

**Jefferson County
Farmland Preservation Plan**



Agriculture Focus Group Meeting Notes

Tuesday, July 20 at 3:30pm
County Court House, Room 202

1) Introductions - Participants asked to describe their role and interests in the future of agriculture in Jefferson County.

Attendees:

Jean Reeb, Town of Cold Spring
Bernice Sukow, Town of Farmington
Charles Naber, Town of Koshkonong
Cathy Naber, Town of Koshkonong
Steve Duwe, Town of Milford
Clarence Mess, Town of Milford
David Ward, Town of Oakland
Bill Rohloff, Town of Oakland
Dan Paulson, Town of Palmyra
Stewart Calkins, Town of Palmyra
Dale Newport, Town of Waterloo
Lloyd Holterman, Town of Watertown
Christy Stair, Town of Watertown
Mark Watkins, Land and Water Conservation
Steve Nass, County Board Supervisor
Amy Rinard, County Board Supervisor

- There was a question about the history of WLI and the County's ability to choose to participate or not. Roffers noted WLI was adopted as part of the 2009 State budget; acknowledged that the old program had outlived its useful life. It includes the AEA program, PACE program, and other things, but main thing that changed is how Counties plan for and zone areas planned for agricultural preservation. If the County wants to stay in the State project **adjustments will need to be made** to the current program. Main reason to stay in is the availability of tax credits which is changing somewhat. County decided to pursue a grant to prepare a plan and initially expressed interest to stay in the program. However, that does not determine the ultimate outcome of this process. We are determining broad general direction now and realize that that involves extensive public participation and education. The selected scenario will be detailed in the updated Plan then updated zoning regulations. Both documents need to be certified by the State by the end of 2011 for the County to stay in the program. We don't have a lot of time since review and adoption can take a lot of time.

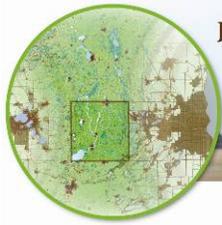
- There was a question about why a farmer would be enrolled – **doesn't think tax credit is a big incentive**. The County could say that they wouldn't want to participate in the program but it doesn't mean that farmland preservation is not important. Roffers explained the eligibility, tax credit calculation, and level of credits in the State's program. It can be refundable if you don't owe any taxes. Comment that it shouldn't be "profit" rather it should be "gross sales" – State info sheet says "gross farm revenue."
- There was a question about areas planned for urban growth. Mark suggested that some of the USAs accommodate more than 15 years of growth and we could identify 15 year areas and rezone just these areas. **Cities and villages and towns are far apart on this subject**. The County will be the one to identify 15 year areas but it is not in the cities and villages best interest to have large areas. Discussed the difference between ETJ and this planned growth area issues.
- Koshkonong has planned growth area but not sewerred; there was a question about how this relates to the planned growth areas. Roffers explained that it includes both rural and urban development areas so we'll need to look at all future development areas. Rezoning approval includes Town, County, and ultimately the State.
- There was a question about the rules for rezoned planned growth areas. Roffers explained that we don't know those details yet, but it will probably be a **new zoning district**. Comment that the land will continue to be farmed until the farmer decides to stop. If tax credits are no longer available then what is the incentive to not develop? How does this change the right to farm? Doesn't change the right to farm law or use value assessment. It will change the fact that it can't be zoned A-1 and not eligible for tax credit.
- Discussion of fee. Comment that the land is a farmer's retirement and he wants the right to do what he wants. Will there be any exemptions on the fees? Mark introduced the conversion fee issue. When some decides to rezone land from A-1 to an uncertified district then they have to pay a conversion fee (about **\$900 in the County**). For example, 2 acre lot from A-1 to A-3 will pay \$1800 to the County and then the County will send the fee to the State. Right now this includes the Natural Resource district but we can take care of this is the County wants to change. Clarification that the State has expanded the allowable uses in the A-1 compared to old law. If the County elected to, it could allow housing in the A-1 by CUP to avoid conversion fee.
- Discussion of farm consolidation. Could keep in A-1 but will be considered nonconforming use which can limit expansions OR could rezone and pay conversion fee OR could meet CUP criteria. County currently has a limit of 5 acres. **This could be revisited**.
- How do we expand farms? There are no State restrictions but there are County regulations for livestock siting fee. Currently 150 animal units require a CUP – **this is too strict**. Anyone would have to have a nutrient management plan (NMP). The NMP is not required if you have less than 150 before. Mark said the County would expect 10,000 NMPs.
- Can a producer op out of the tax credit? Sure, then don't need a conservation plan and NMP. Annexation does not require conversion fee. Does taking land for highway require the conversion fee?
- What about homes for children? State would allow it but the County would have to change the current program. But a week later that house could be sold to a nonfarmer.
- Ave credit is \$3.83 per acre right now. If everyone who is eligible would participate we would get \$2.2 million because more people are eligible. There could likely be fewer farmers eligible but the larger farmers will now be interested since they won't have the limit.

2) **Consultant explains the reasons for updating the Farmland Preservation Plan/ordinance, the process/timeline for the update, and how participants' information will be used.**

See above.

3) **Consultant summarizes County's current agricultural preservation program and policies.**

- Questions about how the conversion fees are going to be used. Not against the fee if it preserve farmland but not if it preserves a pine forest up north. **Concerned about that.**
- Questions about whether splits stay with the parcel of record.
- Discussion about road splitting parcel of records in Scenario C.
- Comment that Jefferson County has done a good job of preserving farmland since 1976 – we don't look like Dane or Waukesha County. The most important thing is to preserve land and **have a program that works for the people here.** No one thing is critical.
- Comment from a landowner that splitting off lots is not his retirement fund. Some scenarios look like we're trying to get around the State rules and maximize the number of houses in the County. We need to keep large contiguous areas of farmland for the future. New homes can have long term effects. Need low reasonable number of splits not opening up for more, even with fee. Road splits can have a big difference – **should consider redefining parcel of record.**
- Concern about taking farmland out for road construction; landowners have restrictions but not the State DOT. **Jefferson County should opt out** until more definition about repercussions. Skeptical about \$7.50 credit. Doesn't want conversion fee or tax credit or any of it.
- Comment that the tax credit won't pay for the nutrient management plan and the conservation plan.
- Comment that that **conversion fee is way too** low to preserve farmland.
- Comment that preservation of open space – open space preservation should not be the focus since it is not productive agricultural land.



**Jefferson County
Farmland Preservation Plan**



Environmental Focus Group Meeting Notes

Wednesday, July 21 at 3:30pm
County Court House, Room 202

- 1) Introductions - Participants asked to describe their role and interests in the future of agriculture and/or environmental preservation in Jefferson County.

Attendees:

Greg David, SustainJefferson.org
Jan Roou, Supervisor District 20 Sullivan
Gene Kapsmer, Oakland Township
Walt Christensen, Land-Water Conservation Committee
Carl Zeneoner, Oakland Township
Janet Jenrich, Rock Lake Improvement Association
Kim Karen, Friends of Allen Creek
Kitty Welch, Heart of the City
James Kerler
Steve Nass

- 2) Consultant explains the reasons for updating the Farmland Preservation Plan/ordinance, the process/timeline for the update, and how participants' information will be used.
- 3) Consultant summarizes County's current agricultural preservation program and policies.
 - a) Are the County's current policies helping preserve agriculture in Jefferson County?
 - b) Are the County's current policies doing enough to protect open space and critical natural resources?
 - c) Any initial thoughts on adjustments that might improve the program?
 - Comment that an individual agrees with **Scenario A**.
 - Question about livestock siting law - what is the relationship to WLI? No changes to livestock siting law with WLI. The County has rules in place and those would not have to change in response to WLI. Use value assessment hasn't changed either.
 - Question about if there are interests that have expressed dissatisfaction with the current program? We're early in the process but the general sentiment is that there is **support for the current program** and it should be continued it to the extent possible.

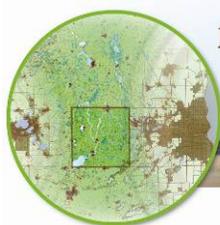
- 4) Consultant describes the State Working Lands law, how it is compelling the County to reconsider aspects of its agricultural preservation program, changes related to the tax credit program, and four different “scenarios” under consideration to move Jefferson County’s program forward.
- a) Do you have any questions on the scenarios or the different aspects of them?
 - b) Which scenario do you think might be best for preserving agriculture in Jefferson County? Why?
 - c) Which scenario do you think might be best for preserving open space and natural resources in Jefferson County? Why?

- Mark explained that a key aspect of Scenarios A is that the current program requires rezoning for new homes from A-1 to A-3. This requires approval from both the Town and County Board. Town has veto proposed rezoning within 40 days and then it can’t happen. Towns are advisory on CUPs.
- Question about why it seems the State want to cut Towns out of the approval process with the CUP approach. Mark explained that DATCP wants to see a “clean” zoning map. Physically, it’s still going to look the same.
- Comment that the current County Board is adamant about following Town recommendations on CUPs. However, towns don’t want to give up authority.

- Mark described the key aspects of Scenario B; farm consolidations and the change to nonconforming uses or rezoning option with conversion fee; USA/planned 15 year growth areas mapping issue.
- Comment that the farm consolidation issue is confusing; Greg noted that splits must now be recorded within 1 year. There is still a question about paying the conversion fee if they record it now but was rezoned before WLI.
- Comment that the **Natural Resources district should be certified** so the conversion fee isn’t required.
- Question about whether the State can reduce the USA. They could be cut back or identify phasing areas, but there issues with city/village authority. Greg said that for the 1999 Plan they identified 50 year growth areas.
- Comment that Watertown has jumped out and annexed nonresidential areas that drain to existing sewer service areas. We should reexamine all those USA especially in light of current economic development conditions. Farm was recently removed from the Johnson Creek USA. It is up to the County to identify the 15 year growth area.
- How does the USA relate to ETJ? EJT’s are much larger than USAs.
- Question about whether current USAs include A-1. Yes, for now. But we’re not going to be able to continue that with Scenarios B, C, or D.

- Mark described the key aspects of Scenario C; homes by CUP rather than rezoning which eliminates the conversion fee but there are criteria; prompt need to rezone smaller lots; 1 per 10 in environmental corridors would go away.
- Comment that **we’re taking it out of the hands of the Towns**. Now, the County listens to the towns but that might not always be the case. Concern about keeping it as close to the property owner as possible.
- Comment regarding minimum lot size - need to have enough space for back up septic field.

- Scenario C has pressure to rezone which could encourage more homes. But the new district could have the same rules as the A-1. It seems like you've found a way around the State's rules. Mark explained again the small lot situation with the CUP approach, which prompts the need to create the new zoning district; there would be no conversion fee if done in conjunction with this process. Comment that the State won't want to do this because it is money hungry.
- Additional septic systems would have a negative impact on the environment.
- Comment about the nutrient management plan requirement. Comment that she and another person would prefer scenarios that **require the nutrient management plan for all farms** from a water quality standpoint.
- Comment that now is the time to reconsider the concept of the number of splits. Want to minimize number of homes; and **change definition of road dividing parcel of record**. It's unfair.
- For Town of Oakland, 1973 is date of parcel of record.
- Comment that **building in environmental corridor should be reduced** (e.g. 1 house per 20 or 30 acres). Others agreed. Just want to see less homes period.
- Mark pointed out the issue that if it's tougher to develop in woodlands then we are directing it to farmland? We would hope the homes would go to the USAs rather than rural areas.
- Comment that requiring nonprime splits pushed houses back from the road.
- Comment that **clustering is still important**.
- Greg commented that development within environmental corridors is very rare. He said the County should start with the stricter program and then back down based on Town input.
- Town of Koshkonong tried to adopt a stricter Plan but the residents fought it. But the majority of people may have preferred the stricter plan but those aren't the people who showed up to meetings.
- Would prefer to keep natural resource district. Would like to see more follow up on these properties to see what is happening.
- County allows "trophy" homes with a one acre lot and then they surround themselves with 25 acres of natural resource lands.
- Wetlands that farmers don't use have a higher assessment than ag lands. Farmers don't like that.
- Should work backwards from the needs of wildlife for the **definition of environmental corridor**. Would like to start at **1 home per 40 acres**.
- Change definition from **10 acres to 5 of woodlands**.
- Put **monetary value on ecological services** (e.g. area for flooding) that might be more valuable than the farmland.
- Mark suggested instead of a natural resource base zoning district, the County could have an **overlay district**, which might change the assessment. There was general support for this approach.
- More conflict with development and continuing farming. Better off for marshland than homes.
- **GHA will take land out of production**. Conversion out of production is gone forever. And public ownership is hard to take out.
- New County park took land out of ag – town have gotten calls on it.



Jefferson County Farmland Preservation Plan

Real Estate Focus Group Meeting Notes

Thursday, July 29 at 3:30pm
County Court House, Room 202

- 1) Introductions - Participants asked to describe their role and interests in the future of agriculture and/or land development in Jefferson County.

Attendees:

Tom Sade, Baill Stade Auction & Realty Co.

Jo Larson, Wayne Hayes Real Estate, LLC

Ed Hoffer, Hoffer Realty

Jim Woodman, Woodman & Associates

Pete Gross, First Weber Group

Ken Wilkowski, KW Surveying, Inc.

Nate Holland, Holland & Thomas, LLC

Aari Roberts, AJ Appraisals

John Kannard, Southwest Surveying

Amy Rinard, County Board

Jamie Guld, Guld Construction, LLC

Mike Foerster, Mike Foerster Real Estate Group

- 2) Consultant explains the reasons for updating the Farmland Preservation Plan/ordinance, the process/timeline for the update, and how participants' information will be used.
- 3) Consultant describes the State Working Lands law, how it is compelling the County to reconsider aspects of its agricultural preservation program, changes related to the tax credit program, and four different "scenarios" under consideration to move Jefferson County's program forward.
 - Question about whether land within USAs are eligible for the tax credit. Mark explained that **lands within "15 year growth areas" are not eligible**. They don't necessarily correspond 1 for 1 for USAs. These areas will be determined by the County as part of this process. Mark explained the USA determination. He noted that the 15 year growth areas won't be as large as the USA.
 - Question about PACE – where do the State's funds come from? Mark didn't know, but the conversion fees are intended to fund these programs.
 - Participant noted that the **CUP approach seems to defeat the purpose** of the law.

- Question about what other counties going to do. Mark said that we are one of the earliest counties to update the plan due to 10 year update requirement. Mark said some northern counties have opted out; some have used the CUP approach; some like Dane and Columbia are probably going to stick with rezoning.
- From some people's perspective the **fee is reasonable and justified**.
- Concern that conversion fees would be used elsewhere in the State; Mark commented that the County will benefit if it continues to be active in PACE and AEA. Concern about use of the fund and the possibility of the Governor raiding the fund for other purposes or not keeping track of it.
- Mark noted that regardless of what the State does, the County supports farmland preservation and is going to make an effort to continue to do that.
- Comment that most people are comfortable with the current Plan and understand it and that it is doing a good job of preserving farmland.
- Some people thought that the **conversion fee is too high**. Plus use value change fee. Review fees are too high too.
- Comment that most cities/villages are easier and cheaper to work with than the County.
- Comment that farmers would be losing money because **tax credit doesn't cover expenses** (e.g., nutrient management plans, annual updates, and inspections).
- Comment that **people don't understand what a nutrient management plan is** and the cost to implement it. It will out weight credit. It will differ depending on the farm. The NRCS is 7 years behind review of conservation plans; non-compliant farms are often given a free pass. It won't mean anything to the large farmers – and these are the ones that matter and contribute to economic development.
- Question about who holds the development rights. Mark indicated that it depends on the funders. The State is one of the holders and others like the County or conservation groups. Developing the land would require approval from all the holders. And if federal money is used it's very difficult. Is it still taxed? Yes, on current value based on use. What are the development rights worth? Comment that most farmers would take into consideration the price of potential lots– can the State afford the premiums? Mark noted that the State couldn't afford to pay top price for all easements. Question about buying easements inside USA. The County PACE Commission won't buy easements inside USA. Private trusts can purchase easements.
- If we adopted current plan would it be considered our current plan? Yes.
- Mark went through the program scenarios. He also explained about **Town authority changes** under C and D compared to A and B.
- Comment that **small parcels aren't farmable and don't have a lot of agricultural value**. Why not just allow "X" number of lots on them. Mark noted that we would have to construct a scale so that these smaller ones don't get many more lots than a lot just a little bigger.
- Major concerns about if we make major changes that Towns will opt out of County zoning. Mark noted that it wouldn't be an issue because this is not a comprehensive revision. Towns Association has an opinion on that. We're operating that the new ordinance would have to NOT be vetoed by 9 of the 16 towns. If it didn't pass we would revert to what we have now. So we're focused on involving the towns in this process. Comment that towns don't know they have this authority. The towns haven't been informed by the County of their involvement – need to do this.

- Comment that the **66 feet restriction needs to be reconsidered**. Mark says we need to look at the town plans. Comment that we need to look at marketability of new lots. Thinking was that they might be to be a public road in the future. Comment that 33 feet would be adequate.
- Comment that the **zoning committee has done a pretty good job** of allowing non prime siting away from the road.
- Question on D: does it have the non prime versus prime requirement? No. But lots are encouraged to be clustered.
- Comment that the County should **consider allowing divisions of A-3 lots**. Before the 2000 code update, the County allowed larger A-3 lots, which could be divided. How would the County be involved? It's not a rezoning. Want to allow the possibility to divide a 2 acre lot after a certain number of years.
- Question if there be land divisions in the AEAs. There are no additional restrictions in these areas.