

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 02580 Dane County ZLR Committee Public Hearing Tuesday, January 24, 2023

Whereas, the Town Board of the Town of Albion having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): **APPROVED**

DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

PLANNING COMMISSION VOTE: 5 In Favor 0 Opposed

TOWN BOARD VOTE: 5 In Favor 0 Opposed

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.101(7) (d) 1, Dane County Code of Ordinances, and section 10.220 (1) (a), if applicable, are found to be (check one):

SATISFIED

NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

1. Any conditions required for specific uses listed under s.10.103 of County Ordinances;
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan;
3. 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;
4. 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;
5. 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;
6. 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;
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan;
8. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances;
9. 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;
10. 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;
11. 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;
12. 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;
13. 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;
14. Horse boarding operations shall be limited to a maximum of 25 horses at any one time. The number of employees shall be limited to a maximum of 5.
15. Horse boarding and training facility operating hours shall be daylight hours, which vary seasonally.
16. The CUP is granted for Ace Equestrian, with Allison Graf as the operator. The CUP shall expire upon the sale of the property to a new owner (not including the impending sale of the land to Allison Graf).
17. Owner/Operator shall be responsible for instituting and complying with a nutrient management plan and/or animal waste disposal plan written to NR 151 standards and approved by Dane County Land Conservation.
18. Outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.
19. The parking and circulation plan shall comply with the Zoning Ordinance requirements of section 10.102(8).
20. Any business signage shall require a sign permit and shall comply with all applicable Town of Albion and Dane County Zoning Ordinance sign regulations.
21. Upon approval of the CUP, the 4 adjacent neighbors will be notified by the Town of Albion that they have the option to voluntarily test for nitrates, nitrites, coliform and e-coli. Any such testing shall be completed within 90 days of the approval of the CUP. The cost of the testing will be paid by the CUP applicant and the tests will be kept on file with the Town of Albion.
22. The owner or applicant will work with the Town of Albion on identifying and fixing the water runoff issues coming from the property's main driveway and creating issues on the town road. If services of an engineer are required, it will be at the cost of the owner or applicant. Cost of any repair shall be the sole responsibility of the applicant unless otherwise agreed to by the Town of Albion.
23. The CUP shall expire automatically if Ace Equestrian or a successor entity owned by Allison Graf ceases to do business or is no longer registered as a business in good standing with the Wisconsin DFI.

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Julie Hanewall, as Town Clerk of the Town of Albion, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Tuesday, February 7, 2023

Town Clerk Julie Hanewall **Date** Monday, February 13, 2023

FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS

If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from sections 10.101 (7) (c) 2 f g and 10.101 (7) (c) 3 d e :

“The zoning committee or applicable town board must deny a permit if it finds that the standards for approval are not met, and must approve a permit when the zoning committee and applicable town board determine that the standards for approval are met.”

PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / STANDARD)

- | | |
|---|---|
| 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare. | 1. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 2. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 3. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located. | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 7. That the conditional use is consistent with the adopted town and county comprehensive plans. | 7. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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). | 8. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS: