TOWN OF COTTAGE GROVE
PLAN COMMISSION MINUTES
JULY 22, 2026

1) Notice of the meeting was posted at the Town Hall and on the Town's website. A quorum was present with Steve Anders, Tom Banigan, Troy Eickhoff, Kris Hampton, Mark Kudrna, Jerry Meylor and Dave Muehl present. Clerk-Treasurer Kim Banigan took minutes. Town Planner Mark Roffers was also present, and Town Engineer Nick Bubolz was online.

2) Anders called the meeting to order at 6:30 P.M.

3) Approve minutes of previous meetings: **MOTION** by Muehl/Hampton to approve the minutes of the June 24, 2026 meeting as printed. **MOTION CARRIED 7-0.**

4) Public Concerns: None.

5) Tyler and Constance Kurt, Petitioners, Silvin F & Rosemary L Kurt Rev Trust, property owner, parcel 0711-013-8000-2 at 4559 Ridge Road: Seeking rezone of .7539 acres from FP-35 to SFR-08 for a new permanent home to replace mobile home now allowed under CUP 2638 (DCPREZ-12315): Tyler Kurt was present and explained that a new lot in his name is needed for financing of the modular home that will replace the current mobile home. The Clerk-Treasurer stated she confirmed with Dane County Planning staff that no RDU is needed as there is a net zero gain in residential units. **MOTION** by Banigan/Eickhoff to recommend approval of the rezone of .7539 acres from FP-35 to SFR-08 for a new permanent home to replace mobile home now allowed under CUP 2638. **MOTION CARRIED 7-0.**

6) Screamin' Norwegian Farms LLC, Petitioner and property owner, parcel 0711-244-9500-6: Seeking rezone of 2.343 acres from FP-35 to RR-2 to create a new residential lot (DCPREZ-12327): Neli Skaar was present. Anders questioned whether the half-bulb cul-de-sac at the end of Susan Ln. should be expanded, consensus was that no changes are needed. Anders also questioned why the new lot size exceeds the 2.0 acre minimum allowed by Town policy. Skaar said he sized it to square off with the edge of the buildings of the lot to the west so as to not leave an awkward area to farm since he still farms the portion of the adjacent lot that is south of the buildings. The Clerk-Treasurer noted the parcel this new lot will be carved out of is deed restricted against residential development, but parcel 0711-354-8500-5 will be deed restricted and its RDU will be used for this new lot. **MOTION** by Hampton/Eickhoff to recommend approval of the rezone of 2.343 acres from FP-35 to RR-2 to create a new residential lot. The parcel is allowed to exceed 2.0 acres to line up with portion of the adjacent parcel to the west that is still farmed, and the RDU will come from parcel 0711-354-8500-5. **MOTION CARRIED 7-0.**

7) Chris Miller, petitioner, GT Rentals, property owner, parcels 0711-291-8500-1 and 0711-91-8685-9 Hope Rd. west of 3647 Vilas Rd.: Seeking land division by Certified Survey Map and rezone of 9.1 acres from FP-35 and .27 acres from SFR-1 to RR-2, and rezone of .74 acres from SFR-1 to FP-35, to move one residential lot and create an additional three residential lots using Transfer of Development Rights and a shared driveway (DCPREZ-12311). (Tabled from June 24th): Chris Miller and Steven Gausmann were present. Roffers had prepared a written recommendation (Exhibit A), which included input from the Fire Department for a T-shaped turnaround. Discussion was that the turnaround should be further to the south, and there was still an unanswered question about whether a shared driveway or Town road was the best solution. Scott Hungsberg, 2751 Hope Road, said his property has had an easement from previous owner D. Anderson since the 1960s, but Miller said they have been unable to locate the easement document. Hampton said he does not like this proposal at all, and was more inclined to favor creating a Neighborhood Development area here. He suggested the 40 acres currently shown as Neighborhood Development at the end of Coffeytown Road be moved to GT Rentals' property. Roffers noted that this is a one or the other opportunity:

either develop four single lots as proposed, or develop a neighborhood. Miller and Gausmann indicated they would need time to think about it. **MOTION** by Hampton/Eickhoff to table until they come back with a better plan, up to three months. **MOTION CARRIED 7-0.**

8) Discuss/Consider adoption of Resolution 2026-07-22 Recommending Amendments to the Town Comprehensive Plan:

Future Land Use Map revisions: David Witte, Realtor David Dinkel and Architect Shane Bernau presented a preliminary concept for a 55+ condominium project on 33 acres north of Hope Road owned by Fred H Witte Sons, Inc. (Exhibit B). They also provided several handouts, including information about condominiums, 55+ senior living, Town demographics, Kennedy Hills lots 1-16 Economic Impact, Door Creek Greenway, an informal traffic study at 2924 Hope Road, septic suitability and tree varieties (Exhibit C). Discussion items included drainage district and Trans-Canadian gas line concerns. Jo Winkler-Bley expressed concerns that were also contained in an earlier email to the Plan Commission (Exhibit D). Commission members questioned whether WSP is in support of the proposed trail, and how it will be funded. Roffers' recommendation (Exhibit E) included community benefits and challenges for the Witte proposal, and suggested four possible commission responses: 1) Yes, 2) Yes, BUT impose the conditions he included on the draft resolution (Exhibit F), 3) No, 4) Not yet, wait until the success of the Witte's neighborhood across Hope Road is known. Eickhoff said his research indicates that every lot in the proposed development will need to have an encumbrance for access rights of the Federal Government to the conservation land.

Moving on, Roffers summarized the proposed language changes to the Comprehensive plan, also outlined on Exhibit E. There were no objections to those.

MOTION by Hampton to move the 40 acres of Neighborhood Development area at the end of Coffeytown Road to the GT Rentals property on Hope and Vilas Roads, and to put the Commercial area at 0711-334-9235-0 north of 3236 CTH N back to Ag Preservation and designate 33 acres of Neighborhood Development to 33 Acres of the Witte property north of Hope Road. **MOTION FAILED FOR LACK OF SECOND.**

MOTION by Hampton/Eickhoff to postpone the adoption resolution and notify the property owners that would be affected by the failed motion above for their input at the August meeting. **MOTION CARRIED 7-0.**

9) Allison Rathsack, petitioner, Dane County, property owner, parcel 0711-334-9235-0 north of 3236 CTH N: Seeking rezone to Rural Industrial for storage of materials (DCPREZ-12300), and Conditional Use Permit for removal of clay materials (DCPCUP-02712). (Tabled from June 24th): Rathsack, Dane County Director of Waste and Renewables John Welch and Highway Commissioner Clement Abonjwa were present. Written response to questions from the June meeting were provided, along with the County Planning and Development staff report that included 37 conditions for approval (Exhibit G). Hampton questioned drainage over Ofsthun Road onto the adjacent farmland. Welch said the stormwater pond would be designed for a 200-year storm event per the Dane County Stormwater ordinance. Hampton also asked about reclamation plans, Abonjwa said approximately 200,000 square feet of indoor storage for the Highway Department are planned. Hampton asked if other locations have been investigated, noting that loss of tax base from County owned property affects the Town. Eickhoff asked if a payment in lieu of taxes could be considered. In response to a question about access to CTH N, Abonjwa explained that the County would not be

sharing a driveway with RG Huston, but would be constructing a new driveway with left turn and bypass lanes. Banigan asked if the applicants have been in communication with the Hornungs to the north to not disturb their life too much. Welch said they can keep clay removal back from the Hornung property line. He has been trying to find other County-owned agricultural land to replace the rental farmland the Hornungs will lose. John and Andy Hornung were present, and Andy said they always knew about the clay extraction, but did not expect the commercial development to follow. He wondered about how the property ended up designated as commercial, and asked about dust control for his cattle. Anders asked about the clay removal process, whether they would backfill as clay is removed or leave areas open, and what dust control measures would be in place? Welch said the backfilling depends on the grade of the land, and that a water truck and street sweeper would be required to be on site. Banigan asked about traffic impacts, Abonjwa said County Highways are designed for this kind of traffic, and the volume of the clay extraction project is temporary and does not warrant a traffic study. Eickhoff asked if the County is open to adjustments to accommodate complaints. Abonjwa responded in the positive and gave an example of how community input has been used in other projects. There were more questions about dust control, including whether the County would be open to washing houses. Welch said this could be considered. Item 23) of the County's conditions for approval limited hours of operation were 6 am – 6 pm M-Saturday, with no operations on Sundays or holidays. Hampton asked if they would be agreeable to 7 am to 6 pm M-F, with no operations on Saturdays, Sundays or Holidays. Welch said they would be agreeable; however, it would extend the duration of the project. Anders said the Town plans to prohibit engine braking in the vicinity, and asked Welch to convey that to any subcontractors. Rathsack noted that this is included in the County's recommended conditions. Hampton asked if they would cease operations in the even that Interstate traffic is re-routed onto CTH N. Abonjwa said they would. **MOTION** by Hampton to postpone until after the Comprehensive Plan amendment is complete **FAILED FOR LACK OF A SECOND**. Banigan asked if any blasting is planned. Welch said no. Roffers presented his recommendations (Exhibit H), stating that he believes the rezone request is consistent with the Comprehensive Plan and recommends approval with the five restrictions as stated in his memo. He further recommended approval of the CUP for clay extraction, subject to the 37 conditions on the County staff report, amended as discussed earlier, and a 38th condition requiring the applicant to apply for and obtain a Town non-metallic mining permit under Town Code Chapter 17. **MOTION** by Banigan/Eickhoff to recommend approval of the rezone of 31.98 acres from FP-1 to RI, with a CUP for removal of clay materials, subject to the following conditions. With this, all conditions for CUP approval are considered satisfied:

<u>Conditions of Rezone</u>

1. Land uses on the property shall not include any of the following:
    a. Asphalt or concrete production
    b. Commercial processing or composting of organic byproducts or wastes
    c. Demolition material storage or disposal
    d. Dumping ground
    e. Incinerator site
    f. Salvage operation
    g. Slaughterhouse or meat processing plant
    h. Stockyard or livestock auction facility
    i. Solid waste disposal or recycling operation
    j. Wastewater treatment facility
2. Outdoor storage shall be kept within outdoor storage yards that are:

a. Clearly indicated on a site plan approved by the Town of Cottage Grove.
b. Not within 200 feet of the right-of-way for Highway N.
c. Gravel or hard surfaced.
d. Fully screened from Highway N and residential zoning districts by buildings, landscaped berms, walls, and/or opaque fences. Chain link fences with slatted inserts or mesh coverings are not considered opaque fences.

3. Outdoor storage shall not be introduced to the site until building and zoning permits for a permanent storage building have been issued, construction of the building has commenced, and screening of the outdoor storage yard(s) has been installed.
4. Any proposal to use a holding tank for sanitary waste storage must meet applicable County regulations plus the holding tank policy in Figure 9 of the Town of Cottage Grove Comprehensive Plan.
5. Prior to the commencement or expansion of any use or activity meeting the minimum criteria in Section 12.08(2) of Town ordinances, the owner shall apply for and obtain Town design approval of Section 12.08 of Town ordinances.

Conditions of CUP

1. Conditional use is subject to the 37 conditions in the County Planning and Development Department's 7/23/26 County Planning staff report, with the following additions and modifications:
   a. Amend condition 23 to read as follows: "23) Subject to State Statute 66.0441(3)(c), hours of operation shall be 7:00 a.m. to 6:00 p.m. Monday through Friday. There shall be no operations of any kind on Saturdays, Sundays, and holidays. Holidays are to include: New Year's Eve, New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve, and Christmas Day."
   b. Add condition 38 to read as follows: "38) Before commencement of clay extraction operations, applicant shall apply for and obtain Town approval of a non-metallic mineral extraction permit under Town Code Chapter 17."

MOTION CARRIED 6-1 (Hampton opposed).

10) ADJOURNMENT: **MOTION** by Hampton/Eickhoff to adjourn. **MOTION CARRIED 7-0**. The meeting ended at 10:44 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer
Approved 08-26-2026

MDROFFERS CONSULTING

TO: Town of Cottage Plan Commission

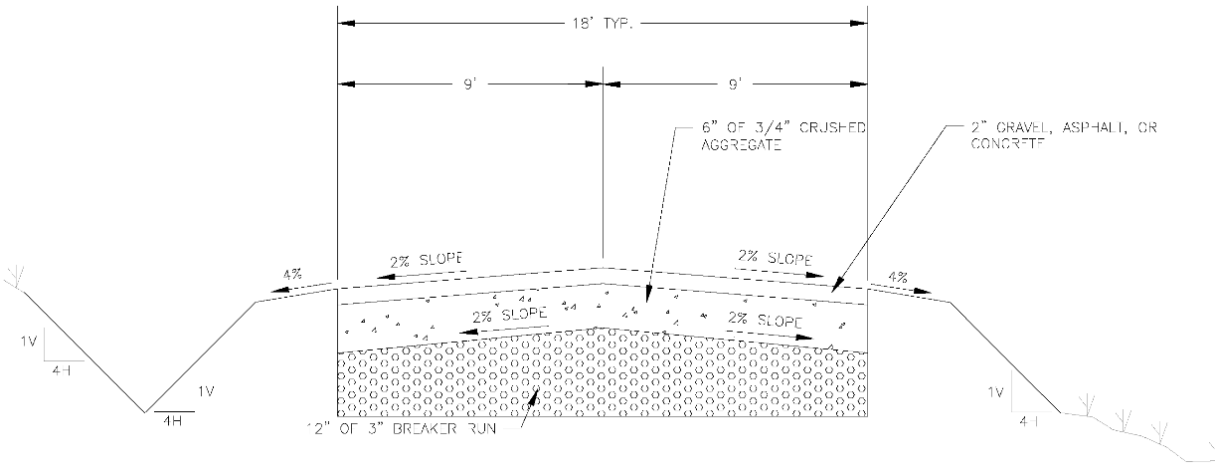
FROM: Mark Roffers, Town Planner

DATE: UPDATED July 16, 2026

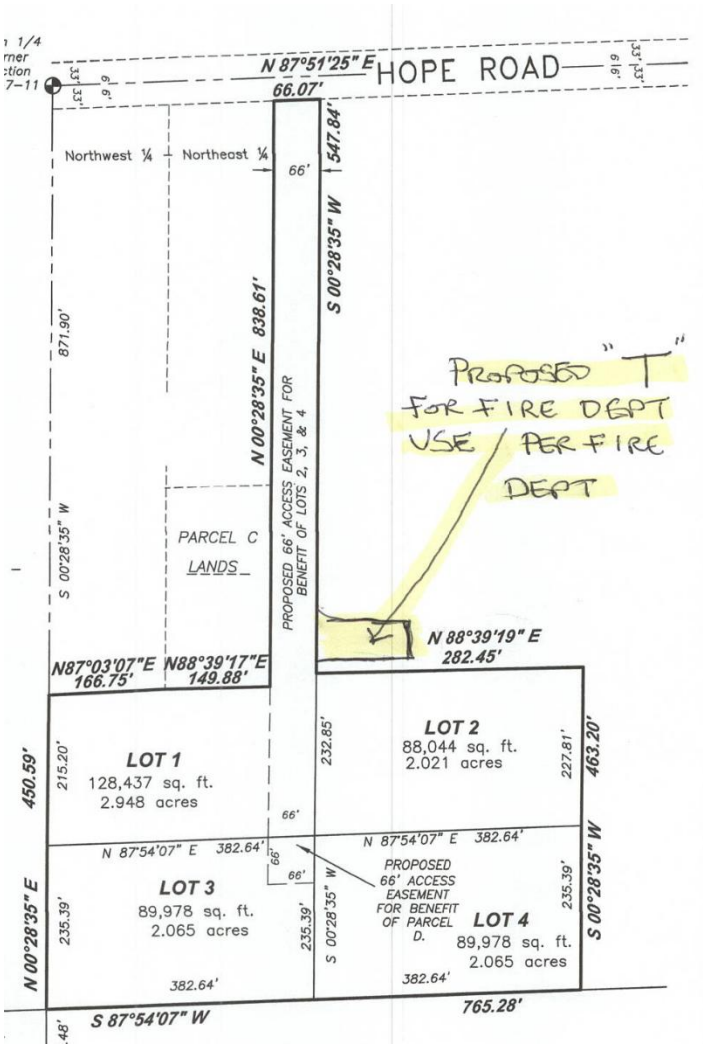
RE: Rezoning Request for GT Rentals (Gausman)

The Plan Commission first reviewed this request at its June meeting, with the outcomes being:

- Acknowledgement that only the rezoning request is on the table; CSM review would follow County action on the rezoning.
- Concern from adjacent home/lot owners to the west of the proposed shared driveway, related to privacy, drainage, and access (to landlocked "Parcel C" on map on next page).
- Mixed initial opinions on whether to allow the proposed four new lots (plus "Parcel C") to be served by a shared private driveway versus a public road. Considerations included:
    - Public road would require Town maintenance and greater width, which would improve access but result in more tree removal and less neighbor privacy.
    - Acknowledgement that garbage truck will not use a private driveway, meaning that new homeowners would have to haul trash cans around 600 to 1,000 feet.
    - Desire for Fire Department to advise on needs if private driveway allowed.
    - Some sentiment to meet public road construction standards, even if private drive.
    - Sharing of Town's normal private driveway standards by ordinance, as follows:



The Commission then postponed its recommendation on the rezoning. Following the meeting, the applicant and Fire Department staff met. The Fire Chief advises, if allowed, a shared private driveway should include a T-turnaround at the spot indicated on the map to the right, built to support a fire truck weight. The Chief also seems to suggest that the driveway be built to "Town Road Spec." The Chief also stated that Town ordinance says a public road with a single entrance point cannot be longer than 1000 feet in length (mostly true, except if road is planned to extend further in future).



The Public Works Director has also offered his opinion, expressing no preference as to whether this development would be served by a public road or private shared driveway. He notes that, if a public road, a large turnaround (e.g., hammerhead, cul-de-sac bulb) would be required at the south end. His primary concern is that the driveway would connect with Hope Road on a hill incline and not at the top of the hill, "so it's definitely a dangerous spot to create more traffic turning onto Hope Rd. This is especially concerning because it's less than 400 ft [east] from the curve near Bork's house. The hill peaks at Oakwood Dr."

It would seem to me that, before Town action on the requested rezoning is timely, the following should take place:

1. **Further Analysis of Driveway to Hope Road.** The Public Works Director's comments are concerning. There are engineering standards for safe sight distance for intersections on public roads, which consider posted speed limit and other factors, which I suggest be applied to this situation. This may warrant the advice of the Town Engineer. The Director's concern should be weighed against the continuation of current driveway in this location, serving one home now and maybe a second house on the current spot-

zoned parcel if the proposed rezoning is not approved. The concern also suggests that planning for this route as a public road that may extend further south in the future (as I previously suggested as an option) would not be a good idea.

2. **Confirmation with Fire Chief.** The proposed truck turnaround location on the above map could be 400-500' north of the ends of the driveways serving future houses on proposed Lots 3 and 4. Therefore, if a fire truck traveled all the way south to the ends of those driveways, its driver may have to back north that same distance before reaching the indicated turnaround. It would also be worth understanding the specification to which the Chief would desire the shared private driveway to be built. Would a gravel driveway meeting the specifications in the above graphic be sufficient, or something more?

3. **Plan Commission Direction on Shared Private Driveway vs. Public Road:** I advise clear guidance on whether the Commission supports a waiver to the Town's normal ordinance requirement that all new lots have at least 50 feet of frontage on a public street, under what conditions, and considering how such action in this case might apply to future similar requests. It does not make sense, in my opinion, to approve residential rezoning in a location where there is not a clear plan for access at the same time, and where one potential plan (a public road) may prove too expensive. Allowing a shared private driveway has appeal, including less land, less expense, less width/tree clearance, and no Town maintenance. Use of a private driveway instead of a public road also suggests to me an understanding that the Town and owner agree that the remaining area of the GT Rentals holdings will remain an Agricultural Preservation Area indefinitely. Use of a private driveway also has practical drawbacks, such as garbage collection inconvenience. Also, public road frontage the most certain way to guarantee that no developed lot is ever landlocked without means to reach the public street network. Public streets are also maintained by the Town government to a common and expected standard.

4. **Preliminary Design and Legal Agreement:** If there are clear answers to 1-3 above, and they point to the direction of a private driveway, then I suggest that the applicant prepare a preliminary design (site plan, cross section) for the proposed private driveway, plus a draft shared driveway easement agreement that incorporates the four proposed lots plus the existing landlocked residential parcel labeled "Parcel C" on the above map. The preliminary design should consider the Town's driveway ordinance plus advice from the Fire Chief, Public Works Director, Town Engineer, and homeowners to the west. I have included in the packet one model shared driveway agreement; there are also others that could be referenced.

Once the above matters are addressed, I believe there would be merit to this rezoning. With a transferred development right from the Handzel farm to the immediate south, the proposal would use all remaining RDUs on this farm and could/should result in a restriction resulting in permanent farmland preservation on the balance—and one fewer home on the Handzel farm—thereby solidifying area to south and east for farmland preservation. Relatedly, the proposal would eliminate a 1-acre SFR-1 spot zoned site (parcel 8685-9). Further, the proposed development layout, clustering homes in a woodlot instead of an open field, appears to meet Town Plan "residential development siting" standards, subject to suggested conditions below, thereby aiding with rural character preservation in this part of the Town.

Here are some suggested rezoning conditions when the above matters are addressed to the Commission's satisfaction:

1. Rezoning shall have a delayed effective date tied to recording of a Certified Survey Map (CSM) over the rezoning area.
2. The final CSM submittal from the applicant shall include:
    a. All information required by Wis. Stats. §236.34 and including certification that the surveyor has reviewed and complied with the Town Land Division and Planning Code.
    b. Soil tests related to both soil suitability for standard or mound waste treatment systems, and for infiltration to the extent required for stormwater management standard compliance.
    c. Detailed engineering design plan and shared access agreement for shared driveway meeting requirements of Section 08.02 Town ordinances, and any other standards advised by the Fire Chief or Public Works Director.
    d. Easements requested by private utilities to serve all lots (may coincide with shared driveway area).
    e. Preliminary stormwater review letter from Dane County Land and Water Resources staff.
    f. Results of an Endangered Resources Preliminary Assessment from the DNR via https://dnr.wisconsin.gov/topic/erreview/PublicPortal.
    g. Covenants for the lots that:
        i. Restrict against use of sanitary waste holding tanks.
        ii. Establish "building envelopes" for all lots that generally center each home on its lot (including minimum north line setbacks of 30 feet for

each lot) and limit grading and tree clearance beyond these building envelopes except for dead, dying, diseased, or invasive trees as designated by the DNR.

iii. Also restricts tree clearance within each building envelope to a yard area not exceeding 20,000 square feet plus the area for the driveway and required clear zone, again with the above exceptions.

iv. Incorporates home design and lighting limits to blend with the natural/rural environment.

v. Require all utilities to the installed underground.

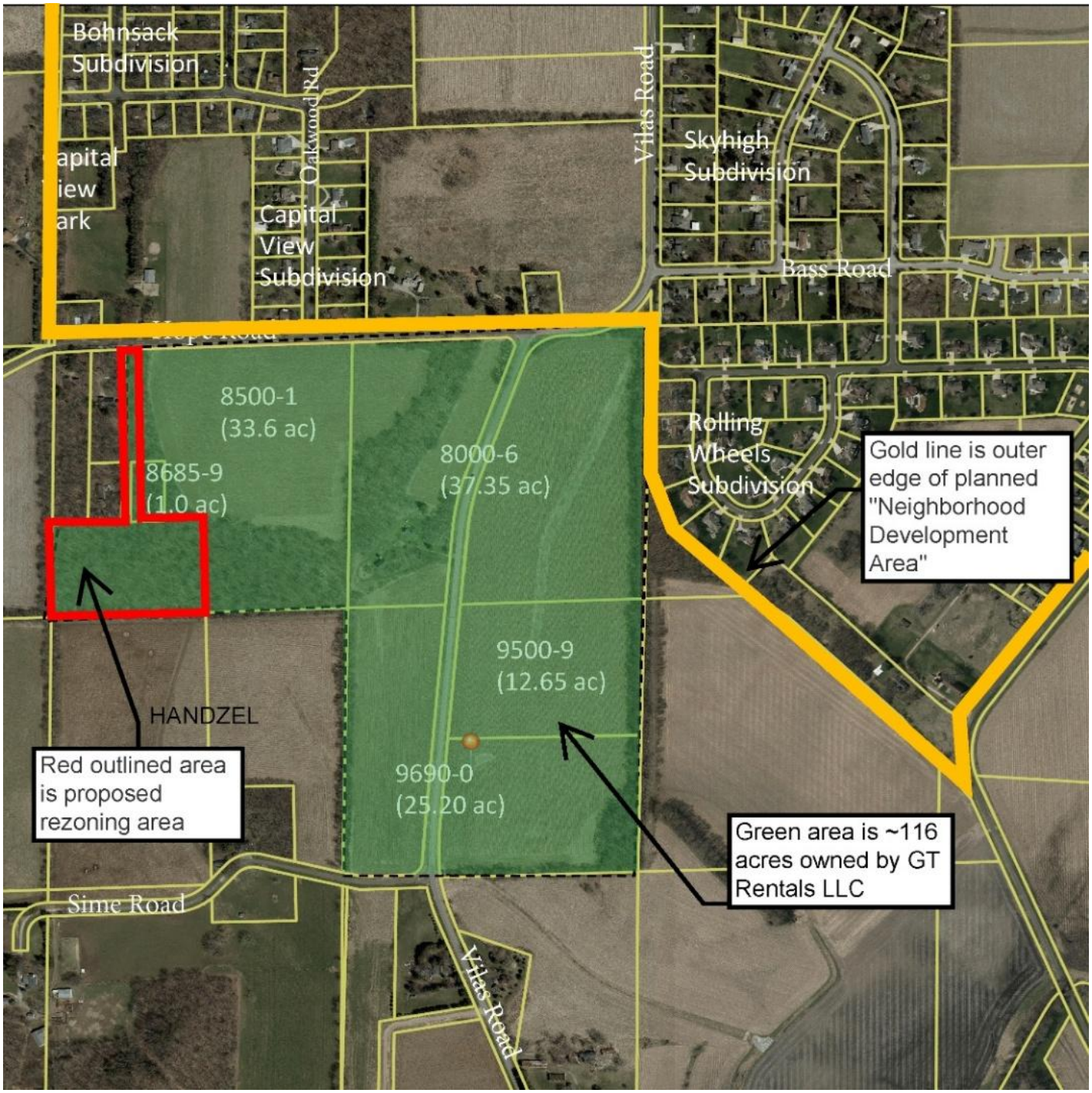
vi. Indicating that the final grade within the utility easements shall not be altered by more than 6 inches, except with written consent of the utilities involved.

3. A restriction shall be applied to the balance of the GT Rentals' contiguous land holding (i.e., everything but the rezoning area) which indicates that:

    a. All Residential Density Units (RDUs) are extinguished upon the rezoning approval and CSM recording (i.e., no further homes permitted).

    b. The residence addressed at 3647 Vilas Road (on parcel 8000-6 west of Vilas Road) may not be divided from the balance of that parcel without an RDU being transferred from beyond the GT Rentals' contiguous land holding under the Town's transfer of development rights (TDR) program.

4. A restriction shall be recorded against the land from which an RDU will be obtained under the Town's TDR program to enable the fourth lot in the proposed land division.


Bohnsack Subdivision
Oakwood Rd
Vilas Road
Skyhigh Subdivision
Capital View Subdivision
Bass Road
8500-1 (33.6 ac)
8685-9 (1.0 ac)
8000-6 (37.35 ac)
Rolling Wheels Subdivision
Gold line is outer edge of planned "Neighborhood Development Area"
9500-9 (12.65 ac)
HANDZEL
Red outlined area is proposed rezoning area
9690-0 (25.20 ac)
Green area is ~116 acres owned by GT Rentals LLC
Sime Road
Vilas Road

33 Acre Rural Condominium Proposal

Town of Cottage Grove
Plan Commission

07.22.2026

Concept Plan

39 Units

31 single family

8 senior duplex

KEY

A Private road entrance/exit (~850’ from S Hope intersection)

B Gateway stone wall/ split rail fence/ prairie landscape

C Stormwater basin

D WRP trail head with parking

E Senior living duplexes

F High point overlook

G 14’ wide emergency access lane with gate

H Drumlin prairie south slope

I Regional gas line easement

J 163 Acre Wetland Reserve Program (WRP) lands

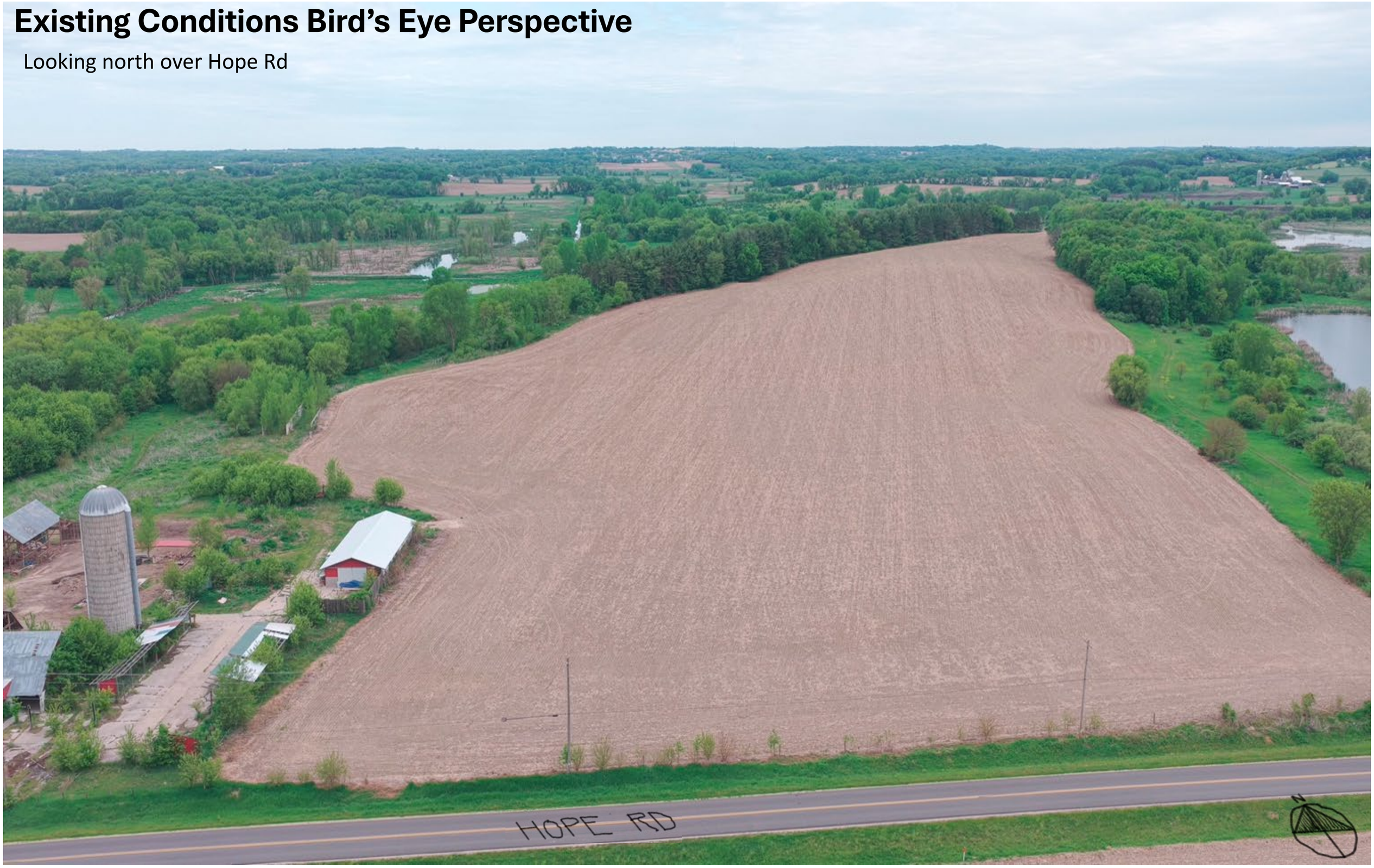
WRP boundary



BERNAU
design + landscape architecture

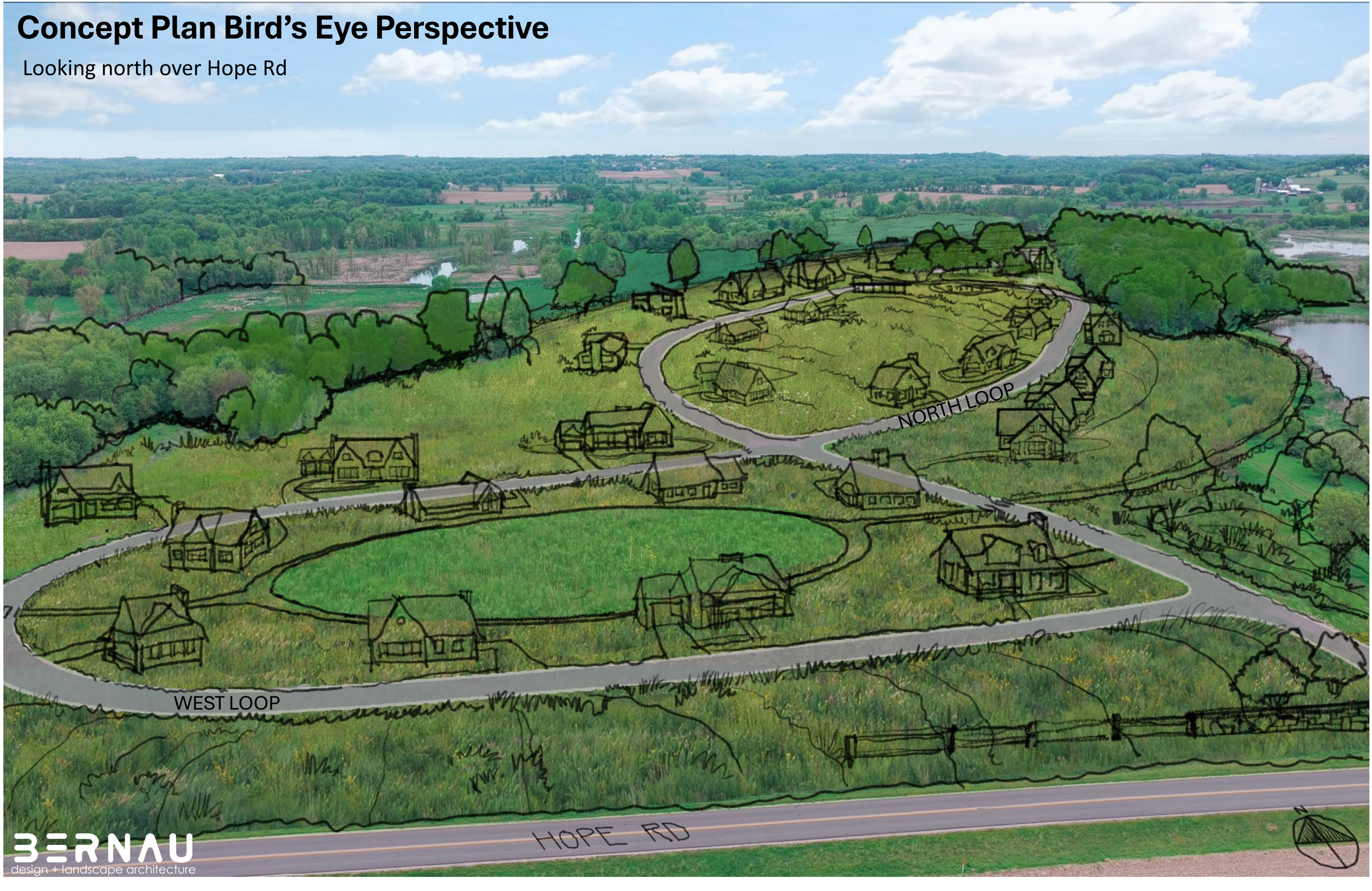
Existing Conditions Bird's Eye Perspective

Looking north over Hope Rd



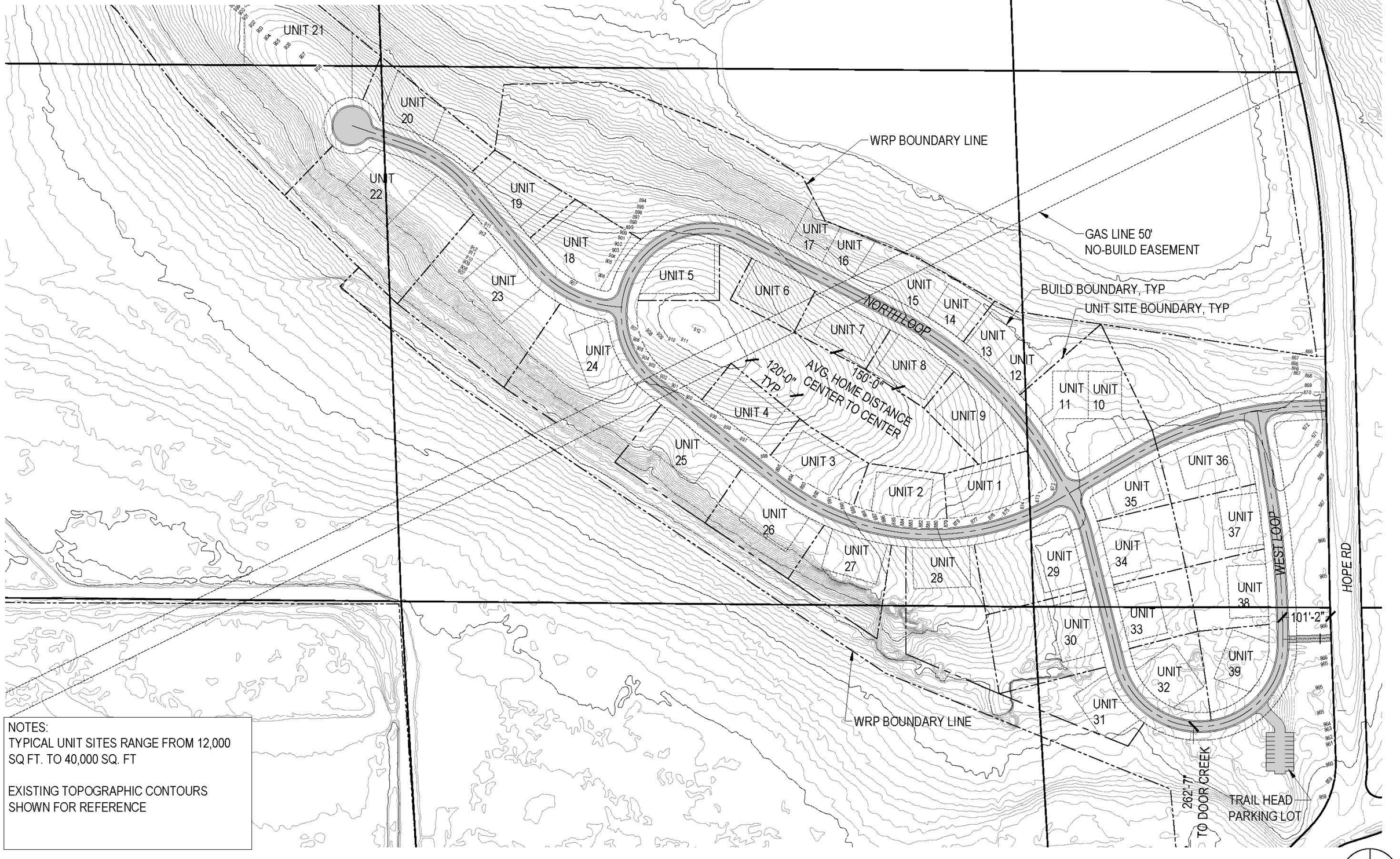
Concept Plan Bird's Eye Perspective

Looking north over Hope Rd



BERNAU
design + landscape architecture

Preferred Concept Preliminary Layout



NOTES:
TYPICAL UNIT SITES RANGE FROM 12,000 SQ FT. TO 40,000 SQ. FT

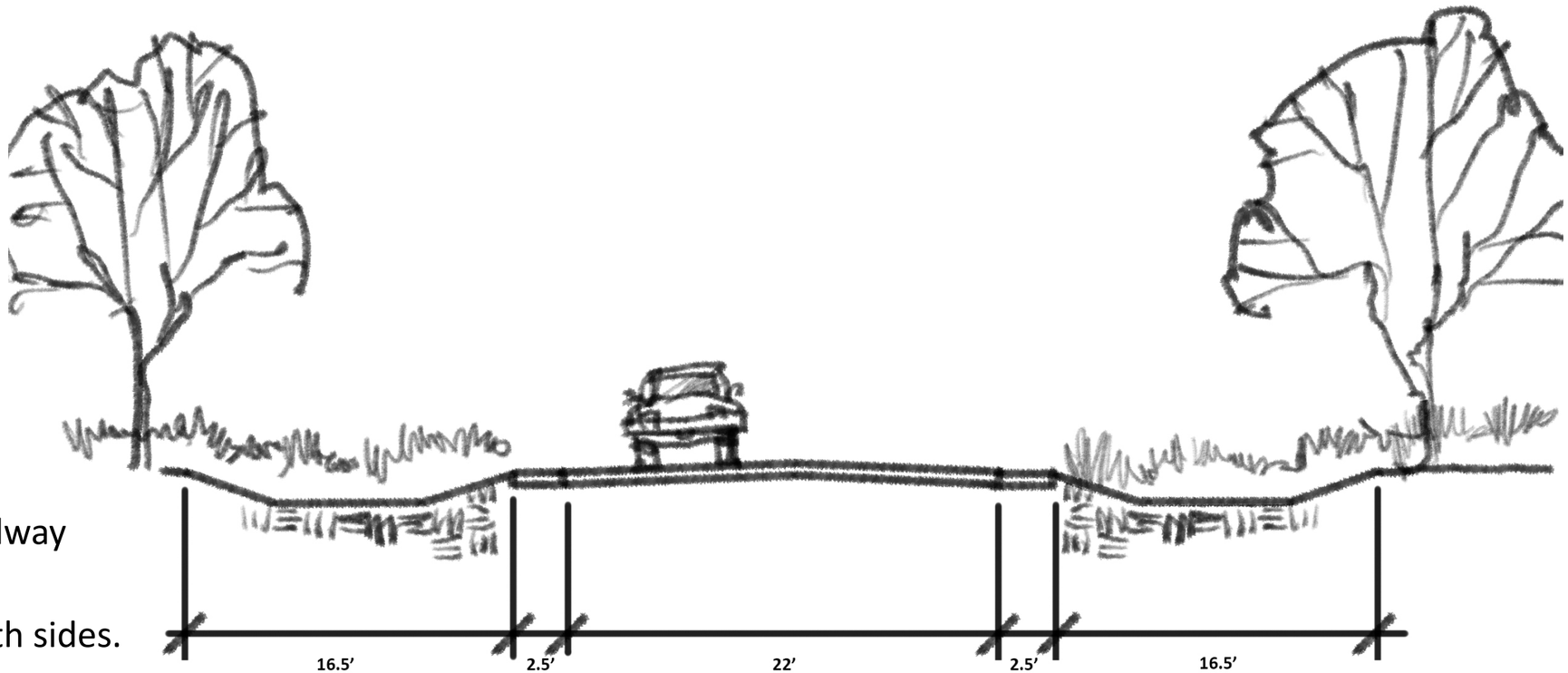
EXISTING TOPOGRAPHIC CONTOURS SHOWN FOR REFERENCE

1 SITE PLAN

0' 50' 100' 200' N

SCALE: 1" = 100' @ (11"X17" SHEET)

Proposed Internal Condominium Road



Example asphalt roadway with 30” concrete ribbon/flush curb both sides.

(Photos Town of Bristol)







Stormwater

Creating beauty with native plantings in a stormwater retention pond



Concept Plan

39 Units

31 single family

8 senior duplex

KEY

A Private road entrance/exit (~850’ from S Hope intersection)

B Gateway stone wall/ split rail fence/ prairie landscape

C Stormwater basin

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I Regional gas line easement

J 163 Acre Wetland Reserve Program (WRP) lands

WRP boundary



BERNAU
design + landscape architecture

Understanding Condominiums:

Why Condominium Ownership Is a Smart Choice for Cottage Grove and Future Buyers

Town of Cottage Grove • 1870 Witte Land LLC

Many residents considering a new home ask a natural question: why buy a unit in a condominium instead of a traditional lot? The honest answer is that condominium ownership is a genuine form of real estate ownership — not a style of building — and for many buyers and for the Town, it is the better choice. A condominium owner holds title to their individual "unit," shares ownership of the property everyone uses together (the "common elements"), and gains a lower-maintenance, more predictable form of homeownership backed by an association that handles the big-ticket upkeep. For the Town of Cottage Grove, condominium development also means efficient use of land and infrastructure, a broader range of housing options for residents at every stage of life, and a stable tax base with modest service demands. This guide explains the key terms behind condominium ownership in plain language, so residents can make an informed, confident comparison between condominium and lot ownership.

1. Declaration, Bylaws, and Declarant

Declarant

The Declarant is the person or company that creates the condominium — typically the original developer. The Declarant prepares and records the founding legal documents, initially controls the association's board while the community is being built and sold, and then turns control over to the unit owners once enough units are sold.

Declaration

The Declaration is the condominium's foundational legal document, recorded with the county. It legally creates the condominium, describes the land and units, defines the common elements, sets each unit's percentage interest, and establishes the basic rules that run with the property. Think of it as the condominium's "constitution."

Bylaws

The Bylaws are the rulebook for how the condominium association operates day to day — how the board of directors is elected, how meetings are held and votes are counted, how officers are chosen, and how the budget and assessments are adopted. Where the Declaration defines the property, the Bylaws define the government that runs it.

2. Unit vs. Lot

These two words describe different ownership structures and knowing which one applies changes what an owner is responsible for.

- Unit: In a condominium, a Unit is the individually owned space — typically the interior of a home or apartment. The owner holds title to the unit itself, while the building's structure, roof, and grounds are usually part of the shared common elements maintained by the association.
- Lot: In a traditional subdivision, a Lot is a separately platted piece of land that an owner holds outright, including the yard, driveway, and often the exterior of the home. There typically are no shared common elements, and each lot owner — not an association — is directly responsible for maintaining their own structure and land.

In short: a unit owner typically shares maintenance responsibility for the building and grounds with the association; a lot owner typically handles their own property directly.

3. Common Elements vs. Limited Common Elements

Common Elements

Common Elements are the parts of the condominium property that all owners share and have the right to use — things like the land, and where applicable, the building structure, roofs, hallways, lobbies, elevators, and shared amenities such as a clubhouse or fitness room. The association is generally responsible for maintaining these areas, funded through assessments paid by all owners.

Limited Common Elements

Limited Common Elements are a subset of the common elements reserved for the use of one unit (or a small number of units) rather than the whole community — for example, a balcony, patio, storage locker, or reserved parking space

attached to a specific unit. They are still owned in common by all owners, but only certain owners have the right to use them.

4. Bylaws, Percentage Interest, and Association

(See the Bylaws definition above.)

Percentage Interest

Percentage Interest is each unit's proportional share of ownership in the common elements, set out in the Declaration. It typically determines how much an owner pays in assessments, how many votes they have in association matters, and their share of any proceeds if the property is ever sold or taken through eminent domain. Percentage interests across all units in the condominium add up to 100%.

Association

The Association is the legal entity made up of all unit owners that governs the condominium — whether or not it is formally incorporated, state law treats it as a distinct legal entity. It is run by an elected board of directors, which makes policy and budget decisions, enforces the governing documents, and manages the common elements on behalf of all owners.

5. Assessment Fees, Reserve Fund, and Statutory Reserve Fund

Assessment Fees

Assessment Fees are the regular payments owners make to the association — typically monthly or quarterly — to cover common expenses such as landscaping, insurance, utilities for shared areas, management, and contributions to reserves. Each owner's share is generally based on their percentage interest. The association may also levy a special assessment for a one-time or unexpected expense beyond the regular budget.

Reserve Fund

A Reserve Fund is money the association sets aside for large, non-routine repairs and replacements that come up periodically — a new roof, repaving, or major mechanical systems — rather than paying for them entirely out of that year's budget. Building up a healthy reserve fund helps avoid large surprise assessments later.

Statutory Reserve Fund

A Statutory Reserve Account is a specific type of reserve fund recognized under Wisconsin law (Wis. Stat. § 703.163). For condominiums created on or after November 1, 2004, the Declarant must decide at the outset whether to establish one; existing associations vote on whether to establish or maintain one. If a condominium has a statutory reserve account, the annual budget must include reserve funding, and a recorded "statutory reserve account statement" gives public notice of the association's approach. An association can choose not to have a statutory reserve account, but it must still disclose — in that recorded statement — how it plans to pay for future major repairs.

Why Condominium Ownership Makes Sense

Understanding these terms makes clear why condominium ownership is an attractive option — for buyers and for the Town of Cottage Grove alike:

- For buyers: a predictable, lower-maintenance form of ownership, with major repairs planned for through reserves instead of falling entirely on one homeowner, plus shared amenities and a built-in community.
- For future buyers and residents at every stage of life: a real ownership option — including age-restricted communities — for those who want to downsize, right-size, or enter homeownership without taking on a full lot's exterior upkeep.
- For the Town of Cottage Grove: efficient use of land and infrastructure, a diversified housing stock that meets different household needs, and a stable, growing tax base supported by well-run associations.

This guide is intended as a general, plain-language introduction and is not a substitute for legal advice. Every condominium's specific rights and obligations are set by its own recorded Declaration and Bylaws, which control over any general summary. Residents and prospective buyers with questions about a particular community should review those documents or consult an attorney.

55+ Senior Living: A Positive Addition to Cottage Grove Township

1870 Witte Land LLC — An informational summary for the residents of the Town of Cottage Grove

As Cottage Grove continues to grow, a proposed 55+ senior living condominium development offers a housing option that benefits both the residents who choose to live there and the community as a whole. Age-restricted housing is a well-established, legally defined category of housing that pairs meaningfully with the Town's broader goals of diverse housing stock, sustainable services, and support for long-time residents who wish to stay in Cottage Grove as they age.

Why It Benefits the Community

- **Lighter impact on schools:** A 55+ development typically has far fewer school-age residents, which limits added pressure on Monona Grove School District enrollment, buses, and facilities.
- **Reduced traffic demand:** Senior households generate lower peak-hour vehicle trips than family or workforce housing, easing congestion on local roads.
- **Stable tax revenue:** New condominium units add to the tax base and support Town services, while placing comparatively modest demands on infrastructure.
- **Aging in place, locally:** Long-time Cottage Grove residents who want to downsize can remain in the community near family, friends, and familiar services rather than relocating elsewhere. Your life can evolve in your community.
- **Frees up starter and family homes:** As seniors leave larger single-family homes for condominium living, those homes become available to young families, helping diversify the housing supply.
- **Community engagement:** Senior residents are often active volunteers, mentors, and patrons of local businesses, civic groups, and Town events.

What "55+" Means: Restrictions

55+ communities operate under the federal Housing for Older Persons Act (HOPA), an exemption to the Fair Housing Act's familial-status protections. To legally qualify as 55+ housing, a community must meet specific, enforceable conditions:

- **80% occupancy rule:** At least one resident age 55 or older must occupy 80% of the occupied units.
- **Published policy:** The community must publish and consistently apply written policies confirming its intent to operate as 55+ housing.
- **Age verification:** Owners must verify age through reliable documentation (driver's license, birth certificate, etc.) and re-verify periodically.
- **Limits on minors:** Generally, no permanent residents under age 18; occasional visits by grandchildren or other minors are typically allowed within limits set by the community.
- **HOA/condo rules:** Individual condo bylaws may add rules on occupancy limits, guest stays, and unit use, in addition to the federal HOPA requirements.

Benefits to Residents

- **Low-maintenance living:** Exterior upkeep, landscaping, and often snow removal are handled by the association, reducing physical burden on residents.
- **Accessibility features:** Single-level units, wider doorways, and walk-in showers support residents as mobility needs change.
- **Built-in community:** Shared amenities such as clubhouses, fitness rooms, and organized activities help reduce isolation and build peer relationships.
- **Enhanced security:** Controlled entry and close-knit neighbors can offer greater peace of mind than living alone in a larger home.
- **Financial predictability:** Downsizing from a larger home can lower utility, maintenance, and property-tax costs, freeing up funds for retirement.

In short, a 55+ senior condominium development is a housing option, not a housing burden: it meets a real local need, operates under clear and enforceable federal guidelines, and tends to add residents who are engaged, have low-impact on Town infrastructure, and are invested in Cottage Grove's future.

Town of Cottage Grove – Key Demographics – 2024

Demographics

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Age

45.6

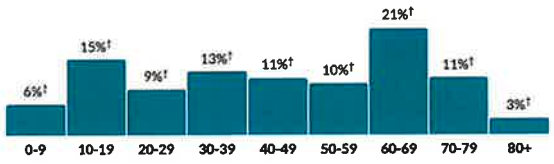
Median age

about 1.3 times the figure in Dane County: 35.7

about 10 percent higher than the figure in Wisconsin: 40.2

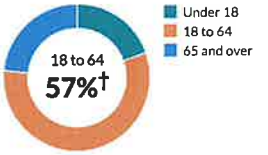
about 20 percent higher than the figure in United States: 38.9

Population by age range



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Population by age category



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Ages 50 to 80+ = 45% of the Town of Cottage Grove's Total Population

Ages 65 and over = 23% of the Town of Cottage Grove's Total Population

- About 1.5 times the rate in Wisconsin: 13%

Ages 60-69 = Largest age demographic percentage in the Town of Cottage Grove - 21%

- More than double the rate in Dane County: 10%

Housing

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Units & Occupancy

1,570

Number of housing units

Dane County: 261,061

Wisconsin: 2,778,572

United States: 143,775,360

Occupied vs. Vacant



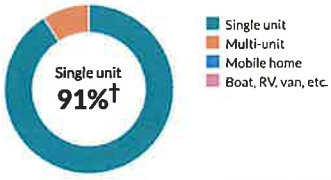
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Ownership of occupied units



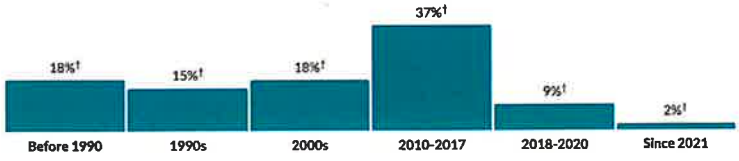
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Types of structure



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Year moved in, by percentage of population



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Citation: U.S. Census Bureau (2024). *American Community Survey 5-year estimates.* Retrieved from *Census Reporter Profile page for Cottage Grove town, Dane County, WI* <http://censusreporter.org/profiles/06000US5502517200-cottage-grove-town-dane-county-wi/>

Kennedy Hills Lot 1-16 Economic Impact 2025:

Parcel Number:	KH Lot #:	Total Assessed Value:	Est FMV	Local Taxes	MGSD Taxes	Taxes 2025
018/0711-101-2101-0	1	$637,500	$923,914	$2,232.01	$7,796.55	$13,184.47
018/0711-101-2112-0	2	$826,400	$1,197,682	$2,893.39	$10,106.78	$17,091.22
018/0711-101-2123-0	3	$567,000	$821,741	$1,985.18	$6,934.35	$11,726.44
018/0711-101-2134-0	4	$593,500	$860,146	$2,077.96	$7,258.44	$12,274.49
018/0711-101-2145-0	5	$668,000	$968,117	$2,338.80	$8,169.56	$13,815.26
018/0711-101-2156-0	6	$640,000	$927,537	$2,240.77	$7,827.13	$13,236.19
018/0711-101-2167-0	7	$603,500	$874,638	$2,112.97	$7,380.73	$12,481.29
018/0711-101-2178-0	8	$566,500	$821,015	$1,983.43	$6,928.23	$11,716.09
018/0711-101-2189-0	9	$578,000	$837,682	$2,023.69	$7,068.87	$11,953.92
018/0711-101-2200-0	10	$642,300	$930,870	$2,248.82	$7,855.26	$13,283.75
018/0711-101-2211-0	11	$533,000	$772,464	$1,866.14	$6,518.53	$11,023.26
018/0711-101-2222-0	12	$634,000	$918,841	$2,219.76	$7,753.75	$13,112.10
018/0711-101-2233-0	13	$503,500	$729,711	$1,762.85	$6,157.75	$10,413.15
018/0711-101-2244-0	14	$662,000	$959,421	$2,317.79	$8,096.18	$13,691.17
018/0711-101-2255-0	15	$612,000	$886,957	$2,142.73	$7,484.70	$12,657.11
018/0711-101-2266-0	16	$568,500	$823,914	$1,990.43	$6,952.69	$11,757.45
Average:		$614,731	$890,916	$2,152.30	$7,518.09	$12,713.59

When complete, the proposed 39-unit project off Hope Road could generate over $90,000 in annual taxes for the Township and over $320,000 in annual taxes for the Monona Grove School District.

Door Creek Greenway

What the 2050 Vision Plan Means for Dane County — and for 1870 Witte Land LLC

What This Actually Is

Two related documents describe a proposed "Door Creek Greenway": a continuous walking/biking trail and conservation corridor following Door Creek from Madison south to Lake Kegonsa. Both were produced in Fall 2025 by a graduate urban-planning studio (Urban Planning 912) at UW-Madison, working under CARPC's (Capital Area Regional Planning Commission) 2050 Regional Development Framework goals.

This is a student concept plan, not an adopted Dane County ordinance, capital project, or zoning change. No county board, town, or village has approved it, and no funding is attached. Its purpose is to lay out a vision and a rough roadmap that county and municipal planners could choose to pursue over the coming decades. That said, it's built on real Dane County GIS data and real planning goals (CARPC's environmental-corridor and farmland-preservation policies), so it's a credible signal of where future conservation and trail interest is heading in this area — worth understanding even though nothing is locked in.



Door Creek watershed (yellow) and the creek itself (blue), running from Madison south through Cottage Grove and McFarland to Lake Kegonsa.

The Big Picture

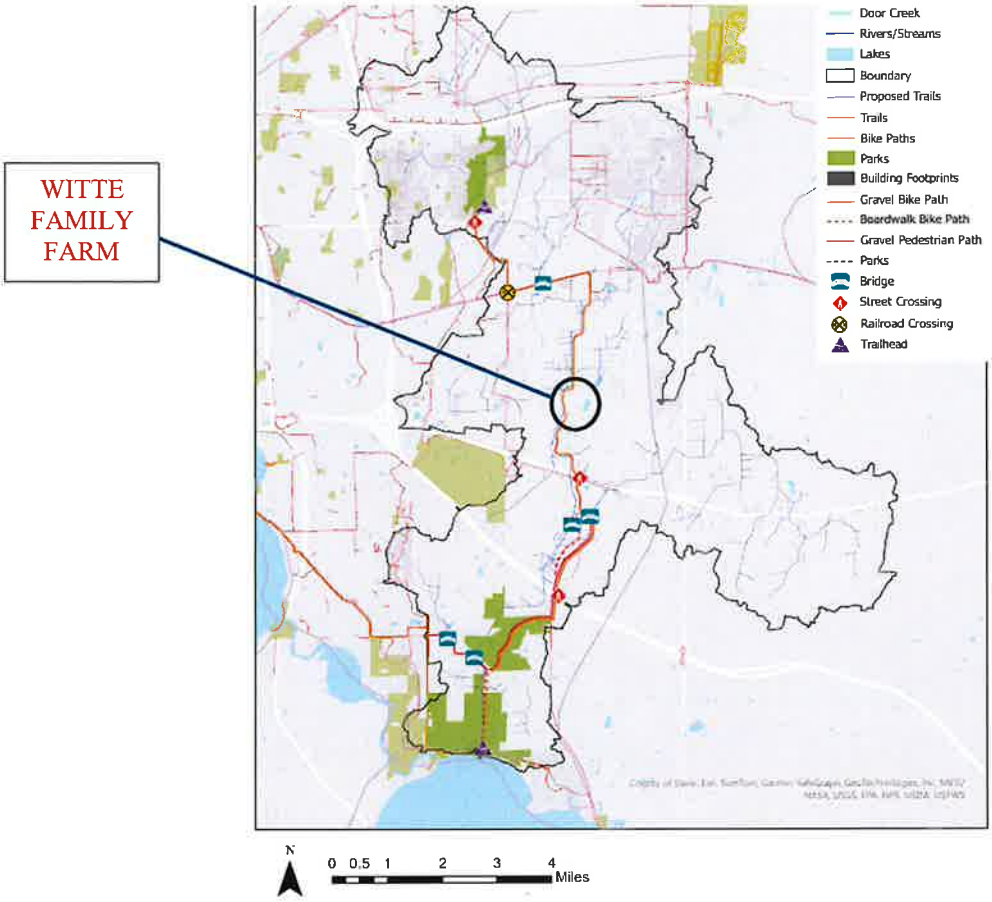
Door Creek begins on Madison's northeast side and flows about 12.7 miles south to Lake Kegonsa. Its watershed — all the land that drains into it — covers roughly 29.5 square miles across six towns and two villages, plus part of Madison. The Town of Cottage Grove holds by far the largest share: about 10,240 of the watershed's 20,500 acres (roughly half).

The vision has four goals: restore the creek and its wetlands (it's currently on Wisconsin's Impaired Waters list for phosphorus pollution); build a continuous public trail linking Lake Kegonsa State Park north toward Madison and Cottage Grove; create a land-conservation program modeled on Milwaukee's Greenseams® program; and improve public access to nature for the mostly-suburban west side and mostly-rural east side of this part of the county.

Scale of the Land Impact, Countywide

- The proposed corridor crosses 138 separate parcels of land; Door Creek itself runs through 107 of them.
- 38 parcels (32% of the corridor's acreage, 4.08 miles of creek) are already publicly owned — by Dane County, the City of Madison, or the Village of Cottage Grove. The rest is private land.

- About 75.5% of the corridor is open land, water, or woodland that is mostly undevelopable already (wetland or 100-year floodplain) — which is why planners see it as low-conflict conservation land. Another 17.1% is active farmland; 5.5% is residential.
- Wisconsin Act 59 bars the use of eminent domain to create or extend recreational trails. Every acre in this plan would have to be acquired voluntarily — by donation, purchase, or easement — from a willing landowner. Nobody can be forced to sell or grant access.
- A first "Phase 1" segment is imagined connecting Lake Kegonsa State Park north along the creek toward Cottage Grove-area neighborhoods, as a pilot before any further expansion.



PAGE 22

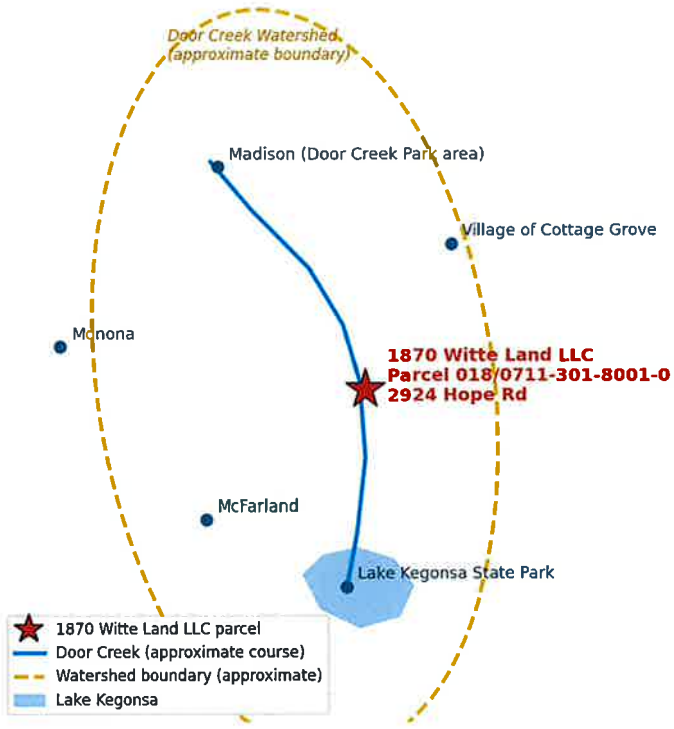
Proposed trail network (orange) and the Phase 1 pilot segment (red), overlaid on the watershed boundary.

Direct Impact: Parcel 018/0711-301-8001-0 (1870 Witte Land LLC)

Dane County's property records (Access Dane) show the following for this specific parcel:

- Location: Town of Cottage Grove — Section 30, T07N R11E, NE¼ of the NE¼. Address on file: 2924 Hope Rd.
- Size: 19.32 assessed acres. Zoning: FP-35 (Farmland Preservation, 35-acre minimum district).
- The legal description reads "E1/2 NE1/4 NE1/4 ELY OF DRAINAGE DITCH" — meaning the east boundary of this parcel is defined by a drainage ditch, which places a channelized waterway directly along or through the property.
- The parcel is enrolled in the Door Creek Drainage District (DDDC) — the same 5,459-acre drainage district described in the Vision Plan as the largest of the three drainage districts in the Door Creek watershed.
- Dane County's own record carries a Proximity Notice: the parcel "either contains or is in close proximity to sensitive environmental features (i.e. shorelands, floodplains, or wetlands)."
- The parcel is already subject to a recorded conservation easement (Register of Deeds Doc. #3196895 and #3205386) — meaning part of this land is already under a permanent conservation restriction, independent of anything in the Greenway plan.
- The parcel sits in the Town of Cottage Grove (the watershed's largest stakeholder, at roughly half its acreage), inside the Door Creek Drainage District itself, with a boundary defined by a drainage ditch and a county-flagged floodplain/wetland/shoreland proximity.

Approximate Parcel Location Within the Door Creek Watershed



Schematic locator built from the parcel's geocoded address (Dane County Access Dane) — not the Vision Plan's original GIS map.

Schematic locator built from the parcel's geocoded address (43.0479°N, –89.2300°W) — the star sits almost directly on Door Creek's approximate course, just north of Lake Kegonsa. This is not the Vision Plan's original GIS map; it's built here from the address on file to show relative position.

Key Takeaways

- Neither document is an adopted county policy — both are a 2025 UW-Madison graduate planning studio's concept, though grounded in real CARPC/Dane County goals and data.
- The vision covers a 138-parcel corridor along 12.7 miles of Door Creek, from Madison to Lake Kegonsa, with Cottage Grove as the largest stakeholder town.
- All land involved would be acquired voluntarily — state law prohibits eminent domain for this kind of trail.
- Parcel 018/0711-301-8001-0 (2924 Hope Rd, Town of Cottage Grove) sits in the Door Creek Drainage District, has a drainage-ditch-defined boundary, is flagged by the county for floodplain/wetland proximity, and already carries a recorded conservation easement — geocoding places it almost directly on Door Creek's course, just north of Lake Kegonsa.

TRAFFIC STUDY
2924 HOPE ROAD, COTTAGE GROVE, WI

MORNING - Wednesday, July 15, 2026 – 6am to 8am & Tuesday 21, 2026 – 6am to 8am

MORNING DATA:	
Wednesday, July 15, 2026 – 6am to 8am (2 hours)	
21 Vehicles and 3 Bicycles heading East on Hope Road	55 Vehicles and 3 Bicycles heading West on Hope Road
Tuesday 21, 2026 – 6am to 8am (2 hours)	
18 Vehicles and 0 Bicycles heading East on Hope Road from 6am to 8am	60 Vehicles and 1Bicycles heading West on Hope Road from 6am to 8am
21+18=39; 55+60=115; 39+115=154; 154 vehicles/ 4 hours = **38.5 vehicles per hour (plus 7 bicycles total)**	

EVENING - Thursday, July 16, 2026 – 5:02pm to 6:02pm & Monday, July 20, 2026 – 4pm to 6pm

EVENING DATA:	
Thursday, July 16, 2026 – 5:02pm to 6:02pm (1 hour)	
34 Vehicles and 0 Bicycles heading East on Hope Road from 5:02pm to 6:02pm	14 Vehicles and 1Bicycles heading West on Hope Road from 5:02pm to 6:02pm
Monday, July 20, 2026 – 4pm to 6pm (2 hours)	
18 Vehicles and 0 Bicycles heading East on Hope Road from 6pm to 8pm	60 Vehicles and 1Bicycles heading West on Hope Road from 6pm to 8pm
34+18=52; 14 +60=74; 52+74=126; 126 vehicles/3 hours = **42 vehicles per hour (plus 2 bicycles total)**	

(25) Street. A public way for pedestrian and vehicular traffic, including but not limited to highways, thoroughfares, parkways, throughways, roads, avenues, boulevards, lanes, and places.

(a) Arterial Streets and Highways. Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity areas.

1. Principal Arterials. Those interstate and other highways which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of Page 12 of 51 Rev. 10-06-2025 TOWN OF COTTAGE GROVE - CODE OF ORDINANCES CHAPTER 15 - LAND DIVISION AND PLANNING CODE access control. Within the Town, the following are principal arterials: Interstate 94, Highway 12-18, Highway N north of Gaston Road, and other highways that may in the future be designated as principal arterials by the Wisconsin Department of Transportation (WisDOT) or the Greater Madison Metropolitan Planning Organization (MPO).

2. Minor Arterials. Those streets which more commonly provide for intermediate length trips, thus serving through- traffic movement in trade areas or feeding traffic to the principal arterial streets from lower order activity areas not served by such routes. Within the Town, the following are minor arterials: Highway N from the Town Hall property south, Highway BB west of Highway N, and other highways that may in the future be designated as principal arterials by WisDOT or the MPO.

(b) Collector streets. Those streets which provide moderate speed movement of persons and goods, and that collect and distribute internal traffic within large areas. Within the Town, the following are collector streets: Highway BB east of Highway N, Gaston Road, Vilas Road, Highway AB, Highway MN, and other roads and highways that may in the future be designated as collector streets by WisDOT or the MPO.

(c) Neighborhood Connector Streets. Those streets which direct traffic from local streets within a land division, subdivision, or condominium development to the arterial and collector street network, and which provide connectivity between adjoining subdivisions, to neighborhood facilities such as parks and schools, and to neighborhood commercial and job centers. Within the Town, the following are neighborhood connector streets: Sandpiper Trail, Damascus Trail, American Way, Ridge Road, Nora Road, Jargo Road, Vilas Hope Road, Hope Road, Natvig Road, Coffeytown Road, Femrite Drive, and other roads and highways that may in the future be designated as neighborhood connector streets by the Town Board.

(d) Local Streets. Those streets which are designed for low speeds and volumes and are to provide access from low – generation land activities to the neighborhood connector, collector, and arterial system. The designation of a street as a local street does not imply that it should be a cul-de-sac or otherwise not extend beyond the boundaries of the subdivision.

(e) Alleys. Those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on another public street.

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7/21/2026

On July 20th I analyzed the 1870 Witte Land LLC soils for the future use of on-site septic systems. Current soil maps show the main area as a McHenry Series which consists of deep, well drained, gently sloping to moderately steep soils on glacial uplands.

I performed 5 hand-dug test pits to a varying depth of 22 to 30 inches. The silt loam topsoil ranged in depth from 4 inches to 12 inches, depending on erosion due to farming practices. The subsoil was mostly sandy clay loam with a weak to moderate structure and well drained.

In my opinion, this site would be suitable for approved on-site septic systems after state required soil testing with a backhoe and Dane County approval.

X Steven Tesmer

Steven Tesmer
Certified Soil Tester - 227116

Evergreen Trees

ABIES - WHITE FIR

Name	Size	Price	Description
WHITE FIR *Abies 'Concolor'* **Height:** 50' **Spread:** 20' **Shape:** Majestic, dense conical **Foliage:** Silvery green with bluish undersides	5'	$200.00	Excellent specimen for a lawn. Deer resistant and attracts birds.

PICEA - SPRUCE

Name	Size	Price	Description
BLACK HILLS SPRUCE *Picea glauca densata 'Black Hills'* **Height:** 35-45 **Spread:** 15-20' **Shape:** Shapely Christmas tree type **Foliage:** Blue-green needles	5' 6' 7'	$190.00 $235.00 $260.00	Shapely Christmas tree type evergreen with short blue-green needles. Shears easily, very useful as a specimen, hedge or windbreak. Best in full sun but tolerates light shade.
COLORADO SPRUCE *Picea pungens* **Height:** 50' **Spread:** 20' **Shape:** Stiff, narrow pyramidal **Foliage:** Green to blue green	5' 6'🌳 7'	$170.00 $180.00 $220.00	New needles come out in a blue-green color. Its uniform upright growth gives it a formal appearance. 🌳 5 or more 6': $160.00 each
BLUE DIAMOND SPRUCE *Picea pungens 'Blue Diamond'* **Height:** 25-30' **Spread:** 20' **Shape:** dwarf pyramidal **Foliage:** Silver-blue	5' 6'	$180.00 $210.00	Sturdy, slow growing spruce that thrives in poor conditions and very cold, windy locations. Needs no trimming to look perfect.
FAT ALBERT SPRUCE *Picea pungens "Fat Albert'* **Height:** 10-15' **Spread:** 8-12' **Shape:** Wide pyramidal **Foliage:** Teal	5' 6' 7'	$190.00 $220.00	Moderately slow growing spruce that likes well drained soil.
NORWAY SPRUCE *Picea abies* **Height:** 70' **Spread:** 30' **Shape:** Upright, pendulous branchlets, pyramidal **Foliage:** Green	5' 6' 7'	$185.00 $235.00 $255.00	A fast-growing spruce. Adapts to a wide variety of growing conditions. Produces attractive pendulous branchlets when older.
CUPRESSINA SPRUCE *Picea abies 'Cupressina'*	4'	$150.00	A fast-growing spruce. Adapts to a wide variety of

paul.paulsturfandtree@gmail.com

To: Steve Anders, Town of Cottage Grove Plan Commission

I attended the 5/27/26 Plan Commission and left with many unanswered questions and concerns. These are my personal thoughts and I am not an expert on any of this. I am a resident of the Township of Cottage Grove. I have lived at 3772 Bohnsack Lane since April 1989.

Concerns and Questions after 5/27/26 presentation by Realtor David Dinkel on behalf of Witte family:

-Mr. Dinkel mentioned that there was asbestos on the farm property and they cleaning it up. He also mentioned that they were considering having the Township Fire Department burn the structures as part of the demolition. Are there any special precautions or abatement procedures/documentation that needs to occur?

-The Wittewood property they are working to develop lies on the area of the TC Energy gas pipeline. They did tree clearing and used heavy equipment in this area. They also have a lot drawn over the pipeline per their diagram. I have enclosed the brochure put out by TC Energy regarding excavating safely near pipelines.

-Mr. Dinkel mentioned that part of the appeal of the property once developed on both sides of Hope Rd. would afford views of the Northern Lights and Night Skies. I would like to point out that this is very misleading. I am an experienced astrophotographer and can say that Light Pollution from urban and rural development is making it increasingly difficult to see the night sky at all, not to mention these events. We have had a few episodes of very high solar winds and power allowing viewing of the northern lights in our area. This is the exception not the norm and it would be misleading to advertise this as a selling point for this development.

-Door Creek and the Watershed-Mr. Dinkel made the comment that the DNR would scrape out the bottom of Door Creek near their proposed developments to improve the flow of the creek. I spoke with Kyle Minks, Dane County Land and Water Resource management who is working on the Door Creek Watershed Restoration project and he states this is false. The DNR does not manage this waterway.

He talked with me about the Dane County Drainage Board, Individual land owner's responsibility to maintain the shorelines and clean up the creek to promote the flow of water.

He also spoke about the drain tile area north of their property. This area comes up a lot in discussion in Town meetings discussing the development in this area. Who is responsible for this drain tile area? Does the Drainage board manage this area?

The Door Creek Headwaters are north of Cottage Grove near Reiner Rd and Hwy T. near Seminary Springs. The creek has tributaries and ultimately flows through Cottage Grove and onwards down to Lake Kegonsa. The development going on in our area has a potential to impact that. Are people even aware of Door Creek even though we have so many things named after it? This is an important resource in our area and we have a responsibility to be aware of it and care for it.

-Retention pond on the east end of the Wittewood property-who is responsible to maintain this area? Who is responsible once the area is fully developed? Who pays for it?

-Storm water and lawn chemical runoff into the Preservation Land Pond to the east of the proposed 33 acre development and into the Door Creek watershed on the west-how would this be mitigated and maintained?

-Will this area support the number of condominiums and duplexes proposed with private well(s) and septic?

-The proposal submitted ahead of the meeting uses a few terms that I think need defining. First, **Age in Place** isn't some romantic notion of living in the middle of the countryside without supporting services. It is something people can plan for as an alternative to living in Senior Housing, Assisted Living or a Skilled Care Facility if at all possible. It means that the services they need such as meals, nursing care, supervision, therapies come to them individually. This is very costly and not supported by most insurances. As healthcare costs skyrocket, people lose coverage due to costs and Medicaid cuts, it is my concern that this would limit those who could even afford this much less coordinate this.

Second, the term **Conservation** is used. One only has to look up the definition of the word to see the questionable juxtaposition of this with their proposed development placing 31 condominiums and 8 duplexes in an area of outstanding natural beauty on a glacial drumlin between Door Creek and a Preservation Pond full of wild life including otters, deer, sandhill cranes, eagles, osprey, wood ducks, fox, coyotes and other species. These would be displaced and their habitats would be altered. How are the soils, plants, birds and animal species and the water protected by this type of "Conservation"?

I am also left wondering who will maintain this property. The proposal states that the homeowners would have a direct role in managing the landscape surrounding them.

-There are many other issues I know will be addressed by the Planner and commission but the increased traffic on a two-lane country road, used as a recreational bike route by many, used by an increasing number of people living in this part of the Township is concerning. Will we have to pay more in taxes to make improvements on the roads in this immediate area for the Witte developments? Is it safe to have driveways exiting onto Hope Rd when Wittewood exists and traffic comes out at a less traveled area? Will we have any greenspace or separation from

Madison? How does this preserve the rural atmosphere in our Comprehensive Plan-to have a huge multifamily area on a hillside as you enter the Township?

I am happy to discuss further. I have spoken to a number of my neighbors and encouraged them to read the items attached to the agenda and to ask questions, raise concerns or support of this proposal.

Sincerely,

Jo Winkler-Bley

MDRoffers Consulting

To: Town of Cottage Grove Plan Commission

From: Mark Roffers, Town Planning Consultant

Date: July 15, 2026

Re: Potential Recommendation on Potential Comprehensive Plan Amendments

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In March and April 2026, the Plan Commission considered proposals to amend the Town's Comprehensive Plan, as part of the Town's every-other-year Plan review cycle. This memo and the attached resolution addresses the remaining active Plan amendment proposals. Should the Commission agree with the resolution, it may approve a motion to adopt the resolution, thereby recommending the Plan amendments within it for Town Board adoption. The Commission could also amend the resolution before adopting it, reject it, or postpone action.

1. Witte Future Land Use Amendment Request

As now detailed in a 7/7/26 packet from the applicant, this request would redesignate about 33 acres of upland area north of Hope Road (from an "Agricultural Preservation Area" to a "Neighborhood Development Area" on the Town's Future Land Use and Transportation map (Map 16). This area is indicated on the attached version of Map 16 (Exhibit B).

These 33 acres appear to be all of the applicants' unrestricted holdings north of Hope Road. The restriction on the balance of the land is via an NRCS wetland reserve program easement recorded in the year 2000.

[A family-affiliated entity also still own 16.5 acres of undeveloped land generally between Hope Road and Wittewood Lane, already in the Town's "Neighborhood Development Area." There is a pending rezoning request for those 16.5 acres, for which the Commission in May postponed action and the applicants anticipate being ready for action at the Commission's August meeting. That rezoning would facilitate a conventional 10-lot subdivision over that 16.5 acres.]

The 33 additional acres proposed for "Neighborhood Development Area" in the Comprehensive Plan feature a drumlin ridge, generally cropped but with some steeper slopes and trees near its edges. Some existing slopes down this drumlin, particularly on its west side, appear to exceed 20%. Elevation drops and slopes diminish approaching Hope Road. The northern parts likely afford significant views, and are visible from other parts of the Town, with a high point about two-thirds of the way north into the site from Hope Road. Agricultural soil quality transitions from Group 2 (prime) near Hope Road to Group 4 near the north edge. NRCS soil data also suggests that soils may have some building and septic field absorption limitations. The 33 acres are bisected by a regional gas line and an associated easement.

4324 Upland Drive Madison WI 53705 608-770-0338 mark@mdroffers.com

The 33 acres are just outside of the potential City of Madison expansion area, which means that any subdivision proposal would not be subject to Madison extraterritorial review.

Plan amendment requests ought to be evaluated against the Town of Cottage Grove's vision, attached to this memo. That vision attempts to strike a balance between agricultural and natural area preservation and rural living opportunities, "guiding housing development away from farming areas and towards developed areas." Plan amendments are also to be considered "in instances where the Plan becomes irrelevant or contradictory to emerging policy or trends."

Another consideration is continued compliance with the State's farmland preservation program. By rule, the State requires that at least 80% of the area planned for agricultural preservation in the Town be zoned within a certified farmland preservation zoning district. The Town had for many years been in the 82%-83% range, but by a July 2026 County calculation is currently at 86%. This is the result of a concerted effort in the Town's 2022 Plan update to redesignate certain "Agricultural Preservation Areas" that are in fact zoned and used for non-farm development. Redesignating these 33 acres from "Agricultural Preservation Area" to "Neighborhood Development Area" would have negligible impact on this percentage, particularly once the land is also rezoned.

The applicant has now submitted a concept plan for an ~39 housing unit condominium development on these 33 acres, with most of the units in the condominium being single-family detached residences but also with 8 suggested duplex units (4 duplex buildings). The roads would be private—maintained by a condominium association along with other proposed amenities described in the proposal.

This proposal raises significant policy issues, and has a number of potential benefits and challenges, summarized below.

COMMUNITY BENEFITS
Addresses a likely need for "empty nester" housing, given the Town's current age demographics. This need is not currently being met elsewhere in the Town.
May result in significant tax base increase if fully developed ($25-30+ million), with values bolstered by surrounding permanently protected natural area.
Current proposal would not result in on-site public road maintenance expense.
Concept proposal appears to have amenities that would support lasting quality.
Project expected to either contribute $59,000+ in park & recreation improvement impact fees, or provide open space and trail access to public (note trailhead parking lot).
Comprehensive Plan future land use pattern focuses agricultural preservation efforts on east (opposite) side of Town; majority of residents live west of Hwy N.
Regardless of how disagreement of remaining on-site RDUs ends up, the proposed development would require transfer of no fewer than 3 RDUs from elsewhere in the Town, resulting in permanent preservation of 105+ acres elsewhere.

Property is between residentially developed part of the Town to the east, and planned City neighborhood development expansion area to the west, suggesting at least emerging compatibility with vision to "guide housing development…towards developed areas."
Site has good road and highway access without major improvements necessary.
Being just east of Madison boundary agreement edge, populating this area with housing (+ conservation easement + proposed development to south) would complicate further Madison eastern expansion beyond the boundary agreement term.
Project proposal either meets, or seems adjustable to meet, sufficient percentage of conservation neighborhood design standards in Figure 8 of Town Plan.
COMMUNITY CHALLENGES
Project area not in a *current* "developed area". Most of surrounding area is either farmed or in natural area, thereby challenging vision of Town to direct new housing development "away from farming areas and towards developed areas" .
Uncertain residential market in this part of the Town, challenged by proximity from landfill (including smells with prevailing summer winds).
Waiting to gauge success of 10-lot residential subdivision proposal by same development team to south would be more conservative approach.
Complicated form of development is proposed, which will require a professional development team (including project attorney involvement) and vigilance in plan and document preparation, review, and recording.
Development concept plan may underestimate the amount of land required for stormwater management. May exacerbate downstream flooding concerns.
Proposed housing may have significant visibility from nearby public roads and perhaps other parts of the Town given prominent drumlin location.
Hope Road and other nearby Town roads would have more traffic (including more resident/farmer conflicts) and wear and tear.
Edges of the proposed development site appear to have slopes of 20%+, where Town Plan advises no disturbance. May also challenge Town's 12% driveway slope maximum.
Current one-way-in, one-way-out proposal challenges emergency ingress/egress.
Uncertain whether soils/slopes are suitable for conventional or mound septic systems (or would there be a common system?).
If future land use designation in Comprehensive Plan changes as requested, questionable what obligation current landowner has to develop according to submitted concept plan.

I have prepared the attached resolution to anticipate approval of the applicants' Plan amendment request, but with protections to maximize the possibility of that the above "community benefits" are achieved and to minimize the possibility of or mitigate "community challenges".

2. Clarify RDU/TDR Policies for Residentially-zoned lots Created Before 1/1/81

Figures 5 (Agricultural Preservation Area policies) and 8 (Neighborhood Development Area policies), under their "Relationship to Town's TDR Program" sections, current have the following identical policy:

> Legally created lots zoned residential prior to January 1, 1981 may be developed with residences and divided without having to meet the Town's RDU and TDR requirements.

This policy was intended as short-hand for more extended policies in the "development policies" sections of the same figures. However, the above short-handed approach has one basic fact wrong: it wasn't until a blanket rezoning in 1987 that residential zoning districts were introduced to the Town's Zoning Maps. There were no residentially-zoned lots in 1981.

The more extended development policy 7 in Figure 5 provides greater accuracy, and currently reads as follows:

> Existing Residentially Zoned Lands: Residentially zoned parcels which existed prior to January 1, 1981 and meet all Town, County, and state requirements related to land division are eligible for home construction and potential further division, subject to the above limitations if in the Potential Madison Expansion Area. These parcels are not subject to TDR or the RDU requirements as described in Figures 3 and 4. By extension, such parcels do not have RDUs for transfer, and RDUs may not be transferred to these parcels. The intent of this policy is to facilitate residential infill and increased density residential development that is consistent in character to the existing residentially zoned area. To this end, division of such lands shall result in the creation of lots with similar area, road frontage, and width-to-depth ratio as a majority of the adjacent parcels. Lot sizes may be different from the minimum and maximum in the above "New Lot Sizes" section, based on the sizes of adjacent parcels, unusual land configuration, to better protect farmland, and/or to enhance rural or scenic character.

Figure 8 has a similar, but slightly less fleshed-out policy.

With the Town Clerk's help, what I propose through Exhibit A of the attached resolution is to place the allowance for development of these pre-1981 lots without RDUs or TDR in Figure 3 (first page of Exhibit A). This relocation acknowledges that this policy applies to a number of differed future land use areas mapped on Map 16. The policy has also been refined to address the problems with previous "short-hand" provisions and hopefully to clarify and simplify. Next, I propose referring to this Figure 3 policy in different locations in Figures 5 (Ag Preservation Area Policies), 7 (Open Space & Rec Area Policies), and 8 (Neighborhood Development Area Policies)—and not trying to repeat the policy in those locations.

3. In Figure 8, "Relationship to Town's TDR Program" policy 3, change "eight" to "ten" to reflect 10:1 TDR ratio adopted in 2024.

To address this, current policy 3 in Figure 8 is proposed for removal and current policy 4 (changed to 3) is proposed for amendment.

4. Require Majority of Parcel to be 1/4 mile from Village of Cottage Grove to Qualify for Development without Transferred RDUs. Clarify ambiguity between Future Land Use map note and policy in Figure 8 of Plan

After the last Plan Commission meeting, I have found the ambiguities that Commissioners had pointed out. I have proposed adjustments to Figure 8 in Exhibit A and the left margin notes in Map 16 in Exhibit B accordingly.

5. Add Substantive Criteria and Public/Neighbor Notice Components for Future Plan Amendment Requests

This proposed amendment would provide more structure for the Town in evaluating future Plan amendment requests.

First, we discussed stretching the time between regular reviews/amendment opportunities. Towards the end of the attached Exhibit A, I propose extending to an every-three-year cycle, with the next opportunity in 2029. The Plan would then be scheduled for full 10-year update in 2032, at which point this timeframe could again be revisited. Also included is proposed language to suggest that the Town Board reserves the right to amend the Plan in an alternative timetable, such as in event of an "emergency" that could not wait to the next regular cycle.

Second, the Plan amendment includes more fleshed out substantive criteria against which future Plan amendment requests could be weighed. These are based on best practices and similar provisions of other plans where the municipality has similar concerns. At the April meeting, a Plan Commissioner requested information on what other municipal comprehensive plans have regarding criteria for plan amendments. I confined my search to abutting municipalities, and found that:

- The Dane County Comprehensive Plan indicates that "[m]inor amendments may be appropriate throughout the lifecycle of the plan, particularly if new issues emerge or trends change. Amendments should typically consist of minor changes to the plan text or maps. Large-scale changes or significant shifts in policy should be deferred to the Periodic Update process…"
- The Village of Cottage Grove has no criteria in its comprehensive plan to help it evaluate the wisdom of future amendment requests.
- Madison's Comprehensive Plan has the following criteria for periodic plan amendments:
    - Furthers Plan Objectives: Is consistent with, furthers, or does not contradict the goals, policies, and nine statutory elements of the city's overall vision.
    - Justifies Change: Demonstrates clear change in community conditions, public need, or new opportunities that support modifying previously adopted land use.
    - Minimizes Detrimental Impacts: Ensures the amendment will not endanger public health, safety, or general welfare.
    - Provides Compatibility: Is compatible with adjacent existing land uses and aligns with any applicable specific neighborhood or area plans.

    - Serves Utility and Infrastructure Needs: Can be adequately supported by existing or planned municipal utilities, transportation networks, and community facilities."

- McFarland's plan indicates that plan amendments "may be appropriate in instances where the Plan becomes irrelevant or contradictory to emerging policy, initiatives, or trends."
- The Town of Deerfield's plan indicates that plan amendments may be appropriate where the plan has become "irrelevant or contradictory to emerging policy or trends."
- The Town of Pleasant Springs plan indicates that "[r]easons for an amendment may include:
    - Changes in state or federal law(s) affecting comprehensive planning,
    - Changes to goals, objectives, policies, or recommendations in the Town of Pleasant Springs Comprehensive Plan,
    - Changes in community demographics,
    - Instances where the Town of Pleasant Springs Comprehensive Plan becomes inconsistent with other policy goals."
- The Town of Sun Prairie plan indicates that "[t]he person that proposes an amendment to the Future Land Use Map shall have the burden of proof to show that the proposed amendment is in the public interest and internally consistent with the remainder of the Plan."

THE TOWN'S VISION

A vision statement is:

- A presentation of how the Town wishes to look, feel, and be perceived.
- An inspirational and positive view of Cottage Grove and its future that allows the community to explore its opportunities.
- A platform for the Town to take advantage of its assets and opportunities.
- A broad framework around which to build more detailed strategies and initiatives, including those in this volume of the *Comprehensive Plan*.

The Town established the vision statement to the right as part of its 2015 *Plan* update, and reaffirmed this vision with this 2022 update. The vision statement forms the basis for the remainder of this *Plan* and will serve as a tool for evaluation of the Town's performance. The Town of Cottage Grove's vision should be widely disseminated, posted, understood, and referenced in all key Town decisions.

2021 Community Survey Response

"The Town of Cottage Grove is a gem! Let's keep it that way for generations to come!"

The Town of Cottage Grove's Vision

At the edge of an expanding urban area, the Town of Cottage Grove is also on the cutting edge of preserving farms and a rural livelihood. The Town…

- Works to preserve its land base, productive farmland, and continued farming.
- Embraces natural resource preservation in an agricultural setting.
- Guides housing development away from farming areas and towards developed areas.
- Encourages rural and agricultural support businesses in planned locations and intensities.
- Provides a quiet location for rural living close to the city.
- Seeks cooperation with neighbors, the County, and State to advance our vision.

TOWN OF COTTAGE GROVE
PLAN COMMISSION RESOLUTION 2026-07-22

RECOMMENDING AMENDMENTS TO THE
TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN

WHEREAS, on July 5, 2022, the Town of Cottage Grove Board adopted an updated Town of Cottage Grove Comprehensive Plan (hereinafter "Plan"), under Section 66.1001(4), Wisconsin Statutes, in two volumes, with one volume titled Conditions and Issues and the second volume titled Vision and Directions; and

WHEREAS, Section 66.1001(4), Wisconsin Statutes and Chapter 7 of the Vision and Directions volume of the Plan establish the required procedure for the Town to amend its Plan; and

WHEREAS, the Town of Cottage Grove Plan Commission "(Commission)" has the authority and responsibility to recommend amendments to the Plan to the Town Board, under Section 66.1001(4)(b); and

WHEREAS, as a result of the Town's every-other-year Plan amendment process, the Plan Commission recommends that the Town Board amend the Plan, consisting of amendments to Volume 2—Vision and Directions of the Plan as are reflected in the attached Exhibits A and B.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the Town of Cottage Grove hereby recommends that the Town Board adopt an ordinance to constitute official Town approval of amendments to the Town of Cottage Grove Comprehensive Plan, as follows:

1. The proposed Plan text amendments should be approved as presented in Exhibit A immediately upon adoption of a Town Board ordinance approving them.
2. The proposed amendments to Map 16: Future Land Use and Transportation as presented in Exhibit B should also be approved, but with the future land use amendment recommendation on such map taking effect only upon applicant provision of a legal description for the amendment area, and recording of a deed restriction against the parcels that include the approximately 33 acres north of Hope Road to be redesignated as "Neighborhood Development Area" that:
    a. Limits future development to a residential condominium development with primarily single family detached residences, except as otherwise may be approved by the Town Board.
    b. Meets requirements of the Town's Land Division and Planning ordinance, except for the normal requirement that all lots to have frontage on a public road and for such other ordinance waivers and modifications as may be approved by the Town Board.
    c. Includes provisions that will assure, through appropriate language in condominium declarations or otherwise, that each dwelling unit will have perpetual access to Hope Road even without frontage on Hope Road.
    d. Prevents use of holding tanks as a method of sanitary waste disposal.
    e. Requires adherence to at least 80% of the conservation neighborhood design standards in Figure 8 of the Town Comprehensive Plan.
    f. Restricts residential rooftops to not exceed 912 feet in elevation (current high point).
    g. Restricts disturbance of existing slopes that exceed 20% and limits finished driveway slopes to a maximum of 12%.
    h. Provides a second, emergency access route into and out of the development, and otherwise satisfies the recommendations of the Fire Chief or designee.

i. Acknowledges that, unless recreational features in and adjacent to the development are open to the public, dwelling unit permitting will be subject to Town park land and recreational improvement impact fees.
j. Acknowledges that, regardless of the outcome of any challenge to the Dane County Planning and Development Department's density study for the associated farm, development of the anticipated scope will require the transfer of development rights from other 1982 farms in the Town, per the Town's transfer of development rights program.
k. Includes a provision that, in the event that the owner of the 33 acres fails to achieve rezoning approval of such land for a residential development that meets the deed restrictions by March 15, 2029, the Town may initiate a Plan amendment to redesignate such land back to "Agricultural Preservation Area" without challenge from the landowner.

The above and foregoing Resolution was duly adopted at a meeting of the Plan Commission of the Town of Cottage Grove held on the 22nd day of July, 2026, by a vote of ____ in favor and ____ opposed.

TOWN OF COTTAGE GROVE PLAN COMMISSION

Attested by:

_____	_____
Steven Anders, Plan Commission Chair	Kim Banigan, Town Clerk

Incorporated by Reference

Exhibit A: Text Amendments to Town of Cottage Grove Comprehensive Plan

Exhibit B: Amended Map 16 for Town of Cottage Grove Comprehensive Plan

EXHIBIT A
TEXT AMENDMENTS TO VOLUME 2—VISION & DIRECTIONS OF THE TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN

[SEE ATTACHED MARKED-UP PAGES FROM PLAN; ALL UNDERLINED TEXT WOULD BE NEWLY ADDED TO THE PLAN AND ALL ~~CROSSED OUT~~ TEXT WOULD BE REMOVED FROM THE PLAN]

Exhibit A

Figure 3: Residential Density Unit (RDU) System

Purpose and Definition

A Residential Density Unit (RDU) is defined as the ability of a property owner in the Town to develop or maintain one housing unit on the same property, subject to the density and other policies in this *Plan*. Properties are allocated RDUs based on their area. Except to the extent limited by an intergovernmental agreement including the Town and this *Plan*, The Town enables RDUs to be:

- Developed on the same parcel where they originated, in which case one RDU may be used to construct a single family residence, two RDUs may be used for one duplex, etc., based on *Plan* policies and zoning district rules;
- Transferred from that parcel to another parcel where consistent with the Town's Transfer of Development Rights (TDR) program, described in Figure 4, where in some cases the number of permitted housing units per RDU may be multiplied per a designated TDR transfer ratio; or
- Some combination of on-site use or transfer, if there are a sufficient number of RDUs remaining on the parcel.

Residential Density Unit (RDU) Allocation

1. All parcels that are at least 35 acres and not planned as a Commercial Development Area on Map 16: Future Land Use and Transportation are assigned RDUs based on the following schedule:

Gross Area of May 15, 1982 Parcel	RDUs
35 acres or more but less than 70 acres	1
70 acres or more but less than 105 acres	2
105 acres or more but less than 140 acres	3
140 acres or more but less than 175 acres	4
175 acres or more but less than 210 acres	5
210 acres or more but less than 245 acres	6
245 acres or more but less than 280 acre	7
280 acres or more but less than 315 acres	8

2. The size of the parcel shall be expressed in whole numbers, allowing rounding of fractional amounts of ½ of greater. For example, if a property owner has 69.50 acres, it is considered 70 acres for the purpose of allocating RDUs under subsection 1 above. But if an owner has 69.49 acres, it is considered 69 acres.
3. Gross area of parcels shall be used when calculating RDUs, which may include roads, utility easements, and navigable waterways. Gross area will be determined using the most accurate source of parcel size information available, with Dane County digital parcel data being the preferred source in the event of disagreement.
4. RDUs shall be determined for each parcel of land in contiguous single ownership as it existed on May 15, 1982, and shall run with that parcel going forward regardless of change of ownership or division. Land transfers occurring after May 15, 1982 do not result in new allotments of RDUs.
5. Once the RDUs associated with a particular May 15, 1982 parcel are used, no further housing units may be transferred from that parcel, or built upon it except where permitted under the Town's TDR program described in Figure 4. The Town will require a deed restriction prohibiting further residential development on that portion of the parcel owned by the petitioner using the final RDU. The Town will also require a deed notice document be placed on all other parcels comprising the May 15, 1982 parcel.
6. Because RDUs "run with the land" and not the owner, a person purchasing land should verify whether the sale does or can include any RDUs, or if the seller or a previous owner has already used them. Verification may take the form of a sales contract, deed, affidavit, or written agreement. When land sales after May 15, 1982 are not accompanied by such verification, at the time of a development proposal the Town will attempt to determine the intent of the land sale by requesting testimony from all affected landowners. The Town may also consider site characteristics to determine if a land transfer included an RDU, such as road access, soil suitability, farming history, and environmental features. The Town will share this information with the County Department of Planning and Development, and may request that an agreement or affidavit be filed with the Register of Deeds clarifying the status of remaining RDUs. In all cases, the Town requires the applicant to obtain a County Density Study.
7. Except within the "Commercial Development Area" on Map 16, residentially zoned lots that were legally divided and existed prior to January 1, 1981 ("older lots") are eligible for new home construction and potential further division, provided all associated Town, County, state and intergovernmental agreement requirements are met. (These include the Madison agreement limitations repeated in Development Policy 1. of Figure 5 if the lot is in the Potential Madison Expansion Area on Map 16.) Such older lots are not subject to the RDU requirements in this figure, do not have RDUs for transfer, and are not eligible for RDU transfers to them (i.e., transferred development rights not required). This policy is intended to facilitate residential infill that is consistent in character to the surrounding area. To this end, division of such older lots shall result in the creation of lots with comparable area, road frontage, and width-to-depth ratio of nearby residentially-developed parcels, as determined by the Plan Commission. As such, new lot sizes may be different from the minimum and maximum in the applicable "New Lot Sizes" section of Figures 5-8.

~~1.~~8. See Figures 5 through 10 for other particular areas of the Town ~~and~~or types of land use where RDUs do not apply. See the "~~Relationship to Town's TDR Program" and~~ "Development Policies for Agricultural Preservation Area" section~~s~~ of Figure 5 for a description of the relationship between RDUs ~~and older lots~~ and farm residences, including their separation from the farm.

Exhibit A

Figure 5: Agricultural Preservation Area Purpose and Policies (two-page figure)

Purpose

- Preserve productive agricultural lands and farming in the long-term (i.e., greater than 15 years at least as defined by State farmland preservation law).
- Protect existing farm operations from encroachment by incompatible uses. Farming often involves noise, dust, odors, heavy equipment, use of chemicals, and long hours of operation.
- Promote prior and continued investments in farming.
- Maintain farmer eligibility for incentive programs, such as state income tax credits.
- Mapped mainly over lands actively used for farming, with productive agricultural soils, and/or with topographic and other conditions suitable for farming.
- Also mapped over open lands and woodlots, farmsteads, and agricultural-related uses.
- Allow limited single-family residential development at densities at or below one home per 35 acres. See "Development Policies" below and Figure 3: Residential Density Unit (RDU) Principle. This one housing unit per 35 acre policy does not mandate or even allow the creation of 35+ acre residential lots.

Typical Implementing Zoning Districts

For agricultural uses, the FP-35 General Farmland Preservation or FP-1 Small Lot Farmland Preservation districts are typically used. Where a new farm residence is proposed, a conditional use permit is required by Dane County and the requirements and standards in Section 10.101(7)(d) of the Dane County Zoning Ordinance shall be met.

For other new residential lots, the RR-1, RR-2, SFR-1, SFR-08, AT-5, and other districts that allow non-farm residences may be used.

Any rezoning away from FP-35 or FP-1 must be consistent with applicable development and density policies below, the land must be better suited for a use not allowed in FP-35 or FP-1 district, and the rezoning may not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use. Further, not less than 80% of the Agricultural Preservation Area Town-wide ought to be zoned something other than FP-1 or FP-35 (see associated program in the Agricultural, Natural, and Cultural Resources chapter).

New Lot Sizes

Where land is to remain in agricultural use, the FP-35 district has a 35 acre minimum and the FP-1 district has a 1 acre minimum and 35 acre maximum.

For new lots intended for new residences:

- Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not allowed).
- Maximum lot size is 2 acres, except that the Town Board may approve a greater size due to unusual land configuration, to better protect farmland, and/or to enhance rural or scenic character.

For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:

- Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended).
- Maximum necessary to encompass the farm residence and all farm buildings, but no greater than 10 acres.

Relationship to Town's TDR Program

1. See Figure 4: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Agricultural Preservation Area qualify as TDR Sending Areas, provided that an RDU is available to transfer.
3. There may also be transfers of RDUs between lands within the Agricultural Preservation Area, at a 1-to-1 transfer ratio per applicable policies in Figure 4.
4. ~~Legally created lots zoned residential prior to January 1, 1981 may be developed with residences and divided without having to meet the Town's~~ See "Residential Density Unit (RDU) Allocation" policy 7 in Figure 3 for an exception to RDU and TDR requirements for residentially zoned lots that existed prior to January 1, 1981.

Exhibit A

Development Policies for Agricultural Preservation Area

1. **Density:** Permit residences in the Agricultural Preservation Area per the standard of one housing unit per 35 acres owned, as further described in Figure 3: Residential Density Unit (RDU) Principle and to enable RDU transfers under Figure 4: Transfer of Development Rights (TDR) Program. Further, within the Potential Madison Expansion Area on Map 16, no more than two single-family residences on each contiguous single ownership as of May 17, 2022 are permitted by intergovernmental agreement between the Town and City.
2. **Farm Residences:**
    a. A farm residence built before May 15, 1982 shall not count against this density policy as long as such residence is not separated from the farm as it existed on May 15, 1982, but shall count among the maximum two single-family residences if in the Potential Madison Expansion Area. Separation of the farm residence from the 1982 parcel requires use of one RDU as described in Figure 3 and all zoning and land division requirements must be met.
    b. One-time replacement of a farm residence with a new residence for the farm operator shall be allowed without counting against this density policy, provided that the pre-existing farm residence will be demolished. This one-time limitation does not apply when a farm residence or its replacement is destroyed by wind, fire, or other acts of God. Any replacement counts as one of the permitted residences in the Potential Madison Expansion Area.
    c. Separation and retention of one lot for a new residence for the farm operator when he or she sells the whole farm shall be allowed, but requires use of one RDU. These separated lots will count against the density policy described in paragraph 1 above.
    d. New farm residences, as described in Section 10.103(11) of the County zoning ordinance shall be allowed if conditional use standards and other applicable requirements are met, and count against the one housing unit per 35 acres policy. If the farm operator chooses to retire in the existing residence, a new farm residence will be allowed for the new operator, but will require use of one RDU.
    e. Aside from any replacement farm residence under policy 2b, any residence built after May 15, 1982 shall be considered one housing unit for the purposes of this density policy (i.e., require one RDU) regardless of occupant.
3. **Rezonings to FP-1:** The number of permitted housing units conferred under this density policy shall not be reduced by rezonings to the County's FP-1 district.
4. **Commercial and Other Land Uses:** The Town generally will not support rezoning of lands for commercial or industrial use within the Agricultural Preservation Area, except for the expansion of existing businesses at the discretion of the Town Board. In such case, the FP-B Farmland Preservation Business, RE Recreational, or preexisting commercial zoning district is generally appropriate. By intergovernmental agreement, there may be no rezoning for non-residential use within the Potential Madison Expansion Area. In other locations, ~~N~~non-residential uses shall not count against the one housing unit per 35 acre density policy; in other words, an RDU as described in Figure 3 is not required for non-residential uses.
5. **Subdivision Plats:** Subdivision plats (5+ lots within 5-year period) are allowed within the Agricultural Preservation Area where the number of lots is consistent with the density policy in this section. For example, a 240-acre parcel may be allowed six lots/housing units under the density policy, which would require a subdivision plat. The Agricultural Preservation Area within the Potential Madison Expansion Area on Map 16 is excluded.
6. **Substandard Lots:** Allow pre-existing uses on parcels of less than 35 acres as of May 15, 1982 (i.e., substandard lots in FP-35 zoning district) to continue. Substandard lots may be divided as determined on a case-by-case basis at the discretion of the Town Board, in a manner consistent with this *Plan* and any intergovernmental agreement to which the Town is a party. No parcel less than 35 acres shall be made into a residential lot.
7. ~~**Existing** **Older** **Residentially Zoned** **Lots** **Lands**~~**:** See "Residential Density Unit (RDU) Allocation" policy 7 in Figure 3 for unique development policies applicable to residentially zoned lots that existed prior to January 1, 1981.~~Residentially zoned parcels which existed prior to January 1, 1981 and meet all Town, County, and state requirements related to land division are eligible for home construction and potential further division, subject to the above limitations if in the Potential Madison Expansion Area. These parcels are not subject to TDR or the RDU requirements as described in Figures 3 and 4. By extension, such parcels do not have RDUs for transfer, and RDUs may not be transferred to these parcels. The intent of this policy is to facilitate residential infill and increased density residential development that is consistent in character to the existing residentially zoned area. To this end, division of such lands shall result in the creation of lots with similar area, road frontage, and width-to-depth ratio as a majority of the adjacent parcels. Lot sizes may be different from the minimum and maximum in the above "New Lot Sizes" section, based on the sizes of adjacent parcels, unusual land configuration, to better protect farmland, and/or to enhance rural or scenic character.~~
8. **Residential Development Siting:** The applicant for any rezoning and/or land division approval request that enables a new non-farm residence shall submit, along with the rezoning and CSM/plat approval application, a site plan showing the relationship of each proposed residence to the proposed lot (i.e., buildable area), all proposed residences and lots to the rest of the parcel, and all proposed residences and lots to the features indicated below. In the Potential Madison Expansion Area, the residences must be on lots that are contiguous to each other. Within the Agricultural Preservation Area throughout the Town, at least 80% of the following standards shall be met:
    a. Direct new non-farm residences and their driveways away from Group I or II soils, depicted on Map 2 of the Conditions and Issues volume, unless no other alignment is possible or all soils on the parcel are so classified.
    b. Divide all new lots to have frontage on a public road per subdivision regulations; minimize use of flag lots except to achieve other standards in this section.
    c. Site residences adjacent to tree lines where available and at the edge of open fields rather than the middle.
    d. Site residences to minimize visibility from public roads, such as through thoughtful placement with respect to existing vegetation and topographic changes.
    e. Avoid multiple home sites side-by-side along existing roads with multiple driveways and modest building setbacks.
    f. Limit tree clearance in wooded areas to the area required for the residence, a yard area not exceeding 20,000 square feet, and an area for the driveway.
    g. If located near the top of a hill or ridge, site the residence so that its roof line is below the hilltop or ridgeline.
    h. Incorporate home design that either reflects agricultural farmstead architecture or blends with the agricultural or natural environment.
    i. Place new lots to allow for driveways suitable in length, width, design, and slope for emergency vehicle travel, per the Town's driveway ordinance.

j. Avoid building placement within the Resource Protection Corridor, as described in Figure 10 and mapped on Map 16.

Exhibit A

Figure 7: Open Space and Recreation Area Purpose and Policies

Purpose

- Maintain permanent open space and assist with community separation.
- Preserve natural areas, productive agricultural lands, and farming in the long-term.
- Provide recreational opportunities to Town residents.
- Maintain farmer eligibility for incentive programs, such as state income tax credits.
- Allow limited single-family residential development at densities at or below one home per 35 acres. See "Development Policies" below and Figure 3: Residential Density Unit (RDU) Principle. This one housing unit per 35 acre policy does not mandate or even allow the creation of 35+ acre residential lots.

Typical Implementing Zoning Districts

For open space uses, NR-C Natural Resource Conservancy is the typical zoning district.

For recreational uses, RE Recreational Zoning is the typical zoning district.

For agricultural uses, the FP-35 General Farmland Preservation or FP-1 Small Lot Farmland Preservation districts are typically used. Where a new farm residence is proposed, a conditional use permit is required by Dane County and the requirements and standards in Section 10.101(7)(d) of the Dane County Zoning Ordinance shall be met.

For other new residential lots, the RR-1, RR-2, SFR-1, SFR-08, AT-5, and other districts that allow non-farm residences may be used. Any rezoning away from FP-35 or FP-1 must be consistent with applicable development and density policies below, the land must be better suited for a use not allowed in FP-35 or FP-1 district, and the rezoning may not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

New Lot Sizes

Where land is to remain in open space or agricultural use, the FP-35 district has a 35 acre minimum and the FP-1 district has a 5 acre minimum and 35 acre maximum. Where appropriate, the RE district has a 1/3 acre minimum.

For new lots intended for new residences:

- Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not allowed).
- Maximum lot size is 2 acres, except that the Town Board may approve a greater size due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character.

For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:

- Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended).
- Maximum necessary to encompass the farm residence and all farm buildings, but no greater than 10 acres.

Relationship to Town's TDR Program

1. See Figure 4: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Open Space and Recreation Area qualify as TDR Sending Areas, provided that an RDU is available to transfer.
3. There may also be transfers of RDUs with a 1-to-1 transfer ratio between and within lands within the Open Space and Recreation Area/Agricultural Preservation Area, per the applicable policies in Figure 4.
4. See "Residential Density Unit (RDU) Allocation" policy 7 in Figure 3 for an exception to RDU and TDR requirements for residentially zoned lots that existed prior to January 1, 1981.~~Legally created lots zoned residential prior to January 1, 1981 may be developed with residences and divided without having to meet the Town's RDU and TDR requirements.~~

Development Policies for Open Space and Recreation Area

Same as "Agricultural Preservation Area"—see Figure 5, except the Town Board may apply different policies for lands intended for recreational uses.

Exhibit A

Figure 8: Neighborhood Development Area Purpose and Policies (two-page figure)

Purpose

- Generally map over and near pre-existing areas of rural residential subdivisions and use, as shown on Map 16. For a description of the "Rural Neighborhood Expansion Area" symbology on Map 16, see "General Land Use" policy 6.
- Promote sustainable residential development by encouraging infill around existing development and incorporating principles of conservation neighborhood design.
- Provide opportunities for a range of single family housing choices, including estate and affordable single family housing.
- Enable limited neighborhood-serving, small-scale commercial, institutional, and two- and multiple-family residential uses.

Typical Implementing Zoning Districts

SFR-08 Single-Family Residential and HAM-R Hamlet Residential are typical.

HAM-M Hamlet Mixed Use, LC Limited Commercial, TFR-08 Two-Family Residential, and MFR-08 Multi-Family Residential may be used on a limited basis for neighborhood-serving commercial, institutional, and higher-density residential sites.

Existing commercial uses/zoning districts may be expanded to include additional land.

New Lot Sizes

Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not allowed). A larger minimum lot size may be required for commercial, institutional, and two- and multi-family residential uses.

Maximum lot size is 1 acre, 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.

Relationship to Town's TDR Program

1. See Figure 4: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Neighborhood Development Area may qualify as TDR Receiving Areas, per the policies in Figure 4.
3. ~~For each Residential Density Unit (RDU) transferred from a TDR Sending Area to a Neighborhood Development Area, the developer is able to develop eight housing units above the number of housing units (RDUs) allocated to the May 15, 1982 parcel, provided that the developer meets all other applicable regulations and policies. However, if any part of a tax parcel in the Neighborhood Development Area is within ¼ mile from the Village of Cottage Grove boundary as of July 5, 2022, transferred RDUs are not required to obtain Town approval of a residential development that is above the number of housing units (RDUs) allocated to that May 15, 1982 tax parcel. The Town and County may need to rezone such parcels away from the TDR-R Receiving Area Overlay Zoning District to the extent they are already zoned in that manner.~~

4.3. To build one or more residences on any new lot zoned residential and created after January 1, 1981, the parcel owner must have assigned an Residential Density Unit (RDU) based on the acreage he or she owns as further described in Figure 3~~: Residential Density Unit (RDU) Principle~~, obtain and transfer an RDU originating from a TDR Sending Area, or some combination~~both, except transferred RDUs are not required where the majority the tax parcel is within ¼ mile of the Village of Cottage Grove as of July 5, 2022 (with such ¼-mile radius shown on Map 16)~~. For each RDU assigned to the Neighborhood Development Area parcel per Figure 3, one housing unit will be allowed, subject to compliance with other applicable policies of this Plan and Town ordinances. For each RDU obtained and transferred from a TDR Sending Area, the 10-to-1 transfer ratio incentive described in Figure 4 shall apply, except that where the majority of a Neighborhood Development Area tax parcel is within ¼ mile of the Village of Cottage Grove as of July 5, 2022, transferred RDUs are not required to obtain Town approval of a residential development on that tax parcel. Such ¼-mile radius is shown on Map 16. So, ~~for~~ as one example where the Neighborhood Development Area is all ¼ mile or greater from the Village, an owner of an undeveloped 80 acres ~~in the Neighborhood Development Area sufficiently distant from the Village of Cottage Grove~~ who acquires two RDUs from a TDR Sending Area is allowed 20 housing units from the transferred RDUs (2 transferred RDUs x transfer ratio incentive of 10), plus two additional housing units originally assigned to the 80- acres ~~parcel land area as a base~~ under the RDU principle in Figure 3, for a maximum of 22 housing units.

5.4. ~~Legally created lots zoned residential prior to January 1, 1981 may be developed with residences and divided without having to meet the Town's RDU and TDR requirements.~~ See "Residential Density Unit (RDU) Allocation" policy 7 in Figure 3 for an exception to RDU and TDR requirements for residentially zoned lots that existed prior to January 1, 1981.

Exhibit A

Development Policies for Neighborhood Development Area

1. Designation of lands in the Neighborhood Development Area on Map 16: Future Land Use and Transportation does not imply that an area is immediately appropriate for rezoning or guarantee that that area will develop or is even buildable. There may be challenges to building, including soil limitations and other environmental constraints.
2. For all lands designated as Neighborhood Development Area near city/village and town limits, pursue intergovernmental boundary agreements or cooperative boundary plans to further determine the type, timing, jurisdiction, services, and other aspects of future development.
3. See "Residential Density Unit (RDU) Allocation" policy 7 in Figure 3 for unique development policies applicable to residentially zoned lots that existed prior to January 1, 1981~~Residentially zoned parcels which existed prior to January 1, 1981 and meet all Town, County, and state requirements related to land division are eligible for home construction and potential further division. These parcels are not subject to TDR or RDU requirements that are described in Figures 3 and 4. By extension, such parcels do not have RDUs for transfer, and RDUs may not be transferred to these parcels. The intent of this policy is to facilitate residential infill development that is consistent in character to the existing residentially zoned areas. To this end, division of such lands shall result in the creation of lots with similar area, road frontage, and width-to-depth ratio as a majority of the adjacent parcels~~.
4. Parts of the Neighborhood Development Area, particularly near crossroads and in other locations with heavier traffic, may be appropriate for a limited range of commercial service, retail, and office uses that are compatible with a predominately residential setting. Non-residential uses, rezonings, conditional use permits, and land divisions shall not require an RDU as described in Figure 3.
5. Follow applicable requirements of the Town's Land Division and Planning Code and Town Design Review Ordinance for the development of lands within the Neighborhood Development Area.
6. Meet Town driveway ordinance requirements and permit safe access by fire trucks, ambulances, and any other emergency vehicles. The Town Board or Plan Commission may require notification of the fire chief or other emergency service provider, as well as require their approval of any driveway configuration.
7. Direct the development of private lots to areas outside of the Resource Protection Corridor on Map 16 and to locations that support the safe construction of on-site waste treatment systems, unless public sewer service is extended to the area.
8. Meet at least 80% of the following conservation neighborhood design standards in the development of new residential subdivisions, at the Town Board's decision:
   a. Minimize visibility of development from main roads through natural topography, vegetation (e.g., tree lines, wooded edges), and setbacks. Minimize placement of lots in open fields.
   b. Back lots onto county, state, and federal highways, designing deeper lots and landscape bufferyards into these areas.
   c. Preserve mature trees and tree lines wherever possible.
   d. Include an interconnected network of streets meeting Town road standards.
   e. Design streets and lot layouts to blend with natural land contours.
   f. Limit cul-de-sacs except where topography, environmentally sensitive areas, or the pre-existing development pattern in the area necessitates their use.
   g. Integrate natural resources into the subdivision design as aesthetic and conservation landscape elements.
   h. Restore the quality and continuity of degraded environmental areas within the subdivision, such as streams and wetlands.
   i. Encourage stormwater management treatment systems that focus on Best Management Practices (BMPs). BMPs may include overland transfer, natural landscaping to increase infiltration and reduce runoff, bio-infiltration systems, and maximum impervious surface ratios for development sites.
   j. Provide vegetative buffers of at least 75 feet between building sites and wetlands and streams.
   k. Provide wide areas for public access to parks and common open spaces.
   l. Maximize common open space in the neighborhood through public dedication and/or private management through a homeowner's association with conservation easements.
   m. Create pedestrian trails through open space areas, allowing for future connections to other parcels and parts of the Town.
   n. Require new homes to meet Energy Star standards or otherwise incorporate specific energy efficiency techniques into the development.
9. Require submittal and recording of a declaration of covenants with each residential subdivision plat, including matters such as continued maintenance of shared private facilities and exterior lighting provisions intended to preserve the dark night sky.

Exhibit A

- **Other Land Use Actions**: In general, the Town Board, following a recommendation from the Plan Commission, will take all other actions related to land use. These include amendments and updates to this *Plan*; annexations, incorporations, or consolidations affecting the Town; amendments to urban service areas affecting the Town; and potential Town acquisition or disposition of land.

Before submitting a formal application to the Town and/or County for approval of any of the requests listed above, the Town urges petitioners to discuss the request conceptually and informally with the Town Plan Commission. Conceptual review almost always results in an improved development product and can save the petitioner time and money.

PLAN AMENDMENTS

Amendments to this *Comprehensive Plan* may be appropriate in the years following initial *Plan* adoption/update ~~and in instances where the *Plan* becomes irrelevant or contradictory to emerging policy or trends~~. As opposed to a 10-year *Plan* update, "~~Amendments~~amendments" are ~~defined as~~typically targeted, minor changes to certain parts of the *Plan* maps or text.

The *Plan* will be specifically evaluated for potential amendments once every ~~other~~ three years ~~in even numbered years~~ starting in 2029, with the process starting in February. Between February 15 and March 15 of each ~~even numbered~~such year, the Town will accept requests from property owners, potential developers, and other interested stakeholders for *Plan* amendments. Next, the Plan Commission will evaluate any amendment requests (including those generated by Commission or Board members or Town staff/consultants), and recommend appropriate amendments to the Board. Still, the Town Board reserves the right to direct a *Plan* amendment in a different timeframe to capture a unique opportunity, avoid a potential problem, or correct an obvious and important mistake in the interim.

It the evaluation, recommendation, and potential adoption of each proposed *Plan* amendment, the Commission and Board will utilize the following *Plan* amendment criteria:

- The extent to which the proposed *Plan* amendment is consistent with, or even advances, the Town's vision listed in Chapter 1 and goals and objectives listed in subsequent chapters of the *Plan*.
- The degree to which the *Plan* component being sought for amendment has become irrelevant or contradictory to emerging policy, initiatives, conditions, or trends.
- Whether the proposed amendment is addressing a policy matter (heightened scrutiny) or clarifying the *Plan* with a policy-neutral impact or addressing an internal inconsistency (lower scrutiny).
- If the proposed *Plan* amendment is to Map 16: Future Land Use and Transportation, or to written development policies in this *Plan*, in a manner that would provide more non-farm development opportunities to one or more land owners:
    - Whether potential public benefits of the proposal will outweigh potential adverse impacts, after taking into consideration the applicant's proposal and any provisions to ameliorate such impacts.

Exhibit A

- The extent to which the proposal is addressing an unmet or inadequately met need in the Town.
- The number of other vacant, developable parcels in the Town for similar types and densities of development as proposed, and the likelihood of those parcels developing before the next scheduled *Plan* update.
- Whether the proposed *Plan* amendment is linked to a particular and likely development proposal (ideally supported by a thoughtful conceptual development plan), versus being proposed for speculation/to increase the sale price of the land (which would be viewed with greater scrutiny).

The State comprehensive planning law requires that the Town use the same basic process to amend, add to, or update the *Comprehensive Plan* as it used to adopt the *Plan*. Adoption or amendment of the *Comprehensive Plan* shall comply with the procedures set forth in sec. 66.1001(4)a, Stats. The Town intends to use the following procedure to amend~~, add to, or update~~ the *Comprehensive Plan*:

a. The Plan Commission or Town Board initiates the proposed *Comprehensive Plan* amendment. This will usually occur as a result of Plan Commission review of the *Plan* per the above schedule.~~.~~

b. Following an opportunity for public and Dane County Planning and Development Department input on the proposed *Plan* amendment, the Plan Commission recommends Town Board approval (or rejection or modification) of the amendment via resolution.

c. Following passage of the Plan Commission resolution recommending the amendment, the Town Clerk schedules a formal public hearing on the *Plan* amendment in front of the Town Board and publishes a Class 1 notice at least 30 days before the hearing. The Class 1 notice shall contain the date, time, and place of the hearing, a summary of the proposed *Comprehensive Plan* amendment, the name of a Town employee to be contacted to provide information about the amendment, the location and time wherein the amendment can be inspected before the hearing, and information about how a copy can be obtained. Also, at least 30 days before the hearing, the Clerk provides written notice to those entities that qualify under secs. 66.1001(4)(e) and (f), Stats.

d. Following the public hearing, the *Plan* amendment may be enacted by the Town Board in the form of an ordinance adopted by majority vote of all the members of the Town Board (not a simple majority of a quorum).

e. Following Town Board approval of the amendment, the Town Clerk sends copies of the adopted *Plan* amendment to the Dane County Planning and Development Department for incorporation in the Dane County Farmland Preservation Plan and/or County Comprehensive Plan.

f. Following Dane County action, the Town Clerk sends ~~copy~~ copies of the approved ordinance and Plan amendment to the Pinney Branch of the Madison Public Library, Wisconsin Department of Administration (Division of Intergovernmental Relations), Dane County Clerk, Capital Area Regional Planning Commission,

2021 Community Survey Response

"Thank you for seeking our input as residents of the Town. I am so grateful for our Town Board's experienced leadership!"

Exhibit A

Village of Cottage Grove, City of Madison, Village of McFarland, and Towns of Sun Prairie, Medina, Deerfield, Christiana, Pleasant Springs, Dunn, Blooming Grove (before October 1, 2027), and Burke.

PLAN UPDATE

State statute requires that this *Comprehensive Plan* be updated at least once every ten years. As opposed to an amendment, an update is a substantial re-write of the plan document and maps. Based on this deadline, the Town intends to complete a full update of its *Comprehensive Plan* by the year 2032 (i.e., ten years after 2022) at the latest.

CONSISTENCY AMONG PLAN ELEMENTS

State statute requires that the implementation element "describe how each of the elements of the comprehensive plan shall be integrated and made consistent with the other elements of the comprehensive plan." Preparing the various elements of the *Town of Cottage Grove Comprehensive Plan* simultaneously has ensured that there are no known internal inconsistencies between the different elements of this *Plan*.

INTERPRETATION

The Town intends that this *Plan* should be interpreted reasonably to achieve its overall goals, and not in a narrow sense which frustrates or delays realization of its goals. If there is a question as to the interpretation of a provision of the *Plan*, the Town Board shall be empowered to adopt an interpretation of the *Plan,* which shall resolve the issue and may be appended to this *Plan*. The Town Board shall be the only body authorized to interpret this *Plan*.

EXHIBIT B
AMENDED MAP 16 FOR TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN

[SEE ATTACHED MAP FROM THE PLAN]

Exhibit B

FUTURE LAND USE AND TRANSPORTATION

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN
DANE COUNTY, WISCONSIN

Legend

Future Land Use Categories[1]

- Agricultural Preservation Area
- Agricultural Transition Area
- Open Space and Recreation Area
- Neighborhood Development Area
- Commercial Development Area
- Resource Protection Corridor
- Rural Neighborhood Expansion Area
- Existing Off-Street Trails
- Planned Trails
- Conceptual Future Roads
- Preliminary Highway 12/CTH AB Interchange Design
- 1/4-mile radius from 2022 Village limits[2]
- Parcels (Sept. 2024)
- Potential Madison Expansion Area (per 2022 intergovernmental agreement)
- Town of Cottage Grove Limits (Sep 2024)
- Surface Water

Notes:
1. Lands in the Agricultural Preservation Area, including lands also mapped Resource Protection Corridor, may serve as TDR Sending Areas in the Town's TDR program. Lands in the Neighborhood Development Area, and in the Agricultural Transition Area once the Town designates such lands as appropriate for more intensive development, may serve as the primary TDR Receiving Areas. The Town may also allow limited transfer of Residential Density Units (RDUs) between parcels in the Agricultural Preservation Area. See Land Use chapter for details and limits.
2. ~~If the majority of a tax parcel designated as a Neighborhood Development Area or Agricultural Transition Area is within ¼ mile from the Village of Cottage Grove boundary and tax parcels as of July 5, 2022 (with such ¼-mile radius shown on this map), transferred RDUs are not required to obtain Town approval of a development on that parcel with greater than the number of housing units (RDUs) allocated to the May 15, 1982 tax parcel.~~

Change to: "2. Where the majority of a Neighborhood Development Area or Agricultural Transition Area tax parcel is within ¼ mile of the Village of Cottage Grove as of July 5, 2022, transferred RDUs are not required to obtain Town approval of a residential development on that tax parcel. Such 1/4-mile radius is as shown on this map."

Amend to "Neighborhood Development Area" those ~33 acres indicated in yellow on attached page

Sources: MSA Professional Consulting, Strand Associates, FEMA, WI DNR, WI DOT & Dane County LIO

Date: October 15, 2024

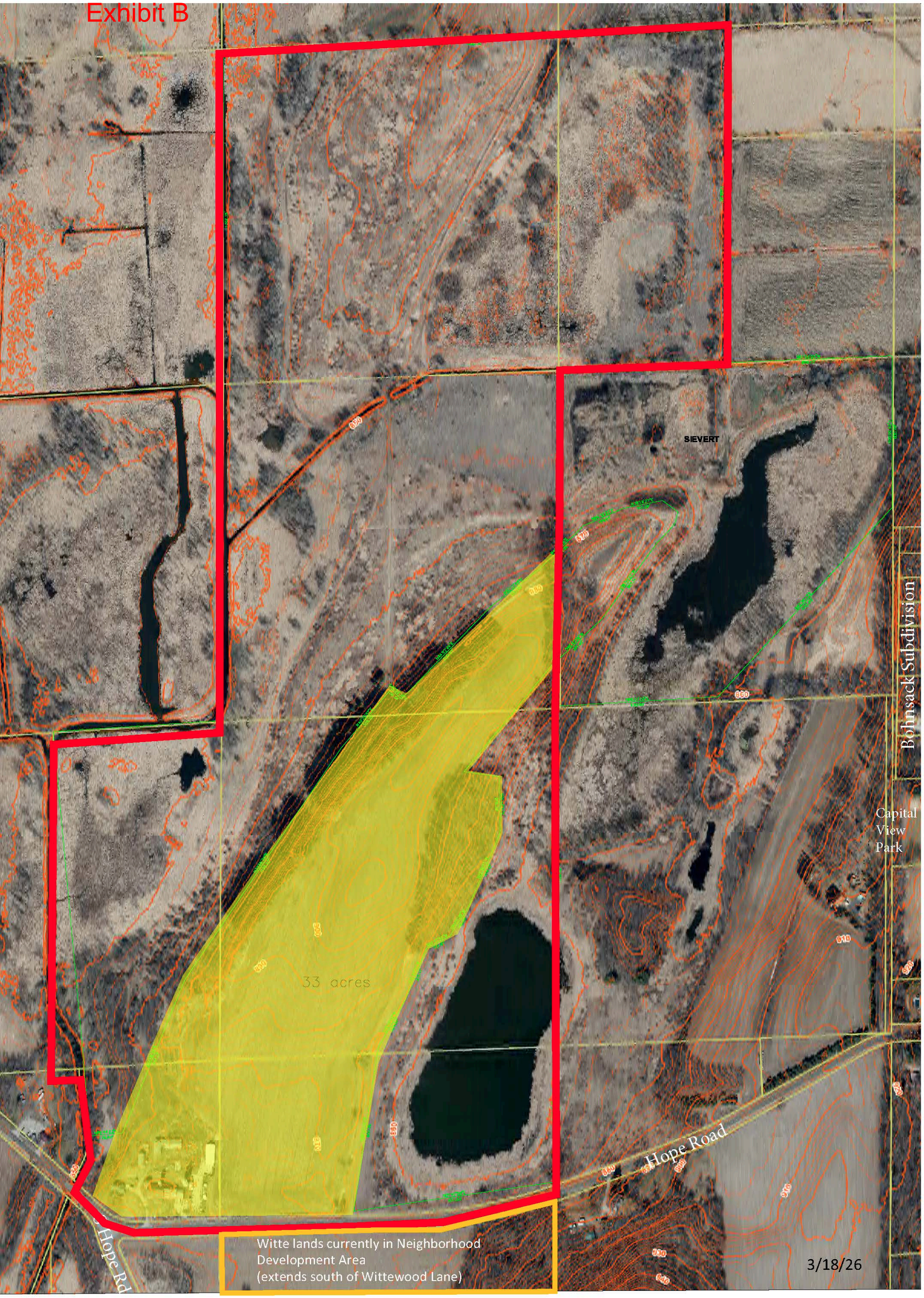
0 750 1,500 3,000 Feet

Town of Cottage Grove

MAP 16

Path: S:\MAD\3600--3699\3688\003\Data\GIS\Figures\Map 16 Future Land Use Sept 2024 11x17.mxd User: danc Date: 10/14/2024 Time: 4:03:55 PM

Exhibit B



Boundary of current Witte-owned lands north of Hope Road

Requested New "Neighbborhood Development Area", not in conservation easement (~33 acres)

DANE COUNTY
WASTE + RENEWABLES

County Executive Melissa Agard
Director John Welch, PE
1919 Alliant Energy Center Way
Madison, Wisconsin 53713
(608) 266-4018

July 13, 2026

Mr. Mark Roffers
Town Planner
MDRoffers Consulting

Subject: Response to Town of Cottage Grove – Plan Commission (6/24)
Petition to Rezone and Conditional Use Permit
CTH N Property (Parcel # 018/0711-334-9235-0)

Dear Mr. Roffers:

Dane County Department of Waste + Renewables and Dane County Department of Highway & Transportation is submitting responses to the Town of Cottage Grove's concerns raised at the Wednesday, June 24, 2026 Plan Commission Meeting. Below are the concerns followed by Dane County's response.

Concern 1: Town is requesting an independent engineering review of the culvert at the south of Ofsthun road.

Response: Dane County requested additional information as to how this request is tied to our specific rezoning + CUP petition. The Town's response was "the Plan Commissioner/former Town Chair's comments regarding Ofsthun Road was tied both to getting what he perceived to be an improvement not completed per plan fixed, and trying to assure that this new project was well-planned and then carried out according to that plan".

Dane County Waste + Renewables met with Jeremy Balousek, Water Resource Engineering Division Manager with Dane County Land & Water Department. Below is a summary of his analysis:

1. In general, the existing drainage pattern (pre-development conditions) for the site drains from south to north.
2. With the addition of a proposed pond along the northern end of the Property, it would capture the existing stormwater draining to the lands north of the Property.
3. The proposed pond outlet should be designed in a way to direct discharge to the ditch line of CTH N avoiding potential impacts to the lands north of the Property.
4. In summary, with the addition of the proposed pond (post-development conditions) and an outlet that discharges to the ditch line of CTH N, it would redirect the existing drainage pattern around the lands north of the Property.

Dane County will adhere to Dane County's Erosion Control and Stormwater requirements under DCO Chapter 74. Additionally, since more than one acre will be disturbed, W+R and H&T also understand that a Wisconsin Department of Natural Resources (WDNR) Construction Site General Permit is required.

Concern 2: Interested in a more detailed/engineering plan for how clay will be extracted, including depth and proximity to property lines, and reclamation plan.

Response: Figure 2 of Attachment C from the "Project Narrative" package includes the depth of clay and proximity to property lines for clay extraction.

Clay is anticipated to be extracted using typical earth moving equipment using one or a combination of the following methods:

1. Method 1: Direct hauling

County Executive Melissa Agard
Director John Welch, PE
1919 Alliant Energy Center Way
Madison, Wisconsin 53713
(608) 266-4018

This typically includes a dozer, excavator, and on-road tipper trucks (or dump trucks). The excavator would directly load dumps trucks at the active extraction area with the dozer later assisting in grading efforts.

2. Method 2: Stockpiling
   This typically includes the same equipment as Method 1 but includes haul trucks and potentially an additional excavator. The excavator would load clay into the haul trucks at the excavation area, transport clay from the excavation area to a stockpile location, and return back to the excavation area. Then, clay from the stockpile location would be loaded into dump trucks for transport to its destination.

Note, means and methods of the excavation activities are typically determined by the earthwork contractor, not by County.

Reclamation after mineral extraction, but prior to building construction, is anticipated to consist of mass grading to ensure adequate drainage, construction of a stormwater pond, and seeding/mulching with a standard WisDOT seed mix. The reclamation plan will adhere to DCO Chapter 74 requirements and is anticipated to be submitted in March 2027 as required under Dane County Ordinance (DCO) Chapter 74.120.

Concern 3: Request for County to provide bond to the Town to assure that site is reclaimed as proposed.

Response: After review of Town of Cottage Grove's nonmetallic mining ordinance, bonds are not required for reclamation. Furthermore, Section 17.01(1)(b) states that "this ordinance is not intended to and shall not regulate nonmetallic mining reclamation under Ch. 295, Wis. Stats. or under Wis. Admin. Code NR 135".

Additionally, financial assurance is not required under DCO Chapter 74.144 to "non-metallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, the county or a municipality".

Dane County has a record of successful reclamation projects for clay borrow sites over the past 10-20 years.

Concern 4: Concern over impact of reported 150-200 truck trips per day during extraction activities.

Response: The total estimated volume of clay that could be extracted is approximately 140,000 CY, including a 20% swell factor that would equate to approximately 168,000 CY. The standard dump truck is between 10 and 15 CY so between 11,200 and 16,800 trucks would be needed to completely remove the anticipated volume of clay. Is it anticipated to take ~80 working days to remove the clay which equates to between 140 and 210 trucks per day during clay extraction operation.

Traffic patterns associated with mineral extraction operations are anticipated to be mainly from dump trucks picking up clay material from the Property, bringing it to the proposed landfill (approximately 3.25 miles from the Property), and return to the Property to pick-up the next load. The dump trucks are anticipated to follow the proposed haul route below and included in Attachment A:

- Exit the Property going north on CTH N
- Take the exit to westbound USH 12 & 18
- Take the exit to southbound CTH AB
- Deliver material to the proposed landfill (4402 Brand Road, Madison, WI 53718)
- Return the back to the Property

Other potential construction traffic may be related to the earthwork contractor operations (e.g. delivery of equipment or mobilization, equipment fueling operations, and/or employees entering or leaving the Property during operating hours).

County Executive Melissa Agard
Director John Welch, PE
1919 Alliant Energy Center Way
Madison, Wisconsin 53713
(608) 266-4018

The haul route proposed only uses County and State and/or Federal roadways. Those roadways are designed to accommodate 3,200 vehicles per hour which is adequate to accommodate 150-200 trucks per day. Therefore, the Dane County Highway Commissioner states that there will be no anticipated impacts to the roadways based on the proposed haul route for clay extraction operations.

Concern 5: Wondering whether Highway Department has considered other sites for Phase 2, including on or adjacent to its East District Highway Facility site.

Response: The East District Highway Facility space is limited due to a future City roadway and addition of a brine operations building. The East District Highway Facility was determined not to be an appropriately sized site that would accommodate a building between 200,000 and 225,000 square feet.

Concern 6: The anticipated average daily traffic with both Phase 1 (extraction) and Phase 2 (Highway Dept storage).

Response: See response to Concern #4 for anticipated daily traffic with Phase 1. For Phase 2, the proposed indoor and outdoor storage is not anticipated to be staffed and would only require intermittent access for either the delivery or retrieval of stored materials or equipment. Therefore, traffic impacts are anticipated to be minimal.

Concern 7: How the County proposes to access Highway N and what highway intersection improvements are anticipated.

Response: Figure 9 of Attachment C from the "Project Narrative" package includes the conceptual site access. Access to CTH N will be evaluated and designed as part of the Town's design approval process and will require submission for a "Permit to Access County Trunk Highway" to Dane County Department of Highway and Transportation. Exact location of access driveway will be established to ensure sufficient lines-of-sight, widths to accommodate anticipated vehicle type and turn radii, and spacing relative to existing driveways.

Concern 8: That a County Highway Department representative also attend the next Town Plan Commission meeting.

Response: Clement Abongwa, Highway Commissioner, plans to attend the next Plan Commission meeting on July 22, 2026.

Concern 9: Dane County Planning staff report.

Response: Please see attached for the staff report for the rezone and conditional use permit applications (Attachment B and C, respectively).

Concern 10: Clarification on the farmland preservation percentage calculation.

Response: Please refer to "COMPREHENSIVE PLAN" of the Rezone staff report (Attachment B).

Concern 11: County position on the proposed RI use restrictions.

Response: The Town of Cottage Grove presented proposed RI restrictions on the property at the 6/24 Plan Commission meeting (Attachment D). Dane County would accept these deed restrictions as presented at the 6/24 Plan Commission meeting.

If you have any additional questions or concerns, please reach out to myself at 608.514.2319, John Welch at 608.516.4154, or Clement Abongwa at 608.444.7841.

Sincerely,

DANE COUNTY
WASTE + RENEWABLES

County Executive Melissa Agard
Director John Welch, PE
1919 Alliant Energy Center Way
Madison, Wisconsin 53713
(608) 266-4018

Allison Rathsack
Lead Project Engineer
Dane County Department of Waste + Renewables

cc:
Dane County – Clement Abongwa, Majid Allan
Town of Cottage Grove – Kim Banigan

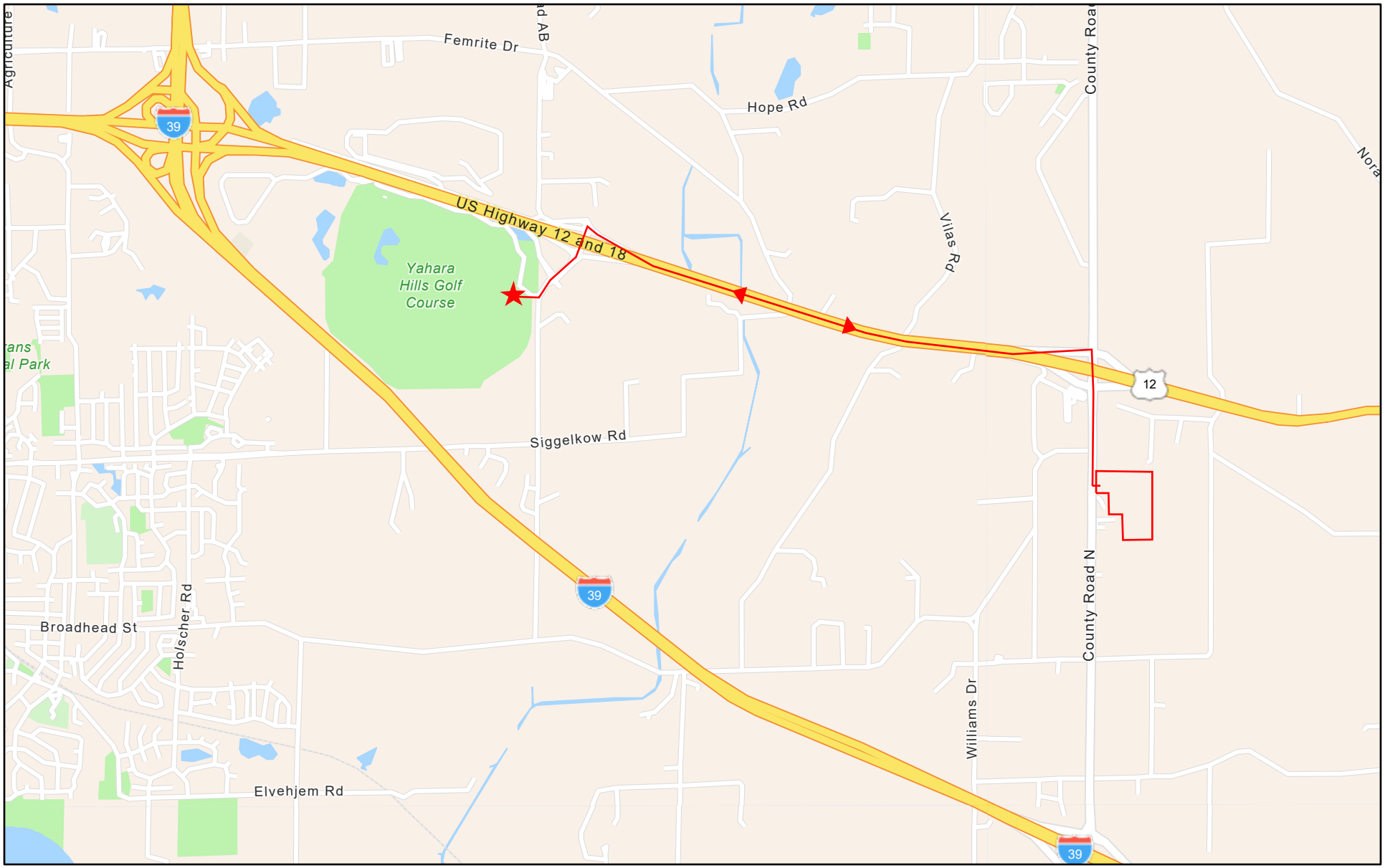
Enclosures:
Attachment A – Proposed Haul Route
Attachment B – Rezone Staff Report
Attachment C – Conditional Use Permit Staff Report
Attachment D – RI Restrictions (6/24 Plan Commission Meeting)

DANE COUNTY
WASTE + RENEWABLES

County Executive Melissa Agard
Director John Welch, PE
1919 Alliant Energy Center Way
Madison, Wisconsin 53713
(608) 266-4018

Attachment A – Proposed Haul Route

Attachment A - Proposed Haul Route



7/8/2026, 8:36:43 AM

1:37,441

0 1,700 3,400 6,800 ft

0 500 1,000 2,000 m

Rources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Clay Borrow Site (approx.)

Proposed Haul Route

Destination

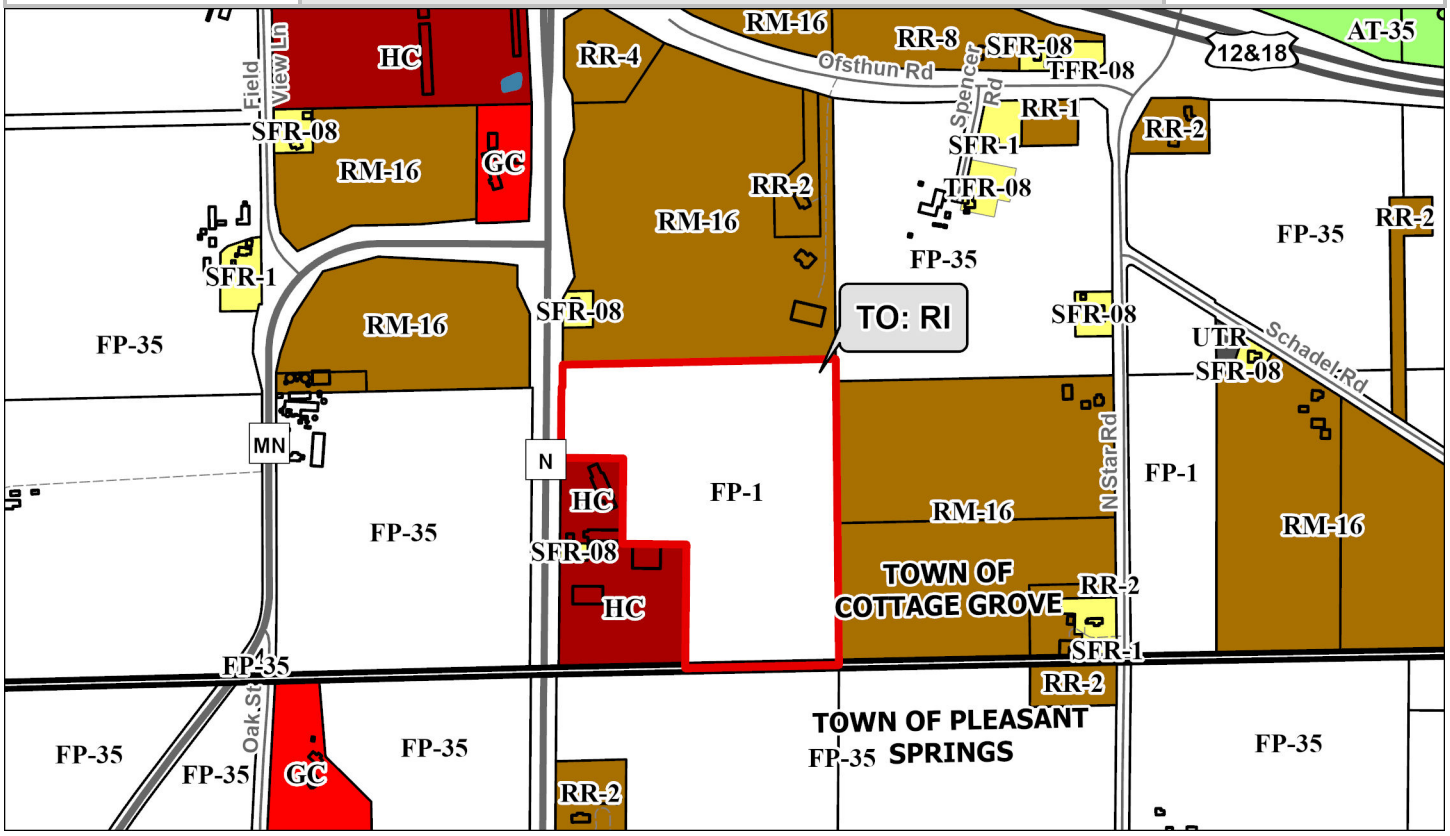
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County Executive Melissa Agard
Director John Welch, PE
1919 Alliant Energy Center Way
Madison, Wisconsin 53713
(608) 266-4018

Attachment B – Rezone Staff Report

Staff Report	*Public Hearing:* **July 28, 2026**	**Petition 12300**
	Zoning Amendment Requested: **FP-1 Farmland Preservation District TO RI Rural Industrial District**	*Town, Section:* **COTTAGE GROVE, Section 33**
	Size: **31.98 Acres** — *Survey Required:* ***No***	*Applicant:* ***DANE, COUNTY OF***
	Reason for the request: **Rural Industrial storage of materials**	*Address:* **NORTH OF 3236 COUNTY HIGHWAY N**

Zoning & Land Regulation Committee



DESCRIPTION: Applicants Dane County Waste and Renewables (hereafter "W&R") and landowner Dane County Highway Department ("Highway") request to rezone 32 acres to RI Rural Industrial, to enable a temporary mineral extraction (clay removal) operation for W&R, followed by establishment of an equipment storage site for the Highway Department. Highway owns the site already. The applicants have also submitted a conditional use permit application (CUP petition #2712) for mineral extraction / clay borrow operation for one season, after which time the site would be used for Highway's operations and storage needs.

Highway's proposed use of the site is for indoor storage and outdoor storage. Indoor storage is needed for equipment that would be damaged by UV rays if stored outdoors. The materials stored outdoors would consist of culverts and pipes, guard rails, road and project signs, gravel and other bulk materials. The site plan includes a new driveway access onto CTH N, a new storage building (roughly 200-225,000 square feet), outdoor storage areas, stormwater management improvements, a new well, and a new septic system or holding tank (pending soil investigations and discussion with the Town). The property would be surrounded with a fence enclosure. The building would include bathroom facilities.

The proposed temporary mineral extraction would operate Mon-Sat, 6am to 6pm with 5 employees on site. Hours for the Highway storage facility would be Mon-Fri 6am to 6pm, with no operations on weekends or holidays except as necessary for emergencies. The Highway site would not be staffed, and would involve intermittent access for material deliveries and pickup. Estimated traffic levels for the clay removal are 140-210 truck trips per day, after which Highway anticipates "intermittent" traffic (a few vehicle trips per day, typically). Detailed comments for the clay operation are contained in the staff review for CUP #2712; this staff report focuses primarily on the Highway operation.

OBSERVATIONS: The subject property is a 32-acre certified survey map (CSM) lot that was rezoned to FP-1 in 2021 after a land sale to a neighbor brought the property to less than 35 acres in size. No changes to the property boundary are proposed. As noted above, clay removal would be a temporary use, resulting in a site ready to develop for other uses.

Land uses and RI zoning: The property is deed restricted, from a 2003 rezoning that created a residential lot to the north. Recorded restriction document # 3808621 prohibits "further residential development" of the property. Zoning-related deed restrictions expire upon the rezoning of the property, so this restriction would terminate upon rezoning.

The request for RI zoning is driven by the need for clay removal, because the RI zoning district allowable land uses include non-metallic mineral extraction (with an approved conditional use permit) as well as indoor and outdoor storage. RI zoning is seldom used throughout the county, and enables a wide range of land uses that may not be compatible with the surroundings for a given property or with all land use plan policies. In this case, it is anticipated that if RI zoning is approved the property would be deed restricted to limit future land uses (see sections below).

Site and building plans: The lot and site plan meet county ordinance requirements for lot size, public road frontage, building setbacks, and lot coverage by buildings. Driveway access would be provided by a new 24-foot wide gravel driveway onto Highway N. A conceptual site plan was provided with the initial rezone application; more detailed building information and a detailed parking plan were not yet available. The application states that Highway anticipates providing detailed building plans for the Town's design-review process at the time of building permit application. Because the proposed use of the property would be a permitted use in the RI zoning district, and there would be no staff or customers on site throughout the day to require a parking lot, this was deemed acceptable at this time. For final plans, the indoor storage use is required to have 1 parking space per 2,000 square fee of gross floor area and the outdoor storage use must have 1 space per 20,000 square feet of outdoor storage space.

Well and septic: The well and septic systems will require approval from Dane County Public Health Department, prior to the issuance of zoning permits to build. A holding tank would also require approval from the Town of Cottage Grove. The town's comprehensive plan policies discourage holdings tanks except for rare circumstances, and subject to certain requirements to justify the use of a tank versus a traditional septic system.

Stormwater plan and nuisance mitigation: The proposed operation has potential to generate some amount of noise, dust, and visual impacts. Highway's plan proposes to mitigate these impacts with fencing around the entire property, and landscape screening with trees to buffer the neighboring properties (concept plan suggests along the west side of the property), water sprayer trucks to manage dust. Highway is developing a stormwater management plan to meet county standards. No storage is proposed for hazardous, toxic, or explosive materials.

Site lighting: Lighting for the Highway operation would consist of fixtures on the building and along the driveway for security purposes. Zoning ordinance requires all lighting to be directed downward and away from adjacent properties and public rights-of-way, and designed to minimize ambient light spill. The Town of Cottage Grove has additional lighting standards in its ordinances, and would review more detailed plans through its Design Review process. A photometric lighting plan with light fixture information was not available to be provided with the rezoning application; additional detail will be needed to verify compliance with county and town lighting standards. Lighting for the clay extraction use is being reviewed separately for that application and specific conditions could be set for that. Lighting for the long-term Highway use would be subject to the ordinance provision noted here, and any additional requirements the town has.

COMPREHENSIVE PLAN: This petition is in the town's commercial planning area and is subject to the land use policies related to that designation. The subject property was designated as future commercial in a 2022 amendment to the town of Cottage Grove comprehensive plan, which was adopted by Dane County under 2022 OA-23. However, this change was not reflected in the 2022 update of the Dane County Farmland Preservation Plan, which still shows the property as being within a designated farmland preservation area. Staff is aware of the discrepancy and will correct the issue in the annual update of the farmland preservation plan map. To be consistent with state farmland preservation law, a minimum of 80% of lands within designated farmland preservation areas need to be zoned in a state-certified farmland preservation zoning district. Though not relevant to this request, it's worth noting that roughly 86% of land within the town's designated farmland preservation planning area is zoned in one of the county's three state certified farmland preservation zoning categories (FP-1, FP-35, FP-B).

Since this property is *not* within a designated farmland preservation area, it needs to be rezoned out of the FP-1 district. This would be resolved if the current petition is approved. These farmland preservation plan and zoning technicalities have no substantive impact on this petition, which is subject to review against the adopted comprehensive plan.

The comprehensive plan identifies the following purposes for the commercial planning area:

- Enable a range of agricultural business, retail, commercial service, storage, light assembly, institutional, health care, research and development, institutional, and recreational uses.
- Require that new development meet high standards for site, building, landscape, lighting, stormwater, and signage design per Town and County ordinance requirements.
- Support development of an agricultural business center, to enhance rural research and production opportunities and build off similar initiatives in the area.
- Provide logical locations for highway-oriented commercial development consistent with the Town's character, population, needs, and public service capabilities.
- Minimize uses that focus on outdoor storage or display and that may someday require extensive public services and utilities.

The comprehensive plan identifies the following "typical implementing zoning districts" for the commercial area: LC (Limited Commercial), GC (General Commercial), HC (Heavy Commercial), and HAM-M (Hamlet Mixed Use).

While the RI district is not included in the list of typical implementing zoning districts, it represents the most appropriate zoning category to accommodate the proposed mineral extraction and subsequent storage uses. Another recent proposal in the town's commercial area from was granted MI (Manufacturing and Industrial) zoning in 2024, with limitations on allowable uses imposed through conditional zoning approval and a deed restriction. In a June 17 memo to the town plan commission, the town's planner indicated that a similar approach to this petition may be warranted and offered a recommended list of uses that should be prohibited in order to comply with plan policies (no permitted uses were included on the list). The memo also outlined a range of other issues and concerns, which are being addressed by staff from Dane County Waste & Renewables.

Applicable comprehensive plan policies are intended to ensure development occurs in a responsible manner that respects the character of the area and protects the public health, safety, and general welfare. This includes minimizing negative aesthetic impacts from outdoor storage of materials and equipment through screening or other means. Traffic and stormwater impacts are another focus of relevant plan policies, and which have arisen as concerns in the consideration of other recent proposals. The related CUP being requested for mineral (clay) extraction is of short-term duration (3 months), with increased traffic impacts during this timeframe limited to CTH N and US 12/18. The future use of the site for county highway department office uses should result in relatively modest traffic impacts to these same facilities.

Both the clay extraction and subsequent structural development on site would be subject to county stormwater and erosion control regulations. Note that the town's building code ordinance includes detailed design review requirements that would apply to future structural development of the site.

Pending any concerns expressed at the public hearing, resolution of the issues identified by the town planner, and consideration of appropriate conditions, the proposal appears reasonably consistent with the comprehensive plan. For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or *Allan.Majid@danecounty.gov*.

RESOURCE PROTECTION: There are no sensitive environmental resources within 300 feet of the subject property.

TOWN ACTION: Pending.

STAFF RECOMMENDATION: At the time of writing, the applicants have provided a written response to the Town Planner's comments on the initial proposal. These responses still need to be considered by the town. Staff recommends ZLR **postpone action** on the petition until the Town Board has acted on the request. As noted above, staff feels the RI zoning requested is appropriate for the proposed uses, would address the current FP zoning being inconsistent with currently adopted comprehensive plan. We believe that the concerns related to this industrial rezone proposal can be

mitigated with deed restrictions (following standard practice for commercial/industrial rezones) and more detailed site planning, including a landscaping plan, visual screening, building lighting and architecture, and stormwater management plan. Outdoor storage should be limited to the specific areas designated on the site plan, and in keeping with other zoning reviews should only be allowed on site once zoning and building permits for the principal building have been issued. These more detailed plans are being developed now and will be subject to additional town and county review. Some of the above items may be appropriate as conditions of rezone approval, so that the detailed plans can be reviewed at the time of zoning permit and building permit submittals, and through the Town's design review process. Additional town meetings are scheduled for mid-July, after which time this report can be updated.

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

DANE COUNTY
WASTE + RENEWABLES

County Executive Melissa Agard
Director John Welch, PE
1919 Alliant Energy Center Way
Madison, Wisconsin 53713
(608) 266-4018

Attachment C – Conditional Use Permit Staff Report

Staff Report	*Public Hearing*: **July 28, 2026**	**Conditional Use 02712**
Zoning & Land Regulation Committee	*Zoning Amendment Requested*: **TO CUP: Clay materials removal**	*Town, Section:* **COTTAGE GROVE, Section 33**
	Size: **31.98 Acres** / *Survey Required:*	*Applicant:* ***DANE, COUNTY OF***
	Reason for the request: **Mineral Extraction, Clay materials removal**	*Address:* **NORTH OF 3236 COUNTY HIGHWAY N**



DESCRIPTION: Dane County Department of Highway & Transportation is requesting a Conditional Use Permit for mineral extraction operations to remove landfill quality clay. This request is associated with Rezone Petition #12300. Waste and Renewables (W+R) received approval from WDNR in December 2023 that allows clay extracted from the Property to be

used for either landfill liner or cap under NR 504. W+R anticipates one construction season (2027) to be able to extract the landfill suitable clay, estimated to be approximately 140,000 CY of material.

OBSERVATIONS: The proposed site is located east of 3234 CTH N, south of USH 12/18 and north of I-39/90. The property is currently zoned FP-1 and currently leased agricultural land with the surrounding properties zoned commercial, agricultural and rural mixed use. Proposed acreage affected is about 31 acres and the proposed entrance is shown in the northwest portion of the property off of CTH N. Majority of the site drains to the north and/or northeast and a small portion draining to the southwest.

One residential homesite accessed off of CTH N is located to the north and two other homesites located to the northeast accessed off of Ofsthun Rd, a frontage road from USH 12/18. Operational hours are proposed to be Monday through Saturday, 6:00 AM to 6:00 PM with no operations on Sunday's and holidays.

Mineral extraction is listed as an allowable conditional use in the RI (Rural Industrial) Zoning District. S. 10.281(3)(i). Importing of materials from different sites is not allowed to be processed and exported. Importing of clean fill is allowed to further achieve reclamation. Accessory uses such as stockpiling and processing of concrete and asphalt pavements for the purpose of recycling for reuse in asphalt or concrete mixtures or base course products is not being proposed for this site. A reclamation plan will be required to submitted for review as a condition of approval of the CUP.

COMPREHENSIVE PLAN: This petition is in the town's commercial planning area and is subject to the land use policies related to that designation. The town plan includes the following with regards to mineral extraction proposals:

> *"When considering applications for conditional use permits or rezonings for non-metallic mining operations, apply the requirements of the Town Non-Metallic Mining Regulations (Chapter 17 of Town Code of Ordinances) and Section10.103(15) of the Dane County Zoning Ordinance. The petitioner must submit directly to the Town copies of all project descriptions, site plans, and engineering reports required by the County Planning and Development Department. The Town does not intend to take action on the rezoning or conditional use permit until it receives and reviews the results of an independent engineering report and staff report from the Dane County Planning and Development Department."*

The town's planning consultant provided a review of the proposal which highlighted a number of concerns which staff from Dane County Waste & Renewables are in the process of addressing. Given that the proposed clay extraction will occur during a short, 3 month timeframe, impacts from the proposed conditional use should be limited in duration and scope. Staff have recommended a number of conditions of approval in accordance with section 10.103(15).

The proposed conditional use permit appears reasonably consistent with comprehensive plan policies.

For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or *Allan.Majid@danecounty.gov*.

RESOURCE PROTECTION: There are no resource protection corridors on or within 300 feet of the property.

CONDITIONAL USE PERMIT DECISION MAKING: "Conditional uses" are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and determine whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant's testimony with regards to meeting the standards.

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
To mitigate these potential impacts, the following practices will be used throughout development:

Noise: Noise will be controlled through the use of muffler systems on equipment or vehicles that meet or exceed industry standards for noise. Additionally, noise will occur only during established periods of time (i.e. hours of operation, discussed in Section 7).
Dust: Dust will be controlled through the application of water via a sprayer truck or similar.
Mud tracking: Mud tracking will be controlled through the use of a stone tracking pad, similar to Wisconsin Department of Natural Resources (WDNR) Technical Standard 1057. Additionally, street sweeping equipment may be use should any mud be tracked onto neighboring roadways.
Runoff: Runoff will be controlled through the use of temporary or permanent sedimentations basins, drainage swales, and/or infiltration. Control of runoff will be designed to meet or exceed County and State stormwater and erosion control requirements (see Section 13 for more information).

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
The proposed development will not be detrimental to or endanger the public health, safety, comfort or general welfare of neighboring properties. Additionally, the proposed development would not impair neighboring properties existing land uses or their potential for future developments/improvements.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
The potential impacts to neighboring properties may include noise, dust, mud tracking, and runoff. To mitigate these potential impacts, the following practices will be used throughout development:
Noise: Noise will be controlled through the use of muffler systems on equipment or vehicles that meet or exceed industry standards for noise. Additionally, noise will occur only during established periods of time (i.e. hours of operation, discussed in Section 7).
Dust: Dust will be controlled through the application of water via a sprayer truck or similar.
Mud tracking: Mud tracking will be controlled through the use of a stone tracking pad, similar to Wisconsin Department of Natural Resources (WDNR) Technical Standard 1057. Additionally, street sweeping equipment may be use should any mud be tracked onto neighboring roadways.
Runoff: Runoff will be controlled through the use of temporary or permanent sedimentations basins, drainage swales, and/or infiltration. Control of runoff will be designed to meet or exceed County and State stormwater and erosion control requirements (see Section 13 for more information).
The proposed development will not be detrimental to or endanger the public health, safety, comfort or general welfare of neighboring properties. Additionally, the proposed development would not impair neighboring properties existing land uses or their potential for future developments/improvements.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
Building footprint: Estimated to be approximately 200,000 - 225,000 sf
Utilities:
Water well: To supply potable water to restrooms and/or potential drinking fountains. Coordinated as part of building design and construction with the appropriate agencies having jurisdiction (e.g. WDNR, etc.).
Septic system: To provide adequate handling and storage of wastewater. Coordinated as part of building design and construction with the appropriate agencies having jurisdiction (e.g. Public Health Madison & Dane County, etc.).
Telecommunication: To provide internet or telephone capabilities.
Electrical: To provide electrical service to the building and exterior lighting.
Natural gas: To provide heating capabilities to the building.
Lighting: Exterior building lighting to provide luminated means for ingress and egress and additional exterior lighting along driveway for security purposes. Note, lighting is not anticipated to cause any significant impacts to neighboring properties.
Access: Anticipated to be off CTH N within the nearly 440 LF of frontage, positioned in a location with the best line of sight for both north or southbound traffic.
Signage consistent with Dane County Zoning Ordinance 10.800.

List of hazardous, toxic, or explosive materials stored on-site (and any spill containment/prevention measures): Not applicable.
Removal of trash, solid waste, or recyclable materials will be done through the use of rented dumpsters or carts with contracted disposal or recycling service contracts, as necessary.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
W+R and H&T anticipates two different traffic patterns regarding each phase of development. Traffic patterns associated with each phase is further discussed below.
Subsection 12.1. Mineral Extraction Operations
Traffic patterns associated with mineral extraction operations are anticipated to be mainly from dump trucks picking up clay material from the Property, bringing it to the proposed landfill (approximately 3.25 miles from the Property), and return to the Property to pick-up the next load. The dump trucks are anticipated to follow the proposed haul route below:
Exit the Property going north on CTH N
Take the exit to westbound USH 12 & 18
Take the exit to southbound CTH AB
Deliver material to the proposed landfill (4402 Brand Road, Madison, WI 53718)
Return the back to the Property
Other potential construction traffic may be related to the earthwork contractor operations (e.g. delivery of equipment or mobilization, equipment fueling operations, and/or employees entering or leaving the Property during operating hours).
Subsection 12.2. Building Construction
During building construction, typical construction traffic is anticipated during the normal hours of operation. After building construction, the proposed indoor and outdoor storage is not anticipated to be staffed and would only require intermittent access for either the delivery or retrieval of stored materials or equipment. Therefore, traffic impacts are anticipated to be minimal.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
A conceptual stormwater basin is anticipated to be located on the northeast portion of the Property (Figure #9 in Attachment C). Additionally, there may be temporary sedimentation basins constructed during mineral extraction operations and/or building construction to assist in additional stormwater management.
W+R and H&T understand we will be required to adhere to Dane County's Erosion Control and Stormwater permitting process. Additionally, since more than one acre will be disturbed, W+R and H&T also understand that a Wisconsin Department of Natural Resources (WDNR) Construction Site General Permit is required.
Permit applications for Phase 1 (mineral extraction) are anticipated to be submitted in Q1 2027 to allow for construction in April 2027. Stormwater and erosion control systems will be designed to meet or exceed the requirements of both the County and State.

7. That the conditional use is consistent with the adopted town and county comprehensive plans.
The proposed land uses at the Property include mineral extraction, outdoor storage, and indoor storage building. The materials anticipated to be stored outdoors may include culverts, various pipes, gravel, or other material purchased in bulk. The indoor storage is anticipated to house various pieces of highway equipment (heavy equipment, specialty equipment, traffic control devices, etc.) and potentially have lease space for other County departments who may need additional cold storage space. Additionally, the indoor storage building is anticipated to have a restroom facility (discussed more in Section 9).
The proposed land uses are consistent with the Town of Cottage Grove's Amended Comprehensive Plan that identifies the Property slated for a future land use of "Commercial Development Area" (Map 16, included as Attachment B).

8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).
Not applicable with the anticipated zoning change to Rural Industry.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: Mineral extraction has potential nuisances that pertain to blasting, truck traffic, dust, noise and aesthetics. The applicant has submitted information regarding how those potential nuisances are handled as part of their application.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Common topics include but are not limited to, hours of operation, hours for blasting, blasting notification procedures, screening, duration, site access, and identification of haul routes.

Under Dane County Zoning Ordinance section 10.103(15), there are special requirements for mineral extraction operations to address many of the potential conflicts with the land use activity. In addition to conditions required for all conditional use permits, the Town Board and zoning committee shall impose, at a minimum, the following conditions on any approved conditional use permit for mineral extraction:

1. Topsoil shall be saved and stored on site for reclamation of the area.
2. The applicant shall receive approval of an erosion control permit prior to commencing extraction operations.
3. The Town and Committee will set an expiration date for the conditional use permit based on the quantity of material to be removed. (See staff suggested conditions below)
4. Reclamation of the site shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances.
5. The driveway accessing the site shall be paved or covered with crushed asphalt for a minimum distance of 100 feet.
6. The access have gates securely locked when the extraction site is not in operation.
7. All excavation shall be setback a minimum of 20' from any property line.
8. All excavations shall be setback to the building setback requirements from streets.
9. The Town and Committee will assign hours of operation appropriate to the particular application. [Note: Typical hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday, and 8 a.m. to early afternoon on Saturday. If there are residences nearby, hours may be more limited (e.g., start at 7:00 a.m. with no Saturday hours). (See staff suggested conditions below)
10. There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.
11. Discharge of water from a site is limited. (See staff suggested conditions below)
12. All trucks and excavation equipment to have muffler systems that meet current industry standards for noise abatement.
13. The operator shall meet DNR standards for particulate emissions.
14. The operator shall carry liability insurance with Dane County and the Town listed as additional named insureds.
15. The town board and zoning committee may set further reasonable restrictions on a mineral extraction operation. (See staff suggested conditions below)

a. Blasting shall conform to Wisconsin Administrative Code SPS 307. Blasting shall occur between sunrise and sunset, as required by SPS 307. The zoning committee and town board may set further daily limits on hours when blasting may occur to minimize impact on neighboring properties.
b. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.
c. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.
d. In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.

TOWN ACTION: Pending.

STAFF RECOMMENDATION: The contents of this staff report summarize the information provided by the applicant. As part of the conditional use permit process, the public has an opportunity to provide additional information and raise concerns. Concerns raised will need to be addressed by the applicant.

Pending any comments at the public hearing, the Committee will need to make findings of fact as to whether the proposed CUP will meet the applicable CUP standards outlined above in the decision making section.

Below are a list of conditions as required under both sections 10.101(7)(h) (standard conditions applicable to all CUPs), and section 10.103(15) (special requirements for mineral extraction) of the zoning ordinance that will need to be part of the conditional use permit, if approved. Additional conditions or alterations to the conditions recommended below may be needed to address concerns raised at the public hearing.

1) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions:

2) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.

3) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.

4) Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.

5) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.

6) All vehicles and equipment must access the site only at the approved location identified in the site plan and operations plan.

7) Township roads shall not be used for hauling to or from the site, either empty or full, unless the applicant or customers are serving a resident/business on the township roads. All other use of town roads requires Town Board approval.

8) Off-street parking must be provided, consistent with s. 10.102(8).

9) If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

10) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

11) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.

12) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

13) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

14) Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.

15) The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.

16) The permit period shall be one (1) year from effective date.

17) Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards:
a) Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan.
b) Final slopes shall not be graded more than 3:1 except in a quarry operation.
c) The area shall be covered with topsoil and seeded to prevent erosion.
d) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County
e) Highwalls shall be free from falling debris, be benched at the top, and certified by a civil engineer to be stable.

18) Solid waste dumping is prohibited.

19) The driveway(s) accessing the subject site shall either be paved or covered with crushed asphalt for a minimum distance of 100 feet from the public right-of-way. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust, debris or mud tracked onto public roads.

20) The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed “no trespassing.”

21) All surface and subsurface operations shall be setback a minimum of 20’ from property lines that do not abut a public right of way. Operations shall adhere to the conditional use permit boundary as shown on the operation plan.

22) Excavations below the grade abutting CTH N shall be setback 42 feet from the property line.

23) Subject to State Statute 66.0441(3)(c), hours of operation shall be 6:00 a.m. to 6:00 p.m. Monday through Saturday. There shall be no operations of any kind on Sundays and holidays. Holidays are to include: New Year’s Eve, New Year’s Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve, and Christmas Day.

24) The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.

25) There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.

26) Any water pumped off-site shall be in accordance with Wisconsin DNR Stormwater Discharge requirements. There shall be no dewatering of groundwater from the site for operations below the water table.

27) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.

28) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.

29) Dane County and the Town shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of $1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.

30) Blasting is prohibited for this site.

31) Any fuel storage on-site shall comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment. All excavation equipment and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.

32) In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.

33) This CUP is limited to Dane County only. CUP #2712 is non-transferrable to a different operator.

34) Berms and landscaping shall be established and maintained.

35) Noise Limitation shall not exceed 75 decibels at a point 100 feet away from the property line. The decibel level shall be measured in DbA for average over a 15-minute period.

36) Back-up alarms - The on-site traffic flow shall be designated to establish minimal backing up of vehicular traffic during normal work operations Whenever possible, the operator shall utilize alternatives to standard backup beeps, for instance, those making a sweeping sound if approved by MSHA.

37) Engine breaking is prohibited for all vehicles either entering, leaving or driving onsite.

Please contact Dan Everson at (608) 267-1541 if you have questions about this petition or staff report.

DANE COUNTY
WASTE + RENEWABLES

County Executive Melissa Agard
Director John Welch, PE
1919 Alliant Energy Center Way
Madison, Wisconsin 53713
(608) 266-4018

Attachment D – RI Restrictions (6/24 Plan Commission Meeting)

This document is intended for reference only. Please contact Dane County Zoning Division (608) 266-4266 for specific ordinance language.

RI Rural Industry Zoning District

CH. 10-Zoning, Section 10.281

Purpose of the Rural Industrial District 10.281(1)

- The Rural Industry Zoning District is intended to accommodate industrial, processing and extractive uses, where primary activity often occurs outdoors uses require large land areas and separation from residential uses; uses do not require full urban services or create intensive electrical, water or other utility demand, and; uses are appropriate to a rural area.

Permitted Uses 10.281(2)

- Office uses
- Contractor, landscaping or building trade operations
- Incidental parking for employees
- Indoor storage and repair
- Incidental indoor maintenance
- Outdoor storage
- Light industrial
- Utility services
- Undeveloped natural resource and open space areas
- Agricultural use
- Agricultural accessory uses, except farm residences
- Transportation, utility or communication use required by law.

Conditional Uses 10.281(3)

- ~~Asphalt and concrete production~~
- Caretaker's residence
- Communication towers
- ~~Commercial processing or composting of organic by-products or wastes~~
- ~~Demolition material disposal sites~~
- ~~Dumping grounds~~
- Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources
- ~~Incinerator sites~~
- Mineral extraction operations
- Outdoor sales, display, or repair
- ~~Salvage operations~~
- ~~Slaughterhouses, meat processing plants~~
- ~~Stock yards, livestock auction facilities~~
- ~~Solid waste disposal or recycling operations~~
- Storage of explosive materials
- Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law
- ~~Wastewater treatment facilities~~

Setbacks, Height, and Size requirements 10.283 (4) & (6)

Front setback for all structures from highway centerline / right-of-way line (whichever is greater)
State or Federal Highway: 100/42 feet minimum
County Highway: 75/42 feet minimum
Town Road: 63/30 feet minimum
Subdivision streets platted prior to ordinance: 20 feet minimum
All other streets: 30 feet minimum

Side Yards:
10 feet minimum each side

Rear Yards:
25 feet minimum

Height: 2 ½ stories or 35 feet maximum

Lot Width & Area: 10.273(5)

Area: 16 acres minimum

Lot Width: 100 feet minimum

Lot Coverage 10.273(7)

Maximum 35% of all buildings on property

MDROFFERS CONSULTING

TO: Town of Cottage Grove Plan Commission

FROM: Mark Roffers, Town Planner

CC: Kim Banigan, Town Clerk-Treasurer; Nick Bubolz, Town Engineer

DATE: **UPDATED** July 15, 2026

RE: Proposed County Clay Extraction Site and Highway Department Facility

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Dane County anticipates that proposed development on this 32-acre parcel will consist of two phases: (1) mineral extraction and (2) building construction. Mineral extraction would consist of clay material suitable for landfill development by Dane County Waste & Renewables. Then, building construction would include indoor and outdoor storage of material used primarily by Dane County's Department of Highway & Transportation.

To facilitate the proposal, Dane County has applied to rezone these 32 acres from FP-1 Farmland Preservation to RI Rural Industrial, to facilitate the combination of mineral extraction first and material storage later, and for a conditional use permit to enable the mineral extraction operation. Extraction is expected to occur in one year (2027). Then, Highway Department construction is expected to be completed by 2029. The materials anticipated to be stored outdoors may include culverts, various pipes, gravel, or other material purchased in bulk. The building is anticipated to be between 200,000 and 225,000 square feet. Indoor storage is anticipated to house various pieces of highway equipment (heavy equipment, specialty equipment, traffic control devices, etc.) that are weather-sensitive, and potentially have space for other County departments.

At the Town level, this project will also require adherence to Chapter 17 (Non-metallic Mining Sites) and Chapter 12.08 (Design Review) of the Town Code of Ordinances. The Town Board is the entity that must grant a non-metallic mining permit, and the Town Plan Commission must grant design approval, before project commencement. Such approvals may be appropriate to grant in phases (i.e., extraction first, then Highway functions later). Dane County is not requesting a Town non-metallic mining site permit or Town design approval at this time.

The 32-acre property is at the south end of the Town's planned "Commercial Development Area" in its Comprehensive Plan, south of the Highway 12/18/N interchange by ½ mile. New development in the "Commercial Development Area" is subject to development policies in the Figure 9 of the Town Comprehensive Plan. Also applicable is a Town economic development objective to "[p]romote

careful placement and design of high-intensity rural uses such as mineral extraction sites...” and the following economic development policy:

> When considering applications for conditional use permits or rezonings for non-metallic mining operations, apply the requirements of the Town Non-Metallic Mining Regulations (Chapter 17 of Town Code of Ordinances) and Section10.103(15) of the Dane County Zoning Ordinance. The petitioner must submit directly to the Town copies of all project descriptions, site plans, and engineering reports required by the County Planning and Development Department. The Town does not intend to take action on the rezoning or conditional use permit until it receives and reviews the results of an independent engineering report and staff report from the Dane County Planning and Development Department.

The Town is now in receipt of County Planning staff reports for both the rezoning and conditional use permit requests, attached. At the last Plan Commission meeting, there was discussion that Town Engineer review may be timelier in conjunction with Town review under its Chapter 17, before a Town non-metallic mineral extraction permit is issued.

As this project moves forward, the Town’s design review ordinance (Chapter 12.08) also has the following provisions that are particularly applicable to the Highway Department (phase 2) plans:

- Principal building shall be oriented to and visible from the main public road on which the site is located, so that the building(s) is the most prominent site improvement rather than parking, loading, storage, or other similar improvements.
- At least 35% of the exterior wall area of each principal building that is visible from a public road or properties zoned or used for residential or public open space purposes shall be covered by brick, native stone, tinted or textured concrete masonry units, windows, or other decorative material as may be approved by the Plan Commission. Regardless, each principal building shall be architecturally finished on all sides.
- Each exterior wall that is greater than 100 feet in length and visible a public road or properties zoned or used for residential or public open space purposes shall employ structural or decorative elements to reduce apparent size and scale.
- Landscape plantings shall comprise of the following types and number per every one acre of site area that is developed: (a) Four canopy deciduous trees with a trunk diameter at breast height of at least two inches at time of planting; (b) Eight ornamental deciduous or evergreen trees, or some combination, with a height of at least four feet at time of planting; (c) Twenty shrubs with a height of at least eighteen inches at time of planting, perennial planting bed(s) of at least 300 square feet in area, or a combination.
- Outdoor storage of materials, trash and recycling dumpsters, equipment (aside from vehicles used in the operation), fuel, scrap, inoperative vehicles, and similar objects shall not be visible from public rights-of-way and lands used or zoned for residential or public

open space purposes. Such areas shall instead be screened by opaque fences, walls, berms, dense landscaping, buildings, or combinations thereof.

- Exterior lighting shall be established, directed, and maintained so that the source of illumination is not visible from lands used or zoned for residential or public open space purposes. All exterior light fixtures over 150 watts incandescent (or LED equivalent illumination) shall be completely shielded or recessed into canopies, with the fixtures mounted parallel to the ground (not tilted-up). Maximum illumination at property lines shall be 3 footcandles.
- The Plan Commission may approve waiver or modification to one or more of the above provisions for cases in which it determines that: (a) Extraordinary or undue hardship may result from strict compliance and/or that its purpose may be better served by an alternate approach; (b) Such waiver or modification will be just and proper, not be detrimental to the public good, and not impair the desirable general development of the community in accordance with the Plan; (c) Such waiver or modification will not be contrary to applicable requirements of State law, Dane County ordinance, or other Town ordinance, except where also modified by the appropriate agency.

The Dane County Waste & Renewables and Highway & Transportation Departments have responded to questions in my June memo and raised at the Commission's June meeting, attached. The Commission also wished to understand the relationship to the Town Comprehensive Plan, and the State law that not less than 80% of land planned for agricultural preservation be zoned within a certified agricultural preservation zoning district (such as FP-1 and FP-35). This land is not planned for agricultural preservation, so this proposal will have no impact on this percentage. Further, in my opinion, the rezoning is consistent with the Town's Comprehensive Plan, both as-is and under the proposed amendments being considered by the Commission at this same meeting.

Recommendation on Rezoning: I agree with County Planning staff that the RI district is the appropriate district to accommodate both development phases for this project. Neither mineral extraction nor non-farm storage uses are allowed under the current FP-1 zoning, or in any of the County's commercial zoning districts (LC, GC, HC). Still, RI zoning allows a broad range of potentially undesirable future uses, and outdoor storage by right. As such, I advise that a deed restriction be placed on the property before the rezoning takes effect, with the following restrictions:

1. Land uses on the property shall not include any of the following:
    a. Asphalt or concrete production
    b. Commercial processing or composting of organic byproducts or wastes
    c. Demolition material storage or disposal
    d. Dumping ground
    e. Incinerator site
    f. Salvage operation
    g. Slaughterhouse or meat processing plant

h. Stockyard or livestock auction facility
i. Solid waste disposal or recycling operation
j. Wastewater treatment facility

2. Outdoor storage shall be kept within outdoor storage yards that are:
   a. Clearly indicated on a site plan approved by the Town of Cottage Grove.
   b. Not within 200 feet of the right-of-way for Highway N.
   c. Gravel or hard surfaced.
   d. Fully screened from Highway N and residential zoning districts by buildings, landscaped berms, walls, and/or opaque fences. Chain link fences with slatted inserts or mesh coverings are not considered opaque fences.
3. Outdoor storage shall not be introduced to the site until building and zoning permits for a permanent storage building have been issued, construction of the building has commenced, and screening of the outdoor storage yard(s) has been installed.
4. Any proposal to use a holding tank for sanitary waste storage must meet applicable County regulations plus the holding tank policy in Figure 9 of the Town of Cottage Grove Comprehensive Plan.
5. Prior to the commencement or expansion of any use or activity meeting the minimum criteria in Section 12.08(2) of Town ordinances, the owner shall apply for and obtain Town design approval of Section 12.08 of Town ordinances.

Recommended condition #1 was discussed at the June Commission meeting; the County accepts it. Recommended condition #2 is similar to that advised by the Town for rezoning of the Ironstone Business Park lands northeast of the Highway 12/18/N interchange. Recommended conditions #3 and #4 echo requirements recently applied to other proposed storage operations in the Town, and are also raised in the County Planning staff report.

Recommendation on Conditional Use Permit: I further recommend that the Plan Commission recommend that the Town Board recommend County approval of a conditional use permit for the mineral extraction operation, subject to the 37 conditions listed in the County Planning & Development Department's July 28, 2026 report (attached), with the following recommended adjustment and addition:

- Regarding County Planning recommended condition 23, instead limit Saturday hours to 8 a.m. to 2 p.m. as is typical.
- Add a condition 38) as follows: "Before commencement of mineral extraction operations, applicant shall apply for and obtain Town approval of a non-metallic mineral extraction permit under Town Code Chapter 17."