



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Tuesday, December 14, 2021

6:30 PM

Virtual meeting

ZOOM Webinar ID: 913 3082 3797

A. Call to Order

Chair Bollig called the December 14, 2021 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Lane, Everson, Andros and Violante.

Present 5 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

B. Public comment for any item not listed on the agenda

No public comments presented.

[2021](#) December 14, 2021 ZLR meeting registrants
[RPT-726](#)

Attachments: [Dec 14th ZLR meeting registrants.pdf](#)

C. Consideration of Minutes

[2021](#) Minutes of the November 23, 2021 Zoning and Land Regulation
[MIN-483](#) Committee meeting

Attachments: [11-23-21 ZLR Public Hearing minutes.pdf](#)

A motion was made by DOOLAN, seconded by KIEFER, that the November 23, 2021 minutes be approved. The motion carried by a voice vote, 5-0.

D. Public Hearing for Zoning Map Amendments, Conditional Use Permits, and Ordinance Amendments

E. Zoning Map Amendments and Conditional Use Permits from previous meetings

[02535](#)

PETITION: CUP 02535
APPLICANT: HOWVIEW LLC
LOCATION: 4073 N PLEASANT VIEW RD.,, SECTION 15, TOWN OF
MIDDLETON
CUP DESCRIPTION: daycare center

Attachments: [CUP 2535 Staff Update.pdf](#)
[CUP 2535 Town Action Report.pdf](#)
[CUP 2533 Corp Counsel Opinion.pdf](#)
[CUP 2535 Map](#)
[CUP 2535 APP](#)
[CUP 2535.pdf](#)

In support: Barret V. Van Sicklen

**A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote:
5-0.**

- 1. The Child care shall be for no more than 8 children.**
- 2. That a license from the department and children and families under Wis. Stat. §48.65 shall be maintained.**

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[02537](#)

PETITION: CUP 02537
APPLICANT: DUSTIN MAHER
LOCATION: 7537 FALLEN OAK DR.,, SECTION 29, TOWN OF
MIDDLETON
CUP DESCRIPTION: transient or tourist lodging -vrbo

Attachments: [CUP 2537 Staff Update.pdf](#)
[CUP 2537 Town Action Report.pdf](#)
[CUP 2537 Neighborhood Opposition letter.pdf](#)
[CUP 2537 Trost Opposition letter.pdf](#)
[CUP 2537 Map](#)
[CUP 2537 APP](#)
[CUP #2537.pdf](#)

In support: Dustin Maher

A motion was made by PETERS, seconded by KIEFER, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 5-0.

1. This Conditional Use Permit shall expire one (1) year after the effective date. Landowner may renew the CUP by successfully obtaining a new CUP prior to the expiration date.
2. The CUP is granted subject to all standard conditions specified in Dane County Zoning Ordinance Section 1.101(7)(d)2, as applicable;
3. This conditional use permit shall expire in the event the property is sold or transferred to another owner. Continuation or extension of an expired conditional use requires re-application and approval by the Town Board and Dane County.
4. The applicant shall comply with all licensing and permitting requirements for short-term rentals;
5. Landowner will apply for, obtain, and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.
6. The rental shall be limited to 8 overnight renters. Use of the property, including rental, shall be in full compliance with the sanitary permit for the property.
7. The maximum number of allowable rental days within a 365-day period is 180 days. The landowner must notify the Town Clerk in writing when the first rental within a 365-day period begins subsequent to issuance of the CUP.
8. Quiet hours shall be 10:00pm to 8:00am, all days of the week.
9. Peak noise levels shall not exceed 40 decibels [dB(a) scale], as measured at the property line, during quiet hours.
10. Peak noise levels shall not exceed 55 decibels [dB(a) scale], as measured at the property line, during hours other than quiet hours.
11. All renter vehicles must be parked on paved driveway surfaces or inside the existing garage at all times, with adequate access for emergency vehicles.
12. No more than two (2) dogs, with the exception of service animals. All dogs brought by renters must either be leashed or contained within adequate fenced areas while outside. Dogs must be kept indoors during quiet hours.
13. Any new outdoor lighting shall be downward-directed, designed to minimize

ambient spill, and shall comply with all applicable requirements of the Town of Middleton.

14. 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.

15. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site.

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.

17. Failure to comply with any imposed conditions, or to pay reasonable Town/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 the revocation.

18. If the transient or tourist lodging operation is abandoned for one year or more, this conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

19. The operation of all-terrain vehicles, ATVs, and snowmobiles by occupants of the transient or tourist lodging operation shall be prohibited on the property.

20. Signage is prohibited.

21. Fireworks are prohibited.

22. The owner, or their designated emergency contact person, must be available within one (1) hour to address any problems.

23. The owner or operator must provide the Town of Middleton Clerk with a copy of the current rental agreement no later than the date of issuance of the CUP. In the event the agreement is modified in any manner, the modified agreement must be provided to the Town of Middleton Clerk within ten (10) calendar days of the date the modified agreement is placed in use.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[02538](#)

PETITION: CUP 02538
APPLICANT: VALERIE AHL & TIMOTHY ALLEN
LOCATION: 4321 STATE ROAD 138, SECTION 8, TOWN OF RUTLAND
CUP DESCRIPTION: agriculture entertainment activities occurring 10 days
or more per calendar year

Attachments: [CUP 2538 Staff Update](#)
[CUP 2538 Town Action Report](#)
[CUP 2538 Applicant response to concerns](#)
[CUP 2538 DOT Authorization](#)
[CUP 2538 Map](#)
[CUP 2538 Site Plan](#)
[CUP 2538 Business Plan](#)
[CUP 2538 Written Support \(Rogowski\)](#)
[CUP 2538 Written Opposition \(Sears\)](#)
[CUP 2538 WI DSPS Wedding Barn Information](#)
[CUP 2538 APP](#)
[CUP #2538.pdf](#)

In support: Valerie Ahl

A motion was made by SMITH, seconded by DOOLAN, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 5-0.

1. This Conditional Use Permit is for Horse Boarding and related Agricultural Entertainment activities exceeding 10 days / calendar year. The covered activities include horse riding lessons, children's birthday parties, and other small private events related to the horse boarding operation.
2. Days / hours of operation: Riding lessons and Horse Boarding 8am-10pm Monday –Sunday. All other events 11am-7pm Friday and Saturday. 11am-5pm Sunday.
3. No more than 50 attendees allowed, per event.
4. No outdoor amplified speakers allowed.
5. Signage is to be added to prevent trespassing and clearly mark boundaries of property.
6. Any additional lighting to be downward facing and not to be seen by south facing property.
7. The applicant shall provide adequate sanitary facilities to accommodate the anticipated number of attendees at events.
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 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 Wisconsin Department of Transportation, Dane County Highway, Transportation and Public Works Department or the town engineer determine that access and/or 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 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 public 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. The CUP shall automatically expire upon sale of the property or transfer of ownership.

20. 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.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[02542](#)

PETITION: CUP 02542
APPLICANT: STEPHEN KUHN
LOCATION: 4216 MORRIS PARK ROAD, SECTION 8, TOWN OF DUNN
CUP DESCRIPTION: transient and tourist lodging

- Attachments:** [CUP 2542 Staff Update](#)
[CUP 2542 Town Action Report](#)
[CUP 2542 STR State Statute](#)
[CUP 2542 email in opposition & town response - Reilly](#)
[CUP 2542 email in opposition - Hangartner.pdf](#)
[CUP 2542 email in opposition - Jung.pdf](#)
[CUP 2542 email in opposition - Marek.pdf](#)
[CUP 2542 Map](#)
[CUP 2542 APP](#)
[CUP #2542.pdf](#)

In support: Steven Kuhn

A motion was made by PETERS, seconded by KIEFER, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 5-0.

1. The rental period shall be between a minimum of 7 days to a maximum of 29 days.
2. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.
3. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.
4. Applicant shall not advertise for, nor accept reservations for, more than 10 guests over 12 years old and no more than 10 total guests.
5. Operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed 4 parking spaces. Parking space limit shall appear in all advertising for the short-term rental.
6. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.
7. The applicant shall provide a phone number to neighbors within 300 feet, which can be reached if there is a problem at the property.
8. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
9. The CUP will terminate when the property is sold.
10. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.

11. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Uniform Dwelling Code.
12. 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.
13. 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.
14. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
15. At least six off-street parking spaces must be provided, consistent with s. 10.102(8).
16. 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.
17. 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.
18. The owner must post, in a prominent public 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.
19. 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.
20. 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. 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.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[02544](#)

PETITION: CUP 02544
APPLICANT: PAOLI CHEESE FACTORY ASSOCIATION LLC
LOCATION: 6858 PAOLI ROAD, SECTION 2, TOWN OF MONTROSE
CUP DESCRIPTION: indoor entertainment or assembly; outdoor
entertainment; commercial indoor lodging

Attachments: [CUP 2544 Staff Update](#)

[CUP 2544 Town Action Report.pdf](#)

[CUP 2544 Operational Plan REVISED 12-8-2021](#)

[CUP 2544 LWRD Preliminary Review Letter.pdf](#)

[CUP 2544 GECP_100 Scale_10-22-2021.pdf](#)

[CUP 2544 GECP_40 Scale_10-22-2021](#)

[CUP 2544 Map](#)

[CUP 2544 APP](#)

[CUP #2544.pdf](#)

In support: Nicolaas Mink

A motion was made by DOOLAN, seconded by KIEFER, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 5-0.

1. No more than the following number of people may be on the premises at any one time, associated with each specific use of the property:
 - a. Indoor commercial lodging (hotel), no more than 28 guests.
 - b. Indoor assembly, no more than 107 patrons total, consisting of the following:
 - i. Formal restaurant, no more than 60 patrons;
 - ii. Casual restaurant / café, no more than 15 patrons;
 - iii. Bar, no more than 32 patrons.
 - c. Outdoor entertainment, no more than 84 patrons or guests.
2. Hours of operation shall be limited to the following:
 - a. Hotel, 24 hours a day, 7 days a week.
 - b. Retail and café uses, 7:00 a.m. to 8:00 p.m., 7 days a week.
 - c. Formal restaurant and bar, 11:00 a.m. to 9:00 p.m., Wednesday through Sunday. The restaurant and bar will be closed on Monday and Tuesday.
3. The operation shall not employ more than 24 employees in total, with no more than 16 employees on the site at any one time.
4. Noise levels, from all uses combined, shall not exceed a peak level of 60 decibels (dbA scale), as measured from any property line.
5. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
6. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code.
7. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits, including Town of Montrose alcoholic beverage permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.

8. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements, including Town of Montrose alcohol licenses. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
9. Onsite wastewater sewage disposal systems and holding tanks must be installed and maintained, at the landowner's expense, in accordance with sanitary permits approved by the Dane County Division of Environmental Health, and in full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
10. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
11. At least 79 off-street parking spaces must be provided, consistent with s. 10.102(8).
12. 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.
13. 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.
14. The owner must post, in a prominent public 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.
15. 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.
16. 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.
17. 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.
18. This Conditional Use Permit will expire three years after the date of final approval. Continuance of covered activities after the expiration date requires approval of a new conditional use permit.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

F. Plats and Certified Survey Maps

[2021 LD-011](#) Preliminary Plat - Meier Farm
Town of Middleton
Staff recommends acceptance and schedule for future consideration
(conditional approval).

Attachments: [acceptance](#)
[21-26](#)
[Meier Farm Preliminary Plat 2021.09.07](#)

A motion was made by PETERS, seconded by KIEFER, that the preliminary plat be accepted and schedule for future consideration (12/28/2021). The motion carried by a voice vote. 5-0.

G. Resolutions

H. Ordinance Amendment

[2021 OA-002](#) AMENDING CHAPTER 10 THE DANE COUNTY CODE OF
ORDINANCES, REVISING VARIOUS SIGN REGULATION PROVISIONS

Sponsors: BOLLIG

Attachments: [Sub 1 to 2021 OA-002](#)
[2021 OA-002](#)
[2021 OA-002 Staff Memo](#)
[2021 OA-002 FISCAL NOTE](#)
[Sub 1 2021 OA-002 Staff Memo](#)
[OA-2 Town Action Portfolio](#)

A motion was made by Kiefer to amend Line 141 to replace the number 60 with the number 30 and amend Line 142 to replace the number 60 with the number 30. Motion failed for lack of second.

A motion was made by DOOLAN, seconded by SMITH, that Sub. 1 to the ordinance amendment be recommended for approval. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

A motion was made by DOOLAN, seconded by PETERS, that the Ordinance be recommended for approval as amended. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

I. Items Requiring Committee Action

[2021](#)
[ACT-328](#)

Site Plan Review for the relocation of a residence within the FP-35
Farmland Preservation Zoning District
Applicant: Crystal Follendorf
Location: 6648 Old 113 Road, Section 30, Town of Vienna

Attachments: [Follendorf Staff Report](#)
[Follendorf Site Plan](#)
[Follendorf Map](#)

A motion was made by KIEFER, seconded by PETERS, that the site plan be approved with one condition. The motion carried by the following vote: 5-0.

1. The existing residence shall be removed within 60 days after occupancy of the new house.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

J. Reports to Committee

Planning and Development Director Violante updated the Committee on the question oriented to remote meetings versus in-person meetings. The Committee asked staff to reach out to Corporation Counsel to answer the following question: "Is a formal motion of the Committee required to invoke the provisions of Section VII of the ZLR Rules and Procedures regarding meeting remotely?"

Assistant Corporation Counsel Dave Gault replied with the following: "No motion is required for the committee to proceed under Section VII. ZLR has already adopted this as part of their Rules and Procedures. Para. VII.a. specifically states that the process can be used "as deemed appropriate by the chair." I would also note that remote meetings are authorized by board committees per DCO s. 7.225(1)(c). I also believe the County Board Chair directed all board committees to hold virtual meetings for the duration of the pandemic."

K. Other Business Authorized by Law

L. Adjourn

The committee adjourned the December 14, 2021 Zoning and Land Regulation Committee meeting at 7:16 PM.

Questions? Contact Planning and Development Staff, 266-4266, or plandev@countyofdane.com.