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 new or modify existing Agricultural Enterprise Areas (**AEA**s) under s. 91.84, Wis. Stats. Petitions must be postmarked by **June 10, 2017**. Petition materials can be accessed by going to http://datcp.wi.gov and searching "petition materials."

AEA designations are made through a competitive process. DATCP will evaluate the submitted petitions with the assistance of an AEA evaluation team and will announce AEAs selected for designation. The department has the authority to designate up to 2 million acres statewide as AEAs.

A workshop or webinar will be scheduled to provide an opportunity for prospective petitioners to ask questions and receive guidance on petition development. Contact Natalie Cotter at Natalie.Cotter@wisconsin.gov, (608) 224-4611 to indicate your intent to submit a petition and to receive notification of upcoming events as they are scheduled.

What is an AEA?

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

Who May Petition

A petition must be jointly filed by at least 5 eligible farmers within the boundaries of 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. 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 sign a political subdivision signature page. In addition to signing the petition, political subdivisions must pass a resolution in support of the petition requesting designation of the AEA.

Submit an electronic copy of the following (via ftp site, e-mail or flashdrive):

- 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 political subdivision signature page signed by an authorized officer or representative of every political subdivision (county, town, city or village) in which any part of the proposed AEA is located.
- A signed resolution in support of the designation of the AEA passed by each political subdivision in which any part of the proposed AEA is located.
- Cooperator signature pages or letters of support.
- 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*).

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

FTP: Materials may be submitted via our FTP site. Contact Natalie Cotter for instructions at 608-224-4611 or Natalie.Cotter@wisconsin.gov.

Mail to: Wisconsin DATCP
Attn: Natalie Cotter
PO Box 8911
Madison, WI 53708-8911

REVIEW AND DECISION

DATCP has the discretion to grant or deny a petition subject to s. 91.86, Wis. Stats. DATCP, with the assistance of the AEA evaluation team, 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 provide additional information or participate in a conference call to answer questions about the proposed AEA.

DATCP must designate AEAs by order. An AEA is designated once DATCP signs an order creating the AEA and publishes notice of the order in the official state newspaper. The designation of an AEA takes effect on January 1 of the calendar year following the year in which the order is published. DATCP may also modify or terminate an AEA by order.

Wisconsin Department of Agriculture, Trade and Consumer Protection

Guidance for Requesting Modification of an Agricultural Enterprise Area – Adding Acreage

This guidance document is intended to assist with the development of a petition requesting modification of an agricultural enterprise area. A sample timeline for possible steps involved in petition development is available in Appendix A of this document. The department will only consider modification requests to add acreage to an existing AEA. Any request to reduce the size of a designated AEA must be made through a different process.

Requests to modify an existing AEA made through the modification petition process will be evaluated at the same time as requests to designate new AEAs. Past progress toward goals stated in the original and any subsequent petitions will be considered as part of the evaluation process.

A modification petition is not necessary for a minor map correction. A minor map correction is an adjustment to the boundary of a designated AEA to correct a mistake that occurred during the development or designation of that AEA. A minor map correction will be limited to resolving the identified boundary error. Examples of a boundary error include but are not limited to the following:

- Part of a farm inadvertently excluded from the AEA.
- A technical mistake that occurred during the mapping process.

Requests for minor map corrections must be made in writing to Natalie Cotter at Natalie.Cotter@wisconsin.gov.

To ensure that you receive information and updates related to the petition process, please contact Natalie Cotter at Natalie.Cotter@wisconsin.gov, (608) 224-4611.

Please Note: 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 reference a hyperlink to supporting documents available over the internet (e.g. comprehensive plans).

PART I. GENERAL INFORMATION

A. Indicate the name of the designated AEA proposed for modification.

B. List the county/counties in which the proposed AEA is located. Any county listed in this box must sign a political subdivision signature page and adopt a resolution in support of the petition. *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 sign a political subdivision signature page and adopt a

resolution in support of the petition. *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 eligible farm owners within the proposed AEA who are signing the petition as petitioners. A minimum of 5 eligible farm owners must sign the modification petition. Not all of these farm owners need to own farms within the area proposed for addition. A combination of signatures from farm owners with eligible farms in the proposed area and farm owners with farms in the existing AEA may be used to reach the 5 required signatures. Farm owners with farms in the existing AEA may sign the modification petition regardless of whether they signed the original petition. Although only 5 eligible farm owner petitioners are required to sign the petition, petitioners are encouraged to obtain as many signatures as possible from eligible farm owners. Greater consideration will be given to petitions with a high number of farm owner petitioners that are also well-distributed throughout the proposed area.

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.

E. Provide the total number of acres proposed for addition.

Although there is no size minimum or maximum, DATCP must give preference to proposed AEAs of at least 1,000 acres. In determining a boundary for a proposed AEA, petitioners consider a variety of factors including the direct relationship of the boundary to agricultural infrastructure and agricultural businesses, and the goals for preserving agricultural land use. Because of this, proposed areas may greatly differ in size.

DATCP may only designate up to 2 million acres as AEAs statewide. 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 ALL parcels proposed to be added to an existing AEA are located within a farmland preservation area designated in the certified county farmland preservation plan.

The boundary must follow parcel lines and can only include 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. Contact Natalie Cotter at Natalie.Cotter@wisconsin.gov or (608) 224-4611 with questions about your county's certified plan.

If land included in the proposed boundary is not within a certified farmland preservation area, the petitioners are 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.

G. Use the checkbox to indicate that after modification, the AEA will remain 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.

H. Use the checkbox to indicate that petitioners confirm that after modification, the AEA will remain primarily in agricultural use. *See number 5a of Part II of this document for guidance on determining land use in the proposed AEA*.

I. Designate contacts for the AEA. List at least two contacts for the AEA. More contacts may be listed by attaching a separate page. The listed contacts preferably should include at least one staff contact (county, town, UWEX, regional planning commission, or similar) and one landowner representative.

The petition contacts 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 listed contacts should be willing to:

- Communicate regularly with the department staff on activities in the AEA
- Respond to an annual status update inquiry to provide local progress in meeting the goals of the agricultural enterprise area, recent activities, and other relevant information
- Communicate with other petitioners and partners in the AEA
- Engage in activities within the AEA, including outreach efforts related to the farmland preservation agreements (for example, organizing information meetings, forwarding notices to local newsletters or newspapers, mailings, etc)
- Communicate with contacts in other AEAs, for example through attendance at AEA meetings, workshops and webinars sponsored by the local community and by the department

PART II. PURPOSE AND RATIONALE FOR AEA MODIFICATION

1. Statement of goals for existing designated AEA

The AEA program is designed to be a tool not only to help communities preserve existing agricultural land, but also to support agricultural economic development and/or encourage innovation. In your answer to this question, please re-state the specific goals of the existing designated AEA.

2. Add goals for proposed modification, if applicable

In your answer to this question, please describe any additional specific goal(s) of the AEA with respect to both preserving farmland and supporting agricultural development and innovation, if applicable.

The department recognizes that each area's goals are a reflection of the community and the individual characteristics of the area. For some, agricultural development goals may focus on maintaining existing businesses, while others want to encourage additional investment in the agricultural economy. Farmland preservation goals may focus on the implementation of strong land use controls, while another area's preservation priority is to ensure the transition of viable and profitable agricultural operations to the next generation.

3. Justification for modification of AEA

To answer this question, provide a detailed explanation describing the reason for the modification. As part of the explanation, explain how the boundary was determined and how the proposed addition is consistent with the existing designated AEA. The modification petition should be developed through a public process, with the help of public meetings or open houses. Public involvement aids in identifying the appropriate boundary ensures local support for the petition and reduces the potential for boundary errors.

As part of the justification for the modification, describe the relationship between the existing designated AEA and the proposed area, including:

- Type of agricultural production
- Connection to the agricultural economy and existing agricultural infrastructure (specifically comment on the shared ag-related businesses, processors, suppliers, transportation networks, etc.)
- Similarities in geography and soil and water resources
- Consideration of relevant socioeconomic factors

Also in your answer, describe the public process used to share information about the AEA, establish the boundary, identify farm owner petitioners and notify non-petitioners within the proposed boundary.

To the extent possible, the boundary should exclude publicly owned lands, such as DNR managed lands, federally owned land and town and county owned lands. In addition, consider excluding areas of privately owned woodland or wetlands that are not considered in agricultural

use or otherwise associated with agricultural land, especially if the owners of this land are not eligible to claim the farmland preservation tax credit on these acres.

Reminder: The boundary can only include 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 recommended that you contact the department to confirm the plan certification date to ensure that an accurate map is used to develop the boundary.

4. Progress in meeting goals

The evaluation of a petition requesting modification of an existing designated AEA will consider activities and progress made in meeting the goals identified in the previous petition(s).

Provide a summary of any activities in the designated AEA and progress meeting the goals identified in the prior petition(s), including success in landowner interest in signing up for farmland preservation agreements. As part of this summary, indicate the partners involved in carrying out the activities. Examples of past progress may vary greatly. Some examples might include; successfully assisting landowners in signing up for farmland preservation agreements, implementation of new land use controls, obtaining a grant related to a stated goal, forming a stakeholder group, or meeting with important partners in the AEA.

5. Information about the area proposed for addition

This question asks for information about the area proposed for addition. If the answer to these questions has changed from the time of the original petition, please provide additional information as part of your answer about the area already designated as an AEA.

A. Current land use and land use trends. Any designated AEA must be primarily in agricultural use. Provide information on all current land uses for the area proposed for the addition to clearly show that, after the modification, the designated AEA will remain primarily in agricultural use. Some examples of acceptable documentation may include the following:
   - A table indicating the approximate 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 of current (not future) land use 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.

   Note: Use of a zoning map to show current land use is not acceptable.

Also describe 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.

B. Land use controls. In this section, select all existing or future land use controls currently in the area proposed for addition to the existing designated AEA. Provide additional details about the control in the space provided, including whether the control is existing

or planned for the future. For example, if there is existing zoning, explain how the zoning protects land for farmland or allows for agricultural development.

C. Consistency with comprehensive plans. The area proposed for addition to the AEA must be consistent with local comprehensive plans, if they exist. However, please note a local comprehensive plan is not required to develop a petition requesting designation of an AEA.

   Use the check boxes to confirm consistency of the proposed area 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, but include a link if available. Use the space provided for additional comments regarding comprehensive plans, including a discussion of common goals, or plans to adopt a comprehensive plan in the future if one does not currently exist.

D. Soil and water conservation. Landowners in an AEA can enter into a voluntary farmland preservation agreement. This agreement allows the landowner to claim a tax credit in exchange for keeping their land in agricultural use for the 15 year term of the agreement. Under an agreement, the landowner must meet the following state standards (ATCP 50, Wis. Adm. Code):
   - Control soil erosion
   - Nutrient management planning
   - Manage phosphorus losses from cropland and pastures
   - 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
   - No tillage conducted within a minimum of 5 feet of surface water
   - No significant discharge of process wastewater to the waters of the state

   Select the checkbox that most accurately indicates the approximate level of petitioner compliance with these standards within the area proposed for addition. The county land conservation department can assist in answering this question. To support your answer to this question, submit additional documentation such as a letter from the county land conservation committee or department.

6. AEA partners and activities table

To answer this question, consider activities that will support the entire AEA, including the area proposed for addition. You may include activities identified in prior petitions. Provide specific

examples for how local governments and other partners will collaborate to carry out these activities throughout the entire AEA.

A. AEA partners. Identify potential partners to help implement activities to achieve the goals stated in the AEA petition. See Appendix C for a list of potential partners. Include whether the partners were a part of the petition process and how they will be included in future activities.

B. Farmland preservation agreement strategy. To answer this question, indicate what steps will be taken to encourage and assist eligible landowners within the proposed area with 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.

   If you have a goal for agreement sign-up, please describe. For example, a goal may be a set percent of the total acreage in the AEA covered by an agreement, or a certain number of new agreements per year.

C. Agricultural development. Consider other existing or future activities that might be used to promote future agricultural and agricultural-related investment or other collaborations within the designated area. For example, identify any existing or future cooperative relationships or agreements between local producers and/or agricultural-related businesses (joint marketing opportunities, joint purchasing power, shared facilities and equipment, or contracts for custom manure spreading, harvesting, processing, or other opportunities). Other activities may be those that are intended to maintain or create agricultural-related jobs, or to increase options for value-added production, agri-tourism or other opportunities that have a direct economic benefit to the local community. These activities might include such things as applying for grants, develop business plans or the creation of other incentives (implemented locally). Identify partners who may be involved with the identified activity.

D. Other Activities. In this section, consider other types of activities to support the proposed AEA. These activities may include presenting signs to landowners who sign a farmland preservation agreement, presenting cooperators with a certificate indicating their support of the AEA, forming a stakeholder group, developing a strategic plan, establishing an AEA website, planning promotional activities, and attending AEA meetings and webinars sponsored by the Department of Agriculture, Trade and Consumer Protection. Use the space provided for additional details and to identify partners who will be involved with the identified activity.

7. Non-petitioner Cooperator Support

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

Please provide a list that summarizes the entities/individuals who submitted a cooperator signature page or letter of support. This list can include those who submitted a cooperator signature page or letter of support during a prior petition cycle.

PART III. MAP AND SPATIAL LOCATION DATA GUIDELINES

Agricultural Enterprise Area Mapping Guidelines

Submit a map showing the entire AEA (designated and proposed for addition) in a .pdf or equivalent file format via an e-mail, ftp, or flashdrive. The map should meet the following guidelines:

- Title with the name of the AEA.
- Clearly delineates the boundary of the entire proposed AEA, including the boundary of the existing designated area and the boundary of the area proposed for addition. This area:
    - Must exclude all areas not planned for farmland preservation in the county's certified farmland preservation plan.
    - Must follow existing parcel boundaries.
    - Should, to the extent possible, exclude publicly owned lands within the proposed boundary. Omission of road right of ways is acceptable, but not required.
- Show petitioner parcels as an "overlay" within the boundary of the entire AEA, or you may submit a second map that shows the petitioner-owned parcels.
- Have a map scale that clearly shows the proposed AEA.
- Show political boundaries (county, city, town, village), section lines, section numbers, roads and water bodies.
- Have a map legend that includes symbols for all data represented on the map, including, political boundaries, section numbers and lines, roads, publicly owned land and water bodies.
- Identify map scale, north arrow, map date and map producer.

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

- Be a single polygon boundary of the entire area, including the area proposed for addition and the existing designated existing AEA. The boundary must follow parcel boundaries.
- Be projected in the WTM83 (meters), NAD83 (1991) coordinate reference system. (Contact the department for the projection file if needed)
- Have a filename that clearly identifies it as the data submitted for the proposed modification to the AEA (ex: ProposedAEA_modification_2015.shp).
- Include metadata including data source, producer, contact, and attribute definitions. Metadata should also indicate 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 layer, or equivalent file format via email, ftp, cd, or flashdrive.

If you have any problems meeting these preferred mapping and data standards, please contact DATCP at 608-224-4611 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

Please note: Any photos submitted to the department may be used in materials related 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 farm owner acting as a petitioner must sign and submit the signature page provided.

Political Subdivision Signature Page and Resolution.
A separate political subdivision signature page, signed by an authorized officer or representative for each political subdivision (county, town, city or village) in which any part of the proposed AEA is located, must be submitted with the petition.

Additionally, each political subdivision (county, town, city or village) must also submit a copy of a signed resolution adopted in support of the petition. Sample resolution text is included in Appendix B of this guidance document.

Cooperator Signature Page.
Petitioners should gather other support for the designation. Submit a cooperator signature page <u>or</u> a letter of support from cooperators to indicate support for designation of the proposed AEA beyond that expressed by the petitioners. Cooperators could include ag-related businesses, landowners, non-profits, legislators, other compatible businesses, and nearby municipalities.

Letters submitted as part of a prior petition can be re-submitted, but the petitioners should consider collecting additional cooperator letters if appropriate.

APPENDIX A: SAMPLE TIMELINE FOR PETITION DEVELOPMENT AND AEA DESIGNATION

Below is a sample timeline for steps involved in developing a petition requesting designation of an Agricultural Enterprise Area. Your local community should develop its own strategy to craft your individual AEA petition.

Timeframe	Activity
November 2016 – January 2017	• Identify coordinator to help with petition process • Identify other potential AEA partners (see Appendix C) • Host public informational meeting(s) on AEAs • Form AEA petition committee • Find mapping assistance • Review certified farmland preservation plan map • Begin to draw boundaries
February 2017	• Hold public meeting(s) to gather input, identify petitioners and get petitioner signature pages • Hold petition committee meeting to work on map and petition content • Start to get signature pages and letters of support
February – March 2017	• Attend DATCP sponsored petition workshop • Continue to work on petition and to collect signature pages • Get on agendas to have resolutions passed in April or May
April 2017	• Continue to work on petition • Continue to collect signature pages and letters of support • Hold petitioner meeting to review petition draft
April 2017 – May 2017	• Host final public meeting on petition content and AEA boundary • Resolutions passed
May 2017 – June 2017	• Hold petition committee meeting to account for input from final public meeting and finalize petition • Double check petition to ensure completeness • Send final petition to DATCP for evaluation by AEA evaluation team
Summer 2017	• Petitions evaluated
Early Fall 2017	• Recommended areas announced
Fall 2017	• Order designating areas signed by department • Notice of orders published in the official state newspaper
January 1, 2018	• Designations official • Eligible landowners may enter into farmland preservation agreements

APPENDIX B: SAMPLE RESOLUTION TEXT

Please note, the text below is provided as a sample. This text may or may not be appropriate for use by every political subdivision located within the proposed AEA boundary. It is important that the language be reflective of the community which is adopting the resolution.

WHEREAS, the Department of Agriculture, Trade and Consumer Protection is accepting petitions for the designation of Agricultural Enterprise Areas throughout the State of Wisconsin, and

WHEREAS, agriculture is an important component of the (Town, County) economy, landscape, and rural character, and

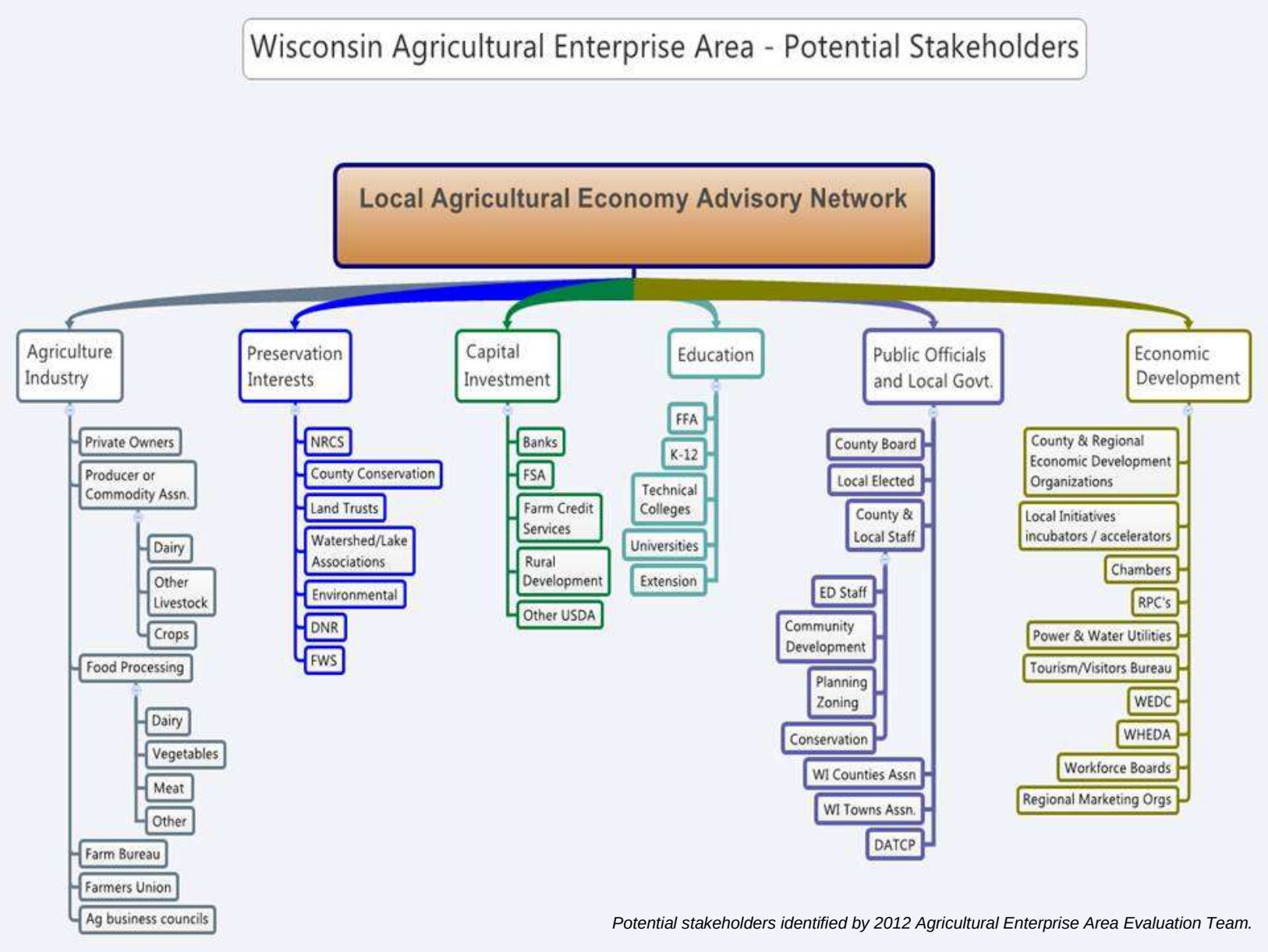
WHEREAS, the (Town, County) adopted exclusive agricultural zoning and has consistently supported the agricultural industry, and

WHEREAS, the (Town, County) Comprehensive Plan adopted (date) identifies the protection and preservation of agricultural land as a goal of the Plan, and

WHEREAS, the (Town, County) believes that establishment of an Agricultural Enterprise Area (AEA) will further protect agricultural land and enhance the local agricultural economy, and

WHEREAS, the (Town, County) has determined, based on petitioner support and meetings where Agricultural Enterprise Areas were discussed, that there is public support for the AEA, and

WHEREAS, agriculture is an important land use in the (Town, County) and worthy of preservation and support,

THEREFORE, BE IT RESOLVED that the Board hereby supports the establishment of the (AEA) within the (Town, County).

Appendix C: Potential AEA Stakeholders