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| **Wisconsin Department of Agriculture, Trade and Consumer Protection**  **Farmland Preservation Program (ch. 91, Wis. Stats.)** |
| **Application For Farmland Preservation**  **Zoning Ordinance Certification** |
| ***Instructions*** |
| Farmers covered by a county or local farmland preservation ordinance may claim state income tax credits if the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) certifies that the ordinance meets or exceeds state farmland preservation standards (s. 71.613, Wis. Stats., and ch. 91, Wis. Stats.) Among other things, a certified ordinance must be consistent with the *county’s* certified farmland preservation plan. Certification does not affect the validity of the ordinance, only farmers’ eligibility for tax credits.  A county or local government may amend a certified ordinance, but DATCP must certify an amendment that comprehensively revises the ordinance or extends coverage to a new town. You should also contact DATCP if you are considering an ordinance change that may materially affect compliance with certification standards (for example, by removing zoning protection from land targeted for preservation in the county plan).  Minor technical amendments made after a farmland preservation zoning ordinance is certified by the department are automatically certified (without any further action by DATCP) if they do not cause the amended ordinance to violate certification standards. DATCP may de-certify an ordinance if an amendment causes the ordinance to violate certification standards (check with DATCP if you are unsure). |
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| ***Applying for Ordinance Certification*** |
| To have your farmland preservation zoning ordinance (or ordinance amendment) certified, complete and submit all of the following to DATCP:   * The attached [APPLICATION FORM](#Text1), including a short cover memo and [required certifications](#Text6). * The full zoning ordinance text (or amendment) to be certified, not just the proposed farmland preservation district. Include the ordinance (or amendment) text and maps, as well as the spatial location data used to create the maps. In the “citation” spaces provided on the APPLICATION FORM, please cite the relevant ordinance sections and page numbers. Maps and spatial location data should comply with the attached [MAP AND SPATIAL LOCATION DATA INSTRUCTIONS.](#Check2) * Dated text and PDF maps.   Submit *all application materials* in electronic form to [*DATCPWorkingLands@wisconsin.gov*](mailto:DATCPWorkingLands@wisconsin.gov) *(enter “Zoning Ordinance Certification Request” on the subject line).* |
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| ***Review and Decision*** |
| Within 10 business days after DATCP receives the application, DATCP will determine whether the application is complete. If the application is complete, DATCP will grant or deny the application within 90 calendar days after the date on which DATCP received it. DATCP will normally grant or deny the application *based solely on the materials that you submit*, so please make sure that the materials are clear, complete and accurate. |
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| ***Questions*** |
| Call 608-224-4621 or email [DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov) with any questions or problems. |

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| ***Map and Spatial Data Instructions*** |  |
| Check boxes to ensure all requirements have been met. Checkboxes are for the benefit of the applicant and are not required for submission. | |
| *A clear farmland preservation zoning PDF map should:* | |
| Clearly delineate farmland preservation zoning districts. Farmland preservation district boundaries should follow existing parcel boundaries where possible. | |
| NOT display environmental or other “overlay” districts in a way that obscures or confuses the boundaries of an underlying farmland preservation zoning district. | |
| Have a map scale no greater than one inch = 2,000 ft. (1:24,000). It is recommended that a county ordinance map be submitted as a series of town maps. For example, a 6 mile by 6 mile township would meet the certification requirement if it could be printed on an 18” x 24” piece of paper. | |
| 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 zoning district boundaries, political boundaries, parcel boundaries, section lines, roads and water bodies. | |
| Identify mapped zoning districts with titles that exactly correspond to zoning ordinance text that applies to those districts. | |
| Identify map scale, north arrow, map date and map producer. | |
| Be submitted in .pdf or equivalent file format via an appropriate electronic data transfer method (email, ftp, cd, flash drive, or other acceptable method). | |
| *Spatial location data used to create a map should:* | |
| Be projected in the WTM83, NAD83(1991) coordinate reference system. | |
| If overlay areas are present in text and map, the overlay areas should be provided as a separate shapefile and include full metadata. | |
| Include an attribute table that has a specific column to identify which of the districts are to be certified and which are not. This can be achieved by adding a column titled “Certified” and indicating for each record if it is or is not located in the certified area. If the shapefile only shows the Farmland Preservation District area, the county only needs to describe in the metadata that the shapefile describes the district area in its entirety. | |
| Include metadata 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 “summary” section, that the map information is provided in support of a request for certification of a farmland preservation zoning ordinance. | |
| Be submitted in vector shapefile or equivalent file format via an appropriate electronic data transfer method (email, ftp, cd, flashdrive, or other acceptable method). | |

ARM LWR-455 (Rev. 8/15)

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|  | | Wisconsin Department of Agriculture, Trade and Consumer Protection  Division of Agricultural Resource Management  P.O. Box 8911  Madison, WI 53708-8911  (608) 224-4604 | | | | | | |
| Farmland Preservation Ordinance Certification Application | | | | | | | | |
| APPLICANT TYPE | | | COUNTY  TOWN  CITY  VILLAGE  ETZ | | | | | |
| COUNTY |  | | | | | DATE  SUBMITTED |  | |
| LOCAL GOVERNMENT  (If applicant is not the county) | | | |  | | NAME OF DISTRICT(S) TO BE CERTIFIED | |  |
| IF COUNTY APPLICANT, TOWNS WHERE CERTIFIED DISTRICT WILL BE LOCATED | | | | |  | | | |

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| The above-named county or local government hereby requests certification, under s. 91.36, Wis. Stats. of the attached farmland preservation zoning ordinance (or ordinance amendment). |

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| **PART A: Enclosed Materials** |
| In support of its ordinance certification request, the applicant submits all of the following materials: |
| 1. The farmland preservation zoning ordinance (or ordinance amendment) to be certified, including ordinance text and maps (zoning district maps). Each map is clearly correlated with the ordinance text that applies to that map. All farmland preservation zoning districts are clearly identified. |
| 2. The spatial location data used to create each map. |
| 3. A short cover memo, signed by the applicant’s zoning director or chief elected official, that does all of the following: |
| a. Concisely summarizes the farmland preservation zoning ordinance (or ordinance amendment), including key changes from the applicant’s last certified ordinance if any. The summary identifies key text changes and all new or modified farmland preservation zoning districts proposed for certification. |
| b. Concisely summarizes the relationship between the farmland preservation zoning ordinance (or ordinance amendment) and the certified *county* farmland preservation plan (including material inconsistencies, if any). |
| c. Concisely summarizes the steps (and timeline) by which the applicant developed the farmland preservation zoning ordinance. The summary briefly describes the public hearing process, notice to other government units, input by other government units, and the process of approval. It indicates which steps are completed, and which steps are planned but not yet completed*.* |
| d. Identifies the applicant’s primary contact person for communications related to the proposed certification (name, telephone, email, and mailing address). |

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| **PART B: Certifications** |
| **County Planning Director or County Chief Elected Official:** |
| The *county* planning director or *county* chief elected official hereby certifies that the county or local farmland preservation zoning ordinance (or ordinance amendment) attached to this application meets all of the following requirements:[[1]](#footnote-1) |
| 1. All of the land included in farmland preservation zoning districts is also included in farmland preservation areas designated in the *county’s* certified farmland preservation plan. |
| 2. The ordinance (or ordinance amendment) is in all other respects substantially consistent with the *county’s* certified farmland preservation plan. |

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| Signed and certified this | |  | day of |  | , | 20 |  |
| By: |  | | | | | | |
|  | *County* Planning Director or  *County* Elected Official (check one) | | | | | | |

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| **Applicant’s Attorney or Chief Elected Official:** |
| The applicant’s attorney or chief elected official hereby certifies that the farmland preservation zoning ordinance (or ordinance amendment) attached to this application complies with s. 91.38, Wis. Stats. [[2]](#footnote-2) |

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| Signed and certified this | |  | day of |  | , | 20 |  |
| By: |  | | | | | | |
|  | Applicant’s Attorney or  *Chief* Elected Official (check one) | | | | | | |

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| **PART C: Citations** |
| Please provide the information requested below. Check boxes are for the benefit of the applicant and are not required for submission. |

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|  |  | Citation |
|  | 1. The ordinance identifies all of the following: |  |
|  | a. The authority responsible for ordinance administration and enforcement |  |
|  | b. Standards and procedures for granting conditional use permits, if allowed under the ordinance (if not allowed, enter NA). The standards and procedures meet or exceed applicable minimum requirements listed under s. 91.46, Wis. Stats. |  |
|  | c. Standards and procedures for granting rezoning petitions, if allowed under the ordinance (if not allowed, enter NA). The standards and procedures meet or exceed the minimum requirements listed under s. 91.48(1), Wis. Stats. |  |
|  | d. Standards and procedures for the regulation of prior nonconforming uses, consistent with s. 91.42(3), Wis. Stats. |  |
|  | e. Penalties or other sanctions that apply to ordinance violations |  |
|  | 2. The ordinance clearly describes and limits the types of land uses that are allowed in each farmland preservation zoning district[[3]](#footnote-3) |  |
|  | a. The ordinance does not allow, in any farmland preservation zoning district, any type of land use that is not allowable in that district under s. 91.44, 91.46 or 91.42(3), Wis. Stats. |  |
|  | b. The ordinance does not allow, as a permitted use (without a conditional use permit), any type of land use that is not allowable as a permitted use under s. 91.44, Wis. Stats. |  |
|  | c. The ordinance does not allow, as a conditional use, any type of land use that is not allowable as a conditional use under s. 91.46(1), Wis. Stats. |  |
|  | d. If the ordinance allows any type of land use as a conditional use, the ordinance specifies standards for that conditional use that meet or exceed the applicable minimum standards in s. 91.46 (2) to (6), Wis. Stats. |  |
|  | e. The ordinance does not allow, as a prior nonconforming use, any use that is not allowable as a prior nonconforming use under s. 91.42(3), Wis. Stats. |  |
|  | 3. The ordinance includes maps that clearly delineate each farmland preservation zoning district, so a reader can easily determine whether a parcel is within that zoning district (county maps may consist of a series of town maps) |  |
|  | a. Each map is clearly correlated to the zoning ordinance text that applies to that map (titles are consistent) |  |
|  | b. All of the land included in farmland preservation zoning districts is also included in farmland preservation areas designated in the *county’s* certified farmland preservation plan |  |
|  | 4. If the ordinance superimposes an overlay district (such as an environmental corridor) on a farmland preservation zoning district, all of the following apply (if no overlay district exists, enter N/A): |  |
|  | a. The ordinance text and map clearly identify the overlay district |  |
|  | b. Ordinance maps clearly show the boundaries of the overlay district and the underlying farmland preservation zoning district |  |

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|  | c. The overlay district does not remove land use restrictions from the underlying farmland preservation zoning district |  |
|  | 5. The ordinance contains no significant internal inconsistencies affecting farmland preservation districts, such as inconsistencies between the zoning text and maps, inconsistencies within the zoning text, or inconsistencies between zoning maps |  |
|  | 6. The ordinance (or ordinance amendment) text and map are substantially consistent with the county’s certified farmland preservation plan |  |

1. The *county* planning director (or *county* chief elected official) must sign this certification, regardless of whether the applicant is the county or a local government within the county. [↑](#footnote-ref-1)
2. For a complete farmland preservation zoning ordinance, the applicant’s attorney or chief elected official certifies that the zoning ordinance complies with *all of the listed requirements* found in s. 91.38, Wis. Stats. For an ordinance *amendment*, the applicant’s attorney or chief elected official certifies that the amendment complies with all of the listed requirements that are *relevant to that amendment*, and that the amendment *does not cause the amended ordinance to violate any of the listed requirements*. See Wis. Stat. s. 91.38(2). [↑](#footnote-ref-2)
3. A certified ordinance may be more restrictive, but not less restrictive, than the statute (which describes the maximum scope of allowable uses). For example, a certified ordinance may restrict some land uses that are allowable under the statute, or may require conditional use permits for some uses that are allowable as permitted uses (without a permit) under this statute, but a certified ordinance may not allow any land use not allowable under the statue, nor may it allow as a permitted use (without a permit) a land use that is only allowable as a conditional use (with a permit) under the statute. Restrictions should be consistent with the purpose of the farmland preservation law. Regulation of livestock operations is subject to s. 93.90, Wis. Stats. and ch. ATCP 51, Wis. Adm. Code. [↑](#footnote-ref-3)