



DANE COUNTY PLANNING & DEVELOPMENT

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TO: County Board Supervisors
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Town of Springfield Supervisors
Town of Springfield Planning Commission
All Other Interested Parties

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Zoning

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FROM: Curt Kodl, Senior Planner

SUBJECT: County Board Ordinance Amendment #14, 2015-16
Town of Springfield Comprehensive Plan Amendment

DATE: August 17, 2015

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 Springfield. 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 February 5, 2013, the Town of Springfield Board of Supervisors adopted amendments to the *Town of Springfield Comprehensive Plan*. The Town has re-requested that the Dane County Board of Supervisors adopt the revised *Town of Springfield Comprehensive Plan* as an amendment to the *Dane County Comprehensive Plan*. (previous OA 43 2012-13 was withdrawn)

II. BACKGROUND

A. *Ordinance and Plan Amended:* If adopted, OA #14 would amend Chapter 82, Subchapter II of the Dane County Code of Ordinances to incorporate the amended *Town of Springfield 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 #14 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 #14 for **August 25, 2015**.

D. *Sponsors*: OA #14 was submitted by County Board Chair Corrigan and Supervisors Ripp, Bollig, Kolar, Matano, McCarville, Miles, Nelson, Pan, Pertl, Ritt and Salov. on July 16, 2015.

III. DESCRIPTION

A. OA #14 would amend the *Dane County Comprehensive Plan* by incorporating amendments to the *Town of Springfield Comprehensive Plan*, as adopted by the Town of Springfield Board of Supervisors on February 5, 2013. The Town has worked diligently for approximately 10 years to craft a solid and comprehensive TDR program. There have been scores of public input sessions and multiple presentations to current and past County administrations.

B. This amendment would revise the text of some Ag Policies and Programs, the Land Use Chapter and create a Transfer of Development Rights (TDR) program in the Town of Springfield. Appendix C contains the TDR program to be adopted; it also would create policy based sending and receiving areas in the Town.

“TDR Sending Area: Those areas from which Development Rights may be transferred (or retired) through the application of TDR Agricultural Conservation Easements, which would restrict housing development below levels normally allowed under this Town of Springfield Comprehensive Plan.”

“TDR Receiving Area: Those areas to which Development Rights may be transferred under the Town’s TDR program, enabling greater development density than would otherwise be allowed there under this Town of Springfield Comprehensive Plan in exchange for the permanent protection of Acreage within a TDR Sending Area through a TDR Agricultural Conservation Easement...”

C. The revised plan establishes overall goals for the TDR program to:

- Preserve large viable areas of farmland with a minimum of non-farm divisions, and help keep farming economically viable.
- Redirect development to land within and close to areas that already contain concentrations of residential development, and to parcels that are too small for most types of farming.
- Design the TDR program as voluntary for Town property owners. Specifically, without TDR, most properties within the Town would remain eligible for limited housing development at a density of one Dwelling Unit per every 35 acres, regardless of how the land is designated in the Town’s Comprehensive Plan. Through use of the Town’s TDR program, certain properties anticipated under the Town’s Comprehensive Plan for denser development could accomplish such added density only through use of Development Rights that were transferred from one or more properties somewhere else in the Town.
- Adopt, maintain, and update the necessary legal framework, rules, and procedures for a successful TDR program. This will include participating in the Dane County Transfer of Development Rights.

D. Any property in the town would be considered a potential sending area, provided the lands meet specified criteria.

“The Town has established minimum criteria for an area to qualify as a TDR Sending Area, thereby allowing the Transfer of Development Rights. These criteria are described in detail within the TDR Rules and Procedures document, but in general the TDR Sending Area Acreage must:

- *Be located within an “Agricultural Preservation District” or an adjacent “Conservancy District” on Map 6.*
- *Remain zoned A-1 Exclusive Agriculture and also be rezoned into Dane County’s TDR-S Overlay Zoning District.*
- *Have one or more available Development Rights under the Town’s Comprehensive Plan; in other words, have the ability under the Plan to build at least one new Dwelling Unit on the Acreage instead of transferring the Development Rights.*
- *Be consistent with Intergovernmental Agreements that the Town has with the City of Middleton and the Village of Waunakee, in areas of mutual interest.”*
- *Have a Farm Conservation Plan in effect.*

E. Any property in the town would be considered a potential receiving area, provided the lands meet specified criteria.

“The Town has established minimum criteria for an area to qualify as a TDR Receiving Area. These criteria are described in detail within the TDR Rules and Procedures document, but in general the TDR Receiving Area (and the development proposal within it) must:

- *Be capable of supporting conventional, mound, or alternative wastewater treatment systems.*
- *Be consistent with the lot size standards in the Town’s Comprehensive Plan, and TDR Rules and Procedures document.*
- *Be rezoned into an appropriate rural homes or residential zoning district, coupled with the TDR-R Overlay Zoning District.*
- *Be consistent with the terms of Intergovernmental Agreements the Town has with the City of Middleton and Village of Waunakee.*
- *Meet a sufficient number of applicable residential development design standards in this Comprehensive Plan, as recommended by the Town Plan Commission and approved by the Town Board.*
- *Acquire an adequate number of Development Rights based on the number of new Lot(s) anticipated.*
- *Secure conditional final plat or Certified Survey Map (CSM) approval. Conditions of final plat or CSM approval will include a provision ensuring that acquisition of Development Rights is finalized before the Plat or CSM is recorded.”*

F. The proposed amendment would also include provisions for recording TDR Agricultural Conservation Easements, deed notices, and other administrative procedures associated with implementing a transfer, generally consistent with guidance provided by the Dane County Department of Planning and Development.

IV. ANALYSIS

A. Comparison with current county-adopted town plan: The current plan allows for no transfer of development rights at all. The proposed language would implement a TDR Program with a scoring system, conservation easements and minimum criteria to qualify. Under this proposal, all lands involved in a transfer of development rights must be within the Town of Springfield. **As part of this amendment,**

Rural Development Areas (RDA) and Agricultural Transition Areas are all reduced to “1 per 35” density if they choose not to participate the Town’s TDR program.

B. Impact of change on development potential at build out: All new development associated with a TDR transaction would be accompanied by a corresponding reduction in the development potential of a sending area parcel. **Because of Rural Development Area density reduction, staff estimates place the build out comparable to existing build out levels or less.**

C. Ratios

There are ratios in the Town of Springfield TDR program, where a single “split” can be used to create more than 1 dwelling unit under this program.

- 2:1 Requires either a Super Sending Area or a Super Receiving Area.
- 4:1 Requires both a Super Sending Area and a Super Receiving Area.
- 5:1 Requires both a Super Sending Area and a Super Receiving Area and lot size limitations.

Appendix C contains the minimum criteria to qualify for a sending area or a receiving area, as shown above. However, there are only generalized criteria for qualifying for “Super Sending Area” or “Super Receiving Area” included in this amendment.

The “TDR Program Complete Rules and Procedures” and the associated scoring sheets are used to determine if a property would actually qualify for “Super Sending Area” or “Super Receiving Area.” These documents are presently **not included** in the documents submitted by the Town to be adopted by the County Board, scoring would be the purview of the Town of Springfield.

D. Consistency with other provisions of the *Dane County Comprehensive Plan*:

- 1. Housing: No significant conflicts found.**
- 2. Transportation: No significant conflicts found.**
- 3. Utilities and Community Facilities: No significant conflicts found.**
- 4. Agricultural, Natural & Cultural Resources: No significant conflicts found.**
- 5. Economic Development: No significant conflicts found.**
- 6. Land Use: No significant conflicts found.**
- 7. Intergovernmental Cooperation: No significant conflicts found.**

V. Recommendations

While, as stated in the 2013 staff report, it is preferred that the entirety of the TDR program and all its detail be submitted for adoption, the County is able work with the Town to implement the Springfield TDR program as submitted in 2013.

VI. 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.