



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: Pamela Andros, AICP, Senior Planner

SUBJECT: County Board Ordinance Amendment 2020 OA-016
Town of Cottage Grove Comprehensive Plan Amendment - 2020

DATE: October 16, 2020

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 1, 2020, 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, 2020 OA-016 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/>

B. *Action required:* The County Board and the County Executive must approve 2020 OA-016 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 2020 OA-016 for **October 27, 2020**.

D. *Sponsors*: 2020 OA-016 was submitted by County Board Supervisor Melissa Ratcliff on September 5, 2020.

III. DESCRIPTION

A. 2020 OA-016 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 1, 2020.

IV. ANALYSIS

A. Comparison to current town plan. This plan amendment builds upon the town's comprehensive plan (adopted in and subsequent amendments, addressing issues and requests that came up during their 2020 annual plan review). The amendment is made up of text policy changes and several changes to the future land use map.

Significant Text Changes:

Transfer of Development Rights (TDR)

The purpose statement for the town TDR program (Figure 3 of the town plan), says it has the following purposes:

- Maintain the Town's rural, agricultural character.
- Preserve large viable areas of farmland with a minimum of non-farm divisions.
- Allow farmers to collect a reasonable non-farm value on their land without dividing lots.
- Transfer RDUs towards areas of existing development services.
- Help ensure the long-term viability and land base of the Town.

One of the text changes is a policy change related to the town's Transfer of Development Right (TDR) policy. The new policy allows for the transfer of development rights between unrelated land owners at a 1:1 ratio, from one piece of land in an *Agricultural Preservation* land use area to another. Currently the town policy does not allow for this. Instead, such a transfer can only be from one property in the *Agricultural Preservation* area to another under the same ownership. This proposed policy change is consistent with town and county land use goals.

The key part of the town's TDR program allows a transfer of a development rights from an *Agricultural Preservation* area to a "Neighborhood Development" area. The *Neighborhood Development* area serves as receiving area and allows a 1:8 transfer ratio, meaning one development right from an *Agricultural Preservation* area allows for up to 8 residential lots being created in the *Neighborhood Development* area. This amendment does not make changes to this policy, but it should be noted that a 1:8 ratio is outside of the norm. The purpose of TDR programs is to preserve something (in this case farmland) while allowing development elsewhere. One can argue that at this high of a ratio, the program encourages development more than it preserves farmland.

Plan Amendment Process

The current amendment process is that the plan will be evaluated for potential amendments once every year, with the process starting in February. Between February 15 and March 15 of each year, the Town accepts requests from property owners, potential developers, and other interested stakeholders for Plan amendments. This plan amendment would increase the potential number of times the plan is amended by inserting the following language:

The above process may be adjusted or enhanced through *Plan* amendments at other times in one or more of these situations:

- The Town is faced with a particular challenge or problem that, in its determination, needs more immediate attention than waiting for the normal Plan amendment cycle would allow.
- The Town enters into or amends an intergovernmental agreement that directs Plan changes on a different cycle.
- The Town is approached with a unique economic development opportunity, such as a new business that would help achieve the Town's vision or goals, as expressed through this Plan.

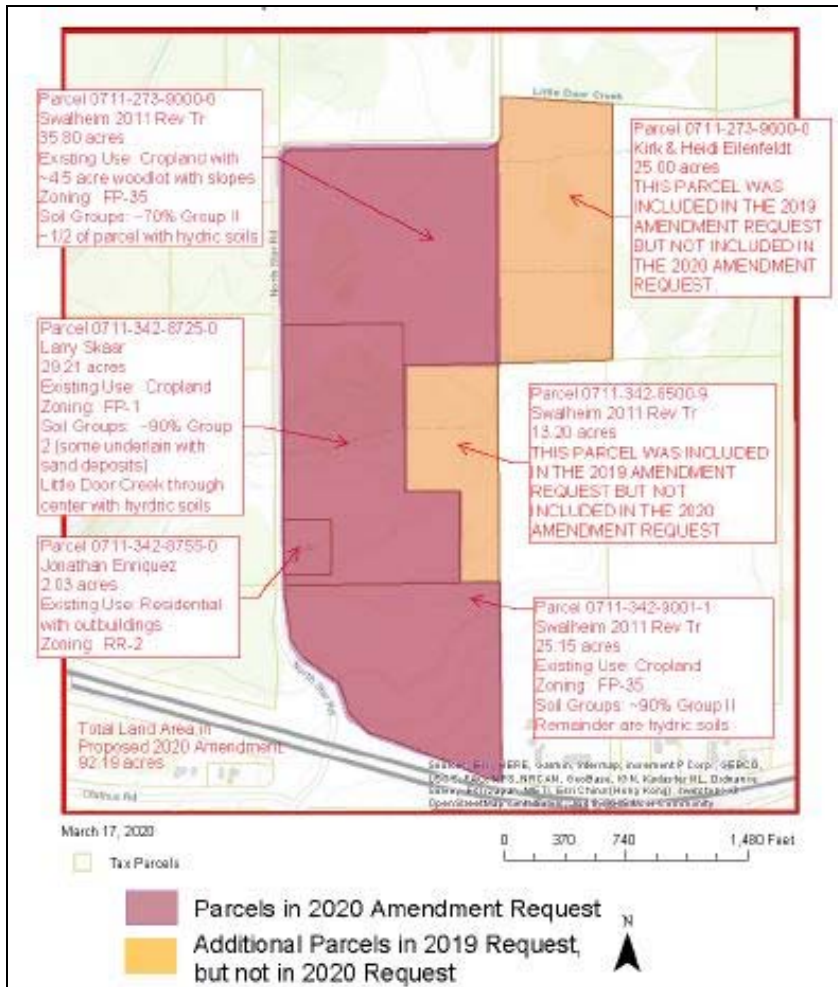
Given that the current plan already allows frequent amendments, this language seems unnecessary, and has the potential to cause more confusion and controversy at the local level.

The current process results in changes being made as requested by an individual land owner to his or her own benefit. There is very little public involvement or understanding of the changes being proposed. A comprehensive plan is a community document that should reflect the needs of residents of the entire town. A comprehensive rewrite of the town's plan is very much needed and the town intends to do so after the 2020 Census data becomes available.

Changes to the Future Land Use Map

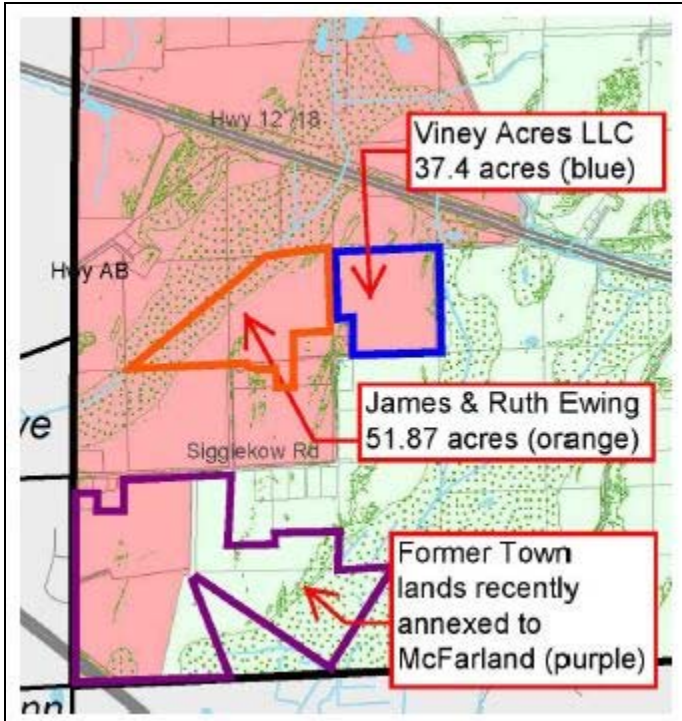
Addition to Commercial Development area, Northstar Road:

This map change involves 92 acres spanning 4 parcels east of North Star Road, north of Hwy 12, being changed to the *Commercial Development* Area. These parcels are east of 22 acres rezoned in 2018 for commercial development on the west side of North Star Road. As shown in the following illustration, this change is a modified version of a map change request made in 2019.



Reduction of the *Commercial Development* area, northwest of Siggelkow & South of Hwy 12/18:

Two landowners requested that their property be returned to the *Agricultural Preservation area*. Both have no intention to develop commercial uses on their property. Changing back to the *Agricultural Preservation area* will restore their eligibility for farmland preservation tax credits offered via the state farmland preservation program. The amount of land identified for commercial development exceeded the need and/or demand for commercial uses, so it made sense to honor this request. This change is consistent with town and county land use goals.

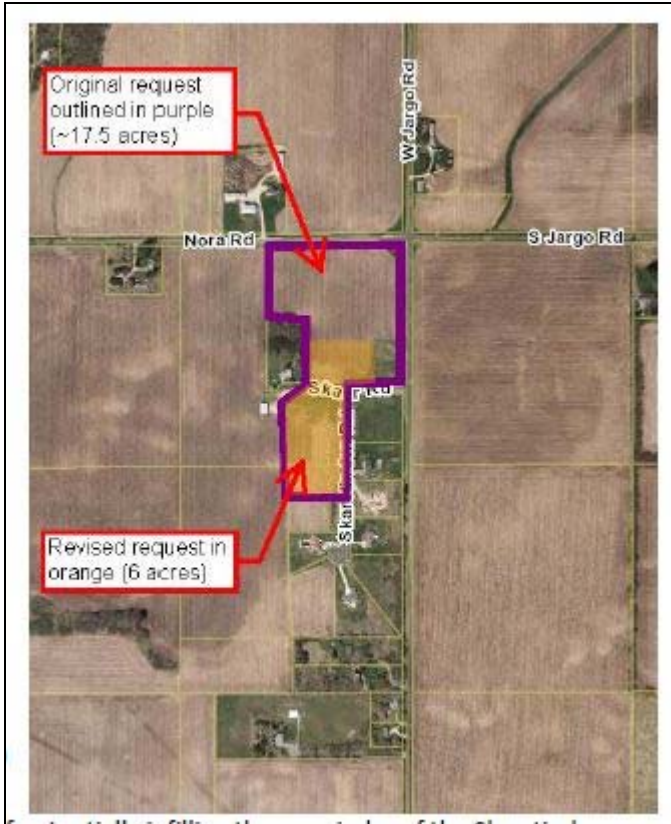


Neighborhood Development Area (TDR receiving area 1:8 transfer ratio), Southwest of Nora & Jargo Roads

One of the changes to the land use map is the addition of land to the *Neighborhood Development* area. This change does not support the purpose of the TDR program, or the land use goals of the town and county comprehensive plans.

Miles of the surrounding land is in agricultural use, and the 6 acres identified to change out of agriculture have Group II soils and are part of the larger contiguous Screamin' Norwegian Farms lands currently deed restricted from further development. *Neighborhood Development* serves as a receiving area allowing for a 1:8 ratio of development as defined in the town's TDR policy. This is simply an unnecessary and excessive number of residential lots to be created. Plus, it will likely lead to more requests for *Neighborhood Development Area* on the east side of the town, further eroding the Town's vision of preserving agriculture.

Adding a few residential lots along Skarsdisten Road is not unreasonable, but that is already allowed under the current plan, and further enabled by the policy change made in the TDR policy text. Development rights can be used to accomplish this using development rights transferred from another sending area, at a 1:1 ratio. Staff is opposed to this map change.



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

1. **Housing:** No significant conflicts found.
2. **Transportation:** No conflicts found.
3. **Utilities and Community Facilities:** No conflicts found.
4. **Agricultural, Natural & Cultural Resources:** Significant conflicts found, namely the acres being added to the *Neighborhood Development* area.
5. **Economic Development:** No conflicts found.
6. **Land Use:** Significant conflicts found, namely the addition of acres of *Neighborhood Development* area.
7. **Intergovernmental Cooperation:** No substantial conflict is found. The City of Madison is in the process of working with the town on a boundary agreement, part of which will include potential development that falls within the town's commercial development area.
8. **Implementation:** No significant conflict is found.

VI. COMMENTS BY THE PUBLIC, OTHER LOCAL GOVERNMENTS OR STATE AGENCIES

A. Public Comment

A resident who is also a member of the town Plan Commission provided comments to the county. He is requesting that the Zoning & Land Regulation (ZLR) committee exclude the addition of *Neighborhood Development* from the land along Skarsdisten Road. Please the letter from Mr. Eickoff, Cottage Grove Plan Commission member.

B. Governments and agencies

Neither other governments nor any county, state or federal agencies had commented on this amendment.

V. STAFF CONCERNS, COMMENT AND RECOMMENDATION

Based on conflicts with the Agricultural, Natural & Cultural Resources and Land Use elements of the County Comprehensive Plan, staff recommends denial.

Because the primary concern is the addition of development area southwest of Nora & Jargo Roads, another option is to adopt an ordinance amendment excluding that map change.

Chapter 82 describes the ability to adopt plan amendments, excluding portions of those plans that provide to be problematic.

From chapter 82.57: (1) To assist in the consistent administration and interpretation of town plans incorporated into the Dane County Comprehensive Plan under s. 82.55, the Dane County Board of Supervisors adopts the Dane County Comprehensive Plan Addendum, incorporated herein as Appendix B. The Addendum shall include chapters for each town plan incorporated into the Dane County Comprehensive Plan and may be utilized by the Board of Supervisors to note town plan policy clarifications, interpretations, or to omit provisions of incorporated town plans that may conflict with county plan policies. A copy of the Dane County Comprehensive Plan Addendum is on file with the County Clerk's Office and the Dane County Department of Planning and Development.