



## **From Todd Violante, Dane County Planning and Development**

1. What happens when a town line divides a 'base farm tract' (Question No. 1);
2. How will Dane County interpret current town/county density policies, and will the new requirements take splits away from landowners (Question No. 2); and
3. How will the County perform compliance checks and will it charge for completing them (Question No. 8).

Please keep in mind that my responses below should be considered tentative for two reasons: 1) I would like to further confer with others both within our department and outside of our department in other agencies (e.g. Dane County Land Conservation Division) before calling this the final word; and 2) we are embarking this spring on the update of the Dane County Farmland Preservation Plan and commensurate update of the Dane County Comprehensive Plan, the process within which many of these issues will be discussed in much more depth.

### **Question No. 1 RE base farm tracts and town lines.**

I don't anticipate that Dane County will deviate far if at all from current practices. Contrary to Alison's response to this question, Dane County does not currently treat an entire 'base farm tract' as one whole unit if it crosses a town boundary for purposes of determining density and allocating splits. All towns in Dane County adopted the A-1 Exclusive Agriculture zoning district at different times, most in the late 1970s or early 80s, and we have some towns that still have not adopted the district.

Commensurately, towns adopted their original farmland preservation plans and subsequent comprehensive plans at different times. Density policies within the plans vary from town-to-town, and such policies are established independently by each respective town, and in the vast majority of cases also ratified by the County's incorporation of said policies into the County plan. To alter the current framework would raise considerable issues relating to appropriateness, equity, autonomy, feasibility, etc.

We presently and will likely continue into the foreseeable future to treat each contiguous landholding under common ownership as of the date cited in the respective town plan as the date from which we calculate splits from the 'original farm.' If a town line divides an 'original

## **Violante continued**

farm,' or 'base farm tract,' then we look at each commonly owned contiguous landholding on each side of the town line independently.

Ultimately, this is a decision of town and county elected officials, but what I've outlined is what has been the practice for roughly 30 years, is currently how we determine density, and how I personally think from my professional perspective the cumulative Dane County 'we' will probably continue to determine splits into the future.

### **Question No. 2 RE current density policies and the status of splits.**

As noted above, density policies vary from town-to-town. While the prevailing or most common density policy in areas of the county planned for agricultural preservation is one dwelling unit allowed per 35 acres under common contiguous ownership as of some set date in time established in the adopted town/county plan (i.e. 1-per-35), it will again depend on the specific town.

We have some towns that do not have a density policy, some that have 1-per-35, 1-per-40, 1-per-75, etc. Again, I don't presently anticipate a change in how Dane County administers splits, but this will be determined over the next two years as we work to update our Farmland Preservation Plan.

To attempt as a staff person to forecast what 'Dane County' as a governmental body comprised of legislative and executive branches of government with considerable input from 34 towns will do in the future is a speculative exercise. Our current staff presumption in the department is that our present framework for establishing density will essentially remain the same under the Working Lands Initiative as it is now. As I understand the CUP option, such an option is at the discretion of the local jurisdiction(s), and not a mandate of the state. The county and towns would need to amend local plans and the zoning ordinance to enable the CUP option included in WLI and referenced by Alison.

As of yet, until we delve deeper into our farmland preservation planning process, it would be premature to say what we'll be doing with the CUP option created in WLI.

### **Question No. 8 RE compliance checks and fees.**

We need to discuss this issue internally in greater detail. I would like to confer with staff from our Zoning and Planning Divisions and the county's Land Conservation Division staff in the Land and Water Resources Department, many of whom are copied herein. We have not yet discussed in any depth the issue of compliance checks.