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MEMORANDUM

TO: Dane County Town Officials

FROM: Mark Hazelbaker

DATE: December 13, 2007

RE: Progress of Task Force for Prioritized Revision of Chapter 10

As you may recall, the Dane County Board adopted a Resolution creating a task force to update the County zoning ordinance. The task force has been appointed and has now met three times to discuss the need for modernization of the ordinance. I am pleased to report that, so far, its discussions have followed a practical, problem-oriented perspective. Everyone seems to appreciate that there are philosophical differences about many issues related to zoning. However, there appear to be many issues on which there is broad agreement to make changes.

In the coming weeks, as the Task Force moves forward, we will provide you with more detailed reports of the proposals. Right now, the Task Force is identifying the possible repairs which need to be done, and attempting to prioritize them. The top priority will be given to issues which have major impact on the zoning ordinance and are not controversial. The county zoning staff has suggested many changes that make sense and will help clarify unclear aspects of the ordinance. Some towns have offered suggestions, and comments are still welcome.

I don't mean to suggest that there won't be some differences before this issue is done, but credit should be given where due. The County Zoning and Planning Staff has worked very hard to put together some thoughtful and helpful suggestions for modernization. The Task Force's meetings have been civil and positive.

There are some issues under discussion that will be controversial. The DCTA needs to hear from the towns before the Association formulates a position on them. Here is some discussion about three of them:

“Farm Plan” Residences

Under the current ordinance, someone owning a farm zoned Ag-1-ex can ask the County to approve an additional residence on the farm without rezoning the land out of exclusive agricultural. In order to obtain that approval, the applicant must submit a farm plan which demonstrates that the applicant generates substantial income from farming, more than \$11,000 per year, from the farm. That income can come from rental, CRP payments, or other farm income sources.

The farm plan is supposed to allow farmers to build an additional residence for someone working in the farm operation, such as a child or laborer. However, once the house is built, it can be rented or sold to a non-farmer without limitation. It is seen as a loophole in the exclusive ag regulations.

Only about 10 farm plans are granted every year. It should be noted that the number of full-time farmers in Dane County has decreased drastically over the past 17 years, making the need for additional farm residences highly questionable. The zoning staff and some towns have supported eliminating the farm plan provision on the grounds that they believe it is a loophole which authorizes additional residences in locations over which towns have no control. Farm plans do not count as splits under most town plans.

The Towns Association has, in the past, opposed removing this exception because many towns have indicated that they feel the farm plan provision is an important safety valve allowing for additional residences where it might not be possible easily to obtain approval of an additional residence. If the farm plan provision were repealed, and an older farmer wished to build an additional residence so that their son or daughter could live on the farm and help out there, the only way to do it would be by rezoning a small parcel to R-1. If the farm had exhausted its splits, it might not be possible at all.

Maximum Lot Sizes

Supervisor Hendrick has proposed a two-acre maximum lot size for residential uses. A similar provision was included in the County’s comp plan, but has not yet been implemented. The rationale is that two acres is the largest amount of land which should be used for a single residence. The goal is to avoid 35-acre lots with one house on them.

Of course, larger lots would need to be allowed for residential lots with horses or animals, such as is the case in the RH zoning. We are unclear what the proposal would be for such zoning lots.

The question for the towns is – what do you think of mandating that all residential lots be two acres or less?

Accessory buildings

There are a range of proposals about accessory buildings. Some comments suggest that the area of accessory buildings be limited to 50 percent of the area of the principal structure. Others advocate 100 percent, and some think there should be more generous limits because people live in the country to be able to have outbuildings. We need to hear from the towns on this issue.

General Comments Solicited

We need input from the towns on these and other zoning issues. To that end, please send us comments! Also, there will be discussion of these topics at the DCTA Board and at our January 9, 2008 membership meeting.

The next meetings of the task force will be January 2, 2008 at 5:00 p.m., January 16, 2008 at 12:00 noon, and January 23, 2008 at 7:00 p.m. at the Lyman Anderson Center on Fen Oak Court. The January 23rd meeting is scheduled as a public session to give feedback on the work the committee will have performed so far.

Please contact me if you have questions or comments.

MBH:emw

cc: Task Force Members

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