



Staff Report

Public Hearing: **October 25, 2016**

Petition: **CUP 2360**

Zoning Amendment:
None

Town/sect:
**Springfield
Section 31**

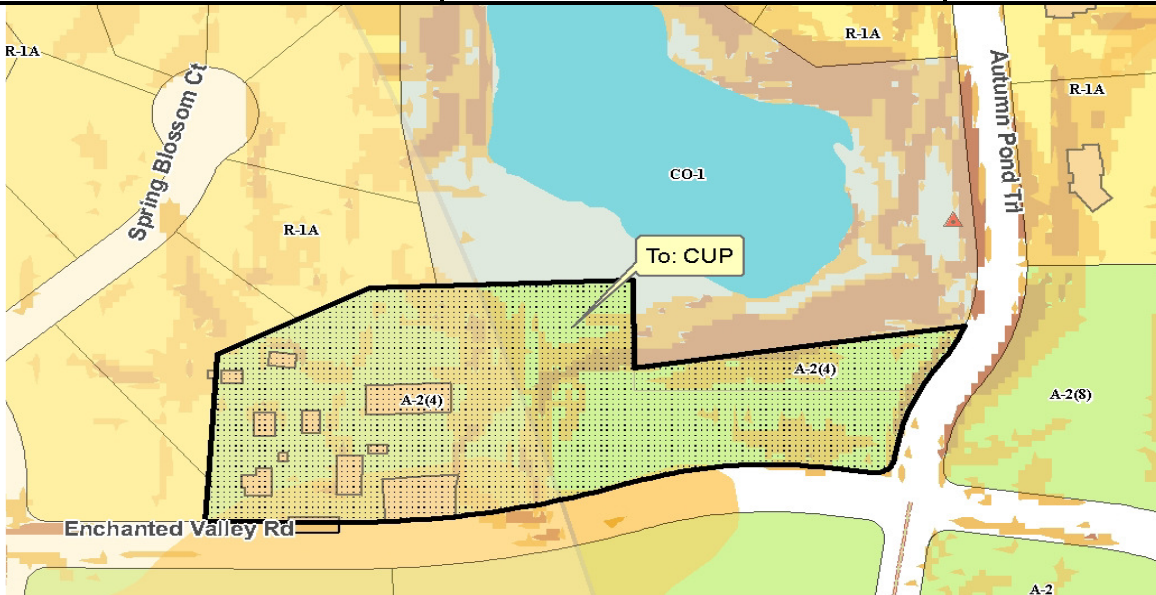
Acres: **7.454**
Survey Req. No

Applicant
Harold W Spahn

Reason:
Unlimited livestock 3-16 acres

Location:
**4996 Enchanted Valley
Road**

Zoning and Land Regulation Committee



DESCRIPTION: The application has been submitted in order to correct a pending zoning violation. The zoning division has received complaints regarding the keeping of livestock, erosion control and manure management issues. The landowner is keeping approximately 40 heifers on the property. The current zoning limits the keeping of livestock to one animal unit per full acre.

OBSERVATIONS: The heifer operation has been run in this location for approximately 40 years. In 2008, a 55-lot subdivision (Autumn Pond) was platted around the operation which reduced the property's size to 7.5 acres. There is a 4.5-acre pond located 350 feet north, which is down slope of the farm operation. The land between the pond and the barn was stripped of vegetation due to over pasturing of animals. This area has recently been replanted with grasses and the livestock restricted from the area.

TOWN PLAN: The property is located in the Rural Neighborhood Area. The planning area is intended for residential subdivisions. The plan policies also note Wisc. Statute 823.08, right-to-farm law. This statute limits the remedies of owners of later established residential properties to seek changes to pre-existing agricultural practices in the vicinity of the residential properties. The policy is noted on the Autumn Pond Subdivision Plat.

RESOURCE PROTECTION: The property is located in a resource protection area due to its close proximity to the pond. There are concerns that that runoff from the operation is contributing to the nitrate loading of the pond.

LAND AND WATER RESOURCES: The Land and Water Resource Department has been working with Mr. Spahn regarding erosion control (lack of vegetation) and manure management. The heifers have been confined to the concrete pads on the property to allow vegetation to grow in the pasture area. LWR Staff is suggesting that the operation be abandoned from this location and moved elsewhere as part of a cost sharing effort.

STAFF: County Staff is concerned that there is not enough acreage on the property to adequately keep animals mainly due to concerns with controlling runoff for the operation.

10/25 ZLR Meeting: The committee postponed action on the petition due to no town action.

CUP 2360 continued.....

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
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.
3. 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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Town Update: The Town Board has approved the conditional use permit with 4 conditions. Town Supervisor Dresen went on record to object to the granting of the CUP. He stated that Spahn has been in noncompliance for 7-8 years and he had agreed to end this lot as a working farm with the sale of the subdivision.

1. The Conditional Use Permit shall expire on November 1, 2017.
2. The animals kept on the property is limited to a maximum of 50 animal units. Animal units shall be determined using WDNR Animal Unit Calculation Worksheet, Form 3400-025A.
3. There shall be no pasturing of animals.
4. All animals are to be kept on the concrete or in a building, except for cleaning of the area.

Land and Water Resource update: The Department has reviewed a limitation 50 animal units on the property and has suggested the following additional conditions in order to meeting Dane County Manure Ordinances:

Short-term use requirements: up to one year.

1. A Nutrient Management Plan that meets the Natural Resources Conservation Service (NRCS) 590 Technical Standard to be submitted and reviewed by the LWRD.
2. Identification of manure headland stacking sites meeting the NRCS 313 Technical Standard Table 10 (enclosed), or a permitted manure storage facility for manure that is not stackable, <16% solids, when fields are inaccessible for manure application after cleaning the feedlot.
3. Scraping of the lot a minimum of once every three days and immediately hauling it to a stacking site or applying it to a field in accordance with the nutrient management plan. No stacking of manure on the concrete lot.

STAFF UPDATE: In order to adequately address the 6 standards for granting a conditional use permit, the following conditions are suggested to adequately address manure management and compliance with Dane County Code of Ordinance, Chapter 14.

1. The Conditional Use Permit shall expire on November 1, 2017. The conditional use permit shall not be renewed unless the property obtains prior reviewed and approval by Dane County Land and Water Resources for long term storage of livestock.
2. The animals kept on the property is limited to a maximum of 50 animal units. Animal units shall be determined using WDNR Animal Unit Calculation Worksheet, Form 3400-025A.
3. There shall be no pasturing of animals. All animals are to be kept on the concrete pad or in a building.
4. The premises shall be scraped a minimum of once every three days. The manure shall be immediately hauled to the stacking site, manure storage facility, or applied to a field in accordance to the approved nutrient management plan. No stacking of manure on the concrete pad shall be permitted.
5. Within 30 days of the CUP approval, a nutrient management plan shall be submitted, reviewed, and approved by Dane County Land and Water Resource Department which meets the Natural Resources Conservation Service (NRCS) 590 Technical Standard.
6. Within 30 days of the CUP approval, a manure stacking site or a manure storage facility shall be identified and used as approved by Dane County Land and Water Resource Department. The stacking site shall meet NRCS 313 Technical Standard Table 10 (enclosed), or a permitted manure storage facility shall be constructed for manure that is not stackable, <16% solids, when fields are inaccessible for manure application after cleaning the feedlot.