

## MEMORANDUM

TO: Walworth County Smart Growth Technical Advisory Committee

FROM: Walworth County Land Use and Resource Management Department  
Staff / SEWRPC Staff

DATE: August 24, 2007

SUBJECT: Agricultural Element of the Walworth County Comprehensive Plan—Key  
Discussion Points

### **INTRODUCTION**

This memorandum is intended to facilitate consideration/discussion by the Smart Growth Technical Advisory Committee of key topics related to the agricultural element and land use element of the multi-jurisdictional comprehensive plan. The first topic relates to the manner in which prime agricultural land is identified in the comprehensive plan. The second topic relates to minimum parcel sizes to be recommended in the comprehensive plan for prime agricultural land and for non-prime farmland.

Advisory Committee members will be asked to discuss these topics, on a preliminary basis, at the Committee meeting on September 5, 2007. Following the meeting, Advisory Committee members should obtain feedback on these topics from their town boards and plan commissions. The Advisory Committee would re-visit these topics at its meeting on November 7th and at subsequent meetings as necessary, to arrive at a consensus.

### **TOPIC ONE: IDENTIFICATION OF PRIME AGRICULTURAL LAND**

A key aspect of the Walworth County comprehensive plan is the manner in which prime agricultural land is identified. This section describes two major options that exist in this regard, providing pros and cons of each.

#### **Option A**

Option A relies on the County's existing A-1 Prime Agricultural Land zoning, along with existing town land use plans, as a basis for the identification of prime agricultural land. The County's A-1 Prime Agricultural Land zoning district was initially applied in the comprehensive rezoning

adopted by the County in 1974. The application of the A-1 zoning district was accomplished based upon a generalized mapping of agricultural resources, focusing on large areas of farmland covered by soils in agricultural capability Classes I, II, and III, as identified by the U.S. Natural Resources Conservation Service (formerly the U.S. Soil Conservation Service). The application of the A-1 zoning district at that time was subject to an intensive public review process. Since the adoption of the comprehensive rezoning in 1974, there have been amendments to the A-1 zoning district, the most significant of these being an expansion of the district between 1978 and 1981 in response to the request of farmers who wanted to be eligible for Wisconsin Farmland Preservation Program tax credits. The existing pattern of A-1 zoning in the County is shown on Map 1, attached.

The pattern of prime agricultural land identified in many of the currently adopted town land use plans is quite similar to the existing pattern of A-1 zoning. Under Option A, any differences between the County A-1 zoning and the prime agricultural land shown in the respective town plans would be identified, and every attempt would be made to resolve differences under the guidance of the Advisory Committee. Under Option A, where no town land use plan exists, the starting point would be the existing County A-1 zoning; each such town would raise any concerns it has about the pattern of A-1 zoning, and every attempt would be made to address these concerns under the guidance of the Advisory Committee.

***Pros and Cons of Option A:***

- Positive: Builds upon past County planning and zoning, including the resource-related mapping that initially served as a basis for application of the A-1 zoning district.
- Positive: Recognizes that, in the preparation of their existing local land use plans, many towns have delineated prime agricultural lands/farmland preservation areas that are quite similar to the delineation of prime agricultural land embodied in the County's A-1 zoning district.
- Positive: Easier to obtain re-certification by the State for purposes of the Wisconsin Farmland Preservation Program (this remains a consideration despite the significant reduction in levels of tax credit available under that program).
- Negative: More difficult to retrace specifically why certain lands are identified as prime or not prime.

**Option B**

Option B involves “starting over”—that is, setting aside existing County A-1 zoning and town land use plans, developing specific criteria for the identification of prime agricultural lands, and applying the criteria systematically throughout the County. Possible criteria include, among others, the size of the parcel, the proportion of the parcel that is covered by “prime” soils, and the overall size of the farming area in which the parcel is located. Depending upon the criteria selected, the resulting pattern of prime agricultural lands may be very similar to, or significantly different from, that embodied in the County’s A-1 zoning and adopted town plans.

***Pros and Cons of Option B:***

- Positive: Greater ease in retracing why certain lands are identified as prime or not prime.
- Negative: Could result in a delineation of prime farmland significantly different from existing town plans.
- Negative: Would be more difficult to obtain re-certification by the State for purposes of the Wisconsin Farmland Preservation Program.
- Negative: Would potentially have to deal with the ramifications of farmers losing their eligibility to participate in the Farmland Preservation Program.
- Negative: Might extend the timeframe for completion of the comprehensive plan.

**Additional Consideration: Class III Farmland**

As noted above, the County’s A-1 Prime Agricultural Land zoning district was applied largely to farming areas covered by Class I, II, and III soils. Over the years, some concern has been expressed about the inclusion of Class III soils in prime farming areas. The nature and extent of Class III farmland in the County is described in this section.

The Regional Planning Commission land use inventory identified 371 square miles of agricultural land in Walworth County in 2000. Map 2, attached, shows the existing agricultural land in 2000 by soil capability class. The breakdown of existing (2000) agricultural land by soil capability class is as follows:

	<u>Square Miles of Agricultural Land</u>	<u>Percent of Total</u>
Class I	73	20
Class II	222	60
Class III	46	12
Other	<u>30</u>	<u>8</u>
Total	371	100

As indicated above, Class III agricultural lands accounted for about 46 square miles, or 12 percent of all land in agricultural use, in 2000.

Class III farmland is shown separately on Map 3, attached. Of the total of 46 square miles of Class III farmland in the County, 14 square miles—representing 31 percent of the Class III farmland and 4 percent of all farmland—consist of hydric (wet) soils. Shaded green on Map B, these soils occur in larger “blocks”—such as in the southern portion of the Town of Whitewater, the southern portion of the Town of Troy, the southeastern portion of the Town of East Troy, the east-central area of the Town of Richmond, and the west-central area of the Town of Sugar Creek.<sup>1</sup> These areas of hydric soils may be very productive for certain types of crops if drained, and are poorly suited for urban and rural residential development. Given their potential productivity and their limitations for urban use, it is reasonable to retain them in farmland preservation areas, recognizing that they could also be taken out of production and allowed to revert to wetlands.

Other areas of Class III farmland typically have greater slopes, and therefore higher erosion potential, than Class I and Class II soils, and yet they remain generally productive with proper management. Shaded red on Map 3, these soils—which encompass 29 square miles, or 64 percent of the Class III farmland and 8 percent of all farmland—typically occur in small pockets often intermixed with Class I and Class II farmland. The small balance of Class III soils—shaded orange on Map C—tend to be droughty; they encompass just over 2 square miles, or 5 percent of all Class III farmland and less than 1 percent of all farmland in the County. Given the significant intermingling of small pockets of Class III soils amidst predominantly Class I and Class II farmland throughout much of the County, it may be difficult to delineate meaningful farmland preservation areas that exclude Class III farmland.

## **TOPIC TWO: RECOMMENDED MINIMUM PARCEL SIZES FOR AGRICULTURAL LAND UNDER THE COMPREHENSIVE PLAN**

Currently, the minimum parcel size for land in the County’s A-1 Prime Agricultural Land zoning district is 35 acres. The minimum parcel size for land in the A-2 Agricultural Land district,

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<sup>1</sup> *Much of the Class III farmland in the State Turtle Valley Wildlife Area in the east-central area of the Town of Richmond and the west-central area of the Town of Sugar Creek is now out of cultivation and reverting to more natural conditions.*

intended to be applied to more marginal farmland, is 20 acres, with conservation subdivision designs allowed as a conditional use. The comprehensive plan will recommend a minimum parcel size (or, stated differently, maximum density) for prime and for non-prime farmland. Options in this respect are to re-affirm the existing minimums; to modify them, increasing or decreasing the minimum parcel size/maximum density; or to create additional zoning districts (with different minimum parcel sizes/maximum densities) for application to selected areas.

The following overview of how the current minimum parcel sizes for the A-1 and A-2 zoning districts came into being is intended to provide historical context for the Advisory Committee discussion of this topic.

### **A-1 Zoning District**

The 35-acre minimum parcel size was established for the A-1 Prime Agricultural Land zoning district as part of the comprehensive rezoning adopted by the County in 1974. The first draft of the ordinance back then called for an 80-acre minimum parcel size. This was eventually reduced to 40 acres in subsequent drafts. In response to concerns expressed by farmers at public hearings on the comprehensive rezoning, the minimum parcel size for the A-1 Prime Agricultural Land district was further reduced, to 35 acres, so that “short 40s” would not become substandard parcels. This Walworth County decision set the standard for prime agricultural zoning statewide.

### **A-2 Zoning District**

The minimum parcel size originally established for the County’s A-2 Agricultural Land zoning district was five acres. In 1980, the County Zoning Ordinance was amended at the behest of the towns, increasing the minimum parcel size for the A-2 Agricultural Land district to 20 acres. The towns sought the increase in the minimum parcel size because of a concern for the spread of residential subdivisions in essentially agricultural areas. It should be noted that, since that amendment, the only zoning option available to accommodate residential development at a density of between five acres and 20 acres per dwelling on non-prime farmland is to rezone the property concerned into the C-2 Upland Resource Conservation district.

It should also be noted that respondents to the county-wide Smart Growth public opinion survey recently completed were asked their opinion on the minimum parcel size requirements of the County’s A-1 and A-2 zoning districts. With regard to the 35-acre minimum parcel size in the A-1 District, 61 percent of respondents indicated that the minimum parcel size should be

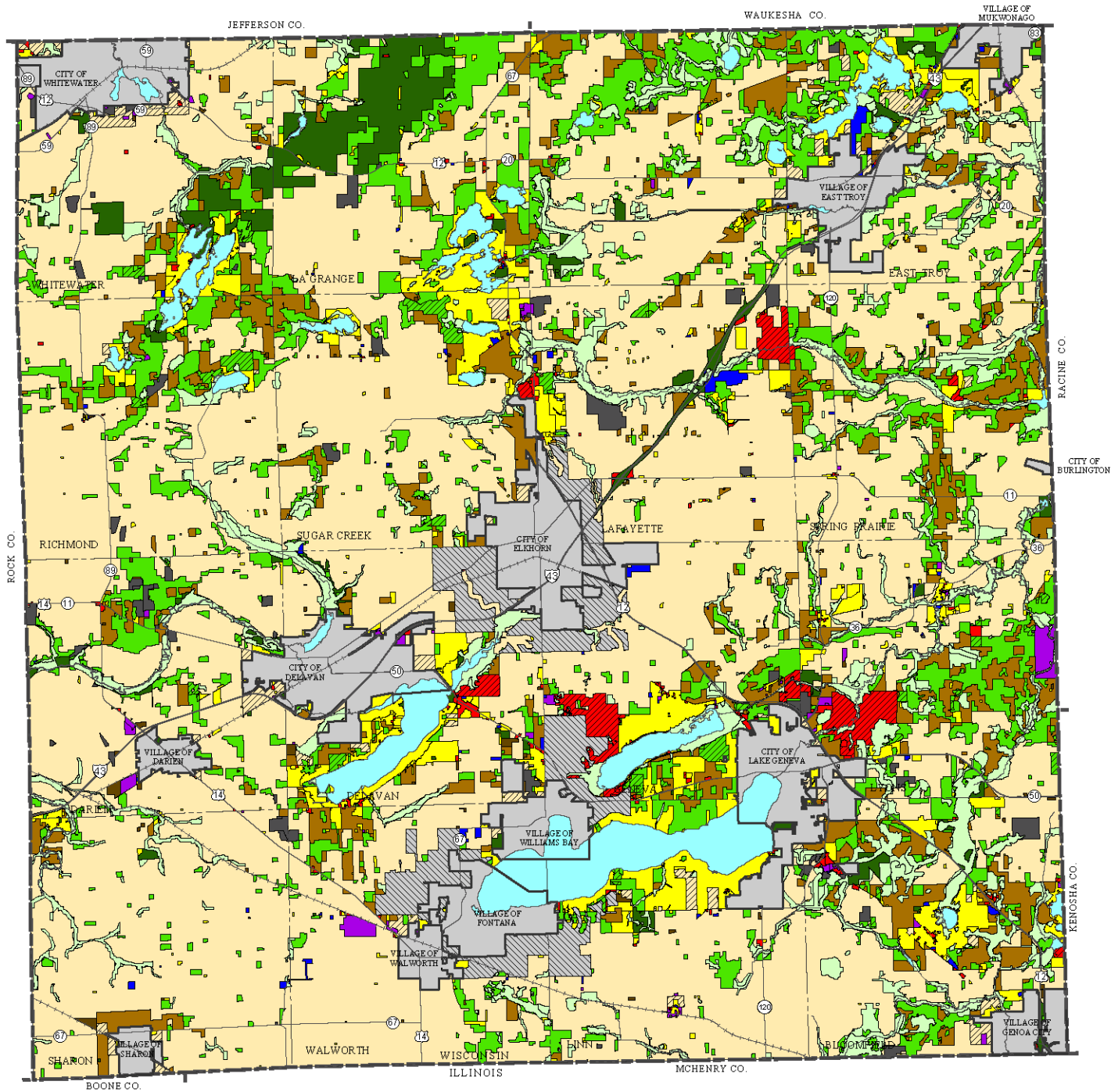
maintained, 3 percent indicated that it should be eliminated, 11 percent indicated that it should be increased, 14 percent indicated that it should be decreased, and 12 percent had no opinion. With regard to the 20-acre minimum parcel size in the A-2 District, 59 percent of respondents indicated that the minimum parcel size should be maintained, 3 percent indicated that it should be eliminated, 10 percent indicated that it should be increased, 16 percent indicated that it should be decreased, and 12 percent had no opinion.

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MAP 1

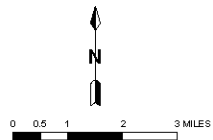
EXISTING ZONING UNDER THE WALWORTH COUNTY ZONING AND SHORELAND ZONING ORDINANCES: MAY 2007



GENERALIZED ZONING DISTRICTS OUTSIDE EXTRATERRITORIAL AREAS

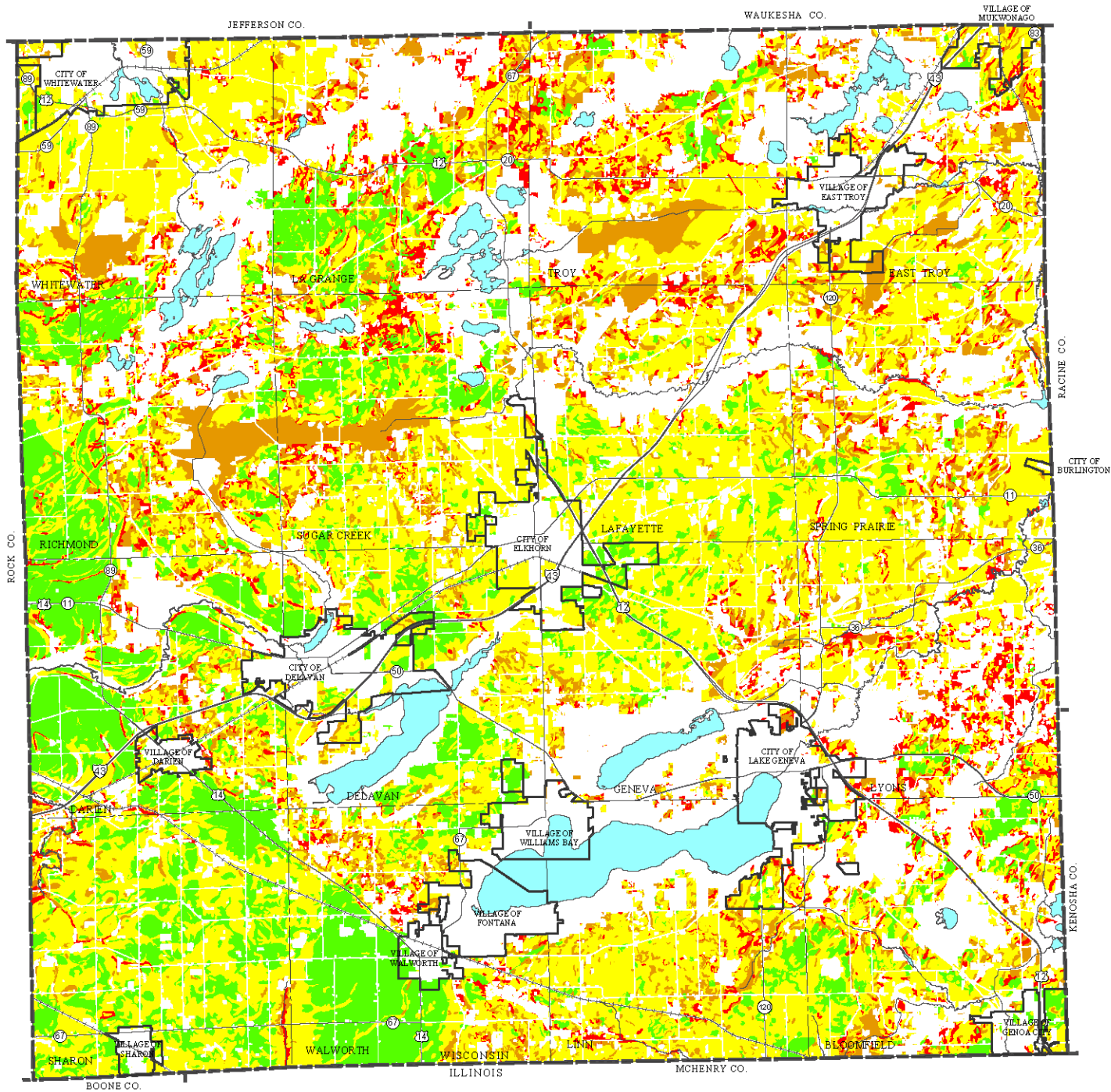
- |  |  |  |   |  |                              |
|--|--|--|---|--|------------------------------|
|  | PRIME AGRICULTURAL LAND (A-1)  |  | RECREATIONAL PARK (P-1)                         |  | INCORPORATED CITY OR VILLAGE |
|  | AGRICULTURAL LAND (A-2)  |  | INSTITUTIONAL PARK (P-2)                        |  | EXTRATERRITORIAL ZONING AREA |
|  | AGRICULTURAL LAND HOLDING (A-3)                                      |  | RESIDENTIAL (R-1 THROUGH R-8, A-5)              |  | SURFACE WATER                |
|  | AGRICULTURAL RELATED MANUFACTURING, WAREHOUSING, AND MARKETING (A-4) |  | BUSINESS (B-1, B-2, B-3, B-4, B-6)              |  |                              |
|  | LOWLAND RESOURCE CONSERVATION (C-1, C-4)                             |  | PLANNED COMMERCIAL / RESIDENTIAL BUSINESS (B-5) |  |                              |
|  | UPLAND RESOURCE CONSERVATION (C-2)                                   |  | INDUSTRIAL (M-1, M-2)                           |  |                              |
|  | CONSERVANCY RESIDENTIAL (C-3)  |  | LANDFILL OR EXTRACTIVE (M-3, M-4)               |  |                              |

SOURCE: WALWORTH COUNTY AND SEWRPC.



MAP 2

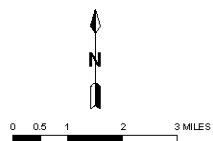
EXISTING AGRICULTURAL LAND IN WALWORTH COUNTY BY SOIL CAPABILITY CLASS



EXISTING AGRICULTURAL LAND: 2000

- COVERED BY CLASS I SOILS
- COVERED BY CLASS II SOILS
- COVERED BY CLASS III SOILS
- COVERED BY CLASS IV - VIII SOILS

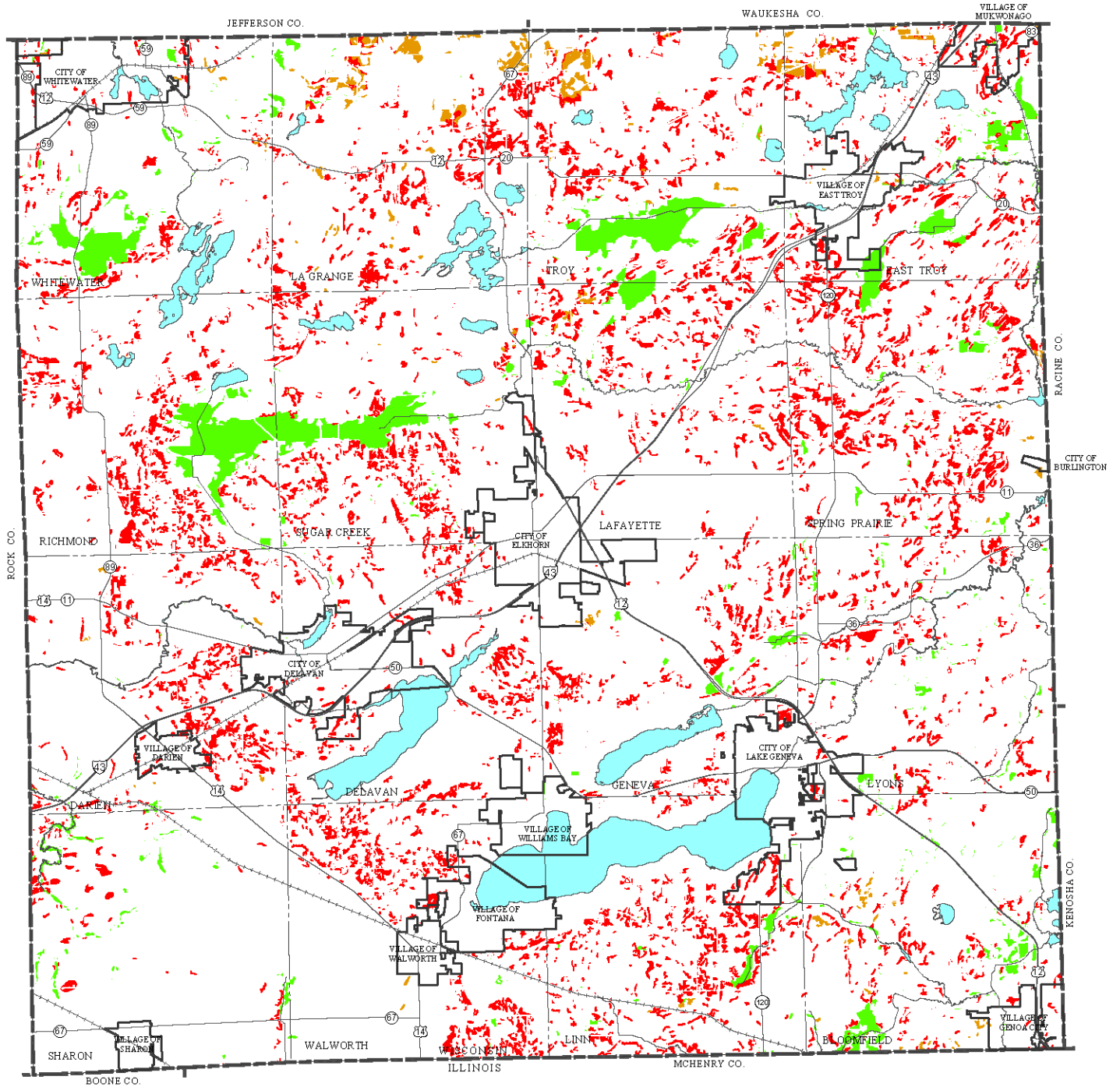
SOURCE: USDA - NATURAL RESOURCES CONSERVATION SERVICE AND SEWRPC.





MAP 3

EXISTING AGRICULTURAL LAND COVERED BY CLASS III SOILS IN WALWORTH COUNTY



EXISTING AGRICULTURAL LAND COVERED BY CLASS III SOILS

- CAPABILITY CLASS III - W
- CAPABILITY CLASS III - E
- CAPABILITY CLASS III - S

SOURCE: USDA - NATURAL RESOURCES CONSERVATION SERVICE AND SEWRPC.

