



FREQUENTLY ASKED QUESTIONS

January 2015

1. Why is the County updating its comprehensive plan?

In 1999, the State adopted the comprehensive planning law. It requires every city, village, town or county that has its own zoning or subdivision ordinance to have a comprehensive plan to guide those ordinances and decisions under them (e.g., rezonings). Each comprehensive plan must contain nine required elements, including land use; economic development; community facilities and utilities; and agricultural, natural and cultural resources. The law requires that comprehensive plans be updated at least once every ten years, for those places required to or interested in having a plan.

Because it administers zoning and subdivision ordinances, Marquette County must have a comprehensive plan. The County's Comprehensive Plan was adopted in 2005; that means it must be updated in 2015. An update will also provide the County with an opportunity to refine its policies and approaches to guide its future growth and development. The County Comprehensive Plan update is being guided by the County Planning and Zoning Committee, will include opportunities for public and local government input, and will be completed by the end of 2015.

2. Why is the County preparing a farmland preservation plan?

In 2009, the State adopted the "Working Lands" law. This was a rewrite of Chapter 91 of Wisconsin Statutes. It was comprised of three main components: an updated farmland preservation planning/zoning program, a new Agricultural Enterprise Area (AEA) program, and a Purchase of Agriculture Conservation Easement (PACE) program. The PACE program is inactive. The AEA program is described later in this FAQ.

Under the updated farmland preservation planning/zoning program, Marquette County has to have a County-adopted and State-certified farmland preservation plan by the end of 2015. A new farmland preservation plan is also an essential first step to enable farmers in "farmland preservation areas" that will be designated in that plan to obtain farmland preservation credits on their State income taxes. Farmers that are both planned and zoned for farmland preservation are eligible for a \$7.50 per acre tax credit. An updated farmland preservation plan also helps the County and towns express policies to preserve farm and forestland and advance the farm and forestry economy. A new plan will also replace the outdated 1982 farmland preservation plan, aligning the farmland preservation plan with more recent planning efforts and priorities.

3. How does this effort relate to County/town comprehensive plans from the mid-2000s?

The 2005 County Comprehensive Plan has a Planned Land Use map that reflect town, city, and village future land use desires from their local comprehensive plans prepared around the same time. Several towns identified areas for future "Agriculture" on the planned land use maps within their town comprehensive plans. Such areas can form the basis for "farmland preservation areas" on farmland preservation plan maps that will be a centerpiece of the new County farmland preservation plan.

The 2005 County comprehensive plan also has an Agricultural Resources chapter. This farmland preservation planning effort will replace that chapter, but a lot its information and



policies can be carried forward. The Planned Land Use maps and certain provisions within the Land Use chapter of the County comprehensive plan will also be amended as part of this farmland preservation planning effort. The result will be an updated County plan that satisfies both farmland and comprehensive planning requirements.

4. So, will there still be separate farmland preservation and comprehensive plans?

No. The two plans will be merged into one updated plan to simplify and unify planning, as opposed to having two separate planning documents. This approach also allows the County to “synchronize its clocks” for future updates. Wisconsin statutes require 10 year updates to both comprehensive and farmland preservation plans.

5. Will towns have to amend their mid-2000s comprehensive plans too? If so, when?

Not necessarily. However, keeping town comprehensive plans and the County comprehensive plan consistent with one another assures that both entities are “reading from the same playbook” on later zoning decisions. Towns that map “farmland preservation areas” as part of the County farmland preservation planning effort should revisit town comprehensive plans, following County adoption of the farmland preservation plan. There are a few different options for towns wishing to maintain an up-to-date plan, which include adopting the new County plan in whole or in part as part of its Town plan. These options have been described at local quadrant meetings.

6. Can towns that currently DO NOT have planned “Agriculture” areas or Ag-1 Prime Agricultural district zoning participate in this farmland preservation planning effort?

Yes. More than just the handful of Marquette County towns that currently have planned or zoned “prime agricultural” areas are welcome to participate.

7. Our town is not interested in participating in the State’s farmland preservation program at this time. What does this mean for us and our land owners?

Benefits to participating include preservation of productive farmland, which contributes to the local economy, and the ability to keep and expand tax dollars for the County’s farmers. Once any farmland preservation agreements between individual farmers and the State expire, the State will not renew them and farmers within such towns will no longer be eligible for farmland preservation credits on their State income taxes.

Still, there is no requirement for towns to participate in the County’s farmland preservation plan or the State’s farmland preservation program, and no penalties for non-participation. Within such towns, farmers can continue to farm and towns and property owners can undertake other efforts to preserve farmland if they choose.

8. How will “farmland preservation areas” be mapped for towns that are interested?

Under Statutes, the County is required to clearly identify and map areas that the County plans to preserve for agricultural use and agriculture-related uses (i.e., “farmland preservation areas”), which may include undeveloped natural resource and open space



areas but may not include any area that is planned for nonagricultural development within 15 years. We must also describe the rationale used to determine where “farmland preservation areas” are mapped. Working with interested towns, the County intends to use the following factors to map “farmland preservation areas”:

- Areas designated for future “Agriculture” use on the Planned Land Use map (Map 7) within 2005 versions of County and town comprehensive plans.
- Areas with concentrations of Class I, II, or III agricultural soils.
- Lands that have been actively farmed or forested, used by or close to agricultural infrastructure and support businesses, or occupied by other land uses and activities that are commonly located within agricultural areas (such as mineral extraction).
- Undeveloped natural resource and open space areas that connect farmland parcels to create an uninterrupted, block of preserved area, in which current residential development generally does not exceed a density of one home per 35 acres and/or which have scattered, small-scale, pre-existing commercial uses.
- Large, contiguous blocks of land—generally at least ¼ square mile each—as opposed to patchworks of scattered farm parcels, to create a critical mass of farming areas.
- Lands outside of current city and village limits.
- Lands that may be under some development pressure over the next 15 years, but that are not expected in the next 15 years to be developed with non-agricultural uses or other incompatible uses under adopted County and town plans. Expected 15-year development areas cannot under statute be placed within a Farmland Preservation Area or be in a farmland preservation zoning district (e.g., Ag-1).
- The needs, intentions, and preferences of farm operators and non-farmers in the associated town, provided that the mapped Farmland Preservation Area was not based primarily on landowner preferences. The State does not permit basing boundaries of mapped farmland preservation areas primarily on landowner preferences and will reject farmland preservation plan certification in such cases.

9. What are the implications of being within a mapped “farmland preservation area”?

Being within a “farmland preservation area” is essential for a property owner to be eligible for tax credits. A property also has to be zoned in a State-certified farmland preservation zoning district (e.g., County Ag-1 district) or within an Agricultural Enterprise Area. Conservation and nutrient management plans are also required to obtain state tax credits.

Being in a “farmland preservation area” doesn’t require a farmer to meet associated conservation/nutrient management requirements any more so than being outside of a “farmland preservation area,” if the farmer doesn’t wish to apply for tax credits. For non-farmer home owners and business owners in a mapped “farmland preservation area,” there should be no impact.



10. So, what exactly is an Agricultural Enterprise Area (AEA)?

An AEA is a contiguous land area devoted primarily to agricultural use and locally targeted for agricultural preservation and agricultural development. AEAs preserve areas considered most valuable for current and future agricultural use, promote the development of agricultural businesses, and ensure eligibility for enhanced tax credits through farmland preservation agreements. Where a landowner has entered into a new farmland preservation agreement with the State, the tax credit rate is \$10 per acre where land is both in an AEA and zoned for farmland preservation, and \$5 per acre if only in an AEA. DATCP designates AEAs, based on local applications and plans. The density of farms in Marquette County probably makes AEA designation unlikely here.

11. Is farming not allowed or discouraged outside of “farmland preservation areas”?

No. Within the County’s zoning ordinance, farming is also a permitted use in other the extensively-mapped zoning districts, like the Ag-2 and Ag-3 districts.

12. Will new housing be allowed in planned “farmland preservation areas”?

Yes, based on a similar “1 house per 40 acre” standard as the County has had for years, and with home siting in places consistent with farmland preservation. Some new housing in “farmland preservation areas” provides locations for the children of farm families to live, and secures a non-farm source of income for farmers (i.e., “a farmers 401(k)”). Still, too much housing in “farmland preservation areas,” or housing placed in the wrong locations, makes it difficult to achieve farmland preservation objectives. The State will not certify a plan which allows either situation.

13. What are the policies for new housing in “farmland preservation areas”?

Proposed policies are being worked out as part of this update process, and are included with separate guides for the mapping of farmland preservation areas.

14. What is the timeline for getting the County’s zoning maps updated and its zoning ordinance certified by the State to carry out the farmland preservation plan?

The County must obtain State certification of the County zoning ordinance, including updated Ag-1 district text and zoning maps, by the end of 2016.

15. What do towns that have both town zoning ordinances and planned “farmland preservation areas” have to do? When?

Towns that are not under County zoning, but have “farmland preservation areas” in the County farmland preservation plan will be responsible for amending and certifying their own zoning ordinances and zoning maps to be consistent with that plan. By statute, this must be accomplished by the end of 2016 to maintain tax credit eligibility for farmers. Towns that are unzoned may still plan for “farmland preservation areas.”