

**Staff Report**

Zoning & Land  
Regulation  
Committee

Public Hearing: **March 24, 2026**

Zoning Amendment Requested:

**TO CUP: Updating an existing Conditional Use Permit ( #2143) for a natural cemetery**

Size: **25 Acres**

Survey Required:

Reason for the request:

**Updating an existing Conditional Use Permit ( #2143) for a natural cemetery**

**Conditional Use  
02697**

Town, Section:

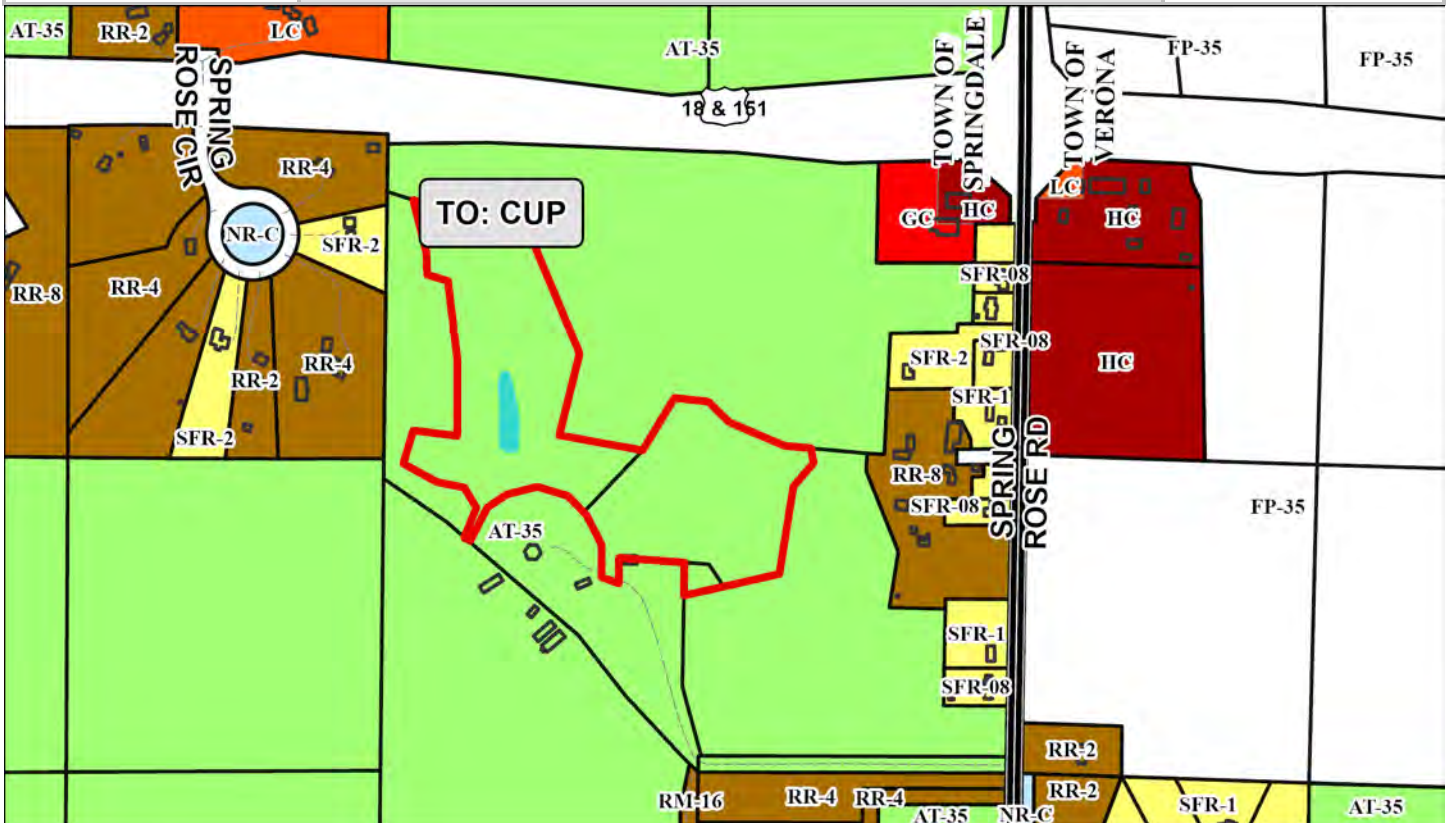
**SPRINGDALE, Section  
24**

Applicant:

**LINDA & GENE  
FARLEY**

Address:

**2299 SPRING ROSE  
ROAD**



**DESCRIPTION:** The Linda and Gene Farley Center for Peace, Justice, and Sustainability would like to update and amend their existing conditional use permit (current CUP #2143) for the Natural Path Sanctuary cemetery that was established in 2010. Currently, a 25-acre area is designated on site for the cemetery use / conditional use; this area would not change with this proposal. With this CUP petition, the applicants are asking for the ability to use the “Phase 2” part of the cemetery for burials, and to change the following conditions on their use-permit:

- Allow grave markers that are flush with the ground (current permit prohibits all “above ground” markers).
- Remove the requirement to post “no trespassing” signs every 300 feet at the edge of the property.
- Increase the limit on full burials from 2,700 to 7,500 to enable them to sell plots for future use (the additional burials would be within the western half of the current CUP area).
- Modify the restriction on who may attend burial services (replacing the “family and friend-based burials” language with “informal memorial services”, and specify that vehicle parking is limited to 20 vehicles “to the best of our ability”).

No new construction or buildings is proposed. The cemetery is an existing use, established under the old zoning ordinance when the property was zoned A-1 Agricultural. When the zoning code was overhauled and new districts were adopted in 2019, the property was zoned AT-35. This inadvertently made the cemetery a nonconforming use, because cemeteries are not listed as an allowable land use in the AT-35 zoning district. The applicant is petitioning to change the zoning to RE Recreation ([rezoning petition #12252](#)) which if approved would enable action on this CUP amendment.

**OBSERVATIONS/ FACTUAL INFORMATION:** Cemeteries are listed as a conditional use that can be permitted in the RE zoning district. The Natural Path Sanctuary cemetery was the first of its kind in Dane County, and one of the first in the country, when it was established. It provides an option for natural burials without using the embalming chemicals, steel and concrete that has become the standard convention for burials in the past century or so. The petition would enable additional burials within the area that was planned in 2010 as a Phase 2 / future burial ground, and would ease certain restrictions on the cemetery after some lessons learned in its first 16 years of operation.

The cemetery consists of 25 acres in the middle of a larger property (roughly 110 acres) that is in agricultural and open space use. The neighboring lands consist of other agricultural lands to the north, south and west with AT-35 zoning. In addition, there are residential lots to the west (on Spring Rose Circle) and east (on Spring Rose Road), and a commercial property (vehicle towing and repair business with HC zoning) to the northeast at the corner of Spring Rose Road and Highway 18/151. The property is located west of the more rapidly growing areas in the neighboring town of Verona. The cemetery / CUP area is located in a part of the site with

When initially proposed in 2010, neighbors expressed concerns about visual disruptions, property value impacts, and environmental contamination. Since implementation, the county has not received complaints about activities on site.

**RESOURCE PROTECTION:** The only resource protection corridor on or within 300 feet of the subject property is a farm pond that was constructed in the 1960s, which is within the cemetery CUP area. The majority of the property is wooded with steep slope topography that slopes toward the pond at the center of the property. There are no streams, wetlands, or floodplain on the property.

In response to public comments and at the direction of the zoning committee in 2010, research was done then to assess water quality concerns. The applicants provided groundwater analyses that showed the area would be acceptable for a natural burial ground and concluded it did not appear that contaminants could migrate to the area water supply. Zoning Staff contacted the Public Health Department for more information on the potential impacts of the burials on groundwater in the area. At the time, Public Health concluded that the site is appropriate for a natural burial ground, and recommended certain measures to minimize risks to human health (a soil survey, burials being a set distance from the surface and from groundwater, and maintaining appropriate distance from drinking water wells in accordance with Wisconsin Administrative Code). See comments below under CUP standard #1. Approval of CUP 2697 is not expected to impact natural resources or trigger the need for resource protection.

**COMPREHENSIVE PLAN:** The town designates this area as woodland. This proposal does not impact land use or development of the property because the use is already present on this site. The requested changes to the CUP conditions are consistent with the goals, objectives of policies related to cemeteries.

For questions about the town plan, contact Senior Planner Bridgit Van Belleghem at (608) 225-2043 or [VanBelleghem.Bridgit@danecounty.gov](mailto:VanBelleghem.Bridgit@danecounty.gov).

**CONDITIONAL USE PERMIT DECISION MAKING:** "Conditional uses" are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and determine whether the proposed use, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant's testimony with regards to meeting the standards.

- 1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.***

The CUP application describes the proposed operations plan. The applicants state that the property will be consistent with the peaceful and quiet nature of a cemetery, respectful of the residents of the neighborhood, and conducive to appropriate celebrations of life. They state this use will not contaminate drinking water or cause any air pollution. They note the burial ground meets the legal requirements for the location of a cemetery,

including a minimum 25-foot buffer from nearby residences. They anticipate no lighting or outdoor storage for this use. Additionally, they intend to honor the initial agreement with the Town of Springdale to make a good faith effort to limit full-body burials to no more than 90 annually, while attendance at burials will not exceed the 20-vehicle parking limit.

Staff notes that the cemetery boundary is located at least 250 feet from any residences. Public Health staff indicate that the primary concern is maintaining a minimum 50-foot buffer between the cemetery and private wells. Because the cemetery is located more than 50 feet from any adjacent property, this currently affects the Farley Center's own wells. It appears that setbacks to all existing wells in the area will be maintained.

- 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.***

The application states that no new construction is planned, no new signage or site lighting is proposed, no additional waste than the current operation, and that existing fences and storage buildings will continue to be maintained. Large gatherings and loud/amplified sounds are prohibited. The burial grounds are located within a wooded area on the property. Burials take place during daylight hours, generally between 10am and 4pm.

- 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.***

The applicant states that the establishment of additional burial grounds will not impede the normal and orderly development and improvement of the surrounding property for permitted uses. As noted above, this property is already planned for the cemetery's Phase 2 use, and the surrounding lands are either in similar use or are developed and zoned as rural residential lots.

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

The utilities, access roads, drainage, and other improvements needed for the proposed use are already in place. A shared driveway serves the Farley Center and a residential property at 2295 Spring Rose Road. The applicants state it adheres to the town's shared driveway requirements (see permit condition #7).

- 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.***

Applicants do not expect this to adversely impact traffic congestion in the area. They note there is designated parking space for 20 vehicles, and there is additional overflow parking available in the field/turf areas next to the driveway which is rarely needed. Parking is prohibited on Spring Rose Road and the joint driveway easement.

Staff notes that, as a practical matter, it is difficult to regulate and enforce who attends burials and how many vehicles are present on site at any given time. By ordinance, seasonal parking is permitted on grass surfaces outside of urban service areas for up to six months per year, or related to a unique or annually occurring event or condition of limited duration. All parking areas must be maintained in a smooth and dust free condition.

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

The proposed use conforms to the applicable regulations of the proposed RE zoning district. A cemetery is an allowable conditional use in this district.

- 7. That the conditional use is consistent with the adopted town and county comprehensive plans.***

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans. Applicants note this use will provide a local, convenient, and environmentally-sustainable means of final disposition.

- 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).***

Not applicable.

**POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE:** The potential nuisances that pertain to cemeteries are most likely to involve traffic and vehicle parking during burials and funeral services. The applicant's CUP application addresses how these potential nuisances are handled, as noted above.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for cemetery operations.

**TOWN ACTION:** The Town Board recommends approval of the CUP, noting the changes to increase burial maximum from 2,700 to 7,500 burials, clarify that flush grave markers are allowed, and change language on "Family & Friends - based burials" to "informal memorial services."

**STAFF RECOMMENDATION:** After hearing public comments at the public hearing, Staff recommends that the ZLR Committee consider whether the proposal meets the CUP standards listed above. Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the information summarized in the sections above, as well as the fact that the cemetery has operated for 16 years without incident (no complaints or zoning violations with the Zoning Division). This is also reflected in the town's approval. If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing.

Pending any comments at the public hearing, Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the 8 CUP standards, and (2) we recommend approval with the conditions listed below. The conditions below reflect the general conditions from the Chapter 10 zoning code that apply to all CUPs, and the conditions proposed by the applicant and approved by the town. Staff modified condition #29 to correct the reference to the site plans provided, and condition #30 was added as a technical matter because the rezone must be acted upon before the CUP.

### ***CUP 2697 Potential Conditions of Approval***

#### *Standard Conditions for all Conditional Use Permits from 10.101(7):*

1. Any conditions required for specific uses listed under s. 10.103 (none).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. 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.
4. 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.
5. 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.
6. 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.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. 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.

10. 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.
11. 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.
12. 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.

*Conditions specific to this CUP:*

13. The owner shall be required to follow all requirements found under WI State Statutes, Ch 157, subchapter II, regarding cemeteries.
14. Loud speakers or amplified sounds are prohibited.
15. The hours of visitation shall be limited to sunrise to sunset.
16. Outdoor lighting of the cemetery, parking area, and trails are prohibited.
17. Grave markers must be installed flat and flush to ground level with only the engraved surface exposed.
18. Adequate off-street parking shall be provided on the property for visitors and burial attendees. Parking area as designated on the site plan, shall be installed within one year of the issuance of the Conditional Use Permit.
19. The driveway shall be constructed in accordance with the standards for a shared driveway in the Town of Springdale Driveway Construction Guide from its intersection with Spring Rose Rd to the parking lot for the cemetery. The driveway shall be maintained to allow access to and from the cemetery site. All expenses related to the improvement and maintenance of the driveway, including the joint driveway easement area, shall be the responsibility of the Farley Center. The joint driveway easement area shall be professionally plowed. The owners of the residences served by the joint driveway easement area will be expected to continue to pay \$100 to the Farley Center towards the real estate property taxes of the joint driveway easement area.
20. Visitor/burial attendee parking is prohibited on Spring Rose Road and the joint driveway easement area.
21. A site plan shall be prepared showing acceptable locations (soil conditions) in which remains may be buried. The site plan shall include a phasing plan designating three phases of development. Each phase shall be set a minimum of 5 years apart. The site plan and phasing plan shall be approved by the Town Board. The first phase to be developed shall be the burial areas furthest away from Spring Rose Circle properties
22. Human remains shall be buried a minimum of 3 feet from the ground surface and the bottom of the burial pit shall be a minimum of 3 feet from the groundwater in unsaturated soil.
23. The entrance sign at Spring Rose Rd shall be limited to a maximum of an 8 square foot ground sign. Signage shall be erected near the end of the joint driveway easement area directing visitors to the cemetery. Signage shall conform to the Town of Springdale Sign Ordinance.
24. Regardless of the burial site price, 15% of the agreed upon market price (as designated in the signed agreement between the Farley Center and the Town of Springdale) shall be deposited in the care fund per 157.11 (9g)(c) Wis Stats. This is instead of the Wis. Stats mandated minimum per 157.11 (g)(2)(f) of \$25.
25. Full burials shall be limited to a maximum of 7,500.
26. The Farley Center shall be responsible for entering into a signed agreement with the Town of Springdale to address concerns regarding discontinuation of the cemetery, annual payment in lieu of taxes, members of the cemetery association's board, the intent to limit the number of burials to approximately 90 full burials per year, and an agreed market price for burial sites. The Farley Center shall provide an annual report to the Town of Springdale, which includes the number of burials, lot sales, and financials.
27. Only informal memorial services shall be conducted at the Farley Center/Natural Path Sanctuary; no large formal funeral services shall be conducted at the cemetery site. The Center shall limit vehicles at burials to a maximum of 20 vehicle, to the best of their ability.

28. The construction of mausoleums, columbaries, crematoriums, or other buildings is prohibited on the cemetery land.
29. The buffer area along the west property line shall be used for community gardens or open space as depicted on the approved site plans (the cemetery plat dated June 3, 2011 and site plan with zoning and parking areas dated February 18, 2025). The cemetery boundaries shall not be extended into this area.
30. This CUP shall become effective only upon Rezone Petition #12252 becoming effective.

Please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@danecounty.gov](mailto:holloway.rachel@danecounty.gov) if you have questions about this petition or staff report.