



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

October 16, 2023

Rebekah Leto, Senior Planner
Waukesha County
Department of Parks and Land Use
Via email rleto@waukeshacounty.gov

Dear Rebekah:

Re: Certification of the Waukesha County Farmland Preservation Plan

Attached is a department order certifying Waukesha County's Farmland Preservation Plan under s. 91.16, Wis. Stats. The plan text and maps must be adopted by the County Board before December 31, 2023. Please forward proof of adopting the plan materials to DATCPWorkinglands@wisconsin.gov to complete the certification process.

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

Sincerely,

Tim Jackson
Farmland Preservation Program
608-224-4630

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

WAUKESHA COUNTY FARMLAND PRESERVATION PLAN	ARM Division Docket No. 133-00000-P-23 F-1023 ORDER CERTIFYING WAUKESHA COUNTY’S FARMLAND PRESERVATION PLAN THROUGH DECEMBER 31, 2033
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INTRODUCTION

Waukesha County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a comprehensively revised farmland preservation plan 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 Stats., as repealed and recreated by 2009 Wis.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) Waukesha 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) Waukesha County currently has a state-certified farmland preservation plan that expires on December 31, 2023.

(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 October 3, 2023, DATCP received from Waukesha County a request to certify a comprehensively revised county farmland preservation plan under s. 91.16, Wis. Stats. The county submitted the application in the form required under s. 91.20, Wis. Stats. The application included the certifications required under s. 91.20(3), Wis. Stats.

(7) On October 5, 2023, DATCP confirmed by letter that the Waukesha County farmland preservation plan certification application was complete, and that DATCP would proceed to review the complete application.

(8) 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.

(9) 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.

(10) Under s. 91.10(2), Wis. Stats., the farmland preservation plan must be consistent with the Waukesha County Comprehensive Plan, and the County must include the farmland preservation plan in the County Comprehensive Plan.

(11) Under s. 91.16(2)(a), Wis. Stats., DATCP may certify a county farmland preservation plan for a specified period of up to 10 years. Under s. 91.16(6), Wis. Stats., DATCP may make its certification contingent upon the county adoption of the certified plan text and maps, in the form certified.

(12) 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 Waukesha County's certification that the attached county farmland preservation plan meets applicable certification requirements under s. 91.18, Wis. Stats., DATCP may certify that plan for up to 10 years.

(2) DATCP may make its certification contingent upon the county adoption of the certified plan text and maps, in the form certified, and contingent upon its adoption as part of the County comprehensive plan.

(3) Certification does not apply to plan 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 plan text and maps materially fail to meet applicable certification standards under s. 91.18, Wis. Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The attached Waukesha County Farmland Preservation Plan text (dated September 27, 2023) and maps (dated October 4, 2023) are hereby certified under s. 91.16, Wis. Stats.


(2) The certified farmland preservation plan area for Waukesha County is titled "Farmland Preservation Area".

(3) This order takes effect on the date on which the county adoption of the plan text and maps, in the form submitted, takes effect.

(4) This certification expires at the end of the day on December 31, 2033.

Dated this 12th day of October, 2023.

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

By 

Robby Personette, Administrator
Division of Agricultural Resource Management

Parties for Purposes of Review Under s. 227.53, Wis. Stats.: **Waukesha County**

Copies to:

Rebekah Leto, Senior Planner
Waukesha County
Department of Parks and Land Use
Via email rleto@waukeshacounty.gov