

## 17.28 A-1 EXCLUSIVE AGRICULTURAL DISTRICT

The Exclusive Agricultural District was formed as a part of the Barron County Farmland Preservation Plan and is intended to protect agricultural lands and associated natural areas from development contrary to agricultural use and to minimize fragmentation of these lands. Due to the importance of agriculture within the local and regional economy, it is necessary to encourage farmland preservation, protect natural resources, and minimize conflicts between farm and nonfarm land uses. Agriculture related business and infrastructure that supports agriculture are included as special exception uses in this district in order to facilitate an efficient network for agricultural owners and operators.

### (1) PERMITTED USES.

(a) **AGRICULTURAL USE.** Any of the following activities conducted for the purpose of producing an income or livelihood.

1. Crop or forage production.
2. Keeping livestock.
  - a. A new or expanded livestock facility that will have 500 or more animal units must comply with livestock facility siting standards per ATCP 51.
    - (1) An ATCP 51 Livestock Facility Siting Application shall be completed by the owner/operator and must be approved prior to operation (see ATCP 51.30).
    - (2) Livestock, for the purposes of ATCP 51 livestock facility siting, does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
    - (3) Setback requirements are described in 17.28(3)(f).
  - b. Animal manure storage facilities must comply with Barron County Ordinances - Chapter 18 and ATCP 51.
    - (1) A new or expanded animal manure storage facility permit application shall be completed by the owner/operator and must be approved prior to operation.
    - (2) Setback requirements are described in 17.28(3)(f).
3. Beekeeping
4. Nursery, sod, or Christmas tree production (wholesale)
5. Floriculture
6. Aquaculture
7. Forest management
8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
9. Roadside stand

(b) **ACCESSORY USE.**

1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
  - a. Accessory buildings (not residential dwellings) permitted under this section shall not be designed or used in part or whole for human habitation or any unauthorized accessory use. Connection to a POWTS shall be in accordance with Section 17.74(5)(c).
2. An activity or business operation that is an integral part of an agricultural use.
3. Farm residence (see Sec 17.28(3)(a))

### (2) SPECIAL EXCEPTION USES OR ACTIVITIES.

(a) Nursery, sod, or Christmas tree production (retail).

(b) Agriculture-related use.

1. Agricultural equipment dealership.
2. Facility providing agricultural supplies.
3. Facility for storing or processing agricultural products.

4. Facility for processing agricultural wastes.
  5. Veterinary services and animal hospitals primarily serving livestock.
  6. Fur farming.
- (c) Farm family business
- (d) Temporary farm-related housing,
- (e) Nonfarm residence (see Sec 17.28(3)(a))
- (f) Other
1. Governmental, institutional, religious, or nonprofit community uses that qualify under Chapter 91.46(5).
  2. Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under Chapter 91.46(4).
  3. Mineral extraction, Type I, governmental only, where mining meets the provisions of Chapter 91.46(6) and sec. 17.31(3) Barron County Land Use Ordinance.
- (g) Standards
1. In deciding applications for this subsection, the Board of Adjustment shall consider the effect which the proposed use would have upon agricultural operations in the vicinity of the proposed use. Impacts which would be harmful to agriculture in the area may be the basis for rejection of the proposed special exception use or may be the basis for conditions attached to approval which are designed to reduce such adverse impacts. Impacts which are compatible with agriculture in the area may be the basis for approval. The Board of Adjustment shall also consider whether other locations, less threatening to continued farming of good agricultural lands, might be available for the proposed use and strength of the reasons offered by the applicant in support of the site in question.
  2. In deciding applications for special exceptions under sub. (2)(d), the Board of Adjustment shall determine that the proposed additional dwelling unit is necessary to accommodate persons connected with the farm operation as defined in sec. 17.08. The Board shall require use of a mobile home or other temporary structure and require removal of such unit when there is no longer a need for it to be occupied by persons connected with the farm operation. Provided, however, that if the applicant requests permission to establish a mobile home, the special exception review shall be conducted and decided by the Zoning Administrator on behalf of the Board of Adjustment. The decision of the Zoning Administrator may be appealed to the Board of Adjustment. The special exception fee and hearing shall be waived unless such an appeal is taken.

### **(3) DIMENSIONAL RULES AND OTHER STANDARDS.**

- (a) **SINGLE-FAMILY DWELLING.** Agricultural Preservation Design Standards – Location of new dwellings in this district or land divisions involving dwellings in place prior to (November 7, 2016) shall employ agricultural preservation design standards as follows:
1. **DENSITY.** Density of 1 dwelling per 25 A-1 acres: One acre shall be designated for dwelling location and 24 acres designated for agricultural preservation, with emphasis placed on preserving lands managed for agricultural uses. Agricultural preservation shall be attained by restricting further residential development. Designated acres shall be in common ownership and within same municipality but do not need to be contiguous.
    - a. An Agricultural Preservation Covenant (“Covenant”) shall be recorded describing the purpose of the A-1 Zoning District and the intention of the agricultural preservation standards. This Covenant shall incorporate a map outlining the designated areas, in a reproducible manner, to scale, including dimensions. The Zoning Administrator may require a Map of Survey for meandering outlines. Lot lines and future ownership are not required to correspond with designated areas; however, no lot line shall divide the 1 acre designated for dwelling location.
    - b. Covenant shall run with the land and remain in place until such time the property is rezoned to a district allowing development of a greater density or annexed to a city or village.

- c. Designated areas may be altered at the owner’s request by recording an amended Covenant, provided all affected landowners consent to alteration and provided the new designated agricultural preservation area does not minimize protection of lands managed for agricultural uses.
  - d. Pre-existing non-conforming acreage of less than 25 acres of A-1 property in a municipality:
    - (1) Where there is no existing dwelling as of November 7, 2016: No dwelling allowed.
    - (2) Where a dwelling exists prior to November 7, 2016: Parcel containing dwelling may be divided provided a Covenant is recorded to designate 1 acre for dwelling location and restrict residential development on remainder of acreage.
  - e. Acreage in designated areas cannot be used in subsequent density calculations.
2. DWELLING LOCATION. Location of new dwelling shall not:
- a. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a dwelling.
  - b. Significantly impair or limit the current or future agricultural use of other protected farmland.
  - c. The Zoning Administrator shall review and approve or disapprove proposed dwelling location based on the above criteria. Decisions by the Administrator may be appealed to the Zoning Committee pursuant to the timeframes set forth in sec. 17.55(3) of this chapter.
3. “Right to Farm” statement shall be placed on all land division documents, acknowledging that the property is located within an agricultural community.
- (b) **LOT SIZE.** Minimum lot size and width standards are regulated by 17.52(1)(b).
- (c) **YARD SETBACKS.** Minimum yard setback standards are regulated by s 17.13(4).
- (d) **HEIGHT LIMITS, RESIDENTIAL STRUCTURES.** No building shall exceed 35 feet in height.
- (e) **SEWAGE SYSTEMS AND WATER SUPPLY.** Each dwelling unit shall have its own sanitary waste disposal system meeting the standards of the State Plumbing Code and the County Sanitary Code, Sec. 17.64.
- (f) **Livestock Facility Siting**
- 1. PROPERTY LINES. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement except that a structure may not be expanded closer to the property line.
  - 2. PUBLIC ROAD RIGHT-OF-WAY. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.
  - 3. WASTE STORAGE STRUCTURE. A new waste storage structure may not be located within 350 feet of a property line or within 350 feet of the nearest point of any public road right-of-way. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
    - a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
    - b. No larger than the existing structure.
    - c. No further than 50 feet from the existing structure.
    - d. No closer to the road or property line than the existing structure. This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet [not to exceed 350] of a property line or road may not expand toward that property line or road.

4. WATER QUALITY AND RELATED SETBACKS.

- a. **NAVIGABLE WATERS AND WETLANDS.** A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351 or 62.231, Wisconsin State Statutes.
- b. **FLOODPLAIN.** A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30, Wisconsin State Statutes.
- c. **WELLS.** All wells located within a livestock facility shall comply with Chapters NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by the distances required in Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.