

**LAND PRESERVATION BOARD MEETING MINUTES****Friday, December 18, 2009 at 9:00 A.M.****Room 118, Ozaukee County Administration Center, Port Washington**

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**1. CALL TO ORDER**

Chairman Tim Kaul called the meeting to order at 9:03 AM. Land Preservation Board members present were: Chairman Tim Kaul, Vice-Chairwoman Jennifer Rothstein, Supervisor John Hazelwood, Sam Macklem, Frank Madden, Jim Melichar, Mike Paulus, and alternates Paul Hayes and Marjie Tomter. Staff present included: Land and Water Management Department Director Andy Holschbach, County Administrator Tom Meaux, UW-Extension Agriculture Agent Dan O'Neil, UW-Extension Community Resource Development Educator Nicole Sidoff, Planning and Parks Department Director Andrew Struck, and Planning and Parks Intern Paul Merkey.

**2. ASSURANCE THAT THE MEETING HAS BEEN PROPERLY NOTICED**

Chairman Kaul asked staff if the meeting had been properly noticed and the agenda had been posted. Nicole Sidoff noted that the meeting was properly noticed and the agenda posted.

**3. ADOPTION OF AGENDA**

**Motion by Supervisor Hazelwood and seconded Frank Madden to adopt the agenda as printed. All members present voting aye, motion carried unanimously.**

**4. APPROVAL OF MINUTES (OCTOBER 29, 2009)**

**Motion by Vice-Chairwoman Rothstein and seconded Frank Madden to approve the minutes for the October 29, 2009 meeting of the Land Preservation Board. All members present voting aye, motion carried unanimously.**

**5. PUBLIC COMMENT**

There was no public comment.

**6. DISCUSSION AND POSSIBLE ACTION ON FLOWCHARTS****A. OZAUKEE COUNTY PLANS**

Andrew Struck explained the "Ozaukee County Plans" flowchart. Chairman Kaul asked about how the plans would be different if the Land Preservation Board had not been established. Andrew Struck noted that both the Farmland Preservation Plan and the Park and Open Space Plan are required by State Statute. The LPB is charged with developing a plan based on the Comprehensive Plan, Farmland Preservation Plan, and Park and Open Space Plan that deals with the "on the ground" tasks necessary for land preservation in Ozaukee County. The LPB plan will address partnerships, funding sources, and detailed criteria for actual implementation of land preservation strategies in the County.

Frank Madden asked whether the LPB will have oversight for the Farmland Preservation Plan and the Park and Open Space Plan. Andrew Struck explained that the Comprehensive Planning Board will have oversight due to the fact that the plans are required by Statute and need to be approved by a Board comprised of elected officials. However, the LPB will have the opportunity to review and contribute to the plans throughout their development. The "Ozaukee County Plan" flowchart will be amended to show that the Comprehensive Planning Board will be the oversight committee, and will also have double-tipped arrows that better demonstrate the relationships between each plan and each committee's involvement in plan review. Mike Paulus noted that it would be important to keep the lines of communication open between each of the committees/boards overseeing each of the plans.

Andrew Struck and Andy Holschbach emphasized the importance of completing the Park and Open Space Plan update soon, as the County is ineligible for stewardship funding until the Plan has been updated. Andrew Struck noted that the Plan has to be updated every five years to remain eligible for stewardship funds.

**LAND PRESERVATION BOARD MEETING MINUTES**

Friday, December 18, 2009 at 9:00 A.M.

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**B. ORGANIZATION**

Andrew Struck explained the "Organization" flowchart included in the packet. The LPB then discussed the possibility of having a Citizen Advisory Committee for the Farmland Preservation Plan and the Park and Open Space Plan. Sam Macklem asked who would run the CAC. Andrew Struck explained that the LPB and CPB would both review applications and the CPB would ultimately be responsible for the appointments with recommendations coming from the LPB. The CAC would then have its own chairperson. Chairman Kaul noted that the LPB could also be involved in helping to recruit CAC members. Andrew Struck explained that the CAC for the Comprehensive Plan consisted of fifteen at-large citizen representatives and one representative from each local government, with a total membership of 31 people. Mike Paulus asked if having a CAC bogged down the planning process. Andrew Struck noted that although it does add an additional level of need for staff support and time, the increase in public support and buy-in for the planning process makes the extra effort worthwhile, particularly at adoption time. Frank Madden noted that he participated in one of the Comprehensive Plan workgroups, and he believed they worked well and helped increase citizen buy-in for the planning process.

**Motion by Frank Madden and seconded Vice-Chairwoman Rothstein to adopt the Ozaukee County Plans Flowchart and the Organization Flowchart with the proposed relationship changes incorporated. All members present voting aye, motion carried unanimously.**

**7. UPDATE OF THE PARK AND OPEN SPACE PLAN FOR OZAUKEE COUNTY**

Andrew Struck noted that the update to the Park and Open Space Plan (POSP) began with a request to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for planning assistance. The planning process will begin in January or February and will take approximately 12 to 15 months. It is critical that the POSP be completed in the short timeframe identified in order to be eligible for DNR stewardship funds in 2011. Struck then noted that he will provide the table of contents from the old POSP in the next LPB packet, so that LPB members can learn more about what is encompassed in a POSP.

**8. DISCUSSION AND POSSIBLE ACTION ON THE PROPOSED TIMELINE FOR FARMLAND PRESERVATION PLAN**

Andrew Struck, Nicole Sidoff, and Frank Madden met to develop the timeline for the Farmland Preservation Plan (FPP). Andrew Struck explained that the Farmland Preservation Planning process would begin in earnest in July 2010. Paul Hayes asked how the County would deal with ensuring consistency between the County FPP and the local government comprehensive plans. Andrew Struck explained that the County Comprehensive Plan was developed with input from each of the local governments and their local comprehensive plans, so the County has been reviewing and updating its Plan with input from the local government amendments. He noted that Chapter 91 of the State Statutes requires the County to develop and revise the FPP and that it must be consistent with the County's Comprehensive Plan. He also noted that some local governments were considering amending their local comprehensive plans to better allow for participation in the Working Lands Initiative programs. Dan O'Neil noted that amendments to the local government plans may impact the timeline for completion of the County FPP. Chairman Kaul noted that it would be helpful to have a timeline for the LPB efforts, in addition to the FPP timeline.

**Motion by Vice-Chairwoman Rothstein and seconded Sam Macklem to approve the Farmland Preservation Plan timeline. All members present voting aye, motion carried unanimously.**

**9. DISCUSSION AND POSSIBLE ACTION ON THE FARMLAND PRESERVATION PLANNING GRANT APPLICATION**

Chairman Kaul explained that the Farmland Preservation Planning Grant would give the County up to \$30,000 from DATCP's Working Lands Initiative funds to help cover the costs of preparing the County's Farmland Preservation Plan. Andrew Struck noted that the \$30,000, if received, would hopefully cover the cost of assistance from SEWRPC. Staff is currently working on the grant application. The Farmland Preservation Plan timeline, approved in the last agenda item, would be included as part of the application.

**Motion by Supervisor Hazelwood and seconded Frank Madden to approve staff preparation and submission of a Farmland Preservation Planning Assistance Grant application. All members present voting aye, motion carried unanimously.**

**10. DISCUSSION AND POSSIBLE ACTION ON THE COUNTYWIDE PUBLIC INFORMATION MEETING – DATCP/UWEX/COUNTY (TENTATIVE – JANUARY 2010)**

Andrew Struck explained that the proposed Countywide public information meeting is a result of the local government interest in getting more information about the Working Lands Initiative and the impacts of the land conversion fees on local zoning. Rather than having DATCP attend numerous local government meetings, the County will hold a meeting in conjunction with DATCP for local government staff and elected officials to attend. Marjie Tomter enquired about whether this information meeting would take the place of the First Fridays Forum on land preservation, and Nicole Sidoff explained that the First Friday Forum would still occur as planned. The First Friday Forum is intended for the general public, while the Countywide public information meeting currently being discussed would be geared toward local government staff and elected officials. The LPB then had a discussion about the importance of the location of the meeting and ensuring that it occurred in the near future in order to deal with local government concerns in as timely manner as possible given DATCP's availability.

Chairman Kaul asked what role the Land Preservation Board would play in this meeting. Andrew Struck explained that it would be beneficial to have LPB members present at the meeting and they would be introduced at the beginning of the meeting. The LPB then discussed which days/times would work best for them to attend a meeting.

There was no action taken on this item.

**11. DISCUSSION AND POSSIBLE ACTION ON THE APPLICATION FOR AN AGRICULTURAL ENTERPRISE AREA (AEA) IN THE NORTH BRANCH MILWAUKEE RIVER WILDLIFE AND FARMING HERITAGE AREA**

Chairman Kaul explained that he, Andrew Struck and Andy Holschbach had met with Dale Katsma, WDNR, about the possibility of applying for an AEA in the North Branch Area. Andy Holschbach noted that Mr. Katsma was enthusiastic about the possibility, especially because it is sometimes difficult to get stewardship funding. Holschbach then stated that the application for AEA's is due on February 26, but the LPB may not want to rush into applying for an AEA during this first round. Staff then responded to a request from Paul Hayes to briefly explain what a land conversion fee is and its implications.

Andrew Struck then referred LPB members to the maps included in the packet. Supervisor Hazelwood asked about the agricultural tax rate. Andrew Struck explained that he has the rates from the DOR, but believes it is approximately \$50 - \$80/acre for grade one assessment. Frank Madden noted that increasing density would be important to builders trying to reduce costs, but the land conversion may not be a major cost factor for developers.

Andrew Struck noted that with the first attempt to apply for an AEA, it is important to have as few negative impacts, such as the land conversion fee issue, as possible. Supervisor Hazelwood asked why Dale Katsma suggested holding off on applying for an AEA in the North Branch area. Andrew Struck explained that landowners may be concerned about the land conversion fee. Chairman Kaul also indicated that Mr. Katsma did not want to alienate the people with whom he has worked to develop relationships with in the area.

Andrew Struck then referred LPB members to the LESA maps included in the packet. He noted that the local governments had been involved in the LESA analysis and had approved it as part of their local comprehensive plans and it was also approved as part of the County Comprehensive Plan. Chairman Kaul then asked who would complete the AEA application if one were submitted. Andrew Struck noted that staff, with input from Dale Katsma and at least five landowners, would have to prepare the AEA petition. Chairman Kaul noted that the AEA application process would be trial and error for everyone,

**LAND PRESERVATION BOARD MEETING MINUTES**

Friday, December 18, 2009 at 9:00 A.M.

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including DATCP, but he was confident that an AEA in the North Branch would be accepted. Vice-Chairwoman Rothstein asked how hard it would be to get another AEA in Ozaukee County if the North Branch AEA was accepted. Chairman Kaul thought that a successful AEA in the North Branch would possibly be beneficial in getting other landowners interested in another AEA. Dan O'Neil noted that the first step in the process should be getting in contact with as many landowners in the area as possible to see if they are interested in an AEA. Andrew Struck noted that to be competitive with the application the AEA should encompass at least 1,000 acres.

**Motion by Jim Melichar and seconded Supervisor Hazelwood to apply for an Agricultural Enterprise Area (AEA) in the North Branch Milwaukee River Wildlife and Farming Heritage Area contingent upon the ability to contact landowners in the area and have buy-in from the landowners and also approval by the Town of Fredonia. All members present voting aye, motion carried unanimously.**

**12. DISCUSSION AND POSSIBLE ACTION ON THE OZAUKEE COUNTY PLANNING AND PARKS DEPARTMENT ACCEPTING DONATIONS FOR LAND PRESERVATION UNDER STATE STATUTE CHAPTER 27**

Chairman Kaul explained that he had asked Andrew Struck to investigate the possibility of creating a land preservation fund. The fund would be intended to provide a means for someone to donate cash, land, or easements for the purpose of land preservation in the County. Supervisor Hazelwood noted that it would be important to consider the implications of a land donation due to the issue of who would be responsible for maintaining the property. Vice-Chairwoman Rothstein noted that the Ozaukee Washington Land Trust (OWLT) had worked in the past to help provide volunteer monitors for similar donated properties. Andrew Struck noted that the donation of an easement on farmland that was still being farmed would not require a great deal of maintenance from the County. Andy Holschbach noted that he was aware of two farmers that were interested in donating easements on their properties.

Marjie Tomter asked how much money would be needed to start a fund. Andrew Struck then explained State Statute Chapter 27, the relevant part of which was included in the packet. Under that Statute, the Planning and Parks Department can accept donations to be used for "parks purposes." State Statute 59.52 states that the County Board may accept donations to be used for "public purposes," which could include land preservation. Chairman Kaul noted that the PACE program requires matching funds, and the County should have matching money. Mr. Struck noted that the value of an easement could be used as matching funds for some funding sources and grants. Administrator Meaux then stated that he would draft a resolution to meet the intent of establishing a land preservation trust fund, and the LPB could take action on that resolution at its next meeting.

There was no action taken on this item.

**13. DISCUSSION AND POSSIBLE ACTION ON THE CREATION OF A CITIZEN ADVISORY COMMITTEE (CAC) FOR THE FARMLAND PRESERVATION PLAN**

LPB members discussed this item partly under agenda item 6(b). Andrew Struck explained that staff had been discussing the possibility of creating a Citizen Advisory Committee (CAC), similar to the CAC that was part of the comprehensive planning process, to help advise the Farmland Preservation Plan. He then explained that the Comprehensive Plan CAC was made up of both citizens and one representative from each local government. The LPB then had a discussion about the advantages and disadvantages of having a CAC, and the make-up of a potential Farmland Preservation Plan CAC, including the pros and cons of including municipal officials in the CAC.

**Motion by Mike Paulus and seconded Frank Madden to establish a Farmland Preservation Plan Citizen Advisory Committee with fifteen at-large citizen members and fifteen municipal officials (one from each local government). All members present voting aye, motion carried unanimously.**

**LAND PRESERVATION BOARD MEETING MINUTES****Friday, December 18, 2009 at 9:00 A.M.****Room 118, Ozaukee County Administration Center, Port Washington**

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**14. DISCUSSION OF WORKING LANDS INITIATIVE WORKSHOP**

Vice-Chairwoman Rothstein and Frank Madden shared their experiences at the Working Lands Initiative Workshop they attended. Nicole Sidoff noted that some of the information distributed at the Workshop was included in the LPB packet.

**15. DISCUSSION OF GOALS AND OBJECTIVES RELATING TO AGRICULTURE AND NATURAL RESOURCES IN THE OZAUKEE COUNTY COMPREHENSIVE PLAN**

Andrew Struck noted that staff had pulled out all goals, objectives, and policies from the Comprehensive Plan that were related to land preservation. The list of those goals, objectives, and policies was included in the packet. He noted that the list was a good starting point from which the LPB could focus its efforts.

**16. DISCUSSION OF APRIL 2, 2010 FIRST FRIDAY FORUM TOPIC: "PRESERVING OZAUKEE COUNTY'S RURAL CHARACTER – THE PAST, PRESENT AND FUTURE OF OUR LAND RESOURCES"**

LPB members received the announcement for the two remaining First Friday Forums. Marjie Tomter noted that Dakota County confirmed that they will be participating in the First Friday Forum on April 2, 2010. Andrew Struck noted that the speakers at the April 2 First Friday Forum will likely be representatives from Dakota County, DATCP, and the Land Preservation Board. Paul Hayes noted that the First Friday Forum would be an ideal location to recruit potential CAC members.

**17. NEXT MEETING TOPICS****A. ASSIGNMENT OF DUTIES/TASKS**

Chairman Kaul noted that it might be beneficial for the LPB's efforts if the County looked at adding additional staff to focus on land preservation issues, such as putting together an Agricultural Enterprise Area (AEA) petition.

**B. DISCUSSION OF PROPOSED 2010 MEETING DATES**

Land Preservation Board members discussed the proposed 2010 meeting dates, which were included in the packet. LPB members and staff agreed that the proposed meeting dates would work for their schedules.

**18. ADJOURNMENT**

**A motion was made by Jim Melichar and seconded by Vice-Chairwoman Rothstein to adjourn the meeting. All members present voting aye, the motion carried unanimously.** Meeting adjourned at 12:14 PM.

*Respectfully submitted by Nicole Sidoff and Andrew Struck.*