

RESOLUTION NO. 2-0904

**AMENDING THE IOWA COUNTY SOIL AND WATER CONSERVATION
STANDARDS AND PROCEDURES FOR THE
FARMLAND PRESERVATION PROGRAM**

WHEREAS, the Wisconsin Farmland Preservation Program continues to be an effective conservation, property tax relief and land use option for land owners in Iowa County.

WHEREAS, the standards and procedures are being updated to conform with Wisconsin Statute ATCP 50.04 Wis. Adm. Code.

NOW, THEREFORE, be it recommended by the Iowa County Land Conservation Committee that the Iowa County Board of Supervisors adopt this resolution.

Section 1. AMENDING STANDARDS. The Soil and Water Conservation Standards are hereby amended as indicated in the attachment and said attachment is incorporated to this resolution. Changes and additions in the text of sections set forth in the attachment are indicated by underlining, while deletions in the text are lined out.

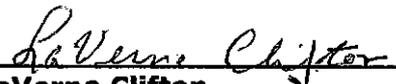
Section 2. EFFECTIVE DATE. The herein Ordinance and Amendments shall take effect upon adoption and posting.

Respectfully submitted by the Iowa County Land Conservation Committee, Ken Wunderlin, Chairman.

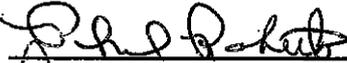
LAND CONSERVATION COMMITTEE



Ken Wunderlin, Chairman



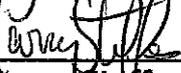
LaVerne Clifton



Phil Roberts



Curt Peterson



Larry Steffes

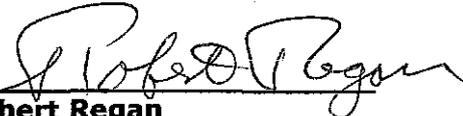


Alan Theobald



Dave Ladd

Adopted this 21st day of September, 2004.



Robert Regan
Iowa County Chairperson

ATTEST:



Gregory Klusendorf
Iowa County Clerk

CERTIFICATION OF ADOPTION

This is to certify that the above resolution was duly adopted by the Iowa County Board of Supervisors on this 21st day of September, 2004.



**SOIL AND WATER CONSERVATION STANDARDS AND
PROCEDURES FOR THE FARMLAND PRESERVATION PROGRAM**

Section I. Authority

- A. This policy is established by The Iowa County Land Conservation Committee pursuant to §92.105, Wis. Stats, and related guidelines adopted by the Wisconsin Land Conservation Board under §92.105(2). It provides for soil and water conservation standards to be met and procedures to be followed by participants in the Wisconsin Farmland Preservation Program. Conformance with these standards and procedures will be necessary for landowners to establish and maintain eligibility for farmland preservation tax credits under Sections 71.51, 92.104 and 92.105(6), Wis. Stats.
- ~~A. Iowa County has exclusive agricultural zoning and the following applies~~
- ~~1. Landowners who have not claimed a tax credit for the 1984 tax year or any prior year must meet the soil and water conservation standards by the end of 1986 to receive tax credits in 1987.~~
 - ~~2. Landowners who claimed a tax credit for the 1984 tax year or any prior year must meet the soil and water conservation standards by the end of 1988 to receive tax credits in 1989.~~
 - ~~3. Clarification: Iowa County has exclusive agricultural zoning and the following applies. Receiving tax credits for the 1984 tax year is criteria for determining when soil conservation standards first apply to the participant. Described property on the Farmland Preservation certificate will be used to determine dates when the participant initially received tax credits. That property on the farmland Preservation certificate will be used to determine dates when the participant initially received tax credits. That property which a participant received tax credits for the 1984 tax year or any prior year must meet standards by the end of 1988. That property which a participant has not claimed a tax credit for the 1984 tax year or any prior year must meet the standards by the end of 1986.~~
- B. This policy applies to all landowners who claim a farmland preservation tax credit for which they are eligible because their land is located in a district for zoned exclusive agricultural use under an ordinance certified by the Land and Water Conservation Board (LWCB). These standards are effective when approved by the LWCB and adopted by the LCC

Section II. Definitions

- A. "Cropland" means land used for the growing and harvesting of grains, legumes, grasses, fruits or vegetables; including land used for such purposes that may occasionally be used for livestock pasture.
- B. "Farmland" means land used for any agricultural uses defined in §91.01(1), Wis. Stats., including beekeeping, commercial feedlots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming, placing land in federal programs in return for payments in kind and vegetable raising.
- C. "Participant" means a landowner who owns land that is subject to an effective farmland preservation agreement under §91.13, Wis. Stats. or is included on a

- zoning certificate issued during the most recent program year under §71.09(11)(h), Wis. Stats.
- D. "Technical Guide" means the Wisconsin edition of the United States Department of Agriculture Soil Conservation Service Technical Guide.
 - E. "T-Value" means the maximum average annual rate of soil erosion for each soil type that will permit a high level of crop productivity to be sustained economically and indefinitely. (T-Values of soils are specified in Section I and II of the Technical Guide.)
 - F. Revised Universal Soil Loss Equation (RUSLE)" means the mathematical formula for estimating or predicting average annual soil erosion rates due to sheet and rill erosion caused by rainstorms on specified land areas as described in Section I of the Technical Guide.
 - G. "Concentrated Flow Soil Loss Equation (CFSLE)" means the mathematical formula for estimating or predicting gully erosion rates in concentrated flow areas as described in Section II of the Technical Guide.
 - H. "Wind Erosion Equation (WEE)" means the mathematical formula for estimating or predicting average annual soil erosion rates due to wind erosion as described in Section I of the Technical Guide.

Section III Soil and Water Conservation Standards

- A. Participants in the Farmland Preservation Program shall implement soil & water conservation standards according to a schedule of compliance approved by the Land Conservation Committee, on all lands for which the participant claims farmland preservation tax credits. The standards to be implemented are those required under ATCP 50.04 Wis. Adm. Code.
- ~~B. Iowa County Farmland Preservation Participants shall reduce soil erosion on individual cropland fields to T-value. All cropland on a zoning certificate are subject to soil and water conservation standards.

 - ~~1. Soil erosion rates shall be determined by the Universal Soil Loss Equation (USLE), the Wind Erosion Equation (WEE) and the Concentrated Flow Soil Loss Equation (CFSLE).~~
 - ~~2. T values for Iowa County soils shall be as specified in the field office technical guide.~~~~
- B. Discretionary Standards
 - 1. Sheet, rill and wind erosion will be reduced below "T-Value" on cropland and other farmland where such erosion is causing either significant off-site damage or significant water quality degradation as determined by the LCC and "T-Value."
 - 2. Off-site damage includes, but is not limited to, damage to neighboring lands, public roadways, or water quality. Off-site damage includes damage resulting from sedimentation and wind-blow soil, as well as damage resulting from animal waste, fertilizers or pesticides carried by eroded soil.
- C. Schedule of Compliance
 - 1. The soil and water conservation standards described in Section III shall be achieved and maintained according to a schedule of compliance established by the committee. The committee may allow landowners a schedule of compliance of up to five years to meet standards from the year this policy first applies to the landowner.
 - 2. Each landowner shall make sufficient annual progress to ensure that the technical standards will be met by the end of the schedule of compliance. The

committee may issue a notice of noncompliance at any time that soil loss reduction, or maintenance of conservation practices does not meet the standards or prescribed annual progress.

3. Compliance Schedule

- A. A Conservation plan will be prepared ~~on cropland~~.
 - 1. Conservation practices and alternatives listed on Conservation-68 form and a schedule for installation of those practices and amounts.
 - 2. Plan must be approved by LCC and the landowner.
- B. A schedule of compliance must be developed which would allow ~~T-value to be reached on all of the cropland~~ the landowner to meet the standards, as soon as practical on that individual farm. A schedule will not be approved by the LCC unless sufficient progress is made early in the schedule. In all cases, ~~T-value~~ the standards must be met within 5 years of when the standards first apply.
 - 1. Criteria for Sufficient Progress
 - a. The LCC will use the following factors to determine sufficient progress but are not limited to: size of the farm operation, number of livestock, size of area exceeding "T", cropping history, soil erosion rate, land capability class, percentage of field meeting "T", percentage of total cropland meeting "T", conservation practices previously installed.
- C. All participants requiring a schedule of compliance must annually review their conservation plan with the Land Conservation Department and certify progress. The LCC may issue a notice on non-compliance at any time that soil loss reduction or maintenance of practices, does not meet the required standards of schedule of compliance. It is not necessary to offer cost-sharing to the participant before suspending the participant's tax credit eligibility. A county may withdraw the notice if the participant complies or if the notice is incorrect. See Section V for procedures of issuing a notice on non-compliance.
- D. Variances
 - 1. A variance from the schedule of compliance may be granted by the LCC, only when the landowner shows that unnecessary hardship would result from meeting the standard schedule of compliance.
 - 2. Grounds for Unnecessary Hardship
 - a. The standard schedule of compliance, by itself, would preclude a reasonable return from the land in question.
 - b. That the plight of the owner is due to unique circumstances and not to the general conditions of the area which may reflect the unreasonableness of the schedule of compliance itself.
 - c. That the conditions authorized by the variance will not have significant off-site impacts.
 - 3. The unavailability of cost-sharing funds will not be grounds for a variance.
 - a. The lack of cost-sharing funds will be considered in determining a reasonable return.
 - b. Extra time will not be granted for expensive conservation practices when less expensive practices will allow the schedule of compliance to be met.
 - 4. Variance Granted Due to Staff Shortages

- ~~a. Authorized only upon written approval by the State Land Conservation Board.~~
- ~~b. Grounds for Variance~~
 - a. The LCC will request authorization from the State Land Conservation Board if Iowa County may issue a variance to a landowner for meeting the standards if the county has employed all reasonable procedures to review and determine compliance with standards and the LCC is still unable to review and determine conformance with requirements due to staff shortages.

Section IV. ~~Procedures for Adoption of Standards~~

~~A. Public Information~~

- ~~1. Information sheets distributed when landowners receive certificates.~~

~~B. Public Information Meeting~~

- ~~1. Date:~~
- ~~2. Time:~~

~~C. Public Hearing~~

~~1. Public Notification~~

- ~~a. Date:~~
- ~~b. Class II public notice in newspaper~~
- ~~c. Radio Notice~~

~~D. Notice to Landowners of Standards and Procedures Adopted~~

- ~~1. Direct mailing to all participants.~~

~~E. Documentation to the State Land Conservation Board~~

- ~~1. The LCC shall provide documentation that the above procedure has been carried out.~~

Section IV Procedures for Administration

This policy shall be administered by the Iowa County Land Conservation Department. Technical assistance may also be provided by available staff of the Natural Resources Conservation Service, U.S. Department of Agriculture.

A. ~~Screening of Applicants~~ Participants

~~1. Develop Participants List~~

- ~~a. Determine participants receiving Zoning Certificates for 1984 tax year or any prior year and those new participants.~~

~~2. Farmland Preservation Program Information Sheet~~

- ~~a. Participants received fact sheet and information sheet at the Zoning Office while obtaining 1985 Zoning Certificate.~~
- ~~b. Participants will receive fact sheet and information sheet at the Zoning Office while obtaining 1986 Zoning Certificate. (Participants who have already filled out an information sheet need not fill out a new sheet. Information is already on file.)~~
- ~~c. Information contained on sheet allows USLE to be calculated by field. Conservation 15 form is filled out for each information sheet.~~
- ~~d. Information sheet will be required to receive LCC approval of participant meeting standards. LCC will sign information sheet to approve that participant meets standards.~~

The Land Conservation Department will screen each participant in the Farmland Preservation Program. The screening will evaluate whether each participant is

meeting the soil and water conservation standards enumerated in Section III and the extent to which any participant is out of compliance with the standards.

B. Certification

- a. Annually, each participant shall certify on certification forms issued at the Land Conservation Department Office that they are complying with Soil and Water Conservation Requirements. Certification may be obtained through mail or in person.
- b. New zoning certificates will not be issued from the Iowa County Zoning Office unless a soil conservation requirement certification form accompanies the request for a Zoning Certificate. This applies after 1987 program year except for new participants who must meet the requirement with the next Zoning Certificate issued.

~~C. Erosion Control Plan~~

- ~~a. Plan will be complete in 1987 and will indicate field by field where the problems are in Iowa County.~~

~~D. Existing Conservation Plan~~

C. Monitoring Compliance

1. Certification

- a. Annually, each participant shall certify on certification forms issued at the Land Conservation Office that they are complying with soil and water conservation requirements.

2. Spot-Checking

a. Frequency

1. All participants shall be spot-checked once every 6 years or on the schedule approved by the LWCB. Receiving one (1) or more complaints of non-compliance from a citizen will be a basis for conducting a spot check. based on the Iowa County Land Conservation Office's workload to be determined by the Iowa County Land Conservation Committee (LCC).

- ~~2. Beginning date is the year which the standards first apply to the participant (end of 1986 or end of 1988).~~

b. Methods

1. The Land Conservation Department will use field inspection, aerial photos, slides, and erosion control plan to spot-check landowner compliance with the standards.

~~e. Erosion Control Plan~~

- ~~1. The plan will be completed in 1987 and inventory will be 100% of eropland in Iowa County. Information will be stored on computer.~~

- ~~2. Fields showing high soil loss will be priority for spot checking and follow up.~~

~~3. Complaints~~

- ~~a. Receiving one (1) or more complaints of non-compliance from a citizen will be a basis for conducting a spot check.~~

~~4. Record Keeping~~

- ~~a. Farmland preservation data will have separate file folder and other data will be maintained in conservation plan folder. All data will eventually be on computer.~~

E. Issuing a Notice of Non-Compliance

1. A written notice of non-compliance may be issued to a participant if the LCC finds that the participant has done any of the following:
 - (a) failed to comply with county standards;
 - (b) failed to comply with an existing farm conservation plan;
 - (c) failed to permit reasonable inspection to determine compliance with conservation standards or an existing farm conservation plan;
 - (d) failed to certify compliance with county standards or an existing farm conservation plan in response to LCC request. No written notice shall be issued without a field inspection of the farm operation prior to the issuance of the notice.
2. LCC must notify participant by registered mail that they are in non-compliance.
3. Participant will be given a minimum of 10 days notice to appear at an LCC meeting to give reasons why the LCC should not issue a notice of non-compliance. A hearing is not required if the notice of noncompliance is voluntarily agreed upon due to the participant not wishing to participate in the farmland preservation program.
 3. ~~No notice of no compliance will be issued before a field inspection has been made, and the participant has been given the opportunity to set up a schedule of compliance.~~
 4. ~~A notice on non-compliance may be issued to landowner that fails to annually certify compliance.~~
4. A field inspection is not required if the notice is voluntarily agreed upon because a participant under exclusive agricultural zoning does not wish to participate in the program.
5. Copies of notices shall be submitted to the Iowa County Zoning Office, Wisconsin Department of Revenue, and the Department of Agriculture, Trade and Consumer Protection.
6. Notice of non-compliance will be cancelled and the above agencies notified when the participant is in compliance with standards.
7. The notice of non-compliance shall disclose all of the following:
 - (a) the nature of the violation and a deadline date for curing the violation;
 - (b) that the participant may not claim FPP tax credits until and unless the landowner corrects the violation;
 - (c) that the participant may contest or discuss the alleged violation with the LCC and an explanation of how the participant may do so.
8. Issuing a notice of noncompliance will suspend the landowners eligibility to receive a tax credit.
9. If a landowner who has been issued a notice of noncompliance subsequently complies with the required technical standards or reestablishes a schedule of compliance, the committee will cancel the notice of noncompliance. The cancellation of the notice of noncompliance must be based on a request from the affected landowner and a field inspection of the farm operation.

F. Reporting and Evaluation

1. ~~By December 31~~ April 15 of each year, the LCC shall provide a report ~~to the State Land Conservation Board of the following:~~ of the previous years status of administering this policy. The report will be consistent with ATCP 50.18, Wis. Adm. Code.
 - a. ~~Number of participants complying with standards.~~

~~b. Number of participants and stages of compliance schedule.~~

~~c. Number of variances.~~

~~d. Number of non-compliance's~~

Section VI. Amendments

- A. This policy may be amended following a public hearing held by the Committee for which a Class II notice shall be published. All amendments shall be consistent with the Wisconsin Land Conservation Board Guidelines for Soil and Water Conservation Requirements in the Farmland Preservation Program.

