



Walworth County  
Land Conservation Committee  
**Monday, June 20, 2011 at 1:00 p.m.**

**Walworth County Government Center  
County Board Room 114**

**Elkhorn, WI 53121**

*Dan Kilkenny – Chair, Jerry Grant - Vice Chair*

*Randy Hawkins - Supervisor*

*Sue Bellman – USDA/FSA Representative, Dorothy C. Burwell – Citizen Member*

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*(Posted in Compliance with Sec. 19.84 Wis. Stats.)*

Land Use and Resource  
Management Department

*It is possible that a quorum of the County Board or a committee of the County Board could be in attendance.*

#### **AGENDA**

1. Call to order
2. Roll call
3. Approval of the Agenda
4. Approval of Minutes from May 16, 2011 LCC Meeting
5. Public Comment
6. Discussion/Possible Action - Farmland Preservation Town of Bloomfield Plan Map Amendments request (enclosures, pages 1-4) Neal Frauenfelder, LURM Staff
7. Discussion/Possible Action –Farmland Preservation Plan Adoption – LURM Staff
8. Discussion/Possible Action – Langlade County Resolution #36-211- Oppose the Provisions of AB 40 that call for elimination of PACE and Farmland Protection Conversion Fees - Michael Cotter (enclosure, pages 5-6)
9. Resignation of Roy Lightfield as County Representative to the Honey Lake Management District and Replacement Recommendations (tabled from May LCC Meeting) - Michael Cotter
10. Next Meeting Date – July 18, 2011 1:30 p.m.
11. Adjournment

**Submitted by: Michael P. Cotter, Director, Land Use and Resource Management Department,  
Louise Olson, Deputy Director, Land Conservation Committee Designee**

Posted: June 15, 2011

**DRAFT**

**Walworth County Land Conservation Committee**

MINUTES

Monday, May 16, 2011 at 1:30 p.m.

Walworth County Board Room 114  
Elkhorn, WI 53121

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The meeting was called to order by LCC Chair Kilkenny at 1:30 p.m.

Roll call - Committee members present included: Supervisors Kilkenny, Hawkins, Grant, and Citizen Member Burwell. USDA/FSA Representative Sue Bellman was absent, excused. A quorum was declared.

County staff present – David Bretl, County Administrator; Michael Cotter, Director of Land Use & Resource Management (LURM); Louise Olson, Deputy Director, LURM; Fay Amerson, Urban Manager, LURM; Neal Frauenfelder, Sr. Planner, LURM; Matt Weidensee, Associate Planner; Deb Grube, Sr. Zoning Officer LURM; and Joeann Douglas, Recording Secretary.

Also in attendance – Nancy Russell, Walworth County Board Chair; Greg Igl, USDA NRCS

Approval of Agenda – **Citizen Member Burwell and Supervisor Grant moved and seconded approval of the agenda. Motion carried 4-0.**

Approval of Minutes from April 25, 2011 LCC Meeting – **Citizen Member Burwell and Supervisor Grant moved and seconded approval of the minutes with a correction to capitalize attendee Dave Held's last name. Motion carried 4-0.** Discussion followed. Nancy Russell corrected her comment made during the public hearing phase of the April 25, 2011 meeting. Chair Russell said she would endorse the plan with suggestions regarding a portion of Section 7, Policy Considerations, *“Should the Farmland Preservation Plan recommend further consideration of the following uses currently permitted as a conditional use in an A-1 District within an agricultural zoning district?”* Chair Russell said the ● Bottling of Spring Water, ● Schools and Churches, and ● Flea Markets were previously excluded as part the Farm Family Business principal uses in the Farmland Preservation Plan, and will remain as conditional uses. Chair Russell then suggested also removing ● Production of animal and marine fat and oils and ● contractor's storage yards from principal uses and have them remain as conditional uses. **The motion was then modified by Citizen Member Burwell and Supervisor Grant to reflect County Board Chair Russell's changes. Motion carried 4-0**

Farmland Preservation Town of Bloomfield Request - LURM staff reiterated the town of Bloomfield's proposal to have some areas of A-1 land in Bloomfield removed from the proposed Farmland Preservation areas in Walworth County. **Supervisors Grant and Hawkins moved and seconded to only honor removal of Bloomfield parcels that correlate and are consistent with the Walworth County Comprehensive Land Use Plan (Comp Plan) and the Bloomfield Comprehensive Land Use Plan.** Discussion followed about remaining areas consistent with the adopted comprehensive land use plan and standards set forth in the Farmland Preservation Plan for identifying farmland preservation areas. Regarding parcels that include more than one planning category, where a portion of the proposed parcel to be removed from the mapped farm preservation area meets with the Comp Plan and a portion does not, the following applies: The committee directed staff that when dealing with existing sub-standard parcels that have two planning

categories, to utilize a 50% rule, i.e., if more than 50% is in a development or non-farmland category already, take the whole parcel out of the mapped farm preservation area. For standard size parcels, strictly follow the underlying land use category. Mr. Frauenfelder said he could draft a map to show the Bloomfield changes. **Motion carried 4-0.**

Farmland Preservation Plan Revision Plan Adoption – Louise Olson said due to the Bloomfield motion the Farmland Preservation Plan Revision could not be adopted at this time. **Citizen Member Burwell and Supervisor Hawkins moved and seconded to hold adoption over until Mr. Frauenfelder provides additional information of the ramifications of Bloomfield's changes. Motion carried 4-0.**

Supervisor Grant left the meeting briefly at 2:06 p.m.

Communication from the Town of East Troy regarding the golf course at the Rainbow Springs property – Michael Cotter said unless the DNR secretary decides to proceed, no action is necessary and the letter can be placed on file..

Langlade County Resolution #36-211 – Oppose the Provisions of AB 40 that call for elimination of PACE and Farmland Protection Conversion Fees - **Supervisor Hawkins and Citizen Member Burwell moved and seconded tabling the resolution for one month until June meeting. Motion carried 3-0.**

Price County Resolution #14-11 related to NR-115 complexity - **Supervisor Hawkins and Citizen Member Burwell moved and seconded to place the resolution on file. Motion carried 3-0.**

Supervisor Grant returned to the meeting at 2:11 p.m.

Resignation of Roy Lightfield as county representative to the Honey Lake Management District - **Citizen Member Burwell and Supervisor Hawkins moved and seconded to table the Lightfield resignation and replacement recommendations for one month until the June meeting. Motion carried 4-0.**

Next Meeting Date – Monday, June 20, 2011 at 1:30 p.m.

Adjournment – **On motion and second by Supervisor Hawkins and Grant, Chair Kilkenny adjourned the meeting at 2:15 p.m. Motion carried 4-0.**

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Submitted by Joann Douglas, Recording Secretary. Minutes are not considered final until approved by the committee at the next regularly scheduled meeting.

## Memorandum

**To:** Members of the Walworth County Land Conservation Committee

**From:** Neal Frauenfelder, Senior Planner, Walworth County Land Use and Resource Management Department

**Date:** June 1, 2011

**Re:** Farmland Preservation Plan Map Amendments requested by the Town of Bloomfield

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As you recall the public hearing for the proposed Walworth County Farmland Preservation Plan was held on April 25, 2011. At the hearing the Town of Bloomfield submitted a list of parcels located within the town that they requested to be removed from the map which identifies Farmland Preservation Areas within Walworth County. Landowners within the identified Farmland Preservation Areas will be eligible, contingent on meeting minimum farm revenue requirements, to obtain a \$7.50 per acre tax credit from the State of Wisconsin. Land owners not identified on the Farmland Preservation Area Map will not be eligible for the state tax credit.

The towns method for preparing the list of parcels to be removed from the farmland preservation area map were based on land owner request, knowledge of future development on certain sites, and to some degree parcel size. By contrast the County used soil Capability standards, the Town and County Comprehensive Land Use Plans and existing A-1 (Prime Agricultural District) zoned parcels. Early on in the County Farmland Preservation planning process the Land Conservation Committee determined that Farmland Preservation Areas would not be removed from the plan solely for the purpose of escaping the conversion fee on parcels that are removed from the A-1 zoning district. At the time this memo is being written that decision appears to be a very wise one not only because the state legislature and governor are in the process of eliminating the conversion fee but also because it was a sound land use decision.

At the May 16, 2011 Land Conservation Committee meeting a compromise approach to the town of Bloomfield request was offered by staff that would only remove those farmland preservation areas as requested by the town when it was consistent with the adopted Town and County Comprehensive Land Use Plans. The committee directed staff to amend the Farmland Preservation Area Map for the Town of Bloomfield using the following criteria: For standard size parcels strictly follow the underlying Comprehensive Land Use Plan Map category to determine which areas are to be removed from the Farmland Preservation Area Map. This would mean that only areas not identified within the Prime Agricultural Comprehensive Land Use Plan Map category would be

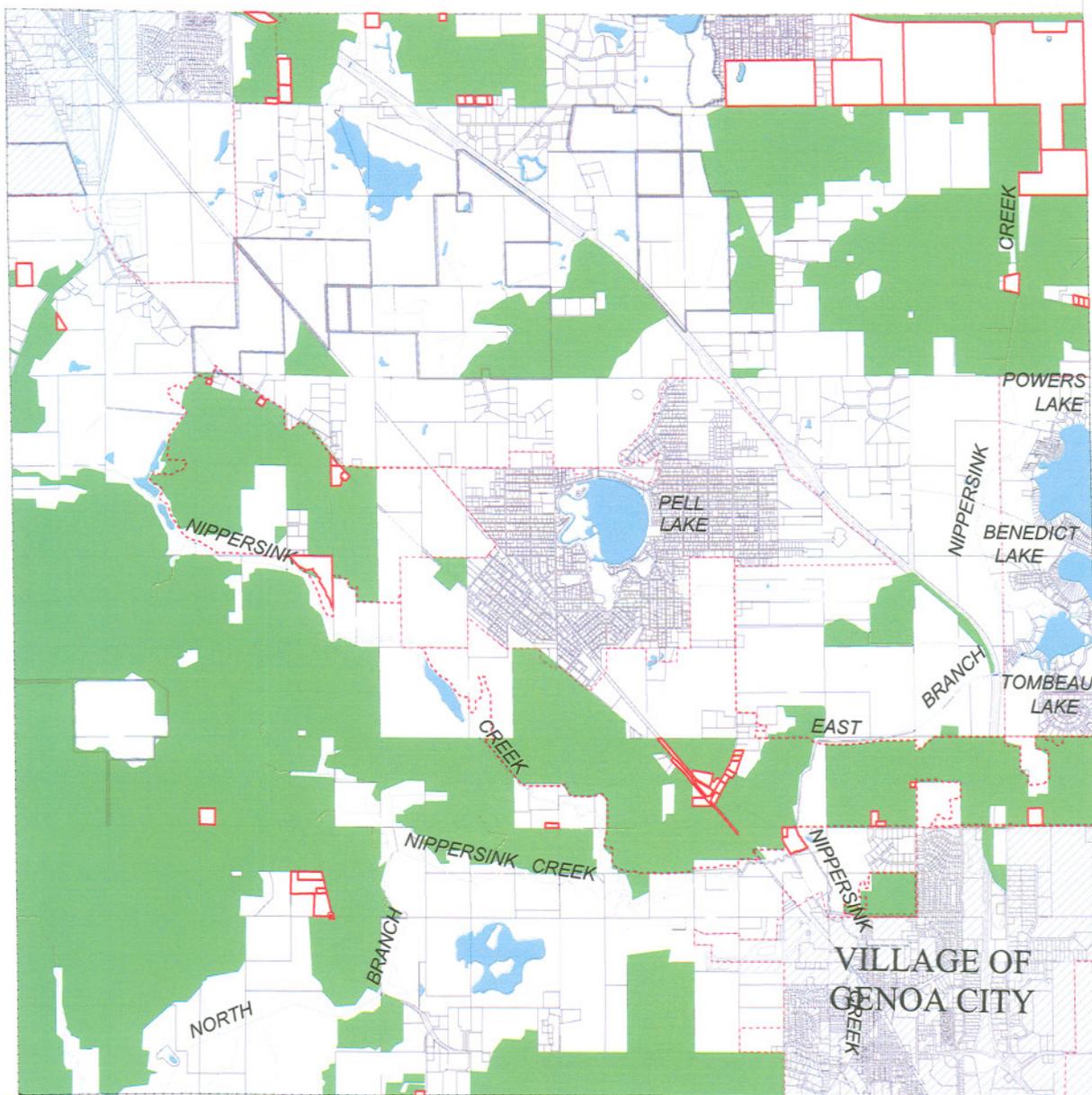
removed. For substandard size parcels that include more than one Comprehensive Land Use Plan Map category, where a portion of the parcel proposed to be removed from the farm preservation area is consistent with the Comprehensive Land Use Plan Map category and a portion is not, the committee directed staff to utilize a 50% rule, i.e., if more than 50% of the parcel is in a development or non- prime agricultural category take the whole parcel out of the mapped farm preservation area.

The attached maps show the result of applying the prescribed mapping standards. The standards worked well for the vast majority of the proposed parcels. There was a portion of a standard size parcel owned by Fair Wyn Trading Co. L.L.C. located in the NE ¼ of the SE ¼ of Section 1 that was shown in the town land use plan as secondary environmental corridor and on the county plan as secondary environmental corridor and prime agricultural land. Because this portion of this parcel remains under county zoning jurisdiction, due to being within a floodplain/shoreland area, I would recommend the committee use the County Land Use Plan Map to determine the farmland preservation map area. In this case that would mean leaving the area shown on the county land use plan as Prime Agricultural Land, and currently zoned A-1, as a farmland preservation area.

The Town of Bloomfield will need to follow up by rezoning the parcels taken out of the designated farmland preservation areas in order to be consistent with the Town Zoning Ordinance.



# Town of Bloomfield Parcels Removed from Farmland Preservation Areas in Accordance with Town and County Comprehensive Land Use Plans



## Town of Bloomfield Selected Parcels

-  Farmland Preservation Areas
-  Parcels/Portions for Removal

# LANGLADE COUNTY



**RESOLUTION # 36-2011**

**INTRODUCED BY: LAND CONSERVATION AND EXECUTIVE COMMITTEES**

**INTENT: OPPOSE THE PROVISIONS OF AB 40 THAT CALL FOR ELIMINATION OF PACE AND FARMLAND PROTECTION CONVERSION FEES**

**WHEREAS**, Wisconsin annually loses 22,500 acres of farmland converted to developed land; and

**WHEREAS**, Wisconsin was fourth in the nation in prime farmland (the nation's very best farmland) converted for development from 2002 to 2007 with 61,800 acres; and

**WHEREAS**, Wisconsin's loss of farmland is certain to accelerate as the economy recovers; and

**WHEREAS**, farmland is crucial to the future viability of the agricultural economy and prosperity of the State of Wisconsin, and when converted, rarely can be returned to productive agricultural use; and

**WHEREAS**, in 2009, the Wisconsin Legislature passed the Working Lands Initiative to address concerns about the loss of farm and forest lands in the State; and

**WHEREAS**, two key components of the Wisconsin Working Lands Initiative are the Purchase of Agricultural Conservation Easement (PACE) Program and the conversion fee collected when land is rezoned out of a farmland preservation zoning district; and

**WHEREAS**, PACE is a voluntary program and a key tool in efforts to protect strategically targeted Wisconsin farmland, support local farmland protection programs, and leverage other public and private funds; and

**WHEREAS**, the PACE program is an effective tool that works in tandem with local planning, to protect prime farmland, while allowing development in areas where it is appropriate; and

**WHEREAS**, in its first two years PACE has received 75 applicants, protecting farmland on over 18,600 acres; and

**WHEREAS**, many landowners (and their respective cooperating entity - the town, county or land trust) whose 2010 PACE applications were preliminary approved and are pending have incurred considerable legal, staff and other expenses; and

**WHEREAS**, conversion fees charged when land is rezoned out of a farmland preservation zoning district help fund the Department's administration of the farmland preservation program and planning grants to counties, as well as PACE, and are not charged when land changes hands but remains in agricultural use; and

**WHEREAS**, citizens in counties and communities across the State recognize the importance of protecting farmland, and Wisconsin's Working Lands Initiative enjoys broad-based support and bipartisan leadership throughout the State.

**NOW, THEREFORE BE IT RESOLVED** by the Langlade County Board of Supervisors that:

Current proposals to eliminate PACE and farmland protection conversion fees should be removed from the state budget bill, AB 40, to better facilitate public dialogue and, if necessary, negotiation and compromises on issues of concern; and that

PACE applications already selected from the first round of 2010 PACE applications should be consummated in full and contracts honored; and sufficient bond or other revenue should be set aside to accomplish this purpose, and that

The statutory authority for the PACE Program should be retained in full as passed in 2009, even if funding is reduced from current levels in the Fiscal Year 2011-2013 biennium due to State budget constraints; and that

In counties that have not updated their farmland preservation plan, the conversion fees charged when land is rezoned out of a farmland preservation zoning district should not be charged until the counties pass such a plan, provided that the plan is passed within the normal time period for such passage as outlined in statute; and that

Discussions should be initiated by the Wisconsin Department of Agriculture, Trade and Consumer Protection with local authorities and others concerned about ways to simplify, streamline and better communicate about the system for assessing conversion fees, but the fees should not be eliminated.

**LAND CONSERVATION COMMITTEE:**

  
Michael P. Klimoski, Chairman

William Bostwick

  
Rick Bina

  
Eugene Kamps

  
Thomas Schultz

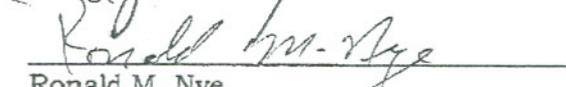
**EXECUTIVE COMMITTEE:**

  
David Solin, Chairman

  
Eugene Kamps

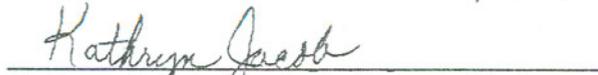
  
Michael P. Klimoski

  
Douglas Nonnenmacher

  
Ronald M. Nye

**FISCAL NOTE: No fiscal impact to the County.**

ADOPTED BY THE COUNTY BOARD OF LANGLADE COUNTY THIS 19<sup>th</sup> DAY OF APRIL, 2011.

  
Kathryn Jacob, Langlade County Clerk

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