

TOWN OF COTTAGE GROVE
PLAN COMMISSION
FEBRUARY 27, 2019

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, Wilmer Larson and Virgil Schroeder in attendance. Clerk Kim Banigan was also present.
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 December 26, 2018 meeting as printed. **MOTION CARRIED 7-0.**
4. Public Concerns: Thomas and Julia Willan, 4407 Vilas Hope Road, appeared seeking guidance in selecting the appropriate commercial zoning for their property. They have recently submitted a request to change the future land use category of their property from Ag Preservation to Commercial. Their current ideas to make use of their restored barn include a wedding venue, bakery, or antique store. They were advised to make a list of all of the potential commercial uses they would like to have for their property, then consult with Dane County Planning staff to figure out what the appropriate zoning district would be. Hampton offered to accompany them to a meeting with County staff. They were cautioned that parking may be an issue if they plan to host large events.
5. Discuss/Consider recommendation regarding request from Larry Skaar, applicant and landowner, to rezone 14.5 acres from parcel #0711-342-8725-0 on North Star Road from FP-1 to RR-8 to create one residential lot: There was conflicting information between the Change of Land Use application to the Town, the map submitted to the Town by Mr. Skaar, and the zoning map submitted to Dane County as to the acreage for the proposed residential lot. Mr. Skaar indicated that the 18.294 acres shown on the zoning map was more than he intended to sell, he was thinking it would be under 16 acres. Zoning of RR-8 and RM-16 were discussed, with Mr. Skaar preferring to keep it under 16 acres and going with RR-8. Potential buyer Matt Faust was also present. Anders questioned why creation of a new residential parcel was being considered in this location considering the commercial development going in across the road to the west, and the quarry to the east that already causes conflicts with owners of the one residence already in the area. **MOTION** by Anders/Larson to recommend denial of the request to rezone to residential based on adjacent commercial and non-metallic mining operations. **MOTION CARRIED 7-0.**
6. ADJOURNMENT: **MOTION** by Anders/Muehl to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 7:40 P.M.

Submitted by: Kim Banigan, Clerk
Approved 03-27-2019

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March 27, 2019

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 and Dave Muehl in attendance. Clerk Kim Banigan was also present.
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 February 27, 2019 meeting as printed. **MOTION CARRIED 5-0.**
4. Public Concerns: None.
5. Discuss/Consider recommendation regarding request from Dennis Richardson, applicant, Dale & Dwight Huston, Landowners to rezone 2.5 acres from FP-35 to RR-2 for new residence on parcel 0711-153-9001-0 on Uphoff Road: Dale Huston was present to speak for the applicant. He said the requested lot is for a dwelling for a family member. Hampton said that while RR-2 zoning can be for 2 to 4 acres, the Town's Comprehensive Plan limits new residential lots in the Ag Preservation district to a maximum of 2 acres, unless there are existing buildings to be incorporated into the lot. There are no buildings on this parcel.
 - Eugene Wagner, owner of farm land on the opposite (south) side of Uphoff Road, asked if allowing this lot and corresponding driveway would have any effect on his getting a driveway permit in the future. Hampton said Wagner's 66 foot easement access to Uphoff Road is far enough away from the hill that he did not see any problem. Wagner also asked if any density requirements in that area would prevent him from moving a RDU from his farm elsewhere in the Town to build on his Uphoff Road property in the future. He was advised that use of RDUs is allowed in the Ag Preservation area, but whether he will be allowed to transfer a RDU to his already deed restricted parcel is unknown.
 - Charles and Betty Devine, 2342 Uphoff Road, had provided written comments about the proposed lot since they were unable to attend the meeting. Copies were distributed to all members, and Hampton read the four questions for the commission:
 - Will this not impact our view as well as those of the "new neighborhood"? No response was given.
 - What happened to the plan commissions 20 year land use plan that included preserving farm land and keeping developments clustered in already developed areas to avoid a drain on town services. Hampton noted that there are already 8 houses in that area.
 - What is the plan to improve Uphoff Rd secondary to this additional traffic? The road surface is badly deteriorating and all of the heavy equipment for construction along with the added traffic of the new houses has sped that process up. Hampton said the Town Board views all of the roads each year and decides which need attention.
 - Why not SFR-zoning like all the other residential property in the immediate area. Discussion was that yes, the other lots in the area are SFR-1. Devines own two SFR-1 lots that total just under 2 acres. Larger lots keep lower density and fewer new houses.
 - Muehl asked Mr. Huston if they would consider having the driveway for the new lot coming out on the easement to the east. Huston said he would consider it but did not wish to be bound to it.

MOTION by Anders to recommend approval of the rezone from FP-35 to RR-2 only if the size of the new lot is reduced to 2 acres +/-, with Uphoff Road right-of-way dedicated to the Town. Muehl seconded for discussion.

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- Meylor noted that the lot could not be less than 2 acres or else RR-2 zoning would not apply.
- Huston said that 2 acres will not allow for the setting they want. There was a suggestion that the a second parcel could be zoned FP-1 to provide the additional acreage under the same ownership.

Anders amended his **MOTION** to recommend approval of creating a 2 acre parcel zoned RR-2 and a second parcel zoned FP-1 pending a surveyors map, with Uphoff Road right-of-way dedicated to the Town. Muehl accepted as a **SECOND. MOTION CARRIED 5-0.**

6. Annual Review of Comprehensive Plan.

- a) Amendments requested by landowners: There was only one request, which was for 35.34 acres owned by Kenneth and Joy Foust at 3788 County Road AB to be included in the Commercial Development area. Mr. Foust said they made the request to allow for expansion of their trucking, landscaping and snow removal business in the future, including space to allow for bunkers of materials, etc. Town Planner Mark Roffers had addressed this request in his memo to the Plan Commission. Discussion was that the Town plan shows commercial development directly to the south, and there is existing commercial to the north, plus the City of Madison has the area planned for commercial. While the southeast part of the property is in the floodplain, it would not make sense to designate portions of parcels, any development would just have to stay away from that area anyway. **MOTION** by Muehl/Meylor to recommend amending the future land use map to show the 35.34 acres owned by Kenneth and Joy Foust in the Commercial Development area. **MOTION CARRIED 4-1** (Anders opposed).

b) Amendments suggested by Plan Commission members:

- Hampton suggested that lands east of North Star Road and north of US Highway 12 & 18 be included in the Commercial Development Area. He identified ~184 acres owned by L. Skaar, D. Swalheim, Eilhenfeldt and Enriquez. **MOTION** by Hampton/Anders to table until the April meeting, directing the Clerk to notify the affected landowners of the proposal and inviting them to the April meeting. **MOTION CARRIED 5-0.**
- The Clerk stated that while she is not a Plan Commission member, she wondered if commission members would want to consider allowing new residential lots in the Ag Preservation district to be slightly more than 2 acres, to prevent creating small ag lots as was discussed earlier tonight. There was no interest in this from commission members.

c) Amendments suggested by the Planning Consultant: Other revisisons suggested by Roffers included:

- Update referenes to County zoning districts to match the new zoning code – there was general agreement to move forward with this.
- Clarify whether lands in the Open Space and Recreation area should qualify as TDR Sending areas. There was general agreement that they should.
- Update jurisdictional boundaries in Maps 1, 4, and 10. There was general agreement to move forward with this.
- Consider changing the annual review cycle to every two or three years. Consensus was to stay with a yearly review.

- d) Review Transfer of Development Rights transfer ratio incentive: Hampton had learned from the Town's assessor that the average value of a 2 acre residential lot in the rural portion of the Town is about \$105,000. The current 8:1 ratio was based years ago on

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adding about \$10,000 to the price for a new lot as the price of preserving farm land. Taking inflation into account and in the absence of any other hard data, consensus was that the ratio should stay at 8:1

7. Discuss/Consider recommendation regarding revisions to TCG Ord. Chapter 15 – Land Use and Planning Code: The commission reviewed the revised draft as prepared by the Clerk, Town Engineer and Town Attorney. The Plan Commission's comments are tracked on the attached copy (Exhibit A). **MOTION** by Muehl/Anders to recommend adoption of the ordinance with the revisions as discussed tonight. **MOTION CARRIED 5-0.**
8. **ADJOURNMENT: MOTION** by Anders/Muehl to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:55 P.M.

Submitted by: Kim Banigan, Clerk

Approved 04-24-2019

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PLAN COMMISSION

April 24, 2019

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, Wilmer Larson and Virgil Schroeder in attendance. Clerk Kim Banigan and Engineer Tom TeBeest were also present. Troy Eickhoff, who will take over Schroeder's spot next month, was present in the audience.
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 March 27, 2019 meeting as printed. **MOTION CARRIED 5-0-2** (Schroeder and Larson abstained)
4. Public Concerns: None.
5. Presentation of Preliminary Plat of Kennedy Hills (phase 1, lots 1-16): Developer David Riesop was present, along with Realtor David Dinkel. Town Engineer Tom TeBeest had reviewed the preliminary plat and engineering plans and provided written comments for the Commission, which were shared with Mr. Riesop prior to the meeting. Hampton read the written response from Mr. Riesop's engineer, Cleveland F. Gombar, PE. Notable items included:
 - Dane County will be the authority for stormwater and erosion control permitting, the Town Engineer will review once approved.
 - The Developer will coordinate with local utilities regarding easements, and with the Dane County Highway Department regarding any required improvements to the intersection of County BB and Kennedy Road, and any stormwater discharge into the County road right-of-way.
 - Zoning of lots will be shown on the plat. It was noted that since the Town conditionally approved a rezone to residential last year, the Town has adopted the County's revised zoning code. The plat should reflect the new districts.
 - 15 exploratory test pits throughout the 69 acres were dug, 9 of which were within the 16 lot area. No Karst features were found to substantiate the concerns expressed by CARPC. One test pit did hit bedrock at 9 feet. Test pits indicate the site is suitable for septic systems.
 - TeBeest noted that some of the streets shown have less than the minimum 1% grade and plans would need to be revised.
 - TeBeest said the asphalt thickness in the street cross section shown is not thick enough, and suggested the cross section used for Viney's addition to Sky High be used as the standard.

Other discussion:

- Lot 53 will have a driveway onto Kennedy Road. There was no opposition to this, but it should be the only one.
- Lots 3 through 8 have double frontage, on both the new Conestoga and County BB, however a 30' buffer along County BB is provided.
- Lots 1,2,16,17-19, 22 and 54-56 have double frontage along Kennedy Road and another proposed street. Access to Kennedy Road from these lots should be restricted on the plat.
- The majority of the lots will fall under SFR-08 zoning, but lot 8 should be revised to be sure it will allow a minimum width of 100 feet at the building line. Lots 2 and 3 exceed 1 acre and should be zoned SFR-1.

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- Drainage easements should be labeled and limited to drainage purposes only. TeBeest suggested the Covenants include a provision for the Town to clear them out and restore to mowed grass as needed, and to assess the cost to the homeowners association. He said that as development occurs, the Town should still have access via truck or excavator to clear out. Outlot 1 fronts Conestoga, so that should not be a problem, however the retention areas in the final phase could be more problematic.
- The drainage easements on the existing lots to the east were mentioned. Hampton expected that water would not go there any more, but would rather go to the County ditch, but Riesop said the development only needs to keep any release of stormwater from being more than current conditions. Troy Eickhoff asked what the lowest point of Outlot 1 is in relation to homes to the east, and wondered about weeping from the pond, which Riesop confirmed was designed to hold and seep. TeBeest said the DNR would determine if a clay liner is needed, and will also require that the emergency overflow be clearly identified.
- Hampton confirmed that Riesop provided evidence of securing the required 2 RDUs for the 16 lots. Eickhoff asked Riesop if he has secured interest in RDUs for the remaining phases. He said he has not, but Dinkel said they are confident they will be able obtain them.
- Hampton noted that Mr. Riesop had been provided with a sample Development Agreement, which would also require agreements regarding covenants and restrictions and stormwater maintenance.
- Riesop reported that he has submitted the plat to the County, and is on ZLR's agenda for zoning on May 14th. The Village has so far had nothing to say under ETJ.
- Riesop asked the Commission's opinion about needing to improve the County BB/Kennedy Road intersection for phase 1, the response was that this would be up to the County.

There was no action taken by the Commission, but Hampton told Riesop to keep moving forward, including contacting Attorney Susan Allen to work on the Developer's agreement and Covenant.

6. Revisions to Smart Growth Comprehensive Plan - Discuss/Consider recommendation for changing future land use category of 126.39 acres east of North Star Road and North of US Highway 12 & 18 from Agricultural Preservation to Commercial Development: Owners of the affected properties were all present. Hampton said that the change of future land use does not change what the property can currently be used for, but it does change what new uses would be allowed, and does disqualify the property from farmland preservation credits.
 - Larry Skaar, Duane Swalheim and Kirk & Heidi Eihlenfeldt were all in favor of the change.
 - Jonathon Enriquez was not in favor, which was supported by emails from Andrea Enriquez who could not attend. He asked why this area was selected for commercial development. Hampton said the land on the west side of North Star Road has been planned commercial since 2000. considering the commercial development taking place there, the improvements to North Star Road, and the quarry to the east, it seems to make sense to extend the commercial development area to the east.
 - Richard Swalheim asked why homeowners on the south end of North Star Road were not notified, as they will have to look at the commercial development and it may change their property values. Hampton said they will be invited to public hearings if the Plan Commission votes to move ahead with the recommendation.

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- Anders did not believe the change is “ripe” at this point in time, he felt there is already plenty of commercial development area available in the Town, and wanted to take a wait and see approach to how much demand there will be. Kirk Eilenfeldt said while the Town may have time, the landowners may not.

MOTION by Anders to table for one year **FAILED** for lack of a second.

MOTION by Muehl/Bultman to recommend changing future the land use category of 126.39 acres east of North Star Road and North of US Highway 12 & 18 from Agricultural Preservation to Commercial Development, seeing that the major property owners are in favor.

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

7. ADJOURNMENT: **MOTION** by Muehl/Anders to adjourn. **MOTION CARRIED 7-0**. The meeting was adjourned at 8:17 P.M.

Submitted by: Kim Banigan, Clerk

Approved 05-22-2019

TOWN OF COTTAGE GROVE
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May 22, 2019

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, Wilmer Larson and Troy Eickhoff in attendance. Clerk Kim Banigan was also present, along with others as 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 April 24, 2019 meeting as printed. **MOTION CARRIED 7-0.**
4. Public Concerns: Phillip Gilpin, 3836 Coyt Road, complained about junk accumulation on the back side of the Farwell Pools property. The Dane County zoning inspector will be alerted to this complaint.
5. Conduct required three-year review of Conditional Use Permit #2342 for Solid Waste Disposal-Composting of Organic Waste at 3355 County Road N, parcel #0711-283-9800-6 owned by Skaar Pit, LLC: Dennis Richardson was in attendance representing Skaar Pit, LLC. Hampton reported that Dan Everson from Dane County Zoning performed a surprise inspection and had no concerns, nor has he had any complaints about the composting operation. There were no comments or concerns from the public. **MOTION** by Anders/Muehl to approve a three-year extension of the Conditional Use Permit. **MOTION CARRIED 5-0.**
6. Discuss/Consider recommendation regarding application by Richard Wm King, applicant, Glacial Drumlin House, LLC, Landowner for Conditional Use Permit to allow Transient & Tourist Lodging at 4466 Wind Chime Way, parcel #0711-112-8160-9 zoned RR-8: Richard King explained that when he purchased the property in July of 2016, it was in foreclosure and uninhabitable. He has performed repairs and improvements, and plans to use it as a retirement home. In the meantime, he feels that offering the large, isolated home as an upscale vacation rental both meets a growing need in the community and provides him income to cover the expense of renovating the property. He said he was under the impression that such rental of the property was allowed, and had bookings a year in advance when the County first notified him of the zoning violation. He said that Zoning Administrator Roger Lane agreed that he could continue to rent to people who were already booked, and recommended that he apply for a conditional use permit to allow for transient and tourist lodging. He also said that State Statute allows for rentals of 7 days or more, and that he has changed his listings to a minimum of 7 days, however most people are not looking for that long of a rental period.

Anders asked why Mr. King is just now asking for a CUP given that his first notice of violation was over a year ago. Mr. King said that he interprets the rental as ancillary to the primary use of the property, and that transient and tourist lodging was not contemplated with the prior version of the County's zoning ordinance. He applied as soon as he became aware that the Town had adopted the new zoning ordinance.

Anders said his research found rentals offered for a 2-night minimum, and numerous reviews obviously referring to weekend, not 7 day rentals. He also found advertisements offering accommodations for 16 people and 6 bedrooms, however the property only has a septic system sized for 3 bedrooms. Mr. King said he has made contact with contractors to install a new septic system in the fall, and has a 4 month rental starting on Memorial Day to a couple, so the septic system will not be an issue until after that.

Hampton noted that if Mr. King had obtained building permits for the three additional bedrooms, he would have been required to upgrade the septic system.

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Hampton stated that consideration by the Town of a request for a Conditional Use Permit is a quasi-judicial process and must be based on factual testimony, not emotion. The following are testimony of those in the neighborhood. Some also submitted written versions which are attached as Appendix A, available in the Clerk's office:

- Richard Blomker, 4454 Wind Chime Way, described his encounters with Mr. King and his renters, including the time Mr. King cut down trees belonging the Blomkers because he didn't know where the property line was, high schoolers fishing and having outdoor sex at a post-prom party, and numerous drunk and rowdy male gatherings on weekends. He said the rental is not representative of the neighborhood, and significantly reduces the enjoyment of living there. He urged the commission to deny the CUP.
- Terry Howe, 4450 Wind Chime Way, said that the the horseshoe shape of Wind Chime Way offers poor visibility to motorists, and while residents are accustomed to being cautious, visitors don't know that residents, including children, may be walking on the street. She noted that Mr. King has no ties or investment in the neighborhood, and wanted to go on record against the property being advertised as a party house.
- Kathy Blomker, 4454 Wind Chime Way, said that since Mr. King does not reside there, he has no control of the renters or others on the property. She described an incident on April 20th when a man hired by Mr. King to burn brush had the fire get away from him and it ended up burning a brush pile and ½ acre on the Blomker's property. The Fire Department was called, and after they put out the fire, the man doing the burning left the property with five piles still smoldering. The Fire Department had to be called back and she thought a citation had been issued. Ms. Blomker further reported that on April 26th, a large party on the property included fireworks, and deputies were called. She said these incidents provide further evidence of Mr. King's disregard of the law, that he is not reliable to run a lodging establishment where he is not present, and that Standard #1 under the requirements for a CUP cannot be met to provide for the health, safety and general welfare of the community. She also asked what “teeth” there could be to any conditions imposed on a CUP when Mr. King has shown clearly that he will not abide by the law?
- Mia Stitt, 4472 Wind Chime Way, is the one of three owners of the private drive shared with 4466 Wind Chime Way. She provided photos showing cars parked in the shared driveway, and said rental of the property violates the covenants of the neighborhood as well as the property maintenance agreement signed by the three original owners of the driveway, which she also provided copies of. She described encounters with renters who approached her home looking for directions or help pulling out stuck cars that made her fear for her safety and damage to her property. She provided a current listing from Home away from Home advertising 16+ guests, 6 bedrooms. She urged the Town to take stronger action to stop the rentals.
- Ken Gulbranson, 4449 Wind Chime Way, went on record in objection to the CUP.
- Clifton Smith, 4468 Wind Chime Way and the other owner of the shared driveway, said he has not had a problem with the rentals, although he is not right next door to the property. He admitted that a party bus described by one of the other neighbors may have been for his daughter's wedding party.
- Atty. Sheryl Albers, 4274 Vilas Road, said she is not a neighbor and likes the idea of VBRO, but felt there should be limits to the number of vehicles to protect the

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neighborhood. She also wondered if sales tax on the rentals has been properly paid, and suggested the Town consider an ordinance to regulate rentals and collect a room tax.

- Wendell Hottmann, 4434 Wind Chime Way, said he was there in support of his neighbors and felt the rental is not proper for the neighborhood.
- Andrea Jansen, 4446 Wind Chime Way, also expressed concerns over the visibility on the horseshoe shaped road. She addressed Mr. King's responses to the 6 conditions for a CUP:
 - #1: He has not provided any evidence of how to protect the general safety of the neighborhood.
 - #2: He is not there to enforce any rules or rental agreement with renters.
 - #3: He has not provided any evidence that the use will not impede the development or improvement of the surrounding property.
 - #4: Permits have not been obtained for improvements until he gets caught.
 - #5: The driveway is not private, it is shared.
 - #6: There is ample evidence that Mr. King does not care about the neighbors.
- Bob Lease, 2074 DiPiazza Dr., said his son and 4 grandchildren live in the neighborhood and he objects to the CUP.
- Michael Lease, 4442 Wind Chime Way, has seen an increase in traffic and visitors looking for the property, and is concerned for the safety of his children.
- Ed Kangas, 4476 Wind Chime Way, shares a property line, and has no issues although he has noticed increased traffic and speeding vehicles, so is present to back up his neighbors in opposing the CUP.
- Rhonda Gulbranson, 4449 Wind Chime Way, feels that Mr. King has broken every possible agreement and shown disrespect to the neighbors. She is concerned for property values. She stays at AirBNBs and appreciates owners who care about their neighborhoods.
- Steve Howe, 4450 Wind Chime, witnessed the fire incident, and feels Mr. King is disrespecting neighbors, the Town and the County. He asked what will change if the CUP is not granted?

Hampton allowed Mr. King an opportunity to respond: He said he was not aware of traffic issues, and is willing to add conditions to his rental agreement. He suggested rental is the least intrusive use under current zoning, and that most guests are respectful, don't get out of hand.

Hampton said he is most concerned about parking spilling over into the 33' wide shared driveway and not leaving space for emergency vehicles to get in. Mr. King said he has room for 6-8 cars.

The Commission considered and voted on each of the 6 conditions for approval of a CUP:

#1: Not satisfied 7-0:

#2: Not satisfied 7-0:

#3: Not satisfied 5-2:

#4: Not Satisfied 7-0: inadequate septic system puts wells at risk

#5: Not Satisfied 7-0: Use of shared drive impedes emergency response.

#6: Not Satisfied 7-0.

Further explanation: Numerous notices of violation by Dane County Zoning have not been heeded, providing evidence of disregard of rules. Testimony of neighbors provides evidence of

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incidents that put residents and their property at risk (irresponsible burning, fireworks set off by renters, traffic endangering safety of children).

MOTION by Anders/Meylor to recommend denial the CUP based on the findings of fact.

MOTION CARRIED 7-0.

7. Discuss/Consider recommendation regarding revised site plan for commercial building on parcel 0711-284-9755-0, 10 acres on North Star Road owned by Steve Banovetz: Mr. Banovetz explained that the building setback for the site plan originally approved by the Town were in relation to the front lot line prior to his dedication of additional North Star Road right-of-way to the Town. His revised plan shows the building at 66 feet from the North Star Road right-of-way, not 75 feet as originally planned. Discussion was that Mr. Banovetz was not entirely sure where the right-of-way line was, so the 66 feet was a give or take number. **MOTION** by Muehl/Meylor to recommend acceptance of the revised site plan, with the building not less than 60 feet from the North Star Road right-of-way. **MOTION CARRIED 7-0.**
8. Discuss/Consider recommendation regarding concept plan for Hoppman Acres, proposed 18 lot subdivision on farm at 3973 Vilas Hope Road: Atty. Mike Lawton presented the concept plan, which included 18 lots. He said that a Density Study performed by Dane County Planning and Development staff shows 3 RDUs available on the farm, which he believed would multiply to 24 lots. The Clerk said that she had not understood that they would multiply when used on the same farm they originate from based on the language in the Town's comprehensive plan, and recommended that the developer get clarification from Dane County. Atty. Lawton said that the concept plan has been presented to the City of Madison for ETJ approval, however no formal action has been taken yet. He noted that lots 6-7-8 are over the one acre maximum preferred by the Town, however he said this was done to work around the woods there. No parks are planned, the developer understands there will be a fee in lieu of parkland dedication, although Anders asked why a park would not be required.

As a discussion item only, Atty. Lawton also provided a 24 lot concept plan with lots shown beyond the area currently planned for neighborhood development, and including open space in the center. It showed the elimination of the lot #1, which Lawton said could be removed if the 24 lot version was selected, as soils are questionable there. Muehl said removing lot #1, even on the original 18 lot plan, would make for a cleaner entrance to the neighborhood, and moving the entire plat to the north could allow the wooded areas of lots 7,8,9 and 10 to be left as a green space buffer to Madison.

MOTION by Larson/Meylor to recommend moving forward with the concept plan. **MOTION CARRIED 7-0.**

9. Discuss/Consider recommendation regarding application by Copart of Connecticut, Inc., Door Creek LLP Landowner, parcels 0711-303-0750-0 to 0783-0 on US Highway 12 & 18: Ben Stephens explained that Copart is an online action service and the proposed operations at the Hwy 12 & 18 site would be short term storage of the assets of insurance companies. The site would employ 16-25 employees and potentially have 20 vehicles going in and out per day. Atty. Angie Black of Carlson Black O'Callaghan & Battenberg LLP is working on an application for a driveway permit. Hampton attended a meeting recently where he learned that the WDOT is requiring \$250,000 worth of improvements to the Hwy 12 & 18 right-of-way to add acceleration and deceleration lanes, and they are ready to sign the permit once the application is submitted, however there were also questions as to whether that money could be better spent by extending Luds Lane to give access from the North. This would require land to be acquired from the County

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Landfill, however, and Copart representatives are too far into their plans to want to consider a change in the access. Detailed site plans and photos were provided, including grading, landscaping, fencing and building renovation plans. A lighting plan was not discussed, but Engineer Brian Deckow of Prospective Design, Inc. stated that exterior lighting would be downward directed LED. A gate system would provide night drop access by authorized towing companies with another gate to the main yard that is accessible to employees only. The fence would be solid and 8 feet high, with the portion facing US Hwy 12 & 18 atop a 10' berm so nothing would be visible from the highway. Total capacity of the yard would be 4412 vehicles, which would not be typical but available for catastrophes. The entire surface of the yard would be chip sealed. Stormwater control would be wet detention, not infiltration. The current well will be used but a new septic system will be installed. Stephens said that Copart wants to be an asset to the community, they will be hiring new staff and have offered to allow the use of the facility for training of law enforcement K-9 units.

- a) Request for removal of deed restriction #4246936 prohibiting the parking or storing of motor vehicles awaiting disposition as abandoned vehicles or for the settlement of insurance claims: There are currently two deed restrictions on the property. One limits the commercial uses on the property, and another places stricter limits on the parking or storing of motor vehicles that would not allow for Copart's intended use of the property. **MOTION** by Hampton/Anders to recommend that deed restriction #4246936 be revoked. **MOTION CARRIED 7-0.**
 - b) Site/Design Plan Review under TCG Ord. sec. 12.08: **MOTION** by Hampton/Muehl to recommend approval as the site plan as presented, requiring that the berm and fence be built, the hill and trees are not disturbed, all lighting is dark sky compliant, and a knox box is installed. **MOTION CARRIED 7-0.** In addition to the plans presented and discussed above, sample of building facade materials were shared. **MOTION** by Anders/Bultman to recommend approval of the building materials and color scheme. **MOTION CARRIED 7-0.**
10. Discuss/Consider adoption of a Plan Commission Resolution 2019-01 Recommending Amendments to the Comprehensive Plan: Town Planner Mark Roffers presented the draft amendment and his memo regarding the proposed changes. He said that the two proposed additions to the Commercial Development area would take 165 acres out of the Ag Preservation district. His analysis was that at current demand levels, the Town already has a 10 year supply of land planned for commercial development. The pitfalls of having too much land planned for commercial include demands on roads and services, residential conflicts, and a reduction in value due to the volume available. As for the two separate areas, he did not have any particular problems with the proposed 35.34 acres at County AB and Femrite Drive, although he wondered if there would be much demand due to the distance from a major road. In the case of the 130 acres east of North Star Road: while it is contiguous to a Commercial Development area to the west, there has been interest expressed in the area, and the Town is already in the process of upgrading the road, he recommended against this revision because of the Town already having adequate land planned for commercial development, it violates the general policy of development west of County N, preservation East of County N, and the area is composed of either Class 2 soils being actively farmed, or wetlands that would not support large buildings. He understands the Town's desire for payback for the road improvements, but suggested that could be accomplished with development on other better suited areas. There is also the requirement under the Farmland Preservation Program that 80% of land planned for Agricultural Preservation must be zoned as FP-35, and changing this to commercial would put the Town close to or below that threshold. Another consideration is that any RDUs are lost when land is re-designated from Ag Preservation to Commercial Development.

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Hampton asked when the Town should consider a complete review of the Comprehensive Plan, and Roffers suggested 2021-2022 might be a good time, shortly after the 2020 census results are available.

Roffers went on to explain the proposed text amendments, mostly for compliance with the newly adopted version of the County's zoning ordinance.

Comments from the public:

- Julie Acker, 3725 County AB, was concerned about even more traffic on County AB if commercial development takes place at the corner of County AB and Femrite. She said it is already busy with big trucks all night long.
- Don Ehlenfeldt, 3779 Gala Way, was opposed to designating the 35.34 acres at County AB and Femrite Drive for commercial development. He expressed concern over land values, traffic, and run-off flooding Door Creek and adjacent farmland. He said he chose the rural location to experience nature, not commercial development.
- Phil Gilpin, 3839 Coyt Road, objected to the change. He would like to see a buffer between existing residential and any future commercial development, noting that all adjacent residential properties are higher than the area proposed for commercial development.
- Charlie Bates, 3784 Gala Way and Tom Alar, 3982 also objected.

MOTION by Larson/Anders to remove all map changes from the proposed amendment. There was discussion about leaving in property owned by Larry Skaar and at 3380 North Star Road. Kirk and Heidi Eihlenfeldt were OK with taking theirs out, but wanted to know if they and Duane Swalheim would be able to move their RDUs to other properties first. **MOTION CARRIED 5-2** (Hampton and Muehl opposed).

Roffers reviewed the proposed text amendments and pointed out which ones were related to the map amendments. He asked does the Town want to clarify whether or not a RDU is required for accessory dwelling units, but consensus was to leave that out for now. **MOTION** by Hampton/Anders to adopt Plan Commission Resolution 2019-01 Recommending Amendments to the Comprehensive Plan, with Exhibit A (map changes) removed, Exhibit B renamed to Exhibit A, with items 1-3 and 5 removed, along with the language regarding use of RDUs for accessory dwelling units on page 21. **MOTION CARRIED 7-0.**

11. ADJOURNMENT: **MOTION** by Larson/Bultman to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 10:35 P.M.

Submitted by: Kim Banigan, Clerk
Approved 6-27-2019

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Testimony to the Town of Cottage Grove Plan Commission, May 22, 2019

Good evening. My name is Kathy Blomker and I live at 4454 Wind Chime Way. Thank you for this opportunity to express our concerns about Richard King's proposed Conditional Use Permit for the house he owns at 4466 Wind Chime Way. His property is adjacent to ours for approximately 2100 feet. I want to remind you that Mr. King is not a neighbor; he does not live anywhere near and has no control over what is happening at the house while the property is rented out to these large groups, or any interest in the neighborhood beyond his commercial venture.

My husband Dick has shared evidence with you regarding Mr. King's abuse of neighborhood values and boundaries. I would like to share more.

On Saturday, April 20, Dick and I were eating lunch and watching a guy, apparently hired by Mr. King, burning brush on the King property. King himself was not on site – a violation of the burn permit laws. It was a windy day, too windy to safely burn, and as we watched, the fire swept past his pile and roared into our giant brush pile about 40 feet onto our property. The guy's emergency management plan was apparently – a rake. The fire jumped a small path and wound up burning over half an acre of our property. We called the fire department immediately, of course; with the winds of the day we were terrified that our wooden house would go completely up in flames. The fire department and our good neighbors Ken Gulbranson and Mark Kudrna who are volunteer fire department personnel, were super. Firefighters spent at least an hour flapping the wooded edges of the fire perimeter to make sure the fire was out. Ken brought us a big sprinkler to use to put out our huge brush pile. No structural damage occurred, but the possibilities were horrifying. Furthermore, after the firefighters and deputies left, the guy doing the burning immediately took off, leaving FIVE piles of smoking and smoldering debris on the hillside of the King property. I had to call April of the fire department back. She sent Mark Kudrna over to check it out, and he just shook his head at the negligence. King was cited and fined for violations.

Now, this may not be a ZONING violation, but it adds even more evidence that Mr. King consistently disregards the law and is NOT a reliable individual to be running a commercial lodging business where he is not present, presenting instead a hazard to the health, safety and general welfare of our community. He clearly does NOT meet Standard #1 for a Conditional Use Permit.

Mr. King has paid no attention to the constraints of the zoning the house is currently under. At least twice in the past few weeks Mr. King has had large groups staying there. On the weekend of April 26 it was a large noisy party complete with fireworks; deputies arrived at the house and I assume that was officially reported. This past weekend we saw at least 8 cars driving into the property; lights in the King house late Friday and Saturday but not Sunday: a two-night rental, in violation of County codes. This was reported to the Township and to the County.

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Mr. King's application for the Conditional Use Permit includes numerous zoning violations and they keep piling up. The county has initiated a lawsuit against Richard King for zoning violations. His actions have made it abundantly clear that he is a lawyer who believes he is above the law. He says he will have guests "sign a rental agreement" to meet Standard #2 of a Conditional Use Permit, to "prevent impairment or diminishment of the uses, values and enjoyment of other property in the neighborhood." What kind of teeth could those agreements possibly have? That is laughable, given Mr. King's disregard for the zoning agreements he himself is subject to.

Please, for the public health, safety, and general welfare of our Wind Chime Way neighborhood, deny Mr. King his application for a Conditional Use Permit for Temporary or Transient Housing.

Thank you!!

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First of all I would like to thank you for the opportunity to speak this evening. My name is Dick Blomker and I live at 4454 Wind Chime Way, next door and adjacent to Richard King's property

My wife Kathy and I were shown the present property we live on in 1976 after a walk through the barnyard and reed canary grass to the creek. We began building ourselves, with a lot of help, and moved in the summer of 1978. It has been a joy watching the houses being built and many neighbors and families moving in over the years. Up until now we have only had a few minor issues over the years which we easily dealt with as neighbors.

Our first conversation with the Kings was cordial, but in hindsight it did not include that the Kings intent was to re-purpose the house and property next door. We would have immediately expressed our concerns.

The second time we spoke was when Mr. King began to cut down trees to improve their view. The problem was that he was also cutting down trees on our property. One tree, a willow, was about 65 feet into our property. I initiated a conversation with Mr. King and he said that he thought he had been cutting only on his property. I offered to show him the property lines and he seemed disinterested. I suggested that he have a survey done and that was the responsibility of the new owner.

Another incident of concern was last May on a Sunday afternoon when sitting on our deck we noticed that two high school age boys were fishing on our little dock. Another high school boy and girl were having oral sex right in front of them. I spoke briefly with all of them and learned they were from the Chicago area and were having a post prom party. The boys stopped fishing and left, the girl and boy said nothing and moved a little bit, but still in view.

I called Mr. King telling him what was happening and he said that he was told there would be chaparones.

We have also had a number of drunken and rowdy male gatherings next door on weekends. When we first built we would never have imagined having bachelor parties right next door when we were having weekend family and friends at our home.

In conclusion I need to say that the rental uses of the Mr. King's house next door have certainly not been representative of the values of our neighborhood community and have significantly reduced the enjoyment of living in our home.

I strongly urge you NOT to grant a Conditional Use Permit to the house next door owned **by Richard King. Thank you.**

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A statement from the owners of 4472 Wind Chime Way and 1/3rd owner of the access drive to 4466 Wind Chime Way.

The activities taking place at 4466 Wind Chime Way have been incredibly frustrating and I feel impede on our personal rights to a safe and quiet residence. I also believe these practices violate the original intentions set by the of the neighborhood and the neighbors, as well as the initial agreement signed by the three original owners of the property (see documentation).

My husband and I both hold full-time employment in Madison, pay our taxes to the Town of Cottage Grove. I work for the state and my husband for Neuwave Medical. We chose Cottage Grove and this neighborhood because of the good reputation the town has for community as well as its proximity to our jobs and family.

On purchase of our home; we were not aware that 4466 Wind Chime Way was being used as a rental property. Although it was quickly apparent when different cars and people would show up Friday evening and leave before 11am on Sundays.

After one particularly disturbing weekend involving a party, party bus and disruptive music, we were approached by other concerned neighbors and informed of the violations, citations, and the continuation of practices that the owner of 4466 Wind Chime Way was told to stop.

Additional documentation, emails and photographs show the specifics of each violation we captured. However, as this has been a long and drawn out process this does not highlight every time it happened but does provide some visuals of the transient nature of the renters of that property. These individuals have no investment in the neighborhood.

There is constant traffic and visitors on our private drive, and very little care, attention or regard to speed and safety is considered by the renters. On more than one occasion we have had strangers approach our home, lost, looking for directions to "the rental" and or parking outside our driveway because there isn't enough space for all the cars in the driveway. We've also had some renters approach the house for assistance to get their ill-equipped vehicles out of the snow. One time the individuals left their car at the top of the private drive on our grass and proceeded to spin the tires in an attempt to loosen the car and damaged our property. I have provided pictures of this.

I am a petite woman and assumptions are often made about my age, it also follows that I am often times at a disadvantage when it comes to strength and height. I should not have to fear for my safety or damages to the property that my husband and I have invested our money and life into.

I have been frustrated with the continuation of these activities after I was told the owner of 4466 Wind Chime Way was told to stop. If the violation is small enough that the owner can still rent the property and just take the slap on the wrist, then obviously more needs to be done. Even now, this past weekend the place has been rented by large parties and although May and June are blocked, the owner appears to have the option for people to rent in the fall.

Additionally, if the owner has multiple locations for rent, and plans to adhere to codes etc... has consideration been paid to the requirements under the American's with Disabilities Act and whether his property will adhere to requirements to ensure that all people with and without disabilities can access

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this rental – to do otherwise is discriminatory practices if he is running this as a rental property in a town/city/state with accessibility codes.

I would request stronger action on the part of the Town. Thank you for your consideration,

Maia Stitt

**TOWN OF COTTAGE GROVE
PLAN COMMISSION RESOLUTION 2019-01**

**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, the Town Board has amended the 2015 Plan on the following dates: August 1, 2016, June 12, 2017, June 18, 2018; and

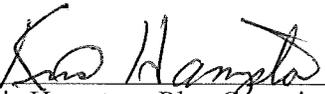
WHEREAS, the Town of Cottage Grove Plan Commission has the authority and responsibility to recommend amendments to the Plan to the Town Board, under Section 66.1001(4)(b); and

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 the text amendments that are indicated in Exhibit A.

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 Exhibit A.

The above and foregoing Resolution was duly adopted at a meeting of the Plan Commission of the Town of Cottage Grove held on the 22nd day of May, 2019, 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: Comprehensive Plan Text Amendments

EXHIBIT A
COMPREHENSIVE PLAN TEXT AMENDMENTS

The Vision and Directions Volume of the Town of Cottage Grove Comprehensive Plan is recommended for amendment in the manner indicated below:

1. Amend the “Acknowledgements” page to acknowledge both current and former (i.e., when 2015 plan was adopted) members of the Town Board and Plan Commission.
2. Amend policy 1 on page 7 to read as follows: “Plan most of the Town as an ‘Agricultural Preservation Area,’ with most of these lands zoned FP-35 General Farmland Preservation. Map 10, within Chapter Three—Land Use, shows the location of the Agricultural Preservation Area.”
3. Amend the second to last bulleted paragraph on page 8 to read as follows: “**Revisiting the list of properties zoned TDR-S.** In 2011, numerous potential TDR Sending Area properties in the Town were zoned into the TDR-S Sending Area Overlay Zoning District. The Town and County should review these properties against Map 10: Future Land Use. Only Agricultural Preservation Area and Open Space and Recreation Area lands on Map 10 should be zoned TDR-S.”
4. Amend Figures 3 through 9 in the manner indicated in the attached versions of those figures.
5. Add the following as the new second sentence in the last paragraph on page 32: “Between 2016 and 2018, the County and Town rezoned approximately 47 additional acres in the 12/18/N interchange area for business use.”
6. Amend the first sentence of the fourth paragraph on page 36 to read as follows: “Therefore, within the planned ‘Agricultural Preservation Area’ on Map 10, the Town will support agricultural-based businesses that are consistent with the policies in Figure 3 and the FP-35 General Farmland Preservation zoning district.”
7. Repeal/remove intergovernmental cooperation policies 2 and 7 on page 46.
8. Within Figure 11, repeal/remove the “Land Use” row denoting that the Town will “Seek Amendment to the County Farmland Preservation Plan.”

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+58 and 10.305+59 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)+75m and 10.304(4)(b)+58(3)(b) of the Dane County Zoning Ordinance.
6. To note the use of RDUs within the Receiving Area, a "TDR Notice Document" shall be recorded against all new lots in the Receiving Area. The TDR Notice Document must, at a minimum, meet all of the requirements of Sections 10.004(110)+41m and 10.305(5)(c)+59(3)(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 A-1(EX)FP-35 or A-4FP-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 A-1(EX)FP-35 or A-4FP-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.
2. 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.
3. Within Town Receiving Areas, the Town Plan Commission and Town Board will consider petitions by landowners to rezone all or part of their property to a residential zoning district and the TDR-R Receiving Area Overlay Zoning District. The Town Board will support petitions to rezone and subdivide Receiving Areas based on the following criteria:
 - a. Consistent with vision, goals, objectives, and policies of this *Comprehensive Plan*.
 - b. Meets the purpose of the TDR-R district in 10.305+59(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 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.
4. A transfer ratio incentive is built in so that landowners and RDU buyers have an incentive to transfer RDUs to a Receiving Area where compact development will be more appropriate. The incentive is that someone can buy one RDU from a Sending Area and develop more than one housing unit with that RDU in the Receiving Area. Based on technical review and public input, the Town of Cottage Grove has determined that an economically reasonable transfer ratio is eight. A transfer ratio of eight means that, for each RDU transferred from a Sending Area to Receiving Area, the Receiving Area developer would be able to develop eight housing units above the number of housing units allocated to the May 15, 1982 parcel (see Figure 2), provided that the developer met all other applicable regulations and policies.
5. RDUs must either be used on-site or transferred from a specific Sending Area parcel to a specific Receiving Area parcel. Where 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:
 - a. Remain with that Receiving Area parcel for future use there. For example, if a 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.
 - b. Be transferred by the Receiving Area parcel owner to a different Receiving Area parcel, whether or not the different parcel is owned by the same entity. For example, if a Receiving Area parcel owner acquired two RDUs from a Sending Area parcel, but does not subdivide lots for all of the 16 additional housing units enabled by this initial transfer, the Receiving Area parcel owner may transfer the rights to build the unused housing units to another Receiving Area parcel. All applicable policies and transfer procedures in this figure shall apply in the event of such a Receiving Area-to-Receiving Area transfer of unused housing units.

Limited Additional RDU Transfer Opportunity

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

1. Both parcels must be within the Agricultural Preservation Area on Map 10, except as allowed in Figure 5 for Agricultural Transition Areas and Figure 6 for Open Space and Recreation Areas.
2. The parcel(s) from which the RDU is proposed to be transferred must clearly have a sufficient number of RDUs left to transfer under the Town's policy. For each RDU transferred, the receiving land owner would be able to develop one housing unit above the number of housing units allocated to the May 15, 1982 parcel, provided that all other applicable regulations and policies are met. There is no transfer ratio incentive.
3. The parcel to which the RDUs is to be transferred must be less suitable for agricultural use than the parcel from which the RDU is to be transferred, as determined through an evaluation of the County Land Conservation soil groupings, unless no other acceptable locations are available. The parcel to which the RDU(s) are transferred is not a "TDR Receiving Area" as that term is defined in this Comprehensive Plan, because it is not within a Neighborhood Development Area or Agricultural Transition Area on Map 10.
4. 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 A-1(EX) Exclusive Agricultural FP-35 General Farmland Preservation or A-4FP-1 Small Lot Farmland Preservation Agricultural districts <u>are typically used</u>. Where a new farm residence is proposed, a conditional use permit is required by Dane County and criteria <u>the requirements and standards</u> in Section 10.101(7)(d)23(4) 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, R-1, R-1(A), R-2, R-3, RH-1, A-2, and other districts that allow non-farm residences <u>may be used</u>. Any rezoning away from A-1(EX)FP-35 or A-4FP-1 must be consistent with applicable development and density policies below, the land must be better suited for a use not allowed in A-1(EX)FP-35 or A-4FP-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 A-1(EX)FP-35 district has a 35 acre minimum and the A-4FP-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). • 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, per 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.
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).123(4) 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 A-4FP-I:** The number of permitted housing units conferred under this density policy shall not be reduced by rezonings to the County's A-4FP-I 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 A-B Agricultural Business, 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 A-1(EX)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-35A-3 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 A-3AT-35 Agricultural Transitione district is typically used, along with the RRH-1, RR-2, SFR-1, SFR-08, AT-5A-2, 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"> 1. See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description. 2. Lands in the Agricultural Transition Area may qualify as TDR Receiving Areas, per the policies in Figure 3, once the Town designates such lands as appropriate for more intensive development per the “Development Policies” below. 3. Prior to such designation, there may be RDU transfer between and within Agricultural Preservation Area/Agricultural Transition Area, per “Limited Additional RDU Transfer Opportunity” in Figure 3. 	
Development Policies for Agricultural Transition Area	
<ol style="list-style-type: none"> 1. Designation of lands in the Agricultural Transition Area on Map 10: Future Land Use does not guarantee that that area will develop or is even buildable; there may be challenges to building, including soil limitations and other environmental constraints. 2. For all lands designated as Agricultural Transition Areas near city/village and town limits, pursue intergovernmental boundary agreements or cooperative boundary plans to further determine the type, timing, jurisdiction, services, and other aspects of future development. 3. Prior to the Town’s determination that lands in an Agricultural Transition Area are ripe for more intensive development: <ol style="list-style-type: none"> a. Follow all development policies applicable to the Agricultural Preservation Area in Figure 4. b. Require that all development projects be designed not to impede the orderly future development of the surrounding area with more intensive future development. c. Allow RDU transfers, but only per the “Limited Additional RDU Transfer Opportunity” in Figure 3. 4. The Town Board will consider the following factors when determining whether and when lands in the Agricultural Transition Area are ripe for more intensive development: <ol style="list-style-type: none"> a. Applicable comprehensive plans, zoning regulations, and intergovernmental agreements. b. The submittal and detailed understanding of a specific development proposal. c. The desire to promote an orderly, sequential pattern of land use to ensure that the provision of public services, roads, and utilities keep pace with development. d. The availability of public infrastructure such as road capacity, utility availability or capacity, and other public facilities to serve the proposed development. e. If such public infrastructure is unavailable, the projected timing of and funding for public infrastructure improvements to serve the proposed development. f. The ability of local governments and the school district to cost-effectively provide community services to the proposed development. 5. The Town does not intend to require an amendment to this <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 ConservancyCON-Conservancy is the typical zoning district.</p> <p>For agricultural uses, the A-1(EX)FP-35 Exclusive AgriculturalFP-35 General Farmland Preservation or A-4FP-1 Small Lot Farmland Preservation Agricultural districts are typically used. Where a new farm residence is proposed, a conditional use permit is required by Dane County and criteria the requirements and standards in Section 10.101(7)(d)-23(4) 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, R-1, R-1(A), R-2, R-3, RH-1, A-2, and other districts that allow non-farm residences may be used. Any rezoning away from A-1(EX)FP-35 or A-4FP-1 must be consistent with applicable development and density policies below, the land must be better suited for a use not allowed in A-1(EX)FP-35 or A-4FP-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 A-1(EX)FP-35 district has a 35 acre minimum and the A-4FP-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). • 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 between lands within the Open Space and Recreation Area, per 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 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 uses. 	
Typical Implementing Zoning Districts	New Lot Sizes
<p><u>SFR-1, SFR-08 Single Family R-1, R-1(A), R-2 Residential, and HAM-R Hamlet Residential are typical.</u> <u>HAM-M Hamlet Mixed Use B-1 Local Business, LC-1 Limited Commercial may be used on a (limited use of these districts, basis for neighborhood-serving commercial sites.)</u> 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 recommended).</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 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"> 1. See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description. 2. Lands in the Neighborhood Development Area may qualify as TDR Receiving Areas, per the policies in Figure 3. 3. For each Residential Density Unit (RDU) transferred from a TDR Sending Area to a Neighborhood Development Area, the developer is able to develop eight housing units above the number of housing units allocated to the May 15, 1982 parcel, provided that the developer met all other applicable regulations and policies. See policy 5 under the “TDR Receiving Areas” section of Figure 3 for alternatives for unused housing units following such a transfer. 4. To build one or more residences on any new lot zoned residential and created after January 1, 1981, the parcel owner must have an RDU based on the acreage he or she owns as further described in Figure 2: Residential Density Unit (RDU) Principle, obtain an RDU originating from a TDR Sending Area, or both. For each RDU assigned to the Neighborhood Development Area parcel per Figure 2, one housing unit will be allowed, subject to compliance with other applicable policies of this Plan and Town ordinances. For each RDU obtained from a TDR Sending Area, the transfer ratio incentive in Figure 3 shall apply. So, for example, an owner of an undeveloped 80 acres in the Neighborhood Development Area who acquires two RDUs from a TDR Sending Area is allowed 16 housing units from the transferred RDUs (2 transferred RDUs x transfer ratio incentive of 8), plus two additional housing units assigned to the 80-acre parcel land area as a base under the RDU principle in Figure 2, for a maximum of 18 housing units. 5. Legally created lots zoned residential prior to January 1, 1981 may be developed with residences and divided without having to meet the Town’s RDU and TDR requirements. 	

Development Policies for Neighborhood Development Area

1. Designation of lands in the Neighborhood Development Area on Map 10: Future Land Use does not ~~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 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 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 may someday require extensive public services and utilities. 	
Typical Implementing Zoning Districts	New Lot Sizes
<p>HAM-M Hamlet Mixed Use B-1 Local Business GC-1 General Commercial HCC-2 Heavy Commercial LC-1 Limited Commercial A-B Agricultural Business</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.
 - 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 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.
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 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.
8. As necessary, apply appropriate limitations preventing unacceptable future commercial or industrial uses of the 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.

Figure 9: Resource Protection Corridor Purpose and Policies

Purpose		
Protect continuous systems of sensitive environmental resources and natural areas, including: <ul style="list-style-type: none"> • Wetlands, as defined in state statute and including both the shoreland-wetland and inland-wetland districts under Chapter 11 of the Dane County Code. • Dane County Code shoreland setbacks and wetland buffers required under Chapter 11. • 1% regional floodplains, including the general floodplain district, floodway district and flood storage district, as described in Chapter 17 of the Dane County Code. • Slopes exceeding 20%. 		
Typical Implementing Zoning Districts	New Lot Sizes	Relationship to Town's TDR Program
NR-C Natural Resource Conservancy CO-1 Conservancy FP-35 General Farmland Preservation	Division of land within the Resource Protection Corridor is discouraged.	<ul style="list-style-type: none"> • May serve as a TDR Sending Area where also mapped as an Agricultural Preservation Area. • May not serve as a TDR Receiving Area.
Resource Protection Corridor Policies		
<ol style="list-style-type: none"> 1. All development shall be consistent with and meet the requirements of Chapter 11 of the Dane County Code of Ordinances regulating shorelands, wetlands, and flood plains. 2. Work collectively with surrounding local governments, Dane County, and the State on the protection and preservation of these areas. 3. Prohibit building development in the Resource Protection Corridor, and driveways on slopes greater than 20%, except as may be allowed via variance or special exception processes in the associated ordinances. 4. Permit cropping and grazing within the Resource Protection Corridor where in accordance with county, state, and federal law. Where Resource Protection Corridors overlap lands in designated Agricultural Preservation Areas, properties remain eligible for farmland preservation tax credits and other benefits under Chapter 91, Wis. Stats. and the Dane County Farmland Preservation Plan. 5. Permit recreational activities such as trails in publicly owned Resource Protection Corridor areas where compatible with natural resource protection. 6. Where development is proposed near the mapped Resource Protection Corridor, determine the exact boundaries based on the features that define those areas. De-map these areas as Resource Protection Corridor to allow more intensive uses if: <ol style="list-style-type: none"> a. more detailed information or studies reveal that the characteristic(s) that resulted in their designation as a Resource Protection Corridor is not actually present, b. approvals from appropriate agencies are granted to alter land so that the characteristic that resulted in its designation will not exist, and/or c. a mapping error is confirmed. 		

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 May 31, 2019 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 2019-01
RECOMMENDING AMENDMENTS TO THE
TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN**

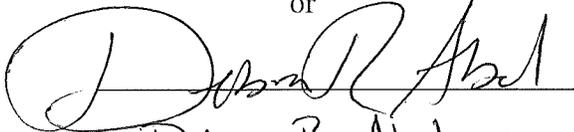


Kim Banigan, Town Clerk

Subscribed to and sworn before me
this 31st day of May, 2019.

Signature of Town Chair person

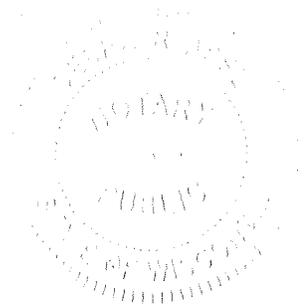
or



Debra R. Abel (print name)

Notary Public, State of Wisconsin

My Commission expires: March 7, 2023



TOWN OF COTTAGE GROVE
PLAN COMMISSION
JUNE 26, 2019

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, Dave Muehl, Wilmer Larson and Troy Eickhoff in attendance. Clerk Kim Banigan was also present, along with others as 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 Meylor/Bultman to approve the minutes from the May 22, 2019 meeting as printed. **MOTION CARRIED 6-0.**
4. Public Concerns: Tom Willan, 4407 Vilas Hope Road, recommended that the Plan Commission table agenda item 5. because he believes blanket rezones are a taking of property rights, and he intends to file an injunction to stop the blanket rezone if it is allowed to proceed. The Clerk explained that all affected property owners have been notified by mail, and she has spoken with several of them who are agreeable with the proposed changes, which are to correct errors that will restore their property rights to what they were prior to the adoption of the new County zoning ordinance.
5. Discuss/Consider recommendation regarding blanket rezone for correction of errors when zoning districts were assigned as part of the adoption of the revised Dane County Zoning Ordinance: The Clerk provided the following analysis of the parcels proposed for rezoning:
 - 0711-023-9230-0, 5 acres with a residence at 2033 DiPiazza Dr, previously zoned A-2, mistakenly zoned RM-16, proposed zoning of RR-4, which makes sense for parcel use and size.
 - 0711-042-8571-0, WPL substation on Gaston Road, previously zoned A-2(8), mistakenly zoned AT-35, proposed zoning of UTR, which makes sense for utility.
 - 0711-052-9501-0, 40 acres at 2852 Gaston Road, recently annexed to the Village so can be removed from the blanket rezone.
 - 0711-094-8100-4, 3.5 acres of bare land North East of Elementary School owned by a developer, previously zoned A-2(2) and CO, mistakenly zoned FP-1, proposed zoning of NR-C. The Clerk spoke with a company representative who said the intended use for the property is a future park, and he agreed that NR-C made sense.
 - 0711-113-8310-6, 4.2 acres of bare land at the corner of County Highway BB and Rathert Road. Previously zoned A-1EX, mistakenly zoned UTR, proposed zoning of RR-4. However, the Clerk questioned Pam Andros with Dane County Zoning about this being a buildable lot. Andros recommended changing the proposed zoning to FP-1 as it would not have been buildable as A-1EX. The Clerk will advise the property owner of the change to the proposed zoning.
 - 0711-182-9175-0, 24.45 acres of bare land just north of the railroad tracks on the west side of Vilas Hope Road. Previously zoned A-2, mistakenly zoned AT-35, proposed zoning of RM-16. The Clerk questioned Andros as to whether this is a buildable lot, A-3 would imply not. Andros recommended changing the proposed zoning to FP-1 as it would not have been buildable as A-3. The Clerk will advise the property owner of the change to the proposed zoning.
 - 0711-181-9001-0, 12.77 acres with a residence at 4156 Vilas Hope Road, previously zoned A-2, mistakenly zoned RM-16, proposed zoning of RM-8, which makes sense for the size and use of the property.

TOWN OF COTTAGE GROVE
PLAN COMMISSION
JUNE 26, 2019

- 0711-193-9691-1, 10 acres of bare land at the corner of Femrite and Hope Roads, previously zoned A-1EX, mistakenly zoned FP-35, proposed zoning of FP-1. The Clerk had questioned Andros about why this cannot be FP-35 since it is contiguous with other FP-35 land by the same owner. Andros advised that ownership is different – this parcel includes two parties, the others only include one. The Clerk was directed to contact the owner to suggest changing to uniform ownership so all ag parcels could be zoned FP-35, and possibly to make any future sale easier.
- 0711-201-9410-6, 4.2 acres with a residence at 2740 C BAR J Circle, previously zoned A-2, mistakenly zoned RM-16, proposed zoning RR-4, which makes sense for the size and use of the property.
- 0711-201-9430-2, 4.2 acres with a residence at 3861 S. Coffeytown Road, previously zoned A-2, mistakenly zoned RM-16, proposed zoning RR-4, which makes sense for the size and use of the property. The Clerk spoke with the property owner who agreed that RR-4 makes sense.
- 0711-231-8580-0, 4.5 acres with a residence at 3805 Ridge Road, previously zoned A-2(4), mistakenly zoned FP-35, proposed zoning of RR-4, which makes sense for the size and use of the property. The Clerk spoke with the owner who agreed that RR-4 makes sense.
- 0711-241-8360-0, 2.25 acres with a residence at 1585 N. Jargo Road, previously zoned RH-1, mistakenly zoned RR-4, proposed zoning of RR-2, which makes sense for the size and use of the property.
- 0711-241-8375-0, 4.4 acres of bare land around 1585 N. Jargo Road, previously zoned A-2(4) and restricted against residential development, mistakenly zoned RR-4, proposed zoning FP-1, which makes sense for the use and size of the property.
- 0711-541-8390-0, 7.819 acres of bare land on Deerfield Road, previously zoned A-2(4) and restricted against residential development, mistakenly zoned RR-4, proposed zoning of FP-1, which makes sense for the size and use of the property.
- 0711-273-9600-0, 24 acres off of North Star Road with a development right, previously zoned A-2, mistakenly zoned FP-35, proposed zoning of RM-16, which makes sense for the size and use of the property. The Clerk spoke with the owner who agreed that RM-16 makes sense.
- 0711-284-9940-0, a retired parcel replaced by 0711-284-9950-0 which was rezoned to HC on April 16, 2019, so there is no need for this one to be included in the blanket rezone.
- 0711-284-9720-2, a retired parcel replaced by 0711-284-9755-0 which was rezoned to GC on May 6, 2019, so there is no need for this one to be included in the blanket rezone.
- 0711-294-8040-0, 4 acres with a residence at 3545 Vilas Road, previously zoned RH-4 and R-1 per Access Dane, however should have been RH-2 as a result of 2016 petition #11020, mistakenly zoned SFR + RR-2, proposed zoning of RR-4, which makes sense for the size and use of the property. The Clerk spoke with the owner who agreed that RR-4 makes sense.
- 0711-292-8500-0, 37.5 acres of bare land on Hope Road planned for neighborhood development, previously zoned A-2(8), mistakenly zoned FP-35, proposed zoning of RM-16 + TDR-R, which makes sense for the size and current and planned use of the property.

TOWN OF COTTAGE GROVE
PLAN COMMISSION
JUNE 26, 2019

- 0711-321-8780-6, 9.4 acres at 2750 Sandven with a residence, previously zoned A-2, mistakenly zoned RM-16, proposed zoning of RM-8, which makes sense for the size and use of the property. The Clerk spoke with the owner who agreed that RM-8 makes sense.
- 0711-331-9001-4, 13.4 acres with a residence and farming operations at 2475 Ofsthun Road, previously zoned A-1EX, currently zoned FP-35, proposed zoning of RM-16, which makes sense for the size and use of the property.
- 0711-363-9215-0, 5 acres of bare land at the corner of Schadel Road and County BN, previously zoned A-2(8), mistakenly zoned RM-8, proposed zoning of RR-4. This parcel is under the same ownership as the property at 1834 Schadel Road below. When the owner split the property to sell off 65 acres in 2017 (petition #11107), the Town's Comprehensive Plan did not require a RDU to split off an original farm use. There were two additional RDUs retained by the original owner when the 65 acres was sold. One of those RDUs would be assigned to this parcel with RR-4 zoning. The other one would still be on paper. The Clerk spoke with the owner's son who was on board with plan.
- 0711-363-9245-0, 10 acres with a residence and farm buildings at 1834 Schadel Road, previously zoned A-4, mistakenly zoned FP-1, proposed zoning of RM-8, which makes sense for the size and use of the property.

MOTION by Muehl/Larson to recommend the rezones with changes as discussed above, and directing the Clerk to contact the owners of parcels 0711-113-8310-6, 0711-182-9175-0 and 0711-193-9691-1, also as discussed above. **MOTION CARRIED 6-0.**

6. Election of Commission Officers (Chair and Secretary): **MOTION** by Muehl/Larson to elect Kris Hampton as Chair and Troy Eickhoff as Secretary. **MOTION CARRIED 6-0.**
7. ADJOURNMENT: Prior to adjournment, Hampton gave Commission members “homework” to think about whether to allow RDUs on the farm owned by Windsor Quarry, LLC to be subject to the 8:1 multiplier if used in the area planned for Neighborhood Development on the same farm. **MOTION** by Larson/Eickhoff to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:44 P.M.

Submitted by: Kim Banigan, Clerk

Approved 07/24/2019

TOWN OF COTTAGE GROVE
PLAN COMMISSION
JULY 24, 2019

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, Wilmer Larson and Troy Eickhoff in attendance. Clerk Kim Banigan was also present, along with others as 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:
 - a) **MOTION** by Muehl/Bultman to approve the minutes from the June 26, 2019 meeting as printed. **MOTION CARRIED 6-0-1** (Anders abstained).
 - b) **MOTION** by Anders/Meylor to approve the minutes of the joint meeting with the Town Board on June 17, 2019 as printed. **MOTION CARRIED 4-0-3** (Muehl, Bultman and Larson abstained)

4. Public Concerns: None.

5. Discuss/Consider recommendation regarding application by Paulson & Associates, LLC, Daniel A Paulson for rezone of 39.91 acres from AT-35 and FP-35 to SFR-08 and URT for 18 lot residential subdivision on parcels #0711-183-8000-7, 0711-183-8500-2, 0711-183-9500-0 and 0711-183-9000-5 owned by Windsor Quarries, LLC at 3973 Vilas Hope Road: Dan Paulson and Atty. Mike Lawton were present. Mr. Paulson presented the zoning map which showed 33.91 acres being rezoned from AT-35 and FP-35 to SFR-08 and UTR, with 3.8 acres going back to FP-35 from AT-35 (the 3.8 acres was indicated on the application to the County but not on the Town application.) He said a density study concluded there are 3 RDUs available on the farm, which would allow for 24 lots with the 8:1 multiplier applied. The re-zone map includes 18 lots.

Eickhoff referred to minutes of the 05-02-2011 public hearing for amendments to the comprehensive plan, when he and other residents spoke against a similar situation that they referred to as "double-dipping". He said he would be in favor of the rezone but not allowing the RDU multiplier to be applied.

Atty. Lawton said the development plans would preserve 82.9 acres of farmland and concentrate development, which he believed was consistent with the Town's comprehensive plan.

The Clerk noted that in a more typical situation, use of 3 RDUs would preserve 105 acres, and a decision to allow the use of the multiplier with RDUs originating on the same farm as neighborhood development is occurring may set a precedent.

Muehl said the multiplier should be allowed in this case since development will take place in a TDR receiving area and is west of County N where the Town has said development should occur.

Hampton asked for comments or questions from the public, there were none.

MOTION by Muehl/Larson to recommend approval of the rezone of 39.91 acres from AT-35 and FP-35 to SFR-08 and URT for a 18 lot residential subdivision as depicted on the rezone map (Exhibit A), along with return of 3.8 acres from AT-35 to FP-35 as indicated on the application to the County. Use of the 1:8 RDU multiplier on the 3 RDUs available from the original farm should be allowed because development will take place in the Neighborhood Development planning area, and is west of County Highway N. **MOTION CARRIED 6-1.** (Eickhoff opposed).

6. Discuss/Consider recommendation regarding application by Silvin Kurt for a conditional use permit for a secondary farm residence on parcel #0711-013-8000-2 zoned FP-35 at 4558 Ridge Road owned by Kurt Rev. Tr, Silvin F & Rosemary C: Silvin Kurt said the proposed secondary farm residence would be a 16' x 76' mobile home on the same site where one was previously

TOWN OF COTTAGE GROVE
PLAN COMMISSION
JULY 24, 2019

located. The septic system has been maintained, and utility and water connections are still available. Hampton read the definitions and conditions for a secondary farm residence from DCCO Chapter 10. Mr. Kurt confirmed that the proposed occupant of the secondary farm residence is a partner in the farming operation. Application materials included a description of the farming operation and summary of farm income. Hampton asked for questions or comments from the public, no one spoke. **MOTION** by Meylor/Bultman to recommend approval of a CUP for a secondary farm residence, noting that the six standards for a CUP were all considered satisfied. **MOTION CARRIED 7-0.**

7. Discuss/Consider recommendation regarding application by Benjamin Larson for rezone of 3.2 acres at 2416 County Highway MN, parcel #0711-333-8001-4 owned by Walter R. Jobe, from RR-2 to GC and a conditional use permit to allow domestic pet boarding, a pet crematorium and a single family residence for the caretaker: Mr. Larson said as new owners, he and his wife Shreya wish to continue the uses under the current CUP that will expire with change of ownership, and due to changes in the County zoning ordinance, a rezone is also needed. In addition to the pet boarding business, they hope to offer veterinary services in the future. Mrs. Larson is a veterinarian with years of experience working in kennels and veterinary facilities. Hampton reviewed the conditions shown on the operations plan submitted with application to the County (Exhibit B). Number of employees was shown as 4, but the Larsons said they would like to have up to 6. A maximum of 50 pets would be boarded at any one time. A caretaker employee would live in the house, the Larsons would continue to reside in the Village. Hampton asked about pet waste disposal, Mr. Larson pointed out the location of the holding tank on the map, and said it is pumped periodically. Hampton asked if there were any questions or comments from the public, there were none. **MOTION** by Muehl/Eickhoff to recommend approval of the rezone to GC and a CUP for domestic pet boarding, a pet crematorium and a single family residence for the caretaker, with operating hours and other conditions as stated on Exhibit B, except that number of employees will be increased to 6. All six standards for a CUP were considered satisfied. **MOTION CARRIED 7-0.**
8. Discuss/Consider identification of any hazards which may affect the health and safety of residents of a proposed group foster home for children at 3972 Vilas Road: The following hazards were identified (see map on Exhibit C).

Natural Hazards:

There are 4 unguarded ponds in the vicinity
Horses across Coffeytown Road could be an attractive nuisance

Man Made Hazards:

A feed mill and grain handling facility are a quarter mile to the east, dust and noise are possible, especially seasonally

The property is on a busy corner with 45 mph speed limits

A heavy equipment storage yard to the south-east could be an attractive nuisance

Problems with support services:

Police and Fire/EMS Stations are within .5 miles

There are clinics in the community but no emergency care facilities.

There is a park about .6 miles to the north on Vilas Road, however there is no substantial shoulder or sidewalk to allow for safe walking to it from the property.

TOWN OF COTTAGE GROVE
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JULY 24, 2019

Anders stated he has observed children playing in and near the road near this residence.

MOTION by Muchl/Anders to approve the lists of hazards as discussed. **MOTION CARRIED 7-0.**

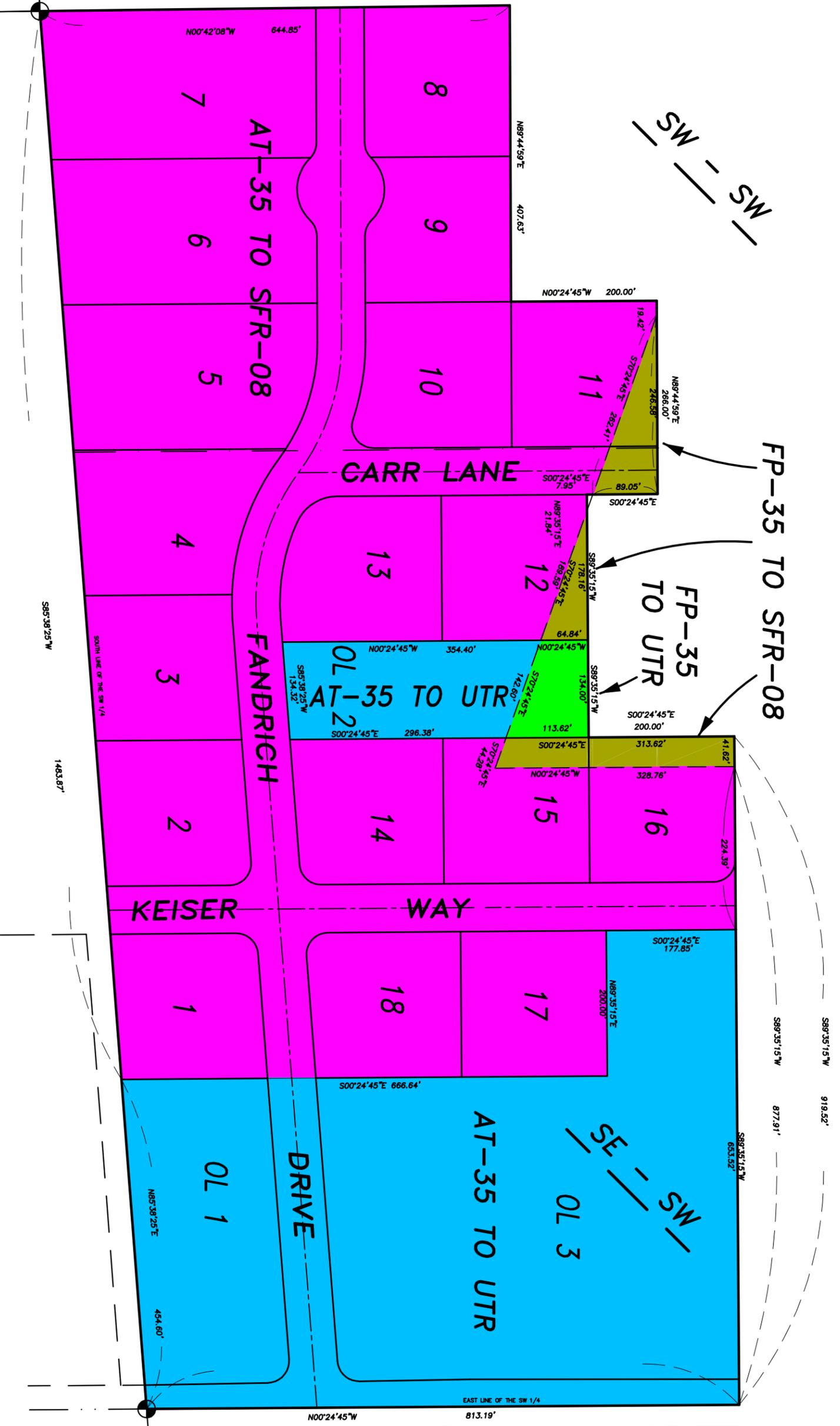
9. **ADJOURNMENT: MOTION** by Anders/Larson to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 7:53 P.M.

Submitted by: Kim Banigan, Clerk

Approved 08-28-2019

SW CORNER
SECTION 18
(BRASS CAP MON)
(4-TIES FOUND)

WEST LINE OF THE SW 1/4



S 1/4 CORNER
SECTION 18
(ALUMINUM MON)
(4-TIES FOUND)

VILAS HOPE ROAD

Conditional use Application, 6/20/19

This is an application for Conditional use located at 2416 County Highway MN, Cottage Grove, WI 53527. The property is in the process of being sold to Underdogs, LLC and the current Conditional Use Permit will expire with the sale of the property. There are no proposed changes to the conditional use permit that currently exists with this application. Underdogs, LLC intends to continue to use the property as a pet boarding facility in the same manner which it is currently used.

The operations plan for the pet boarding facility is as follows:

Hours of Operation:

Mon – Fri: 6a-9a, 4p-6p

Saturday: 7a-9a, 4p-6p

Sunday: 4p-6p

Number of Employees: 4 6

Anticipated Customers: 50

Outside Storage: There is no outside storage.

Outdoor Activities: Fenced-in play areas for dogs, Swimming for dogs in pool

Outdoor Lighting: 1 Outdoor light

Proposed Signs: 1 sign already exists. That will stay in the same spot – it is located in the front of the property and faces Highway N.

Trash Removal: Town of Cottage Grove

The conditional use shall be located on the property described as follows:

Part of the NE ¼ SW ¼ Section 33, Town of Cottage Grove Described as Follows: Commencing at the Northeast corner of the NE ¼ SW 1/4; Thence West, 80.8 Feet to the point of beginning; Thence S 00 Degrees 05' 53" East, 44.82 Feet; Thence S 00 Degrees 01' 20" West, 263.26 Feet; Thence S 02 Degrees 52' 11" West, 149.67 feet; Thence S 01 degrees 12' 36" West, 90.02 Feet; Thence S 86 Degrees 28' 38" West, 160.29 Feet; thence S 88 degrees 26' 49" West, 80 feet; thence North, 550 Feet to the North line of the aforesaid NE ¼ SE 14; thence East along said North line, 250 feet to the point of the beginning.



Park

0.1mi
0.1mi

0.6mi
0.3mi

pond

pond

Fire/EMS

feed mill and grain handling facility

0.4mi

Police

570.1'
0.1mi

1,359.7'

horses

pond

heavy equipment storage yard

pond

TOWN OF COTTAGE GROVE
PLAN COMMISSION
AUGUST 28, 2019

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, Phil Bultman, Dave Muehl, Wilmer Larson and Troy Eickhoff in attendance along with others as listed on the sign-up sheet available in the Town Clerk's office. Jerry Meylor and Steve Anders were absent.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings:

MOTION by Muehl/Larson to approve the minutes from the July 24, 2019 meeting as printed.
MOTION CARRIED 5-0
4. Public Concerns: None.
5. Discuss/Consider recommendation regarding application by Royal Oak Engineering – Tim Thorson for rezone of .27 acres from parcel #0711-074-9052-0 owned by Strand Family Farm, LLC from RM-16 to SFR-08 to combine with parcel #0711-074-9151-0 at 4278 Vilas Hope Road also owned by Strand Family Farm, LLC

Comment made by Katherine A Strand that Strand Family Farm LLC did not own any part of the house at 4278 Vilas Hope Road, house was solely hers. Tim Thorsen of Royal Oak Engineering spoke for the reason to add a 40 foot swath to the 4278 Vilas Hope Road address. Reason was so owner could access out building behind house. Kris Hampton asked applicants for a donation of road right away. Dave Muehl asked if parcel #0711-074-9052-0 had a buildable right and if the right sold with the property or if it was kept with parcel #0711-074-9151-0 (K. A. Strand). Parcel #0711-074-9052-0 has a buildable right.

Hampton asked for comments or questions from the public, there were none.

MOTION by Muehl/Larson to recommend approval of the rezone of for rezone of .27 acres from parcel #0711-074-9052-0 owned by Strand Family Farm, LLC from RM-16 to SFR-08 with condition township gets the donation of road right away and property of lot 2 (#0711-074-9151-0) is in recorded as Katherine A. Strands and not part of Strand Family Farm LLC. MOTION CARRIED 5-0
6. Discuss/Consider re-scheduling the September meeting. Kris Hampton discussed moving next meeting to September 18th, 2019. Muehl/Bultman made motion to move September meeting to September 18th, 2019. MOTION CARRIED 5-0
7. ADJOURNMENT: MOTION by Muehl/Bultman to adjourn. MOTION CARRIED 5-0. The meeting was adjourned at 7:35 P.M.

Minutes taken by Troy Eickhoff

TOWN OF COTTAGE GROVE
PLAN COMMISSION
SEPTEMBER 19, 2019

- 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, Wilmer Larson and Troy Eickhoff in attendance. Clerk Kim Banigan was also present, along with others as 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 Meylor/Bultman to approve the minutes from the July 24, 2019 meeting with one correction. **MOTION CARRIED 7-0.**
- 4) Public Concerns: None.
- 5) Discuss/Consider recommendation regarding blanket rezone to correct errors of how zoning districts were assigned when the new Dane County zoning ordinance was adopted in January: Rezone of 39 parcels totaling 18.68 acres proposed to be rezoned from HAM-R to SFR-08: Hampton said that owners of all 39 properties were mailed notice of tonight's meeting along with zoning district fact sheets for their zoning prior to adoption of the new county zoning ordinance (R-1 or R-3), their current zoning of HAM-R, and their proposed new zoning of SFR-08. The Clerk added that the notices were mailed on September 10th with a red note on the envelope that said "IMPORTANT NOTICE ABOUT YOUR PROPERTY, DO NOT DISCARD". Two of the property owners were present at the meeting. Commission members also had before them two emails from Tom Willan expressing his opposition to the blanket rezone process. Hampton explained the blanket rezone was prompted by the realization that the new HAM-R district permits two-family residences on parcels that previously were only permitted one residence. In reviewing/comparing the permitted and conditional uses for the HAM-R and SFR-08 zoning districts, the following points were discussed:
 - There were no permitted or conditional uses in the former R-1 or R-3 districts that are not allowed in the SFR-08 district.
 - HAM-R includes the following permitted uses (SFR-08 can have most* of these if a conditional use permit is approved):
 - Two-family residences
 - Attached accessory dwelling units
 - Transient or tourist lodging
 - Governmental, institutional, religious or non-profit community uses
 - *Outdoor and passive recreational uses (not available to SFR-08 at all)

Question for property owners: Do you like the idea of your neighbors who are also zoned HAM-R being able to take up these uses without any opportunity for you, the Town or the County to have input through the conditional use permit process?

- With a Conditional Use Permit, HAM-R can have these uses that SFR-08 would not be eligible for:
 - Detached accessory dwelling unit
 - Multiple family dwellings and condominiums
 - Principal buildings more than 2 1/2 stories tall
 - Limited family business

TOWN OF COTTAGE GROVE
PLAN COMMISSION
SEPTEMBER 19, 2019

Question for property owners: Do you anticipate any of these uses for your property, and/or would you be in favor of your neighbors also zoned HAM-R being able to apply for these uses?

- A rezone from HAM-R to SFR-08 would not affect the assessed value of the property.
- A rezone from HAM-4 to SFR-08 could affect the resale value of the property.

Both of the property owners in attendance said they would be in favor of the rezone of their property from HAM-R to SFR-08, which is more in line with their former zoning, and signed a statement confirming this.

There was a discussion about how to be sure that the owners of the other 37 properties are in agreement with the blanket rezone. The Clerk said she had considered using certified mail, but past experience has shown that recipients who are not home for mail delivery sometimes don't get to the post office in time to claim the notice before the meeting date, or even at all. By sending by regular first-class mail, she thinks there is a better chance the property owners will receive it on a timely basis, assuming they actually open the letter. If it comes back undeliverable, she will have to use other methods to contact them. None of the notices for tonight's meeting have come back undeliverable.

MOTION by Anders/Eickhoff to recommend approval of the blanket rezone of 39 parcels totaling 18.68 acres from HAM-R to SFR-08 to correct errors of how zoning districts were assigned when the new Dane County zoning ordinance was adopted. The Clerk will send notice of the October 7th Town Board meeting along with draft minutes of this meeting and a Town zoning map to the owners of the remaining 37 properties, with envelope clearly marked "SECOND AND FINAL IMPORTANT NOTICE ABOUT YOUR PROPERTY". **MOTION CARRIED 5-0.**

- 6) ADJOURNMENT: **MOTION** by Muehl/Anders to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 7:28 P.M.

Submitted by: Kim Banigan, Clerk

Approved 10-23-2019

TOWN OF COTTAGE GROVE
PLAN COMMISSION
OCTOBER 23, 2019

- 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, as well as Director Todd Violante and Sr. Planner Majid Allen from Dane County Planning and Development. 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 Bultman/Meylor to approve the minutes from the September 19, 2019 meeting as printed. **MOTION CARRIED 6-0.**
- 4) Public Concerns: None.
- 5) Public Hearing and Plan Commission recommendation regarding an application by Jason Bree for a conditional use permit to allow for a detached garage with a 16-foot mean roof height at 2764 Pheasant Run, parcel #0711-054-5383-7: Mr. Bree said he actually only needs a 14.5 mean roof for the detached garage he plans to use as a workshop. He does not need a driveway to it. No one spoke for or against the conditional use permit. Hampton read the eight standards of a conditional use permit and asked commission members to speak up if they felt any were not met. No one spoke up. **MOTION** by Meylor/Bultman to recommend approval of a conditional use permit to allow for a detached garage with a 14.5-foot mean roof height at 2764 Pheasant Run, parcel #0711-054-5383-7, noting that all eight standards of a conditional use permit are considered satisfied. **MOTION CARRIED 6-0.**
- 6) Discuss/Consider recommendation regarding revised applications by Paulson & Associates, LLC, Daniel A Paulson for rezones of 39.91 acres for 18 lot residential subdivision on parcels #0711-183-8000-7, 0711-183-8500-2, 0711-183-9500-0 and 0711-183-9000-5 owned by Windsor Quarries, LLC at 3973 Vilas Hope Road:
 - a) Step 1 to divide the property into two separate parcels, and create a TDR-R overlay district over the lands zoned AT-35.
 - i) Rezone of 3.8 acres from AT-35 TO FP-35
 - ii) Rezone of .69 acres from FP-35 to AT-35
 - iii) Rezone of 33.91 acres to the TDR-R overlay district.
 - b) Step 2 to describe the residential zoning classification areas (SFR-08) and the utility/storm water classification areas (UTR):
 - i) Rezone of 23.19 acres from AT-35 to SFR-08
 - ii) Rezone of 10.72 acres from FP-35 to AT-35

Hampton noted that Commission members had copies of an email from Roger Lane in their packets, and an email from Majid Allen at their seat. Dan Paulson represented Paulson & Associates, LLC. He reviewed the prior steps that have been taken toward this development, including the 2018 amendment to the Town's Comprehensive Plan to create a Neighborhood Development Area, the January 2019 rezone to apply the TDR-R Overlay district, Town approval of the concept plan on May 22, 2019 (Plan Commission) and June 3, 2019 (Town Board), and the rezone on July 24, 2019

TOWN OF COTTAGE GROVE
PLAN COMMISSION
OCTOBER 23, 2019

(Plan Commission) and August 5, 2019 (Town Board). The concept plan was based on the premise that the 8:1 multiplier would apply to the 3 RDUs on the property. Since that time, review by County Zoning staff has raised questions over the use of the multiplier on RDUs originating from and being used on the same historic 1982 farm unit. A meeting between County planning staff, Bill and Dan Paulson, Atty. Mike Lawton and Kris Hampton led to the email from Roger Lane outlining a two-step process, which is what the current applications addresses. Allen's email from yesterday, however, concludes that the use of the RDU multiplier in this case conflicts with the Town's Comprehensive Plan, and that while the 3 RDUs on the property can be used on a 1:1 basis, two additional RDUs would need to be acquired from other eligible TDR sending areas in order to proceed. Paulson suggested that the Plan Commission had three options: 1) vote no to the entire proposed development, 2) postpone and wait for Atty. Lawton to meet again with County planning staff, 3) recommend approval of the rezones and let the Town Board deal with the RDU questions.

Eickhoff had questions about the shape of the proposed development area, and why rezones back and forth from FP-35 to AT-35 were needed. Paulson explained that the development area was defined by the 2018 amendment to the Town's Comprehensive Plan, but when the plat was actually laid out, it did not fit exactly into those lines.

MOTION by Hampton/Anders to table until we hear back from the County, Bill Paulson and Mike Lawton that a solution to the RDU question has been found.

Majid Allen asked if he could interject one more consideration: Extraterritorial Jurisdiction of the City of Madison. He had inquired with City planning staff to find out where they are at with this. In response he received a copy of a January 2019 letter from City Planning to Dane County zoning outlining the reasons why City planning staff is opposed to the development. Allen wanted to caution that this is a lingering issue that unfortunately will not be addressed until the preliminary plat stage of development.

MOTION CARRIED 6-0.

- 7) Discuss and Consider dates for November and December meetings: Consensus was to leave the November meeting on the regularly scheduled date of Wednesday, November 27th, and reschedule the December meeting for Wednesday, December 18th.
- 8) ADJOURNMENT: **MOTION** by Muehl/Bultman to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:45 P.M.

Submitted by: Kim Banigan, Clerk

Approved 11-27-2019

TOWN OF COTTAGE GROVE
PLAN COMMISSION
NOVEMBER 27, 2019

- 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, Wilmer Larson 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/Meylor to approve the minutes from the October 23, 2019 meeting as printed. **MOTION CARRIED 6-0-1** (Larson abstained).
- 4) Public Concerns: None.
- 5) Design review for proposed shop building at 3475 N. Star Road owned by Capitol Holdings: Gordy Morauske represented Capitol Holdings, LLC. Discussion was that detention ponds and the septic system have already been installed per previous approval for the cold storage building. Hampton asked if it would be possible to swap the locations of the future office and this proposed shop if the office will have a more attractive presentation. Morauske said it has never been in the plans to have the office in the front if/when it is built. Morauske said the shop building will be the same color as the cold storage building, not the color depicted on the plans submitted. The shop will have the same type of downward directed lighting as the cold storage building had, and there will be no signage on the shop. **MOTION** by Muehl/Anders to recommend approval of the design of the shop building as presented, with the color matching the existing cold storage building. **MOTION CARRIED 7-0**. Morauske said state approval could take up to three months, they hope to begin construction early next spring. They may wait until the following year to blacktop the front parking lot to allow for settling.
- 6) Discussion only regarding concept plan for potential non-metallic mineral extraction at 3286 Field View Lane owned by Storage World of Cottage Grove, LLC: Robert Roth of Roth Professional Solutions represented Secure Storage of Cottage Grove, LLC, and Meise Construction Inc. Mr. Roth said Meise Construction, LLC discovered material fit for gravel excavation during the storage building construction process. Mr. Roth understood the permitting process is vast, and suggested two options: 1) rezone the area for excavation to a zoning district that would allow for a non-metallic mining CUP or 2) rezone the entire property to the Manufacturing and Industrial district, which would allow for the storage buildings under permitted uses and non-metallic mining under conditional uses. He suggested a term of 5-10 years for the CUP, but did not have an estimate of how many yards of material are present, and did not know how much blasting would be necessary. Meise Construction Inc. has in mind to use the product in their own projects in the area, however Roth did not know how much work the company has in the area. Mr. Roth thought they might be open to the idea of selling material as well, which could shorten up the time-frame of mining operations. There was a question about hauling on Field View Lane, but it was noted that since Field View Lane was once a county road, it has a heavier base than most Town roads do. Roth said they would video and document the condition of the road prior to any hauling. The owners have no specific plans for reclamation, but would probably market it as a commercial parcel. He said it is not buildable now due to the slope. Hampton asked if it could be terraced, but Roth said that would leave less usable land for development. Hampton had concerns over the 5-10-year term, and thought it would be better to create a separate parcel for the proposed non-metallic mining site if the owners have no current plans to expand the storage business. Anders thought the dust from the mining operations would be a detriment to the storage rental business.

TOWN OF COTTAGE GROVE
PLAN COMMISSION
NOVEMBER 27, 2019

- 7) Discuss/Consider recommendation regarding revised applications by Paulson & Associates, LLC, Daniel A Paulson for rezones of 39.91 acres for 18 lot residential subdivision on parcels #0711-183-8000-7, 0711-183-8500-2, 0711-183-9500-0 and 0711-183-9000-5 owned by Windsor Quarries, LLC at 3973 Vilas Hope Road:
- a) Step 1 to divide the property into two separate parcels, and create a TDR-R overlay district over the lands zoned AT-35.
 - i) Rezone of 3.8 acres from AT-35 TO FP-35
 - ii) Rezone of .69 acres from FP-35 to AT-35
 - iii) Rezone of 33.91 acres to the TDR-R overlay district.
 - b) Step 2 to describe the residential zoning classification areas (SFR-08) and the utility/storm water classification areas (UTR):
 - i) Rezone of 23.19 acres from AT-35 to SFR-08
 - ii) Rezone of 10.72 acres from FP-35 to UTR

This discussion was tabled at the October meeting until a solution to the question about whether the RDU multiplier applies to the RDUs originating on the farm. Atty. Mike Lawton and Dan Paulson were present. Atty. Lawton said he held a conference call that included himself, Bill and Dan Paulson, County Planning staff and Hampton, and he felt they had come up with a way to handle the question about the RDUs through the steps outlined above. He asked the Plan Commission to recommend approval so the rezones can move forward to the ZLR on the scheduled date of December 17, 2019. He suggested approval of the rezone of the SFR-08 area could be conditional on the RDUs being available, although he was not specific about what solution he had in mind. **MOTION** by Hampton/Muehl to recommend approval of both steps 1 and 2 as described above, conditional on sufficient RDUs being available for the potential plat on the SFR-08 area. **MOTION CARRIED 7-0.**

- 8) Prior to adjournment, Hampton said that the 2020 census will provide new information to think about for a total revision of the Town's Comprehensive plan, possibly beginning in 2021 or 2022. He asked the others to start thinking about what the Town can include in its future land use plan to fend off annexations and help landowners to keep their property in the town.
- 9) **ADJOURNMENT: MOTION** by Bultman/Muehl to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 8:10 P.M.

Submitted by: Kim Banigan, Clerk

Approved 12-18-2019

TOWN OF COTTAGE GROVE
PLAN COMMISSION
DECEMBER 18, 2019

- 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, Dave Muehl, Wilmer Larson 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 November 27, 2019 meeting as printed. **MOTION CARRIED 6-0.**
- 4) Public Concerns: None.
- 5) Discuss/Consider recommendation for combining the following to create one 23.25-acre parcel zoned RM-16:
 - a) Parcel #0711-303-8300-8: 11.56 acres at 3101 US Hwy 12 & 18 owned by C&L Investment Partnership, currently zoned RM-8
 - b) Parcel #0711-303-9742-0: 11.69 acres just east of 3101 US Hwy 12 & 18 owned by Larry Skaar, currently zoned AT-35

Larry Skaar was present. Hampton asked him if he knew what C&L Investment Partnership intends to do with the property, Mr. Skaar was not sure. Hampton said the problem is that the area is in the Commercial planning area, which does not allow for new or expanded residential uses. Eickhoff pointed out that the application and zoning map provided have the wrong current zoning district for 3101 US Hwy 12& 18, according to Access Dane it is currently zoned RR-8, not RM-8. Hampton shared maps of the planned improvements to the County AB/US Hwy 12 & 18 intersection that impact the property in question. Hampton also shared that he recently learned Dane County is looking at expanding the nearby landfill site by going 40 more feet up. **MOTION** by Eickhoff/Muehl to table for further discussion with the applicant. **MOTION CARRIED 6-0.**
- 6) ADJOURNMENT: **MOTION** by Muehl/Eickhoff to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:35 P.M.

Submitted by: Kim Banigan, Clerk

Approved 01-22-2020