

**Walworth County Land Conservation Committee
And Working Lands Initiative Public Hearing**

DRAFT

MINUTES

Monday, February 15, 2010 at 1:30 p.m.

Walworth County Health and Human Services Auditorium
Elkhorn, WI 53121

The meeting was called to order by Chair Kilkenny at 1:30 p.m.

Roll call - Committee members present included: Supervisors Hawkins, Kilkenny; Citizen Member Burwell and USDA/FSA Representative Henningfeld. Supervisor Ingersoll was absent, excused. A quorum was declared.

County staff present – David Bretl, County Administrator; Michael Cotter, Director of Land Use & Resource Management (LURM); Louise Olson, Deputy Director, LURM; Fay Amerson, Urban Manager, Neal Frauenfelder, Sr. Planner, Christopher Rieck, Rural Technician, and Joeann Douglas, Recording Secretary.

Also in attendance – Gary Korb, and Andrew Yench, UW Extension; David Jelenski, formerly of DATCP; Nancy Russell, Walworth County Board Chair, Supervisors Claudia Holst and Mark Bromley.

Approval of the Agenda – **Citizen Member Burwell and Supervisor Hawkins moved and seconded approval of the agenda. Motion carried 4-0.**

Chair Kilkenny introduced Gary Korb, facilitator for the public hearing. Gary Korb said there are three components used to gather information: a questionnaire, oral comments, and written comments. Mr. Korb gave an overview of housekeeping issues regarding questions, answers and comments to be recorded by Records Joeann Douglas and Andrew Yench. Mr. Korb explained the information gathered would be used to help Walworth County Board, Land Conservation Committee, and Zoning Committee make impartial, informed decisions affecting the county on Working Lands Initiative. He said written comments could be sent in until March 10, 2010.

Working Lands Initiative Presentation – David Jelenski, former Director of Land and Water Resources, DATCP and currently Government Affairs Director, Wisconsin Dairy Business Association, Madison, explained the elements of the Working Lands Initiative. The only required element for every county is that there must be a Farmland Preservation Plan (FPP) consistent with the Comprehensive Land Use Plan. The elements to implement the plan that can be chosen by the county/landowners are: having an updated Farmland Preservation Zoning Ordinance (formerly called Exclusive Agricultural Zoning Ordinance) consistent with the Farmland Preservation Plan; implementation through Agricultural Enterprise Areas (AEA); implementation through Purchase of Agricultural Conservation Easement Program (PACE). Other County measures can also be elected such as transfer of developmental rights currently being implemented in Dane County.

Mr Jelenski said county Farmland Preservation Plan standards are good but the plans are now 20-30 years old (statewide) and out of date. At that time we wanted to protect all farmland through Farmland Preservation. The current view is to protect the most productive farmland in areas with a moderate amount of development pressure while allowing growth in less productive land or with very high development pressure. Also, an increase in housing density in land not set aside for Farmland Preservation is viewed as a better method. Since the FPP is mandatory, a grant is available for preparation with a 50% match with a maximum of 50% of \$60,000.

Certification by the state is changed. Under the new program, the County will self-certify that the plan meets the standards and state certification will be for up to 10 years. Application forms are available on the DATCP website; Walworth County FPP must be done by December 31, 2011. The two components of the plan are the text, indicating why the land should be protected for agriculture, strategies for increasing housing density, and consistency with the Comprehensive Land Use Plan. The second component is the map which is layered with the components of zoning, AEA and PACE.

The option of a Farmland Preservation Zoning Ordinance component must be consistent with the Farmland Preservation Plan. The Zoning Ordinance also has a text and a map. You cannot designate an area for farmland preservation in the ordinance unless it is also designated in the plan. A change in standards for use for state certification of the zoning ordinance is: what will be a permitted use (allowed with no permit necessary); what will be a conditional use permit; and what might require a rezone. Changes in what an agricultural use includes that horses are now considered livestock and are allowed with no need for a permit. Also, associated (accessory) use now includes something that can be done on the farm that does not change the blueprint of the farm such as a weld shop in an existing building. It is the county's choice to allow associated use with or without a permit. An agricultural related use now allowed without the need for a permit is an enterprise such as a cheese processing plant on a dairy farm or a grain elevator. The county has the option of including such uses in the new zoning ordinance. There are also new non-farm residential standards. In the past, non-farm residences were done with a rezone. Sauk County has a program in place where they have non-farm residences allowed with a conditional use. They also have the residences clustered out of the way of the agricultural use which is not a requirement. Under the old state program, rezoning was done allowing a 35 acre minimum split. Under the new program the county ordinance could be 1 acre minimum. If land is rezoned to a non-agricultural use, as of January 12, 2010 there is a conversion fee of 3 times the agricultural use value set on a town by town basis to be collected by the county and sent on to the state. The state would put it into a working lands trust fund to underwrite purchases of PACE, pay the interest on bonds, or pay for the cost of administrating the AEA program. In Walworth County agricultural use value would be approximately \$300/acre or \$900 for every acre rezoned for a non-farm residence. The county has a choice to either solely use the re-zoning process or the conditional use process where no conversion fee is necessary, or both in their ordinance.

The remaining element of the program that continues to be in place is the soil and water conservation standards that must be in compliance with DNR agricultural performance standards. The 5 DNR standards that must be met are: farm land to a tolerable soil loss level; if there is an open lot with livestock on it there must be a clear water diversion around it; a manure storage facility must be managed according to the technical standards; a nutrient management plan that meets state standards is required; manure management prohibitions must be met.

The second optional component is creating Agricultural Enterprise Areas (AEA). Landowners themselves decide if they want to set aside land for things like farmers markets, community supported agriculture, etc. and have it designated by the state. The land in the AEA must be certified for farmland preservation in the county Farmland Preservation Plan. Also, farmland preservation agreements cannot be obtained unless they have been designated as an AEA. An example of an AEA would be a conventional area of a dairy farm set aside for crops and nutrient management needs. The requirements are there must be at least 5 contiguous landowners to petition the state to designate land as an AEA. Every local jurisdiction must sign the petition (county, town, incorporated areas within the area). Land must be in a Farmland Preservation area that has been designated by the county Farmland Preservation Plan. It must be designated by the state of Wisconsin by an administrative rule.

There is an increased tax credit in the new AEA's based on a flat rate with 3 levels of participation. A farmer could participate at \$5.00/acre tax credit for land under tillage, or woodlots. If Walworth County chooses to adopt a new Farmland Preservation Zoning Ordinance, the flat rate would be \$7.50/acre. The highest amount of \$10.00/acre if both criteria of AEA and the adopted Zoning Ordinance are met. At present, \$27 million has been set aside by the state for AEA's. If many people participate, the amount would be pro-rated next year. Approximately 42,000 farms state-wide would be eligible for participation in AEA's.

The final option is Purchase of Conservation Easements limiting the land to agricultural use which is a permanent deed restriction unless vacated by a judge. The agricultural conservation easements value would be approximately \$2,500 to \$4,000/acre. It is based on an appraisal of the farm looking at agricultural land value and it's value for non-agricultural use. The difference between those two numbers would be the value that would come back to the landowner for signing a Purchase of Conservation Easement agreement if the state accepts it. The land remains under the landowner's control, the landowner pays the taxes, public access is not required, and the landowner can still claim the farmland preservation tax credit. There has been \$12 million set aside for the program by the state to be used for the 50% they will be paying landowners. The other 50% would be a match from another cooperating entity such as Walworth County, the township, a local land trust, or the landowner can donate the other 50%. That donation as of now would have favorable treatment under federal income taxes. There will be a call for applications soon with the state setting aside \$4 million for the first year.

Working Lands Initiative – Questions and Answers - Gary Korb recognized the Farm Bureau for the notice that went out to newspapers, radio stations and for sending cards to landowners about the public hearing.

Margaret Pallaro, Richmond township. **Q. What if a landowner wants to get into an AEA and can't find anyone who wants to go along with it? What does it take to set one up?** **A.** 1.) See Peg Reedy, UWEX who can assist you; 2.) contact a local land trust like the Tall Pines Conservancy in Waukesha County; 3.) get people together who may be interested in being one of the 5 landowners needed for the AEA and talk about what they want as a group; 4.) check the DATCP website for information.

Ron Piening, Richmond township. **Q. If the county opts out of Farmland Preservation Plan because people don't like the transfer fees (conversion fees), can the landowner put a conservation easement on his own property with or without the being purchased by the state and get at least the \$7.50/acre for his agricultural land?** **A.** Every county is obligated to do the plan. The question really refers to the ordinance. If the county chooses not to adopt an ordinance, then, a conversion fee would not be necessary. Also a conditional use can be done which does not require the conversion fee. There are conditions around the conditional use process that you may or may not like, but it is an option. As the county is deliberating this, Mr Jelinski asked that, if the issue is the conversion fee, that they consider the conditional use process. Then regarding receiving the \$7.50/acre, the answer is no, since the ordinance is not certified. But you could conceivably get the \$5.00/acre with an AEA. (Mr Piening interjected that the land would have to be contiguous and Mr Jelinski agreed) The second part, could a landowner get an easement, is that you could get an easement without the ordinance. It could be done with dollars in Walworth County or from the state if the land qualified under the state agricultural easement. **Q. Could you get the \$7.50/acre?** **A.** No. **Q. You were talking about woodlots. If there is a 160 acre farm with two 20 acre woodlots**

which are zoned C-1 or C-2, does that woodlot have to be rezoned to A-1 to get the credits per acre for the \$5.00 or \$7.50 or whatever it is? A. The woodlots would be eligible for the tax credits. Regarding the question, does it have to be zoned for preservation, the answer is yes. You mentioned C-1 or C-2 in your question, sometimes those are done as overlay districts, and if that C-1 or C-2 is certified by us as an overlay district, (on the map) and underneath it is the Farmland Preservation, then it qualifies. If the C-1 or C-2 does not have the underlying designation of Farmland Preservation, then it does not qualify and would have to be rezoned.

Fay Amerson, LURM Staff **Q. Could your Farmland Preservation area be an overlay district?** A. No, it's the other way around; the Farmland Preservation has to be your base district. You can overlay things on top of it, but it has to be the base district.

Ron Piening, Richmond township **Q. Could an Agricultural Enterprise Area also include residential land? If one of the people in the AEA has a 5 acre parcel zoned residential, could they be included?** A. Yes, they could. What the law states is that all the parcels have to be contiguous, it does not say that every parcel in the area has to be a farmland parcel. So you could have some non-farm residences. However, the (5) people that all sign the petition all have to be farmers.

Q. If you have 1,000 acres, does all of it have to be farmed land or could you include woodlots?

A. We give preference to acres that are 1,000 or more, but the enterprise area could be less. The enterprise area is not a zoning program. The key to who can sign the petition is the definition of agricultural use. The definition of agricultural use is, "Any of the following activities that are conducted for the purpose of producing an income or a livelihood: crop or forage production, keeping livestock, beekeeping, nursery (as in landscape use), sod farm, Christmas tree production, floraculture, Aquaculture, fur farming, forest management (that's the woodlot/timberlot), enrolling land in a federal agricultural commodity payment program such as the Conservation Reserve Program or the state or federal agricultural land conservation payment program such as the Conservation Reserve Enhancement Program." It also says, "any other use the department, by rule, identifies as an agricultural use We have not yet done that and at this point it would only be the above list"

Q. What about wetlands? A. If it is under a conservation program, it would be included.

Dennis McNamara Lafayette township **Q. Does anyone know the status of the Farmland Preservation Plan as it relates to Walworth County?** A. Ms Olson said the plan has not yet been started. The Comprehensive Land Use Plan was recently finished. The reason for the informational meetings are to get landowner's response on how they feel about the Farmland Preservation Program and Working Lands Initiative to advise the County Board Supervisors and staff as to which way we are going. We did receive approval for the grant for the agricultural conservation plan. Mr Jelinski added that as is the case in Walworth County, if the comprehensive plan was just completed

, you have, in essence, done the county Farmland Preservation Plan, since all of the elements are also included in the Comprehensive Land Use Plan. What DATCP is asking the county to do is to pull the elements out and put them all in one place. **Q. If there is \$12 million set aside in permanent easements, or statewide, 4,000 to 5,000 acres, we are looking at less than \$4,000/acre in the state.**

What is the criteria for the state to select the permanent easement acres? A. There is a broad based group called the Purchase of Conservation Easement Council. On January 21, they approved a ranking criteria. Included in the criteria is: what is the agricultural productivity /agricultural capacity of the land; what is the development pressure on the land (looking for middle range); and other ancillary issues like road interchanges. There are 225 points to rank the properties.

Nancy Russell, County Board Chair **Q. Could you explain the base farm requirements and the**

division allowed? A. Mr Jelenski said there were 9 pages of requirements on the DATCP website and asked Ms Olson to distribute it to the LCC. **Q. If Walworth County decides to use the conditional use process to avoid the conversion fee, what are the details of the conditional use permit?** One condition is the base farm tract. If you choose to use that, at the time the ordinance is certified, Walworth County would have to declare what the base farm tract is for all the farms under the ordinance. The base farm tract is set in time so that it goes forward. The allowable splits off the base farm tract must be determined to take advantage of the conditional use process. There is a minimum density that the state specifies of 1 acre of non-farm residence to 20 acres of farmland. The county can be more restrictive if it chooses. For example, with 100 acres, 5 residences are allowed on that base farm tract including the farm residence. The obligation of the zoning authority is to track those splits over time, using the base farm tract as a means of doing so which can be set up with a GIS program. The rezoning and the conditional use are not mutually exclusive. When the 5 residences used up the allowable number of splits on the conditional use, if another non-residence is needed, that residence would be a re-zoning and would trigger the conversion fee. **Q. But if you have 1,000 acres, you would still only get the 5, and if you sell off 500 acres and you have already used those 5, the next owner gets none – is that correct?** A. That is correct.

Bill Jacques, Lafayette township **Q. If you had 5 different plots of land that are not contiguous, are they all one base farm tract?** A. No; each is a separate base farm tract.

Dan Kilkenny, County Board Supervisor **Q. If you had a 1,000 acre farm and used those splits under the conditional use, could that person sell 35 acres to someone else and the new owner still build on that 35 acres since Walworth County has a 35 acre minimum?** A. The answer is yes. Nothing in this program prevents the sale to anyone and the sale itself does not trigger the conversion fee. When the use is changed from agricultural to a non-farm use, then the conversion fee gets paid. The new owner would be able to build a house on the 35 acres if it could be rezoned. **Q. But it wouldn't have to be rezoned since we have a 35 acre minimum and the remainder would also be meeting the minimum?** This goes to what is current practice. I know that Walworth County requires a minimum of 35 acres; that's from 1978, is old school and counter-productive. We are encouraging people to look seriously at that requirement if you decide to stay in the zoning program. The reason is, if we continue at the rate we are, we are gobbling up a lot of land and most owners don't know what to do with that 35 acres anyway. We are encouraging you to re-think that provision. **Q. If you had a 1,000 acre farm, used up your splits, and then sold 500 acres, could that new owner put one house on that 500 acres?** A. Again, the sale itself wouldn't trigger the conversion fee. Let's say the 500 acres are all cropland and they want to put a non-farm residence on, they would have to get a rezone. What they would want to do, is have a small parcel, like 2 acres around the house rezoned and leave the remaining 498 acres as farmland. The conversion fee would just be on those 2 acres. **Q. If there is a change in the zoning triggered by a change, amendment in the plan, or the requested change is by the municipality, is that something that is also exempted from the conversion fee?** A. That is correct. **Q. We have some changes in our current smart growth plan text that allows some changes out of A-1 without a map change. How does that fit in?** A. Under the program, no conversion fee is required if the jurisdiction is removing large blocks of land out of farmland preservation as a consequence of updating the plan or as a consequence of updating the ordinance. You are coming to us to have that decision certified, which is the key, then updating the ordinance to follow the plan. As long as the plan or ordinance is certified by us, no conversion fee is necessary.

Jim Holden, LaGrange township **Q. If you have a 1,000 farm, have not used any of your splits, sold it as 10 farms of 100 acres of farmland each, can the 10 small farms split further without**

incurring a conversion fee? A. No. The base farm tract is the original 1,000 acres and is set for all time once the ordinance is certified. **Q. If it's 50 years from now, can it be changed.** A. I cannot predict the future; for the time of the certification that would be true, so there would be no change for at least 10 years.

Don Fredrich, Spring Prairie township **Q. So you could not sell someone a 100 acre parcel for them to start a farming enterprise?** A. No, that is not what I am saying. The sale of that land is totally independent of that conversion fee. Those are two different things. So if you have a 1,000 acres and want to sell off 200 acres to somebody, there is no rezone necessary, no conversion fee necessary. When the person buys it or buys it from them and wants to put a non-farm residence on it the fee is necessary. **Q. How do you know what is a non-farm residence?** A. It is any residence that is not the farmer's residence, even if it's a nephew, granddaughter or a sister living in that (new) house, it is a non-farm residence. Nothing in this program prevents you from selling the land. It is only when you remove it from an agricultural use that a rezone is necessary. **Q. If someone bought it, built a new house, built a new shed, got a grain bin there is no conversion fee?** A. Everything you said is true but the new house. Assuming the base farm tract is in place, the conditional use is in place, and the sale occurs after that, in that example the base farm tract existed when the house was built, and that would be a nonfarm residence, and if all splits are used up, there would have to be a re-zone and conversion fee. You could have a conditional use process and a re-zone process together. **Q. On our existing farm, are our (2) houses zoned off?** A. Those 2 would count and there would be 3 splits left. **Q. So what you are saying then, is if you have 5 boys and they all want to live on the farm, they can't?** A. No, I am not saying that. First, Walworth County would have to have a conditional use process and rezone process as part of the ordinance. Under the conditional use process, the day that the ordinance is certified it establishes the base farm tract. So if you have 2 residences on that base farm tract, you're only allowed 3 more under the conditional use process. Then after you have used your splits and you want a sixth, then the ordinance allows you to petition for a rezone, and if it is granted, then you pay the conversion fee on the sixth rezone. You can still do it, but you must rezone. **Q. If you have a conditional use for your house, what will nullify the conditional use?** A. That's another great question. I'm an Agricultural Engineer, and at this point, you would want an attorney to answer that question. This will be subject to Walworth County Corporation Council for agreement, but it is my understanding that conventional thinking with the conditional use permit process for homes, is that once it is granted, it is granted. It would not be taken away from you, unless it's something egregious like turning it into a veal barn or bowling alley which would violate some basic tenant of that conditional use, that would be grounds for revoking it.

Jim Holden, LaGrange township **Q. What program could the county be in that would not warrant the use of these splits?** A. The ordinance can be set up for it to be optional. If you are in a traditional zoning program, where rezoning is the way you set up non-farm residences you are not obligated to put in place the conditional use process. The only reason you might want to consider this is to avoid the conversion fee. The real issue is who will pay the fee and why does it have to be paid? You, as the farmer, are just wanting to sell some land and make a little more profit. The farmer may initially have to pay the fee, but you will add it on to the purchase price of the non-farm residence. Once that non-farm residence is in place, there will be more difficulties in your farming operation such as trying to deal with added traffic when moving equipment or complaints when spreading manure.

Dan Kilkenny, County Board Supervisor **Q. If there is a 1,000 acre farm with 5 children who want to farm, can they all put a house on it without triggering the rezone?** A. No. Even though the person going into that third, fourth or fifth home might be an employee of the farm, for the purposes of this program, it is still a non-farm residence **Q. If you sold the parcel to them to farm, would they be able to have a house on it?** A. I'm again, going to ask Ms Olson to send the LCC the 9 page paper to you and have some available in the office, because it is a very complicated issue. I don't believe you can do what you just said. Remember, I said the base farm tract is in place the day the ordinance was certified, and that's where the splits are set.

Tom Kauer, Walworth township **Q. Must we still get conditional uses for normal farming practices like ag related buildings, expand our dairy barns, putting up a grain elevator?** A. No, not necessarily. That is the decision the county zoning committee would make when they put the ordinance together. Remember, there is always flexibility. What we are hoping they will do for those standard practices, that they would consider it ag related and in your township that is totally appropriate and could be done without the need for a permit. Ms Olson reminded Mr Kauer that he still needs a plan. **Q. What about the new DNR livestock citing rules; how is that going to play into this?** (NR-151 Standards and prohibitions). A. I don't know yet. That has not been determined yet. The NR-151 performance standards will eventually have to be incorporated into our program. Livestock citing is different and separate from NR-151. **Q. So it is safe to assume we will be following Walworth County's plan regarding livestock citing rules?** A. Right.

Ron Piening, Richmond township **Q. I want to give an example of conversion fees. My neighbor had A-1 land that was not the best farmland, with 34 acres of cropland and goes to the county for a rezone to C-2. The rezone was granted. He went from \$3,000 or \$5,000/acre to \$10,000 or \$15,000/acre. He was smart enough and looked far enough ahead to rezone before the end of the year. If he had done it this year, he would have had to pay out some \$27,000 or \$30,000. conversion fee. He came in with a plat with 11 lots on it. Anyone with any sense in this county knows if you try to buy a 5 acre home site in Walworth County it is very costly, perhaps \$20,000 to \$25,000/acre. Multiply that by 34 acres, what the heck is \$27,000 or \$30,000. Plus, while he is selling those lots, he is getting use value assessment for \$300/acre and not even paying subdivision value assessment. That's a very good deal.**

Harold DeBack, Lafayette township **Q. If you have 100 or 500 acres and still have 4 splits; if you have adjoining farms, they would only get 4 splits. That does not seem fair.** A. This is an issue that DATCP must deal with as things progress.

Dave Mathesius, Geneva township **Q. Who set the farmland value? Say you have land set at \$300/acre, you are in farmland preservation, and you sell some off, it is set at 3 times that value. Would that value go to \$900/acre or would I pay a one time fee of \$900/acre?** A. It is the latter. **How is the conversion fee established?** The conversion fee is based on the grade agricultural use value and it is set by the town assessor. It is used to figure out the use value property tax liability. It is not the value of the land; it is the value of the land for taxation purposes and does not set the value of the land for sale. If Walworth County decides to renew their zoning ordinance and the conversion fee is in effect here, you would pay 3 times the \$300 or \$900./acre as the conversion fee.

Mary Pekul, Lafayette township **Q. After a property is sold, all splits are used, and a conversion fee paid, what happens when the parcel that incurred the conversion fee is split again? Will the conversion fee be applied again?** A. No. You only pay a conversion fee once. But in your example, even though the conversion fee does not get charged twice, when the second owner sells, it most likely will be reflected in the selling price and passed along.

Public Hearing Facilitator – Comments Recorded – Gary Korb said the recorded comments portion of the hearing was open for those registering for formal comments in the order they were received.

Frank Taylor, N8676 Tamarack Rd, Whitewater, WI 53190. “Frank Taylor, town of LaGrange. So you know where I’m coming from, I’m 5th generation in the town of LaGrange. I am for staying in farmland preservation, I don’t have a problem with the conversion fees, and using some of the figures that were given in this room, the last roughly 74,000 acres in Walworth County are in Farmland Preservation. And if you use the \$7.50/acre figure, that returns in excess of a half a million dollars a year to local landowners. If you use the \$900/acre conversion fee, you would have to convert over 600 acres a year to non-ag use, to just break even. So, from a simple dollars and cents point of view, we as farmers will have more money in our pockets if we stay in Farmland Preservation than if we opt out. Unless you are going to convert more than 600 acres a year. I concede the rest of my 5 hours.”

M. L. Pulera, citizen, W9539 McFarlane Rd, Darien, WI 53114. “Hi, I’m Margaret Pulera, I’m from Richmond township and I want to second everything the gentleman said. And I’m urging the County Board and the Land Conservation people to approve the Working Lands Initiative Program, because I think our farmers need this as a tool, to continue farming. And the reasons are, in 1950 we had 24 million acres of agricultural land in the state of Wisconsin. In 55 years, by 2005, we were down to 15 million. We lost 9 million acres in 55 years. We’re number one in the Midwest in losing land to development and roads. Now we cannot sustain this; if we lose, in the next 55 years, another 9 million acres, we will be down to 6 million acres, which just doesn’t make sense. We cannot sustain this. So I think we need to promote all the programs that will save farmland. We need to argue, wherever an acre is going to be lost, we should be asked, why is it being lost. We are in a new, a new model now. We’ve had a great recession. We haven’t pulled out of it yet. We’re losing homes to foreclosure, so we’ve got to think differently than we did before. We’ve got 50 million people coming up to add to our population in the next 30 years. We’ve got to be able to feed our people; we do not want to be importing food. Some of the farms around me tell me we are already doing that. So, to make a long story short, I urge the County Board and the Land Conservation group to approve this program so our farmers have one more working tool to save farmland. Thank you.”

Dan Kilkenny, County Board, N3616 Elmridge Rd, Town of Darien, Delavan, WI. “I just wanted to make a comment. The first speaker spoke about the power that would be available to county farmers. Something else to be aware of; of course we had to pass a Smart Growth Plan this year, and we are still subject to zoning. So it’s not like everybody would be able to change from A-1 or ag preservation zoning or something else anyway. So you still have to go through two or three filters before you even get to that point. So we have to consider that on the board, and people who are concerned about the conversion fee should be aware of that as well. And again, this might help with Mr. Jelinski, the fee would only be on the acres converted and not on the entire farm. So what we’ve got there, there is a difference. There are a lot of things we have to look at, but I just wanted to make sure you were aware of those points.”

Chair Kilkenny asked if there were any other oral public comments. There were no other oral public comments, but Chair Kilkenny said the hearing would remain open for written comments until March 10, 2010.

Adjournment – Supervisor Hawkins and FSA/USDA Representative Henningfeld moved and seconded to close the meeting but not the public comment portion of the public hearing. Chair Kilkenny adjourned the meeting at approximately 3:34 p.m. Motion carried 4-0.

Written Comments – Written comments are available for viewing in the LURM office.

Questionnaire Results - Of those taking part, 16 farmers have participated in Farmland Preservation Program in the past and 2 have not; 1 non-farmer responded no. The result was 16 “yes” and 1 “no” when asking if they wanted too participate in the Wisconsin Farmland Preservation Tax Credit. When asked, “Do you think the County should participate in the option of having 4 residences as a conditional use, in cluster development, based on a total farming operation acreage?” 8 farmers responded “yes”, 8 farmers responded “no” and 1 non-farmer said no. When asked, “Do you want to participate in PACE, Purchase of Conservation Easements, 10 said “yes”, 7 said “no”, and 1 non-farmer said “no”. When asked, “Do you want to participate in AEA, Agricultural Enterprise Area?” 11 said “yes”, 4 said “no” and 1 non-farmer said no. When asked if they agree or disagree with the conversion fee, 9 farmers said they agreed with it, 4 said they disagreed, 1 non-farmer said they disagreed. When asked, why they agreed or disagreed, they said all lands taken out of A-1 should pay a conversion fee.

Submitted by Joeann Douglas, Recording Secretary and Andrew Yench, Recorder. Minutes are not considered final until approved by the committee at the next regularly scheduled meeting.