



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

DATE: December 3, 2014

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Ben Brancel, Secretary
John Petty, Administrator, Agricultural Resource Management Division

SUBJECT: Farmland Preservation Program (FPP) Report, Farmland Preservation Planning and Zoning

PRESENTED BY: Scott Karel, Farmland Preservation Program

REQUESTED ACTION: For Informational Purposes Only

When the Farmland Preservation law was changed in 2009, all Counties were required to update their farmland preservation plans. These plans identified lands that the County anticipated would remain in agricultural or agriculture-related use. Many of these plans were not revisited since their original development in the early 1980s. Consequently, the majority were largely out-of-date and did not serve a role in guiding land use decisions for the Counties. The revised law established expiration dates for all farmland preservation plans, with approximately 14 plan certifications expiring each year. When Counties submit plans for certification, the department may certify the plan for up to 10 years, ensuring that the documents are revisited in the future.

Similar to the old law, the new farmland preservation plan requires Counties to identify a farmland preservation area. This area is established based on criteria developed at the local level which pinpoints lands that will likely remain in agricultural and agriculture-related use. No land may be included in the farmland preservation area that is planned for nonagricultural development within the next 15 years. Inclusion in the plan area enables land to be eligible for other parts of the farmland preservation program, including Farmland Preservation Zoning and Agricultural Enterprise Areas (AEAs). The 15-year horizon is thus important to make sure that local governments are utilizing farmland preservation tools on land that will likely be farmed for the foreseeable future.

Since 2009, 30 plans have been updated and certified by DATCP. Nine plans are scheduled to expire December 31, 2014, but six of these will likely be certified before then. The remaining three counties will likely take advantage of the opportunity in the statutes to obtain up to a two year extension of the certification of their current FPP plan. Nearly all of the updated plans have been certified for 10 years, with just two certified for five. All plans certified for 10 years utilized objective criteria for establishing farmland preservation plan areas, thus establishing contiguous blocks of farmland that would be eligible for other parts of the farmland preservation program.

Many Counties have been encouraged to utilize objective criteria for identifying their farmland preservation plan area following the creation of ATCP 49, the administrative rule governing farmland preservation which went into effect on January 1 of this year. The rule provides that the plan area should be based primarily on such criteria as

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soils, historical land use, proximity to agricultural infrastructure, presence of development pressure and not primarily on landowner preference for participation in the program.

In addition to Farmland Preservation Plans, the department has also been working to certify updates to Farmland Preservation Zoning Ordinances. Currently, about 410 towns, cities, and villages have a Farmland Preservation Zoning Ordinance and the department estimates that approximately 5.5 million acres are covered by Farmland Preservation zoning.

Similar to the Farmland Preservation Plans, many Farmland Preservation Zoning Ordinances lacked a certification expiration date. As Counties work to update their plans, chapter 91 now requires local governments to subsequently update their zoning ordinances. Updates ensure that land included in a farmland preservation zoning district is not intended for nonagricultural development. Local governments are also able to include additional uses in the farmland preservation zoning district not previously allowed, such as limited nonfarm residential development subject to certain density restrictions.

Since January 1 of this year, the department has certified nearly 60 zoning ordinances. Many of these certifications are updates to old Farmland Preservation Zoning Ordinances, however, a few towns have begun adopting Farmland Preservation Zoning for the first time ever.