

1. CALL TO ORDER

Chairman Tim Kaul called the meeting to order at 9:06 AM. Land Preservation Board members present included: Chairman Tim Kaul, Vice-Chairperson Jennifer Rothstein, Supervisor Bill Niehaus, Frank Madden, Mike Paulus, and Alternates Paul Hayes and Marjie Tomter. Members excused included: Jim Melichar and Kine Torinus. Staff present included: Land and Water Management Department Director Andy Holschbach, UW-Extension Community Resource Development Educator Nicole Sidoff, Planning and Parks Department Director Andrew Struck, UW-Extension Agriculture Agent Dan O'Neil, Transit Director Jason Wittek, and County Administrator Tom Meaux. Southeastern Wisconsin Regional Planning Commission (SEWRPC) staff present included Principal Planner Dave Schilling.

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 Bill Niehaus and seconded by Frank Madden to adopt the agenda as printed. All members present voting aye, motion carried unanimously.

4. APPROVAL OF MINUTES (OCTOBER 6, 2010)

Motion by Vice-Chairperson Jennifer Rothstein and seconded by Frank Madden to approve the minutes for the October 6, 2010 meeting of the Land Preservation Board as written. All members present voting aye, motion carried unanimously.

5. PUBLIC COMMENT AND WRITTEN COMMUNICATIONS

Chairman Kaul noted that County Board Supervisor Rose Hass Leider had told him that she would like the Land Preservation Board to see what they can do about the fact that rents for agricultural land are continually climbing higher and making it harder for smaller farmers to compete.

6. REVIEW OF REVISIONS TO CHAPTER 3 OF THE PARK AND OPEN SPACE PLAN FOR OZAUKEE COUNTY

Andrew Struck explained that LPB members received Chapter 3 of the Park and Open Space Plan (POSP) with all of the revisions made by the LPB and Comprehensive Planning Board (CPB) incorporated. He noted that the CPB appreciated the LPB comments and did not make many additional revisions to the chapter. He then thanked Marjie Tomter for her efforts to provide additional trail information. The LPB did not have any additional comments on Chapter 3.

7. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON CHAPTER 5 OF THE PARK AND OPEN SPACE PLAN FOR OZAUKEE COUNTY

Chairman Kaul asked about the status of Chapter 4. Dave Schilling explained that Chapter 4 deals with public input and participation and will be completed once the survey report is received from UW-River Falls Survey Research Center (SRC). The chapter will also include the results of the strengths, weaknesses, opportunities, and threats (SWOT) analyses, visioning meetings, and on-site parks surveys.

Dave Schilling provided a page-by-page overview of draft Chapter 5 of the Park and Open Space Plan for Ozaukee County (POSP). Mr. Schilling noted that national standards for parks, trails, natural areas etc. exist. The standards were developed in 1983 and are still considered to be applicable. SEWRPC has evaluated the standards and readjusted them for Southeastern Wisconsin. Vice-Chairperson Rothstein asked about how Ozaukee County is doing in meeting intensive needs, such as tennis courts, ball fields etc. Mr. Schilling noted that while Ozaukee County provides some of these resources, local governments are typically expected to provide those types of more intensive active park uses.

Andrew Struck requested that Lake Michigan be added to the fifth objective on page two. Chairman Kaul requested that a sentence noting how land preservation impacts water quality also be added to that

objective. Mr. Schilling indicated that he would add something to that effect in the plan chapter, namely detailing the additional benefits of open space beyond recreational uses.

Marjie Tomter inquired about how the projected needs take in to account Milwaukee County's proximity to Ozaukee County, especially considering how many Milwaukee County residents utilize Ozaukee County parks for tourism and recreation. Andrew Struck noted that standards are applied to Ozaukee County's population projections, while Dave Schilling noted that it is generally assumed that there is filtering back and forth across county lines from all counties. No good data set exists to demonstrate exact numbers of people coming from other counties. Areas with unique facilities, such as Tendick Nature Park with the disc golf course and Lion's Den Gorge Nature Preserve tend to attract additional people from adjacent areas. Mr. Struck indicated that from anecdotal evidence (e.g. reservations) probably about 50% of people using Virmond Park, on the southeast side of Mequon, are from outside Ozaukee County. He suggested adding a sentence about the impacts of tourism and outside visitors on County parks. Frank Madden noted the importance of tourism in the County and the economic impacts of money spent by non-County residents. Marjie Tomter requested that a sentence highlighting how parks and open space impact tourism and economic development be added. Mr. Schilling noted that he would add that to the plan chapter.

Chairman Kaul asked about the sentence on page four stating, "Application of the per capita standards for major park sites to the existing 2009 and anticipated year 2035 County population levels indicates that no additional park land in major park sites is needed." He asked about whether the County would be able to accept a large, donated land area, similar to Tendick Nature Park, if this statement was in the plan. Mr. Schilling noted that these are *minimum* standards and that the County is still lacking some facilities, which could be added to existing parks or developed in new parks. Mr. Struck requested to add "minimum" to the sentence in the last paragraph of page four to read, "Application of the per capita *minimum* standards..." Mr. Struck also noted that these standards apply to "major" park sites and many of the Ozaukee County Parks are smaller in acreage than most "major" County Parks in the southeastern region.

The LPB members then had a discussion on the standards for public and private campsites, and the fact that the standards when applied to Ozaukee County show that there are enough public campsites, but not enough private campsites. The cost of real estate and loss of the Girl Scout campground were cited as reasons for the lack of public campgrounds and possible need for additional public campsites, namely at Hawthorne Hills/H.H. Peters Youth Camp.

Mr. Schilling explained that they were still calculating the number of picnic tables at Mee-Kwon Park, but most likely, the need for picnic tables in the County likely will be shown as not met by the standards. There are probably about 340-350 in the major County parks and another 106 in the other County parks. The lack of picnicking in the County, as laid out by the standards, could mean that an additional park could be added to meet that need.

Mr. Schilling then explained that meeting the standard for swimming beaches is difficult for Ozaukee County, due to the lack of inland lakes. For that reason, the closest swimming beaches in the counties adjacent to Ozaukee County were included in the chapter.

Chairman Kaul noted that references to hunting and fishing were needed, namely in the intensive resource use facilities section. Mr. Schilling noted that no standards exist for hunting and fishing. He agreed to include hunting and fishing on page eight under the "other recreational needs" section. The LPB then had a discussion about identifying hunting resources in the inventory, and Mr. Schilling noted that much of the land open to hunting is privately-owned. Mr. Struck noted that he would work with staff to compile an inventory of public hunting grounds. Mr. Schilling noted that he would be able to indicate where the publicly-owned sites available to hunting are located.

The LPB then had a discussion about the costs of meeting the standards, such as purchasing or building new picnic tables. Mr. Schilling noted that the funding issue would be dealt with in plan chapter VI. Mr. Struck noted that it is important to include anticipated possibilities because the County is not eligible for WDNR Stewardship and other funding for a project or resources if they are not included in the plan.

Paul Hayes asked about the requirements of NR 151 and also the implications that anyone who uses Stewardship funds for land must provide public hunting access, unless the land is deemed unsuitable for public hunting. Mr. Struck noted that there will be more definition to those requirements in the future, and Andy Holschbach noted that those requirements will likely change with State farmland preservation initiatives.

The LPB then had additional discussions on the issue of tourism and its impact on the Ozaukee County Park System; include trying to decide who is a "tourist." Efforts to promote tourism, such as the Discover Wisconsin DVD, Comprehensive Plan DVD, and Treasures of Oz event have been effective in drawing people to County parks. Ozaukee County Tourism Council and Ozaukee Economic Development also have roles in promoting tourism in the County. Chairman Kaul noted that money collected through the County sales tax and taxes on ammunition and bullets help provide funding for the park system and for wildlife habitat preservation.

Mr. Struck requested that an item on NR 236 requiring public access along navigable waterways be added. Mr. Schilling then discussed the lake access issue, noting that two of the three major lakes in the County were exempt from that standard. The other, Mud Lake, an environmental sensitive area was exempt from the boating access standards.

Chairman Kaul noted that Muttland Meadows is in the Town, not Village of Grafton. Marjie Tomter asked about Katherine Kearney Carpenter Park in Mequon as a dog park, but Mr. Schilling noted that although it is a popular area in which to bring dogs, it is not a dog park in the strict definition of the term. This is because it is not a completely fenced-in area in which dogs can run off-leash. Mr. Struck noted it was an off-leash dog park, but did not have a fence. Mr. Struck noted that it could be referenced in the chapter with this caveat.

The LPB then discussed the fact that there is no agreed-upon standard for ice-skating facilities. Mr. Schilling noted that efforts had been made in the past to set a standard, but it ended up being practically impossible. Part of this deals with the fact that most indoor ice facilities are privately-owned. Typically, one ice-skating facility per county is considered to be acceptable. Mr. Struck noted that he would like to have the County negotiated free public ice time for County residents at Carlson Ice Center included in the plan. Mr. Struck also noted that mention be made of outdoor ice skating facilities in the County such as Mee-Kwon Park.

Mr. Schilling then explained that SEWRPC was in the process of updating the Regional Natural Areas and Critical Species Habitat Management Plan, which will then be given to the County Board to review and ideally endorse. The plan includes recommendations for which level of government or what type of private entity or organization should be responsible for acquiring each of the natural areas in the plan. Marjie Tomter asked if it would be possible to include a sentence and map about water quality and groundwater recharge areas and its importance. Mr. Schilling agreed to include a sentence and reference the groundwater recharge area map to that effect. Mr. Schilling noted that there will be a map with all the environmental corridors and natural areas targeted for protection, with identification of each organization that is recommended to acquire each area. He is still working on developing this map, and it will be included in plan chapter VI. Mr. Struck also noted that significant geologic sites should be included on this map and in the third paragraph on page 10.

Mr. Struck then outlined three other items that had been identified as needing to be addressed in this chapter:

- 1.) Access to cultural and historic sites, including Pioneer Village.
- 2.) Scenic roads and rustic roads.
- 3.) Protection of floodways.

The LPB had additional discussion about item three. According to Andy Holschbach, there are properties within the Edgewater subdivision on the Milwaukee River in Saukville that flood during storm events. Landowners have expressed interest in having their homes in the floodway purchased through a FEMA buyout program. Frank Madden asked if any other areas would qualify for this FEMA buyout program, and Mr. Holschbach explained that lot of other areas would qualify, but these landowners had approached the Land and Water Management Department. Mr. Struck suggested that staff look into the floodway areas in the County further.

Marjie Tomter asked whether there were any ideas about increasing forest land in the County. Mr. Holschbach noted that there are no official County forests. Mr. Struck noted that the Regional Natural Areas Plan has very detailed information on resources like forest land, and most of the forest land in Ozaukee County is not publicly-owned. Ms. Tomter requested that a recommendation to increase the publicly-owner forest land in the County to help increase protection. Mr. Holschbach noted that a County forest would probably provide opportunities for public education efforts.

Mr. Struck noted that the Land Preservation Board could either take action on Chapter 5 with these revisions, or wait until they received the updated version at their next meeting. Chairman Kaul noted that it has worked so far to approve chapters with the revisions proposed at that meeting. He also noted that Paul Hayes and Marjie Tomter could vote during this meeting because two Board members were missing.

Motion by Marjie Tomter and seconded by Frank Madden to approve Chapter 5 of the Park and Open Space Plan as amended. All members present voting aye, motion carried unanimously.

Chairman Kaul called a break for the LPB at 10:28 AM. He reconvened the LPB at 10:44 AM.

8. DISCUSSION OF POTENTIAL PLAN RECOMMENDATIONS FOR THE PARK AND OPEN SPACE PLAN FOR OZAUKEE COUNTY

Andrew Struck distributed a table with draft POSP recommendations to LPB members. He noted that these draft recommendations are based on a compilation of all the public input gathered through the planning process, the five-year capital improvement plan, and recommendations of the 2020 POSP that had not yet been implemented. The last part of the input will be the countywide public opinion survey.

Andy Holschbach asked that the Lion's Den Gorge Nature Preserve recommendation be expanded to include acquisition of a buffer area around the natural area, in addition to acquiring the entire natural area. Mr. Struck noted that for Chapter VI, staff will be working on developing project areas around existing County Parks and identified natural areas. Mr. Struck noted that this would be similar to creating a project area for Lion's Den Gorge Nature Preserve, which is similar to what the State and Federal governments do for future expansion. Marjie Tomter asked if a recommendation for Lion's Den could include additional trails, including the possibility of horse trails. This would work in conjunction with the Town of Grafton's trail development efforts. Mr. Struck noted that the conservation easement on the current property prohibits the development of horse trails. The LPB then discussed the adjacent parcel that is currently for sale and the possibility of acquiring that \$2.5 million, 50 acre property. The LPB also discussed the current parking situation at Lion's Den, including the pros and cons of pervious pavement.

Supervisor Niehaus requested that the Board add a recommendation that the Guenther Property just north of the Cedarburg Bog be added to the County Park System subject to the Town of Saukville's first right refusal. Mr. Struck noted that this language will be added to the recommendations and table. Mr. Holschbach asked that a recommendation to add the Edgewater subdivision properties to the County Park System also be included under the "other" section.

Jason Wittek asked if the new taxi storage building the County is constructing on Oakland Avenue and the on-road trail that will be taken off-road as a result of the construction could be added as a recommendation for the Ozaukee Interurban Trail. The building will provide drinking water, restrooms, and tables for Trail users. Mr. Struck noted that this could be added, as it has not yet been implemented.

Dave Schilling explained the multi-state efforts to develop water trails along Lake Michigan and all the Great Lakes. The goal is to have access points or facilities roughly every five miles. A mapping effort undertaken by the Bay Lakes Regional Planning Commission will identify all the access points and facilities and provided detailed information on each of them. Virmond Park is an example of an access point that will be identified for kayakers and canoers because they can access the beach from Lake Michigan, even if there is no formal access point from the land.

Mr. Schilling then explained that all the Regional Natural Areas and Critical Species Habitat Management Plan recommendations would be incorporated into the POSP recommendations, including which areas the Plan recommends that the County acquire. Chairman Kaul noted that with the Farmland Preservation Plan, efforts are being made to prioritize farmland for preservation, and he asked whether this would be done for the POSP. Mr. Struck noted that this is done as part of the Regional Natural Areas and Critical Species Habitat Management Plan for natural areas and the development of project areas would accomplish this for other park sites.

Mr. Schilling also noted that there will be a capital element to the plan, including the costs of land for recommended acquisitions. It will show the reasonable costs per acre for agricultural lands, woodlands, wetlands etc. The POSP will also include potential funding sources for these acquisitions. The LPB then discussed potential other funding sources that could come into play, such as real estate transfer taxes similar to that in Jefferson County. Mr. Struck noted that it would be important to have a discussion on potential funding sources. He noted that in the past, Washington County used County sales tax money for park land acquisition and development. Mr. Schilling noted that he will include a section on how much per person per year it would cost the County to implement the POSP.

9. UPDATE ON THE COUNTYWIDE PUBLIC OPINION SURVEY FOR THE PARK AND OPEN SPACE PLAN AND THE FARMLAND PRESERVATION PLAN

Nicole Sidoff noted that 417 out of the 1,146 people that received the survey submitted a completed survey, an approximately 36% return rate. UW-River Falls Survey Research Center staff have completed the draft report and are waiting for their director to review the draft. LPB members will have a survey report to review at the February meeting.

10. UPDATE ON THE FARMLAND PRESERVATION PLAN CITIZEN ADVISORY COMMITTEE

Nicole Sidoff updated the LPB on the status of the Farmland Preservation Plan Citizen Advisory Committee (FPP CAC). The CPB appointed all sixteen of the applicants as citizen members. Many of the local governments have appointed representatives and staff is working to have local government participation on the FPP CAC. Ms. Sidoff noted that she would email LPB and CPB members prior to FPP CAC meetings with the agenda and meeting date and time. LPB and CPB members are invited to attend FPP CAC meetings.

Chairman Kaul asked LPB members to contact Nicole Sidoff if they have any issues that they would like to have brought up with the FPP CAC. Andrew Struck noted that periodically throughout the farmland preservation planning process FPP CAC representatives will be invited to come speak at LPB meetings about the work of the FPP CAC. The LPB then had a discussion about the representation on the FPP CAC, including the number of farmers on the FPP CAC. Nicole Sidoff noted that while only two of the citizen appointees are farmers, a number of the local government representatives are from the farming community. Additionally, staff will hold public meetings during the planning process and meet with local governments to ensure that the farming community is involved in the development of the FPP.

11. UPDATE ON WORKING LANDS INITIATIVE PROGRAMS

Andrew Struck noted that the State is accepting PACE and AEA applications. The requests for applications for both of those programs were included in the packet. He indicated that he had spoken with DATCP representatives and they were willing to accept the Ozaukee County LESA report as a supporting document for any PACE applications due to the consistency between the PACE criteria and the LESA factors. During the public meeting hosted by Gathering Waters, DATCP officials indicated that \$6 million had already been committed to successful PACE applications and another \$6 million was available. It sounds as though this might be the remainder of the funds that will be available to be committed to PACE. That money will likely be split over two rounds of applications. The money collected through conversion fees would likely go to fund the entire Working Lands Initiative program, not just PACE.

Mr. Struck noted that a few landowners had expressed an interest in applying for PACE in this round. Because the Farmland Preservation Plan has not yet been completed, DATCP will be looking primarily at the PACE applications' consistency with the Comprehensive Plan. He then indicated that staff would work with the interested landowners on the application process and ensuring consistency with the Comprehensive Plan and LESA if the LPB wanted to move forward. The Comprehensive Planning Board would then make the official recommendation for the applications to the County Board.

Mr. Struck noted that specific landowners had approached him, with the largest potential application in the Town of Port Washington. The Town is not currently eligible for PACE or any of the Working Lands Initiative programs due to inconsistency with the Comprehensive Plan. The Town does not have any areas in a farmland protection land use. Staff is meeting with the Town to address this issue and guide the process of amending the Town's Comprehensive Plan if they choose to move forward with putting areas into a farmland protection land use. The County would then have to amend its Comprehensive Plan in order to be consistent with the amended Town Comprehensive Plan and provide for eligibility of a Farmland Preservation Area designation. The mixed agriculture / conservation subdivision land use the Town currently has would either be reduced or eliminated if the Town chooses to move forward with creating a farmland protection land use. The lands that would potentially be encompassed in this farmland protection land use would not necessarily be subject to a conversion fee in the future, only if those areas that would be in a farmland preservation area (FPA) on the County's Farmland Preservation Plan would be subject to that conversion fee.

Marjie Tomter asked if all of this could be done in a timeline realistic for submitting a PACE application, and Mr. Struck noted that based on discussions with staff and Town officials it would be possible to complete the process in time to submit a PACE application, but it was very tight. The lands proposed for an application are very consistent with the highly-ranked agricultural lands in the LESA analysis.

Mr. Struck indicated that another landowner in the Town of Fredonia was interested in possibly applying for PACE in this round. That land is just north of the Village of Fredonia and also ranks high in the LESA analysis. The North Branch area also would be a possible area for a PACE application. Andy Holschbach noted that Dale Katsma is discussing the possibility of PACE with North Branch landowners. It would be possible for PACE applications to be submitted for all of the areas discussed, including those in the Town of Port Washington, Town of Fredonia, and the North Branch area. Mr. Struck noted that if the LPB agrees that these potential applications should be moved forward, they could make a recommendation to CPB that they should determine the areas' consistency with LESA and the Comprehensive Plan and recommend the applications to the County Board.

Chairman Kaul asked if the CPB could make a recommendation to expand the LPB role to oversee the PACE application process. Mr. Struck noted that that could be done, but is not currently authorized under the resolution. It would like have to go through the County Board, possibly as part of the County Board reorganization in spring. Mr. Holschbach asked about the role of the Environment and Land Use Committee (ELUC) in approving these applications. Mr. Struck noted that the CPB has to certify that the applications are consistent with the Comprehensive Plan.

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Frank Madden asked about local support for the PACE applications, and Mr. Struck noted that the landowners were very interested and the applications would be consistent with the local government comprehensive plans, with the exception of the Town of Port Washington, which is dealing with this issue. The LPB then had a discussion about the conservation subdivision land use in the Town of Port Washington and the rationale the Town used when developing its planned land use map. Chairman Kaul noted that that was what the Town wanted at the time it developed its planned land use map. Mr. Madden noted that he would support these applications, on the assumption that the landowners wanted to submit the applications. Mr. Struck noted that the County had been approached by landowners wanting to submit applications – the County was not actively soliciting potential applicants. Vice-Chairperson Rothstein voiced her support for moving ahead with the applications and expressed a desire to see the process streamlined in the future. Mr. Struck indicated that he would look into defining the roles of the LPB, CPB and ELUC in the application process for the future. He noted that it is important to have support from the LPB to share with the CPB and Chairman Kaul could help explain the LPB position at CPB without formal action.

Chairman Kaul asked about the staff time involved in monitoring the PACE lands if the application was approved. Mr. Struck noted that these were just applications and did not ensure an approval or an acceptance of the PACE funds. The LPB and CPB will have discussions about these issues as they come up in the future. He noted that this is just the first step of many steps for accepting the funds and purchasing agricultural conservation easements.

Chairman Kaul asked about the possibility of an AEA, since the deadline for applications was around the same time as the PACE deadline. Mr. Struck noted that an AEA has greater implications for the Farmland Preservation Plan because it is broader than the one parcel that would be affected by a successful PACE application. The LPB then discussed the criteria for PACE and whether local governments would meet that criteria. The main issues discussed were the Town of Port Washington's boundary agreement and development pressures, both of which would weigh favorably in a PACE application. LPB members then reaffirmed their support that PACE applications be moved forward, if possible.

12. LAND PRESERVATION NEWS / EDUCATION & OUTREACH

Nicole Sidoff noted the flyer included in the packet about the "Water and Irrigated Agriculture" webinar, which she was hosting following the LPB meeting. Andy Holschbach noted that the PACE workshop hosted by Gathering Waters and the American Farmland Trust in the Town of Saukville was well-attended.

13. 2011 MEETING SCHEDULE – NEXT MEETING – THURSDAY, FEBRUARY 3, 2011

Chairman Kaul noted that the date for the April meeting was incorrect on the meeting schedule – it should have been April 14. Dave Schilling explained that he will likely be presenting Chapter 4, the public input chapter, of the POSP at the next meeting. Vice-Chairperson Rothstein asked what staff focus would be until the next LPB meeting. Andrew Struck noted that wrapping up the POSP would be a top priority, especially because it would be ideal to have the POSP adopted by May. Vice-Chairperson Rothstein noted a willingness to hold an additional LPB meeting if necessary to ensure timely adoption of the POSP. PACE applications would also be a staff priority if landowners were interested in applying. Mike Paulus asked if staff could provide a list of the FPP CAC members including local government representatives. Nicole Sidoff will email this information to LPB members.

14. ADJOURNMENT

A motion was made by Mike Paulus and seconded by Paul Hayes to adjourn the meeting. All members present voting aye, the motion carried unanimously. Meeting adjourned at 12:21 PM.

Respectfully recorded and submitted by Nicole Sidoff and Andrew Struck.