



DANE COUNTY PLANNING & DEVELOPMENT

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TO: County Board Supervisors
County Executive Joe Parisi
Dayna Dreis, Town of Black Earth Clerk
Town of Black Earth Supervisors
Town of Black Earth Planning Commission
All Other Interested Parties

Records & Support

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Zoning

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FROM: Curt Kodl, Senior Planner

SUBJECT: County Board Ordinance Amendment #36, 2015
Town of Black Earth Comprehensive Plan Amendment

DATE: February 29, 2016

CC: Todd Violante, Director of Planning & Development
Roger Lane, Zoning Administrator
Karin Thurlow Petersen, County Board Staff

This memo describes amendments to the Dane County Comprehensive Plan proposed by the Town of Black Earth. Under intergovernmental cooperation policies of the Dane County Comprehensive Plan, town plans must be adopted by the county board and signed by the county executive before they can be used to make county zoning decisions. To assist county officials in their decision making, the Planning Division prepares written information describing any proposed town plan amendments. You may direct any questions to 266-4183.

I. SUMMARY

On January 5, 2016, the Town of Black Earth Board of Supervisors adopted amendments to the *Town of Black Earth Comprehensive Plan*. The Town has requested that the Dane County Board of Supervisors adopt the revised *Town of Black Earth Comprehensive Plan* as an amendment to the *Dane County Comprehensive Plan*.

II. BACKGROUND

A. *Ordinance and Plan Amended:* If adopted, OA #36 would amend Chapter 82, Subchapter II of the Dane County Code of Ordinances to incorporate the amended *Town of Black Earth Comprehensive Plan* as part of the *Dane County Comprehensive Plan*. The complete text of the proposed amendment is available online at: <http://www.countyofdane.com/plandev/planning/news.aspx>.

B. *Action required:* The County Board and the County Executive must approve OA #36 for it to become effective. Town comprehensive plans are adopted as part of the *Dane County Comprehensive Plan* under s.10.255(1)(d), Dane County Code and Intergovernmental Cooperation Policies for Town Governments (pp. 77-78) of the *Dane County Comprehensive Plan*. The *Dane County Comprehensive Plan* is adopted under Chapter 82, Subchapter II, Dane County Code, s. 59.69, Wis. Stats, and s. 66.1001, Wis. Stats.

C. *ZLR public hearing*: The Zoning and Land Regulation Committee (ZLR) advises the County Board on proposed Comprehensive Plan amendments. The ZLR Committee has scheduled a public hearing on OA #36 for **March 22, 2016**.

D. *Sponsors*: OA #36 was submitted by County Board Supervisor Jones on January 22, 2016.

III. DESCRIPTION

A. OA #36 would amend the *Dane County Comprehensive Plan* by incorporating amendments to the *Town of Black Earth Comprehensive Plan*, as adopted by the Town of Black Earth Board of Supervisors on January 5, 2016. The Town policy relating to substandard parcels was expanded and clarified.

IV. ANALYSIS

A. Comparison with current county-adopted town plan: The current plan has unclear wording for substandard parcels. It appears to allow “one split on all such parcels (vacant 1981 parcel)” but then states “Do not allow rezoning or land division....that would result in the right to construct a total of more than one dwelling unit...” Conversations with the previous Town Clerk led me to a clearer understanding of the Town of Black Earth’s Intent when it came to substandard parcels.

With the text changes the “substandard parcels” policy now clearly states 3 things:

- Existing uses are allowed to stay, per the Dane County Zoning Ordinance.
- Vacant 1981 lots between 2 and 35 acres are allowed one home site if they meet certain Town siting criteria.
- 1981 Parcels with one pre-1981 home and between 4 and 35 acres are allowed a 2nd home if they also meet certain criteria.

This aligns more closely with the Town of Black Earth’s stated intent. This same type of policy is in place in other towns in Dane County (Cross Plains, Mazomanie and Berry to name a few).

Additionally, the plan amendment unifies the Town’s development siting standards to a single set of criteria in a single section of the plan.

B. Impact of change on development potential at build out: No impact. The text amendment clarifies the existing Town policy, which is generally consistent with the 1996 land use plan policy. (Prior to the 2009)

D. Consistency with other provisions of the *Dane County Comprehensive Plan*: No significant conflicts found.

V. COMMENTS BY OTHER LOCAL GOVERNMENTS OR STATE AGENCIES

Governments and agencies

Neither other governments nor any county, state or federal agencies had commented on this amendment.