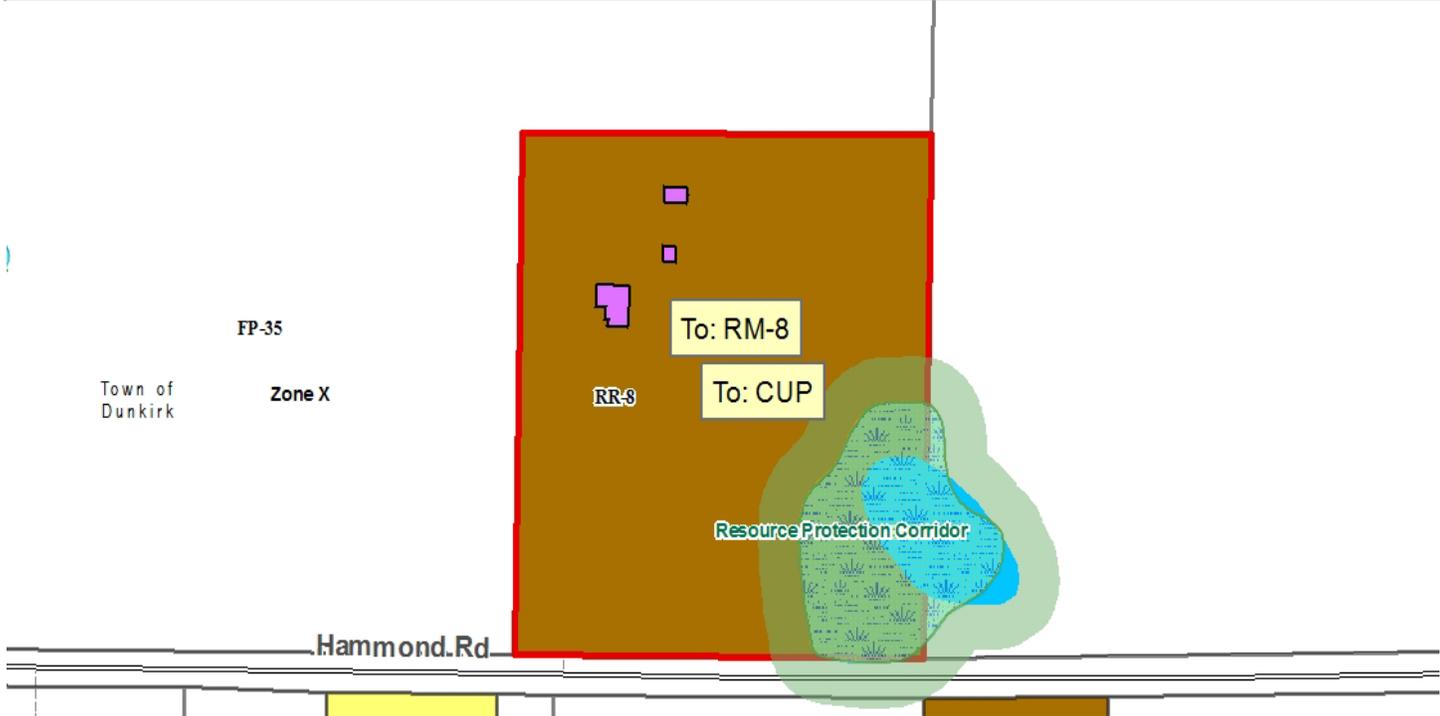


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> March 28, 2023	CUP 02588
	<i>Zoning Amendment Requested:</i> TO CUP: Large Animal (Horse) Boarding	<i>Town/Section:</i> DUNKIRK, Section 21
	<i>Size:</i> 14.2 Acres	<i>Survey Required:</i>
	<i>Reason for the request:</i> Large Animal (Horse) Boarding	<i>Applicant:</i> JULIE AND WILLIAM KARPUS <i>Address:</i> 2404 HAMMOND RD



DESCRIPTION: Julie Karpus requests a conditional use permit (CUP) to operate a private horse boarding facility on the 14-acre property on Hammond Road. The property is Lot 1 of CSM 8910. The operation would involve the construction of a 17,700 square foot building containing an indoor riding arena and stall barn, as well as an outdoor riding arena and pasture fencing. A rezoning petition has been submitted along with this proposal, to rezone the property from RR-8 to RM-8 (see [Rezoning Petition 11930](#)). Approval of the rezoning would be necessary in order to approve this CUP.

OBSERVATIONS/ FACTUAL INFORMATION: The 14-acre property is located on the north side of Hammond Road, roughly 1/3 of a mile east of the Yahara River. The site is surrounded by agricultural and rural residential properties with FP-35, RR, and SFR zoning. The nearest residences are located roughly 325 feet and 700 feet to the south across Hammond Road, and 1,000 feet to the north.

The property is characterized by gently sloping terrain that generally drains from northwest to southeast, to a low point and small pond located along the property line.

RM-8 zoning allows land uses that are compatible with production agriculture, and is intended for a mix of agriculture, residential, utility, limited business and accessory uses consistent with a rural setting. Large animal boarding is an allowable land use in the RM-8 zoning district, with approval of a conditional use permit.

RESOURCE PROTECTION: Soils are all prime farmland and predominantly non-hydric. Part of the property is subject to shoreland-wetland zoning regulations, due to a pond located at the southeast corner. Resource protection corridors are mapped in this area reflecting the wetland. No concerns since no development is proposed within 75' of the wetland.

COMPREHENSIVE PLAN: The property is located in the town’s agricultural preservation planning area. As noted above, the CUP is requested to facilitate a horse boarding operation. Comprehensive plan policies allow for agricultural related “recreational” uses, provided they are compatible with agricultural operations at a scale that would not erode the rural atmosphere of the town. Pending any concerns raised at the public hearing, the proposed CUP appears reasonably consistent with comprehensive plan policies. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

CONDITIONAL USE PERMIT DECISION MAKING: “Conditional uses” are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a conditional use permit. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant’s testimony with regards to meeting the standards.

1. *That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

Applicant states this standard will be met since the facility will be located in a rural area among agricultural farmland.

Staff notes that the potential nuisances include noise, lighting, traffic, odors, and animal waste. Noise, traffic, and odors would appear to be mitigated by the fact that there would only be 14 horses at a time, and the fact that the facility will be private not open for public events. The applicant has provided information on the proposed light fixtures, consisting of downward-facing, dusk-to-dawn motion sensor lights that would be placed at the end walls of the new building as well as on each end of the outdoor arena. Horse manure will be composted on adjacent farmland and sold or given to others; approval of the owner’s manure management plan would be required if the number of horses exceeds one per acre.

2. *That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.*

Applicant states the horse boarding will not impact adjacent farmlands or neighboring properties, since the rural setting is specific to this kind of facility.

As noted above, the surrounding lands have ag preservation zoning with a limited number of residential lots. The nearest residences are roughly 325 feet and 700 feet to the south, and 1,000 feet away to the north.

3. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Applicant states the facility will not impede improvement of surrounding farmlands. Staff notes that horse boarding is generally compatible with agricultural use. In addition, the FP-35 zoning on the adjacent lands restricts residential development to certain pre-existing homes, and large animal boarding would be permitted by right in that district.

Applicant proposes one ground sign near the driveway. One ground sign is allowed under the Zoning Code based on the property’s zoning. Any signage requires a sign permit from Dane County.

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

The applicant proposes new water well and septic field for the facility, located next to the proposed building. These would be separate from the well and septic that serve the home. The new building would be plumbed and include a bathroom, a wash stall, and utility room.

Applicant has already secured stormwater management and erosion control permits for the project from the Land and Water Resources Department; these are included with the application materials.

5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

Applicant is proposing to provide on-site parking with eight (8) new parking spaces, and a looped driveway configuration that would extend off the existing driveway to provide vehicle access to the north and west sides of the facility. Applicant states that anticipated traffic will be just the boarders visiting their horses, at various times during the week and typically for 1-2 hours at a time. The parking is adequate for the proposed use under the zoning requirements. No change proposed to the current driveway access point onto the road.

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

The proposed use conforms to the applicable regulations of the proposed RM-8 zoning district. Applicant notes correctly that RM-8 zoning allows for unlimited number of animal units. Staff notes the animal units would still be governed by the conditions of this CUP, if approved, and by WDNR as applicable.

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

The proposed use is generally consistent with the comprehensive plans, as noted above.

8. *If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).*

Not applicable.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: The potential nuisances that pertain to horse boarding most commonly involve vehicle traffic, noise, odors, and animal waste management. The applicant has submitted information as part of their application on how those potential nuisances are handled; most of this is described in the section above.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Common topics include but are not limited to, hours of operation, screening, site access, and manure management.

Under Zoning Code section 10.103(6), there are special requirements for large animal boarding operations to address many of the potential conflicts with the land use activity. In addition to conditions required for all CUPs, the Town Board and zoning committee shall impose, at a minimum, the following conditions on any approved CUP for horse boarding:

1. *Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.*

The use would be located inside the new building, and within a fenced enclosure / arena to the northwest of the building, which would be along the west edge of the property and offset at least 10 feet from the lot line.

2. *Each animal shall be provided with adequate exercise space.*

The site plan contains outdoor exercise space in the fenced pasture area, in addition to the indoor arena space for horse activities.

3. *The committee and town board will impose limits on the total number of animals that may be present at any one time, as appropriate to the site and neighboring land uses.*

Applicant is requesting up to 14 horses for horse boarding, with potential to have more on site when counting personal horses and calves during breeding activities. See recommended conditions of approval.

4. *Operations exceeding one animal unit per acre must comply with the standards of s. 10.103(7).*

a. *Applicant must submit and maintain a site-specific manure management plan.*

b. *Applicant must maintain a Farm Conservation Plan, compliant with NR 151, Subchapter II, Wisconsin Administrative Code, that is approved by the County Conservationist.*

Not applicable so long as the proposed use does not exceed one animal unit per acre.

TOWN ACTION: Pending.

STAFF RECOMMENDATION: Staff recommends postponement at this time, due to no town action per the ZLR Committee's adopted rules and procedures.

Pending town action, and any comments at the public hearing, staff recommends that the ZLR Committee makes a finding as to whether the proposed conditional use meets the applicable CUP standards listed above. If the Committee finds that the standards are met, staff recommends approval with the potential conditions listed below.

CUP 2588 Potential Conditions of Approval:

Standard CUP Conditions

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan;
2. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code, if applicable.
3. 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 county zoning administrator upon request;
4. 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 county zoning administrator upon request;
5. 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;
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan;
7. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances;
8. If Dane County Highway Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use;
9. The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site;
10. The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the 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;
11. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours;
12. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to revocation;

Special Conditions Specific to Horse Boarding under Zoning Code s. 10.103:

13. Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.
14. Each animal shall be provided with adequate exercise space.

15. Horse boarding operations shall be limited to a maximum of 14 boarded horses at any one time.

16. Operations exceeding one animal unit per acre must comply with the standards of s. 10.103(7).

Other Conditions:

17. Sanitary fixtures to serve the horse boarding operation use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the horse boarding use.

18. This Conditional Use Permit shall become effective only upon the rezoning to RM-8 becoming effective.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com