



To: Town of Cottage Plan Commission
FROM: Mark Roffers, Town Planner
Cc: Kim Banigan, Town Clerk-Treasurer; Nick Bubolz, Town Engineer
DATE: May 19, 2026
RE: Rezoning Request to Facilitate a Prospective Subdivision Plat Along Wittewood Lane

Representatives of Moms CG Farm LLC have applied to rezone approximately 17.7 acres between Hope Road and Wittewood Lane to the SFR-08 Single-Family Residential district to facilitate a 10-lot residential subdivision. Following rezoning, preliminary and final subdivision platting, civil and stormwater engineering, and a development agreement would be required.

Following interactions with the Town Engineer and County Zoning staff, it is my advice that the Town Plan Commission postpone action on this rezoning application until outstanding issues underlined below have been resolved.

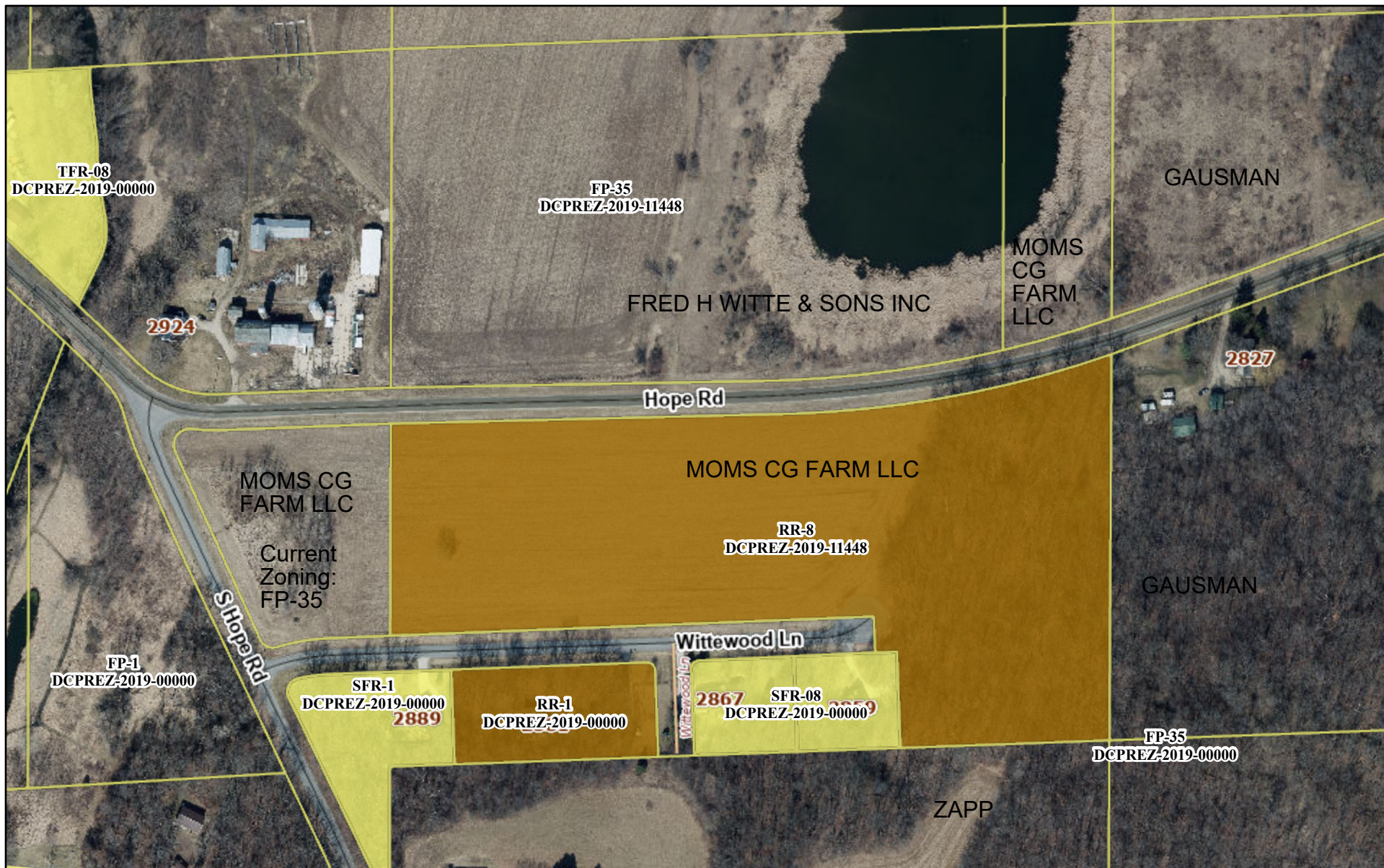
1. The proposed rezoning area is identified in the Town Comprehensive Plan as part of a “Neighborhood Development Area”, which per the Plan’s Figure 8 is intended to “promote sustainable residential development by encouraging infill around existing development and incorporating principles of conservation neighborhood design” and “provide opportunities for a range of single family housing choices, including estate and affordable single family housing.” This Plan designation supports rezoning of the subject site in a manner that would facilitate a single-family development.
2. The applicants propose to develop a 10-lot residential subdivision on the subject site via the Town’s transfer of development rights (TDR) program. As described in the Town Comprehensive Plan, lands within the “Neighborhood Development Area” qualify as TDR receiving areas at a 10-to-1 transfer ratio. The applicants have submitted a development rights contract with Badger Farms LLC to acquire a one Residential Density Unit (RDU) from a TDR Sending Area parcel in the northeast part of the Town to enable the 10 proposed lots. The developer is encouraged not to complete the final transaction to acquire the RDU at this time, if not all required development approvals can be secured after this time for whatever reason. Further, County zoning approval will become effective, and the subsequent 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 parcel. Therefore, the applicants are at an appropriate spot now regarding TDR.

3. The applicant has requested SFR-08 zoning for the entire rezoning area, seemingly because that is how the Kennedy Hills plat has been proposed and to maximize flexibility. The SFR-08 district has a minimum lot size of 20,000 square feet. I advise that lands proposed for residential development on the subject site instead be rezoned to the SFR-1 district, which has a minimum lot size of 1 acre. This is more in line with the proposed sizes of the 10 lots and with existing lots and zoning nearby. Lots to the south are zoned a mix of SFR-08, SFR-1, and RR-1 depending on their lot size. It is true that the Town Plan generally sets of maximum lot size of 1 acre in the Neighborhood Development Area”, “except to the minimum greater size necessary due to unusual land configuration; to better protect farmland; for commercial, institutional, and two- and multi-family residential uses; and/or to enhance rural or scenic character, as determined by the Town Board.” It is my opinion that the depth of the land between Hope Road and Wittewood Lane and the wooded slopes at the east end of the proposed plat support lot sizes between around 1.5 and 2 acres here.
4. I advise rezoning the 2.93-acre parcel 0711-301-8000-0 (directly east of S. Hope Rd.) to either the UTR Utility, Transportation, and Right-of-way district or to the NR-C Natural Resources and Conservation district. UTR would be more appropriate if the predominate current and future use is a stormwater management basin, while NR-C would be more appropriate if the main use is wetland and floodplain. See below.
5. It is unclear the extent to which preliminary stormwater management planning has been completed by the applicants’ engineer, and if so, what has been shared with the County Land and Water Conservation Department for preliminary review. Particularly with possible limitations described below, this could affect the location and size of stormwater management facilities, and the resulting development layout and best zoning scheme.
6. The subject site is affected by a few natural limitations, as suggested by the attached Natural Features and Indicators map, and described as follows:
 - a. WisDNR indicates dotted areas on the attached map as having wetland indicators, which signals the need for a field wetland delineation to verify. In 2020, Heartland Ecological Group completed a wetland report for the applicants that delineated one 0.86-acre wetland within parcel 0711-301-8000-0, classified as shallow marsh and shrub carr within a constructed stormwater basin. Heartland’s report suggested that this wetland *may* be subject to state and/or federal regulation, and that the report be submitted to the associated agencies for final jurisdictional review and concurrence. It is unclear to me whether the wetland report was submitted and whether the 2020 delineation has expired. Wetland delineations are typically valid for five years.
 - b. FEMA designates the aqua shaded areas on the attached Natural Features and Indicators map as 100-year (1%) floodplain (regulated by zoning), with orange areas beyond as 500-year (0.2%) floodplain. While 500-year floodplain is not subject to

zoning regulations, there might be limitations on using such any floodplain area for stormwater management. The applicants are advised to consult with the Dane County Land and Water Conservation Department on possible floodplain/stormwater limitations, even if this area was authorized for stormwater management previously.

- c. There are areas of 20%+ slopes in the southeast corner of the subject site (proposed Lot 10 area). The Town through its Plan advises new development be directed away from 20%+ slopes. The Town's driveway ordinance sets a maximum 12% driveway slope. The applicants should suggest an approach to this challenge. Perhaps establishing a buildable area on the plat that is below (west of) the steep sloped area, and a restriction on disturbance in covenants, are solutions.
7. The Town Plan restricts against use of holding tanks as a sanitary waste disposal solution in residential subdivisions. The applicants should submit to the County and Town a soil test from a qualified individual that indicates that suitability of each proposed lot for a conventional or mound septic system (no holding tanks). There are two seemingly conflicting statements in the County application. First, County staff comments on the application that a "soil test is required to verify site suitability prior to rezoning". The applicants "rezone description" says "property has been 'perc-tested' including inspection from Dane County Sanitarian." Neither the Town nor County Zoning staff have a soil test.
8. Per Town ordinance, each prospective subdivider is to submit a "Comprehensive Development Plan" (CDP) to the Town prior to submitting a preliminary subdivision plat. The concept plan map submitted with the rezoning application (somewhat confusingly titled "Preliminary Certified Survey Map") generally meets this purpose, but does not include all of the required CDP information in Section 15.06 of the Code. I suggest submittal and review of soils information (see above), groundwater and bedrock evaluation, WDNR Natural Heritage Inventory (NHI) preliminary assessment, and a proposed development schedule before this development moves to the preliminary plat stage. If the Town does in fact postpone rezoning now, the CDP step could be reviewed at the same time as rezoning at the next Plan Commission meeting.
9. The new concept map differs in minor ways from a 2020 concept plan map (also attached), some of which are positive including less access and visibility from Hope Road. New challenges focus around protecting the wooded slope and on sight lines to rear yards/homes from Hope Road. Establishing buildable areas within each lot and limiting tree clearance and slope disturbance through covenants may be solutions. I advise the provision of draft covenants during the preliminary plat stage.

Current Parcels and Zoning



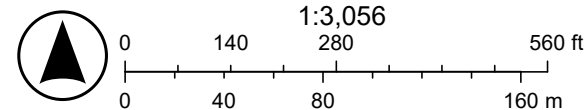
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- Address
- Parcels
- Road Names
- Unnamed Private Roads

- Platted Roads
- Road Centerlines
- Local Road

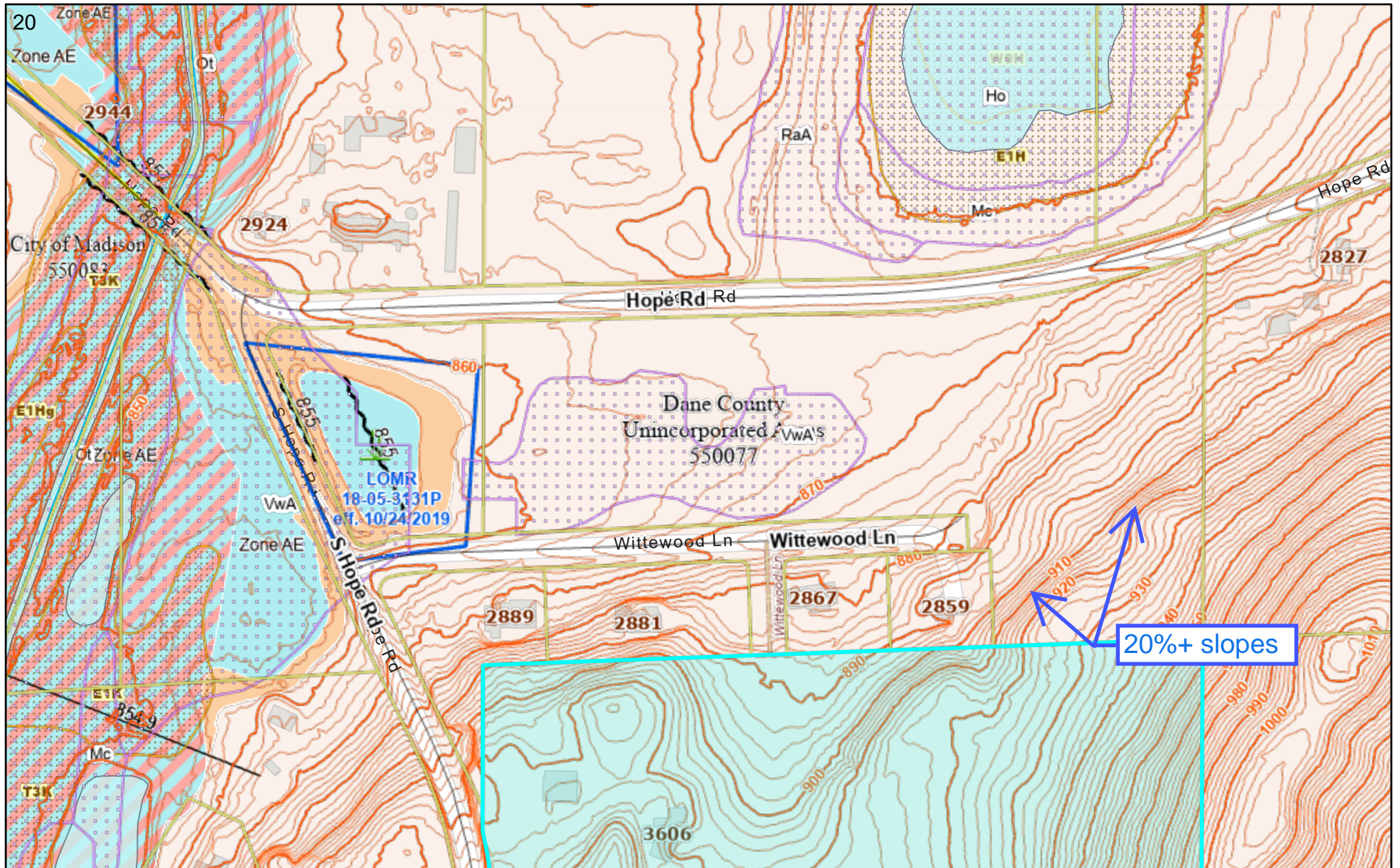
- Rural Zoning
- Farmland Preservation
 - Residential
 - Rural Residential and Rural Mixed Use

- ColorOrtho3Inch2024Web
- Red: Red
 - Green: Green
 - Blue: Blue



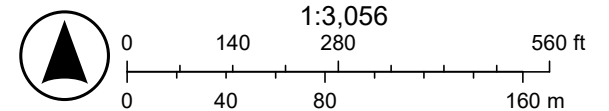
Dane County Land Information Office (LIO), Fly Dane Partnership, Ayres Associates, Wisconsin Regional Orthoimagery Consortium (WROC)

Natural Features and Indicators



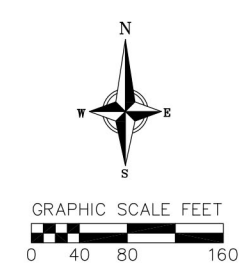
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|-----------------------|---|--------------------------------|-------------------------|---------------------------------|
| Address | 2 foot Intervals | Wetland Class Points | Political Jurisdictions | Flood Hazard Boundaries |
| Parcels | 10 foot Intervals | Excavated pond | Profile Baselines | SFHA / Flood Zone Boundary |
| Road Names | 2 foot Intervals | Wetland too small to delineate | Cross-Sections | Flood Hazard Zones |
| Unnamed Private Roads | Wetland Indicators | Wetland Class Areas | Base Flood Elevations | 1% Annual Chance Flood Hazard |
| Platted Roads | Rivers and Streams | LOMRs | General Structures | Regulatory Floodway |
| Road Centerlines | Perennial Stream; Hidden Perennial Stream | Effective | Flood Structure | 0.2% Annual Chance Flood Hazard |
| Local Road | Lakes and Ponds | | | |



Surface Water Data Viewer Team, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community,

2020 Concept Plan



Site Development Summary:

Total Acreage: 16.5 ac
 New SF Lots: 8
 Stormwater Outlet: 2.8 ac
 Proposed Net Density: 0.5 DUA

KEY:

- 100 Year Floodplain
- 500 Year Floodplain
- Wetland
- WRP Area
- Project Area
- Shoreland Zoning Limits
- Existing Drainage Pattern
- Existing Tree Line
- Proposed Lot Boundary
- Proposed Building Envelope

LOT INFORMATION:

LOT #	LOT AREA	BUILDING ENVELOPE AREA
1	47,160 sf	24,670 sf
2	47,260 sf	24,530 sf
3	46,300 sf	23,660 sf
4	50,000 sf	26,460 sf
5	44,600 sf	23,480 sf
6	44,370 sf	23,450 sf
7	44,860 sf	23,880 sf
8	45,330 sf	20,635 sf

REVISIONS	NO.	DATE	REMARKS

SCALE: As Shown
 DATE: November 2020
 DRAFTER: BBAR/SVIN
 CHECKED:
 PROJECT NO.: 190343
 SHEET: 1 OF 1
 DWG. NO.:

19 Nov 2020 - 1:44p M:\Witte Family (FRED H WITTE & SONS INC)\190343 - Witte Family Farmstead T - Cottage Grove Concept Plan\CADD\190343_Site Plan.dwg by: svin ©2019 Vierbichler Associates, Inc.