

**TOWN OF COTTAGE GROVE  
PLAN COMMISSION RESOLUTION 2016-01**

**RECOMMENDING APPROVAL OF PRELIMINARY PLAT FOR  
VINEY'S ADDITION TO SKY HIGH**

**WHEREAS**, on June 29, 2016, Donald Viney ("Petitioner" or "Developer") submitted a preliminary plat for Viney's Addition to Sky High (the "Preliminary Plat"), which is located in the Town of Cottage Grove, Dane County, WI; and

**WHEREAS**, the Petitioner's application states that the Preliminary Plat will contain 15 single family residential lots, and maps indicate that the Preliminary Plat will be immediately adjacent to single family residential plats known as the Rolling Wheels 2<sup>nd</sup> Addition and the 3<sup>rd</sup> Addition to Sky High; and

**WHEREAS**, the Petitioner has requested approval of the Preliminary Plat and rezoning of the lots within the Preliminary Plat; and

**WHEREAS**, the Town Planner and Town Engineer have reviewed the request, prepared separate reports dated July 14, 2016 (collectively hereafter, the "Reports"), and submitted the Reports to the Town Clerk for consideration by the Plan Commission and Town Board, which Reports are incorporated herein by reference; and

**WHEREAS**, the Plan Commission has considered public input, the Preliminary Plat and the Reports, and wishes to recommend to the Town Board conditional approval of the Preliminary Plat, subject to Petitioner satisfactorily addressing the concerns and issues raised in the Reports to the satisfaction of the Town Board and the Town's consultants, all as set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Plan Commission of the Town of Cottage Grove as follows:

The Town of Cottage Grove Plan Commission recommends that the Town Board **Conditionally Approve** the Preliminary Plat for Viney's Addition to Sky High (Petitioner Don Viney) located in Lot 1, CSM No. 3894, and in the SE ¼ of the SW ¼, Section 21, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin, subject to the following conditions:

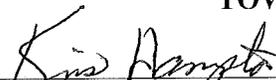
1. The Petitioner shall obtain approval for the Plat from all other approving authorities, as required by law.
2. The Petitioner shall address the technical comments set forth in the Planner's Report to the satisfaction of the Town Planner, Town Attorney and Town Board.
3. The Petitioner shall address the technical comments set forth in the Engineer's Report to the satisfaction of the Town Engineer, Town Attorney and Town Board.
4. Prior to the Town's inscription of the Final Plat, the Petitioner shall present to the Town Clerk the following fully executed original documents:
  - a. A Developer Agreement, in a form satisfactory to the Town Board, Town Attorney and Town Engineer, covering the installation of public improvements for the proposed development

including security acceptable to the Town Board, Town Attorney and Town Engineer and in the amount of 120 percent of the cost of the public improvements.

- b. A Declaration of Covenants and Restrictions, in a form satisfactory to the Town Board, Town Attorney and Town Planner, ensuring the quality of the development and the representations made to the Town.
  - c. A Stormwater Management Agreement, in a form satisfactory to Dane County, Town Board, Town Attorney and Town Engineer, for all stormwater management facilities.
5. The Petitioner shall obtain approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Cottage Grove, Dane County, and the Wisconsin Department of Natural Resources (WDNR).
  6. The Petitioner shall obtain approval of the Construction Plans and Specifications, in a form satisfactory to the Town Engineer, for all public improvements prior to construction.
  7. The Petitioner shall obtain approval of the Preliminary Plat from the Cottage Grove Fire Department and the Deer-Grove EMS Inspector (or designee). The Petitioner shall comply with any and all recommendations by the prior to the Town signing the Final Plat.
  8. The Petitioner shall satisfy the Town of Cottage Grove's requirement for Fees in Lieu of Land Dedication, prior to the Town signing the Final Plat.
  9. The Petitioner shall satisfy the requirements of the Dane County Transfer of Development Rights ("TDR") Programs, as opted-in to by the Town of Cottage Grove, prior to the Town signing the Final Plat.
  10. The Petitioner shall obtain rezoning of the lots from Dane County as R-1 Residential
  11. The Petitioner shall install appropriate amenities to the development as required by the Town Board.
  12. The Petitioner shall promptly reimburse the Town of Cottage Grove for all costs and expenses incurred by Cottage Grove in connection with the review and approval of the Preliminary and Final Plat, including, but not limited to, the cost of professional services incurred by the Town of Cottage Grove for the review and preparation of required documents, attendance at meetings or other related professional services.
  13. This recommendation to the Town Board shall expire at the earlier of (a) termination of the Village of Cottage Grove's Waiver of its ETJ over the area included in the Preliminary Plat, or (b) twenty-four months from the date of adoption.

The above and foregoing Resolution was duly adopted at a meeting of the Plan Commission of the Town of Cottage Grove held on the 18<sup>th</sup> day of July, 2016, by a vote of 7 in favor and 0 opposed.

**TOWN OF COTTAGE GROVE PLAN COMMISSION**

  
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Kris Hampton, Plan Commission Chair

Attested by:  
  
\_\_\_\_\_  
Plan Commission Member

**Incorporated by Reference:**

Exhibit A      Report from Town Engineer  
Exhibit B      Report from Town Planner

July 14, 2016

Ms. Kim Banigan  
Town Clerk  
Town of Cottage Grove  
4058 C.T.H. N  
Cottage Grove, WI 53527

Subject: Viney's Addition to Sky High  
Preliminary Plan Review

Dear Kim:

Town & Country Engineering, Inc. has reviewed the following documents:

- A preliminary grading plan and erosion control plan dated June 1, 2016 that was received from the Town via email on June 15<sup>th</sup>.
- A preliminary plan entitled 'Viney's Addition to Sky High' dated June 15<sup>th</sup>, 2016 received from the Town via email on June 16<sup>th</sup>, 2016.
- A conceptual plan entitled 'Conceptual Plan Viney's Addition to Sky High' not dated but labeled 160062-PPv3.dwg, received from the Town via email on June 16<sup>th</sup>, 2016.
- A preliminary plan entitled 'Preliminary of Viney's Addition to Sky High' dated June 15<sup>th</sup>, 2016 received from the Town via email on June 30<sup>th</sup>, 2016.
- An undated, untitled plan with aerial background received from the Town via email on June 30<sup>th</sup>, 2016.

We have reviewed these documents with respect to the preliminary plat provisions of Chapter 15 of the Town's Code of Ordinances—Land Division and Planning Cod—and submit the following comments for your consideration. It is our understanding, that the Town's planner, Mark Roffers, has reviewed these documents with respect to relevant zoning ordinances and the Town's Comprehensive Plan so our comments do not address these areas.

We have received additional documents regarding grading and stormwater management within the last three days from the developer's engineer. However, because this technical submittal is not yet complete and was not submitted through the Town office, we have not completed a formal review of these documents.

The following comments reference a specific ordinance section.

15.3.2.1 This section requires that the developer file ten (10) copies of the plat with the Town clerk and send copies of the plat to local utilities such as gas,

electric and telephone. We are not aware of comments being received from these utilities. This utility review may help avoid costly conflicts and not having appropriate easements to accommodate utilities or have utility easements in conflict with drainage easements. Other authorities such as the Dane County Highway Department should be contacted in the event grading is necessary within County Highway N right-of-way or if drainage from the development discharges into County right-of-way. If discharge from potential stormwater facilities located in Outlot 1 onto County right-of-way is not permitted by the County, this could be a considerable obstacle in accommodating the drainage for the development. This issue should be resolved early in the development process to confirm that proposed drainage will work.

15.4.1.2 The location sketch should include existing streets to show the relationship between the plan and the surrounding area.

15.4.2.1 The exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby shall be shown on the plat.

15.4.2.2 The elevation Datum shall be plainly labeled on the plat.

15.4.2.4 All section lines and quarter section lines within the exterior boundaries or immediately adjacent to the plat should be labeled appropriately on the plat.

15.4.2.6 The type, width and elevation of existing street pavements on streets or roadways adjacent to the plat should be noted on the plat.

15.4.2.7 The location, size and invert elevations of all existing culverts should be shown on the plat. Any existing utility poles, pedestals or underground utilities should be shown on the plat. (The preliminary plan extends out to the centerline of County Highway N.)

15.4.2.8 Locations of all existing structures and driveways and other significant features within the area being subdivided or immediately adjacent to should be shown on the plat. Note that Lots 7 and 8 have existing buildings and the certified survey maps north of Lots 6 and 7 also have buildings that should be shown.

15.4.2.9 Location, width, length, bearing and names of all proposed streets should be shown on the plat. Only the right-of-way width is shown.

15.4.2.12 Where street have curves, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. Curves should show chord lengths, bearings and arc lengths and be labeled. This was not done.

15.4.2.16 All lots and outlots should be labeled with dimensions and bearings as well as lot numbers. This was not done.

15.4.3 Street Plans and Profiles. This section requires the submittal of preliminary street plans and profiles. We have not received any of this information.

15.4.4.2 Dane County will determine if the site is suitable for private onsite wastewater treatment systems in compliance with Wis. Admin. Code. However, the Town may also want to require that prior to approval of the preliminary plat, the subdivider confirm that the site is suitable for septic systems, that there is enough space for each system, and that adequate spaces for potential replacement systems exist.

15.8.4.2.1 Cul-de-Sac streets designed to have one end permanently closed shall not exceed 1,000 feet in length. The extension of Bass Road ending in a cul-de-sac exceeds this length as measured from the Crestview Drive intersection. (The cul-de-sac is over 1200 feet from the center of the intersection to the center of the turn-around.) The length from the new stub "proposed street" intersection with Bass Road to the end of the cul-de-sac is less than 1000 feet, however, the new "proposed street" stub is also a dead end street as it is presently shown. Functionally, this development will be a dead end street greater than 1,000 feet in length.

15.8.6.2 Blocks in residential areas shall not be less than 600 feet. The location of the "proposed street" intersection with Bass Road is roughly 450 feet from the center of the intersection of Bass Road with Crestview Drive.

15.8.9.5 Drainage easements should be labeled as such and the Town should consider limiting these easements to drainage purposes only. Prohibitions against planting trees or shrubs, construction of any structures or placement of any septic systems within easement areas should be considered. The easement areas should not be allowed to be considered as eligible 'replacement area' for septic fields or overlap with utility easements.

15.9.3.3 This section specifies that at the time of the preliminary plat, the Town Engineer shall prepare a study of the drainage basin or subbasin in which the plat or project is located to determine the design and routing, and of storm sewer and storm water drainage facilities throughout such basin. If such study determines that it is necessary to increase the capacity of the facilities which are to be constructed within the plat or project to enable them to serve the entire basin or subbasin, the Engineer shall then determine that portion of the estimated cost of constructing the required storm sewers and storm water drainage facilities which is attributable to such increase in the capacity of the facilities. Although Town & Country Engineering, as Town Engineer, could do such a study, the developer's engineer will have to do the same work in order to obtain County and State stormwater management permits. Therefore, this

ordinance requirement is best handled by the developer's engineer preparing the plan subject to review and approval by the Town Engineer.

Drainage and stormwater management is a major concern in this development. It is apparent from the contours that drainage easements will be required between lots in some locations and along some back lot lines. County and State stormwater management regulations require public body maintenance guarantees for all stormwater management facilities. As a practical matter the Town will be assuming responsibility for function and for major maintenance of primary drainage channels, detention ponds and biofiltration facilities within the development. Truck access to allow such maintenance is a paramount concern. The development configuration shown on the preliminary plan does not allow a lot of room for drainage easements. We suggest that if the Town decides to approve the plan as submitted as a preliminary plat, any approval be contingent upon creation of a satisfactory drainage/stormwater management plan with contingencies structured such that changes in the lot dimensions and layout can be mandated by the Town to address future stormwater management maintenance concerns. Again, it is strongly recommended that utility easements and drainage easements do not overlap.

Another concern we wish to raise is the relationship of this development and the "proposed street" to possible future development to the north. Construction of stub streets, such as the "proposed street" can be very problematic with regard to design, use and maintenance unless there is a specific development plan, including drainage consideration, for the area to which that street will connect. We recommend that any approval of the preliminary plan, as submitted, be contingent upon the developer or the Town doing sufficient planning for the property to the north that we can all be assured that this stub street is not only in the logical location, but also can be constructed so that it isn't a problem in the future.

We have received some submittals directly from the developer's engineer. We respectfully request that, in the future, all submittals go through the Town office with an appropriate number of copies, so that we might all stay "on the same page" regarding which versions of which documents are being reviewed.

Please feel free to contact me with any questions regarding our review.

Sincerely,  
TOWN & COUNTRY ENGINEERING, INC.



Thomas J. TeBeest, P.E.  
Project Engineer

TJT



**TO:** Town of Cottage Grove Board and Plan Commission

**FROM:** Mark Roffers, Town Planner

**DATE:** July 14, 2016

**RE:** Viney's Addition to Sky High Subdivision

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**Requested Approvals:** Preliminary plat and rezoning.

**Scope of My Review:** I reviewed this preliminary plat against provisions, maps, and other information in the Town's Comprehensive Plan and the County's zoning ordinance. The Town Land Division and Planning Code requires that plats be consistent with the Town's Comprehensive Plan and with zoning regulations. In this memo, I offer some technical and procedural comments for consideration against the Town Land Division and Planning Code. I did not comprehensively review the plat against Town ordinances or procedures, as the Village Engineer and Attorney are charged with these assignments.

**Location:** Parcel #0711-213-9720-7. Immediately west of CTH N, north of the Rolling Wheels 2<sup>nd</sup> Addition plat, and east of the 3<sup>rd</sup> Addition to Skyhigh plat. The proposed plat area is near the southern edge of the Village of Cottage Grove's extraterritorial plat review jurisdiction, though the Village has waived its review authority for this property for two years.

**Current Land Use:** West side of 11.4 acre parcel is used as cropland, and east side as single family house and outbuildings with driveway onto CTH N.

**Proposed Use:** Demolition of existing residence and outbuildings, and closure of driveway on CTH N. Development of 15 single family lots ranging from 0.51 to 1.10 acres each. Easterly extension of Bass Road from 3<sup>rd</sup> Addition to Skyhigh, and road stub to undeveloped lands to north. 0.73 acre outlot along CTH N, presumably for stormwater management purposes.

**Current Zoning:** A-2(8) Agriculture

**Proposed Zoning:** R-2 Residence District, which has a 20,000 square foot minimum lot size and 100 foot minimum lot width at the setback line. R-2 differs from the more commonly used R-1 district as follows:

<i>Standard</i>	<i>R-1</i>	<i>R-2</i>
Maximum impervious surface	30% for interior lots; 35% for corner lots	35% for interior lots; 40% for corner lots
Interior side yard building setbacks	10 feet	Total 25 feet on both sides, with neither less than 10 ft
Rear yard building setback	50 feet	35 feet

The TDR-R Receiving Area overlay zoning district will also be required for this site; see analysis below.

**Surrounding Existing Land Use (and Zoning):**

North: Two residences and cropland (zoned A-2(8))

East: CTH N, farmland (mostly zoned A-1 Ex)

South: Rural single family residential subdivision, with lots typically in the ¾ acre range, and with no access into proposed Viney plat area (zoned R-1 Single Family Residential)

West: Mostly rural single family residential subdivision, with lots typically in the ¾ acre range, and with road access into proposed Viney plat area (zoned R-1 Single Family Residential, except for 1 lot immediately to west of proposed plat that is zoned B-1)

**Analysis Against Town Comprehensive Plan:**

1. Future Land Use Designation: The proposed rezoning and plat are consistent with the future land use recommendations in the Town’s Comprehensive Plan. Per Map 10 in Comprehensive Plan, this 11.4 acre plat area is within a larger “Neighborhood Development Area” (see attached Map 10). Per Figure 7 of the Comprehensive Plan, also attached, the purpose of the Neighborhood Development Area designation is as follows:
  - Map over and near pre-existing areas of rural residential subdivisions, for residential uses served by private waste treatment systems.
  - Promote sustainable residential development by encouraging infill around existing development and incorporating principles of conservation neighborhood design.
  - Provide opportunities for a range of single family housing choices, including estate and affordable single family housing.

Figure 7 suggests that the requested R-2 zoning district can be an acceptable option for mapped Neighborhood Preservation Areas. That being said, surrounding subdivisions are all zoned R-1; the need for R-2 (versus R-1) zoning is unclear, and the setbacks that are shown on the preliminary plat map are consistent with R-1 requirements. For these reasons, and others I mention later in this report, R-1 may still be the better option. If R-2 zoning is what is ultimately applied, the discrepancy between setbacks on the plat and those allowed under R-2 zoning should be reconciled. In any case, the “building setbacks” exhibit on the plat should clearly indicate which is the front yard and which is the back yard, and that the side yards are intended as interior (and not corner) side yards.

Map 10 also maps “Resource Protection Corridors” over wetlands, floodplains, steep slopes, and shoreland setback areas. There is no Resource Protection Corridor mapped within the proposed plat area. The Comprehensive Plan also does not include any recommended park space in the plat area.

The proposed plat area is also designated within a “Non-farm planning area” within the Dane County Farmland Preservation Plan, which is consistent with the Town’s Neighborhood Preservation Area designation.

2. Proposed Lot Sizes: Through Figure 7, the Town has the following lot size policies for mapped

Neighborhood Preservation Areas, including my analysis in italics:

- Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended). *All proposed lots are over 20,000 square feet, which is also the minimum in the R-1 and R-2 zoning districts. If not already done, the applicant should submit soil tests verifying that the soils are suitable for septic systems on ½ acre lots. Upon receipt, I suggest that the Town Engineer verify that each lot is suitable for an on-site waste treatment system. If unsuitable, the final plat may need to be adjusted accordingly. This recommendation is consistent with, and detailed within, Section 15.4.4 of the Town’s Land Division and Planning Code.*
- Maximum lot size is 1 acre, except to the minimum greater size necessary due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character, as determined by the Town Board. *There is only one proposed lot that would be over 1 acre in area (Lot 7), and in my opinion it meets these Town Plan criteria. Rural character is better preserved through the added lot depth on CTH N, and zoning dimensional standards would not allow Lot 7 to instead be divided into two lots.*

There is a pending amendment to Section 15.8.7.4 of the Town Code, regarding lot sizes/plat density, to refer to the above provisions.

3. Relationship to Town’s TDR Program: Because the proposed plat area being within a Neighborhood Development Area on Map 10, it also requires the acquisition and transfer of development rights (“Residential Density Units”) to develop. In my opinion, the subdivider will be required to acquire two Residential Density Units from lands mapped in the Agricultural Preservation Area in the Town’s Plan. The Town’s TDR program rules are described in Figures 3 and 7 of the Town’s Comprehensive Plan, and supplemented by TDR rules and procedures in the Dane County zoning ordinance. The TDR program has some very specific procedures that need to be followed, as documented in the “TDR Program Procedures” section of Figure 3. The Town and subdivider should refer to these procedures regularly during the rezoning, preliminary platting, and final platting process. The Village Attorney’s memo also addresses TDR.
4. Development Policies for Neighborhood Preservation Area: Figure 7 indicates that the Town will require that at least 80% of the following conservation neighborhood design standards be met in the development of new residential subdivisions. The following are these standards, plus in italics my analysis of the performance of this plat against these standards. In my opinion, with further effort in later development stages, this project will be able to meet 80% of standards.
  - a. Minimize visibility of development from main roads through natural topography, vegetation (e.g., tree lines, wooded edges), and setbacks. Minimize placement of lots in open fields. *This standard can be met, in my opinion. See also standard b. below. The proposed subdivision is nestled among existing subdivisions, and two residences on larger lots near CTH N to the north. I recommend that the final plat delineate specific “buildable areas” for Lots 7 and 8 so that new house placement is close to the cul-de-sac bulb, not CTH N. Relatedly, Section 15.8.3.1 of the Town Code indicates that, “in residential districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to a railroad right-of-way or a limited access arterial street. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: “This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30*

*feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner.” This area and note should be included on the final plat.*

- b. *Back lots onto county, state, and federal highways, designing deeper lots and landscape bufferyards into these areas. The proposed plat is designed according this standard. I recommend that, with the final plat, the engineering plans for the Outlot 1 include appropriate basin and tree plantings, perhaps to allow it to resemble a savannah habitat. The existing white fence along CTH N should either be repaired or removed. Proposed Lot 7 already has dense vegetation along CTH N. I also recommend that, with the demolition of existing buildings on Lot 7, adequate protections (e.g., deed restriction, note on plat, and/or development agreement) require that existing trees near the west and north property lines be preserved. Also, could the proposed septic tank and drain field shown on the concept plan be moved west to better facilitate tree preservation?*
- c. *Preserve mature trees and tree lines wherever possible. Nearly every mature tree on the 11.4 acres is in a perimeter location that should enable preservation, with careful planning and grading. In addition to the trees described above, there are also mature trees near the south property line (near rear lines of proposed Lots 8-15). The minimum rear yard building setback in the R-1 district of 50 feet would help with tree preservation there. The R-2 minimum of 35 feet would be less helpful, and would be different than what existing lots in the Rolling Wheels plat to the south had to meet. Further, the concept plan suggests that septic systems would be no closer than 20 feet from the south property line. If there is not already a regulation that requires a 20 foot system setback, I suggest consideration of a final plat restriction or covenant to this effect. Also, within the proposed covenants for the subdivision, I recommend inclusion of mature tree preservation provisions, and a note on the final plat referring to provisions. Covenants should be submitted with the final plat, per Sections 15.4.5 and 15.5.3 of the Town Code.*
- d. *Include an interconnected network of streets meeting Town road standards. Standard met, pending Town Engineer confirmation that roads meet Town Road standards in subdivision ordinance. The proposed plat includes Bass Road extension, and future road connection to the north, into lands that the Town also plans within this same “Neighborhood Development Area.” A road name for that street stub should be indicated on the final plat. The development pattern of the Rolling Wheels subdivision does not allow a direct road connection to the south. Dane County has indicated that it would allow a Bass Road connection to CTH N only if two unrelated driveways to the north and Natvig Road were closed to CTH N. Even were that unlikely event to happen, such a connection may conflict with other Town standards, and/or would increase through traffic in the area by providing a direct connection between CTH N and Vilas Road. The cul-de-sac ending near CTH N seems reasonable with this information.*
- e. *Design streets and lot layouts to blend with natural land contours. Standard met at this stage, but the final grading plan should be prepared with this standard in mind. There may need to be some regrading to meet street design standards in the Town Code. The size and shape of this 11.4 acre parcel does not provide many other layout alternatives.*
- f. *Limit cul-de-sacs except where topography, environmentally sensitive areas, or the pre-existing development pattern in the area necessitates their use. Plat includes a cul-de-sac, which may not be necessary, but is reasonable here.*

- g. Integrate natural resources into the subdivision design as aesthetic and conservation landscape elements. *Standard can be met with thoughtful design and restrictions. Based on my initial screening, the site does not appear to have significant natural resource elements (but see further comments below). The project should meet the above recommendations regarding mature tree preservation. Further, the stormwater outlot should be thoughtfully designed to appear as much as a landscape as a functional element, particularly given its visibility along CTH N.*
- h. Restore the quality and continuity of degraded environmental areas within the subdivision, such as streams and wetlands. *No known degraded environmental areas, based on my Dane County DCIMap and Town Comprehensive Plan screening.*
- i. Encourage stormwater management treatment systems that focus on Best Management Practices (BMPs). BMPs may include overland transfer, natural landscaping to increase infiltration and reduce runoff, bio-infiltration systems, and maximum impervious surface ratios for development sites. *This standard should influence the design of the stormwater management system, to be prepared by the applicant's engineer and reviewed by the Town Engineer. In addition, I recommend that the covenants to be submitted with the final plat include provisions to promote on-lot progressive stormwater management and infiltration techniques, such as native vegetation, maximum impervious areas, or others. The lower impervious surface ratios in the R-1 district would seem more in line with this standard than the R-2 ratios, which is another reason I believe R-1 is the better option.*
- j. Provide vegetative buffers of at least 75 feet between building sites and wetlands and streams. *Not applicable.*
- k. Provide wide areas for public access to parks and common open spaces. *Not applicable. No parks are proposed in the plat area (stormwater outlot does not qualify). Instead, this plat will be subject to fees-in-lieu of parkland dedication. The plat area is within ½ mile of the existing Bass Park, which suggests that it is adequately served by parkland.*
- l. Maximize common open space in the neighborhood through public dedication and/or private management through a homeowner's association with conservation easements. *The only "common space" in the proposed subdivision would be Bass Road and the stormwater Outlot 1. The final plat should clearly indicate the intended owner and function of Outlot 1. Maintenance responsibilities for the outlot and associated stormwater basin should be specified in the development agreement and perhaps a separate, ongoing maintenance agreement. Also, as suggested above, I advise that Outlot 1 double as a landscape element too given its visibility from CTH N. Particularly if the stormwater design allows for a fair amount of upland area in that outlot, I suggest consideration of a public access easement on the final plat between Lots 7 and 8, extending from the cul-de-sac bulb and the outlot. An easement in this location for outlot maintenance might be warranted anyway, depending on Town Engineer review.*
- m. Create pedestrian trails through open space areas, allowing for future connections to other parcels and parts of the Town. *Proposed open space areas do not really allow for an internal trail network. Roads should be designed with an eye to accommodating pedestrians as well as cars.*
- n. Require new homes to meet Energy Star standards or otherwise incorporate specific energy efficiency techniques into the development. *I recommend that this standard be*

*addressed through appropriate provisions in the covenants. There are different models of energy and water-efficient covenant standards that could be included in covenants. Coordinating with the strengths and capabilities of proposed home builders may make sense before developing specific standards.*

5. Compliance with Other Town Plan Recommendations

- a. The Town’s vision statement on Page 4 “guides housing development away from farming areas and towards developed areas.” The Plan also indicates a Town desire to “direct new subdivisions and other major non-agricultural developments away from the Agricultural Preservation Area, by planning for denser developments in other areas and via the Town’s Transfer of Development Rights (TDR) program” (page 7) and “direct rural subdivisions and other non-farm rural developments close to already-developed lands—specifically Neighborhood Development Areas and Commercial Development Areas on Map 10.” *Residential development on these 11.4 acres is consistent with this broad vision and goals.*
- b. Policy 4 on page 11 indicates that “before approving any changes in land use, consider the impact of the change on wildlife habitat, potential locations of rare plant and animal species, and archeological sites. The presence and locations for rare species are available from the Wisconsin Department of Natural Resources and for archaeological sites from the State Historical Society.” And Policy 2 on page 12 indicates that the Town will “encourage preservation of historically significant structures and archeological resources when specific sites are proposed for development and during highway projects.” *Prior to the submittal of the final plat, the subdivider should determine whether state records or site evaluation suggests any rare plant or animal species, archaeological sites, or historically significant structures on the property. If found, the final plat or the remaining development process should be adjusted accordingly.*
- c. The transportation policies on page 42, discourage use of Town roads for through traffic, support access control and rural character objectives by discouraging large amounts of “side of the road” development and multiple driveways on main roads, and require interconnected new roads in planned development areas to control highway access. *The proposed development, including the cul-de-sac, appears to advance these policies. As anticipated from the original design of the 3<sup>rd</sup> Addition to Skyhigh, Bass Road was always intended to be extended. The extension of Bass Road with a cul-de-sac near CTH N promotes interconnectivity between subdivisions—or perhaps more appropriately different phases or additions of the same neighborhood. The proposed street layout does not promote “through traffic” of non-neighborhood traffic through the neighborhood. The alternative of direct access to CTH N to this new plat area—perhaps as the only access—is both inconsistent with Town Plan policies and with County rules.*
- d. Policy 6 on page 49 indicates that the Town will “carefully evaluate proposed large on-site wastewater treatment systems, or groups of more than 20 systems on smaller lots (<2 acres) in the same area, to ensure that groundwater quality standards are not impaired. The Town may require that the property owner or developer fund the preparation of a groundwater impact analysis from an independent soil scientist or other related professional.” *This supports the earlier recommendation that soil tests be submitted and analyzed to determine the suitability of the lots for on-site systems. The concept map that has already been submitted, showing how septic systems may fit on the lots, is not in my opinion sufficient.*

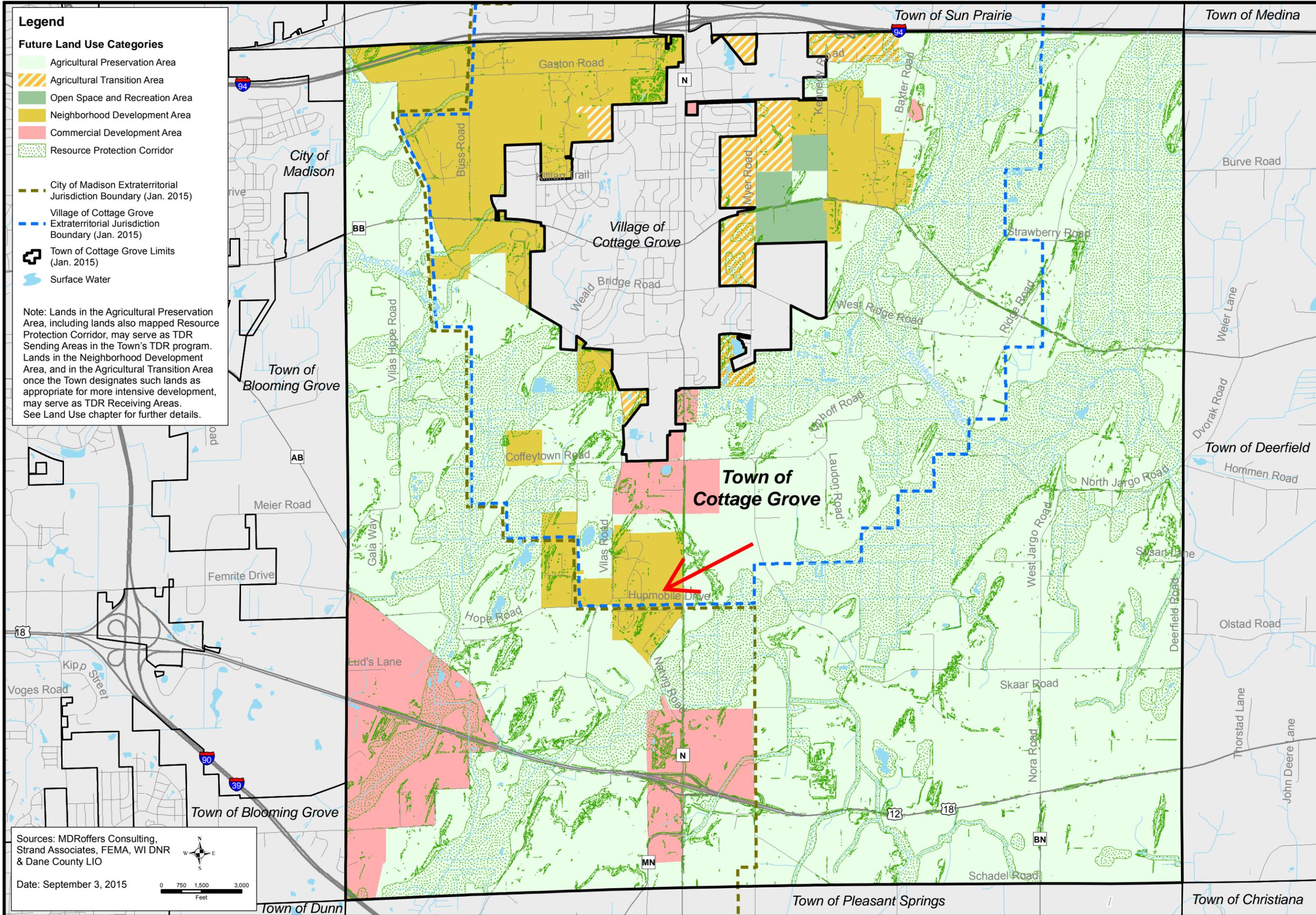
**Legend**

**Future Land Use Categories**

- Agricultural Preservation Area
- Agricultural Transition Area
- Open Space and Recreation Area
- Neighborhood Development Area
- Commercial Development Area
- Resource Protection Corridor

- City of Madison Extraterritorial Jurisdiction Boundary (Jan. 2015)
- Village of Cottage Grove Extraterritorial Jurisdiction Boundary (Jan. 2015)
- Town of Cottage Grove Limits (Jan. 2015)
- Surface Water

Note: Lands in the Agricultural Preservation Area, including lands also mapped Resource Protection Corridor, may serve as TDR Sending Areas in the Town's TDR program. Lands in the Neighborhood Development Area, and in the Agricultural Transition Area once the Town designates such lands as appropriate for more intensive development, may serve as TDR Receiving Areas. See Land Use chapter for further details.

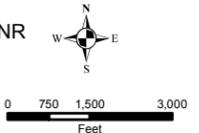


**FUTURE LAND USE**

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN  
DANE COUNTY, WISCONSIN

Sources: MDRoffers Consulting, Strand Associates, FEMA, WI DNR & Dane County LIO

Date: September 3, 2015



**MAP 10**

**Figure 3: Transfer of Development Rights (TDR) Program**  
**TDR Program Purpose**

The Town of Cottage Grove has adopted and utilizes a transfer of development rights (TDR) program, which has the following purposes:

- Maintain the Town's rural, agricultural character.
- Preserve large viable areas of farmland with a minimum of non-farm divisions.
- Allow farmers to collect a reasonable non-farm value on their land without dividing lots.
- Transfer RDUs towards areas of existing development and services.

**TDR Program Procedures**

1. Town participation in the Dane County TDR Program is established through Section 15.15 of the Town Land Division and Planning Code and Sections 10.158 and 10.159 of the Dane County Zoning Ordinance. These County zoning ordinance sections have procedures implementing the Town's TDR program, beyond those listed below.
2. The Town maintains a list of owners interested in selling RDUs under the TDR program. To be included on that list, an interested property owner should contact the Town Clerk, indicating the number of RDUs he/she would potentially be interested in selling/transferring from the property. That number will be subject to confirmation by a density study performed by Dane County, based on remaining RDUs on the land.
3. Lands within each TDR Receiving Area will require rezoning to a rural homes or residential underlying zoning district, along with a TDR-R Receiving Area Overlay Zoning District. In an effort to facilitate use of the TDR program, the Town and County in 2011 completed a blanket rezoning of numerous areas within the planned Agricultural Preservation Area to the TDR-S Sending Area Overlay Zoning District. If, however, the TDR Sending Area parcel was not among those rezoned to TDR-S in 2011, the Sending Area parcel would need to be zoned into the TDR-S district.
4. Prior to each rezoning and land division/subdivision application associated with a TDR transaction, the Town encourages the Receiving Area developer to first secure an option to purchase (or another legally recognized tool) to enable the future purchase of RDUs from a Sending Area owner. The developer is encouraged to not complete the final transaction to acquire RDUs at this time, in the event that not all required development approvals can be secured after this time for whatever reason.
5. To assure that the conveyance of RDUs is properly tracked on each Sending Area property, RDUs are in fact conveyed, and the sending area property is restricted, a "Grant of Limited Conservation Easement, Transfer of Development Rights" ("TDR Easement") shall be executed and recorded over the Sending Area property each time an RDU is sold or transferred under the TDR program. The TDR Easement must meet, at a minimum, all of the requirements of Section 10.01(75m) and 10.158(3)(b) of the Dane County Zoning Ordinance.
6. To note the use of RDUs within the Receiving Area, a "TDR Notice Document" shall be recorded against all new lots in the Receiving Area. The TDR Notice Document must, at a minimum, meet all of the requirements of Section 10.01(41m) and 10.159(3)(c) of the Dane County Zoning Ordinance.
7. County zoning will become effective and the subdivision plat or CSM may be recorded only after evidence is provided to the Town and the Dane County Zoning Administrator that the required TDR Easement is recorded against the Sending Area. Also, before obtaining zoning and building permits for new development in the Receiving Area, the developer must provide all of the following to the Town and the Dane County Zoning Administrator:
  - a. TDR Notice document on the affected Receiving Area lot.
  - b. A letter from the Town of Cottage Grove Plan Commission indicating that the TDR transaction is consistent with transfer ratios, siting criteria, and all other applicable policies of the *Town of Cottage Grove Comprehensive Plan* and applicable ordinances.
  - c. A letter from the Dane County Department of Planning and Development, Planning Division indicating that the TDR transaction is consistent with the Dane County Comprehensive Plan and Zoning Ordinance.



### TDR Sending Areas

1. TDR Sending Areas are lands from which development rights (RDUs) could be transferred away through (a) the rezoning of such lands to the County's TDR-S Overlay Zoning District, (b) the recording of a TDR Easement against such lands. The 2011 rezoning zoned most eligible properties TDR-S already.
2. To qualify as a Sending Area, the land must be planned as an Agricultural Preservation Area on Map 10: Future Land Use and have at least one RDU to transfer.
3. At the time of an RDU transfer, the Sending Area land must be zoned A-1(EX) or A-4 and also be rezoned into Dane County's TDR-S Overlay Zoning District (if not already) and be subject to a TDR Easement, which will not alter the underlying A-1(EX) or A-4 zoning.

### TDR Receiving Areas

1. TDR Receiving Areas are those areas to which development rights (RDUs) may be transferred, enabling greater development density than would otherwise be allowed in exchange for the permanent protection of lands within a TDR Sending Area.
2. To qualify as a Receiving Area, land must be planned in either in a Neighborhood Development Area or Agricultural Transition Area on Map 10: Future Land Use. Additional Receiving Areas in the Town may be designated as a future Town Plan amendment. TDR Receiving Areas may also be adjusted in response to intergovernmental agreements.
3. Within Town Receiving Areas, the Town Plan Commission and Town Board will consider petitions by landowners to rezone all or part of their property to a residential zoning district and the TDR-R Receiving Area Overlay Zoning District. The Town Board will support petitions to rezone and subdivide Receiving Areas based on the following criteria:
  - a. Consistent with vision, goals, objectives, and policies of this *Comprehensive Plan*.
  - b. Meets the purpose of the TDR-R district in 10.159(1) of the County Zoning Ordinance.
  - c. Minimizes the amount of land taken out of agricultural production.
  - d. Avoids lands in the Resource Protection Corridor in Map 10: Future Land Use.
  - e. Meets all policies applicable to the future land use category mapped over the land.
  - f. Creates a logical development pattern.
  - g. Avoids or minimize land use conflicts.
  - h. Has secured a sufficient number of RDUs to create the number of lots proposed.
4. A transfer ratio incentive is built in so that landowners and RDU buyers have an incentive to transfer RDUs to a Receiving Area where compact development will be more appropriate. The incentive is that someone can buy one RDU from a Sending Area and develop more than one dwelling unit with that RDU in the Receiving Area. Based on technical review and public input, the Town of Cottage Grove has determined that an economically reasonable transfer ratio is eight. A transfer ratio of eight means that, for each RDU transferred from a Sending Area to Receiving Area, the Receiving Area developer would be able to develop eight housing units above the number of housing units allocated to the May 15, 1982 parcel, provided that the developer met all other applicable regulations and policies.
5. RDUs must either be used on-site or transferred from a specific Sending Area parcel to a specific Receiving area parcel. Where legally transferred, but not immediately used for the development on a Receiving Area parcel, RDUs will remain with that Receiving Area parcel.

### Limited Additional RDU Transfer Opportunity

Outside of the main TDR program as described earlier in this figure, the Town may allow limited transfers of RDUs between any two contiguous or non-contiguous parcels under single ownership at the time of transfer under the following conditions:

1. Both parcels must be within the Agricultural Preservation Area on Map 10: Future Land Use.
2. The parcel(s) from which the RDU is proposed to be transferred must clearly have a sufficient number of RDUs left to transfer under the Town's policy. For each RDU transferred, the receiving land owner would be able to develop one housing unit above the number of housing units allocated to the May 15, 1982 parcel, provided that all other applicable regulations and policies are met.
3. The parcel to which the RDUs is to be transferred must be less suitable for agriculture use than the parcel from which the RDU is to be transferred, as determined through an evaluation of the County Land Conservation soil groupings, unless no other acceptable options are available.
4. The overall development density of the parcel to which the RDUs are to be transferred shall be consistent the purpose of the future land use category mapped over the receiving property.

**Figure 7: Neighborhood Development Area Purpose and Policies**

Purpose	
<ul style="list-style-type: none"> <li>Map over and near pre-existing areas of rural residential subdivisions and use (see Map 10), for residential uses served by private waste treatment systems.</li> <li>Promote sustainable residential development by encouraging infill around existing development and incorporating principles of conservation neighborhood design.</li> <li>Provide opportunities for a range of single family housing choices, including estate and affordable single family housing.</li> <li>Enable limited neighborhood-serving, small-scale commercial and institutional uses.</li> </ul>	
Typical Implementing Zoning Districts	
<ul style="list-style-type: none"> <li>R-1, R-1(A), R-2 Residential</li> <li>B-1 Local Business, LC-1 Limited Commercial (limited use of these districts, for neighborhood-serving commercial sites)</li> <li>Existing commercial uses/zoning districts may be expanded to include additional land.</li> </ul>	<p style="text-align: center;"><b>New Lot Sizes</b></p> <ul style="list-style-type: none"> <li>Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended).</li> <li>Maximum lot size is 1 acre, except to the minimum greater size necessary due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character, as determined by the Town Board.</li> </ul>
Relationship to Town's TDR Program	
<ul style="list-style-type: none"> <li>See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description.</li> <li>Lands in the Neighborhood Development Area may qualify as TDR Receiving Areas, per the policies in Figure 3.</li> <li>For each Residential Density Unit (RDU) transferred from a TDR Sending Area to a Neighborhood Development Area, the developer is able to develop eight housing units above the number of housing units allocated to the May 15, 1982 parcel, provided that the developer met all other applicable regulations and policies.</li> <li>For new all lots zoned residential and created after January 1, 1981, a parcel owner must have a RDU based on the acreage they own or obtain an RDU originating from a TDR Sending Area.</li> <li>Legally created lots zoned residential prior to January 1, 1981 may be developed with residences and divided without having to meet the Town's RDU and TDR requirements.</li> </ul>	

## Development Policies for Neighborhood Development Area

1. Designation of lands in the Neighborhood Development Area on Map 10: Future Land Use does not imply that an area is immediately appropriate for rezoning or guarantee that that area will develop or is even buildable. There may be challenges to building, including soil limitations and other environmental constraints.
2. For all lands designated as Neighborhood Development Area near city/village and town limits, pursue intergovernmental boundary agreements or cooperative boundary plans to further determine the type, timing, jurisdiction, services, and other aspects of future development.
3. Residentially zoned parcels which existed prior to January 1, 1981 and meet all Town, County, and state requirements related to land division are eligible for home construction and potential further division. These parcels are not subject to TDR or RDU requirements as described in Figures 2 and 3. By extension, such parcels do not have RDUs for transfer, and RDUs may not be transferred to these parcels. The intent of this policy is to facilitate residential infill development that is consistent in character to the existing residentially zoned areas. To this end, division of such lands shall result in the creation of lots with similar area, road frontage, and width-to-depth ratio as a majority of the adjacent parcels.
4. Parts of the Neighborhood Development Area, particularly near crossroads and in other locations with heavier traffic, may be appropriate for a limited range of commercial service, retail, and office uses that are compatible with a predominately residential setting. Non-residential uses, rezonings, conditional use permits, and land divisions shall not require an RDU as described in Figure 2.
5. Follow applicable requirements of the Town's Subdivision and Planning Code and Town Site Plan Review Ordinance for the development of lands within the Neighborhood Development Area.
6. Meet Town driveway ordinance requirements and permit safe access by fire trucks, ambulances, and any other emergency vehicles. The Town Board or Plan Commission may require notification of the fire chief or other emergency service provider, as well as require their approval of any driveway configuration.
7. Direct the development of private lots to areas outside of the Resource Protection Corridor on Map 10: Future Land Use and to locations that support the safe construction of on-site waste treatment systems, unless public sewer service is extended to the area.
8. Meet at least 80% of the following conservation neighborhood design standards in the development of new residential subdivisions, at the Town Board's decision:
  - a. Minimize visibility of development from main roads through natural topography, vegetation (e.g., tree lines, wooded edges), and setbacks. Minimize placement of lots in open fields.
  - b. Back lots onto county, state, and federal highways, designing deeper lots and landscape bufferyards into these areas.
  - c. Preserve mature trees and tree lines wherever possible.
  - d. Include an interconnected network of streets meeting Town road standards.
  - e. Design streets and lot layouts to blend with natural land contours.
  - f. Limit cul-de-sacs except where topography, environmentally sensitive areas, or the pre-existing development pattern in the area necessitates their use.
  - g. Integrate natural resources into the subdivision design as aesthetic and conservation landscape elements.
  - h. Restore the quality and continuity of degraded environmental areas within the subdivision, such as streams and wetlands.
  - i. Encourage stormwater management systems that focus on Best Management Practices (BMPs). BMPs may include overland transfer, natural landscaping to increase infiltration and reduce runoff, bio-infiltration systems, and maximum impervious surface ratios for development sites.
  - j. Provide vegetative buffers of at least 75 feet between building sites and wetlands and streams.
  - k. Provide wide areas for public access to parks and common open spaces.
  - l. Maximize common open space in the neighborhood through public dedication and/or private management through a homeowner's association with conservation easements.
  - m. Create pedestrian trails through open space areas, allowing for future connections to other parcels and parts of the Town.
  - n. Require new homes to meet Energy Star standards or otherwise incorporate specific energy efficiency techniques into the development.