

1 18-42010

2 RESOLUTION: Support Delayed Implementation of  
3 Farmland Preservation Rezoning  
4 Conversion Fee  
5

6 TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:  
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8 WHEREAS, Winnebago County has participated in the Wisconsin Farmland Preservation  
9 Program since 1982 and has resulted in the preservation of productive agricultural land and  
10 allowed farmers to collect tax credits since 1982; and  
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12 WHEREAS, the governing statute, Wisconsin Statutes Chapter 91, remained largely  
13 unchanged for nearly 30 years until Governor Doyle and the Department of Agricultural, Trade  
14 and Consumer Protection (DATCP) proposed revisions (known as the Working Lands Initiative) to  
15 Chapter 91 in Assembly Bill 75, the proposed state budget ; and  
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17 WHEREAS, Assembly Bill 75 was signed into law as 2009 Wisconsin Act 28 on June 29,  
18 2009, and revised Chapter 91 to require landowners to pay a conversion fee beginning on  
19 January 1, 2010 when they rezone their land from our Exclusive Agricultural zoning district to any  
20 other zoning district, whether or not they ever farmed the land or ever collected farmland  
21 preservation tax credits; and  
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23 WHEREAS, Chapter 91 requires all counties to update their farmland preservation plan  
24 over the next 5 years and, within one year after plan adoption, requires counties to update their  
25 exclusive agricultural zoning ordinances to maintain certification for tax credit eligibility; and  
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27 WHEREAS, Chapter 91 imposes the rezoning conversion fee effective January 1, 2010,  
28 based on existing plans, ordinances and zoning maps, without the benefit of an updated farmland  
29 preservation plan or ordinance; and  
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31 WHEREAS, charging the conversion fee is a burden on property owners who are not  
32 farmers, whose land is not currently being armed, and who never collected farmland preservation  
33 tax credits in past; and  
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35 WHERAS, delaying implementation of the conversion fee until after revised plan and  
36 ordinance adoption and certification allows counties and land owners time to properly address all  
37 the planning and zoning requirements of the new Working Lands Program.  
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39 NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors  
40 that it hereby requests that legislation be introduced and passed to delay the implementation of  
41 the farmland preservation rezoning conversion fee under Wisconsin Statutes SS 91.48(1)(b) until  
42 a county updates its farmland preservation plan and zoning ordinance, and the place and  
43 ordinance are certified by DATCP.  
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45 BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the  
46 Winnebago County Clerk transmit a copy of this resolution to the Office of Governor James  
47 Doyle, to all Legislators representing constituents within Winnebago County, to the State Senate  
48 Committee on Agriculture and Education, the State Assembly Committee on Agriculture, DATCP  
49 Secretary Rod Nilsestuen, to all County Clerks of Wisconsin counties with exclusive agricultural  
50 zoning and the Wisconsin Counties Association.  
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52  
53 Submitted by:

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55 LEGISLATIVE COMMITTEE

56 PLANNING & ZONING COMMITTEE

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Committee Vote:

**16-0**

Vote Requirement for Passage:

**Majority of those present**

Approved by Winnebago County Executive this \_\_\_\_\_ day of

\_\_\_\_\_, 2010.

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Committee Vote:

**5-0**

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Mark L. Harris  
County Executive