



PREPARED FOR THE PLAN COMMISSION

Project Address: 3084 Luds Lane, 2986 Femrite Drive, 2987 Femrite Drive, et al
Application Type: Direct Annexation from Town of Cottage Grove
Legistar File ID # [78656](#)
Prepared By: Timothy M. Parks, Planning Division

Summary

Requested Action: Approval of Ordinance ID 78656, annexing 182.0 acres of land from the Town of Cottage Grove to the City of Madison and assigning Temporary A (Agricultural District) zoning.

Petitioners: Dane County; Representative: Allison Rathsack, Dane County Department of Waste & Renewables.

Status of Petitioner: Property owner. According to the petition, there are no electors on the eight parcels to be annexed.

Applicable Regulations & Standards: Section 66.0217 of Wisconsin Statutes outlines the process for annexation of land to municipalities in the State of Wisconsin. The subject petition is for direct annexation by unanimous approval of the property owner(s) pursuant to Wis. Stats. Section 66.0217(2).

Review Required By: Plan Commission and Common Council.

Development Schedule: The proposed annexation consists of eight parcels. Of the 182 acres to be annexed, approximately 113 acres have been developed by Dane County and SunVest Solar, LLC as a 20 megawatt solar facility. The remaining land is agricultural with the exception of a single-family residence that will be demolished prior to the effective date of the annexation on October 1, 2023 by agreement with Dane County. No additional development of the parcels to be annexed is proposed at this time.

Parcel Location: The 182 acres to be annexed are located on both sides of Femrite Drive east of CTH AB, bounded on the north by Hope Road, and with Luds Lane forming a portion of the western boundary of the annexation. The land is adjacent to and will be annexed to Alder District 16 (Currie). The lands are located partially in the Monona Grove Area School District.

Adopted Land Use Plan: The [Yahara Hills Neighborhood Development Plan](#), as adopted in 2017 and amended in 2022, recommends most of the land to be annexed southwest of Femrite Drive for Employment. The land northeast of Femrite, including along Hope Road, is recommended for Agriculture/Rural use. The Dane County Department of Public Works, Highway and Transportation East District Campus annexed to the City earlier this year is adjacent to this annexation and is recommended for Civic and Institutional uses.

Public Utilities and Services: Two of the eight parcels. 0711-302-9501-0 and 0711-301-9040-3, are located in the Central Urban Service Area; the remaining parcels are not. Future County projects at the eastern end of Luds Lane may connect to the City water and sanitary sewer services currently being extended east in the US Highways 12 and 18 right of way at the time of development. Most of the remaining property to be annexed will be used as the 20-megawatt solar facility, which does not require water or sanitary sewer services.

Project Description, Analysis and Conclusion

Dane County is requesting the direct annexation of eight parcels of land totaling 182.0 acres of land to the City of Madison from the Town of Cottage Grove. The parcels to be annexed are generally located east of CTH AB and north of US Highways 12/18 and on both sides of Femrite Drive. Portions of four of the parcels to be annexed totaling approximately 113 acres have recently been improved by the County and a partner as a 20-megawatt solar facility. The remaining land is undeveloped agricultural land; a single-family residence at 2986 Femrite Drive is in the process of being razed, and that parcel will be vacant by the time the annexation takes effect on October 1, 2023.

Annexation of the subject 182 acres from the Town of Cottage Grove was stipulated by the Yahara Area Intergovernmental Agreement between Dane County and the City of Madison, as authorized by Resolution 22-00319 (ID [70597](#)) adopted by the Common Council on May 10, 2022. The intergovernmental agreement calls for the subject parcels as well as the previously annexed Department of Public Works, Highway and Transportation East District Campus to be annexed to the City as a condition of providing water and sewer to specific parcels.

Wis. Stats. Section 66.0217(8) requires that the Plan Commission make a recommendation on the temporary zoning of the annexed parcels. The parcels will be zoned Temporary A–Agricultural District with the annexation. Following the annexation, Planning staff will work with Dane County to determine an appropriate City of Madison zoning district(s) to permanently assign the parcels, which will be presented to the Plan Commission consistent with the process and standards in Section 28.182 of the Zoning Code.

Additional development of the parcels not improved with the solar facility is not proposed at this time. However, Planning Division staff has held preliminary, high-level conversations with Dane County staff about the County’s interest in developing some of the land to be annexed south of the east-west prolongation of Luds Lane and the solar facility with additional County facilities. Additional details on any future County facilities as well as the Plan Commission’s consideration of permanent City zoning districts for the annexed lands will be occur following the effective date on October 1.

Finally, State law requires that the State’s Department of Administration Office of Municipal Boundary Review (MBR) make a recommendation that an annexation is in the public interest. “Public interest” is defined in Section 66.0217(6)(c) as consideration of “[w]hether the governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town or by some other village or city whose boundaries are contiguous to the territory proposed for annexation which files with the circuit court a certified copy of a resolution adopted by a two-thirds vote of the elected members of the governing body indicating a willingness to annex the territory upon receiving an otherwise valid petition for the annexation of the territory” and “[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city.” The MBR determined in a letter to the City and Town of Cottage Grove dated June 20, 2023 that the proposed annexation was in the public interest (see attached letter).

Recommendation

The Planning Division recommends that the Plan Commission forward annexation ordinance ID 78656 to the Common Council with a favorable recommendation. A two-thirds favorable vote of the Common Council is required to approve the annexation.