

Fields, Debbie

From: Marcia Caton Campbell <marcia@rootedwi.org>
Sent: Monday, July 24, 2023 5:54 PM
To: All Alders
Subject: Please vote in support of Agenda Item #5, Legistar 78130, Version 3

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Dear Alders:

I write to you this afternoon to urge you to vote **in support of the addition of language concerning urban agriculture in Version 3 of the proposed update to the City's Subdivision Regulations** (Agenda Item #5, Legistar 78130), at your July 25th meeting.

My request comes from my expert perspective as a former member of the (now-adjourned sine die) Task Force on Farmland Preservation; as Executive Director of the Madison nonprofit urban agriculture organization, Rooted; and as past Chair of the American Planning Association's Food Systems Division, a division of the national professional organization for practicing urban and regional planners.

As the Task Force on Farmland Preservation's report notes (p. 4), "[E]ncouraging development within the city that balances affordable housing with growing spaces can help alleviate the tension between the need for housing and the demand for farmland. Such developments can afford residents a way to produce food for local markets near where they live." That urban agriculture neither prevents or precludes the development of much-needed housing in new subdivisions, but in fact is compatible with it, is a statement that should not need to be repeated with the regularity that we seem to have to say it.

Version 3, previously on the consent agenda at your July 11th meeting, contains brief, non-controversial additions to the Introduction and Definitions sections of the Subdivision Regulations, which are being updated for the first time since 1960. Planning for urban agriculture—creating a favorable environment for it, as cities like Atlanta, Boston, Kansas City, Portland, Seattle, and Madison itself have done over the past twenty years—includes making minor changes to the City's subdivision regulations such as those contained in Version 3.

The statement "*Encourage the preservation of land for urban agriculture*" neither creates a mandate for urban agriculture, nor encourages public opposition to every new subdivision proposal that comes before you, as Smart Growth Greater Madison persists in arguing. In fact, it is designed to help avoid the very type of last-minute confrontation over proposed development projects like the Raemisch Farm development by *inviting* and *encouraging* us to think ahead, to plan ahead, for urban agriculture along with residential uses. The proposed definition of urban agriculture is straightforward.

The small changes in language proposed in Version 3 of the Subdivision Regulations are supported by many of your colleagues as well as by Mayor Rhodes-Conway. They are simple in nature and reflect Madisonians' current appreciation of and future desire for urban agriculture within municipal boundaries, including on the periphery as land is brought into the City.

I urge you to vote in support of Version 3.

Sincerely yours,

Marcia Caton Campbell, MCRP, PhD (she/her/hers)
Executive Director



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I acknowledge that I live, work on, and benefit from the ancestral lands of the Ho-Chunk nation known as Teejop (day-jope) since time immemorial. To learn more, please visit <https://native-land.ca/>.

Fields, Debbie

From: Bill Connors <bill@smartgrowthgreatermadison.org>
Sent: Tuesday, July 11, 2023 11:15 PM
To: Mayor; All Alders
Subject: URGENT--Please Remove Reference to Preserving Urban Agriculture from New Subdivision Ordinance

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Mayor Rhodes-Conway and Alders:

I apologize, I just discovered that there is a new version 3 of the new subdivision ordinance, which adds that one of the purposes of the subdivision ordinance is to encourage preservation of land for urban agriculture. Version 3 was not available in Legistar when I wrote to you last week about the new subdivision ordinance.

Saying that one of the purposes of the subdivision ordinance is to preserve land for urban agriculture will invite a needless, dysfunctional controversy about whether farmland will be preserved and how much farmland will be preserved and where it will be preserved, like what happened with the Raemisch farm subdivision, every time a proposed new subdivision plat is reviewed.

We hear alders say over and over again that Madison is in a housing crisis. If you adopt the subdivision ordinance with the language about preserving land for urban agriculture at the expense of more housing, you clearly are saying to the people of Madison that you really don't mean it when you talk about a housing crisis.

The Plan Commission chose not to recommend adding this language.

I urge you to adopt version 2 of the subdivision ordinance rather than version 3.

Below is information I provided regarding the report of the Task Force on Farmland Preservation.

If a property has not been designated for farmland preservation through a planning process, the issue of farmland preservation should not be interjected into the consideration of an application to rezone the property from temporary agricultural zoning to a zoning district that permits development.

An example of a planning process that is consistent with the intent Nan Fey stated to the Plan Commission AND the additional text that Smart Growth requested is the future land use and street plan (Map 6) in the draft Reiner Neighborhood Development Plan, which marks an area for long-term agricultural use.

It appears the task force's report envisions that a new, separate planning process overseen by the Plan Commission would produce a new plan to implement this recommendation in the medium term, which is defined as 6 to 24 months from adoption of the task force's report and recommendations. Based on the testimony of city Planning staff when the new area planning framework was adopted, it is doubtful that city Planning staff would have sufficient staff resources to devote to this additional planning project when they are focused on creating new framework area plans in all 12 areas of the city over the next 10 years.

Furthermore, if the city government wants to preserve part of a large parcel for urban agriculture, the city government or nonprofit organizations should pay fair market value to acquire that part of the parcel and construct the streets, sidewalks, water main, parking lot, etc. to provide access and utilities to the urban agricultural parcel, since the developer of the rest of the large parcel cannot generate any revenue from the urban agricultural parcel to pay for acquiring that land and providing the infrastructure.

The task force's report notes that there are government programs to preserve farmland in rural parts of Dane County but no mechanism to preserve farmland within the city. That is because there are strong public policy reasons for preserving farmland in rural areas while there are strong public policy reasons for NOT preserving farmland within or just outside of the boundaries of cities and villages.

Smart Growth questions the wisdom of preserving farmland within the Madison city limits at the expense of farmland outside the city limits. Preserving farmland within the Madison city limits does not result in an overall preservation of farmland. For every acre of farmland preserved within the city limits, at least another acre of farmland elsewhere in Dane County will be converted from farming to development because of the demand for new development created by a steadily growing regional population.

From the perspective of promoting farmland preservation and minimizing green-house gas emissions, relatively dense new development should occur within the city limits or on land immediately adjacent to the city limits, not further out in the county. See the Capital Area Regional Planning Commission's document entitled, "Greater Madison Grows Together: 2050 Regional Planning Framework." Preserving farmland within or immediately adjacent to the city limits does the opposite; it pushes more development further out into the county. Preserving farmland within the current or future Madison city limits will reduce the number of housing units constructed within Madison and increase the number of housing units constructed elsewhere in Dane County, because the preservation of farmland in Madison will not reduce the demand for more housing units in the county.

Finally, decreasing the number of housing units constructed in Madison will exacerbate the chronic imbalance between housing supply and demand in Madison and put additional upward pressure on rents and housing prices.

Bill Connors
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Fields, Debbie

From: Bill Connors <bill@smartgrowthgreatermadison.org>
Sent: Friday, July 21, 2023 11:37 AM
To: Mayor; All Alders
Cc: Stouder, Heather; Parks, Timothy; Baumel, Christie
Subject: Please Do Not Add Text about Preservation of Land for Urban Agriculture to New Subdivision Ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Mayor Rhodes-Conway and Alders:

I am writing to you regarding item 5 on the agenda for your meeting on July 25, the new subdivision ordinance, Legistar 78130.

Many alders and residents of Madison say that Madison is in the midst of a housing crisis, a crisis that has existed for quite some time. One would think the recognition of this crisis would create a desire by the Common Council to streamline the processes for getting more housing units approved and constructed.

Adding text to the new subdivision ordinance about preserving land for urban agriculture would do exactly the opposite of that. The vagueness of the proposed text will invite a controversy about whether farmland should be preserved, and if so, how much and where, each time a new residential subdivision is proposed. Inviting controversy is the opposite of streamlining the process.

Do you remember how long it took for the developer of the new residential subdivision on the Raemisch farm property to obtain approval by the Common Council?

Preservation of land for urban agriculture is first and foremost a land-use planning issue. Any land that should be preserved for urban agriculture should be identified in the future land use maps in area plans and neighborhood development plans, as was done recently in the Reiner Neighborhood Development Plan.

If a new residential subdivision is being proposed in a location that is NOT marked for farmland preservation in any approved plan, then farmland preservation should NOT be an issue when the developer seeks approval of the plat for that subdivision.

But the proposed text about preserving land for urban agriculture would invite members of the public to object to approval of any subdivision plat that does not include a substantially sized parcel that could be preserved for urban agriculture. Again, this is the opposite of streamlining the process.

By the way, if a developer wants to include land for urban agriculture in its proposed new subdivision, the developer can do so WITHOUT the proposed text about preserving land for urban agriculture.

Smart Growth urges you to adopt version 2 of the new subdivision ordinance, which does not include the proposed text regarding preservation of land for urban agriculture, rather than version 3, which includes it.

If, for some reason, you believe it is wise to include some text about preserving land for urban agriculture in the new subdivision ordinance, Smart Growth suggests the following text:

Section 16.23(1)(g) Facilitate the preservation of land for urban agriculture in locations that have been identified for farmland preservation in adopted plans that have been incorporated into the Comprehensive Plan or if the applicant for subdivision approval chooses to preserve land for urban agriculture.

I would be happy to work with any interested alder to draft compromise text regarding this issue to propose to the Common Council.

The following are comments that I emailed to you earlier about version 2 of the new subdivision ordinance, which Smart Growth urges you to enact rather than version 3.

1. According to the new ordinance, the final width of pavement and alley rights-of-way shall be only approved following a recommendation by the City Engineer and Fire Marshal. Smart Growth urges city staff and officials to recognize that it is critical to the development of new subdivisions to obtain final approval of the width of pavement and alley rights-of-way as early as possible in the staff's process of reviewing a proposed plat.

2. Allowing parking only on one side of the street decreases the desirability of homesites. This can be lessened for homes with front-loaded garages that have deep enough driveways to accommodate two additional vehicles for owners or guests. It is a much larger problem for homes with garages that are loaded from an alley, which usually do not have a deep enough driveway to accommodate additional vehicles.

New houses with alley-loaded garages tend to be less expensive than new houses with garages loaded from the street, because houses with alley-loaded garages can fit on smaller parcels. Families that include trades people who often need to park work trucks at home are likely customers for houses with alley-loaded garages. They cannot park their work trucks in their garages and there is no room to park them on the short driveways between the alley and their garages. They need to be able to park their work trucks on the street.

This example demonstrates why Smart Growth recommends that the street design selected from the Complete Green Streets guide for new subdivisions enable parking on both sides of the street wherever garages are loaded from alleys. In the alternative, please let the people who know most about what makes a successful subdivision—experienced subdivision developers—decide where streets with parking on only one side are or are not appropriate. City staff and the members of the Transportation Commission lack the expertise to make a better decision on this issue than an experienced subdivision developer.

3. The new ordinance requires a phasing plan to be submitted with the preliminary plat. That requirement is reasonable. However, city staff and officials should recognize that a phasing plan is a plan which is based on assumptions about the market, and if the market behaves differently than those assumptions, the subdivision developer must be able to adjust the phasing plan.

4. When will we all see the final map of which kinds of streets from the new Complete Green Streets guide will be selected for various locations within the city and on land that is likely to be annexed/attached into the city? Will the map be based on current neighborhood plans or will it not be released until many, most, or all of the new area plans are adopted? Many new neighborhoods in the periphery of the city are years away from being covered by a new area plan.

5. Smart Growth believes that the new subdivision ordinance should have added language to clarify that the text in section 16.23(1)(e) of the new ordinance about airport noise does NOT apply to a certified survey map (CSM) that is combining smaller parcels to create a larger redevelopment site. The lack of such clarifying language invites needless controversy.

The Task Force on Environmental Justice extensively studied the issue of airport noise and residential development. This task force recommended to the Common Council that the city government should NOT attempt to prevent residential development relatively near the airport in response to concerns about noise from the F-35 fighter jets. Instead, the task force recommended that whenever a developer receives financial assistance from the city government for development or redevelopment relatively near the airport, the city government should require that the developer to use noise-mitigation construction techniques and materials. The Common Council followed this recommendation with the Raemisch farm subdivision (which the Plan Commission recommended approval of three times but the Common Council

voted down twice before approving) and the affordable housing redevelopment project on the site of the former Gardner/Bimbo bakery at the intersection of N Fair Oaks Ave and E Washington Ave.

More recently, the Plan Commission recommended and the Common Council approved the Hawthorne-Truax Neighborhood Plan, which indicates the city would welcome redevelopment projects featuring greater residential density along E Washington Ave, despite the area's proximity to noise from the F-35 fighter jets. Please see the illustrations on page 17 of the plan, a link to which is provided below.

<https://www.cityofmadison.com/dpced/planning/hawthorne-truax-neighborhood-plan/3759/>

Smart Growth urges you to make sure that the new subdivision ordinance does NOT include provisions that would thwart redevelopment projects consistent with the recently adopted Hawthorne-Truax Neighborhood Plan.

Smart Growth recommends that the Common Council (a) decide whether the new subdivision ordinance should or should not include a provision that would limit or prohibit approval of a CSM combining parcels along E Washington Ave into a redevelopment site based on concerns about noise from the F-35 fighter jets and (b) direct the City Attorney's Office to draft language consistent with the Common Council's decision for the Common Council to review at its next meeting (or refer the ordinance back to the Plan Commission with instructions about this issue). Smart Growth urges the Common Council not to enact the new subdivision ordinance until this issue is resolved.

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Fields, Debbie

From: Nicholas Davies <nbdavies@gmail.com>
Sent: Sunday, July 23, 2023 4:58 PM
To: All Alders
Subject: Yes to 78130 and one-sided parking

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Dear alders,

While Bill Connors of Smart Growth Madison has weighed in on this several times already, this is my first time. It appears Smart Growth's remaining objection to this change is that only allowing parking on one side of the street will make homes on the street less desirable. This is not a serious concern.

Owner-occupied housing in Madison is 99.5% occupied. Including space for private vehicle storage (in addition to garage and driveway space) on one side of the street vs. two is not going to change anything about whether a home gets sold and occupied.

We have a pattern of approving 30-foot wide streets in new developments, and then being surprised when the street parking is under-used, and the superwide travel lanes become racetracks. Then we have to come back and install traffic calming features. How are we going to get to Vision Zero if we keep creating safety problems? I appreciate the thought that has gone into this proposed change, and I hope you'll pass this item at your meeting.

Thank you,

Nick Davies
3717 Richard St

Fields, Debbie

From: Nan Fey <nanfey2@gmail.com>
Sent: Tuesday, July 25, 2023 8:40 AM
To: All Alders; Mayor
Subject: Subdivision Regulations should include references to Urban Agriculture

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Honorable Alders,

Having served as Chair of the Farmland Preservation Task Force, convened by the Common Council to investigate and provide guidance on urban agriculture in our community, I write in support of Version 3 and urge its adoption without alteration to the language below.

The addition of this community value to the Introduction and Definitions sections of the ordinance creates no requirements or mandates, it simply acknowledges the issue and provides guidance on what is meant by the term:

(1) (g) Encourage the preservation of land for urban agriculture.

(8) For the purpose of these regulations certain words used therein are defined as follows:
Urban Agriculture. The production of food for personal consumption, market sale, donation, or educational purposes within cities and suburbs.

I am registered to speak at the Council meeting and will be available to answer questions.

Nan Fey

From: [Bob Klebba](#)
To: [All Alders](#)
Cc: [David Waugh](#)
Subject: Legistar 78130 Regulation of TRHs
Date: Monday, July 10, 2023 12:01:35 PM

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Hi,

Maybe 8 years ago, my husband and I worked with former alder Ledell Zellers to address nuisance issues involving Airbnb and VRBO rentals. The MGO has evolved significantly since then as a function of the changing market with transient rooming houses. (We operate a B&B and a hotel which have separate regulations and are not affected by these changes to the MGO).

My understanding of the tweaks you are reviewing is that they provide the City more reliable access to and verification of the operators of the TRH operations. These changes do not affect the ability of the Madisonian who wants to rent out one or two rooms in their house. However they do help the City make sure that TRHs are owner operated and/or owner occupied.

When Airbnb became a thing, we found that owners of rental property were converting their apartments to TRHs. Allowing this to continue would have removed even more rental housing from the market and could have pushed rents and property values higher. The proposed changes to the regulation strengthen the City's ability to maintain existing rental housing and to address nuisance issues.

I encourage you to approve these changes.

best, Bob

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Fields, Debbie

From: Jeannette LeZaks <jlezaks@gmail.com>
Sent: Monday, July 24, 2023 9:16 PM
To: All Alders
Subject: Common Council Agenda Item 5 (File 78130) 7/25/2023

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Hello Alders,

I would like to express my support for Version 3 in Agenda Item 5 entitled "Repealing and Recreating Section 16.23 of the Madison General Ordinances to Update Land Subdivision Regulations." The addition of the language around encouragement to preserve land for urban agriculture aligns with sustainability goals for the City.

Sincerely,
Jeannette LeZaks
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Madison, WI 53726