

TOWN OF COTTAGE GROVE
PLAN COMMISSION
JANUARY 22, 2020

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Jerry Meylor, Phil Bultman, Steve Anders, Dave Muehl and Troy Eickhoff in attendance. Clerk Kim Banigan took minutes. Others present are listed on the sign-up sheet available in the Town Clerk's office.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of the previous meetings: **MOTION** by Muehl/Bultman to approve the minutes from the December 18, 2019 meeting as printed. **MOTION CARRIED 6-0.**
- 4) Public Concerns: Chris Miller inquired on behalf of George Newton about building a approximately 20 acres owned by his father Roger at 3877 S. Coffeytown Rd. The area is currently planned for Ag Preservation. Hampton said to build there would require transferring in a RDU. In order for the property to be a receiving area under the TDR program, it would need to be in the Neighborhood Planning future land use area. Residents are allowed to request changes to the future land use map between February 15 and March 15 of each year. However, Hampton said that if a RDU was transferred into the Neighborhood Development Area, Town would expect as many of the 8 allowable homes to be built as the area would accommodate.
- 5) Reappearance from December meeting: C&L Investment Partnership, applicant, Larry Skaar, Landowner – application revised to request rezone of 11.69 acres of parcel 0711-303-9742-0 from AT-35 to UTR to hold for future commercial development: Chris Frodel represented C & L Investment Partnership. She stated that they wanted to rezone the entire area, including the 29 acres they own at the corner of US Hwy 12 & 17 and County Highway AB that is already zoned HC, the 11.572 acres they own at 3101 US Highway 12 & 18 that is zoned RM-8, and the 11.69 acres they intend to purchase from Larry Skaar. A letter from Dane County Zoning Administrator Roger explained that the County requires all requests for commercial zoning to be accompanied by a site plan, which is premature given that the DOT plans for the intersection are not final. Mr. Lane proposed rezoning the 11.69 acres to UTR as a temporary zoning district until the future development pattern of the area is known. The Clerk reported that Mr. Lane had since suggested handling the property similar to how another commercial property on North Star Road was recently handled, allowing for HC zoning without a site plan but with very specific restrictions. However, Mr. Lane's conversations with City of Madison planning staff indicated they would not support the entire area going to HC, thus rezoning just the 11.69 acres to UTR seems to be the most feasible plan. Hampton asked Ms. Frodel how soon C&L Investment Partnership would move forward with plans for commercial development once DOT plans are finalized. She thought it would be soon but was not sure. **MOTION** by Anders/Bultman to recommend the rezone of 11.69 acres of parcel 0711-303-9742-0 from AT-35 to UTR to hold for future commercial development. **MOTION CARRIED 6-0.**
- 6) Prior to adjournment, Hampton reported that notice was received regarding a public hearing for an update to the Town of Deerfield's comprehensive plan on March 2nd, with plans to adopt the update on March 9th.
- 7) ADJOURNMENT: **MOTION** by Anders/Muehl to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:16 P.M.

Submitted by: Kim Banigan, Clerk
Approved 02-26-2020

TOWN OF COTTAGE GROVE
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FEBRUARY 26, 2020

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Jerry Meylor, Phil Bultman, Steve Anders, Dave Muehl and Troy Eickhoff in attendance. Clerk Kim Banigan took minutes. Others present are listed on the sign-up sheet available in the Town Clerk's office.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of the previous meetings: **MOTION** by Anders/Bultman to approve the minutes from the January 22, 2020 meeting as printed. **MOTION CARRIED 6-0.**
- 4) Public Concerns: None.
- 5) Discuss/Consider recommendation regarding Certified Survey map to combine parcels 0711-153-9310-6 and 0711-153-9320-4, both owned by Charles and Betty Devine at 2342 Uphoff Road. Zoning is SFR-1 and no rezone is needed: No one was present to speak for or against. **MOTION** by Anders/Meylor to recommend approval of the CSM identified as Office Map 5333-19B dated 08-09-2019 as presented. **MOTION CARRIED 6-0.**
- 6) (item taken out of agenda order) Discuss/Consider recommendation regarding Certified Survey Map to divide parcel 0711-342-8725-0 on the east side of North Star Road into two parcels, one for sale. Current parcel zoned FP-1 and no rezone is needed: Larry Skaar was present and said he has a pending offer on lot 2 of the proposed CSM, and has lot 1 up for sale as well. No development rights will be sold with either lot. **MOTION** by Anders/Bultman to recommend approval of the CSM identified as Office Map #200110 dated 02-12-2020. **MOTION CARRIED 6-0.**
- 7) Public Hearing for application by Dan L. Meise, Meise Construction Inc, applicant, Storage world of Cottage Grove, LLC, landowner, for rezone of 25.16 acres at 3286 Field View Lane from Heavy Commercial to Manufacturing and Industry with conditional use permit for non-metallic mining on 12+/- acres: Anders recused himself. Robert Roth and Charles Leet of Roth Professional Solutions, Tim Moy of Storage World of Cottage Grove, LLC and Dan Meise of Meise Construction were all present.
 - Mr. Leet said a rezone to MI is needed to allow for a CUP for a non-metallic mining operation, which would allow the gravel and rock to be extracted from the hill in order for the site to be developed. Meise Construction plans to use the product for their projects. He said it would not be a large quarry, and that five years would be sufficient to remove the material and reclaim the site. He referred to Exhibit K which showed the grade after reclamation. An erosion control pond at the north west corner of the proposed mining site would retain any water from the mining site. In the future the water would be directed to the pond on the north side of the storage facility site, with discharge into Field View Lane ditch.
 - Joe Konkol, 3325 Field View Lane, said that since the blasting for the storage facility site, which he opposed, a sink hole has appeared in his yard and seals were broken on two of his windows. He said that he told the pre-blast inspector to leave when he didn't like the inspection methods, and admitted he cannot directly correlate the broken window seals or sink hole to the blasting, but he is strongly opposed to approval of a non-metallic mining site. He said contractors for construction of the storage facility were inconsiderate in leaving mud on the road and he thinks his property value will go down due to a mining site nearby.
 - Kathy Eccles, 3267 Field View Lane, asked questions but did not indicate being for or against

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the mining operation.

- Brett Skaar, who farms land to the west, asked if the mining would go deeper than grade, and said he is strongly opposed depending on where the water will go. He said the development will cause a profound negative effect on other lands. He also thought applying for non-metallic mining now was a back-door approach, the owner should have known there was gravel there at the time of the original proposal for the storage facility.
- Mr. Roth said of the two ponds on the storage facility site, the one on the south is not impacted by the mining, but the one on the north, which is not fully constructed at this time, would be impacted. He said phase 1 of the storage facility will be complete this spring. The proposed mining site currently flows to the north and west, going to the Field View Lane ditch. Future plans direct flow to the erosion control pond shown on the mining site plans, until they can go to the north pond of the storage facility site. Ponds are designed for a 100-year event, with 30% of outflow going to the County N ditch to the east and 70% going to the Field View Lane ditch.
- Plan Commission discussion:
 - Eickhoff asked several questions about depth of mining operations and slope of final grade. He also asked what has changed since the original proposal in 2016 when the entire site was planned for storage buildings, as now it seems the plan is to develop for other commercial use. Mr. Moy said the market for storage facilities has changed since 2016.
 - Hampton pointed out errors in the Abstract including a statement that the site is south of the Town of Cottage Grove and an unfinished sentence in the final paragraph. He noted the Town has generally only approved operating hours to 12 P.M. on Saturdays, and 6 P.M. M-F, not 7 P.M. as the operation plan proposes. He asked who would be available locally to inspect the site for run-off after a heavy rain or blowing dust in high winds. Mr. Meise and Mr. Moy provided assurance that there would be local employees of the mining or storage operations.

MOTION by Muehl/Eickhoff to close the public hearing. **MOTION CARRIED 5-0** (Anders abstained). The public hearing ended at 7:55 P.M.

8) Discuss/Consider recommendation regarding application by Dan L. Meise, Meise Construction Inc, applicant, Storage world of Cottage Grove, LLC, landowner, for rezone of 25.16 acres at 3286 Field View Lane from Heavy Commercial to Manufacturing and Industry with conditional use permit for non-metallic mining on 12+/- acres:

- Hampton said that the typical implementing zoning districts in the commercial development area under the Town's comprehensive plan do not include Manufacturing and Industry, so the rezone would technically be against the plan. Roth said that the actual long-term uses would still fall under those that overlap between HC and MI zoning, but the MI zoning is needed to allow for a CUP for non-metallic mining. Hampton asked about fencing since it was not mentioned in the submitted materials. Roth said it would be a combination of berming and existing fencing, and would meet the Town ordinance requirements. Hampton felt the visual impact coming into the town could affect future commercial development. Hampton asked if the mining could be completed in six months. Roth and Meise said they would be open to looking at a shorter term, such as 2 or 3 years, but 6 months would probably not be enough time. Hampton asked if they

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had any other options. None were offered by the applicants.

- Muehl asked if they would consider terracing.
- The commission reviewed the standards of approval listed in section 10.101(7) (d) 1, Dane County Code of Ordinances based on earlier public comments and commission discussion (Hampton led the conversation but did not state his opinion on the standards).
 - 1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare: Meylor, Bultman, Muehl and Eickhoff all said this standard cannot be met. (Duration of mining operations were the major concern).
 - 2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use: Meylor, Bultman, Muehl and Eickhoff all said this standard cannot be met. (Duration of mining operations were the major concern).
 - 3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district: Meylor, Bultman, Muehl and Eickhoff all said this standard cannot be met. (Duration of mining operations were the major concern.)
 - 4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. Meylor, Bultman, Muehl and Eickhoff all said this standard is met. (Field View Lane is a former county highway).
 - 5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Meylor said this cannot be met due to the blind corner where the driveway comes onto Field View Lane. Bultman, Muehl and Eickhoff all said this standard is met since storage facility traffic was already planned for that driveway.
 - 6) That the conditional use shall conform to all applicable regulations of the district in which it is located. Meylor, Bultman, Muehl and Eickhoff all said this standard cannot be met (The comprehensive plan does not list MI as a typical zoning district in the commercial district).

MOTION by Eickhoff/Meylor to not recommend a rezone from Heavy Commercial to Manufacturing and Industry since a CUP cannot be offered based on the finding of facts above. At this point, Roth said they could see where this was going and withdrew the application until they can reconsider options. Eickhoff/Meylor withdrew their motion.

MOTION by Eickhoff/Muehl to table until the applicants provide further information about their options for the property. **MOTION CARRIED 5-0** (Anders abstained).

- 9) Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: boundary agreement discussion: **MOTION** by Muehl/Eickhoff to enter into closed session for the reason stated above. **MOTION CARRIED 6-0 by roll call vote.** The door was locked after the room was cleared and the closed session began at 8:41 P.M.

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- 10) Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Anders/Muehl to reconvene to open session. **MOTION CARRIED 6-0 by roll call vote.** The closed session ended at 9:04 P.M.
- 11) Discuss/Consider attendees for Educational Form on Processing Conditional Use Permits on March 5, 2020 at the Verona Town Hall: Meylor, Bultman, Hampton, Muehl and Eickhoff would all like to go. **MOTION** by Bultman/Eickhoff to allow for 5 attendees of the CUP training session. **MOTION CARRIED 6-0.**
- 12) ADJOURNMENT: **MOTION** by Bultman/Anders to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 9:05 P.M.

Submitted by: Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
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APRIL 15, 2020

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Steve Anders, Jerry Meylor, Dave Muehl and Troy Eickhoff in attendance. Clerk Kim Banigan took minutes. Due to the COVID-19 emergency, public participation in person was limited and the meeting was accessible through gotomeeting.com.
- 2) Chair Kris Hampton called the meeting to order at 1:00 P.M.
- 3) Approve minutes of the previous meetings: **MOTION** by Anders/Muehl to approve the minutes from the February 26, 2020 meeting with a correction to the vote count to close the public hearing. **MOTION CARRIED 5-0.**
- 4) Public Concerns: None.
- 5) Discuss/Consider recommendation regarding application by H Storage, LLC involving parcels 0711-334-9242-0, 0711-334-9280, 0700-334-8800-0 at 3190 County Highway N (Dennis Richardson appeared in representation of H Storage, LLC):
 - a) Remove current deed restrictions on 4.78 acres zoned Heavy Commercial. There are currently four deed restrictions that are no longer relevant: a requirement for a well agreement that is already required to be on file with the Register of Deeds, restriction of commercial uses to only "repairs, storage and service of contractor's machinery and equipment", prohibition of constructing a building on the one-acre Parcel B area (there is already a building there), and a requirement for an erosion control plan prior to the construction of a warehouse and shop (the construction has been complete for some time). H Storage, LLC had provided a list of the Heavy Commercial district permitted uses they are interested in. Discussion was that Freight and Bus Terminals and Mini-Warehouses would not be desirable, and Richardson agreed they were not necessary; however, they would like the option of storage of personal property of the owners. Anders suggested additional screening may be desirable as the current berms are not very high. **MOTION** by Hampton/Anders to recommend lifting the current deed restrictions and imposing new restrictions to limit permitted uses to:
 - Agriculture and accessory uses (livestock not permitted)
 - Contractor, landscaping or building trade operations
 - Indoor Sales
 - Light Industrial
 - Off-site parking
 - Office uses
 - Outdoor sales, display or repair
 - Outdoor storage
 - A transportation, utility or communication or other use required by law
 - Utility services
 - Vehicle repair or maintenance service
 - Veterinary clinics
 - Ware housing and distribution services**MOTION CARRIED 5-0.**
 - b) Rezone 3.0 acres from FP-35(General Farmland Preservation) to Heavy Commercial: Richardson said H Storage, LLC is in the process of negotiating purchase of this piece from

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Dane County. **MOTION** by Anders/Muehl to recommend approval of the rezone of 3.0 acres from FP-25 to HC, limited to the same permitted uses as in a) above. **MOTION CARRIED 5-0.**

- c) Rezone 32 acres from FP-35 to FP-1 (Small lot Farmland Preservation): Richardson said as part of the negotiation of the purchase of the 3 acres in b), H Storage, LLC is sponsoring this rezone request. This was substantiated by the fact that it is included on the County rezone application form as well. Discussion was that FP-1 would not allow for clay extraction, which is what everyone thought to the intent of the County's purchase of the land years ago, however it would be better for the Town if clay extraction did not occur. **MOTION** by Hampton/Anders to approve the rezone of 32 acres from FP-35 to FP-1. **MOTION CARRIED 5-0.**
- 6) Discuss/Consider recommendation regarding application by Christopher G Miller to combine 1.98 acres of parcel 0711-353-9004-0 owned by Viney Acres LLC with parcel #0711-344-9890-0 at 3186 Kinney Road, including:
- a) Rezone of 1.98 from FP-35 to RR-2 (Rural Residential)
- b) Rezone 1.56 acres from SFR-1 (Single Family Residential) to RR-2:
- c) Rezone 33.85 acres from FP-35 to FP-1

Chris Miller explained that the 1.98 acres are adjacent to his residential lot and are not buildable, but he has had use of it for walking paths and cutting wood, and would like to purchase it since the owner is willing. He doesn't care if it is combined with his lot or a separate lot, but the County recommended combining it with his lot to make one RR-2 zoned lot. Discussion was that while it would create a residential lot exceeding the 2.0 acre maximum in the Agricultural Preservation area, the Town Board does have discretion to approval a larger lot size due to unusual land configuration, and this would make a cleaner line between the residential and farmed area. **MOTION** by Muehl/Meylor to recommend approval of all three of the rezones described in a) through c) above. **MOTION CARRIED 5-0.**

- 7) **ADJOURNMENT: MOTION** by Muehl/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 1:44 P.M.

Submitted by: Kim Banigan, Clerk
Approved 04-22-2020

TOWN OF COTTAGE GROVE
PLAN COMMISSION
APRIL 17, 2020

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Steve Anders, Jerry Meylor, Dave Muehl, Troy Eickhoff and Phillip Bultman in attendance. Clerk Kim Banigan took minutes. Due to the COVID-19 emergency, public participation in person was limited and the meeting was accessible through gotomeeting.com.
- 2) Chair Kris Hampton called the meeting to order at 1:00 P.M.
- 3) Public Concerns: None.
- 4) Discuss/Consider recommendation regarding Design Review of revised site plans for Copart facility on parcel 0711-304-8640-0 on US Hwy 12 & 18: The following representatives of CoPart attended remotely: Dan Privette of CoPart, Brian Deckow, Project Manager, Perspective Design, Inc., Attorney Angie Black, Carlson Black O'Callaghan & Battenberg LLP, Chris White and Bob Harley, Engineers with RA Smith. Atty. Black began by saying CoPart had to redesign the entire site due to construction plans for the County AB/US Hwy 12 & 18 intersection. It has taken 8 months to get the WDOT to allow CoPart to use the temporary access off of Hwy 12 & 18 until highway construction begins, including the other access from the north.

Deckow presented the site diagrams which showed phased use of the site before and after the WDOT takes part of the property. Until that happens, the existing building and highway access will be used, but then a new building will be constructed on the remaining area, and access will transition to the Luds Lane extension.

- Hampton asked if the WDOT plans to begin the build this year, Black said they have not heard that, but WDOT has contacted CoPart to get the condemnation process started, and Harley confirmed RA Smith had shared CAD files with the WDOT. Hampton asked if the WDOT will construct a berm on the west end to shield view of the site from the roundabouts. Black said there are no plans that specific yet.
- Eickhoff noted that the original site plan called for a maximum of 1,000 cars, and asked how that number has changed with the new site plan. White pointed out that the before and after site plans show that estimated lot storage area will go from 27.14 acres to 17.88 acres. In addition to the loss of area to the WDOT, the driveway is longer and the pond is larger. The east edge remains about the same. The pond is sized for possible expansion; however, they are not asking for that now.

Deckow presented the building plans next. The main entrance will be at the north-west corner. It will be 2/3 office, with overhead doors on the rear (east side) of the warehouse portion. The exterior will be split-faced and integrally colored, with the same color scheme as was previously approved. Street side (west and south) sides will have some masonry.

- Hampton asked if there are any plans for auxiliary power. Privette said not at this time, but gates can be operated both manually and electronically, and gates, IT and emergency lighting will have backup power.
- Hampton asked about berm requirements. Smith said the natural berm on the east side of the access drive will block most of the view, and on the west side of the access drive, a 10-foot berm will be built with a fence on top of it.
- Hampton asked about plantings. Harley said the plantings will be the same varieties as the prior

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plan, just situated differently due to the location of the new building.

- Hampton asked when construction will occur. Privette said as soon as possible, very likely this year.
- Anders asked about containment of fluid leakage from vehicles. Privette said CoPart has extensive protocols in place, including mats in the drop-off area to capture the majority of the leakage which typically occurs in the first 20 minutes.
- Hampton asked about the location of refuse containers. Deckow said they will be located behind a fence on the back (east) side of the property.
- Hampton noted that exterior lighting is specified to be dark sky compliant, and Deckow confirmed that CoPart does not want an excess of light, but there is more in the vehicle drop off area.
- Eickhoff asked if there would be any buried tanks, Privette said there will not be.

MOTION by Hampton/Anders to recommend approval of the site plan as presented, requiring the berm to be built and leaving the hill and trees on the east end as long as possible. All exterior lighting to be dark sky compliant, and a Knox box to be installed for emergency services use.

MOTION CARRIED 6-0.

- 5) **ADJOURNMENT: MOTION** by Muehl/Eickhoff to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 1:37 P.M.

Submitted by: Kim Banigan, Clerk
Approved 04-22-2020

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- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Steve Anders, Jerry Meylor, Dave Muehl, Troy Eickhoff and Phillip Bultman in attendance. Clerk Kim Banigan took minutes. Due to the COVID-19 emergency, public participation in person was limited and the meeting was accessible through gotomeeting.com. Town Planner Mark Roffers attended virtually, along with several other interested parties.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Approve Minutes of Previous Meetings:
 - a) **MOTION** by Anders/Muehl to approve the minutes of the April 15, 2020 meeting as printed. **MOTION CARRIED 5-0-1** (Bultman abstained).
 - b) **MOTION** by Eickhoff/Meylor to approve the minutes of the April 17, 2020 meeting with a correction to the number of cars in the second bullet point of item 4. **MOTION CARRIED 6-0.**
 - c) **MOTION** by Anders/Muehl to approve the minutes of the closed session on February 26, 2020, and to keep them closed until the matter is resolved. **MOTION CARRIED 6-0.**
- 4) Public Concerns: None.
- 5) Tabled from February meeting: Discuss/Consider alternative concept regarding application by Dan L. Meise, Meise Construction Inc, applicant, Storage world of Cottage Grove, LLC, landowner, for rezone of 25.16 acres at 3286 Field View Lane from Heavy Commercial to Manufacturing and Industry with possible conditional use permit for non-metallic mining on 12+/- acres: Robert Roth of RPS and Atty. Buck Sweeney represented Storage World and Meise Construction. Roth said that they understand the main concerns of the Plan Commission to be the timeframe of mining and the conflict of M&I zoning with the comprehensive plan. The applicants' goal is a commercially developable site once it has been leveled, and they would like to take advantage of the opportunity to generate revenue from the material removed. The original request was for five years to allow Meise Construction the opportunity to procure jobs to use up the product. Roth suggested using a Planned Unit Development (PUD) concept could contain specific conditions, including timeframe, but retain and peel back to the Heavy Commercial zoning once the PUD was complete. Sweeney said another option would be a borrow pit, which as a DOT project, would have no town or county regulation.

Town Planner Mark Roffers put a schematic of the PUD Process up on the screen. The process is similar to the rezoning process; however, the final step is a specific implementation plan. Roffers said it is typically used for mixed use development or conservation subdivisions, with zoning rules specific and targeted to the uses planned. Hampton asked what uses are planned. Roth and Sweeney said the PUD could go only as far as reclamation of the mining site (3 years). After that it could revert back to the uses permitted under the HC zoning.

Eickhoff expressed concerns over whether removal and reclamation could be accomplished in three years when they do not currently have any projects lined up to use the material. Sweeney said the owner wants the site ready to go. There is a crusher there now and they can crush material for use on site without any further approval. If at the end of the three years, there is still material, Sweeney said they would have to talk to other local quarry owners about removing it from the site. Eickhoff said he is concerned with the timeframe, the crushing and the blasting.

Muehl suggested that crushing would be less of a problem if done in the winter when windows are

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closed, and that it would be in the owner's best interest to keep dust down for the storage facility. Blasting should be kept to a minimum.

Hampton said a PUD would only get them a mining permit, and would not provide any benefit to the town. Anders disagreed, saying the Town would have developable commercial tax base as a result.

No action was taken by the Plan Commission.

- 6) Annual Review of Comprehensive Plan: Amendments requested by landowners:
- a) Kenneth and Joy Foust – re-designate 35.34 acres at the corner of Femrite Drive and County Highway AB from the Agricultural Preservation area to the Commercial Development Area: Ken Foust was present, and Joy Foust attended virtually. Hampton asked Mr. Foust what their main goal is, saying that if it is expansion of the existing business, the comprehensive plan allows for that to be considered without amending the future land use designation. Mr. Foust said they would like to add bunkers and build a bigger storage shed. Roffers displayed the access dane map of the property on the screen. The Fousts own 19.19 acres zoned RM-8 with 1.4 acres spot zoned as HC. They also own 16.15 acres zoned FP-1. Mr. Foust said they have a letter from 1963 or 1964 indicating there is actually 12 or 15 acres of commercial, however the County wants \$100 to research it. It was suggested that may be money well spent compared to the cost of rezoning. Mrs. Foust asked if the entire RM-8 zoned area could be rezoned to HC for expansion, indications were that would be too much unless a specific plan showed how it would be used. A 3 to 5-acre expansion was suggested as being more reasonable. **MOTION** by Hampton/Anders to take no action. **MOTION CARRIED 6-0.** Mr. Foust said he would be in touch with the Clerk to apply for an expansion of the HC area.
 - b) George Newton – re-designate 20 acres (parcels #0711-202-9500-6 and 0711-201-9000-2) along Coffeytown Road just north of C Bar J Circle from the Agricultural Preservation Area to the Neighborhood Development Area: Mr. Newton and Chris Miller were present. Miller said there are no immediate plans to develop, and they know that there is not enough developable land to utilize all 8 units of a transfer of development rights, however if combined with surrounding properties that are already planned for neighborhood development there would be potential. He said that Mr. Newton's main goal is a house for himself, but there are no development rights on the property, so they thought this might be a way to go about it. Hampton asked why the western portion of the 20 acres was included in the request, isn't it too wet to build on? Miller said it was not necessary that it be included, and discussion focused on about 9 acres at the east end of the property. The location Newton identified for a house would require a long driveway that would result in a lot too large for the Neighborhood Development area and not leave room for many other lots. Anders suggested limiting it to only 2 acres, but it was also noted that the maximum lot size in the Neighborhood Area is only 1 acre. **MOTION** by Hampton/Anders to table until the next meeting to allow time to research options. **MOTION CARRIED 6-0.**
 - c) Donald and Marilyn Viney – re-designate 37.4 acres (parcel #0711-311-8000-1) from the Commercial Development Area to the Agricultural Preservation Area: Don Viney was present. He said the property in question is good ag land and he would like to preserve it as such for his sons to continue farming. He also wants to convert it back to Ag Preservation to get back the RDU and sell a residential lot off of it. He said the neighborhood is in support of this plan. This was evidenced by testimony of Rod Heller, 2906 Siggelkow and James Ewing 3369 Pierce Road, who were both in attendance. **MOTION** by Anders/Eickhoff to recommend approval of re-

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designating 37.4 acres (parcel #0711-311-8000-1) from the Commercial Development Area to the Agricultural Preservation Area. **MOTION CARRIED 6-0.**

- 7) Discuss/Consider whether to accept late request from Neli Skaar, Sk-Ardal Farms to re-designate part of parcel 0711-264-8001-0 from the Agricultural Preservation to the Neighborhood development Area for infill to existing residential development: The Clerk said she unfortunately did not stamp the received date on the submission, but knew it was received after the March 15th deadline. **MOTION** by Bultman/Muehl to accept the late request. **MOTION CARRIED 4-2-0** (Anders and Eickhoff opposed). The Clerk will submit to the Town Planner for his review and it will be on the next Plan Commission agenda.
- 8) Discuss/Consider recommendation regarding application by Don & Marilyn Viney to rezone 5.14 acres of parcel 0711-311-8000-1 on Siggelkow Road from AT-35 to RR4, with remaining 30.89 acres rezoned to FP-1: Mr. Viney said that his original lot configuration was not favorable to City of Madison planning staff when they reviewed it under ETJ, so he has sketched a revised lot configuration and reduced it to about 3.87 acres based on their comments. Questions were if it could be further reduced to conform with the 2-acre maximum for new residential parcels under the comprehensive plan, but Viney provided rationale including terrain and location of trees to justify it being larger. **MOTION** by Muehl/Eickhoff to recommend approval of rezoning 3.87 acres of parcel 0711-311-8000-1 on Siggelkow Road from AT-35 to RR4, with remainder of the rezoned to FP-1 (based on 6 c) above). It was noted that the lot size does exceed the 2-acre maximum due to geographical features and trees. Viney will provide a more exact map of the proposed residential parcel for the May 4th Town Board meeting. **MOTION CARRIED 6-0.**
- 9) ADJOURNMENT: **MOTION** by Muehl/Meylor to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 9:07 P.M.

Submitted by: Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
PLAN COMMISSION
May 27, 2020

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Steve Anders, Jerry Meylor, Dave Muehl, Troy Eickhoff, Phillip Bultman and Mark Kudrna in attendance. Clerk Kim Banigan took minutes. Due to the COVID-19 emergency, public participation in person was limited and the meeting was accessible through gotomeeting.com. Town Planner Mark Roffers and Dane County Planning Staff members Pam Andros and Majid Allen attended virtually, along with several other interested parties.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Approve Minutes of Previous Meetings: **MOTION** by Anders/Meylor to approve the minutes of the April 22, 2020 meeting as printed. **MOTION CARRIED 6-0-1** (Kudrna abstained).
- 4) Public Concerns: None.
- 5) Acknowledgement of withdrawal of application by Dan L. Meise, Meise Construction Inc, applicant, Storage world of Cottage Grove, LLC, landowner, for rezone of 25.16 acres at 3286 Field View Lane from Heavy Commercial to Manufacturing and Industry for possible conditional use permit for non-metallic mining on 12+/- acres: **MOTION** by Anders/Meylor to acknowledge the withdrawal of the rezoning and CUP applications. **MOTION CARRIED 7-0.**
- 6) Annual Review of Comprehensive Plan:
 - a) Amendments requested by landowners:
 - i) Tabled from April meeting: George Newton – re-designate 20 acres (parcels #0711-202-9500-6 and 0711-201-9000-2) along Coffeytown Road just north of C Bar J Circle from the Agricultural Preservation Area to the Neighborhood Development Area: George Newton and Chris Miller were present. Roffers reminded the commission that last month the concept was to make a modest change to allow one additional single-family residence. Hampton said he would not be in favor of re-designating an area to Neighborhood Development for only one house to be built. Roffers said there is not enough land there to get anywhere close to the 8 houses the transfer ratio would allow, he also pointed out that a potential stumbling block would be that DATCP frowns upon dividing a tax parcel between Ag Preservation and Neighborhood Development. He suggested that the limited opportunity offered by the comprehensive plan for transfer of development rights on a 1:1 basis within the Ag Preservation area under one owner could be tweaked to allow transfer between two landowners. Muehl said this change could create more demand for the TDR program and preserve more farmland. The larger lots allowed would help to maintain Town character. Hampton asked Andros her thoughts. She thought this would be something the Town should consider; she has taken several calls where this has come up. She said the banking of residual RDUs resulting from the 8:1 ratio that has been allowed in the past is problematic. Allen added that he works with other towns that allow a 1:1 transfer as long as it furthers farmland preservation goals, and gave the Town of Rutland as an example. **MOTION** by Muehl/Eickhoff directing Roffers to incorporate a 1:1 transfer of development rights between two landowners in the Ag Preservation area into the comp plan amendment for review at the next meeting. **MOTION CARRIED 7-0.** **MOTION** by Hampton/Anders to deny the request to re-designate 20 acres (parcels #0711-202-9500-6 and 0711-201-9000-2) along Coffeytown Road just north of C Bar J Circle from the Agricultural Preservation Area to the Neighborhood Development Area. **MOTION CARRIED 7-0.**

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ii) Request from Neli Skaar/Sk-Ardal farms to re-designate 15+/- acres from parcels #0711-264-8001-0 and #0711-264-9585-0 owned by Screamin' Norwegian Farms from Ag Preservation to Neighborhood Development: Neli Skaar was present. Eickhoff questioned what has changed since May 2011 when a similar request was denied. Hampton said that the lots created nearby with 1:1 transfers have created a neighborhood that the landowner now wishes to add on to. Eickhoff did not think using the 8:1 ratio for infill in this area of good farmland fits the plan. More farmland would be preserved using splits on a 1:1 basis, even with larger lots. Roffers agreed with Eickhoff's analysis, stating that this is in an area of very limited development that he understood to be the result of a large landowner concentrating development rights in one area. Andros agreed that discussion about how far this is from other development and how far use of the 8:1 ratio gets from preserving farmland is appropriate. She said the County would be hard pressed to support a Neighborhood Development area here. There followed a debate about what constitutes a neighborhood, with Hampton arguing that one already exists and adding to it with a Neighborhood Development area is appropriate, and Anders, Eickhoff and Muehl arguing that any additional development should be done using splits on a 1:1 basis as the existing lots were, that 8:1 multiplier ratio is intended for use in areas adjacent to platted subdivisions. **MOTION** by Eickhoff/Anders to deny the request from Neli Skaar/Sk-Ardal farms to re-designate 15+/- acres from parcels #0711-264-8001-0 and #0711-264-9585-0 owned by Screamin' Norwegian Farms from Ag Preservation to Neighborhood Development: **MOTION CARRIED 5-2** (Hampton and Meylor opposed).

iii) Request from James and Ruth Ewing to re-designate parcels #0711-312-8260-6, #0711-311-9050-9 and #0711-311-8500-6 (~51 acres) from the Commercial Development Area to the Agricultural Preservation Area. James Ewing was present and explained his land is adjacent to the Viney land that the Plan Commission supported re-designating from Commercial Development to Agricultural Preservation last month. He would like to be eligible for farmland preservation credits and said he and his neighbors appreciate the rural character of the area. He also thought that the 90° curves on Siggelkow Road were not very conducive to commercial uses. Roffers shared a map of the area from his memo to the commission (Appendix A) on which he had identified an area of 147.26 acres, including the Ewing property plus other adjacent properties, that County staff had suggested should all be considered along with this request. The Clerk had contacted the new owners of the property at the corner of County AB and Siggelkow who replied that they would like their property to remain planned for Commercial Development. The wishes of the other property owners were unknown. Roffers noted that properties south of Siggelkow still show up as future Commercial in the Town's comprehensive plan, however they have been annexed into the Village of McFarland and McFarland's plans for them are unknown. With DOT plans for the County AB/USH 12 & 18 intersection, Roffers thought there would be potential for commercial development along County AB eventually, however he did not see the same potential heading east along Siggelkow Rd. until you get closer to USH 12 & 18. **MOTION** by Muehl/Meylor to recommend re-designating parcels #0711-312-8260-6, #0711-311-9050-9 and #0711-311-8500-6 (~51 acres) from the Commercial Development Area to the Agricultural Preservation Area. **MOTION CARRIED 7-0.**

b) Amendments suggested by Plan Commission members.

i) Hampton - re-designate ~~105.39~~ 92.29 acres on the east side of North Star Road, north of

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Highway 12&18, from the Agricultural Preservation Area to the Commercial Development Area: The acreage in question is actually 92.29 acres, not 105.39 as the agenda indicates. 35.8 acres are owned by Duane Swalheim, who was present and voiced his support for the change. Owners of the other affected properties were not present but the Clerk confirmed they had been notified of the meeting. Hampton said commercial development could provide additional tax base to pay for the improvements made to North Star Road in 2019. The Clerk said she is getting inquiries about property for sale in this area from potential buyers who want to build a home there, which she worried would result in conflicts with the commercial use to the west and the mining site to the east. Being planned for commercial would eliminate that question. Roffers said while did not support a similar request last year, there seems to be some logic to it now, especially given the support for eliminating a similarly sized area of future Commercial Development area on Siggelkow Road. **MOTION** by Anders/Muehl to recommend re-designating 92.29 acres on the east side of North Star Road, north of Highway 12&18, from the Agricultural Preservation Area to the Commercial Development Area. **MOTION CARRIED 7-0.**

ii) Hampton – Review the Transfer of Development Rights program to see if it is accomplishing what the Town envisioned when it was started 20 years ago: Eickhoff brought up the idea of multi-family housing where the 8:1 multiplier could be used in one building to use less land. There was question about whether that could be done without sewer service. Anders reported that the Town of Middleton does have sewer service from MMSD with no strings attached, and that when MMSD expanded into the Town on Gaston Road, there was an agreement that service could someday be available to town residences. Andros said there are multi-family buildings in other areas of the county on appropriately sized septic systems. Roffers said that since most of the Neighborhood Development areas are close to the Village, anything to make it more marketable to stay in the Town (sewer, multi-family with proper septic) makes sense. He suggested updating the Neighborhood Development standards and policies to address sewer and 2+ unit housing to open the door to those possibilities. There was discussion about modifying the 1:8 TDR ratio with consensus to leave it as is for now. Hampton suggested allowing transfer of development rights from property planned for commercial development to make commercial development more attractive, even though it would not serve the purpose of the TDR program to conserve farmland. There was not support for this idea.

c) Amendments suggested by the Planning Consultant: Map updates to reflect recent annexations and urban service area expansions: Roffers said he would like to update maps to reflect annexations and updates to urban service areas and extraterritorial jurisdictions. He is also working on revisiting park fees as required under new law by the state, and it would be helpful to have 2-3 supporting policies in the comprehensive plan regarding parkland.

Roffers will draft a resolution incorporating the revisions supported tonight and at the April meeting for consideration by the Plan Commission on June 24th.

7) Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: boundary agreement discussion. **MOTION** by Hampton/Meylor to move into closed session for the reason stated above. **MOTION CARRIED 7-0 by roll call vote.** The closed session began at 9:05 P.M.

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- a) Consider/Adopt motion to reconvene to open session to take any action necessary from closed session. **MOTION CARRIED 7-0 by roll call vote.** The closed session ended at 9:15 P.M. and there was no resulting action.
- 8) ADJOURNMENT: **MOTION** by Hampton/Anders to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 9:15 P.M.

Submitted by: Kim Banigan, Clerk

Approved 06-24-2020

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JUNE 24, 2020

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Steve Anders, Jerry Meylor, Dave Muehl, Troy Eickhoff, Phillip Bultman and Mark Kudrna in attendance. Clerk Kim Banigan took minutes. Due to the COVID-19 emergency, public participation in person was limited and the meeting was accessible through gotomeeting.com. Town Engineer Thomas TeBeest, Dane County Sr. Planner Pam Andros and several interested parties attended virtually.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Approve Minutes of Previous Meetings:
 - a) **MOTION** by Anders/Bultman to approve the minutes of the May 27, 2020 meeting as printed. **MOTION CARRIED 7-0.**
 - b) **MOTION** by Anders/Bultman to approve the minutes of the May 27, 2020 closes session as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 7-0.**
- 4) Public Concerns:
 - a) Kyle Mathews, 3646 County AB, inquired about driveway requirements should he build a house on land he owns at the 90° bend of Vilas Hope Road. He owns two parcels there, the one he would build on only has 16.5' of frontage on Vilas Hope Road. He also questioned whether the 2-acre maximum for new residential parcels includes the driveway area. He was advised that the maximum would include the driveway, and to contact the Town Highway Superintendent regarding driveway specifications, and to contact Dane County for suggestions as to how best to achieve the required 66' of Town road frontage. Anders recalled prior concerns over building on that parcel due to the long driveway that would be needed.
 - b) Kathryn Kersels, 2881 Whitewood Ln, wondered whether agenda item 8 should be addressed prior to earlier agenda items due to its potential effect on their outcomes.
- 5) Discuss/Consider approval of CSM for 3190 CTH N: **MOTION** by Anders/Meylor to approve the CSM identified as FN 119.1147.3 dated 3/12/2020. **MOTION CARRIED 7-0.**
- 6) Discuss/Consider recommendation regarding a certified survey map to divide parcel# 0711-284-9755-0 at 3447 North Star Road into two lots with no change to zoning (General Commercial): Property owner Steve Banovetz explained that he has a buyer interested in purchasing lot 1 of the proposed CSM for boat storage and possible repairs, with plans to build up to ten 60' x 208' buildings over time. Anders expressed concerns over outdoor storage, it was noted that the zoning of the property requires screening of outdoor storage. It was also noted that the allowable uses on the property do not include repairs. **MOTION** by Muehl/Kudrna to recommend approval of the CSM as presented. **MOTION CARRIED 7-0.**
- 7) Discuss/Consider recommendation regarding proposed concept plan for an 11-lot subdivision between Wittewood Ln. and Hope Road (parcel # 0711-292-8500-0): David, Andy, Robert and Kathy Witte were present, along with Rachel Halloway and Dave Glusick from Vierbicher. Ms. Halloway presented the concept plan, which included 11 residential lots on 17 acres. She said they felt the concept was a good fit with the existing homes and followed the provisions of the Town's comprehensive plan and ordinances. Lots 5, 10 and 11 are larger than 1 acre, but have extenuating circumstances including challenging terrain, woods and a gas line easement. A wetland delineation

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showed wetlands within the existing stormwater basin, which would need to be expanded, but she thought a wetland exemption would be possible for the man-made basin. Lots 1, 6 and 7 are subject to shoreland zoning due to the man-made wetlands. More detailed soils analysis will be performed once the concept is approved.

Anders asked if the stormwater basin would be retention or detention; thoughts were that it would be both (retention with an outlet) which would be dictated by County standards. Anders was concerned that residents would not be happy with the aesthetics of 2.8 acres of retention/detention area.

Town Engineer Thomas TeBeest had provided a recommendation letter regarding the proposed concept (Appendix A). He said that the stormwater basin maintenance would be covered in a Developer's agreement. The County would have first enforcement, but the Town would also have authority to perform the maintenance and charge the association if they are not adequately maintaining it themselves. He said the hardwood growth around the edges of the existing basin should be removed. He recommended that the developer pursue an artificial wetlands exemption from the DNR and Dane County, which would be a good incentive for Dane County to rezone it out of wetlands so that buffers would not be an issue.

Eickhoff questioned where the driveways for lots 1-5 will be. Halloway said initial conversations with staff did reveal concerns over the number of driveways onto Hope Road, but the developer is open to shared driveways, which would bring the number down to 3. Eickhoff said previous developments have been required to build interior roads so no driveways come onto arterial roads, and asked if they had any thoughts as to how that might be accomplished. Halloway said the only idea they had would be a back-alley access for the lots along Hope Road, which Eickhoff did not think would fit into a rural development aesthetically. Anders suggested making Wittewood a through street with another outlet onto Hope Road. Eickhoff suggested a cul-de-sac in the area of lots 7 and 8 to serve the lots along Hope Road.

Eickhoff asked if there were any plans for the Witte's remaining 2 RDUs. Halloway said there are no plans at this point, although splitting off the farmstead would use one of them. Anders asked about the 5 remaining development rights if only 11 of the possible 16 lots are used from the 2 transferred RDUs. Hampton said that under the proposed revisions to the comprehensive plan to be considered later tonight (agenda item 8. C.), they could only be used in the same receiving area as the rest are used, they could not ever be sold or used elsewhere.

James Gilbertson, 2767 Hope Road, expressed concerns over traffic on Hope Road, which is already heavy, and thought the road may need to be upgraded. Halloway said that the Town Engineer asked them to look into line of site for the driveways. Initial investigation showed the design speed for Hope Road is 50 mph, even though it is posted at 45mph. Stopping distance is 425-455 feet. They will explore and bring more information to future meetings. Gilbertson was also concerned over the addition of 11 septic systems.

Kathryn Kersels, 2881 Wittewood Ln., said that the intersection of South Hope Road and Wittewood is also a dangerous one. Her family has lived there 10 years and enjoy the rural aspects of the Witte property. She asked for consideration of the existing residents, and expressed following concerns:

- She asked why it has to be 11 lots in the small area, and was concerned about lot more traffic in an area where there are lots of children. She suggested fewer, larger lots would more closely match the existing lots and do more to preserve the rural character. Hampton said that in the Neighborhood Development planning district limits new residential lots to 1 acre.

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- She expressed concerns over the size of the retention pond, stating that it is already very wet with just the existing four lots, and wondering if the proposed size would handle 11 more.
- She asked if they would all have propane tanks. Hampton suggested that the developer's agreement could require propane tanks to be screened.
- She wondered where construction vehicles would be staged during development. She said everyone there works from home and enjoys peace during the day.
- She asked the Wittes why they had not been open to other offers from people who want to purchase the property to keep it undeveloped. Dave Witte said they had never received a written offer, and invited her to submit one.

Doreen Burton, 2867 Wittewood, expressed her concerns virtually:

- She was concerned where the stormwater would end up, stating that she has watched the property overflow with water, and she couldn't see how the homes would not have flooded basements.
- She is concerned about the safety with driveways onto Hope Road.
- She is concerned with protection of her view shed. She felt the development would change the entire character of the area.
- She asked that no decision be made tonight, stating she had not seen any hard copy plans or analysis. The Clerk explained that only the concept plan is up for consideration at this point, and she described the steps ahead of the developers.

Jeff Zapp, 3606 S. Hope Road, asked why the Wittes were looking to develop this piece of land rather than north of Hope Road, behind the current farmhouse where it wouldn't disrupt current residents as much. Halloway said there is a lot of restricted area there, leaving only a small developable area requiring a long access road consuming more farmland. Zapp also thought the property proposed for development is extremely wet for residential development.

Lori Lacroix, 2764 Hope Road, agreed with earlier comments but also questioned what effect development and fertilizers/pesticides used on the new lots would have on wildlife and ecosystem. Hampton said trees on the East end of the plat would need to stay as much as possible to prevent erosion of the hill. Halloway said the wetlands all lie north of Hope Road other than the man-made basin, and the property to be developed drains to the West. Glusick said the developer will need to meet all County and DNR requirements, which have become more restrictive since the existing basin was put in years ago, so he expects there will be an improvement to current stormwater management in the area.

John Brogan, 2750 Hope Road, said while not against development, he did not think the additional driveways on Hope Road would be a good idea, and was concerned with flooding of the new lots. He asked for limits to the size of the new lots to keep the rural character.

Dave Witte said they had looked at several alternative concepts, some with many more lots, and felt this was the best fit, but without at least 3 driveways onto Hope Road it would be difficult to develop it. He noted that just up the road there are several driveways in a more concentrated area than what

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they are proposing. Halloway said there is an average of 1,500 cars/day on Hope Road, and adding 3 driveways would not be that much of an impact.

TeBeest said as the Town Engineer, he evaluates development proposals with respect to Town regulations. From that perspective, this concept plan does fall into line with the Town ordinances and comprehensive plan. The posted speed limit is 45 mph, and the Town has no authority to reduce it unless the road is designated as a rustic road, or has driveways on both sides of the road spaced an average of less than 150 feet apart for a minimum of 1,000 feet. Putting a road between the lots would not meet Town ordinances as lots must be a minimum of 600 feet deep with two lots in depth, and roads must be at least 1,200 feet long. As for the driveways on Hope Road, he said as long as they can meet site distance requirements, there would be no engineering reason not to allow the driveways, whether it was 3 or 5. He said the proposed concept matches well with other Town subdivisions; if anything, it is less dense. He did note that the cul-de-sac shown on the concept plan does not meet current standards.

Leah Rhodes, 2859 Wittewood Ln, had concerns over drainage toward her home from lot 11, as well as the duration of construction. Hampton said County standards would not allow drainage to be changed to her property. He said there is no way to know how fast the lots would sell or how soon the buyers would build.

Anders said that the Town expressed concerns when a proposed development in the Village planned to add multiple driveways on Vilas Road, and he felt that the Town should be consistent by expressing the same concern when the development is in the Town.

MOTION by Muehl/Anders to approve the concept plan with a maximum of three driveways onto Hope Road. Anders added taking into account the concerns and suggestions expressed by the Town Engineer's regarding the design of the cul-de-sac. He also asked that the developer look at re-configuring the intersection of Hope and South Hope Road to be a 90-degree angle. Muehl was ok with Anders' additions. **MOTION CARRIED 7-0.**

8) Annual Review of Comprehensive Plan:

a) Revised request from Neli Skaar/Sk-Ardal farms to re-designate 6.0 acres from parcels #0711-264-8001-0 and #0711-264-9585-0 owned by Screamin' Norwegian Farms from Ag Preservation to Neighborhood Development: Neli Skaar was present, along with Tim Thorson from Royal Oak & Associates. Thorson said the stormwater basin is already sized to accommodate development of the additional 6 acres, and the roads are already built. He provided topographical and soils maps that he said indicated the 6.0 acres are not prime farmland.

- While he could not be at the meeting, Town Planner had prepared a memo (Appendix B) advising against the 6.0 acres being planned for Neighborhood Development.
- Eickhoff asked about upgrades to Skaar Road, Thorsen said about half of it has already been upgraded, and the remainder would be part of a developer's agreement.
- Hampton noted at the Witte Neighborhood Development area discussed earlier was created under a similar situation, as an infill to an existing residential area that was created from RDUs on a 1:1 basis. He further noted that this is one of the few areas where owners have asked for development outside of any ETJ areas.

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- Anders said in theory he is in favor of allowing infill here, but not of making it a Neighborhood Development area because of the precedent that would set. He said he understands the economics of it but does not see this as an area in the Town where a neighborhood should be started
- Eickhoff said it was smart to group the Skaar farm RDUs on a 1:1 basis as had been done with the existing homes, and utilizing more RDUs in the same fashion is reasonable, but not on a 1:8 basis.
- Anders asked Andros if the County's opinion is any different with the smaller area compared to what was proposed last month. She said the use of the 1:8 bonus is still a problem to her, and believes the owner has enough RDUs to accomplish the infill on a 1:1 basis. She also felt there are plenty of other areas in the Town with the Neighborhood Development designation. Hampton wanted to know how many RDUs remain in the Town of Cottage Grove. Andros did not have that information readily available, and said it would require a density study on every original farm in the Town to provide it.
- Anders asked what would happen if the County denied this change? Andros recalled one time when that had happened, and there was a period when the County had a different planning map than the Town did (for a different town), which made for a very confusing situation. The County ZLR could only adopt changes that were consistent with the County's version of the map. Anders asked how the Town will be able to deny similar requests from owners of property other areas in the Town where development is not desirable.
- There was a question about what would happen to the remaining fractions of the 1:8 ratio if only 6 lots were created. Discussion was that under the proposed revision to the comprehensive plan under item 8. c. below, they could only be used on the same receiving area, and could not be sold, so essentially, they would be lost.
- **MOTION** by Hampton/Meylor to recommend the 6.0 acres be re-designated from Ag Preservation to Neighborhood Development based on:
 - The adjacent Skarstinden and Skaar Roads are already approved.
 - There are already 9 residential lots along these roads.
 - The land is gently sloped and there are no floodplain, wetland, or other apparent environmental limitations.
 - Unlike the rest of the Town's Neighborhood Development Areas, the land is not within any city or village extraterritorial jurisdiction.
 - It will cluster homes next to the first 9.

MOTION CARRIED 5-2 (Anders and Eickhoff opposed).

Meylor wondered if the motion could include relinquishment of the unused fractions of the 1:8 transfer, Hampton said that would have to be in the developer's agreement.

- b) Discuss/Consider recommending reviewing the Comprehensive Plan for amendments on a biennial rather than an annual basis: Roffers' memo recommended this based on his own and County staff's opinions. Discussion was that the Town would like to remain more responsive to landowner requests for changes than biennial updates would allow. **MOTION** by Muehl/Bultman to stay with annual updates for now and consider going to biennial updates with the next comprehensive re-write. **MOTION CARRIED 6-1** (Eickhoff opposed).

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- c) Discuss/Consider eliminating the current ability to subsequently transfer rights to build unused housing units, if some rights are left over once the 8-to-1 transfer incentive is applied to a particular Neighborhood Development Area/subdivision plat: This topic led to a heated discussion about where the transfer ratio should be used and whether the TDR program in general has saved any farmland, or whether the Town should keep farmland preservation as a priority. Anders recommended that the Town consider a comprehensive re-write of its plan, including the public participation aspect, to be able to move forward with a clear vision as to whether or not farmland preservation should continue to be a priority. She also recommended pursuing boundary agreements with the cities of Madison and McFarland, and the Village of Cottage Grove.

Back on topic, Anders said that unused development rights resulting from a 1:8 transfer rather than being able to carry them forward would be a good deterrent to having someone come in to say the Town somehow owes them a place to use them. It also may incentivize them to, for example, use only one RDU to create 8 lots when they might have used two RDUs to create 10 lots if the remaining 6 development rights could be retained. In the end there was agreement that the new language provided by Roffers to eliminate subsequent transfer of unused housing units was acceptable. **MOTION** by Hampton/Muehl to accept the language in section 5 on page 19 of the Visions and Directions volume. **MOTION CARRIED 7-0.**

- d) Discuss/Consider adoption of Resolution 2020-06-24 Recommending Amendments to the Town of Cottage Grove Comprehensive Plan: **MOTION** by Eickhoff/Muehl to adopt the resolution, with the addition of 6 acres of new Neighborhood Development on Skaar/Skarstinden Roads to Map 10, and removal of new language on pages 53 and 55 regarding only doing amendments every other year and allowing the commission to consider requests for amendments submitted after March 15th. **MOTION CARRIED 7-0.**

- 9) Election of Commission Officers (Chair and Secretary): **MOTION** by Muehl/Meylor to elect Hampton as Chair and Eickhoff as secretary. **MOTION CARRIED 7-0.**

- 10) ADJOURNMENT: **MOTION** by Anders/Kudrna to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 10:30 P.M.

Submitted by: Kim Banigan, Clerk
Approved 07-22-2020a

**TOWN OF COTTAGE GROVE
PLAN COMMISSION RESOLUTION 2020-06-24**

**RECOMMENDING AMENDMENTS TO 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 2, 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, as a result of the Town's annual Plan amendment process, the Plan Commission recommends 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.

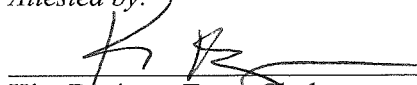
NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the Town of Cottage Grove hereby recommends that the Town Board adopt an ordinance to constitute official Town approval of the amendments to the Town of Cottage Grove Comprehensive Plan that are indicated in Exhibits A, B, and C.

The above and foregoing Resolution was duly adopted at a meeting of the Plan Commission of the Town of Cottage Grove held on the 24th day of June, 2020, by a vote of 7 in favor and 0 opposed.

TOWN OF COTTAGE GROVE PLAN COMMISSION



Kris Hampton, Plan Commission Chair

Attested by:


Kim Banigan, Town Clerk

Incorporated by Reference

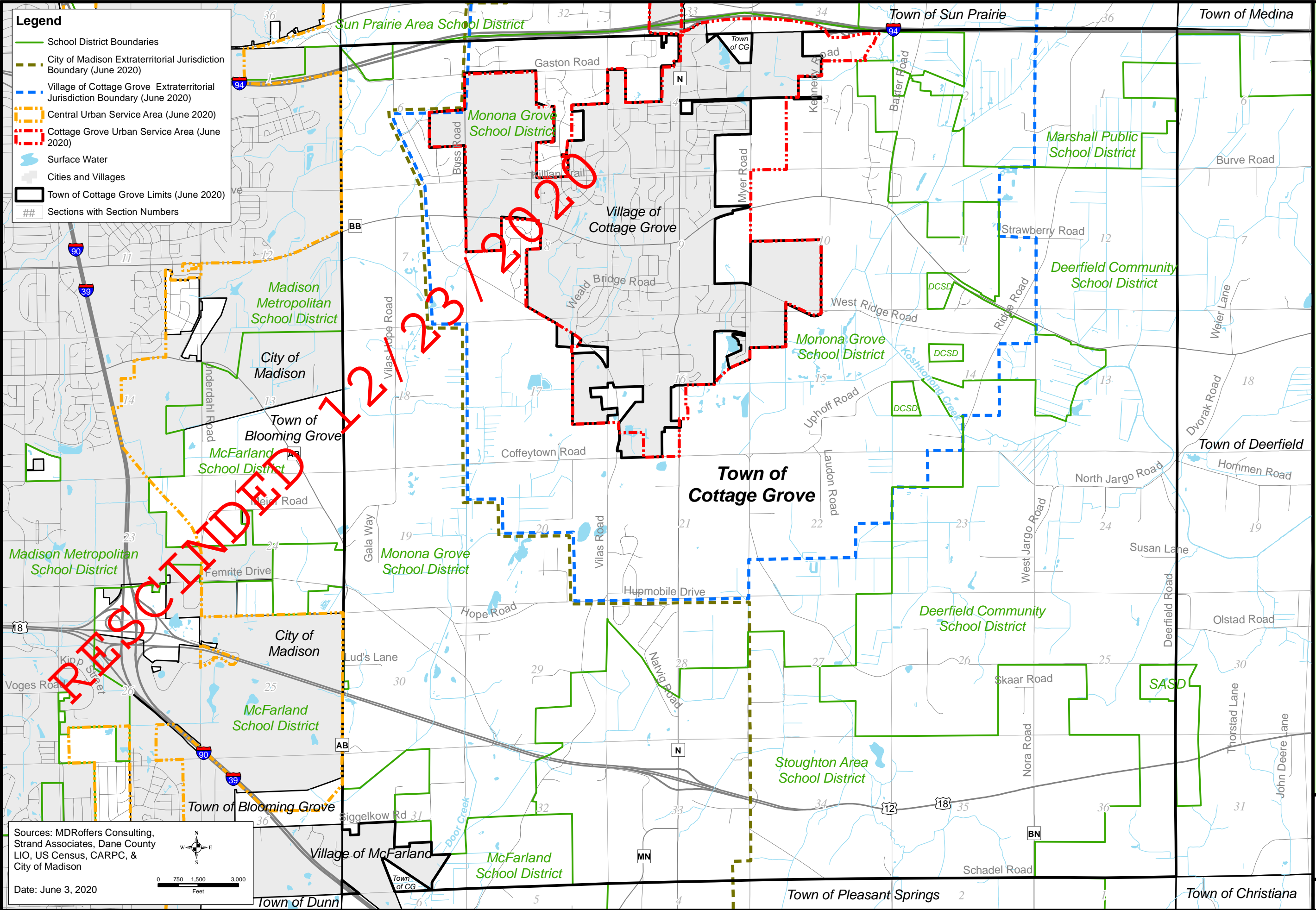
- Exhibit A: Amended Map 1, Comprehensive Plan, Conditions and Issues Volume
- Exhibit B: Amended Map 10, Comprehensive Plan, Vision and Directions Volume
- Exhibit C: Amended figures and text, Comprehensive Plan, Vision and Directions Volume

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

See map on following page

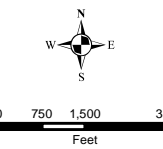
RESCINDED 12/23/2020

- Legend**
- School District Boundaries
 - City of Madison Extraterritorial Jurisdiction Boundary (June 2020)
 - Village of Cottage Grove Extraterritorial Jurisdiction Boundary (June 2020)
 - Central Urban Service Area (June 2020)
 - Cottage Grove Urban Service Area (June 2020)
 - Surface Water
 - Cities and Villages
 - Town of Cottage Grove Limits (June 2020)
 - ## Sections with Section Numbers



Sources: MDRoffers Consulting, Strand Associates, Dane County LIO, US Census, CARPC, & City of Madison

Date: June 3, 2020



JURISDICTIONAL BOUNDARIES

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN
DANE COUNTY, WISCONSIN



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

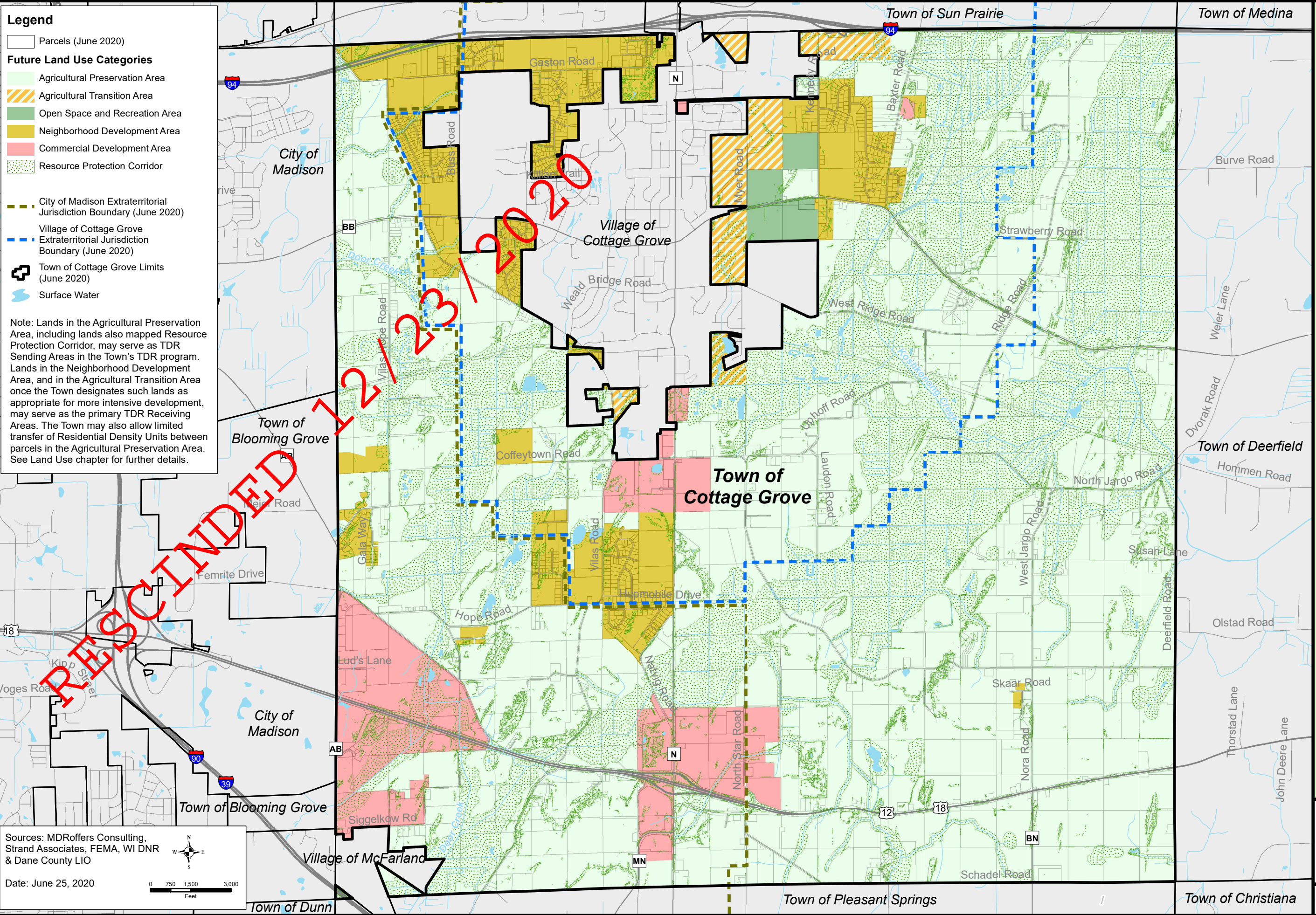
See map on following page

RESCINDED 12/23/2020

Legend

- Parcels (June 2020)
- 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 (June 2020)
- Village of Cottage Grove Extraterritorial Jurisdiction Boundary (June 2020)
- Town of Cottage Grove Limits (June 2020)
- 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 the primary TDR Receiving Areas. The Town may also allow limited transfer of Residential Density Units between parcels in the Agricultural Preservation Area. See Land Use chapter for further details.



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

Date: June 25, 2020

FUTURE LAND USE

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN
DANE COUNTY, WISCONSIN



**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.

RESCINDED 12/23/2020

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.

RESCINDED 12/23/2020

Figure 1: Documents Used to Review Common Development Approval Requests

Plan or Ordinance	Applicable Plan or Ordinance Chapter or Section	Rezoning	Conditional Use Permits	Zoning Variances	Site Plan Approvals	Plans and CSMs
Town Comprehensive Plan	All 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 49 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 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 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 intergovernmental 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 subdivide 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 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, that 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 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 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.~~

RESCINDED 12/23/2020

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 16, 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. 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.

RESCINDED 12/23/2020

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

Purpose	
<ul style="list-style-type: none"> • 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 <u>not</u> mandate or even allow the creation of 35+ acre residential lots. 	
Typical Implementing Zoning Districts	New Lot Sizes
<p>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.</p> <p>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.</p>	<p>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.</p> <p>For new lots intended for new residences:</p> <ul style="list-style-type: none"> • 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. <p>For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:</p> <ul style="list-style-type: none"> • 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	
<ol style="list-style-type: none"> 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, <u>at a 1-to-1 transfer ratio</u> per <u>applicable policies</u> 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. **Rezoning 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	
<ul style="list-style-type: none"> 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
<p>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.</p>	<p>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.</p>
Relationship to Town’s TDR Program	
<ol style="list-style-type: none"> See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description. Lands in the Agricultural Transition Area may qualify as TDR Receiving Areas <u>with an 8-to-1 transfer ratio</u>, per the applicable policies in Figure 3, once the Town designates such lands as appropriate for more intensive development per the “Development Policies <u>for Agricultural Transition Area</u>” below. Prior to such designation, there may be RDU transfers <u>with a 1-to-1 transfer ratio</u> 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	
<ol style="list-style-type: none"> 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. 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. Prior to the Town’s determination that lands in an Agricultural Transition Area are ripe for more intensive development: <ol style="list-style-type: none"> Follow all development policies applicable to the Agricultural Preservation Area in Figure 4. Require that all development projects be designed not to impede the orderly future development of the surrounding area with more intensive future development. Allow RDU transfers <u>with a 1-to-1 transfer ratio</u>, but only per the “Limited-Additional-RDU-Transfer-Opportunity” applicable policies in Figure 3. 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: <ol style="list-style-type: none"> Applicable comprehensive plans, zoning regulations, and intergovernmental agreements. The submittal and detailed understanding of a specific development proposal. 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. The availability of public infrastructure such as road capacity, utility availability or capacity, and other public facilities to serve the proposed development. If such public infrastructure is unavailable, the projected timing of and funding for public infrastructure improvements to serve the proposed development. The ability of local governments and the school district to cost-effectively provide community services to the proposed development. The Town does not intend to require an amendment to this <i>Plan</i> 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	
<ul style="list-style-type: none"> • 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 <u>not</u> mandate or even allow the creation of 35+ acre residential lots. 	
Typical Implementing Zoning Districts	New Lot Sizes
<p>For open space uses, NR-C Natural Resource Conservancy is the typical zoning district.</p> <p>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.</p> <p>For other new residential lots, the RR-1, RR-2, SFR-1, SFR-03, 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.</p>	<p>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.</p> <p>For new lots intended for new residences:</p> <ul style="list-style-type: none"> • 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. <p>For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:</p> <ul style="list-style-type: none"> • 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	
<ol style="list-style-type: none"> 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 <u>with a 1-to-1 transfer ratio</u> between <u>and within</u> lands within the Open Space and Recreation Area/<u>Agricultural Preservation Area</u>, per the the “<u>Limited Additional RDU Transfer Opportunity</u>” <u>applicable policies</u> 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.	

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

Purpose	
<ul style="list-style-type: none"> 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 multi-family residential uses. 	
Typical Implementing Zoning Districts	New Lot Sizes
<p>SFR-1, SFR-08 Single-Family Residential, and HAM-R Hamlet Residential are typical.</p> <p>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.</p> <p>Existing commercial uses/zoning districts may be expanded to include additional land.</p>	<p>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.</p> <p>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.</p>
Relationship to Town's TDR Program	
<ol style="list-style-type: none"> See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description. Lands in the Neighborhood Development Area may qualify as TDR Receiving Areas, per the policies in Figure 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. 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. 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. 	

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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 cross roads 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	
<ul style="list-style-type: none"> • 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 <u>enhance</u> 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 <u>focus on outdoor storage or display and that</u> 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.	

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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 extrajurisdiction 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 be 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 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.

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.



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.

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 acre) 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.
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 well. 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.	<u>Town will update park fees to meet State law requirements.</u> Town may consider <u>new and improved parks in northwest corner if/where residential development has occurred or will occur, via developer dedication and/or using park fees.</u>
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*:

- The Plan Commission initiates the proposed *Comprehensive Plan* amendment. This will usually occur as a result of annual Plan Commission review of the *Plan*.
- 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.
- 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 I notice at least 30 days before the hearing. The Class I 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 deadlines, the Town ~~should intend 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 RESOLUTION

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

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

On June 25, 2020 the following 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.

**PLAN COMMISSION RESOLUTION 2020-06-24
RECOMMENDING AMENDMENTS TO THE
TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN**

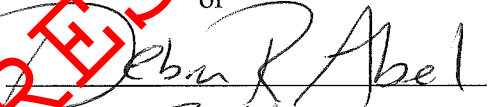


Kim Banigan, Town Clerk

Subscribed to and sworn before me
this 25th day of June, 2020.

Signature of Town Chair person

or



Debra R. Abel (print name)

Notary Public, State of Wisconsin
My Commission expires: 3/7/23

RESCINDED 12/23/2020

TOWN OF COTTAGE GROVE
PLAN COMMISSION
JULY 22, 2020

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Jerry Meylor, Dave Muehl, Phillip Bultman and Mark Kudrna in attendance. Clerk Kim Banigan took minutes. Due to the COVID-19 emergency, public participation in person was limited and the meeting was accessible through gotomeeting.com. Planning consultant Mark Roffers attended virtually.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Approve Minutes of Previous Meetings: **MOTION** by Meylor/Bultman to approve the minutes of the June 24, 2020 meeting as printed. **MOTION CARRIED 5-0.**
- 4) Public Concerns: Kyle Mathews, 3646 County AB, shared copies of his application to the County for a rezone to create a residential lot east of 3934 Vilas Hope Road. Due to the location of the buildable portion of the property and requirements for a 66' wide driveway, he is asking for 2.86 acres, which exceeds the Town's maximum lot size for new residential lots. Discussion was that while no decision can be made under public concerns, it seemed reasonable since there are no other options. An email from County Zoning Administrator Roger Lane indicated that the proposed lot still lacked the minimum 66' frontage on a public road, and recommended applying for a variance.
- 5) Discuss/Consider application by Viney Acres to rezone 5.28 acres from parcel 0711-274-8100-8 at 2171 Nora Road from RR-4 to RR-2 (2.93 acres) and FP-1 (2.35 acres) for lot line adjustment: Don and Marilyn Viney were present. An email from Dane County Zoning Administrator Roger Lane noted that a variance would be needed to allow for the new agricultural lot to not have the required 66 feet of frontage on a public road before Dane County will act on the rezone. Hampton suggested that the RR-2 lot be increased to 3 acres to allow for 3 animal units vs. 2, which may make the property more appealing to buyers. Mr. Viney was agreeable to that idea. **MOTION** by Muehl/Kudrna to recommend approval of the rezone of up to 3 acres from RR-4 to RR2, and up to 2.35 acres from RR-4 to FP-1, conditional on the County granting a variance for the FP-1 parcel not having 66' of frontage on a public road. **MOTION CARRIED 5-0.**
- 6) Discuss/Consider the following recommendations from the Town Planning Consultant:
 - a) Development of a "public facilities needs assessment" in support of amended park land and recreational improvement impact fees: Roffers had prepared a cover memo, draft ordinance and public facilities needs assessment (Appendix A) to address a recent change in State law that invalidated the fee in lieu of parkland dedication that the Town has been charging. Under the new law, the fee amounts need to be based on a "public facilities needs assessment", and be collected at the time a building permit is issued for any new residence. The needs assessment evaluates expected growth and expected investment in park facilities over the next 20 years. Roffers noted that the Town currently has less parkland than other similar municipalities. Roffers proposed two impact fees: a "park land impact fee" and a "recreation improvement impact fee". Fees resulting from the assessment are the maximum fees that could be justified, but the Town could choose a lower number if the maximum fees seemed too high. Roffers said that the "recreation improvement impact fee could be used to develop new park equipment and facilities, or to improve older equipment and facilities that benefit residents throughout the Town. Any fees not used within 8 years must be refunded, so it is important to use them on a first-in, first-out basis. Hampton asked how frequently impact fees should be updated. Roffers suggested they could be adjusted each year based on a recognized index, and/or redo the analysis periodically. Hampton also wanted to know if the Town could reimburse its treasury as impact

TOWN OF COTTAGE GROVE
PLAN COMMISSION
JULY 22, 2020

fees are collected for prior expenses for park land purchases and improvements. Roffers did not believe that would be allowed, but said he would need to research the answer. It was noted that the soccer field behind the Town Hall should be added to the list of park facilities in the needs assessment.

- b) Amendments to the Town's land division regulations (Chapter 15) related to the fees in a): Roffers said the draft ordinance amendment would carry out the creation of the impact fees as stated above. A public hearing would be needed for both the "public needs assessment" and the ordinance amendment, perhaps at the next Plan Commission meeting, and then the Town Board would need to adopt them both. Consensus was to move forward with this plan.
- c) Conceptual Business Park Plan for North Star Road/Northeast Interchange Area: Roffers had prepared a memo and conceptual development plan map (Appendix B) showing potential locations for future roads, commercial uses and stormwater facilities within the approximately 300-acre area. A key factor would be the extension of Natvig Road east from County N to North Star Road to provide another way in and out for businesses in the area. Other proposed roads (Road C, Road D) would provide backdoor access to businesses in the south east corner of County N and Hwy 12 & 18. He stressed that actual locations of buildings and roads will probably not end up looking exactly like the concept, but it does identify areas to put less aesthetically appealing commercial uses (outdoor storage for example) vs. more visible areas where higher value, more visually attractive commercial development would be desired. A resource protection corridor is also identified since a tributary of Little Door Creek runs through the area. Roffers said that this approach is very commonly used in the Dane County Area to provide governing bodies and individual property owners with a guide for maximizing the value of the property. He suggested that this map be adopted into the Comprehensive Plan, perhaps with next year's amendment.

- 7) ADJOURNMENT: **MOTION** by Muehl/Kudrna to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:00 P.M.

Submitted by: Kim Banigan, Clerk
Approved 08-06-2020

TOWN OF COTTAGE GROVE
JOINT PUBLIC HEARING AND MEETING OF TOWN BOARD AND PLAN COMMISSION
AUGUST 26, 2020

Due to the COVID-19 pandemic, the meeting was broadcasted virtually using gotomeeting.com.

(Note that agenda items were taken out of order – Public hearing was actually held later in the meeting)

PUBLIC HEARING

- 1) Notice of the public hearing meeting was published in the legal section of the Wisconsin State Journal on August 12 and 19, 2020, and posted at the Town Hall and on the Town's internet site. Town Board members Kris Hampton, Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, (Hampton and Anders also serve on the Plan Commission), along with Plan Commission members Phillip Bultman, Mark Kudrna, Jerry Meylor, Troy Eickhoff and Dave Muehl. Town Planning Consultant Mark Roffers attended virtually.
- 2) Hampton called the public hearing to order and asked for questions or comments regarding the public facilities needs assessment and the proposed ordinance to amend Chapter 15 to revise park fees to meet state impact fee law. There was no public in attendance, either in person or virtually.
- 3) **MOTION** by DuPlayee/Williams to close the public hearing. **MOTION CARRIED 10-0.**

TOWN BOARD AND PLAN COMMISSION MEETING

- 1) Attendance was as indicated for the public hearing above.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M., and asked to skip to agenda item 7 below. Following that item 3c)/4a) was addressed. Then the public hearing was held as described above.
- 3) Plan Commission
 - a) Discuss/Consider recommendation regarding a public needs assessment that supports Town park land and recreational improvement impact fees on new residential development, replacing the Town's current park land and equipment fees, to correspond with requirements of Sections 66.0617 and 236.45(6)(am) of Wisconsin Statutes: Roffers explained that a 2018 bill invalidated the way the Town has been charging fees for parks in lieu of parkland dedication by the developer. The new law states that a needs assessment must be conducted to identify the maximum fees that can be charged based on park needs. He had prepared a public facilities needs assessment that includes an inventory of existing parks and recreational facilities, along with projections of growth and park and recreational improvements, cost allocation and fee calculation, and effect of impact fees on availability of affordable housing. Based on the assessment, the maximum park land impact fee is \$375 per new housing unit and the maximum recreation improvement impact fee is \$1,160 per new housing unit. These fees would be charged along with building permits. The park land impact fee would not be charged if the new housing unit was to be built in a development where the developer had already dedicated adequate park land. The recreational impact fee would apply to all new housing units. Roffers had researched fees of neighboring municipalities in response to an earlier request from a board member, and said that the proposed fees for the Town are lower than most of the cities and villages and about at the mid-point of Towns he would consider to be peers as far as ratio of farmland to residential development. The impact fees must be used within 8 years of collection, on a first-in first-out basis, or else refunded. Fees can be used to acquire land or easements for new parks or trails or expand and improve existing parks, all in a manner that benefits residents throughout the Town. They cannot be used for maintenance of existing parks and equipment. Roffers mentioned that

TOWN OF COTTAGE GROVE
JOINT PUBLIC HEARING AND MEETING OF TOWN BOARD AND PLAN COMMISSION
AUGUST 26, 2020

the August 24th draft #4 version of the assessment includes slight revisions in response to comments by Town Attorney William Cole following his review of the document. **MOTION** by Eickhoff/Anders to recommend approval of the Public Facilities Needs Assessment dated August 24, 2020 and identified as draft #4. **MOTION CARRIED 7-0.**

b) Discuss/Consider recommendation regarding amending Chapter 15 (Land Division and Planning Code) of the Town Code of Ordinances, to revise park fees to meet state impact fee law: Roffers explained that the proposed ordinance puts the park land and recreational improvement impact fees into effect, and noted that the version identified as Draft #4 dated August 24, 2020 incorporates comments from Town Attorney William Cole. **MOTION** by Anders/Kudrna to recommend adoption of Ordinance 2020-08-26 Draft #4 dated August 24, 2020. **MOTION CARRIED 7-0.**

c) Discuss/Consider recommendation regarding modifications to masonry on the building planned for the Copart facility on parcel 0711-304-8640-0 on US Hwy 12 & 18: see discussion under item 4a) below. No vote was taken on this item by the Plan Commission.

4) Town Board

a) Discuss/Consider approval of modifications to masonry on the building planned for the Copart facility on parcel 0711-304-8640-0 on US Hwy 12 & 18: Brian Deckow of Perspective Design, Inc. attended virtually and represented CoPart. He explained that the originally proposed masonry for the face of the building was not sufficient to meet energy efficiency codes. He had sent samples of the original masonry blocks, and the newly proposed composite blocks, which with a r value of 16, provide 4 times the insulating capacity. **MOTION** by DuPlayee/Fonger to approve the proposed composite blocks. **MOTION CARRIED 5-0.**

b) Discuss/Consider adoption of Town Board Resolution 2020-08-26 adopting a public facilities needs assessment supporting revision to park fees on new residential development: **MOTION** by DuPlayee/Fonger to Resolution 2020-08-26 to adopt draft #4 dated August 24, 2020 of the public facilities needs assessment supporting revision to park fees on new residential development. **MOTION CARRIED 5-0.**

c) Discuss/Consider adoption of Town Board Ordinance 2020-08-26 Amending Chapter 15 of the Code of Ordinances to revise park fees to meet the state impact fee law: **MOTION** by DuPlayee/Williams to adopt draft #4 dated August 24, 2020 of Town Board Ordinance 2020-08-26 Amending Chapter 15 of the Code of Ordinances to revise park fees to meet the state impact fee law. **MOTION CARRIED 5-0.**

d) ADJOURNMENT of Town Board: **MOTION** by DuPlayee/Williams to adjourn the Town Board. **MOTION CARRIED 5-0.** The Town Board was adjourned at 7:34 P.M.

5) APPROVE MINUTES OF PREVIOUS MEETINGS: **MOTION** by Muehl/Meylor to approve the minutes of the July 22, 2020 Plan Commission meeting as printed. **MOTION CARRIED 5-0-2** (Anders and Eickhoff abstained).

6) Public Concerns: Public's opportunity to speak to the Plan Commission about any subject that is not a specific agenda item: None.

7) Discuss/Consider application by Kyle J Mathews to rezone 2.86 acres east of 3934 Vilas Hope road

TOWN OF COTTAGE GROVE
JOINT PUBLIC HEARING AND MEETING OF TOWN BOARD AND PLAN COMMISSION
AUGUST 26, 2020

from FP-25 to RR-2 to create a residential lot: Kyle Mathews requested a postponement due to conversations with the City of Madison. **MOTION** by Anders/Meylor to postpone for 60 days. **MOTION CARRIED 7-0.**

- 8) ADJOURNMENT of Plan Commission: Prior to adjournment, Hampton reported that all approvals had come through for phase I of the Kennedy Hills development, a pre-construction meeting was held on Monday, and he had given the go-ahead to start construction. **MOTION** by Meylor/Bultman to adjourn. **MOTION CARRIED 7-0.** The meeting ended at 7:37 PM

Submitted by: Kim Banigan, Clerk, minutes taken from gotomeeting.com recording with assistance from notes taken by Troy Eickhoff.

Approved by the Town Board on 09-08-2020

Approved by the Plan Commission on 09-23-2020

TOWN OF COTTAGE GROVE
PLAN COMMISSION
SEPTEMBER 23, 2020

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Steve Anders, Jerry Meylor, Dave Muehl, Phillip Bultman, Troy Eickhoff and Mark Kudrna in attendance. Clerk Kim Banigan took minutes. Due to the COVID-19 emergency, public participation in person was limited and the meeting was accessible through gotomeeting.com.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Approve Minutes of Previous Meetings: **MOTION** by Meylor/Bultman to approve the minutes of the August 26, 2020 joint meeting with the Town Board as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns: Hampton asked the others to think about whether they want to plan to complete the update of the Comprehensive Plan in 2021, or just start in 2021 and complete it in 2022, and email their thoughts to the Clerk.
- 5) Discuss/Consider application by Donald Viney/Viney Acres LLC to rezone 3 acres west of 2100 Nora Road (parcels #0711-274-8001-0 and #0711-271-9500-3) from FP-35 to RR-2 to create a new residential lot: Don and Marilyn Viney were present. Mr. Viney said there is a gas line going through the back of the proposed lot, which is why it is proposed to exceed the 2.0 acre maximum for new residential lots according to the Comprehensive Plan. The buyer wants to put an outbuilding at the back end of the property, but will need to avoid the gas line easement. There was discussion about how the lot could be shrunk to comply with the 2.0 acre maximum, but Mr. Viney did not think any of the options discussed would allow the buyer to place the home and outbuilding in the desired locations. There was also discussion that since the buyer is also buying the surrounding farm land, maybe the outbuilding could be built on the FP-35 zoned land rather than on the residential lot, but that would restrict it to agricultural uses. **MOTION** by Muehl/Kudrna to recommend approval of 3.0015 acres to RR-2, allowing exceedance of the 2.0 acre maximum due to the proximity to the gas line and its limitations on placement of improvements. **MOTION CARRIED 5-1-1**(Anders opposed, Eickhoff abstained.) Hampton directed the commission's attention to a letter from Dane County Senior Planner Majid Allan that accompanied the density study for the property in question. Allan noted that either 3 or 4 RDUs remain available, depending on if the splitting of the farm house from the property in 2011 without using an RDU transferred to a new owner or not. Allan's letter suggested the Town should clarify this situation its comprehensive plan. Consensus of the Plan Commission was that there should still be 4 RDUs remaining, regardless of the transfer of ownership.
- 6) Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: boundary agreement discussion: **MOTION** by Anders/Meylor to move into closed session for the reason stated above. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session began at 7:45 P.M.
- 7) Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Muehl/Meylor to reconvene to open session. **MOTION CARRIED 7-0.** The closed session ended at 7:56 P.M. and there was no resulting motion.
- 8) ADJOURNMENT: **MOTION** by Muehl/Anders to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 7:57 P.M.

Submitted by: Kim Banigan, Clerk
Approved 11-25-2020

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Jerry Meylor, Dave Muehl, Troy Eickhoff and Mark Kudrna in attendance. Clerk Kim Banigan took minutes. Due to the COVID-19 emergency, public participation in person was limited and the meeting was accessible through gotomeeting.com.
 - 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
 - 3) Approve Minutes of Previous Meetings: **MOTION** by Muehl/Meylor to approve the minutes of the September 23, 2020 Plan Commission meeting with a correction to the vote in item #5. **MOTION CARRIED 5-0.**
 - 4) Public Concerns: None.
 - 5) Review Amendment to the Comprehensive Plan as recommended by Plan Commission Resolution 2020-06-24 after denial by the Dane County Zoning and Land Regulation Committee: Commission member packets included the County staff report and ZLR action taken on the amendment to the Town's comprehensive plan, along with an email recommendation from Planning Consultant Mark Roffers (Exhibits A through C). As there had been indications from Don Viney that he did not want to change the future land use district of his property on Siggelkow Road from Commercial to Ag Preservation, Hampton suggested only moving ahead with non-map amendments corresponding to items 5-10 in Roffers' list. Mr. Viney was present, however, and stated that he does want to go ahead with changing his land on Siggelkow Road to Ag Preservation after all, and said that he also has a written statement from James Ewing expressing the same wishes for his land. Robert Williamson, owner of vacant land east of Gala Way, was present virtually and said he is looking forward to the amendment to allow for a 1:1 transfer of development rights between unrelated parties in the Ag Preservation district. **MOTION** by Muehl/Eickhoff to recommend moving forward with the following amendments:
 - a) North Star Road map amendment, including associated changes on page 33 and Map 11.
 - b) Viney map amendment
 - c) Ewing map amendment
 - d) Minor text amendments on pages 5, 13, 16, 21, 56; Figures 4-6
 - e) "1-to-1" TDR transfer changes in Figure 3.
 - f) What becomes of "remainder" housing unit/RDU transfers in Figure 3.
 - g) Clarifications of types of uses allowed in Neighborhood Development Areas (Fig. 7).
 - h) Clarification of expectations for Commercial Development Areas (Fig. 8 and pages 33-35).
 - i) Park facility and fee related changes on pages 44-45
- MOTION CARRIED 5-0.**
- 6) Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: boundary agreement discussion: **MOTION** by Muehl/Eickhoff to move into closed session for the reason stated above. **MOTION CARRIED 5-0** by roll call vote. The closed session began at 7:15 p.m.
 - 7) Consider/Adopt motion to reconvene to open session to take any action necessary from closed session. **MOTION** by Muehl/Meylor to reconvene to open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 7:52 P.M. and there was no resulting action taken.
 - 8) ADJOURNMENT: **MOTION** by Kudrna/Eickhoff to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 7:52 P.M.

Submitted by: Kim Banigan, Clerk, Approved 12-23-2020

Re: Town Board action on comp plan amendment

Inbox

**Mark Roffers**

8:49 AM (2 hours ago)

to me

Good question and thoughts.

Bear with me. Here are the 2020 amendments that the Board adopted and later rescinded:

1. Skarstinden Road map amendment
2. North Star Road map amendment, including associated changes on page 33 and Map 11.
3. Viney map amendment
4. Ewing map amendment
5. Minor text amendments on pages 5, 13, 16, 21, 56; Figures 4-6
6. "1-to-1" TDR transfer changes in Figure 3.
7. What becomes of "remainder" housing unit/RDU transfers in Figure 3.
8. Clarifications of types of uses allowed in Neighborhood Development Areas (Fig. 7).
9. Clarification of expectations for Commercial Development Areas (Fig. 8 and pages 33-35).
10. Park facility and fee related changes on pages 44-45.
11. Allowance for plan amendments on more frequent timeframe on page 55

EXHIBIT A

I would suggest Town either making NEITHER or BOTH of amendments 3 and 4. Designating Viney as commercial while designating Ewing as agricultural makes no sense to me, I predict would cause the County to reject the plan again.

Your idea of leaving both Viney and Ewing commercial, like they were before we started with these 2020 changes, might work, but their redesignation to agricultural in part supports Town's decision to redesignate North Star Road to commercial (kind of a swap). So, if Viney and Ewing are left commercial, an argument could be made that North Star Road should be agricultural.

It seems to me that the best two options for the future land use map would be to:

- Don't make amendment 1, but make amendments 2-4, in 2020 OR
- Make no future land use map amendments in 2020 (revert to 2019 version of map)

I suggest following through and executing all of the TEXT amendments in 2020, except for those that relate directly to any map amendments that are not made and perhaps for amendment 11. I initially suggested amendment 11 in conjunction with the proposal to go to a 2-year amendment cycle. The PC rejected the 2-year cycle part, but kept the "more amendments" part. I also know Pam does not like amendment 11.

Do you suspect the Town will budget for a full plan update in 2021? Even if the answer is "yes", then it would be optimistic to believe that the updated plan would be adopted a year from now. The 2020 TEXT amendments would help fill the gap.

Mark

Sent from my iPad

On Nov 18, 2020, at 8:08 AM, Kim Banigan <clerk@towncg.net> wrote:

When you say digging into the Viney area...do you mean you recommend leaving it commercial as it currently planned, or leave it in the amendment as Ag Preservation as currently proposed? To me it's a catch 22 because Viney now does not want to change from commercial to ag, but the neighbors that jumped in with him probably still want it commercial. In some ways I think the best thing might be to drop the whole amendment and dig into the comprehensive review, with lots of contact with landowners so they get on the same page and market for what their land is planned for. Pam is already working with Neli Skaar on his alternatives without neighborhood development, Viney doesn't want commercial now anyway, and none of the rest is that critical, except I know a couple people are looking for the 1:1 transfer to unrelated parties.

Kim Banigan
 Clerk, Town of Cottage Grove
 4058 County Road N
 Cottage Grove, WI 53527
 Phone: 608-839-5021 ext 132
 Fax: 608-839-4432
www.tn.cottagegrove.wi.gov
<https://www.facebook.com/Towncg/>
 Office Hours: 8:00 a.m. to 12:30 p.m., M-F and weekday afternoons by appointment

On Tue, Nov 17, 2020 at 1:54 PM <mark@mdroffers.com> wrote:

I agree with Bill on what the County ZLR's desire likely is. It seemed to me that ZLR eventually decided on 11-10 that it wanted to take an up or down vote on the entirety of the Town Plan, as it was amended by the Board in August, rather than approving some aspects but not others.

I also agree with the Bill's general approach for upcoming steps. Rather than try to guess what the PC may want to change or not change from its June recommendation (via PC Resolution 2020-06-24), it makes sense to allow the PC time to discuss the matter on October 25th.

I do wish to expand our discussion a little.

If the PC decides next week that it doesn't want to change its recommendation, then another 30 day notice ahead of another Town Board hearing would be the next step I think. The Board hearing would be followed by consideration of new ordinance to include some range of amendments (because right now, we are back to the 2019 version of the Comp Plan). If on October 25th the PC instead wants to change its June recommendation, then it seems the cautious approach would be to prep another PC resolution in advance of the December PC meeting reflecting the change(s) it wants to make. At that point, you could zero in on what property owners you wanted to specifically notify and notify them, and then the PC could consider that resolution in December. (I don't think there is anything in the Statute or Town rules or guidelines that requires this specific notice, but it may be a good idea given that we are on a bit of a roller coaster ride.) PC action on a new resolution would be followed by the statutory 30 day notice and hearing before the Board, and Board action.

I advise that the PC and Board dial into the Skaarstinden Road amendment only. I believe that opening up the Viney area again will be another quagmire, which may very well lead to another County rejection for a different reason.

Let me know if you or Kris think I should attend the PC meeting, which I would probably do online.

Mark

From: William S. Cole <WCole@axley.com>
Sent: Tuesday, November 17, 2020 1:27 PM
To: Kim Banigan <clerk@towncg.net>; Mark Roffers Work <mark@mdroffers.com>
Cc: Megan J. Jerke <MJerke@axley.com>
Subject: RE: Town Board action on comp plan amendment

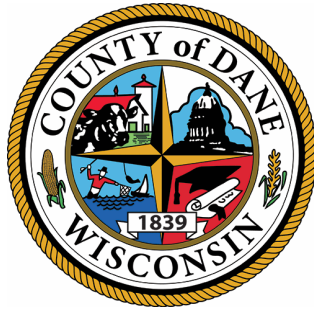
It looks to me like the County does not want to consider piecemeal amendments to the comp plan. They want an omnibus amendment. If that is the case, post the notice for "Amendments to the Town Comprehensive Plan" and just schedule it for a general review by the Plan Commission. Once the plan commission decides what, if anything, it wants to amend, then have the public hearing before the town board action and include the notice information per 66.1001.

William S. Cole

Phone: 608.283.6766
Axley Brynson, LLP

Dane County

EXHIBIT B



Minutes

Tuesday, November 10, 2020

6:30 PM

Virtual Zoom Meeting: See top of agenda for instructions on how to join the webinar or call in by phone.

Zoning & Land Regulation Committee

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

EXHIBIT C

The November 10, 2020 Zoning and Land Regulation Committee meeting is being held virtually. The public can access the meeting with the Zoom application or by telephone.

To join the meeting in Zoom, click the following link (after you fill out the form, the meeting link and access information will be emailed to you):

https://us02web.zoom.us/webinar/register/WN_kkwVYe08S0SUVqg2j_FB1w

This link will be active until the end of the meeting.

To join the meeting by phone, dial 1-888-788-0099.

When prompted, enter the following Webinar ID: 839 8167 5595

If you want to submit a written comment for this meeting, or send handouts for committee members, please send them to lane.roger@countyofdane.com

PROCESS TO PROVIDE PUBLIC COMMENT: ANY MEMBERS OF THE PUBLIC WISHING TO REGISTER TO SPEAK ON/SUPPORT/OPOSE AN AGENDA ITEM MUST REGISTER USING THE LINK ABOVE (even if you plan to attend using your phone).

Registrations to provide public comment will be accepted until 30 minutes prior to the beginning of the meeting.

If you join the meeting with Zoom, when the item you have registered for is before the board/committee, you will be promoted to a panelist. Once a panelist, you can turn on your webcam and you will be able to unmute yourself.

If you join the meeting with your phone, when the item you have registered for is before the board/committee, you will be unmuted and hear, "the host would like you to unmute your microphone, you can press *6 to unmute." Please press *6.

A. Call to Order

Chair Bollig called the November 10, 2020 meeting of the Zoning and Land Regulation Committee to order at 6:30pm.

Staff present: Andros, Everson, Lane, Standing, and Violante

Present 5 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

B. Public comment for any item not listed on the agenda

No comments made by the public.

C. Consideration of Minutes

[2020
MIN-274](#)

Minutes of the October 27, 2020 Zoning and Land Regulation Committee meeting

A motion was made by PETERS, seconded by DOOLAN, to approve the minutes of the October 27, 2020 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

E. Zoning Map Amendments and Conditional Use Permits from previous meetings

CUP 02504

PETITION: CUP 02504

APPLICANT: SN WINDY ACRES LLC

LOCATION: 3158-3160 COUNTY HIGHWAY J, SECTION 1, TOWN OF SPRINGDALE

CUP DESCRIPTION: transient or tourist lodging- Short term rental

A motion was made by PETERS, seconded by KIEFER, that the Conditional Use Permit be approved with 23 conditions. The motion carried by the following vote: 5-0.

- 1. Only one side of the duplex shall be rented as transient or tourist lodging. The northern-most unit shall be rented for transient or tourist lodging. The southern-most unit of the duplex may be rented as long-term rental.**
- 2. No more than three bedrooms shall be rented for transient or tourist lodging.**
- 3. No more than 12 people, including both transient guests and permanent residents, shall be on the premises at any one time. The transient or tourist lodging shall have a maximum of 8 people on the premises at any time.**
- 4. No more than 6 vehicles shall be on the premises at any one time. All vehicles must be parked on paved driveway surfaces or inside the existing garage, with adequate access for emergency vehicles.**
- 5. Quiet hours shall be observed between 10 p.m. and 9 a.m. on weekdays, and between 12 a.m. and 9 a.m. on weekends.**
- 6. Peak noise levels shall not exceed 40 decibels [dB(a) scale], as measured at the property line, during quiet hours.**
- 7. Peak noise levels shall not exceed 65 decibels [dB(a) scale], as measured at the property line, during hours other than quiet hours.**
- 8. No more than two dogs, (including those belonging to permanent residents) may be on the premises at any one time. All dogs brought by guests must either be leashed or contained within adequate fenced areas while outside. Dogs must be kept indoors during quiet hours.**
- 9. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.**
- 10. Landowner will maintain existing trees and other vegetation along the northern, western and southern property lines, or replace such vegetation with landscaping that provides a similar level of visual screening.**
- 11. Any new outdoor lighting shall be downward-directed, designed to minimize ambient spill and shall comply with all applicable requirements of the Town of Springdale Dark Skies Ordinance.**
- 12. The physical development and operation of the conditional use must conform in all respects, to the approved site plan and operational plan.**
- 13. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.**
- 14. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation.**
- 15. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site.**
- 16. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for**

revocation of the conditional use permit. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to the revocation.

17. If the transient or tourist lodging operation is abandoned for one year or more, this conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

18. The transient or tourist lodging operation shall automatically expire on the sale of the property or the business to an unrelated third party.

19. The operation of all-terrain vehicles, ATVs, and snowmobiles by occupants of the transient or tourist lodging operation shall be prohibited on the property.

20. Signage is prohibited.

21. Outdoor music and speakers for the amplification of sound or music outdoors are prohibited.

22. Commercial activities and business activities, other than transient or tourist lodging and duplex rental, are prohibited.

23. This Conditional Use Permit shall expire two years after the effective date. Landowner may renew the conditional use permit by successfully obtaining a new CUP prior to the expiration date.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

F. Plats and Certified Survey Maps

[2020 LD-019](#) Rueden proposed 2-lot Certified Survey Map
Town of Verona
Staff recommends approval.

A motion was made by PETERS, seconded by DOOLAN, that the Land Division. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

G. Resolutions

H. Ordinance Amendment

[2020 OA-016](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

Motion by PETERS, seconded by KIEFER to recommend approval of Ordinance Amendment OA-16 with the following amendment to the comprehensive plan revision:

1. exclude the Neighborhood Development Area (TDR receiving area 1:8 transfer ratio), Southwest of Nora & Jargo Roads.

A motion was made by PETERS, seconded by DOOLAN, to withdraw the motion to approve Ordinance Amendment OA-16. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

A motion was made by KIEFER, seconded by DOOLAN, that the Ordinance be recommended for denial. The motion carried by the following vote: 5-0. The Committee felt that the Town of Cottage Grove Comprehensive Plan should be reviewed and acted upon in its entirety, not just approving portions of the plan.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

I. Items Requiring Committee Action

J. Reports to Committee

[2020](#) 2018 FLOOD IMPACT ANALYSIS
[PRES-087](#)

Senior Planner Brian Standing presented a 2018 Flood Impact Analysis to the Committee. The presentation will be posted to the Planning and Development website.

K. Other Business Authorized by Law

L. Adjourn

A motion was made by PETERS, seconded by DOOLAN, to adjourn the November 10, 2020 meeting of the Zoning and Land Regulation Committee at 8:00pm. The motion carried unanimously.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@countyofdane.com



DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

TO: County Board Supervisors
County Executive Joe Parisi
Kim Banigan, Town of Cottage Grove Clerk
Town of Cottage Grove Supervisors
Town of Cottage Grove Planning Commission
All Other Interested Parties

FROM: Pamela Andros, AICP, Senior Planner

SUBJECT: County Board Ordinance Amendment 2020 OA-016
Town of Cottage Grove Comprehensive Plan Amendment - 2020

DATE: October 16, 2020

CC: Todd Violante, AICP, Director of Planning & Development
Roger Lane, Zoning Administrator
Karin Thurlow Petersen, County Board Staff

This memo describes amendments to the Dane County Comprehensive Plan proposed by the Town of Cottage Grove. Under intergovernmental cooperation policies of the Dane County Comprehensive Plan, town plans must be adopted by the county board and signed by the county executive before they can be used to make county zoning decisions. To assist county officials in their decision making, the Planning Division prepares written information describing any proposed town plan amendments. You may direct any questions to Pam at 608-261-9780.

I. SUMMARY

On July 1, 2020, the Town of Cottage Grove Board of Supervisors adopted amendments to the *Town of Cottage Grove Comprehensive Plan*. The Town has requested that the Dane County Board of Supervisors adopt the revised *Town of Cottage Grove Comprehensive Plan* as an amendment to the *Dane County Comprehensive Plan*.

II. BACKGROUND

A. *Ordinance and Plan Amended:* If adopted, 2020 OA-016 would amend Chapter 82, Subchapter II of the Dane County Code of Ordinances to incorporate the amended *Town of Cottage Grove Comprehensive Plan* as part of the *Dane County Comprehensive Plan*. The complete text of the proposed amendment is available online at: <https://plandev.countyofdane.com/>

B. *Action required:* The County Board and the County Executive must approve 2020 OA-016 for it to become effective. Town comprehensive plans are adopted as part of the *Dane County Comprehensive Plan* under s.10.255(1)(d), Dane County Code and Intergovernmental Cooperation Policies for Town Governments (pp. 77-78) of the *Dane County Comprehensive Plan*. The *Dane County Comprehensive Plan* is adopted under Chapter 82, Subchapter II, Dane County Code, s. 59.69, Wis. Stats, and s. 66.1001, Wis. Stats.

C. *ZLR public hearing*: The Zoning and Land Regulation Committee (ZLR) advises the County Board on proposed Comprehensive Plan amendments. The ZLR Committee has scheduled a public hearing on 2020 OA-016 for **October 27, 2020**.

D. *Sponsors*: 2020 OA-016 was submitted by County Board Supervisor Melissa Ratcliff on September 5, 2020.

III. DESCRIPTION

A. 2020 OA-016 would amend the *Dane County Comprehensive Plan* by incorporating amendments to the *Town of Cottage Grove Comprehensive Plan*, as adopted by the Town of Cottage Grove Board of Supervisors on July 1, 2020.

IV. ANALYSIS

A. Comparison to current town plan. This plan amendment builds upon the town's comprehensive plan (adopted in and subsequent amendments, addressing issues and requests that came up during their 2020 annual plan review). The amendment is made up of text policy changes and several changes to the future land use map.

Significant Text Changes:

Transfer of Development Rights (TDR)

The purpose statement for the town TDR program (Figure 3 of the town plan), says it 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 services.
- Help ensure the long-term viability and land base of the Town.

One of the text changes is a policy change related to the town's Transfer of Development Right (TDR) policy. The new policy allows for the transfer of development rights between unrelated land owners at a 1:1 ratio, from one piece of land in an *Agricultural Preservation* land use area to another. Currently the town policy does not allow for this. Instead, such a transfer can only be from one property in the *Agricultural Preservation* area to another under the same ownership. This proposed policy change is consistent with town and county land use goals.

The key part of the town's TDR program allows a transfer of a development rights from an *Agricultural Preservation* area to a "Neighborhood Development" area. The *Neighborhood Development* area serves as receiving area and allows a 1:8 transfer ratio, meaning one development right from an *Agricultural Preservation* area allows for up to 8 residential lots being created in the *Neighborhood Development* area. This amendment does not make changes to this policy, but it should be noted that a 1:8 ratio is outside of the norm. The purpose of TDR programs is to preserve something (in this case farmland) while allowing development elsewhere. One can argue that at this high of a ratio, the program encourages development more than it preserves farmland.

Plan Amendment Process

The current amendment process is that the plan will be evaluated for potential amendments once every year, with the process starting in February. Between February 15 and March 15 of each year, the Town accepts requests from property owners, potential developers, and other interested stakeholders for Plan amendments. This plan amendment would increase the potential number of times the plan is amended by inserting the following language:

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.

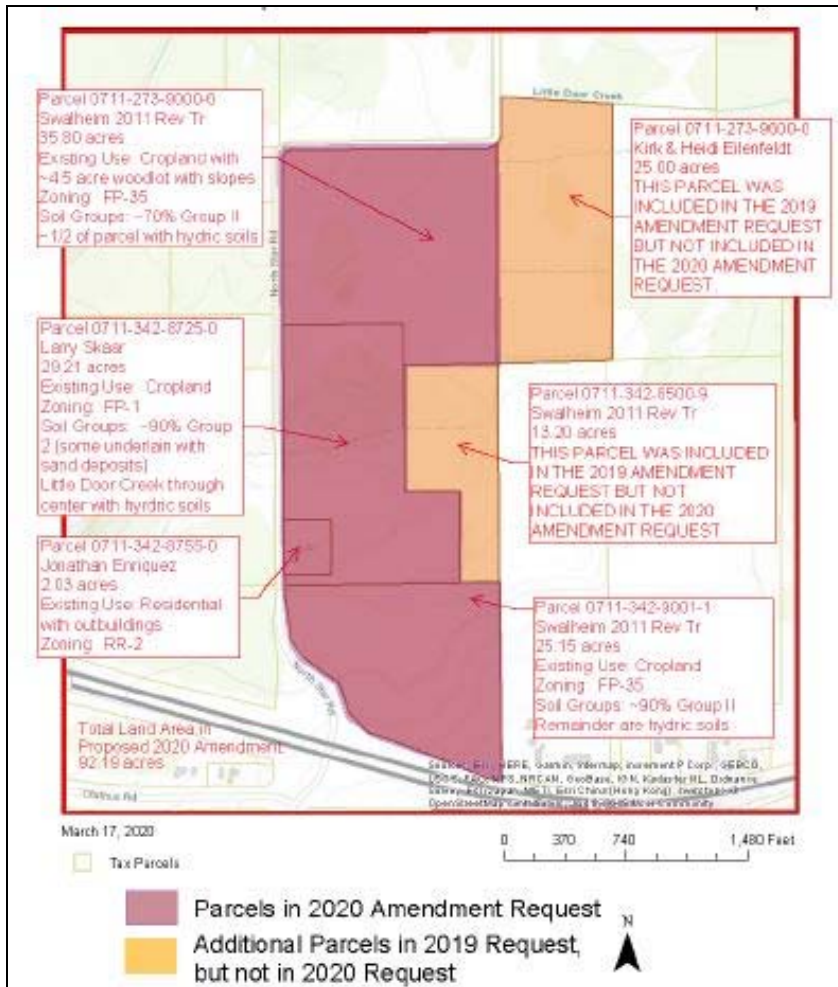
Given that the current plan already allows frequent amendments, this language seems unnecessary, and has the potential to cause more confusion and controversy at the local level.

The current process results in changes being made as requested by an individual land owner to his or her own benefit. There is very little public involvement or understanding of the changes being proposed. A comprehensive plan is a community document that should reflect the needs of residents of the entire town. A comprehensive rewrite of the town's plan is very much needed and the town intends to do so after the 2020 Census data becomes available.

Changes to the Future Land Use Map

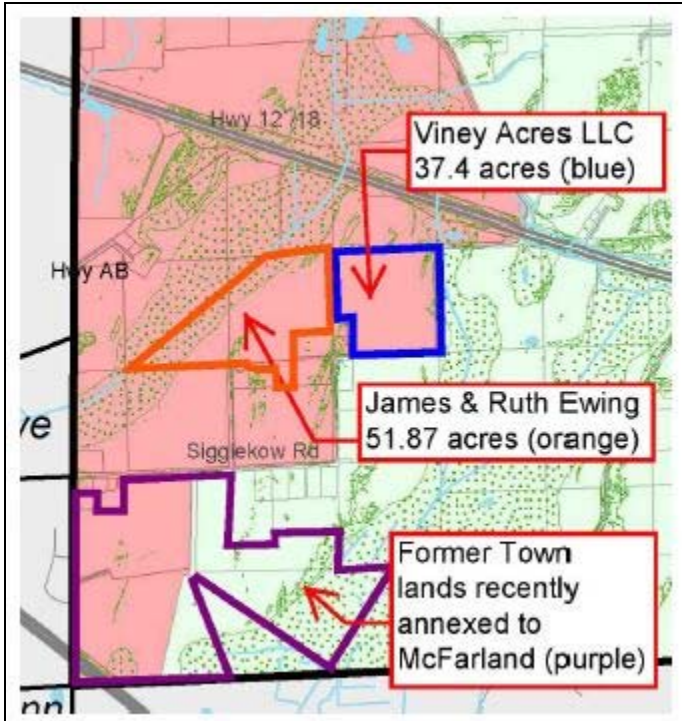
Addition to Commercial Development area, Northstar Road:

This map change involves 92 acres spanning 4 parcels east of North Star Road, north of Hwy 12, being changed to the *Commercial Development* Area. These parcels are east of 22 acres rezoned in 2018 for commercial development on the west side of North Star Road. As shown in the following illustration, this change is a modified version of a map change request made in 2019.



Reduction of the *Commercial Development* area, northwest of Siggelkow & South of Hwy 12/18:

Two landowners requested that their property be returned to the *Agricultural Preservation area*. Both have no intention to develop commercial uses on their property. Changing back to the *Agricultural Preservation area* will restore their eligibility for farmland preservation tax credits offered via the state farmland preservation program. The amount of land identified for commercial development exceeded the need and/or demand for commercial uses, so it made sense to honor this request. This change is consistent with town and county land use goals.

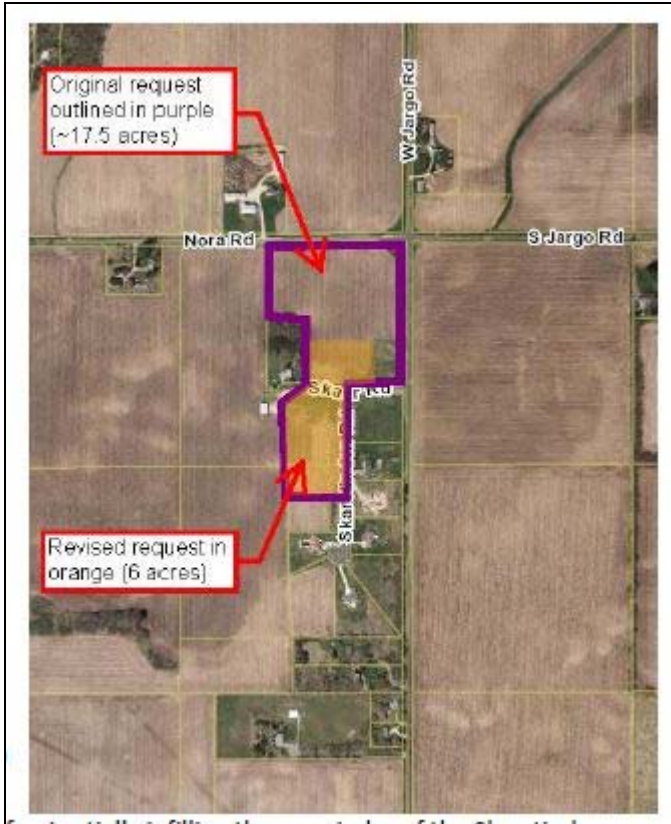


Neighborhood Development Area (TDR receiving area 1:8 transfer ratio), Southwest of Nora & Jargo Roads

One of the changes to the land use map is the addition of land to the *Neighborhood Development* area. This change does not support the purpose of the TDR program, or the land use goals of the town and county comprehensive plans.

Miles of the surrounding land is in agricultural use, and the 6 acres identified to change out of agriculture have Group II soils and are part of the larger contiguous Screamin' Norwegian Farms lands currently deed restricted from further development. *Neighborhood Development* serves as a receiving area allowing for a 1:8 ratio of development as defined in the town's TDR policy. This is simply an unnecessary and excessive number of residential lots to be created. Plus, it will likely lead to more requests for *Neighborhood Development Area* on the east side of the town, further eroding the Town's vision of preserving agriculture.

Adding a few residential lots along Skarsdisten Road is not unreasonable, but that is already allowed under the current plan, and further enabled by the policy change made in the TDR policy text. Development rights can be used to accomplish this using development rights transferred from another sending area, at a 1:1 ratio. Staff is opposed to this map change.



B. Consistency with provisions of the *Dane County Comprehensive Plan*:

1. **Housing:** No significant conflicts found.
2. **Transportation:** No conflicts found.
3. **Utilities and Community Facilities:** No conflicts found.
4. **Agricultural, Natural & Cultural Resources:** Significant conflicts found, namely the acres being added to the *Neighborhood Development* area.
5. **Economic Development:** No conflicts found.
6. **Land Use:** Significant conflicts found, namely the addition of acres of *Neighborhood Development* area.
7. **Intergovernmental Cooperation:** No substantial conflict is found. The City of Madison is in the process of working with the town on a boundary agreement, part of which will include potential development that falls within the town's commercial development area.
8. **Implementation:** No significant conflict is found.

VI. COMMENTS BY THE PUBLIC, OTHER LOCAL GOVERNMENTS OR STATE AGENCIES

A. Public Comment

A resident who is also a member of the town Plan Commission provided comments to the county. He is requesting that the Zoning & Land Regulation (ZLR) committee exclude the addition of *Neighborhood Development* from the land along Skarsdisten Road. Please the letter from Mr. Eickoff, Cottage Grove Plan Commission member.

B. Governments and agencies

Neither other governments nor any county, state or federal agencies had commented on this amendment.

V. STAFF CONCERNS, COMMENT AND RECOMMENDATION

Based on conflicts with the Agricultural, Natural & Cultural Resources and Land Use elements of the County Comprehensive Plan, staff recommends denial.

Because the primary concern is the addition of development area southwest of Nora & Jargo Roads, another option is to adopt an ordinance amendment excluding that map change.

Chapter 82 describes the ability to adopt plan amendments, excluding portions of those plans that provide to be problematic.

From chapter 82.57: (1) To assist in the consistent administration and interpretation of town plans incorporated into the Dane County Comprehensive Plan under s. 82.55, the Dane County Board of Supervisors adopts the Dane County Comprehensive Plan Addendum, incorporated herein as Appendix B. The Addendum shall include chapters for each town plan incorporated into the Dane County Comprehensive Plan and may be utilized by the Board of Supervisors to note town plan policy clarifications, interpretations, or to omit provisions of incorporated town plans that may conflict with county plan policies. A copy of the Dane County Comprehensive Plan Addendum is on file with the County Clerk's Office and the Dane County Department of Planning and Development.

TOWN OF COTTAGE GROVE
PLAN COMMISSION
DECEMBER 23, 2020

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Steve Anders, Jerry Meylor, Dave Muehl, Troy Eickhoff, Mark Kudrna and Phil Bultman in attendance. Clerk Kim Banigan took minutes. Due to the COVID-19 emergency, public participation in person was limited and the meeting was accessible through gotomeeting.com. Town Planner Mark Roffers was present virtually.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Approve Minutes of Previous Meetings: **MOTION** by Meylor/Muehl to approve the open session minutes of the November 25, 2020 Plan Commission meeting as printed. **MOTION CARRIED 5-0-2** (Anders and Bultman abstained). **MOTION** by Muehl/Meylor to approved the closed session minutes from November 25, 2020, and to keep them closed. **MOTION CARRIED 5-0-2** (Anders and Bultman abstained).
- 4) Public Concerns: None.
- 5) Discuss/Consider application by Screamin Norwegian Farms – Neli Skaar for rezone of 1.99 acres from parcel 0711-264-8001-0 on Skaar Road from FP-35 to SFR-1 for a single-family residence: Neli Skaar and Tim Thorson of Royal Oak & Associates, Inc. were present. Thorson explained that Mr. Skaar would like to sell one single family residence lot on the north side of Skaar Road, using a RDU from parcel #0711-351-9240-1 at 1971 US Highway 12 & 18, where the house was demolished. The Clerk confirmed that Pam Andros from Dane County planning and development was OK with this transfer. Michelle Schmidt, 1884 Skaar Road, questioned why the new lot was proposed for the north end of Skaar Road rather than continuing the development of Skarstinden Road, which she saw as a more logical choice. She also expressed concern over drainage issues on Skaar Road, and wondered if this would be addressed. She brought up the winter maintenance agreement for Skaar Road, which calls for the road to be improved if there is development on Skaar Road. Hampton said the Town Board will need to address that agreement if the lot is approved. **MOTION** by Anders/Eickhoff to recommend approval of the rezone of 1.99 acres from parcel 0711-264-8001-0 on Skaar Road from FP-35 to SFR-1 for a single-family residence, utilizing a RDU from parcel #0711-351-9240-1, which will be deed restricted to prevent residential development. **MOTION CARRIED 7-0**. There was a question about whether a new CSM is needed for the sending parcel to combine it with the surrounding farmland since it will no longer be a buildable parcel.
- 6) Discuss/Consider adoption of Resolution 2020-12-23 Recommending Amendments to the Town of Cottage Grove Comprehensive Plan: Roffers said the proposed resolution would formally replace Resolution 2020-06-24, recommending the comprehensive plan amendment to the Town Board without the neighborhood development area on Skaar Road and without a minor text amendment for more frequent plan amendments. **MOTION** by Anders/Muehl to adopt Resolution 2020-12-23 as presented. **MOTION CARRIED 7-0**.
- 7) Discuss/Consider MD Roffers Consulting Work Order Number 02: Town of Cottage Grove Comprehensive Plan Update: Roffers explained that tasks 3 and 4 of the work order are optional items to get more public involvement. Task 3 is to conduct a web-based survey on community vision and directions for a fee of \$3,800, and task 4 is to engage digital communications to maximize understanding and input at a cost of \$1,600. This would include a project website, regular social media posts, and development of an email list for interested parties. Roffers said that in the midst of the pandemic, he is seeing more input than usual since people can participate from home. **MOTION** by Anders/Eickhoff to recommend approval of work order number 02, including options 3 and 4. **MOTION CARRIED 7-0**.
- 8) ADJOURNMENT: **MOTION** by Muehl/Meylor to adjourn. **MOTION CARRIED 7-0**. The meeting was adjourned at 7:36 P.M.

Submitted by: Kim Banigan, Clerk
Approved 02-24-2021

**TOWN OF COTTAGE GROVE
PLAN COMMISSION RESOLUTION 2020-12-23**

**RECOMMENDING AMENDMENTS TO 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, as a result of the Town's annual Plan amendment process, the Plan Commission recommends 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 Plan Commission of the Town of Cottage Grove hereby:

1. Rescinds its prior recommendation, on 2020 amendments to the Town of Cottage Grove Comprehensive Plan, as offered through Plan Commission Resolution 2020-06-24.
2. Recommends that the Town Board adopt an ordinance to constitute official Town approval of the amendments to the Town of Cottage Grove Comprehensive Plan that are indicated in Exhibits A, B, and C.

The above and foregoing Resolution was duly adopted at a meeting of the Plan Commission of the Town of Cottage Grove held on the 23rd day of December, 2020, by a vote of 7 in favor and 0 opposed.

TOWN OF COTTAGE GROVE PLAN COMMISSION



Kris Hampton, Plan Commission Chair

Attested by:


Kim Banigan, Town Clerk

Incorporated by Reference

Exhibit A: Amended Map 1, Comprehensive Plan, Conditions and Issues Volume

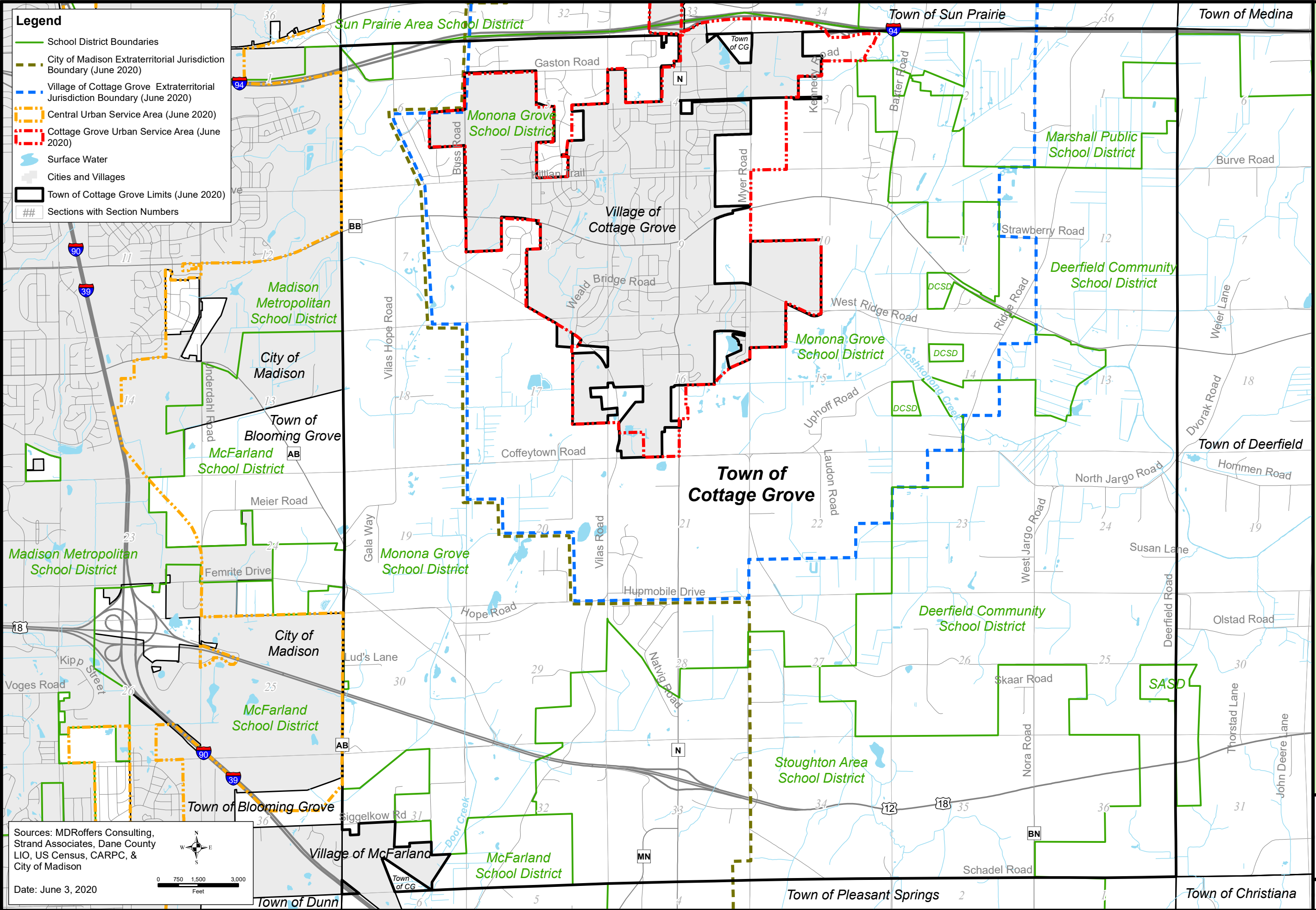
Exhibit B: Amended Map 10, Comprehensive Plan, Vision and Directions Volume

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

- Legend**
- School District Boundaries
 - City of Madison Extraterritorial Jurisdiction Boundary (June 2020)
 - Village of Cottage Grove Extraterritorial Jurisdiction Boundary (June 2020)
 - Central Urban Service Area (June 2020)
 - Cottage Grove Urban Service Area (June 2020)
 - Surface Water
 - Cities and Villages
 - Town of Cottage Grove Limits (June 2020)
 - ## Sections with Section Numbers



Sources: MDRoffers Consulting, Strand Associates, Dane County LIO, US Census, CARPC, & City of Madison

Date: June 3, 2020

JURISDICTIONAL BOUNDARIES

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN
DANE COUNTY, WISCONSIN



MAP 1

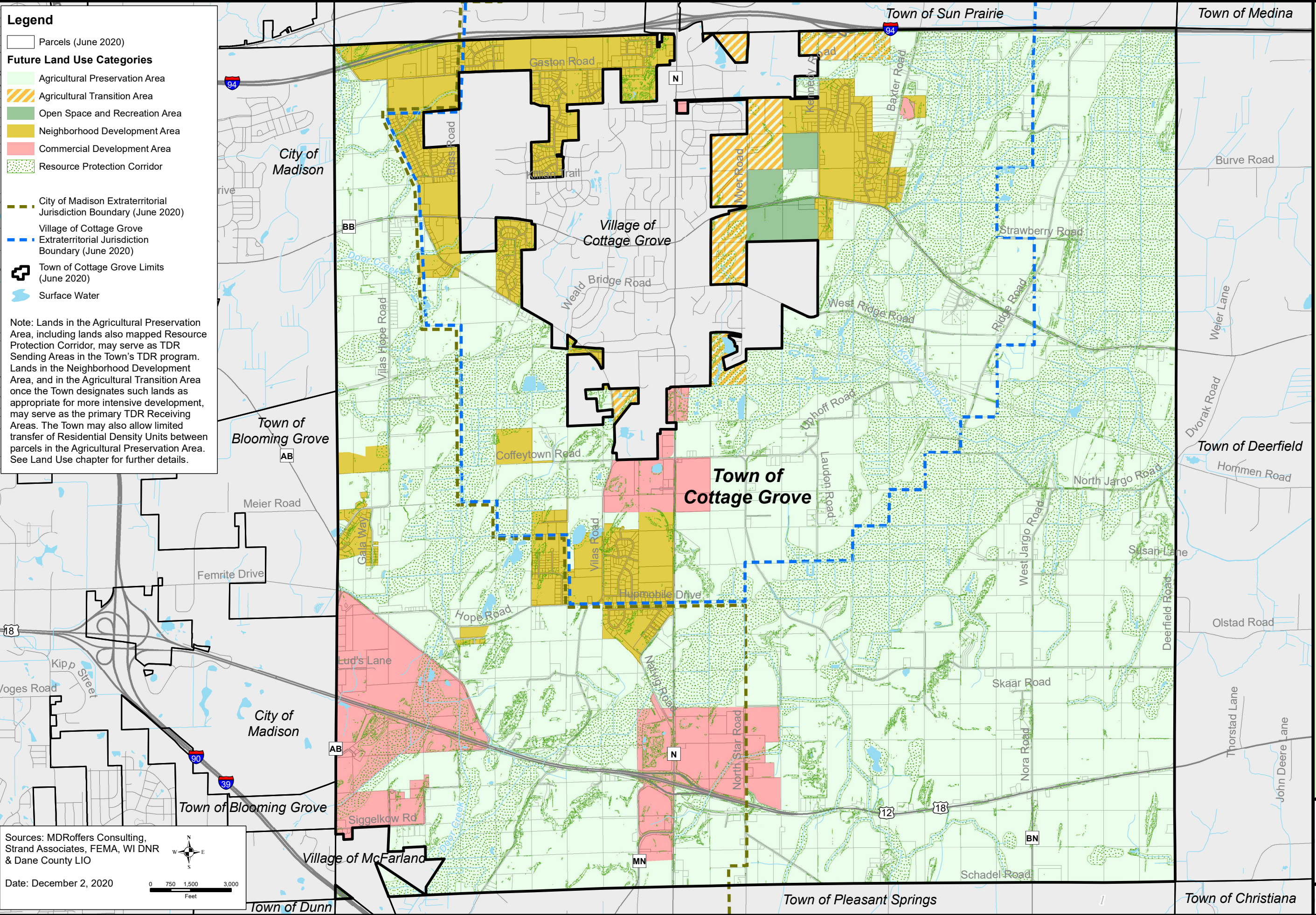
EXHIBIT B
AMENDED MAP 10, COMPREHENSIVE PLAN, VISION AND DIRECTIONS VOLUME

See map on following page

Legend

- Parcels (June 2020)
- 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 (June 2020)
- Village of Cottage Grove Extraterritorial Jurisdiction Boundary (June 2020)
- Town of Cottage Grove Limits (June 2020)
- 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 the primary TDR Receiving Areas. The Town may also allow limited transfer of Residential Density Units between parcels in the Agricultural Preservation Area. See Land Use chapter for further details.



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

Date: December 2, 2020

FUTURE LAND USE

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN
DANE COUNTY, WISCONSIN



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	Rezoning	Conditional Use Permits	Zoning Variances	Site Plan Approvals	Plats and CSMs
Town Comprehensive Plan	All 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		✓			

RDU 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 49 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-I 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-I 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 intergovernmental 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 subdivide 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 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, that 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 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 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. 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	
<ul style="list-style-type: none"> • 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 <u>not</u> mandate or even allow the creation of 35+ acre residential lots. 	
Typical Implementing Zoning Districts	New Lot Sizes
<p>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.</p> <p>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.</p>	<p>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.</p> <p>For new lots intended for new residences:</p> <ul style="list-style-type: none"> • 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 recommendedallowed). • 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. <p>For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:</p> <ul style="list-style-type: none"> • 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	
<ol style="list-style-type: none"> 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 policiesthe “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. **Rezoning 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	
<ul style="list-style-type: none"> 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
<p>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.</p>	<p>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.</p>
Relationship to Town’s TDR Program	
<ol style="list-style-type: none"> See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description. Lands in the Agricultural Transition Area may qualify as TDR Receiving Areas <u>with an 8-to-1 transfer ratio</u>, per the applicable policies in Figure 3, once the Town designates such lands as appropriate for more intensive development per the “Development Policies <u>for Agricultural Transition Area</u>” below. Prior to such designation, there may be RDU transfers <u>with a 1-to-1 transfer ratio</u> 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	
<ol style="list-style-type: none"> 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. 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. Prior to the Town’s determination that lands in an Agricultural Transition Area are ripe for more intensive development: <ol style="list-style-type: none"> Follow all development policies applicable to the Agricultural Preservation Area in Figure 4. Require that all development projects be designed not to impede the orderly future development of the surrounding area with more intensive future development. Allow RDU transfers <u>with a 1-to-1 transfer ratio</u>, but only per the “Limited-Additional-RDU-Transfer-Opportunity” applicable policies in Figure 3. 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: <ol style="list-style-type: none"> Applicable comprehensive plans, zoning regulations, and intergovernmental agreements. The submittal and detailed understanding of a specific development proposal. 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. The availability of public infrastructure such as road capacity, utility availability or capacity, and other public facilities to serve the proposed development. If such public infrastructure is unavailable, the projected timing of and funding for public infrastructure improvements to serve the proposed development. The ability of local governments and the school district to cost-effectively provide community services to the proposed development. The Town does not intend to require an amendment to this <i>Plan</i> 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	
<ul style="list-style-type: none"> • 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 <u>not</u> mandate or even allow the creation of 35+ acre residential lots. 	
Typical Implementing Zoning Districts	New Lot Sizes
<p>For open space uses, NR-C Natural Resource Conservancy is the typical zoning district.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>For new lots intended for new residences:</p> <ul style="list-style-type: none"> • 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 allowedrecommended). • 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. <p>For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:</p> <ul style="list-style-type: none"> • 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	
<ol style="list-style-type: none"> 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 <u>with a 1-to-1 transfer ratio</u> between <u>and within</u> lands within the Open Space and Recreation Area/<u>Agricultural Preservation Area</u>, per the the“<u>Limited Additional RDU Transfer Opportunity</u>”<u>applicable policies</u> 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	
<ul style="list-style-type: none"> 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
<p>SFR-1, SFR-08 Single-Family Residential, and HAM-R Hamlet Residential are typical.</p> <p>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.</p> <p>Existing commercial uses/zoning districts may be expanded to include additional land.</p>	<p>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.</p> <p>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.</p>
Relationship to Town’s TDR Program	
<ol style="list-style-type: none"> See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description. Lands in the Neighborhood Development Area may qualify as TDR Receiving Areas, per the policies in Figure 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 <u>meets</u> 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. 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 <i>Plan</i> 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. 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	
<ul style="list-style-type: none"> • 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
<p>HAM-M Hamlet Mixed Use GC General Commercial HC Heavy Commercial LC Limited Commercial</p>	<p>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.</p>
Relationship to Town’s TDR Program	
<p>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.</p>	

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 be 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 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.

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.



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.

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 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.
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.	<u>Town will update park fees to meet State law requirements.</u> Town may consider <u>new and improved parks in northwest corner if/where</u> residential development <u>has occurred or will occur, via developer dedication and/or</u> 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 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 I notice at least 30 days before the hearing. The Class I 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, 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*.

