

Chapter 8: LAND USE

I. Land Use Trends and Forecasted Land Use

Existing land uses and historic trends are described below and listed in Table 8-A. These acreages are based on the 5-year Dane County Land Use Inventory, which looks at actual land use as observed in aerial photography. As a result, Land Use Inventory acreages for each category are likely to be somewhat different than for similar zoning categories. Between 1990 and 2020, approximately 967 acres of the town were annexed to the Village of Oregon. Of the 19,793 acres remaining in the town, 1,109 acres of undeveloped (agriculture, woodland, open and vacant) land were converted for development over the same period.

- *Agriculture*: In 2020, cropland and pasture accounted for 59.1% of the land area of the town, down from 76% in 1990. Over this period, cropland and pasture declined by 4,146 acres. Conversion to single-family residential development, annexation for urban development and other development account for 1,678 acres (40%) of the lands converted from agriculture. The remaining 2,487 acres (60%) includes land removed from production and allowed to revert (through either natural succession or active management) to grassland or woodland, and land converted to outdoor recreation.
- *Woodlands/Other Open Land*: Woodlands accounted for 2,131 acres (11%) of the land area of the town in 2020. Woodlands have been expanding in Oregon, growing by 565 acres (36%) between 1990 and 2015.
- *Residential*: Residential development covers 1,784 acres (8.9%) of the Town of Oregon. The vast majority (94%) is single-family residential. Residential land uses have consumed 742 acres since 1990, or approximately 1.8 acres per new household.
- *Commercial*: According to the 2020 *Land Use Inventory*, purely commercial retail or service land uses account for only 20 acres in the Town of Oregon. There are also a number of agricultural enterprises, home occupations and limited family businesses within the town. Such uses are not identified in the *Land Use Inventory*, and are normally considered secondary to the principal agricultural or residential use.
- *Other Public Uses*: In 2020, transportation and utilities accounted for 673 acres of land in the town, or 3.4% of the total land area. Outdoor recreation accounted for 261 acres (1.3%) of the land area of the town. Outdoor recreation has grown by 185 acres since 1990, reflecting creation of new parks, such as the Anderson Farm County Park.

Table 8-1

Town of Oregon: Acres of Land Use by Year

Category	1990	2000	2005	2010	2015	2020
Cropland / Pasture	15,847	13,948	13,191	11,662	11,728	11,700
Woodland / Other Open Lands / Water	2,946	4,610	4,443	5,630	5,353	5,229
Residential	974	1,171	1,306	1,598	1,645	1,732
Transportation / Communication / Utilities	667	708	687	657	673	673
Outdoor Recreation	76	90	71	128	252	261
Industrial (incl. mineral extraction)	23	42	50	95	126	125
Commercial	3	4	3	22	17	20
Institutional / Governmental	5	2		10	4	2
Vacant / Under Construction	313	127	268	92	88	50
Total	20,852	20,703	20,018	19,895	19,886	19,793

Source: Dane County Planning & Development

A. Land Use Projections

Table 8-B shows land use projections for the Town of Oregon from 2020 through 2040. 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 2020 Dane County Land Use Inventory. Agricultural, commercial and other non-residential land uses are based on historic trends between 1990 and 2020.

Table 8-2

Land Use Acres	2020 Projection	2025 Projection	2030 Projection	2035 Projection	2040 Projection
Cropland / Pasture	11,700	11,163	10,606	10,049	9,492
Woodland / Other Open Lands / Water	5,229	5,314	5,430	5,545	5,660
Residential	1,732	1,846	1,900	1,938	1,963
Transportation / communication / utilities	673	673	673	673	673
Outdoor Recreation	261	304	347	390	433
Industrial (incl. mineral extraction)	125	145	166	187	207
Commercial	20	32	38	43	49
Institutional / Governmental	2	4	4	4	5

Source: WI DOA Household Projections, Dane County Land Use Inventory 2000-2020.

II. 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.

The *Town of Oregon 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;
- redirecting more intensive uses to areas with appropriate municipal services, and;
- supporting intergovernmental cooperation and planning.

III. Opportunities for Redevelopment

There are 49 parcels in the Traditional Subdivision planning area that are 4 acres or larger in area. Redivision of these parcels by certified survey map into 2-acre lots is possible, provided new lots conform to siting, road access, environmental and design criteria of this comprehensive plan and to the Dane County Zoning, Shoreland-Wetland, Floodplain and Land Division Ordinances. This could yield as many as 65 additional development sites.

IV. Land Use Goals, Objectives and Policies:

The Town of Oregon is blessed with a diverse rural landscape that includes farms, woodlands, grasslands and wetlands. Residents value the rural character of the town. Over 80% of respondents to the 2019 town comprehensive plan survey “agreed” or “strongly agreed” the town should:

- remain mostly rural;
- promote preservation of farmland, and;
- participate in environmental improvement projects to maintain and improve water quality.

In addition, over 70% of respondents “agreed” or “strongly agreed” that new development should occur adjacent to other developed areas, and that most new development should occur in cities and villages, not in the town.

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.

A. General Land Use

1) Goals:

1. Discourage unplanned development by guiding new development in the Town to planned development areas.
2. Encourage the protection of private property rights while at the same time promoting the public health, safety and general welfare.
3. Encourage the protection of the most productive agricultural lands in the Town by guiding non-farm development to areas of the Township that do not have a history of agricultural production.
4. Encourage the protection of resource protection areas and other sensitive environmental features from development.
5. Ensure new development in the Town does not overburden the Town’s ability to provide cost effective municipal services to Town residents.
6. Encourage the protection of the traffic carrying capacity of the Town’s transportation system.
7. Encourage intergovernmental cooperation with surrounding communities with respect to land use, utilities, emergency services, and transportation facilities.

8. Protect and enhance the unique rural character of the Town by establishing and enforcing maximum density standards for non-farm development as well as enforcing design standards that require high-quality designs for all new commercial, industrial, institutional development in the community.
9. Work with the Dane County Board to establish special zoning standards that are designed specifically to address the unique needs and concerns of the Town of Oregon with respect to land use, site design, availability of water and sewer services, stormwater management and erosion control, and transportation.
10. Allow only a strictly limited amount of planned, high-quality non-farm commercial development in the Town.
11. Encourage a general review of this plan by the Plan Commission and Town Board periodically to ensure that the goals, objectives, policies and recommendations contained herein adequately address current land use issues within the Town.

2) Objectives:

1. Discourage land uses which conflict with agriculture and the rural character of the town.
2. Limit nonfarm development according to density and siting criteria described in this plan.
3. Protect, maintain and restore unique natural resources such as wetlands, floodplains, hydric soils, groundwater, steep slopes, woodlands and productive farm soils.
4. 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.
5. Control public costs for roads and services associated with development.

3) Policies & Programs – General Land Use

1. Provide a sufficient supply and mix of land uses to satisfy Town land use objectives.
2. Follow the recommendations and requirements of this Plan when making land use decisions.
3. 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.

4. Minimize development impacts on productive agricultural lands, or those lands with a history of productive farming activity.
5. Limit non-farm residential development to those areas that are not classified as productive farmland.
6. 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.
7. Promote state and local programs that encourage farming, or investment in farming, within the Town.

4) Rural Density Policy

Within the Farmland Preservation Area, Agricultural Transition Area and Rural Mixed-Use Area, the density policies 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.

a. Density Limitation

Nonfarm development shall not exceed a density of one dwelling unit (also referred to herein as, "split" or "density unit") per 35 acres held in single, contiguous or noncontiguous ownership, as of December 15, 1994.

b. Types of Development Limited

Except as specifically exempted below, this limitation shall apply to all residential development created after December 15, 1994, including:

1. *New single-family residential development.*
Any land rezoned to allow for new single-family, nonfarm residential development. Duplexes or multifamily development will count as one development right per dwelling unit. "Dwelling units" are defined as: one or more habitable rooms which are occupied, or which are intended or designed to be occupied as a residence by one family, with facilities for living, sleeping, cooking, and dining.
2. *Increased residential density.*
Any land rezoned to allow for increased density of development (i.e., rezoning from RR-4 to RR-2 to allow for two lots instead of one).
3. *New farm residences.*
Any approved conditional use permit for a farm residence.

4. *Accessory dwelling units.*

Conditional use permits for attached accessory dwelling units may be considered in specific instances. Approved accessory dwelling units shall count as a density unit.

5. *Commercial development.*

Density policies for rezones for commercial development vary by Planning Area.

c. Example:

The density standard of one dwelling unit or non-farm use per 35 acres of land owned as of December, 15 1994 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 that meet the siting criteria of this plan.

d. Exemptions

The following are exempt from the density limitations of this plan and do not count as a density unit taken.

1. *Sales to public entities.*

Sales of land or easements to public entities, unless otherwise indicated in the terms of the deed or easement.

2. *Existing / replacement residences.*

Separation of no more than one residence, with a fire number assigned, that existed on the premises as of December 15, 1994. A replacement to such a residence shall not count against this policy, either, provided that the preexisting residence was, or will be, demolished according to the Town's House Replacement Agreement.

e. Rounding:

Rounding is allowed. The maximum number of dwelling units allowed will be determined by dividing the acreage owned as of December 15, 1994. If the resulting quotient is a whole number, the owner may create that number of new dwelling units. If the quotient is a whole number plus a fraction, the owner may create that number of lots equal to the whole number plus one additional lot if the remainder equals or exceeds one-half ($1/2$).

For example, a 90-acre parcel would be allowed a maximum of three dwelling units ($90/35=2 \text{ } 20/35$, or $2.57=$ round up to 3). An 80-acre parcel would be allowed a maximum of two new dwelling units ($80/35=2 \text{ } 10/35$, or $2.28=$ round down to 2).

f. Determining original 12/15/1994 farm units:**1. Data sources:**

The Town will utilize the 1995 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 15, 1994. Parcel size will be based on net acreage, excluding road and other public rights of way, as calculated by the Dane County GIS system. Landowners or applicants for rezoning proposals may submit more detailed information for consideration, such as recorded deeds or surveys.

2. Base farm tract:

An original farm unit, or base farm tract, is defined as contiguous or noncontiguous lands, not including lands divided by certified survey map or subdivision plat, that were in common ownership as of December 15, 1994. For the purposes of this policy, common ownership is defined as parcels owned by one individual or by a married couple, partnership, or corporation including that individual.

g. Eligible lands:

When calculating original farm acreage and eligible density units, all property under single ownership, contiguous or noncontiguous shall be included. This includes land under water, within mapped wetlands, floodplains, or resource protection corridors.

h. Land transfers after December 15, 1994 and allocation of density units:**1. No new allotments**

Changes and reconfigurations in ownership do not trigger new allotments of potential future dwelling units per the density policy.

2. Allocation of remaining homesites

When land is sold or consolidated after December 15, 1994, the Town encourages property owners to make clear in sales contracts how many potential future dwelling units (if any) are being transferred along with the land. If provided to the Town and County with the development application, the town will use such sales contracts or similar document when considering the application.

3. When no landowner agreement exists

In the absence of a clearly understood sales contract or similar document, the Town may attempt to learn from all affected property owners the intent (in writing), and share that information with Dane County Planning and Development Department. If the intention for the dwelling units (splits) is still unclear after these efforts, the Town Board will assume that all potential future potential dwelling units remain with the largest remaining parcel.

i. Tracking of Splits

For eligible splits, the Town will coordinate with Dane County to ensure that any approved development results in a formal record of available splits to be incorporated into appropriate documents. This may be accomplished through a deed notice or other means deemed appropriate by the Town Board, in consultation with the Town Attorney as needed. An annual report may be developed with the assistance of Dane County Planning staff to monitor available dwelling units (splits) and to address where additional information may be needed.

j. When density units are exhausted:

When eligible density units for an original December 15, 1994 farm have been exhausted, the town shall require the recording of a deed restriction that prohibits further residential development on the balance of the property. Portions of the property intended to remain in agricultural use shall be zoned to prohibit nonfarm use, such as FP-35, FP-1, AT-35, RE, NR-C or UTR.

5) Transfer of Development Rights (TDR)**a. 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 Oregon 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.

b. Objectives:

The Town of Oregon 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, and to
8. encourage infill development.

c. Policies & Programs – Transfer of Development Rights**1. Allocation of Development Rights**

Development rights are determined by the Rural Density Policy. 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 Oregon Comprehensive Plan*.

2. Sending Areas

The following are considered potential “sending areas:”

- All FP-35 or NR-C zoned lands within the Farmland Preservation Area
- All AT-35 or NR-C zoned lands with the Rural Mixed-Use Area

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 applicable 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.10.304, Dane County Code), provided at least one of the following criteria is met:

1. 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 (see Map 13);
2. Reduction of potential nonfarm development would contribute to the preservation of large blocks of contiguous farmland, natural resource land or other open space, OR;
3. Proposed sending areas are within the Ice Age Trail corridor.

3. Receiving Areas.

All lands in the Farmland Preservation, Rural Mixed Use and Traditional Subdivision 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. Receiving areas are not in any of the FP-35, FP-1, FP-B or NR-C zoning districts;
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 (see Map 13);

3. Proposed development would be clustered, and adjacent to existing nonfarm development;
4. No more than one development site or lot is created in a receiving area for every one development right retired in a sending area;
5. Proposed receiving areas are not within the Ice Age Trail corridor, AND;
6. Proposed development meets all of the siting criteria for the appropriate planning area as identified in the Town of Oregon Comprehensive Plan.

4. *Implementing a Transfer*

Transfers from sending areas to receiving areas are accomplished by recording either conservation easements or deed restrictions. Recorded documents must clearly identify the number of development rights transferred and identify both the sending and receiving properties. Transfers are permitted only within the Town of Oregon.

5. *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(110) 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 or deed restriction on an appropriate TDR-S-zoned parcel.

6. *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 Oregon Board and to Dane County Zoning:

1. Recorded deed notice documents on both the sending and receiving parcels as described in paragraph 5 above.
2. A letter from the Town of Oregon Plan Commission indicating that the TDR transaction is consistent with transfer policies, siting criteria and all other applicable policies of the Town of Oregon 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.

6) Policies for Particular Land Uses

a. Commercial development

1. Commercial development must not result in environmental degradation, inappropriate traffic volumes or conflict with farming operations.
2. To limit rezoning or conditional use permit boundaries to only that portion of land which is necessary for the proposed use.
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. The Town may require 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. See also specific policies for commercial development for each Planning Area.

b. Mineral Extraction

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 Oregon 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 goals of the Farmland Preservation Area and other goals and policies of the Town of Oregon Comprehensive Plan, including density policies.

4. Copies of required application materials, the town questionnaire and standard conditions are contained in Appendix 1.
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.
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. All reclamation must conform to the requirements of Chapter 74, Dane County Code. Final land uses after reclamation should conform to the policies of the appropriate planning area of this plan.
7. In order to meet the policies and objectives of this plan, the town plan commission and town board may recommend conditions on any mineral extraction application related, but not limited to, any of the following:
 - Setbacks from existing development
 - Road capacity
 - Limitations on blasting, including hours, notification and safety measures, or
 - Expiration dates on mineral extraction CUPs to allow for review and renewal, as appropriate.

c. 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 Oregon.

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.

B. Town Land Use Planning Areas:

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

- Farmland Preservation Areas
- Agriculture Transition Areas
- Rural Mixed Use Areas
- Traditional Subdivision

Overlay planning areas

- Resource Protection Corridors
- Public Lands Areas

1) Farmland Preservation Area

a. Purpose:

The Town has established the Farmland Preservation Area, as shown on the Planned Land Use Map, as a means of preserving agricultural lands and rural character throughout the Town while providing opportunities for limited non-farm development. This area is intended to meet all the requirements for state certification as a “Farmland Preservation Area” under Chapter 91, Wisconsin Statutes.

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. Lands to be included in this category are:

- Those areas with productive farm operations including lands historically exhibiting good crop yields or capable of such yields;
- Lands which have demonstrated to be productive for dairying, livestock raising, and grazing;
- Other lands which are integral parts of farm operations;
- Land uses for the production of specialty crops such as trees, sod, fruits and vegetables;
- Lands that are capable of productive use through economically feasible improvements such as irrigation.

b. Objectives:

- A. Encourage preservation of productive agricultural land for food and fiber production;
- B. Encourage preservation of productive farms by preventing land use conflicts.
- C. Maintain a viable agricultural base to support agricultural processing and service industries;
- D. Reduce costs for providing services to scattered non-farm uses;
- E. Pace and shape urban growth;
- F. Implement the provisions of the Dane County Farmland Preservation Plan when adopted and periodically revised;
- G. Encourage local agriculture and accessory uses that are compatible with neighboring land uses, and beneficial to the local economy.
- H. Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Section 71.09 (11) of Wisconsin Statutes.

- I. Continue to maintain and encourage production agriculture, agricultural-related businesses, forestry, open space, and compatible uses.
- J. Protect farm operations from the encroachment of incompatible uses.
- K. Limit nonfarm development consistent with town density policies.
- L. Direct nonfarm development away from productive agricultural lands.
- M. 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 (General Farmland Preservation)
- FP-1 (Farmland Preservation – Small Lots)
- FP-B (Farmland Preservation - Business)
- NR-C (Natural Resource - Conservancy)
- RE (Recreational)

For nonfarm development permitted under town density & siting policies:

- Rural Residential (RR-1, RR-2, RR-4, RR-8) zoning districts
- Rural Mixed-Use (RM-8, RM-16) zoning districts
- LC (Limited Commercial), with appropriate conditions as needed to meet the objectives of this plan.

d. Policies & Programs – Farmland Preservation Area:

1. Rural Density Policy

The Rural Density Policy applies to all lands within the Farmland Preservation Area. Rezones for commercial development count against the one unit per 35 acre limitation.

2. Transfers of development rights:

a) Sending areas:

Any property in the Farmland Preservation Area that is over 35 acres and in either the FP-35 or the NR-C zoning district, qualifies as a sending area under the Transfer of Development Rights section of this plan.

b) Receiving areas:

Properties in the Farmland Preservation Area may qualify as a receiving area under the Transfer of Development Rights section of this plan if the proposed transfer would meet the following criteria:

- Receiving areas are not on lands currently zoned FP-35, FP-1, FP-B or NR-C;

- Relocate proposed development away from Group I or Group II farm soils, as defined in the Dane County Land Evaluation and Site Assessment (LESA – see Map 13);
- Promote clustered development adjacent to other rural residential development;
- Maximize large contiguous areas of protected farmland;
- Proposed lots in a receiving area have direct road frontage that meets the standards of the Dane County Land Division Ordinance and do not exceed an area of four acres.

3. Subdivision Plats:

Subdivision plats (defined in Chapter 75, Dane County Code as 5 or more lots less than 35 acres in size created within 5 years) are not permitted in Farmland Preservation Areas.

4. Development siting standards & criteria:

The Town shall use the following siting standards and criteria when reviewing proposed non-farm rezones or development, land divisions under county land division ordinances, and building siting under the town building permit ordinance.

a) Lot size:

Within the Farmland Preservation Area the minimum parcel size for proposed new lots shall be 2 acres. The Town encourages the creation of small lots ranging in size from 2 to 4 acres. Lots exceeding 4 acres in size may be approved if necessary to access the site, avoid productive agricultural lands or preserve large intact, blocks of farmland or woodland.

b) Soils:

Development shall be directed away from productive agricultural soils, or those lands with a history of productive farming activity. For the purposes of the Town of Oregon Comprehensive Plan, productive agricultural soils are soils classified as Group I or Group II under the Dane County Land Evaluation and Site Assessment (LESA) system (see Map 13).

c) Driveways, roads and road frontage:

1. 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).
2. New driveways and roads shall be the minimum length necessary to access the site.
 3. All driveways shall be designed and located to be suitable for emergency vehicle access and safe access onto existing roadways.
 4. Driveways must comply with the Town Driveway Ordinance, County or State Highway access requirements, as applicable.
 5. 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. 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.

d) Additional Criteria:

At the discretion of the Planning Commission, additional standards may be required for certain types of development, such as, but not limited to, proposed commercial development, or horse boarding facilities. Additional criteria may include, as appropriate:

1. Manure storage plans and/or farm conservation plans approved by the Dane County Land Conservation Division
2. Erosion control and stormwater permits under Chapter 14, Dane County Code.
3. Site plans, containing all information described in Chapter 10, Dane County Code.

5. *Commercial Development:*

In addition to the general land use policies for commercial development, the Town shall follow the following policies regarding proposed new, or expansion of existing, commercial development within the Farmland Preservation Area:

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.

2. Commercial uses will be limited to those allowable under the FP-B district, LC district or as conditional uses in the Rural Residential or Rural Mixed-Use Zoning Districts.
3. Any rezone to allow nonfarm commercial use shall count against the Rural Density Policy.

6. *Mineral Extraction*

Within the Farmland Preservation Area, 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 Oregon Comprehensive Plan*;
- are consistent with agricultural use and farmland preservation, and;
- adequately protect public safety, rural character and the environment.

In addition to the general land use policies for mineral extraction, all mineral extraction sites in the Farmland Preservation Area must be reclaimed to agricultural or natural resource use.

2) Agricultural Transition Areas

a. Purpose:

Agricultural Transition Areas are planned for urban expansion in the adopted Village of Oregon comprehensive plan. Such areas are within the Extraterritorial Plat Review jurisdiction of the Village of Oregon. While currently in agricultural use, these areas will likely convert to urban uses within twenty years. Because of the short-term nature of current agricultural uses, properties within Agricultural Transition Areas are not eligible for state farmland preservation income tax credits. To facilitate eventual conversion to urban uses, the town will allow only limited nonfarm development within Agricultural Transition Areas.

b. Goals and Objectives:

1. Reduce costs for providing services to scattered non-farm uses.
2. Pace and shape urban growth.
3. Protect farm operations from the encroachment of incompatible uses.
4. Limit nonfarm development consistent with town density policies.

c. Appropriate Zoning Districts:

- AT-35 (Agriculture Transition)
- AT-B (Agriculture Transition - Business)
- NR-C (Natural Resource - Conservancy)
- RE (Recreational)

For nonfarm development permitted under town density & siting policies:

- Rural Residential (RR-1, RR-2, RR-4, RR-8) zoning districts
- Rural Mixed-Use (RM-8, RM-16) zoning districts
- LC (Limited Commercial), with appropriate conditions as needed to meet the objectives of this plan.

d. Policies & Programs:

1. Rural Density Policy

The Rural Density Policy applies to all lands within the Agricultural Transition Area. Rezones for commercial development count against the one per 35 acre limitation.

2. Transfers of development rights:

Transfers of development rights, either as a sending area or a receiving area, are not permitted in Agricultural Transition Areas.

3. Subdivision Plats and other land divisions:

Subdivision plats (defined in Chapter 75, Dane County Code as 5 or more lots less than 35 acres in size created within 5 years) are not permitted in Agricultural Transition Areas. All divisions of land are subject to extraterritorial review by the Village of Oregon.

4. Development siting standards & criteria:

The Town shall use the following siting standards and criteria when reviewing proposed non-farm rezones or development, land divisions under county land division ordinances, and building siting under the town building permit ordinance.

a) Lot size:

Within the Agricultural Transition Area the minimum parcel size for proposed new lots shall be 2 acres. The Town encourages the creation of small lots ranging in size from 2 to 4 acres. Lots exceeding 4 acres in size may be approved if necessary to access the site, avoid productive agricultural lands or preserve large intact, blocks of farmland or woodland.

c) Driveways, roads and road frontage:

1. 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).
2. New driveways and roads shall be the minimum length necessary to access the site.
3. All driveways shall be designed and located to be suitable for emergency vehicle access and safe access onto existing roadways.
4. Driveways must comply with the Town Driveway Ordinance, County or State Highway access requirements, as applicable.
5. 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. 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.

d) Additional Criteria:

At the discretion of the Planning Commission, additional standards may be required for certain types of development, such as, but not limited to, proposed commercial development, or horse boarding facilities. Additional criteria may include, as appropriate:

1. Manure storage plans and/or farm conservation plans approved by the Dane County Land Conservation Division
2. Erosion control and stormwater permits under Chapter 14, Dane County Code.
3. Site plans, containing all information described in Chapter 10, Dane County Code.

5. *Commercial Development:*

In addition to the general land use policies for commercial development, the Town shall follow the following policies regarding proposed new, or expansion of existing, commercial development within the Agricultural Transition Area:

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.
2. Commercial uses will be limited to those allowable under the AT-B district, LC district or as conditional uses in the Rural Residential or Rural Mixed-Use Zoning Districts.
3. Any rezone to allow nonfarm commercial use shall count against the rural density policy.

6. *Mineral Extraction*

Within the Agricultural Transition Area, 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 Oregon Comprehensive Plan*;
- are consistent with agricultural use;
- do not impair the orderly transition to urban use or annexation to the Village of Oregon, and;
- adequately protect public safety, rural character and the environment.

In addition to the general land use policies for mineral extraction, all mineral extraction sites in the Agricultural Transition Area must be reclaimed to agricultural or natural resource use.

3) Rural Mixed-Use Area

a. Purpose:

The Rural Mixed-Use Area is intended to accommodate a mix of agriculture, residential, utility, extractive, commercial and rural industrial uses consistent with and appropriate to a rural setting, on medium-to-large parcels.

b. Goals and Objectives:

1. Allow for a wide variety of smaller scale agricultural uses, residential and other rural uses.
2. Keep residential densities should remain relatively low, except in small clusters, as a result of transfers of development rights.
3. Nonfarm, commercial and rural industrial uses should be located and designed to minimize conflicts with nearby residential and agricultural uses.

c. Appropriate Zoning Districts:

- AT-35
- RM-16; RM-8
- RR
- SFR
- LC, GC
- NR-C; RE
- RI, provided conditions can be met
- UTR

d. Policies & Programs:

1. Rural Density Policy

Within the Rural Mixed-Use Area, the Rural Density Policy applies to all lands, except for those in the TDR-R receiving area overlay district. Rezones for commercial development do not count against the one unit per 35-acre limitation.

2. Transfers of development rights:

a) Sending areas:

Any property in the Rural Mixed-Use Area that is over 35 acres and is in either the AT-35 or the NR-C zoning district, qualifies as a sending area under the Transfer of Development Rights section of this plan.

b) Receiving areas:

Properties in the Rural Mixed-Use Area may qualify as a receiving area under the Transfer of Development Rights section of this plan if the proposed transfer would meet the following criteria:

- Receiving areas are not on lands currently zoned NR-C;
- Relocate proposed development away from Group I or Group II farm soils, as defined in the Dane County Land Evaluation and Site Assessment (LESA – see Map 13);
- Promote clustered development adjacent to other rural residential development;
- Maximize large contiguous areas of protected farmland;
- Proposed lots in a receiving area have direct road frontage that meets the standards of the Dane County Land Division Ordinance and do not exceed an area of four acres.

3. *Subdivision Plats*

New lots must be created by certified survey map. New subdivision plats (5 or more lots created within 5 years) will not be approved within the Rural Mixed Use Area.

4. *Development siting standards & criteria:*

a) Lot size:

New lots must be a minimum of 2 acres, net of right-of-way.

Where there are two, three, or four existing lots, all created prior to December, 1994, and are all zoned for residential development, lot lines may be reconfigured in such a way that one or more revised lot(s) may be between 1 acre and 2 acres in area. Under no circumstances shall the total number of homesites be increased beyond what is permitted under the current configuration.

b) Driveways, roads and road frontage:

1. All new lots must have at least 66 feet of frontage onto a public road.
2. New driveways and roads shall be the minimum length necessary to access the site.
3. All driveways shall be designed and located to be suitable for emergency vehicle access and safe access onto existing roadways.
4. Driveways must comply with the Town Driveway Ordinance, County or State Highway access requirements, as applicable.
5. 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. 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.

c) Additional Criteria:

At the discretion of the Planning Commission, additional standards may be required for certain types of development, such as, but not limited to, proposed commercial development, or horse boarding facilities. Additional criteria may include, as appropriate:

1. Manure storage plans and/or farm conservation plans approved by the Dane County Land Conservation Division
2. Erosion control and stormwater permits under Chapter 14, Dane County Code.
3. Site plans, containing all information described in Chapter 10, Dane County Code.

5. *Commercial Development:*

1. To avoid speculation and ensure compliance with previous policies, the applicant must request a specific use. Due to the permitted uses in the General Commercial and Limited Commercial districts, the Town may require 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 set additional limits on the number of employees, number of customers on-site, traffic count, hours of operation, number or size of buildings, types of products or services or outdoor activities as needed to meet the goals and objectives of the comprehensive plan.
3. Rezoning or conditional use permit boundaries will be limited to that portion of land necessary for the proposed commercial use.
4. Buildings for commercial use shall be limited to two and a half stories or 35 feet in height, whichever is less. Commercial buildings shall not have more than 10,000 square feet of floor area, unless the town plan commission and town board find it is in the public interest to allow larger buildings.
5. 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.
6. At its discretion, the town plan commission or town board may require vegetative screening, noise limits, dust or pollution controls and/or increased setbacks for commercial uses to minimize impacts to surrounding properties.

7. Commercial development does not count against the Rural Density Policy.

6. *Rural Industrial Development*

Within the Rural Mixed-Use district, the town may consider rezones to the RI (Rural Industrial) zoning district, where the town plan commission and town board find that the proposed use meets all of the following criteria:

1. The proposed zoning boundaries are the minimum area necessary to accommodate the proposed use and any required setbacks, visual screening and accessways.
2. The proposed use will not significantly impair the use or enjoyment of neighboring properties;
3. The proposed use will not create a significant risk of noise, light, air, surface water or groundwater pollution;
4. The proposed use will not create traffic hazards or cause undue wear and tear on public roads and infrastructure;
5. The proposed use minimizes visual impact and protects the rural character of the town.

To accomplish these objectives, the town plan commission and town board, may, at its discretion, recommend the following conditions on any rezone to the RI zoning district, or on any Conditional Use Permits allowed in the RI zoning district.

1. Require deed restrictions on the property to further limit permitted or conditional uses to ensure compatibility with the surrounding area.
2. Require berms or vegetative screening to effectively screen the proposed use from view and retain rural character.
3. Impose noise limits, specific hours of operation and/or limits on scale of operation, number of employees, or types of materials used or stored on the premises.
4. Require proof of compliance with all other local, county, state or federal safety, pollution control, environmental, reclamation or other applicable regulations prior to approval by the town.
5. Impose environmental or safety monitoring requirements as necessary to protect the public health, safety or welfare.
6. Impose expiration dates on Conditional Use Permits and require resubmittal for renewal, to allow for town and public review of operations.

7. *Mineral Extraction*

Within the Rural Mixed-Use Area, 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 Oregon Comprehensive Plan;
- are consistent with the variety of other uses allowed in the Rural Mixed-Use Area;
- minimize noise, dust, traffic and vibration impacts on surrounding properties, and;
- adequately protect public safety, rural character and the environment.

In addition to the general land use policies for mineral extraction, all mineral extraction sites must be reclaimed to a use consistent with the Rural Mixed-Use Area and must comply with all applicable policies of this plan for such uses.

4) Traditional Subdivision Area

a. Purpose:

The Town has established the Traditional Subdivision Area to accommodate existing development within existing residential subdivisions. The town may consider limited redevelopment, redivision or reuse of existing parcels in the Traditional Subdivision Area, where such development would further other goals and objectives of the Town of Oregon Comprehensive Plan, or as part of a Transfer of Development Rights. The Traditional Subdivision area is not intended to accommodate significant new growth. New subdivision plats (5 or more lots created within five years) are not permitted in the Traditional Subdivision area.

b. Goals and Objectives:

1. Accommodate existing residential subdivisions.
2. Allow for limited, local businesses and commercial services serving local populations.
3. Promote limited, efficient and compact development and allow for appropriate redevelopment opportunities.

c. Appropriate Zoning Districts:

- Single Family Residential (SFR-08; SFR-1; SFR-2)
- Rural Residential (RR-1; RR-2; RR-4; RR-8)
- GC (General Commercial)
- LC (Limited Commercial)
- NR-C (Natural Resource - Conservancy)
- RE (Recreational)
- UTR

d. Policies & Programs – Traditional Subdivision Area**1. Minimum lot size:**

Within the Traditional Subdivision Area, any new or redivided unsewered lot must be at least 2 acres in area, excluding right of way, except as described below.

1. County zoning, shoreland zoning or land division ordinances may require larger lot sizes.
2. Where there are two, three, or four existing lots, all created prior to December, 1994, and are all zoned for residential development, lot lines may be reconfigured in such a way that one or more revised lot(s) may be between 1 acre and 2 acres in area. Under no circumstances shall the total number of homesites be increased beyond what is permitted under the current configuration.
3. Minimum lot sizes do not apply to certified survey maps, assessor's plats or other legal instruments used to re-create existing, legally-created lots of record, provided substandard lots are not reduced in size.

2. Lot design and public improvements:

1. All new or redivided lots in the Traditional Subdivision Area 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 Oregon 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 street lights.
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 75, Dane County Code) before approving any land division.

3. Commercial Development:

1. To avoid speculation and ensure compliance with previous policies, the applicant must request a specific use. Due to the permitted uses in the General Commercial and Limited Commercial districts, the Town may require 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.

4. Mineral extraction

Mineral extraction is not permitted in the Traditional Subdivision Area.

5) Resource Protection Corridor Overlay

a. Purpose:

The Town has established Resource Protection Corridors, as shown on the Planned Land Use Map, to preserve and enhance unique and sensitive natural resources within the Town. This district applies to:

- Navigable waterways, shoreland buffers and setbacks
- Floodplains, including the 1% (100-year) regional floodplain
- Wetlands and wetland buffers
- Steep slopes exceeding 12% grade.

Non-farm development within the Resource Protection Corridor, as shown on the Planned Land Use Map, is generally prohibited, except as specifically provided below.

Where there are disputes over mapped wetlands, floodplains or onsite soil conditions, the town plan commission and town board may refer to detailed studies derived from onsite field conditions to determine actual Resource Protection Corridor boundaries. Any such study must be reviewed and approved by the Wisconsin Department of Natural Resources, the Federal Emergency Management Agency, the Dane County Zoning Administrator, or the Dane County Land and Water Resources Department, as appropriate. Developers bear the burden of proof that mapped Resource Protection Corridors are in error.

b. Goals and Objectives:

1. Protect and improve the quality of the surface and ground waters within the town.
2. Protect important local resources such as: floodplains, wetlands, significant woodlands, steep slopes and historic and archaeological sites.
3. To encourage the use of soil conservation practices and the sustainable management of woodlands.
4. Protect health, safety, welfare and the natural environment.
5. Encourage sustainable management, enhancement and restoration of resource corridors and their ecological function.

c. Appropriate Zoning Districts:

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

- For lands in private ownership, where there is sufficient room outside resource protection corridors for development to occur, zoning as appropriate to the underlying planning area.

d. Policies & Programs – Resource Protection Corridor

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. Provided all applicable county and state erosion control, stormwater, shoreland, wetland, floodplain and stream crossing regulations are met, the following may be permitted in the Environmental & Resources Protection District:
4. Expansion or improvement of existing accesses or driveways, if necessary to meet current town driveway standards.
5. Replacement of existing structures, unless prohibited by Dane County ordinance, or by state or federal law.
6. Support county shoreland & wetland zoning, floodplain, erosion control and stormwater ordinances.
7. Support programs to restore natural vegetation, remove invasive species and improve habitat.

6) Public Lands Overlay

a. Purpose:

The Town has established the Public Lands Area, as shown on the Planned Land Use Map, to coordinate with public and nonprofit entities owning land in the town. The Town of Oregon contains lands owned by the U.S. Fish and Wildlife Service, Wisconsin Department of Natural Resources and Dane County.

b. Goals and 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:

- Based on underlying planning area.

d. Policies & Programs – Public Lands Area

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, and state and federal public lands programs.
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 this 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.