



Jefferson County Agricultural Preservation and Land Use Plan



To: Jefferson County Farmland Preservation Plan Steering Committee
From: Mark Roffers and Jessica Schmiedicke, Planning Consultants
Date: March 2, 2011
Re: March 9th Meeting Materials

In preparation for our next Steering Committee meeting on March 9th, we would like to provide an overview of the key agenda items and desired outcomes in order to maximize our time together. Please see the following attached documents for more information:

- Draft Jefferson County Agricultural Preservation and Land Use Plan (included with previous mailing to Committee)
- DATCP staff review letter dated February 28, 2011
- Revised Timeline for Remainder of Process

Draft Agricultural Preservation and Land Use Plan

The main focus of the meeting will be to review and discuss the first draft of Agricultural Preservation and Land Use Plan. We recognize that the Plan might be a bit overwhelming to the uninitiated, so the following is intended to help Committee members and others break it down a bit. (If there is any comfort, the proposed Plan update with appendices is substantially thinner than the 1999 plan that it will replace!)

It provides a vision and guidelines for growth, development, and land preservation in Jefferson County over the next decade and beyond. The updated Plan will function as the primary policy document setting forth directions for how Jefferson County intends to preserve agricultural production, farmland, environmental corridors, and rural character, while accommodating compatible growth in planned locations, forms, and densities. It includes graphics and maps that communicate this vision, including farmland preservation maps for each town in the County.

You will recall that the scenario around which the plan is based suggests little change from the County's current farmland preservation program. Therefore, in most cases policies from the 1999 Plan have been carried over to the updated Plan with little to no modification. We have, however, attempted to incorporate more recent efforts in the County related to farmland preservation, including the purchase of conservation easements (PACE) program and agricultural product market development, into an overall model for farmland preservation. Beyond this, proposed policies changes or new Plan content (compared to the 1999 plan) are identified with the "NEW" labels in the left margin of the plan document. Key changes from the 1999 Plan include:

- **Amendments to farmland preservation maps to respond to post-1999 local comprehensive plans:** We reviewed each city, village, and town comprehensive plan prepared since 1999, and attempted to reflect the future land use visions and growth projections reflected in such plans. Noteworthy is the constraint that, under Wisconsin Statutes, the County’s plan is supposed to include city and village plans without change. We attempted to recognize that constraint in a manner that was sensitive to the interests of adjoining towns and property owners. Among other approaches, the selected approach acknowledges what cities and villages identify as long-term growth areas in their post-1999 plans (identified as “Long Range Urban Service Areas” on the maps, while recognizing that most of those areas will not be ripe for urban (sewered) development for many years.
- **Identification of 15 Year Growth Areas and associated zoning changes:** The Working Lands Initiative and Chapter 91 require the County to identify areas that are planned to develop within 15 years. We relied on land use demand projections included in local plans as a guide to what might develop in the next 15 years. Then, for cities and villages, we assumed that all developable land within current city and village limits will be developed first before identifying 15 Year Growth Areas beyond city/village limits to accommodate remaining projected 15-year demand. It’s important to also note that not all 15 Year Growth Areas are associated with planned city/village growth; some of these areas are planned for development in and by towns. The significance of mapping these areas is that they cannot be zoned A-1 Exclusive Agricultural, and landowners within such areas are therefore not eligible for the farmland preservation tax credit. The theory is that such landowners will have other opportunities to earn income from their land through development within the next 15 years, so tax credit dollars are best spent elsewhere. Still, since many of these areas will continue to be farmed in the near term, and in general it is not good planning practice to “pre-zone” too many areas for development, the County is proposing to create a new agricultural transitional zoning district to apply to these areas. To serve as an effective holding zone in advance of development, and to minimize the extent of the change for affected property owners, that district may have essentially the same list of allowed uses and densities as the current A-1 district.
- **Support for any stricter policies in adopted town plans:** Several towns in the County currently have farmland preservation and density policies that are stricter than the County’s. The draft Plan formalizes the County’s position to support these stricter policies, which have been supported informally in the past.
- **New policies for Agricultural Enterprise Areas (AEAs) and PACE:** The County has had a PACE program for a few years, which has recently been enhanced by a matching grant program under the State’s Working Lands Initiative. Further, taking advantage of another opportunity under Working Lands, there has been an AEA created in the Palmyra area and we assume others are possible in the future. The proposed Plan update establishes and brings together County policies for AEAs and PACE. (NOTE: State legislation is pending to eliminate the State’s PACE matching grant program as well as the rezoning conversion fees. If enacted, these changes would not have a significant change on Jefferson County’s program or the Plan update, in our opinion. Nevertheless, we will monitor the progress of the bill and revise the Plan as appropriate if enacted.)
- **Expanded policies/advice for Limited Service Areas and City or Village Areas shown on the farmland preservation maps:** The draft Plan update includes policies for the

Limited Service Areas category and the City or Village Areas category, both as shown in different places on the farmland preservation maps. Both were covered very briefly in the 1999 Plan. In general, Limited Service Areas are intended to accommodate existing and infill development on public sewer, but are usually not intended to expand significantly over time. The publicly sewer area in Ixonia is one example of a Limited Service Area. The City or Village Areas section includes policies for County implementation as well as recommendations for city or village consideration. They are advisory since the County has little land use authority in cities and villages.

- **Treatment of older houses divided for farm consolidations:** Under the current County zoning ordinance, the land occupied by older “farm houses” and their outbuildings can be divided from the larger parcel of record and remain a permitted-by-right use in the A-1. While the proposed approach would retain these prior farm consolidation lots under A-1 zoning, the Working Lands Initiative requires they be treated as “prior nonconforming uses” if they are no longer occupied by a farmer. Nonconforming use status can limit the ability to expand, structurally alter, or rebuild uses, unless the non-conforming rules are liberalized for these “farm consolidation” houses. This is the proposed zoning approach. Additionally, on a going forward basis, the Plan update suggests that future lots created as a result of farm consolidations would require rezoning to A-3, without counting against the allowable new home site divisions on the parcel of record. Therefore, these future farm consolidation lots would not be encumbered by any non-conforming use status, even with liberalized rules.

At our request, DATCP staff have reviewed the draft Plan and offered comments in the enclosed letter. At initial glance, the DATCP comments seem relatively straightforward. Based on any reaction from the Committee, we would intend to address the comments into the next draft of the Plan. That draft would be the version that the Planning and Zoning Committee and County Board would act on later this Spring.

Please be prepared to offer any revisions that you feel should be incorporated into the Plan at the meeting on March 9th. We will go through it fairly methodically, focusing in particular on the differences from the 1999 plan. If it becomes clear that working through the entire draft Plan update is not feasible, we have a final meeting yet with the larger Committee that we could schedule (ideally in April) to finish the review.

Draft Plan Open House and Towns Association Meeting

On February 22, the County hosted a meeting for the Towns Association and a public open house to present and obtain feedback on the draft Plan. There were approximately 30 attendees at these two meetings. While we received few completed written comment forms, there was considerable discussion during these meetings. Comments from those meetings are summarized below.

- Some concern about the loss of tax credit eligibility for properties in mapped 15 Year Growth Areas; discussion about whether individual property owners could petition to be removed.
- Comment that A-3 lots should not be permitted to be further subdivided (policy 3 on page 29).
- Comment that agricultural support businesses are important to farmers and support for such uses in Agricultural Preservation Areas should be clear. (Mark suggested listing this under the “Economics” factor in Figure A: Jefferson County Farmland Preservation Model.)

- Comments to move forward with the new agricultural transition zoning district, to pursue amendments that would allow the N Natural Resources district to become a certified farmland preservation zoning district, and to keep the A-2 Agricultural Business district “as is” if a range of ag-related businesses were also allowed in the A-1 district. (Mark commented that the interest in having the N district certified would be significantly diminished if the State removed the conversion fee for rezonings away from A-1.)
- Suggestion to remove campgrounds as a conditional use the A-2 zoning district due to concerns about sewer and water usage and traffic.
- Question about whether single legal parcels or ownership parcels can have multiple land use designations on the farmland preservation map. (Jessica noted that DATCP prefers that parcels have a single designation.)
- One participant indicated that the Town of Oakland has abandoned the idea of the Oakland Center hamlet. (Will need to be confirmed; if so, farmland preservation map for Oakland will change.)
- Suggested changes to 15 Year Growth Area/Agricultural Preservation Area boundaries in Ixonia and Watertown were offered by representatives from those towns.

We have requested that, if possible, towns and others ideally get any further comments on the draft Plan update by March 9th. Recognizing that this may be a challenge for some given meeting schedules, we also suggested a final timeframe for comments by early April.

Initial Discussion of Zoning Ordinance Amendments

With the first draft of the Plan complete, and the end-of-2011 deadline for State certification of both the Plan update and implementing zoning ordinance changes on the horizon we have already turned out attention to zoning ordinance changes.

County staff will review the initial consultant draft of the proposed amendments within the next couple of weeks, and we anticipate having a revised draft ready for Committee review within a month or so. Key changes from the current zoning ordinance that are being contemplated include:

- Maintaining as much flexibility for older farm residences in A-1 district as possible by revising the rules for these nonconforming uses/structures.
- Updating the A-1 Exclusive Agricultural district text for its re-certification as “farmland preservation” district. This may require a complete rewrite of that district.
- Creating a new transitional agricultural zoning district for mapping in 15 Year Growth Areas, basing the allowable uses and standards for that district on the current A-1 district language.
- Modifying the N Natural Resource district as little as possible to enable it to also be certified as a farmland preservation zoning district.

Next Steps

The timeline for the remainder of the project is attached. As of now, we anticipate the final meeting of the larger Committee in April to discuss the draft zoning ordinance amendments and recommend the draft Plan and ordinance to the Planning and Zoning Committee for County Board adoption. We will try to finalize a date for that April meeting at the March 9th meeting.