

## CHAPTER 8: LAND USE

### I. Existing and Forecasted Land Use

Existing land uses and historic trends are described below and listed in Table 8-1. Over the past 20 years, cropland and pasture in the town have declined, while woodlands and single family residential uses have expanded.

#### *Agriculture*

In 2020, cropland and pasture accounted for 55.3% of the land area of the town. This is an increase of 1,000 acres since 2000. Conventional farm practices are employed to raise corn, soybeans, and dairy as well as other livestock and crops. Since 1980, cropland and pasture has declined by 3,760 acres (-23%).

#### *Woodlands*

Woodlands account for 25% of the land area of the town. Woodlands have been expanding in Cross Plains, growing by 1,196 acres (5.2%) between 2000 and 2020.

#### *Residential*

The Town maintains a relatively low-density population, with 4% of the Town's land occupied by residential use. Single-family residential is the prevalent housing type. Land devoted to residential use has grown by 311 acres (59.4%) since 2000.

#### *Commercial*

Commercial retail, services and industrial uses play a very small part of the Town's total land use, totaling only 138 acres (less than 1% of the town's land area), of which 129 acres are associated with existing mineral extraction operations. At this time the Town contains a few limited commercial uses including landscaping, restaurant and tavern, and a few home-based businesses.

#### *Other Public Uses*

The predominant public use is transportation infrastructure, which consumes 672 acres in the Town. Roadways account for the bulk of this land use.



Table 8-1 Land Use by Acreage 2000-2020

Town of Cross Plains					
Acres of Land Use	2000	2005	2010	2015	2020
<b>RESIDENTIAL</b>	522.40	722.70	800.47	753.54	833.37
Single Family	522.40	722.70	800.07	753.01	832.84
Two Family	0.0	0.0	0.40	0.53	0.53
<b>INDUSTRIAL</b>	122.77	146.07	109.02	112.40	129.23
Manufacturing	1.14	0.17	0.0	0.0	0.0
Wholesale	0.0	0.0	0.0	0.0	0.0
Extractive	121.63	145.90	109.02	112.40	129.23
<b>TRANSPORTATION</b>	708.61	713.96	680.01	679.42	674.02
Right of Way	688.30	666.00	632.65	632.40	626.71
Railroad	14.85	46.40	46.86	45.68	44.88
Other	5.46	1.56	0.50	1.34	2.43
<b>COMMUNICATION/UTILITIES</b>	4.32	8.60	4.31	5.24	5.83
Generating Processing	1.09	1.41	3.07	3.07	3.07
Transmission	3.23	7.19	1.24	2.17	2.76
Other	0.0	0.0	0.0	0.0	0.0
<b>COMMERCIAL RETAIL</b>	1.74	3.88	30.65	3.87	5.11
General Repair & Maintenance	0.0	3.88	0.0	0.0	0.27
Other	1.74	2.47	30.65	3.87	4.84
<b>COMMERCIAL SERVICES</b>	1.12	0.37	5.32	5.32	8.80
Lodging	0.0	0.0	0.0	0.0	0.0
Other	1.12	0.37	5.32	5.32	8.80
<b>INSTITUTIONAL/GOVERMENTAL</b>	18.29	11.98	17.39	12.05	14.65
Education	NA	NA	2.68	2.68	2.68
Administrative	NA	NA	8.16	2.82	4.27

Town of Cross Plains					
Acres of Land Use	2000	2005	2010	2015	2020
Cemetery	2.11	2.11	2.11	2.11	3.26
Other	16.18	9.87	4.44	4.44	4.44
<b>OUTDOOR RECREATION</b>	<b>13.31</b>	<b>10.08</b>	<b>154.06</b>	<b>165.51</b>	<b>166.24</b>
<b>TOTAL DEVELOPED AREA</b>	<b>1,398.58</b>	<b>1,623.70</b>	<b>1,801.94</b>	<b>1,736.78</b>	<b>1,836.73</b>
<b>AGRICULTURE &amp; UNDEVELOPED</b>	<b>20,483.59</b>	<b>20,641.85</b>	<b>20,590.79</b>	<b>20,822.93</b>	<b>21,089.24</b>
Woodlands	5,597.54	6,051.12	5,790.74	5,906.03	5,888.45
Other Open Lands	2,882.93	1,829.17	2,668.88	3,003.89	2,892.07
Vacant Unused Lands	45.01	22.78	54.98	38.19	50.09
Water	211.4	203.59	226.19	134.45	111.68
Cropland Pasture	11,446.66	11,505.56	11,850.00	12,770.00	12,447.00
<b>TOTAL AREA</b>	<b>22,320.33</b>	<b>22,378.63</b>	<b>22,392.73</b>	<b>22,446.63</b>	<b>22,487.82</b>

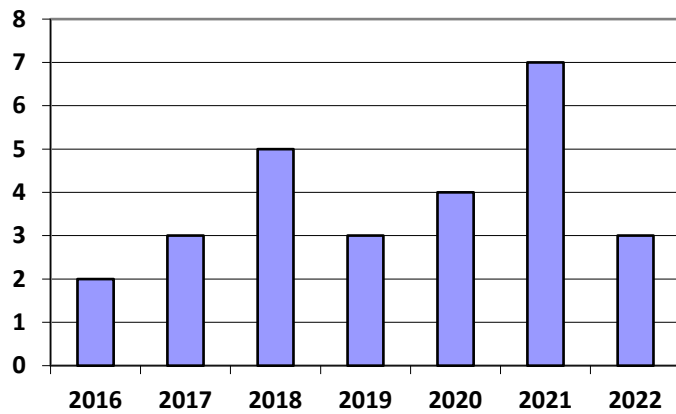
Source: Dane County Planning & Development and CARPC (Land Use Inventory), 2022.

In 2010 CARPC changed the way agricultural, farm residential and other rural land use were reported. For a more detailed description, see the Farmland Loss Mitigation Report, CARPC, 2010.

## II. Supply, Demand and Price of Land

The number of parcels created each year determines the rate of development in the Town. The Town has a density policy that allows 1 split per 35 acres of contiguous land owned as of December 26, 1981, and a transfer of development rights (TDR) policy. From 2000 to 2020, 170 acres of the town has been annexed into the Village of Cross Plains. See Map Land Divisions and Annexations. From 2016 to 2022, there have been 89 zoning permits issued. 21 of these were for alterations to existing buildings, so that means 68 were for new structures. From 2016 to 2022, 415.4 acres were rezoned out of certified farmland preservation districts.

Chart 8-2 Rezones out of Farmland Preservation



The statistics indicate that demand for non-agriculture related residential development will continue to be satisfied by rural densities permitted under the town’s one unit per 35-acre density policy. Therefore, it is unnecessary for the Town to provide a full range of municipal services now or in the foreseeable future.

The average value of all agricultural land sold in Dane County in 2018, the last year the National Agricultural Statistics Service provided a county-level analysis, was \$13,020 per acre, up from \$11,430 in 2007. The value of land sold for continued agricultural use averaged \$9,859 per acre, up from \$8,218 in 2007. The value of land sold for non-agricultural use averaged \$30,395 per acre compared to \$23,896 in 2007.

### III. Land Use Projections

Table 8-B shows land use projections for the Town of Cross Plains from 2010 through 2025. Residential land use projections are based on Wisconsin Department of Administration household projections and single family residential acreage per housing unit as reported in the 2005 Dane County Land Use Inventory and the Regional Trends Report, both published by the Capital Area Regional Planning Commission. Agricultural, commercial and other non residential land uses are based on historic trends between 1980 and 2005.

Table 8-2: Land Use Projections in 5-year Increments

Land use acres	2025	2030	2035	2040
Cropland / Pasture	12,325	12,301	12,264	12,214
Woodland / Other Open Space	9,141	9,463	9,947	10,702
Residential	857	882	908	934
Commercial	22	37	65	117

Industrial (includes mineral extraction)	137	145	153	162
Institutional / Governmental	15	16	17	17

Source: WI DOA Household Projections, CARPC, Dane County Land Use Inventory 2020.

#### IV. Land Use Conflicts

Land use conflicts in the town can arise from:

- poorly planned residential development that is incompatible with nearby agricultural and open space uses;
- commercial development that generates excessive traffic, or is generally incompatible with the rural character of the town, and/or;
- incompatibilities between town, county and city or village plans.

The Town of Cross Plains Comprehensive Plan seeks to minimize such conflicts by:

- limiting the overall density of non-farm residential development in agricultural areas;
- establishing siting and design guidelines;
- limiting the nature and scope of commercial activities to those compatible with existing uses;
- redirecting more intensive uses to areas with appropriate municipal services, and;
- supporting intergovernmental cooperation and planning.

#### V. Opportunities for Redevelopment

Approximately 8.2% of the town is developed, so there are limited opportunities for redevelopment. The Town of Cross Plains will support limited redevelopment in the Rural Residential and Pine Bluff Crossroads Districts, provided that any new uses, designs or densities are consistent with the overall goals, objectives and policies for each district.

## VI. Land Use Goals, Objectives and Policies:

The Town of Cross Plains is blessed with a diverse rural landscape that includes farms, woodlands, natural river valleys and hillsides. Residents value the rural lifestyle and environmental resources such as the Black Earth Creek. As illustrated by the survey results, Town residents want to retain and enhance these characteristics long into the future. The following land use goals, objectives, and policies reflect these desires and are designed to ensure the long term quality of life in the Town by preserving farmland, protecting environmental resources, and respecting the property rights and responsibilities of landowners.

### *General Land Use*

#### **1. Goals:**

1. Preserve the productive farmlands in the town for continued agricultural use.
2. Prevent conflicts between incompatible uses.
3. Maintain the existing number of rural residential districts.
4. Protect the natural environment.
5. Maintain the rural character of the town.
6. Permit landowners to use available splits on their land.

#### **2. Objectives:**

1. Ensure that new development and land use changes are compatible with the Town's agricultural and rural character.
2. Limit new development to rural densities as described in this plan.
3. Recognize the environment as an integrated system of land, water and air resources, the destruction or disturbance of which can adversely affect the community by creating hazards, destroying important public resources, or wasting productive lands and renewable resources.
4. Avoid substantial expenditure of town funds for development.

#### **3. Policies & Programs – General Land Use**

1. Provide a sufficient supply and mix of land uses to satisfy Town land use objectives.
2. Promote the redevelopment, reuse or improvement of properties in the area around Pine Bluff.
3. Follow the recommendations and requirements of this Plan when making land use decisions, including, but not limited to: review of county zoning petitions, land divisions and condominium plats.

4. Redirect high-density residential land uses, or other commercial or industrial development usually associated with an urban land use pattern to a designated Urban Service Area (USA).
5. Consider the limited development of conservation subdivisions (5 or more lots less than 35 acres within 5-year period), as part of a town-wide strategy to protect large areas of farmland or natural areas.
6. Minimize development impacts on productive agricultural lands, or those lands with a history of productive farming activity.
7. Limit non-farm residential development to those areas that are not classified as productive farmland.
8. Require agencies and bodies responsible for the location of public improvements such as roadway corridors, pipelines, or power lines to recognize and comply with the agricultural land preservation objectives of the Town.
9. Promote state and local programs that encourage farming, or investment in farming, within the Town.
10. Policies and programs listed above will not be used to prevent the use of available splits.
11. Consider developing a Purchase of Development Rights (PDR) program and/or a hybrid Purchase / Transfer of Development Rights program as a future amendment to the comprehensive plan. Such a PDR or PDR/TDR program should:
  - identify local funding sources to use as matching funds for county, state and federal conservation grants;
  - further town conservation objectives for farmland preservation and natural resource protection, and;
  - complement and support conservation plans of Dane County, the Wisconsin Department of Natural Resources, the National Park Service, the U.S. Fish and Wildlife Service and other local, state, federal and nonprofit conservation entities.

*Town Land Use Districts (Maps 8-3, 8-4):*

The Town has adopted the following 6 proposed planning districts to meet the Town's land use goals and objectives over the 20 year planning period:

- Farmland Preservation District,
- Rural Residential District,
- Pine Bluff Crossroads District,

- Environmental & Resource Protection District,
- Public Lands District,
- Urban Service Areas.



## 1. Farmland Preservation District

### a. Purpose:

The Town has established the Farmland Preservation District as a means of preserving agricultural lands and rural character throughout the Town while providing opportunities for limited non-farm development. This designation will also serve to



promote continued investment in agricultural operations by ensuring that incompatible land uses are directed to areas that will minimize interference with farming activities. The primary land use policy within this district is the density policy, which limits the density of residential development to one dwelling unit per 35 acres. This district encompasses the most land within the town and includes productive farmlands, farm dwellings and other agricultural land uses, pastureland, woodlots, and scattered non-farm single-family dwellings. The policies for this district allow for a limited amount of non-farm residential and commercial

development in keeping with the overall goals and objectives of the Town to preserve agriculture and rural character.

### b. Objectives:

1. Continue to maintain and encourage production agriculture, agricultural-related businesses, forestry, open space, and compatible uses.
2. Protect farm operations from the encroachment of incompatible uses.
3. Limit nonfarm development consistent with town density policies.
4. Maintain at least 80% of the planned Farmland Preservation Area in FP zoning (FP-35, FP-1, FP-B), consistent with Department of Agriculture, Trade and Consumer Protection administrative code.
5. Direct nonfarm development away from productive agricultural lands, provided it will not prevent the landowners' use of available splits.
6. Maintain and promote eligibility for county, state and federal programs, grants, incentives, cost-share funding and tax credits designed to support farming and maintain land in agricultural use.

### c. Appropriate Zoning Districts:

- FP-35 (Farmland Preservation)
- FP-1 (Small-Acreage Farmland Preservation)
- FP-B (Farmland Preservation Business)
- NR-C (Natural Resource Conservancy)
- RE (Recreational)
- TDR-S (Transfer of Development Rights - Sending Area) Overlay
- For nonfarm development permitted under Town density & siting policies:
- RM-8, RM-16 (Rural Mixed Use)
- RR-1, RR-2, RR-4, RR-8 (Rural Residential)
- SFR-08, SFR-1 (Single Family Residential)
- TFR-08 (Two Family Residential)
- TDR-R (Transfer of Development Rights - Receiving Area) Overlay
- LC (Limited Commercial), with appropriate conditions as needed to meet the objectives of the Town of Cross Plains Comprehensive Plan

In areas located in:

- Town of Cross Plains voluntary conservation areas;
- in boundaries identified by governmental entities for potential public acquisition or open space or;
- areas identified in this plan as TDR Super Sending Areas,

conditional use permits for the following uses are not permitted:

- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law
- Non-metallic mineral extraction
- Asphalt & ready-mix concrete plants
- Renewable energy electricity generators

Such uses would impair or diminish the aesthetics, values, uses and enjoyment of properties with significant public investment,



unique geological features and nationally-recognized watersheds.

**d. Policies & Programs – Farmland Preservation District:**

**i. Density Policy**

Within the Farmland Preservation District, the density policy will serve as the primary tool for meeting the town’s land use objectives to maintain rural character and preserve agricultural land. The density policy limits the amount of non-farm development and will be used to guide Town decisions when considering rezones out of the FP-35 district.

**Density limitation:**

The density of non-farm development is limited to one non-farm use (also referred to herein as, “split” or “density unit”) per 35 contiguous acres held in single ownership as of December 26, 1981. The density limitation shall apply to residential development, and to other forms of development, including;

- non-farm commercial development created after the date of adoption of this comprehensive plan, and;
- sales of land or easements to public entities unless otherwise indicated in sales contracts, deeds, or recorded agreements.

The density limit on any one December 26, 1981 farm may be reduced or increased subject to the town’s Transfer of Development Rights program described in Section VIII.

*Example:* The density standard of one dwelling unit or non-farm use per 35 acres of land owned as of December 26, 1981 means that a 140-acre farm as of that date would be eligible for up to 4 new lots for non-farm development if all other plan policies were met. This policy is not meant to require or encourage 35-acre dwelling unit lots; rather landowners are encouraged to create smaller clustered dwelling unit lots on less productive soils.

**Rounding:**

The Town shall “round up” to the nearest whole number when a density calculation results in a remaining fraction over  $\frac{1}{2}$  (50%). For example, a 12/26/1981 farm unit totaling 56 acres would be eligible for a total of two nonfarm development sites ( $56/35 = 1.6$ , rounded up to 2).

**Determining original 12/26/1981 farm units:**

The Town will utilize the 1981 Land Atlas and Plat Book for Dane County by Rockford Map Publishers, Inc., as a guide to determining original farm ownership and acreage as of December 26, 1981. Parcel size will be based on gross acreage, which includes road and other public rights of way. In the event of a discrepancy with parcel size as calculated by the Dane County geographic information system (GIS), the current year

tax parcel data from Access Dane shall be used. Landowners or applicants for rezoning proposals may submit more detailed information for consideration, such as recorded deeds or surveys.

An original farm unit or parcel is defined as contiguous lands in single ownership as of December 26, 1981. For the purposes of this policy, single ownership is defined as parcels owned by one individual or by a married couple, partnership, or corporation including that individual. Parcels interrupted by roads, other public rights-of-way, or by navigable waterways shall be considered contiguous for the purposes of calculating allowable density. Parcels meeting at a single point shall be considered contiguous.

**Eligible lands:**

When calculating original farm acreage and eligible density units, all contiguous property under single ownership within the Farmland Preservation District shall be included. This includes land under water, within mapped wetlands, floodplains, or environmental corridors.

**Farm residences:**

Separation of residences built prior to December 26, 1981 shall not count against this density policy. All residences built after December 26, 1981, including residences for farm owners or operators under section 10.222(3)(a)5., Dane County Code, shall count against the density policy, except as provided below.

**Exceptions:**

Replacement of a farm residence existing prior to December 26, 1981 shall not count toward the density limitation, provided the previous residence is destroyed or converted to non-residential use. The burden of proof of identifying the construction date rests with the applicant or landowner.

**Duplexes:**

Duplexes constructed after the date of adoption of the Town of Cross Plains Comprehensive Plan shall count as two density units toward the density limitation. Conversion of an existing single-family residence to a duplex shall count as one additional density unit toward the density limitation. "Attached Accessory Dwelling Units," as defined in ss. 10.004(5), Dane County Code, and allowed under a conditional use permit, are not considered a duplex under this policy and do not count as an additional density unit.

**Land transfers after December 26, 1981 and allocation of density units:**

Land sales of over 35 acres occurring after December 26, 1981, do not result in new allotments of density units. When land sales of more than 35 acres occur after December 26, 1981 without clear documentation or recorded agreement between buyer and seller, or subsequent/current owners, regarding any transfer of splits or density units, the

Town shall utilize the following guidelines when considering allocation of any remaining density unit(s):

1. Landowners are encouraged to make clear in recorded documentation, such as a sales contract or warranty deed, that a density unit is being transferred or retained when selling tracts of land over 35 acres. The Town may request that any supporting documentation be included with development or rezone proposals. Supporting documents may include, but are not limited to, sales contracts, warranty deeds, affidavits, and written agreements.
2. Landowners who combine portions of different December 26, 1981 farm parcels in order to obtain over 35 acres are not entitled to a nonfarm density unit.
3. Land annexed into a city or village after December 26, 1981 shall be removed from the original farm acreage when calculating eligible density units.
4. Proportional allocation: In the absence of clearly understood supporting documentation, any remaining splits will be allocated on a proportional basis among current owners of the December 26, 1981 farm unit in keeping with the Town's 1 per 35-acre density policy. Unless the property is approved as a TDR Receiving Area under the policies in Section VIII, the density standard shall not be exceeded on the December 26, 1981 farm unit.

***Transfers of density units:***

Transfers of density units between original December 26, 1981 farm units may be considered, subject to the Transfer of Development Rights program described in Section VIII.

***Legal, nonconforming parcels under 35 acres as of December 26, 1981:***

Pre-existing uses on substandard parcels less than 35 acres as of December 26, 1981 shall be permitted to continue as non-conforming uses. The Town may permit rezoning of such parcels to bring the pre-existing use into compliance with the county zoning ordinance, provided that such use is consistent with the overall goals and objectives of the *Town of Cross Plains Comprehensive Plan*.

1. Vacant, legal, substandard (sometimes referred to as "non-conforming") FP-35 zoned parcels between 4 and 35 acres in size in existence since December 26, 1981 are permitted to rezone to an appropriate district and to divide the property by recording a certified survey map to allow no more than 2 single-family homes, provided that the proposed development can satisfy the Town's siting criteria. No parcel so divided shall be re-divided in the future.
2. Substandard, legally created FP-35 zoned parcels between 4 and 35-acre parcels, with one existing residence, may be rezoned and divided by certified survey map to allow no more than one additional single-family home, provided that the proposed development can satisfy the Town's siting criteria. No parcel so divided

shall be re-divided in the future. When permitted divisions of an original substandard parcel are exhausted, the town will recommend to the county board that a deed notice be recorded as a condition of the rezone.

3. Illegally created substandard parcels are not permitted to divide. Landowners may be required to obtain a written determination of the legal status of their property from the Dane County Land Division Review Officer.
4. Illegally created substandard parcels with an existing residence may be permitted to rezone to an appropriate district to bring the parcel into compliance, provided the parcel complies with all density and siting criteria of the Town of Cross Plains Comprehensive Plan.

**When density units are exhausted:**

When eligible density units for an original December 26, 1981 farm have been exhausted, the town will recommend to the county board that a deed notice, deed restriction or conservation easement be recorded as a condition of the rezone. Portions of the property intended to remain in agricultural use shall be zoned FP-35 or FP-1. Any agricultural conservation easement will be only for the limited purpose of assuring the availability of real property for agricultural use and shall not include any requirements for public access or restrictions on agricultural or forestry practices. This restriction on agricultural conservation easements shall not preclude agriculture or forestry practice regulations under county or town ordinances.

**ii. Development siting standards & criteria:**

The Town shall use the following siting standards and criteria when reviewing proposed non-farm rezones or development. Development siting standards will not be used to prevent the use of, or reduce the number of, splits allocated under the town density policy.

1. Buildings should not be placed in wetlands, floodplains, hydric soils, soils with low or very low potential for dwellings with basements. (See also Environmental and Resource Protection District, below.)
2. Within the Farmland Preservation District, the minimum parcel size for proposed new lots shall be 2-1 acre, exclusive of right-of-way. Lot sizes of ~~two-one~~ acres or larger allow for adequate room to meet sanitary permit requirements, while sufficiently attenuating nitrates to avoid groundwater pollution. Nonfarm zoning parcels shall be the minimum size necessary to accommodate the proposed use, and shall not exceed seven acres in area, unless necessary due to topographic limitations. NOTE: The town's density policy does not require 35-acre residential lots.
3. Building sites shall be located to minimize disturbance of productive agricultural soils, and to minimize conflicts with existing agricultural use. For the purposes of

the Town of Cross Plains Comprehensive Plan, productive agricultural soils are soils classified as Group I or Group II under the Dane County Land Evaluation and Site Assessment system.

4. The Town shall discourage the layout of streets or driveways across agricultural land in order to reach non-farm development.
5. New driveways and roads shall be the minimum length necessary to access the site and should be located to minimize disturbance of productive agricultural soils. All driveways shall be designed and located to be suitable for emergency vehicle access and safe access onto existing roadways. For driveways longer than 125 feet in length, the town will require proof of compliance with county erosion control and stormwater regulations before a driveway permit will be issued.
6. Except as indicated below, all new lots must have at least 66 feet of frontage onto a public road. Exceptions: The Town Board may approve, upon recommendation of the Town Plan Commission, exceptions to the frontage requirements of County Ordinance section 75.19(6)(b) where the Board and Commission finds that:
  - the exception protects the public health, safety, and welfare,
  - the exception is needed because of topography limitations, public right of way access and sight lines, and
  - the exception will not conflict with surrounding land uses, and will not create traffic or access problems.
  - All approved exceptions must meet the requirements of County Ordinance 75.19(8).
7. Contractors shall be required to use erosion control measures and return lands to a near normal setting after completion of construction. The Town may require an erosion control and/or stormwater management plan or a preliminary review letter meeting county ordinance standards as a condition of approval.
8. A specific site plan may be required for proposed development, such as, but not limited to, proposed commercial development, or horse boarding facilities. The site plan should show the layout of the proposed lot(s), the location and use of proposed buildings, parking area(s), and driveway access. Additional criteria include the following:
9. Driveway must provide for safe passage of emergency vehicles.
10. All cuts, fills and erosion problems must be noted and an erosion control plan submitted before a driveway permit can be issued.
11. The Commission should review the siting of buildings within the environmentally sensitive areas, such as the Black Earth Creek Water Quality Corridor and other naturally significant areas. Protection of the natural resources

in these areas are important in the Town's rezoning and conditional use decisions, provided it will not prevent landowners from using available splits.

12. Land division for new development should generally be by Certified Survey Map (CSM). The town will approve development that requires a subdivision plat under the Dane County Land Division Ordinance (Chapter 75, Dane County Code), only in compliance with the town's conservation subdivision policies adopted as part of the comprehensive plan.

**iii. Commercial Development:**

The Town shall follow the following policies regarding proposed new, or expansion of existing, commercial development within the Farmland Preservation District:

1. To allow limited commercial development as is needed to support existing agricultural activities, provide supplemental income for farm families or provide agricultural-related services. Commercial development must not result in environmental degradation, inappropriate traffic volumes or conflict with farming operations. Commercial uses will be limited to those allowable under the FP-B district, LC district or as conditional uses in the Farmland Preservation or Rural Residential Zoning Districts.
2. To limit rezoning to that portion of land which is necessary for the commercial use contemplated.
3. To avoid any substantial expenditure of public funds and the incurrence of municipal debt for the construction or provision of municipal improvements and services usually associated with commercial development.
4. To avoid speculation and ensure compliance with previous policies, the applicant must request a specific use. Due to the permitted uses in the FP-B Farmland Preservation Business and LC Limited Commercial districts, the Town may recommend to the county board a condition on the rezoning to allow only the specific use as delineated on an approved site plan. This allows the Town to set specific limits and to review any expansion or new uses.
5. Any rezone to allow nonfarm commercial use shall count against the town density policy.

**iv. Mineral Extraction**

Within the Farmland Preservation District, the town will consider Conditional Use Permits for new or expanded mineral extraction operations that:

- are consistent with the goals and objectives of the Town of Cross Plains Comprehensive Plan;
- are consistent with agricultural use and farmland preservation;



- adequately protect public safety, rural character and the environment, and;
- are not located in Town of Cross Plains voluntary conservation areas, in boundaries identified by governmental entities for potential public acquisition or open space, or areas identified as TDR Super Sending Areas.



1. Applicants for a new or expanded mineral extraction operation must meet with the town Plan Commission prior to filing a Dane County Zoning conditional use permit (CUP) application. Contact the town Plan Commission secretary to have the proposal placed on the agenda for the next available Plan Commission meeting.
2. At least two weeks prior to the scheduled meeting with the town Plan Commission, applicants should complete and provide to the town Plan Commission secretary and the Town Clerk the following documents:
  - all completed application materials, including site plans and reclamation plans, required by the Dane County Department of Planning and Development for a mineral extraction CUP, and;
  - the Town of Cross Plains Mineral Extraction Questionnaire.
3. Prior to the scheduled Plan Commission meeting, applicants should review and understand the list of standard conditions for mineral extraction CUPs provided by the Dane County Department of Planning and Development, as well as the reclamation standards required under Chapter 74, Dane County Code. Proposed land uses after reclamation must be consistent with the Town of Cross Plains Comprehensive Plan, including density policies.
4. Copies of required application materials, the town questionnaire and standard conditions are contained in Appendix 2.
5. After the applicant files a conditional use permit with Dane County, the Plan Commission may recommend appropriate conditions to the town board based on the Mineral Extraction Questionnaire, county standard conditions and any public input received. At its discretion, the Plan Commission may choose to delay making a recommendation to the town board until after the county public hearing. At its discretion, the town board may choose to approve, deny or take

no action (and defer to the county Zoning and Land Regulations Committee) on any conditional use permit.

6. The town will work with owners of old extraction sites, neighbors and the Dane County Zoning Division to encourage clean-up and reclamation of abandoned and nonconforming mineral extraction sites.

**v. Renewable Energy Facilities**

The Dane County Zoning Ordinance describes three categories of renewable energy facilities (including wind turbines and solar arrays):

1. Utility services: small-scale facilities, such as rooftop solar panels or wind turbines intended primarily for onsite use. Such services are a permitted use in every zoning district.
2. Mid-size facilities intended primarily for offsite use, but not under the direct approval authority of the Wisconsin Public Service Commission. Such uses are a conditional use in several county zoning districts.
3. Large-scale facilities intended primarily for offsite use, and under Wisconsin PSC authority. Such facilities are exempt from county zoning.

The town will apply the following policies to Conditional Use Permits for renewable energy facilities, and will encourage the Public Service Commission to follow the following policies when issuing orders for renewable energy facilities within the Town of Cross Plains.

1. To minimize the need for new electrical transmission lines, locate new renewable energy installations as close as possible to existing transmission facilities.
2. Where practical, manage density and size of utility-scale installations to minimize impacts to adjoining agricultural land uses and rural character.
3. Except where required for aviation or other safety concerns, encourage setbacks, vegetative screening, berms, or other practices to minimize visual impact.
4. Encourage multiple- or dual-use facilities that allow for agricultural, natural resource, habitat and/or soil and water conservation uses to coexist with energy generation.
5. Arrange energy infrastructure, fencing and berms to allow for equipment movement, habitat, wildlife corridors and pervious cover to minimize runoff.
6. Make sure all installations comply with county erosion control and stormwater standards during construction, operational, maintenance and decommissioning phases.
7. Encourage adaptive reuse of operating or closed mineral extraction or other rural industrial sites for renewable energy use.

8. To the extent possible, follow the siting criteria for this plan, to avoid productive farm soils.
9. Make sure landscaping and other vegetation is maintained to continue to serve its intended purpose and does not create sources for invasive species.
10. Require decommissioning plans for all renewable energy facilities, with financial instruments sufficient to cover the cost of equipment removal and reclamation. Lands should be reclaimed to uses appropriate to the planning area described in this plan.

## 2. Rural Residential District

### a. Purpose:

The Town has established the Rural Residential District to accommodate existing residential development within existing subdivisions and the western portion of the unincorporated hamlet of Pine Bluff. The town may consider limited redevelopment, re-division or reuse of existing parcels in the Rural Residential District, as part of the town's Transfer of Development Rights program, and where such development would further other goals and objectives of the *Town of Cross Plains Comprehensive Plan*.



The Rural Residential District is not intended to accommodate significant new growth.

### b. Objectives:

1. Accommodate existing residential subdivisions.
2. Promote limited, efficient and compact development and allow for appropriate redevelopment opportunities.
3. Explore the use of conservation design, Transfer of Development Rights (TDR), site planning, design review and other techniques to ensure compatibility with agricultural, natural resource and open space use, and with neighboring communities.

### c. Appropriate Zoning Districts:

- SFR-08, SFR-1, TFR-08, MFR-08 (Residential)
- RR-1, RR-2, RR-4, RR-8 (Rural Residential)
- NR-C (Natural Resource Conservancy)
- RE (Recreational)
- TDR-R (Transfer of Development Rights – Receiving Area) Overlay

### d. Policies & Programs – Rural Residential District

#### i. Land Division, Re-division, or Redevelopment:

Within the Rural Residential District, division or re-division of parcels, conversion to multi-family use, or any other increase in residential or commercial density is permitted only as part of the town's Transfer of Development Rights program (Section VIII). Proposed lots or units must meet all of the following criteria before the town will approve development or redevelopment applications:

- Lots must be in the TDR-R overlay zoning district;
- Landowners must present evidence, in the form of a conservation easement recorded with the Dane County Register of Deeds, that they have secured one development right from an appropriate agricultural parcel in the TDR-S overlay zoning district for every new lot or unit proposed in the Rural Residential District;
- Proposals must comply with all TDR standards for receiving areas in Section VIII, as well as with all design and public improvement standards in this section.

**ii. Minimum lot size:**

Within the Rural Development District, any new or re-divided unsewered lot must be at least 1.5 acres in area, excluding right of way, except as described below.

New or re-divided non-sewered lots may be reduced to no less than 20,000 square feet, provided:

- the applicant provides a letter from the Capital Area Regional Planning Commission indicating that the proposed development would not result in unsafe levels of nitrate pollution, OR;
- the Madison/Dane County Department of Public Health approves an onsite or community wastewater treatment system that reduces nitrate effluent to acceptable levels.

County zoning, shoreland zoning or land division ordinances may require larger lots.

**iii. Maximum lot size:**

For the owner of the land identified as the “original farm” and related development rights, the maximum lot size is seven acres. For lots enabled via a transfer of a development right (TDR) the maximum lot size is two acres. The two acre maximum may be exceeded, only in instances where required to accommodate natural physical/environmental limitations.

**iv. Lot design and public improvements:**

1. All new or re-divided lots in the Rural Residential District must comply with all provisions of Chapter 75, Dane County Code, including a minimum frontage of 66 feet onto a public right-of-way.
2. Any new public road dedications must have a surveyed and recorded right-of-way that conforms to all standards of the Dane County Land Division Ordinance (Chapter 75, Dane County Code) and any applicable Engineering standards of the Town of Cross Plains. No cul-de-sacs or dead-end roads will be permitted.
3. Road construction and paving must meet all standards of the Town Engineer before any new dedication will be accepted. The Town of Cross Plains will not accept maintenance responsibility for any new public road until 80% of the

development is complete and the Town Engineer has certified that the road meets town standards. Financial securities to ensure road completion to town specification will be required, as provided in Chapter 75, Dane County Code.

4. Any property owner or developer who divides or subdivides land must pay for and install, to Town specification, necessary public improvements such as streets, intersections, storm sewers, water supply systems, sidewalks, and streetlights.
5. Any property owner or developer who divides or subdivides land for residential purposes must provide adequate park, playground, recreation and open space to meet the needs created by and to be provided for their land division.
6. The town may require a preliminary review letter, or other proof of compliance with the Dane County Erosion Control and Stormwater Ordinance (Chapter 14, Dane County Code) before approving any land division.
7. Land division for new development should generally be by Certified Survey Map. The town will approve development requiring a subdivision plat under the Dane County Land Division Ordinance (Chapter 75, Dane County Code) only if it complies with conservation subdivision standards of this comprehensive plan.

### 3. Pine Bluff Crossroads District

#### a. Purpose:



The Town has established the Pine Bluff Crossroads District to accommodate existing residential development, civic and community facilities and local businesses near the intersection of Mineral Point Road (County Trunk Highway S) and County Trunk Highway P in the unincorporated hamlet of Pine Bluff. The town may consider limited expansion of existing commercial uses, redevelopment, re-division or reuse of existing parcels in the Pine Bluff Crossroads

District, as part of the town's Transfer of Development Rights program, and where such development would further other goals and objectives of the *Town of Cross Plains Comprehensive Plan*. The Pine Bluff Crossroads District is not intended to accommodate significant new growth or intensive commercial use.

#### b. Objectives:

1. Accommodate existing residential, local business and mixed-use development.
2. Maintain Pine Bluff as the historic town center.
3. Allow for limited residential use, local businesses, and community civic and recreational facilities that serve local populations.
4. Promote limited, efficient and compact development and allow for appropriate redevelopment opportunities.

#### c. Appropriate Zoning Districts:

- SFR-08, SFR-1, TFR-08, MFR-08 (Residential)
- RR-1, RR-2 (Rural Homes)
- HAM-R (Hamlet Residential), HAM-M (Hamlet Mixed-Use)
- LC (Local Business), GC (General Commercial)
- NR-C (Natural Resource Conservancy)
- RE (Recreational)
- TDR-R (Transfer of Development Rights - Receiving Area) Overlay

#### d. Policies

**i. Land Division, Re-division or Redevelopment:**

Within the Pine Bluff Crossroads District, division or re-division of parcels, conversion to multi-family use, or any other increase in residential or commercial density is permitted only as part of the town's Transfer of Development Rights program (Section VIII). Proposed lots or units must meet all of the following criteria before the town will approve development or redevelopment applications:

- Lots must be in the TDR-R overlay zoning district;
- Landowners must present evidence, in the form of a conservation easement recorded with the Dane County Register of Deeds, that they have secured one development right from an appropriate agricultural parcel in the TDR-S overlay zoning district for every new lot or unit proposed in the Rural Residential District;
- Proposals must comply with all TDR standards for receiving areas in Section VIII, as well as with all design and public improvement standards in this section.

**ii. Local Business Development**

1. Commercial or business uses are limited to services that predominately serve local residents. To avoid speculation and ensure compliance with previous policies, the applicant must request a specific use. Due to the range of permitted uses under county zoning, the Town may recommend to the county board a condition on the rezoning to allow only the specific use as delineated on an approved site plan. This allows the Town to set specific limits and to review any expansion or new uses.
2. The town may also recommend to the county board specific conditions regarding hours or scale of operation, traffic impacts, outdoor storage, noise, lighting or other issues to address particular concerns or to ensure consistency with the Town of Cross Plains Comprehensive Plan.
3. Any commercial development must be adjacent to existing commercial development.
4. Rezoning will be limited to that portion of land necessary for the proposed commercial or business use.
5. If accessing a County Trunk Highway, the petitioner must provide a copy of an approved access permit from





the Dane County Public Works, Highways and Transportation Department for the specific use proposed. The petitioner agrees to make, at his or her expense, any intersection or access improvements recommended by the county

6. The petitioner must submit to the Plan Commission a site plan and a development plan (including hours of operation, anticipated traffic, lighting, etc.). Site plans and development plans must meet all current standards required by the Dane County Department of Planning and Development.
7. Commercial or industrial uses requiring public sewer or water, intensive police or fire protection or other public services typically associated with an urban area will be redirected to a designated Urban Service Area

**iii. New Commercial or Industrial Uses:**

The town will not approve rezones to the GC (General Commercial), HC (Heavy Commercial), or MI (Manufacturing) districts for new commercial or industrial uses in the Pine Bluff Crossroads District.

**iv. Existing Commercial or Industrial Uses:**

1. The town may approve limited rezones for existing commercial uses in the GC or HC zoning districts to make minor adjustments in zoning parcel lines or zoning parcel size, or to allow for limited expansion of existing operations. Such rezones must meet policies a) through g) above and must also meet all of the following conditions:
  2. Any expansion of an existing commercial use must not exceed 50% of the existing floor area of the principal commercial structure on the lot.
  3. All existing commercial uses on the site and any proposed expansions must be brought into compliance with all current applicable regulations, codes and standards, including, but not limited to:
    - Parking standards under s. 10.102(8), Dane County Code;
    - Screening standards under s. 10.102(12), Dane County Code;
    - Sanitary system standards under Chapter 46, Dane County Code and COMM 83, Wisconsin Administrative Code;
  4. Stormwater and erosion control standards under Chapter 14, Dane County Code.
  5. The town will recommend to the county board that deed restrictions be recorded on both the existing and proposed expanded or modified commercial zoning parcel to limit permitted uses, as described in Policy 1a above.

1. Lot design and public improvements:
  1. All new or re-divided lots in the Pine Bluff Crossroads District must comply with all provisions of Chapter 75, Dane County Code, including a minimum frontage of 66 feet onto a public right-of-way.
  2. Any new public roads must have a surveyed and recorded right-of-way that conforms to all standards of the Dane County Land Division Ordinance (Chapter 75, Dane County Code) and any applicable standards of the Town Engineer. No cul-de-sacs or dead-end roads will be permitted.
  3. Road construction and paving must meet all standards of the Town Engineer before any new dedication will be accepted. The Town of Cross Plains will not accept maintenance responsibility for any new public road until 80% of the development is complete and the Town Engineer has certified that the road meets town standards. Financial securities to ensure road completion to town specification will be required, as provided in Chapter 75, Dane County Code.
  4. Any property owner or developer who divides or subdivides land must pay for and install, to Town specification, necessary public improvements such as streets, intersections, storm sewers, water supply systems, sidewalks, and streetlights.
  5. Any property owner or developer who divides or subdivides land for residential purposes must provide adequate park, playground, recreation and open space to meet the needs created by and to be provided for their land division.
  6. The town may require a preliminary review letter, or other proof of compliance with the Dane County Erosion Control and Stormwater Ordinance (Chapter 14, Dane County Code) before approving any land division.
  7. Land division for new development should generally be by Certified Survey Map. The town will approve development requiring a subdivision plat under the Dane County Land Division Ordinance (Chapter 75, Dane County Code) only if it complies with the conservation subdivision standards of this comprehensive plan.

#### 4. Environmental & Resource Protection District

##### a. Purpose:

The Town has established the Environmental & Resource Protection District to preserve and enhance unique and sensitive natural resources within the Town. This district applies to lands within 100-year floodplains, wetlands, and significant woodlands. Non-farm development within the Environmental & Resource Protection District, as shown on the Planned Land Use Map, is generally prohibited.

##### b. Objectives:

1. Protect important local resources such as: floodplains, wetlands, significant woodlands, steep slopes and historic and archaeological sites.
2. Prohibit filling or development in any floodplain or wetland area, as shown on the plan map. Agricultural activities within delineated wetlands will be limited to existing operations and may be expanded only if filling or draining is not required.
3. Woodlands are an important resource to the town. Significant and high quality woodlands in the Environmental and Resource Protection District will receive priority consideration for preservation from development.
4. Protect health, safety, welfare and the natural environment.
5. Encourage sustainable management, enhancement and restoration of environmental corridors and their ecological function.



##### c. Appropriate Zoning Districts:

- NR-C (Natural Resource Conservancy)
- FP-35 (Farmland Preservation)
- FP-1 (Small-Acreage Farmland Preservation)
- RE (Recreational)

In areas located in:

- Town of Cross Plains voluntary conservation areas;
- in boundaries identified by governmental entities for potential public acquisition or open space or;
- areas identified in this plan as TDR Super Sending Areas,

conditional use permits for the following uses are not permitted:

- Transportation, communication, pipeline, electric transmission, utility, or drainage uses not required by law
- Non-metallic mineral extraction
- Asphalt & ready-mix concrete plants
- Renewable energy electricity generators

Such uses would impair or diminish the aesthetics, values, uses and enjoyment of properties with significant public investment, unique geological features and nationally-recognized watersheds.

**d. Policies & Programs – Environmental & Resource Protection District**

1. Maintain in agricultural, conservation or open space use.
2. Require erosion control and soil and water conservation practices for all land-disturbing activities.
3. Prohibit new structures, buildings or urban development and limit impervious surfaces.
4. Support county shoreland & wetland zoning, floodplain, erosion control and stormwater ordinances.
5. Support programs to restore natural vegetation, remove invasive species and improve habitat.



## 5. Public Lands District

### a. Purpose:

The Town has established the Public Lands District to coordinate with public and nonprofit entities owning land in the town. The Town of Cross Plains contains lands owned by the Wisconsin Department of Natural Resources, the National Park Service, Dane County, the University of Wisconsin and nonprofit organizations such as the Ice Age Trail Foundation, Natural Heritage Land Trust and the Nature Conservancy, among others.



### b. Objectives:

1. Guide future decision-making with regard to lands owned by public agencies or purchased with public funds.
2. Ensure town input on future land use decisions, acquisitions or dispensations of public lands.
3. Coordinate with local, county, state, federal and nonprofit agencies purchasing lands in the town.

### c. Appropriate Zoning Districts:

- NR-C (Natural Resource Conservancy)
- FP-35 (Farmland Preservation)
- FP-1 (Small-Acreage Farmland Preservation)
- RE (Recreational)

### d. Policies & Programs – Public Lands District

1. Work with public agencies owning land in the Town and develop agreements on future use of existing public lands.
2. Actively participate in future updates to the Dane County Parks and Open Space Plan, state park planning, and Ice Age Trail planning efforts.
3. Develop procedures for future land acquisitions by public agencies that provide opportunities for adequate input from citizens and recognition of the goals, objectives, and policies of the Town of Cross Plains Comprehensive Plan.
4. Encourage land uses that are compatible with natural resource preservation and protection.

5. Encourage public recreational opportunities for Town residents on publicly owned lands

## 6. Urban Service Areas

### a. Purpose:

Urban Service Areas represent those areas in and around existing communities most suitable to accommodate urban development. Urban services include public water supply and distribution systems, sanitary sewerage systems, police and fire protection, solid waste collection, urban storm drainage systems, streets with curbs and gutters, street lighting, neighborhood facilities such as parks and



schools, and urban transportation facilities. As described in the *Dane County Water Quality Plan*, Urban Service Areas also serve as the county's sewer service areas for areawide water quality management planning under NR 121, Wisconsin Administrative Code. Urban Service Area boundaries are approved by the Capital Area Regional Planning Commission.

### b. Objectives:

1. Promote cooperative planning with the Village of Cross Plains, the Capital Area Regional Planning Commission and all adjacent communities.
2. Accommodate higher density urban development in locations suitable for the provision of efficient, high-quality public services.
3. Provide for efficient use of existing services and protect environmental corridors.
4. Redirect development that would otherwise convert farmland from agricultural use.

### c. Appropriate Zoning Districts:

- FP-35, FP-1 (Farmland Preservation) or AT-35 (Agriculture Transitional) for lands not annexed to an incorporated city or village.
- Determined by municipal zoning for lands annexed to an incorporated municipality.

### d. Policies & Programs – Urban Service Areas

1. Continue to direct urban development requiring a full range of public services to designated Urban Service Areas.

2. Continue to refer to Urban Service Area plans adopted into the Dane County Water Quality Plan and appropriate municipal plans to provide detailed land use planning and development policies within Urban Service Areas.
3. Work cooperatively with the Village of Cross Plains and the Capital Area Regional Planning Commission to make sure future urban service area expansions are consistent with the goals, objectives and policies of the Town of Cross Plains Comprehensive Plan.
4. Explore opportunities to develop intergovernmental boundary agreements cooperative planning, shared services and revenue-sharing with the Village of Cross Plains.

## *Transfer of Development Rights (TDR)*

### **1. Background:**

A transfer of development rights program is a method of redirecting development from one part of the town, a “sending area,” to other lands in a different part of the town, a “receiving area.” The Town of Cross Plains has adopted Dane County’s Transfer of Development Rights Ordinance to facilitate the mutually agreed, voluntary transfer of development rights between landowners in the town.

### **2. Objectives:**

The Town of Cross Plains uses its TDR program to:

1. preserve farmland and rural character;
2. redirect nonfarm development away from productive agricultural lands;
3. encourage permanent protection of large blocks of contiguous farmland;
4. encourage permanent protection of regionally significant natural resource, environmental and recreational lands;
5. allow farmers reasonable compensation for their land;
6. direct development to more suitable areas where development is more efficiently served;
7. develop at higher densities;
8. encourage infill development; and to
9. discourage land uses incompatible with proximate residential uses

### **3. Policies & Programs – Transfer of Development Rights**

#### **a. Allocation of Development Rights**

Development rights are determined by the town density policy in Farmland Preservation Districts and this transfer of development rights section. Development rights are transferred from a specific sending area parcel to a specific receiving area parcel. Any development rights transferred to a parcel in a receiving area, but not immediately used for the development planned in that receiving area parcel, remain with that receiving area parcel (that is, the development rights run with the land), and are subject to all other requirements related to development rights as set forth in the Dane County TDR Ordinance and the *Town of Cross Plains Comprehensive Plan*.

#### **b. Sending Areas.**

- i. **General Policies for all Sending Areas:**



All lands within the Farmland Preservation Area, except for substandard parcels, are considered potential “sending areas.” Prior to application, landowners must provide a Density Study Report from the Dane County Department of Planning and Development showing that the proposed sending property has development potential remaining under the Farmland Preservation density policies. Within potential sending areas, the town will consider petitions by landowners to rezone all or a portion of their property into the TDR-S overlay zoning district (s.10.158, Dane County Code), provided at least one of the following criteria is met:

1. Proposed sending areas are within the National Ice Age Scientific Reserve, Ice Age Trail Corridor or Black Earth Creek Water Quality Corridor or are a Dane County defined inactive non-conforming mineral extraction site as of 2017;
2. Soils on the land are predominately classified as Groups I, II or III agricultural soils under the Dane County Land Evaluation and Site Assessment (LESA) system, OR;
3. Reduction of potential nonfarm development would result in large blocks of contiguous, permanently protected farmland, natural resource land or other open space.

**ii. Super Sending Areas:**

**Group Definitions**

GROUP 1: Inactive grandfathered mineral extractions sites as defined by Dane County in 2017.

GROUP 2: A minimum of 35 acres of land, not owned by public or non-profit entities, in Town:

1. Adjacent/contiguous with certain public lands as of 2016 in current Voluntary Conservation/TDR sending areas.
2. Adjacent/contiguous with Black Earth Creek in current Voluntary Conservation/TDR sending areas.
3. In National Parks Ice Age Scientific Reserve/DNR/County acquisition areas.
4. The areas are identified in the attached SUPER SENDING AREA map dated 12/5/17 (areas 1-3).

**Conditions**

Owners of properties in GROUP 1 or GROUP 2 are eligible for additional development rights (Super Sending Area Bonus), under the following conditions:

For GROUP 1:

1. Owners vacate grandfathered mineral extraction zoning status & deed restrict from mineral extraction activities.

2. Place a permanent agricultural or conservation easement on 35 acres for every bonus split with Town as an easement holder.

For GROUP 2:

1. Place a permanent agricultural or conservation easement on 35 acres for every Super Send Area Bonus with Town as an easement holder or sell property to a public governmental entity or non-for profit for conservation/preservation with Town as a conservation easement owner.
2. A limited public easement for connecting to other public lands, an ice age trail connection or a multi-use regional trail connection would not be prohibited for either group of properties.

Any unused or Super Sending Area Bonus rights are available for transfer within the town, but not within the Super Sending Areas.

#### ***Super Sending Areas Bonus Rights***

For GROUP 1:

For each unused development right transferred from a TDR-S zoned property in a Group 1 Sending Area, landowners may create up to four (4) development sites in an appropriate receiving area in the TDR-R district. This is considered a 1:4 ratio.

For GROUP 2:

1. For each unused development right transferred from a TDR-S zoned property in a Group 2 Sending Area, landowners may create up to two (2) development sites in an appropriate receiving area in the TDR-R district. This is considered a 1:2 ratio.
2. For properties that have exhausted their development rights prior to 2017 and are within a Group 2 Sending Area, one additional development right will be granted. For each such additional right transferred from a TDR-S zoned property, landowners may create up to one (1) development site in an appropriate receiving area in the TDR-R district.

#### ***Subdivision Plats***

The town will consider development of subdivision plats. This means the ability to develop a subdivision (greater than 4 lots), not to exceed 8 lots, within five years. Previously residential development was limited to developing a maximum of 4 lots within five years (which is the maximum allowed via certified survey map - CSM). Subdivisions must comply with all conservation subdivision policies of this comprehensive plan. For the town the main goal is to concentrate development by clustering lots and minimizing the size of the lots.

The town will consider development of conservation subdivisions as part of the TDR program, if the proposed development meets siting and design criteria found in this

plan. The number of lots can be a combination of development rights associated with a property and those transferred to a property.

**c. Receiving Areas.**

All lands in the Farmland Preservation, Rural Residential, and Pine Bluff Crossroads planning areas are considered potential “receiving areas”. Within these areas, the town may consider petitions by landowners to rezone all or a portion of their property to an appropriate zoning district with a TDR-R overlay (s. 10.305, Dane County Code). The town board will recommend approval of petitions to the TDR-R overlay district, provided all of the following criteria are met:

1. Proposed receiving areas are not within the National Ice Age Scientific reserve, Ice Age Trail Corridor or Black Earth Creek Water Quality Corridors;
2. Proposed receiving areas have minimal impact on Group I, II or III soils under the Dane County Land Evaluation and Site Assessment (LESA) system;
3. Proposed receiving areas are not within the Village of Cross Plains Urban Service Area, unless expressly permitted in an adopted intergovernmental agreement between the Town of Cross Plains and the Village of Cross Plains;
4. Proposed development would be clustered, and adjacent to existing nonfarm development;
5. Unless utilizing a super sending area bonus, no more than one development site or lot is created in a receiving area for each development right retired in a sending area;
6. If within an Farmland Preservation Area, lot size for proposed development does not exceed 5 acres, and;
7. Proposed development meets all of the siting criteria for the appropriate planning area as identified in the Town of Cross Plains Comprehensive Plan.

**d. Implementing a Transfer.**

Transfers from sending areas to receiving areas are accomplished by recording conservation easements and deed notices. Transfers are permitted only within the Town of Cross Plains.

**Conservation Easements.**

In order to transfer development rights from a sending area property in the TDR-S overlay district, the sending landowner must record a TDR Conservation Easement with the Dane County Register of Deeds. Conservation easements must:

1. Meet all the requirements of ss.10.004(155) and 10.304(4)(b), Dane County Code;
2. Specify the number of development rights being sent from the property;

3. Specify the number of development rights (if any) remaining on the property, and;
4. Must include the Town of Cross Plains and Dane County as co-holders of the easement.

***Deed Notices.***

Landowners of both the sending area and receiving area properties must record deed notices with the Dane County Register of Deeds. Deed notices must:

1. Meet all of the requirements of ss. 10.004(112) and 10.305(5)(c), Dane County Code;
2. Track the number of rights transferred from each sending parcel;
3. Track the number of rights transferred to each receiving parcel;
4. Identify each sending and receiving parcel by legal description and parcel number, and;
5. Reference a recorded TDR easement on an appropriate TDR-S-zoned parcel.

***Development Permits in Receiving Areas.***

Before obtaining zoning, driveway, or building permits for development in the TDR-R overlay zoning district, developers must present all of the following to the Town of Cross Plains Board and to Dane County Zoning:

1. Recorded deed notice documents on both the sending and receiving parcels as described in (4)b. above.
2. A letter from the Town of Cross Plains Plan Commission indicating that the TDR transaction is consistent with transfer policies, siting criteria and all other applicable policies of the Town of Cross Plains Comprehensive Plan, and;
3. A letter from the Dane County Planning Division indicating that the TDR transaction is consistent with the Dane County Comprehensive Plan.

### ***Conservation Subdivisions***

The Town of Cross Plains will consider the division of land by subdivision plat, as defined and required under Chapter 75, Dane County Code, if development meets all of the following criteria.

#### ***1. Overall goals and objectives.***

#### ***2. Development Density***

Unless participating as a receiving area under a Transfer of Development Rights transaction, total development must not exceed the density cap in effect for the planning area in which the development occurs. Landowners must provide a density study report by the Dane County Department of Planning and Development that shows sufficient development potential for the proposed development, as well as copies of any TDR conservation easements and deed restrictions recorded as part of a Transfer of Development Rights transaction, prior to submitting a concept plan.

#### ***3. Inventory Mapping***

The subdivider shall submit a series of maps, GIS layers and descriptive information to the plan commission that adequately describe the following features of the property.

1. USDA NRCS soil type locations and identification of soil capability classifications under the Dane County Land Evaluation classification system.
2. Hydrologic characteristics, including surface waters, 1% and 0.5% regional floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways and slopes exceeding 12% grade. At the plan commission's discretion, on-site floodplain determinations and/or wetland delineations may be required, at the subdivider's expense.
3. Land cover on the site, according to Dane County Land Use Inventory subcategories.
4. Location and condition of all existing trees with a caliper of 24 inches or more, as measured four feet off the ground.
5. Location and condition of all existing native vegetation or rare ecological community types, such as native prairie or savannah.
6. Current and past land use on the site, including all buildings, structures and impervious surfaces on the land, cultivated areas, brownfields, waste sites and history of waste disposal practices.
7. All encumbrances, easements or covenants that apply to the property.
8. Known critical habitat areas for rare, threatened or endangered species.
9. Unique geological resources, such as rock outcrops and glacial features.

10. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes and archaeological features. This includes a review of existing inventories, including those of the State Historical Society.

#### **4. Concept plan**

Using the inventory and development density calculations above, the subdivider shall submit a concept plan including the following information:

1. Open space areas indicating which areas are to remain undeveloped.
2. Location and width of all planned trails.
3. Boundaries of areas to be developed, with proposed general street and lot layout.
4. Number and type (i.e., single-family, two-family) of housing units proposed.
5. Proposed methods for and location of water supply, stormwater management practices and sewage treatment.
6. Inventory of preserved and disturbed natural features, prominent views and productive farmland.
7. Preliminary development envelopes showing areas for lawns, pavement, buildings and grading.
8. Proposed methods for ownership and management of protected open space.

#### **5. Minimum Standards**

Proposed conservation subdivisions must meet all of the following criteria.

##### **a. Protected Open Space**

###### **i. General standards for open space**

At least 70% of the gross acreage of the proposed development site must be set aside as contiguous, permanent open space that is owned and maintained by one of the following entities:

1. A homeowner's association or condominium owner's association
2. A nonprofit conservation organization
3. The Town of Cross Plains, Dane County, the State of Wisconsin, or a conservation agency of the United States;
4. An individual landowner or landowners who will use the land for open space purposes under the terms of a recorded conservation easement.

###### **ii. Lands included in or excluded from open space calculation**

1. Road rights-of-way shall not be counted towards the required minimum open space.
2. No more than 50 percent of the required open space may consist of land in mapped Resource Protection Corridor.
3. No more than 20 percent of required open space may consist of engineered stormwater practices required under Chapter 14, Dane County Code.
4. Archaeological sites, human burials, endangered species habitat and other cultural or natural features protected under state or federal law must be included in protected open space.

**iii. Zoning and other restrictions for common open space**

1. Lands in common open space must be in the NR-C, RE, UTR, FP-1 and/or FP-35 zoning districts.
2. Common open space areas must be dedicated to the public or have recorded deed restrictions or conservation easements prohibiting future development or redivision.

**b. Lot design and development standards**

1. All new or re-divided lots must comply with all provisions of Chapter 75, Dane County Code, including a minimum frontage of 66 feet onto a public right-of-way.
2. Any new public road dedications must have a surveyed and recorded right-of-way that conforms to all standards of the Dane County Land Division Ordinance (Chapter 75, Dane County Code) and any applicable Engineering standards of the Town of Cross Plains. No cul-de-sacs or dead-end roads will be permitted.
3. Road construction and paving must meet all standards of the Town Engineer before any new dedication will be accepted. The Town of Cross Plains will not accept maintenance responsibility for any new public road until 80% of the development is complete and the Town Engineer has certified that the road meets town standards. Financial securities to ensure road completion to town specification will be required, as provided in Chapter 75, Dane County Code.
4. Any property owner or developer who divides or subdivides land must pay for and install, to Town specification, necessary public improvements such as streets, intersections, storm sewers, water supply systems, sidewalks, and streetlights.
5. Any property owner or developer who divides or subdivides land for residential purposes must provide adequate park, playground, recreation and open space to meet the needs created by and to be provided for their land division.

6. The town may require a preliminary review letter, or other proof of compliance with the Dane County Erosion Control and Stormwater Ordinance (Chapter 14, Dane County Code) before approving any land division.
7. If the proposed development would result in a density of 1 or more onsite wastewater treatment systems per 1.5 acres, the subdivider must provide an analysis reviewed by the Capital Area Regional Planning Commission to ensure drinking water supplies are protected. If the evaluation indicates a risk for nitrate levels to exceed 10 mg. per liter, alternatives, such as protected water supplies (well location and depth), utilizing nitrogen-reducing wastewater treatment systems, or community-scale water supply and wastewater treatment systems (e.g., a Limited Service Area approval and public sewer and water) will be required.

#### **6. Conservation Design Criteria**

Proposed conservation subdivisions must meet 11 of the following criteria:

1. Permanently protect, enhance and maintain contiguous areas of native vegetation, rare ecological communities, natural ecosystems and/or wildlife habitat. Design trails, utilities and other non-native features to minimize fragmentation.
2. Restore and maintain, according to appropriate NRCS best management practices, degraded environmental areas, such as wetlands, native vegetation, habitat, or rare community types.
3. Preserve 80% or more of existing, native trees with a caliper of 24 inches or greater, as measured 4 feet off the ground, and include long-term, enforceable plans to maintain and increase tree canopy cover over time.
4. Maintain or restore 75-foot, or wider, native vegetative buffers (with exceptions for “viewing and access corridors” as defined in Chapter 11, Dane County Code) adjacent to all navigable waterways.
5. Maintain or restore 35-foot, or wider, native vegetative buffers adjacent to existing or restored wetlands.
6. Install and permanently maintain stormwater best management practices that significantly exceed runoff volume, sediment control and infiltration performance standards required under Chapter 14, Dane County Code.
7. Install and permanently maintain agricultural soil and water conservation practices that significantly exceed the conservation compliance standards of the Dane County Department of Land and Water Resources.
8. Install and permanently maintain best management practices or green infrastructure to reduce flooding potential, consistent with watershed- or site-



specific plans approved by county, regional or state conservation or water quality management agencies.

9. Locate development envelopes to avoid ridges, hilltops, along peripheral public roads, within regionally significant viewsheds or in other visually prominent areas. Include landscaping and vegetation preservation standards to promote natural scenic beauty and rural character within prominent viewsheds.
10. Design developed areas, including public road rights-of-way, to account for less than 40% of the gross acreage of the site, minimize total road, driveway length and other impervious surfaces and promote compact, walkable neighborhoods.
11. Include public dedications or public access easements to navigable waterways, regional, state or national trail systems or to other lands open to public use.
12. Provide an internal bicycle/pedestrian pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on other parcels.
13. Include provisions, such as two-family-residential (TFR) zoning, accessory dwelling units, community land trust or other measures to provide for affordable housing and a variety of housing types appropriate to the area.
14. Include sewage disposal technologies demonstrated to minimize nitrate pollution and that meet all performance, access and maintenance requirements of Madison/Dane County Public Health and the State of Wisconsin.

## ***Renewable Energy Facilities***

### ***Types of facilities***

The Dane County Zoning Ordinance describes three categories of renewable energy facilities (including wind turbines and solar arrays):

1. Utility services: small-scale facilities, such as rooftop solar panels or wind turbines intended primarily for onsite use. Such services are a permitted use in every zoning district.
2. Mid-size facilities intended primarily for offsite use, but not under the direct approval authority of the Wisconsin Public Service Commission. Such uses are a conditional use in several county zoning districts.
3. Large-scale facilities intended primarily for offsite use, and under Wisconsin PSC authority. Such facilities are exempt from county zoning.

### ***Policies***

The town will apply the following policies to Conditional Use Permits for renewable energy facilities, and will encourage the Public Service Commission to follow the following policies when issuing orders for renewable energy facilities within the Town of Cross Plains.

1. To minimize the need for new electrical transmission lines, locate new renewable energy installations as close as possible to existing transmission facilities.
2. Where practical, manage density and size of utility-scale installations to minimize impacts to adjoining agricultural land uses and rural character.
3. Except where required for aviation or other safety concerns, encourage setbacks, vegetative screening, berms, or other practices to minimize visual impact.
4. Encourage multiple- or dual-use facilities that allow for agricultural, natural resource, habitat and/or soil and water conservation uses to coexist with energy generation.
5. Arrange energy infrastructure, fencing and berms to allow for equipment movement, habitat, wildlife corridors and pervious cover to minimize runoff.
6. Make sure all installations comply with county erosion control and stormwater standards during construction, operational, maintenance and decommissioning phases.
7. Encourage adaptive reuse of operating or closed mineral extraction or other rural industrial sites for renewable energy use.
8. To the extent possible, follow the siting criteria for this plan, to avoid productive farm soils.

9. Make sure landscaping and other vegetation is maintained to continue to serve its intended purpose and does not create sources for invasive species.
10. Require decommissioning plans for all renewable energy facilities, with financial instruments sufficient to cover the cost of equipment removal and reclamation. Lands should be reclaimed to uses appropriate to the planning area described in this plan.