

RESOLUTION 2022-01

PLANNING COMMISSION RECOMMENDING THE ADOPTION OF CLARIFICATIONS AND UPDATES TO THE TOWN OF DEERFIELD COMPREHENSIVE PLAN FOR THE 2030 REVISION

PLANNING COMMISSION OF THE TOWN OF DEERFIELD, WISCONSIN

WHEREAS, the Town of Deerfield on March 9, 2020 adopted the updated Town of Deerfield Comprehensive Plan as the Town's Comprehensive Plan under Section 66.1001(4), Wisconsin Statutes with said Plan reviewing procedures for consideration of replacement or refinement by the year 2030, and

WHEREAS, the Town of Deerfield Planning Commission has the authority and responsibility to recommend the 2030 Town of Deerfield Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Deerfield hereby recommends that the Town of Deerfield Board approve the revisions to the 2020 Town of Deerfield Comprehensive Plan as follows:

Chapter Five: Land Use

Town of Deerfield Transfer of Development Right (TDR) Program

- *After the 8th bullet point "Sending and receiving areas",*
 - *Place an additional bullet in the first position stating – Sending area development rights will not be restricted by soil suitability classifications, wetlands, marshlands, steep slopes or other topographical issues.*

Chapter Six: Transportation

Transportation Goals, Objectives and Policies

Policies:

Town of Deerfield Transfer of Development Right (TDR) Program

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 developer would have to demonstrate that sufficient development rights 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, the Town of Deerfield 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 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):
 - 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)
 - 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 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.

Policies:

1. Utilize a Capital Improvements Plan (CIP) to prioritize and plan for Town road upgrades, among other capital expenditures.
2. Consider implementing Town road impact fees for any new development projects that place a burden on or require the upgrading of Town roads.
3. Support access control and rural character objectives by discouraging large amounts of "side of the road" development on major roadways.
4. Accommodate bicycle traffic on less traveled Town and county roadways. Work with Dane County to develop designated on-street bicycle routes through the Town that connect the Glacial Drumlin State Trail to local destinations and keep bicyclists off heavily vehicle traveled, unfit roadways.
5. Work with the county, state and private landowners in ensuring that road-rights-of-way are clear of visual obstacles, particularly at road intersections. Road rights-of-way should be properly mowed and cleared.
6. Enforce weight restrictions on existing Town roads and consider the weight limits on local roads when reviewing development proposals.
7. Work with the WisDOT, Dane County, landowners, and private developers to limit development along USH 12-18 to help preserve it as a throughway.
8. Discourage the use of cul-de-sacs except in very limited situations (e.g. existing topography or development pattern necessitates their use).
9. Coordinate capital improvements with the annual review of the Implementation Chapter of this plan.
10. Participate in local, county, and regional transportation planning initiatives to improve coordination with the Village of Deerfield, surrounding Towns, Dane County, MPO, and WisDOT.
11. As part of the intergovernmental agreement between the Town and Village of Deerfield (see Intergovernmental Cooperation Chapter), integrate land use and transportation planning to prioritize roadway maintenance and upgrades needed to accommodate future growth areas.

Large-Scale Solar Energy

As alternative energy technology continues to rapidly evolve, new and unique uses may present both an opportunity and a challenge for the Town. Some small-scale solar and wind energy systems are already present in the Town, however in recent years, increasingly larger commercial solar operations have been approved throughout the State. Many are locating on farmland near major metro areas. This presents the Town with an opportunity to both leverage its location to Madison and Milwaukee and also diversify the local economy. However, it is also important to properly regulate the projects to protect farmland, natural resources, and the agricultural-rural character of the Town. Over the planning period, the Town will consider developing an ordinance to help guide the future development of large-scale solar energy. The ordinance, at a minimum, should address the following:

- Compliance with Wisconsin State Statutes 66.0401 and 66.0403
- Maximum height limits
- Minimum peripheral setbacks and landscape buffer requirements
- Exterior lighting standards
- Stormwater management and erosion control requirements
- On-going property maintenance requirements
- All construction and installation of large-scale solar energy systems shall require a building permit
- Following the use of the land for large-scale solar energy, all on-site solar energy structures shall be removed, and the site restored for agricultural purposes, in a manner similar to non-metallic mining restoration requirements.


2. *Replace the entire policy #2 with – Permit activities within town ROWs that create an obstruction, encumbrance or excavations within the ROW for greater than 8 hours, establish the rules for working within the town ROWs and create a bonding process funding additional restoration if required.*

Chapter Seven: Utilities and Community Facilities

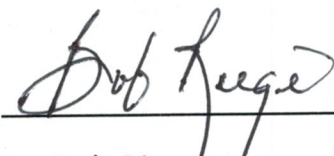
Large-Scale Solar Energy

Replace the last two sentences of the paragraph and all 8 bullets following these sentences with the following: To properly regulate this alternate energy technology the Town of Deerfield Board created and adopted Ordinance 2022-01 creating a solar energy system licensing process.

PLANNING COMMISSION

By 
Korby Holzhueter,
Planning Commission Chair

ATTEST: *October 10, 2022*

By 
Bob Riege
Town Clerk