

#### 4. Standards and Criteria for Development in Agricultural Preservation Districts Shown on Map 5:

1. All residential development that is located within the Agricultural Preservation District should be low density, and should be located in areas posing minimal conflict with agricultural uses. Residential development should be planned to minimize the impact on Group I or Group II soils that comprise large agricultural fields, unless there is no area on the subject property that is not classified as Group I or Group II soils. Factors regarding the location of residential development can be diverse and should be reviewed on a case-by-base basis. (One component of an analysis of alternative placements/layouts may include reviewing suitability for larger machinery, and the impact on the efficiency of farming practices for both the parcel being developed and the remaining area). It is the intent of the Town to continue to manage residential development, and the placement thereof, so farming practices will prevail in an efficient manner, while respecting the private property rights of the landowners.
2. New non-farm development shall be restricted to a maximum gross density of one dwelling unit per 35 contiguous acres owned as of October 26, 1978. This baseline date is when the Town of Deerfield adopted the A-1 Exclusive Agricultural Zoning District. The Town consistently has not counted a homestead existing as of the 26 October 1978 date as a "split" (a.k.a. dwelling unit) if it remains on a parcel of land greater than 35 acres. This is because the land containing the subject homestead is still zoned A-1 Exclusive.
3. As a guide to determine the total acreage under contiguous ownership on October 26, 1978, the Town will use (a) the acreage amount listed on the parcel's 1978 tax roll if available or the net acreage from Dane County's Geographic Information Systems (GIS) database, and (b) ownership information shown on the 1978 Land Atlas and Plat Book for Dane County published by Rockford Map Publishers, Inc.
4. For the purposes of this policy, the terms "contiguous acres owned" or "contiguous ownership" are defined as all parcels under single ownership as of October 26, 1978 which share a common boundary. Parcels in single ownership which are directly across public roads, public or rail right-of-ways, or easements, along with parcels that meet only at a corner, shall be considered contiguous.
5. When calculating the number of dwelling units permitted (or "splits"), the number of contiguous acres owned as of October 26, 1978, which must be at least 35 acres, will be divided by 35. If the result is a fraction greater than 0.80, the landowner can round up to the nearest whole number. Example: a landowner with 100 contiguous acres can get 3 "splits" ( $100/35 = 2.85$ ). A landowner with 95 contiguous acres is limited to 2 "splits" ( $95/35 = 2.71$ ).
6. The minimum new lot size in this district shall be 80,000 square feet. The Town recognizes the potential of great variance in lot size, which is tied to the particular attributes of the specific property, and to the overall concept the specific residential development is trying to achieve. Example: a narrow 15 acre parcel isolated from a larger field may make a quality horse farm operation. Example: a 14 acre wooded lot isolated from larger woods may be a more viable unit under one residential owner than split between a residential owner and a neighboring farmer.
7. No new residential development shall be allowed within an Open Space Corridor as shown on Map 5, or as may subsequently be adjusted through a detailed site analysis which more precisely locates the feature(s) which led to its mapping as an Open Space Corridor in the first place.
8. The maximum number of dwelling units on a parcel shall be calculated based on the land area in contiguous ownership as of October 26, 1978. (See above Item # 2 of this section). This means a change of ownership does not commence a new allotment of dwelling units. Conversely, the division of a 1978 parcel does not reduce the number of available splits. When portions of an October 26, 1978 parcel change ownership, a contract of sale stipulating the exact number of

- “splits” going to the purchased parcel and the exact number of “splits” staying with the remaining parcel should be prepared. Such a stipulation should be recorded with the Register of Deeds, and notice should be provided to the County Planning and Development. (Such a stipulation is encouraged to be prepared and recorded retroactively for past transactions, when possible.) If past transactions have not included this type of deed stipulation, the Town assumes that one “split” went with the purchased parcel if it exceeded 35 acres, two “splits” if it exceeded 70 acres, three “splits” if it exceeded 105 acres, etc.
9. Whenever a rezone results in reaching the maximum number of development sites available to the parcel under the density provisions in this “Standards and Criteria” section, the Town shall, as part of the rezoning, require that the balance of the contiguous lands of that specific 1978 parcel that remain under the ownership of the applicant requesting the final development site be deed restricted to prevent further development.
  10. One non-farm residence (or one non-farm, non-residential use permitted in the A-1 Exclusive zoning district) shall be allowed on all parcels which were vacant and less than 35 acres in size (i.e., substandard lots) at the time the Town adopted A-1 Exclusive Agriculture zoning (October 26, 1978). The division of substandard lots is prohibited.
  11. Any land sold to a public agency (e.g., Wisconsin Department of Natural Resources, Dane County Parks, Wisconsin Department of Transportation) after 1978 will not be subtracted from October 26, 1978 parcel size when calculating the maximum number of dwelling units permitted, unless a contract of sale stipulates the exact number of “splits” going to the purchased parcel and the exact number of “splits” staying with the remaining parcel. Such a stipulation should be recorded with the Register of Deeds and notice should be provided to the Dane County Planning and Development Department.
  12. If more than 35 acres of an October 26, 1978 contiguous ownership parcel is annexed into a city or village, the Town will subtract the annexed acreage from the original parcel total when calculating the maximum number of dwelling units (“splits”) permitted.
  13. If a landowner owned non-contiguous parcels in the Town as of October 26, 1978 and continues to own them at the time of the proposed rezone, that landowner may transfer allotted dwelling units from one parcel to the other if (a) the first parcel is more productive for farming, (b) the Town Board determines that such a transfer meets the spirit and policies of this *Comprehensive Plan*, and (c) a deed restriction will be placed on the parcel from which the dwelling units are transferred.
  14. Housing allowed within the A-1 Exclusive Agriculture zoning district will count toward the one dwelling unit per 35 acre density standard. This housing should be limited to housing for owners/operators and their immediate family members. An additional farm residence for parents or children of the farm operator may be allowed if the conditional use standards of the Exclusive Agriculture zoning district are met and if all Town policies are met. Farm-related housing shall occur on the least fertile soils for agricultural uses and in a manner which maximizes agricultural use of the remaining usable area.
  15. Because of its benefits to the local economy and tax base, any commercial or industrial development shall not count toward the one dwelling unit per 35 acre density standard, provided that the development is compatible with an agricultural setting, meets all policies applicable to the *General Business* planned land use category (see “Land Use” chapter), and does not require high water usage.
  16. The platting of subdivisions (5+ lots in a five year period, as further defined in the Dane County Subdivision Ordinance) in the mapped *Agricultural Preservation District* is not permitted, unless a landowner is exercising five or more of his or her allowed dwelling units. For example, a landowner with 175 acres in the *Agricultural Preservation District* is permitted to create five homesites

under the Town's density policy. These five lots may be clustered to one portion of the property so the remainder of the land can be used for farming. To create such a cluster, a subdivision plat would usually be required.

17. New non-agricultural development abutting active farm operations may be fenced, contain adequate setbacks, or otherwise be situated or screened in a manner that will help prevent nuisance complaints that could limit normal agricultural practices. As determined by the Town, the particular strategies will vary depending on the characteristics of the development, the topography and existing vegetation, the nature of the farm operation, and other factors. This use of one or more strategies will be particularly important where the farm operation includes a livestock confinement area that is near to the new development. The acknowledgement of the situation via a notation on the Certified Survey Map and/or a recorded document may be utilized in conjunction with, or in lieu of, the preceding strategies.
18. New private driveways or private roads that cross or bisect Group I or Group II work land should be aligned along property lines, fence lines, and/or appropriate natural features, or between fields. Such natural features may include waterways, swales, elevation changes, field work patterns/layouts, field road, and erosion control structures (or potential area for such structures). Fields are defined as a distinct area of workland as designated by the NRCS, by a soil/farm expert, or by established patterns of use. Impact of private driveway positioning may be analyzed in contrast to other possible development layouts. Private driveway length is not restricted, but longer driveways are subject to review/approval by the local emergency services. All driveways are subject to the Town's private driveway ordinance.
19. Utility extensions (electronic power lines, telephone lines, gas distribution lines) shall not cross farmlands in a manner than will disrupt farming activities.
20. Erosion control practices shall be encouraged in accordance with recommendations of the U.S. Natural Resource Conservation Service.
21. Mineral extraction operations may be permitted through a conditional use permit provided that they meet all policies and standards of the Town with regards to road usage, meet policies in the "Nonmetallic Mineral Resources" section below, and are compatible with surrounding uses of land.
22. See also the "Housing and Neighborhood Development" chapter for rural housing layout guidelines applicable in the *Agricultural Preservation District*.

### C. Agricultural Resource Recommendations and Programs

Farming is the Town's most significant land use and economic activity. To ensure that Deerfield remains a strong farming community, local farmers must be able to make a decent living, large blocks of farmland must be preserved, and non-farm land uses must be directed away from the Town's agricultural areas. This *Plan* seeks to achieve these important objectives.

This *Comprehensive Plan* updates the Town's 1993 Land Use Plan, which has served as a component of the Dane County Farmland Preservation Plan. The County's Farmland Preservation Plan, along with Exclusive Agriculture zoning, enables eligible farmers to participate in the state's Farmland Preservation tax credit program.

In addition to incorporating adopted town plans, the Dane County Farmland Preservation Plan also includes the following countywide policies:

- Maintain Dane County as one of the nation's most productive agricultural counties.
- Preserve agricultural land as a resource for current and future generations.
- Support preservation of the family farm.
- Maintain the rural character of Dane County towns.