

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

**JEFFERSON COUNTY FARMLAND  
PRESERVATION ZONING ORDINANCE**

**Docket No. 12-12-28-000-O  
ORDER CERTIFYING ORDINANCE  
THROUGH DECEMBER 31, 2022.**

**INTRODUCTION**

Jefferson County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a revised county farmland preservation zoning ordinance 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 Stats., as repealed and recreated by 2009 Wis.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.
- (2) Jefferson County is a county of the State of Wisconsin. Jefferson 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., including that the zoning ordinance must be substantially consistent with a certified farmland preservation plan. 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 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) Jefferson County had a certified farmland preservation zoning ordinance that expired on December 31, 2011.
- (8) On June 2, 2011, DATCP received an application from Jefferson County in which the county asked DATCP to certify revisions to the County’s then-certified farmland preservation ordinance. Jefferson 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.

(9) On June 16, 2011, DATCP confirmed by letter that Jefferson County's certification application was complete, and that DATCP would proceed to review the complete application.

(10) In subsequent email and telephone communications, Jefferson County agreed to make certain technical changes to the proposed ordinance revision. The County also agreed that certification of the ordinance should be delayed until after the County's new farmland preservation plan was adopted and certified to allow the ordinance to be reviewed in light of the updated farmland preservation plan maps.

(11) On September 26, 2011, DATCP signed an order certifying the Jefferson County Farmland Preservation Plan, contingent upon County adoption of the plan. Jefferson County adopted their farmland preservation plan on February 14, 2012. This plan is currently certified through December 31, 2021.

(12) On March 20, 2012, DATCP received from Jefferson County a revised farmland preservation zoning ordinance text and maps dated March 13, 2012, and evidence that the County had adopted this ordinance on March 15, 2012. This certification decision applies to the ordinance text and maps dated March 13, 2012.

(13) DATCP may certify a farmland preservation ordinance for a period that does not exceed 10 years. See s. 91.36(2)(a), Wis. Stats. DATCP elects to certify the ordinance until December 31, 2022, to coordinate with the certification expiration of the Jefferson County farmland preservation plan (dated February 14, 2012), which is set to expire December 31, 2021.

### CONCLUSIONS OF LAW

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

(a) The proposed Jefferson County farmland preservation ordinance, consisting of text and maps dated March 13, 2012, meets 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, 2022.

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

(4) DATCP may withdraw its certification at any time if DATCP finds that the certified ordinance text and maps materially fail to meet applicable certification standards under s. 91.38, Wis. Stats.

### ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The attached Jefferson County Farmland Preservation Zoning Ordinance text and maps (dated March 13, 2012) are hereby certified under s. 91.16, Wis. Stats.

(2) The certified farmland preservation zoning districts for Jefferson County are titled "A-1 Exclusive Agricultural" and "N Natural Resource."

(3) This certification expires at the end of the day on December 31, 2022.

Dated this 29<sup>th</sup> day of March, 2012.

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.:

Rob Klotz  
Jefferson County Director of Planning and Zoning  
Jefferson County Courthouse  
320 S. Main St., Room 201  
Jefferson, WI 53549