



**Wisconsin
County Code
Administrators**

Secretary Rod Nilsestuen
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
Madison, WI 53718

May 11, 2009

Dear Secretary Nilsestuen,

On behalf of the Wisconsin County Code Administrators, I want to thank you for the recommended changes to the proposed Working Lands legislation included in the Governor's Budget Bill (AB 75). Your effort and consideration is much appreciated. However, two significant issues have not been resolved and may jeopardize the good intentions of the Working Lands Initiative.

First, we respectfully request your support in removing sections 91.42, 91.44 and 91.46 from the proposed Subchapter IIII Farmland Preservation Zoning. These three sections include zoning ordinance specifics and imply no ordinance is valid unless it allows permitted uses and conditional uses in a farmland preservation zoning district as specifically described in these sections. Although you state in your letter the intention to permit local ordinances to be more restrictive, the language of these sections clearly contradicts said intention. We feel removing these sections will allow the Department to retain control to certify that a local ordinance meets the purpose and intent of the Working Land Initiative and not cause any conflicts between State Statutes and local ordinances.

Second, we request the conversion fee described in section 91.48 be applied only after a revised farmland preservation plan and ordinance has been certified by the Department. Many counties have Exclusive Agriculture zoning throughout the entire county, regardless of it being productive farmland. With the implementation of the new conversion fee, any farmer that rezones his lands will be required to pay the conversion fee, even if the farmer did not participate in the program. We need time to educate the public through the planning process; imposing the conversion fee prior to recertification may be a significant deterrent to countywide participation in the program.

I along with representatives of several counties had the opportunity to meet with Department staff yesterday. This meeting was scheduled a few weeks ago, and we thought it was to be a discussion of specific revisions to the proposed bill's language to make this an administratively-workable package. Unfortunately, it was clear this was not the Department's intent for the meeting; instead, the Department offered the solution of a remedial legislative effort once the bill is enacted.

With all due respect, we cannot consider this approach as sound public service and strongly feel if the two issues outlined above are not adequately addressed before enactment, the future of farmland preservation in Wisconsin will be in jeopardy. On behalf of WCCA we strongly support the preservation of Wisconsin's agricultural resources and heritage as evidenced in over 30 years of front-line administration of the program. There is no entity more intimately aware of the program's weaknesses or more qualified to recommend changes. As stated in my previous letter, we will have to advocate for the removal of the Working Lands legislation from the Budget Bill and recommend the revision process proceed as separate legislation or by the administrative rule-making process.

Respectfully Yours,

Michelle Staff, President
Wisconsin County Code Administrators
Jefferson County Planning & Zoning

Cc: Joint Committee on Finance
Representative Amy Sue Vruwink
Senator Kathleen Vinehout
Representative Steve Hilgenberg
WCCA Executive Board