

# Steering Committee June 3, 2010



Members present: Greg David (Planning and Zoning Committee member), Steve Nass (Planning and Zoning Committee Chair), Don Reese (Planning and Zoning Committee member), Amy Rinard (Planning and Zoning Committee member), Walt Christensen (Land & Water Conservation Rep.), Bill Dovi (Economic Development Rep.), Mariah Hadler (Farmland Conservation Easement Commission Rep.), Dan Poulson (Crop Farmer), Perry Goetsch (Livestock Farmer), Richard Gimler (Town Representative), Jeff Larson (Town Representative), Stewart Calkins (Town Representative). Member absent: Rick Kuhlman (Planning & Zoning Committee member). Members of the public present Sue Marx, Jan Rouu and Carlton Zentner. Staff members present Robert Klotz (Director of Planning and Zoning), Michelle Staff (Zoning Technician, Planning & Zoning Department), Steve Grabow (Community Resource Educator, UW-Extension) and Heidi Johnson (Agricultural Agent, UW-Extension). Consultants present were Jessica Schmiedicke and Mark Roffers from Vandewalle & Associates.

## Agenda

1. Welcome and Introductions (5 min)
2. Review of Agenda (5 min)
3. Project Purpose and Goals (15 min)
4. Process Overview (10 min)
5. Review Policy Refinement Options (60 min)
6. Town Quadrant Meetings/Stakeholder Groups (20 min)
7. Next Steps (5 min)
8. Adjourn

Nass called the meeting to order at 6:00 pm. Committee introduced themselves and told what organization they represent. Nass thanked everyone for coming and being a part of the Steering Committee. Nass explained that the State of Wisconsin passed a new state law known as Working Lands Initiative and the County is working to meet the new state law.

There were no changes to the agenda.

Roffers stated that the purpose of this Steering Committee is to work on the County's land use plan and ordinances to meet the new state law so the County may be certified to receive tax credits for its farmers and receive monies for the purchase of agricultural conservation easements. Roffers will review the new state law with the Committee as to what it says. He talked in general about developing choices for the County's and how to refine the County's current ordinances to meet the new state law. After the quadrant meetings, the Committee will reconvene to look at the options. Roffers explained that a summary of the agenda was in the Committee's packet and he would try to limit the meeting to two hours. The meetings are to be working meetings for the Committee and not a time for public participation.

## Project Purpose and Goals

- Adapt Jefferson County's farmland preservation program to meet new State law
- Maintain eligibility for tax credit and PACE funds
- Maintain as much of the County's current program as possible
- Consider policy refinements in response to emerging issues
- Get an updated, State-certified Plan and Ordinance by the end of 2011
- Others????

The reason to adapt Jefferson County's farmland preservation plan is to allow its property owners to retain the tax credits and to purchase agricultural conservation easements from the state. Roffers explained that the County would like to retain its current land use policies and would like to retain much of the current plan. The question is what the County needs to do to change the plan and ordinance to meet Chapter 91. DATCP has set the deadline for the update. The County needs a state-certified plan and ordinance by the end of 2011. Klotz stated that the County will want to make sure that this update is incorporated in to the smart growth plan since there is a great amount of information and it should be incorporated into the overall comprehensive plan. Roffers gave an overview of the comprehensive plan process and explained that his company has been working with many communities in our area to create comprehensive plans that are smart growth compliant. Klotz explained that this process will be different that the planning process in 1999 since the County has done a 10-year update with the economic development emphasis that should be adopted by late summer. In this approach, the County is simply trying to make our current plan and ordinance compliant with Chapter 91. Dovi would like to hear from the farm community and what their main issues and concerns are moving forward and seeing how we are going to incorporate their concerns. Roffers said that may be possible, their concerns may be parallel or different than what we are doing here. We plan to have focus groups with the farmers and have them report back to the Committee on their concerns. Roffers stated that the Farmland Preservation Plan is to be adopted as a separate document but will work together with all the other documents. Hopefully with the next 10-year update all of the plans can be pulled together.

# Current Program

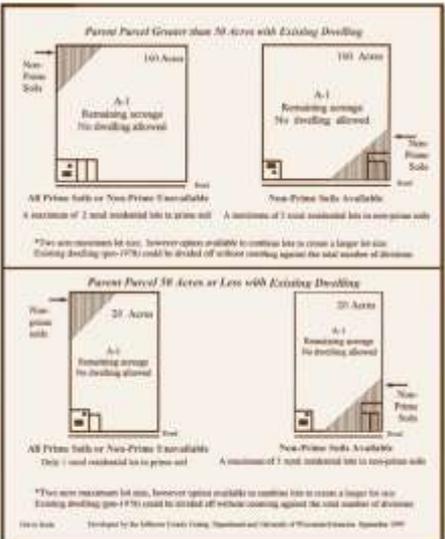


**Current Farmland  
Preservation Planning  
& Zoning Approach**

DRAFT

- A vast majority of land under County zoning jurisdiction is zoned A-1 Exclusive Agriculture
- No new homes allowed in the A-1 district, except for replacements of existing homes
- For new homes to be built, new lots must be created and rezoned from A-1 to the A-3 Rural Residential District
- Key definitions to understand rezoning/land division policies:
  - Parent parcel—all contiguous A-1 zoned property under the same ownership
  - Prime agricultural land—all Class 1 and Class 2 soils, plus Class 3 soils with Class 1 or 2 characteristics
  - Existing home—a pre-1978 house on parent parcel, which can be divided without counting against totals
- Over non-prime agricultural land, no more than 3 residential lots may be divided from the parent parcel
- Over prime agricultural land, no more than 1 or 2 residential lots may be divided, depending on parent parcel size (see graphic)
- Maximum new residential lot size is 2 acres, with possible lot combinations for larger lots on non-prime agricultural lands (e.g., one 6-acre lot instead of three 2-acre lots)
- Recommended clustering and no further division of lots
- Remaining A-1 acreage restricted against any further development
- No greater than 1 house per 10 acres if within environmental corridor
- Opportunities for higher densities in limited areas so designated in town and county comprehensive plans



**Parent Parcel Greater than 50 Acres with Existing Dwelling**

**160 Acres:** A-1 Remaining acreage. No dwelling allowed. All Prime soils or Non-Prime 3 non-allowable. A maximum of 2 new residential lots to prime soil.

**100 Acres:** A-1 Remaining acreage. No dwelling allowed. Non-Prime soils Available. A maximum of 1 new residential lots on non-prime soils.

\*Two acre maximum lot size, however option available to combine lots to create a larger lot size. Existing dwelling (pre-1978) could be divided off without counting against the total number of divisions.

**Parent Parcel 50 Acres or Less with Existing Dwelling**

**20 Acres:** A-1 Remaining acreage. No dwelling allowed. All Prime soils or Non-Prime 3 non-allowable. Only 1 new residential lot to prime soil.

**20 Acres:** A-1 Remaining acreage. No dwelling allowed. Non-Prime soils Available. A maximum of 1 new residential lots to non-prime soils.

\*Two acre maximum lot size, however option available to combine lots to create a larger lot size. Existing dwelling (pre-1978) could be divided off without counting against the total number of divisions.

Use in State. Prepared for the Midwest Council on Planning, Transportation and the needs of Wisconsin's Residents. September 2007

Schmiedicke explained the current Farmland Preservation Planning and Zoning approach. She states that much of the County is zoned Exclusive Agricultural. No new residences are allowed within the exclusive agricultural district except for the rebuilding of existing homes. Schmiedicke explained the chart and the current policies. Larson asked if the County considers the roads as dividers in regards to calculating contiguous acres. Klotz answered the question by stating that roads are considered dividers in the County's zoning ordinance. Klotz stated that the State of Wisconsin did mirror the base farm tract with the County's parcel of record concept. Klotz informed the Committee that the difference between the 1975 plan and the 1999 plan is that the 1999 plan allows for the prime split option whereas, in the past, prime agricultural splits were not allowed.

# Preliminary Comparison

Current Jefferson County Farmland Preservation Program	Effect of Wisconsin's New Working Lands Initiative
1A. New farm and nonfarm residences require rezoning from A-1 to A-3 to maintain the integrity of the A-1 district, clearly indicate right on zoning map, and allow A-3 standards to be gessed to rural housing.	1B. Any rezoning out of A-1 would require payment of a conversion fee averaging over \$900 per acre rezoned. State's preferred method for allowing non-farm housing is by conditional use permit (CUP) instead of rezoning.
2A. Rezoning can only be approved if state statutory findings related to minimizing farming impact are made.	2B. Rezoning still subject to statutory findings, but rezoning eliminates the need to comply with 2B to 2E.
3A. No more than 3 new residences may be built on lots divided from the parent parcel (2 on prime agricultural soils).	3B. No more than 4 nonfarm residences and not more than 5 residences of any kind on a parent parcel (base farm tract), but counties may be stricter.
4A. In general, maximum new residential lot size of two acres, except if lots are combined. This two acre maximum is in effect regardless of the size of the parent parcel.	4B. No maximum new residential lot size per se, but if use CUP approach, the ratio of nonfarm residential acreage to remaining farm acreage may not exceed 1:20. If Jefferson adopted the CUP approach, this could effectively reduce Jefferson's maximum lot sizes or even number of lots on smaller parent parcels.
5A. Allow a maximum of 3 new residences on parcels less than 20 acres through the rezoning process.	5B. May not meet the criteria for a CUP (ratio of nonfarm residential acreage to remaining farm acreage may not exceed 1:20) and may still require rezoning.
6A. Clustering is recommended, but rezoning still required.	6B. Allows small contiguous cluster of complying residential lots with one conditional use permit.

Roffers explained the comparison chart above. Roffers said that the new law does allow for the rezoning of lands out of exclusive agricultural but requires a conversion fee payable to the State of Wisconsin. Roffers moved to number 4 and explained the conditional use option without the requirement to pay a conversion fee. Larson asked whether with the conditional use method a landowner would have to come back every year to reapply for the conditional use. Roffers explained it would be a one-time conditional use for the home. Poulson stated that he has been getting the tax credit over the years and he should be paying some of it back if he rezones. Roffers stated that if the County retains the rezoning approach they retain many of their land use policies. If the County does decide to go with the conditional use approach it will change their land use policies and he explained some of the differences. For example, Roffers explained that the CU approach has a one residence per 20 acre density. Grabow asked if Roffers could put the plan options in categories of more restrictive or less restrictive than to the current plan. Klotz made a comment that less than 20 acres could not be built on and explained the downfalls of the conversion fees in relationship to the natural resource zone.

## Preliminary Comparison, cont.

7A. Provide a disincentive for development on prime agricultural soils by reducing the number of lots possible if prime agricultural soils are used.	7B. Must avoid development on prime agricultural soils, if there are reasonable alternative locations. Definition of prime soils consistent with Jefferson County's.
8A. 35-acre minimum lot size in A-1 district, except for farm consolidation lots.	8B. No minimum lot size in compatible farmland preservation zoning district.
9A. New rural businesses require rezoning to A-2 to maintain the integrity of the A-1 district.	9B. Any rezoning to a <u>non-certified</u> district would require payment of a conversion fee. The County may be able to have a <u>certified</u> zoning district dedicated to agricultural businesses.
10A. Rezoning from A-1 to N Natural Resource often used.	10B. Any rezoning to a <u>non-certified</u> district would require payment of a conversion fee. The County may be able to have a <u>certified</u> zoning district dedicated to natural resources protection.
11A. Allow any land in the County to be zoned A-1.	11B. No lands planned for development within 15 years may be in a certified Farmland Preservation zoning district.
12A. Have developed strategies to advance agricultural enterprises through the Economic Vision & Positioning Framework Initiative.	12B. Require Farmland Preservation Plans to identify trends, goals, and policies related to agricultural enterprises.
13A. Have established a Purchase of Agricultural Conservation Easement program.	13B. Provides State Funding support for the purchase of agricultural conservation easement. Grant deadline June 1.
14A. Supported land owner Agricultural Enterprise Area (AEA) petition for lands in the southeast portion of the County.	14B. Establishes AEAs as a tool to protect targeted agricultural areas and promote the continuation and development of agricultural businesses there.

Roffers moved to item number 9a and 10a to cover Klotz's comments. Roffers stated that the County must avoid building on prime soils. Klotz explained the County land use plan does direct the Committee to rezone non-prime soils first before the prime soils. Roffers will have to contact DATCP to clarify that policy. Roffers moves on to another change from the County's land use plan and that is that State law doesn't allow use of A-1 exclusive agricultural lands in areas planned for development within the next 15 years. This would affect the urban service areas and rural hamlets because they should not be within the A-1 district. Zentner asked how many acres would be affected by this change. Klotz did not know the acreages but when this went to County Board it was stated that 110 farms would be affected. Roffers stated that Vandewalle has worked on many of the cities' and villages' plans in our county and many conform to the current County's urban service area. Roffers stated that another mapping issue would be that a lot of residence are currently conforming within the A-1 exclusive agricultural zone. The new state law states these residence would be legal non-conforming uses. Roffers points out that there are 5 or 6 areas where there needs to be policy's decisions. Christensen asked what is the difference between urban service areas and extraterritorial jurisdiction (ETJ)? Klotz explains that ETJ is for plat review and subdivision designs only.

## Process Overview

- Summer 2010:
  - Policy refinement option development
  - Town quadrant meetings
  - Stakeholder meetings and interviews
  - Steering Committee meeting #2
- Fall 2010:
  - Arrive at preferred policy refinements
  - Prepare first draft of Farmland Preservation Plan inc. Map
- 2011:
  - Discuss draft Plan in different forums
  - Prepare revised zoning ordinance text and map
  - County and State approval of Plan and ordinance

Schmiedicke explained the time line. Schmiedicke explained that the timeline and public participation plan have been adopted by the Planning and Zoning Committee and the County Board. Roffers stated that the Committee should see a draft proposal land use plan by the end of this year or the beginning of next year with the ordinance amendments. The goal is to get the plan and ordinance ASAP in 2011 so we give DATCP enough time to review the documents and the County can have a certified plan and ordinance by the end of 2011. Klotz stated that Vandewalle was directed to keep in touch with DATCP.

## **Role of the Committee**

- Advise content to County Zoning & Planning Committee and Board
- Suggest approaches and key people for stakeholder involvement
- Help interpret stakeholder input
- Act by consensus whenever possible
- Voting reserved to Zoning & Planning Committee where consensus is not possible

Roffers explained that the Committee will be required to come to two meeting this year and two meetings next year. The next meeting will be after the focus groups and quadrant meetings . These meeting will be to discuss what policies to adjust and what polices to keep. Roffers explains the Zoning Committee chair will run this Committee and in the absence of the chair, the vice chair will act as chair. Roffers explained the Town's veto authority on County ordinances, that the County will need 9 Towns approval to pass the proposed plan and ordinances. Klotz stated how important it is to involve the Towns in this process and hopes that many will come to the quadrant meetings.

## **Policy Refinement Options**

- Identified 20+ different components of farmland preservation program
- There are different options to address each component (i.e. policy options)
- Each policy option would comply with the new Working Lands Law
- Opportunities to mix and match different policy options
- 4-5 key policy choices to present for public review

Roffers had talked about most of these issues already. We will want to get down the key issues.



**Jefferson County Farmland Preservation Program  
Current Program and Different Policy Refinement Options  
PRELIMINARY DRAFT: June 24, 2010**

	Current Jefferson County Program (with mandatory conversion fee)	Policy Option A	Policy Option B	Policy Option C
<b>New Residential Development - Approach</b>				
Method of allowing new farm residences	Require the requirement to be met, pending an A-1 district request, based on linkages related to increasing farm output	Allow farm residences to be constructed by-right in an A-1 district	Allow farm residences by conditional use permit CUP, as the A-1 district (a revision to Policy Option B, which requires legal opinion, would allow some types of CUPs in the program.	Create two restricted standard preservation zoning districts, one that does not allow farm residences (the current A-1) and a second that allows residences by CUP, require zoning in CUP when new residences proposed (don't come with and attach conversion fee, but would be challenged)
Method of allowing new coastal residences	Revising to A-1 district request, based on linkage related to increasing farm output	Allow coastal residences by conditional use in the A-1 district (a revision to Policy Option A, which requires legal opinion, would allow some types of CUPs for the program	Allow new restricted standard preservation zoning districts, one that does not allow farm residences (the current A-1) and a second that allows residences by CUP, require zoning in CUP when new residences proposed (don't come with and attach conversion fee, but would be challenged)	No new coastal residences allowed
<b>New Residential Development - Quantity</b>				
Number of new farm residences allowed	Focus with "pocket points", in cases that a new residence may be built on one-acre lots, 1 or 2 in place, regardless of whether farm or coastal residences	Allow up to 100 residences within each A-1 zoned "pocket point". If one of the residents of a farm residence and the CUP parcel qualify for the other residence		
Number of new coastal residences allowed	Focus with "pocket points", in cases that a new residence may be built on one-acre lots, 1 or 2 in place, regardless of whether farm or coastal residences	Allow up to 4 coastal residences per "pocket point", if a CUP parcel is used for the residence, using 100 "pocket points" designation	Allow up to 4 residential residences per "pocket point", if a CUP parcel is used for the residence, using 200 "pocket points" designation	Reduce or adjust number of coastal residences allowed per "pocket point", required to impact County program
<b>New Residential Development - Form</b>				
Minimum residential lot size	One acre	Eighty square (1/4 acre) to exceed the 1/2 acre minimum average size of lots allowed by CUP	Eliminate or significantly reduce, allowing right system implementation to establish minimum in some cases	Eliminate minimum lot size in coastal, rural or mountain, if no plans or one-acre agricultural lots
Development of residences on original plans agricultural lots	Disincentive the developing on plans agricultural lots by allowing farm residences on one acre lots, but whether to the one-acre minimum is required	If the CUP Approach to new farming, are not allow conversion, if original or plans agricultural lots for residences if there is a "sustainable business program"	No new coastal residences on plans agricultural lots	
Minimum new residential lot size	2 acres in A-1 district with legal limitations on acquisition or exchange in terms, lot	Reactive minimum lot size	Reduce minimum lot size	Eliminate minimum lot size, allowing to allow of current farm farm residences by CUP

First, the county will need to make a decision to stay with rezonings or change to the conditional use process.

Second, the County will need to make a decision to stay with the three lot approach for smaller parcels and then must use the combination of rezoning and conditional use.

Third, we will need a clarification from DATCP on prime agricultural soils language and what does it mean? Do the County's policies meet that goal?

Fourth, how is the County going to handle the farm consolidation parcels? Does the County keep them A-1 non-conforming or try to rezone them out of the A-1 zone.

Fifth, how is the County going to handle the urban service areas and rural hamlet areas?

Roffers' plan is to give a description of the issue, the different policy issues and the impacts of taking each of those directions. Roffers plans to have this information by the quadrant meetings. Over the next months, Roffers and Schmiedicke are going to get stakeholder reactions on these issues and bring them back to the Committee. If the Committee has any questions on any items such as current policies and plans, please contact Klotz, Staff, Grabow and Johnson.

## Key Policy Option Components

- Conditional use versus conversion fee
- Housing on smaller parcels
- Housing on prime agricultural soils
- Approach to pre-existing residences
- Approach to zoning map amendments

Christensen had a question on policy option B, does that mean B? Roffers said it was a misprint but continued to say that the County would need a Corporation Counsel option whether Towns can be given a veto authority on conditional uses. Klotz stated that he has talked to Corporation Counsel Attorney Phil Ristow on this issue. Ristow has stated that the County can't give a statutory authority to the Township but until this issue is challenged, we will not know the outcome of this question.

## Town Quadrant Meetings

- Four identical meetings
- Present and obtain feedback on key policy refinement options
- Possible dates:
  - July 20
  - July 21
  - July 26
  - July 29

Schmiedicke explained that the quadrant meetings would focus on the 5 policy issues. Klotz will come to the Town's Association meeting in September to give an update. Klotz stated that all the materials are posted on the County web site. Schmiedicke will create flyers to publicize the meetings.

## Stakeholder Meetings & Interview

- Purpose: engage in detailed discussion on land use policy options and other opportunities
- Ideas: different types of farmers, farm businesses, real estate interests, land conservation interests, etc.
- Meetings generally to be held in same timeframe as Town Quadrant meetings
- Nominations? Groups? Individuals?

Schmiedicke explained that there will be meetings with the stakeholders around the same time frame as the quadrant meetings. Roffers explained that if we can combine groups together at one time it will save time and costs. Klotz told the members that individuals can go back to their organizations to give updates on this process. Dovi asked the Committee if the Towns were looking at development of residences or industrial parks as a way to raise their tax base. Larson answered that in the Town of Jefferson they aren't because in the end it raises the cost of services. Poulson recommended the Animal Alliance as an interest group. Johnson stated she could put information in the UW-Extension newsletter. Christensen mentioned the Friends of Allen Creek. Nass mentioned the realtor's association. Nass stated there are probably land conservation groups that would be interested. Roffers explained that the goals of the quadrant meetings is to get public feedback on the proposed options. The quadrant meetings will be a ½ hour meeting with ½ hour for comments and then can go around the room with a comment sheet. Hadler asked how the general public will be educated on this issue. She recommended a web blog, forums or message board as other ways to receive comments from the general public. Klotz explained that the zoning web site has all the materials listed and he will have an article for the media.

## Next Steps

- Finalize Town quadrant meeting dates
- Further refine policy options for presentation
- Identify and schedule stakeholder meetings and interviews
- Potential dates for next Steering Committee meeting: August 26 or September 2

Next meeting will be on September 2<sup>nd</sup> at 6:00 pm. Klotz asked the Committee to make at least one of the quadrant meetings. Dovi will get a meeting room at the Waterloo library. The time of the quadrant meeting will be at 7:00 pm and each will be approximately 2 hours. If the Committee has other groups that they think may be interested in this process please give them to Klotz within the next week or so.

Motion to adjourn the meeting at 8:20 p.m. was made by Reese, seconded by Goetsch. Motion carried on a voice vote with no objection.

Minutes taken by Michelle Staff, Zoning Department