



DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

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

FROM: Curt Kodl, Senior Planner

SUBJECT: County Board Ordinance Amendment #33, 2023
Town of Black Earth Comprehensive Plan Amendment

DATE: June 15, 2023 (Revised August 16, 2023)

CC: Todd Violante, Director of Planning & Development
Roger Lane, Zoning Administrator

This memo describes amendments to the Black Earth 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 (608)266-4183.

I. SUMMARY

On June 6, 2023, 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

Ordinance and Plan Amended: If adopted, OA #33 would amend Chapter 82, Subchapter II of the Black Earth 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: <https://danecountyplanning.com/>

B. Action required: The County Board and the County Executive must approve OA #33 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 #33 for August 22, 2023.

D. *Sponsors*: OA #33 will be submitted by County Board Supervisor Doolan on June 15, 2023.

III. DESCRIPTION

A. OA #33 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 June 6, 2023. The Town policy relating to Transfer of Development Rights was added.

IV. ANALYSIS

A. Comparison with current county-adopted town plan:

The current Town of Black Earth Comprehensive Plan doesn't have a full TDR program, the primary intent of this amendment is to add a basic TDR policy for the Town of Black Earth.

Additionally, there is some policy clarifications for substandard parcels and when they are and are not allowed the right to build. This is not a policy change, it is a clarification or rewording of Town of Black Earth standing policy.

The document has other modifications and word choices by the Town Board, punctuation, and etc. Where possible, the word changes allow for deference to the Town Board with respect to implementing the 1 per 35 acre density policy without modifying the basics of that policy.

B. Impact of change on development potential at build out:

No impact. No increased or reduced development potential are part of this amendment. The TDR policy allows for no bonus splits or ratio increases in development.

D. Consistency with other provisions of the *Black Earth 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. 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.