Part Two:
Farmland Preservation Plan Elements
Objectives & Policies

Perhaps the most important activity in the planning process is setting the basic objectives toward which a plan is directed. When we define objectives, and outline policies to achieve those objectives, we are creating a guide for making decisions which face local and county officials every day.

The previous chapter explored the political, natural and socioeconomic setting of farmland planning in Dane County. In this section, a summary of objectives and policies for farmland preservation are presented.

The source of these policies are the town plans which were prepared over a period of several years. The policies in each town are tailored to meet local needs and goals, and reflect the contributions of planning committees, town boards, public meetings and opinion surveys.

This summary represents the policies which have been most often adopted by towns, and which provide countywide guidance as well. In addition, they expand upon and detail the policies for agricultural land preservation included in the Dane County Land Use Plan (see Appendix 2).

OBJECTIVES

Objectives are the broadest principles which govern our actions. They are a "statement of purpose" for the plan, and the ultimate reason for adopting policies, passing laws, and making decisions.

Here are the farmland preservation objectives for Dane County:

- To maintain Dane County's status as one of the nation's most productive agricultural counties; and to maintain agriculture as a significant economic activity with the region.
- To preserve agricultural land as a resource for the use and benefit of current and future generations.
- To support the preservation of the family farm as a viable economic unit as well as a desirable way of life.
- To maintain the rural character of the towns of Dane County.*

*Excludes the urbanized Town of Madison.
• To maintain open space provided by agricultural land to guide urban development.

• To conserve local and county energy resources.

• To encourage future urban development to be compact, adjacent to existing development and consistent with town planning policies.

POLICIES

Policies tell us the general course of action which moves toward the stated objectives. It's the policies which are used to adopt implementing measures and to help make day-to-day decisions.

Farmland preservation policies speak to three interrelated land use concerns: agriculture, urban development and natural resources.

Agriculture

Towns are encouraged to adopt exclusive agricultural zoning, to generally limit the uses of land in agricultural areas to agricultural production and dwelling units which serve as the places of residence for the owner and employees of the farm.

Rezoning to allow low-density, nonfarm uses in agricultural areas should be permitted if the land meets the following criteria:

• Land that has not had a history of economically viable farming activity.

• Land which is too small to be economically used for agricultural purposes or which is inaccessible to farm machinery needed to produce agricultural products.

• Land located such that conflict with surrounding agricultural uses is minimal.

• Land divided such that the minimum lot size and density requirements for nonfarm parcels are consistent with policies in the local town.

• Land with soils not classified as prime farmland or farmland of statewide importance as shown on maps in town plans.

Large scale integrated commercial/industrial developments or major regional facilities requiring extensive areas of agricultural land shall be considered on their merits and impacts, as well as consistency with all adopted policies.
Agencies and public bodies responsible for the preparation of plans for public improvements such as roadway corridors, power lines, pipelines or sanitary landfills shall recognize the agricultural objectives of the Farmland Preservation Plan.

Farmers should be encouraged to follow soil conservation plans and to use soil conservation practices.

Ordinances and regulations which restrict noise, odors, keeping of animals or other activities that could inhibit normal farm operation should not apply in locally-designated agricultural areas. In addition, existing residential areas should be protected from intensive agricultural uses such as livestock confinement operations where possible.

The towns and Dane County should cooperate to make all farmers eligible for farmland tax credits and other programs that would encourage continued use of land for farming.

Urban Development

When land is rezoned to permit development, only that portion of land necessary for the requested use should be rezoned.

Commercial or industrial land uses that are agriculturally oriented shall be encouraged to locate in areas where they can most economically and efficiently serve the farm community.

Commercial and industrial uses which are not agriculturally related should be located in areas identified for such use and where the full range of public services (sewer, water, fire protection and police protection) can be economically provided.

High density urban development shall be limited to urban service areas where the full range of services are available or planned to be available.

Unsewered residential or commercial development should not be permitted in areas where towns have planned future sewered development.

Strip development along local roads and particularly on collector and arterial roads should be discouraged.
Natural Resources

Nonfarm development in agricultural areas should avoid disturbance of significant woodland areas, wetlands, springs and steep slopes.

Environmental corridors which are identified in county and town plans and are part of an operating farm should be zoned either exclusive agriculture or conservancy.

Agricultural uses within officially delineated wetlands should be limited to existing operations and expanded only if filling and draining is not required.

Maintenance of natural vegetation along local roadsides should be encouraged when practical.
Mapping

Just as policies were tailored to the needs of each town, a series of town maps were prepared to determine each town’s capabilities and limitations for development.

The maps, drawn for all towns except the urbanized Town of Madison, were prepared at a scale of 1" = 2,000', allowing direct transfer of information from U.S. Geological Survey Maps. Many of them were reduced and published as part of the local town plans. A sample set of maps can be found in Appendix 7, and the original, full-scale copies may be seen at the DCRPC office.

The following eight maps are included in the series:

1. **Detailed Soils**

   This map transfers the USDA SCS Soil Survey of Dane County to the common 1" = 2,000' scale. It identifies each individual soil type found in the town, and is useful as a basic resource map from which varying aggregations of soil types can be derived.

2. **Prime Farmland and Farmland of Statewide Significance**

   This map shows soils grouped according to their agricultural capability as defined by the U.S. Soil Conservation Service. Prime Farmland is land with the soil quality, growing season and moisture supply needed to produce sustained high yields of crops economically when managed and worked according to modern farming methods.

   Farmland of Statewide Importance is land which is not identified as prime farmland on a nationwide basis, but which is important in Wisconsin for the production of various food, feed fiber and forage crops. In a few western Dane County towns, an additional soil category was mapped; Farmland of Local Importance. This category includes soils which have no national or statewide significance, but are nevertheless valuable from a local perspective.

   A description of the soil types included in each of these general classifications is in Appendix 8.
3. **Soils Limited for Septic Tank Absorption Fields**

In areas where public sewers are neither provided nor likely to be available in the near future, residential development can usually occur whenever it's possible to install septic systems. To determine potential development areas, it's important to identify soils which are suitable for septic systems and those for which there are limitations.

The Dane County Soil Survey provides information on soil capabilities for septic tank absorption fields. Two categories of limitations were mapped for each town: severe and very severe. Severe limitations mean that soil characteristics (permeability, depth to bedrock, slope, etc.) are unfavorable and difficult to overcome. Very severe limitations mean that one or more soil properties are so unfavorable that overcoming the limitation is not commonly practical.

Note in the sample maps that the areas without septic limitations are usually areas of prime or statewide important farmlands; the soil characteristics favorable to agriculture are generally favorable to development, too.

4. **Water Resources**

This map records lakes, rivers, streams, drainage basins, floodplains and wetlands. The latter two are particularly important, as development is severely restricted in such areas, through natural limitations, regulation, or both.

Water and wetlands were derived from U.S. Geological Survey topographic maps, and the 100-year floodplain was obtained from National Flood Insurance Program maps prepared by the U.S. Department of Housing and Urban Development.

5. **Woodlands**

Woodlands are a valuable resource for wildlife habitat, soil conservation and aesthetic beauty. They are also frequently prime choices for residential building sites. Derived from aerial photos and U.S. Geological Survey Maps, the woodlands map shows how this resource relates to other physical and cultural features in each town.

6. **Previously Committed Lands: Existing Land Use, Zoning**

These maps show the patterns of existing development. The land use map indicates all residences, commercial and industrial establishments, and other land uses. It was derived from visual surveys and aerial photographs taken in the spring and summer of 1980.
The zoning map shows all zoning districts currently on record in each town under the Dane County Zoning Ordinance. While land zoned for a particular use may not yet be developed, such use is permitted and in some measure encouraged.

7. Soil Conservation Service Cooperators

This map, drawn on a property base map, shows farms which have developed conservation practices with the help of the SCS District. To the extent that implementation of an SCS farm plan indicates a commitment to farming, this map gives another clue as to strength of agriculture in the town. Many farmers, however, employ conservation practices without the aid of the SCS District, and therefore their farms don't appear on this map.

8. Parcel Size

This map, also on a property base, shows all land parcels less than 35 acres in size. These are the parcels least likely to remain in agriculture, if they are now being farmed. In addition, these parcels will not be eligible for tax credits under the current State Farmland Preservation program.
Planning

Natural, socioeconomic, and agricultural trends; maps of physical and cultural data; meetings, surveys; questionnaires -- all of these elements contribute to the preparation of a town plan.

The main feature of each plan is the plan map, which illustrates the pattern of land uses which the town feels will meet its overall goals. It specifies, for each area of the town, land uses to be encouraged or discouraged, and the criteria by which future land use changes will be evaluated.

Policies and criteria are presented in context of plan districts. Each district is described by policy statements which convey what the district aims to accomplish, and how the goal will be realized.

As required in the county's Standards for Review of Town Plans (Appendix 1), the plans normally contain five basic plan districts: urban service areas; rural nonfarm areas; agricultural preservation areas; transition areas; and resource protection. Some very rural towns omitted the urban-related districts, and some towns included other districts to address unique areas or concerns.

The main features of these plan districts are as follows:

- **Urban Service Areas** - those areas in and adjacent to existing communities where new high density development would be directed. The full range of public services including sanitary and storm sewer and water would be provided.

- **Rural Non-Farm Areas** - Those areas determined to be most suitable for new nonfarm uses, usually residential. The areas are characterized by small parcel size, some existing nonfarm residences and soils not classified as prime farmland or farmland of statewide significance. The areas may have been zoned for something other than agriculture. In addition, while the areas contain more than enough land to accommodate future nonfarm growth, consideration was given to the demand for such areas based upon historic development trends.

- **Agricultural Preservation Areas** - Those areas determined to be most appropriate for long-term agricultural use. Following the process outlined in "Identifying and Classifying Farmland in Your Town" (see Appendix 4) local officials and residents identified the preservation areas. The six factors examined are:
1. The present character of farming activities in the town.

2. Soil characteristics.

3. Improvements and investments in farm property.

4. Parcel size and ownership patterns.

5. Nonfarm land use.

6. Current and planned public service facilities.

- **Transition Areas** - Those areas determined to be limited term agricultural land due to proximity to existing or planned urban development. The areas may also be characterized by fragmented uneconomical parcels and owned by investors or other interests who will not promote the continued agricultural use of the land.

- **Resource Protection (Floodplain Conservancy) Areas** - Those areas identified as having unique natural characteristics worth protecting from all development. These areas always include floodplains and wetlands, and in some towns include woodlands, steep slopes or public lands.

Other districts which appear in only a few town plans include:

- **Conservancy Reserve Area** - Areas that are identical to resource protection areas except that farming is encouraged as a use.

- **Public Areas** - Those areas in public ownership acquired for wildlife protection, hunting, fishing, recreation or some other public use.

- **Highway Interchange (Commercial) Areas** - Those areas located at highway interchanges (usually I-90/94) where some commercial development related to highway services is desirable. Usually these areas are adjacent to existing commercial development.

- **Private Recreation Areas** - Areas identified on a plan including golf courses, sportsmen's clubs, and other nonpublic recreation activities.

The plan map illustrating the location of these districts in the town gives geographic meaning to land use policies. Both maps and policies, however, are intended to be flexible; each plan describes a process for amendment, which usually consists of a public hearing, planning committee recommendation, town board action, and county notification. Plans also call for an annual review to be sure that they continue to reflect the town's goals.
Implementation

As noted earlier, farmland preservation plans are required to contain "a program of specific public actions designed to preserve agricultural lands and guide urban growth." Such a program is included in each town plan, and a summary of town and county implementation measures is presented here.

Tools to carry out farmland plans fall into four categories: direct land use controls; waste disposal control; tax measures; agricultural aid programs. Each category is described below, with an explanation of existing programs along with recommended changes, if needed, to meet the goals of the plan.

LAND USE CONTROLS

Agricultural Zoning

Dane County has had a comprehensive zoning ordinance since 1938, which is in effect in all 35 towns.

In May, 1978 the county amended the zoning ordinance to provide for an Exclusive Agriculture District that would meet the State of Wisconsin standards for eligibility to participate in the Farmland Preservation Program (see Appendix 5). The amendment basically raised the minimum lot size to 35 acres and limited the permitted uses to agriculture or related uses.

Under provisions of the Farmland Preservation Act, the exclusive agricultural zoning amendment takes effect in each town which does not specifically reject it. (All other zoning text amendments must be approved by a majority of towns for them to be effective in any town.) As of November, 1981, 24 Dane County towns have approved exclusive agricultural zoning for their town.

In most cases, when a town approves the amendment, all land zoned A-1 becomes A-1 Exclusive, restricting it to agricultural use (though residences for farm operators and their children are permitted without a zoning change). Some rezoning to allow nonfarm residential and commercial development is possible as long as it is consistent with town plan policies.

The tie-in between zoning and local plans is the key to implementation. This connection is reinforced by Section 10.255(1)(d) of the zoning ordinance, which states that "The Zoning Committee shall use plans and maps developed by individual towns and approved by the County Board as
criteria for zoning recommendations to the County Board." Any nonagricultural land use change is therefore reviewed by the town and county in terms of consistency with the town's plan.

Several town plans contain provisions to allow a certain amount of low density development in agricultural areas as a matter of policy. For example, if town policy allows one nonfarm residential lot for every 40 contiguous acres owned, the owner of a 160-acre farm could sell off 4 lots. Each one would be rezoned from A-1 (Exclusive) to R-1, and the lots could be scattered throughout the farm or grouped together. If the original farm parcel from which these 4 lots were created is sold to a different owner, that new owner could not create 4 additional lots: the nonfarm lot allowance applies to land owned at the time the plan is adopted.

In addition to A-1 (Exclusive), the county created two other agriculture districts, A-2 and A-3. The A-2 agriculture district is essentially an agricultural district that provides for several nonagricultural uses as conditional uses, e.g., mineral extraction and nonfarm residences. Farmers with land zoned A-2 would not qualify for tax credits under the farmland preservation program. The A-3 district is another exclusive agriculture district, generally termed as transitional. The intent of the district is to designate those agricultural areas adjacent to developed communities as short-range farmland preservation. Farmers in the A-3 district would be eligible for tax credits.

Recommendations

1) Experience with the towns in plan preparation has indicated that additional zoning districts would facilitate the implementation of various policies. Specifically, there is a need for districts with a range of minimum lot size suited to low-density rural development in predominately agricultural areas. Such an amendment should include 5, 10 and 15 acre minimums.

2) Towns should examine their procedures for reviewing development proposals, and alter them as needed to ensure that plan policies are considered and timely zoning recommendations are made. In addition, the Regional Planning Commission should continue to assist towns in administrating their plans, particularly where policies with density controls call for accurate record keeping.
Shoreland and Floodplain Zoning

The Dane County zoning ordinance contains state-mandated provisions to restrict development near navigable waterways and within the 100-year floodplain. These "overlay" zoning districts coincide with exclusive agricultural zoning in some areas, and serve to implement the resource protection districts in most town plans. Depending on the location within the floodplain, development is either prohibited or allowed with limited filling.

Subdivision Ordinances

A subdivision control ordinance is designed to regulate the division of land into smaller parcels, especially for development uses, so that it is done in a logical manner, in response to a need, and within the environmental capabilities of the site. State minimum standards for land subdivision have been established in Wisconsin Statutes, Chapter 236. However, the county may enact a more restrictive ordinance. A subdivision ordinance may set standards for design and building and may require that streets, lights, sewer, water, etc. be installed before approval is granted.

Dane County adopted a Subdivision Ordinance in 1970 which is more restrictive than the state minimum standards. All newly created parcels 15 acres or less must have a certified survey recorded, and if more than 4 lots less than 15 acres each are created in less than a 5-year period, a subdivision plat must be recorded. Both of these activities are subject to full county review.

In addition to the county ordinance, several towns have adopted subdivision controls, which may be more restrictive than the county. Some rural towns have adopted large minimum lot size ordinances to implement a plan policy of low density development.

Recommendation:

1) The county should consider expanding the review of lot creations by amending the Subdivision Ordinance to require a certified survey map be prepared for any lot created which is 35 acres or less. This would provide consistency between the minimum lot size for exclusive agricultural zoning and the maximum lot size requiring a certified survey.
WASTE DISPOSAL CONTROLS

Sanitary Code

A sanitary code establishes minimum standards for the location, installation, alteration, design and use of private sewage disposal systems. Minimum standards have been set by the state and may be strengthened by local ordinance. Benefits of a sanitary code include protection of public health through protection of surface and underground water quality, and protection of the land resource by not allowing installation on environmentally unsuitable lands.

A sanitary code has a potentially great influence on land use. The majority of rural homes in Dane County are served by individual septic tank disposal systems. Presently approved systems are limited to sites with relatively gentle slope, good but not excessive subsurface drainage, and a sufficient depth of soil over bedrock and groundwater to filter the effluent before it reaches the groundwater. The Dane County sanitary code also requires that each on-site disposal system be equipped with two drainage fields to prevent early system failure.

This code practically prohibits development in many environmentally sensitive areas. However, the soils in Dane County best suited to septic systems are also generally better soils for cultivated crops. Consequently, it becomes more economical to build on the land which is also best suited for farming, while the potentially more attractive steeper, wooded lots remain unbuildable. Revisions in the state sanitary code were enacted in 1979 to allow limited use of alternate methods of sewage disposal (the "mound system" in particular) which could be installed on steeper, rougher sites, thereby allowing building in these areas and taking some pressure off agricultural lands.

Recommendations:

1) Unlimited use of alternative on-site disposal systems in Dane County should be avoided. Nonfarm residential densities should not exceed town plan policies, even if such systems allow development on previously inaccessible land. Caution should particularly be exercised in use of the mounds system in hilly, western Dane County, where development of steep slopes can have adverse effects on soil and water quality.
Sanitary Sewer Extensions

The Wisconsin DNR is required to issue permits for all extensions to sanitary sewer systems in Dane County. Prior to the issuance of a permit, a determination of consistency with adopted plans must be made by the planning agency. Generally, this consists of assurance by the Plan Commission that the sewer extension is within an adopted Urban Service Area. The Urban Service Areas are the areas delineated on the Regional Land Use and Water Quality plans adjacent to existing communities determined to be the most suitable for future development at urban densities. The areas were subsequently incorporated into the Town Plans as the areas where new development should be encouraged. This activity can assure that urban development is directed to the areas where it is most desirable and away from agricultural land.
TAX MEASURES

Farmland Preservation Tax Credit

A major incentive for preserving productive farmland is participation by land owners in the Farmland Preservation Program. As described previously (page 4) this program provides income tax credits to farmers who agree not to develop their land either by contract or through zoning. After 1982, landowners in Dane County must have the land zoned exclusive agriculture to receive a tax credit. With town adoption of exclusive agricultural zoning and county adoption of this Farmland Preservation Plan, participants will receive the full tax credit.

Forest Crop Law

The Forest Crop Law is based on the principle of taxing land at an annual rate while timber, as a product of the land, is regarded as income and taxed when it is harvested. Any owner of at least 40 acres is eligible and the annual tax is twenty cents per acre until 1982. After that, a new annual tax will be computed for the succeeding ten years based on the rise or fall of the equalized valuation of all property in the state. When the forest is cut according to sound forestry practices, a ten percent severance tax is assessed on the value of the wood products.

This tax program encourages conservation and wise use of large woodland areas, which are most common in western Dane County.

Woodland Tax Law

An owner of 10 contiguous acres or more but not more than 39 acres may enter the land under this law if a signed management plan has been prepared for a 15 year period. The owner would pay an annual tax of 40 cents per acre until 1982. After 1982, a new annual tax/acre will be computed and may be higher or lower depending on the rise or fall of the equalized valuation of property within the state. Lands withdrawn during the contract period are subject to a penalty but there is no penalty if lands are not renewed at the end of the contract period.

This program encourages good management of small wood lots.
AGRICULTURAL AID PROGRAMS

USDA Soil Conservation Service (SCS)

The SCS, a federal agency under the U.S. Department of Agriculture, assists SWCD cooperators (Soil and Water Conservation District landowners and operators) in developing conservation plans and in applying the needed practices. Also it provides technical assistance to landowners who apply for cost-sharing in the application of practices under both the Agricultural Conservation Program (ACP) and under the district cost-sharing program.

Agricultural Conservation Program (ACP)

The Agricultural Conservation Program, administered by the USDA Agricultural Stabilization and Conservation Service (ASCS), cost-shares with landowners and operators on the installation of conservation practices. The program is under the direction of the locally elected three member Dane County ASC Committee.

Sign-up for practice assistance is generally on an annual basis but there is a provision for long-term agreements to permit cost-sharing practices on a scheduled basis over a period of from three to ten years.

Technical assistance for the planning and installation of conservation practices involving construction is provided by SCS. Practices installed must meet the specifications set forth in the Dane County SWCD Technical Guide. These same specifications are used for either ACP or district cost-sharing programs. Technical assistance for forestry practices is provided by DNR.
TOWN PLANS

This chapter contains the land use plan maps and summarized policies for 34 Dane County towns. Because it is completely urbanized, a farmland preservation plan has not been prepared for the Town of Madison.

As stated previously, the process has been to work with towns individually on their plans, then have them reviewed by the RPC, Zoning Committee and County Board. All town plans have been through this process with the following exceptions:

The Town of Blooming Grove chose not to prepare a plan, therefore a plan was prepared for that area by the staff at the request of the Zoning Committee. It will be called the Dane County Farmland Preservation Plan for the Town of Blooming Grove Area. This ensures a complete county plan, however the county as a policy encourages local planning and will entertain revisions to this plan at the request of the town.
The Town of Middleton Planning Commission worked with the RPC staff to prepare a revised Town Land Use Plan, containing farmland preservation policies. This plan was reviewed at a public hearing and recommended for adoption by the Town Planning Commission. To date, the Town Board has taken no action on the revised plan. Therefore this revised plan is inserted in the County Plan as the Dane County Farmland Preservation Plan for the Town of Middleton Area.

Whenever the Town Board wishes to take action to approve or revise this plan, it will be considered as an amendment to the County Plan.