STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

ST. CROIX COUNTY FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP).	**DOCKET NO.** 14-F-92-55-OTMA **DARM Docket No. 109-00000-O-14 F-1214** **ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2024**

INTRODUCTION

St. Croix 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 Stats., as repealed and recreated by 2009 Wis.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) St. Croix County is a county in the State of Wisconsin. St. Croix 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) St. Croix County has a certified farmland preservation zoning ordinance. The ordinance expires December 31, 2014.

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

(9) On August 12, 2014, DATCP received an application from St. Croix County, in which the county asked DATCP to certify the county's farmland preservation ordinance. St. Croix 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 18, 2014, DATCP confirmed by letter that St. Croix 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 St. Croix County in its application for certification of a revised farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed St. Croix County farmland preservation ordinance, consisting of a proposed ordinance text dated December 22, 2014 and maps dated September 24, 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 St. Croix County adopting the ordinance, in the form certified, before June 30, 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 St. Croix County farmland preservation ordinance, consisting of the proposed ordinance text dated December 22, 2014 and maps dated September 24, 2014 are hereby certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning districts for St. Croix County are the AG-1 Agricultural District and the AG-2 Agricultural District.

(3) This certification is contingent upon St. Croix County adopting the ordinance, in the form certified, before June 30, 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 23rd 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 St. Croix
Copies to:

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