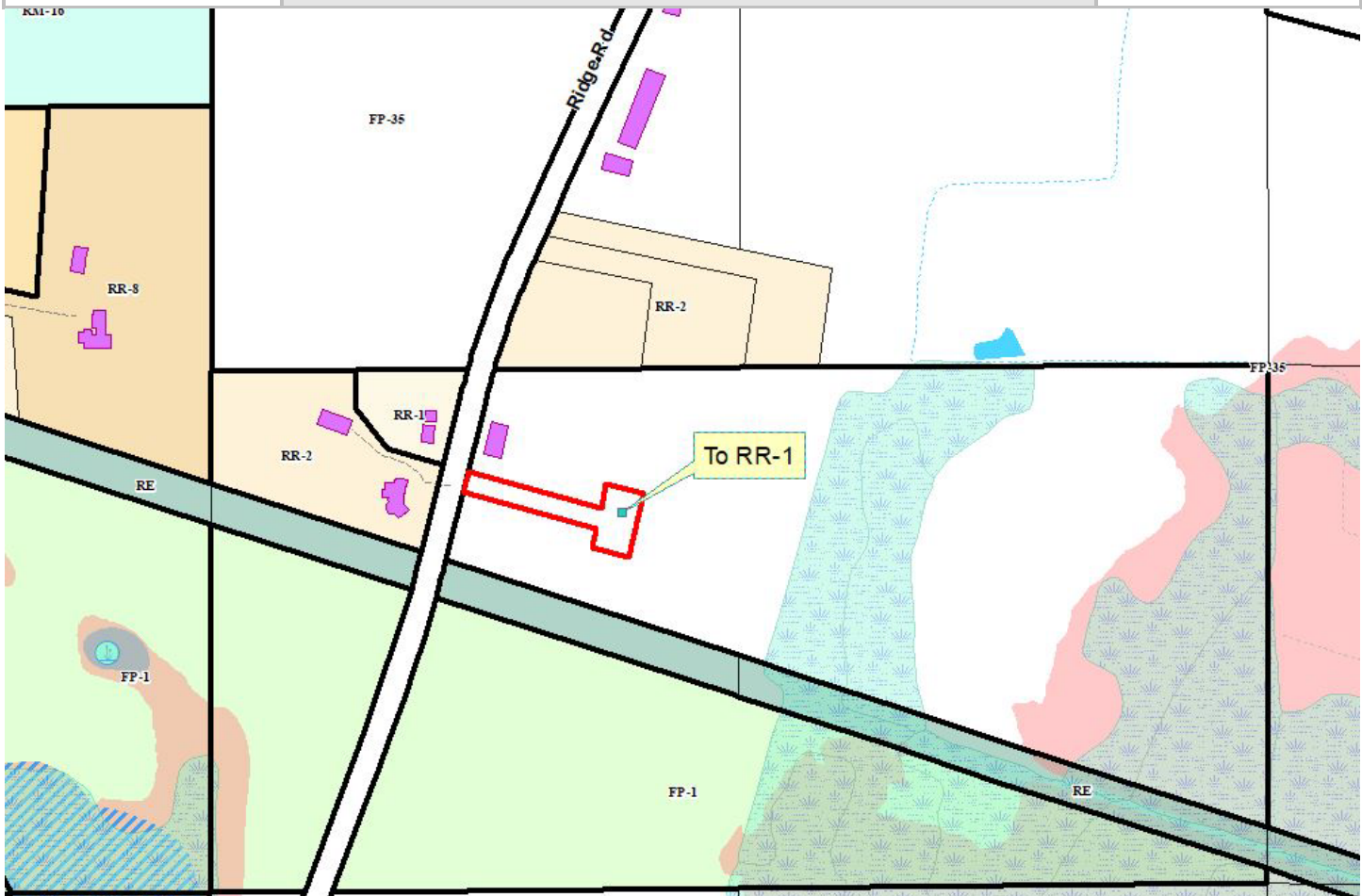


Staff Report
**Zoning & Land
Regulation
Committee**
Public Hearing: **May 27, 2025**
Report updated for the June 10, 2025 ZLR meeting
Zoning Amendment Requested:
FP-35 Farmland Preservation District TO RR-1 Rural Residential District
Size: **1 Acres**
Survey Required: **Yes**
Reason for the request:
Creating one residential lot - transfer of development right
Petition 12160
Town, Section:
**COTTAGE GROVE,
Section 14**
Applicant:
**KIRK AND HEIDI
EILENFELDT**
Address:
4082 RIDGE ROAD


DESCRIPTION: Kirk and Heidi Eilenfeldt would like to rezone one acre of their farm at 4082 Ridge Road in order to construct a new home. This petition will result in a one-lot certified survey map (CSM) to create the residential lot. They would utilize a transfer of development rights from other land they own (see associated rezone petition #12159 to rezone parcel 0711-273-9600-0 to Farmland Preservation).

OBSERVATIONS: The proposed lot meets county ordinance requirements for minimum lot size, lot width, and public road frontage. However, staff notes that the proposed lot configuration as a “flag” lot placed in the middle of the farm field may create challenges related to a long driveway. Construction of a driveway more than 125 feet long requires an erosion control permit from Land and Water Resources. The Town policies related to farm land preservation will also be considered (see below).

Village of Cottage Grove extraterritorial jurisdiction for review of the land division.

COMPREHENSIVE PLAN: There are no development rights on this property, so this rezone/land division is only possible through a Transfer of Development Rights from 0711-273-9600-0. Among other criteria, Cottage Grove’s Comprehensive Plan states that petitions to rezone and divide TDR Receiving Areas must: “minimize the amount of land

taken out of agricultural production”, “create a logical development pattern”, “avoid or minimize land use conflicts”. Additionally, a one to one transfer of development rights also requires that the receiving site have land that is *less* suitable for agricultural use, as determined through the County Land Conservation soil groupings. Finally, receiving sites must follow the Residential Development Siting standards in the Agricultural Preservation Area. This includes directing non-farm residences away from Group I or II soils unless they are unavoidable, minimizing the use of flag lots, and siting residences along tree lines and at the edges of fields rather than the middle. Petition 12160, which involves the residential rezone on the TDR-R property, depicts a flag lot that is located in the middle of an existing farm field and is located on Group I and II soils, although locating a site off these soils is probably unavoidable. Additionally, according to County data, the soil types on the receiving site are more suitable for agricultural use, thereby contradicting the TDR requirement that a receiving area be less suitable for agricultural use. This lot could likely be redrawn to be more rectangular, closer to the road, and/or along the edge of a field. This configuration would better meet the requirements of a TDR Receiving Area in the Comp Plan, however it would still be located on a site that is more suitable for agricultural use than the TDR Sending Area.

Should this petition be approved, as a condition of approval, a TDR-R Overlay Zoning District should be placed on the “receiving” property and a TDR-S Overlay Zoning District should be placed on the “sending” property. Additionally, deed restrictions should be recorded which 1) document and acknowledge this transfer via TDR and 2) prohibit additional land divisions on the sending property. For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

RESOURCE PROTECTION: Property contains mapped wetlands, hydric soils, and FEMA floodplain; however, these are located in the east end of property not near the proposed lot. Staff has no concerns

MAY 27TH ZLR HEARING: On May 27th the ZLR Committee held a public hearing and postponed action to allow more time for the town to take action on the petition. There were no comments in opposition.

TOWN ACTION: On June 2nd the Town Board recommended approval of the petition noting that the RDU for this lot to come from parcel 0711-273-9600-0 (see petition 12159), also noting that approval is for a new 2-acre residential (RR-1) Lot. The original application was for only 1 acre.

STAFF RECOMMENDATION (updated): Since the public hearing, the applicants have modified their proposal to enlarge the proposed residential lot so that it can easily fit a new house and septic system. With the new lot size being 2 net acres (excluding road right-of-way), RR-1 zoning would not be suitable so the lot would need to be zoned RR-2.

Staff recommends approval of the rezone, to the RR-2 zoning district, subject to the applicant recording the CSM and the following conditions:

1. The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (parcel 0711-273-9600-0).
2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to the proposed residential lot.
3. A deed notice shall be recorded on CSM Lot 1 that indicates it was created by a transfer of development rights.
4. A deed restriction shall be recorded on tax parcel 0711-273-9600-0 stating the following:
 - a. Further residential/nonfarm development and land divisions are prohibited. The housing density rights for the original Gregory Hellickson farm have been exhausted per the Town Comprehensive Plan density policies.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.