



## 1997 ASSEMBLY BILL 647

December 4, 1997 - Introduced by Representatives HAHN, SYKORA, SKINDRUD, HARS DORF, ALBERS, MUSSER, JOHNSRUD, URBAN, ZUKOWSKI, BRANDEMUEHL, GOETSCH and LORGE. Referred to Committee on Rural Affairs.

- 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.

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### *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 all of the following conditions apply:

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 parcel produced less than \$6,000 in gross farm profits during the 3 consecutive years before the petition is received.
3. The parcel is not classified by the federal natural resources conservation service as being predominantly land capability class I or II.

If a parcel is required to be rezoned under this bill, the city, village, town or county is required to rezone the parcel to the zoning category requested in the rezoning petition unless the requested zoning category is inconsistent with an applicable official map, master plan, comprehensive plan or land use plan.

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

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***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 rezone a  
9 parcel that is zoned for exclusive agricultural use, within 60 days after receiving a  
10 petition for rezoning the parcel, if all of the following conditions apply:

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 parcel produced less than \$6,000 in gross farm profits, as defined in s.  
15 71.58 (4), during the 3 consecutive years before the petition is received.

16           3. The parcel is not classified by the federal natural resources conservation  
17 service as being predominantly land capability class I or II.

18           (b) If a parcel is required to be rezoned under par. (a), the city, village, town or  
19 county shall rezone the parcel to the zoning category requested in the petition unless  
20 the requested zoning category is inconsistent with an applicable city, village or town  
21 official map, master plan, comprehensive plan or land use plan.

