

## ACKNOWLEDGEMENTS

### 2012 TOWN BOARD:

Anthony Varda, Chair  
 Don Witmer-Kean  
 Chris Upper  
 Jim Laubmeier  
 Bill Carlson

### 2012 TOWN PLAN COMMISSION:

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 Jim Laubmeier  
 Leroy Baker  
 Carl Evert  
 Steve Richter

### 2017 TOWN BOARD:

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 Joe Kruchten  
 Duane Haag

### 2017 TOWN PLAN COMMISSION:

Anthony Varda, Chair  
 Joe Kruchten  
 Leroy Baker  
 Robert Agee  
 Michael Theis

### 2012, 2017 TOWN STAFF:

Brenda Kahl, Clerk

### 2002 Planning Assistance by:

VANDEWALLE & ASSOCIATES  
 Mike Slavney, AICP, Principal Planner  
 Cathi Wielgus, Associate Planner, Co-Author  
 Aaron Brault, Cartographer  
 Mark Roffers, AICP, Principal Planner  
 Brad Davis, Associate Planner  
 Rob Gottschalk, Principal Urban Designer  
 Dean Proctor, Principal Urban Designer  
 Jeff Maloney, Associate Urban Designer  
 Amy Babula, Presentation Specialist  
 Ellen Hall, Publications Technician  
 Heidi Vanden Hoek, Design Intern  
 Nicole Anderson, Project Assistant

120 East Lakeside Street  
 Madison, WI 53715  
 (608) 255-3988  
[www.vandewalle.com](http://www.vandewalle.com)

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# CHAPTER ONE: INTRODUCTION



## A. Description of the Town of Berry

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The Town of Berry, located in northwestern Dane County, is predominantly a farming community. The Town has experienced modest population growth over the last thirty years. Although farming is the primary economic land use activity in Berry, roughly 75 percent of its 1,165 residents live in non-farm homes in 2008.

Residents enjoy the rural atmosphere of the Town. Active farming provides some of the basis for the rural character, along with plentiful rural open lands. The Town is split into two distinct areas. The eastern portion is glaciated, ground moraine, with a rolling topography. The western portion of the Town is characterized by a more rugged driftless topography. Numerous wooded hills provide ridgetop views and scenic vistas. Water resources—Indian Lake, Upper Black Earth Creek, Halfway Prairie Creek—add to the natural, rural character. Wildlife is abundant, finding shelter in the areas of oak woodland, fields, hillside prairies and wetlands along creeks.

Residents of the Town of Berry treasure the natural beauty of the area; that same beauty is proving attractive to prospective residents. Given the Town's proximity to the Madison urban area and the recent improvements to U.S. Highway 12, unplanned growth over the next 20 years could gradually erode the Town's rural character. In this context, planned development in a timely, orderly, and predictable manner is essential to preserving the Town's farmland, protecting its woodlands and other natural features, avoiding land use conflicts, providing appropriate housing and employment opportunities, and protecting and improving on the Town's rural heritage.

## B. Purpose of This Plan

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The 2002 *Town of Berry Comprehensive Plan*, as updated in 2009/2010 is intended to update and replace the Town's Land Use Plan, which was adopted in April of 1981. This updated *Plan* will allow the Town to guide short-range and long-range growth, development, and preservation. The purpose of the *Comprehensive Plan* is to:

- Identify areas appropriate for development and preservation over the next 20 years
- Recommend types of land use for specific areas in the Town
- Preserve agricultural and rural open lands
- Identify needed transportation and community facilities to serve future land uses
- Direct private housing and other investment in the Town
- Provide detailed strategies to implement *Plan* recommendations

This *Comprehensive Plan* is being prepared under the State of Wisconsin's "Smart Growth" legislation, adopted in 1999 and contained in §66.1001, Wisconsin Statutes. This *Plan* meets all of the statutory elements and requirements of the "Smart Growth" law.

In addition to meeting the "Smart Growth" law, this *Plan* complies with the state's Farmland Preservation Program. The *Plan* specifically includes policies and maps related to:

- Preserving prime agricultural lands
- Managing urban growth
- Providing public facilities and managing demands on these facilities
- Protecting significant natural resources, open space, scenic, historic and architecturally significant areas
- Conserving soil and water resources

The Farmland Preservation Program establishes specific guidelines for selecting and designating agricultural preservation areas, transition areas, and environmental areas. These guidelines, along with the data and analysis, plan implementation, and public participation processes required under the Farmland Preservation Program, were incorporated into this *Plan*.

## C. General Regional Context

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Map 1 shows the relationship of the Town of Berry to neighboring communities in the region. The Town of Berry is located in northwestern Dane County, about ten miles northwest of Madison. The Village of Black Earth is approximately three-quarters of a mile west of the Town. The Town shares its southern border with the Village of Cross Plains and the Town of Cross Plains. The Town of Berry also abuts the Town of Springfield to the east, the Towns of Mazomanie and Black Earth to the west, and the Town of Roxbury to the north.

Each of the five Dane County towns highlighted in Map 1 has or is updating its existing Town Land Use Plan to meet “Smart Growth” comprehensive planning requirements. All units of local government are required to have their Smart Growth Plans in place by January 1, 2010. Town of Berry and the Village of Cross Plains are negotiating an intergovernmental agreement to provide for joint planning over areas adjacent to Cross Plains likely to be developed and/or annexed in the next ten years.

## D. Selection of the Planning Area

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The Planning Area covers all land within the Town’s boundaries, which encompasses approximately 35 square miles. Portions of the Town are within the possible 1-½ mile extraterritorial planning jurisdiction of the Villages of Black Earth and Cross Plains. Portions of the Town have also been annexed by the Village of Cross Plains.

## Map 1: Jurisdictional Boundaries



## CHAPTER TWO: ISSUES AND OPPORTUNITIES



This chapter of the *Plan* gives an overview of the pertinent demographic trends and background information necessary to develop a comprehensive understanding of the changes taking place in the Town of Berry. As required under §66.1001, Wisconsin Statutes, this chapter includes population, household, employment, age distribution, education and income characteristics and forecasts. It also includes a section on overall goals, objectives, and policies to guide the future preservation and development in the Town over the 20-year planning period.

## A. Population Trends and Forecasts

The Town of Berry experienced a small population decline in the 1990's. According to the 2000 Census, the Town's population fell from 1,098 residents in 1990 to 1,084 residents in 2000, which represents a decrease of 14 persons, or 1.3 percent (see Table 1). This population decline compares to a 5.1 percent population increase for the Town of Dane and a 4.2 percent increase for the Town of Springfield. Dane County as a whole grew by 16.2 percent during the past decade, and the State of Wisconsin by 9.6 percent.

**Table 1: Population Trends**

	1970	1980	1990	2000	Population Change**	Percent Change
<b>Town of Berry</b>	<b>896</b>	<b>1,116</b>	<b>1,098*</b>	<b>1,084</b>	<b>-14</b>	<b>-1.3%</b>
Town of Roxbury	1,427	1,491	1,536	1,700	+164	10.5%
Town of Springfield	1,947	2,379	2,650	2,762	+112	4.2%
Town of Cross Plains	995	1,003	1,206	1,419	+213	17.7%
Village of Cross Plains	1,478	2,156	2,362	3,084	+722	30.6%
Dane County	290,272	323,545	367,085	426,526	+59,441	16.2%
Wisconsin	4,417,821	4,705,767	4,891,769	5,363,675	+471,906	9.6%

Sources: U.S Census of Population and Housing, 1970, 1980, 1990, 2000

\*Adjusted 1990 census figure

\*\*1990 to 2000 population

Forecasting future population is at best an inexact science. Forecasting for the Town of Berry is made even more difficult by the decrease in population over the last 20 years. This population decrease is unusual in the region, as can be seen by the population increases evident in Table 1. The decrease in population is attributable to the shift in household type and composition. As farming families age and their children move out of the Town, or people retire and move away, they are being replaced by smaller families and "empty nesters". This trend is also supported by the change in household size, as discussed later in this section.

In order to get an idea of the future growth in population for the Town, it is useful to look at growth in areas around the Town, which might be experiencing similar growth pressures. The Town of Springfield is located closer to the Madison metropolitan area. The Town of Cross Plains shares some similarities in topography. It is also located closer to the metro area, as it is directly west of the City of Middleton.

It may be tempting to look at the population decrease of the last 20 years and forecast continued population loss, but it is unlikely that the population will continue to decrease in the future. The continued demand for land divisions and building permits, the leveling-off of household size decreases, and the continued growth of surrounding communities, particularly the west side of the

Madison metro area, combine to indicate an increase in population in the future. Table 2 shows the Town's forecasted population in five-year increments through the year 2025 based on two methods, both of which use historical population trends. Averaged over 30 years, the Town of Berry has added about 6 residents to its population every year since 1970. If this trend were to continue, the Town of Berry's population would grow to 1,234 residents by 2025. A second method uses the annualized growth rate of the Town over the past 30 years. If this growth rate (0.64%) were to continue, the population would grow to 1,259 residents by 2025. Actual future population will depend on market conditions, attitudes toward growth, and development regulations.

The Wisconsin Department of Administration, Demographic Services Center develops population projections for all municipalities in the state. The last projections were published in 2003. The Town of Berry actual population in 2005 was 1,150.

**Table 2: Town of Berry Population Forecasts, 2003**

	2010	2015	2020	2025	2030
Increase by same number per year	1,186	1,226	1,268	1,306	1,334
Increase by same percentage per year	1,165	1,198	1,240	1,284	1,312

Source: Vandewalle & Associates, 2001 and WiDOA 2009

## B. Age and Gender of Population

Table 3 compares the age and sex distribution of the Town of Berry's population in 2000 to surrounding communities, the County, and the State. General trends in age distribution are an important factor when considering the future demand for housing, schools, park and recreational facilities and the provision of social services.

**Table 3: Age and Gender Statistics, 2000**

	Town of Berry	Town of Roxbury	Town of Springfield	Town of Cross Plains	Dane County	State of Wisconsin
Median Age	41.7	37.5	37.9	39.4	33.2	36.0
% Under 18	25.1	28.4	30.1	28.6	22.6	25.5
% Over 65	9.2	9.9	7.5	12.3	9.3	13.1
% Female	48.8	47.4	48.7	49.5	50.5	50.6

Source: U.S. Census of Population and Housing, 2000

In 2000, the Town's median age was older than surrounding Towns, Dane County, and the state. The percentage of the Town's population aged 18 and under was lower than surrounding Towns, but higher than the County and the state percentage. The percentage of the Town's population that was aged 65 and older was higher than the Town of Springfield and Dane County, but lower than the Town of Roxbury, the Town of Cross Plains, and the State.

Following nationwide trends, the average age of Berry's population has grown older in the past twenty years. In 2000, the Town of Berry had a median age of 41.7, compared to 28.2 in 1980.

With prolonged life expectancy and a trend toward declining birth rates, the median age will likely continue to rise over the planning period.

### C. Educational Attainment

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According to the 1990 census, about 84 percent of the Town's population age 25 and older had attained a high school level education. Approximately 25 percent of this same population had attained a college level degree (bachelor's degree or higher).

### D. Income Levels

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According to 2000 census data, the median household income in the Town of Berry in 1999 was \$61,429. Agricultural income information is not yet available from the 2000 Census, but of the Town's 421 households reporting income in 1990, 71 (or about 17 percent) reported at least \$1,000 in agricultural income from the sale of farm products. The average net farm income per farm household was \$21,442. The percentage of total income in the Town coming from farming was 8.1 percent.

More income data for the Town of Berry is available from the Wisconsin Department of Revenue. Based on income tax returns filed between July 1, 2006 and June 30, 2007, the average adjusted gross income per tax return for residents of the Town of Berry was \$76,126. For comparison, the average adjusted gross income per tax return for all residents in Dane County was \$57,270; for residents in the Town of Roxbury, \$65,986; and residents in the Town of Springfield, \$76,665. This data includes only income subject to tax and income of persons filing tax returns; it does not include non-taxable income and income of persons not filing returns. It does not directly reflect household incomes, because tax returns do not necessarily correspond with households.

### E. Household Trends and Forecasts

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Table 4 compares selected household characteristics in 2000 for the Town of Berry with surrounding communities, Dane County, and the State. The Town's average household size was similar to the Towns of Springfield, Roxbury and Cross Plains, but larger than that of Dane County and the State.

**Table 4: Household Characteristic Comparisons**

	Town of Berry	Town of Springfield	Town of Roxbury	Town of Cross Plains	Dane County	Wisconsin
Total Housing Units	420	993	640	525	180,398	2,321,144
Total Households	408	967	603	513	173,484	2,084,544
Household Size	2.66	2.86	2.80	2.77	2.37	2.50
% Single-person household	15.7	14.4	14.9	17.3	29.4	26.8
% With household-er age 65 and over	16.4	15.2	19.2	23.2	15.8	23.0

Source: U.S. Census of Population and Housing, 2000

The Town's average household size has been declining over the past two decades. The number of persons per household dropped from an average 3.30 in 1980 to 3.01 in 1990. By the year 2000, the average household size dropped to 2.66. This decrease in household size is likely a result of the decline of farming households, which tend to have larger families, and the rise in non-farm dwelling units being constructed. According to the 2000 Census, the average household size in all of Dane County in 1999 was 2.37, down from 2.46 in 1990.

The *rate* of decline in the Town's average household size since 1980 is not projected to continue over the next twenty years. Instead, average household size is forecasted to drop further but to level off. This would result in a household size of 2.58 in 2005, 2.56 in 2010, 2.54 in 2015, 2.53 in 2020 and 2.52 in 2025. These household sizes will be used in projecting future housing unit development in the community through 2025.

## F. Labor Force and Employment Trends and Forecasts

### 1. Labor Force Trends

The Town's labor force is the portion of the population that is employed or available for work. The labor force includes people who are in the armed forces, employed, unemployed, or actively seeking employment. According to 2000 census data, 777 Town residents aged 16 and older were employed.

More labor force data is available at the county-level. According to the Wisconsin Department of Workforce Development, the County's civilian labor force decreased by about 1.0 percent between 2004 and 2008. The County's labor force in 2008 consisted of 287,160 persons who were 16 years of age or older. Of the County's labor force, 276,065 persons were employed and 11,095 were unemployed. The unemployment rate for Dane County in 2008 was 3.9 percent, but has increased since.

The Town's primary *land-based* economic activity is agricultural production and agricultural-based businesses. Most residents do not make their living from agriculture, but farming is the most prevalent commercial use of land in the Town. According to 2000 census data, only

1.7 percent of the 777 employed persons living in the Town of Berry were employed in farming, fishing, and forestry occupations. The percentage of the Town's labor force employed by sector in 2000 is shown in Table 5.

**Table 5: Occupation and Labor Force**

Occupational Group	Percentage of Labor Force
Management, professional, and related occupations	35.8%
Sales and Office occupations	23.8%
Production, transportation, and material moving occupations	15.2%
Construction, extraction, and maintenance occupations	13.2%
Service occupations	10.2%
Farming, fishing, and forestry occupations	1.7%

Source: U.S. Census of Population and Housing, 2000

More employment data is available at the county-level. According to the Wisconsin Department of Workforce Development, total employment in most sectors increased in Dane County by about 21,434 jobs, from 2002 to 2007. Jobs in the education and health sector increased the most, from 66,330 jobs in 2002 to 71,964 jobs in 2007. The professional and business sectors also experienced significant growth.

Forecasting employment growth for establishments located within the Town of Berry is difficult because of the community's small labor force and reliance on the agricultural economy. Employment forecasts have been provided for Dane County. Woods & Poole Economics, Inc., a regional economic and demographic analysis firm, projects total employment in Dane County growing at an annual rate of 1.15 percent from 1996 to 2020. The state and local government, retail, and service sectors are expected to have the highest annual growth rate during this period. Total employment in the Madison metropolitan area is projected to increase 26 percent over the next 20 years, from approximately 330,880 workers in 1999 to 417,370 workers in 2020. Jobs in the service sector are projected to experience the highest growth during this time period, while the percentage of manufacturing and farming jobs will decrease. While the number of farming jobs is projected to decrease, earnings from farming are projected to increase. This reflects current trends of consolidation and larger operations in the farming industry.

As the result of the economic recession that started in 2008 the use of these statistics for predicting future growth, is somewhat questionable.

## G. 2002 Public Input Process

To guide the planning process, the Town comprehensive Planning Committee—comprised of the Town Board and Town Plan Commission—directed a number of efforts to ensure that this *Comprehensive Plan* is based on the goals of Berry residents. These efforts also raised key issues

and opportunities that later sections of the *Plan* address. The results of these exercises are summarized below:

## 1. Community Survey

The Town mailed a survey to all property owners in the Town in January of 2001. The survey included questions to gauge citizen opinions on existing conditions in Berry, and attitudes on what Berry should be in the future. Out of 497 surveys distributed, the Town received 200 completed surveys, a 40.2 percent response rate. This is excellent for a 12-page, 34-question written survey. The full results of the survey may be obtained by contacting the Town Clerk. The following is a brief summary of the survey results.

- ***Community Character:*** Respondents were concerned with preserving the rural atmosphere and appearance of the Town. “Rural atmosphere” tied with “near family and friends” as the two top reasons cited for choosing Berry as a place to live. Other top reasons cited were the natural beauty of the Town, and the beauty of the specific home site. There was strong support for sign and other appearance regulations to help preserve rural character. Residents agreed that preservation of farmland and farming was important to the future of the Town.
- ***Land Use:*** Most respondents felt that the Town should try to limit the amount of new housing development that occurs. It was strongly felt that residential growth should be dispersed throughout the Town. Many residents also said that land use regulations should not interfere with the landowners right to decide what to do with the property. There was little support for allowing more housing in the Town than is allowed under the current density policy, and some support for allowing less than is currently allowed. New natural resource or conservation uses in the Town received some support.
- ***Economic Development:*** The Town currently has a very limited number of commercial uses. There was some support for a limited amount of new business uses, particularly those related to farming. Suggested locations for these commercial uses were near the Village of Cross Plains or along U.S. Highway 14.
- ***Environment:*** Respondents overwhelmingly supported the preservation of woodlands, wetlands, watersheds, wildlife habitat, and historic resources within the Town.

The survey showed that, in general, Town of Berry residents are quite satisfied with their community, and optimistic about its future. Residents value and wish to retain Berry’s rural atmosphere.

## 2. Visioning Workshop

The Town held a vision workshop on March 10, 2001. The purpose of the workshop was to identify a shared vision for the Town, and somewhat more detailed strategies for achieving that vision. More than 50 Berry residents attended the workshop. Complete results of the



workshop can be obtained by contacting the Town Clerk.

Participants were asked to express their opinions about the Town's strengths, weaknesses, opportunities and threats. Common responses included:

- **Strengths:** Rural character, friendly, small town atmosphere, involved citizens, stable population, good agriculture, low crime, clean air and water, nearby parks and lakes, good school districts, close to thriving metro area, good roads with minimal traffic.
- **Weaknesses:** Lack of consistency in decision-making, internal strife, lack of cooperation and consensus, no community center, high land costs, shift to bedroom community, loss of scenic vistas, economic situation of farming, County restrictions on development, little political clout versus village, county, and state.
- **Opportunities:** Protecting good farmland, maintaining individual property values, educate community on land use issues, plan for the future with simple, easy to understand regulations, preserve natural and scenic resources, capitalize on easy access to Madison, limited development on land less suitable for farming, appropriate commercial/small business development.
- **Threats:** Declining agricultural base, loss of natural beauty, development pressure from population growth in Dane County, poorly planned development, over-complicated regulations, annexation by Cross Plains, rising taxes, strip development along transportation corridors, loss of community awareness.

Small groups were formed to establish community planning goals, or vision elements, meant to guide the Town's comprehensive planning process. The groups developed the following consensus vision statements:

- ***“Preserve rural beauty, character, and natural resources.”*** Strategies for achieving this vision statement included defining rural character, identifying sensitive areas, developing a plan and guidelines for preserving rural character and resources, and cooperating with neighboring communities.
- ***“Pursue establishing a PDR or TDR program.”*** Strategies to achieve this vision statement included educating the community about these programs, researching programs that are currently in place, prioritize acreage to be preserved, identifying where development would occur, using the program to establish a buffer zone between the Town and the metro area, and working cooperatively with nearby towns and Dane County.
- ***“Maintain individual property rights.”*** Specific strategies identified included considering public safety when developing land, developing very specific regulatory language to eliminate misinterpretation of plans, shifting costs to developers for new Town roads, and carefully balance the common good of the community with individual property rights.
- ***“Encourage greater public participation in Town Government.”*** Strategies included actively seeking volunteers, especially young people and families, getting people involved in small projects to stimulate interest, making participation easy, interesting, worthwhile, and entertaining, utilizing professional development and leadership training for residents and elected officials, and utilizing public information meetings to raise awareness.

- **“Guide development to avoid fragmentation of open space and urban sprawl.”**  
Strategies to achieve this vision element included utilizing cluster developments, keeping development away from prime agricultural land, utilizing TDR/PDR, utilizing the drive-way ordinance to keep drives away from agricultural land, and make developers financially responsible for new Town roads.

### 3. Future Alternatives Open House

The Town held an open house on June 19<sup>th</sup>, 2001, to gather input on three alternative future scenarios. The scenarios depicted various ways that development in the next 50 years might be arranged within the Town. The open house consisted of two presentations of the scenarios, followed by a question and answer period and individual examination of boards presenting information on the scenarios. Participants provided verbal and written reactions. The three scenarios presented were:

- **Scenario A: Scattered.** This scenario depicted the remaining development rights within the Town exercised on individual parcels in a scattered fashion, in a manner consistent with the historical pattern of development in the Town. Two variations (with and without siting and design guidelines) were presented to show the effect that the presence or absence of the guidelines would have on the placement of homes.
- **Scenario B: Clustered.** This scenario depicted development rights executed in clusters, often near existing developed areas, and possibly involving some inter-farm transfers of splits. It also used two variations (with and without siting and design guidelines) to show the effect of those guidelines.
- **Scenario C: Concentrated.** This scenario depicted the majority of rural development rights transferred to and developed in urban areas served by public sewer service, such as the Village of Cross Plains.

When asked to pick which scenario they preferred, more participants who responded preferred Scenario B (16 respondents) and Scenario C (13 respondents) than Scenario A (11 respondents), although the results were quite evenly distributed. More participants expressed a preference for Scenario B *with* siting and design guidelines (24 respondents) than Scenario B *without* siting and design guidelines (0 responses). Slightly more participants expressed a preference for Scenario A *with* siting and design guidelines than *without* (8 and 6 respondents, respectively).

### 4. Public Hearing

A formal public hearing on the 2002 *Comprehensive Plan* and the adopting ordinance was held on August 13<sup>th</sup>, 2002. In advance of that hearing, the Town provided copies of the *Plan* to surrounding governments and other parties under the requirements of the “Smart Growth” legislation.

### 5. 2009 Update

A 2009 update to the plan as of premised on the following schedule and meetings designed systematically to review and update the plan with public input and discussion.

Meeting One: June 2009

Chapter One: Introduction

Chapter Two: Issues and Opportunities

Chapter Three: Agricultural, Natural and Cultural Resources  
 Meeting Two: July 2009  
 Chapter Four: Land Use  
 Chapter Five: Transportation  
 Chapter Six: Utilities and Community Facilities  
 Meeting Three: August 2009  
 Chapter Seven: Housing and Neighborhood Development  
 Chapter Eight: Economic Development  
 Chapter Nine: Intergovernmental Cooperation  
 Meeting Four: September 2009  
 Chapter Ten: Implementation  
 Attachment A: Rural Development Guidelines  
 Attachment B: Preferred Site Development Process  
 Attachment C: Definitions  
 Meeting Five: October 2009  
 Present and Discuss Entire Plan  
 Meeting Six: November 2009  
 Hold Joint Town Board-Plan Commission and Public Hearing on updated Plan  
 Respond to public comments and make any required changes to Plan based on public input  
 Follow up meetings: December 2009  
 Plan Commission recommends Town Board approval of updated Comprehensive Plan  
 Final Review and Approval: January 2010  
 Town Board approves updates to Comprehensive Plan and forward to County  
 County Board adopts updates to Comprehensive Plan

## H. Overall Goal and Objectives

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The following goals, objectives and policies will provide the vision and policy guidance that the Plan Commission, Town Board, town residents, and other interested groups and individuals need to guide the future preservation and development of the Town of Berry over the next 20+ years.

Most of the land within the Town of Berry is designated in the Agricultural and Rural Lands Preservation Area land use category. On these lands, The Town wishes all landowners to be able to exercise the development rights that remain with their land, as originally established under the 1981 Town Plan. The number of dwelling units available to the landowner (as determined by the method described in this *Plan*) shall not be reduced or increased by any other policy described in this *Plan*. The *Plan* will provide guidance for the placement of those dwelling units.

Goals, objectives and policies are defined below:

- **Goals** are broad, advisory statements that express general public priorities about how the Town should approach development issues during the next 20+ years. These goals are based on key issues, opportunities, and problems that affect the community.
- **Objectives** are more specific than goals, but achievement of an objective is frequently not easily measured. Objectives are usually attainable through policies and specific implementation activities. The accomplishment of an objective contributes to the fulfillment of a goal.

- **Policies** are rules or courses of action used to ensure plan implementation and to accomplish the goals and objectives. Town decision makers should use policies on a day-to-day basis. Success in achieving policies is usually measurable.

This *Plan* is guided by the following overall goals. More specific objectives and policies linked to these goals are included in Chapters Three through Nine. An overall program to implement these goals, objectives and policies is included in Chapter Ten.

### Overall Goals for the Town of Berry:

1. Preserve and manage the Town's scenic, rural, open space character.
2. Preserve and manage natural resources, such as woodlands, wetlands, soils, rare plant and animal species and wildlife habitat.
3. Preserve important historic and archeological resources in the Town.
4. Promote an efficient, sustainable, and high-quality land use pattern consistent with the Town's existing and planned character.
5. Balance property owner's ability to utilize their land with the goals, objectives and policies of this *Comprehensive Plan*
6. When reviewing land use decisions, ensure equitable treatment for all parties by consistent application of the goals, objectives, and policies contained in this *Comprehensive Plan*.
7. Ensure that this *Comprehensive Plan* remains a "living document", and recognize that additions, deletions or changes may be appropriate in the future.

## **CHAPTER THREE: AGRICULTURAL, NATURAL AND CULTURAL RESOURCES**



This chapter of the *Town of Berry Comprehensive Plan* satisfies the required agricultural, natural and cultural resources comprehensive plan element described in §66.1001, Wisconsin Statutes. This chapter also contains more detailed agricultural-related trends and analyses as required under the Farmland Preservation Program. This chapter does not directly address the use of natural resources for recreational purposes (instead see Chapter Six).

## A. Agricultural Resources Inventory

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Farming is a part of the local economy and heritage of the Town. It is also a way of life for some Town residents. The agricultural landscape also enhances Berry's aesthetic appeal. The seasonal changes of growing crops, the colors and textures of farm fields, and architecturally and culturally significant farm buildings all contribute to Berry's rural character. This *Plan* seeks to ensure that opportunities for agriculture remains in the community.

### 1. Character of Farming

Farming is the Town's primary land-based economic activity, based on the percentage of business establishments in the Town that are farms. Farmers in the Town of Berry produce a variety of agricultural commodities, including dairy, alfalfa, corn and soybeans. Berry is also home to tree farms, sod farms, vegetable and fruit producers, and greenhouses. The diversity of agriculture adds interest to the fabric of the Town. It also may be very important to the continued viability of agriculture in the Town if the number of dairy and other "traditional" farming operations continues to fall.

The average farm size in the Town of Berry was approximately 133 acres in 1997, down from 140 acres in 1992. For comparison, the average farm size for the entire County was 198 acres in 1997 and 204 acres in 1992.

The total number of active farms in the Town of Berry fell slightly during the 1990's. According to the Wisconsin Agricultural Statistics Service (WASS) and the University of Wisconsin Extension, the estimated number of full time farm operations in the Town fell from 105 in 1990 to 103 in 1997. (WASS defines an active farm as a place that sells at least \$1,000 worth of agricultural products in a given year). More recent statistical information is not available on the number of farm operations in the Town. Anecdotal reports from farmers in the Town indicate that the number of farms has fallen significantly since 1997, and will continue to fall. Most of the remaining farms in the Town are family-owned.

According to the Wisconsin Department of Agriculture, the number of dairy farms in the Town decreased, from 49 active farms in 1989 to 38 farms in 1997. This decline is at least partially attributed to the drop in milk prices during the 1990's, which affected much of rural Wisconsin.

The State Farmland Preservation Program provides income tax credits to property owners who agree to keep their land in agricultural use. As of the mid 1990's, approximately 87 percent of the Town's farmland was enrolled in this program.

### 2. Location of Farmland

Agriculture is the most prominent land use in the Town of Berry. According to a Wisconsin Department of Natural Resources land cover inventory (WISCLAND) conducted from 1991 to 1993, farmland covered between 62 and 66 percent of the Town's land area. Farmland

category included row crops, hayfields, pastures, grasslands, idle farmland, and Conservation Reserve Program land.

As shown in Map 4, agricultural land covers much of the Town of Berry. Most of this land is shown as “Agricultural Preservation Area” on the Town’s 1981 Land Use Plan, and is zoned A-1 Exclusive Agriculture. The density of residential development is limited to one non-farm residential lot per 35 acres owned in designated “Agricultural and Rural Lands Preservation Areas” (see chapter Four of this Plan for a full description of the Agricultural and Rural Lands Area). In Berry, these agricultural planning and zoning districts are mapped throughout most of the Town.

### 3. Assessment of Farmland Viability

The suitability of land for farming can play a critical part in land use planning. Developing a numeric rating of the lands suitability for agriculture can help in formulating policy or making land-use decisions on farmland. For example, development activities can be focused on areas with land that is not well suited for agriculture.

The Dane County Land Conservation Department’s (LCD’s) Land Evaluation System groups soil suitability for agriculture based on three factors: prime and important farmland classification, soil productivity for corn, and land capability class. Prime farmland is land that has the best combination of physical and chemical characteristics for producing crops. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed according to acceptable farming methods. Land capability classification identifies the relative degree of limitations for agricultural use inherent in the soils, their risk of damage, and response to treatment. In general, the fewer the limitations, the more suitable the soil is for agriculture, and the lower the costs of overcoming limitations. The LCD divides the 65 soil series present in Dane County into eight groups, according to their agricultural suitability. Group I soils have few limitations that restrict their use for agriculture; Groups II and III soils have moderate limitations that may reduce the choice of crops, require special conservation practices, or both. Groups IV-VIII are similarly rated, in descending order of suitability for agriculture.

Map 2 shows soil suitability for agriculture in the Town. Class I and II agricultural soil areas are shaded. In comparison with other areas of Dane County, Berry has a relatively small amount of Group I and II soil. This is due primarily to Berry’s location at the edge of the Driftless Area, where the topography is more hilly than in other areas of the County.

## Map 2: Soil Suitability for Agriculture



## B. Agricultural Goals, Objectives and Policies

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### **Objectives:**

- a. Preserve productive farmlands for continued agricultural use.
- b. Limit the amount and guide the placement of non-agricultural uses in planned agricultural areas.
- c. When dwelling units are permitted in the Agricultural and Rural Lands Preservation Area, promote homesites on smaller lots and within or near groups of other homesites.
- d. Support appropriate opportunities for farmers to obtain non-farm income, and to explore new farming methods and crops.

### **Policies:**

- a. Designate most of the Town as planned Agricultural and Rural Lands Preservation Area. All subsequent policies are applicable within this Area.
- b. In Agricultural and Rural Lands Preservation Areas, follow the density policy described in the chapter Four of this *Comprehensive Plan*.
- c. Direct major non-agricultural developments and new subdivisions away from the Agricultural and Rural Lands Preservation Area, except where consistent with the density policy and the economic development policies of the Town (see Chapter Eight).
- d. Guide design of lots and the placement of homes, driveways, and other uses in the Agricultural and Rural Lands Preservation Area to less productive soils and the edges of agricultural fields, described in more detail in the chapter Four of this *Comprehensive Plan*.
- e. Encourage the clustering or grouping of homesites in planned Agricultural and Rural Lands Preservation Areas, consistent with the density policy described in the Land Use section of this *Plan*.
- f. Allow home occupations and farm family businesses on farm parcels to supplement farming income.
- g. Support farmland tax credits, use value assessments, reform in federal farm laws, and other programs that encourage the continued use of land for farming and forestry.
- h. Support alternatives to traditional production and dairy agriculture, such as Community-Supported Agriculture and Value-Added Agriculture.
- i. Consider techniques such as transfer and purchase of development rights to permanently protect large tracts of agricultural land in the Town, while compensating the landowner or farmer for these protections.

## C. Natural Resources Inventory

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Understanding the relationship between the Town of Berry and its natural features suggests possible locational advantages for particular land uses. It is also essential to understand the location of environmentally sensitive areas where development is not appropriate. This will prevent severe developmental or environmental problems that may be difficult or costly to correct in the future. Maintenance of these natural features is also important for community appearance and

the functions they perform for natural communities. Map 3 depicts the Town's environmentally sensitive areas, which are described in more detail below.

## 1. Landforms/Topography

The Town of Berry is situated at the eastern edge of the Driftless Area of southwestern Wisconsin. The western half of the Town is within the Driftless Area. The Driftless Area escaped the glaciers that scoured the rest of the state. Hence, the topography of this area is much hillier than portions of the state that were affected by the glaciers. Much of this portion of the Town is covered by land that exceeds 12 percent in slope. The east-central portion of the Town is characterized by rolling ground moraines made up of debris left behind as the glaciers retreated. The slopes in this area are more moderate, with hilltops that are generally broad and rounded. The remainder of the Town is characterized by rolling upland plain, with little or no glacial sediment, which has been deeply cut by streams into a maze of narrow, twisting ridges and valleys. Elevations in most of the Town range between about 795 and 1,250 feet above sea level.

## 2. General Soils Information

Soil suitability is a key factor in determining the best and most cost-effective locations for new development. Problems that limit development on certain soils include slumping, poor drainage, erosion, steep slopes and high water tables. As defined by the United States Department of Agriculture, the soils in the Town of Berry are of four major types:

- The *Dodge-St. Charles-McHenry* association is the predominant soil type in the eastern half of the Town. This association is characterized by both well-drained and moderately well drained soils with a silt loam subsoil, and is underlain by sandy loam glacial till. This association has a varied landscape that is characterized by drumlins and moraines. Most areas of this association are cultivated, with corn, oats, and alfalfa being the most common crops.
- The *Elkmound-Stony and Rocky land-Dunbarton* association dominates the western half of the Town. This association is characterized by excessively well drained to well drained soils that have shallow sandy loam and silt loam subsoil. These soils are underlain at a depth of less than 40 inches by sandstone, dolomite or shale. This association has a "Driftless Area" landscape that is characterized by very narrow, sloping to moderately steep limestone ridgetops and steep to very steep side slopes. The landscape of this association is the steepest in Dane County. The soils in this association are best suited for pasture, woodland, wildlife habitat, and meadow. When cultivated, they are suited for small grains and hay.
- The *Basco-Elkmound-Gale* association is found in a small portion of the southwestern quadrant of the Town. This association is characterized by moderately well drained to somewhat excessively drained, moderately deep and shallow silt loams and sand loams. These soils are underlain by sandstone at a depth of less than 40 inches. This association has a driftless landscape that is gently sloping to very steep. Where the topography is not prohibitively steep, Basco and Gale soils are suited to all crops grown in the County. Elkmound soils are not suited to crops.
- The *Otto-Orion-Troxel* association is found along the creeks in the Town, including Halfway Prairie Creek. This association is characterized by poorly drained to well drained,

deep silt loams. These soils are underlain by silt loam. This association has a landscape made up mainly of drainageways, stream bottoms, and flood plains. When drained, all these soils are adequate for most crops grown in the County.

The suitability of the various soils in the Town for on-site waste disposal systems is described in Chapter Six—Utility and Community Facilities.

### **3. Bedrock**

Sandstone bedrock of Cretaceous origin is scattered throughout the town, frequently with an overlayer of dolomite. Commercial extraction of these resources is not occurring at the present time, but may attract sand or gravel mining in the future.

### **4. Drainage Basins**

The Town of Berry is located in the Lower Wisconsin River Basin, which drains approximately 4,940 square miles of south-central and southwestern Wisconsin. The Basin is further divided into watersheds. Virtually the entire Town lies within the Black Earth Creek watershed, with a tiny portion in the northwest corner falling within the Roxbury Creek watershed. Subwatersheds, denoted on Map 3 as black dashed lines, further divide the Town. The northwestern two-thirds of the Town is within the Halfway Prairie & Spring Creek subwatershed. The remaining portions of the Town lie in the Middle Black Earth Creek subwatershed or the Upper Black Earth Creek subwatershed. A very small portion of the northwestern corner of the Town is within the Dunlap Marsh Creeks subwatershed.

### **5. Groundwater Resources**

Groundwater resources are plentiful in the Town at both shallow and deep levels. In Dane County, water supplies are drawn from both the upper sandstone and unconsolidated aquifers, which provide water for shallow domestic wells in rural areas, and the deep sandstone (Mt. Simon) aquifer, which is a source of water for nearly all of the deep municipal wells. The water table level in the Town varies from between about 800 and 900 feet above sea level (average surface level elevations in the Town range from about 795 to 1250 feet above sea level). Groundwater that is withdrawn and used in Berry is for the most part recharged locally from infiltration of precipitation. In areas of coarse-textured soils, the upper aquifers supplying water are susceptible to contamination from both surface and subterranean sources.

### **6. Groundwater Quality**

Information from the Dane County Groundwater Protection Plan (1999) maps the risk of groundwater contamination from surface and subsurface activities. In both cases, the most susceptible areas in the Town for contamination are found throughout the Town, depending on areas of shallow depth to bedrock, shallow groundwater, and the attenuation potential of the overlying soil.

Dane County's groundwater is generally of good quality. However, there are known water quality problems in some areas due to the impacts of certain land use activities. In the County's rural areas, nitrate-nitrogen is the most common and widespread groundwater contaminant. Nitrate-nitrogen is highly soluble in water and is not appreciably adsorbed in the soil; thus it can seep readily through the soil and into the groundwater. Potential sources of ni-

trate pollution include on-site wastewater systems, animal feedlots, livestock waste facilities, sludge and septic application, lawn and agricultural fertilizers, silage juice and decaying plant debris. According to the DNR Groundwater Retrieval Network database, there were six wells in the Town of Berry that exceeded the federal drinking water standard for nitrate/nitrogen of 10 mg/liter during the period 2000-2009.

Manure storage facilities present a major risk to groundwater. There are ten storage facilities in the Town of Berry, eight with concrete construction. One facility located near the southern border of the Town and another located in the southwest corner of the Town are made of earth. Properly designed livestock waste storage facilities reduce the potential for causing groundwater pollution. Although regional evaluations are helpful in defining target areas in the county, site-specific factors are most important in determining the threat of groundwater pollution from animal waste. Recent County regulations have gone into effect controlling the storage and spreading of liquid manure. It is anticipated that such regulations will assist in protecting the ground water.

Pesticide and herbicide contamination of groundwater results from field application, spills, misuse, or improper storage and disposal. Atrazine has been the most commonly used corn herbicide in Wisconsin for the past 30 years. Atrazine and its breakdown products are often found in groundwater in agricultural areas. Atrazine use is now restricted in Dane County, including parts of the Town of Berry. According to the DNR Groundwater Retrieval Network, Atrazine was detected in two private wells in the Town at levels between .01 and 12 ug/liter.

Other potential sources of groundwater pollution in rural areas are solid waste disposal sites, sanitary sewers, underground storage tanks, petroleum-product transmission line leakage, spills of hazardous substances, salt storage and usage for road deicing, salvage and junk yards and abandoned and improperly constructed wells.

## 7. Surface Waters

Indian Lake is the largest body of water located in the Town. It covers 66 acres, and has a maximum depth of 6 feet.

Halfway Prairie Creek flows from Indian Lake west to join Black Earth Creek near Mazomanie, which eventually empties to the Wisconsin River. Spring Creek, also known as Wendt Creek, flows west from near the center of the Town, eventually joining with Halfway Prairie Creek in the Town of Mazomanie. Several small creeks flow in a southerly direction in the Town, draining into Black Earth Creek. The Wisconsin DNR is required by the EPA to submit a list of water bodies that do not meet clean water standards every two years. Halfway Prairie Creek and Spring Creek currently do not meet clean water standards, due to loss of in-stream habitat and excessive sedimentation on stream bottoms.

Black Earth Creek flows through the southwestern corner of the Town. Upper Black Earth Creek is classified as an outstanding water resource, according to the draft Dane County Water Quality Plan. This classification designates waters that have excellent water quality and high-quality fisheries, and do not receive wastewater discharges. Point source discharges are not allowed unless they meet or exceed the quality of the receiving water. It is also a Class I trout stream (a stream with a self-sustaining population of trout). The portion of Lower Black Earth Creek that flows through Berry is classified as an exceptional water resource. This means that the creek has excellent water quality and valued fisheries, but may already

receive wastewater discharges or may receive future discharges necessary to correct environmental or public health problems.

## 8. Floodplains

The Federal Emergency Management Agency (FEMA) designates floodplain areas. These are areas predicted to be inundated with floodwaters in the 100-year storm event (e.g., a storm that has a 1 percent chance of happening in any given year). The state requires county regulation of development in floodplains. Development is strongly discouraged in flood plains, to avoid both on-site and upstream and downstream property damage.

Floodplain areas in the Town are located around Indian Lake and along Halfway Prairie Creek, Marsh Creek, Black Earth Creek, and several smaller creek that drain the southern portion of the Town. The National Flood Insurance Program maps produced by FEMA should be referenced for official delineation and elevations of floodplain boundaries. These maps are available at the County Planning and Development Department. FEMA and Dane County have revised the floodplain maps for Dane County and converting them to a digital format attached as map 3.1. Map 3.1 is a copy of the most recent floodplain map for Town of Berry.

## 9. Wetlands

Wetlands cover approximately 2.5 percent of the land in the Town of Berry. The largest areas of wetlands are along Halfway Prairie Creek and Marsh Creek in the west-central portion of the Town, and several smaller creeks that drain to Black Earth Creek at the southern edge of the Town. Smaller areas are found along other creeks in the Town, and near Indian Lake. Wetlands are shown on Map 3. Wetland areas are important for aquifer recharge, groundwater and surface water quality improvement, and wildlife habitat. These have been identified and mapped by WisDNR through its Wisconsin Wetlands Inventory, with maps available at the County Planning and Development Department. County zoning does not permit development in these wetland areas, if they are two acres in area or larger.

## 10. Woodlands

The Town contains many areas of significant woodland cover. Upland wooded areas cover about 28 percent of the Town's total land area. These areas generally coincide with areas of steep slopes, as these areas are difficult to utilize for agriculture or homesites. The most common species found in the woodlands are four species of oak, hickory, cherry, and aspen. The woodlands in and around the Town are valuable contributors to the area's character and beauty. These woodlands represent a changing landscape. Red cedar has invaded many ridges, shading out the prairie vegetation that once grew there. Almost all the woods in the Town are derived from open oak savannas. These areas have changed from sunny savanna, with frequent fires, to shady woods. Oak trees are no longer able to reproduce in this denser shade. These woodlands will give way to more shade tolerant maples, basswood, and other hardwoods.

Woodlands can provide significant economic return for landowners, if properly managed. The Managed Forest Land (MFL) program is designed to encourage long-term investment in private forestland and promote sound forest management practices, and was enacted in 1985. This program is available to landowners with 10 or more contiguous acres of for-

estland, of which at least 80 percent is forested or suitable for forest growth. Participating landowners must agree to a forest management plan that includes following a forest management plan. In exchange, their land is taxed at a rate below the state average. The land must remain open to public access, although the landowner may designate certain areas as closed to the public. Landowners have the option to choose a 25 or 50-year contract period. As of February 2009, there were 1,990.71 acres of forestland in the Town enrolled in the MFL program. About 5 percent of this total acreage is open to the public for hunting, fishing, hiking, sightseeing, and cross-country skiing.

## 11. Steep Slopes

The Town is characterized by rolling hills separated by valleys and small plains. As shown on Map 3, steep slopes exceeding a 12 percent grade occur frequently. In fact, 10,453 acres (45 percent of the total acreage in the Town) contains slopes of 12 percent or greater. Of that steep slope acreage, 5,578 acres (23 percent of the total acreage in the Town) contain slopes of between 12 percent and 20 percent, and 4,875 acres (22 percent of the total acreage in the Town) contain slopes of 20 percent or greater. Slopes with grades greater than 12 percent present challenges for building site development. This *Plan* does not allow building development on slopes greater than 20 percent unless the structure and landscaping is specifically designed to accommodate the existing topography with minimal changes and environmental impact and is supported by architectural and engineering plans that demonstrate the design accommodates the existing topography with minimal changes and environmental impact. (“Minimal Impact” includes a written plan which, upon completion, attempts not to increase surface water runoff, retains water infiltration at 90% of pre-development standards on an annual basis, and allows no active erosion on site.)

## 12. Hilltops and Ridgetops

Hilltop and ridgetop areas are important natural features that are often overlooked in comprehensive planning efforts. Hilltops and ridgetops serve to define the horizon. Large structures constructed on top of them tend to be visually prominent—especially if not blending with the area’s rural-agricultural character in terms of color, material, or style. Within the Town, hilltops and ridgetops are fairly evenly distributed, but are particularly rugged in the western portion of the Town.

## 13. Rare Species Occurrences/Natural Areas

The Wisconsin DNR’s Natural Heritage Inventory program maintains data on the general location and status of rare, threatened, or endangered plant and animal species. This data is obtained through field inventory. Map 3 shows general areas in the Town of Berry, by section, that were identified in the 1999 Natural Heritage Inventory as containing rare plant or animal species. These include the northeastern corner of the Town, surrounding Indian Lake, the other corners of the Town, and a portion of the Town midway along its western border. More specific information on location and type of species is available from the State’s Bureau of Endangered Resources.

The need to conserve prairie and grassland habitat in Wisconsin is critical as we see this natural system become more and more rare. The landscape of our town harbors numerous prairie remnants and prairie plantings that are home to butterflies, wildflowers and grassland

birds. These species are suffering great declines due to the accelerating loss of grassland habitat throughout the country.

Less than one-tenth of one percent of Wisconsin's original prairie landscape remains. The invasion of non-native species, brush and trees, especially red cedar on steep slopes, are all taking their toll on the prairie landscape. Maintaining the remnant small pieces of native prairie still found in the town are important.

#### 14. Open Space Corridors

Open Space Corridors in the Town are shown on Map 3. Open Space Corridors are based mainly on drainageways and stream channels, floodplains, wetlands, and other resource lands and features. Within the Town, the most significant Open Space corridors follow the creek corridors that are located within the Town. Open Space corridors are used in this *Plan* to address the multiple concerns of drainage, water quality, recreation, and open space.

### D. Natural Resources Goals, Objectives and Policies

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#### 1. Goal: Preserve natural resources in the Town.

##### **Objectives:**

- a. Recognize the environment as an integrated system of land, water, and air resources serving multiple public objectives.
- b. Preserve the role of streams, drainageways, floodplains, remnant prairies and wetlands as essential components of the hydrologic system and natural environment.
- c. Prevent future problems in Berry that are associated with filling and development within wetland and floodplain areas.
- d. Encourage the use of water quality and soil conservation practices in agricultural operations.
- e. Cooperate with other units of government on natural resources under shared authority or crossing government boundaries.
- f. Recognize the topography and natural history as essential parts of Berry's unique character, natural beauty and heritage.
- g. Prevent activities that may contaminate ground water or otherwise impact groundwater quality.

##### **Policies:**

- a. Preserve the Town's special landscape features, including Indian Lake, Halfway Prairie Creek, Black Earth Creek, Spring Valley Creek (aka Wendt Creek) bluffs, hilltops and woodlands by keeping away development that would have an adverse effect. These features are depicted on Maps 3 and 4 of this *Plan*.
- b. Preserve a system of Open Space corridors, which includes the Indian Lake area, Halfway Prairie Creek, Black Earth Creek, Wendt Creek, and other creek corridors by limiting development that would have an adverse effect upon these corridors.

- c. Keep new development away from wetlands, floodplains (open space corridors), hydric soils, soils with low or very low potential for dwellings with basements, soils least suitable for on-site waste disposal systems, and slopes greater than 20 percent. Development should also be discouraged on slopes between 12 percent and 20 percent where other more appropriate sites are available. However, in Berry we have extensive slopes and limited farmland, resulting in the need to accommodate reasonable use of slopes to prevent loss of farmland. Therefore, development of slopes over 20% is only permitted when the proposed structure and landscaping is supported by architectural and engineering plans that demonstrate the design accommodates the existing topography with minimal changes and environmental impact. A review fee equal to the estimated fees charged by the Town Engineer to review the proposed plans shall be paid at the time of application. (Unused review fees shall be refunded to the applicant, regardless of the outcome.) “Minimal Impact” includes a written plan which, upon completion, attempts not to increase surface water runoff, retains water infiltration at 90% of pre-development standards on an annual basis, and allows no active erosion on site. No building permit shall be issued for development of slopes over 20% until the applicant complies with this Policy to the satisfaction of the Town and has been issued written confirmation of compliance, and an amount equal to the total actual review fee charged by the Town Engineer to review the proposed plans has been paid to the Town, by the applicant. It is important to emphasize that this Plan does not prohibit development on all parcels containing steep slopes. Rather, this Plan encourages landowners to direct site development or disturbance away from steep slopes and into more appropriate portions of their property. Guidelines for siting residential development on hillsides and ridgelines are provided as Attachment A of this Plan. General depictions of these features are included on Map 3 and in the *Dane County Map Book, Town of Berry* (2001). These features are also shown on Map 5 as an overlay district, “Soils with Building Limitations.”
- d. Support the more detailed mapping of these natural resources as part of a site plan review or land division process where it is apparent that a development proposal may impact these features or that existing maps are in error.
- e. Before approving any changes in land use, consider the impact on wildlife habitat, potential locations of rare plant and animal species, and archeological sites.
- f. Protect and improve the quality of the surface water within the Town, particularly Indian Lake, Halfway Prairie Creek, and Black Earth Creek, and of groundwater within the Town through environmentally sensitive placement and design of new development projects and participation in intergovernmental efforts.
- g. Emphasize the use of natural drainage patterns, construction site erosion control, and ongoing stormwater management measures that control the quality, quantity, and temperature of water leaving any site.
- h. To protect groundwater quality, avoid the overconcentration of on-site waste disposal systems and require the submittal and implementation of nutrient and/or manure management plans for agricultural operations on small lots or those expected to have large numbers of animals in any part of the Town (see the policies in Chapter Four for a more detailed discussion of the requirements for large animal operations).
- i. Maintain an inventory of “special places” in the Town to include such sites as places with unusual natural values such as views, remnant prairies, historic woodlands, etc.

- j. Regulate excavation and other activities conducted near or below water table to prevent contamination or degradation of the quality of ground water.

## E. Cultural Resources

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Preservation of historic and cultural resources fosters a sense of pride, improves quality of life, and provides an important feeling of social and cultural continuity between the past, present and future. The following sections describe the significant historic and archeological resources in the Town. Cultural resources are noted on Map 3.

### 1. Historic Resources

There are two properties in the Town of Berry that are listed on the National Register of Historic Places. The Frederick Schumann home and farmstead, located at 8313 State Highway 19, was listed on the National Register in 1993. The stone home was built in 1878. Schumann came from Saxony in 1850. The Frederick Kohlmann home, located on the south side of State Highway 19, just east of County Highway K, was listed on the National Register in 1974. The fieldstone home was constructed in 1867. Kohlmann came to the area in 1848.

It is important to note that the Kohlmann home owned by Dane County as of the summer of 2009 is in need of substantial maintenance and repair and at risk of complete destruction.

In addition to these properties, the Town has a fine collection of historic or architecturally significant buildings and sites. The State Historical Society's Architecture and History Inventory (AHI) contains data on a wide range of historic properties throughout the state—such as round barns, cast iron bridges, commercial buildings, schoolhouses, and turn-of-the-century homes—that create Wisconsin's distinct cultural landscape. The AHI includes 28 documented properties in the Town of Berry. These properties included older houses and outbuildings, farmsteads, and barns.

The State Historical Society of Wisconsin also maintains a list of properties that have been certified as significant by the National Park Service, and determined to be eligible for listing on the National Register. This eligibility is determined in several ways. Most of the properties on this list have been determined eligible through Section 106 of the National Historic Preservation Act, which requires that all federal agencies take into account how their activities affect historic properties. Historic properties may also be found in this list that have been certified for the tax credit programs for the rehabilitation of certified historic properties. Some properties on this list have been found eligible for the National Register, but have not been placed on it due to the objection of the property owner.

There are currently two properties in the Town on this list.

### 2. Archeological Resources

According to the State Historical Society and local sources, there were 14 known archaeological sites and cemeteries in the Town of Berry as of January 2001. This does not include all of the sites that might be present in the Town. Sites that have been identified in the Town include cemeteries (burial mounds and unmarked graves), cabins and homesteads, Native American community sites and burial sites.

Few of the sites reported to the Society or noted by local interested parties have been evaluated for their importance, or eligibility for listing on the State or National Register of Historic Places. Under Wisconsin law, Native American burial mounds, unmarked burials, and all marked and unmarked cemeteries are protected from encroachment by any type of development. Dane County ordinances require a 25-foot setback from Native American burial mounds. Many of these sites are located on private land, and may not be viewed by the general public.

### 3. Visual Character Resources

The visual character of the Town of Berry attracts people to live and recreate. It is the main reason that many residents chose Berry as a place to live, and the resource that almost all residents would like to preserve.

Berry is uniformly hilly in nature, with picturesque ridges and valleys defining the lower elevations. Valley floors are utilized for production agriculture, rural, open spaces, grazing, and home sites.

Development in the Town of Berry is dispersed. The most prominent land use is single-family homes, located along Town and County roads. There is one “hamlet” located within the Town; Marxville consists of a cluster of residences, a couple of small commercial uses, and a church. Very little commercial development is present in the Town.

U.S. Highway 14 is the most heavily traveled road in the Town. It passes through the extreme southwest corner of the Town. Little development is seen from it, in some part due to the Black Earth Creek, which runs along the south side of the road. U.S. Highway 19 travels east-west across the Town, passing through Marxville. This is a relatively busy highway, but it is also one of the most scenic in the Town. It winds through farmland and open spaces, with views of farms, homes, and Indian Lake. The County and Town roads that run through Berry tend also to be scenic and winding, generally following the contours of the generally hilly topography.

## F. Cultural Resources Goals, Objectives and Policies

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### 1. Goal: Preserve the Town of Berry’s scenic, rural, and open space character.

#### **Objectives:**

- a. Recognize that the Town of Berry’s character is defined by woodlands and open spaces, agricultural lands, and historic resources throughout the Town.
- b. Consider developing Marxville as a Town community center.
- c. Identify and protect unique historic and archeological areas within the Town.
- d. Protect scenic views in the Town, particularly those visible from public roads.
- e. Balance the rights of landowners to exercise their development rights with the preservation of the character of the Town.

**Policies:**

- a. Consider the value of remaining natural resource areas as potential focal points of natural beauty and recreation when making decisions regarding specific sites proposed for development.
- b. Work with the State Historical Society and local historical societies or other interested parties to accurately catalogue the historic and archeological resources in the Town.
- c. Consider the preservation of historically and architecturally significant structures and archeological resources in the Town when making decisions regarding specific sites proposed for development.
- d. Encourage new development forms that celebrate the Town's agricultural heritage. Examples include grouping new residences together at the end of a driveway or road to look like an historic farmstead, incorporating existing farm outbuildings in a new development project, or promoting new building styles consistent with vernacular architectural styles.
- e. Promote use of existing topography and vegetation to screen new development.
- f. Consider developing a comprehensive viewshed analysis for the Town to help guide the siting of additional development.
- g. Improve appearance in the existing crossroad community of Marxville through:
  1. Redevelopment of abandoned, vacant, or obsolete parcels
  2. Working with the County on enforcement of property maintenance standards
  3. Provisions of sufficient off-street parking for new uses in these areas
  4. High-quality signage, architecture, site design, landscaping, and lighting
  5. Consideration of attractive community entrance signs for this area
- h. Support local festivals, fairs, farm tours, farm breakfasts, and markets that celebrate the Town's farming heritage and rural way of life.
- i. For the U.S. Highways 19 and 14 corridors, work with the County to control the placement of communication towers and billboards.



## Map 3: Environmentally Sensitive Areas & Public Lands



## Map 3.1: Floodplains



## CHAPTER FOUR: LAND USE



This chapter of the *Plan* contains a compilation of background information, goals, objectives, policies and recommended programs to guide the future preservation and development of public and private lands in Berry. The chapter includes one map that shows existing (year 2000) land uses and one that shows recommended future land uses over the 20-year planning period, and provides other related land use data and analysis as required under §66.1001, Wisconsin Statutes.

## A. 2000 Land Use

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An accurate depiction of the Town's *existing* land use pattern is the first step in planning for a desired *future* land use pattern. The Town's planning consultant conducted an inventory of the Town's existing land uses using data from Dane County, aerial photography, and spot field checks. Town representatives had an opportunity to review and suggest corrections to existing land use maps before they were finalized.

### 1. Existing Land Use Map Categories

Map 4 divides *existing* land uses in the Town of Berry into several categories. This *Plan* is specifically designed to address issues of land use, development density and intensity, and rural character on a comprehensive basis. As such, this *Plan* uses an extensive system of land use categories. These categories include:

#### **Open Space Land Uses**

1. **Agriculture:** land used primarily for farming, farmsteads and support activities, and limited single-family residential development, generally with densities at or below 1 dwelling per 35 acres
2. **Woodlands:** privately-owned forest land, in certain cases including single-family residential development generally with densities at or below 1 dwelling per 35 acres or private recreational uses
3. **Rural Lands/Vacant:** privately-owned vacant and undeveloped lands, predominately not in agricultural or woodland use
4. **Recreational Land:** publicly- or privately-owned lands designated as county parks and recreation areas, town parks, or other recreational facilities
5. **Surface Water:** lakes, rivers and perennial streams

#### **Developed Land Uses**

1. **Rural Single Family Residential:** single family residential development, generally at densities between 1 dwelling unit per acre and 1 dwelling unit per 35 acres, and served by on-site waste disposal systems
2. **Urban Single Family Residential:** single-family residential development, generally at densities up to 4 dwelling units per acre, and served by public sanitary sewer systems
3. **Two Family Residential:** two-family and attached single-family residential development, generally at densities up to 8 dwelling units per acre
4. **Mixed Residential:** a variety of residential units (including mobile home parks) at densities averaging above 8 dwelling units per acre

5. **General Business:** indoor commercial, office, institutional, and controlled outdoor display land uses, with moderate landscaping and signage
6. **General Industrial:** indoor industrial land uses and controlled outdoor storage areas, with moderate landscaping and signage
7. **Landfill/ Extraction:** sites in current use as a landfill, along with quarries, gravel pits, clay extraction, peat extraction and related land uses
8. **Institutional:** Large-scale public buildings, hospitals, and special-care facilities—small institutional uses may be permitted in other land use categories

## 2. 2000 Existing Land Use Pattern

The majority of the Town of Berry remains in open space uses. Much of the land is shown as *Agriculture* in Map 4, with extensive areas of *Woodlands* and *Rural Lands/Vacant*.

The Town's farm and non-farm residences, identified by black squares on Map 4, are dispersed throughout the community—generally along Town and County roads. A cluster of residential development is located in hamlet of Marxville, at the intersection of County Highway KP and U.S. Highway 19.

*General Business* uses are located along State Highway 19, along U.S. Highway 14 and on Scherbel Road near its intersection with U.S. Highway 14. Several *Institutional* uses are located in the Town: at the Town's south edge, adjacent to the Village of Cross Plains, along Scherbel Road near the center of the Town, and west of County Highway KP on Highway 19. There are no *General Industrial* uses in the Town.

Table 6 provides the acreage within each existing land use category in the Town of Berry in the year 2000.

**Table 6: Town of Berry 2005 Land Use Totals**

Land Use	Acres	Percent
Agriculture	13,992.9	60.9%
Woodlands	7,173.9	31.2%
Vacant Unused Lands	9.3	0%
Outdoor Recreation	476.2	2.1%
Surface Water	103.8	0.5%
Single Family Residential	523.9	2.3%
Two Family Residential	11	0%
Mixed Residential	0.4	0%
General Business	5.5	0%
General Industrial	0	0%
Transportation	657.8	2.9%
Communication/Utilities	0	0%
Institutional	13.4	0.1%
<b>TOTAL</b>	<b>22,958.1</b>	<b>100%</b>

Source: GIS Inventory, VANDEWALLE & ASSOCIATES, 2001

## Map 4: Existing Land Use



### 3. Land Development Trends

According to the Dane County Regional Trends Report, from 1992 to 1999, there were a total of 86 new lots created in the Town of Berry—all created through certified survey maps. More than half of these lots were created in 1998 and 1999 alone. Nearly all of these lots were for residences, averaging about 11 lots per year. During the 1990s, the Town issued an average of 6 permits per year for new houses. Therefore, lots appear to be being created faster than homes are being built on them.

It is interesting to compare the recent land development numbers to historical data. In the 1970's, the data was similar to that of the 90's. The number of lots being created averaged 11.4 per year, all created through certified survey maps, and the average number of building permits was 14.4 per year. In the 1980's, the number of lots created dropped to an average of 4.3 per year, all created through certified survey maps, with an average of 3.3 building permits per year.

Trends in the Town's agricultural land market are available from the Wisconsin Department of Revenue's Fielded Sales System, which tracks sales of agricultural, forest and swamp and waste parcels for all towns in the state. For agricultural parcels, data is collected at the time of sale and includes those parcels that will remain in agricultural uses and those parcels that are converted out of agricultural use. The system only tracks the sale of parcels larger than 35 acres. However, this data is still useful in analyzing general trends in the Town's land market.

According to data from the Fielded Sales System, there were 57 acres of agricultural land sold in the Town of Berry in 2008, 55 acres @ \$4,166 per acre and 2 acres residential @ \$31,500 per acre. Of the 57 acres of agricultural land that were sold, all continued in agricultural use.

An important consideration for the Town is the number of dwelling units permitted in Agricultural and Rural Lands Preservation Areas, based on the Town's density policy. That policy allows housing at a density of one lot per 35 acres owned as of April 13, 1981. Based on a general analysis of plat maps and historic building data, it appears that roughly 530 home sites were potentially available under that policy in planned Agricultural and Rural Lands Preservation Areas. As of June 2009, it appears that between 140 and 195 (27 to 37 percent) of available home sites or "splits" have been exercised (homes built) within planned Agricultural and Rural Lands Preservation Areas in the Town.

With the collapse of the real estate market in late 2008, sales of lots and construction of new homes have slowed significantly.

## B. Planned Land Use Pattern

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Map 5 presents recommended future land uses over the 20-year planning period for all parts of the Town. Changes from the existing land use pattern to realize this planned land use pattern may occur if and when property owners make requests for rezoning, subdivisions or land divisions, conditional use permits, or other development approvals. Map 5, along with policies in this chapter, will guide Town decision-making on future land use decisions.

Map 5 presents a recommended future land use pattern consistent with historic locations for farming, rural open spaces, development, and natural areas.

Table 7 shows the acreage included within each planned land use designation on Map 5. Each designation is described in additional detail in the sections that follow.

**Table 7: Town of Berry Planned Land Use**

Land Use	Acres	Percent
Agricultural and Rural Lands Preservation Areas	19,937	86.0%
Open Space Corridor	2,615	11.3%
Surface Water	77	<1%
Urban Service Area	53	<1%
Agricultural Transition Area	202	<1%
Rural Development Area	69	<1%
Possible Rural Development Area	242	1.0%
TOTAL	23,195	100%

Source: GIS Inventory, VANDEWALLE & ASSOCIATES, 2001

## C. Projected Land Use Demand

This *Plan* provides projected demand over the 20-year planning period (in five-year increments) for residential, commercial, industrial, and agricultural land uses. Projected demand is then compared to the potential supply of land to accommodate such demand, as presented in Map 5 and Table 7.

Demand projections for residential uses on land currently in the Town of Berry boundaries are based on housing unit forecasts for Berry, which are discussed in more detail in Chapter Seven. Projected residential land use demand is presented in Table 8. This table assumes that each new residential unit will require an average of a three-acre lot.

**Table 8: Projected Rural Residential Land Use Demand**

	2005	2010	2015	2020	2025
Cumulative demand for additional residential units	445	461	476	491	506
Cumulative demand for additional residential acres	1,335	1,383	1,428	1,473	1,518

Source: Vandewalle & Associates

The actual number of residential units in Town of Berry was 462 in 2005

Future development allowed under Map 5 and the policies of this *Plan* provide enough capacity for perhaps two times the expected residential land use demand over the next 20+ years. Much of this projected residential land use demand will be accommodated through new houses built in the Agricultural and Rural Lands Preservation Area, under the Town's density policy. In fact, as of June 2009, there were technically a sufficient number of unused, available "splits" (between 233-250 potential dwelling units) in the planned Agricultural and Rural Lands Preservation Area to accommodate all of the anticipated rural housing demand. Additional rural residential devel-

opment can be accommodated within undeveloped portions of Rural Development Area and Agricultural Transition Area. Map 5 includes approximately 260 undeveloped acres mapped within these two planned land use designations. The Possible Rural Development Area noted on Map 5 adds approximately 240 acres for additional development, if it is so desired by the Town in the future.

Little commercial development demand is forecast in the Town. The small amount that may occur can be accommodated in locations near U.S. Highway 14, and in dispersed locations throughout the Town. No industrial (e.g., manufacturing) development demand is forecast for lands that will remain in the Town.

According to the Wisconsin Department of Revenue's Fielded Sales System, which tracks sales of agricultural, forest, swamp and waste parcels for all towns in the state, approximately 2,014 acres of agricultural land in Berry were converted out of agricultural use from 1990 to 1997 (this averages to approximately 1,439 acres over a five-year period). Therefore, if this trend continues, the amount of agricultural land in active use in the Town would decrease by about 1,439 acres every five years (roughly 5,700 acres total) over the 20-year planning period. The Town of Berry desires to minimize the amount of land converted away from agricultural use and open lands over the planning period by carefully considering the number of new developments permitted, the siting of new developments, and the use of transfer of development rights.

## D. Other Land Use Issues

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### 1. Land Use Conflicts

Residential development in the Town has generally not created conflicts between newer residents and surrounding farming operations. Non-farm residents have been accepting of the activities of their farm neighbors. Hopefully, this will continue to be the case in the future. However, the activities that make up the day-to-day operation of a farm—slow farm machinery on roads, farm odors associated with the stockpiling and spreading of manure, livestock noise—are sometimes considered nuisances by new, non-farming neighbors. This *Plan* seeks to minimize these types of conflicts through thoughtful comprehensive land use planning.

### 2. Opportunities for Redevelopment

Redevelopment is the process of identifying appropriate new uses for obsolete or underutilized facilities or properties and implementing recommended changes. The majority of the Town is undeveloped. Therefore, this *Plan* does not specifically identify any area in the Town that is in need of redevelopment. There may be individual properties within the Town that could benefit from renovation or redevelopment. The Town should encourage redevelopment of currently developed properties before the development of new, undeveloped properties as part of the overall goal of controlling the amount of new development.

## E. Land Use Goals, Objectives and Policies

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### 1. Goal: Promote an efficient, sustainable, and high-quality land use pattern consistent with the Town's existing and planned character.

#### **Objectives:**

- a. Ensure a desirable and compatible mix of land uses consistent with the Town's rural character.
- b. Allow new development in and around areas of existing development when it would promote the objectives and policies of this *Plan*.
- c. Balance community interests with the rights of current landowners.
- d. Emphasize the *Plan's* goals, objectives and policies when evaluating new development projects.
- e. Minimize the visual impact of new development on the landscape.

#### **Policies:**

- a. When making detailed land use decisions, follow the land use recommendations mapped and described in this *Comprehensive Plan* (see Map 5).
- b. When changes in zoning are proposed that would permit development on a parcel of land, the Town will require the submittal of a specific development proposal (comprised of a certified survey map or plat that depicts the location on the property where the dwelling will be placed, or a detailed site plan in the case of development not requiring a new lot) before approving the rezoning. Approval of the proposal will be based on the degree to which the proposal fulfills the goals, objectives, and policies of this *Plan*. Once the rezone has been approved, the Town will consider changes to the location of development on the property at the property owner's request, if the changes meet all of the original criteria for approval.
- c. In the design of new subdivisions and when groups of development on contiguous parcels not in single ownership that are created by Certified Survey Maps (CSM's) total five or more lots, use standards for achieving "**conservation neighborhood design**" to preserve rural character, protect environmental resources, promote interconnected road patterns, provide attractive development sites, and support recreational opportunities. Conservation neighborhood design techniques are described in Chapter Seven--Housing and Neighborhood Development.
- d. Assure that incompatible land uses are not located close to one another, and appropriate separation and screening is included in instances where incompatibilities might otherwise occur.
- e. Direct development into the Rural Development Area, Agricultural Transition Area and the Urban Service Area of Cross Plains, as those areas are identified and established, to relieve pressure to develop in the Agricultural and Rural Lands Preservation Area.
- f. Encourage grouping or clustering allowable development sites to preserve farmland, protect other natural resources, and reduce development visibility, where doing so will for-

- ward the goals, objectives and policies of this *Plan*. See Chapter Seven of this *Plan* for more detailed development siting standards.
- g. Apply the standards found in the attachments to this *Plan* for building site design, commercial building architecture and materials, commercial landscape design, signage, and lighting to new development projects.
  - h. Encourage collaboration between the Town of Berry, the Village of Cross Plains, Dane County, and other neighboring jurisdictions to achieve shared land use objectives.
  - i. The Town shall consider new Town roads if they would aid in siting development in a manner promoted by this *Comprehensive Plan*. All new roads in the town, serving new developments, shall be constructed by the property owner or developer to meet Town road statutory construction standards, town specified engineering standards, and will be conveyed to the Town by certified survey upon acceptance by the Town. Any Town road requiring improvement to accommodate traffic relating to new development shall be improved by the property owner or developer to meet Town road statutory construction standards, town specified engineering standards, and shall be approved upon completion by the Town.

## 2. Agricultural and Rural Lands Preservation Area (as shown on Map 5)

### **Objective:**

The Agricultural and Rural Lands Preservation Area is established to preserve productive agricultural lands and open lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and maintain farmer eligibility for incentive programs. This planned land use designation focuses on lands actively used for farming, with productive agricultural soils, topographic conditions suitable for farming, and potential suitability for farming, as well as areas of rural and/or open lands not classified as “Open Space Corridor Area” (see description of this land use category below). As mapped, this designation includes scattered open lands and woodlots, farmland, farmsteads, agricultural-related uses, and limited single-family residential development at densities at or below one home per 35 acres. The Agricultural and Rural Lands Preservation Area also includes substandard lots created before 1981 and legal lots of record that are less than 35 acres in area created in compliance with the Town of Berry Land Use Plan (1981). The A-1 Exclusive Agriculture zoning district is the appropriate zoning district for most lands in the Agricultural and Rural Lands Preservation Area planned land use designation.

### **Policies:**

- a. Within the Agricultural and Rural Lands Preservation Area, limit development to a maximum density of **one new residential dwelling unit per 35 acres** held in single ownership as of April 13, 1981, except as modified by the sub-policies listed below (see also the Definitions in Attachment C).
- b. The following policies guide the **interpretation** of the “one residential dwelling unit per 35 acres” policy:
  1. The number of dwelling units allowed shall not be reduced or increased by any other policy described in this *Plan*.

2. **Data Sources:** Land ownership as of April 13, 1981 should be determined using the 1981 Land Atlas and Plat Book for Dane County published by Rockford Map Publishers, Inc. as a guide to ownership for that year and the most accurate source of parcel size information available, unless and until the Town or applicant is able to develop more detailed legal information on ownership as of April 13, 1981. Parcel size should be determined using the most accurate source of parcel size information available, with Dane County digital parcel data being the preferred source in the event of disagreement. “Single Ownership” may include any land singly owned by one individual, jointly owned by a married couple including that individual, or owned by a partnership or corporation in which the individual was a member. “Contiguous single ownership” is defined as all land under single ownership on April 13, 1981, which share a common boundary (including lands mapped in the Open Space Corridor Area).
3. **Contiguity:** Except as may be allowed under sub-policy 4 below, the number of dwelling units permitted shall be based on the acreage of total net contiguous acreage under single ownership as of April 13, 1981.
4. **Limited Transfers Between Parcels Allowed:** Transfer of dwelling unit rights between any two contiguous or non-contiguous parcels under single ownership at the time of transfer, may be allowed under the following conditions:
  - i. The parcel to which the dwelling unit rights are to be transferred must be less suitable for agricultural use than the parcel(s) from which the dwelling unit rights are to be transferred, as determined through an evaluation of County Land Conservation Department soil groupings, unless no other acceptable options are available.
  - ii. The overall development density of the parcel to which the dwelling unit rights are to be transferred shall not undermine the Town’s objectives to preserve natural areas and provide a rural atmosphere for Town residents.
  - iii. The proposed development should meet all **development siting guidelines** in the “Housing and Neighborhood Development” chapter of this *Comprehensive Plan*.
  - iv. The parcel(s) from which the dwelling unit rights are proposed to be transferred must clearly have a sufficient number of dwelling unit rights left to transfer under the Town’s density policy.
  - v. The Town Board and Plan Commission will evaluate proposed development on parcels that have dwelling units rights transferred to them for consistency with the goals, objectives and policies of this *Plan*, to assure that the appearance and density of the development does not adversely affect rural character.
  - vi. The Town shall notify all owners of property adjacent to or across a public street from the parcel to which the dwelling units rights are to be transferred of a public hearing on the proposal at the Town level.
5. **Development Rights:** Development rights may be transferred between parcels according to the Town ordinance 500.5 “Transfer of Development Rights (TDR) Program Ordinance”, which is appended to this plan as attachment E. Density units or

development rights attended to property which have been permanently restricted against further development by contract, deed restriction or other non-revocable action by the owner of that property, rendering the density unit or development rights unusable at that property, shall be considered extinguished and an equal number of density units or development rights shall be made available by the Town of Berry for transfer from the Town of Berry in accordance with Town Ordinance 500.5. In no event shall new or additional density units or development rights be created beyond the total number available in the Town of Berry based on the “one residential dwelling unit per 35 acres” policy calculated and interpreted as of April 13, 1981.

6. **Rounding:** Rounding is allowed. The maximum number of dwelling units allowed will be determined by dividing the total contiguous net acres in single ownership as of April 13, 1981 by 35. If the resulting quotient is a whole number, the owner may create that number of lots. If the quotient is a whole number plus a fraction, the owner may create that number of lots equal to the whole number plus one additional lot if the remainder equals or exceeds one-half ( $18/35$ ). For example, a 90-acre parcel would be allowed a maximum of three dwelling units ( $90/35=2\ 20/35$ , or  $2.57 =$  round up to 3). An 80-acre parcel would be allowed a maximum of two dwelling units ( $80/35=2\ 10/35$ , or  $2.28 =$  round down to 2).
7. **Existing Residences (including farm residences):** Any existing residence built before April 13, 1981, and occupied on or after that date, shall not count against this density policy. A replacement to such a residence shall not count against this policy either, provided that the pre-existing residence will be demolished before or upon completion of the replacement residence. Aside from such a replacement residence, any new residence (including a residence for a landowner or family member earning substantial income from the farm operation) will be considered one dwelling unit for the purposes of this density policy (i.e. such houses will count against the one dwelling unit per 35 acres density policy). Note application example at Section 2.c., below
8. **Land Sales After 1981:** Changes and reconfigurations in ownership do not trigger new allotments of potential future dwelling units per the density policy. When land is sold or consolidated after April 13, 1981, the Town encourages property owners to make clear in sales contracts how many potential future dwelling units (if any) are being transferred along with the land. If provided to the Town and County with the development application, the Town will use such sales contract or similar document when considering the application. In the absence of a clearly understood sales contract or similar document, the Town may attempt to learn from all affected property owners the intent (in writing), and share that information with the Dane County Planning and Development Department. If the intention for the dwelling units is still unclear after these efforts, the Town Board will assume that all potential future potential dwelling units remain with the largest remaining parcel.
9. **Commercial Uses:** The only non-residential uses (commercial, industrial, institutional and office) in the Agricultural and Rural Lands Preservation Area are those allowed in the A-1 Exclusive and A-B Zoning Districts. A non-residential use will be considered the equivalent of one dwelling unit for the purpose of the density policy. Non-residential uses that requires another zoning will be considered on a case by case basis, according to the extent that the use will further the goals, objectives, and

policies of this *Plan*. All non-residential development should follow the policies for non-residential development found under the Rural Development Area land use category in this Chapter. Conversion of the parcel to residential use shall not be considered a new dwelling unit for purposes of the density policy.

Example: a CSM and rezone (to one of the C-Categories) are used to create a parcel for a dog grooming business, which would count as a split. When the dog grooming business fails, and the owner rezones the parcel to residential (an RH-Category), this would not be considered a split, just a transformation of an existing building site.

10. **Two-Family Uses:** Duplexes shall count as two dwelling units for the purpose of this policy.
11. **Tracking of Land Divisions:** At the time of any land division, rezoning, or any land use approval, and pending the implementation of a dwelling unit right tracking system at the Town level, the Town should, as part of the rezoning or other approval, require that a note be added to the deed of all affected parcels, indicating the amount of additional non-farm development (including new farm residences) permitted on the parcel(s) under then-current adopted Town policy. All such notes shall be subject to removal or alteration if approved by the Town Board in light of a relevant change to this *Comprehensive Plan*.
- c. Allow pre-existing uses on parcels where the total contiguous net acreage owned is less than 35 acres as of April 13, 1981 (i.e., **substandard lots** in A-1 Exclusive zoning district) to continue under the provisions of the Town Zoning Ordinance. If no residence exists on such a substandard parcel, a total of one new residence may be constructed. If a residence exists on such a substandard parcel and was built prior to April 13, 1981, one more residence is allowed on that parcel area following rezoning, and possibly a land division. If a residence exists on such a parcel and was built after April 13, 1981, no additional residences are allowed on that parcel area. Do not allow land divisions that conflict with these policies.

Example: If the landowner had two contiguous parcels of record on April 13, 1981, of 12 and 16 acres, respectively, with an existing residence on one parcel, the landowner is still entitled to one more building site on the 28 acres involved. If the two parcels were not contiguous, the landowner would have the right to one more building site on each parcel. The total *contiguous* net acreage is the controlling factor in deciding the rights to additional splits.

- d. **The minimum lot size** in the Agricultural and Rural Lands Preservation Area is **one net acre**, unless (i) soil tests or conditions indicate more area is required to provide safe on-site treatment, (ii) a group waste disposal system is approved, allowing smaller lot sizes or (iii) the pre-existing size of a lot would not allow for one net acre or (iv) other policies in this *Plan* suggest a larger minimum.

Maximum lot size is left to the discretion of the property owner. Divisions of property resulting in large lots are not prohibited. However, the Town Plan Commission and Board will consider each rezoning or land division **on a case-by-case basis**, based on consistency with the goals, objectives and policies of the *Comprehensive Plan* which will generally favor smaller lots.

- e. For all new developments in the Agricultural and Rural Lands Preservation Area utilize the **development siting standards (for developments of four dwelling units or less) and principles of conservation development** (for developments of five dwelling units or more), included in the Chapter Seven of this *Comprehensive Plan*.
- f. Discourage development that would take large parcels of land out of productive farming or result in fragmenting productive farmland into small parcels that are difficult to farm.
- g. All new lots shall allow for the construction of **driveways** suitable in length, width, design, and slope for emergency vehicle travel, per the *Town of Berry Driveway Ordinance*.
- h. Placement of **on-site waste disposal systems** shall meet the standards expressed in Chapter Six--Utilities and Community Facilities.
- i. Require the submittal of **stormwater management and construction site erosion control plans** for new developments in accordance with county and state requirements.
- j. Do not allow the development of **subdivision plats** (five or more lots within a five-year period) within the Agricultural and Rural Lands Preservation Area, except where such development will be consistent with the 1 dwelling unit per 35-acre density limit. For example, a landowner with 200 acres in the Agricultural and Rural Lands Preservation Area is permitted to create five homesites under the Town's density policy. This *Plan* recommends that these five lots be clustered on one portion of the property so the remainder of the land can be used for farming, or remain in open space. To create such a cluster, a subdivision plat would be required. When approving such subdivisions, the Town should keep in mind that in some cases, the clustering of too many lots could work against the preservation of rural character.
- k. Within the Agricultural and Rural Lands Preservation Area, allow **two-family dwellings, including duplexes or two-flats**. As part of the rezoning process necessary to allow a two-family dwelling, the Town shall consider soil conditions, siting of the units and the architectural appearance of the dwelling units to ensure that the dwelling units appear as a single-family home. Two-family dwellings can be considered as a means of increasing density without having a significant impact on land use. These units could be either contained in the main dwelling or be located nearby, such as a "granny flat" located above a garage (see sub-policy B(9) above for treatment of such dwellings against the density policy). This idea could benefit farm operators with extra income without losing farm acreage. These units would also provide housing for those involved in commercial endeavors supporting agriculture and other uses of agricultural and rural open lands, and could function as affordable housing in the Town, where other opportunities for such housing are limited by the high price of land. Do not allow **multiple-family residences (3-units or more)**.
- l. Encourage **Small Acreage Farming** in areas where residential development is planned in close proximity to agricultural uses. **Small Acreage Farms** generally require less space than traditional farms, and therefore may be better able to blend with residential development by exhibiting less noise, smell, and other characteristics of traditional farming that can cause conflicts. These farms can function as a buffer between more intensive farming operations and residential areas, and can also provide an educational component for the Town, and an opportunity for people in the community to purchase food grown

in the Town. Examples of uses that might be included as **Small Acreage Farms** include fruit and vegetable farming and small equine operations.

- m. The Wisconsin Department of Natural Resources requires concentrated animal feeding operations (CAFOs) with 1,000 or more animal units to obtain a permit. This permit is called a Wisconsin Pollutant Discharge Elimination System (WPDES) Concentrated Animal Feeding Operation (CAFO) permit—or a WPDES CAFO permit. These permits are designed to ensure that farm operations choosing to expand to 1,000 animal units or more use proper planning, construction, and manure management practices to protect water quality from adverse impacts. In 2000, there were five large-scale farm operations in Dane County regulated under this permit program.

Before submitting a WPDES CAFO permit application to operate a feedlot with 1,000 or more animal units in the Town of Berry, the landowner shall submit a site plan to the Town for the proposed operation. This site plan should demonstrate how the landowner intends to mitigate traffic impacts, nuisance issues, and manure storage and water quality impacts associated with this large-scale operation. The landowner should meet with the Town Plan Commission to discuss the submitted site plan. The site plan should include the same information as required for the WPDES CAFO permit application. This includes:

1. The location of the existing and proposed site on plat maps, aerial photographs, and soil survey maps.
2. Scaled drawing(s) locating animal housing, waste storage facilities, runoff controls, groundwater monitoring wells, loafing or outside lot areas, feed storage structures and water supply wells.
3. A description of proposed and existing waste storage facilities
4. A description of proposed and existing runoff control systems, groundwater monitoring systems, permanent spray irrigation or other land spreading systems.
5. Information on current and future animal units for the operation and the expected expansion dates.
6. A narrative containing background information on the operation as it exists, and how it will function after the planned construction or expansion

Town Plan Commission review of this site plan, and subsequent discussions with the landowner, will serve as the basis for the Town's submittal of a formal letter to WisDNR during the public comment period of the WPDES CAFO permitting process. This letter will indicate whether or not the site plan was submitted for Town review, and will include any findings or concerns related to the proposed operation. The Town should contact the Agricultural Runoff Management Specialist in the WisDNR South Central Regional Office to formally request, in writing, that the Town be notified of all public comment periods related to a pending WPDES CAFO permit for an operation located in the Town of Berry.

### 3. Open Space Corridors Area and “Soils with Building Limitations” (as shown on Map 5)

#### **Objective:**

The Open Space Corridors Area is established to identify and protect generally continuous environmentally sensitive areas, including wetlands, floodplains, and public park and open space areas. Appropriate base zoning districts for the Open Space Corridors Area planned land use designation include the A-1 Exclusive Agricultural zoning district and County Conservancy zoning district. Most of these areas are also subject to County wetland or floodplain overlay zoning. The “Soils with Building Limitations,” mapped as an overlay designation on Map 5, includes slopes greater than 20 percent, hydric soils not in mapped wetlands, and soils with low or very low potential for dwellings with basements.

#### **Policies:**

- a. Support more **detailed analyses** to determine the exact boundaries of the Open Space Corridors Area and Soils with Building Limitations based on the features that define those areas.
- b. **Prohibit building development** in the Open Space Corridors Area, and strongly discourage building development on Soils with Building Limitations.
- c. **Permit cropping and grazing** on Soils with Building Limitations and in the Open Space Corridors Area where in accordance with county, state, and federal law.
- d. **Permit recreational activities**, such as trails, in publicly owned Open Space Corridors Area, and where compatible with natural resource protection.
- e. **Maintain contact** with the DNR, County Park Commission and Ice Age Trail Alliance to ensure input and participation from Town officials and citizens concerning future acquisitions.
- f. Work collectively **with surrounding local governments**, Dane County, and the State on the protection and preservation of the Open Space Corridors Area.

### 4. Rural Development Area (as shown on Map 5)

#### **Objective:**

The Rural Development Area is established and mapped on Map 5 to identify certain lands for lower density residential development served by on-site waste disposal systems with the potential for limited neighborhood-serving, small-scale commercial and institutional uses. The density of this Area is planned to be higher than that in the Agricultural and Rural Lands Preservation Area. The total number of dwelling units allowed in the Town will not be increased by this higher density.

#### **Policies:**

- a. The mapped Rural Development Area **may be an appropriate receiving area for development rights** in exchange for the permanent preservation of other lands in the

- Town. This may be achieved by linking favorable actions on a rezoning request to an assurance that sufficient land will be preserved through a deed restriction or conservation easement in an Agricultural and Rural Lands Preservation Area in the Town.
- b. **Minimum lot size** for all new lots proposed as building sites in the Rural Development Area shall be **one net acre**, unless (i) soil tests or conditions indicate more area is required to provide safe on-site treatment, (ii) a group waste disposal system is approved, allowing smaller lot sizes or (iii) the existing size of a pre-existing lot would not allow for one acre.
  - c. Maximum lot size is left to the discretion of the property owner. Divisions of property resulting in large lots are not prohibited. However, the Town Plan Commission and Board will consider each rezoning or land division **on a case-by-case basis**, based on consistency with the goals, objectives and policies of the *Comprehensive Plan* which will generally favor smaller lots.
  - d. Limit residential uses to **single-family homes and two-family residences** where zoning for such residences is secured.
  - e. In general, the Town requires an appropriate land division to accompany a rezone. “Postage stamp rezones” (the rezoning of only a portion of the land within a lot or parcel) will be allowed only under special circumstances, if the Town Board determines that the rezoning will best forward the goals, objectives and policies of this Plan. All new lots shall allow for the construction of **driveways** suitable in length, width, design, and slope for emergency vehicle travel, per the *Town of Berry Driveway Ordinance*.
  - f. Buildings shall not be placed in **wetlands, floodplains, hydric soils, soils with low or very low potential for dwellings with basements**. Buildings should be discouraged on slopes greater than 12 percent. Development of slopes over 20% is only permitted when the proposed structure and landscaping is supported by architectural and engineering plans that demonstrate the design accommodates the existing topography with minimal changes and environmental impact. A review fee equal to the estimated fees charged by the Town Engineer to review the proposed plans shall be paid at the time of application. (Unused review fees shall be refunded to the applicant, regardless of the outcome.) “Minimal Impact” includes a written plan which, upon completion, attempts not to increase surface water runoff, retains water infiltration at 90% of pre-development standards on an annual basis, and allows no active erosion on site. No building permit shall be issued for development of slopes over 20% until the applicant complies with this Policy to the satisfaction of the Town and has been issued written confirmation of compliance, and an amount equal to the total actual review fee charged by the Town Engineer to review the proposed plans has been paid to the Town, by the applicant. General depictions of these features are included on Map 5; steep slopes, wetlands, and floodplains are specifically shown on Map 3; and hydric soils and soil potential for basements are included in the *Dane County Map Book, Town of Berry* (2001).
  - g. Placement of **on-site waste disposal systems** shall meet the standards expressed in Chapter Six--Utilities and Community Facilities
  - h. For all new developments in the Rural Development Area, utilize the **development siting standards (for developments of four dwelling units or less) and principles of**

- conservation development** (for developments of five dwelling units or more), included in the Chapter Seven of this *Comprehensive Plan*.
- i. The Town shall consider new Town roads if they would aid in siting development in a manner promoted by this *Comprehensive Plan*.
  - j. Require the submittal of **stormwater management and construction site erosion control plans** for new developments in accordance with county and state requirements.
  - k. In addition to the above policies, the following sub-policies shall guide consideration of **non-residential and institutional development** proposals in the Rural Development Area:
    1. The Town requires submittal of a detailed site plan, building elevations, landscape plan, lighting plan, grading/stormwater plan, and signage plan prior to rezoning approval.
    2. All non-residential and institutional developments shall meet the minimum standards of the Town zoning ordinance and be consistent with the rural character of the Town. The Town will utilize the design review standards included in Chapter Eight of this *Plan* when reviewing site and related plans.
    3. The proposed development shall not have substantial adverse effect upon adjacent property (including values), the character of the area, or the public health, safety, and general welfare.
    4. The Town encourages businesses that will serve residents, and fit with the Town's rural character, including agriculture-related businesses. The C-2 zoning district is not appropriate in the Rural Development Area and should not be allowed. Should the Town desire more extensive commercial development in the future, the Town should consider creation of a Rural Commercial Area.
    5. Appropriate limitations preventing unacceptable future commercial or industrial uses of the site may be applied through a deed restriction.
    6. The Town encourages redevelopment of aging or obsolete commercial properties before developing currently undeveloped sites in the same area.
    7. The Town discourages commercial developments that may someday require extensive public services such as public sewer and water.
    8. Lot sizes for commercial development sites should be sufficient in area to provide for both a primary and secondary drainage field, except where redevelopment sites do not allow for this.
    9. Rezoning for industrial development (e.g. manufacturing) should not be considered.

## 5. Urban Service Area (as shown on Map 5)

### **Objective:**

The Urban Service Area of Cross Plains is shown on Map 5 to identify the area that is currently available to be supplied with urban services, such as public water supply and sanitary sewer systems. The Town of Berry recognizes that higher density and intensity land uses requiring urban services should take place within this Urban Service Area. In this way, more

open space in the Town of Berry may be preserved. The A-3 Agricultural District is the most appropriate zoning district in the portions of the Urban Service Area in the Town.

**Policies:**

- a. Recognize the adopted Urban Service Area of the Village as delineated on Map 5 of this *Plan* as an area where intensive new development should take place with public sewer and water services.
- b. Work with the Village on any proposed changes to the Urban Service Area to ensure that the goals, objectives, and policies of this *Plan* and the recommendations of Town officials are taken into consideration.
- c. Work with the Village to consider logical expansions of the Urban Service Area, and potential areas suitable for clusters of moderate-density rural single-family development in TDR receiving areas.
- d. Within the Urban Service Area, new development should be limited in accordance with **all policies applicable to the Agricultural and Rural Lands Preservation Area**, until such time when the Town identifies that particular mapped area as appropriate for more intensive development.

**6. Agricultural Transition Area (as shown on Map 5)**

**Objective:**

The Agricultural Transition Area is established and mapped on Map 5 to identify certain lands in proximity to developed areas to be preserved in mainly agricultural and open space uses until such time as more intensive development may be appropriate. The Agricultural Transition Area designates land potentially suitable for future addition to an Urban Service Area. The Agricultural Transition Area focuses on lands used for farming, but also includes scattered open lands and woodlots, farmsteads, agricultural-related uses, and limited single-family residential development at densities at or below one home per 35 acres. Development beyond these uses and densities should be deferred based on the policies described below. The A-3 Agriculture District is the most appropriate zoning district for most lands mapped within the Agricultural Transition Area. Including lands within this planned land use designation and zoning district does not affect eligibility for farmland preservation tax credits or use value assessment.

**Policies:**

- a. Within the Agricultural Transition Area, new development should be limited in accordance with **all policies applicable to the Agricultural and Rural Lands Preservation Area**, until such time when the Town identifies that particular mapped area as appropriate for more intensive development.
- b. All non-farm development projects approved within the Agricultural Transition Area shall be designed and laid out in such a manner to **not impede the orderly future development of the surrounding area**, at such time when the Town identifies that area as appropriate for more intensive development.
- c. The Town may identify lands within the Agricultural Transition Area as appropriate for more intensive development **only if all of the following standards are met:**

1. The Town has received a specific request from a property owner or developer to consider more intensive development.
  2. The property owner or developer has submitted a conceptual neighborhood development plan for the property, showing environmentally sensitive areas that should not be developed, proposed land use and lot pattern, existing and proposed street patterns including connections to neighboring properties, proposed parks or recreational spaces, and a development phasing timetable. The Town encourages the use of “conservation neighborhood design” techniques in the planning and layout of these areas, as described in Chapter Seven of this *Comprehensive Plan*.
  3. The proposed development is likely to have a positive fiscal impact on the Town. The Town may require that the property owner or developer fund the preparation of a fiscal impact analysis by an independent professional.
  4. The proposed development would be economically and financially feasible.
  5. The proposed development would serve an identified short-term need for additional development, and that need is not being met by other existing developments.
  6. The property owner or developer has met with nearby property owners and made a good faith effort to address their concerns.
  7. There has been a meeting to obtain public input.
  8. The proposed development will not have a substantial adverse effect upon adjacent property or the character of the area.
- d. The Town does not intend to require an amendment to this *Comprehensive Plan* if and when it determines that land within the Agricultural Transition Area is appropriate for more intensive development. However, **following such a determination, the rezoning of said land would be required** to accommodate the proposed development. The Town intends to deny applications to rezone land in the Agricultural Transition Area where it has determined that the land is not appropriate for more intensive development based on the above standards.
- e. The mapped Agricultural Transition Area **may be an appropriate receiving area for development rights** in exchange for the permanent preservation of other lands in the Town. This may be achieved by linking favorable actions on a rezoning request to an assurance that sufficient land will be preserved through a deed restriction or conservation easement in an Agricultural and Rural Lands Preservation Area in the Town. The Town should work to development and implement this system.



## Map 5: Planned Land Use



## CHAPTER FIVE: TRANSPORTATION



This chapter includes a compilation of background information, goals, objectives, policies and programs to guide the future development and maintenance of various modes of transportation in the Town of Berry. The chapter also compares the Town's transportation policies and programs to state and regional transportation plans as required under §66.1001, Wisconsin Statutes.

## A. Transportation Network

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Access is a key determinant of growth because it facilitates the flow of goods and people. The Town of Berry is well connected to the region through the existing roadway network. Other transportation facilities, such as freight rail, airport service, and bike and recreational trails are located in or easily available to the Town. This section describes the existing conditions of transportation facilities in the Town.

### 1. Roadways

U.S. Highway 14 runs diagonally through southwest corner of the Town. This highway provides a route from the Madison metro area west to Black Earth and Mazomanie, then northwest to La Crosse. Discussions among the municipalities along U.S. Highway 14 as to its future are underway.

U.S. Highway 12 does not enter the Town, but almost touches the Town's northeast corner. U.S. Highways 12 and 14 are arterials that handle traffic between the Madison metropolitan area and Mazomanie, Sauk City and Prairie du Sac. U.S. Highway 12 has been expanded from two lanes to four lanes from the City of Middleton to the Sauk County line. Although U.S. Highway 12 does not pass through the Town, the recently completed expansion of this transportation corridor could be a factor in the future, as traffic increases and development continues.

State Highway 19 runs east to west through the northern part of the Town. It is the only non-Town road that runs east-west through the Town. The planned reconfiguration of the intersections of Hwy 12 and 19 and County Highway P in the Town of Springfield near Springfield Corners could have direct impacts on traffic in the Town of Berry.

County Highways KP, K and P serve as major traffic collectors from rural land uses and distribute the traffic to the arterial system. County Highway KP runs north-south, effectively connecting U.S. Highway 14 to U.S. Highway 12. County Highway K runs diagonally from State Highway 19 east of Marxville to connect with U.S. Highway 12 at Ashton Corners in the Town of Springfield. County Highway P runs diagonally southwest to northeast to connect Cross Plains on U.S. Highway 14 to Springfield Corners on U.S. Highway 12. Between 1996 and 1999, traffic volumes on County Highway P at its intersection with Enchanted Valley Road increased by approximately 16 percent; a bit to the north, traffic volumes on County Highway K at its intersection with Enchanted Valley Road increased by approximately 22 percent. Traffic volumes during the same time period on County Highway KP at Table Bluff Road increased by approximately 35 percent.

Numerous Town roads complement this major roadway network. The Town is using seasonal weight limits to protect the Town's roadway network.

## 2. Airports

There are no airports located in the Town of Berry. Larger air carrier and passenger facilities are located approximately 15 miles to the east in Madison at the Dane County Regional Airport, with small passenger and freight service available about 3 miles southeast of Town in Middleton at Morey Airport. The City of Middleton is pursuing expansion of that airport to accommodate anticipated increased activity levels.

## 3. Rail

The Wisconsin and Southern rail line runs through the southwest corner of Berry, paralleling U.S. Highway 14. The line runs from Madison west to Mazomanie. This line provides freight rail service.

Dane County is currently studying a variety of possible transportation alternatives and means of financing. The potential for passenger rail transport is being investigated, as well as potential new or expanded bus alignments. A park & ride is a possibility on the west side of the metro area, near the intersection of U.S. Highways 12 and 14, serving commuters from outlying areas, including the Town of Berry.

## 4. Bicycles and Walking

The Town does not have a locally designated bike route system. However, many bicyclists use Town roads for recreational purposes because of the lighter traffic volumes as compared to other areas in Dane County. According to the *Wisconsin State Bicycle Map*, County Highway P is the only road in the Town having paved shoulders 4 or more feet wide to accommodate bicyclists. County Highway P south to Cross Plains and County Highway K (from U.S. Highway 19 south to its intersection with County Highway P) are part of the recommended countywide bicycle route system.

The draft 2000 *Bicycle Transportation Plan for the City of Madison and Dane County* recommends bicycle facility improvements for the Madison urban area and rural Dane County. Within the Town of Berry, this draft *Plan* recommends adding or widening paved shoulders along State Highway 19 to better accommodate bicycle traffic. The Good Neighbor Committee has been discussing the creation of a multi-use path/trail along U.S. Highway 14 from Madison to Mazomanie.

There are few if any sidewalks in the Town of Berry. Opportunities for safe destination-oriented walking are mainly along lesser-traveled roads, such as Town roads. Opportunities for recreational walking include trails at Indian Lake County Park and the Ice Age Trail. See Chapter Six: Utilities and Community Facilities for further discussion of the Ice Age Trail.

## 5. Transit and Specialized Transportation Services

The nearest public transit services are provided by Madison Metro in Middleton.

The Dane County Specialized Transportation Commission (STC) provides policy direction, helps coordinate, and oversees the administration of specialized transportation services in the County. Residents of the Town of Berry can take advantage of four different specialized transportation services for the elderly, persons with disabilities, and low-income persons. These services are administered by the Adult Community Services Division of the Dane County Department of Human Services (DCDHS). These programs are funded through a

combination of federal, state, and county funding. DCDHS contracts with private operators to provide these services through a competitive bid process every two years. Services available to residents of the Town of Berry include the following:

- a. Older adults can participate in group services for trips to nutrition sites, senior center activities, day care centers, and shopping
- b. *STS*, another group ride program, provides service to adults aged 18 or older attending work or day programs. Clients generally have a developmental disability or chronic mental illness
- c. *Rideline* provides limited individualized paratransit service for employment, volunteer-related, educational, training, and medical trips
- d. Transportation can be provided to low-income persons with no other means of transportation to necessary services
- e. The *Retired Senior Volunteer Driver Escort Program* (RSVP) uses volunteer drivers to provide individual and small group rides for the elderly and persons with disabilities not using a wheelchair when other options are not available

## 6. Trucking and Water Transportation

The network of County Highways accommodates truck traffic. There is no water transportation in the Town.

## B. Review of State and Regional Transportation Plans

This section reviews state and regional transportation plans and studies relevant to the Town, as required under the “Smart Growth” legislation. Berry’s goals, objectives, policies, and recommendations for transportation are consistent with these State and regional plans.

### 1. Dane County Land Use and Transportation Plan

The *Dane County Land Use and Transportation Plan* (1997) includes recommendations for a number of different components of the countywide transportation system designed to serve the County’s development through 2020. These components include transit, bicycle and pedestrian facilities, streets and roadways, vehicle occupancy, paratransit, rail and air transportation, parking and corridor preservation. The following are *Plan* recommendations relevant to the Town of Berry:

- The *Plan* identifies the Wisconsin and Southern rail line between Madison and the Village of Mazomanie as a potential long-range corridor for commuter rail service, possibly connecting to the line running between Mazomanie and Sauk City.

### 2. Transportation Improvement Program

The *Transportation Improvement Program for the Dane County Area* (TIP) provides the mechanism to list projects for federal funding. The TIP must be consistent with the region’s long-range transportation plan, include all transportation projects in the metropolitan area that are proposed for federal funding, and cover at least three years of programming.

The TEA-21 program that applies to rural areas of Dane County is the Surface Transportation Program (STP) enhancement program, which makes transportation funding available for specified projects that enhance the transportation system.

### **3. Wisconsin State Highway Plan**

The *Wisconsin State Highway Plan* focuses on the 11,800 miles of State Trunk Highway routes in Wisconsin. The *Plan* does not identify specific projects, but broad strategies and policies to improve the state highway system over the next 20 years. Given its focus, the plan does not identify improvement needs on roads under local jurisdiction. The plan includes three main areas of emphasis: pavement and bridge preservation, traffic movement, and safety.

The *Plan* identifies U.S. Highway 12 as a major “Corridors 2020 Backbone” to the state highway network.

### **4. Translinks 21: A Multimodal Transportation Plan for Wisconsin’s 21<sup>st</sup> Century**

*Translinks 21: A Multimodal Transportation Plan for Wisconsin’s 21<sup>st</sup> Century* provides a broad planning “umbrella” including an overall vision and goals for transportation systems in the state for the next 25 years. This 1995 *Plan* recommends complete construction of the Corridors 2020 “backbone” network by 2005, the creation of a new state grant program to help local governments prepare transportation corridor management plans to deal effectively with growth, the provision of state funding to assist small communities in providing transportation services to elderly and disabled persons, and the development of a detailed assessment of local road investment needs.

### **5. Wisconsin Bicycle Transportation Plan 2020**

*Wisconsin Bicycle Transportation Plan 2020 (1998)* presents a blueprint for improving conditions for bicycling, clarifies the Wisconsin Department of Transportation’s role in bicycle transportation, and establishes policies for further integrating bicycling into the current transportation system. The *Plan* reports that, according to a University of Wisconsin survey conducted in August of 1998, more than one-third of all Wisconsin households included someone who took at least one bike trip in the previous week. The *Plan* map shows existing state trails and future priority corridors and key linkages for bicycling along the State Trunk Highway system in Wisconsin. No routes within the Town of Berry are identified in the *Plan* as state trails, priority corridors or key linkages.

### **6. Dane County Bike Plan**

The *2000 Bicycle Transportation Plan for the City of Madison and Dane County* recommends bicycle facility improvements for the Madison urban area and rural Dane County. Within Berry, the *Plan* identifies County Highway P as a roadway with paved shoulders suitable for biking. It recommends adding a bike lane or paved shoulders to State Highway 19 through the Town to improve opportunities for biking.

## C. Transportation Goals, Objectives and Policies

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### 1. Goal: Provide a safe and efficient transportation system that meets the needs of multiple users.

#### **Objectives:**

- a. Maintain and require an interconnected road network.
- b. Ensure that transportation system improvements are coordinated with land use desires.
- c. Participate on multi-jurisdictional transportation system improvements and maintenance in the Berry area.
- d. Support facilities and services for biking, walking, and other modes of transportation.
- e. Improve the safety of key roads in the community.
- f. Participate in multi-jurisdictional planning for multi-modal transportation.

#### **Policies:**

- a. Continue to update and implement a **Town Road Improvement Program** to provide for the upgrading of town roads.
- b. Upgrade **existing Town roads** to current standards to the extent practical when repaving or reconstructing those roads.
- c. Discourage use of Town roads for **through traffic** by using techniques such as signage, speed zones, and weight limits.
- d. Support access control and rural character objectives by discouraging large amounts of **“side of the road” development** on main roadways.
- e. Vacate **Town road “driveways”** originally dedicated to serve only one homesite as opportunities present themselves.
- f. Require **road impact fees or special assessments** for any new development projects that place a burden on or require the upgrading of town roads.
- g. Accommodate **bicycle traffic** on less traveled town roadways.
- h. Promote **joint driveways** to achieve traffic safety and rural character goals, provided Town road dedication requirements of this plan and applicable land division ordinances are met.
- i. **All new driveways** shall conform to the standards expressed in the *Town of Berry Residential Driveway Ordinance*.
- j. Support **additional transportation options** for all town residents.
- k. Accept longer driveways, consistent with construction requirements in our Ordinance. As necessary to allow driveways to go around productive farmland and avoid “side of the road” development, and place structures where they are less visible to others. No absolute limit on the length of a driveway should arbitrarily apply since it would interfere with those objectives designed to maintaining the rural character of the Town.



## CHAPTER SIX: UTILITIES AND COMMUNITY FACILITIES



This chapter of the *Plan* contains background information, goals, objectives, policies and recommended programs to guide the future maintenance and development of utilities and community facilities in Berry, as required under §66.1001, Wisconsin Statutes. Recommended programs are mainly included within policy statements.

## A. Existing Utilities and Community Facilities

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### 1. Water Supply

The Town of Berry does not provide municipal water service. All residents receive their water via private wells. The Village of Cross Plains provides municipal water services to residents within the corporate limits of the Village. The Town does not anticipate providing municipal water service over the 20-year planning period.

### 2. Sanitary Waste Disposal Facilities

The Town does not provide sanitary sewer service, nor does it intend to provide such services over the 20-year planning period. The disposal of domestic and commercial wastewater in the Town of Berry is handled through the use of individual on-site wastewater disposal systems, often referred to as septic systems, which generally discharge the wastewater to underground drainage fields. Many of the Town's existing systems were installed prior to 1970, when standards for on-site systems began to be strengthened and upgraded.

The Wisconsin Department of Commerce (COMM) regulates the siting, design, installation, and inspection of most private on-site sewage systems in the state. In 2000, the state adopted a revised private sewage system code called COMM 83. This revised code allows conventional on-site systems and alternative systems, such as those that employ biological or chemical treatment. There are six types of on-site disposal system designs authorized for use today: conventional (underground), mound, pressure distribution, at-grade, holding tank, and sand filter systems. In some cases, alternative waste disposal systems can be used in areas where conventional systems are not feasible due to unsuitable soil conditions. In Dane County, the Department of Human Services (County Sanitarian) administers the county's private sewage system ordinance. The ordinance requires owners of all septic systems to have the systems inspected and, if necessary, pumped every three years. In 2001, Dane County updated the county ordinance to respond to COMM 83. Notable for the Town is a provision that alternative waste disposal systems may only be allowed in a town if that town has assessed the affected property for ongoing system maintenance and monitoring.

Map 6 shows soil suitability for on-site wastewater disposal systems in the Town of Berry. The suitability classifications (from least to most suitable) are derived from the Dane County Land Conservation Department's Land Evaluation System. In general, there is a high probability that a conventional system could be used in areas identified on Map 6 as "most suitable". As areas move toward the "least suitable" end of the spectrum, the probability increases that mound or alternative treatment technologies would have to be used. For areas in the "least suitable" classification, it is unlikely that any type of system would be considered acceptable. Classifications are based on average slope, depth to soil saturation, average depth to bedrock, and flooding potential. Soils categorized as marsh, alluvial, water, gravel, or stony are classified as "least suitable" for any type of on-site disposal system development.

According to Dane County's 1999 *Groundwater Protection Plan*, research and information from Wisconsin and neighboring states suggests that there is a low probability of significant groundwater pollution associated with on-site sewage disposal systems where housing densities are less than one house per two acres. There is a high probability of groundwater pollution where homes are located at densities greater than one house per one acre.

### 3. Solid Waste Disposal

Solid waste disposal sites, or landfills, are important potential sources of groundwater pollution in Dane County. In 1985, the County had 38 operational landfill sites. With the passage of stringent federal regulations in the late 1980s, many town landfills closed. Many of these older landfills were located in worked-out sand and gravel pits, or in low-lying wetland areas. These landfills sites pose a much greater risk to local groundwater quality than modern landfills because of poor location and absence of liners or advanced leachate collections systems.

Map 4 shows the closed landfill sites located in the Town of Berry. To protect drinking water quality, WisDNR requires a separation of 1,200 feet (a little less than ¼ mile) between open or closed landfills and nearby private water supply wells.

There are seven state approved septage application sites in the Town of Berry, totaling 33 acres. Septage is a mixture of sludge, fatty materials and wastewater pumped from septic tanks and holding tanks. Septage must be handled with care in order to minimize possible public nuisance problems and avoid public health hazards. It can have a highly obnoxious odor and a very high incidence of pathogenic organisms. All septage application sites in the Town are located on land which rates as low-to-moderate risk for groundwater contamination risk from surface activities.

### 4. Stormwater Management

Within Berry, stormwater management is currently handled on a case-by-case basis at the town and county level. In 2001, Dane County adopted a major update to its erosion control/stormwater management ordinance. The ordinance establishes countywide standards for the quantity and quality of the water that runs off of construction sites in urban, suburban and agricultural areas. It also provides flexibility for landowners in how they meet those standards, in recognition of the unique characteristics of each project and every site. These stormwater management practices apply to all new development in the Town of Berry.

The purpose of the ordinance is to set minimum requirements for construction site erosion control and stormwater management. The primary objectives of this ordinance are to:

- Promote regional stormwater management by watershed
- Minimize sedimentation, pollutants, heavy metals, chemical and petroleum products flooding and thermal impacts on water sources
- Promote infiltration and groundwater recharge
- Protect natural water courses and wetlands
- Provide a single, consistent set of performance standards that apply to all developments in Dane County

- Ensure no increase in the rate of surface water drainage from sites during or after construction
- Protect public and private property from damage resulting from runoff or erosion

The Wisconsin DNR requires an erosion control plan and permit for all projects that disturb five or more acres of land. The landowner is required to ensure that a site-specific erosion control plan and stormwater management plan are developed and implemented at the construction site.

## **5. Town Hall/Garage**

The Town of Berry constructed a new Town Hall in 2001. It is located at 9046 State Highway 19, next to the existing Town Garage at 9036 State Highway 19. This new Town Hall replaces the old building in the same location. The new Hall includes a large office space, two storage rooms, restrooms, and has a capacity of 96 for meetings. The Town Garage and road maintenance equipment are currently adequate to serve the needs of the Town; however, repairs to or replacement of the building is anticipated within the next 10 years.

## **6. Law Enforcement Protection**

The Dane County Sheriff's Department serves as the primary law enforcement agency to Town residents. The patrol officer serving the Town of Berry is stationed at the west dispatch office in the Town of Middleton, at Old Sauk Road and Pleasant View Drive.

## **7. Fire Protection**

The Town of Berry receives fire protection from two sources. The Cross Plains/Berry Fire Department serves the eastern half of the Town for fire protection. The Cross Plains EMS provides EMS service. The Black Earth Fire Department and District 1 EMS serve the western half of the Town.

## **8. Library**

Residents of the Town use libraries in the Villages of Mazomanie, Black Earth, and Cross Plains. Library patrons can use their Dane County Library card at any of the libraries in the seven-county South Central Wisconsin Library System.

## **9. Wireless Telecommunications Facilities**

There is one telecommunications tower located in the southeastern corner of the Town, just northeast of Cross Plains. The Town has adopted siting rules for wireless telecommunication facilities.

## **10. High Speed Internet Access**

The Town is only partially served by high speed internet service. The Town considers access to such service for all residents vital to the Town's development. High speed internet access is necessary for maintaining small businesses, accessing government, obtaining public records, performing educational research and engaging in many everyday commercial activities,

including direct agricultural sales. The Town is actively pursuing expended service for Town residents.

### **11. Trash collection and Recycling Services**

Residents of the Town currently receive on-site trash pickup from Town & Country Sanitation. Recycling services are contracted on a Town-wide basis; the Town receives grants to pay the cost of recycling. Trash service is provided through a “special use” charge on Town taxes.

### **12. Medical Facilities**

There are no medical facilities located within the Town. Residents receive medical care in Mazomanie, Black Earth, Cross Plains, Sauk City/Prairie du Sac, or the Madison area.

### **13. Educational Facilities**

Most school children in the Town of Berry attend schools in either the Middleton-Cross Plains Area School District or the Wisconsin Heights School District. The dividing line between the two school districts follows a line generally running diagonally from the southwest corner to the northeast corner of the Town. A small portion of the Town along the northern border lies within the Sauk Prairie School District.

The Middleton-Cross Plains Area school system includes 6 elementary schools, 2 middle schools, one high school and one alternative high school. District enrollment for the 2008-2009 school year totaled 5,861 students.

The Wisconsin Heights School District includes two elementary schools, one in Black Earth and one in the Village of Mazomanie. The District’s high school and new middle school is located along Highway 14 in the Town of Black Earth. The District’s total enrollment in 2008-2009 was 867 students.

In the Sauk Prairie School District, students attend one of the five elementary schools. All students attend Sauk Prairie Middle School and Sauk Prairie High School. The K-12 enrollment of the district for the 2008-2009 school year was 2,689.

### **14. Parks and Recreation Facilities (shown on Map 3)**

Indian Lake Park, at 442 acres, is one of Dane County’s largest. The park has outstanding natural and historic resources. A winding trail leads to an historic chapel built in 1857, located on a hilltop that commands a beautiful view of the lake and surrounding valley. Miles of cross-country ski and natural trails meander through the wooded hills, and a hiking trail has been developed around the entire lake. A launch for non-motorized boats is located off State Highway 19. The *current Dane County Parks and Open Space Plan* recommends adding approximately 250 acres to the park, to buffer the lake, add wetlands to the east (the headwaters of Indian Lake) and wooded areas to the south. The land northeast of the existing park contains much of the wetland and springs draining into Indian Lake, and should be acquired or protected.

Festge Park, a 126-acre park located at the south edge of the Town, provides a commanding view of the Black Earth Creek Valley. It contains a mature stand of hickory, oak, and cedar woods. Salmo Pond and land adjacent to Black Earth Creek, approximately six acres in size,

are extensions of Festge Park. Recreational facilities include three shelter houses, stone fireplaces, picnic areas, play equipment, nature trails, a softball field, and group camp areas.

The *current Dane County Parks and Open Space Plan* recommends acquiring a trail connector between Indian Lake and the Village of Cross Plains as part of the Ice Age Trail. The Ice Age National Scenic Trail is designed to showcase Wisconsin's glacial features. Over 50 miles of the proposed 1,000-mile Ice Age Trail are planned to transverse Dane County, following the terminal moraine of the Wisconsin ice sheet. Approximately nine miles have already been completed in Dane County. About 6 miles of the trail are planned to run through the Town of Berry. Map 3 shows the proposed Ice Age Trail Corridor "Area" in the southeastern part of the Town. This corridor has been adopted by Wisconsin Department of Natural Resources as the designated corridor in which to place the Ice Age Trail. Only portions of this corridor are proposed for acquisition and eventual construction of the trail. Final delineation of the precise trail route is dependent upon voluntary decisions to sell or donate land by individual landowners. The portion of the trail that has been completed in the Town runs through Indian Lake Park. Properties already preserved for the Ice Age Trail are in the process of being restored to native habitats such as prairies and savannas for the enjoyment and education of the public.

The *current Dane County Parks and Open Space Plan* proposes a new natural resource study area along the Black Earth Creek Valley, from the Village of Cross Plains to the Village of Mazomanie. The study area is estimated at 1,700 acres, and includes a mix of public and privately owned land. This project would seek to provide an environmental and scenic buffer to Black Earth Creek. Targeted land acquisitions and conservation easements would seek to fill in gaps and expand DNR landholdings in the immediate stream corridor.

In 2005 the Curtis Kahl family donated approximately 5 acres of land adjacent to the town hall for use as a park. In 2009 the park was named Kahl Halfway Prairie Park. It includes a duck scrape, playing field and native plant seedings. A park shelter is anticipated.

## **B. Utilities and Community Facilities Goals, Objectives and Policies**

- 1. Goal: Support the efficient delivery of community utilities, facilities, and services corresponding with the expectations of Town residents and a rural atmosphere.**

### **Objectives:**

- a. Coordinate utility and community facility systems planning with land use, transportation, and natural resources planning.
- b. Protect the Town's public health and natural environment through proper siting of on-site wastewater disposal systems and stormwater management.
- c. Promote the use of existing public facilities, and logical expansions to those facilities, to serve future development wherever possible.
- d. Provide quality and accessible recreational facilities for all Town residents.
- e. Coordinate with Dane County on public works and recreational facilities.

- f. Coordinate with the Ice Age Trail Alliance in the development of the Ice Age Trail and related recreational facilities.
- g. To obtain necessary and adequate high speed internet and wireless communications service for all Town residents.

**Policies:**

- a. Continue to provide **basic services** for Town residents, including garbage collection and recycling, public road maintenance, snow plowing, and emergency services.
- b. Review all new development proposals for their ability to be served efficiently by public services.
- c. Consider the objectives and policies of this *Plan*, as well as the general welfare of all residents, to determine whether **new or expanded Town services** or facilities may be appropriate in the future.
- d. Require **stormwater management plans** meeting county and state requirements for all subdivision plats, Certified Survey Maps (CSMs) for commercial development, and other projects increasing impervious surfaces by more than 20,000 square feet.
- e. Require **erosion control plans** meeting County requirements for all subdivision plats, CSM's and other projects which disturb an area of 4,000 square feet or greater by excavation, filling, or other earthmoving activities resulting in the loss or removal of protective ground cover or vegetation.
- f. Direct rural development away from areas with limited **suitability for on-site waste disposal systems**, as depicted in Map 6.
- g. Work with the County Sanitarian to ensure the proper approval process and placement of **new on-site wastewater systems**, and appropriate maintenance and replacement of older systems as a means to protect ground water quality.
- h. Holding tanks may be permitted for new or existing structures if no other sewage treatment system is feasible.
- i. Allow the use of **new biological and chemical wastewater** treatment technologies only where other systems are not feasible, placement is consistent with the land use objectives of this *Plan*, and the Town requires the property owner pays a special assessment on the property for monitoring and maintenance. Maintain consistency with County policies on the new treatment technologies, as they evolve.
- j. Carefully evaluate **proposed large on-site systems, or groups of more than 20** on-site systems on smaller lots (less than 2 acres) in the same general area, to ensure that groundwater quality standards are not impaired. The Town may require that the property owner or developer fund the preparation of an analysis from an independent soil scientist or other related professional.
- k. Encourage service providers to voluntarily upgrade to high speed internet service for all Town residents, but pursue recourse with Public Service Commission if adequate high speed internet service is not provided by July 2010.

### **C. Utilities and Community Facilities Timetable**

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Table 9 is an estimated timetable for possible changes to utilities and community facilities within the Town over the 20-year planning period. Budgetary constraints and other unforeseen circumstances may affect this timeframe.

**Table 9: Utility and Community Facilities Timetable**

<b>Utility or Facility</b>	<b>Timeframe for Town Improvements</b>	<b>Comments</b>
Water Supply	N/A	All water supplied by private wells.
Waste Disposal	N/A	All homes in Berry utilize on-site waste treatment systems (septic).
Solid Waste	N/A	All landfills in the Town are closed.
Stormwater Management and Erosion Control	N/A	The Town falls under Dane County stormwater management and erosion control regulations.
Town Hall and Garage	2005-2012	The Town Hall meets current and forecasted space needs over the 20-year planning period. The Town Garage may require expansion or replacement within the next 10 years.
Recycling and Trash Services	N/A	The Town's recycling and trash services meet current and forecasted needs over the planning period.
Law Enforcement Services	N/A	Dane County administers a dispatch station in the Town of Middleton. This station meets current and forecasted needs over the 20-year planning period.
Fire Protection and EMS Services	N/A	The Town's fire protection and EMS services are provided by intergovernmental agreements with nearby communities. The Town anticipates continuing those agreements, rather than developing its own fire or EMS services or facilities.
Medical Facilities	N/A	Medical facilities serving the Town are located in nearby communities. These facilities appear to meet needs.
Library	N/A	The public libraries serving the Town are located in nearby communities. These libraries meet current and forecasted needs over the 20-year planning Period.
Schools	N/A	Public schools serving Town residents are working to resolve space shortage and building upgrade issues.
Park & Recreation Facilities	N/A	The Town does not anticipate the creation of any more Town-owned park or recreation facilities.
High Speed Internet Service to all Residents	2010	Continue to encourage service providers voluntary upgrades; contact PSC if service remains inadequate.

## Map 6: Soil Suitability for On-Site Waste Disposal



## **CHAPTER SEVEN: HOUSING AND NEIGHBORHOOD DEVELOPMENT**



This chapter of the *Plan* contains background information, goals, objectives, policies and recommended programs aimed at providing an adequate housing supply that meets existing and forecasted housing demand in Berry, as required under §66.1001, Wisconsin Statutes.

## A. Existing Housing framework

### 1. Housing Stock Characteristics

In 1990, there were 375 housing units in the Town. The housing stock was predominately single-family detached homes (96.3 percent in Town—see Table 6). Based on results of the 2000 census, there were 420 housing units in 2000. Single-family dwelling units remain the predominant type of new housing in the Town of Berry.

**Table 10: Housing Units by Structure Size: 1990-2000**

Units per Structure	1990 Units*	1990 Percent	2000 Units	2000 Percent**
Single Family	361	96.3%	406	96.7%
Two Family (Duplex)	4	<1%	4	<1%
Multi-Family	0	0%	0	0%
Mobile Home	10	2.7%	10	2.4%

Source: 1990 and 2000 Census of Population & Housing

\*Total number of units for 1990 is a corrected census figure; figures for specific units per structure were not corrected

\*\*Single Family figures for 1999 may include mobile homes

Table 11 compares other housing stock characteristics for the Town of Berry with the Towns of Roxbury and Springfield, as well as Dane County. According to 1990 census results, the Town had a vacancy rate of less than 1 percent. The percentage of owner-occupied homes was 82.5 percent. The Town's median housing value doubled between 1990 and 2000, from \$82,600 to \$165,600. The Town's median housing value in 2000 was higher than that of the Town of Roxbury and the County, but lower than that for the Town of Springfield. The percentage of owner-occupied homes in 2000 went up to 86.8 percent, and the vacancy rate rose to 2.9 percent.

**Table 11: Housing Stock Characteristics**

	Town of Berry	Town of Roxbury	Town of Springfield	Dane County
Total Housing Units	420	640	993	180,398
% Vacant	2.9%	5.8%	2.6%	3.8%
% Owner Occupied	86.8%	87.7%	86.0%	57.6%
Median Housing Value	\$165,600	\$160,500	\$194,500	\$146,900

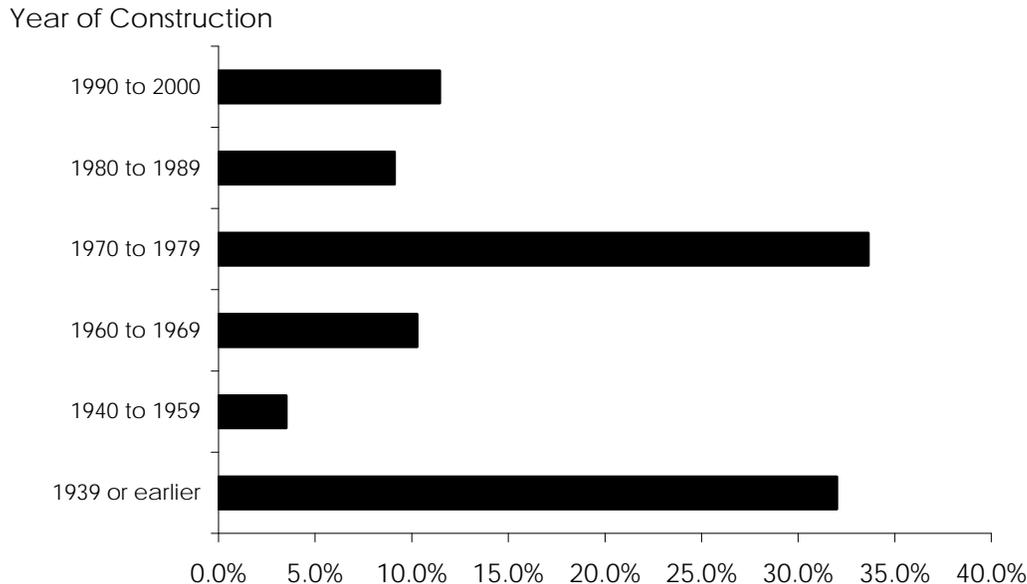
Source: 2000 U.S. Census of Population and Housing

### 2. Housing Condition and Age

Table 12 illustrates the age of the Town of Berry's housing stock based on 2000 Census data. The age of a community's housing stock is sometimes used as a measure of the general con-

dition of the community's housing supply. Almost half of the Town of Berry's housing stock is over 30 years old, and about one-third of the Town's homes were built before 1940. Over the planning period, owners of these older homes will likely be interested in rehabilitation.

**Table 12: Age of Town of Berry Housing  
As a Percent of the Total 2000 Housing Stock**



### 3. Forecasted Housing Needs

Forecasted future housing units in the Town of Berry are based on population projections shown in Chapter Two, projected changes in average household size, and an assumed housing vacancy rate of 2.9 percent. Based on this methodology in 2000, the Town of Berry is forecast to accommodate 445 total housing units in 2005, 461 total units in 2010, 476 total units in 2015, 491 total units in 2020, and 506 total units in 2025. The Town had 420 housing units in 2000, according to the 2000 Census. The actual total number of housing units in 2005 was 462. Actual housing units built in the Town will depend on a number of factors, including market conditions, demographic shifts, regulations, and attitudes towards growth, but it appears the town is ahead of schedule as of 2009.

### 4. Housing Programs

It is important that a community provide a range of housing choices that meet the needs of persons of all income levels, age groups, and special needs. This section identifies specific programs available to residents of Berry that promote housing development.

Other housing programs available to Town of Berry residents include home mortgage and improvement loans from WHEDA and home repair grants for the elderly from the U.S. Department of Agriculture. The Home Investment Partnerships Program (HOME) funds down-payment assistance for homebuyers, rental rehabilitation, weatherization-related repairs, accessibility improvements, and rental housing development. The Housing Cost Reduction Initiative (HCRI) funds activities such as emergency rental aid, homeless prevention

efforts, and related housing initiatives. Further information on these programs can be obtained by contacting WHEDA.

According to the Wisconsin Housing and Economic Development Authority (WHEDA), there are no federally subsidized low-income housing units in the Town of Berry.

## **B. Housing Goals, Objectives, and Policies**

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### **1. Goal: Provide safe, affordable housing and neighborhood environments for all Berry residents.**

#### ***Objectives:***

- a. Support the provision of housing in the Town to meet the needs of persons of all income levels, age groups, and special needs, where appropriate in rural areas.
- b. Encourage high-quality construction and maintenance standards for housing.
- c. Encourage home siting in areas that will not result in property or environmental damage, or impair rural character or agricultural operations.
- d. Establish programs and procedures intended to make new residential development “pays its own way” for the facility and service demands it generates, to the extent possible.
- e. Encourage neighborhood designs and locations that protect residential areas from infringement by incompatible land uses, promote connectivity of roadway and environmental systems, and preserve rural character.

#### ***Policies:***

- a. Plan for a sufficient **supply of developable land for housing** in areas consistent with Town wishes at a logical, controlled pace consistent with recent development trends, and of densities and types consistent with the Town’s rural setting.
- b. Prohibit development in the **wetlands and floodplains, areas lacking surface drainage, or generally located in the Open Space Corridors Area**, and guide development away from areas of **Soils with Building Limitations**, as depicted on Map 5.
- c. Promote the following **process** for laying out subdivisions:
  1. **Step 1--Identify and map open space areas worthy of preservation.** This includes detailed mapping of Groups I and II farmland, land suitable for small intensive agricultural production, woodlots, wetlands, floodplains, hydric soils, soils with low or very low potential for dwellings with basements, slopes greater than 20 percent, and possibly slopes between 12 percent and 20 percent. Locations for open spaces proposed to be held by the public or in “common” should also be mapped in this step.
  2. **Step 2--Arrange individual homes (not streets) in desirable locations.** Desirable locations should consider topography, privacy, impact on adjoining properties and public and private access to open space.

3. **Step 3--Design street and trail network.** The purpose of the street and trail network is to connect homes to each other, connect streets to the town or county road network, and connect the development to its surroundings.
  4. **Step 4--Set lot lines.** The fourth step ends up being the least challenging of the entire process.
- d. Promote the following **principles of conservation neighborhood design** in laying out new subdivisions with 5 or more lots (where permitted):
1. Before laying out lots, identify and map open space areas potentially worth of preservation, including woodlots, wetlands, stream banks, lakeshore riparian areas, floodplains, hydric soils, soils with low or very low potential for dwellings with basements, and slopes greater than 12 percent.
  2. Attempt to “hide” development from main roads to the extent possible through natural topography, vegetation (e.g., tree lines, wooded edges), and setbacks. Minimize placement of lots in open fields.
  3. Consider the impact on views from existing properties in the area when siting new homes.
  4. Encourage the preservation of mature trees, stone rows, fence lines, tree lines, and agricultural structures such as farmsteads, barns, and silos wherever possible.
  5. Incorporate existing farm and field roads into subdivision design where appropriate in the subdivision design, and where the existing roads are or can be upgraded to be compliant with safe and environmentally sound road design.
  6. Include interconnected network of streets meeting Town road standards.
  7. Design streets and lot layouts to blend with natural land contours.
  8. Design residential lots having frontage on limited access highways with the residence facing away from the highway, with deep lots and landscape bufferyards on the highway side to help hide development. Only in such instances will double frontage lots generally be considered appropriate.
  9. Integrate natural resources into the subdivision design as aesthetic and conservation landscape elements.
  10. Restore the quality and continuity of degraded environmental areas within the subdivision, such as streams and wetlands.
  11. Encourage stormwater management treatment systems that focus on Best Management Practices (BMPs) rather than conventional engineering strategies. BMPs may include overland transfer, natural landscaping to increase infiltration and reduce runoff, bio-infiltration systems, residential roof runoff directed to pervious yard areas, and maximum impervious surface ratios for development sites.
  12. Provide vegetative buffers between building sites and wetlands and streams.
  13. Provide wide areas for public access to parks and common open spaces.

14. Maximize preservation of common open space in the neighborhood through public dedication and/or private management of open space through a homeowner's association with conservation easements.
  15. Create pedestrian trails through open space areas, allowing for future connections to other areas.
- e. Apply the following **development siting standards** to all other developments in the Town. The Town may require submittal of a site plan showing the relationship of the proposed building(s) and lot(s) to applicable natural features prior to granting development approval. Many of these standards are illustrated in the visual guidelines included in Attachment A. A preferred process for the siting of development is included in Attachment B. This attachment should be given to all prospective development applicants at the time they contact the Town regarding the development. This may be related to a request for a rezone, conditional use permit, land division, driveway permit, or building permit.
1. Within the Agricultural and Rural Lands Preservation Area and Agricultural Transition Area (until an area in the Agricultural Transition Area is designated for more intensive development), no buildings shall be developed on soils classified as Group I or Group II on Map 2 of this *Plan*, unless all soils on the ownership parcel are so classified or otherwise restricted from development by classification as a wetland or floodplain, or having hydric soils or soils with low or very low potential for dwellings with basements.
  2. Minimum lot size for all new lots, including new lots with pre-existing residences, shall be one net acre unless: (i) soil tests or conditions indicate more area is required to provide safe on-site treatment (ii) a group waste disposal system is approved, allowing smaller lot sizes, (iii) the existing size of a redevelopment parcel would not allow for one acre, or (iv) other policies in this *Plan* suggest a larger minimum.
  3. New streets or driveways shall be placed along existing contours, property lines, fencerows, lines of existing vegetation, or other natural features wherever possible. Within the Agricultural and Rural Lands Preservation Area, streets and driveways should not cross Groups I or II agricultural soils or bisect farm fields, unless no other alignment is possible. Shared driveways meeting these criteria are preferred over driveways serving a single use.
  4. Buildings should be sited to minimize visibility from public roads and existing residences through proper placement, retention of existing vegetation and topography, and/or planting of new vegetation or berming. New buildings should be located adjacent to tree lines where available and at the edge of open fields rather than the middle.
  5. Encourage the preservation of existing vegetation, stone rows, fence lines, tree lines, and agricultural structures such as farmsteads, barns, and silos where possible.
  6. Where existing vegetation and changes in topography would not adequately screen the development from public roads, and new plantings would be insufficient, consider arranging development sites in a pattern resembling historic farm building placements (e.g. group of houses set back from road, tree lined single drive or street, fence rows).

7. Minimize the number of driveway openings onto existing public streets, instead promoting shared driveways, loop streets, or cul-de-sac streets where the number of building sites is limited. Avoid placing multiple homesites side-by-side along existing roads with multiple driveways and modest building setbacks.
8. Building on Soils with Building Limitations should be avoided. These areas are mapped as an overlay district on Map 5.

## CHAPTER EIGHT: ECONOMIC DEVELOPMENT



This chapter of the *Plan* contains background information, goals, objectives, policies and recommended programs to promote the retention and stabilization of the economic base in Berry. As required by §66.1001, Wisconsin Statutes, this chapter includes an assessment of new businesses and industries that are desired in the Town, an assessment of the Town's strengths and weaknesses with respect to attracting and retaining businesses, and an inventory of contaminated sites. A labor force analysis was included in Chapter Two—Issues and Opportunities.

## A. Economic Development Framework

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### 1. Economic Development Focus

This *Comprehensive Plan* must assess categories or particular types of new businesses and industries that the Town desires. The Town's existing and desired economic base is focused on agriculture, with an interest in exploring alternative forms of agriculture, and possibly recreation or tourism based on outdoor activities or farming practices. The promotion of support businesses related to these agricultural and natural pursuits may be part of this effort.

The Town envisions limited commercial development in planned areas. Commercial development would consist mainly of the support businesses mentioned above and smaller, local services, such as contractors. Other, larger commercial uses would be directed to the vicinity of the Village of Cross Plains, where they could be served with municipal services. The Town does not envision industrial (manufacturing) development as part of its future, given the service demands it often requires.

Map 5 designates a sufficient number of sites and opportunities for the Town to achieve its desired economic development focus over the 20-year planning period.

### 2. Strengths and Weaknesses for Economic Development

The Town's strengths in achieving its desired economic focus in the future are productive agricultural soils, an attractive natural setting, and an interest in exploring ways to utilize the natural resources of the Town while preserving them for the future. The Town is situated close enough to Madison and surrounding municipalities to make it convenient to visit, but far enough away that development pressures have thus far not been overwhelming.

The Town's weaknesses in advancing its desired economic base include weak agricultural markets, the aging farm population, and potential conflicts between new or expanded agricultural or recreational uses and new or existing residential development.

A sound economic development strategy for the Town is to keep the quality of new residential development high, so that it “pays its own way”, to the greatest extent possible.

### 3. Economic Development Programs

The U.S. Small Business Administration's Certified Development Company (504) Loan Program provides growing businesses with long-term, fixed-rate financing for major fixed assets, such as land and buildings. 504 loans can be used to fund land purchases and improvements, grading, street improvements, utilities, parking lots and landscaping, construction of new facilities, or modernizing, renovating or converting existing facilities. A Certified Development Company is a nonprofit corporation set up to contribute to the economic development of its community.

#### 4. Environmentally Contaminated Sites

The Wisconsin DNR's Environmental Remediation and Redevelopment Program maintains a list of contaminated sites, or "brownfields," in the state. The DNR defines brownfields as "abandoned or under-utilized commercial or industrial properties where expansion or redevelopment is hindered by real or perceived contamination." Examples of brownfields might include a large abandoned industrial site or a small corner gas station. Properties listed in the DNR database are self-reported, and do not necessarily represent a comprehensive listing of possible brownfields in a community.

As of the date of adoption of this *Plan*, there were no sites in the Town of Berry listed in the Bureau for Remediation and Redevelopment Trading System. However, new sites are posted to this system regularly. Specific locations, property ownership information, and status of remediation efforts for sites in surrounding municipalities and in Berry (should they occur) are available from the DNR. These properties will need special attention for successful redevelopment to occur. The location of these environmentally contaminated sites should be considered when making the land use recommendations.

## B. Economic Development Goals, Objectives and Policies

### 1. Goal: Encourage high-quality economic development opportunities appropriate to the Town's resources, character, and service levels.

#### **Objectives:**

- a. Focus economic development efforts on farming, farming-related businesses, open space-related businesses, and small, community serving businesses.
- b. Discourage unplanned, continuous strip commercial development.
- c. Discourage intensive commercial development in areas not planned for extensive public services.
- d. Do not allow industrial (i.e., manufacturing) uses.
- e. Encourage the proper rehabilitation, redevelopment, and reuse of structures.
- f. Promote careful placement and design of mineral extraction sites, wireless telecommunication facilities, and general commercial uses.

#### **Policies:**

- a. Plan for a **sufficient supply** of developable land for commercial uses, in areas consistent with Town wishes and of a scale and type consistent with the Town's rural setting and service availability.
- b. Support the economic health of **production agriculture** in Berry.
- c. Support the **exploration of "non-traditional" forms of agriculture**, such as vegetable and fruit farms and other small-acreage farms, research farming, community-supported agriculture, equine centers, businesses supporting hunting, fishing, and other outdoor recreational activities, and production of artisanal products such as wine and cheese.

- d. Consider ways to **promote and market farm products and agricultural-related activities**, such as seminars, markets, “farm days”, and festivals.
- e. Support opportunities for **farm family businesses**, home occupations, and agriculturally related businesses to assist farm families.
- f. Do not approve rezoning requests for unplanned, continuous **strip commercial** development along major roadways, particularly U.S. Highways 19 and 14.
- g. Direct most large commercial development into the **Village of Cross Plains urban service area**.
- h. Where commercial development is planned in Berry, emphasize **local shopping** and offices, smaller business services serving mostly local residents, offices, and **businesses related to farming and open space activities**.
- i. Plan for a thoughtful **mix** of compatible residential, community serving commercial, civic, and recreational uses **in cooperation with the Villages of Cross Plains and Black Earth**.
- j. Because internet access is vital to developing any business endeavor, the Town shall actively engage service providers to assure quality high speed internet access to all Town locations.
- k. Require the **disclosure** of any soil or groundwater **contamination** on sites before approving development proposals.
- l. Work with private landowners to **clean up contaminated sites** that threaten the public health, safety, and welfare.
- m. The Town requires submittal of a detailed site plan, building elevations, landscape plan, lighting plan, grading/stormwater plan, and signage plan prior to development approval for commercial and institutional projects. The following **design review standards** should be used for all commercial and institutional development projects, unless the Town waives one or more of the requirements based upon the low level of impact indicated by preliminary design. A low level of impact is a development of a size, location and with existing natural screening resulting in little visibility from the public right of way or neighboring properties, or of similar design and visibility to existing adjacent structures and property use:
  1. High-quality signage based on the area of building frontage, road frontage, or façade area should be required. The use of monument signs should be encouraged instead of pole signs. Any lighting fixture used for sign lighting or building exterior shall be of the DARK SKY type and style to restrict light trespass.
  2. Existing vegetation should be retained and high-quality landscaping treatment of bufferyards, street frontages, paved areas, and building foundations should be provided. Any lighting used to light parking shall be of the DARK SKY type either in light standards or landscape type fixtures.
  3. Intensive activity areas such as building entrances, service and loading areas, parking lots, and trash receptacle storage areas should be oriented away from less intensive land uses. Any lighting used to light parking shall be of the DARK SKY type either in light standards or landscape type fixtures.

4. Parking lots should be landscaped with perimeter landscaping and/or landscaped islands, along with screening (hedges, berms, trees, and decorative walls) to block views from public roads and residential uses. Any lighting used to light parking shall be of the DARK SKY type either in light standards or landscape type fixtures.
  5. Parking should be to the sides and rear of buildings wherever possible, rather than having all parking in the front.
  6. Interconnected parking lots and driveways should be provided to facilitate on-site movement.
  7. Loading docks, dumpsters, mechanical equipment, and outdoor storage areas should be behind buildings, and complete screening of these facilities should be promoted through use of landscaping, walls, and architectural features.
  8. Illumination from lighting should be kept on site through use of cut-off, shoebox fixtures.
  9. High-quality building materials, colors, and designs reflecting the Town's desired image should be required.
  10. Canopies, awnings, trellises, bays, windows, and/or other architectural details should be incorporated to add visual interest to facades.
  11. Variations in building height and rooflines are desirable, particularly on larger buildings.
- n. Use the following criteria when considering applications for conditional use permits or rezoning for **non-metallic mineral extraction sites**. The basis for any deviation from these guidelines shall be articulated in any approval or denial decision of the board:
1. Consider all relevant Comprehensive Plan policies in the deliberation over new extraction sites, such as the area and quality of farmland to be lost in the operation. New extraction uses will not be allowed if they would substantially impair or diminish the value and enjoyment of other property in the area, impede the normal and orderly development of the surrounding property for uses permitted in the vicinity, significantly impair critical wildlife habitat, or present a safety hazard. It is presumed that any property within one mile or in line of sight will be affected and substantially impaired or diminished in value and/or enjoyment, thereby requiring the applicant to affirmatively demonstrate the owners of such property do not object to the application and/or have been compensated to their satisfaction by such arrangements as may be agreed upon by the applicant and the property owner.
  2. The petitioner should submit directly to the Town copies of all project descriptions, site/operations plans, and reclamation plans required by the County Planning and Development Department.
  3. The Town should provide for full public review of the proposal, at the expense of the party proposing the project.
  4. It is presumed that nonmetallic mineral extraction below the existing water table will adversely impact ground water quality. Any proposed operation intended to extend below the existing ground water level shall first be required to demonstrate to the Town such an operation will have no adverse effect on ground water quality and

- then will be required to recertify there is no adverse effect on ground water quality, six months after first operations and annually, thereafter.
5. The project shall be subject to the preparation of an erosion control plan prepared by a qualified engineer.
  6. There shall be assurances that the site would be developed and operated according to the site/operations plan.
  7. The date that operations are expected to cease shall be clearly expressed.
  8. To minimize the impact of the mine on the rural agricultural character of the town, the open excavation and developed areas of the extraction site, including buildings and parking lots, shall not exceed 40 acres at any point in time.
  9. No structure on site may be taller than 35 feet.
  10. Reclamation:
    - i. Shall be addressed according to State requirements;
    - ii. Shall be fully bonded;
    - iii. If land is to be reclaimed as suitable for agricultural use, the top soil shall be at least as deep as the previous top soil, but not less than one (1) foot deep;
    - iv. Shall include a variety of plantings to reflect the original state of the land;
    - v. Shall be ongoing such that no more than 40 acres of the extraction site, including buildings and parking lots, is an open excavation and not in either its natural state or in a completed reclaimed state, at any given point in time; and
    - vi. Shall describe in detail how the reclamation plan fits and promotes the objectives of the Town's Comprehensive Plan.
  11. Driveway surfacing shall be addressed. In general, to prevent tracking of mud onto public roads, driveways shall generally be paved within a certain distance of public roads.
  12. Spraying of the site and driveways shall be considered to control dust.
  13. On-site bulk fuel storage and appropriate places for fueling of equipment (e.g., above the water table) shall be addressed to minimize the potential for groundwater contamination.
  14. Access to the site shall only be through points designated as entrances on the site/operations plan; such access points shall be secured when the site is not in operation.
  15. Because of the hills, sight distances and topography of the Town of Berry, as well as the common transport of agricultural machinery, and the frequent use of Town roads by bicyclists, it is impractical and unsafe to interject a large constant volume of heavy truck traffic onto Town Roads. Therefore, any facility designed to extract over 0.5 million tons of material a year shall construct and use alternative access to a rail head or state highway transportation facilities, by private road, rail spur, conveyor, or other means, so as not to use Town Roads in routine or daily operations.

16. Hours of operation shall be specified, and may be limited if the extraction site is close to residential properties. Maximum hours of operation shall be 8 a.m. to 5 p.m. weekdays and 9 a.m. to 2 p.m. on Saturdays.
17. Lighting on site shall comply with the Town's dark sky ordinance and shall be kept to a minimum during off hours.
18. Expectations for any blasting, drilling, and screening shall be clearly understood, and, if allowed, separate acceptable hours for these activities may be specified.
19. If blasting or drilling is requested and allowed, additional sets of standards may be applied with relation to frequency, noise and vibration levels, Time of day limitations [presumptively 10 am to 3 pm on weekdays, only], notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures.
20. Some commercial and industrial uses on site may be permitted but shall be limited to those directly related to mineral extraction, such as concrete or asphalt plants. Such ancillary uses should be used to process minerals extracted on-site to a final product. Processing of sand on site shall not be permitted.
21. Careful review of air and water quality impacts from such uses shall be included.
22. The extraction site shall be completely enclosed by a safety fence or maintained at a gentle slope. The extraction site shall also be screened from view by berms and foliage.
23. The Town shall be listed as an "additional named insured" on the liability insurance policy, which shall remain in effect until reclamation is complete. The petitioner shall have to furnish a certificate of insurance before operations commence, including liability coverage for air, ground or water pollution.
24. Provisions for the upgrade, repair, and maintenance of Town roads may be appropriate depending on the intensity of the operation and the existing condition and capacity of such roads. Posting a bond for such work may be required.
25. All nonmetallic mining operations shall also be required to apply for a license to operate pursuant to Town Ordinance before approval for rezoning or a conditional use permit is processed by the Town.
26. Applicant shall irrevocably agree, in writing, to onsite inspection for regulatory compliance, during normal business hours, by County, State or Town agents and officials, without advanced notice or an inspection warrant.
27. Nonmetallic excavation operations primarily removing friable materials, such as silica sand, shall also fulfill the following requirements :
  - i. No more than what would constitute one week's extraction from the site may be stored on site at any point in time.
  - ii. The applicant shall pay for an ongoing independent auditor to sample on a monthly basis air, water and noise at a minimum of eight different points that span the perimeter of the mining property. This data shall be presented monthly to the Town of Berry (TOB) Planning Commission. Acceptable levels are to be determined at the time of permitting, but would be subject to change based on the results of the actual operation and any new studies,

guidelines or standards developed after permitting. Applicant shall acknowledge that if at any time it is found that sand mining, in general, is harmful to animals and/or humans outside the mining property, the applicant could be required to immediately shut down and reclaim all of the land involved within one year. The applicant shall be allowed an opportunity to address and present information before any suggested changes in the levels is implemented, and shall have the right to common law certiorari to review the changes made by the Town.

- iii. Material in transit, to the extent possible, or any stored material shall be tarped or otherwise covered, to prevent the material from becoming wind-borne.
- iv. Operations shall cease on days when wind gusts exceed 20 mph on site, for periods of 30 seconds.
- v. All friable materials shall be totally contained to protect against leakage onto ground and waters or distribution into air while being transported off mining property in the Town of Berry.
- vi. The applicant is obligated to report any adverse event involving water, land or air quality, or permitting violations, which occurs at any nonmetallic mining facility owned or operated by it, its parent company, or any wholly owned subsidiary, to the Town of Berry Planning Commission within 45 days of occurrence, including a detailed explanation of the measures taken in Berry to avoid similar occurrences.
- vii. The applicant shall indemnify any well owners within 2 miles for any adverse effect on the water quality or level of ground water caused by mining operations.



## CHAPTER NINE: ENERGY



This chapter of the *Plan* contains background information, goals, objectives and policies to guide the future development of energy use and production in Berry. Recommended programs are included within policy statements.

## **A. Existing Energy Use and Sources.**

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The vast majority of electrical energy used in the town is delivered from the electrical power grid. Very small amounts of electrical energy are produced by privately owned wind and photovoltaic systems. Most space heating is accomplished by burning liquefied propane gas, although there are several homes and farms that are heated by burning wood, either partially or entirely. Hot water is heated largely by burning liquefied propane gas or electrically. Transportation fuels used by Berry residents are virtually all derived from petroleum.

Berry has no known reserves of fossil fuels. Much of Berry's more than 7000 acres of woodlands (Chapter 4) are classed as productive woodlands. Production of fuel wood as a byproduct of sustained-yield harvest of logs for lumber from Berry's woodlands could produce sufficient fuel for most space heating needs in Berry. Catalytic wood burners, and other technology, may be used to minimize resulting particulant material in the smoke from wood burning heat sources, and may be used to maximize efficiency. The relatively low density of residential housing in Berry provides adequate space for photovoltaic cells for electricity production.

Berry's rural character and quality of life may be vulnerable to societal demands for energy from beyond Berry's borders. Recent examples include the possibility of sand mining for use in hydraulic fracturing for production of natural gas and petroleum and the proposed construction of high voltage transmission lines across the Town. These proposals are the direct result of increased demand for energy in a national economy dependent on increasing exploitation of energy reserves. Although the activities of one small rural township cannot have a major influence on National, or even regional energy use, Berry can take measures to insulate itself from energy driven external forces and to do its part to reduce unnecessary energy usage.

Transportation and transmission right-of-ways for energy, when necessary, should be located so as to minimize their effect on habitat, hilltops, and the rural aesthetic.

## **B. Objectives:**

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1. Increase energy self-sufficiency in the town.
2. Buffer the town against fluctuations in energy availability and prices (from sources outside the town).
3. Reduce the dependence of the town on centralized generation and distribution of electrical power.
4. Diminish the dependence on use of fossil fuels.

## **C. Policies**

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1. Use of wind, solar and other renewable energy and biofuels such as wood, with appropriate clean burning technology, will be encouraged in the town for power generation, space heating and water heating.

2. Energy conservation will be encouraged in the town through more efficient insulation, construction and lighting. Conservation will be defined for the town as prevention of waste, not as austerity. Conservation is intended to improve, not diminish the quality of life in the town.
3. Business compatible with maintaining the rural nature of Berry will be encouraged to minimize the need for commuting to work, and to make goods and services available locally for residents.
4. Existing transport and transmission right-of-ways should be used first, for expansion purposes, before new right-of-ways are designated.

## CHAPTER TEN: INTERGOVERNMENTAL COOPERATION



This chapter of the *Plan* contains background information, goals, objectives, policies and recommended programs for intergovernmental planning and decision making; incorporates by reference all plans and agreements to which Berry is a party under §66.0301, §66.0307, §66.0309 of Wisconsin Statutes; and identifies existing and potential conflicts between this *Comprehensive Plan* and the plans of adjacent villages and towns, Dane County, the Capital Area Regional Planning Commission, the State of Wisconsin, and school districts.

## A. Existing Regional Framework

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The following is a description of the plans of other jurisdictions operating within or adjacent to the Town of Berry. These jurisdictions are depicted in Map 1. A summary of any potential conflicts with the *Town of Berry Comprehensive Plan* follows the description of each jurisdiction's plans. Where conflicts are apparent, a process to resolve them is also proposed.

### 1. Village of Cross Plains

The Village of Cross Plains abuts the southeastern boundary of the Town of Berry. The Village has annexed several parcels of land from the Town.

The *Village of Cross Plains Comprehensive Plan Update (2008)* recognizes Berry's efforts to cooperate with both the Village and Town of Cross Plains in planning efforts affecting the greater area. The *Plan* recommends a formal intergovernmental agreement between the Village and Town providing both parties with a greater sense of certainty of the future actions of others. The Village is also interested in working with the Town to identify sending and receiving areas for the Town's transfer of development rights program.

The Village's *Plan* and the *Town of Berry Comprehensive Plan* are consistent with one another. The Village has identified areas within the Town of Berry for future expansion. The Office/Research areas are mapped northeast of the Village along CTH P and is intended to facilitate high-quality office, research and development, and business park support uses.

While this is in conflict with the Town of Berry's designation of the Highway P corridor as open space, negotiations are underway to resolve the conflict.

### 2. Village of Black Earth

The Village of Black Earth lies roughly 1½-miles to the west of the Town. The *Village of Black Earth Master Plan (1994)* is a long-range policy document encompassing community goals and policies, land use and transportation planning, and staging of growth through urban service area planning. The *Plan* recommends cooperation between the Village and area towns on area-wide issues

The *Plan* recommends the formation of a committee of Village and area town representatives, to be used as a forum to discuss area-wide issues, such as annexation, and encourages the cooperative planning and implementation of long-range land acquisition and development projects by the Village, counties, towns and school district. The *Plan* encourages the preservation of existing farmlands outside the urban service area boundary of the Black Earth Master Plan, and discourages the development of unsewered subdivisions (5 or more lots) in the 1½-mile extraterritorial jurisdictional area of the Village of Black Earth. The Village is not planning to extend their urban service area into the Town of Berry.

The current Village *Plan* is consistent with the *Town of Berry Comprehensive Plan*. The Village is in the process of creating their Comprehensive Plan.

### 3. Town of Cross Plains

The *Town of Cross Plains Comprehensive Plan (2009 draft)* recommends continued cooperative planning efforts with the Town of Berry and the Village of Cross Plains. Most of the land in the Town that borders the Town of Berry is recommended in the *Plan's* Land Use map as the agricultural preservation district. The Town's *Land Use Plan* is consistent with the *Town of Berry Comprehensive Plan*.

### 4. Town of Black Earth

The *Town of Black Earth Comprehensive Plan (2009)* recommends preservation of farmland and natural areas, and limited residential development as directed in its 1981 plan. The plan recommends a cooperative working relationship with surrounding municipalities regarding zoning changes on border areas. The Town's *Plan* is consistent with the *Town of Berry Comprehensive Plan*.

### 5. Town of Dane

The original *Town of Dane Land Use Plan* was adopted in 1981. It recommends agricultural and open space preservation over most of the Town. Dane updated its plan in the same general timeframe as Berry, as part of the U.S. Highway 12 Growth Management Project. The new *Town of Dane Comprehensive Plan*, adopted May 6, 2002, maintains a similar preservation-based direction as its 1981 plan. Dane's updated *Plan* is completely consistent with the *Town of Berry Comprehensive Plan*.

### 6. Town of Springfield

The *Town of Springfield Land Use Plan (1992, revised 1995)* recommends that land use planning should be a cooperative effort with other units of government, since planning issues often transcend government boundaries. The *Plan* states the importance of maintaining and fostering a solid working relationship with the surrounding units of government. It suggests that government agencies maintain open communication with each other in order to share concerns on land use issues and avoid misunderstandings that often lead to adversarial relationships. Springfield updated its plan in the same general timeframe as Berry, as part of the U.S. Highway 12 Growth Management Project. The new *Town of Springfield Comprehensive Plan*, adopted May 21, 2002, contains goals similar to its previous plan, including preservation of agricultural land. Springfield's updated *Plan* is completely consistent with the *Town of Berry Comprehensive Plan*.

### 7. Town of Mazomanie

The Town of Mazomanie updated its *Town of Mazomanie Land Use Plan (1993)* in the same timeframe as Berry, as part of the U.S. Highway 12 Growth Management Project. The new *Town of Mazomanie Comprehensive Plan*, adopted April 23, 2002, addresses issues of importance to the community, such as conflicting land uses, loss of valuable farmland, loss of natural character and green space, and mounting infrastructure costs associated with growth. This updated *Plan* is consistent with the *Town of Berry Comprehensive Plan*.

## 8. Town of Roxbury

The new *Town of Roxbury Comprehensive Plan*, adopted April 1, 2002, addresses preserving farmland, protecting woodlands and other natural resources, providing appropriate housing and employment opportunities and protecting the Town's rural heritage. The Town of Roxbury updated its *Town of Roxbury Land Use Plan* (1993) as part of the U.S. Highway 12 Growth Management Project. This updated *Plan* is consistent with the *Town of Berry Comprehensive Plan*.

## 9. Dane County

Dane County is contending with increasing growth pressure. Most of this growth pressure is generated by employment growth throughout the region. Dane County's population grew by 12% during the 1970's, 14% through the 1980's and more than 16% during the 1990's. The overall population growth rate for the County has averaged 1.5 percent per year since 2000.

In recognition of the stress that such growth places on both natural and human systems, the County adopted the *Dane County Land Use and Transportation Plan* in 1997. The *Plan* advocates strong growth management, with a focus on concentrating non-farm developing in existing developed urban areas and in historic hamlet locations. There are no known conflicts between the *Town of Berry Comprehensive Plan* and this Dane County *Plan*.

Most County land use decisions are based on the *Dane County Farmland Preservation Plan*, which was adopted in the early 1980s. The *Farmland Preservation Plans* includes Town plans as a central component. The *Town of Berry Comprehensive Plan* was prepared using the policies and procedures of the *Dane County Farmland Preservation Plan*.

The *Dane County Comprehensive Plan (2007)* is intended to support, not supplant, ongoing planning efforts and incorporates the *Parks and Open Space Plan*, *Farmland Preservation Plan*, and *Water Quality Plan* by reference. There are 34 Town governments in Dane County who have submitted their comprehensive plans for adoption by the Dane County Board of Supervisor as amendments to the *Dane County Comprehensive Plan*.

The *Plans Policies and Programs* recommend expanding and enhancing the ability of the Department of Planning and Development to provide low-cost or free planning services directly to rural town governments by providing services such as computer modeling programs with different development/build-out scenarios and establish a "best practice" sourcebook that would include model plan language, ordinances and intergovernmental agreements as well as policy guidelines for programs like TDR or PDR, density caps, etc.

## 10. Regional Planning Jurisdictions

The Town of Berry is within the Capital Area Regional Planning Commission (CARPC) planning jurisdiction. The CARPC prepares regional plans, as well as city and village plans, town plans, ordinance amendments, and special studies at the request of local governments. CARPC's goals are to promote the development of balanced communities throughout Dane County to meet the needs of existing and future residents, provide an integrated all-mode transportation system while enhancing and preserving the character and livability of neighborhoods and residential areas, and protect agricultural lands, important environmental, cultural and historic resources. There are no known conflicts between the *Town of Berry Comprehensive Plan* and CARPC-adopted plans and studies.

## 11. Important State Agency Jurisdictions

The Wisconsin Department of Transportation's (WisDOT) District 1 office (Madison) serves the Town of Berry and all of Dane County. The Town should continue to maintain good relations with District 1 as planning, congestion, and safety issues arise along the U.S. Highway 14 corridor and State Highway 19 corridor. The Wisconsin Department of Natural Resources (WisDNR) provides service to the Town out of its South-central Wisconsin office located in Fitchburg.

There are no known conflicts between the plans and policies of these State agencies and the *Town of Berry Comprehensive Plan*.

## 12. School District

Most school children in the Town of Berry attend schools in either the Middleton-Cross Plains Area School District or the Wisconsin Heights School District. A small portion of the Town along the northern border lies within the Sauk Prairie School District. More detail about these school districts is presented in Chapter Six. There are no known conflicts between the *Town of Berry Comprehensive Plan* and the plans of these school districts.

## B. Intergovernmental Cooperation Goals, Objectives and Policies

### 1. Goal: Continue and establish mutually beneficial intergovernmental relations with surrounding governments.

#### **Objectives:**

- a. Work with other local governments, Dane County, school districts, and state agencies on land use and community development issues of mutual concern.
- b. Use intergovernmental discussions to promote logical municipal boundaries and desirable land use patterns near community edges.
- c. Recognize the Urban Service Areas of Cross Plains, cooperate on service delivery in the Urban Service Area, and cooperate in establishing mutually acceptable changes in the current urban services area.
- d. Stay informed and participate in County-level growth management efforts.

#### **Policies:**

- a. Provide a copy of this *Comprehensive Plan* to all surrounding local governments.
- b. Work to resolve any conflicts between the *Town of Berry Comprehensive Plan* and plans of adjacent communities.
- c. Work with the Village of Cross Plains to develop an agreement regarding the future development of the Village and the Town's desired growth areas. The plans of both municipalities should reflect mutual concerns and recognize that the plans of each affect the other.
- d. Evaluate any proposed changes to the Urban Service Areas of Cross Plains with respect to applicable goals, objectives and policies of this *Comprehensive Plan*.

- e. Work with surrounding communities, particularly the Village and Town of Cross Plains, to encourage an orderly, efficient land use pattern that preserves farmland, rural open lands, and natural resources, and minimizes conflicts between urban and rural uses.
- f. Consider joint services where consolidating, coordinating, or sharing services will result in better services or cost savings.
- g. Cooperate with other units of government on natural resources, places of recreation, transportation facilities, and other systems that are under shared authority or cross governmental boundaries.
- h. Continue to participate in the Good Neighbor Committee to discuss and address shared problems and solutions.
- i. Coordinate with adjacent communities to formulate appropriate input into placement decisions of the Public Service Commission for electrical transmission lines through and serving Berry.



## CHAPTER ELEVEN: IMPLEMENTATION



Few recommendations of this *Comprehensive Plan* will be automatically implemented. Specific follow-up action will be required for the *Plan* to become reality. This final chapter of the *Plan* is intended to provide the Town of Berry with a roadmap for these implementation actions. It includes a compilation of programs and specific actions to be completed in a stated sequence, as required under §66.1001, Wisconsin Statutes. This chapter generally does not cover day-to-day decisions. Instead, it identifies certain programs and larger actions that the Town may undertake over the next several years.

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## A. Plan Adoption

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The *Town of Berry Comprehensive Plan* was adopted following procedures specified by Wisconsin's "Smart Growth" legislation, the State's Farmland Preservation Law, and Dane County's procedures established under that law. The Town included all necessary elements for this *Plan* to meet all content requirements of these two laws. In addition, the Town met and exceeded all procedural requirements of the two laws. This included extensive public input throughout the process, a Town Plan Commission recommendation, distribution of the recommended *Plan* to affected local governments, a formal public hearing, and Town Board adoption of the *Plan* by ordinance. Because this *Plan* will serve as a component of the Dane County Farmland Preservation Plan, after Town adoption it was also forwarded to the County for approval.

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## B. Implementation Recommendations

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Table 13 provides a detailed list and timeline of the major actions that the Town should complete to implement the *Comprehensive Plan*. Often, such actions will require substantial cooperation with others, including County government and local property owners. The table has three different columns of information, described as follows:

- **Category:** The list of recommendations is divided into six different categories based on the different chapters of this *Plan*.
- **Recommendation:** The second column lists the actual actions recommended to implement key aspects of the *Comprehensive Plan*. The recommendations are for Town actions that might be considered in an annual work program, recognizing that many of these actions may not occur without cooperation from others.
- **Implementation Timeframe:** The third column responds to the new State comprehensive planning statute, which requires implementation actions to be listed in a "stated sequence." The suggested timeframe for the completion of each recommendation reflects the priority attached to the recommendation. Suggested implementation timeframes span the next 10 years, because the *Plan* will have to be updated by 2020. Town time and budgetary constraints may affect this time frame.

**Table 13: Implementation Actions**

Category	Recommendation	Implementation Timeframe
<b>Agricultural, Natural, and Cultural Resources</b>	Prepare an accurate map showing the number of dwelling units used and still available on Agricultural and Rural Lands Preservation Area parcels throughout the Town.	On-going
	Enact Ordinance authority to authorize DNR transactions, on a case-by-case basis, following County Ordinance.	2010
	Work with the County on programs to preserve farmland over the long term, such as a Countywide transfer of development rights program.	2012
	Continue to update records and mapping of historically and archeologically significant structures, districts and resources within the Town (see Map 3).	On-going
	Continue to assist Town residents who wish to participate in the Working Lands Initiative Program to preserve farmland.	On-going
<b>Land Use</b>	Follow the land use and development design recommendations of this <i>Plan</i> when considering all rezones, conditional use permits, and land divisions.	On-going
	Require submittal of a site plan for a specific development proposal before approving the rezoning of land to the appropriate development-based zoning district.	On-going
	Study and consider a system to require purchase of development rights from the Agricultural and Rural Lands Preservation Area in order to develop in the Rural Development Area.	2015
	Consider revisions to the Town building ordinance to implement the recommendations of this <i>Comprehensive Plan</i> .	On-going
	Consider a Town subdivision ordinance to implement the recommendations of this <i>Comprehensive Plan</i> .	Enacted 2005
	Support the creation of a new County zoning district to facilitate (exclusive) agricultural uses on parcels less than 35 acres.	Enacted 2009
<b>Transportation</b>	Continue to update and implement the Town's Local Road Improvement Program.	Annually
	Consider amendments to the Town driveway ordinance to address standards for shared driveways.	Enacted 2002
	Implement a Town road impact fee or special assessment for any new development projects that place a burden on or require the upgrading of Town roads.	2012

Category	Recommendation	Implementation Timeframe
<b>Utilities and Community Facilities</b>	Require a special assessment on all properties where advanced pre-treatment waste disposal systems are proposed and are found acceptable.	2012
	Require an analysis from an independent soil scientist or other related professional when large on-site systems or groups of more than 20 on-site systems are proposed, to ensure that groundwater quality standards are not impaired.	On-going
<b>Housing, Neighborhood, and Economic Development</b>	Promote, encourage and enforce adequate high speed internet access for the entire Town	2010
	Support the exploration of new forms of agriculture and outdoor open space and recreation activities to maintain economically viable use of agricultural and rural open lands.	On-going
	Follow the stated principles of conservation neighborhood design for new residential subdivisions with five lots or more, and the stated development siting standards for all other residential developments of four lots or less.	On-going
	Follow <i>Plan</i> standards for commercial development projects, including detailed standards for wireless telecommunication facilities and mineral extraction operations.	2009
<b>Intergovernmental Cooperation</b>	Provide a copy of this <i>Comprehensive Plan</i> to all surrounding local governments, per Smart Growth requirements.	2010
	Consider joint planning and an intergovernmental agreement with the Village of Cross Plains.	On-going
	Work to resolve conflicts between the <i>Town of Berry Comprehensive Plan</i> and plans of surrounding communities.	On-going
	Consider joint services when consolidating, coordinating, or sharing services will result in better service and cost savings.	On-going
	Work with surrounding communities on new approaches for growth management, such as Transfer of Development Rights (TDR).	On-going
	Cooperate with other units of government on natural resources, recreation areas, transportation facilities, services, and other systems and facilities that cross governmental boundaries or are under shared authority.	On-going
	Urge Dane County and other public and private agencies to consult with the Town before converting land from agricultural to recreational or conservation uses.	On-going

## C. Plan Monitoring, Amendments, and Update

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The Town should regularly evaluate its progress towards achieving the recommendations of the *Comprehensive Plan*, and amend and update the *Plan* as appropriate. This section suggests recommended criteria and procedures for monitoring, amending, and updating the *Plan*.

### 1. Plan Monitoring and Use

The Town should constantly evaluate its decisions on private development proposals, public investments, regulations, incentives, and other actions against the recommendations of this *Comprehensive Plan*. More specifically, the Town Plan Commission should on an annual basis review its decisions over the previous year against the recommendations of this *Plan*. This could be done by creating a “scorecard” to evaluate each decision made, its consistency or inconsistency with the *Plan*, and the reason for consistency or inconsistency. This will serve as a mechanism to measure progress toward achieving all aspects of the *Comprehensive Plan*, and help keep the *Plan* a “living document.” It will also identify when changes might be needed in the *Plan* in order to reflect the objectives of the Town. The Town makes the following decisions that should always be evaluated against the *Plan*:

- a. **Rezoning:** The Town Board and County Board have shared authority to approve, conditionally-approve, or reject requested changes to the zoning of any property in the Town. Town Board action on a rezoning request is preceded by a recommendation of the Town Plan Commission. The Town requires submittal of a site plan or conceptual neighborhood development plan with all rezoning requests. Erosion control and storm-water management plans may also be required.
- b. **Zoning Ordinance Text Amendments:** Changes to the text of the County zoning ordinance will be approved or rejected by the Town Board, following a recommendation by the Town Plan Commission. Dane County may not approve a zoning ordinance text amendment if a majority of town boards in the County reject that amendment.
- c. **Conditional Use Permits:** The County Zoning and Land Resources (ZLR) Committee has the authority to approve, conditionally approve, or reject requests for conditional use permits, if the Town approves. Prior to ZLR Committee action, the Town Plan Commission will make a recommendation to the Town Board on a conditional use permit request, and the Town Board will make a recommendation to the ZLR Committee. The Town requires submittal of a detailed site plan with all conditional use permit requests. Erosion control and stormwater management plans may also be required.
- d. **Land Divisions and Subdivisions:** The County reviews all proposed land divisions and subdivisions against the standards of their subdivision regulations. At the Town level, the Town Board will act to approve, conditionally approve, or reject all requested land divisions and subdivisions, following a recommendation from the Town Plan Commission. Frequently, a request for land division or subdivision approval is submitted in tandem with a rezoning request. Erosion control and stormwater management plans may also be required.
- e. **Building and Zoning Permits:** Prior to the erection or remodeling of any non-farm building in the Town, the petitioner must obtain a building permit from the Town and a zoning permit from the County. Prior to issuance of a building permit for any new principal, non-farm building, the Town intends to require site plan review and approval of

the proposed project. Site plan review is often accomplished through a previous rezoning or conditional use permit review process. Where not so required, the Plan Commission should have or be granted the authority to review site plans. Erosion control and stormwater management plans may also be required.

- f. ***Driveway Permit:*** Prior to the issuance of a building or septic permit, the petitioner must obtain from the Town a driveway permit. The Town will review requests for permits against the goals, objectives and policies of this *Plan* that pertain to driveways.
- g. ***Other Land Use Actions:*** In general, the Town Board, following a recommendation from the Plan Commission, will take all other actions related to land use. These include amendments and updates to this *Plan*; annexations, incorporations, or consolidations affecting the Town; amendments to Urban Service Areas affecting the Town; and potential Town purchases or sales of land.

Before submitting a formal application to the Town and/or County for approval of any of the requests listed above, the Town urges petitioners to discuss the request conceptually and informally with the Town Plan Commission. Conceptual review almost always results in an improved development product and can save the petitioner time and money.

## 2. Plan Amendments

Amendments may be appropriate in the years following initial *Plan* adoption and in instances where the *Plan* becomes irrelevant or contradictory to emerging policy or trends. “Amendments” are generally defined as minor changes to the *Plan* maps or text. In general, the *Plan* should be specifically evaluated for potential amendments every three years. All “Smart Growth” procedures should be followed. Frequent amendments to accommodate specific development proposals should be avoided.

The State comprehensive planning law requires that the Town use the same basic process to amend or add to the *Plan* as it used to initially adopt the *Plan*. This does not mean that new vision forums need to be held, or old committees need to be reformed. It does mean that the procedures defined under Section 66.1001(4), Wisconsin Statutes need to be followed. The Town should use the following procedure to amend, add to, or update the *Comprehensive Plan*:

- a. Either the Town Board or Plan Commission initiates the proposed *Comprehensive Plan* amendment. This may occur as a result of a regular Plan Commission review of the *Plan*, or may be initiated at the request of a property owner or developer.
- b. The Town Board adopts a resolution outlining the procedures that will be undertaken to ensure public participation during the plan amendment process (see Section 66.1001(4)a of Statutes).
- c. The Town Plan Commission prepares or directs the preparation of the specific text or map amendment to the *Comprehensive Plan*.
- d. The Town Plan Commission holds one or more public meetings on the proposed *Comprehensive Plan* amendment. Following the public meeting(s), the Plan Commission shall make a recommendation by resolution to the Town Board by majority vote of the entire Commission (see Section 66.1001(4)b of Statutes and model resolution in this *Plan*).

- e. The Town Clerk sends a copy of the recommended plan amendment (not the entire *Comprehensive Plan*) to all adjacent and surrounding government jurisdictions as required under Section 66.1001(4)b, Wisconsin Statutes. At this time, the recommended plan amendment should also be forwarded to Dane County Planning and Development Department staff for their informal review. These entities should have at least 30 days to review and comment on the recommended plan amendment.
- f. The Town Clerk directs the publishing of a Class 1 notice, with such notice published at least 30 days before a Town Board public hearing and containing information required under Section 66.1001(4)d, Wisconsin Statutes.
- g. The Town Board holds the formal public hearing on an ordinance that would incorporate the proposed plan amendment into the *Comprehensive Plan*.
- h. Following the public hearing, the Town Board approves (or denies) the ordinance adopting the proposed plan amendment. Adoption must be by a majority vote of all members. The Town Board may require changes from the Plan Commission recommended version of the proposed plan amendment.
- i. The Town Clerk sends a copy of the adopted ordinance and plan amendment (not the entire *Comprehensive Plan*) to all adjacent and surrounding government jurisdictions as required under Sections 66.1001(4)b and c, Wisconsin Statutes.
- j. The Town Clerk sends copies of the adopted plan amendment to the Dane County Planning and Development Department for incorporation in the Dane County Farmland Preservation Plan and/or County Comprehensive Plan.

### 3. Plan Update

The State comprehensive planning law requires that the *Comprehensive Plan* be updated at least once every ten years. As opposed to an amendment, an update is often a substantial re-write of the *Plan* document and maps. Further, on January 1, 2010, “any program or action that affects land use” will have to be consistent with locally adopted comprehensive plans—including zoning and subdivision ordinances, annexation, and transportation improvements. Based on these two deadlines, the Town should update its *Comprehensive Plan* before the year 2020 (i.e., ten years after 2010), at the latest. The Town should continue to monitor any changes to the language or interpretations of the State law in coming years.

## D. Consistency Among Plan Elements

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The State comprehensive planning statute requires that the implementation element “describe how each of the elements of the Comprehensive Plan shall be integrated and made consistent with the other elements of the Comprehensive Plan.” Preparing the various elements of the *Town of Berry Comprehensive Plan* simultaneously has ensured that there are no known internal inconsistencies between the different elements of this *Plan*.

## E. Interpretation of This Comprehensive Plan

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The Town of Berry, through its Plan Commission and Board, reserves the right to interpret this Comprehensive Plan, as to any alleged ambiguity, inconsistency, or claimed intent of the Town. In the event of claimed ambiguity, inconsistency or uncertain intent, the Town will hold a public

town meeting to decide upon or clarify an issue, publish town decision with a public hearing with at least 30 days notice and will enact a formal clarification of the Town plan.

If the Town of Berry leaves Dane County Zoning pursuant to Wis. Stat. §60.23(34), all references to Dane County, as well as its Committees, Boards, staff and Ordinances, herein shall immediately be deemed removed from this Comprehensive Plan and replaced by the appropriate Town Commission, Board or Ordinance serving the function previously served by Dane County, or its Committees, Boards, staff and Ordinances.



# **ATTACHMENT A: RURAL DEVELOPMENT GUIDELINES**

## **SUPPLEMENT TO CHAPTER 7**



# **ATTACHMENT B: PREFERRED SITE DEVELOPMENT PROCESS**

## **RURAL DEVELOPMENT GUIDELINES: SUPPLEMENT TO CHAPTER 7**



## ATTACHMENT C: DEFINITIONS

