

Chapter 1 - Tenure

1.04 Tenure Policy - Within Agriculture Preservation areas, require that a property owner must own his/her property for a minimum of 20 years prior to the date of application for a rezone or a land division before being able to divide off a parcel, building site with associated preservation area, or lot under density policies of this plan. (See also Section 1.03 Density Policy, and 3.01.2 Zoning for Farm Related Residential Uses)

1.04.1 Ownership Transfer to Immediate Family - Where ownership of farm parcels is transferred from one immediate family member to another, the years owned for the original owner will carry forward to the subsequent owner.

1.04.2 Applicability of Tenure Policy to Alternative Farm Ownership - Farms that are owned by a legally recognized entity, corporation, or group of persons other than an individual are also subject to this tenure policy. If an existing owner incorporates or establishes ownership with one or more individuals, the ability to divide up the property will be based on the duration of ownership from the original owner (or qualified immediate family member if the farm has been passed on) so long as that owner (or immediate family member) is part of the corporation and is a majority owner in that corporation. If at any time that owner (or immediate family member) ceases to be a part of the corporation, the ownership duration resets to zero years.

1.04.3 Applicability of Splits Taken During Ownership Period - Any residential splits since January 1, 1986 shall be subtracted from and count against the total available splits from the original parcel. (Unless created as part of the Family Exception policy that ended in 2008)

Chapter 2-Tenure

1.06 Tenure Policy – See Agricultural Chapter Section 1.04. Within Agriculture Preservation areas, require that a property owner must own his/her property for a minimum of 20 years prior to the date of application for a rezone or a land division before being able to divide off a parcel, building site with associated preservation area, or lot under density policies of this plan. Enforcement of this policy will be primarily achieved through the Town of Vienna Land Division and Subdivision Ordinance. Areas within designated urban service areas are not subject to the Town of Vienna Land Division and Subdivision Ordinance.

1.06.1 Exemptions from the Tenure Policy – The tenure policy does not apply to the following situations:

- a) Separation of existing farm buildings from the primary residence would be exempt from this policy.
- b) This tenure policy would not be applicable in approved urban service areas or limited urban service areas.
- c) Available splits for immediate family members may be proposed through December 31, 2008.

Contiguous comes in 2 places in the Town of Vienna, definition of the “Original Farm” and in the Deed Restriction requirement the Town places on each rezone. Original Farm definition is the only one I find in the Town’s comprehensive plan.

Chapter 1 - Contiguous

1.03 Density Policy - Within Agricultural Preservation areas that are outside of approved urban service areas, limit non-farm residential development to a maximum density of one unit per 75 contiguous acres. Implementation of this policy will be primarily achieved through a combination of enforcement of the Town of Vienna Land Division and Subdivision Ordinance, and FP-35 (General Farmland Preservation) Zoning District A-1 Exclusive Agriculture zoning).3 (See also Section 1.04 Tenure Policy)

1.03.1 Definition of Contiguous - For purposes of this plan, the term "contiguous" is defined to mean "parcels of land which share a common boundary, including a connection at only one point (i.e. a public road, navigable waterway or railroad shall not be considered to break up contiguity)." NOTE: This definition differs from Dane County's definition which states "Lots or parcels shall be considered contiguous if they share a common boundary for a distance of at least sixty-six (66) feet. Roads, navigable waterways and other public easements" do not affect contiguity. "

1.03.2 Areas To Be Included in Density Calculations - Permanent bodies of water, mapped wetlands, floodplains or environmental corridors are to be included with the original farm acreage when determining the eligible density of non- farm development. Rights of way shall also be included in the original farm acreage for purposes of calculating density.

1.03.3 Split Tracking Policy - Any residential rezone or residential building site(s) created in the Agricultural Preservation Area on or after January 1, 1986 shall be subtracted from and count against the total available splits from the original parcel.

1.03.4 Identification of Original Farms- Farm parcels or units are defined as contiguous lands under single ownership, with roads and other public rights- of-way not interrupting contiguity (i.e. land on two sides of a road or meeting at a single point owned by the same person or persons is considered part of a single farm unit.

1.03.5 Source of Measurement Data- The source of data to be utilized when determining the size of the original farm parcel on or after January 1, 1986 should be net acreage data including rights-of-way.

a) Definition of Parcel - For purposes of this plan, the term "Parcel" is defined to mean "contiguous lands under single ownership."

Chapter 2 - Contiguous

1.04 Density Policy for Agriculture Preservation Areas – Maximum density in the Town of Vienna is of one unit per 75 contiguous acres, for details see Agricultural element Policy 1.03.

2.1 Objective 2.1: Encourage the siting of residential uses in a manner that is compatible with existing or potential intensive agricultural uses (e.g. livestock operations and manure storage facilities).

Policies: 2.11 Large Agricultural Parcels - Preserve large, contiguous parcels to allow for potential intensive agricultural uses where feasible and appropriate.