



Wisconsin Department of Agriculture, Trade and Consumer Protection  
Division of Agricultural Resource Management  
P.O. Box 8911  
Madison, WI 53708-8911  
Phone: (608) 224-4611

## 2020 Agricultural Enterprise Area Petition - Modification Instructions

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*This document is intended to assist with the development of a petition requesting modification of an agricultural enterprise area. 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.*

*A petition for modification 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, or a technical mistake that occurred during the mapping process.*

*Requests for minor map corrections must be made in writing to Wednesday Jordan at [Wednesday.Jordan@wisconsin.gov](mailto:Wednesday.Jordan@wisconsin.gov).*

### A. FILING A PETITION FOR MODIFICATION

#### Who May Petition

A modification petition must be jointly filed by at least 5 eligible farmers within the boundaries of the proposed AEA modification, and by each county, town or municipality in which any part of the proposed AEA is located. Others may sign the petition as supporting “cooperators”. For modifications, the 5 eligible farmers may be a combination of those who own land in the newly proposed area, and the existing AEA.

#### Submission

Submit an electronic copy of the following:

- The completed petition form (including any supporting pages and documentation)
- A map of the proposed AEA (PDF format)
- Spatial location data used to create map
- 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 signature page for the county conservationist
- Any non-petitioner cooperator signature pages or letters of support
- The original petition for designation as an attachment
- Optional petition materials including resolutions in support of the petition, and related images of the area

Email petition materials by **August 5, 2020** to: [DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov) OR [Wednesday.Jordan@wisconsin.gov](mailto:Wednesday.Jordan@wisconsin.gov)

## **B. REVIEW AND DECISION**

Requests to modify an existing AEA 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.

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. If the AEA is chosen for designation, eligible landowners within the AEA may enter into a farmland preservation agreement with the state.

## **C. KEY TERMS**

### **Agricultural Enterprise Area**

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.

### **Contiguous**

Parcels that meet at more than one point and are only separated by a lake, stream, transportation or utility right-of-way.

### **Designated Petition Contacts**

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 and with other petitioners and partners in the AEA.

### **Eligible Farm Owner**

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 three taxable years immediately preceding the year of this petition.

### **Farmland Preservation Area**

Land planned that a county projects will stay in agricultural use for the next 15 years. Specific criteria in a certified county farmland preservation plan determines the farmland preservation area. Landowners within the plan boundary may be eligible for state programs such as Farmland Preservation Zoning, Agricultural Enterprise Areas, and Farmland Preservation Agreements.

### **Primarily in Agricultural Use**

The proposed area must be primarily in agricultural use. This means that the majority of the land within the area is in agricultural use.

#### D. AEA PETITION PART I INSTRUCTIONS

*If questions come and the answer is not found below, please reach out to Wednesday Jordan at Wednesday.Jordan@wisconsin.gov or 608/224-4611.*

##### **Total Acres Proposed**

There is no size minimum or maximum. However, DATCP must give preference to proposed AEAs of at least 1,000 acres. Because DATCP may only designate up to 2 million acres as AEAs statewide, the department may request that petitioners adjust proposed boundaries. The Department may make designation of an agricultural enterprise area contingent on such adjustment.

##### **Petition contacts for AEA**

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:

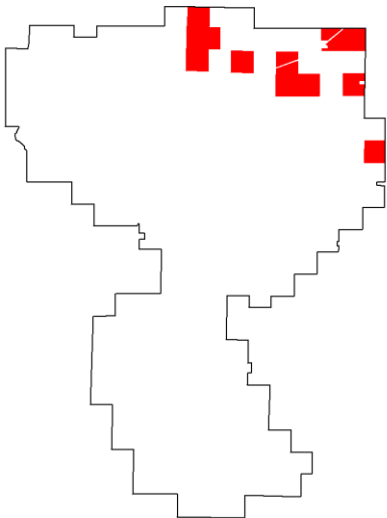
- Communicate regularly with the department staff on activities in the AEA
- Communicate with other petitioners and partners in the AEA

##### **Eligibility Requirements**

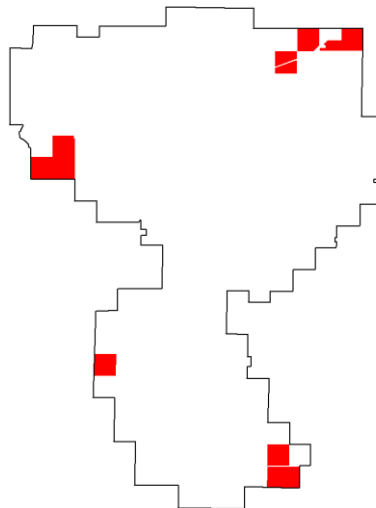
Chapter 91 of Wisconsin State Statutes identifies specific eligibility requirements an AEA must meet prior to designation. The AEA must be able to select “yes” for parts a-d in order for the evaluation committee to consider the application.

##### **Petitioning Landowners**

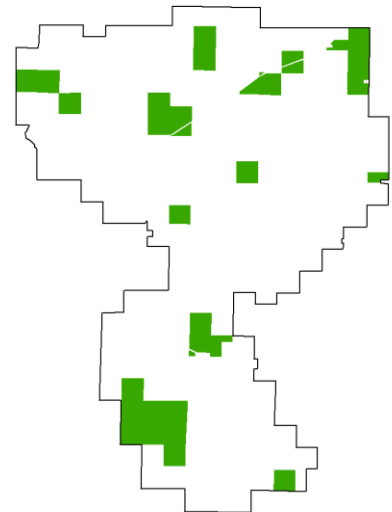
The amount of eligible landowner petitioners should make sense in light of the boundary size, and there should be a logical distribution of petitioners within the area proposed for addition. The below images illustrate examples of what to avoid, and an example of what to strive for.



*Avoid clustering petitioners in one area of the proposed boundary*



*Avoid spreading out petitioners too thinly*



*Strive for a logical distribution, and number of petitioners compared to the proposed size*

## **E. AEA PETITION PART II INSTRUCTIONS**

*If questions come up and the answer is not found below, please reach out to Wednesday Jordan at [Wednesday.Jordan@wisconsin.gov](mailto:Wednesday.Jordan@wisconsin.gov) or 608/224-4611.*

### **Current Land Use and Land Use Trends**

A designated AEA must be primarily in agricultural 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. Please include either:

- A current land use map for the area proposed for addition with a table or short narrative explaining the map
- A description of current land uses (both agricultural and non-agricultural) within the proposed AEA

Provide information to describe land use trends in and near the area proposed for addition. These trends may include such things as consolidation of smaller farms or transition of land out of agricultural land use.

### **Soil and Water Conservation**

Eligible 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 state standards found in ATCP 50, Wis. Adm. Code. Landowners should talk to their county land conservation technician to find out what standards they would need to meet on their farm.

Select the check box that most accurately indicates the approximate level of petitioner compliance with these standards. The county land conservation department can assist in answering this question.

### **AEA Goals for Agricultural Preservation and Agricultural Development**

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.

Please describe any additional goals with respect to preserving farmland and supporting agricultural development and/or innovation (if any). Then, describe activities that have taken place within the existing AEA related to the originally stated goals including any planned, or recent, investments, grants, development incentives, cooperative agreements, land or easement purchases, or public outreach activities. When discussing planned or recent investments, petitioners should consider both individual investments in a single farm, or by nearby supporting businesses. Public investments may also be considered, including in the form of purchase of development rights or easements.

### **Boundary**

Explain the reason for the proposed modification, and how this is consistent with the existing AEA.

Explain how the following factors helped to determine the boundary:

- Existing agricultural land use
- Unique land or water resources or soil productivity (the boundary does not have to follow jurisdictional boundaries, but instead could be mapped based on a watershed level or soil classification)
- Relationship to the agricultural economy, including connection to existing or future agricultural infrastructure (such as proximity to viable farm markets, processing facilities or other supporting ag-related businesses)

- Other factors relevant to determining the proposed boundary such as the number and location of farm owner petitioners, consideration of any future land use map(s) etc.

The boundary must follow parcel lines. 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 the need to include areas of privately owned woodland or wetlands that are not considered to be 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.

The 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.

When developing the boundary, try to involve other stakeholders and experts, including local and regional economic development specialists, county UWEX agents, county conservation staff, and local and regional planning organizations. See Appendix C for other potential partners.

### **Outreach**

The petition for modification should be developed through a public process, with the help of public meetings or open houses. 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 area for addition.

Provide details on meetings scheduled, mailings, or other information on how the public was made aware of the petition development.

## **F. MAP AND SPATIAL LOCATION DATA INSTRUCTIONS**

*Please follow the below map and spatial location data instructions. If questions come up not found below, please reach out to Wednesday Jordan at Wednesday.Jordan@wisconsin.gov or 608/224-4611.*

### **Agricultural Enterprise Area Mapping Guidelines**

Submit a PDF Map showing the proposed area. The map should meet the following criteria:

- Title with the name of the proposed AEA.
- Clearly delineate the boundary of the proposed AEA. 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 proposed boundary, or 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 (for proposed AEA boundary used to create the AEA map) should meet the following criteria:

- Be a single polygon boundary of the proposed AEA that follows 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 AEA (ex: ProposedAEA\_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.

*If you have any problems meeting these preferred mapping and data standards, please contact Wednesday Jordan at 608-224-4611 or by email at Wednesday.Jordan@Wisconsin.gov.*

## **G. Required Signature Pages**

- A signed signature page for each owner of an eligible farm who is signing the petition (minimum of 5)
- 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 signature page for the county conservationist
- Non-petitioner cooperator signature pages or letters of support
  - Petitioners should consider gathering other support for the designation. Submit any cooperator signature pages or a letters 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

## APPENDIX A. SAMPLE TIMELINE

<b>Timeframe</b>	<b>Activity</b>
November 2019 – January 2020	<ul style="list-style-type: none"><li>• Identify coordinator(s) to help with petition process</li><li>• Identify other potential AEA partners (see Appendix C)</li><li>• Host public informational meeting(s) on AEAs</li><li>• Form AEA petition committee</li><li>• Find mapping assistance</li><li>• Review certified farmland preservation plan map</li><li>• Begin to draw boundaries</li></ul>
February 2020	<ul style="list-style-type: none"><li>• Hold public meeting(s) to gather input, identify petitioners and get petitioner signature pages</li><li>• Hold petition committee meeting to work on map and petition content</li><li>• Start to get signature pages and letters of support</li></ul>
February – March 2020	<ul style="list-style-type: none"><li>• Attend DATCP sponsored petition workshop</li><li>• Continue to work on petition and to collect signature pages</li><li>• If passing resolutions, get on agendas to have resolutions passed in April or May</li></ul>
April 2020	<ul style="list-style-type: none"><li>• Continue to work on petition</li><li>• Continue to collect signature pages and letters of support</li><li>• Hold petitioner meeting to review petition draft</li></ul>
April – May 2020	<ul style="list-style-type: none"><li>• Host final public meeting on petition content and AEA boundary</li></ul>
May – June 2020	<ul style="list-style-type: none"><li>• Double check petition to ensure completeness</li><li>• Send final petition to DATCP for evaluation by AEA evaluation team</li></ul>
Summer 2020	<ul style="list-style-type: none"><li>• Petitions evaluated</li></ul>
Fall 2020	<ul style="list-style-type: none"><li>• Recommended areas announced</li><li>• Order designating areas signed by department</li><li>• Notice of order published in the official state newspaper</li></ul>
January 1, 2021	<ul style="list-style-type: none"><li>• Designations official</li><li>• Eligible landowners may enter into a farmland preservation agreement</li></ul>

## APPENDIX B: SAMPLE RESOLUTION TEXT

The text below is provided as a sample. 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).

# Wisconsin Agricultural Enterprise Area - Potential Stakeholders

