

Dane County Conditional Use Permit Application

Application Date	C.U.P Number
09/03/2015	DCPCUP-2015-02329
Public Hearing Date	
11/24/2015	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME GARY TRULSON	Phone with Area Code (608) 443-9531	AGENT NAME	Phone with Area Code
BILLING ADDRESS (Number, Street) 727 OAK DR		ADDRESS (Number, Street)	
(City, State, Zip) EDGERTON, WI 53534		(City, State, Zip)	
E-MAIL ADDRESS trulsong911@yahoo.com		E-MAIL ADDRESS	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
727 OAK DR					
TOWNSHIP ALBION	SECTION 19	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0512-191-9500-2		---		---	

CUP DESCRIPTION

SECONDARY RESIDENCE FOR FAMILY MEMBER ON A-1EX 40 ACRE PARCEL

DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
10.123(4)(a)	40

DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials: <i>[Signature]</i>	Inspectors Initials	SIGNATURE:(Owner or Agent)
	SJW3	<i>[Signature]</i>
		PRINT NAME: Gary S. Trulson
		DATE: 9/3/15

COMMENTS: SECONDARY RESIDENCE FOR FAMILY MEMBER ON A-1EX 40 ACRE PARCEL



DANE COUNTY
PLANNING DEVELOPMENT

Zoning Division
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703-3342
Phone: (608) 266-4266
Fax: (608) 267-1540

Conditional Use Application

Application Fee: \$486 Mineral Extraction: \$1136

Items required to be submitted with application:

- Written Legal Description of Conditional Use Permit boundaries
- Scaled drawing of the property showing existing/proposed buildings, setback requirements, driveway, parking area, outside storage areas, location/type of exterior lighting, any natural features, and proposed signs.
- Scaled map showing neighboring area land uses and zoning districts
- Written operations plan describing the items listed below (additional items needed for mineral extraction sites)
- Written statement on how the proposal meets the 6 standards of a Conditional Use

Owner	<u>Gary Trulson</u>	Agent	_____
Address	<u>727 Oak Dr</u>	Address	_____
Phone	<u>Edgerton WI</u>	Phone	_____
	<u>608-443-9531</u>		_____
Email	<u>trulsong911@yahoo.com</u>	Email	_____

Parcel numbers affected: 0512-191-9500-2 Town: Albion Section: _____
Edgerton WI Property Address: 727 Oak Dr

Existing/ Proposed Zoning District : _____

Type of Activity proposed: 2nd home on Farm A1
Separate checklist for mineral extraction uses must be completed.

- Hours of Operation
- Number of employees
- Anticipated customers
- Outside storage
- Outdoor activities
- Outdoor lighting
- Outside loudspeakers
- Proposed signs
- Trash removal
- Six Standards of CUP (see back)

The statements provided are true and provide an accurate depiction of the proposed land use. I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Submitted By: Gary Trulson

Date: 8-28-15

Six Standards of a Conditional Use Permit

Provide an explanation on how the proposed land use will meet all six standards.

1. 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 use is the home of the owner of the property. It will be 3/4 mile from the nearest neighbor. Owners mother lives in the other home.

2. 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.

This home will not have any negative impact on any neighborhood properties.

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.

This home will be located on the site of a former barn and will not impact land use on surrounding property.

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

All utilities, roads, drainage and required improvements will be made.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

This home will not produce any increase in traffic.

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

This home will conform with all regulations.

Conditional Use Permit Application for construction of a home on A-1 exclusive agriculture property at 727 Oak Drive in Edgerton. The farm has a total of 120 acres, 113 acres planted in corn and soybeans. The cropland is rented with a current rate of \$180 per acre. *There are no employees.*

Secondary House



Google earth



agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

(e) Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on five days in a calendar year or less.

(f) Undeveloped natural resource and open space areas.

(g) A transportation, utility, communication, or other use that is:

1. required under state or federal law to be located in a specific place, or;

2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.

(3) *Conditional uses in the A-1 Exclusive Agriculture District.* The following uses require a Conditional Use Permit in this district:

(a) Agricultural Accessory Uses: In addition to other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under s. 10.01(2b).

1. Farm Residence, subject to sub. (4).

2. Limited Family Businesses, that are entirely within an existing building, subject to s. 10.192.

3. Limited Rural Businesses that are operated by an owner or operator of the farm.

4. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in s. 10.01(2b)(a) and (c) that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

5. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

6. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.

7. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.

8. Agricultural entertainment activities exceeding 45 days per year, in aggregate.

9. Horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Such uses must meet the definition and criteria for an Agricultural Accessory Use under s. 10.01(2b)(d), or a Limited Family Business under s. 10.01(30fa) and 10.192, or a Limited Rural Business under s. 10.01(30g).

(b) Governmental, institutional, religious, or nonprofit community uses.

(c) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

(d) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., section 10.191 and chapter 74. The application shall conform to the requirements of s. 10.191(2).

(e) Asphalt plants or ready-mix concrete plants for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.

(f) Small scale electric generating stations not requiring approval under section 196.491, Wis. Stats.

(4) *Conditional use permits for residences in the A-1 Exclusive Agriculture zoning district.*

(a) Application. The following information must be submitted with a Conditional Use Permit application for a Farm Residence in the A-1EX district:

1. Written description of the farm operation. The description should include the following details:

a. Location of the farm.

b. Size of the farm operation in acres.

c. Crops grown and/or livestock raised.

d. Number of employees, if any, in addition to farm family members.

e. Summary of farm income derived from the farm operation.

2. Completed IRS form "Schedule F – Profit or Loss from Farming," or subsequent IRS form for reporting farm profit or loss, for the past 3 tax years.

3. Farm conservation plan obtained from the Land Conservation Division of the Dane County Land & Water Resources Department. All active farms in Dane County have a farm conservation plan detailing the types/location of crops grown, and any on-farm conservation measures (e.g., grass drainage swales, buffer strips, etc.)

4. Map/site plan with aerial photograph showing the farm ownership boundaries. The map should clearly identify the location of the proposed new Farm Residence and driveway access.

(b) Permit conditions.

1. The Zoning Committee shall include a "sunset" provision on any CUP for a residential use issued after December 17, 2009 in the A-1EX district stating that the CUP shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.

2. Any Conditional Use Permit found to be in violation of this section may be revoked by the Zoning Committee, and a zoning change to an appropriate residential district shall be required to bring the property and residential use into compliance with the provisions of this ordinance.

3. The Zoning Committee shall require the recording of a notice document with the Register of Deeds on the subject property notifying current and future owners of the provisions of paragraph 1. and 2. of this section.

(5) *Standards for conditional uses in the A-1 Exclusive Agriculture zoning district.* In addition to the requirements of s. 10.255(2)(h), the zoning committee must find that the following standards are met before approving any conditional use permit in the A-1(exclusive agriculture) zoning district.

(a) The use and its location in the A-1 Exclusive Agriculture zoning district are consistent with the purposes of the district.

(b) The use and its location in the A-1 Exclusive Agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(6)(a) Residential dwellings shall not exceed 2 ½ stories or 35 feet in height.

(b) Accessory buildings shall not exceed 35 feet in height.

(c) For agricultural accessory buildings there is no limitation on height.

(7) *Area, frontage, and population density regulations.*

(a) The minimum lot size is 35 acres.

(8) *Setback requirements.* No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by section 10.17.

(9) *Side yard requirements.*

(a) Side yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages or hives for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A, or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(10) *Rear yard requirements.*

(a) Rear yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A, or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(11) *General provisions applicable to the A-1 Exclusive Agriculture District.* In addition to the conditions provided for in sections 10.16(1) through (6a) the following additional conditions shall apply:

(a) Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which was received for review by the agency prior to the effective date of A-1 Exclusive Agriculture zoning, was approved and recorded, shall have the same status as pre-existing lots as defined in section 10.16(3)(a).

(b) Residential and residential accessory buildings on parcels of less than 2 acres in the A-1 Exclusive Agriculture District shall comply with the standards of section 10.05(3).

DOCUMENT #

4141719

12/09/2005 12:46PM

Trans. Fee: 1125.00
Exempt #:

Rec. Fee: 19.00
Pages: 5

000743

State Bar of Wisconsin Form 11-2003
LAND CONTRACT
(TO BE USED FOR NON-CONSUMER ACT TRANSACTIONS)

Document Number

Document Name

CONTRACT, by and between Maxine Trulson, a single person
("Vendor," whether one or more),
and Gary Trulson
("Purchaser," whether one or more).

Vendor sells and agrees to convey to Purchaser, upon the prompt and full performance of this Contract by Purchaser, the following real estate, together with the rents, profits, fixtures and other appurtenant interests ("Property"), in Dane County, State of Wisconsin:

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4); the Southwest Quarter (SW 1/4) of the Northeast Quarter (NW 1/4); and the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Five (5) North, Range Twelve (12) East, (Town of Albion), Dane County, Wisconsin.

Purchaser agrees to purchase the Property and to pay to Vendor at 727 Oak Drive, Edgerton, Wisconsin 53534 the sum of \$375,000.00 in the following manner:

- (a) \$50,000.00 at the execution of this Contract (payable **December 1, 2005**); and
- (b) the balance of \$325,000.00, together with interest from the date hereof on the balance outstanding from time to time at the rate of 5 % per annum until paid in full as follows: **Monthly payments of principal and interest totaling \$1,744.67 beginning January 1, 2006, and continuing on the 1st day of each month thereafter**

provided the entire outstanding balance shall be paid in full on or before **December 1, 2012** ("Maturity Date"). Payments shall be applied first to interest on the unpaid balance at the rate specified and then to principal.

CHOOSE ONE OF THE FOLLOWING OPTIONS; IF NO OPTION IS CHOSEN, OPTION A SHALL APPLY:

- A. Any amount may be prepaid without premium or fee upon principal at any time.
- B. Any amount may be prepaid without premium or fee upon principal at any time after .
- C. There may be no prepayment of principal without written permission of Vendor.

DOC# 4141719

Recording Area

Name and Return Address
Mark A. Schulz, Atty.
P.O. Box 874
Janesville, WI 53547

0512-191-9000-7, 0512-191-9500-2, 0512-192-9500-1
Parcel Identification Number (PIN)

This is homestead property.
(is) (is not)

This is a purchase money mortgage.
(is) (is not)

5/12

Form **4835**

Department of the Treasury
Internal Revenue Service (99)

Farm Rental Income and Expenses
(Crop and Livestock Shares (Not Cash) Received by Landowner (or Sub-Lessor))
(Income not subject to self-employment tax)
▶ Attach to Form 1040 or Form 1040NR.
▶ Information about Form 4835 and its instructions is at www.irs.gov/form4835.

OMB No. 1545-0074

2014

Attachment
Sequence No. **37**

Name(s) shown on tax return

Your social security number

~~XXXXXXXXXX~~

Employer ID number (EIN), if any

GARY S TRULSON

A Did you actively participate in the operation of this farm during 2014 (see instructions)? Yes No

Part I Gross Farm Rental Income - Based on Production. Include amounts converted to cash or the equivalent.

1	Income from production of livestock, produce, grains, and other crops		1	
2a	Cooperative distributions (Form(s) 1099-PATR)	2a	2b	Taxable amount
3a	Agricultural program payments (see instructions)	3a	3b	Taxable amount
4	Commodity Credit Corporation (CCC) loans (see instructions):			
a	CCC loans reported under election		4a	
b	CCC loans forfeited	4b	4c	Taxable amount
5	Crop insurance proceeds and federal crop disaster payments (see instructions):			
a	Amount received in 2014	5a	5b	Taxable amount
c	If election to defer to 2015 is attached, check here <input type="checkbox"/>		5d	Amount deferred from 2013
6	Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)		6	16,800
7	Gross farm rental income. Add amounts in the right column for lines 1 through 6. Enter the total here and on Schedule E (Form 1040), line 42		7	16,800

Part II Expenses - Farm Rental Property. Do not include personal or living expenses.

8	Car and truck expenses (see Schedule F (Form 1040) instructions). Also attach Form 4562	8	21	Pension and profit-sharing plans	21	
9	Chemicals	9	22	Rent or lease:		
10	Conservation expenses (see instructions)	10	a	Vehicles, machinery, and equipment (see instructions)	22a	
11	Custom hire (machine work)	11	b	Other (land, animals, etc.)	22b	2,606
12	Depreciation and section 179 expense deduction not claimed elsewhere	12	23	Repairs and maintenance	23	4,108
13	Employee benefit programs other than on line 21 (see Schedule F (Form 1040) instructions)	13	24	Seeds and plants	24	
14	Feed	14	25	Storage and warehousing	25	
15	Fertilizers and lime	15	26	Supplies	26	877
16	Freight and trucking	16	27	Taxes	27	1,833
17	Gasoline, fuel, and oil	17	28	Utilities	28	
18	Insurance (other than health)	18	29	Veterinary, breeding, and medicine	29	
19	Interest:		30	Other expenses (specify):		
a	Mortgage (paid to banks, etc.)	19a	a	MILEAGE	30a	2,801
b	Other	19b	b		30b	
20	Labor hired (less employment credits) (see Schedule F (Form 1040) instructions)	20	c		30c	
			d		30d	
			e		30e	
			f		30f	
			g		30g	
31	Total expenses. Add lines 8 through 30g (see instructions)		31		31	16,170
32	Net farm rental income or (loss). Subtract line 31 from line 7. If the result is income, enter it here and on Schedule E (Form 1040), line 40. If the result is a loss, you must go to lines 33 and 34		32		32	630
33	Did you receive an applicable subsidy in 2014? (see instructions)		33	Yes <input type="checkbox"/> No <input type="checkbox"/>		
34	If line 32 is a loss, check the box that describes your investment in this activity (see instructions)		34a	All investment is at risk.		
			34b	Some investment is not at risk.		
c	You may have to complete Form 8582 to determine your deductible loss, regardless of which box you checked (see instructions). If you checked box 34b, you must complete Form 6198 before going to Form 8582. In either case, enter the deductible loss here and on Schedule E (Form 1040) line 40		34c			



Land Conservation Division
Dane County Land & Water Resources Department

Patrick J. Sutter, County Conservationist

Gary Trulson
2410 Thomas Ct
Onalaska, WI 54650

April 10, 2014

Dear Gary,

Based upon our discussion when I met with you on April 3, 2014, I developed the following options for your cropland. The alternatives were developed for the steepest part of the farm, the hill southeast of the farmstead, which is the most susceptible to erosion. Please review these with your operator. Also enclosed the Conservation Plan Map. The tolerable soil loss "T" is 5 ton/acre/year for the more erodible soil types on your farm. The planned soil loss needs to be at or below this value. The lower the soil loss is below the "T" value, the more soil is being retained on the field. The alternatives are based upon tillage and planting operations in a north to south direction which is across the slope. The first three alternatives are continuous corn grain. The last three alternatives are a corn-soybean rotation. The percent residue is left on top of the soil surface after planting.

<u>Option</u>	<u>Rotation, Tillage, Residue*</u>	<u>Soil Loss (Tons/Ac/Yr)</u>
A	Continuous Corn grain, continuous fall chisel plow with twisted shanks, spring tillage is 1 pass with a field cultivator in the spring leaving 30% residue	3.5
B	Continuous Corn grain, 1 year fall chisel plow with twisted shanks, spring tillage is 1 pass with a field cultivator leaving 30% residue, followed by 2 consecutive years of no-till, leaving 80% residue	2.3
C	Continuous Corn grain, continuous no-till, leaving 80% residue	0.3
D	1 year Corn grain, spring till soybean stubble 1 pass with a field cultivator leaving 30% residue followed by 1 year no-till Soybeans 15" row, leaving 70% residue	3.7
E	1 year no-till Corn grain into soybean stubble, leaving 70% residue followed by 1 year soybeans 15" row, fall chisel plow cornstalks with twisted shanks, spring tillage is 1 pass with a field cultivator leaving 30% residue	3.4
D	1 year no-till Corn grain into soybean stubble, leaving 80% residue followed by 1 year no-till Soybeans 15" row, leaving 80% residue	0.7

We also discussed doing some slight shaping of a waterway. About 24 feet wide at the top and about 8 inches deep and a length of about 300 feet would be a sufficient. Seed the channel and side slopes. Seed with some oats and grass seed. If taller grasses are used, then you should mow the waterway once or twice a year. If shorter grasses are used, then maybe one mowing is all that is needed. Taller grasses typically have a deeper root system than shorter grasses.

If there are other crop rotation and tillage options you want me to check on or have other questions, please contact me at 608-224-3741. Please let me know which option you have decided to follow.

Sincerely,


Curt Diehl,
Conservation Specialist

Conservation Plan Map

Owner: Gary Trulson
Operator: Dane County Growers

Township(s): Albion
Sections(s): 28
Tract(s): 4362

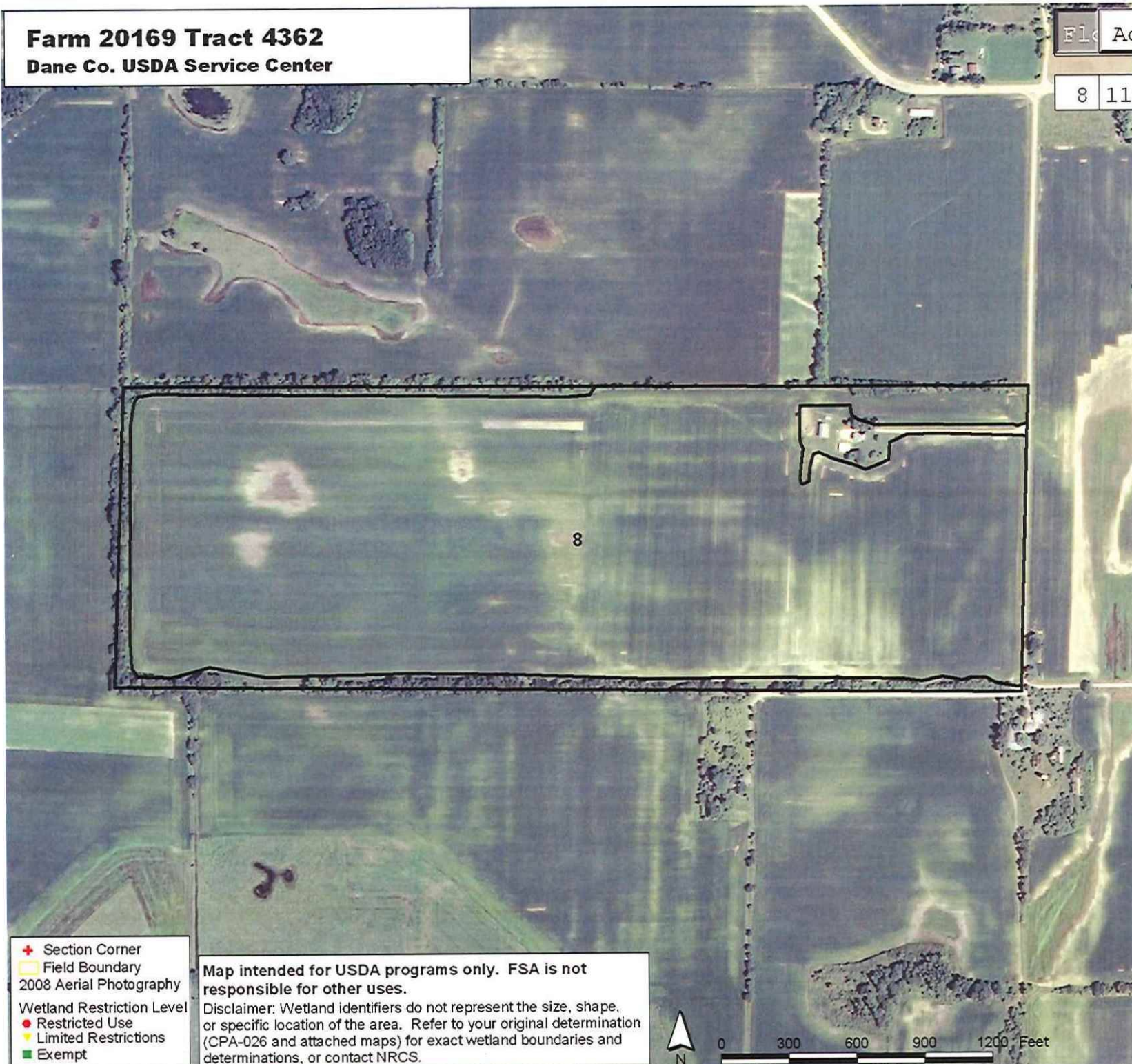
Completed by: Curt Diehl
Phone: (608) 224-3730
Date: 4/4/14



500 0 500 Feet

Farm 20169 Tract 4362
Dane Co. USDA Service Center

Field	Acres	Crop	HEL	CRP
8	112.02			



- + Section Corner
- Field Boundary
- 2008 Aerial Photography
- Wetland Restriction Level
- Restricted Use
- Limited Restrictions
- Exempt

Map intended for USDA programs only. FSA is not responsible for other uses.
 Disclaimer: Wetland identifiers do not represent the size, shape, or specific location of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.



Total Cropland Acres
112.0