



MEMORANDUM

TO: ZLR COMMITTEE; DANE COUNTY BOARD, DANE COUNTY EXECUTIVE, TOWN OF MAZOMANIE BOARD
FROM: CURT KODL – SENIOR PLANNER
SUBJECT: OA #59 (14-15) TOWN OF MAZOMANIE COMPREHENSIVE PLAN UPDATE
DATE: 01/02/2015
CC: TODD VIOLANTE DPD - DIRECTOR, ROGER LANE – ZONING ADMINISTRATOR; JOSH WESCOTT

This memo describes proposed update to the Town of Mazomanie's element of the Dane County Comprehensive Plan and Dane County Farmland Preservation Plan. Because town plans are components of the Dane County Farmland Preservation Plan authorized by Chapter 91 of the Wisconsin Statutes and part of Chapter 82 DCCO (Dane County Comprehensive Plan), any amendments to town plans must be adopted by the County Board of Supervisors and signed by the County Executive before they become effective. 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 about this report to Curt Kodl at 266-4183.

I. SUMMARY

On October 13, 2014, the Town Board of the Town of Mazomanie adopted the update to the Town of Mazomanie Comprehensive Plan that had been re-written by the Town of Mazomanie Land Plan Committee and approved on October 6, 2014. The update satisfies the requirements of the Wisconsin Statutes and reinforced by the Town Comprehensive Plan.

The Town Board adopted the comprehensive plan pursuant to Sections 62.23 and 66.1001 of Wisconsin Statutes. That plan served as a complete rewrite/update to and replacement of the Town of Mazomanie Comprehensive Plan that was originally adopted in 2002 as part of the Highway 12 project and updated in 2012.

II. BACKGROUND

- A. Plan Amended: If adopted, Ordinance Amendment #59 would amend the Town of Mazomanie's element of the Dane County Farmland Preservation Plan and the Dane County Comprehensive Plan.
- B. Action required: The County Board and the County Executive must approve Ordinance Amendment #59 for it to become effective.
- C. Town adoption: The Town of Mazomanie Board of Supervisors adopted the proposed amendment on October 13, 2014.
- A. ZLR public hearing: The Zoning and Land Regulation Committee (ZLR) advises the County Board on proposed plan amendments. The ZLR Committee will hold a public hearing on Ordinance Amendment #59, (14-15) on January 27, 2015.
- B. Sponsors: Ordinance Amendment #59 was submitted by County Board Supervisors Wuest, Downing, and Miles on November 21, 2014.

III. DESCRIPTION / ANALYSIS

- A. **More Usable Plan** - Ordinance Amendment #59 would provide shorter and more concise plan for the Town of Mazomanie. (from 79 pages down to 23 pages)
- B. **Slope** – The Town has chosen to remove all building limitations with respect to slope. The Town prefers to review such development proposals on a case by case basis.
- C. **Rounding** – With respect to Housing Density Rights, the Town currently has a rounding policy according to a “1/2 acre rule” for only landowners eligible for 4 or more splits. This plan simplifies it to standard rounding (more than or equal to ½ is rounded up) for ALL landowners in the Town of Mazomanie.
- D. **Gross Acreage** – The town is converting from net acreage to gross acreage, density studies would now include the acreage under road right-of-way as part of any the acreage calculations.

“For the purposes of this calculation, the total number of contiguous acres includes lands located within a public road right-of-way. Note that Dane County Planning and Development Department currently does not include road right-of-way in their density studies. In some cases this discrepancy may lead to errors in the County calculation of potential development rights.”

- E. **Unbuildable Parcels** – Natural features (water, wetland) can render a tax parcel unbuildable in certain cases. The Town of Mazomanie would like the for any landowner to be able to transfer a building site that cannot be used onsite elsewhere using the Town’s TDR program.

“A 40-acre parcel, existing and zoned A-1 Ag Exclusive on March 29, 1979, that is all wetland, and therefore unsuitable for development still has one development right, which is eligible for transfer through the Town’s Transfer of Development Right (TDR) policy (see section 10.2).”

- F. **Pre 1979 Exemption** –The new plan appears to limit the exemption of a house not counting against density limitations to one house per 1979 ownership parcel. Previously all homes pre-dating 1979 could be interpreted as “original farm homes” and not count against density limitations.
- G. The plan continues to use the 2002 planned land use map, which is interpreted at “1 per 40 acres.”

The Town has chosen to simplify and modify is plan in a way that would allow some increase in development. Rounding up, gross acreage and allowing unbuildable parcels to transfer Density Rights all increase the amount of buildability in the Town of Mazomanie to some degree.

Most of the policies in this proposed plan have been adopted by the County Board in other Towns, therefore there are no major conflicts with the Dane County Comprehensive Plan.

That being said, the transfer of Housing Density Rights from an unbuildable parcel is something that has not been previously done. The County Ordinance and Comprehensive Plan does not have an established policy that is directly related to this issue. The practice has been that if a parcel is unbuildable, you simply have no right to develop. Often, the market has reflected the inability to build by lower taxes and lower sales prices.

IV. COMMENTS BY OTHER LOCAL GOVERNMENTS OR STATE AGENCIES

As of the date of this report, no other towns, cities, villages, or agencies have formally commented on this proposed amendment.