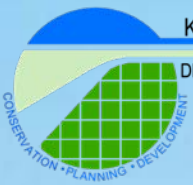


KENOSHA COUNTY

DEPARTMENT OF PLANNING
AND DEVELOPMENT

Farmland Preservation Planning for Kenosha County





Wisconsin Agriculture has Reached a Crossroads

- The State population is growing
- We all have to eat
- Ag and food processing contributes \$59 *billion* to state economy (10% of state jobs)
- Ag land important for the environment and quality of life
- We want *more local food and renewable energy*
- ***But we are rapidly destroying and fragmenting our agricultural land base***



AGRICULTURAL SECTORS IN KENOSHA COUNTY AND WISCONSIN: 2007

Sector	Kenosha County		State of Wisconsin	
	2007 Sales (in thousands)	Percent of Total Agricultural Revenues	2007 Sales (in thousands)	Percent of Total Agricultural Revenues
Dairy	\$12,300	20.5	\$4,573,294	51.1
Horticulture	\$15,100	25.1	\$244,216	2.7
Grains (Crops)	\$21,500	35.8	\$1,643,341	18.3
Cattle and Calves	\$3,000	5.0	\$1,014,553	11.3
Vegetables	\$4,100	6.8	\$422,639	4.7
Other	4,000	6.7	\$1,069,315	11.9
Total	\$60 Million	100.0	\$9 Billion	100.0





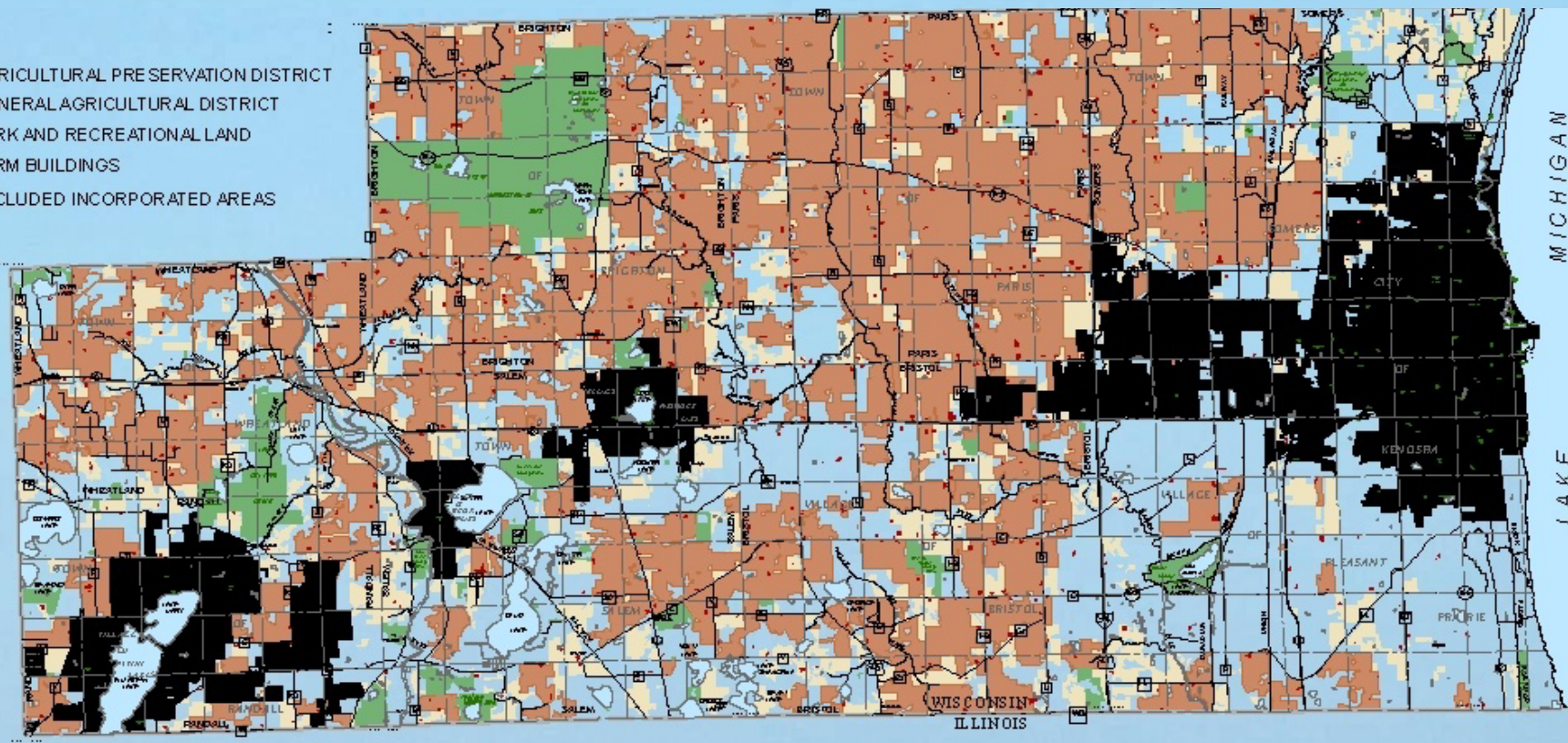
A-1 AGRICULTURAL PRESERVATION DISTRICT CHANGES 1981 TO 2010

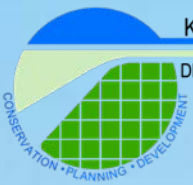
Town/Village	Total Acres	A-1 (1981)	Percentage (1981)	A-1 (2010)	Percentage (2010)	Difference %	A-1 Acres Lost
Brighton	22,896	12,453	54.2	11,650	50.9	-3.3	803
Bristol	21,299	12,619	54.5	9,629	45.2	-9.3	2990
Paris	22,954	18,438	80.1	17,403	75.8	-4.3	1035
Pleasant Prairie	21,497	4,028	14.4	1,670	7.8	-6.6	2358
Randall	8,861	4,806	31.2	2,586	29.2	-2.0	2220
Salem	20,452	6,528	28.2	5,376	26.3	-1.9	1152
Somers	18,136	8,412	46.4	7,415	40.9	-5.5	997
Wheatland	15,417	7,704	49.8	6,613	42.9	-6.9	1091
TOTALS	151,512	74,988		62,342		-16.9	12646



AGRICULTURAL PRESERVATION DISTRICTS IN KENOSHA COUNTY: 2010

- AGRICULTURAL PRESERVATION DISTRICT
- GENERAL AGRICULTURAL DISTRICT
- PARK AND RECREATIONAL LAND
- FARM BUILDINGS
- EXCLUDED INCORPORATED AREAS

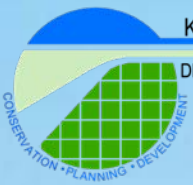




The Working Lands Initiative

- Was developed over 5 years.
- Brought diverse stakeholders together.
- Extensive public outreach.
- Major legislation enacted in 2009 Wis. Act 28 (biennial budget act).
- Statute became effective on July 1, 2009

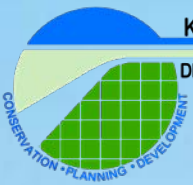




Goals of the Working Lands Initiative

- Save Critical Farmland Resources
- Promote Sound Planning and Development
- Encourage Agricultural Investment
- Promote Soil and Water Conservation
- Minimize Land Use Conflicts
- Help Farms Stay Economically Viable

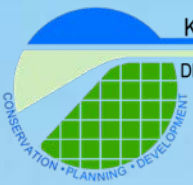




Working Lands Legislation

- Overhauls 30-year-old Farmland Preservation Law (Ch. 91)
- Enhances Farmer Tax Credits
- Requires County Planning
- Modernizes Zoning Standards
- Supports Soil and Water Conservation
- Authorizes Ag Enterprise Areas
- Authorizes Purchase of Ag Conservation Easements (from willing landowners)





The New Farmland Preservation Deal

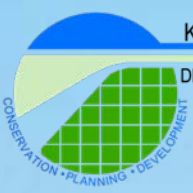
FARMERS GET:

- ✓ A More Secure Farm Future (Protected From Conflicting Land Uses and Sprawl)
- ✓ Income Tax Credits

IN RETURN FOR:

- ✓ Keeping Land in Agricultural Use
- ✓ Implementing Conservation Practices



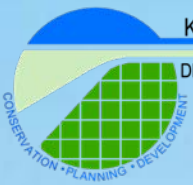


KENOSHA COUNTY

DEPARTMENT OF PLANNING
AND DEVELOPMENT

Farmland Preservation Tax Credits





Enhanced Tax Credits

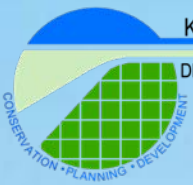
- \$27 million per year statewide (was \$12 million).
- Reduced eligibility barriers.
- Flat per-acre credit (no more complex formula).
- May claim credit on entire farm (including woodlot, wetland).
- For average farm, total annual tax credit will more than *double*
- No change to Use Value Assessment.



Tax Credit Amount

- **\$7.50 per acre for land covered by *Certified Farmland Preservation Zoning***
- **\$10 per acre for land covered by FP Agreement *and a Certified Ordinance***
- Dept. of Revenue (DOR) may adjust between years if annual claims exceed \$27 million.

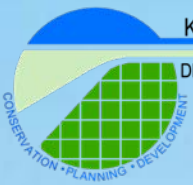




Farmland Is Eligible for Tax Credits IF

- ✓ It is targeted for preservation in the ***Kenosha County Farmland Preservation Plan.***
- AND**
- ✓ It is covered by a certified ***FP Zoning Ordinance or an individual FP Agreement.***
- AND**
- ✓ It complies with state soil and water conservation standards.

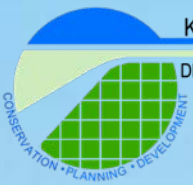




Claiming Tax Credits

- State income tax credit, beginning in 2010 tax year (claims filed in 2011)
- Credit paid, even if it exceeds tax liability
- Available to state resident who owns (not rents) eligible farmland
- Farm must produce at least \$6,000 per year in gross farm revenue (to landowner *or renter*)
- No minimum or maximum acreage
- Claimant must certify eligibility (and conservation compliance) to DOR



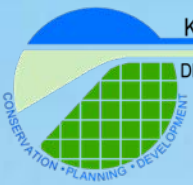


KENOSHA COUNTY

DEPARTMENT OF PLANNING
AND DEVELOPMENT

Kenosha County Farmland Preservation Plan Update

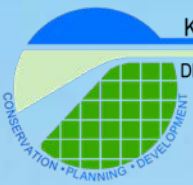




History of Farmland Preservation in Kenosha County

- The current Farmland Preservation Plan (FPP) for Kenosha County was developed under the old state farmland preservation program and was adopted in 1981
- The purpose of the program was to encourage farmland preservation by providing tax credits to eligible farmland owners
- Farmland owners may have participated in one of two ways:
 - *Exclusive agricultural zoning*
 - *Farmland Preservation Agreements*

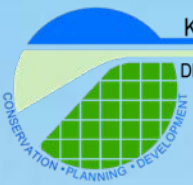




Farmland Preservation Planning

- Deadline (established by DATCP) for Kenosha County to update and certify plan is December 31st, 2011
- Kenosha County received a \$30,000 grant to update the County Farmland Preservation Plan
- County and Stakeholders decide which land areas to target for preservation.

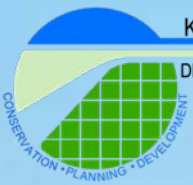




Farmland Preservation Plan Requirements

- DATCP must certify plan, in order for farmers to be eligible for tax credits and other benefits
- The FPP will identify *farmland preservation areas* (where farmers may be eligible for tax benefits)
- Farmland preservation areas cannot be planned for nonagricultural development within the next 15 years
- FPP must be consistent with our existing county comprehensive plan

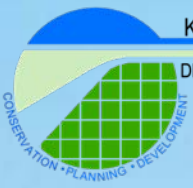




New initiative – renewed interest!

- Increased tax credits may result in more conservation
- Increased tax credits removes reason not to comply by covering some of the cost to comply
- New Programs are available (AEA and PACE)



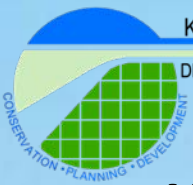


KENOSHA COUNTY

DEPARTMENT OF PLANNING
AND DEVELOPMENT

Agricultural Enterprise Areas

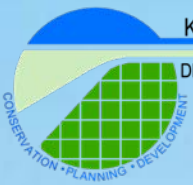




How Is an AEA Created?

- DATCP designates Ag Enterprise Areas (AEAs) by rule, in response to competitive local petitions.
- Petition must be signed by at least 5 affected farmers, and by each affected county, town and municipality. Other cooperators (farm and non-farm) may also sign.
- Petition must show how AEA will promote agriculture.
- AEA must be in the Kenosha County FP plan area. FP zoning not required, but may be helpful.
- DATCP may designate 200,000 acres in first 2 years, and one million acres eventually.

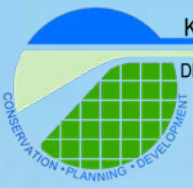




How Are AEA Boundaries Set?

- Petitioners propose AEA boundaries (DATCP may or may not approve). DATCP sets final boundaries by rule.
- AEA may include *farm and non-farm parcels*. Overall AEA must be *contiguous, and must be primarily in agricultural use*.
- *At least 5 covered farmers must sign AEA petition, but the AEA may include other farms too.*
- Entire AEA must be *within county FP plan area*.
- DATCP will give preference to AEA's over 1,000 acres.



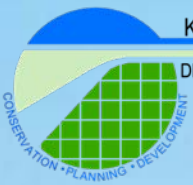


KENOSHA COUNTY

DEPARTMENT OF PLANNING
AND DEVELOPMENT

Agricultural Conservation Easements





What Is an Agricultural Conservation Easement?

- DATCP and cooperating entity may purchase an agricultural conservation easement (PACE easement) from a *willing farmer*.
- Farmer retains ownership, but easement permanently restricts non-agricultural development of covered land.
- Farmer receives easement purchase payment, *not FP tax credits*.
- Recorded easement is binding on subsequent owners of covered land.

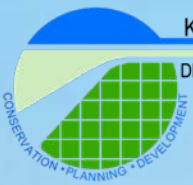




Purchasing Agricultural Conservation Easements

- Cooperating entity (local government or non-profit conservation organization) proposes easement purchase.
- DATCP chooses from among competing proposals, with advice from PACE Council.
- DATCP may pay up to 50% of easement fair market value (development value less Ag use value), plus reasonable transaction costs.
- Cooperating entity pays the rest (may get funds from other public or private sources).





KENOSHA COUNTY

DEPARTMENT OF PLANNING
AND DEVELOPMENT

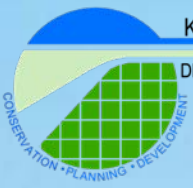
CONSERVATION COMPLIANCE





Conservation Compliance

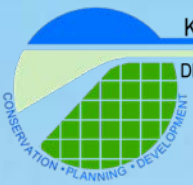
- Farmers claiming FP tax credits must comply with state conservation standards (including nutrient management and manure runoff standards)
- State standards (ATCP 50, Wis. Adm. Code) incorporate DNR nonpoint standards
- Farmer must certify compliance on tax credit claim form (approved compliance plan may suffice)
- County must certify compliance for first-time claimants (other claimants may self-certify)
- County monitors compliance, and may suspend tax credit eligibility for noncompliance



Performance Standards

- Cropland Erosion
 - Manure Storage Facilities
 - Clean Water Diversion
 - Nutrient Management
 - Manure Management
- overflow
 - unconfined manure piles
 - direct runoff
 - trampled streambanks

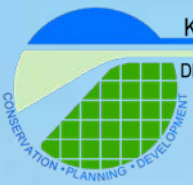




Rezoning Land Out of Farmland Preservation District

- **Individual parcel rezone: Landowner request.**
 - Must be substantially consistent with county plan.
 - May not impair surrounding agriculture.
 - Requester must pay *conversion fee*
- **General zoning map amendment:**
 - Zoning authority amends zoning map to conform to updated FPP *plan map*
 - No conversion fee, even if amendment* removes land from FP district





Contacts

Dan Treloar – Conservation Planner (262) 857-1895

Dan.treloar@kenoshacounty.org

John Roth – Long-Range Planning Director (262) 857-1895

John.roth@kenoshacounty.org

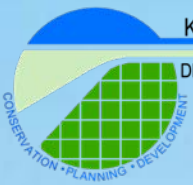
Andy Buehler – Planning Operations Director (262) 857-1895

Andy.buehler@kenoshacounty.org

Todd Roehl – Long-Range Planner (262) 857-1895

Todd.roehl@kenoshacounty.org





KENOSHA COUNTY

DEPARTMENT OF PLANNING
AND DEVELOPMENT

Farmland Preservation

Questions?

