



Farmland Preservation Program – Allowable Uses in Certified Zoning Districts

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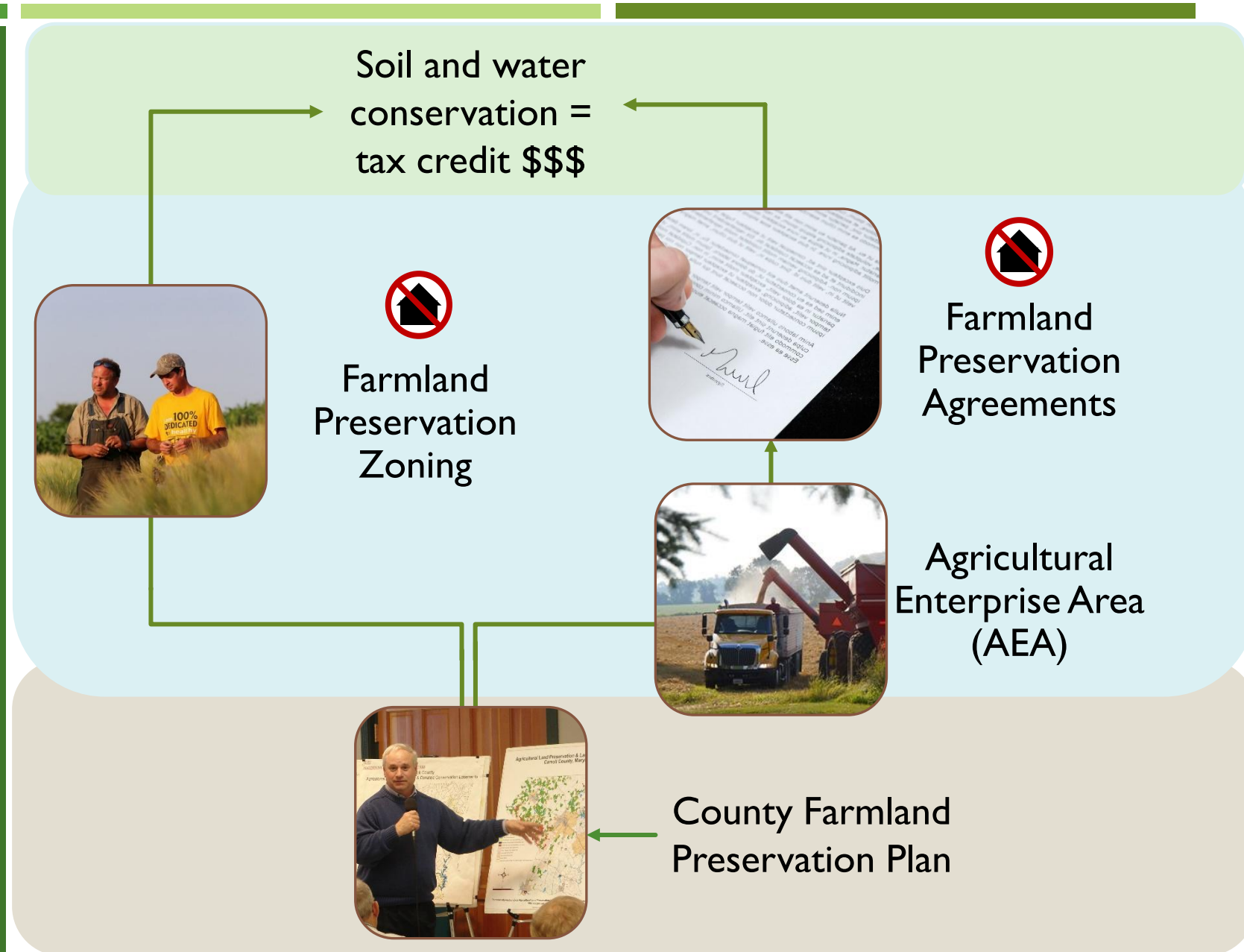
WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION (DATCP)

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Farmland Preservation (FP) Program Components

What is the purpose of the FP Program?

- Provides a foundation for preserving agricultural lands
- Creates incentives for conservation compliance
- Encourages practical long term land use planning
- Provides additional tools to support farmers and the farm economy
- Tax relief



WHAT BENEFITS DOES THIS PROGRAM PROVIDE FOR:

Local governments?

- Building relationships with landowners
- Voluntary soil and water conservation practices
- Achieving other local goals, such as from LWRM plans
- Return money back to the local population via state income tax credits



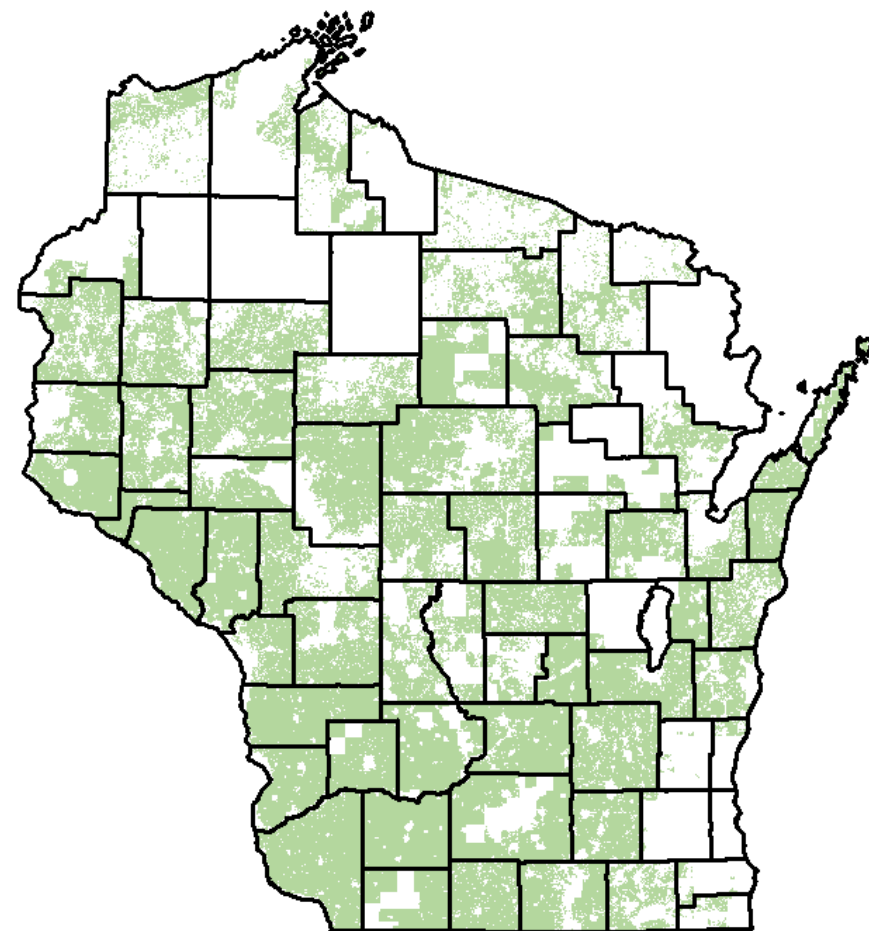
Landowners?

- Reason to start soil and water conservation practices on the farm or continue them
- Knowledge and eligibility for other local programs and funding
- Community buy-in to support agriculture
- Tax relief

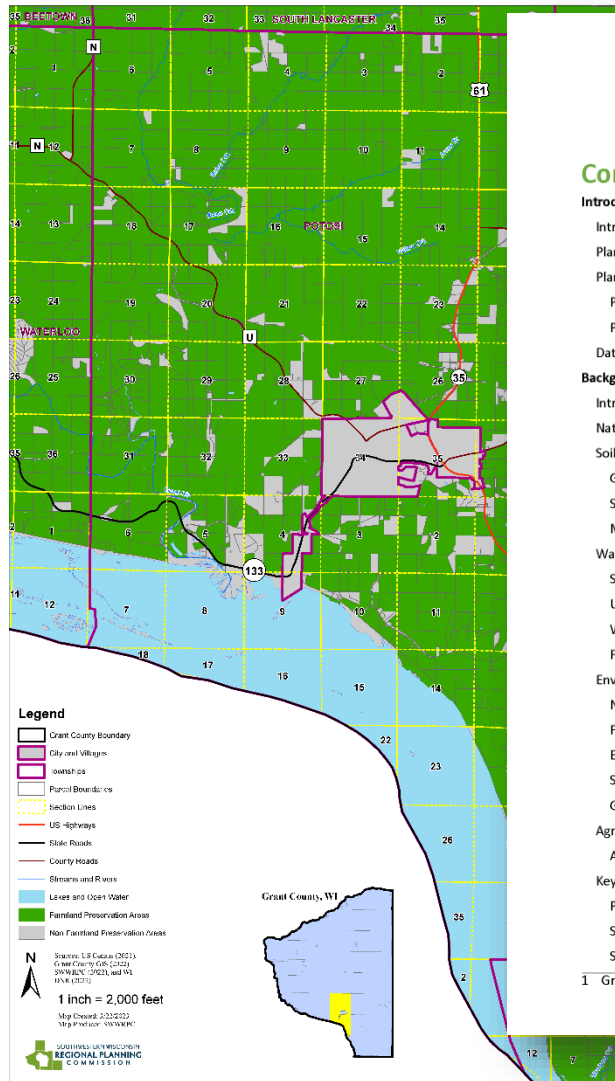


FARMLAND PRESERVATION PLANNING

- This is the foundational step to participate in other aspects of the Farmland Preservation program.
- Prepared at the county level with local input.
- Source for ag land use policy at the county level
 - “Guidance for future land use decisions”
- Identifies land that will continue in agricultural or related use for the foreseeable future – 15+ years.
- Plan area must be based primarily on objective criteria.



Map 19.27 Farmland Preservation Plan Map for Potosi Township, Grant County



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1 Grant County Farmland Preservation Plan 2023

SOUTHWESTERN WISCONSIN REGIONAL PLANNING COMMISSION

Content similar to a comprehensive plan, but focused on agriculture

Typical planning criteria:

- Prime soils (class 1-3)
- Historic use
- Proximity to incorporated areas
- Proximity to rural development clusters
- Open space and undeveloped land to create contiguous blocks
- Consistency with county or town/city/village comp plans

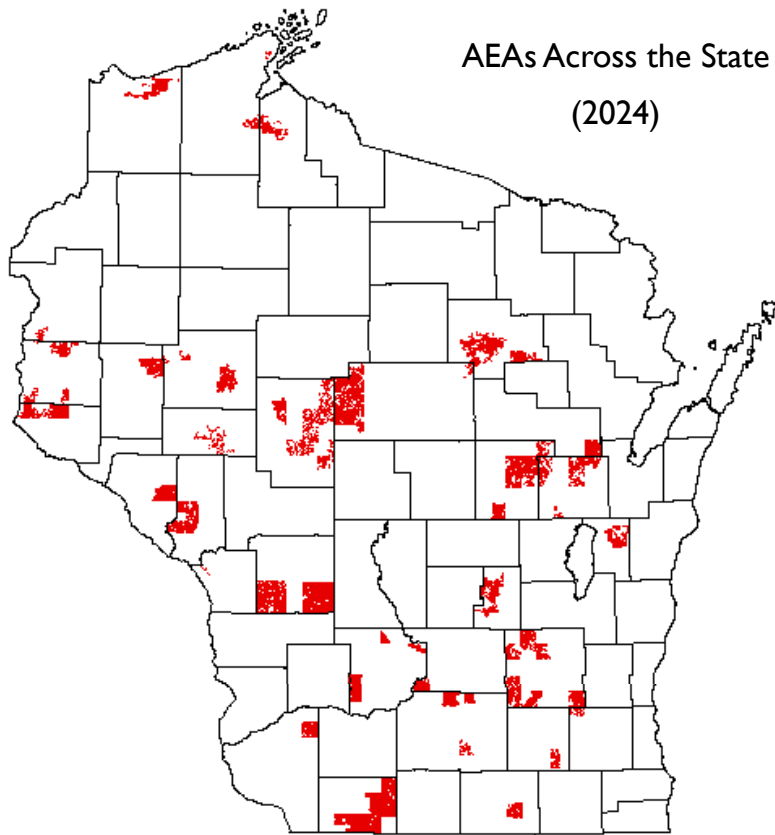


PLANNING GRANTS AVAILABLE

- Annual allotment of funds to aid in the cost of building or updating a Farmland Preservation Plan
 - Contract with DATCP to reimburse 50% of eligible costs, up to a maximum of \$30,000
 - Current cycle closes at the end of March and will reopen after the start of the new fiscal year



AGRICULTURAL ENTERPRISE AREAS & FP AGREEMENTS

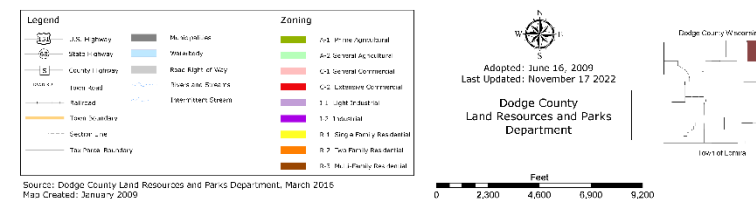
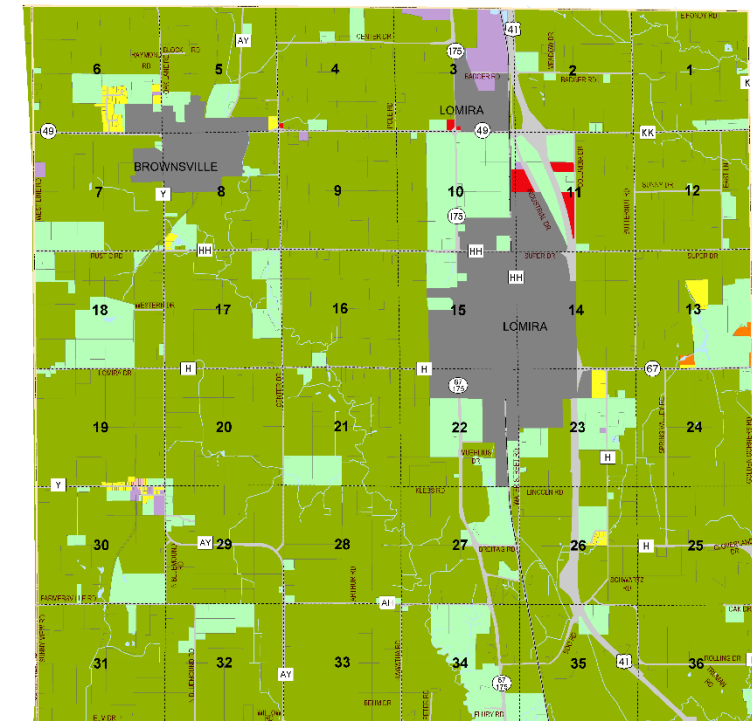


- Community-led petitions to designate contiguous blocks of lands important to local agriculture
- Petitions are collaborative efforts between community members, local government, and partners
- Framework for future collaboration with other conservation groups and programs (Producer-led, Nutrient Management, etc.)
- Creates the option to sign a Farmland Preservation Agreement
 - Restrict land uses to only ag and ag accessories
 - Lands included in the agreement are eligible for the tax credit
- Can be layered with zoning for additional tax credits
- 1.8 million acres currently designated

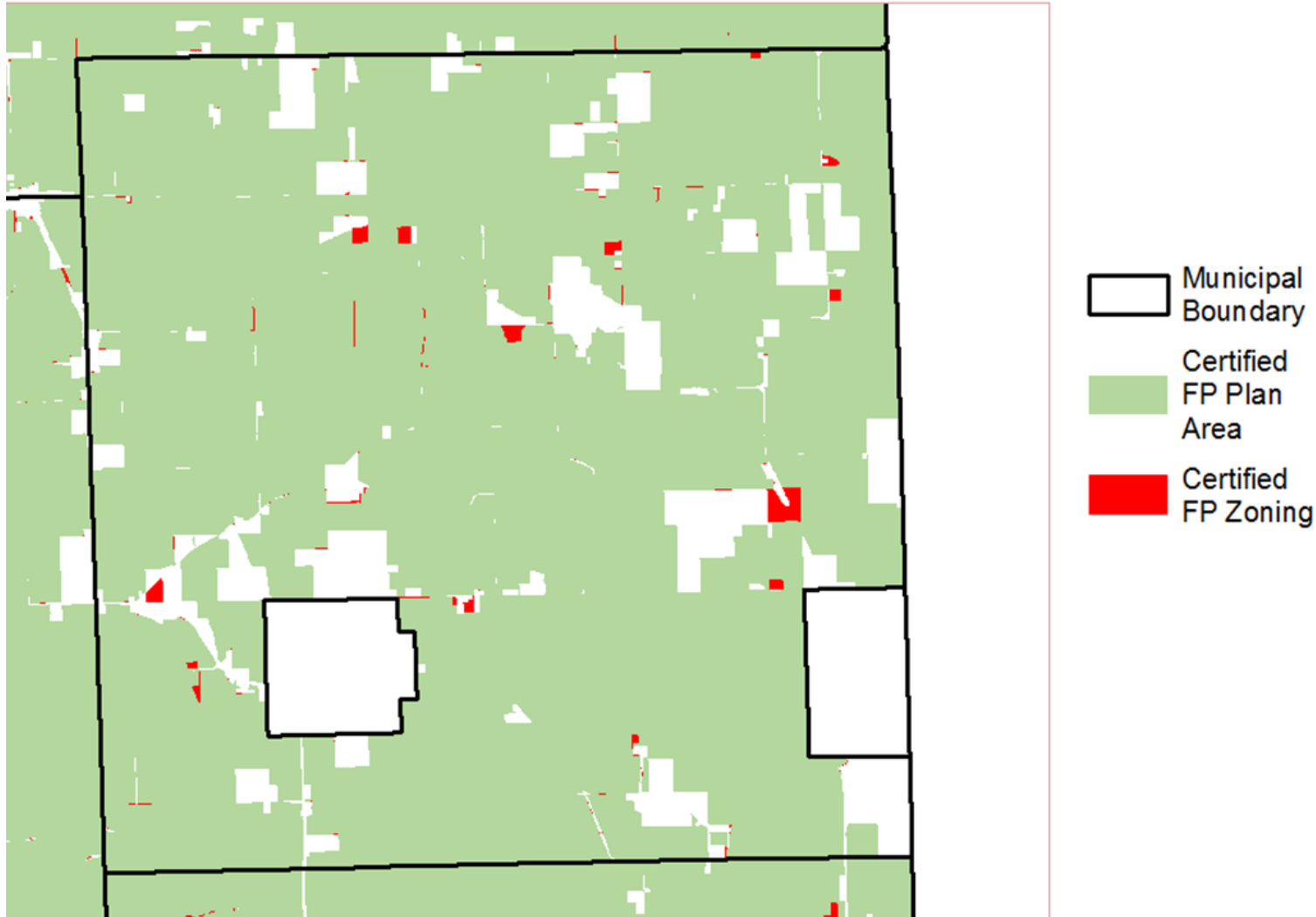


FARMLAND PRESERVATION ZONING

- Farmland Preservation Zoning is any local general zoning ordinance that:
 - Is reviewed and certified by DATCP at least every 10 years to ensure that Ch. 91, Wis. Stats. standards are met
 - Designates one or more districts for farmland preservation
- Helps to implement the goals in the Farmland Preservation Plan
- Can be adopted by a town, city, village, ETZ or county
- Any landowners located in the certified district(s) may be eligible to claim the tax credit



CONSISTENCY WITH FARMLAND PRESERVATION PLAN

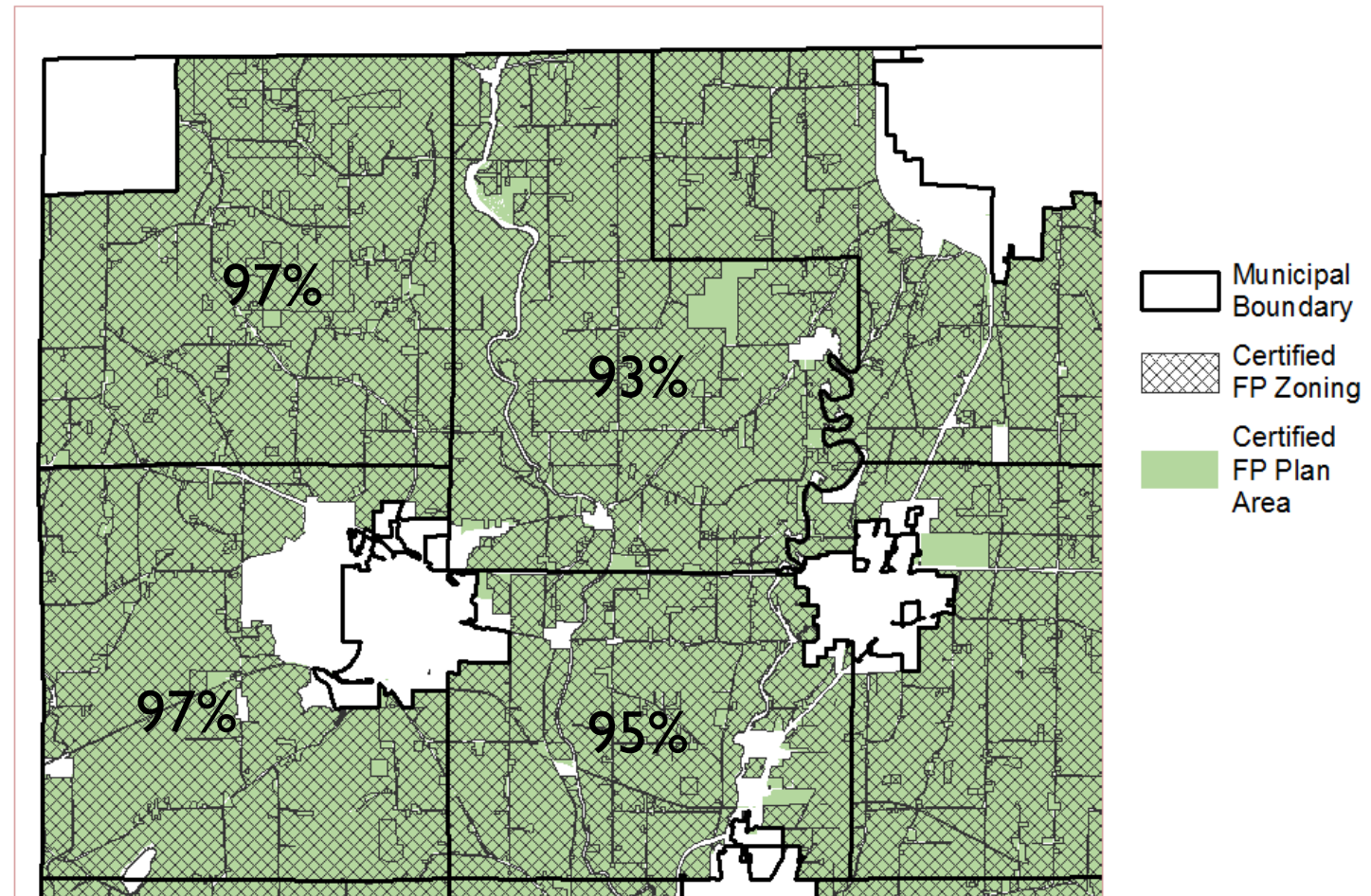


All land included in a certified zoning district must also be included in the Farmland Preservation Plan area.



CONSISTENCY WITH FARMLAND PRESERVATION PLAN

At least 80% of land in the farmland preservation plan must be included in the farmland preservation zoning district for each town.



WHAT USES MAY BE ALLOWED IN CERTIFIED DISTRICTS?

Permitted or Conditional Uses:

- Agricultural uses
- Accessory uses*
 - Including farm residences*
- Agriculture-related uses
- Undeveloped and open space
- Pre-authorized utility uses (ex. PSC approved projects)

Local ordinances can be more restrictive than this.

Only Conditional Uses:

- Any listed permitted uses
- Nonfarm residences*
- Transportation, communications, pipeline, electric transmission, utility or drainage use
- Governmental, religious, and nonprofit uses
- Nonmetallic mineral extraction
- Oil and gas exploration



*ACCESSORY USES IN CERTIFIED ZONING DISTRICTS

- ❑ “Accessory use” means any of the following land uses on a farm:
 - a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c) A farm residence.
 - d) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than four full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

Local ordinances can be more restrictive than this.



EXAMPLES OF ACCESSORY USES ALLOWED AND NOT ALLOWED

1. A farm operator wants to build a new machine shed and wants to close in a corner space for an office. Is this an accessory use?
 - Yes, if the space is primarily for farm activities.
2. The residents of an old farmstead want to use an existing barn to host events such as weddings. Is this an accessory use?
 - Yes, if the property is still a farm and they make no improvements for the purpose of the new use.
 - No, if the property is not a farm or they make improvements for the purpose of the new use.



Local ordinances can be more restrictive than this.



*RESIDENCES IN CERTIFIED ZONING DISTRICTS

- ❑ “Farm residence” means any of the following structures that is located on a farm:
 - a. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - 1. An owner or operator of the farm.
 - 2. A parent or child of an owner or operator of the farm.
 - 3. An individual who earns more than 50 percent of his or her gross income from the farm.
 - b. A migrant labor camp that is certified under s. 103.92.
- ❑ “Nonfarm residence” means a single-family or multi-family residence other than a farm residence.



Local ordinances can be more restrictive than this.



CONDITIONALLY PERMITTING NONFARM RESIDENCES

To conditionally permit nonfarm residences in a certified district:

- The ratio of nonfarm residential acreage to farm acreage on a base farm tract must be at least 1:20 (divide by 21).
 - **Nonfarm residential acreage:** Total acres of parcels with nonfarm residences
 - **Base farm tract:** All commonly owned parcels that are part of a farm on the date the ordinance requirement takes effect.
- No more than four dwelling units in a base farm tract may be nonfarm residences.
- No more than five total dwelling units of any kind may be allowed in a base farm tract.
- No prime farmland may be converted if there is a reasonable alternative location, and the residence may not significantly impair or limit ag use of other protected farmland.

Local ordinances can be more restrictive than this.



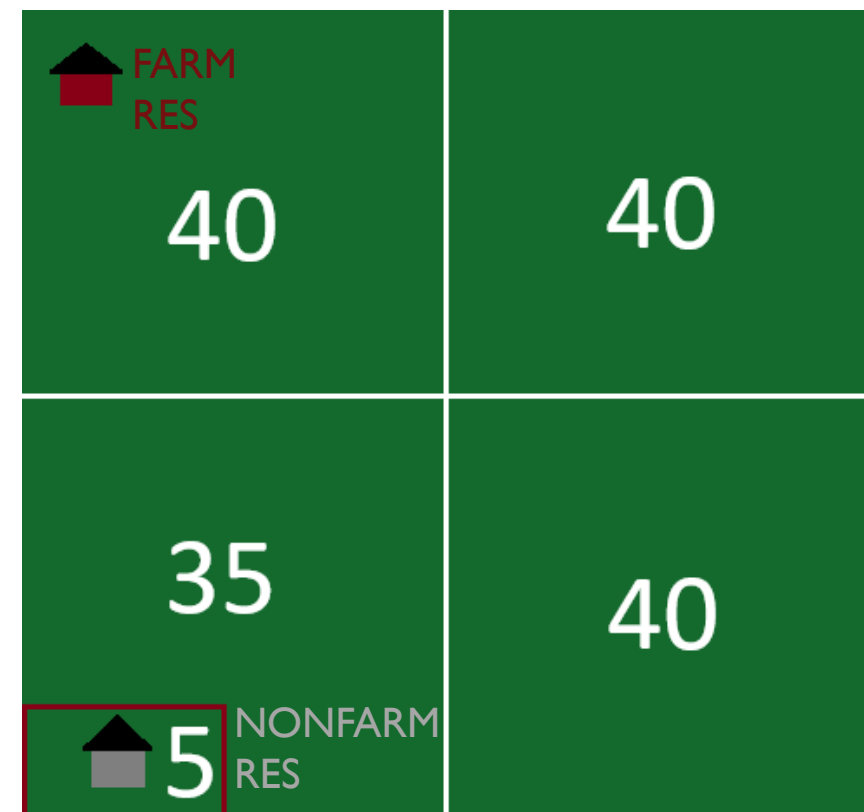
EXAMPLE BASE FARM TRACT

This land was all commonly owned at the date of adoption and was primarily in ag use. The owner currently resides in a farm residence and the total size of the base farm tract is 160 acres. The landowner wishes to sell a five-acre parcel to allow a new owner to build a nonfarm residence. Can the new nonfarm residence be conditionally permitted?

- $160 \text{ total acres} / 21 = 7.62$ nonfarm residential acres allowed on this tract.
- One existing farm residence + one nonfarm residence is less than five total dwelling units.

Yes, it can be conditionally permitted.

Local ordinances can be more restrictive than this.



ALTERNATIVES TO THE BASE FARM TRACT MODEL

- ❑ Prohibiting nonfarm residences in your certified district
 - Requires rezoning for new nonfarm residences subject to requirements in 91.48, Wis. Stats.
 - Although not required, it may still be beneficial to track total rezones for nonfarm residences or cap acres rezoned annually.
- ❑ Different models for conditionally permitting nonfarm residences
 - Must be at least as restrictive as the state base farm tract model



FARMLAND PRESERVATION TAX CREDITS

Eligible farm owners who own land in a certified farmland preservation zoning district, and/or who own land covered by a farmland preservation agreement may claim the farmland preservation tax credit:

- Refundable income tax credit
- Flat, per-acre credit
- No maximum
- No acreage minimum
- Must meet eligibility requirements

Tax Credit Rates:

- \$10/acre if land has a signed Farmland Preservation Agreement in an AEA or a Modified Pre-2009 Farmland Preservation Agreement
- \$10/acre if lands are located in an certified farmland preservation zoning district
- \$12.50/acre if land has a signed Farmland Preservation Agreement in an AEA or a Modified Pre-2009 Farmland Preservation Agreement AND if lands are located in an certified farmland preservation zoning district



ELIGIBILITY REQUIREMENTS TO CLAIM THE TAX CREDIT



MEET SOIL AND
WATER
CONSERVATION
STANDARDS



WI RESIDENT &
LAND OWNER



PRODUCED \$6K
LAST YEAR IN
GROSS FARM
REVENUE OR
\$18K WITHIN
THE LAST 3
YEARS



DID NOT CLAIM
HOMESTEAD OR
VETERANS AND
SURVIVING
SPOUSE'S
PROPERTY TAX
CREDIT



Questions?



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