

1 145-52017

2 **RESOLUTION: Urge Legislature to Review and Amend ATCP 49.12(1)(c), Wis Admin**
3 **Code**

4
5
6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, the Winnebago County Board of Supervisors approved a Farmland Preservation Plan over four
8 years ago; and

9 **WHEREAS**, allows for voluntary landowner preference as a criteria for placement of property within
10 Winnebago County’s farmland preservation plan; and

11 **WHEREAS**, Winnebago County Is presently in the process of updating its Farmland Preservation Plan,
12 which will be submitted, upon completion, to the Wisconsin Department of Agriculture, Trade, and Consumer
13 Protection (DATCP) for certification; and

14 **WHEREAS**, officials with the DATCP have already notified Winnebago County that the agency will not certify
15 an updated Farmland Preservation Plan if such Plan requests language that allows placement of property within the
16 Farmland Preservation Program to be based solely upon the preference of the property owner. Officials of the
17 DATCP have taken this stance based upon ATCP 49.12(1)(c), Wis Admin Code, which reads “The rationale [for
18 placement on the Farmland Preservation Program] may not be based primarily on landowner preferences”; and

19 **WHEREAS**, your undersigned believes that § 91.16, Wis Stats, “Certification of Plan by the Department”
20 does not contain language which supports the language contained in ATCP 49.12(1)(c), Wis Admin Code; and

21 **WHEREAS**, Winnebago County’s present Farmland Preservation Plan has provided the opportunity for
22 landowners to receive approximately \$97,000 in tax credits from the voluntary participation of approximately 12,934
23 acres in the Farmland Preservation Program.

24
25 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors as follows:
26 That it hereby urges the Wisconsin State Legislature to review ATCP 49.12, Wis Admin Code and to consider
27 rescinding ATCP 49.12(1)(c), Wis Admin Code, which prohibits the rationale for placement of a parcel of property in
28 the Farmland Preservation Plan from being based primarily on landowner preferences.

29
30 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it directs the Winnebago
31 County Clerk to transmit a copy of this Resolution to all legislators representing constituents within Winnebago
32 County within the Wisconsin State Legislature; to the Wisconsin Counties Association; and to the Office of Governor
33 Scott Walker.

34 Respectfully submitted by:
35 **CHUCK FARREY, District 30**

36 Vote Required for Passage: **Three-Fourths of Membership**

37
38 Approved by the Winnebago County Executive this ____ day of _____, 2017.

39
40 _____
41 Mark L Harris
42 Winnebago County Executive