

1. Minutes Of Comprehensive Planning Board Meeting.

Documents: [COMPREHENSIVE PLANNING BOARD MINUTES FEBRUARY 21 2013.PDF](#)

**1. CALL TO ORDER**

Chairman Tom Richart called the meeting to order at 1:04 pm. Comprehensive Planning Board (CPB) members present included: Chairperson Tom Richart, Vice-Chairperson Cindy Bock, Irena Macek, Barbara Jobs and Alternate Don Korinek. Ozaukee County staff present included: County Administrator Tom Meaux, Planning and Parks Department Director Andrew Struck and Planning and Parks Intern Lisa Haselow. Southeastern Wisconsin Regional Planning Commission (SEWRPC) staff present included: Chief Community Assistance Planner Nancy Anderson.

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

Chairman Tom Richart asked staff if the meeting had been properly noticed and agenda posted. Andrew Struck noted the meeting was properly noticed and agenda posted.

**Motion by Cindy Bock and seconded by Irena Macek to adopt the agenda as printed. All members present voting aye, motion carried unanimously.**

**3. APPROVAL OF MINUTES (APRIL 12, 2012)**

**Motion by Cindy Bock and seconded by Tom Richart to approve the minutes of the April 12, 2012 meeting of the Comprehensive Planning Board as amended. All members present voting aye, motion carried unanimously.**

**4. PUBLIC COMMENT AND WRITTEN COMMUNICATIONS**

There were no public comments or written communications.

**5. UPDATE / DISCUSSION / POSSIBLE ACTION ON THE ADOPTED MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR OZAUKEE COUNTY: 2035**

▪ **UPDATE, DISCUSSION AND POSSIBLE ACTION ON PROPOSED AMENDMENT 2013-1 TO THE MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR OZAUKEE COUNTY: 2035**

Andrew Struck noted that the packets include amendment 2013-01 to the Multi-jurisdictional Comprehensive Plan for Ozaukee County: 2035. Mr. Struck then handed out Map 96 (Amendment 2013-01) – Planned Land Uses in the Ozaukee County Planning Area: 2035, Table 102 for Amendment 2013-01 - Planned Land Uses in the Ozaukee County Planning Area: 2035 and Figure 14, Planned Land Uses in the Ozaukee County Planning Area: 2035 Amendment 2013-01 and noted that each of these had the up-to-date acreages for the various land uses. Mr. Struck also noted that staff was compiling other local amendments for a future amendment that would coincide with the adoption of the Farmland Preservation Plan for Ozaukee County: 2035. Mr. Struck noted that the Park and Open Space Plan for Ozaukee County (POSP) was adopted in June 2011. One of the main components of this amendment 2013-01 is to incorporate the POSP as part of the County Comprehensive Plan and planned land use map: 2035. As noted earlier, the Farmland Preservation Plan for Ozaukee County (FPP) will go through a similar process after it is completed and certified by DATCP. Mr. Struck noted that the other major component of this amendment 2013-01 was to incorporate the proposed zoning ordinance for County-owned lands and update the planned land use map to create consistency with county-owned lands zoning districts. Mr. Struck noted Nancy Anderson and Rick Kania, from SEWRPC, assisted with the development of the comprehensive plan amendment and also the development of the zoning ordinance for county-owned lands respectively. Mr. Struck noted that the Planning and Parks Department staff developed the zoning map for County-owned lands and assisted with the planned land use map: 2035. He further noted that the zoning ordinance will be presented and approved by the Natural Resources Committee, but the process requires some updates to the County Comprehensive Plan prior to finalizing the zoning ordinance. Mr. Struck noted that the cover page of Amendment 2013-01 specifies what is being addressed as part of this amendment to the County Comprehensive Plan. Mr. Struck noted that changes to the Comprehensive Plan via this amendment are included by underline for additions and strike-through

for deletions to the existing plan document. After the overview of the purpose of Amendment 2013-01, Mr. Struck asked Ms. Anderson to discuss the page-by-page edits in the Amendment 2031-01.

Nancy Anderson noted that this amendment will make changes to two of the nine elements of the comprehensive plan mandated by state law: land use and implementation. Ms. Anderson noted that page 1 of the document references Map 96 (planned land use map) and figure 14 (planned land uses) that were handed out. In discussing the planned land use map, Ms. Anderson explained that cities and villages have the authority to plan land uses outside their existing corporate limits. All of the city and village planned land use maps included areas outside their limits. Since the planned land uses were not the same as those of the Towns, a decision regarding which planned land uses to show on the County planned land use map had to be made. Nancy explained that those decisions were made based on which jurisdiction had the current zoning authority. Ms. Anderson described one example where the Town did not have exclusive zoning jurisdiction, where the City of Mequon had established extra-territorial zoning for an area in the Town of Grafton. In this case, the City planned land uses was reflected on the County map. Ms. Anderson noted these issues are listed on page 2. She further noted that the main change on page 2 is to reflect land uses of parcels owned and zoned by the County under the proposed zoning ordinance on the County planned land use map. The planned land use map would reflect Ozaukee County's planned land uses per the proposed zoning. Vice-Chairperson Bock asked if the planned land uses in the case of the county-owned lands and zoning ordinance are mostly parks and open space. Ms. Anderson responded that they are mostly parks and open space, but also include extractive uses, and government and institutional uses such as cell towers and highway shops. Ms. Anderson noted page 3 will include the pie chart (handout) and other data (table) to reflect the changes made to the land uses. Ms. Anderson noted page 5 includes Figure 15 that provides descriptions (definitions) for each of the land use categories on the planned land use map. Nancy explained that the land use descriptions, for the most part, did not change, but the acreages listed in each description for each land use category will be deleted and just referenced in the new table for land use. In the future, it will allow for this data to be updated in the table only as changes are made; thereby, simplifying the process for amendments that affect land use acreage changes. Supervisor Bock noted the document is interesting because it will always act as a living document, changing as circumstances change for any community within the plan. Supervisor Bock added it is important to continue to oversee the changes occurring because the document is so inclusive on all communities in the county. Mr. Struck reiterated that the land use acreage data will remain in the table for reference. Mr. Struck also noted that updates can be made when newer, better data is generated such as with the POSP, FPP and new census data.

Nancy Anderson noted Figure 15 on page 6 proposes an addition regarding the extractive land use category. There are currently three extractive sites owned by the County within Ozaukee County, but the long-term plan for those sites is to be reclaimed as part of the County Park System. The land use plan could have displayed them as extractive, but it was decided to show them as park and recreation on the land use plan map because of the expected future uses. Mrs. Anderson added this is explained in the text addition that the current use and zoning is extractive, but that the long-term planned land use is for park and recreation. Irena Macek asked if there is a timeline for when the County-owned extractive sites will cease to operate. Mr. Struck answered that the sand and particularly the gravel is used for road construction in the County, and the timeline is different for each property. Mr. Struck noted land use will show park and recreational, but the zoning will show extractive sites until the operations for each site cease. When each site ceases to operate, it will be rezoned to park and recreation. Mr. Struck noted timelines vary from approximately 7 years at the Beekeeper Bog/Hetzel Pit to a decade or more at other sites. Supervisor Macek asked if the extraction will cease prior to using or exhausting all of the extractive resources (e.g. gravel). Andrew responded that likely all of the resources will be used unless permit conditions do not allow sufficient time to extract all the resources. Supervisor Macek showed concern about the use of sand and associated volumes for fracking. Mr. Struck noted the sand at the extraction sites is not fracking sand, so there is not as high a demand for selling it. Some private entities are interested in the sand for

construction activities, but there is not demand for the sand in Ozaukee County for fracking at this point.

Chairman Richart noted that the comprehensive planning law requires that the zoning is consistent with the planned land use map in each local comprehensive plan. Chairman Richart questioned whether the planned land use map needs to reflect how the land is zoned right now. Mr. Struck responded that the planned land use map can have a transitional period as long as it is described in the text (e.g. land use category descriptions). Mr. Struck noted that other ways to show the transitional period on the map were discussed amongst staff, but providing the explanation in the text seemed to make the most sense. Tom Meaux asked if future considerations would allow a change to the future use of a parcel, for example the extractive sites reverting to park and open space. Mr. Struck responded that the County Board would have to change the planned land use by resolution and ordinance of the Comprehensive Plan via an amendment if the future land use was to be changed, similar to this current amendment process. Tom Meaux noted that everyone should be aware of this process for amendments. Ms. Anderson added that there is often a situation where the plan map is different from interim land uses (e.g. zoning can be different), and it is normally addressed through the text. Supervisor Korinek asked if money is set aside to have the Hetzel Pit / Beekeeper Bog converted to a park. Mr. Struck responded that money is set aside to restore the site because sand was sold to start a "bank" for funding restoration to the site according to the approved reclamation plan. However, there are not any funds specifically budgeted for establishment of a park, but funds are envisioned. Supervisor Korinek asked how quickly sites will be reclaimed after operations cease. He also asked how extensive the reclamation will be. Mr. Struck responded that it is different for each site. Some sites, such as the Hetzel Pit / Bee-Keeper Bog, are being restored as extractive activity occurs, while others the reclamation occurs after operations cease. The extent of the reclamation and restoration also varies depending upon the approved reclamation plan. Some reclamation plans have large open water as a significant part of the reclamation, while others have filling and vegetative restoration. Usually, the County reclamation plans are a combination of both vegetation planting and some new or existing open water.

Ms. Anderson noted Figure 15 on page 7 discusses the addition to the park and recreation category descriptions per this discussion. Ms. Anderson noted page 8 includes a correction to the Wisconsin Wetland Inventory because it was dated 2007, but data was really generated in 2005. Page 9 proposes changes to the implementation element of the Comprehensive Plan. Ms. Anderson noted much of these changes are updates since original adoption of the plan and amendment 2009-01. Ms. Anderson added that in May 2009 the last of the local plans was adopted and incorporated into the County Comprehensive Plan. There have been a number of County ordinances since then, so these changes come from the addition of those ordinances. Ms. Anderson added that the County Shoreland Zoning maps were updated in 2010. Proposed additions to the County Shoreland and Floodplain Zoning Ordinance are discussed at the bottom of page 9. Ms. Anderson noted page 10 includes an addition to the implementation chapter that reflects the proposed county-owned lands zoning ordinance where the zoning districts must be consistent with the County Comprehensive Plan (via text and/or map). The zoning ordinance is proposed to remain simple by adding only three new districts: Extractive, Park and Recreation, and Governmental and Institutional. Ms. Anderson noted it is also proposed to include a Lowland and Upland Conservancy Overlay District incorporating PEC, SEC and INRA areas. This proposed zoning ordinance will be reviewed by the Natural Resources Committee on March 7, 2013.

Ms. Anderson noted that page 11 provides a correction and a proposed addition of regulation to public property per new or revised County ordinances to be included in the Comprehensive Plan via the amendment. Ms. Anderson also noted that the bottom of page 11 shows new ordinances that were adopted on April 21, 2009. Page 12 describes the POSP as a proposed new component in the Comprehensive Plan. Ms. Anderson added at any time that there are discrepancies between the POSP and Comprehensive Plan, the POSP shall take precedent. Ms. Anderson noted that the current POSP has been adopted (June 2011) since the Comprehensive Plan was adopted. Mr. Struck

added that there is new inventory data included in the POSP related to wetlands and floodplains. Ms. Anderson noted that there is also a list of county-owned sites with proposed changes for Map 96 shown as Attachment 2 in the packets. Ms. Anderson noted that the proposed County zoning ordinance only applies in unincorporated areas for county-owned lands. The county-owned lands zoning ordinance cannot be applied in cities and villages per State Statute. However, Mr. Struck also noted that there will be updates to parcel additions at Mee-Kwon County Park. Tom Meaux asked if an incorporated municipality could change the zoning on a County park, since the County has no authority within incorporated municipalities. Mr. Struck responded theoretically a municipality could change the zoning on a County park similar to the process for any other landowner in the City and/or Village. Mr. Struck added; however, that all of the County parks in the incorporated areas of the County are planned and zoned correctly though, so the municipality would have to amend their comprehensive plan planned land use to rezone it. In addition, Mr. Struck noted that some of the County parks have deed restrictions that municipalities could not avoid. Cindy Bock noted Virmond Park is a perfect example of a deed restricted property. Tom Meaux noted that theoretically this would cause more conflict than necessary. Chairman Tom Richart asked if there were any other questions.

**Motion by Cindy Bock and seconded by Irena Macek to approve Amendment 2013-1 to the Multi-Jurisdictional Comprehensive Plan for Ozaukee County: 2035. All members present voting aye, motion carried unanimously.**

▪ **POSSIBLE ACTION TO SCHEDULE A PUBLIC HEARING ON PROPOSED AMENDMENT 2013-1 TO THE MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR OZAUKEE COUNTY: 2035**

Andrew Struck noted that there is a tentative schedule within the CPB packet proposing the public hearing be held on April 11, 2013 at a special Comprehensive Planning Board meeting. Mr. Struck also noted a few typos including a tentative date of April 18 that should actually state April 11 towards the middle and bottom of the page. Mr. Struck asked if a special Comprehensive Planning Board meeting could be held on April 11, 2013 at 1:00 PM instead of meeting on March 19, 2013.

**Motion by Irena Macek and seconded by Cindy Bock to reschedule the March 19, 2013 Comprehensive Planning Board meeting to April 11, 2013 at 1:00 PM and also hold the Public Hearing on the Amendment 2013-01 to the Multi-jurisdictional Comprehensive Plan for Ozaukee County: 2035 at the beginning of this meeting. All members present voting aye, motion carried unanimously.**

**6. UPDATE/DISCUSSION/POSSIBLE ACTION ON THE DEVELOPMENT OF A FARMLAND PRESERVATION PLAN (FPP) FOR OZAUKEE COUNTY AND THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION (DATCP) FARMLAND PRESERVATION PLANNING GRANT**

▪ **UPDATE AND DISCUSSION ON THE DATCP CERTIFICATION REVIEW OF THE FINAL DRAFT FARMLAND PRESERVATION PLAN FOR OZAUKEE COUNTY (FPP) AND PROPOSED REVISIONS PER A CONFERENCE CALL WITH DATCP STAFF**

Andrew Struck noted that the CPB packets have the cover document part of the FPP application that was submitted to DATCP for approval. Mr. Struck noted the packets include a summary of the plan that was submitted along with the full plan and technical documentation. Mr. Struck also noted that all documents were submitted and DATCP verified completeness of the application for certification. DATCP then sent a certification review letter with comments from their review of the FPP and it is included in the packet.

Mr. Struck noted the points called out by DATCP in the certification review letter. Andrew Struck noted the first change suggested by DATCP is to add more description of business development trends affecting agriculture in Ozaukee County. The second point suggests a discussion of municipal expansion. It would be helpful to see how or in which direction the municipalities in the County will likely expand. Tom Richart noted historic urban growth maps and sewer service map are included in the plan. Mr. Struck noted point 3 suggests that the plan mention more about key agricultural

infrastructure in the County including storage facilities and transportation systems within the County. Mr. Struck noted point 4 suggests a more specific discussion of changes related to agricultural processing, supply, and distribution that are anticipated to occur in Ozaukee County. Mr. Struck noted that point 5 discusses the designation of Farmland Preservation Areas and the Land Evaluation and Site Assessment (LESA) and findings for the FPAs in the Town of Cedarburg and City of Mequon. Mr. Struck noted that all parcels with more than two percent agricultural use were included as part of the LESA ratings. Mr. Struck noted that by using the LESA scores, an overall comparable ranking for all the eligible parcels in the County was established. Each parcel below the mean score was considered not suitable for long-term agriculture, and locations with scores above the mean score were considered good for long-term agriculture. Mr. Struck then pointed out the locations on a Farmland Preservation Area (FPA) Map for Ozaukee County where two sites in the Town of Cedarburg and one site in the City of Mequon were questioned by DATCP. In this case, DATCP does not think the LESA scores work well for determining these FPA sites because the sites are too isolated by development from other farmland. Tom Richart noted that these FPA sites are isolated looking at the Ozaukee County map, but they may not be isolated looking at the Washington County map since they are on the far western edge of Ozaukee County. Mr. Struck noted that there was not a FPA to the west of the sites in Washington County, so they were somewhat isolated by development. Based on conversations with DATCP and their certification review, Mr. Struck is proposing to remove the FPA sites in the City of Mequon and Town of Cedarburg from the final certification submittal to DATCP. Cindy Bock agreed that there was a lot of recent development surrounding the City of Mequon FPA site. Mr. Struck noted that these sites can still be used for farming in the future, but they would not be eligible for the State program and tax credits. Supervisor Korinek asked Mr. Struck to explain the tax credit. Mr. Struck explained the tax credit through the State Farmland Preservation Program and noted landowners receive the tax credit. He further noted that a parcel must be in an FPA to be eligible for the Farmland Preservation Program and tax credits, so the tax credit would not be allowed for these sites because there would not be a designated FPA. Supervisor Bock noted the Mequon FPA is located near Highland Road and that there is a new subdivision in the area. Supervisor Bock agreed with removing the FPAs. Mr. Struck noted that only the Towns of Fredonia and Belgium will have an FPA if the Town of Cedarburg and City of Mequon FPAs are removed as advised by DATCP. Mr. Struck added that item 6 becomes an unnecessary point because of the proposed changes resulting from item 5. Mr. Struck noted the last major point was a question as to why the Town of Saukville did not have an FPA. Mr. Struck noted that the Town of Saukville opted out of the FPA designations and also noted that recent changes to their land use and zoning ordinance would also not make them eligible for the State program. Mr. Struck noted the final points by DATCP are related to the map and is a staff technical issue. Mr. Struck noted that there is still some work to be completed with regard to the map updates.

▪ **UPDATE ON THE FARMLAND PRESERVATION PLAN CITIZEN ADVISORY COMMITTEE (FPP CAC) AND LAND PRESERVATION BOARD (LPB) AND TENTATIVE APPROVAL TIMELINE FOR THE FPP**

Andrew Struck noted that the proposed revisions are tentatively scheduled to go before the FPP CAC in March and then the Land Preservation Board in April. Then, the revisions to the FPP would come before the CPB in April for final approval.

**7. PLANNING INFORMATION / NEWS AND EDUCATION & OUTREACH**

▪ **DATCP NEWSLETTERS AND UPDATED FACT SHEETS**

Andrew Struck noted a newsletter from DATCP is included that provides a good overall summary of the status of the Working Lands Initiative to date and states that applications for agricultural enterprise areas are still being accepted. Mr. Struck noted that no landowners have stepped forward in Ozaukee County to initiate an AEA. Mr. Struck also noted that administrative rules for the Working Lands Initiative and Farmland Preservation Program law (ATCP 49) will be written to give more clarity to specific definitions and items in the State Statute. Mr. Struck also noted the Runoff Rule fact sheet in the packet.

▪ **FARM AND RANCH LANDS PROTECTION PROGRAM (FRPP) ADMINISTERED BY THE NATURAL RESOURCE CONSERVATION SERVICE (NRCS) GRANT FUNDING ANNOUNCEMENT**

Andrew Struck noted that grant applications are being accepted for the Farm and Ranch Lands Protection Program for 2013 and submittals are due by the end of March. This is the federal funding program for Farmland Preservation.

**8. NEXT MEETING DATE(S) – REVIEW, DISCUSSION, AND POSSIBLE ACTION ON THE PROPOSED 2013 MEETING SCHEDULE**

Chairman Richart noted the next meeting is to be held on April 11, 2013 as previously discussed and that the meeting scheduled for March 19, 2013 is now cancelled. Chairman Richart asked if the meeting will occur in the Auditorium due to the Public Hearing for the Comprehensive Plan amendment. Mr. Struck responded that the meeting will probably be held at the regular meeting time of 1:00 PM and he will determine a location based on whether or not a large crowd is predicted.

**9. ADJOURNMENT**

Chairman Richart asked for a motion to adjourn.

**Motion by Cindy Bock and seconded by Irena Macek to adjourn the meeting. All members present voting aye, the motion carried unanimously.**

The meeting adjourned at 2:20 PM.

*Respectfully recorded and submitted by Lisa Haselow and Andrew Struck.*