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# 2006 Comprehensive Plan Town of Vienna, Dane County, Wisconsin

## 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, public safety<sup>1</sup> 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 (Smart Growth)** [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.

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<sup>1</sup> Public safety was added to the Dane County description at the request of the Planning Commission.

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 that Must be Addressed by 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 Vienna**

This planning document is intended to be a “living” guide for the future overall development of the Town of Vienna. 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 Vienna 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 Town Land Division and Subdivision Ordinance, it will be a primary document used by the Town Plan Commission, and the Town Board to evaluate requests for rezoning within the Town of Vienna.

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 Vienna to implement the desired directives presented herein. The primary implementation tool for much of this plan will be the Town’s Land Division and Subdivision Ordinance.

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.

## Element 1 - Agricultural Goals, Objectives and Policies

*(NOTE: These goals, objectives and policies refer to areas designated as "Agriculture" on the Proposed Land Use Maps in this document. Specific land use related policies are defined in the Land Use Element of this plan.)*

### **Agricultural Goal 1: Continue to maintain the Town's rural character through the preservation of agriculture.**

#### Objective 1.0:

Emphasize the preservation of agriculture as the primary land use in the Town of Vienna through the enforcement of state, county and Town regulations.

#### Policies:

- 1.01 Applicable Zoning - The predominant zoning classification within Agricultural Preservation areas as shown on the Proposed Land Use Map is the Exclusive Agriculture classification of the Dane County Zoning Ordinance (s. 10.123, Dane County Code).<sup>2</sup>
- 1.02 Amendment of the Land Division and Subdivision Ordinance - Update and maintain the Town's Land Division and Subdivision Ordinance as the primary tool to control residential development within the Town.
- 1.03 Density Policy - Within Agricultural Preservation areas that are outside of approved urban service areas, limit non-farm residential development to a maximum density of one unit per 75 contiguous acres. Implementation of this policy will be primarily achieved through a combination of enforcement of the Town of Vienna Land Division and Subdivision Ordinance, and A-1 Exclusive Agriculture zoning.<sup>3</sup> (See also Section 1.04 Tenure Policy)
  - 1.03.1 Definition of Contiguous - For purposes of this plan, the term "contiguous" is defined to mean "parcels of land which share a common boundary, including a connection at only one point (i.e. a public road, navigable waterway or railroad shall not be considered to break up contiguity)." *NOTE: This definition differs from Dane County's definition which states "Lots or parcels shall be considered contiguous if they share a common boundary for a distance of at least sixty-six (66)feet. Roads, navigable waterways and other public easements" do not affect contiguity. "*

<sup>2</sup>Except for areas within the extraterritorial zoning jurisdiction of the Village of DeForest, where a separate extraterritorial zoning ordinance and agricultural classification applies to this area.

<sup>3</sup>The land division and subdivision ordinance does not apply to approved urban service areas. See Housing Element for details.

- 1.03.2 Areas To Be Included in Density Calculations - Permanent bodies of water, mapped wetlands, floodplains or environmental corridors are to be included with the original farm acreage when determining the eligible density of non-farm development. Rights of way shall also be included in the original farm acreage for purposes of calculating density.
- 1.03.3 Split Tracking Policy - Any residential rezone or residential building site(s) created in the Agricultural Preservation Area on or after January 1, 1986<sup>4</sup> shall be subtracted from and count against the total available splits from the original parcel.
- 1.03.4 Identification of Original Farms- Farm parcels or units are defined as contiguous lands under single ownership, with roads and other public rights-of-way not interrupting contiguity (i.e. land on two sides of a road or meeting at a single point owned by the same person or persons is considered part of a single farm unit.
- 1.03.5 Source of Measurement Data- The source of data to be utilized when determining the size of the original farm parcel on or after January 1, 1986 should be net acreage data including rights-of-way.
- a) Definition of Parcel - For purposes of this plan, the term "Parcel" is defined to mean "contiguous lands under single ownership."
  - b) Definition of Single Ownership - For purpose of this plan, the term "single ownership" may include any land singly owned by one individual, jointly owned by a married couple including that individual, family-owned including that individual, or owned by a partnership or corporation in which the individual is a member."
  - c) Definition of Split, Density Unit or Land Division - For the purposes of this plan, the term "split," "density unit," or "land division" are used interchangeably and is defined to be any countable non-farm residential use created on or after January 1, 1986 as per the split tracking policy under 1.04.
- 1.03.6 Rounding - If a density calculation results in a fraction, the calculation is rounded down to the nearest split.
- 1.03.7 Separation of Existing Farm Buildings - Separation or division of existing farm buildings or structures would be exempt from this policy and not count as a residential building split as per the density limitation of one split per 75 acres. In order to eligible for consideration under this policy existing structures proposed for separation or division from the primary residence must be effectively functioning as a part of a farming operation

<sup>4</sup>This date was based on the 20-year period up to the adoption of this comprehensive plan.

or otherwise usable for such operations as determined by the Town Plan Commission and/or Town Board.

- 1.03.8 Land Divisions Prior to January 1, 1986 - Any land divisions existing prior to January 1, 1986 do not count as "splits" and are not tracked for purposes of this comprehensive plan.
- 1.03.9 Multiple Single Family Unit Residential (Subdivisions) - Any proposed development with multiple (as in more than one) single-family units (homes) would be limited to one split (or lot) per unit within agricultural preservation areas, and is limited to one unit per lot. Multi-Family residential uses are strongly discouraged within the Town, including but not limited to duplexes, tri-plexes, four-plexes, and other multiple-unit residential structures such as apartments, condominiums and zero-lot line town homes.
- 1.03.10 Non-Farm Development - Any proposed non-farm, non-residential uses development such as cell towers, commercial buildings or other eligible uses that would require a rezoning, conditional use permit, or a certified survey map (CSM) will not be considered to have used a split for each lot or CSM.
- 1.03.11 General Sale of Divided Land or Splits - There is no provision to prevent the sale of divided parcels once an owner has requested and received approval for a split in this plan. However, splits or density units are not automatically transferred with a parcel when sold.
- a) Acknowledgement of Property Owners' Right to Sell Land - The Town acknowledges that land-owners may sell their land at any time.
  - b) Sale of Parcels Under 75 Acres - For newly purchased parcels of less than 75 acres<sup>5</sup> in an agricultural preservation area there shall be no more than one available housing site available to the new owner. A new housing site under 75 acres will only be permitted if it complies with the applicable zoning requirements and is not subject to any other sort of permanent development restrictions (e.g. deed restrictions). Additional land divisions on parcels under 75 acres will be prohibited by the Town Land Division and Subdivision Ordinance and this comprehensive plan.

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<sup>5</sup> The actual building footprint and lot area may be significantly less than 75 acres, but the proposal must permanently prohibit further development in an area at least equivalent to 75 acres.

- c) Sale of Parcels 75 Acres or More - For newly purchased parcels of at least 75 acres or greater in an agricultural preservation area, no more than one available housing site may be available to the new owner. A housing site will only be permitted if it complies with the applicable zoning requirements and is not subject to any other sort of permanent development restrictions (e.g. deed restrictions). If permitted by the applicable zoning ordinance, additional homesites and land divisions will only be considered in 75-acre increments (see footnote 6), must be owned for at least 20 years, and meet the other siting requirements of the Town Land Division and Subdivision Ordinance and this comprehensive plan.
- d) Tracking of Tenure of Ownership When Sold - Resale of newly purchased property resets any accumulated ownership years to "zero," and does not automatically carry forward any ability to build on a site unless specifically stated in the Town Land Division and Subdivision Ordinance and this comprehensive plan.

- 1.03.12 Sale of Lands to Local, State or Federal Governments - Lands sold to local, state or federal governments will not count as a split unless otherwise stipulated by the Town of Vienna and Dane County.
- 1.03.13 Transfer of Splits From Sale of Lands After Plan Adoption - Splits or density units are not automatically transferred with a parcel if sold after adoption of this plan. Availability of splits for building homesites are defined in section 1.03.8 and 1.03.12.
- 1.03.14 Mechanism for Tracking Splits Over Time - For eligible splits through December 31, 2008, the Town of Vienna 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.<sup>6</sup> This may be accomplished through deed restrictions or other means deemed appropriate by the Town Board in consultations with the Town attorney. A report should be developed as necessary with the assistance of Dane County Planning staff to regularly monitor available splits and to address areas where additional information may be needed. After this date, the Town of Vienna policy is that any sale of land, building site and/or required associated preservation area consisting of at least 75 acres and is not subject to any other sort of permanent development restrictions (e.g. deed restrictions) must be owned for a minimum of 20 years before being eligible for a land division

<sup>6</sup> While it may be the Town's responsibility to track splits, establishing a base line figure and subsequent tracking will need to be accomplished with assistance from Dane County as the primary zoning enforcement entity;

- 1.03.15 Non-Conforming Parcels with A-1 Exclusive Zoning - Parcels that are less than 35 acres and zoned as A-1 EX are not allowed a new homesite. These parcels may not be further divided unless rezoned in accordance with the policies and maps in this comprehensive plan.
- 1.03.16 Annexed Lands -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.
- 1.03.17 Transfer of Splits Between Different Original Farms - The transfer of splits between different original farms is generally not permitted, even if the same individual or family owns them both. Exceptions *may* be considered if proposed splits or buildings sites are to be clustered on one farm, while measures to permanently preserve the other farmland are proposed. These sites remain subject to other policies of this plan, and applicable zoning and land division regulations.
- 1.03.18 Previous Actions Exceeding Density Limitations - In any area where previous actions by either the Town of Vienna or Dane County resulted in a development exceeding its density limitations, 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.
- 1.03.19 Continuation of Existing Development Limitations on Restricted Parcels  
Any deed restriction or otherwise legally enacted limitation on development directly associated with a particular parcel remains in full effect and is not impacted by any policy of this comprehensive plan.
- 1.04 Tenure Policy - Within Agriculture Preservation areas, require that a property owner must own his/her property for a minimum of 20 years prior to the date of application for a rezone or a land division before being able to divide off a parcel, building site with associated preservation area, or lot under density policies of this plan. (See also Section 1.03 Density Policy, and 3.01.2 Zoning for Farm Related Residential Uses)
- 1.04.1 Ownership Transfer to Immediate Family - Where ownership of farm parcels is transferred from one immediate family member to another, the years owned for the original owner will carry forward to the subsequent owner.
- 1.04.2 Applicability of Tenure Policy to Alternative Farm Ownership - Farms that are owned by a legally recognized entity, corporation, or group of persons other than an individual are also subject to this tenure policy. If an existing owner incorporates or establishes ownership with one or more individuals, the ability to divide up the property will be based on the duration of ownership from the original owner (or qualified immediate family member if

the farm has been passed on) so long as that owner (or immediate family member) is part of the corporation and is a majority owner in that corporation. If at any time that owner (or immediate family member) ceases to be a part of the corporation, the ownership duration resets to zero years.

1.04.3 Applicability of Splits Taken During Ownership Period - Any residential splits since January 1, 1986 shall be subtracted from and count against the total available splits from the original parcel.

1.05 Approvals - The approval of land divisions and subdivisions are subject to review by the Town Plan Commission and Town Board based on their evaluation of the criteria defined in this plan, the applicable zoning ordinance, and the requirements of the Town Land Division and Subdivision Ordinance.

1.06 Other Resources - Promote local, state and federal programs and resources that help farming be more economically feasible and foster sustainable agriculture in the Town of Vienna.

1.07 Agricultural Enterprise Area – Continue agricultural land use and investment in the agricultural economy by designating land as an agricultural enterprise area.

**Agricultural Goal 2: Reduce and eliminate the potential for land use conflicts between farm and non-farm uses, as well as between farms.**

*NOTE: Some goals, objectives, and policy recommendations in this plan may be impacted by or subject to statewide livestock operation siting requirements.<sup>7</sup>*

Objective 2.0:

Encourage the location, siting, and design of any new non-agricultural development to be conducted in a manner that does not conflict with neighboring uses.

Policies:

2.01 Use of Onsite Buffers on New Non-Agricultural Development - Any new non-agricultural development is responsible for providing an adequate buffer on its property between itself and existing farm operations. (Existing farms are not responsible for providing a buffer on their property to aide new development on adjacent properties.)

2.02 Siting New Housing Away From Existing Livestock Facilities - Discourage new residential uses from being built within ¼ mile of an existing livestock operation or manure storage facility.

<sup>7</sup>Wisconsin Act 235 was signed in to law on April 13, 2004. The Act can be viewed at: <http://www.datcp.state.wi.us/core/environment/land-water/pdf/03Act235.pdf>. According to the Wisconsin Towns Association, the Wisconsin Livestock Siting Law (Sec. 93.90 of Wis. Statutes, created by 2003 Wis. Act 235) was designed to facilitate the siting of new and expanded livestock facilities in Wisconsin, yet retain some local government authority over facilities covered by the law. The law provided for Department of Agriculture, Trade, and Consumer Protection (DATCP) authority to develop state standards that would apply to covered livestock facilities. DATCP has developed the rule (ATCP 51) which will become effective May 1, 2006 for most designated livestock facilities, if the local government (town or county) want these livestock facilities to be covered by the state standards.

- 2.03 Siting Controls on New Housing - Any residential uses requested to be located in an area zoned Exclusive Agriculture must be done in accordance with appropriate zoning regulations and Town land division and subdivision regulations when applicable, including single-family homes.
- 2.04 Preserving Large Agricultural Parcels - Larger agricultural parcels are to be maintained if possible when siting any development in an agricultural area.<sup>8</sup> Non-agricultural development shall not take place in a designated agricultural enterprise area.
- 2.05 Maintaining Wetlands as Buffers - Maintain existing wetlands as buffers between uses and as natural habitat for wildlife.
- 2.06 Preserving Woodlands as Resource Areas - Preservation of woodlands as groundwater recharge areas and erosion control areas are encouraged whenever feasible.
- 2.07 Siting Based on Productivity and Compatibility - Any proposed development in a primarily agricultural area meeting subdivision requirements should be located on non-productive, non-tillable land that does not significantly threaten or affect natural resources, neighboring properties, existing farm operations, or public safety whenever feasible.

Objective 2.1:

Encourage the siting of intensive agricultural uses (e.g. livestock operations and manure storage facilities) in a manner that is compatible with neighboring uses.<sup>9</sup>

Policies:

- 2.11 Required Agricultural Zoning - Any *new or expanded* livestock farming operation must be sited on an agriculturally zoned parcel.
- 2.12 Impacts to Natural Resources and Neighboring Properties - All *new or expanded* livestock operations are encouraged to minimize or prevent whenever feasible any significant negative impacts to natural resources or neighboring properties.
- 2.13 Applicable Regulations - All *new or expanded* livestock farming operations must meet the Town's Livestock Siting Ordinance, Chapter 14 of the Dane County Zoning Ordinance (Manure Storage), NR 151, NR 243, and ACTP 50 where appropriate.

<sup>8</sup>Subject to state livestock siting regulations.

<sup>9</sup>According to the Wisconsin Towns Association, the Wisconsin Livestock Siting Law (Sec. 93.90 of Wis. Statutes, created by 2003 Wis. Act 235) was designed to facilitate the siting of new and expanded livestock facilities in Wisconsin, yet retain some local government authority over facilities covered by the law. The law provided for Department of Agriculture, Trade, and Consumer Protection (DATCP) authority to develop state standards that would apply to covered livestock facilities. DATCP has developed the rule (ATCP 51) which will become effective May 1, 2006 for most designated livestock facilities, if the local government (town or county) want these livestock facilities to be covered by the state standards.

- 2.14 Best Management Practices - All *new or expanded* livestock farming operations are strongly encouraged to incorporate the most current "Best Management Practices" (or BMP's) as identified by but not limited to the following agencies:
- Dane County
  - Wisconsin Department of Agriculture, Trade and Consumer Protection.
  - Wisconsin Department of Natural Resources
  - National Resource Conservation Service
  - University of Wisconsin Extension
- 2.15 Coordination of Local, County, and State Policies - Work directly with those agencies charged with the implementation of regulating livestock facilities to incorporate policies of the Town's comprehensive plan into their efforts, and to stay informed of any efforts to implement statewide regulations on siting of livestock facilities.

Objective 2.2:

Encourage voluntary educational activities to help farmers coexist with their neighbors.

Policies:

- 2.21 Public Information Efforts - Publish a bi-annual article in the Town newsletter or other media available to the Town that alerts residents of high activity periods for farmers including spreading manure, night-time operations, farm equipment on local roadways, planting, harvesting, etc.
- 2.22 Communication Between Neighbors - Encourage farmers to notify their neighbors in advance of significant spreading of manure or manure hauling operations.

<sup>10</sup> According to the Wisconsin Towns Association, the Wisconsin Livestock Siting Law (Sec. 93.90 of Wis. Statutes, created by 2003 Wis. Act 235) was designed to facilitate the siting of new and expanded livestock facilities in Wisconsin, yet retain some local government authority over facilities covered by the law. The law provided for Department of Agriculture, Trade, and Consumer Protection (DATCP) authority to develop state standards that would apply to covered livestock facilities. DATCP has developed the rule (ATCP 51) which will become effective May 1, 2006 for most designated livestock facilities, if the local government (town or county) want these livestock facilities to be covered by the state standards.

### **Agricultural Goal 3: Establish clear criteria for evaluating requests to rezone Exclusive Agricultural parcels.**

#### Objective 3.0:

Define the criteria and review procedure for considering rezoning of any parcels currently under Exclusive Agricultural zoning.

#### Policies:

- 3.1 Applicable Zoning Ordinances – Any land divided for purposes of building a new single home under the Town’s Land Division and Subdivision Ordinance must be zoned in accordance with relevant zoning requirements (i.e. Dane County or DeForest ETZ).
  - 3.1.1 Zoning for Non-Farm Residential Uses – Proposed new residential uses on an Exclusive Agricultural parcel not related to the existing farm operation may be rezoned to the proper residential zoning classification (based on lot size as defined in the applicable zoning ordinance), not be encumbered as to land uses in any fashion from previous land divisions or rezoning, and reviewed as to its consistency with this comprehensive plan.
  - 3.1.2 Zoning for Farm Related Residential Uses – Proposed new residential uses on an Exclusive Agricultural parcel that are related to the existing farm operation may retain Exclusive Agricultural status if it can be documented that the new residential use is permanently to be used in relation to the existing farm operation by use of a deed restriction or other legally recognized guarantee.<sup>11</sup>
- 3.2 Single-Family Home Sites and Subdivisions - Proposed new single-family home sites should meet the following criteria:
  - 3.2.1 Siting Based on Land Productivity – A proposed new single-family home site created under the Town Land Division and Subdivision Ordinance should be sited on non-productive or non-tillable land whenever possible. Proposed new home sites located in agricultural preservation areas as identified on the proposed land use map of this comprehensive plan must be at least two acres in size to provide for a reserve septic area.
  - 3.2.2 Minimum Buildable Area – Proposed new home sites (i.e. building area) located in agricultural preservation areas must be at least two acres for installation or provision of reserve septic areas. Land divisions for a single-family residential home site must set aside the remainder of the 75 acres to be permanently protected from future development

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<sup>11</sup> This policy is intended to offer guidance to the proper zoning authority as to how land use decisions should be evaluated and enforced..

- 3.2.3 Mitigating Impacts to Natural Resources – A proposed new single-family home site should not significantly threaten or affect natural resources, especially groundwater resources.
- 3.2.4 Siting Based on Compatibility with Neighboring Uses – A proposed new single-family home site should be designed or sited in a manner that is compatible with neighboring agricultural uses or adjacent home sites.
- 3.2.5 Impacts Relating to Driveways and Public Roads – A proposed new single-family home site must be sited in such a manner as to not create unnecessary multiple driveways, driveways of excessive length, or the need for new public roadways unless otherwise required to meet the other objectives and policies of this plan.
- 3.2.6 Preference for Grouping Home Sites on Parcels – If a new single-family home site is proposed on a parcel where there is an existing home or homes, it should be located in close proximity to existing homes in such a manner as to minimize impacts on productive agricultural lands whenever reasonable.
- 3.3 Number of Units per Lot Allowed – New residential development is limited to one unit per lot within the Town.
- 3.4 Applicability of Land Division and Subdivision Ordinance to Multiple Single-Family Lot Proposals – Proposed multiple single-family dwellings, lots or residential units (e.g. residential subdivisions) must meet all Town Land Division and Subdivision Ordinance requirements unless proposed in an adopted urban service area. Any proposed development with multiple (more than one) single-family units (or homes) would be limited to one split (or lot) per unit (or home) within agricultural preservation areas, and is limited to one unit (or home) per lot. Multi-Family residential uses are strongly discouraged within the Town, including but not limited to duplexes, tri-plexes, four-plexes, and other multiple-unit residential structures such as apartments, condominiums and zero-lot line town homes.
- 3.5 Utility Availability for Multiple Single Family Lot or Qualified Multiple Single-Family Unit Proposals – Proposals for multiple single-family dwellings, lots or residential units (e.g. residential subdivisions) may only be developed in areas where public sanitary sewer service is readily available and as identified in this comprehensive plan. There are currently two potential multi-unit single-family subdivision developments located directly between existing subdivision developments in the southeast part of the Town at this time (*see the Proposed Land Use Map*).

- 3.6 Fiscal/Economic Impact Analysis – Any proposed residential development that would require a rezoning *may* be required to complete a fiscal/economic impact analysis on anticipated service costs and revenue generation prior to issuance of a building permit, zoning certificate or other required Town Board approval.<sup>12</sup> Requirements of this analysis will be provided by the Town of Vienna, and will be standardized for all proposed development.
- 3.7 Impacts Relating to Driveways and Public Roads – Any new or expanded development that would require a rezoning must be sited in such a manner as to not create excessive driveways or the need for new public roadways unless 1) the development is part of an approved plat or 2) the development has been sited to meet other objectives and policies of this plan.
- 3.8 Allocation of Splits (e.g. Additional Land Divisions) – If rezoned from Exclusive Agriculture, split restrictions on future development on that parcel(s) will remain with that parcel by default unless otherwise agreed upon by the Town. Specifically, a first owner under this policy would have one split immediately available, and that owner could not utilize any further splits until they had owned the property for 20 years—regardless of how many splits were available under the previous policy. Furthermore, subsequent owners would have to wait the full 20 years to divide off any property for building purpose. (See also 1.03.12 on p. 7)
- 3.8.1 Additional Land Division Restrictions on Parcels - Additional restrictions for future uses may be negotiated as a condition of approval from the Town. Any such restrictions will be recorded on the property deed unless otherwise agreed upon between the landowner and the Town.
- 3.9 Waiver of Split Restrictions – Restrictions on residential splits may also be waived at the discretion of the Town if eliminating such restrictions does not permit development contrary to this land use plan.
- 3.10 General Commercial Uses – Requests for rezoning for general commercial uses will only be considered in the Commercial Development District with the Village of DeForest as identified on the Proposed Land Use Map.<sup>13</sup>
- 3.11 Limited Agriculture Related Commercial Uses – Limited agriculture related commercial uses requiring a rezoning may be considered in other areas of the Town if:
- 3.11.1 Proposed Customer Service Area – The primary market served by such a use is local farmers.

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<sup>12</sup> An individual single family home will not be required to conduct a fiscal/economic impact analysis

<sup>13</sup> Mutual adoption of a joint land use map for this area by both the Town of Vienna and the Village of DeForest is strongly recommended. The Town has currently defined commercial zoning districts within the ETZ area.

- 3.11.2 Compatibility with Agricultural Uses – The proposed use does not disrupt existing agricultural lands operations.
- 3.11.3 Compatibility with Residential Uses – The proposed use does not create a conflict with neighboring residential uses (e.g. excessive traffic, noise, dust, light, etc.).
- 3.11.4 Reuse and Rehabilitation of an Existing Property – The site is an appropriate, safe reuse of a parcel not currently usable in its current state for agriculture or residential use due to its previous use.
- 3.11.5 Voluntary Restrictions on Business Operations – The petitioner formally agrees to not expand the proposed business to a degree that goes against the previous criteria (i.e. through a development agreement).
- 3.12 Limited Reuse of Agricultural Buildings - Limited, low-intensity non-agricultural use of existing agricultural related buildings<sup>14</sup> with excess capacity may be permitted without a change in zoning if<sup>15</sup>:
- 3.12.1 Limited Traffic Impacts – The additional use does not generate more than 10 trips per day by persons not directly involved in the farming operation.
- 3.12.2 Restrictions on Outdoor Storage – The additional use does not require outdoor storage of vehicles, or other materials.
- 3.12.3 Compatibility with Residential Uses – The additional use does not create a conflict with neighboring residential uses (e.g. traffic, noise, dust, light, etc.).
- 3.12.4 Signage – Signage is subject to the following restrictions:
- a) Size – No more than one sign totaling less than 10 square feet is permitted.
  - b) Lighting – No lighting or other electric illumination is permitted.
  - c) Location – The sign must be hung on the building structure where the limited, low-intensity non-agricultural use is located.
- 3.13 Reuse of Inactive Quarry Facilities – Limited reuse/rezoning for an inactive quarry facility may be considered if:

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<sup>14</sup> The construction of new buildings for commercial use on agricultural parcels is not permitted, unless the owner rezones the applicable parcel or portion of the parcel.

<sup>15</sup> While the Town does not have the authority to allow a use change without County approval or possibly a County zoning change, the Town does make a recommendation based on the policies of this planning document.

- 3.13.1 Accelerated Reclamation – The quarry facility in question will be reclaimed to a level and schedule mutually agreed to between the Town and the owner prior to the development of the proposed use.
- 3.13.2 Traffic Safety – The location of the proposed use does not adversely impact Town roadways, create unsafe travel conditions, or cause undue maintenance of roadways by the Town without adequate compensation from the owner/operator to the Town.
- 3.13.3 Compatibility with Agricultural Uses – The proposed use does not disrupt existing agricultural lands operations.
- 3.13.4 Compatibility with Residential Uses – The proposed use does not create a conflict with neighboring residential uses (e.g. traffic, noise, dust, light, etc.).
- 3.13.5 Reuse and Rehabilitation of an Existing Property – The site is an appropriate, safe reuse of a parcel not currently usable in its current state for agriculture or residential use due to its previous use.
- 3.13.6 Voluntary Restrictions on Business Operations – The petitioner formally agrees to not expand the proposed business to a degree that goes against the previous criteria (i.e. development agreement).
- 3.13.7 Site Planning and Landscaping – A formal site plan and landscaping plan is prepared by the petitioner to allow for comment and approval by the Town Plan Commission and the Town Board.
- 3.13.8 Environmental Assessment Requirement – An environmental assessment is prepared by the petitioner to allow for comment and approval by the Town Plan Commission and the Town Board. (A full environmental impact analysis may be required by the Town Board if the Environmental Assessment (EA) does not satisfactorily address all known and potential environmental concerns.)
- 3.13.9 Cessation of Mining Activity – The petitioner waives the right to conduct any further mineral extraction on the site.
- 3.13.10 Regulatory Measures – The development of the proposed use must follow all applicable Town, County and State ordinances and regulations.
- 3.13.11 Compliance with Comprehensive Plan – The proposed use meets all other requirements outlined in this plan (including the section on Mineral Extraction uses.)

- 3.14 Industrial Uses – No industrial uses are currently designated in the Town Proposed Land Use Plan.
- 3.15 Fiscal/Economic Impact Analysis – Any proposed commercial, industrial or other *non-agricultural* development that would require a rezoning *may* be required to complete a fiscal/economic impact analysis on anticipated service costs and revenue generation prior to issuance of a building permit, zoning certificate or other required Town Board approval.<sup>16</sup> Requirements of this analysis will be provided by the Town of Vienna and will be standardized for all proposed development.
- 3.16 Impacts Relating to Driveways and Public Roads – Any new or expanded commercial, industrial or other *non-agricultural* development that would require a rezoning must be sited in such a manner as to not create excessive driveways or the need for new public roadways unless 1) the development is part of an approved plat or 2) the development has been sited to meet other objectives and policies of this plan.
- 3.17 Splits After Rezoning – If rezoned from Exclusive Agriculture, split restrictions on commercial development designated in this plan do not remain with that parcel by default. However, the Town may require split restrictions if it is determined that the site may be converted to residential uses in the future, or if farmland preservation efforts would be best served by requiring some degree of limitation on future splits. Such uses would need to be in compliance with other ordinances and policies of this plan. Any restrictions would be negotiated as a part of the approval process.
- 3.18 Mechanism to Document and Track Use Restrictions – Additional restrictions may be negotiated as a condition of approval from the Town. Any such restrictions will be recorded on the property deed unless otherwise agreed upon between the landowner and the Town.

**Agricultural Goal 4 (*Mineral Extraction*): Develop additional 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 Vienna.**

Objective 4.0:

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 Vienna.

Policies:

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<sup>16</sup> An individual single family home will not be required to conduct a fiscal/economic impact analysis

- 4.1 Evaluation of Proposed Quarry Sites – The Town of Vienna will evaluate any proposed quarry use to see if it is consistent with the Town Comprehensive Plan and neighboring uses.
- 4.1.1 Compatibility with Agricultural Uses – That it is not an activity that will limit the use of surrounding land for agricultural purposes.
- 4.1.2 Compliance with Farmland Preservation Agreement and Regulations – That it is not an activity which will conflict with agricultural operations subject to a farmland preservation agreement (or zoning certificate) on the subject property.
- 4.1.3 Compatibility with Existing or Planned Uses – That it is not an activity that will conflict with 1) existing agricultural operations on other properties, 2) existing or planned residential uses, or 3) existing or planned commercial uses.
- 4.2 Acreeage Cap Guideline – The Town of Vienna establishes a policy guideline that no more than **975** acres<sup>17</sup> be approved for mineral extraction sites within the Town at any one time *unless* the owner/operator of a site enters into an agreement with the Town of Vienna that address the appearance, access, impacts, potential nuisances, overall safety, and the timely reclamation of proposed sites. *This guideline does not automatically limit the maximum number of open acres nor automatically approve a proposed site that falls within the acreage guideline.*
- 4.3 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
- 4.3.1 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).
- 4.3.2 Chapter 30 - DNR Administrative Code
- 4.3.3 Village of DeForest Extraterritorial Zoning Code
- 4.4 Conditional Use Permit Requirements – All proposed operations must obtain a Conditional Use Permit ("CUP") under the Dane County Zoning Ordinance and/or the Village of DeForest Extraterritorial 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 or the Village of DeForest (via the ETZ Committee) and must meet all applicable requirements of Dane County or the Village of DeForest and the State of Wisconsin. Proposing operators will be required to meet or exceed all applicable public hearing requirements, including

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<sup>17</sup> Based on research from the Town Clerk and Dane County Planning, there are currently 826 approved acres in the Town of Vienna as of March 28, 2005. The Town reserves the right to amend this guideline as necessary. The Town is proposing to use 150 acres as a planned growth figure if the approved figure is amended or updated.

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.)

- 4.5 Application Submittals – A complete copy of the Dane County application or the Village of DeForest Extraterritorial Zoning Application must be submitted to the Town as a part of the conditional use process.
- 4.6 Required Operational Agreement with the Town of Vienna – 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 Vienna that addresses appearance, access, potential impacts, potential nuisances, overall safety, and timely reclamation.
  - 4.6.1 Emphasis on Reclamation of Existing Sites – Owner/operators with existing sites in the Town of Vienna 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 is strongly recommended. The Town Plan Commission and Town Board will consider reclamation efforts for existing sites more favorably than mere screening alone.*
  - 4.6.2 Agreement as a Condition of Town Approval – Operational agreements between the operator and the Town of Vienna 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 4.1:

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

Policies:

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

- 4.11.1 Review of Operational Agreements – Operational agreements will be reviewed on an annual basis unless otherwise agreed upon, and such agreements will be required to be renewed before continued operations will be allowed.
- 4.11.2 Potential for Additional Requirements – Individual requirements more stringent than established minimums may be negotiated by the Town of Vienna and the owner/operator of the proposed mineral extraction operation as conditions of Town approval of the conditional use permit.
- 4.11.3 Justification for Conditions and Restrictions in Operational Agreements – The Town of Vienna 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.
- 4.12 Minimum Terms and Covenants – Any agreement required for a recommendation of approval by the Town of Vienna to Dane County must meet or at least address the minimum terms and covenants as outlined as follows:
- 4.12.1 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. There shall be a minimum 150 feet setback from the conditional use permit (CUP) boundary unless otherwise agreed upon from the perimeter of the property where no mining will occur.
- 4.12.2 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.
- 4.12.3 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 annually unless otherwise agreed upon by the Town Board to insure compliance with its terms. The projected duration of operation shall be included in the agreement.

4.12.4 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 will 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.
- 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.

4.12.5 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. 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. recommended), 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 Vienna 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 Vienna. 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 Vienna 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 the University of Wisconsin-Madison Department of Geological Sciences 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 University of Wisconsin-Madison Department of Geological Sciences 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 eight 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. 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 Vienna. 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 Engineer. 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 Engineer<sup>18</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.
- f) Hours of Operation. Hours of operation for trucking and crushing shall be identified and agreed upon (6:00 a.m. to 4:00 p.m. recommended), not including maintenance time, Monday through Friday. These hours may be expanded with the approval of the Town Board if the quarry operations are being performed for public contracts. Operations on Saturdays, Sundays and nationally recognized holidays are not allowed unless written permission is obtained from the Town Board.

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<sup>18</sup> The Town Engineer 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."

- 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. 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 Vienna. 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, 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.

4.12.6 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>19</sup> Operator shall post a bond or letter of credit in an amount equal or exceeding the estimated cost of reclamation as agreed between the operator and the Town of Vienna payable to the

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<sup>19</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.

Town of Vienna to insure compliance with the reclamation plan.<sup>20</sup> The Town of Vienna 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.

- 4.12.7 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.
- 4.12.8 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.
- 4.12.9 Perimeter Fencing. Operator shall maintain adequate perimeter fencing as required by the Town of Vienna, 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.
- 4.12.10 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.

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<sup>20</sup> These funds must be available at all times for at least 18 months after reclamation is completed. A minimum amount of \$1,500 per acre (above and beyond any amounts required by Dane County) is recommended, unless otherwise agreed upon by the Town.

- 4.12.11 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 a Town Board representative, one representative from the property owners or neighboring residents within the predetermined radius of the property, and a Plan Commission representative. The Town Board will select the members of the Committee. 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.
- 4.12.12 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.
- 4.12.13 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.

- 4.12.14 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>21</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.
- 4.12.15 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.
- 4.12.16 Severability. If any portion of the agreement is held invalid, the remainder of the agreement shall not be affected thereby.
- 4.12.17 Recording. It is understood that the agreement may be recorded with the Dane County Register of Deeds.
- 4.12.18 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 Village of DeForest is vested with the final decision-making authority as to whether to grant a Conditional Use Permit for mineral extraction, dependent upon whether or not the proposed site is in or out of the Extraterritorial Jurisdiction of the Village of DeForest.
- 4.12.19 Applicable Law. The agreement shall be interpreted according to the laws of the State of Wisconsin.
- 4.12.20 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.

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<sup>21</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.

4.12.21 Required Escrow Amounts. The Town of Vienna reserves the right to require stand alone escrow deposits from the owner/operator.

- a) Landscaping – A minimum dollar amount<sup>22</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 Vienna 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 Engineer shall make a determination when landscaping as 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 Engineer 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 per affected mile of Town road as determined by the Town Engineer may be required for operations that utilize Town roadways.<sup>23</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 Vienna 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 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.

<sup>22</sup> A minimum of \$10,000 is recommended. The final amount should be based on anticipated landscaping costs.

<sup>23</sup> A PASER rating of 7 will be the standard utilized to evaluate the condition of affected roadways.

## Element 2 - Housing Goals, Objectives and Policies

*(NOTE: These goals, objectives and policies refer to areas designated as “Single Family Residential” on the Proposed Land Use Maps. Specific land use related policies are defined in the Land Use Element. Currently, only a limited amount of infill development is identified on the proposed land use map. This does not preclude future amendments being proposed or added under this section, and therefore serves as a placeholder if such amendments occur. )*

**Housing Goal 1: Continue to maintain the Town’s rural character through the preservation of agriculture and the discouraging of housing development that conflicts or could conflict with agriculture.** *(See Agricultural Section of this Plan)*

### Objective 1.0:

Emphasize the preservation of agriculture as the primary land use in the Town of Vienna through the enforcement of state statutes, county zoning ordinances and Town Land Division and Subdivision regulations. *(See Agricultural Section of this Plan)*

### Policies:

- 1.1 Applicability of the Town Land Division and Subdivision Ordinance – Update and maintain the Town’s Land Division and Subdivision Ordinance as the primary tool to control residential development within the Town. *(See Agricultural Section of this Plan)*
- 1.2 Review of Proposals for a New Single-Family Home Site – Requests for single-family homes will be evaluated on a case-by-case basis in accordance with the policies defined in this plan as well as Town ordinances.
- 1.3 Location of Proposed Residential Uses – Residential uses in agricultural areas are only allowed within the guidelines of this plan and its maps, the regulations of this zoning classification, any associated encumbrances on a parcel from previous land division or rezoning, and the Town Land Division and Subdivision Ordinance<sup>24</sup>.
- 1.4 Density Policy for Agriculture Preservation Areas – Within Agricultural Preservation areas that are outside of approved urban service areas, limit non-farm residential development to a maximum density of one unit per 75 contiguous acres. Enforcement of this policy will be primarily achieved through the Town of Vienna Land Division and Subdivision Ordinance, and other policies of this comprehensive plan. (Also see the Agricultural Element of this plan.) Implementation of this policy will be primarily achieved through a combination

<sup>24</sup> The Town Land Division and Subdivision Ordinance supersedes the Exclusive Agricultural Zoning lot size requirements so long as it remains more restrictive than county regulations.

of A-1 Exclusive Agriculture zoning, and enforcement of the Town of Vienna Land Division and Subdivision Ordinance.<sup>25</sup>

- 1.4.1 Exemptions from Density Policy in Agricultural Preservation Areas – Immediate family members are permitted to divide off a lot or parcel for purposes of building a home without meeting the minimum acreage requirement through December 31, 2008. After this date, all persons wishing to divide or subdivide land in an Agricultural Preservation area must meet all requirements of the Town’s density and tenure policies. Enforcement of these policies will be primarily achieved through the Town of Vienna Land Division and Subdivision Ordinance.
- 1.4.2 Related Definitions and Split Policies for Ag Preservation Areas – Please see the Agricultural Element of this Plan for additional information.
- 1.5 Density Policy for Urban Service Areas – Densities within existing urban service areas or limited urban service areas shall be consistent with existing development within the Urban Service Area, and will be subject to the applicable zoning ordinance (either Dane County Zoning Ordinance or Village of DeForest ETZ Ordinance), the ability to connect to public sanitary utilities, and overall compatibility with existing uses within the area.
- 1.6 Tenure Policy – Within Agriculture Preservation areas, require that a property owner must own his/her property for a minimum of 20 years prior to the date of application for a rezone or a land division before being able to divide off a parcel, building site with associated preservation area, or lot under density policies of this plan. Enforcement of this policy will be primarily achieved through the Town of Vienna Land Division and Subdivision Ordinance. Areas within designated urban service areas are not subject to the Town of Vienna Land Division and Subdivision Ordinance.
  - 1.6.1 Exemptions from the Tenure Policy – The tenure policy does not apply to the following situations:
    - a) Separation of existing farm buildings from the primary residence would be exempt from this policy.
    - b) This tenure policy would not be applicable in approved urban service areas or limited urban service areas.
    - c) Available splits for immediate family members may be proposed through December 31, 2008.
- 1.7 Zoning for Farm Related Residential Uses – The applicable zoning classification for rural residential uses within agricultural areas that are outside of the

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<sup>25</sup> The land division and subdivision ordinance does not apply to approved urban service areas. See Housing Element for details.

extraterritorial zoning jurisdiction of the Village of DeForest is the Exclusive Agriculture classification of the Dane County Zoning Ordinance. The applicable zoning ordinance within the extraterritorial zoning jurisdiction of the Village of DeForest is the adopted ETZ Ordinance.

- 1.8 Zoning for Non-Farm Residential Uses – The applicable zoning classifications for non-farm related residential uses outside of the extraterritorial zoning jurisdiction of the Village of DeForest is the Rural Housing (RH) and Residential (R) Districts of the Dane County Zoning Ordinance<sup>26</sup> The applicable zoning ordinance within the extraterritorial zoning jurisdiction of the Village of DeForest is the adopted ETZ Ordinance. The appropriate zoning category for the proposed use will be based upon whether or not urban services are available (namely water and sewer) or adequate soils for septic and well-drilling are available, the area is not encumbered as to future land uses in any fashion from previous land divisions or rezoning, and the proposed use is compatible with existing uses in the area.
- 1.9 Locations of New Subdivisions – There are currently two potential single-family residential subdivision developments located directly between existing single-family subdivision developments in the southeast part of the Town at this time (*see the Proposed Land Use Map*). No other areas have been identified as this time.

**Housing Goal 2: Reduce and eliminate the potential for land use conflicts between farm and residential uses.**

***NOTE: Some goals, objectives, and policy recommendations in this plan may be impacted by or subject to statewide livestock operation siting requirements.***

Objective 2.0:

Encourage the location, siting, and design of any new residential development to be conducted in a manner that does not conflict with neighboring uses.

Policies:

- 2.1 Access to Sanitary Sewer Services – Multiple dwellings, lots or residential units (e.g. residential subdivisions) may only be developed in areas where public sanitary sewer service is readily available.
- 2.2 Use of Adequate Buffers Between New Residential Uses and Existing Agricultural Uses – Any new residential development is responsible for providing an adequate buffer on its property between itself and existing farm operations. (Existing farms are not responsible for providing a buffer on their property to aide new residential development on adjacent properties.)

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<sup>26</sup> A two-acre lot size is required to ensure adequate area for a septic system, and only one unit is permitted for each lot.

- 2.3 Siting of Residential Uses Away from Livestock Facilities – Discourage new residential uses from being built within ¼ mile of an existing livestock operation or manure storage facility.
- 2.4 Rezoning of Exclusive Agricultural Parcels – Any residential uses requested to be located in an area zoned Exclusive Agriculture must be done in accordance with appropriate zoning regulations and Town subdivision regulations, including single-family homes.
- 2.5 Preserving Large Agricultural Parcels – Larger agricultural parcels are to be maintained as much as possible when siting residential development in an agricultural area.
- 2.6 Maintaining Buffers Between Wetlands and Residential Uses – Maintain buffers between existing wetlands and residential uses.
- 2.7 Maintaining Wetlands as Buffers from Other Natural Areas – Utilize existing wetlands as buffers between uses and as natural habitat for wildlife.
- 2.8 Preserving Woodlands as Resource Areas – Preservation of woodlands as groundwater recharge areas and erosion control areas are encouraged wherever feasible when siting new residential development.
- 2.9 Siting Based on Productivity and Compatibility – Any proposed residential development in a primarily agricultural area meeting subdivision requirements should be located on non-productive, non-tillable land that does not significantly threaten or affect natural resources, neighboring properties, existing farm operations, or public safety whenever feasible.

Objective 2.1:

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

Policies:

- 2.11 Preserve large, contiguous parcels to allow for potential intensive agricultural uses where feasible and appropriate.
- 2.12 See Agricultural Element of this plan for specific siting recommendations for livestock facilities and residential uses within proximity to each other.

**Housing Goal 3: Establish clear criteria for evaluating requests to rezone Exclusive Agricultural parcels for residential uses.**

Objective 3.0:

Define the criteria and review procedure for rezoning any parcels currently under Exclusive Agricultural zoning.

Policies:

- 3.1 Applicable Zoning Ordinances – Any land divided for purposes of building a new single home under the Town’s Land Division and Subdivision Ordinance must be zoned in accordance with relevant zoning requirements (i.e. Dane County or DeForest ETZ).
  - 3.1.1 Zoning for Non-Farm Residential Uses – Proposed new residential uses on an Exclusive Agricultural parcel not related to the existing farm operation shall be rezoned to the proper residential zoning classification (based on lot size as defined in the applicable zoning ordinance), not be encumbered as to land uses in any fashion from previous land divisions or rezoning, and reviewed as to its consistency with this comprehensive plan. Such a rezoning shall be in accordance with Town and County procedures and requirements.
  - 3.1.2 Zoning for Farm Related Residential Uses – Proposed new residential uses on an Exclusive Agricultural parcel that are related to the existing farm operation may retain Exclusive Agricultural status if it can be documented that the new residential use is permanently to be used in relation to the existing farm operation by use of a deed restriction or other legally recognized guarantee.
- 3.2 Single-Family Home Sites and Subdivisions - Proposed new single-family home sites should meet the following criteria:
  - 3.2.1 Siting Based on Land Productivity – A proposed new single-family home site created under the Town Land Division and Subdivision Ordinance should be sited on non-productive or non-tillable land whenever possible. Proposed new home sites located in agricultural preservation areas as identified on the proposed land use map must be at least two acres in size for installation or provision of reserve septic areas.
  - 3.2.2 Minimum Buildable Area – Proposed new home sites (i.e. building area) located in agricultural preservation areas must be at least two acres in size for installation or provision of reserve septic areas. Land divisions for a single-family residential home site must set aside the remainder of the 75 acres to be permanently protected from future development.

- 3.2.3 Mitigating Impacts to Natural Resources – A proposed new single-family home site should not significantly threaten or affect natural resources, especially groundwater resources.
- 3.2.4 Siting Based on Compatibility with Neighboring Uses – A proposed new single-family home site should be designed or sited in a manner that is compatible with neighboring agricultural uses or adjacent home sites.
- 3.2.5 Impacts Relating to Driveways and Public Roads – A proposed new single-family home site must be sited in such a manner as to not create unnecessary multiple driveways, driveways of excessive length, or the need for new public roadways unless otherwise required to meet the other objectives and policies of this plan.
- 3.2.6 Preference for Grouping Home Sites on Parcels – If a new single-family home site is proposed on a parcel where there is an existing home or homes, it should be located in close proximity to existing homes in such a manner as to minimize impacts on productive agricultural lands whenever reasonable.
- 3.3 Number of Units per Lot Allowed – New residential development is limited to one unit per lot within the Town.
- 3.4 Applicability of Land Division and Subdivision Ordinance to Multiple Single-Family Lot Proposals – Proposed multiple (more than one) single-family dwellings, lots or residential units (e.g. residential subdivisions) must meet all Town Land Division and Subdivision Ordinance requirements unless proposed in an adopted urban service area. Any proposed development with multiple (more than one) single-family units (or homes) would be limited to one split per unit (or home) within agricultural preservation areas, and is limited to one unit (or home) per lot. Multi-Family residential uses are strongly discouraged within the Town, including but not limited to duplexes, tri-plexes, four-plexes, and other multiple-unit residential structures such as apartments, condominiums and zero-lot line town homes
- 3.5 Utility Availability for Multiple Single Family Lot or Qualified Multiple Single-Family Unit Proposals – Proposals for multiple single-family dwellings, lots or residential units (e.g. residential subdivisions) may only be developed in areas where public sanitary sewer service is readily available and as identified in this comprehensive plan. There are currently two potential multi-unit single-family subdivision developments located directly between existing subdivision developments in the southeast part of the Town at this time (*see the Proposed Land Use Map*).
- 3.6 Fiscal/Economic Impact Analysis – Any proposed residential development that would require a rezoning *may* be required to complete a fiscal/economic impact

analysis on anticipated service costs and revenue generation prior to issuance of a building permit, zoning certificate or other required Town Board approval.<sup>27</sup> Requirements of this analysis will be provided by the Town of Vienna, and will be standardized for all proposed development.

- 3.7 Impacts Relating to Driveways and Public Roads – Any new residential development that would require a rezoning must be sited in such a manner as to not create excessive driveways or the need for new public roadways unless 1) the development is part of an approved plat or 2) the development has been sited to meet other objectives and policies of this plan.
- 3.8 Allocation of Splits – If rezoned from Exclusive Agriculture, split restrictions on future development on that parcel(s) will remain with that parcel by default unless otherwise agreed upon by the Town.
  - 3.8.1 Additional Restrictions on Parcels - Additional restrictions may be negotiated as a condition of approval from the Town. Any such restrictions will be recorded on the property deed unless otherwise agreed upon between the landowner and the Town.
  - 3.8.2 Waiver of Split Restrictions – Restrictions on splits may also be waived at the discretion of the Town if eliminating such restrictions does not permit development contrary to this land use plan.

#### **Housing Goal 4: Work with neighboring jurisdictions to identify the future development of Smart Growth areas for residential development.**

##### Objectives and Policies:

- 4.1 Smart Growth Areas for the Town – Preserve agriculture and limit residential development in the Town of Vienna as described in previous sections of this plan. (Housing development is not actively promoted within the Town)
- 4.2 Affordable Housing Policy – Work with neighboring municipalities to plan for opportunities for a range of affordable homes for all incomes, ages, and persons with special needs. (The provision of housing alternatives for a wide array of needs is best addressed in urbanized areas with public utility access.)
- 4.3 Jointly Plan for Higher Density Housing with Neighboring Municipalities – Work with neighboring municipalities to plan for opportunities for the development or redevelopment of low-income and moderate income housing in urbanized areas with public utility access. (Both Waunakee and DeForest currently have phasing limits on new housing units.)

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<sup>27</sup> An individual single family home will not be required to conduct a fiscal/economic impact analysis

- 4.4 Encourage Care of Local Housing Stock – Create and publish an article in the Town newsletter or other media available to the Town to inform residents of resources on home rehabilitation and maintenance.

### Element 3 - Economic Development Goals, Objectives and Policies

*(NOTE: These goals and objectives refer to areas designated as "Highway Commercial" and "Light Industrial/Warehousing" on the Proposed Land Use Maps. Specific land use related policies are defined in the Land Use Element.)*

#### **Economic Development Goal 1: Continue to maintain the Town's rural character through the selective location of light industrial or commercial uses that do not conflict with existing agricultural uses.**

##### Objective 1.0:

Attract and retain the types of industrial and commercial uses that meet the priorities of the Town, targeting the 1-39/90/94 interchange area.

##### Policies:

- 1.01 Desired Characteristics of Commercial Uses - Proposed commercial or industrial uses must do the following:
  - 1.01.1 Compatibility - Maintain a high degree of compatibility with existing uses.
  - 1.01.2 Sustainability - Maintain a sustainable revenue to cost ratio over the long term.
  - 1.01.3 Mitigation of Potential Negative Impacts - Minimize potential negative impacts on the surrounding community.
  - 1.01.4 Enhancement of Tax Base - Create sufficient tax base.
  - 1.01.5 Enhancement of the Local Economic Base - Diversify and stabilize the local economic base.
- 1.02 Utility Access for Interchange Area - Any proposed larger commercial and light industrial uses should be located in the Town in those areas designated for development in proximity of the I-39/90/94 interchange and connected to public utilities. These uses may include but are not limited to warehousing uses, professional offices, and light manufacturing.
- 1.03 Compatibility with Existing Uses - Proposed commercial and light industrial uses within the Town in the immediate area of the 1-39/90/94 interchange should be located and designed in a manner that will not adversely impact the value or use potential for commercial uses on adjacent properties.

- 1.04 Design Standards - Development in this area should be subject to a minimum design standard to help enhance the value of such developments and to help maintain a minimum level of aesthetic coordination. Note: The Village of DeForest ETZ ordinance contains specific development design standards that are required. A development within this ETZ is also subject to any additional standards included in any commercial or developer plat covenants.
- 1.05 Regional Market Uses - Highway commercial uses targeted for regional traffic such as restaurants, hotel/conference center, and a water park would be permitted if compatibility with the rest of the area can be assured.
- 1.06 High Traffic Uses - Any proposed uses that have the potential for significant traffic generation should be located in a manner as to minimize the impact on the Town.
- 1.07 Local Market Uses - Compatible, low impact commercial uses that primarily serve Town residents and the Village of DeForest will be encouraged to locate in area around the 1-39/90/94 interchange as designated on the Proposed Land Use Map.
- 1.08 Reuse of Inactive Quarries - Limited reuse/rezoning for commercial uses in an inactive quarry facility may be considered if:
  - 1.08.1 Accelerated and Completed Reclamation - The quarry facility in question will be reclaimed to a level and schedule mutually agreed to between the Town and the owner prior to the development of the proposed use.
  - 1.08.2 No Impact to Town Transportation Infrastructure - The proposed use will not 1) damage affected Town roadways, 2) cause excessive maintenance, or 3) require existing Town roads to be redesigned and new improvements constructed due to high traffic or use by heavy vehicles.
  - 1.08.3 Compatibility with Existing Agriculture - The proposed use does not disrupt existing agricultural lands operations.
  - 1.08.4 Compatibility with Existing Residential Uses - The proposed use does not create a conflict with neighboring residential uses (e.g. traffic, noise, dust, light, etc.).
  - 1.08.5 Exhaustion or Non-Feasibility of Other Alternative Uses - The site is an appropriate, safe reuse of a parcel not currently usable in its current state for agriculture or residential use due to its previous use.
  - 1.08.6 Limited Operation of Proposed Commercial Use - The petitioner formally agrees to not expand the proposed business to a degree that goes against the previous criteria (i.e. development agreement)

- 1.08.7 Presentation of Site Plan for Town Approval - A formal site plan and landscaping plan is prepared by the petitioner to allow for comment and approval by the Town Plan Commission and the Town Board.
- 1.08.8 Environmental Assessment or Impact Studs - An environmental assessment is prepared by the petitioner to allow for comment and approval by the Town Plan Commission and the Town Board. (A full environmental impact analysis may be required by the Town Board if the Environmental Assessment (EA) does not satisfactorily address all known and potential environmental concerns.)
- 1.08.9 Cessation of Mineral Extraction Activities - The petitioner waives the right to conduct any further mineral extraction on the site.
- 1.09 Agricultural Related Commercial Uses - Limited agriculture related commercial uses requiring a rezoning may be considered in other areas of the Town if:
  - 1.09.1 Local Market/Customer Base - The primary market served by such a use is local farmers.
  - 1.09.2 Compatibility with Existing Agriculture - The proposed use does not disrupt existing agricultural lands operations.
  - 1.09.3 Compatibility with Existing Residential Uses - The proposed use does not create a conflict with neighboring residential uses (e.g. traffic, noise, dust, light, etc.).
  - 1.09.4 Exhaustion or Non-Feasibility of Other Alternative Uses - The site is an appropriate, safe reuse of a parcel not currently usable in its current state for agriculture or residential use due to its previous use.
  - 1.09.5 Limited Operation of Proposed Commercial Use - The petitioner formally agrees to not expand the proposed business to a degree that goes against the previous criteria (i.e. through a development agreement)
  - 1.09.6 Agricultural Enterprise Area – The agricultural business is located within a designated agricultural enterprise area.
- 1.10 Regulatory Standards - The development of the proposed use must follow all applicable Town, county and state ordinances and regulations.
- 1.11 Marketing for the Area - The Town will continue to work with the Village of DeForest Chamber of Commerce and the Village of DeForest as the primary marketing agencies to promote the development of the lands surrounding the 1-39/90/94 interchange.

- 1.12 Joint Planning of Interchange Commercial District - The Town proposes to work with the Village of DeForest and the Extraterritorial Zoning Committee to define the most appropriate commercial uses for the interchange area through a joint land use planning process and to implement the most appropriate land use controls to protect the integrity of this development area.
  
- 1.13 Fiscal/Economic Impact Analysis - Any proposed commercial development that would require a rezoning *may* be required to complete a fiscal/economic impact analysis on anticipated service costs and revenue generation prior to issuance of a building permit, zoning certificate or other required Town Board approval.<sup>28</sup> Requirements of this analysis will be provided by the Town of Vienna, and will be standardized for all proposed development.

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<sup>28</sup> An individual single-family home will not be required to conduct a fiscal/economic impact analysis

## Element 4 - Utility & Community Facility Goals, Objectives and Policies

### **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.<sup>29</sup>**

#### Objective 1.0:

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

#### Policies:

- 1.1 Protection of Groundwater – Restrict or prohibit any land uses that could damage or threaten groundwater supplies.
- 1.2 Maintain Groundwater Testing Program – Maintain the Town's groundwater testing program to monitor for possible contamination (e.g. atrazine) and to protect drinking water supplies.
- 1.3 Cooperate on Preserving Firefighting Capabilities in the Commercial District – Continue to work with the Village of DeForest to ensure adequate service and fire protection flows to those areas (i.e. commercial districts) within the Town near the I-39/90/94 interchange.
- 1.4 Monitoring and Maintenance of Existing Private Wells – Ensure that existing private wells are properly maintained and monitored through inspections as necessary.
- 1.5 Proper Installation of New Private Wells – Ensure that new private wells are properly installed according to Wisconsin DNR and Dane County regulations through inspections.
- 1.6 Utility District No. 1 Public Water Service - Continue to provide public water service in Utility District No. 1 and plan for the potential future expansion of Utility District No. 1 and the Town's urban service area to appropriate areas as consistent with the comprehensive plan.
- 1.7 Establishment of New or Expanded Urban Service Areas – Any proposed new or expanded 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

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<sup>29</sup>

Utility District No. 1 is serviced with water from the Village of DeForest and sanitary service by the Town of Vienna. Utility District No. 2 is currently serviced with sanitary sewer from the Town of Vienna, and there are not currently any plans to service this area with water during the life of this plan (20 years).

formal adoption/amendment process identified in this plan must be followed to consider and potentially approve a formal amendment to this plan.

Objective 1.1:

- Provide reasonable access to adequate and safe disposal of wastewater and management of stormwater throughout the Town.

Policies:

- 1.11 Protection of Groundwater – Restrict or prohibit land uses that could threaten groundwater supplies.
- 1.12 Mandatory Connection to Public Sanitary System – Require uses of any significant density or intensity in the area of the I-39/90/94 interstate area to connect to the Town sanitary system.
- 1.13 Consistency with Comprehensive Plan – Encourage the development of residential subdivisions or commercial areas (as defined in the Town ordinance) that are consistent with the comprehensive plan, which includes requiring such developments to connect to public sanitary facilities.
- 1.14 Coordination 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.
- 1.15 Coordination on Stormwater Management Enforcement – Work with other jurisdictions as necessary to enforce the Dane County Stormwater Management and Erosion Control Ordinances.
- 1.16 Utility District No. 1 Public Sanitary Service - Continue to provide public sanitary service in Utility District No. 1 and No. 2 and plan for the potential future expansion of Utility District No. 1 and No. 2, along with the Town’s urban service areas to appropriate areas as consistent with the comprehensive plan.
- 1.17 Establishment of New or Expanded Urban Service Areas – Any proposed new or expanded 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 to consider and potentially approve 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 2.0:

Work with neighboring jurisdictions, special districts and other providers to ensure Town residents, farmers and businesses receive adequate service levels.<sup>30</sup>

Policies:

- 2.1 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 or sooner if necessary.
- 2.2 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 (currently contracted to a private provider: Green Valley Disposal).
- 2.3 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 will not 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.)
- 2.4 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.
- 2.5 Telecommunications Towers – No new telecommunications tower shall be located within the Town of Vienna 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. Note: If such an area/use is identified and approved, these areas should be identified on the Town Proposed Land Use Map through a formal amendment to this plan. While the Town may not be able to fully regulate the location of such uses, their siting and location can affect other land use decisions.

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<sup>30</sup> These policies are advisory in nature, and should be tracked for progress. If actions are not completed in the identified time frame, such policies should be amended to reflect when they might be achieved.

- 2.6 School Facilities – Continue to work with overlapping school districts to provide high quality educational facilities for Town residents.
- 2.7 Public Libraries – Work with neighboring jurisdictions to maintain and improve access to public library facilities for Town residents through mobile or “traveling” collections.
- 2.8 Recreational Facilities and Preserve Areas – Evaluate the need for recreational or natural preserve areas in the Town of Vienna 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.)
- 2.9 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.
- 2.10 Cemeteries – Revisit the need for additional cemeteries within the Town with local churches and neighboring municipalities.

Objective 2.1:

Evaluate the condition of the Town Hall, garage and associated equipment to ensure that it will continue to meet Town needs.

Policies:

- 2.11 Schedule a Facility Needs Assessment – Conduct a formal facilities needs assessment.
- 2.12 Continue Capital Improvement Planning – Maintain and fund the Town’s capital replacement program for maintenance vehicles and equipment.
- 2.13 Review of Proposed Major Capital Equipment Purchases - Continue to utilize the Town of Vienna Equipment Committee as the principal review resource for the Town Board to make major capital equipment purchases.

## Element 5 - Transportation Goals, Objectives and Policies

### **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 1.0:

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

#### Policies<sup>31</sup>:

- 1.1 Coordination of Park and Ride Maintenance – Work with the Wisconsin Department of Transportation to formalize the arrangement of the Town's maintenance of the existing park and ride facility<sup>32</sup> and to coordinate the design of proposed neighboring uses to maintain the facility's compatibility with those uses.
- 1.2 Transportation Alternatives for Disabled Residents – Publicize the availability of assistance for 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.
- 1.3 Coordination of Bicycle Planning – Review and comment on any updates to proposed bicycle routes through the Town of Vienna planned by Dane County or the Madison Area Metropolitan Planning Organization (MPO).
- 1.4 Incorporation of Pedestrian Planning – Incorporate adequate walking areas in between proposed commercial uses in the I-39/90/94 interchange area that connect to the Village of DeForest.
- 1.5 Designation of Truck Routes – Continue to designate weight restrictions and truck routes for quarrying operations as well as in the proposed commercial area around the I-39/90/94 interchange area.
- 1.6 Protection of Town Roads – Encourage traffic patterns that do not increase traffic on Town roads unnecessarily.
- 1.7 Coordination of North Mendota Parkway Planning – Work with Dane County and the Madison Area Metropolitan Planning Organization to plan and implement a North Mendota Parkway corridor that is not located any further north than STH 19.

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<sup>31</sup> Two rail lines cross the far southwest and northeast corners of the Town and do not have any notable impact on the Town. There are no airport facilities within the Town of Vienna. The Dane County Regional Airport is 5 miles from the Town boundary, but no impacts are anticipated at this time. No actions regarding these facilities were proposed.

<sup>32</sup> The Town currently mows the area and empties trash receptacles on a regular basis.

- 1.8 Coordination of Improvements to County Highways – Stay apprised of Dane County’s efforts to maintain and improve CTH I and CTH V as necessary, and discuss CTH V near the I-39/90/94 interchange area if development accelerates here.
- 1.9 Continue Implementation of Town Driveway Ordinance – Continue to implement the Town driveway ordinance to minimize the amount of access points onto Town roads.
- 1.10 Continue to 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.<sup>33</sup>
- 1.11 Joint Planning of Roads that Cross Jurisdictions – Work with neighboring municipalities to plan, construct and maintain those roadways that affect both jurisdictions.
- 1.12 Maintain Town Culvert 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.
- 1.13 Schedule Easy St. Bridge Replacement – Replace the Easy Street bridge by 2008.

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<sup>33</sup> The current average annual Town expenditure for road improvements and maintenance is about \$180,000 and is intended to maintain roads at a 6.5 to 7 PASER rating annually.

## Element 6 - Natural Resource Goals, Objectives and Policies

### **Natural Resource Goal 1: Promote compatibility between agricultural uses, commercial development efforts, natural areas and environmental corridors within the Town of Vienna as identified in this plan.**

#### Objective 1.0:

Consider the potential impact on natural resources, environmental corridors, or habitat areas when evaluating potential residential, commercial, industrial and intensive agricultural uses.

#### Policies:

- 1.1 Compatibility with Threatened and Endangered Species – Discourage potential uses that would have an impact on documented threatened and endangered species.
- 1.2 Encroachment on Wetlands and Floodplains - Direct any new development to locate in a manner that does not encroach upon or impact delineated wetlands or floodplains.
- 1.3 Enforcement of Water Quality Regulations – Work with Dane County to enforce water quality standards for both surface water (rivers and streams) and groundwater through its stormwater management and erosion control ordinance.
- 1.4 Continue Groundwater Monitoring – Continue to monitor groundwater quality in the Town of Vienna through a testing program.
- 1.5 Coordinate Inspection of Private Septics and Private Wells – Ensure that proposed new development outside of the urban service area conducts proper soils tests and uses current design standards when installing septic systems and wells.
- 1.6 Joint Planning, Review and Enforcement – Reviews of proposed developments in the Town will be coordinated with neighboring communities, Dane County, and the drainage district as necessary.

#### Objective 1.1:

Utilize recreational opportunities and the preservation of open space to maintain the rural character of the Town wherever feasible.

#### Policies:

- 1.11 Role of the Town Park Commission – The Town Board may charge the Town Park Commission with the planning of future park facilities or expanded facilities in the Town as needed.

- 1.12 Preservation of Woodlands – Encourage the preservation of woodland areas to the extent possible while maintaining the preservation of productive agricultural lands as a priority.
- 1.13 Identification and Planning for Natural Resource Areas – Work with Dane County, Wisconsin DNR and other agencies to identify, plan for, and preserve open spaces, natural habitat and environmental corridors within the Town where appropriate.
- 1.14 Existing and Future Park Areas – Maintain the existing park spaces within the Town and consider expanding or adding to these areas by 2010 if the Town grows as anticipated.
- 1.15 Bike Trail Planning – Work to plan and develop a formal bike trail and route system throughout the Town that connects to the larger, regional system.
- 1.16 Coordination of Recreational Opportunities – Work with neighboring municipalities and school districts to ensure access to recreational opportunities for all Town residents.

## Element 7 - Cultural Resource Goals, Objectives and Policies

### **Cultural Resource Goal 1: Consider rural character and local history when evaluating new developments, land uses and programs.**

#### Objective 1.0:

Encourage the sustaining of family farms as economically feasible for owners.

#### Policies:

- 1.1 Compatibility with Neighboring Uses – Establish and maintain land use policies that encourage agricultural land uses and limit the creation of potential conflicts with non-compatible uses.
- 1.2 Provide Farming Informational Resources – Actively maintain a list of public resources and programs available to assist farmers in planning and implementing sustainable practices.
- 1.3 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.
- 1.4 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 1.1:

Cooperate with state, county and local efforts to celebrate people, sites, and events of local significance whenever appropriate and feasible.

#### Policies:

- 1.11 Coordination with Local Historical Societies – Coordinate with the Dane County Historical Society and the DeForest Historical Society when those groups have initiatives that involve the history of the Town of Vienna.
- 1.12 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, including:
  - 1.12.1 Ella Wilcox Wheeler Home/School (Westport-Vienna border)
  - 1.12.2 Old Military Road (north portion of Town)
  - 1.12.3 Norway Grove Settlement (Town Hall area near CTH V & CHT I)

## Element 8 - Intergovernmental Cooperation Goals, Objectives and Policies

### **Intergovernmental Cooperation Goal 1: Continue to work with the Village of DeForest on issues related to the shared boundary with the Town of Vienna.**

#### Objective 1.0:

Continue to work with the Village of DeForest to maintain effective policies regarding the land uses near the Interstate 39/90/94 interchange.

#### Policies:

- 1.1 Coordination of ETZ Ordinance Updates – Consider updates and revisions to the zoning regulations that apply to the Town of Vienna portion of the extraterritorial zoning area (ETZ) as necessary.
- 1.2 Improve Coordination on ETZ Proposals – Improve and review procedures and communication between the Village of DeForest and Town staff, the Town Plan Committee, and Town Board.
- 1.3 Coordination of Review and Approval Procedures – Ensure the ETZ committee has information regarding the Town recommendations from both the Town Plan Commission and the Town Board before voting on development related proposals.
- 1.4 Town Representation on ETZ Committee – Formalize the relationship between the Town Plan Commission and the ETZ joint plan commission members by adjusting the Town membership to be as follows:
  - 1.4.1 One (1) Town Board representative
  - 1.4.2 One (1) Plan Commission representative
  - 1.4.3 One (1) at-large representative appointed by the Town Board
- 1.5 Sharing of Village Staff Reviews – Request that any report generated by Village staff or committee that provides comments or reviews of a prospective development within the Town area of the ETZ area be provided to the Town in a timely manner.
- 1.6 Coordination of Marketing the Interchange – Work with the Village of DeForest and the DeForest Chamber of Commerce to competitively market the Town’s portion of the interchange development area.
- 1.7 Applications for Grant Funds – Jointly consider grant opportunities that will help develop the interchange area (Wisconsin Department of Commerce, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, Dane County BUILD, etc.)

- 1.8 Joint Transportation Planning and Maintenance – Annually review major roads that carry both Village and Town traffic and jointly plan for maintenance programs and scheduled reconstruction projects.
- 1.9 Cooperative Provision of Utility Services – Continue to cooperate in the provision of water and sewer services to the interchange area.
- 1.10 Cooperative Planning for Potential Shared Services – Work with the Village of DeForest to plan appropriate locations for any public facilities or shared public services that may affect the Town of Vienna.<sup>34</sup>
- 1.11 Formal Joint Land Use Plan and/or Boundary Agreement Recommended – Propose the development of a updated joint land use plan or long-term boundary agreement between the Village of DeForest and the Town of Vienna that formally defines preferred uses, their location, responsibilities for providing water and sewer services, construction and maintenance of roads, and the long-term jurisdiction for the joint development/commercial area around the interchange.
- 1.12 Intergovernmental Review of Plan Prior to Adoption and Future Amendments - Formally request comments on this plan document, as well as any future amendments or revisions, from the Village. Conversely, allow the Town to comment on appropriate planning efforts being undertaken by the Village.

**Intergovernmental Cooperation Goal 2: Continue to work with the Dane County to ensure enforcement of local, county and state regulations.**

Objective 2.0:

Monitor the effectiveness and appropriateness of Dane County plans, regulations and programs and communicate any issues to the appropriate staff and elected officials.

Policies:

- 2.1 Coordination of Review of Development Proposals – Work with Dane County Planning staff to ensure timely reviews of land divisions (CSM’s), rezoning requests, and conditional use permits.
- 2.2 Coordination of Implementing State Livestock Siting Regulations – Work with Dane County Planning and Zoning Department to review and monitor proposed changes to livestock siting regulations prior to implementation.

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<sup>34</sup> It is assumed that any new public school facilities will need to be located in an urban service area, and therefore most likely will end up within the Village of DeForest. Local school districts have used public Town meetings to share information about district referenda for capital expenditure.

- 2.3 Coordination of Review for Proposed Quarry Sites – Work with Dane County Planning and Zoning to implement regulations regarding mineral extraction uses and encourage the development of tools to accelerate the reclamation of exhausted or non-utilized sites.
- 2.4 Coordination of Enforcement of Stormwater Management Regulations – Maintain information regarding the Dane County Stormwater Management and Erosion Control Ordinance and assist Dane County Land Conservation staff to ensure compliance as necessary.
- 2.5 Coordination of Road Projects – Annually coordinate the proposed maintenance and reconstruction schedule of county highways and Town roads with the Dane County Highway Department.
- 2.6 Coordination of Amendments to Farmland Protection Policies - Work with the Dane County Land Conservation Department to identify and review any changes to the Wisconsin Farmland Protection/Tax Relief program prior to their implementation.
- 2.7 Coordination with Amendments to Dane County Plans and Ordinances Regarding Preservation of Rural Areas – 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.
- 2.8 Monitor Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) Proposals at the County Level – Monitor Dane County’s efforts to purchase private land within the Town for open space preservation or resource protection.
- 2.9 Coordination of Public Safety Services - Continue to utilize the Dane County Sheriff for public safety services and cooperate where feasible on service provision to boundary areas.
- 2.10 Coordination of the Inspection of Septic Systems – Continue to utilize Dane County Environmental Health Department to inspect septic systems.
- 2.11 Review of County and Regional Planning Efforts – Review and comment any updates to the following Dane County planning documents or efforts:
  - 2.11.1 Dane County Land Use and Transportation Plan and Transport 2020
  - 2.11.2 Dane County Parks and Open Plan
  - 2.11.3 Bicycle Transportation Plan for the Madison Urban Area and Dane County

#### 2.11.4 North Mendota Parkway Planning Efforts

### **Intergovernmental Cooperation Goal 3: Work with other units of government, departments and agencies to promote Town interests as necessary.**

#### Objective 3.0:

Work with other neighboring municipalities and special districts<sup>35</sup> to jointly plan boundary areas and coordinate their long-term growth plans with the Town Comprehensive Plan.

#### Policies:

- 3.1 Coordination With the Plans of Other Neighboring Municipalities – Coordinate the Town’s Comprehensive Plan with the Village of Waunakee and the Village of Dane.
- 3.2 Other Proposed Boundary Agreements – Propose a long-term boundary agreement with the Village of Waunakee and the Village of Dane.
- 3.3 Identify Opportunities for Shared Services or Facilities – Identify any common public facility needs or shared public services between the Village of Waunakee, the Village of Dane, and neighboring Towns that may impact the Town of Vienna.
- 3.4 Coordination With the Plans of Other Neighboring Towns – Coordinate the Town’s Comprehensive Plan with those of the neighboring Towns of Dane, Springfield, Westport, Windsor, Burke, Lodi (Columbia County), Arlington (Columbia County), and Leeds (Columbia County).
- 3.5 Coordination with Local School Districts – Share the Town’s Comprehensive Plan with the DeForest, Lodi, Poynette and Waunakee community school districts and request comments on future facility needs that could impact the Town of Vienna.
- 3.6 Identify Opportunities for Shared Equipment Use or Joint Purchasing – Continue to use joint purchases or sharing of equipment to provide more cost effective services.
- 3.7 Coordination with Local Drainage Districts – Coordinate the review of proposed developments with local drainage districts.

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<sup>35</sup> It is assumed that any new public school facilities will need to be located in an urban service area, and therefore most likely will end up within the Village of Waunakee, DeForest, Poynette or Lodi. Local school districts have used public Town meetings to share information about district referenda for capital expenditure.

Objective 3.1:

Monitor state regulatory efforts in areas that most directly impact the Town.

Policies:

- 3.11 Monitor State Revenue Sharing Formulas – Monitor state revenue sharing to ensure adequate funding of Town services.
- 3.12 Coordinate Pending Changes to the Livestock Siting Regulations - Monitor pending changes to livestock siting regulations with the policies of this plan and Dane County regulations.
- 3.13 Promote Awareness of Current Stormwater Regulations – Ensure developers in the Town’s portion of the interchange development area are aware of and are following state, county and Village stormwater management and erosion control regulations where appropriate.

**Intergovernmental Cooperation Goal 4: Identify existing and potential conflicts between jurisdictions and establish procedures to address them.**

Objective 4.0:

Minimize the unnecessary costs and negative impacts associated with boundary or service area conflicts between jurisdictions through mutually agreed upon plans and procedures.

Overview of Relationships and Conflicts With Neighboring Jurisdictions:

4.1 Village of DeForest

- 4.1.1 Existing Conflicts: The Village of DeForest has exercised extraterritorial zoning over the 1.5-mile area surrounding the I-39/90/94 interchange, and has assumed land use decision-making authority from the Town and Dane County for at least two significant commercial developments. The ETZ committee consists of equal representation from the Town and the Village and acts as the planning committee for the ETZ area.
- 4.1.2 Potential Conflicts: Additional growth pressures in the Village may result in additional annexations that could negatively impact the Town tax base and future development potential within the Town itself. Provision of urban services in these areas is difficult due to the presence of the interstate.
- 4.1.3 Proposed Means of Resolving Conflicts: The Town of Vienna proposes to eventually move beyond the ETZ process into a formal boundary agreement that would address long-term growth boundaries, provision of

utility services, public safety services, and transportation maintenance issues. The Village is currently undergoing a court-ordered process with the Town of Windsor, and the Town would prefer a more constructive, cooperative process. The existing ETZ procedures are thought to be effective for the short term but do not address all prospective issues that are likely to arise near the interchange. This effort should be evaluated as the Village formally updates its comprehensive plan to Smart Growth standards and implements it as a part of its formal adoption.

## 4.2 Dane County

- 4.2.1 Existing Conflicts: Dane County's primary role in relation to the Town is the zoning enforcement agency for the Town of Vienna. The Exclusive Agricultural zoning category dominates a majority of the Town, and works in conjunction with the Town's Land Division and Subdivision Ordinance. The fundamental issue with this category is that it generally prevents the Town from developing any tax base but cannot stop annexation from neighboring municipalities. Current efforts to plan for rural and open space preservation on a county level are creating additional concerns about losing local land use control. Dane County is also the primary enforcement agency for stormwater management and erosion control ordinances. Despite the fact that many of these regulations are pass throughs from the State of Wisconsin, any problems perceived or otherwise are attributed to the county level.
- 4.2.2 Potential Conflicts: All of the previously mentioned areas are likely to continue to be areas of contention simply due to the nature of control being located with the county. Additional conflicts may include the planning and funding of future transportation corridors for the Town, the siting of future mineral extraction sites, and use of county and Town roads by bicyclists.
- 4.2.3 Proposed Means of Resolving Conflicts: Formal communications with the appropriate county department on how regulations may be changing in the next 3-5 years will be critical. Organizations such as the Dane County Towns Association, the Wisconsin Towns Association, the Dane County Farm Bureau, the Wisconsin Farm Bureau Federation, and UW Extension will need to be called upon to provide relevant policy evaluations for any significant policy that could impact farming in rural areas. The Town Plan Commission and Town Board also need to provide formal comments on Dane County projects, planning efforts and policy proposals whenever possible. Conflicts between bicyclists and farmers/residents need to be addressed by a countywide educational effort, and the Town will certainly wish to be involved in such an effort if it moves ahead.

#### 4.3 Village of Waunakee

4.3.1 Existing Conflicts: No existing conflicts were identified.

4.3.2 Potential Conflicts: Growth in the Village of Waunakee has reached the Town's southern boundary. Continued residential growth in this area may conflict with existing agricultural and mineral extraction uses in the Town.

4.3.3 Proposed Means of Resolving Conflicts: The Town is proposing the development of a joint planning or boundary agreement to address potential land use and transportation conflicts.

#### 4.4 Village of Dane

4.4.1 Existing Conflicts: No existing conflicts were identified.

4.4.2 Potential Conflicts: Growth in the Village of Dane has reached the Town's western boundary. Continued residential growth in this area may conflict with existing agricultural uses in the Town.

4.4.3 Proposed Means of Resolving Conflicts: The Town is proposing the development of a joint planning or boundary agreement to address potential land use and transportation conflicts.

#### 4.5 State of Wisconsin

4.5.1 Existing Conflicts: As the legislative and executive agency that mandates several regulations that the Town wrestles with every day, the implementation of those measures and paying for them create the most conflict. Ongoing cuts proposed for shared revenue, regulation of wetland areas, pending regulation of livestock siting, implementation of EPA phase II stormwater and erosion control standards, and statutory advantages of municipalities when it comes to annexation and revenue generation.

4.5.2 Potential Conflicts: The previously identified conflicts are projected to continue to be the primary areas of conflict in the future.

4.5.3 Proposed Means of Resolving Conflicts: Formal communications with the appropriate state agencies and local legislators on how the previously mentioned regulations may be changing in the next 3-5 years will be critical. The Town Plan Commission and Town Board also need to provide formal comments on relevant legislation, State projects, planning efforts and policy proposals whenever possible.

Objective 4.1:

The Town of Vienna wishes to maintain its integrity as a Town and must be able to adequately provide service to its own territory when annexations to neighboring municipalities occur.

Objective 4.2:

The Town of Vienna will regularly review this comprehensive plan and make updates as needed, and will coordinate updates of this plan with Dane County and neighboring municipalities as necessary.

## Element 9 - Land Use Goals, Objectives and Policies

*(NOTE( This element is a composite of the Agriculture, Housing, Economic Development and Natural Resource elements and their goals, objectives and policies.)*

**Land Use Coordination Goal 1: Establish a planned, and coordinated approach to the designation of proposed land uses in the Town of Vienna that maximizes compatibility between neighboring uses and preserves rural character.**

Objective 1.0:

Preserve agricultural uses outside of the Village of DeForest extraterritorial zoning area as designated on the Proposed Land Use map of this plan.

Policies:

- 1.01 Implementation and Enforcement of Land Use Policies - Update and maintain the Town's Land Division and Subdivision Ordinance as the primary tool to control development within the Town.
- 1.02 Compatibility with Neighboring Uses - Encourage the location, siting, and design of any new non-agricultural development to be conducted in a manner that does not conflict with neighboring agricultural uses.
- 1.03 Buffers and Setbacks for Non-Ag Uses - Any new non-agricultural development is responsible for providing an adequate buffer on their property between themselves and existing farm operations. (Existing farms are not responsible for providing a buffer on their property to aide new development on adjacent properties.)
- 1.04 Location Restriction on New Residential Development - Discourage new residential uses from being built with  $\frac{1}{4}$  mile of an existing livestock operation or manure storage facility.
- 1.05 Siting of Intensive Agricultural Uses - Encourage the siting of intensive agricultural uses (e.g. livestock operations and manure storage facilities) in a manner that is compatible with neighboring uses. Emphasize siting of agricultural operations and businesses within existing agricultural enterprise area.
- 1.06 General Preservation of Farmland - See the Housing and Agriculture sections of this plan for a detailed list of Goals, Objectives, and Policies relating to farming and preservation of farmland.

Objective 1.1:

Designate the 1-39/90/94 interchange as the primary area for economic development within the Town.

Policies:

- 1.11 Compatibility with Neighboring Uses - Encourage the location of highway commercial, light industrial, and warehousing uses that are compatible with one another, and with surrounding agricultural and residential uses.
- 1.12 Connection to Public Utilities - Require the connection of any proposed commercial or industrial uses to public water and sewer in the urban service area.
- 1.13 Review of Development Proposals in the ETZ Area - Coordinate the land use planning and the development review process for this area with the Village of DeForest.
- 1.14 Marketing of the Town Commercial District - Work with the DeForest Chamber of Commerce to market this area.
- 1.15 General Economic Development Policies - See the Economic Development section of this plan for a detailed list of Goals, Objectives and Policies relating to commercial and industrial uses.

Objective 1.2:

Designate areas for future residential development as designated on the Proposed Land Use map.

Policies:

- 1.21 Applicable Development Regulations - Review requests for new single family homes in accordance with the Town land division and subdivision regulations and the applicable zoning ordinance (either Dane County Zoning or DeForest Extraterritorial Zoning).
- 1.22 Designated Areas for Future Subdivisions - The only area currently designated for future consideration of a residential subdivision is the area immediately between the two existing subdivisions within the Town.
- 1.23 Compatibility with Neighboring Uses - Encourage the siting of residential uses that are compatible with one another, and with surrounding agricultural uses.
- 1.24 General Housing and Agricultural Policies - See the Housing and Agriculture sections of this plan for a detailed list of Goals, Objectives and Policies relating to residential uses.

Objective 1.3:

Ensure residential, commercial, and agricultural uses are sited in a manner to minimize the impact on identified natural resource areas as designated on the proposed land use map of this comprehensive plan.

Policies:

- 1.31 Impacts to Natural Resources - Consider the potential impact on natural resources, environmental corridors, or habitat areas when evaluating potential residential, commercial, industrial and intensive agricultural uses.
- 1.32 Recreation and Open Space as a Part of Rural Character - Utilize recreational opportunities and the preservation of open space to maintain the rural character of the Town wherever feasible.
- 1.33 General Natural Resources and Agricultural Policies - See the Natural Resource and Agriculture sections of this plan for a detailed list of Goals, Objectives and Policies relating to environmental compatibility.

## Element 10 - Implementation Goals, Objectives and Policies

### **Implementation Goal 1: Identify Measurable Actions to Implement and Achieve the Goals, Objectives and Policies of the Town of Vienna Comprehensive Plan.**

#### Objective 1.0:

Maintain and amend local ordinances and procedures where appropriate to address new objectives and policies of the Town of Vienna.<sup>36</sup>

#### Policies/Actions:

- 1.1 Severability – 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.
- 1.2 Update the Town Land Division and Subdivision Ordinance – Update the Town of Vienna Land Division and Subdivision Ordinance to reflect the 1 unit per 75 acres ratio as well as the proposed 20-year ownership requirements.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 Town Discretion Over Unanticipated Land Use Decisions – To the extent allowed by law, the Town of Vienna 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

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<sup>36</sup> The Town of Vienna 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.

unanticipated land use 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 1.1:

Update the Town's development review procedure, fees, and requirements.

Policies/Actions:

- 1.11 Advance Submittal Requirement – Require all land divisions, subdivisions, rezonings, and conditional use permits to have submitted a complete packet of materials as required by the Town at least **12** days in advance of the meeting date.
  - 1.11.1 Agenda Requirement – Any item that requires action must have been posted on the published meeting agenda.
  - 1.11.2 Completion of Submittal – Incomplete materials may result in removal of the item from the Plan Committee or Town Board agenda.
  - 1.11.3 Exemptions - Exemptions from this policy will only be considered in emergency situations.
- 1.12 Development Agreements – Prior to review of any development presented to the Town, the petitioner must enter into a 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.
- 1.13 Application Packets – Update the required application packet for land divisions, subdivisions, rezonings, and conditional use permits within the Town outside of the ETZ area including detailed site plan requirements—and make them available on the Town website and Town Hall.
- 1.14 Use of Common Application Review Requirements – Utilize the Village of DeForest application packet for reviewing any development proposals on parcels within the ETZ area—and make them available on the Town website and Town Hall.
- 1.15 Adjustment of Town Meeting Schedules – Require that the Town Board not take action on a particular item on the same evening as the Town Plan Committee but rather wait until the next regularly scheduled meeting. (This will allow the Board to review the Plan Commission minutes and to request a staff analysis should it so desire and allows for proper notification of proposed actions and hearings as well as time to contact neighboring property owners if necessary.)

- 1.16 Ordinance Updates for the DeForest ETZ Area – Adopt the updated Village of DeForest Zoning Ordinance for the Town’s share of the ETZ area to allow for the application of conditional use permits to restrict commercial and industrial uses subject to conditions recommended by the Town Plan Committee and Town Board based on analysis of the Town attorney, Town Engineer, and/or Town Planner.
- 1.17 Review of Application Materials by Plan Commission and Town Board – Ensure that the ETZ committee has all relevant information from both the Town Plan Commission and Town Board prior to making recommendations on proposed developments.

Objective 1.2:

Actively pursue boundary agreements or similar joint planning efforts with the Village’s of Dane, DeForest, and Waunakee.

Policies:

- 1.21 Proposed Planning Scope with DeForest – Work with the Village of DeForest to plan for specific land uses, utility service areas, public service boundaries, long-term growth boundaries, and annexation limits in the ETZ area around the I-39/90/94 interchange as a part of the Village’s update of its comprehensive plan.
- 1.22 Proposed Planning Scope with Waunakee – Within the next three years, work on a similar agreement with the Village of Waunakee.
- 1.23 Proposed Planning Scope with Dane – Within the next five years, work on a similar agreement with the Village of Dane.

**Implementation Goal 2: Identify Adoption and Amendment Procedures for Town of Vienna Comprehensive Plan.**

Objective 2.0:

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

Policies/Actions:

- 2.1 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.

- 2.2 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.
- 2.3 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.
- 2.4 Review of Plan Document by Public – Request that members of the public who review the draft also check for any inconsistencies prior to adoption.
- 2.5 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 2.1:

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

Policies/Actions:

- 2.11 Compliance Criteria – A local governmental unit shall comply with all of the following before its comprehensive plan may take effect:
  - 2.11.1 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.
  - 2.11.2 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.
  - 2.11.3 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.

2.11.4 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:

- a) Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.
- b) 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.
- c) The Wisconsin Land Council.
- d) The Department of Administration (After September 1, 2003).
- e) The regional planning commission in which the local governmental unit is located.
- f) The public library that serves the area in which the local governmental unit is located.

2.11.5 Date of Effectiveness – No comprehensive plan that is recommended for adoption or amendment may take effect until the local governmental unit enacts an ordinance that adopts the plan or amendment.

2.11.6 Conditions for Enacting the Adoption Ordinance – The local governmental unit may not enact an ordinance under s. 66. 1001, Wis. Stats unless the comprehensive plan contains all of the elements specified in s. 66. 1001, Wis. Stats. 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 s. 66. 1001, Wis. Stats.

2.11.7 Public Hearing Requirements - No local governmental unit may enact an ordinance under s. 66. 1001, Wis. Stats 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:

- a) The date, time and place of the hearing.

- b) A summary, which may include a map, of the proposed comprehensive plan or amendment to such a plan.
- c) The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.
- d) 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 2.2:

Establish and consistently follow a formal procedure for amendments to the Town Comprehensive Plan.

Policies/Actions:

- 2.21 Annual Review – This Comprehensive Plan shall be reviewed annually 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.
- 2.22 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:
  - 2.22.1 Persons Eligible to Request an Amendment – Any person owning land in the Town of Vienna may request an amendment to the Comprehensive Plan.
  - 2.22.2 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.
  - 2.22.3 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.

- 2.22.4 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.
- 2.22.5 Coordination with Dane County – Approved amendments will be transmitted to the County Board for adoption as part of the Farmland Preservation Plan.
- 2.22.6 Amendments Affecting USA Boundaries – Plan Amendments that include proposed amendments to the urban service area boundary also require approval of the WDNR and the Dane County Regional Planning Commission (or currently designated agency.)
- 2.22.7 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 2.3:

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

Policies:

- 2.31 Required Documentation – A completed grant checklist to document this plan’s compliance with Wisconsin state statutes shall be included in the appendix of this Comprehensive Plan.