
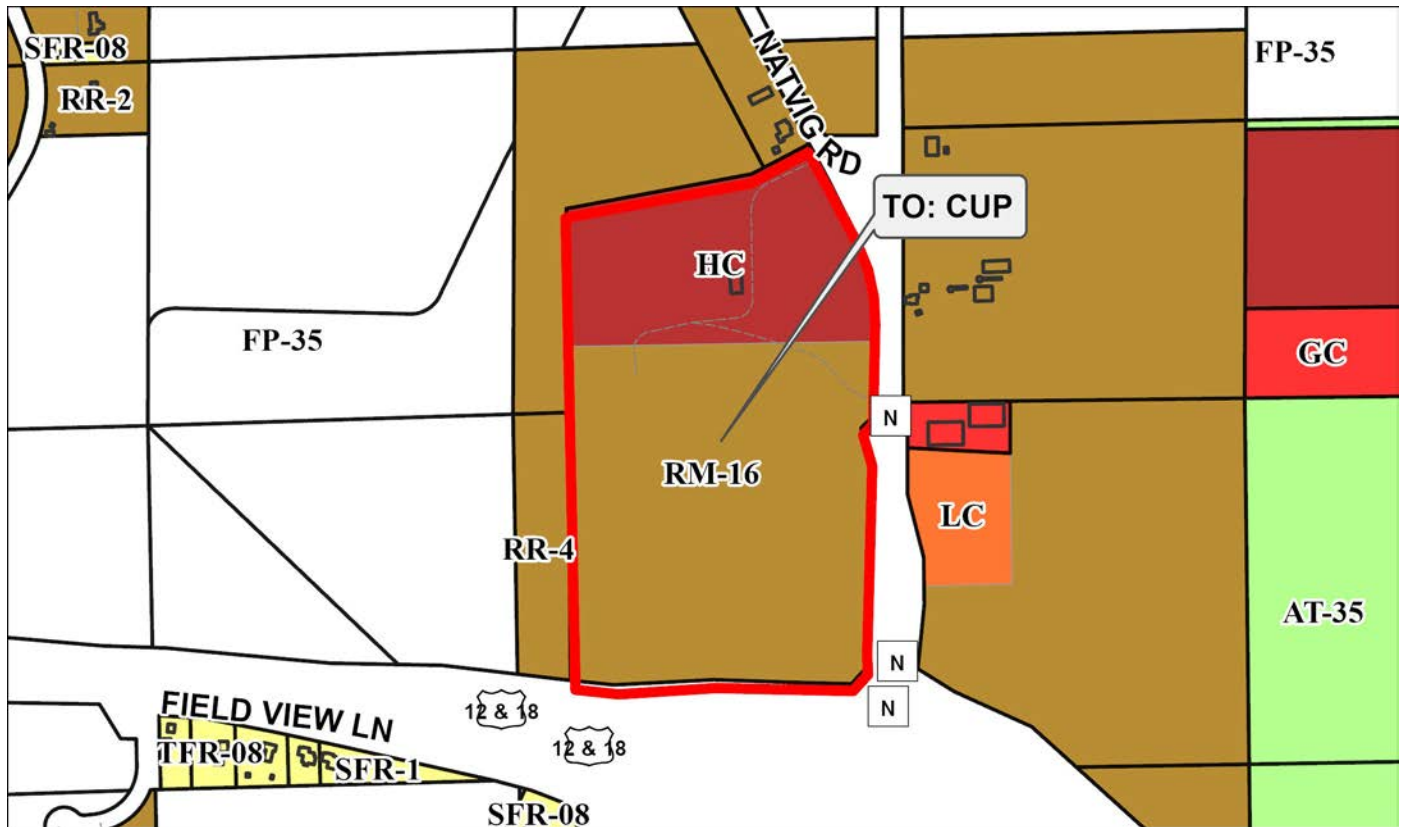


<b>Staff Report</b>  <b>Zoning &amp; Land Regulation Committee</b>	<i>Public Hearing:</i> <b>November 19, 2024</b>	<b>Conditional Use 02641</b>
	<i>Zoning Amendment Requested:</i> <b>TO CUP: Processing or composting of organic by-products or wastes</b>	<i>Town, Section:</i> <b>COTTAGE GROVE, Section 28</b>
	<i>Size:</i> <b>45.3 Acres</b>	<i>Survey Required:</i>
	<i>Reason for the request:</i> <b>Processing or composting of organic by-products or wastes</b>	<i>Applicant:</i> <b>SKAAR PIT LLC</b>
		<i>Address:</i> <b>3355 COUNTY HIGHWAY N</b>



**DESCRIPTION:** Applicants request a conditional use permit (CUP) in order to obtain a 10-year extension of an existing composting site operation. The existing composting business has been in operation since 2016. The operation involves the composting/recycling and processing of agricultural farm waste and producing a product used for engineered soil, rain garden mix, soil amendments, etcetera. Composting is done entirely outdoors. The current permit ([CUP #2342](#)) expires in February of 2025.

**OBSERVATIONS/ FACTUAL INFORMATION:** The property is roughly 45 acres in size. The neighboring lands are primarily in agricultural and rural residential use, with a commercial building restoration business to the east across Highway N, and US Highway 12 & 18 to the south. A self-storage business and a handful of residential lots are to the south across Highway 12 & 18. The property is also home to a sand and gravel quarry that has operated since 1998. That operation involves the mining, recycling and processing of aggregates and soils for local construction projects.

The property was originally split into two parcels with C-1 and A-2 zoning, so the northern C-1 parcel could contain both the quarry and composting operations. Under the new zoning ordinance that was rewritten in 2019, the most suitable zoning to match the current uses is MI Manufacturing and Industrial zoning district. The applicants have submitted a petition to rezone the property to MI zoning, with restrictions to limit the range of allowable land uses. [Rezone petition #12109](#) was recommended for approval by the ZLR Committee after its public hearing on October 22<sup>nd</sup> and will go before the County Board on November 7<sup>th</sup>. The proposal will unify the property into a single lot and single zoning district. In the MI zoning district, Processing or composting of organic by-products or wastes is an allowable conditional use.

Specific aspects of the operation include:

- Equipment: Typical equipment used in the composting process would be farm tractor with a compost row turner, loader, dump trucks, semis, portable screening plant and a water truck.
- Site improvements: No new site improvements proposed or needed.
- Current and proposed hours of operation (no change proposed):
  - Monday thru Friday: 6 am to 6 pm
  - Saturday: 8 am to 1 pm.
  - Sunday & Holidays: no work
  - Special hours with notification/ acknowledgement by Town chairman.
- Employees: Typically one full time employee operates the site when composting rows are being started. Once rows are established, a part-time employee turns the rows when correct temperatures are reached.

**RESOURCE PROTECTION:** The site does not contain any sensitive environmental features. Little Door Creek, a perennial stream, is located roughly 300 feet away to the northwest of the property. Mapped regulatory floodplain is located on the property and development within the floodplain is subject to floodplain development standards.

**COMPREHENSIVE PLAN:** The property is located in the town's commercial planning area. Town plan policies encourage commercial uses compatible with the town's rural atmosphere, including those related to agricultural production. Approval of prior CUP 2342 included conditions requiring triennial town review of the use to ensure continued compliance with conditions of approval. Staff is unaware of any concerns raised with regards to the ongoing compost operation and have no formal complaints since 2019 (the use commenced in 2016).

Pending any concerns raised during the ZLR Public Hearing, the proposed conditional use appears reasonably consistent with comprehensive plan policies and staff would recommend approval with conditions similar to those imposed on prior CUP 2342. For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or [Allan.Majid@danecounty.gov](mailto:Allan.Majid@danecounty.gov).

**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.***

The CUP application describes the proposed operations plan. The applicant states that the site already meets these measures and will continue to do so. They state the roadway turn lanes are already installed, with signage as required by law, and that all equipment use on site has muffler systems that meet or exceed industry standards for noise. They state the site is under permit and meets DNR standards for particulate emissions, and that the existing storm water detention ponds (separate ponds for the composting and mineral extraction operations) will be maintained. They also note that dust and noise are not typically an issue with composting, and that odor can typically be controlled based on turning the piles when appropriate.

- 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 applicant states that the site already meets these measures and will continue to do so. They note the operation will continue to have no impact on the surrounding agricultural properties, no impact on the commercial business to the east, that they own the rural homestead to the east, and the home to the north is owned by a company employee.

**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.***

This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. The applicant states that the operation will continue to meet this standard. They note they are changing the zoning to coincide with future commercial development of the property, which is in line with the current Town of Cottage Grove land use plan that plans this area for a future town business park.

As noted above, most of the surrounding properties are currently under agricultural and rural residential use, with some commercial sites already in existence. Most land to the west is zoned Farmland Preservation, with some undeveloped adjacent land zoned Rural Residential; most land to the east is zoned Rural Mixed Use.

**4. *That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.***

The utilities, access roads, drainage, and other improvements needed for the operation are already in place. The applicant states that roadway improvements to County Highway N (turn lanes) have been installed, and Natvig Road was realigned by the county years ago. They note the storm water detention ponds follow all applicable county standards and will be maintained as they currently are. Porta-potties are used for sanitary facilities.

**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.***

Off street parking is provided on site within the pit and composting area. The applicant states that roadway improvements were already done, and the on-site driveway is asphalt surfaced, 24 feet wide and approximately 675 feet long. Daily truck volumes vary greatly but on seasonal average they see zero to ten trucks per hour (which includes the mineral extraction operation). They do not expect any changes to the current operation and still anticipate traffic to fluctuate as it does now.

**6. *That the conditional use shall conform to all applicable regulations of the district in which it is located.***

The proposed use conforms to the applicable regulations of the proposed MI zoning district. MI zoning allows Processing or composting of organic by-products or wastes with an approved conditional use permit.

**7. *That the conditional use is consistent with the adopted town and county comprehensive plans.***

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans.

**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.

**POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE:** The potential nuisances that pertain to composting operations are most likely to involve odors and truck traffic. The applicant's CUP application addresses how these potential nuisances are handled, as noted above.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the ZLR Committee. Under Dane County Zoning Code s. 10.103, there are no special requirements for composting operations.

**TOWN ACTION:** On October 9, 2024 the Town Board approved this CUP, to extend for 10 years with the same conditions as the expiring CUP #2342. (See recommended conditions below.)

**STAFF RECOMMENDATION:** Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the information summarized above for the existing site improvements and business operation, and is also reflected in the town's findings and approval conditions.

If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing. Pending any comments at the public hearing, Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above, and (2) we recommend approval with the conditions listed below.

**CUP 2641 Potential Conditions of Approval:**

*Standard Conditions for all Conditional Use Permits from 10.101(7):*

1. Any conditions required for specific uses listed under s. 10.103 (none).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. 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.
4. 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.
5. 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.
6. 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.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
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 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.
12. 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.

*Conditions specific to CUP # 2641:*

13. Composting operations to be conducted in locations as depicted on site plan submitted with CUP 2641 application.
14. Manure limited to horse and cattle only.
15. No on-site storage of raw manure longer than 48 hours.
16. All DNR and County permits to be in effect for all allowed operations, with copies to be filed with the Town Clerk.
17. Hours of operation to be the same as those specified in the non-metallic CUP (M-F, 6am-6pm; Sat 8am-1pm).
18. Windrows limited to the northern 750 feet of the property.
19. Operations shall cease no later than ten (10) years from the date of issuance of the conditional use permit, or at any time prior if the operator fails to maintain required DNR or County permits.
20. CUP to be reviewed every three years by the Town.
21. CUP to become effective only upon Rezone Petition #12109 first becoming effective.

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