

**WASHINGTON COUNTY
FARMLAND PRESERVATION PLAN ADVISORY COMMITTEE**

Public Agency Center – Room 1113A & B
West Bend, WI

October 27, 2010
5:00 p.m.

Members present: Jim Hovland, Raymond Heidtke, Ellis Kahn, Sue Yogerst, Don Heesen, Bob Retko, Mark Piotrowicz, Justin Drew, Shawn Graff, Maurice Strupp, Mike Shea, Al Schulteis, Dan Mueller, Dennis Kay, Helmut Wagner, Ricky Kratz, and Scott Mathie

Excused: None

Staff present: Debora Sielski-Deputy Administrator, Joshua Glass-Planner, Paul Sebo-Senior Technician, Rochelle Brien-Planning Intern, Nancy Anderson, SEWRPC-Chief Planner and Lynda Christl, Program Assistant

Also present: Kevin Struck (UW-Extension)

CALL TO ORDER

Supervisor Heidtke called the meeting to order at 5:00 p.m.

Shawn Graff and Ricky Kratz arrived at 5:04 p.m.

COMMITTEE AND STAFF MEMBER INTRODUCTIONS

Committee and staff member introductions were conducted at this time.

ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Motion by Graff, second by Strupp, nominating Heidtke as Chairperson. Motion carried.

Motion by Schulteis, second by Graff, nominating Strupp as Vice Chairperson. Motion carried.

There were no nominations for Secretary position. Chairperson will sign off on agendas and notes.

Dan Mueller arrived at 5:13 p.m.

OVERVIEW OF ADVISORY COMMITTEE RESPONSIBILITIES – DEB SIELSKI

Ms. Sielski distributed handouts regarding committee responsibilities. Stated that all local governments in Washington County were invited to appoint a representative to serve on the Committee, and even if they chose not to, they will still receive agendas and minutes of all meetings and are welcome to attend meetings as they are open to the public.

Mr. Kahn questioned the reason for this Advisory Committee meeting since the farmland preservation (FP) law is already established. Sielski explained that the law (Chapter 91 of the *State Statutes*, also known as the Working Lands Initiative – WLI) mandates that every county in Wisconsin create or update FP plans.

Washington County adopted a FP plan in 1981 which does not meet the requirements of the new law, and this Committee will guide the development of a new FP plan. Washington County has a deadline of December 31, 2011 to have a new plan adopted and certified. Local governments that wish to establish or continue FP zoning that meets the new law requirements have until December 31, 2012 to do so. Sielski stated that the County must follow State law, and anyone that has concerns with the law should contact their State Representative.

Kahn requested that the Committee take a roll-call vote when making decisions. Discussion ensued and it was stressed that staff cannot participate in the voting process. Heidtke later stated he would not call for a roll-call vote for every decision but will upon request.

A large farmland owner survey is being finalized with UW-Extension. Results of the survey will be analyzed by the Committee before recommendations are made in the plan.

Kahn asked if a local government can have “spot zoning”. Sielski said the plan cannot include farmland preservation areas (FPAs) specific to a parcel or two because the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) may not certify the plan if it does.

Kahn and Shea requested copies of audio recordings of all meetings. Mr. Glass will send copies of meeting audio to the Town of Kewaskum and Village of Richfield.

Dennis Kay arrived at 5:17 p.m.

Sielski reviewed the tentative plan development schedule. Wagner asked if local boards had gotten a copy of the schedule yet. Sielski stated they received a copy during the local government meetings earlier in 2010. Sielski stated copies of all handouts are available at any time and can be obtained by contacting Sielski or Glass. Sielski stated that the County received a \$30,000 grant from the State as reimbursement for staff time used to create the plan.

OVERVIEW OF FARMLAND PRESERVATION PLAN PROCESS AND DRAFT CHAPTER OUTLINE – DEB SIELSKI

Ms. Sielski distributed and reviewed the draft chapter outline stressing that it is tentative and may change. The outline follows Chapter 91 and we will need to follow it. Copies of *A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035* were available for Committee members because the FP plan will be referencing tables and maps in the comprehensive plan.

Piotrowicz asked about the year of the land use inventory. Ms. Anderson stated that the comprehensive plan includes a year 2000 existing land use map from a regional inventory and a year 2006 existing land use map from a more generalized inventory.

Sielski continued review of the chapter outline stressing that there is a whole list of things we need to have in the plan to meet the mandates of the law or it may not get certified. Sielski reiterated the short time frame we have to work on the plan. Agricultural goals and objectives as well as land use maps and the land evaluation and site assessment (LESA) analysis done through comprehensive planning will serve as a good springboard into farmland preservation planning. The Committee will review the LESA analysis at its next meeting.

Scott Mathie arrived at 5:41 p.m.

Shawn Graff left the meeting at 5:59 p.m.

**OVERVIEW OF WORKING LANDS INITIATIVE AND FARMLAND PRESERVATION PLANNING
– JOSHUA GLASS**

Mr. Glass presented an overview of the Working Lands Initiative (WLI) and farmland preservation planning. Copies of the presentation were distributed to the Committee prior to the meeting. Kahn asked if the conversion fee trust fund could be raided and if there is any documentation that it can't be used for anything but FP efforts. Glass stated that it is solely intended for farmland preservation purposes but Keith Foye from DATCP could not guarantee anything.

During discussion of conversion fees, Shea questioned the fee amount provided in the example calculation (\$298/acre – the average for Washington County towns) stating that the Village of Richfield's value is \$891 per acre. Staff assumed that dollar amount was for a different type of fee and Glass referred Shea to the web link listed (<http://www.revenue.wi.gov/report/a.html>) where the Village's Grade 1 cropland value could be accessed.

Kahn asked if the minimum five farms required for petitioning to be in an Agricultural Enterprise Area (AEA) must be contiguous. Anderson referenced Sections 91.84 (1) and 91.86 (1) and (2) of the *Statutes* and confirmed that all parcels in a designated AEA must be contiguous and that there is no minimum acreage requirement for AEA designation. Mr. Sebo added that the block of farms to be designated must be contiguous but the five farms that sign the petition do not have to be contiguous.

Kahn questioned how a farmer would receive money through the WLI program. Sebo stated that there will be a new form to fill out when filing income taxes. Sielski stated that the money would be part of a farmer's tax return check from the State or would be an offset if a farmer owes tax money. Sebo added that a farmer would then have to claim it through federal taxes the following year.

Kahn then questioned how the State knows a farmer is participating in the WLI program. Sebo stated that a tax agency or individual farmer should know to request the form when doing income taxes. Kahn further asked if in the program, is something added into the deed to one's property and how a potential new landowner would be notified that a property is involved in a tax credit program if a land transfer is made. Piotrowicz added that he assumes the seller would have a responsibility of disclosure in the sales agreement.

Shea questioned how participation in the WLI is recorded in terms of when a title search is done. Struck explained that title searches are done by ¼ ¼ sections and everything that has ever been recorded for a property is revealed whether it's attached to the deed or not.

Discussion followed on the tax credit process and how this program is being tracked so new owners would be aware of it. Sielski acknowledged that the main question being asked refers to zoning and making sure that a buyer understands that they are subject to conversion fees if property is rezoned. Sielski will contact DATCP for answers on how this should be done.

Kahn asked what triggers conversion fee collection by the Town. Sielski indicated that the fee is triggered when an owner requests a rezoning by the Town. The Town should reference the paperwork that DATCP sent last year explaining the process of conversion fee collection. Sielski added that a local government can increase the conversion fee amount to help cover any costs incurred by the local government for the administration of the conversion fee collection.

REVIEW DRAFT CHAPTER 1 – INTRODUCTION AND BACKGROUND – JOSHUA GLASS

Mr. Mathie requested that staff just request comments on a section by section basis when reviewing the draft chapters rather than summarizing each item. Glass reviewed the proposed staff changes to the chapter since the chapter was mailed to the committee members.

The sixth sentence in the second paragraph in the section titled “Overview of the Working Lands Initiative”, Mathie suggested adding language regarding that development is approved by local governments based local land use plans and is necessary due to increasing populations. Sielski will add language for review at the next meeting.

Glass reviewed key items in Table I-1 and referred to a DATCP handout included in the packets for more detailed information. Strupp inquired as to whether lands currently in agricultural transitional areas would qualify for AEAs. Sielski will report back to the Committee. Sielski offered to email and call those without email access with a response to this question. Members were reminded not to conduct discussion of Committee business via mass emails due to the open meeting law. Sielski will add requested items to future agendas for chairperson’s review.

Piotrowicz expressed concern about conflicting criteria in the comprehensive plan and the FP plan and questioned the flexibility in defining a protection area. Sielski explained that the LESA analysis will be a good starting point for identifying protection areas in the FP plan. This committee will have the opportunity to decide if those criteria make sense and discuss changes. Sielski will add a review of the LESA analysis on the next meeting’s agenda.

Kahn asked if the PACE program is the same as the Purchase of Development Rights (PDR) program that was denied through referendum in recent years in Washington County. Sielski clarified that the PACE program within the new WLI law is the same type of purchase of development rights program, but does not mandate the County or any local government to participate. Participation is strictly voluntary. Struck added that the County wouldn’t have to be involved on any easement in the PACE program. This committee will develop recommendations for the FP plan.

REVIEW DRAFT CHAPTER 2 – POPULATION, HOUSING AND EMPLOYMENT TRENDS AND PROJECTIONS – JOSHUA GLASS

Mr. Glass reviewed Chapter 2. Piotrowicz indicated that 2009 American Community Survey 1-year estimate data is now available for Washington County. Glass will tie 2009 data into the next draft of the chapter. Glass will also make page number changes.

Mathie asked how housing density impacts FP planning. Sielski replied that Section 91.10 (1) (7m) of the law requires that a FP plan must include policies, goals, strategies, and proposed actions to increase housing density in areas that are not identified for agricultural use and agricultural-related uses. Sielski offered to add more information on how housing density is addressed in the statutes to the statutory requirements section of Chapter 1.

DETERMINE FUTURE MEETING DATES AND AGENDA ITEMS

There will be no meeting in November. Due to holiday conflicts, the next meeting will be held on Wednesday, December 1st at 7:00 p.m.

Future agenda items will include:

- Review changes to Chapters 1 & 2
- Initial review of Chapters 3 & 4

- Visioning discussion led by Kevin Struck
- Discuss LESA analysis

PUBLIC COMMENT

Sielski mentioned that binders and copies of the County’s comprehensive plan are available for Committee members if needed.

The Committee discussed the possibility of conducting a strengths, weaknesses, opportunities, and threats (SWOT) analysis geared to agriculture. Staff advised the Committee to review what has already been done through comprehensive planning and the Committee can make a decision at the next meeting.

ADJOURNMENT

Motion by Yogerst, second by Mueller, to adjourn the meeting at 7:10 p.m. Motion carried.

Debora Sielski
Deputy Planning and Parks Administrator

Approved by _____
Raymond Heidtke, Chairperson

Date _____