

**1. CALL TO ORDER**

Chairman Tim Kaul called the meeting to order at 9:01 am. Land Preservation Board members present included: Chairman Tim Kaul, Vice-Chairperson Jennifer Rothstein, Supervisor Bill Niehaus, Marjie Tomter, Caroline Torinus, Paul Hayes, Frank Madden, and Jim Melichar (9:11 am). Staff present included: UW-Extension Community Resource Development Educator Nicole Sidoff, Planning and Parks Department Director Andrew Struck (9:02 am), Land and Water Management Director Andy Holschbach (9:03 am), Planning and Parks Department Intern Laura Catherman, and Planning and Parks Department Intern Steven Kunst.

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

Supervisor 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.

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

**3. APPROVAL OF MINUTES (APRIL 14, 2011)**

**Motion by Caroline Torinus and seconded by Frank Madden to approve the minutes for the April 14, 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.

Paul Hayes noted that his book, *Master Planners: 50 Years of Regional Planning in Southeastern Wisconsin*, had just been published by Marquette University.

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

Chairman Kaul asked Andrew Struck to lead the discussion on the review of Chapter 1. Caroline Torinus suggested changing the first sentence in the introduction. She noted, the loss of farmland is seemingly ascribed to only one thing, which is likely not accurate. Frank Madden asked if the State budget changes to the Working Lands Initiative (WLI) would be reflected in Chapter 1. Andrew Struck noted the chapter would be updated to reflect the recent changes to the Working Lands Initiative as part of the State biennial budget. He noted that the PACE program still exists, but there is no funding allocated for the program except for those PACE applications already approved in the first round. The State will draw upon the State Stewardship Fund to fund those PACE commitments, but has not provided any future funding. Another change to the Working Lands Initiative is the elimination of a land conversion fee, which would have provided funding for the PACE program. The direction of the State legislature is for DATCP to identify alternate ways to fund the program. It was noted that a new paragraph would be added discussing the latest changes to the Working Lands Initiative as part of the State budgetary process if the Board so desires. Supervisor Niehaus suggested the changes per the budget process be inserted in the sectioned titled "Comprehensive Planning Overview."

Chairman Kaul asked if the Farmland Preservation Plan Citizen Action Committee (FPP CAC) reviewed these chapters. Andrew Struck noted the FPP CAC had reviewed and approved them, recommending them to the LPB. Nicole Sidoff added the FPP CAC did not make many changes.

Jim Melichar joined the meeting at 9:11 am.

Per the suggestion of Caroline Torinus, Andrew Struck noted he would be concerned about eliminating the phrase "agriculture resources" from the introduction because it includes associated agricultural

infrastructure, associated agricultural industries and other resources. For example, he noted that the cheese factory in Fredonia is an agricultural resource in Ozaukee County. Caroline Torinus noted the cheese factory would be in the ag-food cluster. Marjie Tomter noted she liked the idea of taking out the word "urbanized" from the introduction, but not the elimination of "agricultural resources". Andrew Struck noted that there are many potential agricultural resources (natural, economic, etc) and this term covers those comprehensively. Andy Holschbach noted those resources include the land, soil, and water as well. Andrew Struck asked the Board what the key part was they would like to incorporate in an effort to formulate the edits. Chairman Kaul noted he was leaning towards just striking the word "urbanization."

Caroline Torinus asked what should be done with the second sentence. Chairman Kaul noted it should be kept. Frank Madden noted that you want to keep things general in an introduction. Supervisor Rothstein noted the other specific items mentioned will be addressed later in the plan. Supervisor Niehaus asked if the word "considered" could be stricken. Supervisor Rothstein agreed.

Andrew Struck continued with an overview of Chapter 1 noting Figure I-1, a flow chart describing the Working Lands Initiative (WLI) tax credit mechanisms. Marjie Tomter suggested taking out the word "help" in the first sentence on page 3 and noted the sentence regarding biofuels seemed limiting. Andrew Struck noted the intent was to describe the legislature's goals for the WLI, not all the potential goals.

Jim Melichar noted he had read the Town of Port Washington's minutes from past years, and a private company or land trust requested \$10,000 from other townships to participate in farmland preservation planning in 1977. Mr. Melichar also noted the Town board members and he are almost ready to opt out of the FPP program because of the 35 acre minimum, and also noted there are so many restraints on agriculture already. Chairman Kaul asked Mr. Melichar to clarify his comments. Mr. Melichar stated he believes in the FPP, but felt no one would read the plan word for word. Chairman Kaul noted the Board is going on what the State has provided and this is what we have to work with. All we can do is go through the process, come up with a plan, and present it to the farmers. Andy Holschbach noted the WLI is one of many tools. Andrew Struck clarified the table on page 1-3d, noting it compares the old plan to the new WLI. Under the heading "eligibility", he noted that there is not minimum acreage requirement for tax credits as was required with the old program, in other words no 35 acre minimum lot size. Mr. Struck added that the County is held to statutory standards as to what needs to be in the plan, and part of the challenge is to meet the statutory requirements and find something that will be read and accepted by the farming community, landowners and residents. Mr. Melichar noted there will be development challenges when this plan is enacted.

Andrew Struck noted that one of the goals of the program is to establish farmland preservation areas (FPA) that will remain for the long-term in farmland. DATCP recognized there may be some need for associated housing and/or other facilities requiring a land division. If you are in a FPA, the WLI provides for a maximum of four land divisions for residential development at a density of one unit per 20 acres; however, the primary goal was not to allow significant land divisions in those farmland preservation areas. Andrew Struck noted that the WLI allows for residential development in a FPA under a conditional use process, but the Town must adopt a detailed ordinance allowing for the conditional use process that is consistent with the State statutory requirements.

Supervisor Rothstein noted the Board is obligated to work with the Planning and Parks Department to come up with a document that meets State requirements by December 2011. Andrew Struck noted that there are statutory requirements for the farmland preservation plan; however, the program itself is voluntary, meaning the landowner may opt out if they so choose. The tax credit aspect of the program is intended to act as it had historically by providing tax credits, but using a flat rate for those in designated FPAs. Supervisor Niehaus asked what happens if a landowner wants to opt in. Mr. Struck noted they would be eligible if they were located in a FPA and could claim tax credit every year as long as they meet the gross farm income requirements and complied with land and water conservation standards. Supervisor Niehaus asked what would happen if a landowner chose not to participate. Mr. Struck noted that landowners in FPA's do not have to claim tax credits, but only those in an FPA are eligible to claim

the tax credits. If a landowner is not in a FPA, they are not eligible. In addition to the tax credits, the legislature established the Purchase of Agricultural Conservation Easement (PACE) grant program and Agriculture Enterprise Areas (AEA). Mr. Struck noted to participate in any of the State's Working Lands Initiative programs, a landowner must be in a FPA and this will also apply to most federal farm programs and funding.

Chairman Kaul noted there were people around the State who accepted the program as it was established, adding there were 16 PACE applications last year. Chairman Kaul also noted the Board needs to look at the positive aspects of the plan and work through it. Andrew Struck noted the County is going to all of the communities and letting them know the eligibility requirements, and it is up to each community to decide whether they want to participate. The Town of Grafton has already opted out. Paul Hayes asked what the ramifications were for the Town of Grafton. Mr. Struck noted landowners are not eligible for the WLI tax credits, PACE, or AEA's. Supervisor Niehaus asked what the downside was to opting out of the program. Mr. Struck noted if a community opts out, there would not be any FPAs designated in that community and landowners in that community would not be eligible for state (particularly under the WLI) and federal resources (e.g. grants, tax credits, etc). He further noted that the plan must be updated every ten years, and communities could not decide to opt in until the next update. Supervisor Niehaus asked if there were ramifications for subdividing or selling land if you are opted out. Mr. Struck noted that if you are not in a designated FPA then there would not be any consequences to subdividing the land. Mr. Struck also noted that the 1: 20 density with a maximum of four land divisions would only apply if the land is within a FPA and the Town had adopted an ordinance to allow for the conditional residential use within the FPA. He noted the Town could also amend its comprehensive plan and then rezone the property.

Supervisor Rothstein left the meeting at 10:11 am.

Supervisor Niehaus noted there is a hesitation for people because they think it will place too many limitations on their property. Jim Mechilar asked if the town opts out, how does it affect the land conservation program regulations?

Supervisor Rothstein returned to the meeting at: 10:14 am.

Andy Holschbach noted there are still many conservation compliance requirements remaining even if the Town does not designate FPAs. He further noted that Land and Water Management staff meets with the farmers to discuss the requirements and the County has a conservation plan. LWM Department staff meets with farmers to conduct status reviews. Most local farmers were in compliance with soil requirements. Many are not compliant with the newly required nutrient management plan. Staff is required to provide funding to the farmer to follow these requirements.

Marjie Tomter left the meeting at 10:18 am.

Jim Mechilar noted that the Town Board needs to decide how restrictive this plan is going to be.

Marjie returned to the meeting at 10:20 am.

Nicole Sidoff left the meeting at 10:21 am.

Andy Holschbach noted that the Town needs to decide where to draw the line. Supervisor Niehaus noted that he understands that some communities would want to opt out. This is a complicated program to understand. It would be a shame if people opted out because they didn't understand. Chairman Kaul noted the Board should keep in mind that a zoning code is only as good as the current board, where as this plan is long-term.

Nicole Sidoff returned to the meeting at: 10:27 am.

Caroline Torinus noted what Andrew said should be kept in mind, participation is voluntary. Supervisor Rothstein noted the County is acting as a conduit for the State and trying to educate the residents about the plan. Marjie Tomter noted many of the issues come back to what the State laws are and suggested trying to change things at the State level. Paul Hayes noted that planning writing is not poetry and it never will be, adding, that the Board not do word for word changes unless they are absolutely necessary.

Andrew Struck provided an overview of page three, providing information on the law. The FPP will be adopted as an amendment to the County's Comprehensive Plan. Caroline Torinus noted she thought the writing of the plan was clear overall, by the section labeled as "Purpose of Protecting Farmland" seems jumbled and there are no sequess between paragraphs. Ms. Torinus offered to re-write this section and submit it to Andrew Struck if that were acceptable. Mr. Struck noted that he could review suggested revisions and the Board agreed. Mr. Struck also noted that staff typically likes to more time to review these documents, but with the required pace, it has not been possible. Mr. Struck provided an overview of the remaining sections of Chapter 1.

Jim Mechilar left the meeting at 10:43 am.

Andrew Struck noted the State has required what must be included in the plan.

Jim Mechilar returned to the meeting at 10:45 am. Jim Mechilar excused himself from the meeting at 10:46 am.

Andrew Struck noted there are three appendices included in the first chapter; Chapter 91 "Farmland Preservation" of the Wisconsin State Statutes, a draft resolution for adopting the public participation procedures for the Ozaukee County Farmland Preservation Planning Process, and the Ozaukee County Farmland Preservation Plan Citizen Advisory Committee by-laws.

**Motion by Vice-Chairperson Rothstein and seconded by Supervisor Niehaus to conditionally approve Chapter One – Introduction and Background – of the Ozaukee County Farmland Preservation Plan subject to other comments and edits submitted to staff prior to the next meeting.**

Caroline Torinus asked Andrew Struck whether Chapter 1 could be adopted via email. Mr. Struck noted that was not possible and suggested bringing back a track change version to the next meeting. Frank Madden inquired whether the changes submitted by email would be inserted into the chapter verbatim or if staff would review and incorporate. Mr. Struck noted staff could provide comments as received and also show track changes version that staff drafted from these comments.

**All members present voting aye, motion carried unanimously.**

After the LPB members discussed providing comments on the next two chapters via email to staff along with those suggestions for Chapter 1, the Board agreed to postpone discussion on the next two agenda items. Chairman Kaul skipped agenda items #6 and #7

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

This item was postponed to the next meeting with a request that all Board members provide written comments to staff for inclusion in a track change version that will be reviewed at the next meeting.

**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**

This item was postponed to the next meeting with a request that all Board members provide written comments to staff for inclusion in a track change version that will be reviewed at the next meeting.

**8. REVIEW, DISCUSSION, AND POSSIBLE ACTION TO APPROVE AND RECOMMEND TO THE COMPREHENSIVE PLANNING BOARD A RESOLUTION ADOPTING A WRITTEN PUBLIC PARTICIPATION PLAN FOR THE OZAUKEE COUNTY FARMLAND PRESERVATION PLAN**

Andrew Struck noted that the Public Participation Plan for the Ozaukee County Farmland Preservation Plan closely follows the Public Participation Plan for the County's Comprehensive Plan. The minimum public participation requirement by State Law is to hold a public hearing, but Nicole Sidoff noted the County is trying to incorporate more public involvement throughout the process. These include a number of public information meetings, kick-off meetings, a countywide public opinion survey, the Farmland Preservation Citizen Advisory Committee (FPP CAC), strengths, weaknesses, opportunities, threats analysis, agriculture stakeholder focus groups, the Town of Dunn tour, additional future public information meetings and the required public hearing. Ms. Sidoff also added there will be another First Friday Forum on the FPP and the County is collecting public comment throughout the process. These comments are recorded verbatim and will be included as an attachment in the plan. Ms. Sidoff also noted she attended and staff a booth on the FPP at Breakfast on the Farm and staff will also be present with a booth at the County Fair.

Chairman Kaul noted the events listed in the plan are in the past, but it read as though they are in the future. Andrew Struck noted the public participation plan was written as future tense as is was intended to be at the outset of the planning process. Nicole Sidoff noted a future chapter will provide summaries of these events and efforts.

Supervisor Niehaus left the meeting at 11:02 am.

Andy Holschbach left the meeting at 11:04 am.

Supervisor Niehaus returned to the meeting at 11:04 am.

Andrew Struck noted that staff had been operating under the adopted written Public Participation Plan for the Comprehensive Plan for Ozaukee County, as that is what the Statutes require, and that this FPP Public Participation Plan merely further details these efforts. Paul Hayes suggested a change in the last paragraph on page three to remove the leading date for public comment. Mr. Struck noted the leading date could be replaced by "Ongoing through Adoption." Mr. Struck added that staff would like to approve the Ozaukee County Farmland Preservation Plan Public Participation Plan along with recommending the corresponding resolution.

**Motion by Marjie Tomter and seconded by Supervisor Niehaus to approve the Farmland Preservation Plan Public Participation Plan as amended and recommend to the Comprehensive Planning Board a resolution approving a written Public Participation Plan for the Ozaukee County Farmland Preservation Plan. All members present voting aye, motion carried unanimously.**

Steve Kunst left the meeting at 11:11 am.

Chairman Kaul suggested holding off on agenda items six and seven until the next meeting as it may be better to provide the Comprehensive Planning Board (CPB) with the completed chapters. Mr. Struck agreed and noted it would also provide staff time to make the necessary track changes. Chairman Kaul asked that LPB members provide comment and edits to staff for chapters two and seven.

Steve Kunst returned to the meeting at 11:12 am.

Andrew Struck noted a potential conflict with the next meeting date (September 8, 2011) and proposed meeting at 9:00 A.M. Monday, August 29, 2011. Mr. Struck also noted that the LPB meeting on October 6, 2011 has been cancelled due to a conflict with the Executive Committee budget meetings for Departments. Staff will get back to the Board regarding a long-term schedule and next meeting dates.

Mr. Struck asked the Board to email comments to him and Nicole Sidoff by August 15, 2011, so the track change versions of chapters one, two, and seven could be presented at the August 29, 2011 meeting.

**Motion by Paul Hayes and seconded by Marjie Tomter to table agenda items #6 and #7 to the August 29, 2011 Land Preservation Board Meeting. All members present voting aye, motion carried unanimously.**

**9. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON A VISION STATEMENT FOR THE OZAUKEE COUNTY TO FARMLAND PRESERVATION PLAN**

Andrew Struck noted the vision statement found in the packet was drafted with a lot of input from the FPP CAC. Nicole Sidoff noted the FPP CAC reviewed information from the SWOT analysis and agriculture focus groups before brainstorming ideas for the vision statement. Planning staff then drafted a series of vision statements and presented them to the FPP CAC. The FPP CAC modified and combined the drafted vision statements into the version found in the packet.

Caroline Torinus noted the statement read more like a mission than a vision, and that a vision should paint a picture. Paul Hayes asked what the function of this vision statement was in the plan. Andrew Struck noted it would be part of the public involvement chapter and people will be able to take away what Ozaukee County is trying to accomplish through its farmland preservation plan efforts. Marjie Tomter asked whether the Board could make the proposed vision into a mission statement, or if a vision statement is required. Mr. Struck noted the Board could make the vision statement a mission statement as there is no statutory requirement. Ms. Tomter asked Mr. Struck if Board members could submit written comments. Mr. Struck noted they could provide comments to staff on the vision statement.

**Motion by Paul Hayes and seconded by Caroline Torinus to approve and recommend to the Comprehensive Planning Board the drafted Vision Statement for the Ozaukee County Farmland Preservation Plan. Motion and second withdrawn.**

Supervisor Niehaus noted that the vision statement has significant meaning and should be given consideration. Ms. Tomter noted that the Land Conservation Partnership of Ozaukee County has a great mission and vision statement that the Board could use as a model. Mr. Struck added that the plan could have both a mission and vision statement. Supervisor Rothstein asked whether the CAC would be offended if the Board changed the vision to a mission.

Chairman Kaul noted that this is a vision statement for the plan and it is appropriate for a vision statement for a plan. Chairman Kaul questioned the portion of the vision statement regarding Ozaukee County creating policies. Andrew Struck noted that the County can implement certain aspects and policies, but suggested changing that phrase to read, "Ozaukee County will support and implement policies and programs..." Marjie Tomter noted the word create is necessary because it pertains to a plan. "Ozaukee County will create a plan to support and implement policies and programs..."

**Motion by Paul Hayes and seconded by Caroline Torinus to approve the Vision Statement for the Ozaukee County Farmland Preservation Plan as amended and recommend it to the Comprehensive Planning Board. All members present voting aye, motion carried unanimously.**

**10. UPDATE AND DISCUSSION ON PUBLIC PARTICIPATION ACTIVITIES**

**1. STRENGTHS, WEAKNESSES, OPPORTUNITIES, AND THREATS (SWOT) ANALYSES**

Nicole Sidoff presented SWOT analysis results from the LPB, CPB, and FPP CAC and noted that copies were included in the packet. The process for each analysis was the same other than the FPP CAC was divided into smaller groups as a result of the large number of members in attendance.

**2. AGRICULTURE FOCUS GROUPS**

Nicole Sidoff presented the results of the two agriculture focus group meetings and noted the meetings had good insight from people involved in both large scale agricultural production as well as niche agriculture. Information gathered from the meetings will be incorporated into the plan. The results were included in the packet.

**3. TOWN OF DUNN TOUR**

Nicole Sidoff provided a summary of the Town of Dunn tour noting it was a big success. Marjie Tomter stated the Town was inspirational, adding it was great to see it in action. Frank Madden noted the tour was very informative. Andrew Struck noted that he had been approached by interested parties to bring the staff from the Town of Dunn to Ozaukee County to have them speak with the LPB and elected officials.

Supervisor Niehaus left the meeting at 11:44 am.

Caroline Torinus asked if there was a certain group of stakeholders opposed to the farmland preservation plan or Working Lands Initiative that should be targeted. Mr. Struck noted the survey results in Ozaukee County differed from those in the Town of Dunn in that it showed incorporated areas are not necessarily more supportive than unincorporated areas. This was contrasted by the Town of Dunn, where they found a majority of support in their "urbanized" areas. Ms. Sidoff noted farmland preservation is a complicated issue and staff has been working hard to educate people on it.

**4. BREAKFAST ON THE FARM**

Nicole Sidoff provided a summary of the event and noted she was able to staff a booth and speak with over 100 people.

**5. COUNTY FAIR (AUGUST 3-7, 2011)**

Nicole Sidoff noted that staff would have a booth with information on the FPP at the County Fair. Ms. Sidoff also thanked LPB members volunteering to help staff the booth.

**11. UPDATE ON THE FARMLAND PRESERVATION PLAN CITIZEN ADVISORY COMMITTEE**

Nicole Sidoff presented Board members with an updated Farmland Preservation Plan CAC member list with contact information. The Town of Port Washington approved Mike Didier as their appointment and Lee Schlenvogt was approved as a citizen representative to take the place of Dave Bishop, who had recently resigned. Ms. Sidoff also noted LPB members are always welcome to attend FPP CAC meetings and added good relationships have been established with local governments throughout the planning process. Andrew Struck noted there has been great attendance at the meetings by the FPP CAC members.

**LAND PRESERVATION BOARD MEETING MINUTES**

Thursday, July 28, 2011 at 9:00 AM

Room 118, Ozaukee County Administration Center, Port Washington

---

**12. UPDATE ON LOCAL GOVERNMENT MEETINGS**

Andrew Struck noted that staff had been meeting frequently with local governments including the City of Mequon staff, the Town of Cedarburg's Planning Commission, the Town of Belgium, Town of Grafton, Town of Fredonia, and the Town of Port Washington. Fredonia, Belgium, and Grafton have taken formal action while the City of Mequon's decision is still pending. Mr. Struck noted that the Town of Port Washington and Town of Saukville are continuing to work through the process and the Town of Cedarburg has showed some interest. Staff is trying to get an indication in writing from each of the municipalities. Supervisor Kaul noted the task is less daunting for communities with a farmland protection land use and exclusive agricultural zoning already in place.

**13. UPDATE ON STATUS OF THE WORKING LANDS INITIATIVE PROGRAMS**

Andrew Struck presented the handout included in the Board members packet containing updated information regarding the Working Lands Initiative per the State biennial budget.

**14. UPDATE ON STATUS OF THE PARK AND OPEN SPACE PLAN FOR OZAUKEE COUNTY**

Andrew Struck noted that the final adopted *Park and Open Space Plan for Ozaukee County: 2035* has been printed.

**15. LAND PRESERVATION NEWS/EDUCATION & OUTREACH**

Nicole Sidoff noted UW-Madison, UW-Extension, and DATCP are putting on a program on AEAs at the Kalahari resort in Wisconsin Dells. Board members were presented a press release with further information.

**16. 2011 MEETING SCHEDULE – NEXT MEETING – MONDAY, AUGUST 29, 2011**

Andrew Struck indicated that the next meeting date will be Monday, August 29, 2011.

**17. ADJOURNMENT**

**A motion was made by Paul Hayes and seconded by Marjie Tomter to adjourn the meeting. All members present voting aye, the motion carried unanimously.** Meeting adjourned at 12:06 pm.

*Respectfully recorded and submitted by Andrew Struck, Steven Kunst and Laura Catherman.*