



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

December 9, 2014

Wade Thompson
City of Fitchburg Planning Department
5520 Lacy Road
Fitchburg, WI 53711

Dear Wade:

Re: Certification of the City of Fitchburg's Farmland Preservation Zoning Ordinance

Attached is a department order certifying the City of Fitchburg's Farmland Preservation Zoning Ordinance under s. 91.16, Wis. Stats. Please send a letter or resolution confirming the city's adoption of the ordinance.

We look forward to working with you in the future on farmland preservation in the City of Fitchburg. If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "AL Volk".

Alison Volk, Chief
Land Management Section
608-224-4634

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

CITY OF FITCHBURG (DANE COUNTY) FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP)	DOCKET NO. 14-F-76-13-OTMA DARM Docket No. 025-25950-O-14 F-1114 ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2024
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INTRODUCTION

The City of Fitchburg in Dane County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed revision of the village’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 Stats., as repealed and recreated by 2009 Wis.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) The City of Fitchburg is a city in Dane County, Wisconsin. The City of Fitchburg 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) The City of Fitchburg 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 September 26, 2014, DATCP received an application from the City of Fitchburg, in which the city asked DATCP to certify the city's farmland preservation ordinance. The City of Fitchburg 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 September 29, 2014, DATCP confirmed by letter that the City of Fitchburg'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 City of Fitchburg in its application for certification of a revised farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed City of Fitchburg farmland preservation ordinance, consisting of a proposed ordinance text dated September 30, 2014 and amended by Ordinance No. 2015-O-01, and map dated November 21, 2014, 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, 2024.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the City of Fitchburg 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 City of Fitchburg farmland preservation ordinance, consisting of the proposed ordinance text dated September 30, 2014 and amended by Ordinance No. 2015-O-

01, and map dated November 21, 2014 is hereby certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning district for the City of Fitchburg is the A-X: Exclusive Agricultural Zoning District.

(3) This certification is contingent upon the City of Fitchburg adopting Ordinance No. 2015-O-01 Repealing Chapter 520-24, 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 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.:

City of Fitchburg

Copies to:

Wade Thompson
City of Fitchburg Planning
5520 Lacy Road
Fitchburg WI, 53711