

- 1) Notice of meeting was posted at the Town Hall, and on the Town's internet site. A quorum was present with Kris Hampton, Steve Anders, Dave Muehl, and Mark Kudrna all in attendance. Clerk Kim Banigan took minutes. Virtual attendance was possible via gotomeeting.com. Planning Consultant Mark Roffers was present virtually.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Anders/Muehl to approve the minutes of the December 22, 2021 meeting as printed. **MOTION CARRIED 4-0.**
- 4) Public Concerns:
  - a) Robert Williamson, representing Galarowicz Trust, inquired about having property owned by the Trust along Gala Way designated for Neighborhood Development in the Comprehensive Plan. The family hopes to sell the land and potential buyers are looking for building sites, but there are no remaining RDUs on the property. He understood that 1:1 transfers are now possible, however he finds the cost prohibitive for just one lot, and instead hopes to purchase a RDU and sell 2-4 lots. Hampton said that the Town would be looking to have the entire area designated for Neighborhood Development developed to the fullest extent possible, and that lots in the Neighborhood Development area are limited to a maximum of 1 acre. Hampton also stated that Madison would need to be on board with any land divisions. Roffers said the family has three options: 1) sell to adjoining landowners, 2) sell lots with a 1:1 RDU transfer or 3) pursue having the property designated as Neighborhood Development to allow for a 1:8 RDU transfer. He agreed with Hampton in that it is the Town's interest to develop densely, not spend RDUs on large lots and rural housing. He suggested that Mr. Williamson lay out a concept plan of where 8 lots might go along the east side of Gala Way, including areas for stormwater control and streets, if any, and share it with the City of Madison to get a nod of agreement from them. He noted that the Town did not plan to have the usual window from February to March for landowners to submit requests for changes to the future land use map this year because of the larger update that began in 2021 and is still in progress, but the Town could consider a last-minute change before it is adopted.
  - b) Hampton reported that the City of Madison has applied for an Urban Service Area amendment to include the Dane County owned property at the corner of US Hwy 12 and County AB, and guessed that the next step might be annexation.
- 5) Discuss/Consider recommendation regarding revisions to TCG Chapter 15 – Land Division and Planning Code: Roffers explains that revisions to Chapter 15 were prompted by interest from the Plan Commission and Town Board in a different classification of neighborhood streets to better accommodate pedestrian and bicycle movement in new subdivisions. In reviewing the ordinance for this, he found several other areas to be improved. He then led the commission through the changes he had proposed in a red-line draft of the ordinance (Exhibit A). Highlights included:
  - The variance policy in the current ordinance is atypical in that usually only the Town Board can vary standards, not the Plan Commission. He proposed revisions to restrict this authority to only the Town Board.
  - The current ordinance contains policies contradictory to the Comprehensive Plan. He proposed pulling these policies out of the ordinance, to acknowledge the Comprehensive Plan and its purpose but remove any redundancies.
  - He proposed consolidating the Concept and Comprehensive Development plans in the ordinance to remove redundancy and reduce confusion. Hampton asked if the checklists referenced in the ordinance should be incorporated in the ordinance. Roffers recommended that appendices not be a part of the ordinance so they can be adjusted by simple action of the Plan Commission vs. requiring a public hearing.

- He noted that the Petition for Change of Land Use application needs to be updated to clearly apply to all of the various types of development approvals, and could include the checklists referenced earlier. Hampton suggested that the ordinance should state that the application must be signed by the land owner.
- Hampton suggested that the application process clarify that petitioners must apply to the County before applying to the Town, and that the policy that a petition and approval may be rendered null and void if required actions are not completed within the time allotted be changed to “will be”. Roffers said there are some instances where the latter would be contrary to state statute, for example the case of a preliminary plat where if a Town does not take action within the allotted time, it is considered approved as presented. He suggested using language such as “shall be unless otherwise subscribed by state law”.
- Standards and diagrams (Exhibit B) for the new classification of Neighborhood Collector sheets were included in the draft. Roffers noted that existing streets would not need to be changed to conform with these standards, they would only apply to new streets.
- Roffers had added a detailed list of items to be required the Contract and Security for Improvements (developers’ agreement) based on a model from another municipality.
- Roffers noted that the abbreviation RDU for a Residential Dwelling Unit has a different meaning in the ordinance than it does in the Comprehensive Plan. Consensus was to just all it a Dwelling Unit in the ordinance.

**MOTION** by Anders/Muehl to forward the draft as amended tonight to the Town Attorney for review, and schedule a public hearing before the Town Board on February 21, 2022. **MOTION CARRIED 4-0.**

- 6) **ADJOURNMENT: MOTION** by Muehl/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:19 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 03-23-2022

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

<b>CHAPTER 15 - LAND DIVISION AND PLANNING CODE</b> .....	<b>4</b>
15.01 INTRODUCTION. ....	4
(1) Land Division Authority. ....	4
(2) Purpose. ....	4
(3) Abrogation and Greater Restrictions. ....	4
(4) Interpretation. ....	4
(5) Town Board Zoning, Land Use and Variance Authority. ....	4
(6) Plan Commission. ....	5
(7) Smart Growth Comprehensive Plan. ....	<del>9</del>
(8) Severability. ....	<del>10</del>
(9) Title. ....	10
(10) Effective Date. ....	10
15.02 DEFINITIONS. ....	10
15.03 GENERAL PROVISIONS. ....	<del>141</del>
(1) Jurisdiction. ....	<del>141</del>
(2) Compliance. ....	<del>141</del>
(3) Contract and Security for Improvements. ....	<del>151</del>
(4) Dedication and Reservation of Land. ....	<del>171</del>
(5) Survey Monuments. ....	<del>201</del>
(6) Land Suitability. ....	<del>201</del>
(7) Outlots. ....	<del>201</del>
(8) Land Use and Land Division Application (Notice of Intent for Change of Land Use Form). ....	<del>201</del>
(9) Violations. ....	<del>211</del>
(10) Penalties. ....	<del>211</del>
(11) Appeals. ....	<del>211</del>
15.04 PROCEDURES FOR CHANGE OF LAND USE, LAND DIVISION AND SUBDIVISION. ....	<del>222</del>
(1) Pre-Application. ....	<del>222</del>
(2) Change of Land Use. ....	<del>232</del>
(3) Land Division by Certified Survey map (CSM). ....	<del>232</del>
(4) Subdivision. ....	<del>242</del>
(5) Replats. ....	<del>282</del>
(6) Public Notice. ....	<del>282</del>
15.05 CERTIFIED SURVEY MAP REQUIREMENTS. ....	<del>282</del>
(1) General. ....	<del>282</del>
(2) Information Required. ....	<del>292</del>
(3) Certificates. ....	<del>292</del>
(4) Critical Building Locations. ....	<del>292</del>
(5) Dedications, Testing, and Improvements Required. ....	<del>292</del>
(6) Application for Approval. ....	<del>292</del>
15.06 CONCEPT PLAN REQUIREMENTS. ....	<del>302</del>
(1) General. ....	<del>302</del>
(2) Information Required. ....	<del>302</del>
15.07 PRELIMINARY PLAT REQUIREMENTS. ....	<del>312</del>

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

(1) General ..... 31  
(2) Plat Data ..... 31  
(3) Street Plans and Profiles ..... 33  
(4) Testing ..... 33  
(5) Covenants ..... 33  
(6) Affidavit ..... 33  
15.08 COMPREHENSIVE DEVELOPMENT PLAN REQUIREMENTS ..... 33  
(1) Requirements ..... 33  
(2) Design Standards ..... 34  
(3) Dedications, Testing and Improvements Required ..... 34  
15.09 FINAL PLAT REQUIREMENTS ..... 34  
(1) General ..... 34  
(2) Information Required ..... 34  
(3) Deed Restrictions ..... 34  
(4) Surface Water Run-Off Statement ..... 34  
(5) Survey Accuracy ..... 35  
(6) Surveying and Monumenting ..... 35  
(7) Certificates ..... 35  
(8) Application for Approval ..... 35  
15.10 DESIGN STANDARDS ..... 35  
(1) Street Arrangement ..... 35  
(2) Street Names and Building Numbers ..... 36  
(3) Limited Access Highways and Railroad Rights-of-Way ..... 37  
(4) Street Design Standards ..... 38  
(5) Street Intersections ..... 39  
(6) Blocks ..... 40  
(7) Lots ..... 40  
(8) Building Setback Lines ..... 41  
(9) Utility and Drainage Easements ..... 41  
15.11 REQUIRED IMPROVEMENTS ..... 42  
(1) Streets ..... 42  
(2) Sanitary Sewer and Watermains ..... 42  
(3) Storm Sewers Storm Water Drainage Facilities ..... 42  
(4) Improvements to Boundary Lines ..... 43  
(5) Partition Fences ..... 44  
(6) Waiver ..... 44  
15.12 REQUIRED IMPROVEMENTS PROCEDURE ..... 44  
(1) Plans and Construction Specifications ..... 44  
(2) Private Contracts ..... 45  
(3) Scheduling ..... 45  
(4) Street Grading ..... 45  
(5) Utilities and Underground Facilities ..... 46  
(6) Greenways ..... 47  
(7) Street Construction ..... 47  
(8) Erosion Control ..... 49  
(9) Inspection ..... 50  
15.13 ACCEPTANCE OF IMPROVEMENTS ..... 50

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

15.14 RELEASE OF SECURITY. ....50

15.15 SIGNING OF CERTIFICATE. ....51

15.16 BUILDING PERMITS. ....51

15.17 TRANSFER OF DEVELOPMENT RIGHTS (“TDR”) PROGRAM. ....51

15.18 SITING STANDARDS. ....51

    (1) Policy. ....52

    (2) Maps and References. ....52

    (3) Siting Standards Requirements. ....52

    (4) Land Use Districts and Standards. ....52

15.19 LAND DIVISION FEES. ....52

    (1) General. ....52

    (2) Concept Plan Fee. ....52

    (3) Preliminary Plat, Final Plat, Comprehensive Development Plan  
        and Contract Fees. ....52

    (4) Certified Survey Fees. ....53

15.20 LAND USE FEES. ....53

15.21 PARKS COMMITTEE. [RESERVED FOR FUTURE USE.] ....53

15.22 LONG RANGE PLANNING COMMITTEE. [RESERVED FOR  
    FUTURE USE.] ....53

APPENDIX 15-A. ....55

APPENDIX 15-B. ....57

FIGURE 1 – LOCAL STREETS TYPICAL CROSS SECTION .....59

FIGURE 2 – COLLECTOR STREETS TYPICAL CROSS SECTION .....60

FIGURE 3 – MAJOR COLLECTORS & ARTERIALS TYPICAL CROSS  
    SECTION. ....61

**Commented [MR1]:** Table of contents will need to be updated.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

### CHAPTER 15 - LAND DIVISION AND PLANNING CODE

#### 15.01 INTRODUCTION.

##### (1) LAND DIVISION AUTHORITY.

The land division regulations contained herein are adopted under the authority granted by § 236.45, Wis. Stats.

To the extent that this Chapter contains time limits, deadlines, notice requirements, or other provisions that are more restrictive than time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Ch. 236, Wis. Stats., the time limits, deadlines, notice requirements or other provisions that provide protections for a subdivider contained in Ch. 236 shall apply.

##### (2) PURPOSE.

The purpose of the Code is to regulate and control the division of land within the corporate limits of the Town in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community; to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this code; and to provide penalties for its violation.

##### (3) ABROGATION AND GREATER RESTRICTIONS.

This Code is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulation or permits previously adopted or issued pursuant to laws. However, where this code imposes greater restriction, the provisions of this Code shall govern.

##### (4) INTERPRETATION.

In their interpretation and application, the provisions of this code shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

##### (5) TOWN BOARD ZONING, LAND USE AND VARIANCE AUTHORITY

###### (a) Dane County Zoning Ordinances.

The Town is subject to the general Dane County Zoning Ordinance (Chapter 10 of Dane County Code of Ordinances), per Town Board resolution with an effective date of February 4, 2019. The Town is also subject to other County zoning regulations that do not require Town approval, including shoreland, wetland, and floodplain zoning regulations.

###### (b) Town Recommendations to County.

The Town Board ~~is required to make recommendations to the county zoning committee and~~

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

~~county board relatives shall take action on to any change of petition to rezone land or obtain a conditional use permit within the Town as prescribed by County ordinance and Wisconsin Statute. As provided under the general County Zoning Ordinance, prior to submitting either such petition, the prospective petitioner must first consult with the Town Plan Commission and Town Board. It is necessary that the Town Plan Commission and Town Board be properly informed of any request for a change of zoning or land use within the Town.~~

### (c) Town Board and Plan Commission Responsibilities.

All Petitions for Change of Land Use for any parcel in the Town, shall be reviewed by the Plan Commission and then voted on by the Town Board in accordance with the comprehensive plan, applicable ordinances and statutes. The petitioner's or their representative's attendance at the Plan Commission and Town Board meetings is mandatory. No action will be taken on the application without the petitioner or a representative present, unless necessary to meet a deadline in this chapter or other law.

### (d) Variances, Waivers, and Modifications.

1. A request for a variance from a Town ordinance shall be heard, and acted on by the Town Board, at the next regularly scheduled meeting following Town notification of adjoining landowners, unless otherwise prescribed in the associated chapter.
2. Where, in the judgment of the Town Board, it would be inappropriate to apply a provision of this chapter because exceptional or undue hardship would result, the Town Board may, subject to the provisions of s. TCG § 15.01(5)(d)3., waive or modify the requirements of this section to the extent deemed just and proper.
3. Such relief will be granted only where it will not be detrimental to the public good, impair the intent and purpose of this code, or impair the desirable general development of the community in accordance with the Town Comprehensive Plan. A three-quarters (3/4) vote of the entire membership of the Board shall be required for any such variance, waiver, or modification.
- 1.4. Any variance, waiver, or modification which is granted pursuant to this section shall be made in writing, shall state the reasons which justified it, and shall be filed with the records relating to the Change of Land Use.

### (6) PLAN COMMISSION.

#### (a) Creation.

1. Pursuant to the authority granted to the Town Board under Ch. 60 and § 62.23(1), Wis. Stats., the Town hereby creates a Town Plan Commission, which shall act in a continuing capacity with a rotating membership.
2. Plan Commission members shall be appointed by the Town Chair and confirmed by a majority vote of the Town Board members. The chair of the Plan Commission shall be elected by the Plan Commission.

#### (b) Membership and Term of Service.

**Commented [MR2]:** Much of the language in this section is moved from a later section of the ordinance, which in that other currently gives the Plan Commission the power to approve variances. This is contradictory to the current (d)1. below and to typical practice in subdivision ordinances.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

1. The Plan Commission shall consist of a total of seven members; two board members and five electors of the Town, acting as citizen representatives.
2. The Town Board members shall be appointed annually, and shall serve only as long as they retain their seat on the Town Board.
3. The citizen representatives shall be appointed on a staggered basis, with three being appointed the first year and two being appointed the following year. Each term of service shall be three years from the date of appointment.
4. Appointments to the Plan Commission shall be made during the month of April, except as described in s. TCG § 15.01(6)(b)5 below.
5. Whenever a vacancy shall occur in the term of any member of the Plan Commission, a replacement board member or citizen member shall be appointed within 30 days to fill the remainder of the unexpired term of service.

### (c) Officers.

1. The members of the Plan Commission shall elect a secretary on an annual basis at the first scheduled meeting that follows the appointment of new members to the commission.
2. The secretary shall keep a full and accurate record of all proceedings of the commission and shall provide the Town Clerk with a written record of these proceedings, on or before the date of the Town Board meeting where action would be taken on any recommendations made by the Commission.

### (d) Purpose and Function.

#### 1. Purpose

- a. Advisory Capacity to Town Board.

The Plan Commission shall serve in an advisory capacity to the Town Board regarding the continuing implementation of the Town comprehensive plan, and regarding updates and amendments thereto, as defined in §§ 62.23 and 66.1001, Wis. Stats.

- b. Review of Petitions for Change in Land Use.

All Petitions for Change in Land Use shall be submitted according to s. TCG §§ 15.04(2) and 15.03(8) and in accordance with any requirements established by the Plan Commission. Following submission, all such requests shall be referred to the chair of the Plan Commission for scheduling and hearing. The Plan Commission shall review and hear any Petition for Change of Land Use for property within the Town  
. Following review and recommendation by the Plan Commission such requests shall be forwarded to the Town Board for final review and adoption.

- c. Review of Requests for Land Divisions and Subdivisions.

All ~~requests for land divisions, including~~ Preliminary Plats, Final Plats, Certified Survey Maps, and Comprehensive Development Plans, shall be submitted

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

according to s. TCG §§ 15.03(8), 15.04, applicable ~~land division~~ provisions of this Code and in accordance with any requirements established by the Plan Commission.

Following submission, all such requests shall be referred to the chair of the Plan Commission for appropriate scheduling and hearing. The Plan Commission shall review and hear any requests for land division and subdivision for property within the Town. Following review and recommendation by the Plan Commission such requests shall be forwarded to the Town Board for final review and adoption.

### d. Review of Referrals.

The Plan Commission shall receive and review all required referrals from the Town Board under § 62.23(5), and Chs. 59, 60, 61, 62, 66 and 236, Wis. Stats. and makes such reports and recommendations as are necessary and appropriate.

## 2. Monthly Meetings and Reports.

The Plan Commission may meet to hear any matters submitted or referred to the Plan Commission and to conduct any other business allowed by law.

- a. All meetings of the Plan Commission shall be on proper notice under § 19.84, Wis. Stats. and s. TCG § 22.08. The notice of any Plan Commission meeting shall include the Open Meeting Agenda and shall be given at least 24 hours prior to the meeting, unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case, may the notice be provided less than two hours in advance of the meeting. The chair of the Plan Commission, or his or her designee, shall be responsible for proper posting or publication of the meeting notice and agenda.
- b. All meetings of the Plan Commission shall be held at the Town Hall, except that a different location may be designated by the chair of the Plan Commission, or his or her designee, by giving proper written notice of the meeting and agenda, and of the substituted location, in conformance with § 19.84, Wis. Stats.
- c. Regular meetings of the Plan Commission shall be held on the fourth Wednesday of each month beginning at 7:00 P.M., except as otherwise determined by the Plan Commission chair.
- d. Special meetings of the Plan Commission.
  1. A special meeting of the Plan Commission may be called by the chair of the Plan Commission by written or verbal notice to the Town Clerk at least 24 hours prior to the proposed special meeting.
  2. Special meetings of the Plan Commission may be held without notice under paragraph 15.01(6)(d)2.a when a quorum of members of the Plan Commission are present at a prior Plan Commission meeting at which oral notice of the special meeting is given.
  3. Special meetings of the Plan Commission attended by a quorum of the members shall be considered a regular meeting of the Plan Commission for the transaction of any Plan Commission business that

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

may come before the Plan Commission if the business considered was so noted in the written meeting notice and agenda.

4. Where special meetings of the Plan Commission are held at the request of an individual other than the chair of the Plan Commission, the individual shall pay a fee to reimburse the Town for the cost of the meeting. The fee shall be set by resolution of the Town Board and shall include per diems for the seven Plan Commission members; an estimate for Staff costs; and, other expenses as determined by the Town Board.

### 3. Creation and Administration of Comprehensive Plan.

The Plan Commission shall prepare, oversee and coordinate the creation and administration of a comprehensive plan as defined in § 66.1001, Wis. Stats. The comprehensive plan shall contain the elements, follow the procedures and meet the time-lines established in §§ 62.23 and 66.1001, Wis. Stats. The Plan Commission shall ensure that the creation, update, or amendment of the comprehensive plan affords adequate public participation and discussion at every stage of plan preparation, and that such procedures have been reduced to writing and adopted by the Town Board in compliance with § 66.1001(4)(a), Wis. Stats. If the Plan Commission recommends adoption or amendment of a comprehensive plan, the Plan Commission shall do so by resolution and referral of same to the Town Board. To be effective, final adoption must be by the Town Board by ordinance in accordance with the procedures set forth in § 66.1001(4)(b), Wis. Stats. and s. TCG § 15.01(7).

4. Review of Comprehensive Plan. The Plan Commission shall conduct a regular review of, and consider requested amendments to, the comprehensive plan in the manner prescribed in the comprehensive plan and under § 66.1001(4)(b), Wis. Stats.

**Commented [MR3]:** Since this is all now (differently) specified within the Implementation chapter of the Vision and Directions volume of the Comp Plan itself, it seems unwise to repeat this process in the subdivision ordinance.

13.5. Administration and Records. The Plan Commission shall administer the comprehensive plan. The Plan Commission shall maintain on file, a complete and current copy of the comprehensive plan, which has been adopted by the Town Board, and shall ensure that only the adopted version is referenced when reviewing any applications for land division or changes in land use.

- ~~Between February 15 and March 15 of each year, the Town will accept requests from property owners, potential developers, and other interested stakeholders for Plan amendments.~~
- ~~Petitions submitted in writing prior to the close of this period will be evaluated by the Plan Commission, along with any amendment requests generated by Plan Commission or Town Board members.~~
- ~~The Plan Commission initiates the proposed Comprehensive Plan amendment. This will usually occur as a result of annual Plan Commission review of the Plan.~~
- ~~b. Following an opportunity for public input on the proposed Plan amendment, the Plan Commission recommends Town Board approval (or rejection or modification) of the amendment via resolution.~~

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

13.5. Administration and Records. The Plan Commission shall administer the comprehensive plan. The Plan Commission shall maintain on file, a complete and current copy of the comprehensive plan, which has been adopted by the Town Board, and shall ensure that only the adopted version is referenced when reviewing any applications for land division or changes in land use.

~~The commission may consider comprehensive plan amendments at the direct request of the Town Board at other periods.~~

~~Following enactment of amendments, the Town Board shall forward any necessary information to the county board, to be enacted as part of the overall county plan as necessary and required.~~

13.5. Administration and Records. The Plan Commission shall administer the comprehensive plan. The Plan Commission shall maintain on file, a complete and current copy of the comprehensive plan, ~~as amended~~ which has been adopted by the Town Board, and shall ensure that only the adopted version is referenced when reviewing any applications for land division or changes in land use.

(7) COMPREHENSIVE PLAN.

(a) The comprehensive plan of the Town of Cottage Grove, Dane County, Wisconsin, together with the accompanying maps, data, descriptions and analysis is intended to provide the Plan Commission and the Town Board with a uniform reference format, to assist in making land use decisions, and to comply with § 66.1001, Wis. Stats.

(b) Per § 66.1001, the rezoning of all land in the Town and all new or amended land division and official map ordinances must be consistent with the comprehensive plan. The Town may require consistency with the comprehensive plan for other actions, as may be prescribed by Town ordinance.

(c) The current Town of Cottage Grove Comprehensive Plan was adopted by the Town Board on October 28, 2015, and is incorporated herein by reference as if fully set forth herein, as may be amended from time to time.

**Commented [MR4]:** This new (b) is a more accurate representation of the effect of the comprehensive plan than the "any program or action" sentence below. Also, I suggest removing the procedure for plan amendment, which is redundant and even a little different than that listed in the Comp Plan itself.

~~Plan Commission Recommendation Resolution. Adoption or amendment of the comprehensive plan shall comply with the procedures set forth in § 66.1001, Wis. Stats., as amended. Adoption or amendment of the comprehensive plan shall begin with passage of a resolution by majority vote of the entire Plan Commission recommending adoption or amendment of the comprehensive plan. Said vote shall be recorded in the official minutes of the Plan Commission.~~

~~1. Town Board Review. Following passage of a resolution recommending adoption or amendment by the Plan Commission, the Town Board shall review the recommendations of the Plan Commission.~~

~~1. Public Hearing and Notice. Prior to adoption or amendment of the comprehensive plan by the Town Board, there must be at least one public hearing preceded by a~~

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

~~CHAPTER 15 - LAND DIVISION AND PLANNING CODE~~

- ~~— Resolution Distribution. Prior to the public hearing, the Town Clerk shall send a copy of the Plan Commission resolution recommending adoption or amendment of a comprehensive plan, including any maps or descriptive materials that relate to the resolution, to the following: Pinney Public Library, Wisconsin Land Council, Dane County, Capital Area Regional Planning Commission, the Village of Cottage Grove, and the Towns of Sun Prairie, Medina, Deerfield, Christiana, Pleasant Springs, Dunn, Blooming Grove, and Burke.~~
- ~~2. Public Participation. Prior to adoption of a comprehensive plan, the Town Board shall adopt written procedures designed to foster public participation in the adoption process.~~
- ~~2. Written Responses. Prior to adoption of the comprehensive plan or amendments thereto, the Town Board shall respond in writing to any person who has submitted written comments and has requested a written response from the Town Board.~~
- ~~2. Adopted by Ordinance. The comprehensive plan or amendments thereto may only be enacted in the form of an ordinance or ordinance amendment adopted by majority vote of all the members elect of the Town Board (not a simple majority of a quorum).~~

~~Ordinance Distribution. Following enactment of a comprehensive plan or amendments thereto, the Town Clerk shall file the ordinance along with the comprehensive plan or amendment with the entities specified in § 66.1001(4)(b), Wis. Stats., as listed in 4 above.~~

### (8) SEVERABILITY.

The provisions of this Code are severable. If any provision of the Code is invalid, or if its application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

### (9) TITLE.

This code shall be known as, referred to, and cited as the “Land Division and Planning Code.” It shall also be referred to as the “code” or “Code” in this Chapter.

### (10) EFFECTIVE DATE.

This Code shall take effect on the date after its publication as provided by law.

## 15.02 DEFINITIONS.

In this Chapter 15 the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

- (1) Assessor. The assessor for the Town of Cottage Grove.
- (2) Board or Town Board. The Cottage Grove Town Board.
- (3) Certified Survey Map. A drawing meeting all of the requirements of § 236.34, Wis. Stats. which is the map or plan of record for a land division.
- (4) Change of Land Use: ~~A~~ change to the zoning district of a property, or a conditional use permit, under the general Dane County Zoning Ordinance (Chapter 15 of Dane County Code), or

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

a land division or subdivision as provided in this Chapter.

(5) Checklist. A list of items to meet submission requirements intended to expediate the review process in a cost efficient and timely manner. Upon submission, Town Staff will review the checklist to determine that the checklist has been properly completed. The Town reserves the right to refuse an improperly completed checklist. No submission is considered properly submitted until the associated checklist has been properly completed.

(6) Clerk or Town Clerk. The Cottage Grove Town Clerk.

(7) Town Engineer. A professional registered engineer or engineering firm approved or retained by the Town Board to perform engineering work relating to this code.

(8) Cluster development. A development pattern and technique wherein structures are arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A cluster development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design. The development might also contain owner-occupied row housing with privately owned common property comprising a major element of the development.

(9) Comprehensive Development Plan (CDP). A total site, neighborhood, or future subdivision plan of an area of land all under the control of a developer(s) or other party interested in dividing land, unless a smaller area is permitted by the Plan Commission.  
. Such a plan shall include information specified in TCG §15.06

**Commented [MR5]:** This is the first foray into an effort to consolidate the “comprehensive development plan” and “concept plan” processes that are currently in the ordinance. Read on later.

(10) Comprehensive Plan or Town Comprehensive Plan. The comprehensive plan adopted by the Town of Cottage Grove pursuant to §§ 66.1001 and 62.23(2)-(3), Wis. Stats. The plan for guiding and shaping the growth and development of the Town, including all of its component parts as set forth in the various maps, plats, charts, and descriptive and explanatory matter filed in the office of the Town.

(11) Extra-territorial Plat Approval Jurisdiction. The unincorporated area outside the municipal limits of a nearby city or village and located in the Town in which the associated city council or village board has the legal right to approve subdivision plats and certified survey maps in accordance with ch. 236, Wis. Stats.

(12) Final Plat. The final map or plan of record of a subdivision and any accompanying material as described in TCG §15.09.

(13) Greenway. An open area of land, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principal use including, but not limited to, vehicular, bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basis, park development and other related uses.

(14) Land Division. A division of a parcel of land which is not a subdivision where the act of division creates less than five lots, parcels or building sites of 35 acres or less in area, regardless of whether the act of division also creates one or more lots, parcels or building sites of 35 acres or more.

(15) Master Plan. Any master, development, comprehensive, or regional plan adopted pursuant

**Commented [MR6]:** This is the same as Dane County’s definition; same goes for “subdivision” below.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

to §§ 62.23, 236.46 or 66.0309, Wis. Stats. ~~Which-which~~ is applicable to the Town.

(16) Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Town Board or by any village board or common council pursuant to § 62.23(6), Wis. Stats.

(17) Outlot. A parcel of land, other than a lot or block so designated on a plat or certified survey map.

(18) Parcel. Contiguous lands under the control of a subdivider not separated by streets, highways, or railroad rights-of-way.

(19) Park Committee. The Town of Cottage Grove Park Committee.

(20) Plan Commission. The plan commission of the Town of Cottage Grove.

(21) Repealed.

**Commented [MR7]:** No further use of this term in ordinance.

Repealed.

Repealed.

Repealed.

Repealed.

Repealed.

Repealed.

Repealed.

(22) ~~Planned Unit Development District (PUD). A zoning district provided for in the Dane County ordinance which allows diversification and variation in the physical development of land in return for an improved environment.~~

(23) Preliminary Plat. A map showing the salient features of a proposed subdivision, as described in TCG § 15.07, submitted to the Town for purpose of preliminary consideration prior to one or more final plats.

(24) Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.

(25) Replat. Process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but is a land division.

(26) Residential Dwelling Unit. A single-family dwelling or that part of a duplex, apartment, or other multiple family dwelling occupied by one family or one distinct set of inhabitants.

**Commented [MR8]:** "RDU" abbreviation has a different meaning in Comp Plan

(27) Street. A public way for pedestrian and vehicular traffic, including but not limited to highways, thoroughfares, parkways, throughways, roads, avenues, boulevards, lanes, and places.

(a) Arterial Streets and Highways. Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity areas.

1. Principal Arterials. Those ~~streets serving the major~~ interstate ~~corridors and corridors and other highways~~ which connect major cities and regions. These routes

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control. Within the Town, the following are principal arterials: Interstate 94, Highway 12-18, Highway N north of Gaston Road, and other highways that may in the future be designated as principal arterials by the Wisconsin Department of Transportation (WisDOT) or the Greater Madison Metropolitan Planning Organization (MPO).

**Commented [MR9]:** This section represents a complete recalibration of different street and highways by functional class in the Town, with arterial and collector designations now simply aligning with the terms and actual highway segments designated by the MPO. See Long Range Regional Transportation Plan for more detail if needed.

2. Minor Arterials. Those streets which more commonly provide for intermediate length trips, thus serving through- traffic movement in trade areas or feeding traffic to the principal arterial streets from lower order activity areas not served by such routes. Within the Town, the following are minor arterials: Highway N from the Town Hall property south, Highway BB west of Highway N, and other highways that may in the future be designated as principal arterials by WisDOT or the MPO.

(b) Collector streets. Those streets which provide moderate speed movement of persons and goods, and that collect and distribute internal traffic within large areas. Within the Town, the following are collector streets: Highway BB east of Highway N, Gaston Road, Vilas Road, Highway AB, Highway MN, and other roads and highways that may in the future be designated as collector streets by WisDOT or the MPO.

(c) Neighborhood Connector Streets. Those streets which direct traffic from local streets within a land division, subdivision, or condominium development to the arterial and collector street network, and which provide connectivity between adjoining subdivisions, to neighborhood facilities such as parks and schools, and to neighborhood commercial and job centers. Within the Town, the following are neighborhood connector streets: Sandpiper Trail, Damascus Trail, American Way, Ridge Road, Nora Road, Jargo Road, Vilas Hope Road, Hope Road, Natvig Road, Coffeetown Road, Femrite Drive, and other roads and highways that may in the future be designated as neighborhood connector streets by the Town Board.

**Commented [MR10]:** This is a new road type that is intended to reflect secondary through streets in the Town, including those in larger subdivisions that funnel traffic from other streets to collectors and arterials. The list below is not intended to suggest that these existing "neighborhood connectors" needs to be improved.

(e)(d) Local Streets. Those streets which are designed for low speeds and volumes and are to provide access from low – generation land activities to the neighborhood connector, collector, and arterial system. The designation of a street as a local street does not imply that it should be a cul-de-sac or otherwise not extend beyond the boundaries of the subdivision.

**Commented [MR11]:** Provides the opening for the Town to designate other streets in new subdivisions. See later for actual standards for such new roads. This is just the definition.

~~0. Distributor Streets. Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.~~

~~(e)(d) Local Streets. Those streets which are designed for low speeds and volumes and are to~~

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

provide access from low – generation land activities to the neighborhood connector, collector, and ~~and~~ arterial systems. The designation of a street as a local street does not imply that it should be a cul-de-sac or otherwise not extend beyond the boundaries of the subdivision.

(g)(e) Alleys. Those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on another public street.

~~(g)(e)~~ Alleys. Those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on another public street.

(28) Structure. Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.

(29) Subdivider. Any person, firm, corporation, partnership, or entity of any sort, which divides or proposes to divide land in any manner which results in a land division or subdivision.

(30) Subdivision. The division of a lot, parcel or tract of land where the act of division:

(a) Creates five or more lots, parcels or building sites of thirty-five acres each or less in area; or

(b) Creates five or more lots, parcels or building sites of thirty-five acres or less in area by successive divisions within a period of five years.

(31) Town. The Town of Cottage Grove situated in Dane County, Wisconsin.

(32) Repealed

Repealed

(33) Town Staff or Staff. Employees, elected and appointed officials and consultants of the Town as applicable to review the matter at hand.

(34) Urban service area. That portion of the Town, which has been designated by the Town Board as the area to which municipal services required in urban areas, including but not limited to, sanitary and storm sewers, water supply and distribution systems, streets and highways, shall be first provided.

(35) Water supply system. Any facilities installed or constructed to obtain, store, treat, or convey water for human consumption or domestic use.

### 15.03 GENERAL PROVISIONS.

(1) JURISDICTION.

Jurisdiction of these regulations shall include all lands within the Town.

(2) COMPLIANCE.

No person, firm, corporation, partnership, or legal entity of any sort shall divide any land located within the Town which results in a land division, subdivision, or a replat as defined herein, no such land division, subdivision, or replat shall be entitled to record, and no street shall be laid out or improvements made to land without compliance with all requirements of this code and with:

(a) The provisions of Chapter 236 of the Wisconsin Statutes;

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

- (b) The provisions of Chapter 28 “Real Property Transactions” of the Dane County Ordinances;
- (c) The rules of the Wisconsin Departments of Safety and Professional Services and Natural Resources regulating land divisions and subdivisions not served by a public sewer and provisions for such service have not been made;
- (d) The rules of the Wisconsin Department of Transportation (WisDOT) relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a U.S. or state trunk highway or connecting street within WisDOT’s jurisdiction.
- (e) The Town of Cottage Grove Comprehensive Plan and any applicable ordinances, official maps and regulations that are in place when a subdivider submits a preliminary plat or certified survey map.

### (3) CONTRACT AND SECURITY FOR IMPROVEMENTS.

#### (a) Contract.

Before any Final Plat or Certified Survey Map requiring public improvements is inscribed by the Clerk, the subdivider shall enter a contract with the Town wherein the subdivider agrees:

1. To make and to install all required public improvements within eighteen months or, where staging is permitted, within four years of the date that the plat or Certified Survey Map is recorded.

The Town Board may permit construction to be staged pursuant to an installation and completion schedule. Where staging is permitted, the Town Board will accept the public improvements within designated parts of the subdivision or land division when they have been completed in accordance with the approved plans and specifications and have passed the necessary inspections, even though the particular improvements may not have been completed within the remainder of the subdivision or land division.

2. To include the following surface water runoff statement, “The owners of lands in this subdivision are estopped from commencing any action whatsoever against the Town of Cottage Grove, Dane County, Wisconsin for damages caused by surface water runoff or drainage”. This statement must also be included as a covenant on or with the Final Plat or Certified Survey Map.
3. Provide for guarantees by the subdivider of all public improvements for not less than one year following final acceptance by the Town, and an additional one year after each replacement of any guaranteed work.
4. Provide adequate supervision, inspection, testing, and regulation of construction schedules and methods.
5. Outline requirements for acceptance of public improvements by the Town.
6. Require that contractors engaged in work on public improvements be adequately insured for liability, including workers' compensation liability.

**Commented [MR12]:** I drew these 3-16 from a similar list recently adopted by the Town of Springfield, which in turn was based on a model development agreement I helped prepare for them, which in turn was based on my 20-some years of experience preparing development agreements. I thought it may be of some value to Cottage Grove. Any development agreement provisions without ordinance backing don't have much basis.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

7. Assure that the subdivider and all contractors agree to indemnify the Town and its professional consultants for any liability arising out of the construction of public improvements.
8. Provide for the payment of required fees and the dedication of required lands and improvements.
9. Provide for the reimbursement of the Town for staff time, professional consultant's fees, and other costs incurred in connection with the development of the property.
10. Provide for the security to guarantee completion of the public improvements and the other obligations of the subdivider under the agreement and this Chapter.
11. Require the subdivider to submit record drawings in a digital format specified by the Town Engineer following the completion and acceptance of all public improvements.
12. Require the subdivider to control weeds and all growth of natural vegetation in a manner consistent with Town ordinances on each lot, outlot, or publicly dedicated parcel until such time as that land is transferred to another entity.
13. Require that the subdivider be responsible for clearing all soil, vegetation, gravel, and similar construction site debris that is tracked onto public streets during the day on which such tracking occurs.
14. Require the construction and maintenance of street terrace trees, landscape buffer strip landscaping, and arterial and collector street noise mitigation as approved to meet any applicable requirements under this Chapter.
15. Require the subdivider's compliance with all other Town ordinances, conditions of approval, and other applicable regulations.
16. Provide for all required easements, restrictions, and other encumbrances to be properly prepared, recorded, and maintained.

(c)(b) Security for Performance Required.

~~(e)(b)~~ Security for Performance Required.

1. At the time the contract is entered, the subdivider shall furnish a bond, certificate of deposit, irrevocable letter of credit or certified check to the Town in an amount equal to 105% of the estimated cost of all required improvements as determined by the Town Engineer. Such cost shall be calculated per the procedure in Sec. 236.13(2)(am)1d., Wis. Stats. Where staging is permitted, the amount of the security and the time it is furnished shall be determined in accordance with sec. 15.03(3)(b)2 of this code.
2. Where staging is permitted, the subdivider shall deposit a bond, certificate of deposit, irrevocable letter of credit or certified check with the Town at the time the contract is entered and upon completion of the first and each successive stage of construction. The security deposit shall be an amount equal to 105% of the estimated cost of improvements next required by the installation and construction schedule as determined by the Town Engineer. Improvements constructed during

**Commented [MR13]:** This plus the other change below are per a recent statutory change.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the Town.

3. The security posted shall be in such form as is acceptable to the Town Board and approved by the Town Attorney. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Town. When a letter of credit is posted as security the Town must be the beneficiary. When a performance bond is posted, the requirements of Sec. 236.13(2)(am)1m., Wis. Stats. apply.
4. The security deposit shall guarantee that all required improvements will be made and installed according to Town specifications by the subdivider or its contractors not later than 18 months from the date that the plat is recorded or, where staging is permitted, that each stage will be completed by the date specified in the installation and completion schedule, and shall be used, applied, or released pursuant to s. TCG § 15.14.
5. The subdivider shall be responsible for maintaining security beyond 18 months or until the subdivider is released from such security, in written resolution from the Town Board. Release of security shall otherwise be governed by s. TCG § 15.14.
6. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

### (4) DEDICATION AND RESERVATION OF LAND.

#### (a) Dedication of Public Ways.

Whenever a tract of land being divided or subdivided embraces all or any part of street, drainageway or other public way which has been designated in the Town of Cottage Grove Comprehensive Plan, park plan, or the official Town map, said public way shall be made a part of the plat or survey map and dedicated by the subdivider in the locations and dimensions indicated on said plan or map.

#### (b) Dedication of Parks, Playgrounds, Recreation and Open Spaces.

1. The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division or subdivision. At least 2,000 square feet of land shall be dedicated for each proposed residential dwelling unit within the land division, subdivision or comprehensive development. Where a definite commitment is made to the Town by the subdivider with respect to the number of dwelling units to be constructed on any parcel of land which has a zoning classification that permits multifamily use, the dedication shall be based upon that number. Where no such commitment exists, the dedication shall be based upon the maximum number of dwelling units which the zoning classification of the parcel will permit. The subdivider will be responsible for final grading and

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

seeding of parkland to the satisfaction of the Town Highway Superintendent and in compliance with other specifications.

2. All parkland shall be seeded to the satisfaction of the Town Highway Superintendent and in compliance with the following minimum requirements:
  - The seed mixture shall be Madison Parks, conforming to the following properties:
    - 39.2% Kentucky Blue Grass
    - 24.5% Creeping Red Fescue
    - 19.9% Park Kentucky Blue Grass
    - 4.95% Chewing Fescue
    - 9.95% Perennial Rye Grass
  - Seed shall be applied at a rate of 3.5 pounds per 1,000 square feet.
  - A seed certificate showing purity and germination per cent shall be provided.
  - Fertilizer shall be 10-10-10 at a rate of 7 pounds per 1,000 square feet.
  - Mulching operations shall commence immediately after seeding in a manner specified by the Town Highway Superintendent.
3. Where, in the sole discretion of the Town Board, there is no land suitable for public park land dedication within the proposed land development, the dedication of park land required by sec. 15.03(4)(b)1. above is not feasible, the dedication of park land would not be compatible with the Town Comprehensive Plan, or the Town Board determines that a cash contribution will better serve the public interest, the Town Board may require park land impact fees in lieu of dedication, per sec. (d).
4. The Town Board may, in its sole discretion, permit the developer to satisfy the requirements of sec. 15.03(4)(b)1. above by combining a public park land dedication with park land impact fee payments. The fee, in such cases, shall be determined by subtracting \$15,000 per acre for the dedicated land from the total park land impact fee which would have been required had no park land been dedicated by the developer. The \$15,000 figure shall be updated annually based on changes in the average of the assessed value of all residential properties in the Town and stated in the Town Fee Schedule. The relationship between the park land dedication and park land impact fee amount shall be documented in the contract for improvements under sec. 15.03(3).

### (c) Reservation of Public Sites and Open Spaces.

In designing a land division, subdivision or comprehensive development, due consideration shall be given to the reservation of suitable Sites of adequate area for future schools, parks, playgrounds, drainageways, and other public purposes. In the location of such, consideration shall be given to the preservation of scenic and historic sites, stands for fine trees, marshes, lakes and ponds, water courses, watersheds, and ravines. The subdivider may be required to reserve such school, park, recreation and public use areas for a period not to exceed two (2) years for acquisition by the Town, or in the case of school areas by the school district, at undeveloped land costs.

### (d) Park Land and Recreation Improvement Impact Fees.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

1. Intent. This subsection (d) is intended to impose park land and recreation improvement impact fees in amounts based upon the number of new residential dwelling units, in order to finance the acquisition and improvement of park land, the demand for which is generated by new residential development throughout the Town. Collected fees shall be used to finance capital costs for new or enlarged capital improvements that substantially serve those developments that pay the fees. The park land impact fee and recreational improvement impact fee described in this subsection (d) have been imposed under, and are authorized by, § 66.0617, Wis. Stats.
2. Timing. The impact fees shall be paid with each building permit application, except that a development agreement under this Chapter may provide for fee payment at an earlier date. As used in this section, the term "building permit" shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, which result in no increase in the number of residential dwelling units.
3. Amounts. The park land impact fee shall be as stated in the Town Fee Schedule (\$375 per residential dwelling unit as of 2020). The recreation improvement impact fee shall be as stated in the Town Fee Schedule (\$1,160 per residential dwelling unit as of 2020). These fees are based on 2020 dollars. The Town Board may by resolution adjust these fee amounts thereafter using the percentage change in the Consumer Price Index from the U.S. Bureau of Labor Statistics or equivalent. The Town Treasurer shall maintain records of the current fees and adjustment calculations.
4. Basis. The fee amounts in subsection 3 are per the public facility needs assessment adopted pursuant to Resolution 2020-08-26 and on file with the Town Clerk. The adopted needs assessment shall also be used as the basis for expenditure of collected impact fees pursuant to this subsection (d). At the time that the Town collects each impact fee, it shall provide to the applicant or developer from which it received the fee an accounting of how the fee will be spent, which may be the needs assessment or a summary thereof.
5. Accounting. The Town Treasurer shall place all collected impact fees in a separate segregated interest-bearing account, which shall be accounted for separately from the other Town funds. Each collected fee shall be identified by parcel number and date paid within the fund. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed, or refunded under subsection 6.
6. Refunds. Any collected impact fee that is not used within 8 years after it is collected to pay the capital costs for which it was imposed shall be refunded to the payer of such fee, along with any interest that has accumulated.
7. Potential Waiver or Reduction. The impact fee amounts under subsection 3 may be waived or reduced in one or more of the following circumstances:
  - a. By the Building Inspector for the park land impact fee, where the land development that includes the dwelling unit dedicated public park land pursuant to the requirement in sec. 15.03(4)(b), with the reduction

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

proportionate to the extent that the full requirement was met by such dedication under sec. 15.03(4)(b)4.

- b. By the Town Board for either or both fees, by request of the developer or applicant for a building permit of the proposed dwelling unit, where it determines that their imposition would have a substantial adverse effect on the availability of housing intended to be affordable to those below the median household income in Dane County. The substantial adverse effect must be supported by evidence provided by the developer or applicant.
8. Appeals. A developer, or an applicant for a building permit, or other payor of the fees set forth in this section, aggrieved by a decision of any Town official may appeal the amount, collection, refund or use of the impact fee under the provisions of Chapter 68, Wis. Stats. If the notice of appeal challenges the imposition of an impact fee, or the amount imposed, the developer, applicant, or payor may pay the fees imposed under protest and the Building Inspector shall issue any building permits withheld solely due to the nonpayment of the fees. If the applicant prevails on appeal, the Town Treasurer shall refund that portion of the fee so paid as finally determined in the appeal process.

### (5) SURVEY MONUMENTS.

Before final approval of any plat or Certified Survey Map, the subdivider shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats. and as may be required by the Town Engineer. The Town Board may waive the placing of monuments, required under § 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required.

### (6) LAND SUITABILITY.

No land shall be subdivided which the Town Board determines to be unsuitable for use by reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Town Board, in applying the provisions of this section, shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and shall afford the subdivider an opportunity to be heard and to present evidence regarding such unsuitability.

Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability.

### (7) OUTLOTS.

No outlot in a subdivision may be used as a building site unless it is in compliance with all restrictions imposed by Ch. 236, Wis. Stats. and the provisions of this Code. No outlot in a land division may be used as a building site unless it is in compliance with all the provisions of this Code. An outlot may be conveyed whether or not it may be used as a building site.

### (8) PETITION FOR CHANGE OF LAND USE.

- (a) Every applicant for a land division, subdivision, rezoning, or conditional use permit ~~or a Change of Land Use~~, for any parcel in the Town, shall notify the Town Board of their intention by

**Commented [MR14]:** Attempting to make it clear that the Town has a unified petition for all of these things called a "Petition for Change of Land Use". We can help update this form to make sure it can clearly apply to the various types of development approvals, including perhaps by including versions of the checklists provided by Nick in 2019. Those checklists were also included with this packet of potential changes.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

filing a ~~Notice of Intent~~ completed Petition for Change of Land Use form with the Town Clerk and all required materials to accompany that Petition. A current copy of this form is attached as Appendix 15-A, with the same force and effect as if it were fully reprinted herein.

(b) The specified form shall be provided by the Town Clerk at no charge to the applicant. The form may be revised as directed by action of the Town Board and without amendment of this Code. Only the current edition of the form shall be used when making application. Failure to provide all required information shall be grounds for denial of the application.

(c) Every petitioner for a land division, subdivision, rezoning, or conditional use permit for a parcel within the Town, shall file a complete Petition for Change of Land Use to the Town Board prior to applying to any other land division or zoning authority.

### (9) VIOLATIONS.

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this code or of the Wisconsin Statutes; and no person, partnership, corporation, or legal entity of any sort shall be issued a building permit by the Town authorizing the building on, or improvement of, any land division, subdivision, or replat within the jurisdiction of this Code not of record as of the effective date of this Code until the provisions and requirements of this Code have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Code or the applicable Wisconsin Statutes.

### (10) PENALTIES.

Any person, partnership, corporation, or legal entity of any sort who fails to comply with the provisions of this Code shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. Further, any person, partnership, corporation, or legal entity that fails to comply with the requirements of this code shall be denied Town Board approval of their Petition for Change of Land Use, until such time as the applicant has fully complied with all the provisions of this Code.

### ~~(0) PROCEDURES FOR CHANGE OF LAND USE, LAND DIVISION AND~~

~~(-) The following decisions of the Plan Commission may be appealed to the Town Board:~~

~~0. Rejection of Change of Land Use~~

~~0. Rejection of a Preliminary Plat;~~

~~0. Rejection of Final Plat;~~

~~0. Rejection of a Certified Survey Map;~~

~~0. Rejection of a Comprehensive Development Plan;~~

~~0. Requirement of a Preliminary Plat in connection with a land division;~~

~~0. Determination that land is unsuitable for subdivision;~~

~~0. Determination that a change in a recorded Comprehensive Development Plan and its exhibits is a major change;~~

**Commented [MR15]:** This section does not make much sense in the context of the ordinance. Elsewhere earlier and after, the ordinance makes it clear that the PC is advisory to the Town Board. Therefore, anyone aggrieved of a PC action would not actually need to "appeal" anything, but rather see a PC recommendation through to the Town Board and urge the Board to take some final action that is different from the PC recommendation. Further, by statute, the PC has no ability to "reject" a final plat, for instance.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

### PROCEDURES FOR CHANGE OF LAND USE, LAND DIVISION AND SUBDIVISION.

~~(-) A written Notice of Appeal must be filed with the Town Clerk within 14 days of the date when notice of the action of the Plan Commission appealed from is mailed to the subdivider.~~

~~(-) The Notice of Appeal shall state the action of the Plan Commission appealed from, shall specify the reasons stated by the Plan Commission for taking such actions; shall specify the reasons why the subdivider believes said action was inappropriate; shall include an agreement to extend the time for acting on the Preliminary Plat, Final Plat, or Certified Survey Map, for a period of 90 days from the date that notice of the action appealed from was mailed to the subdivider; and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.~~

~~(-) The Town Clerk shall file the Notice of Appeal with the Town Board and shall schedule the appeal for consideration by the Town Board at a meeting, open to the public, within 45 days of the filing of the Notice of Appeal. The Town Clerk shall send notice of the time scheduled for the consideration of the appeal to the subdivider and to all property owners adjacent to the proposed land division or subdivision at least ten days prior to the hearing of the appeal.~~

~~(-) Within 30 days of the appeal hearing, the Town Board shall affirm, modify, or reverse the action of the Plan Commission or shall refer the matter back to the Plan Commission for further consideration. Notice of the decision of the Town Board shall be sent to the subdivider and the Plan Commission.~~

~~(-) The provisions of Ch. 68, Wis. Stats. shall not be applicable to any determination made pursuant to the provisions of this Code.~~

~~(-) Any person aggrieved by an objection to a plat or a failure to approve a plat may, after review by the Town Board, appeal therefrom, as provided in §§ 236.13(5) and 62.23 (7)(e), (10)-(15), Wis. Stats.~~

### **15.2115.04 PROCEDURES FOR CHANGE OF LAND USE, LAND DIVISION AND SUBDIVISION.**

#### (1) PRE-APPLICATION.

Prior to the filing of ~~an application for the approval of a~~ Petition for a Change of Land Use, ~~Land Division or Subdivision~~, the applicant shall make contact the Town Clerk to be informed of the purpose and objectives of these regulations, of any applicable master plans or comprehensive plans and of any plan implementation devices, and to be otherwise assisted in planning the Change of Land Use, ~~Land Division or Subdivision~~. The applicant should also research any deed restrictions, environmental limitations, extra-territorial plat approval jurisdiction, etc. on the affected property. A pre-application meeting with Town Staff may be scheduled to 1) acquaint Town Staff with the proposed project, 2) provide the opportunity for Staff to advise the applicant about Town Code and procedures and any obvious issues before the process begins and 3) ensure the proposed project is in line with the Town's Comprehensive Plan. The pre-application process will direct the applicant to the appropriate procedures further described in (2) through (5), below. There will be no charge to the applicant for the pre-application meeting. If the pre-application meeting is successful, and the applicant decides to proceed with the Change of Land Use, ~~Land Division or Subdivision~~, applicable Town fees per sections 15.19 and 15.20 and shall apply, along with actual review costs of the Town Engineer. If the Town Board determines that additional expertise is required or will provide valuable assistance to the Board in its review of the application, the Town Board

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

may also retain the services of other qualified persons with appropriate expertise (“Retained Experts”). The Town shall give written notice to the applicant of the estimated additional fee to be charged beyond the application fees to cover the cost of the services of any such Retained Expert. The estimated additional fee shall be paid before the additional review is undertaken. If the amount of the final additional fee exceeds the estimated fee, the applicant shall pay the additional amount within 30 days of invoicing by the Town. Any approvals issued shall be conditioned upon the payment of all fees when due. If the final fee is less than the estimated amount, the overpayment shall be refunded to the applicant.

### (2) CHANGE OF LAND USE

A Petition for Change of Land Use may be made where no land division or subdivision is proposed, or may be in conjunction with a Certified Survey Map or Subdivision Plat. In all cases the following steps will apply:

(a) The petitioner for Change of Land Use will also be required to apply to the Dane County Zoning Division. Consult with Dane County Zoning Division Staff for application requirements.

(b) The petitioner for Change of Land Use shall submit a Petition for Change of Land Use form and payment of the associated Change of Land Use fee per TCG §15.90 or 15.20 to the Town Clerk, along with a copy of all materials specified on the form and otherwise submitted to the Dane County Zoning Division under (a) above, at least 14 days prior to the meeting of the Plan Commission at which action is desired, or such alternate timeframe if specified elsewhere in this chapter.

(c) The Town Clerk shall transfer the application to the Plan Commission. The Plan Commission shall recommend approval or conditional approval or rejection of the Change of Land Use to the Town Board. After such action, the application shall be referred to the Town Board for consideration. The Town Board shall then approve, conditionally approve or reject the Change of Land Use. All applicable deadlines in this chapter, County ordinances, or Wisconsin Statutes shall apply.

(d) The Town Clerk shall convey the action taken by the Plan Commission and Town Board on the Change of Land Use to the Dane County Zoning Division, as applicable. Petitioners shall consult directly with the Dane County Zoning Division regarding further requirements to complete the Change of Land Use at the County level, and if within an Extra-territorial Plat Review Jurisdiction of a nearby city or village, with that city or village.

(e) Approval of the Change of Land Use may include additional actions by the applicant that are needed to finalize the Change of Land Use, such as recording the Final Plat, a Certified Survey Map or deed restrictions on the property. If the required actions are not completed within the time allotted, the petition and approval may be rendered null and void.

### (3) LAND DIVISION BY CERTIFIED SURVEY MAP (CSM).

(a) A CSM which has been approved by the Plan Commission and the Town Board, and meets all of the requirements of § 236.34, Wis. Stats. and of this Code, may be utilized to create not more than four parcels or building sites, 35 acres each or less in size land division as defined in s. TCG § 15.02(14). The Plan Commission may require a preliminary plat Comprehensive Development Plan to be filed by a subdivider who is seeking approval of a Certified Survey Map. When required, the preliminary plat Comprehensive Development Plan must include the entire parcel of land

**Commented [MR16]:** Following language is an attempt to clarify what a “change in land use” includes. I like that there is suggestion of a unified application and over-arching process to make changes on the land in the Town. Some clarification seems in order, though.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

own records by the subdivider. ~~When filing for special CSMs, the original map and exhibits shall be submitted to the Town Clerk. The subdivider shall comply with the requirements of TCG § 15.11 and s. TCG § 15.12 when a CSM is used unless a waiver has been granted pursuant to s. TCG § ~~15.01(1)~~15.11(6). A certification of the approval of the CSM shall be inscribed legibly on the face of the map. All outstanding special assessments shall be paid prior to approval unless determined otherwise by the Board.~~

(b) The Town Clerk may maintain a CSM Checklist to provide guidance in preparing a Certified Survey Map.

(c) The Applicant for a land division shall file a PDF copy plus hard copies of a Certified Survey Map and all exhibits, a completed Notice of Intent to Change Land Use form, the CSM checklist and payment of the Certified Survey Map fee per 15.19(3) with the Town Clerk at least 14 days prior to the Plan Commission meeting at which action is desired. The quantity of hard copies shall be determined by Town Clerk, who shall transmit copies of the Certified Survey Map and exhibits to the Plan Commission.

(d) The Town Clerk shall transmit copies of such materials to the Town Engineer, and other Retained Experts if warranted, who shall review the materials for conformance with the provisions of this Code, and any applicable comprehensive plans or master plans, ordinances, statutes, rules or regulations and submit their report and recommendations to the Plan Commission within 14 days from the date of transmission.

(e) The Plan Commission shall recommend approval or conditional approval or rejection of the CSM to the Town Board. Upon such recommendation, the CSM shall be referred to the Town Board for consideration. The Town Board shall then approve or reject the CSM. One copy of the CSM shall be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Town Board, failure to complete the action required herein within 90 days of the filing of the map shall constitute an approval of the map.

(f) The subdivider is responsible for contacting and complying with any requirements or obligations imposed by any municipality with Extra-territorial Plat Approval Jurisdiction of the area included in the proposed CSM.

(g) The subdivider shall record the CSM with the Register of Deeds for Dane County within 12 months of the last approval and 24 months after the first approval of the CSM, and shall file a certified copy of the recorded map with the Town Clerk within ten days after the map is recorded.

(h) No building permits shall be issued and no improvements may be made until the approved CSM is recorded and any required contract and security for improvements under s. TCG § 15.03(3) is executed.

### (4) SUBDIVISION

#### (a) General

A subdivision plat prepared by a land surveyor registered in this state shall be required for all subdivisions as defined under s. TCG § 15.02(30).

subdivisions  
as defined under s. TCG § 15.02(30).

**Commented [MR17]:** With the overwhelming move to digital, most ordinances no longer include hard and fast numbers of hard copies, but instead give the Clerk the ability to get what she or he needs.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

### (b) Comprehensive Development Plan

1. The purpose of the CDP is to help determine whether the proposed layout/subdivision of land is satisfactory from the standpoint of public interest. The CDP also provides an avenue for the subdivider to get constructive input from the Plan Commission and Town Board before investing the substantial time and money that a Preliminary Plat requires.
2. The subdivider shall submit a PDF and hard copies of a CDP meeting all of the requirements found in s. TCG § 15.05 with the Town Clerk, along with any CD checklist and fee as per s. TCG §15.01(1). The number of hard copies shall be as determined by the Town Clerk. The CDP may be reviewed by the Town Engineer, Cottage Grove Fire Chief, and Town Parks Committee, and others including Retained Experts as applicable.
3. Staff Meeting.  
A meeting may be required between the subdivider and Town Staff to allow Staff to provide input to the subdivider regarding necessary changes to the CDP before submitting it for Plan Commission review. Following any such Staff meeting, at least two weeks before the Plan Commission meeting at which action is desired, the subdivider may submit a revised CDP.
4. The Town Clerk shall forward copies of the CDP to the Plan Commission which shall examine it for conformity with the requirements of this Code and with the requirements of any other ordinances, statutes or administrative rules and regulations, and the Town of Cottage Grove Comprehensive Plan.
5. The Plan Commission may recommend approval or conditional approval or rejection of the CDP.  
The CDP shall then be referred to the Town Board for consideration, and the Board may then approve, conditionally approve, or reject the CDP.

### (d)(c) Preliminary Plat Review.

### ~~(d)~~(c) Preliminary Plat Review.

1. Following the CDP review process prescribed above, and before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat including all of the requirements set forth in s. TCG § 15.07 below and a written Petition for Change of Land Use for approval. The Town Clerk shall maintain a Preliminary Plat checklist to provide guidance in preparing a Preliminary Plat.
2. The subdivider shall file ~~twelve~~ PDF and hard copies as specified by Town Clerk of the Preliminary Plat, a completed Petition for Change of Land Use, -any

**Commented [MR18]:** Here is a another step in consolidating current CDP and concept plan procedures, which I found overlapping and confusing. If

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

~~Preliminary Plat checklist and an application fee as pers. TCG § 15.19 and the application with the Town Clerk at least 21 days prior to meeting of the Plan Commission which shall consider the Preliminary Plat and its payment of the Preliminary Plat fee. The subdivider shall also forward a copy of the Preliminary Plat to the local electric and telephone utilities. The subdivider shall transmit all copies and required information to any other authorities required by Ch. 236, Wis. Stats., or any other local or state law.~~

3. The Town Clerk shall forward copies of the Preliminary Plat to the Plan Commission which shall examine it for conformity with the requirements of this Code and with the requirements of any other ordinances, statutes or administrative rules and regulations, and for compliance with the Town of Cottage Grove Comprehensive Plan.
4. The Plan Commission shall recommend approval or conditional approval or rejection of the Preliminary Plat.  
Following such recommendation, the Preliminary Plat shall be referred to the Town Board for consideration. The Town Board shall then approve, conditionally approve, or reject the Preliminary Plat. One copy of the plat shall be returned to the subdivider, his surveyor, or engineer with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Town Board, failure to complete the action herein required within 90 days of filing of a complete Preliminary Plat submittal shall constitute an approval of the Preliminary Plat.
5. Approval or conditional approval of a Preliminary Plat shall entitle the Final Plat to approval provided the Final Plat conforms substantially to the Preliminary Plat, including any conditions of that approval, conforms to any applicable local plans and ordinances, and is submitted within 36 months of the last required approval of the Preliminary Plat.
- 6.—The subdivider is responsible for contacting and complying with any requirements or obligations imposed by any municipality with Extra-territorial Plat Approval Jurisdiction of the area included in the proposed Preliminary Plat.
- 7.—~~Comprehensive Development Plan (CDP) Review~~
- 8.—~~When a CDP is required by the Town, the subdivider shall file twelve copies of the CDG and twelve copies of all exhibits hereinafter required together with a written application for approval with the Town Clerk.~~
- 9.—~~The CDP and exhibits shall be reviewed by the Plan Commission which shall also refer the CDP and exhibits to the Capital Area Regional Planning Commission Staff for review and comment.~~
- 10.—~~The Plan Commission shall recommend approval or conditional approval or rejection of the CDP. If approval or conditional approval is recommended, the CDP shall be referred to the Town Board for consideration. The Town Board shall then approve, conditionally approve, or reject the CDP. One copy of the CDP shall be returned to the subdivider with the date and action endorsed thereon and if approved conditionally or rejected, the conditions of approval or reasons for~~

**Commented [MR19]:** This cross-out text seemed to be both out-of-order and redundant to the "concept plan" (now CDP) process laid out before the preliminary plat section above.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

~~11. The subdivider shall file a certified copy of the CDP with the Dane County Register of Deeds, together with the exhibits, after it has been approved by the Board and shall file a certified copy of the CDP with the Clerk after it has been recorded.~~

~~11. The subdivider shall record the CDP with the Dane County Register of Deeds, together with the exhibits, after it has been approved by the Board and shall file a certified copy of the CDP with the Clerk after it has been recorded.~~

~~12.6. No major change in a recorded CDP or its exhibits can be made without the approval of the Town Board. Any proposed change in the CDP or its exhibits shall be filed with the Town Clerk. The Plan Commission shall determine whether the change is major and within 30 days of filing shall recommend approval or conditional approval of the change to the Town Board or shall reject the change. If approval or conditional approval is recommended, the proposed change shall be referred to the Town Board for consideration. The Town Board shall then approve, conditionally approve, or reject the proposed change within 15 days. Any approved major change to a CDP and its exhibits shall be recorded with the Dane County Register of Deeds and the subdivider shall file a certified copy of the recorded instruments with the Town Clerk.~~

### (e)(d) Final Plat Review.

1. The subdivider shall prepare and file a PDF and hard copies in a quantity specified by the Town Clerk of the Final Plat together with a completed, a completed Petition for Change of Land Use, any Final Plat checklist, and an application fee as per s. TCG § 15.19 with the Town Clerk within 36 months of the last approval of the Preliminary Plat and at least 21 days prior to the meeting of the Plan Commission at which action is desired. When the subdivider expects the Town to act as the transmitting authority in accordance with § 236.12, Wis. Stats., the application shall state that transmittal responsibilities lie with the Town, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
2. The Town Clerk shall forward copies of the plat to the Plan Commission. The Plan Commission shall examine it for conformity with the Preliminary Plat, with the requirements of this code, and with the requirements of any other plans, ordinances, statutes, or administrative rules and regulations which may be applicable to it.
3. The Plan Commission shall recommend approval, approval with conditions, or rejection of the Final Plat to the Town Board. Upon such recommendation, the Final Plat shall be referred to the Town Board for consideration. The Town Board shall then approve or reject the Final Plat. One copy of the plat shall then be returned to the subdivider, his surveyor, or engineer with the date and action endorsed thereon, and if approved conditionally or rejected, the conditions for approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Town Board, failure to complete the action required herein within 60 days of filing of a complete Final Plat application shall constitute an approval of the Final Plat.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

4. The Final Plat shall be entitled to approval provided it conforms substantially to the Preliminary Plat as approved, including any conditions of that approval, and conforms with any applicable Town plans and ordinances. If the Final Plat is not submitted within thirty-six (36) months of the last required approval of the Preliminary Plat, the Plan Commission shall reject the Final Plat regardless of the prior action taken on the Preliminary Plat.
5. The subdivider shall file a certified copy of the Final Plat with the Town Clerk within ten days after it has been recorded.

~~0.~~ REPLATS.

REPLATS.

REPLATS.

~~(6)(5)~~ REPLATS.

(a) When it is proposed to replat a recorded subdivision, or part thereof, so as to change its boundaries or any part thereof, the person wishing to replat shall vacate or alter the recorded plat as provided in §§ 236.36-236.44, Wis. Stats. and shall then proceed as specified in s. TCG § 15.04 through s. TCG § 15.08.

(b) Whenever a Preliminary Plat of a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be mailed, at the subdivider's expense, to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties adjacent to the proposed replat.

~~(7)(6)~~ PUBLIC NOTICE.

Upon application for approval of any subdivision, replat, rezoning request or CSM, the applicant shall provide notice to owners of all adjoining and adjacent landowners of the time, date, and place wherein the Plan Commission intends to review the application. For subdivision zoning requests, such notice shall also be provided to landowners within 500 feet of the property to be subdivided. The applicant shall confirm the identity of such landowners with the Town, and coordinate the mailing of the notices with the Town Clerk. Such written notice shall be provided by first class mail at least seven days before the scheduled Plan Commission meeting.

### 15.2215.05 CERTIFIED SURVEY MAP REQUIREMENTS.

(1) GENERAL.

A Certified Survey Map prepared by a land surveyor registered in this state shall be required for all land divisions as defined in s. TCG § 15.02(14). It shall comply in all respects with the requirements of § 236.34, Wis. Stats.

(2) INFORMATION REQUIRED.

The map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:

- (a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (b) Setbacks or building lines required by the Town Plan Commission.

**Commented [MR20]:** This is a statutory requirements for rezonings, but not plats.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

- (c) All lands reserved for future acquisition.
- (d) Date of the map.
- (e) Graphic scale.
- (f) Name and address of the owner, subdivider and surveyor.
- (3) CERTIFICATES.
  - (a) The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this Code.
  - (b) The following certificate of approval shall be typed, lettered or otherwise reproduced legibly on the face of the map:

This certified survey, including any dedications shown thereon, has been duly filed with and approved by the Town Board of the Town of Cottage Grove, Dane County, Wisconsin.

---

Town Clerk

- (c) Dedication.

Dedication of streets and other public areas shall require the owner's and the mortgagee's, if any, certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats.

- (4) CRITICAL BUILDING LOCATIONS.

Any building or structure and its location on the lot shall be dimensioned to the nearest 0.1 foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

- (5) DEDICATIONS, TESTING, AND IMPROVEMENTS REQUIRED.

Any land division effectuated by a certified survey shall be subject to the provisions of s. TCG § 15.03(4) concerning the reservation and dedication of land; and, unless a waiver is granted, to the provisions of s. TCG §§ 15.11 and 15.12 concerning required improvements; and to the provisions of s. TCG § 15.07(4) concerning any required tests.

- (6) APPLICATION FOR APPROVAL.

The Certified Survey Map shall be accompanied by a written Petition for Change of Land Use for approval. Where a change in zoning classification is being or will be requested in connection with the land division, a map showing the present zoning of the land and all lands adjacent thereto and the proposed zoning shall be submitted with the petition for approval, and the procedures outlined in TCG § 15.04(2) shall apply

### 15.2315.06 COMPREHENSIVE DEVELOPMENT PLAN REQUIREMENTS

- (1) GENERAL

A Concept Comprehensive Development Plan (CDP) shall be required as a first step of the land division by-subdivision platting process. The purpose of the Concept DPlan is to help determine

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

whether the proposed layout/subdivision of land is satisfactory from the standpoint of public interest and fits within the broader context of the applicant's contiguous ownership and the surrounding area. The ~~Concept Plan~~CDP also provides an avenue for the subdivider to get constructive input from the Plan Commission and Town Board before investing the substantial time and money that a Preliminary Plat requires.

### (2) INFORMATION **REQUIRED**

(a) Basic soils information: A report shall be completed by a soil/environmental scientist and submitted with the CDP, suggesting the suitability of the land for building sites and on-site wastewater treatment systems of the types, locations, and densities contemplated.

(b) Information indicating typical, high, and low subsurface distances to groundwater and bedrock.

(c) Complete a WDNR Natural Heritage Inventory (NHI) preliminary assessment.

(d) A plan map, drawn to a scale of 1" to 200' except where otherwise approved by the Town Engineer, which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or railroad rights-of-way. The plan map shall show the following information.

1. Proposed road(s) layout (shared driveway or public road).

(b)(e)

3.2. Topography (2' contours), highlighting slopes of 12-20% and 20%+.

3.2. Topography ~~map~~ (2' contours), highlighting slopes of 12-20% and 20%+.

4.3. Location of all lots.

5.4. Proposed stormwater ponds with discharge locations.

6.5. Identification of areas for landscaping.

7.6. Environmental features (all wetlands, waterways, floodplains ).

8.7. Any shoreland zoning, including shoreland zone and shoreland setback boundaries.

9.8. Location of existing drainage tiles with flow direction indicated.

10.9. Density calculations.

11.10. Open space percentage (if applicable).

11. All common amenities, including proposed parks, trails, etc.

(f) If a waiver of design standards is requested, details showing the proposed deviation from the standards and the reasons therefor.

(g) The projected housing broken down into single-family and multi-family units.

(h) The multi-family dwelling units broken down into the number of units in each bedroom category on a percentage basis.

**Commented [MR21]:** This list below has yet to be reconciled with the 2019 draft "concept plan" checklist also provided with this packet of information.

**Commented [KB22]:** I think this is really (e), can fix the numbering later.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

(i) A development schedule clearly indicating the time of completion for the proposed development and each phase thereof.

**Commented [MR23]:** These final points adapted from current Section 15.08 below.

### 15.2415.07 PRELIMINARY PLAT REQUIREMENTS.

#### (1) GENERAL.

A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a land surveyor registered in this state. A Preliminary Plat shall be prepared on paper of good quality capable of clearly legible reproduction at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (a) Title under which the proposed subdivision is to be recorded.
- (b) Location of proposed subdivision by: government lot, quarter-quarter section, Township, range, county, and state; and a location map showing the relationship between the plat and its surrounding area and existing streets.
- (c) Date, scale and north point.
- (d) A description of the material of which the corner marker is composed.
- (e) Names and addresses of the owner, subdivider, surveyor, engineer, and the professional land planner involved in the plat preparation.
- (f) The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development.
- (g) The present zoning and any proposed zoning change for the plat and all land adjacent thereto.
- (h) Location and elevation of any land situated within a flood plain, wetland, shoreland, and shoreland setback area.

**Commented [MR24]:** The Town may want to reconcile the below list with the 2019 draft preliminary plat checklist also provided.

#### (2) PLAT DATA.

All Preliminary Plats shall show the following:

- (a) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
- (b) Contours at vertical intervals of not more than two feet where average slope is less than 5% or 5 feet where slope is 5% or greater. Elevations shall be marked on such contours based upon United States Geological Survey (USGS).
- (c) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, based upon or established by the best available data.
- (d) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (e) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

- (f) Type, width and elevation of any existing Street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, based upon or established by the best available data.
  - (g) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, power and telephone poles; and the location and size of any existing water and gas mains and underground utilities within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
  - (h) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
  - (i) Location, width, length, bearing and names of all proposed streets and public rights-of-way such as alleys and easements.
  - (j) Any proposed lake and stream improvement or relocation.
  - (k) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
  - (l) When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length and the arc length for each segment. The tangent bearing shall be shown for each end of the main chord for all circular lines. When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines, and in such event, it is sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.
  - (m) Existing zoning on and adjacent to the proposed subdivision.
  - (n) Corporate limits lines.
  - (o) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
  - (p) Approximate dimensions of all lots and outlots together with proposed lot, outlot, and block numbers.
- (3) STREET PLANS AND PROFILES.

The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data, and plans and profiles shall meet the approval of the Town Engineer.

(4) TESTING.

- (a) The Town Engineer may require, and where sanitary sewers are unavailable shall require, that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

conditions, including depth to bedrock and depth to ground water table.

(b) Prior to final approval, confirmation that the site is suitable for a private onsite wastewater treatment system in compliance with Wisconsin Admin. Code Ch. SPS 3ffi and 385, and any other applicable Department of Safety and Professional Services or Department of Natural Resources administrative regulation, shall be provided.

### (5) COVENANTS.

The Plan Commission may require submission of a draft of any protective covenants which the subdivider intends to record regulating land use in the proposed subdivision or otherwise protect the proposed development.

### (6) AFFIDAVIT.

The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Code.

## ~~15.2515.08 REPEALED~~

### ~~REPEALED~~

## ~~15.3815.09 FINAL PLAT REQUIREMENTS.~~

~~Any Comprehensive Development Plan shall include the following:~~

~~(-) A plan, drawn to a scale of 1" = 200' which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or railroad rights-of-way. The plan shall show the information required by s. TCG § 15.07(1) through 15.07(2)(p) and all proposed collector and arterial streets.~~

~~(-) If a waiver of design standards is requested, details showing the proposed deviation from the standards and the reasons therefor.~~

~~(-) The projected population broken down into single family and multi family units.~~

~~(-) The multi family dwelling units broken down into the number of units in each bedroom category on a percentage basis.~~

~~(-) A development schedule clearly indicating the time of completion for the proposed development and each phase thereof.~~

~~(-) A Preliminary Plat, meeting the requirements of this Code. The Plan Commission may waive parts of the requirements.~~

### ~~(0) DESIGN STANDARDS.~~

~~The design standards set forth in s. TCG § 15.10 of this Code shall apply to a Comprehensive Development Plan. However, if the Comprehensive Development Plan consists of a cluster development or other innovative designs which negate the necessity for meeting those standards, they may be waived by the Board upon recommendation of the Plan Commission and the Town Engineer.~~

### ~~(0) DEDICATIONS, TESTING AND IMPROVEMENTS REQUIRED.~~

~~Comprehensive development plans shall be subject to the provisions of s. TCG § 15.03(4) concerning the reservation and dedication of land; to the provisions of s. TCG §§ 15.11 and~~

**Commented [MR25]:** The "best of" this information was moved to be consolidated with the other CDP contents section above.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

~~15.12 concerning required improvements; and to the provisions of s. TCG § 15.07(4) concerning any required tests.~~

### **15.3815.09 FINAL PLAT REQUIREMENTS.**

#### (1) GENERAL.

A Final Plat prepared by a land surveyor, registered in this state, shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats.

#### (2) INFORMATION REQUIRED.

The plat shall show correctly on its face, in addition to the information required by § 236.20, Wis. Stats. and s. TCG § 15.05, the following:

- (a) Exact length and bearing of the centerline of all streets.
- (b) Exact street width along the line of any obliquely intersecting street.
- (c) Railroad rights-of-way within and abutting the plat.
- (d) Setbacks or building lines required by the Town Plan Commission.
- (e) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (f) Special restrictions required by the Town Plan Commission relating to access control along public ways or to the provision of planting strips.
- (g) The rural fire number assigned to each lot.

#### (3) DEED RESTRICTIONS.

The Plan Commission may require that deed restrictions be filed with the Final Plat.

#### (4) SURFACE WATER RUN-OFF STATEMENT.

The following statement or variation thereof, will be included on this Final Plat:

- (a) The owners of lands in this subdivision are estopped from commencing any action whatsoever against the Town of Cottage Grove, Dane County, Wisconsin for damages caused by surface water run-off or drainage.
- (b) These lands have been subdivided with special attention being given to drainage of surface water therefrom and adequate provisions have been provided for the least possible damages therefrom to both the platted and adjacent lands providing the following:
  - (c) In all cases easements have been provided for drainage from adjacent plats through the use of street patterns. All ditches will be planted in grass which will provide dense cover.
  - (d) The existing natural watershed direction remains unchanged.
  - (e) All streets have been designed with as minimum grade as possible so as to prevent erosion.
  - (f) Land now under cultivation shall be planted in grass, and berms constructed as required by the Township. Owners will seed and mulch ditches after road construction is completed where needed to control runoff.
  - (g) Topsoil from road construction is to be stockpiled in areas where it will be least affected by erosion runoff.

#### (5) SURVEY ACCURACY.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

The accuracy of the Final Plat must be certified by the Wisconsin Department of Administration.

### (6) SURVEYING AND MONUMENTING.

All Final Plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.

### (7) CERTIFICATES.

A Final Plat shall contain all the certificates required by § 236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Code.

### (8) APPLICATION FOR APPROVAL.

The plat shall be accompanied by a written Petition for Change of Land Use for approval and, if they have not been previously submitted, by the plans, profiles and specifications required by s. TCG § 15.07(3) and s. TCG § 15.12(1) and by the results of any tests required by s. TCG § 15.07(4).

## 15.3915.10 DESIGN STANDARDS.

### (1) STREET ARRANGEMENT.

Street layouts shall conform to the arrangement, width and location indicated on any of the following documents that is adopted by the Town official map, master plan, comprehensive plan, neighborhood development plan, or intergovernmental agreement. In areas for which such maps, plans, or agreements have not been completed or do not advise street layouts, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land division or subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

(a) Arterial and collector streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(b) Neighborhood connector streets shall be arranged so as to provide ready and safe collection and movement of motor vehicle, bicycle, and pedestrian traffic from local streets and lots within the subdivision to arterial, collector, and other neighborhood connector streets, and to special traffic generators such as parks, schools, churches, shopping centers and other special traffic generators such as parks, schools, churches, shopping centers and other concentrations of population.

(c) Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(d) Proposed streets shall extend to the boundary lines of the tract being subdivided unless

**Commented [MR26]:** The Town shouldn't be beholden to plans or official maps that it has not adopted, IMO.

**Commented [MR27]:** This describes where the Town may prescribe "neighborhood connector" streets. See width and other design standards later.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds may be required where the street ends at the boundary of the subdivision.

(e) Whenever the proposed subdivision contains or is adjacent to an arterial or collector street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided, and no residential lot shall be permitted direct access to the arterial or collector street. The Town Board may also limit access to neighborhood connector streets.

(f) Reserve strips controlling access to streets or alleys are prohibited except where control of such strips is placed with the Town under conditions approved by the Plan Commission.

(g) Alleys shall be provided in commercial and industrial districts for off-street loading, and service access when required by the Plan Commission but shall not be used in residential areas. When required, alleys shall not be less than 24 feet wide and shall be continuous through blocks. Dead end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.

(g)(h) The Town or other agency with jurisdiction may require existing arterial, collector, and neighborhood connector streets that are adjacent to the plat or certified survey map to be improved in a manner that will serve and be proportionate to the traffic increase associated with the plat or certified survey map.

### (2) STREET NAMES AND BUILDING NUMBERS.

(a) Street names and building numbers shall be assigned in accordance with the provisions of Ch. 76 of the Dane County Ordinances and consistent with any other Town ordinance or policy.

(b) Duplication of existing street names in the Madison Metropolitan area or Village of Cottage Grove by similar word, spelling, or sound shall not be permitted.

(c) Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.

(d) A street name shall be changed when required to conform to the proposed or existing house numbering base.

(e) A name which is assigned to a street which is not presently a through Street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.

(f) The following designations shall be used only in the situations indicated:

1. Boulevard - A street with a divided pavement either existing or planned. If the divided pavement ends, but the street continues, the same Street name and suffix shall continue.
2. Lane - A Street, one block long, not ending in a cul-de-sac.
3. Circle - A cul-de-sac of nine lots or more.
4. Court - A cul-de-sac of eight lots or less.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

5. Parkway - A Street abutting a park or greenway or creek.

- (g) The maximum number of street names at one intersection shall be three.
- (h) Street names shall be assigned so that no two intersections have the same exact street names.
- (i) The name of any projection of a Street shall remain unchanged even if the projection terminates in a cul-de-sac.
- (j) The changing of a Street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this section.
- (k) Service roads and highways served by them shall have the same street name and designation.
- (l) Approval of Street names on a Preliminary Plat will not reserve the names nor shall the Town be required to accept such names at the time of Final Platting.
- (m) A minimum number of letters is desirable in a Street name. The maximum number of letters, not including the prefix or suffix shall not exceed twelve.

### (3) LIMITED ACCESS HIGHWAYS AND RAILROAD RIGHTS-OF-WAY.

Whenever the proposed subdivision, land division, or Comprehensive Development Plan contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (a) In residential districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to a railroad right-of-way or a limited access arterial street. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat:

“This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner.”

- (b) Commercial and industrial districts shall have, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (c) Streets parallel to a limited access highway or railroad right-of-way shall, when intersecting a major street and highway or collector street which crosses said railroad or highway, be located at a right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (d) The location of local streets immediately adjacent and parallel to railroad rights-of-way, and in residential areas immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided.

### (4) STREET DESIGN STANDARDS.

- (a) Minimum Right-of-Way.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

The minimum right-of-way of all proposed streets and alleys shall be of the width specified by any of the following that is approved by the Town and applicable to the area: master plan, official map, comprehensive plan, neighborhood development plan, intergovernmental agreement; or if no width is specified therein, the minimum widths shall be as follows:

<u>Type of Street</u>	<u>R.O.W. Width</u>
Principal <del>&amp; Primary</del> Arterial <u>Streets</u>	120 feet
<del>Standard</del> <u>Minor</u> Arterial & Collector Streets	80 feet
<u>Neighborhood Connector Streets</u>	<u>70 feet</u>
Local Streets	66 feet
<del>Marginal Access Streets</del>	<del>66 feet</del>
Alleys	24 feet

**Commented [MR28]:** Here's the new 70' wide street right-of-way standard.

(b) Cul-de-Sac Streets.

1. Streets designed to have one end permanently closed shall not exceed 1,000 feet in length.
2. Except as provided in s. TCG § 15.10(4)(b)3, streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way diameter of 120 feet, and a minimum outside curb diameter of 90 feet. The reverse curve on a cul-de-sac shall have a 50-foot minimum radius when the bulb is centered on the street and a 100-foot minimum radius when the bulb is offset.
3. All streets which are designed to have one end permanently closed, in business, commercial, industrial and manufacturing areas, shall terminate in a circular turnaround having a minimum right-of-way diameter of 130 feet, and a minimum outside curb diameter of 96 feet. The reverse curve on a cul-de-sac shall have a 50-foot minimum radius when the bulb is centered on the street and a 100-foot minimum radius when the bulb is offset.

(c) Street Grades.

1. Unless necessitated by exceptional topography and subject to the approval of the Town Engineer, the maximum street grades shall not exceed the following:  
 Arterial streets and highways: 4%  
 Collectors, neighborhood connectors, ~~and~~ local streets and alleys: 8%  
 Pedestrian Ways: 10% unless steps of acceptable design are provided.
2. The grade of any street shall in no case exceed 10% or be less than 0.48%.
3. All changes in street grades shall provide sight distances as conditions require as determined by the Town Engineer.
4. Street grades shall be established wherever practicable in such a manner to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

(d) Radius of Curvature.

1. When a continuous street centerline deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
  - a. Arterial streets and highways: 450 feet.
  - b. Collector Streets: 250 feet.
  - c. Neighborhood connector and local streets: 150 feet.
2. A tangent at least 150 feet in length shall be provided between reverse curves on arterial and collector streets, and 100 feet in length between reverse curves on neighborhood connector and local streets.

(e) Half Streets.

Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. Streets less than full width on the boundary of the tract being subdivided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side and a reserve strip as determined by the Plan Commission.

(5) STREET INTERSECTIONS.

- (a) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
  - (b) The number of streets converging at one intersection shall not be more than two.
  - (c) The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200 feet.
  - (d) Property lines at street intersections shall be rounded with a minimum radius of 15 feet except that at all intersections along collector and arterial streets the radius shall be increased to 25 feet. The Plan Commission may require a larger radius where desirable.
  - (e) Neighborhood connector and local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such minor streets approach the major streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector Street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous, and a jog is avoided.
  - (f) Whenever practicable, the distance between street intersections shall be no less than 250 feet measured from centerline to centerline.
  - (g) The point of curve of the centerline of a curved street which intersects another Street shall not be less than 15 feet, on the property side of the property line of the intersected Street.
- (6) BLOCKS.
- (a) The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.
  - (b) Blocks in residential areas shall not be less than 600 feet nor more than 1,200 feet in length

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

unless otherwise dictated by exceptional topography or other limiting design factors.

(c) Pedestrian ways of not less than ten feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to parks, schools, shopping centers, churches or transportation facilities.

(d) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(e) All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines.

(7) LOTS.

(a) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

(b) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(c) Lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the land is located except for lots situated in commercial or industrial districts the dimensions and area of which shall be those deemed by the Plan Commission, in its sole discretion, to be appropriate for the proposed use of the land.

(d) Guidelines for lot sizes shall be as set forth in the Town of Cottage Grove Comprehensive Plan.

(e) Residential lots to be served by private sewage disposal facilities shall comply with the requirements of the Wisconsin Department of Safety and Professional Services, and other applicable State requirements.

(f) Every lot shall front or abut on a public Street for a distance of at least 50 feet.

(g) Side lot lines shall, as nearly as practicable, be at right angles to straight streets or radial to curved street lines.

(h) Lots shall follow municipal boundary lines rather than cross them whenever practicable.

(i) Corner lots shall have sufficient width to permit adequate building setbacks from side streets.

(j) Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 (2:1) shall be considered as a desirable ratio under normal conditions.

(k) Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such traffic ways.

(l) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

development contemplated.

(m) Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow the future division of any such parcel into normal lots in accordance with the provisions of this Code.

(n) Lands lying between the meander line and the water's edge and any otherwise unplattable land which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

### (8) BUILDING SETBACK LINES.

Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established as required by the Plan Commission.

### (9) UTILITY AND DRAINAGE EASEMENTS.

(a) Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines where necessary, for the installation of storm and sanitary sewers, gas, watermains, electric lines, telephone and cable television communication lines.

(b) Easements for electric, telephone, gas, and cable television communication lines shall be noted as "Utility Easements" on the Final Plat or Certified Survey Map. Prior to approval of the Final Plat or Certified Survey Map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the Final Plat or Certified Survey Map.

(c) All easements for storm and sanitary sewers, watermains, and pedestrian walks, and other public purposes shall be noted on the plat or certified survey as "Public Easement for" followed by reference to the use or uses for which they are intended.

(d) Where the electric or communications facilities or both are to be installed underground, a plat restriction shall be recorded with the Final Plat or Certified Survey Map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

### (e) Drainage Easements.

Where a land division, subdivision or Comprehensive Development Plan is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and parallel streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to be subject to review and approval by the Town Engineer and Plan Commission. Where

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

feasible, drainage easements should substantially maintain existing water flow patterns onto neighboring lands.

**15.4015.11 REQUIRED IMPROVEMENTS.**

(1) **STREETS.**

Standard street improvements shall be installed in all subdivisions and, where required, in any land division.

(2) **SANITARY SEWER AND WATERMAINS.**

Where public utilities are available, sanitary sewers and watermains shall be installed in all subdivisions and, where required, in any land division.

(3) **STORM SEWERS STORM WATER DRAINAGE FACILITIES.**

(a) Storm sewers shall be constructed where required by the Plan Commission.

(b) Ditches shall be constructed where required by the Plan Commission.

1. Roadside ditches shall not exceed 10% of grade nor have less than a 1% grade. The maximum single ditch capacity for a 5-year intensity storm shall be not more than the values tabulated as follows:

<u>Ditch Grade %</u>	<u>Q (c.f.s.)</u>
1	2.34
2	3.78
3	4.14
4	4.86
5	5.22
6	5.76
7	6.30
8	6.84
9	7.20
10	7.74

2. Ditches shall be restored with 4" topsoil, fertilizing, and anchored sodding in accordance with the current Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation. All sod shall be free of sedges, quack grass and bentgrass.

3. Where ditches are utilized, streets shall be constructed as indicated in Figure 1 - Figure 3, as appropriate. The thickness of the pavement shall be determined and prescribed by the Town Engineer in accordance with the functional classification of the proposed street and soil subgrade data available. Any soil subgrade data required by the Town Engineer shall be obtained by the developer's soils engineer and furnished to the Town Engineer without cost.

(c) At the time the Preliminary Plat, or plans for any condominium, group housing project, or

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

planned development are submitted to the Plan Commission for review, the Town Engineer shall prepare a study of the drainage basin or sub basin in which the plat or project is located to determine the design and routing, and of storm sewer and storm water drainage facilities throughout such basin. If such study determines that it is necessary to increase the capacity of the facilities which are to be constructed within the plat or project to enable them to serve the entire basin or sub basin, the Engineer shall then determine that portion of the estimated cost of constructing the required storm sewers and storm water drainage facilities which is attributable to such increase in the capacity of the facilities.

(d) The cost of constructing storm sewer and storm water drainage facilities sufficient to serve the plat or project shall be borne solely by the subdivider. The Dane County Land & Water Resources Department (LWRD), or its successor, shall determine what storm sewer and storm water drainage facilities are necessary and sufficient for the plat or project and requirements shall be as set forth in the stormwater and erosion control permit issued for the plat or project. If either LWRD or the Town Engineer recommend additional capacity or facilities beyond those required by the permit, and such facilities are deemed necessary by the Town Board, then the requirement for additional capacity or facilities may be imposed on the subdivider, provided that the additional costs arising from the additional requirements shall be subject to a recoupment agreement by and between the Town and the subdivider. Those costs which are attributable solely to increasing the capacity of the required storm sewer and storm water drainage facilities to enable them to serve the entire drainage basin or sub basin shall be included in the recoupment agreement, paid by the subdivider and recoverable by the subdivider, all through area charges or special assessments levied against the benefitted properties. Except as otherwise agreed between the Town and subdivider, any area charge or special assessment levied pursuant to this section shall either be paid before the Final Plat is inscribed by the Town Clerk or before any building permit is issued.

(e) Area charges levied pursuant to s. TCG § 15.11(3)(d) shall be subject to adjustment based upon the Engineering News Record Construction Price Index. In making such adjustments, the year that the area charges for the drainage basin or sub basin were established shall be used as the base year. A copy of said Construction Price Index shall be kept on file at the office of the Town Engineer and shall be made available to the public for inspection and copying upon request.

### (4) IMPROVEMENTS TO BOUNDARY LINES.

All required Street, sidewalk, sanitary sewer, watermain, and storm sewer improvements shall be installed to the boundary line of the subdivision or land division unless the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Plan Commission.

### (5) PARTITION FENCES.

When the land included in the plat or Certified Survey Map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider may be required to erect, keep and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. When partition fences are required, a covenant binding the subdivider, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the face of the Final Plat or Certified Survey Map.

### ~~(0)~~ **REQUIRED IMPROVEMENTS PROCEDURE.**

**Commented [MR29]:** This section was moved and adapted to come way earlier in the ordinance, where context was much better, and to provide the Board with these powers.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

### REQUIRED IMPROVEMENTS PROCEDURE.

~~(-) — Such relief will be granted only where it will not be detrimental to the public good, impair the intent and purpose of this code, or impair the desirable general development of the community in accordance with the Town Comprehensive Plan. A five-sevenths (5/7) vote of the entire membership of the Plan Commission shall be required to recommend to the Town Board any such waiver or modification.~~

~~(-) — Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified it, and shall be filed with the records relating to the land division.~~

~~(-) — s. TCG § 15.11(6) shall not apply to subdivisions or comprehensive developments.~~

### 15.4615.12 REQUIRED IMPROVEMENTS PROCEDURE.

#### (1) PLANS AND CONSTRUCTION SPECIFICATIONS.

Prior to commencing construction of any required improvement, the subdivider shall prepare construction plans and specifications and submit them to the Town Engineer for review and approval. The Town Engineer may require the submission of the following plans and accompanying construction specifications before authorizing construction or installation of the improvements:

- (a) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- (c) Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- (d) Plans and specifications for any water supply system.
- (e) Water-main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (f) Plans and specifications for all utilities and underground facilities.
- (g) Planting plans showing the locations, age and species of any required street trees.
- (h) Such additional special plans or information as may be required by the Town Engineer.

#### (2) PRIVATE CONTRACTS.

The developer shall engage one general contractor whose qualifications have been approved by the Board for each major phase of construction (grading, utilities, streets) or one general contractor for a contract which includes more than one phase of construction. No private contract shall be awarded until all bids have been reviewed by the Town Engineer.

#### (3) SCHEDULING.

The construction schedule for all required improvements shall be approved by the Town Engineer. Construction cannot be commenced on any phase of construction until all approvals and conditional requirements are satisfied and a copy of the private contract has been filed with and approved by the Town Board.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

### (4) STREET GRADING.

(a) The developer shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat, and after review of design engineering work on the streets and approval of street grades by the Town Engineer, the subdivider shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases where existing street right-of-way is made a part of the subdivider's plat or abuts the plat, the subdivider shall grade or cause to be graded that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street right-of-way shall be graded to subgrade elevation. The Town Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved. The grading of rights-of-way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plat. Lots which abut arterial and collector streets shall be graded to proposed street grade or to a grade approved by the Town Engineer prior to the sale of affected properties.

(b) The developer shall engage a registered engineer to set subbase grade in accordance with approved centerline grade and cross section; and to set grades necessary to comply with other grading requirements, including vision clearance on corner lots, centerline and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:

1. The stripping and removal of all topsoil, debris and vegetation within the road bed.
2. Grading of full street rights-of-way to a tolerance of 0 to 0.5 feet below proposed centerline grade. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, or vegetation.
3. Grading beyond right-of-way to ensure that the established grade will be preserved. Slopes shall be 1:1 for cut sections and 2:1 or less for fill sections.
4. Grading of vision clearance triangle on corner lots. (Maximum embankment of three feet above curb elevation within a triangle formed by two intersection street lines or their projections and a line joining points on such street lines located 25 feet from the street intersection).
5. Where a public greenway is included in the land division or subdivision, the subdivider shall provide for an acceptable continuous drainageway in the greenway as determined by the Town Engineer.
6. All additional plat grading, where applicable, lot abutting greenways, terraces of streets abutting plat, public easements for sanitary sewer and sidewalk, and other requirements of ordinances and special conditions of plat approval.

### (5) UTILITIES AND UNDERGROUND FACILITIES.

(a) Upon approval of the subgrading and erection of barricades, the developer shall install the water-mains, storm and sanitary sewers, and other utilities. Prior to commencing construction of any required utilities, the subdivider shall submit the construction schedule, plans, and specifications therefor, to the Town Engineer for review and approval and shall furnish proof that such arrangements as may be required under applicable rates and rules filed with the Public Service

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

Commission of Wisconsin have been made with the owner or owners of the utility lines or services for placing their respective facilities underground.

(b) All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, communications lines, television cables and services, installed within a newly-platted area shall be underground unless the Plan Commission shall specifically find after study that:

1. The placing of such facilities underground would not be compatible with the planned development.
2. Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or
3. The lots to be served by said facilities can be served directly from existing overhead facilities.

(c) Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.

(d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed unless otherwise required by the Plan Commission.

(e) Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the plat.

(f) If underground utilities and standard street improvements are installed in the same year, provision must be made for mechanical compaction of all underground utility ditches or trenches situated within the Street right-of-way.

### (6) GREENWAYS.

Where greenways are included within the land division or subdivision:

(a) The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Town Engineer. The subdivider shall furnish the Town Engineer with a plan outlining the greenway boundaries and location of existing drainageways, if any. In addition, the subdivider shall furnish to the Town Engineer a set of cross-sections of the greenway oriented upon a base line as prescribed by the Town Engineer. Where a natural drainageway exists, which has acceptable hydraulic capacities including alignment and grade as determined by the Town Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the subdivider or his agent, he shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by the Town Engineer, where the hydraulic capacities including

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

alignment and grade are not acceptable, such alignment, grade and slopes shall be improved by the subdivider to the interim minimum requirements of a ten-foot-wide ditch bottom with four to one side slopes, all to be sodded.

(b) The subdivider shall install permanent pipes or culverts at a grade designated by the Town Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the Standard Specifications for Road and Bridge Construction of the Department of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the subdivider. The permanent pipe or culvert shall not be installed previous to the installation of the sanitary sewer on a Street crossing a greenway unless done pursuant to written agreement between the Town and the Subdivider. Culverts required across intersections for temporary street drainage, shall be furnished and installed by the developer at his expense. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to standards and the area restored to as near to original condition as possible as determined by the Town Engineer.

(c) All ditching and culvert installation shall be done in strict accordance with grades approved by the Town Engineer. The subdivider's engineer shall be responsible for setting the required grades in the field for construction purposes.

(d) In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than four feet above the flowline of the greenway, or where designated to an elevation established by the Town Engineer, prior to the sale of affected properties. The flowline grade shall be established by the Town Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway limit is prohibited except as authorized by the Town Engineer.

### (7) STREET CONSTRUCTION.

#### (a) General.

After completion of the underground utilities and approval thereof, the streets shall be constructed.

#### (b) Standard Street Improvements.

1. Standard street improvement shall include, bituminous base course and bituminous surface course; and when required by the Plan Commission concrete curb and gutter, ornamental Street lights, pedestrian walkways, and curb ramping as required by § 66.0909, Wis. Stats.
2. The construction of standard street improvements can begin only when either:
  - a. The underground utilities were installed in the previous construction season; or
  - b. The construction of underground utilities included mechanical compaction and compaction tests have been approved by the Town Engineer.
3. Upon satisfying either of the requirements of the preceding Section, the developer shall prepare final plans and specifications for the standard Street improvements and submit them, together with all soil subgrade data obtained by its soils engineer, to the Town Engineer. The Town Engineer shall review the plans and specifications; and shall determine and prescribe the thickness of the pavement in

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

accordance with the functional classification of the proposed street and the soil subgrade data.

4. Upon written approval by the Town Engineer, the developer can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the Street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Plan Commission.
  - a. Local streets shall be constructed as indicated in Figure 1 provided, however, that a greater or lesser roadway width may be required by the Town Engineer where necessary to assure uniformity along the entire length of any Street. The roadway width and thicknesses as indicated in Figure 1 shall be required where the entire length of any street including any future extension thereof exceeds 1,600 feet and may be required by the Town Engineer based on anticipated traffic or land use. The thickness of the pavement shall be as prescribed by the Town Engineer.
  - b. Neighborhood connector streets shall be constructed as indicated in Figure 2 provided, however, and that a greater or lesser roadway width maybe required provided, however, and that a greater or lesser roadway width maybe required by the Town Engineer to assure uniformity along the entire length of any Street. The thickness of the pavement shall be as prescribed by the Town Engineer.
  - c. Collector and arterial streets shall be constructed as indicated in Figure 3, or as otherwise prescribed by the agency with jurisdiction. The thickness and width of a major collector or arterial street shall be as prescribed by the Town Engineer or other agency with jurisdiction based upon anticipated traffic volume and any applicable federal, state, or county requirements.
5. Driveways.
  - a. Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved by the Plan Commission.
  - b. When allowed, curb openings for driveways shall be no less than 14' nor more than 24' in width unless the opening is intended to afford access to a commercially zoned parcel. The width of any driveway opening intended to afford access to commercial property shall be as determined and prescribed by the Plan Commission.
  - c. Where street improvements do not include curbs and gutters, driveways shall have culvert at the ditch line, as required by the Town Driveway Ordinance and as specified by the Town Engineer.
6. Walkways.

**Commented [MR30]:** See new draft Figure 2 provided by Town & Country and included in the packet.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

- a. Surfaces. The surface of walkways should possess stability and firmness, be relatively smooth in texture, and have a nonslip surface. The use of expansion and contraction joints should be minimized, and their size should be as small as possible, preferable under ½” in width.
- b. Drainage Structures. Drainage structures should be placed flush with the surface on which they occur, and grates having narrow parallel bars or patterns with openings larger than ¾” should not be used. Drainage structures should not be located between a curb ramp and the corner or a street or immediately downgrade from a curb ramp.
- c. Lighting. Lighting along walkways should vary from ½ to 5 ft. candles, depending on the intensity of pedestrian use, hazards present, and relative need for personal safety.
- d. Ramps. Steps and stepped ramps should be avoided if possible, in order to facilitate servicing with wheeled vehicles. To facilitate movement over low barriers, a ramp should be installed. Surfaces should be non-slip but not corrugated. Where walkways are required and the street connects with any city or village street, curb ramping shall be provided in accordance with § 66.0909, Wis. Stats.
- e. Wheel Stops. Wheel stops shall be installed where wheeled vehicles may roll into a hazardous area. They should be 2” to 3” high, 6” wide, and should have breaks in them every 5’ to 10’ to allow for water drainage off of the walk.

### (8) EROSION CONTROL.

The subdivider shall employ all methods reasonably necessary to prevent the erosion, siltation, sedimentation, washing, and blowing of dirt and debris caused by grading, excavations, open cuts, side slopes, and any other surface disturbing activities. Reasonable methods of control shall include, but not be limited to, seeding and mulching, anchored sodding, berm construction, ponding construction, and watering. Where the method of control employed fails, the subdivider shall clean up all displaced materials prior to constructing additional improvements. Plans for erosion control shall be submitted to the Town Engineer for review and approval before any land surface disturbances are made. The Town Engineer’s decision concerning the methods of erosion control which the subdivider must employ may be appealed to the Town Board.

### (9) INSPECTION.

Prior to commencing any work within the subdivision, the subdivider shall make arrangements with the Town to provide for adequate inspection. Town staff or the Town Engineer shall inspect and approve all completed work prior to the Town’s acceptance of the improvements or any release of the security deposited pursuant to s. TCG § 15.03(3).

### **15.4715.13 ACCEPTANCE OF IMPROVEMENTS.**

After all required improvements have been installed, the subdivider shall notify the Town Engineer, in writing, that the work is complete and ready for final inspection; and shall file lien waivers or affidavits, in a form acceptable to the Town and approved by the Town Attorney, evidencing that there are no claims, actions, or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no monies are owed to any surveyor, mechanic, contractor, subcontractor, materialman, or laborer after all required improvements

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

have been installed. The Town Engineer shall inspect the improvements and forward a letter to the subdivider indicating the Town Engineer's approval or disapproval. After the improvements have been approved by the Town Engineer, the Town Clerk will prepare a final billing for engineering, inspection, and legal fees and submit it to the subdivider for payment. When the engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting the project will be adopted by the Town Board.

### **15.4815.14** RELEASE OF SECURITY.

(1) The security furnished pursuant to s. TCG § 15.03(3) shall remain in full force for a period of one year after the completion of the required improvements and acceptance by the Town Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of the guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the subdivider fails to install the replacement or perform the repairs, the Town may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Town will release the security to the subdivider upon expiration of the one-year guarantee period.

(2) The Town Engineer may from time to time, but no more often than monthly during the course of construction, partially release the security furnished pursuant to s. TCG § 15.03(3) when the following are true:

(a) EITHER the reduced security deposit will be sufficient to guarantee the work performed pursuant to private contracts against defects in material and workmanship or will be at least 15% of the total cost of improvements, OR

Affidavits or lien waivers, in a form acceptable to the Town and approved by the Town Attorney, evidencing full payment for the required improvements which have been completed are submitted with the request for a partial security release;

(b) An application for a partial security release has been filed with the Town Engineer on or before the tenth day of the month; and

No building permits have been issued pursuant to s. TCG § 15.16 of this code.

### **15.4915.15** SIGNING OF CERTIFICATE.

After entering the contract to provide all required improvements; after posting the security required by s. TCG § 15.03(3); after payment of any fee imposed pursuant to this Chapter and the contract; after payment of any area charges for storm sewer and storm water drainage facilities; after payment of all outstanding charges due against the lands for local sewers, interceptors, force mains, and lift stations previously installed by the Town, Madison Metropolitan Sewerage District or any other sewerage district; and after the subdivider has met all other requirements, the Town Clerk shall execute the certificate inscribed upon the face of the plat or certified survey map attesting to the approval thereof and return it to the subdivider for recording.

### **15.5015.16** BUILDING PERMITS.

(1) Except as provided in s. TCG § 15.16(2) below, building permits shall not be issued for construction on a parcel created by any division, subdivision, or comprehensive development of land until all required improvements have been made and installed and have been inspected and

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

accepted in accordance with s. TCG § 15.13 of this code.

(2) The following shall apply in all instances where building permits are issued prior to the acceptance of the subdivision improvements by the Town.

(a) The contract entered pursuant to s. TCG § 15.03(3) or an amendment of such contract shall:

1. Designate each lot, or space, upon which the subdivider proposes to construct a building;
2. Contain a provision whereby the subdivider agrees to indemnify and save the Town harmless from any and all claims, actions, demands, or judgments for personal injuries or property damages, together with the actual expenses incurred in connection therewith, arising out of or in any way related to the issuance of such building permits construction within the subdivision including any such claim, action, demand or judgment premised upon the negligence of the Town or any of its officers, agents, servants, or employees; and
3. Be recorded in the Office of the Register of Deeds for Dane County, Wisconsin.

(b) The provisions of s. TCG § 15.14(2), relating to release of security prior to completion of improvements, shall not apply when building permits are obtained prior to the completion, inspection and acceptance of all required improvements.

(c) No building permit shall be issued for construction on any site created in violation of the requirements of this code.

(d) The building owner shall agree in a written affidavit that occupancy shall not occur, nor shall Occupancy permits be issued, prior to the completion, inspection and acceptance of all required improvements.

### **15.5115.17 TRANSFER OF DEVELOPMENT RIGHTS (“TDR”) PROGRAM.**

As permitted by Dane County Ordinance Amendment 45, 2009-2010 and Town Resolution 2011-01 adopted by the Town Board of the Town of Cottage Grove on February 7, 2011, the Town of Cottage Grove opts-in to the Dane County TDR Program.

### **15.5215.18 COMPREHENSIVE PLAN STANDARDS.**

(1) POLICY.

To the extent not included in this Chapter, the Town’s siting and design standards are set forth in the Town of Cottage Grove Comprehensive Plan, as may be amended from time to time including within the figures describing the future land use categories represented on the future land use map in that Plan.

(2) MAPS AND REFERENCES.

Provisions within the Town of Cottage Grove Comprehensive Plan are expressly incorporated here by reference, as may be amended from time to time.

(3) SITING AND DESIGN STANDARD APPLICABILITY.

Prior to approval of any ~~land~~ subdivision plat, ~~Certified Survey Map~~, conditional use permit, or

**Commented [MR31]:** The Comp Plan has additional standards affecting new land divisions, subdivisions, and other developments that extend beyond “siting”.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

rezoning request, the Plan Commission shall review the ~~request and application~~ petition for compliance with the Town of Cottage Grove Comprehensive Plan and Code of Ordinances, which shall be subject to the final approval or rejection of the ~~request and application~~ petition or requirements for modifications.

### (4) LAND USE DISTRICTS AND STANDARDS.

The Town is divided into various future land use areas, which are identified on the Future Land Use Map of the Town of Cottage Grove Comprehensive Plan, as may be amended from time to time. Allowable land uses, residential densities, review criteria, siting and design standards, and other policies within each area are identified in the Town of Cottage Grove Comprehensive Plan, and shall be used as the basis for recommending, accepting, modifying, or rejecting any subdivision plat, Certified Survey Map, conditional use permit or rezoning request.

### 15.5315.19 LAND DIVISION FEES.

#### (1) GENERAL.

The subdivider shall pay the Town all fees as hereinafter required and at the times specified.

#### ~~(2)~~ PRELIMINARY PLAT, FINAL PLAT, COMPREHENSIVE DEVELOPMENT PLAN

~~The subdivider shall pay an application fee for the review of a subdivision Concept Plan to the Town Treasurer at the time the Concept Plan is filed with the Town Clerk. The amount of the fee shall be set no less than annually by resolution of the Town Board.~~

#### ~~(4)(2)~~ PRELIMINARY PLAT, FINAL PLAT, COMPREHENSIVE DEVELOPMENT PLAN AND CONTRACT FEES.

(a) The subdivider shall pay an application fee for each lot or parcel within the Preliminary Plat, Final Plat, Comprehensive Development Plan, to the Town Treasurer at the time the Petition for Change of Land Use is filed. The amount of the fee(s) shall be set by resolution of the Town Board.

(b) The subdivider shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any Preliminary Plat, Final Plat, Comprehensive Development Plan, or contract, to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Engineering, inspection, consulting, and legal fees shall be the actual cost to the Town. Such fees may be billed monthly, or upon completion of the project as determined by the Town Board. It is intended that the application fee provided for in s. TCG § 15.19(2)(a) above will sufficiently reimburse the cost of Town Staff time and expenditures.

#### (c) Payment Guarantee.

To guarantee payment of the engineering, inspection, consulting and attorney's fees required in paragraphs ~~15.19(2)(a)~~15.19(23)(a) and ~~15.19(2)(b)~~15.19(23)(b) above, the subdivider shall deposit funds in an amount reasonably determined by the Town Board at the time that the ~~application~~ petition for approval is first filed. If the required fees are paid timely, the deposit will be refunded at the time that the Final Plat is approved by the Town Board or thirty days after the preliminary or Final Plat is rejected. In the event that the subdivider fails to pay such required fees within fourteen days of the time when the Town submits its bill therefore, the Town may deduct the amount of such fees from the funds deposited and may require that the subdivider replenish the fund. If subdivider fails to timely replenish the fund, and notwithstanding any other provisions herein to the contrary, the Town

**Commented [MR32]:** Don't need a fee if "concept plan" is removed/replaced by CDPs, which have fee prescription below.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

may place a hold on review of subdivider's application.

### (5)(3) CERTIFIED SURVEY MAP FEES.

(a) The subdivider shall pay an application fee at the time the application for approval for any certified survey map is filed. The amount of the fee(s) shall be set by resolution of the Town Board.

(b) The subdivider shall pay all consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any certified survey to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Consulting and legal fees shall be the actual cost to the Town. Such fees may be billed monthly or upon completion of the project as determined by the Town Board. It is intended that the application fee set forth in paragraph 15.19(3)(a) above will cover all Town Staff time and expenditures and all consulting fees and expenditures.

### 15.5415.20 LAND USE FEES.

(1) A fee, as specified by resolution of the Town Board, shall accompany each Petition for Change of Land Use, including rezones and conditional use permits, for any parcel within the Town limits. The fee shall be in addition to any Dane County fees, which are not a part of this code, and are not paid to the Town.

(2) In addition to any fee identified in 15.20(1) above, the person making Petition for Change of Land Use shall be responsible for all costs incurred in the notification of adjoining and adjacent landowners, either directly or as a reimbursement to the Town Clerk.

(3) As specified in Town of Cottage Grove Ordinance s. TCG § 07.02(9), there is no fee for a request for variance from a Town ordinance.

### 15.5515.21 PARKS COMMITTEE. [RESERVED FOR FUTURE USE.]

### 15.5615.22 LONG RANGE PLANNING COMMITTEE. [RESERVED FOR FUTURE USE.]

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

**APPENDIX 15-A**  
**Petition for Change of Land Use**

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

**APPENDIX 15-A**

**Notice of IntentPetition for Change of Land Use (Reverse)**

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

**APPENDIX 15-B**

**CONTRACT FOR SUBDIVISION IMPROVEMENTS**

IN THE PLAT OF \_\_\_\_\_

TOWN OF COTTAGE GROVE, WISCONSIN

AGREEMENT entered into between \_\_\_\_\_ a Wisconsin general partnership (the "Subdivider") and the Town of Cottage Grove, a Wisconsin municipal corporation (the "Town").

WITNESSETH:

WHEREAS, the Subdivider has received approval of a land division in accordance with that certain plat identified as the plat of \_\_\_\_\_ in the Town of Cottage Grove (the "Plat").

WHEREAS, Chapter 15 of the Town of Cottage Grove Code of Ordinances, the "Land Division and Planning Code" (the "Code") requires, among other things, that, as a condition of land division approval, the Subdivider shall agree to make and install all necessary public improvements for the division, including, but not limited to, standard Street and utility improvements and that said improvements be constructed by the Subdivider and dedicated to the Town without cost to the Town, and Subdivider has so agreed;

NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants hereinafter set forth, and the approval of the Plat by the Town, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby mutually agree.

[TEXT TO BE DEVELOPED AT TIME OF USE.]

By: \_\_\_\_\_  
Town Clerk

\_\_\_\_\_

By: \_\_\_\_\_  
Town Chair

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

**APPENDIX 15-B**

STATE OF WISCONSIN )

) SS.

COUNTY OF DANE )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the above-named as the Chairperson and Clerk of the Town of Cottage Grove, respectively.

\_\_\_\_\_  
Notary Public  
State of Wisconsin  
My commission: \_\_\_\_\_

STATE OF WISCONSIN )

) SS.

COUNTY OF DANE )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the above-named \_\_\_\_\_, as the designated manager of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
State of Wisconsin  
My commission: \_\_\_\_\_

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

**FIGURE 1 – LOCAL STREETS TYPICAL CROSS SECTION**

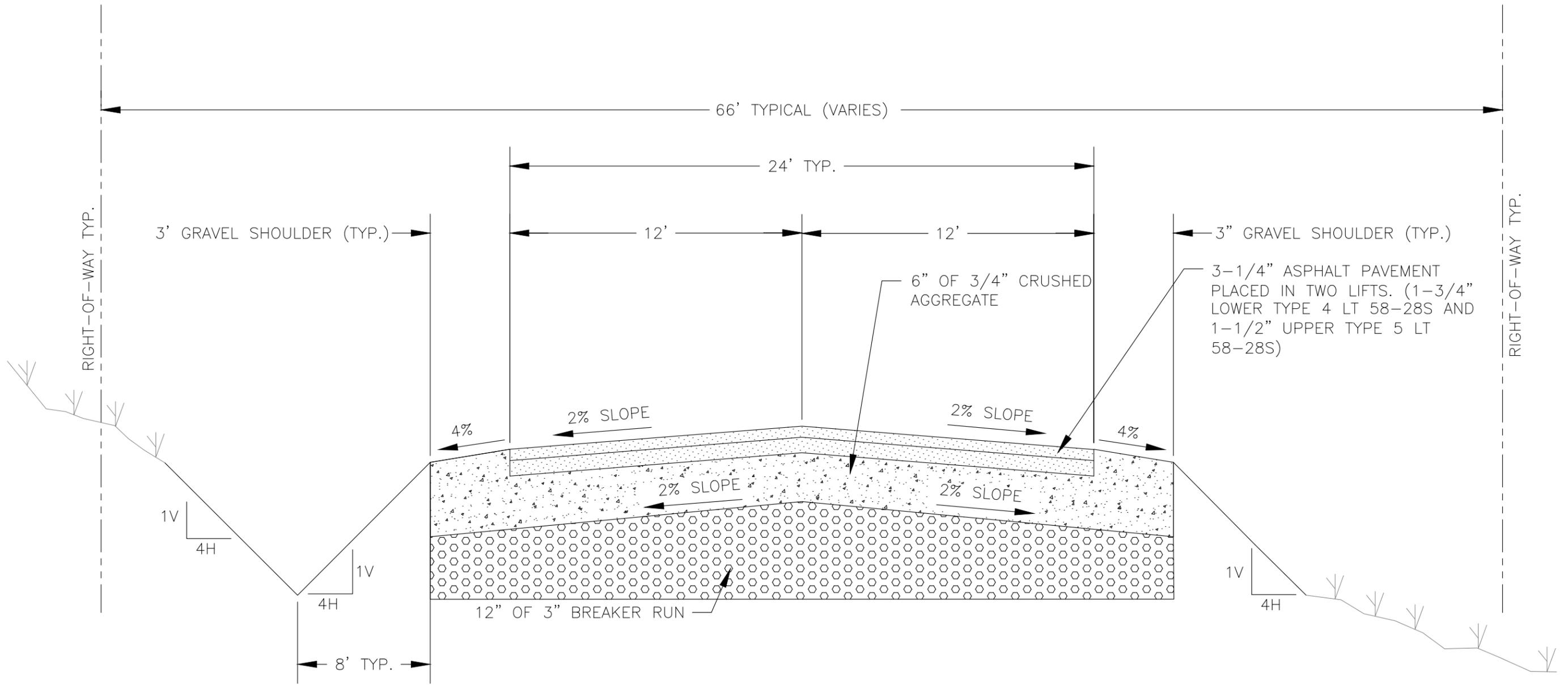
**Commented [MR33]:** See cross section figures included elsewhere in packet.

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

**FIGURE 2 – NEIGHBORHOOD CONNECTOR STREETS TYPICAL  
CROSS SECTION**

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

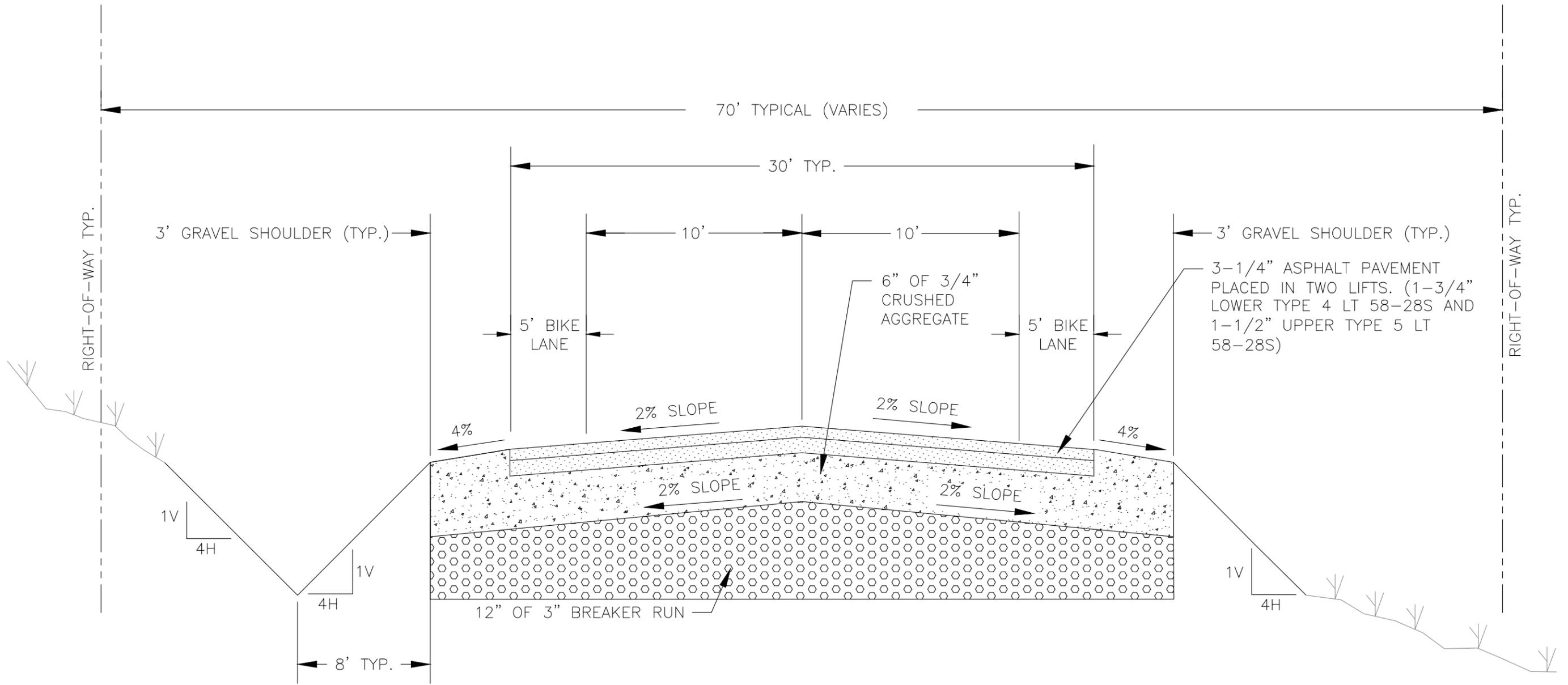
**FIGURE 3 – MINOR COLLECTOR STREETS TYPICAL  
CROSS SECTION**



**FIGURE 1 - LOCAL STREETS  
TYPICAL CROSS SECTION**

Town of Cottage Grove, Wisconsin

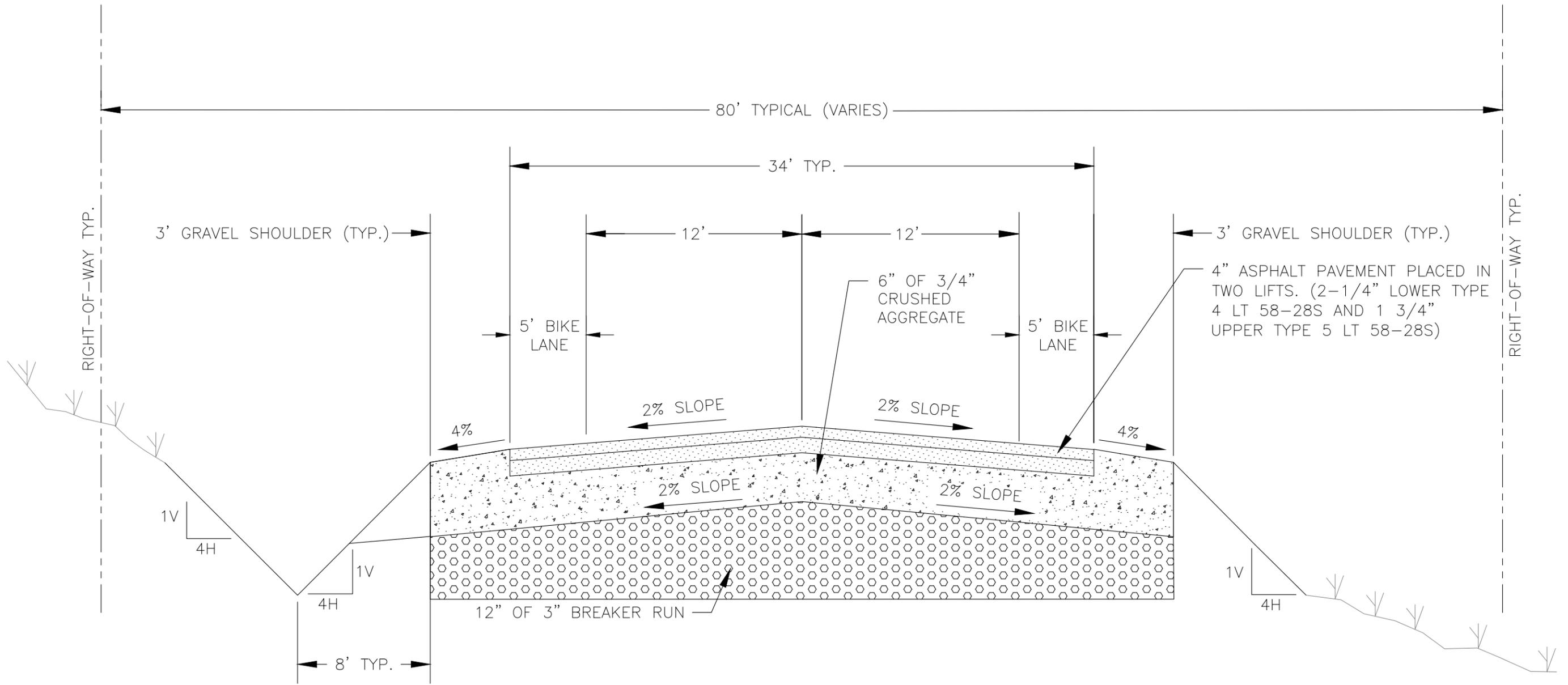
\*REQUIRED DIMENSIONS & THICKNESS ARE SUBJECT TO CHANGE AT THE DIRECTION OF THE TOWN ENGINEER DUE TO FUNCTIONAL CLASSIFICATION AND SUBSURFACE SOILS CONDITIONS



**FIGURE 2 - NEIGHBORHOOD CONNECTOR  
TYPICAL CROSS SECTION**

Town of Cottage Grove, Wisconsin

\*REQUIRED DIMENSIONS & THICKNESS ARE SUBJECT TO CHANGE AT THE DIRECTION OF THE TOWN ENGINEER DUE TO FUNCTIONAL CLASSIFICATION AND SUBSURFACE SOILS CONDITIONS



**FIGURE 3 - MINOR COLLECTOR STREETS  
TYPICAL CROSS SECTION**

Town of Cottage Grove, Wisconsin

\*REQUIRED DIMENSIONS &  
THICKNESS ARE SUBJECT TO  
CHANGE AT THE DIRECTION OF  
THE TOWN ENGINEER DUE TO  
FUNCTIONAL CLASSIFICATION AND  
SUBSURFACE SOILS CONDITIONS

**PUBLIC HEARING – CUP FOR LIMITED FAMILY BUSINESS AT 4075 VILAS ROAD**

- 1) Notice of public hearing was published in the legal section of the Wisconsin State Journal on March 9 and 16, 2022, mailed to owners of property within 500 feet, and posted at the Town Hall and on the Town's web site. A quorum was present with Kris Hampton, Steve Anders, Dave Muehl, Troy Eickhoff, Jerry Meylor, Mark Kudrna and Mike Klinger Clerk Kim Banigan took minutes. Virtual attendance was possible via gotomeeting.com.
- 2) Hampton called the public hearing to order at 7:00 P.M., and asked if there were any questions or comments from the public. There were none.
- 3) Hampton closed the public hearing at 7:01 P.M.

**PLAN COMMISSION MEETING**

- 1) Notice of the meeting was posted at the Town Hall and on the Town's web site. Attendance was the same as for the public hearing above.
- 2) Hampton called the meeting to order at 7:01 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Anders/Muehl to approve the minutes of the January 26, 2022 meeting as printed. **MOTION CARRIED 4-0-3** (Eickhoff, Meylor and Klinger abstained).
- 4) Public Concerns: None.
- 5) Christopher & Heather Dyer, applicants and owners of parcel #0711-163-8650-5 at 4075 Vilas Road – seeking a conditional use permit to operate a Limited Family Business in an existing outbuilding (DCPCUP-2022-02559): Christopher and Heather Dyer were both present. Mr. Dyer described their business, which plans (but does not host) meetings and events for non-profit organizations. Most of their business is virtual, employees include Mr. and Mrs. Dyer and two others that work remotely. With the switch to virtual operations, the office space they have been renting in Madison is more than they need, so they wish to convert space in the lower level of their barn to office space instead. Eickhoff asked about plans for the business moving forward, and why they chose the barn over the house for their business location. Mr. Dyer said if anything they plan to get smaller, but they chose the barn to create mental transition between personal and business time, and because the larger space is more conducive to outfitting with the video equipment they will need. They do not plan to put in any fixtures (water or sewer), but they do intend to heat and cool the space. Ed and Karen Zabel of 4030 Vilas Road were present. Mrs. Zabel asked for clarification about traffic that the business would generate. Mr. Dyer said there would be no additional traffic aside from occasional deliveries. They do not have any company vehicles, and there would be no exterior business equipment. The commission reviewed the conditional use standards under DCCO sections 10.101(7)(d)1 and found them all to be satisfied. Although not required, they also made findings described in DCCO s. 10.220 (3)(a) since the property is in the Ag Preservation Planning district. They determined that the proposed conditional use does not add or change any buildings or structures that would impair current or future agricultural uses of the property itself or those surrounding it. **MOTION** by Kudrna/Meylor to recommend approval of a CUP for a limited Family Business in an existing outbuilding at 4075 Vilas Road, with all standards considered satisfied. **MOTION CARRIED 5-0.**
- 6) ADJOURNMENT: **MOTION** by Meylor/Eickhoff to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 7:20 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 04-27-2022

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
APRIL 27, 2022

- 1) Notice of the meeting was posted at the Town Hall and on the Town's web site. A quorum was present with Kris Hampton, Steve Anders, Dave Muehl, Troy Eickhoff, Jerry Meylor, Mark Kudrna and Mike Klinger. Clerk Kim Banigan took minutes. Town Planning Consultant Mark Roffers was also present. Virtual attendance was possible via gotomeeting.com, however there was no one online. It was later discovered that the meeting recording had failed for unknown reasons.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Klinger/Anders to approve the minutes of the March 23, 2022 meeting as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns: None.
- 5) Dennis Richardson, applicant, H Storage LLC, landowner, parcel 0711-334-9265-0 at 3190 County Highway N: Design Review for addition to existing building: Mr. Richardson said they are looking to add 20 feet to the south side of the building for a conference/training room. Façade materials will match the rest of the building, it will look like one larger building when completed. **MOTION** by Anders/Muehl to recommend approval of the design for the 20-foot building addition as presented. **MOTION CARRIED 7-0.**
- 6) Duane Swalheim, applicant, Swalheim 2011 Rev Tr, landowner, parcel 0711-273-9000-6 east of 3475 N Star Road: Seeking rezone of 7.47 acres from FP-1 to GC to create three commercial lots: Mr. Swalheim had provided a zoning map, grading and erosion control map, initial earthwork plan, and a zoning district fact sheet with permitted and conditional uses he was not interested in crossed off. He said they plan to save all the good trees they can. Parties currently showing interest in the commercial lots are looking for warehouse facilities, no retail. He anticipates shared wells may be used. The grading plan shows regional stormwater facilities that would need to be built right away vs. having each lot control its own stormwater. Roffers that that was a good plan, and advised that that arrangements for ongoing maintenance of the facilities should be a condition on the Certified Survey map. He also recommended that the CSM include a road reservation for the cul-de-sac shown between lots 1 and 2. Discussion was that the bulb should be larger than the 60' shown, possibly 90', to accommodate truck traffic. Roffers said the Town Engineer would be able to recommend the appropriate size. There was a suggestion that the road portion of the cul-de-sac should be wider too, but discussion was that would be un-necessary as long as parking is not allowed on the road. Other CSM/deed restrictions recommended by Roffers included dedication of 33 feet on the south side of the east-west segment of North Star Road, and prohibition of any access other than for agricultural purposes to lots 3 and 4 from that east-west segment until it is improved. Swalheim asked who would pay for the improvements. Hampton said the cost of improvements could be assessed to all properties that benefit from the improvements. **MOTION** by Anders/Muehl to recommend approval the rezone of 7.47 acres from FP-35 to GC and 27.93 acres from FP-35 to FP-1 to create three commercial lots, with the following conditions: 1) All permitted uses in the General Commercial zoning district would be allowed EXCEPT Day care centers, Indoor entertainment or assembly and Transient or tourist lodging. 2) Only the following conditional uses could be proposed: Contractor, landscaping or building trades (outdoor), Communication towers, Outdoor Storage, Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above, Vehicle repair or maintenance service, 3) None of the residential uses by conditional use permit could be proposed. 4) the CSM/deed restrictions must provide for: a) arrangements for ongoing maintenance of the regional stormwater facilities, b) a road reservation for the cul-de-sac between lots 1 and 2 that will accommodate truck traffic, c) dedication of 33 feet on the south side of the east-west segment of North Star Road, d) Access to the east-west segment of North Star Road from lots 3 and 4 (other than for agricultural use) is prohibited until that segment is improved to Town Road standards. **MOTION CARRIED 7-0.**
- 7) Review and possible recommendation on amendments to Chapter 12.08 of the Town Code (Design Review): Roffers had prepared a red-line version of the Design Review ordinance, which he went through page by page

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
APRIL 27, 2022

with the Commission. His draft, which he based on work he has done for other towns, included a much more comprehensive review of design standards than the current ordinance. A significant change included a provision for the Plan Commission to be the final authority on design review, with Commission decisions appealable to the Town Board. He said this puts the decisions in the hands of the group with the most knowledge about development standards, and he has seen it used and working well in other Towns. Consensus was to leave the provision in and see what the Town Board decides. There was a discussion about what additions to existing projects should trigger design review. Hampton thought if materials were the same as the existing portion, it might not be necessary. Roffers suggested that with only the one body to appear before, it is less of a burden on the developer to go through design review, so the threshold could be lower. He will work a bit more on this language. Clarification of roles between the Building Inspector and Clerk were made. Other minor changes were noted throughout the review. Roffers will make the changes as discussed tonight and provide a new draft for the May meeting.

- 8) Review and advice on amended unified development review application form: Roffers had prepared the new Petition for Change of Land Use that included three pages that all petitioners must complete, and supplemental requirements based on what type of review is being requested. Roffers made notes of corrections as the Commission reviewed it. **MOTION** by Anders/Klinger to forward the form to the Town Board with the corrections as noted. **MOTION CARRIED 7-0.**
- 9) Next steps for comprehensive plan review and adoption; public hearing date: Roffers is working revisions needed to coincide with the recently approved Intergovernmental Agreement with the City of Madison Establishing a Potential Madison Expansion Area, which he will have complete in time for the May Commission meeting. Thoughts were to hold a public hearing with the Plan Commission and Town Board both present at 7:00 P.M. on Tuesday, July 5<sup>th</sup>.
- 10) ADJOURNMENT: **MOTION** by Muehl/Klinger to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 8:45 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 06-01-2022

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
JUNE 1, 2022

- 1) Notice of the meeting was posted at the Town Hall and on the Town's web site. A quorum was present with Kris Hampton, Dave Muehl, Troy Eickhoff, Jerry Meylor, Mark Kudrna and Mike Klinger. Clerk Kim Banigan took minutes. Town Planning Consultant Mark Roffers was also present. Virtual attendance was possible via gotomeeting.com, however there was no one online.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Muehl/Meylor to approve the minutes of the April 27, 2022 meeting as printed. **MOTION CARRIED 6-0.**
- 4) Public Concerns: None.
- 5) Election of Officers (Chair and Secretary): **MOTION** by Meylor/Muehl to elect Hampton as Chair and Eickhoff as secretary. **MOTION CARRIED 6-0.**
- 6) Review and possible recommendation on amendments to section 12.08 of the Town Code (Design Review): Items discussed included exceptions to the design review requirement regarding site and signs, and making the Plan Commission the last stop for design review (with an appeal process to the Town Board). **MOTION** by Klinger/Meylor to recommend the changes to section 12.08 of the Town Code (Design Review) pages 1-9, to the Town Board. **MOTION CARRIED 6-0.**
- 7) Review revised drafts of updated comprehensive plan volumes in advance of public hearing:
  - Conditions and Issues Volume:
    - Eickhoff questioned properties on Map 5 (Deed Restrictions) that were colored red, which the legend identified as "Other". Roffers said the Town could direct the County to put those into one of the other defined categories.
    - On page 20, third paragraph under Historic Recourses, Hampton suggested changing 'Village' to 'Hamlet'. Roffers suggested 'Settlement', which was agreeable to all.
  - Visions and Directions Volume: Roffers said tracked changes are new since the last version reviewed by the Commission. A lot of them are related to the recently approved Intergovernmental Agreement with the City of Madison.
    - Hampton wondered if the Town should start looking for a third holder for deed restrictions as described under the fourth bullet point on page 10. Roffers said the Town of Springfield has worked with Yahara Pride Farms, he will get contact information to the Clerk, and look into other options.
    - Eickhoff asked about the Southern Intergovernmental Study area mentioned on page 21. Roffers said that is in response to a request from a landowner early in the update process. Since the area has challenges such as proximity to Pleasant Springs, multiple residential landowners, terrain not conducive to commercial development, etc., it should be looked at in more depth. It is only a moderate priority in the Plan, and Roffers suggested it could be looked into after the North Star Road commercial area fills in.
    - Muehl questioned language at the bottom of page 51 stating that the Town does not consider solar fields to be farming. He was concerned that this might discourage

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
JUNE 1, 2022

landowners from preserving farmland if they thought it would rule out the opportunity for a solar field. Discussion was that solar fields are allowed as a conditional use in farmland preservation zoning districts. Consensus was to leave the language in.

- Hampton asked about the new policy to attempt to limit Village growth by allowing development without RDUs within a certain perimeter of the Village boundary. Roffers said this is included in the polices for the Neighborhood Development Area on page 31 and for the Agricultural Transition Area on page 29. Discussion was whether ¼ mile is the appropriate perimeter. Consensus was that it is, but language should be added to indicate it applies to the Village boundary on a specific date (July 5, 2022).

No action was taken, the Plan Commission and Town Board will hold a joint public hearing for the update at 7:00 P.M. on July 5<sup>th</sup>.

- 8) ADJOURNMENT: **MOTION** by Muehl/Klinger to adjourn. **MOTION CARRIED 6-0**. The meeting was adjourned at 8:08 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 08-24-2022

- 1) Notice of the meeting was posted at the Town Hall and on the Town's web site. A quorum was present with Kris Hampton, Steve Anders, Dave Muehl, Jerry Meylor, Mark Kudrna and Mike Klinger all present. Clerk Kim Banigan took minutes. Virtual attendance was possible via gotomeeting.com, however there was no one online.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Muehl/Meylor to approve the minutes of the June 1, 2022 meeting as printed. **MOTION CARRIED 5-0-1** (Anders abstained).
- 4) Public Concerns: None.
- 5) Donald Viney, Applicant, Viney Acres, LLC, Owner of parcel #0711-311-8010-0, 32.643 acres zoned FP-1 on Siggelkow Road: Proposing to rezone 2.672 acres to RR-2 and transfer a RDU from parcel #0711-363-9020-0 to create a single-family residence (DCPREZ-2022-11889): Don and Marilyn Viney were present. Mr. Viney explained that the transferred RDU would come from the farm they recently purchased at the corner of Schadel Road and County BN, which is much better farmland without any wooded area. He said the space between the existing residential lot on Siggelkow Rd. and the proposed one is to accommodate a waterway that runs through there. Hampton asked why the proposed lot exceeds the 2.0 acre maximum. Mr. Viney said they tried to shrink it down, but making it narrower would interfere with the best spot for a house to go on the northern part of the lot. There was discussion about a deed restriction on the south-east corner of the lot to prevent plantings there that would interfere with sight distance on the curve. Hampton asked about getting rid of the 90-degree curve. Viney said he was willing to deed restrict it against plantings, or even dedicate land to change the curve, which may bring the lot closer to the 2.0-acre maximum size. Rod Heller, 2906 Siggelkow Rd, said he supported the use of the existing RDU on the property to create the first lot because he thought it would be the only one. Now he is concerned that there may be even more. Lynn Heller was also concerned, saying she understood it was the Town's policy to cluster lots rather than to break up other farmland. Mr. Viney said that while he has another 6 RDUs available, he does not have intentions of using them here. **MOTION** by Anders/Muehl to approve the proposed lot, transferring a RDU from parcel #0711-363-9020-0. The farm on Schadel Road and the balance of parcel 0711-311-8010-0 must be deed restricted against further residential development. Mr. Viney should consult with Highway Superintendent Dan Dresen about how much land should be dedicated as right-of-way for future changes to smooth out the curve. **MOTION CARRIED 6-0.**
- 6) ADJOURNMENT: **MOTION** by Anders/Klinger to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:32 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 09-28-2022

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
SEPTEMBER 28, 2022

- 1) Notice of the meeting was posted at the Town Hall and on the Town's web site. A quorum was present with Kris Hampton, Steve Anders, Dave Muehl, Jerry Meylor, Troy Eickhoff and Mike Klinger all present. Clerk Kim Banigan took minutes. Virtual attendance was possible via gotomeeting.com, however there was no one online.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Meylor/Klinger to approve the minutes of the July 5, 2022 and August 24, 2022 meetings as printed. **MOTION CARRIED 5-0-1** (Eickhoff abstained).
- 4) Public Concerns: None.
- 5) Karl & Cari Dahl, applicant and owner of parcel #0711-262-8500-6, 40.98 acres zoned FP-35 at 3637 Earlwyn Road: Proposing to rezone 1.9 acres to RR-1 to create lot for family members. (DCPREZ-2022-11897): Mr. and Mrs. Dahl were both present. The Clerk confirmed that a density study confirms the Dahls do have an RDU to create a new lot (in fact, they have 2). The only concern over creation of the lot related to there not being a turn-around for emergency vehicles. Cul-de-sac and hammer-head options were discussed, with preference for a cul-de-sac among commission members. The Dahls did not have any objection to building and dedicating a cul-de-sac. **MOTION** by Anders/Eickhoff to recommend approval of rezoning 1.9 acres to RR-1 to create a new residential lot, conditional on a 90' diameter cul-de-sac being added to the plans in a location to be determined with assistance from the Highway Superintendent. **MOTION CARRIED 6-0**. This matter will be held off until the October 17<sup>th</sup> Town Board meeting to give the applicants time to have their surveyor add the cul-de-sac to the plans.
- 6) ADJOURNMENT: **MOTION** by Klinger/Anders to adjourn. **MOTION CARRIED 6-0**. The meeting was adjourned at 7:22 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 10-26-2022

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
OCTOBER 26, 2022

- 1) Notice of the meeting was posted at the Town Hall and on the Town's web site. A quorum was present with Kris Hampton, Steve Anders, Dave Muehl, Troy Eickhoff, Mike Klinger and Mark Kudrna present. Clerk Kim Banigan took minutes. Virtual attendance was possible via gotomeeting.com.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Klinger/Muehl to approve the minutes of the September 28, 2022 meeting as printed. **MOTION CARRIED 5-0-1** (Kudrna abstained).
- 4) Public Concerns:
  - a) Jeff Schlieckau, owner of parcel 0711-193-8430-0 on Gala Way, asked about exceeding the 2.0-acre limit for new residential lots (see Exhibit A). He wants to create 2 residential lots on the oddly shaped parcel, which, given the best building spots, would either require one to exceed 2.0 acres, or the creation of 4 lots in total (two agricultural), which would be averse to the conditions of the IGA between the Town and City of Madison. He was advised to contact City Planner Brian Grady to discuss options.
  - b) Kevin Raymond inquired about the property for sale at the corner of CTH BB and Ridge Road, which has a small portion zoned commercial with the remainder zoned FP-1. He wondered if the commercial area could be expanded. Hampton advised that the Town's plan does allow for expansion of existing commercial operations.
- 5) Benjamin Larson/BMS Properties LLC, applicant and landowner: Petition to change the conditional use permit (#11462) for the veterinary clinic, pet boarding and pet crematorium at 2416 County Road MN to allow for expanded services: Mr. Larson proposed to replace two structures with more modern ones, in almost the same footprints. The house would be replaced with a kennel building and the coverall building would be replaced with a solid structure. The caretaker residence condition on the current CUP could be removed, although he did propose that employees may work an overnight shift to care for the boarded dogs eventually. Outdoor play areas would be expanded, with an open pavilion over one portion. Solid fencing would be installed around the play areas, which he thought would reduce potential barking since the dogs would not be able to see out. He proposed to increase the number of dogs from 50 to 100, the number of employees from 6 to 20, with up to 15 on site at any time, and to change operating hours to Monday-Sunday from 6 am to 6 pm. His site plan showed 19 parking spots, but he said the County told him 21 would be required. He also wanted to add a second sign along CTH N.

Hampton said he would need to follow County regulations for the signs, and said a turn-around for emergency services vehicles would need to be provided. He asked if Larson knew the cost of the proposed improvements, Larson estimated in the range of \$1.2 million. He planned to make the improvements in phases, probably starting with replacement of the Coverall structure, expanding play areas and parking in 2023, then replacing the house in 2024 or 2025. He was cautioned that if the conditional use of the house as a caretaker residence was removed, the house may need to meet commercial building code. It was also noted that if the house is no longer a residence, trash and recycling collection services would no longer be provided by the Town.

Faye Hampton, 3310 CTH N, was online, and asked if he had spoken with the neighbors about his plans. He said he had not. She suggested that he do that, and felt that the significant number of

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
OCTOBER 26, 2022

additional dogs would lead to more noise.

John Hornung, 2441 Ofsthun Rd, asked if parking along the new kennel building had been considered rather than against the play area. He thought it might disturb dogs less. Larson said he was wanting to make a turn-around area there for drop-offs.

The Commission reviewed the 7 standards for conditional use permits and considered them all satisfied. **MOTION** by Eickhoff/Klinger to table until the petitioner comes back with a site plan including dimensions of improvements, 21 parking stalls, and a turn-around area for emergency vehicles, and a phasing plan. **MOTION CARRIED 6-0.**

- 6) Discussion about how CARPC can best work with local towns to promote implementation of the Regional Development Framework: CARPC Chair David Pfeiffer and Mike Rupier represented CARPC. Pfeiffer said CARPC is in the process of developing a Regional Development Framework with input from local municipalities, to guide development in the region. A Proactive Planning Committee was formed to determine how to move forward with implementing the framework. Pfeiffer noted that CARPC has no regulatory power. The discussion centered on how CARPC can incentivize cooperative planning among the fragmented governments in Dane County to be proactive in planning for development rather than letting it happen and being reactive. Successful examples do exist, including a joint Waunakee/Westport comprehensive plan. CARPC can assist by providing staff time and training of Plan Commission members. Hampton said the Town had successful dealings with the City of Madison with the recent IGA negotiations, however has been unsuccessful in getting similar cooperation from the Village of Cottage Grove.
- 7) ADJOURNMENT: **MOTION** by Klinger/Anders to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 8:46 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 11-23-2022

# EXHIBIT A

## Public Concern Item for Agenda 10/26/22

**To:** Kris Hampton, Commission Chair, Town of Cottage Grove Plan Commission

**From:** Jeff Schlieckau, Owner (608) 217-9220, Chris Adams, Surveyor

**RE:** Lot 3 Parcel: [0711-193-8430-0](#) rezone request questions

I am asking the plan commission if they would give guidance and/or approval for a potential residential lot to be sized larger than restricted maximum of 2 acres as defined on page 28 in your [Town of Cottage Grove Comprehensive Plan](#). Due to the unusual land configuration of this lot and other zoning requirements, it has been difficult to create a CSM under current rules that would result in two new proposed residential lots and one remaining Agricultural lot.

Challenges faced:

- Rezoning 1 Ag lot into 1 Ag lot 2 residential lots while retaining contiguous results
- Soil testing has been completed in 2 specific locations on 2 proposed residential lots
- Unusual shape of land configuration

Goals:

- Build residence on areas that have been soil tested and approved for septic
- Establish 3 contiguous land lots:
  - o 1 residential at approximately 2 acres
  - o 1 residential at approximately 4.5 acres
  - o 1 AG lot at approximately 10 acres
- Propose a CSM for approval that would be approved by Town of Cottage Grove, Dane County and City of Madison (if required)

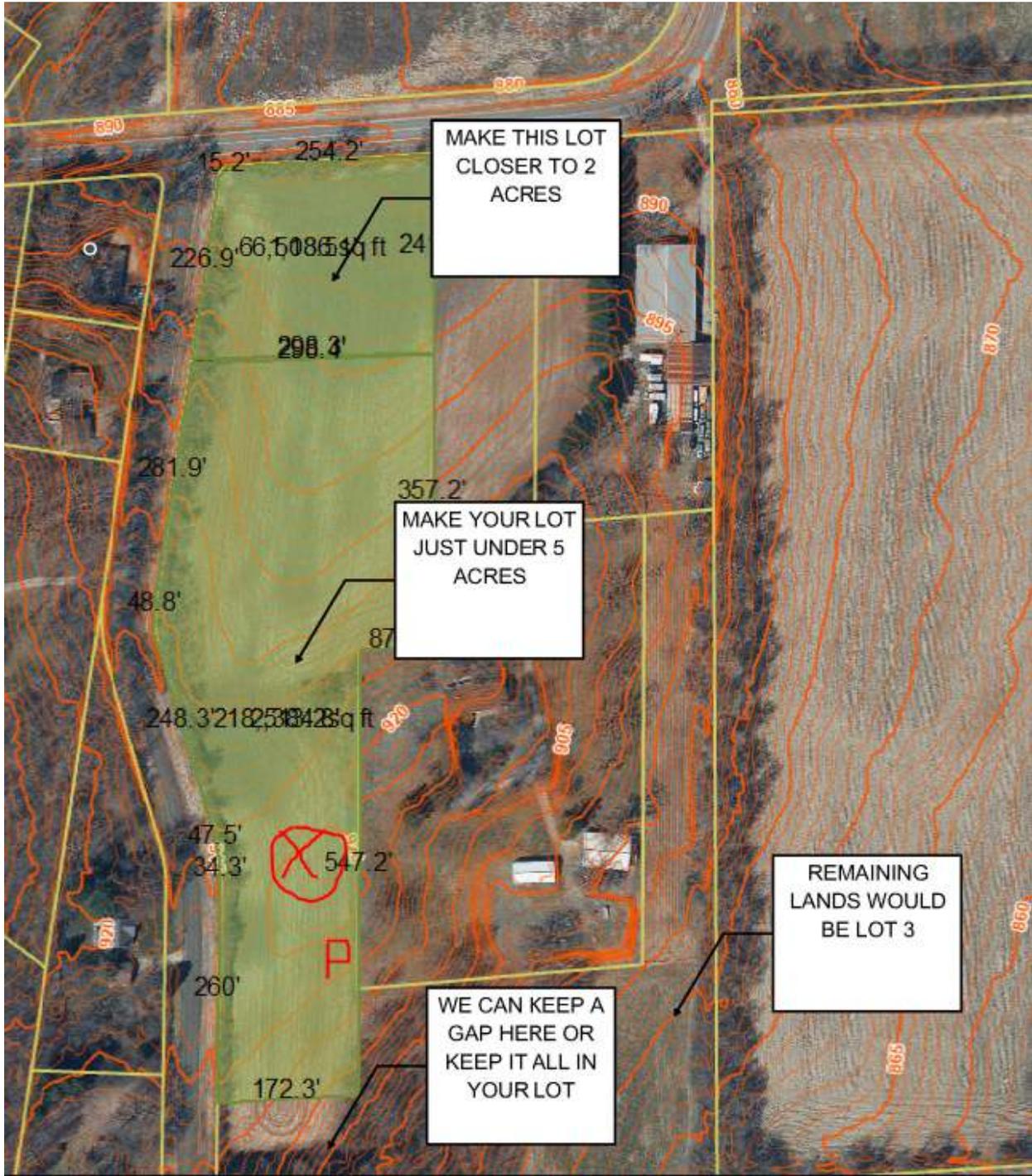
Conclusion:

Chris and I have brainstormed and attempted several possible solutions to accomplishing my goals. We believe this is the best option for not only myself but also the preservation of agricultural land in a more organized lot shape. I'm asking if you can look at this situation and give your blessing on approving 1 residential lot size greater than 2 acres. Thank you for considering.

Jeff Schlieckau  
[jschlieckau@gmail.com](mailto:jschlieckau@gmail.com)  
(608) 217-9220

I've included the proposed design plan and the soil test information as reference below.

Proposed layout for CSM:



Original proposed CSM with Current Soil Test Data

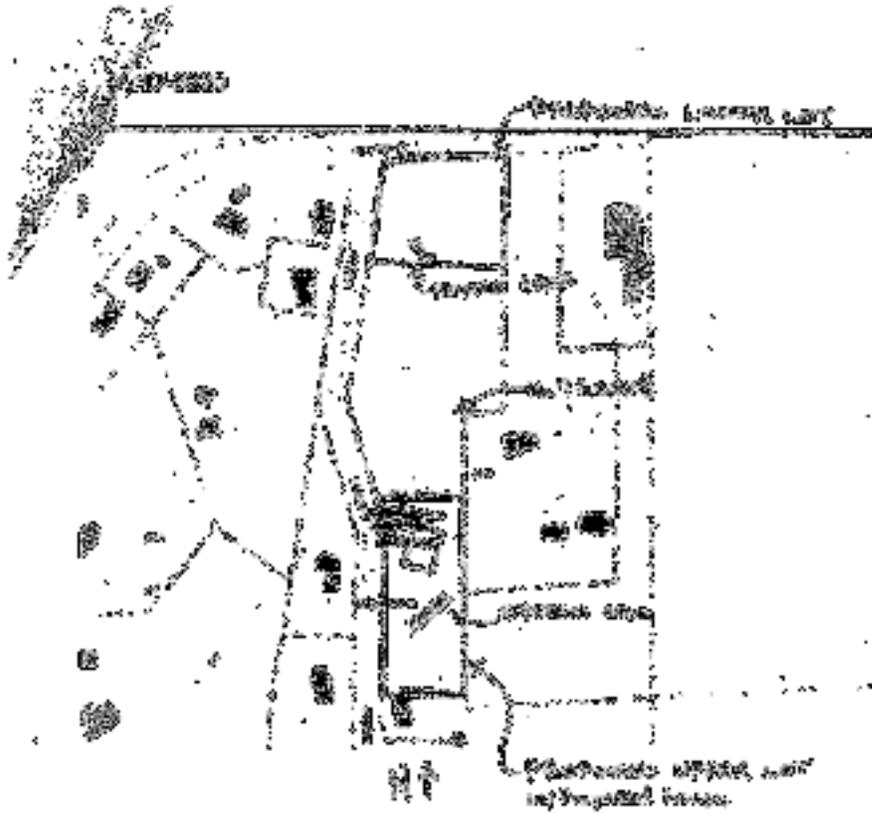


Figure 100-1000

Figure 100-1000

Doc # 5836731

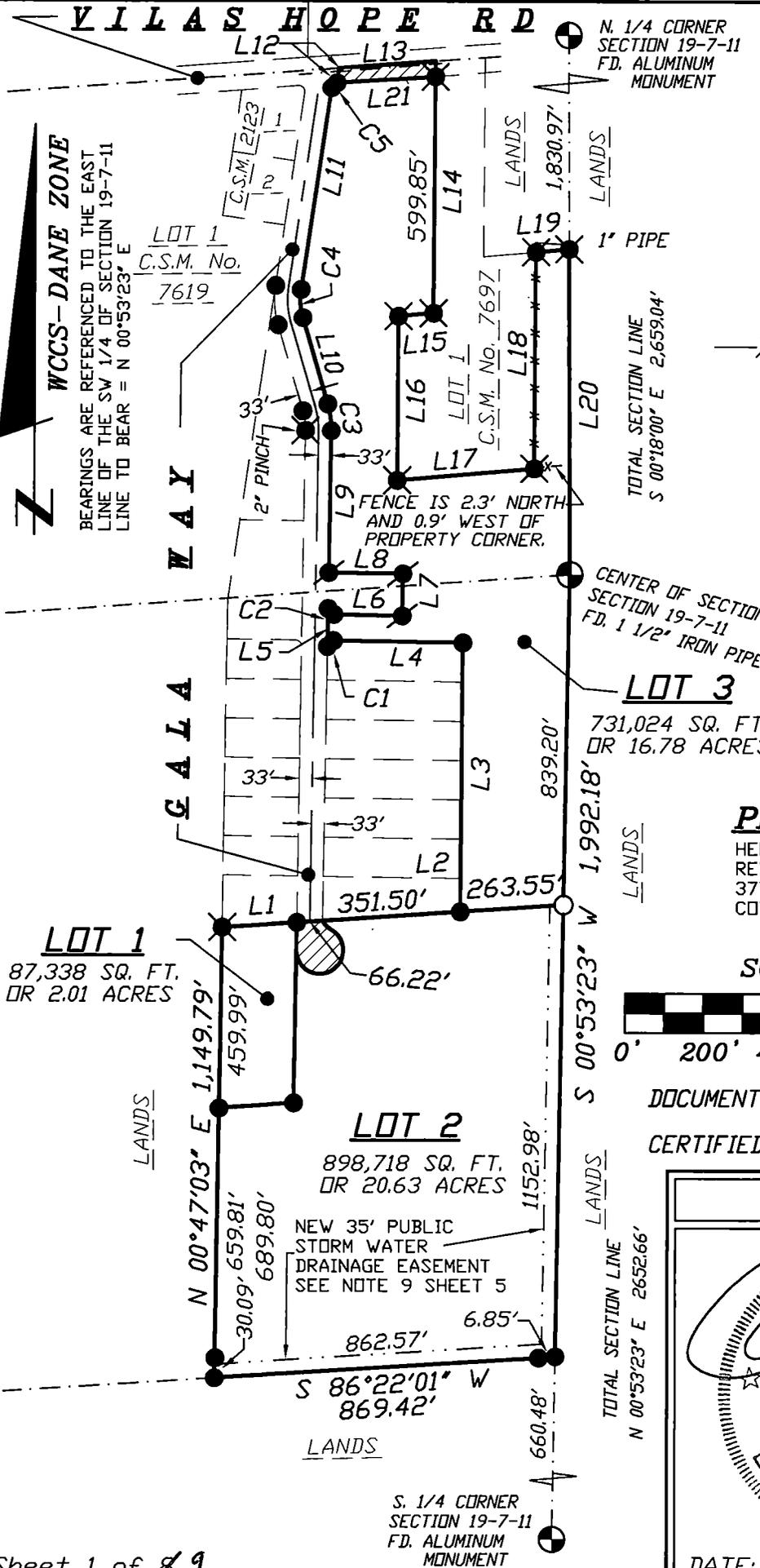


# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the SE 1/4 of the NW 1/4 & in the SE & NE 1/4's of the SW 1/4 of Section 19, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.



## LEGEND

- = SET 3/4"x24" REBAR WT 1.5 LB PER LIN FT
- = FOUND 3/4" REBAR
- ⊙ = ALUMINUM CAP MONUMENT
- ⊗ = FOUND 1 1/4" IRON PIPE (UNLESS NOTED)
- ⊕ = FOUND SECTION CORNER (AS NOTED)
- (##) = RECORDED AS
- X— = EXISTING FENCE

## NOTES:

- 1.) SEE SHEETS 2, 3 AND 4 FOR LOT DETAILS.
  - 2.) SEE SHEET 5 FOR LINE TABLE, CURVE TABLE AND ALL OTHER NOTES.
  - 3.) WETLANDS AND FLOOD PLAIN, IF PRESENT, HAVE NOT BEEN LOCATED OR SHOWN.
- NOTES CONTINUED SHEET 5....

## PREPARED FOR:

HELEN J. GALARDOWICZ  
REVOCABLE LIVING TRUST  
3779A GALA WY  
COTTAGE GROVE, WI 53527

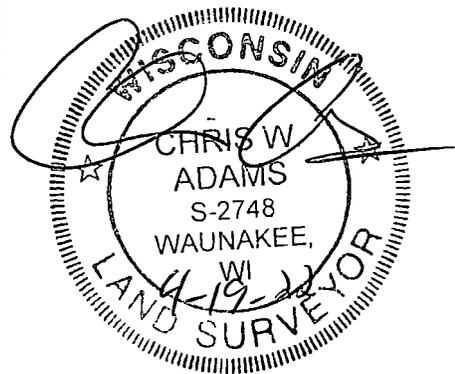
SCALE 1" = 400'



DOCUMENT NO. 5836731

CERTIFIED SURVEY MAP NO. 16023

## SURVEYORS SEAL



DATE: 4-19-2022

20W-210

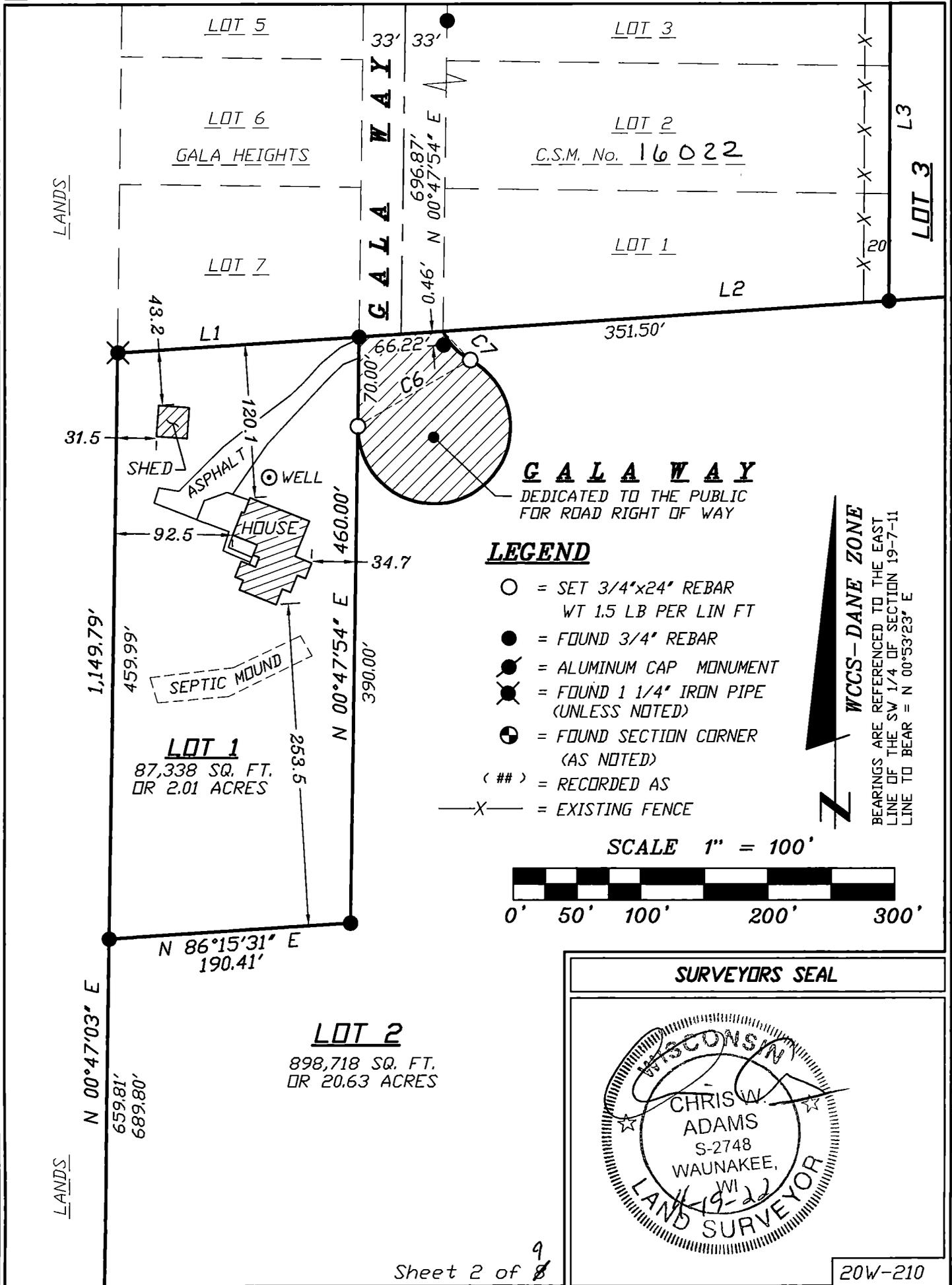


# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the SE 1/4 of the NW 1/4 & in the SE & NE 1/4's of the SW 1/4 of Section 19, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.



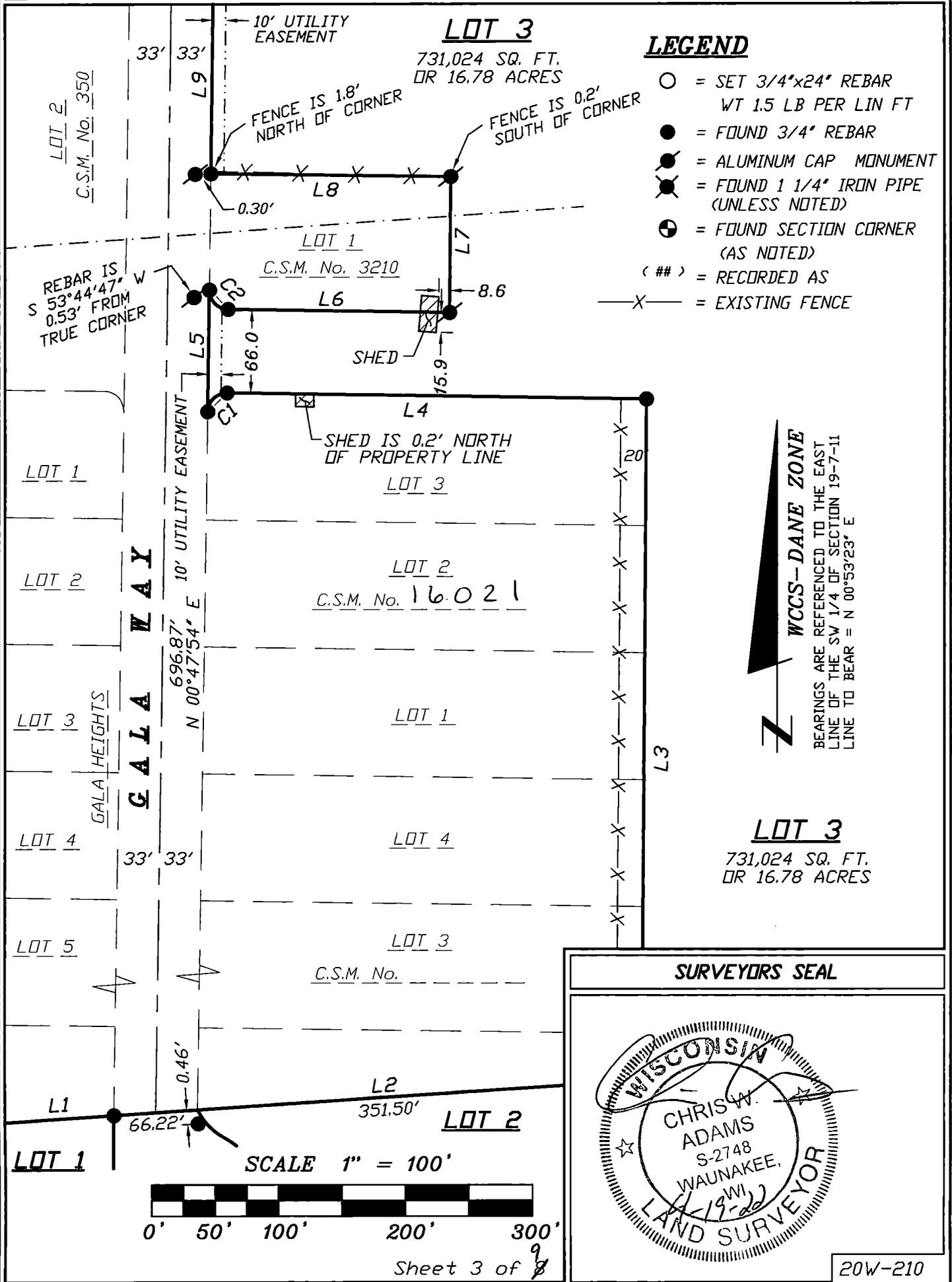


# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the SE 1/4 of the NW 1/4 & in the SE & NE 1/4's of the SW 1/4 of Section 19, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.



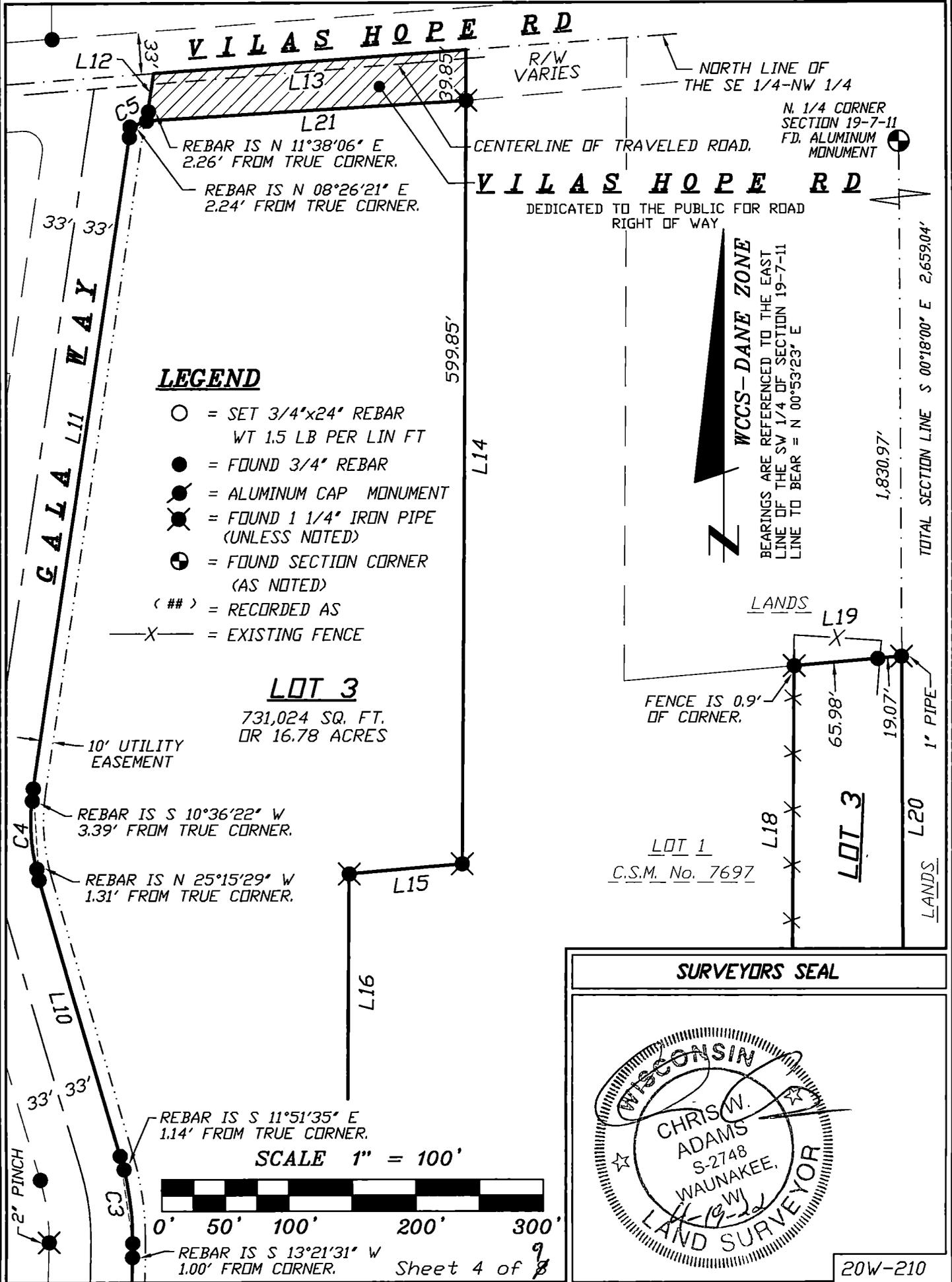


# CERTIFIED SURVEY MAP

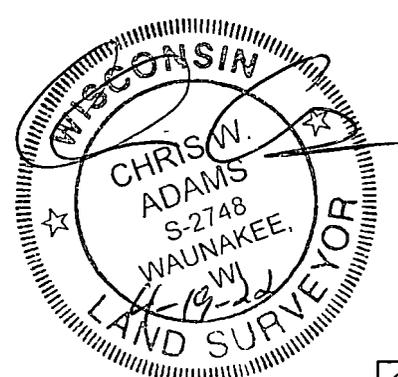
WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the SE 1/4 of the NW 1/4 & in the SE & NE 1/4's of the SW 1/4 of Section 19, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.



**SURVEYORS SEAL**



20W-210



# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the SE 1/4 of the NW 1/4 & in the SE & NE 1/4's of the SW 1/4 of Section 19, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.

### CURVE TABLE:

C#	RADIUS	CHORD BEARING AND DIST.	ARC	DELTA	TANGENT BEARING
C1	15.00'	(S 47°40'48" W 21.21') S 45°30'32" W 21.26'	23.63'	(90°00'00") 90°16'06"	N 00°22'28" E S 89°21'25" E
C2	15.00'	(S 42°15'12" E 21.24') S 44°05'44" E 21.02'	23.29'	88°57'52"	S 00°23'12" W S 88°34'40" E
C3	233.00'	(N 05°54'31" W 69.59') N 08°06'40" W 69.72'	69.98'	(17°10'38") 17°12'15"	N 00°29'37" E N 16°42'58" W
C4	167.00'	(N 02°05'11" W 71.76') N 03°41'37" W 72.04'	72.61'	(24°49'18") 24°54'38"	S 08°45'42" W N 16°08'56" W
C5	15.00'	(N 48°48'44" E) N 46°56'24" E 18.67'	20.15'	(76°58'32") 76°58'24"	S 85°25'37" W N 08°27'12" E
C6	60.00'	N 59°33'09" E 102.59'	253.94'	242°29'30"	
C7	50.00'	N 43°37'15" W 31.02'	31.54'	36°08'43"	N 61°41'37" W N 25°32'54" W

### NOTES CONTINUED:

4.) THIS SURVEY WAS PREPARED PER A TITLE REPORT PROVIDED BY DANE COUNTY TITLE, FILE # B-22226724.

5.) ALL TIES FOR THE SOUTH, CENTER AND NORTH 1/4'S HAVE BEEN VERIFIED TO BE IN GOOD CONDITION WITH THE CURRENT TIE SHEET ON FILE AT THE COUNTY SURVEYORS OFFICE.

6.) WRITTEN APPROVAL FROM THE DIRECTOR OF THE CITY OF MADISON PLANNING DIVISION IS REQUIRED PRIOR TO CONSTRUCTION OF ANY PRINCIPAL OR ACCESSORY STRUCTURES ON LOTS 1 AND 2.

7.) PUBLIC UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE BY PUBLIC BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE RIGHT TO SERVE THE AREA.

8.) FUTURE ATTACHMENT TO THE CITY OF MADISON MAY REQUIRE CONNECTION TO THE CITY WATER SYSTEM, IF/WHEN WATER SERVICE BECOMES AVAILABLE.

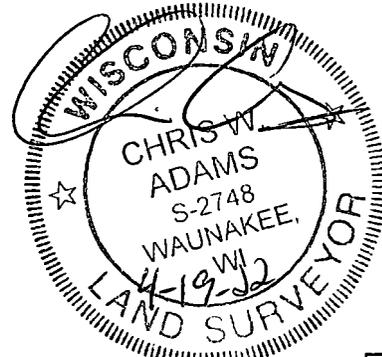
9.) NEW 35' PUBLIC STORM WATER DRAINAGE EASEMENT TO THE CITY OF MADISON.

- A.) NO ABOVE-GROUND IMPROVEMENTS OTHER THAN STORM SEWER RELATED IMPROVEMENTS SHALL BE ALLOWED IN THE PUBLIC STORM SEWER EASEMENT AREA BY THE CITY OR THE PROPERTY OWNER EXCEPT PAVEMENT AND/OR CONCRETE FOR DRIVEWAY PURPOSES SHALL BE PERMITTED.
- B.) PLANTINGS AND LANDSCAPING WITHIN THE PUBLIC STORM SEWER EASEMENT AREA SHALL BE PERMITTED WITH CONDITIONS.
- C.) THE PROPERTY OWNER SHALL NOT CHANGE THE GRADE OF THE PUBLIC STORM SEWER EASEMENT AREA WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY'S ENGINEERING DIVISION.

### LINE TABLE:

L#	BEARING	DIST.
L1	(N 88°06'12" E) N 86°15'35" E	(190.61') 190.52'
L2	(N 88°06'12" E) N 86°08'36" E	681.27'
L3	N 00°20'50" E	683.10'
L4	(N 87°19'12" W) N 89°08'10" W	330.00'
L5	(N 02°47'54" E) N 00°47'54" E	96.00'
L6	(S 87°19'12" E) S 89°08'10" E	(174.53') 174.54'
L7	(N 02°40'48" E) N 00°31'51" E	(107.00') 106.69'
L8	(N 87°19'12" W) N 89°14'22" W	(189.31') 188.88'
L9	(N 02°04'48" E) N 00°47'45" E	361.65'
L10	(N 14°29'50" W) N 16°19'58" W	(227.86') 227.04'
L11	(N 10°19'28" E) N 08°26'21" E	517.82'
L12	N 08°26'21" E	37.85'
L13	N 85°49'08" E	246.64'
L14	(S 01°34'39" W) S 00°17'44" W	(633.09') 639.70'
L15	(S 86°19'59" W) S 84°56'46" W	(89.42') 89.36'
L16	(S 01°34'39" W) S 00°18'06" W	(417.00') 417.06'
L17	(N 86°19'59" E) N 85°03'07" E	(350.56') 350.62'
L18	(N 01°34'39" E) N 00°16'24" E	(550.09') 550.38'
L19	N 84°57'09" E	85.05'
L20	S 00°18'00" E	828.07'
L21	N 86°27'18" E	251.81'

### SURVEYORS SEAL





# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the SE 1/4 of the NW 1/4 & in the SE & NE 1/4's of the SW 1/4 of Section 19, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.

### CONSENT OF MORTGAGEE:

McFarland State Bank, a bank duly organized and existing under and by virtue of the laws of the State of Wisconsin, as mortgagee of the described land, does hereby consent to the surveying, dividing, dedication and mapping of the land described on this certified survey map and does hereby consent to the below owners certificate.

IN WITNESS WHEREOF, the said McFarland State Bank, has caused these presents to be signed by its corporate officer listed below at McFarland, Wisconsin and its corporate seal hereunto affixed on this 28 day of April, 2022.

McFarland State Bank

William Borchert

PRINT NAME:

William Borchert

STATE OF WISCONSIN  
DANE COUNTY)

Personally came before me this 28 day of April, 2022, William Borchert of the above named bank, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation, and acknowledge that they executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

Dane County, Wisconsin.

My commission expires 1-20-2025

Nona M Hauey  
Notary Public



### OWNERS' CERTIFICATE:

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided, dedicated and mapped as represented on the certified survey map. I also certify that this certified survey map is required by sec. 75.17(1)(a), Dane County Code of Ordinances, to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

WITNESS the hand seal of said owners this 28 day of April, 2022.

Donald G Ehlenfeldt

Donald G Ehlenfeldt

Karen A Ehlenfeldt

Karen A Ehlenfeldt

STATE OF WISCONSIN  
DANE COUNTY)

Personally came before me this 28th day of April, 2022 the above named Donald G. & Karen A. Ehlenfeldt to me known to be the person who executed the foregoing instrument and acknowledge the same.

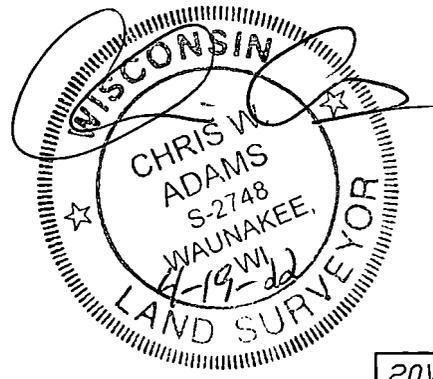
Dane County, Wisconsin.

My commission expires 1-20-2025

Nona M Hauey  
Notary Public

Nona M Hauey  
Print Name

### SURVEYORS SEAL





# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the SE 1/4 of the NW 1/4 & in the SE & NE 1/4's of the SW 1/4 of Section 19, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.

### SURVEYOR'S CERTIFICATE

I, Chris W. Adams, Professional Land Surveyor hereby certify that this survey is correct to the best of the professional surveyor's knowledge and belief and is in full compliance with the provisions of Chapter A-E 7 and Chapter 236.34 Wisconsin Statutes, the subdivision regulations of Dane County and the City of Madison, and by the direction of the owners listed below, I have surveyed, divided, and mapped a correct representation of the exterior boundaries of the land surveyed and the division of that land, being part the SE 1/4 of the NW 1/4 & in the SE & NE 1/4's of the SW 1/4 of Section 19, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin, more particularly described as follows:

Commencing at the South 1/4 corner of said Section 19; thence N 00°53'23" E along the east line of the Southeast 1/4, 660.48 feet to the point of beginning.

Thence S 86°22'01" W, 869.42 feet; thence N 00°47'03" E, 1,149.79 feet; thence N 86°15'35" E 190.53 feet; thence N 86°08'36" E 417.72 feet; thence N 00°20'50" E, 683.10 feet; N 89°08'10" W, 330.00 feet; thence along an arc of a curve concaved southeasterly having a radius of 15.00 feet and a long chord bearing and distance of S 45°30'32" W, 21.26 feet to the east right-of-way of Gala Way; thence N 00°47'54" E along said east right-of-way, 96.00 feet; thence along an arc of a curve concaved northeasterly having a radius of 15.00 feet and a long chord bearing and distance of S 44°05'44" E, 21.02 feet; thence S 89°08'10" E, 174.54 feet; thence N 00°31'51" E, 106.69 feet; thence N 89°14'22" W, 188.88 feet to the said east line right-of-way of Gala Way; thence along said east right-of-way for the next 6 courses N 00°47'54" E, 361.65 feet; thence along an arc of a curve concaved westerly having a radius of 233.00 feet and a long chord bearing and distance of N 08°06'40" W, 69.72 feet; thence N 16°19'58" W, 227.04 feet; thence along an arc of a curve concaved northeasterly having a radius of 167.00 feet and a long chord bearing and distance of N 03°41'37" W, 72.04 feet; thence N 08°26'21" E, 517.82 feet; thence along an arc of a curve concaved southeasterly having a radius of 15.00 feet and a long chord bearing and distance of N 46°56'24" E, 18.67 feet to the southerly right of way of Vilas Hope Road; thence N 08°26'21" E, 37.85 feet to the north line of the SE 1/4 of the NW 1/4 of Section 19; thence N 85°49'08" E along said north line, 246.64 feet; thence S 00°17'44" W, 639.70 feet; thence S 84°56'46" W, 89.36 feet; thence S 00°18'06" W, 417.06 feet; thence N 85°03'07" E, 350.62 feet; thence N 00°16'24" E, 550.38 feet; thence N 84°57'09" E, 85.05 feet to the east line of the said SE 1/4 of the NW 1/4; thence S 00°18'00" E along the said east line, 828.07 feet to the center of said Section 19; thence S 00°53'23" W along the east line of said Southeast 1/4 1,992.18 feet point of beginning. This parcel contains 1,739,664 sq. ft. or 39.94 acres.

Williamson Surveying and Associates, LLC  
by Noa T. Prieve & Chris W. Adams

Date April 19, 2022

Chris W. Adams S-2748  
Professional Land Surveyor

### CERTIFICATE OF CONSENT:

As option holder to proposed Lot 3, I hereby certify that I consent to the land described on this certified survey map to be surveyed, divided, dedicated and mapped as represented on the certified survey map.

WITNESS the hand seal of said option holder this 19 day of April, 2022.

Jeff Schleckau

STATE OF WISCONSIN)  
DANE COUNTY)

Personally came before me this 19 day of APRIL, 2022 the above named Jeff Schleckau to me known to be the person who executed the foregoing instrument and acknowledge the same.

Dane County, Wisconsin.

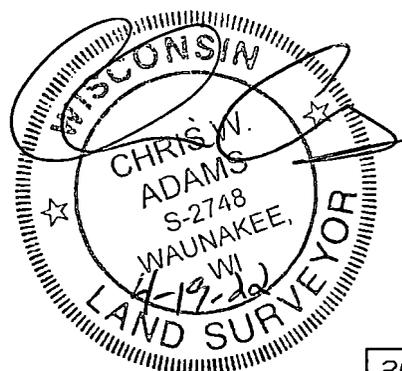
My commission expires 2-22-2025

Chris Adams  
Print Name

Notary Public

Sheet 7 of 8

### SURVEYORS SEAL



20W-210



# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

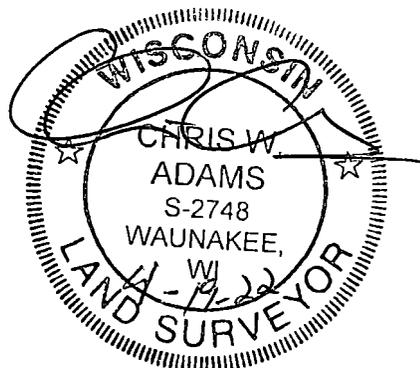
Located in the SE 1/4 of the NW 1/4 & in the SE & NE 1/4's of the SW 1/4 of Section 19, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.

**CITY OF MADISON PLAN COMMISSION:**

Approved for recording per Secretary, Madison Planning Commission  
action of 11th day of April, 2022

*Timothy M Parks*, for 25 May 2022  
Matthew Wachter  
Secretary Plan Commission

**SURVEYORS SEAL**





# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the SE 1/4 of the NW 1/4 & in the SE & NE 1/4's of the SW 1/4 of Section 19, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.

### OWNERS' CERTIFICATE:

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided, dedicated and mapped as represented on the certified survey map. I also certify that this certified survey map is required by sec. 75.17(1)(a), Dane County Code of Ordinances, to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

WITNESS the hand seal of said owners this 19 day of April, 2022.

Helen J Galarowicz Revocable Living Trust

Karen Edelhardt  
Authorized Representative

STATE OF WISCONSIN)  
DANE COUNTY)

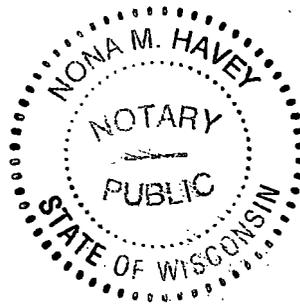
Personally came before me this 28<sup>th</sup> day of April, 2022 the above named Karen Edelhardt (trustee) to me known to be the person who executed the foregoing instrument and acknowledge the same.

Dane County, Wisconsin.

My commission expires 1-20-2025

Nona M Havey  
Print Name

Nona M Havey  
Notary Public



### TOWN BOARD RESOLUTION

Resolved that this certified survey map and road right of way dedication is hereby accepted and approved by the Town of Cottage Grove on this 20<sup>th</sup> day of April, 2022.

Kim Banigan  
Town Clerk

### ~~CITY OF MADISON PLAN COMMISSION:~~

~~Approved for recording per Secretary, Madison Planning Commission action of \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_~~

~~Matthew Wachter  
Secretary Plan Commission~~

### REGISTER OF DEEDS:

Received for recording this 27<sup>th</sup> day of May, 2022 at 12:43 o'clock P.M. and recorded in Volume 118 of Dane County Certified Surveys on pages 25 through 33.

Kristi Chlebowska by B. Diehrhoff, Deputy  
Kristi Chlebowska  
Register of Deeds

Received 5-26-22 4:18 pm

DOCUMENT NO. 5836731

CERTIFIED SURVEY MAP NO. 16023

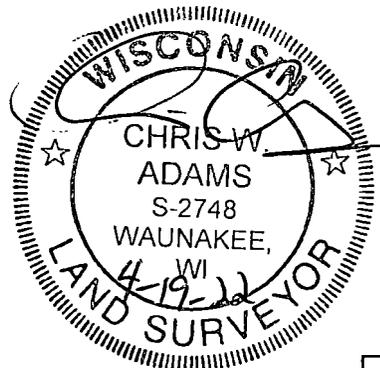
Sheet 9 of 9

### DANE COUNTY APPROVAL:

Approved for recording per Dane County Zoning and Land Regulation Committee action on MAY 26, 2022.

Daniel Everson  
Daniel Everson #10579  
Assistant Zoning Administrator

### SURVEYORS SEAL



20W-210

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
NOVEMBER 23, 2022

- 1) Notice of the meeting was posted at the Town Hall and on the Town's web site. A quorum was present with Kris Hampton, Steve Anders, Dave Muehl, Troy Eickhoff, Mike Klinger and Mark Kudrna present. Clerk Kim Banigan took minutes.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Klinger/Eickhoff to approve the minutes of the October 26, 2022 meeting as printed. **MOTION CARRIED 6-0.**
- 4) Public Concerns: None.
- 5) Benjamin Larson/BMS Properties LLC, applicant and landowner: Petition to change the conditional use permit (~~#11462~~ 2475) for the veterinary clinic, pet boarding and pet crematorium at 2416 County Road MN to allow for expanded services (tabled from October meeting): Mr. Larson had provided a new site layout including 23 parking spots. (Exhibit A). He said shortly after the October meeting, the Fire Inspector was there and said this configuration is satisfactory. 24' from the edge of the building is needed for fire apparatus to turn around. Larson said the parking stalls on the south end are 60' from the main building and 40' at the north end. His architect had also agreed with the 24'. As for sequencing, he said the improvements would be made over a 2-3 year period. They plan to remodel the interior of the middle building (3,390 sqft) in February of 2023, including cement flooring and new kennels. In May of 2023, he would like to build the Fenced Dog Run East (2,550 sqft wood plank over pea stone) and the new 25' x 55' Covered area (1,375 sqft), which he referred to as a pavilion. He was not sure if the next step would be to build a new building in place of the Covered Dog Run North (3,000 sqft) or demolish the house and build the new 35 x 90 building (4,590 sqft) in its place.

Hampton asked how dog waste is disposed of. Larson said it goes into a septic tank that is pumped 4 times per year. Hampton recommended checking with Dane County Environmental Health to be sure the Fenced Dog Run West (2,280 sqft with artificial turf) would not be too close to the well.

John Hornung, 2441 Ofsthun Rd, was not convinced that the 8' metal walls will be enough to keep dogs from barking when cars pull in and out of the 5 stalls in front of the pavilion. It was suggested that those parking spots be used for employees who would be there longer, and that sound deadening materials be installed in the wall between the dog run and the 5 parking stalls. Hampton suggested a complaint response plan is needed to define how complaints are addressed. Larson said they could divide the Fenced Dog Run East into two play decks, to create smaller play groups and have fewer dogs adjacent to the fence. He also said maybe this concern would be a reason to move quicker on the larger, totally enclosed building where the current covered dog run currently is.

Kathy Eccles, 3267 Field View Ln, asked if there will be someone there 24/7. Larson said not initially, but he is working with a consultant to add security cameras that he can view remotely. He is also looking at utilizing a room in the house for overnight boarding with an employee. Ms. Eccles was also concerned about so much of the property being built on, and felt 100 dogs is too many for the size of the property. She asked who will monitor the number of dogs? Hampton said it would be complaint driven and enforced by Dane County. There was discussion of requiring the 35 x 90 building to be built before the number of dogs can be increased to 100.

Muehl noted that the standards for CUP approval had been found satisfied at the October meeting. The conditions of the current CUP (#2475 – Exhibit B) were reviewed. **MOTION** by Muehl/Anders

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
NOVEMBER 23, 2022

to recommend approval of the petition for a new CUP with the same conditions as CUP #2475 except:

- 15) Hours of operation changed to 6 am to 6 pm, Mon-Sat, 3pm to 6 pm on Sunday
- 16) Number of employees shall not exceed 12 on site at any one time (except for staff meetings)
- 17) Maximum number of pets increased to 100 ONLY AFTER THE 35 x 90 BUILDING IS BUILT. Until then, a maximum of 50 pets are allowed.
- 19) Outdoor activities limited to a fenced in play areas for dogs ~~and a swimming pool for dogs.~~
- 20) ~~Outdoor lighting will be limited to one fixture.~~ This will be determined at the design review phase when a building permit is applied for.
- 21) Allow for a second sign as long as it meets County standards
- 22) Eliminate the single-family residence for a caretaker. This will mean that the house will need to meet commercial code until it is razed for the 35 x 90 building.

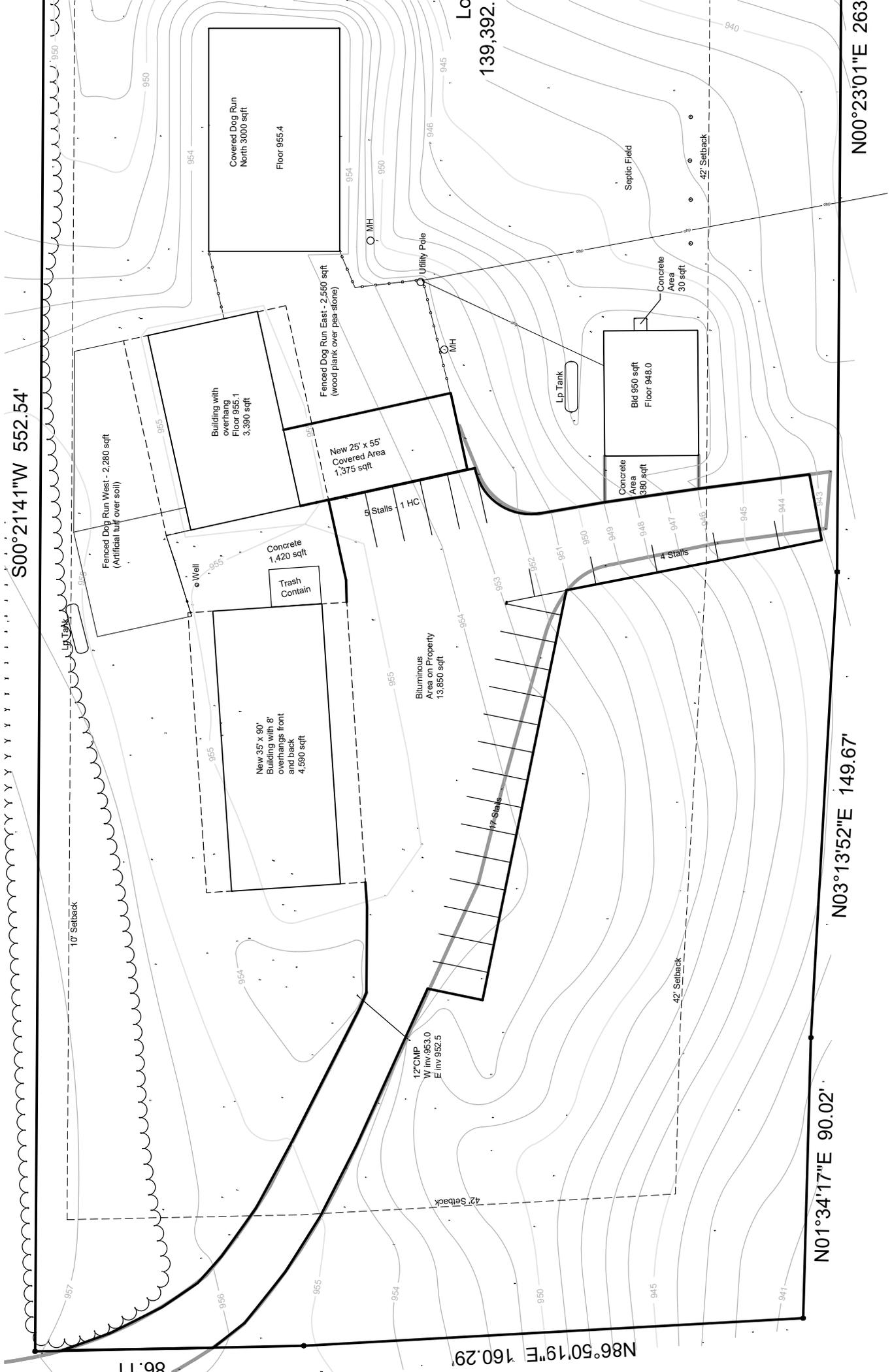
In addition, the wall between the 25' x 55' covered area must have sound deadening materials installed.

**MOTION CARRIED 5-0-1** (Hampton abstained).

- 6) Discuss/Consider recommendation regarding proposed Dane County Ordinance Amendment 2022 OA-44 regarding conditional use permit appeals: Anders said the Wisconsin Towns Association Executive Committee recommends approval of this because the Board of Adjustment doesn't have the expertise to adequately rule. **MOTION** by Hampton/Anders to recommend supporting Dane County Ordinance Amendment 2022 OA-44 regarding conditional use permit appeals. **MOTION CARRIED 6-0.**
- 7) ADJOURNMENT: **MOTION** by Anders/Klinger to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 8:12 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 12-28-2022

S00°21'41"W 552.54'



N86°50'19"E 160.29'

N01°34'17"E 90.02'

N03°13'52"E 149.67'

N00°23'01"E 263

139,392.

86.11



## **Dane County Zoning Division**

City-County Building  
210 Martin Luther King, Jr., Blvd., Room 116  
Madison Wisconsin 53703  
(608) 266-4266/266-9083  
Fax (608) 267-1540

# **DANE COUNTY CONDITIONAL USE PERMIT #2475**

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.101(7) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit # 2475 for Domestic Pet Boarding, Pet Crematorium, Single-family Residence pursuant to Dane County Code of Ordinances Section 10.272(3), subject to any conditions contained herein:

**EFFECTIVE DATE OF PERMIT: December 18, 2019**

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

**LOCATION:**

2416 COUNTY HIGHWAY MN, Town of Cottage Grove, Dane County, Wisconsin.

**Legal Description:**

Lot 1 of CSM 8277, Town of Cottage Grove, Dane County, Wisconsin

**CONDITIONS:**

- 1) Any conditions required for specific uses listed under s.10.103 of County Ordinances;
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan;
- 3) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code;
- 4) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the county zoning administrator upon request;
- 5) Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the county zoning administrator upon request;
- 6) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the

current requirements for new development of the state plumbing code and Chapter 46 Dane County Code;

- 7) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan;
- 8) Off-street parking must be provided, consistent with s. 10.102(8) of County Ordinances;
- 9) If Dane County Highway Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use;
- 10) The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site;
- 11) The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division;
- 12) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours;
- 13) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to revocation;
- 14) The facility shall run as described in the pet boarding facility
- 15) Hours of operation shall be Mon-Fri 6 to 9 a.m. and 4 to 6 p.m.; Saturday 7-9 a.m. and Sunday 4 to 6 p.m.
- 16) The number of employees shall not exceed 6.
- 17) The maximum number of boarded pets is 50.
- 18) There shall be no outside storage.
- 19) Outdoor activities are limited to a fenced in play area for dogs and a swimming pool for dogs.
- 20) Outdoor lighting will be limited to one fixture.
- 21) Signage is limited to the one existing sign to stay in its current location in front of the property facing CTH N.
- 22) The single family residence is for a caretaker only.

**THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:**

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.

7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.
8. If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220 (1).

#### *EXPIRATION OF PERMIT*

In addition to any time limit established as a condition in granting this CUP, any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with the ordinance.

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
DECEMBER 28, 2022

- 1) Notice of the meeting was posted at the Town Hall and on the Town's web site. A quorum was present with Kris Hampton, Jerry Meylor, Dave Muehl, Troy Eickhoff, Mike Klinger and Mark Kudrna present. Clerk Kim Banigan took minutes.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Klinger/Muehl to approve the minutes of the November 23, 2022 meeting as printed. **MOTION CARRIED 6-0.**
- 4) Public Concerns: None.
- 5) Michael and Sandra Goke, applicants, Steve and Patty Gausmann, owners: Petition to rezone parcel 0711-192-9002-2 at the corner of Vilas Hope Rd and CTH AB from TFR-08 to RR-2 to allow for 21-24' outbuilding to match height of proposed new home (DCCO #11924): Mr. and Mrs. Goke were present, along with property owner Steve Gausmann. Mrs. Goke explained that their purchase is contingent on a wetland delineation to be performed in the spring. The site plan includes a 75' buffer from what is thought to be the wetland line. **MOTION** by Kudrna/Klinger to recommend approval of the rezone from TFR-08 to RR-2 to allow for 21-24' outbuilding to match height of proposed new home. **MOTION CARRIED 6-0.**
- 6) Cummings and Turk Farms, LLC, applicant/owner: Petition to rezone 6.2 acres of parcel 0711-342-8690-0 at 3636 North Star Road from FP-1 to General Commercial for electrical contractor business (DCCO #11918): David Cummings was present. He said the stormwater plan (Exhibit A) will accommodate both the existing building and the second one he plans to build in the future. Outside storage was discussed, Mr. Cummings agreed it will all be behind the existing building as viewed from North Star Road, and he will install a berm with trees on top to screen the view from the north. He also agreed to pave the driveway to just over the crest of the hill. There is already a well on the property, a septic system will be installed in the location identified on the site plan once the GC zoning is approved. He understood that the existing build would be required to meet commercial building code and is subject to the Town's design review ordinance. **MOTION** by Kudra/Meylor to recommend approval of the rezone of 6.2 acres to GC, subject to the following conditions:
  - The driveway will be paved to just past the crest of the hill.
  - Outdoor storage will be behind the existing building as viewed from North Star Road, and a berm with trees will be installed to screen the view of it from the north.
  - A deed restriction will be placed on the property to a) require connection to sanitary sewer and water services when and if they become available and b) include a waiver to the normal right to object to assessments for such utility services.
  - The final CSM shall include at minimum a 75' setback from the edge of the creek, unless the creek is determined not to be a navigable waterway, and appropriate resource identification designations as directed by County and Town subdivision ordinances.**MOTION CARRIED 6-0.**

- 7) Discuss and Consider Plan Commission recommendation regarding improving the Natvig Road/CTH N intersection, including a 100-foot stub to the east for future commercial development, and extending sewer services to the future commercial area at the intersection of CTH N and US Hwy 12 & 18: Wade and Brad Huston were present. Hampton noted he does not picture a full 100' stub, but only to the edge

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
DECEMBER 28, 2022

of the County Road right-of-way, and the developer could decide which way to go from there. The cost of the intersection would be special assessed to benefiting landowners. Hampton thought it would spur development, and should be completed in 2023 or 2024, before Deputy Highway Commissioner Pam Dunphy retires. Discussion was that the intersection would improve access to the Skaar Pit to the west.

As for bringing sanitary sewer service to the future commercial area, discussion was that it could increase the value of the commercial properties and attract a different class of clientele.

Wade Huston agreed that the intersection would benefit the Skaar Pit, and confirmed that they have a potential buyer for the corner of CTH N and US Hwy 12/18 whose interest would be enhanced by sewer service, although it is not a deal-breaker.

**MOTION** by Muehl/Kudrna to recommend improving the Natvig Road/CTH N intersection and bringing sewer services to the future commercial area. **MOTION CARRIED 6-0.**

- 8) **ADJOURNMENT: MOTION** by Klinger/Meylor to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:52 P.M.

Submitted by: Kim Banigan, Clerk

Approved 01-25-2023