



# 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?*

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Tuesday, August 22, 2023

6:30 PM

Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

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See below for additional instructions on how to attend the meeting and provide public testimony.

#### A. Call to Order

Chair DOOLAN called the 8/22/2023 Zoning and Land Regulation Committee meeting to order at 6:32 PM. Supervisor RATCLIFF is excused.

Staff present: Violante, Lane, Everson, and Parry

**Present** 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and KATE MCGINNITY

**Excused** 1 - MELISSA RATCLIFF

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

No comments made by the public.

#### C. Consideration of Minutes

[2023](#)  
[MIN-208](#)

July 25, 2023 ZLR Committee Meeting Minutes

**Attachments:** [7-25-23 ZLR Public Hearing Minutes](#)

Motion by BOLLIG, seconded by KIEFER to approve the minutes of the July 25, 2023 ZLR Committee meeting. The motion carried by the following vote: 3-0-1. MCGINNITY abstained.

**Ayes:** 3 - BOLLIG, DOOLAN and KIEFER

**Excused:** 1 - RATCLIFF

**Abstain:** 1 - MCGINNITY

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

[11965](#)

PETITION: REZONE 11965  
APPLICANT: CRAIG A ZIEGLER AND TAMMY REEFE  
LOCATION: 5497 CUBA VALLEY ROAD, SECTION 34, TOWN OF VIENNA  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-1 Farmland Preservation District TO RR-4 Rural Residential District  
REASON: shifting of property lines between adjacent land owners

**Attachments:** [11965 Ord Amend.pdf](#)

[11965 Staff Report](#)

[11965 Density](#)

[11965 Town Action](#)

[11965 VIENNA MAP](#)

[11965 APP](#)

*In support: Tammy Reefe*

*Opposed: None*

**A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

[11966](#)

PETITION: REZONE 11966  
APPLICANT: NATHANIEL AND MARTHA SNYDER  
LOCATION: 4300 VILAS HOPE ROAD, SECTION 7, TOWN OF COTTAGE GROVE  
CHANGE FROM: SFR-08 Single Family Residential District TO TFR-08 Two Family Residential District  
REASON: zoning to allow for two-family residential use

**Attachments:** [11966 Ord Amend.pdf](#)

[11966 Staff Report](#)

[11966 Town Action](#)

[11966 MAP](#)

[11966 APP](#)

*In support: Nate Snyder*

*Opposed: None*

**A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

[11967](#)

PETITION: REZONE 11967  
APPLICANT: ALLAN G & LORA S BREUNIG REV LIVING TR  
LOCATION: WEST OF 8230 COUNTY HIGHWAY Y, SECTION 14, TOWN  
OF ROXBURY  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural  
Residential District  
REASON: creating one residential lot

**Attachments:** [11967 Ord Amend.pdf](#)  
[11967 Staff Report](#)  
[11967 Town Action](#)  
[11967 Density](#)  
[11967 MAP](#)  
[11967 APP](#)

*In support: Alan & Lora Breunig*  
*Opposed: None*

**A motion was made by DOOLAN, seconded by MCGINNITY, that the Zoning  
Petition be recommended for approval with one condition. The motion carried by  
the following vote: 4-0.**

**1. A deed restriction shall be recorded on tax parcels 090714185007,  
090714180708, and 090711490003 stating the following:  
Further residential/nonfarm development is prohibited on the remaining FP-35  
zoned land. The housing density rights for the original Marvin Frey farm have  
been exhausted per the Town Comprehensive Plan density policies.**

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

02600

PETITION: CUP 02600  
APPLICANT: JAMES AND PRISCILLA LAUFENBERG  
LOCATION: 8250 N RILEY RD, SECTION 35, TOWN OF CROSS  
PLAINS  
CUP DESCRIPTION: livestock on a parcel less than 5 acres

**Attachments:** [CUP 2600 Staff Report](#)  
[CUP 2600 Town Action](#)  
[CUP 2600 CROSS PLAINS MAP](#)  
[CUP 2600 APP revised](#)  
[CUP 2600 Public comment - Wilson](#)  
[CUP 2600 Public comment - Yahr](#)  
[CUP 2600 Public comment - Riggs](#)  
[CUP 2600 Public comment - Latimer](#)  
[CUP #2600.pdf](#)

*In support: Jean Riggs, Elizabeth Grabe*  
*Opposed: None*

**A motion was made by BOLLIG, seconded by MCGINNITY, to approve the conditional use permit based on the findings of fact as noted in the staff report and it has been determined that the CUP meets the 8 standards of obtaining a CUP with the conditions as noted in the staff report. The motion carried by the following vote: 4-0.**

- 1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan.**
- 2. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code.**
- 3. 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 county zoning administrator upon request.**
- 4. 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 with be provided to the county zoning administrator upon request.**
- 5. 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.**
- 6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 7. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances.**

8. If 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.

9. The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

10. The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the 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.

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. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to revocation.

**Conditions Unique to CUP 2600**

13. Horse boarding operations shall be limited to a maximum of 4 horses and/or steers at any one time.

14. Owner/Operator shall be responsible for instituting and complying with a nutrient management plan and/or animal waste disposal plan written to NR 151 standards and approved by Dane County Land and Water Resources, if applicable.

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

[02601](#)

PETITION: CUP 02601

APPLICANT: BRIAN AND JULIE OLSON

LOCATION: 2091 LESLIE ROAD, SECTION 23, TOWN OF DUNKIRK

CUP DESCRIPTION: caretakers residence and limited outdoor storage

**Attachments:** [CUP #2601.pdf](#)

[CUP 2601 Staff Report](#)

[CUP 2601 Town Action](#)

[CUP 2601 DUNKIRK MAP](#)

[CUP 2601 APP](#)

*In support: Brian and Julie Olson*

*Opposed: None*

**A motion was made by BOLLIG, seconded by MCGINNITY, to approve the conditional use permit based on the findings of fact as noted in the staff report and it has been determined that the CUP meets the 8 standards of obtaining a CUP with the conditions as noted in the staff report. The motion carried by the following vote: 4-0.**

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan.
2. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code.
3. 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 county zoning administrator upon request.
4. 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 county zoning administrator upon request.
5. 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.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances.
8. If 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.

9. The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

10. The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the 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.

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. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to revocation.

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

**Excused:** 1 - RATCLIFF

[2023 OA-033](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF BLACK EARTH COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

**Sponsors:** DOOLAN and HUELSEMANN

**Attachments:** [2023 OA-033](#)

[2023 OA-033 Plan Text with Edits](#)

[2023 OA-033 Staff Memo REVISED.pdf](#)

*In support: None*

*Opposed: None*

A motion was made by MCGINNITY, seconded by BOLLIG, that the Ordinance Amendment be recommended for approval. The motion carried by the following vote: 4-0.

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

**Excused:** 1 - RATCLIFF

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

[11961](#)

PETITION: REZONE 11961  
APPLICANT: UNDER THE OAK TREES LLC  
LOCATION: 3136 OAK ST, SECTION 4, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: RR-4 Rural Residential District TO GC General Commercial District  
REASON: zoning to allow for institutional residential use

**Attachments:** [11961 Staff Update](#)  
[11961 Town Action](#)  
[11961 Deed Restriction - Under the Oak Trees LLC - DRAFT 06-29-23](#)  
[11961 RR-4 District Fact Sheet](#)  
[11961 GC District Fact Sheet](#)  
[11961 MAP](#)  
[11961 APP](#)  
[11961 Dane Co Sherrif Letter of Support](#)

*In support: Travis Dettinger*

**A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**

- 1. A deed restriction shall be recorded on the lot stating the following:**
  - a. Land uses on the property shall be limited exclusively to the following permitted uses:**
    - i. Undeveloped natural resource and open space areas**
    - ii. Utility services associated with, and accessory to, a permitted or conditional use**
  - b. Land uses on the property shall be limited exclusively to the following conditional uses:**
    - i. Institutional Residential and associated accessory uses**

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

**Excused:** 1 - RATCLIFF



[02598](#)

PETITION: CUP 02598

APPLICANT: UNDER THE OAK TREES LLC

LOCATION: 3136 OAK STREET, SECTION 4, TOWN OF PLEASANT SPRINGS

CUP DESCRIPTION: institutional residential and associated accessory uses

**Attachments:** [CUP 2598 Staff Update](#)

[CUP 2598 Town Action](#)

[CUP 2598 ADDENDUM 7-5-23](#)

[CUP 2598 Site Plans 5-17-23 full size](#)

[CUP 2598 MAP](#)

[CUP 2598 APP rev](#)

*In support: Travis Dettinger, Dan O'Callaghan*

A motion was made by BOLLIG, seconded by MCGINNITY, to approve the conditional use permit based on the findings of fact as noted in the staff report and it has been determined that the CUP meets the 8 standards of obtaining a CUP with the conditions as noted in the staff report. The motion carried by the following vote: 4-0.

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
2. 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.
3. 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.
4. 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.
5. 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.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking must be provided, consistent with s. 10.102(8).
8. 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.

9. 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.
  10. 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.
  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. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
- Conditions Specific to CUP 2598
13. The institutional residential activity shall be limited to the Under the Oak Trees LLC organization.
  14. Livestock on site shall be limited to 3 animal units, as stated in the CUP application for the purpose of equine assisted therapy, an ancillary use to the principal institutional residential use.
  15. No goods or services may be sold from the property.
  16. This CUP will be reviewed by the Pleasant Springs Planning Commission annually for the purpose of remaining in compliance of the conditions.
  17. Applicant must supply the town of Pleasant Springs Clerk the name and phone number of a 24-hour contact in case there is a problem at the property.
  18. The use of the parcel must be only in accordance with the stated purpose on the application
  19. Institutional residency on site shall be limited to a total of 18 women and their children taking part in the Under the Oaks program and 4 adult live-in house parents.
  20. The conditional use permit shall automatically expire upon transfer of the property.
  21. This conditional use permit shall not be effective until the property is rezoned to GC General Commercial via rezone petition #11961 becoming effective.

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

**Excused:** 1 - RATCLIFF

[11962](#)

PETITION: REZONE 11962  
APPLICANT: MOUNT VERNON HILLS II LLC  
LOCATION: LANDS WEST OF COUNTY HWY G AND NORTH OF DAVIS STREET, SECTION 34, TOWN OF SPRINGDALE  
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-1 Single Family Residential District, AT-35 Agriculture Transition District TO SFR-2 Single Family Residential District  
REASON: create 7 residential lots and 1 residential spot zone

**Attachments:** [11962 Ord Amend.pdf](#)

[11962 Staff Update](#)

[11962 Town Action](#)

[11962 Density](#)

[11962 Concept Plan](#)

[11962 MAP](#)

[11962 APP](#)

*In support: Nathan Lockwood*

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 3-1. (Kiefer: No)

1. A deed restriction shall be recorded on the balance of the property remaining in AT-35 (tax parcels 060734490020, 060734485008, 060734380611, 060734380022, 060734328508, 060734326206, 060734310991, 060734295017, 060734283119, and 060734190611) stating the following:

- a. Further residential/nonfarm development is prohibited on the remaining AT-35 zoned land. The housing density rights for the former Louis H. and Cynthia A. Heitke farm have been exhausted per the Town Comprehensive Plan density policies.
2. The applicant shall submit a preliminary plat and final plat for the proposed lots to Dane County for review and approval, and shall record the final plat with the Dane County Register of Deeds.
3. The rezone will not become effective until a final plat is approved and fully executed by the Town of Springdale.
4. The subdivision plat shall restrict access onto County Highway G subject to Dane County Highway requirements.

**Ayes:** 3 - BOLLIG, DOOLAN and MCGINNITY

**Noes:** 1 - KIEFER

**Excused:** 1 - RATCLIFF

[02583](#)

PETITION: CUP 02583 - WITHDRAWN  
APPLICANT: ARIF M KHAN & SADIA ARIF  
LOCATION: 3486 COUNTY ROAD MN, SECTION 2, TOWN OF DUNN  
CUP DESCRIPTION: 174' monopole communication tower

**Attachments:** [CUP 2583 Withdrawn.pdf](#)  
[CUP 2583 - Staff update and recommendations 080323](#)  
[CUP 2583 - Town of Dunn Letter 080123](#)  
[CUP 2583 - Subject Property Owner-Applicant Signed Lease Agreement \(70' x 70' lease area\)](#)  
[CUP 2583 Staff Update - 3-28-23](#)  
[CUP 2583 - CityScape Supplemental Memo \(analysis of lower tower height\)](#)  
[CUP 2583 CityScape RF Engineering Report](#)  
[CUP 2583 - Tower Photosimulations](#)  
[CUP 2583 - DISH RF Engineer Affidavit](#)  
[CUP 2583 - Site Plan](#)  
[CUP 2583 - Fall Zone Letter](#)  
[CUP 2583 - FCC Statement of Compliance for RF Emissions](#)  
[CUP 2583 Applicant response to CUP Standards](#)  
[CUP 2583 Map](#)  
[CUP 2583 - Applicant Property Value Study - McFarland Waukesha \(recvd 021723\)](#)  
[CUP 2583 - Applicant Property Value Study - McFarland - Greendale \(recvd 021723\)](#)  
[CUP 2583 - Applicant McFarland Property Map & List \(recvd 021723\)](#)  
[CUP 2583 DISH Site Plan Ground \(recvd 022123\)](#)  
[CUP 2583 - CTH MN Access Permit](#)  
[CUP 2583 - Applicant Town of Dunn CUP Response 020623](#)  
[CUP 2583 Full Application](#)  
[CUP 2583 Public Comment - Priscilla Riecks](#)  
[CUP 2583 Public Comment - Steve Riecks](#)  
[CUP 2583 Village of McFarland Opposition Ltr \(recvd 022123\)](#)  
[CUP 2583 Riecks photo.pdf](#)  
[CUP 2583 - McFarland Adopted Comp Plan Transportation Map](#)  
[CUP 2583 - McFarland-East-Side-Plan Proposed Street Network](#)  
[CUP 2583 - Additional neighborhood photos](#)  
[CUP 2583 - McFarland Future Land Use Map](#)  
[CUP 2583 - Subject property survey](#)  
[CUP 2583 - Applicant Search Ring Map](#)  
[CUP 2583 - Staff email 9-16-23 regarding prelim application](#)  
[CUP 2583 - 2023-03-14 Written Agreement to Extend 90-day Time Period SIGNED](#)  
[CUP 2583 - 2023-03-28 Written Agreement to Extend 90-day Time Period - SIGNED](#)  
[CUP 2583 - 2023-04-18 Written agreement to extend timeframe for action \(to 6-9-23\)](#)

[CUP 2583 - Written Agreement to Extend 90-day Time Period to August 8, 2023](#)

[CUP 2583 - Written Agreement to Extend 90-day Time Period to August 22, 2023](#)

**No action taken by Committee.**

[2023](#)  
[ACT-004](#)

RECONSIDERATION OF CUP 2578 FOR A 195' SELF-SUPPORTING COMMUNICATION TOWER LOCATED ON THE PROPERTY AT 1576 SPRING ROAD, SECTION 3, TOWN OF DUNKIRK

**Attachments:** [CUP #2578 REV.pdf](#)

[CUP 2578 Reconsideration - staff update and recommendations](#)

[CUP 2578 Aviation Safety Compliance Report](#)

[CUP 2578 Reconsideration - Staff Update Memo](#)

[CUP 2578 - Opposition letters](#)

[CUP 2578 - Applicant Airspace Safety ASAC Consultant Report](#)

[CUP 2578 - Applicant proposed tower lighting details](#)

[CUP 2578 - WISDOT staff comments on concerns](#)

[CUP 2578 - WISDOT staff response RE Summary of airport concerns with cell tower at 1576 Spring Rd \(CUP 2578\)](#)

[CUP 2578 Corporation Counsel letter](#)

[CUP 2578 Iron Mountain Notice Letter](#)

[CUP 2578 RF Engineering Report](#)

[CUP 2578 Updated Photosimulations 112922](#)

[CUP 2578 Application package](#)

[CUP 2578 Supplement - Updated FAA No Hazard Determination](#)

[CUP 2578 Supplement - Updated Notarized Sworn Statement](#)

[CUP 2578 Supplement - Updated Construction Drawings and Site Plan \(092922\)](#)

A motion was made by MCGINNITY, seconded by BOLLIG, after reconsideration, re-approve conditional use permit #2578 based on the findings of fact as noted in the staff report and it has been determined that the CUP meets the 8 standards of obtaining a CUP with the amended conditions as noted in the staff report.. The motion carried by the following vote: 4-0.

1. Any conditions required for specific uses listed under s. 10.103. (See below)
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. The applicant shall provide an updated site plan and construction drawings for a tower not to exceed 163' above ground level.
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 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.

12. 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.

13. 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.

Conditions of approval specific to communications towers (derived in part from section 10.103(9)(d)).

1. The communication tower approved under CUP 2578 is intended to support installation of mobile service facility(ies) as defined under sec. 66.0404, Wisconsin Statutes, and shall be designed to support, without substantial modification, at least three users (the primary user and two collocation sites). A Wisconsin-licensed Structural Engineer shall approve and stamp the tower design, and certify that the tower can support at least three users.

2. Visual screening and/or landscaping shall be installed around the fenced tower compound to minimize the aesthetic impact of the tower and compound area. The compound area shall be fenced with hedgeline style

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fencing and a minimum of 3 trees shall be planted. The permit holder must obtain town board approval of the fencing and tree plantings prior to installation. Any trees planted shall be maintained in viable growing conditions. 3. The tower shall include daytime (white) and nighttime (red) lighting. Lighting shall be installed and maintained in accordance with FAA Advisory circular 70/7460-1 M. To the extent it is consistent with the aforementioned FAA Advisory circular, the tower shall utilize an LED lighting kit. If Matson airport ceases to operate in the future, the owner/operator of the tower shall remove the safety lighting.

4. The proposed structure shall not be painted a color incompatible with the environment.



5. The tower owner shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.

6. No lease or deed restriction on property that is proposed for the location of a mobile service support structure or mobile service facility shall preclude the owner or lessee from entering into agreements, leases, or subleases with other providers or prohibit collocation of other providers.

7. Upon written inquiry by the committee, the holder of a Conditional Use Permit issued under this section shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all applicable standards and conditions placed upon the conditional use permit. Failure to establish compliance with the standards and conditions shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with the standards and conditions, all reasonable costs and expenses, except travel expenses, associated with such consultation shall be borne by the holder of said conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit.

8. Within 90 days of approval of the conditional use permit, or prior to issuance of a zoning permit for construction of the approved communication tower, whichever comes first, the tower owner shall provide Dane County with a bond, or evidence of an existing bond, in the amount of \$20,000 ensuring performance of owner's obligation to remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit, including payment for such removal by Dane County or its agent, in the event the permit is revoked or the use permitted thereunder ceases for a continuous period of 12 months. Said bond shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond. Applicant shall remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit no less than 60 days prior to the termination or expiration of the bond required hereunder.

9. If the mobile service facility(ies) to be provided from the communication tower are not installed within 1 year of the date of conditional use permit approval, or if the mobile service facility(ies) are later removed, or cease to be used for a continuous period of 12 months, the county zoning committee may take action to revoke the conditional use permit. In the event the permit is revoked, the tower owner shall remove the tower within 60 days of the county zoning committee action. If the tower is not removed within the 60 days, the county may enter upon the premises and remove the tower at the expense of the tower owner.

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

## **F. Plats and Certified Survey Maps**

## **G. Resolutions**

## H. Ordinance Amendment

[2023 OA-033](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF BLACK EARTH COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

**Sponsors:** DOOLAN and HUELSEMANN

**Attachments:** [2023 OA-033](#)  
[2023 OA-033 Plan Text with Edits](#)  
[2023 OA-033 Staff Memo REVISED.pdf](#)

See action above.

[2023 OA-010](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE DEFINITION OF "DAY CARE CENTER"

**Sponsors:** DOOLAN, KIEFER, ENGELBERGER, JOERS and GLAZER

**Attachments:** [2023 OA-010 Memo to ZLR w Attachment](#)  
[2023 OA-010](#)  
[2023 OA-010 FISCAL NOTE](#)  
[2023 OA-010 June 27 Newspaper Notice](#)  
[Email to Towns RE Dane County Zoning Ordinance Amendment, 2023 OA-010, RE Definition of Day Care Center](#)  
[2023 OA-010 RE Definition of Day Care Center Memo to Towns](#)  
[2023 OA-010 Town Board Action Form](#)  
[2023 OA 10 Town Action Tally and Scanned Actions](#)

A motion was made by BOLLIG, seconded by KIEFER, that the Ordinance be recommended for approval. The motion carried by the following vote: 4-0.

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

**Excused:** 1 - RATCLIFF

## I. Items Requiring Committee Action

## J. Reports to Committee

[2023](#)  
[RPT-211](#)

Proposed updates to the Dane County FEMA FIRM maps

**Attachments:** [Proposed FEMA map amendment memo.pdf](#)  
[FEMA Flyer.pdf](#)  
[Map showing update areas](#)  
[FEMA notice letter](#)

Zoning Administrator Lane informed the Committee that FEMA will be holding a public hearing regarding revisions to the FIRM maps on August 29th starting at 4:00pm at the McFarland Municipal Center, 5915 Milwaukee Street, McFarland, WI. The general public will have an opportunity to review the revised maps and ask questions.

[2023](#)  
[RPT-212](#)

Update on Planning Division Regional Housing Strategy Project

Senior Planner Parry updated the Committee on the progress made on the Regional Housing Strategy Project.

## K. Other Business Authorized by Law

## L. Adjourn

A motion was made by BOLLIG, seconded by MCGINNITY, that the August 22, 2023 meeting be adjourned at 8:28 PM. The motion carried by the following vote:  
4-0.

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

**Excused:** 1 - RATCLIFF