



Dane County Zoning Division

City-County Building
210 Martin Luther King, Jr., Blvd., Room 116
Madison Wisconsin 53703
(608) 266-4266/266-9083
Fax (608) 267-1540

DANE COUNTY CONDITIONAL USE PERMIT #2580

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.101(7) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANTS Conditional Use Permit #2580 for a Large animal (horse) boarding operation conditioned upon Dane County Code of Ordinances Section 10.101(7)(d) and subject to the additional conditions listed below:

EFFECTIVE DATE OF PERMIT: February 28, 2023

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

LOCATION: 272 Edgerton Road, Town of Albion

LEGAL DESCRIPTION: That part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 34, Town 5 North, Range 12 East, Town of Albion, Dane County, Wisconsin, bounded and described as follows:

Beginning at the North $\frac{1}{4}$ corner of said Section 34; thence S00°36'18"E along the North-South $\frac{1}{4}$ line of Section 34, 393.45'; thence N89°16'09"W, 1047.43' to the centerline of Edgerton Road; thence N19°09'09"W along said centerline, 418.28' to the North line of Section 34; thence S89°16'09"E, 1180.52' to the point of beginning.

CONDITIONS:

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.

THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.
7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.
8. If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220.

EXPIRATION OF PERMIT

Upon the allowed land use's cessation or abandonment for a period of one year, this conditional use permit will be deemed to have been terminated and any future use shall be in conformity with the ordinance.