

production or persons who are engaged in livestock, agricultural or forest production on eligible land and that have a natural resource concern on the land may participate in EQIP.

Natural Resource Conservation Service - Farm and Ranch Lands Protection Program

The Natural Resource Conservation Service (NRCS) - Farm and Ranch Lands Protection Program (FRPP) provides matching funds to help purchase development rights to keep productive farm and rangeland in agricultural uses. Working through existing programs, USDA partners with State, tribal, or local governments and non-governmental organizations to acquire conservation easements or other interests in land from landowners. USDA provides up to 50 percent of the fair market easement value of the conservation easement.

Natural Resource Conservation Service – Financial Assistance Program

NRCS offers voluntary programs to eligible landowners and agricultural producers to provide financial and technical assistance to help manage natural resources in a sustainable manner. Through these programs the agency approves contracts to provide financial assistance to help plan and implement conservation practices that address natural resource concerns or opportunities to help save energy, improve soil, water, plant, air, animal and related resources on agricultural lands and non-industrial private forest land.

Natural Resource Conservation Service – Landscapes Initiatives Program

The NRCS Landscape Initiatives Program (LIP) is intended to accelerate the results that can be achieved through voluntary conservation programs. All NRCS programs are designed to support farmers, ranchers, and foresters in improving the environment while maintaining or improving a vibrant agricultural sector. Most program delivery is driven primarily by grassroots input and local needs. Landscape conservation initiatives enhance the locally driven process to better address nationally and regionally important conservation goals that transcend localities. Improving water quality in the eight state Great Lakes region is a priority of the LIP.

FARM SERVICES AGENCY – CONSERVATION RESERVE PROGRAM

The Conservation Reserve Program (CRP) is a land conservation program administered by the Farm Service Agency. In exchange for a yearly rental payment, farmers enrolled in the program agree to remove environmentally sensitive land from agricultural production and plant species that will improve environmental health and quality. Contracts for land enrolled in CRP are 10-15 years in length. The long-term goal of the program is to re-establish valuable land cover to help improve water quality, prevent soil erosion, and reduce loss of wildlife habitat.

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Knowles-Nelson Stewardship Program – Acquisition and Development of Local Parks Program

The Knowles-Nelson Stewardship Program (KNSP) sets aside fifty percent of the funds in the Local Assistance Program for projects that improve community recreation areas and acquire land for public outdoor recreation. Funds are allocated on a regional basis with seventy percent distributed on the basis of each county's proportionate share of the state population and thirty

percent distributed equally to each county. Applicants compete against other applicants from their region. Funds may be used for both land acquisition projects and development projects for nature-based outdoor recreation.

Under all KNSP programs, eligible local governments are only those towns, villages, cities, counties, and tribal governments that have a DNR accepted comprehensive outdoor recreation plan or master plan that has been approved by resolution by the local governing unit. Local governments with qualifying plans receive eligibility to apply for grants for up to five years.

Knowles-Nelson Stewardship Program – Acquisition of Development Rights Program

The purpose of the Acquisition of Development Rights Program is to protect natural, agricultural, or forest lands that enhance and/or provide nature-based outdoor recreation. "Development Rights" are the rights of a landowner to develop their property to the greatest extent allowed under state and local laws.

Knowles-Nelson Stewardship Program – Urban Greenspace Program

The intent of the Urban Green Space Program (UGS) is to provide open natural space within or in proximity to urban areas; to protect from urban development areas within or in proximity to urban areas that have scenic, ecological or other natural value; and to provide land for noncommercial gardening for the residents of an urbanized area.

Managed Forest Law

The intent of the Managed Forest Law is to promote forest management practices through property tax incentives. Property must be a minimum of ten contiguous acres of which eighty percent must be capable of producing merchantable timber.

Land and Water Conservation Fund Program

The Land and Water Conservation Fund is a federal program administered in all states that encourages creation and interpretation of high-quality outdoor recreational opportunities. Funds received by the DNR for this program are split between DNR projects and grants to local governments for outdoor recreation activities. Grants cover fifty percent of eligible project costs. Eligible projects include:

- Land acquisition or development projects that will provide opportunities for public outdoor recreation.
- Property with frontage on rivers, streams, lakes, estuaries, and reservoirs that will provide water based outdoor recreation.
- Property that provides special recreation opportunities, such as floodplains, wetlands, and areas adjacent to scenic highways.
- Natural areas and outstanding scenic areas, where the objective is to preserve the scenic or natural values, including wildlife areas and areas of physical or biological importance. These areas shall be open to the general public for outdoor recreation use to the extent that the natural attributes of the areas will not be seriously impaired or lost.
- Land or development within urban areas for day use picnic areas.
- Land or development of nature-based outdoor recreation trails.

- Development of basic outdoor recreation facilities.
- Renovation of existing outdoor recreation facilities which are in danger of being lost for public use.

Urban Forestry Grants

WDNR offers urban forestry grants to cities, villages, towns, counties, tribes, and 501(c)(3) nonprofit organizations in or conducting projects in Wisconsin. These grants fall into three categories: Regular grants, startup grants and catastrophic storm grants.

- Regular grants are competitive cost-share grants of up to \$25,000. Grants are to support new, innovative projects that will develop sustainable urban and community forestry programs, not to subsidize routine forestry activities.
- Startup grants are competitive cost-share grants of up to \$5,000. These simplified grants are available to communities that want to start or restart an urban forestry program.
- Catastrophic storm grants fund tree repair, removal or replacement within urban areas following a catastrophic storm event for which the governor has declared a State of Emergency under s. 323.10, Wis. Stats.

Urban Nonpoint Source & Storm Water Management Grant Program

The Urban Nonpoint Source & Storm Water Management Grant Program offers competitive grants to local governments. Grants reimburse costs of planning or construction projects controlling urban nonpoint source and storm water runoff pollution. Eligible recipients include cities, villages, towns, counties, regional planning commissions, tribal governments and special purpose lake, sewage, or sanitary districts may apply. The local government must have either jurisdiction over the project area or be required to control storm water discharge with an inter-governmental agreement between the municipality and the Department of Natural Resources.

Wisconsin Forest Landowners Grant Program

The Wisconsin Forest Landowners Grant Program (WFLGP) program assists private landowners in protecting and enhancing their forested lands, prairies and waters. The program allows qualified landowners to be reimbursed up to fifty percent of the eligible cost of eligible practices. Private landowners are eligible for WFLGP funding if they own at least ten contiguous acres of non-industrial private forest but not more than five-hundred acres within Wisconsin.

WISCONSIN COASTAL MANAGEMENT PROGRAM

Approximately \$1,500,000 is available through the Wisconsin Coastal Management Program (WCMP) to enhance and restore coastal resources within the state's coastal zone--all counties adjacent to Lakes Superior and Michigan.

Projects eligible for WCMP funding include:

- Coastal Wetland Protection and Habitat Restoration
- Nonpoint Source Pollution Control
- Coastal Resource and Community Planning
- Great Lakes Education

- Public Access
- Community Planning

WISCONSIN HISTORICAL SOCIETY

Historic Home Owner's Tax Credits

The Wisconsin Historical Society's Division of Historic Preservation (DHP) administers a program of twenty-five percent state income tax credits for repair and rehabilitation of historic homes in Wisconsin. To qualify, the residence must be one of the following:

- Listed in the state or national register.
- Contributing to a state or national register historic district.
- Be determined through the tax credit application process to be eligible for individual listing in the state register.

And, the property owner must spend at least \$10,000 on the following types of eligible work within a 2-year period:

- Work on the exterior of the house, such as roof replacement and painting, but not including site work such as driveways and landscaping.
- Electrical wiring, not including electrical fixtures.
- Plumbing, not including plumbing fixtures.
- Mechanical systems, such as furnaces, air conditioning, and water heaters; and Structural work, such as jacking up floors.

Historic Preservation Tax Credits for Income-Producing Historic Buildings

Owners of historic income-producing properties in Wisconsin may be eligible for two income tax credits that can help pay for their building's rehabilitation. DHP administers both programs in conjunction with the National Park Service (NPS). The programs are:

- Federal Historic Preservation Credit. This program returns 20 percent of the cost of rehabilitating historic buildings to owners as a direct reduction of their federal income taxes.
- Wisconsin Supplemental Historic Preservation Credit. This program returns an additional 5 percent of the cost of rehabilitation to owners as a discount on their Wisconsin state income taxes. Owners that qualify for the Federal Historic Preservation Credit automatically qualify for the Wisconsin supplement if they get NPS approval before they begin any work.

AGRICULTURAL, NATURAL, & CULTURAL RESOURCES GOALS, OBJECTIVES, AND POLICIES

Agricultural, natural, & cultural resources goals, objectives, and policies can be found in Chapter 12: Implementation.

~~EXCLUSIVE AGRICULTURAL ZONING~~

~~The Town of Black Creek has its own local zoning ordinance. That ordinance includes an Exclusive Agricultural Zoning District. In that district, new residential development is only permitted in the following situations:~~

- ~~▪ Pre-existing dwellings (in existence before the ordinance went into effect in 1990); or~~
- ~~▪ Single family dwellings or mobile homes considered accessory to the agricultural use provided such dwelling is occupied by one or more persons or a family at least one member of which earns a substantial part of his or her livelihood from farming operations on the farm parcel or is the parent or child of the farm operator. Accessory dwellings may be established on a separate parcel (1 acre minimum).~~

~~The Wisconsin Land and Water Conservation Board has certified the Town's ordinance, allowing local farmland owners to be eligible for tax credits. Lands contained within the Exclusive Agricultural Zoning District are also included within the *Outagamie County's Agricultural Preservation Plan*. The uses permitted in the Exclusive Agricultural Zoning District are agricultural as defined in S 91.01 (s) or "*uses consistent with agricultural use*." The statutes define "*uses consistent with agricultural use*" as meeting all of the following conditions:~~

- ~~1. The activity will not convert land that has been devoted primarily to agricultural use;~~
- ~~2. The activity will not limit the surrounding land's potential for agricultural use;~~
- ~~3. The activity will not conflict with agricultural operations on land subject to farmland preservation agreements; and~~
- ~~4. The operation will not conflict with the agricultural operations of other properties.~~

~~Moreover, to continue to receive property tax credits under the Farmland Preservation Program, landowners must continue to have at least 35 acres of land in Exclusive Agricultural Zoning.~~

~~This ordinance means that a person who moves into the community cannot buy 35 acres in an Exclusive Agricultural Zoning District, place a home in the middle of it and take the rest of its out of agriculture.~~

In 1999, the state legislature changes the law to allow individual communities the flexibility to lower their minimum lot size in an Exclusive Agricultural Zoning District. This change took effect on January 1, 2001. However, if a community changes the minimum lot size, all other requirements of the Exclusive Agricultural statutes (stipulated in S 91.01 (s) and highlighted by the four points above) will still apply. The Town of Black Creek has opted not to change its minimum lot size requirement. The Town has seen reduced lot size requirements and relaxed standards in other part of the county give way to excessive rural residential development.

~~SHORELAND AND WETLAND ZONING~~

~~Shorelands and wetlands are often viewed as valuable recreational and environmental resources. These areas provide for storm water retention and habitat for various types of fish and wildlife. Development in these areas may have an adverse effect on water quality, wildlife habitat and storm water drainage. In addition, it may also result in increased development and maintenance costs to protect from the occurrence of flooding and high water, increased flood insurance premiums, extensive site preparation, and maintenance and repairs of roads and sewers.~~

~~The State of Wisconsin requires that every county adopt a Shoreland/Wetland Ordinance to address the problem associated with development in these areas. *Development in shoreland areas is generally permitted, but specific design techniques must be considered. Development in floodplain areas is strictly regulated and in some instances, not permitted.* The authority to enact and enforce these types of zoning provisions is set forth in Ch. 59.97 Wisconsin Statutes and Wisconsin Administrative Codes NR115.116 and NR 117, and is established in the Outagamie County Zoning Ordinance.~~

~~Outagamie County administers its Shoreland/Wetland Ordinance in unincorporated areas of the County. These areas would include those areas along Black Creek, Duck Creek and the Burma Swamp that are within the Town Black Creek. Moreover, the Town's *Future Land Use Map* seeks to preserve these valuable resources and wildlife habitats by directing development elsewhere.~~

~~FARMLAND PRESERVATION PLAN/EXCLUSIVE AGRICULTURAL ZONING~~

~~Maintaining productive land for agricultural uses has been a long time goal of Wisconsin. To achieve this goal, the state has enacted several types of legislation that provide monetary incentives to eligible landowners to keep their land in a productive state.~~

~~Outagamie County has adopted a **Farmland Preservation Plan** so that local farmers are eligible for tax credits through the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Farmland Preservation Program and provide for exclusive agricultural zoning. Farmers interested in this program sign up with DATCP. Unfortunately, the Farmland Preservation Program is not working as well as it was intended. Not only has the amount of tax credits been reduced significantly over the last several years, but farmland is also being lost in Outagamie County as more and more people seek to develop rural residences. Outagamie County will likely address this farmland preservation and protection issue through a county comprehensive plan that will be developed prior to 2010.~~

~~Outagamie County does have an exclusive agricultural zoning classification to delineate agricultural lands. The exclusive agricultural areas of the Black Creek community are seen on the *Zoning Map* provided in the Land Use Chapter.~~

~~OUTAGAMIE COUNTY LIVESTOCK WASTE MANAGEMENT ORDINANCE~~

~~Since 1986, Outagamie County has had a Livestock Waste Management Ordinance in effect. It requires that a permit be secured from the Outagamie County Zoning Department prior to construction of animal waste storage facilities and that the most current Natural Resource Conservation Service (NRCS) standards and specifications for these facilities be followed. The ordinance covers all types of animals waste storage facilities. The Outagamie County Land Conservation Committee has initiated an ordinance revision that will update the ordinance to include abandonment and the proper application of the waste. Currently, the Land Conservation Department is involved in virtually all new and modified waste storage facilities due to their technical expertise. The revised ordinance will merely reinforce this relationship.~~

~~Objectives for the ordinance revision include:~~

- ~~• To regulate the location, design, construction, operation, and maintenance of animal feedlots and livestock waste storage facilities, including abandonment;~~
- ~~• To regulate the land application of all livestock waste in Outagamie County; and~~
- ~~• To develop an ordinance that is reasonable, effective and enforceable.~~

~~WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT~~

~~Any CAFO with over 1,000 animal units, or more than 300 animal units that meet discharge criteria, is required to obtain a Wisconsin Pollutant Discharge Elimination System (WPDES) permit. This same permit is also issued to all businesses and industries in the State of Wisconsin that discharge water or wastewater to surface water, groundwater and/or wetlands. The permit requires applicants to provide a plan for runoff management for outdoor lots and feed storage areas, a manure storage facility plan/diagram, a comprehensive manure management plan to be updated annually, willingness to submit to monitoring and reporting requirements and a daily record keeping log system. The permit essentially regulates land application, manure storage and runoff management—all of which have the potential to be a discharge to waters of the state.~~

~~The WPDES Permit process provides the opportunity for public comment, which may result in changes to the environmental assessment completed by WDNR. The WPDES does not address noise, land value, traffic or other types of similar issues because there is no statutory authority for the permit to address these types impacts. These types of concerns must be regulated by county and local ordinances.~~

~~OUTAGAMIE COUNTY LAND AND WATER RESOURCE PLAN~~

~~THE OUTAGAMIE COUNTY LAND AND WATER RESOURCE PLAN WAS DEVELOPED IN JUNE OF 2001 IN ACCORDANCE WITH CHAPTER 92.10 WISCONSIN STATUTES. THE PLAN:~~

- ~~• SERVES AS A GUIDE FOR RESOURCE MANAGEMENT PLANNING AND DECISION MAKING~~
- ~~• ASSESSES LAND AND WATER RESOURCE CONDITIONS~~
- ~~• IDENTIFIES PROBLEMS AND PRIORITIES~~

~~COPIES OF THE PLAN ARE AVAILABLE FROM THE OUTAGAMIE COUNTY LAND AND WATER CONSERVATION DEPARTMENT.~~

~~Agricultural, Natural & Cultural Resources Issues~~

~~Elevated arsenic levels have been found in groundwater samples from the Town. It is strongly suspected that these concentrations are associated with the mineralogy of the upper St. Peter sandstone. The DNR has established an Arsenic Advisory Area in Outagamie and Winnebago Counties, which encompasses the Town. The DNR recommends that supply wells within this area be cased through the upper portion of the St. Peter sandstone, and that water be sampled, and treated, if necessary.~~

~~Water quality management techniques to protect streams and groundwater are also outlined in the Utilities and Community Facilities Element. Mitigation techniques for arsenic on an individual resident basis are also identified in the Utilities and Community Facilities Element.~~

~~The Town of Black Creek has a number of natural features that provide important recreational benefits for hunting, fishing, birding, hiking, snowshoeing, and other outdoor activities. These same features require special consideration for development. Wooded wetlands, flood plains, soil types, and stream beds should be considered in future development plans.~~

~~Coordination with Other Comprehensive Plan Elements~~

~~The development of the Agricultural, Natural and Cultural Resources Element required coordination with all of the required plan elements. For example, when considering economic development strategies, the future role of agricultural operations, as well as the importance of natural resources, was important to consider. Below is a description of the critical issues addressed with respect to the Land Use and Housing Elements. These elements are profiled because their coordination with the Agricultural, Natural and Cultural Resources Element is critical to the success of the plan.~~

~~LAND USE~~

~~Residents have clearly indicated that the preservation of agricultural operations and the protection of natural resources is a priority. As a result, when the *Future Land Use Maps* were developed special consideration was given to these two priorities. Also, when developing the *Future Land*~~

Use Maps, special consideration was given to soil characteristics as they relate to building site limitations and limitations for septic tank absorption fields (refer to COMM 83 information in the *Utilities and Community Facilities Chapter*). Likewise, the *Implementation Element* will help to ensure that through the enforcement of desired planning and zoning requirements, natural resources and farming operations are protected.

HOUSING

Housing, if not carefully located and planned for, can have a severe impact on natural resources and farming operations. Housing development can create a nuisance for farmers and fragment wildlife habitat areas. If not carefully planned, additional traffic, people, and services associated with housing development can quickly destroy rural character.

The Village will serve as the primary area for residential development to maximize its available infrastructure (e.g. water and sewer) and limit development pressure on surrounding farmland. In this way, the Village will serve as the urban core of this planning area. The Town will direct residential development to areas where soils will support residential development. Furthermore, the Town will discourage residential development in prime farm areas and encourage conservation-based subdivision approaches. Directing development to certain areas will help to protect natural resources and farmlands, while still accommodating residential development. The strategy for housing development is reflected in the *Future Land Use Maps*.

Agricultural, Natural & Cultural Resources

Goals, Objectives & Policies

It is the vision of Black Creek that the community will retain its rural character by continuing to enjoy a mix of scenic, open, natural, undeveloped areas and farming operations through 2025. Natural resources will be protected and serve as an environmental, recreational, and economic asset. Development will be very limited in scale and in harmony with the natural environment. The Town and Village will also work, in accordance with the Intergovernmental Coordination Element of the Wisconsin "Smart Growth" Law, with neighboring communities, school districts, Outagamie County, the East Central Wisconsin Regional Plan Commission and the State of Wisconsin to ensure that natural resources are adequately protected for future generations. Specific supporting goals, objectives and policies are provided in Chapter 12.