



1995 ASSEMBLY BILL 669

November 9, 1995 - Introduced by Representatives HAHN, LADWIG, BRANDEMUEHL, OWENS, ALBERS, SILBAUGH and GUNDERSON, cosponsored by Senator WELCH. Referred to Committee on Agriculture.

- 1 **AN ACT to amend** 91.77 (1) (intro.); and **to create** 91.775 of the statutes; **relating**
2 **to:** requiring rezoning of certain lands zoned for exclusive agricultural use.

Analysis by the Legislative Reference Bureau

Current law authorizes a city, village, town or county to adopt an exclusive agricultural use ordinance. If the ordinance satisfies certain statutory requirements and is certified by the land and water conservation board, an owner of land that is zoned for exclusive agricultural use may qualify for the farmland preservation income tax credit. The owner must satisfy various other requirements to be eligible for the farmland preservation credit in a tax year. These requirements include that the land must consist of at least 35 acres and that the land must have produced at least \$6,000 in gross farm profits during the tax year or at least \$18,000 in gross farm profits during the tax year and the 2 preceding years. Current law limits the situations in which a city, village, town or county may rezone a parcel that is zoned for exclusive agricultural use.

This bill requires a city, village, town or county to approve a petition for rezoning a parcel that is zoned for exclusive agricultural use if either of the following conditions applies:

1. The owner of the farmland is not eligible for the farmland preservation credit because the parcel consists of less than 35 acres.
2. The owner of the parcel has been ineligible for the farmland preservation credit for 3 consecutive years because the parcel produced less than \$6,000 in gross farm profits during each of those years.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 91.77 (1) (intro.) of the statutes is amended to read:

2 91.77 (1) (intro.) ~~A~~ Except as provided in s. 91.775 (2), a county, city, village
3 or town may approve petitions for rezoning areas zoned for exclusive agricultural use
4 only after findings are made based upon consideration of the following:

5 **SECTION 2.** 91.775 of the statutes is created to read:

6 **91.775 Rezoning of certain parcels. (1)** In this section, “parcel” means all
7 of an area of contiguous real property that is under common ownership.

8 **(2)** (a) Notwithstanding s. 91.77, a city, village, town or county shall, within 60
9 days of receipt, approve a petition for rezoning a parcel that is zoned for exclusive
10 agricultural use if any of the following conditions applies:

11 1. The owner of the parcel is not eligible for the farmland preservation credit
12 under subch. IX of ch. 71 for the parcel because the parcel consists of less than 35
13 acres.

14 2. The owner of the parcel has been ineligible for the farmland preservation
15 credit under subch. IX of ch. 71 for the parcel for 3 consecutive years because the
16 parcel produced less than \$6,000 in gross farm profits, as defined in s. 71.58 (4),
17 during each of those years.

18 (b) If a parcel that is required to be rezoned under par. (a) was subject to zoning
19 before the exclusive agricultural zoning took effect, the city, village, town or county
20 shall rezone the parcel so that the zoning of the parcel is as similar as possible, under
21 the zoning ordinance in effect at the time of rezoning, to the zoning of the parcel
22 before the exclusive agricultural zoning took effect.

23 **(3)** Land that is rezoned under this section is not subject to the lien provided
24 under s. 91.19 (8) to (10).

