



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary-designee Randy Romanski

Paul Sampson
60255 N Buck Creek Rd
Ferryville, WI 54628

October 26, 2022

Re: Certification of the Town of Freeman, Crawford County Farmland Preservation Zoning Ordinance

Dear Paul:

Attached is a department order certifying the Town of Freeman, Crawford County, Farmland Preservation Zoning Ordinance under s. 91.36, Wis. Stats. The ordinance is now certified through December 31, 2028.

We look forward to working with you in the future on farmland preservation in the Town of Freeman. 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**

TOWN OF FREEMAN, CRAWFORD COUNTY FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP).	DARM Docket No. 023-27700-O-22 F-1022 ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2028
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INTRODUCTION

The Town of Freeman in Crawford County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a farmland preservation 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 Stats., as repealed and recreated by 2009 Wis.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) The Town of Freeman is a town in the State of Wisconsin. The Town of Freeman 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) Crawford County has a certified farmland preservation plan. This plan is currently

certified through December 31, 2027.

(8) The town of Freeman has not previously had a certified a certified farmland preservation zoning ordinance

(9) On October 25, 2022, DATCP received an application from the Town of Freeman, in which the Town asked DATCP to certify the Town’s farmland preservation ordinance. The Town of Freeman 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) The farmland preservation zoning ordinance is part of the Town of Freeman Zoning Ordinance, and is intertwined with other provisions of that zoning code. The ordinance includes an ordinance text, together with an ordinance map.

(11) On October 25, 2022, DATCP confirmed by letter that the Town of Freeman certification application was complete, and that DATCP would proceed to review the complete application.

(12) 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 Town of Freeman in its application for certification of a farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed Town of Freeman farmland preservation ordinance, consisting of a proposed ordinance text dated January 26, 2015, text amendments dated February 28, 2022 and May 30, 2022 and map dated August 31, 2022, meet 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, 2028.

(3) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified ordinance is adopted, in the form certified.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Town of Freeman farmland preservation ordinance, consisting of the proposed ordinance text dated January 26, 2015, text amendments dated February 28, 2022 and May 30, 2022 and map dated August 31, 2022, are hereby certified under s. 91.36, Wis. Stats.


(2) The certified farmland preservation zoning district for the Town of Freeman is the Farmland Preservation district.

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

(4) This certification expires at the end of the day on December 31, 2028.

Dated this 26th day of October, 2022

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

By  _____
Brian Weigel, Administrator
Division of Agricultural Resource Management

Parties for purposes of review under s. 227.53, Wis. Stats.:

Town of Freeman Copies to:

Paul Sampson
60255 N Buck Creek Rd
Ferryville, WI 54628