



DANE COUNTY PLANNING & DEVELOPMENT

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**TO: Dane County Board of Supervisors
Town Supervisors & Planning Commissioners
County Executive Joseph Parisi
All Other Interested Parties**

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FROM: Brian Standing, Senior Planner

DATE: August 27, 2015

**RE: Staff Description of 2015 Ordinance Amendment 16
Certification of Dane County Farmland Preservation Zoning Ordinance**

**CC: Marcia MacKenzie, Corporation Counsel
Roger Lane, Zoning Administrator
Karin Thurlow Peterson, County Board Staff**

This memo describes proposed 2015 Ordinance Amendment 16 to the Dane County ordinances. To assist town and county officials in decision making, the Planning Division will prepare written descriptions of each proposed amendment to land use and development related ordinances. This memo was distributed to town clerks, who are asked to copy it for other town officials. You may direct any questions to 267-4115.

I. SUMMARY

If adopted, OA # 16 would amend the Dane County Zoning Ordinance (Chapter 10, Dane County Code) to make minor changes to definitions, permitted and conditional uses within the county's certified Farmland Preservation Zoning districts (A-1[ex], A-4 and A-B districts) to bring them into compliance with Chapter 91, Wisconsin Statutes. Wisconsin Department of Agriculture, Trade and Consumer Protection certification order # 14-F-75-13-OTMA.

II. BACKGROUND

- A. *Ordinance amended:* If adopted, OA # 16 would affect the text of the Zoning Ordinance (Chapter 10, Dane County Code).
- B. *Action required:* The County Board, County Executive, and Town Boards from a majority of affected towns must approve OA # 16 for it to become effective. Town Boards have 30 days from the County Zoning and Land Regulation (ZLR) Committee public hearing date to act on this proposed ordinance amendment.
- C. *ZLR public hearing:* The ZLR Committee advises the County Board on proposed ordinance amendments to Chapter 10. The ZLR Committee public hearing on OA # 26 will be held on **September 29, 2015.**
- D. *Sponsors:* OA # 16 was submitted by Supervisor Kolar on August 14, 2015.

III. DESCRIPTION

Proposed OA # 16 would make the following changes to Chapter 10, Dane County Code (Dane County Zoning Ordinance):

- A. Article 2 would add amend section 10.01(30a) to change the definition of "livestock" to match the definition contained in state statutes The revised definition of "livestock" would also

specifically exclude domestic fowl in a residential zoning district, which are regulated under a separate section (s.10.195, Dane County Code) of the zoning ordinance.

- B. Article 3 would amend section 10.02 to correctly list all of the county's zoning districts and overlay zoning districts.
- C. Article 4 would amend section 10.123(2) to clarify that certain permitted agricultural accessory uses in the A-1[ex] (exclusive agriculture) zoning district must also meet the requirements of Chapter 91, Wis. Stats.
- D. Article 5 would amend section 10.123(3) to clarify that certain conditional uses in the A-1[ex] (exclusive agriculture) zoning district must also meet the requirements of Chapter 91, Wis. Stats.
- E. Article 6 would amend section 10.129(2) to clarify that certain permitted agricultural accessory uses in the A-4 (small-acreage agriculture) zoning district must also meet the requirements of Chapter 91, Wis. Stats.
- F. Article 7 would clarify that private airstrips in a Farmland Preservation Zoning district must also meet the criteria and definitions of an "agricultural accessory" or "agriculture-related" use, as required by Chapter 91, Wis. Stats.

IV. ANALYSIS

- A. 2015 OA 16 is the culmination of Dane County's multi-year effort to recertify its zoning ordinance as a Farmland Preservation Zoning Ordinance to meet revised standards under the Wisconsin Farmland Preservation Law (Chapter 91, Wisconsin Statutes). State certification is necessary to make sure Dane County farmers remain eligible for state farmland preservation income tax credits. A brief timeline of this process is shown below:
 - *12/1/2002: Former WI Land & Water Conservation Board certifies Dane County Farmland Preservation Zoning ordinance, with a recertification date of 12/31/2010.*
 - *2009: Governor signs Working Lands Initiative, revising Chapter 91, Wis. Stats.*
 - *12/10/2009: WI DATCP approves extension for amendment / recertification of Dane County Farmland Preservation Zoning ordinance until 12/31/2012 .*
 - *11/12/2012: WI DATCP temporarily certifies Dane County Farmland Preservation Zoning ordinance until 12/31/2014 (Docket No. 12-F-83-13-OMC), with conditions that the county zoning map is brought into compliance with the certified Dane County Farmland Preservation Plan, and that certain text amendments are adopted.*
 - *12/6/2012: Dane County Board approves 2012-2013 OA 12, OA 13 and OA 14 (eff. 12/18/2012) to amend zoning text, consistent with 11/12/12 DATCP order.*
 - *8/27/2014: Dane County and town boards complete rezones to bring zoning map into consistency with the Dane County Farmland Preservation Plan. Dane County submits revised zoning map to DATCP for certification.*
 - *12/4/2014: WI DATCP certifies the Dane County Farmland Preservation Zoning ordinance through 12/31/2024 (Docket No. 14-F-75-13-OTMA), contingent on additional zoning text amendments being completed by 12/31/2015.*
- B. The amendments proposed in 2015 OA 16 are identical to those identified in the 12/4/2014 DATCP order.

- C. Dane County farmers currently receive over two million dollars annually in farmland preservation tax credits. Participating farmers agree to abide by conservation standards established by the Dane County Land Conservation Committee. Continued certification by the state is essential to maintaining Dane County farmer's eligibility for the program.
- D. None of the proposed changes will have a significant policy impact, and will provide better clarity and consistency with state statutes and with other, similar ordinances in other communities across the state.