

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # CUP 2584 Dane County ZLR Committee Public Hearing \_\_\_\_\_

Whereas, the Town Board of the Town of DANE 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: \_\_\_\_\_ In Favor \_\_\_\_\_ Opposed

TOWN BOARD VOTE: 2 In Favor 0 Opposed  
1 member abstained.

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 10.222 (3) (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):

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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.

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I, Angie Volkman, as Town Clerk of the Town of Dane, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Aug 14th, 2023.

Town Clerk Angie Volkman Date August 21, 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)

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|---|---|
| 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 type="checkbox"/> SATISFIED / <input checked="" 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 type="checkbox"/> SATISFIED / <input checked="" 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 type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.   | 4. <input type="checkbox"/> SATISFIED / <input checked="" 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 type="checkbox"/> SATISFIED / <input checked="" 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 type="checkbox"/> SATISFIED / <input checked="" 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 type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED            |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

Standard #1 is not applicable.

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**EXPLANATION OF FINDINGS OF FACT RECOMMENDING  
DENIAL OF CONDITIONAL USE PERMIT**

As a supplement to the Findings of Fact set forth on page 2 of this report, the Town Board finds as follows:

1. **Not Satisfied.** Bonetti Road, which will serve the quarry, is dangerous in that there are no guardrails on the road, there is a steep decline on the west side of the road leading into the quarry, the road is not wide enough for two dump trucks to pass each other, the grades of the road are steep, and people walk the road for exercise on a regular basis. There is also a concern that the applicant will not be able to enforce the desired requirement that all dump trucks be tarped as the trucks leave the quarry and the applicant will not be able to enforce the speed limit of 30 mph and jake brakes will need to be used on Bonetti Road.
2. **Not Satisfied.** The quarry as planned will change the atmosphere and environment of the neighborhood considerably. All of the residents in the immediate area are opposed to the quarry. Road access to the quarry is poor. The value of the properties owned by the people that reside in the neighborhood now will be diminished and the use of their properties will be negatively impacted by the quarry in that the quarry will produce significant noise and dust in an area that is presently quiet. The residents in the immediate neighborhood purchased property in this neighborhood because they did not want to be disturbed and the introduction of a quarry into the area will have a negative impact on their lives.
3. **Not Satisfied.** This area is generally used for crop production, woodlands and hunting purposes. The introduction of a quarry will disrupt wildlife in the area, significantly damage the hunting in the area and reduce the cropland production.
4. **Not Satisfied.** The Town Board is satisfied with the stormwater and erosion control measures as proposed by the applicant. However, the access roads are the significant concern at this time.
5. **Not Satisfied.** See comments referenced above.
6. **Satisfied.** No comments.
7. **Not Satisfied.** The introduction of a quarry into this area is not consistent with the existing Comprehensive Plan for the Town of Dane. The present use of this property is agricultural and crop production. The long-range plan for this property is to always be used for agricultural and crop production purposes. The use of the land as agricultural and crop production is consistent with the present Comprehensive Plan and the entire area in close proximity to the proposed quarry is also proposed to always be agricultural and crop production land.
8. **Not Applicable.**