

Appendix 3-I: Ashland County Farmland Preservation Plan Certification and Adoption



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

December 5, 2016

Tom Fratt
Ashland County Conservationist
315 Sanborn Ave., Suite 100
Ashland, WI 54806

Dear Tom:

Re: Certification of the Ashland County Farmland Preservation Plan

Attached is a department order certifying Ashland County's Farmland Preservation Plan under s. 91.16, Wis. Stats. Please send proof of the plan's adoption as soon as it becomes available.

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

Sincerely,

Alison Volk

Alison Volk
Land Management Section
608-224-4634

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

ASHLAND COUNTY FARMLAND PRESERVATION PLAN	DATCP DOCKET NO. 16-F-50-02-PCA DARM DOCKET NO. 003-00000-P-16 F-1216 ORDER CERTIFYING PLAN THROUGH DECEMBER 31, 2026.
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INTRODUCTION

Ashland County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed comprehensively revised county 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 Stats., as repealed and recreated by 2009 Wis.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) Ashland 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) Ashland County has a state-certified farmland preservation plan that expires on December 31, 2016.
- (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 5, 2016, DATCP received from Ashland 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) 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.
- (8) 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.
- (9) Under s. 91.10(2), Wis. Stats., the farmland preservation plan must be consistent with the Ashland County Comprehensive Plan, and the County must include the farmland preservation plan in the County Comprehensive Plan.

(10) 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.

(11) 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 Ashland 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 Ashland County Farmland Preservation Plan text (November 15, 2016) and maps (November 3, 2016) are hereby certified under s. 91.16., contingent upon county adoption of the plan, included as part of the County comprehensive plan, in the form submitted, before June 30, 2017.

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

(3) This certification takes effect on the date on which the certification order is signed.

(4) This certification expires at the end of the day on December 31, 2026.

Dated this 1st day of December, 2016.

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

By 
Ben Brancel, Secretary

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

Tom Fratt, Ashland County Conservationist
315 Sanborn Ave., Suite 100
Ashland, WI 54806

ORDINANCE

Ordinance No. 012-2016-91

**AN ORDINANCE TO AMEND ORDINANCE 011-2006-60 AND ADOPT
A REVISED COMPREHENSIVE PLAN AND APPROVING THE
2016 ASHLAND COUNTY FARMLAND PRESERVATION PLAN
WHICH REPLACES THE 1982 FARMLAND PRESERVATION PLAN**

WHEREAS, the county, pursuant to §62.23(2) and (3) of the Wisconsin Statutes prepared and adopted a comprehensive plan in November 2006 as defined in §66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

WHEREAS, 66.1001 (2) (i) stipulates that a comprehensive plan shall be updated no less than once every 10 years; and

WHEREAS, pursuant to Wisconsin Statute 91.10(2), the Ashland County Farmland Preservation Plan must be made part of the Ashland County Comprehensive Plan; and

WHEREAS, The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is an agency responsible for administering Wisconsin's farmland preservation law pursuant to Wisconsin Statute Ch. 91; and

WHEREAS, 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 pursuant to Wisconsin Statute § 91.10 which clearly identifies farmland preservation goals, objectives and policies and areas that the county intends to preserve for agricultural use; and

WHEREAS, the county established a Comprehensive Planning & Farmland Preservation committee to review the 2006 comprehensive plan and the 1982 Farmland Preservation Plan, which consisted of three documents: the 2006 Comprehensive Plan background report, 2006 Comprehensive Plan policy document and 1982 Farmland Preservation Plan; and

WHEREAS, the Comprehensive Planning & Farmland Preservation committee has held a public hearing on September 20, 2016 on the Comprehensive Plan and the Farmland Preservation Plan, in compliance with the requirements of §66.1001(4)(d) of the Wisconsin Statutes; and

WHEREAS, the development of the Ashland County Farmland Preservation Plan has had considerable input from persons representing various aspects of the agriculture community; and

WHEREAS, each town farmland preservation plan map represented in the plan has been reviewed by the respective town board to identify areas the town wishes to preserve for agricultural uses and areas which may be considered for development within the next 15 years; and

WHEREAS, adoption of the Ashland County Farmland Preservation Plan by the Ashland County Board of Supervisors and subsequent certification by DATCP will continue to allow participating Ashland County farms and agricultural property owners to qualify for farmland preservation tax credits as part of the Fields, Waters, and Woods Agricultural Enterprise Area; and

WHEREAS, the Ashland County Comprehensive Planning & Farmland Preservation committee has created a revised Comprehensive Plan and Farmland Preservation Plan and has, by a majority vote at their December 15, 2016 meeting, recorded in its official minutes, recommended to the County Board the adoption of the revised Comprehensive Plan, which contains all of the elements specified in §66.1001(2) of the Wisconsin Statutes and a Farmland Preservation Plan.

NOW THEREFORE, BE IT RESOLVED that the County Board adopts the revised Comprehensive Plan, Volume One – Background Document, Volume Two – Vision & Goals, and Volume Three – Farmland Preservation Plan, pursuant to §66.1001(4)(c) and § 91.10 of the Wisconsin Statutes.

NOW THEREFORE, BE IT FURTHER RESOLVED that this ordinance shall take effect upon passage by a majority vote of the members-elect of the County Board (as defined in §59.001 (2m) of the Wisconsin Statutes) and publication/posting as required by law.


NOW THEREFORE, BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of the adopted comprehensive plan to the following, along with an explanatory cover letter:

- a. Bad River Public Library,
- b. Vaughn Public Library,
- c. Legion Memorial Library (Mellen),
- d. Madeline Island Public Library,
- e. Park Falls Public Library,
- f. Town Clerk of each town within Ashland County,
- g. City Clerk for the City of Ashland,
- h. City Clerk for the City of Mellen,
- i. Village Clerk for the Village of Butternut,
- j. County Clerk for each of the following (1) Bayfield County, (2) Iron County (3) Sawyer County, and (4) Price County,
- k. Bad River Band of Lake Superior Tribe of Chippewa Indians,
- l. North West Regional Planning Commission,
- m. Wisconsin Land Council,
- n. Department of Administration,
- o. Department of Agriculture, Trade and Consumer Protection.

Adopted this 15th day of December 2016.

Attested:


County Board Chair


County Clerk

For consideration by the Ashland County Board of Supervisors on December 15, 2016.

Respectfully submitted:

Approved by the Ashland County Comprehensive and Farmland Preservation Planning Committee on December 15, 2016 and forwarded to the Ashland County Board of Supervisors.

Dated at the City of Ashland, Wisconsin this 15th day of December, 2016.

Signed:

Kathy S. Schutte
Martin J. V. O.
Norm Cant
Richard Anfall
Lorel Knapp
Guth Kozicki
Clarence Campbell
L. J. Kozicki
Pop Zabala
J. B. Kozicki
Lance A. Moutrey
A. L. Kozicki

Port J. Kozicki
Tim Kozicki
Ken Kozicki
Jenny Kozicki

CERTIFICATION
I hereby certify that the foregoing resolution is a true, correct, and complete copy of a resolution duly and regularly passed by the Ashland County Board of Supervisors of the County of Ashland on the 15th day of December 2016 and that said resolution has not been repealed or amended, and is now in full force and effect.
Dated this 19th day of December 2016
Heather W. Schutte, Ashland County Clerk