
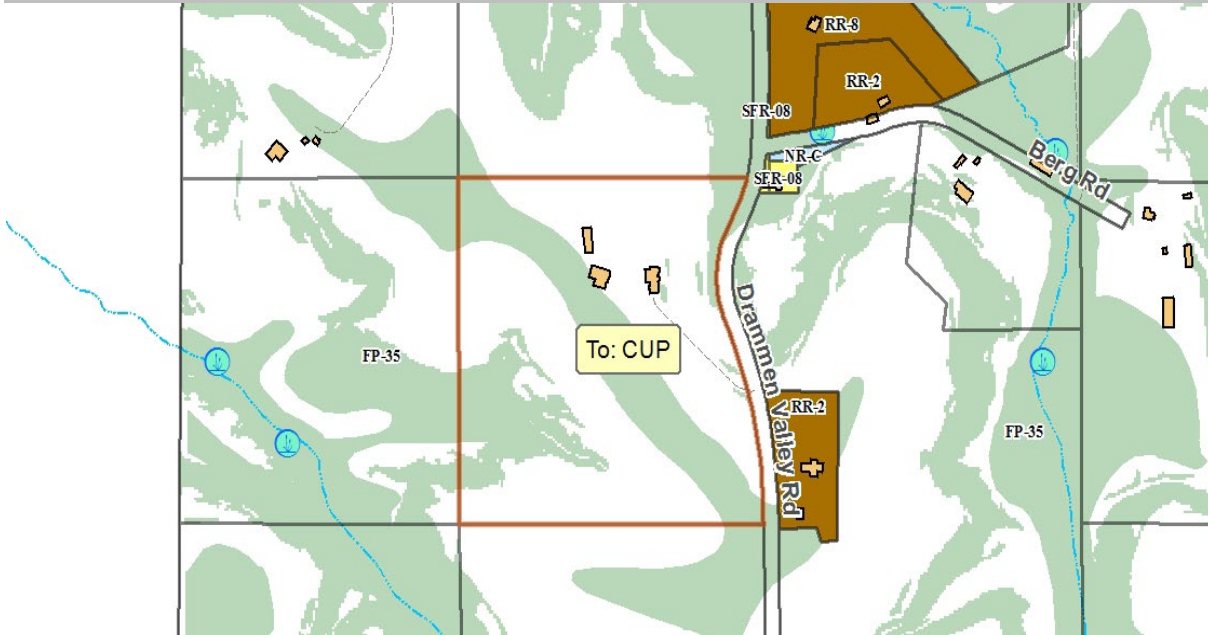


Staff Report  Zoning and Land Regulation Committee	<u>Public Hearing:</u> August 24, 2021		CUP 02529
	<u>Zoning Amendment Requested:</u> TO CUP: Limited farm business		<u>Town/Section:</u> PERRY, Section 31
	<u>Size:</u> 37.8 Acres	<u>Survey Required.</u>	<u>Applicant</u> BRAD & LAURA TISCH
	<u>Reason for the request:</u> Limited farm business		<u>Address:</u> 175 DRAMMEN VALLEY ROAD



DESCRIPTION: Applicant seeks a conditional use permit for a limited farm business, to sell items not produced on the premises, at an existing apple orchard.

OBSERVATIONS/ FACTUAL INFORMATION: Munchkey Apples currently sells directly to consumers during their fall harvest season. Such uses are permitted in the FP-35 zoning district as “agricultural accessory uses.” The landowners wish to sell alpaca and beeswax products produced by neighboring farms, as well as French wines imported by another neighbor. Sale of products produced off-premises requires a conditional use permit. All proposed activities would take place within an existing building and no new construction is proposed.

TOWN PLAN: The property is in a Farmland Preservation Area in the *Town of Perry / Dane County Comprehensive Plan* and the *Dane County Farmland Preservation Plan*. Both plans include policies supporting land uses that contribute to the agricultural economy and that support working farms.

DANE COUNTY LAND AND WATER RESOURCES: The site is currently out of compliance with storm water ordinances from the cumulative addition of 20,000 square feet of impervious surface without obtaining a storm water permit. It is recommended that a condition be imposed requiring a storm water management permit be obtained from Dane County Land and Water Resources Department.

RESOURCE PROTECTION: An area of steep slopes adjoins one of the existing buildings on the site. No impacts anticipated.

STAFF: See page two for recommended conditions of approval.

TOWN: The town board has voted to approve, with no conditions.

CUP 2529 Recommended Conditions of Approval

1. Uses are limited to retail sales of agriculture-related products not produced on the premises of the farm.
2. Area dedicated to the limited farm business use must not exceed 10,000 square feet in indoor floor area.
3. Limited farm businesses must be contained entirely within the existing building, as shown in the site plan.
4. No more than 3 non-family employees may work in the limited farm business.
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 or Uniform Dwelling Code.
7. Chapter 14 permits shall be obtained from Dane County Land and Water Resources Department to correct the existing chapter 14 violations.
8. 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.
9. 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.
10. Existing onsite wastewater sewage disposal systems, including holding tanks, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed use. Holding tanks for the site must be pumped and maintained according to the design of the tank, state sanitary code and Chapter 46, Dane County Code. 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. If temporary excess capacity is needed to serve customers during harvest season, the landowner shall maintain an appropriate contract for temporary, portable toilet installation, maintenance and removal.
11. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
12. Off-street parking must be provided, consistent with s. 10.102(8).
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.