

**TOWN OF OCONOMOWOC BOARD OF SUPERVISORS
AND TOWN OF OCONOMOWOC PLAN COMMISSION
SPECIAL MEETING MINUTES**

March 16, 2015

A Joint Meeting will be conducted by the Town of Oconomowoc Town Plan Commission and Town of Oconomowoc Town Board on Monday, March 16, 2015, beginning at 6:00 p.m. at the Town of Oconomowoc Town Hall, W359 N6812 Brown Street, Oconomowoc, Wisconsin, to listen to a presentation from Jason Fruth regarding a proposed new Agricultural Zoning Ordinance.

Jason Fruth from Waukesha County Park and Planning spoke to Both Board members in regards to Farmland Preservation Zoning Code updates; he explained to them and gave each one of them a printout of the following:

Why must the zoning code be updated relative to farmland preservation?

State farmland preservation laws were recently amended and an update of all existing farmland plans and farmland preservation zoning codes are required and some of the law change issues of note are:

- Substantial consistency required between plan map and zoning map
- New rules for non-farm residences (base farm tract option) and non-ag. Use
- Agricultural Enterprise Areas (enhanced tax credits)
- Overlay districts required for environmental corridors on farm preservation parcels

In 2011 Farmland Plan amendment continued scheme of mapping large blocks of farmland (5 square mile blocks) for preservation.

Code update required in order for land owners to continue to be eligible for tax credits:

- \$5.00/acre for lands with a 15 year agreement within an Agricultural Enterprise Area
- \$7.50/acre for lands zoned Farmland Preservation
- \$10.00/acre for lands zoned Farmland Preservation with 15 year agreement (within AEA).

Which lands within Oconomowoc are affected?

Lands that are identified within the Town of Oconomowoc and County Comprehensive Development Plans with a planned designation of "Farmland Preservation" (nearly 11,000 acres north of C.T.H. "K"). Town and County plan designations for most affected lands have been "Farmland Preservation" since 1997.

Approach for amending code:

A work group was assembled in 2014 that consist of farm community representatives and Town Planners from the Towns of Ottawa and Oconomowoc and County Planning Staff.

Key issues identified by workgroup:

- Vast Majority of acreage that is planned for farmland preservation is already zoned as such
- 35 acre parcel size not entirely effective in preserving farmland
- Conversion of farm parcels for “estate” use is reducing available farm acreage
- Workgroup concluded that existing code provisions that require a created lot for a family member to stay within family in perpetuity is not practical or enforceable
- Lack of farm consolidation maximum parcel size and non-farm residence maximum parcel size creates possibility for more farmland loss
- Existing environmental corridor zoning provisions should be revisited in farmland preservation areas

Preferences identified by workgroup after consideration of multiple options:

- Continue to allow for limited lot creation within areas planned and zoned for farmland preservation
- Preference for continuation of 35 acre density but elimination of 35 acre minimum parcel size. Land division since 1997 to be accounted for in computing availability density.
- Rezoning process for new residences within Farmland Preservation areas preferred vs. conditional use option. Workgroup recommended 3 acre maximum lot size for new residences so as to preserve majority of cultivated farmland on individual farms while maintaining 35 acre density. Maximum 5 acre parcel size recommended for farm consolidations.
- Preference for lot siting standards to be employed to accommodate limited residential development:
 - o Locate lots on non-cultivated land
 - o Cluster lots near existing roads/development to greatest extent practicable
 - o Cluster lots on non-prime soils, where practical, give other site constraints
 - o Allow for lots within wooded areas to preserve farm acreage (amend zoning code to allow for limited building envelopes with Environmental Corridor areas)
- Need for an improved tracking system identified. Group recommends using GIS to track available density on per farm or parcel basis and require deed restrictions to state remaining density (Jefferson County approach)
- Eliminate Agricultural Land Preservation Transition District. This district is only lightly mapped within Oconomowoc and workgroup felt that code should be simplified by placing these lands in the AP District.

Expected outcomes:

- Continuation of long standing 35 acre density scheme which will not reduce the number of lots/units available to farm owners
- More flexibility for farm owners in being able to create limited parcels for family or non-family members
- More acreage that is located on parcels planned and zoned for farmland preservation expected to remain in agricultural use; long term
- More farmland potentially attainable to adjacent farm owners looking to expand or too young or new farmers

Next Steps:

- Seek input regarding workgroup's recommendations from two affected Towns in March (Plan Commission and Boards).
- Seek public input regarding conceptual approach at an open house (likely to be held in April)
- Draft code amendments for review by Towns via Town Planners ahead of submittal to DATCP and County Board.

New Residence Options considered for AP District:

Status Quo Option:

35 acre minimum parcel size with parcel size exceptions for parcels created for children or parents of farm owners or for farm consolidations. **Problems: DATCP rules no longer allow for parcels for family members to be created in this manner. In addition, 35 acre minimum parcel size has only been partially successful in preserving farmland.**

Conservative Option:

No new non-farm residences. Problems: farm owners would be unable to create any lots for family or non-family members

Base Farm Tract Option: (max 4 non-farm residences; sub options capped # residences at 2, 3)

All new non-farm residences would be required to obtain Conditional Use Permits. Existing residences would have to obtain a Conditional Use approval to be sold for non-farm use. Maximum of four non-farm residences and five residences overall. 1:20 non-farm to farm acreage ration and siting standards required. **Problems: Conditional Use status for residences may cause problems or questions for owners seeking mortgages or wishing to sell homes. Because cap of four would apply, large land owners would not achieve same density threshold as smaller farm owners.**

Jefferson County Option:

Three residences per farm via a rezoning process; splits since 1977 counted in computing density. Maximum two acre lot sizes with siting standards. Problem: Scheme would not always comply with 35 acre density requirements of adopted Town/County plans. In addition, larger land owners of contiguous lands would be disproportionately restricted in allowable units based upon the cap of three residences.

Jefferson/35 acre Density Bled (Two or Three parcel maximum Rezone option):

Place lands held in common and on contiguous parcels in “base farm tracts” and allow for a maximum of two or three parcels per farm tract. Rezoning from AP District to a residential zoning district required at time of house/lot creation. Problems: difficult to keep equitable, as farm ownership listed in a variety of ways on deeds and some farm owners hold scattered acreage rather than contiguous. Larger farm tract owners would achieve fewer allowable units than a farm owner of two disconnected farms of the same acreage.

35 acre Density Option (Workgroup’s preferred option):

- Available density determined by dividing farm acreage by 35 to stay consistent with long standing land use plan 35 acre density recommendations.
- New residences require rezoning and compliance with siting standards. Maximum parcel size of 3 acres for new lots (5 acres for farm consolidations).
- In computing density, existing dwelling units counted along with parcels/homes created after 1997 (if planned Ag. Pres. At time of split)
- If existing legal parcels of record do not contain a residence and are not restricted from further development by deed restrictions, rezone conditions, etc., they would be entitled to a residence.

Respectfully submitted –
Lori Opitz, WCMC
Clerk/Treasurer

