

DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

Alison Volk
Land Management Section
Wisconsin Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

August 15, 2014

Dear Ms. Volk:

Attached please find proposed amendments to the *Dane County Farmland Preservation Plan*. Dane County would like to request certification of this amendment under s.91.16, Wisconsin Statutes. Changes from the 2012 certified *Dane County Farmland Preservation Plan* include:

1. Text amendments to allow lands within Urban Service Areas to qualify as Farmland Preservation Areas if they are under an existing, recorded agricultural conservation easement, and;
2. Relatively minor Farmland Preservation Plan map amendments to:
 - o reflect the change in policy above;
 - o adjust plan district boundaries to better facilitate Farmland Preservation Zoning consistency, as required by s.91.38, Wis. Stats., and;
 - o bring the map into consistency with the *Dane County Comprehensive Plan* to reflect amendments resulting from Urban Service Area boundary changes approved by the Capital Area Regional Planning Commission.

The *Dane County Farmland Preservation Plan* is adopted by the Dane County Board of Supervisors as a component of the *Dane County Comprehensive Plan* under s.66.1001, Wis. Stats and Chapter 82, Dane County Code. The complete text of the *Dane County Comprehensive Plan* is available online at: <http://www.daneplan.org/plan.shtml>. The complete texts of town comprehensive plans and city farmland preservation plans specifically adopted by the Dane County Board of Supervisors are available at: <http://www.countyofdane.com/plandev/planning/townComponents.aspx?a=1>. Links to city and village comprehensive plans automatically adopted into the county comprehensive plans are available here: http://www.countyofdane.com/plandev/planning/City_Plans.aspx.

Ordinance Amendment # 2014-OA42 was introduced to the Dane County Board of Supervisors on July 17, 2014 and referred to the Zoning and Land Regulations (ZLR) Committee. The ZLR will hold a public hearing on this amendment on August 26, 2014. Notification of this amendment was published, posted and mailed individually in accordance with the requirements of ss. 91.10(3) and 66.1001(4), Wisconsin Statutes. Dane County is therefore requesting that the Department of Agriculture, Trade and Consumer Protection grant a certification contingent on final county board and county executive action.

Dane County's general zoning ordinance (Chapter 10, Dane County Code, adopted under s. 59.69, Wisconsin Statutes) includes the following certified farmland preservation zoning districts:

- A-1(exclusive agriculture) s.10.123, Dane County Code (certified by DATCP Docket Number 12-F-83-13-OMC through 12/31/2014)

Later this year, Dane County will seek to re-certify the county's A-1 (exclusive agriculture, s.10.123, Dane County Code); and to certify A-4 (small-acreage agriculture, s.10.129, Dane County Code) and the A-B (agricultural business, s.10.121, Dane County Code) districts as farmland preservation zoning

districts. Appropriate amendments to bring these districts and maps into compliance with s.91.38, Wis. Stats. will be complete in time to meet the statutory recertification deadline of December 31, 2014.

For more information or questions about this Farmland Preservation Plan certification submittal, please contact:

Brian Standing, Senior Planner
Room 116, City County Building
Madison, WI 53703
standing@co.dane.wi.us
(608) 267-4115

Sincerely,

Todd Violante, AICP
Director of Planning and Development

cc: Josh Wescott, Chief of Staff
Dave Gault, Assistant Corporation Counsel
Patrick Miles, Chair, Zoning and Land Regulations Committee

PART B: CERTIFICATION

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:¹

	<u>Page Reference²</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>pp. 51,52,55</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>p. 39</u>
▪ Municipal expansion	<u>p. 41, Map FPP 8</u>
▪ Economic growth	<u>p. 40</u>
▪ Business development	<u>p. 40</u>
▪ Housing	<u>p. 40</u>
▪ Utilities	<u>p. 47</u>
▪ Transportation	<u>p. 42, Map FPP 6</u>
▪ Communications	<u>p. 47</u>
▪ Community facilities and services	<u>p. 47</u>
▪ Energy	<u>p. 47</u>
▪ Waste management	<u>p. 48</u>
▪ Environmental preservation (may include a map of natural resource areas and environmental corridors).	<u>p. 48, Map FPP 9</u>

¹ 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.

² 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." If the citation refers to a town plan, cite the town plan (for example, 4 CP Town of Robin).

	<u>Page Reference</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>p. 6, Map FPP 1</u>
▪ Key agricultural resources, including available land, soil, and water resources.	<u>pp. 8-21, Maps FPP 2, FPP 3, FPP 4, FPP 9</u>
▪ Key infrastructure for agriculture, including key processing, storage, transportation and supply facilities.	<u>p. 20, Maps FPP 5, FPP 6</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>pp. 35-39</u>
▪ Anticipated changes in the nature, scope, location, and focus of agricultural production, processing, supply and distribution.	<u>p. 36</u>
▪ Actions that the county will take to preserve farmland and promote agricultural development.	<u>pp. 51, 52, 56</u>
▪ Key land use issues related to preserving farmland and promoting agricultural development, and plans for addressing those issues.	<u>pp. 6, 35, 56-69</u>
▪ Policies, goals, strategies and proposed actions to increase housing density in areas other than farmland preservation areas.	<u>p. 67</u>
4. The plan meets the following requirements for the designation of farmland preservation areas:	
▪ 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).	<u>p. 56, Map FPP 10</u>
▪ 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).	<u>p. 56</u>
▪ 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").	<u>Map FPP 10</u>
▪ 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.	<u>p. 56, Map FPP 10</u>

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

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 (or plan amendment), and certify that it meets the applicable requirements for certification as listed above:

Signed and certified this 16th day of July, 2014

By: 
County Corporation Counsel

Signed and certified this 15 day of JULY, 2014

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

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The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 2. Section 82.555 (2) is amended to read as follows:

Comprehensive Plan:

[EXPLANATION: This amendment amends the Dane County Farmland Preservation Plan to bring the plan map and text into compliance with Chapter 91, Wisconsin Statutes.]

NOTICE OF PUBLIC HEARING BY THE DANE COUNTY ZONING AND LAND REGULATION COMMITTEE

Notice is hereby given that a public hearing will be held in Room 201 of the City-County Building, Madison, Wisconsin at **7:00 p.m.** on Tuesday, August 26, 2014. Individuals interested in reviewing information related to these items should contact the Dane County Planning Division by phone at (608) 267-4115, or in person at 3rd Floor, 345 West Washington Avenue, Madison, WI 53703. Information is also available at: www.countyofdane.com/plandev/planning/news.aspx

1. **ORDINANCE AMENDMENT 2014 - 42:** Amending Chapter 82 of the Dane County Code of Ordinances, Amending the Dane County Farmland Preservation Plan.

PUBLISHED: Wisconsin State Journal
December 18, 2013
Zoning & Land Regulation Committee
Patrick Miles, Chair



DANE COUNTY PLANNING & DEVELOPMENT

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Zoning

(608)266-4266, Rm. 116

DATE 7/22/2014

TO: All Cities, Towns and Villages in Dane County
Adjacent Town, City, Village and County Clerks
Wisconsin Department of Administration
Capital Area RPC
Madison Public Library

CC: Roger Lane, Zoning Administrator
Todd Violante, Director of Planning and Development
Josh Wescott, Chief of Staff

RE: Public Hearing: Amending the Dane County Farmland Preservation Plan

In order to maintain Dane County's farmers for state Farmland Preservation tax credits, the Dane County Department of Planning and Development is working with the state Department of Agriculture, Trade and Consumer Protection to recertify Dane County's Farmland Preservation program under s. 91.38, Wisconsin Statutes. As part of that process the county is proposing minor amendments to the *Dane County Farmland Preservation Plan*. 2014 Ordinance Amendment 42 would make the following changes:

1. Text amendments to allow lands within Urban Service Areas to qualify as Farmland Preservation Areas if they are under an existing, recorded agricultural conservation easement, and;
2. Relatively minor Farmland Preservation Plan map amendments to:
 - o reflect the change in policy above;
 - o adjust plan district boundaries to better facilitate Farmland Preservation Zoning consistency, as required by s.91.38, Wis. Stats., and;
 - o bring the map into consistency with the *Dane County Comprehensive Plan* to reflect amendments resulting from Urban Service Area boundary changes approved by the Capital Area Regional Planning Commission.

More information, including the ordinance and plan text is available at Dane County's online Legislation Information System at the following link:

<https://dane.legistar.com/LegislationDetail.aspx?ID=1851696&GUID=7A6C3E85-BDB3-4329-8E2C-03329225A4AB&Options=ID|Text|&Search=>

The public hearing of the County Zoning and Land Regulation Committee on this item is scheduled for **August 26, 2014**. Please return any comments concerning the plan amendment to the Dane County Department of Planning and Development; Room 116, City-County Building; 210 Martin Luther King Jr. Blvd; Madison, WI 53703 by that date. Please feel free to contact me at (608) 267-4115, or by e-mail at standing@co.dane.wi.us with any questions, or if you would like to receive any of these materials in an alternate format.

Sincerely,

Brian Standing, Senior Planner

II. Non-Farm Planning Areas

A. Rationale for Designation

Non-Farm Planning Areas, as shown on the *Dane County Farmland Preservation Plan Map* (Map FPP-10), include areas in town, city, village or extraterritorial cooperative plans adopted as part of the *Dane County Comprehensive Plan* that are not planned for long-term agricultural use. Such areas do not meet the criteria for Farmland Preservation Areas described above, and are not eligible for Farmland Preservation tax credits or other benefits provided under Chapter 91, Wisconsin Statutes. Non-Farm Planning Areas include:

- Rural Development / Transitional or Mixed Agricultural / Residential Areas identified in town plans adopted as part of the *Dane County Comprehensive Plan*;
- Areas with insufficient regulatory or other policy mechanisms in place to effectively limit nonfarm development over the next twenty years, and;
- Urban Service Areas identified in the *Dane County Water Quality Plan*, [unless included in an Agricultural Conservation Easement, recorded as of July 23, 2012, that permanently preserves the land in agricultural use.](#)

B. Goals and Objectives for Non-Farm Planning Areas

Consistent with county, town, city, village or extraterritorial cooperative plans adopted as part of the *Dane County Comprehensive Plan*, the county will:

1. *Create or encourage compact, mixed-use development to avoid the conversion of agricultural or open space areas.*
2. *Maintain Dane County's rural character and preserve the distinct character and physical separation of Dane County communities.*
3. *Encourage separation of incompatible uses in rural areas.*
4. *Reduce scattered rural nonfarm development by encouraging clustering of rural development as part of a town farmland preservation strategy.*
5. *Promote the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.*
6. *Encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state government and utility costs.*
7. *Encourage future rural development to be compact, adjacent to existing development and consistent with county, town, city, village and extraterritorial cooperative planning policies.*

C. Policies and Programs for Non-Farm Planning Areas

Consistent with county, town, city, village or extraterritorial cooperative plans adopted as part of the *Dane County Comprehensive Plan*, the county will: