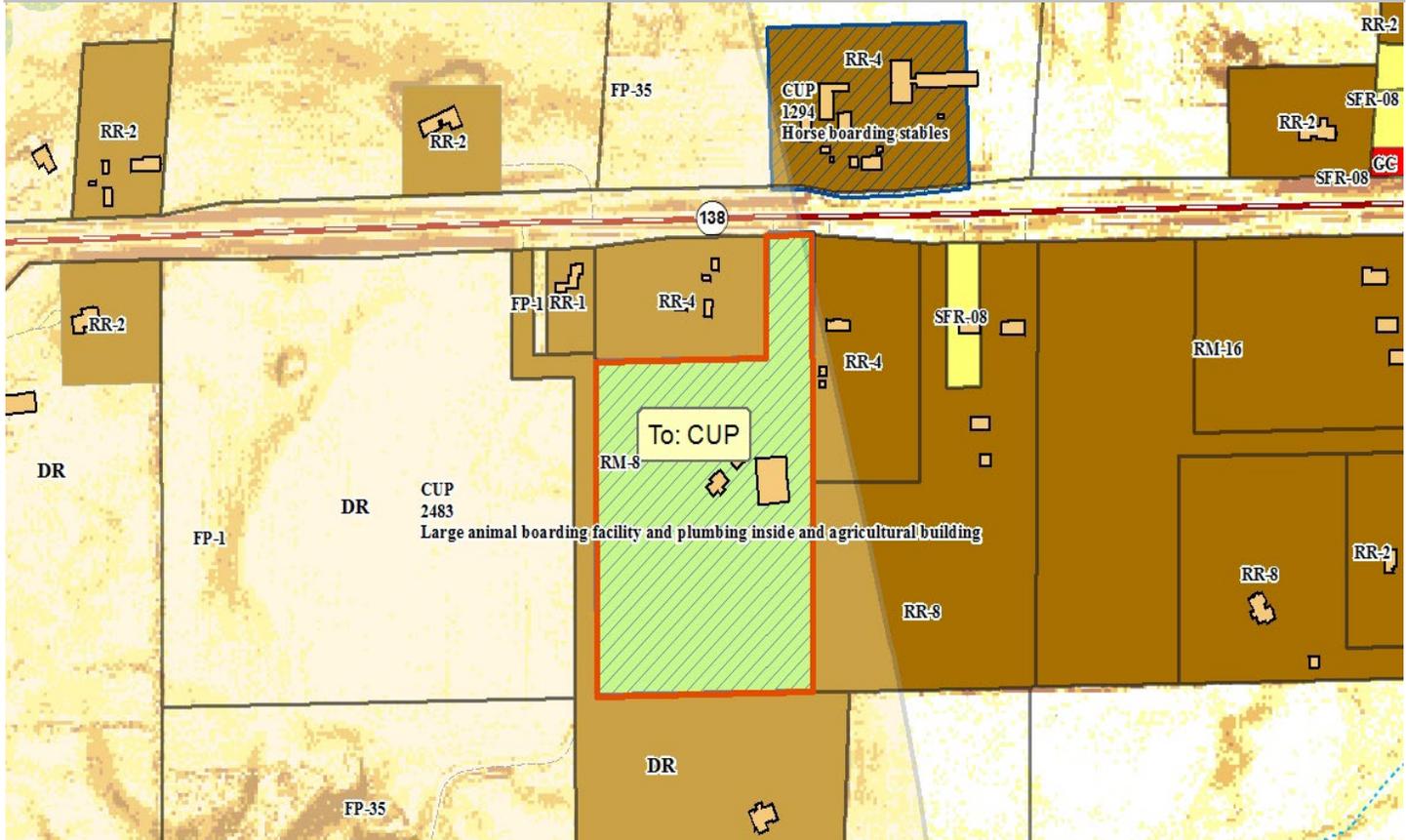


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> October 26, 2021	CUP 02538	
	<i>Zoning Amendment Requested:</i> TO CUP: AGRICULTURE ENTERTAINMENT ACTIVITIES OCCURRING 10 DAYS OR MORE PER CALENDAR YEAR		
	<i>Size:</i> 15 Acres	<i>Survey Required.</i>	<i>Town/Section:</i> RUTLAND, Section 8
	<i>Reason for the request:</i> AGRICULTURE ENTERTAINMENT ACTIVITIES OCCURRING 10 DAYS OR MORE PER CALENDAR YEAR		<i>Applicant:</i> VALERIE AHL & TIMOTHY ALLEN
		<i>Address:</i> 4321 STATE ROAD 138	



DESCRIPTION: Applicant owns and operates the Pen yr Bryn Farm, LLC horse boarding facility on the ~15 acre RM-8 zoned property and requests approval of a Conditional Use Permit (CUP) for “agricultural entertainment activities exceeding 10 days / year”. Proposed uses include horse riding lessons and private events such as children’s birthday parties and weddings. Applicant indicates hours of operation for the existing horse boarding operation will expand from the current 8am to 8pm to 8am to 10pm, 7 days a week. Private “parties” would be held Friday to Sunday, with hours of 11 am to 7 pm (5pm Sundays).

OBSERVATIONS/ FACTUAL INFORMATION: Existing uses of the property are rural residential and small scale farming / horse boarding. No new buildings, accesses, or other ancillary facilities are currently proposed. The existing driveway access to State Highway 138 is shared with the neighboring residence at 4333 STH 138 (also owned by Mr. Allen). Surrounding land uses are rural residential and agriculture / open space. There are 7 residences located within 400-1500 feet of the property. Mature trees line the property boundaries and appear to provide a buffer from the adjoining rural residential lots. There’s a convenience restroom in the indoor riding arena. According to county environmental health division staff, the septic system is sized for up to 10 patrons to use the facilities on a daily basis without overloading the system. Trash and recycling service is provided by Waste Management.

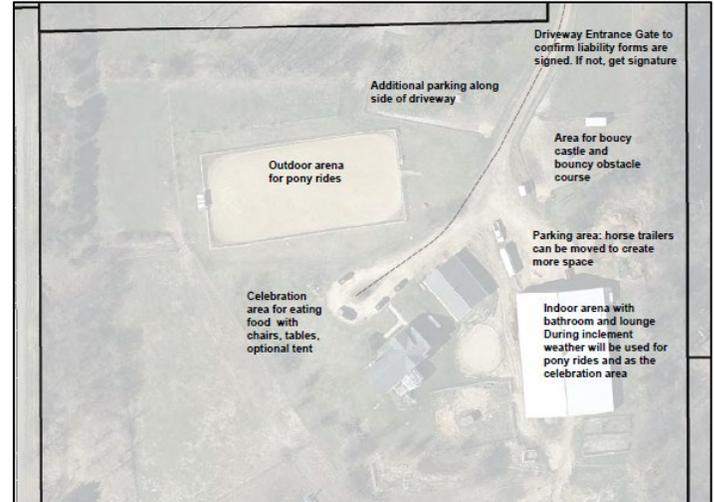
DANE COUNTY HIGHWAYS: Not enough information to estimate traffic volumes.

TOWN PLAN: The property is located in the town’s agricultural preservation area.

RESOURCE PROTECTION: There are no resource protection areas located on the property.

STAFF: Although the town of Rutland has approved the CUP with conditions (see below and attached), staff has a number of concerns with the proposal as presented. The property is located on a controlled access section of State Highway 138. An access permit for the proposed change of use will be required, though at this point it is unclear if such will be granted by the Wisconsin DOT, or if approval may be conditioned upon the installation of improvements or other access modifications (e.g., tree clearing).

The site and operations plan are also lacking in detail. For example, there is no parking area delineated on the site plan and it is unclear if the general area identified for parking is capable of accommodating the minimum 25 vehicles that would be required (1 spot for every 2 expected patrons). Applicant notes additional parking along the side of the driveway, but it appears the driveway is bounded by fenced paddocks. It is unclear if the parking and internal circulation will be sufficient to ensure safe ingress and egress for patrons or emergency vehicles.



Site plan excerpt

Little information has been provided regarding wedding events. It is unclear if wedding events would be held in the existing riding arena, or only outdoors. Based on guidance provided by the Wisconsin Department of Safety and Professional Services, it is staff's understanding that repurposing an agricultural building for the purpose of hosting wedding events may be subject to state commercial building code standards.

The applicant indicates that patrons could utilize a bathroom located in the indoor arena. As noted above, according to county environmental health staff, the system is designed for use by 10 patrons / day, with a max capacity of 15. It is unclear if the restroom facility is ADA compliant. Additional sanitary facilities, such as porta-potties, may be appropriate for larger events, or weekends with multiple events scheduled.

The town approval includes conditions limiting parties/events to 11am-7pm Friday and Saturday, and 11am-5pm Sunday, with no outdoor loudspeakers. There is robust market demand for farm-themed wedding venues. Staff is concerned that the town recommended conditions would be difficult to follow or enforce for wedding events.

Staff has requested that the applicant provide additional information on the proposal to address the issues and concerns noted above. Written opposition to the proposal has been submitted by a neighboring property owner, while another neighboring owner submitted written support for the proposal.

In accordance with the ZLR Committee rules and procedures, staff recommends postponement of the petition at the October 26th public hearing due to the opposition and unresolved issues identified above.

STAFF UPDATE: The applicant has addressed the concerns staff raised with the initial proposal. In a response to those concerns dated October 20, the applicant provided additional information regarding parking areas and sanitary facilities, and indicated that wedding events would be dropped from the proposal. The applicant also contacted WISDOT staff regarding access to State Highway 138. See attached WISDOT authorization form. The authorization includes the following stipulation: *"If traffic volumes in and out of this access cause issues with the traveling public or accidents occur as a result of this change in use, improvements may be required to the highway. The improvements would be determined at that time."*

Based on the applicant's submittal of additional information and modifications to the proposal, as well as the DOT authorization, staff believes the applicant has provided substantial evidence demonstrating that the proposal satisfies

the applicable standards for approval of a Conditional Use Permit. Staff recommends approval of the Conditional Use Permit subject to the following conditions (note these conditions include those recommended by the town).

1. This Conditional Use Permit is for Horse Boarding and related Agricultural Entertainment activities exceeding 10 days / calendar year. The covered activities include horse riding lessons, children's birthday parties, and other small private events related to the horse boarding operation.
2. Days / hours of operation: Riding lessons and Horse Boarding 8am-10pm Monday –Sunday. All other events 11am-7pm Friday and Saturday. 11am-5pm Sunday.
3. No more than 50 attendees allowed, per event.
4. No outdoor amplified speakers allowed.
5. Signage is to be added to prevent trespassing and clearly mark boundaries of property.
6. Any additional lighting to be downward facing and not to be seen by south facing property.
7. The applicant shall provide adequate sanitary facilities to accommodate the anticipated number of attendees at events.
8. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
9. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
10. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
11. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
12. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
14. Off-street parking must be provided, consistent with s. [10.102\(8\)](#).
15. If the Wisconsin Department of Transportation, Dane County Highway, Transportation and Public Works Department or the town engineer determine that access and/or road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the conditional use.
16. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
17. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
18. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
19. The CUP shall automatically expire upon sale of the property or transfer of ownership.

20. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

If you have any questions or comments, please contact Senior Planner Majid Allan at (608)720-0167, or allan@countyofdane.com

TOWN: Approved with the following conditions (note that these are included in the staff recommended conditions, above):

1. Number of people per event not to exceed 50.
2. Specific times of events. Riding lessons and Boarding 8am-10pm Monday –Sunday. All other events 11am-7pm Friday and Saturday. 11am-5pm Sunday.
3. No outdoor amplified speakers.
4. Signage is to be added by Val Ahl to prevent trespassing and show boundaries of property.
5. Any additional lighting to be downward facing and not to be seen by south facing property.
6. CUP will expire with sale of property or transfer of ownership.