



Land Use and Resource  
Management Department

**Walworth County  
Land Conservation Committee Meeting  
Monday, June 15, 2015 at 2:00 p.m.**

**Walworth County Government Center  
County Board Room 114  
Elkhorn, WI 53121**

***Nancy Russell – Chair    Charlene Staples - Vice Chair    Daniel Kilkenny - Supervisor  
Matthew Polyock – USDA/FSA Representative    Rosemary Badame – Citizen Member***

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

***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 Pg. 1
4. Approval of Minutes from May 18, 2015 LCC Meeting Pg. 2-3
5. Public Comment
6. Discussion/Possible Action – State of Wisconsin Budget Amendments Affecting County Shoreland Zoning Authority – Deb Grube Pg. 4-6
7. Public Hearing / Possible Action - Pursuant to Ch. 91.10 (3) under ss. 66.1001(4) of the Wisconsin Statutes Walworth County Farmland Preservation Plan Map Amendment – LURM Staff Pg. 7-21
8. Next meeting date: Monday, July 20, 2015, 2:00 p.m.
9. Adjournment

**Submitted by: Michael P. Cotter, Director, Land Use and Resource Management Department**

Posted: June 10, 2015

**DRAFT**

**Walworth County Board of Supervisors  
Land Conservation Committee Meeting Minutes  
Monday, May 18, 2015 at 2:00 p.m.  
Walworth County Government Center  
County Board Room 114  
100 W. Walworth Street, Elkhorn, Wisconsin**

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The meeting was called to order by Chair Nancy Russell at 2:17 p.m.

Roll call was conducted. Members present included Chair Nancy Russell, Supervisor Dan Kilkenny, USDA/FSA Representative Matt Polyock and Citizen Member Rosemary Badame. A quorum was declared. Charlene Staples arrived at 2:18 p.m.

**Others in Attendance:**

County Staff: Michael Cotter, Director of Land Use and Resource Management (LURM)/Deputy Corporation Counsel; David Bretl, County Administrator; Fay Amerson, LURM Urban Manager; Brian Smetana, LURM Sr. Rural Technician; Supervisor Rick Stacey

**On motion by Supervisor Kilkenny, second by Citizen Member Badame, the agenda was approved with no withdrawals.**

**On motion by Supervisor Kilkenny, second by USDA/FSA Representative Polyock, the April 27, 2015 Land Conservation Committee meeting minutes were approved by voice vote.**

**Public Comment** – There was none.

**New Business**

▪ Discussion/Possible Action – Walworth County Land and Water Resource Management Plan - 5 Year Extension – Fay Amerson and Brian Smetana

Fay Amerson, LURM Urban Manager, stated the Board previously received the five year work plan that accompanies the Land and Water Resource Management Plan. The plan defines goals, objectives, tasks and activities the Land Conservation staff will implement over the next five years. The Land and Water Conservation Plan is a multi-year plan approved by the Department of Agriculture. Land Conservation will be requesting another five year extension while presenting the updated plan to the State in August. Amerson gave a brief overview of the memo and Draft 5-Year Work Plan that were distributed to committee members. She stated that “Groundwater” was added to Goal No. 1, and Item 6 under Objectives was added as recommended by Chair Russell recognizing farm operators for exemplary land and water conservation achievements. Objective No. 7 under Goal No. 2 was added to protect shorelands and waterways from adverse impact caused by development and vegetation removal and to assist the Walworth County Zoning Division with implementing the new shoreland zoning standards contained in NR 115. The word “Springs” was added to Goal No. 5. Objective No. 8 under Goal No. 6 was added to provide assistance to Walworth County Wastewater Treatment Plants (WWTP) to achieve phosphorus reduction goals. Brian Smetana, LURM Sr. Rural Technician, stated the Department of Natural Resources (DNR) is currently requiring all WWTP in the state to reduce phosphorus output. Amerson stated that staff hours were adjusted along with various editing corrections. Michael Cotter, Director of LURM/Deputy Corporation Counsel, mentioned the possibility of adding the Farmland Technology Days to this plan. Cotter offered the committee a viewing of the LURM power point that will be presented to the state. Chair Russell requested a viewing once LURM was ready to present it. **Supervisor Kilkenny made a motion, second by Citizen Member Badame, to approve the Walworth County Land and Water Resource Management Plan - 5 Year Extension with the caveat that the Walworth County Farm Technology Days Proposal be included. Motion carried 5-0.**

- Discussion/Possible Action – Walworth County Farm Certification Proposal – Nancy Russell  
Cotter mentioned that Smetana added this matter to the previous proposal and motion. He suggested the process not include something that has to be purchased, shows favoritism, or applies pressure on a neighboring farm. Chair Russell asked Matt Polyock, USDA/FSA Representative, for his opinion. Polyock stated his original thought was that this would be a positive way to recognize farms that are following the requirements, but also agrees the program could also be the source of some challenges. Chair Russell stated farmers may not want to go through the tax credit process and this may be a way to get them involved. Cotter stated that LURM conducts a landscaper workshop that is well attended and there is an incentive to be placed on a list after going through the workshop. The 5-Year Work Plan is written to come up with the methodology for certification. Chair Russell asked LURM and the committee to think about a process that is fair and leaves little room for speculation.
- Discussion/Possible Action – DNR Approval of Amendment to Regional Water Quality Management Plan/Village of Walworth – Michael Cotter  
Cotter informed the committee that this was approved and is merely informational. **Supervisor Kilkenny made a motion, second by Supervisor Staples, to place the DNR Approval of Amendment to Regional Water Quality Management Plan/Village of Walworth on file. Motion Carried 5-0**
- Discussion/Possible Action – Sewer Service Area Amendment / Village of Mukwonago – Michael Cotter  
Cotter gave a brief overview of the Sewer Service Area Amendment for the Village of Mukwonago. He pointed out that the entire area is within the boundary agreement between the Village of Mukwonago and the Town of East Troy and that Neal Frauenfelder, LURM Senior Planner, performed his review and nothing warranted a notice to the DNR. **Supervisor Kilkenny made a motion, second by Citizen Member Badame, to place the Sewer Service Area Amendment/Village of Mukwonago on file. Motion carried 5-0**
- Discussion/Possible Action – Recognition of Greg Igl nearly 40 years with NRCS – Michael Cotter  
Cotter briefly announced Greg Igl's retirement after approximately 40 years of service with National Resource Conservation Services (NRCS). Amerson stated that the retirement party will take place on Sunday, May 31st from 1:00 p.m. to 5:00 p.m. at Sunset Park at the recreational multi-purpose facility located at 200 Devendorf Street, Elkhorn, WI 53121.

**Confirmation of next meeting** – The next meeting was confirmed for Monday, June 15, 2015 at 2:00 p.m.

### **Adjournment**

**On motion by Supervisor Kilkenny, second by Supervisor Staples, the meeting adjourned at 2:54 p.m.**

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Submitted by Trisha Sommers, Administrative Clerk. Meeting minutes are not considered final until approved by the committee at the next regularly scheduled meeting.

**DEFINITION:** One of the changes proposed is a definition change for "Structure" removing references to buildings. The state definition is old and antiquated and does need to be updated. In Walworth County the definition of "Structure is anything constructed or erected". Therefore, this proposed change appears to have little impact on Walworth County.

**LIGHTING.** Walworth County does not require a permit for lighting but does have zoning ordinance language that prohibits a "glare or heat that is measurable at the boundaries of the lot on which the principal use is located. Exposed sources of light shall be shielded so as not to be visible outside their premises." Lights are structures and may not be permitted within 75' of shore. The proposed change will take away all county authority to regulate the glare of a neighbor's light onto another residential person's property or the shoreyard setback.

**PERMITTING.** Walworth County requires permits (and has required permits since the 1950'a) for any construction, reconstruction or alteration of any structure to assure compliance with setbacks, height and use. (In Walworth County we call these structures "Substandard". Substandard structures do not meet today's setback or height requirements.) The proposal is to prohibit the County or DNR from requiring approval for, or impose a fee or mitigation requirement for, or otherwise prohibit or regulate the maintenance, repair, replacement, restoration, rebuilding or remodeling of all or any part of a nonconforming (substandard) structure if the activity does not expand the footprint of the structure and a footprint expansion is permitted if necessary to comply with applicable state or federal requirements. Therefore, Walworth County will not be able to have permit review for the reconstruction or structural alteration of a substandard structure. This provision causes many areas of concern. The only way to assure someone is rebuilding in the footprint of an existing structure is through a permit. Without a permit process and review, structures can be built larger, land disturbance can occur, walkout basements can be excavated in the shoreyard, vegetation can be removed and septic systems near the water may not be checked. All of these have impacts on the waters of the state causing soil erosion, elimination of the natural shoreline beauty of Walworth County, possibly septic pollution and probable illegal additions of structures within the shoreyard. Enforcement is paid by all taxpayers and is a longer process while permits are paid for by the property owner that is doing the construction. As stated by Vilas County, "\*\* Pro-action does not cost as much as reaction" The permit process is also a proven way to assure the original structure was constructed legally before reconstruction begins.

**ADDITIONS:** The provision is proposing to permit vertical expansions without a permit review unless the addition is over 35' in height. This is another after the fact enforcement issue with potential after the fact variance issues. Same concerns as listed under PERMITTING.

**SALE OR TRANSFER INSPECTIONS:** Walworth County does not require this inspection.

**IMPERVIOUS SURFACE:** This is already addressed in the recent NR115 changes.

**SHORELAND ZONING MAY NOT BE MORE RESTRICTIVE THAN NR 115:** As an example, Walworth County currently prohibits grade changes within the shoreyard setback to protect the natural scenic beauty from the waters of Walworth County. This provision will tie Walworth County's hands to regulate and protect the shorelands of Walworth County.

**BUFFER ZONES:** Buffers can decrease runoff into the lake, protect steep slopes from soil erosion and provide for fish and wildlife habitat. Increasing the view/access corridor from 30' to 35' will permit additional vegetation removal in the shoreyard and permitting the view/access corridors to run contiguously for the entire maximum width allowed in the ordinance will permit large corridors on those properties more than 200' of shoreline.

**SUBSTANDARD LOTS:** This is already addressed by ACT 72 and new NR 115 regulations.

**COUNTY EROSION CONTROL AND STORM WATER MANAGEMENT ORDINANCES:** The adoption of this paragraph will eliminate Walworth County's ability to require the use of best management practices during land disturbing and development construction activities that have the potential to impair drainage ditches, ponds, groundwater, private and public property, including County natural and environmental areas, not hydrologically connected a "natural body of water."

Storm water retention basin is a broad and generic term. Without a clear definition or a clear description of when this "exception" applies, under the adoption of this Motion can result in threatening public health, safety and property. Storm water retention basins are designed to be used in conjunction with erosion and sediment control measures, such as temporary seeding, sediment basins, diversions, or perimeter control to reduce the amount of sediment flowing into the basin. Storm water retention basins are not normally designed for water pollution control during construction. This motion would eliminate the County's ability to protect the long-term integrity, efficiency and function of built storm water retention basin.

f. Provide if current-law provisions for board dissolution are not satisfied, or if court approval is not granted, or if the board finds the public welfare will be promoted by reinstating the drainage district board, the board shall order the district reinstated.

g. Specify the provision first applies to a petition for suspension of operation issued under current law for which no final order has been issued as of the effective date of the bill.

23. *Shoreland Zoning Standards.* Move to generally incorporate the provisions of 2015 LRB 1919/1 that would amend Chapters 59 (counties), 61 (villages), 62 (cities) and 281 (water and sewage) as follows:

a. Provide a definition for "structure" under s. 59.692 of the statutes (county shoreland zoning) to mean a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch or fire pit. Delete a reference to "buildings" in the definition of "shoreland setback area," and provide the term "structure" applies to consideration of whether construction or placement of objects occurs in a shoreland setback area, which is an area within a set distance of a high-water mark in which building activity is prohibited or limited.

b. Specify a shoreland zoning standard promulgated by DNR, or a county shoreland zoning ordinance, may not impair the interest of a landowner in shoreland property with regard to several aspects of land use as described in the following paragraphs.

(1) Specify DNR standards or a county ordinance may not: (a) require approval to install or maintain outdoor lighting in shorelands; (b) impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands; or (c) otherwise prohibit or regulate outdoor lighting in shorelands if the lighting is designed or intended for residential use.

(2) Modify current-law provisions regarding restoration of nonconforming structures to specify DNR standards or a county ordinance may not require approval for, or impose a fee or mitigation requirement for, or otherwise prohibit or regulate, the maintenance, repair, replacement, restoration, rebuilding or remodeling of all or any part of a nonconforming structure if the activity does not expand the footprint of the nonconforming structure. Provide a county shoreland zoning ordinance shall allow a footprint expansion of a nonconforming structure if the expansion is necessary for the structure to comply with applicable state or federal requirements.

(3) Specify DNR standards or a county ordinance may not require any approval for, or impose any fee or mitigation requirement for, or otherwise prohibit or regulate, the vertical expansion of a nonconforming structure unless the vertical expansion would extend for more than 35 feet above grade level. Provide DNR may establish a shoreland zoning standard that allows vertical or lateral expansion of a nonconforming structure, consistent with the provisions of the motion, and provide a county may enact a shoreland zoning ordinance that allows the vertical or lateral expansion of a nonconforming structure if the ordinance does not conflict with DNR shoreland zoning standards.

(4) Specify DNR standards or a county ordinance may not require any inspection or upgrade of a structure before the sale or transfer of the structure.

(5) Specify DNR standards or a county ordinance may not establish standards for impervious surfaces, unless the standards provide that a surface is considered pervious if the runoff from the surface is treated by a device or system, or is discharged to an internally drained pervious area, that retains the runoff on or off the parcel to allow infiltration into the soil.

c. Specify a county shoreland zoning ordinance may not regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard promulgated as an administrative rule by the DNR. However, provide the restriction does not prohibit a county from enacting a shoreland zoning ordinance to regulate a matter that is not covered by a DNR-promulgated shoreland zoning standard.

d. Provide any provision in a county ordinance that is in effect on or after the bill's effective date, and that is inconsistent with any of the provisions of s. 59.692 of the statutes (county shoreland zoning) as affected by the motion, does not apply and may not be enforced.

e. Specify any village or city enacting ordinances required by statute to cover annexed or previously unincorporated shorelands must adhere to requirements and limitations on such ordinances, as specified by the motion. Further, delete provisions relating to standards for vegetative buffers in such annexed or previously unincorporated shorelands [ss. 61.353 (3)(c) and (d), and 62.233 (3)(c) and (d) of the statutes].

f. Specify a county shoreland zoning ordinance may not require a person to establish a vegetative buffer zone on previously developed land, nor expand an existing vegetative buffer zone. However, specify beginning on the effective date of the bill, a county shoreland zoning ordinance may require a person to maintain a vegetative buffer zone existing on that date if the ordinance: (a) allows the buffer zone to contain a viewing corridor at least 35 feet wide for every 100 feet of shoreline frontage; or (b) allows the viewing corridor to run contiguously for the entire maximum width allowed in the ordinance.

g. Specify a county shoreland zoning ordinance may not regulate the construction of a structure on a substandard lot in a manner more restrictive than DNR standards governing structures on substandard lots.

h. Specify DNR may not appeal to a county board of adjustment a decision by a county to grant or deny a shoreland zoning variance under s. 59.692 of the statutes. Provide the Department may, upon request of a county board of adjustment, issue an opinion on whether a variance should be granted or denied.

i. Specify county shoreland zoning ordinances, construction site erosion control and storm water management zoning ordinances, or wetland zoning ordinances do not apply to lands adjacent to artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable body of water. Also, repeal s. 281.31 (2m) (c) of the statutes, providing lands adjacent to farm drainage ditches are exempt from various types of zoning if maintained in nonstructural agricultural use.

**Posted By:**  
**Wheeler Reports, Inc.**

## Memorandum

**To:** Wisconsin Department of Agriculture, Trade and Consumer Protection  
Agricultural Resource Management Division

**From:** Michael Cotter, Director Walworth County Land Use and Resource  
Management Department

**Date:** June 19, 2015

**Re:** Request for certification of amendments to the Walworth County Farmland  
Preservation Plan Map

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Walworth County requests certification of map amendments to the County Farmland Preservation Plan as required under s. 91.16, Wis. Stats.

The purpose of this memo is to satisfy information required under Part A, #4 of the attached Farmland Preservation Plan Certification Application.

The Walworth County Farmland Preservation Ordinance was certified by the State of Wisconsin on July 31, 2012. The county is currently seeking certification of the county zoning ordinance by DATCP. Through that certification process the county is being required to make several plan map amendments to include several parcels of land that have been rezoned into our farmland preservation zoning district (A-1) that are not designated as farmland preservation areas on the adopted farmland preservation plan map. These rezones have occurred during the interim period between the certification of the county farmland preservation plan and the requested certification of the farmland preservation zoning ordinance and zoning map. The majority of the plan map changes consist of rezones into the A-1 district for gravel pits that have either been restored or are areas that were not used for mineral extraction and are no longer planned to be used for mineral extraction. The plan map amendment consists of the following 16 farmland preservation plan map changes:

- |   |  |
|---|--|
| 1. Town of Darien<br>Parcel # B D 200002      | 5. Town of Lyons<br>Parcel #s NA311700001<br>and NA311700003 |
| 2. Town of Delavan<br>Parcel # F D 400001     | 6. Town of Lyons<br>Parcel # N LY1000001                     |
| 3. Town of LaFayette<br>Parcel # K LF1200002  | 7. Town of Lyons<br>Parcel # N LY3300001                     |
| 4. Town of LaFayette<br>Parcel # K LF2200001B |  |

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|--|--|
| <p>8. Town of Lyons<br/>Parcel #s N LY3300002<br/>and N LY3300002A1</p> <p>9. Town of Sharon<br/>Parcel # A S 3200008</p> <p>10. Town of Sharon<br/>Parcel # A S 3400006</p> <p>11. Town of Walworth<br/>Parcel # E W 200013</p> | <p>12. Town of Walworth<br/>Parcel # EA360900002</p> <p>13. Town of Walworth<br/>Parcel # E W 1800005</p> <p>14. Town of Whitewater<br/>Parcel # D W 700004B</p> <p>15. Town of Whitewater<br/>Parcel # D W 2000006</p> <p>16. Town of Whitewater<br/>Parcel # D W 3200001</p> |
|--|--|

The proposed map amendments are consistent with the recently certified Walworth County Farmland Preservation Plan and the Walworth County Comprehensive Land Use Plan.

As previously stated Walworth County is currently seeking DATCP certification of our farmland preservation zoning ordinance. In addition to making the plan map amendments the county will be creating a new A-1 NC zoning district that will be used as temporary holding district until such time as the farmland preservation plan map can be amended (once every 3 to 5 years) to include these areas so that they can be converted to the A-1 district and be eligible for participation in the farmland preservation program. It is anticipated that there will not be many areas being added to the farm preservation area map in the future as most of the backlog of restored or abandoned mineral extraction pits are being addressed with this set of map amendments.

The following timeline has been developed for the completion and state certification of the amendment to the farmland preservation plan and the certification of the farmland preservation zoning ordinance:

- March 19, 2015 – County Zoning Agency meeting with Land Use and Resource Management Department (LURM) staff and DATCP staff to discuss the new A-1 NC zoning district and plan map amendment.
- April 27, 2015 – Land Conservation Committee meeting with LURM staff to discuss the new A-1 NC zoning district and plan map amendments.
- May 5, 2015 – Notice sent, including all towns, for public hearing on zoning ordinance amendments.

- May 21, 2015 – County Zoning Agency public hearing on farmland preservation zoning ordinance amendments.
- May 22, 2015 to June 18, 2015 – Additional Town comment accepted on proposed zoning ordinance amendments.
- May 29, 2015 – Notice sent, including all towns, for Land Conservation Committee public hearing on farmland preservation plan map amendments.
- June 15, 2015 – Land Conservation Committee public hearing and approval of amendments to the farmland preservation plan map.
- June 18, 2015 - County Zoning Agency decision hearing and approval of proposed farmland preservation zoning ordinance amendments.
- June 19, 2015 - Send DATCP farmland preservation zoning ordinance and application for certification of amendments to the farmland preservation plan map.
- July 14, 2015 – County Board meeting for adoption of farmland preservation zoning ordinance amendments and amendments to the farmland preservation plan map.

The primary contact person for correspondence related to the certification of the farmland preservation plan map amendment:

Neal Frauenfelder, Senior Planner  
Walworth County Land Use and Resource Management Department  
100 West Walworth  
PO Box 1001  
Elkhorn, WI 53121

Phone # (262)741-7917

Email [nfrauenf@co.walworth.wi.us](mailto:nfrauenf@co.walworth.wi.us)

## County Application for Farmland Preservation Plan Certification

### *Instructions*

#### ***Applying for Plan Certification***

To have your county plan or plan amendment certified, complete and submit all of the following to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP):

- The attached APPLICATION FORM, signed by the county corporation counsel and the county planning director or chief elected official, and accompanied by the COVER LETTER signed by the County Planning Director.
- The county plan or plan amendment to be certified. Include plan text and maps, and spatial location data used to create the maps. If the Farmland Preservation Plan refers to sections or pages of the Comprehensive Plan, please attach the relevant portions of the Comprehensive Plan.
  - In Part B of the APPLICATION FORM, cite relevant page numbers in the plan where the requirements are met (use the space provided).
  - Maps and spatial location data should comply with the attached MAP AND SPATIAL LOCATION DATA GUIDELINES.

If the county intends to resolve inconsistencies between the Farmland Preservation Plan and the Comprehensive Plan by adopting language clarifying that the Farmland Preservation Plan supersedes the Comprehensive Plan, the county must include the superseding language in both the Farmland Preservation Plan and the Comprehensive Plan and must provide copies of the relevant pages from the Comprehensive Plan. (See *PART C*)

Submit all application materials in electronic form to: [DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov). Enter “(County Name) County Plan Certification Request” in the subject line.

If submitting a hard copy send to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection  
Agricultural Resource Management Division  
WORKING LANDS  
PO Box 8911  
Madison, WI 53708-8911

#### ***Review and Decision***

- Within 10 business days after DATCP receives the application, DATCP will determine whether the application is complete. DATCP will not review an incomplete application for certification.
- If the application is complete, DATCP will grant or deny the application within 90 calendar days after the date of receipt.
- DATCP will normally grant or deny the application *based solely on the materials that you submit*, so please make sure that the materials are clear, complete and accurate.

#### ***Questions***

Call 608-224-4604 or email [DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov) with any questions or problems.

## ***Map and Spatial Data Guidelines***

A clear farmland preservation PDF map should:

- Be titled “Farmland Preservation Plan Map for (*County and Town Name*).”
- Clearly delineate the areas designated for farmland preservation. Farmland preservation area boundaries should follow existing parcel boundaries where possible.
- NOT display environmental or other “overlay” areas in a way that obscures or confuses the boundaries of an underlying farmland preservation area.
- Have a map scale of no greater than one inch = 2,000 ft. (1:24,000). It is recommended that a county plan map be submitted as a series of town maps. For example, a 6 mile by 6 mile township would meet the certification requirement if it could be printed on an 18” x 24” piece of paper.
- Show political boundaries (county, city, town, village), parcel boundaries, section lines, section numbers, roads and water bodies.
- Have a map legend that includes symbols for all data represented on the map, including farmland preservation area boundaries, political boundaries, parcel boundaries, section lines, roads, and water bodies.
- Identify mapped farmland preservation areas with titles that exactly correspond to plan text that applies to those areas.
- Identify map scale, north arrow, map date and map producer.
- Be submitted in .pdf or equivalent file format via an appropriate electronic data transfer method (email, ftp, cd, flashdrive, or other acceptable method).

Spatial location data used to create a farmland preservation map should:

- Be projected in the WTM83, NAD83(1991) coordinate reference system. Specify WTM – Meters.
- In the attribute table there should be a specific column that identifies which of the plan areas are to be certified and which are not. This can be achieved by adding a column titled “Certified” and indicating for each record if it is or is not located in the certified area. If the shapefile only shows the Farmland Preservation Plan area, the county only needs to describe in the metadata that the shapefile describes the plan area in its entirety.
- Include metadata written to the “Content Standard for Digital Geospatial Metadata (CSDGM), Vers. 2 (FGDC Metadata Standard).” This includes data source, producer, contact, and attribute definitions. Metadata should also indicate, in the “summary” section, that the map information is provided in support of the county’s request for certification of the county farmland preservation plan. List attributes and specify which plan areas are requested to be certified as Farmland Preservation areas.
- Be submitted in vector shapefile or equivalent file format via an appropriate electronic data transfer method (email, ftp, cd, flashdrive, or other acceptable method).
- Name the file in a manner that clearly identifies it as the farmland preservation plan data submitted for the jurisdiction (county). If files are submitted through DATCP’s ftp site, please only upload them to the temporary folder (<ftp://ftp.datcp.state.wi.us/TEMP/>) and send an email to [DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov) informing DATCP of the submission. All files are automatically deleted from the ftp site after 24 hours



Wisconsin Department of Agriculture, Trade & Consumer Protection  
 Division of Agricultural Resource Management  
 P.O. Box 8911  
 Madison, WI 53708-8911  
 (608) 224-4604

## Farmland Preservation Plan Certification Application

COUNTY: WALWORTH      DATE SUBMITTED:      NAME OF AREA TO BE CERTIFIED: WALWORTH COUNTY  
COUNTY      **JUNE 19, 2015**

The above-named county hereby requests certification, under s. 91.16, Wis. Stats., of the attached county farmland preservation plan (or plan amendment).

### PART A: Enclosed Materials

In support of its plan certification request, the county submits *all* of the following materials:

1. The farmland preservation plan (or plan amendment) to be certified, including plan text and maps. Each map is clearly correlated with the plan text that applies to that map. All intended farmland preservation areas are clearly identified and mapped.
2. The spatial location data used to create each farmland preservation map.
3. Cited portions of the county comprehensive plan, if any (or a website link to that plan).
4. A *cover document*, signed by the county planning director or chief elected official, that does all of the following:
  - a. Concisely summarizes the farmland preservation plan (or plan amendment), including key changes from the county's last certified plan. The summary describes the extent and location of lands added to or removed from farmland preservation areas identified in the last certified plan, and explains why those lands were added or removed.
  - b. Concisely summarizes the relationship between the farmland preservation plan and county and local comprehensive plans, if any. The summary identifies key related portions of the comprehensive plan.
  - c. Concisely summarizes the steps (and timeline) by which the county developed the farmland preservation plan. The summary briefly describes the public hearing process, notice to other government units, input by other government units, and the process of county approval. It indicates which steps are completed, and which steps are planned but not yet completed.
  - d. Concisely summarizes key unresolved issues between the county and other government units, if any.
  - e. Lists all *certified* farmland preservation zoning ordinances (county and local) that are *currently in effect* in the county, and briefly describes any plans to update those ordinances. (Include exclusive agricultural zoning ordinances certified under the Farmland Preservation Law as it existed before July 1, 2009).
  - f. Identifies the primary contact person for correspondence related to the certification of the farmland preservation plan.
5. If the Farmland Preservation Plan supersedes inconsistencies in the County Comprehensive Plan, the Farmland Preservation Plan and the Comprehensive Plan both include language clarifying this and the proposed language to be added to the Comprehensive Plan is submitted along with the Farmland Preservation Plan.



- Economic growth

Page IX-20, Table IX-6, CP

Page IX-15, Map IX-1, CP

Pages II-4 & 5, CP

Page II-25, Table II-18 CP

Page II-26, Table 19, CP

Pages II-30 & 31, Table 21, CP

Pages VIII-5 & 6, CP

Pages XIV,1-9, CP

Pages 4-1 to 4-5, FLP

- Business development

Page II-26, Table II-19, CP

Page II-27, Map II-3, CP

Page XIV-1, CP

Page 4-3, Map 4-1, FLP

Page 4-4, Key, FLP

- Housing

Page II-3, CP

Pages II-15 to II-19, Tables II-8,9,10,11,12, CP

Pages XI-1-21, CP

- Utilities

Page V-1, CP

Pages IV-11, Tables V-1-3, C CP

Pages V-11, 13,15 &16, Maps V-2,3,5&6, CP

Pages XIII-1 to 13, CP

- Transportation

Pages IV-3-6, CP

Pages IV-15,16&17, Maps

IV-4,5,6,7 CP

Pages XII-1-16, CP

<ul style="list-style-type: none"> <li>▪ Communications</li> </ul>	<p><u>Pages XII-13-14,</u> <u>Tables XII-1 CP</u> <u>Page XII-11,12,15&amp;16,</u> <u>Maps XII-1,2,3&amp;4, CP</u></p>
<ul style="list-style-type: none"> <li>▪ Community facilities and services</li> </ul>	<p><u>Page V-4, CP</u> <u>Page V-16, Map V-6,</u> <u>CP</u> <u>Page XIII-13, CP</u></p> <p><u>Pages V-4 to V-41, CP</u> <u>Pages XIII-1 to 16, CP</u></p>
<ul style="list-style-type: none"> <li>▪ Energy</li> </ul>	<p><u>Page V-3, CP</u> <u>Pages V-13 to V-15,</u> <u>Maps V-3,4&amp;5, CP</u></p>
<ul style="list-style-type: none"> <li>▪ Waste management</li> </ul>	<p><u>Page V-5, CP</u> <u>Page V-24, Table V-7,</u> <u>CP</u></p>
<ul style="list-style-type: none"> <li>▪ Environmental preservation (may include a map of natural resource areas and environmental corridors).</li> </ul>	<p><u>Pages 3-11 to 23, FLP</u> <u>Pages 3-</u> <u>14,15,16,18,20&amp;</u> <u>22, Maps 11-16, FLP</u> <u>Pages III-4 to 11, CP</u> <u>Pages Maps III-</u> <u>10,12,13,14,15,&amp;16 CP</u> <u>Pages X-6 to 8, CP</u></p>
<p>3. The plan identifies, describes and documents all of the following:</p>	
<ul style="list-style-type: none"> <li>▪ 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).</li> </ul>	<p><u>Pages 4-1 to 4-9 FLP</u> <u>Page III-2, CP</u> <u>Page 4-3, Map 4-1, FLP</u> <u>Page 4-4, Key FLP</u></p>
<ul style="list-style-type: none"> <li>▪ Key agricultural resources, including available land, soil, and water resources.</li> </ul>	<p><u>Pages 3-6 to 3-17, FLP</u> <u>Pages 3-10 &amp; 3-12,</u> <u>Maps 8 &amp;</u></p>

	<u>9, FLP</u>
	<u>Pages 4-1 to 4-7, FLP</u>
	<u>Page 4-3, Map 4-1, FLP</u>
	<u>Page 4-4, Key FLP</u>
	<u>Pages 4-3, Map 4-1, FLP</u>
	<u>Page IV-5, Map IV-4, CP</u>
	<u>Page IV-17, Map IV-8, CP</u>
	<u>Page 3-26, Table 3-2, FLP</u>
	<u>Pages 4-1 to 4-7, FLP</u>
	<u>Page 4-11, FLP</u>
	<u>Page 4-8 to 4-9, Tables 4-5 &amp; 4-6, FLP</u>
	<u>Pages 4-10 &amp; 4-11, FLP</u>
	<u>Pages 5-3 to 5-14, FLP</u>
	<u>Table 5-1, FLP</u>
	<u>Appendix C</u>
	<u>Page 4-9 to 4-11, FLP</u>
	<u>Pages 5-13 to 5-14 FLP</u>
	<u>Page 5-8, FLP</u>
	<u>Pages 5-1 to 5-3, FLP</u>
	<u>Page 5-3, Map 5-1, FLP</u>
	<u>Pages 5-1 to 5-3, FLP</u>
	<u>Map 5-1, FLP</u>
<ul style="list-style-type: none"> <li>▪ Key infrastructure for agriculture, including key processing, storage, transportation and supply facilities.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Anticipated changes in the nature, scope, location, and focus of agricultural production, processing, supply and distribution.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Actions that the county will take to preserve farmland and promote agricultural development.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Key land use issues related to preserving farmland and promoting agricultural development, and plans for addressing those issues.</li> </ul>	
<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>	
4. The plan meets the following requirements for the designation of farmland preservation areas:	
<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>	
<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</li> </ul>	

agricultural use; agricultural related infrastructure; and proximity to incorporated areas, major arterials, and rural subdivisions).

- 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”).
- 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.
- Identifies programs and other actions that the county and local governments within the county may use to preserve the farmland preservation areas.

Pages A-1 to 4, FLP  
Pages B-1 to B16, FLP  
  
Page 5-3, Map 5-1, FLP  
Pages B-1 to B-16,  
Maps B-1  
To B1-16, FLP  
  
Page 5-1 to 5-3, FLP  
Pages A1-1 to A1-4,  
FLP  
  
Pages 5-5 to 5-14, FLP  
Page 5-4, table 5-1,  
FLP  
Pages A5-1 & A5-2,  
FLP  
Pages A6-1 to A6-8,  
FLP

### **PART C: 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 amendment, and certify that it meets the applicable requirements for certification as listed above:

Signed and certified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

By: \_\_\_\_\_,  
County Corporation Counsel

Signed and certified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

By: \_\_\_\_\_,  
County Planning Director or County Chief Elected Official (circle one)



**Policy and Fiscal Note**  
**Resolution No. XX - 07/15**

- I. Title:** Approving the Walworth County Farmland Preservation Plan Map Amendment
- II. Purpose and Policy Impact Statement:** The purpose of this resolution is approve the amendments to the Walworth County Farmland Preservation Plan Map to designate a farmland preservation areas the areas rezoned into the A-1 zoning district during the interim period between the plan adoption and the certification of the farmland preservation zoning ordinance.
- III. Budget and Fiscal Impact:** Passage of this Resolution will have no fiscal impact on the county budget.
- IV. Referred to the following standing committees for consideration and date of referral:**

Committee: Land Conservation Committee                      Meeting Date: June 15, 2015

Vote:                      5 - 0

County Board Meeting Date: July 14, 2015

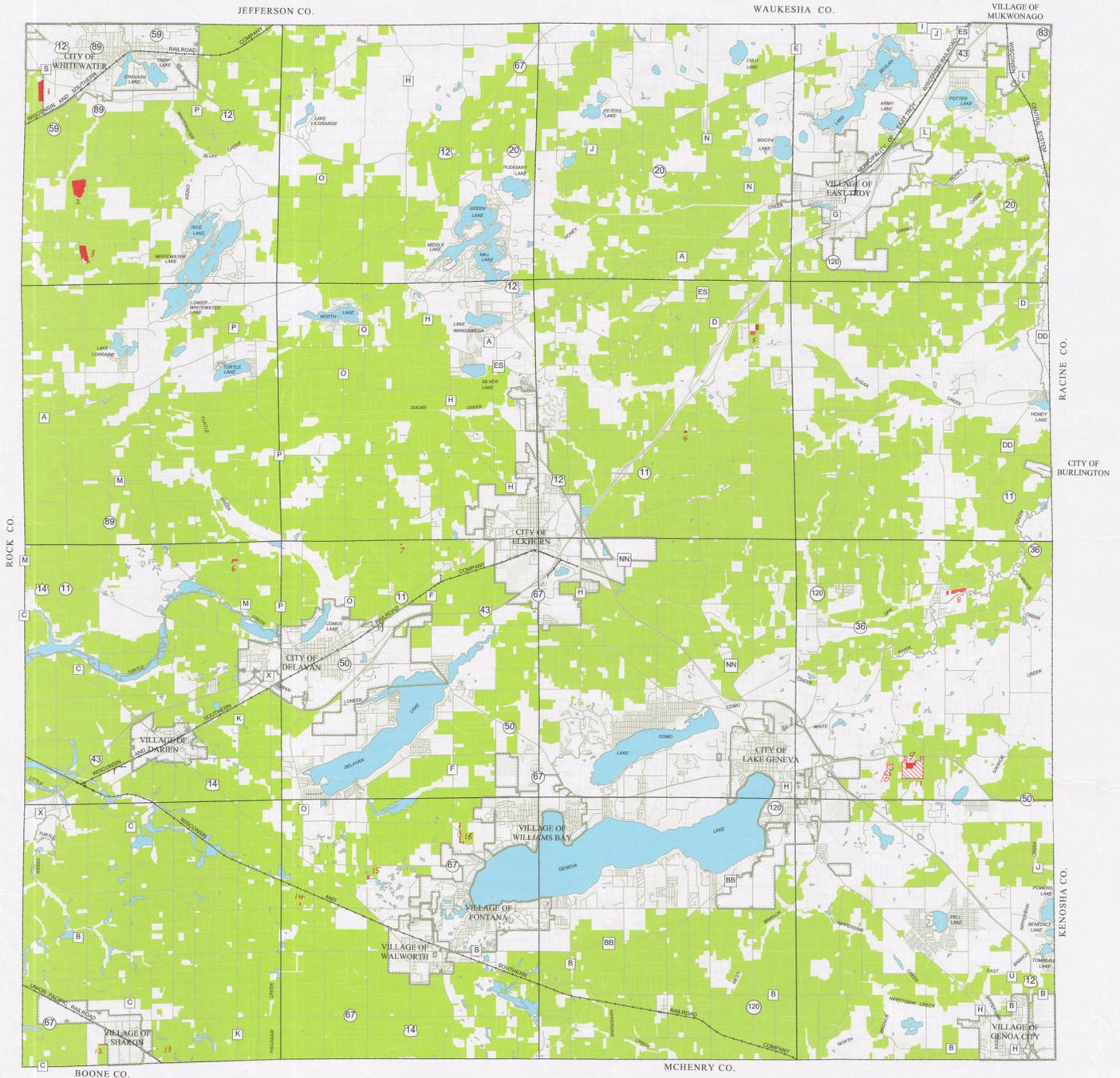
Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

\_\_\_\_\_  
David A. Bretl                      Date  
County Administrator/Corporation Counsel

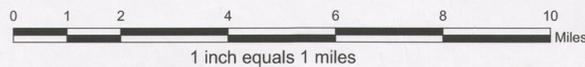
\_\_\_\_\_  
Nicole Andersen                      Date  
Deputy County Administrator – Finance

If unsigned, exceptions shall be so noted by the County Administrator.

# Walworth County Planned Farmland Preservation Areas



Revised June 20, 2011 With Selected Parcels Eliminated in Bloomfield Township Following the Comprehensive Land Use Plans



- Farmland Preservation Areas
- Amendments to Farmland Preservation Areas 2015