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

Rezoning Land Out of a Certified Farmland Preservation District

Instructions to Zoning Authority

A county, town or municipality (zoning authority) may adopt a farmland preservation zoning ordinance. Farmers covered by the ordinance may claim state farmland preservation tax credits *if* the ordinance is certified for compliance with state farmland preservation standards. A certified ordinance must clearly identify the farmland preservation districts in which farmers are eligible for tax credits.

A zoning authority may, from time to time, rezone individual parcels out of a certified farmland preservation district. But special procedures apply, and the zoning authority must file an *Annual Rezoning Report* with the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). *See* s. 91.48, Wis. Stats.

Rezoning Procedure

State law requires a zoning authority to do all of the following before rezoning land out of a certified farmland preservation district at the request of any person:

- Hold a public hearing on the requested rezoning.
- Make all of the following "findings" after public hearing:
  - The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
  - The rezoning is consistent with any applicable comprehensive plan.
  - The rezoning is substantially consistent with the *county's* certified farmland preservation plan.
  - The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

These requirements apply, regardless of when the zoning ordinance was certified. However, these requirements do *not* apply to comprehensive zoning map revisions that are initiated by the zoning authority and certified by DATCP.

Annual Rezoning Report

Annual Rezoning Report Form (*Required Form ARM-LWR-467*)

By March 1 of each year the zoning authority must submit all of the following to DATCP:

- An ANNUAL REZONING REPORT (see *required form* attached) that identifies all parcels rezoned out of certified farmland preservation zoning districts during the preceding calendar year.
- A MAP showing the location and parcel numbers of the rezoned parcels. (See "Map Guidelines" below).

The zoning authority should submit the above items in either electronic form OR hardcopy as follows:

- Submit the ANNUAL REZONING REPORT and MAP, in electronic form, to: *DATCPWorkingLands@wisconsin.gov* (enter "*Annual Rezoning Report*" in the subject line).

- Submit a hard copy of the ANNUAL REZONING REPORT and MAP to:

  Wisconsin Department of Agriculture, Trade and Consumer Protection
  Agricultural Resource Management Division
  WORKING LANDS
  PO Box 8911
  Madison, WI 53708-8911

- If the local zoning authority is a town, city or village, give a copy of the ANNUAL REZONING REPORT and MAP to the county planning and zoning department.

If a zoning authority fails to report rezones as required by law, DATCP may decertify the farmland preservation ordinance (farmers will no longer be eligible for tax credits).

Questions?

Call 608-224-4634 or email *DATCPWorkingLands@wisconsin.gov* with any questions.

Map Guidelines

A clear map should:

- Be titled "Farmland Preservation Rezoning Map for (specify *zoning authority* and *year*)."
- Clearly identify the rezoned parcels with parcel numbers.
- Have a map scale that is appropriate to clearly show the location of the acres rezoned. A county map may consist of a series of town maps.
- Show political boundaries (county, city, town, village), parcel boundaries, section lines, roads, water bodies and/or other reference data as needed to portray the location of the rezoned parcels within the political subdivision.
- Have a map legend that includes symbols for all data represented on the map.
- Identify map scale, north arrow, map date and map producer.