

Dane County Conditional Use Permit Application

Application Date	C.U.P Number
03/17/2022	DCPCUP-2022-02564
Public Hearing Date	
05/24/2022	

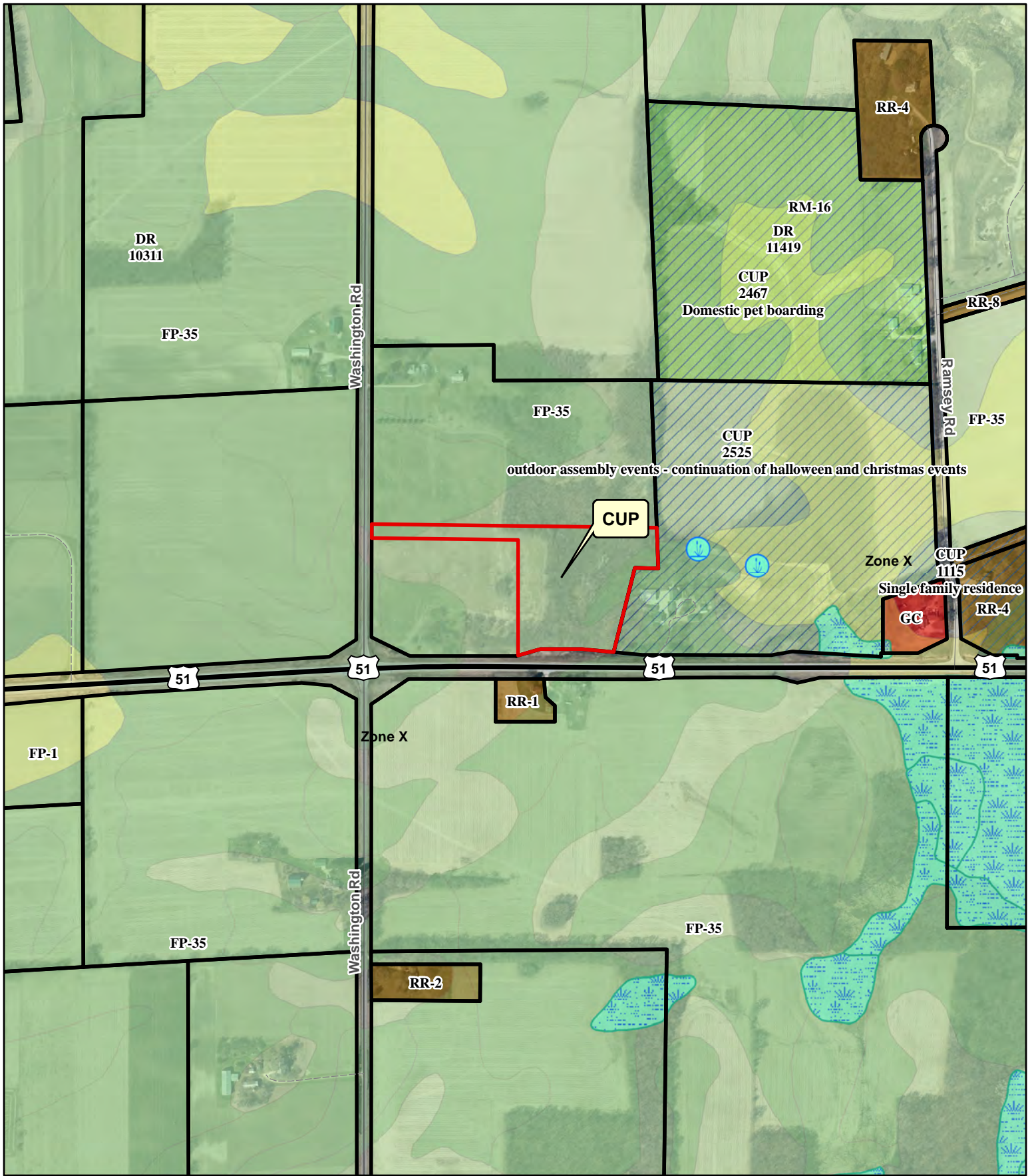
OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME JOSHUA & KERSTIN MABIE	Phone with Area Code (608) 250-0982	AGENT NAME <input type="checkbox"/>	Phone with Area Code
BILLING ADDRESS (Number, Street) 1390 WASHINGTON RD		ADDRESS (Number, Street) <input type="checkbox"/>	
(City, State, Zip) STOUGHTON, WI 53589		(City, State, Zip)	
E-MAIL ADDRESS piedbeautyfarm@gmail.com		E-MAIL ADDRESS	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
1390 Washington Road					
TOWNSHIP ALBION	SECTION 6	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0512-063-9001-1		---		---	



CUP DESCRIPTION
Transient and Tourist Lodging

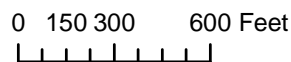
DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
10.233(3)	8.35

DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	Inspectors Initials RWL1	SIGNATURE:(Owner or Agent) _____
		PRINT NAME: _____
		DATE: _____



Legend

- | | |
|---|---|
|  Wetland | Significant Soils |
|  Floodplain |  Class 1 |
| |  Class 2 |



CUP 02564
JOSHUA & KERSTIN
MABIE

Project Overview Pied Beauty Farm Stay

The Comprehensive Town Plan adopted by the Town of Albion in 2006 looked forward to Albion being a place where “residents enjoy[ed] . . . opportunities for commercial businesses, along with residences and agriculture. . . rural character is predominant . . . and recreational opportunities are abundant,” among other goals.

The house we plan to build on our farm and our intention to rent it as a tourist lodging supports the broad vision that Albion has articulated in its Comprehensive Town Plan as well as the specific goals, objectives, and policies that follow from this broad vision.

Background on the Farm

When we bought our farm in 2017, it was composed of fifteen acres of woods, fifteen tillable acres planted in corn and soybeans, and ten acres of lawn, gardens, agricultural outbuildings, and a farm house. Over the past five years, we have worked to increase the productivity of the land to secure our farm’s economic and environmental sustainability. To this end, we took the tillable acreage out of conventional corn and soybean rotation and converted it to an organic field with a cover crop of clover. Since 2018, we have planted 230 apple trees to establish an organic cider apple orchard in the clover field. We keep honey bees which feed on the clover, pollinate the trees, and produce honey and wax for sale. We have also planted Christmas trees in the field and have rented a portion of it to a small vegetable farmer. In what was formerly lawn around the agricultural outbuildings, we have planted a test orchard of 60 trees and a wholesale cut flower garden.

The proposed house and conditional use preserves our existing farm operation by maintaining the farm as a viable source of income.

To preserve and foster opportunities for agriculture and to protect Albion as a place where rural character is predominant, the Comprehensive Town Plan aims to “Preserve existing farm operations,” and “Protect and preserve the soils and other natural resources of the Town for future generations” (Goal 1 Agriculture, Objectives 3 and 5). Relatedly, the town also aims to “Foster a local economy that is sustainable” by “maintaining farming as a viable source of income” (Goal 12 Economic Development, Objective 1).

The economics of farming are increasingly challenging, especially for farmers as small as we are.¹ We rented our tillable acres to a corn and soybean farmer for the first year after we bought our farm at the rate of \$100 per acre (\$1400). The small size of our tillable field makes it impossible for us to purchase equipment to row crop the field ourselves. Even with equipment to till the field, we could expect to gross less than \$15,000 per year (assuming 170 bushels of corn per acre and \$6 per bushel); the net would be far less after subtracting fuel, seed, fertilizer, and pesticide costs.

When mature, our existing 230 apple trees will yield 14,000 bottles of cider which will wholesale at \$5 per bottle. Even after expenses, our field will be able to provide a viable

¹ The U.S. Department of Agriculture estimates the median farm income in 2020 to be a loss of -\$1,198. For small “residence farms” like ours the USDA estimates an average net loss of -\$2,334. U.S. Department of Agriculture, “Farm Household Income Estimates,” <https://www.ers.usda.gov/topics/farm-economy/farm-household-well-being/farm-household-income-estimates/>

source of income as an cider apple orchard. The proposed orchard house and farm stay will support our apple business in several ways. First, our orchard will take 7-10 years to mature. Rental income from the house will provide a source of income while we continue to plant trees and while we wait for those we have planted to mature. Secondly, the house rental will provide a source of income during lean years when late frosts damage the apple crop. Thirdly, we anticipate marketing and sales opportunities for our apples, flowers, vegetables and honey that will inevitably result from bringing visitors from outside the region to our farm rental.

The proposed house and conditional use contributes to a visually appealing community

We have designed the house to fit into agricultural landscape where it is located. The unpainted cedar and metal roof design of the house takes inspiration from the tobacco barn that stood on our farm prior to our purchase of it and that remain standing on other farms all along Washington Road. In addition to patterning the geometry and materials of the building after traditional agricultural buildings, we have chosen to locate the house well back from Washington road to minimize its visual impact on passersby. When the apple orchard is mature, the house will be completely screened from view.

The proposed house and conditional use protects farmland from future inappropriate use and/or development.

By building this house at the eastern margin of our field, we seek to protect the remaining acres from future development. This house will make use of the last remaining residential development opportunity on the property; therefore, no other house can be built on our farm. The presence of the sceptic field and well in the far eastern border of our field all but assures that the location we have chosen for this house will remain the only site of development for generations into the future. Even if the house is expanded, remodeled, or torn down and rebuilt, the new owners of the house and farm would in all likelihood site a home in the place we have chosen.

One objection to the site might be the necessity of a driveway across the field. Far from preventing agricultural use of our fourteen-acre field, however, this driveway will support our apple orchard. In addition to providing access to the house, the driveway will provide off-road access to the middle of our orchard for agricultural machinery during harvest times. The driveway does not present a unique barrier to row cropping our fourteen-acre field because it is unlikely that anyone will remove the valuable apple trees we have planted to return the field to a conventional corn and soybean rotation.

Developing this small portion of our field as a tourist and transient lodging rental home provides the financial support necessary for us (and any future owner of the farm) to continue to work the fourteen tillable acres in a way that is financially sustainable and environmentally sensitive. In short, the orchard and the house that support it preserve the rural character of our corner of Washington Road and Highway 51 by preempting and foreclosing other inappropriate, less desirable, or less sustainable conditional uses.



Dane County
Department of Planning and Development
 Zoning Division
 Room 116, City-County Building
 210 Martin Luther King Jr. Blvd.
 Madison, Wisconsin 53703
 (608) 266-4266

Application Fees	
General:	\$495
Mineral Extraction:	\$1145
Communication Tower:	\$1145 (+\$3000 RF eng review fee)
PERMIT FEES DOUBLE FOR VIOLATIONS OR WHEN WORK HAS STARTED PRIOR TO ISSUANCE OF PERMIT	

CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION			
Property Owner Name:	Joshua and Kerstin Mabie	Agent Name:	
Address (Number & Street):	1390 Washington Road	Address (Number & Street):	
Address (City, State, Zip):	Stoughton, WI 53590	Address (City, State, Zip):	
Email Address:	kerstinmabie@hotmail.com	Email Address:	
Phone#:	608-250-0982	Phone#:	

SITE INFORMATION			
Township:	Albion	Parcel Number(s):	002/0512-063-9001-1
Section:	SEC 6-5-12	Property Address or Location:	1390 Washington Road, Stoughton, WI 53589
Existing Zoning: FP35	Proposed Zoning: RM8	CUP Code Section(s):	10.233(3)

DESCRIPTION OF PROPOSED CONDITIONAL USE

Type of conditional use permit (for example: limited family business, animal boarding, mineral extraction, or any other listed conditional use): Tourist or Transient Lodging	Is this application being submitted to correct a violation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Provide a short but detailed description of the proposed conditional use: We seek a conditional use permit to use a secondary home on our property as a farm stay for overnight guests. Tourist lodging will provide an additional revenue stream for our farm that will help us sustain the apple, flower, and honey businesses we are building. It will provide opportunities for farm produce sales to guests and education for the importance of farm preservation.	

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determined that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included. Note that additional application submittal requirements apply for particular uses or as may be required by the Zoning Administrator. Applicants for significant and/or potentially controversial conditional uses are strongly encouraged to meet with staff prior to submittal.

<input type="checkbox"/> Complete attached information sheet for standards	<input type="checkbox"/> Site Plan drawn to scale	<input type="checkbox"/> Detailed operational plan	<input type="checkbox"/> Written legal description of boundaries	<input type="checkbox"/> Detailed written statement of intent	<input type="checkbox"/> Application fee (non-refundable), payable to Dane County Treasurer
--	---	--	--	---	--

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I hereby give permission for staff of the Dane County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the review of this application. I acknowledge that submittal of false or incorrect information may be grounds for denial of this application.

Owner/Agent Signature: *Kerstin Mabie* Date: 3/14/22

STANDARDS FOR CONDITIONAL USE PERMITS

Applicants must provide adequate evidence demonstrating to the Town and Dane County Zoning & Land Regulation Committee that the proposed conditional use satisfies the following 8 standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in sections 10.220(1) and 10.103 of the code.

Please explain how the proposed land use will meet the following standards (attach additional pages, if necessary):

1. The establishment maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
Tourist lodging is well established in Wisconsin and Dane County. We live on the adjacent parcel and will enforce lodging rules forbidding large gatherings, loud noises, and disruptive behavior. We will offer the house as a quiet retreat on a diversified farm.
2. 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.
Woods will block sight of the house from adjacent properties and Highway 51. The house will be visible from Washington Road, but its design will be sensitive to the landscape and architectural traditions of the neighboring farms. From Washington Road, the house will look very much like a traditional tobacco barn.
3. 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.
Several conditional uses have recently been permitted on adjacent properties, and we anticipate no problems with orderly operation of the adjacent dog grooming business or farm animal sanctuary. Neither will the house impact adjacent farm operations.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.
We intend to build a single lane driveway from Washington Road that will service both our orchard and the tourist lodging house.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
We anticipate one car coming and going from the house during most rental periods and will not allow large gatherings or parties with multiple cars.
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
The house, well, and septic system will be built to all applicable building and sanitary codes.
7. The conditional use is consistent with the adopted town and county comprehensive plans.
Our intent in building this house is to preserve farmland and the agricultural character of rural Dane County and Albion Township.
8. If the conditional use is located in a Farmland Preservation (FP) Zoning district, the conditional use is subject to the following additional standards found in section 10.220(1). Attach additional pages, if necessary.
 - Explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district:
Please see the attached proposal "Project Overview: Pied Beauty Farm Stay"
 - Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations:
 - Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use:
 - Explain how the use does not substantially impair or limit the current or future agricultural use of surrounding parcels zoned for agricultural use:
 - Explain how construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible:

WRITTEN STATEMENT OF INTENT AND OPERATIONS PLAN

Applicants must provide a detailed written statement of intent describing the proposed conditional use along with an operational plan that explains how the conditional use will be operated. Please use the form below and provide responses, as applicable, to your proposed conditional use. Attach additional pages, if necessary.

Describe in detail the proposed conditional use. Provide the specific location of the use(s), type of equipment used, planned property improvements, including description / size of existing or proposed new buildings to be used, and any other relevant information. For existing or proposed commercial operations, provide the name of the business and describe the nature and type of business activity.

Since 2018, we have been transitioning our 40-acre (15 tillable acres) farm from a conventional corn and soybean farm to a diversified organic farm. We have planted 250 apple trees with plans to continue to grow the orchard. We have established an apiary and we grow cut flowers for wholesale and retail sale. We also rent a portion of our tillable land to a vegetable farmer. Our proposed tourist and transient lodging will support our farm work and thereby sustain the long-term integrity of the farm by providing another revenue stream, opportunities for farm produce sales to lodging guests, and increased awareness of the importance of farmland preservation through agrotourism. We will offer the house for nightly, weekly, or monthly rental year round. We will site the house far back from both Highway 51 and Washington Road, and will build in a style sensitive to the landscape and traditional farm architecture. The proposed driveway will provide access to the house but it will also service our orchard during harvest time.

List the proposed days and hours of operation.
We offer the house for rent seven days a week throughout the year.

List the number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.
We will own, operate, and maintain the house and require no employees. The number of guests will be limited to 8.

List any anticipated noise, odors, dust, soot, runoff or pollution associated with the conditional use, along with any proposed measures that will be taken to mitigate impacts to neighboring properties.
Lodging tourists will not generate unreasonable noise, odors, dust, soot, runoff, or pollution. We do not anticipate impacts to neighboring properties beyond the usual residential construction noises.

Describe any materials proposed to be stored outside and any activities, processing or other operations taking place outside an enclosed building.
We will have dining patio behind the house facing the woods.

For proposals involving construction of new facilities and/or infrastructure, describe, as applicable, any measures being taken to ensure compliance with county stormwater and erosion control standards under [Chapter 11](#) of [Chapter 14](#), Dane County Code.

List and describe existing or proposed sanitary facilities, including adequate private onsite wastewater treatment systems, associated with the proposed conditional use. For uses involving domestic pets or livestock, list and describe measures taken to address manure storage or management.
As required by code, we will install a well and septic system to service the home.

List and describe any existing or proposed facilities for managing and removal of trash, solid waste and recyclable materials.
Residential trash service will collect garbage as with the neighboring homes.

Describe anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.
We intend to build a driveway to the home from Washington Road; the conditional use will cause no more traffic than an ordinary house.

Provide a listing of any hazardous, toxic or explosive materials to be stored on site, and any spill containment, safety or pollution prevention measures.
We will not store any hazardous, toxic, or explosive material on the site.

Describe any existing or proposed outdoor lighting along with any measures that will be taken to mitigate light-pollution impacts to neighboring properties. The Zoning Administrator may require submittal of a photometric plan for outdoor lighting if deemed necessary to determine potential impacts to neighbors.
An exterior light will light the doorway to the house.

Describe any existing or proposed signage, including size, location, and materials, consistent with the county's sign ordinance found in s. [10.800](#).
We will not post a sign.

Briefly describe the current use(s) of the property on which the conditional use is proposed.
The property is currently an orchard, flower and vegetable farm, and apiary. The tourist lodging will support continuance of these uses.

Briefly describe the current uses of surrounding properties in the neighborhood.
Our neighbors to the northeast run a dog kennel. Our neighbor to the east is a non-profit animal sanctuary. Our western and northern neighbor

Operations Plan and Narrative

Hours of Operation

As a transient and tourist lodging, the house will be available to host guests twenty-four hours a day, 365 days a year. In practice this means that 1-8 guests and 1-2 cars will come and go from the house as they would from any residence. To the neighbors and residents of Albion and Dane County, the transient and tourist lodging will be indistinguishable from other residences.

Number of Employees

We do not anticipate hiring any employees. The maximum number of people on the premises will be limited to six guests, but in practice, the layout of the house and number of beds will attract couples or perhaps small families of 4-5.

Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.

We do not anticipate any noise from the house reaching any of our neighbors. The transient and tourist conditional use will not result in any odors, dust, soot, runoff, or pollution at all.

Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.

As this is a residential tourist and transient lodging, we will not be storing any materials outside and no processing or other operations will take place on the property.

Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison and Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.

We will seek permits for a well and septic system that will service the house. The well will be drilled and the septic system will be installed by licensed contractors who will comply with all town, county, and state regulations.

Facilities for managing and removal of trash, solid waste and recyclable materials.

The transient and tourist lodging will generate no more trash, solid waste, and recyclable materials than a typical residence, and we will rely on residential trash and recycling collection to remove waste.

Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

We anticipate, at most, two passenger cars coming and going from the proposed transient and tourist lodging. However it will be far likelier that a single car will bring guests to the house. We will seek a driveway permit from the town of Albion with entrance from Washington road. Because there will be no increased traffic beyond that of a typical residence, we will not seek and will not need any road improvements or traffic mitigation measures.

A listing of hazardous, toxic or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken.

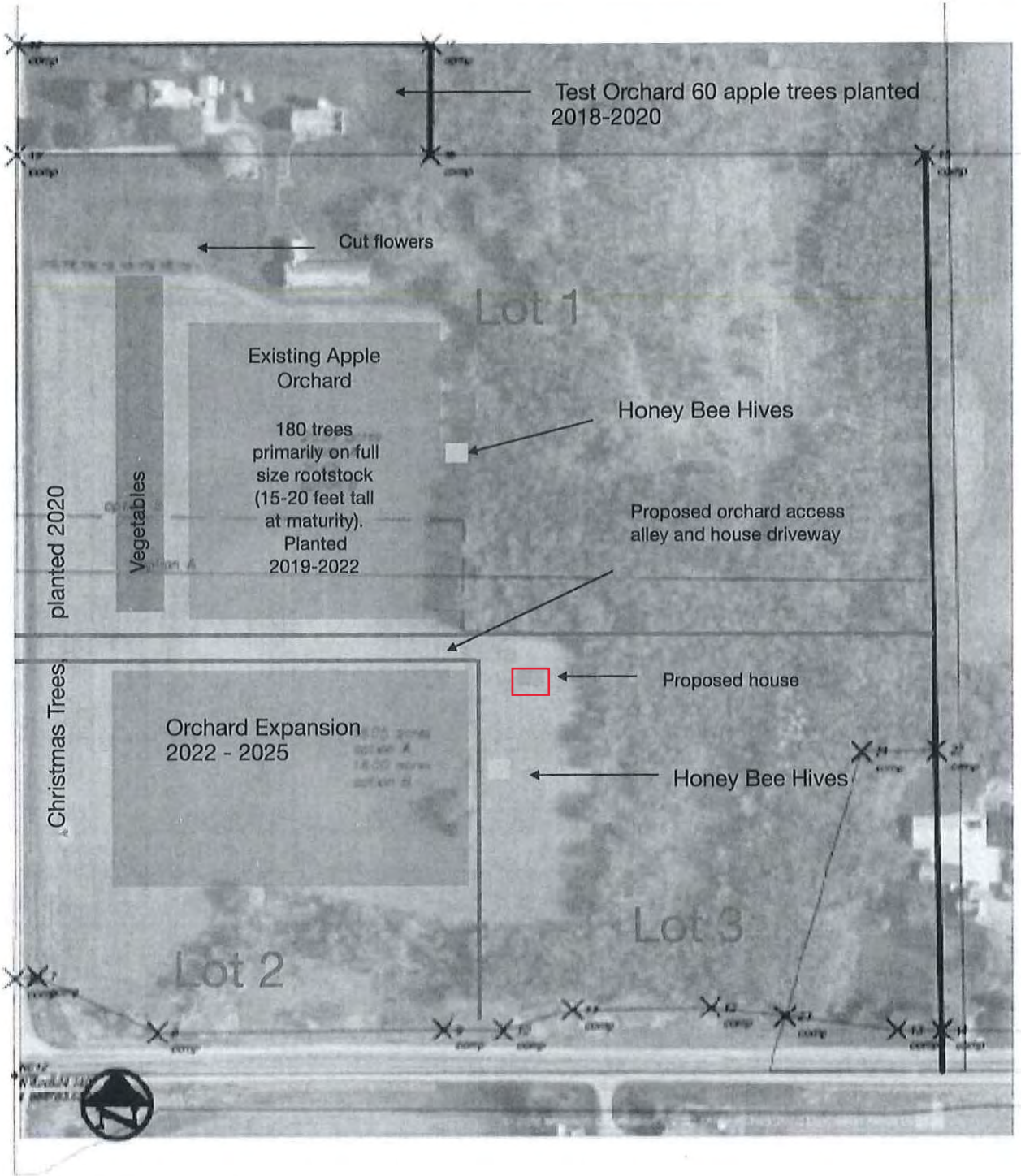
Other than a typical residential liquid propane gas tank to serve the house, we will not be storing any hazardous, toxic, or explosive material on site.

Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties.

We will have a single outdoor light above the primary entrance to the house. This light will be dark sky approved to preserve the view of the gorgeous starry night skies above the farm and to limit light impact on neighbors and passersby.

Signage, consistent with section 10.800.

We are not going to install any signs related to the transient and tourist lodging conditional use.



GRAPHIC SCALE



1 inch = 20 ft

Neighborhood Characteristics

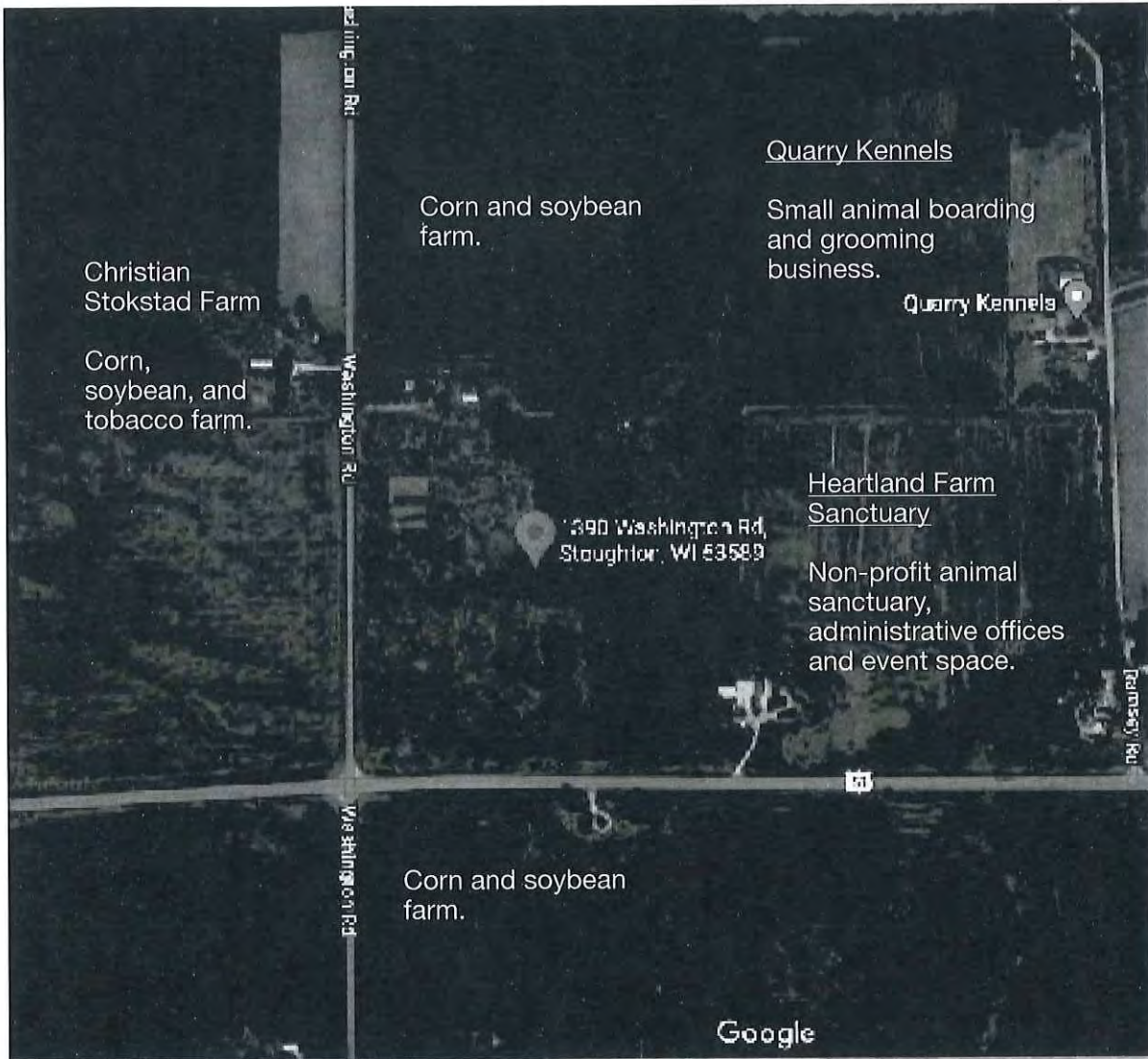
Provide a brief written statement describing the current use(s) of the property on which the conditional use is proposed.

The property is currently an orchard and flower farm as well as an apiary. It also includes our primary residence. The tourist lodging will support continuance of these uses.

Provide a brief written statement documenting the current uses of the surrounding properties in the neighborhood.

Our neighbors to the northeast run a dog kennel. Our neighbor to the east is a non-profit animal sanctuary. Our western neighbor across Washington Road, our southern neighbor across Highway 51, and our northern neighbor are conventional corn and soybean farms.

Conditional Use Permit
Neighborhood Map



Christian Stokstad Farm

Corn, soybean, and tobacco farm.

Corn and soybean farm.

Quarry Kennels

Small animal boarding and grooming business.

Quarry Kennels

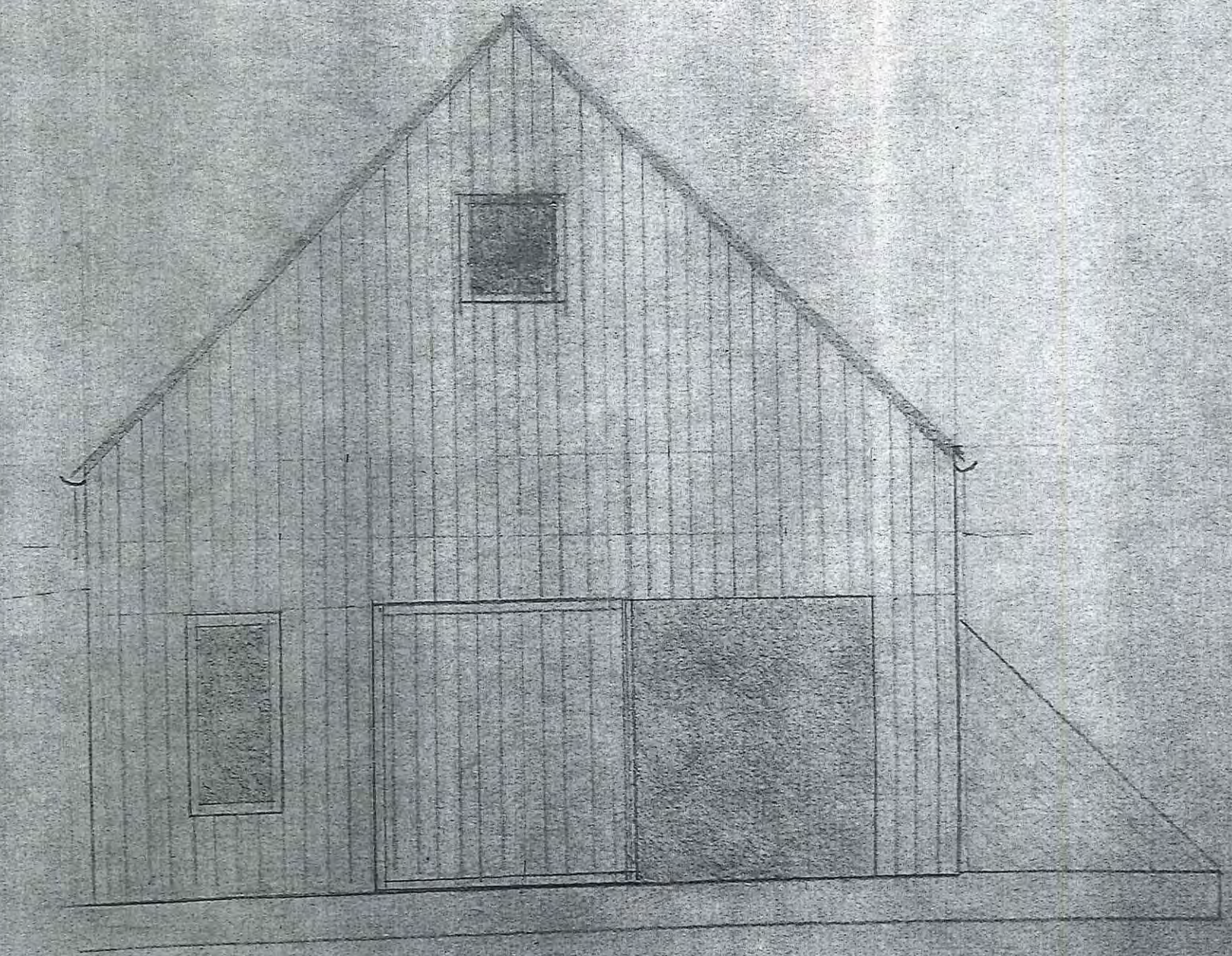
390 Washington Rd,
Stoughton, WI 53589

Heartland Farm Sanctuary

Non-profit animal sanctuary, administrative offices and event space.

Corn and soybean farm.

Google

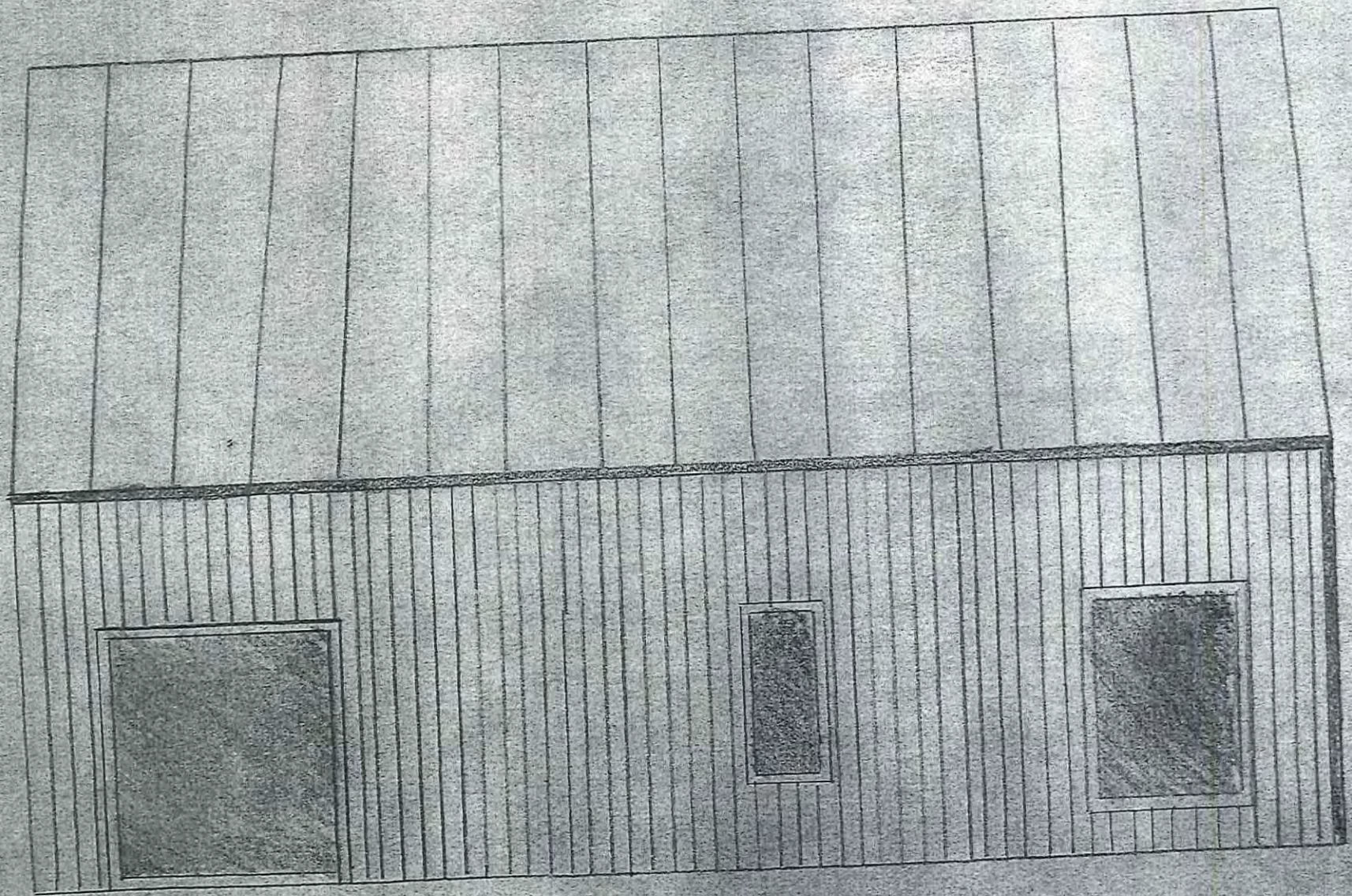


2

2

55

2

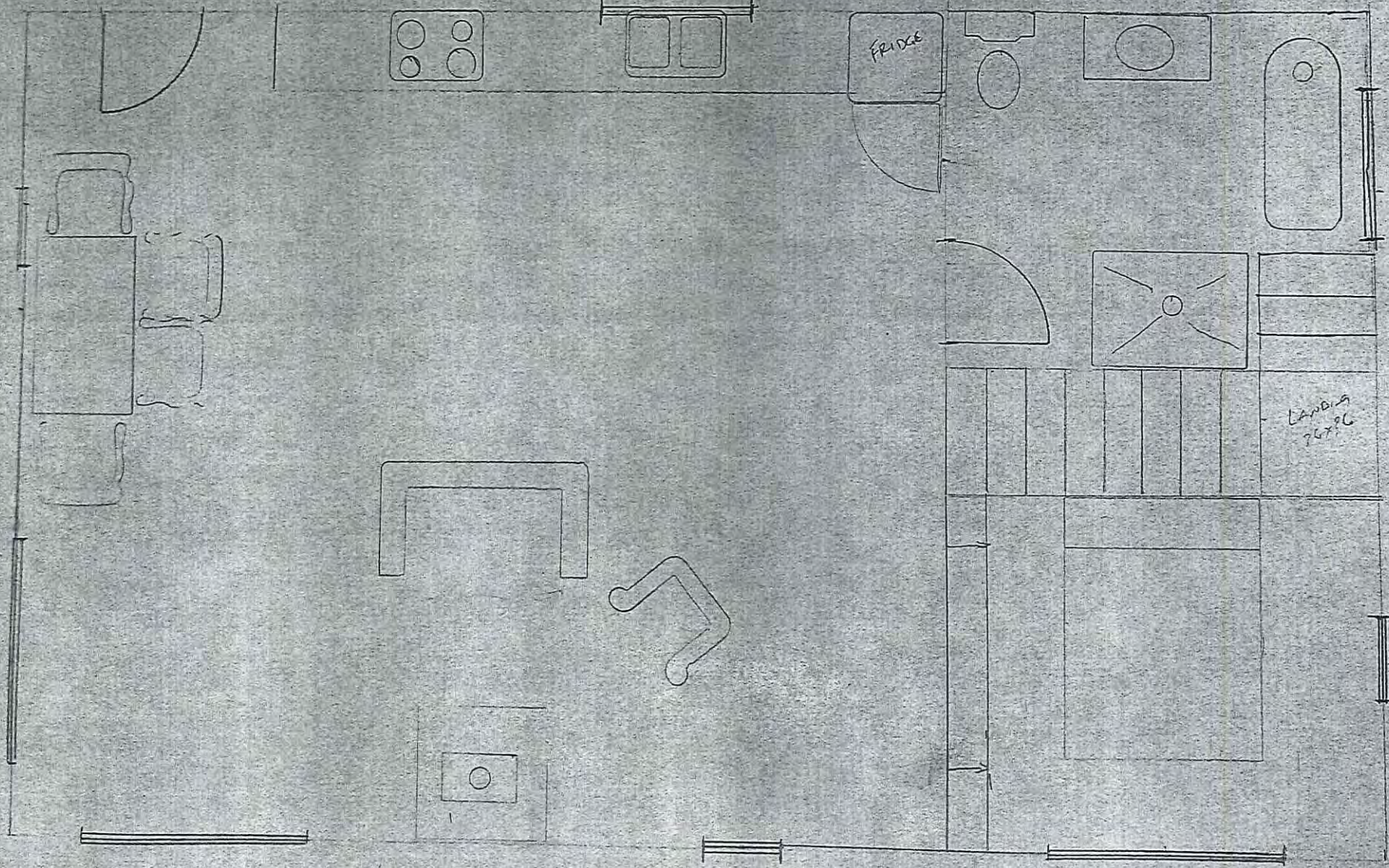


48" wide
Awnings

FRIDGE

48" window

CABINETS
76x96



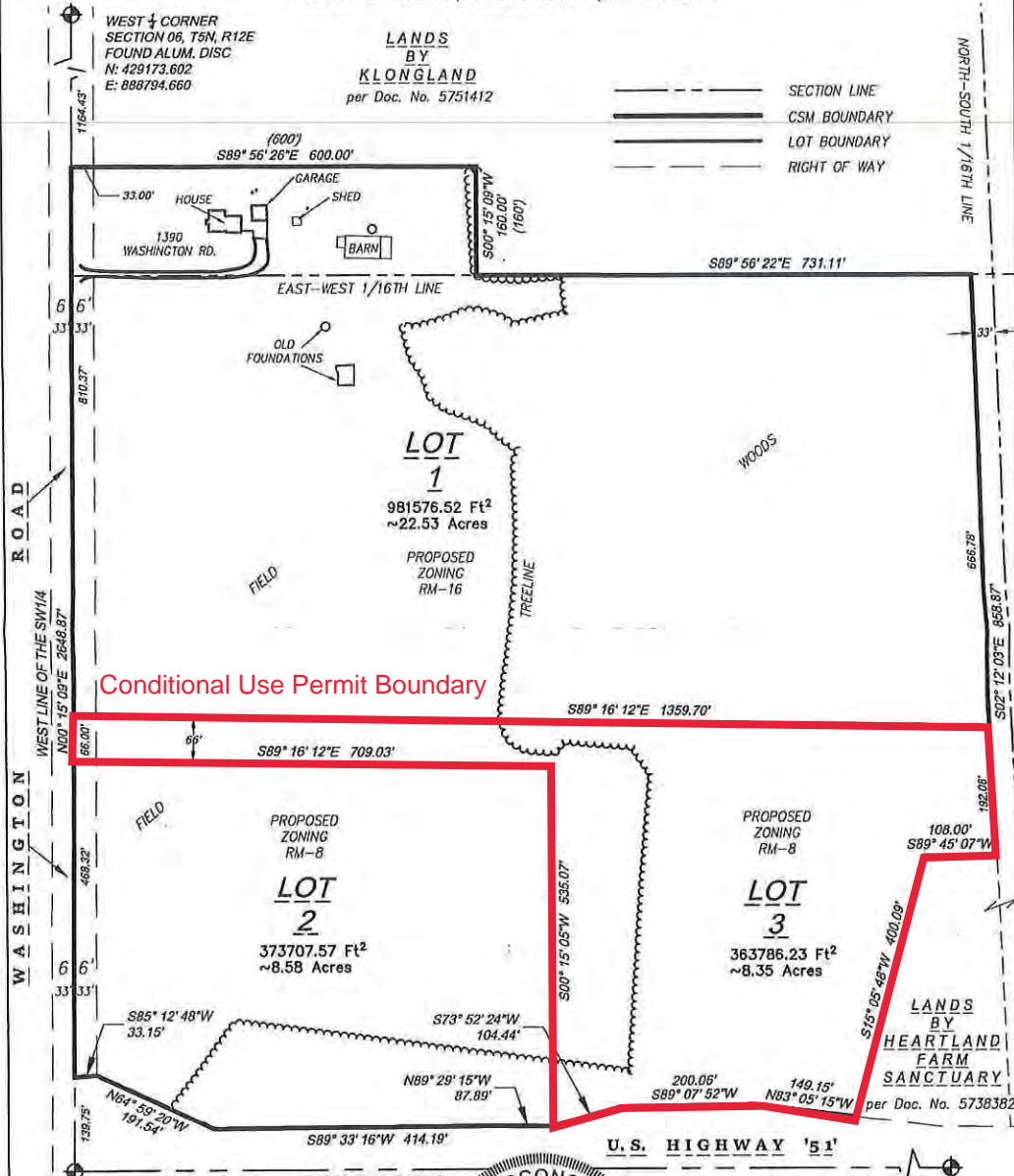
PRELIMINARY CERTIFIED SURVEY MAP

PART OF THE E1/2 OF THE SW1/4 OF FRACTIONAL SECTION 06, T5N, R12E,
TOWN OF ALBION, DANE COUNTY, WISCONSIN.

WEST 1/4 CORNER
SECTION 06, T5N, R12E
FOUND ALUM. DISC
N: 429173.602
E: 888794.660

LANDS
BY
KLONGLAND
per Doc. No. 5751412

- SECTION LINE
- CSM BOUNDARY
- LOT BOUNDARY
- RIGHT OF WAY



Conditional Use Permit Boundary

SOUTHWEST CORNER
SECTION 06, T5N, R12E
FOUND ALUM. DISC
N: 426524.761
E: 888782.988

N89° 54' 05" E 2754.75'
SOUTH LINE OF THE SW1/4

SOUTH 1/4 CORNER
SECTION 06, T5N, R12E
FOUND ALUM. DISC
N: 426529.498
E: 891537.734

SURVEYED BY:

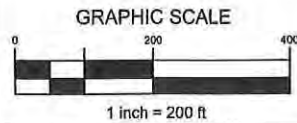
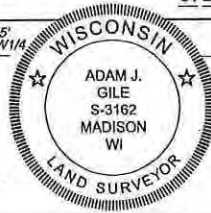
Gile Land Surveying
1870 Paddock Place
Fitchburg, WI 53575

SURVEYED FOR:

Josh Mable
Korstin Mable
1390 Washington Road
Stoughton, WI 53689

SURVEYED ON:

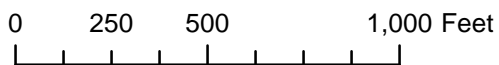
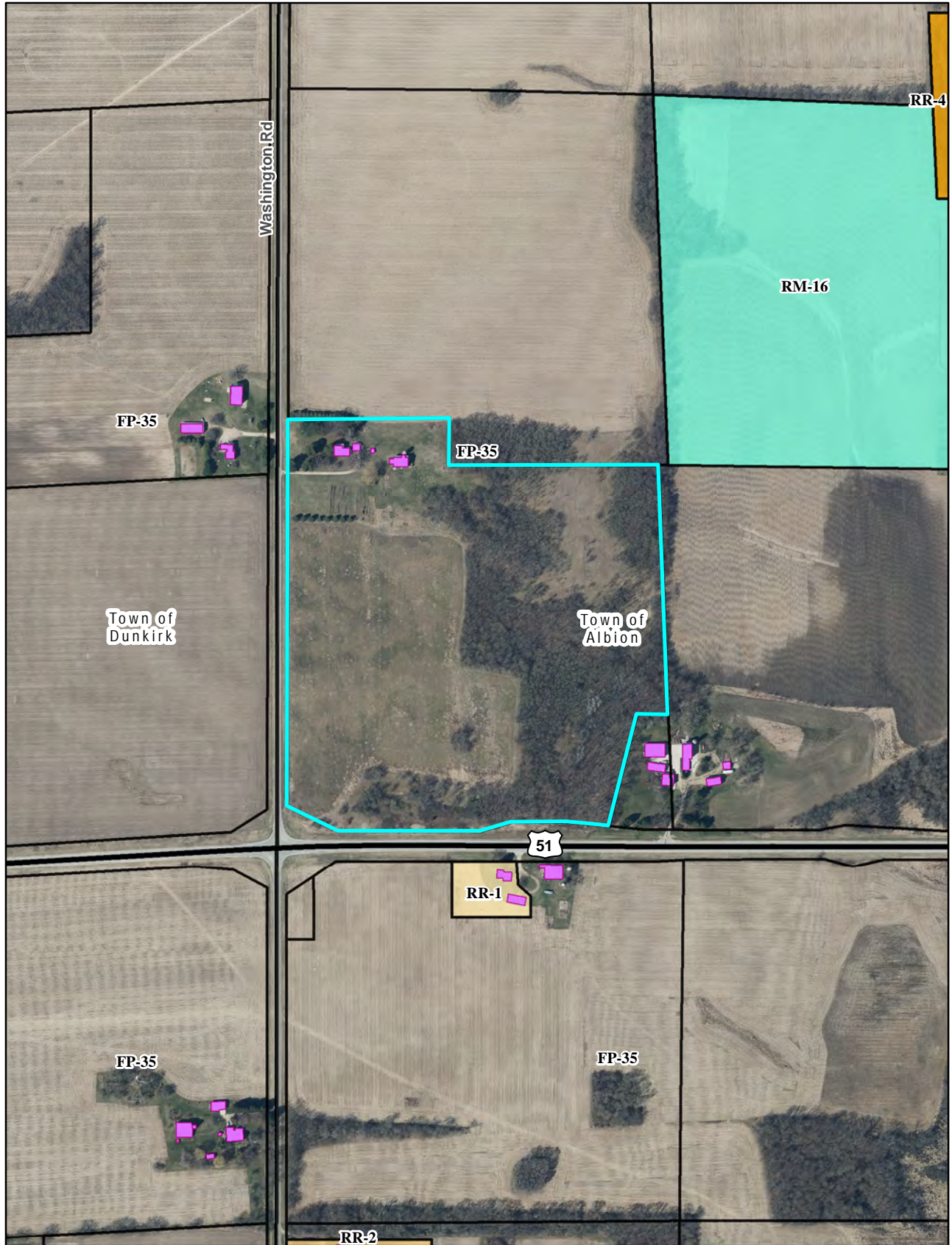
1/20/2022



SHEET 1 OF 4

BEARINGS REFERENCED TO THE
DANE COUNTY COORDINATE
SYSTEM NAD 83 (2011) AND
REFERENCED TO THE SOUTH
LINE OF THE SW1/4 OF S6, T5N,
R12E, MEASURED AS N89° 54' 05" E





Neighborhood Plan