



Town of Perry

Land Use Plan

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SECTION 1 INTRODUCTION

History of the Plan

Perry is a rural Township in the southwestern corner of Dane County. Its location and lack of an incorporated municipality make it one of the County's least developed townships. Agriculture is Perry's major land use.

The Township's steep unglaciated topography limits the potential for residential and commercial development.

In order to lay out the Town's policies for future development, a Town Planning Committee began work on a Town Land Use Plan in October 1978. This Plan is intended to guide future development decisions that will help to maintain the Township's agricultural land and rural character. In addition, by planning and zoning for farmland preservation, Perry's farmers are made eligible for increased tax credits under the State Farmland Preservation program.

This record establishes the intent of the original Land Use Plan, lists major changes to date, and documents the process used for each revision.

The Dane County Regional Planning Commission (DCRPC) drafted the original plan. The Plan identified central aims (protecting the natural environment and preserving productive farmland), established density limit of one dwelling per 35 acres, and created policies for controlled development in specific areas of the township. A plan summary was mailed to all landowners, and a public hearing was held. The Plan was adopted by the Town of Perry Board in August 1979. This was followed by a second action in the same year – the Town's adoption of A-1 Agriculture District (Exclusive) of the Dane County Zoning Ordinances effective August 22, 1979, preserving all lands previously zoned A-1 Agricultural.

Minor revisions to the Plan were made in 1987, drafted again by the DCRPC. Added to the Plan in 1987 were criteria for development on certain soils, policies on slope restrictions and separation of farm dwellings and related structures, and a procedure for handling mapping disputes. Town Board approval took place in September 1987.

In January 1992, a Land Use Plan Review Committee (made up of members of the Town Board and Land Use Committee) began work on a major Plan revision. This group saw the need to clarify site evaluation criteria in response to increased pressure for building sites. A complete copy of the revised Plan, as proposed by the Review Committee and drafted by the DCRPC, was mailed to all residents, and a public hearing was held. Added in the 1992 revision were several new policies and criteria (especially related to preservation of agriculture), definitions, a plan for Plan review and update, and land use application procedures. The Town Board adopted the revision in August 1992.

In March 1996, the Land Use Committee held a public hearing to invite ideas for Plan changes. At the Committee's invitation, a team of Perry residents drafted change suggestions. New in 1996 were a description of the township's people, agriculture, and natural resources; policies and criteria for protecting natural resources; a new organization for the Plan; designation of all evaluation criteria as desired or mandatory; more information on the Town's density policy; and a new system for ranking soil productivity. After changes had been completed, two more public hearings to discuss the changes were held. The Perry Town Board approved the revisions in 1996.

In January, 2003 Perry's Land Use Committee began a major revision process. Public hearings were held throughout 2003 and 2004. Section 1 and 2 were updated; Section 5 was revised; and Sections 6 and 7 were merged; and Section 10 (now Section 9) was rewritten. The Perry Town Board approved these revisions in 2004.

The Planning Process

In preparing the original Plan in 1979, the Planning Committee considered a variety of factors. These included: 1) physical characteristics of the land (such as soils and topography) and water resources; 2) past land use and development trends; and 3) desires of the Perry residents.

All of these factors were used to arrive first at land use objectives. These were general principles that the Town would apply when considering future land use changes. The second step was to formulate policies that addressed the ways in which the Town could achieve its objectives. The process was completed by outlining the procedures for application and review; during which the goals, policies, and evaluation criteria would be applied to each application.

Land Use Plan Updating

The Perry Land Use Plan will require periodic review and amendment in light of changing conditions and experience gained in plan implementation. To accomplish this, the Town Land Use Committee will review the Plan in January of each year for any needed changes, with a major reevaluation every five years. Resident input at this annual review meeting will be invited.

Maps and other sources

Town of Perry plat maps published in 1979 and 2003 are included in the Appendix section of this Plan

Other sources for maps, soil surveys, parcel information, etc. can be found at <http://accessdane.co.dane.wi.us/index.asp>

SECTION 2 TOWNSHIP DESCRIPTION

Overview

This section describes the people, agricultural activity, and natural resources of the community and provides a resource to help identify, acknowledge, and appreciate the Township's distinctive features.

The major parts of this section are historical concluding with a summary of what is known at present. A return to yesteryear is not advocated. Instead, historical perspectives help tell the stories and provide the foundation for the goals and policies that will protect Perry's valuable social, agricultural, and natural resources.

People

Historical Background

Perry's rich human history was described in 1994 in a comprehensive, extensively researched and illustrated publication entitled *The Historical Perry Norwegian Settlement*. (Copies can be obtained by writing the Perry Historical Center, 1057 Hwy. 78, Mount Horeb, WI 53572.) The book describes in detail the region's churches, schools, families, Perry's only hamlet - Daleyville, cheese factories, and musical groups.

This landmark account of Perry's history mentions various historic pre-Civil War houses, a rock barn, and log cabins that still exist. Many other historic Township buildings have been preserved. The five rural schools once found here closed in the mid-1960s and were consolidated with the three school districts that exist today. Four of the five former school buildings were converted to private dwellings; the fifth now serves as the Perry Town Hall. Of the 22 cheese factories that once operated in the Township, all have closed, but 11 have been converted to private dwellings. In addition, many old barns are scattered throughout Perry. Besides continuing to be functional, many of these barns are acquiring historical value.

During 2001, the Town of Perry established the 34-acre Perry Hauge Log Church National Historic District. The District recognizes the unique character and setting of the Perry Hauge Log Church site, preserving a view in all directions including the imposing Blue Mounds to the north. The Hauge Log Church was built in 1852 and was the first public building in the Town. The structure was used as the first school in the township and was the first school that taught English. Last used as a place of worship by its original Norwegian immigrant congregation in 1887, it was restored through contributions and efforts of the local community as a monument to the pioneers that settled the Blue Mounds area.

According to the Wisconsin State Historical Society, the Township contains nine known cemeteries and one archeological site. Locations of five of these nine cemeteries are well known; the remaining four may be smaller, unmarked burial grounds on private land. The Wisconsin State Historical Society reports only one site of archeological significance. There may be more. Early Native American presence in this area is also described in *The Historic Perry Norwegian Settlement*.

Population and Development Trends

The land use challenge facing Perry in recent decades is how to best to deal with the effect of population growth - in particular, the creation of new residences - on agricultural operations and Perry's rural character. While U.S. Census data record population declines from 760 in 1950 to 632 in 1980, Perry's population has increased slightly since then. In 2004 the population is estimated to be 692.

The number of new houses averaged just over 1 per year between 1981 and 1990, and over 5 per year from 1991 to 1995. The total number of houses increased from 225 in 1990 to 251 by 1995; and to 276 by 2004.

Economic Changes

As in most rural communities in Wisconsin over the last 40 – 50 years, Perry Township has gradually shifted away from a dependence on farming as a source of employment and income toward an economy in which most residents commute to wage or salary jobs outside of the Township.

The 2000 census data indicates a dramatic change in the past 10 and 20 years, especially in occupations as Farming, forestry or fishing.

	1980	1990	2000
Median Household Income (1980 data adjusted to 1990 \$'s)	\$31,503	\$34,333	\$57,125
Listed Occupations of working adults:			
Farming, forestry, or fishing	43.2%	34.8%	1.8%
Managers, executives, or professionals	9.8%	16.9%	37.8%
Technical, sales or administrative support	16.4%	20.6%	23.8%
Service Jobs	12.5%	10.4%	6.0%
Other Occupations	18.2%	17.2%	30.5%

When comparing the 1990 and 2000 census data, reported employment data by industry support that shift.

Industry	Percent Employed 1990	Percent Employed 2000
Agriculture, forestry, fishing, hunting, mining	40.8%	12.3%
Construction	4.2%	15.5%
Manufacturing	11.5%	11.8%
Wholesale Trade	2.0%	2.5%
Retail Trade	16.9%	9.0%
Transportation, warehousing, utilities	2.8%	5.3%
Information	New category	1.5%
Finance, insurance, real estate, rental & leasing	4.8%	8.0%
Professional, scientific, management, administrative, waste mgt.	New Category	7.0%
Education, health and social services	8.5%	15.3%
Arts, recreation, entertainment, accommodation and food services	New Category	2.0%
Other Services	New Category	4.0%
Public Administration	8.5%	5.8%

Agriculture

As any drive along Perry roads will show, agricultural activities dominate the visual landscape and provide an essential part of the social, economic, and aesthetic quality of life in this community.

Historical Trends

In the early to mid-1900s, almost everyone in the township (except those in Daleyville) lived on active farms. Farmers relied mainly on income from the sale of dairy products, but the wide range of crops raised to feed the cows, chickens, and pigs showed the farms to be highly diversified. Most milk was hauled to cheese factories within the township. Farm families produced a large share of the food they consumed, and few had family members employed in non-agricultural activities off the farm.

As elsewhere in Wisconsin, farm production in Perry Township changed dramatically after World War II. Improvements in crop yields (due to increased use of chemical fertilizers and pesticides, as well as improved seed varieties) increased agricultural output and lowered farm commodity prices. Rising costs and lower farm commodity prices forced farmers to expand, a process made possible by development of new farm machinery. Labor and technology required for larger farms encouraged farmers to specialize, with dairying emerging as the primary enterprise on most farms. Gradually, smaller farms were consolidated into larger ones, and the number of viable commercial farms in Perry declined. Over the same period, consolidation in food processing gradually led to the demise of all of the Township's cheese factories. Most farms remained centered around dairying, but they shipped their milk to larger processing plants.

Until 1980, Township assessors were instructed to collect information about the number of farms, livestock inventories, and crop acreage. Results suggest that the number of farms and acres in farming fell gradually throughout the 1970s. Acreage used to produce corn and hay increased, whereas the planting of oats dropped almost in half. In general, the number of livestock raised by Perry farmers declined more slowly.

Farming Today

Unlike flatter areas of southern Wisconsin, southwestern Dane County does not favor intensive cash grain farming (a system in which very large fields of corn or soybeans are planted year in and year out.) The rolling topography here is more suited to use as pastures or less-intensive forms of crop production. Most farmers plant fields that follow natural landscape contours and typically rotate grain crops (such as corn or soybeans) with forages and legumes. Contour planting and crop rotations provide the added benefit of reducing soil erosion and decreasing pesticide use. During the growing season, narrow strips of spiked corn, deep green alfalfa, and waving oats alternate along the contours of most farm fields, providing a dramatic mosaic of colors and textures that is the hallmark of Perry farming landscape.

Accurate and detailed information about the nature of farming in Perry today is difficult to come by. Because assessors no longer collect detailed farm data, other sources of data have to be used. Local estimates of the number of farming operations currently in the Township range from 30 to 80. Part of the reason for these differences lie in defining what constitutes a "real" farm. For some, only full-scale commercial farms capable of producing enough income to support a family are considered farms. To others, the growing numbers of small and medium-scale operations in Perry are also viewed as farms. These enterprises, which combine farm with non-farm income, are significant not only for their contributions to the local economy but also for their ability to keep the landscape open and maintain the rural character.

While the U.S. Census of Agriculture does not report data at the township level, it has summarized selected farm characteristics for each zip code in the United States. Because over 90 percent of Perry Township is located in the Mount Horeb zip code (53572), and because Perry makes up roughly a third of the zip code's rural land area, information about farms within that zip code is probably representative of farms in the Township.

Farm Size and Scale In 1992, there were roughly 253 farms in the Mount Horeb area. Most of them were of modest size; 85% had over 50 acres of land, though essentially none had more than 1,000 acres (a size that is fairly common in the more industrialized regions of the Midwest.) Farms that have gross sales of agricultural products of less than \$10,000 in a year are often considered to be non-commercial or part-time farms. These made up about a third of the farms in the Mount Horeb area. Another 27% of farms had gross sales greater than \$100,000. The remainder (38 percent) had gross sales between \$10,000 and \$100,000. These farms represent a serious farming enterprise (in terms of time, acreage and labor effort),

yet they may be unable to generate sufficient profit to enable farm households to survive without income from off-farm sources.

Farm Types Farming in the Mount Horeb area is mainly a livestock-based activity. Over 80 percent of farms in 1992 sold some kind of livestock products, mostly dairy products (about half of the farms) or cattle and calves (almost three-quarters of all farms, but this would include most of the dairy farms.) Most farms that sell cattle or calves fall into one of the three categories: a) dairy farms selling cull animals and male calves as beef, b) farmers raising replacement heifers for sale to dairy farmers, and c) traditional cow-calf enterprises raising cattle primarily for the beef market. Other livestock raised in the area include hogs, dairy goats, sheep, poultry and horses.

Although most livestock farmers also raise crops, the majority of the grain and hay produced in the area is still used to feed livestock on the farm and is not marketed as a cash crop. In 1992, just over 40 percent of all farms reported the sale of any crops, mainly hay, corn, soybeans and oats. Many such sales also occur between neighboring farmers, rather than on the open commodity markets. There are several farms in the area that produce and market vegetables, fruits, and greenhouse crops.

The Conservation Reserve Program In 1992, almost 30 percent of farms in the Mount Horeb area had some or all of their cropland enrolled in the Conservation Reserve Program (CRP). Administered by the USDA, CRP is designed to remove highly erodible land from agricultural production. Producers place bids to enroll acreage in the program for 10-year periods. Contracts require that farmers do not plow, plant, or graze this land during this time. Most CRP acreage in the County has reverted to grassland, though some has also been planted to trees.

Compared with the rest of the state, farmers and landowners in Dane County enrolled an unusually high proportion of their cropland in CRP during the late 1980s. On some farms in the area, the entire cropland acreage is enrolled in CRP. By 1995, almost 10 percent of cropland in the County was in CRP. In Perry, 4,704 acres are enrolled in CRP, which is about 25% of its total acres of farmland.

Because CRP began in 1986, the first farmers to enroll saw their CRP contracts expire in the spring of 1996. Although CRP was extended by the U.S. Congress, a much smaller number of acres is likely to qualify. Whether landowners and farmers will choose to leave the land as grassland (or forests) when their contracts expire, or whether they will return the land to crop production, will have a serious impact on the level and type of agricultural activity in the Township in the next few years.

Future Prospects

In recent years, there has been considerable concern expressed about the future of agriculture, particularly dairy farming, in Perry Township. Indeed, the trend toward fewer farms, more part-time farms, and enterprises that produce crops or livestock with fewer labor requirements than dairying appears to have accelerated in the 1990s. Explanations for this trend are complex. Factors include poor farm commodity prices, low rates of entry by younger farmers, and increases in farmland prices associated with competition for development.

Despite this, the story that emerges about agriculture in Perry is that farming activity has not decreased significantly in recent years. Dairying and beef production remain a mainstay, but there has been a gradual shift toward different types of agriculture. As elsewhere in Dane County, cash cropping may increase as some farms go out of dairying and as CRP contracts expire. In addition, farm income in Perry is now being supplemented with income off the farm.

Some farms are no longer involved in agricultural production. Traditional farming activities provided the foundation of rural community life in the area. A significant amount of social interaction in the Township was based on farming and farm-related activities. However farming remains a significant source of employment and provides a share of household income for most Township residents.

Agricultural production in the Township is very diverse and constantly changing. Historically dairy farms and their subsidiary enterprises (beef cattle, replacement heifers, and hay and grain production) shaped the character of farming in the community.

In recent years, a number of Township residents have established new farming enterprises based on non-traditional crops or livestock, such as dairy goat and/or sheep flocks, greenhouse and nursery crop enterprises, and vegetable production. Many of these new enterprises market a large proportion of their farm commodities directly to consumers. In addition, a growing number of dairy operations have moved away from traditional confinement milking systems and feedlot to pasture-based, rotational-grazing systems of management.

The future of agriculture in Perry Township will likely include a combination of traditional and innovative types of farms. Policies that affect residential development may make traditional and non-traditional farming operations more viable.

Farming in Perry supports agricultural-related industries located in Mount Horeb, Blanchardville, and Mount Vernon. The open fields, and the seasonal cycles of planting and harvest associated with farming create an appealing rural landscape in contrast to a society that is becoming increasingly urban.

Natural Resources

Physical Geography

Perry Township's ridge top vistas, gently-sloped valleys, wandering streams, rock outcrops and rugged cliffs create a picturesque landscape. Located within the Driftless Area (an area of southwestern Wisconsin not covered by glaciers), Perry was not leveled, scoured or blanketed with glacial deposits from the last continental ice sheets which receded about 10,000 years ago. Instead, Perry is a plateau formed by the deposits of ancient seas. Since then, streams have slowly carved narrow valleys, in a pattern resembling the branches of trees.

Soils

Perry Township is blanketed by a thin layer of windblown silt (called loess), which drifted in from nearby lands that, freed of their glacial cover, had dried out, and did not have enough plants to hold the soil. Glacial meltwaters further carved Perry's valleys and laid down deeper concentrations of silt along valley bottoms.

Throughout the Township, shallow, dry soils occur on the ridges, where soil permeability is low and surface runoff is high. The valley floors hold more fertile soils. On the slopes, soils are variable but in general are slightly more permeable than those on the ridges.

The soils of the Township have been categorized according to their agricultural capability as defined by the U.S. Department of Agriculture Soil Conservation Service. Four categories are identified. The specific soil types composing each category are listed in the Appendix.

Choice Farmland is land having the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when managed and worked according to modern farming methods. Choice farmland occupies 29% of Perry Township.

Fair Farmland is land that is not the most productive because of soil limitations. However, with proper measures taken to compensate for these limitations, this land can be satisfactory for the production of various food, feed fiber, and forage crops. Fair farmland makes up 29% of Perry.

Poor Farmland - because of its historically poor production capabilities - is land that is marginal for traditional agricultural production; it may, however, sustain specialized/diversified agricultural practice. Poor farmland is found on 32% of Perry Township.

Steep Farmland is land that is too steep for mechanized agricultural production as well as for development; it may, however, be utilized as pasture land. In Perry, 10% is steep farmland.

Surface Waters and Wetlands

Most of Perry Township lies within the Pecatonica River watershed. The northeastern part of the Township lies in the Sugar River watershed.

Streams Perry's surface waters consist of permanent and temporary streams. No natural lakes are found here. Major streams are Pleasant Valley Branch and its four main tributaries: Syftestad Creek, Kittleson Valley Creek, Jeglum Valley Creek, and York Valley Creek (also known as Lee Creek). A total of 32 springs feed the Pleasant Valley Branch watershed.

Streams with the steepest slopes (gradients) are Jeglum Valley Creek, Syftestad Creek, and York Valley Creek, with the best water quality in Jeglum Valley and Syftestad Creeks. The average depth of these streams is six inches, and the average width is three to four feet. In the absence of disturbance, bottom types are usually gravel or rubble because stream gradient discourages settling of silt. The streams are prone to flooding, however, because of their steep gradients and rapid runoff across the hilly topography.

In 1985, the Wisconsin Department of Natural Resources (DNR) listed the entire Pleasant Valley Branch as a Class II trout stream even though brown trout are not known to reproduce there naturally. Instead, the stream's trout fishery is maintained by DNR stocking. Additional stocking has kept brown trout in both Jeglum and York Valley creeks. In Syftestad Creek, a rare fish called the redbside dace has been found. It is categorized as a species of Special Concern by the DNR's Bureau of Endangered Resources.

Wetlands The Township's few wetlands are confined mainly to the floodplains of streams or to spring seeps. According to the DNR's Wetland Inventory Program, Perry Township supports 246 acres of wetlands.

Wetlands harbor an abundance of plant and animal life. Nearly one-third of Wisconsin's endangered and threatened species require wetlands. These areas also keep surrounding land healthier by storing floodwaters, filtering sediments and contaminants, and recharging groundwater. In Perry, the wet-prairie plants glade mallow (Special Concern), wild quinine (State Threatened), and other rare plants are found in less disturbed areas.

Grasslands and Savannas

For nearly 6,500 years, Perry has been an oak savanna and prairie landscape, dominated by tall, native prairie grasses and wildflowers, with scattered groves of burr oak, white oak, black oak, and shagbark

hickory. Early explorers gave the name "prairie" (French for meadow) to the vast treeless grasslands they encountered. "Savanna" (a Spanish word) describes native grasslands sparsely dotted with trees (usually oaks). Although today's grass-covered land includes numerous types of grasses (such as smooth brome, timothy, and quackgrass) that have been introduced by European settlers, this section focuses on Perry's original grasslands - its prairies and savannas.

Perry's savannas and prairies depend largely on periodic disturbances to remain open. Wildfires used to serve this purpose (including those caused by lightning and set by Native Americans to promote hunting and travel.) Grazing herds of bison and elk, burrowing mammals, tree-eating insects, and tree-killing diseases also played significant roles. Where these disturbances did not control the woody growth, pockets of forest arose.

Today, oak savannas and tall-grass prairies are vanishing features of the Midwest. Most, including those in Perry, have been cleared and plowed, invaded by dense shrubs and trees (due to fire suppression), or overgrazed to the point where the ground layer beneath has been converted to weedy plants, both native and non-native.

Despite this, patches of native prairie still remain in Perry on scattered private parcels. These remnants are easily identified in late summer and autumn when big and little bluestem grasses, indian grass, and side-oats grama grass stand high and turn shades of rust and orange. The flowers of the prairie change throughout the season from the early purple pasque flowers of April and prairie violets in May to the yellow sunflowers and purple blue asters of August.

Most of these spots of prairie are found on soil too shallow or too steep to plow, on sites too isolated to graze, or on road edges, especially where mowing is done late, after flowering plants have been able to reproduce and set seed. Moderate or rotational grazing of pastures can permit prairie remnants to survive because brush is prevented from taking over. Scattered groves of older, savanna-grown oaks still grace the hillsides and pastures, lending an appearance of the original savanna landscape. If desired by local landowners, these areas have potential to be restored to true savanna with appropriate management and perhaps some seeding in native plants.

Rare plant species native to prairies/oak savannas known to inhabit Perry include round stem foxglove, purple meadow-parson, and prairie turnip. Several rare grassland birds nest in the area, including Bell's vireo, upland sandpiper, northern harrier hawk, bobolink, dickcissel, western meadowlark, and Henslow's sparrow. Short-eared owls are known to hunt the area during the winter. Of these rare plants and birds, the foxglove and vireo are listed as State-threatened; the other nine are categorized as of Special Concern. Little is known about the native reptiles, amphibians, and invertebrates of the Township's remaining prairies and savannas.

These small "islands" of Perry's natural heritage may be important to preserve, even if small and invaded by weeds. From surveys of similar grasslands elsewhere, we know that these areas likely harbor many species that can survive nowhere else, such as the hundreds of native butterflies, leafhoppers, beetles, and other insects that feed only on particular prairie plants.

Preservation of these areas has been a beneficial by-product of the Conservation Reserve Program, which was discussed in the Agricultural Description. Because many Perry residents enrolled their lands in this program, thousands of acres of grassland are now thriving within the Township. These grasslands, though dominated by non-native forage plants such as smooth brome grass, timothy, and alfalfa, still can serve as surrogate prairie for many vertebrate animals, especially birds. The larger and the more connected these grasslands are, the more likely they will be able to sustain the many rare species that require them.

One particularly large, connected grassland occurs in the northeast part of the Township. Because of its size, it supports a rich variety of nesting grassland birds every summer. The Wisconsin DNR and the Nature Conservancy have identified this area as one of several potential "landscape-scale grassland management opportunities" left in Wisconsin; they may work with landowners to pursue preservation options. In addition, landowners are encouraged to consider independent protection and management alternatives when returning CRP lands to production.

Small mammals associated with prairie and savanna still do fairly well on these grasslands. They include badger, coyote, red fox, cottontail rabbit, woodchuck, fox squirrel, prairie mole, thirteen-lined ground squirrel, and prairie deer mouse. The bison, elk, black bear, and timber wolf that once roamed the area are gone.

Woodlands

Although chiefly covered by open grasslands, Perry's pre-settlement profile included oak woods on slopes and ridge tops that had escaped intense fires hot enough to kill off the trees. On moister areas protected from fire, rich, shady stands of maple and basswood gradually replaced the oaks through natural succession. In periodically wet sites along valley bottoms, swamp white oak, silver maple, willow thickets, and various shrubs arose. Nevertheless, it was Perry's grasslands that predominated in the landscape; the same is still true today.

Currently, woodlots of varying size and quality are found in Perry Township. Stands of bur oak, white oak, and shagbark hickory occur on steeper slopes unsuitable for cultivation. On shadier slopes and valley bottoms, red and black oaks dominate, often interspersed with stands of black walnut. Today, two of Perry's best woodlots - a red oak-sugar maple woodlot and also a sugar maple-basswood-red elm woodlot - have been identified by the DNR Bureau of Endangered Resources as natural areas of local significance. Maple woods, when not heavily grazed, exhibit a stunning array of wildflowers throughout the spring. If grazed, such woods may still display native wildflowers such as Dutchman's breeches, spring beauty, and trout lily, which flower and die back before livestock enter each spring.

Many of the Township's woodlots are former oak savannas. They can be spotted by the presence of large, open-crowned oaks surrounded by younger trees and brush that have taken over in the absence of fire or grazing. Oaks with two or three equal-sized trunks that resprouted from root stalks in the absence of fire, or following logging, are common in these second-growth woodlands. Savanna plants may still be found in the ground layer, primarily along the edges of woods and in woodland openings.

A unique plant community (known as a pine relict) occurs on some sandstone cliffs in the Driftless Area, often on steep north or east-facing slopes. These small stands of white pine, maple, and sometimes red pine persist in cooler pockets as holdovers from Wisconsin's glacial times, when the climate was cooler and vegetation resembled that in our northern woodlands today. In Perry, a white pine and maple relict exists in the far northwest corner of the Township.

Probably all of Perry's remaining, scattered oak hickory woods were at one time either grazed or logged. Woodlands most heavily disturbed contain mainly trees like cherry and box elder, and non-natives like black locust, and mulberry. When the trees are removed and sunlight is let in, these areas give way to weedy thickets of blackberry, raspberry, prickly ash, and stinging nettle. The two most aggressive shrubs invading our southern woodlands are non-native: Asian honeysuckle and buckthorn.

Many animals once found in the southern woodlands - deer, raccoon, skunk, coyote, gray fox, blue jay and robin - are still present in Perry. Large mammals such as black bear are gone. As woodlots get smaller and farther apart, songbirds decline. On smaller tracts, birds that live along the edges (brown headed cowbirds,

crows, blue jays, and grackles, for example) can easily penetrate the wooded interior; here they raid the nests of woodland songbirds and replace the songbirds' eggs with their own.

In 2004 1,137 acres were enrolled in the DNR's woodland tax law programs, which provide tax incentives for landowners who oversee their woodlots in accordance with an approved management plan for the site. (Compare this figure with the 997 acres in 1995 and the 160 acres of Perry's woodland enrolled in this woodland tax program in 1979. This tax program is comparable in effect to that of the CRP on Perry's grasslands, which are considerable more extensive than Perry's woodlands (see Grasslands and Savannas.)

Cliff Communities

As elsewhere in the Driftless Area, a number of open and shaded cliff communities occur in Perry Township. These areas can be as large as a tall vertical rock face and as small as a single rocky ledge. Cliff communities support plants that are adapted to cliff life and that are generally not found anywhere else. These plants - of which ferns are the most common example - thrive with very little soil by sending roots far into the rock in search of water and nutrients.

On open and unshaded cliffs, characteristic plants include sand cress, harebell, smooth cliff brake, rusty cliff fern, and blunt cliff fern. On shady, wooded cliffs, common plants are rock cress, wild columbine, slender cliff brake, and bulblet bladder-fem.

Little is presently known of Perry's cliff communities; however, one dry sandstone cliff supporting prairie and oaks in the far northwest corner of the Township and another shady cliff in the southwest have been surveyed. On a smaller scale, many properties throughout Perry have rocky ledges that provide a home for cliff plants.

Summary

Perry clearly has many assets. Most are highly visible while some, like a small prairie remnant, are not. Hopefully, these descriptions will help shine a light on the most important of those assets that make this Township a special place.

Section 2 examined natural resources in separate segments. Together they compose Perry Township. They are considered independently of each other for ease of discussion, but they are interlinked to such a degree that a significant change in one feature will likely affect at least one other. Land Use decisions can have important consequences. For example: extensive logging on one person's property might lead to erosion on the neighboring properties. Creek pollution might have ramifications for fish, waterfowl, wells, and livestock downstream.

The Town sees land stewardship as important in nurturing this place we call "home".

SECTION 3 GOALS AND POLICIES

Based on the previous descriptions of what makes Perry Township unique, goals and policies were developed to assist the Town in planning for its future development. "Goals" are purposes or objectives. "Policies" are plans for achieving them. With these definitions in mind, the following goals and policies identify the central aim of the Town of Perry Land Use Plan.

Several types of policies are included. Most serve to guide the decisions the Town Board must make in reviewing requests for land use change and for other Town Board actions. A few policies explain some local values to persons who are considering moving into Perry. None of these policies are meant to dictate what landowners can or cannot do. Instead, they offer encouragement to residents who may wish to follow certain land use practices or activities on their own properties.

Agriculture: Evaluation Policies

A primary goal of the Town of Perry is to preserve productive farmland for continued agricultural use and to maintain agriculture as a major economic activity within the Township. Perry certainly benefits from the protection of agriculture. However, agriculture in the Township is under pressure as a result of rising land prices for rural residences. The Town of Perry recognizes unchecked homesite development as the primary competition to local farming.

As a result, the Town has adopted the following policies:

- (1) To limit development to areas that will not adversely affect agriculture.
- (2) To manage development in such a way that large blocks of farmland can be protected. Continued viability of farming in Perry requires availability of tillable land.
- (3) To protect farm operations from encroachment of incompatible land uses and activities that may adversely affect the capital investment in agricultural operations.
- (4) To support the preservation of the family farm as a viable economic unit as well as a desirable way of life.
- (5) To cooperate with other units of government in any program that encourages the continued use of land for farming. The Town is participating through this Land Use Plan and Exclusive Agricultural Zoning to make farmers eligible for tax credits under the State Farmland Preservation Program.
- (6) To protect existing farm operations from restrictions on noise, odor, and the keeping of animals associated with farm operations. This policy recognizes that often new non-farm residents who are unfamiliar with farm operations desire unrealistic controls or conditions on farm activities.
- (7) To provide for separation of farm dwellings and related structures that remain after farm consolidation. The other agricultural policies will be applied to such separations insofar as possible. Such divisions require special judgment, because often other farm buildings are involved. The determination of which buildings and land go with the house requires special case-by-case review.
- (8) To provide for no high density residential areas outside of the Daleyville Limited Service Area.
- (9) To adopt ordinances that recognize the needs of fire protection and emergency medical services in site approval.

(10) To preserve all existing cemeteries and areas of historical importance.

Natural Resources. Evaluation Policies

A second Town goal is to protect Perry's unique and important natural resources. Such resources are recognized as non-renewable and irreplaceable, and in some cases are protected by County, State, and Federal regulations.

To help protect these assets, the Town has adopted the following policies:

All Natural Resources

- (1) To encourage placement of building sites on areas that will not encroach upon unique or important natural resources of the Township, or result in erosion or excessive stormwater run-off.
- (2) To consider protection of the Township's natural beauty when reviewing any proposal for development to ensure that the resources that make Perry attractive are not destroyed in the process.
- (3) To protect endangered and threatened species. Endangered and Threatened Species are wild plants or wild animals that have been provided special protection by Federal or State regulations (Wisconsin Statutes Section 29.145).
- (4) To practice land use that promotes whole native ecosystems, which takes into account how plants and animals fit together in their environment. Individual species are only one link in the web, and it is the web that is important.
- (5) To prohibit open dumping and littering, which detract from the appearance of the Township and constitute violations of State and County laws, and to encourage use of the Town's Recycling Center.
- (6) To encourage the minimal use of pesticides and commercial fertilizers.

Physical Geography

The nature of the Township's topography protects the landscape from major change over time. However, new dwellings may affect the countryside. Those that are highly visible and unshielded by woods or changes in elevation may diminish the rural character of the landscape. In addition, siting of homes - and related placement of utility poles - on the tops of ridges may spoil uninterrupted vistas.

As a result, the Town has adopted the following policies:

- (1) To limit development to areas that will not adversely affect the rural character of the Township.
- (2) To support the importance of the Township's scenic views and vistas. This policy will be implemented by adding "the effect on views and vistas" as a desired criterion for all site approvals. As part of its support of visual appeal, the Town Board will also continue to comply with Section 10.01(28) (on junk) of the current Dane County Zoning Ordinance.

(3) To consider placement of utility poles as a factor in evaluating all requests for site approval and to promote placements or other installation methods that do not negatively impact the aesthetics of the landscape or important natural resources.

(4) To encourage dwellings to be designed and landscaped so they are compatible with the natural character of the area.

Soils

Perry's soils support viable agricultural practices that are well adapted to the Township's rolling, sometimes rocky landscape. With bedrock close to the surface and with many steep slopes, soil conservation is vital to the economic future of farming in Perry. Such conservation is advisable for other landowners as well for aesthetic and practical reasons.

As a result, the Town has adopted the following policies:

(1) To encourage the use of soil conservation practices in farming operations wherever possible.

(2) To require the use of soil conservation practices in any development in the Township and to evaluate proposals for such development to ensure that soil loss from erosion is minimized.

(3) To evaluate the agricultural productivity of affected soil types when a land use change is proposed so that the most productive soils can be preserved.

Surface Waters and Wetlands

The quality of Perry's streams and wetlands has suffered over the years. Particularly damaging is concentrated livestock grazing in streambeds or wetlands. However, some land use practices farther away from surface waters can have impacts, too. Examples include concentrated runoff from barnyards and feed lots, pesticide and nutrient runoff from fields, and erosion from construction and logging. Runoff negatively affects stream water quality. It also makes algae grow and causes sediments to build up in wetlands, encouraging solid patches of plants such as cattails, which offer poorer habitat for wildlife.

As a result, the Town has adopted the following policies:

(1) To protect and improve the quality of surface and groundwater within the Township.

(2) To protect floodplains and wetlands in order to avoid expensive future drainage and flooding problems, retain them as essential components of the hydrologic system, maintain their value as wildlife habitat, and maintain them as focal points of natural beauty.

(3) To comply with special Dane County zoning regulations on erosion control and storm-water management pertaining to shorelands, wetlands, and floodplains.

(4) To promote and encourage existing land management practices such as contour strips and conservation tillage, minimal and careful use of pesticides, managing runoff from construction sites, proper management of barnyard manure, and controlled livestock access to streams.

Grasslands

Public awareness and interest in Perry's original grasslands - its prairies and savannas - is growing, as shown by restoration efforts of some Township residents. Currently, landowners are offered incentives via forest tax law programs to plant trees into grasslands. Such tree planting eventually eliminates the sun-loving prairie plants, splits up the grassland, and destroys the treeless nest sites required by some birds. Perry's grasslands are also affected by new homes, which are often sited on non-agricultural fields and thus on prairie or savanna remnants.

As a result, the Town had adopted the following policies:

- (1) To encourage preservation of grasslands as a wildlife habitat, as erosion control, and as a means of preserving the natural beauty of the Township.
- (2) To encourage dwelling placement so that native prairie remnants are avoided and fragmentation of grasslands is kept to a minimum. Many homebuilders today may appreciate and even encourage native prairie growth in their vicinity.
- (3) To adopt a road mowing policy for those Township road segments where mowing is not mandated for safety reasons. On such segments, early mowing of some plants (such as Canada thistle) will be encouraged, and thorough mowing of other areas will be delayed until after September or October wherever possible. Such mowing will free these areas of brush and trees but will keep the spectacular roadside displays of prairie grasses and flowers.

Woodlands

In addition to deer damage, the main threat to the Township's woodlots is continued logging of its economically valuable oaks. If such oaks are cut and if maple seed is nearby, oak groves will gradually change to sugar maple and basswood. If keeping Perry's historical oak woodlands is desired, owners will need to leave some large oaks as a seed source and to consider practices to halt the natural changeover to maples. Other impacts on woodlots can occur when development is proposed.

As a result, the Town has adopted the following policies:

- (1) To encourage the management and preservation of existing woodlands as an economic land use, as wildlife habitat, as an erosion control measure, and as a means of preserving the natural beauty of the Township.
- (2) To protect quality trees and quality woodlands from unnecessary destruction by development.
- (3) Where cutting is desired, to discourage clear cutting and to encourage selective cutting.
- (4) To keep larger blocks of woods connected. Such protection will buffer the interior from drying winds and sunlight and from woodland edge birds that prey on forest-nesting birds.

Cliff Communities

As stated earlier, little is known about Perry's cliff communities. As a result, the Town has adopted the following policies:

- (1) To protect cliff communities as they become identified by discouraging development or removal of native vegetation that would subject them to erosion or destruction.

Limited Service Area (Daleyville)

The purpose of a Limited Service Area is to provide sanitary sewer service but no other urban services to an area of existing development that is experiencing sewage disposal problems. It is not intended that a full range of urban services be provided nor that additional development be encouraged. This Service Area will be limited to existing development (that is, development that exists at the time a Limited Service Area is adopted) plus any vacant lots between or adjacent to existing development. Expansion of this Limited Service Area will only be considered for the inclusion of existing structures adjacent to the current area.

SECTION 4 EVALUATION CRITERIA FOR LAND DIVISION

Evaluation criteria are the concrete tools with which the objectives will be implemented. When requests for land division come before the Town of Perry Land Use Committee and Town Board, they will be reviewed to make sure they are consistent with the goals and policies in Section 3, then they will be evaluated by the criteria cited in the section that follows.

As applications are reviewed, however, it may become clear that new criteria need to be adopted to carry out certain policies. Once established, these new criteria will be added the next time the Land Use Plan is updated. Similarly, some criteria may prove to be unnecessary and can be dropped in subsequent Plan revisions.

Mandatory Criteria

- (1) Land division that creates small parcels for dwellings or development and preserves large parcels for continued agricultural use is required.
- (2) Parcel shape will promote maintenance of adjacent agricultural parcels and natural features that are unique because of their size and will minimize the length of access from a public road to the development.
- (3) Parcel shape will preserve agricultural use of the land.
- (4) Approval of land division applications will apply only to the land division and not to any future change in usage of the land involved.
- (5) The number of dwellings permitted by any land divisions shall follow the density policy outlined in the Appendix.
- (6) Where parcels of less than 35 acres now exist, no land division for development beyond the accepted density is allowed.
- (7) To ensure that the density ratio described in the density policy in the Appendix is maintained, the Town may impose deed restrictions to prevent further development when properties are divided and/or rezoned.
- (8) It is also recognized that a number of smaller parcels existed at the time the Town adopted A-1 Exclusive zoning on August 22, 1979. There is provision in the Dane County Zoning Ordinance that allows one house per such parcel, where it was vacant as of this date. This "grandfather clause" will allow a certain number of homes without zoning change. No further splits of such parcels for development are allowed by Plan policy.
- (9) There is minimal conflict with neighbors where such conflict is determined reasonable by the Land Use Committee and Town Board.

SECTION 5 EVALUATION CRITERIA FOR ZONING CHANGE

Evaluation criteria are the concrete tools with which the objectives will be implemented. When requests for zoning change come before the Town of Perry Land Use Committee and Town Board, they will be reviewed to make sure they are consistent with the goals and policies in Section 3, the following general criteria, and the specific criteria listed for each zoning district. As described in the Town of Perry Application Guide, zoning change may involve a change from one district to another (called rezoning) and/or a change in use permitted within a zoning district (which requires a Conditional Use Permit from Dane County). Zoning district names, permitted uses, and requirements follow those in the Dane County Zoning Ordinance.

As applications are reviewed, it may become clear that new criteria need to be adopted to carry out certain policies. Once established, these new criteria will be added the next time the Land Use Plan is updated. Similarly, some criteria may prove to be unnecessary and can be dropped in subsequent Plan revisions.

General Criteria for All Zoning Changes

The following criteria apply to all requests for zoning change (that is, for change from one zoning district to another or for change in permitted use.)

Desired Criteria

- (1) The septic system, if necessary, should be located in the rezone area.

Mandatory Criteria

- (1) When evaluating an application for zoning change, the request will be reviewed to make sure it is consistent with this Plan including but not limited to: site location, parcel size, driveway length, neighbor input, and land division effects that are associated with the zoning change.
- (2) When a rezoning request is designed to permit development, the applicant must present an acceptable site plan as provided in Section 6.
- (3) There is minimal conflict with neighbors where such conflict is determined reasonable by the Land Use Committee and Town Board.
- (4) To ensure that the density ratio described in the density policy in the Appendix is maintained, the Town may impose deed restrictions to prevent further development when properties are divided and/or rezoned.
- (5) A zoning change request for the purpose of building a dwelling or for any other development cannot be approved without an approved driveway application (if a driveway is needed) and site approval.
- (6) If zoning change request involves land that is contiguous with land in another Township, the Town of Perry may confer with that Township when making decisions.
- (7) Agricultural productivity of affected soil types will be evaluated when a site approval is requested so that the most productive soils can be preserved for agricultural production. This will involve applying the following policies for each of the Township's four major categories of soils. To identify these soils, the soil map and soil productivity and ranking list that appear in the Appendix should be consulted.
 - (a) **Choice Farmland** Because this land is the most productive in the Township, development on this land is not allowed **except as follows:**

development of a driveway to allow access to building sites on Fair or Poor soils as long as the amount of Choice soil development is .10 acres or less (4,356 sq. ft. or less) and providing the driveway is located along an established fenceline or property boundary.

- (b) Fair Farmland Development on this land will be considered, depending on how well it conforms to the criteria in this Plan.
 - (c) Poor Farmland Development on this land can occur, if the mandatory criteria are met and it meets any special County zoning requirements.
 - (d) Steep Farmland Because these lands all exceed a slope of 20%, no development will be allowed.
- (8) Any proposed development that will cause a significant increase in traffic will be evaluated to make sure the traffic does not cause a safety, noise, or other problem to the residents in the area or in the Township.
 - (9) All requests must comply with special Dane County zoning regulations that pertain to shorelands, wetlands and floodplains.
 - (10) If a request is made for a zoning district that is not listed in this Plan, the most appropriate criteria as determined by the Town Board will be applied.

Agriculture (A-1 Exclusive, A-2, A-3) and Agriculture-Business (A-B) Districts

The uses of land permitted in the Agriculture Districts will be primarily limited to agricultural production and dwelling units that serve as places of residence for owners and employees of the farm. (See Wisconsin State Statute 91.77) Rezoning from A-1 Exclusive to another Agriculture District for anything other than an agricultural use (see Definitions) will be considered only if the following criteria are met:

Mandatory Criteria

- (1) A rural location is required to be in proximity to a resource.
- (2) No urban services are required.
- (3) The proposed development will not require high amounts of water or a large septic system.
- (4) The service offered is one generally needed in the Township

Exposition (EXP-1), Conservancy (CO-1), and Historic Overlay (HD) Districts

Each application will be evaluated for how it fits in with the overall objectives of this Plan.

Local Business (B-1), Commercial (C-1, C-2, LC-1), Industrial (M-1) and Recreational (RE-1) Districts

Industrial uses are clearly incompatible with the goals and objectives of this Plan and will not be approved. All commercial uses will be limited to small contractors, vehicle storage, and limited outside storage of materials such as provided in the Limited Commercial Zoning District. Rezoning to the Local Business or the Limited Commercial Districts will be approved only if the criteria listed below are met.

Mandatory Criteria

- (1) The service offered is one generally needed in the Township
- (2) Minimal tillable land area will be needed to accommodate the use.
- (3) The proposed development will not require high amounts of water or a large septic system.

- (4) Proposed developments that will have noise, odors, or litter must be accompanied by an abatement plan.
- (5) If the proposal includes the possibility of all-night operation, outside lighting will be required to be shielded so as not to create glare or shine on neighboring residences.
- (6) All proposals shall provide for adequate off-street parking. No vehicles shall be parked on public roads within the Township
- (7) The proposed development will not have an undue negative impact on existing residences in the vicinity.
- (8) The use must have minimal impact on the natural environment.
- (9) The use must have access to a State or County highway. If a Township road is involved, the applicant must demonstrate minimal impact to neighbors where such conflict is determined reasonable by the Land Use Committee and Town Board. If the Township road requires improvement, the applicant will be asked to pay his/her share of such improvement.
- (10) The size and nature of such a proposal must be limited to protect the rural character and preserve the natural beauty of the Township.

Residence Districts (R-1, R-1A, R-2, R-3, R-3A, R-4)

As the Town lacks the infrastructure and service capacity to support it, high-density development is not desired in the rural area of the Township. The Residence Districts will be restricted to the platted area of Daleyville or within a Limited Service Area if the Town creates one. In addition to being within this area, rezoning to a Residence District will be approved only if the following criteria are met:

Mandatory Criteria

- (1) To limit the amount of any new high-density development, a minimum lot size of 20,000 square feet is required
- (2) No multi-family housing will be allowed.
- (3) Parcels in existence prior to August 22, 1979 that are less than two (2) acres may be eligible for R-1 zoning without being in the Limited Service Area.

Rural Homes Districts (RH-1, RH-2, RH-3, RH-4)

Mandatory Criteria

- (1) Because speculation is discouraged and density limited, rezoning for dwellings may be conditioned upon completion of the first on-site inspection for building location and approval within not more than six months, as provided in Section 10.255(3)(a)1 of the current Dane County Zoning Ordinance, or upon recording of restrictive covenants within not more than 60 days of County Board approval, binding the property to certain conditions specified by the Town or County Board (such as location of buildings, driveways, and septic system), as provided in Section 10.255(3)(a)2 of the current Dane County Zoning Ordinance.
- (2) Size of parcels being created for non-farm development will be a minimum of 2 acres. There must be acceptable justification for larger parcels. The Town may approve larger parcels to accommodate topographic problems, keeping of livestock, septic system requirements, and other specific needs. Only that portion of land necessary for the requested use will be considered.

- (3) No multi-family housing will be allowed, because the town lacks the infrastructure and service capacity to support them.

Conditional Use Permits

Conditional use permits will be approved only if all of the following conditions are present:

Mandatory Criteria

- (1) The establishment, maintenance, or operations of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
- (2) The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall in no foreseeable manner be substantially impaired or diminished by establishment, maintenance, or operation of the conditional use.
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) Adequate utilities, access roads, drainage, and other necessary site improvements have been or are being made.
- (5) Adequate measures have been or will be taken to provide access so designed as to minimize traffic congestion in the public streets.
- (6) The conditional use shall conform to all applicable regulations of the district in which it is located.

SECTION 6 - EVALUATION CRITERIA FOR SITE APPROVAL AND DRIVEWAYS

All Dwellings, Farm and Non-Farm Accessory Buildings, Driveways and Other Non-Farm Development

Evaluation criteria are the concrete tools with which the goals and policies will be implemented. When requests for site approvals come before the Town of Perry Land Use Committee and Town Board, they will be reviewed to make sure they are consistent with the goals and policies in Section 3, then they will be evaluated by the criteria cited in the section that follows. All applications for driveways must be consistent with the goals and policies in Section 5, the following criteria, and any appropriate Town Ordinances.

As applications are reviewed, however, it may become clear that new criteria need to be adopted to carry out certain policies. Once established, these new criteria will be added the next time the Land Use Plan is updated. Similarly, some criteria may prove to be unnecessary and can be dropped in subsequent Plan revisions.

Desired Criteria

- (1) The development should be in a location that will limit the amount of land disturbance required to obtain the required utilities.
- (2) The septic system location should be in the rezone area, if rezoning.
- (3) Parcel shape should promote maintenance of adjacent agricultural parcels and should minimize the length of access from a public road to the development.
- (4) Development location should minimize loss of quality trees and grading of land and any negative impact on other natural resources.
- (5) Minimal farmland is removed from production.
- (6) Generally “flag lots” or layouts requiring long access roads are discouraged as a poor development practice. However, if unique circumstances warrant consideration of such an arrangement, the criteria in this Section will be used to evaluate each proposal.

Mandatory Criteria

- (1) Any development proposal must be carefully designed and reviewed to prevent soil erosion (*See the Dane County Erosion Control Ordinance, Chapter 14, Dane County Code of Ordinances*).
- (2) An acceptable site plan and/or driveway construction plan must be provided (see Town of Perry Applications Guide for procedure.)
- (3) Site viewings will be conducted to ensure compliance with the Plan (see Town of Perry Applications Guide for procedure.) Site viewings will not be required for home additions, decks, or attached garages.
- (4) Agricultural productivity of affected soil types will be evaluated when a zoning change, site plan, and/or driveway construction plan is proposed so that the most productive soils can be preserved for agricultural production. This will involve applying policies, which are outlined in Section 5 (Mandatory Criteria, item 7), for each of the Township’s four major categories of soils. To identify

these soils, the soil map and soil productivity and ranking list that appear in the Appendix should be consulted.

- (5) The proposed site and driveway are located where there will be minimal interference with agricultural production, and will not create a conflict with nearby farming operations.
- (6) The proposed site must allow construction (under accepted erosion control measures) of a driveway suitable for emergency vehicles' travel and safe access onto existing roadways. (See Town of Perry Driveway Ordinance.)
- (7) The proposed site and/or driveway cannot disturb or destroy important natural features such as wetlands, springs, prairie remnants, significant woodlands or woodlots, or cliffs – see Open Space Plan surveys and references.
- (8) Due to the many environmental concerns, driveways will not be allowed on natural slopes exceeding 20%. The slope of the land involved will be determined from the *Soil Survey of Dane County, Wisconsin*, in which soils are classified by slope. When using soil symbols, refer to the Appendix.
- (9) Cuts and fills will probably be required, particularly on slopes of 12 – 20% where grading for driveways will be required. The concern is that adequate erosion control measures are used to minimize further erosion. It is the applicant's responsibility to demonstrate to the Land Use Committee that adequate erosion control will be provided. (*Once again the applicant is referred to the Dane County Code, Chapter 14.*)
- (10) There must be a site suitable for a septic system for all residential development. No holding tanks will be considered for new residential development. Suitability for a septic system must be shown by test results of a certified soil tester; such results must be acceptable to the Dane County Department of Environmental Health. There must be a site suitable for an onsite wastewater treatment system in accordance with all applicable state law and administrative codes and with Chapter 45 of the Dane County Code. Holding tanks may be considered for agricultural buildings if approved by Dane County.
- (11) The Town of Perry will limit development to areas that will not adversely affect agriculture, or the rural environment of the Township, see Open Space Plan surveys and references.
- (12) There is minimal conflict with neighbors where such conflict is determined reasonable by the Land Use Committee and Town Board.
- (13) The proposed site cannot disturb any historic or archeological site. Prior to approval of any site plan, the State Historical Society will be contacted to see if any historical or archeological site is known to occur on the site proposed for development and if it is, the applicant will be required to relocate his/her plan for site development to a new location.
- (14) All necessary measures will be taken to ensure that endangered and threatened species occurring on a proposed site will be protected. A current Endangered and Threatened Species list is available by contacting the Department of Natural Resources.
- (15) Size of parcels being created for non-farm development will be a minimum of 2 acres. There must be acceptable justification for larger parcels. The Town may approve larger parcels to accommodate topographic problems, keeping of livestock, septic system requirements, and other specific needs. Only that portion of land necessary for the requested use will be considered.

- (16) If a driveway will serve more than one residence, additional requirements may need to be met.
- (17) At all site viewings, the effect of the proposed development on surrounding views and vistas (if any) will be recorded and evaluated.

SECTION 7 APPLICATION PROCEDURES

Application Process

To aid the Land Use Committee and Town Board in making decisions based on accurate information and to assist citizens in understanding the necessary procedures in making land use changes, the Town has developed an Application Guide. This Guide includes application information and requirements, procedures to be followed, responsible parties to contact, definitions, application fee amounts, and land use deadlines. Copies of this Guide are available from the Town Clerk.

Appeals of Town Decisions

Mapping Disputes

The Town Land Use Committee and the Dane County Regional Planning Commission staff have reviewed all maps used as the basis for the Land Use Plan. The Committee feels these maps are reasonably accurate for planning purposes and will use them as provided in Plan policies for making planning and zoning decisions. Due to scale limitation or potential data error, disputes may arise concerning areas delineated on maps. When a landowner or applicant alleges error or misinterpretation of map delineation, he/she must submit proof from recognized professionals that such is the case. Floodplain district boundaries are subject to the Dane County Zoning Ordinance, which has provision for decision on such disputes in Section 17.63(2)(b).

Soil maps were prepared using the Soil Survey of Dane County, Wisconsin, along with definitions and interpretations from the U.S. Dept. of Agriculture Soil Conservation Service. When maps or interpretations are disputed, the applicant must obtain professional assistance and submit data to prove allegations. A report by a registered professional engineer, experienced in soil testing and engineering, must be submitted to the Land Use Committee.

The Land Use Committee will submit these data to Dane County Land Conservation Department for review and content or opinion concerning the findings. The Land Use Committee, upon receiving a response from the County Land Conservation Department, will use the more detailed data as agreed to by the applicant's consultant and the Land Conservation Department staff in making the final decision on the proposal. If errors are found in this process, affected parties will be notified and maps corrected.

Other Disagreements

Any applicant who objects to a Town Board decision on an application for land use change may request to have his/her application reconsidered by the Board. The basis for such a request must be either a revised proposal or new information brought by the applicant that was not previously presented or that disputes a reason cited by the Board as a basis for their decision.

SECTION 8 DEFINITIONS

Agricultural Use - means "beekeeping; commercial feedlots; dairying, egg production; floriculture, fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program; participating in the milk production termination program; and vegetable raising" according to the 1993-94 Wisconsin Statutes Section 91.01(1).

Contiguous - is a lot or parcel that shares a common boundary for a minimum distance of 66 feet.

Density - is the number of dwellings allowed, in relation to the total contiguous acres owned. The density limit of this Plan is expressed as one dwelling per 35 acres owned. For a complete explanation, see the Density Policy in the Appendix.

Development - is any construction of a new structure or any enlargement, conversion, or relocation of an existing structure. Development also includes construction of new private driveways, excavation, mining, landfill, or any permanent land disturbance that changes the use of the land.

Disturbance of Soil - is any permanent disruption of the surface of the soil that alters the topography or changes the slope.

Dwelling - is any structure fixed to the ground that is intended to be occupied as a residence.

Effective Date - is, for purposes of establishing the density in this Plan, August 22, 1979. The details of this determination are discussed in Section 1 of this plan.

Floodplain - is the land adjacent to a body of water that has been or may be hereafter covered by flood water (as delineated on official floodplain maps).

Land Division - For the purpose of this Land Use Plan, this is the division of a parcel or tract of land by the owner or the owner's agent for the purpose of sale or building development where the act of division creates two or more lots or building sites.

Lot - is a parcel of land occupied or intended to be occupied by a building and its accessory buildings and uses. A lot may be a parcel designated in a plat or a certified survey map, or it may be described in a conveyance recorded in the office of Register of Deeds.

Multi-family Housing - is a building designed to be occupied by three or more families, living independently of each other.

Parcel - may be used interchangeably with lot, but is most often applied to larger tracts of land, while lot is used for smaller ones.

Pre-existing Parcels - refers to parcels of land in existence on public records as of August 22, 1979.

Productive Farmland - is the degree to which the land is capable of producing an agricultural product, according to criteria from the U.S. Dept. of Agriculture Soil Conservation Service. Two common products - hay and corn - are listed in the Appendix; production capabilities also exist for other agricultural products such as pasture grass, vegetables, fruit trees, etc. Productive farmland refers to what soils are capable of producing not necessarily what they are producing under present use. Thus, lands enrolled in the Federal Cropland Reserve Program could be considered productive.

Site Plan - a drawing or map (to scale) showing the locations of the physical features of the property such as any existing buildings, structures, dwelling, and driveway; any proposed buildings, structures, dwelling, driveway, septic systems, utilities; and any other information that the Town deems necessary (including cuts and fills required). For utilities, the route and method of installation for bringing service to new dwellings must be marked, and if poles are desired, their locations must be indicated.

Slope is the natural slant or inclination of the ground before any disturbance takes place. This slant is expressed as a percentage of the vertical rise divided by the horizontal length. Thus, a slope that rises 10 feet over a distance of 100 feet horizontal is a 10% slope.

View - a scene observed from a given vantage point. It has landscape character.

Vistas - an enframed segment of a view, or a confined view.

Wetlands are land areas characterized by high water table, the presence of surface water at any time during the year, predominantly organic soils and aquatic vegetation. Determination of wetland areas will be based on maps prepared by the Department of Natural Resources and adopted by Dane County.

SECTION 9 APPENDIX

Density Policy

In order to qualify for A-1 Exclusive Agricultural Zoning and to preserve and protect farmland and the rural environment, a limit has been set by the Town of Perry to determine the number of dwellings (or density units) that are permitted. This limit is a ratio of one dwelling per 35 acres of contiguous land owned as of August 22, 1979. Each parcel that is not contiguous on that date shall be treated separately in the computation in the number of density units available. The Town does not recognize public roads as creating separate, non-contiguous parcels for the purpose of applying its density rules. All dwellings count towards this density limit, including the original farm dwelling. The assessor's records and maps as of August 22, 1979 will be the basis of the density determination. Density units can be used only on the parcel to which they apply. Density units cannot be transferred to any other parcel.

NOTE: A density unit, not 35 acres of land, is needed to build a dwelling. Most dwellings are built on parcels of land less than 35 acres. See Section 4 for land division requirements.

The availability of a density unit does not guarantee that a dwelling can be built on a parcel. All evaluation criteria must be met also. See Section 7 for the application procedures.

Density units are required for dwellings only. Other structures, including structures allowed in the other zoning districts, do not require a density unit.

Although the mathematical calculation of the density limit for each parcel seems straightforward, actual application has proven otherwise. Additional explanations of the density policy are provided below.

Original Calculation as of August 22, 1979. The original parcel acreage is divided by 35 to determine the original density units available on August 22, 1979. If the resulting quotient is a whole number, the owner may create that number of lots. If it is a whole number plus a fraction that exceeds $18/35$, the owner may create that number of lots equal to the whole number plus one additional lot. Density units that have been used since August 22, 1979 will be subtracted from this number to determine the number of density units remaining.

Exception: A non-conforming parcel (less than 35 acres) that existed on August 22, 1979 had 1 density unit on that date.

Tracking Changes. Because land is frequently bought and sold, the following method will be used to calculate the remaining density units for any parcel. When land is transferred density units may be assigned or limited on parcels with the use of Deed Restrictions as outlined below:

Sale or Transfer with Deed Restrictions. A parcel is considered restricted if any deed restriction that pertains to density units or development has been placed on the deed to the property and has been properly recorded by the Dane County Register of Deeds. If a deed restriction exists, the intent of the restriction will be applied to any future calculations on the allocation and availability of density units, providing the deed restriction does not change the total number of density units available for the parcels involved.

Sale or Transfer without Deed Restrictions. Any sale of land of 35 acres or more from an original parcel will take with the sale the number of density units as determined by the application of the following formula:

Number of Acres Sold:
Divided by
Total Acres of the Original Parcel before the Sale:
Multiplied by
The Remaining Number of Density Units Available:
Equals
The Number of Density Units allocated to the land sold (rounded to the closest whole number).

Parcels of less than 35 acres. Parcels of land less than 35 acres can be created in the Town of Perry only through the rezoning process. If a parcel of land less than 35 acres is properly rezoned by the Town and Dane County to allow construction of a dwelling the rezoned parcel will have one density unit allocated to it.

The allocation of density units resulting from the sale of parcels less than 35 acres to an adjoining landowner will use the formula shown above.

Parcels with 1 density unit. If a parcel of land with 1 density unit is divided, the largest portion of the parcel will be allocated the density unit unless a deed restriction indicating otherwise is approved by the Town Board and recorded on the appropriate deeds.

A density unit will be considered used if any of the following is true:

1. A dwelling is located on the property.
2. A site plan has been approved by the Town to locate a dwelling on the property.
3. A rezoning that allows the construction of a dwelling has been approved by the Town and the County for the property.

For administration of this policy, the density units remain with the land, not the owner or subsequent owners. It is the responsibility of the owners and potential buyers of land to check with the Town on availability of density units. Potential buyers are also advised to contact the Dane County Register of Deeds to determine if a deed restriction has been recorded.

When the density limit is reached, construction of additional dwellings will not be approved.

To ensure that the density ratio described in this policy is maintained, the Town may require that a deed restriction be recorded to prevent further development when properties are divided and/or rezoned.

As part of this density policy, the Town Board will implement a complete and accurate inventory of the density units that have been used to date and will implement a plan for keeping this inventory up to date.

Soil Definition and Slope

Soil names and slopes in Perry Township are taken from the Soil Survey of Dane County, Wisconsin. Soils are described by acronyms made up of the following: (1) the first capital letter and next lower-case letter identify the name of the soil; (2) the second capital letter is a code that indicates the slope; and (3) the number "2", if present, indicates that the soil is eroded.

Slope codes (the second capital letter of the soil definition) are as follows:

- A - 0 to 2 percent slope
- B - 2 to 6 percent slope
- C - 6 to 12 percent slope
- D - 12 to 20 percent slope
- E - 20 to 30 percent slope
- F - 30 to 60 percent slope

For example, EmE2 is a common soil in the Township. "Em" means the soil type is Elk Mound sandy loam, the second "E" means the slopes are from 20 to 30 percent, and the "2" means the soil is eroded.

According to this Land Use Plan, any soil with an "E" or "F" slope should not be disturbed (see definitions of Development and Disturbance of Soil in the Definitions Section).

Soil Productivity and Ranking List

Because preserving farmland is one of the main objectives of Perry Township, the following list based on slope and soil productivity has been developed to identify soils that are the most and least favorable for farming. Soil types come from the *Soil Survey of Dane County, Wisconsin*. Numbers in the hay column are tons per acre, and numbers in the corn column are bushels per acre. These productivity figures, along with the number of acres for each soil type in Perry Township, were provided by the U.S. Dept. of Agriculture Soil Conservation Service in 1996.

<u>Choice Farmland</u>				<u>Fair Farmland</u>			
<u>Soil</u>	<u>Hay</u>	<u>Corn</u>	<u>Acres</u>		<u>Hay</u>	<u>Corn</u>	<u>Acres</u>
EgA	5.8	160	44	HbB	3.9	90	5
TrB	5.4	155	209	NeD2	3.7	90	399
PrB	5.8	155	18	BaD2	3.4	85	56
PrC	5.6	150	393	HbC2	3.5	80	93
VwA	5.2	150	87	EdB2	3.0	80	1,034
SmB	5.5	145	104	GaD2	3.8	80	118
Or	4.5	142	485	EhC2	3.6	75	31
RaA	5.0	142	252	DuB2	2.7	70	185
Os	4.5	138	4	EdC2	2.6	65	4,464
SmC2	5.1	135	411	HbD2	3.1	65	412
AsB	4.9	130	26	EhD2	3.2	60	216
SnC2	4.9	130	124	Total Acres			7,013
Ho	4.9	128	48	<u>Poor Farmland</u>			
HuB	4.8	127	482		<u>Hay</u>	<u>Corn</u>	<u>Acres</u>
HuA	4.8	127	30	SpC	2.5	55	2
ChB	4.7	125	57	DuC2	2.3	55	1,308
SmD2	4.7	120	447	EmC2	2.6	50	80
AsC2	4.5	120	369	SoD	1.4	40	880
DpB	4.5	120	591	DuD2	1.9	90	1,202
NeB2	4.5	115	127	Wa	0.0	0	21
SnD2	4.5	115	160	Pa	0.0	0	17
DpC	4.3	115	524	Ot	0.0	0	740
BaB2	4.2	110	3	St	0.0	0	545
GaB	4.5	105	15	EmD2	2.2	0	164
NeC2	4.1	105	668	EdD2	2.2	0	2,414
BaC2	3.8	100	92	SpD	2.0	0	38
DeA	4.0	97	8	Total Acres			7,411
DpD2	3.7	95	137	<u>Steep Farmland</u>			
GaC2	4.1	95	320		<u>Hay</u>	<u>Corn</u>	<u>Acres</u>
KcB	4.7	92	15	BaE2	0.0	0	10
Total Acres			6,250	DuE2	0.0	0	139
				EhE2	0.0	0	241
				EmE2	0.0	0	1,159
				EmF	0.0	0	385
				NeE2	0.0	0	24
				SmE2	0.0	0	23
				SoE	0.0	0	380
				Total Acres			2,361

Town Board Adoption

The Town Board hereby adopts this 2004 amended edition of the Town of Perry Land Use Plan adopted in August, 1998. The 2004 edition supercedes all previous Land Use Plans issued by the Town of Perry.

APPROVED BY:

J. Patrick Downing, Chairman

Daniel Keller, Supervisor

Larry Price, Supervisor

Signed copy on file

Date Approved:

October 26, 2004

Dane County Board of Supervisors – approved, June 2, 2005

Dane County Executive Kathleen Falk – signed, June 7, 2005

PERRY

T. 5 N.-R. 6 E.



