
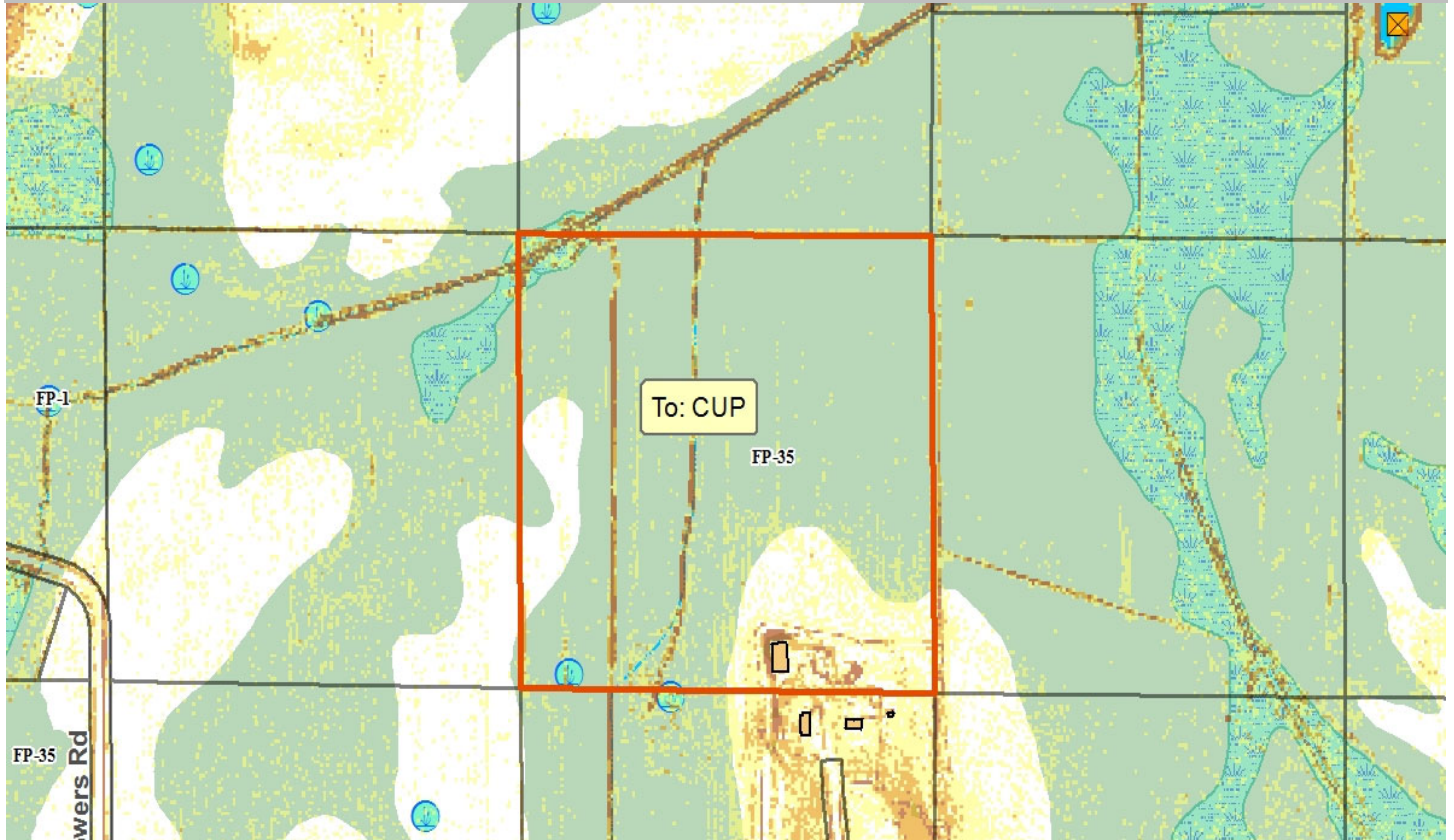


Staff Report  Zoning and Land Regulation Committee	Public Hearing: October 25, 2022		CUP 02574
	Zoning Amendment Requested: TO CUP: Limited Farm Business - electrical contractor		Town/Section: PRIMROSE, Section 23
	Size: 40 Acres	Survey Required.	Applicant SNIDER FARM LLC (ROGER SNIDER)
	Reason for the request: Limited Farm Business - electrical contractor		Address: 8326 COMMUNITY ROAD



DESCRIPTION: Applicant Roger Snider requests a conditional use permit (CUP) for a Limited Farm Business, in order to operate an electrical contractor business (T&L Electric) out of an existing pole barn. The applicant submitted the application to address the fact that the business has been operating on site without the necessary zoning approvals. If approved, the CUP would bring the property into compliance with applicable zoning regulations. No site or building alterations are proposed in conjunction with the CUP.

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 written findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:

- i. *General standards for approval of a conditional use under s. 10.101(7)(d);*
- ii. *Any prescribed standards specific to the applicable zoning district.*
- iii. *Any prescribed standards specific to the particular use under s. 10.103.*

The zoning committee must deny a CUP if it finds that the standards for approval are not met. The committee must approve a CUP if it finds that the standards for approval are met.

For any CUP, specific consideration must be given to the substantial evidence that the applicant has provided that the proposed use will meet the CUP criteria listed below, from Section 10.101(7)(d) of the Zoning Code:

- a. *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;*
- b. *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;*
- c. *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;*
- d. *That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;*
- e. *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; and*
- f. *That the conditional use shall conform to all applicable regulations of the district in which it is located.*
- g. *That the conditional use is consistent with the adopted town and county comprehensive plans.*
- h. *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).*

Standards specific to the applicable zoning district are noted in the “Factual Information” section below.

Zoning Code s. 10.103(13) lists the following requirements for a Limited Farm Business:

- a. *Uses are limited to those listed as permitted uses in the LC or GC zoning districts, provided the use does not conflict with the overall purposes of the applicable zoning district.*
- b. *Area dedicated to the Limited farm business use must not exceed 10,000 square feet in indoor floor area.*
- c. *Limited farm businesses must be contained entirely within building(s) in existence prior to April 30, 2005.*
- d. *The landowner must maintain, restore or enhance the existing exterior character of the building(s).*
- e. *No Limited farm business shall employ more than 4 non-family employees.*

Finally, Zoning Code s. 10.220(1) requires that, in addition to the requirements above, the ZLR Committee must find that the following standards are met before approving any CUP in any Farmland Preservation zoning district:

1. *The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.*
2. *The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.*
3. *The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.*
4. *The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.*
5. *Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.*

OBSERVATIONS/ FACTUAL INFORMATION: The 40-acre parcel on which the barn sits (hereafter referred to as the “subject property” or “site”) is part of a 200-acre tract owned by Snider Farm LLC. The site is zoned FP-35 General Farmland Preservation, and is surrounded by other agricultural parcels with FP-35 zoning. The nearest residences to the barn are roughly 2,712 feet to the north, 2,725 feet to the east, 1,000 feet to the south (across Community Road), 1,200 feet to southwest, and 3,100 feet to the west.

The applicant has described how he believes the proposed conditional use would meet the CUP standards in the zoning ordinance. The barn would be used as a rendezvous point for employees to meet and go out to job sites, and for storing company vehicles. All other work would be done off-site. Estimated traffic is the arrival and departure of up to 4 employees per day, in up to 5 company vehicles per day (including the owner’s). Operating hours would be Monday-Friday 7:00am to 6:00pm, except during emergencies. No site construction is proposed or anticipated.

The applicant states that the proposed CUP is consistent with the Town and County comprehensive plans and farmland preservation policies, because the electrical business serves several active dairy farms in the area, enabling fast response times when electrical problems arise, that the operation would not involve any conversion of farm land, and the property can be converted back to full farm use without any structural changes to the barn.

Standards Specific to the Applicable Zoning District

The existing buildings and proposed use appear to meet the requirements of the FP-35 zoning district, including land use, lot size and building setbacks. The original application requested a Limited Family Business; this was corrected to Limited Farm Business because this is an allowable conditional use in the FP-35 zoning district.

The subject property also contains Shoreland Zoning and Resource Protection Areas, but not near the barn where the proposed contractor business would operate. Soils are non-hydric and non-prime in the area of the proposed CUP operation (the area immediately surrounding the barn and driveway).

Standards Specific to the Particular Use

The proposal was reviewed against the standards for limited farm businesses in Zoning Code s. 10.103. The FP-35 zoning district is intended, among other things, to “provide for a wide range of agriculture and agricultural accessory uses, at various scales” and “allow for other incidental activities, compatible with agricultural use, to supplement farm family income and support the agricultural community.” Limited farm businesses are listed as an agricultural accessory use.

The barn was constructed prior to April of 2005 and is roughly 4,100 square feet in size, well under the 10,000 square foot limit for limited farm businesses. The applicant intends to maintain the barn in its current condition. He states the electrical business would have a maximum of 4 employees and 5 company vehicles on site per day.

Resource Protection

No resource protection corridors are mapped in the area surrounding the barn where the conditional use would operate.

TOWN PLAN: The property is within a Farmland Preservation Area under the *Town of Primrose/Dane County Comprehensive Plan*. The plan supports conditional use permits for commercial activities that “support existing agricultural activities, provide supplemental income for farm families or provide agricultural-related services.” CUP boundaries should be limited to that portion of land necessary for the commercial use. (For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing@countyofdane.com)

TOWN ACTION: On August 1, 2022 the Town Board recommended approval of the CUP with no conditions.

STAFF RECOMMENDATION: Staff recommends that the ZLR Committee should determine if, by the substantial evidence presented, the proposed use satisfies or will satisfy the above conditional use requirements. Staff believes the applicant has provided sufficient evidence to satisfy the requirements, in addition to the recommended conditions below.

Recommended Conditions of Approval:

1. The Limited Farm Business activity shall be limited to an electrical contractor business.
2. All operations of the Limited Farm Business must take place entirely within the existing accessory barn building, and adjacent driveway on the same tax parcel, as shown on the CUP application site plan.
3. The limited farm business shall be limited to a maximum of 4 non-family employees.
4. The conditional use permit shall automatically expire on sale of the property or sale of the business to an unrelated third party.
5. Hours of operation shall be limited to Monday-Friday 7:00am to 6:00pm, with exceptions during emergencies.
6. No signs shall be allowed in association with the conditional use.
7. No sanitary fixtures (sink or toilet) are permitted to be installed as part of the limited farm business.

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 located, 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 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.
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 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. 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.
20. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

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