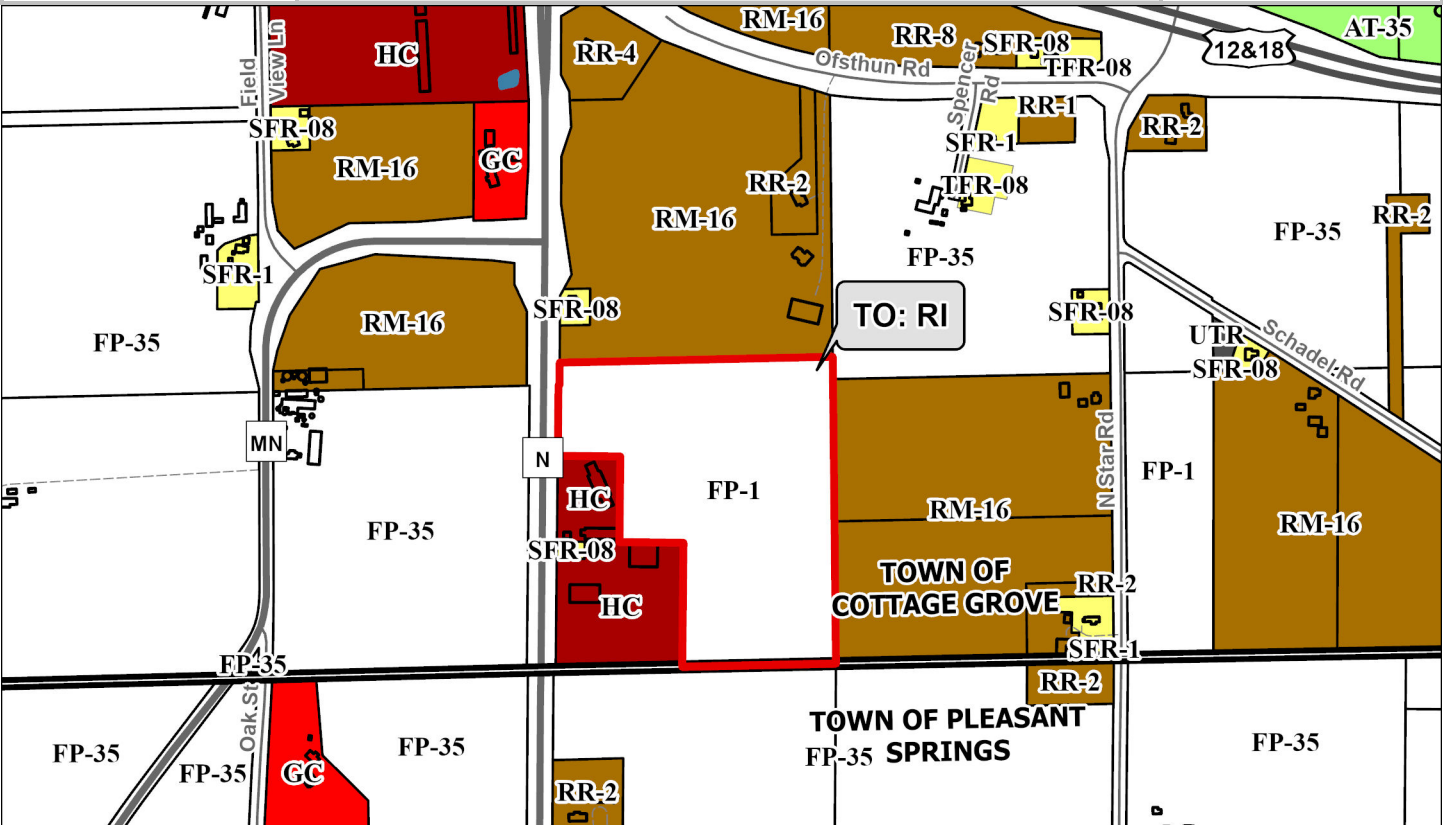


Staff Report  Zoning & Land Regulation Committee	Public Hearing: July 28, 2026 Report updated for the August 25th ZLR meeting		Petition 12300
	Zoning Amendment Requested: FP-1 Farmland Preservation District TO RI Rural Industrial District		Town, Section: COTTAGE GROVE, Section 33
	Size: 31.98 Acres	Survey Required: No	Applicant: DANE, COUNTY OF
	Reason for the request: Rural Industrial storage of materials		Address: NORTH OF 3236 COUNTY HIGHWAY N



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 feet 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: Town Board recommended approval with:

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.

STAFF RECOMMENDATION: Following the applicants written response to the Town Planner's comments, and Town Board action, **Staff recommends ZLR approve the petition** subject to the following conditions:

1. Permitted or conditional 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.

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