

ORDINANCE 2013 - 01

AN ORDINANCE TO ADOPT AMENDMENTS TO THE COMPREHENSIVE PLAN OF
THE TOWN OF SPRINGFIELD, WISCONSIN.

The Town Board of the Town of Springfield, Wisconsin, does ordain as follows:

WHEREAS, the Town of Springfield is authorized to prepare and adopt a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

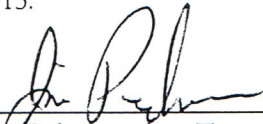
WHEREAS, the Town Board adopted the latest version of the Town of Springfield Comprehensive Plan on March 20, 2007, entitled "Town of Springfield Comprehensive Plan;" and

WHEREAS, the Plan Commission of Town of Springfield, by a majority vote of the entire Commission recorded in its official minutes, adopted on July 12, 2010 a resolution recommending to the Town Board the adoption of certain amendments to the Town's comprehensive plan as reflected in Exhibit 1; and

WHEREAS, the Town of Springfield has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes, and following such hearing considered the public comments made and the recommendations of the Town Plan Commission.

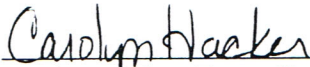
NOW, THEREFORE, the Town Board of Springfield, Wisconsin, does ordain that the text set forth in Exhibit 1 are hereby adopted as amendments to the Town's Comprehensive Plan pursuant to section 66.1001(4)(c) of Wisconsin Statutes.

Enacted this 5th day of February, 2013.



Jim Pulvermacher, Town Supervisor
(Chair of meeting at which ordinance adopted)

Attested By:



Carolyn Hacker, Town Clerk/Treasurer

EXHIBIT 1
AMENDMENTS TO MARCH 20, 2007 TOWN OF SPRINGFIELD
COMPREHENSIVE PLAN

Part One: Comprehensive Plan Amendments to Help Implement Town's Transfer of Development Rights Program

I. Page 27: Replace policy j (under Agricultural Goals, Objectives, Policies, and Programs) with the following policy statement:

- j. The Town has established a **voluntary Transfer of Development Rights (TDR) Program, with program criteria summarized in Appendix C and detailed in implementing TDR rules and procedures adopted and amended from time to time by the Town Board.** The Town will conduct a formal review of the goals and progress of its TDR program no later than [insert date five years after Town Board adoption of the comprehensive plan and ordinance changes that implement TDR program], and every five years thereafter, and may alter, augment, or repeal the program based on such reviews.

The TDR program specifies that developers of land in the Rural Development District, Agricultural Transition District, and certain parts of the Agricultural Preservation District ("TDR receiving areas" as described in Chapter Four) contribute to the conservation of land in the Agricultural Preservation District ("TDR sending areas") as part of the Town's overall farmland preservation, rural character preservation, and growth management strategy, unless such developers elect not to exceed "1 per 35" densities described elsewhere in this *Plan*. With this choice, the TDR program is voluntary to developers with TDR receiving areas. When reviewing subdivision plats or certified survey maps (CSMs) that would create new lots within the Rural Development District, Agricultural Transition District, and certain parts of the Agricultural Preservation District, where the number of proposed lots is above what a 1 dwelling unit per 35 acre standard would otherwise allow, the Town will require the developer to contribute to the permanent conservation of land elsewhere within the Agricultural Preservation District by:

1. **The developer acquiring development rights directly from a willing land owner(s) in the Agricultural Preservation District.** The required development rights transfer ratios and point systems shall be in accordance with adopted Town Board policy, within Appendix C and an implementing TDR rules and procedures document. The parcel in the Agricultural Preservation District must have at least the required number of unused development rights to transfer under the Town's density policy and density map, which is on file with the Town Clerk. The developer may consult with the Town Clerk or Plan Commission to learn about land owners in the Agricultural Preservation District who may be interested in selling development rights. The program is entirely voluntary for property owners within Agricultural Preservation Districts.
2. **The developer recording (or working with a land owner to record) an agricultural conservation easement on the appropriate "sending area" parcel in the Agricultural Preservation District, prior to the land being authorized for more intensive development under the TDR program than would otherwise be allowed.** An agricultural conservation easement is a legal agreement to permanently limit the use of the parcel to farming and open space uses. At times, the agricultural conservation easement may retain limited non-farm development (e.g., housing) options on the sending area property if to do so is consistent with the Town's "1 dwelling unit per 35 acres" policy and with the number of development rights that are transferred away from the property. The Town will require the recording of the agricultural

conservation easement as a condition of rezoning, plat, and/or CSM approval. The Town shall approve the format and language of the agricultural conservation easement, shall be designated as a holder of the easement, and shall be provided a copy of the recorded easement before the Town will authorize the recording of the plat or CSM and/or the construction of housing in the plat or CSM area. The agricultural conservation easement shall not be effective until the plat or certified survey map for development of the receiving area has been approved by the Town and the County.

- II. Page 57-58: Add the following sentence to the end of the “objective” subsection of the “Agricultural Preservation District” section of the Land Use chapter:

The Town’s transfer of development rights (TDR) program allows lands in the Agricultural Preservation District to serve as TDR “sending areas,” and in certain cases as limited TDR “receiving areas,” per the specifications summarized in Appendix C and established in detail through the implementing TDR rules and procedures adopted and amended from time to time by the Town Board.

- III. Page 58: Amend policy a in the “Agricultural Preservation District” section to read as follows:

- a. Within the Agricultural Preservation District, except as allowed under the Town’s transfer of development rights (TDR) program (see Appendix C for summary), limit new development to a density of **one residential dwelling unit per 35 acres** held in single ownership as of April 16, 1979.

- IV. Page 60: Amend policy d (substandard lots) in the “Agricultural Preservation District” section to read as follows:

- d. Allow pre-existing uses on parcels of less than 35 acres as of April 16, 1979 (i.e., **substandard lots** in the A-1 Exclusive zoning district) to continue under the provisions of the Dane County Zoning Ordinance. Where the land owner does not use transferred development rights under the Town’s TDR program (see Appendix C for program summary), (i) allow for a total of one new dwelling unit on all such parcels that were less than 35 acres in size as of April 16, 1979 and do not contain an existing dwelling unit and (ii) do not allow rezonings or land divisions of such substandard lots that would result in the right to construct a total of more than one dwelling unit on the 1979 parcel. Pending a greater understanding of the implications of a transfer of development rights (TDR) program on the Town, and Town adoption of a TDR program, These substandard lots may be appropriate future “Type 2” TDR receiving areas under the Town’s TDR program, which would allow for additional dwelling units in exchange for permanent preservation of other lands in the Town. The TDR program is as summarized in Appendix C and detailed through implementing rules and procedures adopted and amended from time to time by the Town Board.

- V. Page 60: Amend policy e (subdivision plats) in “Agricultural Preservation District” section to read as follows:

- e. ~~Prohibit~~ Allow the development of **subdivision plats** (five or more lots within a five-year period) within the Agricultural Preservation District, ~~except only~~ where the ~~subdivision design~~ number of lots will be consistent with the density policy and all applicable development siting standards included in Chapter Seven—Housing and Neighborhood Development will be met. For example, a 220-acre parcel may be allowed six lots/dwelling units under the density policy, which would trigger the requirement for a subdivision plat under the Town’s Land Division Ordinance.

VI. Page 61: Add new policy i in the “Agricultural Preservation District” section to read as follows:

- i. Per the Town’s Transfer of Development Rights (TDR) program, with TDR criteria as described in Appendix C and with detailed implementing rules as adopted and amended from time to time by the Town Board, the mapped Agricultural Preservation Districts **are designated as TDR sending areas and as potential TDR “Type 2” or “Type 3” receiving areas** for dwelling units transferred from other parts of the Agricultural Preservation District, in exchange for the permanent preservation of such other lands.

VII. Page 61: Add the following sentence to the end of the “objective” subsection of the “Agricultural Transition District” section:

The Town has identified planned and undeveloped Agricultural Transition Areas, shown on Map 6, as appropriate “receiving areas” for the Town’s transfer of development rights (TDR) program, as that program is summarized in Appendix C and detailed in the TDR program implementing rules and procedures adopted and amended from time to time by the Town Board.

VIII. Page 63: Amend policy e of the “Agricultural Transition District” section to read as follows:

- c. ~~Pending a greater understanding of the implications of a transfer of development rights (TDR) program on the Town, and Town adoption of a TDR program, Per the Town’s Transfer of Development Rights (TDR) program as summarized in Appendix C and detailed in the implementing TDR rules and procedures adopted and amended from time to time by the Town Board,~~ the mapped Agricultural Transition Districts ~~may be appropriate~~ **are designated as TDR “Type 1” receiving areas for potential dwelling units transferred from Agricultural Preservation Districts**, in exchange for the permanent preservation of other lands in the Town. Without the acquisition and transfer of development rights to the property, owners of lands within the Agricultural Transition District will be allowed to develop to densities no greater than the maximum “1 per 35” density that is normally applicable in the Agricultural Preservation District.

IX. Page 63: Add the following sentence to the end of the “general objective” subsection of the “Rural Development District” section:

The Town has identified planned and undeveloped Rural Development Districts, shown on Map 6, as appropriate “receiving areas” for the Town’s transfer of development rights (TDR) program, as summarized in Appendix C and detailed within implementing TDR rules and procedures adopted and amended from time to time by the Town Board. Nonresidential land divisions and development within Rural Development Districts shall not require the transfer of development rights under that program.

X. Page 64: Amend the second bulleted paragraph on that page, related to the “Rural Development District-Rural Center,” to read as follows:

- **Residential Development and “Flex” Areas:** Existing residential development is located mostly along Springhelt Road. Map 6a shows additional areas for residential development along an extended segment of Springhelt Road, and within the area bounded by CTH P and Lodi-Springfield Road. Most of this development is envisioned as single-family homes on 1½- to 5-acre lots, ~~but~~ The Town may also support senior oriented housing to provide for those older Town residents who wish to remain in the Town. Some areas have been designated for either commercial or residential development, to give the Town the ability to consider how places where future residential and business uses will mix, and to ensure flexibility in responding to future market demand.

- XI. Page 64: Amend policy a of the “Rural Development District” section to read as follows:
- a. **Minimum lot size** for all new lots proposed as building sites in the Rural Development District shall be **1 ½ acres**, unless (i) soil tests or conditions indicate more area is required to provide safe on-site treatment, (ii) a group waste disposal system is approved, ~~or~~ (iii) the existing size of a redevelopment lot would not allow for 1 ½ acres, or (iv) smaller lot sizes would aid in the implementation of the Town’s TDR program. Lots for residential building sites of **over five acres each are discouraged.**
- XII. Page 66: Amend policy k of the “Rural Development District” section to read as follows:
- k. ~~Pending a greater understanding of the implications of a transfer of development rights (TDR) program on the Town, and Town adoption of a TDR program, Per the Town’s Transfer of Development Rights (TDR) program as described in Appendix C and through implementing TDR rules and procedures adopted and amended from time to time by the Town Board,~~ the mapped Rural Development Districts ~~may be appropriate~~ **are designated as TDR “Type 1” receiving areas for potential dwelling units transferred from Agricultural Preservation Districts**, in exchange for the permanent preservation of other lands in the Town. Without the acquisition and transfer of development rights to the property, an interested land owner within the Rural Development District will be allowed to develop land for residential purposes up to a maximum “1 per 35” density normally applicable in the Agricultural Preservation District.
- XIII. Page 96: Amend policy i(2), related to development siting standards for new land divisions with nine or fewer lots, to read as follows:
2. Minimum lot size for all new lots, including new lots with pre-existing residences, should be one acre in the Agricultural Preservation District and 1½ acres in all other planned land use districts, except where a smaller lot size is allowed under the provisions of the Town Land Division Ordinance.
- XIV. Page 111: Revise policy e and create policy m to read as follows:
- e. Continue working with the Village of Waunakee and City of Middleton to implement (and refine as necessary) on an intergovernmental agreements, addressing boundary, land use, transportation, and service areas of mutual concern.
 - m. In the event of disagreements between the plans, policies, programs, ordinances, or interpretation of intergovernmental agreements between the Town and adjacent and overlapping units of government, pursue dispute resolution approaches that rely on open, direct communications between Town officials and the officials of other affected governments. Consider pursuing new or amended intergovernmental agreements where necessary to resolve such disagreements if less formal intergovernmental communications prove inadequate.
- XV. Page 115: Revise the first recommended implementation action under Table 13: Recommended Implementation Actions to read as follows:
1. Explore in greater detail a transfer of development rights program, particularly if adjacent municipalities agree to participate. If feasible, Implement a the Town’s TDR program to reinforce the objectives of this Plan. The Town reserves the right to rescind this TDR program at any time if the Town concludes that the program is not meeting its objectives or is no longer in the best interests of the Town. However, any pending transfers shall be allowed to be completed and all conservation easements approved under this program shall remain in force. [Insert revised timeframe for this action: 2012 implementation; TDR program review in 2017 and every five years thereafter]

XVI. Add the following “Appendix C: TDR Program Overview” to the Comprehensive Plan:

APPENDIX C: TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM OVERVIEW

This appendix provides an overview of the Town of Springfield’s Transfer of Development Rights (TDR) program.

The Town’s TDR program is authorized and outlined in the body of this Town Comprehensive Plan and the Town’s Land Division Ordinance, and supplemented by the County’s TDR authorizing ordinance contained within the Dane County Zoning Ordinance. No transfer of development rights shall occur without the approval of the Town Board (including any proposed transfers out of the Town), following a recommendation of the Town Plan Commission.

The Town’s complete TDR program is described in full within a separate document entitled *TDR Rules and Procedures*. This separate document is intended as a complete user’s guide to the program, containing all applicable rules and procedures. The rules and procedures within that document are subject to amendment from time to time by the Town of Springfield Board, following a recommendation from the Town Plan Commission. The *TDR Rules and Procedures* document may be amended without requiring an amendment to the Town Comprehensive Plan, as long as the amendment to the *TDR Rules and Procedures* document remains consistent with the Town Comprehensive Plan. This includes but is not limited to consistency with the information included within this Appendix C.

The program described in this Appendix involves exchange of development opportunities which are permitted by zoning and other police power ordinances. The use of the term “development rights” does not imply that these rights are a form of property, nor does approval of this program constitute the creation of any private property rights. The Town and County reserve all future legislative authority to regulate the use of land under their zoning and other powers.

The remainder of Appendix C is divided into five sections, as follows:

1. Program Goals: Why the Town is Doing TDR
2. TDR Sending Area Overview: How Someone Can Sell Development Rights
3. TDR Receiving Area Overview: What Buying Development Rights Allows
4. Transaction Procedures: How to do a Development Rights Transfer
5. Glossary: What do Different Terms and Phrases Mean [NOTE: Terms that begin with a capital letter within the remainder of this Appendix generally are terms that are defined in this glossary.]

A. PROGRAM GOALS: WHY THE TOWN IS DOING TDR

1. Preserve large viable areas of farmland with a minimum of non-farm divisions, and help keep farming economically viable.
2. Redirect development to land within and close to areas that already contain concentrations of residential development, and to parcels that are too small for most types of farming.
3. Design the TDR program as voluntary for Town property owners. Specifically, without TDR, most properties within the Town would remain eligible for limited housing

development at a density of one Dwelling Unit per every 35 acres, regardless of how the land is designated in the Town's Comprehensive Plan. Through use of the Town's TDR program, certain properties anticipated under the Town's Comprehensive Plan for denser development could accomplish such added density only through use of Development Rights that were transferred from one or more properties somewhere else in the Town.

4. Adopt, maintain, and update the necessary legal framework, rules, and procedures for a successful TDR program. This will include participating in the Dane County Transfer of Development Rights system that is established under Chapter 10 of the Dane County Code of Ordinances (i.e., the Dane County Zoning Ordinance).

B. TDR SENDING AREA OVERVIEW: HOW SOMEONE CAN SELL DEVELOPMENT RIGHTS

1. **TDR Sending Areas Defined:** TDR Sending Areas are defined as areas from which Development Rights could be transferred away (or retired) through (a) the rezoning of such lands to the County's TDR-S Overlay Zoning District and (b) the recording of a TDR Agricultural Conservation Easement against such lands. Both actions combined would restrict housing and other non-farm development below levels normally allowed under the Town Comprehensive Plan. No transfers of Development Rights will be allowed without property owner consent and approval of the Town Board, following a recommendation from the Town Plan Commission. No person or other legal entity may transfer Development Rights in the Town without owning the underlying land from which the Development Rights originated.
2. **Minimum Criteria for TDR Sending Areas:** The Town has established minimum criteria for an area to qualify as a TDR Sending Area, thereby allowing the Transfer of Development Rights. These criteria are described in detail within the *TDR Rules and Procedures* document, but in general the TDR Sending Area Acreage must:
 - a. Be located within an "Agricultural Preservation District" or an adjacent "Conservancy District" on Map 6.
 - b. Remain zoned A-1 Exclusive Agriculture and also be rezoned into Dane County's TDR-S Overlay Zoning District.
 - c. Have one or more available Development Rights under the Town's Comprehensive Plan; in other words, have the ability under the Plan to build at least one new Dwelling Unit on the Acreage instead of transferring the Development Rights.
 - d. Be consistent with Intergovernmental Agreements that the Town has with the City of Middleton and the Village of Waunakee, in areas of mutual interest.
 - e. Have a Farm Conservation Plan in effect.
3. **TDR "Super Sending Area" Criteria:** To best accomplish the goals of the Town's TDR program, the Town values the preservation of TDR Sending Area lands with certain additional qualities. These will be designated as "Super Sending Areas," which may enable higher development densities within a TDR Receiving Area than would otherwise be allowed with a "standard" TDR Sending Area. The criteria for designating an area as a Super Sending Area are described in detail within the *TDR Rules and Procedures* document, but in general include the following as part of a points/performance based system (i.e., enough, but not all, criteria need to be met):
 - a. The Fields are mainly underlain by Group I or II Agricultural Soils.

- b. The Acreage contains or is close to a Large-Scale Livestock Operation or mineral extraction operation.
 - c. Most of the Acreage is within a significant Groundwater Recharge Area.
 - d. The Acreage is close to property where a TDR Agricultural Conservation Easement is already recorded.
 - e. Two or fewer Dwelling Units have been built on the land since April 16, 1979.
 - f. Parts of the land are designated as having “Soils with Building Limitations” or being within the “Conservancy District” on Map 6 of this Plan.
 - g. The Acreage deemed by the Town Board to be close to Highway 12.
 - h. The Acreage is deemed by the Town Board to be close to or within a Dane County Parks and Open Space Plan conservation area or the DNR’s Waunakee Marsh project boundary.
 - i. The land owner elects to place all lands into an Agricultural Conservation Easement.
 - j. The Acreage is within an Agricultural Enterprise Area approved by the State Department of Agriculture, Trade and Consumer Protection.
4. **TDR Agricultural Conservation Easements:** A TDR Agricultural Conservation Easement must be placed on the TDR Sending Area Acreage, limiting future non-farm development, before the transferred Development Rights may be exercised in a TDR Receiving Area (i.e., before additional housing density gets authorized there), per the following general standards, detailed further within the *TDR Rules and Procedures* document:
- a. The TDR Agricultural Conservation Easement must be permanent (see also standard f below).
 - b. The TDR Agricultural Conservation Easement need not remove all future Development Rights from the Acreage. When not all of the Development Rights are transferred, the Town will specify on the TDR Sending Area Acreage where the remaining Dwelling Unit sites may be located and the maximum lot size, based on the TDR program goals.
 - c. Funding for acquisition of TDR Agricultural Conservation Easements may come from multiple sources, including from a Developer purchasing Development Rights and from grant funding for farmland and/or natural resource preservation.
 - d. The Town and County will be the co-holders of the TDR Agricultural Conservation Easement.
 - e. Except by Intergovernmental Agreement involving the Town of Springfield, all TDR Agricultural Conservation Easements under the Town’s program may be applied only to Acreage within the Town of Springfield.
 - f. To deal with uncertainty in future planning (for example, some of today’s planned “preservation areas” might be planned “development areas” in ensuing decades), if approved by all proposed holders, the TDR Agricultural Conservation Easement may include a provision allowing its removal if (a) the Town later agrees that land is more appropriate for development by amending the Town Comprehensive Plan and (b) at least twice as much comparable land of comparable value, with “comparable” being determined by the Town Board, within the Town has been identified for the transfer of the TDR Agricultural Conservation Easement.
 - g. The TDR Agricultural Conservation Easement must meet all the criteria for such easements within the Dane County Zoning Ordinance.

C. TDR RECEIVING AREA OVERVIEW: WHAT BUYING DEVELOPMENT RIGHTS ALLOWS

1. **TDR Receiving Areas Defined:** TDR Receiving Areas are defined as those areas to which Development Rights may be transferred, enabling greater development density than would otherwise be allowed there, in exchange for the permanent protection of Acreage within a TDR Sending Area through a TDR Agricultural Conservation Easement. No transferred Development Rights are required for division and development of parcels intended and restricted for non-residential purposes. No transfers of Development Rights will be allowed without approval of the Town Board, following a recommendation from the Town Plan Commission. All Development Rights intended for use in a TDR Receiving Area must be obtained from a person or other legal entity owning land within a TDR Sending Area within the Town.

There are three types of TDR Receiving Areas in the Town: Type 1 Receiving Areas—“Neighborhood Development,” Type 2 Receiving Areas—“Sub-35 Acre Lot Development,” and Type 3 Receiving Areas—“Farm-to-Farm Transfer.”

2. **Minimum Criteria for All TDR Receiving Areas:** The Town has established minimum criteria for an area to qualify as a TDR Receiving Area. These criteria are described in detail within the *TDR Rules and Procedures* document, but in general the TDR Receiving Area (and the development proposal within it) must:
 - a. Be capable of supporting conventional, mound, or alternative wastewater treatment systems.
 - b. Be consistent with the lot size standards in the Town’s Comprehensive Plan, and *TDR Rules and Procedures* document.
 - c. Be rezoned into an appropriate rural homes or residential zoning district, coupled with the TDR-R Overlay Zoning District.
 - d. Be consistent with the terms of Intergovernmental Agreements the Town has with the City of Middleton and Village of Waunakee.
 - e. Meet a sufficient number of applicable residential development design standards in this Comprehensive Plan, as recommended by the Town Plan Commission and approved by the Town Board.
 - f. Acquire an adequate number of Development Rights based on the number of new Lot(s) anticipated.
 - g. Secure conditional final plat or Certified Survey Map (CSM) approval. Conditions of final plat or CSM approval will include a provision ensuring that acquisition of Development Rights is finalized before the Plat or CSM is recorded.
3. **Type 1 Receiving Areas—“Neighborhood Development”:** These areas are shown as either a “Rural Development District” or “Agricultural Transition District” on Map 6: Planned Land Use. In addition to the above criteria for all TDR Receiving Areas, the property must meet sufficient additional criteria in a performance, point-based system to qualify as a Type 1 Receiving Area. These criteria are described in detail in the *TDR Rules and Procedures* document, and are summarized as follows:
 - a. Obtain consent from the City of Middleton if in a “Rural Development District” or “Agricultural Transition District close to the City of Middleton (as detailed in the

Intergovernmental Agreement between the City and Town), unless a revised or new Intergovernmental Agreement suggests otherwise.

- b. Be a minimum distance specified by the Town Board from any mineral extraction operation and/or large-scale livestock operation.
- c. Not be located within a designated Dane County Park and Open Space Plan conservation area or the DNR Waunakee Marsh project boundary.
- d. Meet maximum lot size criteria, as outlined in the *TDR Rules and Procedures* document.

In addition, the number of available house lots within qualified Type 1 TDR Receiving Areas must adhere to the transfer ratios described in the *TDR Rules and Procedures* document, with different ratio options outlined as follows:

- a. Standard 1:1 Transfer: Where Development Rights are acquired from a standard (non-Super) TDR Sending Area and the TDR Receiving Area is not a “Super Receiving Area.”
 - b. 2:1 Transfer Ratio Opportunity: Where Development Rights are acquired from a “Super Sending Area” or where the TDR Receiving Area is designated as a “Super Receiving Area” by securing sufficient points based on criteria specified within the *TDR Rules and Procedures* document. These criteria include small lot sizes, use of conventional/community waste treatment, contiguity with pre-existing subdivision plats, location mostly outside of designated Groundwater Recharge Areas and “Soils with Building Limitations” and “Conservancy District” areas on Map 6, location mostly away from Group I or II Agricultural Soils, and location distant from highways.
 - c. 4:1 Transfer Ratio Opportunity: Where Development Rights are acquired from a “Super Sending Area” and where the TDR Receiving Area is designated as a “Super Receiving Area” by securing sufficient points based on criteria specified within the *TDR Rules and Procedures* document.
 - d. 5:1 Transfer Ratio Opportunity (if also authorized within the *TDR Rules and Procedures* document): Where Development Rights are acquired from a “Super Sending Area” and where the TDR Receiving Area is designated as a “Super Receiving Area” by securing sufficient points based on criteria specified within the *TDR Rules and Procedures* document, with an explicit requirement that the average (mean) lot size will be two acres or less.
4. **Type 2 Receiving Areas—“Sub-35 Acre Lot Development”:** These areas may be designated over parcels of fewer than 35 acres zoned A-1 Exclusive Agriculture that are shown in the “Agricultural Preservation District” or adjacent “Conservancy District” on Map 6: Planned Land Use. In addition to the above criteria for all TDR Receiving Areas, the property must meet sufficient additional criteria in a performance, point-based system to qualify as a Type 2 Receiving Area. These criteria are described in detail in the *TDR Rules and Procedures* document, and are summarized as follows:
- a. Be a minimum distance specified by the Town Board from any mineral extraction operation and/or large-scale livestock operation.
 - b. Not be located within a designated Dane County Park and Open Space Plan conservation area or the DNR Waunakee Marsh project boundary.
 - c. Be located mostly outside of designated “Soils with Building Limitations” and “Conservancy District” areas on Map 6.

In addition, the number of available house lots within qualified Type 2 TDR Receiving Areas must adhere to the transfer ratios described in the *TDR Rules and Procedures* document, with different ratio options outlined as follows:

- a. Standard 1:1 Transfer: Where Development Rights are acquired from a standard (non-Super) TDR Sending Area. Where the new Lot exceeds a maximum recommended lot size in the *TDR Rules and Procedures* document, the Town requires the acquisition of two Development Rights for each new additional house Lot.
- b. 2:1 Transfer Ratio Opportunity: Where Development Rights are acquired from a “Super Sending Area” and where the receiving area is designated as a “Super Receiving Area” by securing sufficient points based on criteria specified within the *TDR Rules and Procedures* document. These criteria include small lot sizes, location mostly away from Group I or II Agricultural Soils, and use of shared driveways.

Each parcel designated as a Type 2 Receiving Area may, alternatively, serve as a TDR Sending Area under the requirements for TDR Sending Areas outlined above and described in the *TDR Rules and Procedures* document.

5. **Type 3 Receiving Areas—“Farm to Farm Transfer”:** These areas may be parcels of greater than 35 acres that are shown within the “Agricultural Preservation District” or adjacent “Conservancy District” on Map 6: Planned Land Use. Maximum density may not be more than double the “1 per 35” density normally allowed in the “Agricultural Preservation District”. In addition to the above criteria for all TDR Receiving Areas, the property must meet sufficient additional criteria in a performance, point-based system to qualify as a Type 3 Receiving Area. These criteria are described in detail in the *TDR Rules and Procedures* document, and are summarized as follows:
 - a. Be a minimum distance from any mineral extraction operation and/or large-scale livestock operation.
 - b. Not be located within a designated Dane County Park and Open Space Plan conservation area or the DNR Waunakee Marsh project boundary.
 - c. Be located mostly outside of designated “Soils with Building Limitations” and “Conservancy District” areas on Map 6.
 - d. Be located mostly away from Group I or II Agricultural Soils and be less suitable for agricultural use than the Acreage from which the Development Rights are to be transferred.
 - e. Use shared driveways for the new Lots.

Also, where the new Lot(s) exceeds a maximum recommended lot size in the *TDR Rules and Procedures* document, the Town requires the acquisition of two Development Rights for each new additional house Lot. Finally, each parcel designated as a Type 3 Receiving Area may, alternatively, serve as a TDR Sending Area under the requirements for TDR Sending Areas outlined above and described in the *TDR Rules and Procedures* document.

D. TRANSACTION PROCEDURES: HOW TO DO A DEVELOPMENT RIGHTS TRANSFER

1. **TDR Transaction Procedure Overview:** The procedures for executing a TDR Transaction generally follow normal development approval processes and require rezoning and land division approval from the Town and Dane County. Additional procedural steps

will be taken to ensure that proper legal tools have been recorded, particularly the TDR Agricultural Conservation Easement and the assignment of TDR Overlay Zoning Districts.

2. Steps for TDR Transaction:

Except as otherwise approved by the Town in a manner consistent with applicable Town and County ordinances, the following shall be the process to complete a transaction of one or more Development Rights from a TDR Sending Area to a TDR Receiving Area:

- a. ***Seek Town Staff/Consultant Concept Plan Review and Complete Criteria Worksheet.*** Individual who wishes to utilize Development Rights to develop land (i.e., a Developer) approaches Town staff/consultant to discuss the idea in concept. Town staff/consultant advises the Developer on the preparation of a Criteria Worksheet for the appropriate type of TDR Receiving Area (type 1, 2, or 3), with the Criteria Worksheet forms included at the end of the *TDR Rules and Procedures* document.
- b. ***Seek Town Plan Commission/County Staff Concept Plan Review.*** In advance of any formal development application (e.g., rezoning, plat, or Certified Survey Map--CSM), the Developer brings a Concept Plan and a completed Criteria Worksheet to the Town Plan Commission for its review. Also, the Developer is advised to share the Concept Plan with staff from County Planning and Development Department during this step to understand County issues and compatibility with County TDR ordinance requirements.
- c. ***Hear Initial Evaluation of Concept Plan.*** Town compares the Developer's Concept Plan and Criteria Worksheet to the TDR program rules, the Town's Comprehensive Plan, its Land Division Ordinance, and its Growth Management Allocation Plan and advises Developer accordingly, both during and after the Town Plan Commission meeting described in paragraph b above. Proposed development may be subject to competition provisions per the Growth Management Allocation Plan specifications, particularly if within a Type 1 Receiving Area.
- d. ***Identify TDR Sending Area Property Owner for Option to Purchase Sufficient Development Rights.*** The Developer seeks out potential TDR Sending Area property owner(s) (including from the Town's "interested property owners list" if desired--see below), and secures an Option to Purchase (or another legally recognized tool) to enable the future purchase of Development Rights from that owner(s). The Developer is encouraged to not complete final transaction to acquire Development Rights at this time (see paragraph g below), in the event that not all required development approvals can be secured after this time for whatever reason.
- e. ***Submit Rezoning and Land Division Approval Applications.*** Developer submits applications for rezoning with Dane County, and preliminary Subdivision Plat or a Certified Survey Map (CSM) application with County and Town, with the requirement for a either a Subdivision Plat or CSM generally depending on the number of Lots within the proposed development. Lands within the TDR Receiving Area will generally require rezoning to a rural homes or residential underlying zoning district, along with a TDR-R Overlay Zoning District. Acreage within the TDR Sending Area will have to be zoned into the TDR-S Overlay Zoning District.
- f. ***Work through Town and County Rezoning and Land Division Approval Processes.*** Town and County approve the rezoning of the TDR Receiving Area to a rural homes or residential zoning district, TDR Overlay Zoning districts over both the Sending and Receiving Areas, and the land division via a preliminary plat or CSM. These approvals proceed under normal processes that apply whether or not a Development

Rights transfer is involved. Following a preliminary plat process, if required, the Developer then submits a final plat, and Town and County approve the final plat.

- g. ***Complete Purchase of Development Rights, Record Documents, and Secure Zoning/Building Permits.*** County zoning and Town building permits for new housing within the TDR Receiving Area issued only after evidence is provided to the Town and the Dane County Zoning Administrator that the required TDR Agricultural Conservation Easement is recorded against the TDR Sending Area Acreage and an associated TDR Notice Document is recorded against the TDR Receiving Area property. Both recorded documents shall meet all requirements of the Town's TDR program, the definitions in the Glossary below, models available from the Town, and Dane County's TDR ordinance. In addition, before issuing a zoning permit, Dane County requires a letter from the Town indicating that the TDR Transaction is consistent with transfer ratios, siting criteria, and all other applicable policies of the Town's Comprehensive Plan and TDR program. Any Development Rights that were acquired from the TDR Sending Area Acreage but that were for whatever reason not transferred to or utilized in the associated TDR Receiving Area property(ies) shall be considered null and void and not available for use elsewhere.

E. GLOSSARY: WHAT DO DIFFERENT TERMS AND PHRASES MEAN?

The following terms and phrases are used in this Appendix, but may not have commonly understood definitions.

A-1 Exclusive Agriculture: A Dane County zoning district mapped over large sections of the Town of Springfield specifying, among other regulations, permitted uses of land so zoned. Per Section 10.123 of the Dane County Zoning Ordinance, the purpose of the A-1 Exclusive Agricultural zoning district is, in part, to preserve productive agricultural land for food and fiber production and prevent land use conflicts between incompatible uses. Most of the lands that are planned in the "Agricultural Preservation District" in this Comprehensive Plan are zoned A-1 Exclusive Agriculture. (Note: State law requires Dane County, prior to December 1, 2012, to revisit and likely revise the A-1 Exclusive Agriculture zoning district, potentially even including a name change. For purposes of the Town's TDR program, any such revised or replacement district will have the same effect as the A-1 Exclusive Agriculture district in place at time of TDR program adoption.)

Acreage: The total extent and amount of land within the Town of Springfield, owned by one property owner or group of owners, from which Development Rights are to be transferred as part of a TDR Transaction (i.e., a TDR Sending Area). The "Acreage" includes any land that remains available for the construction of new Dwelling Units following such a TDR Transaction, if the property owner elects not to transfer all remaining Development Rights.

Agricultural Preservation District: A planned land use designation depicted on Map 6: Planned Land Use and described within this Town of Springfield Comprehensive Plan, representing the Town's desired use of lands that are so mapped over the 20 year comprehensive planning period, at a minimum. Intended to preserve productive agricultural lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and maintain farmer eligibility for incentive programs. Absent the decision to utilize planned "Agricultural Preservation District" lands as a TDR Receiving Area, housing is generally allowed as a density not exceeding one residential Dwelling Unit per 35 acres held in single ownership as of April 16, 1979, per the Town of Springfield Comprehensive Plan. Most, but not all, lands planned in the "Agricultural Preservation District" are zoned A-1 Exclusive Agriculture.

Agricultural Soils: The Dane County Land Conservation Department (LCD) groups soils into classes based on their capability to produce common cultivated crops and pasture plants without deteriorating over a long period of time. These capability classifications are based on numerous criteria that include, but are not limited to, the soil's salinity, capacity to hold moisture, potential for erosion, depth, texture, and structure, as well as local climatic limitations (e.g. temperature and rainfall). Under this system of classification, soils are separated into eight classes. Generally, Class I and Class II soils are the best suited for the cultivation of crops.

Agricultural Transition District: A planned land use designation depicted on Map 6: Planned Land Use and described within this Town of Springfield Comprehensive Plan, representing the Town's desired use of lands so mapped over the 20 year comprehensive planning period. Intended to identify certain lands in proximity to developed areas, to be preserved in mainly agricultural and open space uses until such time as more intensive development may be appropriate. Except where otherwise specified by Intergovernmental Agreement, may be appropriate Type 1 TDR Receiving Areas.

Certified Survey Map: A legal tool generally used to divide a parcel of land into four or fewer Lots, and subject to local and county government approval prior to recording. Also referred to as a CSM.

Concept Plan: A preliminary plan, prepared by a Developer, indicating on a map a proposal for development of land in a TDR Receiving Area, prepared with sufficient detail to enable the Developer and Town staff/consultant to complete a Criteria Worksheet and allow the Town's staff, consultant, and Plan Commission to evaluate the conceptual development proposal before the more formal rezoning and land division approval process begins.

Conservancy District: A planned land use designation depicted on Map 6: Planned Land Use and described within this Town of Springfield Comprehensive Plan, representing the Town's desired use of lands so mapped over the 20 year comprehensive planning period, at a minimum. Per this Comprehensive Plan, environmentally sensitive areas, including wetlands, floodplains, public park and open space areas, and other lands zoned Conservancy under Dane County zoning are included within this planned land use designation. Also per this Comprehensive Plan, where land included within the "Conservancy District" is adjacent to land in the "Agricultural Preservation District" or "Agricultural Transition District," such land in the "Conservancy District" counts towards calculating the number of Dwelling Units allowed on the overall ownership parcel, per the Town's density policy.

Criteria Worksheets: Town-created forms which, once completed, allow Town officials, land owners, and Developers to determine the eligibility of TDR Sending Area Acreage and TDR Receiving Area properties for the Transfer of Development Rights under the Town's TDR program. Included as attachments to the *TDR Rules and Procedures* document.

Developer: Anyone who elects to develop one or more Lots for residential purposes on his or her land, regardless of whether developing land is a regular or primary profession of that person or person(s).

Development Rights: The expected ability to develop property by a landowner, as described and allocated in this Town of Springfield Comprehensive Plan, and as generally measured by number of Dwelling Units allocated to that property. The number of Development Rights afforded to a property can vary depending on how that property is designated within this Comprehensive Plan. For example, within the planned "Agricultural Preservation District," Development Rights are afforded within this Comprehensive Plan at a density not exceeding one residential Dwelling Unit per 35 acres held in single ownership as of April 16, 1979, usually subject to the rezoning of property to

achieve that development density. Under the Town's TDR program, Development Rights may be transferred between properties meeting certain criteria.

Dwelling Unit: A building designed for and occupied exclusively as a residence for one family.

Farm Conservation Plan: A plan, prepared by a farm owner and usually approved by a county or state official with jurisdiction, designed to minimize soil loss and otherwise protect the natural environment in and around a farm property.

Farm-to-Farm Transfer: A type of Transfer of Development Rights whereby Development Rights are transferred from a larger farm parcel designated in an "Agricultural Preservation District" in this Town of Springfield Comprehensive Plan to another larger farm parcel also designated in an "Agricultural Preservation District" (and within a Type 3 Receiving Area).

Field: That portion of the Acreage, defined above, that is mapped as "field" on U.S. Department of Agriculture Farm Service Agency (FSA) maps, indicating land in agricultural production.

Groundwater Recharge Area: An area in which water is absorbed that eventually reaches the zone of saturation in one or more aquifers. Within the Town of Springfield, Groundwater Recharge Areas are shown on Map 3a: Groundwater Recharge Rates in this Comprehensive Plan or the Pheasant Branch Springs Recharge Area map, also available at the Town Hall.

Intergovernmental Agreement: A contractual agreement between government entities to achieve coordinated and cooperative planning. The Town of Springfield has Intergovernmental Agreements with the City of Middleton and Village of Waunakee, which affect land use planning in areas of mutual concern near common municipal boundaries.

Large-scale Livestock Operation: A new or expanded livestock facility that will have 500 or more animal units, with each animal unit generally consisting of 1,000 pounds of animal weight. The rules of the State Department of Agriculture, Trade, and Consumer Protection will be consulted in the event an interpretation needs to be made.

Lot: For the purposes of the TDR program only, a single legally defined parcel of land proposed for construction of a single residence.

Option to Purchase: A legal agreement entered between two parties providing an option for the first party to purchase the second party's real property, or an interest in real property, at a specified future date, or upon a specified future occurrence, for a pre-determined price. In the case of the Town's TDR program, such interest in real property would be a TDR Sending Area property's associated Development Rights, and such specified future occurrence may be when the first party obtains governmental approvals of a Subdivision Plat or CSM that would enable application of those Development Rights to a TDR Receiving Area property under the first party's control. A standard Wisconsin Option to Purchase Contract may be utilized or modified for this purpose.

Overlay Zoning District: A zoning district that includes a uniform set of opportunities and/or restrictions over all parcels where it is mapped, which are in addition to the opportunities and/or restrictions specific to the underlying or standard zoning district that also applies to those parcels. Dane County has two Overlay Zoning Districts that are particularly applicable to the Town's TDR program. These include the TDR-S Transfer of Development Rights Sending Area Overlay District and the TDR-R Transfer of Development Rights Receiving Area Overlay District, both of which are described further in Section 10.158 of the Dane County Zoning Ordinance.

Rural Development District: A planned land use designation depicted on Map 6: Planned Land Use and described within this Town of Springfield Comprehensive Plan, representing the Town's desired use of lands so mapped over the 20 year comprehensive planning period. The "Rural

Development District” is intended for lower density residential development served by on-site waste disposal systems, with the potential for limited neighborhood-serving, small-scale commercial and institutional uses. Parcels within the “Rural Development District” may be appropriate Type 1 TDR Receiving Areas.

Sub-35 Acre Lot: A parcel of fewer than 35 acres that is shown within the “Agricultural Preservation District” or adjacent “Conservancy District” on Map 6: Planned Land Use and is zoned A-1 Exclusive Agriculture. The A-1 Exclusive Agriculture zoning district requires a minimum parcel size of 35 acres; therefore, these parcels are considered “legal nonconforming” under Dane County zoning rules, which limits their development potential under that zoning designation. This Comprehensive Plan has policies regarding their potential future development. Sub-35 Acre Lots may be appropriate Type 2 Receiving Areas or TDR Sending Areas under the Town’s TDR program. Also referred to as “substandard parcels in A-1 Exclusive Agriculture zoning district.”

Subdivision Plat: A legal tool generally used to divide a parcel of land into five or more Lots, which is subject to local and county government approval prior to recording. Regulations generally require submittal and approval of a preliminary Subdivision Plat in advance of submittal and approval of a final Subdivision Plat.

Super Receiving Area: A type of TDR Receiving Area that is so designated based on the characteristics of the property and/or the development that is proposed on the property which may make it eligible for greater levels of residential development under the Town’s TDR program than standard TDR Receiving Areas.

Super Sending Area: A type of TDR Sending Area that is so designated based on the characteristics of the property that make it particularly desirable for preservation and the application of a TDR Agricultural Conservation Easement. When paired with Type 1 or Type 2 Receiving Area, Development Rights transferred from a TDR Super Sending Area can yield greater development density in the TDR Receiving Area than otherwise would be allowed under this Town of Springfield Comprehensive Plan.

TDR Agricultural Conservation Easement: A document, recorded against the deed to a property, which indicates the easement holder’s non-possessory interest in real property, generally limits future uses to agricultural production and other uses that are consistent with agricultural production, and generally applies in perpetuity. Recorded with the Dane County Register of Deeds against TDR Sending Area Acreage once Development Rights are transferred. May allow a limited and specified number of Dwelling Unit sites in areas designated by the Town if the Sending Area property owner elects to not transfer away all remaining Development Rights.

TDR Receiving Area: Those areas to which Development Rights may be transferred under the Town’s TDR program, enabling greater development density than would otherwise be allowed there under this Town of Springfield Comprehensive Plan in exchange for the permanent protection of Acreage within a TDR Sending Area through a TDR Agricultural Conservation Easement. There are three types of TDR Receiving Areas in the Town, to account for different geographic areas, pre-existing land parcel sizes, and development policies per the Town’s Comprehensive Plan. These include Type 1 Receiving Areas—“Neighborhood Development,” Type 2 Receiving Areas—“Sub-35 Acre Lot Development,” and Type 3 Receiving Areas—“Farm-to-Farm Transfer.”

TDR Sending Area: Those areas from which Development Rights may be transferred (or retired) through the application of TDR Agricultural Conservation Easements, which would restrict housing development below levels normally allowed under this Town of Springfield Comprehensive Plan.

TDR Notice Document: An instrument recorded against each new residential Lot within a TDR Receiving Area where a TDR Transaction has taken place that enables residential development of that Lot. Each TDR Notice Document must detail the number of Development Rights transferred, describe the associated TDR Sending Area Acreage, and reference the recorded document number of the required TDR Agricultural Conservation Easement recorded against the TDR Sending Area Acreage.

TDR Transaction: The process of transferring Development Rights from a TDR Sending Area to a TDR Receiving Area, resulting in a TDR Agricultural Conservation Easement recorded against the TDR Sending Area Acreage, more Lots for residential purposes than would normally be allowed under the Town's Comprehensive Plan on the TDR Receiving Area property, and a TDR Notice Document recorded against all residential Lots on the TDR Receiving Area property.

Transfer of Development Rights (TDR): A Town of Springfield program that requires a Developer of land in certain areas identified for development in this Town of Springfield Comprehensive Plan to contribute to the conservation of land in other areas identified in this plan for long-term preservation, but only if such Developer elects to develop at a density that exceeds policies normally applicable in the "Agricultural Preservation District." The TDR program is part of the Town's overall farmland preservation, rural character preservation, and growth management strategy.

Part Two: Comprehensive Plan Amendments to Address State of Wisconsin “Consistency” Requirement

- I. Page 50: Amend the following components of Section B. (within the Land Use chapter) to read as follows:

B. PLANNED LAND USE

Map 6 presents recommended future land uses over the 20-year planning period for all parts of the Town. ~~Changes from the existing land use pattern to realize this planned land use pattern may occur if and when property owners make requests for rezoning, subdivisions or land divisions, conditional use permits, or other development approvals.~~ Map 6, along with policies later in this chapter, will guide Town decision making on future land use changes. This map was prepared based on an analysis of development trends, location of areas logical for future development based on existing development, environmental constraints, public and property owner interests, and the Town’s overall goal and objectives as presented in the Issues and Opportunities chapter.

Map 6, the Town’s Planned Land Use map, and related policies described below should be used as a basis for all public and private sector development decisions, including rezonings, conditional use permits, subdivision and land division approvals, and other public or private investments. Changes in land use to implement the recommendations of this Plan will generally be initiated by property owners and private developers. In other words, this Plan does not automatically compel property owners to change the use of their land.

Not all land shown for development on the Planned Land Use map will be appropriate for rezoning and other land use approvals immediately following adoption of this Plan. Given market and service demands, careful consideration to the amount, mix, timing, and location of development to keep it manageable and sustainable is essential. The Town advocates the phased development of land that focuses growth in areas and types that advance the Town’s overall goal and objectives, carefully manages the location and pace of growth, and can be efficiently served with transportation, public services, and community facilities.

Like other aspects of this overall Comprehensive Plan, a variety of different types of circumstances may compel the Town to amend Map 6 over time. These include, but are not limited to, changes in market demand, development trends, and available land supply.

1. PLANNED LAND USE PATTERN

The recommended future land use pattern is consistent with historic locations for farming, development, and natural areas. The vast majority of the Town is proposed to remain in farmland. New development would be focused around many of the Town’s existing developed areas, including Springfield Corners, Martinsville, the Enchanted Valley Road area west of Vosen Road, Ashton, Ashton Corners, and the area north of Middleton and east of Highway 12 per an intergovernmental agreement with the City of Middleton.

- II. Page 116-118: Amend Section C. 1. (within the Implementation chapter) to read as follows:

1. PLAN MONITORING AND USE

The Town Plan Commission should, on an annual basis, review its decisions on private development proposals over the previous year against the recommendations of this Plan. This will help keep the Plan a “living document.”

The Town should constantly evaluate its decisions on private development proposals, public investments, regulations, incentives, and other actions against the recommendations of this *Comprehensive Plan*. ~~The Town makes the following decisions that should always be evaluated against the *Plan*:~~ The Town of Springfield intends to use this *Plan* to inform such decisions under the following guidelines:

- *Rezoning*: The Town Board and County Board have shared authority to approve, conditionally approve, or reject requested changes to the zoning of any property in the Town. Town Board action on a rezoning request is preceded by a recommendation of the Town Plan Commission. The Town requires submittal of a site plan or conceptual neighborhood development plan with all rezoning requests, per the design review ordinance. Erosion control and stormwater management plans may also be required. The Town will generally not approve speculative rezoning of lands in the absence of a specific development proposal and site plan.

Proposed rezonings should be consistent with the recommendations of this *Plan*. Specifically, the Planned Land Use map and the detailed policies associated with that map will be used to guide the application of the general pattern of zoning districts. However, the precise location of zoning district boundaries may vary, as judged appropriate by the Plan Commission and Town Board. Departures from the exact land use boundaries depicted on the Planned Land Use map may be particularly appropriate for projects involving a mix of land uses and/or residential development types, properties split by zoning districts and/or properties located at the edges of Planned Land Use areas. In their consideration of rezoning requests, the Plan Commission and Town Board will also evaluate the specific timing of the rezoning request, its relationship to the nature of both existing and planned land uses, and the details of the proposed development. Therefore, this *Plan* allows for refinement of the precise planned land use boundaries and Town discretion on the timing of rezonings to implement the *Plan*.

- *Zoning Ordinance Text Amendments*: Changes to the text of the County zoning ordinance will be approved or rejected/vetoed by the Town Board, following a recommendation by the Town Plan Commission. Dane County may not approve a zoning ordinance text amendment if a majority of town boards in the County reject/veto that amendment. The Town will rely on this *Comprehensive Plan* and may rely on the advice of professionals before deciding whether to approve, reject/veto, or take no action on a proposed zoning ordinance text amendment.
- *Conditional Use Permits*: The County Zoning and ~~Natural Resources (ZNR)~~ Land Regulation (ZLR) Committee has the authority to approve, conditionally approve, or reject requests for conditional use permits. Prior to ZLR ~~ZNR~~ Committee action, the Town Plan Commission will make a recommendation to the Town Board on a conditional use permit request, and the Town Board will make a recommendation to the ZLR ~~ZNR~~ Committee. The Town requires submittal of a detailed site plan with all conditional use permit requests. Erosion control and stormwater management plans may also be required.

Proposed conditional use permits should be consistent with the recommendations of this *Plan* to the extent applicable. In their consideration of conditional use permit requests, the Plan Commission and Town Board will also evaluate the specific timing of the conditional use permit request, its relationship to the nature of both existing and planned land uses, and the details of the proposed development.

- *Land Divisions and Subdivisions:* Both the Town and County review all proposed land divisions and subdivisions against the standards of their respective and independent subdivision regulations. At the Town level, the Town Board will act to approve, conditionally approve, or reject all requested land divisions and subdivisions, following a recommendation from the Town Plan Commission, and abiding by the Town's Growth Management and TDR Programs. Separate applications for both the Town and County reviews are required. Frequently, a request for land division or subdivision approval is submitted in tandem with a rezoning request. Erosion control and stormwater management plans may also be required.

The Town Board, following a recommendation by the Plan Commission and a formal public hearing, may approve changes to the text of the Town's subdivision ordinance.

Proposed land divisions should be generally consistent, but not necessarily precisely consistent, with the recommendations of this Plan. Specifically, the Planned Land Use map, the Transportation and Community Facilities map, and the policies related to these maps will be used to guide the general pattern of development and the general location and design of public streets and parks. Departures from the exact locations depicted on these maps will be resolved through the land division process for certified survey maps, preliminary plats and final plats. In their consideration of land divisions, the Plan Commission and Town Board will also evaluate the specific timing of the land division request, its relationship to the nature of both existing and planned land uses, its relationship to the Town's Growth Management Program and TDR Program, and the details of the proposed development. This Plan allows for the timing and the refinement of the precise recommended boundaries, development patterns, and public roads and parks provided through the land division process, as deemed appropriate by the Plan Commission and Town Board.

- *Building and Zoning Permits:* Prior to the erection or remodeling of any non-farm building in the Town, the petitioner must obtain a building permit from the Town and a zoning permit from the County. Prior to issuance of a building permit for any new principal ~~non-farm building~~ (except for single- and two-family residences and permitted uses within the A-1 Exclusive Agriculture district), the Town requires site plan and design review and approval of the proposed project. ~~Site plan review is often accomplished through a previous rezoning or conditional use permit review process. Where not so required,~~ The Plan Commission ~~should have or be granted the~~ has the authority to review site plans. Erosion control and stormwater management plans may also be required.
- *Driveway Permits:* Prior to the issuance of a building or septic permit, the petitioner must obtain from the Town a driveway permit.
- *Other Land Use Actions:* In general, the Town Board, following a recommendation from the Plan Commission, will take all other actions related to land use. These include amendments and updates to this *Plan*; annexations, incorporations, or consolidations affecting the Town; amendments to Urban Service Areas affecting the Town; and potential Town purchases or sales of land.

Before submitting a formal application to the Town and/or County for approval of any of the requests listed above, the Town urges petitioners to discuss the request conceptually and informally with the Town Plan Commission. Conceptual review almost always results in an improved development product and can save the petitioner time and money.