Walworth County Land Conservation Committee
MINUTES
Monday, December 20, 2010 at 1:30 p.m.

Walworth County Board Room 114
Elkhorn, WI 53121

The meeting was called to order by LCC Chair Kilkenny at 1:30 p.m.

Roll call - Committee members present included: Supervisors Hawkins, Kilkenny, Grant, Citizen Member Burwell, and USDA/FSA Representative Henningfeld. A quorum was declared.

County staff present – David Bretl, County Administrator; Michael Cotter, Director of Land Use & Resource Management (LURM); Louise Olson, Deputy Director, LURM; Fay Amerson, Urban Manager, LURM; Neal Frauenfelder, Sr. Planner, LURM; Matt Weidensee, Associate Planner, LURM; Deb Grube, Sr. Zoning Officer; and Joeann Douglas, Recording Secretary.

Also in attendance –. Nancy Russell, Walworth County Board Chair; Carl Redenius, Walworth County Board Supervisor, Attorney Anthony Coletti, Greg Igl, USDA/NRCS; Shirley Grant, Joe McHugh/ Geneva Lakes Conservancy; Beverly Gamane, Lynn Lein and Robert McIndoe, Spring Prairie township

Approval of the Agenda – **Supervisors Hawkins and Grant moved and seconded approval of the agenda. Motion carried 5-0.**

Approval of the Minutes –**Supervisors Grant and Hawkins moved and seconded approval of the November 15, 2010 LCC meeting minutes as presented. Motion carried 5-0.**

Public Comment – No general public comments. Public comments, if necessary will be made during the agenda item discussions.

WLWCA Conference Report - Dorothy Burwell reported that it was one of the best conferences to date with the main speaker being new director of NACD who was instrumental for getting a sizeable grant from the Walton Foundation for Dane County. The only resolution important to Walworth County was the support of legislation requiring comprehensive well testing; which by a narrow margin. Breakout sessions included storm water management and successful lobbying of legislators

WLWCA Update Related to Resolution #3, Supporting Legislation to Comprehensive Well Water Testing Prior to Real Estate Transfers – The legislation involves testing prior to the transfer or sale of property. Testing, if passed, would include coli form bacteria, nitrates, heavy metals, volatile compounds, and radium. In Walworth County, private individuals do the well testing and sanitation inspections for real estate transactions. . In some counties, the county does well testing and sanitation inspections for real estate, and a mandate may come up in future legislation.

Correspondence to Mary Beth Gibbons-Adams – Referred from CZA. Michael Cotter suggested placing the letter on file, since staff has discussed the issue at length and during the Smart Growth process. **Supervisors Grant and Hawkins moved and seconded placing the correspondence on file. Motion carried 5-0**

Farmland Preservation Plan Policy Options and Considerations - Louise Olson reminded the committee their role is to review and make recommendations. The Farmland Preservation Plan draft hearing is set for sometime in October, 2011. The Zoning Ordinance changes related to FPP will be set for the end of

2012. The LCC is considered part of the public participation FPP process per statutory requirements. The staff was instructed at the November 15, 2010 meeting to correspond with DATCP asking the questions they deem appropriate related to dealing with nonmetallic mining and the Walworth County Farmland Preservation zoning ordinance. Ms Olson assured the LCC the information was reviewed with staff, DATCP, UW Extension, and other counties throughout the state. As part of the packet, definitions were provided from s.s.Ch. 91 and Ch 92. Fay Amerson explained the five policy options and considerations including discussion of the language in the state statute, reflections from the Comp Plan, public opinion from Comp Plan deliberation. Advantages and disadvantages for each of the policy consideration have been reviewed impartially by LURM staff.

A. Non Metallic Mining – Fay Amerson said we are revisiting non metallic mining from the November (2010) LCC Meeting. The question to act upon is, "Should the Farmland Preservation Plan recommend a new policy related to non metallic mining in Agricultural Preservation Areas, by allowing nonmetallic mining with a County approved Conditional Use Permit?" Neal Frauenfelder reminded the LCC that the concern was for the conversion fee for non metallic mining for gravel pits. Chair Kilkenny asked if it would be possible to create an additional farmland preservation zoning district such as A-1 M, to allow a non-metallic mineral extraction operation after a rezone and conditional use hearing at both the town and county level only for farmland preservation areas. It could be allowed on a case by case basis to assure possible mineral extraction areas are kept confidential. The zoning district approach would preserve the veto authority for both the towns and county. **Citizen Member Burwell and Supervisor Grant moved and seconded to have staff contact DATCP to determine their opinion on the non metallic mining item for discussion.** Discussion followed regarding authority to refuse mining even though it is zoned the new A1-M designation. **Motion carried 5-0.**

B. Non-Farm Residences – Matt Weidensee said the farmland preservation statutes allow for there to be additional residences added under farmland preservation. The policy question is, "Should the Farmland Preservation Plan recommend some level of residential development in a Farmland Preservation Zoning District?" DATCP's concept is to allow non farm residences as long as they are not greater than a ratio of 1 residence for each 20 acres. There cannot be more than 4 non-farm residences plus the existing farm residence on the parcel. Advantages and disadvantages to allowing residential development were explored. The staff had concerns about the *base farm tract* concept on property rights and the applicability of the forms of property ownership. Discussion followed about the county's more restrictive policy of 35 acre minimum lot size requirement. **Citizen Member Burwell and USDA/FSA Representative Henningfeld moved and seconded to confirm the present 35 acre lot size requirement. Motion carried 5-0.**

C. AEA – Fay Amerson said this is a new, non-regulatory tool which allows for additional tax credits to landowners. There were three policy questions regarding Agricultural Enterprise Areas. 1.) "Should the Farmland Preservation Plan support the establishment of AEAs in Walworth County" 2.) "Should the Farmland Preservation Plan recommend areas where AEAs should be established?" and 3.) "Should the Farmland Preservation Plan recommend that the County establish a procedure for accepting and signing onto petitions to establish Agricultural Enterprise Areas?" Discussion followed regarding the county's role in AEAs. **USDA/FSA Representative Henningfeld and Supervisor Grant moved and seconded to support the establishment of AEAs in Walworth County, to NOT recommend areas where AEAs should be established, and to recommend that the staff establish a procedure for accepting and signing onto petitions to establish Agricultural Enterprise Areas. Motion carried 5-0.**

D. PACE – Fay Amerson said Purchase of Agricultural Conservation Easements is another tool for the

purchase of development rights on agricultural land. The state has appropriated in their bi-annual budget $12,000,000. in bonds to fund the grant program which pays for 50% of the costs and a local entity paying the other 50%. Joe McHugh, Geneva Lakes Conservancy suggested an ad hoc committee with a liaison from the County, Farm Bureau, UW Extension, etc. Policy considerations were, 1.) "Should the Farmland Preservation Plan support the use of the PACE program in Walworth County?" 2.) Should the Farmland Preservation Plan recommend areas where PACE Grants should be directed?", 3.) "Should the Farmland Preservation Plan recommend that the County establish a procedure for processing PACE Grant Applications?", and 4.) "Should the Farmland Preservation Plan recommend the County establish a *Walworth County Farmland Preservation Legacy Fund* for the purchase of agricultural easements on targeted Walworth County farmlands?" Discussion followed regarding the 4 policy considerations. **Citizen Member Burwell and Supervisor Hawkins moved and seconded the Farmland Preservation Program support the use of the PACE program in Walworth County, recommend areas where PACE Grants should be directed, and recommend that the County establish a procedure for processing PACE Grant applications** Mr Cotter recommend the ad hoc committee for a *Walworth County Farmland Preservation Legacy Fund* to purchase agricultural easements on targeted Walworth County farmlands not be part of the motion. Chair Kilkenny said the establishment of a *Walworth County Farmland Preservation Legacy Fund* would be a funding question subject to Walworth County Board policy recommendations **Motion carried 5-0.**

E. Agricultural Related Uses – Deb Grube gave the policy questions, "1.) Should the Farmland Preservation Plan recommend further consideration of the following uses (currently permitted as a conditional use in the A-1 district) within an Agricultural Preservation Zoning District? ● Bottling of Spring Water, ● Production of animal and marine fat and oils, ● Off season storage facilities, ● Land Restoration, ● Business directory signs (exceeding two), ● Sewage Disposal Plants, ● Airports, airstrips and landing fields, ● Governmental and cultural uses such as. . . park and ride facilities, ● Utilities, provided all principal structures . . . except business, park and industrial, ● Schools and Churches, ● Contractor storage yards, ● Flea markets." And "2.) Should the Farmland Preservation Plan recommend further consideration of the following uses for additional agricultural-related uses and accessory uses, within an Agricultural Preservation Zoning District? ● Commercial horse barns, ● Farm Food Service (restaurant)" Discussion followed. **Supervisor Grant and Citizen Member Burwell moved and seconded to have the Farmland Preservation Plan recommend further consideration to the above listed uses and additional uses with the exception of Bottling of Spring Water, Schools and Churches, and Flea Markets. Motion carried 5-0.**

Proposed Zoning Ordinance Amendment referred by County Zoning Agency related to Farm Food Service in the A-4 Districts as a Farm Family Business - Bob McIndoe representing the town of Spring Prairie spoke and said they supported the proposed ordinance amendment and said Yuppy Hill Poultry Farm. was a prime example of what can be done with a farm family business. Ms Lynn Lein features her own egg and pork products in a small café open only 5 hours on Sunday, and was written up favorably in the Milwaukee Journal/Sentinel. Mr. McIndoe said what constitutes an agricultural related businesses have been a long debate. The Spring Prairie Board and Planning Commission think the enterprise run by Lynn Lein is a model, and ideal for a farm family business. Attorney Colletti concurred with Mr. McIndoe. Deb Grube said that Yuppy Hill is a qualifying use as a conditional use. County Board Chair Russell said she supports it since this use goes along with Dairy Breakfast and provides a farm family business without forcing a rezone into a business district which is far more desirable. **Citizen Member Burwell and USDA/FSA Representative Henningfeld moved and seconded supporting the ordinance amendment. Motion carrier 5-0**

Next Meeting Date – Monday, January 17, 2011 at 1:30 p.m.

Adjournment – **On motion and second by Supervisor Grant and Hawkins, Chair Kilkenny adjourned the meeting at 3:19 p.m. Motion carried 5-0.**

Submitted by Joeann Douglas, Recording Secretary. Minutes are not considered final until approved by the committee at the next regularly scheduled meeting.