



# 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 25, 2020

6:30 PM

Remote meeting: Call: 1-866-899-4679 Access Code:

893-912-933

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The August 25th Zoning and Land Regulation Committee meeting is being held remotely in accordance with public health requirements to protect our community from the COVID-19 pandemic. The public can access the meeting in the following manner:

By phone, call: 1-866-899-4679 and use Access Code: 893-912-933 or via computer at: <https://global.gotomeeting.com/join/893912933> Note: You will be asked to identify yourself upon connection.

If you would like to speak on an agenda item, you must **PRE-REGISTER in ADVANCE** by calling 1-608-266-9078. Registrants must provide their full name, 10-digit phone number, and the agenda item they wish to speak about. Anyone wishing to speak is strongly encouraged to pre-register as soon as possible.

Registrations will be accepted until 30 minutes prior to the meeting. During the meeting, Staff will place you on mute until the petition item is before the committee. Registrants will have 5 minutes to express their concerns.

If you have any questions regarding an agenda item, please contact the Zoning Administrator by phone at 1-608-266-9078, or by email at [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com).

#### A. Call to Order

Supervisor Bollig called the remote meeting of the August 25, 2020 Zoning and Land Regulation Committee to order at 6:30pm.

Staff present: Allan, Everson, Lane, and Violante

Present 5 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

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

No comments by the public.

[2020](#) August 25th ZLR Meeting Registrants  
[RPT-229](#)

**Attachments:** [August 25th Registrants.pdf](#)

### C. Consideration of Minutes

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

[11572](#) PETITION: REZONE 11572  
APPLICANT: KYLE A MELTON  
LOCATION: 121 HICKORY NUT LANE, SECTION 36, TOWN OF ALBION  
CHANGE FROM: SFR-08 Single Family Residential District TO HAM-R Hamlet Residential District  
REASON: change zoning district to allow for a reduced rear yard setback

**Attachments:** [11572 Ord Amend.pdf](#)  
[11572 Staff Report.pdf](#)  
[11572 Town.pdf](#)  
[11572 Map](#)  
[11572 APP](#)

*Registered in support: Kyle Melton*  
*Opposed: None*

**A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11573](#)

PETITION: REZONE 11573  
APPLICANT: NORMAN ARENDT  
LOCATION: 49 DANKS ROAD, SECTION 36, TOWN OF RUTLAND  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating one residential lot

**Attachments:** [11573 Ord Amend.pdf](#)  
[11573 Staff Report](#)  
[11573 Town.pdf](#)  
[11573 Revised CSM.pdf](#)  
[11573 Density](#)  
[11573 Map](#)  
[11573 APP](#)

*Register in support: Norm and Lucie Arendt*  
*Opposed: None*

**A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 5-0.**

- 1. The zoning district designation shall be amended from RR-2 to RR-1 and reduce the proposed rezone area from 2 net acres to approximately 1.6 net acres. The applicant's surveyor shall confirm that the balance of the owner's FP-35 zoned land will meet the minimum 35 acre lot size requirement for that zoning category.**
- 2. The landowner shall record a deed restriction on the balance of the FP-35 zoned property prohibiting further non-farm development in accordance with town plan policies (tax parcels 051036488702; 051036481807; and 051036495007). A suitable legal description of the property shall be provided by the surveyor.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

11574

PETITION: REZONE 11574  
APPLICANT: LUCILLE NOTTESTAD  
LOCATION: 1350 KOSHKONONG ROAD, SECTION 18, TOWN OF CHRISTIANA  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,  
GC General Commercial District TO RR-2 Rural Residential District  
REASON: separating the existing residence from the farmland and creating an agricultural lot

**Attachments:** [11574 Ord Amend.pdf](#)

[11574 Staff Report](#)

[11574 Town](#)

[11574 Density](#)

[11574 Map](#)

[11574 APP](#)

**A motion was made by PETERS, seconded by DOOLAN, to take up 2020-LD-008 Land Division variance prior to acting on Petition 11574. The motion carried by a voice vote.**

2020 LD-008

Chapter 75 Land Division variance request - Nottestad (11574)  
Owner: Lucille Nottestad  
Location: North of 1350 Koshkonong Road, Section 18, Town of Christiana  
Reason: creating an agricultural lot without road frontage

**Attachments:** [Report](#)

[Variance Application](#)

**A motion was made by DOOLAN, seconded by PETERS, that the Land Division waiver for the proposed lot be approved. The motion carried by a voice vote, 5-0.**

**Finding of fact: Proposed lot will be zoned FP-1, no residential development allowed.**

[11574](#)

PETITION: REZONE 11574  
APPLICANT: LUCILLE NOTTESTAD  
LOCATION: 1350 KOSHKONONG ROAD, SECTION 18, TOWN OF CHRISTIANA  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,  
GC General Commercial District TO RR-2 Rural Residential District  
REASON: separating the existing residence from the farmland and creating an agricultural lot

**Attachments:** [11574 Ord Amend.pdf](#)

[11574 Staff Report](#)

[11574 Town](#)

[11574 Density](#)

[11574 Map](#)

[11574 APP](#)

*Registered in support: Ron Nottestad*

*Opposed: None*

**A motion was made by KIEFER, seconded by DOOLAN, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 5-0.**

- 1. Any remnant area of GC zoning outside of the proposed RR-2 lot located within the west 350 feet of the east 900 feet of the south 500 feet of the SE 1/4 of the SE 1/4, section 18 town of Christiana, shall be rezoned to the FP-35 district to match the zoning of the remaining farmland.**
- 2. Landowner shall record an access easement to ensure access to the proposed FP-1 parcel. The easement shall follow the existing field road in the NE 1/4 of the SE 1/4, and the SE 1/4 of the SE 1/4, section 18, town of Christiana.**
- 3. The landowner shall record a deed restriction on the proposed FP-1 parcel and the proposed RR-2 parcel tying the properties together and prohibiting them from being sold separately in the future.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11575](#)

PETITION: REZONE 11575  
APPLICANT: BRUCE HOEHNE  
LOCATION: 4535 GARFOOT ROAD, SECTION 8, TOWN OF CROSS PLAINS  
CHANGE FROM: RR-8 Rural Residential District TO RR-4 Rural Residential District and  
RR-16 Rural Residential District, FP-1 Farmland Preservation District TO RR-16 Rural  
Residential District  
REASON: shifting of property lines between adjacent land owners

**Attachments:** [11575 Ord Amend.pdf](#)  
[11575 Staff Report.pdf](#)  
[11575 Town.pdf](#)  
[11575 Map](#)  
[11575 APP](#)

*Registered in support: Mitzi Lochner*  
*Opposed: None*

**A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition  
be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11576](#)

PETITION: REZONE 11576  
APPLICANT: RON H AND CATHERINE HASSLINGER  
LOCATION: 2525 TOWER ROAD, SECTION 17, TOWN OF DUNN  
CHANGE FROM: SFR-08 Single Family Residential District TO RR-2 Rural Residential District,  
RR-16 Rural Residential District TO RR-2 Rural Residential District  
REASON: shifting of property lines between adjacent land owners

- Attachments:** [11576 Ord Amend.pdf](#)  
[11576 Staff Report.pdf](#)  
[11576 Town.pdf](#)  
[11576 Map](#)  
[11576 APP](#)

*Registered in support: Kathy Hasslinger and Chuck Siewart*  
*Opposed: None*

**A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 5-0.**

- 1. The existing home at 4240 Mahoney Road shall be removed prior the rezone becoming effective.**
- 2. A building and driveway envelope shall be depicted on the Certified Survey Map on the proposed 17-acre lot. A note shall be added to the CSM to identify that "all buildings and driveways constructed on the property shall be located within the building envelope area".**
- 3. A deed restriction shall be recorded on both properties stating the following:**
  - a. Future land divisions of the properties are prohibited.**
  - b. The housing density rights have been exhausted per the Town of Dunn Comprehensive Plan policies. Further residential development of the properties is prohibited.**
  - c. There shall be one single family residence per lot.**
  - d. The land uses on the properties shall be limited exclusively to the following:**
    - i. One single family home one per parcel**
    - ii. Small-scale farming**
    - iii. Residential accessory buildings**
    - iv. Home occupations**
    - v. Incidental room rental**
    - vi. Foster homes for less than five children**
    - vii. Undeveloped natural resource and open space areas**
    - viii. Utility services associated with a permitted use**
    - ix. Transportation, utility, communication, or other use required by law**
    - x. Conditional Uses listed under the Rural Residential Zoning District may also be allowed if obtained through the conditional use permit process.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11577](#)

PETITION: REZONE 11577  
APPLICANT: LARRY G SKAAR  
LOCATION: EAST OF 3101 US HIGHWAY 12/18, SECTION 30, TOWN OF COTTAGE GROVE  
CHANGE FROM: AT-35 Agriculture Transition District TO UTR Utility, Transportation and ROW District  
REASON: create 11.7-acre agricultural lot for future development

**Attachments:** [11577 Ord Amend.pdf](#)  
[11577 Staff Report](#)  
[11577 Town.pdf](#)  
[11577 Revised CSM.pdf](#)  
[11577 Map](#)  
[11577 APP](#)

*Registered in support: Charles Eggert*  
*Opposed: None*

**A motion was made by SMITH, seconded by DOOLAN, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11578](#)

PETITION: REZONE 11578  
APPLICANT: MARTIN L RICHARDSON  
LOCATION: 2429 TOWN HALL ROAD, SECTION 20, TOWN OF SPRINGDALE  
CHANGE FROM: AT-35 Agriculture Transition District TO RR-4 Rural Residential District, RM-16 Rural Mixed-Use District TO RR-4 Rural Residential District  
REASON: separating existing residence from farmland

**Attachments:** [11578 Ord Amend.pdf](#)  
[11578 Staff Report.pdf](#)  
[11578 Town.pdf](#)  
[11578 Map](#)  
[11578 APP](#)

*Registered in support: Robert Talarczyk*  
*Opposed: None*

**A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval with condition. The motion carried by the following vote: 5-0**

**1. The landowner shall record a deed notice on the RR-4 lot prohibiting further division of the lot.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 02501](#)

PETITION: CUP 02501  
APPLICANT: MORCOY COMPOUND LLC  
LOCATION: 7741 STATE HIGHWAY 69, SECTION 31, TOWN OF MONTROSE  
CUP DESCRIPTION: second farm residence for parents

**Attachments:** [CUP 2501 Staff Report.pdf](#)

[CUP 2501 Town.pdf](#)

[CUP 2501 Density.pdf](#)

[CUP 2501 Map](#)

[CUP 2501 APP](#)

[CUP #2501.pdf](#)

*Registered in support: Paul Morrison*

*Opposed: None*

**A motion was made by DOOLAN, seconded by PETERS, that the Conditional Use Permit be approved with 9 conditions. The motion carried by the following vote: 5-0**

- 1. The balance of the property be deed restricted to prohibit further residential development.**
- 2. The conditional use permit for a farm residence shall expire on the sale of the property to an unrelated third party. Continued use of a farm residence after sale to an unrelated third party shall require approval of a new conditional use permit.**
- 3. 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. Continued use of residence with a revoked conditional use permit shall require approval of a rezone petition to a zoning district that allows non-farm residential use.**
- 4. The landowner must record a notice document with the Register of Deeds on the subject property notifying current and future owners of the Conditions 2 and 3 above.**
- 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 Uniform Dwelling Code.**
- 7. 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.**
- 8. Existing onsite wastewater sewage disposal systems serving the farm residence must be inspected by a licensed plumber to determine its suitability. Any deficiencies 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.**
- 9. If the farm residence 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.

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 02502](#)

PETITION: CUP 02502

APPLICANT: HELLENBRAND LIVING TR, JUDITH E

LOCATION: NORTHWEST OF 8778 AIRPORT ROAD, SECTION 6, TOWN OF MIDDLETON

CUP DESCRIPTION: allowing height of accessory building to be 16' in the TFR-08 Zoning District

**Attachments:** [CUP 2502 Staff Report.pdf](#)

[CUP 2502 Town.pdf](#)

[CUP 2502 Map](#)

[CUP 2502 APP.pdf](#)

[CUP #2502.pdf](#)

*Registered in support: Troy and Lori Hellenbrand*

*Opposed: None*

**A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be approved with 5 conditions. The motion carried by the following vote:**

**5-0**

- 1. This conditional use permit shall be for an outbuilding with a median roof height of 16 feet.**
- 2. The applicant/landowner shall comply with all of the conditions set forth in Dane County Code of Ordinances**
- 3. Section 10.101(7)2.a., Standard Conditions, which apply to every conditional use permit (CUP).**
- 4. The accessory building shall not be larger than the footprint of the house.**
- 5. Construction will require a building permit from the Town, with plans to be reviewed by the Building Inspector and subject to all applicable erosion control and stormwater requirements, and a determination made as to whether site plan review will be required.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 02503](#)

PETITION: CUP 02503  
APPLICANT: RUTH B HERMSDORF  
LOCATION: 3382 MEIER ROAD, SECTION 24, TOWN OF BLOOMING GROVE  
CUP DESCRIPTION: renewable energy electric generating facility - 53-acre solar farm

**Attachments:** [CUP 2503 Staff Report.pdf](#)  
[CUP 2503 Town.pdf](#)  
[CUP 2503 letter from City of Madison.pdf](#)  
[CUP 2503 letter from Meier Rd LCC.pdf](#)  
[CUP 2503 Map](#)  
[CUP 2503 APP](#)  
[CUP #2503.pdf](#)

*Registered in support: Adam Siegelstein, John Drury, Kelten Kelly*  
*Opposed: None*

**A motion was made by DOOLAN, seconded by SMITH, that the Conditional Use Permit be approved with 15 conditions. The motion carried by the following vote: 5-0**

- 1. Any conditions required for specific uses listed under s. 10.103 (see list 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.**
- 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 born by the landowner. Costs born 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.

14. In anticipation of the attachment to the City, the site plan shall be updated to address any changes needed to meet City of Madison storm water management standards.

15. The permit period shall be 40 years from effective date.

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[2020 OA-008](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING UPDATES TO THE TOWN OF DEERFIELD COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

**Sponsors:** MCGINNITY and BOLLIG

**Attachments:** [2020 OA-008 staff memo Deerfield](#)

[2020 OA-008](#)

[Deerfield Future Land Use Map](#)

[2020 OA-008 Adopted 2020 Town of Deerfield Comprehensive Plan](#)

*Registered in support: James Maple*

*Opposed: None*

**A motion was made by PETERS, seconded by SMITH, that the Ordinance be recommended for approval. The motion carried by the following vote: 5-0**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[2020 OA-009](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING UPDATES TO THE TOWN OF PLEASANT SPRINGS COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

**Sponsors:** RATCLIFF and BOLLIG

**Attachments:** [2020 OA-009 Staff Memo \(Pleasant Springs Plan\)](#)

[2020 OA-009](#)

[Pleasant Springs Future Land Use Map](#)

[2020 OA-009 PleasantSpringsCompPlanText&Maps](#)

*Registered in support: None*

*Opposed: None*

**A motion was made by SMITH, seconded by DOOLAN, that the Ordinance be recommended for approval. The motion carried by the following vote: 5-0**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[2020 OA-010](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING UPDATES TO THE TOWN OF DUNN COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

**Sponsors:** MILES and BOLLIG

**Attachments:** [2020 OA-10 staff memo Dunn](#)

[2020 OA-010](#)

[Town of Dunn Future Land Use Map](#)

[Town of Dunn Comprehensive Plan](#)

[Town of Dunn Staff Summary of Comprehensive Plan Amendments](#)

*Registered in support: None*

*Opposed: None*

**A motion was made by KIEFER, seconded by PETERS, that the Ordinance be recommended for approval. The motion carried by the following vote: 5-0**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[2020 OA-011](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING UPDATES TO THE TOWN OF BURKE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

**Sponsors:** SCHAUER and BOLLIG

**Attachments:** [2020 OA-11 staff memo Burke](#)

[2020 OA-011](#)

[2020 OA-011 Burke - Future Land Use Map Amendment - side legend \(05 20 2020\)](#)

*Registered in support: None*

*Opposed: None*

**A motion was made by PETERS, seconded by KIEFER, that the Ordinance be recommended for approval. The motion carried by the following vote: 5-0**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

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

11433

PETITION: REZONE 11433  
APPLICANT: PETER & CHELSEA SACHS  
LOCATION: 3285 NELSON ROAD, SECTION 24, TOWN OF BURKE  
CHANGE FROM: NR-C Natural Resource - Conservation District TO RR-2 Rural Residential  
District  
REASON: creating four residential lots

- Attachments:** [11433 Ord Amend.pdf](#)  
[11433 Staff Update.pdf](#)  
[11433 Town](#)  
[11433 Applicant submitted emails 02112020](#)  
[11433 Sachs Atty Letter to City of Madison](#)  
[11433 City Staff Email Response to Sachs Atty](#)  
[11433 Burke Comp Plan Map Excerpt](#)  
[11433 Applicant Update 10-03-19](#)  
[11433 Revised CSM](#)  
[11433 Town Engineer Memo and Recommendations](#)  
[11433 Town Engineer 08-19-19 Email Request for Information](#)  
[11433 Engineering Study](#)  
[11433 City of Madison letter of objection](#)  
[11433 Shaded Topography Map](#)  
[11433 Depth To Water Table Map](#)  
[11433 Map](#)  
[11433 wetland determination](#)  
[11433 APP](#)

**A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0**

- 1. A maintenance agreement for the drainageway easement / pond on proposed lot 1 shall be recorded with the Register of Deeds. The maintenance agreement shall be submitted for review and approval by the town engineer prior to recording.**
- 2. The proposal shall meet the Town conditions for the recording of the certified survey map.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 02493](#)

PETITION: CUP 02493  
APPLICANT: JOSEPH PATRICK EUGSTER  
LOCATION: 3865 STATE HIGHWAY 138, SECTION 10, TOWN OF RUTLAND  
CUP DESCRIPTION: EXPAND AGRICULTURAL ACCESSORY USES ON THE FARM

Attachments: [CUP 2493 Staff Update](#)

[CUP 2493 Town](#)

[CUP 2493 Site Plans.pdf](#)

[CUP 2493 Map](#)

[CUP 2493 App.pdf](#)

[CUP #2493.pdf](#)

A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be approved with 17 conditions. The motion carried by the following vote: 5-0

1. The conditional use permit shall be for agricultural entertainment activities or special events occurring over 10 days / year; farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities occurring over 10 days / year.
2. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, the permit holder shall file an event plan in accordance with the requirements of section 10.103(3), Dane County zoning code.
3. Hours of operation shall be 7am-11pm, daily.
4. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and, if applicable, phasing plan.
5. Noise levels from outside loudspeakers shall be limited to no more than 70 decibels measured at the property line.
6. Any outdoor lighting shall limit light pollution onto adjoining, non-participating properties.
7. 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.
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. Suitable sanitary facilities shall be made available to customers. 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.
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, in the future, the State Department of Transportation determines 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. 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.

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

## F. Plats and Certified Survey Maps

[2020 LD-009](#) Chapter 75 Land Division variance request - Mathews (11582)

Owner: Kyle Mathews

Location: East of 3934 Vilas Hope Road, Section 18, Town of Cottage Grove

Reason: creating a residential lot with 65.5 feet of road frontage

**Attachments:** [Report](#)

[Proposed Survey Map](#)

[Variance Application](#)

A motion was made by DOOLAN, seconded by KIEFER, that the Land Division waiver be postponed as requested by the applicant. The motion carried by a voice vote, 5-0.

[2020 LD-010](#) Chapter 75 Land Division variance request - Christiana Cemetery  
Location: 1431 County Hwy B, Section 19, Town of Christiana  
Reason: creating a 20-foot access path to existing cemetery

**Attachments:** [Report](#)  
[Cemetery rezone application](#)

**A motion was made by PETERS, seconded by SMITH, that the Land Division waiver be approved. The motion carried by a voice vote, 5-0.**

**Finding of fact: No residential development as the lot is a cemetery and currently the lot has no access.**

[2020 LD-011](#) Final Plat - Twin Rock  
Town of Verona  
Consideration of the February 11, 2020 conditional approval and execution of the plat document pursuant to established committee policy.  
Staff recommends the chairperson to sign and date the final plat and proceed with recording.

**Attachments:** [conditional](#)  
[TWIN ROCK PLAT \(3-12-20\)](#)  
[19-22](#)

**A motion was made by KIEFER, seconded by SMITH, that the final plat be signed. The motion carried by a voice vote, 5-0. Daniel Everson signed the plat on behalf of the chair.**

## G. Resolutions

## H. Ordinance Amendment

## I. Items Requiring Committee Action

**2020** Discuss scheduling a site visit for proposed Conditional Use Permit #2496,  
**DISC-028** Section 28, Town of Rutland

**Attachments:** Site map.pdf

**The Committee discussed the possibility of conducting a site visit for proposed conditional use permit #2496. County Staff was in contact with Corporation Counsel for guidance. Corporation Counsel has suggested to refrain from conducting site inspections for conditional use permits. If a site inspection is considered, the Committee should obtain approval from the applicant first and then conduct a site visit as a group with the applicant's presence.**

## J. Reports to Committee

[2020](#)  
[RPT-200](#)

Annual review of the following Salvage Recycling Center License pursuant to Dane County Code of Ordinances, Section 10.20(3):  
Rowley, John, 1748 Springrose Road, Verona WI 53593  
(Postponed from 7/28/2020 public hearing)

**Attachments:** [2020 update](#)

A motion was made by DOOLAN seconded by PETERS, that the salvage recycling license be approved. The motion carried by a voice vote, 5-0.

## K. Other Business Authorized by Law

## L. Adjourn

A motion was made by KIEFER, seconded by DOOLAN, to adjourn the August 25, 2020 Zoning and Land Regulation Committee meeting at 8:06pm. The motion carried by unanimously.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266,  
[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)