

OPERATIONAL PLAN
Ounla Thongsavanh
2154 Rinden Road
Parcel Number 046-0611-034-9685-0
November 19, 2019
Revised December 12, 2019

Type of Activity Proposed: Religious use for Lao Buddhist Temple. The property will serve as the focal point of religious festivities for the local Lao Buddhist community. The accessory shed will function as a community center. Parishioners will use the property as a place of meditation, worship, and community gathering for celebrations and religious events.

- a. **Hours of Operation:** Community gatherings for religious purposes will occur between the hours of 10 am to 7 pm on Saturday and Sunday. One to two monks will reside full-time at the temple building (house on original site plan).
- b. **Number of Full-time Employees:** Zero. The Lao Buddhist Temple does not have any full-time employees. All Temple activities are performed by volunteers. The Temple provides free housing and meals for one to two monks at a time at the houses.
- c. **Anticipated Noise, Odors, Dust, Soot, Runoff or Pollution:** No increase in odors, dust, soot, runoff or pollution is anticipated. On weekends, there may be some minor increase in road noise at the entrance to the property, due to parishioner use of the property, but traffic volume due to the Temple will be low, with not more than 26 vehicles anticipated on any given day. Stands of coniferous trees will create a sound buffer. In addition, since all the buildings on the property are over 380 feet from the nearest single family residence, any sound exposure by the nearest single family residence should be minimal. No loudspeakers or other amplified sound will be used outdoors.
- d. **Outdoor storage and activities:** Outdoor activities will include communal meals such as potlucks, occasional processions or outdoor worship, and may include a farm and craft market up to 5 times per year. These would all take place in the field between the temple (house) and community center (large shed), more than 380 feet from the nearest single family residence. The religious use would not add any additional outdoor storage beyond the usual and customary for rural residential use that is permitted.
- e. **Compliance with county stormwater and erosion control standards under Chapter 11 or Chapter 14, Dane County Code:** Parking will be on a gravel lot, which is a pervious surface. Construction of the parking lot will comply with Dane County stormwater and erosion control standards. Drainage will flow to culverts as indicated on Exhibit A.
- f. **Sanitary facilities.** An approved and Dane County compliant septic system is in place, located north of the temple building (house), and will be appropriately maintained. See Site Plan, Exhibit D. The parking lot will not be placed on or near the septic drainage

field. In addition, a rented porta-potty is located fifteen feet to the west of the community center (shed), and will be properly maintained. See Site Plan, Exhibit D.

- g. Facilities for managing and removing trash, solid waste and recyclables:** The Temple has contracted with Pelliterri for trash and recyclables removal. All else will be removed by Temple members.
- h. Anticipated daily traffic, types and weights of vehicles, and measures to accommodate increased traffic:** No increase in traffic is anticipated for Monday through Friday. On Saturdays and Sundays, traffic may include up to 26 automobiles, carrying up to 30 to 50 parishioners in total. The driveway will be widened to 18 feet to allow for two-way traffic, and adequate parking will be provided as indicated on Exhibit A and the Site Plan, Exhibit D. A 26 space gravel parking lot will be constructed in compliance with Dane County requirements about 45 - 60 feet from the centerline of Rinden road, behind a barrier of coniferous trees, as indicated on Exhibit A. As a maximum of 50 parishioners is anticipated, the parking easily meets the zoning requirement of 1 parking space per every 6 occupants in the new Dane County Zoning Ord. 10.102(8)33. for religious gathering spaces, and in the old Dane County Zoning Ord. 10.18(5)(g) for churches and theaters. Accessible parking for persons with disabilities will be provided as indicated on Exhibit A.
- i. Hazardous, toxic or explosive materials:** The owner is unaware of any hazardous, toxic or explosive materials stored on site, other than small personal quantities used for permitted residential purposes such as cleaning and gardening. Any use and storage of hazardous or toxic materials will be limited to those uses permitted by law for the property's zone, such as for cleaning or gardening purposes. Cleaning and gardening supplies will be stored in appropriate containers according to instructions, kept in amounts of appropriate size and quantity for maintenance and use of the property as described in this operational plan, and used according to label instructions, at or below beneficial rates. Clean-up of spills and disposal will be according to label instructions.
- j. Outside lighting:** Parking lot lighting will be placed approximately as indicated on Exhibit E, and will be turned on from about dusk to 7:00 pm on nights when the parking lot is used, usually only Saturday and Sunday nights. A few low level solar lights may be placed along the driveway. Building lights are placed according to code. The temple building (house) has a solar light at the doorway. The garage has two lights by the door. The community center (shed) has one outside light.
- k. Proposed signs:** One sign will be posted as indicated on Exhibit A and the Site Plan, Exhibit D. The sign will not exceed the lesser of 30" x 96" or the Dane County sign standards.

Drafted by Attorney Felice F. Borisy-Rudin
Borisy-Rudin Law, LLC
PO Box 5148, Madison, WI 53705

AMENDED RESPONSE TO SIX STANDARDS OF A CONDITIONAL USE PERMIT

Ounla Thongsavanh

2154 Rinden Road

Parcel Number 046-0611-034-9685-0

November 19, 2019

Revised December 12, 2019

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.

Operation of a Lao Buddhist Temple is neither detrimental to, nor a danger to, the public health, safety, comfort, or general welfare. It will promote religious observance, benevolence, and generosity. The site will serve as the focal point of religious festivities for the local Lao Buddhist community. One to two monks will reside in the house, which will also be the location of the Temple. See Site Plan, Exhibit D. The accessory shed will function as a Community Center. See Site Plan, Exhibit D. Parishioners will use the property as a place of meditation, worship, and community gathering for celebrations and religious events.

Main hours of operation will be 10 AM to 7 PM on Saturdays and Sundays. Most parishioners would only come on Sundays, but some may visit on Saturdays. Generally, about 10 to 20 people come on weekends to meditate. When there is a holiday, or reason for a social gathering, at most up to 50 people may attend. For example, on a Sunday in good weather, about 30 people including children may come for a picnic.

Lao Buddhism is a religion based on three concepts:

- Dharma, the doctrine of the Buddha, a guide to right action and belief;
- Karma, the responsibility of a person for all his or her actions in all past and present incarnations; and
- Sangha, the ability of a person to improve the sum of his or her actions.

The essence is in Four Noble Truths taught by the Buddha:

- Suffering exists;
- Suffering has a cause, which is the craving for existence;
- A person is capable of controlling this craving; and
- Peace of mind can be attained by following an Eightfold Path.

The Eightfold Path consists of:

- Right understanding;
- Right purpose;
- Right speech;
- Right conduct;
- Right vocation;
- Right effort;
- Right thinking; and
- Right meditation.

An average Lao Buddhist person works to improve his or her karma by following the rules of moral conduct. Karma can be improved by earning merit (het boun – to do good), by acts of benevolence and generosity, by supporting the monks and the temples, and by avoiding five prohibited activities (killing, stealing, lying, forbidden sexual acts, and intoxication). Some of the opportunities for earning merit include participation in Lao Buddhist holidays.

A partial list of the religious observances and holidays that would be observed includes the following:

Secular New Year	January 1
Buddha Day	February or March
Laos New Year (Boun Pimai)	Mid-April
Boon Bang Fai – Rocket Festival	May or June
Khao Phansaa	July
Visiting monks	Mid-August
Visiting monks	Mid-September
Boun Ork Phansa or Awk Phansaa	October
Good luck party celebration	End of October
Boun That Luang	Mid-November

During special holidays or celebrations, parishioners may engage in various activities similar to those in any religious assembly, including meditation, listening to sermons, providing gifts of food to the monks, acoustic music, chanting, processions, songs, dancing, fairs, contests, and eating communal meals.

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.

The Religious Land Use and Institutionalized Person Act, 42 USC § 2000cc. (RLUIPA), supersedes this standard. Sec. (a)(1) of RLUIPA provides that “No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution” is both “in furtherance of a compelling governmental interest” and “the least restrictive means of furthering that compelling governmental interest.” As standard 2., above, is vague, and based in a history of discrimination against minorities, people with dark skin color, and people with non-Christian religions, it should not be applied in consideration of this application for a conditional use permit for a religious use.

In addition, sec. (b)(2) of RLUIPA states that “No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.” The Town of Pleasant Springs has already approved a religious use in

nearby land marked on its Future Land Use map as Farmland Preservation, specifically the Western Koskonong Lutheran Church, located at Church Street and Koshkonong Road. See Exhibit C. The Lao Buddhist Temple's requested use in essence would be similar to that of the Western Koskonong Lutheran Church.

However, even if standard 2. were to be applied, the religious use of the property will in no foreseeable manner substantially impair or diminish the uses, values and enjoyment of the other property in the neighborhood. In particular, the property will be maintained as mostly undeveloped land, with no new buildings. In addition, since the Temple and the Community Center are significantly set back from the road, and separated by tree stands and over 380 feet from the nearest single family residence, any sound exposure by the nearest single family residence should be minimal. See Exhibit B and Site Plan, Exhibit D. No loudspeakers or other amplified sound will be used outdoors.

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.

Because the religious use of the property does not in any way affect the surrounding land, this use will have no effect on the development or improvement of surrounding properties.

Additionally, the parking lot will be constructed out of pervious surface, gravel, so will not significantly add to any drainage issues, and drainage will be directed to the existing ditches alongside Rinden Road. See Exhibit A for Drainage flow.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

Parking: A 26 space gravel parking lot will be constructed in compliance with Dane County requirements about 45 - 60 feet from Rinden road, behind a barrier of coniferous trees, as indicated on Exhibit A. As a maximum of 50 parishioners is anticipated, the parking easily meets the zoning requirement of 1 parking space per every 6 occupants in the new Dane County Zoning Ord. 10.102(8)33. for religious gathering spaces, and in the old Dane County Zoning Ord. 10.18(5)(g) for churches and theaters. Accessible parking for persons with disabilities will be provided as indicated on Exhibit A. Parking lot lighting will be placed approximately as indicated on Exhibit E, and will be turned on from about dusk to 7:00 pm on nights when the parking lot is used.

Drainage: Drainage will flow as indicated on Exhibit A.

Sanitation: An approved and compliant septic system is in place, located north of the Temple. See Site Plan, Exhibit D. The parking lot will not be placed on or near the septic drainage field. In addition, a porta-potty is located about fifteen feet to the west of the Community Center, and will be properly maintained. See Site Plan, Exhibit D.

Signage: The sign will be posted as indicated on Exhibit A and the Site Plan, Exhibit D. The sign will not exceed the lesser of 30" x 96" or the Dane County sign standards.

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.

The driveway will be widened to 18 feet to allow for two-way traffic, and adequate parking will be provided as described above, and indicated on Exhibit A and the Site Plan, Exhibit D.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Due to the Dane County rezoning, which will be adopted by the Town of Pleasant Springs in January 2020, the property is scheduled to be zoned RR-8 (Rural Residential, 8 to 16 acres), and "accommodates uses which are compatible with both residential and farming practices." Sec. 10.244(1)(a), Dane County Zoning Ordinance, rev. 013119. Permitted uses include "small-scale farming," "single family residential," "community living arrangements for fewer than 9 persons," and "incidental room rental." Sec. 10.244(2), Dane County Zoning Ordinance, rev. 013119. Conditional use permits are available for "governmental, institutional, religious, or nonprofit community uses." Sec. 10.244(3)(f), Dane County Zoning Ordinance, rev. 013119.

Religious use of the property is provided for as a conditional use. The religious use of this property, if granted as a conditional use, shall conform to all applicable regulations of the district.

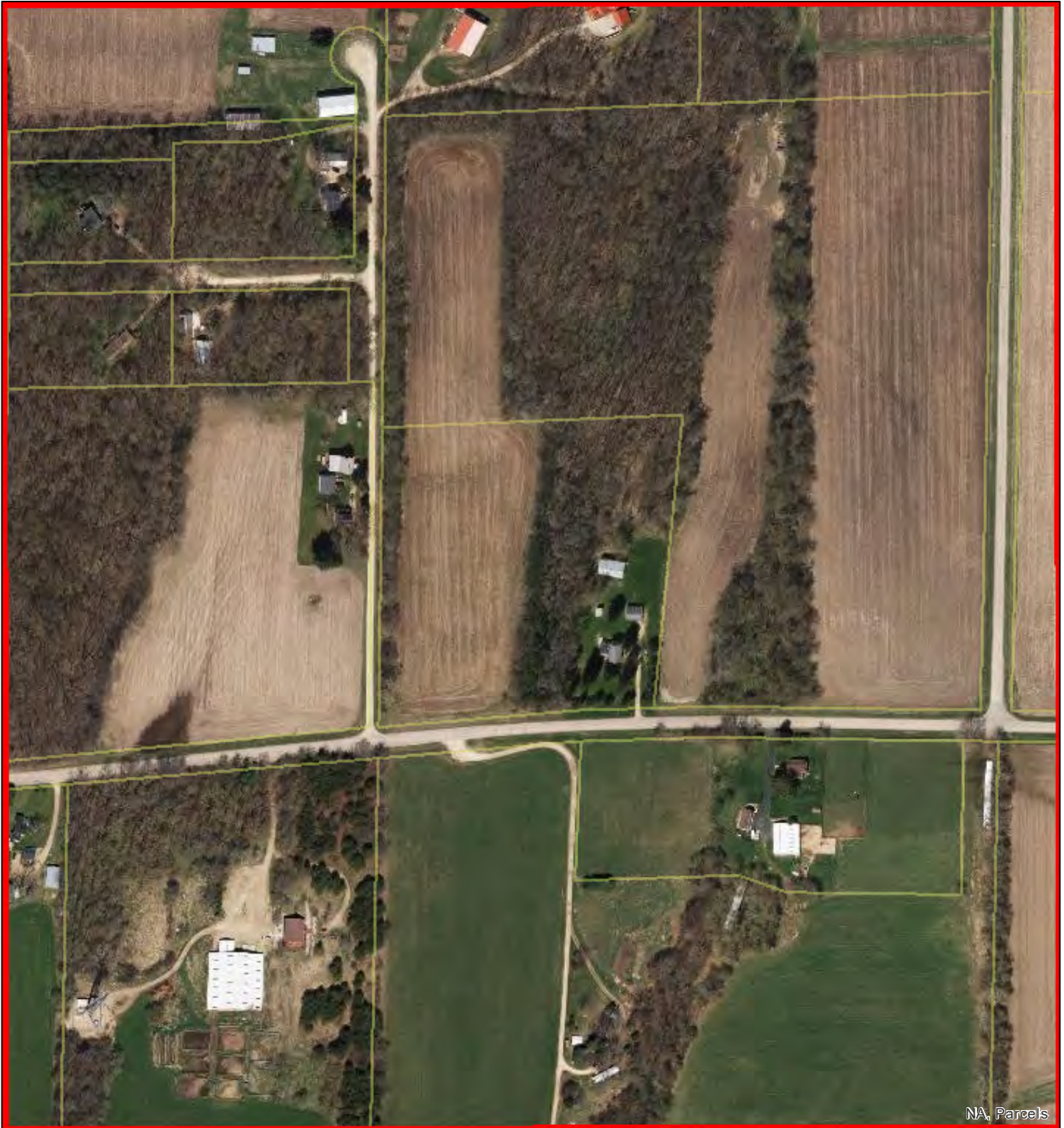
In addition, the anticipated additional uses of the property are permitted uses. For example, only one or two monks will reside in the house at a time. On rare occasion, they may have overnight visitors. Up to five additional monks may visit from time to time, usually for just one day, but may occasionally stay overnight if they are coming from far away. At all times, fewer than nine persons will stay overnight in the house. This is a permitted use. In addition, a small amount of the land near the house may be used for a kitchen garden. This small-scale farming is also a permitted use.

Drafted by Attorney Felice F. Borisy-Rudin
Borisy-Rudin Law, LLC
PO Box 5148, Madison, WI 53705



EXHIBIT A

Dane County Map




October 10, 2019

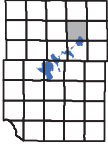
 Parcels

EXHIBIT B

0 190 380 760 Feet



Town of Pleasant Springs



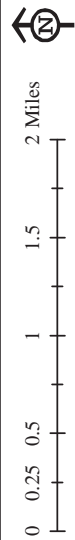
Future Land Use

Land Use Planning Areas

- Lake Kegonsa & Lower Yahara River Residential Area
 - Interstate Interchange Area
 - Rural Mixed Use
 - Transitional Agriculture
 - Farmland Preservation
 - Resource Protection Overlay *
 - Proposed Off-road Bicycle and Pedestrian Trail
- Bike Path**
- Existing
 - Proposed
 - Municipal Boundary

*The Resource Protection Overlay is comprised of Wetlands, 100 Year Floodplain, Surface Water, areas within 75 feet of Surface Water, steep slopes as identified in the community land use plan.

July, 2017



Source Info:
 Urban Service Area: 2017, (CARRC)
 Municipal Boundary: 2017, (DCPD)
 Tax Parcel Boundary: 2017, (DCPD)
 Zoning: 2017, (DCPD)

This map was prepared through the Dane County Department of Planning and Development in conjunction with the Dane County Land & Water Resources Department, Dane County Land Information Office and the Capital Area Regional Planning Commission

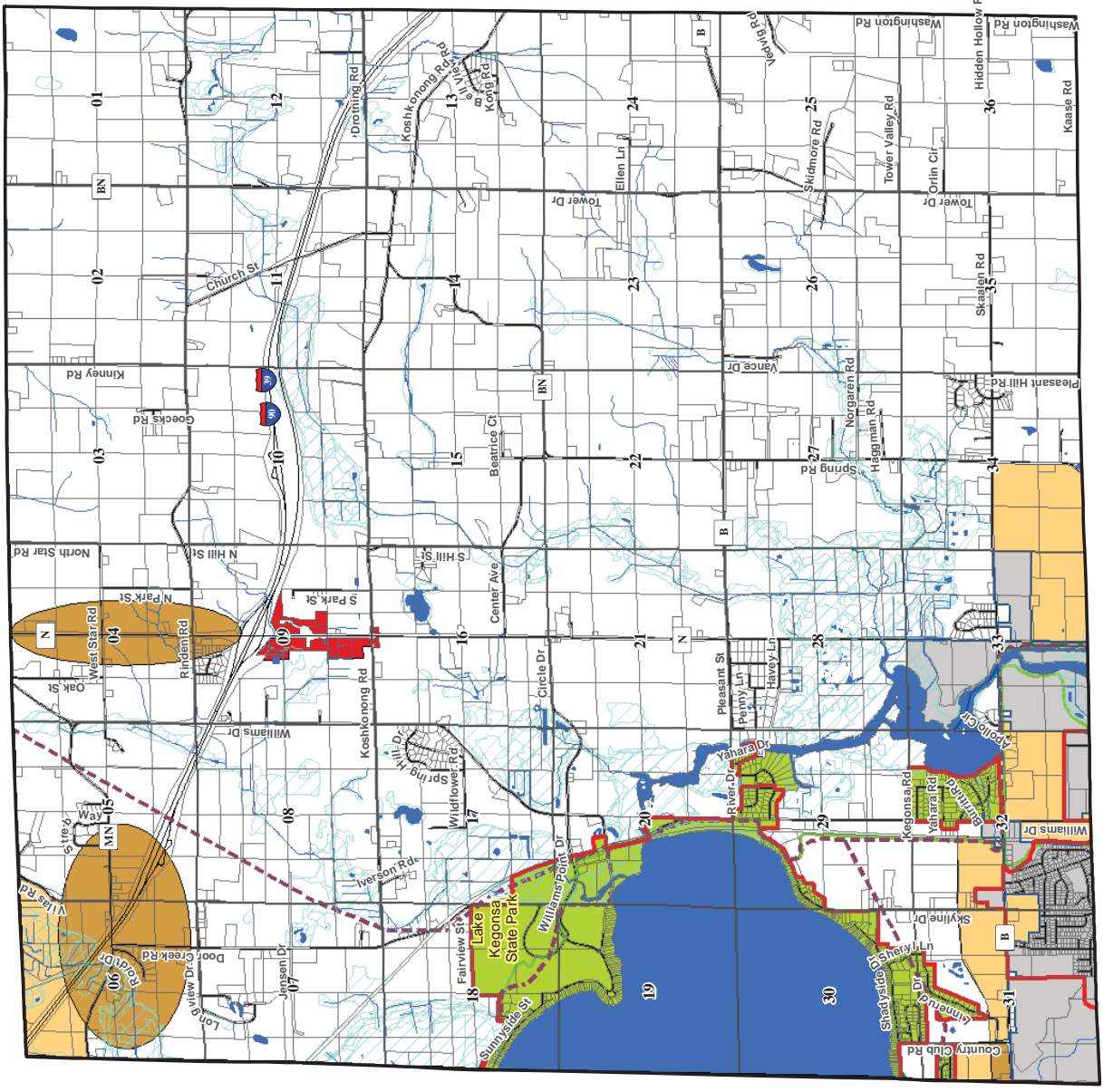


EXHIBIT C



BIRRENKOTT SURVEYING, INC.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

PLAT OF SURVEY

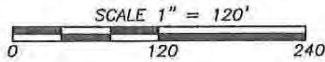
SURVEYOR'S CERTIFICATE:

I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code, Chapter A-E7. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided and is correct to the best of my knowledge and belief.

Daniel V. Birrenkott
Wisconsin Professional Land Surveyor No. S-1531. 8-29-2018

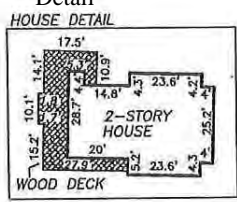
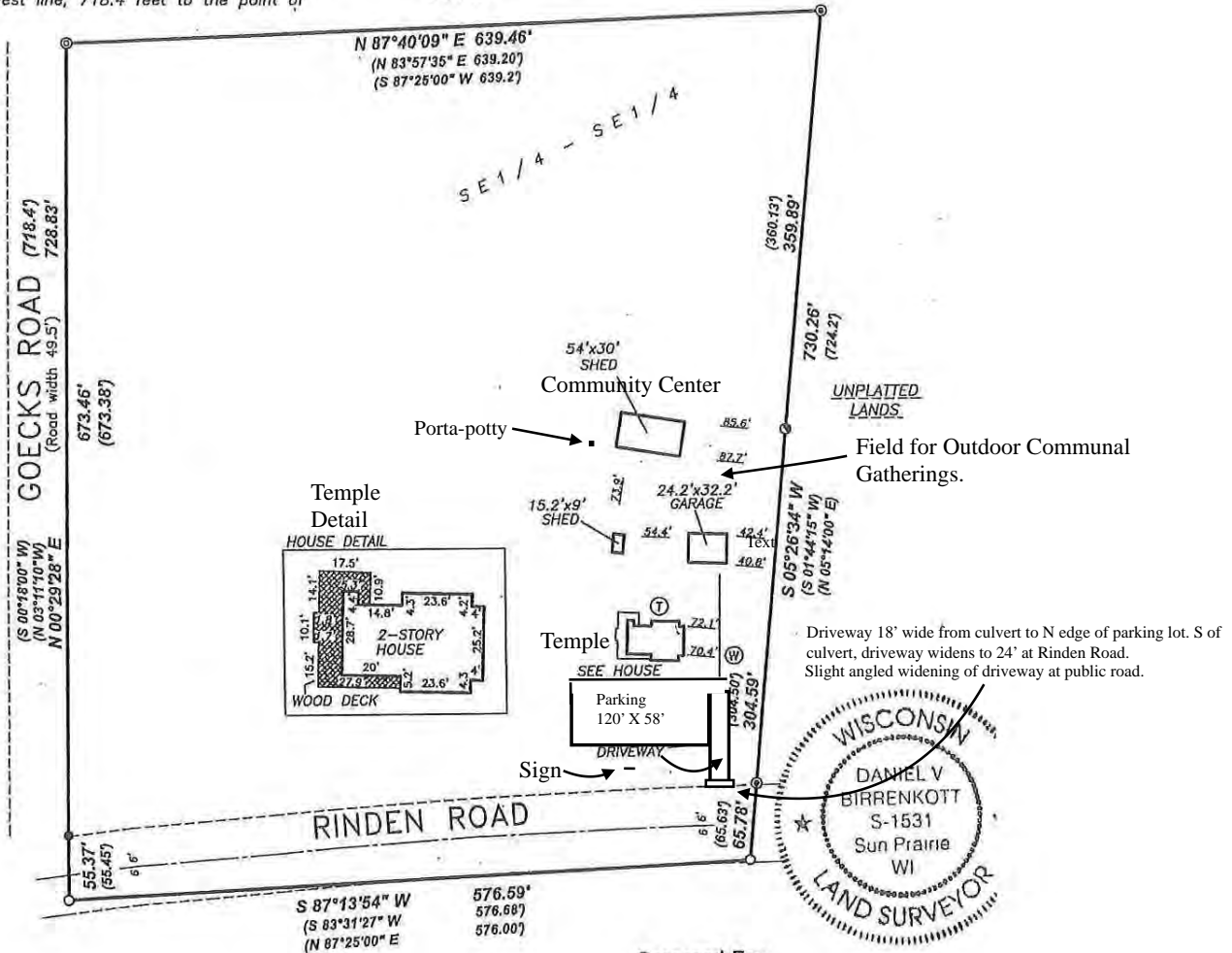
Description per Title Commitment:

Part of the Southeast 1/4 of the Southeast 1/4 of Section 3, Township 6 North, Range 11 East, in the Town of Pleasant Springs, Dane County, Wisconsin, which is more fully described as follows: Beginning at the Southwest corner of said Southeast 1/4 of the Southeast 1/4; thence North 87° 25' East, along the South line of said quarter quarter, 576.0 feet; thence North 5° 14' East, 724.2 feet; thence South 87° 25' West, 639.2 feet to the West line of said quarter quarter; thence South 0° 18' West, along said West line, 718.4 feet to the point of beginning.



UNPLATTED LANDS

Revised 11-19-2019 12-17-2019



Driveway 18' wide from culvert to N edge of parking lot. S of culvert, driveway widens to 24' at Rinden Road. Slight angled widening of driveway at public road.



Prepared For:
Leani Schoor
2154 Rinden Road
Cottage Grove, WI 53527
(608)-421-4078

- Legend:**
- ⊙ = Found 1/2" Iron Pipe
 - ⊙ = Found 3/4" Iron Pipe
 - ⊙ = Found 3/4" Iron Bar
 - ⊙ = Found 1" Iron Pipe
 - = 1"x24" Iron pipe set min. wt.=1.13#/ln.ft.
 - ⊙ = Septic Tank (no visible vents)
 - ⊙ = Well

Notes:
This survey is subject to any and all easements and agreements both recorded and unrecorded.

The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.

Wetlands, if present have not been delineated.

This survey shows visible, above-ground improvements only. No guarantee is made for below-ground structures.

Date of Survey: August 22, 2018

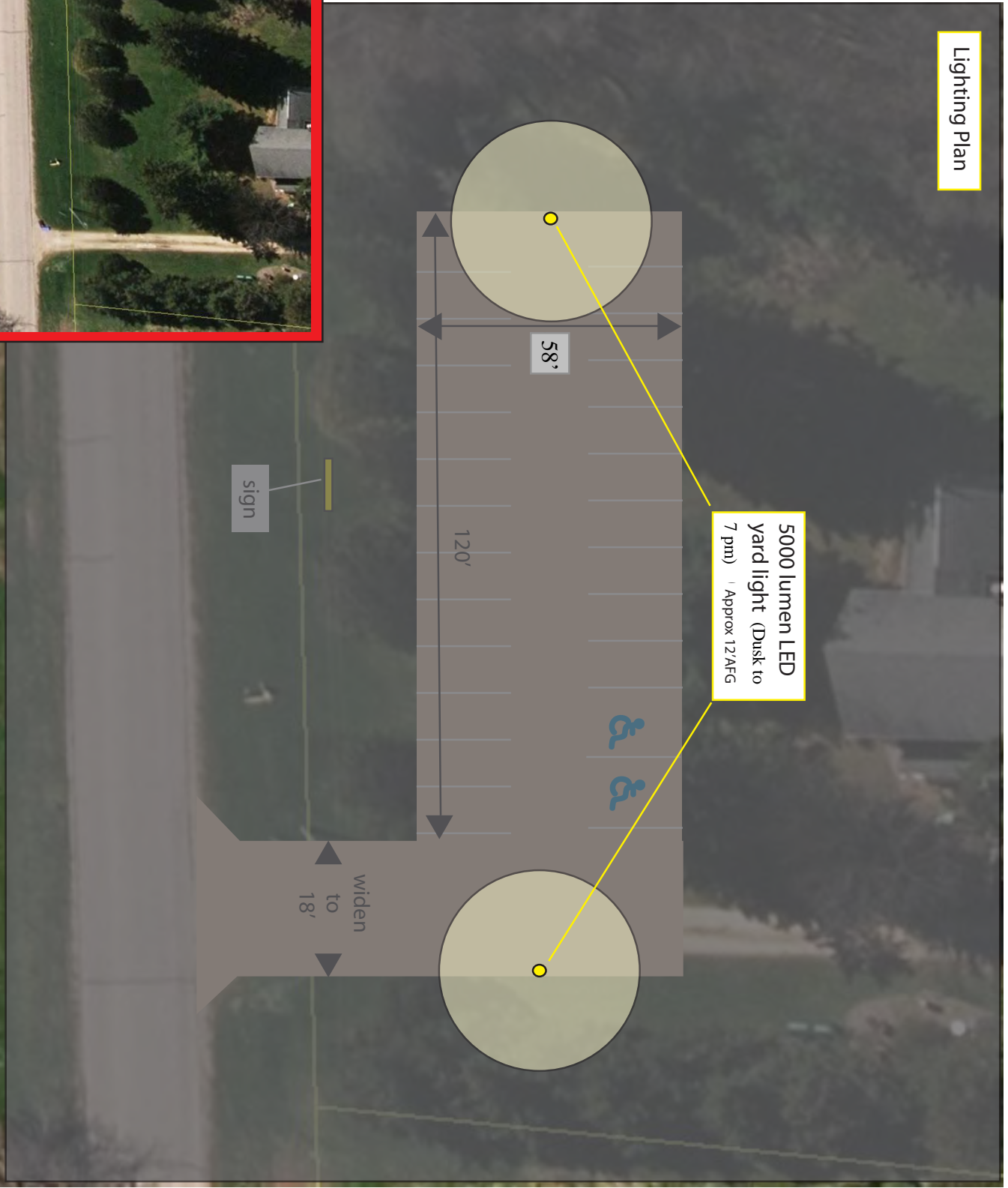
Survey was referenced to Glen L. Northrop Map #99-00912 Dated: Nov. 9th 2018 SHEET 1 OF 1

Dated: August 29, 2018
Surveyed: T.A.S.
Drawn: B.T.S.
Checked: D.V.B.
Approved: D.V.B.
Field book: 371/10
Comp. File: J:\2018\CARLSON
Office Map No. 180786

Bearings referenced to the South line of the Southeast 1/4 of the Southeast 1/4, platted bearing S87°15'54" W

EXHIBIT D 2018-01374

Lighting Plan



Not to Scale

Revised 12-12-19

EXHIBIT E