



DANE COUNTY PLANNING & DEVELOPMENT

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

FROM: Alexandra Andros, AICP, Senior Planner

SUBJECT: County Board Ordinance Amendment 2022 OA-023
Town of Cottage Grove Comprehensive Plan Amendment - 2022

DATE: October 10, 2022

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

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

I. SUMMARY

On July 5, 2022, the Town of Cottage Grove Board of Supervisors adopted amendments to the *Town of Cottage Grove Comprehensive Plan*. The Town has requested that the Dane County Board of Supervisors adopt the revised *Town of Cottage Grove Comprehensive Plan* as an amendment to the *Dane County Comprehensive Plan*.

II. BACKGROUND

A. Ordinance and Plan Amended: If adopted, 2022 OA-023 would amend Chapter 82, Subchapter II of the Dane County Code of Ordinances to incorporate the amended *Town of Cottage Grove Comprehensive Plan* as part of the *Dane County Comprehensive Plan*. The complete text of the proposed amendment is available online at:

<https://plandev.countyofdane.com/>

Information about 2022 OA-023 can also be found at:

<https://dane.legistar.com/LegislationDetail.aspx?ID=5763537&GUID=BFDBC584-6C26-47B6-8DFC-03FF959CD381&Options=ID|Text|&Search=2022+OA-023>

B. Action required: The County Board and the County Executive must approve 2022 OA-023 for it to become effective. Town comprehensive plans are adopted as part of the *Dane County Comprehensive Plan* under s.10.255(1)(d), Dane County Code and Intergovernmental Cooperation Policies for Town Governments (pp. 77-78) of the *Dane County Comprehensive Plan*. The *Dane County Comprehensive Plan* is adopted under Chapter 82, Subchapter II, Dane County Code, s. 59.69, Wis. Stats, and s. 66.1001, Wis. Stats.

C. *ZLR public hearing*: The Zoning and Land Regulation Committee (ZLR) advises the County Board on proposed Comprehensive Plan amendments. The ZLR Committee has scheduled a public hearing on 2022 OA-023 for **October 25, 2022**.

D. *Sponsors*: 2022 OA-023 was submitted by County Board Supervisor Melissa Ratcliff and County Board Supervisor Michael Engelberger on August 19, 2022.

III. DESCRIPTION

2022 OA-023 would amend the *Dane County Comprehensive Plan* by incorporating amendments to the *Town of Cottage Grove Comprehensive Plan*, as adopted by the Town of Cottage Grove Board of Supervisors on July 5, 2022. Unlike the past plan amendments, this plan amendment is the result of a complete rewrite of the town's comprehensive plan and is the result of a great deal of time and effort. Because it reflects a comprehensive rewrite, the planning effort included a community survey, update to background data and mapping, and addressed new topics in response to emerging trends and recent land use issues. Please see the attached current county adopted future land use plan map (Map 10) to the new one (Map 16).

IV. ANALYSIS

A. Comparison with current county-adopted town plan: As noted above, because this was a comprehensive rewrite of the town plan, new topics and/or changes to ongoing topics were discussed. These include, but are not limited to, guidelines for solar field development, consideration of different tools for preserving agriculture, increased attention to intergovernmental cooperation, and consideration of using tax increment financing (TIF) for future commercial development. Changes were made to the Future Land Use map. Some land designated *Agricultural Preservation* was changed to other future land use areas, most commonly the *Agricultural Transition*, *Neighborhood Development* and *Commercial* future land use categories. These changes resulted from a combination of the impact of the boundary agreement with the City of Madison, matching the assigned future land use category to what is actually in existence, and logical areas of infill. Policy changes regarding development rights were made to the *Agricultural Transition* and *Neighborhood Development* future land use areas.

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

1. **Housing:** Consistent
2. **Transportation:** Consistent
3. **Utilities and Community Facilities:** Consistent
4. **Agricultural, Natural & Cultural Resources:** Changes to the planned future land use map have the greatest potential impact on agricultural resources. In various places throughout the town, land came out of the *Agricultural Preservation* future land use category and placed into the *Agricultural Transition*, *Neighborhood Development* and *Commercial* future land use categories. These changes resulted from a combination of the impact of the boundary agreement with the City of Madison, matching the assigned future land use category to what is already in existence (namely residential and open space), and logical areas of infill. In its update the town better matched areas planning in the Agricultural Preservation Area with current land use and zoning. This is important to meet rules set by Department of Agriculture, Trade & Consumer Protection (DATCP) for participating in the state farmland preservation program, which is therefore also required for participating in the Dane County Farmland Preservation Plan (FPP). At least 80% of the area planned for Agricultural preservation must be zoned within a certified farmland preservation district, and although the town has been edging close to this standard this plan amendment does meet the 80% rule.
5. **Economic Development:** Consistent
6. **Land Use:** The plan contains a new policy that applies to property within ¼ mile of the Village of Cottage Grove. It states: "Once the Town designates an entire *Agricultural Transition Area* tax parcel that is greater than ¼ mile from the Village of Cottage Grove as of July 5, 2022 as appropriate for more intense development per policy #4 below, such parcel may qualify as a TDR Receiving Area with an 8-to-1 transfer ratio. However, if any part of a tax parcel the Town so designates is within ¼ mile from the Village of

Cottage Grove boundary as of July 5, 2022, transferred RDUs are not required to obtain Town approval of a residential development that is above the number of housing units (RDUs) allocated to the at May 15, 1982 tax parcel". The same policy is repeated in the *Neighborhood Development Area*. The purpose behind the policy and what plan goals it is advancing, is unclear. Not requiring use of development rights seems to run counter to the town's commitment to long-term natural and agricultural preservation. Although, considering the Village's extraterritorial jurisdiction (ETJ), the impact of the new policy would not necessarily be inconsistent with the county plan, the area on which this new policy applies should at least be shown on the Future Land Use & Transportation map (Map 16).

7. **Intergovernmental Cooperation:** Consistent. Excellent progress has been made in intergovernmental cooperation efforts, namely a fairly recent boundary agreement with the City of Madison. Please see the attached *Intergovernmental Agreement Map 13* from the City of Madison Planning Division. Many years in the making, reaching a formal agreement is a great accomplishment. The plan stresses the importance of intergovernmental agreement, including survey results that reveal town residents support for such efforts, and an in depth discussion of intergovernmental strategies, including working toward agreements with the Villages of Cottage Grove and McFarland.

VI. COMMENTS BY OTHER LOCAL GOVERNMENTS OR STATE AGENCIES

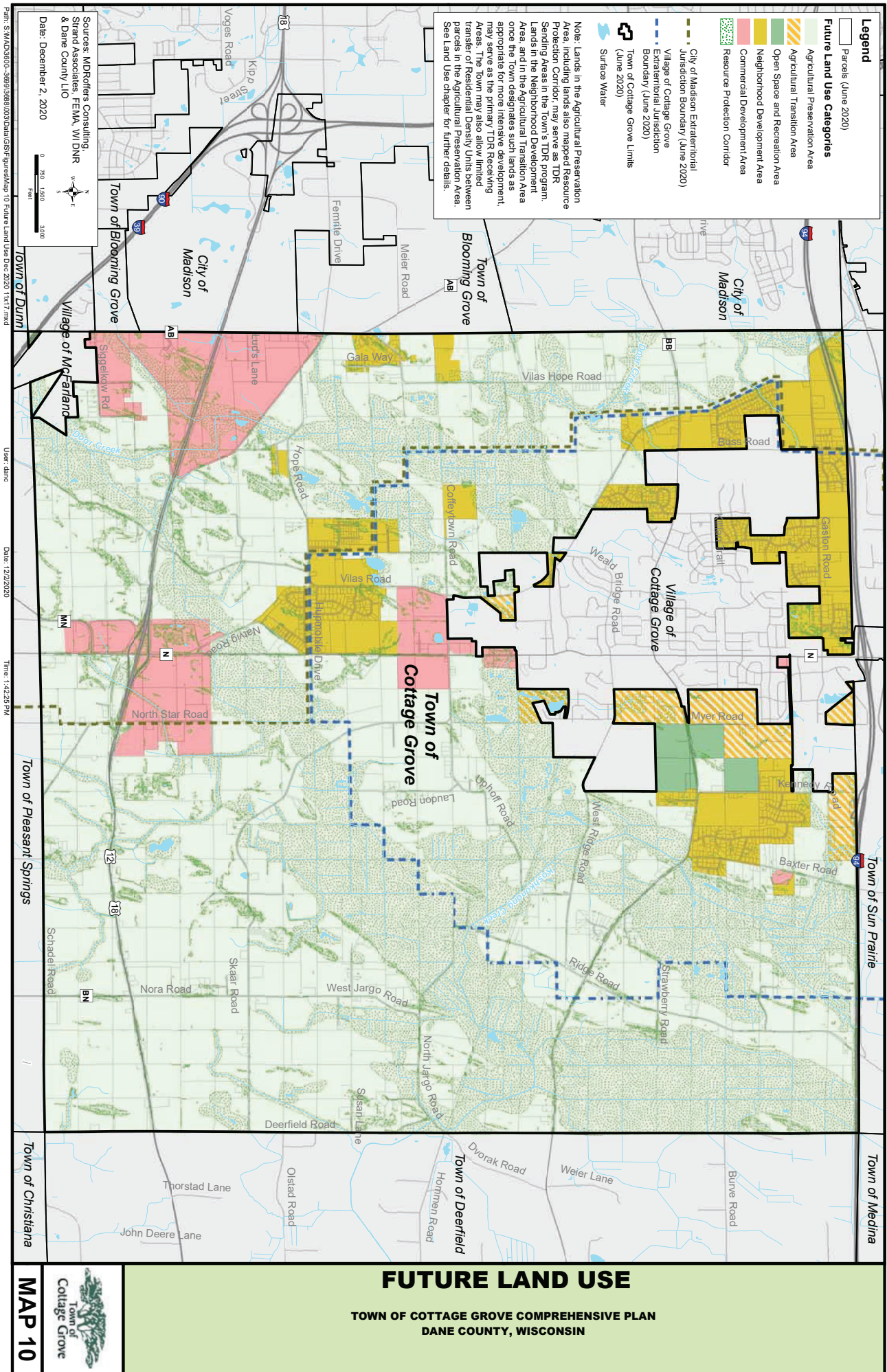
None provided.

V. STAFF RECOMMENDATION

Overall, the town embarked on a solid planning process and produced a very good plan. However, staff recommends that the committee ask the town to reconsider the new policy associated with development within ¼ mile of the Village of Cottage Grove. It comes across as counter to land use and intergovernmental cooperation goals, and without being mapped, it lacks clarity for those interpreting the plan.

If the town ultimately feels strongly about keeping the policy, because different rules apply to land within this area, it should be mapped in some fashion on the Future Land Use & Transportation map (Map 16). Perhaps, because the policy is structured to follow a boundary that is subject to change, there was reluctance to show it on the map. Updating the map to reflect changes in the Village of Cottage Grove boundary is a relatively simple task and one our department can provide for the town.

Map currently adopted by Dane County ("old" map)

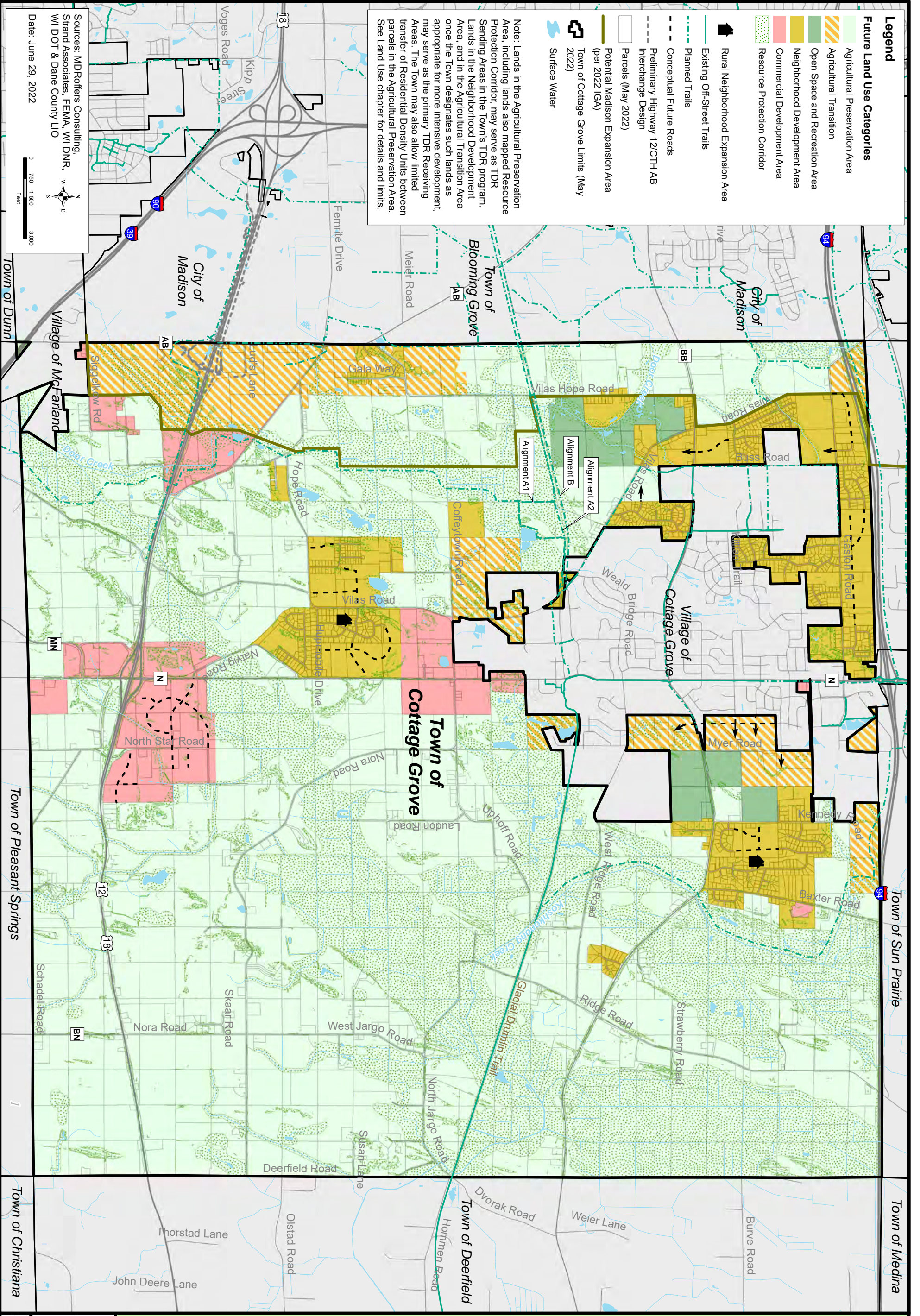


FUTURE LAND USE

**TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN
 DANE COUNTY, WISCONSIN**



MAP 10



Legend

Future Land Use Categories

- Agricultural Preservation Area
- Agricultural Transition
- Open Space and Recreation Area
- Neighborhood Development Area
- Commercial Development Area
- Resource Protection Corridor

- Rural Neighborhood Expansion Area
- Existing Off-Street Trails
- Planned Trails
- Conceptual Future Roads
- Preliminary Highway 12/CTH AB Interchange Design
- Parcels (May 2022)
- Potential Madison Expansion Area (per 2022 IGA)
- Town of Cottage Grove Limits (May 2022)
- Surface Water

Note: Lands in the Agricultural Preservation Area, including lands also mapped Resource Protection Corridor, may serve as TDR Sending Areas in the Town's TDR program. Lands in the Neighborhood Development Area, and in the Agricultural Transition Area, once the Town designates such lands as appropriate for more intensive development, may serve as the primary TDR Receiving Areas. The Town may also allow limited transfer of Residential Density Units between parcels in the Agricultural Preservation Area. See Land Use chapter for details and limits.

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

Date: June 29, 2022

0 750 1,500 3,000 Feet

North Arrow

Path: S:\MAD\3600-3699\3688\003\Data\GIS\Figures\Map 16 Future Land Use June 2022 11x17.mxd

User: danc

Date: 6/29/2022

Time: 5:00:36 AM

Town of Pleasant Springs

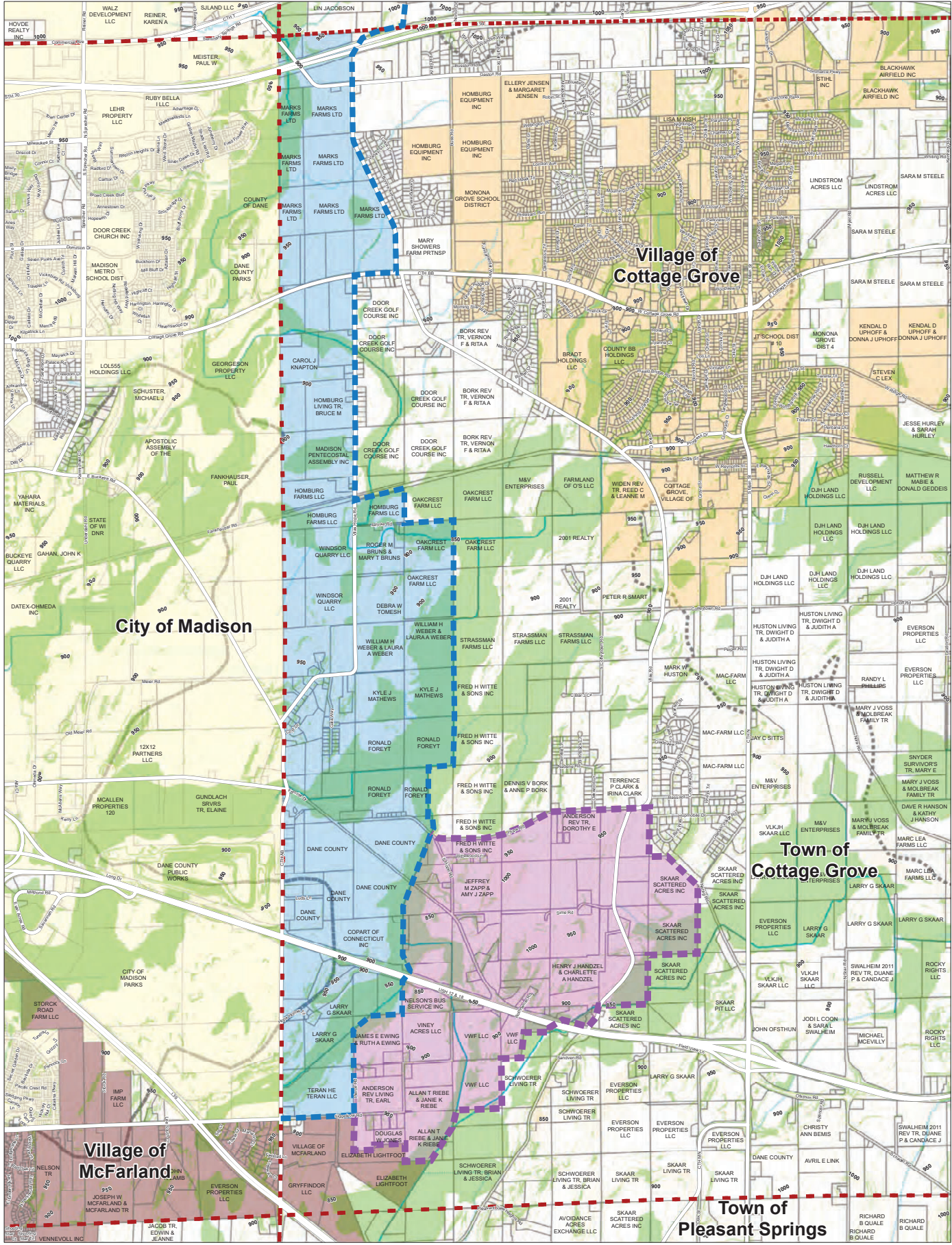
Town of Christiana

MAP 16












Town of Cottage Grove

FUTURE LAND USE AND TRANSPORTATION

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN
DANE COUNTY, WISCONSIN



Intergovernmental Agreement
 February 11, 2022
 Map 13
 City of Madison Planning Division

	City of Madison		Area A		Natural Features (Wetland, Floodplain, Steep Topography, Hydric Soils)
	Village of Cottage Grove		Area B		Perennial Stream
	Town of Cottage Grove		Intermittent Stream		10 Foot Contour Lines
	Annexation Line		Future Planning Boundary		