

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

DANE COUNTY FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP)	DOCKET NO. 14-F-75-13-OTMA DARM Docket No. 025-00000-O-14 F-1114 ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2024
--	--

INTRODUCTION

Dane County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed revision of the county’s currently certified farmland preservation ordinance text, pursuant to s. 91.36, Wis. Stats. DATCP has considered the request and adopts the following decision:

FINDINGS OF FACT

(1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin’s farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28 (“new law”).

(2) Dane County is a county in the State of Wisconsin. Dane County is a political subdivision that is authorized to adopt a farmland preservation zoning ordinance under s. 91.30, Wis. Stats.

(3) Under s. 91.36, Wis. Stats., DATCP may certify a farmland preservation zoning ordinance or ordinance amendment for compliance with statutory standards. Certification allows farmers covered by the ordinance to claim farmland preservation tax credits under subch. IX of ch. 71, Wis. Stats.

(4) A political subdivision may ask DATCP to certify a farmland preservation zoning ordinance or ordinance amendment. The political subdivision must submit an application under s. 91.40, Wis. Stats. As part of the application, the political subdivision must certify that the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. Among other things, the ordinance or amendment must be consistent with the *county’s* certified farmland preservation *plan*.

(5) DATCP may certify a farmland preservation zoning ordinance or amendment if the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. DATCP may certify based on the representations contained in the political subdivision’s application, but DATCP may conduct its own review and verification as it deems appropriate.

(6) DATCP may make its certification contingent upon the political subdivision’s adoption of the certified ordinance or amendment, in the form certified. DATCP may also withdraw its certification at any time if, as a result of subsequent changes to the ordinance or the county’s certified farmland preservation plan, the ordinance no longer meets minimum certification standards under s. 91.38, Wis. Stats.

(7) Dane County has a certified farmland preservation zoning ordinance. The ordinance expires December 31, 2014.

(8) Dane County has a certified farmland preservation plan. This plan is currently certified through December 31, 2022.

(9) On August 27, 2014, DATCP received an application from Dane County, in which the county asked DATCP to certify the county's farmland preservation ordinance. Dane County submitted the application in the form required under s. 91.40, Wis. Stats. The application included the representations required under ss. 91.40(3) and (4), Wis. Stats.

(10) On August 27, 2014, DATCP confirmed by letter that Dane County's certification application was complete, and that DATCP would proceed to review the complete application.

(11) DATCP may certify a farmland preservation ordinance for a period of time specified in the certification order. Certification of an ordinance may not exceed 10 years. See s. 91.36(2)(b), Wis. Stats.

CONCLUSIONS OF LAW

(1) Based on the representations made by the Dane County in its application for certification of a revised farmland preservation ordinance, DATCP concludes as follows:

- (a) The proposed Dane County farmland preservation ordinance, consisting of a proposed ordinance text dated January 31, 2014 and amended by the Farmland Preservation Zoning Amendment dated 11/19/2014, and maps dated October 15, 2014, meet certification requirements under s. 91.38, Wis. Stats.
- (b) DATCP may certify the proposed ordinance pursuant to s. 91.36, Wis. Stats.

(2) Pursuant to s. 91.36(2)(b), Wis. Stats., DATCP should certify the proposed ordinance through December 31, 2024.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the Dane County adopting the ordinance, in the form certified, before December 31, 2015.

(4) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified and adopted ordinance takes effect.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Dane County farmland preservation ordinance, consisting of the proposed ordinance text dated January 31, 2014 and amended by the Farmland Preservation

Zoning Amendment dated 11/19/2014, and maps dated October 15, 2014 are hereby certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning districts for Dane County are the A-1: Exclusive Agricultural Zoning District, The A-4 Small Lot Agricultural District, and the A-B Agricultural Business District.

(3) This certification is contingent upon Dane County adopting the Farmland Preservation Zoning Amendment dated 11/19/2014, in the form certified, before December 31, 2015.

(4) This certification takes effect on the date on which the certified and adopted ordinance takes effect.

(5) This certification expires at the end of the day on December 31, 2024.

Dated this 4th day of Dec., 2014

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary

Parties for purposes of review under s. 227.53, Wis. Stats.:

Village of Dane

Copies to:

Brian Standing
Dane County Senior Planner
Room 116, City County Building
Madison, WI 53703