

Planning for Agriculture

Wisconsin Working Lands Initiative

Planning is essential for effective farmland preservation. Through good planning, the best farmland can be preserved and land use conflicts can be minimized. Under the Working Lands Initiative, counties are encouraged to participate in the program through the development of farmland preservation plans. Counties that develop a farmland preservation plan and have it certified by the state Department of Agriculture, Trade and Consumer Protection (DATCP) enable eligible farmers to participate in Working Lands programs.

Certification expiration dates for existing county farmland preservation plans

Nearly all counties in the state have an existing county plan. According to Ch. 91 of Wisconsin State Statutes, certification of all existing county plans are scheduled to expire by December 31, 2015. The statute establishes a staggered timeframe for plan expirations based upon population growth per square mile from 2000 to 2007. Some county plans, however, will expire based upon a plan certification expiration date attached to their currently certified plan. For plans which have such a certification date currently, this date takes precedence over the statutorily scheduled date, whether it occurs before or after the date identified in the statute.

A table listing the plan certification expiration dates for all counties in the state can be found on the state's website. Visit <http://workinglands.wi.gov> and click on the "Farmland Preservation Planning" page.

Coordinating planning efforts

If counties fail to update their plan by the date identified in state statute, farmers in the county will lose tax credit eligibility. Under the new statute, a county may request extension of the scheduled expiration deadline for up to 2 years *if this delay is necessary to coordinate with the development of the county's comprehensive planning process*.

To request an extension of a scheduled expiration deadline, a county must submit a written request to the Secretary of the department that demonstrates that the extension would allow the county to concurrently develop a farmland preservation plan and the county comprehensive plan or an update to a comprehensive plan.

In addition to coordinating with county comprehensive planning efforts, it may also be necessary to further coordinate county and town planning. In some cases, amendments to an existing county farmland preservation plan for a specific town or towns may have a certification expiration date that differs from the expiration date specified for the county's full plan. In these cases, the following strategies are recommended:

- If the amendments have a certification expiration date that is later than the certification expiration date for the plan, it is recommended that the county attempt to coordinate revision of the plan and all town plan amendments to ensure that these all have a uniform certification date.
- If the town plan amendment certification expires prior to the county expiration, the county may request an extension of the plan amendment certification to allow coordinated revision of the plan and plan amendments.



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Farmland Preservation Planning

Farmland Preservation Plan Requirements

Chapter 91, Subchapter II of Wisconsin State Statutes specifically identifies planning requirements to obtain state certification of a county farmland preservation plan. All plans must clearly state the county's policy related to:

- Farmland preservation, and
- Agricultural development, including development of enterprises related to agriculture

The plan must also identify, describe and document other relevant information to support the county's stated policy. Two other key components for plan development include the identification of farmland preservation areas and a discussion of the county's strategy to increase housing density outside of identified farmland preservation areas.

Farmland Preservation Areas

A key component to development of a county farmland preservation plan is the identification of farmland preservation areas. A farmland preservation area is an area where the county plans to preserve agriculture and agricultural related uses. These areas may also include natural resource areas such as wetlands. Counties must develop an objective rationale to explain the areas chosen for farmland preservation. The mapping of farmland preservation areas has direct implications for development of farmland preservation zoning ordinances since certification of farmland preservation zoning districts requires that the district be located within a farmland preservation area. Similarly, agricultural enterprise areas and PACE easements that receive DATCP grants may only be located in an area identified as a farmland preservation area.

A county may wish to designate one general type of farmland preservation area for certification, or they may wish to designate multiple types of farmland preservation areas. In designating these areas, a county must anticipate how other land use tools, such as farmland preservation zoning districts, will be used to ensure that there is consistency between the plan and these other tools. When making a decision about what to designate as a farmland preservation area, the county must be sure to include a fact-based rationale for designation of the farmland preservation area. This rationale should include reasonable criteria such as location of existing farmland, soil type, quality and productivity, topography, drainage, potential for continued agricultural use, and proximity to incorporated areas. This rationale may not be based on landowner interest in being located in one of these designated areas.

Increasing Housing Density

The statute also requires a county farmland preservation plan to include policies, goals, strategies, and proposed actions to increase housing density in areas outside of the identified farmland preservation areas. There is no prescribed method for how a county must approach this requirement. Instead, it is up to each county to use its best judgment to make a good faith effort to adopt goals and strategies for increasing housing density in areas outside of farmland preservation areas.

It is up to the county to determine how to develop the farmland preservation plan to meet all of the requirements in s. 91.10(1). When developing a farmland preservation plan, it is recommended that a county use the "*County Application for Farmland Preservation Plan Certification*" as a guide to ensure that the plan meets all statutory requirements. The application form is developed by the Wisconsin Department of Agriculture, Trade and Consumer Protection and is available at: <http://workinglands.wi.gov>.

Farmland Preservation Plan

Plan certification process

Once a farmland preservation plan is developed, the county must apply to DATCP for plan certification. There is no requirement to seek certification from a state level board such as the Land and Water Conservation Board. The application requires the county's corporation counsel and county planning director or county chief elected official to review the farmland preservation plan and certify that it meets state law. DATCP has the authority to conduct additional review of the plan to ensure that the plan meets the working lands initiative standards. If certification requirements are met, DATCP will certify the plan for a period of up to 10 years. If a county plan is denied certification, the county can re-submit a revised application that addresses the issues cited by the department in denying the earlier certification request. DATCP must make a certification decision within 90 days if the application submitted was complete.

The "*County Application for Farmland Preservation Plan Certification*" is available at <http://workinglands.wi.gov>.

Farmland preservation planning grant application process

Counties may apply to DATCP to receive a planning grant to assist with the cost of developing a farmland preservation plan. Grant awards will provide reimbursement for up to 50% of the county's cost to prepare a farmland preservation plan, up to \$30,000. Counties selected for reimbursement must enter into a contract with the department to receive grant funds. The contract shall clearly identify the costs that are eligible for reimbursement through the grant. Eligible costs may include, but are not limited to, staff time to develop the plan, consultant fees, and other related expenses. A county may begin working on the plan whenever it is most appropriate, however, any costs incurred prior to award of a planning grant and development of a grant contract will not be eligible for reimbursement.

In awarding grants in a given year, the department shall consider the plan expiration dates identified in Ch. 91 of Wisconsin State Statutes. Those counties with an earlier expiration date will be given a higher priority for grant awards for that year.

When applying for a planning grant, counties will be asked to provide the following information:

- Summary of the county's workplan for developing and adopting a farmland preservation plan, including planning steps and projected dates.
- Explanation of how the farmland preservation planning effort relates to past, current, or future comprehensive planning efforts, if any.
- Detailed description of anticipated costs to develop a farmland preservation plan.

For more information on the availability of farmland preservation planning grants, contact DATCPWorkingLands@wisconsin.gov.

Farmland Preservation Plan

Frequently asked questions

What is the relationship between any existing comprehensive plan and the new farmland preservation plan?
Consistency between plans is a critical element. The county farmland preservation plan should be consistent with any existing county comprehensive plan. The statute requires that if a county comprehensive plan exists, the farmland preservation plan shall be a part of the comprehensive plan. (see s. 91.01 (2), Wis. Stats.) The farmland preservation plan can be adopted separately and incorporated into the comprehensive plan. A county must use the same procedures to adopt a farmland preservation plan that are used to adopt any comprehensive plan, s. 66.1001(4), Wis. Stats.

What public involvement is required as part of the planning process?
Procedures for adopting the plan shall follow s. 66.1001(4), Wis. Stats.

How is the farmland preservation plan related to the county land and water resource management plan?
Counties should strive to ensure consistency between all county plans during development of a farmland preservation plan. The county land and water resource management plan addresses issues related to soil and water conservation compliance, a requirement for claiming a tax credit under the farmland preservation program. Counties have a strategy to monitor the compliance of farmland preservation participants with these standards as a part of land and water resource management workplan. County departments should communicate with each other to ensure that there is consistency between plans.

What is the process for certifying plan amendments?
The same procedures and application form used to request certification of a county farmland preservation plan must also be used to request certification of amendments to that plan. Plan amendments may include amendments to the plan text, the plan map or both.

What is the town government role in farmland preservation planning?
The county farmland preservation plan is the only plan eligible for certification by the state. It is important for the county and town governments to work together to ensure that the county plan is in agreement with towns plans. This is particularly important if the town wishes to certify a farmland preservation zoning ordinance as the ordinance must be consistent with the county plan.

What if a county plan is denied certification?
If a county plan is denied certification, the county can re-submit a revised application that addresses the issues cited by the department from denial of the earlier certification request.

Can we continue to designate transition areas as farmland preservation areas in the plan?
No. The new standards will not certify a plan that includes a request to designate an area planned for development in the next 15 years for farmland preservation. The only exception to this is that a local government may allow some limited nonfarm residential development through a conditional use permit process under farmland preservation zoning (see s.91.46 (2) and (3), Wis. Stats.)

