

3/16/2010
 Department of Administration
 Division of Intergovernmental Relations
 Comprehensive Planning Grant Program
comp.planning@wisconsin.gov
 608-267-3369

**ESTIMATED
 Wisconsin Local Government
 Comprehensive Planning Status**

Towns

adopted	761
process underway	261
not planning / unknown	235
<i>Total</i>	1257

Cities and Villages

adopted	443
process underway	70
not planning / unknown	81
<i>Total</i>	594

Counties

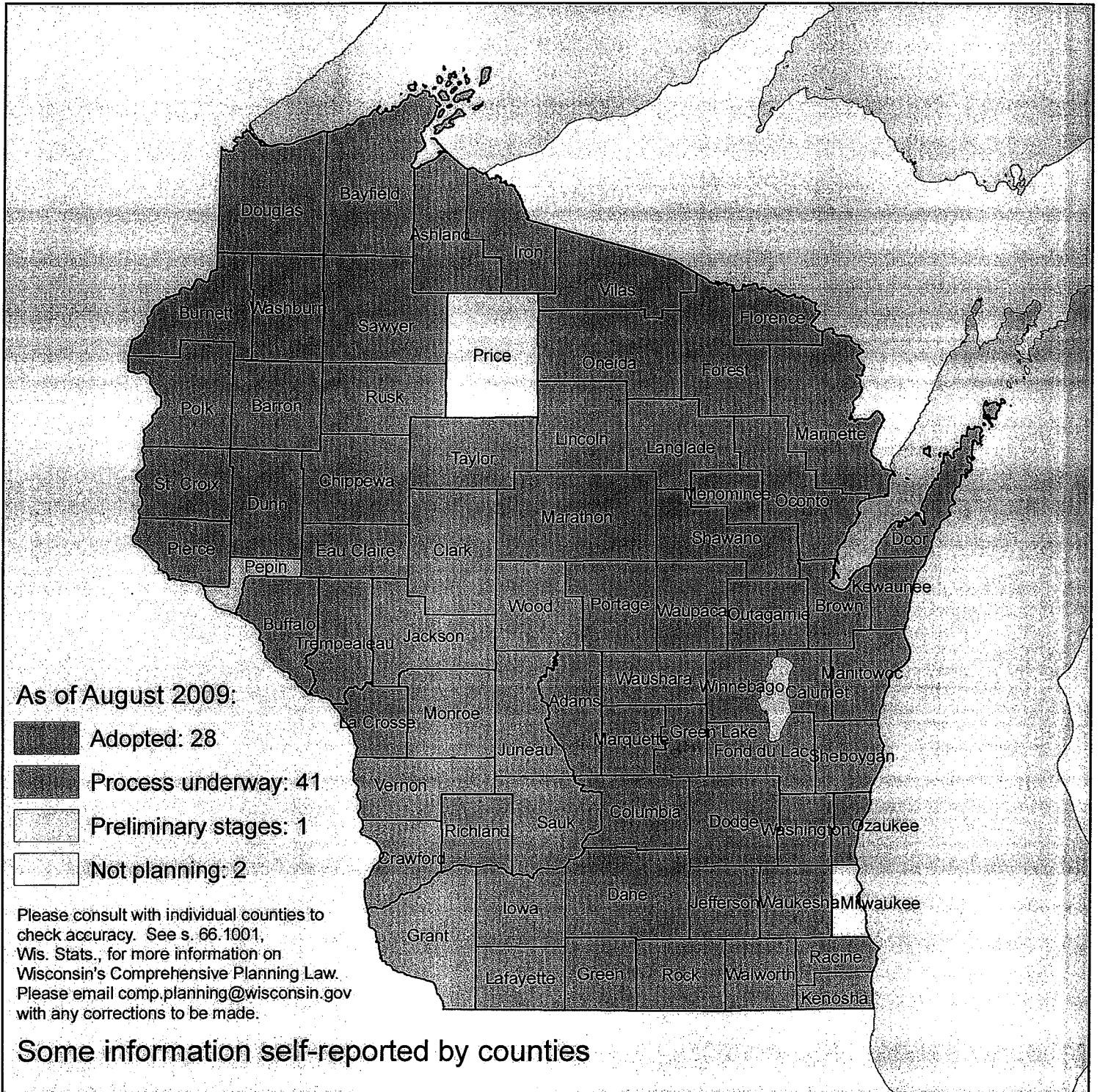
adopted	48
process underway	22
not planning / unknown	2
<i>Total</i>	72

(All) Towns, Cities, Villages, and Counties

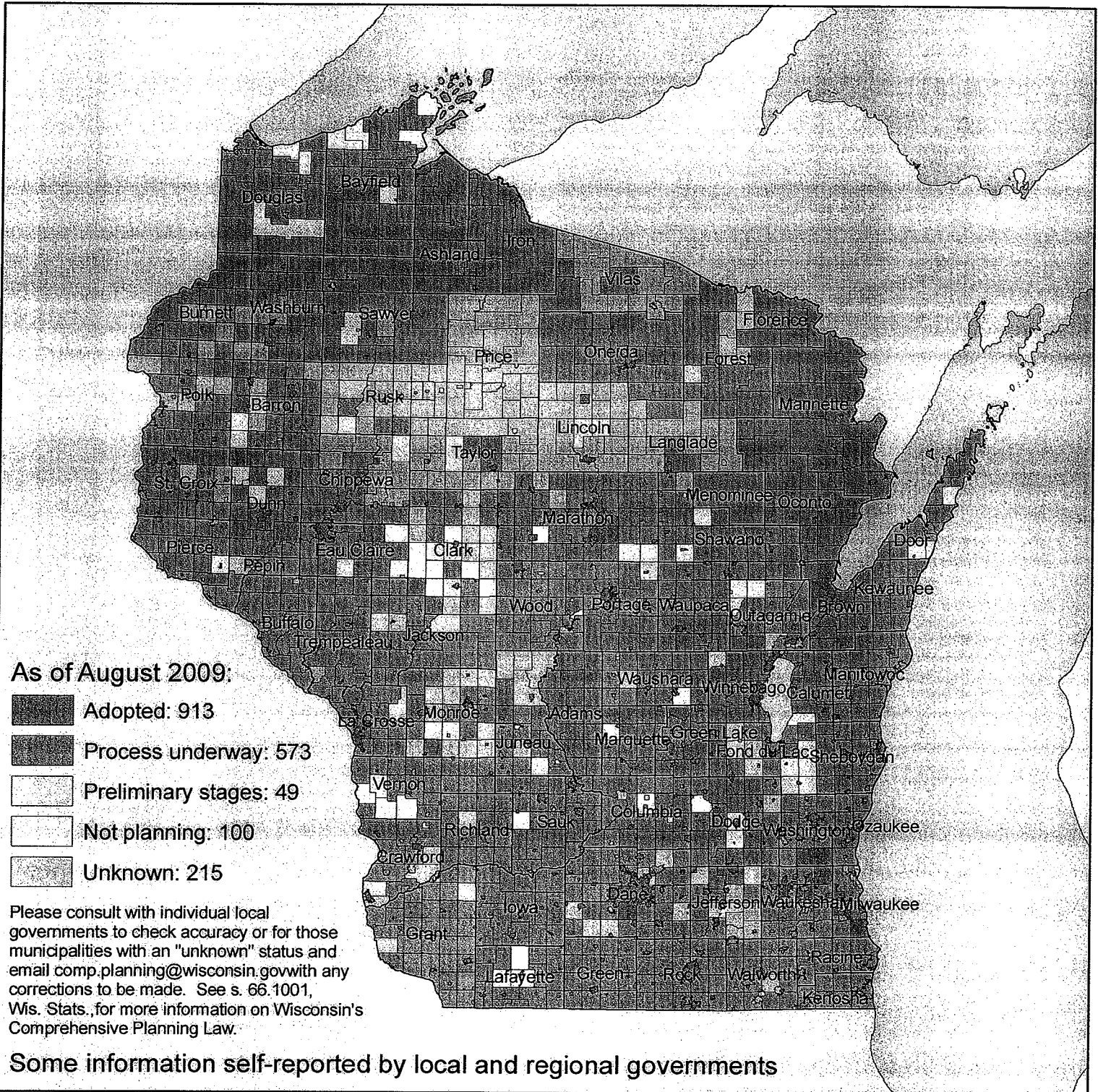
adopted	1252
process underway	353
not planning / unknown	318
<i>Total</i>	1923

Note: Not all local governments exercise land use regulations that need to be consistent with a plan. An estimated 90% of local governments that exercise land use regulations have either adopted a plan or are in the process of developing one.

County Comprehensive Planning Status



Cities, Villages, and Towns Comprehensive Planning Status



(b) Members, and any assistant treasurer, shall qualify by taking the official oath, and the treasurer and any assistant treasurer shall furnish a bond in a sum specified by the board and in the form and conditioned as provided in s. 19.01 (2) and (3). The oaths and bonds shall be filed with the county clerk. The cost of the bond shall be paid by the board.

(8) POWERS OF BOARD. The board may, subject to provisions of the ordinance:

(a) Contract for the construction or other acquisition, equipment or furnishing of a hospital.

(b) Contract for the construction or other acquisition of additions or improvements to, or alterations in, a hospital and the equipment or furnishing of an addition.

(c) Employ a manager of a hospital and other necessary personnel and fix their compensation.

(d) Enact, amend and repeal rules and regulations for the admission to, and government of patients at, a hospital, for the regulation of the board's meetings and deliberations, and for the government, operation and maintenance of the hospital and the hospital employees.

(e) Contract for and purchase all fuel, food, equipment, furnishings and supplies reasonably necessary for the proper operation and maintenance of a hospital.

(f) Audit all accounts and claims against a hospital or against the board, and, if approved, pay the accounts and claims from the fund specified in sub. (10). All expenditures made pursuant to this section shall be within the limits of the ordinance.

(g) Sue and be sued, and to collect or compromise any obligations due to the hospital. All money received shall be paid into the joint hospital fund.

(h) Make studies and recommendations to the county board and city council or city councils relating to the operation of a hospital as the board considers advisable or the governing bodies request.

(i) Employ counsel on either a temporary or permanent basis.

(9) BUDGET. The board shall annually, before the time of the preparation of either the county or city budget under s. 65.90, prepare a budget of its anticipated receipts and expenditures for the ensuing fiscal year and determine the proportionate cost to the county and the participating city or cities under the terms of the ordinance. A certified copy of the budget, which shall include a statement of the net amount required from the county and city or cities, shall be delivered to the clerks of the respective municipalities. The county board and the common council of the city or cities shall consider the budget, and determine the amount to be raised by the respective municipalities in the proportions determined by the ordinance. After this determination, the county and city or cities respectively shall levy a tax sufficient to produce the amount to be raised by the county and city or cities.

(10) HOSPITAL FUND. A joint county–city hospital fund shall be created and established in a public depository to be specified in the ordinance. The treasurer of the respective county and city or cities shall pay into the fund the amounts specified by the ordinance and resolutions of the respective municipalities when the amounts have been collected. All of the moneys which come into the fund are appropriated to the board for the execution of its functions as provided by the ordinance and the resolutions of the respective municipalities. The moneys in the fund shall be paid out by the treasurer of the hospital board only upon the approval or direction of the board.

(11) CORRELATION OF LAWS. (a) In any case where a bid is a prerequisite to contract in connection with a county or city hospital under s. 66.0901, it is also a prerequisite to a valid contract by the board. For this purpose, the board is a municipality and the contract a public contract under s. 66.0901.

(b) All statutory requirements, not inconsistent with the provision of this section, applicable to general county or city hospitals apply to hospitals referred to in this section.

(12) REPORTS. The board shall report its activities to the county board and the city council or councils annually, or oftener as either of the municipalities requires.

(14) POWERS OF VILLAGES. Villages have all of the powers granted to cities under subs. (1) to (12) and whenever any village exercises these powers the word “city” wherever it appears in subs. (1) to (12) means “village” unless the context otherwise requires. Any village participating in the construction or other acquisition of a hospital or in its operation, pursuant to this section, may enter into lease agreements leasing the hospital and its equipment and furnishings to a nonprofit corporation.

(15) POWERS OF TOWNS. Towns have all of the powers granted to cities under subs. (1) to (12) and whenever any town exercises these powers the word “city” wherever it appears in subs. (1) to (12) means “town” unless the context otherwise requires. Any town participating in the construction or other acquisition of a hospital or in its operation, under this section, may enter into lease agreements leasing the hospital and its equipment and furnishings to a nonprofit corporation.

History: 1977 c. 29; 1983 a. 189; 1983 a. 192 s. 303 (1); 1993 a. 246; 1999 a. 150 ss. 262, 480 to 483; Stats. 1999 s. 66.0927.

SUBCHAPTER X

PLANNING, HOUSING AND TRANSPORTATION

66.1001 Comprehensive planning. (1) DEFINITIONS. In this section:

(a) “Comprehensive plan” means a guide to the physical, social, and economic development of a local governmental unit that is one of the following:

1. For a county, a development plan that is prepared or amended under s. 59.69 (2) or (3).

2. For a city, village, or town, a master plan that is adopted or amended under s. 62.23 (2) or (3).

3. For a regional planning commission, a master plan that is adopted or amended under s. 66.0309 (8), (9) or (10).

(am) “Consistent with” means furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.

(b) “Local governmental unit” means a city, village, town, county or regional planning commission that may adopt, prepare or amend a comprehensive plan.

(c) “Political subdivision” means a city, village, town, or county that may adopt, prepare, or amend a comprehensive plan.

(2) CONTENTS OF A COMPREHENSIVE PLAN. A comprehensive plan shall contain all of the following elements:

(a) *Issues and opportunities element.* Background information on the local governmental unit and a statement of overall objectives, policies, goals and programs of the local governmental unit to guide the future development and redevelopment of the local governmental unit over a 20-year planning period. Background information shall include population, household and employment forecasts that the local governmental unit uses in developing its comprehensive plan, and demographic trends, age distribution, educational levels, income levels and employment characteristics that exist within the local governmental unit.

(b) *Housing element.* A compilation of objectives, policies, goals, maps and programs of the local governmental unit to provide an adequate housing supply that meets existing and forecasted housing demand in the local governmental unit. The element shall assess the age, structural, value and occupancy characteristics of the local governmental unit's housing stock. The element shall also identify specific policies and programs that promote the development of housing for residents of the local governmental unit and provide a range of housing choices that meet the needs of persons of all income levels and of all age groups and persons with special needs, policies and programs that promote the availability of land for the development or redevelopment

66.1001 MUNICIPAL LAW

ment of low-income and moderate-income housing, and policies and programs to maintain or rehabilitate the local governmental unit's existing housing stock.

(c) *Transportation element.* A compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including highways, transit, transportation systems for persons with disabilities, bicycles, electric personal assistive mobility devices, walking, railroads, air transportation, trucking and water transportation. The element shall compare the local governmental unit's objectives, policies, goals and programs to state and regional transportation plans. The element shall also identify highways within the local governmental unit by function and incorporate state, regional and other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area and rural area transportation plans, airport master plans and rail plans that apply in the local governmental unit.

(d) *Utilities and community facilities element.* A compilation of objectives, policies, goals, maps and programs to guide the future development of utilities and community facilities in the local governmental unit such as sanitary sewer service, storm water management, water supply, solid waste disposal, on-site wastewater treatment technologies, recycling facilities, parks, telecommunications facilities, power-generating plants and transmission lines, cemeteries, health care facilities, child care facilities and other public facilities, such as police, fire and rescue facilities, libraries, schools and other governmental facilities. The element shall describe the location, use and capacity of existing public utilities and community facilities that serve the local governmental unit, shall include an approximate timetable that forecasts the need in the local governmental unit to expand or rehabilitate existing utilities and facilities or to create new utilities and facilities and shall assess future needs for government services in the local governmental unit that are related to such utilities and facilities.

(e) *Agricultural, natural and cultural resources element.* A compilation of objectives, policies, goals, maps and programs for the conservation, and promotion of the effective management, of natural resources such as groundwater, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical and cultural resources, community design, recreational resources and other natural resources.

(f) *Economic development element.* A compilation of objectives, policies, goals, maps and programs to promote the stabilization, retention or expansion, of the economic base and quality employment opportunities in the local governmental unit, including an analysis of the labor force and economic base of the local governmental unit. The element shall assess categories or particular types of new businesses and industries that are desired by the local governmental unit. The element shall assess the local governmental unit's strengths and weaknesses with respect to attracting and retaining businesses and industries, and shall designate an adequate number of sites for such businesses and industries. The element shall also evaluate and promote the use of environmentally contaminated sites for commercial or industrial uses. The element shall also identify county, regional and state economic development programs that apply to the local governmental unit.

(g) *Intergovernmental cooperation element.* A compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, drainage districts, and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts, drainage districts, and adjacent local governmental units, and to the region, the state and other governmental units. The element shall consider, to the greatest

extent possible, the maps and plans of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, with which the local governmental unit shares common territory. The element shall incorporate any plans or agreements to which the local governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

(h) *Land-use element.* A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit, such as agricultural, residential, commercial, industrial and other public and private uses. The element shall analyze trends in the supply, demand and price of land, opportunities for redevelopment and existing and potential land-use conflicts. The element shall contain projections, based on the background information specified in par. (a), for 20 years, in 5-year increments, of future residential, agricultural, commercial and industrial land uses including the assumptions of net densities or other spatial assumptions upon which the projections are based. The element shall also include a series of maps that shows current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of areas to which services of public utilities and community facilities, as those terms are used in par. (d), will be provided in the future, consistent with the timetable described in par. (d), and the general location of future land uses by net density or other classifications.

(i) *Implementation element.* A compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, or subdivision ordinances, to implement the objectives, policies, plans and programs contained in pars. (a) to (h). The element shall describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the comprehensive plan, and shall include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan. The element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.

(2m) EFFECT OF ENACTMENT OF A COMPREHENSIVE PLAN. The enactment of a comprehensive plan by ordinance does not make the comprehensive plan by itself a regulation.

(3) ORDINANCES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS. Except as provided in sub. (3m), beginning on January 1, 2010, if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit's comprehensive plan:

(g) Official mapping ordinances enacted or amended under s. 62.23 (6).

(h) Local subdivision ordinances enacted or amended under s. 236.45 or 236.46.

(j) County zoning ordinances enacted or amended under s. 59.69.

(k) City or village zoning ordinances enacted or amended under s. 62.23 (7).

(L) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.

(q) Shorelands or wetlands in shorelands zoning ordinances enacted or amended under s. 59.692, 61.351 or 62.231.

(3m) DELAY OF CONSISTENCY REQUIREMENT. (a) If a local governmental unit has not adopted a comprehensive plan before January 1, 2010, the local governmental unit is exempt from the requirement under sub. (3) if any of the following applies:

1. The local governmental unit has applied for but has not received a comprehensive planning grant under s. 16.965 (2), and the local governmental unit adopts a resolution stating that the local governmental unit will adopt a comprehensive plan that will take effect no later than January 1, 2012.

2. The local governmental unit has received a comprehensive planning grant under s. 16.965 (2) and has been granted an extension of time under s. 16.965 (5) to complete comprehensive planning.

(b) The exemption under par. (a) shall continue until the following dates:

1. For a local governmental unit exempt under par. (a) 1., January 1, 2012.

2. For a local governmental unit exempt under par. (a) 2., the date on which the extension of time granted under s. 16.965 (5) expires.

(4) PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS. A local governmental unit shall comply with all of the following before its comprehensive plan may take effect:

(a) The governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures shall provide for wide distribution of proposed, alternative, or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments. The written procedures shall describe the methods the governing body of a local governmental unit will use to distribute proposed, alternative, or amended elements of a comprehensive plan to owners of property, or to persons who have a leasehold interest in property pursuant to which the persons may extract nonmetallic mineral resources in or on property, in which the allowable use or intensity of use of the property is changed by the comprehensive plan.

(b) The plan commission or other body of a local governmental unit that is authorized to prepare or amend a comprehensive plan may recommend the adoption or amendment of a comprehensive plan only by adopting a resolution by a majority vote of the entire commission. The vote shall be recorded in the official minutes of the plan commission or other body. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan. One copy of an adopted comprehensive plan, or of an amendment to such a plan, shall be sent to all of the following:

1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.

2. The clerk of every local governmental unit that is adjacent to the local governmental unit that is the subject of the plan that is adopted or amended as described in par. (b) (intro.).

3. The Wisconsin land council.

4. After September 1, 2005, the department of administration.

5. The regional planning commission in which the local governmental unit is located.

6. The public library that serves the area in which the local governmental unit is located.

(c) No comprehensive plan that is recommended for adoption or amendment under par. (b) may take effect until the political subdivision enacts an ordinance or the regional planning commission adopts a resolution that adopts the plan or amendment. The political subdivision may not enact an ordinance or the regional planning commission may not adopt a resolution under this paragraph unless the comprehensive plan contains all of the elements specified in sub. (2). An ordinance may be enacted or a resolution may be adopted under this paragraph only by a majority vote of the

members-elect, as defined in s. 59.001 (2m), of the governing body. One copy of a comprehensive plan enacted or adopted under this paragraph shall be sent to all of the entities specified under par. (b).

(d) No political subdivision may enact an ordinance or no regional planning commission may adopt a resolution under par. (c) unless the political subdivision or regional planning commission holds at least one public hearing at which the proposed ordinance or resolution is discussed. That hearing must be preceded by a class 1 notice under ch. 985 that is published at least 30 days before the hearing is held. The political subdivision or regional planning commission may also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:

1. The date, time and place of the hearing.

2. A summary, which may include a map, of the proposed comprehensive plan or amendment to such a plan.

3. The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.

4. Information relating to where and when the proposed comprehensive plan or amendment to such a plan may be inspected before the hearing, and how a copy of the plan or amendment may be obtained.

(e) At least 30 days before the hearing described in par. (d) is held, a local governmental unit shall provide written notice to all of the following:

1. An operator who has obtained, or made application for, a permit that is described under s. 295.12 (3) (d).

2. A person who has registered a marketable nonmetallic mineral deposit under s. 295.20.

3. Any other property owner or leaseholder who has an interest in property pursuant to which the person may extract nonmetallic mineral resources, if the property owner or leaseholder requests in writing that the local governmental unit provide the property owner or leaseholder notice of the hearing described in par. (d).

(f) A political subdivision shall maintain a list of persons who submit a written request to receive notice of any proposed ordinance, described under par. (c), that affects the allowable use of the property owned by the person. At least 30 days before the hearing described in par. (d) is held a political subdivision shall provide written notice, including a copy of the proposed ordinance, to all such persons. The notice shall be by mail or in any reasonable form that is agreed to by the person and the political subdivision. The political subdivision may charge each person on the list who receives a notice a fee that does not exceed the approximate cost of providing the notice to the person.

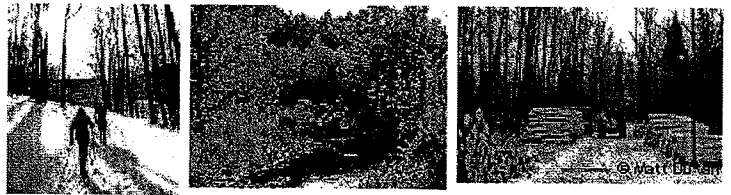
(5) APPLICABILITY OF A REGIONAL PLANNING COMMISSION'S PLAN. A regional planning commission's comprehensive plan is only advisory in its applicability to a political subdivision and a political subdivision's comprehensive plan.

(6) COMPREHENSIVE PLAN MAY TAKE EFFECT. Notwithstanding sub. (4), a comprehensive plan, or an amendment of a comprehensive plan, may take effect even if a local governmental unit fails to provide the notice that is required under sub. (4) (e) or (f), unless the local governmental unit intentionally fails to provide the notice.

History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33, 93, 233, 307, 327; 2005 a. 26, 208; 2007 a. 121; 2009 a. 372.

A municipality has the authority under s. 236.45 (2) to impose a temporary town-wide prohibition on land division while developing a comprehensive plan under this section. Wisconsin Realtors Association v. Town of West Point, 2008 WI App 40, 309 Wis. 2d 199, 747 N.W.2d 681, 06–2761.

66.1003 Discontinuance of a public way. (1) In this section, "public way" means all or any part of a road, street, slip, pier, lane or paved alley.



Forest Planning *for* Wisconsin's Future

WELCOME!

This website has been prepared to help



Wisconsin woodland owners,



local government officials, and



all who care about Wisconsin's forests

to effectively participate in community planning. Forest Planning for Wisconsin's Future is your on-line information source, connecting forests and land use planning in Wisconsin.

Click here to enter



Forest Planning Workshops in June!

How much forestland do we want, where do we want it and how do we want the forests to look and function? This website is divided into the three main categories to help you explore and learn more about these questions.

<u>Forest Planning Cycle</u>	<u>County Reference Pages</u>	<u>Case Studies</u>
<i>A citizens' guide to addressing forests in community and land use decisions. Find out why forest planning is important and how it works.</i>	<i>Find out about the forest lands and economy in your County and access resources to become involved in forestry decisions.</i>	<i>See what innovative approaches some Wisconsin communities have taken to sustain their forestland.</i>

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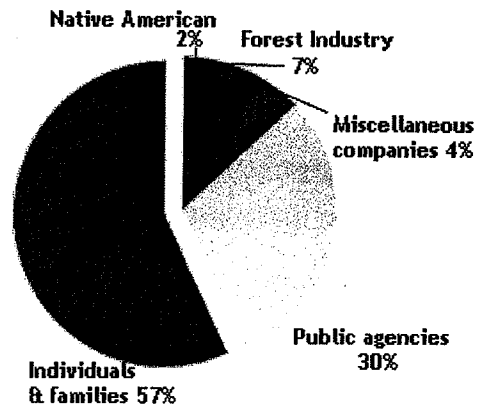


Remember to take the short feedback survey!

Forest cover 1992



Ownership of WI forestland, 2003



Forty six percent or 16 million acres of Wisconsin's 34.7 million acres is forested.

260,000 individuals and families hold the largest portion (57 %) of forestland. This demographic is increasing significantly; more individuals are buying smaller parcels of forestland.¹ The next largest ownership group is public agencies (30 %), then forest industry (7 %), followed by miscellaneous companies (4 %), and Native Americans own the fewest acres of forestland (2%).

This page was updated on Friday May 13, 2005. To report problems, contact the Project Coordinator.

This site is available in part through a grant by the Wisconsin Environmental Education Board



The Center for Land Use Education is a joint venture of Cooperative Extension and the College of Natural Resources at the University of Wisconsin-Stevens Point



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PLANNING PROCESS

WHAT IS PLANNING?

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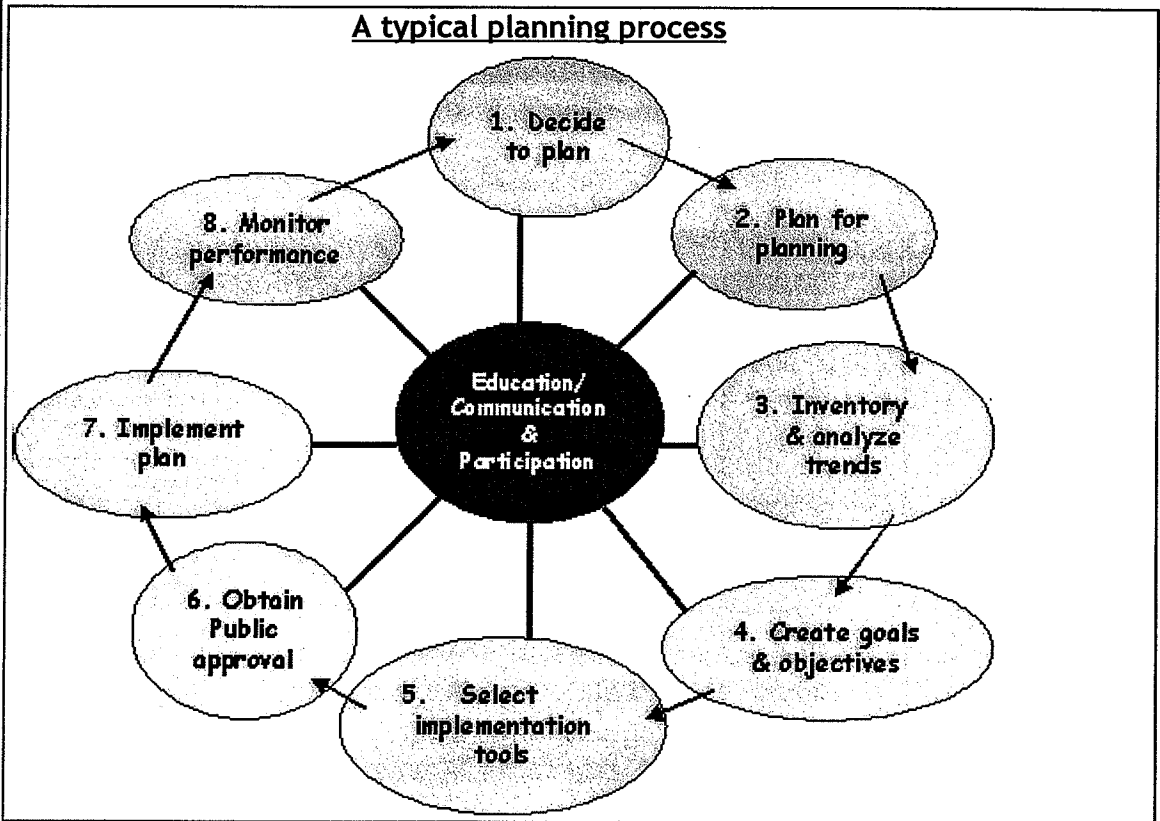
What is forest planning?

Before you continue learning about how forest planning works find out more about what forest planning is, what kinds of plans can address forests, how these different plans relate to each other. Details of how forest planning happens in Wisconsin are on the following pages.

Forest planning is

- a process where community members come together to discuss how they want their forests and communities to look, feel, and function in the future.
- an opportunity to help decide what will happen on the land around you.

A typical planning process



Forest plans can help communities make recommendations in a rational and informed way on on many issues such as: rezoning a wooded property, whether or not to build or expand major infrastructure into forested areas, acquiring forestland for public use.



Forest planning can include

- A community or comprehensive plan, that specifically addresses forests. A community plan could include a comprehensive plan, groundwater plan, stormwater plan, transportation plan, biking trail plan, forest plan, and many more.

[Click here to see St. Croix County Outdoor Recreation Plan, an example of a community plan.](#)

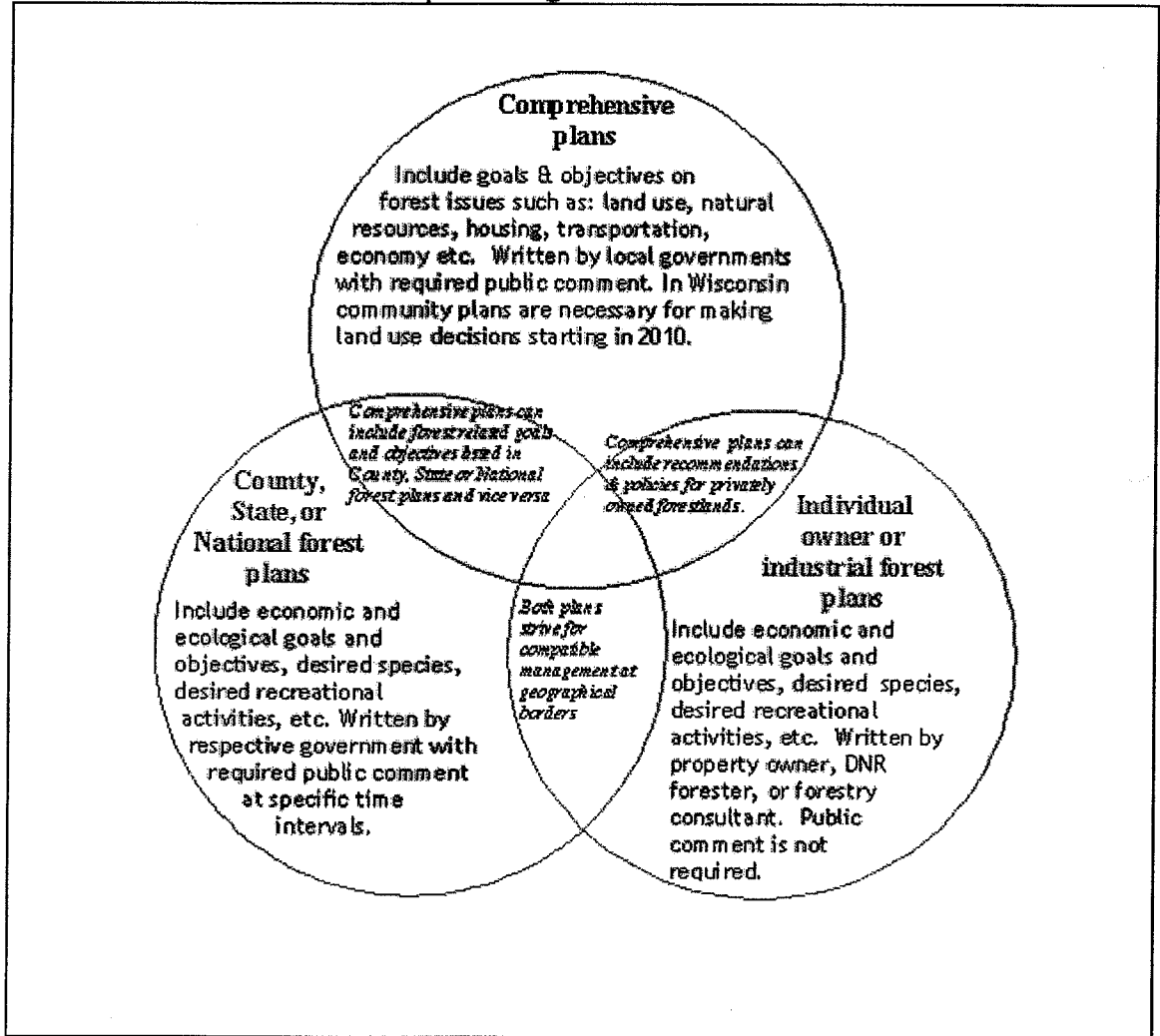
(From here on we refer to community and comprehensive plans collectively as 1/2 community plans 1/2. Community forest planning is the focus of this website).

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-  An individual property owner's 1/2s, or industrial forest management plan.
Click here for examples of this type of plan
-  County, State, and National Forest Management Plans for publicly owned forestlands.
See the County Reference Pages for links to State and National Forest Plans, and some County Forest Plans

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Different levels of forest planning



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Now that you have a better idea of what planning can mean, see how the planning process works. Click on the link below.

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10

Forestry Zoning Districts in Langlade County

Langlade County is a northern Wisconsin county with a fairly contiguous block of forest and abundant public land. 73% is forested. Over 60% of the forestland is privately owned.



Map copyright
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Background

In 1968 Langlade County adopted a general zoning ordinance which included forestry districts. The ordinance defines a forestry district as an area designated for commercial production of trees, the conduct of forestry practices and related uses on large tracts of land that are well suited to these activities. The intent of the forestry district is to encourage forestry and also to recognize the value of forested areas as a recreational resource.

Revision

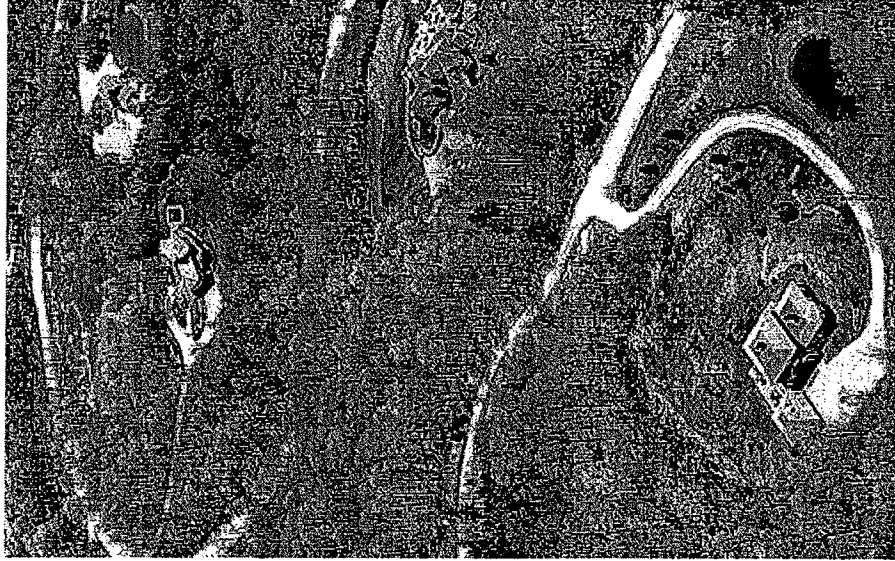
Under this original zoning ordinance almost all requests for residential use within the forestry district were approved. In 1985 the County revised the general zoning ordinance to incorporate state wetland and farmland preservation regulations that had come out in the late 1970s and early 1980s. Forestry was an issue during the revision because of the past interpretation of the forestry zoning district, which allowed wide spread residential development.

The zoning ordinance was revised to make the forest district exclusive to forestry use and prohibit residential development except when a

Conditional Use Permit (CUP) or a rezoning of the property was obtained. Both processes require a public hearing. After this revision, the Board of Adjustment still approved almost all conditional use permits for residential developments in the forestry district on parcels 40 acres or greater. Because of this, residential development in the forest continued.

Compromise

The County Board realized that residential development was still occurring so they again revised the forestry zoning district. The ordinance lists specific standards for the placement of a residential development within the forestry zoning district and makes residential use a permitted use on 35 acre or greater parcels. A property owner can also apply for a conditional use permit for residences on parcels less than 35 acres or have a certified survey map of their parcel approved for a residence in the Forest District by the county Water and Land Use Planning Committee. The changes in this ordinance were mostly influenced by local government officials, but a core group of pro-environment people also followed specific cases.



Example of residential development in a forested area (not in Langlade County)

Reflections on Forestry Zoning Districts

Strengths of forestry zoning districts

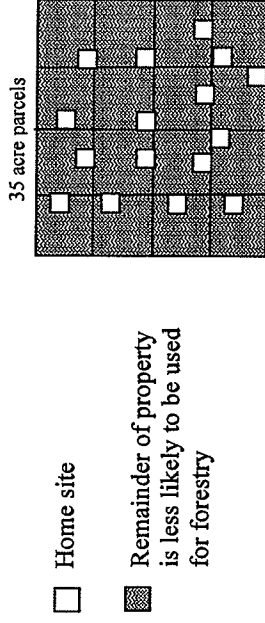
Forestry districts do deter people from building homes on small parcels in the forest. Initially establishing a forestry district was not costly or controversial because it was part of a larger package, the general zoning ordinance. If a Town or County were to implement forestry districts separately the process may take about 6 months. When the ordinance was revised to prohibit wide spread residential use, zoning was more attractive to some of the towns.

Weaknesses of forestry zoning districts

After the 1985 change that prohibited residential development, there was confusion about where the forest zoning applied because each town that was zoned ratified the new ordinance changes at separate times. The 1985 change had the effect of gaining some new towns and losing other towns under the zoning ordinance.

Forestry districts do not directly preserve forestland. The most recent change to allow residential development on 35 acre or greater parcels opens forestland to more houses, which could jeopardize the use of the forest for tree growth and harvest on large tracts of land.

Hypothetical development pattern under Forestry Zoning District that allows residential development



Summary

Forestry Districts would work in an area where forestry is important to the local economy. However, a resource-based assessment should be done first to determine where the Forestry District should be designated.

This case study was written by Bobbie Webster & Lynn Markam

Large lot forestry zoning districts

A number of counties in northern Wisconsin have forestry zoning districts with large minimum lot sizes in an effort to maintain land for forestry purposes. While this approach has the advantage of being relatively easy to administer, it has met with limited success for the following reasons:

- If landowners are allowed to build homes on the large parcels, the result is often large lot residential development, rather than working forest land.
- Local elected officials may approve conditional uses and/or rezoning requests for residential development on smaller parcels in the forestry zoning district.
- The minimum lot size is often reduced to a size that makes forestry uneconomical.

An alternative approach to maintaining large areas of land for forestry purposes is described in the planning and zoning case study from Jefferson County.

For more information:

Langlade County Zoning Department - Becky Frisch, (715) 627-6206, rfrisch@co.langlade.wi.us, [Zoning website](http://www.co.langlade.wi.us)

Plan and zoning districts prevents parcelization

Issue: Parcelization and development of agricultural and forested land

Note: Although this case study focuses on agricultural land, the strategy highlighted here can also be applied to forestlands.

Jefferson County is a rural county in southeastern Wisconsin. Forests cover only 12 percent of the land; 84 percent of the land is used for agriculture.

Map copyright Wisconsin Online®

Approach: Jefferson County adopts Land and Water Resource Management Plan and revises zoning

The County developed a plan to guide the growth they were experiencing. With the participation of the community, the plan was ultimately adopted.

In Jefferson County during 1999 there was a trend of residential development in rural areas as well as changes in agricultural technology, practices, and scale of operation, which combined to create conflicts between agricultural and other land uses. This county's location between the Milwaukee and Madison metropolitan areas is one driver of the rural development trend. Agricultural land was converted to other uses by two main processes:

- Rezoning from agricultural to residential use: An average of 520 acres was rezoned to residential use each year over the previous 20 years.
- Creating 35-acre "dwelling sites" within an agricultural zone (in effect taking those acres out of production): On average 15 to 20 of these sites were created annually, resulting in at least another 525 acres removed from agricultural use each year.

The Jefferson County Board recognized the parcelization of rural land and development pressure infringing on agriculture, as threats to the agricultural resources, economy, rural character, and small town life-style that most residents in the county value. The board also expected these trends to continue and possibly intensify in the future.

The plan includes:

- General vision statements about how residents want the county to be in the future,
- Agricultural preservation vision statements and guidelines,
- Environmental protection goals and guidelines,
- A county map defining and outlining locations of agricultural preservation areas, cities and villages with associated urban service areas, rural hamlets, and environmental corridors.

Zoning revisions were adopted at the same time as the plan to achieve the plan's goals and visions (See the table below). In the first four years of implementation building permits for new homes throughout the county stayed fairly constant. More than half of these new homes were built in rural residential areas. However, the average amount of land utilized for rural residential purposes decreased from 1025 acres to 225 acres per year.

Jefferson County's creative approach to preserving agricultural land

Component	Vision or goal	Key policy features
Agricultural Preservation	Zoning should not hamper agricultural production	No new dwellings in Exclusive Agriculture Districts = all rural portions of county that are outside of planned Urban Service Areas and Rural Hamlets New homes require rezoning to Rural Residential: Maximum lot size is 2 acres Parcels 50 acres or greater can have a maximum of 3 Rural Residential lots (2 if on prime soils) Parcels 50 acres or less can have a maximum of 3 Rural Residential lots (1 if on prime soils)
Environmental Corridor	Protect wetlands, woods, floodplains, and steeply sloped glacial features. Protect surface water and groundwater quality.	Environmental corridors will be overlaid: additional regulations are applied to underlying zoning Development densities should not be greater than one dwelling unit per 10 acres Wetlands and 100-year floodplain land will be excluded from calculations of maximum allowable densities No buildings within 75 feet of wetlands or navigable bodies of water
Urban Service Areas	Encourage higher density residential development in areas where public utilities will be available.	Municipalities are encouraged to adopt phase-in plans for expansion of public facilities Incorporated municipalities and towns are encouraged to enter into voluntary boundary agreements to address annexation issues Environmental corridors will apply to Urban Service Areas

Reflections on Land and Water Resource Management Plan

Strengths

Jefferson County made an effort to involve as many citizens as possible in the planning process. In surveys, 90% of respondents supported zoning and other regulations to protect environmentally important areas. Citizen involvement ensured a successful plan. The plan has proven to be successful at preserving agricultural land. Since the enactment of the plan and ordinance in March 2000, approximately 500 lots have been created in the Agricultural Plan area averaging 1.8 acres/lot. About 225 acres of land has been approved for rural residential use annually in the four years since the plan was implemented, versus 1025 acres annually in the years before the plan was adopted.

Although the plan does not reduce the demand for rezoning to residential use (20 to 30 rezoning requests are submitted per month), it helps ensure that agricultural land is not fragmented beyond its ability to be productively farmed. Also, close to 15,000 acres have been identified as protected from additional rural residential lots because those land owners have utilized all their potential lots on their properties. On an annual basis, 50 lots in prime agricultural soils are approved utilizing only 60 acres. Past policies took at least that amount of land to create only two rural residential lots in the agricultural zone.

Since agriculture is an important part of the county's economy, preserving agricultural lands directly benefits the local economy. By adopting the plan and zoning ordinances at the same time, Jefferson County ensured that their plan was implemented.

Weaknesses







Individual "rural hamlets" and cities and villages are allowed to lay out their own urban service areas. These areas could include more prime agricultural land than the county plan intended. Fragmentation of agricultural land can still occur because some development is still allowed in the agricultural zone. Also, the plan is subject to change as county board members change.

For more information:

Bruce Haukom - Jefferson County Zoning Department 920-674-7130, BruceH@co.jefferson.wi.us www.co.jefferson.wi.us/zoning

Future

Jefferson County has scheduled monitoring and revisions for their land use plan to ensure that it continues to achieve the goals and visions previously identified, and to update it as needed.

Allowed use of parcels located in Exclusive Agriculture District	
<p>Less than 50 acres, with existing dwelling</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Maximum new lot size = 2 acres</p> </div> <div style="text-align: center;">  <p>Maximum new lot size = 2 acres</p> </div> </div> <p>All prime soils, or non-prime soils unavailable = 1 rural residential lot</p> <p>Non-prime soils available = Maximum of 3 new rural residential lots in non-prime soils</p>	<p>Greater than 50 acres, with existing dwelling</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Maximum new lot size = 2 acres</p> </div> <div style="text-align: center;">  <p>Maximum new lot size = 2 acres</p> </div> </div> <p>All prime soils, or non-prime soils unavailable = Maximum of 2 new rural residential lots</p> <p>Non-prime soils available = Maximum of 3 new rural residential lots in non-prime soils</p>
<p>Less than 50 acres, no existing dwelling</p> <div style="text-align: center;">  <p>No new dwellings</p> </div>	<p>Greater than 50 acres, no existing dwelling</p> <div style="text-align: center;">  <p>No new dwellings</p> </div>

Conclusion

Since the implementation of their land use plan, Jefferson County's development is more structured than before and non-agricultural development has decreased on prime soils. Landowners are generally accepting of the plan.

This strategy of identifying important land and then adopting a plan with ordinances that limit rezoning and parcelization, can serve as a model for conserving any type of land that a community values.

Forested lands are a logical candidate for this type of planning and zoning, especially for counties where forestry is an important part of the local economy.

Source: Schneider J, Grabow S, June 2002. Jefferson County Plan Saves Agricultural Land. *Wisconsin Counties*. 14 - 15.

This case study was written by Bobbie Webster and Bruce Haukom

Working Forest Conservation Easement

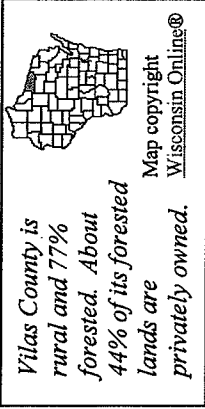
Issue: Development pressure on private forestland

In Vilas County, the price of privately owned forestland has been rapidly increasing, as has forestland in other northern Wisconsin counties. For the past ten years or so, developers have been purchasing large tracts of land and then subdividing them into 40 acre parcels which sell for up to \$125,000. The increase in land value stems in part from the rising demand for second homes that are located close to state forestland, which is undeveloped and will likely remain so.

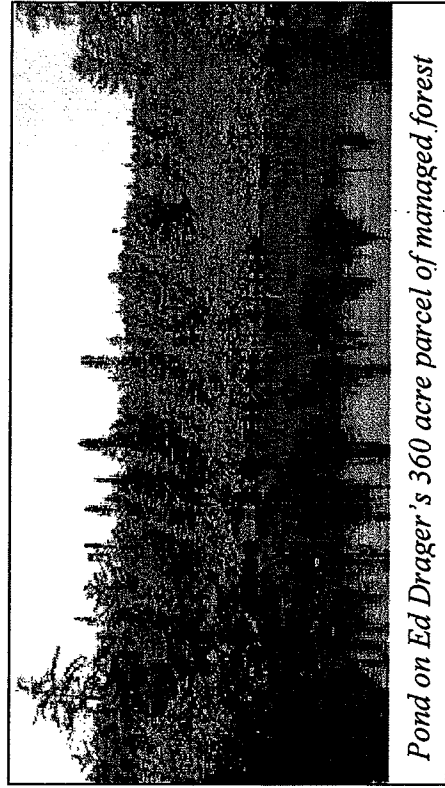
One private forestland owner, named Ed Drager, had been approached by developers several times a year during the late 1990s. His 360 acre parcel which he and his sister had inherited from their father was in a family trust, but he worried about what the

heirs would do with the land since they had no knowledge or interest in forests and land management, and did not live nearby. Ed is a steward of the family land, actively managing the parcel and regularly updating its management plan. He wanted to fulfill his father's wish that this land would always be able to be used for hunting, fishing, and timber harvesting, without being subdivided and developed.

Ed and his sister considered numerous strategies to conserve their forestland such as donating the property to UW-Madison, which they were alumni of. But this would take away the rights of the heirs to use the property forever. Gathering Waters Conservancy, the primary land trust support organization in Wisconsin, was not accepting easements and The Nature Conservancy was not accepting conservation easements that included timber harvests at that time.



on his property that would be held by Trees for Tomorrow. A working forest conservation easement would help the land to continue to be managed and selectively cut in perpetuity, fulfilling their father's view that the property should look about the same 100 years from now as it does now.



The easement was the first and only working forest easement TFT has done. Ed's costs for donating the easement were limited because he is an attorney and wrote the easement himself. Other expenses for donating conservation easements can include survey costs, biological assessments, and other baseline documentation work, financial advice, and appraisals. Local land trusts may also request a contribution to an endowment fund to ensure they can annually monitor and legally defend the easement in perpetuity. Land trusts however may be able to raise funds to cover some of the expenses of donating an easement.

When a land trust or other non-profit 501(c)(3) organization like TFT receives an easement, the property and the easement are appraised. The property is appraised according to fair market value; the value of the easement is determined by the difference between the fair market value of the property before and after the easement. The value of the easement is considered a charitable contribution which the person who donates the easement may deduct from his or her adjusted gross income (up to 30%) in the year given and for five years after. A conservation easement can also reduce the value of the property for estate tax purposes. Estate taxes can be an important consideration for many families with larger tracts of forestland that are rapidly appreciating in value.

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Approach: landowner donates a working forest conservation easement to a non-profit organization

Ed talked to Trees for Tomorrow (TFT) which was suggested by The Nature Conservancy. He and TFT decided to put a working forest conservation easement on his property that would be held by Trees for Tomorrow. A working forest conservation easement would help the land to continue to be managed and selectively cut in perpetuity, fulfilling their father's view that the property should look about the same 100 years from now as it does now.

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Reflections on Donating a Working Forest Conservation Easement

Strengths

A conservation easement can protect the land in perpetuity, according to the conditions in the easement. While an easement may require a forest management plan, you define if, when and where timber will be cut. Conservation easements can also work compatibly with Managed Forest Law contracts for forestland owners who are seeking property tax relief. Furthermore the property owner still owns the land and can sell it or pass it on to heirs.

Conservation easements are flexible tools and can be written to the needs of a property owner. When this easement was written, they allowed for the niece and nephew to build up to two additional homes up to 2000 square feet each, but they must be located at least 200 feet back from the lake or stream.

The parcel is available for educational projects by UW-Forestry, Conserve School, and TFT. Also, this easement provides that TFT gets 50% of any timber sales; the first year in the easement TFT received \$14,000.

“I think they are an absolutely wonderful tool for people who would like to see something preserved”.

— Ed Drager

Future

Ed’s property will continue to be managed according to the conservation easement, with regular updates of management goals. Trees for Tomorrow will monitor different treatment plots. The property may even be an island of forest 100 years from now; this would please his father who didn’t know about conservation easements when he was alive or he probably would have done one.

Since the establishment of Ed’s easement, more land trusts have formed; they and conservation organizations have improved resources for prospective working forest conservation easement donors. The Northwoods Land Trust in Vilas, Oneida, Forest, Florence, Iron and Price Counties promotes private conservation of working forestland, shorelands, woodlands, and wetlands. They will help landowners decide if a conservation easement is the right tool for conserving their lands.

The irregularity in property tax assessments is under examination by Gathering Waters Conservancy which hopes to influence more uniform effects of conservation easements on property taxes.

Summary

Working forest conservation easements can also be purchased by the easement holder; in this case the property owner would not be able to deduct the easement value.

For property owners who definitely want to keep a parcel forested and actively managed but still want to own their property, donating a working forest conservation easement is a very effective tool.

This case study was written by Bobbie Webster & Bryan Pierce

For more information

Trees for Tomorrow - 519 Sheridan Street, P.O. Box 609 Eagle River, WI 54521, 1-800-838-9472 <http://www.treesfortomorrow.com/>

Northwoods Land Trust – Bryan Pierce, P.O. Box 321 Eagle River, WI 54521-0321, 715-479-2490 <http://www.northwoodslandtrust.org/>

Weaknesses

In the late 1990s after speaking to a couple of non-profit organizations and a couple of attorneys who write conservation easements, Ed found that establishing a conservation easement could be very unnecessarily difficult for people. He also found that many attorneys were uninformed about what a working forest conservation easement actually means.

Ed has not yet seen a reduction in real estate taxes on this Vilas County parcel. By state law, conservation easements are supposed to be considered by assessors in determining property tax rates. The local assessor thought the land was still worth a lot with the easement even though TFT holds the development rights and half of the timber value, and the property is unable to be subdivided.

Program Summary

Wisconsin Working Lands Initiative

July 2009

The Wisconsin Working Lands Initiative was passed as a part of the state's 2009—2011 biennial budget process. The Wisconsin Working Lands Initiative can be found primarily in Chapter 91 of Wisconsin State Statutes. Main components include:

- Expand and modernize the state's existing farmland preservation program
- Establish agricultural enterprise areas (AEAs)
- Develop a purchase of agricultural conservation easement matching grant program (PACE)

The goal of the Working Lands Initiative is to achieve preservation of areas significant for current and future agricultural uses through successful implementation of these components

EXPAND AND MODERNIZE THE STATE'S EXISTING FARMLAND PRESERVATION PROGRAM

- Modernize county farmland preservation plans to meet current challenges
- Provide planning grants to reimburse counties for farmland preservation planning
- Establish new minimum zoning standards to increase local flexibility and reduce land use conflicts; local governments may apply more stringent standards
- Increase income tax credits for program participants
- Improve consistency between local plans and ordinances
- Simplify the certification process and streamline state oversight
- Ensure compliance with state soil and water conservation standards
- Collect a flat per acre conversion fee when land under farmland preservation zoning is re-zoned for other uses

ESTABLISH AGRICULTURAL ENTERPRISE AREAS

- Maintain large areas of contiguous land primarily in agricultural use and reduce land use conflicts
- Encourage farmers and local governments to invest in agriculture
- Provide an opportunity to enter into farmland preservation agreements to claim income tax credits
- Encourage compliance with state soil and water conservation standards

Wisconsin Department of Agriculture, Trade and Consumer Protection

<http://workinglands.wi.gov>

DATCPWorkingLands@wisconsin.gov

Wisconsin Working Lands Initiative Program Summary

DEVELOP A PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT (PACE) GRANT PROGRAM

- Protect farmland through voluntary programs to purchase agricultural conservation easements
- Provide up to \$12 million in state grant funds in the form of matching grants to local governments and non-profit conservation organizations to purchase agricultural conservation easements from willing sellers
- Stretch state dollars by requiring grants to be matched by other funds such as federal grants, local contributions and/or private donations
- Establish a council to advise the state on pending grants and proposed easement purchases
- Consider the value of the proposed easement for preservation of agricultural productivity, conservation of agricultural resources, ability to protect or enhance waters of the state, and proximity to other protected land
- Ensure consistency of state-funded easement purchases with local plans and ordinances

Educational Opportunities

The department will be organizing workshops to help local governments and citizens to better understand the Working Lands Initiative. These workshops will be designed to answer questions about participation in the Working Lands program.

To be notified of upcoming opportunities:

- Email DATCPWorkingLands@wisconsin.gov. In the email subject line, indicate which topic you are interested in learning more about:
 - General program information
 - Farmland preservation plan updates
 - Zoning ordinance updates
 - Establishing an AEA
 - Participating in the PACE program
- Call (608) 224-4500

To receive our Working Lands Newsletter:

- Email DATCPWorkingLands@wisconsin.gov. In the email subject line, write "Subscribe to newsletter."

For further information, visit <http://workinglands.wi.gov>.

Wisconsin Department of Agriculture, Trade and Consumer Protection

<http://workinglands.wi.gov>

DATCPWorkingLands@wisconsin.gov

Farmland Preservation Tax Credits

Wisconsin Working Lands Initiative

January 2010

The Wisconsin Working Lands Initiative provides landowners with an opportunity to claim farmland preservation tax credits through participation in the program. These tax credits are income tax credits that are applied against tax liability and are available for the 2010 tax year (paid in 2011) and beyond. Farmland preservation tax credits claimed in 2009 will be paid according to the program rules in place prior to July 1, 2009.

New tax credits

There is \$27 million available statewide annually to provide farmland preservation tax credits to landowners beginning in tax year 2010. Eligible landowners may collect one of the following per acre amounts:

- \$5.00 for farmers with a farmland preservation agreement signed after July 1, 2009 and located in an agricultural enterprise area
- \$7.50 for farmers in an area zoned for farmland preservation
- \$10.00 for farmers in an area zoned for farmland preservation and in an agricultural enterprise area, with a farmland preservation agreement signed after July 1, 2009

There is no cap on the amount of credit that an individual can claim or on the amount of acreage eligible for a credit. However, if the total amount of claims exceeds \$27 million in a given year, the state is obligated to prorate the value of the credits available to individuals.

Eligibility Requirements

1. Acres claimed must be located in a farmland preservation area identified in a certified county farmland preservation plan. Eligible land includes agricultural land or permanent undeveloped natural resource areas or open space land that is:
 - in an area certified for farmland preservation zoning, and/or
 - located in a designated agricultural enterprise area and under a farmland preservation agreement.
2. Claimants must have \$6,000 in gross farm revenue in the past year or \$18,000 in the past three years. Income from rental receipts of farm acres does not count toward gross farm revenue. However, gross farm revenue produced by the renter on the landowner's farmland can be used to meet this eligibility requirement.
3. Property taxes on the land must be paid by the claimant.
4. Farmers claiming farmland preservation tax credits must certify on their tax form that they comply with state soil and water conservation standards. New claimants must also submit a certification of compliance with soil and water conservation standards that has been issued by the county land conservation committee.

Wisconsin Department of Agriculture, Trade and Consumer Protection

<http://workinglands.wi.gov>

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Farmland Preservation Tax Credits

Claiming a tax credit under the new program

New participants: Landowners wishing to participate in the new program must meet the eligibility requirements. New participants include:

- Landowners located in a farmland preservation area under an existing certified zoning ordinance who did not participate in the program during the previous year
- Landowners located in an area certified for farmland preservation under a new zoning ordinance
- Landowners who have entered into a farmland preservation agreement after July 1, 2009. Only landowners located in a designated agricultural enterprise area (AEA) may enter into such an agreement.

If eligible, landowners who wish to participate must claim the credit on the annual tax form. It is required that a county issued certificate of compliance with state soil and water standards be submitted with the tax form. Compliance with these standards is monitored through inspection at least once every 4 years. If found out of compliance, a notice of noncompliance will be provided to DOR and the claimant is ineligible to claim a tax credit until compliance is re-established.

Current participants with existing agreements: Landowners with an existing agreement entered into prior to July 1, 2009 may continue to collect a tax credit until expiration of their existing agreement, regardless of whether they are located in an agricultural enterprise area. Landowners may choose to continue to calculate their credit based upon the old formula, or they may choose to calculate the credit using the per acre amount in the new statute. To change the way the credit is calculated, the agreement must be amended. If you are not in an area zoned for farmland preservation when your agreement expires, you will not be eligible to claim a credit unless you successfully petition to be located in an agricultural enterprise area.

Current participants under existing zoning ordinances: Landowners who collected a tax credit for the previous year under an existing zoning ordinance certified prior to July 1, 2009 will be eligible to collect the new tax credit beginning in tax year 2010. Tax credit eligibility continues if the ordinance is updated and certified in compliance with the new standards and the landowner meets eligibility requirements.

Ceasing program participation

Rezoning land: An entity wishing to rezone land out of farmland preservation for another use may only do so with local government approval and by paying a "conversion fee" equal to 3 times the class 1 "use value" of the land. This conversion fee applies to areas with a certified farmland preservation zoning ordinance regardless of whether the landowner received a tax credit under the state program. Existing zoning maps apply under the new program until an amended zoning map is adopted or the ordinance expires, whichever occurs first. Local governments may charge a supplemental fee.

Terminating agreements: A landowner under a farmland preservation agreement entered into after July 1, 2009 may terminate the agreement prior to the expiration date by paying a "conversion fee" equal to 3 times the class 1 "use value" of the land. Agreements in effect prior to July 1, 2009 are subject to provisions that were in place when the agreement was signed.

Removal of land from an agricultural enterprise area (AEA): Land located within a designated AEA can only be removed from the AEA through the state administrative rule process. Even if the land is sold, it remains a part of the designated AEA.

Agricultural Enterprise Areas

Wisconsin Working Lands Initiative

July 2009

An agricultural enterprise area (AEA) is a contiguous land area devoted primarily to agricultural use and locally targeted for agricultural preservation and agricultural development.

Benefits of AEAs

- Preserve areas valuable for current and future agricultural use
- Promote the development of agricultural businesses
- Ensure eligibility of farm owners for tax credits through farmland preservation agreements

The state is authorized to designate:

- 15 AEAs (up to 200,000 acres) during a two year pilot period ending December 31, 2011
- Up to 1,000,000 acres total statewide after 2011

Designation of an AEA

The designation of AEAs is based on review of a petition voluntarily submitted by owners of at least 5 eligible farms and any affected local governments. The state Department of Agriculture, Trade and Consumer Protection (DATCP) will request submittal of petitions. The request will include submittal deadlines and review procedures. Petitions filed with DATCP must meet basic requirements identified by DATCP to be considered for designation. Additional evaluation criteria may be used to review competing petitions.

The area proposed for designation as an AEA must be:

- Located in a farmland preservation area, as certified under a county farmland preservation plan
- A contiguous land area
- Primarily in agricultural use

Once successful petitions are selected, the state will officially designate the areas as AEAs through a modified administrative rule process. The rule process requires a public hearing and notice to the legislature. AEAs may only be designated, modified or terminated through this process.

Petition materials, including requirements and evaluation criteria will be made available on the Department of Agriculture, Trade and Consumer Protection website at <http://workinglands.wi.gov>.

Wisconsin Department of Agriculture, Trade and Consumer Protection

<http://workinglands.wi.gov>

DATCPWorkingLands@wisconsin.gov

Agricultural Enterprise Areas

Guidance for requesting designation of an AEA

1. Determine your interest in being a part of an AEA. You may wish to contact the state with questions or for further assistance.
2. Confirm your eligibility. (*Gross farm revenues of \$6,000 in the preceding year or \$18,000 in the previous three years*).
3. Identify at least 4 other eligible landowners within the area to serve as petitioners.
4. Determine the boundary of the area to be proposed for designation.
6. Get the support of political subdivisions in which the AEA is proposed.
7. Determine if all of the following apply:
 - Located in a certified farmland preservation area
 - Consists of contiguous land area
 - Primarily in agricultural use
8. Develop the petition requesting designation of AEA, making sure to fully complete all sections of the petition.
9. Identify interested cooperators who may support your petition.
10. Submit the petition to the State of Wisconsin by the identified deadline when a request for submittals is made.
11. Once the AEA is established:
 - Sign a farmland preservation agreement to collect tax credits, if desired.
 - Continue to promote agricultural land use and the development of agriculture within the AEA.

The process to designate an AEA may be initiated by landowners or by a political subdivision. In either case, it is important for the local farm owners and local governments to work together to ensure adequate interest in establishing and maintaining an AEA.