DATCP in addition to any other relevant information that the County chooses to provide (in accordance to Section 91.20 of the *Statutes*):

- The proposed farmland preservation plan or amendment.
- A concise summary of the farmland preservation plan or amendment, including key changes from any previously certified farmland preservation plan.
- A concise summary of the process by which the farmland preservation plan or amendment was developed, including public hearings, notice to and involvement of other governmental units within the county, approval by the county, and identification of any key unresolved issues between the county and other governmental units within the county related to the farmland preservation plan or amendment.
- The relationship of the farmland preservation plan or amendment to any county comprehensive plan.
- A statement, signed by the county corporation counsel and the county planning director or chief elected official, certifying that the farmland preservation plan or amendment complies with all of the requirements in Section 91.18.
- Other relevant information that the department requires by rule.

## **PART III: RECOMMENDED PROGRAMS**

The comprehensive planning law, specifically Section 66.1001(2)(i) of the *Statutes*, requires the Implementation Element of the comprehensive plan to include a compilation of the recommended programs for each of the other elements of the comprehensive plan. A compilation of the programs can be found on pages 613 through 637 in Chapter XV of *A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035*. A relative priority ranking for these programs was developed for their implementation. Additionally, an agency or entity responsible for implementing each program was identified.

A number of programs related to farmland preservation previously identified in the comprehensive plan have been updated or amended as part of this farmland preservation plan and new programs have also been identified. The process of how farmland preservation issues and recommended actions were identified is described in Chapter VII (Issue Identification, Farmland Preservation Areas and Recommendations) of this plan.

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<sup>3</sup> Resolution (insert #) and Ordinance (insert #) are included as Attachments G and H at the end of this plan appendix.

<sup>4</sup> *The procedure for amending the comprehensive plan is summarized on pages 611-612 in A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035.*

Programs that have been newly identified as part of the farmland preservation planning process (as listed in Chapter VII of this plan) are presented in Table T-39. The table identifies the agency or entity responsible for implementing each program. Prioritization of the programs listed in Table T-39 will take place when the County comprehensive plan is updated prior to 2018. The programs are organized under the “issues” that they are listed under in Chapter VII of this plan.

**Table T-39  
NEW FARMLAND PRESERVATION RECOMMENDED PROGRAMS**

Programs	Responsible Entity <sup>a</sup>
<p>Land Use and the Preservation and Protection of Farmland Issue</p> <p>Program: Encourage local governments to participate in the update to the County Farmland Preservation Plan at least every ten years.</p> <p>Program: As requested, educate local governments that have farmland preservation zoning districts on how to follow the nonmetallic mining requirements identified in <i>State Statute 91.46(6)</i>.</p>	<p>LG, PPD</p> <p>LG, PPD</p>
<p>Intergovernmental Cooperation Issue</p> <p>Program: Encourage local governments to utilize regulatory and incentive based farmland preservation techniques in addition to the Working Lands Initiative programs as identified in Part 2 of Chapter VI in this plan and the Farmland and Open Space Preservation Tools report.</p> <p>Program: Encourage local governments to utilize methods of supporting farmland preservation as identified in Part 3 of Chapter VI in this plan.</p> <p>Program: Encourage local governments to review permitting processes and consider ways to expedite the processes.</p> <p>Program: Continue to encourage locally elected or appointed officials and those who aspire to hold office to attend educational seminars, training programs, and workshops to learn about issues related to agriculture and ways that local communities can make agriculture more viable.</p> <p>Program: Continue to provide opportunities to farmers to serve on planning related advisory committees such as the Farmland Preservation Plan Advisory Committee and Multi-jurisdictional Comprehensive Planning Advisory Committee.</p>	<p>LG, PPD</p> <p>LG, PPD</p> <p>LG, PPD</p> <p>LG, PPD</p> <p>LG, PPD</p>
<p>Education and Public Perception Toward Agriculture Issue</p> <p>Program: Continue to encourage efforts to publicize the “Living in the Country” guide to owning property and living in rural Washington County.</p>	<p>PPD, UWEX, FB, 4H, DI</p>

<sup>a</sup>The following agencies and entities are identified as having responsibility for implementing element programs:

- |  |                            |                            |
|--|----------------------------|----------------------------|
| <i>LG – Local Governments</i>              | <i>UWEX – UW Extension</i> | <i>4H – 4-H Clubs</i>      |
| <i>PPD – Planning and Parks Department</i> | <i>FB – Farm Bureau</i>    | <i>DI – Dairy Industry</i> |

Source: Washington County.

#### **PART IV: CONSISTENCY BETWEEN THE COUNTY COMPREHENSIVE PLAN AND FARMLAND PRESERVATION PLAN**

For good planning purposes, and as mandated by Section 91.10(2) of the *Statutes*, a county’s farmland preservation plan and comprehensive plan must be consistent. Consistency between the comprehensive plan and farmland preservation plan will ensure that planned development does not overlap with areas planned for farmland preservation. The new farmland preservation program, the Working Lands Initiative, requires that a County’s comprehensive plan and farmland preservation plan are carefully examined for inconsistencies which must be resolved prior to certification of the farmland preservation plan.

Farmland preservation plan text and map amendments must be adopted as part of the County comprehensive plan and must be consistent with the elements of the comprehensive plan. Requiring the farmland preservation plan to be adopted as an amendment of the comprehensive plan will ensure consistency between the comprehensive plan elements and farmland preservation plan.

Washington County Planning and Parks Department staff undertook substantial efforts to ensure consistency between recommendations adopted within the comprehensive plan and farmland preservation plan. Staff compared new recommendations to adopted recommendations with great care given to ensure internal consistency among all comprehensive plan elements and Appendix T (Farmland Preservation Plan). All recommendations were reviewed by the Farmland Preservation Plan Advisory Committee (FPPAC) and the PCPC. There are no known inconsistencies among the recommendations.

## **PART V: CONSISTENCY BETWEEN THE COUNTY FARMLAND PRESERVATION PLAN AND LOCAL GOVERNMENT FARMLAND PRESERVATION ZONING ORDINANCES**

Six local governments enacted exclusive agricultural zoning ordinances under the former farmland preservation program. As part of the new program (the Working Lands Initiative) and as outlined in Section 91.34 of the *Statutes*, exclusive agricultural zoning ordinances will expire on December 31, 2012 and local governments must adopt farmland preservation zoning ordinances to allow landowners to remain eligible to claim farmland preservation zoning tax credits.<sup>5</sup>

Farmland preservation zoning ordinances must be in compliance with Subchapter III of Chapter 91 of the *Statutes* (Sections 91.30 – 91.50). This may require local governments to amend existing zoning ordinances to achieve compliance. Farmland preservation zoning ordinances must also be substantially consistent with the County's certified farmland preservation plan. Farmland preservation zoning ordinances need to be certified by DATCP for a period not to exceed 10 years and would include a farmland preservation zoning map identifying farmland preservation zoning districts. Landowners of farmland within a certified farmland preservation area and zoned for farmland preservation are eligible to collect \$7.50 per acre as a tax credit.

Authorized land uses in a farmland preservation zoning district are restricted to agricultural and agricultural-related uses but may include some nonfarm residential development. Sections 91.44 and 91.46 of the *Statutes* outline permitted and conditional uses respectively. Any land uses allowed that are not in compliance with Sections 91.44 and 91.46 would prevent a farmland preservation zoning ordinance from qualifying for certification. Permitted and conditional uses are described in Part I of Chapter VI in this plan.

Prior to the Working Lands Initiative, DATCP generally required an exclusive agricultural zoning map to be at least 80 percent consistent with the farmland preservation areas identified in a County's farmland preservation plan. As farmland preservation plans are certified under the new program, DATCP will apply higher standards and require 100 percent consistency between local government farmland preservation zoning maps and the County farmland preservation plan.

As of July, 2011, no rural local governments in Washington County have adopted a farmland preservation zoning ordinance or updated their current exclusive agriculture zoning ordinance to meet the requirements of Chapter 91. Of the six local governments that approved the FPAs and adopted the resolution of intent, they have until December 31, 2012 to adopt a farmland preservation zoning ordinance meeting the requirements of Chapter 91 to allow landowners to be eligible to claim tax credits through farmland preservation zoning.

## **PART VI: PROGRESS IN IMPLEMENTING THE PLAN**

As described in Chapter XV of the County comprehensive plan,<sup>6</sup> the Washington County Planning and Parks Department will prepare a report every five years for the PCPC and County Board documenting plan implementation progress and activities during the previous five years. The report will summarize how the comprehensive plan was used to direct policy decisions by County officials and staff and whether circumstances have changed that have necessitated amendments to the plan. Since this farmland preservation plan has been incorporated into the comprehensive plan (as Appendix T), the report will also consist of any implementation activities of this plan.

Section 91.16(2) of the *Statutes* outlines the certification period for a farmland preservation plan. DATCP may certify a farmland preservation plan for a period that does not exceed ten years, therefore this farmland

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<sup>5</sup> The five certified exclusive agricultural zoning ordinances in the Towns of Barton, Hartford, Kewaskum, and Trenton and the Village of Richfield will expire on December 31, 2012. On March 17, 2011 DATCP issued an order withdrawing certification of the farmland preservation zoning ordinance for the Village of Germantown.

<sup>6</sup> See page 638 in Chapter XV (Implementation Element) of A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035 from more information.

preservation plan must be updated at least every ten years to remain in compliance with the law. This farmland preservation plan (Appendix T of the comprehensive plan) may be updated prior to the 10 year maximum certification period in concurrence with an update of *A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035*.

