

ENROLLED ORDINANCE 166-58

YEAR 2011 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (3 – WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE - FARMLAND PRESERVATION PLAN)

WHEREAS on February 24, 2009, the Waukesha County Board of Supervisors, in Enrolled Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County, and

WHEREAS said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures, and

WHEREAS, on February 17, 2011, the Waukesha County Park and Planning Commission and the Waukesha County Land Use, Parks and Environment Committee held a joint Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County, and

WHEREAS the staff has identified in a “Staff Report and Recommendation” dated September 15, 2011, a summary of the Public Hearing, comments and Staff Recommendations for the proposed change to the Comprehensive Development Plan for Waukesha County, and

WHEREAS the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on September 15, 2011, and a recommendation reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County and as set forth in a “Chart of Actions,” on file in the office of the Department of Parks and Land Use.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby approved to the Year 2035 Comprehensive Development Plan for Waukesha County:

3. *The Waukesha County Department of Parks and Land Use* requests that the Waukesha County Farmland Preservation Plan be incorporated as Appendix “D” of the Comprehensive Development Plan for Waukesha County and that a preface and amended Table of Contents be incorporated into “*A Comprehensive Development Plan for Waukesha County*” (WCCDP) in order to comply with the requirements of the State of Wisconsin farmland preservation law, which are set forth in Chapter 91 of the *Wisconsin Statutes*.

BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned Plan are on file in the office of the Waukesha County Department of Parks and Land Use.

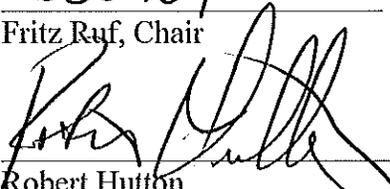
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall transmit copies of this Ordinance and copies of the Plan to the governing bodies of all of the cities, villages and towns within the county and to the designated agencies set forth in sec. 66.1001, Wis. Stats.

YEAR 2011 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT
PLAN FOR WAUKESHA COUNTY (3 – WAUKESHA COUNTY DEPARTMENT OF
PARKS AND LAND USE - FARMLAND PRESERVATION PLAN)

Presented by:
Land Use, Parks, and Environment Committee

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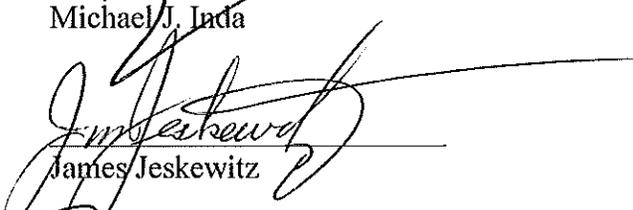
Fritz Ruf, Chair



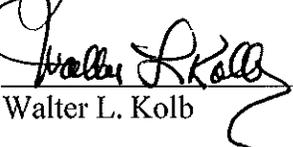
Robert Hutton



Michael J. Inda



James Jeskewitz



Walter L. Kolb

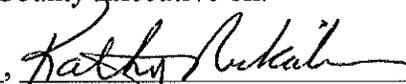
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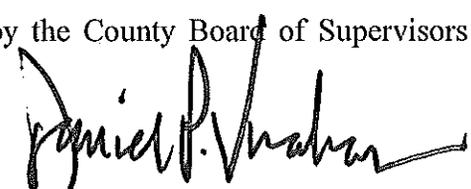
Thomas J. Schellinger

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: October 28, 2011, 

Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____
Date: 10-31-11, 

Daniel P. Vrakas, County Executive

COMMISSION ACTION

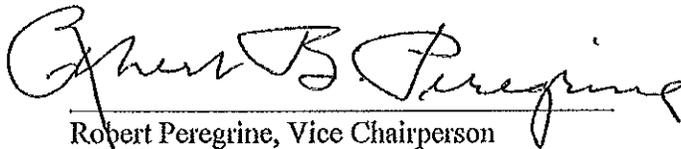
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2011 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (3 – Waukesha County Department of Parks and Land Use – Farmland Preservation Plan, hereby recommends **approval** in concurrence with the attached chart entitled "Year 2011 Amendments to the Comprehensive Development Plan for Waukesha County" (actions taken by the Park and Planning Commission).

PARK AND PLANNING COMMISSION

September 15, 2011



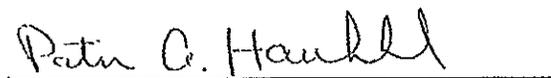
Gary Goodchild, Chairperson



Robert Peregrine, Vice Chairperson



Walter Kolb



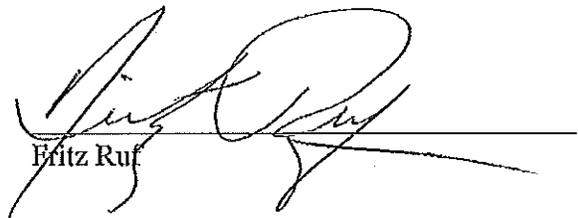
Pat Haukohl



Jim Siepmann



William Mitchell



Fritz Ruf

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
YEAR 2011 AMENDMENT TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY

DATE: September 15, 2011

REQUEST:

Year 2011 amendment to the Comprehensive Development Plan for Waukesha County to incorporate the Waukesha County Farmland Preservation Plan pursuant to the procedures outlined in the Plan.

3. *The Waukesha County Department of Parks and Land Use* requests that the Waukesha County Farmland Preservation Plan be incorporated as Appendix "D" of the Comprehensive Development Plan for Waukesha County and that a preface and amended Table of Contents be incorporated into "*A Comprehensive Development Plan for Waukesha County*" (WCCDP) in order to comply with the requirements of the State of Wisconsin farmland preservation law, which are set forth in Chapter 91 of the *Wisconsin Statutes*.

PUBLIC HEARING DATE:

Thursday, February 17, 2011, 1:00 p.m.

A copy of the public hearing Minutes are included herein as an attachment (see Exhibit "A").

PUBLIC REACTION

There were no comments from the public at the February 17, 2011 public hearing.

STAFF ANALYSIS:

Overview- Preparation of the 2011 Waukesha County Farmland Preservation Plan

The WCCDP was adopted on February 24, 2009. The 2009 WCCDP sets forth the vision for proper growth and distribution of land uses across the County's varied municipalities and addresses the nine required elements of the State's Comprehensive Planning Law (Section 66.1001 of the *Wisconsin Statutes*). In June 2009, after the completion of the 2009 WCCDP, the State of Wisconsin adopted a new Farmland Preservation law (Chapter 91, *Wisconsin Statutes*) as part of its Working Lands Initiative. The law requires county farmland preservation plans be included in a county's comprehensive plan and that county comprehensive plans and farmland preservation plans be consistent.

In order to satisfy the requirements of the Working Lands Initiative, in 2010, Waukesha County staff assembled a Farmland Preservation Planning Advisory Committee comprised of local farmers, elected and appointed officials and local administrative staff to steer the preparation of the new County Farmland Preservation Plan. The committee structure was very similar to that of the subcommittees that were assembled to guide the preparation of the WCCDP. A draft of the Waukesha County Farmland Preservation Plan was completed in early 2011 and submitted to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) for review. In response to DATCP review comments provided in June 2011, Waukesha County Parks and Land Use staff met with DATCP staff on June 17, 2011 to discuss comments and incorporated numerous

**Farmland Preservation Plan Amendment to the Comprehensive Development Plan Page 2
for Waukesha County - Year 2011**

required and suggested edits. Most of the edits pertained to clarification of document text. One mapping change of note is that DATCP requested that the environmental corridor portions of farms within Farmland Preservation areas be mapped as Farmland Preservation areas, just as actively farmed portions of their holdings are designated. This means that portions of farms that are environmental corridor will have an underlying Farmland Preservation designation, with an Environmental Corridor overlay. In addition, DATCP required that the formal Farmland Preservation maps to be certified are only those three towns (Eagle, Oconomowoc and Ottawa) with formal Farmland Preservation areas. Areas designated as Unrefined Areas to Consider for Future Agricultural Enterprise Area (AEA) designation cannot be mapped as formal Farmland Preservation Areas without further amendments to local respective land use plans. It should be noted that only those lands mapped as formal Farmland Preservation areas will be eligible for tax credits and other special program eligibility such as AEA designation or Purchase of Agricultural Conservation Easements (PACE). DATCP certified the revised plan on August 8, 2011 (See Exhibit "B"). The certified plan is available for viewing in its entirety on the Waukesha County website at www.waukeshacounty.gov/landandparks under the Farmland Preservation Plan Update tab. Paper copies of the plan are available upon request. Text edits in response to DATCP comments have been highlighted in yellow. The summary and discussion below provides an overview of plan content.

Incorporation of Farmland Preservation Plan into the WCCDP

The proposed Farmland Preservation Plan that was certified by DATCP is now proposed to be incorporated as Appendix "D" of the WCCDP as part of the 2011 Development Plan amendment process. The new Farmland Preservation Plan element is similar to the adopted County Park and Open Space Plan (Appendix "A" of the WCCDP) in that, given the breadth of the topic, it is essentially a plan within a plan. The Farmland Preservation Plan draws upon much of the data and plan elements of the previously adopted 2009 WCCDP and is presented as an appendix in order to avoid duplication of plan text and the difficulties that would result from re-organizing the entire 2009 WCCDP document. The appendix format also clearly differentiates the independent Farmland Preservation Plan Advisory Committee plan preparation process from the prior WCCDP preparation process.

In addition to the creation of the Farmland Preservation Plan as an appendix of the WCCDP, this amendment includes a related proposed preface to the WCCDP and a repeal and re-creation of the WCCDP Table of Contents. The preface and revised table of contents serve to explain and detail the addition of the farmland plan as an appendix to the WCCDP. Language within the preface and on page D3-9 of the proposed plan indicates that the existing "Agricultural Land Preservation" category is being superceded and modified and re-created in this new Farmland Preservation Plan as the "Farmland Preservation" category. In addition, similar language notes that the Recommended Land Use Plan map of the WCCDP (Map VII-2) is superceded by the new Farmland Plan designations and that these designations will be reflected on the continually updated Waukesha County Information Map System land use plan layer at www.waukeshacounty.gov/landandparks. The digital layer will be updated upon plan adoption. Map VII-2 of the WCCDP depicts the County's recommended land use plan map as of the date of plan adoption in 2009. A large format map depicting the incorporation of the farmland plan designations into the Recommended Land Use Plan Map will be displayed at the September 15, 2011 Park and Planning Commission meeting for informational purposes. The remainder of the 2009 WCCDP document text remains unchanged. As amended, the WCCDP document also stands as the County's adopted Farmland Preservation Plan. In the event of

Farmland Preservation Plan Amendment to the Comprehensive Development Plan Page 3 for Waukesha County - Year 2011

inconsistency between the 2009 Development Plan and Appendix "D" (Farmland Preservation Plan), the 2009 Development Plan defers to the Farmland Preservation Plan.

Plan Preparation Process, Public Input and Timeline for Development of Plan

As previously noted, an advisory committee directed the preparation of the plan. County Planning and Zoning and Land Resources staff prepared text and maps at the direction of the committee. Work on the plan began in June 2010 and the advisory committee met four times between June 2010 and January 2011. All advisory committee meetings were posted as open public meetings and public participation was encouraged during meetings.

The complete timeline of plan activities can be viewed as Exhibit "C" at the end of the Farmland Preservation Plan document. Public and community outreach activities are summarized on pages D1-5 and D1-6 of the plan and included a joint presentation with DATCP staff in Eagle on August 26, 2010, a countywide informational meeting held on the plan in Genesee on December 9, 2010, and a presentation to the Waukesha County Farm Bureau on January 6, 2011. In addition, all towns were invited to schedule individual meetings with County staff regarding plan content and mapping. Five such individualized meetings were conducted in January 2011.

All 37 Waukesha County municipalities were invited to attend the informational meeting and the invitation directed interested parties to the Waukesha County website where various plan documents have been available for viewing. The advisory committee completed review of the chapter text at its final meeting on January 11, 2011. A public hearing regarding the proposed plan was held by the Waukesha County Park and Planning Commission and the Land Use, Parks and Environment Committee of the Waukesha County Board on February 17, 2011.

Summary of the Farmland Preservation Plan and Key Changes from 1984 Waukesha County Agricultural Preservation Plan

Planning for farmland preservation in the third most populous and one of the fastest growing counties in the State of Wisconsin over the past 60 years is a complicated task. The plan notes that while agriculture has steadily declined in acres and market product, the county remains home to some very productive land and longstanding farm operations. This plan thoroughly documents and analyzes the past efforts to preserve farmland in this county and describes both the successes and failures that have occurred over time in order to provide a framework and starting point for the plan approach. Detailed discussion of the history of farmland preservation planning in Waukesha County can be found in Chapter 1 of the plan and the influence of past plans upon agriculture is described in Chapter 2. Land use inventories conducted as part of the planning effort showed that 92,246 acres, or just under 1/4 of the lands in the county remained in agricultural use as of 2010.

The proposed plan sets forth three primary farmland preservation objectives:

1. Identify sustainable blocks of productive agricultural lands to target for preservation.
2. Minimize land use conflicts in designated farmland preservation areas.

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for Waukesha County - Year 2011**

3. Encourage agricultural investment and promote farmland incentive programs for areas designated as farmland preservation areas.

This plan proposes a dual set of farmland preservation standards. The primary standard is generally consistent with the 1996 and 2009 County Development Plans in that it is inclusive of a five square farmland block criterion. The plan also proposes a secondary set of farmland preservation standards that maps farmland areas of at least 1,000 contiguous acres in area. The secondary category sets a framework whereby these smaller blocks can be mapped and designated farmland preservation areas if local land use plans are amended and a successful Agricultural Enterprise Area petition comes to fruition.

Similar to the 2009 WCCDP, this plan has a year 2035 plan horizon. While the criteria for farmland preservation areas have been modified from the 2009 comprehensive planning effort, the recommended density category for farmland preservation areas remains the same 35 acres per dwelling unit that was established in the 2009 WCCDP. Numerous implementation recommendations are presented within Chapter 3 with an emphasis upon the recommended review and update of local land use plans and zoning ordinances to make land use plans consistent with the County Farmland Preservation Plan and to prepare local zoning ordinances for certification by DATCP. These recommendations reinforce the standards of the plan that call for preservation of areas of critical mass of farmland. The plan recommendations emphasize making local land owners aware of new programs such as PACE and AEAs and suggest that local and county planning staff should assist in preparation of applications for such programs.

Farmland Preservation Areas- Primary Standard

Similar to the 1996 and 2009 county comprehensive development plans, this plan recommends the preservation of areas of critical mass of farmland. Detailed discussion on page D3-7 thru D3-8 repeats the rationale stated in the 1996 and 2009 plans that suggested that critical mass is needed to maintain local agricultural support services, maintain economies of scale and reduce urban/rural land use conflicts. Specifically, the criteria for mapping farmland preservation areas remains inclusive of the five square mile block concept that was advanced in the 1996 and 2009 plans. The five square mile planning standard was established in accordance with the recommendations of the 1990 and 2000 Regional Land Use Plan for Southeastern Wisconsin, which were prepared by SEWRPC. The proposed plan requires local land use plans to depict planned land use as "farmland" or natural resource protection area for lands to qualify for inclusion in the Farmland Preservation category.

The advisory committee determined that additional lands should be made eligible for inclusion within five square mile blocks by expanding criteria to include soils of statewide importance, whereas the standard of the 1996 and 2009 plans had been to map only Class 1 and Class 2 soils. A total of 10,264 acres, or 11% of the farmland within the County has been designated within the Farmland Preservation land use category, with the majority of that acreage being located within the Town of Oconomowoc (see Map DB-2 and Map D3-2). Lands that meet these criteria are proposed to be mapped in the Farmland Preservation category of the WCCDP, which permits a maximum density of one dwelling unit per 35 acres.

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for Waukesha County - Year 2011**

Farmland Preservation Areas- Secondary Standard (Unrefined Areas for Future Agricultural Enterprise Area (AEA) Designation)

Unlike the 1996 and 2009 development plans, this plan establishes a second tier of farmland preservation areas. Blocks of at least 1,000 acres of contiguous farmland have been identified as "Potential Areas for Future Agricultural Enterprise Area Designation." Other criteria under this category are similar to that of the primary standard, but certain thresholds such as percentage of parcels 35 acres or greater are lowered to 60% from the primary standard of 75%. Such areas would be supported by the county for designation as AEAs and farmland preservation areas if a minimum of five farm owners in such mapped areas expressed formal interest in AEA designation and the community supported the effort by adopting local land use plan designations and zoning to ensure farmland preservation within such an area. Ten such unrefined areas have been mapped encompassing 24,738 acres or 27% of the County's farmland as part of this plan (see Map D3-2 and Exhibit A).

Key Changes from 1984 Plan

The 1996 and 2009 plan criteria were substantially different from the 1984 plan in calling for block sizes of five square miles in comparison to the 1984 standard of 100 acre blocks. As this plan notes, the 1984 plan criteria were not difficult to satisfy. To be mapped for farmland preservation, a parcel had to be a minimum of 35 acres, have at least 50% of the farm unit covered by prime agricultural soils, had to be located in a minimum 100 acre farmland block and had to be outside of a planned growth area. Consequently, the 1984 map identified most farmland within the county at that time as being located within a farmland preservation area.

The current plan effort mapped and analyzed current agricultural land use countywide, which revealed that many farms planned for preservation in the 1984 plan have already been developed and many of those that remain are located in areas that have been fragmented by intrusion of urban and suburban residential development or are now located within planned urban service areas. Advisory committee discussions concluded that history has shown that the 1984 plan was largely utilized to make farm owners eligible for tax credits, was little used in land use decision making and did little to preserve farmland within the county. Establishing criteria that require a minimum 1,000 contiguous acre block of farmland excluded 35,774 acres of existing farmland from being mapped for preservation, while specifying that all parcels must be located outside of planned sewer service areas excluded another 21,420 acres of existing farmland. Taken together, these two criteria exclude 62% of remaining farmland from being eligible for being mapped for farmland preservation in the county due to their proximity to urban infrastructure and excessive fragmentation.

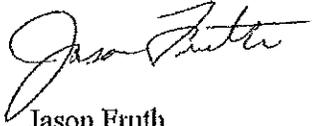
The proposed plan concludes that other supportive regulatory tools, such as protective zoning and local and county land use plans, did not exist relative to the majority of lands designated for preservation in the 1984 plan. As previously noted, Waukesha County first adopted a county development plan in 1996, which meant that for fourteen years, there was not a binding land use plan in place to further support farmland preservation. At the same time, the county's population grew by nearly 350% from 1950 to 2009. Map D2-5 shows the location and extent of lands that were designated for preservation in the 1984 plan, and Map D3-2 shows the lands recommended for preservation as part of the proposed plan. This plan recognizes that local complimentary land use plans are needed to achieve farmland preservation and clearly states that planned land use designations must encompass farmland or natural resource type uses for additional lands to be mapped as farmland preservation areas in the future.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved.

The Planning and Zoning Division Staff believe that the proposed Farmland Preservation Plan furthers the land use principles of the County Development Plan. Extensive effort has been put forth to create a very detailed plan utilizing the most current available data. Great effort was devoted to ensure that this farmland plan considered all possible viable preservation options. The plan has been certified by DATCP as complying with the State's farmland preservation law. In addition, the plan was broadly supported by local municipalities.

Respectfully submitted,



Jason Fruth
Planning and Zoning Manager

JF:kb

Attachment: Exhibit "A" (Public Hearing Minutes) and Exhibit "B"

Mrs. Haukohl asked what type of view the neighbors to the west would see from their property to which Mr. Fruth responded, it was hard to say, but possibly the roof of the Walgreens building or the fence may screen the view.

Chairperson Mitchell asked if there were any other comments from the audience, Committee or Commission, there being none he moved on to the next item on the agenda.

3. *The Waukesha County Department of Parks and Land Use* requests that the Waukesha County Farmland Preservation Plan be incorporated as Appendix D of the Comprehensive Development Plan for Waukesha County and that a preface, amended Table of Contents and revisions to Chapter 7 relative to farmland preservation be incorporated into the Comprehensive Development Plan in order to comply with the requirements of the State of Wisconsin farmland preservation law, which are set forth in Chapter 91 of the *Wisconsin Statutes*.

Mr. Fruth indicated an Advisory Committee was assembled to guide the planning effort. The State adopted new farmland preservation laws in 2009 and required that Waukesha County adopt a new plan by December 2011. The updated preface, table of contents, chapters and maps are located on the Waukesha County website.

As an overview, new and revised Planning and Zoning requirements, specifically for lands to be mapped as farmland preservation areas were created such as: lands must be planned for agricultural use for at least 15 years, and Land Use Plans and Zoning must match. The new law also includes revised tax credits (3 different tiers) and land conversion fees. Plan objectives include identifying sustainable blocks of productive agricultural land to target for preservation, minimize land use conflicts in designated preservation areas and encourage agricultural investment and promote farmland incentive programs for preservation areas. He stated that Waukesha County lost approximately 80,000 acres of agricultural lands since 1980 with 92,000 acres left as of 2010.

The primary criteria for Farmland Preservation areas include that the planned use of the property would be for agricultural purposes, open space or environmental corridors, the mapped area would contain five (5) sq. miles, 75% of the parcels are 35+ acres in size, 75% of the area agricultural, open space or unused land and designation must be supported by the local government.

Due to the concerns of possibly excluding too many farmers from an opportunity to participate in the new program a secondary category was created (Unrefined Areas for Future Agricultural Enterprise Area Designation). The criteria for the category includes that the planned use of the property would be for agricultural purposes, open space or environmental corridors, the property would contain 1,000 acres of contiguous lands, 60% of the parcels are 35+ acres in size, 60% of the area is in agricultural, open space or unused land and the designation must be supported by the local government.

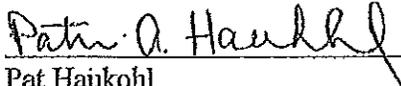
Mr. Shaver clarified that the County would wait until the State submits their comments after a 90-day review period and then bring the final text back for formal action.

Chairperson Mitchell asked if there were any other comments from the audience, Committee or Commission, there being none he moved on to the next item on the agenda.

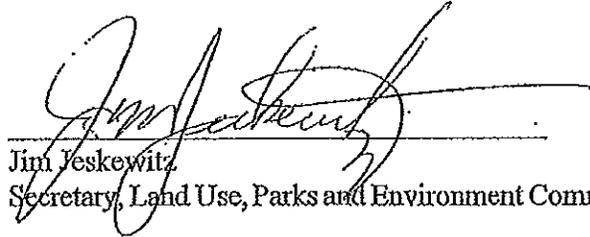
Mr. Fruth announced that after the Public Hearing, the Waukesha County Department of Parks and Land Use Staff will have recommendations prepared for the above requests and on March 3, 2011, the Park and Planning Commission will meet to vote on the requests. The Land Use, Parks and Environment Committee will be invited to the March 3, 2011 meeting, however, will not vote until their meeting on April 19, 2011. The Waukesha County Board of Supervisors will vote at their meeting of April 26, 2011. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record and the Comprehensive Development Plan for Waukesha County is amended as approved by the Waukesha County Board.

Mr. Peregrine moved, seconded by Mr. Ruf to close the public hearing at 2:50 p.m. with the exception of No. 2B (Mark Lake, MRED Cummings) which was adjourned until June 2, 2011, at 1:05 p.m.

Respectfully submitted,



Pat Haukohl
Secretary, Park and Planning Commission



Jim Jeskewitz
Secretary, Land Use, Parks and Environment Committee

AUG 03 2011

STATE OF WISCONSIN
 DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION DEPT. OF FARM AND LAND USE

<p>WAUKESHA COUNTY FARMLAND PRESERVATION PLAN TEXT AND PLAN MAPS FOR THREE TOWNS (EAGLE, OCONOMOWOC, AND OTTAWA)</p>	<p>DOCKET NO. 11-F-10-67-PTM (ARM Division Docket No. 11-22-67-000-P)</p> <p>ORDER CERTIFYING PLAN TEXT AND THREE MAPS THROUGH DECEMBER 31, 2021 AND ORDER WITHDRAWING CERTIFICATION ON OTHER MAPS.</p>
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INTRODUCTION

Waukesha County has asked the Department of Agriculture, Trade and Consumer Protection ("DATCP") to certify a proposed comprehensively revised county farmland preservation plan text and farmland preservation plan map for the Towns of Eagle, Oconomowoc, and Ottawa 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 has a state-certified farmland preservation plan that expires on December 31, 2011.
- (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 11, 2011, 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) Waukesha County submitted a plan text (preface and Table of Contents-Appendix D dated February 9, 2011; Appendix D Chapters 1 and 2 dated April 5, 2011; Chapter 3, Exhibit A dated July 20, 2011; and Exhibit B with maps for the Town of Eagle and Town of Ottawa dated March 25, 2011 and a map for the Town of Oconomowoc dated July 20, 2011) for certification by the department.
- (8) Waukesha County's comprehensively revised Farmland Preservation Plan did not include farmland preservation areas in maps for the Towns of Delafield, Genesee, Lisbon, Merton, Mukwonago, Muskego, Pewaukee, Summit, Vernon, and Waukesha, and the City of Muskego. These local governments have parcels mapped for farmland preservation under the previously certified plan and so certification must be withdrawn based on this new farmland preservation plan if no areas are included in the new plan.
- (9) 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.

(10) 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.

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

(12) 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.

(13) 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, Stats.

CONCLUSIONS OF LAW

(1) Based on Waukesha County's certification that the attached county farmland preservation plan text and maps for the Towns of Eagle, Oconomowoc, and Ottawa meets applicable certification requirements under s. 91.18, Wis. Stats., DATCP may certify that plan for up to 10 years.

(2) Based on the representations made by Waukesha County in its application for certification of a revised farmland preservation plan, DATCP concludes that the proposed plan text submitted by Waukesha County (preface and Table of Contents-Appendix D dated February 9, 2011; Appendix D Chapters 1 and 2 dated April 5, 2011; Chapter 3, Exhibit A dated July 20, 2011); and the plan maps submitted by Waukesha County (Exhibit B with maps for the Town of Eagle and Town of Ottawa dated March 25, 2011 and a map for the Town of Oconomowoc dated July 20, 2011), meet certification requirements under s. 91.18, Stats.

(3) Based on the representation made by Waukesha County in its application for certification of a revised farmland preservation plan, DATCP concludes that for towns that did not include mapped Farmland Preservation Areas (the Towns of Delafield, Genesee, Lisbon, Merton, Mukwonago, Muskego, Pewaukee, Summit, Vernon, and Waukesha, and the City of Muskego), the certification of the Farmland Preservation Plan maps for these towns must be withdrawn (under s. 91.16(4), Stats.) effective the date of this order takes effect since the maps would no longer be in effect.

(4) DATCP may certify the proposed plan pursuant to s. 91.18, Stats.

(5) DATCP should 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.

(6) Pursuant to s. 91.16(2), Stats.; DATCP should certify the proposed plan through December 31, 2021.

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

(8) Pursuant to s. 91.16(7), Stats., the effective date of the certification should be the date on which the certified and adopted plan takes effect.

(9) 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 (preface and Table of Contents- Appendix D dated February 9, 2011; Appendix D Chapters 1 and 2 dated April 5, 2011; Chapter 3, Exhibit A dated July 20, 2011), and maps (Exhibit B with maps for the Town of Eagle and Town of Ottawa dated March 25, 2011 and a map for the Town of Oconomowoc dated July 20, 2011); are hereby certified under s. 91.16, Wis. Stats., contingent upon county adoption of this plan text and these maps, in the form submitted, as part of the County comprehensive plan, before December 31, 2011.

(2) The current certification of the Farmland Preservation Plan maps is hereby withdrawn (under s. 91.16(4), Stats.), effective the date this order takes effect for the Towns of Delafield, Genesee, Lisbon, Merton, Mukwonago, Muskego, Pewaukee, Summit, Vernon, and Waukesha, and the City of Muskego, since these jurisdictions have no farmland preservation areas mapped under the new plan.

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

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

(5) This certification expires at the end of the day on December 31, 2021.

Dated this 8th day of Aug, 2011.

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

By Ben Brancel
Ben Brancel, Secretary

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/25/11

(00) NUMBER-1660057

1 D. FALSTAD.....AYE
 3 R. HUTTON.....AYE
 5 J. JESKEWITZ.....AYE
 7 P. HAUKOHL.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 P. DECKER.....AYE
 15 P. MEYERS.....AYE
 17 J. TORTOMASI.....AYE
 19 S. WIMMER.....AYE
 21 W. ZABOROWSKI.....AYE
 23 D. DRAEGER.....AYE
 25 G. YERKE.....

2 T. ROLFS.....
 4 J. DWYER.....AYE
 6 J. BRANDTJEN.....AYE
 8 T. SCHELLINGER....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 M. INDA.....AYE
 16 D. PAULSON.....AYE
 18 K. CUMMINGS.....AYE
 20 P. JASKE.....AYE
 22 P. GUNDRUM.....AYE
 24 W. KOLB.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-23