



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

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 Section 10.103(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."