

LAND PRESERVATION BOARD MEETING MINUTES**Monday, August 29, 2011 at 9:00 AM****Room 118, Ozaukee County Administration Center, Port Washington**

1. CALL TO ORDER

Chairman Tim Kaul called the meeting to order at 9:02 am. Land Preservation Board members present included: Chairman Tim Kaul, Vice-Chairperson Jennifer Rothstein, Supervisor Bill Niehaus, Caroline Torinus (9:07 am), Frank Madden, Mike Paulus (9:08 am), and Paul Hayes (alternate). Members excused included: Marjie Tomter (alternate). Members absent included: Jim Melichar. Staff present included: County Administrator Tom Meaux, UW-Extension Community Resource Development Educator Nicole Sidoff, Planning and Parks Department Director Andrew Struck, Land and Water Management Director Andy Holschbach, and Planning and Parks Department Intern Steven Kunst. Southeastern Wisconsin Regional Planning Commission (SEWRPC) staff present included: Principal Planner Rick Kania.

2. ASSURANCE THAT THE MEETING HAS BEEN PROPERLY NOTICED / ADOPTION OF AGENDA

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

Motion by Supervisor Bill Niehaus and seconded by Paul Hayes to adopt the agenda as printed. All members present voting aye, motion carried unanimously.

3. APPROVAL OF MINUTES (JULY 28, 2011)

Motion by Vice-Chairperson Jennifer Rothstein and seconded by Frank Madden to approve the minutes for the July 28, 2011 meeting of the Land Preservation Board as written. All members present voting aye, motion carried unanimously.

4. PUBLIC COMMENT AND WRITTEN COMMUNICATIONS

There were no public comments or written communications.

5. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON CHAPTER ONE – INTRODUCTION AND BACKGROUND – OF THE OZAUKEE COUNTY FARMLAND PRESERVATION PLAN

Andrew Struck noted that the Chapter One included in Board members' packets was an abbreviated, track-changes version. Maps were not included as Board members were provided a copy at their last meeting and no changes were made to the maps. An updated version of Appendix A, Chapter 91 "Farmland Preservation" of the Wisconsin Statutes, reflecting the changes made in the State's Biennial budget, was also provided.

Andrew Struck noted changes to the text were made based on comments received from Caroline Torinus. The most notable change was moving the second paragraph on page six, under the section headed "Purpose of Protecting Farmland," to the second paragraph on page four. Supervisor Niehaus suggested changing the lead sentence of that paragraph to read, "Farming is an important part of a local economy." Vice-Chairperson Rothstein suggested changing the phrase "local economy" to read "our local economy."

Caroline Torinus joined the meeting at 9:07 am

Mike Paulus joined the meeting at 9:08 am

Andrew Struck noted the sentence would be changed to incorporate those suggestions. Rick Kania noted he appreciates all of the comments, but there are many styles of writing and it can be difficult to please everyone. Mr. Kania also noted some data sources may not be updated on a regular basis, but information found in the Plan is the most current available. All of the track-changes found in the chapter reflect comments from both the Farmland Preservation Plan Citizen Advisory Committee (FPP CAC) and the Land Preservation Board (LPB).

LAND PRESERVATION BOARD MEETING MINUTES**Monday, August 29, 2011 at 9:00 AM****Room 118, Ozaukee County Administration Center, Port Washington**

Mike Paulus asked why the phrase “due to urbanization,” had been struck from the first sentence in the introduction. Andrew Struck noted the change was a result of a discussion during the last LPB meeting (July 28, 2011) to make the introduction more broad based.

Rick Kania presented the updated version of Appendix A, making special note of the elimination of the land conversion fee and the consequential change to Table I-1. The box describing the land conversion fee was struck from the table.

Frank Madden suggested deleting the word "both" in two instances in the fourth sentence of the second paragraph of page five. Supervisor Niehaus suggested eliminating the comma after the word “diffused” in the same sentence. The sentence read: “The costs of supporting diffused, low-density urban development are high, both in terms of both dollars and loss of renewable natural resources...” The new sentence would read: “The costs of supporting diffused low-density urban development are high in terms of dollars and loss of renewable energy resources...”

Vice-Chairperson Rothstein suggested changing the order of the list found in the first sentence of the third paragraph of page five to place more emphasis on groundwater supplies. Mike Paulus suggested moving the phrase “provides locally grown food for markets,” to the front of the list. Andrew Struck noted the change to the third sentence of the first paragraph under the section “Public Participation Plan.” The phrase “Citizen Advisory Committee” was changed to read: “Ozaukee County Farmland Preservation Plan Citizen Advisory Committee” to distinguish it from the Comprehensive Planning Citizen Advisory Committee.

Motion by Caroline Torinus and seconded by Supervisor Bill Niehaus to approve Chapter One – Introduction and Background – of the Ozaukee County Farmland Preservation Plan as amended. All members present voting aye, motion carried unanimously.

6. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON CHAPTER TWO – INVENTORY/ANALYSIS – PART I (SOILS AND AGRICULTURAL RESOURCES) OF THE OZAUKEE COUNTY FARMLAND PRESERVATION PLAN

Andrew Struck introduced the chapter noting track-changes reflected comments received from both the FPP CAC and LPB. Rick Kania provided an overview of the chapter page-by-page noting much of the data came from the County’s adopted comprehensive and park and open space plans. Frank Madden suggested striking the word “those” from the fourth line of the introduction. Rick Kania noted the numbers found on page six may change as a result of improved computer software and calculations, but these changes would be minor. Andrew Struck noted a new parcel layer had been finalized since the completion of the County Comprehensive Plan. Rick Kania noted the table found on page 3a is the same table found in the Comprehensive Plan and the changes to page five were reflective of the updated local sewer service area boundaries. Andrew Struck noted lands located within sewer service area boundaries were not included in the Land Evaluation and Site Assessment (LESA) analysis. Rick Kania added that sewer service area boundaries are official, adopted documents from the Wisconsin Department of Natural Resources (WDNR). Andrew Struck noted both the Farmland Preservation Plan (FPP) and Park and Open Space Plan (POSP) for Ozaukee County will become amendments to the *Multijurisdictional Comprehensive Plan for Ozaukee County: 2035*.

Andrew Struck noted the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) has eight drainage districts listed throughout Ozaukee County. Only the Belgium-Holland #1 and #2 remain active, though all eight still appear on DATCP’s online interactive map. The drainage board set up as part of the original district is required to go through a formal process to officially abandon the district. Mike Paulus asked where the drainage ditch in the Belgium-Holland district drained. Andy Holschbach noted both districts drain into the Onion River. Andrew Struck noted large portions of those districts are located in Sheboygan County as well as Ozaukee County. Caroline Torinus asked about the purpose of the drainage board. Andrew Struck noted the board is mainly charged with property assessment to manage and maintain the drainage ditches. Vice-Chairperson Rothstein asked what the

City of Mequon would have to do in order to properly abandon their districts. Andrew Struck noted he was still unsure of the specifics after an initial conversation with DATCP. Paul Hayes asked if a footnote or additional sentence could be included to inform people that other districts were created, but only the two in Belgium remain active. Andrew Struck noted he would add language to clarify the issue.

Caroline Torinus asked what was meant by the percent of agricultural land columns in Table II-4. Rick Kania noted the table showed the percentage of each type of agricultural land in relation to the total agricultural land within the County. Paul Hayes suggested changing the format of the table to make it easier to understand. Rick Kania noted he would make alterations to the table. Andrew Struck noted a footnote would also be added defining cultivated land and other terms found within the table.

Vice-Chairperson Rothstein asked if Table II-5 could be changed to show values in the millions instead of thousands, adding the current table is difficult to understand. Rick Kania noted the table was structured that way in order to keep all tables standardized within the FPP.

Mike Paulus asked what was the source of the data for Table II-10, describing the average land sale in price per acre for Ozaukee County. Mr. Paulus noted the table could be updated using data from the Farm Service Agency (FSA), as they gather this information annually. Rick Kania noted some information from the FSA may not be available. Andrew Struck added the FSA may not be able to provide the County with this data due to restrictions outlined in the Federal Privacy Act. The data has to be aggregated to prevent information from being able to be traced back to an individual. Supervisor Niehaus noted that information should be hard to trace back. Andrew Struck noted staff would look into it, and if that data were available, they would get it from the FSA. Caroline Torinus asked if the tables can be updated after the Plan is approved. Andrew Struck noted typically tables would only be updated at the time the entire Plan is updated.

Paul Hayes noted the term "farm" was defined twice within the chapter by two different sources and asked whether it was necessary to keep both. Andrew Struck noted the term "farm" was defined again in Table II-9 to allow for the table to be stand-alone. Mr. Struck added the chapter should stick with one source for the definition and that will be amended.

Rick Kania noted table II-8 had been edited to include data from 1997 and 2007 to allow for comparisons across time. Caroline Torinus asked what types of farms would have had less than \$2,500 in sales in one year. Rick Kania noted data was not available to answer that question, adding SEWRPC is reluctant to make speculations.

Supervisor Niehaus left the meeting at 10:01 am

Rick Kania provided an updated copy of Table II-9, noting it would replace the table currently found in the chapter. The table was expanded to show data from the years of 1997 and 2002.

Supervisor Niehaus returned to the meeting at 10:03 am

Mike Paulus asked whether farm size, as shown in Table II-9, was determined by the amount of land a given farm operates on or the amount of land owned by the farm. This table considers all of the land farms operate. Caroline Torinus suggested changing the category found under the heading "Value of Sales" in Table II-8 to read "Fewer than \$2,500."

Rick Kania noted Table II-10 had been edited to include data from the year 2010. Mike Paulus noted there was no sale of farmland in the year 2007 for \$11,000 an acre, adding the numbers found in the table are skewed by the sale of agricultural land that was sold for purposes other than agriculture. Andrew Struck noted Mr. Paulus was correct, as the numbers found in the table are the average sale price for any use. Mike Paulus added no farmer today is getting \$11,000 an acre; it is more like \$5,000 -

\$6,000 an acre. Mr. Struck added the numbers did not show the average land sale for continued agriculture use. Chairman Kaul suggested adding a footnote to the table to clarify this issue. Mr. Struck noted staff could add data showing the number of sales in each year. Chairman Kaul noted the current footnote stated the average sale price is for any use. Mr. Struck noted that would be added as a footnote.

Rick Kania provided an overview of the specialty farm operations portion of the chapter, making special note of Table II-13. Mr. Kania added the data for niche farmers in Ozaukee County is not very good. It is likely some farms may not be reporting their activities or some may simply be a small part of a larger farming operation. As such, some information may be missing from Table II-13.

Andrew Struck noted Jeff Bell, the Ozaukee County Land and Water Coordinator, has said only around 50 people have applied to receive Farmland Preservation Tax Credits this year (2011) to date. Mr. Struck noted the chapter uses data showing the number of farms enrolled in state farmland preservation program (Table II-11) from the year 2006, as it is more complete and reliable. Andy Holschbach reiterated that the current reporting process is not as reliable as in the past.

Chairman Kaul noted a spelling error in Table II-13. Andrew Struck noted that had been edited using track-changes, but it was difficult to see in the printed document.

Motion by Supervisor Bill Niehaus and seconded by Caroline Torinus to approve Chapter Two – Inventory and Analysis – Part One - of the Ozaukee County Farmland Preservation Plan as amended. All members present voting aye, motion carried unanimously.

7. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON CHAPTER SEVEN – IMPLEMENTATION – (FUNDING PROGRAMS) AND APPENDIX I FOR THE IMPLEMENTATION CHAPTER OF THE OZAUKEE COUNTY FARMLAND PRESERVATION PLAN

Andrew Struck noted track-changes found in the chapter represent comments received from both the FPP CAC and LPB.

Vice-Chairperson Rothstein left the meeting at 10:22 am

Rick Kania gave a brief overview of the chapter and Appendix I, noting the change on page four of the appendix reflects the changes made by the State biennial budget, namely the elimination of the land conversion fee. Special note was also made regarding the change recommended by FPP CAC Vice-Chairman Shawn Graff on page 11, which updated the name of the former Wisconsin Barn Preservation Program, now referred to as Barns N.O.W. (Barns Network of Wisconsin).

Vice-Chairperson Rothstein returned to the meeting at 10:26 am.

Andy Holschbach noted language in the second paragraph on page 12 should be changed as to not give the impression that the Ozaukee County Land and Water Department administers the federal programs listed in the paragraph. Mr. Holschbach noted the Department assists federal agencies in administering those programs.

Mike Paulus asked now that the conversion fee has been eliminated, what is the deterrent to stop people from getting out of the program. Andrew Struck noted that there really is none at this time. Mike Paulus asked where the money for the purchase of agriculture conservation easements (PACE) program is coming from. Andrew Struck noted that there currently is no money to fund the program. Vice-Chairperson Rothstein noted the State gutted the funding for the program, but left the actual program intact, which allows for the possibility of future funding. Chairman Kaul noted there is an Ozaukee County Land Preservation fund and it could be a possible funding source, noting it should be added to the chapter under the "Other Programs" heading. Paul Hayes asked where the money from that fund came

from. Andrew Struck noted the funding comes from donations and that it would be added to the list of funding programs.

Caroline Torinus noted the word "on" should not be capitalized on the bottom of page 13. Andrew Struck noted the change would be made.

Motion by Caroline Torinus and seconded by Frank Madden to approve Chapter Seven – Implementation (Funding Programs) and Appendix I for the Implementation Chapter of the Ozaukee County Farmland Preservation Plan as amended. All members present voting aye, motion carried unanimously.

8. DISCUSSION ON FUTURE PROCESS FOR REVISING CHAPTERS OF THE OZAUKEE COUNTY FARMLAND PRESERVATION PLAN

Andrew Struck noted it would be unrealistic to believe that the County will be able to meet its deadline of the end of the year for completing and adopting the FPP given the necessary coordination with local governments and the availability of the census data. There has been a tremendous amount of input during meetings with local governments as well as the boards and committees resulting in a longer process than anticipated. Mr. Struck noted he would like to give the process due justice and is therefore suggesting that the County ask DATCP for a no-cost time extension. Mr. Struck also suggested distributing copies of the chapters to the FPP CAC and LPB at the same time, allowing for LPB edits to be made via email and combining the edits from both groups and putting them into one document in an attempt to consolidate edits for the CPB. Track-changes to the chapters would be presented to the LPB before being presented to the Comprehensive Planning Board (CPB). Rick Kania added significant changes will be provided to committee and board members as opposed to reprinting the entire chapter.

Supervisor Niehaus asked what the staff's estimated timeline is for the FPP. Andrew Struck noted he would be asking DATCP for an extension of one year, but the Plan may realistically be completed with a six month extension.

Vice-Chairperson Rothstein noted the Town of Grafton essentially opted out because they do not have enough land suitable for farmland preservation to make the program worthwhile. Vice-Chairperson Rothstein added the Board should articulate to other local communities that Ozaukee County has already lost a lot of farmland, and they need to think long and hard about what they can do about it. Andrew Struck noted the Town of Saukville and Town of Port Washington are very aware of what is going on around them, adding they want to participate, but it is going to be a hard decision considering the nuances of the program. Mr. Struck noted the Town of Belgium and Town of Fredonia will be participating while the Town of Saukville and Town of Port Washington are still going through the decision-making process. Mr. Struck noted the Town of Cedarburg decided not to participate in designating a Farmland Preservation Area.

Mike Paulus noted he feels the Town of Saukville has limited the number of houses built, resulting in decreased revenue. Mr. Paulus added with decreased revenue and increasing costs of services, the Town of Saukville could be considering eliminating farmland preservation to open up land for development and increasing their tax base. Caroline Torinus noted studies have been done showing that revenue from low-density residential development does not actually bring in more money, it actually ends up costing the municipality more in the long run. Vice-Chairperson Rothstein noted she felt Mike Paulus and Jim Melichar have the hardest job on the Board. Mike Paulus noted telling people what to do with their land is difficult. Chairman Kaul noted it comes down to what the Town of Saukville wants itself to look like, adding this is a voluntary program, and it is up to the Town to decide. Mike Paulus noted there is some interest in the Town of Saukville and there was a good crowd at the last Town meeting. Andrew Struck noted all communities were waiting for the State budget to be settled, as everyone was concerned with the land conversion fee provision. Rick Kania noted the scope of the FPP is more than just delineating farmland preservation areas (FPA's) and taking advantage of State Working Lands Initiative

programs. The Plan is also charged with trying to encourage things like conservation subdivisions and how urban communities can help support local farms. Mr. Kania added the first chapter allows for the FPP to be changed, permitting communities to opt in at a later date.

9. UPDATE ON THE FARMLAND PRESERVATION CITIZEN ADVISORY COMMITTEE

Andrew Struck noted the FPP CAC continues to meet monthly. Nicole Sidoff noted there continues to be great attendance at the meetings and the committee will meet next on September 27, 2011. Ms. Sidoff noted the meeting will start at 6:00 PM as opposed to the traditional 4:30 PM.

10. UPDATE ON LOCAL GOVERNMENT MEETINGS

Andrew Struck noted there was no new information to report since the last LPB meeting.

11. LAND PRESERVATION NEWS/EDUCATION & OUTREACH

Nicole Sidoff presented three relevant news articles found in Board members' packets and handed out an additional article from the Milwaukee Journal Sentinel. Ms. Sidoff also noted staff would be attending an Agriculture Enterprise Area forum/workshop in Wisconsin Dells during the day on September 27, 2011, adding all Board members are also invited to attend. Ms. Sidoff added there will be two public information meetings for the FPP on September 28, 2011. The meetings will take place in the County Administration Center's auditorium from 11:00 AM - 2:00 PM and 4:00 PM - 8:00 PM. Staff will give a formal presentation on the inventory data and public opinion survey at 6:30 PM.

12. DISCUSSION ON REMAINING 2011 MEETING DATES - NEXT MEETING – MONDAY, OCTOBER 18, 2011

Andrew Struck noted the original meeting date was set for October 6, 2011, but there is a conflict with a County budget meeting. The next meeting was rescheduled for Tuesday, October 18, 2011.

Chairman Kaul asked if future meetings will be set as needed. Andrew Struck noted that he or Nicole would email Board members with a list of suggested meeting dates moving forward.

17. ADJOURNMENT

A motion was made by Supervisor Bill Niehaus and seconded by Frank Madden to adjourn the meeting. All members present voting aye, the motion carried unanimously.

Meeting adjourned at 11:06 pm.

Respectfully recorded and submitted by Andrew Struck, Nicole Sidoff, and Steve Kunst