

# **Oconto County Farmland Preservation Plan**

## **Plan Summary (Cover Document)**

### **Introduction**

In 1985, Oconto County adopted the Oconto County Farmland Preservation Plan. This plan was developed and adopted in an effort to serve as a guide to the preservation of farmlands, woodlands, and significant environmental areas within the county and to help maintain and expand the agricultural economy. This plan served as the foundation to preserve Oconto County farmland and enable owners of farmland to be eligible and participate in the State Farmland Preservation tax credit program for over 25 years.

In 2009 Wisconsin Act 28 (2009 – 2011 Budget Bill) created what is known as the “Working Lands Initiative”. This new law made significant revisions to Chapter 91 of the Wisconsin State Statutes, which has been the Wisconsin’s farmland preservation law since 1977. The Working Lands Initiative expands and modernizes the state’s existing farmland preservation program creating new tools to assist in local program implementation, including:

- Expanding and modernizing the state’s existing farmland preservation program
- Creating new tools to assist in local program implementation, including:
  - ✓ Establishing the Agricultural Enterprise Areas (AEAs) program
  - ✓ Creating a Purchase of Agricultural Conservation Easement (PACE) matching grant program

An important element in modernizing the existing program is a requirement for every county in the state to update their existing farmland preservation plan, which is the purpose of this document. Under the new law, the Oconto County farmland preservation plan must be updated and this update to our existing Oconto County Farmland Preservation Plan, adopted in 1985, will continue to lend strong support to the preservation of productive and potentially productive agricultural land and environmentally significant natural areas, while providing for well planned growth, which is compatible with the County’s agricultural and natural resources.

### **Key Changes from the Farmland Preservation Plan for Oconto County, 1985**

The adoption of the first Farmland Preservation Plan in 1985 has helped protect Oconto County farmland and enabled owners of farmland to participate in the State Farmland Preservation Tax Credit Program. The plan has guided both land use patterns and land use decisions. Population growth and development pressures in Oconto County over the past years have been similar to that of other rural counties in northeast Wisconsin. Overall, the major losses of farmland have occurred with the southern portions of the county as the development pressures from the Green Bay area have increased. The 1985 Farmland Preservation plan reported farm acres at 259,500. The 2014 Farmland Preservation Plan update recommends a farmland preservation area that encompasses a total area of 198,000 acres or roughly 30% of the land in Oconto County as shown in Maps 3.2 – 3.32. The designated preservation area was based on the following criteria:

- Whether soils are suitable for agricultural production.
- Whether the land has historically been used for agricultural use or agricultural related

use.

- Whether the land is in close proximity to agricultural infrastructure.
- Whether the land is in undeveloped natural resource or open space areas that connect other farmland parcels to create a large, uninterrupted block of preserved area.
- Whether the land may be under some development pressure, but not currently located in an area planned for development in the next 15 years.

During the initial stages of the planning process, Oconto County Planning staff, Oconto County Planning and Zoning Committee, and the Oconto County Farmland Preservation Ad Hoc Committee determined that the above mentioned rationale was very similar to the rationale used when allocating agricultural areas during the local and county comprehensive planning processes. As a result, the future land use maps of the Oconto County 20-Year Comprehensive Plan and the twenty-three local town plans provided the foundation for creating the 2014 Oconto County Farmland Preservation Area Map.

The 2014 farmland preservation plan update, like the original plan, is intended to provide a long-range guide that effectively addresses agricultural protection for the next 10 years and beyond. The 2014 Oconto County Farmland Preservation Plan update continues to focus preservation efforts in areas of active agriculture and the most productive soils. This plan supports the preservation of large contiguous blocks of agricultural lands in an effort to promote efficiencies while minimizing conflict with non-agricultural land uses.

The major changes or prevalent themes in the 2014 plan include:

- Incorporating the Farmland Preservation Plan directly into the Oconto County 20-Year Comprehensive Plan.
- With all of Oconto County's communities having a comprehensive smart growth plan in place, those plans were heavily utilized in defining the farmland preservation areas in each respective town.
- This plan does not include public lands as part of the preservation area and also does not include all woodland areas within the preservation area. Rather the preservation area is more selective in terms of protecting the active agricultural lands and those woodland/environmental areas that are part of these active agricultural areas.
- A trend of conversion of smaller family farms to larger corporate farms.

This farmland preservation plan as presented provides a long-range guide that effectively addresses protection of agricultural and natural resources for the next ten years and beyond, based on the vision set forth in the Oconto County 20-Year Comprehensive Plan, which serves as the basis for decision making regarding land use-related matters in Oconto County. The Oconto County Farmland Preservation Plan continues and hopefully reaffirms the long-range commitment to preserving farmlands and working farms in Oconto County.

#### **Relationship between the Oconto County Farmland Preservation Plan and the Oconto County 20-Year Comprehensive Plan.**

In the early stages of the planning process, it was decided that the most efficient and effective way to update the farmland preservation plan and reduce redundancy with the Oconto County 20-Year Comprehensive Plan, was to amend the comprehensive plan to include the farmland preservation plan requirements. Including the farmland preservation requirements directly into the comprehensive plan ensures consistency and the most effective way for Oconto County to maintain, promote, and enhance Oconto County's vast agricultural resources through preservation and sustainability efforts initiated at all levels of government.

## **Plan Development and Public Participation**

The public participation plan for the Oconto County Farmland Preservation Plan was approved by the Oconto County Board of Supervisors in June 2013 (*Refer to Appendix B of Volume I: County Plan*). This plan was drafted to more specifically address the farmland preservation process in addition to the public participation plan adopted as part of the original comprehensive planning process in 2006. This public participation plan for the development of the Oconto County Farmland Preservation Plan outlined the following objectives which guided the efforts and actions throughout the planning process.

- Address the multiple levels of public participation through public information, public education, public input, public interaction and public partnership.
- Employ public participation strategies that provide for diverse public participation opportunities throughout Oconto County.
- Maximize the efficiency of plan development as well as intergovernmental cooperation through a cooperative planning effort.
- Address the needs, issues and priorities for stakeholders.
- Discuss, address, and resolve conflict between planning participants.
- Promote public participation to create a farmland preservation plan meeting the requirements of Chp. 91 and 66.1001 Wis. Stats.

The Oconto County Planning and Zoning Committee is the committee responsible for overseeing the development of the Farmland Preservation Plan and approval of the formation of the Farmland Preservation Ad Hoc Planning Committee. The planning effort was coordinated by Oconto County Planning staff with assistance from the Land Conservation Department, UW-Extension, and the Ad Hoc Planning Committee which was made up of farmers, local officials, and interested citizens. The Ad Hoc Planning Committee met multiple times throughout the planning process to review and discuss plan components. Each local town was notified of new farmland preservation area maps and associated text via email notifications to view these draft materials on the project website and/or received mailed copies for review and comment. As part of this planning process a survey was conducted seeking further input from agricultural land owners and operators, the responses gathered as a result of this survey (*Refer to Appendix E of Volume I: County Plan*) assisted planning staff and the Ad Hoc Planning Committee through the final stages of the planning process. Informational meetings held throughout the county along with an active project website presented those interested opportunities to learn about the farmland preservation program, the planning process, and review draft plan materials.

The Oconto County Farmland Preservation Plan as part of the Oconto County 20-Year Comprehensive Plan will be presented to the Oconto County Planning and Zoning Committee in late 2014 once the final draft has been certified by DATCP. Once certified and presented to the Oconto County Planning and Zoning Committee the Oconto County 20-Year Comprehensive Plan as amended will go out for 30 day review and other necessary steps for final approval at County Board in early 2015.

## **Unresolved Issues between Oconto County and Other Government Units**

The Oconto County farmland preservation planning ad hoc committee was made up of members from across the county. Throughout the planning process, municipalities were noticed of planning activities and provided opportunities to participate in the review of draft materials via the project website and/or direct mailings. No controversial issues arose during any part of this planning process and moving forward there are no known unresolved issues that need to be addressed.

## **Farmland Preservation Zoning Ordinances**

Oconto County to this point has never adopted a farmland preservation zoning ordinance. This is something that will be discussed and possibly pursued once this plan has been certified and adopted.

### **Primary Contact Person**

The primary contact person for correspondence related to the certification of the Oconto County Farmland Preservation Plan: Jamie Broehm – Principal Planner, 920-834-6827 or [jamie.broehm@co.oconto.wi.us](mailto:jamie.broehm@co.oconto.wi.us) .

### **Farmland Preservation Certification Requirements**

The certification of the Oconto County Farmland Preservation Plan is required by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Farmland Preservation Program under Chapter 91, Wisconsin State Statutes. This plan must contain specific elements, as a prerequisite of certification, in order to participate in Wisconsin's Farmland Preservation Program. Oconto County must have a certified farmland preservation plan for farmers to qualify for tax credits under Chapter 71, Wisconsin State Statutes. The requirements for farmland preservation plan certification in accordance with sec. 91.16 of the Wisconsin State Statutes, including plan text and maps are referenced by page number below.

The county corporation counsel and the county planning director (or chief elected official) hereby certify that the farmland preservation plan (or plan amendment) attached to this application complies with s. 91.18, Wis. Stats., including the following applicable requirements:<sup>1</sup>

	<u>Page Reference<sup>2</sup></u>
1. The plan states the county's policy <i>and goals</i> related to farmland preservation and agricultural development, including the development of enterprises related to agriculture.	<u>4-10 – 4-15(CP)</u>
2. The plan identifies, describes and documents other development trends, plans, or needs that may affect farmland preservation and agricultural development in the county, including:	
▪ Population	<u>2-10 – 2-11, 6-1</u> <u>– 6-8 (CP)</u>
▪ Municipal expansion	<u>2-18 (CP)</u>

<sup>1</sup> For a complete farmland preservation plan, the county corporation counsel and county planning director or chief elected official certify that the plan complies with *all of the listed requirements*. For plan amendment, they certify that the amendment complies with *all of the listed requirements that are relevant to that amendment*, and that the amendment *does not cause the amended plan to violate any of the listed requirements* (see s. 91.18(2), Wis. Stats.). The farmland preservation plan may comply with listed requirements by incorporating, by reference, required information from other parts of the county's comprehensive plan.

<sup>2</sup> Cite the page number(s) in the county farmland preservation plan where the requirement is met. If the citation refers to the county comprehensive plan, cite the page reference followed by "CP."

▪ Economic growth	<u>2-6 – 2-7, 7-1 –</u> <u>7-22 (CP)</u>
▪ Business development	<u>2-6 – 2-7, 7-1 –</u> <u>7-22 (CP)</u>
▪ Housing	<u>2-11 – 2-13, 6-8 –</u> <u>6-14 (CP)</u>
▪ Utilities	<u>2-7 – 2-9, 9-2 –</u> <u>9-6 (CP)</u>
▪ Transportation	<u>2-9, 8-2 –</u> <u>8-28 (CP)</u>
▪ Communications	<u>9-3 (CP)</u>
▪ Community facilities and services	<u>9-6 – 9-18 (CP)</u>
▪ Energy	<u>9-2 – 9-3 (CP)</u>
▪ Waste management	<u>9-4 – 9-5, 9-7 (CP)</u>
▪ Environmental preservation (may include a map of natural resource areas and environmental corridors).	<u>3-10, 5-61 (CP)</u>
3. The plan identifies, describes and documents all of the following:	
▪ Agricultural uses of land in the county at the time that the farmland preservation plan is adopted, including key agricultural specialties, if any (include maps where appropriate).	<u>2-4, 2-13 – 2-14, 5-67-5-68, 11-1 11-7 (CP)</u>
▪ Key agricultural resources, including available land, soil, and water resources.	<u>2-3 – 2-6, 5-1 – 5-20 (CP)</u>
▪ Key infrastructure for agriculture, including key processing, storage, transportation and supply facilities.	<u>5-36 – 5-37, 5-68 (CP)</u>
▪ Significant trends in the county related to agricultural land use, agricultural production, enterprises related to agriculture, and the conversion of agricultural lands to other uses.	<u>2-4, 5-25 – 5-35 (CP)</u>
▪ Anticipated changes in the nature, scope, location, and focus of agricultural production, processing, supply and distribution.	<u>2-16 – 2-18 (CP)</u>
▪ Actions that the county will take to preserve farmland and promote agricultural development.	<u>3-7, 4-10 – 4-15 (CP)</u>
▪ Key land use issues related to preserving farmland and promoting agricultural development, and plans for addressing those issues.	<u>2-14 – 2-16, 5-21 – 5-23 (CP)</u>

<ul style="list-style-type: none"> <li>Policies, goals, strategies and proposed actions to increase housing density in areas other than farmland preservation areas.</li> </ul>	<u>2-11 – 2-13, 4-12 – 4-13 (CP)</u>
<p>4. The plan meets the following requirements for the designation of farmland preservation areas:</p>	<u>3-13 (CP)</u>
<ul style="list-style-type: none"> <li>Clearly identifies <i>farmland preservation areas</i> that the county plans to preserve for agricultural use and agriculture-related uses. (These may include undeveloped natural resource and open space areas but may not include any area that is planned for nonagricultural development within 15 years after the date on which the plan is adopted).</li> </ul>	<u>3-11 – 3-13 (CP)</u>
<ul style="list-style-type: none"> <li>Describes the rationale used to identify the farmland preservation areas and explains how the rationale was used to map plan areas. (The rationale may include criteria such as soil type; topography; agricultural productivity; current agricultural use; agricultural related infrastructure; and proximity to incorporated areas, major arterials, and rural subdivisions).</li> </ul>	<u>3-16 - 3-46 (CP)</u>
<ul style="list-style-type: none"> <li>Includes maps that clearly delineate the farmland preservation areas, so that a reader can easily determine whether a parcel is within an identified area (see "MAP AND SPATIAL LOCATION DATA GUIDELINES").</li> </ul>	<u>3-13 (CP)</u>
<ul style="list-style-type: none"> <li>Clearly correlates the maps with plan text to describe the type of land uses planned for each farmland preservation area on a map. There are no material inconsistencies within the plan, such as inconsistencies within the plan text, between the plan text and maps, or between maps.</li> </ul>	<u>5-36, A-4 – A-9 (CP)</u>
<ul style="list-style-type: none"> <li>Identifies programs and other actions that the county and local governments within the county may use to preserve the farmland preservation areas.</li> </ul>	

#### **CONSISTENCY BETWEEN THE FARMLAND PLAN AND THE COUNTY COMPREHENSIVE PLAN**

If the County has a Comprehensive Plan, the County must include the Farmland Preservation Plan in its Comprehensive Plan under s. 91.10(2), Wis. Stats. The County should treat the Farmland Preservation Plan and the Comprehensive Plan as the same document rather than two separate plans. Because the Farmland Preservation Plan is part of the Comprehensive Plan, the entire document must be internally consistent.

If there are inconsistencies, the County may clarify that the Farmland Preservation Plan supersedes the Comprehensive Plan and any and all inconsistencies between the two shall be resolved in favor of the Farmland Preservation Plan. The County must include a statement in both the Comprehensive Plan and the Farmland Preservation Plan declaring that the Farmland Preservation Plan supersedes the Comprehensive Plan so that a person referring to either plan will be aware of each plan's relationship to the other. If inconsistencies appear in the maps, then the legends in both maps should include a note explaining that the Farmland Preservation

Plan supersedes any inconsistencies with the Comprehensive Plan. If inconsistencies appear in the text, then the appropriate language should be added to the text where the inconsistencies are present.

To complete certification of the Farmland Preservation Plan, the County board must officially adopt the language in both the Farmland Preservation Plan and the existing Comprehensive Plan stating that, in the event of any specific inconsistency between them, the Farmland Preservation Plan takes precedence. The County should ensure that this clarifying language appears in the Farmland Preservation Plan that is submitted to the department. In addition, the County should submit the proposed amended pages from the Comprehensive Plan with the appropriate clarifying language.

Once the department approves the Farmland Preservation Plan for certification, the County board must adopt both the Farmland Preservation Plan in the form certified as well as the proposed language in the Comprehensive Plan clarifying the resolution of inconsistencies. Following adoption, the County must send documentation to the department that the Farmland Preservation Plan was adopted in the form certified and that the County also adopted the clarifying language in the Comprehensive Plan.

If the County does not take this step to clarify and resolve inconsistencies, the department will compare the Farmland Preservation Plan with the County Comprehensive Plan for consistency. In the event inconsistencies are found, the County will need to reconcile these inconsistencies either by changing the Farmland Preservation Plan or the Comprehensive Plan.

**Signatures:** I have reviewed the attached county farmland preservation plan (or plan amendment), and certify that it meets the applicable requirements for certification as listed above:

Signed and certified this 29 day of October, 2014

By: Cherry A. Minn  
County Corporation Counsel

Signed and certified this 29<sup>th</sup> day of October, 2014

By: R. Scott Wiss  
County Planning Director or County Chief Elected Official (circle one)