

STAFF REPORT FOR PETITION #10992, Town of Cottage Grove

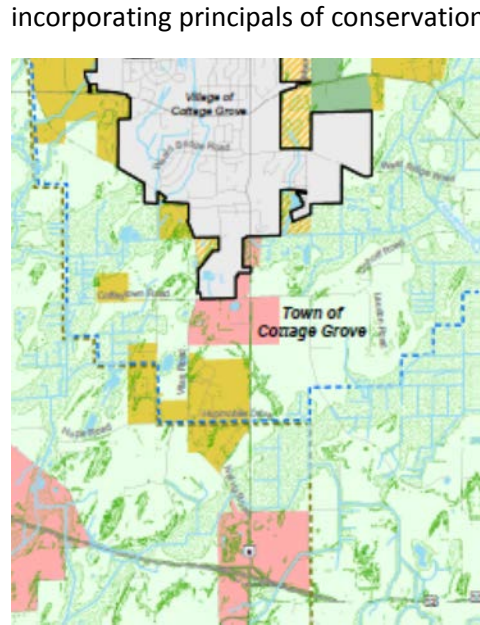
June 28, 2016 ZLR Public Hearing



DESCRIPTION: The petitioner would like to rezone an 11.4 acre A-2(8) parcel to the R-2 Residence district and the TDR-R overlay district in order to develop a 15-lot residential subdivision. Proposed lots are all around one half acre in size, with the smallest lot being 21,946 sq. ft. and the largest being 42,433 sq. ft. (average size is 26,145 sqft). The proposed subdivision will be an addition to the Skyhigh subdivision.

OBSERVATIONS: The property is located just north and east of other residential subdivisions (2nd addition to Rolling Wheels and 3rd addition to Skyhigh). To the north is a single-family residence and a farm equipment repair business. The subject property is located with the Village of Cottage Grove Extra-territorial Jurisdiction (ETJ). The property is NOT within the Village of Cottage Grove urban service area (USA), therefore, these lots will have to be served with private well and septic.

TOWN PLAN: The subject property is located in the *Neighborhood Development Area* (shown in orange in the image below). The purpose of this area is to “map over and near pre-existing areas of rural residential subdivisions and use (see Map 10), for residential uses served by private waste treatment systems; promote sustainable residential development by encouraging infill around existing development and



incorporating principals of conservation neighborhood design; provide opportunities for a range of single family housing choices, including estate and affordable single family housing; enable limited neighborhood-serving, small-scale commercial and institutional uses”. The plan includes a Transfer of Development Rights (TDR) policy. The purpose of the TDR policy is “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; and transfer RDUs towards areas of existing development and services”. Only land located in the Agricultural Preservation Area qualifies as a sending area. For RDUs to be sent, the sending land must be zoned with the county’s TDR-S overlay district, and the receiving area must be zoned with the TDR-R overlay district as well as the appropriate residential district.

In the *Neighborhood Development Area*, there is bonus ratio built into the TDR policy. As stated in the plan: “For each RDU transferred from a TDR Sending Area to a Neighborhood Development Area, the developer is able to develop eight housing units above the number of housing units allocated to the May 15, 1982 parcel, provided that the developer met all other applicable regulations and policies”.

Density Study and TDR program analysis: The owner, Mr. Viney, requested a determination as to the potential density units or “splits” available to 23 different parcels all located in the Town of Cottage Grove. The town of Cottage Grove refers to these as residential dwelling units (RDUs). The parcels came from six different “original farms”. An original farm is defined by ownership as of May 15, 1982 as defined in the town’s density policy. The majority of the 23 parcels fall into the *Agricultural Preservation Area* of the plan, where the density policy applies, and some fall within what is now the *Commercial Development Area*. Mr. Viney has 6, (possibly 7 depending on changes in progress on the original Dahl farm), RDUs available from these 23 parcels.

For parcels in the *Agricultural Preservation Area*, the owner can utilize the town’s transfer of development rights (TDR) policy, to send those RDUs to receiving areas in different locations in the town. In the *Neighborhood Development Area*, the transfers can occur at a ratio of 8 to 1, in other words, one RDU from a sending area, can equal up to eight in the receiving area. Applied to this proposal, Mr. Viney will use two of his RDUs to develop 15 lots in this subdivision.

Town minimum lot size and other design guidelines: The minimum lot size in this area is 20,000 and the maximum is one acre. “Incorporating principals of conservation design” is Included in the purpose statement for the *Neighborhood Development Area*, but there are not any related specific design guidelines listed in the land use element of the town plan.

VILLAGE OF COTTAGE GROVE COMPREHENSIVE PLAN: The subject property is identified as *Agriculture/Rural* in the Village of Cottage Grove Comprehensive Plan. It also falls inside of the Village ETJ boundary. Although one could recognize this as a conflict between the town and village plans, in the case

of this specific proposal, the Town and Village have entered into an agreement to allow residential development.

DANE COUNTY COMPREHENSIVE PLAN: Because the county comprehensive plan is made up of both the town of Cottage Grove and Village of Cottage Grove plan, the most important plan element is the *Intergovernmental Cooperation element*. The town and village have entered into a formal agreement for this particular development. In it, the Village agreed to waive its ETJ authority for this subdivision.

RESOURCE PROTECTION: No portion of the property is located in the resource protection corridor.

STAFF: The proposal meets the dimensional standards of the R-2 Residence zoning district. The minimum lot size for residential lots served with a septic system is 20,000 sq. ft. The proposal is reasonably consistent with the town plan. The village of Cottage Grove has indicated its support for the proposal by resolution, thereby making the proposal consistent with the county TDR ordinance and comprehensive plan. Because of the transfer of development rights involved in this proposal, it is very important that the RDUs, where they are coming from, where they are going to, and all related notification is completed and recorded properly. For this reason, staff suggests the following condition of approval, which comes straight from page 17 of the *Town of Cottage Grove Comprehensive Plan*:

County Zoning will become effective and the subdivision plat may be recorded only after evidence is provided to the Town and the Dane County Zoning Administrator that the required TDR Easement is recorded against the Sending Area. Also, before obtaining zoning and building permits for new development in the Receiving Area, the developer must provide all of the following to the Town and the Dane County Zoning Administrator:

- a. TDR Notice document on the affected Receiving Area lot.
- b. A letter from the Town of Cottage Grove Plan Commission indicating that the TDR transaction is consistent with transfer ratios, siting criteria, and all other applicable policies of the *Town of Cottage Grove Comprehensive Plan*.
- c. A letter from the Dane County Department of Planning and Development, Planning Division indicating that the TDR transaction is consistent with the Dane County Comprehensive Plan and Zoning Ordinance.

The applicant identified which of his RDUs will be used for this proposal. One will come from the original Dahl farm, and the other from the original Wood farm.

As a **condition of approval**, a conservation easement document must be recorded on portions of the original farms in an amount commensurate to the number of RDUs being transferred. If/when the petition is approved by the town board, staff will provide a detailed recommendation regarding the required conservation easements to be recorded on the sending area farms.

TOWN ACTION: As of June 23rd, we have not yet received a Town Action Report for this petition.