



VANDEWALLE & ASSOCIATES INC.

Date: March 9, 2020

To: Town of Deerfield Town Board

From: Vandewalle & Associates

Re: Proposed Changes to the Final Draft (dated January 20, 2020) of the Town of Deerfield Comprehensive Plan

Proposed Changes Summary

Based on the information gathered at previous Working Sessions, the Public Open House, Plan Commission, and Town Board Meetings, the following changes are proposed to the January 20, 2020 Final Draft version of the Town of Deerfield Comprehensive Plan. In addition to the changes listed below, other minor changes are also recommended including dates, headers, footers, and pictures.

The following proposed changes are all to Chapter 5: Land Use. The text ~~crossed-out~~ is proposed to be removed and the underlined text is proposed to be added.

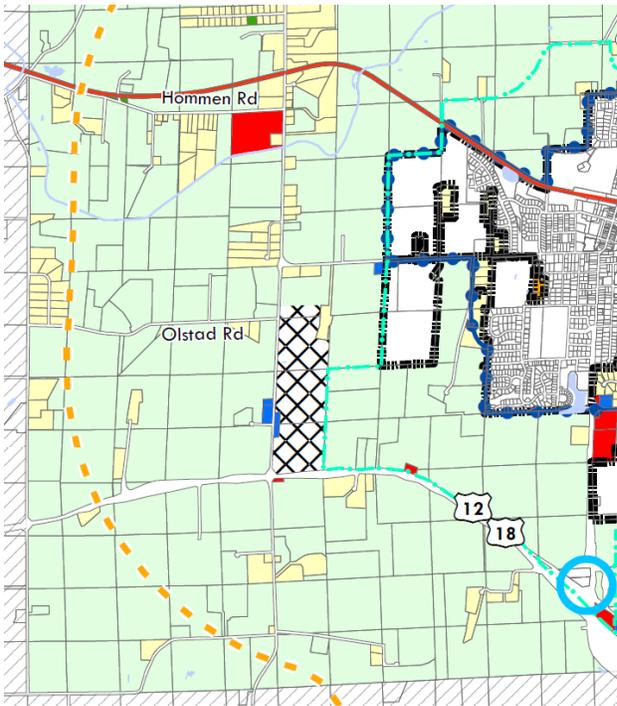
1. Existing Land Use Categories P.49
 - Single Family Residential - Unsewered: Single family residential development served by on-site waste disposal systems. ~~Map 4 splits this designation into lots between 20,000 square feet and 2 acres and typically on lots over 2 acres in size (the minimum new lot size in the Town of Deerfield is 40,000 square feet).~~
2. Future Land Use Categories – Agricultural Transition District P. 59
 - Pending a greater understanding of the implications of a transfer of development rights (TDR) program on the Town, the mapped Agricultural Transition District may be appropriate receiving areas for development rights in exchange for the permanent preservation of other lands in the Town. See the Town of Deerfield's TDR Policy on page 54. ~~guidelines for any future Town TDR policy in Chapter 2.~~
3. Future Land Use Categories – Rural Residential Development District P.60
 - The minimum lot size for lands in this district should be 40,000 square feet, although environmental constraints may require larger lot sizes. ~~with 80,000 square foot lots required on wooded parcels and parcels with steep slopes. Additional environmental constraints may require even larger lot sizes in limited cases.~~ The Town Board reserves the right to reject the further rezoning of lands within the Rural Development District in a manner that would allow for more home sites.
4. Map 5: Future Land Use P.64
 - Change the designated category of two parcels from Agricultural Preservation to Extraction to accurately show the land for the Oak Park Quarry (parcels directly north and east of the parcels identified as Extraction in the Final Draft). See images on the following page.

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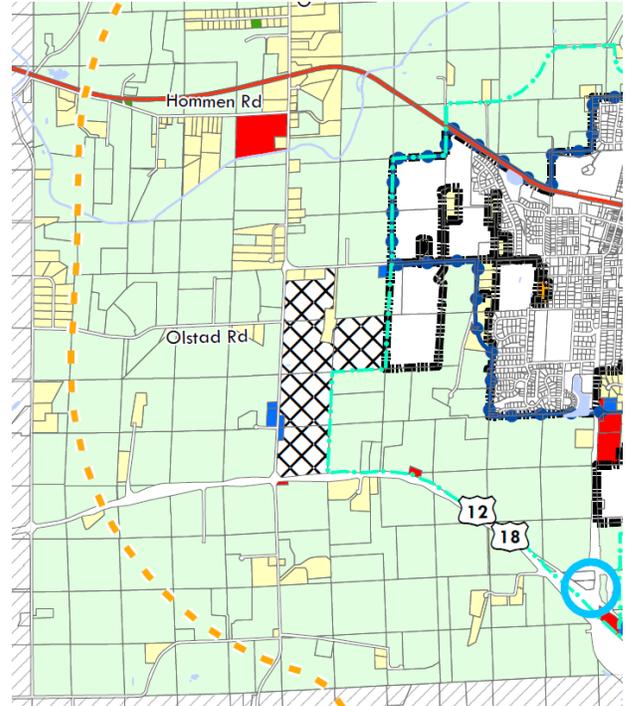
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Shaping places, shaping change

Final Draft



Proposed Change



5. Transfer of Development Rights P.54

Another strategy to preserve land within the Agricultural Preservation District is a Transfer of Development Rights (TDR) program. In a TDR program, the Town would allow development rights to be transferred from “sending areas” where preservation is desired to “receiving areas” where additional development is acceptable. Instead of the government purchasing the development rights, private developers controlling land in receiving areas would have to acquire development rights from landowners in the “sending areas.” ~~The use of the transferred development rights would allow developers in receiving areas to develop at greater densities than would otherwise be allowed.~~ The developer would have to demonstrate that sufficient development rights ~~had been~~ will be purchased (and a deed restriction or conservation easement placed on the sending area property) before the Town approved any rezonings, plats, or conditional use permits. The graphic below shows how TDR can work.

In 2019, ~~it was determined that the Town of Deerfield will pursue~~ pursued the development and establishment of a customized TDR program. As determined through this planning process, the Town’s new TDR policy includes the following guiding policies.

- Applicants under this provision will be required to have attend a pre-application meeting between the owner and town and county representatives to discuss the proposal prior to consideration by the Plan Commission or Town Board.
- Landowners proposing transfers under this policy shall be required to first obtain a density analysis from the Dane County Department of Planning and Development for both sending and receiving areas.
- The town may, at its sole discretion, deny any proposed transfer to less than 35 acres.

- Both the sending areas and receiving areas shall be located in the Town of Deerfield.
- Outside of the remaining total available splits within the Town today, based on the long-standing policy of 1 split per 35 acres, no new development splits will be created through the establishment of a TDR program in the Town.
 - On-site splits are still permitted outside of this Transfer of Development Rights policy.
- Following the transfer of development rights from the sending area, the sending property should be permanently protected from additional development through a deed restriction or conservation easement.
- Receiving areas = 1 split per each additional dwelling unit, minimum 40,000 square foot lot size
- Sending and receiving areas are not mapped or specified within the Town and may occur in any location, however any new receiving area development is limited to preserving the most productive agricultural land and in a manner that preserves the rural character of the Town using the following specific siting criteria (also see the Summary of the Town of Deerfield's Residential Development Policy) ~~Development Siting Criteria on p.49~~):
 - Preferably outside of any Group 1 or 2 soils (Map 2)
 - Outside of steep slopes greater than 12% grade (Map 3b)
 - Outside of any environmentally sensitive areas, except forest cover (Map 3a)
 - If possible, cluster dwelling units together onto adjacent new lots
 - Require lot design and layout for Town Review
 - The receiving parcel must have adequate road access and a suitable building site that would not result in a “flag lot” with a long driveway bisecting agricultural land. The proposed building site must conform to the Town’s Development Siting Criteria within the Agricultural Preservation District.
 - Prior to the purchasing of development rights, at a minimum, a conceptual review of the proposed lot layout must be approved by the Town Plan Commission and Board for the receiving area.
- Appropriate documentation must accompany any transfer, including, at a minimum, a deed restriction and/or ~~agricultural~~ conservation easement on the sending parcel identifying a minimum 35 acres of land, or amount of land commensurate to the number of splits transferred, to be preserved exclusively for long-term agricultural use. Such documentation shall also indicate the number of splits remaining, if any, on the remaining lands of the sending property. Receiving parcels shall also be accompanied by a notice document indicating that the property received a split(s) from the sending property. All such documents must include appropriate legal descriptions of the properties involved, and must be recorded with the Dane County Register of Deeds.
- There is no limit to the number of development rights that can be transferred by one owner in a given time period. However, the Plan Commission and Town Board may place other restrictions on the transaction, including but not limited to, a cap on the number of development rights transferred to one location.

****ALL NEW** Transfer of Development Right Process**

The following is the recommended approach and process for executing a transfer of development rights in the Town of Deerfield as described on the previous page. This chart is expected to be used as a guiding document and does not represent every possible iteration of the process.

