

# **Windsor AEA**

**Dane County  
Town of Windsor**

# 1. What are the agricultural land use and development goals of the Windsor AEA?

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## (a) Background:

- (1) The Town of Windsor, Dane County, Wisconsin ("Windsor") has earned a statewide reputation for sound, thoughtful land use planning, farmland preservation and protection of invaluable conservancy areas. Like many suburban areas, Windsor, with a population of 6,000, is a complex community, a carefully balanced mix of planned, concentrated non-agricultural residential and commercial neighborhoods, together with a large farmland preservation district. As demonstrated in this application, Windsor takes farmland preservation very seriously and seeks for its core farming area designation as an Agricultural Enterprise Area ("AEA") in order to provide additional preservation tools to keep production agriculture viable.
- (2) The *Town of Windsor Comprehensive Plan: 2025* (adopted September 7, 2006) precisely states the primary goal for the area proposed as the Windsor AEA:

"Ensure the long-term continuation of agricultural uses east of U.S. Hwy. 51 and north of Windsor Road. Because of their incompatibility with non-agricultural uses, production agriculture and open space uses are recognized as the highest/best uses in this area . . ." Pg. 56, *Windsor Comprehensive Plan: 2025*.

## (b) The Link Between Windsor and State Farmland Preservation Goals:

- (1) According to the report *Dane County Farms & Neighborhoods: Saving the County, Saving the City*, prepared by the University of Wisconsin Center for Cooperatives, Dane County is one of the most productive agricultural counties in Wisconsin, but at the same time it is in the third most threatened farming area in the nation due to the rapid pace of development in the County. Windsor is "ground zero" in this struggle, an area of exceptionally productive farms close to rapidly urbanizing neighbors. The challenge is simple – if production agriculture is to have a viable, important future in Wisconsin's economic and social fabric, the balance must be struck, the farms safeguarded in "front line" farming areas like Windsor.

## (c) Protecting the Best – Windsor's Exceptional Farmland:

- (1) Agriculture is always evolving. For example, much of America's agricultural production in the 20th century became dependent on marginal lands in

California and the Great Plains that require massive irrigation and expensive infrastructure support, practices for which the future looks uncertain. The most sensible policy for the future for both Wisconsin and the nation is to encourage programs and initiatives that ensure that our most productive lands, those with the richest soils and which are not irrigation-dependent, are protected for production of food, fiber and fuel for future generations. Windsor's proposed AEA is exactly such a place. In many respects, our most productive and richest farmlands are a strategic resource as important to our nation as oil.

- (2) The attached map *Town of Windsor - Dane County Land Evaluation & Site Assessment (Undrained)*, prepared by Dane County Planning & Development, illustrates the exceptional soil quality of the area proposed as the Windsor AEA. Simply, this area possesses some of the nation's finest farmland.
- (3) The attached chart *Town of Windsor 2010 Statement of Real Estate Assessments*, compiled by Equity Appraisals and on file with the Wisconsin Department of Revenue, is even more revealing. While a few parcels are reflected in this compilation that are outside of the proposed Windsor AEA, the great majority of farmlands described are within the Windsor AEA and show the exceptional quality of Windsor agricultural lands:
  - a. 12,829 acres are classified as Prime Agricultural (value: \$3,323,773.00).
  - b. 10,092 acres are classified as 1st Grade Tillable (value: \$2,644,689.00).
  - c. 2,252 acres are classified as 2nd Grade Tillable (value: \$590,311.00).
  - d. 320 acres are classified as 3rd Grade Tillable (value: \$78,075.00).
  - e. Only 173 Windsor acres are classified as swamp or waste lands.

(d) **The Windsor AEA's Most Vital Asset – Windsor's Farmers:**

- (1) Windsor's farmers and farmland owners are one of the most important reasons for the Wisconsin Department of Agriculture, Trade and Consumer Protection to designate an AEA in Windsor. Across Wisconsin, the typical farmer is often graying – approaching Social Security age, with children who have left the farm and no real succession plan in place. Despite enormous urbanization pressures, the farmers in Windsor's proposed AEA could not be more different.
- (2) Windsor's farm community is vibrant. While typical farm consolidation has taken place to take advantage of economic efficiencies, Windsor's farmers are exceptional, bucking many trends: multi-generational family farms; a large number of under-40 farmers (many with post-high school educations); a high level of major capital investment in new facilities. New dairy barns, livestock housing, farm shops and grain/forage facilities have been constructed on Windsor farms in recent years. Windsor's farmers definitely see a future in farming here – with the appropriate support. This is exactly why having a Windsor AEA is such a "perfect fit".

- (3) It should be noted that thirteen of the fifteen landowners submitting support signature petitions with this application are full-time farmers. Of the two other signature petitions, one is from the retired president of ABS Global (who raises Simmental cattle in his retirement and rents out his land) and the other is from the Windsor Town Board chairperson (a fourth generation family farm owner who also rents his land to other farmers). Untypical, particularly in rapidly urbanizing Dane County, is that few core Windsor agricultural parcels are owned by "outside investors" – often an indicator of an area's transition to non-agricultural uses. Much of this is due to the great productivity of Windsor's soil, the health of Windsor's farming community, and the intentional land use planning of the Town of Windsor – guiding development into carefully planned areas while strictly prohibiting non-agricultural major development in its designated farmland preservation area. Given these demographics, now is the ideal time to designate an AEA in Windsor – Windsor's farm families want to know that they and their children have a future here in production agriculture.

## **2. What activities are planned in the proposed Windsor AEA to achieve the agricultural preservation and development goals?**

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(a) **Windsor – Pro-actively Working for Agricultural Preservation:**

While many communities talk about agricultural preservation, Windsor is one of the few communities that is pro-actively taking steps to safeguard its farms and the families they support. Windsor respectfully suggests that the Wisconsin Department of Agriculture, Trade and Consumer Protection, in making AEA designation decisions, give weight to the advantages of building on existing areas of strength – giving additional farmland preservation opportunities to those communities which already have a proven record of strong agriculture protection efforts, and which are most likely to be successful in long-term farmland preservation with State recognition. Windsor currently employs a range of planning tools to protect its core agricultural area, which are outlined below in detail.

(b) **Windsor Purchase of Development Rights (PDR) Program; Deed Restrictions Program:**

- (1) Windsor is one of the few communities in Wisconsin with an active, funded Purchase of Development Rights (PDR) Program acquiring permanent conservation easements to help protect its farms in the area proposed for AEA designation – an ideal compliment to such a designation. In 2006, the Windsor Town Board authorized a PDR program; Windsor citizens, voting at that year's budget meeting, approved a tax levy that included funding for a Windsor PDR Program with initial local funding of \$500,000.00, which subsequently grew to over \$522,000.00 in a special segregated PDR fund.
- (2) The Town of Windsor devoted much of 2006-07 to program preparation and building public awareness of its PDR Program, holding informational/interest meetings with landowners, providing information to the media, and developing a detailed PDR Application and Review Criteria. Windsor contracted with Natural Heritage Land Trust (NHLT) to provide professional assistance with this work and program administration.
- (3) Right from the start, landowner interest in the Windsor PDR Program was high. Attendance at informational meetings was excellent, and a large number of property owners requested program details. Twenty-one formal PDR applications were eventually received – outstanding support for a new program.
- (4) Windsor successfully applied for and was awarded conservation easement funding in the amount of \$553,290.00 through the United States Department of Agriculture (USDA) Farm and Ranch Land Protection Program. Due to

ideosyncrasies in the federal rules that year that limited application eligibility, the Town of Windsor had to submit its application through, and with the support of, Dane County, which had application eligibility status. While technically the federal grant was awarded to both Dane County and the Town of Windsor, Dane County has no fiscal exposure.

- (5) Windsor anticipates completing its first PDR conservation easement purchase shortly. The farm in question is a medium-sized family farm livestock and grain operation with excellent land, only one-quarter mile from the urbanizing pressures of the Village of DeForest (one of the fastest growing communities in the state over the past 20 years) and crowded U.S. Hwy. 51.
- (6) The Town of Windsor does have some limited areas away from its core farmland preservation area proposed for AEA designation earmarked for non-agricultural development, parcels adjacent to urbanized development, fully served by Windsor public sewer and water utilities and public safety services. In Dane County, it is County policy that towns must have a PDR or TDR program in place in order to be eligible for County approval of large rezoning or land division projects in their non-farmland preservation districts. Windsor's PDR program satisfies this Dane County requirement, and building on these facts has resulted in Windsor securing non-farm support for its PDR and farmland preservation programs. Ironically, there is a direct nexus between non-farm economic development and agriculture preservation.
- (7) Windsor is somewhat unique among Dane County towns in that it has areas outside of its large farmland preservation district with full urban services (public sewer/water, police, etc.) that are carefully planned for non-farm economic development. As a practical fiscal matter, this non-farm economic development is necessary in order for Windsor to have the financial resources necessary to fund important programs like PDR. These limited areas designated for non-agricultural economic development are in areas where production agriculture is not viable and which likely would be annexed and developed by an adjacent municipality (DeForest, Sun Prairie, Madison) unless permitted to proceed in Windsor. Simply, Windsor's PDR program is inexorably linked with community non-agricultural economic development, which AEA designation would compliment.
- (8) Windsor's PDR Program will not end with its first conservation easement purchase. Windsor is already actively negotiating its second PDR easement, another prime multi-generational family farm adjacent to busy U.S. Hwy. 51. Windsor is pursuing grant possibilities to match its local financial support for this second PDR easement.
- (9) Please note that Windsor is also negotiating a PDR easement on a third family farm. This is somewhat of an unique situation, a multi-generational dairy operation that is not contiguous with the lands proposed for the Windsor AEA,

a farm separated from the AEA area by an older residential development. However, this farm is adjacent to Windsor's visionary Token Creek Conservancy, a 180 acre Windsor conservancy watershed park containing the springs that are the single largest source of water for the Madison Four Lakes. Because of this farm's special location, Windsor has already been awarded a \$275,000 State Stewardship Fund grant to be used for a PDR easement purchase on this farm.

- (10) The three above-described Windsor PDR purchases will result in 479 PDR-protected acres.
- (11) In addition to Windsor's PDR program, Windsor also requires that landowners exercising their ability to create one residential lot per 35 acres under exclusive agricultural zoning deed restrict their remaining agricultural lands to prohibit future splits. Over 920 Windsor farmland acres have been so protected.

(c) **Comprehensive Planning; Windsor Land Use Plans.**

- (1) In compliance with Section 66.1001, Wis. Stats., the Wisconsin Comprehensive Planning Law ("Smart Growth"), Windsor has adopted its *Town of Windsor Comprehensive Plan: 2025*; this Plan contains the strongest possible provisions for farmland preservation in our agriculture protection district, essentially the area proposed for AEA designation. In basic terms, the *Town of Windsor Comprehensive Plan: 2025* carefully designates a limited area for non-farm economic development, while placing by far the largest area of the Town in a permanent agricultural preservation classification (this latter area contains most of Windsor's best agricultural lands and the bulk of our active farmers; it is the area for which AEA designation is now being sought). This is significant because, starting in 2010, the State Comprehensive Planning Law requires that all zoning, land division and other land use determinations shall be consistent with the local comprehensive plan, giving new weight to Windsor's farmland preservation planning objectives.
- (2) The Town of Windsor's farmland protection plan components have been adopted by Dane County.
- (3) Non-farm conversions are limited under the *Windsor Comprehensive Plan* to:
  - a. The limited area of Windsor served by public utilities and mapped for non-agricultural economic development (not included for AEA designation);
  - b. A separate area in the southern tier of the Town of Windsor that has poorer soils and, as a result of history, already contains significant pre-regulation residential development (no land in this area is proposed for AEA designation); and
  - c. One per 35 acre splits permitted under exclusive agricultural zoning.

- (4) Windsor has long relied upon its land use plans to shape development and protect farmland. Windsor adopted its first land use plan in 1978, with several subsequent revisions, including in 1999 and 2006. Windsor's planning efforts have garnered statewide recognition, including an "Orchid Award" from Capitol Community Citizens for its farmland protection efforts. Windsor also has adopted a separate *Windsor Parks and Open Space Plan* focused on park and recreational issues.

(d) **Exclusive Agricultural Zoning:**

- (1) The Town of Windsor is under the jurisdiction of the Dane County Zoning Code and a portion of Windsor is governed by the City of Sun Prairie-Windsor Cooperative Extraterritorial Zoning Code. Both zoning codes contain exclusive agricultural zoning coverage for the area of Windsor for which AEA designation is being sought. This is an important consideration, for exclusive agricultural zoning combined with an AEA designation would make Windsor farmland owners eligible for the maximum tax credits available under the State's newly revised Farmland Preservation Tax Credit Program; this nexus would provide important incentives for Windsor farmers to enter into individual 15-year preservation contracts. The Windsor Town Board, Windsor Plan Commission and Town staff and planners consistently enforce the requirements of exclusive agricultural zoning.
- (2) Windsor is also governed by Dane County's Floodplain and Shoreland-Wetland Zoning and Stormwater Management ordinances.

(e) **Cooperative Planning; Boundary Agreements:**

- (1) The Town of Windsor and City of Sun Prairie (Windsor's southeastern neighbor) have an intergovernmental agreement which clarifies non-agricultural growth areas, establishes jurisdictional growth boundaries, and provides a cooperative extraterritorial zoning (ETZ) program governing eastern Windsor; work has commenced on a cooperative plan between the two communities. These long-standing cooperative planning programs accept the objectives of the *Town of Windsor Comprehensive Plan: 2025*, including Windsor's agricultural protection district (the area proposed for AEA designation) boundaries, and provide for exclusive agricultural zoning in the Sun Prairie-Windsor ETZ area.
- (2) While serious conflicts have arisen in the past between the Town of Windsor and the Village of DeForest over annexations, land use matters and economic development, including the long-term future of agriculture in the area of Windsor proposed for AEA designation, major progress has been made in recent months to resolve these issues. Following an intensive series of joint meetings over many months, the two neighboring communities have agreed to coordinate their respective comprehensive plans and have started work on a new

cooperative plan. Consensus has been reached on a series of boundary, economic development and agricultural preservation matters.

- (3) The area proposed for Windsor AEA designation is presently protected from annexation to DeForest by a 15-year boundary agreement that stemmed from settlement of prior litigation over one of the largest annexations in Wisconsin history; that agreement, however, is at its midpoint, again raising serious concerns about future annexation issues. However, under the new consensus agreement and joint cooperative plan, Windsor and DeForest have agreed to a new 20-year boundary that will protect the area proposed for Windsor AEA designation from annexation by the Village of DeForest.
  - (4) While these new DeForest-Windsor and Sun Prairie-Windsor agreements provide significant new protections and consensus regarding Windsor's core agricultural area, the boundary agreements are finite and also provide no annexation protection from other neighboring municipalities like the City of Madison. Adding to this concern are some recent Wisconsin court cases that have permitted municipal annexation of non-contiguous parcels. Because of these longer term concerns, Windsor intends to build upon these finite term protections for its main farming area by adding additional safeguards, such as conservation easements through its Purchase of Development Rights (PDR) Program, and seeking recognition of the importance of its core farming district through DATCP-designation of the area as an Agricultural Enterprise Area. The long-term reality is that given Windsor's proximity to three of the fastest growing municipalities in Wisconsin – DeForest, Madison and Sun Prairie – it will be necessary for Windsor to employ every possible planning tool to permanently safeguard its valuable production agriculture area from outside, non-farming interests casting a covetous eye on Windsor's open spaces once boundary agreements possibly expire two decades from now.
- (f) ***Town of Windsor Subdivision Ordinance:***
- (1) Starting in 1979, Windsor has had in place an exceptionally comprehensive ordinance governing subdivisions and new land divisions. This ordinance does not permit new subdivisions in Windsor's designated farmland preservation areas; new lot creation is limited to one split per 35 acres, as permitted under exclusive agricultural zoning. This ordinance also addresses such issues as subdivisions in urban service areas, responsibility for improvements and their costs, parkland dedications, financial arrangements for review costs and infrastructure construction security, etc. Given the test of three decades of use, the Windsor Subdivision Ordinance has proven to be the most effective tool in preventing large subdivisions from being constructed in prime agricultural locations, a significant problem prior to the adoption of the ordinance. This ordinance would continue to be a cornerstone of agriculture protection measures underlying a new Windsor AEA.

- (2) The Town of Windsor has a solid record of defending its local land use planning and ordinances when legally challenged. See, for example, *Manthe v. Town of Windsor*, 204 Wis. 2d 546, 555 N.W.2d 156 (Ct. App. 1996). This should be an important consideration when reviewing the Windsor AEA application.
- (g) **Official Map:** To assist in guiding non-farm development to appropriate locations designated in the *Windsor Comprehensive Plan* and to plan for future infrastructure and traffic management, the Town of Windsor has adopted an Official Map. It should be noted that Official Maps in towns, pursuant to the Wisconsin Statutes, are not subject to extraterritorial overrides by municipalities.
- (h) **Windsor's Token Creek Conservancy Project:** While it is an area not being nominated for AEA designation with this application, Windsor's nearby Token Creek Conservancy project has attributes that compliment the planning objectives of a Windsor Agricultural Enterprise Area:
- (1) Following removal of an old dam, the Town of Windsor has acquired, through five separate acquisitions, 180 acres of the Token Creek watershed, creating the visionary Token Creek Conservancy. This is a highly unusual project for a local government, particularly a town, to undertake. The area now protected contains astonishing diversity of terrain and wildlife, and contains water resources so rich that its springs are the largest source of water for the Madison Four Lakes.
  - (2) Putting together this incredible holding has required Windsor to engage in a very sophisticated level of planning and cooperation, a well-documented history that illustrates Windsor's equal managerial abilities and attention to detail that would make a Windsor AEA designation a success:
    - a. Building support coalitions among state/county/local agencies, sportsmen and environmental organizations, and impacted neighborhood groups;
    - b. Successfully securing grant monies and other financial assistance from diverse sources, and engaging in productive negotiations with a range of landowners and stakeholders; and
    - c. Providing proper long-term administration and planning to enhance the Conservancy. Windsor is presently engaged in the preparation of a Token Creek Conservancy Master Plan, and has a partnership with the DeForest Area School District to use parts of the Conservancy as an "outdoor learning lab".
  - (3) In the context of a Windsor AEA, the nearby Token Creek Conservancy secures the tier of lands to the south of the proposed AEA as protected open space, a use that discourages annexation pressure from that direction and provides a key buffer for the agricultural lands to the north. The establishment of the Token Creek Conservancy helps provide protections to area groundwater resources. As explained above in Subsection (b)(8), Windsor has made creative use of its Token Creek Conservancy to successfully receive a State Stewardship Fund

\$275,000.00 grant for a pending PDR conservation easement on an adjacent active family dairy farm.

- (i) **Traffic and Impact Fee Studies:** Windsor has professionally prepared traffic and impact fee studies providing analysis regarding future traffic and public safety impacts due to area urbanization factors.

3. **How will the Windsor AEA location promote agricultural preservation and development?**
  4. **How did Windsor determine the size and the boundary of the proposed AEA?**
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**(Consolidated Answers)**

**(a) Why the Windsor Location is Special:**

- (1) The Windsor AEA location truly is special. As explained in detail in response to Question #1, the proposed Windsor AEA features the best of Wisconsin's soils and is the home of an exceptionally vibrant farming community. Geographically, these Windsor lands represent the southern extension of the rich prairie lands found just to the north with the "Arlington Prairie", where the University of Wisconsin's Arlington Research Station is located.
- (2) While the Windsor AEA location is blessed with exceptional natural resources, its location presents countervailing challenges. Unfortunately, this area faces enormous urbanization pressure, with municipal neighbors that have been among the fastest growing communities in the state. The Capitol Area Regional Planning Commission's study *FLM-1: Characterizing the Loss of Farmland in Dane County (Final Draft - 2009-10)* explains, in its Introduction: "Dane County also has one of the fastest growing populations in the state. This growth is expected to continue through 2030, adding about 50,000 persons to Dane County every 10 years. If rural, suburban, and urban development needed to accommodate this projected growth is located on agricultural lands, the County's potential for continued excellence in agricultural production and environmental quality will be compromised."

**(b) Protecting Farms by Protecting our Farmers:**

- (1) While the lands in the proposed Windsor AEA are for now protected against annexations from two of its three large municipal neighbors, these boundary agreements are for a finite period of time, with no guarantee of renewal or extension. Farm families who are committed to a multi-generational future in agriculture "think long-term" – and need to know that they have a credible future in farming, justifying making investments in facilities that will extend over many years. Windsor, too, is planning long-term for the future of its farming area after the boundary agreements possibly expire or are not extended. This means forward-thinking use now of PDR's, subdivision and zoning regulations, and comprehensive and cooperative planning, all under the mantle

of a Windsor AEA designation. In the "court of public opinion", we believe that having critical farmland under an AEA designation will bring added credibility and visibility to Windsor's agriculture preservation planning.

- (2) Recent Working Lands Initiative changes in the existing State Farmland Preservation Tax Credit Program provide compelling incentives to become a designated AEA. The Town of Windsor and its farmland owners understand that maximum tax credits under that revamped program are only available to those land owners located under both exclusive agricultural zoning and within an AEA. Maximum eligibility for these tax credits are important to assist in keeping farming in Windsor economically viable, particularly given increasing non-farm service costs confronting local government in an area with urbanization pressures. Windsor believes that many of its land owners will participate in the voluntary 15-year preservation agreements provided that Windsor can continue to provide the reassurance of a "package" of agriculture protection measures, enhanced by AEA designation.
- (3) With one of the State's few active PDR programs, Windsor is very interested in applying for PDR funding assistance through the State of Wisconsin's new \$12 million conservation easement fund. While the eligibility rules for that program have not yet been announced, it is likely that having potential PDR lands located within a designated AEA will be a plus. Windsor's PDR program is off to an exciting start, but tapping additional sources of matching funding is a practical necessity.

(c) **Geographic Determination of Windsor AEA Boundaries:**

- (1) As shown on the attached map delineating its boundaries, the Windsor AEA is a large, homogeneous area, rectangular in its dimensions. Determining the boundaries of the Windsor AEA was simple and straightforward – the boundaries of the AEA are largely the same as already designated for long-term agriculture protection in the *Town of Windsor Comprehensive Plan: 2025*, adopted following extensive planning work and dozens of public meetings and also accepted by Dane County.
- (2) This delineation was further confirmed by the fact that all supporting landowner petitions received are from farmers and landowners residing within the proposed Windsor AEA area. As with all Windsor planning efforts, stakeholder input was an important factor.
- (3) The size and shape of the Windsor AEA presents significant advantages. Windsor's proposed AEA is comprised of 11,135.94 acres. The proposed area is large, completely contiguous, and is not oddly shaped, providing real protection from non-farm uses that are incompatible with modern production agriculture practices. This is not an accident – it has long been a Windsor planning objective that such geographic integrity is a key to keeping production

agriculture thriving in Windsor. The Windsor AEA is configured to maximize the viability of farming within its boundaries, a goal strongly consistent with DATCP objectives.

- (4) The Windsor AEA boundaries also utilize existing, but very real, practical barriers to development encroachment:
    - a. Example #1: For pressing public safety reasons, Windsor has been at the forefront in the advocacy and decision-making process involved with the upgrading of U.S. Hwy. 51 to a 4-lane, limited access design. Included in this effort have been personal lobbying of our Congressional representatives in Washington, D.C., meetings with the Governor and testimony before the Legislature's Joint Finance Committee (from which full project support was garnered on a 16-0 vote). Construction is slated to commence in 2012. This project, however, will have important secondary effects that could assist the Windsor AEA just to the east. Windsor believes that the new 4-lane U.S. Hwy. 51, with only two full interchanges, will present a highly visible demarcation line between the urbanization on the west side of Hwy. 51 and the Windsor AEA to the east. The number of true interchanges will be significantly decreased to two and a 4-lane right-of-way design will present practical and fiscal barriers to future public utilities extensions in the AEA area, particularly when combined with Windsor's other preservation initiatives.
    - b. Example #2: Existing and infill non-farm development to the south of the Windsor AEA also sets a definite southern boundary for the AEA.
  - (5) The Windsor AEA farms already enjoy reasonable proximity to markets and grain elevator facilities.
- (d) **Windsor Promotion of Farmland Preservation and AEA:**
- (1) For decades, Windsor has utilized a range of public meetings and media options to promote its farmland preservation policies and now its AEA application. Windsor held a special AEA informational meeting with its farmland owners in mid-February, preceded by a fact-filled mailing to such owners with information bulletins from DATCP and the Wisconsin Towns Association. Windsor's informational efforts and public meetings associated with its earlier *Windsor Comprehensive Plan* and *Farmland Preservation Component* were many, too numerous to detail for purposes of this application.
  - (2) Windsor works closely with local media outlets to promote good planning and farmland protection. As an attachment to this application are two sample media articles on Windsor's AEA application process.

## 5. What are the current land uses within the proposed AEA?

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- (a) **Amount of Agricultural Use:** The proposed Windsor AEA is exclusively devoted to production agriculture and agricultural research facilities. The area contains almost no untillable land. The only exceptions are a small nonconforming residential subdivision located on untillable land (Sections 23/24), a limited area consisting of several small service-type businesses (i.e. welding shop) in Section 9 and some scattered individual residential lots. [Please refer to maps included in the *Town of Windsor Comprehensive Plan: 2025*].
- (b) **Transportation Resources:** The Windsor AEA borders on U.S. Hwy. 51 to its west; otherwise the AEA is served by local roads and one County Trunk Highway.
- (c) **Principal Agricultural Uses:** The Windsor AEA is characterized by small to medium-sized farms, nearly all family operations. There are numerous livestock farms devoted to dairy, swine and beef production; with recent expansions, several of the dairy operations would be classified as medium to large-sized operations, although falling below the Large Livestock Facility Regulations of DATCP. Other farmers are engaged in crop production. Primary crops raised include corn, soybeans, hay and wheat. Several farms are owned by non-farmers (typically because of family links to the farm) and are rented to farmers for their use. The Windsor AEA does contain one 75 acre agricultural research facility devoted to vegetable research (Seminis Vegetable Seeds) and one small trucking firm supplying mulch products to the landscaping industry. Despite enormous urbanization pressure around the fringes of the agricultural preservation area, Windsor has been successful directing non-farming activities away from the area proposed for AEA designation.

**6. How is the proposed AEA consistent with other Windsor land use plans?**

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- (a) **AEA Compliance with Windsor Plans:** The proposed Windsor AEA is completely consistent with the *Town of Windsor Comprehensive Plan: 2025* and pending cooperative plans with neighboring municipalities. The agricultural preservation component of the *Windsor Comprehensive Plan* is incorporated in Dane County's certified farmland preservation plan, and the entire proposed AEA area is within such county farmland preservation area. [Please refer to more detailed information provided in response to Question #2 of this application].
- (b) **Windsor AEA Application Compliance With Dane County Plans:** Enclosed with this application is documentation from Dane County Planning & Development Department endorsing Windsor's AEA application effort and confirming that Windsor's AEA application is consistent with both the *Dane County Farmland Preservation Plan* and the *Dane County Farmland Preservation Plan*.



DANE COUNTY  
**PLANNING & DEVELOPMENT**

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

*Housing &  
Economic Development*  
(608)266-4270, Rm. 362

*Planning*  
(608)266-4251, Rm. 116

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

*Zoning*  
(608)266-4266, Rm. 116

## Memorandum

To: Kathleen Falk, Dane County Executive  
From: Pamela Andros, AICP, Senior Planner  
Cc: Todd Violante, AICP, Director  
Date: February 22, 2010  
Re: Town of Windsor, Application for Agricultural Enterprise Area

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I was pleased to see Windsor's application for an Agricultural Enterprise Area (AEA). The town's application is consistent with the *Dane County Comprehensive Plan* and the *Dane County Farmland Preservation Plan*. Development of an AEA is a step in the right direction toward the overarching agricultural resource goal as stated in the *Dane County Comprehensive Plan*:

“Identify areas of Dane County suitable for long-term preservation and viability of diverse agricultural enterprises and resources. Protect or encourage protection of those areas for the benefit and use of current and future generations.”

The mapped enterprise area corresponds with the agricultural preservation land use districts of the adopted Town and County Comprehensive Plans.

## 7. What nonagricultural development trends affect the proposed AEA?

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- (a) **Nonagricultural Development Pressure:** Dane County is one of the fastest urbanizing counties in Wisconsin. Between 1980-2000, approximately 95,000 acres of crop land were converted to other uses, and roughly 37,000 of these acres were lost to development. Dane County cities and villages annexed 24,000 acres between 1980-2000. Windsor's municipal neighbors – the Cities of Sun Prairie and Madison and the Village of DeForest – have been among the fastest growing communities in the state. With the Dane County Regional Airport and several federal/state highways just miles away, nonagricultural development pressure on Windsor has been very significant. Despite these pressures, Windsor, to date, has been successful in preventing major conversions of farmland in the area proposed for AEA designation.
- (b) **Likelihood of Transition Out of Agriculture:** Because of the existence of strong Windsor land use controls and 20-year boundary agreements with its municipal neighbors, the Windsor AEA will not transition away from agriculture over the next two decades. With the steady implementation of measures such as PDR, it is Windsor's objective to make such agricultural status permanent for the AEA area.

**8. How will current or proposed land use controls support the proposed AEA?**

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The carefully planned synergy between the proposed Windsor AEA designation and the full range of land use controls is detailed in the response to Question #2 of this application.

**9. How will the proposed AEA promote compliance with the State's soil and water standards for nonpoint source pollution?**

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Numerous farmers within the proposed AEA are already in compliance with ATCP 50, Wis. Adm. Code. Attached with this application is documentation from the Dane County Land & Water Resources Department verifying that 25 Windsor farmers are presently enrolled in the Farmland Preservation Program (FPP) and nineteen of those farmers are self-certified that they are in compliance with State conservation standards. Because compliance with these standards is part of the criteria for the newly revised individual Farmland Preservation Program contracts under the Working Lands Initiative, Windsor officials have already communicated this requirement to many of its farmers. Given the high level of current participation and the tax credit advantages for farmers if located within an AEA, designation of a Windsor AEA would promote compliance with the State's soil and water standards for nonpoint source pollution.



DANE COUNTY  
Land and Water Resources Department  
Land Conservation Division

Kevin Connors, Director  
Patrick Sutter, County Conservationist

February 25, 2010  
Allen Harvey  
Town of Windsor Chairperson  
3900 Vinburn Rd  
DeForest, WI 53532-2662

Dear Mr. Harvey,

On behalf of Dane County Land & Water Resources Department and the Land Conservation Division, We would like to express our sincere appreciation for the strong and historical partnership between our county, your township and the local farm community. I applaud your efforts thus far in making application to the Department of Agricultural, Trade & Consumer Protect (DATCP) to create an Agricultural Enterprise Area (AEA) with in your township.

Upon your request our records indicate that 25 farmer are currently enrolled in the Farmland Preservation Program (FPP) and 19 of them have self certified they are in compliance with the states conservation standards.

We look forward to working with you and the farm community in the future and wish you the best in this endeavor.

Sincerely,

Kevin Connors  
Director

Patrick Sutter  
County Conservationist

## 10. How will the proposed Windsor AEA promote agriculture and related investment?

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- (a) **The Freedom to Plan for the Future:** In areas confronted with strong urbanization pressure, farm owners need as much certainty as possible to have reassurance that they have a long-term future in agriculture; such certainty is needed in order to justify major capital investments and to do succession planning. The many planning and legal tools employed by the Town of Windsor to effectuate this goal have been described elsewhere in this application. Having the Wisconsin Department of Agriculture, Trade and Consumer Protection add its support by designating this area an AEA would provide yet another important level of reassurance regarding agriculture's promising future here. Creating that atmosphere of support spurs investment in agriculture. Given the present vitality of Windsor's farms, the potential for more long-term investment is already in place. The success of a Windsor AEA is not dependent on outside investment.
- (b) **Enhanced Eligibility for Other Programs:** As addressed elsewhere in this application, designation of a Windsor AEA will provide maximum eligibility for tax credits under the State Farmland Preservation Tax Credit program, providing financial assistance to keep farmers farming. Furthermore, Windsor is highly interested in applying for PDR grant monies through the State's new \$12 million conservation easement program; having an AEA designation will likely be viewed with strong favor when such grant funding applications are reviewed in the future. Also, while not yet adopted policy, it is our understanding that Dane County's Capital Area Regional Planning Commission (CARPC) is contemplating existence of an AEA as a possible criteria regarding where to approve or not approve extensions of urban service area (extensions of metropolitan sewer service) in the County; this could be a meaningful change, for utilities extensions usually mean eventual loss of production agriculture activities for that area.

## 11. How will the proposed Windsor AEA support economic activity within the community?

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### (a) The Importance of Our Agricultural Sector to Our Economy:

- (1) There is an old adage that when farmers prosper, they spend money and reinvest. Windsor has long recognized the important role of its farmers in our community's overall economic fabric. Windsor firmly believes that our agricultural sector is a key component in our local economy. When farms are lost, those farm dollars are no longer recirculated in the community – with equipment suppliers, repair services, fuel vendors, etc. AEA designation provides that extra recognition to encourage farmers to invest in their future here in Windsor.
- (2) While farms contribute significantly to our local economy, and the State's economy, conversely farms place relatively little burden on public services compared to non-agricultural uses. Farms generate tax dollars, produce economic benefits and provide jobs.

### (b) The Potential for Agriculture-Related Enterprises:

- (1) In 2006, the DeForest Area Chamber of Commerce, of which the Town of Windsor is a member, contracted with Dr. David Ward of NorthStar Economics, Inc., to prepare an analysis entitled the *DeForest Area Economic Opportunity Study*. In identifying the area's top economic opportunities, Dr. Ward concluded that the DeForest-Windsor area is unusually well-placed to attract bioagriculture research firms due to the area's excellent farmland and proximity to the resources of the UW Department of Agriculture. Designation of Windsor's farming district as an AEA would enhance the possibilities of attracting such firms to the area.
- (2) The area proposed for a Windsor AEA is already the home of Seminis Vegetable Seeds, a research company with close ties to the UW School of Agriculture and which provides numerous employment opportunities.

## 12. What is the level of cooperator support for the Windsor AEA petition?

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- (a) **Farmland Owner Support:** Fifteen owners of farmland in the proposed Windsor AEA, thirteen of whom are fulltime farmers, have signed petitions of support this application. This represents a very high level of farm owner support.
- (b) **Cooperator Petitioners:** Natural Heritage Land Trust and State Rep. Keith Ripp, as cooperator petitioners, have submitted letters of support for Windsor AEA designation.
- (c) **Political Subdivision Petitioner:** The Town of Windsor, Dane County, Wisconsin, by unanimous vote of the Windsor Town Board strongly endorses DATCP designation of Windsor's farmland preservation area as an AEA. When DATCP first made public its AEA application criteria on October 14, 2009, the Town of Windsor became the first community in Wisconsin to officially go on record adopting an Enabling Resolution on October 15, 2009, authorizing the preparation of an application for AEA designation.