A Farmland Preservation Plan
for
Washington County

Executive Summary - December 10, 2013
Amendment No. 2 - Appendix T
of
A Multi-jurisdictional Comprehensive Plan for Washington County: 2035

Approved by the Farmland Preservation Plan Advisory Committee on August 29, 2011
Approved by the Washington County Planning, Conservation and Parks Committee on October 26, 2011
Certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection on May 17, 2013
Approved by the Washington County Planning, Conservation and Parks Committee on September 30, 2013
Adopted by the Washington County Board of Supervisors on December 10, 2013
Prepared under the Jurisdiction of the Washington County Planning, Conservation and Parks Committee:

2010-2012 Members
John W. Stern, Chairperson
Michael R. Miller, Vice-Chairperson
Raymond W. Heidtke, Secretary
Michael C. Bassill – member
Melvin K. Ewert – member
Gerald J. Schulz – member
Peter I. Sorce – member

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ACKNOWLEDGEMENTS

The Farmland Preservation Plan for Washington County involved a diverse group of individuals with a wide range of backgrounds and expertise.

Washington County Farmland Preservation Plan Advisory Committee Members: August 2011
Raymond Heidtke (Chairperson), County Board Supervisor, PCPC
Maurice Strupp (Vice Chairperson), Town of Hartford
Justin Drew, City of Hartford
Mark Piotrowicz, City of West Bend
Don Heesen, Town of Addison
Shawn Graff, Ozaukee Washington Land Trust
Jim Hovland, Village of Kewaskum
Terri Kaminski, Village of Germantown
Dennis Kay, Town of Trenton
Ricky Kratz, Farm Bureau
Paul A. Little, Town of Germantown
Scott Mathie, Metropolitan Builders Association
Dan Mueller, Town of Barton
Bob Retko, Town of Jackson Citizen Representative
Mike Samann, Town of Wayne
Tom Schoofs, Town of Kewaskum
Al Schulteis, Town of Polk
Mike Shea, Village of Richfield
Helmut Wagner, Town of Erin
Sue Yogerst, Citizen Representative

Alternate Members:
Richard Beine, Citizen Representative
Joseph Gonnering, Town of Trenton
Allen Dornacker, Farm Bureau
Dick Melzer, Village of Richfield

Previous Member:
Ellis Kahn, Town of Kewaskum

NOTE: All local governments in Washington County were invited to appoint a representative to serve on the Farmland Preservation Plan Advisory Committee.
INTRODUCTION

On July 1, 2009, the 2009 Wisconsin Act 28, often referred to as the Working Lands Initiative (WLI), repealed and recreated Wisconsin’s farmland preservation law under Chapter 91 of the Wisconsin Statutes. The new law requires counties to update their farmland preservation plans (FPP). Washington County was required to update the 1981 Farmland Preservation Plan (FPP) and have the plan certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) before it expired on December 31, 2011.¹

PUBLIC PARTICIPATION

On March 16, 2010, the Washington County Board of Supervisors adopted the public participation procedures for the development and amendments to the FPP for Washington County to meet the requirements of 66.1001(4)(a) of the Statutes. The public participation plan described methods for the County to distribute proposed, alternative, or amended elements of the FPP and provide opportunity for written comments. The following public participation activities were completed as part of the farmland preservation process:

- **Local Government Workshop**
  On March 25, 2010, a joint workshop with DATCP and staff from Washington and Ozaukee counties was organized to present information and discuss the farmland preservation program requirements and updates to the two county farmland preservation plans with local officials.

- **Farmland Preservation Plan Kickoff Event**
  On June 29, 2010, a kickoff event was held at the Washington Park Fair Park Pavilion to present information and gain public opinion about the Working Lands Initiative programs and the County FPP.

- **Local Government Meetings - Spring 2010**
  Washington County staff attended Plan Commission and/or Board meetings in all Towns in Washington County and the Villages of Richfield and Germantown to present an overview of the Working Lands Initiative and the County’s plan of action to develop its FPP.

- **Countywide Farmland Preservation Survey**
  Planning staff partnered with UW-Extension to conduct a countywide survey to obtain opinions from farmers and large landowners to gauge the interest in Working Lands Initiative program participation.

- **Farmland Preservation Focus Group Discussions**
  Planning staff partnered with UW-Extension to conduct a series of agricultural related focus groups. The three focus groups consisted of: 1) livestock and dairy producers, 2) grain farmers, and 3) niche / organic farmers. The general topic was “How do we make agriculture more sustainable in Washington County?”

- **Local Government Meetings - Spring 2011**
  County staff met with 13 rural local governments from April to July 2011 to present the draft farmland preservation areas (FPA) map and request they determine their intent to participate in the Working Land Initiative programs.

¹ DATCP granted Washington County an extension to complete and certify the updated Farmland Preservation Plan.
Public Open House
A public open house event was held on October 24, 2011 to present information and solicit public comment regarding the draft FPP.

Public Hearing
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.

Presentation of Final Draft
Planning staff presented the final draft of the FPP to the PCPC on September 30, 2013.

Public Farmland Preservation Plan Advisory Committee (FPPAC) Meetings
Members of the public could attend FPPAC meetings and provide comment during development of the draft FPP.

COMMITTEE STRUCTURE
The County farmland preservation planning effort was coordinated through the Washington County Planning, Conservation and Parks Committee (PCPC) of the County Board of Supervisors. The PCPC provided oversight during the approval and subsequent adoption of the FPP by the Washington County Board of Supervisors. A Farmland Preservation Plan Advisory Committee (FPPAC) was established by the PCPC to guide preparation of the County FPP.

WORKING LANDS INITIATIVE AND PRESERVATION TOOLS
The Working Lands Initiative (WLI), outlined in Wisconsin Statute 91, identifies multiple farmland preservation tools and techniques that landowners within farmland preservation areas (FPAs) may utilize to preserve agricultural lands and claim tax credits. Specifically, the WLI is based upon three preservation techniques; farmland preservation zoning, establishment of agricultural enterprise areas, and the purchasing of agricultural conservation easements.

Farmland Preservation Zoning
Local zoning authorities (town, village, or city) may voluntarily choose to adopt a farmland preservation zoning ordinance. Land must be designated within farmland preservation areas (FPAs) in a certified county farmland preservation plan to be eligible for tax credits through farmland preservation zoning. Landowners of farmland within a certified FPA and zoned for farmland preservation are eligible to collect $7.50 per acre as a tax credit. Farmland preservation zoning serves to maintain agricultural activity and to protect large contiguous blocks of land.

Agricultural Enterprise Areas (AEA)
An AEA is a contiguous land area which is devoted primarily to agricultural use and locally targeted for the preservation and development of agriculture. Only land within a certified FPA as designated in the county's certified farmland preservation plan, is eligible for AEA designation. Petitions must be jointly filed by owners of at least five eligible farms in the area and any political subdivision located within the proposed AEA. Designation of an AEA identifies the area as valuable for current and future agricultural use, with the potential to promote investment in agriculture and agricultural-related businesses. To collect tax credits, eligible farm owners within an AEA may voluntarily sign a 15 year farmland preservation agreement with DATCP.

Washington County Farm Fact
Owners of farmland zoned for farmland preservation are eligible to collect $7.50 per acre as a tax credit through the Working Lands Initiative.

Washington County Farm Fact
Owners of farmland covered by a farmland preservation agreement are eligible to claim $5.00 per acre or $10.00 per acre for land if also located in a certified farmland preservation zoning district.
Purchase of Agricultural Conservation Easement (PACE) Program

The PACE program provides state funding for the purchase of agricultural conservation easements. An agricultural conservation easement prohibits development that would make the land unavailable or unsuitable for agricultural use. Easements are voluntary and allow a landowner to be compensated for limiting development on his or her farmland. To be eligible for PACE funds, the land must be within a farmland preservation area, as designated within a certified county farmland preservation plan.

FARMLAND PRESERVATION AREAS

Farmland preservation areas (FPAs) identify areas that a county or local government plans to preserve for agriculture-related uses. The mapping of FPAs has direct implications in the development of farmland preservation zoning ordinances since certification of farmland preservation zoning districts requires that the districts be located within an FPA. Similarly, agricultural enterprise areas (AEA) and PACE easements that receive DATCP grants may only be located in an area identified as an FPA.

Criteria to Delineate Farmland Preservation Areas

The Farmland Preservation Plan Advisory Committee (FPPAC) established six criteria that delineate FPAs for Washington County:

1. Minimum 100 Acre Block of at Least Three Separate and Contiguous Farms of Common Ownership
2. All Parcels Within the Block Must Have a LESA Score of 6.8 or Higher (Tier 1 farmlands best suited for long-term protection)3
3. All Parcels Must be Located Outside of a City or Village Municipal Boundary and Planned Sanitary Sewer Service Area (with exception of rural portions of the Villages of Richfield and Germantown)
4. All Parcels Must Not Have or be Planned for Non-agricultural Development
5. All Parcels Must Not be Located in a Non-agricultural Zoning District
6. All Farms Must Have at Least 30 Percent of Land in Agricultural Use

Local Government Discussion of Farmland Preservation Areas

Since the mapping of FPAs has direct implications for development of farmland preservation zoning ordinances and much of the implementation of the Working Lands Initiative programs will take place at the local level, it was imperative that rural local governments within Washington County understood the Working Lands Initiative programs and had an opportunity to comment on the draft FPAs. County staff met with 13 rural local governments from April to July 2011 presenting the draft FPA map and request that they determine their intent to participate in the Working Land Initiative programs. Local governments had until the end of July 2011 to adopt a resolution of intent stating their intent to incorporate the FPA map into their comprehensive plan as an amendment. This action provides opportunity for landowners within a FPA to voluntarily participate in the AEA or PACE programs.

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2 The 2011 WI Act 32, 2011-2013 State Biennial Budget Bill required DATCP to evaluate the PACE program including the administration, funding sources, and local match requirements. Please visit DATCP’s website (http://datcp.wi.gov/) or contact DATCP for more information on the status of the PACE program.

3 At the July 11, 2011 Barton Town Plan Commission meeting, the Town requested changes to the FPAs including incorporating only those parcels within their designated exclusive agricultural zoning district into the FPAs.
The Farmland Preservation Areas (FPAs) for Washington County

Initially, there were six local governments (Towns of Barton, Hartford, Jackson, Germantown and Wayne and the Village of Germantown) that adopted resolutions of intent to incorporate the FPA map into their comprehensive plan as an amendment. The County submitted the Farmland Preservation Plan to DATCP for certification on November 2, 2011. After DATCP’s review of the FPP, County staff met with the Town of Jackson, Town of Wayne, and Village of Germantown to discuss land use conflicts of having proposed FPAs located within lands proposed for future Agricultural and Rural Residential land uses as identified in their comprehensive plans. The County proposed several options for the local governments to resolve the conflict, however, the Towns of Jackson and Wayne, and the Village of Germantown opted not to proceed with incorporating FPAs into their comprehensive plans.

The map on the following page depicts the final FPA map for Washington County. Landowners within these areas are eligible to voluntarily participate in either the AEA or PACE programs. Upon DATCP certification of the FPP and its adoption by the County Board of Supervisors, the Towns of Barton, Germantown, and Hartford will pursue incorporating the FPAs as an overlay map amendment to their comprehensive plans. Any town interested in enacting Farmland Preservation zoning will need to incorporate the FPAs as a separate land use category in their future land use map.

RECOMMENDATIONS

Section 91.10 of the Wisconsin Statutes requires plans to identify trends related to the conversion of agricultural land to other uses, describe actions that the County will take to preserve farmland and to promote agricultural development, describe goals related to the development of agriculture enterprises, and outline policies, goals, strategies and proposed actions to increase housing density outside of areas for agricultural preservation. Many of these requirements have been addressed in the goals, objectives, policies and programs described in A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035 and local government comprehensive plans, establishing a foundation for farmland preservation.

Adopted Local Government Recommendations

Goals, objectives, policies, and programs adopted by Washington County and local governments often reveal the importance of the County’s farmland, open space, and rural character. When comparing the adopted comprehensive plans of rural communities in Washington County, many similar recommendations related to farmland preservation and agricultural development emerge.

Common Farmland Preservation Goals, Objectives, Policies and Programs Adopted by Local Governments in Washington County

- Preserve the rural character and small town atmosphere of the community.
- Support local farms including specialty, niche, and hobby farms.
- Establish a balanced spatial allocation of land uses between agricultural and non-agricultural land uses.
- Preserve agricultural lands, especially prime agricultural lands.
- Plan long-term for agriculture by designating such areas on future land use maps, often with the use of transition areas between agricultural and non-agricultural areas.
- Consult the results of the Land Evaluation and Site Assessment (LESA) analysis when planning future development.
- Direct non-agricultural development to hamlet areas or within sewer service areas.
- Utilize cluster development and conservation subdivisions when planning residential development to minimize the conversion of agricultural land to non-agricultural uses.
- Ensure that economic development coincides with the rural atmosphere of the community.
Issue Identification
Main issues identified during the farmland preservation process were:

- Land use and the preservation and protection of farmland
- Promoting agricultural development and agribusiness
- Preservation of rural and small town character
- Siting of residential development and housing density
- Intergovernmental cooperation on farmland preservation efforts
- Education and public perception toward agriculture

New and Updated Goals, Objectives, Policies, and Programs
Many issues, goals, objectives, policies, and programs have been addressed within the Washington County Comprehensive Plan. Some of the recommendations from the comprehensive plan must be updated to address the WLI changes to Chapter 91 of the Wisconsin Statutes. The following are new or updated issues, goals, objectives, policies and programs:

- **Land Use and the Preservation and Protection of Farmland Issue**
  
  **Policy:** Encourage local governments to preserve farmland identified in Farmland Preservation Areas as shown on Map T-7 (see page 155 of the FPP).
  
  **Policy:** Encourage local governments to continue and protect existing agricultural activities within planned sanitary sewer service areas until their orderly transition into urban use is completed.
  
  **Policy:** Support implementation of the Working Lands Initiative programs including the purchase of agricultural conservation easements (PACE) program, establishing of agricultural enterprise areas (AEAs), and farmland preservation zoning.
  
  **Program:** Encourage local governments to implement the updated County Farmland Preservation Plan as determined by the local government.
  
  **Program:** Encourage local governments to participate in the update to the County Farmland Preservation Plan at least every ten years.
  
  **Program:** Continue to promote the Farm and Ranch Protection Program (Federal PDR matching grant program) and PACE program and assist communities, nongovernment organizations, and the DNR in identifying appropriate areas to apply for Farm and Ranch Protection program grants.
  
  **Program:** Continue to provide technical assistance to towns on request to develop local farmland protection tools, such as transfer of development rights and farmland preservation zoning.
  
  **Program:** As requested, educate local governments that have farmland preservation zoning districts on how to follow the nonmetallic mining requirements identified in State Statute 91.46(6).

- **Promoting Agricultural Development and Agribusiness Issue**
  
  **Objective:** Encourage development of new agricultural enterprises and retain existing agribusinesses in Washington County to the extent possible.
  
  **Policy:** Support implementation of a culinary business incubator as a means of encouraging value added farm products.
  
  **Program:** Work with the EDWC to prepare and distribute a business retention survey to businesses throughout Washington County. A portion of the survey should focus on the strengths and weaknesses of the County regarding attracting and retaining businesses including those related to agriculture.
  
  **Objective:** Promote adequate supporting agricultural infrastructure for agribusiness creation, retention, expansion, and attraction.
  
  **Policy:** Promote businesses that support agriculture (feed and seed stores, implement dealers, dairy processors and food processing facilities).
  
  **Policy:** Promote community supported agriculture.
  
  **Goal:** Promote tourism in the County by capitalizing on tourism amenities, including historic, cultural, recreational, agricultural and natural resources.
• **Intergovernmental Cooperation Issue**

**Goal:** Assist rural local governments as requested with farmland preservation implementation tools.

**Objective:** Encourage local governments to cooperate with neighboring communities to preserve large farm blocks.

**Policy:** Encourage local governments to look at future land use plans of neighboring communities and cooperatively designate areas for farmland preservation.

**Policy:** Encourage local governments to designate farmland preservation areas within the County’s certified farmland preservation plan to provide farmland owners with the opportunity to participate in Working Lands Initiative programs.

**Policy:** Emphasize the importance of preserving smaller farm tracts within or adjacent to urban communities and their potential to be utilized for niche agriculture and a source of locally grown foods.

**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 (see page 134 of the FPP).

**Program:** Encourage local governments to utilize methods of supporting farmland preservation as identified in Part 3 of Chapter VI in this plan (see page 136 of the FPP).

**Program:** Encourage local governments to review permitting processes and consider ways to expedite the processes.

**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.

**Program:** Continue to provide opportunities to farmers to serve on planning related advisory committees such as the Farmland Preservation Plan Advisory Committee and Multijurisdictional Comprehensive Planning Advisory Committee.

• **Education and Public Perception Toward Agriculture Issue**

**Goal:** Continue to encourage efforts to improve the public’s perception of agriculture.

**Objective:** Continue to encourage efforts to educate youth about Washington County’s agricultural heritage and the significance of agriculture in our local and State economy.

**Objective:** Continue to encourage efforts to educate people that move from urban to rural areas of the common conditions of farming including odors, sounds, dust, and wide and/or slow moving vehicles.

**Policy:** Continue to encourage efforts to educate people moving from urban to rural areas about Washington County’s agricultural heritage and the significance of agriculture in our local and State economy.

**Policy:** Continue to encourage efforts to educate people moving from urban to rural areas about Wisconsin’s “Right to Farm” law.

**Program:** Continue to encourage efforts to publicize the “Living in the Country” guide to owning property and living in rural Washington County.

• **Siting of Residential Development and Housing Density Issue**

**Policy:** Support implementation of the Working Lands Initiative recommendation to establish agricultural enterprise areas within Farmland Preservation Areas.

**Program:** Encourage local governments to participate in developing and implementing the updated County Farmland Preservation Plan.
**Program:** Continue to provide technical assistance to towns as requested to develop local farmland protection tools, such as transfer of development rights (TDR) and farmland preservation zoning.

**Policy:** Promote housing outside of farmland preservation areas identified on Map T-7 *(see page 155 of the FPP).*

**SUPPORTING FARMLAND PRESERVATION**

In recent years, many local governments, schools, and various business and non-profit organizations throughout the State have been developing or promoting an increasing variety of programs that support local agriculture. Such programs include the implementation of various marketing strategies geared to promote locally produced agricultural products through marketing and tourism opportunities. The success of these programs depends on the acceptance of local consumers. Consumers may adopt lifestyles that embrace locally produced agricultural products which may, in turn, help the consumers understand the importance and community value of locally protected farmland.

This section describes programs that promote local agriculture acknowledging the need to preserve local farmland. Although these programs will not directly preserve the land itself, they may help generate awareness of local farmland preservation needs and create a sustainable environment for existing agriculture.

**Promoting Locally Grown Foods**

Locally grown foods are foods whose final product is raised, produced, and distributed within 400 miles of its origin or within the state in which it was produced. Buying locally-produced goods results in more money remaining within the community, positively impacting farmers, communities, and Wisconsin’s economy.⁴

**Community Supported Agriculture**

Community supported agriculture (CSA) is the partnership between agricultural producers and consumers, who contribute membership dues to cover the upcoming season's anticipated labor and supply costs. In return, a farm participating in CSA distributes shares of harvested food to members each week of the season.⁵

**Farm to School Program**

Farm to School is a program that connects schools and local farms with the objectives of serving healthy meals in school cafeterias, improving student nutrition, providing agriculture, health and nutrition education opportunities, and supporting local and regional farmers.

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⁵ Wisconsin farms employing greenhouses and root cellars or conducting successive plantings to extend the growing season can provide their members with fresh shares of food up to eight months of the year.
**Community Gardens**

Community gardens can be located in urban, suburban, or rural areas and can be associated with a school or hospital. They can consist of one community plot or many individual plots. There are many benefits of community gardens, such as providing nutritious foods, reduced family food budgets, and improved quality of life for people by creating opportunities for recreation, exercise, therapy, and education.

**Farmers’ Markets**

Farmers’ markets provide competitively priced, high-quality fresh produce and inspire millions of people to consciously choose fresh, high-quality, and farm-friendly food. Farmer’s markets can obtain better profit margins by selling directly to the consumer.

**Culinary Incubators**

Culinary incubators are establishments designed to provide a place for individuals to develop a business in the food industry by sharing kitchen facilities, supplies, and equipment. Culinary incubators are prime locations for the development of business partnerships and collaborations that strengthen the local agricultural community.

**Marketing Farming and Products**

Direct marketing allows farmers to sell their products directly to consumers through farmers’ markets, on-farm stores, and other venues. Intermediate marketing enables a farmer to sell his or her products to agricultural buyers for resale. Wholesalers and distributors are among a variety of establishments and institutions that can be considered potential customers for intermediate sales. Grocery stores, supermarkets, and other food retailers are becoming increasingly interested in offering locally-produced foods.

**PLAN REVIEW AND ADOPTION**

Sections 91.16, 91.18, and 91.20 of the Statutes outline 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 10-year period expiring on December 31, 2023. After being reviewed and certified by DATCP, the Plan was presented to the County Board of Supervisors for adoption. Upon adoption, the Plan became a guide to be used by County and local government officials and staff in making agricultural and land use decisions. The Washington County Board of Supervisors adopted the Farmland Preservation Plan as Appendix T – Amendment No. 2 to A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035 on December 10, 2013.

**PLAN AMENDMENT PROCEDURE**

Since the farmland preservation plan (FPP) has been adopted as an appendix to the County’s comprehensive plan, procedures for amending the FPP must comply with the amendment procedures for amending comprehensive plans as outlined by Section 66.1001(4) of the Statutes. In addition to these procedures, any amendment to the FPP requires review and recertification of the FPP by DATCP.

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7 The procedure for amending the comprehensive plan is summarized on pages 611-612 in A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035.