

## 6-1-3.4 AGRICULTURAL DISTRICTS

### I. EXCLUSIVE AGRICULTURAL DISTRICT

#### 6-1-3.4-A1.1 Purpose

The purposes of this A-I Exclusive Agricultural District are to: (1) preserve productive agricultural land for food and fiber production; (2) preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; (5) reduce costs of providing services to scattered non-farm uses; (6) pace and shape urban growth; (7) implement the provisions of the county agricultural plan when adopted and periodically revised; and (8) comply with the revisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Chapter 91, Wisconsin Statutes.

#### 6-1-3.4-A1.2 Lands Included Within this District

This district is generally intended to apply to lands in productive farm operations including: (1) lands historically exhibiting good crop yields or capable of such yields; (2) lands which have been demonstrated to be productive for dairying, livestock raising and grazing; (3) other lands which are integral parts of such farm operations; (4) land used for the production of specialty crops such as cranberries, mint, sod, fruits, and vegetables; and (5) lands which are capable of productive use through economically feasible improvements such as irrigation.

#### 6-1-3.4-A1.2 Definitions

In this exclusive agriculture ordinance:

- 1.) “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*. This may include, (for purposes of example only and based upon their nature of being an integral part of or incidental to an agricultural use):
    1. A facility used to store or process raw agricultural commodities,

all of which *are produced on the farm*.

2. A facility used to keep *livestock* on the *farm*.
  3. A facility used to store or process inputs primarily for *agricultural uses on the farm*.
  4. A facility used to keep or service vehicles or equipment employed in *agricultural uses on the farm*.
  5. A wind turbine or solar energy facility that collects wind or solar energy *on the farm*, and uses or transforms it to provide energy primarily for use *on the farm*.
  6. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced *on the farm*.
  7. A waste storage or processing facility used to store or process animal waste produced solely from *livestock kept on the farm*.
- B. An activity or business operation that is an integral part of, or incidental to, an *agricultural use*.
- C. A *farm residence*, including normal residential appurtenances.
- D. A business, activity, or enterprise, whether or not associated with an *agricultural use*, which meets all of the following requirements:
1. It is conducted on a *farm* by an owner or operator *of that farm*.
  2. It requires no buildings, structures, or improvements other than those described in (A) or (C) above.
  3. It employs no more than four (4) full-time employees annually.
  4. It does not impair or limit the current or future *agricultural use of the farm* or other *protected farmland*.
- 2.) “Agricultural Use” means any of the following activities conducted for the purpose of producing an income or livelihood:
- A. Crop or forage production.

- B. Keeping *livestock*.
  - C. Beekeeping.
  - D. Nursery, sod or Christmas tree production.
  - E. Floriculture.
  - F. Aquaculture.
  - G. Fur farming.
  - H. Forest management.
  - I. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- 3.) “Agriculture-related Use” means a facility, whether or not located on a *farm*, that has at least one of the following as a primary and not merely incidental purpose:
- A. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to *farms*, including *farms* in the exclusive agriculture district.
  - B. Storing, processing or handling raw agricultural commodities obtained directly from *farms*, including *farms* in the exclusive agriculture district.
  - C. Slaughtering *livestock from farms* in the exclusive agriculture district.
  - D. Marketing *livestock* to or from *farms*, including *farms* in the exclusive agriculture district.
  - E. Processing agricultural by-products or wastes received directly from *farms*, including *farms* in the exclusive agriculture district.
- 4.) “Base Farm Tract” means all land, whether one parcel or two or more contiguous parcels, which is in a farmland preservation zoning district and is part of a single *farm* on the date this ordinance is adopted by the County Board, regardless of any subsequent changes in the size of the farm.

- 5.) “Common Ownership” means ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. “Common ownership” includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
- 6.) “Contiguous” means adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.
- 7.) “Farm” means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
- A. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
  - B. A majority of the land area is in agricultural use.
- 8.) “Farm Acreage” means, for purposes of 6-1-3.4-A1.5.2A.1, the combined total acreage of all of the following in the “base farm tract”:
- A. *Farms*.
  - B. *Open Space Parcels* of not more than thirty-five (35) acres.
- 9.) “Farm Residence” means any of the following structures located on a *farm*:
- A. A single-family residence that is the only residential structure on the *farm*.
  - B. A single-family residence that 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 *farm*.
    - 3. An individual who earns more than fifty (50%) percent of his or her gross income from the *farm*.

- C. A migrant labor camp that is certified under §103.92 of the Wisconsin Statutes.
- 10.) “Gross Farm Revenue” means gross receipts from *agricultural uses*, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. “Gross farm revenue” includes receipts accruing to a renter, but does not include rent paid to the land owner.
  - 11.) “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
  - 12.) “Nonfarm Residence” means any residence other than a *farm residence*.
  - 13.) “Nonfarm Residential Acreage” means, for purposes of section 6-1-3.4-A1.5.2A.1 below, the combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Lafayette County Planning and Zoning Committee has approved nonfarm residences, all parcels of thirty-five (35) acres or less that do not qualify as farms, and the parcel to which the special exception permit application pertains. If a residence is located or proposed to be located on an undivided *farm*, but does not qualify as a farm residence, the size of the residential parcel is deemed to be thirty-five (35) acres.
  - 14.) “Open Space Parcel” means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
  - 15.) “Person” means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity recognized as a “person” under Wisconsin law.
  - 16.) “Prime Farmland” means all of the following:
    - A. An area with a Class I or Class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
    - B. Land, other than land described in paragraph “A” above, which is identified as prime farmland in the county’s certified farmland preservation plan.

17.) “Prior Nonconforming Use” means a land use that does not comply with this exclusive agriculture zoning ordinance, but which lawfully existed prior to the application of this ordinance.

18.) “Protected Farmland” means land that is any of the following:

- A. Located in an exclusive agriculture district certified under Chapter 91 of the Wisconsin Statutes.
- B. Covered by a farmland preservation agreement under Chapter 91 of the Wisconsin Statutes.
- C. Covered by an agricultural conservation easement under the provisions of Wisconsin Statutes §93.73.
- D. Otherwise legally protected from nonagricultural development.

6-1-3.4-A1.3 Acceptable Uses: Only the following uses are allowed in exclusive agriculture districts:

- 1.) Uses allowed under 6-1-3.4-A1.4 without a special exception permit.
- 2.) Uses allowed under 6-1-3.4-A1.5 with a special exception permit.
- 3.) Prior nonconforming uses subject to the provisions of Wisconsin statutes §59.69(10).

6-1-3.4-A1.4 Allowed Uses: The following land uses are allowed in an Exclusive Agriculture District without a special exception Permit.

- 1.) Agricultural uses and accessory uses on farms, except that a special exception permit is required under paragraph 6-1-3.4-A1.5 for the following agricultural uses and accessory uses on farms:
  - A. A new or expanded facility used to keep cattle, swine, poultry, sheep or goats if that facility will have more than five hundred animal units.
- 2.) Nonfarm residences constructed in a rural residential cluster according to a special exception permit issue under 6-1-3.4-A1.5 for that cluster.
- 3.) Undeveloped natural resource and open space areas.
- 4.) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law

that preempts the requirement of a special exception permit for that use.

6-1-3.4-A1.5 Special Exceptions:

1.) General

A. The Lafayette County Planning and Zoning Committee may issue a special exception permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. The Planning and Zoning Committee shall follow the procedures as described in 6-7-1.4.

B. Before issuing a special exception permit under paragraph 1, the Planning and Zoning Committee shall make a determination in writing that the proposed use meets applicable conditions under this section. The Planning and Zoning Committee may issue the permit subject to any additional conditions which that Committee deems necessary to carry out the purposes of this ordinance.

2.) Nonfarm Residences: The Lafayette County Planning and Zoning Committee may issue a special exception permit for a proposed nonfarm residence if all of the following standards will be met when the approved nonfarm residence comes into existence:

A. If the nonfarm residence will be located in a base farm tract:

1. The ratio of nonfarm residential acreage to farm acreage in the base farm tract will not exceed 1:20.
2. There will be no more than four (4) dwelling units in nonfarm residences, nor more than five (5) dwelling units in residences of any kind, in the base farm tract.

B. Neither the nonfarm residence, nor the parcel on which the nonfarm residence is located, will do any of the following:

1. Convert prime farmland, or cropland other than a woodlot, from agricultural use if there is a reasonable alternative available to the permit applicant.

2. Significantly impair or limit the current or future agricultural use of any other protected farmland.
- 3.) Nonfarm Residential Clusters: The Lafayette County Planning and Zoning Committee may issue a single special exception permit authorizing two (2) or more proposed nonfarm residences if all of the following apply:
  - A. The special exception permit includes all of the following information:
    1. The total number of nonfarm residences authorized by the permit.
    2. A legal or survey description of each parcel on which a nonfarm residence is authorized.
    3. The number of nonfarm residences authorized on each parcel under paragraph 2, if more than one.
    4. The number of dwelling units authorized in each authorized nonfarm residence, if more than one.
  - B. Each of the parcels described under paragraph (A) (2) shares a boundary with at least one other parcel described in paragraph (A)(2).
- 4.) Agricultural and Accessory Uses on Farms. After public hearing and input from the affected town board, the Lafayette County Planning and Zoning Committee may issue a special exception permit for any of the following agricultural uses or accessory uses for which a permit is required under section 6-1-3.4-A1.4:1.
  - A. A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than five hundred animal units, if the proposed facility meets the standards prescribed in chapter ATCP 51 of the Wisconsin Administrative Code.

5.) Agriculture-related uses. The Lafayette County Planning and Zoning Committee may issue a special exception permit for an agriculture-related use if all of the following apply:

- A. The use supports agricultural uses in the exclusive agriculture zoning district in direct and significant ways, and is more suited to an exclusive agriculture zoning district than to an industrial or commercial zoning district.
- B. The use and its location in the exclusive agriculture zoning district are consistent with the purposes of the exclusive agriculture zoning district.
- C. The use and its location in the exclusive agriculture district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- D. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space.
- E. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- F. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

6.) Compatible Infrastructure:

- A. The Lafayette County Planning and Zoning Committee may issue a special exception permit for any of the following uses if that use meets applicable conditions under B (below):
  - 1. Transportation uses, including roads, rail facilities, and agricultural aeronautic facilities.
  - 2. Communication uses, including transmission lines, cell towers, antennae and broadcast towers.
  - 3. Oil, gas and other pipelines.

4. Electrical transmission lines.
5. Wind turbines.
6. Solar power generation facilities.
7. Drainage facilities.

B. The Lafayette County Planning and Zoning Committee may issue a special exception permit for a proposed use under (A) above if all of the following apply:

1. The use and its location in the exclusive agriculture district are consistent with the purposes of the exclusive agriculture district.
2. The use and its location in the exclusive agriculture district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

7.) Government and Nonprofit Community Uses. The Lafayette County Planning and Zoning Committee may issue a special exception permit for a Government use, or for an institutional, religious or community use, if the Planning and Zoning Committee determines that all of the following apply:

- A. The use and its location in the exclusive agriculture district are consistent with the purposes of the exclusive agriculture district.

- B. The use and its location in the exclusive agriculture district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - C. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - D. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
  - E. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- 8.) Nonmetallic Mineral Extraction. The Lafayette County Planning and Zoning Committee may issue a special exception permit for a Nonmetallic Mineral extraction operation if all of the following apply:
- A. The operation complies with all of the following:
    - 1. Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter.
    - 2. Applicable provisions of Lafayette County Ordinances Chapter 6-8.
    - 3. Any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.
  - B. The operation and its location in the exclusive agriculture zoning district are consistent with the purposes of the exclusive agriculture zoning district.
  - C. The operation and its location in the exclusive agriculture zoning district are reasonable and appropriate, considering alternative locations outside the exclusive agriculture zoning district, or are specifically approved under state or federal law.

- D. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space.
- E. The operation does not substantially impair or limit the current or future agricultural use of other protected farmland.
- F. The special exception permit requires the landowner to restore the affected land after the nonmetallic mineral extraction operation is completed. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit.

6-1-3.4-A1.6 Rezoning Land Out of a Farmland Preservation Zoning District.

- 1.) Except as provided in subsection (2) below, the Lafayette County Planning and Zoning Committee may not rezone land out of an exclusive agriculture district unless the Planning and Zoning Committee does all of the following prior to the rezoning:
  - A. Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
    - 1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district; and,
    - 2. The rezoning is consistent with any comprehensive plan, adopted by the Lafayette County Planning and Zoning Committee, which plan is in already in effect at the time of the rezoning; and,
    - 3. The rezoning is substantially consistent with the Lafayette County farmland preservation plan as certified un Chapter 91, Wisconsin Statutes, which plan is in effect at the time of the rezoning; and,
    - 4. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- 2) Subsection (1) does not apply to any of the following:

- A. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Chapter 91, Wisconsin Statutes.
  - B. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Lafayette County farmland preservation plan map, as certified under the provisions of Chapter 91, Wisconsin Statutes, which map is in effect at the time of the rezoning.
- 3) The Lafayette County Zoning Administrator shall, by March 1<sup>st</sup> of each calendar year, submit to DATCP the total acres rezoned during the preceding year along with a map that clearly shows the location of those acres.