

2 **RESOLUTION: Support an Amendment to Proposed Administrative Rule ATCP 49 to**
3 **Allow for Landowner Preference as a Criterion for Counties to Consider**
4 **When Determining Land Areas to Map for Farmland Preservation Areas**
5

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

7 **WHEREAS**, the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) has
8 drafted a proposed Administrative Rule, known as ATCP 49, to administer the Wisconsin Farmland Preservation
9 Program under Chapter 91, Wis Stats; and

10 **WHEREAS**, all counties in the State of Wisconsin are mandated by Chapter 91, Wis Stats, to adopt a
11 Countywide Farmland Preservation Plan, which, subsequently, was accomplished in 2012 by the Winnebago County
12 Board and certified for five (5) years through 2017 by the Wisconsin DATCP; and

13 **WHEREAS**, ATCP 49 contains provisions that detail the criteria for the DATCP to use in certifying
14 Countywide Farmland Preservation Plans, including a provision that landowner preference may not be used to
15 determine whether land areas are mapped into the program, which will cause many property owners to be
16 involuntarily included against their wills; and

17 **WHEREAS**, Winnebago County is required to update its current Farmland Preservation Plan before the end
18 of 2017 for recertification by DATCP, and in its current form ATCP 49 will cause Winnebago County to map into the
19 program many landowners into the program against their wills, as landowner preference cannot be used as a criteria.

20 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
21 seeks an amendment to the proposed Wisconsin Administrative Rule ATCP 49, Subchapter II, Section 49.12(1)(c), to
22 delete the words "not" and "primarily" so that it reads as follows:

23 **ATCP 49.12 Certification Standards.**

24 **(1) Rationale**

25 **(c)** The rationale may ~~not~~ be based ~~primarily~~ on landowner preferences.

26 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby directs the
27 Winnebago County Clerk to forward a copy of this Resolution and proposed amendment to ATCP 49, copy attached
28 hereto, to all members of the State Legislature representing Winnebago County; all members of the State Assembly
29 Committee on Agriculture; Wisconsin Counties Association; the Secretary of the Wisconsin Department of
30 Agriculture, Trade, and Consumer Protection; and to all Town Clerks in Winnebago County.
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32 Respectfully submitted by:

33 **LEGISLATIVE COMMITTEE**

34 Committee Vote: **12-0**

35 Respectfully submitted by:

36 **PLANNING AND ZONING COMMITTEE**

37 Committee Vote: **By Consensus**

38 Vote Required for Passage: **Majority of Those Present**

39

40 Approved by the Winnebago County Executive this ____ day of _____, 2013.

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Mark L Harris
Winnebago County Executive