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Town Board Action Report

Petition information

Regarding petition number Dane County Zoning & Land Regulation Committee Public Hearing Date: Town of

Petition is

- ☒ Approved
☐ Denied
☐ Postponed

Town Planning Commission vote

<input type="text" value="4"/>	in favor
<input type="text" value="0"/>	opposed
<input type="text" value="0"/>	abstained

Town Board vote

<input type="text" value="3"/>	in favor
<input type="text" value="0"/>	opposed
<input type="text" value="0"/>	abstained

Conditions

☐ Deed restriction limiting uses in the zoning district to only the following:

☐ Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description or tax parcel number(s):

☒ Deed restrict the applicant's property described below prohibiting division. Please provide property description or tax parcel number(s):

Lots 2 & 3, A-1EX Ag to A-2 Ag District Deed restricted that no homes can be built on Lots 2 & 3.
Parcel numbers involved 0508-363-8730-7, 0508-363-8500-5, 0508-354-8000-1. One lot will have new parcel number

☐ Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

☐ Other Condition(s). Please specify:

Will Need CSM
No splits are available

Please note: The following space is reserved for comment by the minority voter(s) OR for the town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan:

Don Hosely was sent a certified letter stating the property(ies) may not be eligible for Farmland Preservation

Certification

I, Julie Bigler, as Town Clerk of the Town of Montrose, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 07/11/2017

Town Clerk: Julie Bigler

Date: 7/13/2017

Revised: March 17, 2010

**Town of Montrose Land Use Committee
June 26, 2017 Meeting Report**

Present: Deb Brucaya, Junior Eichelkraut, Jerome Gobel, Tim Schmitt

Absent: Tom Sarbacker

Minutes are not official until approved by land use committee (LUC) members.

Jerome moved and Junior seconded to approve as read the minutes of the May 22, 2017 land use committee meeting. Motion carried unanimously.

Agenda item one was a request from Don Hoesly, executor of the Delores Best Trust and nephew of Ms. Best, to rezone four parcels totaling approximately 80 acres from A-1 Exc. to either A-2 or RH-1. Lots 1 through 4 are shown on an aerial map and in relevant documents provided to committee members. These lots are separated by County Road DD, with Lots 3 and 4's combined 51 acres lying to the west of the road and Lots 1 and 2's combined 29 acres lying to the east. Also present to answer questions was Ed Short, who is assisting Mr. Hoesly. Discussion focused on the four lots, as follows:

Lot 1's 3 acres are not good farming land. This lot has access onto Best Road. It is a buildable lot that would use one of two available splits.

Lot 2's 26 acres and Lot 3's 28 acres are good agricultural land. These lots would not be buildable and their size of less than 35 acres requires rezoning.

Lot 4's size is 23 acres. On this lot are an existing house and a non-motorized travel trailer that was previously used as temporary housing by Delores Best's caretaker, Mr. Hoesly's daughter, who now lives in and will continue to live in the house. A new shed would be built on the lot. The farmable land would be rented out. The creation of this lot would use the second of the two splits available. Only one residence may exist on this lot.

Junior asked whether lot sizes could be adjusted so that 35 or more acres of the 80 acres could remain in A-1 Exc. zoning to ensure that the land would continue to be farmed into the future. A parcel of this size could only be created on the west side of DD by reducing the acreage of Lot 4 so that Lot 3 could be increased to 35 or more acres. Doing so would leave Lot 4's acreage so low that its rental as tillable land would be difficult and unlikely. Although this at first seemed a reasonable adjustment to make, it would leave the owner of Lot 4 in an unfavorable financial position.

After discussion, **Junior moved and Jerome seconded to recommend approval of Don Hoesly's request for a zoning change on four proposed lots in Sections 35 and 36 from A-1 Exc. to RH-1 for 3 acre Lot 1 and to A-2 for Lot 2's 26 acres, Lot 3's 28 acres, and Lot 4's 23 acres. All allotments available on this farm will be exhausted by this action and Lots 2 and 3 are to be deed restricted to ensure that no homes are created on these lots. Acreages given here are approximate; a CSM showing exact acreage of the four lots will be developed. The motion carried unanimously.**

Tim announced he would be unavailable for town business from July 19 to July 23. There were no other agenda items or public input. The meeting adjourned after unanimous approval of Deb's motion and Junior's second to do so.

Submitted by:

Deborah A. Brucaya, Recording Secretary
Town of Montrose Land Use Committee

Town of Montrose
Regular Board Meeting Minutes
July 11, 2017, 7:00 p.m.

Meeting was called to order by Chair Roger Hodel at 7:10 p.m.

Clerk stated for the record that notice had been posted according to Open Meeting Laws.

Present: Chair Roger Hodel, Supervisors Dan Palmer and Randy Francois, Clerk Julie Bigler and Treasurer Laura Beutel

Others Present: Land Use Vice Chair Junior Eichelkraut

Motion made by Dan Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve June 6, 2017 Regular Board Meeting minutes as read. Motion Carried.

Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve May 2017 Treasurers report as read and to pay all bills. Motion Carried.

Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve June 2017 Treasurers report as read and corrected and to pay all bills. Motion Carried. Middleton Community Bank should be Monona State Bank for Montrose's Money Market account.

Announcements: Robert Holloway made donation of \$1,000.00 to be used for solely for the Paoli Park pump. Montrose thanked Robert for his donation. Zwingli UCC requested their fees for garbage and recycling be taken off their tax bill. The board denied the request and instructed the clerk to write them a letter. Randy Francois brought up the need for a new truck. He will talk to truck dealers and get bids. Randy will also talk to Jeff Lahey about the construction of a new garage and salt shed (this is a future item). Roger Hodel reported to the board the following: Ken Ruegsegger is having an auction for the equipment in the store. Ron Fritz is ready to put in the pole and light at the Montrose Pioneer Cemetery for the flag. July 24th 6:00 p.m., at the fire station, will be the fire meeting to discuss the district agreement which may need to be redone and/or corrected. All fire and EMS meetings will start at 7:00. This was requested by Deb Kazmar. The bridge on Fritz Road is done. Dan Palmer took pictures for the file. There will be an extra cost for cutting black top longer. Montrose will be able to apply for bridge aid. Roger was made aware of a driveway dispute between two neighbors. It is a 66 foot wide driveway and Brian Hollis verified that a fire truck can get thru. This is a civil matter and not a town issue.

Intergovernmental Sub-Committee, Land Use and/or Long Range Planning Committee: Junior Eichelkraut reported on the Land Use request from Don Hoesly to create two residential lots and two agricultural lots. All allotments will be exhausted. Land Use Committee voted 4 in favor and 0 opposed.

No discussion held on the proposal to convert section of State Highway 69 into a Town Road.

Motion made by Randy Francois, seconded by Dan Palmer, and made unanimous by Roger Hodel to approve Ordinance 2017-07-01, An Ordinance Relating to the Confidentiality of Information about Income and Expenses Requested by the Assessor in Property Assessment Matters in the Town of Montrose. Motion Carried. *The purpose of this ordinance is to provide confidentiality of the records of taxpayers who provide income and expense record information to the town assessor under s. 70.47(7)(af), Wis. stats., and to exempt that information from being subject to the right of inspection or copying as a public record under s. 19.35(1), Wis. stats.* Information from Wisconsin Town law Forms.

Motion made by Randy Francois, seconded by Dan Palmer, and made unanimous by Roger Hodel to approve Ordinance 7-11-2017, An Ordinance for Provisional Operator's License. Motion Carried. *Sec. 125.17(5) A municipality which issues operator's licenses is required to issue provisional operator's licenses. The governing body may by ordinance establish standards under which provisional licenses will be issued, and designate the official authorized to issue the license..... The provisional license is good for a period not to exceed 60 days.... The municipality must revoke a provisional license if the applicant fails to successfully complete the training course and may revoke a license if it discovers that the holder made a false statement on his or her application. The fee may not exceed \$15.00.* Information from The League of Wisconsin Municipalities Municipal Licensing and Regulations of Alcohol Beverages

Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve Cottage Goddess Gifts & Events LLC, "Class A" Liquor License, Agent/Owner Lori Ann McGowan, 6840 Paoli Road, Belleville WI 53508., Room behind the main & front door of the mill on the south side of the first floor of 6890 Paoli Road. The lower half of mill on the east side gathering room and on second floor of mill in storage closet on northwest side. Contingent Upon Receiving All Paperwork and Fees. Motion Carried. *"Class A" licenses may sell intoxicating liquor to consumers only in original packages or containers for off-premises consumption. Sec. 125.51(2)."Class A" licenses may provide customers and visitors of legal drinking age no more than 2 free wine taste samples per person of not more than three fluid ounces each, for consumption on the premises, between the hours of 11 a.m. and 7 p.m. Sec. 125.06(13). Between 11 a.m. and 7 p.m. "Class A" licenses can also provide persons of legal drinking age no more than one taste sample, not exceeding 0.5 fluid ounces of intoxicating liquor other than wine for consumption on the premise. 2015 Wis. Act 10, creating sec. 125.51(2)(am).* Information from The League of Wisconsin Municipalities Municipal Licensing and Regulations of Alcohol Beverages

Motion made by Randy Francois, seconded by Dan Palmer, and made unanimous by Roger Hodel to approve Operator License for Suzanne Nicole Leverich and Quinn Lee Kimball (Paoli Pub) Contingent Upon Receiving All Paperwork and Fees. Motion Carried.

Motion made by Dan Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve Request by Don Hoesly (Delores Best Trust), Dane County Rezone

- 1. Lot 1, 2.8 Acres A-1Ex Exclusive Ag District to RH-1 Rural Home District. This is a buildable lot.**
- 2. Lot 2, 26.4 Acres A-1Ex Exclusive Ag District to A-2 Agricultural District. Deed restricted that no homes can be built on Lot 2.**
- 3. Lot 3, 27.7 Acres A-1Ex Exclusive Ag District to A-2 Agricultural District. Deed restricted that no homes can be built on Lot 3.**
- 4. Lot 4, 23.2 Acres, has original farm house to A-1Ex Exclusive Ag District to A-2 Agricultural District.**
- 5. Certified Survey Map (CSM) is required. Motion Carried.** No splits are available. Town Board instructed the Clerk to send a certified letter to Don Hoesly informing him of the board's decision and to let him know the property may not qualify for Farmland Preservation. The Dane County public hearing date is July 25, 2017. Parcel numbers involved are 0508-363-8730-7, 0508-363-8500-5, 0508-354-8000-1. One lot will have new parcel number

No Public Input

Motion made by Randy Francois, seconded by Dan Palmer, and made unanimous by Roger Hodel to adjourn July 11, 2017 Regular Board Meeting at 8:35 p.m. Motion Carried.

Respectfully Submitted,
Julie L. Bigler, Town Clerk

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