
Frequently Asked Questions (FAQs) on New Farmland Preservation Zoning

What is the Purpose of the Farm 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?

For the most part anyone who was zoned Exclusive Agricultural, (A-3 or A-3-M); the Town must convert Exclusive Agricultural District designated properties 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. (See link below)

Why is there a requirement to change to the new Farmland Preservation Zoning from Exclusive Agricultural Zoning?

- ◆ The Legislature repealed and recreated the Farmland Preservation Program in 2009 in response to growing pressures to convert farmland statewide to non-agricultural uses, and recreated it with a new structure. 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. It does however mean that landowners covered by the ordinance can no longer claim farmland preservation tax credits*

What are the differences between Exclusive Agricultural zoning and the new Farmland Preservation Zoning?

Minimum Acreage for Residential Construction.

For a new single-family home to be constructed in the Farm Preservation Zoning District the minimum acreage is increasing from **35 acres to 39 acres**. This only affects new single-family homes. Any existing properties that are zoned Farmland Preservation that are less than 39 acres would be considered non-conforming parcels and the owner could still legally build a residential structure without having the parcel rezoned if other ordinance requirements are met.

Hunting/Fishing Shelters

These structures also known as "Hunting Shacks" have been a permitted use in the current 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 shelters in our ordinance they would have to be a special exception permit because they are too close to the definition of a non-farm residence.

Creation of lot for a son, daughter, farmhand or retirement parcel.

The new code will not allow for the creation of smaller lots less than 39 acres for residential construction for the above listed situations. Lots created less than 39 acres for residential purposes will be required to 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 plot, provided that the parcel created conforms to all regulations set forth in the Rural Residential - RR District, but not to exceed 4.99 acres, and requires a survey. The change is that a rezone will be required to separate residential structures built after January 1, 2014.

What are the Benefits of Farm Preservation Zoning?

1. Protection of Prime Agricultural Lands

2. Farmland Preservation Tax Credits

The Farmland Preservation Program provides participating landowners with an opportunity to claim farmland preservation tax credits. The tax credits are income tax credits that 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, 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

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What is the final adoption Timeline?

- ◆ October 2014 Town Meetings: Approval of the Draft Ordinance Language and Maps.
- ◆ Mid to end October: Property owners of Farmland Preservation Towns will receive notice of the public hearing, and an overview of the district changes.
- ◆ November Land Conservation and Zoning Committee: Action on the ordinance language and maps to forward to County Board.
- ◆ November County Board Meeting: Take action on the Zoning District and Language
- ◆ After County Board action, the ordinance and maps will be forwarded to the Department of Agricultural, Trade, and Consumer Protection for certification.
- ◆ District is certified by December 31, 2014 to allow landowners to collect tax credits.

Where to find more information

- 1) Marathon County's Farmland Preservation Website:
<http://www.co.marathon.wi.us/Departments/ConservationPlanningZoning/ZoningandRegulatoryServices/FarmlandPreservationZoning.aspx>
- 2) Department of Agricultural, Trade, and Consumer Protection Website:
http://datcp.wi.gov/Environment/Working_Lands_Initiative/index.aspx