

**Town of Cottage Grove
Public Hearing on Comprehensive Plan Amendments**

Notice is hereby given that the Town Board of the Town of Cottage Grove will hold a public hearing at 7 p.m. on Monday, January 20, 2025. The hearing will be held at the Town Hall; 4058 County Road N; Cottage Grove, WI.

The public hearing will be held to gather public input on proposed amendments to the Town of Cottage Grove Comprehensive Plan, which sets a vision and implementation program for the future growth, development, and preservation of the Town. The proposed Plan amendments would update the status of Dane County's plans related to its landfill and McFarland's plans related to lands currently in the Town, update Town policies related to both plans, adjust the Town's transfer of development rights (TDR) program's transfer ratio from 8-to-1 to 10-to-1, clarify the exemption for transferred development rights within ¼ mile of the Village of Cottage Grove, promote "dark sky" lighting, require advance analysis of soil suitability for building sites and on-site waste treatment systems where warranted, provide further examples of desired commercial development quality, enable holding tanks as a system of last resort in the planned Commercial Development Area subject to conditions, expand the planned Commercial Development Area and map a ¼ mile radius around the Village of Cottage Grove related to the Town's TDR program on Map 16: Future Land Use, and make minor corrections to Map 1: Jurisdictional Boundaries and Map 2: Soil Suitability. The proposed amendments and the Town's Comprehensive Plan are attached or available on the Town's Web page at <http://www.tn.cottagegrove.wi.gov/>, or by contacting the Town Clerk at 839-5021 or clerk@tn.cottagegrove.wi.gov. Written comments should be submitted to the Town Clerk, who will forward them to the Board.

Kim Banigan
Clerk-Treasurer
Posted and Published December 20, 2024

**TOWN OF COTTAGE GROVE
PLAN COMMISSION RESOLUTION 2024-11-26**

**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, on October 23, 2024, the Commission adopted its Resolution 2024-11-23b, which recommended Plan amendments contained therein; and

WHEREAS, following such Commission recommendation, the Town received comments on the recommended Plan amendments from Dane County Planning and Development Department staff, and has determined to recommend revised amendments in response to those comments:

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 revised amendments to both volumes 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 rescinds its prior action on Resolution 2024-10-23b and recommends that the Town Board adopt an ordinance to constitute official Town approval of the revised amendments to the Town of Cottage Grove Comprehensive Plan that are indicated in Exhibits A and B.

The above and foregoing Resolution was duly adopted at a meeting of the Plan Commission of the Town of Cottage Grove held on the 26th day of November, 2024, by a vote of 7 in favor and 0 opposed.

TOWN OF COTTAGE GROVE PLAN COMMISSION



Kris Hampton, Plan Commission Chair

Attested by:


Kim Banigan, Town Clerk

Incorporated by Reference

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

Exhibit B: Amended Maps for Town of Cottage Grove Comprehensive Plan

EXHIBIT A
TEXT AMENDMENTS TO TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN

Amendments to Conditions and Issues Volume

1. Within Chapter Seven: Utilities and Community Facilities, replace the second paragraph under “Trash Collection, Recycling Services, and Solid Waste Disposal Sites” on pages 46-47 with the following:

“At the time of Plan writing, the Dane County Landfill (Rodefeld site), located northwest of the Highway 12/18/AB interchange near the southwest corner of the Town, was experiencing capacity issues. To accommodate additional capacity, the County has proposed to expand landfill operations south of Highway 12/18 to 230 acres of the current Yahara Hills Golf Course, just west of Highway AB. Dane County is currently working on design and permitting for the new landfill site south of Highway 12-18. In February 2024, the engineering team submitted a Feasibility Report to the Wisconsin Department of Natural Resources (WisDNR), and in April 2024 WisDNR determined that the Feasibility Report was incomplete. At time of writing, the team was working to address WisDNR comments. Once WisDNR provides a determination that the proposed landfill is feasible, permitting will move to the final step, the Plan of Operation, anticipated for 2025. Landfill construction is anticipated to start in 2027 or 2028 so that the proposed site is ready to accept waste prior to the Rodefeld site reaching capacity.

A Local Negotiated Agreement (LNA) process, administered by the State, is required as part of the Feasibility Report process. The LNA process allowed for neighboring municipalities to negotiate directly with Dane County about operational concerns and/or compensation for economic impacts. The Dane County Landfill No. 3 Local Negotiated Agreement Committee included representatives from Dane County, City of Madison, Village of McFarland, and Town of Cottage Grove. After several meetings, the Committee in June 2024 approved the negotiated agreement. The agreement addresses matters such as transportation access and haul routes; source of waste; hours of operation; golf course operations; odor, dust, and litter control; visual impact and screening; drainage, leachate, and erosion control; environmental compliance and reporting; complaint resolution; height limitations (maximum 1,136 feet); final use; compensation and property value guarantees for nearby residential owners; and compensation to municipalities. The agreement indicates that the Town of Cottage Grove is to be paid an annual siting fee of \$50,000 to Town within 60 days of the beginning of solid waste acceptance at the facility. The Town Board accepted the agreement at its August 5, 2024 meeting.

There is a related planning effort for a Sustainability Campus, including a Waste Education Center and waste recycling, reuse, and processing opportunities. Construction of some elements of the Sustainability Campus, including a Waste Education Center (and Administrative Building) are proposed to start by 2025 or 2026. Also, upon the closure of the current Rodefeld site, up to 150 acres of land will be available for public recreation.”

2. Within Chapter Nine: Intergovernmental Cooperation, replace all information under “Village of McFarland” heading on page 63 with the following:

“The Village of McFarland is located directly southwest of the Town of Cottage Grove. In 2019, the Village annexed approximately 120 acres in the Town northeast of Interstate 39/90. This was the first time Town lands had been annexed by the Village of McFarland. This annexation was not anticipated in the Village’s plans adopted at the time. The annexed land includes a 9-acre parcel owned by the McFarland School District just east of the Siggelkow Road and CTH AB intersection and a 26-acre parcel immediately to its south owned by the Village of McFarland, intended for athletic field development.

In April 2023, the McFarland Board adopted a plan for new development and expansion at and beyond that Village’s eastern edge. McFarland’s East Side Plan covers land annexed from the Town of Cottage Grove in 2019 plus lands to their north including larger undeveloped lands owned at the time by Teran (~50 acres), Ewing (~50 acres), and Anderson (~30 acres). The map to the right is a section of the future land use map from McFarland’s Plan. This 2023 Plan does not indicate how the Village may approach these property owners or the Town, or the projected development timing.



McFarland’s recommended future uses in the planning area differ in most places from the Town’s recommendations. The Town’s Future Land Use and Transportation map (Map 16 in Vision and Directions volume) identifies the eastern part of this planning area for a mix of planned commercial development and agricultural preservation, rather than the future “neighborhood” (mostly residential) development recommendation in the Village’s plan. The Town’s agricultural preservation designation was as advised by the Ewings themselves in 2020. Further, the western part of McFarland’s planned development area is also within City of Madison expansion area, as agreed under the 2022 City-Town intergovernmental agreement. All of these factors present a confusing future land use picture for this area.”

Amendments to Vision and Directions Volume

3. Within Chapter Two—Agricultural, Natural & Cultural Resources, under the Expand Activity in Town’s Transfer of Development Rights (TDR) Program on page 10, repeal the final bullet point that begins with “Reconsidering the maximum 8-to-1 transfer ratio” and amend the second paragraph to read as follows:

“In general, the Town seeks to keep residential development density in planned Agricultural Preservation Areas below a density of one home per 35 acres. This is accomplished by allowing landowners within these areas to sell their rights to develop new homes to property owners in other parts of the Town. These other parts of Town are designated as “Neighborhood Development Areas” or “Agricultural Transition Areas” on Map 16 in the

Land Use chapter. Within these TDR receiving areas, except where exempted [per](#) associated [Land Use chapter figures](#), each transferred “residential density unit” enables the development of [eight-ten](#) additional homes. In 2020, the Town introduced another TDR option that allowed limited transfers between lands planned in the Agricultural Preservation Area, at a 1-to-1 transfer ratio. Figures 3 and 4, within Chapter Three of this Vision and Directions volume, provide more detail.”

4. Within Chapter Three—Land Use, amend Figure 4: Transfer of Development Rights, TDR Receiving Areas policy 3 on page 26 to read as follows:

“For permitted RDU transfers to a Neighborhood Development Area, or to an Agricultural Transition Area where the Town Board has determined that the land is ripe for more intense development per Figure 6 and will remain in the Town following development, a transfer ratio incentive is built in so that landowners and RDU buyers have an incentive to transfer RDUs to such Receiving Areas. These are areas where compact housing development is more appropriate than Agricultural Preservation Areas. The incentive is that someone can buy one RDU from a Sending Area and develop more than one housing unit with that RDU in the Neighborhood Development [Area](#) or Agricultural Transition Area. Based on [a 2024](#) technical review and public input, the Town of Cottage Grove has determined that an economically reasonable transfer ratio is [810](#)-to-1. A transfer ratio of [810](#)-to-1 means that, for each RDU transferred from a Sending Area to a Receiving Area that is also designated as a Neighborhood Development Area or Agricultural Transition Area on Map 16 (subject to the above limitations), that Receiving Area developer would be able to develop [eight10](#) housing units above the number of housing units allocated to the May 15, 1982 parcel (see Figure 3), provided that the developer meets all other applicable regulations and policies. See Figures 6 and 8 for potential exemptions for Agricultural Transition Areas and Neighborhood Development Areas close to the Village of Cottage Grove.”

5. Within Chapter Three—Land Use, amend Figure 4: Transfer of Development Rights, TDR Receiving Areas policy 5 on page 26 to read as follows:

“RDUs must either be used on-site or transferred from a specific Sending Area parcel to a specific Receiving Area parcel. Where RDUs are legally transferred, but not immediately used for the development of housing units on a Receiving Area parcel, the ability to construct such housing units may remain with that Receiving Area parcel for future use there. For example, if the owner or developer of a Neighborhood Development Receiving Area parcel acquired two RDUs from a Sending Area parcel, but did not initially subdivide lots for all of the [16-20](#) additional housing units enabled by the transfer, he or she could hold to a later date the ability to build the remaining housing units on the Receiving Area parcel. Except where expressly allowed prior to January 18, 2021, no remainder housing units may be transferred by the Receiving Area parcel owner to a different Receiving Area parcel, whether or not the different parcel is owned by the same entity.”

6. Within Chapter Three—Land Use, amend Figure 6: Agricultural Transition Area Purpose and Policies, Relationship to Town’s TDR Program policy 4 on page 31 to read as follows:

“Once the Town designates an ~~entire~~ Agricultural Transition Area tax parcel that is [mostly further greater](#) than ¼ mile from the Village of Cottage Grove as of July 5, 2022 as appropriate for more intensive development per policy #4 below, such parcel may qualify as a TDR Receiving Area with an [810](#)-to-1 transfer ratio. ~~However, if Where the majority of any part of an Agricultural Transition Area tax parcel the Town so~~ [designated as appropriate for more intensive development](#) is [instead](#) within ¼ mile from ~~the that~~ Village’s ~~of Cottage Grove~~ boundary as of July 5, 2022, transferred RDUs are not required to obtain Town

approval ~~of a residential development for development of that parcel that is above with more than~~ the number of housing units (RDUs) allocated to ~~that the~~ May 15, 1982 tax parcel. Map 16 shows that ¼-mile radius. Regardless of location, ~~the~~ Town and County may need to rezone any such parcels away from the TDR-R Receiving Area Overlay Zoning District to the extent they are already zoned in that manner.”

7. Within Chapter Three—Land Use, amend Figure 8: Neighborhood Development Area Purpose and Policies, Relationship to Town’s TDR Program policy 4 on page 31 to read as follows:

“To build one or more residences on any new lot zoned residential and created after January 1, 1981, the parcel owner must have an RDU based on the acreage he or she owns as further described in Figure 3: Residential Density Unit (RDU) Principle, obtain an RDU originating from a TDR Sending Area, or both, except transferred RDUs are not required ~~if any part of 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 from a TDR Sending Area, the 10-to-1 transfer ratio incentive in Figure 4 shall apply. So, for example, an owner of an undeveloped 80 acres in the Neighborhood Development Area ~~on a tax parcel where any part is greater than ¼ sufficiently distant~~ from the Village of Cottage Grove ~~as of July 5, 2022~~ who acquires two RDUs from a TDR Sending Area is allowed ~~4620~~ housing units from the transferred RDUs (2 transferred RDUs x transfer ratio incentive of 108), plus two additional housing units assigned to the 80-acre parcel land area as a base under the RDU principle in Figure 3, for a maximum of 1822 housing units.”

8. Within Chapter Three—Land Use, amend Figure 8: Neighborhood Development Area Purpose and Policies, adding a policy 9 in the Development Policies for Neighborhood Development Area policy on page 32 to read as follows:

“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.”

9. Within Chapter Three—Land Use, amend Figure 9: Commercial Development Area Purpose and Policies, Development Policies within Commercial Development Area, policy 11 on page 34 to read as follows:

“If the business is to operate at night, design all outdoor lighting so as not to create glare, ~~or~~ not to shine directly on neighboring residences or into the dark sky, and otherwise to meet Town Design Review Ordinance requirements.”

10. Within Chapter Three—Land Use, amend Figure 9: Commercial Development Area Purpose and Policies, Development Policies within Commercial Development Area, policy 3 on page 34 to read as follows:

“For new non-residential development, with each application for rezoning or conditional use permit approval, require submittal and review of conceptual site and building plans. Where the land requested for rezoning or conditional use permit includes wetlands or wetland indicators per the WisDNR Surface Water Data Viewer, or includes soils with limited or questionable potential for on-site waste treatment (septic) systems per the County Sanitarian, also require a report completed by a soil/environmental scientist hired by the applicant that evaluates the suitability of the land for building sites and on-site wastewater treatment

systems of the types, locations, and densities contemplated. Prior to building permit issuance, require that a detailed site and building plan be submitted that is laid out in accordance with Section 12.08 of the Town’s Design Review Ordinance and this figure. As the Commercial Development Area is predominately mapped near main community entryways and other highly visible and sometimes wetter locations, the Town is particularly concerned that ~~#~~ commercial development contributes to the Town’s aesthetic quality and environmental health. Maximizing commercial development served by conventional on-site waste treatment systems and maintaining attractive Vviews to and from highways like 12, N, ~~and AB,~~ and North Star Road are of particular importance to the Town. See other policies in this figure, Map 17, and the photographs in the “Focus Commercial Development at the Highway 12/18/N Interchange Area” program in the Economic Development chapter for desired commercial building and siting characteristics.”

11. Within Chapter Three—Land Use, amend Figure 9: Commercial Development Area Purpose and Policies, New Lot Sizes policy on page 33 to read as follows: “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.~~”

12. Within Chapter Three—Land Use, amend Figure 9: Commercial Development Area Purpose and Policies, adding a policy 12 in the Development Policies within Commercial Development Area policy on page 34 to read as follows:

“Assuming public sewer is not available, generally require use of on-site waste treatment systems as the means of sanitary waste treatment and disposal, and direct new development to sites and to portions of sites that allow for on-site waste treatment wherever practical. Work with the County Sanitarian to permit holding tanks in the Commercial Development Area only as a system of last resort, provided that, prior to permit issuance, the applicant executes:

a. Demonstrates through a report completed by a soil/environmental scientist that an on-site waste treatment system(s) are not feasible.

b. Has explored all reasonable options to direct or cluster development in parts of the site that are feasible for an on-site waste treatment system(s).

~~a-c.~~ Executes Aa service contract with a WisDNR licensed pumper, and provides a signed copy of that contract to the County and Town. The pumper must file semiannual reports of service on the tank to the County and Town thereafter, and keep all pumping records.

~~b-d.~~ Executes Aa holding tank agreement with the Town, which among other provisions shall require the owner to pay all charges and costs incurred by Dane County or the Town for inspection; pumping, hauling, or otherwise servicing and maintaining the holding tank; and that if such charges are not paid the Town will place the charges on the tax roll as a special charge.”

13. Within Chapter Four—Housing and Economic Development, exchange the following photographs for the first and last photo within the “Focus Commercial Development at the Highway 12/18/N Interchange Area” program on page 38, and replace the caption associated with those photos with the following: “The above images, plus those included on Map 17, represent the Town’s desired building quality in the Highway 12/18/N Interchange Area.”



14. Within Chapter Five—Transportation, Utilities, and Community Facilities, amend “Utilities and Community Facilities” policy 5 on page 48 to read as follows:

“The Town does not consider holding tanks an acceptable form of sewage disposal in new [residential](#) construction. Holding tanks may be permitted for existing structures [and in the planned Commercial Development Area](#) if no other sewage treatment system is feasible ([i.e., as a system of last resort](#)). [See Figure 9 for additional information and limitations.](#)”

15. Within Chapter Five, replace “Utilities and Community Facilities” policy 7 on p. 48 as follows:

“Continue to monitor the approval and implementation process for the siting of a new Dane County Landfill southwest of the Highway 12/18/AB interchange, and to advocate for Town interests before, during, and after construction.”

16. Within Chapter Five, amend the following two rows of “Figure 11: Utilities and Community Facilities Timetable” on page 49 to read as follows:

Utility or Facility	Improvement Timeframe	Comments
Recycling/Trash Collection	Rebid/renew contract when expires	In 2024, Town Board approved a new collection contract with a private hauler.
Solid Waste Disposal	New landfill construction proposed to begin in 2027 or 2028.	Town desires to be actively involved the continued planning and implementation of a new landfill near Town’s southwest corner.

17. Within Chapter Nine: Intergovernmental Cooperation, replace the final paragraph on page 55 under the “Pursue Intergovernmental Agreements with Neighboring Municipalities” heading with the following:

“The Town is also interested in intergovernmental boundary agreements with the Village of Cottage Grove and the Village of McFarland. Both the Town and the City of Madison are required to inform the other when negotiating an agreement with either of these two villages, and to only enter agreements that are consistent with the executed Town-City agreement. The Town and Village of Cottage Grove have discussed an agreement, including as recently as the past five years, but such discussions have not advanced. In the early 2020s, Village of McFarland staff had expressed willingness to discuss a potential boundary agreement with the Town. McFarland’s 2023 East Side Plan suggested the Village’s further expansion into the Town in a manner that does not fully comport with either this Town Comprehensive Plan or the 2022 agreement between the Town and the City of Madison. The extent of McFarland’s extraterritorial land division review jurisdiction into the Town is also uncertain. These could be topics of conversation and potential agreement.”

EXHIBIT B
AMENDED MAPS FOR TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN

[INSERT AMENDED MAP 1—JURISDICTIONAL BOUNDARIES]

[INSERT AMENDED MAP 2—SOIL SUITABILITY]

[INSERT AMENDED MAP 3—FUTURE LAND USE AND TRANSPORTATION]