



# 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, March 28, 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 meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

McGinnity attended via Zoom.

Staff present: Allan, Everson, Holloway, Lane, and Violante

**Present** 4 - JERRY BOLLIG, MICHELE DOOLAN, KATE MCGINNITY, and MELISSA RATCLIFF

**Excused** 1 - TIM KIEFER

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

No comments made by the public.

#### C. Consideration of Minutes

[2023](#)  
[MIN-008](#)

Minutes of the March 14, 2023 Zoning and Land Regulation Committee meeting

**Attachments:** [3-14-23 ZLR Work Meeting Minutes.pdf](#)

A motion was made by RATCLIFF, seconded by BOLLIG, to approve the minutes of the March 14, 2023 Zoning and Land Regulation Committee meeting. The motion carried by the following vote: 4-0.

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

**Excused:** 1 - KIEFER

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

A motion was made by DOOLAN, seconded by BOLLIG, to adjust the agenda by placing CUP 2588 after Rezoning Petition 11930. The motion carried by the following vote: 4-0.

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

**Excused:** 1 - KIEFER

11927

PETITION: REZONE 11927  
APPLICANT: MPS ENTERPRISES INC  
LOCATION: EAST OF 615 WINDMILL ROAD, SECTION 19, TOWN OF  
RUTLAND  
CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural  
Residential District  
REASON: creating two residential lots

**Attachments:** [11927 Ord Amend](#)  
[11927 Staff Report](#)  
[11927 Town Action](#)  
[11927 Map](#)  
[11927 RUTLAND](#)  
[11927 Density Study #2](#)  
[11927 Density Study #1](#)

*Support: Mike Schmudlach*

*Opposed: None*

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

**1. A deed restriction shall be recorded on tax parcels 0510-193-8041-0, 0510-193-9500-4 and 0510-194-9000-8 stating the following:**

**a. Further residential/nonfarm development is prohibited. The housing density units have been exhausted per the Town Comprehensive Plan density policies.**

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

**Excused:** 1 - KIEFER

[11928](#)

PETITION: REZONE 11928  
APPLICANT: DOUGLAS AND VICTORIA STATZ  
LOCATION: 7437 STATE HWY 113, SECTION 15, TOWN OF DANE  
CHANGE FROM: RM-16 Rural Mixed-Use District TO RM-8 Rural  
Mixed-Use District, RM-16 Rural Mixed-Use District TO FP-1 Farmland  
Preservatio11928n District  
REASON: creating a residential lot for the existing residence and creating  
an agricultural lot.

**Attachments:** [11928 Staff Update](#)  
[11928 Town Action](#)  
[11928 Email of Concern](#)  
[11928 ROD doc 3266066](#)  
[11928 Map](#)  
[11928 APP](#)

*Support: Douglas Statz, Duane Kirking, and Ann Post*  
*Opposed: None*

**A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning  
Petition be postponed due to no Town action. The motion carried by the  
following vote: 4-0.**

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

**Excused:** 1 - KIEFER

[11929](#)

PETITION: REZONE 11929  
APPLICANT: GREGORY A THOMPSON  
LOCATION: NW CORNER OF BURKE ROAD AND REINER ROAD,  
SECTION 23, TOWN OF BURKE  
CHANGE FROM: SFR-1 Single Family Residential District TO TFR-08  
Two Family Residential District  
REASON: zoning to allow for duplex residential use

**Attachments:** [11929 Staff Report](#)  
[11929 Map](#)  
[11929 App](#)

*Support: Greg Thompson*  
*Opposed: None*

**A motion was made by RATCLIFF, seconded by BOLLIG, that the Zoning Petition  
be postponed due to no Town action. The motion carried by the following vote:  
4-0.**

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

**Excused:** 1 - KIEFER

[11930](#)

PETITION: REZONE 11930  
APPLICANT: JULIE AND WILLIAM KARPUS  
LOCATION: 2404 HAMMOND RD, SECTION 21, TOWN OF DUNKIRK  
CHANGE FROM: RR-8 Rural Residential District TO RM-8 Rural  
Mixed-Use District  
REASON: zoning to allow for horse boarding facility

**Attachments:** [11930 Ord Amend](#)  
[11930 Staff Report](#)  
[11930 Town Action](#)  
[11930 Map](#)  
[11930 APP rev](#)

*Support: Julie and William Karpus, Travis Leeser*  
*Opposed: None*

**A motion was made by BOLLIG, seconded by MCGINNITY, to suspend ZLR  
Committee rules to allow Town action to be accepted after the deadline date.  
The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KIEFER

**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,MCGINNITYandRATCLIFF

**Excused:** 1 - KIEFER

[02588](#)

PETITION: CUP 02588  
APPLICANT: JULIE AND WILLIAM KARPUS  
LOCATION: 2404 HAMMOND RD, SECTION 21, TOWN OF DUNKIRK  
CUP DESCRIPTION: large animal (horse) boarding

**Attachments:** [CUP 2588 Staff Report](#)  
[CUP 2588 Town Action.pdf](#)  
[CUP 2588 Map](#)  
[11930 APP rev](#)

*Support: Julie and William Karpus, Travis Leeser*

**A motion was made by MCGINNITY, seconded by BOLLIG, to suspend ZLR  
Committee rules to allow Town action to be accepted after the deadline date.  
The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KIEFER

A motion was made by BOLLIG, seconded by RATCLIFF, to approve the CUP given 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, if applicable.
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;
13. Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.
14. Each animal shall be provided with adequate exercise space.
15. Horse boarding operations shall be limited to a maximum of 14 boarded horses at any one time.
16. Operations exceeding one animal unit per acre must comply with the

standards of s. 10.103(7).

17. Sanitary fixtures to serve the horse boarding operation use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the horse boarding use.

18. This Conditional Use Permit shall become effective only upon the rezoning to RM-8 becoming effective.

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

**Excused:** 1 - KIEFER

11931

PETITION: REZONE 11931

APPLICANT: LINDUS PROPERTIES LLC

LOCATION: 4281 ACKER RD., SECTION 8, TOWN OF BURKE

CHANGE FROM: HC Heavy Commercial District TO MI Manufacturing and Industrial District

REASON: zoning to allow an auto salvage yard business

**Attachments:** [11931 Staff Report.pdf](#)

[11931 Town Action](#)

[11931 Letter of Concern](#)

[11931 Map](#)

[11931 App](#)

*Support: Matthew Hunter*

*Opposed: Zackary Brumm and Laurel Clary*

**A motion was made by RATCLIFF, seconded by BOLLIG, that the Zoning Petition be postponed until the April 25th ZLR Committee meeting due to public opposition. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KIEFER

[02590](#)

PETITION: CUP 02590  
APPLICANT: LINDUS PROPERTIES LLC  
LOCATION: 4281 ACKER RD., SECTION 8, TOWN OF BURKE  
CUP DESCRIPTION: salvage yard

**Attachments:** [CUP 2590 Staff Report](#)  
[CUP 2590 Town Action](#)  
[CUP 2590 Letter of Concern](#)  
[CUP 2590 Map](#)  
[CUP 2590 APP](#)

*Support: Matthew Hunter*  
*Opposed: Zachary Brumm and Laurel Clary*

**A motion was made by RATCLIFF, seconded by MCGINNITY, that the Conditional Use Permit be postponed until the April 25th ZLR Committee meeting due to public opposition. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KIEFER

[11932](#)

PETITION: REZONE 11932  
APPLICANT: SHAMROCK FARMS  
LOCATION: EAST/NW OF 4974 COUNTY HIGHWAY J, SECTION 30,  
TOWN OF CROSS PLAINS  
CHANGE FROM: RR-4 Rural Residential District TO RR-8 Rural  
Residential District, FP-35 Farmland Preservation District TO RR-8 Rural  
Residential District, FP-35 Farmland Preservation District TO RR-4 Rural  
Residential District  
REASON: increase the size of two residential lots

**Attachments:** [11932 Ord Amend](#)  
[11932 Staff Report](#)  
[11932 Town Action](#)  
[11932 Map](#)  
[11932 App](#)

*Support: Shawn Farrell*  
*Opposed: None*

**A motion was made by DOOLAN, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**  
**1. The certified survey map associated with rezone Petition #11932 shall provide for access easement rights for the CSM lots and surrounding farm lands.**

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

**Excused:** 1 - KIEFER

[02584](#)

PETITION: CUP 02584

APPLICANT: JOSEPH AND DIANE RIPP

LOCATION: SOUTH OF 7839 BONETTI ROAD, SECTION 1, TOWN OF DANE

CUP DESCRIPTION: non-metallic mineral extraction operation, temporary concrete batch plant, and temporary asphalt plant

**Attachments:**

[CUP 2584 Staff Report.pdf](#)

[CUP 2584 Vienna requirements for Bonetti Road.pdf](#)

[CUP 2584 Email in opposition Grams.pdf](#)

[CUP 2584 Email in opposition Haymes](#)

[CUP 2584 Email in opposition Hojnacki.pdf](#)

[CUP 2584 Email in opposition Karls.pdf](#)

[CUP 2584 Email in opposition Karls 2.pdf](#)

[CUP 2584 Email in Opposition Niesen K.pdf](#)

[CUP 2584 Email in Opposition Niesen M.pdf](#)

[CUP 2584 Email in opposition Stinson.pdf](#)

[CUP 2584 Letter in opposition Pierce.pdf](#)

[CUP 2584 Letter in opposition Roth.pdf](#)

[CUP 2584 Letter in opposition Taylor.pdf](#)

[CUP 2584 Letter in opposition Wilson.pdf](#)

[CUP 2584 Performance letters from Tri-County Paving.pdf](#)

[CUP 2584 Email in opposition - Galle.pdf](#)

[Written testimony from Mar 28th public hearing.pdf](#)

[CUP 2584 Email in opposition - Fanney.pdf](#)

[CUP 2584 App](#)

[CUP 2584 Map](#)

*Support: Dustin Gradel, Terry Wenger, Kelly Bendixen, Pat Cadigan, David McCormack, Natalie Van Daele, Jared Ripp, and Dianne Ripp.*

*Opposed: Paul Karls, Nancy Roth, Nicolle Herbsleb, Dennis Kohlmeyer, Chris Statz, Vince Niesen, Jennifer Persike, Barb Taylor, Jeff Galle, Brian Dolphin, Diana Karls, Teresa Haymes, William Haymes, John Willson, Ruth Kohlmeyer, Tim Herbsleb, Paul Roth, Kevin Taylor, Kyle Pierce, Jaime Ballweg-Pierce, Katrina Galle, Debra Dolphin, and Cathy Clemens.*

*Neither: Jenny Sweatt, Patrick Weaver, and Jacob Taff*

**A motion was made by RATCLIFF, seconded by BOLLIG, that the Conditional Use Permit be postponed due to no town action and public opposition. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KIEFER



[02585](#)

PETITION: CUP 02585  
APPLICANT: CASEY AND MELISSA HELBACH  
LOCATION: 6993 APPLEWOOD DRIVE, SECTION 27, TOWN OF MIDDLETON  
CUP DESCRIPTION: transient or tourist lodging (short-term rental)

**Attachments:** [CUP 2585 Staff Report](#)  
[CUP 2585 Town Action](#)  
[CUP 2585 Previous CUP 2566](#)  
[CUP 2585 Map](#)  
[CUP 2585 APP](#)  
[CUP 2585 Email in Opposition - Zilavy.pdf](#)  
[CUP 2585 Email in Opposition VandeBerg.pdf](#)  
[CUP 2585 Email in Opposition - Huntsman.pdf](#)

*Support: Melissa Helbach*  
*Opposed: David Huntsman*  
*Neither: Jonathan Stefonek*

**A motion was made by BOLLIG, seconded by RATCLIFF, that the Conditional Use Permit be postponed until the April 25th ZLR Committee meeting due to public opposition. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KIEFER

[02586](#)

PETITION: CUP 02586  
APPLICANT: TINGTING & DERIK BINGNER  
LOCATION: 2290 CTH AB, SECTION 23, TOWN OF DUNN  
CUP DESCRIPTION: transient or tourist lodging (short-term rental)

**Attachments:** [CUP 2586 Staff Report](#)  
[CUP 2586 Town Action](#)  
[CUP 2586 Email in opposition Christianson.pdf](#)  
[CUP 2586 Letter of opposition L Carnahan.pdf](#)  
[CUP 2586 Letter of opposition P Carnahan.pdf](#)  
[CUP 2586 Peaceful Stay Pledge](#)  
[CUP 2586 Map](#)  
[CUP 2586 APP](#)

*Support: Tingting Bingner*  
*Opposed: Letters in opposition*

**A motion was made by BOLLIG, seconded by RATCLIFF, that the Conditional Use Permit be postponed until the April 25th ZLR Committee meeting due to public opposition. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KIEFER

[02587](#)

PETITION: CUP 02587  
APPLICANT: MICHAEL AND DIANNE RIPP  
LOCATION: NORTH OF 6970 MADIGAN ROAD, SECTION 20, TOWN  
OF VIENNA  
CUP DESCRIPTION: continuation of an existing mineral extraction  
operation (previous cup has expired)

**Attachments:** [CUP 2587 Staff Report](#)  
[CUP 2587 Town Action](#)  
[CUP 2587 Performance letters from Tri-County Paving.pdf](#)  
[CUP 2587 Map](#)  
[CUP 2587 APP](#)  
[CUP 1783 EXPIRED](#)  
[CUP #2587](#)

*Support: Dustin Gradel, and Terry Wenger*  
*Opposed: None*

A motion was made by BOLLIG, seconded by RATCLIFF, to approve the CUP based on the findings of fact as noted in the staff report and conclude 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, phasing plan, and following conditions.
- 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 and be consistent with Dane County Zoning Ordinance Section 10.102(8).
- 8) If the Dane County Highway Department, Department of Transportation, 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.

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.

13) Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter 74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.

14) The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.

15) The permit period shall be twenty (20) years from effective date.

16) A new reclamation plan shall be prepared and submitted within six (6) months of approval of the conditional use permit. The plan shall be specific to the 40-acre boundary. Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards:

a) Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan, and the Dane County Farmland Preservation Plan.

b) Final slopes shall not be graded more than 3:1 except in a quarry operation.

c) The area shall be covered with topsoil and seeded to prevent erosion.

d) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County

e) High walls shall be free from falling debris, be benched at the top, and certified by a civil engineer to be stable.

17) The driveway accessing the subject site shall either be paved or covered with crushed asphalt for a minimum distance of 100 feet from the public right-of-way. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.

18) The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."

19) All surface and subsurface operations shall be setback a minimum of 20' from property lines that do not abut a public right of way.

20) Excavations below the grade abutting Madigan Road shall be setback 30 feet from the property line.

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- 21) Hours of operation shall be Monday through Friday 7:00am to 6:00pm, and Saturday 7:00am to 4:00pm. There shall be no operations of any kind Sundays and on holidays. Holidays are to include: New Year's Eve, New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve, and Christmas.
- 22) There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.
- 23) There shall be no alteration of topography within 5 feet of the property line.
- 24) Except for incidental removal associated with dust spraying or other routine operations under this permit, water shall not be pumped or otherwise removed from the site.
- 25) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed the current industry standards for noise abatement.
- 26) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.
- 27) Dane County and the Town shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.
- 28) Any fuel storage on-site shall comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment. All excavation equipment and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.
- 29) In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.
- 30) Blasting or crushing of material is prohibited.

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

**Excused:** 1 - KIEFER

[02589](#)

PETITION: CUP 02589  
APPLICANT: CUMMINGS AND TURK FARMS LLC  
LOCATION: 3436 NORTH STAR RD, SECTION 34, TOWN OF  
COTTAGE GROVE  
CUP DESCRIPTION: outdoor storage for contractor business

**Attachments:** [CUP 2589 Staff Report](#)  
[CUP 2589 Town Action](#)  
[CUP 2589 Town Business-Park-Plan](#)  
[CUP 2589 Map](#)  
[CUP 2589 APP](#)

*Support: David Cummings*  
*Opposed: None*

A motion was made by RATCLIFF, seconded by MCGINNITY, to approve the CUP given 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. A seven-foot-high berm must be constructed on the south side of the outdoor storage area, planted with evergreens of sufficient size and density to provide effective screening of the outdoor stored items.
2. The berm must be planted and mowed to prevent erosion and invasive species.
3. The berm and plantings must be completed within 6 months of approval of the CUP. Trees are to be planted on the north side of the outdoor storage area where possible (up to the Bio Basin)
4. Hours of operation for loading and unloading of outdoor stored items to be 6 a.m. to 6 p.m., seven days per week.
5. Applicant to follow his written statement of intent and operations plan as submitted with his CUP application to Dane County.
6. This CUP shall become effective upon Rezone Petition 11918, to rezone the land from FP-1 to GC, becoming effective.

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

**Excused:** 1 - KIEFER

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

[11789](#)

PETITION: REZONE 11789  
APPLICANT: CARBON CYCLE CONSULTING LLC  
LOCATION: 464 CANAL ROAD, SECTION 2, TOWN OF MEDINA  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-B  
Farmland Preservation Business District  
REASON: change zoning to allow for the composting of manure and  
agricultural by-products

**Attachments:** [11789 Ord Amend.pdf](#)  
[11789 Staff Update](#)  
[11789 Town Action Report.pdf](#)  
[11789 Map](#)  
[11789 APP](#)  
[11789 Previous Site Plan.pdf](#)  
[11789 CarbonCycle\\_CU\\_Revocation.pdf](#)

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

1. A Delayed Effective Date of 180 days from the date of county board approval of the rezoning petition shall be imposed.
2. Within 180 days of county board approval of the rezoning petition, the owner shall provide the zoning administrator with copies of all required permits and licenses for operation of a composting facility.
3. Upon submittal of the required permits and licenses, owner shall record a deed restriction on the FP-B zoned property (tax parcels 081202380006, and 081202395009) that states the following:
  - a. Allowable land uses are limited exclusively to a composting facility and agricultural uses.
4. Failure to provide the required materials or record the required deed restriction within the 180 day time period shall cause the rezoning to be null and void.

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

**Excused:** 1 - KIEFER

[02550](#)

PETITION: CUP 02550  
APPLICANT: CARBON CYCLE CONSULTING LLC  
LOCATION: 464 CANAL ROAD, SECTION 2, TOWN OF MEDINA  
CUP DESCRIPTION: composting facility / manure processing facility

**Attachments:**

- [CUP 2550 Staff Update](#)
- [CUP 2550 Recommended finding of fact and suggested conditions](#)
- [CUP 2550 - Applicant update and statement 3-28-23](#)
- [CUP 2550 Town Action Report.pdf](#)
- [CUP 2550 - DNR Compost Facility Permit](#)
- [CUP 2550 - LWRD Certificate of Use](#)
- [CUP 2550 - LWRD email on stormwater plans](#)
- [CUP 2550 - Compeer email re financial assurance](#)
- [CUP 2550 - Stormwater Plan](#)
- [CUP 2550 - Site Plan](#)
- [CUP 2550 Map](#)
- [CUP 2550 APP](#)
- [CUP 2550 Staff Update](#)

A motion was made by BOLLIG, seconded by RATCLIFF, to approve the CUP based on the findings of fact as noted in the staff report and concluded 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) This Conditional Use Permit for a composting facility shall not become effective until FP-B (Farmland Preservation – Business) zoning is established on the property as proposed under rezoning petition 11789.
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions.
- 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 and licenses. 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) The operator shall take reasonable measures to control dust on the driveway a minimum of 500 feet from the public right of way.
- 15) The operator and Town of Medina will enter into a road maintenance agreement.
- 16) All vehicle accessing the site must obey posted road weight limits.
- 17) Hours of operation for deliveries shall be 6-8pm daily.
- 18) This Conditional Use Permit is non-transferrable and shall expire upon sale or transfer of the property or the business operation to an unrelated party.

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

**Excused:** 1 - KIEFER

[11885](#)

PETITION: REZONE 11885  
APPLICANT: JENSEN FAMILY FARM LLC (JERRY JENSEN)  
LOCATION: NORTH AND SOUTH OF TOWN PARK ROAD, SECTION  
15, TOWN OF OREGON  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural  
Residential District, RR-2 Rural Residential District TO FP-35 Farmland  
Preservation District, FP-1 Farmland Preservation District TO FP-35  
Farmland Preservation District, RR-4 Rural Residential District TO FP-35  
Farmland Preservation District  
REASON: rezone to reconfigure lot lines

**Attachments:** [11885 Ord Amend](#)  
[11885 Staff Update](#)  
[11885 Town Action](#)  
[11885 App Revised](#)  
[11885 Map revised](#)  
[11885 Zoning map revised](#)  
[11885 Email in opposition](#)  
[11885 town road](#)  
[11885 Deed Restriction 4772010](#)

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

- 1. A developers agreement shall be approved by Town Board.**
- 2. Engineering plans shall be approved by Town Board.**

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

**Excused:** 1 - KIEFER

[11911](#)

PETITION: REZONE 11911

APPLICANT: RONALD & BARBARA HENNINGS LIVING TR

LOCATION: 6260 SOMMER VALLEY CIR, SECTION 4, TOWN OF  
BURKE

CHANGE FROM: RR-4 Rural Residential District TO RR-1 Rural  
Residential District, RR-4 Rural Residential District TO RR-2 Rural  
Residential District

REASON: creating one residential lot

**Attachments:** [11911 Ord Amend](#)

[11911 Staff Update](#)

[11911 Town Action Report](#)

[11911 Map](#)

[11911 App](#)

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

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

**Excused:** 1 - KIEFER

[02583](#)

PETITION: CUP 02583  
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 Staff memo and recommended findings](#)  
[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](#)

**A motion was made by RATCLIFF, seconded by BOLLIG, that the Conditional Use Permit be postponed due to no Town action. The motion carried by the**

following vote: 4-0.

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

**Excused:** 1 - KIEFER

## F. Plats and Certified Survey Maps

[2022 LD-018](#) Statz Land Division Waiver (associated with petition 11928)  
Town of Dane  
Staff recommends approval based on the fact that this new lot will not be used for residential purposes.

**Attachments:** [Report](#)  
[Statz - CSM - Town of Dane - 01-11-2023](#)  
[Dane County Variance application - Statz](#)

A motion was made by RATCLIFF, seconded by BOLLIG, that the Land Division waiver be approved. The motion carried by a voice vote: 4-0.

**Finding of fact:** Lot 1 is not a buildable lot for residential purposes and will be conveyed to an adjacent land owner.

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

**Excused:** 1 - KIEFER

## G. Resolutions

## H. Ordinance Amendment

## I. Items Requiring Committee Action

## J. Reports to Committee

[2023](#)  
[RPT-008](#) Report of approved and recorded Certified Survey Maps

**Attachments:** [Mar\\_2023](#)

## K. Other Business Authorized by Law

## L. Adjourn

A motion was made by RATCLIFF, seconded by BOLLIG, to adjourn the March 28, 2023 Zoning and Land Regulation Committee meeting at 9:36pm. The motion carried unanimously.

Questions? Contact Planning and Development Staff, 266-4266, or [plandev@countyofdane.com](mailto:plandev@countyofdane.com).

