
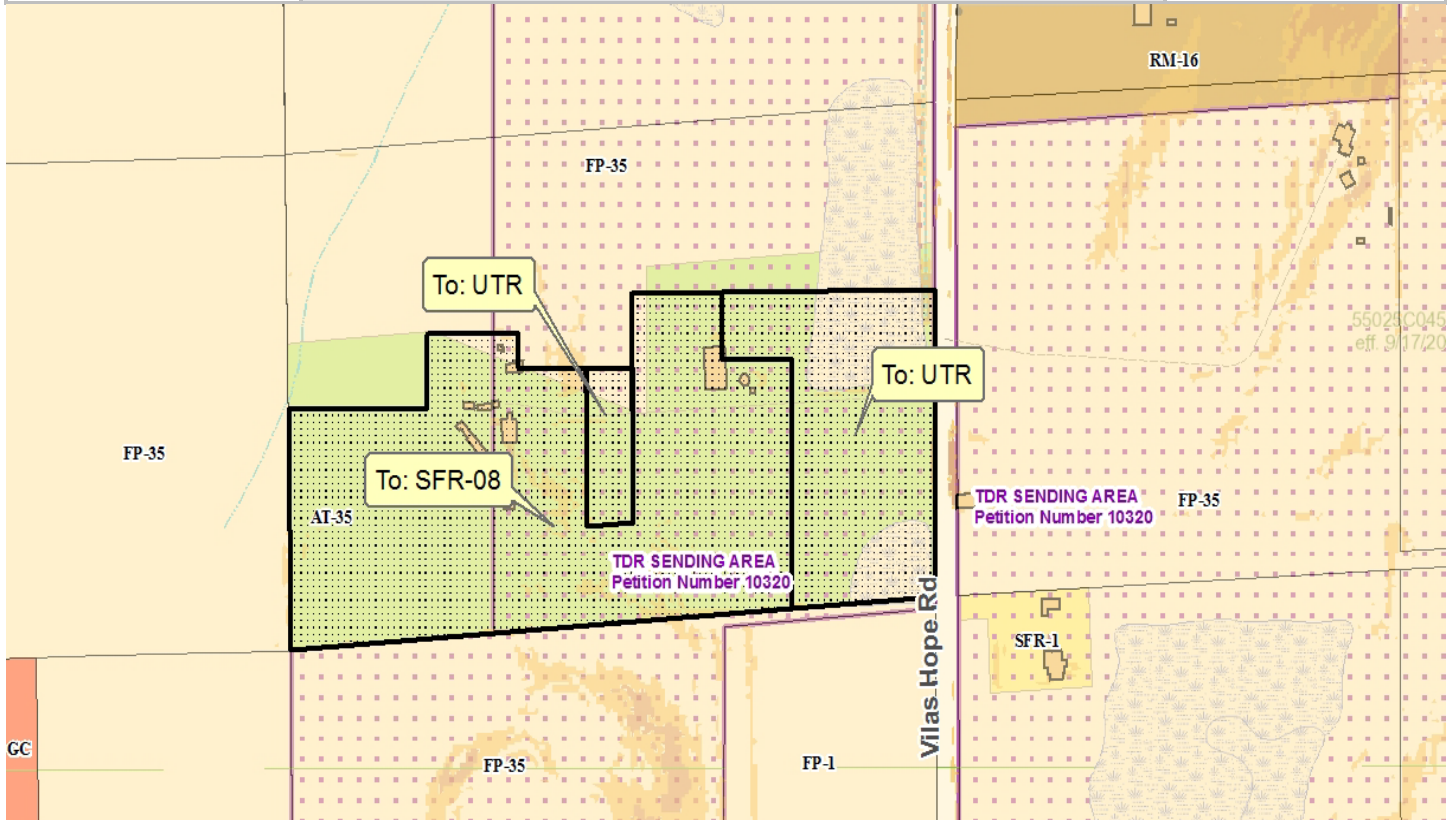


Staff Report  Zoning and Land Regulation Committee Questions? Contact: Majid Allan: 267-2536	Public Hearing: December 17, 2019	Petition 11500	
	<u>Zoning Amendment Requested:</u> AT-35 (Agriculture Transition) District TO SFR-08 (Single Family Residential, small lots) District, AT-35 (Agriculture Transition) District TO UTR (Utility, Transportation and ROW) District	<u>Town/Section:</u> COTTAGE GROVE, Section 18	
	<u>Size:</u> 23.19,10.72 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> WINDSOR QUARRY LLC
	<u>Reason for the request:</u> 18 lot residential subdivision		<u>Address:</u> 3973 VILAS HOPE ROAD



DESCRIPTION: The applicant proposes to create an 18 lot residential subdivision with three (3) stormwater outlots. The development proposal will utilize the town’s transfer of development rights (TDR) program. If approved, the proposed transfer of development rights will result in the permanent preservation of at least 70 acres of land in one of the town-designated TDR sending areas.

OBSERVATIONS: The subject property is north of an existing small residential development, and the majority of the remaining surrounding land is in agricultural use. The western boundary of the rezone area is the boundary between the town of Cottage Grove and the Town of Blooming Grove. The property is within the City of Madison Extraterritorial Jurisdiction (ETJ), and outside of the urban service area (USA).

TOWN PLAN: The property is located in a neighborhood development area (TDR receiving area) as designated in the town of Cottage Grove comprehensive plan.

As described on page 17 of the *Town of Cottage Grove Comprehensive Plan*, the TDR policy is intended to:

- *Maintain the Town’s rural agricultural character;*
- *Preserve large viable areas of farmland with a minimum of non-farm divisions;*
- *Allow farmers to collect a reasonable non-farm value on their land without dividing lots;*
- *Transfer RDUs towards areas of existing development and services; and*

- *Help ensure the long-term viability and land base of the Town.*

The town of Cottage Grove uses a density policy, including the town “Residential Development Unit (RDU) System.” The system is described as follows:

A Residential Density Unit (RDU) is defined as the ability of a property owner in the Town to develop or maintain one housing unit on the same property, subject to the density and other policies in this Plan. Properties are allocated RDUs based on their area. The Town enables RDUs to be:

- *Developed on the same parcel where they originated, in which case one RDU may be used to construct a single family residence, two RDUs may be used for one duplex, etc., based on Plan polices and zoning district rules;*
- *Transferred from that parcel to another parcel where consistent with the Town’s Transfer of Development Rights (TDR) program, described in Figure 3, in which case the number of permitted housing units per RDU may be multiplied per the designated TDR transfer ratio; or*
- *Some combination of on-site use or transfer, if there are a sufficient number of RDUs remaining on the parcel.*

As part of the town’s TDR program, there is a transfer ratio of 1 to 8, meaning one residential development unit (RDU) transferred from a sending area can create 8 residential development lots in a receiving area. The density study report shows that there are 3 RDUs associated with this property. These can be used to create 3 of the 18 lots. The remaining 15 will require transfer of RDUs from a sending area of the town. This is a combination of on-site use and transfer of RDUs. At a 1:8 ratio that means the applicant needs to purchase 2 RDUs from other properties located in an *Agricultural Preservation Land Use Area* sending area (TDR-S). The applicant has not yet indicated which TDR-S sending area property they will acquire the two RDUs from.



RESOURCE PROTECTION: There are mapped wetlands on portions of the property that are identified as outlots on the preliminary plat (OL #1 and OL #3).

STAFF: In order for development rights to be transferred to this property, the entire development area must also be rezoned to the TDR-R (transfer of development rights receiving) overlay district.

The applicant has to provide evidence that they are in the process of acquiring 2 RDUs from other eligible sending area property(ies) in order to create 15 of the 18 lots proposed. This evidence should be in the form of a secured option to purchase or another legally recognized tool. This is in keeping with the town TDR policy (p. 17 of the town’s Comprehensive Plan) and the most recently approved TDR development proposal (petition #11283 by Riesop farms LLC).

In addition, as required in *Section 10.305(4) Applicability Near Incorporated Municipalities* of the Zoning Ordinance, when the land is within the extraterritorial plat review jurisdiction (ETJ) of an incorporated municipality, the County Board cannot rezone the property to TDR-R unless it is consistent with the town and city comprehensive plans.

Staff have advised the applicant on these requirements. City of Madison staff have indicated they believe the proposal to be inconsistent with the city’s applicable peripheral area plan. The applicant had previously engaged in discussions with city staff and made some changes to the plat to address staff concerns. However, it is unknown if the changes to the proposal are sufficient to resolve the broader concerns outlined by city planning staff as outlined in a memo from January 2019.

Staff recommends postponement until:

- The applicant identifies the sending area property from which the 2 required RDUs will be acquired and transferred. A secured option to purchase or other legally recognized tool should be provided; and
- In order to meet the requirements of *10.305(5)(b)*, evidence is provided that the City of Madison and Town of Cottage Grove are working to address and resolve inconsistencies between their comprehensive plans.

Once the sending area property is identified, staff will conduct a density study to verify the RDUs are available for transfer. Staff will also update this report to include specific recommendations.

TOWN: The town of Cottage Grove Plan Commission recommended approval of petition #11500 with conditions. See *Town Action Report*.