



Dane County Planning & Development

Land Division Review

Date: January 23, 2024

To: Zoning & Land Regulation Committee

From: Daniel Everson, Land Division Review

Re: Swalheim Business Park (preliminary plat)
Town of Cottage Grove, Section 27
(11 lots, 27.742 acres)
Rezone Petition: 11960; FP-1 (Farmland Preservation) to GC/UTR (General Commercial/Utility)

- Average commercial lot size: 1.69 acres
- Review deadline: January 30, 2024

The preliminary plat was submitted for review on November 1, 2023 and the ZLR Committee accepted the preliminary plat on December 19, 2023.

The subdivision plat is part of a commercial development area as shown on the Town of Cottage Grove Comprehensive Plan. Zoning for the site was conditionally approved under rezoning petition 11960 subject to a subdivision plat been recorded.

Under Dane County Code of Ordinance Chapter 75, Land Division Regulations, the Committee is charged in determining if lands are suitable for development during the land division review. Under Section 75.13, No land shall be divided or subdivided for a use which is held unsuitable by the committee for reason of flooding or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area, or harmful to the community or the county.

During the review of the preliminary plat, it was discovered that there were issues with the soil capability for providing on-site septic systems for the development. In speaking with the Public Health Department, the soils test conducted on the property determined that lots 3, 6, 9, and 10 were incapable of on-site septic systems. Further, soils tests were not conducted on lots 4 and 5 due to standing water on the property. A memo was sent from Sanitarian Brandon Macomber on January 3, 2024 that details the limitations of holding tanks in relation to saturated soils and standing water on site. Letter is attached.

Note: The preliminary plat is misleading. The plat shows placement of septic systems for each lot with lots 4 and 5 needs testing. The plat gives the appearance that there are no on-site septic issues.

In order to allow holding tanks for development, the landowner is required to obtain the approval for the use of a holding tank by the municipality. Under the Town of Cottage Grove Comprehensive Plan policies for commercial development, holding tanks are not permitted. See below.

Figure 9: Commercial Development Area Purpose and Policies (two-page figure)

Purpose	
<ul style="list-style-type: none"> • 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. 	
Typical Implementing Zoning Districts	New Lot Sizes
HAM-M Hamlet Mixed Use GC General Commercial, but sometimes limit the range and scale of uses through deed restrictions HC Heavy Commercial, but often limit the range and scale of uses through deed restrictions LC Limited Commercial	Minimum lot size is one acre, provided that soil tests determine that the lot is suitable for an on-site waste treatment system. New holding tanks not permitted.
Relationship to Town's TDR Program	
Non-residential development—and land divisions, rezonings, and conditional use permits for such development—may occur without having to meet the Town's RDU and TDR requirements.	

New Lot Sizes

Minimum lot size is one acre, provided that soil tests determine that the lot is suitable for an on-site waste treatment system. **New holding tanks not permitted.**

In addition to the on-site septic issue, County Staff is concerned with the potential of flooding on lots 4 and 5. Although the site is not designated in a FEMA flood hazard area, the majority of the lots are approximately 2 to 4 feet above the water table. During the soil test, the Soils Evaluator identified standing water on lots 4 and 5. Staff has also learned that the area is being artificially drained with sub-surface drain tile. This is noted in the wetland delineation report conducted by Taylor Conservation. If the drain tile is disrupted with development, this may lead to flooding with the development of lots 4 and 5.

Staff is very concerned that the soils in the subdivision are not suitable for development. Lots 3, 4, 5, 6, 9, and 10 are incapable of supporting on-site septic systems. Holding tanks cannot be a viable means due to the fact that the Town Plan policies do not permit holding tanks for new commercial development. In addition, lots 4 and 5 were found to have standing water on them and the area is being artificially drained by sub-surface drain tile which disguises the true water table for the area.

Staff recommends denying the preliminary plat for the following reasons:

1. Lots 3, 4, 5, 6, 9, and 10 do not have the adequate soils to support an on-site septic systems. Holding tanks are not permitted for new commercial development per the Town Plan policies.
2. Lots 4 and 5 have the potential of future flooding. The lots are directly adjacent to wetlands and approximately 2 to 4 feet above the pond level on the adjacent lot. The Soil Evaluator identified standing water on lots 4 and 5. The area is being artificially drained with drain tile which could present flooding issues when disturbed by development.