

TOWN OF COTTAGE GROVE

PLAN COMMISSION

JUNE 16, 2021

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. Invitations were mailed to all owners of 35 acres or more. A quorum was present with Kris Hampton, Steve Anders, Dave Muehl, Jerry Meylor, Troy Eickhoff, and Mark Kudrna in attendance. Clerk Kim Banigan took minutes. Planning consultant Mark Roffers and his assistant Nick Johnson, as well as Dane County Senior Planner Pam Andros were also present. The meeting was also accessible virtually through gotomeeting.com.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Continued discussion of comprehensive plan, focused on future land-use map and policies including opportunity for landowner input: Roffers made a presentation (attached as Appendix A) about the current comprehensive plan and the update process. He read the current Vision Statement and asked for reactions to it, either confirming it or challenging it in total or in part. No one offered any thoughts.

Following the presentation, there was time for questions. Written comment forms were available, which Roffers asked be submitted by July 15th:

- Eugene Wagner asked how many Residential Density Units (RDUs, aka "splits") are left in the Town, and what happens when they are all used up. Roffers did not know how many are left, and said it could take an exhaustive amount of work to figure it out precisely, but that an estimate should and could be made as part of the update process. When all of the RDUs are used up, the Town's plan policies could change, including some sort of replenishing of splits.
- An online participant asked what happens when there are conflicts between the Town's plan and those of the County and the Village, which plan prevails? Roffers said that there should not be conflicts with the County since the County's plan is actually the same as the Town's plan (part of the adoption process for the Town's plan is adoption by the County). The situation gets a little stickier when considering plans of a village or city, which can be different from the Town's plans for the same areas. This can lead to the property owner going to the municipality that can provide the "best deal". Roffers said the best remedy is to have an intergovernmental agreement to provide a common understanding on how the land can be used. The Town is currently in boundary agreement negotiations with the City of Madison.
- John Sprecher asked about the extraterritorial jurisdiction lines on the future land use map. Roffers explained that any division of property within these boundaries must be approved by the municipality with extraterritorial jurisdiction, in addition to approval by the Town and the County.
- Hampton asked how many farmers in the Town participate in the farmland preservation program. Andros said that is confidential as it is distributed as tax credits. Those claiming the credit must have a conservation plan on file with the County, so the number of plans filed could be an indication of farmland preservation participation. At least 80% of the lands planned for Agricultural Preservation in the Town must be zoned Ag in order for farmers in the Town to be eligible for the credits. The Town is approaching the point of falling below this level, so County staff have begun calculating this and including it in their staff report for rezones. Dennis Richardson mentioned a commercial property on County N that is zoned commercial but is in the Ag Preservation planning area. This is one that would count against farmland preservation. When considering whether to change it to commercial on the future land use map, consideration should be made for whether additional commercial is desirable in the same area or if it should remain an isolated occurrence of commercial. Such areas could be seen as a launching pad for more commercial. This could also be true of isolated neighborhood development areas.
- Don Viney asked Andros if the Town has too much land planned to commercial development. She said

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that is up to the Town, but noted that what is important is to have a good plan for roads and infrastructure in future commercial areas, to foster in quality development. Roffers said that anticipated demand for commercial development is around 500 acres over the next 25 years, and we have 600 acres planned for commercial that has yet to be developed, so it is in the ball-park.

- Muehl asked if the solar development by Dane County is in the Ag Preservation area. Determination was that it is, and Hampton asked Andros what could be done so it would not count against farmland preservation. She suggested creating a land use district for public utilities/institutional uses. She said there are a number of these solar sites around the County, and DATCP is working out whether to consider them as agricultural use or not. Muehl also suggested including the future layout of County AB on the future land use map.
- Hampton asked to talk about deed restrictions, and how they don't protect farmland once it is annexed into a city or village. He wondered if the farm community would like the Town to look into bringing a third party (in addition to the Town and County) into deed restrictions so that they could survive annexations. Roffers said that the Town of Springfield, which he also works with, also has a transfer of development rights program, and they recently did just this thing. He noted that this makes more sense when the deed restrictions are in an area likely to be annexed vs. those in outlying areas. Muehl said there may be times when having land be permanently restricted for farmland may not be a good thing, depending on what develops around it. Roffers said the Town of Springfield deed restriction has an out for that situation. After a set time has passed, the landowner could ask for the deed restriction to be released in exchange for finding twice the amount of land still in the Town to be restricted.

- 4) ADJOURNMENT: **MOTION** by Muehl/Anders to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 8:29 P.M.

Submitted by: Kim Banigan, Clerk

Approved 07-28-2021