

TOWN OF BLACK EARTH, WISCONSIN

Comprehensive Plan: 2009 – 2028

Adopted on August 18, 2009

Acknowledgements

Vierbicher Associates, Inc. wishes to thank the many people of the Town of Black Earth who contributed their time, local knowledge, expertise, and ideas to the production of the Town of Black Earth Comprehensive Plan. The Plan reflects a collective effort of the citizenry, Town staff, Plan Commission members and other stakeholders to guide the future of the community and preserve the attributes that define the Town and make it a special place.

**Special Recognition to the
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Introduction

Town of Black Earth Comprehensive Plan

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1.1 Wisconsin's Smart Growth Legislation

Wisconsin's planning legislation, first adopted more than five decades ago, was significantly changed with passage of the state's 1999-2000 biennial budget. On October 27, 1999, Governor Thompson signed 1999 Wisconsin Act 9 into law and two subsequent amendments were made for technical reasons¹. Quite often this new law is referred to as Wisconsin's smart growth legislation. This legislation has a number of important provisions as discussed below.

1.2 Local Comprehensive Planning

Local units of government (counties, towns, villages, and cities) are not required to adopt a comprehensive plan. However, if a local unit of government wants to regulate land use after January 1, 2010, it must have an adopted plan and must make land use decisions consistent with the plan. Section 66.1001 of the Wisconsin State Statutes requires that a comprehensive plan will, at a minimum, address the following nine elements: Issues and Opportunities; Agricultural, Natural, and Cultural Resources; Economic Development; Housing; Utilities and Community Facilities; Transportation; Land Use; Intergovernmental Cooperation; and Implementation. These comprehensive plans are to be adopted by the governing body via ordinance. As such, an adopted plan becomes much more than a reference document with no consistency requirements.

Nine Elements of a Comprehensive Plan

- Issues and Opportunities
 - Agricultural, Natural and Cultural Resources
 - Housing
 - Transportation
 - Utilities and Community Facilities
 - Economic Development
 - Intergovernmental Cooperation
 - Land Use
 - Implementation
-

1.3 Funding

The legislation created a competitive grant program to help finance the preparation of comprehensive plans. In 2007, the Town of Black Earth and the villages of Black Earth and Mazomanie received a multi-jurisdictional grant from the Wisconsin Department of Administration to assist in the preparation of these local Comprehensive Plans.

1.4 State Planning Goals

Although the legislation does not dictate local land use policy, it does include 14 planning goals, as outlined on the following page. State agencies are encouraged to design its programs, policies, infrastructure, and investments to support these local planning goals. In reviewing grant applications under the competitive planning grant program, the Wisconsin Land Council is to consider the extent to which the applicant incorporates the 14 goals into its overall planning program.

¹ Amendments were included in AB 872 in May of 2000 and 2001 Wisconsin Act 16 signed in August 2001.

Local Comprehensive Planning Goals

1. Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial, and industrial structures.
2. Encouragement of neighborhood designs that support a range of transportation choices.
3. Protection of natural areas, including wetlands, wildlife habitat, lakes, woodlands, open spaces, and groundwater resources.
4. Protection of economically productive areas, including farmland and forests.
5. Encouragement of land use densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
6. Preservation of cultural, historic, and archaeological sites.
7. Encouragement of coordination and cooperation among nearby units of government.
8. Building of community identity by revitalizing main streets and enforcing design standards.
9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial, and industrial uses.
11. Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional, and local levels.
12. Balancing individual property rights with community interests and goals.
13. Planning and development of land uses that create or preserve varied and unique urban and rural communities.
14. Providing an integrated, efficient, and economical transportation system that affords mobility, convenience, and safety that meets the needs of all citizens, including transit-dependent and disabled citizens.

1.5 Purpose of This Plan

This plan was prepared to comply with the state requirements, as mentioned above. In the absence of this plan, the Town could not take actions with regard to zoning, subdivision regulations, or official mapping after January 1, 2010. This plan is intended to provide a long-range perspective of 20 years.

“A comprehensive plan is intended to provide a rational basis for making local land use decisions and to serve as a blueprint for communitywide effort to achieve its vision.”

1.6 Adoption Process

Prior to starting the planning process, the Town Board adopted a public participation plan, consistent with state requirements (§66.1001(4)a, Wis. Stats), to document the ways Town residents would be involved in the preparation, review, and approval of the plan.

Preparation and adoption of this plan occurred over a 19-month period. The Town Board established a regional advisory planning committee and gave it the responsibility of working with the villages of Mazomanie and Black Earth to develop much of the background information associated with the Plan. After the regional committee worked through much of this information, the Town’s Plan Commission worked for several months to further develop those sections of the Plan that required individual attention. After completion of the drafted Plan, the Town’s Plan Commission adopted a resolution, as required by State Statute, recommending it to the Town Board. The Plan Commission reviewed the draft as prepared by the regional planning committee and continued to develop its context prior to sending it to the Town Board with its recommendation. The plan was adopted by ordinance, which is included as Appendix A. Following plan adoption, a copy of the adopted plan was mailed to the surrounding communities and others as required by state law.

1.7 Organization of this Plan

This plan is organized into chapters that, for the most part, follow the elements identified in state law. Goals, objectives, and policies relating to each of the plan elements are included separately in Chapter 3. This is done to allow a reader to easily cross-reference goals, objectives, and policies and see how they all work together to achieve the plan’s vision. All of the forecasts as used in this plan are included in Chapter 4. Here again, this was done to compare and contrast the various forecasts to see how they all relate to one another.

The chapter entitled “general provisions” includes some of the legal provisions relating to this plan and how it will be used, interpreted, and amended.

1.8 Internal Consistency

This plan has been prepared over a 19-month period and was adopted as a single document to guide future decision-making. Prior to adoption, each of the elements were reviewed to ensure internal consistency.

In the coming years it will be important to ensure the plan remains internally consistent as amendments are made. This is especially true when amendments are made to address particularly pressing or current development issues.

Population projections are one of the primary determinants of the plan document. Population projections are used to chart the number of housing units that will be added over the twenty- year planning period, in projecting the amount of land to allocate to different land uses and in evaluating the adequacy of transportation systems and utilities and community facilities. It is imperative that the population projections, if amended, are reflected throughout the remainder of the document.

1.9 Plan Monitoring and Amendments

Monitoring of this plan is an ongoing process to ensure it is being implemented and that the background data, including support maps, are still appropriate and that the goals, objectives, and policies are still appropriate.

Although the state legislation requires a comprehensive review of the adopted plan every ten years, it is recommended that this review occur at least every five years. Specific procedures for amending this plan are included in the General Provisions section.

2

Issues and Opportunities Element

Town of Black Earth Comprehensive Plan

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s. 66.1001 (2)(a) Wis. Stats

The Issues & Opportunities Element is to provide background information on the local unit of government and a statement of overall objectives, policies, goals and programs to guide the future development and redevelopment of the local governmental unit over a 20-year planning period. Background information shall include population, household and employment forecasts that the local government unit uses in developing its Comprehensive Plan, and demographic trends, age distribution, educational levels, income levels and employment characteristics that exist within the local governmental units.

2.1 Introduction

In the spring of 1843, Solomon Hayden and Charles Turk would be the first to permanently settle in the Town of Black Earth. Mr. Hayden would go on to construct the Town's first house. Subsequent settlers would follow Mr. Turk and Mr. Hayden, including a Mr. Henry Wilson who legend says survived his first winter in a haystack. Five years after the first permanent settlers, on August 2, 1848, State Legislature would create the Town of Farmersville, which was later renamed to Black Earth. Both names referred to the notoriously rich soils in the area.

The healthy soils have evolved from the annual ecology cycles in the area. As water flows from the Black Earth Creek to the Wisconsin River, it nurtures the grass to grow up to eight feet in height. Subsequently the grass falls and it eventually composites into the ground, thus enriching the soils. The soils have produced some of the largest and most abundant crops known in Wisconsin's agricultural history. As the rail came to the Wisconsin Heights area it introduced the transportation mode the Town needed to export its healthful crops, stabilizing the local economy. Stable economies encourage job growth and population growth. Thus Black Earth's local government would take action bringing the town's first log school house in 1848 with instruction taught by Ms. Eliza Ann Dunlop. Ms. Dunlop dedicated herself to teach to all who would listen for the compensation of \$1.75 a week to cover lodging expenses. In August of 1850 the Town of Farmersville would experience the platting of the Village of Black Earth.

Today the natural resources are as important as ever as communities continue to expand. The Black Earth Creek not only represents the life blood of the soils, but was also named in Trout Magazine's top 100 trout streams in America. The Creek was also included in the DNR's priority watershed program in 1985. The program allocates financial assistance to local governments to focus efforts on land management activities which contribute to urban and local run off. The goal of the program is to reduce pollutant levels brought forth by run-off in order to improve and protect water quality. In 2003 the Dane County Board of Supervisors adopted the Black Earth Creek Resource Area Plan. The program is a voluntary program which aims to provide incentives to landowners with the aim of protecting natural and historical resources.

2.2 Vision Statement

The way people think about the Black Earth area really depends on their unique perspective. To focus on these different perspectives, a vision statement has been fashioned to think about the Town from the vantage point of different groups. These perspectives, when viewed together, paint an exciting future for the Town.

We envision that in 20 years the Town of Black Earth will be:

- A distinctively rural community that blends into a beautiful natural setting.
- A community that has maintained its fertile soils and protected its family farmland.
- A community that supports diverse, small-scale agriculturally-related businesses.
- An environmentally aware community with clean air and water, distinctive open spaces and a world-class trout stream.
- A community with strong family and community values combined with a peaceful atmosphere.

2.3 Demographics

Before the town can effectively plan for its future, an understanding of current conditions and trends is essential. The following demographic information and background data provides a snapshot of the town’s historical and recent trends.

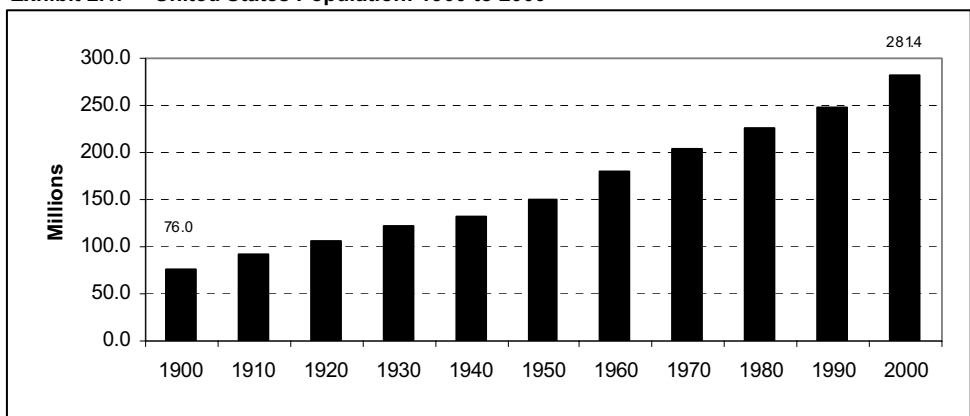
Population

Nation and Statewide Population Trends

Before describing the historical population change in Black Earth, it is important to consider the larger picture by briefly looking at national and statewide demographic trends and shifts. As depicted in Exhibit 2.1 below, the population of the United States has increased steadily from its founding to the current day. During the last decade (1990-2000), however, the rate of population growth was near record levels. Most of the growth resulted from immigration, not from natural increase through births. Changes in immigration law at the federal level will likely continue to facilitate immigration from other countries, especially from Mexico and countries throughout Latin America.

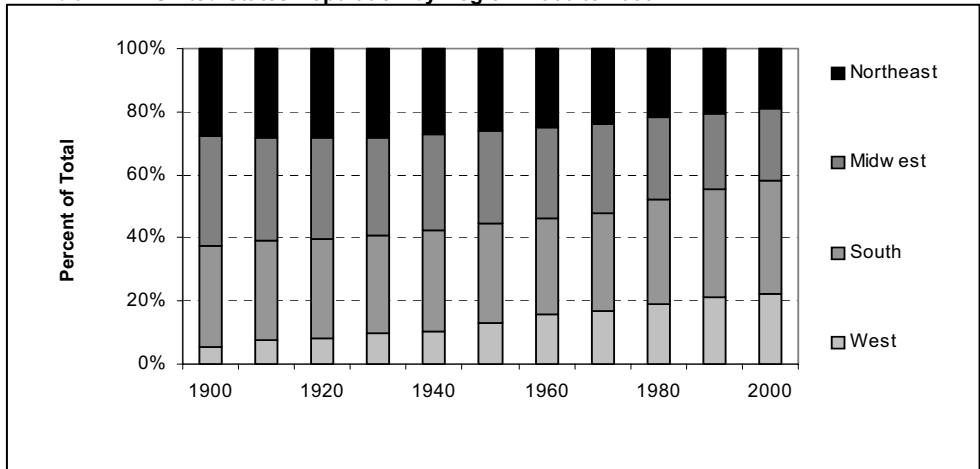
Because of the significant level of immigration in recent years and other demographic shifts, the population center of the United States is moving south and west away from the Midwest and Northeast (Exhibit 2.2). This population shift will have profound implications on Wisconsin’s labor force and its economic development potential in the coming years,

Exhibit 2.1. United States Population: 1900 to 2000



Source: Census Bureau

Exhibit 2.2. United States Population by Region: 1900 to 2000



Source: Census Bureau

not to mention political influence at the national level. Some economic development specialists in Wisconsin are predicting a labor shortage in the coming years and see immigration to Wisconsin as one way of addressing this potential impediment to sustained economic activity.

The nature of households is also changing throughout the United States.

Although married-couple households are most common, other types of living arrangements are becoming more common (Exhibit 2.3). As the proportion of married-couple households declines, we see a significant growth in one-person households. Although the data presented here is for the entire United States and may not reflect precisely what is happening at the local level, it is a trend that should be considered in assessing the types of housing units that may be needed in the coming years in the region.

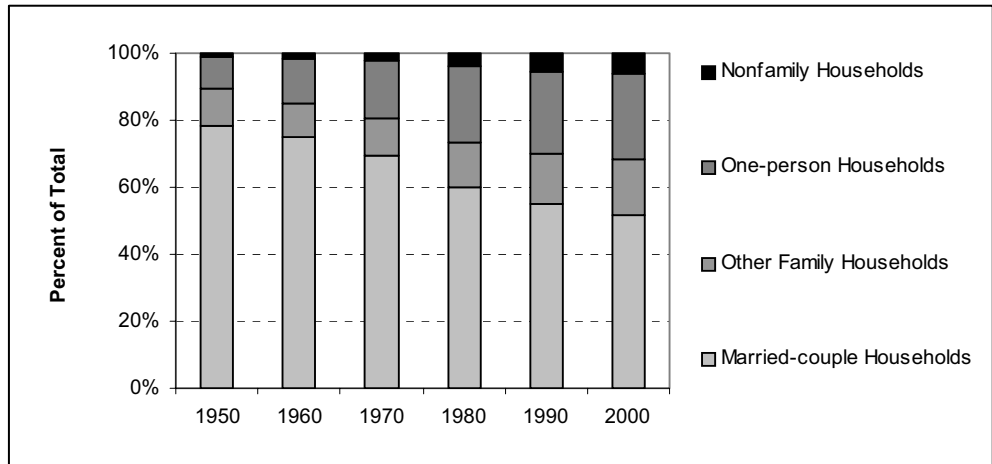
At the state level, the population has been increasing, but slower than the national rate, and at a substantially slower rate when compared to many states in the west and south as noted in the previous section. Between 1970 and 2000, nearly one million new residents have been added to the state. The rate of growth between 1990 and 2000 was 9.6 percent, which was twice the rate of growth experienced in the preceding decade.

Most of the state's growth is centered in and around the Madison and Milwaukee metropolitan areas, along the Fox River Valley, and in St. Croix County (Exhibit 2.4)

Regional Population Change

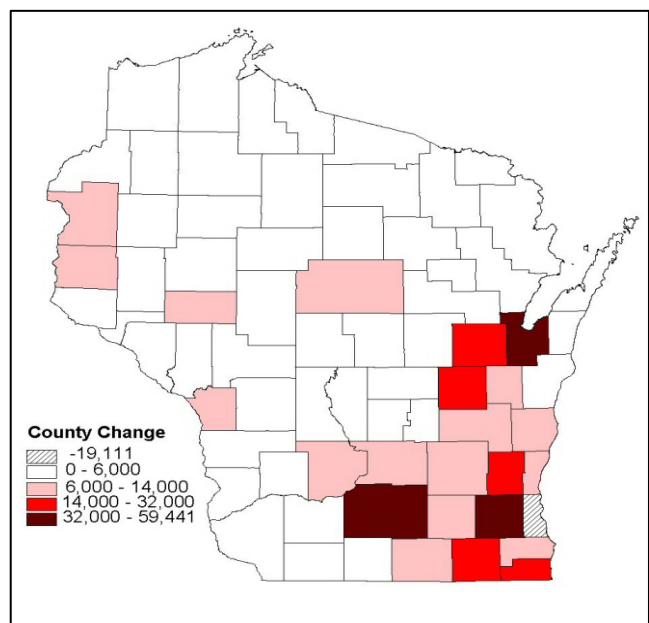
In Dane County, the population grew by 136,254 residents from 1970 to 2000. The town of Bristol experienced the highest rate of growth (47%) over the past ten years. Between 1970 and 2000, most of the growth occurred in the cities (214,870 new residents) when compared to the county's 10

Exhibit 2.3. Households by Type; United States: 1950 to 2000



Source: Census Bureau

Exhibit 2.4. Numeric Population Change; Wisconsin: 1990 to 2000



Source: Census Bureau

villages (64,836 new residents). A majority of the county’s growth occurred in Madison or in villages or cities that are in close proximity to Madison. Out of all the municipalities in Dane County, the Village of Cottage Grove experienced the highest growth rate (259%) between 1990 and 2000. The rate of population growth in the town has seen more fluctuation than what occurred countywide. Between 1980 to 2000, the town lost ten percent of its population, while rebounding to gain 23 percent between 1990 and 2000.

It is important to understand what is happening within and around the Black Earth and Mazomanie areas. As the communities grow and address boundary issues, they will clearly benefit from intergovernmental coordination and cooperation. The concurrent nature of these planning efforts provides an opportunity to address issues of mutual concern. The extraterritorial jurisdiction of the Villages brings the need and opportunity to discuss future land use and how to manage it on the periphery of the villages while, at the same time, respecting the rural identity associated with the town.

Table 2.1 Dane County Population Change 1980 - 2000

| Jurisdiction | 1980 | 1990 | 2000 | Percent Change | |
|----------------------|----------------|----------------|----------------|----------------|--------------|
| | | | | 1980 to 1990 | 1990 to 2000 |
| Wisconsin (000s) | 4,706 | 4,892 | 5,364 | 4.0 | 9.6 |
| Dane County | 323,545 | 367,085 | 426,526 | 13.5 | 16.2 |
| Towns in Dane County | | | | | |
| Albion | 1,918 | 1,964 | 1,823 | 2.4 | -7.2 |
| Berry | 1,116 | 1,098 | 1,084 | -1.6 | -1.3 |
| Black Earth | 406 | 365 | 449 | -10.1 | 23.0 |
| Blooming Grove | 1,965 | 2,079 | 1,768 | 5.8 | -15.0 |
| Blue Mounds | 637 | 667 | 842 | 4.7 | 26.2 |
| Bristol | 1,723 | 1,835 | 2,698 | 6.5 | 47.0 |
| Burke | 2,967 | 3,000 | 2,990 | 1.1 | -0.3 |
| Christiana | 1,209 | 1,182 | 1,313 | -2.2 | 11.1 |
| Cottage Grove | 2,952 | 3,525 | 3,839 | 19.4 | 8.9 |
| Cross Plains | 1,003 | 1,206 | 1,419 | 20.2 | 17.7 |
| Dane | 945 | 921 | 968 | -2.5 | 5.1 |
| Deerfield | 1,111 | 1,181 | 1,470 | 6.3 | 24.5 |
| Dunkirk | 2,098 | 2,121 | 2,053 | 1.1 | -3.2 |
| Dunn | 4,966 | 5,274 | 5,270 | 6.2 | -0.1 |
| Madison | 6,162 | 6,442 | 7,005 | 4.5 | 8.7 |
| Mazomanie | 1,007 | 982 | 1,185 | -2.5 | 20.7 |
| Medina | 1,019 | 1,124 | 1,235 | 10.3 | 9.9 |
| Middleton | 2,598 | 3,628 | 4,594 | 39.6 | 26.6 |
| Montrose | 1,024 | 1,032 | 1,134 | 0.8 | 9.9 |
| Oregon | 1,798 | 2,428 | 3,148 | 35.0 | 29.7 |
| Perry | 632 | 646 | 670 | 2.2 | 3.7 |
| Pleasant Springs | 2,529 | 2,660 | 3,053 | 5.2 | 14.8 |
| Primrose | 654 | 595 | 682 | -9.0 | 14.6 |
| Roxbury | 1,491 | 1,536 | 1,700 | 3.0 | 10.7 |
| Rutland | 1,393 | 1,584 | 1,887 | 13.7 | 19.1 |

| Jurisdiction | 1980 | 1990 | 2000 | Percent Change | |
|-------------------------|--------------|--------------|--------------|----------------|--------------|
| | | | | 1980 to 1990 | 1990 to 2000 |
| Springdale | 1,279 | 1,258 | 1,530 | -1.6 | 21.6 |
| Springfield | 2,379 | 2,650 | 2,762 | 11.4 | 4.2 |
| Sun Prairie | 1,990 | 1,839 | 2,308 | -7.6 | 25.5 |
| Vermont | 634 | 678 | 839 | 6.9 | 23.7 |
| Verona | 2,259 | 2,137 | 2,153 | -5.4 | 0.7 |
| Vienna | 1,365 | 1,351 | 1,294 | -1.0 | -4.2 |
| Westport | 2,748 | 2,732 | 3,586 | -0.6 | 31.3 |
| Windsor | 3,812 | 4,620 | 5,286 | 21.1 | 14.4 |
| York | 714 | 649 | 703 | -9.1 | 8.3 |
| Villages in Dane County | | | | | |
| Belleville | 1,203 | 1,349 | 1,795 | 12.1 | 33.1 |
| Black Earth | 1,145 | 1,248 | 1,320 | 9.0 | 5.8 |
| Blue Mounds | 387 | 446 | 708 | 15.2 | 58.7 |
| Brooklyn | 250 | 406 | 502 | 62.4 | 23.6 |
| Cambridge | 785 | 883 | 1,014 | 12.5 | 14.8 |
| Cottage Grove | 888 | 1,131 | 4,059 | 27.4 | 258.9 |
| Cross Plains | 2,156 | 2,362 | 3,084 | 9.6 | 30.6 |
| Dane | 518 | 621 | 799 | 19.9 | 28.7 |
| Deerfield | 1,466 | 1,617 | 1,971 | 10.3 | 21.9 |
| Mazomanie | 1,248 | 1,377 | 1,485 | 10.3 | 7.8 |
| McFarland | 3,783 | 5,232 | 6,416 | 38.3 | 22.6 |
| Mount Horeb | 3,251 | 4,182 | 5,80 | 28.6 | 40.1 |
| Oregon | 3,876 | 4,519 | 7,514 | 16.6 | 66.3 |
| Rockdale | 200 | 235 | 214 | 17.5 | -8.9 |
| Shorewood Hills | 1,837 | 1,680 | 1,732 | -8.5 | 3.1 |
| Cities in Dane County | | | | | |
| Edgerton | 0 | 0 | 42 | - | Na |
| Fitchburg | 11,973 | 15,648 | 20,501 | 30.7 | 31.0 |
| Madison | 170,616 | 190,766 | 208,054 | 11.8 | 9.1 |
| Middleton | 11,848 | 13,785 | 15,770 | 16.3 | 14.4 |
| Monona | 8,809 | 8,637 | 8,018 | -2.0 | -7.2 |
| Stoughton | 7,589 | 8,786 | 12,354 | 15.8 | 40.6 |
| Sun Prairie | 12,931 | 15,352 | 20,369 | 18.7 | 32.7 |
| Verona | 3,336 | 5,374 | 7,052 | 61.1 | 31.2 |

Source: Census Bureau

Age and Gender Distribution

The median age of residents in the Town of Black Earth is 40.4, compared to 33.2 for Dane County and 36 for the State. The following table illustrates the town’s population by age group. The 45 to 49 age cohort is substantially larger than any other age group at 10 percent of the population.

Exhibit 2.5 Age Structure by Percent of Total: 2000

| | State of Wisconsin | Dane County | Village of Black Earth | Village of Mazomanie | Town of Black Earth |
|------------------|--------------------|-------------|------------------------|----------------------|---------------------|
| Under 5 years | 6.4 | 6.1 | 5.8 | 6.7 | 6 |
| 5 to 9 years | 7.1 | 6.3 | 7.7 | 6.9 | 7.3 |
| 10 to 14 years | 7.5 | 6.5 | 8.3 | 8.6 | 7.6 |
| 15 to 19 years | 7.6 | 7.7 | 6.2 | 7.1 | 6.2 |
| 20 to 24 years | 6.7 | 10.3 | 3.9 | 4.5 | 2.9 |
| 25 to 29 years | 6.2 | 8.1 | 4.3 | 7.3 | 4.9 |
| 30 to 34 years | 6.9 | 8 | 9.4 | 7.7 | 6.5 |
| 35 to 39 years | 8.1 | 8.3 | 8.4 | 9.1 | 7.3 |
| 40 to 44 years | 8.2 | 8.1 | 9.2 | 8.4 | 8.9 |
| 45 to 49 years | 7.4 | 7.8 | 6.9 | 8.6 | 10.0 |
| 50 to 54 years | 6.2 | 6.3 | 5.8 | 6.5 | 8.7 |
| 55 to 59 years | 4.7 | 4.3 | 5.5 | 4.3 | 8.5 |
| 60 to 64 years | 3.8 | 2.9 | 3.4 | 3 | 4.2 |
| 65 to 69 years | 3.4 | 2.5 | 2.3 | 3.7 | 3.3 |
| 70 to 74 years | 3.2 | 2.3 | 2.9 | 2.3 | 3.6 |
| 75 to 79 years | 2.7 | 2 | 3.2 | 3 | 1.8 |
| 80 years & older | 2.0 | 2.6 | 6.8 | 2.3 | 2.3 |
| Median Age | 36.0 | 33.2 | 37.5 | 35.6 | 40.4 |
| Total | 100 | 100 | 100 | 100 | 100 |

Source: US Census Bureau; 100 percent data

2.4 Relevant Plans, Policies and Programs

The Town of Black Earth has not been involved with many previous planning efforts. In 1996, the Town adopted a land use plan that was aimed at protecting the abundant natural resources and promoting active agriculture as a viable use within the community. The Land Use Plan recognized the fact that residential growth was competing with agricultural uses, and identified the need to carefully site homes so as not to interfere with active agricultural practices. Criteria were established within the plan for rezoning exclusive agricultural land to nonfarm residential uses. These criteria stipulate an overall density of one dwelling unit per 35 acres, as made effective on June 3, 1981 through the adoption of Exclusive Agricultural Zoning with Dane County. The criteria also identify standards for the appropriate siting of homes to mitigate the potential negative impact on natural and agricultural resources.

2.5 Community Participation/Input

Community involvement and input into the comprehensive planning process is essential in developing a plan that is supported by the community and that will address the true needs of the Town. The Town adopted a Public Participation Plan to guide the public participation process and provide for access to draft plan elements and other materials to the general public, community interest groups, adjoining municipalities and overlapping government agencies. This Plan is included in the Comprehensive Plan as Appendix C. In addition, a number of other activities have been incorporated into the planning process to allow the general public and Town Board and commissions an opportunity to provide input into the development of plan elements and their respective goals, objectives and policies.

Public Participation Plan

As part of Wisconsin's Smart Growth Legislation, written procedures must be adopted by the governing body of a local government unit wishing to adopt a Comprehensive Plan. Specifically, the Act requires:

“The Governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services and public meetings, for which advanced notice has been provided, in every stage of the preparation of a Comprehensive Plan. The written procedures shall provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments.”

The Town of Black Earth adopted a Public Participation Plan via resolution on November 7, 2007 to foster public input throughout the planning process. As part of that plan, various techniques for public participation were included. These techniques are described in more detail below.

Community Survey

In the winter of 2007, the Town of Black Earth worked with the University of Wisconsin-River Falls Survey Research Center to create an instrument by which to survey the opinions of residents with regard to land use, economic development, housing, and other factors affecting residents in the Town of Black Earth. The town mailed 259 surveys to residents and non-resident landowners. The town enjoyed a 72% return rate, with 261 surveys being completed and mailed back. Because of the small population of the Town, two surveys were sent to each household to provide an opportunity for each adult in the household to respond.

The Plan Commission and Town Board relied heavily upon survey results in evaluating plan elements as they were prepared by the consultant. The town's Comprehensive Plan is based closely upon the opinions of residents as reflected in this survey. The survey and results are included as Appendix B. The following are key observations from the survey results.

Several things are striking about the results of this survey. First, despite what appears to be a population that is undergoing a fair amount of change, based on the length of time residents reported living in the Town, there are remarkably few consistent differences of opinion based on length of time spent in the Town, which is relatively uncommon. When a substantial number of people move into a jurisdiction, there are often stark differences between how the long-term residents and the new arrivals see the world. This is not apparent to any great degree in these data. Likewise, there are virtually no gender differences of opinion in the Town of Black Earth; the planning preferences of men and women in the Town align closely, which is somewhat unusual based on similar survey. The only semi-consistent demographic difference is between resident and non-resident landowners and this probably reflects the quite different economic interests of these two groups.

Second, the level of satisfaction with the quality of life in the Town is quite high and tends to be related to the perception that the Town is doing a pretty good job of taking care of the things they control and that matter to the citizens – maintaining the roads and using its decision-making authority to maintain the characteristics of the Town about which they most care (its rural atmosphere, natural beauty and environmental quality, and low density development).

Third, there are patterns of responses that were broadly consistent across different sections of the questionnaire. In particular, concern about preserving the environment and small-scale agriculture seem apparent in multiple sections of the survey. For example, respondents favor the use of cluster designs to preserve open space, they are opposed to development on environmentally sensitive and agricultural lands, and they are supportive of PDR and TDR programs that could be used to guide where development takes place in the Town.

Fourth, the two areas of general unease that come through in this survey are concerns about the level of taxation (common in many/most jurisdictions around the state) and about the need for more economic development in the Town. This survey indicates that, with respect to economic development, the respondents would like to see it concentrated along state highways and, to a lesser extent on County roads.

Public Open Houses

The Town, in cooperation with the villages of Mazomanie and Black Earth, hosted a series of public open houses for community members. The first open house, held on October 22, 2007, was held at the very beginning of the planning process and was intended to be educational in nature.

Community members were sent written invitations and posters were developed and distributed to advertise the event. The open house provided general information about what the Comprehensive Plan was, why it was being completed, and how people could become involved. In addition, it started to gather information about what the existing strengths and weaknesses were in the community, and what people's visions were for the future. As part of this open house, an image inventory was conducted with participants. Images from around the community were provided, and participants were asked to comment on why they did or did not like the image, and discuss

why the image was important to the future of the community. The results of the inventory are included at the end of this Chapter.

The second open house was held approximately half-way through the planning process. By this time, the results of the community survey had been gathered, much of the background mapping was complete, a vision statement had been prepared, and existing trends were better understood. The public was invited to view this information and ask questions of Plan Commission members in order to gain an understanding of where the community was right now, prior to moving forward with looking at the future. This also provided an opportunity to get feedback from the community about the results of the survey, and start getting more detailed ideas about potential future land use and transportation scenarios.

The third and final open house was held near the end of the planning process. This public event allowed community members to see the completed draft of the Comprehensive Plan and ask questions of local Plan Commission and Town Board members. The open house was held prior to the public hearing, so interested persons had plenty of time to review materials and provide comments back to their local commission members. Those comments and suggestions were then taken into consideration prior to moving forward with the public hearing.

SWOT Analysis

On October 18, 2007, Vierbicher Associates conducted a SWOT Analysis (Strengths, Weaknesses, Opportunities, and Threats) with representatives of the Town of Black Earth Plan Commission that serve on the Smart Growth Regional Oversight Committee. This Committee is made up of three representatives of the Plan Commissions from the Villages of Black Earth and Mazomanie and the Town of Black Earth. In addition, a SWOT analysis was conducted at the initial public open house. The results of these sessions are summarized below and will become an important resource for the town's Plan Commission in developing goals, objectives and policies under each of the nine required Smart Growth planning elements.

The issues raised range from localized concerns to those that are more global and affect many communities throughout the state and nation. Although the Town has limited control over global, national, or statewide events, they are included here to ensure that they are considered and factored in the preparation of this Plan to the extent appropriate. Exhibit 2.6 below provides the results of the regional SWOT analysis exercise, in addition to the comments made by Town residents at the first open house.

Exhibit 2.6. Identification of Strengths, Weaknesses, Opportunities, and Threats

| | Strength | Weakness | Opportunity | Threat |
|----------------------------|---|---|--|--|
| Growth | | <ul style="list-style-type: none"> ▪ Physical limitations to growth ▪ Vulnerable to realtors and developers offering prospect of increased tax revenues | <ul style="list-style-type: none"> ▪ Potential for controlled increase in number of households ▪ Growth due to Madison and Dane County | <ul style="list-style-type: none"> ▪ Too much urban sprawl ▪ Development of subdivisions; transformation into suburban community ▪ Control of growth ▪ Control of Dane County ▪ Extraterritorial jurisdiction of Villages |
| Community Character | <ul style="list-style-type: none"> ▪ Small community kindness ▪ Rural character ▪ Good historical significance in region. Can be used in marketing area for economic growth and attracting people. ▪ Strong sense of history & restoration ▪ Slower-paced rural lifestyle that living in this area allows. | <ul style="list-style-type: none"> ▪ Very hilly – needs to be protected or it will be lost | <ul style="list-style-type: none"> ▪ Improvement of existing land, structures, etc. Some areas have been neglected. ▪ Good opportunity for revitalization. ▪ Protect traditional rural character of area ▪ Uniqueness of the country atmosphere still in place today | <ul style="list-style-type: none"> ▪ Loss of rural character and farmland |
| Land Use | | <ul style="list-style-type: none"> ▪ No intergovernmental agreements ▪ High land prices for buyers ▪ Hard for land owner to sell | <ul style="list-style-type: none"> ▪ Chance to explore transfer of development rights as a tool to limit/control development ▪ Organic food production | <ul style="list-style-type: none"> ▪ Dane County Zoning |


| | Strength | Weakness | Opportunity | Threat |
|-----------------------------|--|---|---|---|
| Housing | | <ul style="list-style-type: none"> ▪ Need more housing for elderly people that is affordable. | Establishing areas for affordable elderly housing | |
| Transportation | <ul style="list-style-type: none"> ▪ Adequate roads ▪ Fast access to Madison ▪ Potential commuter rail line | <ul style="list-style-type: none"> ▪ Hwy 14 congestion increasing ▪ No good Hwy 14 bypass of Village for future | <ul style="list-style-type: none"> ▪ Relocation of Hwy 14 ▪ Potential for public transportation along rail line & Hwy | <ul style="list-style-type: none"> ▪ Continuously increasing traffic from commuters ▪ Four-lane highway of Hwy 14 taking more farmland from production. ▪ Unnecessary creation of roads for convenience – not a necessity – through beautiful scenic areas of the community. |
| Economic Development | <ul style="list-style-type: none"> ▪ Established TIF areas ▪ Close to Spring Green Arts | <ul style="list-style-type: none"> ▪ Lack of employment opportunities, especially industry ▪ Lack of entertainment opportunities ▪ Difficult to support local business in downtown. ▪ Loss of family farms. ▪ Limited services due to proximity to Madison. Difficult to attract small business. ▪ Lack of retail diversity | <ul style="list-style-type: none"> ▪ Business and industrial growth ▪ Open TIF districts | |






| | Strength | Weakness | Opportunity | Threat |
|---|---|---|---|--|
| Agricultural, Natural & Cultural Resources | <ul style="list-style-type: none"> ▪ Strong natural resources ▪ Wisconsin River Corridor ▪ Public hunting grounds ▪ Black Earth Creek (trout fishing, scenic beauty) ▪ Driftless area hills and valleys ▪ Beauty of countryside ▪ Good agriculture region ▪ Very fertile farmland that sustains local agriculture | <ul style="list-style-type: none"> ▪ Prone to flooding; floodplain areas because of Vermont Creek & Black Earth Creek ▪ Loss of family farms. | <ul style="list-style-type: none"> ▪ Preserve farmland & active agriculture/natural areas ▪ Cultivating the wonderful Black Earth Creek fishing (within sustainable limits) ▪ Building the agricultural economy and value-added products ▪ Hunting areas ▪ Promote organic farming ▪ Promote area as haven for wildlife | <ul style="list-style-type: none"> ▪ Black Earth Creek and floodplain issues ▪ Loss of dairy farms and farmland ▪ Control of environmental groups |
| Utilities and Community Facilities | <ul style="list-style-type: none"> ▪ Good school district with small class sizes. ▪ Good infrastructure for growth | <ul style="list-style-type: none"> ▪ Shrinking enrollment at schools ▪ School doesn't promote the small class sizes. ▪ School district can't support programs like other districts. ▪ Ability of the electric infrastructure to sustain and support additional growth | <ul style="list-style-type: none"> ▪ Schools with excess capacity ▪ Bike and other recreational trails | <ul style="list-style-type: none"> ▪ Hard to attract families to school district. |






| | Strength | Weakness | Opportunity | Threat |
|---------------|---|---|-------------|--|
| Miscellaneous | <ul style="list-style-type: none"> ▪ Close to Madison with strong job market ▪ Life in smaller communities is better for raising families. ▪ Low crime rates ▪ Diverse population ▪ Inter-municipal cooperation ▪ Abundance of educated people living in the area | <ul style="list-style-type: none"> ▪ Lack of tax base, therefore high real estate taxes. ▪ Working together of all communities involved. ▪ Weak voice vis-à-vis Dane County & Madison ▪ Limited financial resources ▪ Town could be engulfed by 2 Villages | | <ul style="list-style-type: none"> ▪ Proximity to Madison ▪ Lack of control at local level ▪ Property values and taxes threatening older residents ▪ Mandates from the County level to change current zoning regulations |

Image Inventory

On October 22, 2007 the Town of Black Earth and the villages of Black Earth and Mazomanie held a public educational open house. As part of this public event, the communities asked participants to comment on various images taken throughout the area. Participants were asked to comment on what they did or did not like about each picture, and then asked to discuss how the picture was important to the planning for the future of the community. These responses were then utilized by the Plan Commission to assist in developing the Vision Statement and helped guide decisions throughout the planning process. The participant responses to the image inventory are provided on the following pages.

| Image # | | I like/don't like this image because... | This image is important to the future of our community because... |
|---------|---|---|---|
| 1 |  | <ul style="list-style-type: none"> • Should be improved – sign. • I like the sense of wildlife & open space. • Clean water is a big asset. | <ul style="list-style-type: none"> • BE Creek is a critically important natural resources – it must have economic benefits as well. This creek needs to be protected from runoff, development, invasive species, etc. • Recreational opportunities based on the natural assets and beauty of the Township. • Water clean enough for trout fishing. |

| Image # | | I like/don't like this image because... | This image is important to the future of our community because... |
|---------|---|---|--|
| 2 |  | <ul style="list-style-type: none"> • Good/like • I like the agriculture. | <ul style="list-style-type: none"> • Agriculture/organics can contribute to our economy. |
| 3 |  | <ul style="list-style-type: none"> • Like • I like the creek in its' natural state, not all developed. | <ul style="list-style-type: none"> • It can bring fishing & recreational opportunities. |
| 4 |  | <ul style="list-style-type: none"> • Like • I like the farms & open space. | <ul style="list-style-type: none"> • Agriculture is important. |
| 5 |  | <ul style="list-style-type: none"> • Should be improved • The primary cause of the school district's problems is the state's system for funding schools. Pressing for more development will NOT solve the school's problems, despite what pro-development people sometimes say. I like the rural aspect of the school system – not crowded. | |
| 6 |  | <ul style="list-style-type: none"> • Like • Subdivisions don't belong in the Township. They go against the rural character of the Town and increase traffic, runoff, and the cost of providing Town services. • I DO NOT like how the Village expanded and put in this huge 100+ house subdivision on good ag land. | <ul style="list-style-type: none"> • It's not good – ruining the rural lifestyle. |

| Image # | | I like/don't like this image because... | This image is important to the future of our community because... |
|---------|---|--|--|
| 7 |  | <ul style="list-style-type: none"> • Upgrade road with bike lane? • I like the look of the rural roads – few houses. | <ul style="list-style-type: none"> • A natural looking landscape is important. |
| 8 |  | <ul style="list-style-type: none"> • Better signage, shoulder | <ul style="list-style-type: none"> • Great biking road! Beautiful country setting. This area has a national reputation for great biking. Let's not throw it away. |
| 9 |  | <ul style="list-style-type: none"> • Like • I like the farms and open space. | |
| 10 |  | <ul style="list-style-type: none"> • Like, improve walk/bike path • This is Hwy 14, where traffic has increased by leaps and bounds in the last 10-15 years. It's getting worse and worse as development spreads. Expanding 14 is not the answer – slowing development IS. • I like the creek in its' natural state, not all developed. | |
| 11 |  | <ul style="list-style-type: none"> • Like • Parkland is probably not a priority in a rural farm-based township like BE. • The park is in the VILLAGE of Black Earth. | |

3

Goals, Objectives and Policies

Town of Black Earth Comprehensive Plan

Contents

| | |
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3.1 Overview

All of the information contained in this plan can be divided into two types. The first set of information is based on what has occurred in the past and on current conditions. The second type of information is designed to look forward, using the historical context and current conditions as a starting point.

This entire chapter is forward looking. It includes goals, objectives and policies to implement the Town's hopes and aspirations for the future. It identifies what the community should look and feel like in 20 years.

This entire chapter is focused on future conditions and is intended to guide day-to-day decision-making and avoid the tyranny of small decisions.

The intent of this chapter is to guide decisions and decision-makers in the coming years. It will help to guide the development occurring in the private sector. It will guide capital expenditures made by the Town Board and staff. It will help give direction to a wide range of non-governmental organizations providing services within the community. It will guide the formation (or revision) of land development regulations.

The whole effort of looking toward the future started with a vision statement from which goals, objectives, and policies were written to achieve that vision.

Some of the goals and objectives contained in this chapter can be mapped. The future land use map is one of three maps that are forward-looking. It identifies in broad terms how development should occur in the future. This map, once adopted, will form the basis for more specific land development regulations. The future transportation map identifies how the transportation network should look by the end of the 20-year planning period. Finally, a map was prepared to identify what community facilities and utilities will be required to accommodate the growing population and their needs.

3.2 Goals, Objectives and Policies

Goals, objectives, and policies help to put the vision statement into bite-sized pieces and provide additional guidance for decision-makers. A goal is a long-term target that may or may not be achieved but describes a desired outcome. Objectives are slightly different than goals. Objectives for the most part are measurable and therefore achievable. When an objective is achieved, one can see or sense a difference – something has changed.

In contrast, a policy is a statement describing a predetermined position on a particular issue or opportunity. These policy statements are designed to help achieve one or more objectives. Achieving an objective, in whole or in part, will help achieve a stated goal.

Implementation actions are identified here as specific things that can be done to achieve these goals, objectives, and policies.

The Town has a lot to do with the quality of life in the community. It however can not or should not try to do it all alone. Many other local entities also can contribute to achieve the overall vision for the Town. Churches, civic organizations, the school district, community leaders, for example, can and do affect the quality of life for Town residents. Given the limited resources these entities have, it will become very important for each of these to look for public/private partnerships whenever they can.

It should be noted that preparation of this plan, and especially the future transportation, facilities, and land use maps, implement a number of the goals, objectives, and policies outlined below.

3.3 Implementation

Of all the steps in the planning process, implementation has typically been the most problematic for the vast majority of communities with a comprehensive plan. Adoption of a comprehensive plan marks the beginning of a critical new phase – implementation. Without implementation, a plan is of little value.

This section provides a listing of all those actions and activities necessary to implement the spirit and intent of this plan. The various actions are grouped into categories for organizational purposes, some of which correspond to various elements of the plan.

Given the range and scope of activities that must be done by 2010, it should be apparent that it will take a number of years to fully implement this plan. Some actions are more pressing than others. Some actions are quite easy to accomplish while others will involve more effort and will therefore take more time. Consequently, a completion date is included to present a timetable for action. In addition, the responsible party for completing the action is included as well.

Some of the activities once completed can be removed from this listing. Other activities are on-going and should not be removed. It is recommended that the Town Board conduct an annual review of this section to ensure that the steps and actions necessary to implement the plan are being done in a timely manner.

~~If at any time there are discrepancies, inconsistencies, or subjectivity within these goals, objectives and policies, it shall be the sole responsibility of the Town to make a final determination of their meaning and intent.~~

Not Adopted by the Dane County Board
Per sub 1 to OA 35 (09-10) DCCO

Housing

Goal

Manage the development of housing opportunities to ensure the preservation of the Town’s rural character and to enhance the quality of life of the Town’s residents.

Objectives

1. Provide for orderly growth and development by limiting residential development to locations that are best suited to preserving the scenic, recreational, environmental and economic qualities of the community.
2. Maintain the quality of the Town’s housing stock.
3. Maintain a housing mix that is predominantly single-family units.
4. Promote cooperation among both public and private agencies to address the provision of affordable housing for all Town residents.
5. Encourage the maintenance of housing units to safeguard the health, safety, and welfare of Town residents.

Policies

1. Review new housing proposals and support those that meet the community’s housing needs and are consistent with the policies in this plan (i.e. driveways, permits, etc.).
2. Support and promote state and county-level housing assistance programs available to residents.
3. Encourage the location of multi-family apartment buildings, senior housing and special needs housing inside villages, where there is easier access to public services and facilities.
4. Encourage future residential development in areas that can be served with existing public roads.
5. Discourage new housing development in areas of agricultural land, steep and erosive slopes, and ridge-tops.
6. All Town land use applications will be reviewed and enforced by the Town’s building inspector.
7. The Town will work to enforce existing housing and driveway regulations.

| Implementation Action Items | Schedule | | | | Responsible Entity |
|--|----------|------|------|------|--------------------|
| | 2009 | 2014 | 2019 | 2024 | |
| | To | To | To | To | |
| | 2013 | 2018 | 2023 | 2028 | |
| 1. Develop and adopt a driveway ordinance. | X | | | | Town Board |
| 2. Review the Town’s/County’s land development regulations to ensure that policies contained in this part are implemented. | X | X | X | X | Plan Commission |
| 3. Develop and maintain a record of land splits. | X | X | X | X | Town Board |

Transportation

Goal

Support a diversified, safe, efficient, and environmentally-sound transportation network for moving people and goods.

Objectives

1. Ensure that all Town roads and bridges are properly maintained and provide for safe transportation throughout the Town.
2. Work with State and County agencies to integrate transportation plans that will benefit the Town’s residents.
3. Evaluate efforts to increase the diversity of transportation options available to the region.
4. Study opportunities for pedestrian and bike travel and safety within the Town.
5. Encourage development of a transportation system that minimizes impact to the environment and is compatible with existing and future land use patterns.
6. Reduce the potential harm for all general accidents and farm-related traffic accidents throughout the Town.
7. Work to ensure that new transportation corridors or upgrades necessary due to new development are not paid by existing Town residents.

Policies

1. Locate and design transportation projects to minimize negative impacts on agricultural, cultural, and natural resources.
2. Consider bicycle and pedestrian paths in conjunction with road improvement projects.
3. Plan highway improvements concurrently with land use planning and growth management.
4. Ensure that new roads and transportation facilities complement the existing road network and are consistent with and support the future land use plan map.
5. All requests for access to Town roads will be reviewed for consistency with the Comprehensive plan goals and objectives.
6. Appropriate marking, signage and protective devices should be installed where justified.
7. When and where appropriate, coordinate with Dane County, WisDOT, and all local municipalities for future improvement to community roads.
8. Repair and maintenance of the existing Town transportation system will be evaluated on a case by case basis. The evaluation will take into account the financial feasibility, Comprehensive Plan goals and objectives and state and county transportation plans.
9. Applications for new development that require new roads or enhancements to existing roads will be carefully considered. If approved, costs associated with such road upgrades or construction will be the cost of the applicant.
10. The Town may work to impose special weight limits on Town roads to reduce the impact of heavy loads on existing and future infrastructure.

| Implementation Action Items | Schedule | | | | Responsible Entity |
|---|----------|------|------|------|--------------------|
| | 2009 | 2014 | 2019 | 2024 | |
| | To | To | To | To | |
| | 2013 | 2018 | 2023 | 2028 | |
| 1. Develop and implement a 5-year road maintenance plan. | X | X | X | X | Town Board |
| 2. Adopt and use an official map to identify existing and planned transportation infrastructure. | X | X | X | X | Town Board |
| 3. Review zoning map/ future land use map to ensure that land development patterns provide opportunities for alternative means of transportation. | X | X | X | X | Plan Commission |

Utilities & Community Facilities

Goal

Provide for adequate community facilities and services.

Objectives

1. Ensure that residents have cost-effective solid waste and recycling services.
2. Continue to provide adequate safety services (police, fire and EMS) to protect the safety and welfare of the citizens of the Town.
3. Increase recreational opportunities for Town residents.

Policies

1. Maximize recycling in order to minimize the need for landfills and reduce the occurrence of illegal dumping.
2. Encourage older sanitary systems around water bodies that may create possible environmental problems to be updated.
3. Maintain a capital improvements plan and review it annually making adjustments to meet the needs of the community.
4. Review new development proposals and carefully examine their impact on the community's services. Work to avoid substantial expenditure of public funds to assist with private development.
5. Ensure that new development bears the full cost of capital improvement costs necessitated by the development.
6. Encourage new development that requires urban services to locate within Village limits.
7. Where and when appropriate, utilize county, state, and federal programs or grants to maintain, enhance, or pursue new utility and community facilities.
8. Comply with state and federal solid waste and recycling standards and laws, and make every effort to increase the efficiency and reduce the cost of such programs.
9. Educate residents to ensure all are able to take advantage of recycling and solid waste programs.
10. Review calls for emergency service to ensure adequate levels of protection are maintained.
11. Encourage new development to utilize shared wells when possible.

| Implementation Action Items | Schedule | | | | Responsible Entity |
|--|------------|------------|------------|------------|--------------------|
| | 2009 To | 2014 To | 2019 To | 2024 To | |
| | 2013 | 2018 | 2023 | 2028 | |
| 1. Plan and budget for necessary utility and community facility installation and maintenance. | X | X | X | X | Town Board |
| 2. Periodically provide information to the Town's property owners and residents about waste reduction, recycling, and proper disposal methods for household hazardous waste. | X | X | X | X | Town Board |

Environmental Resources

Goal

Protect and preserve the Town’s agricultural, cultural and natural resources for future generations and ensure orderly, economical, and diverse development in harmony with the natural environment.

Objectives

1. Prevent the depletion of groundwater supplies and environmentally sensitive lands (wetlands, floodplains, stream and river corridors, watersheds, ponds, woodlots, oak savannahs, native prairies, etc.).
2. Actively seek to provide long term and permanent protection of the Town’s natural resource base.
3. Enhance the quality of life through the preservation of scenic resources, rural views and vistas.
4. Protect surface and groundwater resources.
5. Protect natural resources and environmentally sensitive land from inappropriate use and/or development.

Policies

1. Consideration of all new site plans and construction permits will include assessment of the potential impact of such on all water resources, including erosion control, storm water runoff, and sediment and pollutant reduction. All land disturbing activities shall meet the erosion control and stormwater management requirements of the applicable Dane County Ordinances. An erosion control plan must be submitted before a driveway permit will be approved. Under some conditions, the Town Board may require an engineering plan.
2. Support the efforts of landowners to keep natural areas from being developed by using conservation easements or other means.
3. Work with property owners and guide new development location and design to minimize any adverse impact on scenic vistas, agriculture, rural character, riparian habitat, surface water quality, ground water quality, aquifers, wetlands, woodlands, habitat species and aesthetics.
4. Utilize natural drainage patterns and take preventative measures to minimize hydrologic system pollution.
5. Support water conservation and proper land use planning in the Black Earth Creek Watershed.
6. The Town recognizes that ridge-tops, hillsides and bottomlands are important as valuable scenic and economic resources in addition to their importance for erosion control and air quality. Woodland management is encouraged to promote future timber resources, wildlife management and erosion control. Wildlife habitat should be preserved and enhanced by minimizing any disturbance caused by development.
7. Areas classified as wetlands by the state or county should be protected from development to preserve the significant natural functions wetlands provide.
8. Floodplain areas and natural drainage-ways shall not be filled or altered in any way that reduces their function.
9. Waterways, streams, lakes, ponds and surface water should be protected from disturbance to prevent degradation of water quality and siltation.

| Implementation Action Items | Schedule | | | | Responsible Entity |
|--|----------|------|------|------|--------------------|
| | 2009 | 2014 | 2019 | 2024 | |
| | To | To | To | To | |
| | 2013 | 2018 | 2023 | 2028 | |
| 1. Maintain a map of environmentally sensitive areas. | X | X | X | X | Town Board |
| 2. Support groundwater conservation and protection practices in the Black Earth Creek Watershed. | X | X | X | X | Town Board |

Agricultural Resources

Goal

Preserve the Town’s agricultural base to protect the Town’s aesthetics, rural character, economic base and agricultural heritage for future generations.

Objectives

1. Preserve productive farmland for continued agricultural use.
2. Direct non-farm land uses to less productive lands.
3. Promote existing and future agriculture and agricultural activities and preserve prime agricultural lands.
4. Recognize farming as an important land use compatible with our rural character.

Policies

1. Actively use and improve land use control measures which will discourage and prevent non-farm development in productive farmland areas.
2. Residential density is limited to one residence per 35 acres of farm unit owned as of the determination date of 1981.
3. No road or driveway shall be permitted to cross agricultural land to reach non-farm development without Town Plan Commission and Town Board approval.
4. Require agencies and bodies that locate public improvements (such as roadways, corridors, pipelines, or power lines) to recognize and comply with Town agricultural land preservation objectives.
5. Investigate the use of transfer/purchase of development rights for farmland protection.
6. Farmers within the Town shall be encouraged to follow soil conservation plans and utilize soil conservation practices.
7. No major new roads or utility lines (electric, telephone, cable television or gas) shall be constructed across farmlands if other suitable routes can be found.
8. The Town shall cooperate with other units of government to make local farmers eligible for farmland tax credits and other programs that will encourage the continued use of land for farming.
9. Although the Town promotes preserving agricultural resources, it feels that large “factory” farm operations are an inappropriate use for the Town due to the topography, natural resources and transportation infrastructure. The Town may in the future consider adoption of a Livestock Siting Ordinance to insure the proper management of land use and such facilities.

| Implementation Action Items | Schedule | | | | Responsible Entity |
|--|----------|------|------|------|--------------------|
| | 2009 | 2014 | 2019 | 2024 | |
| | To | To | To | To | |
| | 2013 | 2018 | 2023 | 2028 | |
| 1. Work with Dane County to mitigate the effects of large-scale farms within the Town. | X | X | X | X | Town Board |

Cultural Resources

Goal

Recognize and support the cultural resources that make the Town a unique place to live.

Objectives

1. Recognize the organizations, facilities, and events that contribute to community life and bring Town residents together.
2. Expand and promote Town sponsored community events such as the Town annual meeting and other events.

Policies

1. Where and when appropriate, utilize county, state, and federal programs or grants to conserve, maintain, and protect cultural resources.
2. Encourage programs that educate local residents about the importance of cultural resources.

| Implementation Action Items | Schedule | | | | Responsible Entity |
|---|----------|------|------|------|--------------------|
| | 2009 | 2014 | 2019 | 2024 | |
| | To | To | To | To | |
| | 2013 | 2018 | 2023 | 2028 | |
| 1. Work with the state and regional historical societies to identify historic properties. | X | X | X | X | Plan Commission |

Economic Development

Goal

Develop and maintain a strong economy that supports residents and the community with services and amenities consistent with the vision of rural living in our scenic area.

Objectives

1. Provide for limited commercial development of goods and services appropriate to the community.
2. Protect economically productive areas, including farmland and forests.
3. Support existing agricultural-based businesses and encourage the location of new agricultural-based business within the community.
4. Encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal costs.

Policies

1. Promote economic development and redevelopment opportunities that fit into the community’s vision as articulated in this plan.
2. Allow home businesses in residential areas provided they fit into the rural character of the area, as defined by Dane County Ordinances.
3. Encourage new agricultural business development along State and County highways that have easy accessibility and do not interfere with agricultural preservation practices
4. Require new development to establish buffers where deemed appropriate to minimize negative effects on neighboring properties.
5. Avoid linear strip commercial development.
6. Study increased coordination of regional economic development.
7. Maintain good working relationships with area municipalities within the regional economy.
8. Support locating major commercial development in existing urbanized areas where public sewer is available or planned.
9. Land development costs shall be the responsibility of the developer, including but not limited to the construction or upgrade of all necessary roads, stormwater management and erosion control measures.
10. Properties may only be rezoned for commercial purposes if they meet the goals and objectives of this plan.

| Implementation Action Items | Schedule | | | | Responsible Entity |
|---|------------|------------|------------|------------|--------------------|
| | 2009 | 2014 | 2019 | 2024 | |
| | To 2013 | To 2018 | To 2023 | To 2028 | |
| 1. Work with Dane County to ensure that the County’s land development regulations allow home-based and agricultural-based businesses in residential and agricultural districts where appropriate. | X | X | X | X | Plan Commission |

Land Use

Goal

Create a pattern of sustainable development that preserves forests and agriculture as important land uses, and supports agricultural practices and agricultural-based activities.

Objectives

1. Protect the Town’s rural character and natural resources.
2. Minimize the amount of agricultural land and open space consumed by development.
3. Minimize farm/non-farm conflicts.
4. Promote the preservation of sensitive environmental resources in all new developments.
5. Ensure that new adjacent land uses are compatible.
6. Respect and maintain property owner’s rights.

Policies

1. Educate residents concerning the use and development of land within the Town to build awareness regarding agricultural issues such as line-fence maintenance, manure handling, after-hours machinery operation, etc.
2. Proposed land uses will be compatible with adjacent land uses with regard to such factors as noise, odor, traffic, and appearance.
3. Industrial land uses are not compatible with the Town’s rural character, high quality natural resources and existing infrastructure, and should be directed towards more urban areas with a better capability to infrastructure to serve these uses.
4. Development should occur on land that is adequate with regard to such factors as soil and drainage.
5. The cost of land development will be the burden of the land developer.
6. Protect scenic vistas and ridge-tops from inappropriate development.
7. Preserve lands identified as environmental corridors, including wetlands, floodplains, hydric soils and lands with greater than ten (10) percent slopes.
8. Support conservation or cluster housing development rather than standard subdivision development.
9. New development will not intentionally negatively impact existing adjacent land use values.
10. The Town will not support the creation of new lots with keeping of animal units unless they are at least five (5) acres in area. When properties are being rezoned for non-farm residential use, the Town Board may require a deed restriction be placed on the property prohibiting certain animals and limiting the number of animals allowed on such property.
11. **Conservation Design and Development Siting Standards.** New development shall be limited to those areas that are not capable of supporting agricultural practices within the Town and do not have a negative impact on preserving the rural character of the Town. The purpose is to recognize that ridge-tops, wetlands, floodplains, steep and/or wooded slopes, wildlife, and agricultural lands are resources that need to be preserved and that conservation and protection of these resources is essential in defining the distinctive character and scenic beauty of the Town. As such, the siting of new structures shall abide by the following policies:

- a. To the extent practical, buildings should be screened from view from public roadways by trees and topography, and generally blend into the site on which they are located.
- b. The structure should, to the extent possible, avoid siting on land of agricultural significance (See Definitions, Appendix D).
- c. If avoidance of building on agriculturally significant lands is not possible, the building shall be located along the edge or on a corner of the parcel so as to maintain the opportunity for future agricultural use and to maintain the rural character of the Town.
- d. The building should be sited so as to minimize the impact on the natural features and topography of the site. Large stands of mature trees and steep topography shall be maintained.
- e. The natural appearance of ridges and scenic viewsheds shall be maintained to the extent possible.
- f. Home sites should be clustered together on the most buildable area of a site to reduce the impact on agricultural land and natural resources. This method of development should be used as an alternative to conventional lot-by-lot development. The Town may investigate incorporating cluster provisions into a Land Division Ordinance to encourage future growth that protects the rural character of the Town.

12. Reallocating Density Units.

Objective: In order to promote preservation of prime farmland, the Town may allow a landowner to reallocate density units among parcels under common ownership to allow the density units to be utilized on other parcels where they would have less impact on agriculture or the environment. This is not a transfer of development rights program because the policies do not allow density units to be transferred to other landowners.

Policies:

- a. All approvals by the Town under this policy are discretionary. The Town may decline to allow an individual reallocation, may terminate the program at any time, and may selectively grant or deny reallocations. The Town's actions in granting or denying requests for reallocations are not precedential.
- b. A landowner interested in reallocating density units shall obtain, and provide a copy to the Town of, a County density study calculating the density units available on all parcels owned by the landowner which the landowner wishes to include in the reallocation. Such study will be based on the number of land "splits" identified on the map titled "Splits Available" prepared in August 2009 by the Dane County Land Information Office and included in this adopted plan.
- c. Density units associated with a parcel owned by a landowner may be reallocated to another parcel or parcels owned by the landowner if approved by the town under the criteria state herein.
- d. No increase. This policy shall not be interpreted to increase the total density units available to an owner by combining the acreage of the parcels.
- e. Identical Ownership.
 - i. Ownership will be determined by the records of the Dane County Register of Deeds.
 - ii. Density units may be reallocated only among parcels which had identical ownership as of January 1, 2009.
 - iii. For the purpose of this program, each a husband and wife shall be deemed to own a one-half interest in real estate, whether they are named on the title or not.
 - iv. Only those parcels whose ownership is completely identical are eligible. Where an owner shares title to land through partnerships, corporations, limited liability companies or tenancies in common with unrelated persons, the real estate which has additional owners may not be combined. For example, if John Smith owns land in his own name, and is also a member of a limited liability company which owns acres, the limited liability company's land cannot be combined with John Smith's land under this policy.
- f. The purpose of reallocating density units is to direct residential development onto land which is more suited for development. The sites designed for reallocation of density units:
 - i. Should not include a building site located on prime farmland.

- ii. May not be environmentally sensitive areas.
- iii. Should have access to Town roads which provide good vehicle access without a need for upgrading the road corridor.
- iv. Should have soils which are capable of supporting onsite wastewater treatment systems.
- v. Should not be located on ridgelines, hilltops or slopes of more than ten (10) percent.
- vi. Should not require the creation of flag lots.
- vii. Should comply with all other policies and requirements of the Town's ordinances and comprehensive plan.
- g. The landowner shall present a site plan showing where the lots and home sites of each reallocated density unit will be located, including the proposed driveway alignment, runoff control and erosion control plans.
- h. If all of the density units associated with a parcel have been utilized, as the result of reallocation, deed notices shall be recorded against the parcel to document that its associated density units have been used.

13. Rezoning for nonfarm residential use. Rezoning of lands in the agricultural preservation district for limited nonfarm residential development may be approved by the Town Board if the following criteria are met:

- a. The area proposed for rezoning is limited to the acreage that is necessary for the residential or hobby use contemplated.
- b. The development or structure is located on non-tillable land and/or takes a minimum of tillable land, land that is not economically viable for farming, or where there has not been a history of productive farming activities.
- c. The land is suitable for an approved wastewater disposal system which can be properly operated all seasons of the year.
- d. Land is located so that conflict with surrounding agricultural uses would be unlikely.
- e. The development shall require a driveway of no more than 10 percent slope in order to assure access by fire and emergency vehicles. Driveways must meet the requirements of the Town's Driveway Ordinance.
- f. Construction must be done under accepted erosion control measures and an erosion control plan must be filed to meet the requirements of the Dane County Erosion Control regulations.
- g. The proposed development/structure shall not disturb or destroy any important natural features such as significant woodland areas, wetlands, steep slopes, etc.
- h. The land shall not require crossing of productive agricultural land to reach the proposed development.
- i. Utility extensions (electric power lines, telephone lines, cable television, natural gas distribution lines, and sewer lines) shall not cross productive farmland in a manner that will disrupt farming activities.
- j. The minimum residential lot size shall be one (1) acre for four or less parcels in a cluster; for five or more parcels in a cluster, the minimum is 1 ½ acres. Note: The Dane County Groundwater Protection Plan recommends that clusters of on-site wastewater systems be at a density of one system per 1.5 to 2.0 acres.

- k. **Determination of density.** ~~The current Town of Black Earth "Splits Available" Map, as included at the end of the Land Use Chapter of this Plan, shall be the official determination of allowable splits by Dane County and the Town of Black Earth. If discrepancies are identified or appeals are made,~~ the Town shall work with the County to provide a determination on the number of splits available. The density or number of allowable splits have been determined in the following manner:

Not Adopted by the
Dane County Board
Per sub 1 to OA 35
(09-10) DCCO

- a. **Density.** The overall density of Agricultural Preservation areas shall not exceed one dwelling unit per 35 acres owned on June 3, 1981 (effective date of A-1 Exclusive Agricultural Zoning).
- i. **Land Sales after 1981.** Changes and reconfigurations in ownership do not trigger new allotments of potential future dwelling units per the density

policy. When a parcel is divided, the splits associated with the parent parcel shall remain with the parent parcel unless an agreement allocating a split or splits to the divided parcel, signed by the seller and the buyer, is recorded against both the parent and the divided parcels. This rule shall apply to sales of land to public agencies, or in the case of division of a parcel by annexation. Property owners are encouraged to use the model agreement included as Appendix E to this Plan.

- ii. **Data Sources and Definitions.** The “Splits Available” map, as based on the 1981 Tax assessment rolls for the Town of Black Earth, shall control all configuration and contiguity for land divisions.
 - iii. **Land Divisions and Rezones.** All non-farm land divisions (commercial or residential) or residential rezones shall count against the 1 dwelling unit per 35 acres density limitation, unless considered a pre-1981 farm residence.
 - iv. **Farm Residences.** All farm residences in existence on June 3, 1981 parcels, or approved secondary farm residences, shall NOT be counted as a split for the purposes of this density policy, regardless of when such residences were constructed.
 - v. **Rounding.** The owner of a parcel or contiguous parcels totaling more than 35 acres may create that number of lots determined by dividing the total number of contiguous acres by 35; if the resulting quotient is a whole number plus a fraction, the owner may create the lots equal to the whole number plus one additional lot if the remaining fraction equals or exceeds 18/35ths. For any fraction less than 18/35ths, only the whole number of lots may be created.
- b. **Substandard parcels.** Allow uses pre-dating adoption of the Comprehensive Plan on parcels of less than 35 acres as of June 3, 1981 (i.e., substandard lots in A-1 Exclusive zoning district) to continue under the provisions of the Dane County Zoning Ordinance. Allow for a total of one split on all such parcels that are buildable and were less than 35 acres in size of as June 3, 1981 and do not contain an existing residence. Do not allow rezoning or land divisions of such substandard lots that would result in the right to construct a total of more than one dwelling unit on the 1981 parcel.
 - c. **Deed Notice.** Whenever a rezoning results in reaching the maximum number of development sites available under the provisions of the above paragraph, the Town as part of the rezoning shall require that a deed notice be recorded against the balance of the parcel to prevent further development.
 - d. **Site Plan Review.** If the proposed development meets the criteria above, a site plan will be required to ensure that all of the development concerns are adequately addressed. The process for review of development proposals and rezoning is outlined in Section B of this Chapter.

14. Rezoning for Commercial Development.

- a. Limited family businesses, as defined in the County Zoning Ordinance, will be reviewed and considered as conditional use permits, which do not require rezoning.
- b. Non-agricultural commercial uses must be consistent and compatible with land uses as outlined in this Plan. Rezoning for such uses will be considered if the following criteria are met:
 - a. Be consistent with the Town land use goals, objectives and policies as outlined in this Plan.
 - b. Have access to a state or county highway.
 - c. Provide a buffer between the commercial use and the adjacent noncommercial use.
 - d. Minimize conflicts with nearby residences and farm operations.
 - e. No holding tank installation will be required to serve the commercial use.
 - f. The service offered is one generally needed by residents of the Town.
 - g. Written impact statements are submitted assessing the impact of the project on farms, farmland, natural resources, scenic qualities, Town roads, taxes and opportunities for employment.

- h. If these criteria are met, a site plan will be required for review and approval by the Town Board after a public hearing has been held.

| Implementation Action Items | Schedule | | | | Responsible Entity |
|--|------------|------------|------------|------------|--------------------|
| | 2009 | 2014 | 2019 | 2024 | |
| | To 2013 | To 2018 | To 2023 | To 2028 | |
| 1. Work with Dane County to ensure that current land development regulations implement relevant policies contained in this plan. | X | X | X | X | Town Board |
| 2. Periodically inventory the land available to accommodate growth. | X | X | X | X | Plan Commission |

Intergovernmental Cooperation

Goal

Encourage coordination and cooperation among nearby units of government.

Objectives

1. Foster a cooperative working relationship with surrounding municipalities.
2. Improve coordination with adjoining municipalities, the school district, the County, the State, and Federal agencies.
3. Cooperate with other governmental units where it could increase service efficiency for Town residents or minimize Town costs.
4. Minimize the negative impact of annexation on Town residents and encourage communication that will assist in identifying and addressing future growth pressures at the periphery of the Village.
5. Work together with other municipalities regarding zoning changes on border areas.

Policies

1. Provide information to adjoining municipalities when requested.
2. Work with adjoining municipalities to save money and more efficiently provide public services by sharing resources, facilities, and services.
3. Communicate with nearby towns, municipalities, school districts, special districts, and other government entities to discuss common issues and solutions.
4. Coordinate the siting, building and redevelopment of public facilities and the sharing of public services when possible.
5. Continue to share services with neighboring jurisdictions to provide for residents and businesses in the most efficient and cost-effective manner.
6. When appropriate, intergovernmental agreements with other local units of government should be created through written contracts/agreements.
7. Maintain contact with the Wisconsin Department of Natural Resources, the Villages of Black Earth and Mazomanie, and Dane County to insure input and participation by Town officials and citizens concerning future acquisition and to insure that future land acquisitions and subsequent use conform to the policies of this plan.
8. Recognize the adopted urban service areas of the Villages of Black Earth and Mazomanie and encourage villages and other interested governmental units consider the Town Land Use plan and recommendations of the Town Board and Plan Commission in making future decisions about the urban service area.

| Implementation Action Items | Schedule | | | | Responsible Entity |
|---|------------|------------|------------|------------|--------------------|
| | 2009 | 2014 | 2019 | 2024 | |
| | To 2013 | To 2018 | To 2023 | To 2028 | |
| 1. Develop and maintain a listing of all active and terminated intergovernmental agreements. | X | X | X | X | Town Board |
| 2. Maintain regular contacts with nearby municipalities, the school district, special districts, and other governmental entities. | X | X | X | X | Town Board |
| 3. Work with and maintain open communication with the Villages of Black Earth and Mazomanie when town properties are proposed for annexation. | X | X | X | X | Town Board |

Implementation

A. Exclusive Agriculture Zoning

- a. The Town of Black Earth has adopted the A-1 Exclusive Agricultural Zoning District of the Dane County Zoning Ordinance effective June 3, 1981. This action applied to all lands previously zoned A-1. Thus, nearly all subsequent land use changes would require rezoning. It is the intent of the Town to apply the Agricultural Preservation Policies in evaluating these proposed changes. Of particular important will be those policies identifying density requirements, siting standards, and rezoning criteria. In this manner, it is intended that productive agricultural land will be preserve and development will be directed to other areas.
- b. The “density of no greater than one dwelling unit per 35 acres owned” means that someone who owns 140 acres could create up to four lots if the policy criteria are met. It is preferred that these lots (minimum size of one (1) acre) be together in a cluster that meets the policy requirements and site design considerations. Density, or “home splits”, will be determined based on the map labelled “Town of Black Earth Estimated Future Home site Available” included in this plan. Note that site plans will be required to insure complete implementation of all policy criteria.

B. Review of Rezoning and Development Proposals.

It is the intent of the Town to develop review procedures, via adopted Ordinances, for all rezone and development proposals within the Town of Black Earth. Until such time that all Ordinances are in place, the Town will work with Dane County to ensure that all rezoning applications and development proposals are compliant with the goals, objectives and policies identified in this plan. Land development and rezoning applications shall include the following steps:

- a. **Informational Meeting/Concept Review.** Applicant shall have an informational meeting with the Town Plan Commission prior to submitting any formal applications. The intent of this meeting is for the applicant to express their intent to submit, what the application is for, and their reasons for doing so. The applicant shall present an exhibit and site plan of the intended changes or improvements to the Plan Commission at this time and the Commission members shall provide feedback to the applicant regarding their intentions, including how their site plan does or does not meet the overriding goals and objectives of this plan. Any comments made by the Plan Commission at the informational meeting are only advisory and shall not be binding.

- b. Submit Application Materials.** All proposed land divisions, development and rezoning applications must be submitted for Town Plan Commission and Board review and action. The Plan Commission shall recommend an action to the Town Board which may be approval, conditional approval, or denial. Once recommended by the Plan Commission, the Town Board will, as appropriate, hold a public hearing and vote on the application. The Plan Commission will establish submittal requirements identifying the necessary materials and process for land use and development applications.
 - c. Site Visit.** After a formal application for land division, development or rezone has been submitted to the Town for review and action, the Town Plan Commission members shall conduct a visit to the site where the proposed changes are to be made. This shall provide the members with a thorough understanding of the site’s physical characteristics and allow them to a better opportunity to make an educated on the application.
 - d. Driveway Approval.** Applicant shall submit an application for a driveway permit prior to any land disturbing activities are done on the site. Such application shall be reviewed and approved by the Plan Commission prior to issuance by the building inspector. It is possible that a site inspection may be required by the Plan Commission or Town Engineer prior to action to ensure appropriate site location based on distance from existing intersections, steep slopes and vision triangles.
- C. Review and Amendment Procedure for Comprehensive Plan.** The Town’s Comprehensive Plan is a flexible document and may need some revisions to meet changing conditions. The Town Plan Commission will continue to study issues and problems relating to the use of the land in the Town and on an ongoing basis evaluate the effectiveness of this plan and recommend any needed changes to the Town Board. The process for amending this plan shall occur in a manner outlined in the General Provisions of this document.

| Implementation Action Items | Schedule | | | | Responsible Entity |
|--|------------|------------|------------|------------|-----------------------------|
| | 2009 To | 2014 To | 2019 To | 2024 To | |
| | 2013 | 2018 | 2023 | 2028 | |
| 1. Review the adopted comprehensive plan and revise as necessary (minimum once every 5 years following adoption.) | X | X | X | X | Town Board/Plan Commission |
| 2. Plan for and anticipate costs for amending this plan. | X | X | X | X | Town Board/ Plan Commission |
| 3. Monitor the rate of growth on a yearly basis, and submit this information to the Town Board in a timely manner. | X | X | X | X | Plan Commission |
| 4. Periodically review the amount of developable land available to determine if it meets the anticipated growth. | X | X | X | X | Plan Commission |
| 5. Establish requirements and process for rezoning and land development application in the Town. | X | | | | Town Board/ Plan Commission |

4

Plan-Based Forecasts

Town of Black Earth Comprehensive Plan

Contents

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4.1 Overview

This chapter presents each of the four 20-year forecasts that are fundamental to the preparation of this plan. The smart growth legislation requires that the plan be based on population forecasts over the 20-year planning horizon.¹ The anticipated population base can then be translated into the number of additional housing units that will be needed over the planning period to accommodate the anticipated population base. This same section of the legislation also requires a set of 20-year forecasts for employment.

Table 4.1. Plan-Based Forecasts: 2009 to 2028

| | 2009 to 2013 | 2014 to 2018 | 2019 to 2023 | 2024 to 2029 | 2009 to 2028 |
|------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Additional population ¹ | 25 | 25 | 28 | 30 | 108 |
| Additional households | 12 | 12 | 13 | 14 | 51 |
| Additional housing units | 12 | 12 | 14 | 14 | 52 |
| Additional land (acres) | | | | | |
| Commercial | 2 | 2 | 2 | 2 | 8 |
| Industrial | 0 | 0 | 0 | 0 | 0 |
| Residential | 18 | 18 | 21 | 21 | 78 |
| Agricultural | 0 | 0 | 0 | 0 | 0 |
| Total | 20 | 20 | 23 | 23 | 86 |

Notes:

1. The total population includes those living in an institutional setting and those living in households.

The final set of forecasts relate to future land use and arise out of the forgoing forecasts². The future land use plan must show additional land for development to accommodate the anticipated number of new households and to facilitate the addition of new employment opportunities. Table 4.1 presents the four sets of forecasts. Each of the following sections in this chapter present background information about each and describe in more detail how they were prepared.

4.2 Population

The Town has seen drastic population trends in the past three decades. The Town saw decline in population from 1980 to 1990 with the loss of 41 residents, or ten percent of the total population. However, between 1990 and 2000, the Town saw a dramatic increase of 23 percent of the population with an increase from 365 residents to 449, or 84 residents. The Wisconsin Department of Administration provides a 2008 population estimate for the Town of 485 residents, which provides a total increase of eight percent since 2000 and 32 percent since 1980.

Recent population estimates from the Wisconsin Department of Administration identify a population increase similar to the long-term trend that occurred from 1980 to 2008. The average annual growth rate from 1990-2000 was 2.09%. The average annual growth rate from 1990-2008 was 0.96%, and the average annual growth rate from 2000-2008 was .63%. After evaluating a number of growth rates and looking at potential consequences of each, an annual average growth rate of 1.0% percent was selected and is used throughout this plan. This rate is consistent with the Town's long-term vision as articulated and is a realistic assessment.

¹ Wis. Stats. 66.1001(2)(a)

² Wis. Stats. 66.1001(2)(h)

Table 4.2 shows the year-end population counts and the number of new residents added in each of the five-year increments based on this growth rate. Between 2009 and 2028, close to 103 new residents are anticipated based on past trends.

The U.S. Census estimates the amount of population in households in addition to the total resident population. The population in households excludes facilities like correctional institutions, nursing homes, and group homes. In the Towns case, 96.5 percent of the 2000 population was in households. This Plan assumes that will continue to be the case, and does not attempt to predict any future difference between the total population and the population in households. This assumption should not preclude future development of facilities like nursing homes.

Table 4.2. Population; Town of Black Earth: 2009 to 2028

| Time Period | Total Resident | Total Population |
|-----------------------------------|-------------------------|------------------|
| | Population ¹ | in Households |
| 2000 Census | 406 | 392 |
| 2008 DOA ² | 485 | 468 |
| 2009 | 490 | 473 |
| 2010 | 495 | 477 |
| 2011 | 500 | 482 |
| 2012 | 505 | 487 |
| 2013 | 510 | 492 |
| 2014 | 515 | 497 |
| 2015 | 520 | 502 |
| 2016 | 525 | 507 |
| 2017 | 530 | 512 |
| 2018 | 536 | 517 |
| 2019 | 541 | 522 |
| 2020 | 547 | 527 |
| 2021 | 552 | 533 |
| 2022 | 557 | 538 |
| 2023 | 563 | 543 |
| 2024 | 569 | 549 |
| 2025 | 574 | 554 |
| 2026 | 580 | 560 |
| 2027 | 586 | 565 |
| 2028 | 592 | 571 |
| Number Added During Period | | |
| 2009 – 2013 | 25 | 24 |
| 2014 – 2018 | 25 | 25 |
| 2019 – 2023 | 28 | 26 |
| 2024 – 2028 | 30 | 28 |
| 2009 – 2028 | 108 | 103 |

1. The total population includes those living in an institutional setting and those living in households.

4.3 Housing

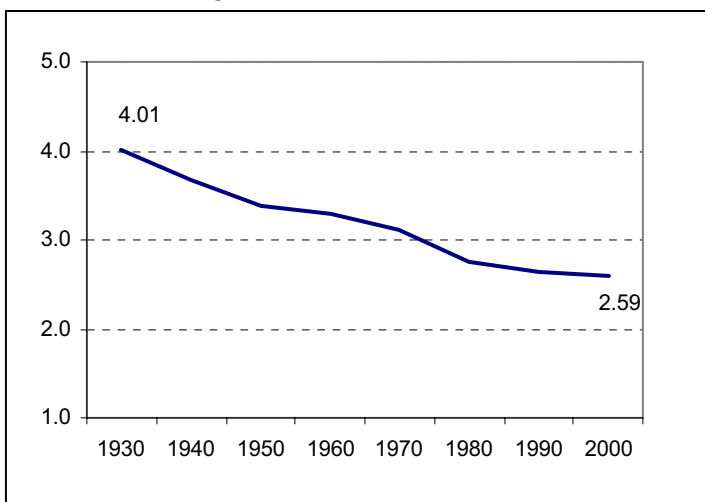
Having established the anticipated resident population living within the Town in a household setting, it is possible to forecast the number of housing units that will be needed to accommodate the growing population.

The number of households was estimated by dividing the anticipated population living in a household by the average household size for each of the time periods. Nationally, the average household size has been on a steady downward trend for a number of decades as shown in Exhibit 4.3. This trend is also evident throughout much of Wisconsin and in the Town. From 1990 to 2000, the average household size in the Town declined from 2.81 to 2.51. It should be noted that during 2000, the average household size was significantly lower than in all of the United States (2.59). It is anticipated this trend will continue throughout the planning period, but at a slower rate of decline, and cause the figure to drop to about 2.4.

This demographic trend suggests that even if the population of the Town did not grow, additional housing units would be needed to account for a smaller number of people living in each housing unit.

Table 4.4 shows the anticipated number of households over the 20-year planning horizon by year and for each of the 5-year increments. Having established the number of households that will be living in the Town, it is necessary to determine the number of housing units that will be needed to house them. The number of housing units will, more often than not, exceed the number of households in that a certain share of the housing units will be vacant at any point in time. They may be vacant because it is not considered a primary residence, because it is for rent or for sale, or simply not occupied.

Exhibit 4.3. Average Household Size; United States: 1930 to 2000



Source: Census Bureau

Table 4.4. Housing; Town of Black Earth: 2009 to 2028

| Year | Housing | |
|----------------------------|------------|-------|
| | Households | Units |
| 2000 Census | 166 | 172 |
| 2009 | 189 | 196 |
| 2010 | 192 | 198 |
| 2011 | 194 | 201 |
| 2012 | 196 | 203 |
| 2013 | 199 | 206 |
| 2014 | 201 | 208 |
| 2015 | 204 | 211 |
| 2016 | 206 | 213 |
| 2017 | 209 | 216 |
| 2018 | 211 | 218 |
| 2019 | 214 | 221 |
| 2020 | 220 | 227 |
| 2021 | 219 | 226 |
| 2022 | 221 | 229 |
| 2023 | 224 | 232 |
| 2024 | 227 | 235 |
| 2025 | 230 | 238 |
| 2026 | 232 | 240 |
| 2027 | 235 | 243 |
| 2028 | 238 | 246 |
| Number Added During Period | | |
| 2009 – 2013 | 10 | 10 |
| 2014 – 2018 | 12 | 12 |
| 2019 – 2023 | 13 | 14 |
| 2024 – 2028 | 14 | 14 |
| 2009 - 2028 | 49 | 50 |

1. The total population includes those living in an institutional setting and those living in households.

For the purpose of this plan, it is assumed that three percent of the housing units will be vacant at any point of time. The calculated number of housing units is also shown in Table 4-4.

4.4 Employment

As shown on the future land use map, the Town has not identified any specific areas for commercial or industrial development. If commercial development does occur, it should be consistent with the rural character of the community and should support existing agri-business and rural farming practices, as outlined in the policies of this document. Without identifying specific parcels or areas for this development, employment calculations cannot be determined. Commercial development is anticipated to be minimal and provide minimal new employment within the Town.

4.5 Land Use

The Town of Black Earth is a farming community and completely rural in nature. The Town’s residential land use density, as regulated by Dane County, allows one residence per 35 acres. The Town wishes to continue that density pattern over the planning horizon identified in this Plan in order to support the existing character of the Town and the active agricultural uses present there.

While the Town’s density regulations allow one dwelling unit per 35 acres, the minimum lots size can be substantially smaller. With a required minimum lot size of 1.5 acres, and an increase in new housing of 52 units over the twenty-year timeframe, 78 acres would be needed for new growth. Based on Dane County land records, the Town currently has 184 land divisions remaining at this density. It is unknown how much land would actually be consumed by these divisions because of regulations that allow parcels smaller than 35 acres.

It should be noted that these data are intended for planning purposes only. It is important to keep tabs on actual development levels and update these forecasts based on more current information and to account for actual development activity and shifts in the housing market.

Table 4.5. Housing Types: 2009 to 2028

| | Percent Of Total |
|----------------|---------------------|
| Single-Family | 100% |
| High Density | 0% |
| Medium Density | 0% |
| Low Density | 100% |
| Two-Family | 0% |
| Multi-Family | 0% |
| Mobile Home | 0% |

Table 4-6. Additional Dwelling Units by Housing Type: 2009 to 2028

| | 2009 to 2013 | 2014 to 2018 | 2019 to 2023 | 2024 to 2029 | Total 2009 to 2028 |
|----------------|-----------------|-----------------|-----------------|-----------------|-----------------------|
| Single-Family | 0 | 0 | 0 | 0 | 0 |
| High Density | 0 | 0 | 0 | 0 | 0 |
| Medium Density | 0 | 0 | 0 | 0 | 0 |
| Low Density | 12 | 12 | 14 | 14 | 52 |
| Two-Family | 0 | 0 | 0 | 0 | 0 |
| Multi-Family | 0 | 0 | 0 | 0 | 0 |
| Mobile Home | 0 | 0 | 0 | 0 | 0 |
| Total | 12 | 12 | 14 | 14 | 52 |

Table 4-7. Land Area Requirements by Housing Type: 2009 to 2028

| | 2009 to 2013 | 2014 to 2018 | 2019 to 2023 | 2024 to 2029 | Total 2009to 2028 |
|----------------|-------------------------|-------------------------|-------------------------|-------------------------|------------------------------|
| Single-Family | 0 | 0 | 0 | 0 | 0 |
| High Density | 0 | 0 | 0 | 0 | 0 |
| Medium Density | 0 | 0 | 0 | 0 | 0 |
| Low Density | 18 | 18 | 21 | 21 | 78 |
| Two-Family | 0 | 0 | 0 | 0 | 0 |
| Multi-Family | 0 | 0 | 0 | 0 | 0 |
| Mobile Home | 0 | 0 | 0 | 0 | 0 |
| Total | 18 | 18 | 21 | 21 | 78 |

5

Housing Element

Town of Black Earth Comprehensive Plan

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s. 66.1001(2)(b) Wis. Stats

“The Housing Element is a compilation of objectives, policies, goals, maps and programs of the local governmental unit to provide an adequate housing supply that meets existing and forecasted housing demand in the local government unit. Specifically the housing element shall assess the age, structural, value, and occupancy characteristics of the local governmental unit’s housing stock. The element shall also identify specific policies and programs that promote the development of housing for residents of the local governmental unit and provide a range of housing choices that meet the needs of persons of all income levels and all age groups and persons with special needs, policies and programs that promote the availability of land for the development or redevelopment of low-income and moderate-income housing, and policies and programs to maintain and rehabilitate the local governmental unit’s existing housing stock.”

5.1 Overview

Wisconsin’s Smart Growth legislation outlines 14 local, comprehensive planning goals; one of which is to provide an adequate supply of housing for individuals of all income levels throughout each community. Related to this goal is that of encouraging neighborhood design that supports a range of transportation options. The location of housing directly impacts adjacent land use patterns and individual choices with regard to transportation.

The term housing refers not only to owner-occupied housing, but also rental, cooperative, and condominium ownership arrangements. The term also refers not only to single family detached units but also multi-family units, duplexes, townhouses, manufactured homes, and accessory apartments¹ which offer independent apartment living as an accessory to single-family homes.

Many forces influence the type and distribution of housing units and tenure patterns within a community. A number of relationships must be examined in order to understand the housing framework in the Town and plan for and provide the type of housing that will be in demand over the next 20-year period.

Housing is very important for Wisconsin and the people who live here. Housing costs are the single largest expenditure for most Wisconsin residents. According to the U.S. Department of Labor, Midwest households, on average, spend 31 percent of their incomes on housing, compared with 19 percent for transportation, and 14 percent for food.

Over two-thirds of Wisconsin households are homeowners and it is likely their home is their most valuable asset and largest investment. Appreciation in home value continues to be a major source of wealth in the United States. In fact, nearly 60 percent of the net worth of a typical homeowner is equity in the home.

While many Wisconsinites enjoy good housing situations, others are struggling in varying degrees. According to Wisconsin's 2000 *Consolidated Plan: For the State’s Housing and Community Development*

¹ Housing Wisconsin: A Guide to Preparing the Housing Element of a Local Comprehensive Plan. March 2000. UW-Extension.

Needs, households in the low-income range have great difficulty finding adequate housing within their means and that can accommodate their needs, despite the state's stable economic health. In addition, the federal government has cut back drastically on housing assistance, leaving state and local communities to grapple with these social issues.

The social benefits of housing are important but difficult to quantify. In addition to being a place to sleep, raise a family, store possessions, receive mail and telephone calls, decent shelter is important for one's self-respect. Furthermore, as people develop responsibility and pride in their homes, it is likely that they will become more involved with the community.

In addition to its importance for social reasons, housing plays a critical role in the state and local economies. In many communities housing is the largest land use and the community's largest capital asset. In 1990, the construction industry employed 83,000 workers (not including lawyers, real estate, financial, and insurance workers), making it the state's second leading industry in employment. The study estimated that housing contributed about 12 percent to the state's gross product. Housing is also a major source of revenue for local communities in the form of property taxes.

5.2 Local Survey Results

The following is an excerpt from the Town of Black Earth Comprehensive Planning Public Opinion Survey Report developed by the University of Wisconsin – River Falls Survey Research Center. Refer to Appendix C for the full report.

In one of the key housing questions, residents were asked to indicate their preference for housing developments based on a traditional design (large lots, little open space) versus a cluster design (smaller lots with permanently preserved open space). By a substantial margin, the people in the Town of Black Earth prefer developments that use the cluster design; fewer than one in six prefer the traditional design and slightly more than one in four recommend a neutral stance with respect to these two development design options.

The cluster design is favored by a majority of residents of all ages except for those over 65; respondents in this age category were nearly evenly split between remaining neutral (38%) and those favoring the cluster design (41%). Support for the cluster design tends to be strong among resident landowners compared to non-resident landowners and among more recent arrivals than those who have lived in the Town for more than 30 years.

There is a relatively strong support for the Town's density policy, which allows one new home per 35 acres owned as of March 1, 1981. Nearly three-quarters support (38%) or strongly support (36%) this policy. Support for the Town's density policy is significantly stronger among those who have lived in Black Earth for a longer period of time. At one level, support for the density policy is

inconsistent with the support for cluster development. It does, however, speak to the interest that Town residents have for maintaining open space and the rural atmosphere of Black Earth.

There is relatively strong opposition to the construction of multiple family dwellings such as apartments in the Town. While the proportion of Town citizens who “oppose” and “support” multifamily dwelling units is very similar (35% and 33%, respectively), the strength of feeling is clearly with those in opposition (22% strongly oppose compared to only 9% who strongly support this type of housing development).

5.3 Data and Analysis

An important part of assessing the local housing market is to understand current conditions as well as factors that influence residential patterns. By reviewing existing conditions and the factors that influence these conditions, and assessing housing strengths and concerns, we can develop a picture of the local housing market in 20 years.

The housing-related data presented as follows is organized around three categories:

- Local Housing Market Overview
- Factors of supply – number and type of housing units, tenure, vacancies, housing values and rental rates, cost, subsidized and special needs housing and condition of housing stock.
- Factors of demand – population, households, income, and economic factors.

5.4 Local Housing Market Overview

A search of the Wisconsin Multiple Listings Service (MLS) was conducted in order to provide a snapshot of the current housing market as represented by the sale of housing units. Tables 5.1 through 5.3 provide a summary of housing units for sale in the fall of 2008.

Table 5.1. Housing Units on the Market in the Town of Black Earth: 2008

| | Number | Range | Average | Median |
|------------------|--------|-----------------------|-----------|-----------|
| Single Family | 5 | \$179,900 – 775,000 | \$380,900 | \$259,000 |
| Condominium | 0 | | | |
| Vacant Res. Lots | 5 | \$180,000 - \$394,900 | \$281,580 | \$249,000 |

Source: South Central Wisconsin Multiple Listing Service

Table 5.2. Housing Units on the Market in the Village of Black Earth: 2008

| | Number | Range | Average | Median |
|------------------|--------|---------------------|-----------|-----------|
| Single Family | 16 | \$104,500 – 499,900 | \$258,700 | \$267,450 |
| Condominium | 1 | \$99,900 | | |
| Vacant Res. Lots | 69 | \$54,900 – 121,000 | \$76,00 | \$74,000 |

Source: South Central Wisconsin Multiple Listing Service

Table 5.3. Housing Units on the Market in the Village of Mazomanie: 2008

| | Number | Range | Average | Median |
|------------------|--------|--------------------|-----------|-----------|
| Single Family | 16 | \$71,900 – 299,900 | \$204,500 | \$212,000 |
| Condominium | 0 | | | |
| Vacant Res. Lots | 36 | \$53,900 – 89,900 | \$63,300 | \$58,950 |

Source: South Central Wisconsin Multiple Listing Service

This data shows that the median value of single family homes currently on the market differs little between the Village and Town of Black Earth. However, the range, average and the median in the Village of Mazomanie suggests lower single family home values for those units currently on the market. The most drastic difference between the communities is in the median price of vacant residential lots. The Village of Black Earth has a median value nearly \$20,000 higher than Mazomanie, and the Town of Black Earth’s median value of almost \$250,000 is over four times larger than Mazomanie. However, this is due to the substantially larger parcel sizes available in the Town compared to the villages. This also suggests that lower and middle income households may have difficulty purchasing vacant lots. In addition, the lack of condominiums for sale in all three communities may signal a lack of typically more affordable housing options.

New Housing Starts

Between 1996 and 2008, the number of new housing starts has fluctuated from a low of one dwelling unit to ten units in 1999 (Table 5.4). Single family homes accounted for all of the dwelling units in the Town during this time period.

Table 5.4. Residential Building Permit Activity Town of Black Earth: 1996 - 2008

| Year | Single Family Units | Mobile Homes | Duplexes | Multi-Family Units | Total Units |
|--------------|---------------------|--------------|----------|--------------------|-------------|
| 1996 | 1 | 0 | 0 | 0 | 1 |
| 1997 | 3 | 0 | 0 | 0 | 3 |
| 1998 | 5 | 0 | 0 | 0 | 5 |
| 1999 | 10 | 0 | 0 | 0 | 10 |
| 2000 | 5 | 0 | 0 | 0 | 5 |
| 2001 | 7 | 0 | 0 | 0 | 7 |
| 2002 | 3 | 0 | 0 | 0 | 3 |
| 2003 | 9 | 0 | 0 | 0 | 9 |
| 2004 | 1 | 0 | 0 | 0 | 1 |
| 2005 | 1 | 0 | 0 | 0 | 1 |
| 2006 | 2 | 0 | 0 | 0 | 2 |
| 2007 | 1 | 0 | 0 | 0 | 1 |
| 2008 | 2 | 0 | 0 | 0 | 2 |
| Total | 50 | 0 | 0 | 0 | 50 |

Source: Town of Black Earth

5.5 Factors of Supply

Housing Units

At the time of the 2000 census, there were 172 housing units in the Town of Black Earth, 527 in the Village of Black Earth, and 618 units in the Village of Mazomanie (Table 5.5). When comparing those numbers to the 1990 census there appears to have been moderate to significant growth in all three communities. The Town of Black Earth grew the most with a 24.6 percent increase in housing units between 1990 and 2000. Although the Town of Black Earth saw the largest percentage increase, the Village of Mazomanie and the Village of Black Earth saw more net new housing units, therefore increasing the gap between the Villages and the Town. In comparison, during the same time period (1990 – 2000), Dane County experienced a 22 percent increase in the total number of countywide housing units, and the state saw a 12.9 percent increase in housing units. Overall, it would appear that the three communities have grown at a slightly faster rate than the state as a whole, but slower than Dane County.

Table 5.5. Housing Units: Town of Black Earth, Villages of Black Earth and Mazomanie; 1990 and 2000

| | 1990 | 2000 | Percent Change 1990 to 2000 |
|----------------------------|------------|------------|--------------------------------|
| Town of Black Earth | 138 | 172 | 24.6% |
| Village of Black Earth | 469 | 527 | 12.4% |
| Village of Mazomanie | 528 | 618 | 17.0% |
| Dane County | 147,851 | 180,398 | 22.0% |
| Wisconsin | 2,055,774 | 2,321,144 | 12.9% |

Source: Census of Population and Housing (SF1, STF1)

1. ESRI Business Analyst Prediction based on 2000 census data

Types of Housing Units

In 2000, single-family units dominated the Town of Black Earth housing stock, as they also did in the villages of Mazomanie and Black Earth (Table 5.6). Both the Village of Mazomanie and the Village of Black Earth are comprised of approximately three quarters single-family housing, while the Town of Black Earth is made up of virtually all single-family homes. Likewise, multifamily housing, including duplexes, is similar between the two villages, but is very low in the Town of Black Earth. Comparing these numbers to Dane County as a whole we see much lower levels of single family housing and higher levels of multi-family in Dane County. However, because Dane County includes a major urban area, the percentage of housing structures will naturally be skewed more towards multi-family than would be the case in a rural village or township. Therefore, a better comparison for the communities may be the state of Wisconsin as a whole. If that comparison is made, we see similar levels between the villages and the state in all categories of housing structures, but the Town of Black Earth still has much higher levels of single family and lower levels of multi-family than does the State. Moving forward, the Town's policies maintain this ratio and high level of low-density, single-family homes.

Table 5.6. Occupied Housing Units by Type: Town of Black Earth; 2000

| Number / Percent of Total | | | | | |
|---------------------------|---------------------------|------------------------|-------------------------|--------------------|---------------|
| | Village of Black Earth | Town of Black Earth | Village of Mazomanie | Dane County | Wisconsin |
| Single Family | 396 (74.3%) | 147 (97.4%) | 457 (77.7%) | 105,903 (58.7%) | 69.4% |
| Duplex | 21 (4%) | 2 (1.3%) | 20 (3.4%) | 10,243 (5.7%) | 8.2% |
| Multi-Family | 116 (21.8%) | 2 (1.3%) | 111 (18.8%) | 161,886 (34.3%) | 18.0% |
| Mobile Home | 0 (0.0%) | 0 (0.0%) | 0 (0.0%) | 2,307 (1.3%) | 4.4% |
| Total | 100.0 | 100.0% | 100.0% | 100.0% | 100.0% |

Source: Census of Population and Housing (SF3)

Note: Percents may not total to 100 due to rounding

From the perspective of consumer choice in the housing market, a good mix of housing options is important. If the housing stock is dominated by single-family units, there may be few options for retirees who are downsizing, young couples who are just getting started, and those unable to afford the high cost of single family housing. In fact, there have been studies to show that many communities with relatively few rental opportunities have higher unemployment rates and/or more residents who are under-employed. This is especially true in those communities that are not within a reasonable commute of a larger employment center. In contrast to renters, homeowners can not easily move if employment opportunities decline. Homeowners who are laid off, for example, tend to be out of work longer and quite often take jobs for which they are over-qualified at a lower wage rate.

Occupancy Status

The vacancy rate is an important measure of housing supply and demand. According to the Department of Housing and Urban Development (HUD), a generally accepted vacancy standard for owner-occupied units is three (3) percent, and for renter-occupied units five (5) percent. At these rates, there is enough supply to allow consumers an adequate amount of choice, and it is assumed the market is functioning efficiently. When vacancy rates drop below this level, the housing market becomes tight and housing costs invariably increase. In such a market, housing affordability becomes even more important. When the vacancy rate rises, supply exceeds demand creating a special set of considerations. At an extreme, housing prices in such a community typically are stagnant or declining. New units are not being constructed to replace the aging units and comparatively little home improvement activities are undertaken. Unchecked, such a downward trend will negatively affect the community's tax base and more importantly, its public image and quality of life. It should be noted that even in the same community it is not uncommon to see a tight housing market for rental units and not for owner-occupied units, and vice versa.

As shown in Table 5.7, the vacancy rates for owner occupied units ranges from 0.5 percent to 3.5 percent and the rate for rentals is around 4 percent². The only number that stands out is the owner-occupied vacancy rate of 0.5 percent for the Village of Black Earth. This is low enough that it may be causing upward pressure on housing prices within the Village. Overall, these vacancy rates are slightly below the County numbers and for the most part represent a good balance between supply and demand.

| | Village of Black Earth | Town of Black Earth | Village of Mazomanie | Dane County |
|----------------|-------------------------------|----------------------------|-----------------------------|--------------------|
| Owner-Occupied | 0.5% | 3.5% | 2.5% | 1.0% |
| Rentals | 4% | 0% | 3.7% | 4.2% |

Source: Census of Population and Housing (SF1)

Housing Tenure

In 2000, approximately 75 percent of the occupied housing units in the Village of Black Earth and the Village of Mazomanie were owner-occupied (Table 5.8), and 25 percent were renter occupied. The Town of Black Earth showed a slightly more skewed 85.5 percent owner-occupied and only 14.5 percent renter-occupied. Many factors can influence tenure patterns. Two important factors are age and household income, both of which will be discussed later in this document.

| | Village of Black Earth | Town of Black Earth | Village of Mazomanie | Dane County |
|-----------------|-------------------------------|----------------------------|-----------------------------|--------------------|
| Owner-Occupied | 395 (76.8%) | 142 (85.5%) | 436 (73.4%) | 57.6% |
| Rental-Occupied | 119 (23.2%) | 24 (14.5%) | 158 (26.6%) | 42.4% |
| Total | 100% | 100% | 100% | 100% |

Source: Census of Population and Housing (SF1)

Note: Percents may not add up to 100 due to rounding – Data is for occupied units only.

Housing Values and Rental Rates

Median home values and rental rates provide a representation of generalized cost of housing in each community. Table 5.9 shows the median values for each community as well as two reference regions; Dane County and Wisconsin. This data shows that in 1990 all three communities were below the median values of the state and well below values in Dane County. However, in 2000 we see that all three communities now have median home values above the State's, and the Town of Black Earth has even surpassed Dane County's median value. Likewise, rent levels have climbed to

² The vacancy rate of 0% for Town rentals is misleading because of the very small number of rental units available (4), and the high probability of them all being filled at any given time

be roughly equal to or slightly above the State's. This suggests fairly rapid appreciation in all three communities.

Table 5.9. Median Home Values (MHV) and Rent Levels

| | 1990 MHV | 2000 MHV | 1990 Rent | 2000 Rent |
|------------------------|----------|-----------|-----------|-----------|
| Village of Black Earth | \$61,400 | \$127,300 | \$300 | \$467 |
| Village of Mazomanie | \$57,300 | \$116,800 | \$276 | \$469 |
| Town of Black Earth | \$60,700 | \$149,000 | \$289 | \$538 |
| Dane County | \$78,400 | \$146,900 | \$423 | \$595 |
| Wisconsin | \$62,500 | \$112,200 | \$331 | \$473 |

*Source: ESRI Business Analyst & US Census Bureau; sample data
MHV rounded to nearest \$100*

Age of Housing

The age of a community's housing stock is an important consideration. As the housing stock grows progressively older, more needs to be done to ensure it is well-maintained. For low- and moderate-income residents this is especially hard to achieve with limited resources. As more fully explained later in this chapter, there are state funds available to help low- and moderate-income residents pay for needed home maintenance and improvements.

When compared to all of Wisconsin and Dane County, we see that the housing stock in the Village of Black Earth, the Village of Mazomanie and the Town of Black Earth is relatively old. As of 2000, between 46 and 54 percent of housing units in the three locations were 40 years old or older; compared to only 31 percent of Dane County and 44 percent of the State of Wisconsin. On the other side, only 4.5 percent of the Village of Black Earth's housing stock and 8 percent of the Town's housing stock was built after 1995. This is less than the 11.5 percent of the County and 9.5 percent of the State as a whole. The Village of Mazomanie is similar to Dane County with 10.2 percent of its housing stock built after 1995. Overall, both villages and the Town have housing stocks skewed towards aging units. This will impact the need to maintain local housing structures and potentially provide new structures.

Table 5.10. Age of Housing Stock: Town of Black Earth; 2000

| | Town of Black Earth | Village of Black Earth | Village of Mazomanie | Dane County | Percent Wisconsin |
|---|--------------------------------|-----------------------------------|---------------------------------|-----------------------|------------------------------|
| 1999 to March 2000 | 4 (2.6%) | 0 (0.0%) | 13 (2.2%) | 4,860 (2.7%) | 2.2 |
| 1995 to 1998 | 8 (5.3%) | 24 (4.5%) | 47 (8.0%) | 15,923 (8.8%) | 7.3 |
| 1990 to 1994 | 18 (11.9%) | 45 (8.4%) | 46 (7.8%) | 17,300 (9.6%) | 7.3 |
| 1980 to 1989 | 14 (9.3%) | 56 (10.5%) | 26 (4.4%) | 23,560 (13.1%) | 10.8 |
| 1970 to 1979 | 28 (18.5%) | 89 (16.7%) | 101 (7.2%) | 36,115 (20.0%) | 16.9 |
| 1960 o 1969 | 8 (5.3%) | 73 (13.7%) | 41 (7.7%) | 26,265 (14.6%) | 11.9 |
| 1940 to 1959 | 14 (9.3%) | 77 (14.4%) | 92 (15.6%) | 29,194 (16.2%) | 20.3 |
| 1939 or earlier | 57 (37.7%) | 169 (31.7%) | 222 (37.8%) | 27,181 (15.1%) | 23.4 |
| Total | 151 (100%) | 533 (100%) | 588 (100%) | 180,398 (100%) | 100.0 |
| <i>Source: US Census Bureau; Census of Population and Housing (SF3)</i> | | | | | |
| <i>Note: Percents may not total to 100 due to rounding</i> | | | | | |

5.6 Factors of Demand

Household Size

Over the past 60 years, the average household size in the United States has been on a steady downward trend. A wide range of factors are working to create an unprecedented change in the housing picture. The “graying” of America is a significant factor. More people, especially women, are living longer and often without a spouse. More than half of all marriages end in divorce. Married couples are having fewer or no children. The number of singles (never married), while still a small fraction of the total population, is ever increasing.

On the other side of the coin, during times of economic downturn, we see factors pushing family size upward or remaining steady. Some singles never leave the nest, delay their departure, and/or return to live with their parents after being out on their own for awhile. Immediate family members, like a parent, are also more apt to move in with their children’s family. Despite the few situations where family sizes are increasing, the trend is clear – households are getting smaller.

The average household size for the town and villages are following the national declining trend, as is the state of Wisconsin and Dane County as a whole (Table 5.11). Although all decreases are small, between 0.11 to 0.30 persons per household, these changes add up over all households to have a larger impact. However, the fact we are seeing an increase in the number of households and housing units means any drop in household size is being obscured by a general increase in population.

Table 5.11. Average Household Size: Town of Black Earth; 1990 and 2000

| | 1990 | 2000 | Percent Change 1990 to 2000 |
|----------------------------|-------------|-------------|-----------------------------|
| Town of Black Earth | 2.81 | 2.51 | -10.7% |
| Village of Black Earth | 2.60 | 2.49 | -4.2% |
| Village of Mazomanie | 2.71 | 2.50 | -7.7% |
| Dane County | 2.57 | 2.46 | -4.3% |
| Wisconsin | 2.61 | 2.50 | -4.2% |

Source: Census of Population and Housing (SF1, STF1)

This demographic trend, while interesting from a sociological perspective, also has very important implications for this plan. Even if the population of the villages and town remained the same, more housing units would be needed to accommodate the newly forming households.

Population

Population changes affect demand for housing by changing the size of the potential consumer base. Between 1990 and 2000 the Town of Black Earth had an increase of only 64 persons, but because of its small size that translates into an annual increase of 1.55 percent. The Village of Black Earth saw an increase in population of 61 persons for an annual increase of 0.47 percent, while the Village of

Mazomanie saw a larger increase of 198 persons for an annual increase of 1.44 percent. In all three communities the rate of population increase is slightly below the rate of household increase.

Using past data on a community’s death rate, live birth rate, and migration patterns, the Wisconsin Department of Administration (DOA) prepares population projections out to the year 2025. Because of the rigorous methodology used to develop the projections they are included below as the best estimates of future growth (Table 5.12). Also included in the table below are simple compound growth estimates based on the annual increase between the years 1990 and 2000. Notice that the projections based on past annual increases are considerably higher than the DOA projections. These numbers were not included to cast doubt on the DOA projections, but to suggest that future annual growth rates may be greater than what was experienced between the previous two censuses.

Table 5.12. Population Projections

| | 2000 census | 2005 | 2010 | 2015 | 2020 | 2025 |
|---|-------------|------------|------------|------------|------------|------------|
| DOA Projections | | | | | | |
| Town of Black Earth | 449 | 482 | 511 | 536 | 564 | 595 |
| Village of Black Earth | 1,320 | 1,332 | 1,331 | 1,325 | 1,327 | 1,337 |
| Village of Mazomanie | 1,485 | 1,534 | 1,568 | 1,596 | 1,631 | 1,676 |
| Projections Using Past Annual Increase | | | | | | |
| Town of Black Earth | 449 | 485 | 524 | 485 | 611 | 660 |
| Village of Black Earth | 1,320 | 1,351 | 1,383 | 1,416 | 1,449 | 1,484 |
| Village of Mazomanie | 1,485 | 1,595 | 1,713 | 1,763 | 1,976 | 2,123 |

Source: Wisconsin Department of Administration
Vierbicher Associates Inc.

Income

According to 2000 Census figures, the median household income for a resident in the Town of Black Earth was \$61,700. This is somewhat higher than each of the village’s. The Village of Black Earth’s median household income was \$51,300, while the Village of Mazomanie’s was \$49,000.

The 2000 Census also reports median home value. According to the 2000 Census each community has a median value of³ (numbers in parenthesis are the median value of homes currently on the market):

- Village of Black Earth: \$127,300 (\$267,450)
- Town of Black Earth: \$149,000 (\$212,000)
- Village of Mazomanie: \$116,800 (\$259,000)

Housing that costs no more than 30 percent of a renter’s income is generally considered to be affordable. Income needed to afford the Fair Market Rent (FMR) in Dane County is extremely high when compared to the statewide data, as shown on the following page (Table 5.13):

³ Source: US Census Bureau; Sample Data – rounded to nearest \$100

Table 5.13. Income Needed to Afford FMR*

| | Efficiency | One Bedroom | Two | Three | Four |
|-------------|-------------------|--------------------|------------|--------------|-------------|
| Dane County | \$21,000 | \$26,240 | \$31,000 | \$41,600 | \$51,520 |
| Wisconsin | \$18,766 | \$21,913 | \$26,633 | \$34,563 | \$37,894 |

Source: National Low-Income Housing Coalition (NLIHC); HUD

*Data not available at the municipality level

Table 5.14. Fair Market Rent by Number of Bedrooms*

| | Efficiency | One Bedroom | Two | Three | Four |
|-------------|-------------------|--------------------|------------|--------------|-------------|
| Dane County | \$525 | \$656 | \$775 | \$1,040 | \$1,288 |
| Wisconsin | \$469 | \$548 | \$666 | \$864 | \$947 |

Source: National Low-Income Housing Coalition (NLIHC); HUD

*Data not available at the municipality level

The distribution of income in all three communities is provided on the following page (Table 5.15). Assuming that the income needed to afford FMR in the Black Earth/Mazomanie area is comparable to Dane County, and rents are at or above the fair market rate, just over 3.2 percent of the Town of Black Earth’s population is unable to afford a market rate efficiency apartment. Further, more than 9.0 percent do not have the income needed to support a two-bedroom apartment; and 20.6 percent cannot afford a three-bedroom apartment. The break down for the other two communities is as follows:

Village of Black Earth: 12.9 percent could not afford an efficiency
 25.3 percent could not afford a two bedroom
 35.3 percent could not afford a three bedroom

Village of Mazomanie: 13.2 percent could not afford an efficiency
 22.3 percent could not afford a two bedroom
 36.5 percent could not afford a three bedroom

Although the numbers of households that cannot afford FMR in the Town of Black Earth are fairly low, the Village of Black Earth and the Village of Mazomanie have considerably higher percentages of households without the income necessary to afford FMR. This implies that housing affordability is more of an issue in the villages than in the town.

Table 5.15 Household Income Distribution

| Household Income | Town of Black Earth (percent of households) | Village of Black Earth (percent of households) | Village of Mazomanie (percent of households) |
|-------------------------|--|---|---|
| Less than \$10,000 | 1.9% | 4.9% | 4.5% |
| \$10,000 to \$14,999 | 0.0% | 5.3% | 4.2% |
| \$15,000 to \$19,999 | 1.3% | 2.7% | 4.5% |
| \$20,000 to \$24,999 | 2.6% | 5.5% | 4.9% |
| \$25,000 to \$29,999 | 3.2% | 6.9% | 4.2% |
| \$30,000 to \$34,999 | 5.8% | 5.1% | 7.2% |
| \$35,000 to \$39,999 | 5.8% | 4.9% | 7.0% |
| \$40,000 to \$44,999 | 3.2% | 5.1% | 8.9% |
| \$45,000 to \$49,999 | 10.3% | 7.1% | 5.5% |
| \$50,000 to \$59,999 | 12.2% | 15.7% | 11.9% |
| \$60,000 to \$74,999 | 23.7% | 17.8% | 21.4% |
| \$75,000 to \$99,999 | 14.1% | 11.0% | 8.7% |
| \$100,000 to \$124,999 | 10.3% | 4.5% | 4.4% |
| \$125,000 to \$149,999 | 2.6% | 2.7% | 1.0% |
| \$150,000 to \$199,999 | 0.0% | 0.0% | 1.0% |
| \$200,000 or more | 3.2% | 0.8% | 0.7% |
| Total | 100% | 100% | 100% |

Extending the general standard of paying no more than 30% of household income on housing to home ownership, we can develop a roughly comparable scenario about a household’s ability to make a monthly mortgage payment. However, the scenario will differ based on the down payment brought to the transaction and private mortgage insurance (PMI) that may be required, as well as other items that become part of an escrow account. Following is a sample scenario to provide an understanding of ability to pay.

Assumptions:

Household income = \$61,700 (median household income in Town in 2000 census)
 Median home value = \$149,000 (median home value in Town in 2000 census)

- Median monthly household payment including mortgage and escrowed PMI, taxes and homeowners insurance = \$1,060 (approx)
- \$1,060 x 12 (months) = \$12,720 (annual mortgage, PMI, taxes and insurance)
- Annual payment (\$12,720) / Household income (\$61,700) = 21% of total household income

The Federal Department of Housing and Urban Development (HUD) sets Fair Market Rents (FMRs) to assure that a sufficient supply of rental housing is available to its program participants. To accomplish this objective, Fair Market Rents must be high enough to permit a selection of units and neighborhoods and low enough to serve as many households as possible. Developed by HUD, FMRs are updated annually based on Consumer Price Index data or HUD regional rent change factors developed from Random Digit Dialing surveys.

Source: U.S. Department of Housing & Urban Development (HUD)

The median age in all three communities is slightly higher than the State and the County, with the Town of Black Earth being the highest at 40.4 years of age (Table 5.16). All three communities have relatively high populations between the ages of 40 and 54: 27.6 percent of the Town of Black Earth, 21.9 percent of the Village of Black Earth, and 23.5 percent of the Village of Mazomanie. By 2025 this population will be retired or nearing retirement, thus necessitating a different level of service and housing.

Potential first time home buyers are generally in the 25 to 34 age cohort. This group makes up 11.4 percent of the Town of Black Earth, 13.7 percent of the Village of Black Earth population, and 15 percent of the Village of Mazomanie. It is likely that most of the individuals in this cohort will be looking for, or potentially changing, housing in the next 10 years. Likewise, those in the 15 to 24 age cohort will be moving into the first time buying market during that same time.

This age distribution can be used to aid in the determination of future housing type and mix. For example, first time buyers will require different housing types than will individuals over 65. The exact type needed will be subject to local amenities, desires and lifestyle choices, but a general understanding of future age cohorts is important.

| | State of Wisconsin | Dane County | Town of Black Earth | Village of Mazomanie | Village of Black Earth |
|------------------|---------------------------|--------------------|----------------------------|-----------------------------|-------------------------------|
| Under 5 years | 6.4 | 6.1 | 6 | 6.7 | 5.8 |
| 5 to 9 years | 7.1 | 6.3 | 7.3 | 6.9 | 7.7 |
| 10 to 14 years | 7.5 | 6.5 | 7.6 | 8.6 | 8.3 |
| 15 to 19 years | 7.6 | 7.7 | 6.2 | 7.1 | 6.2 |
| 20 to 24 years | 6.7 | 10.3 | 2.9 | 4.5 | 3.9 |
| 25 to 29 years | 6.2 | 8.1 | 4.9 | 7.3 | 4.3 |
| 30 to 34 years | 6.9 | 8 | 6.5 | 7.7 | 9.4 |
| 35 to 39 years | 8.1 | 8.3 | 7.3 | 9.1 | 8.4 |
| 40 to 44 years | 8.2 | 8.1 | 8.9 | 8.4 | 9.2 |
| 45 to 49 years | 7.4 | 7.8 | 10.0 | 8.6 | 6.9 |
| 50 to 54 years | 6.2 | 6.3 | 8.7 | 6.5 | 5.8 |
| 55 to 59 years | 4.7 | 4.3 | 8.5 | 4.3 | 5.5 |
| 60 to 64 years | 3.8 | 2.9 | 4.2 | 3 | 3.4 |
| 65 to 69 years | 3.4 | 2.5 | 3.3 | 3.7 | 2.3 |
| 70 to 74 years | 3.2 | 2.3 | 3.6 | 2.3 | 2.9 |
| 75 to 79 years | 2.7 | 2 | 1.8 | 3 | 3.2 |
| 80 years & older | 2.0 | 2.6 | 2.3 | 2.3 | 6.8 |
| Median Age | 36.0 | 33.2 | 40.4 | 35.6 | 37.5 |
| Total | 100 | 100 | 100 | 100 | 100 |

Source: US Census Bureau; 100 percent data

5.7 Housing for Special Populations

In addition to typical housing units, both the Town and villages should consider the housing needs of special populations, including the elderly and those needing supportive services. Exhibit 5.1 highlights important statistics regarding the aging of Wisconsin's population and the need for long-term care.

Table 5.17 lists the various types of special housing and provides a short description of each. The following sections talk about these housing types in more detail and the extent to which they are available in and around the Black Earth, Mazomanie area.

Exhibit 5.1. A Snapshot of Wisconsin's Aging Population

- In 2020, 1 in 6 people will be age 65 or older
- Between 2000 and 2010, the population aged 85 and older is expected to increase by 29 percent.
- 80 percent of the adult long-term care population is over 65 years of age.
- About 11 percent of state residents 65 and older have long-term support needs that would allow them to receive care in a nursing home.
- As one ages, the need for long-term care becomes more important:
 - 3 percent of those 65 to 74 years old need comprehensive long-term care
 - 11 percent of those 75 to 84 years old need comprehensive long-term care
 - 39 percent of those 85 and older are estimated to be in need of nursing home level of care

Source: Wisconsin Department of Health & Family Services

Table 5.17. Types of Special Housing in Wisconsin (2005)

| Housing Type | General Description | Wisconsin | |
|---|---|------------|--------|
| | | Facilities | “Beds” |
| Nursing home | A nursing home is a facility providing 24-hour services, including room and board, to 3 or more unrelated persons, who require more than 7 hours a week of nursing care. | 401 | 39,146 |
| Facility for the developmentally disabled (FDD) | A FDD is facility licensed to treat residents who are developmentally disabled, primarily due to mental retardation or cerebra palsy. | 19 | 1,242 |
| Adult family home (AFH) | An AFH is a place where up to four adults who are not related to the operator reside and receive care, treatment, or services that go beyond just room and board. These services may include up to seven hours per week of nursing care per resident. Counties serve to certify AFHs that house one or two beds, and the state certifies those with three to four beds. | 1,049 | 4,059 |
| Community based residential facility (CBRF) | A CBRF is a place where five or more adults, who are not related to the operator or administrator, reside and receive care that is considered above intermediate level nursing care. This care can include no more than three hours of nursing care per week per resident. | 1,379 | 22,379 |
| Residential care apartment complex (RCAC) | A RCAC is a place where five or more adults reside in individual apartment units and receive no more than 28 hours per week of supportive services, personal assistance, and nursing services. | 203 | 9,020 |

Source: Wisconsin Department of Health and Family Services

5.8 Nursing Homes

In 2005, the state of Wisconsin has more than 400 nursing homes serving more than 34,000 state residents. Statewide, the vast majority of nursing home residents (83% in 2005) are admitted directly from an acute care hospital following an illness or injury. Although nursing home occupancy rates are traditionally quite high, they vary widely from a high of 100 percent to a low of 67 percent. In Dane County, there are 21 nursing homes with a total capacity of 1,865 beds. Table 5.18 below provides a listing of all nursing homes located within Dane County.

Table 5.18. Nursing Homes in Dane County (2007)

| Facility Name | Location | Bed Capacity |
|---|--|--------------|
| Attic Angel Place | 8301 Old Sauk Rd. Middleton, 53562 | 44 |
| Badger Health Care Center | 1100 E. Verona Ave. Verona, 53593 | 130 |
| Belmont Nursing and Rehabilitation Center | 1100 Belmont Rd., Madison 53714 | 90 |
| City View Nursing Home | 3030 City View Dr., Madison, 53704 | 50 |
| Four Winds Manor | 303 South Jefferson, Verona, 53593 | 67 |
| Heartland Country Village | 634 Center St., Black Earth, 53515 | 50 |
| Ingleside | 407 North 8 th St., Mt. Horeb, 53572 | 119 |
| Karmenta Center | 4502 Milwaukee St., Madison, 53714 | 105 |
| Meriter Health Center | 334 W. Doty St., Madison, 53703 | 100 |
| Middleton Village Nursing/Rehabilitation | 6201 Elmwood Ave., Middleton, 53562 | 97 |
| Nazareth House | 814 Jackson St., Stoughton, 53589 | 99 |
| Oakpark Nursing & Rehabilitation Center | 801 Braxton Place, Madison, 53715 | 100 |
| Oakwood Lutheran – Hebron Oaks | 6201 Mineral Point Rd., Madison 53705 | 137 |
| Oregon Manor, Ltd., | 354 North Main St., Oregon, 53575 | 45 |
| Rest Haven Health Care Center, LLC | 7672 W. Mineral Point Rd., Verona, 53589 | 21 |
| Skaalen Sunset Home | 400 North Morris St., Stoughton, 53589 | 166 |
| St. Mary’s Care Center | 1347 Fish Hatchery Rd., Madison, 53715 | 184 |
| Sunny Hill Health Care Center | 4325 Nakoma Rd., Madison, 53711 | 68 |
| Sun Prairie Health Care Center | 228 West Main St., Sun Prairie, 53597 | 32 |

| | | |
|---|--------------------------------------|-----|
| Waunakee Manor Health Care Center | 801 Klein Dr., Waunakee, 53597 | 104 |
| Willows Nursing & Rehabilitation Center | 41 Rickel Rd., Sun Prairie, 53590 | 57 |

Source: Department of Health and Family Services

Note: Data as of August 25, 2007

Facilities for the Developmentally Disabled

During 2007, there were 19 facilities for the developmentally disabled (FDDs) in Wisconsin and 3 State Centers for the Developmentally Disabled⁴. FDDs are licensed by the state to treat residents who are developmentally disabled, primarily due to mental retardation or cerebral palsy. On a statewide basis during 2007, approximately six of every 10,000 people aged 65 and over resided in a FDD⁵. Occupancy rates are quite variable throughout the state ranging from 100 percent to about 75 percent. In Dane County there are two FDDs (Table 5.19).

Table 5.19 Facilities for the Developmentally Disabled in Dane County (2007)

| Facility Type | Location | Bed Capacity |
|---|---|--------------|
| Central Wisconsin Center for the Developmentally Disabled | 317 Knutson Drive Madison, 53704 | 374 |
| McCarthy Nursing Home | 124 South Monroe St., Stoughton, 53589 | 15 |

Assisted Living Facilities

Assisted living facilities are residential settings for people who need some level of health care, but not 24-hour access to nursing services. These include adult family homes (AFHs), community based residential facilities (CBRFs), and residential care apartment complexes (RCACs).

- **Adult Family Homes (AFHs)** During 2007 there were 1,049 AFHs throughout the state with a total capacity of over 4,000 individuals. This number has increased substantially in just the past six years. In 2001, there were 693 AFHs in the state with a capacity for 2,600 individuals. While AFHs serve a wide range of clients, the three largest groups are those with developmental disabilities, those with mental illness, and those with physical disabilities. In Dane County there are 38 AFHs, with the closest being located in Middleton.
- **Community Based Residential Facilities (CBRFs)** CBRFs serves the second largest number of state residents requiring special housing options. More than 87 percent of all CBRFs are relatively small (less than 20 beds). The elderly make up the largest group served by CBRFs followed by those with Alzheimers/irreversible dementia. There are 97 CBRFs in Dane County including Girlies Manor III, located in Cross Plains, and two additional facilities, Girlies Manor and Inglehaven, located in Mount Horeb.

⁴ The state centers are located in Madison, Chippewa Falls, and Union Grove.

⁵ *Wisconsin Facilities for the Developmentally Disabled 2001*, Wisconsin Department of Health and Family Services. Report; January 2003.

- **Residential care apartment complexes (RCACs)** Statewide in 2002 there were over 5,300 RCRA apartments. The number of units in these facilities range from a low of 5 units to more than 100 units, with an average of 36. Monthly costs for a RCAC apartment range from \$1,500 to \$3,000 per tenant. RCACs quite often are part of another facility such as a nursing home or community based residential facility (CBRF). There are 17 RCACs found in Dane County, with the closest being Inglewood Assisted Living in Mount Horeb.

5.9 Federal and State Housing Programs

The Wisconsin Department of Administration and Wisconsin Housing and Economic Development Authority (WHEDA) are the two principal state agencies involved in housing. Each administers a number of housing programs as described below. It should be noted that the following information is intended to generally describe the programs, and that specific requirements should be obtained from the appropriate agency.

Wisconsin Department of Administration

- **Community Development Block Grant-Small Cities Housing (CDBG)** CDBG funds may be used for various housing revitalization efforts. Any Wisconsin city, village or town with a population of less than 50,000 and not eligible for a direct federal CDBG grant, or any county not defined as "urban" by the U.S. Department of Housing and Urban Development (HUD), may apply. Approximately \$9 million is awarded annually.
- **Community Development Block Grant-Emergency Assistance Program (CDBG-EAP)** This is a special program to assist local units of government address housing needs which occur as a direct result of a natural or man-made disaster.
- **Local Housing Organization Grant (LHOG)** State grants are available to enable community-based organizations, tribes and housing authorities to increase their capacity to provide affordable housing opportunities and services.
- **Transitional Housing Grant Program** This is a state-funded program intended to promote the development and/or expansion of supportive housing and appropriate supportive services to assist homeless individuals and families in their transition from homelessness, and to enable them to live as independently as possible.
- **State Shelter Subsidy Grant Program** This program helps to fund the operation of emergency shelter programs.
- **Emergency Shelter Grant Program (ESG)** ESG funds may be used for homeless prevention activities and essential services, renovation and rehabilitation of shelter facilities and shelter operating costs.

- ***Interest Bearing Real Estate Trust Account Program (IBRETA)***⁶ Proceeds from this trust account are used to make grants to organizations that provide shelter or services to homeless individuals or families.
- ***Housing Opportunities For Persons With AIDS (HOPWA)***
This program is intended to meet the housing needs of persons with acquired immunodeficiency syndrome or related diseases and their families. Grants are made to certain entities to prevent homelessness including emergency housing, shared housing arrangements, apartments, single room occupancy dwellings, and community residences. Appropriate services must be provided as part of any HOPWA assisted housing, but HOPWA funds may also be used to provide services independent of any housing activity.
- ***Home Investment Partnerships Program (HOME)***
This program works to help produce housing opportunities for households that earn not more than 80 percent of the county median income (CMI). The state provides HOME funds to local governments, housing authorities, and nonprofit organizations through several subprograms:
 - ***Rental Rehabilitation Program.*** This program assists existing residential rental property owners obtain low interest loans to help defray rehabilitation expenses. Owners are required to lease these units at or below a certain level and keep them affordable for a specified time based on the amount of assistance.
 - ***Home Owner and Accessibility Rehabilitation Program*** These funds help make repairs that are needed to bring dwellings, owned and occupied by low-income households, up to appropriate housing quality standards and provide accessibility modifications.
 - ***Home Ownership Program*** Funding is provided to help low-income households become homeowners.
 - ***Wisconsin Fresh Start (WFS) Program*** This program provides at-risk youth (18-24) hands-on construction training to help them become self-sufficient and build affordable housing in rural areas and urban neighborhoods.
 - ***Rental Housing Development Program*** This program assists community housing development organizations (CHDOs), local government, public housing authorities, and other nonprofit organizations develop affordable rental housing.
- ***Low-Income Weatherization Program.*** This grant program provides funding to local weatherization programs to help weatherize units owned by low-income households.

5.10 Wisconsin Housing and Economic Development Authority

The Wisconsin Housing and Economic Development Authority (WHEDA) serves Wisconsin residents and communities by working with others to provide creative financing resources and

⁶ Real estate brokers in Wisconsin are required to place down payments, earnest money, and other funds directly related to the conveyance of real estate into a special interest bearing account and submit the earned interest to the Wisconsin Department of Administration.

information to stimulate and preserve affordable housing through a number of programs as described below.

- **Low Income Housing Tax Credit** Established by the Tax Reform Act of 1986, the Low Income Housing Tax Credit Program (LIHTC) authorizes a federal tax incentive for the construction or rehabilitation of rental units occupied by low-income households. The Wisconsin Housing and Economic Development Authority (WHEDA) is the state’s housing credit agency responsible for allocating the tax credits to private and public developers of projects chosen in application cycles. Often combined with other public or private sources of financing, the LIHTC program acts as a major catalyst for creation of rental units for low-income residents. New construction is most common, but LIHTC is also used for acquisition and rehabilitation of existing units including the adaptive reuse of historic buildings.
- **WHEDA Home Program** This program helps first-time homebuyers. WHEDA sells bonds at below-market interest rates to create financing for homebuyers. The loans are originated by private lenders, underwritten by WHEDA, and serviced by both private lenders and WHEDA. Also available are home improvement loans for qualifying low-and moderate-income homeowners.
- **Section 8 Housing** Authorized by Congress in 1974 and developed by the federal Department of Housing & Urban Development (HUD), Section 8 provides rental subsidies to eligible households. WHEDA acts as the state’s Contract Administrator for Section 8 Housing Assistance Payment (HAP) Contracts. In this capacity, WHEDA is responsible for the administration of Section 8 assistance pursuant to Housing Assistance Payment (HAP) Contracts for privately owned and HUD-subsidized rental housing. HAP Contracts specify the number of units in a particular property for which Section 8 assistance will be provided.

In Dane County, WHEDA has financed and/or monitors 142 projects with a total of 7,288 units. No WHEDA projects exist in the Village or Town of Black Earth, and one tax credit project with 16 units is located in the Village of Mazomanie. This project also accepts Section 8 vouchers. Table 5.20 below details the type of housing available in Dane County.

Table 5.20. WHEDA Financed and Monitored Multifamily Projects, Dane County: 2007

| Facility Type | Number of Projects | Number of Units |
|------------------------|--------------------|-----------------|
| 100% Elderly | 45 | 2,769 |
| Majority Elderly | 5 | 546 |
| 100% Family | 56 | 3,350 |
| Majority Family | 4 | 183 |
| 100% Special Needs | 26 | 324 |
| Majority Special Needs | 3 | 116 |
| Other | 3 | 0 |
| Total | 142 | 7,288 |

Source: WHESA Multifamily Occupancy Records: Past Four Quarters Grouped by Area, County, and Household Type (09/08/2007)

5.11 Relevant Plans

- ***Housing: A State Perspective***

The State of Wisconsin has developed the *Consolidated Plan for the State's Housing and Community Development Needs* to maintain eligibility for funding from the federal Department of Housing and Urban Development (HUD).

The Consolidated Plan serves as a guide for implementing the State's strategy for the delivery of housing and community and economic development resources. The Plan suggests that, in general, the supply of housing available to the state's low-income population does not meet the demand for such housing. Very low-income older adult households continue to be impacted by severe housing cost burden, as do persons with disabilities.

The state receives four types of funds to support the development of housing affordable to persons with low and moderate incomes as follows:

- Community Development Block Grant (CDBG);
- The HOME Program;
- Emergency Shelter Grants (ESG); and
- Housing Opportunities for Persons with Aids (HOPWA)

The state's priority housing needs are outlined through the following six goals:

- Promote the affordability of housing to all consumers, especially those with severe cost burdens to increase and maintain affordable housing.
- Encourage the production of new units, including the development of large family units and housing for older adults accompanying support services.
- Preserve and increase the availability of safe, sanitary housing for low and moderate income renters to include lead based paint hazard reduction and enhanced training and resources for these activities.
- Provide housing assistance for special needs groups to include homeless prevention activities, expansion of transitional housing programs and increased emergency shelter operating funds.
- Continue policies and activities that promote fairness and accessibility for all housing consumers, including enforcement and compliance with fair housing laws.
- Continue efforts to assist with housing disaster relief.

- ***Town of Black Earth Land Use Plan: 1996***

The Town's Land Use Plan recognized the fact that residential land uses compete with agricultural uses, and identified the need to carefully site homes so as not to interfere with active agricultural practices. Criteria were established within the plan for rezoning exclusive agricultural land to nonfarm residential uses. These criteria stipulate an overall density of one dwelling unit per 35 acres, as made effective on June 3, 1981 through the

adoption of Exclusive Agricultural Zoning with Dane County. The criteria also identify standards for the appropriate siting of homes to mitigate the potential negative impact on natural and agricultural resources.

- ***Village of Mazomanie Master Plan: 1997***

The Village of Mazomanie Master Plan does not contain a specific housing section, but does include a residential land use component which specifies requirements for low, medium and high density residential developments. The requirements delineate location of future development, provide density guidelines and promote the inclusion of affordable housing units.

- ***Dane County Housing Council Report: 1999-2001***

This document provided a summary of demographic and housing data as well as some projections through 2015. The Report was compiled to inform the update and implementation of the recommendation from the 1991 Dane County Affordable Housing Task Force. This Report itself does not put forth and recommendations.

- ***Affordable Housing and Land Use: A Report and Recommendations for Action by the Housing-Land Use Partnership: June 6, 2002.***

The goals of this partnership are to identify and promote policies and programs that:

- Make it more possible for all people in Dane County to find a wider range of economical housing choices located near employment and shopping areas, community facilities and transit services.
- Preserve rural character and scenic beauty, farmland and other important natural resources in Dane County through more efficient land use.

- ***Village of Black Earth Master Plan: December 2003***

The Village of Black Earth produced a Master Plan in order to “direct and manage growth and development. Within this document is a section on housing. The main goals enumerated in the housing section were to encourage a wide range of housing types and locate new housing close to services with compact development designs. The Village also hoped to support rehabilitation and promote the value of existing neighborhoods. The implementation strategies to achieve these goals focused on utilizing available grant and loan money including Community Development Block Grants and Wisconsin Housing and Economic Development Authority (WHEDA) loans.

- ***Consolidated Plan for Housing and Community Development: 2004-2008. Dane County, WI***

In 1998, Dane County was designated by the US Department of Housing and Urban Development (HUD) as an “urban county”, making it eligible to receive annual allocations of Federal Block Grant Funds for housing and community development activities that primarily benefit people with low to moderate incomes. HUD will allocate more than \$1.2 million in Community Development Block Grant Funds to the County for use in its urban

County Program from 2004-2008. The Consolidated Plan was created to enable the County to access these funds.

- The Plan assesses county housing needs with a focus on low income, elderly and disabled individuals and families that have specific housing needs and/or constraints. The plan combines the needs assessment with a county wide market analysis to produce a series of affordable housing priorities. The priorities mostly revolve around providing opportunities for low and very-low income individuals to purchase single-family homes, as well as improving options and living conditions for low-income rental units.

- ***Dane County Comprehensive Planning Housing and Economic Development Work Group Housing Goal, Objectives and Policies: September 2007***

This group was put together under the newly formed Comprehensive Steering Committee in February 2006. The steering committee is in charge of overseeing the Dane County smart growth plan, which is mandated by Wisconsin legislature to be put in place by all towns, cities, villages, and counties in Wisconsin by 2010.

- In September of 2007, the Housing and Economic Development group released the most recent draft of the Housing chapter for the Dane County Wisconsin Comprehensive Plan with three County goals in mind: 1) To support and promote full range of adequate housing which meets all income levels, special needs, age groups and household size, 2) Promote the efficient use of land, and 3) Promote housing that maintains and improves the quality of life for all. Within each of these goals numerous policies and programs are suggested to help fulfill these goals.

6

Transportation Element

Town of Black Earth Comprehensive Plan

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s. 66.1001(2)(c) Wis. Stats.

A compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including highways, transit, transportation system for persons with disabilities, bicycles, walking, railroads, air transportation, trucking and water transportation. The element shall compare the local governmental unit's objectives, policies, goals and programs to state and regional transportation plans. The element shall also identify highways within the local governmental unit by function and incorporate state, regional and other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area and rural area transportation plans, airport master plans and rail plans that apply in the local governmental unit.

6.1 Overview

The type, quality and location of transportation facilities are an important component in quality of life and in developing and maintaining a sustainable economy. There is a significant relationship between transportation and land use. New development or changes in existing land uses, whether incremental or sudden, directly affects the safety and functionality of roadways and the demand for additional transportation facilities. On the other hand, the creation of new or improving existing transportation corridors can have a significant effect on the type and timing of development within a community and/or a region. Thus, this element and the Land Use element should support and compliment one another.

For the foreseeable future, the private automobile will continue to dominate transportation in the Town. However, it is important to recognize that people have different needs and capabilities, and, that a good transportation system should include a variety of transportation choices. A community can influence growth patterns in a desirable way by understanding the existing transportation system.

The intent of this element is to provide basic information on the existing transportation network in the Town and in the region. Statewide planning efforts are reviewed to assess how these efforts may or may not affect transportation facilities within and around the Town. This review will help to better define issues, problems, and opportunities that need to be addressed to accommodate residents' needs. This element is intended to guide development of the transportation network over the planning period.

6.2 Local Survey Results

The following is an excerpt from the Town of Black Earth Comprehensive Planning Public Opinion Survey Report developed by the University of Wisconsin – River Falls Survey Research Center. Refer to Appendix C for the full report.

There is a high level of correlation between how respondents rated the condition of roads in the Town and how they viewed the overall quality of life in Black Earth. In fact, the condition of the

roads was the factor that most closely associated with the overall quality of life rating. By and large respondents were reasonably satisfied with the quality of their roads.

Respondents were also asked to indicate the best way to get commuters to Madison and back from outlying parts of Dane County. Given concerns expressed by Town respondents about tax levels, it is somewhat surprising that the commuting option selected by the largest proportion of the sample (35%), developing commuter or light rail transit on existing tracks or abandoned rail right-of-way, is likely to require the highest level of public investment. Developing car or van pools (38%) and expanding the highway system (26%) have roughly equal levels of support. Relatively few Town respondents felt that an extension of the Madison Metro bus line was the best alternative (11%).

6.3 Road Network

Street Classification

Roads are generally classified by function into one of three groups: arterial streets, collector streets, and local roads. Classifications are based upon traffic volumes and the location and purpose of roads within the transportation system. The Wisconsin Department of Transportation (WisDOT) has established street classifications for roadways in counties and communities throughout the state.

Road classification has much to do with access to private property and mobility (safety and efficiency). In general, it is accepted that as access increases, mobility decreases. For example, a local street has a high level of access to property, but less mobility than does a regional highway with virtually no access. This relationship between access and mobility can help define road classifications. Arterial streets are intended to focus primarily on providing a high level of mobility with little need for access. Collectors are designed to transport traffic from local roads with a high level of access to arterials with little access; therefore, collectors offer more access and less mobility than arterials, but less access and more mobility than local streets. Many road construction projects are intended to decrease or increase access on roads in order to better define their purpose.

In addition to this idea of access, the Department of Transportation (DOT) states that arterials serve high traffic volumes, and are typically of regional or statewide importance. Arterials cater to longer trips and carry a higher proportion of vehicles on less roadway miles. The arterial categories can be further split into subcategories; principal and minor. It is beneficial to limit access on arterials to facilitate higher levels of traffic and minimize conflicts. Collectors are the interface between arterials and local streets. Collectors do carry some regional traffic, but are more focused upon providing service and connections to arterials. Local streets are primarily residential or rural in nature, and provide the highest accessibility by allowing for more driveways. Communities collaborating as part of this planning effort share many of the same arterials and collectors. Table 6.1 below outlines the arterials and collectors within and around the community.

Table 6.1 Road Classification; 2008

| Classification | Village of Black Earth | Village of Mazomanie | Town of Black Earth |
|---------------------------|--|---|--------------------------|
| Principal Arterial | U.S. Highway 14 | U.S. Highway 14 | U.S. Highway 14 |
| Minor Arterial | State Highway 78 | State Highway 78 (Connects to Highway 14 outside of village border) | State Highway 78 |
| Major Collector(s) | County Highway KP | Hudson Rd., County Highways Y and KP | County Highway KP |
| Minor Collector | -- | W. Hudson, Walter Rd. (south of W. Hudson) | County Highway F |
| Local Streets | All other public roads in the communities that are not classified by the DOT are considered to be local roads. | | |

Source: Wisconsin Department of Transportation

Existing Traffic Volume Counts

As a part of the statewide system, the Wisconsin Department of Transportation (WisDOT) monitors traffic flow at selected locations. These traffic volumes are reported as Average Annual Daily Traffic (AADT¹) counts. AADT counts vary widely by community and road classification. Typically the highest AADT counts within each community occur on state or federal highways. Map 6.1 provides an overview of AADT counts within the region.

The main regional artery of Highway 14 has a 2006 AADT count of 9,800 entering the east side of Black Earth and increases to 10,400 exiting the west side of Black Earth and entering the east side of Mazomanie. Highway 78 through the Village of Black Earth has an AADT of 3,100 (2002) coming from the south and 4,100 (2006) just before connecting to Highway 14. Highway KP is a main collector between Black Earth and Mazomanie and its daily average fluctuates between the villages. It experiences a count of 800 (2006) vehicles entering the east side of Black Earth, increases to 1,100 (2002) exiting the Village on the west, drops down to 590 (2002) at the Black Earth / Mazomanie mid point and increases to 660 (2002) entering the east side of Mazomanie. County Highway F in the Town of Black Earth averages 490 (2002) vehicles per day. County Highway Y has 1,800 (2002) vehicles per day entering the Village of Mazomanie and 2,200 (2002) at the intersection with USH 14. Hudson Road in the Village of Mazomanie just east of the railroad tracks has 1,200 (2002) vehicles per day, and Walter Road on the west side of the Village has a 2002 count of 980 vehicles.

Highway Projects

Wisconsin has 112,362 miles of public roads, from Interstate freeways to local roads. The highway improvement program covers only the 11,753-mile state highway stem which is administered and maintained by the Wisconsin Department of Transportation (WisDOT). The other 100,609 miles are improved and maintained by the cities, villages, towns and counties in which they are located.

The state highway system consists of Interstate freeways, state, and US-marked highways. While these roads represent only 10.5 percent of all public road mileage in Wisconsin, they carry about 60.5 percent of the total annual statewide highway travel. WisDOT prioritizes highway projects

¹ The AADT counts are not available for every road from the same year. The year of measurement is noted after each count.

and lists them in its Six-Year Highway Improvement Program. The projects listed reflect the department’s intent to improve the state highway system based on assumptions about available revenue, inflation and legislative decisions. As these assumptions change, so does the program.

Highway improvements are scheduled from 2006 – 2011 as part of the WisDOT program. Highway improvements within the communities are scheduled on a 10-miles stretch of State Highway 19. This area, from Mazomanie to Highway 12, is scheduled for reconstruction from 2009 through 2011 in order to meet the standards of a road for at least 45 miles per hour. USH 14 from Cross Plains west to the Dane County line is scheduled for various repaving and intersection improvements during the same period. There are no other scheduled highway improvements in the region in the near term.

Pavement Condition

The surface condition of local roads is an important aspect of a local transportation network. Ensuring a safe, comfortable, and efficient transportation system requires a large public investment, and often requires balancing priorities and making difficult decisions about where to invest limited resources. The Pavement Surface Evaluation and Rating (PASER) system was developed by the Wisconsin Transportation Information Center to help communities evaluate the condition of the community’s roads and set priorities for road maintenance and repair. The PASER system involves visual evaluation of pavement surface, and provides standard ratings to promote consistency. PASER ratings follow a scale from 1 to 10.

Table 6.2 PASER System

| Rating | General Condition | Recommendation |
|--------|-------------------|--|
| 1 – 2 | Very poor | Reconstruction needed |
| 3 – 4 | Poor to fair | Structural improvement and leveling needed |
| 5 – 6 | Fair to good | Preservative treatments (sealcoating) required |
| 7 – 8 | Good to very good | Routine maintenance, cracksealing and minor patching |
| 9 - 10 | Excellent | Like new condition, no maintenance required |

The most recent PASER evaluation in the Town occurred in 2008. Table 6.3 below shows the total number of miles of local road in the Wisconsin Information System for the local roads system within the Town. It also identifies the number of miles having PASER ratings warranting reconstruction.

Table 6.3 PASER Ratings; Town of Black Earth: 2008

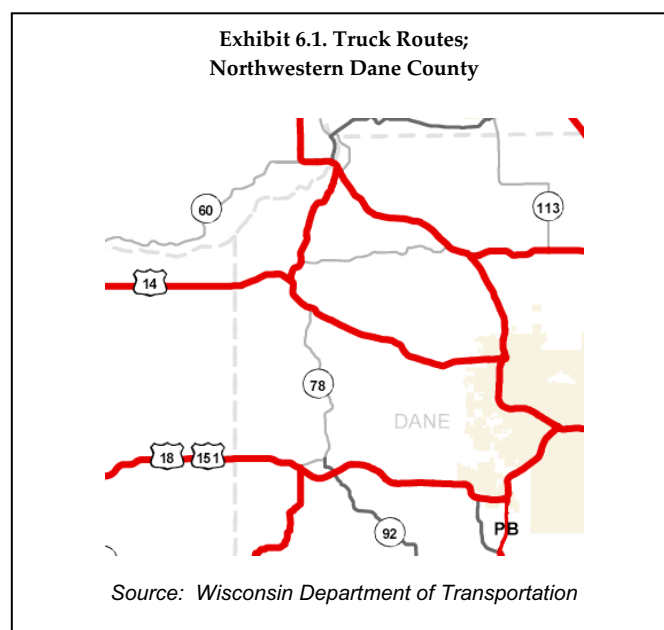
| Name | From/To | Length (Feet) | PASER Rating |
|-------------------|----------------------------------|---------------|--------------|
| Blackberry Rd | Kahl Rd to Turkey Rd | 1,320 | 6 |
| Daneen Rd. | To Sutcliffe Rd | 1,584 | 7 |
| Eissfeldt Rd. | Sutcliffe Rd to Termini | 317 | 9 |
| Fesenfeld Rd | CTH F to Mickelson Rd | 11,246 | 7 |
| Fesenfeld Rd | Mickelson Rd to Reeve Rd | 950 | 6 |
| Fosshage Rd | Sutcliffe Rd to Termini | 581 | 7 |
| John Wilkinson Rd | Midland Rd to Termini | 4,963 | 6 |
| Kahl Rd | Blackberry Rd to Schultz Rd | 2,218 | 8 |
| Kahl Rd | Schultz Rd to USH 14 | 2,323 | 8 |
| Kahl Rd | USH 14 to Hall St | 1,954 | 6 |
| Lilly Valley Rd | Turkey Rd to Termini | 3,960 | 5 |
| Mahocker Rd | Howard Trl to Misty Valley Rd | 792 | 8 |
| Mahocker Rd | Misty Valley Rd to Termini | 4,699 | 8 |
| Mickelson Rd | Fesenfeld Rd to Termini | 792 | 3 |
| Midland Rd | CTH KP to John Wilkinson Rd | 4,541 | 8 |
| Midland Rd | John Wilkinson Rd to Wiloughby | 7,128 | 7 |
| Miller Farm Rd | USH 14 to Termini | 2,534 | 8 |
| Misty Valley Rd | Mahocker Rd to Termini | 1,584 | 7 |
| Olson Rd | USH 14 to CTH KP | 2,756 | 5 |
| Page Ln | CTH KP to Termini | 1,373 | 8 |
| Reeve Rd | CTH KK to Fesenfeld Rd | 6,706 | 8 |
| Reeve Rd | Fesenfeld Rd to Ridge Dr | 10,877 | 8 |
| Schlough Rd | CTH FF to Termini | 1,320 | 8 |
| Schultz Rd | Kahl Rd to USH 14 | 1,056 | 10 |
| Spring Valley Rd | Sod Rd to Miller Rd | 1,901 | 4 |
| Sutcliffe Rd | CTH F to Deneen Rd | 2,429 | 9 |
| Sutcliffe Rd | Deneen Rd to Eissfeldt Rd | 1,742 | 9 |
| Sutcliffe Rd | Eissfeldt Rd to Fosshage Rd | 5,650 | 8 |
| Sutcliffe Rd | Fosshage Rd to CTH FF | 5,544 | 8 |
| Turkey Rd | CTH F to Lilly Valley Rd | 3,696 | 4 |
| Turkey Rd | Lilly Valley Rd to Blackberry Rd | 2,006 | 4 |
| Turkey Rd | Blackberry Rd to Swamp Rd | 950 | 4 |

Source: Wisconsin Information System for Local Roads. Wisconsin Department of Transportation.

Trucking

Trucks handle almost 90% of all freight tonnage shipped from Wisconsin, serving businesses and industries of all sizes and in all parts of the state. The state has a 112,000-mile network of state highways and local roads, including the 3,650 mile Corridors 2020 network of four-lane backbone and key connector routes.

In northwestern Dane County the official truck routes include USH 14, USH 12, USH 18/151 and their feeder routers (red on Exhibit 6.1). The primary restricted route is Highway 78 (light grey on Exhibit 6.1).



Rustic Roads

There are currently no Rustic Roads designated in northwestern Dane County, however, the program works to maintain scenic corridors throughout the State. Created in 1973 and sponsored by WisDOT, the Rustic Roads Program provides a tool for communities to preserve byways and back roads that contribute to the aesthetic, cultural, and historic fabric of the state. Throughout the state, there are over 680 miles in the system with 84 designated roadways. The rustic roads administrative code can influence the development of a road and its surrounding land use. Qualifications for rustic road designation require that the road is not scheduled or anticipated for major improvement that would change its rustic characteristics and is not adjacent to high-density development. It also requires that zoning and land use is compatible with rustic character and low-density development. Additionally, if a county or municipality intends to change the zoning adjacent to a rustic road, the Rustic Roads Board of WisDOT shall be notified, and allowed to comment on the petition for rezoning.

The goals of the Rustic Roads Program are²:

- To identify and preserve, in a naturally and essentially undisturbed condition, certain designated roads exhibiting unusual or outstanding natural or cultural beauty.
- Produce a linear, park-like system for auto, bicycle, and pedestrian travel. Identify roadways for quiet and leisurely enjoyment of local residents and the general public.
- Maintain and administer these roads for safe, public travel while preserving their scenic and rustic qualities. Establish appropriate maintenance and design standards. Encourage zoning and land use compatibility, utility regulations and billboard control.

An officially designated Rustic Road remains under local control. The Town has the same authority over a Rustic Road as it possesses over other highways under its jurisdiction. A Rustic Road is eligible for state aids just as any other public highway.

² Wisconsin DOT: <http://www.dot.wisconsin.gov/travel/scenic/goals.htm>

6.4 Air Transportation

Airports, aviation and aviation-related industries play a significant role in the economic success of many Wisconsin communities. There are multiple airports located in close proximity to northwestern Dane County, as identified in Table 6.4 below. The airport classification scheme was developed for planning efforts that expand upon the traditional classification system for defining the role of an airport. The classification process takes into account existing conditions and planned near-term improvements as contained in an airport master plan and/or airport layout plans. The classification system divides airports into four categories.

- **Air Carrier/Air Cargo** airports are designed to accommodate all aircrafts. Airports in this category are usually referenced by the types of air carrier service being provided (short-haul, medium-haul, long-haul).
- **Transportation/Corporate** airports are intended to serve corporate jets, small passenger and cargo jet aircraft used in regional service, and small airplanes used in commuter air service.
- **General Utility** airports are intended to serve virtually all small, general aviation single and twin-engine piston aircraft with a gross takeoff weight of 12,500 pounds or less.
- **Basic Utility** airports are intended to serve all small single-engine piston aircraft and many of the smaller twin-engine piston aircraft with a gross takeoff weight of 12,500 pounds or less.

Table 6.4 Airports in the Vicinity of Northwestern Dane County

| Airport | Location | Classifications |
|-------------------------|------------------|-----------------------|
| Dane County Regional | Madison | Air Carrier/Air Cargo |
| Baraboo-Wisconsin Dells | Baraboo | Transport/Corporate |
| Prairie du Chien | Prairie du Chien | Transport/Corporate |
| Sauk Prairie | Prairie du Sac | Basic Utility-B |
| Morey | Middleton | General Utility |
| Iowa County | Mineral Point | Transport/Corporate |
| Richland | Richland Center | Basic Utility |
| Boscobel | Boscobel | General Utility |

Source: Wisconsin State Airport System Plan 2020

The Town of Black Earth is surrounded by numerous smaller airports serving cargo / transport and small planes. The Dane County Regional airport is the second largest airport in the state, and provides south-central Wisconsin with commercial air service. The Wisconsin State Airport System Plan only provides projections for the largest airports, so projected growth for the majority of airports listed in Table 6.4 is not available. Total aircraft operations at the Dane County Regional Airport are expected to increase by 9.7% between 2000 and 2020.

6.5 Railroad Facilities

With an increase in rail efficiency and truck-rail inter-modal trends, traffic on Wisconsin railroads has increased in recent years and, according to the Wisconsin Department of Transportation, is forecasted to see continued growth in the future.

Railroad facilities play an important role in moving both people and goods around the state. The impact of freight rail is important not only to individual businesses, but also the statewide economy. Although the number of railroads and miles of track have been decreasing throughout the 20th century, the amount of freight being transported by rail has been increasing, particularly over the last 20 years. Twelve freight railroads in Wisconsin operate on a system of over 3,600 route miles.

Combined, they handled over 2.5 million cars and almost 150 million tons of freight in 2000.

Amtrak operates two passenger trains in Wisconsin: the long-distance Empire Builder operating from Chicago to Seattle and Portland, with six Wisconsin stops; and the Hiawatha Service that carries about 420,000 people each year on six daily round-trips in the Chicago-Milwaukee corridor. Amtrak does not travel through Dane County, however, there is a stop in the City of Columbus in southeastern Columbia County and in the Wisconsin Dells in Sauk County. In addition to supporting passenger and freight rail activities in the state, the Wisconsin Department of Transportation works to improve safety at over 4,400 public highway-rail grade crossings throughout the state.

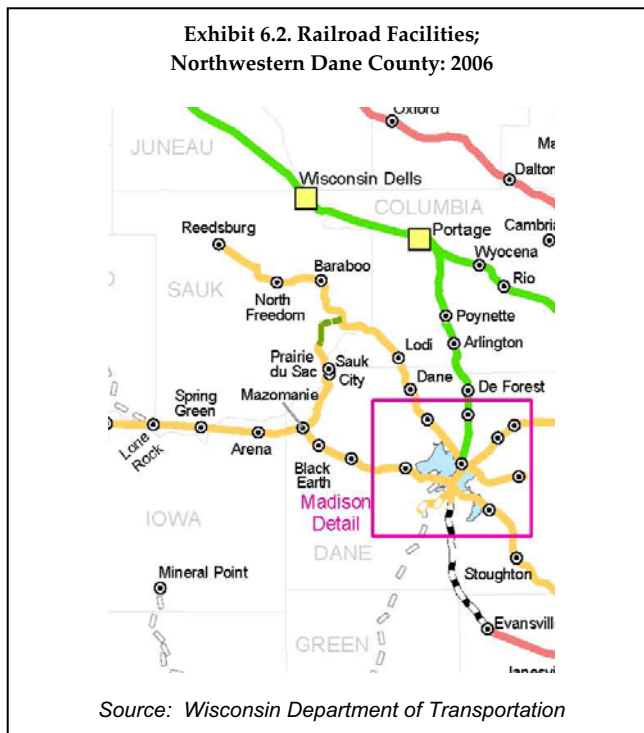
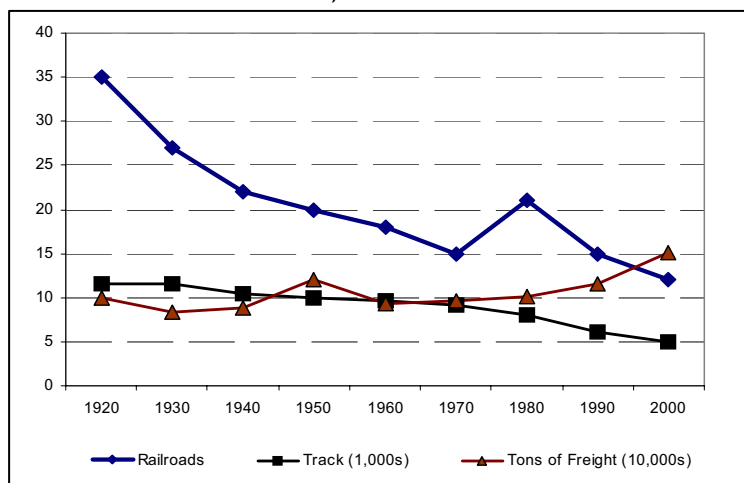


Exhibit 6.3 Railroad Trends; Wisconsin: 1920-2000

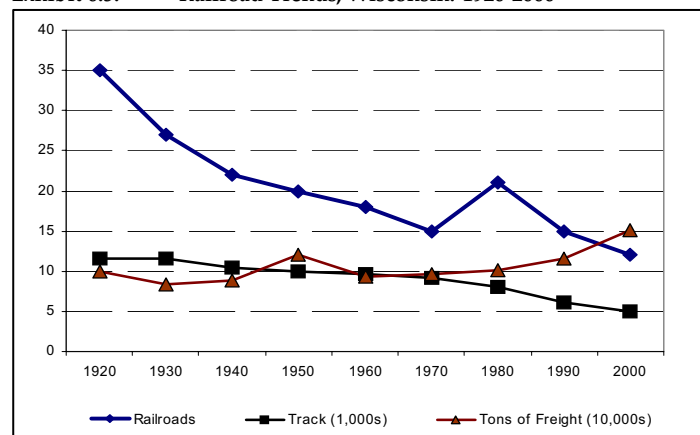


Source: Office of the Wisconsin Commissioner of Railroads

Using railroads is a highly efficient way to transport goods and raw materials. According to the American Association of Railroads, a typical train can haul the equivalent of 280 trucks using only one-third of the energy. A growing trend in the rail industry is inter-modal transportation, using two or more transportation modes. Wisconsin businesses are increasingly combining the efficiency of freight rail with the flexibility of truck transport.

Wisconsin and Southern Railroad

Exhibit 6.3. Railroad Trends; Wisconsin: 1920-2000



Source: Office of the Wisconsin Commissioner of Railroads

the region in the mid-1850s. Exhibit 6.3 shows railroad trends throughout the state. The number of railroad companies (blue) has decreased, while the tons hauled (red) stayed relatively flat from 1920 until steadily starting to increase in 1980. This increase has happened in spite of an overall decrease in the total miles of track (black).

Company owns and operates the rail line that runs through the communities. Several businesses, including Wick Building Systems, Roundy's and Plastic Ingenuity in the Village of Mazomanie, use the railroad to order and ship goods. The importance of freight rail connections for communities is growing with the steady instability of gasoline prices. Many industries, such as plastics, fertilizer, wood products, and food processing, depend upon rail connections. The area has a strong connection to the railroad – the first train traveled through

Although there are no passenger rail facilities located in the Town, Dane County is undergoing planning for commuter rail service in and around the City of Madison. Some of the existing rail facilities throughout Dane County may be used for commuter rail in the future.

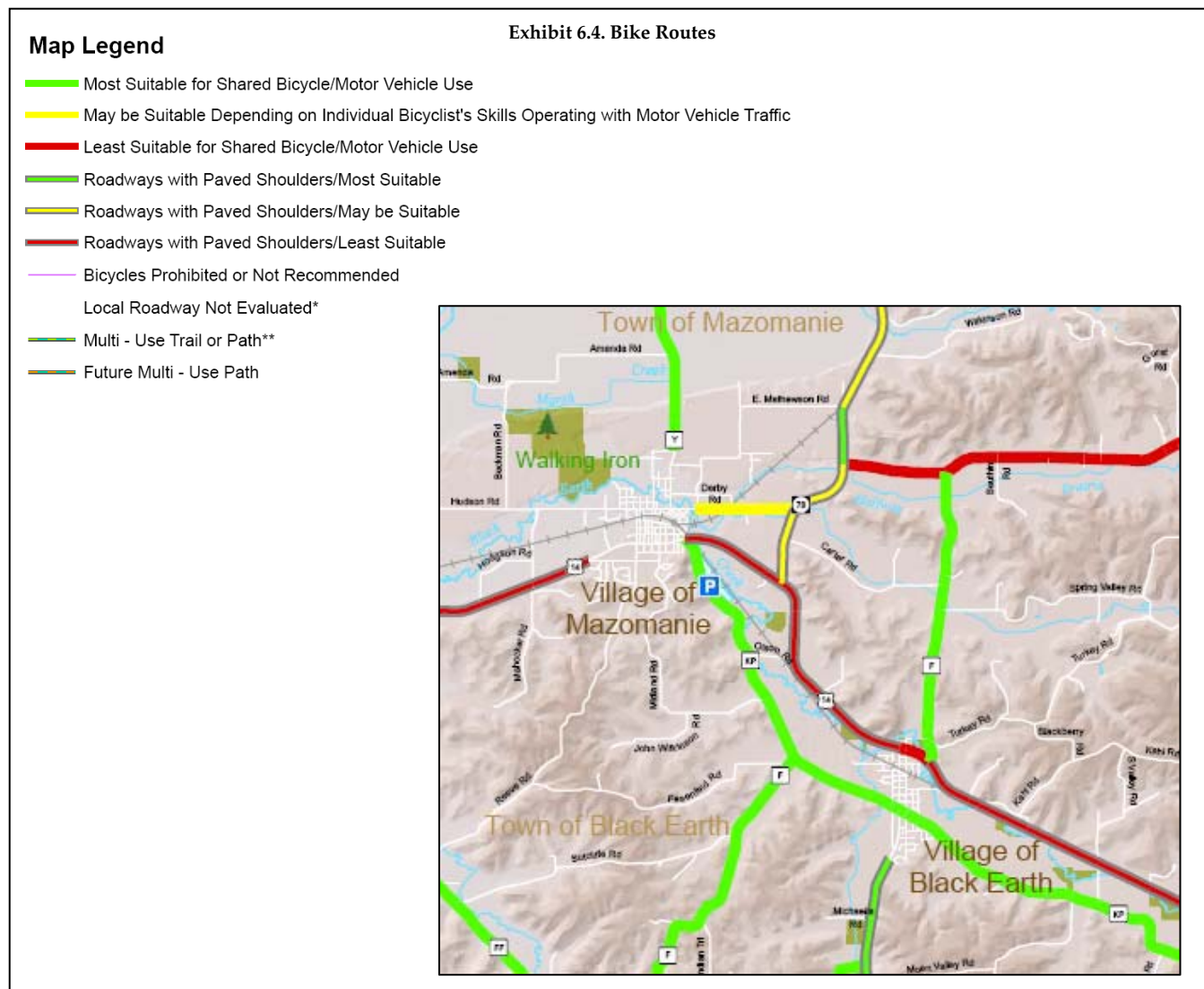
6.6 Bicycle and Pedestrian Facilities

Bicycle and pedestrian facilities play an important role in moving people within a community for purposes of necessity and/or pleasure. These types of mobility are often overlooked, yet many individuals choose these modes for their primary transportation. Improvements to bicycle/pedestrian facilities typically occur in conjunction with road projects and road improvement. Schedules for such improvements are usually tied to local, county, and state capital improvement budgets.

The Dane County Bicycle Map identifies both on-road and off-road bike routes, and also identifies roads that are not recommended for bicycling. This map does not evaluate local roads, but assumes that most are suitable for bicycling. Recommended bike routes for the communities include Highways KP, F, and 78 in the Village of Black Earth, Highways F, FF, and KP in the Town of Black Earth, and Highways Y and KP in Mazomanie. These routes are identified on Exhibit 6.4 on the following page.

In addition to the bicycle infrastructure in and around the villages of Black Earth and Mazomanie, there are 151 miles of bike paths in Dane County and 263 miles of on-street bicycle facilities (bike lanes, paved shoulders). Although many bicycle trails can also be used for pedestrian movement, it is also beneficial to have dedicated pedestrian trails for recreational purposes. Among the communities, the only designated walking trail is the nature trail at Walking Iron County Park

outside Mazomanie. In addition to recreational infrastructure, villages should have adequate pedestrian access in their downtown areas made up of sidewalks, pedestrian routes, and street crossings.



6.7 Snowmobile Trails

The Wisconsin statewide snowmobile trail system ranks among the best in the nation. This trail system would not be possible without the generosity of the thousands of landowners around the state who have donated land on which the trails can operate. Currently 70 percent of all trails run on private land. Trails are established through annual agreements and/or easements granted by these private property owners to the various snowmobile clubs and county alliances throughout the state. According to the Dane County Parks Division, local snowmobilers can access County trails through the Walking Iron County Park in Mazomanie.

Snowmobile club members work closely with landowners in the placement of the trails. They also assist by performing pre-season preparation, brushing, grading, grooming, safety inspections of the trails and fund raising to support the trail projects. This cooperation results in the promotion of safe, responsible snowmobiling. Under Wisconsin State law, Sections 350.19 and 495.52, landowners are not liable for injury on their property when they have granted permission for snowmobiling.

6.8 Special Transit Facilities

Paratransit

Paratransit services provide transportation for those people whose needs are not met by traditional transit options. Paratransit service is required by the Americans with Disabilities Act (ADA) as a supplement to any fixed route public transportation system. Typically, paratransit is provided on an as-needed basis, rather than a scheduled route. Eligibility to use paratransit services requires that an individual be unable to use the existing transit service. Since there is no mass transit system in the communities, paratransit service is not currently available.

Specialized Transportation Services

Dane County Human Services provides funding for various transportation services for the elderly and people with disabilities, both inside and outside of the Madison Metro transit service area. Seven of these programs may benefit residents of these communities.

The Rural Senior Group Transportation Program provides regularly scheduled trips for adults over age 60 for trips to nutrition sites, senior center activities, libraries, adult daycare centers, and shopping areas. Rural residents with disabilities may also use these services. Annually, around 23,000 one-way trips are provided by this service to Dane County residents located outside of the Madison Urban Area. Group ride service is also available for adults with disabilities attending work or day programs in Madison, Stoughton, and Mt. Horeb.

Rideline is a service that provides limited individualized transportation to low-income and persons with disabilities primarily for the purpose of employment, education, or medical trips.

The Retired Senior Volunteer Driver Escort Program (RSVP) provides medical rides for the elderly and is a driver-volunteered door to door transportation service. Volunteers of the program use their own vehicles and thus typically provide non-handicap accessible transportation. This service is funded by the Dane County Department of Human Services, using a variety of federal, state and local funds, along with private donations.

Supplemental Medical Transportation Assistance Program provides transportation to patients who are receiving treatments which require frequent visits, long durations, or to facilities located 25 miles or more from the patient's home.

The Department of Administration also provides a vanpool rideshare program for state and non state employees who commute to the Madison from outlying communities. There are currently two vans which provide service to the Black Earth / Mazomanie / Arena / Cross Plains area.

6.9 Review of Existing Transportation Plans

There are a number of statewide transportation planning efforts that will have a bearing on the presence or absence of transportation facilities and services in the region. Most of these efforts developed umbrella policy documents that provide general goals and policies covering the state. The following section provides a brief overview of the plans that have been completed or that are in a draft phase and how they might affect area residents and the preparation of this plan.

- **Regional Transportation Plan 2030** – The Regional Transportation Plan is prepared by the Metropolitan Planning Organization (MPO) and focuses on transportation development in the Madison metropolitan area and Dane County as a whole. The plan analyzes the current transportation system and projects an overall direction of the system with the goal of providing safe and efficient movement of people and goods in the region. The MPO recommends the continued promotion of mixed modal transportation – public transportation, car pool services, park and ride, etc., a strong continuous regional transportation network for the benefit of commuters and the local economy, and pedestrian and bicycle trails while cautioning against the over expansion of the current road system.
- **Connections 2030: State Long-Range Transportation Plan** – The Wisconsin Department of Transportation has undergone planning efforts that have identified rail planning issues that are critical to the state’s transportation network and economy. These issues will be incorporated into Connections 2030, the states long-range all mode plan. This will address freight rail as well as passenger rail, including the proposed Midwest Regional Rail System.
- **Dane County Bicycle Transportation Plan** –The Bicycle Transportation Plan was created in 2000 by the Metropolitan Planning Organization and adopted by Dane County and the City of Madison. The plan focuses on the metropolitan Madison area and rural Dane County with the goal of increasing the volume and safety of bicyclists in the region. The MPO uses what they call the four E’s - education, engineering, encouragement, and enforcement – to promote the integration of bicycle paths into community planning.
- **Dane County Commuter Rail Feasibility Study** – The goal of this study was to examine commuter rail as part of a balanced transportation system in Dane County, primarily focusing on Madison and surrounding communities. The anticipated increase in population and jobs in the future will affect traffic patterns and congestion, and this study provided a preliminary investigation of the physical, operations, and financial feasibility of commuter rail. While the study found commuter rail to be feasible based on projected rider ship and fee collections, the study also acknowledged the challenge in financing needed rail upgrades and construction of boarding stations. The proposed full commuter system would consist of four lines connecting

Madison to the communities of Mazomanie, Sun Prairie, De Forest, and Stoughton. But given the challenge of financing and uncertainty of actual ridership, the goal of all involved is to start with a “starter system” which would travel from Middleton through downtown Madison to East Towne Mall on the east side of Madison, and gradually expand outward from those locations. Given the delays of the “starter system”, it is unlikely that the Village of Mazomanie can expect to see a commuter rail station in the near future. However, as progress is made, this Comprehensive Plan should be updated to reflect any potential changes to local transportation systems that would have an impact on the community.

- **Dane County Land Use & Transportation Plan – Vision 2020** - This countywide plan is intended to provide a framework for land use and transportation decisions through the year 2020. It was developed as part of a cooperative planning process involving the Dane County Regional Planning Commission, Dane County, the City of Madison, the Wisconsin Department of Transportation, and residents of Dane County. The plan establishes 11 goals focusing on balanced communities that provide a variety of different opportunities for housing, employment, transportation, agricultural land, environmental, cultural, and historic resources. The plan identifies urban service areas, open space/environmental corridors, and rural preservation areas to guide development. It also suggests transportation improvements and implementation tools for local governments.
- **Translink 21** (WisDOT) – Prompted by the federal Intermodal Surface Transportation Efficiency Act (ISTEA), Translink 21 is a broad plan intended to guide transportation investments through the year 2020. From this plan, individual plans for highways, airports, railroads, bikeways, pedestrian, and transit continue to be shaped.
- **Wisconsin Bicycle Transportation Plan 2020** (WisDOT) – This State-wide plan provides a blueprint for integrating bicycle transportation into the overall transportation system. The plan analyzes the condition of all county and state trunk highways and shows the suitability of roadways for bicycle travel. Guidelines for accommodating travel by bicycles when roadways are reconstructed, or new roads are built, are available and their use is encouraged. WisDOT devotes two staff positions to bicycle and pedestrian planning and safety. Many publications are available on safety, education and enforcement.
- **Wisconsin State Highway Plan 2020** (WisDOT) - The State Highway Plan 2020 outlines investment needs and priorities for the state’s 1,800 miles of State Trunk Highways through 2020. Given the financial realities of maintaining this extensive road network, the plan established priorities for funding. Most of the funding is allocated to Corridors 2020 backbone and collector routes.
- **Wisconsin State Airport System Plan 2020** (WisDOT) – This plan provides for the preservation and enhancement of public use airports that are part of the State Airport System over a 21-year period. Overall, the Plan recommends no new airports and no elimination of existing facilities.

- **State Recreational Trails Network Plan (WI DNR)** – This plan identifies a network of trail corridors throughout the state referred to as the “trail interstate system” that could potentially consist of more than 4,000 miles of trails. These potential trails follow highway corridors, utility corridors, rail corridors, and linear natural features. Major trails included are abandoned rail corridors, utility corridors, critical road connectors, and natural feature corridors such as the Ice Age Trail and the State Scenic Trail. The plan recognizes the importance of local trails as part of this network, and the ongoing need for trail planning at the local level.
- **Wisconsin State Pedestrian Policy Plan 2020 (WisDOT)** – The plan outlines state and local measures to increase walking and promote pedestrian safety. It provides a vision and establishes actions and policies to better integrate pedestrians into the transportation network. Pedestrian travel is an often overlooked, yet important mode of transportation. The plan asserts that Wisconsin’s transportation network should be created with all users and modes in mind. Statewide goals include increasing the quality and quantity of walking trips, reducing the number of pedestrian crashes, and increasing the availability of pedestrian related information. The plan recognizes WisDOT’s leadership role in pedestrian planning efforts, however, also recognizes that the success of the plan is dependent upon creating partnerships with local governments and planning organizations.

6.10 Review of Highway 14 Studies

The Wisconsin Department of Transportation undertook a comprehensive study of the U.S. Highway 14 corridor in 2008. The study looks at the Highway between the City of Richland Center and the City of Middleton, and is intended to identify necessary long-term improvements to improve the flow of traffic. This study is being completed in two separate increments with one occurring between Richland Center and Mazomanie, and the second from Mazomanie to the City of Middleton. Traffic volumes along this corridor have steadily increased over the past decade as increasing numbers of commuters use this route for access to the City of Madison and outlying communities. Although there is the potential for this Highway to be re-routed in the future, it is unlikely that would occur within the planning horizon of this Plan. The DOT is interested in making potential improvements to the existing corridor to improve traffic flow and safety over the next twenty years. The study will be completed in 2009 and will include recommendations for enhancements to the existing highway, which may include such things as intersection relocations or closings, road widening, turn-lanes, lighted intersections, etc. Both studies have the intent of creating many construction projects throughout the Highway corridor at various intersections over the next decade.

6.11 Funding

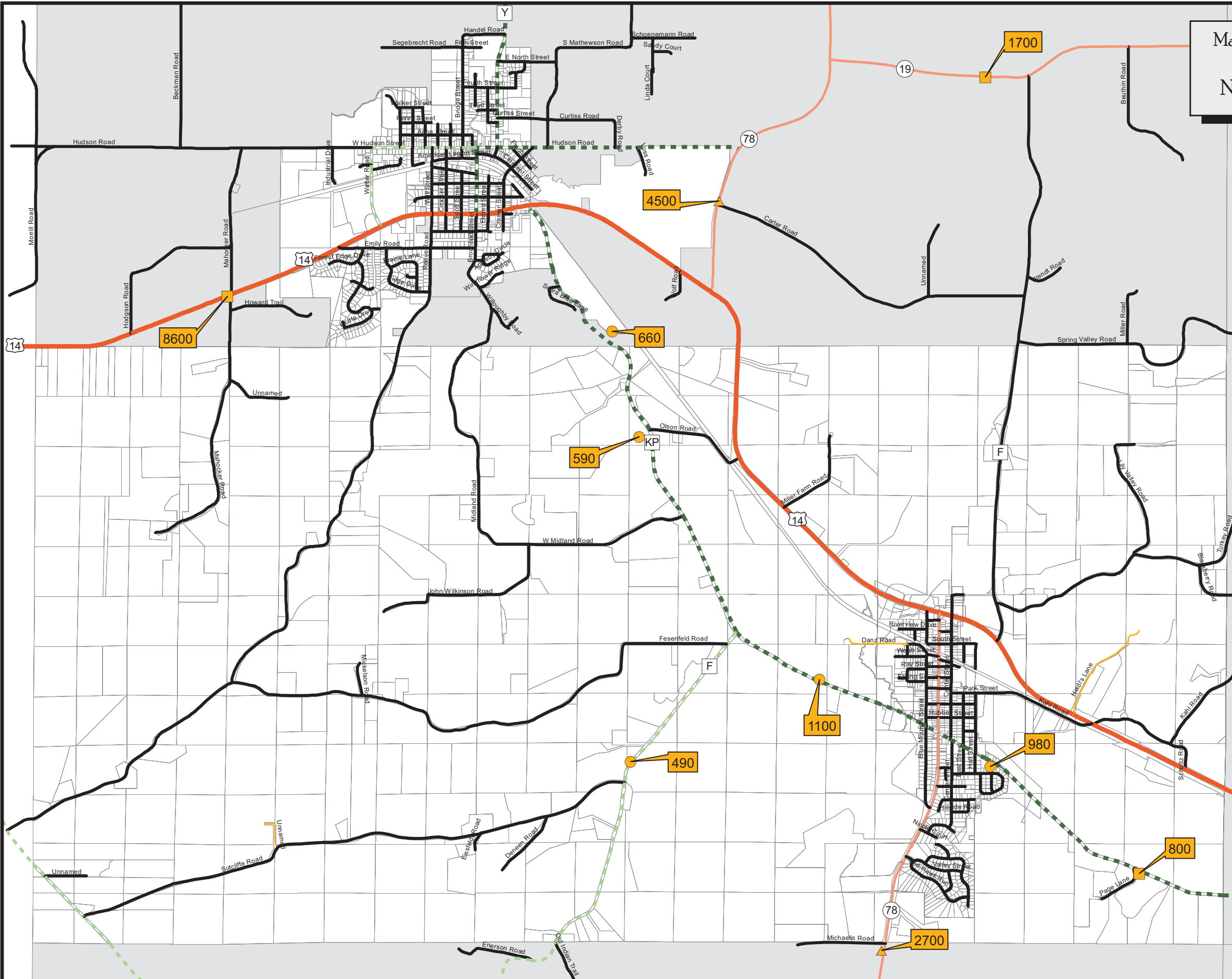
WisDOT administers a number of programs to defray the cost of enhancements to local transportation systems. Eligibility options may increase through coordination due to population thresholds associated with some programs. In addition, cost savings and a more seamless transportation network between and around communities may be realized as a result of joint

efforts. A complete list of programs is available at www.dot.state.wi.us and should be consulted to understand the full array of programming. These programs may be available to the communities depending on the planned improvements and eligibility criteria.

- **Local Transportation Enhancements Program** – Federally created program to promote air quality, open space and traffic congestion by promoting the upkeep and construction of bicycle and pedestrian trails - including the conversion of abandoned railroad tracks into trails. Other projects eligible for funding include preservation of eligible historic sites and buildings, creation of transportation museums and sites and funds for streetscapes. The DOT currently lists annual funding at 6.25 million and subsidizes qualified projects up to 80%.
- **Elderly and Disabled Transportation Capital assistance program** - This annual grant program provides capital funding for specialized transit vehicles used to serve the elderly and persons with disabilities for whom public transportation is unavailable, insufficient, or inappropriate. The program covers 80 percent of the total cost of equipment.
- **WisDOT Six Year Highway Improvement Program** - The state highway system consists of 743 miles of Interstate freeways and 11,069 miles of state and U.S.-marked highways. While the 11,812 miles of state highways represent only 10.4 percent of the 113,697 miles of public roads, they carry over 36 billion vehicle miles of travel a year, or about 59.6 percent of the total annual statewide travel. The remaining 101,885 miles are maintained and approved by local units of government. The DOT invests over 750 million a year to improve over 565 miles of highway per year helping to increase safety and transportation efficiency for travelers and transporters of goods in the State of Wisconsin.
- **Statewide Transportation Improvement Program (STIP)** – Statewide 4 year plan for highway and transit projects in urban and rural areas. Revisions are made annually and include analysis of the Transportation Improvement Program prepared by the State’s 13 metropolitan organizations. Since the projects in the program are funded by the Federal Highway Administration and Federal Transit Administration they must approve all revisions and amendments.

Map 6.1
Existing Road Network
Northwestern Dane County: 2008

Comprehensive Plan Villages
of Black Earth and Mazomanie
and the Town of Black Earth

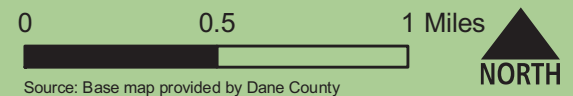


Road Legend

- Principal Arterial
- Minor Arterial
- - - Major Collector
- - - Minor Collector
- Local
- Private

AADT Legend

- AADT 2006
- ▲ AADT 2005
- AADT 2002
- ▨ Average Daily Traffic Count



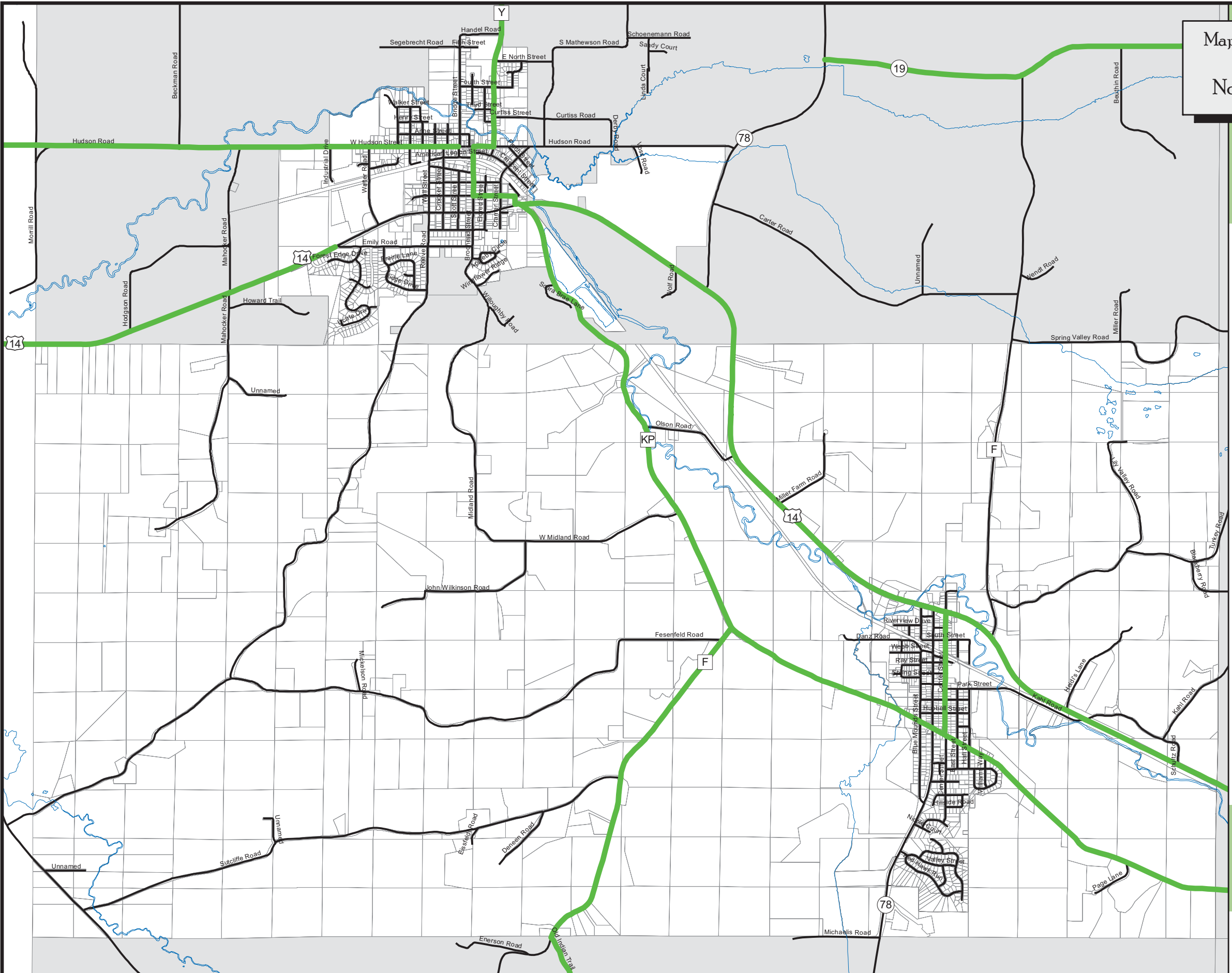
Source: Base map provided by Dane County Land Information Department
Data Source: Wisconsin Department of Transportation (AADT counts).

Map Created: October 18, 2007
Map Edited: February 2, 2009



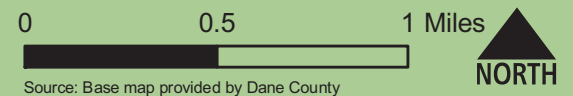
Map 6.2
Bike Routes
 Northwestern Dane County: 2008

Comprehensive Plan Villages
 of Black Earth and Mazomanie
 and the Town of Black Earth



Map Legend
 Existing Bike Routes

Map Features
 Rivers or streams
 Roads



Source: Base map provided by Dane County Land Information Department

Data Source: Madison Area Metropolitan Planning Organization (bike routes).

Map Created: October 18, 2007
 Map Edited: February 2, 2009



7

Utilities & Community Facilities

Town of Black Earth Comprehensive Plan

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s. 66.1001(d) Wis. Stats.

A compilation of objectives, policies, goals, maps and programs to guide the future development of utilities and community facilities in the local governmental unit such as sanitary sewer service, storm water management, water supply, solid waste disposal, on-site wastewater treatment technologies, recycling facilities, parks, telecommunications facilities, power-generating plants and transmission lines, cemeteries, health care facilities, child care facilities and other public facilities, such as police, fire and rescue, libraries, schools and other governmental facilities. The Element shall describe the location, use and capacity of existing public utilities and community facilities and include an approximate timetable that forecasts the need to expand or rehabilitate existing utilities and facilities or create new utilities and facilities. Future needs for government services in the local governmental unit that are related to utilities and facilities shall also be assessed.

7.1 Overview

A community needs a wide variety of utilities and community facilities to ensure basic health and safety needs are met, maintain a high quality of life, and promote a sustainable economy. The intent of this plan element is to provide an inventory of community facilities and services currently offered in the Town of Black Earth and identify utilities and facilities needed to accommodate the Town's future population and business activity. The Public Facilities Plan is intended to identify what public services should be expanded or rehabilitated and what, if any, new services should be provided to meet the community's needs. To assist the Town in meeting its projected needs identified during the planning process, recommendations and implementation strategies are provided in Chapter 3. These recommendations and strategies will need to be reviewed together with the Town's annual budget, which sets forth proposed expenditures for systematically constructing, maintaining, and upgrading community utilities and facilities.

For the purpose of this plan utilities and community facilities are defined below. Information on the current status, condition and, where available, capacities of these resources will also be provided.

- **Utilities/Infrastructure** – the physical systems, networks and/or equipment necessary to provide for and support the basic human needs, including systems, networks and equipment, but excluding transportation infrastructure.
- **Community Facilities** - public buildings and grounds that provide space, services or programs that are aimed at improving the quality of life, safety, or general welfare of community residents.

7.2 Local Survey Results

The following is an excerpt from the Town of Black Earth Comprehensive Planning Public Opinion Survey Report developed by the University of Wisconsin – River Falls Survey Research Center. Refer to Appendix C for the full report.

When development or growth requires that road or infrastructure improvements be made in the Town of Black Earth, the overwhelming opinion of the sample (80%) is that developers should pay for them. Only 12% feel that these improvements should be paid for by the Town's taxpayers. The 5% who selected "Other" tended to say either that the cost of improvements should be split (e.g. between the developer, the Town and the property owner) or that the nature of the development would dictate who should pay (e.g. developments with 5 or more lots should be paid for by the developer and those with less than 5 should be covered by the Town or property owner). The longer people have lived in the Town, the less likely they are to feel that the Town should cover these costs of development. In contrast, non-residents are significantly more likely to feel that the Town should cover these costs.

Input was sought on the role the Town should play in the regulation or location of several types of infrastructure. Large majorities feel that it is important for the Town to be involved in all four of the items listed (influence power line placement; regulate communication tower placement; influence other utility placement; and, control light pollution.)

7.3 Wastewater Systems

The location and design of wastewater treatment facilities and their collection systems both reflect and impact local development patterns. Planning for these facilities is essential for determining if and how a community retains the fundamental elements that make up its character and design.

There are currently no public wastewater facilities in the Town of Black Earth. Residences and businesses rely on private, on-site sewerage systems such as septic tanks, holding tanks, mound systems, or other in-ground systems. In general, these systems function by discharging wastewater into a soil absorption field. The majority of the developed property within the Town of Black Earth is serviced by private on-site waste treatment systems (POWTS). Private septic systems are wastewater treatment systems that use septic tanks and drainfields to treat wastewater and dispose of it in the soil. Septic systems are generally used in rural areas or in areas that have large lot areas where sanitary sewer systems are not available. These systems are regulated by the Wisconsin Department of Commerce with permits issued by Dane County.

The state requirements for septic system location and design are specified in Chapter COMM 83 of the Wisconsin Administrative Code. This code relies heavily on the ability of the soil to efficiently absorb the effluent discharged from the system. Dane County reviews, permits and regulates the wastewater treatment systems through Chapter 46 of the Dane County Code of Ordinances.

The location and design of wastewater treatment facilities and their collection systems both reflect and impact local development patterns. Planning for these facilities is essential for determining if and how a community retains the fundamental elements that make up its character and design.

The soil suitability for on-site septic systems is very limited in the Town. Only 25 percent of the land area of the township has soils that are suitable for installation of private septic systems as determined by the Soil Conservation Service. 38 percent of the township soils are classified as having severe or very severe limitations for septic systems. The remaining 37 percent of the soils have a moderate limitation, which means that septic systems can be installed with sufficient design modifications.

7.4 Water Systems

Potable water is supplied to homes and businesses in the Town by private wells. Unlike Community Water Systems and Public Water Systems, maintenance of private wells is the responsibility of the home or business owner.

Property location and construction of private wells is critical in ensuring a safe drinking water supply not only for the well owner, but also for the entire community that shares the aquifer. Chapter NR 812 of the Wisconsin Administrative Code established minimum standards and methods for obtaining groundwater, and for protecting groundwater and aquifers from contamination through adequate construction of wells and water systems, and abandonment of wells and drill holes. Chapter NR 845 of the Wisconsin Administrative Code establishes the standards for counties to adopt and enforce the requirements of Chapter NR 812 through an ordinance for private well location, construction, pump installation and well abandonment. Therefore, Dane County requires that home and business owners constructing new private wells obtain a well construction permit from the county to ensure that the requirements of Chapter NR 812 are met.

The construction and location of new private wells must comply with Chapter 812 of the Wisconsin Administrative Code. Subchapter NR 812.08 (Register, January, 2006, No. 601) establishes the requirements for new well locations and construction, which include, but are not limited to:

- Located at the highest point on the property as reasonably possible.
- Protected from surface water and flooding.
- Not down slope of a contamination source located on the property or adjacent property.
- As far away as possible from potential contamination sources.
- Top of the well casing is at least 12 inches above final established ground grade.
- Two feet from building overhangs.
- Eight feet from buried gravity sanitary sewer, storm building drain/sewer, water-tight clear water waste sump or drain, etc.

- 25 feet from septic tanks, regional high water elevation of a lake or storm water detention pond, edge of the floodway of streams or rivers, edge of a ditch or storm water detention basin, etc.
- 50 feet from animal yards or shelters, silos, septic system mounds and absorption fields, etc.
- 100 feet from petroleum, waste oil, pesticide or fertilizer storage tanks, manure or silage storage structures, storm water infiltration basins, sanitary sewer lift stations, etc.
- 250 feet from a manure stack, excavated or earthen manure storage system, sludge land-spreading or drying area, earthen silage storage trench or pit, liquid waste disposal system, salvage yard, etc.
- 1,200 feet from edge or limits of filling of any existing, proposed or abandoned landfill site, etc.

See the most recent register of Subchapter NR 812.08 of the Wisconsin Administrative Code for a current and complete list of well location and construction requirements.

When considering wells that serve multiple homes and/or businesses, it is important to know that any well and/or water system serving seven or more homes, ten or more mobile homes, ten or more apartment units, or ten or more condominium units is defined as a “Community Water System” per Chapter NR 811 of the Wisconsin Administrative Code. Community Water Systems are subject to the construction, operation, sampling, testing and reporting to the Wisconsin Department of Natural Resources requirements established by Chapter NR 811.

7.5 Telecommunication Facilities and Fiber Optics

Telecommunication facilities are an important consideration for personal convenience and economic development in today’s world of electronic media. However, facilities that provide cellular service have become controversial issues in some local communities. Legal battles over the location of wireless service facilities, and concerns about their impact on property value and health have led some municipalities to develop restrictions on the location, placement, and appearance of wireless service facilities.

According to the Public Service Commission of Wisconsin, local telephone service is available in the Town through the following providers:

- TDS Telecom
- CenturyTel
- Charter Communications

According to the Dane County Land Information Office there are two cellular towers within the Town. One tower is located just to the west of Reeve Road in the northwestern portion of the Town on land owned by Dane County. The second tower is located on Highway 14 adjacent to the Village. Cable television and high-speed internet services are provided to Town residents by

Charter Communications. There is one cellular tower located in the Town near the northwestern boundary of the Village of Black Earth adjacent to U.S. Highway 14.

7.6 Electric and Natural Gas

In 2000 the villages of Black Earth and Mazomanie formed the Vanguard Electric Commission through an intergovernmental Agreement which provides for a common crew of professional electrical workers directed by an Electrical Superintendent to service and maintain the two municipal electric utilities. Members of the governing commission represent citizens and board utility committee members.

According to the Public Service Commission of Wisconsin, the Town's Electric Utility Service is provided by Alliant Energy and is serviced by Vanguard Electric.

7.7 Stormwater Management Facilities

The Town is located predominantly within the Black Earth Creek watershed, with the southwestern corner in the Mill and Blue Mounds Watershed. Most of the storm water in the Town is conveyed by grass swales and/or drain-ways that discharge directly or indirectly to the Black Earth Creek. There are no detention basins located within the Town.

7.8 Solid Waste Disposal and Recycling Facilities

The Town is dedicated to reducing the amount of solid waste going to landfills as much as possible and supporting any and all recycling efforts that support that goal. The Town does not provide solid waste or recycling pick-up services. Town residents are able to contract with private firms for solid waste disposal and recycling if they so choose. Town residents may also purchase a permit from the Town of Mazomanie in order to utilize facilities there for solid waste and recycling drop-off.

7.9 Recreation Facilities

One of the principle assets of a community is its recreational opportunities. The DNR owns and maintains a conservancy in the Town of Black Earth located to the north of the Village of Black Earth.

7.9 Library Services

Library resources are an important part of the community base. No exact social standard can be applied to any one community as the needs and desires of citizens vary widely. The Town is served by the Black Earth Library (located at 1210 Mills Street) and the Mazomanie Free Library (located at 102 Brodhead Street).

Black Earth Library

The facility was built in 1990 and has approximately 2,600 square feet. It is part of the South Central library system that serves 52 libraries and seven counties in south-central Wisconsin. The library's circulation has increased from 10,456 in 1990 to 35,784 in 2000, to 41,491 in 2006. According to the Wisconsin Department of Public Instruction¹ the Black Earth library service population increased from 2,547 in 2005 to 2,577 in 2006. It is operated by South Central Library System employees and is open to the public an average of 39 hours per week. In 2006 the library housed 18,162 book and serial volumes and 55 periodicals. There are 4 computer terminals accessible to the public, and 3 have access to the Internet. Many audio, electronic, and video materials are also available to patrons. In 2006, there were a total of 1,141 registered borrowers. The library also offers many programs to adults and children. In 2006, 1,428 individuals attended those programs.

Mazomanie Free Library

This library is also part of the South Central library system. The library is approximately 3,000 square feet. As of the year 2007, the library had a service population of approximately 3,000. The library employs one full-time position and two part-time positions. In 2007 the library housed 17,614 books, 51 periodical subscriptions, 1,598 movie materials and 765 audiobooks and musical materials. The library reported a total circulation of 39,304. The library also provides four computers for patron use. Two of these computers provide internet access, one computer is reserved for non-internet activity and a fourth computer is reserved for library catalog and database use.

7.10 Police Protection

The Dane County Sheriff's Department patrols the Town, although there is no contract with the County for this service. In 2008, the Department reported to 256 calls within the Town. The majority of these calls were to the Wisconsin Heights High School located on Highway 14. The department has an office located in the municipal building at 1210 Mill Street and provides law enforcement, crime investigation, patrol, traffic supervision, and community programs such as DARE. The department consists of two full-time deputies and equipment includes one police car.

As of April 1st, 2007 the Sheriff's Department employed a total of 425 sworn personnel and 101 non-sworn positions.

¹ Wisconsin Public Library Statistics 1996-2001. Wisconsin Department of Public Instruction.

7.11 Fire Protection

The Black Earth Fire District provides fire response services to the Town of Black Earth. The Black Earth Fire District also services the Village of Black Earth, and parts of the towns of Berry and Vermont. Fire protection services are provided by approximately 40 resident volunteers. Department apparatus include three pumpers, three tankers, three grass-fire units, heavy-duty rescue equipment, two ladder trucks, extrication/first aid equipment and one transport vehicle.

Fire departments nationwide are assigned an Insurance Service Office (ISO) rating based on their ability to respond to fire emergencies. Some factors considered in the rating schedule include ability to receive and dispatch fire alarms, number of engine companies, community water needs and supplied. The rating is a numerical scale from 1 to 10, with 1 being the best possible rating. ISO ratings are used by insurance carriers in determining insurance premiums. The Department has an ISO rating of 6 and provides a full range of fire suppression, prevention and education services.

7.12 Emergency Medical Services

Dane County District One EMS, formed in 1977, serves the towns of Black Earth, Mazomanie, Berry and Vermont and the villages of Black Earth and Mazomanie. In total this EMS unit serves an area of 85 square miles with more than 5,600 residents. The Emergency Service consists of 54 volunteer EMTs, and one vehicle, Rescue 28. Based on time and expected volume, District One dispatches three to four EMT's to each call. The emergency medical service averages approximately 325 calls annually.

7.13 Municipal Facilities

The Town of Black Earth leases space within the John Bird Bank Building at 1116 Mills Street in the Village of Black Earth. Within this facility, the Town operates administrative and meeting space. Additional facilities owned by the Town are limited to the Town garage and salt shed located on Center Street in the Village of Black Earth.

7.14 Schools

The Town of Black Earth is part of the Wisconsin Heights School District. Map 10-1 in the Intergovernmental Cooperation chapter shows the boundaries of this district, which encompasses approximately 100 square miles. The Wisconsin Heights School District contains four school buildings (Table 7.1). Information about school-aged



children and the district schools they attend can be found in Table 7.1 below. The District’s enrollment for the 2007-2008 school year was 895 students.

Table 7.1. District Schools; Wisconsin Heights School District: (2008)

| Schools | Location | Grades Served | Enrollment |
|--------------------------|-----------------|----------------------|------------|
| Black Earth Elementary | 1133 Center St. | Pre-Kindergarten - 2 | 217 |
| Mazomanie Elementary | 314 Anne Street | 3-5 | 148 |
| WI Heights Middle School | 10173 Hwy 14 | 6, 7, 8 | 191 |
| WI Heights High School | 10173 Hwy 14 | 9-12 | 339 |

Source: Wisconsin Heights School District, Wisconsin Department of Public Instruction. Wisconsin School Performance Reports.

The Wisconsin Heights High School was built in 1965, with the Elementary School, located within the Village of Black Earth, following in 1978. The Middle School was most recently built in 1995.



Within the past decade the school district has seen significant decline in enrollment. The district saw a more than a 23 percent decrease in enrollment between 2001 and 2007, as shown in Table 7.2 below. Due to this trend, the school district has faced significant reductions in budget and staffing. It is important that the municipalities within this district work together to identify opportunities to change this trend. The land use and transportation initiatives discussed within this plan will have an impact on the future livelihood of the school district. Thus, the goals, objectives and policies included have been derived with the best interest of the school district in mind.

Table 7.2 Wisconsin Heights and Dane County Public School District Enrollments

| School District | 2001-2002 | 2002-2003 | 2003-2004 | 2004-2005 | 2005-2006 | 2006-2007 | % Increase or Decrease |
|-------------------|-----------|-----------|-----------|-----------|-----------|-----------|------------------------|
| Wisconsin Heights | 1,194 | 1,130 | 1,814 | 1,006 | 963 | 917 | 23.2% Decrease |

Source: Wisconsin Department of Public Instruction

7.15 Childcare Facilities

In 2007 nearly 20,000 children were enrolled in regulated child care in Dane County. The Village of Mazomanie has regulated day care programs that had a 2007 enrollment of 47 children². As of March 2009, there was four licensed day care providers within the 53515 ZIP Code area, of which the Town of Black Earth is part. These facilities have a combined licensed capacity of 85 children. A regulated program has either been licensed through the state or certified by Dane County. A program’s capacity does not necessarily reflect the number of children that are currently enrolled in programs. The capacity reflects the amount of children the program could possibly serve at any one time.

² 4-C Community Coordinated Child Care, Inc. Based on geographic area of zip code 53560.

There are two categories of state licensed day care facilities that differ based on the number of children served. Licensed Family Child Care Centers provide care for up to eight children, and is often located in the provider’s home. Licensed Group Child Care Centers provide care for nine or more children, and are usually located somewhere other than the provider’s home. County Certification is a voluntary form of regulation for childcare programs that do not need a license. Data generally shows that childcare demand outstrips supply locally, statewide and nationally. The cost of care plays a big part in household decisions about childcare arrangements.

7.16 Health Care Facilities

Professional health care is provided to the Black Earth area by the Black Earth Medical Center, which provides medical services. The Village Family Dental provides dental services.

Some communities in Wisconsin have been designated by the U.S. Department of Health and Human Services as a Health Professional Shortage Area (HSPA). Either a geographic area, or a specific population can be designated as a HSPA. This designation is used to determine eligibility for at least 34 federal programs, and state loan programs. According to the Wisconsin Office of Rural Health, portions of Dane County have been designated as a Health Professional Shortage Area, but does not include the villages of Black Earth and Mazomanie or the Town of Black Earth. About 20 percent of the U.S. population lives in areas designated as a shortage area.

There are four hospitals located within 25 miles of the communities, primarily located in Madison. The Mendota Mental Health Institute is a state hospital that provides psychiatric services. It is also located in Madison.

Table 7.3. Hospitals; Dane County: (2007)

| Name | Location | Type |
|---|-----------------|--------------------------|
| Meriter Hospital | Madison | General Medical-Surgical |
| Sauk Prairie Hospital | Prairie du Sac | General Medical-Surgical |
| St. Mary’s Hospital | Madison | General Medical-Surgical |
| University of Wisconsin Hospital | Madison | General Medical-Surgical |
| Mendota Mental Health Institute | Madison | State |
| William S. Middleton Memorial VA Medical Center | Madison | General Medical-Surgical |

Source: Wisconsin Department of Health and Family Services.

There are 23 nursing homes in Dane county (Table 7.4). The Heartland Country Village is located in Black Earth and can serve up to 50 individuals. Ingleside is also near the Town, located in Mount Horeb, and can serve up to 119 individuals.

Table 7.4. Nursing Homes; Dane County: (2008)

| Name | Location | Capacity |
|---|-------------|----------|
| Attic Angel Place | Middleton | 44 |
| Badger Prairie Health Care Center | Verona | 130 |
| Belmont Nursing and Rehabilitation Center | Madison | 90 |
| City View Nursing Home | Madison | 50 |
| Four Winds Manor | Verona | 67 |
| Heartland Country Village | Black Earth | 50 |
| Ingleside | Mount Horeb | 119 |
| Karmenta Center | Madison | 105 |
| Meriter Health Center | Madison | 100 |
| Middleton Village Nursing/Rehabilitation | Middleton | 97 |
| Nazareth House | Stoughton | 99 |
| Oak Park Nursing & Rehabilitation Center | Madison | 100 |
| Oakwood Lutheran-Hebron Oaks | Madison | 137 |
| Oregon Manor | Oregon | 45 |
| Rest Haven health Care Center | Verona | 21 |
| Skaalen Sunset Home | Stoughton | 166 |
| St. Mary's Care Center | Madison | 184 |
| Sunny Hill Health Care Center | Madison | 68 |
| Sun Prairie Health Care Center | Sun Prairie | 32 |
| Waunakee Manor Health Care Center | Waunakee | 104 |
| Willows Nursing and Rehabilitation Center | Sun Prairie | 57 |

Source: Wisconsin Department of Health and Family Services.

7.17 Cemeteries

There is one cemetery in the Town, located to the northwest of the Village of Black Earth on Turkey Road. This cemetery is owned and maintained by the Black Earth Cemetery Association.

7.18 Public Facilities Plan

Considering this inventory of the Town's existing utilities and community facilities, this section is intended to assess the adequacy of these utilities and facilities to meet the existing and future needs of the Town's population.

Table 7-5 lists each of the utilities and community facilities in the inventory and considers whether it will be adequate throughout the planning period, based on five-year increments. The table makes recommendations about whether existing or future needs should be met by expanding or improving existing facilities, or creating new facilities.

Public Facilities Plan

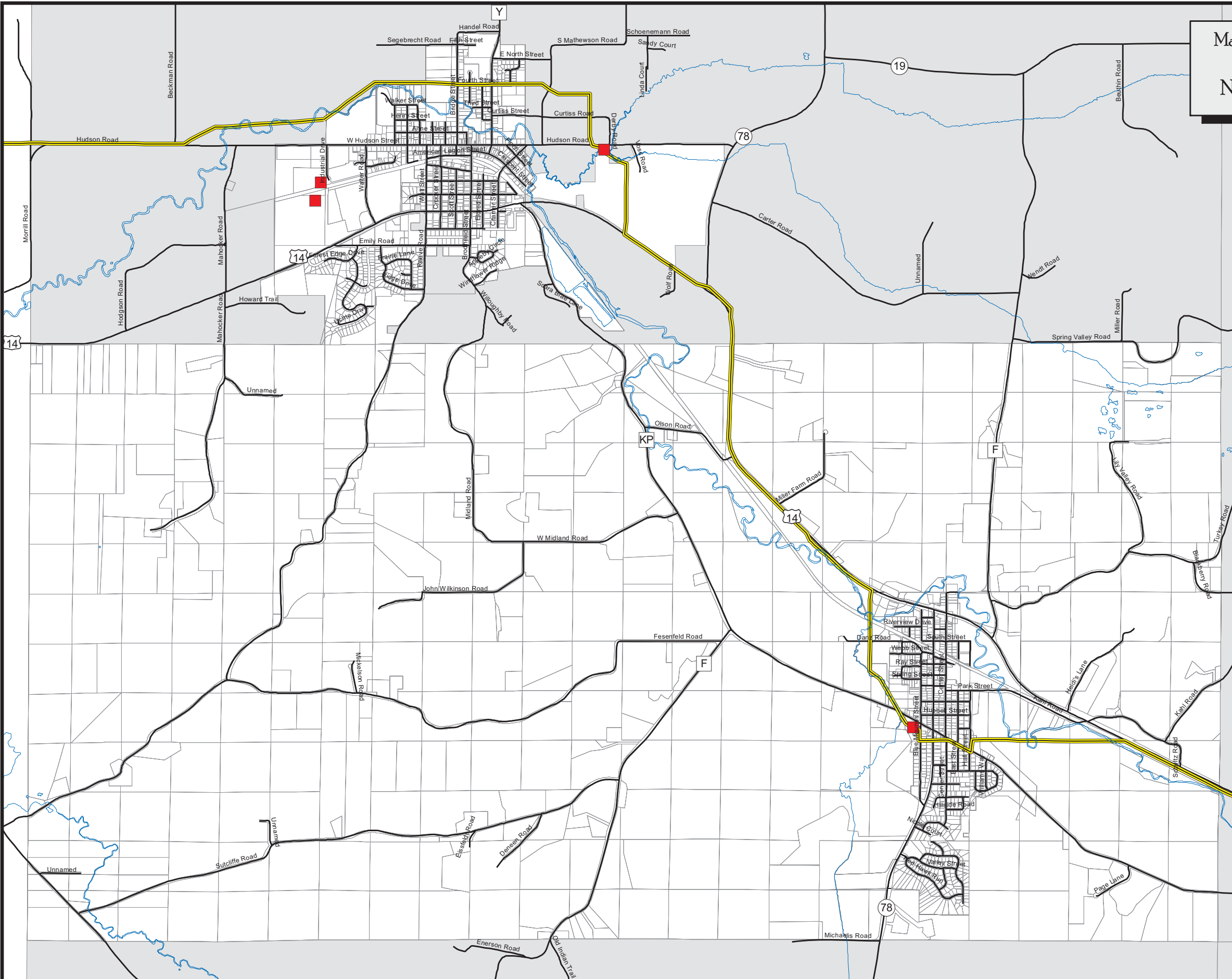
Table 7.5. Utility and Community Facility Assessment; Town of Black Earth Year 2009 - 2028

| Village Facility | (Year 1 – 5) | | | | (Year 6 – 10) | | | | (Year 11 – 15) | | | | (Year 16 – 20) | | | |
|-----------------------------|--------------|--------|---------|-------------|---------------|--------|---------|-------------|----------------|--------|---------|-------------|----------------|--------|---------|-------------|
| | Adequate | Expand | Improve | New/Replace | Adequate | Expand | Improve | New/Replace | Adequate | Expand | Improve | New/Replace | Adequate | Expand | Improve | New/Replace |
| Water and Wastewater | X | | | | X | | | | X | | | | | X | | |
| Tele-comm. and Fiber Optics | | | X | | | | X | | | | X | | | | X | |
| Electrical and Natural Gas | | | X | | | | X | | | | X | | | | X | |
| Stormwater Management | X | | | | | | X | | | | X | | | | X | |
| Solid Waste and Recycling | | X | | | | | X | | | | X | | | | X | |
| Recreation Facilities | X | | | | X | | | | X | | | | X | | | |
| Library | X | | | | X | | | | X | | | | X | | | |
| Police Services | X | | | | X | | | | X | | | | X | | | |
| Fire Protection | X | | | | X | | | | X | | | | X | | | |
| EMS | X | | | | X | | | | X | | | | X | | | |
| Municipal Buildings | X | | | | X | | | | X | | | | X | | | |
| Municipal Parking Lots | X | | | | X | | | | X | | | | X | | | |
| Schools | X | | | | X | | | | X | | | | X | | | |
| Child Care | N/A | | | | | | | | | | | | | | | |
| Health Care | N/A | | | | | | | | | | | | | | | |
| Cemeteries | X | | | | X | | | | X | | | | X | | | |

Source: Town of Black Earth

Map 7.1
Electrical
 Northwestern Dane County: 2008

Comprehensive Plan Villages
 of Black Earth and Mazomanie
 and the Town of Black Earth



Electrical Legend

- Substation
- Transmission Lines

Map Features

- Rivers or streams
- Roads



Source: Base map provided by Dane County Land Information Department.
 Data Source: Public Service Commission of Wisconsin (electrical).

Map Created: October 18, 2007
 Map Edited: February 2, 2009



8

Agricultural, Natural & Cultural Resources

Town of Black Earth Comprehensive Plan

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s. 66.1001(2)(e) Wis. Stats.

The Agricultural, Natural, and Cultural Resource Element is intended to be a compilation of objectives, policies, goals, maps and programs for the conservation and promotion of the effective management of natural resources such as groundwater, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources, parks, open spaces, historical and cultural resources, community design, recreational resources and other natural resources.

8.1 Overview

This element provides an inventory of agricultural, natural, and cultural resources for the Town of Black Earth and villages of Black Earth and Mazomanie. Specific topics include information about the ecological landscape, groundwater, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, mineral resources, parks and open space, and historical and cultural resources. The purpose of identifying these resources is to help the communities recognize areas that need to be protected, or characteristics that would limit development potential. By incorporating this information into its land use decisions, the communities are better prepared to make sound choices for the future.

8.2 Local Survey Results

The following is an excerpt from the Town of Black Earth Comprehensive Planning Public Opinion Survey Report developed by the University of Wisconsin – River Falls Survey Research Center. Refer to Appendix C for the full report.



Relatively strong majorities of the Town of Black Earth citizens agree or strongly agree that development on steep and erosive slopes (85%), on agricultural land (74%), and on ridge tops (64%) should be limited. A narrow majority (54%) feel this way about developments in the middle of woods or forests.

Respondents were asked, “If development were to take place (on one of the 4 types of areas identified), in what order would you prefer the development to happen?” Combining their first and second choices gives the following result:

- 67% prefer the middle of woods or forests
- 59% prefer ridge tops
- 40% prefer agricultural land
- 26% prefer steep and erosive slopes

8.3 Agricultural Resources

Productive Agricultural Areas

Predominantly focused in the upper Midwest, America's prime farmland regions coincide with our traditional notions of America's farm belt. While not containing as much prime farmland area as some other upper Midwest states, Wisconsin is still home to many acres of prime land. According to 1996 findings by the US Department of Agriculture, Natural Resources Conservation Service (NRCS) Wisconsin is home to over 13 million acres of prime farmland. This area represents approximately 38 percent of the states entire area. Most of this land area can be found in the southern and eastern portion of the state. An additional concentration of prime farmland can also be found within Clark County and the western edge of Marathon County.

Ten to forty percent of the land area in and around the three communities is considered to be prime or potential prime farmland according the Natural Resources Conservation Service¹. Potential prime farmland is land that is prime when improved, for example by drainage, irrigation, or protection from flooding. Map 8.1 shows the location of land in the planning area that is considered prime for farmland according to the Natural Resources Conservation Service.

In Dane County, the 2002 Census of Agriculture² revealed a number of interesting findings related to the growth and development of its urbanized areas.

- *Land in Farms – increased .5% percent from 512,971 to 515,475 acres in 2002.*
- *Average size of Farms decreased 9.5 percent from 198 to 179 in 2002.*
- *Number of Farms – increased 11.3 percent from 2,595 to 2,887 in 2002.*

Agricultural Preservation Programs

The Wisconsin Farmland Preservation Program was enacted in 1977 in order to preserve good agricultural land from development and to provide income tax credits to farmers. As of 2007, there were 19 farmers enrolled in the program in the Town of Black Earth, covering 3,463 acres, which represents 31.6 percent of the land area of the township. This and other programs dedicated to preserving prime agricultural land are always at the forefront of primary concerns within the region. Because the Town has exclusive agriculture zoning, discussed below, farmers enrolled in Farmland Preservation who have land that is zoned exclusive agriculture are eligible for 100%, rather than just 80%, of tax credits from the state.

Exclusive Agricultural Zoning Ordinances

An exclusive agricultural zoning ordinance can be adopted by any county, town, or municipality in a county that has a certified agricultural preservation plan in effect. A local government, by

¹ Potential Prime Farmland in Wisconsin. U.S. Department of Agriculture, Natural Resources Conservation Service. Accessed from <http://www.wi.nrcs.usda.gov/images/maps/prime8.gif> June 2003.

² 2002 Census of Agriculture. U.S. Department of Agriculture. Accessed from <http://www.nass.usda.gov/census/census02.htm> November 2007

establishing an exclusive agricultural use district, effectively decides that agricultural uses of land are most appropriate in that district.

The Department of Agriculture, Trade and Consumer Protection assists counties in creating county agricultural preservation plans, which lay the groundwork for towns, municipalities, and counties to develop exclusive agriculture zoning districts. Farmers can also participate by signing a individual, long-term agricultural preservation agreement. The farmland preservation program provides state income tax credits to farmers who meet the program’s requirements to meet soil and water conservation standards, and to only use the land for agriculture. Dane County has adopted exclusive agricultural zoning only in towns that elect to have such a district. The Town of Black Earth has elected to have A-1 exclusive agriculture districts.

Dane County Agricultural Advisory Council

In 1998, the Dane County Board created the Agricultural Advisory Council to advise the county board and county executive on agricultural issues and assist farmers in various areas. This advisory council held a series of meetings and has prepared its “First Annual Report of the Dane County Agricultural Advisory Council”, addressing the challenges facing farmers in Dane County. The report identifies both needs, and ideas for protecting farming and farmland.

Farms and Neighborhoods

Farms and Neighborhoods is County Executive Kathleen Falk’s proposal for preserving farming in Dane County. It identifies the importance of farming, and some goals and strategies to protect farming, including developing vibrant, healthy cities and villages that people want to live in.

8.4 Natural Resources

General Setting

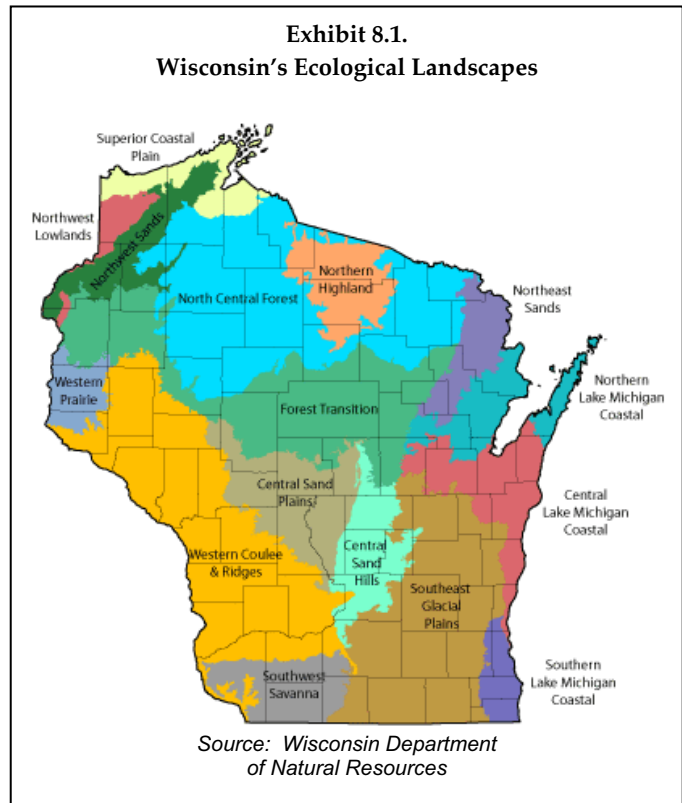
The Town of Black Earth is located on the boundaries of several Ecological Landscapes as defined by the Department of Natural Resources³(Exhibit 8.1). They are located primarily in the Western Coulee & Ridges Landscape, but share a close border with the Central Sand Hills, Southwest Savanna, and Southeast Glacial Plains Landscapes. Each of these Ecological Landscapes has different attributes and characteristics, as outlined below.

Attributes and Characteristics of the Western Coulee and Ridges

This ecological landscape is characterized by highly eroded, un-glaciated topography. Steep-sided valleys are heavily forested and often managed for hardwood production. Agricultural activities, primarily dairy and beef farming, are typically confined to valley floors and ridge tops. Large, meandering rivers with broad floodplains are also characteristic of this landscape. They include the Mississippi, Wisconsin, Chippewa, Black, La Crosse, and Kickapoo Rivers. The floodplain forests associated with these river systems are among the largest in the Upper Midwest. Spring-fed, coldwater streams that support robust brown and brook trout fisheries are common throughout the area. Soils are typically silt loams (loess) and sandy loams in the uplands and alluvial or terrace deposits in the valley floors.

Attributes and Characteristics of the Central Sand Hills

This ecological landscape is located at the eastern edge of the old Glacial Lake Wisconsin and contains a series of glacial moraines that were later partially covered by glacial outwash. Pre-settlement vegetation consisted of oak forest, oak savanna, and a variety of prairie types in the uplands. Fens, wet prairies, and rare coastal plain marshes occurred in the lowlands. Soils throughout the landscape have a significant sand component. A mixture of farmland, woodlots, and a variety of wetlands now characterizes the area. Agriculture is successful in the sandy areas with the use of center pivot irrigation but there is a considerable amount of less productive and idle agricultural land.



³ Wisconsin Land Legacy Report: An inventory of places critical in meeting Wisconsin's future conservation and recreation needs. Wisconsin Department of Natural Resources, 2002.

Numerous small kettle lakes are associated with the pitted glacial outwash. Several larger lakes occur along the eastern side of the landscape and include the state's deepest natural lake (Green Lake at 236 feet) and one of the shallowest large lakes in Wisconsin (Puckaway at over 5,000 acres and only 5 feet deep). In addition, a series of very high quality coldwater streams originate from the moraines and generally flow southeasterly,

Attributes and Characteristics of the Southwest Savanna

This ecological landscape is characterized by deeply dissected, un-glaciated topography with broad open hilltops, flat fertile river valleys, and steep wooded slopes. Occupying the south-facing slope of the Military Ridge, prairies and savannas were the dominant habitat types in this area prior to Euro-American settlement. Dry prairies covered the hilltops and graded into prairies, oak savannas and oak woodlands down slope. The river valleys were often a mix of hardwoods including oak, maple and elm. The dominant land use now is agriculture, although farms typically contain a combination of row crops, hay fields, and woods.

Several good quality warm-water streams flow through the landscape and, although impacted by non-point pollution, support diverse fisheries as well as some rare aquatic species. The wooded slopes along these rivers are often managed for oak-hardwood production. In some cases oak is being over-harvested and these areas are converting to cherry, red maple and hickory. "Relict" stands of pine occur on bedrock outcroppings along some stream systems.

Given its proximity to Madison, Rockford, Dubuque, and even Chicago, the area is experiencing rapid changes as former farms are split up into housing for commuters and recreation land for people that live outside the area.

Attributes and Characteristics of the Southeast Glacial Plain

This ecological landscape is home to some of the world's best examples of continental glacial activity. Drumlins, eskers, kettle lakes, kames, ground and end moraines, and other glacial features are evident throughout the entire area. A particularly striking area, the long "ridge" that formed between the Green Bay and Lake Michigan lobes of the Wisconsin glacier (known as a kettle interlobate moraine), is protected in part by the Kettle Moraine State Forest.

In addition to the many small kettle lakes in this landscape, there are also a number of much larger lakes, such as the Lake Winnebago Pool system, the Yahara Chain of Lakes, Lake Koshkonong, and Lake Geneva. Major rivers include the Rock, upper portion of the Milwaukee, middle portion of the Fox, and the Illinois Fox. Although many of the landscape's natural wetlands have been drained, a large amount still remains. The largest single wetland in this landscape, Horicon Marsh, is a globally significant area.

Soils are mostly silt loams but there are also areas of clay soils and sandy soils. Most of the tillable land is intensively farmed, with dairying and cash-cropping of grains and vegetables being the predominant types of agriculture. The natural vegetation of this landscape was formerly a mix of hardwood forest, prairie, savanna and wetlands. Today, very little of the prairie and savanna habitat remains.

Geology

According to the Wisconsin Geological and Natural History Survey⁴ most of the bedrock geology of northwestern Dane County is characterized by area of the Prairie du Chien Group, which is predominantly dolomite with some sandstone and shale, and a Cambrian area of sandstone with some dolomite and shale.

Soils

The basic soil components are sand, gravel, silt, clay, and organic material. The different soil types are composed of various combinations of each component. The Soil Conservation Service has developed a County Soil Survey⁵ for each Wisconsin County. These surveys include soil association maps that delineate landscapes that have a distinctive proportional pattern of soils. The soil types in one association may occur in another, but in a different pattern.

The soil composition of a community should be evaluated to identify whether the soil is suitable for development. Exhibit 8.2 shows the location and types of soils based on their characteristics. Sandy soils provide for better infiltration while more clayey soils pose problems for septic fields because they do not provide favorable infiltration capabilities. When looking at future development opportunities and residential growth, soil qualities should be taken into consideration in order to ensure that septic fields are placed within areas that can properly accommodate them.

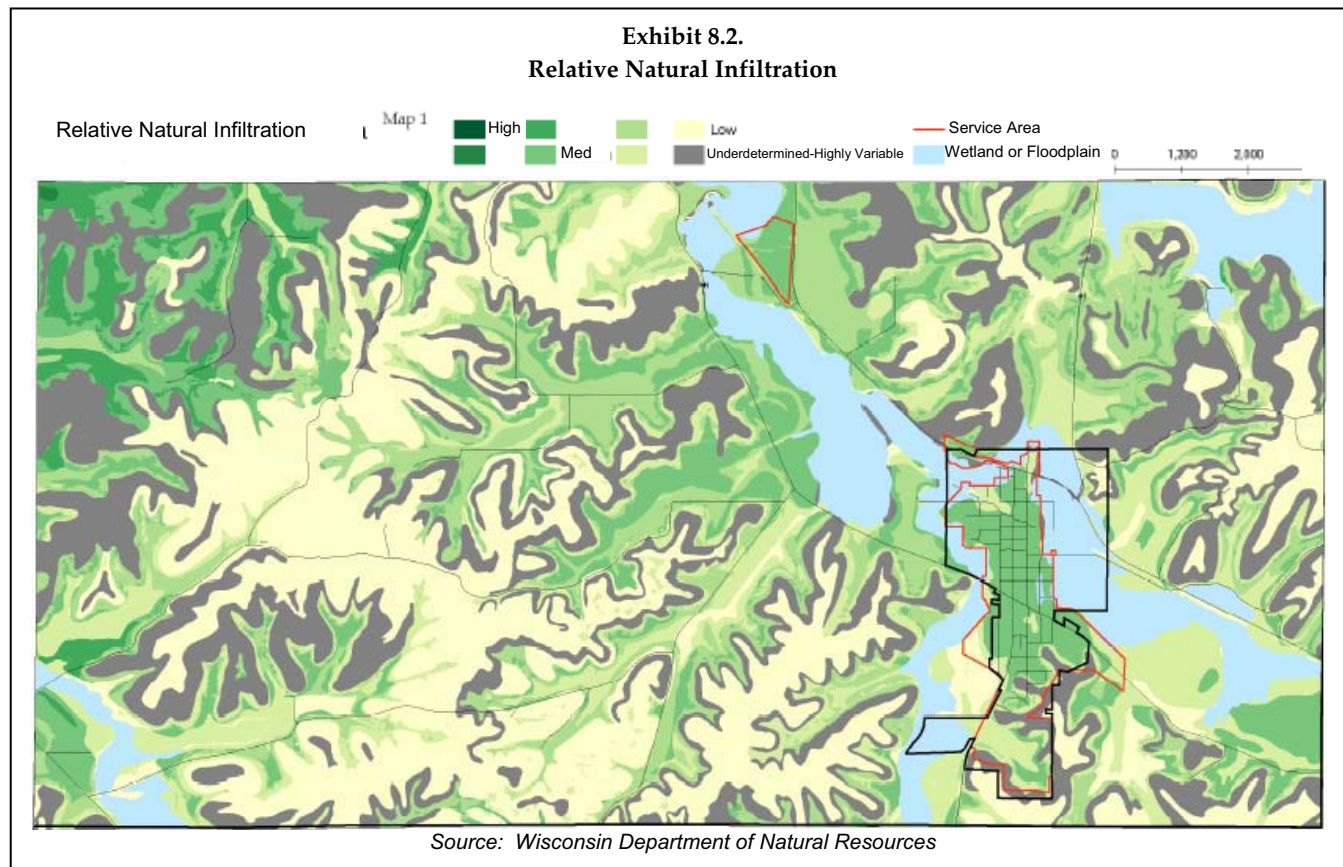
Groundwater

Although there are ample groundwater resources for the state as a whole, some portions of the state, including Dane County, are facing concerns about the availability of good quality groundwater for municipal, industrial, agricultural, and domestic use. Groundwater levels are affected by high capacity wells used for municipal water supplies, and by transferring water from one basin to another when wastewater is discharged to areas other than where the water was drawn.

According to the DNR, groundwater pumping has led to declines in groundwater in the most populous areas of the state. Several problems have been associated with lowering groundwater levels. Pumping costs may be increased. Wells may yield less water or dry up. Base flow into streams, springs, lakes, and wetlands can be reduced or even cease causing surface waters to dry up. In a 2001 report the USGS modeled the impact of high capacity wells and development on the groundwater in Dane County. This study found the simulated baseflow of Black Earth Creek to be 10% less than the simulated predevelopment baseflow rate. It has been recommended that pumping be moved closer to the Yahara River Chain to reduce the impact on the groundwater fed streams in the area. The impact of development can also be mitigated through concentrated infiltration and preserving open space in areas with naturally high infiltration.

⁴ Bedrock Geology of Wisconsin. University of Wisconsin – Extension, Geological and Natural History Survey

⁵ Soil Survey of Dane County, Wisconsin. U.S. Department of Agriculture, Soil Conservation Service. *Note: many of these are upstairs in engineering bookshelves, County Land & Water Resource Management Plan may also have this info, or DNR website has info for 5 counties.*

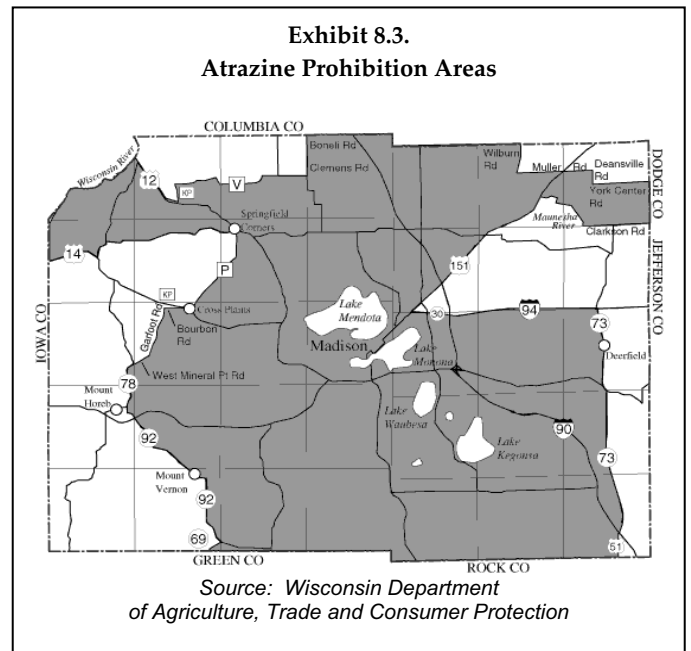


The natural and enhanced infiltration potential in Dane county has been mapped by CARPC. The maps were derived from NRCS soil information using relative cumulative scores based on soil permeability, depth to water table, depth to bedrock, and slope. Depth to bedrock and slope were considered less important and weighted accordingly. Exhibits 8.1 and 8.2 represent relative infiltration as it occurs naturally. Permeability is scored based on the most limiting soil layer in the soil column, measured to a depth of five feet. On the exhibits, soils that are identified in dark green have the best infiltration rates, while areas lighter in color have slower infiltration rates. Development that occurs in areas with higher infiltration rates need to carefully ensure that groundwater recharge is not affected by the increase in impermeable surface area. Best management practices, such as rain-gardens, bio-filtration, and infiltration basins, can be utilized to allow development within these areas without negatively impacting the infiltration rates.

A Wisconsin Geological and Natural History Survey map delineates groundwater susceptibility to contamination based on five physical resource characteristics. These characteristics are the type of bedrock, depth to bedrock, depth to water table, soil characteristics, and surficial deposits. Based on these characteristics, this area of northwestern Dane County is highly susceptible to contamination, with a few areas being identified as the most susceptible. Physical susceptibility is only one factor of potential for contamination. Whether an area will experience groundwater contamination depends on several factors including the likelihood of release, the type of contaminants released, and the sensitivity of the area to contamination.

The Department of Natural Resources maintains a Groundwater Retrieval Network database, which includes monitoring data from public and private water supply wells. A review of this database indicates that there have been a number of monitoring results that exceed the preventative action limit (PAL) for Nitrogen, some pesticides, volatile organic chemicals, and a number of inorganic substances. Water normally contains a very small amount of nitrate, but elevated nitrate levels indicate contamination. Some common sources of nitrate contamination include individual septic systems, sewage treatment plants, fertilizers, and animal waste. Volatile organic chemicals may enter the groundwater through spills or improper disposal, and are a cause for concern because they decompose slowly and can remain in the groundwater for years. Although exceeding the PAL is not a violation of the groundwater rules, it does serve as a “trigger” for remedial actions to reduce the concentration of the substance below the PAL. The PAL varies by substance, and can be found in NR 140 of the Wisconsin Administrative Code.

Atrazine is a popular corn herbicide that has been used in Wisconsin, and has been detected in groundwater in some areas of the state. Groundwater monitoring has determined that the concentrations of these chemical components already exist at high enough levels (3 parts per billion) within the groundwater table in certain areas to issue a ban on the use of atrazine. Furthermore, regulations allow atrazine application from April 1st to July 31st. According to The Wisconsin Department of Agriculture, Trade, and Consumer Protection, the villages of Black Earth and Mazomanie and the Town of Black Earth are located just outside of an atrazine prohibition area to the north. The gray areas on the map to the right, from the Wisconsin Department of Agriculture, Trade, and Consumer Protection, identify the Atrazine Prohibition areas in Dane County.



The DNR offers a remediation and redevelopment tracking system (BRRTS) which tracks any open or closed groundwater or soil contamination incidences in the State. Leaking underground storage tanks (LUST) is one of the BRRTS monitored contamination activities and currently BRRTS lists no open cases of leaking underground storage tanks in any of the communities. However, the Village of Mazomanie currently has four open environmental repair sites listed on BRRTS.

At the time of adoption of this Plan the United States Geological Survey (USGS) was working on a detailed groundwater model for the Black Earth Creek Watershed. This model will identify current groundwater flow patterns throughout the watershed. As part of this research, the USGS will need to identify recharge areas and springs and estimate the amount of base-flow within the local

streams. After completion, the model will help to quantify the impacts of development and land use changes on groundwater recharge.

Forests

The WDNR identifies 16 million acres of forestland (46 percent of Wisconsin's total land area) and millions of urban trees that significantly contribute to the quality of life in Wisconsin. These forests are important for their beauty, recreational opportunities, wildlife habitat, air quality enhancement, water protection, biodiversity, products and a variety of other values. However, 70 percent of the forest land is in private ownership, making sustainable forest management more complex. The DNR defines forest land as land area that is at least 16.7 percent covered by forest trees or was in the past, and is not currently developed for non-forest use.

The villages and Town are part of the Lower Wisconsin Geographical Management Unit (LWGMU). According to the most recent Lower Wisconsin Basin report, July 2002, the DNR characterizes the LWGMU as highly agricultural land which contains over 924,000 acres of timberland, an increase from the low of 624,000 acres in the 1950's. Today the basin area is considered to be 40 percent forested, but the DNR points to the fragmentation of the forests as a problem. The most forested areas in the LWGMU are located in the "driftless" area, characterized by steep slopes and narrow drainages. Forest in the LWGMU area is typically comprised of oak-hickory and maple-ash basswood with smaller areas of elm-ash-cottonwood forest types.

State forests are commonly known for their recreational activities such as hiking, skiing, fishing, camping, etc. But state forests were originally formed with the preservation of watersheds and ecosystems in mind. Unfortunately neither Dane County nor any of the adjacent counties contain a state forest. The Kettle Moraine forest areas, ranging north to south from Fond du Lac to Walworth counties, are the closest state forests in the area.

According to the Wisconsin Forests Association there are 29 counties in the State of Wisconsin which own 2,354,196 acres of forest land. County forest land has recreation and economical uses including camping, cross country skiing, and the manufacturing, processing and transportation of wood related products.

There are two forest tax laws in Wisconsin, the Managed Forest Law and the Forest Crop Law. These programs provide private property owners with tax reductions in exchange for entering into long-term contracts with the Department of Natural Resources to ensure proper forest management. The public also benefits from the additional opportunities for recreation, wildlife habitat, and watershed protection that proper forest management provides. According to the 2003 Wisconsin DNR⁶ Managed Forest and Forest Crop Law database there were 17,417 acres of forest land in Dane County enrolled in these programs.

⁶ Managed Forest Land. University of Wisconsin Stevens Point, Land center tracker, map accessible from http://www.uwsp.edu/cnr/landcenter/tracker/fall2004/MFL_small.pdf August 2004

In addition, the villages of Mazomanie and Black Earth urban forests are an important resource. The DNR defines an urban forest as all of the trees and other vegetation in and around a village or city. This includes not only publicly owned trees such as those lining streets, in parks and utility rights-of-way, and riverbanks, but also includes privately owned trees in home and business landscapes, and any other trees within the community. Shrubs, vines, grass, groundcover, wildlife, pets, and people are all integral parts of the urban forest ecosystem.



Environmentally Sensitive Areas

The Black Earth Creek Watershed area covers a total of 103 square miles which includes the Town of Black Earth and the villages of Black Earth, Mazomanie and Cross Plains. Most of this watershed is located in and on the edge of the “driftless” area. The driftless area is a product of the ice ages and provides southwestern Wisconsin with river valleys well known for river ravines. The geological areas are characterized by steep slopes, wetlands, habitat for threatened or endangered species, prairie/savanna, surface water, and floodplains. Development and agricultural use of the driftless areas must be done with caution as the water supply in the area is very sensitive to erosion, sediment and pesticide run-off, and temperature change. The ecological services provided by these areas are important and may be difficult or costly to replicate.

The Black Earth Creek Natural Resource Area is defined by the Black Earth Creek Natural Resource Area Plan which was adopted by the Dane County Board in 2003. This area consists of 11,630 acres along the Black Earth Creek corridor and adjacent upland area. These recommendations promote the protection, restoration and enhancement of the resource, as well as existing/future recreational opportunities and linkages between and among communities. Recommendations from this plan were incorporated into the Dane County Open Spaces Plan, and include the following specific action items:

- Acquire “Old Mud Lake” north of USH 14 and additional headwater lands immediately south of USH 14 with the help of multiple partners for future wetland restoration projects.
- Continue working with the Natural Heritage Land Trust on its identified priority areas within the project boundary, including acquisition of conservation easements from ridge top to ridge top between Cross Plains and Mazomanie.
- Investigate allowing hunting on County lands adjacent to WDNR public hunting grounds where compatible with other park uses.

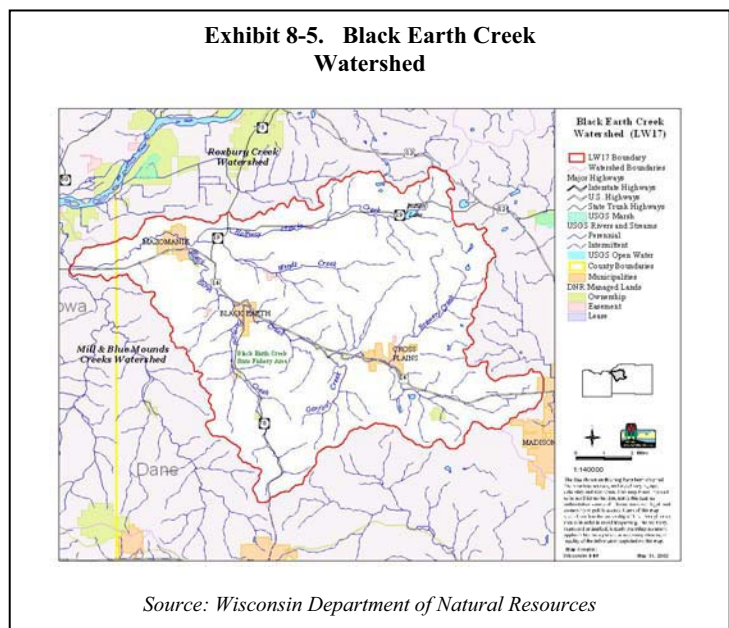
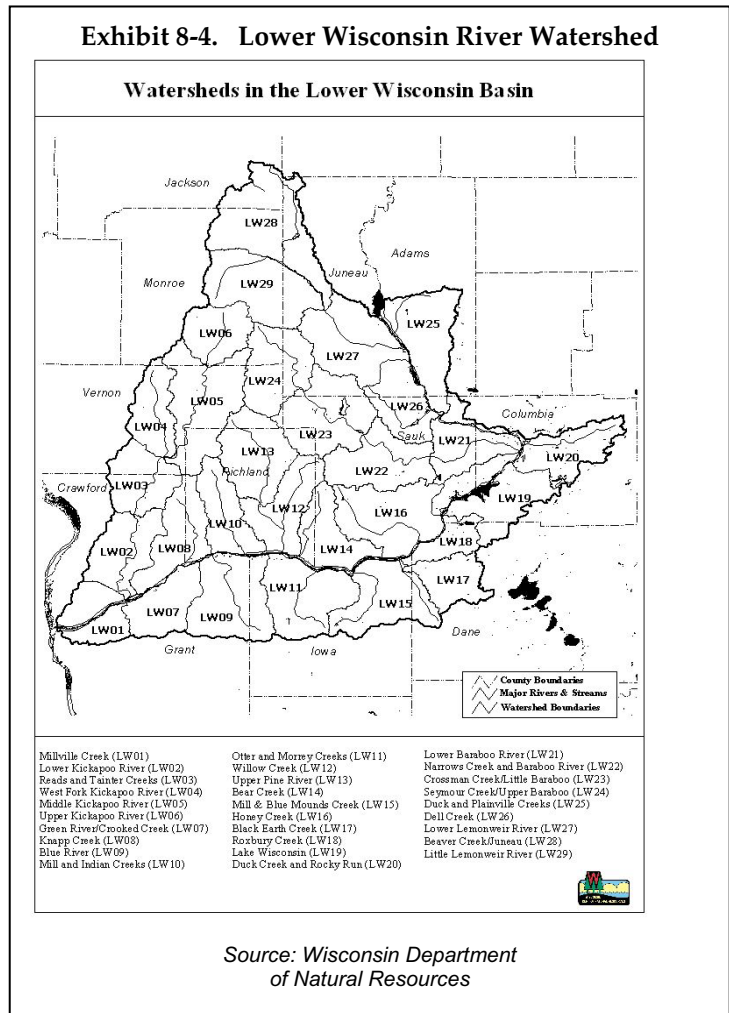
Threatened or Endangered Species

Wisconsin's Natural Heritage Inventory (NHI)⁷ is responsible for maintaining data on the locations and status of rare species, natural communities, and natural features in Wisconsin. The Wisconsin NHI program is part of an international network of inventory programs that collect, process, and manage data on the occurrences of natural biological diversity using standard methodology. This network was established, and is still coordinated by The Nature Conservancy (TNC), an international non-profit organization. The network now includes natural heritage inventory programs in all 50 states, most provinces in Canada, and many countries in Central and South America.

Based on data contained in Wisconsin's Natural Heritage Inventory there are 160 known rare or endangered plant species and animal species in Dane County. Some of these are known to exist in or near the communities. One should not assume that lack of documented sightings of rare or endangered species is evidence that endangered resources are not present.

Surface Water

The majority of the Town of Black Earth located in the Lower Wisconsin basin (Exhibit 8.4). The Lower Wisconsin basin covers about 4,940 square miles, extends across nine counties and consists of 29 different watersheds. The Black Earth Creek Watershed covers 103 square miles in western Dane County and the

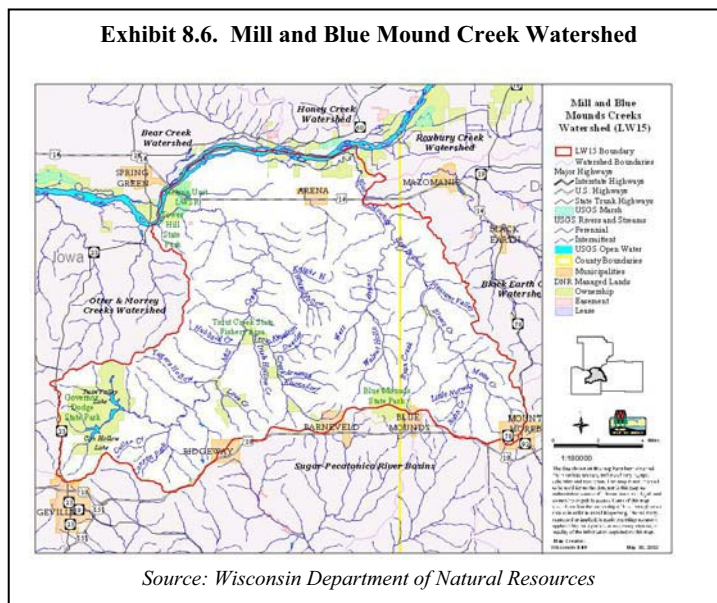


⁷ Natural Heritage Inventory, established in 1985 by the Wisconsin Legislature. Maintained by the Wisconsin Department of Natural Resources Bureau of Endangered Resources.

northeast corner of Iowa County. The villages of Black Earth and Mazomanie and the majority of the Town of Black Earth are located within the Black Earth Creek Watershed. The southwestern corner of the Town on Black Earth is in the Mill and Blue Mounds Watershed.

The glaciated morainal landscape in both of these watersheds contains many depressions and internally drained areas that provide excellent infiltration of rainwater. The subsequent groundwater recharge is responsible for baseflow in Black Earth Creek and Garfoot Creek, which are listed as exceptional resource waters.

The East Branch of Blue Mounds Creek flows through the Town of Black Earth and is listed as a cold water community stream. The cold water streams in this area have an established coalition of organizations committed to protecting and enhancing the health of the fisheries. Development will need to be diligent in controlling thermal and sediment impacts in order to maintain the healthy fisheries that currently exist. The Black Earth Creek Watershed has been extensively monitored and many best management practices have been implemented. The DNR, EPA, USGS, NRCS, County and local groups have all had an important role in the analysis and protection of Black Earth Creek, Garfoot Creek and Brewery Creek.



Lakes

The Black Earth Creek watershed contains three lakes: Indian lake, Marion Lake and Salmo pond. Marion Lake is the only one located within any of the three communities, while the other two are located nearby in the Town of Berry. The DNR describes the lakes as follows:

Indian Lake

This 66-acre lake is the focus of a 480.9ac Dane County Park located in the Town of Berry. It is an isolated water body with a mean depth of 4.6 feet and is adjacent to approximately 10 acres of wetlands and wet meadows. Halfway Prairie Creek flows from the west end of the lake and Indian Lake Park surrounds the lake. The lake is hypereutrophic and subject to summer algae blooms. Due to the installation of an aeration system that is run in the winter months, the winter fish kills that were once common in the lake have been almost entirely eliminated. Although the water is adversely affected by nonpoint pollution from agricultural practices, it is believed that changes in activities in the watershed will not have a large affect on the water quality. Stocking in the last decade has established a naturally reproducing population of blue gill and large mouth bass. Access is provided from Indian Lake Park. The Dane County Open Space plan recommends that 250 acres of land be acquired around the park to buffer the lake and include the wetlands that contain the springs that form the headwaters of the lake.

Lake Marion

Lake Marion is a small lake on the southeast edge of the Village of Mazomanie, between the railroad and Highway KP. Currently the WDNR is not involved in the management of this lake although local sportsmen's clubs occasionally stock the lake to improve recreational opportunities.

Salmo Pond

Salmo Pond is located on the south side of USH 14 west of Cross Plains in the Town of Berry. The pond is a deep, abandoned gravel pit and is six acres in area with a maximum depth of 15 feet. It is stocked with rainbow trout and contains naturally reproducing populations of bass, blue gill, pumpkinseed. The pond is adjacent to a section of the Black Earth Creek Fishery Area. The DNR recently completed a shoreline restoration project on the Pond that enhances fishing opportunities.

Stormwater Ordinance

A stormwater management and erosion control ordinance went into effect in Dane County during 2002 to protect surface water from stormwater runoff. Chapter 14 of the Dane County Code of Ordinances requires an erosion control and/or stormwater control permit for certain activities that result in land disturbance and/or impervious surface. Agricultural activities, one and two-family house sites, construction of public buildings, and certain state highway projects are exempt from the requirements. The ordinance sets standards to increase the quality and decrease the quantity of stormwater runoff in Dane County.

Phosphorous Ban

The Dane County Lakes and Watershed Commission developed an ordinance that bans the use and sale of lawn fertilizer containing phosphorous. The ordinance is intended to improve water quality by reducing the amount of phosphorous that enters Dane County Lakes. The Dane County Board adopted this ordinance in 2005.

Waters of Wisconsin: The Future of Our Aquatic Ecosystems and Resources

This report was developed by the Waters of Wisconsin initiative of the non-profit Wisconsin Academy of Sciences, Arts and Letters. It engaged many citizens, experts, and professionals in a conversation about the future of our state's waters. The initiative studies the status and trends affecting Wisconsin's waters, and developed recommendations and policies for managing the state's water resources in the future.

Floodplains

The floodplain is land that has been, or may be, covered by floodwater during the 100-year flood; it is also described as the flood level that has a one percent chance of occurring in any given year. Development in the floodplain reduces the floodplain's storage capacity, causing the next flood of equal intensity to crest even higher than the last.

Map 8.2 shows the locations of floodplains that limit development potential in the planning area, which are located primarily near the Black Earth Creek and its tributaries.

Wetlands

Wisconsin’s wetlands provide a variety of critical functions; they provide habitat for wildlife, store water to prevent flooding, and protect water quality. However, the wetlands have continued to be destroyed and degraded as they are drained and filled for agriculture, development and roads, and impacted by pollutants.

Table 8.1 Wetlands; Villages of Black Earth & Mazomanie, Town of Black Earth

| Community | Acres of Wetland | Percent of Land Area |
|------------------------|------------------|----------------------|
| Village of Black Earth | 40 | 7.2% |
| Village of Mazomanie | 46 | 0.4% |
| Town of Black Earth | 172 | 1.6% |

According to the Wisconsin Wetlands Inventory, Dane County contains 51,418 acres of wetland, comprising 6.7 percent of the county’s total land area, and one percent of the state’s wetlands. This data is based on aerial photography and includes only wetlands larger than 2-acres for this county. As a result, the wetland acreage numbers are likely to undercount the existing wetland area.

Map 8.3 shows the locations of wetlands that limit development potential in the planning area.

Wildlife Habitat

Many areas in southern Wisconsin, prior to European settlement, were characterized by grassland ecosystems. These areas are important habitat for grassland birds, which according to the UW Extension Service and DNR have been declining significantly in recent decades. Wetlands are also important habitat for a number of amphibian and bird species.

As Wisconsin’s land ownership becomes increasingly fragmented, the Department of Natural Resources believes that its habitat also tends to become more fragmented. This is particularly relevant to species that require a large range or contiguous habitat. Fragmented ownership negatively impacts species by causing inconsistencies in habitat management, and making it more difficult and expensive for the DNR or private organizations to acquire land for preservation.

Large tracts of high quality natural areas in Dane County include 13 State Natural Areas. State Natural Areas are designated by the Department of Natural Resources to protect outstanding examples of native natural communities, significant geological formations, and archaeological sites. State Natural Areas also provide the last refuges in Wisconsin for rare plants and animals. There are three designated State Natural Areas within or near the communities. The following descriptions are provided by the DNR:

Mazomanie Bottoms (SNA No. 142)

The Mazomanie Bottoms are located in northwestern Dane County south of Sauk City. The Bottoms encompasses a large area of Wisconsin River floodplain forest dissected by old river channels that are dry except during periodic floods. Silver maple, elm, basswood, and ash dominate the forest; other trees include swamp white oak, cottonwood, willow, river birch and hackberry. Openings in the canopy due to elm mortality have a dense under-story of prickly ash, gray dogwood, buckthorn, and young trees. Ridges of sand support oaks but the slough margins are nearly pure silver maps. Vining plants and lianas are found in

abundance, as are viergin's bower, wild yam, moonseed, wild cucumber, woodbine, poison ivy, carrion flower, and grape. Sand bars and ephemeral pools along the river add considerable diversity. The forest harbors thousands of migrating birds. Nesting birds include these uncommon species: cerulean, kentucky, prothonotary and morning warblers, winter wren, and brown creeper. The site has a large woodpecker population and is used in winter by bald eagles. Mazomanie Bottoms is owned by the DNR and was designated a State Natural Area in 1978.

Black Earth Rettenmund Prairie (SNA No. 210)

The Black Earth Rettenmund Prairie is located in the Town of Black Earth. It is a dry-mesic prairie that was part of the Rettenmund farm but probably never plowed. The prairie is home to more than 80 different plant species including many uncommon plants. Plant species documented on the site include but are not limited to, pasque flower, lead-plant, June grass, shooting star, white camas, pomme-de-prairie, and the state-threatened round-stemmed false foxglove. Additionally, the prairie provides habitat for many birds, snakes and insects. The prairie was in private ownership until 1984 when the Nature Conservancy purchased the land. In 2007 the Nature Conservancy transferred the title of the land to the Prairie Enthusiasts. The Prairie Enthusiasts have taken responsibility for management activities including prescribed burns, brush removal and mowing to reduce the impact of invasive species on the site.

Mazomanie Oak Barrens (SNA No. 248)

The Mazomanie Oak Barrens are located in the Town of Mazomanie southeast of Sauk City. Situated on a broad and gently undulating sand terrace along the Wisconsin River, Mazomanie Oak Barrens features a significant oak barren remnant containing large scattered black oaks with bur oak, black cherry, and small amounts of white oak. Groves of smaller oaks occur amid sand prairie openings with species such as big and little blue-stem, bronze-headed oval sedge, goat's-rue, Carolina puccoon, June grass, clammy ground-cherry, rough blazing-star, prairie coreopsis, few-leaved sunflower, and spiderwort. Within the matrix community are patches of oak woodland with white and black huckleberry. The barrens support the state-threatened cream gentian and the rare prairie fame-flower. A wet prairie dominated by prairie cord grass is also present. Past disturbances include grazing and fire suppression, which diminished available habitat for sun-loving grasses and forbs but management activities such as tree thinning will help invigorate the area. Mazomanie Oak Barrens is owned by the DNR and was designated a State Natural Area in 1991.

Other significant natural resources within the area include the following:

Walking Irons County Park

Located within the Town of Mazomanie, the Walking Irons County Park is owned by Dane County; the prairies and oak savannas are managed for the County by The Prairie Enthusiasts. The park connects to the northwest corner of the Village of Mazomanie and Black Earth Creek flows along the southern edge of the park. The Park has 288 acres offering miles of hiking and equestrian trails winding through restored prairies and wooded areas. The Dane County Open Space Plan recommends the following actions for Walking Irons Park:

- Acquire additional property north and east of the park with possible connections to the WDNR Lower Wisconsin Riverway lands.

- Explore expansion of equestrian trails into newly acquired lands as available and consider possible connection to Blackhawk State riding area.

Aldo Leopold Nature Center

Aldo Leopold Nature Center is a 38-acre area within the Town of Black Earth. This land provides educational opportunities and will be managed to preserve and enhance the wooded land and restore native prairie to the site.

Metallic/Nonmetallic Mineral Resources

Metallic

Presently there are no metallic mines operating in Wisconsin. Although some of the bedrock, particularly in the northern part of the state, contains metal bearing minerals, there are no known metallic mineral deposits of economic value found in or near the Town of Black Earth.

Nonmetallic

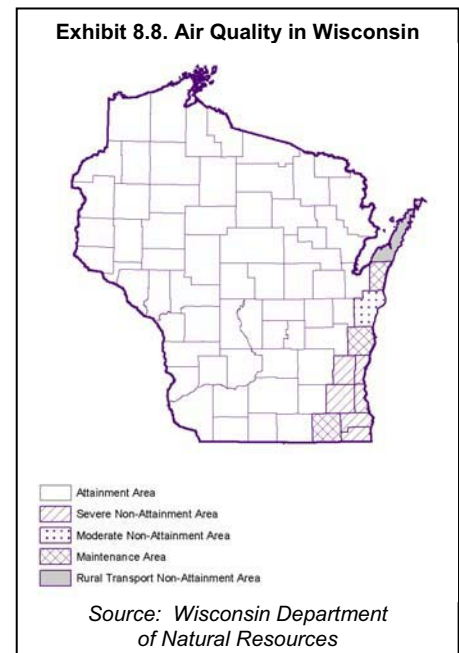
Nonmetallic mining is a widespread activity in Wisconsin. NR 135 of the Wisconsin Administrative Code establishes a statewide program regulating nonmetallic mine reclamation. As of September 2001, nonmetallic mines may not operate without a reclamation permit. The program is administered at the local level and there are 95 active mineral extraction sites in Dane County. Fifty-five (55) of these are non-conforming (NC) sites. NC sites are exempt from Zoning (Chapter 10 of the Dane County Code of Ordinances). In addition, there are a few inactive NC sites. Most towns in Dane County have at least one non-conforming site.

The Town of Black Earth currently does not have any active mines. Any active mines are required by law to develop a reclamation plan that will designate an approved land use once mining operations have ceased.

The law also allows landowners to register economically viable nonmetallic mineral deposits that are not actively being mined. Registration allows for identification, preservation, and planning for future development of marketable resources. Registered nonmetallic deposits in the Town include one gravel pit.

Air Quality

National Ambient Air Quality Standards (NAAQS) have been established by the U.S. Environmental Protection Agency⁸ to protect public health and the environment. The pollutants regulated by these NAAQS include suspended particulate matter, carbon monoxide, ozone, oxides of nitrogen, oxides of sulfur, and lead. Some counties in southeastern Wisconsin have been designated as



⁸ Section 109 of the Clean Air Act

nonattainment areas for one or more NAAQS (Exhibit 8.3). Dane County is considered an attainment area for all pollutants.

8.5 Cultural Resources

Historical/Cultural Resources

Old buildings have a special relevance to our lives today, bringing a “sense of place” to our lives and our communities. They also tell the social, cultural, economic, and political history of people in a way that no printed word or photograph can. Thus, telling the story of Wisconsin’s historic architecture is a way of documenting the diverse experiences of Wisconsin people and places.

The National and State Register of Historic Places gives honorary recognition to places that retain their historic character and are important to understanding local, state, or national history. These are official listings of properties that are worthy of preservation or significant to Wisconsin’s heritage. The Town does not have any sites listed on the State or National Register.

The Wisconsin Architecture & History Inventory is a collection of information on historic buildings, structures, sites, objects, and historic districts that illustrate Wisconsin’s unique history. The database is maintained by the Wisconsin Historical Society, and is comprised of written text and photographs of each property, which document the property’s architecture and history. Most properties become part of the Inventory as a result of a systematic architectural and historical survey, and inclusion in this inventory conveys no special status, rights or benefits to owners of these properties. These sites are in addition to those on the National and State Register of Historic Places. The Town of Black Earth has 11 sites listed in the Architecture & History Inventory, as identified in Table 8.2.

Archeological Sites

Archaeological evidence indicates that people have lived in what is now Wisconsin for over 12,000 years. It is estimated that nearly 80 percent of the archaeological sites that once existed in the state have been destroyed or severely damaged, primarily by modern land practices such as development and farming. Some of the remaining evidence includes Native American effigy mounds, often constructed in the shapes of

**Table 8.2 Town of Black Earth, WI;
Architecture & History Inventory**

| Location |
|--|
| 5469 Midland Road |
| E. Side of Midland Rd., across from 5469 |
| W. side of CTH KP, .2 miles N. of Olson Rd |
| 10110 US Hwy 14 |
| 10330 CTH KP |
| 10117 CTH KP |
| 10640 Festenfeld Rd. |
| 5087 Reeve Rd. |
| 5076 Schultz Rd. |
| 9751 CTH KP |
| 10008 US Hwy 14 |

**Exhibit 8.9. Effigy Mounds
in Wisconsin**



Source: Rowe, C. 1956. *The Effigy Mound Culture of Wisconsin. Publications in Anthropology No. 3, Milwaukee Public Museum.*

turtles, birds, bears, and other animals. Northwestern Dane County is located in a part of the state where effigy mounds are most common (Exhibit 8.11).

The Wisconsin Historical Society maintains a database of archaeological sites and cemeteries in the state. Although this database is the most comprehensive list of archaeological sites, mounds, and burial sites, it only includes sites that have been reported to the historical society. Sites listed in this database do not have special protection or status as a result of being included, and few of these sites have actually been evaluated for their importance.

Burial sites and cemeteries, whether or not they are included in the database, are protected from intentional disturbance by Wisconsin law. There may be additional sites worthy of protection that are not listed.



Laws and Statutes – Archaeological Sites

Federal Projects

Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to insure that their actions (grants, funding, permits, activities such as highway building, etc.) do not adversely affect archaeological sites on or eligible for the National Register of Historic Places. Local development efforts that are in any way making use of federal funding or that require federal permits, must evaluate project activities on known historic or archaeological sites, and may be required to investigate the potential for such resources prior to the approval of federal funding or permits.

State Projects

Archaeological sites can be protected during the course of state agency activities (funding, permits, ground-disturbing projects) if the sites have been recorded with the Office of the State Archaeologist. See Section 44.40 Wisconsin Statutes.

Political Subdivision Projects

Archaeological sites may be protected during the course of village, city, county or other political subdivision projects (e.g. building, road construction, etc.) but only if the site is listed on the National Register of Historic Places. See Section 44.43 Wisconsin Statutes.

Burial Sites

All human burial sites, including cemeteries and Indian mounds, are protected under State law Section 157.70 Wisconsin Statutes. The law applies to both public and private lands. Owners of burial sites may receive property tax exemptions. The State Historical Society of Wisconsin Burial Sites Program administers the law.

State Lands

It is illegal to remove artifacts or otherwise disturb archaeological sites on state or political subdivision (village, city, county) lands without a permit under the Field Archaeology act – Section 44.47 Wisconsin Statutes. The law applies to both archaeological sites on public lands and submerged sites such as shipwrecks on publicly owned bottomlands under lakes and rivers. The Office of the State Archaeologist administers permits, which typically are only given to professional archaeologists.

Tax Incentives

Most types of archaeological sites are not protected from destruction by private landowner activity on privately owned lands. Exceptions are covered above. As an incentive for private landowners to protect archaeological sites on their lands, the state offers a property tax exemption if the landowner formally agrees to protect the site.

Archaeological Consultants


The Office of the State Archaeologist maintains a list of archaeological consultants qualified to conduct archaeological studies to identify and evaluate sites under various federal and state historic preservation laws and statutes.

As is the case with natural resource protection, historical and cultural resource protection will require the community to enhance its efforts to promote an understanding for the area's historic and cultural landscape and discourage development that is incompatible. The Village should coordinate to the extent possible with adjacent jurisdictions to ensure protection of important cultural resources as well as collaborate with local, county and state agencies working to protect historic and cultural resources and enhance opportunities for cultural awareness.

Map 8.1
Prime Farmland
 Northwestern Dane County: 2008



Comprehensive Plan Villages
 of Black Earth and Mazomanie
 and the Town of Black Earth

Prime Farmland Legend

 Prime farmland - soils based

Note: Additional land may be considered prime farmland when certain conditions are met.

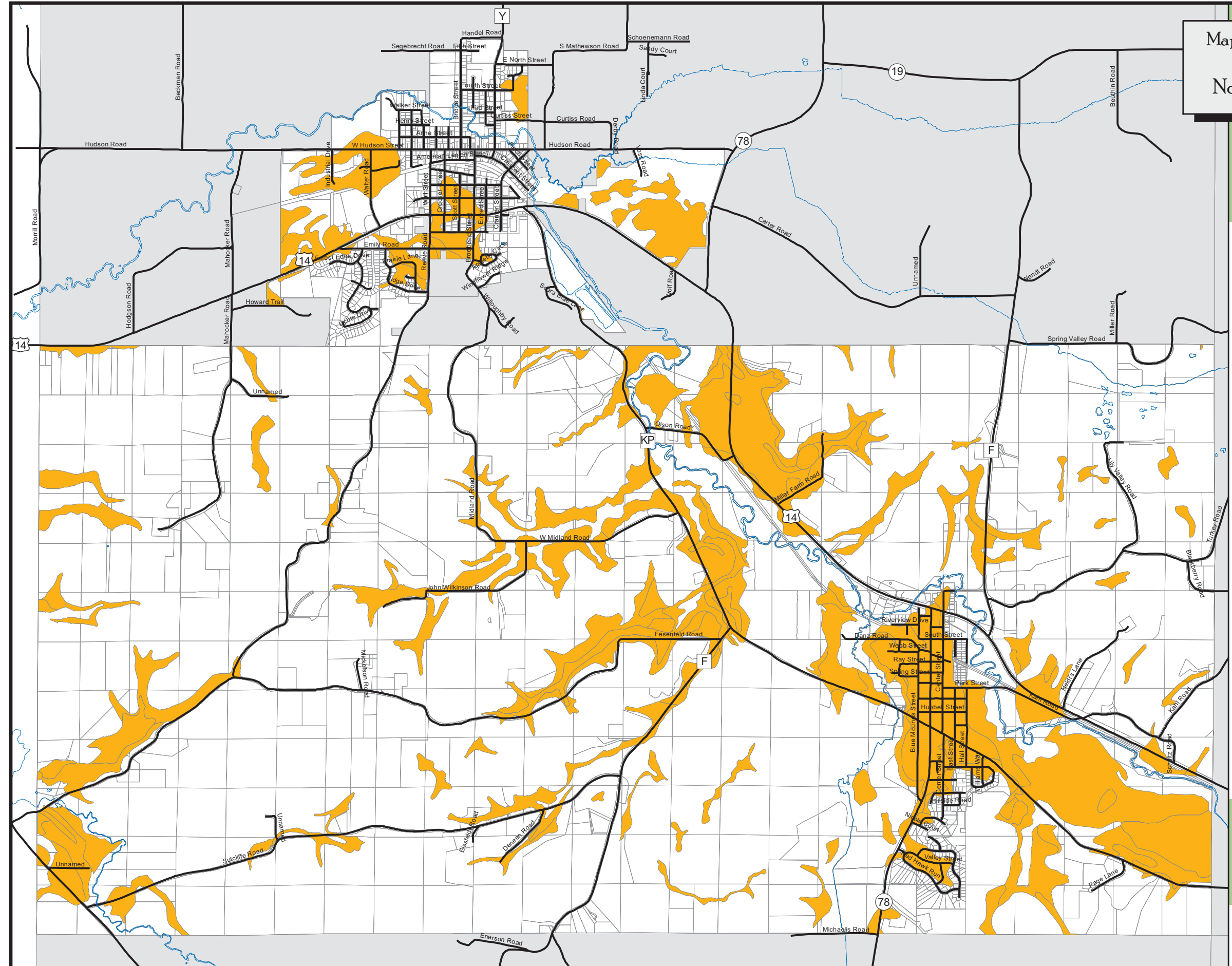
Map Features

-  Rivers or streams
-  Roads



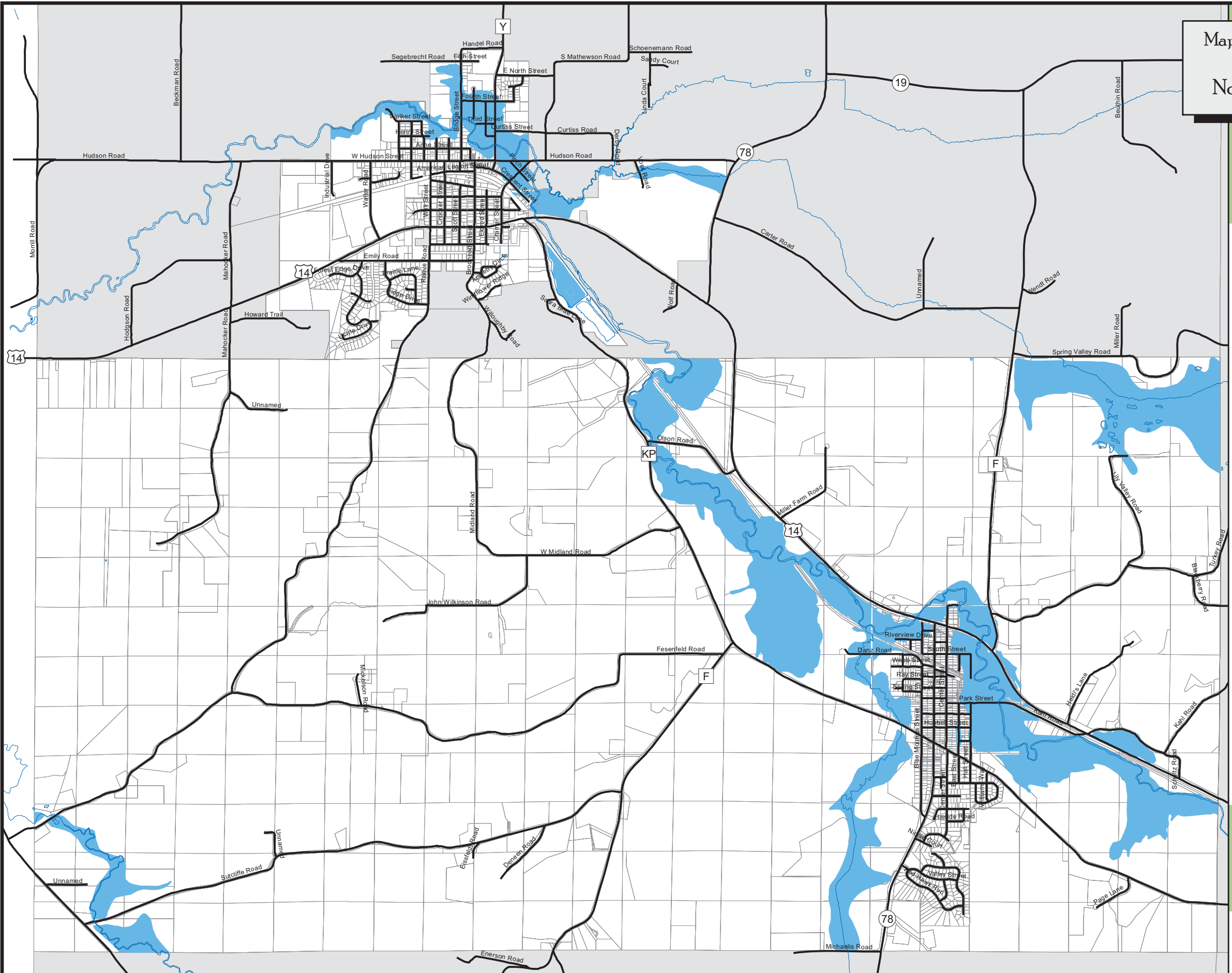
Source: Base map provided by Dane County
 Land Information Department

Map Created: October 12, 2007
 Map Edited: February 2, 2009



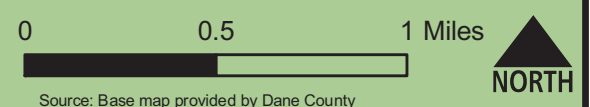
Map 8.2
 100-Year Floodplain
 Northwestern Dane County: 2008

Comprehensive Plan Villages
 of Black Earth and Mazomanie
 and the Town of Black Earth



Map Legend
 100-Year floodplain

Map Features
 Rivers or streams
 Roads



Source: Base map provided by Dane County
 Land Information Department
 Data Source: Dane County Regional Planning
 Commission (floodplain).

Map Created: October 18, 2007
 Map Edited: February 2, 2009




Map 8.3



Wetlands Northwestern Dane County: 2008

Comprehensive Plan Villages
of Black Earth and Mazomanie
and the Town of Black Earth

Map Legend

 Wetlands

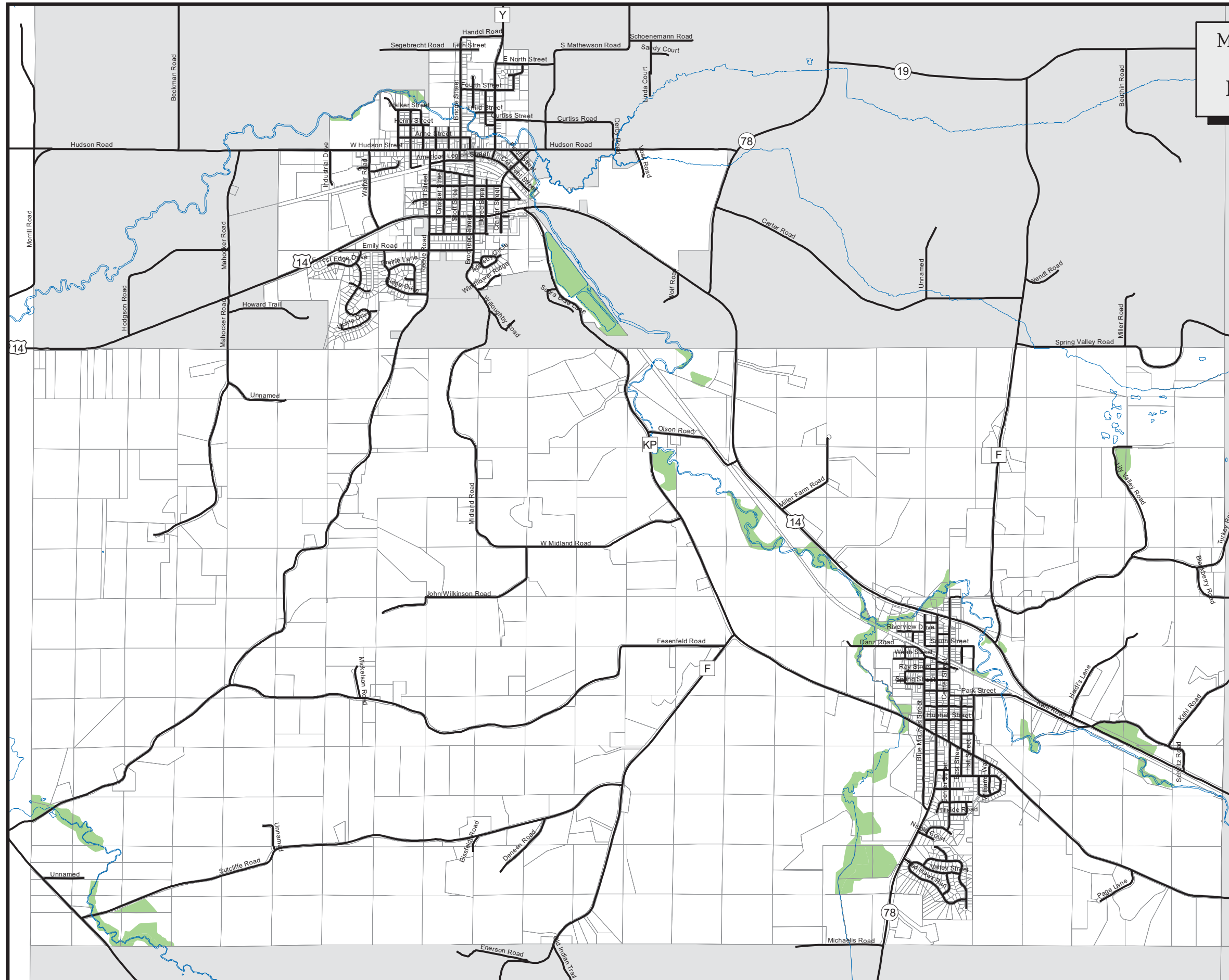
Map Features

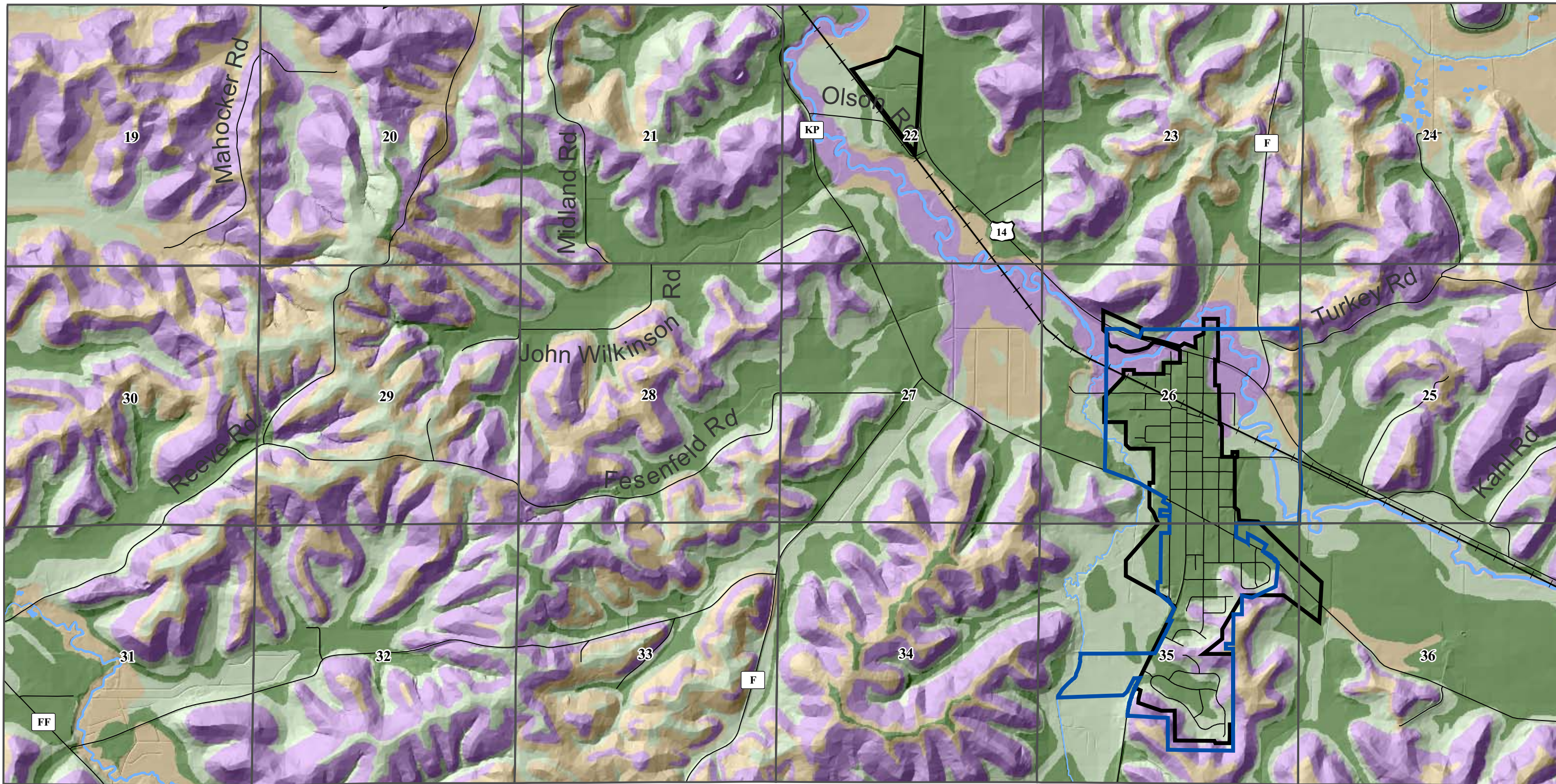
 Rivers or streams
 Roads



Source: Base map provided by Dane County
Land Information Department
Data Source: Wisconsin Department
of Natural Resources (wetlands).

Map Created: October 18, 2007
Map Edited: February 2, 2009





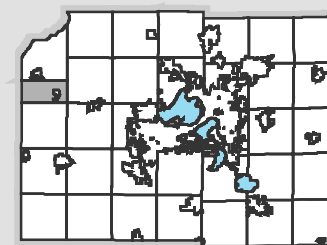
Town of Black Earth

Agricultural Land Evaluation

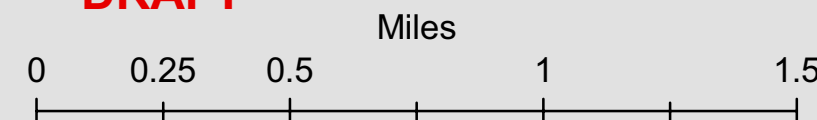
- Agricultural Land Evaluation - Drained**
- I or II (best soils for agricultural use)
 - III or IV
 - V or VI
 - VII or VIII

- Black Earth Village Boundary (2007)
- Black Earth Urban Service Area (2007)
- Section Boundary
- Roadway
- +++ Railroad
- Open Water

Agricultural Land Evaluations are based on the Land Evaluation Site Assessment rating system from Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands, Second Edition, published by the Soil and Water Conservation Society.
 Contact The Dane County Land and Water Resources Department for further details.



DRAFT



November, 2007

Source Info:
 Land Evaluation (Drained): 2003, (LWRD)
 Black Earth Village Boundary: 01/07, (DCPD)
 Black Earth Urban Service Area: 11/07, (DCPD)

This map was prepared through the Dane County Department of Planning and Development in conjunction with the Dane County Land & Water Resources Department, Dane County Land Information Office and the Dane County Community Analysis & Planning Division.

9

Economic Development Element

Town of Black Earth Comprehensive Plan

Contents

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s. 66.1001(2)(f) Wis. Stats.

The Economic Development Element is defined as a compilation of objectives, policies, goals, maps and programs to promote the stabilization, retention or expansion of the economic base and quality employment opportunities in the local governmental unit, including an analysis of the labor force and economic base of the local governmental unit. The element shall assess categories or particular types of new businesses and industries that are desired by the local governmental unit. The element shall assess the local governmental unit's strengths and weaknesses with respect to attracting and retaining businesses and industries, and shall designate an adequate number of sites for such businesses and industries. The element shall also evaluate and promote the use of environmentally contaminated sites for commercial or industrial uses. The element shall also identify county, regional and state economic development programs that apply to the local governmental unit.

9.1 Overview

Economic development creates jobs, raises income levels, diversifies the economy and improves the quality of life while protecting the environment. There are many dimensions to economic development. One important dimension is opportunity for employment and income for a community's residents. Another is the formation, attraction and expansion of organizations that create wealth –businesses, enterprises, associations, farms and governments that organize labor, capital and information to produce goods and services. It is the application of individual talent, skills, and experience within an organized economic system that creates personal and community wealth, which, in turn, directly impacts the quality of life within a community.

The economic development element of a Comprehensive Plan explores the relationship between economic activity and land use. Through the vision, goals, and objectives of this element, the community establishes guidelines for making decisions about where economic activity may occur, what types of economic activity are acceptable within the community, what constraints should be imposed on economic activity for the benefit of the community, and how the community should be involved in promoting development of appropriate types of economic activity.

The Town of Black Earth is situated approximately 20 miles east of Madison, the state's second largest city. Location next to an economically strong metropolis has its benefits. The University of Wisconsin-Madison and the hospitals located in Madison provide a solid base of jobs and education for the southern Wisconsin region. This area of Dane County experiences a degree of its economic health due to Madison and its position as a hub of education and business.

In order to maximize these benefits it is important for this region to be networked by robust transportation infrastructure. The communities are served by Highway 14, which runs through the center of Black Earth and Mazomanie and connects Middleton, Cross Plains, State Highway 12, and Madison together. This region also benefits from railroad tracks owned by Wisconsin and Southern, which connects southern Wisconsin to the national rail infrastructure.

Economic activity can be categorized by the impact that activity has on land use. The land use impact of economic activity has a number of levels. The first is the direct relationship the activity has to the land. Second is the effect the activity has upon the environment. The third is the relationship the activity has to other entities. A few examples can illustrate the levels of impacts that economic activity may have upon land use.

A mine or quarry is an activity that literally consumes the land. The land has value for this activity that is dependent upon the material in the ground. A mine or quarry may change the way water drains from the land, it may create noise from heavy equipment and blasting, the exposed material may chemically react with air and water to create hazardous by-products. It requires heavy equipment that must be transported to and from the site. Material from the site must be transported to another site for further processing or for its end use. People who live near a quarry are affected by the environmental impacts of the quarry operation.

Farming is an economic activity that uses the land to create food and other products, but if properly managed, does not consume the land. The land has value for this activity that is dependent upon the fertility of the soil, climatic conditions, and quality of the environment. Farming may affect the environment through the material that is applied to the land as part of the farming operation, through odors and noise that may be generated as part of normal operations and by run-off from fields and animal enclosures. Farmers relate to their neighbors for security and as a source of seasonal labor. Farmers bring raw materials and equipment in from other places and must transport crops to other places for processing or distribution.

Manufacturing operations use the land as a site for organizing the manufacturing process. The land has value that is dependent upon its location relative to its inputs and markets and the services that are provided to the land (electricity, sewer, water, transportation). Manufacturing activity has an impact on the environment that is dependent upon the processes used in the manufacturing. Waste is generated that must be disposed of. Impervious surface from buildings and parking lots increases the amount of water that drains from the land and increasing the potential for flooding in other parts of the community. The manufacturing operation relies upon people from the community to apply their skills and talents to the process. The manufacturing operation is also capital intensive and employs the surplus wealth created in earlier times to carry on the wealth creation process. Banks play key roles as intermediaries in the wealth creation process.

Commercial activity (primarily offices and retail) also uses land as a site for organizing operations and the value of the land is also dependent upon the services provided to the land and its location relative to its market. Commercial activity also generally requires direct exposure to its market either through visibility and access from major transportation routes or through location in proximity to other commercial activity in a trade center. Commercial activity generally does not have as much of a direct impact upon the environment as other economic activity does, but it still creates waste that needs disposing and it creates impervious surfaces that require management of storm water to prevent flooding and run-off impacts. Commercial activity has direct relationships with customers who generally come to the site along with the workers in that operation. Most

commercial operations require the stocking of goods and supplies that must be brought to the site from a distribution point.

9.2 Local Survey Results

The following is an excerpt from the Town of Black Earth Comprehensive Planning Public Opinion Survey Report developed by the University of Wisconsin – River Falls Survey Research Center. Refer to Appendix C for the full report.

The economic development questions included in the questionnaire focused on whether the Town should consider changes to its zoning regulations. In the first set of questions, respondents were asked if the Town should consider allowing commercial, industrial, or other types of development in the Town. Respondents were supportive of considering commercial developments for the Town but not of industrial development. Many of the “other” development responses were variations on a theme of business development (small business, family businesses, etc); a few mentioned recreational or arts-oriented businesses.

With respect to where commercial developments should take place, Town residents are fairly clear that they would allow them along state highways and not along Town roads. They are split very closely on whether commercial development should occur along County roads.

9.3 Labor Force Characteristics

The relationship between population and labor supply is an important one. The number of people in the community and their socio-economic characteristics (age, household composition, income, education level, etc.) affect employment characteristics.

Labor force numbers were gathered from Worker Flow data in the 2000 Census, which has detailed data on where residents in a municipality work, and where employees in a municipality live. Data from the 2000 Census provides a basis for comparison between the jobs in a community and the number of employees in a community. Data for more recent years is used later in this section when discussing what sectors of employment are common in each community. Exhibit 9.1 summarizes the number of jobs and employees in each community.

In 2000 the Town of Black Earth had a labor force of 222 individuals and, according to the Census data, was supplying 292 jobs. This means the Town would be a net importer of employees, which is opposite of a typical rural town like Black Earth. Local knowledge also confirms that the available data may be misrepresenting the Town’s actual employment landscape. Because of the curious results, the commuter flow data was cross checked with other available sources. The other data also reflects that the Town has a total of 222 workers. However, there are no other reliable ways in which to measure total number of jobs. Therefore, as 2010 census data is made available it is recommended that the employment numbers be re-examined to confirm the actual relationship between workers and jobs within the Town of Black Earth.

According to the 2000 data, about 30 percent of the Town’s labor force commutes to Madison to work; about 21 percent work in the Town. The rest of the top five employment destinations for residents are (in order): the City of Middleton, the Village of Black Earth, and the Village of Cross Plains. About 16 percent of the Town’s 292 jobs are filled by Town residents. Madison residents comprise about 14 percent of the Towns employees. The rest of the top five municipalities that supply workers for Town of Black Earth businesses are: the Village of Black Earth, the Town of Roxbury, and the Town of Mazomanie.

Table 9.1: Employment

| | Village of Black Earth | Town of Black Earth | Village of Mazomanie | Dane County | Wisconsin |
|-------------------|------------------------|---------------------|----------------------|-------------|-----------|
| Number of Workers | 721 | 222 | 845 | 242,542 | 1,950,512 |
| Number of Jobs | 495 | 292 | 903 | 266,370 | 2,019,436 |

Source: 2000 Census

See narrative for further explanation of data

The labor force in the Town of Black Earth has more employees in the education and health services segment than in comparable communities and the State of Wisconsin. Like the Village of Black Earth, the labor force lags in the manufacturing segment.

Table 9.2: Segmentation of Employed Population Age 16: 2003-2007

| Employment Category | Village of Black Earth ¹ | Town of Black Earth ¹ | Village of Mazomanie ¹ | Dane County ² | Wisconsin ³ |
|-------------------------------------|-------------------------------------|----------------------------------|-----------------------------------|--------------------------|------------------------|
| Natural Resources and Mining | 0.0% | 0.0% | 0.0% | 0.9% | 0.14% |
| Construction | 5.9% | 12.5% | 20.8% | 5.1% | 4.4% |
| Manufacturing | 1.2% | 0.0% | 17.8% | 9.8% | 17.3% |
| Trade, Transportation and Utilities | 29.4% | 1.4% | 16.0% | 16.6% | 19.1% |
| Information | 14.8% | 0.0% | 0.3% | 3.9% | 1.7% |
| Financial Activities | 3.0% | 0.0% | 0.7% | 8.3% | 5.6% |
| Professional and Business Services | 1.6% | 0.3% | 1.5% | 11.1% | 9.5% |
| Education and Health Services | 23.9% | 80.1% | 6.9% | 27.0% | 13.9% |
| Leisure and Hospitality | 8.6% | 5.7% | 6.5% | 6.9% | 9.0% |
| Other Services | 2.0% | 0.0% | 28.9% | 4.4% | 4.8% |
| Government | 9.6% | 0.0% | 0.6% | 5.9% | 14.5% |
| Total Non Farm Work Force | 511 | 351 | 1,483 | 266,694 | 2,871,900 |

1) Source: ESRI

2) Source: 2006 American Community Survey (U.S. Census Department)

3) Source: Wisconsin Department of Revenue; Economic Outlook, August 2007, Based on 2007 Quarter 2 Numbers

Educational Attainment

Table 9.3 summarizes the educational attainment within the three communities, with Dane County and State of Wisconsin comparisons.

Table 9.3: Population Age 25+ by Educational Attainment: 2000

| | Village of Black Earth | Town of Black Earth | Village of Mazomanie | Dane County | Wisconsin |
|---|------------------------|---------------------|----------------------|-------------|-----------|
| Population Age 25+ | 907 | 292 | 989 | 11,301 | 3,556,121 |
| Less than 9th grade | 6.4% | 4.5% | 3.8% | 7.4% | 5.33% |
| Some High School, no diploma | 8.7% | 3.4% | 7.1% | 11.3% | 9.49% |
| High School Graduate (or GED) | 38.6% | 44.5% | 41.0% | 42.5% | 34.49% |
| Some College, no degree | 18.6% | 24.7% | 19.2% | 18.4% | 20.60% |
| Associate Degree | 5.6% | 4.8% | 9.5% | 7.3% | 7.52% |
| Bachelor Degree | 12.6% | 11.3% | 14.4% | 9.3% | 15.36% |
| Master's, Professional Degree, Doctoral Degrees | 9.5% | 6.8% | 5.1% | 3.9% | 7.21% |

Source: U.S. Census Bureau. Census 2000 (SF 4) Table PCT64.

The Village of Black Earth has the highest percentage of people who have not finished high school and lowest percentage of high school graduates amongst the three communities. However, it also has the highest percentage of Master's/Professional/Doctoral degrees – 9.5 percent of the population, which is more than twice the rate of Dane County as a whole. The Town of Black Earth has the highest percentage of high school graduates, and exceeds state and county levels for high school graduates as well. The same is true for the Town's percentage of people who have attended some college. However, the Town does have lower levels of associate' and bachelor's degrees than the two villages. The Village of Mazomanie is in the middle of the three communities as far as people who have completed some high school, graduated from high school, or completed some college. Mazomanie has a high level of people with associates' degrees – higher than both of the other communities, and higher levels than the County and State as well. Mazomanie also has the highest level of bachelor's degrees and the lowest level of master's/professional/doctoral degrees.

Household Income

Table 9.4 summarizes the household income within the 3 communities, with Dane County and State of Wisconsin comparisons.

Table 9.4 Households by Household Income: 2006-2007

| | Village of Black Earth ¹ | Town of Black Earth ¹ | Village of Mazomanie ¹ | Dane County ² | Wisconsin ² |
|------------------------------|--|-------------------------------------|--------------------------------------|-----------------------------|------------------------|
| Total Households | 592 | 182 | 655 | 186,697 | 2,230,060 |
| Households by Income Level | | | | | |
| Income Less than \$15,000 | 7.4% | 4.9% | 4.9% | 9.0% | 12.3% |
| Income \$15,000 - \$24,999 | 6.4% | 4.9% | 6.7% | 8.6% | 11.2% |
| Income \$25,000 - \$34,999 | 8.1% | 7.7% | 7.3% | 10.1% | 11.7% |
| Income \$35,000 - \$49,999 | 13.5% | 15.4% | 16.9% | 14.0% | 15.8% |
| Income \$50,000 - \$74,999 | 28.0% | 28.0% | 27.6% | 21.2% | 21.7% |
| Income \$75,000 - \$99,999 | 22.6% | 21.4% | 19.2% | 14.7% | 12.9% |
| Income \$100,000 - \$149,999 | 11.0% | 13.7% | 13.7% | 14.1% | 9.8% |
| Income \$150,000 - \$199,999 | 2.2% | 2.2% | 1.5% | 3.8% | 2.3% |
| Income \$200,000 and over | 0.7% | 1.6% | 2.0% | 4.4% | 2.2% |
| Av. Household Income | \$66,216 | \$72,504 | \$70,808 | \$75,531 | \$60,859 |
| Median Household Income | \$61,737 | \$64,627 | \$61,929 | \$57,693 | \$48,772 |
| Per Capita Income | \$26,810 | \$28,848 | \$28,225 | \$31,101 | \$24,875 |

1) Source: 2007 ESRI Estimated Data, preceding year income in 2007 dollars.

2) Source: U.S. Census Bureau. 2006 American Community Survey

The average household income in the Town of Black Earth is marginally higher than similar communities and the County, and considerably higher than the State. Considering the bottom two segments, the Town has the lowest percentage of households with income under \$24,999 and the highest percentage of incomes above \$100,000. The Town has the highest average household income, median household income, and per capita income amongst the three communities. All three are at considerably higher levels than the state, but both average household income and per capita income are less than the Dane County levels.

9.4 Economic Base

Employment and Employers by Industry

An industry is a distinct group of businesses. Businesses are classified according to the primary type of good or service produced. Industries are typically organized by North American Industry Classification System (NAICS) codes. Industry employment is generally influenced by the following factors, though the overall effect by industry on employment varies to some degree.

- Domestic and global demand
- Cost and availability of labor
- Cost and ease of substituting capital for labor
- Other factors such as government subsidies, regulations, public acceptance and taxes.

One of the best sources for local level employment data are the ES-202 files from the Department of Workforce Development. This data set is collected by the state to determine unemployment compensation insurance rates. Public disclosure rules for this data require that employment for each business be reported as a range rather than a specific number. Table 9.5 shows low, high and median estimates for employment by industry as reported by the ES-202 data for each of the three municipalities.

The Town of Black Earth has a strong economy given its size but lacks a diverse employment base. If the low- or mid-range employment estimates are used the Town is an exporter of labor. If the high range is used, the Town imports labor. Health care and social assistance account for more than half of the available jobs in the Town of Black Earth.

Table 9.5 Employment by Industry; Town of Black Earth: 2007

| NAICS Codes | NAICS Title | No. Of Companies | Range of Employment | | |
|--------------|--|------------------|---------------------|------------|------------|
| | | | Low | Median | High |
| 31-33 | Manufacturing | 0 | 0 | 0 | 0 |
| 44-45 | Retail Trade ¹ | 0 | 0 | 0 | 0 |
| 62 | Health Care & Social Assistance | 3 | 80 | 123.5 | 167 |
| 72 | Accommodations & Food Service | 0 | 0 | 0 | 0 |
| 92 | Public Administration | 2 | 5 | 7.5 | 9 |
| 56 | Administrative & Support & Waste Management & Remediation Services | 2 | 2 | 5 | 8 |
| 61 | Educational Services | 0 | 0 | 0 | 0 |
| 23 | Construction | 2 | 1 | 2 | 4 |
| 42 | Wholesale Trade | 0 | 0 | 0 | 0 |
| 81 | Other Services | 0 | 0 | 0 | 0 |
| 48-49 | Transportation and Warehousing | 0 | 0 | 0 | 0 |
| 52 | Finance & Insurance | 0 | 0 | 0 | 0 |
| 71 | Arts, Entertainment & Recreation | 0 | 0 | 0 | 0 |
| 54 | Professional, Scientific, & Technical Services | 0 | 0 | 0 | 0 |
| 55 | Management of Companies and Enterprises | 0 | 0 | 0 | 0 |
| 51 | Information | 1 | 30 | 48.5 | 67 |
| 53 | Real Estate & Rental & Leasing | 1 | 1 | 2 | 4 |
| 21 | Mining | 0 | 0 | 0 | 0 |
| 22 | Utilities | 0 | 0 | 0 | 0 |
| 11 | Ag., Forestry, Fishing and Hunting | 0 | 0 | 0 | 0 |
| Total | | 11 | 119 | 188 | 259 |

Source: Wisconsin Dept. of Workforce Development, ES-202 Files.

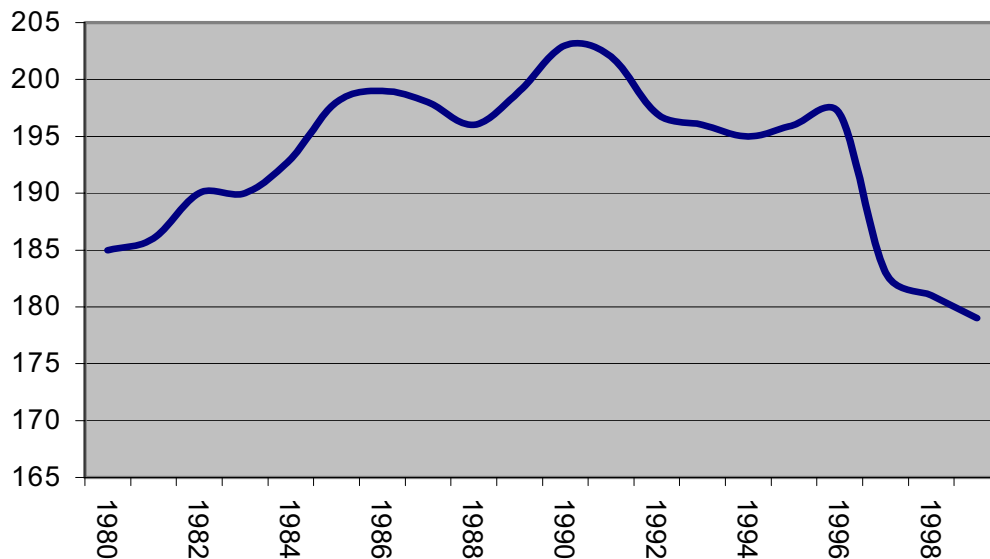
1) Combines Retail and Wholesale Trade

Farming

The most economically important industry in the Town of Black Earth is farming, which is the dominant land use in the Town. Farming is also a considerable component of the wealth and production generated. Due to advances in farming technology, a small number of people are needed to run this industry and farming is not a major provider of jobs to people outside of the families that own the operations. If Dane County trends hold true in the Town, farming has and

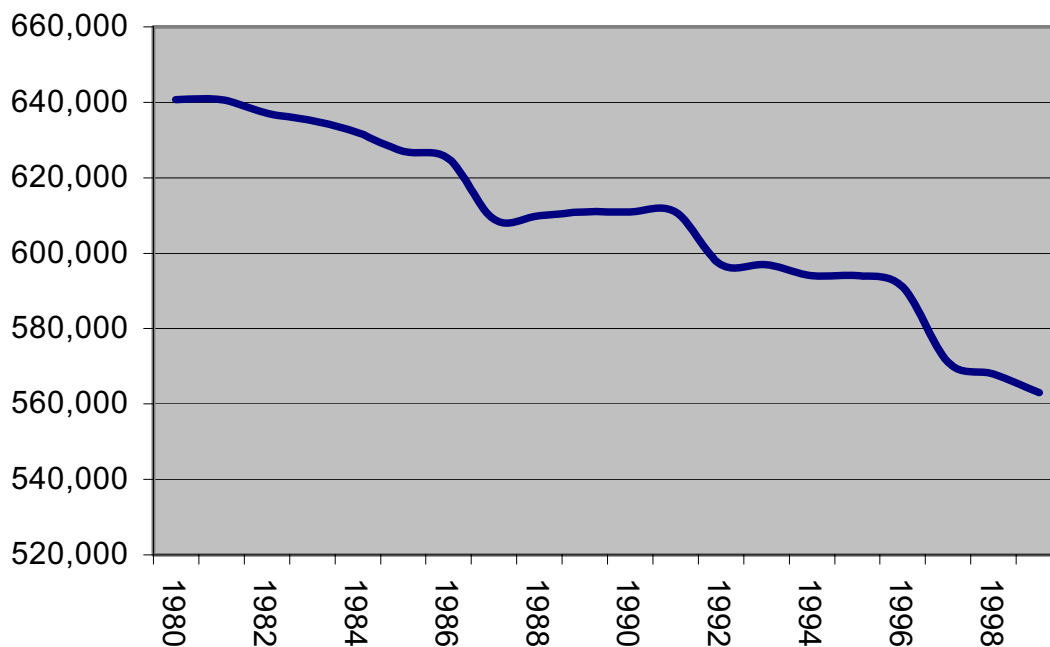
will continue to lose prominence in land use and the overall economy of the region. Exhibits 9.1 and 9.2 show trends in the amount of land consumed by farming and average farm size in Dane County from 1990 to 1999.

Exhibit 9.1: Average Acres per Farm in Dane County, 1980 - 1999



Source: United States Department of Agriculture: Census of Agriculture

Exhibit 9.2: Land in Farms in Dane County, 1980-1999



Source: United States Department of Agriculture: Census of Agriculture

Table 9.6 Major Employers In and Around the Town and Village of Black Earth; 2008

| NAICS | Industry | Employment Range | Business Name | Address of Business |
|--------|---|------------------|---|----------------------|
| 238311 | Drywall and Insulation Contractors | B = 1-4 | Diversified Wall Finishes Inc | 10637 Fesenfeld Rd. |
| 238220 | Plumbing, Heating and Air Conditioning Contractors | E = 20-49 | Modern Heating & Cooling | 10050 Highway 14 |
| 238351 | Finish Carpentry Contractors | A = 0 | Heartland Carpentry | 10559 Sutcliffe Rd. |
| 511110 | Newspaper Publishers | C = 5-9 | News Publishing Co. Inc. of Mt. Horeb | 7507 Hubbard Ave. |
| 511110 | Newspaper Publishers | C = 5-9 | News Publishing Co. Inc. of Mt. Horeb | 1126 Mills St. |
| 561730 | Landscaping Services | B = 1-4 | Lawns Unlimited LLC | 5467 County Rd. F |
| 623110 | Nursing Care Facilities | F = 50-99 | Benchmark Healthcare of Dane | 634 Center St. |
| 624120 | Services for the Elderly and Persons with Disabilities | D = 10-19 | Northwest Dane Senior Services Inc | 1020 Mills St. |
| 921140 | Executive and Legislative Offices, Combined | C = 5-9 | Town of Black Earth – Dane County (part-time employees) | 1704 Blue Mounds St. |
| 926130 | Regulation and Administration of Communications, Electric, Gas, and Other Utilities | C = 5-9 | Vanguard Electric Commission | PO Box 393 |

9.5 Growing Industries

In order to inform future labor development decisions, an estimate of future industry and job growth is needed. Table 9.7 is a projection of the fastest growing industries around the state from 2004 through 2014, and Table 9.8 shows the occupations expected to add the most new jobs during that same time period. Table 9.7 shows that the professional sectors, including health care, education, management and administrative, are set to see the largest percent increases in employment over the next seven years. Table 9.7 seems to suggest, apart from nursing, that service jobs which do not require secondary degrees will be experiencing the most future growth.

These state-wide growth projections have implications for all communities in this area. Both the Town of Black Earth and the Village of Black Earth currently rely heavily on service and professional sector jobs. Continued growth in these areas should be beneficial to both communities because they already have the workforce and infrastructure to provide for them. The Village of Mazomanie also has many jobs within the service and professional industry sectors, but overall the Village is dominated by the manufacturing sector which is expected to show a slight decrease in employment over the next seven years. However, Mazomanie’s diversified economy provides stability regardless of future trends in the manufacturing sector.

Table 9.7: 30 Fastest Growing Industries - State of Wisconsin Projections for 2004-2014

| NAICS Code ¹ | Industry Title | 2004 Average Employment ² | 2014 Projected Employment ² | 2004-2014 Employment Change | 2004-2014 Percent Change |
|-------------------------|--|--------------------------------------|--|-----------------------------|--------------------------|
| | Total, All Non Farm Industries | 3,032,810 | 3,380,410 | 347,600 | 11.5% |
| | Total, w/o Self-Employed & Unpaid Workers | 2,817,610 | 3,158,190 | 340,580 | 12.1% |
| 21 | Natural Resources and Mining | 3,870 | 3,700 | -170 | -4.4% |
| 23 | Construction | 126,730 | 150,300 | 23,570 | 18.6% |
| 31-33 | Manufacturing | 502,630 | 495,700 | -6,930 | -1.4% |
| 42 | Wholesale Trade | 114,550 | 126,600 | 12,050 | 9.3% |
| 44 | Retail Trade | 318,130 | 344,600 | 26,470 | 8.3% |
| 48 | Transportation and Warehousing | 110,180 | 123,900 | 13,720 | 12.5% |
| 22 | Utilities | 11,570 | 11,100 | -470 | -4.1% |
| 51 | Information | 50,250 | 54,400 | 4,150 | 8.3% |
| 52 | Finance and Insurance | 129,880 | 144,000 | 14,120 | 10.9% |
| 53 | Real Estate and Rental and Leasing | 27,670 | 31,800 | 4,130 | 14.9% |
| 54 | Professional, Scientific, & Technical Services | 89,500 | 108,000 | 18,500 | 20.7% |
| 55 | Management of Companies and Enterprises | 39,830 | 45,800 | 5,970 | 15.0% |
| 56 | Admin/Support & Waste Mgt/Remediation | 123,200 | 156,000 | 32,800 | 26.6% |
| 61 | Educational Services, Including State & Gov't | 260,670 | 297,700 | 132,710 | 22.2% |
| 62 | Health Care/Social Assistance | 337,320 | 433,000 | 95,680 | 28.4% |
| 71 | Arts Entertainment and Recreation | 34,470 | 38,000 | 3,530 | 10.2% |
| 72 | Accommodation and Food Services | 216,120 | 250,800 | 34,680 | 16.0% |
| 81 | Other Services (Except Government) | 141,600 | 155,500 | 13,900 | 9.8% |
| | Government | 179,450 | 187,300 | 7,850 | 4.4% |
| | Self-Employed & Unpaid Family Workers | 215,200 | 222,220 | 7,020 | 3.3% |

Source: Wisconsin Department of Workforce Development, Division of Workforce, Economic Advisors Wisconsin Projections 2004-2014

1: NAICS Code stands for North American Industry Classification System

2: Employment is rounded to the nearest ten. Numbers may not add due to rounding.

3: Employment count of jobs and not people.

4: Government includes tribal leaders

5: Employment derived using data from 2004 Current Employment Statistics (3/01 Benchmark), 2004 Quarterly Census of Employment and Wages, November 2004 Occupational Employment Statistics and unpublished data from the U.S. Bureau of Labor Statistics and U.S. Census Bureau.

Table 9.8: 30 Occupations Adding the Most New Jobs - State of Wisconsin for 2004-2014

| Occupational Title | 2004-2014 New Jobs | Educational and Training Path | Average Annual Salary |
|---|-----------------------|--------------------------------------|--------------------------|
| Registered Nurses | 16,010 | Associates or Bachelor's Degree | \$55,060 |
| Retail Sales Persons | 11,110 | Short Term On the Job Training (OJT) | \$23,330 |
| Janitors/Cleaners | 9,510 | Short Term OJT | \$21,871 |
| Customer Services Representative | 8,780 | Moderate OJT | \$30,262 |
| Combined Food Prep/ Serving Workers, Including Fast Food | 8,360 | Short Term OJT | \$15,583 |
| Personal and Home Care Aids | 8,200 | Short Term OJT | \$19,200 |
| Home Health Aides | 7,060 | Short Term OJT | \$20,162 |
| Truck Drivers, Heavy and Tractor Trailer | 6,980 | Moderate Term OTJ | \$36,797 |
| Waiter and Waitress | 6,920 | Short Term OTJ | \$15,775 |
| Nursing Aides, Orderlies, and Attendants | 6,690 | Ps Vocational Training | \$23,624 |
| Carpenters | 6,040 | Long Term OTJ | \$38,602 |
| Receptionists and Information Clerks | 4,560 | Short Term OTJ | \$23,141 |
| Sales Rep. Wholesale/Mfg, excluding Tech/Scientific Products | 4,340 | Moderate Term OTJ | \$57,978 |
| Teacher Assistants | 4,210 | Associates Degree | \$23,638 |
| Accountants and Auditors | 4,140 | Bachelor's Degree | \$57,547 |
| General and Operations Manager | 4,050 | Degree and Work Experience | \$95,592 |
| Elementary School Teachers, excluding Special Education | 4,030 | Bachelor's Degree | \$45,031 |
| Team Assemblers | 3,890 | Moderate Term OTJ | \$26,555 |
| Executive Secretaries and Administrative Assistants | 3,660 | Moderate Term OTJ | \$34,427 |
| Computer Software Engineers, Applications | 3,650 | Bachelor's Degree | \$70,386 |
| Child Care Workers | 3,470 | Short Term OTJ | \$18,585 |
| Truck Drivers, Light or Delivery Services | 3,440 | Short Term OTJ | \$24,765 |
| Landscaping and Grounds keeping Workers | 3,300 | Short Term OTJ | \$22,931 |
| Maintenance and Repairs, General | 3,100 | Long Term OTJ | \$34,576 |
| Office and Clerks, General | 3,080 | Short Term OTJ | \$23,663 |
| Computer System Analysts | 2,830 | Bachelor's Degree | \$62,910 |
| Laborers and Freight, Stock, Material Movers, | 2,820 | Short Term OTJ | \$23,693 |
| Medical Assistants | 2,750 | Moderate Term OTJ | \$27,441 |

Source: Wisconsin Department of Workforce Development, Division of Workforce, Economic Advisors Wisconsin Projections 2004-2014

1: NAICS Code stands for North American Industry Classification System

2: Employment is rounded to the nearest ten. Numbers may not add due to rounding.

3: Employment count of jobs and not people.

4: Government includes tribal leaders

5: Employment derived from 2004 Current Employment Statistics (3/01 Benchmark), 2004 Quarterly Census of Employment and Wages, November 2004 Occupational Employment Statistics and unpublished data from the U.S. Bureau of Labor Statistics and U.S. Census Bureau.

9.6 Commuting Patterns

Tables 9.9 and 9.10 illustrate worker flow out of and into Dane County, respectively. Table 9.9 shows that 242,542 people in the workforce live in Dane County. Table 9.10 shows that there are 266,370 jobs in Dane County during the 2000 Census. Combined, these tables show that Dane County is an overall importer of labor from surrounding counties.

Table 9.9 shows that 95 percent of the workers that live in Dane County also work in Dane County. Rock, Jefferson, Columbia, and Sauk Counties all have over 1,000 commuters from Dane County. Table 9.10 shows that 87 percent of the workers in Dane County also live in Dane County. All seven counties that are adjacent to Dane County send more than 1,000 employees into the County, with Columbia sending the most with 8,929.

Table 9.9: County Worker Flows – Dane County Residents’ County of Employment

| Rank | County | Number of Workers | Percent |
|--------------|---------------|-------------------|-------------|
| 1 | Dane | 229,385 | 94.58% |
| 2 | Rock | 2,020 | 0.83% |
| 3 | Jefferson | 1,901 | 0.78% |
| 4 | Columbia | 1,581 | 0.65% |
| 5 | Sauk | 1,547 | 0.64% |
| 6 | Iowa | 928 | 0.38% |
| 7 | Milwaukee | 683 | 0.28% |
| 8 | Waukesha | 595 | 0.25% |
| 9 | Green | 541 | 0.22% |
| 10 | Dodge | 427 | 0.18% |
| 11 | Walworth | 311 | 0.13% |
| 12 | Cook, IL | 203 | 0.08% |
| 13 | Winnebago, IL | 158 | 0.07% |
| 14 | Fond du Lac | 108 | 0.04% |
| 15 | Grant | 107 | 0.04% |
| | Elsewhere | 2,047 | 0.85% |
| Total | | 242,542 | 100% |

Source: 2000 Census

Table 9.10: County Worker Flows – Dane County Employees’ County of Residence

| Rank | County | Number of Workers | Percent |
|--------------|-----------|-------------------|-------------|
| 1 | Dane | 229,385 | 86.12% |
| 2 | Columbia | 8,929 | 3.35% |
| 3 | Rock | 5,021 | 1.88% |
| 4 | Jefferson | 3,971 | 1.49% |
| 5 | Green | 3,652 | 1.37% |
| 6 | Sauk | 3,428 | 1.29% |
| 7 | Iowa | 3,155 | 1.18% |
| 8 | Dodge | 1,440 | 0.54% |
| 9 | Waukesha | 783 | 0.29% |
| 10 | Milwaukee | 635 | 0.24% |
| 11 | Richland | 505 | 0.19% |
| 12 | Lafayette | 437 | 0.16% |
| 13 | Marquette | 423 | 0.16% |
| 14 | Grant | 413 | 0.16% |
| 15 | Walworth | 382 | 0.14% |
| | Elsewhere | 3,811 | 1.45% |
| Total | | 266,370 | 100% |

Source: 2000 Census

Table 9.11 below page shows the place of residence for employees who work in the Town of Black Earth (information was summarized in Section 9.2).

Table 9.11: Place of Residence for Employees Working in the Town of Black Earth

| | The Village of Black Earth | | | The Town of Black Earth | | | The Village of Mazomanie | | |
|----|----------------------------|------------|-------------|-------------------------|------------|--------------|--------------------------|------------|-------------|
| | Municipality | # | % | Municipality | # | % | Municipality | # | % |
| 1 | V. Black Earth | 132 | 26.7% | T. Black Earth | 46 | 15.8% | V. Mazomanie | 175 | 19.4% |
| 2 | C. Madison | 50 | 10.1% | C. Madison | 41 | 14.0% | C. Madison | 69 | 7.6% |
| 3 | V. Mazomanie | 38 | 7.7% | V. Black Earth | 39 | 13.4% | T. Arena* | 40 | 4.4% |
| 4 | T. Mazomanie | 29 | 5.9% | T. Roxbury | 18 | 6.2% | T. Mazomanie | 29 | 3.2% |
| 5 | V. Cross Plains | 19 | 3.8% | T. Mazomanie | 14 | 4.8% | V. Lone Rock* | 28 | 3.1% |
| 6 | T. Black Earth | 18 | 3.6% | V. Mazomanie | 12 | 4.1% | C. Richland Center* | 25 | 2.8% |
| 7 | C. Middleton | 17 | 3.4% | T. Dunn | 11 | 3.8% | C. Fitchburg | 20 | 2.2% |
| 8 | C. Evansville* | 17 | 3.4% | V. Cross Plains | 8 | 2.7% | C. Boscobel* | 20 | 2.2% |
| 9 | V. Praire Du Sac* | 16 | 3.2% | T. Sumpter* | 8 | 2.7% | V. Sauk City* | 20 | 2.2% |
| 10 | T. Arena* | 15 | 3.0% | T. Cross Plains | 7 | 2.4% | T. Sumpter* | 20 | 2.2% |
| 11 | V. Mount Horeb | 13 | 2.6% | C. Lodi* | 6 | 2.1% | V. Black Earth | 18 | 2.0% |
| 12 | T. Vermont | 12 | 2.4% | C. Monona | 6 | 2.1% | V. Cross Plains | 18 | 2.0% |
| 13 | V. Sauk City | 12 | 2.4% | T. Vermont | 6 | 2.1% | T. Spring Green* | 18 | 2.0% |
| 14 | C. Verona | 11 | 2.2% | V. Plain* | 5 | 1.7% | T. Berry | 17 | 1.9% |
| 15 | T. Berry | 10 | 2.0% | T. Berry | 4 | 1.4% | V. Arena* | 17 | 1.9% |
| | Elsewhere | 86 | 17.4% | Elsewhere | 61 | 20.9% | Elsewhere | 369 | 40.9% |
| | Total | 495 | 100% | Total | 292 | 100% | Total | 903 | 100% |

* Denotes a municipality that is not in Dane County

Source: 2000 Census

Each municipality has the highest percentage of their employees coming from within their own borders. The City of Madison, in what might be considered a “reverse commute,” provides the second most employees for each municipality. For the most part, though, each municipality draws upon communities west of Madison for their workers.

Table 9.12 on the following page shows the place of employment for residents of the Town of Black Earth (information was summarized in Section 9.2).

Table 9.12: Place of Employment for Residents of the Town of Black Earth

| | The Village of Black Earth | | | The Town of Black Earth | | | The Village of Mazomanie | | |
|----|----------------------------|------------|-------------|-------------------------|------------|--------------|--------------------------|------------|-------------|
| | Municipality | # | % | Municipality | # | % | Municipality | # | % |
| 1 | C. Madison | 275 | 38.1% | C. Madison | 68 | 30.6% | C. Madison | 279 | 33.0% |
| 2 | V. Black Earth | 132 | 18.3% | T. Black Earth | 46 | 20.7% | V. Mazomanie | 175 | 20.7% |
| 3 | V. Cross Plains | 59 | 8.2% | C. Middleton | 21 | 9.5% | C. Middleton | 78 | 9.2% |
| 4 | C. Middleton | 41 | 5.7% | V. Black Earth | 18 | 8.1% | V. Black Earth | 38 | 4.5% |
| 5 | T. Black Earth | 39 | 5.4% | V. Cross Plains | 15 | 6.8% | V. Cross Plains | 36 | 4.3% |
| 6 | C. Fitchburg | 18 | 2.5% | C. Monona | 10 | 4.5% | T. Madison | 23 | 2.7% |
| 7 | V. Mazomanie | 18 | 2.5% | V. Mazomanie | 5 | 2.3% | V. Spring Green* | 15 | 1.8% |
| 8 | T. Mazomanie | 15 | 2.1% | V. Sauk City* | 5 | 2.3% | T. Black Earth | 12 | 1.4% |
| 9 | V. Waunakee | 12 | 1.7% | T. Arlington* | 4 | 1.8% | C. Fitchburg | 12 | 1.4% |
| 10 | V. Sauk City* | 11 | 1.5% | C. Mauston* | 4 | 1.8% | C. Verona | 12 | 1.4% |
| 11 | T. Madison | 7 | 1.0% | V. Spring Green* | 4 | 1.8% | V. Sauk City* | 12 | 1.4% |
| 12 | C. Dodgeville* | 7 | 1.0% | C. Verona | 3 | 1.4% | C. Dodgeville* | 11 | 1.3% |
| 13 | V. Prairie du Sac* | 7 | 1.0% | V. Waunakee | 3 | 1.4% | C. Stoughton | 9 | 1.1% |
| 14 | C. Monona | 6 | 0.8% | C. Whitewater* | 3 | 1.4% | V. Waunakee | 9 | 1.1% |
| 15 | V. Spring Green* | 6 | 0.8% | T. Mazomanie | 2 | 0.9% | T. Berry | 8 | 0.9% |
| | Elsewhere | 68 | 9.4% | Elsewhere | 11 | 5.0% | Elsewhere | 116 | 13.7% |
| | Total | 721 | 100% | Total | 222 | 100% | Total | 845 | 100% |

* Denotes a municipality that is not in Dane County

Source: 2000 Census

Each municipality has more residents who work in Madison than work within the municipality; the respective municipality ranks second in all cases. In general, residents seem to commute longer distances than do people who work in the communities. They also tend to commute to villages and cities more than towns; Towns are shown as more of a source of employees in Table 9.12. The Town of Black Earth, though, actually has more jobs (292) than workers (222), which is unusual for a Town. The Village of Black Earth exports workers (721 people employed compared to 495 jobs in the Village), and the Village of Mazomanie imports workers (845 people employed compared to 903 jobs in the Village).

Table 9.13 shows commute time to work for each of the three communities, plus Dane County and the state of Wisconsin. The most common commute time for the Villages of Black Earth and Mazomanie is the 25-34 minute range, which is the amount of time it takes to get to employment on the west side of Madison. The Town of Black Earth also had a high amount of commuters in that range, but slightly more in the five to 14 minute range, which is the amount of time it takes to get to jobs in the Villages of Mazomanie or Black Earth, or the Village of Mount Horeb. The Town also has a high percentage of people who work at home – 10.8 percent, compared to three to four percent for both the Villages, the County, and the state of Wisconsin as a whole. Overall, the average commute for all three communities is longer than both Dane County and Wisconsin averages.

Table 9.13: Commute Time to Work

| Commute | Village of Black Earth | Town of Black Earth | Village of Mazomanie | Dane County | Wisconsin |
|-------------------|------------------------|---------------------|----------------------|-------------|-----------|
| Worked at Home | 3.9% | 10.8% | 3.3% | 3.8% | 3.9% |
| < 5 minutes | 7.1% | 4.0% | 6.2% | 3.6% | 5.2% |
| 5 to 14 minutes | 22.9% | 27.3% | 22.8% | 31.5% | 33.9% |
| 15 to 24 minutes | 17.9% | 9.1% | 14.8% | 37.3% | 31.4% |
| 25 to 34 minutes | 30.2% | 26.8% | 23.9% | 18.1% | 15.8% |
| 35 to 44 minutes | 11.0% | 17.2% | 17.1% | 3.7% | 4.7% |
| 45 to 89 minutes | 9.2% | 13.1% | 13.3% | 4.4% | 7.3% |
| 90+ minutes | 1.7% | 2.5% | 1.8% | 1.3% | 1.7% |
| Av. commute time* | 24.6 | 27.5 | 26.1 | 19.9 | 20.8 |
| Total Employees | 721 | 222 | 845 | 242,542 | 2,690,704 |

* For people not working at home (in minutes)

Source: 2000 Census

9.7 Property Values

The Wisconsin Department of Revenue maintains a database of assessed property values for every taxing jurisdiction in the state. This database is a valuable resource for analyzing local economies. The total assessed value is an indicator of the property taxes a community might have at its disposal. Dividing this amount by the population provide the per capita assessed value; a figure which reflects the amount of property per person that can be taxed to provide services. A higher per capita rate of property assessment suggests that a lower tax rate is possible to provide the same amount of services. Table 9.14 shows both the dollar amount of assessments by property use, and the percentage for each community. Dane County and Wisconsin percentages are provided for comparison.

Table 9.14: Assessed Values

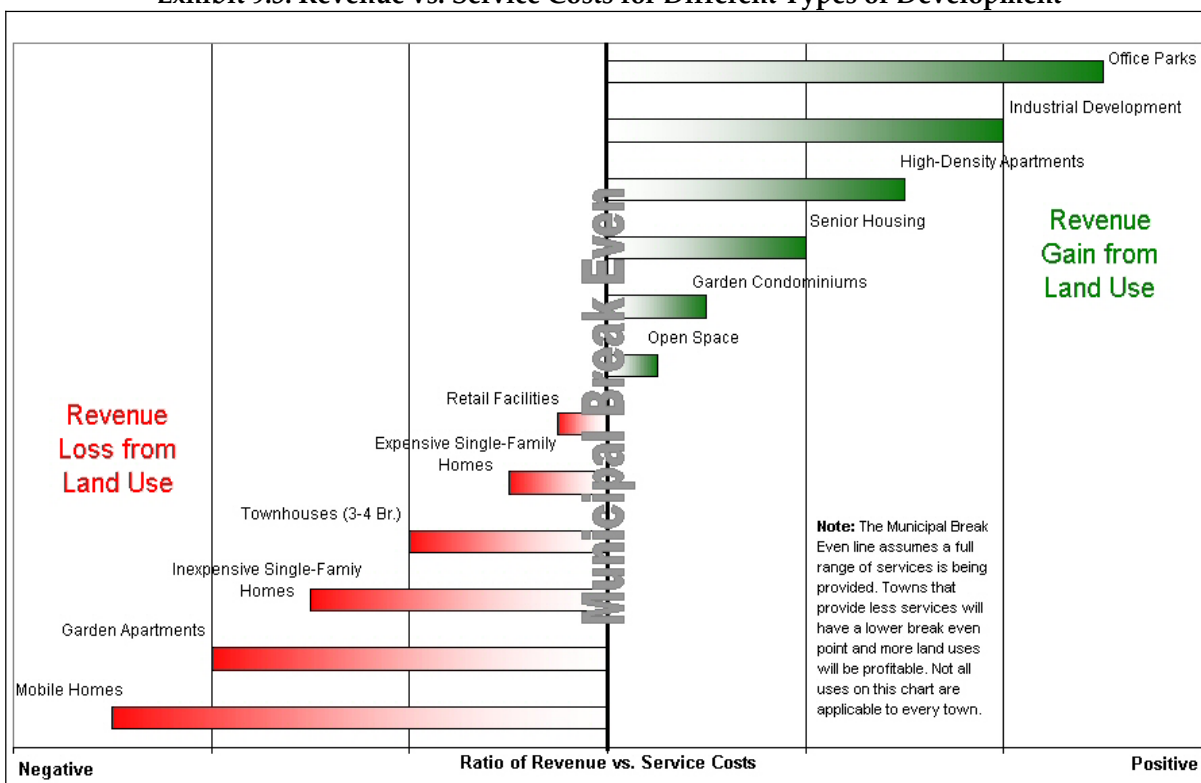
| Property Use | Village of Black Earth | | Town of Black Earth | | Village of Mazomanie | | Dane County | WI |
|---------------|------------------------|---------------|---------------------|---------------|----------------------|---------------|---------------|---------------|
| | Value | Percent | Value | Percent | Value | Percent | Percent | Percent |
| Residential | \$87,815,000 | 87.4% | \$35,066,000 | 71.3% | \$83,501,600 | 70.7% | 72.2% | 74.1% |
| Commercial | \$11,938,200 | 11.9% | \$885,700 | 1.8% | \$20,045,200 | 17.0% | 24.3% | 18.1% |
| Manufacturing | \$595,800 | 0.6% | \$0 | 0.0% | \$14,039,300 | 11.9% | 1.7% | 2.5% |
| Agricultural | \$28,100 | 0.0% | \$770,400 | 1.6% | \$21,700 | 0.0% | 0.2% | 0.5% |
| Undeveloped | \$67,800 | 0.1% | \$523,900 | 1.1% | \$3,900 | 0.0% | 0.1% | 0.4% |
| Ag. Forest | \$300 | 0.0% | \$2,187,800 | 4.4% | \$0 | 0.0% | 0.1% | 0.5% |
| Forest | \$0 | 0.0% | \$2,925,500 | 5.9% | \$53,200 | 0.0% | 0.1% | 1.8% |
| Other | \$0 | 0.0% | \$6,819,500 | 13.9% | \$379,800 | 0.3% | 1.3% | 2.2% |
| Total | \$100,445,200 | 100.0% | \$49,178,800 | 100.0% | \$118,044,700 | 100.0% | 100.0% | 100.0% |
| Per Capita | \$74,570 | | \$101,400 | | \$73,502 | | \$98,269 | \$86,216 |

Source: Wisconsin Department of Revenue, 2007 Statement of Assessments, November 17, 2007. Wisconsin Department of Administration, Final Population Estimates for 2007.

The Village of Mazomanie has the highest assessed value overall, with a significant amount of manufacturing value – nearly 12 percent, compared to the Dane County average of just 1.7 percent. The Village of Black Earth has the highest residential assessed value, but its commercial property and manufacturing are significantly lower than Mazomanie’s. These numbers are reflective of the fact that Village of Black Earth exports employees, while Mazomanie imports them. Both Villages have lower per capita assessed values than the County as a whole. They have not had the explosive growth that many areas surrounding Madison have, and they lack the high-value office parks and commercial development that has been occurring around the highways in Madison, Middleton, Monona, and Sun Prairie. The Town of Black Earth has the highest per capita assessment level of the three communities, higher than the Dane County rate. It has a high amount of residential assessed value for the Town’s population.

These figures are an important consideration when making land use decisions. Communities with a low per capita assessed value may have trouble providing services. Increasing this figure is difficult. The most important thing to remember is that not all development improves a community’s fiscal capacity. Only those land uses that yield more in tax revenues than they cost in services have the ability to improve fiscal capacity. Exhibit 9.3 below shows how different types of land use compare when it comes to improving per capita fiscal capacity. Land uses to the right offer the highest ratio of revenue/cost of services. Notice that open space, or not developing at all, may be better than developing uses to the left – the level of service required by these uses may not be covered by the taxes they generate. Of course, land use decisions are not as easy as this exhibit suggests. Many of the high value uses on the right would not be possible without the existence of components on the left.

Exhibit 9.3: Revenue vs. Service Costs for Different Types of Development



9.8 Categories of Economic Activity Desired

Representatives of the Town of Black Earth Plan Commission that serve on the Regional Oversight Committee held discussions regarding the types of economic activity that they would like to see in the area. In addition, participants of the open houses were also asked to provide input about desired types of economic growth. Based on those discussions and public input, the following types of businesses are desired within the Town of Black Earth:

- Grocery Store
- Healthcare
- Hardware Store

9.9 Environmentally Contaminated Sites

Background

By definition, brownfields are abandoned, idle or underused industrial or commercial facilities, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

When economic development is hampered by costs associated with removing remnants of prior uses, including demolishing buildings and cleaning up environmental contamination, this property can be identified as a “brownfield.” The suspicion of contamination is often enough to send developers looking elsewhere. Identifying brownfields and removing the obstacles to development should be a top priority of the municipalities.

What Can Municipalities Do?

The first step is to identify the brownfield properties in the jurisdiction. There is no comprehensive database for this and every case is different. For example, some properties may have major contamination but the property is so valuable that development will still occur. Other sites may have a minor amount of contamination, but it’s enough to stop development. Still other sites may have no contamination but are being avoided by developers because of suspected contamination. Former gas stations are good examples of this. What often needs to be done is to ask local developers what properties they would consider if they were free of all contamination, buildings, and other remnants of former uses.

Once a brownfield is identified, the first step is often conducting Phase I and Phase II environmental assessments. This relatively inexpensive option may be enough to allay the fears of developers about the presence of environmental contamination. In other cases, it may be in the best interest of the municipality to have dilapidated structure removed and environmental contaminants cleaned up. Grants are frequently offered by the Wisconsin Department of Natural Resources (DNR) to pay for assessments, building demolition, and environmental clean-up.

Brownfields in the Community

Wisconsin’s Smart Growth legislation requires identification of potential redevelopment sites. Table 9.15 shows the brownfield sites within all three communities. Properties listed below are identified by the Wisconsin Department of Natural Resources as contaminated sites, including spills, leaking tanks, Superfund sites, or sites with other discharges of hazardous substances. There is one site identified in the Town of Black Earth, located at 9749 Kahl Road.

Table 9.15: Brownfields

| Activity Name | Address | | Database(s) | Type of Contamination | Petroleum Risk | Cleanup Status |
|-----------------------------------|----------------------|------------|---------------------------------|--------------------------------|----------------|----------------|
| Premier Cooperative | STH 14 | VBE | ERP | Unavailable | N/A | Closed |
| Patrons Mercantile Co-Op | STH 14 | VBE | ERP | Unavailable | Low | Closed |
| Patrons Mercantile Co-Op | 1009 Mills St. | VBE | ERP | Soil and Groundwater | Medium | Closed |
| Marathon Station | STH 78 & STH 14 | VBE | LUST | Soil and Groundwater | High | Closed |
| Urso Property | 1110 State St. | VBE | LUST, HW Generator, HW Fuel | Soil and Groundwater | Medium | Closed |
| Black Earth Manor | STH 14 & STH 78 | VBE | LUST | Soil | Medium | Closed |
| Black Earth 76 | 1525 State St. | VBE | LUST, SPILL | Soil, Groundwater, and Surface | Medium | Closed |
| Don's Tire | 1030 Mills St. | VBE | LUST, Solid Waste Transporter | Soil | High | Closed |
| Black Earth VII | 1210 Mills St. | VBE | LUST, Solid Waste Transporter | Soil | High | Closed |
| Williams Property | 9749 Kahl Rd. | TBE | LUST | Soil | High | Closed |
| Muse Allen Property | 421 Eldred St. | VM | LUST | Soil | Low | Closed |
| Olson's Standard | 15 E. Commercial St. | VM | LUST, HW Generator - Very Small | Soil | Low | Closed |
| Bolligs Grocery & Service Station | 430 Broadhead St. | VM | LUST | Soil | High | Closed |
| Johanning Bus Barn | 321 Commercial St. | VM | LUST | Soil | Low | Closed |
| Wick Building Systems | 405 Walter Rd. | VM | LUST, Waste Registry Site | Soil | Low | Closed |
| Dienberg Property | 625 W. Hudson St. | VM | LUST | Soil | Low | Closed |

Address Key: VBE = Village of Black Earth; TBE = Town of Black Earth; VM = Village of Mazomanie

Database Key: ERP = Environmental Repair Program Database; LUST = Leaking Underground Storage Tank Database; HW = Hazardous Waste; SPILL = Wisconsin Spills Database

Source: DNR BRRTS Database

9.10 Economic Development Programs

While national forces play a part in business location decisions, state, regional, and local factors including tax structure and laws, incentives, regulations, and the presence of infrastructure typically play an even more significant role.

There are numerous programs and laws available to assist any municipality with economic development. Some of the most powerful for rural communities are the Tax Increment Financing tools, Community Development Block Grants, brownfield grants from the State of Wisconsin and low-interest loans for small businesses and farmers from state and federal agencies. Below is a compilation of economic development programs that are available for use within the three communities.

State Programs

Grow Wisconsin is Governor Jim Doyle's plan to create jobs, released in September 2003. The plan's eight strategic goals are:

- Retain and create high wage jobs
- Prepare workers for tomorrow's economy
- Add value in Wisconsin's economic base
- Create and unleash knowledge to build emerging industries
- Tap Wisconsin's full urban potential
- Implement strategies regionally
- Lower regulatory burdens, keep standards high
- Build a work class infrastructure

Each of these eight goals includes an implementation plan which includes government actions, programs, and funding opportunities. The full text can be found at www.wisconsin.gov.

The **Wisconsin Department of Commerce (COMMERCE)** has a broad range of financial assistance programs to help communities undertake economic development. COMMERCE categorizes programs as Agriculture, Business, Environmental Cleanup, Individuals and Families, Local Government and Organizations (for and non-profit) This quick reference guide identifies these programs and selected programs from other agencies. COMMERCE maintains a network of Area Development Managers to offer customized services to each region of Wisconsin. For more information on COMMERCE finance programs contact: Kathy Heady, Area Development Manager, (608) 266-9944, e-mail: Kathy.Heady@wisconsin.gov.

The **Brownfields Initiative** provides grants to persons, businesses, local development organization, and municipalities for environmental remediation activities for brownfield sites where the owner is unknown, cannot be located or cannot meet the cleanup costs.

The **Community-Based Economic Development Program (CBED)** is designed to promote local business development in economically-distressed areas. The program awards grants to community-based organizations for development and business assistance projects and to municipalities for economic

development planning. The program helps community-based organizations plan, build, and create business and technology-based incubators, and can also capitalize an incubator tenant revolving-loan program.

The **Community Development Block Grant (CDBG)–Blight Elimination and Brownfield Redevelopment Program (BEBR)** can help small communities obtain money for environmental assessments and remediate brownfields. Contact Jim Frymark, Bureau Director, (608) 266-2742, e-mail: jim.frymark@wisconsin.gov

The **Small Cities Housing Program (CDBG)** provides grants to general purpose units of local government for housing programs which principally benefit low and moderate income (LMI) households. CDBG dollars are flexible and responsive to local needs. Contact Joanna Schumann, (608) 261-6535, e-mail: Joanna.Schumann@Wisconsin.gov

The **CDBG-Emergency Assistance Grant Program** can help small communities repair or replace infrastructure that has suffered damages as a result of catastrophic events. Contact Caryn Stone, (608) 267-3682, e-mail: Caryn.Stone@wi.gov

The **CDBG Block Grant –Small Cities Public Facilities** component helps eligible local governments upgrade community facilities, infrastructure, and utilities for the benefit of low- to moderate-income residents. Contact Sandy Herfel, (608) 266-2435, e-mail: Sandra.Herfel@wi.gov

The **CDBG – Public Facilities** component helps eligible local governments upgrade community facilities, infrastructure, and utilities for the benefit of low- to moderate-income residents.

The **CDBG – Public Facilities for Economic Development** component offers grants to communities to provide infrastructure for a particular economic development project.

The **CDBG – Economic Development Program** provides grants to communities to loan to businesses for start-up, retention, and expansion projects based on the number of jobs created or retained. Communities can create community revolving loan funds from the loan repayments.

The **Community Development Zone Program** is a tax-benefit initiative designed to encourage private investment and job creation in economically-distressed areas. The program offers tax credits for creating new, full-time jobs, hiring disadvantaged workers and undertaking environmental remediation. Tax credits can be taken only on income generated by business activity in the zone. Contact Peggy Burke, (608) 266-3751, e-mail: Peggy.Burke@Wisconsin.gov or Todd Jensen, (608) 266-3074, e-mail: Todd.Jensen@Wisconsin.gov

The **Health Care Provider Loan Assistance Program** provides repayment of educational loans up to \$25,000 over a five-year period to physician assistants, nurse practitioners, and nurse midwives who agree to practice in medical-shortage areas in Wisconsin. The program is designed to help communities that have shortages of primary care providers and have difficulty recruiting providers to their area.

The **Physician Loan Assistance Program** provides repayment of medical school loans up to \$50,000 over a five-year period to physicians who are willing to practice in medical-shortage areas in Wisconsin. The program is designed to help communities that have shortages of primary care physicians, and have had difficulty recruiting these physicians to their area.

Other State of Wisconsin Programs

The **Freight Railroad Preservation Program** provides grants to communities to purchase abandoned rail lines in the effort to continue freight rail service, preserve the opportunity for future rail service, and to rehabilitate facilities, such as tracks and bridges, on publicly-owned rail lines. Contact Frank Huntington, Bureau of Railroads and Harbors, (608) 267-3710, e-mail: frank.huntington@dot.state.wi.us

The **Minority Business Development Fund – Revolving Loan Fund (RLF) Program** is designed to help capitalize RLFs administered by American Indian tribal governing bodies or local development corporations that target their loans to minority-owned businesses. The corporation must be at least 51-percent controlled and actively managed by minority-group members, and demonstrate the expertise and commitment to promote minority business development in a specific geographic area. Contact the Bureau of Minority Business Development.

The **State Infrastructure Bank (SIB) Program** is a revolving loan program that helps communities provide transportation infrastructure improvements to preserve, promote, and encourage economic development and/or to promote transportation efficiency, safety, and mobility. Loans obtained through SIB funding can be used in conjunction with other programs. Contact the Department of Transportation.

The **Customized Labor Training (CLT) Program** is designed to assist companies that are investing new technologies or manufacturing processes by providing a grant of up to 50% of the cost of training employees on the new technologies. The program's primary goal is to help Wisconsin manufacturers maintain a workforce that is on the cutting edge of technological innovation. Contact Kathy Heady, Area Development Manager, (608) 266-9944, e-mail: Kathy.Heady@wisconsin.gov

The Department of Commerce offers **Entrepreneurial Development Programs** which contains two types of grants. **Early Planning Grant (EPG)** allows applicants, who fall within particular industrial clusters, to hire an independent third party to help them prepare a comprehensive business plan. Although this program typically provides grants for 75% of eligible project costs up to \$3,000, there are limited funds available. **Entrepreneurial Training Program (ETP)** Is for entrepreneurs that would rather prepare their business plan in a more formal setting and for those businesses that fall outside the identified Industrial Clusters, Commerce offers the ETP program. Under this program, applicants are provided with a grant to cover up to 75% of the tuition costs associated with enrolling in an approved course at their local Small Business Development Center (SBDC). For eligibility and industry cluster information please visit the Wisconsin Department of Commerce home page @ <http://www.commerce.state.wi.us/>.

The **Health Professions Loan Assistance Program (HPLAP)** provides incentives of medical school loans up to \$50,000 over a three-year period to physicians, dentists, nurse practitioners (NPs), physician assistants (PAs), registered dental hygienists (RDHs) and certified nurse midwives (CNMs) who are willing to practice in Wisconsin rural and urban medical shortage areas. The program is designed to help communities that have shortages of primary care physicians, and have had difficulty recruiting these physicians to their area. Contact John Eich, Wisconsin Office of Rural Health, (800) 385-0005, e-mail: eich@wisc.edu

The **State Infrastructure Bank (SIB) Program** is a revolving loan program that helps communities provide transportation infrastructure improvements to preserve, promote, and encourage economic development and/or to promote transportation efficiency, safety, and mobility. Loans obtained through SIB funding can be used in conjunction with other programs. Contact Dennis Leong, Department of Transportation, (608) 266-9910, e-mail: dennis.leong@dot.state.wi.us.

Tax Incremental Financing (TIF) can help a municipality undertake a public project to stimulate beneficial development or redevelopment that would not otherwise occur. It is a mechanism for financing local economic development project in underdeveloped and blighted areas. Taxes generated by the increased property values pay for land acquisition or needed public works. TIF is currently available for limited use by towns.

The **Wisconsin Transportation Facilities Economic Assistance (TEA) and Development Program** funds transportation facilities improvements (road, rail, harbor, airport) that are part of an economic development project. Contact Dennis W. Leong, Department of Transportation, (608) 266-9910, e-mail dennis.leong@dot.state.wi.us.

The **Freight Railroad Infrastructure Improvement Program** awards loans to businesses or communities wishing to rehabilitate rail lines, advance economic development, connect an industry to the national railroad system, or to make improvements to enhance transportation efficiency, safety, and intermodal freight movement. Contact Frank Huntington, Bureau of Rails and Harbors, (608) 267-3710, e-mail: frank.huntington@dot.state.wi.us

The **Wisconsin Technology Zone Program** offers tax credit incentives to new and growing businesses in the state's high-technology sectors. High technology businesses planning to expand existing operations in a designated Technology Zone area, individuals planning to start a new business in a Technology Zone area or businesses considering a relocation to a Technology Zone area from outside Wisconsin may be eligible for Technology Zone tax credits.

For more information go to the Capital Ideas technology zone homepage @ www.capital-ideas.org

The **Waste Reduction and Recycling Demonstration Grant Program** helps businesses and local governing units fund waste reduction, reuse, and recycling projects on a pilot or demonstration scale. The applicant must provide evidence of having the technical ability, experience and financial support necessary to successfully carry out the project. Up to 50 percent of the total eligible project costs (not to exceed \$150,000) can be reimbursed. Contact Sandy Chancellor, Recycling Grant Manager, Wisconsin Dept. of Natural Resources, (608) 264-9207, e-mail: Sandra.Chancellor@wisconsin.gov.

The **Dairy 2020 Initiative** is designed to help Wisconsin dairy business find ways to improve the business climate and competitive position of the Wisconsin Dairy Industry, enhance individual business profitably, and enrich the quality of lives for Wisconsin dairy farmers and their rural communities.

The Dairy 2020 Early Planning Grant (EPG) encourages start up, modernization and expansion of Wisconsin dairy farms in cities, towns, or villages with populations less than 6,000. The program provides grants to dairy producers to pay for professional services such as the preparation of a business plan. The award can be for up to 75 percent of the professional services with a maximum grant of \$3,000. Contact Irv Possin, (920) 322-1888 e-mail: Irv.Possin@wisconsin.gov

The **Milk Volume Production (MVP)** program provides qualifying dairy producers with the type of financing necessary to fill the "equity gap" and to partner with local communities to increase dairy production in Wisconsin. For information related to eligibility and the application process go to the Agriculture Business section of the Wisconsin Department of Commerce home page or Contact Irv Possin, (920) 322-1888, e-mail: Irv.Possin@wisconsin.gov.

Federal Programs

There is a wide range of federal programs intended to foster economic development. A review of the “Catalog of Federal Domestic Assistance” was conducted to identify those programs most applicable to each of the communities. Each program is described below and includes the CFDA identified. Detailed program descriptions can be found at [http:\ \cfda.gov](http://\cfda.gov).

Rural Business Opportunity Grants CFDA: 10.773, Agency: Regional Business Service

Objectives: Grant funds may be used to assist in the economic development of rural areas by providing technical assistance, training, and planning for business and economic development.

Community Development Block grants/Entitlement Grants CFDA: 14.218, Agency: Housing and Urban Development (HUD)

Objectives: To develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for person of low to moderate income.

Farm Operating Loans CFDA: 10.406, Agency: Farm Service Agency

Objectives: To enable operators of not larger than family farms through the extension of credit and supervisory assistance, to make efficient use of their land, labor, and other resources, and to establish and maintain financially viable farming and ranching operations.

Interest Assistance Program CFDA: 10.437, Agency: Farm Service Agency

Objectives: To provide a four percent subsidy to farms and ranchers who do not qualify for standard commercial credit. Guaranteed loans are serviced by a lender who has entered into a Lenders Agreement with the agency.

Business and Industry Loans CFDA: 10.768, Agency: Regional Business Service

Objectives: To assist public, private, or cooperative organizations (profit or non-profit), Indian tribes or individuals in rural areas to obtain quality loans for the purpose of improving, developing or financing business, industry and employment and improving the economic and environmental climate in rural communities including pollution abatement and control.

Empowerment Zones Program CFDA: 10.772, Agency: United State Dept. of Agriculture

Objectives: The purpose of this program is to provide for the establishment of empowerment zones and enterprise communities in rural areas to stimulate the creation of new jobs, particularly for the disadvantaged and long-term unemployed, and to promote revitalization of economically distressed areas.

Community Development Block Grants/Brownfield Economic Development Initiative CFDA: 14.246, Agency: Housing and Urban Development (HUD)

Objectives: To return brownfields to productive use by assisting public entities eligible under the Section 108-Guaranteed Loan program carry out qualified economic development projects on brownfields authorized by Section 108(a) of the Housing and Community Development Act of 1974, as amended. Grant assistance must enhance the security of loans guaranteed under the Section 108 program or improve the viability of projects financed with loans guaranteed under the Section 108 program.

Bank Enterprise Award Program CFDA: 21.021, Agency: Treasury

Objectives: To encourage insured depository institutions to increase their level of community development activities in the form of loans, investments, services and technical assistance within distressed communities and to provide assistance to community development financial institution's through grants, stock purchases, loans, deposits and other forms of financial and technical assistance. The program rewards participating insured depository institutions for increasing their activities in economically distressed communities and investing in community development financial institutions.

Construction Grants for Wastewater Treatment Works CFDA: 66.418, Agency: Environmental Protection Agency

Objectives: To assist and serve as an incentive in construction of municipal wastewater treatment works which are required to meet State and/or Federal water quality standards and improve the water quality in the waters of the United States.

Brownfield Assessment and Cleanup Cooperative Agreements CFDA: 66.818, Agency: Environmental Protection Agency

Objectives: To provide funding: (1) to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites; (2) to capitalize a revolving loan fund (RLF) and provide sub-grants to carry out cleanup activities at brownfield sites; and (3) to carry out cleanup activities at brownfield sites that are owned by the grant recipient.

Farm Ownership Loans CFDA: 10.407, Agency: Farm Service Agency

Objectives: To assist eligible farms, ranchers, and aquaculture operators, including farming cooperatives, corporations, partnerships, and joint operations to: Become owner-operators of not larger than family farms; make efficient use of the land, labor, and other resources; carry on sound and successful farming operations; and enable farm families to have a reasonable standard of living.

Rural Community Development Initiative CFFDA: 10.446, Agency: Rural Housing Service

Objectives: To develop the capacity and ability of private, nonprofit community-based housing and community development organizations, and low income rural communities to improve housing, community facilities, community and economic development projects in rural areas.

Rural Economic Development Loans and Grants CFDA: 10.854, Agency: Regional Business Service

Objectives: To promote rural economic development and job creation projects, including funding for project feasibility studies, start-up costs, incubator projects, and other reasonable expenses for the purpose of fostering rural development.

Procurement Assistance to Small Businesses CFDA: 59.009, Agency: Small Business Administration

Objectives: To assist small business in obtaining a "fair" share of contracts and subcontracts for Federal governmental supplies and services and a "fair" share of property sold by the government.

Small Business Loans CFDA: 59.012, Agency: Small Business Administration

Objectives: To provide guaranteed loans to small businesses which are unable to obtain financing in the private credit marketplace, but can demonstrate an ability to repay loans granted.

Service Corps of Retired Executives Association CFDA: 59.026, Agency: Small Business Administration

Objectives: To use the management experience of retired and active business management professionals to counsel and train potential and existing small business owners.

Small Business Development Center CFDA: 59.037, Agency: Small business Administration

Objectives: To provide management counseling, training and technical assistance to the small business community through Small Business Development Centers (SBDCs).

Certified Development Company Loans (504 Loans) CFDA: 59.041, Agency: Small Business Administration

Objectives: To assist small business concerns by providing long-term, fixed-rate financing for fixed assets through the sale of debentures to private investors.

Farm Storage Facility Loans CFDA: 10.056, Agency: Farm Service Agency

Objectives: To encourage the construction of on-farm grain storage capacity and to help farmers adapt to identity preserved storage and handling requirements for genetically enhanced production.

10

Intergovernmental Cooperation

Town of Black Earth Comprehensive Plan

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s. 66.101(2)(g) Wis. Stats

*The purpose of the **Intergovernmental Cooperation Element** is to provide a compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts and adjacent local governmental units, and to the regions, the state and other governmental units. The element shall incorporate any plans or agreements to which the local governmental unit is a part under s. 66.0301, 66.0307 or 66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.*

10.1 Overview

Given the number and range of public and quasi-public entities that can affect the daily lives of community residents, intergovernmental cooperation is a very important consideration in this plan.

Cooperation can take many forms (Exhibit 10.1). Relationships may be informal, based on verbal agreements or other informal arrangements. Or, cooperation may be more formal as expressed in a legally binding agreement. Most intergovernmental cooperation is done for the purpose of delivering services or exercising joint powers. Some cooperation is undertaken to receive services or make cooperative purchases.

Intergovernmental relations can be described as vertical or horizontal. Vertical relationships are those linking a municipality to governments of broader jurisdiction. For example, the relationship between a local unit of government to the state and the federal government is vertical.

Actions of one often have a direct bearing on the others. For the most part, this relationship occurs in a top down fashion. For example, when the state adopts a statewide policy plan, it in essence directs future activities with counties, villages, cities, and towns. As discussed in the Transportation Element of this plan, the Wisconsin Department of Transportation has adopted a number of statewide policy plans that directly affect transportation activities within the jurisdictions of local units of government. It is therefore imperative that when such policies are considered, local units of government, individually or cooperatively, work with the appropriate state bodies to develop a mutually beneficial relationship.

Horizontal relationships describe the community's connection to one another and to other adjacent communities. Together, these relationships cut across each of the functional elements of this plan.

Exhibit 10-1. Examples of Intergovernmental Cooperation

| | |
|--|-------------------------------|
| • Transfer of territory (annexation, detachment) | • Joint ventures |
| • Sharing information, staff, resources, etc. | • Revenue sharing |
| • Communication | • Boundary agreements |
| • Consolidating services / trading services | • Area-wide service agreement |
| • Area-wide planning | • Joint use of a facility |
| • Special purpose districts serving multiple jurisdictions | • Cooperative purchasing |

Over the years, and most recently with the Commission on State-Local Partnerships (Kettl Commission) report, there has been a statewide push for consolidating governmental services at the local level. The Kettl Commission calls for the creation of “growth-sharing areas: within which local units of government would collaborate to serve the needs of their citizens. The report recommends that local governments adopt “Area Cooperation Compacts” with at least two other governments in at least two functional areas including: law enforcement, housing, emergency services, fire, solid waste, recycling, public health, animal control, transportation, mass transit, land-use planning, boundary agreements, libraries, parks, recreation, culture, purchasing or e-government. The Commission also advocates for the reform of state aids to municipalities.

10.2 Local Survey Results

The following is an excerpt from the Town of Black Earth Comprehensive Planning Public Opinion Survey Report developed by the University of Wisconsin – River Falls Survey Research Center. Refer to Appendix C for the full report.

Respondents were asked their opinion about including a number of initiatives in the comprehensive plan, including developing cooperative boundary agreements, intergovernmental service agreements, etc. There is nearly universal agreement (93% agree or strongly agree) that the Town should consider developing cooperative boundary agreements with neighboring jurisdictions. In a separate portion of the questionnaire, respondents were asked to indicate how important they think it is for the Town to seek agreements with neighboring jurisdictions on future land use, public services and annexations. A very large majority (89%) said that this was “important” or “very important” for the Town to do.

10.3 Organizational Structure of the Communities

The Town Board of Black Earth consists of three board members (one chair, and two supervisors). They are elected to a two-year term, as are the town clerk and town treasurer. It is the Town Board’s responsibility to carry out the decisions made at the annual town meeting, as well as to oversee town property, finances, highways, and public services. The Board has the authority to make and adopt ordinances and policies.

The Plan Commission is the primary committee within the Town of Black Earth, whose primary purpose is to advise the Town Board on planning issues. Planning committees typically prepare

and recommend to the Town Board land-use plans, review development proposals, recommend amendments to local ordinances, and comment upon major public improvements which are likely to affect development within the Town.

10.4 Area Local Units of Government

County Government

The Town of Black Earth is located in Dane County. The Board of Supervisors consists of 37 supervisors each representing a particular geographic area. The Board acts similarly to the state legislature in that it is the policy-making body of the County government. It establishes county ordinances, levies taxes, passes laws concerning law enforcement and appropriate money for services. The Town is located in Supervisory District 28.

Surrounding Towns

The Town of Black Earth is a neighbor to the towns of Mazomanie to the north, Vermont to the south, Berry to the east, and Arena to the west. The Town of Arena is located in Iowa County.

Surrounding Cities and Villages

The Village of Black Earth is encompassed entirely within the Town of Black Earth, while the Village of Mazomanie lies adjacent to the Town to the north. Other communities that are in close proximity to the Town include the Village of Cross Plains to the east and the Village of Spring Green to the west in Iowa County. Also, several communities within fifteen miles of the area include Sauk City to the north and the Village of Mount Horeb to the south.

10.5 Regional Governmental Bodies

Capital Area Regional Planning Commission (CARPC)

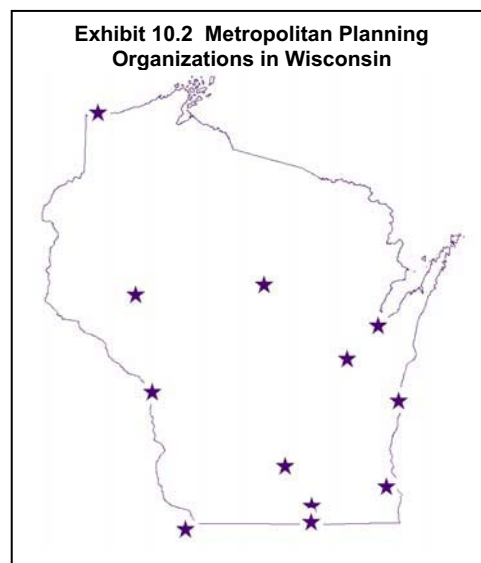
There are eight Regional Planning Commissions (RPC) within Wisconsin created pursuant to §66.0309, Wis. Stats. The governor with consent of local governing bodies creates them. RPCs are formed to provide a wide range of services to local units of government within its geographic boundary, including planning assistance on regional issues, assist local interests in responding to state and federal programs, provide advisory service on regional planning problems, act as a coordinating agency for programs and activities, and provide cost shared planning and development assistance to local governments. A five-county area in the southern part of the state is not served by a RPC (Columbia, Dodge, Jefferson, Rock and Sauk counties).

The former Dane County Regional Planning Commission, created in 1978, was later dissolved on October 1, 2004. A new RPC, the Capital Area Regional Planning Commission (CARPC) was later established by the governor on May 2, 2007. The 13-member Commission represents Dane County and 61 local units of government. The Commission is made up of three members appointed by the Dane County Executive, three members appointed by the Dane County Towns Association, three members appointed by the Dane County Cities and Villages Association, and four members appointed by the City of Madison Mayor. The primary responsibility of CARPC is to plan urban growth with the goal of preserving water quality in Dane County's streams, lakes, wetlands and groundwater.

Metropolitan Planning Organization

Metropolitan planning organizations (MPOs) are federally-sanctioned entities charged with transportation planning on a regional basis and are designated for each urbanized area in the United States with a population greater than 50,000. Within Wisconsin there are 12 MPO that take on a variety of forms (Exhibit 10.2). Some are housed within existing regional bodies, while others are agencies created for this single purpose. Still others are simply committees staffed by state or county employees.

MPOs are administered by a board consisting primarily of elected officials from the local jurisdictions within the geographic boundary of the MPO. Funding for MPOs is provided through a combination of federal, state, and local funds. Each MPO is governed by a board consisting primarily of chief elected officials who represent different parts of the area served by the MPO. A technical committee (typically referred to as a Technical Advisory Committee, or TAC) advises the policy board. In some MPOs, a citizen advisory committee and other specialized committees serve as advisory bodies to the policy board.



Over the years the responsibilities of MPOs have changed, but currently, MPOs fulfill several important roles. First, they prepare and adopt a long-range transportation plan that provides a multi-modal investment strategy for meeting the mobility needs of people and businesses within its jurisdiction. Second, an MPO has the responsibility of developing a short-range transportation improvement program to prioritize federally funded improvement projects. MPOs also ensure that state and federal requirements relating to regional transportation planning are implemented.

The Madison Area MPO was created in November 1999 and assumed the responsibility to conduct transportation planning and programming for the metropolitan area from the previous MPO, the former Dane County Regional Planning Commission (DCRPC), now the Capital Area Regional Planning Commission (CARPC). The Madison Area MPO's general responsibility is to "build regional agreements on transportation investments that work to balance roadway, public transit,

bicycle, pedestrian, and other transportation needs that support regional land use, economic, and environmental goals.¹

The planning area is defined as the existing urbanized area plus the projected 20-year growth area. The planning area is mutually determined by the MPO and the state. The Madison Metropolitan Planning Area is made up of the City of Madison, the entirety of its “urbanized area,” and all or portions of the 27 contiguous villages, cities, and towns that are or are likely to become urbanized within a 20-year planning period². The villages of Black Earth and Mazomanie and the Town of Black Earth not located within the jurisdiction of the Madison Area MPO.

Federal rules also require the designation of MPOs in urbanized areas of 50,000 or more in population as a condition for spending federal highway and transit funds. While the Madison Area MPO provides regional coordination and approves use of federal transportation funds within the metropolitan planning area, responsibility for the implementation of specific transportation projects lies with WisDOT, Dane County, the City of Madison, and other local units of government as transportation providers.

10.6 Special Purpose Districts

Special purpose districts are local units of government that are created to provide a specified public service. Like municipalities, special purpose districts derive their authority from state statutes. They have geographic boundaries that may or may not coincide with those of counties, villages, cities, or towns. Once a special district is created, it becomes an autonomous body often with its own taxing authority. In a few instances, state statutes create unique districts (e.g., professional team districts) but typically authorize counties, towns, cities, and villages to create special districts according to the requirements contained in the statutes. Exhibit 10.3 provides a sample of non-educational special purpose districts authorized by state statute. Local school districts and the vocational educational districts in the state are also considered special districts because they have been created to provide a single service – education.

¹ *The Madison Metropolitan Planning Organization; <http://www.madisonareampo.org>*

² *The Madison Metropolitan Planning Organization; <http://www.madisonareampo.org>*

Exhibit 10.3. Sample of Non-educational Special Purpose Districts in Wisconsin

| Type of District | State Authorization |
|---|-----------------------------|
| Metropolitan sewerage district | Chapter 200 |
| Town sanitary district | Subchapter IX, Chapter 60 |
| Drainage district | Chapter 88 |
| Public inland lake protection and rehabilitation district | Chapter 33 |
| Local exposition districts | Subchapter II, Chapter 229 |
| Local professional baseball park district | Subchapter III, Chapter 229 |
| Local professional football stadium district | Subchapter IV, Chapter 229 |
| Local cultural arts district | Subchapter V, Chapter 229 |
| Architectural conservancy district | §66.1007 |

Drainage Districts

Drainage districts are organized to drain land for agricultural and other purposes. Landowners in a district who benefit from drainage conveyance must pay assessments to cover the cost of constructing, maintaining, and repairing the system. Throughout Wisconsin there are hundreds of these districts, many of which were created decades ago. Not all districts have remained active, owing to changing land uses.

Approximately 30 districts exist in Dane County, the vast majority of which remain active. However, the villages of Black Earth and Mazomanie and the Town of Black Earth are not a part of these districts.

School District

The villages and town are located in the Wisconsin Heights School District. It is governed by a seven-member Board of Education. Members are elected to three-year terms, with the president, vice-president, clerk and treasurer positions appointed annually. The Board also appoints members to serve on seven sub-committees, which include: budget and finance; curriculum, goals and standards; negotiations; personnel; public relations; policy, and transportation.

The school district encompasses approximately 100 square miles and has an enrollment of approximately 950 students from pre-kindergarten through twelfth grade. The district’s facilities include an elementary school in the Village of Black Earth for pre-kindergarten through second grade, an elementary school in the Village of Mazomanie for third through fifth grade, and the Wisconsin Heights Middle and High School on U.S. Highway 14, which serves sixth through twelfth grade. The school district’s offices are located at 10173 US Hwy 14, Mazomanie.

Technical College District

In Wisconsin there are 16 technical college districts. The villages and town located in the Madison Area Technical College district (Exhibit 10.4). The college is operated under the direction of the MATC District Board. The board consists of nine members: two employers, two employees, three members-at-large, an elected official, and a school district administrator. Board members may also serve on various subcommittees of the Board. The school district's offices are located at 3550 Anderson Street, Madison.

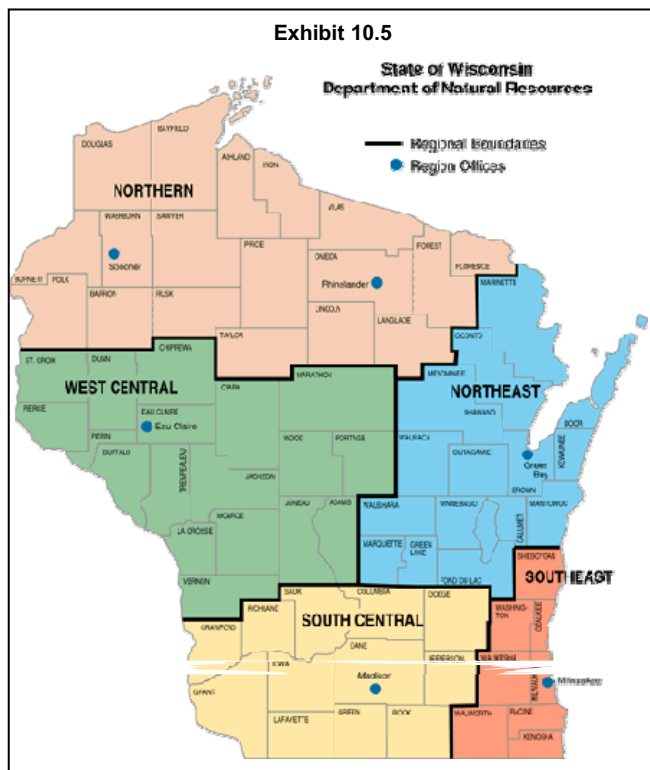


10.7 State Agencies

By virtue of their roles, there are a number of state agencies that are integral partners in Town policies, programs, and projects.

Department of Natural Resources (DNR)

The DNR has a wide range of statewide responsibilities for environmental quality, state parks, and recreation. It is governed by the Natural Resources Board, which has legal authority to set agency policy, recommend regulations for legislative approval, approve property purchases and accept donations. Together with the DNR staff, the board works to establish policies and programs, administer state laws and rules, distribute grants and loans, and work with many government and non-government entities. Most of the DNR workforce is assigned to field offices in five regions (Exhibit 10.5). Their work is further subdivided into 23 geographic management units (GMU) whose boundaries roughly match the state's natural river basins and large waterways. DNR staff are responsible for defining the area's natural ecology and identifying threats to natural resources and the environment. The DNR is composed of a broad range of expertise, and staff efforts are often combined with local government and private efforts to manage public resources. The three communities are located in the South Central

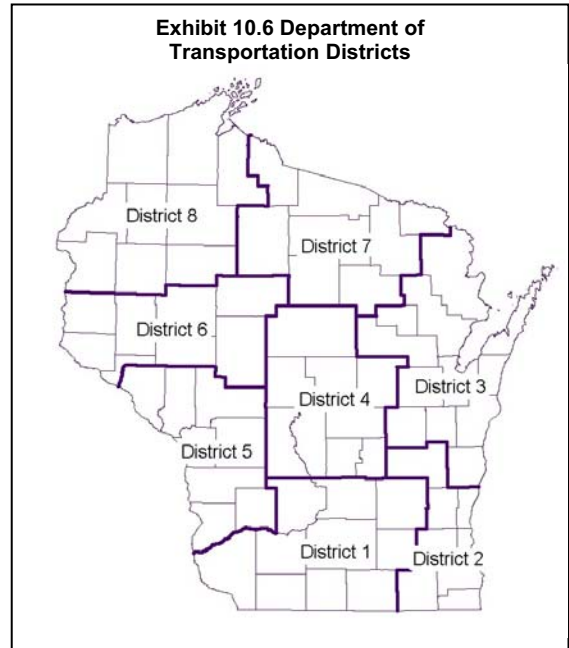


Region, which includes the following counties: Columbia, Dane, Dodge, Green, Grant, Iowa, Jefferson, Lafayette, Richland, Rock, and Sauk. Local DNR service centers are maintained in Dodgeville, Fitchburg, Horicon, Janesville, Madison, and Poynette.

Department of Transportation

By virtue of its role in monitoring and enforcement of statutory regulations, the Wisconsin Department of Transportation (WisDOT) is an integral partner in municipal policies. It has jurisdiction over access issues related to state highways within a community.

WisDOT is divided into eight districts for administrative and programmatic purposes. The Town is located in Region 1, which includes the following counties: Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Lafayette, Rock, and Sauk (Exhibit 10.6). Madison hosts the offices of this district.



Department of Commerce (DOC)

The Department of Commerce (DOC) is another state agency with regulatory responsibility. The Safety and Buildings Division administers and enforces state laws and rules relating to building construction and safety and health. Plan review and site inspection is part of the division's role in protecting the health and welfare of people in constructed environments.

Department of Agriculture, Trade and Consumer Protection (DATCP)

The Department of Agriculture, Trade and Consumer Protection (DATCP) has regulatory duties concerning the Farmland Preservation Program and certain agricultural practices.

Department of Revenue (DOR)

The Department of Revenue is responsible for a number of functions relating to local governments. The DOR oversees the shared revenue program, and other programs that distribute tax revenue to municipalities (e.g., lottery tax credits). The DOR also oversees and approves municipal Tax Increment Financing Districts.

Department of Administration (DOA)

The Department of Administration (DOA) fulfills a number of functions. Some of those functions related to land use planning include reviewing incorporations, cooperative boundary plans, and all annexation requests occurring in counties with a population of 50,000 or more. Additionally, the Division of Intergovernmental Relations (DIR) within DOA provides information and resources to enhance and facilitate local planning. DIR also provides technical assistance and advice to state agencies and local governments with land information responsibilities, among other things. DIR

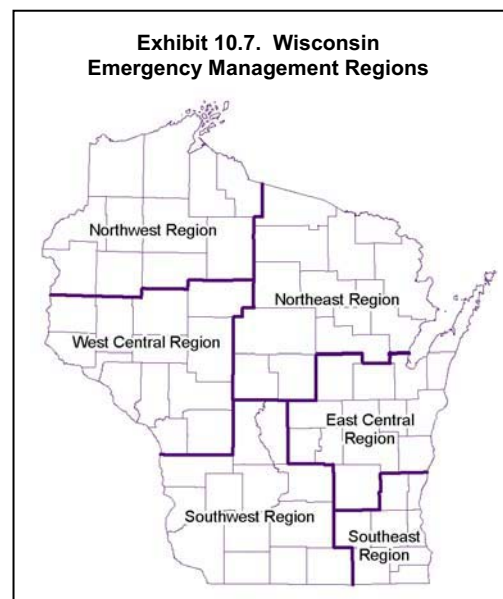
will review this comprehensive plan to ensure consistency with the State's 'Smart Growth' legislation.

Along with regulating local activities, all of these state agencies provide information, education and training. They also maintain funding programs to help local governments with development efforts and provide a basic level of health and safety.

Wisconsin Emergency Management (WEM)

Wisconsin Emergency Management (WEM) is charged with a wide range of responsibilities for disaster mitigation, planning, response, and education. It administers a number of grants to local communities and is responsible for preparing and administering several statewide policy plans. Most recently, it completed a statewide hazard mitigation plan for natural and technological hazards in conformance with the Disaster Mitigation Plan of 2000.

Regional directors are located in each of the six regional offices throughout the state (Exhibit 10.7). They work directly with municipal and county programs in planning, training exercising, response and recovery activities, as well as the coordination of administrative activities between the Division and local governments. When disasters and emergencies strike, they are the Division's initial responders and serve as field liaisons with the state. The office of the Southwest Region is located in Madison.



10.8 Nongovernmental Organizations

In addition to governmental organizations there are other types of organizations that can affect the daily lives of Town residents. These may include a chamber of commerce, non-profit organizations, and similar organizations that are actively working to promote the quality of life in the area. It is imperative that governmental and nongovernmental organizations work together for the good of all residents. The following section briefly describes some of these organizations, how they are organized and their purpose.

Forward Wisconsin

Forward Wisconsin, Inc., is a public-private statewide marketing and business recruitment organization. It was created in 1984 as a not-for-profit corporation. Its job is marketing outside Wisconsin to attract new businesses, jobs and increased economic activity to the state. It is governed by a board of directors that reflects that public-private partnership. Governor Jim Doyle is chairman of the board. Private sector representation includes Wisconsin's utilities,

banks, educational institutions, investment firms, law firms, and manufacturers. Public sector representation includes four state legislators and the Secretary of the Department of Commerce. Funding for Forward Wisconsin comes from private-sector contributors and from the state through a contract with the Wisconsin Department of Commerce. Forward Wisconsin is headquartered in Madison and has offices in Eau Claire, Milwaukee, and Chicago.

Thrive

Thrive is a non-profit economic development enterprise that is dedicated to growing the economy of Dane County and the surrounding seven county region (also known as the Madison Region). The organization works to promote economic growth on a sector by sector basis with special focus on growing business based on the area’s assets, as oppose to looking to traditional business recruitment practices. The group frames their work using a collection of guiding principles. Some of those principles include competitiveness, equity, regional collaboration, stewardship, innovation and transparency.

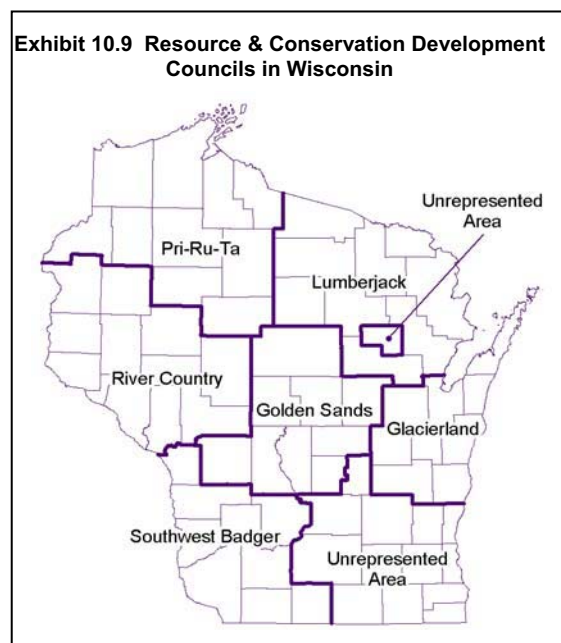
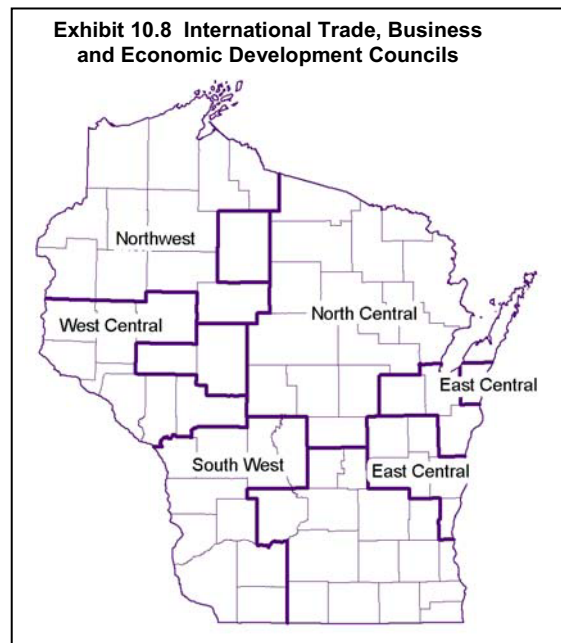
International Trade, Business and Economic Development Councils

Since 1992, five regional International Trade, Business and Economic Development Councils (ITBECs) have been created in Wisconsin to expand economic development in the state by promoting tourism from foreign lands and the exporting of Wisconsin products to other countries. ITBECs are a public-private partnership between business leaders, county elected officials, and tribal representatives. The ITBEC initially began as 11 counties in the northwest part of the state and it now includes 54 counties. The Town is not located in any international trade, business or economic development council. (Exhibit 10.8).

Resource Conservation and Development Councils

Resource Conservation and Development Councils (RC&Ds) are private, non-profit organizations created pursuant to state enabling legislation to improve the social, economic, and environmental opportunities of the area. Nationally, there are more than 200 districts and there are five in Wisconsin (Exhibit 10.9).

Working through its RC&D council, local citizens provide leadership and work together to set program



priorities. Each RC&D district establishes an area plan (also known as a resource conservation and utilization plan), which provides direction for the council in making community improvements and conducting activities. A variety of government agencies, organizations, and companies provide assistance in accomplishing program goals.

RC&D councils have broad authority to seek help from a variety of sources including federal or state agencies, local government, community organizations, and private industry. Help may be technical or financial assistance in the form of donations, loans, grants, or cost-sharing programs. The southeastern portion of the state, including Dane County, does not have a RC&D.

Good Neighbor Committee

The Good Neighbor Committee is made up of the elected officials for the towns and villages located along Highway 14, as well as concerned citizens. The Committee was created to voice the concern of these communities and citizens regarding the future of the Black Earth area. The Committee holds meetings which rotate between the various villages who make up the group.

The villages of Mazomanie and Black Earth have several local organizations that contribute to the overall high quality of life within the region. Some of these include:

Black Earth Booster Club

The Black Earth Booster Club is a non-profit organization which raises funds for various groups in the Village. In the past the Club has allocated donations to the Black Earth Home Talent baseball, Wisconsin Heights Scholarships, Field Day events and the Association of Parents and Teachers Playground Fund Raiser.

Black Earth Creek Watershed Association (BECWA)

The Black Earth Creek Watershed Association is an organization consisting of two part-time employees and volunteers. Members consist of passionate local residents and supporters who actively plan and coordinate activities in the watershed.

Black Earth Chamber of Commerce

The Black Earth Chamber of Commerce proactively promotes, supports and enhances the economic growth of its members and the community. Currently the Commerce consists of 55 businesses with locations in Black Earth, Mazomanie and Mt. Horeb. The Commerce takes an active role in supporting local activities such Field Days and Concerts in the Park.

Black Earth Community Club

The Black Earth Community Club promotes and supports the Village through fellowship, financial support for community activities and enhancement of the Village. The Club is open to any interested parties and meets on a monthly basis.

Black Earth Historical Society

Affiliated with the State Historical Society, the Black Earth Historical Society was established in August of 1992. The Society’s primary responsibilities are to preserve locally significant historical features, and educate the public about the history of Black Earth and its inhabitants. One of the largest successes of the Society has been to restore the Black Earth Depot into a local museum.

Mazomanie Chamber of Commerce

The Mazomanie Chamber of Commerce works with local business people to promote and improve the conditions of business in the Village of Mazomanie. Their interests include, among others, promotion of local businesses, regulations which affect commerce, and business support programs.

Mazomanie Historical Society

Affiliated with the State Historical Society, the Mazomanie Historical Society was organized in 1966 and currently has over 100 members. The society is governed by an eight-member board of Directors who serve two-year terms. The society’s primary goal is to educate the public about the history of the Village of Mazomanie. To help in achieving this goal, the society operates both a museum and a research center.

10.9 Existing Intergovernmental Cooperation

State statutes set up a number of tools for local units of government to formally cooperate on a number of issues of common concern. Exhibit 10.10 summarizes these tools and the following sections describe them in more detail and if the Town is currently using them.

Exhibit 10.10 Types of Intergovernmental Agreements

| | General Agreement | Stipulation & Order | Revenue Sharing Agreement | Cooperative Boundary Agreement |
|----------------------------|------------------------------|--|------------------------------|--|
| State Authorization | §66.0301 | §66.0225 | §66.0305 | §66.0307 |
| Uses | services | boundaries | revenue sharing | boundaries, services, & revenue sharing |
| Who decides | participating municipalities | municipalities involved in the lawsuit, the judge, and area residents if they request a referendum | participating municipalities | participating municipalities and Department of Administration, Municipal Boundary Review |
| Referendum | no | binding referendum possible | advisory referendum possible | advisory referendum possible |

Source: Intergovernmental Cooperation, Wisconsin Department of Administration

Stipulations and Orders

Section 66.0225, Wis. Stats., allows local units of government to resolve an on-going legal battle over a boundary conflict with a legally binding stipulation and order. In this instance, the parties involved would enter into a binding agreement where the court with appropriate jurisdiction would fix the boundary line. None of the communities are currently involved in any boundary agreements.

General Agreements

State statutes (§66.0301) authorizes local units of government to cooperate for the “receipt or furnishing of services or the joint exercise of any power or duty required or authorize by law”.

Within the past decade, area communities have improved their communications and efforts to work together in order to provide savings and services to their citizens through joint ventures.

The villages of Mazomanie, Black Earth and Cross Plains have jointly bid major street construction projects using their common civil engineering firm. The joint bid brought significant savings in street improvements and reconstruction for each municipality. After several successful bidding projects, the same three communities along with other townships organized an auction of surplus public works equipment, which attracted buyers from around the area.

In the late 1980’s, the villages of Black Earth and Mazomanie and the Wisconsin Heights High School began planning a common wastewater disposal plant to replace three failing individual systems. Shortly thereafter, the Village of Cross Plains contracted with them to process sludge from their system after an analysis found that it was not cost-effective to actually join the force-main project. Shortly after, the Town of Arena in Iowa County joined the project, creating the Dane-Iowa Wastewater Treatment Facility. An inter-municipal agreement governs and a joint commission operates the facility just west of Mazomanie.

In 2000 the village of Black Earth and Mazomanie formed the Vanguard Electric Commission under an inter-municipal agreement, which provides for a common crew of professional electrical workers directed by an Electrical Superintendent to service and maintain the two municipal electric utilities. Members of the governing commission represent citizens and board utility committee members.

Municipal Revenue Sharing Agreements

Under §66.0305, Wis. Stats., adjoining local units of government can share taxes and fees with a municipal revenue sharing agreement. This type of agreement can also include provisions for revenue sharing. Cities, villages, towns or counties are able to enter into such an agreement.

Cooperative Boundary Agreements

Cooperative boundary agreements (§66.0307, Wis. Stats.) can be used to resolve boundary conflicts between villages, cities, and towns and may include revenue sharing or any other arrangement.

With adoption of a cooperative boundary agreement, the rules of annexation do not apply. None of the communities are currently involved in any such agreements.

10.10 Existing or Potential Areas of Conflict

The Town and Village of Black Earth enjoy a good working relationship. It is imperative that this cooperation continues through the implementation of this plan and those of the surrounding communities. A set of goals and objectives are included in Chapter three that describe the ways in which the Town will attempt to avoid and/or minimize conflict with its surrounding neighbors.

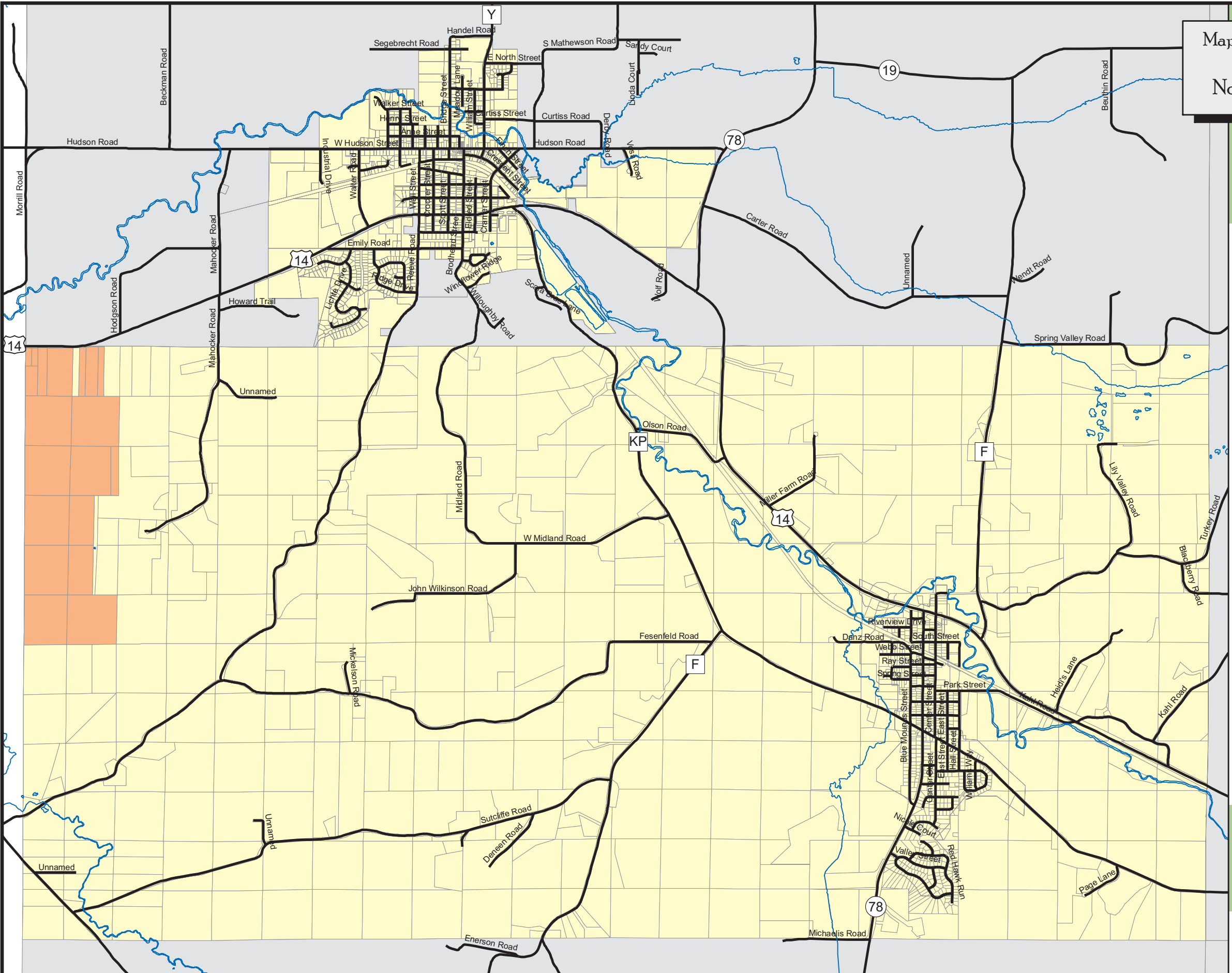
Extraterritorial Zoning Area (ETZ)

Extraterritorial Zoning is a tool which grants limited zoning power outside of established corporate boundaries to any city or village with an existing zoning ordinance. Class 1, 2 and 3 cities are allowed to zone up to three miles outside of city limits while class 4 cities and villages are authorized to zone up to 1.5 miles outside of their limits. ETZ was set up to promote efficient land use and economic development as land is transitioned from rural to urban areas. ETZ also promotes intergovernmental communication and coordination, better planning of infrastructure, and mutual protection of valued natural resources and sensitive areas.

To utilize ETZ as a tool, any city or village with a zoning ordinance must pass a resolution which describes the area to be zoned and intent to expand its ordinance. A joint committee is then established consisting of three members from the city or villages Plan Commission and three town members in the town to be affected by the zoning ordinance. This committee is then charged with the task of developing a zoning ordinance, which must be approved by a majority vote of the committee. After recommendation of adoption of the zoning regulations by this committee, and adoption by the city or village board, the extraterritorial zoning regulations are enforced as part of the standard ordinances. The authority for zoning regulation in this area of the town is removed from the county and transferred to the city or village.

Map 10.1
 School Districts
 Northwestern Dane County: 2008

Comprehensive Plan Villages
 of Black Earth and Mazomanie
 and the Town of Black Earth



Map Legend

- Wisconsin Heights School District
- River Valley School District

Based on 2006 Dane County Parcel data.

Map Features

- Rivers or streams
- Roads



Source: Base map provided by Dane County Land Information Department.

Map Created: October 18, 2007
 Map Edited: February 2, 2009



11

Land Use Element

Town of Black Earth Comprehensive Plan

Contents

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s. 66.1001 (2)(h) Wis. Stats.

Land-use element. A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit, such as agricultural, residential, commercial, industrial and other public and private uses. The element shall analyze trends in the supply, demand and price of land, opportunities for redevelopment and existing and potential land-use conflicts. The element shall contain projections, based on the background information specified in par. (a), for 20 years, in 5-year increments, of future residential, agricultural, commercial and industrial land uses including the assumptions of net densities or other spatial assumptions upon which the projections are based. The element shall also include a series of maps that shows current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of areas to which services of public utilities and community facilities, as those terms are used in par. (d), will be provided in the future, consistent with the timetable described in par. (d), and the general location of future land uses by net density or other classifications.

11.1 Overview

During the planning process many aspects of land use were analyzed with an eye toward developing a future land use plan that makes sense for the Town. Existing land development patterns are considered along with the existence of any brownfield sites¹. Local real estate forces are considered and again will be used in fashioning the future land use plan and supporting goals, objectives, and policies. Relationships between the Town and the county, nearby villages and towns also play an important role when determining how land in the Town of Black Earth could change in the coming years.

11.2 Local Survey Results

The following is an excerpt from the Town of Black Earth Comprehensive Planning Public Opinion Survey Report developed by the University of Wisconsin – River Falls Survey Research Center. Refer to Appendix C for the full report.

Two of the more recently developed tools used by some Wisconsin jurisdictions to manage growth are the purchase or transfer of development rights. Those receiving a Town of Black Earth questionnaire also received the following definitions:

- **Purchase of Development Right (PDR):** a public or private government initiative that acquires the development rights of property to limit development and protect natural features or open space.
- **Transfer of Development Rights (TDR):** a technique involving the designation of development (receiving) zones and protected (sending) zones, for guiding growth away from sensitive resources and toward controlled development centers by transferring development rights from one area to another via local law authorization such as a deed or easement.

¹ A brownfield is a site consisting of one or more properties that are abandoned or underutilized because of concerns about environmental contamination.

Having been given these definitions, respondents were asked if they favored the development of a PDR program and the authorization of a TDR program in the Town. Respondents indicated that a majority of the sample were in favor of both options, with PDRs being slightly more popular.

There are relatively few significant differences with respect to how different groups of Town citizens view PDR and TDR programs. Non-residents are significantly less supportive of PDRs than are residents and support is generally greater the longer a person has lived in the Town. However, those who have lived in the Town for more than 30 years are somewhat less supportive of PDRs than those who have lived there for 15 to 30 years.

Landowners and residents were also asked about the future of agriculture in their Town. By a very strong majority (84%), the people of the Town of Black Earth agree or strongly agree that its Comprehensive Plan should take into account the possible future demand for feed and fuel crops. On the other hand, very few Town residents support the development of large-scale animal agriculture.

11.3 History of Annexation and Detachments

As is typical with towns across the state, the Town of Black Earth has been vulnerable to annexation from adjacent villages. Since 1990 the Village of Black Earth has annexed 8 pieces of land from the Town. It is likely that this trend will slow significantly in the future because geographic elements will inhibit the ability of the Village of Black Earth from expanding further. If the Village of Black Earth sees additional growth in the future through annexation, it is likely to occur on the northeastern side of the Village, as that is the only large contiguous area remaining that is uninhibited by environmental corridors.

11.4 Existing Land Use Plans and Regulations

The Town of Black Earth is influenced by a variety of land use regulations exercised by different jurisdictions. Current land use regulations directly affecting the Town of Black Earth include the following:

Dane County Comprehensive Plan, Land Division and Zoning Regulations.

Dane County adopted its Comprehensive Plan in 2008. In order to be implemented by Dane County, the Town of Black Earth Comprehensive Plan will be incorporated into both the Dane County Comprehensive Plan and Dane County Farmland Preservation Plan. The Dane County Board incorporates Town Plans as part of these two County Plans and then utilizes the county zoning and land division ordinances to implement those Plans that have been adopted by the County Board. Without adoption of a Town Plan by the County Board, the County will base zoning and land division decisions on the adopted Plan.

All proposed development in the Town of Black Earth must comply with the Dane County Code of Ordinances including Zoning (Chapter 10), Shoreland and Floodplain Management (Chapter 11) and Soil Erosion Control (Chapter 14), as well as adopted Town ordinances.

Extraterritorial Zoning and Plat Review Jurisdictions

Incorporated cities and villages in Wisconsin have the ability to exercise extraterritorial zoning and plat review powers for unincorporated areas within certain distances of their municipal boundaries. First, second and third class cities and villages can exercise these powers within a three mile radius, while fourth-class cities and villages can exercise these powers within one and one-half miles.

Where the boundaries of multiple extraterritorial jurisdictions overlap, the jurisdictional boundaries are divided on a line all points of which are equidistant from the boundaries of each municipality concerned. No more than one municipality shall exercise extraterritorial power over any one area.

Currently, neither the Village of Black Earth nor the Village of Mazomanie have exercised their jurisdictional plat review authorities. However, if they choose to do so in the future, it is important that the objectives and policies outlined in this Plan are respected and cooperation occurs to ensure land use decisions that are in the best interest of all parties.

11.5 Existing Land Use

Table 11.1 provides a summary of land uses in the villages of Mazomanie and Black Earth and the Town of Black Earth by type. Map 11.1, Existing Land Use, depicts the current land uses in the Town and is found at the end of this chapter.

The Town consists of approximately 10,952 acres. Agricultural land makes up the largest land use category at approximately 73 percent of the Town’s land area. The next two largest land uses in the Town are agriculture with residence (approximately 16 percent) and residential (approximately 7 percent). Commercial uses cover less than 1% of the land in the Town. Commercial development in the Town is limited to two small areas near the Village of Black Earth and an area along Reeve Road in the western portion of the Town. Agricultural uses are widespread throughout the Town.

Table 11.1 Existing Land Use: Villages of Black Earth & Mazomanie, Town of Black Earth 2008

| Land Uses | Village of Black Earth | | Village of Mazomanie | | Town of Black Earth | |
|----------------------------|------------------------|---------|----------------------|---------|---------------------|---------|
| | Acres | Percent | Acres | Percent | Acres | Percent |
| Residential | 231.8 | 42.4% | -- | -- | 803.7 | 7.3% |
| Residential-Single Family | -- | -- | 225.8 | 24% | -- | -- |
| Residential-Duplex | -- | -- | 9.7 | 1% | -- | -- |
| Residential-Multi Family | -- | -- | 2.3 | .2% | -- | -- |
| Industrial/Manufacturing | -- | -- | 93 | 9.9% | -- | -- |
| Agriculture | 102.5 | 18.7% | -- | -- | 7,978.7 | 72.9% |
| Agriculture with Residence | -- | -- | -- | -- | 1,722.5 | 15.7% |
| Right-of-Way | 99.39 | 18.2% | 134 | 14.2% | 273.5 | 2.5% |
| Vacant | 57.3 | 10.5% | 209.9 | 22.3% | -- | -- |
| Institutional | 20.6 | 3.8% | 49.5 | 5.3% | 36.6 | .3% |
| Park and Open Space | 15.6 | 2.9% | 336.8 | 35.7 | -- | -- |
| Conservancy/DNR Land | -- | -- | -- | -- | 60.9 | .6% |

| | | | | | | |
|-------------------|--------------|------|----------------|------|-----------------|------|
| Commercial-Retail | 8.7 | 1.6% | 22 | 2.3% | 4.5 | .04% |
| Commercial-Office | 7.9 | 1.4% | -- | -- | 35 | .3% |
| Mixed use | -- | -- | 12.8 | 1.4% | -- | -- |
| Other Uses | 3.6 | .7% | 20 | 2.1% | 36.3 | .3% |
| Total | 547.3 | | 1,115.7 | | 10,951.7 | |

Source: Villages of Black Earth & Mazomanie, Town of Black Earth. *Due to rounding percentages may not total 100%.

11.6 Land Supply and Demand

A review of the local Multiple Listing Service (MLS) provided a snapshot of the local real estate trends. In March 2008 there were approximately 14 single-family homes for sale in the Town, with the average cost of these homes ranging in price from \$150,000 to \$250,000. The Town also had a few residential lots available for development, with five listings on the MLS. These were all large-lots or farmland ranging in size from ten acres to 160 acres. The cost per acre varied from \$8,000 to \$16,622 depending on the quality and potential use of the land. Although the current level of availability would not seem significant enough to meet potential future demand, as outlined in Chapter 4, the future conversion of small tracts of farmland is probable and it is unlikely land supply will be unable to meet future demand.

11.7 Waste Disposal and Contaminated Sites

Identification of brownfield sites is an important consideration in forming an appropriate land use plan, in fostering economic development, and in ensuring a clean and healthy environment. Cleanup and redevelopment of brownfield sites makes common sense by returning abandoned or under-utilized properties to the tax rolls and to productive use. Redevelopment of brownfield sites also makes optimal use of existing infrastructure.

To identify brownfield sites, a number of sources were used as described more fully in the following sections:

- ◆ Bureau of Remediation and Redevelopment Tracking System (BRRTS)
- ◆ Registry of Waste Disposal Sites in Wisconsin
- ◆ Superfund Sites
- ◆ Local knowledge

As an initial step to identify brownfield sites, the BRRTS database was searched to identify contaminated sites. It should be noted that not all contaminated sites are brownfields. This database however, is a good starting point for identifying such sites. The Wisconsin Department of Natural Resources maintains BRRTS (Bureau of Remediation and Redevelopment Tracking System) that catalogs all known contaminated sites in the state. Types of contaminated sites on BRRTS include leaking underground storage tank (LUST) sites, Environmental Repair Program (ERP) sites, and emergency response spill sites.

This database, while valuable, is not complete, nor up-to-date. It is however the best available source. Sites identified may be in various stages of remediation. Remediation efforts for spills (quite often associated with trucking accidents) are typically initiated immediately. Remediation efforts on larger sites typically occur over years. As listed in Table 11-2 there is only one site in the Town of Black Earth that has been contaminated, which is now closed.

In addition, the DNR maintains a listing of all known waste management facility sites in the state. These may include landfills or areas where solid or hazardous waste was disposed of on private property. As such, this list includes sites that meet current environmental standards and those that do not. A search of this database revealed no sites in the Town of Black Earth (Table 11.3). Also, there are no Superfund sites within the Town.

Table 11.2. Contaminated Sites; 2008

| Activity Type | Number of Occurrences | |
|---------------|-----------------------|--------|
| | Open | Closed |
| Spills | 0 | 0 |
| LUST | 0 | 1 |
| ERP | 0 | 0 |
| VPLE | 0 | 0 |

Source: Wisconsin DNR BRRTS Database

Table 11.3. Solid and Hazardous Waste Sites

| Name | Location |
|------|----------|
| None | N/A |

Source: Wisconsin DNR Solid and Hazardous Waste Information System (SHWIMS)

11.8 Development Factors

There are a number of physical conditions that limit or restrict land development within and around the communities. Existing development or structures can limit future development potential. Other physical factors include conditions that favor a particular use (such as agriculture), or environmental features that make construction more difficult. Examples of these are soils classified as prime farmland, steep topography (having a slope greater than 12 percent), and hydric soils. Physical features such as these do not necessarily prevent development from occurring; however they may pose significant challenges. Land that is delineated as wetland, however, can prohibit development from taking place.

As shown on Map 11.1, much of the land within the Town of Black Earth is home to slopes of over 12.5%. Much of the Black Earth Creek valley and adjacent areas are classified as prime farmland. Additionally, along four creeks within the Town (East Branch Blue Mound, Vermont, Black Earth and Marsh Valley) are designated as 100-year floodplains. Hydric soils are located along a portion of County Highway F, Sutcliffe Road and along areas of several of the creeks within the Town. The majority of areas within the Town not constrained by any of the identified development factors are located in the valleys between the Town’s numerous ridges and bluffs.

11.9 Land Use Conflicts

Conflicts often develop over time when certain land uses are located inappropriately, or adequate buffering is not provided between conflicting land uses. Sometimes industrial land uses have characteristics associated with them that can potentially be viewed as a nuisance by surrounding residents including noise, dust, odors, and truck traffic. The Town of Black Earth is not immune to these types of conflicts. In particular, the rural character of the Town lends itself to potential conflicts between agricultural and non-agricultural uses. As additional homesites are platted within the Town, it is important that they are done so in a manner that reduces potential conflicts caused by the natural farming process.

11.10 Designated Redevelopment Areas

Currently, there are no areas designated for redevelopment in the Town of Black Earth. The Town is primarily rural in nature and has very few non-residentially developed properties.

11.11 Local Real Estate Forces

Table 11-4 shows a snapshot of what was on the real estate market in the month of April 2008. The figures that are listed are only for single-family residences only and excludes condominiums or other residences that could be considered multi-family. The average home prices in the communities ranged from \$190,606 for the Village of Mazomanie to \$414,957 for the Town of Black Earth.

Table 11.4 Residential Real Estate Listings; April 2008

| Price Range | Village of Black Earth | Village of Mazomanie | Town of Black Earth |
|------------------------|------------------------|----------------------|---------------------|
| <\$99,999 | 1 | 1 | 0 |
| \$100,000 - \$129,999 | 0 | 0 | 0 |
| \$130,000 - \$159,999 | 1 | 5 | 0 |
| \$160,000 - \$199,999 | 6 | 4 | 2 |
| \$200,000 - \$229,999 | 0 | 3 | 0 |
| \$230,000 - \$299,999 | 5 | 3 | 1 |
| >\$300,000 | 3 | 1 | 4 |
| Total | 16 | 17 | 7 |
| Average sale price | \$255,244 | \$190,606 | \$414,957 |
| Average days on market | | | |

Source: South Central Wisconsin MLS Corporation: April 1, 2008

11.12 Future Land Use

Through both adopted Town and County ordinances and zoning powers exercised by Dane County, the Town of Black Earth has the ability to guide future growth in a manner that enhances its residents' quality of life and is consistent with its long-term vision. However, misguided or inappropriate use of these tools can lead to undesirable results, including unnecessary land use conflicts, inefficient service delivery, a decreased quality of life and other potential problems.

Although uncomplicated, the future land use map included in this Plan, along with the goals, objectives and policies outlined in Chapter 3, is intended to illustrate the Town of Black Earth's vision and guide the Town's future growth over the next 20 years. It will serve as a guide for the Plan Commission and Town Board when making land use, zoning and infrastructure related decisions. The future land use map will also provide direction for property owners and developers when making decisions about the future of their property in the Town. The future land use categories do not have the authority of zoning classifications. However, the future land use map is intended to be used as a guide when making land use decisions.

As noted elsewhere in this document, it will be important to periodically review and update this plan, and potentially the future land use map, to ensure that local development preferences are maintained. The Town's future land use plan is shown in Map 11.3 and descriptions for the various future land use districts are provided below. The majority of lands on the future land use map are maintained based on existing uses. The primary changes to the town's land use pattern should occur via policies. Although uses are not likely to change, the pattern by which lands are developed should. Policies outlined in Chapter 3 identify ways in which future residential growth should occur in the Town that will help maintain the rural character and viability of agriculture within the community.

Agricultural Preservation

The majority of land within the Town of Black Earth is utilized for productive agriculture purposes, either as pasture, tillable or wood land. Maintaining this land for these purposes is a high priority for the town. All lands zoned exclusive agriculture requires a minimum density of one split per 35 acres. This policy shall be maintained in the future, and any development that occurs should preserve active, high-quality agricultural lands. This is only a density policy and does not dictate minimum parcel sizes. The County's zoning regulations dictate minimum parcel sizes. Many of the existing residential parcels in the town were split from original farm parcels and now contain a single-family home with some clustered housing. These parcels are not to be further divided and should be maintained as they exist in terms of size and use.

The term "agricultural preservation" does not mean that development is prohibited. Rather, it means that only development permitted under the Town plan is permitted. Development requirements and guidelines are outlined in Chapter 3 of this document, and all such development that fits into those guidelines is allowed within the agricultural preservation area designated on the future land use map.

Future residential development in the Town should follow those policies identified in Chapter 3. All residential development should occur in a manner that works to maintain the rural character of the town and preserve sensitive lands and productive, high-quality agricultural areas. As of January 1, 2009, Dane County records identify the availability of 184 land splits within the town. The plan-based forecasts outlined in Chapter 4 are based on the number of building sites available.

The Town discourages the placement of large-scale farming operations in close proximity to other uses. The effects of these operations on the land, noise, and local quality of life detract from the existing character of the town. While productive agricultural uses are encouraged, farming operations must comply with local Township ordinances.

The land use categories identified below outline several other uses occurring in the Town that are likely to be maintained in the future. These sites are not designated as institutional or conservancy on the future land use map because if their use should change they would be required to follow the development guidelines outlined in Chapter 3.

Institutional. There are several institutional uses located in the Town, including facilities owned by the Wisconsin Heights School District along Highway 14. There is no intended expansion or

relocation of these facilities in the foreseeable future. The Midland United Methodist Church is located on a parcel at the intersection of CTH KP and W. Midland Road, and a portion of the town adjacent to the Village of Black Earth on the northwest side is owned by the Black Earth Cemetery, as identified on the future land use map.

Conservancy/DNR. There are several areas within the Town that are owned by the Wisconsin Department of Natural Resources. These areas include some sensitive lands near the Village of Black Earth that are covered in floodplain. There is also a parcel of land near the intersection of CTH F and Fesenfeld Road owned by Prairie Enthusiasts, Inc. This parcel is known as the Rettenmund Prairie and is a preserve that is open to the public. The Aldo Leopold Nature Center has facilities located on Sutcliffe Road in the Town of Black Earth. There is a small campus with several buildings that host educational programs, meetings and retreats.

Agriculture Transition

There is one area identified as agriculture transition on the future land use map adjacent to the Village of Black Earth to the west. A portion of this area is already included in the Village's urban service area and is likely to develop with residential uses. It is anticipated that this area will be annexed into the Village of Black Earth to be developed in order to receive municipal services. This property is bordered by floodplain to the west, and all future residential development should remain to the east of this natural boundary.

Commercial Land Use

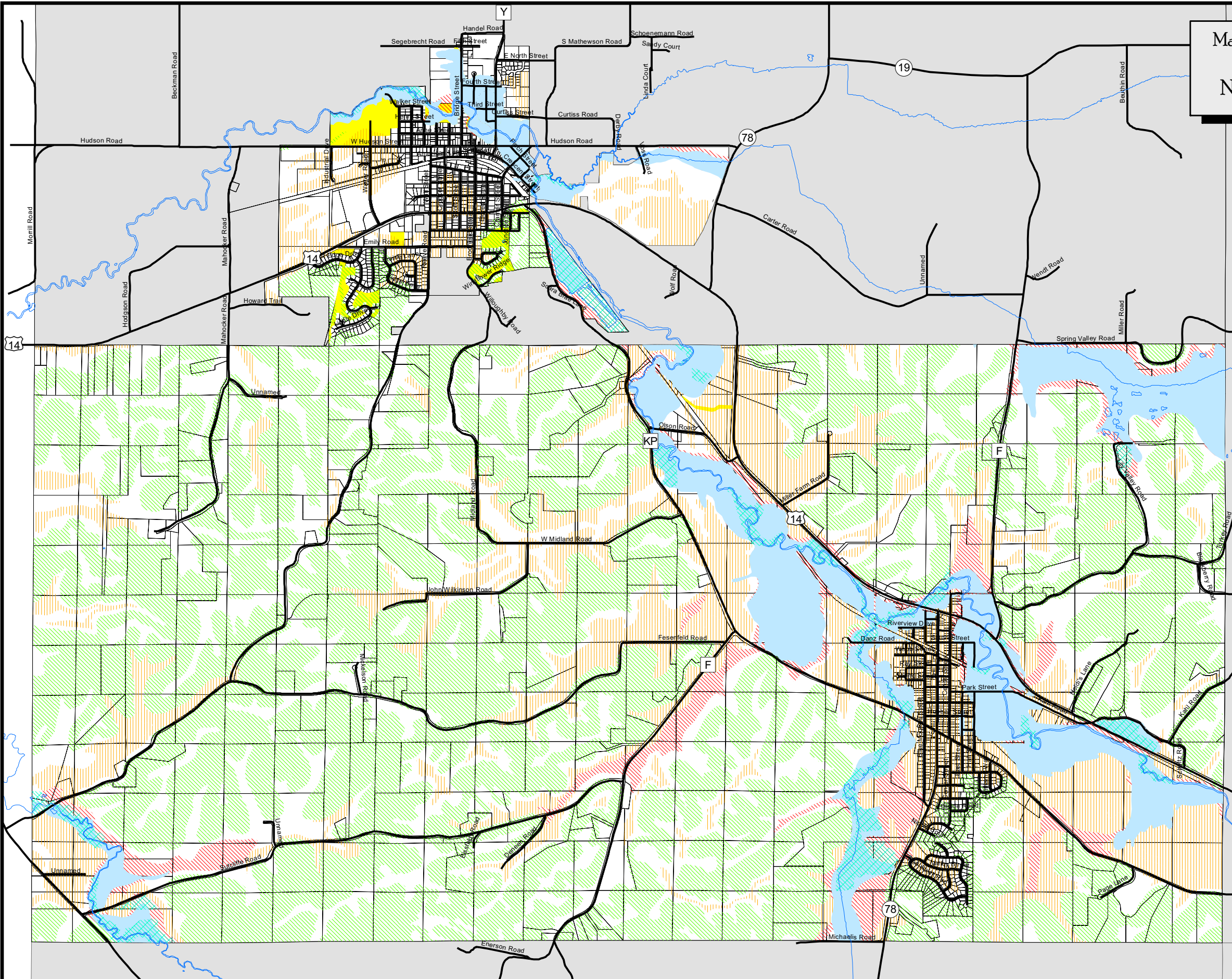
The area identified as commercial on the future land use map includes two existing parcels and part of a third existing parcel located south of Kahl Road, and east of the Village of Black Earth limits with close and convenient access to U.S. Highway 14. The westernmost of these properties is currently zoned commercial, while the other parcels are zoned exclusive agricultural.

Although the area is just outside of the limits of the Village of Black Earth, the Village as indicated that the Black Earth Creek to the west of these parcels presents a barrier to them extending sewer services, and thus would not be annexing these parcels into the Village. The westernmost parcel in this proposal includes a home and small chiropractic office, while the other two parcels consist of agricultural land. This agricultural land is not of adequate size to be considered prime agricultural land. A floodplain may exist over a portion of these parcels as they are adjacent to Black Earth, so a complete delineation would need to be performed.

As a future commercial land use area remaining within the Town, these parcels will generate an increase in employment and tax base for the Town without negatively affecting the community. Designating this area as commercial future land use will add to the modest amount of commercial land use in the Town itself.

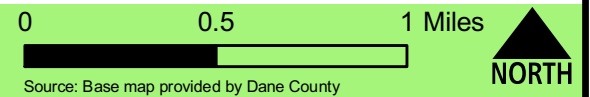
Map 11.1
 Development Factors
 Northwestern Dane County: 2008

Comprehensive Plan Villages
 of Black Earth and Mazomanie
 and the Town of Black Earth



- Map Legend**
- Wetlands
 - 100-Year Floodplain
 - Slopes Over 12.5%
 - Hydric Soils
 - Primefarmland
 - Environmental Corridor
 - FagaAnnexation

- Map Features**
- Rivers or streams
 - Roads



Source: Base map provided by Dane County Land Information Department.

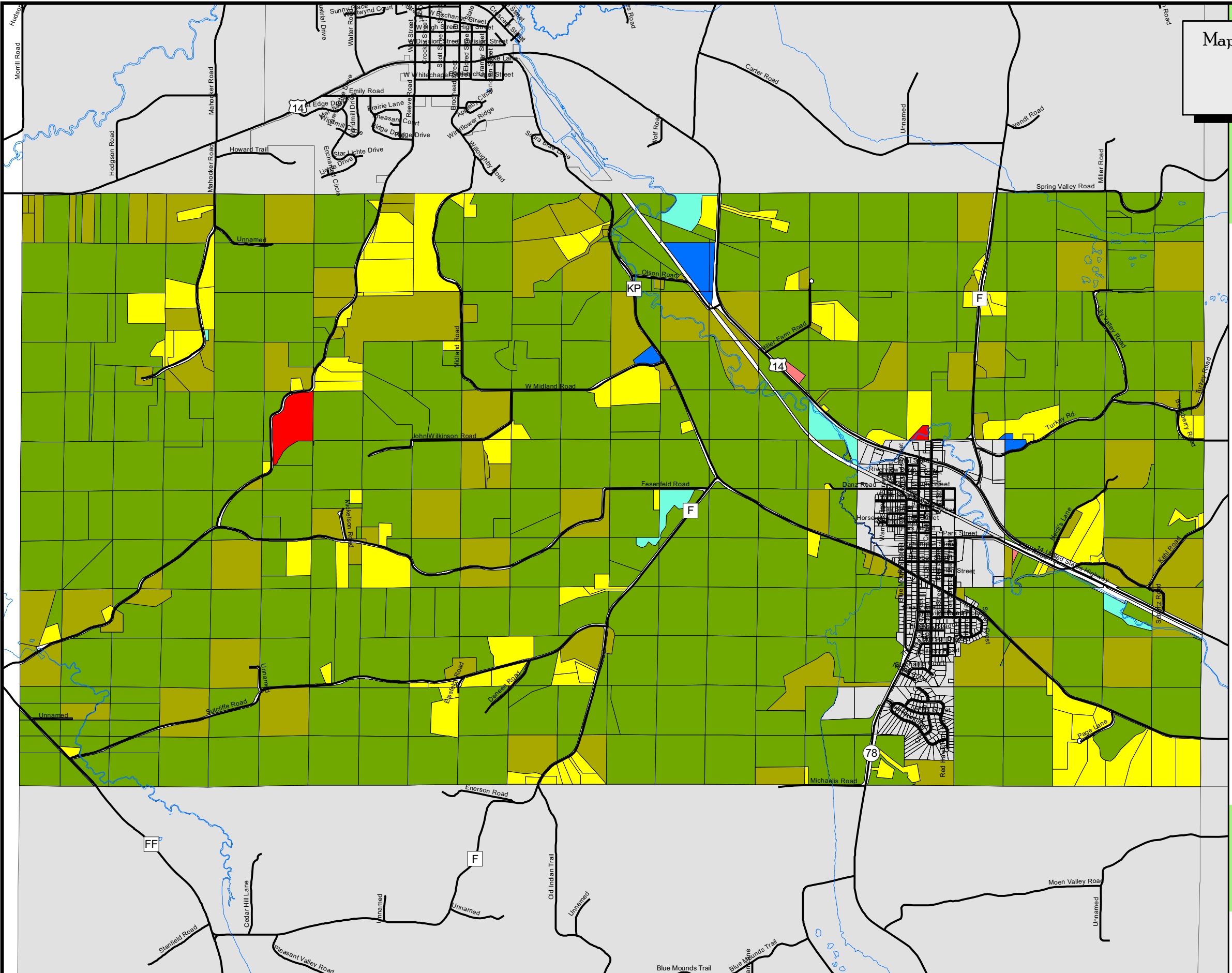
Data Source: Dane County Land Information Department (slopes, hydric soils, and primefarmland. Wisconsin DNR (wetlands). Dane County Regional Planning Commission (floodplain and environmental corridors).

Map Created: October 18, 2007
 Map Edited:



Map 11.2
Existing Land Use
Town of Black Earth: 2008

Comprehensive Plan Villages
of Black Earth and Mazomanie
and the Town of Black Earth



- Land Use Legend**
- Residential
 - Commercial - Retail
 - Commercial - Office
 - Institutional
 - Conservancy / DNR
 - Agriculture
 - Agriculture with Residence

- Map Features**
- Rivers or streams
 - Roads



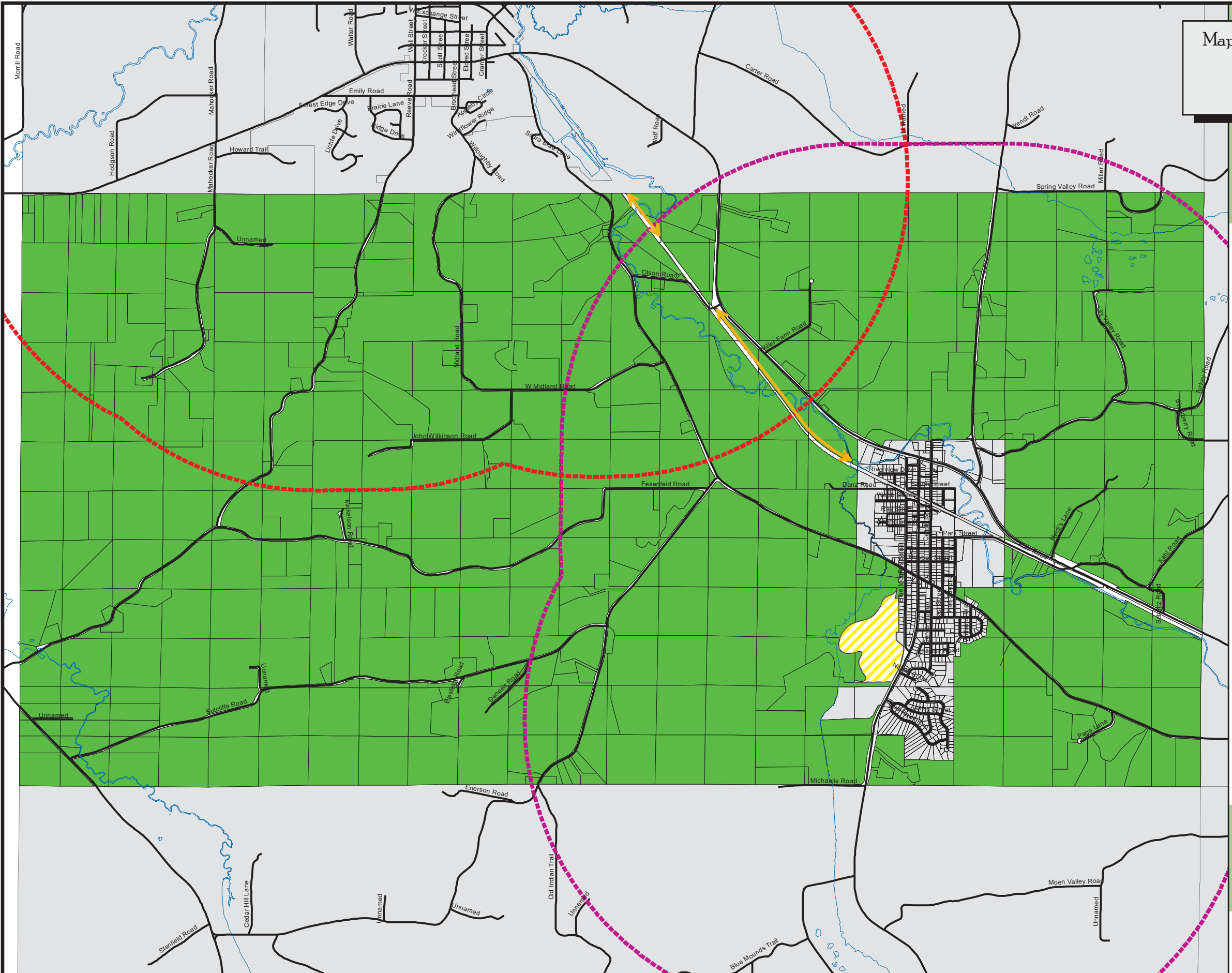
Source: Base map provided by Dane County Land Information Department.

Map Created: October 18, 2007
Map Edited: January 30, 2008



Map 11.3 Future Land Use & Future Transportation Town of Black Earth

Comprehensive Plan Villages of Black Earth and Mazomanie and the Town of Black Earth

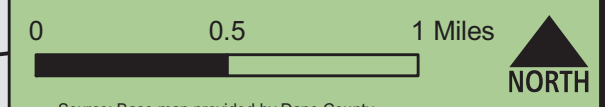


- Legend**
- Agricultural Preservation*
 - Agricultural Transition
 - Potential Trail
 - Extraterritorial Zone - Village of Black Earth
 - Extraterritorial Zone - Village of Mazomanie

*The "agricultural preservation" designation on this map does not mean that development is prohibited. Rather, it means that only development permitted under the Town plan is permitted.

Map Features

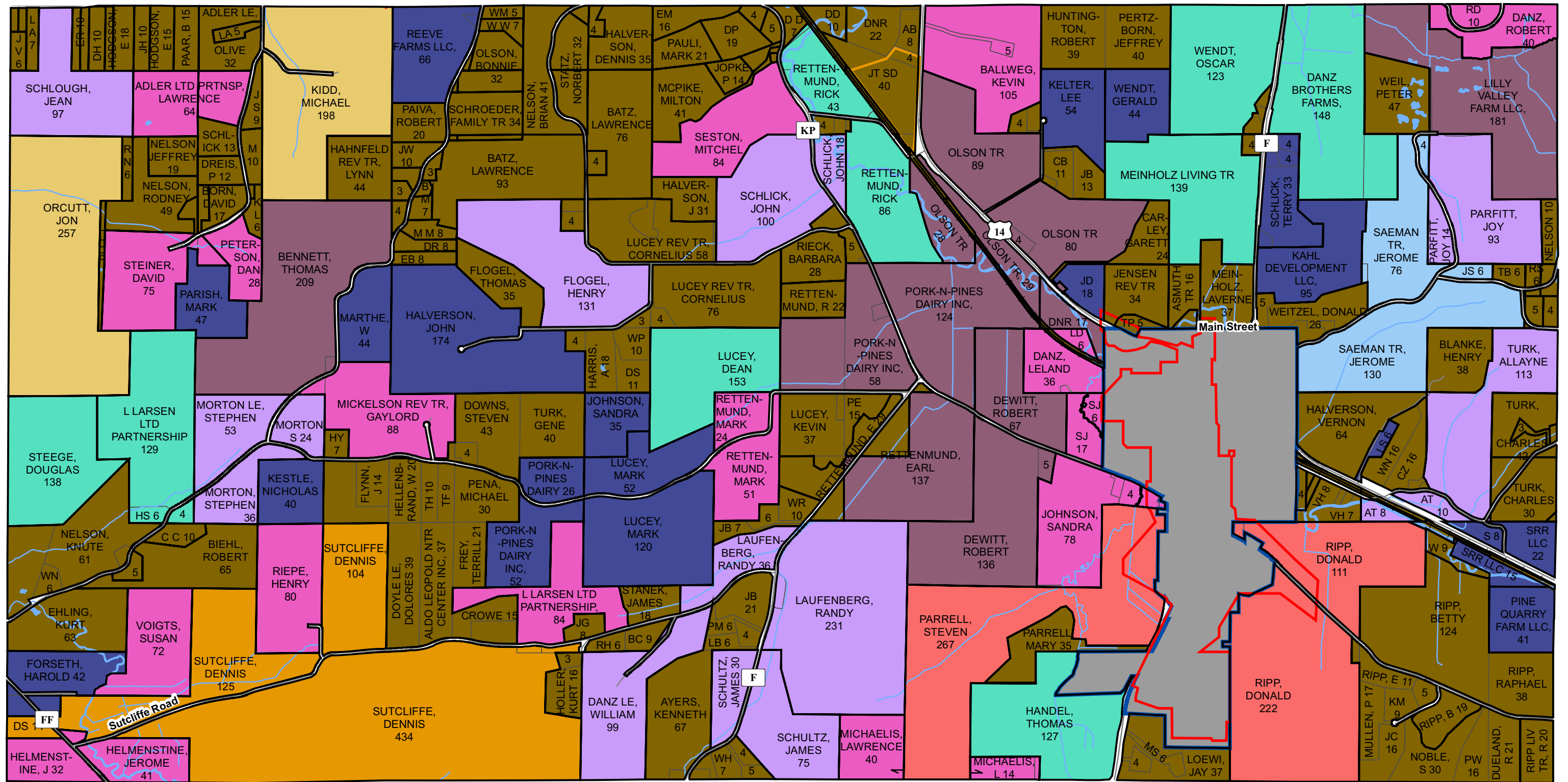
- Rivers or streams
- Roads



Source: Base map provided by Dane County Land Information Department.

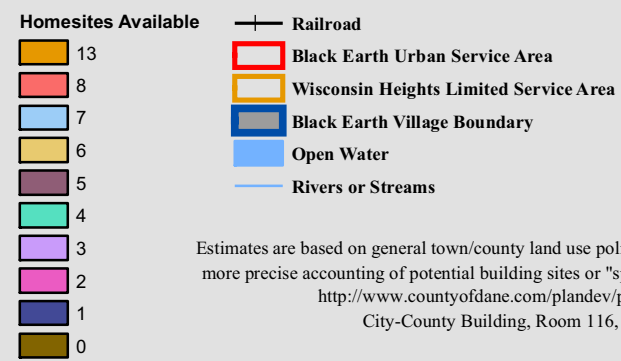
Map Created: October 15, 2007
Map Edited: August 6, 2009



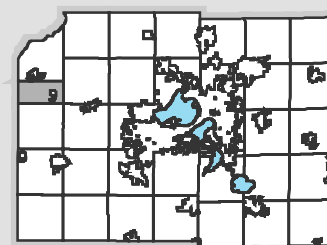


Town of Black Earth

Splits Available



Estimates are based on general town/county land use policies and on county parcel and zoning data as of Jun. 2009. For a current and more precise accounting of potential building sites or "splits" contact the Dane County Planning Division for a density study report.
<http://www.countyofdane.com/plandev/planning/> Planning Division phone number: (608) 266-4251
 City-County Building, Room 116, 210 Martin Luther King Jr Blvd Madison, WI 53703



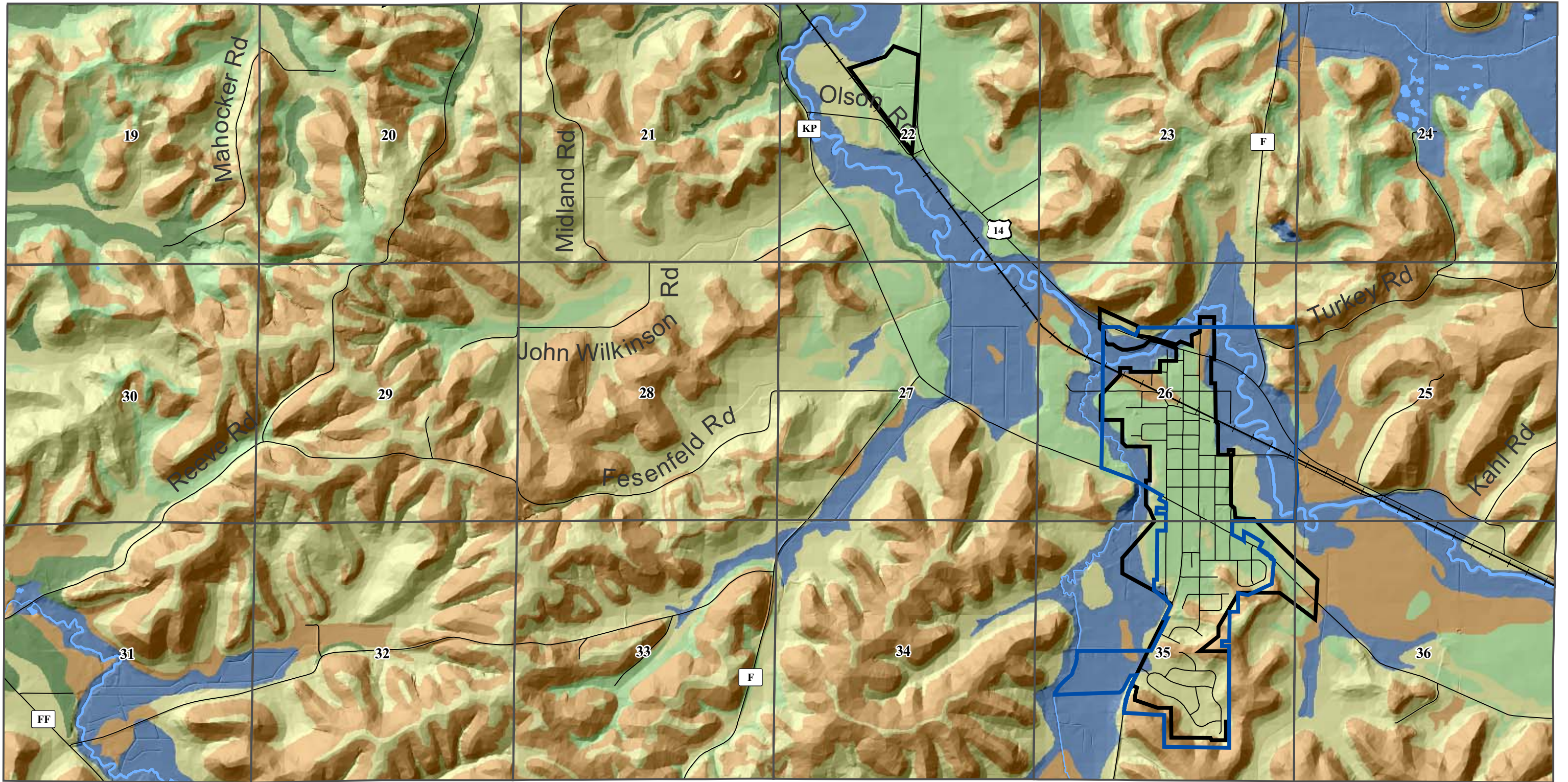
DRAFT



Source Info:
 Original Farmsteads: 2003, (DCPD)
 Potential Homesites: 08/09, (DCPD & T Black Earth)
 Black Earth Village Boundary: 08/09, (DCPD)
 Black Earth Urban Service Area: 08/09, (CARPC)

This map was prepared through the Dane County Department of Planning and Development in conjunction with the Dane County Land & Water Resources Department, Dane County Land Information Office and the Capital Area Regional Planning Commission.

August, 2009

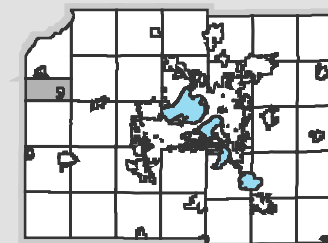


Town of Black Earth

Building Site Potential

- | | |
|---|---------------------------------------|
| Building Site Potential from Soils | Black Earth Village Boundary (2007) |
| Very high | Black Earth Urban Service Area (2007) |
| High | Section Boundary |
| Medium | Roadway |
| Low | Railroad |
| Very low | Open Water |

Soil Potential Ratings are based on Natural Resources Conservation Service (NRCS) data. The purpose of the ratings is to identify the relative suitability of soils for a particular use considering economic, social, and environmental values. Contact The Dane County Land and Water Resources Department for further details.



DRAFT



November, 2007

Source Info:
 Building Site Potential: 2003, (LWRD)
 Black Earth Village Boundary: 01/07, (DCPD)
 Black Earth Urban Service Area: 11/07, (DCPD)

This map was prepared through the Dane County Department of Planning and Development in conjunction with the Dane County Land & Water Resources Department, Dane County Land Information Office and the Dane County Community Analysis & Planning Division.

GENERAL PROVISIONS

PART 1. GENERALLY

.....

Section 1-1. Authority.

This plan is enacted pursuant to and consistent with §66.1001, Wis. Stats.

Section 1-2. Applicability.

1. *Jurisdictional Area.* The provisions of this plan shall be applicable throughout the Town of Black Earth, Wisconsin, the boundary of which may change over time through annexation or detachment.
2. *Conformance with Plan.* After January 1, 2010, all Town actions with regard to zoning, subdivision regulations, or official mapping shall be consistent with this plan. Prior to that date, this plan shall be used as a guideline.

Section 1-3. Repeal of Prior Comprehensive Plan.

All comprehensive plans previously adopted prior to the effective date of this plan are hereby repealed.

Section 1-4. Severability.

If a court of competent jurisdiction determines that a section, subsection, paragraph, sentence, clause, or phrase in this plan is unconstitutional or otherwise invalid, the validity of the remaining portions shall continue in full force and effect.

Section 1-5. Effective Date.

This plan shall be effective the first day after the date of publication or posting as provided for in §60.80(3), Wis. Stats.

Section 1-6. Development Expectations.

As outlined in Part III, this plan is subject to amendment and revision including the Future Land Use Map. As such, no special development rights are conferred upon any property by any designation or inclusion on the Future Land Use Map.

PART II.
INTERPRETATION

.....

Section 2-1. Interpretation of Boundaries of Future Land Use Districts.

1. *Boundary Line Interpretations.* Interpretations regarding future land use district boundaries and designations shall be made in accordance with the following rules:
 - (a) *Political Boundaries.* District boundaries shown as following, or approximately following, any political boundary shall be construed as following such line.
 - (b) *Property Lines.* District boundaries shown as following, or approximately following, any property line shall be construed as following such line.
 - (c) *Section Lines.* District boundaries shown as following, or approximately following, a section line, quarter-section line, or quarter-quarter section line shall be construed as following such line.
 - (d) *Centerlines.* District boundaries shown as following, or approximately following, any stream, creek, easement, railroad, alley, road, street, highway or similar feature shall be construed as following the centerline of such feature.
 - (e) *Natural Boundaries.* District boundaries shown as following, or approximately following, any natural feature such as a lake, pond, wetland, woodlot edge, floodplain or topographical features such as watershed boundaries shall be construed as following such natural feature as verified by field inspection when necessary.
 - (f) *Other.* In instances where a district boundary does not follow one of the lines or features listed above, the line shall be as drawn as provided for in subsection 2.

2. *Division of Parcels.* Where one or more district boundary line divides a parcel into 2 or more areas, the following interpretation of the boundary and designation shall apply:
 - (a) *Parcels of 2 Acres or Less.* For parcels of 2 acres or less, the designation of the largest area of the lot shall apply to the entire lot.
 - (b) *Parcels Larger than 2 Acres.* For parcels larger than 2 acres, the parcel shall be divided as depicted by the boundary.

Section 2-2. Interpretation of Goals, Objectives, and Policies.

1. Recognizing that some of the goals, objectives and policies may advance or serve competing interests in varying degrees, this plan shall be interpreted so as to promote the public interest to the greatest extent.

2. In the construction of goals, objectives and policies, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of the comprehensive plan:
 - (a) *Singular and Plural Words.* Words in the singular include the plural and words in the plural include the singular.
 - (b) *Tense.* Words in the present tense include the past and future tense and the future tense includes the present tense.
 - (c) *Shall or Will.* The word "shall" or "will" is mandatory.
 - (d) *May or Should.* The word "may" or "should" is permissive.
 - (e) *Include.* The word "includes" or "including" shall not limit a term to the specific examples listed, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

~~**Section 2-3. Responsibility for Interpretation.**~~

~~In the event that any question arises concerning any provision or the application of any provision of this plan, the Plan Commission shall be responsible for such interpretation and shall look to the overall intent of the comprehensive plan for guidance. The Commission shall provide such interpretation in writing upon request and keep a permanent record of said interpretations. The Town shall be the sole interpreter of this plan and shall have final interpretation of all materials contained within.~~

Not Adopted by the Dane County Board
Per sub 1 to OA 35 (09-10) DCCO

PART 3.
AMENDMENT

.....

Section 3-1. Initiation.

The following may submit an application for a plan amendment:

- (a) Town Board;
- (b) Plan Commission;
- (c) any resident of the Town;
- (d) any person having title to land within the Town;
- (e) any person having a contractual interest in land to be affected by a proposed amendment; or
- (f) an agent for any of the above.

Proposals to amend this plan shall be submitted to the Town Clerk between February 15 and March 15, except those recommended by the Town Board, which may be submitted anytime during the year.

Section 3-2. Burden of Proof.

The person that proposes an amendment to the Future Land Use Map shall have the burden of proof to show that the proposed amendment is in the public interest and internally consistent with the remainder of the plan.

Section 3-3. Application and Review Procedure.

The amendment process shall entail the following steps:

- (a) *Submittal of Application.* The applicant shall submit a complete application to the Town Clerk along with the application fee if any (See Sections 3-4 and 3-6).
- (b) *Transmittal of Application to Plan Commission.* The Town Clerk shall forward one (1) copy of the application to each member of the Plan Commission.
- (c) *Preliminary Review.* The Plan Commission shall review the application at one of its regular or special meetings. No decision shall be made at this time.
- (d) *Placement of Public Notice.* The Town Clerk shall provide for appropriate public notice for the public hearing conducted by the Plan Commission.
- (e) *Interdepartmental/Agency Review.* The Town Clerk shall forward one (1) copy of the application to appropriate Town personnel and local units of government that would be directly effected by the proposed amendment.
- (f) *Plan Commission Hearing.* Allowing for proper public notice, the Plan Commission shall conduct a meeting to review the application.
- (g) *Plan Commission Recommendation.* The Plan Commission shall make a written recommendation to the Town Board to either: deny the proposed amendment; or approve the proposed amendment without revision; or approve the proposed amendment with revision(s) that it deems appropriate. Such revisions to the proposed amendment shall be limited in scope to those matters considered in the public meeting.
- (h) *Public Hearing.* The Town Board shall hold a public hearing, allowing for proper public notice, to consider the proposed amendment.
- (i) *Town Board Decision.* After reviewing the application and the Plan Commission's recommendation, the Town Board shall make a decision to either: deny the proposed amendment; or approve the proposed amendment without revision; or approve the amendment with revision(s) that it deems appropriate. Such revisions to the proposed amendment shall be limited in scope to those matters considered in the public hearing.
- (k) *Notification of Decision.* Within five (5) days of the decision, the Clerk shall mail the applicant, by regular U.S. mail, the original copy of the decision and notify the Plan Commission in writing of its decision (if it is not the applicant). If the proposed amendment is denied, the notification shall indicate the reasons for the denial. If the amendment is approved, an ordinance to that effect shall be adopted.

- (l) *Update History of Adoption and Amendment.* The Plan Commission shall update the table found in Section 3-7 of this part.

Section 3-4. Application Content.

- 1. *Landowner-Initiated Amendment to the Future Land Use Map.* An application submitted by a landowner to amend the Future Land Use Map shall include the following:
 - (a) a scaled drawing of the subject property;
 - (b) a legal description for each of the parcels in the subject property;
 - (c) a map of the existing land uses occurring on and around the subject property;
 - (d) a written description of the proposed change;
 - (e) a written statement outlining the reason(s) for the amendment; and
 - (f) other supporting information the applicant deems appropriate.
- 2. *Other Amendments.* For all other types of amendments, the application shall include the following:
 - (a) a written description of the proposed change;
 - (b) a written statement outlining the reason(s) for the amendment; and
 - (c) other supporting information the applicant deems appropriate.

Section 3-5. Limitations on Amending the Comprehensive Plan.

- 1. *Internal Consistency.* Amendments shall be made so as to preserve the internal consistency of the entire plan.
- 2. *Granting Special Privileges or Placing Limitations Not Permitted.* No amendment to change the Future Land Use Map shall contain special privileges or rights or any conditions, limitations, or requirements not applicable to all other lands in the district.

Section 3-6. Application Fees.

- 1. *Landowner-Initiated Amendments.* For all amendments to the Future Land Use Map that are initiated by the owner or another person having a contractual interest in land to be affected by the proposed amendment, an application fee, as set by the Town Board and on file at the Town Clerk's office, shall be submitted at the time of application.
- 2. *Other Amendments.* For all other types of amendments, no application fee shall be assessed.

Section 3-7. Historical Summary of Plan Adoption and Amendments

The table below provides an overview of Town Board action regarding this plan.

| Date | Ordinance Number | Description of Actoin |
|------------|------------------|--|
| ____, 2009 | | Town Board repeals the Town's 1981 master plan and adopts the Town's comprehensive plan to comply with Wisconsin's Smart Growth Legislation. |

A

Adoption Ordinance

Town of Black Earth Comprehensive Plan

ORDINANCE NO. 2009-1

TOWN OF BLACK EARTH
STATE OF WISCONSIN

AN ORDINANCE TO ADOPT A COMPREHENSIVE PLAN

Whereas, the Town, pursuant to secs. 66.1001 of the Wisconsin Statutes, is authorized to prepare and adopt a comprehensive plan as defined in §66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

Whereas the Town Board has adopted written procedures designed to foster public participation in every stage of the preparation and review of the comprehensive plan as required by §66.1001 (4)(a) of the Wisconsin Statutes.

Whereas, the Town Board established a committee to develop a draft comprehensive plan;

Whereas, the plan commission has reviewed the draft comprehensive plan and has, by a majority vote of the entire commission recorded in its official minutes, adopted a motion recommending to the Town Board the adoption of the comprehensive plan, which contains all of the elements specified in §66.1001(2) of the Wisconsin Statutes.

Whereas, the Town Board has held at least one public hearing on this ordinance, in compliance with the requirements of §66.1001(4)(d) of the Wisconsin Statutes.

Now therefore, the Town Board does hereby ordain as follows:

1. The Plan Commission's Resolution and the Comprehensive Plan are hereby adopted pursuant to §66.1001(4)(c) of the Wisconsin Statutes.
2. The Comprehensive Plan is, pursuant to statute, adopted as the Master Plan of the Town of Albion pursuant to sec. 62.23, Wis. Stats.
3. This ordinance shall take effect upon posting as required by law.
4. The Town Clerk is directed to send a copy of the adopted comprehensive plan to the following, along with an explanatory cover letter:
 - a. Black Earth Public Library,
 - b. the Clerk of each adjoining jurisdiction,
 - c. the County Clerk of Dane County,
 - d. Wisconsin Land Council, and
 - e. Department of Administration.
5. Dane County is hereby requested to incorporate this adopted comprehensive plan into the Dane Town Farmland Preservation Plan.

Adopted this 18 day of Aug, 2009.

Kenneth E Olson, Town Chair
Ken Olson

(Posted): Aug 27, 2009.

Attested: Barb Parrell

Barb Parrell, Town Clerk

B

Survey Results

Town of Black Earth Comprehensive Plan



Town of Black Earth Comprehensive Plan Public Opinion Survey, 2008

**David Trechter
Shelly Hadley
James Janke**

**Survey Research Center Report 2008/6
March, 2008**

Students working for the Survey Research Center were instrumental in the completion of this study. We would like to thank Mandy Speerstra, Bethany Barnett, Adrienne Adolphson, Megan Glenn, Megan Keune, Hannah Stuttgen, Grady Stehr, and Aaron Peterson. Their hard work and dedication are gratefully acknowledged. The SRC would also like to thank Dr. Bill Rizzo, UW-Extension, Dane County, Sarah Shoemaker of Vierbicher Associates, Town Clerk Barb Parrell, and the Planning Commission for the Town of Black Earth for their assistance throughout this process. Finally, we would like to thank the Town of Black Earth citizens who took the time to complete the questionnaires.

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Executive Summary

From late January to early March 2008, the Survey Research Center (SRC) at the University of Wisconsin – River Falls collected data from residents of the Town of Black Earth. Two surveys were sent to all of the 259 households in the Town for which we had addresses. Given the estimated number of adults in the Town (361), the total number of surveys returned (261) is an outstanding return rate (72%). Because the participation rate is high, the estimates in this report are expected to be accurate to within +/- 3.2 percent with 95 percent confidence. Statistical tests indicate that “non-response bias” is not a problem with this sample. In short, the results of this survey should provide an accurate snapshot of public opinion about land use issues in the Town.

Several things are striking about the results of this survey. First, despite what appears to be a population that is undergoing a fair amount of change, based on the length of time respondents reported living in the Town, there are remarkably few consistent differences of opinion based on length of time spent in the Town. This is relatively uncommon in our experience. When a substantial number of people move into a jurisdiction, there are often stark differences between how the long-term residents and the new arrivals see the world. This is not apparent to any great degree in these data. Likewise, there are virtually no gender differences of opinion in the Town of Black Earth; the planning preferences of men and women in the Town align closely, which is somewhat unusual based on similar surveys the SRC has done. The only semi-consistent demographic difference is between resident and non-resident landowners and this probably reflects the quite different economic interests of these two groups. In short, there are fewer demographic divides than we typically see in land use surveys.

Second, the level of satisfaction with the quality of life in the Town is quite high and tends to be related to the perception that the Town is doing a pretty good job of taking care of the things they control and that matter to the citizens – maintaining the roads and using its decision-making authority to maintain the characteristics of the Town about which they most care (its rural atmosphere, natural beauty and environmental quality, and low density development). Associated with this level of satisfaction with life in the Town is broad agreement about the goals that the Comprehensive Plan should include (protecting the environment, preserving farm land and agricultural opportunities, preserving the Town’s rural character, avoiding expenditures that promote urbanization, and controlling non-agricultural development).

Third, there are patterns of responses that were broadly consistent across different sections of the questionnaire. In particular, concern about preserving the environment and small-scale agriculture seem apparent in multiple sections of the survey. For example, respondents favor the use of cluster designs to preserve open space, they are opposed to development on environmentally sensitive and agricultural lands, and they are supportive of PDR and TDR programs that could be used to guide where development does take place in the Town.

Fourth, the two areas of general unease that come through in this survey are concerns about the level of taxation (common in many/most jurisdictions around the state) and about the need for more economic development in the Town. The survey indicates that, with respect to economic development, the respondents would like to see it concentrated along state highways and, to a lesser extent on County roads.

Study Purpose

The purpose of this survey was to understand public opinions about a range of important land use issues facing the Town of Black Earth. The results of this survey will provide input into the comprehensive land use plan that the Town is developing.

Survey Methods

In late January 2007, the Survey Research Center (SRC) at the University of Wisconsin – River Falls mailed surveys to 259 Town residences. Because of the relatively small size of the Town’s population and a goal of receiving surveys from at least 186 residents (to achieve statistical accuracy to within plus or minus 5% with 95% confidence), two copies of the survey were included in each mailing. If only one adult lived at a given address, recipients were instructed to simply discard the second questionnaire. The response rate from Town residents was truly outstanding. A total of 261 surveys were returned, 72 percent of the estimated adult population in the Town. Given this rate of return, the estimates we will discuss in this report should be accurate to within plus or minus 3.2% with 95% confidence. For example 58% of respondents said that the natural beauty of the area was one of the top three reasons they chose to live in the Town of Black Earth. Given the response rate to this survey, there is only a 5% chance that the actual percentage of Town residents who chose to reside there because of the natural beauty of the area is less than 54.8% (= 58% - 3.2%) or more than 61.2 percent (= 58% + 3.2%). In short, the results of this survey should provide a highly accurate opinion of public opinion about land use issues in the Town.

Most surveys have to be concerned with “non-response bias”. Non-response bias refers to a situation in which people who do not return a questionnaire have opinions that are systematically different from the opinions of those who return their surveys. However, when 70% or more of the target population returns their survey, non-response bias is rarely an issue. Never the less, the SRC tested 76 variables included in the questionnaire and found only eight instances in which responses from the first mailing and those from the second were statistically different.

Based upon a standard statistical analysis that is described in Appendix A, the Survey Research Center (SRC) concludes that non-response bias is not a concern for the Town of Black Earth survey.

In addition to the numeric responses, respondents provided additional written comments that were compiled by the SRC from the surveys. As appropriate, selected quotes will be used in some sections of this report to illustrate these comments. **Appendix B to this report contains the complete compilation of comments.**

Appendix C contains the survey questionnaire with a quantitative summary of responses by question.

Profile of Respondents

Table 1 summarizes the demographic profile of respondents to the Town of Black Earth Comprehensive Plan survey. Where comparable data were available from the 2006 American Community Survey Census or the 2000 Census of Population and Housing, they were included to indicate the degree to which the sample represents the underlying adult population in the Town of Black Earth. The data in Table 1 show that, in general, the sample matches the underlying population quite well. The only major deviation between the sample and Census data is with respect to the proportion of respondents who are less than 35 years of age.

| Table 1: Demographic Profile of Respondents | | | | | | | |
|---|--------------|---------------------------|---------------------|----------------------------------|----------------------|----------------------|------------------|
| | | | | | | | |
| Gender | Count | Male | Female | | | | |
| Survey | 238 | 52% | 48% | | | | |
| Census (18+) | 336 | 54% | 46% | | | | |
| | | | | | | | |
| Age 18+ | Count | 18-24 | 25-34 | 35-44 | 45-54 | 55-64 | 65+ |
| Sample | 242 | 0% | 2% | 17% | 32% | 24% | 25% |
| Census | 336 | 7% | 15% | 22% | 25% | 17% | 15% |
| | | | | | | | |
| Employment Status | Count | Full-Time | Part-Time | Self | Unemp | Retired | |
| Sample | 242 | 45% | 20% | 7% | 3% | 24% | |
| Census (16+) | 320 | 58% | | 12% | 2% | 28% | |
| | | | | | | | |
| Commute Time to Work (one-way) | Count | 0 - 9 | 10 - 14 | 15 - 19 | 20 - 29 | 30 - 44 | 45+ |
| Sample | 223 | 38% | 7% | 7% | 18% | 24% | 7% |
| Census (Total households) | 198 | 22% | 10% | 3% | 15% | 35% | 16% |
| | | | | | | | |
| Residential Status | Count | Resident Landowner | Renter | Non-Residential Landowner | Other | | |
| Survey | 241 | 87% | 0% | 12% | 1% | | |
| | | | | | | | |
| Length Town Resident | Count | 0-5 Years | 5.1-10 years | 10.1-15 years | 15.1-20 years | 20.1-30 years | 30+ years |
| Survey | 226 | 12% | 15% | 13% | 9% | 10% | 32% |

Table 1 depicts a population that includes about one-quarter retirees and few who are unemployed. Nearly one-third of the 70 percent of the sample that reported being employed (full-time, part-time, or self-employed) said that they spent at least half an hour commuting to work (one way). This proportion was substantially smaller than the 51 percent who, in the

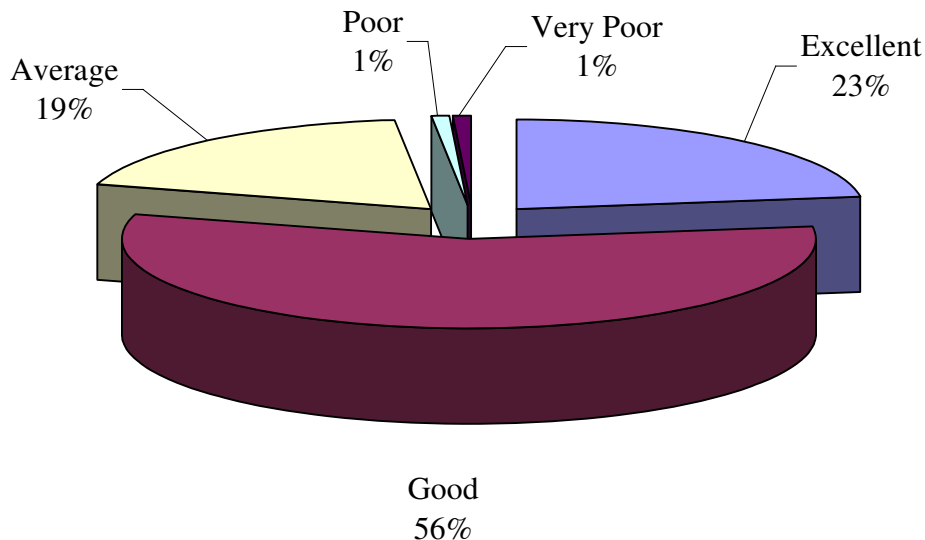
Census, said they spent 30 minutes on the road to get to their job. Table 1 also indicates that about one-third of the Town’s population has lived there for more than 30 years and about equal proportions who have lived there for less than 5 years, between 5 and 10 years, 15 and 20 years, and 20 to 30 years.

In general, the sample seems to represent the adult population in the Town of Black River reasonably well.

Quality of Life

Figure 1 indicates that most people rate the quality of life in the Town of Black Earth as good (56 percent) or excellent (23 percent). Only 2 percent seem dissatisfied with life in the Town. Older residents rate the quality of life in the Town of Black Earth significantly higher than younger ones. Younger residents are more likely to say that the quality of life in the Town is “average.”

Figure 1: Overall Quality of Life in Town of Black Earth



The SRC examined the factors that are associated with the rating that each respondent gave to the quality of life in the Town of Black Earth. Factors that did **not** have a statistically significant relationship with residents opinions about the Town’s quality of life include the number of acres they own in the county (small and large landowners have similar opinions), the length of residence in the Town (newer and longer-term residents have similar assessments), gender (no “gender gap”), the length of their commute to work (those driving further and those walking across the barnyard were similar), or their interest in preserving agricultural land for agriculture. Instead, the things that seem to be important in terms of satisfaction with the quality of life are:

- the quality of the road network (the happier they were with the roads, the higher the rating they gave the Town)
- the importance they place on preserving the rural nature of the Town (the more they agree that the new Comprehensive Plan should do this, the happier they are with the quality of life)
- the importance they place on protecting the environment, natural resources and natural beauty of the area (the more they agree that the new Comprehensive Plan should do this, the happier they are with the quality of life)
- the density policy (the more they support the current density policy, the higher the quality of life rating they gave)
- merging with other communities (the more strongly they disagreed with this policy option, the higher the quality of life they assigned to the Town)

In short, the citizens of the Town seem to want the revised comprehensive plan to preserve the aspects of the place that drew them to the area in the first place: its good roads, rural character, natural beauty and high quality environmental amenities, relatively low-density development, and independence.

Respondents were asked to identify the one thing that they would change about the Town if they could. Fewer than half of the citizens responded to this question. Among those who did respond, lowering taxes (especially property taxes) was by far the most common factor they would change (nearly one-third of the 97 responses had to do with tax relief). The only other categories identified by more than 10% of the respondents focused on governance issues (“*improve communications with residents,*” “*Get rid of ‘Good Ol’ Boys’ and control freaks like _____*”) and the need for more economic development in the Town (“*high speed internet service to rural areas,*” “*More grocery stores and fast food restaurants*”).

Figure 2: Three Most Important Reasons to Live in Town of Black Earth

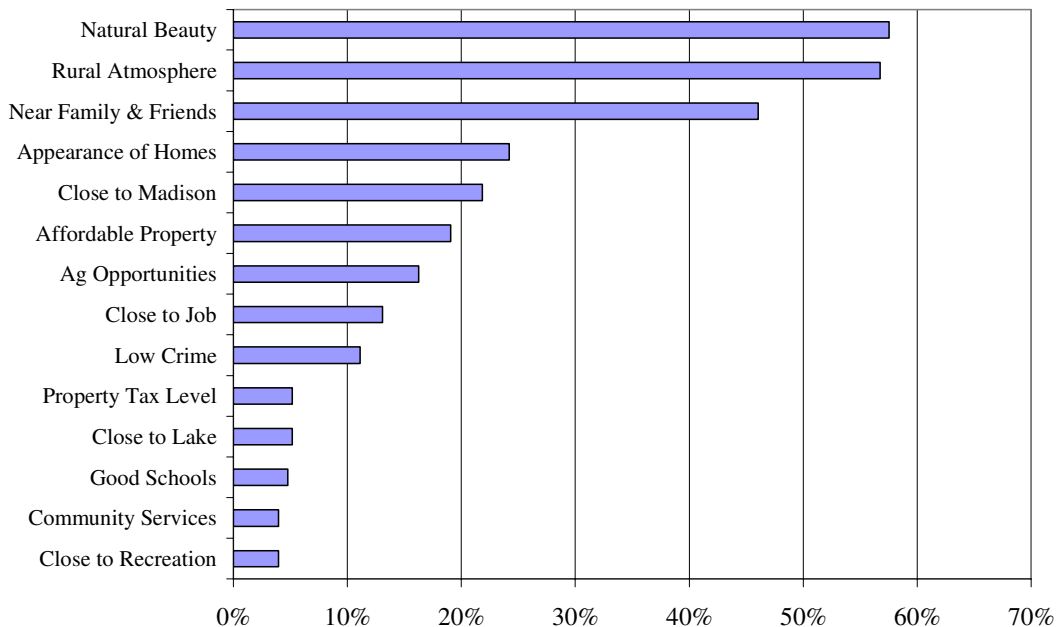


Figure 2 shows the most important reasons respondents have chosen to live in the Town of Black Earth. More than half of all respondents ranked the natural beauty and the rural atmosphere of the Town among the top three reasons for living in Black Earth. Nearly half (46 percent) said that being near family and friends was one of the three most important reasons for living in the Town. About one-fifth of the respondents noted the appearance of homes, the proximity of Madison, and the affordability of property in Black Earth.

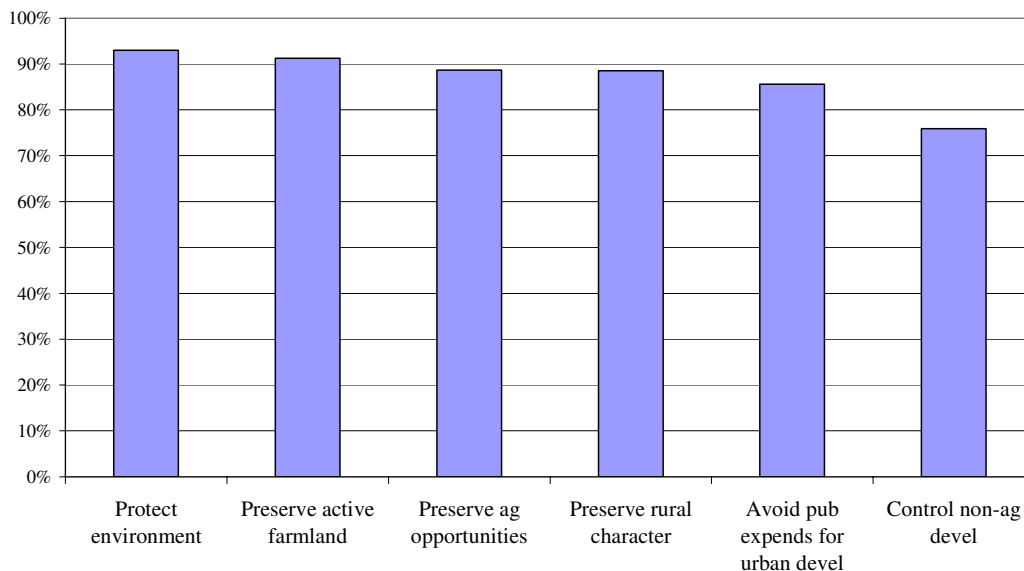
The reasons given for living in the Town of Black Earth vary by demographic group. Perhaps the most interesting demographic difference for choosing to live in the Town is with respect to how long they have lived there. Newer arrivals chose the Town because of the appearance of the homes, to be near water (a lake, stream or pond), to be close to recreational opportunities, the Town’s proximity to Madison, and to be “close” to their job. The “closeness” to one’s job is a relative concept; newer arrivals were also significantly more likely to spend more time commuting to work than were longer-term residents. Longer-term residents were significantly more likely to cite agricultural opportunities, the natural beauty of the area, the quality of the schools, and being near family and friends as reasons for living in the Town.

As was true for newer residents, being close to Madison was also important to women and younger Town residents. Those reporting that they have full-time employment said that the affordability of property and being close to their job were key reasons for locating in the Town.

General Planning Issues

Respondents were asked to give their opinions about a variety of goals for the comprehensive land use plan. Large majorities (at least 76%) agree or strongly agree that the comprehensive plan should include all of the goals included in Figure 3 (protecting the environment, preserving active farmland, etc.).

Figure 3: Percent Who Agree or Strongly Agree that the Town of Black Earth’s Comp Plan Should:



Given the broad level of support for all of the goals included in Figure 3, demographic differences of opinion tend to be ones of degree rather than reflecting completely different perspectives. For example, non-residential landowners agree significantly less strongly that the comprehensive plan should preserve active farmland than do residential landowners. However, a strong majority (70%) of non-residential land owners agree or strongly agree that such farmland should be preserved but this is significantly less than the 92 percent of residential landowners who feel this way. The split between the views of residential and non-residential landowners is the most interesting of the demographic differences with respect to these general planning goals. Besides being somewhat less sold on the need to preserve active farmland, non-residential land owners are less supportive of comprehensive land use goals to preserve agricultural opportunities, control non-agricultural development, protect the local environment, preserve the Town's rural character, and the need to avoid public expenditures in support of urban development.

Respondents were asked to identify any additional goals they think should be added to the Comprehensive Plan. A total of 42 suggestions were received and the category of suggestions receiving the largest percentage of comments dealt with expanding the tax base (21% of all comments). Typical of the comments in this set of suggestions include:

Allow "more commercial and housing development to get a bigger tax base for the schools"

"I would like to see additional businesses, homes, etc. built here to help off-set our outrageous property taxes"

Closely related to a desire to broaden the tax base was a general interest in economic development for the Town. Typical of these comments, which constituted another 12% of the suggestions for additional goals are:

"We need some development that should have started slowly years ago. For some reason, people on the town board did not want. We have to have some development or we turn into a ghost town! Without any schools!"

"Regarding economic development - I could see encouragement of farmstead enterprises (bakery, cheesery, woolen mill, etc.)"

Other topics that citizens noted as possible comprehensive plan goals include encouraging small-scale agriculture (14%), housing issues (14%), and environmental protection (12%). A complete list of their suggestions is included in Appendix B.

Respondents were also asked their opinion about including a number of initiatives in their comprehensive plan: developing cooperative boundary agreements, intergovernmental service agreements, etc. Their opinions are summarized in Table 2. There is nearly universal agreement (93% agree or strongly agree) that the Town should consider developing cooperative boundary agreements with neighboring jurisdictions. In a separate portion of the questionnaire, respondents were asked to indicate how important they think it is for the Town to seek

agreements with neighboring jurisdictions on future land use, public services and annexations. A very large majority (89%) said that this was “important” or “very important” for the Town to do.

| Table 2: In Its Comprehensive Plan, Black Earth Town Should: | | | | | |
|---|-------|----------------|-------|----------|-------------------|
| | Count | Strongly Agree | Agree | Disagree | Strongly Disagree |
| Develop co-op boundary agreements | 237 | 19% | 73% | 4% | 3% |
| Develop intergovernmental service agreements | 227 | 22% | 63% | 11% | 4% |
| Merge Black Earth and Mazomanie Fire Depts. | 239 | 34% | 45% | 15% | 6% |
| Expand Highway 14 | 240 | 25% | 43% | 20% | 12% |
| Merge with other municipalities | 235 | 20% | 44% | 24% | 11% |

Support is also strong for developing intergovernmental service agreements (85% agree or strongly agree) and merging the Black Earth Fire District with the Mazomanie Fire Department (79%). Roughly two-thirds of respondents support expansion of Highway 14 (68%) and merging with other, unspecified, municipalities (64%).

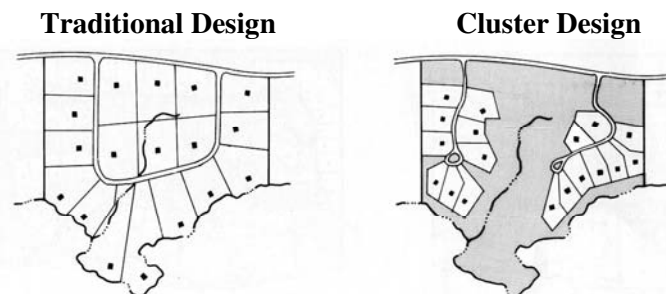
Housing

In one of the key housing questions, residents were asked to indicate their preference for housing developments based on a traditional design (large lots, little open space) versus a cluster design (smaller lots with permanently preserved open space) as depicted in the diagrams in Figure 4. By a substantial margin, the people in Black Earth Town prefer developments that use the cluster design; fewer than one in six prefer the traditional design and slightly more than one in four recommend a neutral stance with respect to these two development design options. This result seems to conform to the factors associated with higher quality of life ratings discussed above – specifically the open spaces associated with the cluster design would, perhaps, do a better job of preserving the rural character and natural beauty of the Town.

The cluster design is favored by a majority of residents of all ages except for those over 65; respondents in this age category were nearly evenly split between remaining neutral (38%) and those favoring the cluster design (41%). Support for the cluster design tends to be stronger among resident landowners compared to non-resident landowners and among more recent arrivals than those who have lived in the Town for more than 30 years.

Figure 4: Preferences for Traditional versus Cluster Designs for Developments

Encourage Traditional Design
16%
Remain Neutral
28%
Encourage Cluster Design
56%



The data in Table 3 indicate that there is relatively strong support for the Town’s density policy, which allows one new home per 35 acres owned as of March 1, 1981. Nearly three-quarters support (38%) or strongly support (36%) this policy. Support for the Town’s density policy is significantly stronger among those who have lived in Black Earth for a longer period of time. At one level, support for the density policy is inconsistent with the support for cluster development (Figure 4). It does, however, speak to the interest that Town residents have for maintaining open space and the rural atmosphere of Black Earth.

| Table 3: Town of Black Earth Citizen Support for: | | | | | |
|--|--------------|-------------------------|----------------|---------------|------------------------|
| | Count | Strongly Support | Support | Oppose | Strongly Oppose |
| Town's Density Policy | 243 | 36% | 38% | 18% | 8% |
| Multi-Family Dwellings | 245 | 9% | 33% | 35% | 22% |

There is relatively strong opposition to the construction of multiple family dwellings such as apartments in the Town. While the proportion of Town citizens who “oppose” and “support” multifamily dwelling units is very similar (35% and 33%, respectively), the strength of feeling is clearly with those in opposition (22% strongly oppose compared to only 9% who strongly support this type of housing development).

Natural Resources

Relatively strong majorities of Town of Black Earth citizens agree or strongly agree that development on steep and erosive slopes (85%), on agricultural land (74%), and on ridge tops (64%) should be limited. A narrow majority (54%) feel this way about developments in the middle of woods or forests.

| Table 4: The Town Should Limit Development On: | | | | | |
|---|--------------|-----------------------|--------------|-----------------|--------------------------|
| | Count | Strongly Agree | Agree | Disagree | Strongly Disagree |
| Steep/Erosive Slopes | 244 | 59% | 25% | 11% | 6% |
| Agricultural Land | 244 | 49% | 25% | 17% | 9% |
| Ridge Tops | 238 | 35% | 29% | 28% | 8% |
| Middle of Woods/Forest | 239 | 26% | 28% | 36% | 10% |

The most interesting demographic difference of opinion about limiting growth in the areas covered in Table 4 is with respect to resident and non-resident landowners. While a majority of both groups tends to support restrictions on developments in these areas, the level of support is significantly weaker among non-resident landowners with respect to development on agricultural land, on ridges, and in the middle of woods or forests. To the extent that non-resident landowners view their property as an investment, restrictions on development in these areas would be expected to reduce the value of their investment. Hence, their somewhat lower level of support for such restrictions is probably consistent with their economic self-interest.

Respondents were asked, “If development were to take place (on one of the 4 types of areas covered in Table 4), in what order would you prefer the development to happen?” Combining their first and second choices gives the following result:

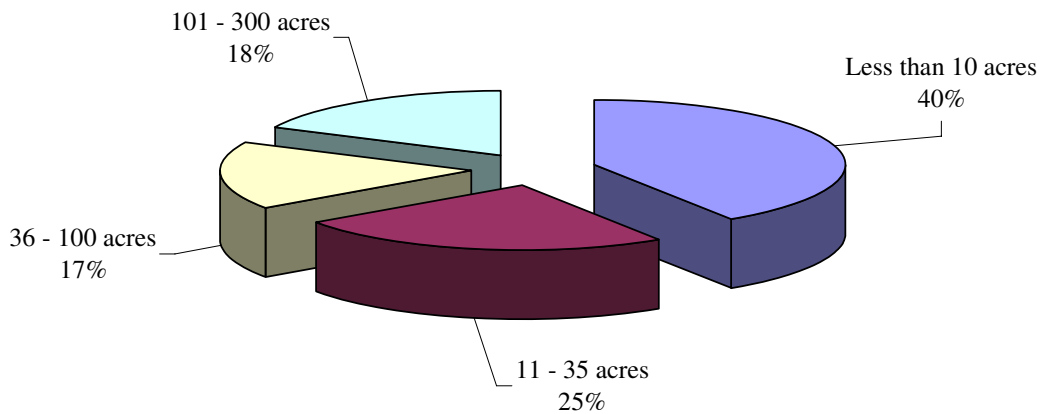
- 67% prefer the middle of woods or forests
- 59% prefer ridge tops
- 40% prefer agricultural land
- 26% prefer steep and erosive slopes

Respondents’ preferences seem fairly clear; if development is to occur, a majority would rather it happen in the woods or on ridge tops. This result appears consistent with the concern respondents seem to have about preserving the rural character, small-scale agriculture, and environmental quality of the area.

Agricultural Use/Land Use

Figure 5 illustrates the amount of land owned by survey respondents. Two people (less than 1 percent) reported owning no land in the county and no one reported owning more than 300 acres (which was a response option).

Figure 5: Acres Owned in the Town of Black Earth



- **Of those with more than 100 acres:** slightly more than one-third (39%) reported that they primarily use their land for farming within the family, nearly half (48%) said their land was primarily farmed by someone outside the family or was primarily open space. About three-quarters said their land was used for crops (77%) and about a quarter for livestock (27%).
- **Of those with 36 – 100 acres:** nearly one-quarter (24%) reported being family farms and about one-in-five (21%) said others farmed their land. Of those whose land was

used in agriculture, 43% said it was used to produce crops and 31% to produce livestock. Forty-five percent said their land was primarily open space and nearly as many (43%) said their land was primarily a rural residence.

- **Of those with 11 – 35 acres:** the primary uses are as rural residences (62%) and as open land (39%). Very few in this category farm their own land (10%) but a number do rent land to non-family members for agricultural purposes (16%).
- **Of those with 10 acres or less:** Almost all of those with less than 10 acres (91%) said they use their land primarily as a rural residence.

Interestingly, more than 40 percent of non-resident landowners report having between 36 and 100 acres and more than one-quarter report owning more than 100 acres of land in the Town. So, the holdings of non-residential landowners tend to be significantly more than just a lot on which to build a second or retirement home. In fact, the amount of land owned by non-residential landowners is significantly larger than for residential landowners.

Two of the more recently developed tools used by some Wisconsin jurisdiction to manage growth are the purchase or transfer of development rights. Those receiving a Town of Black Earth questionnaire also received the following definitions:

- **Purchase of Development Right (PDR):** a public or private government initiative that acquires the development rights of property to limit development and protect natural features or open space.
- **Transfer of Development Rights (TDR):** a technique, involving the designation of development (receiving) zones and protected (sending) zones, for guiding growth away from sensitive resources and toward controlled development centers by transferring development rights from one area to another via local law authorization such as a deed or easement.

Having been given these definitions, respondents were asked if they favored the development of a PDR program and the authorization of a TDR program in the Town. Table 5 summarizes their responses and indicates that a majority of the sample are in favor of both options. PDRs are slightly more popular

| Table 5: The Town of Black Earth Should: | | |
|---|-------|-------------|
| | Count | Percent Yes |
| Have a PDR program | 237 | 62% |
| Allow TDR among property owners | 234 | 55% |

There are relatively few significant differences with respect to how different groups of Town citizens view PDR and TDR programs. Non-

residents are significantly less supportive of PDRs than are residents and support is generally greater the longer a person has lived in the Town. However, those who have lived in the Town for more than 30 years are somewhat less supportive of PDRs than those who have lived there for 15 -30 years.

With respect to TDRs, those who are more than 65 years of age and retirees are substantially less supportive than their younger counterparts. Those who are self-employed are more supportive of TDRs than those who are employed by others (full- or part-time).

Landowners and residents were also asked about the future of agriculture in the Town; their opinions are summarized in Table 6. By a very strong majority (84%), the people of the Town of Black Earth agree or strongly agree that its Comprehensive Plan should take into account the possible future demand for feed and fuel crops. On the other hand, very few Town residents support the development of large-scale animal agriculture.

| Table 6: Opinions about Agriculture in the Town of Black Earth | | | | | |
|---|-------|----------------|-------|----------|-------------------|
| | Count | Strongly Agree | Agree | Disagree | Strongly Disagree |
| Comp Plan Should Consider Future Feed/Fuel Demand | 233 | 32% | 52% | 11% | 5% |
| | | | | | |
| Town Should Allow Farms with: | Count | Percent Yes | | | |
| 1,000+ cattle | 245 | 19% | | | |
| 5,000+ hogs | 246 | 13% | | | |
| 1,000,000+ poultry | 246 | 11% | | | |

Economic Development

The economic development questions included in the questionnaire focused on whether the

| Table 7: Economic Development Opinions | | |
|---|-------|-----|
| Town Should Allow: | Count | Yes |
| Commercial Development | 241 | 64% |
| Industrial Development | 237 | 42% |
| Other Development | 67 | 51% |
| | | |
| Allow Commercial Zoning: | Count | Yes |
| Along State Highways | 242 | 81% |
| Along County Roads | 242 | 53% |
| Along Town Roads | 241 | 39% |

Town should consider changes to its zoning regulations. In the first set of questions, respondents were asked if the Town should consider allowing commercial, industrial, or other types of development in the Town. Respondents were supportive of considering commercial developments for the town but not of industrial development. Many of the “other” development responses were variations on a theme of business development (small business, family businesses, etc.); a few mentioned

recreational or arts-oriented businesses.

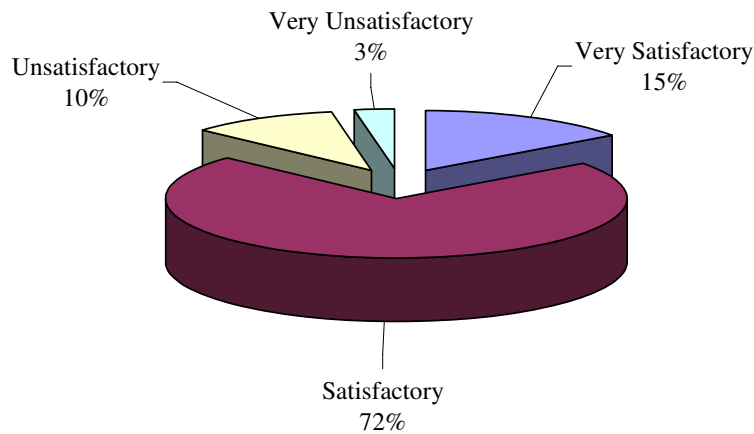
With respect to where commercial developments should take place, Black Earth residents are fairly clear that they would allow them along state highways and not along Town roads. They are split very closely on whether commercial development should occur along County roads.

Surprisingly, given that there are few consensus positions in Table 7, demographic differences of opinion about economic development are few.

Transportation

As noted at the outset of this report, there is a high level of correlation between how respondents rated the condition of roads in the Town and how they viewed the overall quality of life in Black Earth. In fact, the condition of the roads was the factor that was most closely associated with the overall quality of life rating. The good news is that by and large respondents were reasonably satisfied with the quality of their roads. As noted in Figure 6, only 13 percent rated Town roads as unsatisfactory or unsatisfactory.

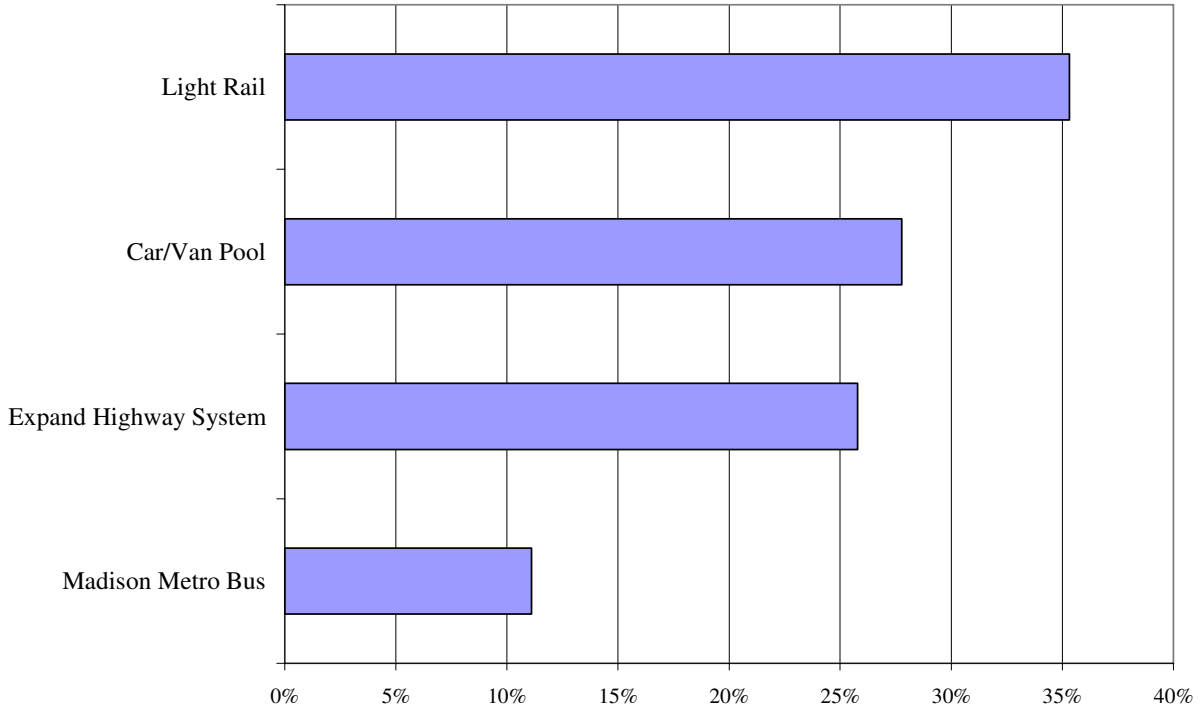
Figure 6: Condition of Roads in Town of Black Earth



Older residents, those 55 and older, tended to rate the overall condition of roads in the Town more highly than did younger respondents. Those with full-time employment and the self-employed rated the roads slightly less highly.

Respondents were also asked to indicate the best way to get commuters to Madison and back from outlying parts of Dane County. Given concerns expressed by Town respondents about tax levels, it is somewhat surprising that the commuting option selected by the largest proportion of the sample (35%), developing commuter or light rail transit on existing tracks or abandoned rail right-of-way, is likely to require the highest level of public investment. Developing car or van pools (28%) and expanding the highway system (26%) have roughly equal levels of support. Relatively few Town respondents felt that an extension of the Madison Metro bus line was the best alternative (11%).

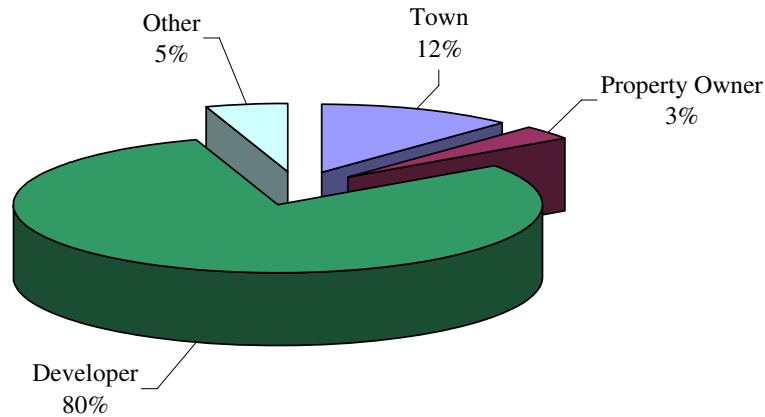
Figure 7: Preferred Madison Commute Option



Community Facilities

When development or growth requires that road or infrastructure improvements be made in the Town of Black Earth, the overwhelming opinion of the sample (80%) is that developers should pay for them. Only 12% feel that these improvements should be paid for by the Town’s taxpayers. The 5% who selected “Other” tended to say either that the cost of improvements should be split (e.g. between the developer, the Town and the property owner) or that the nature of the development would dictate who should pay (e.g. developments with 5 or more lots should be paid for by the developer and those with less than 5 should be covered by the Town or property owner). The longer people have lived in the Town, the less likely they are to feel that the Town should cover these costs of development. In contrast, non-residents are significantly more likely to feel that the Town should cover these costs.

Figure 8: When Development Requires Roads and Infrastructure, Who Should Pay



Input was sought on the role the Town should play in the regulation or location of several types of infrastructure and the opinions of respondents are summarized in Table 8. Large majorities feel that it is important for the Town to be involved in all four of the items listed in Table 8:

- 88% agree or strongly agree that the Town should try to influence the placement of power lines
- 85% agree or strongly agree that the Town should regulate the placement of communication towers and that it should try to influence the placement of other utilities (especially wind turbines and natural gas pipelines)
- 77% agree or strongly agree that the Town should control light pollution

| Table 8: The Town of Black Earth Should: | | | | | |
|--|-------|----------------|-------|----------|-------------------|
| | Count | Strongly Agree | Agree | Disagree | Strongly Disagree |
| Influence Power Line Placement | 245 | 38% | 49% | 9% | 3% |
| Regulate Communication Tower Placement | 247 | 36% | 49% | 11% | 4% |
| Influence Other Utility Placement | 194 | 31% | 54% | 12% | 3% |
| Control Light Pollution | 241 | 39% | 38% | 20% | 3% |

The only significant demographic differences of opinion with respect to the items in Table 8 are based on length of residence in the Town and the age of the respondent. Those who are older (65+) and those who have lived in the Town of Black Earth (30+ years) tend to be less fervent in their opinions about the need for the Town to try and influence the placement of power lines and other utilities. They are significantly more likely to “agree” rather than “strongly agree” that the Town should become involved in these issues.

Conclusions

The extremely high response rate achieved in this survey should provide an accurate snapshot of opinions of residents and non-resident landowners in the Town of Black Earth. The similarity between the demographic profile of the sample and data from the Census lend additional confidence that these data are a good reflection of Town opinions.

Several things are striking about the results of this survey. First, despite what appears to be a population that is undergoing a fair amount of change, based on the length of time respondents reported living in the Town, there are remarkably few consistent differences of opinion based on length of time spent in the Town. This is relatively uncommon in our experience. When a substantial number of people move into a jurisdiction, there are often stark differences between how the long-term residents and the new arrivals see the world. This is not apparent to any great degree in these data. Likewise, there are virtually no gender differences of opinion in the Town of Black Earth; the planning preferences of men and women in the Town align closely, which is somewhat unusual based on similar surveys the SRC has done. The only semi-consistent demographic difference is between resident and non-resident landowners and this probably reflects the quite different economic interests of these two groups. In short, there are fewer demographic divides than we typically see in land use surveys.

Second, the level of satisfaction with the quality of life in the Town is quite high and tends to be related to the perception that the Town is doing a pretty good job of taking care of the things they control and that matter to the citizens – maintaining the roads and using its decision-making authority to maintain the characteristics of the Town about which they most care (its rural atmosphere, natural beauty and environmental quality, and low density development). Associated with this level of satisfaction with life in the Town is broad agreement about the goals that the Comprehensive Plan should include (protecting the environment, preserving farmland and agricultural opportunities, preserving the Town's rural character, avoiding expenditures that promote urbanization, and controlling non-agricultural development).

Third, there are patterns of responses that were broadly consistent across different sections of the questionnaire. In particular, concern about preserving the environment and small-scale agriculture seem apparent in multiple sections of the survey. For example, respondents favor the use of cluster designs to preserve open space, they are opposed to development on environmentally sensitive and agricultural lands, and they are supportive of PDR and TDR programs that could be used to guide where development does take place in the Town.

Fourth, the two areas of general unease that come through in this survey are concerns about the level of taxation (common in many/most jurisdictions around the state) and about the need for more economic development in the Town. The survey indicates that, with respect to economic development, the respondents would like to see it concentrated along state highways and, to a lesser extent on County roads.

Appendix A – Non-Response Bias Test

Most surveys have to be concerned with “non-response bias”. Non-response bias refers to a situation in which people who do not return a questionnaire have opinions that are systematically different from the opinions of those who return their surveys. For example, Question 2 of the Town of Black Earth survey asked residents to rate the overall quality of life in the town on a scale from “excellent” (= 1) to “very poor” (= 5). Suppose only people who were quite happy with the quality of life in the Town responded to the survey. If this were the case, the overall quality of life rating would overstate the true level of satisfaction of the overall population and we would be said to have non-response bias. When 70% or more of the target population returns their survey, non-response bias is rarely an issue. Never the less, the SRC tested for non-response bias.

The standard way to test for non-response bias is to compare the responses of those who return the first mailing of a questionnaire to those who return the second mailing. Those who return the second questionnaire are, in effect, a sample of non-respondents (to the first mailing), and we assume that they are representative of that group. In this survey, 203 people responded to the first mailing and 50 responded to the second mailing.

We found only eight variables with statistically significant differences between the mean responses of these two groups of respondents (Table A1) out of 76 tested. As Table A1 shows, respondents to the second mailing were much more likely to choose to live in the Town of Black Earth to be close to a lake/pond/stream and for community services. Otherwise, the differences in mean values between the first and second mailings are generally quite small. **The Survey Research Center (SRC) concludes that non-response bias is not a concern for this sample.**

| Table A1 – Statistically Significant Differences Between Responses of First and Second Mailings | | | |
|--|---------------------------|----------------------------|---------------------------------|
| Variable | Mean First Mailing | Mean Second Mailing | Statistical Significance |
| Q1d Live in Black Earth to be close to lake/pond/stream | 0.01 | 0.20 | .000 |
| Q1g Live in Black Earth for community services | 0.01 | 0.16 | .000 |
| Q1n Live in Black Earth for rural atmosphere | 0.61 | 0.38 | .003 |
| Q3 Support multi-family dwellings in Town | 2.81 | 2.34 | .001 |
| Q4 Support Town’s density policy | 2.03 | 1.73 | .043 |
| 6b Town should limit development on ridge tops | 2.17 | 1.76 | .011 |
| 12c Land in Town is primarily open land | 0.30 | 0.16 | .044 |
| 23b Merge Black Earth and Mazomanie Fire Departments | 2.00 | 1.68 | .022 |

Appendix B – Written Comments

Question 22g

What additional goals would you like to see added to the Comprehensive Plan?

Development (15 responses)

- As land owners we are the ones in control of land use not the developers or anyone else
- Controlled development to bring down taxes.
- Design standards - especially in town for commercial development to mandate upscale look. No more pole barn construction on Hwy144/78
- Development from village outward. Avoid scattered pockets of development include policies that restrict light pollution.
- Do not use the farmland to build on. We all need to eat.
- Encourage preservation of contiguous farmland and forested areas. In other words, while enforcing the 1 in 35 rule, encourage rezoning to cluster the developed lots near each other and near existing cities
- If you want cluster housing, the landowner should be allowed more than one house per 35 acres. Increase the density for clustering.
- Let more commercial and housing development to get a bigger tax base for the schools
- More development allowed - our school district needs more children. We need more relocation in the town.
- Promote single family housing, but not on prime ag land.
- Promote single family housing. This may require changing the one house per 35 acre rule. This growth in housing should not take place on prime ag/crop/pasture land.
- Send a clear message to developers that there will not be a large development without transfer of development rights (stick with 1 split for 35 acres)
- Smart growth with a possible surcharge for all who build to help with the school district deficit. In Waunakee with all their growth they are constantly building schools. Let the developers absorb a little, not receive considerable profits for the lots.
- There is a need for growth to support the local school system.
- We need some development that should have started slowly years ago. For some reason, people on the town board did not want. We have to have some development or we turn into a ghost town! Without any schools!

Taxes (7 responses)

- Control taxes
- Controlled development to bring down taxes.
- From 22 above: Family farms only, does not include absentee owned "tax shelters" or investment or large commercial operation.
- I would like to see additional businesses, homes, etc. built here to help off-set our outrageous property taxes
- Keep property taxes affordable
- reduce taxes by allowing more residents
- Why are the taxes so high?

Environment (6 responses)

- Create public open space or parks

- Develop wind, hydro and solar energy plans.
- Encourage use of natural resources- wind turbines- grants. Options that are more environmentally friendly.
- More sharing of natural resources through creation of parks, bike trails, conservancies, etc.
- Promote small scale ag-related business opportunities (e.g. CSA's). Protect water resources, wetlands, and scenic vistas.
- Protect and encourage prairies and oak savannahs.

Businesses (5 responses)

- Business that will fit the small town.
- I would like to see a more thriving downtown. I think the shoe box brings so much that we should attract them down 78 with stores, business, and restaurants.
- I would like to see additional businesses
- Regarding economic development - I could see encouragement of farmstead enterprises (bakery, cheesery, woolen mill, etc)
- The encouragement of small farming operations that produce food for local human consumption (vegetables, meat, poultry).

Transportation (5 responses)

- Also the encouragement of mass transit, car and van-pooling, etc. by providing park and ride areas, etc.
- Better driveway ordinance for safe use by emergency vehicles
- Better roadways, Highway and rural roadways.
- Mass transit/commuter options
- Support Highway 14 expansion

Miscellaneous (7 responses)

- Common Sense/Flexibility
- Don't control placement of cell towers, make them look like palm trees or windmills.
- Encourage organic farming opportunities.
- If we, as a town, have a firm commitment to the above stated goals, then I don't think we need to add anything
- Include the sark sky policies
- question 21: public services only is EMS fire dept
- Should not have included the Village of Black Earth and Mazomanie. They will end up dictating our land use.

Question 24

If you could change one thing about the Town of Black Earth, what would it be?

Taxes (33 responses)

- Lower property taxes (4x)
- Lower taxes (4x)
- Taxes (3x)
- Taxes are too high! (3x)
- Concern that township land base for taxes will be not able to maintain operational costs.
- High cost of taxes

- I'd lower property taxes
- Keep property taxes in check.
- Less tax on property, consideration for retired persons with fixed incomes
- Lower land values
- Lower taxes-please
- Our outrageously high property taxes! we need to audit and/or better manage so that the property owners aren't hurt financially!!
- Property tax
- Property taxes are out of control
- Real estate taxes are too high, and are increasing quickly.
- Real estate taxes, too high, increase rapidly.
- Reduce taxes, reduce valuations
- Tax breaks to the wrong kind of farmland (see 22g).
- Tax equity between farmers and other residents. All homes should be assessed equally by value not who owns it. Same with non ag crop land or active pasture. A woodland is a woodland no matter who owns it.
- Taxes are out of control-near the highest in Dane Co. We get very little for the amount of taxes we pay.
- The high taxes.
- We are seriously considering leaving Dane county due to 11.5% property tax increase last year.
- You're taxing me right out of the state

Development (13 responses)

- A developer should not be able to lot out prime farmland. (2x)
- All the new home sites on the South side of Black Earth should have been commercial or industrial - not home sites.
- Eliminate developers
- Encourage sub-divisions rather than large lots. Landowners need more than 1 per 35 density to cover development costs. Seven per 35 acres to cover infrastructure.
- Give it more protection against expansion of the villages
- Have upscale design standards for our town's commercial development along major highways.
- I would like to see a shift of more land (not all of it, but more of it) to the production of food for local consumption, as opposed to commodity crops like corn and soybeans.
- More growth
- Restrict construction of new housing developments without buyers for the lots.
- Should investigate combined models of Black Earth, Mazo, and Cross Plains
- That residents would better appreciate the preservation of rural character and quality education.
- The pace of rural residential development

School (7 responses)

- I am concerned we cannot afford our school system in the future...
- I worry that the schools needs exceed the populations' ability to support it.
- Lower the taxes while still improving the quality of school district.

- Our school board needs help big time-from outsiders that know what they are doing
- Our school district should merge with another.
- School system quality.
- The schools are in desperate shape and will limit future development

Business (7 responses)

- Bring back a good quality grocery store. People have to eat. I'm sure a good grocery store would be profitable just like the gas stations in Black Earth are.
- Get a grocery store
- Make the building that the grocery store was in back to a store again.
- More grocery stores and fast food restaurants.
- More inviting business fronts on Main St. More small business on Main St., shops, restaurants, etc.
- Patron's coop- their appearance, staff, facilities are (in general) a notch below what I'd like.
- The facades are out dated and appear as though nothing is happening here.

Board of Supervisors (6 responses)

- Supervisor XXX (2x)
- Get rid of "Good Ol' Boys" and control freaks like XXX.
- Method of electing Town Board
- Much more care by the land use committee & town board in maintaining the rural character of the town
- The caucus system for electing supervisors

Transportation (6 responses)

- Highway 14 expansion.
- Improve safety of roads with needed guard railings
- Improve safety of roads with needed guard railings.
- Public transportation to Madison
- reduce speed limit
- Roadways

Senior Center (5 responses)

- The town should allow tax base to fund the Northwest Dane Senior Center. (2x)
- Support senior center. Only town board of 9 that does not
- Support the programs of Northwest Dane Senior Services through the budget- paying the annual amount.
- The board of supervisors denial of support for Northwest Dane Senior Services

Utilities (5 responses)

- Allowing competition in for my phone, gas, and electric services. Why pay a middleman who contracts through the big companies anyway?
- Have competitive services offered for our utilities
- High speed internet service to rural areas
- Internet service-high speed
- Underground electrical would also be a help in keeping the rural landscape more eye appealing.

Communication (4 responses)

- Improve communications with residents (2x)
- Also, excellence of local publications should be maintained to alert voters to candidates with loaded development agendas
- Possibly setting up a website

Environment (2 responses)

- Greater emphasis on the environment-protection of the water shed, especially care of Black Earth Creek
- Take more actions to enforce areas (natural) around and along waterways (streams, creeks etc.).

Jobs (2 responses)

- Need something to bring people to work.
- We need places to work in Black Earth. Bring jobs to town.

Miscellaneous (12 responses)

- Be more open to changes (2x)
- Be more progressive
- Better management of patrolman
- Bicycle riding law enforcement
- Give Ken Olson a raise in pay
- Not sure how comprehensive expansion is envisioned
- Road patrolman needs more rules-better management of his time-not what he thinks he should do.
- The fire department layout for where they have to go if there is a fire. Lots of people would not be safe for the distance is far greater than it would be from fire department. We are much closer. Black Earth is way over by Sauk City. That is simply crazy.
- The stuck up people.
- The township is too small to continue as a separate entity
- We should have a township annual party like the Town of Vermont does. This would encourage neighborliness and perhaps make issues like school funding less divisive.

Question 25

Other comments about land use and comprehensive planning in the Town:

Development (13 responses)

- Add home lots from the village edge out to bring city services out with the development.
- Do not change towns policy of 35 acres per home
- Give more leeway to individual land owners
- I REALLY dislike ridge top building. If we limit one thing that should be it. EVERYONE has to see ridge top buildings so limiting them would affect our aesthetic appearance a lot.
- Land use decisions need to be fair, consistent and in line with established policies
- Land use decisions need to be fair, consistent and in line w/ established policies
- Let land owners that have land that is of no use for farming be able to divide their 35+ acres into smaller 10 acre lots with one home per 10 acres provided town doesn't pay anything for roads, etc.

- Let the property owner control their own destiny. We do not need a dictator as to whom we should sell our property. We should be able to sell our property as we see fit.
- Mostly, it's all good, but a little commerce would be ok for revenue. Also, get rid of 35 acre limit from '81. Allow 5 and 10 acre home sites. Get rid of Dane County's 3 divisions limit.
- Stronger building codes
- The Albany town approved a "cluster design" sub division that is an excellent example how townships and developers work together. see www.sugarrivercrossing.com Albany is in Green County
- The land use planning goals must be clear, with well-defined criteria for development proposals, and they need to be followed
- This will be a very hot topic in the future. Landowners want to get their money from land as they are taxed, developers want to put up more houses. Dane Co. wants the township to stay open space-Problems!

Rural Character/Farmland (10 responses)

- Allow subdivisions while protecting rural character. May need to reconsider 1 to 35 ruling.
- Attention and diligence required to maintain the rural character of the town and keep the development concentrated near the villages, where development occurs in the town, enforce the 1 in 35 rule and minimize the break up of farms into smaller chunks
- Don't lose rural character.
- Farm land is sacred we need to make sure we take care of it. The human population continues to increase. We will have to be able to feed everyone. There is very little likelihood that we will build more farm land.
- In the future it will be vital to have active farmland. The population continues to grow. Thus more mouths to feed, yet less land each year to grow even more food. We have to become much more responsible.
- Keep it rural/allow some housing
- Let's not lose rural atmosphere.
- Preservation of farmland very important.
- Preserve productive farmland. We'll need it someday, much worse than we do now.
- Stick with 35 acre per home site rule. Quit allowing homes to be built on lands that were cropland within the last 15 years. I hate seeing a house plopped in a field. Protect the rural unspoiled appearance by limiting development in open areas.

Environment (5 responses)

- Choosing developers that have environmental and aesthetic goals is critical in keeping black earth as an attractive place to live and visit, now and in the future.
- Possibly develop a recreation trail, etc.
- Protect Black Earth Creek
- Remove dam in Black Earth Creek, which in return would hopefully help flooding problems with Black Earth and village.
- We need to watch/manage the development upstream in the Black Earth Creek Watershed. More concrete upstream equals more likelihood of flooding downstream.

Taxes (5 responses)

- Increase tax base (more houses) to spread over more taxpayers/homeowners.

- Local govt's (all public sector activities) need to do a better job of consolidating services to help control costs, i.e. Taxes.
- Need more residents to spread tax burden, or merge into town of Mazomanie
- We get very little in the amount of services for our incredibly high property taxes. We need more businesses and homes built to offset these high taxes.
- We need to increase the tax base to spread real estate taxes over more taxpayers

Business (2 responses)

- A few more commercial properties would be nice such as more restaurants and a grocery store
- Work with Village to enhance business/retail options in the Village to compliment residential in Town. Protect natural resources and water bodies and vistas.

Schools (2 responses)

- Consider who's paying the bills-we need more emphasis on our schools
- Try to have small growth each year. This will help the school enrollment. No growth is why they schools are in the shape they are in.

Miscellaneous (10 responses)

- A survey such as this should be given annually. The survey results should be published.
- Good Job!
- It is a very good thing to have this in place. Thank you for working on it.
- Merge with Village of Black Earth
- Some parts of California have cell towers that are a solitary brown pole with the array painted green, disguised as palm trees.
- There is a timely effort but many of us want to retain what we like here but find it difficult to do what is required
- To help the community stay alive. The roadways must expand and/or be improved.
- Town of Black Earth needs to either allow more growth or merge with Black Earth Village and surrounding townships.
- We live in one of the most beautiful townships in Dane County. If we don't work hard and make hard decisions for preserving this uniqueness, it will be lost forever.
- We need some growth, but with the prices the lots in town were priced (very high), people can not afford to put up a nice house after paying that much money for the land.

Appendix C: Quantitative Summary of Responses by Question

TOWN OF BLACK EARTH PLANNING PUBLIC OPINION SURVEY

QUALITY OF LIFE

1. From the following list, mark the **THREE** most important reasons you and your family choose to live in the Town of Black Earth? (● mark top three only)

- | | |
|--|--|
| 19% a. Affordable property | 11% i. Low crime rate |
| 24% b. Appearance of home site | 55% j. Natural beauty of area |
| 13% c. Close to employment | 46% k. Family roots /Near family & friends |
| 5% d. Close to lake/pond/stream | 5% l. Property tax level |
| 22% e. Close to Madison | 5% m. Quality of school district |
| 4% f. Close to recreational activities | 57% n. Rural atmosphere |
| 4% g. Community services | 4% o. Other, specify |
| 16% h. Farming opportunities | |

| | | | | | |
|---|-----------|------|---------|------|-----------|
| 2. How would you rate the overall quality of life in the Town of Black Earth? | Excellent | Good | Average | Poor | Very Poor |
| | 23% | 57% | 19% | 4% | 5% |

HOUSING

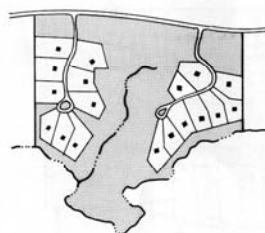
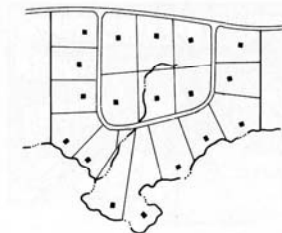
| | | | | |
|--|------------------|---------|--------|-----------------|
| | Strongly Support | Support | Oppose | Strongly Oppose |
| 3. Would you support multi-family dwellings (e.g. apartments) in the Town? | 9% | 33% | 35% | 22% |
| 4. Do you support the Town's density policy of allowing one new home per 35 acres owned as of March 1, 1981? | 36% | 38% | 18% | 8% |

5. Traditionally rural housing developments have been designed on large lots as in the diagram on the left below. An alternative layout for rural housing is the “cluster” concept, which has smaller lots and permanently preserved open space as in the diagram on the right below. What position should the Town take relative to *clustered* designs?

| | | |
|------------------------------|----------------|---------------------------------|
| Encourage Traditional Design | Remain Neutral | Encourage <i>Cluster</i> Design |
| 16% | 28% | 56% |

Traditional Design

Cluster Design



NATURAL RESOURCES

| | | | | |
|---------------------------------------|----------------|-------|----------|-------------------|
| 6. The Town should limit development: | Strongly Agree | Agree | Disagree | Strongly Disagree |
| a. On agricultural land | 49% | 25% | 17% | 9% |
| b. On ridge tops | 35% | 29% | 28% | 8% |
| c. In the middle of a woods or forest | 26% | 28% | 36% | 10% |
| d. On steep and erosive slopes | 59% | 25% | 11% | 6% |

7. If development were to take place in what order would you prefer the development to happen, first (mark), second (mark), third (mark), fourth (mark).

| | | | | |
|--------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Land type | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| a. Agricultural land | 25% | 15% | 21% | 39% |
| b. Ridge tops | 24% | 35% | 28% | 13% |
| c. Middle of a woods or forest | 36% | 31% | 21% | 12% |
| d. Steep and erosive slopes | 12% | 14% | 23% | 51% |

AGRICULTURE/LAND USE

| | | | | |
|--|--------------------------|-------------------------|----------|-------------------|
| 8. Should there be a <i>purchase of development rights (PDR)</i> program in the Town? | Yes | No | | |
| | 62% | 38% | | |
| 9. Do you think <i>transfer of development rights (TDR)</i> among property owners should be allowed in the Town? | 55% | 45% | | |
| 10. Should the following types of large-scale livestock/poultry operations be allowed in the Town? | Yes | No | | |
| a. 1000 or more cattle | 19% | 81% | | |
| b. 5000 or more hogs | 13% | 87% | | |
| c. 1 million or more poultry | 11% | 89% | | |
| 11. How many acres of land do you own in the Town of Black Earth? | | | | |
| 1% a. Not a land owner in the Town | 14% c. 11 to 35 acres | 18% e. 101 to 300 acres | | |
| 40% b. 10 acres or less | 17% d. 36 to 100 acres | 0% f. Over 300 acres | | |
| 12. If you own land in the Town of Black Earth, what are its primary uses? (● mark all that apply) | | | | |
| 14% a. Farming by family | 10% e. Non-farm business | | | |
| 17% b. Farming by non-family | 25% f. Crops | | | |
| 27% c. Open land (wetland, woodland, Conservation Reserve Program, etc.) | 14% g. Livestock | | | |
| 63% d. Non-farm residence | | | | |
| 13. The Town <i>Comprehensive Plan</i> should take into account possible future demand for feed and fuel crops. | Strongly Agree | Agree | Disagree | Strongly Disagree |
| | 32% | 52% | 11% | 5% |

ECONOMIC DEVELOPMENT

| | | |
|---|-----|-----|
| 14. Should the Town consider allowing the following types of development: | Yes | No |
| a. Commercial development? | 64% | 36% |
| b. Industrial development? | 42% | 58% |
| c. Other?, specify _____ | 51% | 49% |

ECONOMIC DEVELOPMENT (cont.)

| | | |
|---|-----|-----|
| 15. Should the Town consider commercial zoning applications (under limited conditions) along: | Yes | No |
| a. State highways? | 81% | 19% |
| b. County roads? | 53% | 47% |
| c. Town roads? | 39% | 61% |

TRANSPORTATION

| | | | | | |
|--|-------------------|--------------|----------------|---------------------|-----|
| 16. How would you rate the condition of the Town roads? | Very Satisfactory | Satisfactory | Unsatisfactory | Very Unsatisfactory | |
| | 15% | 72% | 10% | 3% | |
| 17. How many <u>minutes</u> , one-way, is it normally from your home to your primary work place? | | | | | |
| 0 – 9 | 10 – 14 | 15 - 19 | 20-29 | 30-44 | 45+ |
| 38% | 7% | 7% | 18% | 24% | 7% |
| 18. What is the best way to get commuters to Madison and back from the outlying parts of Dane County? (● mark one only) | | | | | |
| 35% a. Develop commuter or light rail transit on existing tracks or abandoned rail right-of-way | | | | | |
| 11% b. Extension of Madison Metro bus lines | | | | | |
| 26% c. Expansion of the highway system | | | | | |
| 28% d. Car/van pool | | | | | |
| 1% e. Other | | | | | |

COMMUNITY FACILITIES AND SERVICES

| | | | | | |
|--|----------------------|-----------|-------------|-------------------|------------|
| 19. When growth or development requires road and infrastructure improvements in the Town, how should they be funded? (● mark one only) | | | | | |
| 12% a. Town | 80% c. Developer | | | | |
| 3% b. Property owner | 5% d. Other, specify | | | | |
| | Strongly Agree | Agree | Disagree | Strongly Disagree | |
| 20a. The placement of communication towers should be regulated by the Town. | 36% | 49% | 11% | 4% | |
| 20b. The Town should try to influence the location of power lines. | 38% | 49% | 9% | 3% | |
| 20c. The Town should try to influence the location of other utilities, specify _____ | 31% | 54% | 12% | 3% | |
| 20d. Should the Town control <i>light pollution</i> ? | 39% | 38% | 20% | 3% | |
| 21. How important is it for the Town to seek agreements with neighboring jurisdictions on future land use, public services, and annexations. | Very Important | Important | Unimportant | Very Unimportant | No Opinion |
| | 42% | 47% | 4% | 3% | 4% |

GENERAL PLANNING ISSUES

| 22. The Town should continue to support the following goals from the original land use plan and include them in the new <i>Comprehensive Plan</i> . | Strongly Agree | Agree | Disagree | Strongly Disagree |
|---|----------------|-------|----------|-------------------|
| a. Preserve active farmland | 58% | 33% | 6% | 3% |
| b. Preserve agricultural opportunities | 50% | 39% | 8% | 3% |
| c. Control non-agricultural development | 39% | 37% | 19% | 5% |
| d. Protect the environment, natural resources, and natural beauty | 61% | 32% | 6% | 1% |
| e. Preserve the rural character of the Town | 51% | 38% | 9% | 2% |
| f. Avoid public expenditures for urban development | 47% | 38% | 11% | 3% |

22g. What additional goals would you like to see added to the *Comprehensive Plan*?

See Appendix B

| 23. The Town should consider the following in the development of the <i>Comprehensive Plan</i> | Strongly Agree | Agree | Disagree | Strongly Disagree |
|--|----------------|-------|----------|-------------------|
| a. Merging with other municipalities | 20% | 44% | 24% | 11% |
| b. Merging of Black Earth Fire District with Village of Mazomanie Fire Department | 34% | 45% | 15% | 6% |
| c. Expansion of Highway 14 | 25% | 43% | 20% | 12% |
| d. Developing <i>cooperative boundary agreements</i> with neighboring jurisdictions | 19% | 73% | 4% | 3% |
| e. Developing <i>intergovernmental service agreements</i> | 22% | 63% | 11% | 4% |

24. If you could change one thing about the Town of Black Earth, what would it be?

See Appendix B

25. Other comments about land use and *comprehensive planning* in the Town:

See Appendix B

DEMOGRAPHICS

Please answer the following questions about yourself. All personal and individual information will remain confidential. Your responses will be combined with those from other participants for statistical analysis only.

| | | | | | | | | | |
|---|--------------------|------------------------|----------------|--------------------|-----------------|------------------|---------------|-------|-----|
| 26. Gender: | Male | Female | 27. Age: | 18–24 | 25–34 | 35–44 | 45–54 | 55–64 | 65+ |
| | 52% | 48% | | 0% | 2% | 17% | 32% | 24% | 25% |
| 28. Employment Status: | Employed full-time | Self employed | Unemployed | Employed part-time | Retired | | | Other | |
| | 45% | 20% | 3% | 7% | 24% | | | 6% | |
| 29. Which of the following best describes your residential status in the Town of Black Earth? | | | | | | | | | |
| Resident Landowner | Renter | Non-Resident Landowner | Other | | | | | | |
| 87% | 0% | 12% | 4% | | | | | | |
| 30. If you are a Town of Black Earth resident, how long have you lived in the Town? | | | | | | | | | |
| Not a Resident | Less than 1 year | 1 to 5 years | 5.1 – 10 years | 10.1 – 15 years | 15.1 – 20 years | 20.1 to 30 years | Over 30 years | | |
| 9% | 0% | 12% | 15% | 13% | 9% | 10% | 32% | | |

Thanks for completing the survey!

Please return the completed survey in the postage-paid envelope provided to:

Survey Research Center
 124 Regional Development Institute
 University of Wisconsin - River Falls
 410 S. 3rd St.
 River Falls, WI 54022-9989

C

Public Participation Plan

Town of Black Earth Comprehensive Plan

**RESOLUTION
TOWN OF BLACK EARTH**

**A RESOLUTION ADOPTING A PUBLIC PARTICIPATION PLAN
TO ENCOURAGE AND FACILITATE PUBLIC INPUT INTO THE
PREPARATION, REVIEW, AND ADOPTION OF A
COMPREHENSIVE PLAN.**

WHEREAS, the Town desires to prepare and adopt a comprehensive plan consistent with §66.1001, Wisconsin Statutes.

WHEREAS, the Town desires to encourage and facilitate public input in the preparation and review of the comprehensive plan.

WHEREAS, the Town must adopt a written public participation plan that identifies the ways Town residents will be involved in the preparation and review of the plan.

NOW THEREFORE, the Town Board hereby adopts the attached public participation plan.

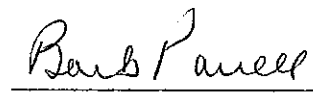
Vote: Yes 3 No 0 Abstain Absent

Adopted this 7 day of November 2007

Attest:



Ken Olson, Chairman



Barb Parrell, Clerk

Public Participation Plan

Town of Black Earth Comprehensive Plan 2009-2028

Purpose:

The town of Black Earth will prepare a 20 year Comprehensive Plan (CP) to comply with “Smart Growth” legislation under state statute 66.1001 (4)(a). Initially, the town board is required to adopt a public participation plan that describes ways in which town residents will be involved in every stage of the planning process, including preparation, review, and adoption of the plan. It is based on the understanding that including community residents and landowners in the planning process will result in better planning decisions.

Goals:

Public Awareness: to share information with Town citizens

Public Education: to educate and enable citizens to make informed choices

Public Input: to provide opportunities to participate in the planning process

Public Interaction: to exchange views and ideas as a means of reaching consensus

Public Partnership: to build support for the Comprehensive Plan

Guiding Principals:

1. Active public participation will produce a better, more widely supported comprehensive plan for the Town.
2. Public participation strategies will be designed to address the diversity of the Town’s population.
3. Every effort will be made to schedule public participation activities at times and locations that are most convenient to citizens.

Promise to the Public:

1. The public’s contribution will influence both the alternatives that are developed and the outcome.
2. Public involvement will be the foundation of this planning process.

Public Participation Methods:

Awareness and Education

1. Direct mailings to residents and landowners.
2. News releases on progress.
3. E-mail and web technologies may be utilized to provide meeting notifications, updates and access to documents relevant to the CP process.

Public Input

1. Written input, questions and comments will be encouraged and heard at Town Board, Land Use Committee, and Regional Oversight Committee meetings.
2. A written survey of property owners in the Town will be conducted to obtain citizens' opinions on existing conditions and the future direction of the Town.

Public Interaction and Partnership

1. A public educational open house will be held at the beginning of the process to provide overview of the Comprehensive Plan requirements and process.
2. One or more facilitated interactive meetings (workshops, focus groups) in which community members will be asked to comment in writing, drawing, photos, or speaking to help develop a) a vision of the Town's future that reflects shared community values, and describes what citizens wish their community will look like in 20 years; and b) strategies for achieving that vision.
4. One public hearing on the final comprehensive plan with proper notice.
5. Members of the Regional Oversight Committees will provide verbal and written updates to the Town Board and Land Use Committee related to the progress of the Comprehensive Planning process and public input measures.

D

Glossary of Terms

Town of Black Earth Comprehensive Plan

- **Affordable housing:** A dwelling unit where the total monthly housing expenses do not exceed a specified percentage of the occupant's gross monthly income. The specified percentage is usually 30 percent and can be set by a local unit of government, state, or federal agency for their purposes. Housing expenses include insurance, utilities, and mortgage for a homeowner and rent for a renter.
- **Agricultural Land:** Areas identified as being most appropriate for preservation as long-term farm agricultural use based upon soil type, historical use, owner commitment, degree of investment, natural features, parcel size and adjacent land uses.
- **Annexation:** The process of removing a specified land area under the authority of one governmental jurisdiction and adding it to the land area under the authority of another governmental entity.
- **Brownfield:** Abandoned, idled, or under-used industrial and commercial sites with real or perceived environmental contamination.
- **Building façade:** The face of a building, characteristically facing a public thoroughfare.
- **Cluster subdivision:** a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space.
- **Comprehensive plan:** a county development plan or city, village, town, or regional planning commission master plan prepared under and meeting the content requirements outlined in s.66.1001, *Wis. Stats.* Comprehensive plans provide a vision and general idea of how land should be used to assure public health, safety, and welfare.
- **Conditional use:** a land use, construction activity, or structural development, which must be tailored to the site conditions and adjacent property uses through a public and technical review process, that is listed as a conditional use in a zoning district.
- **Conservation area:** environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character except in cases of overriding public interest.
- **Conservation easement:** a recorded legal agreement between a landowner and a qualified conservation agency that transfers development rights from the owner to the agency to protect natural or historic features. See s. 700.40, *Wis. Stats.*
- **Conservation subdivision:** a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.

- **Contiguous:** A parcel of land is contiguous if all parts under the same ownership are adjacent along a boundary, or at a point. Land under common ownership that is divided by a stream, public right-of-way, zoning district boundary, or survey line is considered contiguous.
- **Density:** The number of nonfarm residential units allowed per parcel of land ownership. The density limit of this plan is expressed as one lot per 35 acres owned as of June 3, 1981.
- **Detention pond:** A temporary storm water storage facility that holds back the developed peak storm water flow rate and releases the pre-developed flow rate by means of an outlet structure or spillway.
- **Developed:** A parcel/lot is developed when a house is completed and a certificate of occupancy has been issued.
- **Development agreement:** A project-specific contract that is negotiated between a developer and the community. It outlines the obligations of both parties to perform certain actions relating to a development project.
- **Downtown revitalization:** improve the economic or social environment of downtowns by involving all facets of the community.
- **Driveway:** A private driveway, road, field road or other means of travel through any part of a private parcel of land which connects or will connect with any public highway.
- **Driveway Ordinance:** The adopted ordinance regulating driveways.
- **Economic base:** the economic base of an area consists of those activities that provide the core employment and income on which the rest of the local economy depends.
- **Effective Date:** For purposes of establishing the density in this plan, the effective date is June 3, 1981, which is also the effective date of the A-1 Agriculture (Exclusive) Zoning District in the Town.
- **Elements:** planning themes required in the Wisconsin Comprehensive Planning Law – Issues & Opportunities, Housing, Transportation, Agricultural, Natural, and Cultural, Economic Development, Intergovernmental Cooperation, Land Use, and Implementation elements.
- **Environmental corridor:** linear areas of natural resources that are critical to maintaining water quality and quantity and to providing habitat linkages that maintain biological diversity. Environmental corridors are often associated with rivers and streams.

- **Environmental sensitive area:** areas such as wetlands, steep slopes, waterways, underground water recharge areas, shores, and natural plant and animal habitats that are easily disturbed by development.
- **Extraterritorial Jurisdiction:** The unincorporated area within 1-1/2 miles of the corporate limits of a village or city.
- **Extraterritorial zoning:** a local government's authority to zone areas outside its boundaries. Under Wisconsin law, the extraterritorial zone for 1st, 2nd, and 3rd class cities extends 3 miles beyond the corporate limits. The limit extends 1-1/2 miles beyond the municipal boundary for 4th class cities and villages. *See s. 62.23(7a), Wis. Stats.*
- **Extraterritorial plat review:** The authority of a city or village to review subdivision proposals in the extraterritorial area beyond its corporate limits. Under Wisconsin law, the extraterritorial zone for 1st, 2nd, and 3rd class cities extends 3 miles beyond the corporate limits. The limit extends 1 1/2-miles beyond the municipal boundary for 4th class cities and villages. Within this area plat, approval is exercised by the town board, the county planning agency, and the city council or village board. If there is a conflict in the requirements of the local government with approval authority, the proposed subdivision must comply with the most restrictive requirements.
- **Farm:** Any parcel(s) of land devoted to agricultural purposes including raising of domestic or other animals and/or the cultivation of land for raising crops. Land shall be under the direct management of the landowner or tenant.
- **Floodplain:** The generally level area along a stream that is inundated by floodwaters when the stream overflows its banks.
- **Floodway:** The channel of a stream and the adjacent overbank area that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than a specified height. This designation is used for regulatory purposes in floodplain regulations.
- **Forecasts:** a statistical technique projecting past trends to estimate future trends.
- **GIS:** computer technology, tools, databases, and applications that provide spatial (geographic) data management, analysis, and mapping capabilities to support policy evaluation, decision-making, and program operations.
- **Goal:** a desired state of affairs to which planned effort is directed.
- **Growth management:** the pacing of the rate or controlling of the location of development via law enactment to manage a community's growth.
- **Historic preservation:** the research, protection, restoration, and rehabilitation of historic properties.

- **Home occupation:** Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use. The term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.
- **Implementation tools:** programs, incentives, activities, regulations, etc communities use to implement their plan.
- **Impervious surface:** That portion of a lot that substantially reduces or prevents the infiltration of stormwater into the ground. It includes area of compacted soil and surfaces such as buildings, sidewalks, parking lots, driveways, and similar features.
- **Infill development:** Any project intended to develop vacant property within a generally developed area.
- **Infrastructure:** A general term intended to describe the types of services that government and private industry provides for the benefit of all. Examples include roads and parks.
- **Land development regulations:** Ordinances enacted by a governing body for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.
- **Land Division:** A division of a parcel of land where the act of division creates less than 5 lots, parcels, or building sites of fifteen (15) acres each or less in area.
- **Land trust:** a private, nonprofit organization that protects natural and cultural resources through conservation easements, land acquisition, and education.
- **Land use classification:** a system for classifying and designating the appropriate use of properties.
- **Lands of Agricultural Significant:** Land which is of sufficient quality to be preserve for agricultural use as determined by the Town Plan Commission's evaluation of size, productivity, slope, crop history, shape and accessibility.
- **Lot:** A parcel of land occupied or intended to be occupied by a building and its accessory buildings and uses. A lot may be a parcel designated in a plat, a certified survey map, or described in a conveyance recorded in the office of register of deeds.
- **Mixed-use development:** a development that allows multiple compatible uses to be in close proximity to one another in order to minimize transportation infrastructure impacts and to create a compact, efficient neighborhood; for example, single family, multifamily, commercial, and industrial uses are located within a reasonable proximity to each other.

- **Multi-modal transportation:** A transportation system that includes a number of different modes, or means, of transportation. These modes of transportation may be either motorized, (e.g., automobiles, buses, or airplanes) or non-motorized, (e.g., bicycles or walking).
- **Natural resources inventory:** a statistical survey of land use and natural resource conditions and trends
- **NIMBY:** not in my backyard
- **Nonconforming use:** a use (or structure) that lawfully existed prior to the adoption or amendment of an ordinance but that fails to conform to the standards of the current zoning ordinance.
- **Non-profit organization:** any person(s), partnership, association, corporation or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities, e.g., The Nature Conservancy. August 2003 Center *for* Land Use Education 3
- **Objective:** are specific, measurable statements that provide a means to ends (the goals).
- **Official map:** a legally adopted map that conclusively shows the location and width of proposed streets, public facilities and public areas, and drainage right-of- way.
- **Parcel:** any legally described piece of land designated by the owner or developer as land to be used or developed as a unit, or that has been developed as a unit.
- **Purchase of Development Right (PDR):** a public or private government initiative that acquires the development rights of property to limit development and protect natural features or open space.
- **Planning commission:** an appointed local government commission authorized to make and adopt a master plan, consistent with s. 66.1001, *Wis. Stats.*, for the physical development of the city. *See* s. 62.23, *Wis. Stats.*
- **Planning process:** the process of developing a plan. Usually includes the following stages – visioning, data collection and analysis, issue identification, goal and objective development, strategy formulation, plan review and approval, implementation, and monitoring and assessment.
- **Plat:** a map of a lot, parcel, subdivision, or development area where the lines of each land division are shown by accurate distances and bearings.

- **Policy:** a specific statement of principle or of guiding actions that implies clear commitment but is not mandatory.
- **Prime farmland:** land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water).
- **Public participation:** the involvement of the public in the planning process, with the following purposes: educate the public, reach those that rarely get involved, thwart misinformation efforts, understand what people value, seek feedback from people, and build support for a plan.
- **Public Services:** For the purposes of this plan, include transportation facilities, police, fire protection, and others determined to be appropriate.
- **Regional planning commission (RPC):** a body of individuals that advises local governments and officials within its region on land-use planning. There are nine Wisconsin RPCs; and, even though Wisconsin law enables the formation of RPCs, no county, city, or village is mandated to participate in their formation or advisories. See s. 66.0309(2)(a), *Wis. Stats.*
- **Retention pond:** A stormwater storage facility where runoff is retained until the water infiltrates into soil beneath the pond or evaporates.
- **Riparian habitat:** The land and plants bordering a watercourse or lake.
- **Shoreland Area:** All lands in the unincorporated area of the Town which are 1,000 feet from the normal high water mark of any lake, pond or flowage listed in Surface Water Resources of Dane county published by Conservation Commission; and all lands which are 300 feet from the normal high water line or to the landward side of a floodplain of the navigable reaches of rivers and streams.
- **Slope:** The slant or inclination of the ground expressed as a percentage of the vertical rise divided by the horizontal length. Thus, a 12 percent slope is one that rises 12 feet over a distance of 100 horizontal feet.
- **Smart growth:** an approach to land-use planning and growth management that recognizes connections between development and quality of life. The features that distinguish smart growth approaches vary. In general, smart growth invests time, attention, and resources in restoring community and vitality to center cities and older suburbs. In developing areas, the approach is more urban-centered, is transit and pedestrian oriented, and has a greater mix of housing, commercial, and retail August 2003 Center for Land Use Education 4 uses. Smart-growth approaches preserve open space and other environmental amenities.

- **Split:** The term “split” means the right, under this Plan and applicable ordinances, to divide a parcel from a larger parcel for the purpose of developing a single-family residence. There is one “split” for each 35 acres of land, buildable or not, owned as of June 3, 1981. Reconstruction or replacement of an existing residence shall not count as a split.
- **Stakeholders:** those who have an interest in a particular decision, either as individuals or representatives of a group. This includes people who influence a decision, or can influence it, as well as those affected by it.
- **Strip development:** A linear pattern of high-way based commercial development characterized by large signs and parking lots.
- **Subdivision:** the description (usually by survey) and recording of separate land parcels or lots.
- **Substandard Parcels:** For purposes of this plan, a parcel of less than 35 acres in size which existed prior to June 3, 1981 (See Effective Date).
- **Sustainable development:** development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.
- **SWOT:** an analysis tool often used by planners to identify the strength, weakness, opportunities, and threats of a community.
- **Tax increment financing:** A public finance tool that a municipality can use to foster development in a specified area. The property tax base is frozen in the district and any increase in valuation is used to help finance public improvements in the district. Intended to remove blight and promote tax base expansion in an area where development likely would not otherwise occur but for the public investment.
- **Traditional neighborhood development:** a development that exhibits several of the following characteristics; alleys, streets laid out in a grid system, buildings oriented to the street, front porches on houses, pedestrian-orientation, compatible, mixed land uses, villages squares and greens.
- **Transfer of development rights (TDR):** a technique, involving the designation of development (receiving) zones and protected (sending) zones, for guiding growth away from sensitive resources and toward controlled development centers by transferring development rights from one area to another via local law authorization such as a deed or easement.

- **Urban Service Area:** Those areas identified adjacent to the Villages of Black Earth and Mazomanie determined to be most suitable for new or additional development at urban densities and providing the full range of public services.
- **Urban Services:** Include those services that should be provided in urban areas with particular emphasis on facilities on or in the land as a part of the development process such as sanitary and storm sewer, and water supply and distribution.
- **Village power:** found in sec. 61.34(1), *Wis.Stats.*, village power provides village board with general authority to act for the good of the community, which includes the “police power” authority to adopt regulatory ordinances. It provides clear authority to engage in planning activities and for appointment of a plan commission. Annual or special town meeting may authorize the town board to exercise village powers.
- **Visioning:** a process by which a community defines the future it wants. Through public involvement, communities identify their purpose, core values, and vision of the future.
- **Wetland:** Land areas characterized by high water table, the presence of surface water at any time during the year, predominantly organic soils and aquatic vegetation. Determination of wetland areas are based on maps prepared by the DNR and adopted by Dane County.
- **Zoning:** a police power measure in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

E

Model Deed Notice for Split Allocation

Town of Black Earth Comprehensive Plan

NOTICE

Use black ink

WHEREAS, the (Town of) _____

in Dane County, Wisconsin, hereby gives notice that the following parcels of real property contain no further land divisions for non-farm residential development according to current Town land use plan and zoning regulations. The land is described as follows:

(Use reverse side if more space is needed for the complete property description.)

Recording area

Name and return address:

PARCEL IDENTIFICATION NUMBER(S)

This Notice provides information regarding the status of the described property for land divisions for non-farm residential development under Town/County policies in effect as of the filing date of this document, and does not restrict the use of the property for any permitted or conditional uses. Please be advised that petition to and action by this municipality and/or the County of Dane Board of Supervisors is necessary to allow any further land divisions for non-farm residential development of the land parcel(s) here described.

Cancellation of this Notice may be accomplished by filing a **Cancellation of Notice** form with the Dane County Register of Deeds Office. The Cancellation of Notice form is available from the Planning & Development office and requires the following:

- 1) Signature of the County/Town official listed on the original Notice, or an equivalent office-holder.
- 2) Reference document number of original Notice.
- 3) Legal description of property.
- 4) Explanation of reason for cancellation.

Signature of County/Town official

Date

Name printed

Title

STATE OF WISCONSIN, County of _____

This document was drafted by:
(print or type name below)

Subscribed and sworn to before me on _____ by the above named person(s).

Signature of notary or other person
authorized to administer an oath _____
(as per s. 706.06, 706.07)

Print or type name: _____

Title _____ Date commission expires: _____

*Names of persons signing in any capacity must be typed or printed below their signature.
P&D form 2/20/2001

DIRECTIONS FOR FILLING OUT NOTICE

Use black ink

WHEREAS, the (Town of) _____

in Dane County, Wisconsin, hereby gives notice that the following parcels of real property contain no further land divisions for non-farm residential development according to current Town land use plan and zoning regulations. The land is described as follows:
(Use reverse side if more space is needed for the complete property description.)

THIS AREA IS FOR REGISTER OF DEEDS RECORDING ONLY.

DO NOT WRITE IN THIS SPACE.

STEP 1)

FILL IN YOUR NAME AND ADDRESS IN THIS SPACE.

Recording area

Name and return address:

PARCEL IDENTIFICATION NUMBER(S)

This Notice provides information regarding the status of the described property for land divisions for non-farm residential development under Town/County policies in effect as of the filing date of this document, and does not restrict the use of the property for any permitted or conditional uses. Please be advised that petition to and action by this municipality and/or the County of Dane Board of Supervisors is necessary to allow any further land divisions for non-farm residential development of the land parcel(s) here described.

STEP 2)

HAVE EITHER THE TOWN CHAIR OR COUNTY ZONING ADMINISTRATOR SIGN THE NOTICE. THE SIGNATURE MUST BE NOTARIZED.

Cancellation of this Notice may be accomplished by filing a **Cancellation of Notice** form with the Dane County Register of Deeds Office. The Cancellation of Notice form is available from the Planning & Development office and requires the following:

- 5) Signature of the County/Town official listed on the original Notice, or an equivalent office-holder.
- 6) Reference document number of original Notice.
- 7) Legal description of property.
- 8) Explanation of reason for cancellation.

This document was drafted by:
(print or type name below)

County Planning & Development

Signature of County/Town official

Date

Name printed

Title

STATE OF WISCONSIN, County of _____

Subscribed and sworn to before me on _____ by the above named person(s).

Signature of notary or other person authorized to administer an oath _____
(as per s. 706.06, 706.07)

Print or type name: _____

Title _____ Date commission expires: _____

*Names of persons signing in any capacity must be typed or printed below their signature.
P&D form 2/20/2001

F

Model Deed Restriction for Split Allocation

Town of Black Earth Comprehensive Plan

RESTRICTIONS

PETITION #

Use black ink & print legibly

WHEREAS, _____

is/are owner(s) of the following described real estate in the

Town of _____ in Dane County,

further described as follows:

(Use reverse side if more space is needed for the complete property description.)

Legal Description:

Recording area

Name and return address:

PARCEL IDENTIFICATION NUMBER(S)

WHEREAS, said owner(s) desires to place certain restrictions on the above-said real estate, to bind the owner(s) and those who may acquire title hereafter.

WHEREAS, the restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to these restrictions by the following who are named as grantees and beneficiaries with enforcement rights:

1. The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of the County zoning ordinance at the time the enforcement action is commenced, and;
2. The Town Government of the Town of _____, Dane County, provided that the lands are within the jurisdiction of said Town at the time the enforcement action is commenced, and;
3. The owner(s) of record of any lands that are located within 300 feet of the subject property.

THEREFORE, the following restrictions are hereby imposed: (Use *reverse side or attachment if more space is needed.*)

The restrictions set forth herein may be amended or terminated in the following manner:

1. The owner(s) of the subject property may submit a written petition calling for the amendment or termination of the restrictions. Such petition must be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning and Land Regulation Committee (or successor committee), which shall then schedule and hold a public hearing on the petition.

The petition shall also be referred to the Town Government of the Town in which the subject property is located. The Zoning and Land Regulation Committee shall issue a written report on the petition to the County Board of Supervisors. The County Board shall, by majority vote, approve or reject the petition. Amendment or termination of the restrictions shall also require the approval of the Town Board.

2. Upon approval of the petition calling for amendment or termination of the restrictions, the owner(s) of the subject property shall draft the amendatory covenant instrument. The owner(s) shall then execute and record the amendatory covenant with the Dane County Register of Deeds.
3. A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

Date

Date

Signature of Grantor (owner)

Signature of Grantor (owner)

*Name printed

*Name printed

Date

Date

Signature of Grantor (owner)

Signature of Grantor (owner)

*Name printed

*Name printed

This document was drafted by:
(print or type name below)
**Dane County Planning &
Development**

STATE OF WISCONSIN, County of _____

Subscribed and sworn to before me on _____ by the above named person(s).

Signature of notary or other person
authorized to administer an oath _____
(as per s. 706.06, 706.07)

Print or type name: _____

Title _____ Date commission expires: _____

*Names of persons signing in any
capacity must be typed or printed
below their signature.
P&D form 2/20/2001

DIRECTIONS FOR FILLING OUT RESTRICTIONS

THIS AREA IS FOR REGISTER OF DEEDS RECORDING ONLY.

DO NOT WRITE IN THIS SPACE.

Petition #:

STEP 1

STEP 3

WHEREAS, _____
STEP 2

FILL IN THE PROPERTY OWNER(S) NAME(S) HERE

Recording area

Name and return address:

FILL IN OWNER(S) NAME AND RETURN ADDRESS IN THIS SPACE

is/are owner(s) of the following described real estate in the

Town of **FILL IN TOWN NAME** in Dane County,

further described as follows:

STEP 4

FILL IN THE PARCEL NUMBER(S) OF THE PROPERTY IN THIS SPACE

(Use reverse side if more space is needed for the complete property description.)


PARCEL IDENTIFICATION NUMBER(S)

Legal Description:

A LEGAL DESCRIPTION OF THE PROPERTY TO WHICH THE RESTRICTIONS APPLY APPEARS HERE. DO NOT WRITE IN THIS SPACE UNLESS OTHERWISE INDICATED.

WHEREAS, said owner(s) desires to place certain restrictions on the above-said real estate, to bind the owner(s) and those who may acquire title hereafter.

WHEREAS, the restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to these restrictions by the following who are named as grantees and beneficiaries with enforcement rights:

4. The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of the County zoning ordinance at the time the enforcement action is commenced, and **STEP 5**  **TOWN NAME**
5. The Town Government of the Town of _____, Dane County, provided that the lands are within the jurisdiction of said Town at the time the enforcement action is commenced, and;
6. The owner(s) of record of any lands that are located within 300 feet of the subject property.

THEREFORE, the following restrictions are hereby imposed: *(Use reverse side or attachment if more space is needed.)*

***THE RESTRICTIONS ON THE PROPERTY APPEAR HERE.
DO NOT WRITE IN THIS SPACE.***

The restrictions set forth herein may be amended or terminated in the following manner:

4. The owner(s) of the subject property may submit a written petition calling for the amendment or termination of the restrictions. Such petition must be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning and Natural Resources Committee (or successor committee), which shall then schedule and hold a public hearing on the petition.

The petition shall also be referred to the Town Government of the Town in which the subject property is located. The Zoning and Natural Resources Committee shall issue a written report on the petition to the County Board of Supervisors. The County Board shall, by majority vote, approve or reject the petition. Amendment or termination of the restrictions shall also require the approval of the Town Board.

5. Upon approval of the petition calling for amendment or termination of the restrictions, the owner(s) of the subject property shall draft the amendatory covenant instrument. The owner(s) shall then execute and record the amendatory covenant with the Dane County Register of Deeds.
6. A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

STEP 6



OWNER(S) MUST HAVE SIGNATURE(S) NOTARIZED, AND FILE THE RESTRICTION DOCUMENT WITH THE DANE COUNTY REGISTER OF DEEDS. DO NOT RECORD THESE DIRECTIONS. A COPY OF THE RECORDED DOCUMENT SHOULD BE PROVIDED TO DANE COUNTY ZONING.

Date

Signature of Grantor (owner)

*Name printed

Date

Signature of Grantor (owner)

*Name printed

Date

Signature of Grantor (owner)

*Name printed

This document was drafted by:
(print or type name below)
Dane County Planning & Development

STATE OF WISCONSIN, County of _____

Subscribed and sworn to before me on _____ by the above named person(s).

Signature of notary or other person authorized to administer an oath _____
(as per s. 706.06, 706.07)

Print or type name: _____

Title _____ Date commission expires: _____

*Names of persons signing in any capacity must be typed or printed below their signature.
P&D form 2/20/2001