

Working Lands Initiative

WI TOWNS ASSOCIATION

December 2010

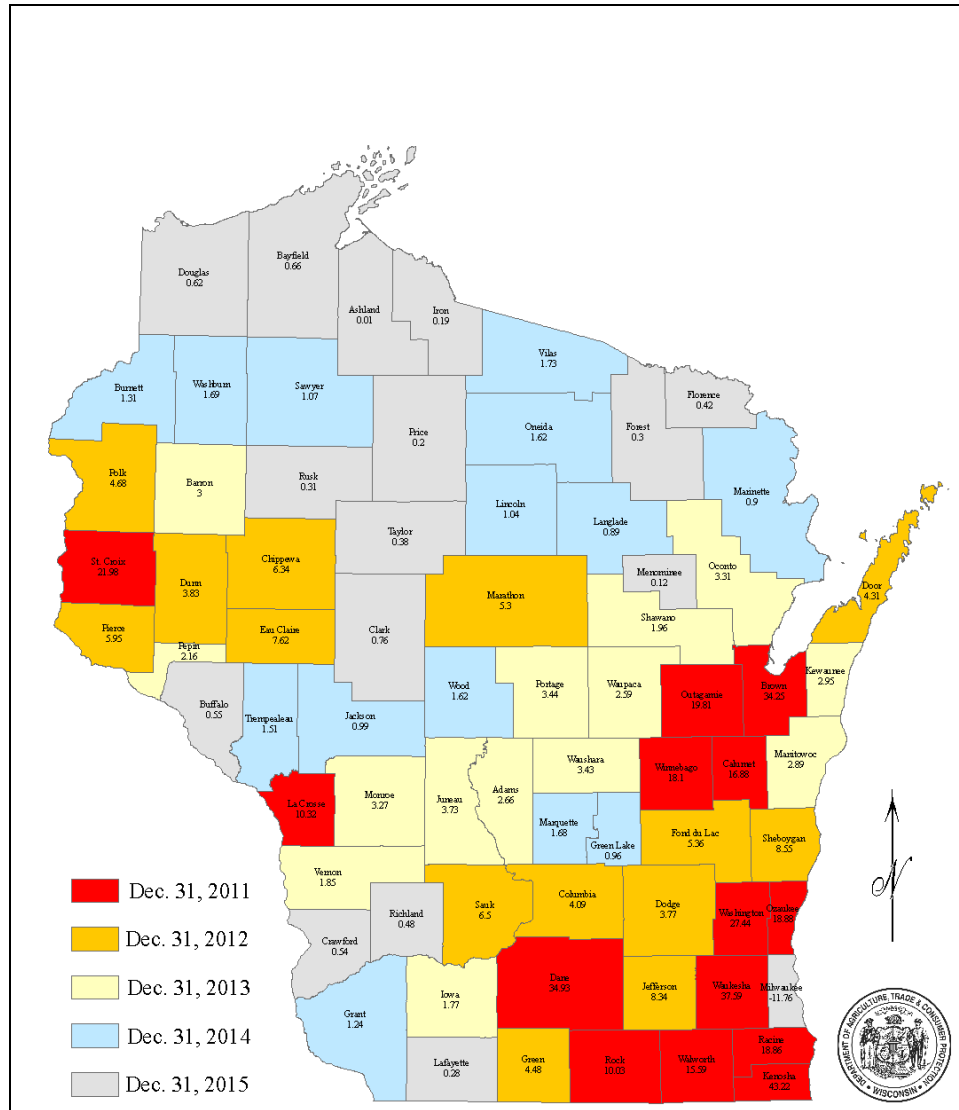


Certification of Plans and Ordinances

2011

2012

- Calumet*
- Brown
- Dane
- Dodge
- Jefferson
- Kenosha
- La Crosse
- Outagamie
- Ozaukee
- Racine
- Rock
- Walworth
- Waukesha *
- Washington
- Winnebago



- Chippewa
- Columbia
- Door
- Dunn
- Eau Claire
- Fond du Lac
- Green
- Marathon
- Pierce
- Polk
- Sauk
- Sheboygan
- Juneau **
- Portage **

FPP PLAN RATIONALE ARE NOT APPROPRIATE THAT:

- Fails to include a rationale to establish areas in county plans to preserve for agricultural use.
- Has a plan map that is substantially inconsistent with the identified rationale.
- The rationale is substantially inconsistent with projections for the need or likelihood for development.

FPP PLAN RATIONALE ARE NOT APPROPRIATE THAT:

- The rationale and proposed map will result in substantial voluntary zoning, which is not a legal basis for determining land use zoning
- The rationale and proposed map will result in substantial spot zoning, which is not a legal basis for determining land use zoning



Farmland Preservation Plan Working Lands Standards

- Continued focus on preservation of agricultural land
- Plan must not include an FPP Area Planned for Development Within 15 Years



Farmland Preservation Plan Working Lands Standards

- County Farmland Preservation Plan Must Be Consistent with County Comprehensive Plan
- FPP Zoning Ordinance Must Be Substantially Consistent With The Certified FPP Plan



Farmland Preservation Plans & Zoning Ordinances

FPP Plans and Ordinances Have Two or More Approval Authorities

- If local gov't adopts first, may have to re-adopt if DATCP requires changes.
- If DATCP certifies first, if local gov't makes changes, DATCP will have to review again and local gov't may have to make changes and re-adopt.



Farmland Preservation Zoning Ordinances

ALLOWED USES MUST BE UPDATED TO NEW CH. 91 STANDARDS

- **Accessory Uses**

Farm Family Business

Professional Offices

Roadside Stands

Farm Residences



- **Ag. Related Uses**

Equipment Dealership

Ag. Supply

Processing Ag. Wastes

Storing/Processing Ag.

products.



Farmland Preservation Zoning Ordinances

Nonfarm Residences Can Be Allowed as a Conditional Use

- Ratio of nonfarm residential acreage to remaining farm acreage in the base farm tract is 1:20 (< 0.50).
- No more than 4 nonfarm residences or 5 total residences on any base farm tract.
- Location will not:
 - Convert cropland or prime farmland
 - Impair or limit ag. use on protected farmland



Farmland Preservation Zoning Ordinances

Base Farm Tract

- Only applies with conditional use
- Contiguous
- Under common ownership
- Date for determination is date of ordinance certification or earlier



Application for Certification

- Available online
- Includes required information specified by s. 91.38, Wis. Stats.
- Must identify a page number reference for each element required by statute
- Requires acknowledgement of relationship to certified county farmland preservation plan

Submitting an Application

- Submit materials electronically
 - Cover document
 - Application form
 - Ordinance text and maps
 - Spatial location data used to create the maps
- Submit one hard copy of
 - Signed cover document
 - Application form

Certification Roadblocks

- Application submitted is not complete
- Ordinance text and map not consistent
- Ordinance adopted differs from ordinance certified by department
- Certification contingencies not met by due date
- Application for expiring ordinance submitted too late to meet certification deadline

Farmland Preservation Zoning Ordinances

Required Rezoning Findings:

- The land is better suited for a use not allowed in the FPP district.
- The rezoning is consistent with the applicable comprehensive plan and certified county FPP Plan.
- The rezoning will not impair or limit ag. use on surrounding parcels.



Farmland Preservation Zoning Ordinances

Average Conversion Fee

- Based on Wisconsin Department of Revenue Use Value Guidelines for Agricultural Land Assessment
<http://www.revenue.wi.gov/report/a.html>

- For example, an average Grade 1 Assessment Value in a town is \$270/acre. Therefore:

$$\mathbf{\$270 \times 3 = \$ 810/ acre}$$

- Conversion Fees do not capture the full difference in land value. The local gov't can add a local fee.

Farmland Preservation Zoning Ordinances

Rezone Report

- Must report 2010 rezones out of the FPP zoning district by March 1, 2011
- Number, location and acres rezoned
- Amount of rezone conversion fees collected
- Send in check for amount due to state for conversion fees

| | |
|---------------------------|---|
| AR84-LW-467 (1/2/2009) | Wisconsin Department of Agriculture, Trade and Consumer Protection Division of Agricultural Resource Management Farmland Preservation Program 2044-Agriculture Dr. • 924000941 Madison WI 53718-9011 Phone: 608-296-4300 |
|---------------------------|---|

Wisconsin Farmland Preservation Program (ch. 91, Wis. Stats.)
ANNUAL REZONING REPORT FORM
Land Rezoned Out of Certified Farmland
Preservation Zoning Districts

Zoning Authority (reporting entity)

- NAME OF ZONING AUTHORITY (COMPLETE ONE):

County of Town of

City of Village of

- County (IF ZONING AUTHORITY IS NOT A COUNTY):

Zoning Authority Contact (individual)

Name: Title:

Phone: Email address:

Report Date

DATE OF THIS REPORT (SUBMISSION DATE)

Calendar Year Covered

CALENDAR YEAR COVERED BY THIS REPORT

Number of Rezoned Acres

Enter total number of acres rezoned out of certified farmland preservation zoning districts during the calendar year covered by this report (acreage for which final rezoning approval occurred during calendar year):

acres rezoned as individual parcel rezones (in response to individual rezoning requests).

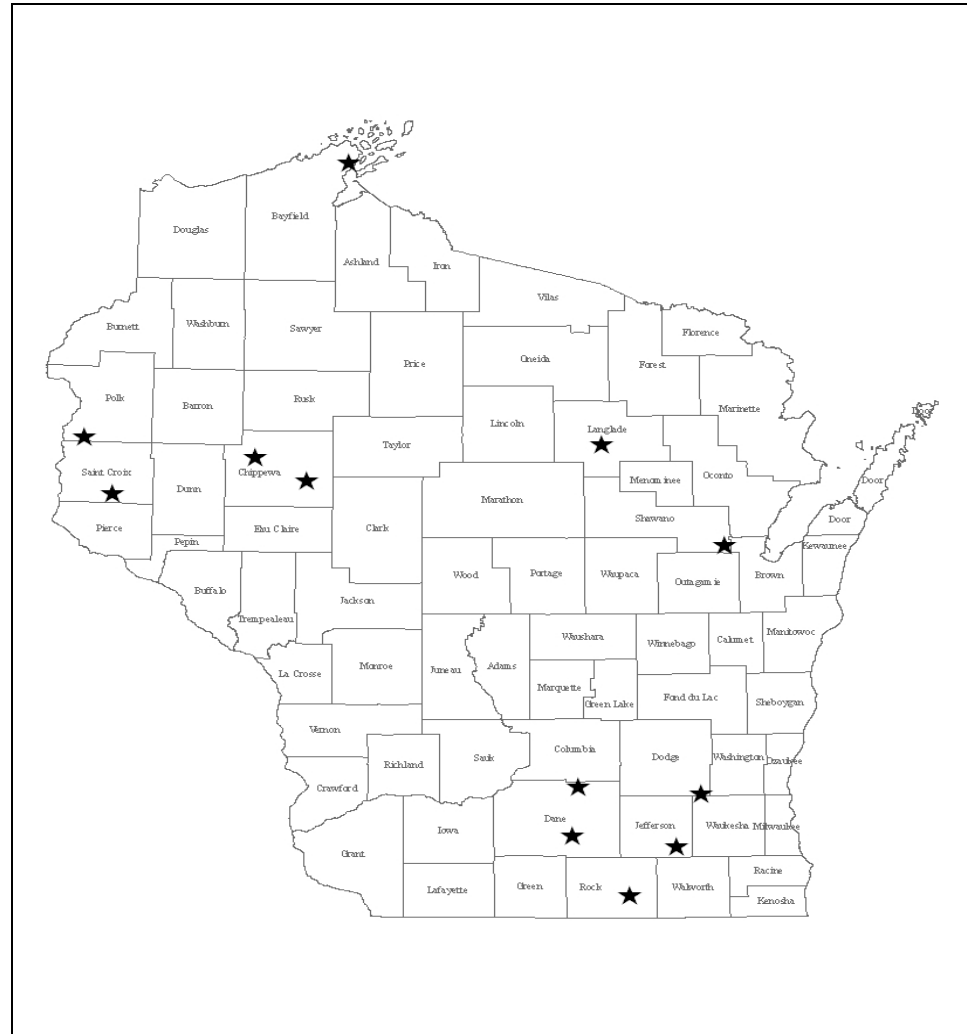
acres rezoned as part of a planned comprehensive zoning map revision initiated by the zoning authority. Was the map revision certified by the Department of Agriculture, Trade and Consumer Protection?

total acres rezoned out of certified farmland preservation zoning districts.

2010 AEA Designations

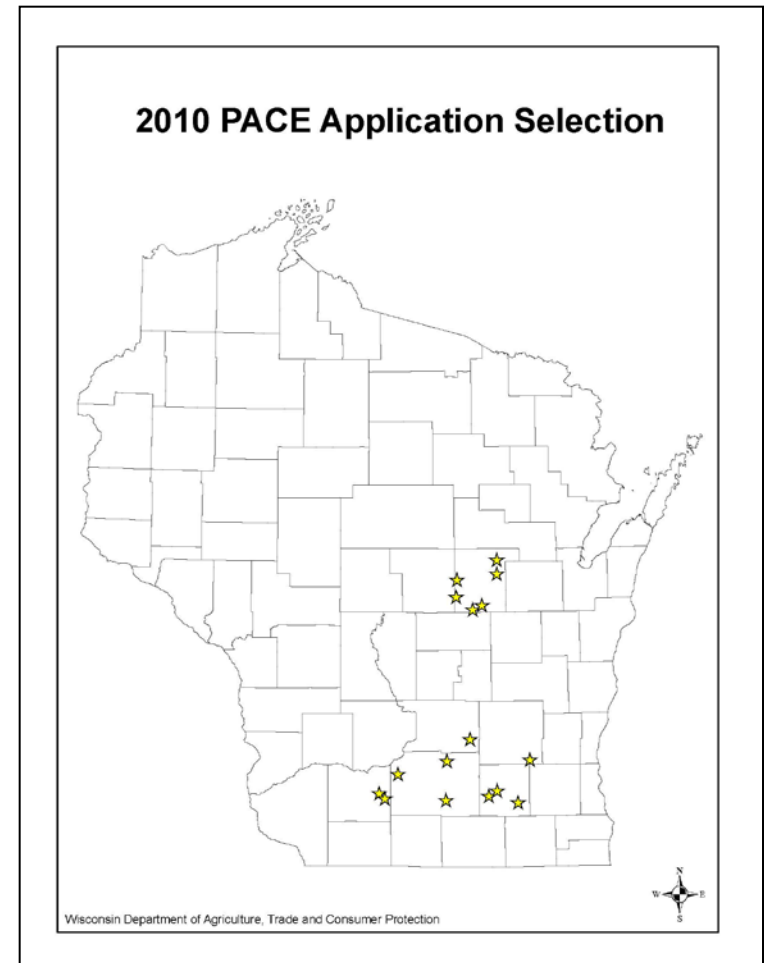
2011 AEA Process

- Petition materials available in October 2010
- Petition deadline in February 2011
- Designation by rule in late 2011



2010 PACE

- **36 applications in 2010**
 - 16 projects recommended for funding
 - Estimated \$6 million commitment for 2010
 - \$6 million in bond remaining
 - Working Lands Fund to supplement bond authority
- **2011 applications available online**
- **2011 application deadline is February 15th, 2011**



Questions/Comments

Email: DATCPWorkingLands@wisconsin.gov

Web: <http://workinglands.wi.gov>

