

Appendix E

2012 DATCP Certification

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

WINNEBAGO COUNTY FARMLAND PRESERVATION PLAN MAP AMENDMENT FOR THE TOWNS OF UTICA AND VINLAND	DATCP DOCKET NO. 14-F-14-70-PMA ARM Division Docket No. 139-00000-P-14 M-0514 ORDER CERTIFYING PLAN MAP THROUGH DECEMBER 31, 2017
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INTRODUCTION

Winnebago County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed amendment to the farmland preservation plan for the Towns of Utica and Vinland pursuant to s. 91.16, 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 Stats., as repealed and recreated by 2009 Wis.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.
- (2) Winnebago County is a county of the State of Wisconsin.
- (3) In order for a county and its residents to participate in the farmland preservation program, a county must have a state-certified farmland preservation plan. Among other things, the certified plan must clearly designate farmland preservation areas that the county plans to preserve for agricultural use.
- (4) Winnebago County currently has a state-certified farmland preservation plan. The current state certification is scheduled to expire on December 31, 2017.
- (5) Under s. 91.16(8), Wis. Stats., the certification of a farmland preservation plan does not cover any subsequent plan revision (adopted after July 1, 2009) unless DATCP certifies that plan revision.
- (6) On April 3, 2014, DATCP received from Winnebago County a request to certify an amended farmland preservation plan map for the Towns of Utica and Vinland under s. 91.16, Wis. Stats. The county submitted the application in the form required under s. 91.20, Stats. The application included the certifications required under s. 91.20(3), Wis. Stats.
- (7) Under s. 91.16(3)(a), Wis. Stats., DATCP may certify a county plan based on the county’s certification under s. 91.20(3), Wis. Stats., that the plan meets applicable certification standards under s. 91.18, Wis. Stats.
- (8) DATCP may certify a farmland preservation plan if the plan meets applicable statutory standards under s. 91.18, Wis. Stats. DATCP may certify based on the representations contained in the county’s application, but may conduct its own review and verification as it deems appropriate.

(9) Under s. 91.10(2), Wis. Stats., the farmland preservation plan must be consistent with the county comprehensive plan, if the county has a comprehensive plan.

(10) Under s. 91.16(2)(b), Wis. Stats., the certification of an amendment to a certified farmland preservation plan expires on the date that the certification of the farmland preservation plan expires.

(11) Under s. 91.16(9), Wis. Stats., DATCP may withdraw its certification at any time if DATCP finds that the certified plan materially fails to meet applicable certification standards under s. 91.18, Wis. Stats.

CONCLUSIONS OF LAW

(1) Based on Winnebago County's certification that the attached county farmland preservation plan map amendment for the Towns of Utica and Vinland meets applicable certification requirements under s. 91.18, Wis. Stats., DATCP may certify that plan map amendment until December 31, 2017, the date that the Winnebago County farmland preservation plan expires.

(2) Certification does not apply to plan amendments made after the certification date, unless DATCP certifies those amendments.

(3) DATCP may withdraw its certification at any time if DATCP finds that the certified plan materially fails to meet applicable certification standards under s. 91.18, Wis. Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Winnebago County Farmland Preservation Plan map amendment for the Towns of Utica and Vinland (dated December 13, 2013) is hereby certified under s. 91.16, Wis. Stats.

(2) The certified farmland preservation plan areas for Winnebago County are titled "Tier I," "Tier II," and "Tier III."

(3) This certification expires at the end of the day on December 31, 2017.

Dated this 22nd day of May, 2014.

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

By Ben Brancel
Ben Brancel, Secretary