



FARMLAND PRESERVATION—formerly known as Exclusive Agricultural

What is the purpose of the Farmland Preservation zoning district?

The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.

Who is affected?

Any parcel zoned Exclusive Agricultural (A-3 or A-3-M); must be converted from the Exclusive Agricultural district into the new Farmland Preservation district in order to remain in compliance with DATCP certification requirements. In the process, some other properties were recognized by the Town as not being appropriate for Farmland Preservation zoning and were changed into districts appropriate for the properties. For a complete list of properties and maps, please see Marathon County's Website.

Why are we required to change to Farmland Preservation zoning from Exclusive Agricultural zoning?

- The Legislature repealed and re-created the Farmland Preservation Program in 2009 in response to growing pressures to convert farmland statewide to non-agricultural uses, and re-created it with a new program. The new law sets technical details as to how local governments may plan and zone to preserve prime farmland.
- State certification of all existing ordinances under the Farmland Preservation program will expire between December 31, 2012 and December 31, 2016. **Marathon County's expires on December 31, 2014.**

Note: Expiration of a farmland preservation zoning ordinance certification does not mean that the ordinance is invalid. However, it DOES mean that landowners covered by the ordinance can no longer claim Farmland Preservation tax credits

Changes from Exclusive Agricultural to Farmland Preservation Zoning.

Minimum Acreage for Residential Construction.

For a new single-family home to be constructed in the Farmland Preservation zoning district the minimum acreage required will remain at 35 acres. The minimum acreage only affects new single-family homes. Any existing properties zoned Farmland Preservation that are less than 35 acres would be considered legal non-conforming parcels and the owner could still legally build a residential structure without having the parcel rezoned as long as other ordinance requirements are met.

Hunting/Fishing Shelters

These structures also known as "hunting shacks" have been a permitted use in the Marathon County Exclusive Agricultural zoning district. Marathon County and the towns wish to continue to allow landowners to have this type of structure. DATCP has stated that if we wish to keep these shelters in our ordinance they must be a special exception permit as they are too close to the definition of a non-farm residence.

Creation of property for a son, daughter, farm hand or retirement parcel.

The new code, per state requirements, will not allow for the creation of smaller lots less than 35 acres for residential construction for the above-listed situations. Lots created less than 35 acres for proposed residential purposes will require a rezone out of the Farmland Preservation zoning district

Farm Consolidation

Farm residences constructed prior to January 1, 2014 and farm structures may be separated from the farm land, provided that the parcel created conforms to all regulations set forth in the RR Rural/Residential district, but not to exceed 4.99 acres, and requires a survey. The change is that a rezone will be required to create a lot to separate residential structures built after January 1, 2014.

Benefits of Farmland Preservation zoning.

1. Protection of Prime Agricultural Lands

2. Farmland Preservation Tax Credits

The Farmland Preservation Program provides participating landowners an opportunity to claim Farmland Preservation tax credits. The income tax credits are applied against tax liability.

Tax credit amounts are:

\$7.50/acre for land in a Farmland Preservation zoning district.

\$10.00/acre for land in an area zoned Farmland Preservation and in an Agricultural Enterprise Area (AEA), with a signed Farmland Preservation agreement.

Landowners must be residents of Wisconsin and must meet other eligibility criteria to claim the credit, including compliance with Soil and Water Conservation standards. More information about eligibility and program participation is available by contacting the Marathon County Conservation, Planning and Zoning Department at 715-261-6000.

3. Control of Residential Development/Density

Where to find more information

Marathon County's Farmland Preservation web site. Complete and up-to-date coverage of the process including proposed maps and affected properties.

<http://www.co.marathon.wi.us/Departments/ConservationPlanningZoning/ZoningandRegulatoryServices/FarmlandPreservationZoning.aspx>

Department of Agricultural, Trade, and Consumer Protection (DATCP) web site:

http://datcp.wi.gov/Environment/Working_Lands_Initiative/index.aspx