

TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
FEBRUARY 22, 2017

1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Phil Bultman, Mike DuPlayee, Dave Muehl, Wilmer Larson and Virgil Schroeder in attendance. Town Clerk Kim Banigan was also present. See sign-in sheet for others in attendance.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings: **MOTION** by DuPlayee/Bultman to approve the minutes from the August 24, 2016 and October 26, 2016 meetings as printed. **MOTION CARRIED 6-0.**
4. Public Concerns: None.
5. Steven Hauge, applicant, George Hauge, Landowner – parcel 0711-363-9000-7 at 1834 Schadel Road: Requesting rezone of 15 acres from A-1EX to RH-3 to separate existing residence from farmland: Atty. Michael Rumpf represented Steve and George Hauge, who were also in attendance. He explained that the Hauge's want to create a 15 acre RH-3 parcel to include the farm house and buildings, and sell of the remaining 65 acres. A density study says they have 2 RDUs, they would like to maintain the extra one with the 15 acre parcel and deed restrict the 65 acres to be sold. No one spoke in favor or opposition. Hampton pointed out that the Town's Comprehensive Plan for the Ag Preservation area allows farm homes and buildings in existence as of May 15, 1982 to be divided off, but the maximum lot size is 10 acres. Discussion lead to the idea of holding the lot with the farm house and buildings at 10 acres, and creating another 5 acre parcel zoned A-2(4). Further discussion lead to changing the zoning for the 10 acres to A-2(8) rather than RH-3. **MOTION** by Muehl/Schroeder to recommend the rezone of 10 acres from A-1EX to A-2(8) to separate the farm house and buildings, and the rezone of 5 acres from A-1EX to A-2(4). One of the 2 remaining RDUs will be allocated to each of the new parcels, and the remaining 65 acres of A-1EX will be deed restricted for no residential development. **MOTION CARRIED 6-0.** Atty. Rumpf said they will try to have a new preliminary CSM prepared in time for the March 6<sup>th</sup> Town Board meeting.
6. Kyle Klawitter, - parcels 0711-233-8000-6 and 0711-234-8500-0 at 1939 Hubred Lane: Requesting rezone of 4.0 acres from A-1EX to RH-1 for the sale of 2 residential lots of 2 acres each, and rezone of 32 acres from A1-EX to A-2 for 2 lots, 16 acres each: Mr. Klawitter said the two residential lots are on a hill and wooded, the 16 acre lots are woods and marsh, so the only farmland involved is for the shared driveway. He plans to offer the 16 acre lots for sale to the buyers of the residential lots, or if they are not interested, keeping them with the rest of the farm.  
  
Troy Eickhoff, 3632 Earlwyn Road, asked if any structures would be allowed on the 16 acre parcels. He was advised that agricultural accessory buildings would be allowed but residences would not.  
  
Kristine Wells, 1882 Hubred Lane, was concerned about the additional traffic on Hubred Lane, and wondered how there are two additional RDUs available when there is already a farm house and only 101 acres. The density study was reviewed, which showed 2.89 RDUs but indicated that there are 2 remaining RDUs, even though rounding up is not allowed.  
  
**MOTION** by DuPlayee/Larson to conditionally approve the rezone of two 2 acre parcels from A1-EX to RH-1 with one shared driveway, and two 16 acres parcels from A-1EX to A-2. The 16 acre parcels and the remainder of the farm are to be deed restricted for no residential development. The Town will blacktop the existing cul-de-sac. The condition for approval is that the County confirms there are actually two additional RDUs available on the farm. **MOTION CARRIED 6-0.**

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7. Discuss/Consider approval of Dane County Ordinance Amendment No. 67, 2016 regarding Conditional Use Permit Appeals: **MOTION** by Muehl/Schroeder to recommend approval of DCCO Amendment No. 67, 2016 as drafted. **MOTION CARRIED 6-0.**
8. ADJOURNMENT: **MOTION** by DuPlayee/Bultman to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 8:52 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 03-22-17

TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
MARCH 22, 2017

1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Phil Bultman, Mike DuPlayee, Dave Muehl, Wilmer Larson and Virgil Schroeder in attendance. Town Planner Mark Roffers, Dane County Senior Planner Pam Andros, and Town Clerk Kim Banigan were also present. See sign-in sheet for others in attendance.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings: **MOTION** by DuPlayee/Bultman to approve the minutes from the February 22, 2017 meeting as printed. **MOTION CARRIED 6-0.**
4. Public Concerns:
  - There was a question about requirements for notification of affected parties. The Town generally notifies adjoining landowners. Interested parties can sign up for email notice of agendas on various topics on the Town's web site.
  - Brian Shoup, 3779 Janelle Lane, wondered when he could make general comments about the planning process. Hampton said he would allow for it at the beginning of the Annual Review of the Comprehensive Plan.
5. (This was item 6. on the agenda, but was taken out of order out of respect for the time of those who were in attendance for this item only.) Wade Cattell, applicant, Duane Swalheim, landowner – parcels 0711-342-8500-9 and 0711-342-9930-0 at 2298 US Highway 12 & 18 – seeking conditional use permit for non-metallic mining on 35 acres zoned A1-EX: Hampton reported that the applicant has asked the request to be tabled indefinitely. **MOTION** by DuPlayee/Schroeder to table for up to one year. **MOTION CARRIED 6-0.** Attorney Christa Westerberg of Pines Bach LLP and representing Andrea and Jonathan Enriquez, 3380 North Star Road, presented a letter in opposition to the expansion of the quarry.
6. Annual Review of SmartGrowth Comprehensive Plan:

Brian Schoup commented that he had read the Comprehensive Plan and felt it solidly captures the idea of preserving agriculture and the landscape. He commended the Plan Commission for their efforts in developing the plan and expected them to use it to guide their decisions.

  - a) Discuss/Consider the following landowner requests to have lands moved from the Agricultural Preservation Area to the Neighborhood Development Area of the future land use map:
    - Joel and Marie Hammond, 3859 Vilas Road – parcels 0711-204-9500-4 and 0711-204-8000-1, totaling approximately 39 acres: Roffers projected a map showing this and the other mapping changes up for consideration. Hammonds had requested 39 acres be reclassified for neighborhood development, but Roffers had added additional acreage bringing the total to 58 acres which he said would clean up the map vs. leaving a sliver in the Ag Preservation area. All of the land borders existing neighborhood development areas. The eastern and western edges were already subdivided a number of years ago. It was noted that the Hammond property had been in the Neighborhood Development area prior to last year's revision of the Comprehensive Plan, but put back to Ag Preservation last year at the landowner's request. They have now changed their mind and want it put back to Neighborhood Development.

There were a number of questions about the process to amend the Comprehensive Plan, so Roffers outlined the process, explaining that there will be several more opportunities for public input. He also presented a handout of excerpts from the Comprehensive Plan with items emphasized that he thought were especially pertinent to the decision making process.

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Discussion on this topic spilled over from the Hammond request to include questions, comments and concerns about this request as well as the similar request by the Wittes below. Speakers included Katheryn Kersels, 2881 Wittewood Lane, Roger Goppelt, 3786 Janelle Lane, Jean Schneider, 2859 Wittewood Lane, Amy Melton-White, 3777 Bohnsack Lane, JoAnne Winkler-Bley, 3772 Bohnsack Lane, Anne Bork, 2772 Hope Road, Jim Gilbertson, 2767 Hope Road, John Brogan, 2750 Hope Road and Linda Wilson, 2889 Wittewood Lane. Questions included whether there is a need for new development areas, parameters for determining who was notified of the meeting, and about the process to adopt an amendment to the Comprehensive Plan. There were numerous comments from residents who live here because of the rural setting close to Madison and do not want to see that change. Concerns included additional traffic, potential water issues and opinions that development of these areas would not adhere to the vision statement of the Comprehensive Plan. Alternate suggestions included agri-tourism and community gardens. On the other hand, there was also discussion about the threat of the City of Madison to the Town, what they will or will not allow under extra-territorial jurisdiction, what their comprehensive plan calls for if Town lands are annexed in the future, and what the Town can do to protect its borders and rural setting.

**MOTION** by DuPlayee/Schroeder to table until the April 26<sup>th</sup> meeting. **MOTION CARRIED 6-0.**

- Windsor Quarry, LLC – parcels 0711-183-8000-7, 0711-183-8500-2, 0711-183-9000-5 and 0711-183-9500-0, totaling 116.8 acres: Atty. Michael Lawton addressed the commission, representing Windsor Quarry, LLC/Bill and Sue Paulson. He said the reason the Paulsons are bringing this forward is because Madison's Yahara Hills plan calls for intense development just over the town line in what is now Blooming Grove but will soon be City of Madison. The Paulsons would prefer to see the land used for a plat of a small number of lots with the remainder restricted against more residential development. They proposed to use 33.8 acres to develop 19 lots, and deed restrict the remaining acres. Development would be set back from Vilas Hope Road to preserve views. Lawton suggested this could be a bargaining chip to be used in boundary negotiations with the City. In any event, it would be harder to annex with the additional residents to vote in opposition. Roffers suggested it could backfire and be seen by the City as a shot over the bow instead, noting that our Comprehensive Plan calls for boundary negotiation first, with boundary protection measures to follow if negotiations are unsuccessful.

Randy Gaber, 3895 Vilas Hope Road, said he agrees with others here about wanting to preserve the rural landscape, and that initially he was opposed to this request, but as he thinks about the reality of Madison coming, he is more willing to support the larger lots developed in the Town and deed restriction of the remainder as smart development.

Zong Her, owner of the property to the south, was concerned about effects on her property.

There was discussion about how much of the 116.8 acres should actually be added to the neighborhood development area. The owners are hoping to transfer their own RDUs from the portion left in Ag Preservation to benefit from the multiplier available when they are transferred for use in a Neighborhood Development area.

**MOTION** by DuPlayee/Schroeder directing the landowner to work with Roffers to determine how to delineate the southern portion of the property to be put into the Neighborhood Development area. **MOTION CARRIED 6-0.**

- F.H. Witte and Sons, Inc. - approximately 19.5 acres from parcel 0711-203-8000-2 that is adjacent to the Bohnsack subdivision and approximately 11.0 acres from parcels 0711-292-

8500-0 and 0711-301-8002-0 along Wittewood Lane: Tom Richgels represented the Witte Family. Robert, Dave and Andrew Witte were also present. Richgels explained that much of the Witte Land is in a Federal wildlife program and is too wet for development. Their application is for 19.5 acres west of Nadene Road, but there are only 4 acres of tillable land there that would be suitable for development. Richgels proposed access to the new lots from Nadene Road, but it appears this would require purchasing some land from Dennis and Ann Bork. Mark Hoenecke, 3785 Janelle Lane expressed concern over the wetlands and whether they would expand due to development. Jill Koch, 2740 C-Bar-J Circle said the wetlands have no bottom and have expanded greatly over the years she has been here. Roffers said a wetland delineation would determine what could be developed, and development would need to comply with Dane County stormwater regulations.

The Wittes are also requesting that 11 acres on the north side of Wittewood Lane be put into the Neighborhood Development area. Kathryn Kersels, 2881 Wittewood Lane, and Jeff and Linda Wilson, 2889 Wittewood Lane voice concerns and opposition to this.

Edie Brogan, 2750 Hope Road, thanked the Wittes for their being responsible landowners and good neighbors and warned that Madison is coming with what could be way worse than what is proposed.

**MOTION** by Schroeder/Larson to move 4 acres west of Nadene Road and 11 acres north of Wittewood Lane from the Ag Preservation to the Neighborhood Development area. **MOTION CARRIED 4-2** (Hampton and DuPlayee opposed).

- b) Discuss/Consider amending item 2. under Development Policies for Agricultural Preservation Area regarding farm residences built before May 15, 1982: The original plan adopted in 2000 allowed for splitting off original farm houses without the use of a RDU, with a sunset date of January 1, 2011. It seems that when the plan was overhauled in 2015, the opportunity to split off an original farm house without using a RDU was inadvertently put back in. Discussion was that this was unintentional and the plan should be amended to require a RDU when splitting of an original farm house.
- c) Other revisions suggested by commission members and/or planning consultants: Roffers suggested updating municipal and ETJ boundaries, and revising the adoption procedures to delay distribution of the approved amendment to meet statutory requirements until after the County as adopted the amendment.

**MOTION** by Muehl/DuPlayee directing Roffers to draft the changes recommended in a) and discussed in b) and c) above into an amendment to be considered at the April meeting. **MOTION CARRIED 6-0.**

- 7. Royal Oak Associates/Tim Thurson, applicant, Screamin Norwegian Farms LLC, landowner:
  - a) Parcel 0711-351-9501-0 at 1864 US Hwy 12 & 18: seeking rezone of 1.3 acres from A1-EX to R-3A to separate a 2-unit family residence: Andros advised that under the Town's current plan, no RDU would be needed to separate this original farm house if it were a single family home, however one is needed for the second unit. **MOTION** by DuPlayee/Schroeder to recommend approval of the rezone of 1.3 acres from A1-EX to R-3A to separate a 2-unit family residence, pending a density study to show that there is a RDU available for the second family residence. **MOTION CARRIED 6-0.**
  - b) Parcel 0711-351-9000-1 at 1924 US Hwy 12 & 18: seeking rezone of 1.3 acres from A1-EX to R-1A to separate a single family residence: This property has two homes on it, but the owners

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indicated they plan to remove one. Andros suggested a deed restriction or delayed effective date could require removal of the second home. **MOTION** by DuPlayee/Larson to recommend approval of the rezone of 1.3 acres from A1-EX to R-1A to separate a single family residence, conditional on compliance with the County's time line and restrictions for removal of the second home. **MOTION CARRIED 6-0.**

8. Discuss/Consider Dane County Ordinance Amendment 83, 2016 regarding authorizing electronic signs in the A-1EX Exclusive Agricultural District: Andros said there is a substitute version of this amendment coming that in her opinion is much better. **MOTION** by DuPlayee/Larson to not support OA 83, 2016 regarding authorizing electronic signs in the A-1EX Exclusive Agricultural District as currently drafted. **MOTION CARRIED 6-0.**
9. ADJOURNMENT: **MOTION** by DuPlayee/Bultman to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 10:35 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 04-26-2017

TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
APRIL 26, 2017

1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Phil Bultman, Mike DuPlayee, Ben Morrow, Dave Muehl, Wilmer Larson and Virgil Schroeder in attendance. Town Planner Mark Roffers and Town Clerk Kim Banigan were also present. See sign-in sheet for others in attendance.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings: **MOTION** by DuPlayee/Bultman to approve the minutes from the March 22, 2017 meeting as printed. **MOTION CARRIED 6-0-1** (Morrow abstained).
4. Public Concerns:
  - Truman Neinstedt, 3789 Sky High Road, asked the Plan Commission members to identify themselves. Each member provided their name and background on how long they have resided in the Town of Cottage Grove and have served on the Plan Commission.
5. Discuss and Consider recommending an update to the Comprehensive Plan:
  - Hampton began by stating that land use plan provides that landowners have one residential development right (RDU) for each 35 acres they own, which may be used to develop a residence on their property, or transferred to an area in the Town designated by the plan for development to take place. Transferred RDUs come with a bonus ratio of 8 residences for each RDU transferred. This encourages concentration of development and discourages sprawl.
  - Roffers provided a framing to the proposed amendments to the comprehensive plan:
    - Property owner driven changes to the future land use map, based on the annual cycle allowing for requests to be submitted between February 15 – March 15 each year. This year there were three such requests:
      - i. Windsor Quarry, LLC requested 30-35 acres on Vilas Hope Road be changed from Ag Preservation to Neighborhood Development in preparation for a future request for residential development, transferring RDUs to restrict development on an adjacent property.
      - ii. F.H. Witte and Sons, Inc. requested that 11 acres to the north of Wittewood Lane be changed from Ag Preservation to Neighborhood Development. Their earlier request regarding land to the west of the Bohnsack subdivision has been withdrawn.
      - iii. A request by Joel and Marie Hammond to change 40 acres along Vilas Road from Ag Preservation to Neighborhood Development was tabled at the March meeting.
    - Substantive text amendments
      - i. Expand the purpose of the Transfer of Development Rights program: The original purpose was to preserve agriculture and direct development, but the proposal by Windsor Quarry suggests another purpose of preserving Town boundaries.
      - ii. Clarify Town Policy regarding separation of existing farm house in the Ag Preservation area: The intended policy to require a RDU for such splits was “befuddled” with the 2015 re-write of the comprehensive plan.
      - iii. Clarify procedural matters of updating the comprehensive plan.
    - Map revisions to update municipal boundaries, urban service areas, etc.

A resolution to encompass the above revisions (excluding the Hammond request) is before the Plan Commission tonight. If the resolution is adopted, the next step will be a public hearing before the Town Board, which requires a notice to be published 30 days in advance.

- Next Roffers provided his analysis of the proposed amendments:
  - Hampton had asked him to estimate how much of the land currently designated as Neighborhood Development is actually available for development and compare that to anticipated demand for development. Based on the State's projections, which are consistent with the Town's building permit experience of 6-7 new homes per year over the past 5 years, he estimated a demand for about 210 acres of land between now and 2040. Currently there are around 2,000 acres shown on the map as Neighborhood Development. Of this, about half is already developed. Of the remaining 1,000 acres, about 70 are in flood plan and 300-400 are in the Village of Cottage Grove's urban service area. This leaves around 700 acres, which Roffers concluded is sufficient for projected development, but noted that this assumes that the Village of Cottage Grove will not expand further, and property owners are in fact interested in developing by 2040. He believes that the available acreage provides the flexibility to allow for these variants.
  - Next Roffers reviewed the two active future land use requests, stating first that he sees more reasons to not support them than to support them.
    - i. The supply vs. demand does not seem to indicate that more Neighborhood Development land is needed. The Viney subdivision currently under construction may give a better idea of demand.
    - ii. The Town's plan calls for new housing to be guided toward existing development and away from farming areas. Neither of the two have significant areas planned for housing nearby.
    - iii. Directing development away from farming allows farmers to feel comfortable to make significant investments in farming, and does not give them the idea that they can ask for increased density to develop instead.
    - iv. A memo from Dane County Senior Planner Pam Andros cautioned that reducing the Ag Preservation area in the Town could undermine participation in the farmland preservation program.
    - v. The Town Plan suggests first attempting to negotiate boundary agreements with the City and Village, then, if such negotiations are unsuccessful, resorting to other measures to block annexations. The success or failure of boundary agreements is yet to be seen, and Roffers felt the proposed new Neighborhood Development areas and related conservation easements may not be viewed as positive by the City.
    - vi. The Town Plan has a goal of preserving productive farmland. The farmed parts of the requested areas are Group II soils, which are among those best suited for farming. Portions of the Witte request appear to be hydric soils, which could be unstable and result in wet basements. A wetland delineation would determine this before development occurred.
    - vii. Roffers questioned whether the location of the Windsor Quarry land represents a "defensible line", and what will the area look like in 50 years if this and similar requests are approved to allow alternating areas of development and conservation easement.



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- a) Consider removing from the table Hammond's request for a change of future land use designation: **MOTION** by DuPlayee/Morrow to remove the Hammond request from the table. **MOTION CARRIED 7-0.** April Hammond, 3826 Vilas Road, said her family has no intention of developing any time soon, in fact they want to keep it as farm land as long as possible. The land had been designated as Neighborhood Development for several years, it was put back to Ag Preservation at their request last year so they could take advantage of farmland preservation credits, but they have since learned they cannot, so they are asking to put it back into Neighborhood Development for the benefit of future generations. She did not rule out development of homes for family members, but did not anticipate any significant development any time soon. Amy Melton-White, 3777 Bohnsack Lane, Frank Boll, 2735 Nadene Road, Cody Oliphant, 2721 Nadene Road, JoAnne Winkler Bley, 3772 Bohnsack Ln, and Kathi Seman, 3713 Sky High Road registered or spoke against the request. Kathi Seman said she changed her mind after hearing what April Hammond had to say. There was a question about the surrounding woodlands and it was noted that they are already zoned RH-1 which would allow for one new home.
- b) Review/Action on Map Revisions:
- Witte Request: Roffers said the State and County recommend re-designating entire tax parcels for tracking purposes, or if that is not practical, at least identifying the area with a legal description. He recommended lumping in the existing developed area to the south of Wittewood Lane, as well as the wooded area to the east. He noted that there would likely be environmental limitations to development. The following residents spoke or registered against the Witte request: Amy Melton-White, Jeff Wilson, 2889 Wittewood Lane, Frank Boll. Atty. James Graham and Tom Richgels represented the Wittes and spoke in favor. Landowner Robert Witte registered in favor. Truman Neinstedt said he was initially in favor but has changed his mind because it appears there would need to be access off of Hope road due to the wetlands.
  - Hammond request: Roffers said the Town Plan supports development of the Hammond piece as it is surrounded by existing development. The main question is demand but they have stated they only want to provide assurance for future generations so current demand may not be relevant.
  - Windsor Quarry request: Atty. Mike Lawton and Bill Paulson spoke in favor of the request. Frank Boll registered against. Dave Muehl asked if the conservation easement would hold up to annexation by the City of Madison. Roffers said in theory it should because the Town and County are parties, but could not provide examples of this ever being tested.
  - Roffers suggested additional map changes to include the developed lands in the area of Gala Way and Coyt Drive in the Neighborhood Development area, noting that efforts to include already developed areas in Neighborhood Development during the 2015 re-write of the Comprehensive Plan missed these areas.
  - Email messages opposing changing lands from Ag Preservation to Neighborhood development were acknowledged from Fred Sloan, 2752 Nadene Road, and Kathryn Steel, 3810 Sky High Road.

**MOTION** by Muehl/DuPlayee to recommend future land use map revisions to include the Hammond, Witte, Windsor Quarry and existing development in the Gala Way/Coyt Road areas in

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the Neighborhood Development Area. Bultman asked to have the motion broken down by area but Muehl refused the amendment. **MOTION CARRIED 7-0.**

c) Review/Action of Language Revisions: As mentioned earlier by Roffers, proposed language amendments included revision of the TDR Program purpose, and policies regarding splitting off of original farm houses and plan amendment procedures. A memo from County Senior Planner Pam Andros suggested a discussion about whether or not the Town will honor density studies during the period when no RDU was required to separate an original farm house. The Clerk will get an estimate from Andros as to how many there may be, and this will be discussed further at the May Plan Commission meeting. **MOTION** by Morrow/DuPlayee to to recommend the language revisions as drafted. **MOTION CARRIED 7-0.**

d) Discuss/Consider adoption of Plan Commission Resolution 2017-01 Recommending Amendments to the Town of Cottage Grove Comprehensive Plan: **MOTION** by Morrow/Larson to adopt Plan Commission 2017-01 Recommending Amendments to the Town of Cottage Grove Comprehensive Plan, with further map revisions to include the Hammond parcels 0711-204-8000-1 and 0711-204-6500-4 and the existing developed areas in the Gala Way and Coyt Drive areas. **MOTION CARRIED 7-0.**

6. ADJOURNMENT: Before adjournment, Hampton stated that he will not be available for the regularly scheduled date for the May meeting, and Bultman said he would not be either. Consensus was to change the date of the May meeting to May 30<sup>th</sup>. **MOTION** by DuPlayee/Bultman to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 8:48 P.M.

Submitted by: Kim Banigan, Clerk

Approved 05-30-2017

**TOWN OF COTTAGE GROVE  
PLAN COMMISSION RESOLUTION 2017-01**

**RECOMMENDING AMENDMENTS TO THE  
TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN**

**WHEREAS**, on October 28, 2015, 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; Section 15.20.2 of the Town Code of Ordinances; 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**, using those procedures, on August 1, 2016, the Town Board amended the 2015 Plan; and

**WHEREAS**, the Town of Cottage Grove Plan Commission has the authority and responsibility to recommend amendments to the Plan to the Town Board, under Section 66.1001(4)(b); and

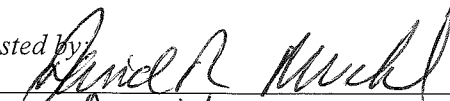
**WHEREAS**, as a result of the Town's annual Plan amendment process, the Plan Commission recommends that the Town Board further amend the Plan, including an amended Map 1: Jurisdictional Boundaries in the Conditions and Issues volume (per Exhibit A), an amended Map 10: Future Land Use in the Vision and Directions volume (per Exhibit B), and amendments to certain figures and text included in the Vision and Directions volume (per Exhibit C).

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the Town of Cottage Grove hereby recommends that the Town Board adopt an ordinance to constitute official Town approval of the amendments to the Town of Cottage Grove Comprehensive Plan that are indicated in Exhibits A, B, and C.

The above and foregoing Resolution was duly adopted at a meeting of the Plan Commission of the Town of Cottage Grove held on the 26<sup>th</sup> day of April, 2017, by a vote of 7 in favor and 0 opposed.

**TOWN OF COTTAGE GROVE PLAN COMMISSION**

  
Kris Hampton, Plan Commission Chair

Attested by:   
David Muehl, Plan Commission Member

**Incorporated by Reference**

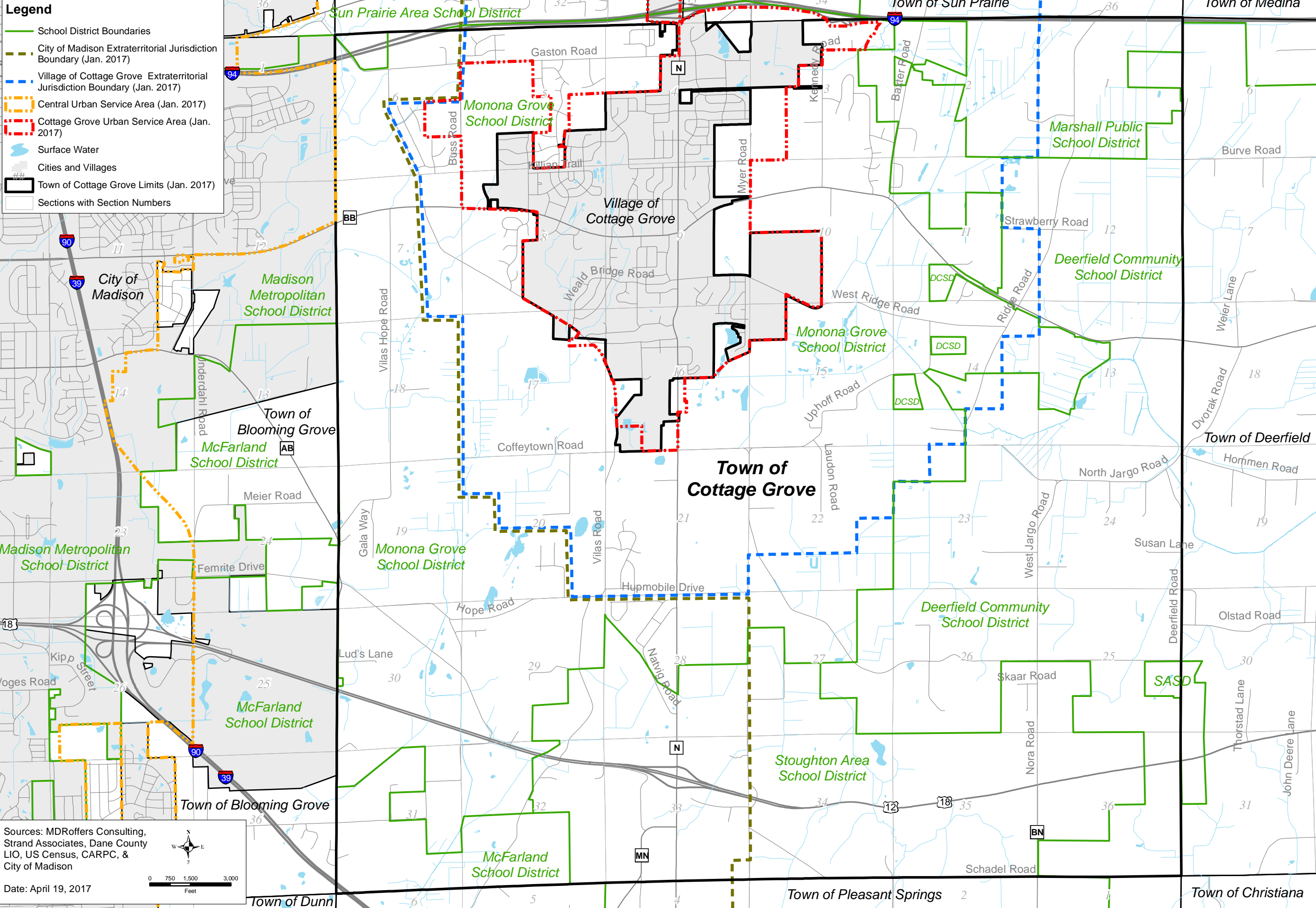
Exhibit A: Amended Map 1, Comprehensive Plan, Conditions and Issues Volume

Exhibit B: Amended Map 10, Comprehensive Plan, Vision and Directions Volume

Exhibit C: Text Amendments, Comprehensive Plan, Vision and Directions Volume

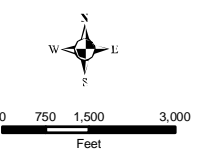
# Exhibit A

- Legend**
- School District Boundaries
  - City of Madison Extraterritorial Jurisdiction Boundary (Jan. 2017)
  - Village of Cottage Grove Extraterritorial Jurisdiction Boundary (Jan. 2017)
  - Central Urban Service Area (Jan. 2017)
  - Cottage Grove Urban Service Area (Jan. 2017)
  - Surface Water
  - Cities and Villages
  - Town of Cottage Grove Limits (Jan. 2017)
  - Sections with Section Numbers



Sources: MDRoffers Consulting,  
Strand Associates, Dane County  
LIO, US Census, CARPC, &  
City of Madison

Date: April 19, 2017



Path: S:\MAD\3600--3699\3688\003\Data\GIS\Figures\Map 1 Jurisdictional Boundaries 11x17.mxd

User: Danc

Date: 4/19/2017

Time: 10:58:21 AM

## JURISDICTIONAL BOUNDARIES

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN  
DANE COUNTY, WISCONSIN



MAP 1



Exhibit B

**Legend**

**Future Land Use Categories**

- Agricultural Preservation Area
- Agricultural Transition Area
- Open Space and Recreation Area
- Neighborhood Development Area
- Commercial Development Area
- Resource Protection Corridor

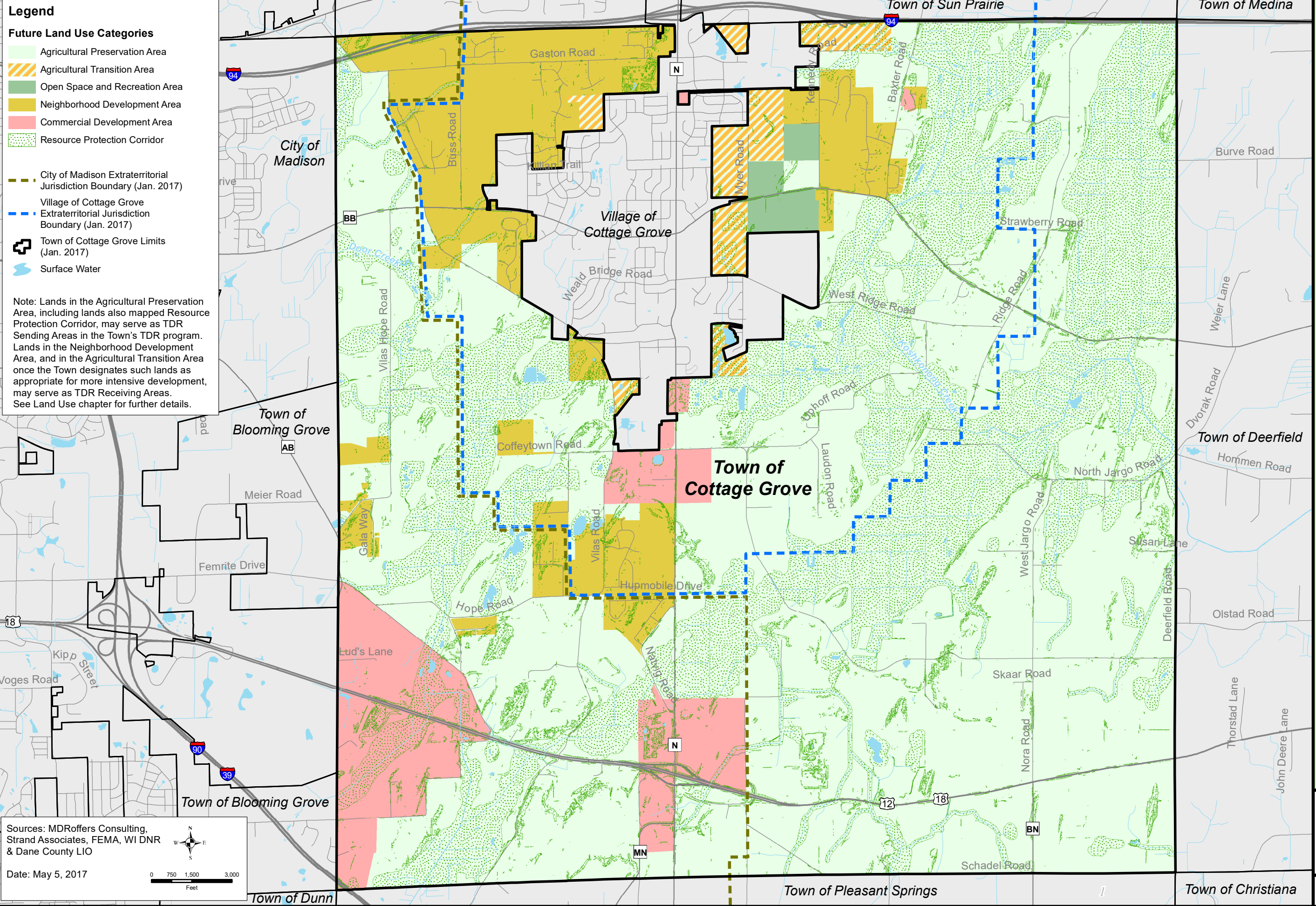
City of Madison Extraterritorial Jurisdiction Boundary (Jan. 2017)

Village of Cottage Grove Extraterritorial Jurisdiction Boundary (Jan. 2017)

Town of Cottage Grove Limits (Jan. 2017)

Surface Water

Note: Lands in the Agricultural Preservation Area, including lands also mapped Resource Protection Corridor, may serve as TDR Sending Areas in the Town's TDR program. Lands in the Neighborhood Development Area, and in the Agricultural Transition Area once the Town designates such lands as appropriate for more intensive development, may serve as TDR Receiving Areas. See Land Use chapter for further details.



Sources: MDROffers Consulting, Strand Associates, FEMA, WI DNR & Dane County LIO

Date: May 5, 2017

0 750 1,500 3,000 Feet

FUTURE LAND USE

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN  
DANE COUNTY, WISCONSIN



## Exhibit C: Text Amendments, Comprehensive Plan, Vision and Directions Volume

1. Amend the “TDR Program Purpose” section in Figure 3: Transfer of Development Rights (TDR) Program to read as follows (only underlined text is new):

The Town of Cottage Grove has adopted and utilizes a transfer of development rights (TDR) program, which has the following purposes:

- Maintain the Town’s rural, agricultural character.
- Preserve large viable areas of farmland with a minimum of non-farm divisions.
- Allow farmers to collect a reasonable non-farm value on their land without dividing lots.
- Transfer RDUs towards areas of existing development and services.
- Help ensure the long-term viability and land base of the Town.

2. Repeal and replace policy 2 within the “Development Policies for Agricultural Preservation Area” section in Figure 4: Agricultural Preservation Area Purpose and Policies as follows:

### 2. Farm Residences:

- a. A farm residence built before May 15, 1982 shall not count against this density policy, except where separated from the 1982 parcel. Separation of the farm residence from the 1982 parcel requires use of one RDU per Figure 2, and must also meet all zoning and other requirements.
  - b. One-time replacement of a farm residence with a new residence for the farm operator shall be allowed without counting against this density policy, provided that the pre-existing farm residence will be demolished. This one-time limitation does not apply when a farm residence or its replacement is destroyed by wind, fire, or other acts of God.
  - c. Separation and retention of one lot for a new residence for the farm operator when he or she sells the whole farm shall be allowed, but requires use of one RDU. These separated lots will count against the one housing unit per 35 acre density policy.
  - d. New farm residences, as described in Section 10.123(4) of the County zoning ordinance shall be allowed if conditional use standards and other applicable requirements are met, and count against the one housing unit per 35 acres policy. If the farm operator chooses to retire in the existing residence, a new farm residence will be allowed for the new operator, but will require use of one RDU.
  - e. Aside from any replacement farm residence under policy 2b, any residence built after May 15, 1982 shall be considered one housing unit for the purposes of this density policy (i.e., require one RDU) regardless of occupant.
3. Amend the “Plan Amendments” section of Chapter 7—Implementation to read as follows (underlined text is new, cross-out text is removed, remainder is pre-existing text that remains):

## PLAN AMENDMENTS

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Amendments to this *Comprehensive Plan* may be appropriate in the years following initial *Plan* adoption and in instances where the *Plan* becomes irrelevant or contradictory to emerging policy or trends. “Amendments” are generally defined as minor changes to the *Plan* maps or text. The *Plan* will be specifically evaluated for potential amendments once every year, with the process starting in February. Between February 15 and March 15 of each year, the Town will accept requests from property owners, potential developers, and other interested stakeholders for

*Plan* amendments. Next, the Plan Commission will evaluate any amendment requests (including those generated by Commission or Board members), and recommend appropriate amendments to the Board.

The State comprehensive planning law requires that the Town use the same basic process to amend, add to, or update the *Comprehensive Plan* as it used to adopt the *Plan*. Adoption or amendment of the *Comprehensive Plan* shall comply with the procedures set forth in sec. 66.1001(4)a, Stats. The Town intends to use the following procedure to amend, add to, or update the *Comprehensive Plan*:

- a. The Plan Commission initiates the proposed Comprehensive Plan amendment. This will usually occur as a result of annual Plan Commission review of the *Plan*.
  - b. Following an opportunity for public input on the proposed Plan amendment, the Plan Commission recommends Town Board approval (or rejection or modification) of the amendment via resolution.
  - c. Following passage of the Plan Commission resolution recommending the amendment, ~~the Town Board will review the recommendation~~, the Town Clerk ~~will~~ schedules a formal public hearing on the Plan amendment in front of the Town Board and publishes a Class 1 notice at least 30 days before the hearing. The Class 1 notice shall contain the date, time, and place of the hearing, a summary of the proposed Comprehensive Plan amendment, the name of a Town employee to be contacted to provide information about the amendment, the location and time wherein the amendment can be inspected before the hearing, and information about how a copy can be obtained.
  - d. Following the public hearing, the amendment may be enacted by the Town Board in the form of an ordinance adopted by majority vote of all the members of the Town Board (not a simple majority of a quorum).
  - e. Following Town Board approval of the amendment, the Town Clerk sends copies of the adopted Plan amendment to the Dane County Planning and Development Department for incorporation in the Dane County Farmland Preservation Plan and/or County Comprehensive Plan.
  - e.f. Following Dane County action, the Town Clerk shall sends a CD or hard copy of the approved ordinance and Plan amendment to the Pinney Branch of the Madison Public Library, Wisconsin Department of Administration (Division of Intergovernmental Relations), Dane County Clerk, Capital Area Regional Planning Commission, Village of Cottage Grove, City of Madison, and Towns of Sun Prairie, Medina, Deerfield, Christiana, Pleasant Springs, Dunn, Blooming Grove, and Burke.
- ~~The Town Clerk sends copies of the adopted Plan amendment to the Dane County Planning and Development Department for incorporation in the Dane County Farmland Preservation Plan and/or County Comprehensive Plan.~~



TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
MAY 30, 2017

1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Phil Bultman, Steve Anders, Ben Morrow, Dave Muehl, and Wilmer Larson in attendance. Town Clerk Kim Banigan was also present. See sign-in sheet for others in attendance.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings: **MOTION** by Morrow/Bultman to approve the minutes from the April 26, 2017 meeting as printed. **MOTION CARRIED 5-0-1** (Anders abstained).
4. Public Concerns:
  - Forest Crawford, representing the owner of 3010 Hope Road, was looking for options to expand the property with a goal of allowing livestock. The property is 2.23 acres with .46 zoned LC-1 and the balance zoned R-1A. The owner of a neighboring 35 acre parcel zoned A-1EX is willing to sell some of it. The first suggestion was that if there are no plans to use the LC-1 portion, it could be eliminated and the entire parcel rezoned to RH-1, which would allow for two animal units. Mr. Crawford said that while that may be acceptable as a last resort, the owner would prefer to add up to 5 more acres. He was advised that this land division would invoke the City of Madison's ETJ review, and that the owner of the 35 acres should be advised to find out any implications related to RDUs and/or farmland preservation credits.
  - Loren Kylo, 4341 Vilas Road, explained that when he purchased his property, an original farm house, 40 years ago, the owner was only willing to sell one acre, which did not include the well servicing the house. Since then, he has become part owner of the 10.8 acres containing the well, and would like to find a way to expand his lot to include the well. The other owners of the 10.8 acres are agreeable, and it appears he would need to add less than an acre to encompass the well. There is an easement through that portion of the 10.8 acres that would need to be maintained to allow access to other parcels. He was advised to have the new lot configuration surveyed and consult with Dane County Zoning to find the appropriate zoning classification for the expanded lot, then apply to the County and Town for the rezone, as well as the Village of Cottage Grove for ETJ review.
5. Update on impervious surface requirements/limitations by Dane County: Commission members reviewed Dane County requirements for stormwater management when the impervious surface of a lot exceeds 20,000 square feet, noting that this can add substantial costs to developing the lot and can be of particular concern for small residential lots with long driveways ("flag lots") since the driveway contributes to the impervious surface measurements.
6. Kyle Klawitter, - parcels 0711-233-8000-6 and 0711-234-8500-0 at 1939 Hubred Lane: (Reconfiguration of previous request.) Requesting rezone of 4.0 acres from A-1EX to RH-1 for the sale of 2 residential lots of 2 acres each, and rezone of 24 acres from A1-EX to A-4: Mr. Klawitter and his Realtor, Eric Grover, were in attendance. Mr. Grover said the new proposed configuration allows for more space between the future new homes and eliminates the awkward 100' strip around the edge. There was discussion about placement of the cul-de-sac at the end of Hubred Lane, with consensus to offset it to the north to keep it out of the yard of the original farm house. Mr. Grover said there are pending offers on Lots 2 and 3 (combined), and the original farm with the southern 35.2 acres of ag land. This leaves Lot 3 and the northern 35.5 acres of ag land. Kristine Wells, 1882 Hubred Lane, said she understood that the 70.7 acres of ag land could not be separated from the original farm, but Grover said the two parcels could be sold separately, and selling the northern 35.5 acres along with Lot 1 would provide access, although he thought the county may require an easement on the 35.2 acre parcel. **MOTION** by Anders/Muehl to recommend approval of the rezone



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of lots 1 and 2 to RH-1 and the rezone of Lot 3 to A-4, with the remaining 70.7 acres remaining A1-EX and deed restricted against future residential development, noting there are no RDUs remaining on the farm. Approval is conditional on the Town Board approving placement of the cul-de-sac at the end of Hubred Lane. **MOTION CARRIED 6-0.**

7. Royal Oak Associates, Applicant, Screamin' Norwegian Farms, LLC, Landowner: Parcel 0711-264-9502-0 on Skarstinden Road: Requesting rezone of 2.54 from A-1(EX) to R-1A for a single family residence: Commission members reviewed an email from Michelle Schmitt stating her recollection that when the last four lots were divided, this lot was skipped in the continuous pattern because the Skaars said it was better farmland and was needed for access to the field. Nola Skaar and Neli Skaar were present and said they do not need that lot for field access. Paul Hager, owner of the adjacent lot at 3470 Skarstinden Road, said he had purchased his lot at a premium due to the view, and requested reasonable accommodation in placement of the new home to not obstruct the view. He did not object to creation of the lot, however. Nola Skaar said maintaining of views has been a consideration in the placement of all of the homes on Skarstinden. It was noted that the lot size exceeds the 2.0 acre maximum for new residential lots, however the additional size does allow for lot lines to match up with adjacent lots, and the lot to the east also exceeds 2.0 acres. **MOTION** by Morrow/Larson to recommend approval of the rezone of 2.54 acres to R-1A, with the requirement that a 35 acre parcel be deed restricted against future development to provide the RDU for this lot. **MOTION CARRIED 6-0.**
8. Daniel Viney, Applicant, Viney Acres, LLC, Landowner: Parcel 0711-352-9502-0 at 1994 US Highway 12 & 18: Requesting rezone of 2.4 acres from A1-EX to A2 to create a residential lot: Dan Viney said he has obtained permission from the WDOT to replace the driveway for neighboring property 2064 US Highway 12 & 18 with a new driveway at a safer location slightly to the east that would be shared with Viney's new proposed lot and the adjacent ag land. The owner of 2064 US Highway 12 & 18 is in agreement with this plan. When asked why the requested lot size exceeds the 2.0 acre maximum for new residential lots, the Viney's responded that it would allow the house to be pushed back out of sight and also allow it to stay back from the road in the event that US Highway 12 & 17 is expanded some day. **MOTION** by Muehl/Morrow to recommend approval of the rezone of 2.4 acres from A1-EX to A2 to create a residential lot, noting that the lot exceeds the 2.0 acre maximum to allow for distance from US Hwy 12 & 18 if the highway is ever expanded. A 35 acre parcel will need to be deed restricted against future residential development to provide the RDU for this new lot. **MOTION CARRIED 6-0.**
9. Discuss/Consider whether to honor density studies completed during the period when the Comprehensive Plan did not count separation of the original farm house as an RDU used: **MOTION** by Hampton/Anders to honor the density studies performed since the 2015 version of the plan was adopted until such time that the Town Board adopts an amendment requiring the use of a RDU to separate an original farm house. **MOTION CARRIED 6-0.**
10. Election of officers (Chair and Secretary): **MOTION** by Hampton/Anders to elect Dave Muehl as Secretary. **MOTION CARRIED 6-0.** **MOTION** by Anders/Muehl to elect Kris Hampton as Chair. **MOTION CARRIED 6-0.**
11. ADJOURNMENT: **MOTION** by Bultman/Anders to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 8:56 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 06-28-2017

TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
JUNE 28, 2017

1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Phil Bultman, Steve Anders, Ben Morrow, Dave Muehl, and Virgil Schroeder in attendance. Town Clerk Kim Banigan was also present. See sign-in sheet for others in attendance.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings: **MOTION** by Anders/Bultman to approve the minutes from the May 30, 2017 meeting as printed. **MOTION CARRIED 5-0-1** (Schroeder abstained).
4. Public Concerns: None.
5. Royal Oak Associates – Tim Thorson, applicant, Ellery Jensen, landowner: Request to divide 5.51 acres off of parcel 0711-061-8500-9 at 2998 Gaston Road to separate pre-1982 farm house and buildings from farm land. Currently zoned A-3, no change of zoning requested, intended use is small farm with agricultural uses: Mr. Jensen explained that since he submitted his change of land use application, he learned that the property is actually zoned A-2, and a rezone to A-2(4) would be needed to separate the 5.51 acres. Don Klongland, 3108 Gaston Road, wondered if the landlocked parcel adjacent to his property on the north side if I-94 would be affected. Once he learned it would not be, he said he did not oppose the rezone. Hampton asked if Jensen would consider cutting the size of the new parcel in half, Jensen said he wanted to maintain 5 acres to allow for 5 animal units. **MOTION** by Anders/Morrow to approve the rezone of 5.51 acres from A-2 to A-2(4) to separate the pre-1982 farm house and buildings from the farm. Road right of way to be dedicated to the Town. **MOTION CARRIED 6-0.** (Since application was made prior to the Town Board adopting the recent amendment to the Comprehensive Plan on June 12th, no RDU is required to separate the pre-1982 farm house.)
6. ADJOURNMENT: **MOTION** by Morrow/Muehl to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:12 P.M.

Submitted by: Kim Banigan, Clerk

Approved 07/26/2017

TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
JULY 26, 2017

1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Phil Bultman, Steve Anders, Dave Muehl, and Virgil Schroeder in attendance. Town Clerk Kim Banigan and Dane County Zoning Administrator Roger Lane were also present. See sign-in sheet for others in attendance.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings: **MOTION** by Anders/Bultman to approve the minutes from the June 28, 2017 meeting as printed. **MOTION CARRIED 5-0.**
4. Public Concerns: None.
5. Kevin Bronkhorst – 1858 Meadow View Lane – seeking to combine and rezone parcel #0711-024-8381-9 (.64 acres zoned R-1) and parcel #0711-024-8385-0 (.08 acres zoned A1-EX) to create a single parcel zoned R-3 for setback compliance to allow outbuilding to be raised and attached to house: Mr. Bronkhorst explained that he purchased the property about a year ago and ran in problems when applying for a zoning permit to raise the height of the outbuilding under the current R-1 zoning. He was advised by Dane County staff that the height he wants would be allowed if the outbuilding was attached to the residence, but then the rear-yard setback would be too short for R-1 zoning, but would be allowed under R-3. He also owns a .08 remnant parcel zoned A-1EX that he would like to rezone and combine with a new CSM. There was brief discussion about what kind of connection he intends to make between the house and the outbuilding. Dane County had advised him it must have a roof and walls. He plans to fashion it as a sort of screen porch. **MOTION** by Anders/Muehl to recommend approval of rezoning .64 acres from R-1 to R-3 and .08 acres from A1-EX to R-3, to change the minimum setback and allow for the outbuilding to be attached to the house so its sidewalls can be raised to 12'6". R-3 is an allowable use in the Ag Preservation planning district. A new CSM combining the two parcels will be required. **MOTION CARRIED 5-0.**
6. Thomas & Julia Willan – parcel #0711-072-9971-5 at 4407 Vilas Hope Road – seeking rezone of 0.81 acres from A-2(2) to C-2 for construction company for ag buildings: Mr. and Mrs. Willan were both in attendance, and stated that their business is to construct pole barns. Hampton said that commercial zoning is not allowed in the Ag Preservation planning district, but a CUP for a limited family business could be a possibility. Otherwise a change to the land use plan would be required before commercial zoning could be considered. The Willans said they do have several employees but none that report regularly to the Vilas Hope Road location. Currently the business office is inside the house, but Mr. Willan said he would like to move it to the remodeled milk house and the main reason he is asking for commercial zoning is to allow for a bathroom to be installed there. They are also considering a wedding barn in the future, and want to continue to live there. While their application was to only spot zone .81 acres, Mr. Willan mentioned several times about rezoning the entire property as commercial. There was discussion about the various commercial zoning districts and their allowable uses, possible driveway access limitations for commercial use of the property, and how the pending re-write of the Dane County zoning code may change things. Lane said either limited commercial or C-2 zoning would allow for a CUP for a caretaker residence. Trevor Munn, 4392 Vilas Hope Road, stated that he is not in opposition to commercial use of the property at 4407 Vilas Hope Road, and has not had any indication that any other neighbors would be either. **MOTION** by Anders/Bultman to table until March of 2018 to allow the applicants to file a petition between Feb. 15 and March 15, 2018 for their property to be placed in the commercial planning district. There was understanding that the applicants may wish to amend

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their application before the March 2018 appearance based on any interim developments.

**MOTION CARRIED 5-0.**

7. ADJOURNMENT: **MOTION** by Muehl/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:02 P.M.

Submitted by: Kim Banigan, Clerk

Approved 08-23-2017

TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
AUGUST 23, 2017

1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Phil Bultman, Steve Anders, Dave Muehl, and Virgil Schroeder in attendance. Town Treasurer Debra Abel was also present. See sign-in sheet for others in attendance.
2. Chair Kris Hampton called the meeting to order at 7:00 p.m.
3. Approve minutes of the previous meeting: **MOTION** by Anders/Bultman to approve the minutes from the July 26, 2017 meeting as printed. **MOTION CARRIED 5-0-1** (Larson abstained).
4. Public Concerns: None.
5. Rocky Rights LLC, applicant, Kirk and Heidi Eilenfeldt, landowners – requesting conditional use permit for expansion of non-metallic mining site at 2294 US Highway 12 & 18 to include mineral extraction (gravel quarry) for 35 acres on parcel 0711-273-9514-0 currently zoned A1-EX: Wade Cattell, Rocky Rights LLC, presented the operating plan for proposed gravel pit, see exhibit 1. There will be no change to existing operation. Buck Sweeney, Rocky Rights Attorney, added that this is an expansion of the existing pit so they can continue processing current product. Dane County encourages quarries to expand verses finding a new location.

Plan Commission:

- Bultman inquired about the distance between the expansion and the Enriquez residence.  
*.40 miles from North Star Road with lots of trees in-between.*
- Schroeder – Maximum acres being mined at one time?  
*Three blocks of land consisting of 3-4 acres. Maximum of 12 acres open at one time. One block is left open for water drainage. Remaining acres will be left as farm land and mined at some point.*  
What happens if water leaks?  
  
*The berm will stop water from leaking and the slope will move water to existing ponds.*  
  
Stormwater erosion plan has not been done for the new plan.
- Anders – Why not use what you have first before starting on new site?  
  
*Need to look at future needs. Would like to move recycling to the back of the property to move away from neighbors.*

Public Comment:

- Duane Swalheim, 2298 Highway 12 & 18, farms land that has been reclaimed and it is fine. The only noise from pit is crushing. There is no dust. He wanted to mention that

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Wade Cattell has always tried to get along with neighbors and thinks they should try to work with him on the expansion.

- Christa Westerberg, Pines Bach LLP, representing Andrea and Jonathan Enriquez, 3380 North Star Road, reviewed a memo she submitted to the plan commission members, see exhibit 2, expressing the Enriquez's concerns about the expansion. Andrea Enriquez submitted a study on Property Value Losses from Quarrying Operations, a picture of her backyard overlooking the Cattell quarry, and a petition to deny quarry expansion, see exhibit 3.
- Alex Tukiendor, 2292 Highway 12 & 18, presented documents on the property value loss of his and his neighbors' homes along with other miscellaneous documents regarding Rocky Rights current operations, see exhibit 4.
- Otto Otteson, 2173 Nora Road, feels the expansion is wrong for the health of Door Creek.
- Don Viney, 2093 Highway 12 & 18, concerned about how close extraction will be to the lot line. He is worried about his farm equipment getting too close to the pit and the land giving away. He would also like more dust control.
- Richard Swalheim, 2410 Ofsthun Road, hears trucks all the time and not one is from traffic on Highway 12 & 18.

**MOTION** by Hampton/Anders to table request until:

- a. Erosion plan is submitted by a qualified engineer that meets county conditions and the Town's engineer has an opportunity to review.
- b. Update operating plan to replace "small areas" to actual acreage.
- c. Put in writing how far extraction will be from lot line.
- d. Have a one to one slope on new berms.

**MOTION CARRIED 6-0.**

6. Adjournment: **MOTION** by Anders/Schroeder to adjourn. **MOTION CARRIED 6-0.** The meeting ended at 9:10 p.m.

Debra Abel, Treasurer  
Approved 09-27-2017

Link to 08-23-2017 Plan Commission Minutes exhibits:

[https://drive.google.com/drive/folders/1RkqLCIO7PZCI90N75\\_\\_epNYVSwO1kGOK?usp=sharing](https://drive.google.com/drive/folders/1RkqLCIO7PZCI90N75__epNYVSwO1kGOK?usp=sharing)

TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
SEPTEMBER 27, 2017

1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Jerry Meylor, Phil Bultman, Steve Anders, Wilmer Larson and Dave Muehl in attendance. Town Clerk Kim Banigan was also present.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings: **MOTION** by Anders/Bultman to approve the minutes from the August 23, 2017 meeting as printed. **MOTION CARRIED 5-0-1** (Meylor abstained).
4. Public Concerns: None.
5. Badger Surveying, Applicant, Joshua & Lindy Agate and Ronald Foreyt, landowners: 3010 Hope Road, parcels 0711-194-9270-6, 0711-194-9000-2 and 0711-193-9690-9. Agates are looking to combine their .49 acres of LC-1 and 1.46 acres of R-1A with 2.80 acres of A-1EX to be purchased from Foreyt to create one 5.23 acre RH-2 lot: Mr. Agate explained that when they purchased the 2.23 acre property, they had a goal of having some farm animals for their children to grow up with, but when they attempted to rezone to allow for animals a couple of years ago, they found out an easement left them just short of the 2 acres needed for RH-1 zoning. They are now proposing to purchase additional acreage from Ronald Foreyt to bring the lot size to 4.59 acres, excluding road right-of-way. Hampton thought the remaining corner of the field might be difficult to farm, but Mr. Agate said they intend to continue renting the additional acreage as farmland, any animals will be on the lot they already own, they are only looking for the additional acreage for the animal units. There was some discussion over how to justify a new residential lot exceeding 2 acres in the Ag Preservation area, which led to a recommendation of A-2(4) instead. **MOTION** by Anders/Muehl to recommend rezoning .49 acres of LC-1, 1.46 acres of R-1A and 2.80 acres of A-1EX to A-2(4), resulting in 4.59 acres after road right-of-way is dedicated to the Town. No additional residential development or utility services will be allowed on the new parcel. Since 2.8 acres will continue to be farmed, A-2 zoning will be more consistent with the planned use and the Ag Preservation area than the RH-2 zoning requested. **MOTION CARRIED 6-0.**
6. ADJOURNMENT: **MOTION** by Anders/Bultman to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:43 P.M.

Submitted by: Kim Banigan, Clerk  
Approved 10-25-2017



TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
OCTOBER 25, 2017

1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Jerry Meylor, Phil Bultman, Steve Anders, Wilmer Larson, Dave Muehl and Virgil Schroeder in attendance. Town Clerk Kim Banigan, Town Engineer Thomas TeBeest and Dane County Assistant Zoning Administrator Daniel Everson were also present, along with several interested parties as listed on the sign-in sheet available in the Clerk's office.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings: **MOTION** by Anders/Bultman to approve the minutes from the September 27, 2017 meeting as printed. **MOTION CARRIED 6-0-1** (Schroeder abstained).
4. Public Concerns: None.
5. Rocky Rights LLC, applicant, Kirk and Heidi Eilenfeldt, landowners – requesting conditional use permit for expansion of non-metallic mining site at 2294 US Highway 12 & 18 to include mineral extraction (gravel quarry) for 35 acres on parcel 0711-273-9514-0 currently zoned A1-EX: Hampton stated that this application was tabled from the August 23, 2017 meeting pending submission of an erosion plan for review by the Town Attorney, specified updates to the operation plan and specifications for the berms. He asked Everson if there are any current issues with the current operation. Everson stated there are not, however he also stated that the proposed expansion area is not within the boundaries of the registered non-conforming site, and that the usual expansion process includes an application to the County for a conditional use permit, which has not been made. Two pieces of correspondence received by the Clerk this morning were distributed to Plan Commission members, (as they also had been by email earlier in the day): 1) a letter from Attorney Christa O. Westerberg, representing John and Andrea Enriquez and Alex and Jamie Tukiendorf 2) A letter from Dane County Zoning Administrator Roger Lane, warning the Town about prejudging matters before the formal application is before the Town, and citing relevant case law. Atty. Buck Sweeney, representing Rocky Rights, LLC, stated that the applicant wants to make sure the expansion is OK with the Town before moving forward, and suggested the Town could approve contingent on County approval. **MOTION** by Anders/Larson to table the request until the Town can consult with the Town Attorney in light of the case law cited by Roger Lane, and until Rocky Rights, LLC makes application for the CUP with Dane County. **MOTION CARRIED 6-1** (Muehl opposed).
6. Consider date for November meeting: **MOTION** by Muehl/Anders to hold the November meeting a week early on November 15<sup>th</sup>. **MOTION CARRIED 7-0**.
7. ADJOURNMENT: **MOTION** by Anders/Schroeder to adjourn. **MOTION CARRIED 7-0**. The meeting was adjourned at 7:21 P.M.

Submitted by: Kim Banigan, Clerk

Approved 11-15-2017

1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Jerry Meylor, Phil Bultman, Steve Anders, Wilmer Larson, Dave Muehl and Virgil Schroeder in attendance. Town Clerk Kim Banigan, and Dane County Assistant Zoning Administrator Daniel Everson were also present, along with several interested parties as listed on the sign-in sheet available in the Clerk's office.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings: **MOTION** by Anders/Bultman to approve the minutes from the October 25, 2017 meeting as printed. **MOTION CARRIED 7-0.**
4. Public Concerns: None.

(There was consensus to accept Hampton's suggestion to address the remaining agenda items in reverse order).

5. Jason & Jessica Helgeland, applicants, Helgeland Family Farms LLC, landowner – parcel 0711-042-8670-0 at 2608 Gaston Road – requesting rezone of 5 acres from A-2(8) to A-2(4) to for single family home, and rezone of remaining 7.25 acres to A-4: Bultman recused himself as Mr. Helgeland is his grandson. Mr. Helgeland had an alternate lot configuration compared to what was provided with the application, stating that the original sketch did not total the 5 acres they would like to have. The new configuration extended to the north of King Drive, which would leave a landlocked parcel. **MOTION** by Hampton/Schroeder to table until the December 27<sup>th</sup> meeting to give the Helgelands time to think about how to best configure the lot. **MOTION CARRIED 6-0.**
6. Duane Farwell, applicant, Duacam Investment LLC, landowner, parcel 0711-193-8096-1 at 3812 County Highway AB – requesting rezone of 1.0 acres from R-1A to R-3A to allow for building of a duplex home: Mr. Farwell stated that he is not looking for any lot line changes, and the lot has an existing driveway and septic system. The house was burned down by the fire department in 2016. The Clerk stated that since the parcel is in the Neighborhood Development area of the future land use plan, and has been residential since before 1981, no RDU is needed to convert from single family to duplex zoning. **MOTION** by Anders/Meylor to recommend approval of a rezone of 1.0 acres from R-1A to R-3A to allow for building of a duplex home. **MOTION CARRIED 7-0.**
7. Rocky Rights LLC, applicant, Kirk and Heidi Eilenfeldt, landowners – requesting conditional use permit for expansion of non-metallic mining site at 2294 US Highway 12 & 18 to include mineral extraction (gravel quarry) for 35 acres on parcel 0711-273-9514-0 currently zoned A1-EX (tabled from the October 25, 2017 meeting): Wade Cattell and Atty. Buck Sweeney were present representing Rocky Rights, LLC. Kirk and Heidi Eilenfeldt were also present. Atty. Sweeny stated that application has been made to the Dane County for a Conditional Use Permit, as requested. Everson confirmed that the application had been filed and is scheduled for a public hearing with the ZLR on January 23, 2018. He noted that at a reclamation plan and stormwater requirements will be conditions of the CUP, either as an amendment to existing plans or a new plan for the new area.

Attorney Christa Westerberg, representing the Enriquez and Tukiendorf families, provided copies of an emailed memo and attachments, which the Clerk acknowledged was received at 5:18 p.m. today (Exhibit A). Westerberg expressed continued concern over the application process, noting that the Town's vote is supposed to be within 60 days of the ZLR hearing. The Clerk said that the soonest the Town Board could vote would be December 4<sup>th</sup>, which is within the 60 day window. Westerberg also said that while the application does address the six standards for CUP approval under DCCO 10.255(2)(h), it fails to address the additional five standards for a CUP in the A-1EX

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district under DCCO 10.123(5). She listed potential impacts on neighbors from truck traffic, noise, dirt, tracking on roads and reduced property values, and alleged that conditions on the CUP for the concrete batch plant are not always followed. She stated that evidence presented tonight and at prior meetings shows that the standards cannot be met. She questioned whether the existing mining site is exhausted of materials, and thought that the erosion control plan required reclamation to begin in the existing mining site in 2014.

Anders stated that the consequences to neighbors due to the operation of the non-conforming gravel pit are going to be there, and said it is important to concentrate on what is before the Plan Commission on the current application.

Bultman noted that a letter from Dane County Zoning Administrator Roger Lane to Hampton (Exhibit B) indicated that there have been no substantiated complaints over the current operation. Westerberg said her firm takes issue with Lane's response, and does not believe Lane considered the requirements of the erosion permit in his response. (See Exhibit C, response from Atty. Westerberg to Roger Lane). Kirk Eihlenfeldt stated that he was at fault for leaving the gate open during harvesting season, which lead to one of the complaints. He had not been aware that it was a condition of the concrete plant CUP that it be locked during non-operating hours.

Sweeney urged the Plan Commission to look at the application submitted and consider facts, not claims based on speculation. He then introduced Appraiser Scott MacWilliams, who presented property sales data to refute the claim that property values have been reduced by the current site (Exhibit D). He also presented a graph from a study performed in Michigan regarding the impact of a gravel pit on residential property values, and suggested that it was used as the basis for reductions in the assessed value of properties surrounding the current site. Alex Tukiendorf, 2292 US Highway 12 & 18, did not feel that the study was the basis for the reduction in assessed values, but rather it was due to his phone call to the Town Assessor to demonstrate noise from the truck traffic and quarry at his home. He said that the owners of the three houses fronting the quarry expressed their concerns about the concrete batch plant, but it was approved anyway. The proposed expansion will mean that new people will have a chance of losing value in their properties. He stated the definition of the word 'precedence', and said there is precedence to deny this application due to Plan Commission action on April 22, 2015 to deny an earlier expansion to the west of the current site due to conditions #1 and 2 not being met, with subsequent denial by the Town Board on September 8, 2015, as well as denial of a new non-metallic mining site on County Road AB in 2016 due to conditions #1 and 2 not being met.

Otto Otteson, 2173 Nora Road, said he would rather see a study to provide evidence that property values did not go down when a new pit was opened. He said his home is .2 miles from the expansion site, and he hears noise from the current operation all the time.

Kirk Eilenfeldt said he has talked to neighbors, including the Vineys, Leas, and Swalheims, none of whom have any problem with the expansion area. He has not talked to Larry Skaar but doesn't think he has any concerns either. Schroeder guessed he is 0.75 mile from the current site and does not hear any noise from it.

Andrea Enriquez, 3380 North Star Road, was concerned to learn that there is an easement allowing the Eilenfeldts access for farm use. She said in 2011 it was stated that there was 30 to 40 years of material in the existing site, now they are saying there is only material for 5 years. She felt the expansion would feed the concrete plant, which feeds the problems, and thinks they should be looking to begin reclamation rather than to expand. In rebuttal, Cattell stated that there still is 30-

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40 years of material in the non-conforming site, however not all of it is concrete aggregate. There is fill sand, and under that is limestone.

Westerberg said the relevant question is whether the application can meet the standards for approval. In response to this, Hampton called for a vote on the conditions:

Under DCCO 10.255(2)(h), standards for approval of a CUP, votes were as follows:

1. 7-0.
2. 6-1 (Anders opposed)
3. 7-0
4. 7-0
5. 7-0
6. 6-1 (Anders opposed)

Under DCCO 10.123(5), purposes of the A1-EX district, votes were as follows:

- a) 7-0
- b) 7-0
- c) 7-0
- d) 7-0
- e) 7-0

Otto Otteson asked if there is a reason why none of the land has been reclaimed yet. Everson said that the State's reclamation program does not force operators to reclaim land, but only to file a report each year. The only way to force reclamation is for the conditions of a CUP to allow only so many acres to be open at a time.

Hampton asked commission members to focus on what the conditions of the CUP should be:

- Operating hours of 6 a.m to 6 p.m., Monday thru Friday, 6 a.m to 4 p.m. on no more than six Saturdays each year, with 7 days prior notice provide to the Town clerk, plus the residents at 2252, 2272, and 2292 US Highway 12 & 18, 3380 North Star Road, and all others within 500 feet of the new site. It was discussed that notice could be by whatever means is agreeable to the Rocky Rights, LLC and the recipient.
- Property boundaries to be surveyed and entire property must be surrounded by a perimeter fence.
- Exterior sides of active areas will have a 7' high berm with 1:1 side slopes
- Interior sides of active areas will have a 5' high berm with 1:1 side slopes
- Berms to be seeded within 14 days.
- A maximum of 9 acres can be active at any one time, including all three phases of up to 3 acres each: 1) operating, 2) dewatering, 3) reclamation.
- Reclaimed areas must be returned to agricultural use.
- The following are prohibited on the new 35 acre site: Blasting, crushing, screening, production of asphalt or concrete, storage of recycled material, permanent structures, additional water wells, lighting, vehicle storage, fuel storage.
- Haul roads must be maintained for dust control.

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- No altering of topography within 5' of the property line.
- CUP expires after 10 years (Anders suggested 5 years, Atty Sweeny said such a short period would not be economical in light of the investment required. Kirk Eilenfeldt thought a shorter timeframe could force more to be open at a time.)
- CUP must be posted on the site.

**MOTION** by Muehl/Schroeder to recommend approval of a conditional use permit for expansion of non-metallic mining site at 2294 US Highway 12 & 18 to include mineral extraction (gravel quarry) for 35 acres on parcel 0711-273-9514-0 currently zoned A1-EX, with conditions as stated above, and noting that the six conditions under DCCO 10.255(2)(h), as well as the five conditions under DCCO 10.123(5), had all been considered satisfied. **MOTION CARRIED 6-1** (Anders opposed).

8. ADJOURNMENT: **MOTION** by Anders/Schroeder to adjourn. **MOTION CARRIED 7-0**. The meeting was adjourned at 9:52 P.M.

Submitted by: Kim Banigan, Clerk

Approved 12-27-2017

Link to 11-15-2017 Plan Commission Minutes exhibits:

<https://drive.google.com/drive/folders/1J6OxjHDnCgsKTFA2DWMddreERgqjGxaE?usp=sharing>

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1. Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Jerry Meylor, Phil Bultman, Wilmer Larson, Dave Muehl and Virgil Schroeder in attendance. Town Clerk Kim Banigan was also present, along with several interested parties as listed on the sign-in sheet available in the Clerk's office.
2. Chair Kris Hampton called the meeting to order at 7:00 P.M.
3. Approve minutes of the previous meetings: **MOTION** by Muehl/Schroeder to approve the minutes from the November 15, 2017 meeting as printed. **MOTION CARRIED 6-0.**
4. Public Concerns: None.
5. Jason & Jessica Helgeland, applicants, Helgeland Family Farms LLC, landowner – parcel 0711-042-8670-0 at 2608 Gaston Road – requesting rezone of 3.72 acres from A-2(8) to A-2(4) for a single family home, and rezone of remaining 12.25 acres to A-4 (tabled from November meeting): Bultman recused himself due to the petitioners being family members. Mr. Helgeland stated that they have reverted to their original plan for a 3.72 acre lot for their new home site so as to not block King Drive, which would leave a landlocked parcel. No one spoke in favor or in opposition. **MOTION** by Muehl/Larson to recommend approval of a rezone of 3.72 acres from A-2(8) to A-2(2) for a new home site, noting that an exception to the 2 acre maximum lot size for a new home site is recommended to accommodate future farming and access, the other options are not as workable. The remainder to be rezoned to A-4, and road right of way is to be dedicated to the Town. **MOTION CARRIED 5-0.**
6. Justin & Sara Lessner, applicants, Peter Andringa, landowner – parcel 0711-231-8500-3 on Ridge Road – requesting rezone of 4 acres from A-1EX to A-2 for home and outbuilding: A density study showed one remaining RDU with the property. Mr Lessner stated he would like to rezone 4 acres for a future home and shop. He owns a concrete business and may eventually apply for a CUP to use the shop for his business. Due to the natural drainage ways and wetlands on the property, placement of the buildings will require a lot larger than the usual 2 acre maximum allowed for new home sites in the Ag Preservation area. No one spoke in favor or opposition, however plan commission members had many questions and warnings about possible complications of building on such a low site. The Lessners were confident they had considered all of the possible ramifications. **MOTION** by Muehl/Bultman to recommend approval of a rezone of 4 acres from A-1EX to A-2(4) for a new home site, noting that the lot size exceeds the 2 acre maximum allowed by the Comprehensive Plan due to the petitioners' desire to also build a shop and the limited buildable area due to the wetlands. Road right-of-way to be dedicated to the Town. **MOTION CARRIED 6-0.**
7. Scott Frank, owner/applicant – parcel 0711-111-9350-0 zoned A-2 at 1980 Rathert Road – requesting rezone of 2 acres to A-2(2) for new home site: A density study shows one RDU remaining on the property. Mr. Frank explained that he wants to build a home for his son, but would like to keep the rest of the land separate in case the home site is ever sold in the future. There was a brief discussion over the options of RH-1 vs. A-2(2) zoning, with Mr. Frank stating he would prefer to stay with A-2(2). **MOTION** by Hampton/Larson to recommend approval of the rezone of 2 acres to A-2(2) for a new home site. **MOTION CARRIED 6-0.**
8. ADJOURNMENT: **MOTION** by Schroeder/Muehl to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:40 P.M.

Submitted by: Kim Banigan, Clerk

Approved 01-24-2018