

Appendix H

Program Summary

Wisconsin Working Lands Initiative

July 2009

The Wisconsin Working Lands Initiative was passed as a part of the state's 2009—2011 biennial budget process. The Wisconsin Working Lands Initiative can be found primarily in Chapter 91 of Wisconsin State Statutes. Main components include:

- Expand and modernize the state's existing farmland preservation program
- Establish agricultural enterprise areas (AEAs)
- Develop a purchase of agricultural conservation easement matching grant program (PACE)

The goal of the Working Lands Initiative is to achieve preservation of areas significant for current and future agricultural uses through successful implementation of these components

EXPAND AND MODERNIZE THE STATE'S EXISTING FARMLAND PRESERVATION PROGRAM

- Modernize county farmland preservation plans to meet current challenges
- Provide planning grants to reimburse counties for farmland preservation planning
- Establish new minimum zoning standards to increase local flexibility and reduce land use conflicts; local governments may apply more stringent standards
- Increase income tax credits for program participants
- Improve consistency between local plans and ordinances
- Simplify the certification process and streamline state oversight
- Ensure compliance with state soil and water conservation standards
- Collect a flat per acre conversion fee when land under farmland preservation zoning is re-zoned for other uses

ESTABLISH AGRICULTURAL ENTERPRISE AREAS

- Maintain large areas of contiguous land primarily in agricultural use and reduce land use conflicts
- Encourage farmers and local governments to invest in agriculture
- Provide an opportunity to enter into farmland preservation agreements to claim income tax credits
- Encourage compliance with state soil and water conservation standards

Wisconsin Department of Agriculture, Trade and Consumer Protection

<http://workinglands.wi.gov>

DATCPWorkingLands@wisconsin.gov

Wisconsin Working Lands Initiative Program Summary

DEVELOP A PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT (PACE) GRANT PROGRAM

- Protect farmland through voluntary programs to purchase agricultural conservation easements
- Provide up to \$12 million in state grant funds in the form of matching grants to local governments and non-profit conservation organizations to purchase agricultural conservation easements from willing sellers
- Stretch state dollars by requiring grants to be matched by other funds such as federal grants, local contributions and/or private donations
- Establish a council to advise the state on pending grants and proposed easement purchases
- Consider the value of the proposed easement for preservation of agricultural productivity, conservation of agricultural resources, ability to protect or enhance waters of the state, and proximity to other protected land
- Ensure consistency of state-funded easement purchases with local plans and ordinances

Educational Opportunities

The department will be organizing workshops to help local governments and citizens to better understand the Working Lands Initiative. These workshops will be designed to answer questions about participation in the Working Lands program.

To be notified of upcoming opportunities:

- Email DATCPWorkingLands@wisconsin.gov. In the email subject line, indicate which topic you are interested in learning more about:
 - General program information
 - Farmland preservation plan updates
 - Zoning ordinance updates
 - Establishing an AEA
 - Participating in the PACE program
- Call (608) 224-4500

To receive our Working Lands Newsletter:

- Email DATCPWorkingLands@wisconsin.gov. In the email subject line, write "Subscribe to newsletter."

For further information, visit <http://workinglands.wi.gov>.

Transitioning from the Farmland Preservation Program to the Working Lands Initiative

The table below describes differences between the Department of Agriculture, Trade and Consumer Protection's (DATCP) previous Farmland Preservation Program and the new Working Lands Initiative. Contact: DATCPWorkingLands@wisconsin.gov with questions or for more information regarding changes to the Farmland Preservation Program.

Category	Farmland Preservation Program (Prior to July 1, 2009)	Working Lands Initiative (July 1, 2009)
Farmland Preservation Planning		
Plan certification process	<ul style="list-style-type: none"> -Required certification by the Land and Water Conservation Board. -Staff review all submissions and make recommendations for certification, denial or certification with conditions. -Minor plan amendments are subject to same review requirements as complete plans. -There is no deadline for turnaround of plan review. 	<ul style="list-style-type: none"> -Required certification by DATCP. Staff have discretion to review plans or to accept self-certification by county. - Certification with conditions is avoided, except where county board has not yet adopted plan at time of review. -Staff have discretion to avoid certification review of minor plan amendments. -There is a 90-day turnaround time for plan review.
Certification expiration date	No expiration date on original plans. Those submitted since 1995, and approved, were granted 10-year certification terms.	May be certified for up to 10 years.
Public process	Public hearing under s. 59.69 required prior to plan adoption. Copies of the plan or plan amendment must be submitted, at least 60 days prior to the public hearing, to all cities, villages and towns within the county, to the Regional Planning Commission, and to all adjoining counties.	Requires county to follow 66.1001(4) (comprehensive planning process) for plan adoption. This includes sending copies of the plan or amendment to all cities, villages and towns within the county, to the Regional Planning Commission, and to all adjoining counties.
Focus of Plans	Preservation of agricultural land	Preservation of agricultural land, and economic development of agriculture.
Consistency Requirements	Ag Preservation Plan must be consistent with and a component of county development plan under s. 59.69	Farmland Preservation Plan must be included in and consistent with county comprehensive plan under s. 66.1001
Inclusion of Town Ag preservation plans	Ch. 91 recognizes only county ag preservation plans. However, the county ag preservation plan must include municipal ag preservation plans if these comply with requirements under s. 91.55 and s. 91.57,	Ch. 91 recognizes only county ag preservation plans.

Category	Farmland Preservation Program (Prior to July 1, 2009)	Working Lands Initiative (July 1, 2009)
	Stats. (2007)	
Preservation areas	<ul style="list-style-type: none"> -Established minimum size of 100 acres for each contiguous agricultural preservation area, and 35 acres for each contiguous ag transition area in plan. -Areas must be devoted to agricultural use, though natural resource and open space areas are allowed 	<ul style="list-style-type: none"> -No minimum size for farmland preservation areas. -- - No transition areas allowed. -Areas must be devoted to either primarily for ag use, primarily for ag-related uses, or both, though natural resource and open space areas are allowed
Rationale for Exclusion Areas	Under s. 91.05, Stats. (2007), reasons for excluding areas previously mapped for FP must be provided, and meet one of four criteria.	All that is required is a general statement identifying differences from the previous plan; no specific rationale for removal of ag preservation lands in previous plan is required.
Planning assistance	No grant funding available for plan development	Planning grants available to reimburse counties for up to 50% of eligible costs to develop plan.
Farmland Preservation Zoning		
Ordinance certification process	<ul style="list-style-type: none"> -Required certification by the Land and Water Conservation Board. -Staff review all submissions and make recommendations for certification, denial or certification with conditions. -Minor ordinance text and map amendments may be subject to same review requirements as comprehensive ordinance revisions. -There is no deadline for turnaround of ordinance review 	<ul style="list-style-type: none"> -Required certification by DATCP. -Staff will review for certification in cases where there is: 1) a comprehensive revision; 2) ordinance coverage is being extended to a new town; or, 3) there are provisions that materially affect compliance with s. 91.38, Stats. - Certification is not required for routine rezones (s. 91.48 (1), and the department may accept self-certification by county for minor ordinance text and routine map amendments submitted (rezones). -Certification with conditions is avoided, except where county board has not yet adopted zoning ordinance at time of review. -There is a 90-day turnaround time for zoning ordinance review.
Certification expiration date	No expiration date on original ordinances. Those submitted and approved since 1995 were granted 10-year certification terms.	May be certified for up to 10 years
Uses allowed in FP zoning districts	-Listed permitted and conditional uses; uses “consistent with ag use” as defined in s. 91.01, Stats. (2007);	<ul style="list-style-type: none"> -Listed permitted and conditional uses; -ancillary uses are permitted uses; - ag-related uses are permitted uses

Category	Farmland Preservation Program (Prior to July 1, 2009)	Working Lands Initiative (July 1, 2009)
	<p>-ag-related uses are required to be conditional uses. -ancillary uses are required to be “consistent with ag use” or conditional uses.</p>	
Residential uses	<p>-Farm residences can be permitted or conditional uses; -Non-farm residences are limited to prior nonconforming uses; -other residences, which can be classified as permitted or conditional uses, must be found “consistent with ag use” as defined in s. 91.10, Stats. (2007), and occupied by the owner, or current or former family members of the farm owner or operator.</p>	<p>-Farm residences, including SF or duplex structures, occupied by owner, farm family members or migrant labor camp under s.103.92, Stats. are permitted uses; -Non-farm residences up to four in number, that don’t exceed a 1:20 density ratio to farm acreage on the base farm parcel, and meeting requirements of s. 91.46 (2) for consistency with ag use are permitted uses as part of a non-farm cluster conditional use. -Individual non-farm residences must be a conditional use (see s. 91.44(1))</p>
Minimum lot sizes	Local government must adopt a minimum lot size for parcels in exclusive ag districts; this lot size is at their discretion. Lot size may be more restrictive than the minimum 35 acres required in order to collect the tax credit.	There are no minimum lot sizes required by statute in farmland preservation districts, but local governments may establish one. The density ratio for non-farm residences may be more restrictive than the 1:20 ratio to farm acreage in s. 91.46 (2)(a)
Requirements for rezoning land out of certified ag zoning districts	Lands rezoned from an exclusive ag zoning district must be suitable for development with adequate public facilities, and not have an adverse impact on soil erosion or water pollution.	Lands rezoned from FP zoning district must not impair or limit ag use on surrounding parcels, must be consistent with certified FP plan and adopted county comprehensive plan, must be better suited for non-farm use, and must not be able to be accommodated as a conditional use
Conversion Fee for rezoning parcels out of certified district	Rezoning lien placed on property based upon the credits received during the last 10 years, plus interest. If the government initiates the rezone, they pay the lien. This lien was never collected by department.	Rezoning requires payment of a per acre conversion fee equal to three times the per acre value of the highest class of tillable ag land present in the municipality. If the government initiates the rezone, they pay the conversion fee.
Notification of rezones to the state	Local government is required to notify DATCP of each rezoning out of EAZ; in practice this was left to discretion of local governments and not audited.	Local government must submit the following to the state by March 1; a report of the aggregate acreage rezoned out of FP zoning districts, including a map,

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		as well as the amount of conversion fees collected, and the actual conversion fee payments.
Notification of conditional use adoption	Local government is required to notify DATCP of conditional use permits granted within EAZ districts; in practice this was not enforced.	There are no requirements for reporting to DATCP
Farm Family Businesses	Non-farm businesses allowed as a conditional use, if limited to existing farm residences or structures, portions of existing farmstead not dedicated to ag use, and utilizing no more than 2 non-family employees.	Non-farm businesses allowed as a permitted use if limited to existing farm residences or structures that are an integral part of an ag use, that does not impair or limit current or future ag use on the farm, or on other parcels under FP zoning or agreements, and that utilizes no more than 4 full-time employees annually.
Farm Consolidations	Where two or more farm operations are consolidated, residences separated from a larger farm parcel as a result of the consolidation can be permitted or conditional uses, not subject to lien under rezoning.	Not addressed
Classes of Conditional Uses	Limited to ag-related, religious, utility, institutional and government uses consistent with ag use, and necessary after considering alternative locations available for such uses; nonmetallic mineral extraction if subject to locally approved reclamation plan; farm family businesses, or to ag uses, ancillary uses or residences qualifying under s. 91.75 (2), Stats. (2007) at discretion of local government	Limited to uses specified under s. 91.46. This includes government, institutional, religious and non-profit community uses, nonmetallic mineral extraction, licensed oil and gas exploration, qualifying non-farm residences and residential clusters, transportation, communications, pipeline, electric transmission, utility and drainage uses, as well as ag, accessory and ag-related uses at discretion of local government. Subject to requirements of livestock siting law, s.93.90, Stats.
Consistency with Farmland Preservation Plan	Exclusive Ag zoning ordinance must be consistent with the certified Ag Preservation plan. All land zoned for exclusive ag must be in designated ag preservation or transition area of the plan.	Farmland Preservation zoning ordinance must be “substantially consistent” with the certified Farmland Preservation plan. All land zoned for Farmland Preservation must be in a designated farmland preservation area of the plan.
“Consistency with Ag Use” Provision	All non-ag uses, conditional or otherwise, as well as structures or improvements must be “consistent with ag use” as defined in s. 91.01, Stats. (2007), i.e. the activity will not convert land devoted primarily to ag	Similar content to the previous statutory provision on “consistency with ag use” is provided for conditional uses, but not in general. Conditional uses must be consistent with the purpose of the FP zoning district,

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	use, limit potential ag use on surrounding land, conflict with ag operations on land subject to an agreement, or conflict with ag operations on other properties.	be sited reasonably and appropriately after considering alternative locations, be designed to minimize conversion from or damage to land in ag use, and not substantially impair to limit current or future ag use of surrounding parcels under FP zoning or agreements.
Tax Credits		
Eligibility	Farmland owned must be 35 acres or more of contiguous land devoted “primarily to ag use”, and provide at least \$6,000 of gross farm profits (or \$18,000 over last 3 years), or be enrolled in the Conservation Reserve Program	There is no minimum acreage required to collect the tax credit. Farmland must be in common ownership and devoted “primarily to ag use”, and provide at least \$6,000 of gross farm profits (or \$18,000 over last 3 years), or be enrolled in a farm commodity or conservation program
Tax Credit Calculation	Complicated formula to compute tax credit based on landowner’s household income and excessive property taxes accrued. The schedule of credit amount increases with property taxes accrued, and decreases with household income up to a maximum \$4,200 a year. (s.71.60, Stats. (2007))	Flat rate, not based on income or property taxes paid; based only on the qualifying acreage of land in parcel devoted primarily to ag use multiplied by fixed rate per acre. No maximum tax credit. (s.71.613 (2))
Different Levels of Tax Credit	<ul style="list-style-type: none"> -Landowners collect 100% of computed credit if their land is under a certified exclusive ag zoning (EAZ) ordinance and ag preservation plan. -Landowners can collect 80% of computed credit if they are under an individual agreement. -Landowners can collect 70% of computed credit if they are under EAZ but not under a certified ag preservation plan. -Those under an agreement or EAZ are guaranteed a minimum credit of 10% on property taxes up to \$6,000. 	<ul style="list-style-type: none"> -Landowners can collect \$5 per acre credit if their land is under an individual agreement, and after July 1, 2009, within a certified Ag Enterprise Area. -They can collect \$7.50 per acre if their land is within a certified Farmland Preservation Zoning District. - -They can collect \$10 per acre if their land is both under an individual agreement within an AEA, and within a FP zoning district. In all cases, to collect, they must be on land designated for farmland preservation under a certified FP plan.
Agreements		
Land Eligibility	-Eligible land must be in either an ag preservation area or transition area of the certified county ag	-Requires location within an agricultural enterprise area certified by DATCP, and within a farmland

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	preservation plan map; or under a certified EAZ ordinance even if the county lacks a certified ag preservation plan. -Land is not eligible in counties with population density of over 100 persons per square mile	preservation area of a certified county ag preservation plan. Application for AEA certification requires landowners of five eligible farms, and the local government participation. -Land which is expected to develop within 15 years (i.e. formerly transition areas) is not eligible.
Criteria for Review of Application	County reviews agreement application based on criteria in s. 91.13 (4) including productivity of ag land, predominance of ag use, consistency with certified ag plan, in addition to eligibility of land, and other discretionary county criteria consistent with Ch. 91	County reviews agreement application based only on eligibility of land, specifically: 1) is land in FP area of certified FP plan map; and 2) is land within a certified Ag Enterprise Area. There is no county discretion in review criteria.
Relinquishment	Owner may apply to the LWCB for an agreement relinquishment; a lien against the property assessed for the total amount of all credits received by all owners of such lands during the last 10 years plus compounding interest	Requires payment of a per acre conversion fee equal to three times the per acre of the value of the highest class of tillable ag land present in the municipality.
Conditions for Relinquishment	Requires approval of local government based on “consistency with ag use” and approval of LWCB	Requires approval by DATCP based on condition that it “will not impair or limit ag use” of other farmland under FP zoning or under agreement.
Agreement length	Not less than 10 years nor more than 25 years	At least 15 years
Transition area agreement	Allowed	Not allowed
Monitoring and Reporting		
Soil and water standard compliance checks	Checks required every 6 years	Checks required every 4 years
Soil and water standards	Requires county to develop standards and get approval from the LWCB based on ATCP 50.04 and 50.16, and s.92.104 and s.92.105, Stats. (2007)	Relies on state standards identified in ch. 281 and ch. 92. (See s. 92.05 (3) (c) & (k); s. 92.14 (8); and s. 281.16(3) (b) &(c), Stats.)
PACE easements	Not applicable	State and county or local co-holder of easement will enforce the easement.
Rezoning reports	Requires notification of rezoning, no timeframe. Self-reporting, no DATCP oversight.	Requires a report on the number of acres rezoned, a map of the location of the rezoned acres, the total

Category	Farmland Preservation Program (Prior to July 1, 2009)	Working Lands Initiative (July 1, 2009)
		amount of conversion fees collected
Definitions		
Agricultural Use	Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program; participating in milk production termination program; vegetable raising.	Crop or forage production; keeping livestock; beekeeping; nursery, sod or Christmas tree production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program, or federal or state ag land conservation payment program.
Consistency with Ag Use	Defined in s. 91.10, Stats, (2007)	Similar content incorporated for conditional uses into s. 91.46(2)(c), s. 91.46 (4), s. 91.46 (5) and s. 91.46 (6)
Land devoted “primarily to ag use”	Must have been in ag use for at least 12 months of the preceding 36 months.	Not defined
Development	“Development” means change to any use other than agricultural use (s. 91.01 (4), Stats. (2007))	Agricultural development is distinguished from non-agricultural development, with the former consistent with ag preservation; some ag-related uses are allowed as a permitted use in FP zoning districts, and allowed within farmland preservation areas of the FP plan

Agricultural Enterprise Areas

Wisconsin Working Lands Initiative

July 2009

An agricultural enterprise area (AEA) is a contiguous land area devoted primarily to agricultural use and locally targeted for agricultural preservation and agricultural development.

Benefits of AEA's

- Preserve areas valuable for current and future agricultural use
- Promote the development of agricultural businesses
- Ensure eligibility of farm owners for tax credits through farmland preservation agreements

The state is authorized to designate:

- 15 AEA's (up to 200,000 acres) during a two year pilot period ending December 31, 2011
- Up to 1,000,000 acres total statewide after 2011

Designation of an AEA

The designation of AEA's is based on review of a petition voluntarily submitted by owners of at least 5 eligible farms and any affected local governments. The state Department of Agriculture, Trade and Consumer Protection (DATCP) will request submittal of petitions. The request will include submittal deadlines and review procedures. Petitions filed with DATCP must meet basic requirements identified by DATCP to be considered for designation. Additional evaluation criteria may be used to review competing petitions.

The area proposed for designation as an AEA must be:

- Located in a farmland preservation area, as certified under a county farmland preservation plan
- A contiguous land area
- Primarily in agricultural use

Once successful petitions are selected, the state will officially designate the areas as AEA's through a modified administrative rule process. The rule process requires a public hearing and notice to the legislature. AEA's may only be designated, modified or terminated through this process.

Petition materials, including requirements and evaluation criteria will be made available on the Department of Agriculture, Trade and Consumer Protection website at <http://workinglands.wi.gov>.

Agricultural Enterprise Areas

Guidance for requesting designation of an AEA

1. Determine your interest in being a part of an AEA. You may wish to contact the state with questions or for further assistance.
2. Confirm your eligibility. (*Gross farm revenues of \$6,000 in the preceding year or \$18,000 in the previous three years*).
3. Identify at least 4 other eligible landowners within the area to serve as petitioners.
4. Determine the boundary of the area to be proposed for designation.
6. Get the support of political subdivisions in which the AEA is proposed.
7. Determine if all of the following apply:
 - Located in a certified farmland preservation area
 - Consists of contiguous land area
 - Primarily in agricultural use
8. Develop the petition requesting designation of AEA, making sure to fully complete all sections of the petition.
9. Identify interested cooperators who may support your petition.
10. Submit the petition to the State of Wisconsin by the identified deadline when a request for submittals is made.
11. Once the AEA is established:
 - Sign a farmland preservation agreement to collect tax credits, if desired.
 - Continue to promote agricultural land use and the development of agriculture within the AEA.

The process to designate an AEA may be initiated by landowners or by a political subdivision. In either case, it is important for the local farm owners and local governments to work together to ensure adequate interest in establishing and maintaining an AEA.

PACE— Purchase of Agricultural Conservation Easements

Wisconsin Working Lands Initiative

July 2009

The PACE program provides state funding for the purchase of agricultural conservation easements. The Department of Agriculture, Trade and Consumer Protection (DATCP) will provide funding to cooperating local entities (local governments or non-profit organizations) for the purchase of easements from willing landowners. Local entities purchase the easements and may be reimbursed for up to 50 percent of the easement cost by the PACE program. The state and local entities will then be co-holders of the easement. PACE funded easements are intended to strengthen areas that have been planned and designated as local farmland preservation areas in a certified county farmland preservation plan. Agricultural conservation easements may also provide additional protection to areas that have been designated as agricultural enterprise areas.

What is an Agricultural Conservation Easement?

An agricultural conservation easement prohibits development that would make the land unavailable or unsuitable for agricultural use. Easements are voluntary and allow a landowner to be compensated for limiting development on his or her farmland. Easements are permanent and are carried over to subsequent landowners if the property is sold. With an agricultural conservation easement, a landowner continues to pay property tax on the land at the current required rate.

What does it mean to have an easement on my land?

Land with an agricultural conservation easement cannot be developed for any purpose that would prevent the land from being used for agriculture. Land with an agricultural conservation easement will remain on property tax rolls.

With an agricultural conservation easement on the property, a landowner will continue to:

- Privately own and manage the land;
- Keep farming the land;
- Keep the title to the property;
- Be eligible for the farmland preservation income tax credit (if standards are met for tax credit eligibility);
- Control public access

PACE— Purchase of Agricultural Conservation Easements

When can I apply for an easement?

Application materials for interested landowners may not be available until fall of 2009. After a request for proposals is made by the department, the cooperating local entity can submit easement proposals to DATCP. Landowners should contact their cooperating local entities if they are interested in an agricultural conservation easement for their land.

What are the easement criteria for receiving state PACE funds?

PACE funds can be used as long as the proposed land is located in a farmland preservation area as identified in a certified county farmland preservation plan. Landowners must be willing to relinquish the easement or development rights. Proposed easements must protect or enhance waters of the state or other public assets and the location of the easement should be consistent with county and local farmland preservation plans.

Easements considered for PACE funding will be also judged based on the ability to:

- Preserve agricultural capacity and conserve important or unique agricultural resources
- Be consistent with county and local farmland preservation zoning
- Enhance an agricultural enterprise area, as designated by the state
- Be practical and consistent with other methods of land preservation
- Be close to other protected lands or enhance other protected lands
- Be cost effective
- Be in danger of conversion from agricultural use

How will the PACE approval process work?

- An interested landowner applies to the local cooperating entity for easement consideration.
- A local government or non-profit organization submits a proposal for an easement. DATCP will solicit proposals at least annually, in consultation with the PACE council.
- After preliminary approval by DATCP and the PACE council, the cooperating entity must submit the following information to DATCP:
 - A copy of the legal document used to convey the easement
 - An appraisal of the fair market value of the easement by a state-certified appraiser commissioned by the cooperating entity
 - Easement purchase cost
 - Estimate of the reimbursable transaction costs (incurred by cooperating entity)
 - A complete title search
 - Documentation showing that any material defects or conflicting property interests have been resolved
 - After receiving this information, DATCP will enter into a contract with the local cooperating entity for the purchase of the easement

Land Use in Farmland Preservation Zoning Districts

Wisconsin Working Lands Initiative

September 2009

Following are sections of chapter 91 Wis. Stats. regarding allowable land uses in certified farmland preservation zoning districts. These sections are followed by applicable definitions from chapter 91.

Please note that s. 91.44 permitted uses may be allowed as conditional uses, but conditional uses (s. 91.46) may not be listed as permitted uses.

Uses

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.

Permitted Uses

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.

Conditional Uses

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. (6).
- (i) Oil and gas exploration or production that is licensed by the department of natural resources under subch. II of ch. 295.
- (j) Other uses allowed by the department by rule.

92.46 (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.

91.46 (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.

91.46 (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).

Conditional Uses, continued

91.46 (4) Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Use. 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 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 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.

91.46 (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.

91.46 (6) Nonmetallic Mineral 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.

Definitions

91.01 (1) "Accessory use" means any of the following land uses on a farm:

- (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.

91.01 (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.
 - 3. Beekeeping.
 - 4. Nursery, sod, or Christmas tree production.
 - 4m. Floriculture.
 - 5. Aquaculture.
 - 6. Fur farming.
 - 7. Forest management.
 - 8. 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.

91.01 (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.

91.01 (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.

Farmland Preservation Certification Expiration Dates

September 2009

The table below lists farmland preservation certification expiration dates by:

- (a) Plan certification expiration schedule found in s. 91.14, Wis. Stats. Zoning ordinance certifications expire the year following plan certifications (s. 91.34, Wis. Stats.), but are not specified in this table.
- (b) Expiration dates found in existing certification orders. Existing expiration dates take precedence over dates scheduled in ch. 91, Wis. Stats.

All certifications expire on December 31 of the year listed.

County	Municipality	(a) Chapter 91 Schedule	(b) Existing Expiration	Plan or Ordinance	Text, Map, or Both
Adams	County	2013	2014	Plan	Both
Adams	County		2008	Ordinance	Text
Adams	Adams		2008	Ordinance	Map
Adams	Dell Prairie		2008	Ordinance	Map
Adams	Easton		2008	Ordinance	Map
Adams	Jackson		2008	Ordinance	Map
Adams	New Chester		2008	Ordinance	Map
Adams	New Haven		2008	Ordinance	Map
Adams	Preston		2008	Ordinance	Map
Adams	Richfield		2008	Ordinance	Map
Adams	Springville		2008	Ordinance	Map
Ashland	County	2015		Plan	Both
Barron	County	2013		Plan	Both
Bayfield	County	2015		Plan	Both
Brown	County	2011		Plan	Both
Brown	Rockland		2019	Plan	Both
Buffalo	County	2015		Plan	Both
Burnett	County	2014		Plan	Both
Calumet	County	2011		Plan	Both
Chippewa	County	2012		Plan	Both
Clark	County	2015		Plan	Both
Columbia	County	2012		Plan	Both
Crawford	County	2015		Plan	Both
Dane	County	2011		Plan	Both
Dane	County		2009	Ordinance	Text
Dane	Oregon		2008	Ordinance	Map
Dane	Oregon		2018	Plan	Both
Dodge	County	2012	2009	Plan	Both
Dodge	Portland		2009	Ordinance	Both
Dodge	Theresa		2009	Ordinance	Both

County	Municipality	(a) Chapter 91 Schedule	(b) Existing Expiration	Plan or Ordinance	Text, Map, or Both
Door	County	2012		Plan	Both
Door	County		2008	Ordinance	Text
Door	Clay Banks		2008	Ordinance	Map
Douglas	County	2015		Plan	Both
Dunn	County	2012		Plan	Both
Eau Claire	County	2012		Plan	Both
Florence	County	2015		Plan	Both
Fond du Lac	County	2012		Plan	Both
Fond du Lac	Empire		2008	Ordinance	Text
Fond du Lac	Metomen		2014	Ordinance	Both
Fond du Lac	Taycheedah		2009	Plan	Map
Fond du Lac	Taycheedah		2014	Ordinance	Both
Forest	County	2015		Plan	Both
Grant	County	2014		Plan	Both
Grant	County		2014	Ordinance	Text
Grant	Ellenboro		2018	Ordinance	Map
Grant	Lima		2009	Ordinance	Map
Grant	Mount Hope		2014	Ordinance	Map
Grant	Watterstown		2018	Ordinance	Map
Green	County	2012		Plan	Both
Green Lake	County	2014		Plan	Both
Green Lake	City of Berlin		2016	Ordinance	Both
Green Lake	City of Berlin		2016	Plan	Both
Iowa	County	2013		Plan	Both
Iron	County	2015		Plan	Both
Jackson	County	2014		Plan	Both
Jefferson	County	2012	2009	Plan	Both
Jefferson	County		2009	Ordinance	Both
Juneau	County	2013		Plan	Both
Kenosha	County	2011		Plan	Both
Kewaunee	County	2013	2017	Plan	Both
Kewaunee	Casco		2010	Ordinance	Both
Kewaunee	Franklin		2017	Ordinance	Both
Kewaunee	Lincoln		2018	Ordinance	Both
Kewaunee	Pierce		2019	Ordinance	Both
La Crosse	County	2011		Plan	Both
Lafayette	County	2015		Plan	Both
Lafayette	County		2009	Ordinance	Text
Lafayette	Belmont		2018	Ordinance	Map
Lafayette	Belmont		2018	Plan	Both
Lafayette	Elk Grove		2016	Ordinance	Map
Lafayette	Elk Grove		2018	Plan	Both
Lafayette	Shullsburg		2018	Ordinance	Map
Lafayette	Shullsburg		2018	Plan	Both

County	Municipality	(a) Chapter 91 Schedule	(b) Existing Expiration	Plan or Ordinance	Text, Map, or Both
Langlade	County	2014		Plan	Both
Lincoln	County	2014		Plan	Both
Manitowoc	County	2013	2015	Plan	Both
Manitowoc	County		2011	Ordinance	Both
Manitowoc	Eaton		2015	Plan	Map
Manitowoc	Eaton		2011	Ordinance	Map
Manitowoc	Franklin		2015	Plan	Map
Manitowoc	Franklin		2018	Ordinance	Both
Marathon	County	2012		Plan	Both
Marinette	County	2014		Plan	Both
Marquette	County	2014		Plan	Both
Menominee	County	2015		Plan	Both
Milwaukee	County	2015		Plan	Both
Monroe	County	2013		Plan	Both
Oconto	County	2013		Plan	Both
Oneida	County	2014		Plan	Both
Outagamie	County	2011		Plan	Both
Outagamie	Hortonia		2009	Ordinance	Both
Outagamie	Hortonia		2009	Plan	Both
Ozaukee	County	2011		Plan	Both
Pepin	County	2013		Plan	Both
Pierce	County	2012		Plan	Both
Pierce	County		2008	Ordinance	Text
Pierce	Salem		2008	Ordinance	Map
Polk	County	2012		Plan	Both
Portage	County	2013		Plan	Both
Price	County	2015		Plan	Both
Racine	County	2011		Plan	Both
Richland	County	2015		Plan	Both
Richland	Rockbridge		2018	Ordinance	Both
Rock	County	2011	2015	Plan	Both
Rock	Clinton		2017	Ordinance	Both
Rock	Harmony		2017	Ordinance	Both
Rock	LaPrairie		2015	Plan	Map
Rock	LaPrairie		2018	Ordinance	Both
Rock	Magnolia		2015	Plan	Map
Rock	Magnolia		2018	Ordinance	Both
Rusk	County	2015		Plan	Both
Sauk	County	2012		Plan	Both
Sauk	County		2016	Plan	Text
Sauk	County		2016	Ordinance	Text
Sauk	Baraboo		2016	Plan	Map
Sauk	Fairfield		2016	Plan	Map
Sauk	Franklin		2016	Plan	Map

County	Municipality	(a) Chapter 91 Schedule	(b) Existing Expiration	Plan or Ordinance	Text, Map, or Both
Sauk	Franklin		2016	Ordinance	Map
Sauk	Freedom		2016	Plan	Map
Sauk	Greenfield		2016	Plan	Map
Sauk	Honey Creek		2016	Plan	Map
Sauk	Honey Creek		2016	Ordinance	Map
Sauk	Merrimac		2016	Plan	Map
Sauk	Prairie Du Sac		2016	Ordinance	Map
Sauk	Prairie Du Sac		2016	Plan	Map
Sauk	Reedsburg		2016	Plan	Map
Sauk	Reedsburg		2016	Ordinance	Map
Sauk	Sumpter		2016	Plan	Map
Sauk	Sumpter		2016	Ordinance	Map
Sauk	Troy		2016	Ordinance	Map
Sauk	Troy		2016	Plan	Map
Sauk	Westfield		2016	Ordinance	Map
Sauk	Westfield		2016	Plan	Map
Sawyer	County	2014		Plan	Both
Shawano	County	2013		Plan	Both
Sheboygan	County	2012	2015	Plan	Both
Sheboygan	Greenbush		2018	Ordinance	Both
Sheboygan	Holland		2016	Ordinance	Both
Sheboygan	Lyndon		2017	Ordinance	Both
Sheboygan	Russell		2017	Ordinance	Both
Sheboygan	Sheboygan Falls		2018	Ordinance	Both
St. Croix	County	2011		Plan	Both
Taylor	County	2015		Plan	Both
Trempealeau	County	2014		Plan	Both
Vernon	County	2013		Plan	Both
Vilas	County	2014		Plan	Both
Walworth	County	2011		Plan	Both
Washburn	County	2014		Plan	Both
Washington	County	2011		Plan	Both
Washington	Hartford		2009	Plan	Map
Washington	Hartford		2010	Ordinance	Both
Washington	Kewaskum		2009	Plan	Map
Washington	Kewaskum		2010	Ordinance	Both
Waukesha	County	2011		Plan	Both
Waupaca	County	2013		Plan	Both
Waushara	County	2013		Plan	Both
Winnebago	County	2011		Plan	Both
Wood	County	2014		Plan	Both

**2009 Use Value Guidelines For Agricultural Land Assessment
(dollars per acre)**

County	Code	TVC	Name	Grade 1	Grade 2	Grade 3	PASTURE
Vilas	63002	Town	Arbor Vitae	\$176	\$153	\$119	\$45
	63004	Town	Boulder Junction	\$185	\$161	\$125	\$47
	63006	Town	Cloverland	\$182	\$159	\$123	\$46
	63008	Town	Conover	\$183	\$159	\$123	\$46
	63010	Town	Lac du Flambeau	\$179	\$156	\$121	\$46
	63012	Town	Land O Lakes	\$181	\$158	\$122	\$46
	63014	Town	Lincoln	\$183	\$159	\$123	\$47
	63016	Town	Manitowish Water:	\$184	\$160	\$124	\$47
	63018	Town	Phelps	\$179	\$156	\$121	\$46
	63020	Town	Plum Lake	\$183	\$159	\$123	\$46
	63022	Town	Presque Isle	\$184	\$160	\$124	\$47
	63024	Town	Saint Germain	\$183	\$159	\$123	\$47
	63026	Town	Washington	\$182	\$159	\$123	\$46
	63028	Town	Winchester	\$184	\$160	\$124	\$47
	63221	City	Eagle River	\$169	\$148	\$114	\$43
Walworth	64002	Town	Bloomfield	\$291	\$245	\$178	\$71
	64004	Town	Darien	\$315	\$266	\$193	\$77
	64006	Town	Delavan	\$305	\$257	\$186	\$75
	64008	Town	East Troy	\$308	\$260	\$189	\$76
	64010	Town	Geneva	\$301	\$253	\$184	\$74
	64012	Town	La Fayette	\$309	\$261	\$189	\$76
	64014	Town	La Grange	\$309	\$260	\$189	\$76
	64016	Town	Linn	\$305	\$257	\$186	\$75
	64018	Town	Lyons	\$306	\$258	\$187	\$75
	64020	Town	Richmond	\$306	\$258	\$187	\$75
	64022	Town	Sharon	\$297	\$250	\$181	\$73
	64024	Town	Spring Prairie	\$304	\$256	\$186	\$75
	64026	Town	Sugar Creek	\$310	\$261	\$189	\$76
	64028	Town	Troy	\$308	\$259	\$188	\$76
	64030	Town	Walworth	\$303	\$255	\$185	\$74
	64032	Town	Whitewater	\$305	\$257	\$187	\$75
	64116	Village	Darien	\$281	\$237	\$172	\$69
	64121	Village	East Troy	\$295	\$248	\$180	\$72
	64126	Village	Fontana	\$304	\$256	\$186	\$75
	64131	Village	Genoa City	\$277	\$233	\$169	\$68
	64153	Village	Mukwonago	\$290	\$244	\$177	\$71
	64181	Village	Sharon	\$277	\$233	\$169	\$68
	64191	Village	Walworth	\$291	\$245	\$178	\$71
	64192	Village	Williams Bay	\$299	\$252	\$183	\$73
	64206	City	Burlington	\$370	\$311	\$226	\$91
	64216	City	Delavan	\$287	\$242	\$175	\$70
	64221	City	Elkhorn	\$295	\$248	\$180	\$72
	64246	City	Lake Geneva	\$286	\$241	\$175	\$70
	64291	City	Whitewater	\$292	\$246	\$178	\$72
	Washburn	65002	Town	Barronett	\$203	\$177	\$139