



To: Prairie du Sac Board, Plan Commission, and Extraterritorial Zoning Committee

From: Mark Roffers, AICP, Planning Consultant

Date: October 18, 2018

Re: Proposed Zoning Code Amendments for Farmland Preservation Compliance

---

**Request:** Text and map amendments to the Village’s zoning code. Zoning code amendments require a noticed public hearing before both the Plan Commission and Extraterritorial Zoning Committee, recommendation from both of these bodies, and approval by the Village Board.

**Background:** The proposed zoning code amendments included in the attached amendatory ordinance would primarily make the extraterritorial A-P Agricultural Preservation district a State-certified farmland preservation zoning district. Such certification would enable interested farmers zoned A-P to obtain farmland preservation State income tax credits, if they also have a County-approved farm conservation plan over their land. The Department of Agriculture, Trade and Consumer Protection (DATCP) is the agency that provides such State certification. DATCP is guided by a sometimes complicated set of rules, criteria, and procedures in Chapter 91 of Wisconsin Statutes and ATCP 49 of the Wisconsin Administrative Code.

Since December 2017, the two Extraterritorial Zoning Committees have guided a public process to amend both the Sauk City and Prairie du Sac zoning codes, including the associated zoning maps, to enable the A-P district to meet farmland preservation requirements. This has included two public meetings focused on property owners within the two extraterritorial jurisdictions, in December and August. Because compliance with State requirements requires rezoning of some properties within the extraterritorial jurisdictions, the Villages sent out individual notices to the owners of properties proposed for rezoning in advance of the August meeting. There are only a handful in the Prairie due Sac extraterritorial jurisdiction—all near the intersection of Highways 12 and PF. No one has registered any opposition to the proposed amendments.

On October 2<sup>nd</sup>, DATCP certified the proposed amendments that are included in the attached ordinance as meeting State farmland preservation requirements, subject to local adoption of the amendments into the Village’s zoning code.

### **Overview of Proposed Amendments:**

The attached amendatory ordinance contains all of the proposed amendments to the zoning code. Language that is underlined would be new language in the zoning code, language that is ~~crossed-out~~ would be removed from the code, and language that is neither underlined or crossed out is existing zoning code language that would remain. There is no significance to different colors used in the cross outs or underlines.

The proposed zoning text amendments are focused on tweaking the range of land uses that are allowed by right and by conditional use permit in the A-P district, and the standards under which such uses may be sited under State limitations. The overriding objective is to encourage a broad range of agricultural uses in the A-P district, allow uses that support or are compatible with farming such as secondary farm businesses and farm residences, and limit uses that are generally incompatible with farming including dense housing for non-farmers. Overall, these amendments will not have a substantive effect on what one can and can't do in the A-P district, compared to the A-P zoning rules that have been in place in Prairie du Sac's extraterritorial jurisdiction for many years.

The proposed zoning text amendments also include standards and limitations for rezoning lands away from the A-P district, reporting requirements, other minor procedural and terminology changes, and a couple of completely unrelated changes. These are "mop up" changes to fully address the impact of State law changes enacted over the past year. They include adjustments to the "unnecessary hardship" definition in Section 2, adjustments to rezoning procedures in subsection (h) of Section 26, and allowances for duration limits on conditional use permits in Section 29.

Most of the proposed zoning map amendments, referenced and included in Exhibit A to the Ordinance, are driven by the requirement that the A-P district may only be used over lands that are indicated as planned agricultural preservation areas in the County's Farmland Preservation Plan, which was adopted in 2013. Further, at least 80% lands that are planned for farmland preservation in that plan will have to be zoned A-P. Finally, State guidelines suggest that each tax parcel ought to be all-in or all-out of the A-P district. The result is some juggling of A-P, A-T Agricultural Transition, and B-H Highway Business zoning districts in the northwest and southwest quadrants of the Highway 12/PF intersection.

There is one unrelated zoning map amendment being proposed. That involves the rezoning of the 24 acre Moely Prairie on the south side of Highway PF from A-T Agricultural Transition to CON Conservancy. The A-T district is a sort of holding district used in advance of development. There is no intent to develop the Moely Prairie; in fact it is encumbered by a conservation easement that would make future development extremely unlikely. The CON district is a better

fit. Per the zoning code, the “CON Conservancy District is intended to prevent intensive development of certain areas designated as ‘environmental corridors’ and ‘public open spaces’ in the Comprehensive Plan; and other open space areas in which land, easements, or covenants have been acquired by public or private entities for purposes of natural resource conservancy, water management, passive public recreation, active public recreation, and/or other open space purposes.” The Moely Prairie conservators’ plans to complete further prairie restoration there has prompted the timing of this proposed rezoning.

**Recommendation:** The public hearing on this amendatory ordinance is scheduled for November 5<sup>th</sup>. Following the public hearing, the Plan Commission and ET Committee may recommend the ordinance to the Village Board for its approval. Then the Board may approve. Because DATCP has already certified the farmland preservation related aspects of these zoning amendments, I strongly discourage any changes prior to local adoption.