

# Town of Oregon Dane County, Wisconsin

## 2007 Comprehensive Plan Original Adoption: April 9<sup>th</sup>, 2007

Amended November 6<sup>th</sup>, 2007  
Amended June 2<sup>nd</sup>, 2009



ORDINANCE NO. 2009- 71

**An Ordinance to Amend the Previously Adopted Comprehensive Plan of the Town of Oregon, Wisconsin.**

The Town Board of the Town of Oregon, Wisconsin, do ordain as follows:

Section 1. Pursuant to section 62.23(2) and (3)(for cities, and towns exercising City powers under 60.22(3) of the Wisconsin Statutes, the Town of Oregon, is authorized to prepare, adopt, and amend a comprehensive plan as defined in section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

Section 2. The Town Board of the Town of Oregon, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by section 66.1001(4)(a) of the Wisconsin Statutes.

Section 3. The Plan Commission of the Town of Oregon, by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to Town Board adoption of amendments to the document entitled "Town of Oregon, Dane County, Wisconsin 2007 Comprehensive Plan," containing all of the elements specified in section 66.1001(2) of the Wisconsin Statutes.

Section 4. The Town has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes.

Section 5. The Town Board of the Town of Oregon, Wisconsin, does, by enactment of this ordinance, formally adopt amendments to the document entitled, "Town of Oregon, Dane County, Wisconsin 2007 Comprehensive Plan," pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.


Section 6. This ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and posting as required by law.

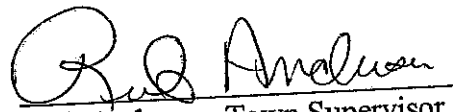
Adopted this 2<sup>nd</sup> day of June, 2009.

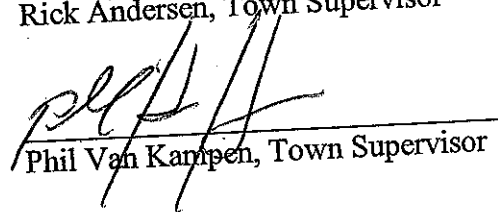
TOWN OF OREGON

  
Darryl J. Weber, Town Chairperson

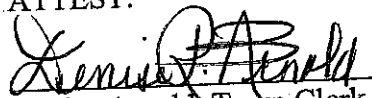
  
Wayne L. Ace, Town Supervisor

  
Chris Johnson, Town Supervisor

  
Rick Andersen, Town Supervisor

  
Phil Van Kampen, Town Supervisor

ATTEST:

  
Denise Arnold, Town Clerk

ORD. AMEND. NO. 20, 2009-2010

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES,  
INCORPORATING THE TOWN OF OREGON COMPREHENSIVE PLAN INTO  
THE DANE COUNTY COMPREHENSIVE PLAN

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

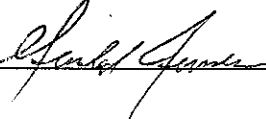
ARTICLE 2. Section 82.55(19) is amended to read as follows:

**82.55 INCORPORATION OF TOWN PLANS.** The following town plans are incorporated into the Dane County Comprehensive Plan:

(19) Town of Oregon ~~Land Use Comprehensive Plan~~, including all amendments adopted by the county board of supervisors ~~as part of the Dane County Farmland Preservation Plan as of December 20, 2007~~ [county clerk to insert effective date of amendment].

[EXPLANATION: This amendment adopts the Town of Oregon Comprehensive Plan and incorporates it into the Dane County Comprehensive Plan.]

Submitted By:

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Referred to:

- Executive
- Hlth/Hum Needs
- Pers/Finance
- Pub Prot/Jud
- Pub Wks/Transp
- Envir/Ag/Nat Res
- Zoning/Land Reg

- Approved as Submitted
- Fiscal Note Not Required
- Policy Note Not Required
- Forward to:
- for completion of:
- Policy Note       Fiscal Note



**TOWN OF OREGON BOARD**

Gerald Jensen Chairperson  
Wayne Ace Supervisor  
Pen Beasley Supervisor  
Phil Van Kampen Supervisor  
Darryl Weber Supervisor  
Denise Arnold Clerk

**TOWN OF OREGON PLAN COMMISSION**

Darryl Weber Chairperson  
Andy Blomstrom Commissioner  
Lloyd Klahn Commissioner  
Brian Duffin Commissioner  
Dave Hagemann Commissioner  
Sharon Christensen Commissioner  
Paul Morrison Commissioner



Partial fund support for this planning effort was provided by the Wisconsin Department of Administration



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## Introduction

What is a Comprehensive Plan?

*A comprehensive plan is...*

“...a long-range plan for development of a community that recognizes the physical, economic, social, political, aesthetic, and related factors of the community. A land use plan is only one component of a comprehensive plan. Other components typically include housing, economic development, natural resources, community facilities, and implementation.”

(Taken from the Land Use Guidebook for Dane County, Wisconsin)

The Wisconsin Comprehensive Planning Law [s. 66.1001 Wis. Stats.]

The State of Wisconsin’s Comprehensive Planning Law, also known as Smart Growth, requires that all programs and actions of local governmental units that affect land use must be guided by and consistent with that governmental unit’s adopted comprehensive plan after January 1, 2010.

The law defines a comprehensive plan as containing nine required elements:

- Issues and opportunities
- Housing
- Transportation
- Utilities and Community Facilities
- Agricultural, Natural and Cultural Facilities
- Economic Development
- Intergovernmental Cooperation
- Land Use
- Implementation

The Comprehensive Planning Law in Wisconsin requires public participation at every stage of the comprehensive planning process. “Public participation” is defined as adopting and implementing written procedures for public participation that include but are not limited to broad notice provisions, the opportunity for the public and impacted jurisdictions to review and comment on draft plans, and the holding of a public hearing prior to plan adoption.

The Comprehensive Planning Law standardizes the procedure for adopting a comprehensive plan. The plan commission must submit a recommendation on the comprehensive plan to the chief elected body. The local governing body may then adopt and enact the plan by ordinance.

In addition to ensuring local residents and businesses have the opportunity to review and comment on the plan, that the Comprehensive Planning Law requires



that copies of the draft and final comprehensive plans be sent to adjacent communities, the Wisconsin Land Council, the regional planning commission, the public library serving the area, and all other area jurisdictions that are located entirely or partially within the boundaries of the community.

Required Comprehensive Planning Goals (Planning Grant Recipients)

Listed below are the fourteen local comprehensive planning goals as described in s. 16.965(4), Wis. Stats.:

1. Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
2. Encouragement of neighborhood designs that support a range of transportation choices.
3. Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.
4. Protection of economically productive areas, including farmland and forests.
5. Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
6. Preservation of cultural, historic and archaeological sites.
7. Encouragement of coordination and cooperation among nearby units of government.
8. Building of community identity by revitalizing main streets and enforcing design standards.
9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
11. Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.





12. Balancing individual property rights with community interests and goals.
13. Planning and development of land uses that create or preserve varied and unique urban and rural communities.
14. Providing an integrated, efficient and economical transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependent and disabled citizens.

### The Role of the Comprehensive Plan for the Town of Oregon

This planning document is intended to be a “living” guide for the future overall development of the Town of Oregon. It serves the following purposes:

- The plan acts as a benchmark to where the community is now in terms of current strength, weaknesses, opportunities and threats to quality of life.
- It also provides a means of measuring progress for existing and future Town leaders.
- It clearly defines the direction and manner that the Town of Oregon would like to grow and how that growth should occur.
- It identifies what resources and infrastructure will be needed to facilitate that growth and provides direction on how to meet those needs effectively and efficiently.
- It also recommends areas where the Town’s land use implementation tools can be strengthened.
- It can be used as supporting documentation for Town policies and regulations as well as public grant funding requests for public projects.
- In addition to the applicable Town and Dane County ordinances, it will be a primary document used by the Town to evaluate requests for rezoning within the Town of Oregon.

The most important function the plan will serve is as a resource manual to assist in the evaluation of land use related requests and the provision of design recommendations for various types of development. It establishes a standard by which all land use decisions in the Town need to be based. Communities who consistently make land use decisions based on their comprehensive plan reduce their exposure to legal action, increase their opportunities to save money and improve the quality and compatibility of new development.

### Notice of Severability

It should be clearly noted that the policies in this plan are not intended to implement or enforce themselves, and therefore rely on local, county, state and federal ordinances, statutes and regulations to enforce these policies. This plan often references specific edits that are recommended to one of the many



regulatory ordinances, statutes, and other tools available to the Town of Oregon to implement the desired directives presented herein. The implementation tools for this plan will be applicable Town and Dane County ordinances.

In the event that a court should determine that a portion of this comprehensive plan is invalid, such invalidity shall not affect the other provisions of this comprehensive plan.



## (1) Issues and Opportunities Element

1. *Provide a statement or vision that discusses or define your Town's future (at least 20 years).*

The Town of Oregon adopted the following vision for their future [2020]...

"As Town of Oregon residents, whether our roots here are deep in the past or more recent, we now set forth this vision for our future:

To preserve the rural character of our town: We like living in the country. Our town is a desirable place to live and to raise children because the community is safe, the people are friendly, and the schools are good. We want to keep our farms because they provide much of the rural character that we cherish.

To plan development wisely and control growth: We would like our population to stay small. We want to protect property rights and values. We want to plan development carefully so that we can preserve our productive farmland, precious wetlands, sheltering woodlands, wildlife habitats, open spaces and scenic views.

To cooperate with the Village of Oregon and the Village of Brooklyn: We want a partnership with the Village of Oregon and the Village of Brooklyn so that it continues to serve as centers for commercial business and public services. We want to stabilize the boundaries between the Town and these Villages so that we can preserve our town's integrity.

To provide an outdoor resource for our community: We would like our Town to be a place for quiet and reflective outdoor recreation, whether we are biking with friends down a country road or walking alone. We want to preserve the Town of Oregon as a sanctuary for the greater good.

We dedicate this vision to our children as the wings for their future."

On October 10<sup>th</sup>, 2005, the Town Planning Committee identified the following as guiding principles for their 2005 update of their 1994 land use plan to a full comprehensive plan in 2005-2006:

- Build upon the policies and principles in the 1994 Land Use Plan and the 2001 Visioning document.
- Clarify and maintain the Town's groundwater protection policy.
- Update and implement the Town conservation subdivision ordinance.
- Evaluate the potential for transfer or purchase of development rights.
- Limit new commercial development within the Town to designated areas.
- Plan for some mineral extraction uses within the Town.

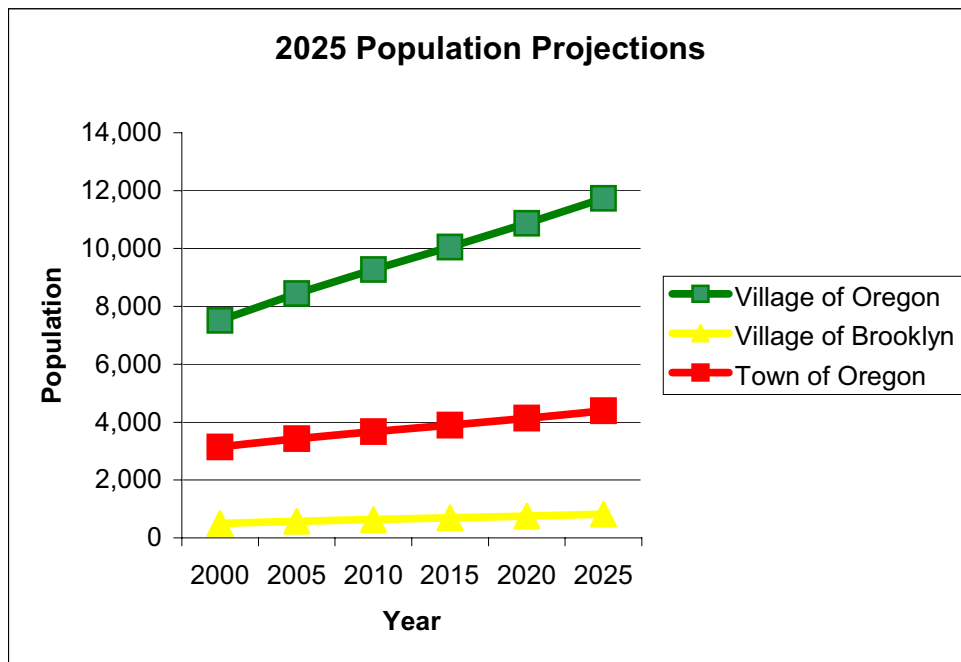


- Assume some degree of joint planning with the Village of Oregon and the Village of Brooklyn during this planning process.

2. Provide required background data (U.S. Census, Wisconsin DOA, and Wisconsin DWD)

Population Forecasts - Town of Oregon, Village of Brooklyn and Village of Oregon

By 2025, the Town of Oregon will grow to 4,397. In this same time period, the Village of Oregon will grow to 11,731, and the Village of Brooklyn will grow to 822. This brings the total area population of 16,950 by 2025.<sup>1</sup> This population will likely represent a significant market for commercial and retail uses. A more immediate impact will be identifying where these persons will live and in what sort of housing. Another concern will be the estimated impacts on enrollment in the local school district.



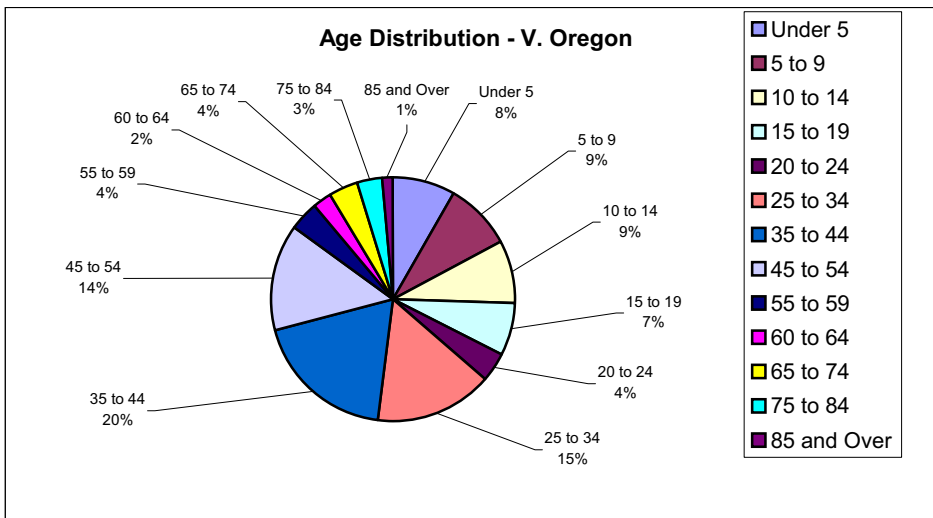
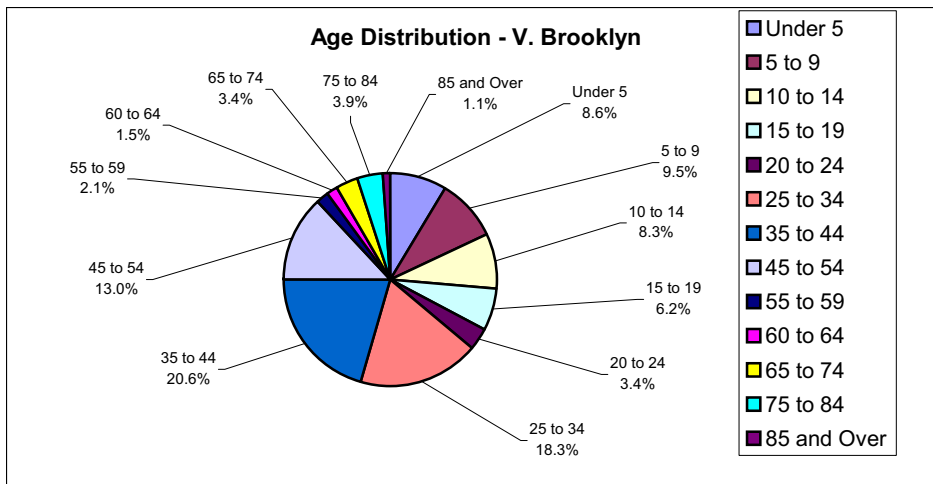
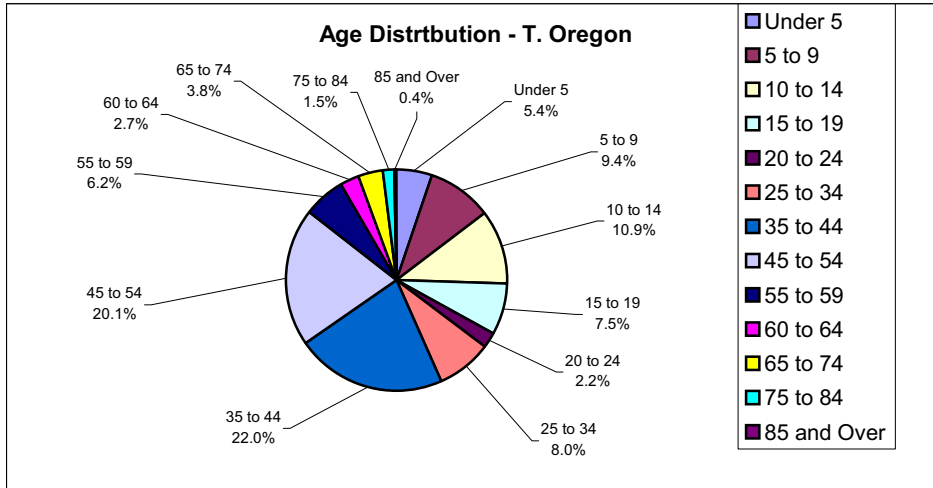
Source: Wisconsin Department of Administration – Jan. 2004

<sup>1</sup> The population for the Village of Brooklyn is that segment that lies within Dane County. DOA projects 478 people in 2025 within the portion of the Village of Brooklyn that lies within Green County.



## Age Distribution

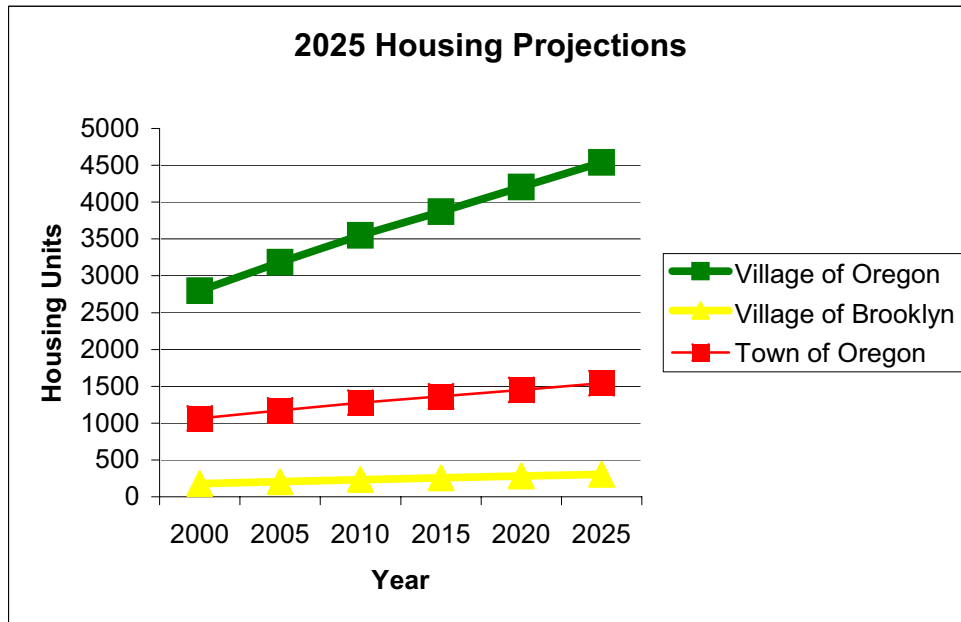
The following graphs display the age distribution of the three communities, according to the 2000 US Census.





Housing Forecasts - Town of Oregon, Village of Brooklyn and Village of Oregon

The significant population growth rates being projected translate into significant increased demand for residential uses in the area through 2025. These figures project an additional 1,743 new homes to be added between 2000 and 2025 for the Village of Oregon alone. The Town is projected to have an additional 483 homes during this same period, and the Village of Brooklyn is projected to have 125 new homes. A total of 2,351 new homes are projected for this area by 2025. This will have a significant impact on construction activity in the area, and will also likely generate demands for other services as well.



Source: Wisconsin Department of Administration – Jan. 2004

NOTE: These figures were provided by the Wisconsin Department of Administration and were calculated using historical, regional trends that do not necessarily reflect local policies. The actual number of houses to be constructed will be dependent upon policies established in this plan, Town ordinances, and Dane County zoning regulations.

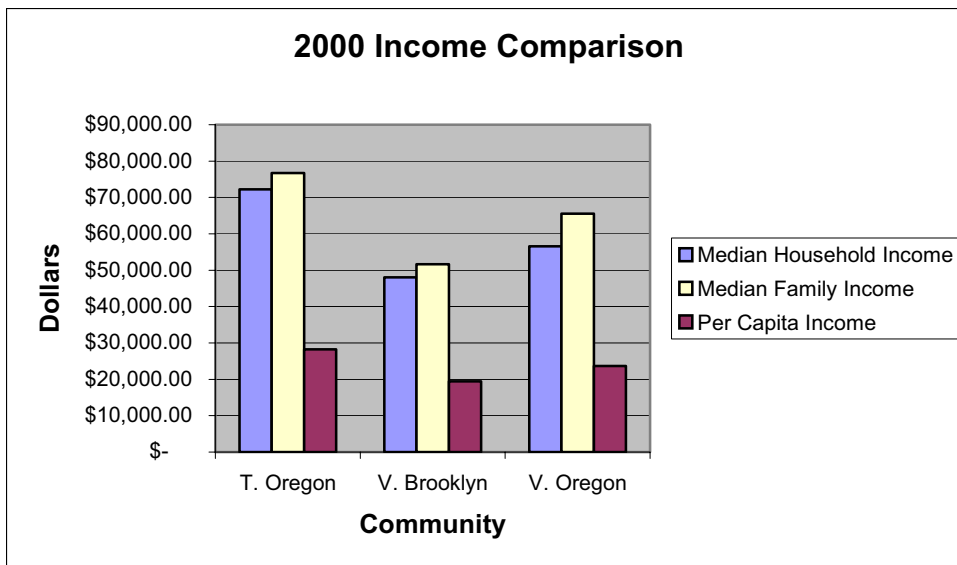


Demographic and Economic Trends

The following trends were identified by the Dane County Planning Department in the development of Dane County’s Comprehensive Plan, and are likely to be applicable to the Town of Oregon to a great extent, and may have significant impacts as to what sort of commercial development is desirable and feasible.

- Aging “Boomers” Generation
- Changing age structure
- Delayed retirement
- Changing nature of work (location, technology, hours, etc.)
- Greater educational attainment
- Looming labor shortages
- Growth: migration & natural increase
- Widening geographic differences (Urban Areas vs. Rural Areas)
- Service sector now top employer
- Growing high-tech & biotech sectors
- Home values growing faster than income
- Employment growing faster than population
- Residential construction at 30-year high (How long will it last?)
- Number of farms, acres of farmland declining
- Poverty rate declining
- Commercial density (jobs/acre) decreasing
- Residential density (homes/acre) increasing
- 4,000 acres farmland converted each year
- Small cities and villages growing fastest

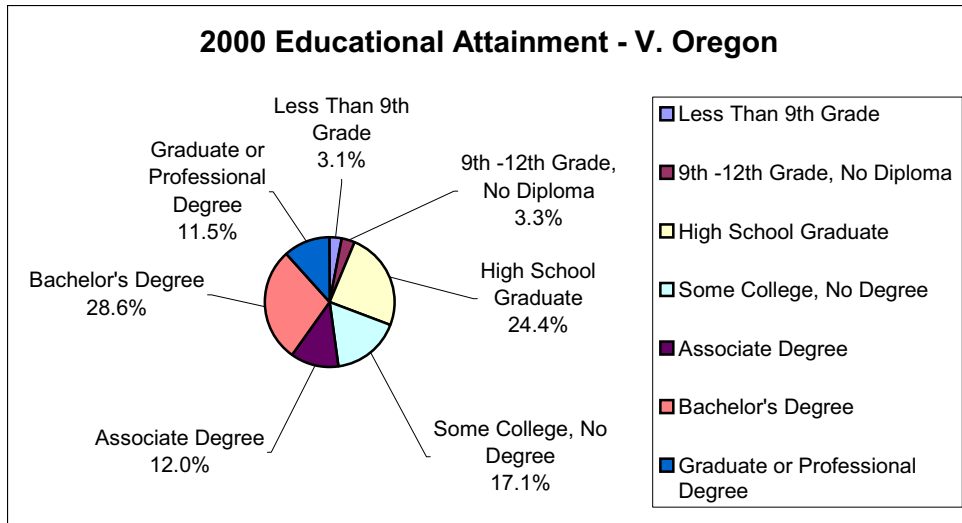
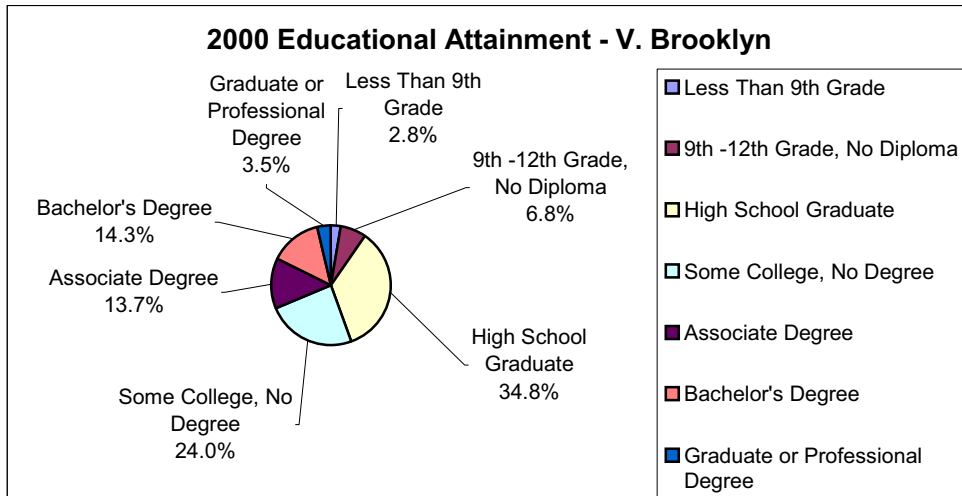
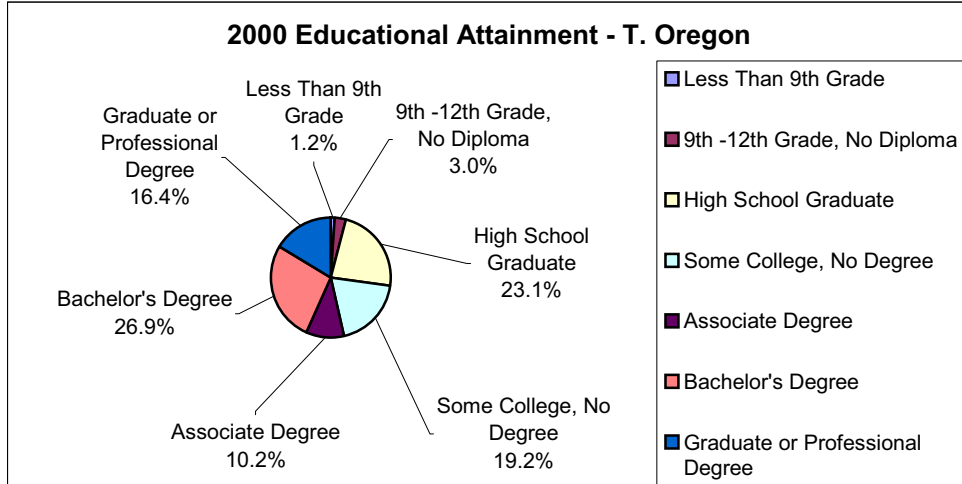
Income Levels





Education Levels

The following graphs display the educational attainment of the three communities, according to the 2000 US Census.







## Employment Characteristics

### Labor Force and Industry Employment Estimates

Madison Metropolitan Statistical Area (Dane Co.) (Not Seasonally Adjusted)	Sep 2005	Aug 2005	Sep 2004	Change from previous	
				<u>month</u>	<u>year</u>
Total Civilian Labor Force	334,053	335,611	330,878	(1,558)	3,175
Employment	324,385	325,529	321,394	(1,144)	2,991
Unemployment	9,668	10,082	9,484	(414)	184
Unemployment Rate	3.0%	3.1%	3.0%	-0.1%	0.0%
Total Nonfarm Wage & Salary Employment	343,800	343,700	336,800	100	7,000
Total Private	264,600	266,600	257,600	(2,000)	7,000
Goods Producing	49,200	50,600	48,700	(1,400)	500
Construction, Mining & Natural Resources	17,100	17,900	16,900	(800)	200
Manufacturing	32,100	32,700	31,800	(600)	300
Service Providing	294,600	293,100	288,100	1,500	6,500
Trade, Transportation & Utilities	61,100	60,300	60,500	800	600
Wholesale Trade	12,300	12,500	11,700	(200)	600
Retail Trade	40,200	39,100	40,300	1,100	(100)
Transportation, Warehousing & Utilities	8,600	8,700	8,500	(100)	100
Information	7,900	8,000	8,000	(100)	(100)
Financial Activities	28,600	28,500	27,200	100	1,400
Professional & Business Services	36,800	36,800	32,100	0	4,700
Education & Health Services	35,200	35,700	34,000	(500)	1,200
Leisure & Hospitality	28,700	29,500	30,000	(800)	(1,300)
Other Services, exc Public	17,100	17,200	17,100	(100)	0
Total Government	79,200	77,100	79,200	2,100	0
Federal Government	4,900	4,900	5,000	0	(100)
State Government	48,500	47,500	48,700	1,000	(200)
Local Government	25,800	24,700	25,500	1,100	300

Source: <http://www.dwd.state.wi.us/oea/>



## Employment Forecasts

### Projections by Occupation

The following tables summarize the historical trends in new employment as well as a projection of where sources of employment will be in the future. The projection reflects the existing breakdown of employment for the area. It can be assumed at this point that the trends being seen in the change in the local employment base will continue, while the region will begin reflect the local distribution of jobs already being seen in the Town of Oregon region.

Occupational Projections for South Central Wisconsin Workforce Development Area

	Estimated 2002	Estimated 2012	Change Actual	Change %	New Jobs	Replacement Jobs	Total Openings
<b>Total, All Occupations</b>	<b>412,140</b>	<b>472,090</b>	<b>59,950</b>	<b>14.5%</b>	<b>6,000</b>	<b>9,800</b>	<b>15,800</b>
Management	16,890	19,690	2,800	16.6%	280	320	600
Business/Financial Operations	17,270	20,280	3,010	17.4%	300	300	600
Computer & Mathematical	9,000	11,770	2,770	30.8%	280	120	400
Architecture/Engineering	7,870	8,520	650	8.3%	70	180	250
Life, Physical, and Social Sciences	5,400	6,170	770	14.3%	80	130	210
Community/Social Services	8,970	10,330	1,360	15.2%	140	170	310
Legal	2,650	3,220	570	21.5%	60	30	90
Education, Training & Library	27,470	32,710	5,240	19.1%	520	580	1,100
Arts/Design/Entertainment/Sports/Media	5,980	6,830	850	14.2%	90	110	200
Healthcare Practitioners and Technical	18,410	23,770	5,360	29.1%	540	350	890
Healthcare Support	11,970	15,750	3,780	31.6%	380	180	560
Protective Service Occupations	8,650	10,020	1,370	15.8%	140	240	380
Food Preparation and Servicing	33,770	37,780	4,010	11.9%	400	1,340	1,740
Buildings & Grounds, Cleaning/Maintenance	15,370	17,850	2,480	16.1%	250	310	560
Personal Care and Service	10,910	13,420	2,510	23.0%	250	260	510
Sales and Related	36,390	41,680	5,290	14.5%	530	1,240	1,770
Office/Administrative Support	72,560	77,260	4,700	6.5%	470	1,640	2,110
Farming, Fishing, Forestry	560	610	50	8.9%	10	10	20
Construction, Extraction	18,150	22,050	3,900	21.5%	390	360	750
Installation/Maintenance/Repair	14,320	16,330	2,010	14.0%	200	330	530
Production	42,220	44,860	2,640	6.3%	260	1,020	1,280
Transportation/Materials Moving	27,370	31,190	3,820	14.0%	380	590	970

Source: Office of Economic Advisors, Wisconsin Department of Workforce Development (September 2004)



## Projections by Industry

Industry Projections for South Central Wisconsin Workforce Development Area  
Columbia, Dane, Dodge, Jefferson, Marquette and Sauk Counties

	2002 Estimated Employment	2012 Estimated Employment	2002-2012 Employment Change	2002-2012 Percentage Change
Total Non-Farm Employment	412,140	472,090	59,950	14.5%
Construction/Mining/Natural Resources	21,080	25,390	4,310	20.4%
Manufacturing	61,160	63,920	2,760	4.5%
Printing and Related Support Activities	6,670	6,820	150	2.2%
Fabricated Metal Product Mfg	7,600	7,880	280	3.7%
Machinery Mfg	6,740	6,910	170	2.5%
Trade	61,330	70,390	9,060	14.8%
Food and Beverage Stores	8,140	8,700	560	6.9%
Transportation and Utilities (Including US Postal)	13,330	15,770	2,440	18.3%
Financial Activities	27,850	31,080	3,230	11.6%
Education and Health Services (Including State/Local Gov, Educ & Hosp)	83,940	103,650	19,710	23.5%
Ambulatory Health Care Services	13,490	18,860	5,370	39.8%
Hospitals (Including State and Local Government)	14,550	17,750	3,200	22.0%
Leisure and Hospitality	38,310	43,340	5,030	13.1%
Information/Prof Services/Other Services	67,170	79,370	12,200	18.2%
Government (Excluding US Postal, State and Local Educ and Hosp)	37,980	39,190	1,210	3.2%

### Notes:

1. Employment is rounded to the nearest ten. Numbers may not add due to rounding.
2. Employment does not include self-employed, unpaid family, or railroad workers.
3. An estimate of non-covered employment is included in NAICS 8131(Religious Organizations), but not in any other industries.
4. Government includes tribal owned operations, which are part of Local Government employment.

Information derived using 2002 CES (3/03 Benchmark) and 2002 QCEW data.

To the extent possible, the projections take into account anticipated changes in Wisconsin's economy between 2002 and 2012.

It is important to note that unanticipated events may affect the accuracy of the projections.

Source: Office of Economic Advisors, Wisconsin Department of Workforce Development (October 2004)

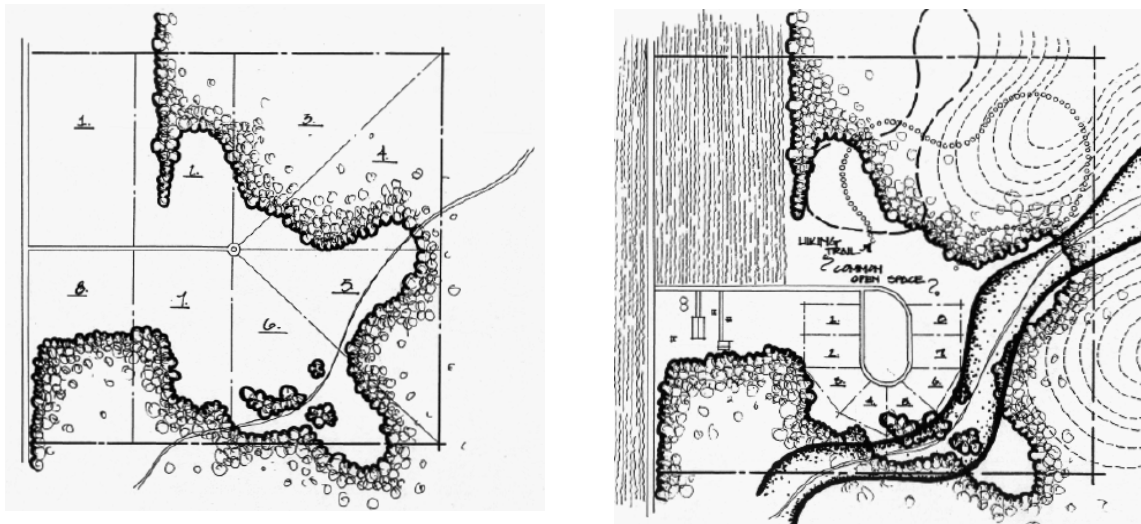


## (2) Housing Element

This element is intended to address non-farm residential developments including subdivisions and clusters of small agricultural parcels (less than 35 acres). These areas are identified as either “Rural Development Conservation Subdivision” or “Rural Development Traditional Subdivision” on the Proposed Land Use Map.

**Traditional vs. Conservation Subdivisions** – Conservation subdivisions are an alternative approach to the conventional lot-by-lot division of land in rural areas, which spreads development evenly throughout a parcel with little regard to impacts on the natural and cultural features of the area. Conservation Subdivisions allow for an adjustment in the location of residential dwelling units on a parcel of land so long as the total number of dwelling units does not exceed the number of units otherwise permitted in the zoning district or comprehensive plan. This clustering of the dwellings into a small area is made possible by reducing the individual lot sizes. The dwelling units are grouped or “clustered” on only a portion of a parcel of land. The remainder of the site is permanently preserved as open space, farmland, or as an environmentally and culturally sensitive area. The open space is permanently protected and held in common or private ownership. Sometimes additional dwelling units may be permitted if certain objectives are achieved. Conservation subdivisions enable a developer to concentrate units on the most buildable portion of a site, preserving natural drainage systems, open space, and environmentally and culturally sensitive areas. A conservation subdivision shall identify a conservation theme such as forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, viewshed preservation, or archaeological and historic properties preservation.

### Traditional vs. Conservation Subdivision



Source: A Model Ordinance for a Conservation Subdivision, UW Extension 2000.



## Housing Goal 1:

Direct allowable residential uses to qualified areas as defined in this plan.

Objective 1 – Encourage the protection and enhancement of the rural character and open spaces of the Town by establishing and enforcing development standards for non-farm, residential development. (Policies 1a-1c pertain to areas listed on the Proposed Land Use Map as either Rural Development Conservation Subdivision or Rural Development Traditional Subdivision.)

*Policy 1a) – Identification of Future Areas for Potential Rural Residential Development* – Areas where non-farm residential uses will be considered shall be identified on the Proposed Land Use Map of this plan. Such uses may only be considered in these areas, except as provided under Rural Preservation Policies.

*Policy 1b) – Lot Size and Density Standards* – Establish and enforce lot size and density standards for non-farm, residential development in all “Rural Development Areas.”

- i. *Density Policy* – Unsewered, non-farm residential uses shall be no more than one unit per two acres of land. Wetlands, floodplains, and steep slopes (greater than 12%) shall be counted in the density calculation of a proposed development.
- ii. *Minimum Lot Size Policy* – The minimum lot size to be required is at least 2 acres, or as defined by the applicable standards of the appropriate zoning category.
- iii. *Density and Lot Size Requirement Exemptions* – Do not allow high residential density development such as duplexes, condos, and multi-family units within the Town of Oregon. Higher density development or lower minimum lots sizes may be considered in specific instances.
  - a. *Conservation Subdivisions* – Proposed residential developments that meet conservation subdivision requirements may be permitted to have a lot size of less than 2 acres, and a greater density than one unit per two acres.
  - b. *Urban Service Areas* – For any area within the Town that is included in an “urban service area,” residential lots may be proposed at a higher density if sewerred and in compliance with Town ordinances as well as the policies of this comprehensive plan.



- c. *Neighborhood Plans* – At the Town’s discretion<sup>2</sup> a neighborhood plan may be required prior to the approval of a proposed development. The neighborhood plan will establish design guidelines for the designated area that supercede the policies of this plan.
- i. *Neighborhood Plan Requirements* – If required by the Town, a neighborhood plan shall include the following information for the planning area defined by the Town:
- Existing parcel boundaries, with owner name and size of parcel identified in acres.
  - Overview of existing land use and zoning
  - Existing wetlands, floodplains, natural areas, environmental corridors, and steep slopes greater than 12%.
  - Existing buildings, structures and infrastructure
  - Existing streets, roads, driveways and trails
  - Aerial photo
  - Proposed parcel boundaries, and size in acres, as well as proposed building sites in square feet.
  - Proposed land use and zoning
  - Proposed buildings, structures and infrastructure
  - Proposed streets, roads, driveways and trails
  - Proposed open spaces or corridors
  - Other requirements requested by the Town.

Policy 1c) – *Appropriate Zoning Districts* – R-1, R-1A, R-2, R-3, R-3A, R-4, RH-1, RH-2, RH-3, RH-4, RE-1, and CO-1 as defined by the Dane County Zoning Ordinance. Residential uses must comply with the applicable zoning codes (e.g. Dane County) and Town ordinances.

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<sup>2</sup> Criteria to initiate a neighborhood planning process includes: when development in an area is imminent, when sewer service is anticipated to extend into the area, or when petitions for such plans are brought forward by residents within the area or by Town Officials.



Objective 2 – Identify areas on the Proposed Land Use Map appropriate for “Rural Development Conservation Subdivision” or “Rural Development Traditional Subdivision.” (The Town encourages the use of conservation subdivision design in all areas designated as “Rural Development;” however, areas identified as “Rural Development Conservation Subdivision” shall be proposed to be developed under the policies listed in this element for “Rural Development Conservation Subdivision.”)

*Policy 2a) - Policies for Rural Development Conservation Subdivision.*

- i. Appropriate Locations - As of June 2, 2009 no areas are mapped for “Rural Development-Conservation Subdivision”. However, this does not preclude landowners from petitioning the Town to amend this Comprehensive Plan to identify areas for development under these policies. The Town will consider such an amendment under the policies and procedures outlined within this plan. In general, areas well suited for this type of development will have some or all of the following characteristics:
  - a. The parcel is adjacent to existing non-farm development,
  - b. The land is located such that there would be minimal conflict with surrounding agricultural operations,
  - c. The location of proposed building sites do not contain prime soils or a significant amount of the portion of the parent parcel containing prime soils are included within the required permanently protected open space,
  - d. The parcel is currently designated as Rural Preservation II within this plan,
  - e. A neighborhood plan has been approved by the Town for the area.
- ii. *Open Space Preservation* – A minimum of 60% of the parent parcel shall be preserved utilizing conservation subdivision principles to permanently protect open spaces, natural areas, passive recreational areas, habitat preservation areas, environmental corridors, sensitive groundwater areas, or agricultural preservation corridors.
  - a. The open space to be preserved that is associated with the proposed development should be identified in the Town or County’s parks and open space plan. To the extent possible, areas deed restricted as open space within a conservation subdivision should be contiguous to other open spaces, natural



areas, or agricultural areas in order to provide larger corridors of open space. These spaces should be able to have links (paths, etc) to serve the public good.<sup>3</sup>

- b. The Town may, as deemed necessary, require deed restrictions and/or covenants to be included on subdivision plats and certified survey maps. Other means to permanently preserve open space set aside as a part of approval of a residential development may be utilized by the Town Board at their discretion.
  - c. If landowners/developers in the Rural Development Conservation Subdivision areas do not wish to or cannot follow conservation subdivision designs because other options are still available to them, e.g. they can still use the 35 acre split rule, the town requires that these landowners/developers will consider designating either open space parcels, or give title for paths that may connect with other open areas.
- iii. *Density Policy* – Unsewered, non-farm residential uses shall be no more than one unit per two acres of land.
  - iv. *Minimum Lot Size* – The required minimum lot size is at least 2 acres, or as defined by the applicable standards of the appropriate zoning category.
  - v. *Density and Lot Size Requirement Exemptions* – Proposed residential developments that meet conservation subdivision requirements may be permitted to have a lot size of less than 2 acres, and a greater density than one unit per two acres. The Town of Oregon Conservation Subdivision Ordinance shall determine exemption specifics.

*Policy 2b) - Policies for Rural Development Areas, Traditional Subdivision.* – Refer to those policies listed under Housing Objective 1 for specific requirements. Applications of conservation subdivision design techniques are strongly encouraged.

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<sup>3</sup> Linking these open spaces by paths will satisfy one of the requirements in the Town of Oregon Visioning statement of 2001, i.e. “We would like our Town to be a place for quiet and reflective outdoor recreation, whether we are biking with friends down a country road or walking alone. We want to preserve the Town of Oregon for the greater good.”





Policy 2c) – *Design Standards for both Rural Development Areas* – Establish and enforce design standards for non-farm, residential development. Lots in this category shall be laid out, to the greatest extent feasible, to achieve the following objectives (Also see Element 8 Land Use Goal 12):

- *Septic Suitability* – Adequate soils must be present to allow for design and construction of septic systems, including permitted alternative designs, and a back up site.
- *Productive Agricultural Soils* – Lots and buildings should be configured to be located on the least productive soils.
- *Scenic Viewsheds* – Building sites should be located in a manner as to not block or disturb scenic vistas as seen from public rights-of-way.<sup>4</sup>
- *Lighting* – All residential uses shall have lighting in compliance with local ordinances. Lighting shall not negatively impact neighboring properties or nighttime views of stars.
- *Compatibility with Neighboring Uses* – Potential for land use conflicts with existing uses (including agricultural uses) will be mitigated through buffering, landscaping, and lot/building location on the proposed building site.
- *Conservation Subdivision Designs* – Application of conservation subdivision design techniques are strongly encouraged.
- *Conservation Building Design* – Building designs that incorporate ‘green’ building techniques and/or energy saving techniques like solar/wind (for example) are strongly encouraged.

Objective 3 – Consider a policy to phase the approval of all residential development constructed in the Town in order to allow the Town to maintain adequate levels of public services.

Policy 3a) – Establish a recommended guideline that limits the number of building permits for new individual single-family homes to be approved in a single year. (A limit of ten single-family homes per year is recommended.) The Town may allow additional permits beyond this guideline if the Town Board states that additional units will not create an undue burden on the Town’s ability to provide services.

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<sup>4</sup> A viewshed is an area of land, water, and other environmental elements that is visible from a fixed vantage point. Viewsheds tend to be areas of particular scenic or historic value that are deemed worthy of preservation against development or other change. The preservation of viewsheds is often a goal in the designation of open space areas, green belts, and community separators.



Policy 3b) – Establish a recommended guideline that limits the number of building permits for new single-family homes in subdivisions to be approved in a single year. (A limit of ten single-family homes per subdivision per year is recommended, with no more than a total of 15 total homes to be constructed in subdivisions any given year.) The Town may allow additional permits beyond this guideline if the Town Board states that additional units will not create an undue burden on the Town’s ability to provide services. In addition, the Town may waive any units proposed meeting the Town’s requirements for a conservation subdivision.

Policy 3c) – Based on the previous policies in this section, the issuance of more than a total of 25 building permits for new single-family homes in any given year is discouraged. The Town may allow additional permits beyond this guideline if the Town Board states that additional units will not create an undue burden on the Town’s ability to provide services.

## Housing Goal 2:

Plan for the residential needs of all Town residents to meet existing and forecasted housing demands.

Objective 1 – Work with neighboring municipalities to ensure that a range of housing that meets the needs of area residents of various income levels, age, and health status is planned for.

Policy 1a) – To the extent feasible, cooperate with any local and county planning efforts to evaluate housing needs of area residents.

Policy 1b) – Review and comment on the planning efforts of neighboring communities with regards to housing availability and proposed residential uses.

Policy 1c) – Encourage neighboring municipalities to reuse and redevelop properties within their jurisdictions for residential uses that could provide opportunities for affordable housing for area residents with special needs.

Objective 2 – Encourage town residents to maintain the Town’s existing housing stock.

Policy 2a) – Encourage voluntary efforts by private homeowners to maintain, rehabilitate, update or otherwise make improvements to their homes.



### (3) Transportation Element

#### Transportation Goal 1:

Continue to cost effectively maintain the Town's road infrastructure at a level of service desired by Town residents and businesses.

Objective 1 – Provide reasonable access to an adequate and safe public transportation system for all residents, farmers, and businesses.

Policy 1a) – *Transportation Alternatives for Disabled Residents* – Publicize the availability of assistance for potentially disabled Town residents through the Town newsletter, and continue to rely on neighboring urban areas and regional programs to provide transportation access for disabled residents.

Policy 1b) – *Coordinate Planning for Rail Services* – Work with the Village of Oregon, the City of Fitchburg, and Wisconsin Southern Railroad to determine the long term viability of rail services on this line.

Policy 1c) - *Coordination and Planning of Bicycle Planning or Pedestrian Routes* – Ensure that the Town of Oregon has an active role in providing any input on bicycle routes through the Town of Oregon planned by Dane County or the Madison Area MPO, as well as any routes planned by the Village of Oregon, Village of Brooklyn, City of Fitchburg, Village of Belleville, or as proposed by the Town Parks Commission.

Policy 1d) – *Incorporation of Pedestrian Planning* – Require that developments address the necessity of adequate walking areas and routes in both residential and commercial areas.

Policy 1e) – *Designation of Truck Routes* – Continue to designate weight restrictions and truck routes, especially those serving quarrying operations.

Policy 1f) – *Protection of Town Roads* – Encourage traffic patterns that do not increase traffic on Town Roads unnecessarily, and require intergovernmental agreements that define the responsibilities of the Town, the developer and the neighboring community regarding any required improvements to Town roads and funding of such improvements.

Policy 1g) – *Coordination of Improvements to County Highways* – Stay appraised of Dane County's efforts to maintain and improve CTH D, CTH A, CTH MM, and CTH CC.

Policy 1h) – *Continue Implementation of Town Driveway Ordinance* – Continue to implement the Town driveway ordinance to minimize the amount of access points onto Town roads and to ensure adequate sight distances.



Policy 1i) – *Maintain Condition Standards for Town Roadways* – Maintain an average PASER rating of 7 for all Town Roads, and establish and prioritize future road projects based on the applicable PASER score.

Policy 1j) – *Joint Planning of Roads that Cross Jurisdictions* – Work with neighboring municipalities to plan, construct and maintain those roadways that affect both jurisdictions, including cost sharing where appropriate.

Policy 1k) – *Maintain Town Culvert, Bridge and Ditch Program* – Maintain the Town’s culvert and ditch inspection program, and implement culvert replacements and grading of ditches on Town roadways as needed on an annual basis.

## Transportation Goal 2:

Address other transportation related policies required by Wisconsin’s Comprehensive Planning law.

Objective 2 – Specifically identify any areas required by Wisconsin’s Comprehensive Planning law that do not have direct applicability to the Town of Oregon at this time.

Policy 2a) – *Future Cooperation and Planning* – The Town will actively participate in any planning for any form of public transit, public air transportation or water transportation should any of these transportation alternatives become feasible in the Town in the future.



## (4) Utilities and Community Facilities Element

### Utility and Community Facility Goal 1:

Continue to cost effectively maintain the Town's infrastructure at a level of service desired by Town residents, farmers and businesses.

Objective 1 – Provide reasonable access to adequate and safe water for drinking and fire protection.

Policy 1a) – *Protection of Groundwater* – Restrict or prohibit any land uses that could damage or threaten groundwater supplies.

Policy 1b) – *Cooperative Firefighting Assistance* – Work with the Village of Oregon/Brooklyn and local fire district to ensure adequate fire protection for any Town development areas.

Policy 1c) – *Monitoring and Maintenance of Existing Private Wells* – Encourage land owners with private wells to properly maintain and monitor their wells through inspections and water testing, as necessary.

Policy 1d) – *Proper Closing and Abandonment of Private Wells* - Encourage land owners to ensure that private wells that are no longer in use are properly closed or abandoned according to Wisconsin DNR and Dane County regulations.

Policy 1e) – *Establishment of New Urban Service Areas* – Any proposed new urban service areas or limited urban service areas within the Town must be addressed as a formal amendment to this comprehensive plan. Such areas may not be submitted or approved until the Town Comprehensive Plan is formally updated and amended to incorporate such areas on the proposed land use map, and appropriate policies for the location, capacity and need for the expansion of services has been incorporated into the proposed amendment to this plan. The formal adoption/ amendment process identified in this plan must be followed in considering and potentially approving a formal amendment to this plan.

Objective 2 – Coordinate with appropriate regulatory agencies to provide adequate and safe disposal of wastewater and management of stormwater throughout the Town.

Policy 2a) - *Connection to Public Sanitary System* – Require uses of any significant density or intensity to connect to a Town sanitary system if readily available or otherwise determined to be feasible.



Policy 2b) – *Support and Cooperate with Dane County on Septic Inspections* – Dane County should continue to ensure that existing private septic systems are adequately maintained and inspected on a regular basis, and that new private septic systems are designed, constructed, and inspected according to Wisconsin DNR and Dane County regulations. In addition, all closures and abandonment of existing septic systems shall be completed in accordance with Wisconsin DNR and Dane County regulations.

Policy 2c) – *Coordination on Stormwater Management Enforcement* – Work with other jurisdictions as necessary to enforce the Dane County Stormwater Management and Erosion Control Ordinances or the Village of Oregon/Brooklyn Stormwater Management Ordinance (whichever is more restrictive) especially in areas that cross jurisdictional boundaries. In addition, the Town of Oregon may require the establishment of easements or dedication of outlots in private development projects for the purpose of onsite or regional stormwater management.

Policy 2d) – *Establishment of New Urban Service Areas* – Any proposed new urban service areas or limited urban service areas must be addressed as a formal amendment to this comprehensive plan. Such areas may not be submitted or approved until the Town Comprehensive Plan is formally updated and amended to incorporate such areas on the proposed land use map, and appropriate policies for the location, capacity and need for the expansion of services has been incorporated into the proposed amendment to this plan. The formal adoption/ amendment process identified in this plan must be followed in considering and potentially approving a formal amendment to this plan.

## Utility and Community Facility Goal 2:

Continue to cost effectively maintain the Town's public services desired by Town residents and businesses.

Objective 1 – Work with neighboring jurisdictions, special districts and other providers to ensure Town residents, farmers and businesses receive adequate service levels.

Policy 1a) – *Emergency Services Coordination* – Continue to work with neighboring municipalities and Dane County to continue to maintain adequate provision of emergency services (i.e. fire, police, EMS) for Town residents and businesses, and review service provision levels with the appropriate agency once per year sooner if necessary.



Policy 1b) – *Solid Waste Disposal and Recycling* – Annually review levels of service provided by the contracted solid waste disposal and recycling carrier, and meet with them to address any concerns raised by residents or local businesses.

Policy 1c) – *Utility Corridors and the Town Plan* – Actively participate in the planning and siting of any major transmission lines for electricity or natural gas. In the event that major transmission lines for electricity or natural gas are being proposed, work with potentially affected landowners and jurisdictions to determine if such lines can be run through the Town safely and in a manner that won't overly disrupt life in the Town. (If such an area is identified and approved, these areas should be identified on the Town Proposed Land Use Map through a formal amendment to this plan.)

Policy 1d) – *Siting of Major Utility Facilities* – Major power production facilities, substations, lines or other related facilities should be located in an area away from significant residential uses, high traffic area, and major livestock operations whenever possible.

Policy 1e) – *Telecommunications Towers* – No new telecommunications tower shall be located within the Town of Oregon without the owner/operator entering into an agreement with the Town that addresses the use, design, site location, overall safety and potential impacts to the Town and neighboring jurisdictions of such a facility. Such an agreement will be a condition of recommending approval of a conditional use permit to Dane County. If such an area is identified and approved, these areas should be identified on the Town Proposed Land Use Map through a formal amendment to this plan.

Policy 1f) – *School Facilities* – Continue to work with overlapping school districts to provide high quality educational facilities for Town residents, and coordinate the review of potential impacts to schools by significant developments within the Town.

Policy 1g) – *Public Libraries* – Work with neighboring jurisdictions to maintain and improve access to public library facilities for Town residents through mobile or “traveling” collections.

Policy 1h) – *Recreational Facilities and Preserve Areas* – Evaluate the need for recreational or natural preserve areas in the Town of Oregon, and work with the Wisconsin DNR and Dane County as necessary to develop and maintain these areas if established. (NOTE: If such an area is identified and approved in the future, these areas should be identified on the Town Proposed Land Use Map.)



Policy 1i) – *Special Needs Care Facilities* – Work with neighboring jurisdictions to conduct a formal survey on the need for public and private special care facilities such as day care or health care facilities by the year 2010 (if necessary).

Policy 1j) – *Cemeteries* – Revisit the need for additional cemeteries within the Town with local churches and neighboring municipalities before 2010.

Objective 2 – Evaluate the condition of the Town Hall, Garage and associated equipment to ensure that it will continue to meet Town needs.

Policy 2a) – *Schedule a Facility Needs Assessment* – Conduct a formal facilities needs assessment and analyze potential new locations for a new Town Hall by 2010.

Policy 2b) – *Continue Capital Improvement Planning* – Maintain and fund the Town's capital replacement program for maintenance vehicles and equipment.





## (5a) Agricultural Element

The following goals, objectives, and policies in this section of this element apply to the areas on the proposed land use plan designated as “Rural Preservation” areas.

The purpose of the Rural Preservation category is to:

- Encourage preservation of productive agricultural land for food and fiber production;
- Encourage preservation of productive farms by preventing land use conflicts.
- Maintain a viable agricultural base to support agricultural processing and service industries;
- Reduce costs for providing services to scattered non-farm uses;
- Pace and shape urban growth;
- Implement the provisions of the County agricultural plan when adopted and periodically revised;
- Encourage local agriculture and accessory uses that are compatible with neighboring land uses, and beneficial to the local economy.
- 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.

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.
- Mineral Extraction uses must be within an agriculturally planned and zoned area to be considered for approval.

### Agricultural Goal 1:

Limit non-farm related uses in Rural Preservation areas.

Objective 1 – Discourage unplanned development in Rural Preservation areas by guiding new development in the Town to planned development areas.



Policy 1a) – *Identification of Rural Preservation areas* – Areas designated as Rural Preservation areas shall be identified on the proposed land use map of this plan.

Policy 1b) – *Non-Farm Residential Uses* – Non-farm residential development within Rural Preservation areas will only be considered if they minimize impacts to local agriculture.

Policy 1c) – *Appropriate Zoning Districts* – A-1 (exclusive), as defined by the Dane County Zoning Ordinance (Chapter 10, Dane County Code), for lands in agricultural use. A-2 or RH categories for other uses permitted per density and other policies described in this section.

Policy 1d) – *Lot Size and Density Standards for Qualified Residential Uses* – Establish and enforce lot size and density standards for residential development in “Rural Preservation” areas.

- i. *Density Policy for Rural Preservation areas* – Any eligible residential use in an Rural Preservation area must be one residential housing unit per thirty-five (35) acres of buildable land. Development within this category shall not exceed a density of one dwelling unit per 35 acres of contiguous land owned, unless existing splits are available (See d below). If existing splits are available, limited rezoning for higher density uses utilizing those available splits in conjunction with permanent preservation of the area of the remaining parcel may be permitted. (See also Policy 12w under Land Use Element)
  - a. Proposed individual single-family homes in Rural Preservation areas must comply with the applicable zoning codes (e.g. Dane County) and Town ordinances.
  - b. Wetlands, floodplains, and steep slopes (greater than 12%) shall be included in the calculation of buildable land, and shall be counted in the density calculation of a proposed development.
  - c. Associated right-of-way shall be included in the determination of total acreage and density calculation for parcels.
  - d. Substandard parcels (i.e. smaller than 35 acres) may be allowed a maximum of one dwelling per parcel if that parcel was vacant (i.e. has no dwelling unit) at the time of adoption of exclusive agricultural zoning in the Town (December 1994).



- e. Separation of farm dwellings and related structures which remain after farm consolidation may be allowed subject to the other policies of this category, and are not counted as a split against the parcel.

Policy 1e) – *Design Standards* – Establish and enforce design standards for residential development in Rural Preservation areas. Lots in this category shall be laid out, to the greatest extent feasible, to achieve the following objectives (The Town reserves the right to deny land use petitions in this category where more could be done to achieve these objectives):

- i. *Septic Suitability* – Adequate soils must be present to allow for design and construction of septic systems, including permitted alternative designs, and a back up site.
- ii. *Productive Agricultural Soils* – Lots and buildings should be configured to be located on the least productive soils.
- iii. *Scenic Viewsheds* – Building sites should be located in a manner as to not block or disturb scenic vistas as seen from public rights-of-way.
- iv. *Lighting* – All residential uses shall have lighting in compliance with local ordinances. Lighting shall not negatively impact neighboring properties or nighttime views of stars.
- v. *Compatibility with Neighboring Uses* – Potential for land use conflicts with existing uses (including agricultural uses) should be mitigated on the proposed building site.
  - a. *Mitigation Strategies* – Buffering, landscaping, fencing, setbacks from parcel boundaries, and consideration of general lot/building location shall be required on non-agricultural land uses that abut active farm operations to sufficiently reduce the potential for nuisance complaints that could limit agricultural practices.
  - b. *Prohibition Against/Setback from Livestock Confinement Areas* – No non-farm residential development shall be permitted within 500 feet of any 300 animal unit livestock confinement structure.
- vi. *Siting of Driveways and New Public Roadways* – New private driveways or roads shall be discouraged from crossing productive agricultural lands or cutting them in half, except when aligned along lot lines, fences, field roads, or appropriate natural features.



Policy 1f) – Areas Zoned RH prior to December 15, 1994<sup>5</sup>, within Rural Preservation and Rural Preservation II areas shown on the Proposed Land Use Map – Sites for residential dwellings and accessory buildings will be evaluated under the following criteria:

- i. *Density & Lot Size* – The allowed number of dwelling units will be determined based on the RH zoning at the time the Town adopted exclusive agricultural zoning. The minimum lot size shall be two acres.

<u>Parcel Zoned</u>	<u>Density</u>
RH-1	1-unit/2 acres
RH-2	1-unit/4 acres
RH-3	1-unit/8 acres
RH-4	1-unit/16 acres

- ii. Substandard parcels (i.e. smaller than 8 acres but zoned R3) may be allowed a maximum of one dwelling per parcel if that parcel was vacant (i.e. has no dwelling unit) at the time of adoption of exclusive agricultural zoning in the Town.
- iii. Requests for rezone to higher density will be evaluated based on the following criteria:
  - a. The subject parcel is included as part of a conservation subdivision development in accordance with Town polices and ordinances.
  - b. The subject parcels is part of a transfer of development rights program.
  - c. Development meets the other requirements of this Plan, Town and County Ordinances.
  - d. Appropriate Zoning Districts – RH-1, RH-2, RH-3, RH-4, as defined by the Dane County Zoning Ordinance (Chapter 10, Dane County Code). Rezones to other residential zoning districts may be granted as part of a conservation subdivision development or a transfer of development rights program.

<sup>5</sup> A number of parcels within the Rural Preservation and Rural Preservation II areas on the Proposed Land Use Map where zoned for rural residential development prior to the Town adopting exclusive agriculture or where rezoned in 1995 as part of a blanket rezone initiated by the Town to bring these parcels in conformance with the 1994 Land Use Plan. Policy 1f shall be used to evaluate development proposals for these parcels. Policy 1f shall not apply to parcels within the Rural Preservation and Rural Preservation II areas on the Proposed Land Use Map created after the 1995 rezoning process.



Policy 1g) – *Areas Zoned A-1 Exclusive within Rural Preservation areas* – Sites for residential dwellings and accessory buildings will be evaluated under the following criteria:

- i. *Encroachment on Cropland* – The building site and driveway shall be sited as to have a minimal impact on existing or potential cropland.
- ii. *Access to Site* – There is adequate access to the site to accommodate necessary agricultural equipment.
- iii. *Erosion Potential* – The slope of the site is appropriate for agricultural uses without being subject to erosion problems, and building plans meet requirements of the Dane County Stormwater Management and Erosion Control Ordinance where applicable.
- iv. *Minimal Disturbance of Land* – The project will cause minimal land disturbance over the entire property.
- v. *Alternative Site Analysis* – There are no other sites on the property that could reasonably be utilized for construction of a building.

## Agricultural Goal 2:

Establish criteria for considering changes to parcels with Rural Preservation status.

Objective 1 – Establish criteria to evaluate requests to change a parcel's designation from being included in an Rural Preservation area to a Rural Development Area.

Policy 1a) – *Changes in Rural Preservation area Designation* – Any proposed changes in the land use plan category designation from Rural Preservation area to any other land use category shall be considered if the following criteria are met:

- i. *Productivity History* – The land does not have a history of productive farming activities or is not viable for long-term agricultural use.
- ii. *Parcel Size* – The land is too small to be economically used for agricultural purposes or is inaccessible to the farm machinery needed to produce and harvest agricultural products.
- iii. *Compatibility with Neighboring Agricultural Uses* – The land is located such that there would be minimum conflict with the surrounding agricultural uses.



- iv. *Effect on Natural Features* – The land does not include important natural features such as wetlands, floodplains, steep slopes, significant woodlands, etc. which would be adversely affected by non-farm development.
- v. *Emergency Vehicle Access* – The lay of the land will allow for construction of appropriate roads and/or driveways that are suitable for travel by emergency vehicles. Safe access from the road and driveways onto existing roadways shall be required.
- vi. *Need for Development in the Town* – There is a demonstrated need for additional non-farm development in the Town to create additional tax base and to remain a viable governmental entity, or substantial urban growth in the area or planned urban expansion has created a public need to convert an agricultural use to another use. In either case, agricultural preservation efforts based solely upon a land density policy is no longer a viable preservation tool.
- vii. *Suitability of Soils for Septic Systems* – Only land that is comprised of soils that are suitable for on-site septic systems shall be considered for redesignation to alternate uses requiring such services (if necessary). Documentation from the Dane County Environmental Health Department signed by a sanitarian showing that a septic system permit is available and has been approved for the proposed site shall be required prior to amending the land use category or zoning for the parcel.
- viii. *Ability to Provide Public and/or Urban Services* – Provision of public facilities and services will not place an unreasonable burden on the ability of the Town of Oregon to provide and fund those facilities and services. Petitioners must demonstrate to the Town that the current level of services in the Town, including but not limited to school capacity, transportation system capacity, emergency services capacity (police, fire, EMS), parks and recreation, library services, and potentially water and/or sewer services, are adequate to serve the proposed use. Petitioners may also demonstrate how they will assist the Town with any shortcomings in public services or facilities.
- ix. *Absence of Other Potential Negative Impacts* – The land proposed for redesignation is suitable for development and will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on natural areas such as wetlands, floodplains, steep slopes, significant species or acreage of woodlands, etc.



Policy 1b) – *Changes in Exclusive Agricultural Zoning* – The evaluation of requests for rezoning lands to a residential classification within the Rural Preservation area category shall be based upon the following:

- i. *Compatibility With the Comprehensive Plan* – Any request for a rezoning must be preceded by a formal analysis of compatibility with the designated land use category for the area in the comprehensive plan (both maps and policies). If not compatible, the designated land use category must be amended prior to approval of a rezoning.
- ii. *Access to Public Facilities and Services* – Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
- iii. *Ability to Provide Public and/or Urban Services* – Provision of public facilities and services will not place an unreasonable burden on the ability of affected jurisdictions to provide and fund those facilities and services.
- iv. *Absence of Other Potential Negative Impacts* – The land proposed for rezoning is suitable for development and will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas such as wetlands, floodplains, steep slopes, significant woodlands, etc.
- v. *Requirements for Rezoning Criteria* – In addition to the previous points listed in this section, petitions for rezoning lands in this category from Exclusive Agriculture (A-1 EX) to other zoning districts shall be considered for approval by the Town based on the following criteria:
  - a. The activity allowed by the proposed rezone will minimize conversion of land that has been primarily devoted to agricultural production.
  - b. The activity allowed by the proposed rezone will not limit the surrounding land's potential for agricultural use.
  - c. The activity allowed by the proposed rezone will not conflict with the agricultural operations on the land subject to a farmland preservation agreement.
  - d. The activity allowed by the proposed rezone will not conflict with agricultural operations on other properties.



## Objective 2 – Define the Rural Preservation II Land Use Category

Policy 2a) – *Rural Preservation II areas* – These areas are defined as those areas that are currently agricultural in nature, may begin to develop within a 3-5 year period, and could be built out in 20 years.

Policy 2b) – *Planned Uses* – Allowable land uses for these areas include:

- i. Rural housing of no more than 1 unit per 35 acres unless rezoned to a permitted zoning district where no additional splits are available.
- ii. Rezoning for rural housing at a higher density and/or more units may be allowed if existing splits are available, but the number of units may not exceed the number of available splits and the remainder of the parcel is to be permanently preserved.
- iii. Single agricultural related commercial uses less than 10,000 s.f.
- iv. Single building commercial uses less than 3,000 s.f.

Policy 2c) – *Appropriate Zoning Districts* – A-1, A-2, A-3, A-B, and RH categories as defined by the Dane County Zoning Ordinance.

Policy 2d) – *Temporary or Transitional Uses* – Transitional uses for these areas may be allowed so long as they are compatible for the long-term vision and projected uses for the planning area. Siting criteria for all uses in Rural Preservation II Areas include:

- i. All eligible uses must be compatible with existing agricultural operations within the planning area.
- ii. All structures must be sited and designed as to not prevent the orderly development of additional homes, buildings, or other structures.
  - a. Lot alignment and setbacks should be established so that a minimum congruity can be established between existing buildings and future buildings.
  - b. If the extension of utilities to the planning area is feasible within the next 5-10 years, structures and buildings shall be sited and designed to allow for connection to public water and sewer services.
  - c. Driveways for individual uses and access to local roads may be designated as temporary until such time a separate local road to serve the planning area is constructed.





- d. Other design standards may be enforced at the Town's discretion, so long as those standards are geared toward facilitating an orderly transition to the designated future land use for the area. (i.e. curb and gutter, stormwater management facilities, etc.)

*Policy 2e) – Planning for Neighborhood Street and Utility Infrastructure –* Infrastructure needs for these planning areas shall be conceptually designated on separate neighborhood level maps, and shall include proposed urban service areas, street connections, trails and any other physical infrastructure anticipated for the area.

*Policy 2f) – Maintaining Current Town Plans for Rural Preservation II areas –* Proposed development within Rural Preservation II areas that is consistent with the uses identified for this area in this plan are permitted uses (see Policy 2b). Any proposed development that is not consistent with the uses identified for this area in this plan may still be considered if precluded by a formal approved amendment to this comprehensive plan to alter the land use map to the appropriate category (residential, commercial, etc.) prior to consideration of rezoning the parcel(s) in question to residential, rural housing, commercial, or other applicable zoning district. This area may also be considered as a basis for potential joint land use planning efforts if the terms of such an effort can be mutually agreed upon between the Town and the applicable Village (either Oregon or Brooklyn).

*Policy 2g) – Neighborhood Planning –* Multiple requests for transitional agricultural uses in a short amount of time may result in the Town requiring the development of a neighborhood plan to coordinate utility and transportation issues. If required, such a plan shall be completed prior to approval of any land divisions or rezonings in the planning area, and will be funded through cost sharing with affected property owners. Payment of appropriate shares of costs will be required prior to issuance of building permits.

*Policy 2h) – Rezoning Procedures for Rural Preservation II Areas –* Procedures for Rezoning Uses Within Rural Preservation II Areas

- i. All requests for rezoning within areas designated as Rural Preservation II must be consistent with the permitted land uses defined in this comprehensive plan (See Policy 2b).
- ii. Areas designated as Rural Preservation II areas and are zoned as Exclusive Agriculture may be rezoned to allow uses as defined in Policy 2b) and zoning districts as permitted in Policy 2c).



- iii. Areas designated as Rural Preservation II areas and are zoned as Exclusive Agriculture may be temporarily rezoned to Transitional Agriculture zoning if the proposed uses meet the criteria previously identified in Policy 2c) of this section, detailed future land uses for the area are not yet clearly defined, and build out for this planning area is not imminent.
- iv. Areas designated as Rural Preservation II areas in this plan and are currently zoned as Transitional Agriculture may be recommended to be directly rezoned to the appropriate residential or commercial zoning district if build out of the planning area is likely to occur within 1-2 years.

Policy 2i) – *Criteria for Rezoning Rural Preservation II Areas* – The evaluation of requests for rezoning lands within the Rural Preservation II Area category shall be based upon the following:

- i. *Access to Public Facilities and Services* – Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
- ii. *Ability to Provide Public and/or Urban Services* – Provision of public facilities and services are feasible, and will not place an unreasonable burden on the ability of affected jurisdictions to provide and fund those facilities and services in an orderly fashion.
- iii. *Absence of Other Potential Negative Impacts* – The land proposed for rezoning is suitable for development and will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas such as wetlands, floodplains, steep slopes, significant woodlands, etc.
- iv. *Requirements for Rezoning Criteria* – In addition to the previous points listed in this section, petitions for rezoning lands in the Rural Preservation II land use category to any non-agricultural zoning district shall only be considered for approval by the Town if **all** of the following criteria are addressed:
  - a. The activity allowed by the proposed rezone will only convert land that was once devoted primarily to agricultural use to a new non-agricultural use because the subject parcel no longer meets the standards of 91.55(1) (b) Wis. Stats as they pertain to the mapping of agricultural lands to be preserved.
  - b. The activity allowed by the proposed rezone will not limit the surrounding land's potential for agricultural use.



- c. The activity allowed by the proposed rezone will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
- d. The activity allowed by the proposed rezone will not conflict with agricultural uses on other properties.
- e. Any proposals to rezone a parcel to a residential district shall comply with the one dwelling unit per 35 acres of contiguous land owned density limitation by default, unless first redesignated as a “Rural Development Area” land use category in this comprehensive plan and subsequently rezoned to the proper residential district.

Objective 3 – Establish criteria to evaluate requests to change a parcel’s designation from being included in an Rural Preservation area to a non-farm related commercial, industrial or other uses.

Policy 3a) – *Requests for Commercial and Industrial Uses* – Non-farm related commercial and industrial uses shall not be permitted in this category. Such uses shall only be considered for approval on parcels located in areas mapped as “Commercial” or “Industrial” use on the proposed land use map of this comprehensive plan.

Policy 3b) – *Exception for Agriculture Related Commercial Uses* – Only commercial uses clearly and principally related to agricultural production may be considered for approval within an Rural Preservation area. Such uses are subject to the same siting restrictions as those listed under “Rural Development Area.”

Policy 3c) – *Utility and Related Facility Locations* – Electric power lines, telephone lines, gas distribution lines, telecommunications towers and other utility facilities should not cross or encroach upon productive agricultural lands that would disrupt farming activities.



## (5b) Natural Resources Element

The following goals, objectives, and policies apply throughout the Town including areas identified as “Resource Protection Areas” on the proposed land use map.

### Natural Resources Goal 1:

Protect environmentally sensitive areas in the Town through the regulation of land use, density and lot size of proposed development.

Objective 1 – Require that impacts to the environment be considered in the evaluation of any development.

*Policy 1a) - Prohibition of Development in Resource Protection Areas* – No development will be allowed in “Resource Protection Areas” identified in this plan.

*Policy 1b) – Adverse Impacts on the Environment* – Discourage any development that might cause water or air pollution, unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas such as wetlands, floodplains, steep slopes, significant woodlands, etc.

- i. *Alterations to Environmental Areas* – Wetlands, 100-year floodplains, wetlands and slopes greater than 12% may not be altered unless to otherwise restore, maintain or enhance these natural resource areas.
- ii. *Soil Suitability in Environmental Areas* – Soils in wetlands, floodplains, and steep slopes are not considered to be suitable for any sort of development.

*Policy 1c) – Adverse Impacts on Threatened and Endangered Species* – Protect significant wildlife habitat or known threatened and endangered species.

*Policy 1d) – Impacts to Surface Water* - Require that any new development in proximity to stream corridors and other surface water lakes and ponds incorporate specific measures into their site design to protect these resources. These areas include:

- *Story Creek*
- *Oregon Branch – Badfish Creek*
- *Lake Harriet*



## Natural Resource Goal 2:

Provide and maintain outdoor recreation areas as well as natural preservation areas within the Town.

Objective 1 – Maintain and enhance the existing park facilities within the Town.

Policy 1a) – *Existing Town Facilities* – Maintain the following Town facilities:

- Bicentennial Park (20 acres; conservation park)
- Central Park (Town Park) (24 acres; community park)
- Trussler Plat Public Land Dedication (2.25 acres; wooded conservation area and waterway)
- Ravenoaks Public Park and Walkway (11.7 acres; wooded natural area and playground area)
- Kennedy Park (7.9 acres, neighborhood park)
- Hillcrest Park (1.7 acres; greenway)

Policy 1b) – *Other Existing Facilities Within the Town* – Coordinate with County, State and Federal agencies to maintain public access to their lands in the Town, including:

- Brooklyn State Wildlife Area (Wisconsin DNR)
- Swan Pond Natural Area (US Fish and Wildlife Service)

Objective 2 – Identify and plan for opportunities for potential new park locations or open space corridors within the Town.

Policy 2a) – *Ice Age Trail* – Cooperate in opportunities to plan and develop the Ice Age Trail system.

Policy 2b) – *Connections Between Open Spaces* – Utilize conservation subdivision concepts to develop and maintain connectivity between different open spaces within the Town.

Policy 2c) – *Update the Town Park and Open Space Plan* – Update the Town Park and Open Space Plan to ensure eligibility should the Town ever desire to pursue grant funding through DNR or other agencies to improve or acquire parks and open spaces.

Policy 2d) – *Preservation, Maintenance and Care of Open Spaces* – Cooperate with other units of government as well as developers to ensure the preservation and maintenance of open spaces created through conservation subdivisions.



Policy 2e) – *Coordination of Park and Open Spaces* – Work with the Town Park Committee to plan & develop recreational use connections via walking or bicycling paths that will connect population center i.e. towns, villages, cities and possibly larger subdivisions, in a rural environment (preferably not along roadways) so that the residents of the Town of Oregon can have a safe alternative to motorized transport for visiting others in the immediate area.<sup>6</sup>

### Natural Resource Goal 3:

Maintain local siting, nuisance and reclamation restrictions on active and potential quarrying operations with an emphasis on encouraging the reclamation of existing facilities within the Town of Oregon.

Objective 1 - Establish a set of local policy guidelines to evaluate new and expanded mineral extraction operations in relation to their impact on the Town, both as an individual site and in conjunction with the total number of approved and open sites within the Town of Oregon.

Policy 1a) *Evaluation of Proposed Quarry Sites* – The Town of Oregon will evaluate any proposed quarry use to see if it is consistent with the Town Comprehensive Plan and neighboring uses. (Quarry and pit are interchangeable)

- i. *Compatibility with Agricultural Uses* – Cannot limit the use of surrounding land for agricultural purposes.
- ii. *Compliance with Farmland Preservation Agreement and Regulations* – Cannot conflict with agricultural operations subject to a farmland preservation agreement (or zoning certificate) on the subject property.
- iii. *Compatibility with Existing or Planned Uses* – Cannot conflict with 1) existing agricultural operations on other properties, 2) existing or planned residential uses, or 3) existing or planned commercial uses.

Policy 1b) - *Acreage Cap Guideline* – The Town of Oregon establishes a policy guideline that no more than 40 acres of open and unreclaimed mineral extraction per site shall be allowed within the Town at any one time. The owner/operator of a site shall enter into an agreement with the Town of Oregon that address the appearance, access, impacts, potential nuisances, overall safety, and the timely reclamation of proposed sites. *This guideline does not automatically limit the total number of open acres within the Town.*

<sup>6</sup> Reference to overwhelming support for this action comes from the 2000 Town Survey, and also references item 4 in the Town Visioning statement.



Policy 1c) - *Regulatory Requirements* – All operations must conform to all appropriate federal regulations administered by the Mine Safety and Health Administration (MSHA), the Wisconsin Department of Natural Resources (WDNR) and Dane County

Chapter 14 - Erosion Control & Stormwater Management; Chapter 11 - Shoreland and Wetland Regulations; Chapter 10 – Zoning; and Chapter 74 Reclamation of the Dane County Code of Ordinances (DCCO).  
Chapter 30 - DNR Administrative Code

Policy 1d) - *Conditional Use Permit Requirements* – All proposed operations must obtain a Conditional Use Permit ("CUP") under the Dane County Zoning Ordinance and must meet the minimum site plan requirements thereof. The operator must secure a CUP for the mineral extraction operation from Dane County and must meet all applicable requirements of Dane County and the State of Wisconsin. Proposing operators will be required to meet or exceed all applicable public hearing requirements, including timely notification of the proposed use to neighboring property owners. (Notifying all residents within at least a ½ mile of the proposed mineral extraction site is recommended.)

Policy 1e) - *Application Submittals* – A complete copy of the Dane County application must be submitted to the Town as a part of the conditional use process.

Policy 1f) - *Required Operational Agreement with the Town of Oregon* – Any proposed mineral extraction operation may only receive a recommendation for approval at the Town level if the owner/operator of the site enters into a specific operational contractual agreement with the Town of Oregon that addresses appearance, access, potential impacts, potential nuisances, overall safety, and timely reclamation.

- i. *Emphasis on Reclamation of Existing Sites* – Owner/operators with existing sites in the Town of Oregon will be strongly encouraged to address any appearance and reclamation concerns raised by the Town Board or Town Plan Commission with their existing sites within the Town. *The Town reserves the right to consider the status and condition of existing sites when evaluating new or expanded proposals from owner/operators already operating other facilities. Additional screening for existing sites or accelerated reclamation of existing sites may be required. The Town Plan Commission and Town Board will consider reclamation efforts for existing sites more favorably than mere screening alone.*



- ii. *Agreement as a Condition of Town Approval* – Operational agreements between the operator and the Town of Oregon will be required for all new or expanding quarrying operations. Failure to enter into an agreement will result in an unfavorable recommendation from the Town Plan Commission and Town Board to Dane County through the Conditional Use Permit review process.

Objective 2 - Establish a set of local policy guidelines that governs what issues must be addressed in any operational contract agreement between the Town of Oregon and an owner/operator of a proposed new or expanded mineral extraction site.

Policy 2a) - *Basis of Operational Agreements* – Operational agreements between the owner/operator and the Town of Oregon will be based on a set of common guidelines but will be individually negotiated for each new or expanded site.

- i. *Review of Operational Agreements* – Operational agreements will be reviewed at the request of the Quarry Advisory Committee.
- ii. *Potential for Additional Requirements* – Individual requirements more stringent than established minimums may be negotiated by the Town of Oregon and the owner/operator of the proposed mineral extraction operation as conditions of Town approval of the conditional use permit.
- iii. *Justification for Denial, Conditions, or Restrictions in Operational Agreements* – The Town of Oregon may place certain conditions and restrictions on proposed uses and operations to protect against any activity that may be considered a nuisance, hazardous, harmful, offensive, or otherwise adverse to the environment and/or town roads, or may be detrimental to the value of the neighborhood or the community, or the public health, safety and general welfare of the community.

Policy 2b) - *Minimum Terms and Covenants* – Any agreement required for a recommendation of approval by the Town of Oregon to Dane County must meet or at least address the minimum terms and covenants as outlined as follows:

- i. *Description of Premises* - The legal description of the property to be used as the quarry must be provided and shall include a description of the total size of the property and the total amount of the property subject to mining. Extraction operations shall be a minimum 100 feet setback from the property boundary. The minimum setback may be expanded by the Town if a quarry is situated in proximity to residential





or in line of sight of a residential area. Additional landscaping requirements may be imposed to block views from residential areas.<sup>7</sup>

- ii. *Use* -The mineral extraction operations to be conducted on the Property shall be clearly defined and may include the removal of rock, gravel, sand, or any other minerals from the earth from excavating, stripping or leveling. These operations include reasonable accessory uses for mineral extraction, including, but not limited to, blasting, crushing, sorting, washing (with settling basins), stockpiling and sale of aggregate material. Specific limitations regarding operating hours for all uses (including accessory uses) shall be defined in the agreement.
- iii. *Term* - The agreement shall commence on the date the CUP is issued by Dane County and shall continue in effect for so long as the CUP is in effect. The agreement shall be reviewed at the request of the Quarry Advisory Committee. The projected duration of operation shall be included in the agreement.
- iv. *Description of Operations* -The quarry will be used to produce aggregate mineral products for various purposes, including, but not limited to, construction of buildings and roads. The quarry operations may consist of:
  - a. Removing topsoil and overburden to form berms at the perimeter of the quarry for the purpose of noise reduction, landscaping and reclamation,
  - b. Blasting to loosen rock from the quarry wall,
  - c. Crushing of the rock into appropriately sized material to meet government and private contractor specifications,
  - d. Washing crushed rock to meet those same specifications,
  - e. Stockpiling the crushed rock and other aggregate in accordance with appropriate size and physical characteristics,
  - f. Selling and hauling the crushed rock and aggregate from the quarry site and related activities.

<sup>7</sup> The Town of Oregon Public Opinion Survey 7/20/00: Question #13 “Should buffer zones be located between lands used for different purposes?” 38% yes, 55% depends on the situation, 3% no. Question #12 “There should be more new quarries in the Town” 9% agree, 27% neutral, 64% disagree.



- g. Equipment to be used in the quarry operations include earthmovers, bulldozers, loaders, scrapers, trucks, rock drills, blasting equipment, conveyors, dewatering pumps, primary, secondary, and tertiary crushers, sizing and washing equipment, seismographic monitoring equipment and scales. All equipment and their operation shall be screened from view by way of berms, plantings, and/or fencing.
- v. *Other Operational Regulations* - Regulations regarding specific operations related to this general plan of operations are described as follows:
  - a. Blasting. Prior to commencement of any blasting the Town may, at request of operator, inspect all buildings, structures and wells within a pre-determined radius (500 to 1,300 feet recommended) of the perimeter of the property to determine the present condition and quality of the buildings, structure and wells. Inspections shall be conducted by independent qualified inspectors agreeable to the Town selected and paid for by operator. Water quality tests may also be desirable where potential contamination may be an issue for neighboring properties with wells. All blasting shall be conducted in strict accordance with the State of Wisconsin regulations and will be undertaken by licensed blasters. No explosives shall be stored on the quarry site. Fuel containment shall be in accordance with State and OSHA guidelines. No blasting will have peak particle velocity that exceeds 0.3 inches per second (unless otherwise agreed upon in writing) when measured in accordance with State of Wisconsin blasting regulations. Blasting will only occur between set hours of operation (8 a.m. and 4 p.m. unless further restricted by agreement with the Town), Monday through Friday. No blasting will occur on Saturdays, Sundays or legal holidays. Records of blasting shall be made available to the Town upon request. No flyrock may leave the property. Written notice shall be provided to all residents within 500 feet, unless otherwise agreed upon, of the mineral extraction site one week prior to the start of any scheduled blasting sequence. The operator shall submit to Town of Oregon proof of sufficient liability insurance coverage for any potential damage to structures located within 500 feet of the blast site or as otherwise determined in the agreement between the operator and the Town of Oregon. Sufficient liability insurance coverage shall be defined in the agreement between the operator and the Town. Seismograph testing and blasting records shall be filed with Dane County and copied to the Town of Oregon before the end of each calendar year.



- b. Damage Claims. Any damage caused by quarry operations to buildings, structures and wells shall be subject to compensation by operator in accordance with the procedures identified in the agreement.
- c. Claims Procedures. Any damage to buildings, structures and wells caused by blasting or from quarry operations shall be compensated by operator in accordance with the following procedures:
1. Any claim for damage shall be presented to operator in written form, with a sworn certification, estimate of damage, and request for payment.
  2. Operator shall have the right to inspect the building, structure, or well to determine whether, in its own good faith judgment, the damage was caused by quarry operations or blasting.
  3. In the event of a dispute, operator shall post 125% of the amount of claimed damage with a bank identified by the Town and the matter shall be referred to a third party arbitrator or other qualified neutral party for determination of the cause of the damage claimed by the property owner. Such determination shall be promptly rendered after presentation. Operator shall pay the claim within five (5) business days of decision if the decision maker determines that blasting or quarry operations caused the damage.
  4. In the event of a dispute, operator shall take reasonable steps to mitigate any inconvenience to the property owner pending a decision by the third party arbitrator or other neutral consultant. The non-prevailing party to the dispute shall have the responsibility for payment of all costs and reasonable attorney's fees of the prevailing party and the costs of the University of Wisconsin-Madison Department of Geological Sciences or other qualified neutral consultant incurred in rendering its decision.



- d. Noise. Operator will create a landscaped earthen berm (recommended to be a minimum ten feet in height) around the opened area of the quarry for the purpose of mitigating the noise, visual and safety concerns of the neighbors. The berms shall be seeded and maintained. Operator shall require all trucks entering and leaving the quarry to have proper muffler systems. Noise levels from the mineral extraction operation shall not exceed 75 decibels within 50 feet of the nearest residence unless otherwise agreed upon without obtaining a permit to exceed this sound level from the Town of Oregon. A study of the potential noise that will be generated from the proposed mineral extraction site shall be done by an independent engineer and submitted to the county and the Town Board for approval as a part of the CUP process. In addition to the required use of equipment mufflers and berms, the operator shall use landscaping, walls, etc., to assure that the noise does not exceed the maximum permitted level.
- e. Transportation. Access to the quarry area shall be identified and agreed upon in writing prior to start up of operations. If this road is a Town road, it will be constructed and maintained at a width, capacity and overall design as recommended by the Town Board. Any road or intersection improvements required to service this operation (including acceleration and deceleration lanes if deemed necessary) will be improved and maintained at the operator's sole expense in accordance with standards set by Town Board<sup>8</sup> or the county highway department to allow for safer truck movements in and out of the quarry. The improvements will be made prior to the commencement of any hauling out of the quarry except for hauling of material necessary to improve the intersection. The entrance road will be paved. Haul roads will be maintained in a dust-free manner in accordance with local, state, and federal regulations. Restrictions on use of Town roads may be placed on the operation, only to be lifted by the Town Board in unusual circumstances. A detailed traffic study will be conducted and submitted to the Town that addresses the effects of trucking on traffic volume, patterns, safety, and roadway capacity on all affected routes within ½ mile of the quarrying operation.

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<sup>8</sup> The Town Board may require additional maintenance at the owner/operator's expense if it can be documented that the mineral extraction operation has resulted in the road's PASER rating to drop below a score of "7."



- f. Hours of Operation. Hours of operation for trucking and crushing shall be identified and agreed upon (7:00 a.m. to 5:00 p.m. recommended), not including maintenance time, Monday through Friday. These hours may be changed with the approval of the Town Board. Operations on Saturdays, Sundays and nationally recognized holidays are not allowed unless written permission is obtained from the Town Board.
  - g. Stormwater Control. Stormwater in the opened area of the quarry shall be controlled by use of one or more of the following methods: grading, contouring, berming, landscaping and using detention ponds. Stormwater within the quarry area shall be directed to detention areas. All operations must be in accordance with Dane County stormwater regulations.
  - h. Dust Control and Appearance. Operator will maximize dust control in accordance with local, state and federal regulations. The site's ingress/egress roads shall be paved from the public highway a minimum distance into the site as agreed upon with the Town of Oregon. The operator will be required to plant fast growing evergreens to mitigate visual concern and fugitive dust, as needed. Dust shall be controlled so that there are no visible emissions at the boundaries of the permitted mineral extraction area. Air monitoring may be required to be conducted at the operation site or at other potentially impacted areas if determined to be necessary by the Town.
  - i. Impact on Groundwater. A hydrologic study, done by an independent firm, approved by the Town Board and paid by the operator, to provide verification that the mineral extraction operation will not affect the quantity or quality of water in nearby wells, lakes, streams, or wetlands shall be submitted to the Town for comment as a part of the CUP process, and could be grounds for denial of the Town's approval.
- vi. *Reclamation Plan* - The quarry shall be reclaimed to farming agricultural uses unless otherwise agreed upon in writing by the Town Board. All quarry operations will be developed in sequenced phases and reclaimed as new areas of the quarry are developed as defined in the agreement with the Town. Reclaimed areas shall be covered with overburden and topsoil and shall be seeded as soon as practicable after placement of the topsoil. The quarry shall not have more than an identified and agreed upon acreage opened for mining at any time. A detailed quarry operations plan showing the reclamation pattern must be provided to the Town as a condition of entering an agreement. Topsoil on the property shall remain on-site. Sufficient amounts of



overburden shall remain on-site for reclamation needs. A detailed recovery plan that specifically identifies how topsoil and overburden will be managed on-site must be provided as a part of the conditional use permit (CUP) process and application. The reclamation plan must identify what sorts of fill materials are to be utilized on the site. Only materials that will allow the site to return to agricultural use or be sufficient for building purposes will be allowed. Final reclamation of the last opened area shall be finished within one (1) year after all active mining operations have ceased.<sup>9</sup> Operator shall post a bond or letter of credit in accordance with WIDNR 135 regulation in an amount equal or exceeding the estimated cost of reclamation as agreed between the operator and the Town of Oregon, payable to the Town of Oregon to insure compliance with the reclamation plan.<sup>10</sup> The Town of Oregon may consider effectiveness of previous reclamation activities at other extraction sites within the Town when negotiating terms with owner/operators of multiple sites, including terms on completing acceptable reclamation at these other sites.

- vii. *Permits and Environmental Compliance* - Operator shall secure all permits from federal, state and local authorities necessary to open and operate the quarry prior to commencement of any quarry operations. Operator shall be responsible that all permits remain in full force and effect during any quarry operations and for the term of the agreement.
  
- viii. *Insurance* - Operator will secure public liability insurance in an amount to be jointly determined by the operator and the Town naming the Town, its agents, representatives and engineer as an additional insured as the Town's interests may appear during the term of the agreement. Operator shall be responsible for ensuring that insurance coverage remains in full force and effect during any quarry operations and for the term of the agreement.
  
- ix. *Perimeter Fencing* - Operator shall maintain adequate perimeter fencing as required by the Town of Oregon, Dane County, Wisconsin DNR, and Mine Safety and Health Administration (MSHA) regulations. The quarry shall be posted "NO TRESPASSING OR HUNTING" and include signage warning of the quarrying activities on the associated property placed at regular intervals (300 feet is recommended as a maximum). The haul road and any other access roads, shall have a gate securely locked when the quarry is not in operation.

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<sup>9</sup> Active mining is defined as the harvesting of in tact mineral deposits, excluding mined materials that are being stored on site. A site shall be considered to be inactive if there has not been more than 30 days of active mining in any given two-year period.

<sup>10</sup> These funds must be available at all times for at least 18 months after reclamation is completed. In order to avoid double bonding the Operator shall only be required to enter into one bond to insure compliance with the reclamation plan. Currently bonds are posted between Dane County and Operators.



- x. *Notification of Existence of Quarry* - Operator shall supply to the Town written reports describing the nature, extent, location and duration of its activities that the Town shall have available for interested residents and prospective applicants for subdivision approval, zoning approvals or building permits. The burden is on the applicant (i.e. person or persons proposing a new use or building) to identify existing active and approved mineral extraction facilities that may affect a building or development prior to their application. All quarry operators are required to provide the Town a copy of the annual activity and reclamation reports provided to Dane County each year at the time such reports are required to be filed with Dane County. All reports will be available at the Town Hall for public review.
- xi. *Quarry Advisory Committee* - Operator shall participate in the affairs of the Quarry Advisory Committee established by the Town Board. The Quarry Advisory Committee shall advise the Town Board regarding issues that may arise during the term of the agreement. The Quarry Advisory Committee will consist of the members of the Town Plan Commission. The function of the Quarry Advisory Committee is to prepare and make recommendations to the Town Board for: community relations, complaints by area residents concerning quarry impacts, and for initial consideration and recommendations concerning other aspects of quarry operations as they may arise from time to time during the term of the agreement. In addition, if the Quarry Advisory Committee believes that there has been a violation of any term of the agreement, then in such event, the chairperson of the Committee shall give written notice of such violation to the Town Clerk and affected operator(s). Thereafter, the Quarry Advisory Committee will investigate the potential violation and make a report back to the Town Board within thirty (30) days. The Town Board may act on such report as it sees fit; and further, if the Town Board determines that there has been noncompliance with the provisions of the agreement, then the Town Board may proceed with enforcement set forth below. Operator shall reimburse the Town for the expenses of the Quarry Advisory Committee. The Committee will meet once per year or as necessary to address concerns with quarry operations.
- xii. *Enforcement* - The Town shall enforce any agreement by the commencement of an action in the Dane County Circuit Court. Prior to commencing such action, the Town Board shall give the operator thirty (30) days' advance written notice of any alleged default under the agreement, and the operator shall have the right to cure such alleged default within such thirty (30) day period or within such other periods of time as the parties may mutually agree. If the alleged default is not cured, the Town Board is entitled to seek such equitable or other relief



as it may deem appropriate, including, but not limited to, its actual costs and attorney's fees. This section is solely for the benefit of the parties to the agreement.

- xiii. *Right of Inspection* - The Town Board and/or Quarry Advisory Committee shall have the right to periodically inspect the property during normal business hours upon reasonable advance notice to operator. Such inspection will be carried out by the Town Engineer or other designee of the Town Board and will not disrupt quarry operations. The inspecting agent will observe all safety procedures as specified by operator. A representative of the operator may be present during any such inspection.
- xiv. *Indemnification* - In the agreement between the operator and the Town, the operator shall agree to indemnify and save harmless the Town, its agents, representatives, board members, officers, Town Engineer, and employees from any and all liability, loss or damage<sup>11</sup>, costs, attorneys' fees and expense that the Town or its agents, representatives, board members, officers, Town Engineer, and employees suffer as a result of any proceeding, action or claim against the Town arising in any way out of the operation or use of the mineral extraction site. The operator's agreement to the indemnification in this section of the agreement shall run with the mineral extraction site and be perpetual. The operator may be required to include adequate insurance to cover this indemnification obligation.
- xv. *Waiver* - No waiver of any breach of the agreement shall be held to be a waiver of any other subsequent breach. The failure of the Town to enforce at any time any of the provisions of the agreement, or to exercise any option which is herein provided, or to require any time performance by operator of the provisions hereof shall be in no way construed to be a waiver of such provision, nor in any way affect ability of the agreement or any part thereof or the right of the Town to thereafter enforce each and every provision.
- xvi. *Severability* - If any portion of the agreement is held invalid, the remainder of the agreement shall not be affected thereby.
- xvii. *Recording* - It is understood that the agreement may be recorded with the Dane County Register of Deeds.

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<sup>11</sup> Whether caused in whole or in part by the negligent act of omission by the Town together with its agents, representatives, board members, officers and employees.





- xviii. *Effective Approval* - Approval and adoption of the agreement by the Town does not constitute approval or disapproval by the Town of the mineral extraction site, the need for the site, and/or the feasibility or method of operation. The parties acknowledge that Dane County or the Town of Oregon is vested with the final decision-making authority as to whether to grant a Conditional Use Permit for mineral extraction.
- xix. *Applicable Law* - The agreement shall be interpreted according to the laws of the State of Wisconsin.
- xx. *Conflict* - In the event there is any conflict between the terms and conditions of the agreement with the Conditional Use Permit issued by the county, the terms and conditions of the Conditional Use Permit shall prevail and control.
- xxi. *Required Escrow Amounts* - The Town of Oregon reserves the right to require stand alone escrow deposits from the owner/operator.
- a. Landscaping – A minimum dollar amount<sup>12</sup> may be required to ensure that landscaping plants and trees survive after planting and that other landscaping work is completed. The Town can utilize these funds for this purpose at its discretion. The Town of Oregon will hold this amount for 18 months after completion of all landscaping as required in an adopted landscaping plan for the quarry site. The Town Board shall make a determination when landscaping has been completed. At the end of this 18-month period, any remaining funds will be returned to the operator. If no problems occur with required landscaped areas, the full amount will be returned to the operator. Specific landscaping plans and requirements will be incorporated into an agreement between the operator and the Town.
  - b. Roadway Maintenance – Operators may be required to make capacity improvements to Town roads prior to approval of the proposed facility if the Town Board determines that the current road capacity is inadequate. All improvements will be made at the sole cost of the operator. In addition, a minimum dollar amount or bond per affected mile of Town road as determined by the Town Board may be required for operations that utilize Town roadways.<sup>13</sup> The Town may utilize these funds for this purpose at its discretion. This amount will be held for one (1) year after the Town of Oregon approves final reclamation. At the end of this one-year period, any remaining funds will be returned to the owner/operator. If no problems occur with

<sup>12</sup> A minimum of \$10,000 is recommended. The final amount should be based on anticipated landscaping costs.

<sup>13</sup> A PASER rating of 7 will be the standard utilized to evaluate the condition of affected roadways.



affected Town roads or associated right of way, the full amount will be returned to the operator. Specific amounts for improvements or maintenance will be incorporated into an agreement between the operator and the Town.



## (5c) Cultural Resources Element

### Cultural Resource Goal 1:

Consider rural character and local history when evaluating new developments, land uses and programs.

Objective 1 – Encourage the sustaining of rural character in the Town of Oregon to the extent possible.

Policy 1a) – *Environment and Community Character* – Recognize that sensitive environmental features such as 100-year floodplains and wetlands, archeological, historic, and architectural resources are extremely important in helping to define the character and scenic beauty of the Town.

Policy 1b) – *Compatibility with Neighboring Uses* – Establish, maintain and land use policies that encourage agricultural land uses and limit the creation of potential conflicts with non-compatible uses.

Policy 1c) – *Encouragement of Agricultural Education Programs* – Encourage local school districts to have agricultural related course work or studies, and career alternatives presented as a part of their curricula.

Policy 1d) – *Coordinate With Rural Planning Efforts at the County Level* – Monitor Dane County's efforts to encourage or regulate the preservation of rural areas, and comment on any designation of land uses for Town lands contrary to what is approved in the Town's Comprehensive Plan.

Objective 2 – Cooperate with State, County and local efforts to celebrate people, sites, and events of local significance whenever appropriate and feasible.

Policy 2a) – *Coordination with Local Historical Societies* – Coordinate with the Dane County Historical Society, the Oregon Historical Society when those groups have initiatives that involve the history of the Town of Oregon.

Policy 2b) – *Education and Information on Local History* – Consider providing information on people, sites, and events of local significance on the Town website, newsletter, and at the Town Hall for Town residents.



## (6) Economic Development Element

### Economic Development Goal 1:

Identify geographic areas in the Town where various types of commercial development will be considered. Any commercial development must be fully congruent with the Vision Statement, in particular those sections regarding maintaining rural character.

Objective 1 – Identify appropriate locations for general commercial development and work with neighboring municipalities as necessary to allow the Town to implement these uses.

Policy 1a) – *Appropriate Zoning Districts* – A-B, B-1, C-1, C-2, and LC-1 as defined by the Dane County Zoning Ordinance. Not all permitted and conditional uses listed within each category of the Dane County Zoning Ordinance shall be considered appropriate uses within areas identified for commercial development on the Proposed Land Use Map. Uses that shall be considered appropriate shall be those that meet the community vision, goals, objectives, and policies outlined within this comprehensive plan. In general, permitted uses shall be those that are rural or agricultural in nature or purpose, or serve local residents and farmers. Uses that pose environmental risks, or have excessive traffic, noise, signage, or lighting shall not be appropriate. The Town of Oregon shall deed restrict the future commercial uses which are not appropriate for the parcel at the time the petitioner requests a rezone to a commercial use. Note that M-1 is not considered as an appropriate zoning district for these areas.

Objective 2 – Identify current and future transportation corridors and intersections where limited commercial uses may be considered.

Policy 2a) - *Commercial Designated Areas* - Allow only a strictly limited amount of high-quality non-farm commercial development in the Town, provided that such development does not conflict with the Town vision statement and is within areas designated as Commercial on the Proposed Land Use Map.

- i. *Commercial enterprises that are accepted in the conservation subdivision areas must follow those rules by providing open space parcels and open space access.*



## Economic Development Goal 2:

Permit only those commercial uses that are compatible with neighboring uses.

Objective 1 – Establish criteria for evaluating compatibility of proposed commercial uses to existing neighboring uses.

Policy 1a) – *Noise Restrictions* - In the following zoning districts established under General Ordinances, the noise emitted from any source and measured at any point within any distance beyond fifty (50) feet of the property or public right-of-way where the noise is produced or beyond fifty (50) feet from the noise source when such exists on public property shall not exceed the amounts indicated in the following table:

<b><u>Zoning District or Land Use Category</u></b>	<b><u>Time</u></b>	<b><u>Decibel (dBA) Level</u></b>
Single Family Residential Areas	9:00 p.m. to 7:00 a.m.	70 dBA
Conservancy, Office Residence	9:00 p.m. to 7:00 a.m.	75 dBA
- Multi-Family Residential Uses	All times	75 dBA
- Commercial, Manufacturing uses	All times	80 dBA
- Commercial, Manufacturing uses (except where adjacent to residential areas)	All times	75 dBA

Sound levels under this section shall be measured with a Type 1 sound level meter manufactured according to standards prescribed by the American National Standards Institute in specification S1.4 (Revised 1971). Measurements shall be made using an "A" weighted network of the sound level meter. All noises shall be subject to the standards contained in subsection (2) provided that such noise shall be capable of being accurately measured with such equipment. Under this section, noises capable of being accurately measured with such equipment shall be deemed to be those noises which cause fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels.

Source: City of Madison (modified by MSA)

Policy 1b) – *Traffic Impact Analysis Requirements* – Developments that are anticipated to approach or exceed the following standards may be required to submit a traffic impact analysis if it is estimated to generate more than 100 trips per day, and may need special traffic controls or access controls. Standards to estimate traffic demand are as follows:



Land Use	Base Unit	Rates		
		AM Peak	ADT	ADT Range
<b>Residential</b>				
- Single Family Home	per dwelling unit	.75	9.55	4.31-21.85
- Apartment Building	per dwelling unit	.41	6.63	2.00-11.81
- Condo/TownHome	per dwelling unit	.44	10.71	1.83-11.79
- Retirement Community	per dwelling unit	.29	5.86	
- Mobile Home Park	per dwelling unit	.43	4.81	2.29-10.42
- Recreational Home	per dwelling unit	.30	3.16	3.00-3.24
<b>Retail</b>				
- Shopping Center	per 1,000 GLA	1.03	42.92	12.5-270.8
- Discount Club	per 1,000 GFA	65	41.8	25.4-78.02
- Restaurant (High-turnover)	per 1,000 GFA	9.27	130.34	73.5-246.0
- Convenience Mart w/ Gas Pumps	per 1,000 GFA		845.60	578.52-1084.72
- Convenience Market (24-hour)	per 1,000 GFA	65.3	737.99	330.0-1438.0
- Specialty Retail	per 1,000 GFA	6.41	40.67	21.3-50.9
<b>Office</b>				
- Business Park	per employee	.45	4.04	3.25-8.19
- General Office Bldg	per employee	.48	3.32	1.59-7.28
- R & D Center	per employee	.43	2.77	.96-10.63
- Medical-Dental	per 1,000 GFA	3.6	36.13	23.16-50.51
<b>Industrial</b>				
- Industrial Park	per employee	.43	3.34	1.24-8.8
- Manufacturing	per employee	.39	2.10	.60-6.66
- Warehousing	1,000 GFA	.55	3.89	1.47-15.71
<b>Other</b>				
- Service Station	per pump	12.8	168.56	73.0-306.0
- City Park	per acre	1.59	NA	NA
- County Park	per acre	.52	2.28	17-53.4
- State Park	per acre	.02	.61	.10-2.94
- Movie Theatre w/Matinee	per movie screen Saturday	89.48	529.47	143.5-171.5
- Day Care Center	per 1,000 GFA	13.5	79.26	57.17-126.07

Source: Institute of Transportation Engineers (ITE). Trip Generation.

Policy 1c) – *Lighting* – All commercial and industrial uses shall be required to submit a lighting plan for the development in compliance with local ordinances. Lighting shall not negatively impact neighboring properties or nighttime views of stars.

Policy 1d) – *Odor* – Commercial or industrial uses that may have significant odors associated with their operations may be required to incorporate mitigating efforts to counter undesirable smells. These concerns shall be addressed through the sufficient use of buffers, setbacks, or technology that controls emissions from the use.



Policy 1e) – *Parking* – Requirements for on and off-street parking are generally addressed in the appropriate zoning classification. More specific requirements may be required by the Town to address specific types of commercial uses.

Policy 1f) – *Outdoor Storage* – Requirements for and restrictions on outdoor storage are generally addressed in the appropriate zoning classification. More specific requirements may be required by the Town to address specific types of commercial uses.

Policy 1g) – *Signage* – The Town may restrict the size, location and lighting of any signage related to commercial uses through a local ordinance, as well as the applicable zoning code.

Policy 1h) – *Appearances & Landscaping* - These requirements can be part of the local zoning code, subdivision code or they may be addressed through a specific ordinance. Covenants, deed restrictions, or other agreements may also contain specific requirements for developments.

Policy 1i) – *Storm Water Management* – The primary tool for addressing storm water management for any development within the Town of Oregon will be the Dane County Erosion Control and Stormwater Management Ordinance or the Village of Oregon/Belleville Stormwater Management Ordinance as applicable.

Policy 1j) – *Conservation Subdivision* – Conservation and energy saving techniques, e.g. use of solar/wind or “green” building designs is strongly recommended.

Objective 2 – Require that all commercial uses have appropriate landscaping and be adequately separated and screened from adjacent uses to help ensure compatibility.

Policy 2a) – *Required Separation Between Uses* – Buffers and setbacks may be required depending upon the appropriate zoning and/or subdivision ordinance. Minimum standards may need to be improved for specific uses, especially for non-residential uses being located next to housing.

Policy 2b) – *Planting Requirements* – Planting of trees and shrubs should be utilized to provide a visual screen between uses, and to help cut down on noise.

Policy 2c) – *Fencing Requirements* – Utilizing decorative or security fencing may be recommended to help ensure public safety for high traffic uses, or to help block noise and light when other means cannot appropriately do so.



Policy 2d) – *Landscaping Requirements* - Landscaping can help make a better visual transition between uses. Specific standards may be developed in a separate ordinance if desirable.

Policy 2e) – *Lighting Plan Requirements* – Appropriate lighting standards can prevent unnecessary lighting from becoming a nuisance and help to reduce light pollution.

### Economic Development Goal 3:

Permit only strictly limited commercial uses on non-commercially zoned parcels.

Objective 1 – Establish criteria that define the types of commercial uses that will be allowed to operate in agriculturally zoned areas without having to request a rezone.

Policy 1a) – *Differentiation from Primary Use* - The commercial use is not the primary use of the property.

Policy 1b) – *No Excessive Parking Needs* – Significant additional parking is not required to accommodate the use.

Policy 1c) – *Signage* – The Town may restrict the size, location and lighting of any signage related to commercial uses through a local ordinance, as well as the applicable zoning code.

Policy 1d) – *Outdoor Lighting Restrictions* – Outdoor lighting is limited to that permitted under the Town of Oregon Site Plan Ordinance.

Policy 1e) – *Limits on Hours of Operation* – Operating hours must be between 7:00 a.m. and 9:00 p.m.

Policy 1f) – *Noise Restrictions* – Any activities that may generate a level of noise that could potentially disturb neighboring properties may only occur between 7:00 a.m. and 9:00 p.m.

Policy 1g) – *Maximum Number of Employees* – No more than 2 part time employees (in addition to the property owner) are required.

Policy 1h) – *Delivery Restrictions* – Significant deliveries may only occur between 7:00 a.m. and 9:00 p.m.

Policy 1i) – *Customer Limits* – The number of persons being served (customers) may not exceed 10 persons at any given time.





Policy 1j) – *Outdoor Storage Restrictions* – No outdoor storage may be allowed unless already permitted by the existing zoning classification of the parcel.

#### Economic Development Goal 4:

Standardize the review process, schedule, and fees for commercial development proposals.

Objective 1 – All site plans must include the following information (at minimum):

- i. All property lines and lot dimensions
- ii. All buildings and outdoor uses, existing and proposed, including all dimensions and setbacks
- iii. All public and private roads, interior roads, driveways and parking lots, showing traffic patterns and type of paving and surfacing material
- iv. All natural and artificial water features
- v. Depth to bedrock
- vi. Depth to seasonal high water table
- vii. The extent and location of all soil types as described in the Dane County Soil Survey, slopes exceeding 12%, and areas of natural woodland or prairie
- viii. Existing and proposed elevations
- ix. Elevations, sections, profiles, and details as needed to describe all natural and artificial features of the project (including topography at 2 ft. intervals or better)
- x. Soil erosion control and overland runoff control measures, including runoff calculations as appropriate
- xi. Detailed construction schedule
- xii. Copies of permits or permit applications required by any other governmental entities or agencies
- xiii. Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features



- xiv. All existing and proposed drainage features
- xv. The location and area of all proposed impervious surfaces
- xvi. The limits and area of the disturbed area
- xvii. Sufficient data for adjacent properties to help ascertain impacts on those properties (e.g. driveways, culverts, ditches, etc.)
- xviii. All site plans should be at a scale of 1" = 100 ft. unless otherwise approved by the Town Board.

Objective 2 – Information to be submitted for rezoning requests must meet Dane County standards.

Objective 3 – Requests for a subdivision or land division must meet the applicable ordinance standards.

*Policy 3a) – Dane County Land Division Ordinance* – In Dane County, a subdivision is the creation of 5 or more parcels or building sites of 15 acres each or less. Subdivisions are created by recording with the Register of Deeds an approved “plat”, or map, of the subdivision. Another method of creating lots is through a certified survey map (CSM), which is used to create four or fewer lots. The certified survey map process is actually a more common method of creating lots in unincorporated areas.

In unincorporated areas of Dane County, subdivisions must comply with both the state statutes (Ch. 236, Wis. Stats.) and the county’s subdivision ordinance (ch. 75, Dane County Code of Ordinances), as well as any town subdivision ordinance and municipal ordinances if within their extraterritorial jurisdiction. The most restrictive provisions are applicable to any particular division where conflicts among ordinances exist. The Zoning and Natural Resources Committee exercises approval over subdivision plats, and, unless a zoning change is also sought, subdivisions do not need approval from the full County Board. If land is not already zoned appropriately for the use desired within a proposed subdivision, county approval of a rezoning request is first required.

*Policy 3b) – Development of Local Town Land Division Regulations* – The Town may develop their own land division and subdivision ordinance, so long as its conditions are as strict or more restrictive than Dane County.

Objective 4 – Information to be submitted for variances or conditional use requests must meet Dane County standards.



Objective 5 – Informational requirements for these requests for a project located within an ETZ area are determined by the applicable ETZ area procedures and policies.



## (7) Intergovernmental Cooperation Element

### Intergovernmental Goal 1:

Facilitate intergovernmental cooperation with neighboring and overlapping jurisdictions by entering into agreements, participating in cost sharing where appropriate, and encouraging joint planning for areas and issues that extend beyond Town/City /Village boundaries.

Objective 1 – Coordinate Town planning efforts with local school districts as necessary to allow those districts to properly plan for facility needs.

Policy 1a) – *Coordination of Town Planning Efforts* – Actively seek comments from District officials on the Town’s Comprehensive Plan at the time of adoption, as well as whenever any amendment consisting of a significant change in land use is proposed.

Policy 1b) – *Coordination of Facilities Planning* – Request that School District officials keep the Town apprised of any plans for new facilities that could either be located in the Town or near enough to the Town’s jurisdiction that Town roads could be affected.

Objective 2 – Identify opportunities for shared services or other cooperative planning efforts with appropriate units of government.

Policy 2a) – *Proposed Efforts With the Village of Oregon:*

- i. Request formal comments on the Town Comprehensive Plan prior to adoption and for any significant future amendments.
- ii. Encourage the development of a boundary agreement for the areas west and south of the Village by the end of 2010.
- iii. Encourage joint land use planning for areas west and south of the Village by 2010 that 1) defines if, when and where the Village will exercise its extraterritorial zoning and plat review authority, 2) what areas in the Town would be more appropriately developed to more urban development standards, and 3) how any potential mineral extraction areas within one-half mile of the Village will be evaluated.
- iv. Cooperatively plan for the future of the CTH MM corridor and the CTH CC corridor.
- v. Cooperatively plan for the future of the existing rail line that runs from Fitchburg and Oregon to Brooklyn.



- vi. Determine if there are areas within the Town of Oregon where the Village's stormwater ordinance should be applied.
- vii. Determine if there might be a program to work with the Village of Oregon to enhance the protection of sensitive groundwater areas.
- viii. Establish cost sharing and maintenance agreements for Town roads that are impacted by developments within the Village of Oregon.
- ix. Coordinate on the provision of public safety and EMS services.
- x. Continually seek opportunities to cost share on mutually needed equipment.
- xi. Coordinate on the provision of services through special service districts as necessary (drainage, senior services, libraries, etc.)

*Policy 2b) – Proposed Efforts With the Village of Brooklyn:*

- i. Request formal comments on the Town Comprehensive Plan prior to adoption and for any significant future amendments.
- ii. Encourage the development of a boundary agreement for the areas west and north of the Village by the end of 2010.
- iii. Encourage joint land use planning for areas west and south of the Village by 2010 that 1) defines if, when and where the Village will exercise its extraterritorial zoning and plat review authority, 2) what areas in the Town would be more appropriately developed to more urban development standards, and 3) how any potential mineral extraction areas within one-half mile of the Village will be evaluated.
- iv. Cooperatively plan for the future of the CTH MM corridor.
- v. Cooperatively plan for the future of the existing rail line that runs from Fitchburg and Oregon to Brooklyn.
- vi. Determine if there might be a program to work with the Village of Brooklyn to enhance the protection of sensitive groundwater areas.
- vii. Establish cost sharing and maintenance agreements for Town roads that are impacted by developments within the Village of Brooklyn.
- viii. Coordinate on the provision of public safety and EMS services.



- ix. Continually seek opportunities to cost share on mutually needed equipment.
- x. Coordinate on the provision of services through special service districts as necessary (drainage, senior services, libraries, etc.)

*Policy 2c) – Proposed Efforts with the City of Fitchburg:*

- i. Request formal comments on the Town Comprehensive Plan prior to adoption and for any significant future amendments.
- ii. Encourage the development of a boundary agreement by the end of 2010.
- iii. Encourage joint land use planning for areas west and south of the Village by 2010 that 1) defines if, when and where the City might exercise its extraterritorial zoning and plat review authority, 2) what areas in the Town would be more appropriately developed to more urban development standards, and 3) how any potential mineral extraction areas within one-half mile of the City will be evaluated.
- iv. Cooperatively plan for the future of the Fish Hatchery Road corridor (CTH D).
- v. Cooperatively plan for the future of the existing rail line that runs from Fitchburg and Oregon to Brooklyn.
- vi. Determine if there might be a program to work with the City of Fitchburg to enhance the protection of sensitive groundwater areas.
- vii. Establish cost sharing and maintenance agreements for Town roads that are impacted by developments within the City of Fitchburg.
- viii. Coordinate on the provision of public safety and EMS services.
- ix. Continually seek opportunities to cost share on mutually needed equipment.
- x. Coordinate on the provision of services through special service districts as necessary (drainage, senior services, libraries, etc.)

*Policy 2d) – Proposed Efforts With Dane County:*

- i. Request formal comments from Dane County Planning and Development on the Town Comprehensive Plan prior to adoption and for any significant future amendments.



- ii. Work with Dane County Planning and Development to ensure local and County ordinances are compatible with one another and able to effectively enforce Town land use policy. (i.e. conservation subdivision ordinance)
- iii. Coordinate with Dane County Planning and Development on the review of rezones, land divisions, subdivisions, plats, and certified survey maps.
- iv. Participate in the updating of the Dane County Parks and Open Space Plan, and consider establishing a Town Parks and Open Space Plan.
- v. Continue to work with the Dane County Highway Department to coordinate roadway maintenance and reconstruction activities.
- vi. Consider applying for Dane County BUILD funding to develop a detailed plan for the Fish Hatchery Road (CTH D) corridor and the CTH MM corridor.
- vii. Coordinate with Dane County Land Conservation Department on the ongoing implementation of the County stormwater management and erosion control ordinance.
- viii. Cooperate with the planning and development of the Ice Age Trail Corridor.

*Policy 2e) – Proposed Efforts With Neighboring Towns:*

- i. Cooperatively pursue policy changes at the County level when necessary.
- ii. Coordinate the planning of parks, open space, and recreational areas that cross jurisdictional boundaries, or may have an impact on neighboring towns.
- iii. Coordinate the planning of road maintenance and road construction projects to maximize potential cost savings and minimize inconvenience to residents.
- iv. Coordinate on the provision of public safety and EMS services.
- v. Continually seek opportunities to cost share on mutually needed equipment.
- vi. Coordinate on the provision of services through special service districts as necessary (drainage, senior services, libraries, etc.)



Policy 2f) – *Proposed Efforts With State Agencies as Necessary:*

- i. Identify opportunities for funding assistance through the Wisconsin Department of Natural Resources for open space acquisition, trail development, and other applicable programs.
- ii. Continue to monitor the state’s efforts to regulate livestock operations and mineral extraction operations.
- iii. Collaborate with the Department of Administration on the review of land divisions, subdivisions, plats, and certified survey maps.
- iv. Collaborate with the Department of Natural Resources on the ongoing maintenance and development of existing and proposed resource areas, including the Ice Age Trail corridor.
- v. Monitor various state and federal agencies and programs for applicable opportunities for funding assistance.





## **(8) Land Use Element**

The following goals, objectives and policies are intended to summarize the basic values and desires of Town of Oregon residents and property owners with regard to community development. All policies and recommendations throughout this plan have been designed to specifically implement the goals listed here in this section. Because these goals reflect the thoughts of the people of the Town of Oregon, a copy of the Land Use Goals will be given to all applicants constructing a new home or building before a building permit is issued or a land division is permitted.

### **Land Use Goal 1:**

Discourage unplanned development by guiding new development in the Town to planned development areas.

### **Land Use Goal 2:**

Encourage the protection of private property rights while at the same time promoting the public health, safety and general welfare.

### **Land Use Goal 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.

### **Land Use Goal 4:**

Encourage the protection of resource protection areas and other sensitive environmental features from development.

### **Land Use Goal 5:**

Ensure new development in the Town does not overburden the Town's ability to provide cost effective municipal services to Town residents.

### **Land Use Goal 6:**

Encourage the protection of the traffic carrying capacity of the Town's transportation system.



### Land Use Goal 7:

Encourage intergovernmental cooperation with surrounding communities with respect to land use, utilities, emergency services, and transportation facilities.

### Land Use Goal 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.

### Land Use Goal 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.

### Land Use Goal 10:

Allow only a strictly limited amount of planned, high-quality non-farm commercial development in the Town.

### Land Use Goal 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.

### Land Use Goal 12:

The following general policies apply to all of the land use categories in this comprehensive plan. These policies should be used to guide the Town Plan Commission and Town Board when any land use decisions are made.

Policy 12a) – *Stormwater Management and Erosion Control* – Soil erosion control measures required by the Dane County Stormwater Management and Erosion Control ordinance or the Village of Oregon/Brooklyn Stormwater management ordinance must be implemented for applicable developments as designated by the Town, and all developments should implement measures recommended by the United States Soil Conservation Service (USCS). Other areas may be subject to the Village of Oregon/Brooklyn Stormwater Management ordinance.



Policy 12b) – *Siting Compatibility with the Environment* – Building placement and lot layout should be designed to provide a functional relationship to the site’s topography, existing vegetation, and other natural features. Natural land features should be recognized and integrated into the site design to minimize their disruption.

Policy 12c) – *Site Disturbance Activities* – Site disturbance should be minimized to help avoid soil erosion and stormwater run off problems. In addition, Green Building designs and Low Impact site development, which may include rain gardens, drainage swales, rain barrels, and many other “green” alternatives, is highly recommended.

Policy 12d) – *Siting Compatibility with Viewsheds and Viewscapes* - The siting of buildings should take advantage of stream, lake, and agricultural views. Site design should also consider the impact of new structures on views from off-site.

Policy 12e) – *Siting for Renewable Energy Usage* – Structures should be sited to take advantage of solar and wind efficiencies where possible. North facing slopes reduce solar access and increase exposure to winter winds. South facing slopes provide the benefits of solar orientation and wind protection.

Policy 12f) – *Siting for Soil Compatibility* – The site design process should address soil characteristics and subsurface geological conditions. Development should be avoided in areas with soils too close to bedrock.

Policy 12g) – *Siting for Compatibility with Plants and Trees* – Existing native vegetation should be recognized in the site design process. The preservation of mature plant species, hedge rows, and woodlots should be encouraged to preserve the rural character of the Town.

Policy 12h) – *Siting for Compatibility with Topography* – Building form and siting should respond to the topography and significant landforms on the site. When building on a hillside, the architectural form of the structure should reflect the underlying topography and retain the integrity of the natural slope.

Policy 12i) – *Driveway Access* - Where feasible and appropriate, the Town will require shared driveway access between homes to minimize the number of direct driveway accesses onto Town roads. The Town will use this policy when reviewing development proposals.

Policy 12j) – *Limits on Shared Driveway Use* – Any driveway proposed for joint use will be required to have recorded multi-party access easements and maintenance agreements reviewed and approved by the Town.

Policy 12k) – *Approval of Driveway Locations* – All driveways will be reviewed by a designated Town appointee. Approval will be by the Town Board, with possible



recommendations from the Town Plan Commission, Oregon Area Fire Department, Town Engineer, Town Planner, Town Building Inspector, in order to provide safe access to the site.

Policy 12l) – *Driveway Locations* – Driveway construction may not be permitted to bisect farmlands. In cases where there is no other option, driveway construction may be permitted along fences, lot lines, field contours, or other natural features dividing farmlands. Approval of driveway locations shall be at the discretion of the Town Board or designee.

Policy 12m) – *Driveways and Impacts on Drainage* – Driveway construction shall not interfere with natural drainage patterns. Culverts may be required to be installed. Approval of driveway grading shall be at the discretion of the Town Board or designee.

Policy 12n) – *Grading for Driveways* – Grading for driveway construction shall be required to fit the natural contours of the site. Driveway alignment shall follow natural terrain and shall attempt to retain existing trees and other natural vegetation to stabilize hillside cuts.

Policy 12o) – *Additional Restrictions on Land Uses* – The Town may, as deemed necessary, require deed restrictions, covenants, and/or similar notations to be included on certified survey maps and plats.

Policy 12p) – *Division of Land With Topography and Land Cover* – New lots shall be created by dividing land along natural boundaries such as hills and woods whenever possible.

Policy 12q) – *Prohibition of Landlocked Parcels* – When dividing off a parcel of land, care should be taken so that road access to the remaining parcel is not cut off. Such divisions shall not be permitted, unless permanent access is provided to the landlocked parcel or lot.

Policy 12r) – *Park and Open Space Requirements* – Park and open space dedication requirements shall be in the form of a predetermined amount of land or an equivalent voluntary financial contribution (based on past practices & policies) to the Town. These requirements shall be adopted by ordinance. Any fees collected in lieu of dedication shall be used for the future acquisition and development of public parks and open spaces approved in the currently adopted Town Parks and Open Space Plan. Such areas will be designated by the Town Board for use by all residents in the Town.

Policy 12s) – *Prohibition of Development in Resource Protection Areas* – No development will be allowed in resource protection areas identified in this plan.



Policy 12t) – *Applicable Stormwater Management Regulations* – All eligible new development, including single-family residences, shall be required to strictly adhere to the Dane County Stormwater Management and Erosion Control Ordinance or the Village of Oregon/Brooklyn Stormwater management ordinance as designated by the Town. All other development shall be required to strictly adhere to stormwater control and erosion control practices as prescribed by Chapter 14 of the Dane County Zoning Ordinance.

Policy 12u) – *Erosion Control Practices* – Construction practices that will protect surface water quality from siltation and pollution shall be required and implemented in accordance with the Dane County Stormwater Management and Erosion Control Ordinance, or the Village of Oregon/Brooklyn Stormwater management ordinance as designated by the Town. This shall apply to both during and after construction.

Policy 12v) – *Compatibility of Land Uses* – In all instances, any proposed new land use, rezone, land division and building of structures should be compatible to neighboring uses, and not negatively impact the existing value of adjacent uses nor the development potential, productivity, or inherent natural resource value of adjacent properties.

Policy 12w) – *Clarification of Density Policies* – The following rules and definitions shall apply to the application of density policies to this plan, and are provided for the benefit of the Dane County Department of Planning and Development:

- i. *Type of Development Counting Against the Town Density Policy* - Only residential uses shall be counted against the Town density policy.
- ii. *Calculation of Gross Density* – This calculation shall be the total number of residential units proposed for the overall acreage of the parcel or parcels in question and presenting as “X” units per acre.
- iii. *Baseline Date for Tracking of Land Divisions or “Splits”* – The date from which all land divisions shall be tracked is the date of the Town’s adoption of exclusive agricultural zoning. (December 1994)
- iv. *Sources of Information and Baseline Date to be Use for Tracking Splits* – The land owner’s name and land ownership configuration as of December 15, 1994 should be determined using Dane County GIS data, the 1995 Land Atlas Plat Book for Dane County, published by Rockford Map Publishers, Inc., or more detailed information provided by the applicant on ownership as of that date, such as tax records or deeds. Parcel size should be calculated based on Dane County GIS data, the 1995 Land Atlas Plat Book for Dane County, published by Rockford Map Publishers, Inc., or more detailed information provided by the applicant on ownership as of that date, such as tax records or deeds.



- v. *Applicability of Split Policy Towards Farm Residences* – Existing farm residences prior to the adoption of Exclusive Ag Zoning (December 15, 1994) or those residences that exist as a part of the original farm do not count against the Town density policy. Any other split, on such parcels (after December 15, 1994), shall count against the density policy. A replacement to such a residence shall not count against this policy either, provided that the preexisting residence will be demolished according to the Town’s House Replacement Agreement.
- vi. *Rounding* – Rounding is allowed and shall be applicable after adoption of this comprehensive plan. 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 ( $18/35$ ). For example, a 90-acre parcel would be allowed a maximum of three dwelling units ( $90/35=2\ 20/35$ , or  $2.57=$  round up to 3). An 80-acre parcel would be allowed a maximum of two new dwelling units ( $80/35=2\ 10/35$ , or  $2.28=$ round down to 2).
- vii. *Land Sales after December 15, 1994* - Changes and reconfigurations in ownership do not trigger new allotments of potential future dwelling units per the density policy. 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. 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.
- viii. *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.

- ix. *Non-Conforming A-1 Exclusive Parcels* - Parcels that are less than 35 acres and zoned as A-1 EX are not allowed an additional homesite unless rezoned in accordance with the policies and maps in this comprehensive plan.
- x. *Lands Sold or Dedicated to Public Agencies, Non-profit organizations, or Governments* – Any lands sold or dedicated to public, nonprofit, or government agencies for conservation, stormwater management, road or trail development, or other public use shall not count against the available splits for that property unless so defined in an agreement between the original land owner and the Town.
- xi. *Lands Annexed to Neighboring Cities or Villages* – If part of an original farm is annexed into a city or village, the applicable number of splits that would go with that land are retired and are not transferable to the remainder of the farm.
- xii. *Applicability of Siting Standards* – Siting of new development shall be in accordance with the relevant sections of this comprehensive plan and as otherwise defined by Town ordinances, unless a neighboring municipality exercises its extraterritorial plat or zoning jurisdictional authority.
- xiii. *Properties That Have Exceeded Density Limits* – In any area where previous actions by either the Town of Oregon or Dane County resulted in a development exceeding its density limitations other than family exemptions under exclusive agriculture zoning, the only case in which additional splits or density units would be considered would be if a rezoning for such a parcel was requested by the owner and such a request was in compliance with the Town Comprehensive Plan.
- xiv. *Distinction Between Zoning Lots and Certified Survey Maps* – A parcel of land under single ownership occupied or intended to be occupied by one main building, and buildings and uses customarily accessory or incidental thereto. A zoning lot may or may not coincide with a lot of record (e.g., a CSM lot). Zoning lots that do not coincide with a lot of record are not encouraged. Only lots of record count against the Town split policy.
- xv. *Other Key Definitions*
  - a. Contiguous Properties: The Town chooses to treat all property owned under single ownership as a single unit. This policy is



based upon land division, per 35 acres of land owned and will be referred to for purposes of allocating and sighting allowable rezones. This policy conforms to the State Exclusive Agriculture Preservation law. For purposes of defining “contiguity” of a parcel in single ownership, a public road, railroad right-of way, navigable waterway, connection at only one point, or intervening lands in conservancy, shall not be considered to break up contiguity.

- b. Definition of Farm Parcel or Farm Unit - Farm parcels or units are defined as contiguous lands under single ownership, with roads and other public rights-of-way not interrupting contiguity (i.e. land on two sides of a road or meeting at a single point owned by the same person or persons is considered part of a single farm unit.
- c. Definition of [Single] Ownership – For purpose of this plan, the term “Single ownership” is defined as any combination of lands singly owned by one individual, jointly owned by a married couple including that individual, or owned by a partnership or corporation in which the individual was a member.
- d. Definition of Parcel – For purposes of this plan, the term “Parcel” is defined to mean “contiguous lands under single ownership.”
- e. Definition of Split – A split is a residence or other non-farm development permitted in the Rural Preservation areas under the Town density policy.





## (9) Implementation Element

### Implementation Goal 1:

Identify Measurable Actions to Implement and Achieve the Goals, Objectives and Policies of the Town of Oregon Comprehensive Plan.

Objective 1 – Maintain and amend local ordinances and procedures where appropriate to address new objectives and policies of the Town of Oregon.<sup>14</sup>

Policy 1a) – *Severability* – The policies in this plan cannot implement or enforce themselves, and therefore rely on local, county, state and federal ordinances, statutes and regulations to enforce these policies.

Policy 1b) – *Coordinate on Updates to the Dane County Zoning Ordinance and Land Use Plan* – Continue to work with Dane County to update the County Zoning Ordinance and Land Use Plan (including sign requirements) as necessary to ensure maximum applicability to the Town.

Policy 1c) – *Maintain and Enforce the Town Driveway Ordinance* – Maintain the Town’s driveway ordinance to ensure that residents have safe access to local roads and emergency vehicles have adequate access to developed parcels.

Policy 1d) – *Implementation of a Conservation Subdivision Ordinance* – Establish subdivision ordinance that allows for the development of higher density subdivisions while encouraging the preservation of open space.

Policy 1e) – *Coordinate on the Enforcement of Stormwater Management Regulations* – Work with Dane County Land Conservation to assist in the enforcement of the Dane County Stormwater Management and Erosion Control ordinance as necessary.

Policy 1f) – *Town Discretion Over Unanticipated Land Use Decisions* – To the extent allowed by law, the Town of Oregon preserves its discretion in evaluating unanticipated land use proposal scenarios not specifically addressed in this plan. The three primary alternative courses of action are: 1) The Town Plan Committee and Town Board may offer a recommendation or decision based on the key premises listed in this plan by applying them to the question at hand. 2) The Town may also amend this plan through the procedures identified herein to address whatever unanticipated land use

<sup>14</sup> The Town of Oregon discussed multiple implementation tools, but determined that several of these tools identified in the Smart Growth grant checklist were not applicable to the Town or would not help the Town meet the goals, objectives, and policies identified in this plan. These included: official mapping, historic preservation ordinances, design review codes, building codes, mechanical codes, and housing codes.



proposal has been put forth. Or 3) Deny the request as it is not listed as an approved land use scenario in the Town Plan.

Objective 2 – Update the Town’s development review procedure, fees, and requirements.

Policy 2a) – *Advance Submittal Requirement* – Require all land divisions, subdivisions, re-zonings, and conditional use permits to have submitted a complete packet of materials as required by the Town at least **14** days in advance of the meeting date.

Policy 2b) – *Agenda Requirement* – Any item that requires action must have been posted on the published meeting agenda.

Policy 2c) – *Completeness of Submittal* – Incomplete materials may result in removal of the item from the Plan Committee or Town Board agenda. Exemptions from this policy will only be considered in emergency situations.

Policy 2d) – *Pre-Development Agreements* – Prior to review of any development presented to the Town, the petitioner must enter into a pre-development agreement with the Town. This agreement will include the rates to be charged for review by the Town engineer, attorney, planner or other professional technical assistance required by the review.

Objective 3 – Actively pursue boundary agreements or similar joint planning efforts with the Village of Oregon, the Village of Brooklyn, and the City of Fitchburg.

Policy 3a) – *Proposed Planning Scope with Oregon* – Work with the Village of Oregon to plan for specific land uses, utility service areas, public service boundaries, long-term growth boundaries, and annexation phasing.

Policy 3b) – *Proposed Planning Scope with Brooklyn* – Within the next three years, work on a similar agreement with the Village of Brooklyn.

Policy 3c) – *Proposed Planning Scope with Fitchburg* – Within the next three years, work on a similar agreement with the City of Fitchburg.

## Implementation Goal 2:

Identify Adoption and Amendment Procedures for Town of Oregon Comprehensive Plan.

Objective 1 – Ensure consistency across the required nine elements of the Wisconsin Smart Growth legislation.



Policy 1a) – *Review of Plan Document by Town Planner* – Require the Town Planner to conduct a review of the draft plan document prior to submittal to the Town Plan Committee to check for any identifiable inconsistencies, or at any other time the Town Plan Committee or Town Board requires clarification on a policy or issue in the plan.

Policy 1b) – *Review of Plan Document by Town Plan Committee* – Require the Town Plan Committee to review a draft version of the proposed plan document and to identify any inconsistencies.

Policy 1c) – *Review of Plan Document by Town Board* – Require the Town Board to review a draft version of the proposed plan document and to identify any inconsistencies.

Policy 1d) – *Review of Plan Document by Public* – Request that members of the public who review the draft also check for any inconsistencies prior to adoption. Copies of the plan must also be provided to area mineral extraction operators.

Policy 1e) – *Correction of Inconsistencies* – Should any inconsistencies be identified after the plan has been adopted, the Town Plan Committee and the Town Board shall utilize the amendment procedure identified in this plan to correct the inconsistency.

Objective 2 – Follow statutorily required adoption procedures as identified in s. 66.1001 (4)

Policy 2a) – *Compliance Criteria* – A local governmental unit shall comply with all of the following before its comprehensive plan may take effect:

- i. *Public Participation Procedures* – The governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan.
- ii. *Solicitation of Public Comments* – The written procedures shall provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments.
- iii. *Plan Commission Recommendation* – The plan commission or other body of a local governmental unit that is authorized to prepare or



amend a comprehensive plan may recommend the adoption or amendment of a comprehensive plan only by adopting a resolution by a majority vote of the entire commission. The vote shall be recorded in the official minutes of the plan commission or other body. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan.

*Policy 2b) – Distribution of Adopted Plans* – One copy of an adopted comprehensive plan, or of an amendment to such a plan, shall be sent to all of the following:

- i. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.
- ii. The clerk of every local governmental unit that is adjacent to the local governmental unit which is the subject of the plan that is adopted or amended as described in par. (b) (intro.).
- iii. The Department of Administration (After September 1, 2003).
- iv. The regional planning commission in which the local governmental unit is located.
- v. The public library that serves the area in which the local governmental unit is located.

*Policy 2b) – Date of Effectiveness* – No comprehensive plan that is recommended for adoption or amendment under par. (b) may take effect until the local governmental unit enacts an ordinance that adopts the plan or amendment.

*Policy 2c) – Conditions for Enacting the Adoption Ordinance* – The local governmental unit may not enact an ordinance under [state statute] unless the comprehensive plan contains all of the elements specified in [state statute]. An ordinance may be enacted under this paragraph only by a majority vote of the members elect, as defined in s. 59.001 (2m), of the governing body. An ordinance that is enacted under this paragraph, and the plan to which it relates, shall be filed with at least all of the entities specified under par. (b).

*Policy 2d) – Public Hearing Requirements* – No local governmental unit may enact an ordinance under par. (c) unless the local governmental unit holds at least one public hearing at which the proposed ordinance is discussed. That hearing must be preceded by a class 1 notice under ch. 985 that is published at least 30 days before the hearing is held. The local governmental unit may



also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:

- The date, time and place of the hearing.
- A summary, which may include a map, of the proposed comprehensive plan or amendment to such a plan.
- The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.
- Information relating to where and when the proposed comprehensive plan or amendment to such a plan may be inspected before the hearing, and how a copy of the plan or amendment may be obtained.

Objective 3 – Establish and consistently follow a formal procedure for reviewing and making amendments to the Town Comprehensive Plan.

Policy 3a) – *Periodic Review* – This Comprehensive Plan shall be reviewed periodically by the Town Plan Commission to review progress on achieving goals, objectives and policies of this plan, and to evaluate any proposed amendments to the plan.

Policy 3b) – *Amendments to the Plan* – The Town Board may amend this *Comprehensive Plan* at any time. The procedure for amending text and/or maps is as follows:

Policy 3c) – *Persons Eligible to Request an Amendment* – Any person owning land in the Town of Oregon may request an amendment to the Comprehensive Plan.

Policy 3d) – *Plan Commission Consideration of the Request and Public Hearing Requirement* – The Town Plan Commission shall consider the request for an amendment, and forward a recommendation to the Town Board if it deems the amendment should be formally proposed. At such time, the Town will notify Town residents through a newspaper notice and other means as deemed effective by the Town, and shall conduct a public hearing to gather and present information on any proposed amendment to the Comprehensive Plan.

Policy 3e) – *Plan Commission Action* – Following the public hearing, the Town Plan Commission shall make a recommendation to the Town Board. The Town Plan Commission's recommendation is only advisory and is not binding on the Town Board.



Policy 3f) – *Town Board Action* – The Town Board, at a regular meeting, shall act on the Town Plan Commission’s recommendation and shall approve, deny or amend the proposed amendment to the Comprehensive Plan.

Policy 3g) – *Coordination with Dane County* – Approved amendments will be transmitted to the County Board for adoption as part of the Farmland Preservation Plan.

Policy 3h) – *Amendments Affecting USA Boundaries* – Plan Amendments that include proposed amendments to the urban service area boundary also require approval of the WDNR and the designated agency for reviewing urban service area applications for the Dane County area.

Policy 3i) – *Applicability of Public Notice and Public Hearing Requirements* – All hearings and notices required for the original plan adoption are also applicable for any amendments to the Comprehensive Plan.

Objective 4 – Ensure that all application and contractual and requirements of the Wisconsin Smart Growth Planning Grant program are met.

Policy 4a) – *Required Documentation* – A grant checklist to document this plan’s compliance with Wisconsin state statutes shall be completed.



## Appendix A-I