

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: June 16, 2024
To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors
From: Guy D. Smith, Executive Director, Milwaukee County Parks
Subject: Updated 2025 Agricultural Land Lease Policy
File Type: Informational Report

REQUEST

From the Executive Director of Milwaukee of County Parks, providing an informational report on the updated 2025 Agricultural Land Lease Policy for the administering and managing of leasing of Milwaukee County land for agricultural purposes until such time as these lands can be converted to recreation and habitat restoration.

POLICY

§ 59.17(2)(b)3., Wis. Stats., states that the “county board may continue to exercise the authority under s. 59.52(6) with regard to land that is zoned as a park...”. In the law of property, authority over “land” includes authority over all rights appurtenant to the land.

Wisconsin State Statutes:	59.17(2)(b)3
Milwaukee County Code of General Ordinances:	
Specific Adopted Budget:	
Specific Adopted Budget Amendment:	
Specific Adopted Capital Project:	

BACKGROUND

Milwaukee County’s Agricultural Land Lease Policy (“Policy”) was first established by the Milwaukee County Board of Supervisors in 1995. The Policy was subsequently modified in 2004, updated in 2009 pursuant to Resolution File No. 03-547(a)(b), and again in Resolution File No. 19-341. Resolution File No. 19-341 required the Department of Parks, Recreation and Culture (“DPRC”) to review its policies and provide a report to the County Board of Supervisors six months before issuing the next solicitation or entering into new agreements or extensions subsequent to action per File 19-341 and the best use for these agricultural lands.

The Policy as updated in 2020 has remained in effect through today, and has governed the sixteen agricultural leases currently in effect. The 2023-2024 DPRC (“Parks”) review of the Policy noted some modifications to certain provisions were necessary to bring the Policy up-to-date.

As background, when the 2020 Policy was enacted, there were approximately 760 acres of land available for agricultural use. As of December 2024, this available acreage will be reduced to approximately 650 acres, as certain lands have been converted to habitat restoration or to recreational uses or a combination of both, or have become land-locked due to urban development. It must be noted that the County-owned lands available for agricultural use are predominantly lands with hydric soils or soil quality that is not as highly productive as other farmed lands. Landlocked County parcels impose a greater logistical cost on the farmer relative to much larger fields on private, rural land.

The lease rental rate was last increased in 2019, by \$43.00 per acre. Under the current policy, as an example, the rental rate for a 3-year lease of parcels greater than 15 acres is \$128.00 per acre for County residents and \$133.00 per acre for non-County residents. According to the report compiled by the USDA, attached hereto as Exhibit A, the state average rate for cropland in 2023 was \$151.00 per acre. The USDA report lists the average rental rate for Milwaukee County to be \$104.00 per acre, as compared to \$157 per acre in Racine County, \$151 per acre in Waukesha County, \$130 per acre in Washington County, and \$123.00 per acre in Ozaukee County.

For 2025, Parks is not recommending a raise in rental fees for County-owned land, due to the current rates being higher than average for Milwaukee County, as well as County land being of lower productive value than prime agricultural land in Racine, Washington, Waukesha and Ozaukee counties.

Parks is recommending updating text, and sections of the Policy for 2025, primarily:

- Section 3. Historic Use Agreements, by adding the following:
 - Historic or existing leases, terms and/or rental rates based on the original terms of a property sale are not transferrable upon changes in ownership of these properties, or when the original lease holders cease to be actively involved in the agricultural operation.
- Section 4. Conservation Plans, by adding the following:
 - Conservation Plans shall be submitted to the Natural Areas Coordinator upon request.
- Section 5. Crop and Nutrient Management Records, by deleting the following:
 - Crop and Nutrient Management Records are to be submitted by December 31st of the cropping year to the DPRC, care of the Natural Areas Coordinator.
- Section 5. Crop and Nutrient Management Records, by adding the following:
 - Crop and Nutrient Management Records shall be submitted to the Natural Areas Coordinator upon request.
- Section 13. Rental Fees and payment Schedule, by adding a subsection:
 - All subleases require prior written approval of DPRC. Subleases shall never be rented at rates greater than the County's established rates. Subleases shall conform to the terms and conditions in the master lease agreement. Tenant shall provide a copy of the sub-lease to DPRC upon execution of such sub-leases. Small agricultural plots may be leased, or subleased with prior written DPRC consent, at the County rate of \$120/acre/year, with each

individual gardener entering into a community gardener agreement as allowed by DPRC's use policies.

- Section 17. Termination Policy, by adding the following:
 - If a party is found to be in noncompliance of any provision of this lease, or has failed to obtain any municipal, state or federal permits or licenses, or is in noncompliance with any county, municipal, state or federal rules or regulations, DPRC shall notify the party of the default, and if the party fails to cure the default as required within the timelines established in the notification, DPRC reserves the right to terminate the lease and pursue corrective actions at the party's sole expense. DPRC shall take all measures to collect costs, including all enforcement as authorized by Milwaukee County ordinances. If DPRC terminates a lease within this provision, the lessee is not entitled to any refund or cost recovery. If DPRC terminates a lease under this provision, DPRC reserves the right to terminate either the entire leased acreage or individual parcels. All actions taken by the DPRC under this provision shall be at the sole discretion of the DPRC Executive Director.
- Section 17. Termination Policy, by modifying Section 17(a) to state:
 - If the party leasing a parcel from DPRC is found to be sub-leasing the same parcel to another entity without DPRC's prior written authorization. This does not apply to small-scale urban agriculture plots that fall under DPRC's allowable use policies. DPRC reserves the right to Terminate a lease if the renter subleases at rates greater than the County rates in the master lease, or County rates for similar parcels.

Related File No's:	19-341,03-547(a)(b)
Associated File No's (Including Transfer Packets):	
Previous Action Date(s):	4/23/2019

ALIGNMENT TO STRATEGIC PLAN

Describe how the item aligns to the objectives in the [strategic plan](#):

3B: Enhance the County's fiscal health and sustainability

FISCAL EFFECT

At the current rental rates, and current availability of acreage, Parks will realize a revenue of approximately \$70,000 annually.

TERMS

- Description of the location of the parcel(s)
- The leases have an option for 5, 3 or 1 year terms
- Payments based on total acreage rented shall be payable in two installments, by April 1 and November 1 annually
- Soil conservation and wetland protection provisions

- Termination policy
- Parks has the ability to permanently remove lands from agricultural lease for habitat restoration or recreation purposes
- Parcels have to be in good condition at the termination of the lease
- Conditions for renewal of the lease

VIRTUAL MEETING INVITES

Brian Russart, Natural Areas Coordinator, brian.russart@milwaukeecountywi.gov

PREPARED BY:

Robert Senglaub, Parks Contracts Manager

APPROVED BY:

Guy D. Smith, Executive Director, Parks *Guy Smith*

ATTACHMENTS:

- A: USDA Wisconsin Farm Rates by County
- B: 2020 Agricultural Land Lease Policy
- C: Draft 2025 Agricultural Land Lease Policy

CC: David Crowley, County Executive
 Mary Jo Meyers, Chief of Staff, County Executive's Office
 Sheldon Wasserman, Committee on Parks & Culture Chairperson
 Steve Taylor, Committee on Parks & Culture Vice Chairperson
 Felesia Martin, Committee on Parks & Culture Member
 Juan Miguel Martinez, Committee on Parks & Culture Member
 Jack Eckblad, Committee on Parks & Culture Member
 Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors
 Janelle M. Jensen, Legislative Services Division Mgr, Office of the County Clerk
 Aaron Hertzberg, Director, Department of Administrative Services
 Joseph Lamers, Fiscal & Budget Director, DAS
 Vince Masterson, Fiscal & Strategic Asset Coordinator, DAS
 Pamela Bryant, Capital Finance Manager, Comptroller's Office
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