AGENDA

Eau Claire County Board of Supervisors Tuesday, December 1, 2015 / 7 pm

Location:

Courthouse, County Boardroom (Room 1277) 721 Oxford Ave. Eau Claire, WI

Eau Claire County Mission Statement:

"To provide quality, innovative and cost-effective services that safeguard and enhance the well-being of residents and resources"

- (1)
- Indicates 1st Reading Indicates 2nd Reading (2)
- 1. Call to Order
- 2. Honoring of the Flag

Moment of Reflection: Supervisor Paul Reck

- 3. Call of the Roll
- 4. Correction of the Journal of Proceedings (November 10, 2015) (pgs. 3-7)
- 5. **Unfinished Business**
- 6. **PUBLIC COMMENT PERIOD**
- 7. **REPORTS OF THE COUNTY BOARD UNDER RULE 32**
 - Conservation Award Presentations / by: Kelly Jacobs, Land Conservation Supervisor

Award Type	Recipient
Water Quality Leadership	Steve Maciosek
Special Recognition	Bears Glass Dairy & Dave Carlson
Conservation Farmers	Scott Graff
Land Judging	Cornell High School

UW - Extension / by: Erin LaFaive & Sara Donnerbauer, Directors

8. PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS

Correspondence: Email from the office of Representative Kathy Bernier RE: Eau Claire County Resolution #15-16/071 and Resolution #15-16/067 (pg. 8)

Correspondence: Letter from the office of Representative Warren Petryk RE: Eau Claire County Resolution #15-16/071 and Resolution #15-16/067 (pg.9)

9. PRESENTATION OF RESOLUTIONS OR ORDINANCES BY COMMITTEES OR MEMBERS **UNDER SUSPENSION OF THE RULES**

10. FIRST READING OF ORDINANCES AND RESOLUTIONS

File No.

15-16/060 (1) To Amend Section 18.77.010 of the Code: Jurisdiction; To Amend

Section 18.77.080 of the Code: Land Suitability; To Create Section

(pgs. 10-12) 18.81.035 of the Code: Reconfigurations

15-16/070 (1) To Amend Section 18.02.020 A. 5., 19., 54., 157. And 197 of the

Code: Definitions: to Renumber 6. Through 20. As 7. Through 21.,

and ... (pgs. 13-35)

11. REPORTS OF STANDING COMMITTEES AND SECOND READING

Committee on Human Resources

File No.

15-16/080 (1) Closing the Oxford Avenue Eau Claire County Government Center to

> the public on January 18, 2016, the observance of Martin Luther King's birthday; scheduling mandatory training for county employees

> > (pgs. 36-37)

12. REPORTS OF SELECT COMMITTEES AND SECOND READING

13. **REPORTS OF COMMISSIONS AND BOARDS UNDER RULE 16**

Chippewa Valley Regional Airport Commission

File No.

15-16/0095 (1) Granting a Utility Easement to AT&T Wisconsin at the Chippewa

> Valley Regional Airport (pgs. 38-39)

14. APPOINTMENTS, CONFIRMATIONS AND ELECTIONS BY THE BOARD

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, (FAX) 839-1669 or 839-4735, tty: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD OF SUPERVISORS

November 10, 2015

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Tuesday, November 10, 2015, and was called to order by Chair Gregg Moore at 7:00 p.m.

The Board honored the flag with the pledge of allegiance.

Moment of reflection was presented by Supervisor Colleen Bates.

Roll Call: 26 present: Supervisors Gary G. Gibson, Stella Pagonis, Katy Forsythe, Steve Chilson, Kevin Stelljes, Gordon C. Steinhauer, Mike Conlin, Ray L. Henning, Colleen A. Bates, Kathleen Clark, Jean D. Schlieve, Nick Smiar, Joel Mikelson, Gregg Moore, James A. Dunning, Gerald L. Wilkie, Bruce Willett, Mark Beckfield, Sue Miller, Robin J. Leary, John F. Manydeeds, Mark Olson, Tami Schraufnagel, Paul A. Lokken, Sr., Stephannie Regenauer, Patrick L. LaVelle

3 absent: Supervisors Paul Reck, Douglas Kranig, Corey S. Bauch

JOURNAL OF PROCEEDINGS (November 3, 2015)

On a motion by Supervisor Henning, seconded by Supervisor Willett, the Journal of Proceedings was approved.

REPORTS OF THE COUNTY BOARD UNDER RULE 32

The following written reports were presented to the Board:

- Alternate Care System Monthly Report for September 2015
- DHS Adult Mental Health Residential and Institutional Expenses for January-September 2015

PUBLIC HEARING ON THE ANNUAL BUDGET

Chair Moore declared the public hearing on the Proposed 2016 County Budget open.

The following individuals addressed the County Board:

The following persons spoke representing AIM court and drug court.

Judge Schumacher

Dr. Jennifer Bassett

Rachael Shramek

Isaiah Shramek

Larry Tischer

Jason Cornehl

Amanda Cornehl

Jessica Barker

Lynette Meier

Sarah Ferber

Terri Lorenz

The following persons spoke representing Lake Altoona and Lake Eau Claire Rehabilitation.

Paul Johnson

Larry Jankowski

Fred Poss

Marlo Orth

Glory Adams

Darryl Johnson

Elroy Johnson

Jim Rugowski representing medical management

Mark Bjerke representing medical management

^{*}Supervisor Kranig arrived shortly after roll call.

The following persons spoke representing the Sessions Street supportive home care.

Marie Michur

Sandy Fonfara

Sandy Westenberg

Dave Stratton representing Lutheran Social Services

Kim Carlo representing LSS Family Interactions

Shannon Grendzinski regarding alternatives to intensive mental health services

The following persons spoke representing Positive Avenues

Jean Minnich

Sue Howe

Emily Place

Kelly Christianson representing Beacon House

Kristine Parkins spoke regarding prevention

Mary Pica-Anderson spoke representing L.E. Phillips Senior Center

Kay Radlinger spoke representing Citizens Employment Training

On a motion by Supervisor Smiar, seconded by Supervisor Willett, the public hearing was declared closed.

The Board recessed for 15 minutes.

Chair Moore stepped down, and First Vice Chair Bates took over as budget deliberations began.

BUDGET DELIBERATIONS

Corporation Counsel Keith Zehms' memo which details the order of business for the annual budget meeting was presented to the Board.

Budget Committee Chair Supervisor Stella Pagonis, County Administrator Kathryn Schauf and Finance Director Scott Rasmussen presented an overview of the Proposed 2016 County Budget.

Vice Chair Bates went through the budget book by county departments.

Motion by Supervisor Conlin, seconded by Supervisor Manydeeds, for adjournment to reconvene on Wednesday, November 11, at 1:00 p.m. The motion was adopted.

Wednesday, November 11, 2015

The recessed meeting of the County Board of Supervisors was called to order on Wednesday, November 11, 2015 at 1:02 p.m. by Vice Chair Bates.

The Board, at the request of Supervisor Beckfield and Supervisor Gibson, observed a moment of silence in recognition of all veterans on this Veterans Day.

Roll Call: 25 present: Supervisors Gary G. Gibson, Stella Pagonis, Katy Forsythe, Steve Chilson, Kevin Stelljes, Gordon C. Steinhauer, Mike Conlin, Ray L. Henning, Colleen A. Bates, Kathleen Clark, Jean D. Schlieve, Nick Smiar, Joel Mikelson, Gregg Moore, James A. Dunning, Gerald L. Wilkie, Bruce Willett, Mark Beckfield, Sue Miller, Robin J. Leary, John F. Manydeeds, Mark Olson, Paul A. Lokken, Sr., Stephannie Regenauer, Patrick L. LaVelle

4 absent: Supervisors Paul Reck, Douglas Kranig, Corey S. Bauch, Tami Schraufnagel

*Supervisors Kranig and Schraufnagel arrived shortly after roll call.

The Board moved to the budget book for consideration of the 2016 Proposed Budget and all resolutions and ordinances pertaining thereto.

On a motion by Supervisor Clark, seconded by Supervisor Forsythe, an amendment was presented as follows: Remove \$26,000 from the proposed budget (page 16) for cost to increase personnel at Step 2 with 15 plus years of experience to Step 3.

Supervisor Conlin made a motion to approve this amendment with the contingency that it meet the approval of Human Resources and the Board but thereafter withdrew the motion.

On a roll call vote, the amendment was defeated as follows:

7 ayes: Supervisors Chilson, Bates, Clark, Mikelson, Beckfield, Lokken, LaVelle

20 noes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Stellies, Steinhauer, Conlin, Henning, Schlieve, Smiar, Moore, Dunning,

Wilkie, Willett, Miller, Leary, Manydeeds, Olson, Schraufnagel, Regenauer

2 absent: Supervisors Reck, Bauch

On a motion by Supervisor Wilkie, seconded by Supervisor Schlieve, an amendment was presented as follows:

Eliminate designating the \$26,000 for cost to increase personnel at Step 2 with 15 plus years of experience to Step 3 and leaving it for a future class/comp adjustment.

On a roll call vote, the amendment was adopted as follows:

14 ayes: Supervisors Gibson, Chilson, Stelljes, Bates, Clark, Schlieve, Smiar, Mikelson, Wilkie, Willett, Beckfield, Olson, Lokken, LaVelle

13 noes: Supervisors Kranig, Pagonis, Forsythe, Steinhauer, Conlin, Henning, Moore, Dunning, Miller, Leary, Manydeeds,

Schraufnagel, Regenauer

2 absent: Supervisors Reck, Bauch

On a motion by Supervisor LaVelle, seconded by Supervisor Clark, an amendment to page 361 in the budget book was presented as follows:

Reallocate from capital funding to the Parks and Forest Department as follows: Adjust the following items/costs:

Increase by \$85,000 for 1995 International flatbed truck. Decrease \$2,250 for Lake Eau Claire clubhouse painting. Decrease \$6,500 for new dock Lake Eau Claire. Decrease \$45,000 for park model building for Coon Fork ranger residence. Decrease \$5,000 for shingling of concession stand building at expo. Partial funding of \$22,750 from proceeds from 2015 natural gas project and \$3,500 from estimated sale value of 1995 International truck.

On a roll call vote, the amendment was unanimously adopted.

On a motion by Supervisor Leary, seconded by Supervisor Gibson, an amendment was presented as follows: Increase capital bond funding by \$197,500 for the Lake Altoona Rehabilitation Project for sedimentation trap maintenance and reconstruction and sedimentation data acquisition and upstream remediation.

A motion was made by Supervisor Stelljes, seconded by Supervisor Willett, to amend the amendment by adding the \$197,500 to the levy and not from capital bonding. The motion was subsequently withdrawn.

Supervisor Henning called the question to end discussion.

On a roll call vote, the amendment was adopted as follows:

26 ayes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Chilson, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Smiar, Mikelson, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Manydeeds, Olson, Schraufnagel, Lokken, Regenauer, LaVelle 1 no: Supervisor Stellies

2 absent: Supervisors Reck, Bauch

On a motion by Supervisor Olson, seconded by Supervisor Mikelson, an amendment was presented as follows: In the Department of Human Services budget (page 200), reinstate Lutheran Social Services to the 2015 rate resulting in \$34,079 being added to increase salary for a social worker at the Sessions Street group home. The funds will have to be found within the

Department of Human Services budget.

On a roll call vote, the amendment was adopted as follows:

22 ayes: Supervisors Gibson, Kranig, Forsythe, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Smiar, Mikelson, Moore, Dunning, Beckfield, Miller, Leary, Manydeeds, Olson, Lokken, Regenauer, LaVelle

5 noes: Supervisors Pagonis, Chilson, Wilkie, Willett, Schraufnagel

2 absent: Supervisors Reck, Bauch

On a motion by Supervisor Pagonis, seconded by Supervisor Moore, an amendment was presented as follows: Decrease library funding by \$309 with the new amount being \$656,878.

On a roll call vote, the amendment was adopted as follows:

26 ayes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Smiar, Mikelson, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Manydeeds, Olson, Lokken, Regenauer, LaVelle 0 noes

3 absent: Supervisors Reck, Bauch, Schraufnagel

On a motion by Supervisor Chilson, seconded by Supervisor Forsythe, an amendment was presented as follows:

Increase funding to be divided among Bolton Refuge House, Sojournor House and Interfaith Hospitality by \$500 with funding coming from his unspent money left over from supervisors' training budget at the end of the year.

Supervisor Smiar recused himself due to being on two of the stated boards and left the room.

The motioners later amended the amount to \$10,000 which is the balance in this account.

On a roll call vote, the amendment was adopted as follows:

25 ayes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Mikelson, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Manydeeds, Olson, Schraufnagel, Lokken, Regenauer, LaVelle 0 noes

4 absent: Supervisors Reck, Bauch, Smiar, Moore

On a motion by Supervisor Willett, seconded by Supervisor Leary, an amendment was presented as follows: Increase drug treatment court budget by \$58,800 with funds coming from the amount of savings gained when the county secured the

new health insurance plan.

On a roll call vote, the amendment was adopted as follows:

25 ayes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Mikelson, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Manydeeds, Olson, Schraufnagel, Lokken, Regenauer, LaVelle 0 noes

4 absent: Supervisors Reck, Bauch, Smiar, Moore

On a motion by Supervisor Willett, seconded by Supervisor Lokken, an amendment was presented as follows:

Fund \$70,000 from the health insurance savings to hire an employee in the health department to handle methamphetamine education. The motion was subsequently withdrawn.

The Board recessed for 10 minutes.

The Board proceeded with other items on the agenda.

PRESENTATION OF RESOLUTIONS OR ORDINANCES BY COMMITTEES UNDER SUSPENSION OF THE RULES

There were no objections to suspending the rules to consider the items under suspension.

Resolution 15-16/078 AUTHORIZING PAYMENT OF VOUCHERS OVER \$10,000 ISSUED DURING THE MONTH OF OCTOBER 2015

On a roll call vote, the resolution was adopted as follows:

25 ayes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Smiar, Mikelson, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Olson, Schraufnagel, Lokken, Regenauer, LaVelle 0 noes

4 absent: Supervisors Reck, Bauch, Moore, Manydeeds

Ordinance 15-16/069 AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE TOWN OF WASHINGTON

On a roll call vote, the ordinance was enacted as follows:

25 ayes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Smiar, Mikelson, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Olson, Schraufnagel, Lokken, Regenauer, LaVelle 0 noes

4 absent: Supervisors Reck, Bauch, Moore, Manydeeds

REPORTS OF STANDING COMMITTEES AND SECOND READING

Committee on Human Resources

Ordinance 15-16/050 TO AMEND SECTION 3.20.040 A. OF THE CODE: COUNTY BOARD COMMITTEE PER DIEMS; TO AMEND SECTION 3.20.080 A. OF THE CODE: AUTHORIZING PER DIEM COMPENSATION

Motion by Supervisor Miller, seconded by Supervisor Smiar for adoption.

On a roll call vote, the ordinance was enacted as follows:

25 ayes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Smiar, Mikelson, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Olson, Schraufnagel, Lokken, Regenauer, LaVelle 0 noes

4 absent: Supervisors Reck, Bauch, Moore, Manydeeds

The Board recessed for 10 minutes.

Report 15-16/072 REPORT OF THE COUNTY BOARD ON THE ALTERATION OF THE PROPOSED 2016 COUNTY BUDGET

Motion By Supervisor Smiar, seconded by Supervisor Willett for adoption.

On a roll call vote, the report was adopted as follows:

24 ayes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Smiar, Mikelson, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Olson, Schraufnagel, Regenauer, LaVelle 0 noes

5 absent: Supervisors Reck, Bauch, Moore, Manydeeds, Lokken

Resolution 15-16/077 REPORT OF THE COUNTY BOARD ESTABLISHING THE 2015 TAX LEVY FOR EAU CLAIRE COUNTY AT \$29,015,350; AUTHORIZING THE APPROPRIATIONS FOR THE CITY-COUNTY HEALTH DEPARTMENT OF \$1,125,600 TO BE LEVIED ON ALL PARTS OF THE COUNTY EXCEPT FOR THE CITY OF EAU CLAIRE; ESTABLISHING THE STATE TAX FOR FORESTRY PURPOSES AT \$1,272,785 AND OTHER SPECIAL STATE CHARGES AT \$0; AUTHORIZING THE APPROPRIATION FOR THE STATE TRUST FUND LOANS OF \$123,929 TO BE LEVIED ON ALL PARTS OF THE COUNTY; AUTHORIZING A COUNTY TAX FOR COUNTY AID TO BRIDGES AT \$50,000 TO BE CHARGED AGAINST ALL NONEXEMPT PARTS OF THE COUNTY; AUTHORIZING \$603 OF ONE-TIME LEVY FOR REFUNDED TAXES TO BE LEVIED ON ALL PARTS OF THE COUNTY; AUTHORIZING A COUNTY TAX OF \$656,878 FOR COUNTY LIBRARY SERVICES TO BE CHARGED AGAINST ALL NONEXEMPT TOWNSHIPS; AUTHORIZING A COUNTY SPECIAL CHARGE FOR INTERMUNICIPAL LIBRARY SERVICES AMOUNTING TO \$187,500 BASED ON CIRCULATION OF LIBRARY MATERIALS TO THE CITIES OF ALTOONA, AUGUSTA, EAU CLAIRE AND VILLAGE OF FALL CREEK AS INDICATED HEREIN

Motion by Supervisor LaVelle, seconded by Supervisor Conlin for adoption.

On a roll call vote, the resolution was adopted as follows:

24 ayes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Smiar, Mikelson, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Olson, Schraufnagel, Regenauer, LaVelle 0 noes

5 absent: Supervisors Reck, Bauch, Moore, Manydeeds, Lokken

The Board adjourned at 4:17 p.m.

anet Kloomis

Respectfully submitted,

Janet K. Loomis County Clerk

Janet Loomis

From:

Rep.Bernier < Rep.Bernier@legis.wisconsin.gov>

Sent:

Monday, November 09, 2015 2:57 PM

To:

Janet Loomis

Subject: Attachments: Resolutions 201511091432-1.pdf; 201511091432.pdf

Dear Ms. Loomis:

Thank you for sending the resolutions titled "IN OPPOSITION TO SENATE BILL 239 AND SENATE BILL 291", 15-16 071

"RECOMMENDING REVIEW OF HIGH CAPACITY WELL PERMIT REQUIREMENTS IN ORDER TO PROTECT WQTER
RESOURCES AND CITIZEN ACCESS TO THOSE RESOURCE" and "RESOLUTION TO REPEAL STATUTORY PROVISIONS
ENACTED IN THE STATE OF WISCONSIN 2015-2016 BUDGET CONCERNING SHORELAND ZONING STANDARDS (SECTIONS 1922an-1922L OF 2015 WISCONSIN ACT 55" from the Ear Claire County Board of Supervisors. I will take these resolutions under advisement.

Sincerely,

Rep. Kathy Bernier



NOV 2 5 2015

State Representative • 93rd Assembly District

November 20, 2015

Janet Loomis, Clerk
Eau Claire County
721 Oxford Ave, Suite 3350
Eau Claire, WI 54703

Dear Janet,

Thank you for sending me the Eau Claire County's resolutions "In Opposition to Senate Bill 239 and Senate Bill 291" and the resolution to "Repeal Statutory Provisions Enacted In The State Of Wisconsin 2015-2017 Budget Concerning Shoreland Zoning Standards".

SB 291 relating to approvals for high capacity wells, and shoreland zoneing, was proposed by Senator Cowles (R-Green Bay) and Representative Krug (R-Nekoosa). The bill has been referred to the Senate Committee on Natural Resources and Energy of which I am not a member. The Committee held a public hearing on the bill on October 13, 2015. I am not a co-sponsor of this legislation.

SB 239 relating to the replacement, reconstruction, and transfer of an approved high capacity well, was proposed by Senator Gudex (R-Fond du Lac) and was referred to the Senate Committee on Agriculture, Small Business and Tourism, of which I am not a member. The Committee held a public hearing on the bill on October 7, 2015. I am not a co-sponsor of this legislation.

As you know, changes to shoreland zoning standards were made in the budget which I voted against. It's unclear at this time if there would be the support in the current legislature to repeal what was put in the budget. I would be happy to share this resolution with our Assembly leadership.

Should SB 291 or SB 239 be brought before the full Assembly for a vote, I will certainly keep your views in mind.

Thank you again for contacting me.

93rd Assembly District

FACT SHEET

TO FILE NO. 15-16/060

The Committee on Planning and Development held a public hearing on November 24, 2015 to review ordinance 15-16/060 to amend Section 18.77.010 of the County Code: Jurisdiction; to amend Section 18.77.080 of the County Code: Land Suitability; and to create Section 18.81.035 of the County Code: Reconfigurations

The proposed ordinance amends the County Code to require prior review in the unincorporated areas of the county for the sale or exchange of land between adjoining landowners in order to determine whether the transaction would comply with minimum lot requirements, ownership and related assessing issues. The ordinance change will not only allow the county's Land Use Controls Division staff to determine whether the land exchange would comply with the minimum lot requirements but it will also aid the Land Information Division real property listing services. The real property lister will no longer have to create multiple parcels for assessing and taxes purposes. Thereby omitting the need for the local assessor to have to appraise and value possibly very small tracts of land. Future land transactions of the lands will have brief and concise legal descriptions for document preparation. Land owners will normally only receive one tax statement. Currently multiple assessing and tax statements are created and maintained.

After considering the staff's recommendation, the committee deliberated the matter and voted 4-0 to approve ordinance 15-16/060. No one spoke at the public hearing. Corporation Counsel has reviewed the proposed ordinance.

Respectfully submitted on behalf of the Committee on Planning and Development:

Matthew J Janiak, Surveyor Land Information Division **En** 2

- TO AMEND SECTION 18.77.010 OF THE CODE: JURISDICTION; TO AMEND SECTION 18.77.080 OF THE CODE: LAND SUITABILITY; TO CREATE SECTION 18.81.035 OF THE CODE: RECONFIGURATIONS -

The County Board of Supervisors of the County of Eau Claire does ordain as follows:

SECTION 1. That Section 18.77.010 of the code be amended to read:

18.77.010 Jurisdiction. These regulations shall apply to all land and water located in the unincorporated areas of the county. The provisions of this subtitle apply to all divisions of tracts of land, including divisions under land contract, <u>transfer of interest in land by will or court order, and sale or exchange of parcels of land between adjoining property owners</u>, into parcels anyone of which is less than a government protracted quarter-quarter section, and condominium developments. However, these regulations shall not apply to:

A. Transfers of interest in land by will or pursuant to court order;

B. Leases for a term not to exceed 10 years, mortgages, or easements;

C. Sale or exchange of parcels of land between adjoining property owners if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the zoning code or other applicable laws and ordinances.

SECTION 2. That Section 18.77.080 of the code be amended to read:

18.77.080 Land suitability.

A. All lots greater than one acre <u>and greater</u> in size shall have a minimum contiguous buildable area of at least <u>one-half (1/2)</u> three <u>quarter (3/4/)</u> of an acre; lots smaller than one acre shall have contiguous buildable area equal to the minimum lot size required by the zoning code. Floodplain elevations shall be determined by studies and maps prepared by the U.S. Department of Homeland Security or the Federal Insurance Administration. If no such data is available, the committee may require the subdivider to conduct those hydrologic studies necessary to determine floodplain elevations.

SECTION 3. That Section 18.81.035 of the code be created to read:

18.81.035 Reconfigurations.

 A. Existing parcels may be reconfigured in accordance with Wis. Stat. § 236.34. A CSM may be used to reconfigure no more than four (4) lots or outlots within a recorded subdivision, assessor's plat, or CSM, provided that the reconfiguration:

1. Does not result in a subdivision as defined by Wis. Stat. § 236.03(12);

 2. Creates parcels that comply with local ordinances, Wis. Stat. Ch. 236 minimum layout requirements, and, if served with private sewerage facilities, Wis. Admin. Code SPS 383 & 385:

3. Does not change areas previously dedicated to the public; or

4. Does not change a restriction or easement placed on the platted land.

B. All reconfigurations shall be detailed on a Certified Survey Map. Reconfigurations are subject to review by the Eau Claire County Department of Planning and Development.

SECTION 4. That Section 18.77.070 of the code be amended to read: 1 2 3 18.77.070 Variances. Where, in the judgement of the committee, it would be inappropriate to apply literally 4 the provisions of Chapters 18.82, 18.83 and 18.84 because exceptional or undue hardship would result, 5 the committee may waive or modify any requirement to the extent deemed just and proper. When such 6 relief is granted, it shall be without detriment to the public good, without impairment to the intent and 7 purpose of this subtitle. The committee shall cause to be recorded in its minutes such action and the 8 reasons therefor. 9 Where, in the judgement of the Planning and Development Department, that it would be B. 10 inappropriate to apply literally the provisions of Chapters 18.82, 18.83 and 18.84 to 18.77.010 Land 11 Suitability for transfer of interest in land by will or court order, and sale or exchange of parcels of 12 land between adjoining property owners and to 18.81.035 Reconfigurations because exceptional or 13 undue hardship would result, the Department may waive or modify any requirement to the extent 14 deemed just and proper. When such relief is granted, it shall be without detriment to the public good, 15 without impairment to the intent and purpose of this subtitle. The Department shall cause to be recorded 16 in its files such action and the reasons therefor and o fee shall be charged for the variance. 17 18 19 I hereby certify that the foregoing correctly represents the 20 ENACTED: action taken by the undersigned Committee on Planning & 21 Development by a vote of 4 for, against. 22 23 24 25 Planning & Development Committee, Chairperson 26 27 MJ:yk Dated this 24th day of November, 2015. 28

APPROVED BY CORPORATION COUNSEL AS TO FORM

give and conservations to be

FACT SHEET

TO FILE NO. 15-16/070

The purpose of the proposed amendments to Title 18 of the Eau Claire County Code of Ordinances is to incorporate text amendments consistent with the "Eau Claire County Farmland Preservation Plan 2015" and in compliance with Chapter 91 of the Wisconsin Statutes relating to the Farmland Preservation Program. In recognition of the importance the agricultural industry plays in its overall economic base, Eau Claire County adopted the Eau Claire County Farmland Preservation Plan and certified zoning district (A-1 Exclusive Agricultural) in 1983. Collectively, the plan and ordinance have served as the basis for preserving the county's most productive farmland from fragmentation and development; instilled sound conservation practices to protect our soils from erosion and surface waters from degradation; and allowed eligible landowners to collect nearly \$9 million in tax credits covering approximately 50,000 acres of farmland since the program's inception 30 years ago.

The "Working Lands Initiative" was approved by the legislature and signed into law as Act 28 in 2009 in response to changes throughout the agricultural industry and to better address the increased conversion rate of productive agricultural lands for development purposes. The Working Lands Initiative instituted numerous revisions to the farmland preservation program, including new requirements and provisions for certified farmland preservation zoning ordinances. The currently certified A-1 Exclusive Agricultural zoning ordinance is set to expire on December 31, 2015. This ordinance update is intended to fulfill the new statutory requirements of the Farmland Preservation Program in accordance with Chapter 91 of the Wisconsin Statutes to allow continued participation in the program.

The proposed code amendment consists of two actions. The first is to amend and add definitions to Chapter 18.02 of Title 18. The second action is to create Chapter 18.32 of the zoning code (the A-P Agricultural Preservation zoning district) which is specifically required under s. 91:30 of the Wisconsin Statutes.

Fiscal Impact: Although there is no direct fiscal impact to Eau Claire County, adoption and certification of the A-P Agricultural Preservation zoning district will allow eligible landowners to claim farmland preservation tax credits on an annual basis. Since the inception of the program in 1983, nearly \$9 million in tax relief has been provided to landowners within Eau Claire County.

Respectfully Submitted,

Hance Lurrey / A

Planning and Development Director

LJG/yk

Ordinance/15-16/070

- TO AMEND SECTION 18.02.020 A. 5., 19., 54., 157. AND 197 OF THE CODE: DEFINITIONS; TO RENUMBER 6. THROUGH 20. AS 7. THROUGH 21., AND 21. THROUGH 54. AS 23. THROUGH 56. AND 55. THROUGH 119. AS 59. THROUGH 123. AND 120. THROUGH 198. AS 126. THROUGH 232. OF THE CODE: DEFINITIONS; TO CREATE SECTION 18.02.020 A. 6., 22., 57., 58., 124., AND 125. OF THE CODE: DEFINITIONS; TO CREATE CHAPTER 18.32 OF THE CODE: A-P AGRICULTURAL PRESERVATION DISTRICT.

The County Board of Supervisors of the County of Eau Claire does ordain as follows:

SECTION 1. That paragraphs 5., 19., 54., 157. and 197. of Subsection A. of Section 18.02.020 of the code be amended to read:

5. "Agricultural related business" means a business which is operated from a property located in an agricultural district which services the local farm community through the repair or servicing of farm machinery or equipment or the sale of products that are grown on the property. The term agricultural related business includes a micro-winery. "Agricultural-related business" means a business or activity that is consistent with or secondary to the primary agricultural use of the property or that is an integral support service of agriculture as provided in Wis. Stat. ch. 91.

19. "Brew Pub" means a tavern, cocktail lounge, restaurant, grocery store, liquor store, or other similar retail business that includes a facility for production of 60,000 gallons or less per year of fermented malt beverages, as defined in Chapter 125 of the Wisconsin Statutes, that are sold for consumption on premises, or that are sold directly to the consumer as earry out items. "Brew Pub" means a facility for the production of 31,000 gallons or less per year of fermented malt beverages in accordance with Wis. Stat. § 125.295 in which a license to operate a restaurant has also been issued under Wis. Stat. § 97.30 on the same premises.

54. "Farm" means a tract of land producing \$6,000 or more of agricultural products which are sold or would normally be sold during a year. "Farm" means all contiguous land under common ownership that is primarily devoted to agricultural use.

157. "Restaurant" means a business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be consumed on the premises. "Restaurant" means any building, room or place at which the predominant activity is the preparation, service, or sale of meals to transients or the general public as defined in Wis. Stat. § 97.01(14g).

197. "Winery" means a facility for the production of wine, as defined in Chapter 125 of the Wisconsin Statutes, that are sold wholesale and/or off premises directly to retailers as authorized by statute. "Winery" means a facility for the production of fermented malt beverages that may be bottled, packaged, possessed, stored, sold, sampled, shipped, transported, delivered and/or consumed on premise in accordance with the provisions of Wis. Stat. § 125.53.

1	SECTION 2. That paragraphs 6. through 20. be renumbered to 7. through 21., 21.			
2	through 54. be renumbered to 23. through 56., 55. through 119. be renumbered to 59. through			
3.	123., and 120. through 198. be renumbered to 126. through 232.			
4	SECTION 3. That paragraphs 6., 22., 57., 58., 124., and 125. of Subsection A. of			
5	Section 18. 18.02.020 of the code be created to read:			
6	6. "Agri-tourism" means an educational or recreational activity that takes			
7	place on a farm, ranch, grove, or other place where agricultural, horticultural, or silvicultural			
8	crops are grown or farm animals or farmed fish are raised, and that allows visitors to tour,			
9	explore, observe, learn, participate in, or be entertained by an aspect of agricultural production, harvesting, processing, or husbandry that occurs on the farm, ranch, grove, or other place.			
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11	22. "Brewery premises" means all land and buildings used in the manufacture			
12 13	or sale of fermented malt beverages and covered by a permit issued under Wis. Stat. § 125.295			
14	57. "Farm consolidation" means farm structures and dwellings existing prior			
15	to the adoption of this ordinance and separated from a farm through acquisition or consolidation			
16	of farm land in order to be held under separate ownership from the remaining property.			
17	58. "Farm residence" means residences which include single-family or two			
18	family dwellings that are occupied by: an owner or operator of the farm, a parent or child of an			
19	owner or operator of the farm, or an individual who earns more than 50 percent of his or her			
20	grows income from the farm.			
21	124. "Nano-brewery" means a facility for the production of less than 10,000			
22	gallons of fermented malt beverages per year that may be bottled, packaged, possessed, stored,			
23	sold, shipped, transported, delivered and/or consumed on premise in accordance with the provisions of Wis. Stat. §125.29. A nano-brewery may operate a restaurant on the brewery			
24 25	provisions of wis. Stat. § 125.29. A hand-blewely may operate a restaurant on the premises as provided in Wis. Stat. § 125.29(6).			
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26	125. "Nano-winery" means a facility for the production of less than 10,000			
27	gallons of wine per year that may be bottled, packaged, possessed, stored, sold, sampled, shipped, transported, delivered and/or consumed on premise in accordance with the provisions of			
28 29	Wis. Stat. ch. 125.53. A nano-winery may also operate a restaurant on the winery premises in			
30	accordance with county and state permitting requirements.			
0.1	SECTION 4. That Chapter 18.32 of the code be created to read:			
31 32	SECTION 4. That Chapter 10.52 of the code to excuse at the			
33	<u>Chapter 18.32</u>			
34 35				
36	A-P AGRICULTURAL PRESERVATION DISTRICT			
37				
38 39	Sections:			
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1	18.32.001	Purpose.
2	18,32.010	Permitted principal uses.
3	18.32.015	Permitted principal structures.
4	18.32.020	Permitted accessory uses.
5	18.32.025	Permitted accessory structures.
6	18.32.030	Conditional uses.
7	18.32.035	Structures allowed under conditional use permits.
8	18.32.320	Standards for approval of conditional uses.
9	18.32.325	Notification of conditional uses.
10	18.32.050	Lot, height and yard requirements.
11	18.32.055	Standards for rezoning.
12	18.32.060	Notification of rezoning.

18.32.001 Purpose. The A-P Agricultural Preservation District is established to:

A. Preserve and protect those areas best suited for agricultural, forestry or open-space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;

B. Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;

C. Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;

D. Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;

E. Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;

- F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;
- G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and
- H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County's permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.

- 18.32.010 Permitted principal uses. The following principal uses are permitted in the A-P district:
- A. Agricultural use for the purpose of earning an income or livelihood such as: crop or forage production; keeping livestock; beekeeping; nursery or Christmas tree production; sod production; floriculture; silviculture; horticulture; orchards; paddocks; stabling and equestrian operations; aquaculture; viticulture; and enrolling land in a federal agricultural commodity payment program or federal or state agricultural land conservation payment program;
 - B. Farm residences and single family housing which existed prior to January 1,
- 2014; C. Livestock Facility:

- Not closer than 1,000 feet from a residential district; 1 1. The facility has an approved nutrient management plan; 2 2. Fencing or screening; and 3. 3 No structure shall be placed within 100 feet of any lot line, except when 4. 4 adjacent to A-P; the structure may then be placed 50 feet from a lot line. 5 Undeveloped open space land uses which may include environmentally sensitive 6 areas; and 7 Agriculture-related businesses which are consistent with or secondary to the 8 Ε. primary agricultural use of the property or that are an integral support service of agriculture, such 9 as: agricultural service and repair including welders and machinists; veterinarian services 10 primarily serving agricultural operations; livestock groomers or breeding services; direct sales of 11 agricultural-related products such as feed, seed, fertilizer, herbicides and pesticides; agri-tourism; 12 community-supported agricultural operations; direct marketing operations; u-pick operations; 13 livestock and commodity trucking services; and manure handling services. 14 15 18.32.015 Permitted principal structures. The following principal structures are permitted 16 in the A-P district: 17 Farm residences and non-farm single family dwellings which existed prior to 18 A. January 1, 2014; and 19 A building, structure, or improvement that is an integral part of, or incidental to, 20 an agricultural or agriculture-related use such as: barns, sheds, shops, parlors, silos, grain bins, 21 greenhouses, and stables. 22 23 18.32.020 Permitted accessory uses. The following accessory uses are permitted in the A-24 P district provided the use complies with Wis. Stat. § 91.01(1): 25 Storage of recreational or motor vehicles and agriculture equipment in accessory 26 A. structures that were in existence as of January 1, 2014 as specified under 18.23.035 B.; 27 Home occupations and home businesses, as provided in Chapter 18.23; 28 В. Seasonal sales of agricultural products primarily produced upon the premises; C. 29 A second housing unit for a parent or child of the owner or operator of the farm, D. 30 or persons earning more than 50% of his or her gross income on the farm; 31 Family day care homes; 32 E. The sale of crafts or related products which are incidental to the agricultural use F. 33 34 of the property; The rental of principal or secondary residences in existence on a farm as of G. 35 January 1, 2014 and no longer utilized in the operation of a farm; and 36 Non-commercial alternative energy facilities such as solar, wind energy, biofuels 37 and methane digesters. 38
 - 18.32.025 Permitted accessory structures. The following accessory structures are permitted in the A-P district:
 - A. Private garages, greenhouses and other similar accessory structures;
 - B. Private recreational structures, as allowed in Chapter 18.30;
 - C. Single family or two family dwellings that are either farm residences or non-farm single family dwellings which existed prior to January 1, 2014;
 - D. Produce stands;

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E. Seasonal structures which meet the criteria under 18.17.035 C.; and

F. One (1) on premise sign shall be allowed stating the name of the business, the owner/operator and the product being sold or service offered. The sign shall not exceed 24 sq. feet in area, shall be non-illuminated, and shall not be placed within a vision triangle.

- 18.32.030 Conditional uses. The following uses are conditional uses in the A-P district, and subject to the provisions of Chapter 18.21:
 - A. Temporary housing for seasonal farm help;

B. Sawmill operations;

- C. Game farms and the commercial raising of fur-bearing animals for the purpose of earning an income or livelihood or which comply with Wis. Stat. § 91.01(1), provided the following criteria are met:
 - 1. Not closer than 1,000 feet from a residential district;
 - 2. Animal waste handling plan;
 - 3. Fencing or screening; and
 - 4. No structure shall be placed within 100 feet of any lot line.
 - D. Governmental, institutional, religious or nonprofit community uses;
- E. Transportation, communications, pipeline, electric transmission, utility, or drainage uses not covered by Chapter 18.30;
- F. Agriculture-related businesses that may entail some level of processing or that are retail-oriented in nature, such as: nano-wineries or nano-breweries in which a significant portion of the agricultural inputs are produced on-site, slaughtering or meat processing for commercial purposes, agricultural equipment dealership, agriculturally-related supplies other than those listed in 18.32.010 D., sale of equestrian tack or related supplies, facilities for off-site storing or processing of agricultural products such as granaries or creameries, processing of agricultural wastes, and incidental use of agricultural structures or facilities for special events in accordance with 18.30.270;
- G. Cottage industries in accordance with 18.23.030, bed and breakfast operations in accordance with 18.30.150, or tourist rooming houses or retreats in accordance with 18.30.290, all of which are accessory to an agricultural use or conducted by the owner or operator of a farm consistent with Wis. Stat. § 91.01(1);
- H. Housing for more than two units when the person or family to be housed earns more than 50% of his or her gross income on the farm operation;
- I. Temporary asphalt and concrete batching or ready mix operations or concrete crushing provided they meet the following criteria:
- 1. The operation is used solely for a specific Wisconsin Department of Transportation project;
- 2. A restoration plan for the site is provided which describes or illustrates measures taken to restore the site to its original land use. The restoration plan will describe methods for establishing vegetative cover on all exposed soil;
- 3. The temporary concrete or asphalt batch plants shall be removed from the premises within 60 days of completion of project;
- 4. A storm water and erosion control plan in compliance with Chapters 17.05 and 17.06 shall be submitted to and approved by the land conservation division; and
- 5. The maximum area devoted for facility operations shall not be larger than 5 acres, including, but not limited to, the stockpiling of materials, equipment and vehicle storage, associated buildings, access roads, batch plants, storm water facilities and crushers.
- J. Nonmetallic mineral extraction in accordance with Wis. Stat. § 91.46(6) provided it complies with the following criteria:

- 1. The operation complies with Wis. Stat. ch. 295, subch. I and rules promulgated under that subchapter, with applicable provisions of the local ordinance under Wis. Stat. § 295.13 or 295.14, and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites;
- 2. The operation and its location in this zoning district are consistent with the purposes of the A-P Agricultural Preservation zoning district;
- 3. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law;
- 4. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use;
- 5. The operation does not significantly impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use; and
- 6. The farmland preservation zoning ordinance requires the owner to restore the land to agricultural use, consistent with any required locally approve reclamation plan, when extraction is completed.
- 18.32.035 Structures allowed under conditional use permits. In the A-P district, the following structures may be allowed under conditional use permits, issued pursuant to the provisions of Chapter 18.21:
 - A. Temporary structures for the purpose of housing for seasonal farm help;
 - B. Sawmills:

- C. Governmental structures for administration, police, fire and highway purposes; landfill site improvements; schools; parks and playgrounds;
 - D. Structures used for institutional, community nonprofit, or religious purposes;
 - E. Utility structures;
- F. Single family or two family dwellings that are either farm residences or non-farm single family dwellings which existed prior to January 1, 2014;
- G. Structures associated with temporary asphalt, concrete batch, ready mix operations, or concrete crushing operations;
- H. A building, structure, or improvement that is an integral part of, or incidental to, an agricultural-related business such as: barns, machinery sheds, shops, silos, grain bins, greenhouses, and residential structures; and
- I. Structures associated with nonmetallic mining operations permitted in conjunction with Chapters 18.28 and 18.34.
- 18.32.040 Standards for approval of conditional uses. When reviewing conditional use permit requests for the A-P district, the committee shall consider the following factors:
- A. The use and its location in the farmland preservation zoning district are consistent with the purposes of the A-P Agricultural Preservation zoning district;
- B. The use and its location in the A-P Agricultural Preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law;
- C. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use;
- D. The use does not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;

- Construction damage to land remaining in agricultural use is minimized and repaired, to the greatest extent feasible;
- The availability of local units of government to provide services without unreasonable burden; and
- The effect of the proposed use on water and air pollution, soil erosion, sedimentation and other possible environmental damage.

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- 18.32.050 Lot, height and yard requirements. The following lot, height and yard requirements are established for the A-P district:
 - Lot Size. A.
 - 1. The minimum lot size is 35 acres;
- The lot size for a farm residence or structure, which existed prior to the 2. adoption of the ordinance codified in this subtitle, or which is situated upon a parcel or lot separated and distinct from a principal parcel acquired through farm consolidation or acquisition, shall be a minimum of one acre with a maximum lot size of 5 acres; and
 - The minimum lot width shall be 150 feet. 3.
 - В. Height.
 - The maximum height of a residential structure shall be 35 feet; 1.
 - The maximum height of accessory structures shall be 25 feet; and 2.
 - Agricultural structures are exempt from the height requirements under 3.
 - C. Setbacks.

18.30.020 E.

- 1. The minimum highway setback shall be regulated under Chapter 18.22;
- The minimum side-yard setback for residential structures and private 2. garages shall be 20 feet, and for all other structures shall be 50 feet;
 - 3. The minimum rear-yard setbacks for all structures shall be 50 feet; and
 - No accessory structures shall be located within the required front yard. 4.
- Lot, Height and Yard Requirements for Conditional Uses. Lot, height and yard requirements shall be established at the time of conditional use permit approval, but in no case shall the minimum lot size be less than one acre.

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- 18.32.055 Standards for rezoning. Rezoning from the A-P district shall be based on findings which consider the following factors:
- The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses;
 - The rezoning is consistent with any applicable comprehensive plans; В.
- C. The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan; and
- The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

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18.32.060 Notification of rezoning. Eau Claire County shall by March 1 of each year provide a report to the Department of Agriculture, Trade and Consumer Protection indicating the number of acres that were rezoned out of a farmland preservation zoning district during the previous calendar year and a map that clearly shows the location of those acres.

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12		Committee on Planning & Development
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16	Dated this 24th day of November	, 2015.
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17 18 19	ORDINANCE/15-16.070	APPROVED BY
		CORPORATION COUNSEL AS TO FORM
		and the second s



Eau Claire County DEPARTMENT OF PLANNING AND DEVELOPMENT

Eau Claire County Courthouse, Rm. 3344
721 Oxford Avenue
Eau Claire, Wisconsin 54703-5212
(715) 839-4741

Housing Authority 839-6240

Emergency Management 839-4736

> Land Information 839-4742

Land Use Controls

Building Inspection 839-2944

Land Conservation 839-6226

> Planning 839-5055

To:

Town Board Members

From:

Lance J. Gurney, Director

CC:

Town Clerks

Date:

10/29/2015

Re:

Farmland Preservation Ordinance Amendment - UPDATE

Backdrop

This correspondence is being provided as a follow up to the October 21st memo and draft ordinance that was forwarded to you last week. As you may recall, the memo discussed (or outlined) the need to redraft and certify the A-1 Exclusive Agricultural zoning district in conjunction with the Farmland Preservation Plan update adopted in May of this year, which allows landowners to voluntarily participate in the program. The draft ordinance envisioned a repeal and recreate of the A-1 Exclusive Agricultural zoning district in accord with the current DATCP rules for the Farmland Preservation Program. However, that draft ordinance and communication may have been a little premature for several reasons discussed below.

Conflicts/Issues

During review of the draft earlier this week, staff from DATCP staff highlighted the difficulty in complying with Sec 91.38(1)(g) of the Wisconsin Statutes if it is Eau Claire County's intent to recertify the A-1 Exclusive Agricultural zoning district. Section 91.38(1)(g) provides that any area currently zoned as A-1 that has not been planned as a Preservation Area within the Eau Claire County Farmland Preservation Plan would either need to be rezoned out of the A-1 zoning district or would require an amendment to the recently certified and approved Farmland Preservation Plan and comprehensive plan maps (a copy of Chapter 91 is provided for your reference.) This could be especially problematic in areas that are identified as either "Transition" or "Excluded" within the Farmland Preservation Plan (consistent with areas identified as Rural Residential or Rural Commercial within comp plans).

To put this in context, it is estimated that approximately 1,826 acres of land within the Town of Washington (located within excluded areas) would need to be rezoned in order to comply with this statutory provision or would require both comprehensive plan and farmland preservation plan amendments so that the properties would be classified as Rural Lands (synonymous with Preservation Area with the FPP) within respective comprehensive plans. This may also necessitate the need to either amend the Intergovernmental Agreement between the Town and City of Eau Claire, or at a minimum require concurrence by the City's Plan Commission. In either case, it would be fairly challenging to communicate effectively with all parties in a very condensed period of time (by the end of this calendar year). Taking into account the remaining eight towns with county zoning, we estimate this acreage total could be as much as 6,500 acres of land, much of which is actively farmed today.



Modified Approach

As an alternative to the repeal and recreation of the existing A-1 district, County staff discussed the possibility of submitting an entirely new zoning district (the A-P Agricultural Preservation District) for certification to DATCP that would only be applied to properties that are currently zoned as A-1 and that are mapped as Preservation Areas (Rural Lands in comprehensive plans) within the Bau Claire County Farmland Preservation Plan. DATCP has verified that this approach complies with Sec. 91.38(1)(g) and therefore would be simpler certification process. Lands currently zoned A-1 and located within the "Excluded" or "Transition" areas would remain zoned A-1 and therefore would not conflict with Sec. 91.38(1)(g). After fully discussing this concept with DATCP, several key points were identified in support of this approach, including:

- Clean Break between Ordinances: The proposed zoning amendment provides a clean and concise break between the current certified farmland preservation ordinance and the new A-P Agricultural Preservation District. The current A1 Exclusive Agricultural District has been administered since 1983. The "clean Break" achieved by creating a new certified farmland preservation district (A-P) may help avoid confusion that could come with a rewrite of the A-1 ordinance.
- Participation and Tax Relief: Approximately 200 Eau Claire County
 property owner's participant in the Farmland Preservation Program.
 Annually, those participants receive roughly \$300,000 in Wisconsin Income
 tax relief. Farmers reinvest these dollars back into our local businesses to
 support their agricultural endeavors.
- Consistency: The A-P Agricultural Preservation District as proposed mirrors lands depicted as Preservation Areas in the County's Farmland Preservation Plan (FPP). The FPP was certified by DATCP and approved by the County Board earlier this year. This consistency will provide predictably with the administration of the A-P District moving forward by making determinations of eligibility for landowners simpler. In short, if a property is zoned as A-P, it is also mapped for preservation and therefore is eligible for participation in the Farmland Preservation Program.
- Maintain Relationships: This change will not impact the Intergovernmental Agreement, which is in place between the City of Eau Claire and the Towns of Union, Washington, Seymour, Pleasant Valley & Brunswick.
- Clean Up: Staff anticipates working with town officials to amend the A-1 Exclusive Agricultural District to create a district that perhaps better serves community interests. This may include amending minimum lot sizes and allowing additional land uses either as permitted or conditional uses. One idea worthy of discussion is whether the minimum lot area could be reduced to 10 acres, which could be used in conjunction with the City of Eau Claire's ETJ 10-acre minimum lot size provision.
- Sound & Logical Approach: Creating the A-P District is a reasonable, common sense approach to this somewhat complex problem with regard to the parcels zoned as A-1 but not mapped for preservation.



Bigger Picture

The Farmland Preservation Program is more than just a zoning and planning tool, it is part of a bigger system that promotes stewardship of lands, preserves productive farmland, reduce land use conflicts with non-farm uses, helps drive our economy, provides fresh and nutrient-rich nourishment to our residents, and helps to build the community. Just take a moment to consider these additional points:

Conservation - The compliance portions of the Farmland Preservation Program ensure the nutrient management provisions are being met and that the soil loss is controlled. This has a tremendous impact on our local landscapes in light of the fact that farmers own and manage more than 200,000 acres (roughly 50%) of all lands within Eau Claire County, including cropland, rangeland, pasture, tree farms, and woodlands.

Economic - The Farmland Preservation Program is one of several means to help promote economic vitality and sustainability to more than 1,000 small business owners in our County. With approximately 200 program participants on an annual basis, more than \$9 million in income tax relief has been provided since the inception of the program in 1983. This is important as it allows farmers to reinvest those dollars in their operations and as well as our local economies. According to statistics derived by the UW-Extension, the agricultural industry in Eau Claire County accounts for over 4,600 jobs, 13% of total business sales (\$1.12 billion), and about 8% (\$325 million) of the county's total income each year. Even more, every dollar of sales of agricultural products within Eau Claire County generates an additional \$.35 of business sales in other parts of the County's economy.

Fresh & Local — The local food movement is already strong and continues to grow in Eau Claire County. Farm to School, direct marketing, farmers markets, Community-Supported Agriculture (CSA) operations, community gardens, and niche farming are just some of the many efforts underway to increase the link between the agricultural community and the end consumer. We are all aware of the dairy, grain, meat and forestry products that are the main drivers of our agricultural economy. However, a report published by the UW-Extension entitled "Eau Claire County Agriculture: Value and Economic Impact" in 2011 highlighted the growing role horticulture (which includes Christmas trees, fruits and vegetables, greenhouse, nursery and floriculture products) plays in our local economy, with more than \$3 million in annual sales. According to the report, as consumer awareness of food contents and origin grow, this segment of the industry will continue to see significant increases in both local land use impact and economic activity.

Local support — Finally, as evidence of just how important agricultural is to Eau Claire County, you just have to look at the recent approval of the Agricultural Enterprise Area (AEA), called the Golden Triangle. One-hundred and forty-five landowners comprising more than 21,700 acres of land agreed to work cooperatively together to create this special zone as a way to foster collaboration between adjacent landowners and create a sense of certainty about the future of agriculture in a rapidly changing rural landscape. An AEA is an area where the local community has prioritized preservation of farmland and agricultural development. Designation of an agricultural enterprise area is a tool that the local community can use to help promote



the future viability of existing agricultural and agriculture-related land use. Once an area is officially designated as an AEA, eligible farmers owning land within the area may enter into a farmland preservation agreement with the state. This enables the landowners to receive tax credits in exchange for agreeing to keep their farm in agricultural use for at least 15 years.

Text and Official Zoning Map Amendments

In consideration of these key points, Eau Claire County is proposing to create a new zoning district, <u>A-P Agricultural Preservation District</u>, under Chapter 18.32. In addition, an amendment to the official zoning map converting lands currently zoned as A-1 that are mapped as Preservation Areas within the Eau Claire County Farmland Preservation Plan to the new A-P zoning district will be considered simultaneously. This draft is being provided to you in advance of a <u>Public Hearing</u> scheduled before the Planning and Development Committee as follows:

Tuesday, November 24th
6:00 p.m. in the
County Board Room,
721 Oxford Avenue,
Eau Claire, WI 54703

Please note, this is a change of both date and time as approved by the Planning and Development Committee from the previous schedule. Should the matter be recommended for approval to the County Board, the ordinance would be considered for first reading on December 1st with second (final) reading scheduled for December 15th. Should you have any questions or concerns, please feel free to contact me (Lance Gurney) either by email or phone. Again, thank you for your time and consideration of these proposed ordinance amendments.

Lance J. Gurney, Director
Department of Planning and Development
721 Oxford Avenue, Suite 3344
Eau Claire, WI 54703-5481
Voice: 715-839-1657
FAX 715-831-5802
E-mail: lance.gurney@co.eau-claire.wi.us

CHAPTER 91

FARMLAND PRESERVATION

	SUBCHAPTERI	91.42	Land use in farmland preservation zoning districts; general.
	DEFINITIONS AND GENERAL PROVISIONS	91.44	Permitted uses,
91.01	Definitions.	91,46	Conditional uses.
91.02	Rule making.	91.48	Rezoning of land out of a farmland preservation zoning district.
91,03	Intergovernmental cooperation.	91.50	Exemption from special assessments.
91,04	Department to report,		SUBCHAPTER IV
	SUBCHAPTER II		FARMLAND PRESERVATION AGREEMENTS
	FARMLAND PRESERVATION PLANNING	91,60	Farmland preservation agreements; general.
91.10	County plan required; planning grants.	91.62	Farmland preservation agreements; requirements.
91.12	Certified plan,	91,64	Applying for a farmland preservation agreement.
91.14	Expiration of plan certification.	91.66	Terminating a fermland preservation agreement,
91.16	Certification of plan by the department,	91,68	Violations of farmland preservation agreements,
91.18	Requirements for certification of plan.	91,70	Farmland preservation agreements; exemption from special assessments,
91.20	Applying for certification of plan.	, 21, 0	SUBCHAPTER V
	SUBCHAPTER III		,
	FARMLAND PRESERVATION ZONING	01.00	SOIL AND WATER CONSERVATION
91.30	Authority to adopt.	91.80	Soil and water conservation by persons claiming tax credits.
91.32	Certified ordinance,	91.82	Compliance monitoring.
91,34	Expiration of zoning certification,		· SUBCHAPTER VI
91.36	Certification of zoning ordinance by the department,		AGRICULTURAL ENTERPRISE AREAS
91,38	Requirements for certification of ordinance.	91.84	Agricultural enterprise areas; general.
91.40	Applying for certification of ordinance,	91.86	Agricultural enterprise area; petition.
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SUBCHAPTER I

DEFINITIONS AND GENERAL PROVISIONS

91.01 Definitions. In this chapter:

- (1) "Accessory use" means any of the following land uses on
- (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
- (b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - (c) A farm residence.
- (d) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full—time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- (e) Any other use that the department, by rule, identifies as an accessory use. $\dot{}$
- · (1m) "Agricultural enterprise area" means an area designated in accordance with s. 91.84.
 - (2). "Agricultural use" means any of the following:
- (a) Any of the following activities conducted for the purpose of producing an income or livelihood:
 - 1. Crop or forage production.
 - 2. Keeping livestock.
 - Beekeeping.
 - 4. Nursery, sod, or Christmas tree production.
 - 4m. Floriculture.
 - 5. Aquaculture.
 - 6. Fur farming.
 - 7. Forest management.
- Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (b) Any other use that the department, by rule, identifies as an agricultural use.

- (3) "Agriculture-related use" means any of the following:
- (a) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
- (b) Any other use that the department, by rule, identifies as an agriculture-related use.
 - (5) "Base farm tract" means one of the following:
- (a) All land, whether one parcel or 2 or more contiguous parcels, that is in a farmland preservation zoning district and that is part of a single farm on the date that the department under s. 91.36 (1) first certifies the farmland preservation zoning ordinance covering the land or on an earlier date specified in the farmland preservation zoning ordinance, regardless of any subsequent changes in the size of the farm.
- (b) Any other tract that the department by rule defines as a base farm tract.
- (6) "Certified farmland preservation plan" means a farmland preservation plan that is certified as determined under s. 91.12.
- (7) "Certified farmland preservation zoning ordinance" means a zoning ordinance that is certified as determined under s. 91.32.
- (8) "Chief elected official" means the mayor of a city or, if the city is organized under subch. I of ch. 64, the president of the council of that city, the village president of a village, the town board chairperson of a town, or the county executive of a county, or, if the county does not have a county executive, the chairperson of the county board of supervisors.
- (9) "Comprehensive plan" has the meaning given in s. 66.1001 (1) (a).
- (10) "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a political subdivision.
- (11) "County land conservation committee" means a committee created under s. 92,06 (1).
- (13) "Farm" means all land under common ownership that is primarily devoted to agricultural use.
 - (14) "Farm acreage" means size of a farm in acres.

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- (15) "Farmland preservation agreement" means any of the following agreements between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax credits;
- (a) A farmland preservation agreement or transition area agreement entered into under s. 91.13, 2007 stats., or s. 91.14, 2007 stats.
 - (b) An agreement entered into under s. 91.60 (1).
- (16) 'Farmland preservation area' means an area that is planned primarily for agricultural use or agriculture—related use, or both, and that is one of the following:
- (a) Identified as an agricultural preservation area or transition area in a farmland preservation plan described in s. 91.12 (1).
- (b) Identified under s. 91.10 (1) (d) in a farmland preservation plan described in s. 91.12 (2).
- (17) "Farmland preservation plan" means a plan for the preservation of farmland in a county, including an agricultural preservation plan under subch. IV of ch. 91, 2007 stats.
- (18) "Farmland preservation zoning district" means any of the following:
- (a) An area zoned for exclusive agricultural use under an ordinance described in s. 91.32 (1).
- (b) A farmland preservation zoning district designated under s, 91,38 (1) (c) in an ordinance described in s, 91,32 (2).
- (19) "Farm residence" means any of the following structures that is located on a farm:
- (a) A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - 1. An owner or operator of the farm.
 - 2. A parent or child of an owner or operator of the farm.
- 3. An individual who earns more than 50 percent of his or her gross income from the farm.
 - (b) A migrant labor camp that is certified under s. 103.92.
- (20) "Gross farm revenues" has the meaning given in s. 71.613 (1) (g).
- (20m) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- (21) "Nonfarm residence" means a single-family or multifamily residence other than a farm residence.
- (22) "Nonfarm residential acreage" means the total number of acres of all parcels on which nonfarm residences are located.
- (22m) "Overlay district" means a zoning district that is superimposed on one or more other zoning districts and imposes additional restrictions on the underlying districts.
- (23) "Owner" means a person who has an ownership interest in land.
- (23m) "Permitted use" means a use that is allowed without a conditional use permit, special exception, or other special zoning permission.
- (24) "Political subdivision" means a city, village, town, or county.
 - (25) "Prime farmland" means any of the following:
- (a) An area with a class I or class II land capability classification as identified by the natural resources conservation service of the federal department of agriculture,
- (b) Land, other than land described in par. (a), that is identified as prime farmland in a certified farmland preservation plan.
- (26) "Prior nonconforming use" means a land use that does not conform with a farmland preservation zoning ordinance, but that existed lawfully before the farmland preservation zoning ordinance was enacted.
- (27) "Protected farmland" means land that is located in a farmland preservation zoning district, is covered by a farmland

- preservation agreement, or is otherwise legally protected from nonagricultural development.
- (28) "Taxable year" has the meaning given in s. 71.01 (12). History: 2009 a, 28. Wisconsin's Working Lands: Securing Our Future. Matson. Wis. Law. Dec. 2009.
- 91.02 Rule making. (1) The department shall promulgate rules that set forth technical specifications for farmland preservation zoning maps under s. 91.38 (1) (d).
- (2) The department may promulgate rules for the administration of this chapter, including rules that do any of the following:
 - (a) Identify accessory uses under s. 91.01 (1) (e).
 - (b) Identify agricultural uses under s. 91.01 (2) (b).
 - (c) Identify agriculture-related uses under s. 91.01 (3) (b).
 - (d) Identify base farm tracts under s. 91.01 (5) (b).
- (e) Specify requirements for certification under s. 91.18 (1) (b).
- (f) Require information in an application for certification of a farmland preservation plan or amendment under s. 91,20 (4).
- (g) Specify types of ordinance amendments for which certification is required under s. 91.36 (8) (b) 3.
- (h) Specify exceptions to the requirement that land in a farmland preservation zoning district be included in a farmland preservation area under s. 91.38 (1) (g).
- (i) Specify requirements for certification of a farmland preservation zoning ordinance under s. 91.38 (1) (i).
- (j) Require information in an application for certification of a farmland preservation zoning ordinance or amendment under s. 91.40 (5).
- (k) Authorize additional uses in a farmland preservation zoning district under s. 91.42 (4).
- (L) Authorize additional uses as permitted uses in a farmland preservation zoning district under s. 91.44 (1) (g).
- (m) Authorize additional uses as conditional uses in a farmland preservation zoning district under s. 91.46 (1) (j).
- (p) Require information in an application for a farmland preservation agreement under s. 91.64 (2) (h).
- (r) Prescribe procedures for compliance monitoring under s. 91.82 (3).

History: 2009 a, 28; 2011 a, 253.

- 91.03 Intergovernmental cooperation. State agencies shall cooperate with the department in the administration of this chapter and in other matters related to the preservation of farmland in this state. State agencies shall, to the extent feasible, cooperate in sharing and standardizing relevant information, identifying and mapping significant agricultural resources, and planning and evaluating the impact of state actions on agriculture.
 - History: 2009 a. 28.
- 91.04 Department to report. At least once every 2 years, beginning not later than December 31, 2011, the department shall submit a farmland preservation report to the board of agriculture, trade and consumer protection and provide copies of the report to the department of revenue and the department of administration. The department shall prepare the report in cooperation with the department of revenue and shall include all of the following in the report:
- (1) A review and analysis of farmland availability, uses, and use trends in this state, including information related to farmland conversion statewide and by county.
- (2) A review and analysis of relevant information related to the farmland preservation program under this chapter and associated tax credit claims under subch. IX of ch. 71, including information related to all of the following:
- (a) Participation in the program by political subdivisions and
- (b) Tax credit claims by landowners, including the number of claimants, the amount of credits claimed, acreage covered by tax

- credit claims, the amount of credits claimed under zoning ordinances and under farmland preservation agreements, and relevant projections and trends.
- (c) The number, identity, and location of counties with certified farmland preservation plans.
- (d) Trends and developments related to certification of farmland preservation plans,
- (e) The number, identity, and location of political subdivisions with certified farmland preservation zoning ordinances.
- (f) Trends and developments related to certification of farmland preservation zoning ordinances.
- (g) The number, nature, and location of agricultural enterprise
- (h) The number and location of farms covered by farmland preservation agreements, including new farmland preservation agreements, and the number and location of farms for which farmland preservation agreements have expired.
- (i) Conservation compliance by landowners under s. 91,80 and compliance activities by county land conservation committees under s. 91,82,
- (j) Rezoning of land out of farmland preservation zoning districts under s. 91.48.
 - (k) Program costs, cost trends, and cost projections.
- (L) Key issues related to program performance and key recommendations, if any, for enhancing the program.

 History: 2009 a. 28; 2011 a. 32.

SUBCHAPTER II

FARMLAND PRESERVATION PLANNING

- 91.10 County plan required; planning grants. (1) By January 1, 2016, a county shall adopt a farmland preservation plan that does all of the following:
- (a) States the county's policy related to farmland preservation and agricultural development, including the development of enterprises related to agriculture.
- (b) Identifies, describes, and documents other development trends, plans, or needs, that may affect farmland preservation and agricultural development in the county, including trends, plans, or needs related to population and economic growth, housing, transportation, utilities, communications, business development, community facilities and services, energy, waste management, municipal expansion, and environmental preservation.
 - (c) 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 specialities, if any.
- Key agricultural resources, including available land, soil, and water resources.
- Key infrastructure for agriculture, including key processing, storage, transportation, and supply facilities.
- 4. 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.
- 5. Anticipated changes in the nature, scope, location, and focus of agricultural production, processing, supply, and distribution.
- Goals for agricultural development in the county, including goals related to the development of enterprises related to agriculture
- Actions that the county will take to preserve farmland and to promote agricultural development.
- 7m. Policies, goals, strategies, and proposed actions to increase housing density in areas that are not identified under par. (d).

- Key land use issues related to preserving farmland and to promoting agricultural development and plans for addressing those issues.
- (d) Clearly identifies areas that the county plans to preserve for agricultural use and agriculture—related uses, which 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.
- (dm) Describes the rationale used to determine which areas to identify under par. (d).
- (e) Includes maps that clearly delineate all areas identified under par. (d), so that a reader can easily determine whether a parcel is within an identified area.
- (f) Clearly correlates the maps under par. (e) with text that describes the types of land uses planned for each area on a map.
- (g) Identifies programs and other actions that the county and local governmental units within the county may use to preserve the areas identified under par. (d).
- (2) If the county has a comprehensive plan, the county shall include the farmland preservation plan in its comprehensive plan and shall ensure that the farmland preservation plan is consistent with the comprehensive plan. The county may incorporate information contained in other parts of the comprehensive plan into the farmland preservation plan by reference.
- (3) To adopt a farmland preservation plan under sub. (1), a county shall follow the procedures under s. 66.1001 (4) for the adoption of a comprehensive plan.
- (4) The department may provide information and assistance to a county in developing a farmland preservation plan under sub. (1).
- (5) A county shall notify the department before the county holds a public hearing on a proposed farmland preservation plan under sub. (1) or on any amendment to a farmland preservation plan. The county shall include a copy of the proposed farmland preservation plan or amendment in the notice. The department may review and comment on the plan or amendment.
- (6) (a) From the appropriation under s. 20.115 (7) (dm) or (tm), the department may award a planning grant to a county to provide reimbursement for up to 50 percent of the county's cost of preparing a farmland preservation plan required under sub. (1). In determining priorities for awarding grants under this subsection, the department shall consider the expiration dates for plan certification under s. 91.14.
- (b) The department shall enter into a contract with a county to which it awards a planning grant under par. (a) before the department distributes any grant funds to the county. In the contract, the department shall identify the costs that are eligible for reimbursement through the grant.
- (c) The department may distribute grant funds under this subsection only after the county shows that it has incurred costs that are eligible for reimbursement under par. (b). The department may not distribute more than 50 percent of the amount of a grant under this subsection for a farmland preservation plan before the county submits the farmland preservation plan for certification under s. 91.16.

History: 2009 a. 28.

- 91.12 Certified plan. The following farmland preservation plans are certified, for the purposes of this chapter and s. 71.613:
- (1) An agricultural preservation plan that was certified under s. 91,06, 2007 stats., if the certification has not expired,
- (2) A farmland preservation plan that was certified under s.. 91.16 if the certification has not expired or been withdrawn. History: 2009 a, 28.
- 91.14 Expiration of plan certification. (1) Except as provided under sub. (4), the certification of a farmland preservation plan that was certified under s. 91.06, 2007 stats., expires on the

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date provided in the certification or, if the certification does not provide an expiration date, on the following date:

- (a) December 31, 2011, for a county with an increase in population density of more than 9 persons per square mile.
- (b) December 31, 2012, for a county with an increase in population density of more than 3.75 but not more than 9 persons per square mile.
- (c) December 31, 2013, for a county with an increase in population density of more than 1.75 but not more than 3.75 persons per square mile.
- (d) December 31, 2014, for a county with an increase in population density of more than 0.8 but not more than 1.75 persons per square mile.
- (e) December 31, 2015, for a county with an increase in population density of not more than 0.8 person per square mile.
- (2) The certification of a farmland preservation plan that the department certifies under s. 91.16 expires on the date specified under s. 91.16 (2).
- (3) For the purposes of sub, (1), a county's increase in population density is the number by which the county's population per square mile based on the department of administration's 2007 population estimate under s. 16.96 exceeds the county's population per square mile based on the 2000 federal census.
- (4) The secretary of agriculture, trade and consumer protection may delay the date for the expiration of a county's farmland preservation plan for up to 2 years beyond the date under sub. (1) upon a written request from the county demonstrating to the secretary's satisfaction that a delay would allow the county to concurrently develop a farmland preservation plan and a comprehensive plan or an update to a comprehensive plan.

History: 2009 a. 28.

- 91.16 Certification of plan by the department. (1) GENERAL. The department may certify a farmland preservation plan or an amendment to a farmland preservation plan as provided in this section.
- (2) Certification Period. (a) The department may certify a farmland preservation plan for a period that does not exceed 10 years. The department shall specify the expiration date of the certification of the farmland preservation plan in the certification.
- (b) The certification of an amendment to a certified farmland preservation plan expires on the date that the certification of the farmland preservation plan expires, except that the department may treat a comprehensive revision of a certified farmland preservation plan as a new farmland preservation plan and shall specify an expiration date for the certification of the revised farmland preservation plan as provided in par. (a).
- (3) Score of department review. (a) The department may certify a county's fatuland preservation plan or an amendment to the fatuland preservation plan based on the county's certification under s. 91.20 (3), without conducting any additional review or audit.
- (b) The department may do any of the following before it certifies a county's farmland preservation plan or amendment:
- 1. Review the farmland preservation plan or amendment for compliance with $\mathbf{s}.\,91.18.$
- Review and independently verify the application for certification, including the statement under s. 91.20 (3).
- (4) DENIAL OF CERTIFICATION. The department shall deny a county's application for certification of a farmland preservation plan or amendment if the department finds any of the following:
- (a) That the farmland preservation plan or amendment does not comply with the requirements in s. 91.18.
- (b) That the application for certification does not comply with s, 91.20.
- (5) WRITTEN DECISION; DEADLINE. The department shall grant or deny an application for certification under this section no more

- than 90 days after the day on which the county submits a complete application, unless the county agrees to an extension. The department shall issue its decision in the form required by s. 227.47 (1).
- (6) CONDITIONAL CERTIFICATION. The department may grant an application for certification under this section subject to conditions specified by the department in its decision under sub. (5). The department may certify a farmland preservation plan or amendment contingent upon the county board adopting the farmland preservation plan or amendment as certified.
- (7) EFFECTIVE DATE OF CERTIFICATION. A certification under this section takes effect on the day on which the department issues its decision, except that if the department specifies conditions under sub. (6), the certification takes effect on the day on which the department determines that the county has met the conditions.
- (8) EFFECTIVENESS OF PLAN AMENDMENTS. For purposes of this chapter and s. 71.613, a certified farmland preservation plan does not include an amendment adopted after July 1, 2009, unless the department certifies the amendment.
- (9) WITHDRAWAL OF CERTIFICATION. The department may withdraw a certification that it granted under sub. (3) (a) if the department finds that the farmland preservation plan materially violates the requirements under s. 91.18.

History: 2009 a. 28.

- 91.18 Requirements for certification of plan. (1) A farmland preservation plan qualifies for certification under s. 91.16 if it complies with all of the following:
 - (a) The requirements in s. 91.10 (1) and (2).
- (b) Any other requirements that the department specifies by rule.
- (2) An amendment to a farmland preservation plan qualifies for certification under s. 91.16 if it complies with all of the requirements in sub. (1) that are relevant to the amendment and it does not cause the farmland preservation plan to violate any of the requirements in sub. (1).

History: 2009 a, 28.

- 91.20 Applying for certification of plan. A county seeking certification of a farmland preservation plan or amendment to a farmland preservation plan shall submit all of the following to the department in writing, along with any other relevant information that the county chooses to provide:
 - (1) The proposed farmland preservation plan or amendment,
 - (2) All of the following background information:
- (a) A concise summary of the farmland preservation plan or amendment, including key changes from any previously certified farmland preservation plan.
- (b) A concise summary of the process by which the farmland preservation plan or amendment was developed, including public hearings, notice to and involvement of other governmental units within the county, approval by the county, and identification of any key unresolved issues between the county and other governmental units within the county related to the farmland preservation plan or amendment.
- (c) The relationship of the farmland preservation plan or amendment to any county comprehensive plan.
- (3) A statement, signed by the county corporation counsel and the county planning director or chief elected official, certifying that the farmland preservation plan or amendment complies with all of the requirements in s. 91.18.
- (4) Other relevant information that the department requires by rule.

History: 2009 a. 28.

SUBCHAPTER III

FARMLAND PRESERVATION ZONING

- 91.30 Authority to adopt. A political subdivision may adopt and administer a farmland preservation zoning ordinance in accordance with s. 59.69, 60.61, 60.62, or 62.23.

 History: 2009 a. 28.
- 91.32 Certified ordinance. The following zoning ordinances are certified, for the purposes of this chapter and s. 71.613:
- (1) An exclusive agricultural use zoning ordinance that was certified under s. 91.06, 2007 stats., if the certification has not expired or been withdrawn.
- (2) A farmland preservation zoning ordinance that was certified under s. 91.36 if the certification has not expired or been withdrawn.

History: 2009 a, 28,

- 91.34 Expiration of zoning certification. (1) Except as provided under sub. (4), the certification of a farmland preservation zoning ordinance that was certified under s. 91.06, 2007 stats., expires on the date provided in the certification or, if the certification does not provide an expiration date, on the following date:
- (a) December 31, 2012, for a county with an increase in population density of more than 9 persons per square mile or a city, village, or town in such a county.
- (b) December 31, 2013, for a county with an increase in population density of more than 3.75 but not more than 9 persons per square mile or a city, village, or town in such a county.
- (c) December 31, 2014, for a county with an increase in population density of more than 1.75 but not more than 3.75 persons per square mile or a city, village, or town in such a county.
- (d) December 31, 2015, for a county with an increase in population density of more than 0.8 but not more than 1.75 persons per square mile or a city, village, or town in such a county.
- (e) December 31, 2016, for a county with an increase in population density of not more than 0.8 person per square mile or a city, village, or town in such a county.
- (2) The certification of a farmland preservation zoning ordinance that the department certifies under s. 91.36 expires on the date specified under s. 91.36 (2).
- (3) For the purposes of sub. (1), a county's increase in population density is the number by which the county's population per square mile based on the department of administration's 2007 population estimate under s. 16.96 exceeds the county's population per square mile based on the 2000 federal census.
- (4) The secretary of agriculture, trade and consumer protection may delay the date for the expiration of a political subdivision's farmland preservation zoning ordinance for up to 2 years beyond the date under sub. (1) upon a written request from the political subdivision demonstrating to the secretary's satisfaction that a delay would allow the political subdivision to concurrently develop a farmland preservation zoning ordinance and a comprehensive plan or an update to a comprehensive plan.

History: 2009 a. 28.

- 91.36 Certification of zoning ordinance by the department. (1) GENERAL. The department may certify a farmland preservation zoning ordinance or an amendment to a farmland preservation zoning ordinance as provided in this section.
- (2) Certification Period. (a) The department may certify a farmland preservation zoning ordinance for a period that does not exceed 10 years. The department shall specify the expiration date of the certification of the farmland preservation zoning ordinance in the certification.
- (b) The certification of an amendment to a certified farmland preservation zoning ordinance expires on the date that the certification of the farmland preservation zoning ordinance expires, except that the department may treat a comprehensive revision of a certified farmland preservation zoning ordinance as a new farmland preservation zoning ordinance are expiration date

- for the certification of the revised farmland preservation zoning ordinance as provided in par. (a).
- (3) Scope of department review. (a) The department may certify a farmland preservation zoning ordinance or amendment to a farmland preservation zoning ordinance based on statements submitted under s. 91.40 (3) and (4), without conducting any additional review or audit.
- (b) The department may do any of the following before it certifies a farmland preservation zoning ordinance or amendment:
- Review the farmland preservation zoning ordinance or amendment for compliance with the requirements under s, 91.38.
- 2. Review and independently verify the application for certification, including the statements under s. 91.40 (3) and (4).
- (4) Denial of Certification. The department shall deny an application for certification of a farmland preservation zoning ordinance or amendment if the department finds any of the following:
- (a) That the farmland preservation zoning ordinance or amendment does not comply with the requirements in s. 91.38.
- (b) That the application for certification does not comply with $s.\ 91.40.$
- (5) WRITTEN DECISION; DEADLINE. The department shall grant or deny an application for certification under this section no more than 90 days after the day on which the political subdivision submits a complete application, unless the political subdivision agrees to an extension. The department shall issue its decision in the form required by s, 227.47 (1).
- (6) CONDITIONAL CERTIFICATION. The department may grant an application for certification under this section subject to conditions specified by the department in its decision under sub. (5). The department may certify a farmland preservation zoning ordinance or amendment contingent upon the political subdivision adopting the farmland preservation zoning ordinance or amendment as certified.
- (7) EFFECTIVE DATE OF CERTIFICATION. A certification under this section takes effect on the day on which the department issues the certification, except that if the department specifies conditions under sub. (6), the certification takes effect on the day on which the department determines that the political subdivision has met the conditions.
- (8) AMENDMENTS TO ORDINANCES; CERTIFICATION. (a) Except as provided in par. (b), an amendment to a certified farmland preservation zoning ordinance is automatically considered to be certified as part of the certified farmland preservation zoning ordinance.
- (b) An amendment to a certified farmland preservation zoning ordinance that is one of the following and that is adopted after July 1, 2009, is not automatically considered to be certified:
- 1. An amendment that is a comprehensive revision of a certified farmland preservation zoning ordinance.
- An amendment that extends coverage of a certified farmland preservation zoning ordinance to a town that was not previously covered.
- 3. An amendment of a type specified by the department by rule that may materially affect compliance of the certified farmland preservation zoning ordinance with the requirements under s. 91.38.
- (c) The department may withdraw certification of a farmland preservation zoning ordinance if, as a result of an amendment adopted after July 1, 2009, the amended farmland preservation zoning ordinance fails to comply with the requirements under s. 91.38. This paragraph applies regardless of whether the farmland preservation zoning ordinance was originally certified under s. 91.06, 2007 stats., or under this section.
- (d) A political subdivision shall notify the department in writing whenever the political subdivision adopts an amendment that is described in par. (b) 1. to 3. to a certified farmland preservation zoning ordinance. The political subdivision shall include a copy

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of the amendment in the notice. This paragraph does not apply to an amendment that rezones land out of a farmland preservation zoning district.

History: 2009 a. 28.

91,36

- 91.38 Requirements for certification of ordinance. (1) A farmland preservation zoning ordinance does not qualify for certification under s. 91.36 unless all of the following apply:
- (a) The farmland preservation zoning ordinance includes jurisdictional, organizational, and enforcement provisions that are necessary for proper administration.
- (c) The farmland preservation zoning ordinance clearly designates farmland preservation zoning districts in which land uses are limited in compliance with s. 91.42.
- (d) The farmland preservation zoning ordinance includes maps that clearly delineate each farmland preservation zoning district, so that a reader can easily determine whether a parcel is within a farmland preservation zoning district; that are correlated to the text under par. (e); and that comply with technical specifications that the department establishes by rule.
- (e) The text of the farmland preservation zoning ordinance clearly describes the types of land uses authorized in each farmland preservation zoning district.
- (f) The farmland preservation zoning ordinance is substantially consistent with a certified farmland preservation plan.
- (g) Except as provided by the department by rule, land is not included in a farmland preservation zoning district unless the land is included in a farmland preservation area identified in the county certified farmland preservation plan.
- (h) If an overlay district, such as an environmental corridor, is superimposed on a farmland preservation zoning district, all of the following apply:
- The farmland preservation zoning ordinance clearly identifies the overlay district as such.
- 2. The overlay district is shown on the maps under par. (d) in a way that allows a reader to easily identify the underlying farmland preservation zoning district and its boundaries.
- The overlay district does not remove land use restrictions from the underlying farmland preservation zoning district.
- (i) The farmland preservation zoning ordinance complies with any other requirements that the department specifies by rule.
- (2) An amendment to a farmland preservation zoning ordinance qualifies for certification under s. 91.36 if it complies with all of the requirements in sub. (1) that are relevant to the amendment and it does not cause the farmland preservation zoning ordinance to violate any of the requirements in sub. (1).
- (3) The limits on land uses in farmland preservation districts under s, 91.42 are minimum standards for certification of a farmland preservation zoning ordinance under s. 91.36.

 History: 2009 a. 28.
- 91.40 Applying for certification of ordinance. A political subdivision seeking certification of a farmland preservation zoning ordinance or amendment to a farmland preservation zoning ordinance shall submit all of the following to the department in writing, along with any other relevant information that the political subdivision chooses to provide:
- (1) The complete farmland preservation zoning ordinance or amendment proposed for certification.
 - (2) All of the following background information:
- (a) A concise summary of the farmland preservation zoning ordinance or amendment, including key changes from any previously certified farmland preservation zoning ordinance.
- (b) A concise summary of the process by which the farmland preservation zoning ordinance or amendment was developed, including public hearings, notice to and involvement of other governmental units, approval by the political subdivision, and identification of any key unresolved issues with other governmental

units related to the farmland preservation zoning ordinance or amendment,

- (c) A description of the relationship of the farmland preservation zoning ordinance or amendment to the county certified farmland preservation plan, including any material inconsistencies between the farmland preservation zoning ordinance or amendment and the county certified farmland preservation plan.
- (3) A statement, signed by the county planning director or the chief elected official, certifying that the farmland preservation zoning ordinance or amendment complies with s. 91.38 (1) (f) and (g).
- (4) A statement, signed by the applicant's attorney or chief elected official, certifying that the farmland preservation zoning ordinance or amendment complies with all applicable requirements in s. 91.38.
- (5) Other relevant information that the department requires by rule,

History: 2009 a. 28; 2011 a. 258.

- 91.42 Land use in farmland preservation zoning districts; general. A farmland preservation zoning ordinance does not qualify for certification under s. 91.36, if the farmland preservation zoning ordinance allows a land use in a farmland preservation zoning district other than the following land uses:
 - (1) Uses identified as permitted uses in s. 91.44.
 - (2) Uses identified as conditional uses in s. 91.46.
- (3) Prior nonconforming uses, subject to s. 59.69 (10), 60.61 (5), or 62.23 (7) (h).
- (4) Other uses allowed by the department by rule. History: 2009 a. 28.
- 91.44 Permitted uses. (1) Except as provided in s. 84.01 (34), a farmland preservation zoning ordinance does not comply with s. 91.42 if the farmland preservation zoning ordinance allows as a permitted use in a farmland preservation zoning district a land use other than the following land uses:
 - (a) Agricultural uses.
 - (b) Accessory uses.
 - (c) Agriculture-related uses.
- (d) Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under s. 91.46 (1) (e).
 - (e) Undeveloped natural resource and open space areas.
- (f) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
 - (g) Other uses identified by the department by rule.
- (2) The department may promulgate rules imposing additional limits on the permitted uses that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with s. 91.42.

History: 2009 a. 28.

- 91.46 Conditional uses. (1) General. Except as provided in s. 84.01 (34), a farmland preservation zoning ordinance does not comply with s. 91.42 if the farmland preservation zoning ordinance allows as a conditional use in a farmland preservation zoning district a land use other than the following land uses:
 - (a) Agricultural uses.
 - (b) Accessory uses.
 - (c) Agriculture-related uses.
- (d) Nonfarm residences that qualify under sub. (2) or that meet more restrictive standards in the farmland preservation zoning ordinance.
- (e) Nonfarm residential clusters that qualify under sub. (3) or that meet more restrictive standards in the farmland preservation zoning ordinance.

- (f) Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under sub. (4).
- (g) Governmental, institutional, religious, or nonprofit community uses, other than uses covered by par. (f), that qualify under sub. (5).
- (h) Nonmetallic mineral extraction that qualifies under sub.
- (i) Oil and gas exploration or production that is licensed by the department of natural resources under subch, II of ch. 295.
 - (i) Other uses allowed by the department by rule.
- (1m) Additional Limitations. The department may promulgate rules imposing additional limits on the conditional uses that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with s. 91.42.
- (2) NONFARM RESIDENCES. A proposed new nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy qualifies for the purposes of sub. (1) (d) if the political subdivision determines that all of the following apply:
- (a) The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence.
- (b) There will not be more than 4 dwelling units in nonfarm residences, nor, for a new nonfarm residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.
- (c) The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:
- 1. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
- 2. Significantly impair or limit the current or future agricultural use of other protected farmland.
- (3) NONFARM RESIDENTIAL CLUSTER. A political subdivision may issue one conditional use permit that covers more than one nonfarm residence in a qualifying nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes of sub. (1) (e) if all of the following apply:
- (a) The parcels on which the nonfarm residences would be located are contiguous,
- (b) The political subdivision imposes legal restrictions on the construction of the nonfarm residences so that if all of the nonfarm residences were constructed, each would satisfy the requirements under sub. (2).
- (4) TRANSPORTATION, COMMUNICATIONS, PIPELINE, ELECTRIC TRANSMISSION, UTILITY, OR DRAINAGE USB. A transportation, communications, pipeline, electric transmission, utility, or drainage use qualifies for the purposes of sub. (1) (f) if the political subdivision determines that all of the following apply:
- (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal
- (c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
- (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

- (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (5) GOVERNMENTAL, INSTITUTIONAL, RELIGIOUS, OR NONPROFIT COMMUNITY USE. A governmental, institutional, religious, or nonprofit community use qualifies for the purposes of sub. (1) (g) if the political subdivision determines that all of the following apply:
- (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (6) NONMETALLICMINERAL EXTRACTION. Nonmetallic mineral extraction qualifies for the purposes of sub. (1) (h) if the political subdivision determines that all of the following apply:
- (a) The operation complies with subch. I of ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under s. 295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.
- (b) The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- (c) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
- (d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
- (e) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (f) The farmland preservation zoning ordinance requires the owner to restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.

History; 2009 a. 28.

- 91.48 Rezoning of land out of a farmland preservation zoning district. (1) A political subdivision with a certified farmland preservation zoning ordinance may rezone land out of a farmland preservation zoning district without having the rezoning certified under s. 91.36, if the political subdivision finds all of the following, after public hearing:
- (a) The land is better suited for a use not allowed in the farmland preservation zoning district.
- (b) The rezoning is consistent with any applicable comprehensive plan.
- (c) The rezoning is substantially consistent with the county certified farmland preservation plan.
- (d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (2) A political subdivision shall by March 1 of each year provide to the department a report of the number of acres that the political subdivision has rezoned out of a farmland preservation

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zoning district under sub. (1) during the previous year and a map that clearly shows the location of those acres.

- (3) A political subdivision that is not a county shall by March 1 of each year submit a copy of the information that it reports to the department under sub. (2) to the county in which the political subdivision is located.
- (4) If a political subdivision fails to comply with sub. (2), the department may withdraw the certification granted under s. 91.06, 2007 stats., or under s. 91.36 for the political subdivision's farmland preservation zoning ordinance.

History: 2009 a. 28; 2011 a. 32; 2011 a. 257 s. 56.

- 91.50 Exemption from special assessments. (1) Except as provided in sub. (3), no political subdivision, special purpose district, or other local governmental entity may levy a special assessment for sanitary sewers or water against land in agricultural use, if the land is located in a farmland preservation zoning district.
- (2) A political subdivision, special purpose district, or other local governmental entity may deny the use of improvements for which the special assessment is levied to land that is exempt from the assessment under sub. (1).
- (3) The exemption under sub. (1) does not apply to an assessment that an owner voluntarily pays, after the assessing authority provides notice of the exemption under sub. (1).

History: 2009 a. 28.

SUBCHAPTER IV

FARMLAND PRESERVATION AGREEMENTS

- 91.60 Farmland preservation agreements; general. (1) AGREEMENTS AUTHORIZED. The department may enter into a farmland preservation agreement that complies with s. 91.62 with the owner of land that is eligible under sub. (2).
- (2) ELIGIBLE LAND. Land is eligible if all of the following apply:
- (a) The land is operated as part of a farm that produced at least \$6,000 in gross farm revenues during the taxable year preceding the year in which the owner applies for a farmland preservation agreement or a total of at least \$18,000 in gross farm revenues during the last 3 taxable years preceding the year in which the owner applies for a farmland preservation agreement.
- (b) The land is located in a farmland preservation area identified in a certified farmland preservation plan.
- (c) The land is in an agricultural enterprise area designated under s. 91.84.
- (3) PRIOR AGREEMENTS. (a) Except as provided in par. (c) or s. 91.66, a farmland preservation agreement entered into before July 1, 2009, remains in effect for the term specified in the agreement and under the terms that were agreed upon when the agreement was last created, extended, or renewed.
- (b) The department may not extend or renew a farmland preservation agreement entered into before July 1, 2009.
- (c) The department and an owner of land who entered into a farmland preservation agreement before July 1, 2009, may agree to modify the farmland preservation agreement in order to allow the owner to claim the tax credit under s. 71.613 rather than the tax credit for which the owner would otherwise be eligible.

History: 2009 a, 28,

- 91.62 Farmland preservation agreements; requirements. (1) CONTENTS. The department may not enter into a farmland preservation agreement unless the agreement does all of the following:
 - (a) Specifies a term of at least 15 years.
- (b) Includes a correct legal description of the tract of land covered by the farmland preservation agreement.

- (c) Includes provisions that restrict the tract of land to the following uses;
 - 1. Agricultural uses and accessory uses.
 - 2. Undeveloped natural resource and open space uses.
- (2) FORM. The department shall specify a form for farmland preservation agreements that complies with s. 59.43 (2m).
- (3) BEFECTIVENESS. A farmland preservation agreement takes effect when it is signed by all owners of the land covered by the farmland preservation agreement and by the department.
- (4) RECORDING. The department shall provide a copy of a signed farmland preservation agreement to a person designated by the signing owners and shall promptly present the signed agreement to the register of deeds for the county in which the land is located for recording.
- (5) CHANGE OF OWNERSHIP. A farmland preservation agreement is binding on a person who purchases land during the term of a farmland preservation agreement that covers the land.

 History: 2009 a. 28.
- 91.64 Applying for a farmland preservation agreement. (1) SUBMITTING AN APPLICATION. An owner who wishes to enter into a farmland preservation agreement shall submit an application signed by the owner and each person required to be identified under sub. (2) (f), on a form provided by the department, to the county clerk of the county in which the land is located.
- (2) CONTENTS OF APPLICATION. A person submitting an application under sub. (1) shall include all of the following in the application:
- (a) The name and address of each person who has an ownership interest in the land proposed for coverage by the agreement.
- (b) The location of the land proposed for coverage, indicated by street address, global positioning system coordinates, or township, range, and section.
 - (c) The legal description of the land proposed for coverage.
- (d) A map or aerial photograph of the land proposed for coverage, showing parcel boundaries, residences and other structures, and significant natural features.
- (e) Information showing that the land proposed for coverage is eligible under s. 91.60 (2).
- (f) A description of every existing mortgage, easement, and lien, other than liens on growing crops, on land proposed for coverage, including the name and address of the person holding the lien, mortgage, or easement.
 - (h) Any other information required by the department by rule.
 - (i) Any fee under sub. (2m).
- (2m) COUNTY PROCESSING FEE. A county may charge a reasonable fee for processing an application for a farmland preservation agreement.
- (3) COUNTY REVIEW. (a) A county shall review an application under sub. (2) to determine whether the land proposed for coverage meets the requirements under s. 91.60 (2) (b) and (c). The county shall provide its findings to the applicant in writing within 60 days after the day on which the county clerk receives a complete application.
- (b) If the county finds under par. (a) that the land proposed for coverage meets the requirements under s. 91.60 (2) (b) and (c), the county shall promptly send all of the following to the department, along with any other comments that the county chooses to provide:
- 1. The original application, including all of the information provided with the application.
 - 2. A copy of the county's findings.
- (4) DEPARTMENT ACTION ON APPLICATION. (a) The department may prepare a farmland preservation agreement that complies with s. 91.62 and enter into the farmland preservation agreement under s. 91.60 (1) based on a complete application and on county findings under sub. (3) (b).

Updated 13-14 Wis. Stats.

- (b) The department may decline to enter into a farmland preservation agreement for any of the following reasons:
 - 1. The application is incomplete.
- 2. The land is not eligible land under s. 91.60 (2). History: 2009 a. 28; 2013 a. 20,
- 91.66 Terminating a farmland preservation agreement. (1) The department may terminate a farmland preservation agreement or release land from a farmland preservation agreement at any time if all of the following apply:
- (a) All of the owners of land covered by the farmland preservation agreement consent to the termination or release, in writing.
- (b) The department finds that the termination or release will not impair or limit agricultural use of other protected farmland.
- (c) The owners of the land pay to the department, for each acre or portion thereof released from the farmland preservation agreement, a conversion fee equal to 3 times the per acre value, for the year in which the farmland preservation agreement is terminated or the land is released, of the highest value category of tillable cropland in the city, village, or town in which the land is located, as specified by the department of revenue under s. 73.03 (2a).
- (1m) All conversion fees received under sub. (1) (c) shall be deposited in the working lands fund.
- (2) The department shall provide a copy of its decision to terminate a farmland preservation agreement or release land from a farmland preservation agreement to a person designated by the owners of the land and shall present a copy of the decision to the register of deeds for the county in which the land is located for recording. History: 2009 a. 28.

- 91.68 Violations of farmland preservation agreements. (1) The department may bring an action in circuit court to do any of the following:
 - (a) Enforce a farmland preservation agreement.
- (b) Restrain, by temporary or permanent injunction, a change in land use that violates a farmland preservation agreement.
- (c) Seek a civil forfeiture for a change in land use that violates a farmland preservation agreement.
- (2) A forfeiture under sub. (1) (c) may not exceed twice the fair market value of the land covered by the agreement at the time of the violation.

History: 2009 a. 28.

- 91.70 Farmland preservation agreements; exemption from special assessments. (1) Except as provided in sub. (3), no political subdivision, special purpose district, or other local governmental entity may levy a special assessment for sanitary sewers or water against land in agricultural use, if the land is covered by a farmland preservation agreement.
- (2) A political subdivision, special purpose district or other local governmental entity may deny the use of improvements for which the special assessment is levied to land that is exempt from the assessment under sub. (1).
- (3) The exemption under sub. (1) does not apply to an assessment that an owner voluntarily pays, after the assessing authority provides notice of the exemption under sub. (1).

History: 2009 a. 28.

SUBCHAPTER V

SOIL AND WATER CONSERVATION

91.80 Soil and water conservation by persons claiming tax credits. An owner claiming farmland preservation tax credits under s. 71.613 shall comply with applicable land and water conservation standards promulgated by the department

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under ss. 92.05 (3) (c) and (k), 92.14 (8), and 281.16 (3) (b) and

History: 2009 a. 28.

- 91.82 Compliance monitoring. (1) COUNTY RESPONSIBIL-ITY. (a) A county land conservation committee shall monitor compliance with s. 91.80,
- (b) For the purpose of par. (a), a county land conservation committee shall inspect each farm for which the owner claims farmland preservation tax credits under subch, IX of ch. 71 at least once
- (c) For the purpose of par. (a), a county land conservation committee may do any of the following:
- 1. Inspect land that is covered by a farmland preservation agreement or farmland preservation zoning and that is in agricultural use.
- 2. Require an owner to certify, not more than annually, that the owner complies with s. 91.80.
- (d) At least once every 4 years, the department shall review each county land conservation committee's compliance with par. (b).
- (2) NOTICE OF NONCOMPLIANCE. (a) A county land conservation committee shall issue a written notice of noncompliance to an owner if the committee finds that the owner has done any of the
 - 1. Failed to comply with s. 91.80.
 - 2. Failed to permit a reasonable inspection under sub. (1) (c)

1.

- 3. Failed to certify compliance as required under sub. (1) (c)
- (b) A county land conservation committee shall provide to the department of revenue a copy of each notice of noncompliance issued under par. (a).
- (c) If a county land conservation committee determines that an owner has corrected the failure described in a notice of noncompliance under par. (a), it shall withdraw the notice of noncompliance and notify the owner and the department of revenue of the withdrawal.
- (3) PROCEDURE. The department may promulgate rules prescribing procedures for the administration of this section by land conservation committees.

History: 2009 a. 28.

SUBCHAPTER VI

AGRICULTURAL ENTERPRISE AREAS

- 91.84 Agricultural enterprise areas; general. (1) Des-IGNATION. (a) 1. The department may by order designate agricultural enterprise areas targeted for agricultural preservation and development,
- 2. The department may by order modify or terminate the designation of an agricultural enterprise area.
- (b) The department may designate agricultural enterprise areas with a combined area of not more than 2,000,000 acres of land.
- (e) The department may not designate an area as an agricultural enterprise area unless all of the following apply:
- 1. The department receives a petition requesting the designation and the petition complies with s. 91.86.
- 3. The parcels in the area are contiguous. Parcels that are only separated by a lake, stream, or transportation or utility rightof-way are contiguous for the purposes of this subdivision.
- 4. The area is located entirely in a farmland preservation area identified in a certified farmland preservation plan.
 - 5. The land in the area is primarily in agricultural use.
- (f) In designating agricultural areas under this subsection, the department shall give preference to areas that include at least 1,000 acres of land.

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- (1m) Publication of order. The department shall publish a notice of an order designating, modifying, or terminating an agricultural enterprise area, including a general description of the towns affected by the order, in the official state newspaper.
- (2m) EFFECTIVENESS OF PRIOR DESIGNATIONS. A rule designating an agricultural enterprise area under s. 91.84 (2), 2009 stats., remains in effect until December 31, 2012.
- (3) EFFECT OF DESIGNATION. The designation of an area under sub. (1) allows owners of eligible land within the area to enter into farmland preservation agreements with the department. If the department modifies or terminates the designation of an area under sub. (1) and that modification or termination results in land covered by a farmland preservation agreement no longer being located in a designated area, the farmland preservation agreement remains in effect for the remainder of its term, but the department may not extend or renew the farmland preservation agreement.
- (4) MAP. In an order designating an agricultural enterprise area, the department shall include a map that clearly shows the boundaries of the proposed agricultural enterprise area so that a reader can easily determine whether a parcel of land is located within the agricultural enterprise area. The department shall make the map available on its Internet site.
- (5) EFFECTIVE DATE OF ORDERS. The designation of an agricultural enterprise area takes effect on January 1 of the calendar year following the year in which the order designating the area is published, unless the order specifies a later effective date. An order modifying or terminating the designation of an agricultural enterprise area takes effect upon publication under sub. (1m).

History: 2009 a, 28; 2011 a, 253; 2013 a, 352.

- 91.86 Agricultural enterprise area; petition. (1) Definition. In this section, "eligible farm" means a farm that produced at least \$6,000 in gross farm revenues during the taxable year preceding the year in which a petition is filed requesting the department to designate an area in which the farm is located as an agricultural enterprise area or a total of at least \$18,000 in gross farm revenues during the 3 taxable years preceding the year in which a petition is filed.
- (2) Petitioners. (a) The department may consider a petition requesting that it designate an area as an agricultural enterprise area if all of the following jointly file the petition:

- 1. Each political subdivision in which any part of the proposed agricultural enterprise area is located.
 - 2. Owners of at least 5 eligible farms located in the area.
- (b) Bach petitioner under par. (a) who is an individual shall sign the petition. For a petitioner that is not an individual, an authorized officer or representative shall sign the petition.
- (3) CONTENTS OF PETITION. (a) The department may not approve a petition requesting that it designate an area as an agricultural enterprise area unless the petition contains all of the following:
- 1. The correct legal name and principal address of each petitioner.
- A summary of the petition that includes the purpose and rationale for the petition.
- 3. A map that clearly shows the boundaries of the proposed agricultural enterprise area so that a reader can easily determine whether a parcel of land is located within the proposed area.
- 4. Information showing that the proposed agricultural enterprise area meets the requirements under s. 91.84 (1) (e).
- 5. A clear description of current land uses in the proposed agricultural enterprise area, including current agricultural uses, agriculture—related uses, transportation, utility, energy, and communication uses, and undeveloped natural resource and open space uses.
- 6. A clear description of the agricultural land use and development goals for the proposed agricultural enterprise area, including proposed agricultural uses, agriculture—related uses, and relevant transportation, utility, energy, and communication uses.
- 7. A plan for achieving the goals under subd. 6., including any planned investments, grants, development incentives, cooperative agreements, land or easement purchases, land donations, and promotion and public outreach activities.
- 8. A description of any current or proposed land use controls in the proposed agricultural enterprise area, including farmland preservation agreements.
- (b) Petitioners under sub. (2) may include in the petition the names and addresses of other persons who propose to cooperate in achieving the goals under par. (a) 6.

History: 2009 a. 28, 276.

FACT SHEET TO FILE NO. 15-16/080

At its November 13, 2015, meeting the Committee Human Resources reviewed and approved the attached resolution requesting that the courthouse close for in-service training on Monday, January 18, 2016.

The Human Resources Department utilizes this day to provide a variety of mandated and non-mandated training programs to county employees and allows for completion of numerous in-services done all in a one-day period for county staff instead of being spread throughout the year resulting in interrupted work schedules.

Respectfully submitted,

Heather M. Murray

Human Resources Director

/hm

-CLOSING THE OXFORD AVENUE EAU CLAIRE COUNTY GOVERNMENT CENTER TO THE PUBLIC ON JANUARY 18, 2016, THE OBSERVANCE OF MARTIN LUTHER KING'S BIRTHDAY; SCHEDULING MANDATORY TRAINING FOR COUNTY EMPLOYEES-

WHEREAS, the birthday of Martin Luther King, Jr., will be observed on January 18, 2016, by the federal and state governments, resulting in the closing of circuit courts and no mail delivery on such date; and,

WHEREAS, January 18, 2016, is a convenient workday to provide a variety of mandated and non-mandated training and other in-service programs to county employees allowing for a completion of numerous in-services done all in a one-day period for county staff, instead of being spread throughout the year resulting in interrupted work schedules; and,

WHEREAS, training for Sergeants, Deputies, and Correctional Officers in the Sheriff's Department; Juvenile Detention Workers in the Juvenile Detention Center, Highway Department laborer employees; and Parks and Forest laborer employees shall not be required to attend the training on January 18, 2016, except for support staff employees in these departments who shall attend; and,

NOW, THEREFORE, BE IT RESOLVED by the Eau Claire County Board of Supervisors that on January 18, 2016, the Oxford Avenue Eau Claire County Government Center shall be closed to the public and a variety of mandated and non-mandated training shall be offered to certain county employees.

COMMITTEE COMMITTEE COMMITTEE COMMITTEE ON HUMAN RESOURCES

hay of November, 2015.

FACT SHEET TO FILE NO. 15-16/095

Granting an Easement to AT&T- Wisconsin

AT&T —Wisconsin has approached the Chippewa Valley Regional Airport Commission about adding additional fiber optic service to the airport facilities for airport tenant United Airlines . United Airlines entered into an agreement with AT&T — Wisconsin to install fiber optic service to its facilities at the airport. In order to install fiber optic services AT&T — Wisconsin will need to lay a new fiber optic line from their exiting line on Starr Ave., across airport property to the airport terminal. Once the new fiber optic line is installed AT&T indicates that it intends to make it service available to other tenants within the airport.

In order for AT&T Wisconsin to place a new line across airport property, Eau Claire County will need to grant an easement to AT&T —Wisconsin for the new fiber optic line. This resolution grants the easement along a swath of land 5 feet wide, for one dollar and other valuable consideration, from Starr Ave. to the airport terminal.

The Chippewa Valley regional Airport Commission approved granting this easement by a 6-0 vote at its meeting on November 20, 2015.

- GRANTING A UTILITY EASEMENT TO AT&T-WISCONISN AT THE CHIPPEWA VALLEY REGIONAL AIRPORT -

WHEREAS, United Airlines is an airline providing passenger service to the Chippewa Valley regional Airport, hereinafter "CVRA," and seeks to enhance its communication abilities by adding a fiber optic line to its facilities at the CVRA, and has entered into a contract with AT&T — Wisconsin for their facility at the airport; and,

WHEREAS, once installed, the fiber optic line will provide additional fiber optic service to the airport; and,

WHEREAS, AT&T- Wisconsin will need to install a fiber optic line from Starr Avenue to the Airport Terminal crossing CVRA airport property in a Five (5) foot wide easement area more fully described in Exhibit "A" of the attached Easement; and

NOW THEREFORE BE IT RESOLVED, The Chippewa Valley Regional Airport and the Eau Claire County Board of Supervisors for one dollar and other valuable consideration does hereby grant to AT&T – Wisconsin a 5 foot wide easement more fully described in Exhibit "A" of the attached Easement for the purpose of installing fiber optic cable and facilities necessary for transmission of signals used in communication, video and/or information services as more fully described in the easement.

BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs and authorizes the Eau Claire County Clerk to execute said easement on behalf of Eau Claire County.

Approved on vote of 6-0, on November 20, 2015,

Riek Bowe, Chair

Chippewa Valley Regional Airport Commission

15-16/095

APPROVED BY CORPORATION COUNSEL AS TO FORM