

FARMLAND PRESERVATION PLAN CITIZEN ADVISORY COMMITTEE MINUTES

Tuesday, January 24, 2012 at 4:30 PM

Auditorium, Ozaukee County Administration Center, Port Washington

1. CALL TO ORDER

Chairman Lee Schlenvogt called the meeting to order at 4:37 PM. Farmland Preservation Plan Citizen Advisory Committee (FPP CAC) members present included: Chairman Lee Schlenvogt, Vice Chairman Shawn Graff, Benjamin Arnold, Ron Heinritz, Young Kim, Bryan Kligora, Mary Korte, Edward Miller, Christine O'Neil, Erin Ortiz, Bob Roden, Pat Wilborn, Francis Kleckner, John Riordan (alt.), Eric Ryer, John Blasczyk, Steve Wilkinson, Mike Didier, and Barb Jobs. Members absent included: Dale Buser, Cathy Jones, Mike Winker, Lynda Huebner, Jac Zader, and Roy Wilhelm. Ozaukee County Staff present included: UW-Extension Community Resource Development Educator Nicole Sidoff, Planning and Parks Department Director Andrew Struck, and Land and Water Management Director Andy Holschbach. 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 Lee Schlenvogt asked staff if the meeting had been properly noticed and the agenda posted. Nicole Sidoff noted that the meeting was properly noticed and the agenda posted.

Motion by Francis Kleckner and seconded by Vice Chairman Shawn Graff to adopt the agenda as printed. All members present voting aye, motion carried unanimously.

3. PUBLIC COMMENT AND WRITTEN COMMUNICATIONS

There were no public comments or written communications.

4. APPROVAL OF MINUTES (DECEMBER 13, 2011)

Motion by Bob Roden and seconded by John Blasczyk to approve the minutes for the December 13, 2011 meeting of the Farmland Preservation Plan Citizen Advisory Committee as written. All members present voting aye, motion carried unanimously.

5. UPDATE AND DISCUSSION ON DRAFT FARMLAND PRESERVATION AREAS (FPAs)

Andrew Struck noted that staff has continued to meet with local governments on multiple occasions. Staff has received formal correspondence from the Town of Port Washington indicating that they would not like to participate in having farmland preservation areas (FPAs) identified within their Town. Nicole Sidoff distributed a copy of the official letter from the Town of Port Washington. The Town of Saukville has also recently decided not to participate in the designation of an FPA, and the Town of Grafton had indicated awhile ago that they were not interested in participating in the designation of an FPA. The Town of Cedarburg has already approved preliminary FPAs and is moving ahead with their associated Comprehensive Plan amendments. Staff is continuing to meeting with the Towns of Belgium and Fredonia, both of which are currently discussing the designation of substantial FPAs in their towns. The majority of land in both towns is eligible to be encompassed in FPAs based on County criteria and their respective planned land use map, and both towns have preliminarily approved the large FPAs. Staff has also continued to meet with the City of Mequon, which is considering a small area comprised of three parcels in the western part of the City. Mr. Struck then noted that staff will likely have the preliminary FPA maps at the next FPP CAC meeting for everyone to view.

6. UPDATE, DISCUSSION, AND POSSIBLE ACTION ON CHAPTER VI – VISION, ISSUES, AND RECOMMENDATIONS – OF THE FARMLAND PRESERVATION PLAN FOR OZAUKEE COUNTY

Andrew Struck provided a brief overview and noted that Rick Kania would go over the chapter page by page as he has done in the past. Additionally, staff is willing to spend significant time with the FPP CAC on this chapter and would consider having the conversation continue during the next FPP CAC meeting, if necessary and desired by the members. Mr. Struck then indicated that he thought it might be best to start the discussion by first revisiting the vision statement that had been approved as he has received some correspondence from several members about redrafting the vision statement. Lynde Uihlein, John Riordan, and Shawn Graff had proposed a revision to the vision statement already developed by the FPP CAC and approved by the Land Preservation Board (LPB) and Comprehensive Planning Board (CPB).

The vision statement revision was proposed in an email, and staff distributed a copy of the email to all FPP CAC members. Members also received the note by email. Mr. Struck then read the proposed revised vision statement, which was, "The rural and agricultural character of Ozaukee County will be preserved through the purchase of development rights in perpetuity and the establishment of zoning oversight that insures sustainable rural land use and prevents urban sprawl." Mr. Struck then noted that Shawn Graff had submitted a revision to that vision, which would include "donation of conservation easements". Additionally, staff had received an email from Bill Fleming indicating his support for the revised vision.

Andrew Struck then noted that before opening this item up to discussion, he wanted to remind the FPP CAC that they had developed the existing vision, and the LPB and CPB had already approved what the FPP CAC had developed. The FPP CAC is only advisory, and CPB and County Board are the actual bodies that have the authority to approve and adopt the Plan, including the vision statement. If the FPP CAC does end up proposing a new vision statement, it must go through the LPB, CPB, and eventually the County Board to be approved. The proposed statement could also be incorporated into another part of the Plan, such as using it as one of the goals.

Shawn Graff noted that John Riordan and Lynde Uihlein had primarily been responsible for crafting this vision statement, and he gave his input to include language that also identifies donated easements as a tool. John Riordan agreed that what Shawn was proposing would fit nicely within the vision statement he and Lynde had developed and believed that the revision to the vision statement should happen. Pat Wilborn noted that he thought the existing statement is about supporting and implementing policies and programs, whereas the proposed vision takes a position. He noted that he supported the new vision. Mary Korte also indicated support for the new vision. Shawn Graff indicated that the existing vision was developed months ago, before FPP CAC members had the knowledge and insights they do now. Ben Arnold indicated that he thought the existing vision was too vague.

Ed Miller asked if the vision was supposed to be prescriptive or policy. Andrew Struck noted that a vision statement is not typically narrowly focused on a tool or specific program, although he understands the concerns with the vagueness regarding the existing vision. However, he noted that he would not want the vision to exclude other programs, such as tax credits and farmland preservation areas, which are identified in the State Statutes for the Plan. The vision is supposed to paint a picture of where everyone wants the County to be in 2035, not necessarily the process. Pat Wilborn expressed that he thought the proposed vision did that and would be a good recommendation to take the County Board. Erin Ortiz indicated that she thought the existing vision was focused enough, as tools can come and go, but an overall objective can help determine what to do with those tools.

Barb Jobs indicated that she thought that the statement regarding "establishment of zoning oversight" may be a concern to local officials as they may think that local rights are being usurped. Andrew Struck indicated that the County does not currently have land use zoning authority in the County and that this resides with each individual municipality. He added that the County works with the local governments on planning efforts that drive zoning decisions, and the Farmland Preservation Plan is a County Plan that the County must adopt.

Pat Wilborn noted that the purpose of the vision statement is to establish what the Committee wants the County to do and asked if the Committee would want the County to take over zoning if it were good for preventing urban sprawl. Rick Kania and Andrew Struck indicated that Ozaukee County has not historically had land use zoning authority, the local governments have zoning authority, with the exception of Shoreland (Floodplain/Wetland) Zoning. Andrew Struck then suggested that the proposed vision could be combined with the existing vision so that tools, policies, and programs other than easements and zoning would be captured by the vision. Bryan Kligora agreed with that idea, noting that he was concerned the proposed statement may limit the tools that could be used in the future. Shawn Graff also agreed and proposed a combined vision statement. Mary Korte noted that she believes that easements have more sense of permanence, whereas she believes policies and programs do not. Andrew Struck

then read the proposed revised vision statement combined with the existing statement, which read, "The rural and agricultural character of Ozaukee County will be preserved through the purchase and donation of agricultural conservation easements in perpetuity, the establishment of zoning oversight, and the implementation of policies and programs that ensure sustainable rural land use and prevent urban sprawl". John Riordan noted that the Working Lands Initiative (WLI) was created to preserve farmland within the State. He noted that this vision statement sends a message to the State about what tools Ozaukee County values for preserving farmland. Andrew Struck also explained that the plan, tax credits, PACE, and AEAs were the tools included in the WLI legislation. John Riordan indicated that the PACE funds and the conversion fee have been eliminated and this is what the FPP CAC values.

Motion by Francis Kleckner and seconded by Erin Ortiz to approve the revised vision statement, "The rural and agricultural character of Ozaukee County will be preserved through the purchase and donation of agricultural conservation easements in perpetuity, the establishment of zoning oversight, and the implementation of policies and programs that ensure sustainable rural land use and prevent urban sprawl".

Chairman Schlenvogt emphasized that the FPP CAC is an advisory committee, which makes the recommendation to the LPB and CPB. The CPB and County Board will have the ultimate authority in approving this Plan and the proposed vision, and he believes the vision as stated may not pass through the CPB and/or County Board. Mary Korte noted a grammatical error, which Mr. Struck fixed and then re-read the revised statement. Pat Wilborn noted that by adding policies and programs to the vision statement, it avoids locking the County out from using other tools in the future. Mr. Struck noted that adding that also covers items like outreach and education. Ed Miller indicated that the statement "prevents urban sprawl" implies that all urban sprawl is bad and those words are also poorly defined. He noted that he could not vote for this vision with that statement included. Pat Wilborn noted that urban sprawl has a negative connotation, but that does not mean that all suburban growth is bad. He was in favor of keeping that statement. John Blasczyk noted that he believes the southern half of the County wants urban sprawl and will vote the vision statement down. Ed Miller suggesting substituting "and promotes viable agriculture within the County." The FPP CAC then had a discussion on the meaning the term urban sprawl.

Chairman Schlenvogt noted that he works with politicians, and even though this is a great vision statement, it may have to be softened a little if it will pass through the County Board. Ben Arnold noted that the elected officials have the power to soften it, but he believes the FPP CAC should tell them what they want. Chairman Schlenvogt acknowledged the passion of the group and encouraged the Committee to send this vision on, if that is what they wanted to do. Ed Miller noted that he appreciates the strength of the statement, but does not think it is as acceptable as it could be worded. Young Kim indicated that there can be unintended consequences of strictly controlling growth. Chairman Schlenvogt then called for the vote on the motion for revised vision statement as read by Mr. Struck for the motion.

Nine members (Eric Ryer, Erin Ortiz, Ben Arnold, Mary Korte, Steve Wilkinson, Shawn Graff, Young Kim, Pat Wilborn, Christine O'Neil, Ron Heinritz, Francis Kleckner, and Mike Didier) voting aye, and five members (Bob Roden, John Blasczyk, Bryan Kligora, Ed Miller, and Barb Jobs) voting nay, motion carried.

Rick Kania then gave a page-by-page overview of the chapter, and FPP CAC members had the opportunity to make comments at the end of each section. He noted that Chapter VII will be the Implementation Chapter and will include information on purchase of development rights, AEAs, PACE, etc. Also, he noted the document can be more than just FPAs, and this section includes policies and programs that address all agricultural land, not just FPAs. He also noted that this section includes a number of goals/objectives/policies/programs from the County Comprehensive Plan, and anything not from the Comprehensive Plan has been underlined in the chapter. FPP CAC members should feel free to make any suggestions for adding or modifying these recommendations.

Ed Miller indicated that the second bullet on page four should say "lack" not "lake". Shawn Graff noted that it would be useful to include language regarding donating easements on page 10. He also noted that he would like to see a program on a County tax incentive for the donation of agricultural conservation easements. Andrew Struck noted a similar program that was included in the chapter already. Andrew Struck suggested adding the County Park and Open Space Plan to the bottom of page 11. John Riordan suggested spelling out GIS (geographic information systems) on page 11. Andrew Struck suggested fixing "Farm and Ranch Protection Program" on page 12 to read "Farm and Ranchland Protection Program". He also suggested adding the full name of the North Branch Milwaukee River Wildlife and Farming "Heritage Area" under bullet 3 on page 12. Mary Korte noted that the second to last paragraph on page 13 should be in past tense.

Shawn Graff indicated that the "objective" bullets refer to areas outside of sewer service areas and planned urban service areas. He noted that some of the policies under those bullets refer to niche agriculture, which he believes may be encouraged within sewer service areas. Andrew Struck noted that in Mequon the sewer service area does not extend into the primary area which has farmland and the sewer service area in other cities and villages are typically higher density residential or commercial areas of those municipalities; however, he did acknowledge that some of the objectives such as community gardens and other aspects may apply within those urbanized and sewer service areas. Andrew noted that staff will look into it further and provide a response. Shawn Graff suggested adding an objective to support or encourage urban garden initiatives to go along with bullet 4 on page 14.

Pat Wilborn suggested adding "aquaponics" to the second to last bullet on page 15. He then went on to give definitions of each of the terms under that bullet. Rick Kania noted that he had defined all of those terms in the trends and projections chapter and had intended to include "aquaponics" in this listing.

The Committee then had a discussion on commercial kitchens and incubator kitchens. A definition of this and a recommendation to support commercial kitchens and incubator kitchens will be added to the chapter.

Ben Arnold suggested adding a goal on page 17 to work to remove invasive species. The Committee then discussed invasive species removal efforts, and staff clarified that a number of other plans directly address invasive species, whereas this plan is intended to address farmland preservation. Rick Kania and Andrew Struck indicated that they would add a goal to that effect. Barb Jobs noted that historic farmsteads and hedgerows are not being protected as she believes they should be, but she did not request that a recommendation be added to that effect as it was probably not enforceable.

Shawn Graff noted that the last policy bullet on page 22 regarding conservation subdivisions was a good recommendation, but needed to include the recommendation that newly proposed conservation subdivisions have management plans in place. The Committee then discussed conservation subdivisions. Rick Kania noted that he will include "include submittal of open space management and maintenance plan" to that recommendation. The Committee then discussed the issue of run-off from farms, but did not suggest adding a recommendation on that issue.

Mary Korte indicated that the second bullet on page 23 should read "persons" not "person". Shawn Graff suggested adding the recommendation on incubators and kitchens to the last section on page 26.

Andrew Struck noted that the Committee could postpone approving this chapter until the next meeting, so that members could have additional time to think about recommendations for goals, objectives, policies and programs and discuss the chapter again at the next meeting.

Motion by Shawn Graff and seconded by Bob Roden to table Chapter VI – Vision, Issues, and Recommendations – of the Farmland Preservation Plan for Ozaukee County until the February meeting. All members present voting aye, motion carried unanimously.

7. UPDATE ON FARMLAND PRESERVATION TAX CREDITS

Andrew Struck noted that a number of documents clarifying the new farmland preservation tax credit program were included in the packet. There has been a lot of confusion over the new program and it was largely undersubscribed to last year. The new form was included to give everyone some insights into what a landowner has to fill out to receive the tax credits. This information will also help local government representatives support landowners looking for information on how to receive the tax credits. Barb Jobs noted that she had a question from a tax preparer asking her who qualifies for the tax credits. Andrew Struck indicated that the tax preparers should also contact the County Land and Water Management Department and their local municipality as currently landowners would be eligible if their land is in a Farmland Protection land use on the County's Comprehensive Plan, they have an "exclusive agricultural zoning" under the local government, they are in compliance with other land and water management standards and may have claimed the credit in the last year, as the County's new Farmland Preservation Plan with identified farmland preservation areas has not yet been adopted. Ron Heinritz asked when the new plan will take effect. Mr. Struck responded that this tax year is based on the criteria he just mentioned, as the County Farmland Preservation Plan has not yet been adopted. If a landowner claimed the credits in the past, they may be eligible this year. Once the County FPP is adopted and certified, only those landowners within a farmland preservation area will be eligible for the tax credits.

8. REVIEW AND DISCUSSION ON FARMLAND PRESERVATION PLAN CITIZEN ADVISORY COMMITTEE (FPP CAC) PURPOSE AND 2011 EVALUATIONS

Nicole Sidoff noted that the evaluations were fairly positive and that most members agree that the FPP CAC meetings are a good opportunity to network and to learn from one another. Ms. Sidoff then noted that staff wanted to give FPP CAC members an opportunity to propose any ideas for changing the meetings. Andrew Struck reviewed the overall goals and objectives of the FPP CAC per the adopted by-laws, which spelled out the responsibilities of both the FPP CAC members and staff. Andrew Struck indicated that FPP CAC members can email staff if they have ideas that they would rather not share in person or at this meeting. FPP CAC members did not have any comments on this issue.

9. EDUCATION, OUTREACH, AND PLANNING NEWS

- **FIRST FRIDAY FORUM ON THE OZAUKEE COUNTY FARMLAND PRESERVATION PLAN – FRIDAY, APRIL 13, 2012 AT 11:30 AM AT MATC-MEQUON**

Nicole Sidoff distributed two articles from the Ozaukee Press on the Town of Saukville and the Town of Fredonia efforts to approve farmland preservation areas. Ms. Sidoff noted that both articles included a statement that landowners that are in a farmland preservation area are required to remain in the area for 35 years. Ms. Sidoff noted that this was incorrect information. Andrew Struck also noted that landowners in a farmland preservation area can sign a fifteen-year agreement with the State to collect the tax credits. Mr. Struck also noted that the County Board resolution to adopt the revised Comprehensive Plan Public Participation Plan was included in the packet. This revised Comprehensive Plan Public Participation Plan, adopted by the County Board according to Wis. Stats. 66.1001, allows for the Comprehensive Planning Board (CPB) to accept and approve the Farmland Preservation Plan Public Participation Plan that the FPP CAC and LPB recommended under the authority given to the CPB in the new Comprehensive Plan Public Participation Plan. The revised Comprehensive Plan Public Participation Plan allows the incorporation of specific or more detailed public participation plans (e.g. FPP PPP) and involvement activities related to planning efforts such as the Farmland Preservation Plan to be accepted and approved by the CPB if they are consistent with the overall Comprehensive Plan Public Participation Plan.

10. 2012 MEETING SCHEDULE - NEXT MEETING – FEBRUARY 28, 2012

The next FPP CAC meeting will take place on Tuesday, February 28, 2012 at 4:30 PM.

11. ADJOURNMENT

A motion was made by Vice Chairman Shawn Graff and seconded by Young Kim to adjourn the meeting. All members present voting aye, the motion carried unanimously.

Meeting adjourned at 6:29 PM

Respectfully recorded and submitted by Nicole Sidoff and Andrew Struck.