

Figure 15: Agricultural Preservation Area Purpose and Policies

Purpose	Typical Implementing Zoning Districts	New Lot Sizes	Relationship to Town's Transfer of Development Rights (TDR) Program
<ul style="list-style-type: none"> Preserve productive agricultural lands in the long-term. Protect existing farm operations from encroachment by incompatible uses. Agricultural uses may involve noise, dust, odors, heavy equipment, use of chemicals, and long hours of operation. Promote investments in farming. Support farms of various sizes and characteristics. Maintain farmer eligibility for incentive programs, such as state income tax credits. Focus on lands actively used for farming, with productive agricultural soils, and with topographic and other conditions suitable for farming. Also includes scattered open lands and woodlots, farmsteads, agricultural-related uses, and limited single-family residential development at densities at or below one home per 35 acres (see density and other development policies below). 	<ul style="list-style-type: none"> A-1(EX) Exclusive Agriculture (state certified farmland preservation district) A-4 Small Lot Agriculture (state certified farmland preservation district) R-H, A-2, and other districts that allow non-farm residences A-B Agricultural Business (state certified farmland preservation district), LC-1 Limited Commercial, and other commercial zoning districts at the Town's choice In the Town's determination, any rezoning away from A-1(EX) or A-4 must be consistent with applicable density and other development policies below, the land must be better suited for a use not allowed in A-1(EX) or A-4 district, and the rezoning may not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use. 	<ul style="list-style-type: none"> For newly created lots for <u>non-agricultural purposes</u>: between 1 and 5 acres, except where the Town Board determines a larger lot is advisable due to unusual land configuration, to better protect farmland, and/or to enhance rural or scenic character For newly created lots for agricultural purposes: 35 acres if zoned A-1(EX); 5 acres if zoned A-4 	<ul style="list-style-type: none"> See Appendix B: Transfer of Development Rights (TDR) Program Overview for the TDR program description, along with detailed implementing rules as adopted and amended from time to time by the Town Board. Mapped Agricultural Preservation Areas 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 Area, in exchange for the permanent preservation of such other lands. "Type 2" receiving areas are legally created lots that are less than 35 acres in the A-1(EX) district—or "standard lots." "Type 3" receiving areas allow farm-to-farm development rights transfers.

Density Policy (extends to next page)

Limit new development to a density of one dwelling unit per 35 acres held in single ownership as of April 16, 1979, except where greater density is allowed for a "farm-to-farm transfer" under the Town's TDR program, per the following policies:

- Data Sources and Definitions:** The land owner's name and land ownership configuration as of April 16, 1979 will be determined using the 1979 Land Atlas and Plat Book for Dane County, published by Rockford Map Publishers, Inc., unless the Town or applicant is able to provide better information on ownership as of that date (e.g., tax records, deeds). Parcel size will be calculated based on gross acreage (including roads and navigable waters), determined using the most accurate source of parcel size information available, with Dane County digital parcel data being the preferred source in the event of disagreement. A "Parcel" is defined as contiguous lands held in single ownership. "Single ownership" may include any combination of lands singly owned by one individual, jointly owned by a married couple including that individual, or owned by a partnership or corporation in which the individual was a member. To define "contiguity" of a parcel in single ownership, a public road, navigable waterway, connection at only one point, or intervening lands in the Conservancy Area, shall not be considered to break up contiguity.
- Contiguity:** In determining allowable dwelling units, contiguity of parcels is required in all cases where parcels were not in single ownership on both April 16, 1979 and the date of application for development approval. The Town's TDR program, the Town will consider consolidation of allowable dwelling units from non-contiguous parcels in single ownership if the applicable parcels were in single ownership both on April 16, 1979 and on the date of application for development approval, and all parcels are within Springfield's planned Agricultural Preservation Area or Agricultural Transition Area. The total number of dwelling units allowed in such cases will be determined by dividing the total gross parcel acreage in single ownership by 35 in accordance with the "Rounding" sub-policy below. Further, prior to the rezoning becoming effective, a note or conservation easement shall be added to the deeds of all affected parcels indicating the effect of the transfer on the future development potential of those parcels (see "Build-out" of Dwelling Units" sub-policy below).
- Parcels in Single Ownership Crossing Town Boundaries:** When there is a development proposal over such a parcel, the Town will work with the property owner, the other town, and the County to arrive at a mutually agreeable arrangement of allowable dwelling units over the parcel, considering the purpose of the Agricultural Preservation Area and the "development and density policies" in this figure.

4. **Rounding:** The maximum number of dwelling units allowed on a parcel will be determined by dividing the number of gross acres owned as of April 16, 1979 by 35, with no consideration of fractions. For example, a maximum of two dwelling units may be permitted on a 90-acre parcel ($90/35=2.20/35 =$ truncate to 2). For the TDR Receiving Area in an approved "farm-to-farm transfer" under the Town's TDR program, the maximum number of dwelling units allowed on the Receiving Area parcel is twice this total.
5. **Farm Residences:** A farm residence built before April 16, 1979 shall not count against this density policy. A replacement to such a farm residence shall not count against this policy either, provided that the pre-existing farm residence will be demolished. Aside from such a replacement residence, any residence built after April 16, 1979 shall be considered one dwelling unit for the purposes of this density policy. In other words, new farm residences (but not replacements) count against the one dwelling unit per 35 acres density policy. Conversion of farm residences to or from duplexes is covered under the "Duplexes" sub-policy below.
6. **Duplexes:** Each duplex built after April 16, 1979 shall count as two dwelling units for the purpose of this policy. The conversion of any single family dwelling to a duplex after April 16, 1979 shall count as one additional dwelling unit for the purposes of this policy. If a duplex is later converted into a single family residence, there shall be no restoration or increase in the number of allowable dwelling units resulting from that conversion.
7. **Commercial and Other Uses:** The following additional uses shall be considered the equivalent of one dwelling unit for the purpose of this policy:
 - a. Any commercial use requiring a rezoning away from A-1 Exclusive Agriculture after March 1, 2002.
 - b. A freestanding telecommunication tower approved by Dane County after March 1, 2002.
 - c. Governmental, institutional, religious, or nonprofit community use.
 - d. Transportation, communications, pipeline, electric transmission, and utility use. Each wind turbine shall be considered the equivalent of one dwelling unit.
8. **Rezonings to A-4:** The number of permitted dwelling units conferred under this density policy shall not be reduced by rezonings to the County's A-4 Small Lot Exclusive Agriculture zoning district.
9. **Subdivision Plats:** Subdivision plats (five or more lots within a five-year period) are allowed within the Agricultural Preservation Area where the number of lots will be consistent with the density policy in this section and 80% of the residential development siting standards below. For example, a 220-acre parcel may be allowed six lots/dwelling units under the density policy, which would trigger a requirement for a subdivision plat.
10. **Land Sales After 1979:** Changes and reconfigurations in ownership of a single ownership parcel in existence on April 16, 1979 do not trigger new allotments of potential future dwelling units per the density policy. Landowners are encouraged to make clear in recorded documentation, such as a sales contract or warranty deed, how many potential future dwelling units are being transferred or retained when selling tracts of land over 35 acres. The Town may request that any supporting documentation be included with rezoning and land division proposals. Supporting documents may include, but are not limited to, sales contracts, warranty deeds, affidavits, and written agreements. When land sales of more than 35 acres occur after April 16, 1979 without clear documentation between buyer and seller, or subsequent/current owners, any remaining potential future dwelling units will be allocated on a proportional basis among current owners of the April 16, 1979 parcel in keeping with the Town's density policy.
11. **Deed Restriction or Agricultural Conservation Easement:** Whenever a rezoning, land division, conditional use permit, or other land use approval results in a change in the number of remaining dwelling units or equivalents on the parcel, the Town intends, as part of such rezoning or other approval, the Town will require that a deed restriction or conservation easement be added to or modified for the parcel for which the approval is granted, indicating the number of dwelling units remaining under the Town's then-existing plan policy. The type and format of the restriction shall be as determined by the Town.

Residential Development Siting Standards

- The applicant for any rezoning and/or land division approval request that enables a new non-farm residence shall submit, along with the rezoning and CSM/plat approval application, a site plan showing the relationship of each proposed residence to the proposed lot (i.e., buildable area), all proposed residences and lots to the rest of the parcel, and all proposed residences and lots to the features indicated below. At least seven of the following standards must be met:
1. Direct new non-farm residences and their driveways away from Group I or II soils, depicted on Map 2, unless no other alignment is possible or all soils on the parcel are so classified.
 2. Divide all new lots to have frontage on a public road per Town and County subdivision regulations, and minimize use of flag lots except where advisable to achieve other standards in this section.
 3. Site residences adjacent to tree lines where available and at the edge of open fields rather than the middle.
 4. Site residences to minimize visibility from public roads, such as through thoughtful placement with respect to existing vegetation and topographic changes.
 5. Avoid multiple homesites side-by-side along existing roads with multiple driveways and modest building setbacks.
 6. Limit tree clearance in wooded areas to the area required for the residence, a yard area not exceeding one acre, and an area for the driveway.
 7. If located near the top of a hill or ridge, site the residence so that its roof line is below the hilltop or ridge line.
 8. Place new lots to allow for driveways suitable in length, width, design, and slope for emergency vehicle travel, per the Town's driveway ordinance, and use shared driveways where possible.
 9. Avoid building placement within wetlands, floodplains, and slopes greater than 20% (see Map 4).

Policies Applicable to Other Uses in the Agricultural Preservation Area

1. **Substandard Lots (see Map 3):** Allow pre-existing uses on parcels of less than 35 acres as of April 16, 1979 (i.e., substandard lots in A-1(EX) 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 B 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.
2. **Other Residential Uses:** Do not allow multiple-family residences (3+ units) or mobile home parks in the Agricultural Preservation Area, except for farm employees in the determination of the Town Board.
3. **Commercial and Institutional Uses:** Within the Agricultural Preservation Area, allow only such commercial and institutional uses that meet all of the following criteria:
 - a. A rural location for the use is necessary to support the continuation of agricultural operations or to serve primarily agricultural customers.
 - b. The placement and operation of the proposed use will not be in conflict with farming operations.
 - c. The site is suitable for an on-site waste disposal system of the type and capacity contemplated.
 - d. Appropriate limitations preventing unacceptable future commercial or other non-residential uses of the site may be applied through a deed restriction.
 - e. The project will adhere to the residential development siting standards above to the extent determined applicable by the Town Board.
 - f. The project adheres to the Town's design review ordinance.
4. **High Intensity Rural Uses (HIRUs):** Within the Agricultural Preservation Area, when considering the siting or expansion of HIRUs, utilize associated standards included in Chapter Eight—Economic Development. HIRUs include, but are not limited to non-metallic mineral extraction operations, biodigesters, telecommunication towers, wind turbines, and farm trucking operations. Such uses typically demand a rural location, but can have negative impacts on Town roads, the natural environment, rural character, and the enjoyment of nearby properties (particularly for residential use).