



# DANE COUNTY PLANNING & DEVELOPMENT

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## ***Planning***

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TO: County Board Supervisors  
County Executive Joe Parisi  
Nancy Meinholz, Town of Cross Plains Clerk  
Town of Cross Plains Supervisors  
Town of Cross Plains Planning Commission  
All Other Interested Parties

## ***Records & Support***

(608)266-4251, Rm. 116

## ***Zoning***

(608)266-4266, Rm. 116

FROM: Brian Standing, Senior Planner

SUBJECT: County Board Ordinance Amendment 2017 OA-46  
Town of Cross Plains Comprehensive Plan Amendment

DATE: REVISED May 22, 2018

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 Cross Plains. 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 267-4115.*

## **I. SUMMARY**

On December 5, 2017, the Town of Cross Plains Board of Supervisors adopted amendments to the *Town of Cross Plains Comprehensive Plan*. On May 14, 2018, the Town Board adopted further clarifying amendments to the *Town of Cross Plains Comprehensive Plan*. The Town has requested that the Dane County Board of Supervisors adopt the revised *Town of Cross Plains Comprehensive Plan* as an amendment to the *Dane County Comprehensive Plan*.

## **II. BACKGROUND**

- A. *Ordinance and Plan Amended:* If adopted, 2017 OA-46 would amend Chapter 82, Subchapter II of the Dane County Code of Ordinances to incorporate the amended *Town of Cross Plains Comprehensive Plan* as part of the *Dane County Comprehensive Plan*.
- B. *Action required:* The County Board and the County Executive must approve OA-46 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-46 for April 24, 2018.

### III. DESCRIPTION

- A. OA-46 would amend the Dane County Comprehensive Plan by incorporating amendments to the Town of Cross Plains Comprehensive Plan, as approved by the Town of Cross Plains on December 5, 2017.
- B. The amendments would make changes to the Town of Cross Plains' Transfer of Development Rights program by creating a new category of high-priority lands targeted for conservation, called "Super Sending Areas." Landowners who record conservation easements prohibiting or reducing residential development on Super-Sending Area lands would receive credit for additional transferrable development rights to be transferred to appropriate receiving areas.
- C. Super Sending Areas are proposed in two groups:
- a. Group 1 areas include legal, nonconforming and inactive potential mineral extraction sites originally registered with Dane County in 1969.
  - b. Group 2 areas include areas that are within mapped Voluntary Conservation Areas that are:
    - i. adjacent to public lands,
    - ii. adjacent to Black Earth Creek, or
    - iii. within planned acquisition areas of the National Ice Age Scenic Reserve, Wisconsin Department of Natural Resources or the Dane County Land and Water Resources Department.
- D. TDR ratios for each group would be as follows:
- a. Group 1 landowners could transfer up to 3 development rights for each unused development right allocated to the property under the town's 1:35-acre density policy, if the landowner records all of the following on their property:
    - i. A document relinquishing grandfathered mineral extraction rights,
    - ii. A deed restriction prohibiting future mineral extraction, and
    - iii. A conservation easement prohibiting residential development for each development right relinquished.
  - b. Group 2 landowners could transfer up to 2 development rights for each unused development right allocated to the property under the town's 1:35-acre density policy, if the landowner records a conservation easement prohibiting residential development for each development right relinquished.
- E. Use of transferred development rights to develop elsewhere in the town would have to meet all existing criteria for a Receiving Area in the town comprehensive plan.

### IV. ANALYSIS

- A. **Comparison with current county-adopted town plan.**
- The proposed Super Sending Area bonuses will have the effect of increasing the total potential development permitted under the plan. At the request of the town, Dane County Planning and Development conducted density study reports on affected properties and calculated potential increase in development potential, based on proposed ratios.

<i>Group</i>	<i># of private landholdings</i>	<i>Total existing development potential</i>	<i>Development potential with TDR ratios</i>	<i>Difference between existing and proposed</i>
Group 1	2	2	8	6
Group 2	18	44	88	44
TOTAL	20	46	94	50

- If all of the TDR Super Sending Area bonuses were realized, this amendment would have the effect of increasing total development potential by 50 homes, compared with the current plan.
- Reduction or elimination of nonfarm development in Super Sending Areas would reduce the potential for land use conflicts arising from incompatible uses, and would enhance local, county, state and federal conservation goals for the area.
- Development that occurred in Receiving areas as a result of participation in the town’s TDR program would have to be on less productive farm soils, clustered near or adjacent to existing development and on lots 5 acres or smaller.

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

- **Housing: No significant conflicts found.**
- **Transportation: No significant conflicts found.**
- **Utilities and Community Facilities: No significant conflicts found.**
- **Agricultural, Natural & Cultural Resources: No significant conflicts found.**
- **Economic Development: No significant conflicts found.**
- **Land Use: No significant conflicts found.**
- **Intergovernmental Cooperation: No significant conflicts found.**

**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.