TOWN OF COTTAGE GROVE
BOARD ORDINANCE 2020-08-03

AMENDING THE
TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN

WHEREAS, on October 28, 2015, the Town of Cottage Grove Board adopted an updated Town of Cottage Grove Comprehensive Plan (hereinafter "Plan"), under Section 66.1001(4), Wisconsin Statutes, in two volumes, with one volume titled Conditions and Issues and the second volume titled Vision and Directions; and

WHEREAS, Section 66.1001(4), Wisconsin Statutes; Section 15.20.2 of the Town Code of Ordinances; and Chapter 7 of the Vision and Directions volume of the Plan establish the required procedure for the Town to amend its Plan; and

WHEREAS, using those procedures, on August 1, 2016; June 12, 2017; June 18, 2018; and July 1, 2019 the Town Board amended the 2015 Plan; and

WHEREAS, the Town of Cottage Grove Plan Commission has the authority and responsibility to recommend amendments to the Plan to the Town Board, under Section 66.1001(4)(b); and

WHEREAS, on June 24, 2020, as a result of the Town's annual Plan review process, the Plan Commission adopted a resolution recommending that the Town Board further amend the Plan, consisting of amendments to Map 1: Jurisdictional Boundaries in the Conditions and Issues Volume as reflected in Exhibit A, Map 10: Future Land Use in the Vision and Directions volume as reflected in Exhibit B, and figures and text within the Vision and Directions volume reflected in Exhibit C.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Cottage Grove hereby approves the amendments to the Town of Cottage Grove Comprehensive Plan, as indicated in Exhibits A, B, and C.

The above and foregoing Ordinance was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 3rd day of August, 2020, by a vote of 4 in favor and 0 opposed.

TOWN OF COTTAGE GROVE

Kris Hampton, Town Chair

Attested by:

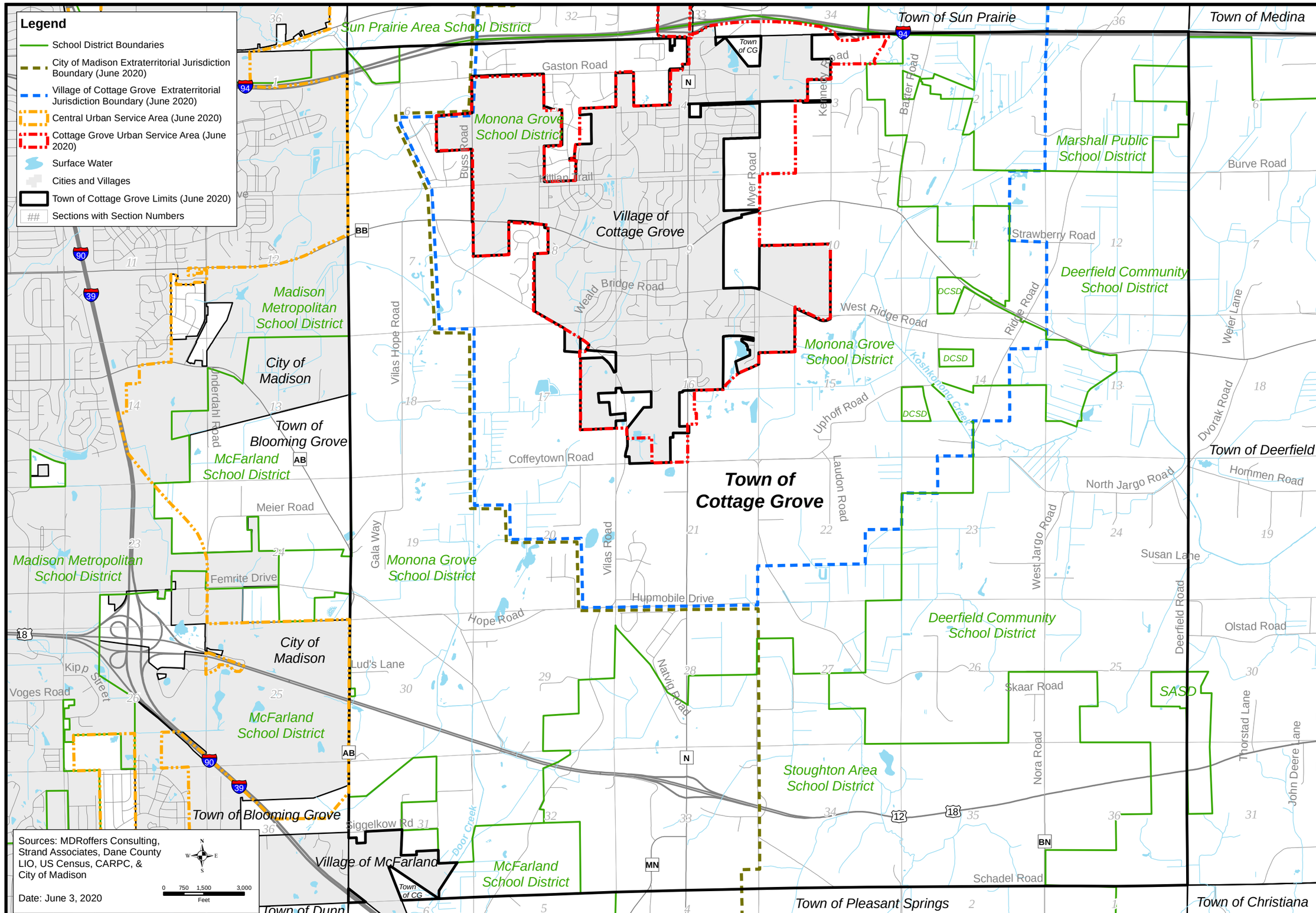
Kim Banigan, Town Clerk

Incorporated by Reference

Exhibit A: Amended Map 1, Comprehensive Plan, Conditions and Issues Volume
Exhibit B: Amended Map 10, Comprehensive Plan, Vision and Directions Volume
Exhibit C: Amended figures and text, Comprehensive Plan, Vision and Directions Volume

EXHIBIT A
AMENDED MAP 1, COMPREHENSIVE PLAN, CONDITIONS AND ISSUES VOLUME

See map on following page



JURISDICTIONAL BOUNDARIES

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN
DANE COUNTY, WISCONSIN

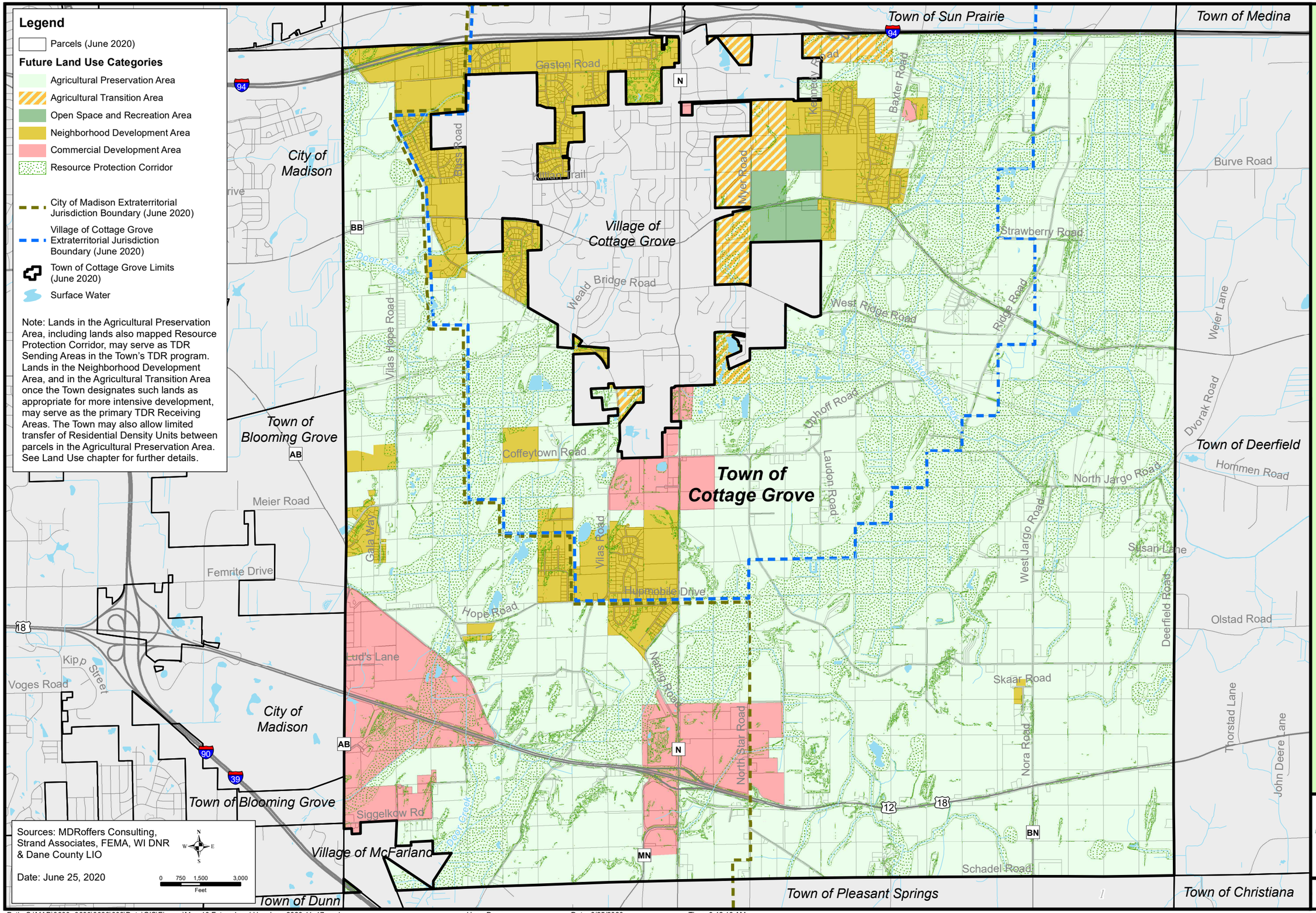
Town of Cottage Grove

MAP 1

Path: S:\MAD\3600--3699\3688\003\Data\GIS\Figures\Map 1 Jurisdictional Boundaries June 2020 11x17.mxd User: Danc Date: 6/3/2020 Time: 11:25:33 AM

EXHIBIT B
AMENDED MAP 10, COMPREHENSIVE PLAN, VISION AND DIRECTIONS VOLUME

See map on following page



FUTURE LAND USE

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN
DANE COUNTY, WISCONSIN

Town of Cottage Grove

MAP 10

Path: S:\MAD\3600--3699\3688\003\Data\GIS\Figures\Map 10 Future Land Use June 2020 11x17.mxd User: Danc Date: 6/25/2020 Time: 9:42:13 AM

EXHIBIT C
AMENDED FIGURES AND TEXT, COMPREHENSIVE PLAN, VISION AND DIRECTIONS VOLUME

See subsequent pages. Language that is underlined is new language added to the Plan; language that is ~~crossed out~~ is deleted from the Plan; language that is neither underlined nor crossed out is pre-existing language that is retained in the Plan as shown.

This *Comprehensive Plan* identifies a short set of programs or initiatives for potential implementation over the next several years. The Town's top implementation priorities include the following.

- Expand Activity in the Town's TDR Program
- Focus Commercial Development near the Highway 12/18/N Interchange
- Participate in WisDOT Planning Efforts for Highway 12/18
- Pursue Agreements with Village of Cottage Grove and City of Madison
- Update this *Comprehensive Plan* ~~in~~ by 2024-25

Finally, to keep this *Plan* a living, breathing document, the Town will also evaluate it and consider amendments ~~on an annual basis~~on a regular cycle.

Figure 1: Documents Used to Review Common Development Approval Requests

Plan or Ordinance	Applicable Plan or Ordinance Chapter or Section	Rezonings	Conditional Use Permits	Zoning Variances	Site Plan Approvals	Plats and CSMs
Town Comprehensive Plan	All ~~C~~chapters ~~3, Chapter 7~~	✓	✓	✓		✓
County Zoning Ordinance	Chapter 10	✓	✓	✓		
Town Land Division and Planning Code	Chapter 15	✓				✓
County Erosion Control and Stormwater Management Regulations	Chapter 14	✓	✓		✓	✓
Town ~~Site Plan~~Design Review Ordinance	Section 12.08		✓		✓	
Town Non-Metallic Mining Regulations	Chapter 17		✓			

RDUs and TDR

A detailed understanding of two planning and development concepts is critical to understanding the Town's land use planning and growth management direction.

Residential Density Units, or RDUs, is a system of naming and allocating the ability of property owners in the Town to develop land. Transfer of Development Rights, or TDR, is a Town program to enable RDUs to be transferred between parcels.

Figure 2 describes in detail the Town's RDU system and Figure 3 describes the Town's TDR program. Each figure is critical to understanding the policies for the different future land use categories shown on Map 10 and described in later figures in this chapter.

Future Land Use Pattern

Map 10: Future Land Use depicts the future land use pattern that the Town envisions. (Map 10 is the first map featured in the Vision and Directions volume of this *Plan*. Maps 1 through ~~4~~ 9 are in the Conditions and Issues volume.) Map 10 allocates land uses for a variety of needs anticipated by the Town, presenting recommended future land uses over a 20+ year planning period.

Map 10, along with policies in Figures 4 through 9, guide Town decision making on future land use changes. This Future Land Use map is based on an analysis of development trends; location of areas

Figure 2: Residential Density Unit (RDU) System

Purpose and Definition

A Residential Density Unit (RDU) is defined as the ability of a property owner in the Town to develop or maintain one housing unit on the same property, subject to the density and other policies in this *Plan*. Properties are allocated RDUs based on their area. The Town enables RDUs to be:

- Developed on the same parcel where they originated, in which case one RDU may be used to construct a single family residence, two RDUs may be used for one duplex, etc., based on *Plan* policies and zoning district rules;
- Transferred from that parcel to another parcel where consistent with the Town's Transfer of Development Rights (TDR) program, described in Figure 3, ~~in which~~where in some cases the number of permitted housing units per RDU may be multiplied per ~~the~~ a designated TDR transfer ratio; or
- Some combination of on-site use or transfer, if there are a sufficient number of RDUs remaining on the parcel.

Residential Density Unit (RDU) Allocation

1. All parcels that are at least 35 acres and not planned as a Commercial Development Area on Map 10: Future Land Use are assigned RDUs based on the following schedule:

Gross Area of May 15, 1982 Parcel	RDUs
35 acres or more but less than 70 acres	1
70 acres or more but less than 105 acres	2
105 acres or more but less than 140 acres	3
140 acres or more but less than 175 acres	4
175 acres or more but less than 210 acres	5
210 acres or more but less than 245 acres	6
245 acres or more but less than 280 acre	7
280 acres or more but less than 315 acres	8

2. The size of the parcel shall be expressed in whole numbers, allowing rounding of fractional amounts of ½ of greater. For example, if a property owner has 69.50 acres, it is considered 70 acres for the purpose of allocating RDUs under subsection 1 above. But if an owner has 69.49 acres, it is considered 69 acres.
3. Gross area of parcels shall be used when calculating RDUs, which may include roads, utility easements, and navigable waterways. Gross area will 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.
4. RDUs shall be determined for each parcel of land in contiguous single ownership as it existed on May 15, 1982, and shall run with that parcel going forward regardless of change of ownership or division. Land transfers occurring after May 15, 1982 do not result in new allotments of RDUs.
5. Once the RDUs associated with a particular May 15, 1982 parcel are used, no further housing units may be built upon or transferred from that parcel. The Town will require a deed restriction prohibiting further residential development on that portion of the parcel owned by the petitioner requesting the final split(s)/housing unit(s). The Town will also require a deed notice document be placed on all other parcels comprising the May 15, 1982 parcel.
6. Because RDUs "run with the land" and not the owner, a person purchasing land should verify whether the sale does or can include any RDUs, or if the seller or a previous owner has already used them. Verification may take the form of a sales contract, deed, affidavit, or written agreement. When land sales after May 15, 1982 are not accompanied by such verification, at the time of a development proposal the Town will attempt to determine the intent of the land sale by requesting testimony from all affected landowners. The Town may also consider site characteristics to determine if a land transfer included an RDU, such as road access, soil suitability, farming history, and environmental features. The Town will share this information with the County Department of Planning and Development, and may request that an agreement or affidavit be filed with the Register of Deeds clarifying the status of remaining RDUs. In all cases, the Town requires the applicant to obtain a County Density Study.
7. See Figures 4 through 9 for particular areas of the Town and types of land use where RDUs do not apply. See the "Relationship to Town's TDR Program" and "Development Policies for Agricultural Preservation Area" sections of Figure 4 for a description of the relationship between RDUs and older lots and farm residences, including their separation from the farm.

Figure 3: Transfer of Development Rights (TDR) Program (three-page figure)

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.
- Help ensure the long-term viability and land base of the Town.

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 10.304 and 10.305 of the Dane County Zoning Ordinance. These County zoning ordinance sections have procedures for 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 rezone 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 not to 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 "TDR Agricultural Conservation Easement" ("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 Sections 10.004(153) and 10.304(4)(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 Sections 10.004(110) and 10.305(5)(c) of the Dane County Zoning Ordinance. It may also indicate remainder housing units, if any, as provided in Section 5 of the "TDR Receiving Areas" section of this Figure 3.
7. County zoning approval 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 parcel(s). 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 to the Dane County Zoning Administrator:
    a. Recorded TDR Notice Document on the affected Receiving Area lot.
    b. A letter or minutes 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 Town's 2011 blanket rezoning zoned most, but not all, eligible properties to TDR-S.
2. To qualify as a Sending Area, the land must be planned as an Agricultural Preservation Area or an Open Space and Recreation 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 FP-35 or FP-1 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 FP-35 or FP-1 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. RDU transfers, and ratios of transferred RDUs to new housing units enabled, differ depending on how the TDR Receiving Area is designated on Map 10: Future Land Use, as may be amended from time to time. ~~To qualify as a Receiving Area, land must be planned in either a Neighborhood Development Area or Agricultural Transition Area on Map 10: Future Land Use. Additional Receiving Areas in the Town may be designated as~~ through ~~a future Town Plan amendment. TDR Receiving Areas may also be adjusted in response to intergov~~ernmental ~~agreements.~~
2. Within ~~Town~~ TDR 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 or rural homes zoning district and the TDR-R Receiving Area Overlay Zoning District. The Town Board will support petitions to rezone and ~~sub~~divide TDR 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 10.305(1) of the County Zoning Ordinance.
   c. Minimizes the amount of land taken out of agricultural production.
   d. Avoids developing lands in the Resource Protection Corridor in Map 10: Future Land Use.
   e. Meets the purpose and all policies applicable to the future land use category mapped over the land.
   f. Creates a logical development pattern.
   g. Avoids or minimizes land use conflicts.
   h. Has identified and ultimately secured a sufficient number of RDUs to create the number of lots proposed.
3. For permitted RDU transfers to an Neighborhood Development Area, or to an Agricultural Transition Area where the Town Board has determined that the land is ripe for more intense development per Figure 5, ~~a~~ transfer ratio incentive is built in so that landowners and RDU buyers have an incentive to transfer RDUs to ~~a~~ such Receiving Areas. These are areas where compact housing development ~~will be~~is more appropriate than Agricultural Preservation Areas. The incentive is that someone can buy one RDU from a Sending Area and develop more than one housing unit with that RDU in the Neighborhood Development or Agricultural Transition Receiving Area. Based on technical review and public input, the Town of Cottage Grove has determined that an economically reasonable transfer ratio is 8-to-1~~eight~~. A transfer ratio of 8-to-1~~eight~~ means that, for each RDU transferred from a Sending Area to a Receiving Area that is also designated as a Neighborhood Development Area or Agricultural Transition Area on Map 10, th~~at~~e Receiving Area developer would be able to develop eight housing units above the number of housing units allocated to the May 15, 1982 parcel (see Figure 2), provided that the developer meets all other applicable regulations and policies.
4. The Town may also allow limited transfers of RDUs at a 1-to-1 transfer ratio under the following conditions:
   a. Both parcels must be within the Agricultural Preservation Area on Map 10, except as allowed in Figure 5 for Agricultural Transition Areas and Figure 6 for Open Space and Recreation Areas.
   b. For each RDU transferred, the Receiving Area land owner would be able to develop one housing unit above the number of housing units allocated to the May 15, 1982 parcel. There is no transfer ratio incentive.
   c. The site to which the RDU is to be transferred must be less suitable for agricultural 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 locations are available.
   d. The development density of the contiguous ownership to which the RDUs are to be transferred shall be consistent with the purpose of the future land use category mapped over the Receiving Area property.

e. The proposed residential lot(s) to result from the transfer must be at least 1,320 feet from any existing mineral extraction operation, livestock structure housing 500 or more animal units, or both, except if such operation(s) is on property owned by the Receiving Area applicant.

f. All "Development Policies for Agricultural Preservation Area" in Figure 4 must be met.

~~4.~~5. RDUs must either be used on-site or transferred from a specific Sending Area parcel to a specific Receiving Area parcel. Where RDUs are legally transferred, but not immediately used for the development of housing units on a Receiving Area parcel, the ability to construct such housing units may ~~either:R~~remain with that Receiving Area parcel for future use there. For example, if the owner or developer of a Neighborhood Development Receiving Area parcel acquired two RDUs from a Sending Area parcel, but did not initially subdivide lots for all of the 16 additional housing units enabled by the transfer, he or she could hold to a later date the ability to build the remaining housing units on the Receiving Area parcel. Except where expressly allowed prior to [INSERT DATE OF TOWN BOARD ADOPTION OF PLAN AMENDMENT], no remainder housing units may ~~B~~be transferred by the Receiving Area parcel owner to a different Receiving Area parcel, whether or not the different parcel is owned by the same entity. ~~For example, if a Receiving Area parcel owner acquired two RDUs from a Sending Area parcel, but does not subdivide lots for all of the 16 additional housing units enabled by this initial transfer, the Receiving Area parcel owner may transfer the rights to build the unused housing units to another Receiving Area parcel. All applicable policies and transfer procedures in this figure shall apply in the event of such a Receiving Area-to-Receiving Area transfer of unused housing units.~~

~~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, except as allowed in Figure 5 for Agricultural Transition Areas and Figure 6 for Open Space and Recreation Areas.~~
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. There is no transfer ratio incentive.~~
3. ~~The parcel to which the RDUs is to be transferred must be less suitable for agricultural 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 locations are available. The parcel to which the RDU(s) are transferred is not a "TDR Receiving Area" as that term is defined in this Comprehensive Plan, because it is not within a Neighborhood Development Area or Agricultural Transition Area on Map 10.~~

~~4.~~1. ~~The overall development density of the parcel to which the RDUs are to be transferred shall be consistent with the purpose of the future land use category mapped over the receiving property.~~

Figure 4: Agricultural Preservation Area Purpose and Policies (two-page figure)

Purpose

- Preserve productive agricultural lands and farming in the long-term.
- Protect existing farm operations from encroachment by incompatible uses. Farming often involves noise, dust, odors, heavy equipment, use of chemicals, and long hours of operation.
- Promote prior and continued investments in farming.
- Maintain farmer eligibility for incentive programs, such as state income tax credits.
- Mapped mainly over lands actively used for farming, with productive agricultural soils, and/or with topographic and other conditions suitable for farming.
- Also mapped over open lands and woodlots, farmsteads, and agricultural-related uses.
- Allow limited single-family residential development at densities at or below one home per 35 acres. See "Development Policies" below and Figure 2: Residential Density Unit (RDU) Principle. This one housing unit per 35 acre policy does not mandate or even allow the creation of 35+ acre residential lots.

Typical Implementing Zoning Districts

For agricultural uses, the FP-35 General Farmland Preservation or FP-1 Small Lot Farmland Preservation districts are typically used. Where a new farm residence is proposed, a conditional use permit is required by Dane County and the requirements and standards in Section 10.101(7)(d) of the Dane County Zoning Ordinance shall be met.

For other new residential lots, the RR-1, RR-2, SFR-1, SFR-08, AT-5, and other districts that allow non-farm residences may be used. Any rezoning away from FP-35 or FP-1 must be consistent with applicable development and density policies below, the land must be better suited for a use not allowed in FP-35 or FP-1 district, and the rezoning may not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

New Lot Sizes

Where land is to remain in agricultural use, the FP-35 district has a 35 acre minimum and the FP-1 district has a 5 acre minimum and 35 acre maximum.

For new lots intended for new residences:

- 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~~allowed).
- Maximum lot size is 2 acres, except that the Town Board may approve a greater size due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character.

For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:

- 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).
- Maximum necessary to encompass the farm residence and all farm buildings, but no greater than 10 acres.

Relationship to Town's TDR Program

1. See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Agricultural Preservation Area qualify as TDR Sending Areas, provided that an RDU is available to transfer.
3. There may also be transfers of RDUs between lands within the Agricultural Preservation Area, at a 1-to-1 transfer ratio per applicable policies~~the "Limited Additional RDU Transfer Opportunity"~~ in Figure 3.
4. 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.

Development Policies for Agricultural Preservation Area

1. **Density:** Permit residences in the Agricultural Preservation Area per the standard of one housing unit per 35 acres owned, as further described in Figure 2: Residential Density Unit (RDU) Principle and to enable RDU transfers under Figure 3: Transfer of Development Rights (TDR) Program.
2. **Farm Residences:**
   a. A farm residence built before May 15, 1982 shall not count against this density policy, except where separated from the 1982 parcel. Separation of the farm residence from the 1982 parcel requires use of one RDU per Figure 2, and must also meet all zoning and other requirements.
   b. One-time replacement of a farm residence with a new residence for the farm operator shall be allowed without counting against this density policy, provided that the pre-existing farm residence will be demolished. This one-time limitation does not apply when a farm residence or its replacement is destroyed by wind, fire, or other acts of God.
   c. Separation and retention of one lot for a new residence for the farm operator when he or she sells the whole farm shall be allowed, but requires use of one RDU. These separated lots will count against the one housing unit per 35 acre density policy.
   d. New farm residences, as described in Section 10.103(11)of the County zoning ordinance shall be allowed if conditional use standards and other applicable requirements are met, and count against the one housing unit per 35 acres policy. If the farm operator chooses to retire in the existing residence, a new farm residence will be allowed for the new operator, but will require use of one RDU.
   e. Aside from any replacement farm residence under policy 2b, any residence built after May 15, 1982 shall be considered one housing unit for the purposes of this density policy (i.e., require one RDU) regardless of occupant.
3. **Rezonings to FP-1:** The number of permitted housing units conferred under this density policy shall not be reduced by rezonings to the County's FP-1 district.
4. **Commercial and Other Land Uses:** The Town generally will not support rezoning of lands for commercial use within the Agricultural Preservation Area, except for the expansion of existing businesses at the discretion of the Town Board. In such case, the FP-B Farmland Preservation Business, RE Recreational, or preexisting commercial zoning district is generally appropriate. Non-residential uses shall not count against the one housing unit per 35 acre density policy; in other words, an RDU as described in Figure 2 is not required for non-residential uses.
5. **Subdivision Plats:** Subdivision plats (5+ lots within 5-year period) are allowed within the Agricultural Preservation Area where the number of lots is consistent with the density policy in this section. For example, a 240-acre parcel may be allowed six lots/housing units under the density policy, which would require a subdivision plat.
6. **Substandard Lots:** Allow pre-existing uses on parcels of less than 35 acres as of May 15, 1982 (i.e., substandard lots in FP-35 zoning district) to continue. Substandard lots may be divided as determined on a case-by-case basis at the discretion of the Town Board. No parcel less than 35 acres shall be made into a residential lot.
7. **Existing Residentially Zoned Lands:** 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 the 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 and increased density residential development that is consistent in character to the existing residentially zoned area. 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. Lot sizes may be different from the minimum and maximum in the above "New Lot Sizes" section, based on the sizes of adjacent parcels, unusual land configuration, to better protect farmland, and/or to enhance rural or scenic character.
8. **Residential Development Siting:** The applicant for any rezoning and/or land division approval request that enables a new non-farm residence shall submit, along with the rezoning and CSM/plat approval application, a site plan showing the relationship of each proposed residence to the proposed lot (i.e., buildable area), all proposed residences and lots to the rest of the parcel, and all proposed residences and lots to the features indicated below. At least 80% of the following standards shall be met:
   a. Direct new non-farm residences and their driveways away from Group I or II soils, depicted on Map 2 of the Conditions and Issues volume, unless no other alignment is possible or all soils on the parcel are so classified.
   b. Divide all new lots to have frontage on a public road per subdivision regulations; minimize use of flag lots except to achieve other standards in this section.
   c. Site residences adjacent to tree lines where available and at the edge of open fields rather than the middle.
   d. Site residences to minimize visibility from public roads, such as through thoughtful placement with respect to existing vegetation and topographic changes.
   e. Avoid multiple home sites side-by-side along existing roads with multiple driveways and modest building setbacks.
   f. Limit tree clearance in wooded areas to the area required for the residence, a yard area not exceeding 20,000 square feet, and an area for the driveway.
   g. If located near the top of a hill or ridge, site the residence so that its roof line is below the hilltop or ridgeline.
   h. Incorporate home design that either reflects agricultural farmstead architecture or blends with the agricultural or natural environment.
   i. Place new lots to allow for driveways suitable in length, width, design, and slope for emergency vehicle travel, per the Town's driveway ordinance.
   j. Avoid building placement within the Resource Protection Corridor, as described in Figure 9 and mapped on Map 10: Future Land Use.

Figure 5: Agricultural Transition Area Purpose and Policies

Purpose

- Includes lands anticipated for non-agricultural use and development within the next 15 years, and are as a result generally zoned in the County's AT-35 zoning district.
- Preserves land in agricultural or open space use until more intensive future development, such as inclusion in an urban service area, or is appropriate.
- Prior to more intensive future development, enable limited single-family residential development at densities at or below one dwelling per 35 acres (see "Agricultural Preservation Area" development policies and Figure 2: Residential Density Unit (RDU) Principles).
- Coordinate growth and development planning between the Town and adjacent incorporated municipalities.

Typical Implementing Zoning Districts	New Lot Sizes
Prior to Town determination that land is ripe for more intensive development, the AT-35 Agricultural Transition district is typically used, along with the RR-1, RR-2, SFR-1, SFR-08, AT-5, RM-8, RM-16, and other districts that allow non-farm residences, per "Agricultural Preservation Area" development policies and Figure 5. After such a determination, any of a number of residential or non-residential zoning districts, depending on development plan.	Same as "Agricultural Preservation Area" prior to the Town's determination that land is ripe for more intense development. After such a determination per the policies below, same as Neighborhood Development Area. Smaller lot sizes possible where public sewer and water service will be provided.

Relationship to Town's TDR Program

1. See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Agricultural Transition Area may qualify as TDR Receiving Areas with an 8-to-1 transfer ratio, per ~~the~~ applicable policies in Figure 3, once the Town designates such lands as appropriate for more intensive development per the "Development Policies for Agricultural Transition Area" below.
3. Prior to such designation, there may be RDU transfers with a 1-to-1 transfer ratio between and within Agricultural Preservation Areas/Agricultural Transition Areas, per ~~"Limited Additional RDU Transfer Opportunity"~~ applicable policies in Figure 3.

Development Policies for Agricultural Transition Area

1. Designation of lands in the Agricultural Transition Area on Map 10: Future Land Use does not 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 Agricultural Transition Areas 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. Prior to the Town's determination that lands in an Agricultural Transition Area are ripe for more intensive development:
   a. Follow all development policies applicable to the Agricultural Preservation Area in Figure 4.
   b. Require that all development projects be designed not to impede the orderly future development of the surrounding area with more intensive future development.
   c. Allow RDU transfers with a 1-to-1 transfer ratio, but only per the ~~"Limited Additional RDU Transfer Opportunity"~~applicable policies in Figure 3.
4. The Town Board will consider the following factors when determining whether and when lands in the Agricultural Transition Area are ripe for more intensive development:
   a. Applicable comprehensive plans, zoning regulations, and intergovernmental agreements.
   b. The submittal and detailed understanding of a specific development proposal.
   c. The desire to promote an orderly, sequential pattern of land use to ensure that the provision of public services, roads, and utilities keep pace with development.
   d. The availability of public infrastructure such as road capacity, utility availability or capacity, and other public facilities to serve the proposed development.
   e. If such public infrastructure is unavailable, the projected timing of and funding for public infrastructure improvements to serve the proposed development.
   f. The ability of local governments and the school district to cost-effectively provide community services to the proposed development.
5. The Town does not intend to require an amendment to this *Plan* if and when it determines that land in a mapped Agricultural Transition Area is ripe for more intensive development. Policies within either or both of the "Neighborhood Development Area" or "Commercial Development Area" will be followed upon a finding of "ripeness."

Figure 6: Open Space and Recreation Area Purpose and Policies

Purpose

- Maintain permanent open space and assist with community separation
- Preserve natural areas, productive agricultural lands, and farming in the long-term.
- Maintain farmer eligibility for incentive programs, such as state income tax credits.
- Allow limited single-family residential development at densities at or below one home per 35 acres. See "Development Policies" below and Figure 2: Residential Density Unit (RDU) Principle. This one housing unit per 35 acre policy does not mandate or even allow the creation of 35+ acre residential lots.

Typical Implementing Zoning Districts

For open space uses, NR-C Natural Resource Conservancy is the typical zoning district.

For agricultural uses, the FP-35FP-35 General Farmland Preservation or FP-1 Small Lot Farmland Preservation districts are typically used. Where a new farm residence is proposed, a conditional use permit is required by Dane County and the requirements and standards in Section 10.101(7)(d) of the Dane County Zoning Ordinance shall be met.

For other new residential lots, the RR-1, RR-2, SFR-1, SFR-08, AT-5, and other districts that allow non-farm residences may be used. Any rezoning away from FP-35 or FP-1 must be consistent with applicable development and density policies below, the land must be better suited for a use not allowed in FP-35 or FP-1 district, and the rezoning may not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

New Lot Sizes

Where land is to remain in open space or agricultural use, the FP-35 district has a 35 acre minimum and the FP-1 district has a 5 acre minimum and 35 acre maximum.

For new lots intended for new residences:

- 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 allowed~~recommended~~).
- Maximum lot size is 2 acres, except that the Town Board may approve a greater size due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character.

For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:

- 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).
- Maximum necessary to encompass the farm residence and all farm buildings, but no greater than 10 acres.

Relationship to Town's TDR Program

1. See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Open Space and Recreation Area qualify as TDR Sending Areas, provided that an RDU is available to transfer.
3. There may also be transfers of RDUs with a 1-to-1 transfer ratio between and within lands within the Open Space and Recreation Area/Agricultural Preservation Area, per the ~~the "Limited Additional RDU Transfer Opportunity"~~applicable policies in Figure 3.
4. 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.

Development Policies for Open Space and Recreation Area

Same as "Agricultural Preservation Area"—see Figure 4.

Figure 7: Neighborhood Development Area Purpose and Policies (two-page figure)

Purpose

- 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~~.
- 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.
- Enable limited neighborhood-serving, small-scale commercial, ~~and~~ institutional, and two- and multiple-family residential uses.

Typical Implementing Zoning Districts	New Lot Sizes
~~SFR-1,~~ SFR-08 Single~~-~~-Family Residential~~,~~ and HAM-R Hamlet Residential are typical. HAM-M Hamlet Mixed Use, LC Limited Commercial, TFR-08 Two-Family Residential, and MFR-08 Multi-Family Residential may be used on a limited basis for neighborhood-serving commercial, institutional, and higher-density residential sites. Existing commercial uses/zoning districts may be expanded to include additional land.	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 allowed~~recommended~~). A larger minimum lot size may be required for commercial, institutional, and two- and multi-family residential uses. Maximum lot size is 1 acre, except to the minimum greater size necessary due to unusual land configuration;~~,~~ to better protect farmland;~~,~~ for commercial, institutional, and two- and multi-family residential uses;~~,~~ and/or to enhance rural or scenic character, as determined by the Town Board.

Relationship to Town's TDR Program

1. See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Neighborhood Development Area may qualify as TDR Receiving Areas, per the policies in Figure 3.
3. 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 meets all other applicable regulations and policies.~~ See policy 5 under the "TDR Receiving Areas" section of Figure 3 for alternatives for unused housing units following such a transfer.~~
4. To build one or more residences on any new lot zoned residential and created after January 1, 1981, the parcel owner must have an RDU based on the acreage he or she owns as further described in Figure 2: Residential Density Unit (RDU) Principle, obtain an RDU originating from a TDR Sending Area, or both. For each RDU assigned to the Neighborhood Development Area parcel per Figure 2, one housing unit will be allowed, subject to compliance with other applicable policies of this *Plan* and Town ordinances. For each RDU obtained from a TDR Sending Area, the transfer ratio incentive in Figure 3 shall apply. So, for example, an owner of an undeveloped 80 acres in the Neighborhood Development Area who acquires two RDUs from a TDR Sending Area is allowed 16 housing units from the transferred RDUs (2 transferred RDUs x transfer ratio incentive of 8), plus two additional housing units assigned to the 80-acre parcel land area as a base under the RDU principle in Figure 2, for a maximum of 18 housing units.
5. 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.

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 Land Division and Planning Code and Town ~~Site Plan~~Design 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 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.
   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.

Figure 8: Commercial Development Area Purpose and Policies (two-page figure)

Purpose	
• Enable a range of agricultural business, retail, commercial service, storage, light assembly, institutional, health care, research and development, institutional, and recreational uses. • Require that new development meet high standards for site, building, landscape, lighting, stormwater, and signage design per Town and County ordinance requirements. • Support development of an agricultural business center, to enhance rural research and production opportunities and build off similar initiatives in the area. • Provide logical locations for highway-oriented commercial development consistent with the Town's character, population, needs, and public service capabilities. • Minimize uses that focus on outdoor storage or display and that may someday require extensive public services and utilities.	
Typical Implementing Zoning Districts	**New Lot Sizes**
HAM-M Hamlet Mixed Use GC General Commercial HC Heavy Commercial LC Limited Commercial	Minimum lot size is one acre, provided that soil tests determine that the lot is suitable for an on-site waste treatment system. New holding tanks not permitted.
Relationship to Town's TDR Program	
Non-residential development—and land divisions, rezonings, and conditional use permits for such development—may occur without having to meet the Town's RDU and TDR requirements.	

Development Policies within Commercial Development Area

1. Encourage growth within Commercial Development Areas to enhance the tax base and job opportunities within the Town, making agricultural preservation elsewhere more feasible. Proposed development should not have a substantial adverse effect upon adjacent property (including values), the character of the area, or the public health, safety, and general welfare. Because of the intensity of anticipated non-residential uses in the Commercial Development Area, rezonings that would enable new residential development are discouraged.
2. Attempt to focus the three distinct Commercial Development Areas shown on Map 10: Future Land Use as follows:
    a. Highway 12/18/N Interchange. This modern interchange provides a well-placed opportunity for easily accessed development for businesses that enhance, promote, and support the continuation of agricultural production in the Town and in the region. Uses may be dedicated to local food production, agricultural research and experimental facilities, and sustainable non-agricultural uses. Other commercial uses may also locate in this area, but those that emphasize storage (particularly outdoor storage) and outdoor display and activities should be minimized in order to maximize tax base and minimize negative aesthetic impacts in this high-visibility area with some surrounding residential development.
    b. Southwest Corner of Town. Town Line/City of Madison ETJ. The western edge of the Town benefits from proximity to Interstate 39/90 and growth associated with the City of Madison. This may be an appropriate location for commercial development geared to the traveling public and for distribution uses. Expansion of the Central Urban Service Area would facilitate ~~larger-scale~~ industrial operations here. The Town will monitor and potentially build off of activities of the Ho-Chunk Nation in this area.
    c. Town/Village Limits along N. The Village of Cottage Grove meets the Town boundary in such a way that promoting commercial growth provides opportunities and benefits for both communities and future growth in the area. Expansion of the Cottage Grove Urban Service Area would facilitate larger-scale commercial operations here.
3. Recognizing that all three of these areas are mainly in the extraterritorial jurisdiction of either the City of Madison or Village of Cottage Grove, communicate with the respective incorporated communities concerning development prospects in these areas. Given its distance from both municipalities and its location, the Highway 12/N Interchange area may the most promising location for future commercial development. The Town will consider a TID district in this area, following the lead of the Towns of Windsor, Springfield, and others that have taken advantage of Town TIDs under State law. Any TID incentive should be tied to exceptional development quality.
4. For new non-residential development, with each application for rezoning or conditional use permit approval, require submittal and review of conceptual site and building plans. Prior to building permit issuance, require that a detailed site and building plan be submitted that as laid out in accordance with Section 12.08 of the Town's Design~~Site Plan~~ Review Ordinance and this figure. As the Commercial Development Area is predominately mapped near main community entryways and other highly visible locations, the Town is particularly concerned that it contributes to the Town's aesthetic quality. Views to and from highways like 12, N, and AB are of particular importance to the Town.
5. Jointly work with the State Department of Transportation, the Dane County Highway and Transportation Department, and developers to ensure that adequate rights-of-way for future roadway expansions are provided and that proper controls on vehicle access (especially the number, design and location of access driveways and intersecting local roadways) are provided. Driveway cuts that impede the efficient and safe operations of roadways are prohibited. Shared driveways and frontage road access may be required. Off-street parking shall be delineated on the site plan, in accordance with the provisions of the Dane County Zoning Ordinance.
6. Require developments to address off-site traffic, environmental, and neighborhood impacts.
7. If the business requires levels of service or roads greater than what the Town can provide, the proposal will have to be modified, ~~or~~ it may be rejected, or it may be required to fund required service or road improvements.
8. As necessary, apply appropriate limitations preventing unacceptable future commercial or industrial uses (or conditions such as outdoor storage) on~~f the~~ an approved development site through a deed restriction.
9. Do not permit parking or storage of vehicles within the public road easement or right-of-way.
10. If the business is located within 100 feet of an adjacent residence or residential zoning district, buffer the side of the business site facing the residence.
11. Assure that development provides access and an attractive rear yard appearance and existing and future development behind these sites.
12. If the business is to operate at night, design all outdoor lighting so as not to create glare or shine directly on neighboring residences.

ECONOMIC DEVELOPMENT PROGRAMS

Focus Commercial Development at the Highway 12/18/N Interchange Area

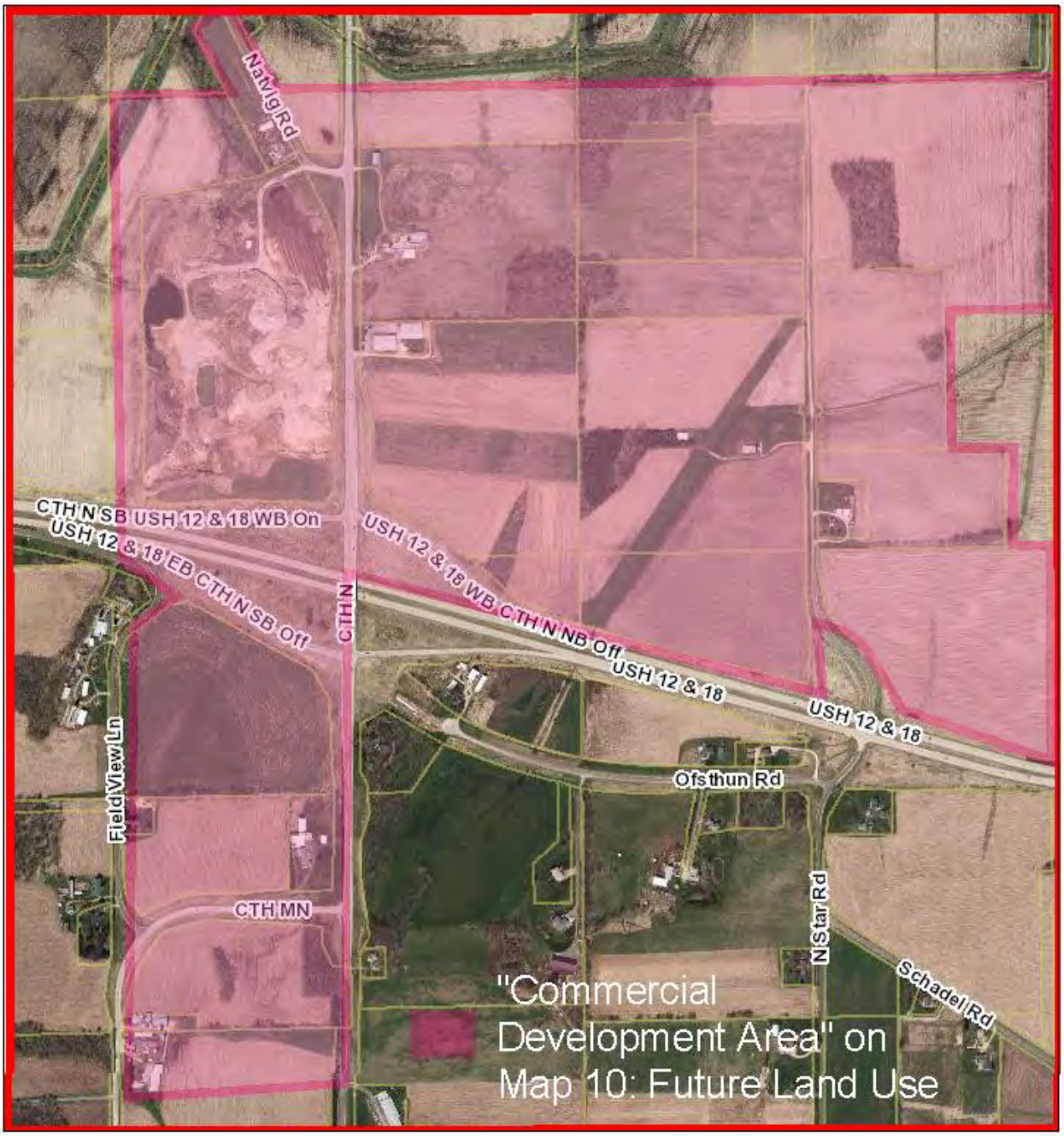
Land surrounding the Interchange of the U.S. Highway 12/18 and County Highway N is the primary area within the Town planned for future commercial and light industrial development. High-quality economic development in this area is critical to fiscal health of the Town, in order to maintain the integrity of preserving farmland in other areas. It will also be a source of jobs and community identity, and ideally will help advance the agricultural economy in the area.

About ~~350~~ 430 acres around the 12/18/N interchange area are designated within the "Commercial Development Area" future land use category on Map 10, with associated development policies included in Figure 8. The Town will promote, within this area, businesses that enhance, promote, and support the continuation of agricultural production in the Town and in the region. Uses may be dedicated to local food production, agricultural research and experimental facilities, and sustainable non-agricultural uses. Wind turbines may also be appropriate for this area given the results of past wind studies. Other commercial and light industrial uses will also be allowed within this area, where consistent with a rural level of services, minimizing storage (particularly outdoors) and outdoor display, and meeting the Town requirements in its ~~Site Plan~~Design Review Ordinance and Figure 8 of this *Plan*. Because of the intensity and impacts of some of these uses, the Town will discourage new residential development in this area.

Examples of developments near the Highway 12/N interchange and within similar Town interchange areas, where urban services are limited, but where there are expectations for high development quality.

As shown on Map 11, the planned Commercial Development Area contains a mineral extraction operation northwest of the interchange, along with a few small businesses and residences. Between 2016 and 2018, the County and Town rezoned approximately 47 additional acres in the 12/18/N Interchange Area for business use and in 2020 approved a 92 acre expansion to the Commercial Development Area on the east side of North Star Road. In addition to Highway N, Highway MN to the south and Natvig Road to the north also provide access to this area. The planned 12/18/N Commercial Development Area is bounded on the north by a large "Resource Protection Corridor" associated with the Koshkonong Creek, and on the east, west and south by current and planned farmland.

Map 11: Highway 12/18/N Interchange Area



Base Map Source: DCIMap

The interchange area has several attributes that support its designation as the Town's primary area for commercial development. These include:

- **Position.** The interchange area is a few minutes east of Interstate 39/90/94, and within four hours of more than 20 million people. The area is also immediately proximate to farms, which could supply the raw materials for agricultural product development.
- **Access.** This interchange was built in 1998 and Highway 12 in this area has adequate capacity for future traffic increases. Highway N is in good condition, and the intersecting Highway MN and Natvig Road provide for additional local access.
- **Visibility.** The sites at this interchange have good visibility from Highway 12 to attract businesses that demand good visibility and immediate access. Ensuring high development quality and minimizing features like large unscreened storage yards will be critical to maintain an attractive image along Highway 12.
- **Gateway.** The area arguably provides the best and most lasting gateway into the Town. It also provides a "backdoor" into the Village of Cottage Grove from the Madison area. New development should, therefore, be of high quality and the area would be a logical home for a Town entry sign and feature (see also last program in Chapter Two—Agricultural, Natural, and Cultural Resources). In total, the Town may work to develop a cohesive desired image for the 12/18/N interchange area that would draw businesses and consumers to the area.
- **Distance.** The 12/18/N interchange area is ~~at~~ near and just beyond the eastern edge of the City of Madison's extraterritorial jurisdiction, and over two miles south of the Village of Cottage Grove. It may, therefore, be distant enough from the City and Village so that there is little concern for quality rural development in this area, and little chance of annexation.
- **Acreage.** The interchange area contains large tracts of vacant land; even the larger extraction site will eventually require restoration to another use.

Areas like the 12/18/N interchange area often develop only where the community is willing to offer development enticements. The primary incentive tool available to municipalities in Wisconsin is tax incremental financing (TIF). Through creation of a tax incremental district (TID), a municipality may borrow funds to provide for infrastructure investments and development incentives within the TID. The principal and interest on the debt is then reimbursed by the added property tax revenue from new development caused by the investment (or by payments from developers/builders by agreement if the tax base does not materialize). TID funds may also be used for planning, administrative, engineering, and legal costs—including those used to create the TID in the first place. TIDs need to meet a "but for" test, generally meaning the area would benefit from economic development that wouldn't otherwise occur without the TID and investments under it.

Utilities and Community Facilities Goal

Supply a rural level of public facilities and utilities to meet basic resident and business needs.

Utilities and Community Facilities Objectives

1. Coordinate utility and community facility systems planning with land use, transportation, and natural resources planning.
2. Protect the Town's public health and natural environment through proper siting of on-site wastewater treatment systems and stormwater management.
3. Coordinate with other units of government on shared community and recreational facilities.

Utilities and Community Facilities Policies

1. Continue to provide basic services for Town residents, including garbage collection, public road maintenance, snow plowing, and emergency services.
2. Consider the objectives and policies of this *Plan*, as well as the welfare of all residents, to determine whether new or expanded Town services or facilities may be appropriate.
3. Require stormwater management plans meeting County and Town requirements for all subdivision plats, CSMs for commercial development, and other projects increasing impervious surfaces by more than 20,000 square feet.
4. Work with the County Sanitarian to ensure the proper approval process and placement of new on-site wastewater treatment systems, and appropriate maintenance and replacement of older systems as a means to protect ground water quality.
5. The Town does not consider holding tanks an acceptable form of sewage disposal in new construction. Holding tanks may be permitted for existing structures if no other sewage treatment system is feasible.
6. 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 groundw1ater 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.
7. Remain actively involved in any proposals for the future expansion of the County landfill, advocating for Town interests.
8. Work with Madison Gas & Electric, We Energies, Alliant Energy, Charter/Spectrum, and other telecommunications companies to ensure that new development is adequately serviced and the Town is well-served with broadband internet service.
9. Provide quality and accessible parks and recreational facilities for Town residents.
10. Align park and recreational opportunities with community growth and evolving interests and demographics.

~~9.~~11. Revisit parks with developable land or facilities that are outdated or underutilized, in order to meet emerging recreational needs and interests.

Utilities and Community Facilities Programs

Implement Community Facility Improvements in a Phased Manner

Figure 10 is a timetable for possible changes to utilities and community facilities within the Town over the 20-year planning period. This may form the basis for future capital budgets and multi-year capital improvement programs. Budgetary constraints and other unforeseen priorities and circumstances may affect projects in this timeframe.

Figure 10: Utilities and Community Facilities Timetable

Utility or Facility	Town Improvement Timeframe	Comments
Water Supply	Study possible by 2020	All water currently supplied by private wells. Town may consider Utility or Sanitary District in future.
Sanitary Waste Treatment/Disposal	Study possible by 2020	All sewage treatment currently by septic. Town may consider establishing Utility or Sanitary District in future.
Stormwater Management	No changes anticipated	Town intends to continue to rely on County Erosion Control and Stormwater Management ordinance.
Town Hall	Study possible by 2020	Explore opportunities to upgrade, expand services, and/or consolidate services at the Town Hall site.
Recycling/Trash Collection	No changes anticipated.	In 2013, Town Board approved 10-year collection contract with private hauler.
Solid Waste Disposal	No changes programmed.	Town desires to be actively involved in any proposal to expand the Dane County Landfill.
Law Enforcement	No changes.	Town intends to continue to contract with County Sheriff Department for these services.
Fire Protection & EMS	No changes anticipated.	Town intends to continue to participate in Cottage Grove Fire Department and Deer-Grove EMS District.
Medical Facilities	No Town role.	Medical facilities in nearby communities meet needs.
Library	No Town role.	South Central System appears to provide adequate facilities.
Schools/Child Care	No Town role.	Encourage continued school facility planning.
Park & Rec Facilities	Town support role.	Town will update park fees to meet State law requirements. Town may consider new and improved parks ~~in northwest corner if~~where residential development has occurred or will occur~~s~~, via developer dedication and/or using park fees.
Telecommunications	Town reviews.	Private carriers addressing phone and internet needs.
Transmission Lines	Town reviews.	ATC manages lines; no major expansions anticipated.
Cemeteries	Plots available.	Town owns three cemeteries – Liberty, Door Creek, Salem—with plots to sell in two.

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.

Plan Amendments

Amendments to this *Comprehensive Plan* 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.

The *Plan* will be specifically evaluated for potential amendments once every year, with the process starting in February. Between February 15 and March 15 of each year, the Town will accept requests from property owners, potential developers, and other interested stakeholders for *Plan* amendments. Next, the Plan Commission will evaluate any amendment requests (including those generated by Commission or Board members or Town staff/consultants), and recommend appropriate amendments to the Board.

The above process may be adjusted or enhanced through *Plan* amendments at other times in one or more of these situations:

- The Town is faced with a particular challenge or problem that, in its determination, needs more immediate attention than waiting for the normal Plan amendment cycle would allow.
- The Town enters into or amends an intergovernmental agreement that directs Plan changes on a different cycle.
- The Town is approached with a unique economic development opportunity, such as a new business that would help achieve the Town's vision or goals, as expressed through this Plan.

The State comprehensive planning law requires that the Town use the same basic process to amend, add to, or update the *Comprehensive Plan* as it used to adopt the *Plan*. Adoption or amendment of the *Comprehensive Plan* shall comply with the procedures set forth in sec. 66.1001(4)a, Stats. The Town intends to use the following procedure to amend, add to, or update the *Comprehensive Plan*:

a. The Plan Commission initiates the proposed Comprehensive Plan amendment. This will usually occur as a result of annual Plan Commission review of the Plan.

b. Following an opportunity for public input on the proposed Plan amendment, the Plan Commission recommends Town Board approval (or rejection or modification) of the amendment via resolution.

c. Following passage of the Plan Commission resolution recommending the amendment, the Town Clerk schedules a formal public hearing on the Plan amendment in front of the Town Board and publishes a Class 1 notice at least 30 days before the hearing. The Class 1 notice shall contain the date, time, and place of the hearing, a summary of the proposed Comprehensive Plan amendment, the name of a Town employee to be contacted to provide information about the amendment, the location and time wherein the amendment can be inspected before the hearing,

and information about how a copy can be obtained. Also, at least 30 days before the hearing, the Clerk provides written notice to those entities that qualify under secs. 66.1001(4)(e) and (f), Stats.

d. Following the public hearing, the amendment may be enacted by the Town Board in the form of an ordinance adopted by majority vote of all the members of the Town Board (not a simple majority of a quorum).

e. Following Town Board approval of the amendment, 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.

f. Following Dane County action, the Town Clerk sends ~~a CD or hard~~ copy of the approved ordinance and Plan amendment to the Pinney Branch of the Madison Public Library, Wisconsin Department of Administration (Division of Intergovernmental Relations), Dane County Clerk, Capital Area Regional Planning Commission, Village of Cottage Grove, City of Madison, Village of McFarland, and Towns of Sun Prairie, Medina, Deerfield, Christiana, Pleasant Springs, Dunn, Blooming Grove, and Burke.

Plan Update

State statute requires that this *Comprehensive Plan* be updated at least once every ten years. As opposed to an amendment, an update is a substantial re-write of the plan document and maps. Based on this deadline~~s~~, the Town ~~should~~ intends to complete a full update of its *Comprehensive Plan* by the year 2025 (i.e., ten years after 2015) at the latest. The Town may consider a full update as soon as 2021 or 2022. This earlier update would enable the Town to consider policy adjustments in a time of remarkable change. It would also realign the regular 10-year update cycle to coincide with the availability of updated U.S. Census data, County air photos, and existing land use inventory.

Consistency Among Plan Elements

State 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 Cottage Grove Comprehensive Plan* simultaneously has ensured that there are no known internal inconsistencies between the different elements of this *Plan*.

Interpretation

The Town intends that this *Plan* should be interpreted reasonably to achieve its overall goals, and not in a narrow sense which frustrates or delays realization of its goals. If there is a question as to the interpretation of a provision of the *Plan*, the Town Board shall be empowered to adopt an interpretation of the *Plan,* which shall resolve the issue and may be appended to this *Plan*. The Town Board shall be the only body authorized to interpret this *Plan*.

AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE ORDINANCE

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On August 4, 2020, the following Town of Cottage Grove Town Ordinance was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

Ordinance 2020-08-03
Amending the Town of Cottage Grove Comprehensive Plan

Kim Banigan, Cottage Grove Town Clerk

Subscribed to and sworn before me
this 4th day of August, 2020.

Signature of Town Board Chair

or

Debra R Abel (print name)
Notary Public, State of Wisconsin
My Commission expires: 3/7/2023