

4/8/00

to: Town of Cross Plains board of supervisors
from: Planning Committee
re: recommended revisions, Land Use Plan, 1981

(page 6, 4; amends existing sentence)

The minimum lot size for any newly created parcel shall be 2 acres exclusive of roads or right-of-way.

(page 6, insert after subparagraphs dealing with non-farm development)

Substandard parcels of 4-35 acres, created prior to December 1981, are entitled to a single division of 2 or more acres, subject to the following conditions:

- (1) No substandard parcel which previously has been divided may be divided again.
- (2) The remainder of the divided parcel must not be less than 2 acres.
- (3) All state, county or town ordinances, statutes and other requirements dealing with divided parcels must be met.

Kenneth Esser, chairman *Kenneth Esser*
 Arnold Harris, member *Arnold Harris*
 Beverly Herriges, member *Beverly Herriges*

WAS MODIFIED - WHY?

(GOING TO C.B. ON THURS.)

CALL ANN WALDEN

798-0189.

BRIAN) 8/15/00 TUES.
) 1:20 P.M.

ANN WALDEN FROM T. CROSS PLAINS
 STOPPED IN REGARDING PLAN
 REVISION (3) ABOVE - SHE CLAIMS
 WORDING IN (3) WAS MODIFIED SLIGHTLY:
 THE WORDING BEING PRESENTED TO COUNTY
 BOARD THIS THURS. IS DIFFERENT FROM THE
 WAY TOWN PASSED IT, SHE IS / THEY ARE
 CONCERNED ABOUT THIS AND WANTS YOU
 TO CALL HER.

TAKE CARE.

TODD



Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53709

Land Division Review

608/266-9086

Property Listing

608/266-4120

Surveyor

608/266-4252

Zoning

608/266-4266

TO: County Board Supervisors
County Executive Kathleen Falk
Town of Cross Plains Supervisors
Town of Cross Plains Planning Commission
All Other Interested Parties

FROM: Brian Standing, Senior Planner *BHS*

SUBJECT: County Board Resolution # 48, 2000-2001
Town of Cross Plains Land Use Plan Amendment

DATE: July 18, 2000

CC: Jeanie Sieling, Director of Planning & Development
Jim Gregorius, Zoning Administrator
Tom Smiley, Dane County Regional Planning Commission

This memo describes proposed amendments to the Town of Cross Plains Land Use Plan. Because town plans are components of the Dane County Farmland Preservation Plan authorized by Chapter 91 of the Wisconsin Statutes, any amendments to town plans must be adopted by the County Board of Supervisors and signed by the County Executive before they can 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 to 267-4115.

I. SUMMARY

The Town of Cross Plains proposes amendments to the Dane County Farmland Preservation Plan that would:

- establish a two-acre minimum lot size for all new parcels;
- permit a single division of legal, nonconforming parcels in the A-1(ex) zoning district, provided such parcels are between 4 and 35 acres in size.

II. BACKGROUND

A. *Plan Amended:* If adopted, Resolution # 48 would amend the text of the *Dane County Farmland Preservation Plan*.

- B. *Action required:* The Town Board, the County Board and the County Executive must approve Resolution # 48 for it to become effective. Since the amendment would not significantly affect the number of landowners eligible for income tax credits under the state Farmland Preservation Program, certification from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is not required.
- C. The Town of Cross Plains Board of Supervisors voted 2-1 to approve the proposed amendment on May 8, 2000.
- D. *ZNR public hearing:* The Zoning and Natural Resources Committee (ZNR) advises the County Board on proposed land use plan amendments. The ZNR Committee has scheduled a public hearing on Resolution # 48 for July 25, 2000.
- E. *Sponsors:* Resolution # 48 was submitted by County Supervisors Johnson, Hamre, Anderson, Cornwell and Hitzeman on May 18, 2000.

III. DESCRIPTION

- A. Resolution # 48 would amend the *Town of Cross Plains Land Use Plan*, last amended and adopted as part of the *Dane County Farmland Preservation Plan* in 1981.
- B. Specific provisions in the proposed amendment would:
- require all newly created parcels to be a minimum of 2 acres in size, excluding public roads or rights-of-way;
 - allow substandard parcels in the A-1(exclusive agriculture) zoning district to be divided once, provided all of the following conditions are met:
 - the substandard parcel was created prior to December 1981;
 - the parcel is between 4 and 35 acres in size;
 - no substandard parcel which previously has been divided may be divided again;
 - the remainder of the divided parcel must not be less than 2 acres, and;
 - all other relevant state, county or town requirements are met.

IV. ANALYSIS

A. Consistency with adopted plans

Sections 10.123(9) and 10.16(3)(a) of the Dane County Zoning Ordinance allow legal, nonconforming A-1(ex) lots to be used for a residential building site. Whether or not such lots may be divided into two or more lots has been traditionally been left to town discretion through the town/county farmland preservation planning process. Fifteen town plans in Dane County specifically permit such divisions, three specifically prohibit such divisions, and nine, Cross Plains among them, do not specify whether such divisions are permitted or not.

Where the town/county plan does not specify, the Department of Planning & Development has consistently determined that such divisions are not permitted, since the minimum acreage (usually 35 acres) for land division under the town density policy is not met. By setting a