

- The applicant has worked with the Town of Oregon to draft new deed restrictions, informed by the company's track record after getting established. Both the current and new deed restrictions would overlap with some of the [current CUP conditions](#), so a new CUP for the outdoor storage and the caretaker's residence is needed. A new CUP petition has been submitted to update the current permit; this is scheduled for a May 26th public hearing with ZLR. Zoning Staff would prefer that the requirements for the outdoor storage be handled as part of the CUP if possible, to avoid overlapping restriction documents and duplicative processes.

A new septic system is proposed on the adjacent RR-2 lot, which is also owned by the applicants. Typically, when a septic system is proposed off-site and an on-site location is not feasible, staff recommends an off-lot easement to document this for future landowners. By ordinance (Ch. 46), the septic system / soil absorption area must be located at least 5 feet from any lot line.

Because there is an existing stormwater management plan on file with Land and Water Resources, the applicants were asked to verify if the POWTS location will affect the stormwater plan. They have confirmed with LWRD staff that (1) the proposed septic system does not conflict with the site's stormwater and (2) replacing the barn on the same footprint will not require a revision to the site's stormwater management plan. Only an erosion control permit will be required.

COMPREHENSIVE PLAN: This petition is in the Town's Farmland Preservation planning area and is subject to the land use policies related to that designation. No land use change is proposed. New building is replacing an existing accessory structure. This proposal remains consistent with the goals, objectives of policies related to commercial development needed to support existing agricultural activities, provide supplemental income for farm families or provide agricultural-related services. For questions about the town plan, contact Senior Planner Bridgit Van Belleghem at (608) 225-2043 or VanBelleghem.Bridgit@danecounty.gov.

RESOURCE PROTECTION: Not applicable – no sensitive environmental features trigger extra review or permitting. An erosion control permit will be required for land disturbance over 4,000 square feet as part of construction permitting.

TOWN ACTION: Town Board recommends approval subject to deed restrictions. On May 12th, the Town Board reconsidered the rezoning along with the associated conditional use permit (CUP 2702) that is requested for the outdoor storage and caretaker's residence. They provided updated recommendations for the rezone conditions. (see recommendations below and in Town Action Report).

MAY 5TH ZLR HEARING: On May 5th the ZLR Committee held a public hearing on the rezone proposal, and postponed action due to public opposition. No one was present to speak in opposition, but written comments were received raising concerns primarily about the suitability of the commercial use, expanding commercial use, and the surrounding neighborhood character.

STAFF RECOMMENDATION (updated): Staff supports the proposed rezoning, though based on the town plan and the surrounding area being non-commercial in nature, Staff recommends deed restrictions to limit future land uses and the intensity of the business activity (similar to the current restrictions). We also recommend the recording of an off-lot septic easement.

The town's recommendation would add additional deed restrictions to the ones previously imposed. The new restrictions would increase the number of on-site (office) employees from 3 to 6, specify the location of trash/waste receptacles, further restrict outdoor storage (which is a conditional use under GC zoning), limit the total building footprint to 20% of the site, and prohibit a handful of land uses.

Zoning staff prefers to minimize overlap or redundancy between the deed restrictions and CUP conditions for outdoor storage, for simplicity and ease of enforcement. Since the public hearing, staff has discussed the recommended deed restriction language with town officials to clarify what will apply to the property and business as a whole, versus what will apply to only the outdoor storage and caretaker residence conditional uses.

Staff recommends approval of rezone petition 12256 with the following conditions:

1. Applicant shall record an off-lot easement for the septic system.

2. A deed restriction shall be recorded on the lot stating the following:
 - a. Outdoor lighting shall comply with Dane County Zoning Ordinance Chapter 10, Section 10.102(5). After business hours, exterior lighting shall be limited to building entrances and overhead service doors. A dusk-to-dawn light is permitted in the parking lot.
 - b. Burning of debris shall be prohibited on the property.
 - c. Garbage and/or recycling receptacles shall be located behind (north) of the buildings so as to minimize street visibility.
 - d. Signage shall be limited to one (1) free-standing, unlit sign in accordance with Dane County Sign Ordinances.
 - e. Permanent fuel storage shall be prohibited on the property. Two mobile fuel transfer tanks shall be permitted. Mobile tanks must meet all spill containment standards required by the Division of Environmental Health.
 - f. Hours of operation shall be limited to 6:30am -7:00pm Monday to Friday; 8:00am – 12:00pm (noon) Saturday. Winter hours will be dependent on weather.
 - g. Business on-site employees shall be limited to no more than 6.
 - h. Loudspeakers on the subject property shall be prohibited.
 - i. Off-street employee parking shall be limited to no more than 20 exterior stalls for operational and on-site employees.
 - j. On-site equipment and vehicles shall be equipped with squawker/white sound reversing alarms to reduce potential noise-nuisance.
 - k. No retail sales or other on-site transactions with final customers shall be permitted.
 - l. The existing vegetative screening meeting s.10.101(12) requirements shall be maintained along the subject property's eastern and western boundaries.
 - m. No on-site tri-axel or quad-axel vehicles shall be permitted in the operation of the business.
 - n. Operator will comply with all town road weight restrictions imposed by the Town of Oregon.
 - o. Building footprints may not exceed 20% of the Subject Property site.
 - p. Land uses shall be limited to the following permitted uses:
 - i. Contractor, landscaping or building trade operations.
 - ii. Office uses (associated with contractor landscaping business)
 - q. Land uses shall be limited to the following conditional uses:
 - i. Outdoor storage
 - ii. Caretaker's residence

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