

**Wisconsin Department of Agriculture, Trade and Consumer Protection
Farmland Preservation Program (ch. 91, Wis. Stats.)**

Agricultural Enterprise Areas: Request for Petitions

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is requesting petitions, under s. 91.86, Wis. Stats., to designate *Agricultural Enterprise Areas (AEAs)* under s. 91.84, Wis. Stats. Petitions must be postmarked by **February 18, 2011**.

Interested petitioners should contact Coreen Fallat at Coreen.Fallat@wisconsin.gov or (608) 224-4625 to indicate their intent to submit a petition requesting AEA designation.

The department has the authority to designate up to 1 million acres statewide as AEAs. For the "2011 Petition Cycle," the department's goal is to designate 250,000 acres. DATCP will evaluate the petitions and will announce selected AEAs for subsequent designation by rule in summer 2011. Priority will be given to proposed AEAs of least 1,000 acres, but less than 30,000 acres. During this request for petition cycle, a petition may be submitted to request modification of a previously designated AEA. Contact the department to obtain specific guidance on requesting AEA modification.

An AEA is a contiguous land area, devoted primarily to agricultural use, which is locally targeted for agricultural preservation and development. Designation of an AEA does not, by itself, control or limit land use. However, farmers in an AEA may earn state income tax credits by entering into voluntary farmland preservation agreements. An AEA may be part of a broader local strategy to protect farmland and promote agricultural and related development.

Who May Petition

A petition must be jointly filed by at least 5 eligible farmers in the proposed AEA, and by each county, town or municipality in which any part of the proposed AEA is located. Other persons may sign the petition as supporting "cooperators."

Filing the Petition

- Petitioners must jointly complete and file the Agricultural Enterprise Area Petition (*Form ARM-LWR-456, Rev. Sep. 2010*). Each eligible farmer acting as a petitioner must sign the signature page provided. Each political subdivision (county, town, city or village) that has land within the boundary of the proposed AEA must submit a copy of a resolution clearly stating that the political subdivision is petitioning the state to designate the AEA as described in the petition
- Submit one, unbound hard copy of each of the following to DATCP:
 - The completed petition form (including any supporting pages and documentation).
 - A map of the proposed AEA (*see Part III of guidance document, Map and Spatial Data Guidelines*).
 - A signed signature page for each owner of an eligible farm who is signing the petition.
 - A copy of the resolution passed by each political subdivision in which any part of the proposed AEA is located petitioning the state to designate the AEA.
 - Cooperator signature pages or letters of support, if any.

Submit hard copy materials to:

Wisconsin DATCP
Attn: Coreen Fallat
2811 Agriculture Dr
PO Box 8911
Madison, WI 53708-8911

- Submit an electronic copy of the following via CD or e-mail:
 - The completed petition form (supporting documentation not required to be submitted electronically).
 - A map of the proposed AEA (see *Part III of guidance document, Map and Spatial Data Guidelines*).
 - Spatial location data used to create the map (see *Part III of guidance document, Map and Spatial Data Guidelines*).
 - Images from the proposed AEA (optional) (see *Part IV of guidance document, Image Submission Guidelines*).

Send CD to:

Wisconsin DATCP
Attn: Coreen Fallat
2811 Agriculture Dr
PO Box 8911
Madison, WI 53708-8911

Or Email: DATCPWorkingLands@wisconsin.gov (Enter "AEA Petition" in the subject line).

- If you have questions, contact Coreen Fallat at 608-224-4625 or Coreen.Fallat@wisconsin.gov.

REVIEW AND DECISION

DATCP has the discretion to grant or deny a petition subject to s. 91.86, Wis. Stats. DATCP will consider the materials included with each petition, and may choose among competing petitions. As part of the review and decision process, petitioners may be asked to make a short presentation to the evaluation team, or to participate in a conference call to answer questions about the proposed AEA. Petitioners will be given at least two weeks notice prior to any presentation request or conference call.

DATCP will give notice of its decision to the contact person identified in the petition. DATCP may also issue a public announcement, particularly if it grants a petition.

DATCP must designate AEA's by administrative rule. An AEA designation does not take effect until DATCP adopts and publishes a rule creating that AEA. Any decision granting an AEA petition is contingent upon a successful administrative rulemaking process to implement that decision. Rules are subject to possible legal and policy challenges. DATCP may reverse its decision and withdraw a proposed rule at any time. DATCP may also modify or repeal an AEA by rule.

Wisconsin Department of Agriculture, Trade and Consumer Protection

**Guidance for Requesting Designation
of an Agricultural Enterprise Area**

The department has compiled this guidance document to assist with development of a petition requesting designation of an agricultural enterprise area. Interested petitioners are also invited to attend one of three free workshops hosted by the department. The workshops will be from 12:30 pm to 4:00 pm and are designed to answer questions about AEAs and the petition process.

Tuesday, November 2
Marathon Public Library
Wausau Room
300 N First St
Wausau, WI

Monday, November 8
Dodge County Administration
Building
127 East Oak Street
Juneau, WI

Wednesday, November 10
Holland Town Hall
W7937 Cty Rd Mh
Holmen, WI

To register for these free workshops, visit: <http://www.datcp.state.wi.us/registration/aea.jsp>.

Petitioners may submit additional documentation to support any of their answers. Please submit only supporting documentation that is necessary to provide a full answer to the question(s). It is acceptable to simply reference supporting documents, such as comprehensive plans, that are available over the internet. In these instances, include a hyperlink to the materials.

If you have any questions as you complete your petition, contact: Coreen.Fallat@wisconsin.gov, 608-224-4625.

PART I. GENERAL INFORMATION

- A. Provide a name for the proposed AEA. If designated, this will be the official name of the AEA in the Wisconsin Administrative Code.
- B. List the county/counties in which the proposed AEA is located. Any county listed in this box must submit a copy of a resolution in support of the modification of the designated AEA. See *"Signature Page and Resolution Guidelines"* in Part V of this guidance document.
- C. List all towns, villages or cities in which the proposed AEA is located. Any political subdivision listed in this box must submit a copy of a resolution in support of the modification of the designated AEA. See *"Signature Page and Resolution Guidelines"* in Part V of this guidance document. Political subdivisions that have extraterritorial jurisdiction within the boundary of the proposed AEA do not need to sign the petition or submit a resolution; however, they should be notified of the petition. They may sign as cooperators.
- D. Provide the number of owners of eligible farms within the proposed AEA who are signing the petition as petitioners. At least 5 eligible farm owner petitioners are required.

An eligible farm is one that produced at least \$6,000 in gross farm revenues during the tax year preceding the year of this petition, or a total of at least \$18,000 in gross farm revenues during the 3 taxable years immediately preceding the year of this petition. Gross farm revenues means gross receipts from agricultural use of a farm, excluding rent receipts, and subtracting the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year.

- E. Provide the total number of acres in the proposed AEA.

Although there is no size minimum or maximum, DATCP will give preference to proposed AEAs of at least 1,000 acres and less than 30,000 acres of land. Petitioners proposing an AEA greater than 30,000 must provide additional rationale in Question 3 of Part II of the petition to justify designation. In determining a boundary for a proposed AEA, petitioners should consider the direct relationship of the boundary to meeting the stated agricultural goals of the AEA.

DATCP may only designate up to 1 million acres as AEAs statewide. The goal for this petition cycle is designation of 250,000 acres. The department may request that petitioners adjust proposed boundaries and may make designation of an agricultural enterprise area contingent on such adjustment

- F. Use the checkbox to indicate that the county/counties signing the petition have a certified farmland preservation plan.
- G. Use the checkbox to indicate that ALL land in the proposed AEA is located within a farmland preservation area designated in the certified county farmland preservation plan.

The boundary can include only land that is planned for farmland preservation in the county's certified farmland preservation plan. Any parcel that is not within a planned farmland preservation area must be excluded from the proposed boundary. It is highly recommended that you contact the department to confirm the plan certification date to ensure that an accurate map is used to develop the boundary. Contact Coreen Fallat at Coreen.Fallat@wisconsin.gov or 608-224-4625.

If land included in the proposed boundary is not within a certified farmland preservation area, the petitioners will be responsible for correcting and resubmitting the map of the proposed area and the associated spatial data. Petitioners may also consider amending the existing farmland preservation plan map to certify the land in question for farmland preservation.

- H. Use the checkbox to indicate that all of the parcels in the proposed AEA are contiguous. Contiguous means parcels that meet at more than one point and are only separated by a lake, stream, or transportation or utility right-of-way.
- I. Use the checkbox to indicate that petitioners confirm the proposed AEA is primarily in agricultural use. See number 4 of Part II of this document for guidance on determining land use in the proposed AEA.
- J. Provide a brief description of the primary agricultural land use in the proposed area. Examples include traditional row crops, conventional dairying, vegetable production, organic dairying, fruit orchards.

- K. Designate a contact person for the AEA. This contact person will serve as the link between the department and the petitioners during the petition process and between the department and the AEA following designation of a successful petition.

The designated contact person may be asked to provide information to the department on local progress in meeting the goal(s) of the agricultural enterprise area, recent activities, and other relevant information.

PART II. PURPOSE AND RATIONALE FOR AEA

Introduction to the Proposed AEA

This section is optional. Use this space to provide the department with background information that is not otherwise covered by the petition questions.

1. Description of goals.

The AEA program is designed to be a tool not only to help communities preserve existing agricultural land, but also to promote agricultural economic development and innovation.

In your answer to this question, provide a *succinct goal statement* describing the specific goal(s) of the AEA with respect to each of these facets.

2. Activities to achieve stated goals.

In developing this answer, describe specific activities (past, ongoing or future) within the AEA that will help to achieve the stated goal(s) of agricultural preservation and agricultural development. These activities might include such things as applying for grants, development incentives (implemented locally), cooperative agreements, land or easement purchases, land donations, promotional activities, public outreach or other actions.

As part of your answer, please identify the individuals and entities involved in implementing these efforts.

3. Location and boundary.

In answering this question, please include the following information:

- A. Explain how the boundary as proposed supports the stated goal(s)
- B. For proposed AEAs greater than 30,000 acres, provide additional rationale to justify the larger boundary.
- C. Explain how the following factors helped to determine the boundary
 - Existing agricultural land use
 - Unique land resources or soil productivity
 - Existing or planned future agricultural infrastructure (such as proximity to viable farm markets or processing facilities)
 - Other factors relevant to determining the proposed boundary
- D. Process used to identify farm owner petitioners
- E. Process, if any, used to notify non-petitioners within the proposed boundary

Petitioners should consider the best way to identify farm owner petitioners and to notify non-petitioners of the petition process. A public process, such as public meetings or open houses, can help identify an appropriate boundary and can reduce the potential for boundary errors.

The boundary can include only land that is planned for farmland preservation in the county's certified farmland preservation plan. Any parcel that is not planned for farmland preservation must be excluded from the proposed boundary. It is highly recommended that you contact the department to confirm the plan certification date to ensure that an accurate map is used to develop the boundary. Contact Coreen Fallat at Coreen.Fallat@wisconsin.gov or 608-224-4625.

4a and 4b. Current land use and land use trends.

4a. Current Land Use: Provide information on all current land uses in the proposed AEA (agricultural and non-agricultural) to clearly show that the proposed area is primarily in agricultural use. Acceptable documentation includes any one of the following:

- A table indicating the acreage of all uses in the proposed area (agricultural and agriculture-related uses; residential uses; transportation, utility, energy and communications uses; undeveloped natural resource and open space uses; and other uses). Provide a reference for the information provided in the table.
- A map showing the cropland data layer for the proposed area, available from the Wisconsin Agricultural Statistics Service (WASS) at http://www.nass.usda.gov/Statistics_by_State/Wisconsin/Publications/Cropland_Data_Layer/index.asp. Include a table summarizing the approximate acreage of all land cover types within the proposed AEA boundary.
- A map of current (not future) land use map for the proposed area. This map can be taken from an existing plan, such as a comprehensive plan. Include a table summarizing the approximate acreage of all land uses within the proposed area.
- A map of the proposed AEA showing all parcels assessed as agricultural for the purposes of use-value assessment. Include a statement summarizing the percent of the proposed area assessed for agricultural use.

Please note that a map of current or proposed zoning is not acceptable to show current land use.

4b. Land Use Trends: Provide information describing land use trends in and near the proposed AEA. These trends may include such things as consolidation of smaller farms or transition of land out of agricultural land use.

5. Consistency with comprehensive plans.

The area proposed for designation as an AEA must be consistent with local comprehensive plans.

Use the check boxes to confirm consistency of the proposed AEA with any adopted comprehensive plans. Specify which county or town has an adopted plan in the space provided. If there is a future land use map available, attach this map as supporting

documentation (this map may be at the town or the county scale). Please do not submit a complete copy of any comprehensive plans.

6a and 6b. Land use controls.

6a. Use the boxes provided to select which land use controls support the proposed AEA. If you select "Other," specifically describe the land use control and how it will support the proposed AEA. If there is an existing certified farmland preservation zoning ordinance, provide a copy of the zoning map as supporting documentation.

6b. In the additional space provided, indicate whether the tool is currently in place or planned for future implementation and how the control supports the proposed AEA.

7. Recent investments.

Provide information about any recent investments to farms or other businesses in or near to the AEA which support and promote agriculture and agricultural-related business (such as an agricultural equipment dealership, facility providing agricultural supplies, or a facility for storing or processing agricultural products). The investments identified could be individual investments in a single farm, such as re-investment in operations through herd growth, new facilities, and remodeling, or investment in conservation practices such as soil erosion controls, barnyard improvements, grazing systems, or other practices. Petitioners should also consider investments made to nearby supporting businesses such as local processing, storage or transportation facilities. Public investments may also be noted, including public investment in the form of purchase of development rights.

8a and 8b. Economic considerations

8a. For this question, consider ways in which the designation of an AEA might promote future agricultural and related investment within the designated area. In particular, consider existing or potential cooperative relationships between local producers and/or agricultural-related businesses. Some specific examples may include:

- Joint marketing opportunities
- Joint purchasing power
- Shared facilities and equipment
- Contracts for custom manure spreading, harvesting, processing, or other opportunities

8b. The petitioners should indicate how the designation might support or encourage economic activity more broadly within the community. Consider whether jobs may be maintained or created through increased investment in agriculture and agricultural-related business or whether the AEA will promote value-added production, agri-tourism or other activities with a direct economic benefit to the local community. The designation of the AEA may also help in competing for grant funding, or may encourage establishment of a locally implemented incentive program.

9. Soil and water conservation

Farmers in an AEA who enter into a voluntary farmland preservation agreement must meet the following state standards (ATCP 50, Wis. Adm. Code), to claim a tax credit:

- Control of soil erosion
- Nutrient management planning
- Prevention of direct runoff from feedlots or stored manure into state waters
- Prevention of overflowing manure storage structures
- Repair of failing and leaking manure storage structures and closure of abandoned manure storage structures
- Construction of new or substantially altered manure storage structures to technical standards
- No stacking of manure in unconfined piles in water quality management areas
- Diversion of clean water from feedlots, manure storage areas and barnyards in the water quality management area
- Maintenance of self-sustaining sod cover along waterways

Select the checkbox that most accurately indicates the approximate level of petitioner compliance with these standards. To support your answer to this question, submit additional documentation such as a letter from the county land conservation committee.

10. Farmland preservation agreements

To answer this question, indicate what steps will be taken to encourage eligible landowners within the proposed area to sign farmland preservation agreements. These agreements enable farm owners to claim farmland preservation tax credits in exchange for keeping their land in agricultural use for 15 years and for meeting state soil and water conservation standards. Some possible steps may include public information meetings, mailings, or the use of other outreach tools.

11. Cooperator Support

To answer this question, describe the level of support for the petition offered by farmers, affected businesses, community organizations, and government entities other than the farmer and local government petitioners. Supporting documentation may include cooperator "signature pages" or other letters of support. Cooperator signature pages from political subdivisions with extraterritorial jurisdiction within the proposed AEA boundary may also be submitted to show their knowledge of and support for the petition.

12. Other

This question enables you to present additional information that you feel is essential for the department to know when evaluating the petition requesting designation of an AEA. You may include information here that you were not able to highlight when answering the questions. For example, use the space provided to identify if the goals of the proposed AEA are connected to broader state or local initiatives (such as energy independence or sustainability).

PART III. MAP AND SPATIAL DATA GUIDELINES

Agricultural Enterprise Area Mapping Guidelines

- Title with the name of the proposed AEA.
- Clearly delineate the boundary of the proposed AEA so it is easy to determine whether a parcel of land is located within the proposed area. This area:
 - Must exclude all areas not planned for farmland preservation in the county's certified farmland preservation plan.
 - Must follow existing parcel boundaries.
 - Must exclude all publicly owned DNR managed lands and/or federally owned lands within the proposed boundary. Petitioners are also encouraged to consider removing other publicly owned land from the proposed area. Road right of ways need not be removed.
- Show petitioner parcels as an "overlay" within the proposed boundary.
 - Parcels should be labeled to identify petitioner ownership.
- Have a map scale of no greater than one inch = 2,000 ft. (1:24,000).
- Show political boundaries (county, city, town, village), parcel boundaries, section lines, section numbers, roads and water bodies.
- Have a map legend that includes symbols for all data represented on the map, including farmland preservation area boundaries, political boundaries, parcel boundaries, section numbers and lines, roads, publicly owned land and water bodies.
- Identify map scale, north arrow, map date and map producer.
- Submit in .pdf or equivalent file format via an appropriate electronic data transfer method (email, ftp, cd, flashdrive, or other acceptable method).

Spatial Location Data Guidelines (specific to the proposed AEA boundary used to create the AEA map):

- Be a polygon boundary of the proposed AEA that follows parcel boundaries and is comprised only of polygons that represent areas within the proposed area.
- Be projected in the WTM83 (meters), NAD83(1991) coordinate reference system.
- Have a filename that clearly identifies it as the data submitted for the proposed AEA.
- Include metadata for the written to the "Content Standard for Digital Geospatial Metadata (CSDGM), Vers. 2 (FGDC Metadata Standard)." This includes data source, producer, contact, and attribute definitions. Metadata should also indicate, in the "purpose" section, that the map information is provided as a part of the petition requesting designation of an agricultural enterprise area.
- Be submitted in vector shapefile, Geodatabase layers, or equivalent file format via an appropriate electronic data transfer method (email, ftp, cd, flashdrive, or other acceptable method).

Optional: Other spatial location data, such as current parcels data for the parcels within the proposed boundary, may also be submitted.

If you have any problems meeting these preferred mapping and data standards, please contact DATCP at 608-224-4632 or by email at DATCPWorkingLands@wisconsin.gov.

PART IV: IMAGE SUBMISSION GUIDELINES (OPTIONAL)

Petitioners may submit photos taken within the boundary of the AEA. Photos should depict agriculture and agricultural-related land use as described in the petition.

Submissions should:

- Be provided in a high resolution format
- Include photo credit
- Include a clear description of each photo
- Be submitted by an appropriate electronic data transfer method (email, ftp, cd, flashdrive, or other acceptable method).

Please note: Any photos submitted to the department may be used in materials related specifically to the Agricultural Enterprise Area program or for the Farmland Preservation Program generally.

PART V: SIGNATURE PAGE AND RESOLUTION GUIDELINES

Landowner Signature Page.

Each eligible farmer acting as a petitioner must sign and submit the signature page provided.

A landowner who is currently claiming the tax credit, either under a farmland preservation zoning ordinance, or through a farmland preservation agreement, should use the “Yes” checkbox.

A petitioner who intends to renew an existing farmland preservation agreement or enter into a new agreement to claim the credit should use the “Yes” checkbox.

Political Subdivision Resolution.

Each political subdivision (county, town, city or village) that has land within the boundary of the proposed AEA must submit a copy of the resolution clearly stating that the political subdivision is petitioning the state to modify the AEA as described in the petition. Sample resolution text to help develop a resolution is included in Appendix A of this guidance document.

Cooperator Signature Page.

Petitioners may submit a cooperator signature page or a letter of support to indicate support for designation of the proposed AEA beyond that expressed by the petitioners.

APPENDIX A: SAMPLE RESOLUTION TEXT

Each political subdivision (county, town, city or village) that has land within the boundary of the proposed AEA must submit a copy of a resolution clearly stating that the political subdivision is petitioning the state to designate the AEA as described in the petition. This sample resolution text is provided to help develop this resolution.

Be it hereby resolved that the [Town/County] of _____ supports this petition requesting the designation of the _____ [name of AEA] by the state under s. 91.84, Wis. Stats.

[Insert optional paragraph(s) indicating how the designation will complement Town/County agriculture goals and/or other related goals.]

2011 Petition