

## Part One: Background, Goals and Objectives

### I. Purpose of this Chapter

This chapter is intended to:

- update the Dane County Farmland Preservation Plan to bring it into consistency with the adopted *Dane County Comprehensive Plan*, the *Town of Oregon Comprehensive Plan*, the *Village of Oregon Comprehensive Plan* and the *Village of Brooklyn Comprehensive Plan*.
- facilitate review and certification of the Town of Oregon component of the *Dane County Farmland Preservation Plan* by the Wisconsin Department of Agriculture, Trade and Consumer Protection and the Land and Water Resource Board, under the provisions of Chapter 91, Wis. Stats.;
- ensure compliance with s. 91.77 and 71.58(3), Wisconsin Statutes for eligibility for farmland preservation tax credits.

This chapter, along with the Dane County Farmland Preservation Plan: Town of Oregon Map, is solely intended to indicate eligibility (based on underlying comprehensive plan policies) for Wisconsin Farmland Preservation Tax Credits and to promote preservation of county agricultural resources. Please refer to adopted, appropriate comprehensive plans for more detailed land use policies.

### II. Policies and Studies

#### A. Agricultural Uses and Productivity

##### 1. Farms, Crops and Livestock

According to the USDA Census of Agriculture, Dane County had 2,887 farms in 2002 and 3,179 farms in 1997, a decline of 9 %. Total acres in farmland declined by 8 %, from 559,476 acres in 1997 to 515,475 acres in 2002. In 2002, Dane County farmers planted over 158,000 acres of grain corn (the highest acreage in Wisconsin), over 87,000 acres of soybeans, 78,000 acres of forage (including hay, grass and greenchop) and 25,000 acres of corn for silage. Dane County's livestock inventory totalled over 203,000 animals in 2002, including 124,000 cattle (the fourth-largest herd in the state), over 51,000 chickens (including both egg-layers and meat) and 28,000 hogs and pigs.

##### 2. Regional Farming Economics

The 2002 Census of Agriculture reports that the total market value of Dane County's agricultural products exceeded \$287 million, the highest of any county in Wisconsin, and in the top 2% among all counties nationwide. Milk and other dairy products accounted for \$104 million, or 36% of that total. Other products of significant value included:

- Grains, oilseeds, dry beans, and dry peas -- \$65 million (23% of total);
- Nursery, greenhouse, floriculture, and sod -- \$10 million (3.5% of total);
- Hogs and pigs -- \$4.5 million (1.5% of total);
- Tobacco -- \$4.2 million (1.5% of total);
- Vegetables, melons, potatoes, and sweet potatoes -- \$2.5 million (<1% of total), and;
- Other crops and hay -- \$2.5 million (<1% of total).

Between 1997 and 2002, total county market value of agricultural products declined by 3%. However, the steeper decline in number of farms over the same period (9%) meant that average market value of production per farm *increased* by 7% from \$93,012 in 1997 to \$99,632 in 2002. In 2002, the average Dane County farm earned a net cash income of \$32,845. Fifty five percent (1,557) of Dane County's 2,887 farms earned \$10,000 in net cash income or less in 2002, while 18 % (539) earned \$100,000 or more. Fifty five percent (1,611) of farm operators reported farming as their primary source of income.

### 3. *Town of Oregon Agricultural Resource Inventory*

#### a) *Historical Trends:*

The Town of Oregon has a strong agricultural history and the rural character of the Town persists. Although municipal annexation from the Village of Oregon and development in designated rural development or transitional areas has converted lands formerly used for farming, sufficient agriculture persists in the town to sustain the farm economy.

#### b) *Farming Today:*

According to the 2005 *Dane County Land Use Inventory*, approximately 65% of the Town's land is in agricultural use. This includes row crops, pastures, and idle farmland. Policies to limit density and to promote compact development that avoids productive farmlands within designated agricultural preservation areas will ensure that farming remains viable in the town over the next twenty years.

#### c) *Future Prospects:*

Because of the Town's strong density policy, agricultural practices will likely continue over the next twenty years. National and regional market factors may affect the type of farming in the Town.

#### d) *Land Evaluation and Site Assessment (LESA)*

Land Evaluation is a component of the Dane County Land Evaluation Site Assessment (LESA) system and rates the soil-based qualities of a site for agricultural use. The factors used to determine agricultural Land Evaluation were developed by the Natural Resources Conservation Service (NRCS) with cooperation from the Dane County Land Conservation Department. The ratings were based on information from *Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands, Second Edition*, published by the Soil and Water Conservation Society (1996).

Three factors were used to determine a numeric LE rating:

- prime farmland (10%)
- soil productivity for corn (45%)
- land capability class (45%)

The ratings were separated into one of eight agricultural groups (with arbitrary divisions) – with the soils in Group I as the best soils for agriculture.

## B. Natural Resources and Open Space

### 1. Dane County Resources

#### a) Land Resources

Dane County sits atop the terminal moraine of the Wisconsin glacier, which melted and withdrew approximately 10,000 years ago. The moraine curves through the county just south of the Yahara chain of lakes, dividing the county into a glaciated landscape to the east and north and the unglaciated Driftless Zone to the west and south. Four major Wisconsin ecological zones intersect in Dane County, including:

- Southeast Glacial Plains
- Central Sand Hills
- Western Coulee and Ridges
- Southwest Savanna

Despite extensive agriculture and recent urbanization, significant remnants of Dane County's native ecological heritage persist. According to the Wisconsin Natural Heritage Inventory, Dane County provides habitat for 108 endangered or threatened terrestrial plant and animal species, and includes occurrences of 11 threatened or endangered natural communities.<sup>1</sup>

In 2006, the Wisconsin Department of Natural Resources published the *Wisconsin Land Legacy Report*, which identifies the landscape-level places believed to be the most important to meet the state's conservation and recreation needs for the next 50 years. Eleven of the 229 places identified in the *Legacy Report* are at least partially in Dane County.<sup>2</sup> They include:

- Arlington Prairie
- Black Earth Creek
- Blue Mound-Blanchardville Prairie and Savanna
- Blue Mound State Park
- Crawfish River-Waterloo Drumlins
- Dunn-Rutland Savanna and Potholes
- Lower Wisconsin Riverway
- Patrick Marsh
- Shoveler Lakes-Black Earth Trench
- Sugar River
- Upper Yahara River and Lakes

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<sup>1</sup> "Natural Heritage Inventory County Data by Township," Wisconsin Department of Natural Resources, 2007.  
[http://dnr.wi.gov/org/land/er/nhi/CountyData/pdfs/Dane\\_County.pdf](http://dnr.wi.gov/org/land/er/nhi/CountyData/pdfs/Dane_County.pdf)

<sup>2</sup> *Wisconsin Land Legacy Report*, Wisconsin Department of Natural Resources, 2006.  
[http://dnr.wi.gov/master\\_planning/land\\_legacy/report.html](http://dnr.wi.gov/master_planning/land_legacy/report.html)

In a similar way, the *Dane County Parks and Open Space Plan* identifies the most important places to meet the county's natural resource protection and recreation needs. Many towns, cities and villages have adopted their own parks and open space protection programs to address local needs.

## b) Water Resources<sup>3</sup>

### *(1) Surface Waters*

The total water surface area in Dane County is about 23,000 acres, or about 3% of the total area of the county. There are about 21,600 acres in 70 named lakes and ponds, and 69 named streams totaling 475 miles. Due to its location at a terminal glacial moraine, Dane County boasts a wide diversity of water bodies:

- large glacial lakes such as the Yahara Lake Chain (now almost entirely urbanized)
- small shallow landlocked lakes such as Fish and Crystal lakes
- warmwater streams with significant restoration potential, such as Door Creek and Koshkonong Creek, and
- coldwater streams such as Mt. Vernon Creek, Sugar River, and the nationally-recognized Black Earth Creek

This diversity is a reflection of its varied and unique geologic and physiographic setting. The western part of the county, known as the Valley and Ridge or "Driftless" area, is the only part of the county that has not been affected by glaciers. The area is characterized by fast-flowing streams, generally without natural lakes or impoundments. Most of the streams are fed by springs and seeps flowing from groundwater and water-bearing layers of bedrock. Stream gradients, temperature, baseflow and habitat conditions are suitable for trout fisheries on many streams.

To the east of the driftless area is an area of glacial moraines, located at a major drainage divide where the headwater of many streams of the Wisconsin, the Sugar, and the Yahara River basins originate. The area includes kettle lakes and closed depression areas. These were formed as the glacier retreated and large blocks of ice buried under glacial till melted away. East of the moraines, in the center of the county, is the Yahara River valley. Here deep glacial deposits dammed up large valleys, forming a chain of large lakes and wetlands. Streams in the Yahara River valley are generally flatter and more sluggish than those in the driftless area, and fewer are spring fed.

The eastern part of the county is known as the Drumlin and Marsh area and consists primarily of glacial deposits with extensive areas of marsh deposits. This creates an extensive system of interconnected wetlands with poorly defined drainage. Small streams wind slowly through the lowlands and there are only a few springs supplying streamflow. The only lakes in this area are small stream impoundments or shallow, marshy lakes.

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<sup>3</sup> *Dane County Waterbody Classification Study, Phase I*, Dane County Regional Planning Commission (now the Capital Area Regional Planning Commission), 2005. [[http://www.danewaters.com/pdf/2006/dcwbc\\_report.pdf](http://www.danewaters.com/pdf/2006/dcwbc_report.pdf)]

Surface water, shallow groundwater, and deep groundwater are intimately connected in Dane County. Almost all groundwater in Dane County originates as recharge occurring within the County. Most lakes and streams in the county are discharge points for groundwater where the water table intersects the land surface. In general, the water table is a subdued reflection of the land topography. The depth to groundwater in the county ranges from zero at the fringes of lakes and wetlands to over 200 feet beneath the ridges in the southwest. The water table is highest (over 1,000 feet above sea level) in the western part of the county near Mt. Horeb and Blue Mounds, and is lowest (less than 840 feet) along the Yahara River in the southeast.

The shallow water table in Dane County forms several naturally occurring basins, analogous to but not entirely coincident with surface water basins. Shallow groundwater moves away from groundwater divides. Near major lakes, streams, and wetlands, shallow groundwater flows towards surface water bodies. Note that groundwater and surface water divides in Dane County do not coincide completely. There are various places in the county where shallow groundwater can move horizontally beneath topographic divides and opposite surface water flow.

## **C. *Town of Oregon Resources***

### **1. *Surface Water Resources***

Significant surface water resources in the Town of Oregon include:

- *Story Creek*
- *Oregon Branch – Badfish Creek*
- *Lake Harriet*

### **2. *Existing Town Facilities***

- Bicentennial Park (20 acres; conservation park)
- Central Park (Town Park) (24 acres; community park)
- Trussler Plat Public Land Dedication (2.25 acres; wooded conservation area and waterway)
- Ravenoaks Public Park and Walkway (11.7 acres; wooded natural area and playground area)
- Kennedy Park (7.9 acres, neighborhood park)
- Hillcrest Park (1.7 acres; greenway)

### **3. *Other Existing Facilities Within the Town***

- Brooklyn State Wildlife Area (Wisconsin DNR)
- Swan Pond Natural Area (US Fish and Wildlife Service)

### **4. *Potential New Park Locations Or Open Space Corridors Within The Town.***

- Ice Age Trail – Cooperate in opportunities to plan and develop the Ice Age Trail system.

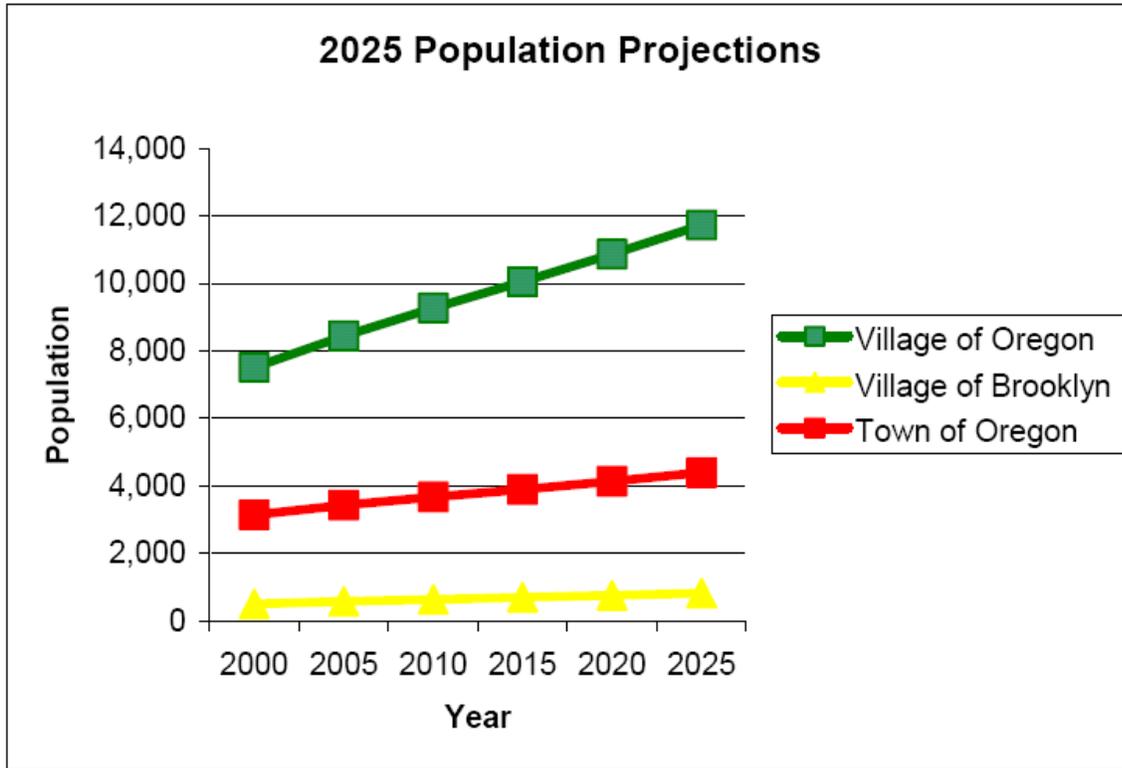
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<sup>4</sup> *Dane County Water Quality Plan*, Dane County Regional Planning Commission (now the Capital Area Regional Planning Commission), 2004. [[http://danedocs.countyofdane.com/webdocs/PDF/capd/waterq/WaterQPlan\\_chap2.pdf](http://danedocs.countyofdane.com/webdocs/PDF/capd/waterq/WaterQPlan_chap2.pdf)]

D. Population Size, Character and Distribution

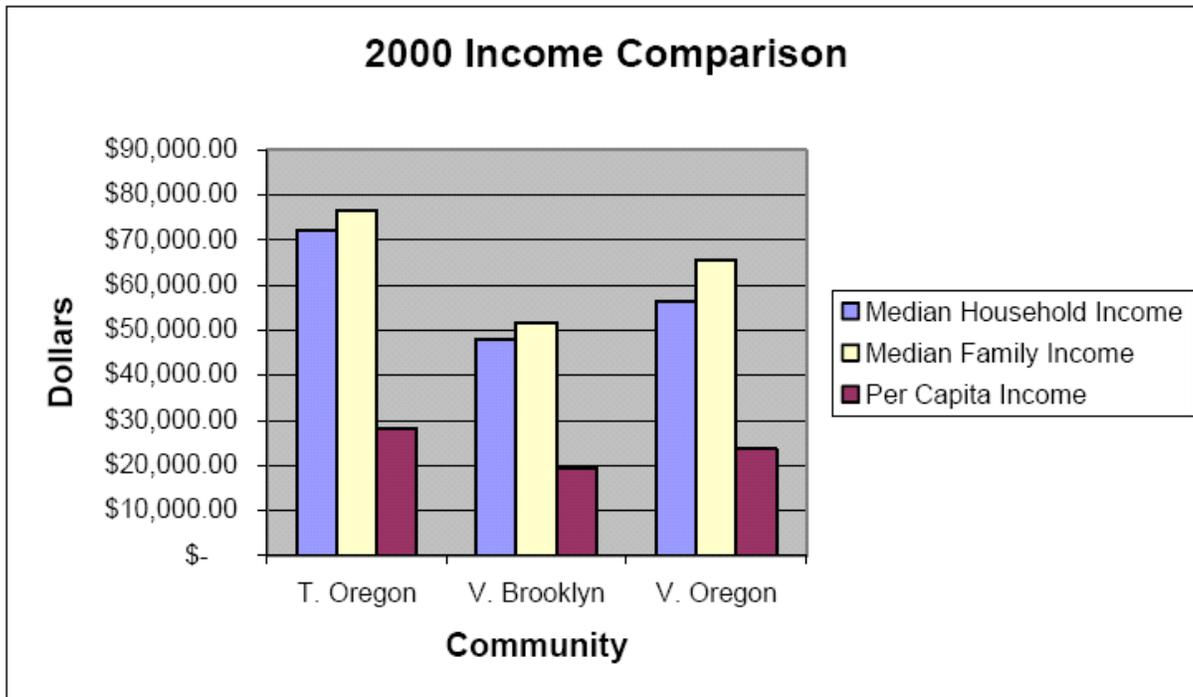
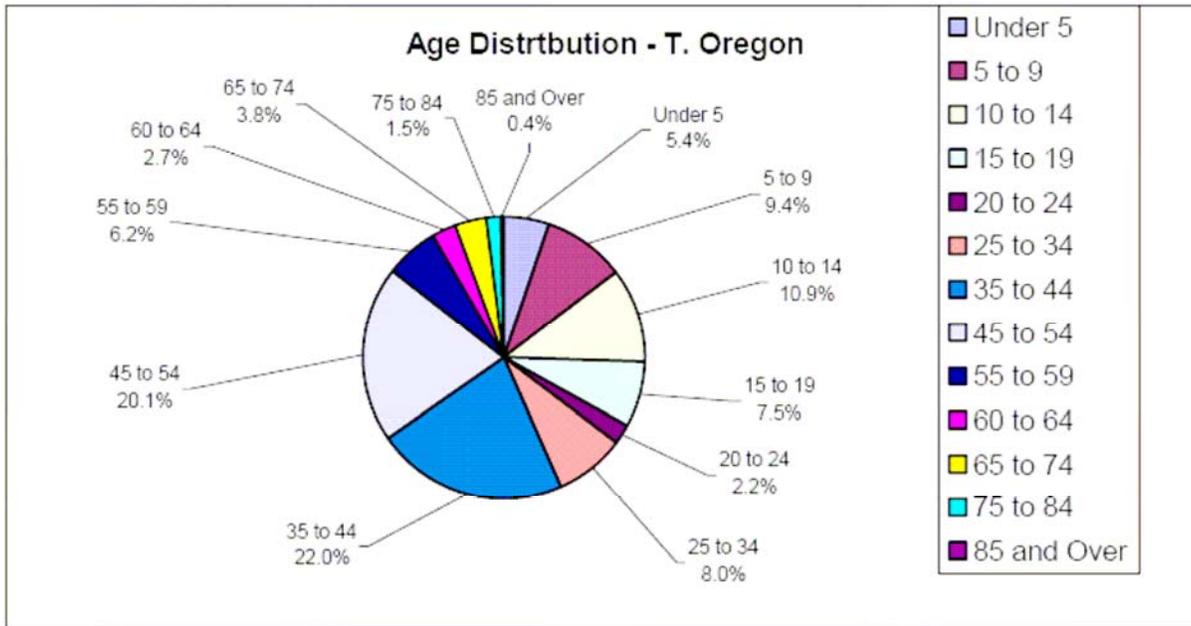
1. Population Forecasts

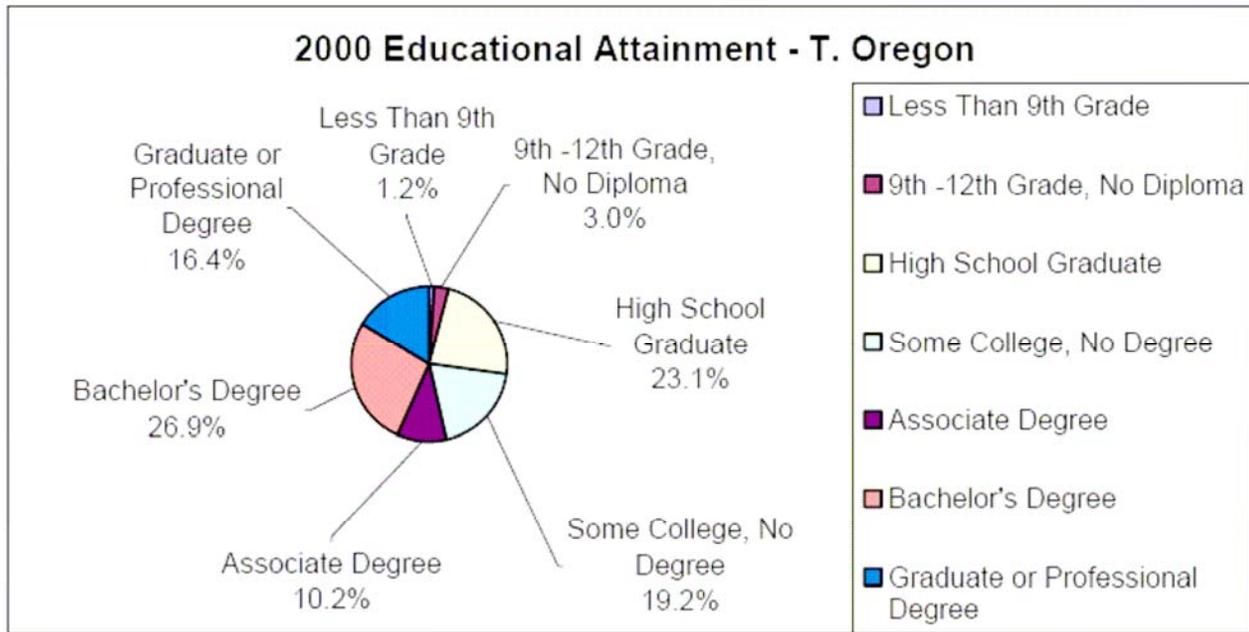
By 2025, the Town of Oregon will grow to 4,397. In this same time period, the Village of Oregon will grow to 11,731, and the Village of Brooklyn will grow to 822. This brings the projected total area population to 16,950 by 2025.



Source: Wisconsin Department of Administration – Jan. 2004

2. Population Character





Occupational Projections for South Central Wisconsin Workforce Development Area

	Estimated 2002	Estimated 2012	Change Actual	Change %	New Jobs	Replacement Jobs	Total Openings
<b>Total, All Occupations</b>	<b>412,140</b>	<b>472,090</b>	<b>59,950</b>	<b>14.5%</b>	<b>6,000</b>	<b>9,800</b>	<b>15,800</b>
Management	16,890	19,690	2,800	16.6%	280	320	600
Business/Financial Operations	17,270	20,280	3,010	17.4%	300	300	600
Computer & Mathematical	9,000	11,770	2,770	30.8%	280	120	400
Architecture/Engineering	7,870	8,520	650	8.3%	70	180	250
Life, Physical, and Social Sciences	5,400	6,170	770	14.3%	80	130	210
Community/Social Services	8,970	10,330	1,360	15.2%	140	170	310
Legal	2,650	3,220	570	21.5%	60	30	90
Education, Training & Library	27,470	32,710	5,240	19.1%	520	580	1,100
Arts/Design/Entertainment/Sports/Media	5,980	6,830	850	14.2%	90	110	200
Healthcare Practitioners and Technical	18,410	23,770	5,360	29.1%	540	350	890
Healthcare Support	11,970	15,750	3,780	31.6%	380	180	560
Protective Service Occupations	8,650	10,020	1,370	15.8%	140	240	380
Food Preparation and Servicing	33,770	37,780	4,010	11.9%	400	1,340	1,740
Buildings & Grounds, Cleaning/Maintenance	15,370	17,850	2,480	16.1%	250	310	560
Personal Care and Service	10,910	13,420	2,510	23.0%	250	260	510
Sales and Related	36,390	41,680	5,290	14.5%	530	1,240	1,770
Office/Administrative Support	72,560	77,260	4,700	6.5%	470	1,640	2,110
Farming, Fishing, Forestry	560	610	50	8.9%	10	10	20
Construction, Extraction	18,150	22,050	3,900	21.5%	390	360	750
Installation/Maintenance/Repair	14,320	16,330	2,010	14.0%	200	330	530
Production	42,220	44,860	2,640	6.3%	260	1,020	1,280
Transportation/Materials Moving	27,370	31,190	3,820	14.0%	380	590	970

Source: Office of Economic Advisors, Wisconsin Department of Workforce Development (September 2004)

## E. Urban Growth and Development

Land Supply Table L-1 shows a combination of Land Use Inventory Data and Census Data for Dane County for the past four decades. The areas are all expressed in acres, the residential numbers are expressed as the units of each type,

while the density is expressed in the number of units per acre. The general trend for the past four decades is an increase in density, particularly in the 90s, a time when this topic was debated on a countywide basis.

**Table L-1: Land Use in Dane County: 1970 – 2000**

Land Use	1970	1980	1990	2000	1970-1980	1980-1990	1990-2000	1980-2000
Residential	29,846.6	41,560.1	48,001.7	49,193.7	11,713.5	6,441.6	1,192.0	7,633.6
Single Family	27,600.6	37,737.1	42,710.1	43,198.0				
Two Family	747.5	1,213.2	1,804.2	1,716.4				
Multifamily	913.7	1,932.2	2,760.3	3,544.0				
Group Quarters	56.8	163.5	153.7	299.2				
Mobile Home	528.0	514.1	573.4	436.1				
Industrial	1,507.0	4,084.2	5,190.4	7,361.8	2,577.2	1,106.2	2,171.4	3,277.6
Manufacturing	991.2	1,678.1	2,164.1	2,517.6				
Wholesale	515.8	611.9	704.5	1,674.0				
Extractive	NA	1,794.2	2,321.8	3,170.2				
Transportation	29,144.0	35,289.3	37,418.0	43,842.1	6,145.3	2,128.7	6,424.1	8,552.8
Street Rights-of-Way	NA	31,642.7	33,641.5	39,773.6				
Railroads	NA	1,791.2	1,513.2	1,439.8				
Other	NA	1,855.4	2,263.3	2,628.7				
Communication / Utilities	5,248.0	1,323.0	1,515.1	1,777.5	-3,925.0	192.1	262.4	454.5
Generating & Processing	NA	122.4	133.5	274.8				
Transmission	NA	177.7	215.3	212.6				
Waste Processing	NA	944.2	1,109.0	1,232.0				
Other	NA	78.7	57.3	58.1				
Commercial-Retail	1,426.0	2,254.0	2,522.2	3,008.5	828.0	268.2	486.3	754.5
Repair & Maintenance		403.9	518.9	242.1				
Transportation Related		249.8	265.0	670.7				
Other		1,600.3	1,738.3	2,095.7				
Commercial-Services	1,172.1	1,210.1	2,202.6	3,655.1	38.0	992.5	1,452.5	2,445.0
Transient Lodging	123.0	182.2	156.1	172.5				
Other	1,049.1	1,027.9	2,046.5	3,482.6				
Institution & Government	5,332.9	4,479.7	4,707.4	5,082.9	-853.2	227.7	375.5	603.2
Education		2,300.3	2,301.2	2,608.7				
Administration		208.0	241.9	311.6				
Cemeteries		429.8	554.6	550.7				
Other		1,541.6	1,609.7	1,611.8				
Outdoor Recreation	11,632.2	9,543.6	11,102.8	13,133.4	-2,088.6	1,559.2	2,030.6	3,589.8
Total Developed Area	85,308.8	99,744.0	112,660.2	127,054.9	14,435.2	12,916.2	14,394.7	27,310.9
Agriculture & Undeveloped	701,367.5	687,077.0	674,160.9	666,280.3	-14,290.5	-12,916.1	-7,880.6	-20,796.7
Woodlands		76,999.2	81,447.0	91,034.2				
Other Open Lands		35,772.5	50,895.8	84,183.7				
Vacant, Unused Land		16,406.5	10,031.1	13,262.9				
Water	22,651.4	23,276.9	22,778.4	26,747.8				
Cropland/Pasture		534,621.9	509,008.6	451,051.7				
Total Area	786,676.3	786,821.0	786,821.1	793,335.2	144.7	0.1	6,514.1	6,514.2

Source: Dane County Regional Planning Commission

**F. Land Uses**

**1. Existing Land Uses**

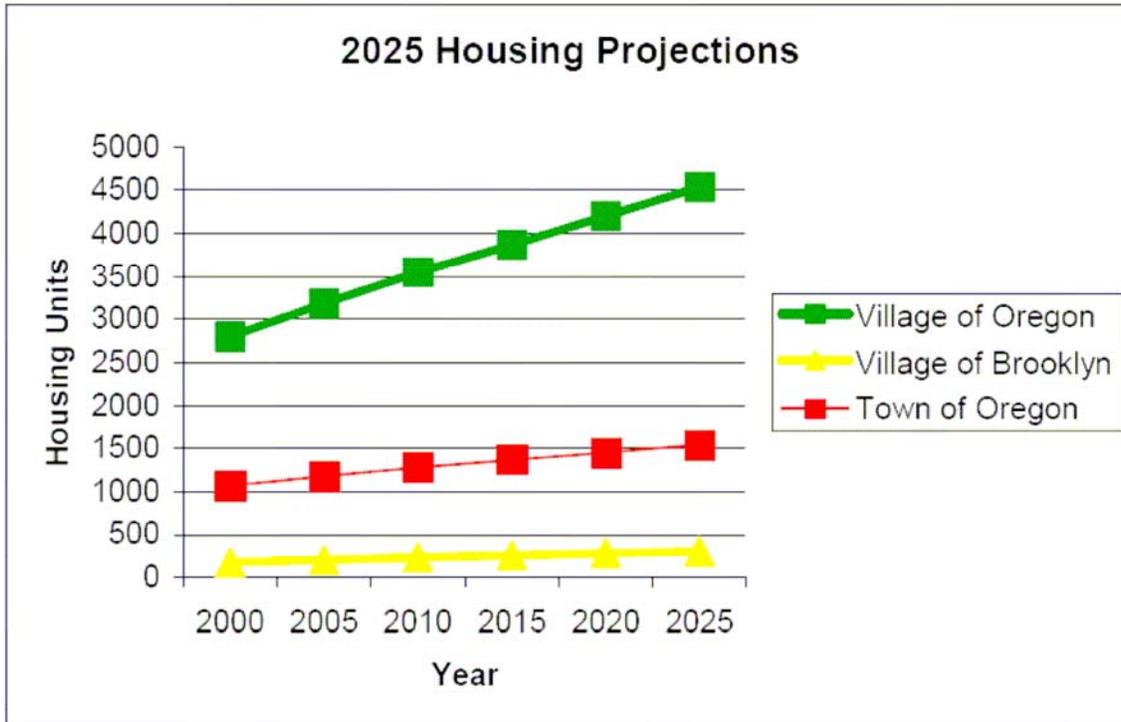
The table below lists the existing land uses in the Town of Oregon as of 2000. As of 2000 there were 1,077 residential units in the Town and total area of the town was 20,015 acres. This gives a net residential density of about one unit per 19 acres.

<b>Existing Land Use</b>	<b>Acreage</b>	<b>Percentage</b>
Agriculture	13,337.9	66.6%
Commercial/Retail Services	2.8	0.0%
Communication/Utility	25.7	0.1%
Extractive	40.7	0.2%
Government/Institutional	2.4	0.0%
Industrial	1.4	0.0%
Open Water	132.0	0.7%
Open/Vacant	2,863.2	14.3%
Outdoor Recreation	90.2	0.5%
Residential	1,170.9	5.9%
Transportation	682.5	3.4%
Under Construction	3.5	0.0%
Woodlands	1,661.5	8.3%
<b>Total</b>	<b>20,014.7</b>	<b>100.0%</b>

Source: Dane County 2000 Existing Land Uses

**2. Housing and Residential Trends**

Population growth rates being projected translate into increased demand for residential uses in the area through 2025. These figures project an additional 1,743 new homes to be added between 2000 and 2025 for the Village of Oregon alone. The Town is projected to have an additional 483 homes during this same period, and the Village of Brooklyn is projected to have 125 new homes. A total of 2,351 new homes are projected for this area by 2025.



Source: Wisconsin Department of Administration – Jan. 2004

**G. Type, Location, Timing, Use and Capacity of Existing and Future Public Facilities**

Facility or Infrastructure Type/General Location	Estimated Quantity (square feet, linear feet, gallons, etc.)	Condition (Excellent, Good, Fair, Poor)	Estimated Percent of Capacity (%)	Pending Repairs or Improvements (Within 2 years, 2 to 5 years, Beyond 5 years)	Replacement Scheduled (Within 2 years, 2 to 5 years, Beyond 5 years)	New Facilities Planned (Within 2 years, 2 to 5 years, Beyond 5 years)
Sanitary Sewer Service	None. Provided by private on-site waste water systems			None	None	No plans to provide sewer service in the next 20 years.
On-site Wastewater Management	Regulated by COMM 83 and Dane County Ordinance			None	None	None
Water Supply	No municipal water supply. Private wells.			None	None	No plans to provide in the next 20 years.
Solid Waste Disposal	The Town does not have a Land Fill. Town provides a transfer site.	Excellent	25%	Normal Maintenance	No replacement scheduled in the next 20 years.	No new facilities planned.

Facility or Infrastructure Type/General Location	Estimated Quantity (square feet, linear feet, gallons, etc.)	Condition (Excellent, Good, Fair, Poor)	Estimated Percent of Capacity (%)	Pending Repairs or Improvements (Within 2 years, 2 to 5 years, Beyond 5 years)	Replacement Scheduled (Within 2 years, 2 to 5 years, Beyond 5 years)	New Facilities Planned (Within 2 years, 2 to 5 years, Beyond 5 years)
Recycling Facilities	Town provides transfer site. Contract out recycling.			None	None	None known
Parks	See Below	Excellent	10%	Park Shelter within 20 years in the Town Park.	None	None known
Telecommunication Facilities	None			None	None	None known
Power Plants and Transmission Lines	No Power Plants. Transmission lines owned by ATC			None	None	None known
Cemeteries	Storytown cemetery.			Adding more land and parking, 2 to 5 years	None	None known

### III. Overall Goals and Objectives for Agricultural Preservation

#### A. Preserving prime agricultural lands

1. *Limit non-farm related uses in agricultural preservation areas.*
  - a) Discourage unplanned development in agricultural preservation areas by guiding new development in the Town to planned development areas.
  - b) Establish criteria for considering changes to parcels with agricultural preservation status.
  - c) Establish criteria to evaluate requests to change a parcel's designation from being included in an Agricultural Preservation Area to a Rural Development Area.

#### B. Managing urban growth

1. *Goals and Objectives*
  - a) *Discourage unplanned development by guiding new development in the Town to planned development areas.*
    - (1) *Encourage the protection of the most productive agricultural lands in the Town by guiding non-farm development to areas of the Township that do not have a history of agricultural production.*
    - (2) *Protect and enhance the unique rural character of the Town by establishing and enforcing maximum density standards for non-farm development in appropriately planned areas, as well*

*as enforcing design standards that require high-quality designs for all new commercial, industrial, institutional development in the community.*

*(3) Work to establish special zoning standards that are designed specifically to address the unique needs and concerns of the Town of Oregon with respect to land use, site design, availability of water and sewer services, stormwater management and erosion control, and transportation.*

*(4) Allow only a strictly limited amount of planned, high-quality non-farm commercial development, in appropriately planned areas of the Town.*

## **2. County and Regional Programs**

### **a) Urban Service Areas**

First introduced in the 1973 *Dane County Land Use Plan*, Urban Service Areas represent those areas in and around existing communities most suitable to accommodate urban development. Urban services include public water supply and distribution systems, sanitary sewerage systems, police and fire protection, solid waste collection, urban storm drainage systems, streets with curbs and gutters, street lighting, neighborhood facilities such as parks and schools, and urban transportation facilities such as sidewalks, taxi service and mass transit. As described in the *Dane County Water Quality Plan*, Urban Service Areas also serve as the county's sewer service areas for areawide water quality management planning under NR 121, Wisconsin Administrative Code.

### **b) County Zoning**

In Dane County, all towns have chosen to adopt the county's zoning ordinance (Chapter 10, Dane County Code), which, in turn, is adopted under Section 59.69 of the Wisconsin Statutes. The Dane County Zoning Ordinance applies in unincorporated areas of Dane County. Incorporated municipalities administer their own ordinances. The Dane County Zoning Ordinance divides the unincorporated areas of Dane County into 21 zoning districts, each with a different combination of permitted and conditional uses, lot sizes and setback requirements. (See table on next page for a summary of districts and permitted uses.) The Zoning Ordinance includes two components:

- the zoning map, which shows which districts apply in particular portions of the county, and;
- the ordinance text, which establishes the permitted uses and other standards for each district.

Landowners, town boards or county board supervisors may petition the county board to rezone property from one zoning district to another. Section 59.69 of the state statutes provides for a shared-power system between town and county government. Affected town boards, the county board and the county executive must all approve any rezone petition or ordinance text amendment before it can go into effect. Section 10.255(3)(a) of the Dane County Code grants the county board authority to impose conditions, enforced through deed restriction or restrictive covenant, on rezone petitions.

The Dane County Zoning Ordinance also contains the Dane County Exclusive Agricultural Zoning Ordinance (s.10.123, Dane County Code), adopted under Subchapter V of Chapter 91, Wis. Stats. Twenty-nine towns have adopted the county exclusive agricultural zoning ordinance, which prohibits residential development except for farm owners or operators. Rezones from the A-1(exclusive agriculture) zoning district must meet the requirements of s. 91.77, Wis. Stats., and the *Dane County Farmland Preservation Plan*.

Subchapter II of Chapter 10, Dane County Code, regulates signs and billboards. Standards vary depending on the type of sign and the applicable zoning district.

Under state law, the Dane County Zoning Administrator (who heads the Zoning Division of the Department of Planning and Development) is responsible for ordinance interpretation, issuance of

permits and enforcement and investigation of ordinance violations. Decisions of the Zoning Administrator may be appealed to the Dane County Board of Adjustment, which also reviews applications for variances from ordinance standards. The Zoning and Land Regulations Committee approves Conditional Use Permits, subject to standards [s.10.255(2)(h), Dane County Code] designed to prevent negative impacts to public safety, neighboring uses, orderly development, infrastructure or traffic.

*(1) County Land Division*

The Dane County Land Division and Subdivision Ordinance (Chapter 75, Dane County Code) regulates the division of land in unincorporated Dane County. Any division of land that creates a parcel smaller than 35 acres in area requires the recording of a Certified Survey Map with the Dane County Register of Deeds. Creation of five or more lots of less than 35 acres in area within any five year period requires recording of a preliminary and final subdivision plat. The ordinance also includes minimum standards for road frontage, street layout and other requirements.

The land division ordinance is administered by the Plat Review Officer, part of the county Zoning Division. Certified Survey Maps are approved administratively by the Plat Review Officer. The Zoning and Land Regulations Committee approves subdivision plats and also considers variances from land division ordinance standards.

*(2) Other County Land Use Ordinances*

The Zoning Division of the Dane County Department of Planning and Development is also responsible for enforcement and administration of the following:

- Shoreland and Wetland Zoning Ordinance(Chapter 11, Dane County Code), except for shoreland erosion control provisions described in s. 11.05.
- Floodplain Zoning (Chapter 17, Dane County Code).
- Non-Metallic Mining Ordinance (Chapter 74, Dane County Code). Provides for reclamation standards to meet the requirements of NR 135, Wisconsin Administrative Code.
- Airport Height Regulations (Chapter 78, Dane County Code). This ordinance requires permits and limits heights of structures in the flight path of the Dane County Regional Airport to ensure safe take off and landing areas.

The Land Conservation Division of the Dane County Land and Water Resources Department enforces the following ordinances:

- Manure Storage Ordinance (Chapter 14, Subchapter I, Dane County Code).
- Erosion Control and Stormwater Ordinance (Chapter 14, Subchapter II, Dane County Code).

*c. Providing public facilities and managing demands on them*

1. *Ensure new development in the Town does not overburden the Town's ability to provide cost effective municipal services to Town residents.*
- a) Encourage the protection of the traffic carrying capacity of the Town's transportation system.
- b) Encourage intergovernmental cooperation with surrounding communities with respect to land use, utilities, emergency services, and transportation facilities.

## D. *Protecting significant natural resources, open space, and scenic, historic or architectural areas*

### 1. *Goals and Objectives*

- a) *Protect environmentally sensitive areas in the Town through the regulation of land use, density and lot size of proposed development.*

(1) *Require that impacts to the environment be considered in the evaluation of any development.*

- b) *Provide and maintain outdoor recreation areas as well as natural preservation areas within the Town.*

(2) *Maintain and enhance the existing park facilities within the Town.*

(3) *Identify and plan for opportunities for potential new park locations or open space corridors within the Town.*

(4) *Encourage the protection of resource protection areas and other sensitive environmental features from development.*

### 2. *County Natural Resource Programs*

#### a) *Land Acquisition*

The Land Acquisition Division of the Dane County Land and Water Resources Department preserves, protects and acquires historical, archeological and natural resource lands for the protection, use, benefit, restoration and enjoyment of Dane County citizens and visitors. The Division also administers the County's land acquisition and grant programs, including the Dane County Conservation Fund.

The *Dane County Parks and Open Space Plan* seeks to identify significant cultural, historical, and natural resources that should be considered for possible protection, preservation or restoration over the next five years. The plan also seeks to identify countywide recreation needs and Dane County's role in providing facilities to meet anticipated demands.

#### b) *Environmental and Open Space Corridors*

Environmental Corridors are contiguous systems of open space in urban and urbanizing areas, that include environmentally sensitive lands and natural resources requiring protection from disturbance and development, and lands needed for open space and recreational use. Open Space Corridors are more generally mapped systems of interconnected environmentally sensitive lands, typically associated with water features, throughout rural Dane County. All towns, cities and villages have adopted policies to protect environmental and open space corridors that are incorporated into the *Dane County Comprehensive Plan*.

#### c) *Grassland, Woodland, Wetland and Wildlife Habitat Management and Restoration*

Dane County operates a number of programs to assist urban and rural landowners with ecological management and stewardship of natural resources on their property, including:

- County incentives, cost-sharing and technical assistance strategies administered by the Land & Water Resources Department;
- Dane County University of Wisconsin Extension's Community, Natural Resources and Economic Development (CNRED) and Horticulture programs, and;
- The Dane County Tree Board.

d) *Water Resources Protection*

Dane County administers a variety of programs designed to protect surface and groundwater resources, including:

- Shoreland and wetland zoning under s.59.692, Wis. Stats;
- Floodplain zoning under s. 59.694, and Chapter 87, Wis. Stats.;
- Dane County Lakes and Watershed Commission activities under Chapter 33, Subchapter V, Wis. Stats., including countywide stormwater and erosion control standards, phosphorus fertilizer regulation and slow-no wake zones on Madison area lakes.
- Soil, water and habitat conservation activities under the *Land and Water Resource Management Plan*.

The Capital Area Regional Planning Commission (CARPC) is the designated water quality planning agency for the Dane County region. Water quality protection policies applicable to all communities within Dane County borders are contained in the *Dane County Water Quality Plan*, which is also incorporated into the *Dane County Comprehensive Plan*.

E. *Conserving soil and water resources of the state*

1. *Dane County Land & Water Management Plan*

The Town of Oregon participates in farm conservation programs operated by the Dane County Land & Water Resources Department, under the provisions of the *Dane County Land & Water Resource Plan*. Through Wisconsin Act 27 (1997-1999 Biennial Budget Bill), Chapter 92.10 of the Wisconsin Statutes was amended creating a county land and water resource management planning program. The idea behind the program is to have a locally led process to protect Wisconsin's land and water resources. The Dane County Land and Water Resource Management Plan, adopted and approved in 1999, is intended to complement existing plans and programs to address soil and water quality concerns. It emphasizes cooperation and coordination among various federal, state and local partners as well as available funding sources. Examples include the federal Conservation Reserve Program (CRP), Environmental Quality and Incentive Program (EQIP), and the Wetlands Reserve Program (WRP) to help improve wildlife habitat on private property; as well as state River and Lake Planning and Protection grants, and Targeted Runoff Management (TRM) projects funded through DNR. It is an action and implementation plan that builds on the Dane County Land Conservation Committee's (LCC's) and Department's (LCD's) strengths of conservation planning, information and education, technical assistance, and program administration. It relies on various and diverse interests acting together to effectively protect and enhance Dane County's natural resources.

The Land Conservation Division of the Dane County Land and Water Resources Department utilizes a number of different programs to help achieve both urban and rural conservation goals in Dane County. (See "Land and Water Management Plan" in Chapter 5: Agricultural, Natural and Cultural Resources.) Service recipients are evaluated on their overall conservation needs by the LCD staff with the merits of each program discussed with the landowner prior to entering into a formal agreement with the landowner. More information about Dane County's soil and water conservation program can be found in the *Dane County Land and Water Resource Management Plan*.

2. *Manure Storage and Management*

Manure storage and management is regulated through Chapter 14, Subchapter I, of the Dane County Code of Ordinances. The Ordinance regulates earthen manure storage facilities. A permit is required from the Dane County Land Conservation Division prior to beginning construction of the proposed facility. The proposed Manure Storage Facility Plan is reviewed by the Dane County LCD for compliance with the technical requirements of the Ordinance, and Manure Storage and Animal Waste Standards developed by the NRCS. Chapter 14, Subchapter I, Dane County Code also requires conservation plans for farms with manure storage

facilities and regulates the winter spreading of liquid manure. Ordinance provisions are designed to ensure compliance with the nonpoint pollution standards of NR 151, Wisconsin Administrative Code.

### **3. *Dane County University of Wisconsin Extension (UWEX)***

Under Chapter 59.87 of the Wisconsin Statutes, Dane County University of Wisconsin Extension serves as the official community outreach arm of the University of Wisconsin, and makes available the educational resources of the University system to county residents who are not primarily campus students. The Dane County Extension Office's Agriculture Agents provide agriculture research information to farmers, agri-business people, home gardeners and families. They work to:

- Improve crops and soils management;
- Build management skills in dairy and livestock producers;
- Supply commercial and home horticulture information;
- Provide water quality and natural resources education, and;
- Improve farm financial management skills.

## **F. *Regulating Wastewater Disposal***

### **1. *Sanitary Sewer Service***<sup>5</sup>

The *Dane County Water Quality Plan*, an areawide water quality plan adopted under NR 121, Wisconsin Administrative Code, limits public sewer service to designated Urban Service Areas or Limited Service Areas. Urban service areas (USAs) are those areas in and around existing communities that are most suitable for urban development and capable of being provided with a full range of urban services. Limited service areas (LSAs) are those where only one or a few urban services are to be provided to special or unique areas, and additional urban development is not anticipated. Local communities cooperate with the Capital Area Regional Planning Commission and the Wisconsin Department of Natural Resources in delineating and revising boundaries of urban service areas.

On May 2, 2007, Governor James Doyle signed Executive Order #197, which created the Capital Area Regional Planning Commission (CARPC) and charged it with adopting, updating and maintaining the *Dane County Water Quality Plan*. The Executive Order incorporates community resolutions (including Dane County Board Resolution 52, 2006-2007, see *Volume III*) supporting the CARPC and describing its charge. In developing the *Dane County Water Quality Plan*, the CARPC must;

- a) comply with all requirements of NR 121, Wisconsin Administrative Code;
- b) give priority to areas of the highest environmental sensitivity and growth pressure, including:
  - all communities within the Central Urban Service Area;
  - all communities within the Northern Urban Service Area;
  - all urban service areas with a year 2000 Census population of 3,000 or more, and;
  - the Black Earth Urban Service Area.

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<sup>5</sup> 2005 *Regional Trends Report*, Community Analysis and Planning Division (now the Capital Area Regional Planning Commission).  
[http://danedocs.countyofdane.com/webdocs/PDF/capd/2005\\_trends\\_web.pdf](http://danedocs.countyofdane.com/webdocs/PDF/capd/2005_trends_web.pdf)

- c) consider other factors including the impacts on natural and built systems, the efficient use of land including urban densities, and the ability to efficiently provide services to support the development and farmland preservation planning.

The Capital Area Regional Planning Commission also has responsibility for reviewing public wastewater treatment facility design and expansions to make sure they are adequately sized and capable of meeting water quality standards for their respective service areas.

Between 1986 and 2005, 247 amendments to urban and limited service areas were approved, adding a total of 17,007 acres to new development over ten years.

## ***2. Private Onsite Wastewater Treatment Systems***

The Public Health agency of Madison and Dane County (PHMDC) conducts onsite evaluations of proposed onsite wastewater treatment system sites and soils, and enforces compliance with Chapter 46, Dane County Code and Chapter COMM 83, Wisconsin Administrative Code. County sanitarians review and approve plans, issue permits and conduct final inspections for all onsite wastewater treatment systems countywide. All installed systems are inspected every three years to ensure they continue to function as originally designed. The PHMDC also administers the Wisconsin Fund grant program, which partially reimburses eligible residents for replacement or repair of a failing septic systems.

## Part Two: Policies for the Town of Oregon

### I. Areas Eligible for Farmland Preservation Tax Credits

#### A. Agricultural Preservation Areas

##### 1. Purpose:

The purpose of the Agricultural Preservation Area category is to:

- Encourage preservation of productive agricultural land for food and fiber production;
- Encourage preservation of productive farms by preventing land use conflicts.
- Maintain a viable agricultural base to support agricultural processing and service industries;
- Reduce costs involved with provision of services by limiting scattered non-farm development;
- Pace and shape urban growth;
- Implement the provisions of the County agricultural plan when adopted and periodically revised;
- Encourage local agriculture and accessory uses that are compatible with neighboring land uses, and beneficial to the local economy.
- Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Section 71.09 (11) of Wisconsin Statutes.

##### 2. Description and Rationale for Designation:

Areas designated as Agricultural Preservation Areas in the Dane County Farmland Preservation Plan: Town of Oregon Map include:

- Those areas with productive farm operations including lands historically exhibiting good crop yields or capable of such yields;
- Lands which have demonstrated to be productive for dairying, livestock raising, and grazing;
- Other lands which are integral parts of farm operations;
- Land uses for the production of specialty crops such as trees, sod, fruits and vegetables;
- Lands that are capable of productive use through economically feasible improvements such as irrigation.

Mineral Extraction uses must be within an agriculturally planned and zoned area to be considered for approval and must be restored to agricultural use, according to s. 91.75(9), Wis. Stats.

##### 3. Policies:

Within areas shown as Agricultural Preservation Areas in the Dane County Farmland Preservation Plan: Town of Oregon Map, the following policies apply:

#### a) Proportion of Total Agricultural Preservation Area

Total area of parcels rezoned from exclusive agricultural zoning to other zoning shall be minimized.

**b) Non-Farm Residential Uses**

Non-farm residential development within Agricultural Preservation Areas will only be considered if they minimize impacts to local agriculture and are consistent with agricultural use as defined s.91.01(10), Wis. Stats.

**c) Appropriate Zoning Districts**

A-1 (exclusive), as defined by the Dane County Zoning Ordinance (Chapter 10, Dane County Code), for lands in agricultural use and on zoning parcels of at least 35 acres in size. A-2, A-4 (if adopted) or RH categories for other uses permitted per density and other policies described in this section. All rezones out of the A-1 (exclusive agriculture) or A-3 (transitional agriculture) districts must comply with the policies below and with Section 91.77, Wisconsin Statutes.

**d) Lot Size and Density Standards for Qualified Residential Uses**

Establish and enforce lot size and density standards for residential development in “Agricultural Preservation Areas.”

*(1) Density Policy for Agricultural Preservation Areas*

Any eligible residential use in an agricultural preservation area must be one residential housing unit per thirty-five (35) acres of buildable land. Development within this category shall not exceed a density of one dwelling unit per 35 acres of contiguous land owned, unless existing splits are available (See d below). If existing splits are available, limited rezoning for higher density uses utilizing those available splits in conjunction with permanent preservation of the area of the remaining parcel may be permitted.

- a. Proposed individual single-family homes in agricultural preservation areas must comply with the applicable zoning codes (e.g. Dane County) and Town ordinances.
- b. Wetlands, floodplains, and steep slopes (greater than 12%) shall be included in the calculation of buildable land, and shall be counted in the density calculation of a proposed development.
- c. Associated right-of-way shall be included in the determination of total acreage and density calculation for parcels.
- d. Substandard parcels (i.e. smaller than 35 acres) may be allowed a maximum of one dwelling per parcel if that parcel was vacant (i.e. has no dwelling unit) at the time of adoption of exclusive agricultural zoning in the Town (December 1994).
- e. Separation of farm dwellings and related structures which remain after farm consolidation may be allowed subject to the other policies of this category, and are not counted as a split against the parcel.

*(2) Design Standards*

Establish and enforce design standards for residential development in agricultural preservation areas. Lots in this category shall be laid out, to the greatest extent feasible, to achieve the following objectives (The Town and County boards reserve the right to deny land use petitions in this category where more could be done to achieve these objectives):

- a. Septic Suitability – Adequate soils must be present to allow for design and construction of septic systems, including permitted alternative designs, and a back up site.
- b. Productive Agricultural Soils – Lots and buildings should be configured to be located on the least productive soils.
- c. Scenic Viewsheds – Building sites should be located in a manner as to not block or disturb scenic vistas as seen from public rights-of-way.

- d.. Lighting – All residential uses shall have lighting in compliance with local ordinances. Lighting shall not negatively impact neighboring properties or nighttime views of stars.
- e. Compatibility with Neighboring Uses – Potential for land use conflicts with existing uses (including agricultural uses) should be mitigated on the proposed building site.
- f. Mitigation Strategies – Buffering, landscaping, fencing, setbacks from parcel boundaries, and consideration of general lot/building location shall be required on non-agricultural land uses that abut active farm operations to sufficiently reduce the potential for nuisance complaints that could limit agricultural practices.
- g. Prohibition Against/Setback from Livestock Confinement Areas – No non-farm residential development shall be permitted within 500 feet of any 300 animal unit livestock confinement structure.

### *(3) Siting of Driveways and New Public Roadways*

New private driveways or roads shall be discouraged from crossing productive agricultural lands or cutting them in half, except when aligned along lot lines, fences, field roads, or appropriate natural features.

## **B. Transition Areas**

### **1. Purpose:**

Transition areas, as shown in the Dane County Farmland Preservation Plan: Town of Oregon Map, are areas that are currently in predominantly agricultural use, but which adopted town, county and municipal comprehensive plans identify for future development. The purpose of these areas is to:

- Provide suitable land for needed housing while avoiding negative impacts to ongoing agricultural operations.
- Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Section 71.58(3) of Wisconsin Statutes until such time as they are ready for conversion to non-agricultural use;
- Encourage the protection and enhancement of the rural character and open spaces of the Town by establishing and enforcing development standards for non-farm, residential development.
- Provide for efficient, compact development that protects natural and agricultural resources.
- Provide for an orderly, predictable transition from agricultural to other use.

### **4. Description and Rationale for Designation**

Transition Areas include properties currently in agricultural use, but identified for future growth by the Town of Oregon, Dane County, the Village of Oregon, or the Village of Brooklyn for transition to non-agricultural use within 20 years.

Of the 2,545 acres identified as Transition Area for the Town of Oregon in the *Dane County Farmland Preservation Plan*:

- 1,582 acres are associated with planned Village of Oregon nonfarm development;
- 0 acres are associated with planned Village of Brooklyn nonfarm development, and;
- 963 acres area associated with planned Town of Oregon nonfarm development.

All adopted comprehensive plans for this area are based on Wisconsin Department of Administration population growth projections. Transition areas are sized to accommodate anticipated growth, based on residential densities permitted under applicable comprehensive plans. Under state law, counties must adopt comprehensive plans of incorporated cities and villages without change as part of county comprehensive plans. State statute also requires that county farmland preservation plans must be consistent with adopted comprehensive plans. Note that the *Dane County Farmland Preservation Plan* does not determine whether Transition Areas will develop under the continued zoning jurisdiction of the Town of Oregon and Dane County, or whether they will be annexed to either the Village of Oregon or the Village of Brooklyn.

a) Projected Residential Land Demand for the Village of Oregon

The *Village of Oregon Comprehensive Plan* includes growth areas to provide sufficient additional land within in the Village to accommodate projected residential growth into the year 2035, and associated industrial and commercial growth into the year 2040.

**Table 11: Projected Potential Residential Land Use Demand**

<b>Additional Potential Residential Dwelling Units Projected</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Number of projected additional dwellings	3,518	4,223	5,051	6,017	7,169	8,473	10,015
Number of projected additional acres	1,141	1,370	1,638	1,952	2,325	2,748	3,248

Source: Vandewalle & Associates

b) Projected Residential Land Demand for the Village of Brooklyn

The *Village of Brooklyn Comprehensive Plan* calls for all future growth to occur south of the Dane County line.

c) Projected Residential Land Demand for the Town of Oregon

Between 2000 and 2025, the Town of Oregon is projected to add 483 new homes, based on Wisconsin Department of Administration household projections. Adopted town and county comprehensive plans require a minimum lot size of two acres for rural development in the Town of Oregon, resulting in a projected demand for residential land use of 966 additional acres by 2025.

5. *Policies*

Properties within Transition Areas, as shown in the Dane County Farmland Preservation Plan: Town of Oregon Map, are subject to the following policies:

a) Appropriate Zoning Districts

A-3 (transitional agriculture), as defined by the Dane County Zoning Ordinance (Chapter 10, Dane County Code), for lands in agricultural use and on zoning parcels of over 35 acres in size. A-2 or RH categories for other uses permitted per density and other policies described in this section. Zoning for areas annexed to the Village of Oregon or the Village of Brooklyn will be determined by the applicable municipal comprehensive plans. All rezones out of the A-1 (exclusive agriculture) or A-3 (transitional agriculture) districts must comply with the policies below and with Section 91.77, Wisconsin Statutes.

**b) Properties Developed with Urban Services**

Any development annexed to the Village of Oregon or the Village of Brooklyn and provided with full urban services shall comply with all applicable requirements of the *Dane County Water Quality Plan*, the *Village of Oregon Comprehensive Plan*, the *Village of Brooklyn Comprehensive Plan* and the *Dane County Comprehensive Plan*.

**c) Properties Developed without Urban Services**

Any development under town and county zoning jurisdiction developed without urban services shall comply with all policies, including residential density standards, of Agricultural Preservation Areas.

**II. Other Areas Not Eligible for Farmland Preservation Tax Credits**

**A. Existing Non-Agricultural Development Areas**

**1. Purpose**

The purposes of the Existing Non-Agricultural Development Area are to:

- accommodate existing development created prior to the adoption of current farmland preservation policies;
- manage redevelopment and limit growth to avoid minimize the need for additional public services and avoid conflicts with surrounding land uses, and;
- mitigate potential impacts on surrounding agricultural areas.

**2. Description and Rationale for Designation**

The Existing Non-Agricultural Development Areas include areas where:

- Existing or planned activities are incompatible with agricultural use;
- The area is not economically viable for agricultural use, and
- Maintenance of the area in agricultural use is not consistent with the goals and objectives of the *Dane County Farmland Preservation Plan* and the *Dane County Comprehensive Plan*.

**3. Policies**

**a) Appropriate Zoning Districts**

R-1, R-1A, R-2, R-3, R-3A, R-4, RH-1, RH-2, RH-3, RH-4, RE-1, and CO-1 as defined by the Dane County Zoning Ordinance. Residential uses must comply with the applicable zoning codes (e.g. Dane County) and Town ordinances.

**b) Minimum Lot Size**

The minimum lot size to be required is at least 2 acres, or as defined by the applicable standards of the appropriate zoning category.

**c) Overall Density of Development**

Do not allow high residential density development such as duplexes, condos, and multifamily nits within the unincorporated areas of the Town of Oregon.

#### d) Neighborhood Plans

At the town's ~~or county boards'~~ discretion, a neighborhood plan may be required prior to the approval of a proposed development. The neighborhood plan will establish design guidelines for the designated area and will be adopted as a future amendment to the *Town of Oregon Comprehensive Plan* and the *Dane County Comprehensive Plan*. If required by the Town ~~or County~~ Boards, a neighborhood plan shall include the following information for the planning area, as defined by the Town ~~or County~~ boards:

- Existing parcel boundaries, with owner name and size of parcel identified in acres.
- Overview of existing land use and zoning
- Existing wetlands, floodplains, natural areas, environmental corridors, and steep slopes greater than 12%.
- Existing buildings, structures and infrastructure.
- Existing streets, roads, driveways and trails.
- Aerial photo.
- Proposed parcel boundaries, and size in acres, as well as proposed building sites in square feet.
- Proposed land use and zoning
- Proposed buildings, structures and infrastructure
- Proposed streets, roads, driveways and trails
- Proposed open spaces or corridors
- Other requirements requested by the Town ~~or County~~.

#### 8.e) *Other Development or Redevelopment Opportunities*

~~Development within Existing Non-Agricultural Development Areas that does not meet the criteria above shall be subject to the density standards of Agricultural Preservation Areas. Until a neighborhood plan is adopted, the County Board shall continue to apply the density standards of Agricultural Preservation Areas.~~

## Part Three: Implementation and Administration

### I. Inconsistencies Between County Farmland Preservation Plan and Exclusive Agricultural and Transitional Agricultural Zoning:

#### A. *Description:*

The Dane County Farmland Preservation Plan: Town of Oregon Map shows areas with older subdivisions and other legally created parcels of land, all smaller than 35 acres in area, that were created prior to 1994 (when the Town of Oregon adopted the county's exclusive agricultural and transitional agriculture zoning ordinances). Such properties:

- typically include pre-existing residences, as defined in s. 91.75, Wis. Stats.;
- may be treated as legal, nonconforming zoning parcels under ss. 10.123(9)(a) and 10.16(3)(a), Dane County Code, and
- are not eligible for farmland preservation tax credits under s. 71.58(3), Wis. Stats.

#### B. *Policies:*

1. Substandard parcels in the A-1(exclusive) and A-3 (transitional) zoning districts may be allowed a maximum of one dwelling per parcel if that parcel was vacant (i.e. has no dwelling unit) at the time of adoption of exclusive agricultural zoning in the Town (December 1994).
2. The Dane County Farmland Preservation Plan: Town of Oregon Map identifies parcels, totaling acres, within Agricultural Preservation and Transition Areas that are either:
  - a) in the A-1(exclusive agriculture) zoning district, but are planned for Transitional Agriculture or non farmland areas;
  - b) in the A-3(transitional agriculture) zoning district, but are planned for Agricultural Preservation, or
  - c) legally created, nonconforming A-1(ex) or A-3 zoned parcels that do not meet the minimum lot size requirement of 35 acres.
3. Once this amendment is adopted as part of the Dane County Farmland Preservation Plan, Dane County and the Town of Oregon will work to complete "blanket" rezone petitions, to rezone these parcels to appropriate zoning districts, based on their category in the Dane County Farmland Preservation Plan: Town of Oregon Map.

### II. Consistency with Municipal Plans

Adopted county, town, city and village goals and objectives related to farmland preservation, open space protection or community separation occasionally conflict with either planned or unplanned urban, suburban or rural growth. To date, countywide methods for resolving such conflicts have included:

- working to revise Urban Service Area approval standards to take agricultural preservation issues into account, and;
- intergovernmental participation in the Dane County Parks and Open Space Plan, particularly the county Conservation Grant program.

### **A. Resolving Inconsistencies or Conflicts**

Any inconsistencies or conflicts that arise between county, town and incorporated municipal plans will be resolved through the following procedures.

1. Dane County should follow, and make sure communities and other units of government have access to, a complete range of options to resolve intergovernmental conflicts. Where necessary, Dane County should provide resources to assist communities in resolving conflict. Options should include:

- A. Informal networking and discussion among public employees, commission members and elected officials of various units of government;
- B. Participation in municipal, county and state hearings, meetings and other ongoing public participation activities;
- C. Representation and full, open debate on the County Board of Supervisors, county committees, commissions and task forces;
- D. Unassisted and assisted negotiation, mediation and facilitation services;
- E. Permanent regional entities that are representative of multiple communities;
- F. Cooperative planning, cost-sharing and formal intergovernmental agreements, and;
- G. Litigation, as a last resort, only after other means of resolving conflicts have been exhausted.

2. Explore opportunities and develop capacity for facilitation, mediation or arbitration services to help resolve intergovernmental conflicts or to assist communities in negotiations. Consider circumstances where Dane County can play an intermediary role, and where third-party assistance may be necessary.

### **B. Consistency with Other County, Regional and Municipal Adopted Plans**

The *Town of Oregon* amendment to the *Dane County Farmland Preservation Plan* has been reviewed against the following plans and found to be consistent with the following:

- All transportation plans or other plans adopted by Dane County including land use plans;
- All area-wide water quality management plans approved under NR 121, Wis. Administrative Code;
- All municipal plans adopted by municipalities within Dane County which comply with ss.91.55 and 91.57, Wis. Stats.;
- All cooperative municipal boundary plans approved under 66.0307, Wis. Stats.;
- All plans for the region prepared by a regional planning commission under s. 66.0309, Wis. Stats.;
- All comprehensive plans prepared under s. 66.1001, Wis. Stats.

The *Town of Oregon* amendment to the *Dane County Farmland Preservation Plan* has also been reviewed against, and found to be consistent with, the *Dane County Comprehensive Plan*, which serves as the general development plan for Dane County under s. 59.69, Wis. Stats. All agricultural preservation areas have been reviewed and found to be at least 100 contiguous acres, in some cases including lands in adjoining townships, as required in Chapter 91.

### C. Strategies to Maintain Consistency

Dane County and the Town of Oregon will employ several strategies to ensure that future decisions are made in a manner consistent with the *Town of Oregon Comprehensive Plan* and the *Dane County Farmland Preservation Plan*.

#### 1. *Town of Oregon Strategies*

##### a) Maintain and amend local ordinances and procedures where appropriate to address new objectives and policies of the Town of Oregon.

- *Coordinate on Updates to the Dane County Zoning Ordinance and Land Use Plan* – Continue to work with Dane County to update the County Zoning Ordinance and Land Use Plan (including sign requirements) as necessary to ensure maximum applicability to the Town.
- *Maintain and Enforce the Town Driveway Ordinance* – Maintain the Town’s driveway ordinance to ensure that residents have safe access to local roads and emergency vehicles have adequate access to developed parcels.
- *Implementation of a Conservation Subdivision Ordinance* – Establish subdivision ordinance that allows for the development of higher density subdivisions while encouraging the preservation of open space.
- *Coordinate on the Enforcement of Stormwater Management Regulations* – Work with Dane County Land Conservation to assist in the enforcement of the Dane County Stormwater Management and Erosion Control ordinance as necessary.
- *Town Discretion Over Unanticipated Land Use Decisions* – To the extent allowed by law, the Town of Oregon preserves its discretion in evaluating unanticipated land use proposal scenarios not specifically addressed in this plan. The three primary alternative courses of action are:
  - The Town Plan Committee and Town Board may offer a recommendation or decision based on the key premises listed in this plan by applying them to the question at hand.
  - The Town may also amend this plan through the procedures identified herein to address whatever unanticipated land use proposal has been put forth.
  - Deny the request as it is not listed as an approved land use scenario in the Town Plan.

##### b) Update the Town’s development review procedure, fees, and requirements.

- *Advance Submittal Requirement* – Require all land divisions, subdivisions, re-zonings, and conditional use permits to have submitted a complete packet of materials as required by the Town at least **14** days in advance of the meeting date.
- *Agenda Requirement* – Any item that requires action must have been posted on the published meeting agenda.
- *Completeness of Submittal* – Incomplete materials may result in removal of the item from the Plan Committee or Town Board agenda. Exemptions from this policy will only be considered in emergency situations.
- *Pre-Development Agreements* – Prior to review of any development presented to the Town, the petitioner must enter into a predevelopment agreement with the Town. This agreement will include the rates to be charged for review by the Town engineer, attorney, planner or other professional technical assistance required by the review.

##### c) Actively pursue boundary agreements or similar joint planning efforts with the Village of Oregon, the Village of Brooklyn, and the City of Fitchburg.

- *Proposed Planning Scope with Oregon* – Work with the Village of Oregon to plan for specific land uses, utility service areas, public service boundaries, long-term growth boundaries, and annexation phasing.

- *Proposed Planning Scope with Brooklyn* – Within the next three years, work on a similar agreement with the Village of Brooklyn.
- *Proposed Planning Scope with Fitchburg* – Within the next three years, work on a similar agreement with the City of Fitchburg.

**d) Identify Adoption and Amendment Procedures for Town of Oregon component of the *Dane County Farmland Preservation Plan*.**

- *Review of Plan Document by Town Planner* – Require the Town Planner to conduct a review of the draft plan document prior to submittal to the Town Plan Committee to check for any identifiable inconsistencies, or at any other time the Town Plan Committee or Town Board requires clarification on a policy or issue in the plan.
- *Review of Plan Document by Town Plan Committee* – Require the Town Plan Committee to review a draft version of the proposed plan document and to identify any inconsistencies.
- *Review of Plan Document by Town Board* – Require the Town Board to review a draft version of the proposed plan document and to identify any inconsistencies.
- *Review of Plan Document by Public* – Request that members of the public who review the draft also check for any inconsistencies prior to adoption. Copies of the plan must also be provided to area mineral extraction operators.
- *Correction of Inconsistencies* – Should any inconsistencies be identified after the plan has been adopted, the Town Plan Committee and the Town Board shall utilize the amendment procedure identified in this plan to correct the inconsistency.

**2. *Dane County Strategies***

Incorporate and adopt the *Dane County Farmland Preservation Plan* (including all town-level amendments) into the *Dane County Comprehensive Plan*.

The following actions shall be consistent with the *Dane County Comprehensive Plan* (including component plans such as the *Dane County Farmland Preservation Plan*):

- (1) County subdivision regulation under s.236.45 or 236.46, Wis. Stats.
- (2) Zoning ordinances enacted or amended under s. 59.69, Wis. Stats.
- (3) Zoning of shoreland or wetlands under s. 59.692, Wis. Stats.
- (4) Other actions as required by law.

Periodically amend and update the *Dane County Comprehensive Plan* in compliance with s.66.1001, Wisconsin Statutes.

Periodically amend and update the *Dane County Farmland Preservation Plan* in compliance with Chapter 91, Wisconsin Statutes.

### III. Administrative items to be provided by Dane County Planning and Development

Dane County Planning & Development will provide the following for LWRB certification after the Town of Oregon plan amendment is adopted by Dane County Board of Supervisors as part of the *Dane County Farmland Preservation Plan*:

- A statement from the county clerk certifying that a copy of the plan or plan amendment was sent to the proper reviewing entities at least 60 days before the public hearing.
- A copy of any comments from any of the reviewing jurisdictions.
- A copy of the notice for public hearing held on the adoption the plan.
- A written statement from the Dane County Corporation Counsel that county attorneys have reviewed the plan amendment and found it to be in compliance with applicable municipal law under chapters 59 through 68, Wis. Stats.
- Documentation showing the parcels that have changed planning designation since the last plan was certified. This documentation should identify any land removed from areas previously designated as preservation or transition areas in the last certified plan. The documentation must also specify the reason that any land was removed from agricultural preservation or transition areas (based on findings that meet one or more of the conditions under s. 91.55(2), Wis. Stats). This documentation can be part of the plan package because the county board ultimately must make the findings for removal (per s. 91.55(2)). At this point too, any parcels that have been added to agricultural preservation should be noted, along with an indication as to how they meet the requirements for that designation.