



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?

Tuesday, January 11, 2022

6:30 PM

Virtual meeting

ZOOM Webinar ID: 995 3999 1313

A. Call to Order

Vice chair Peters called the meeting to order at 6:31pm.

Staff in attendance: Allan and Violante

Present 3 - STEVEN PETERS, TIM KIEFER, and SARAH SMITH

Excused 2 - JERRY BOLLIG, and MICHELE DOOLAN

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

There was no public comment for items not on the agenda.

[2021](#)
[RPT-781](#) January 11, 2022 ZLR Registrants

Attachments: [January 11 ZLR Meeting Registrants](#)

C. Consideration of Minutes

[2021](#)
[MIN-525](#) Minutes of the December 28, 2021 Zoning and Land Regulation Committee meeting

Attachments: [12-28-21 ZLR Public Hearing minutes.pdf](#)

A motion was made by Smith, seconded by Kiefer, to approve the December 28, 2021 ZLR Committee meeting minutes. The motion passed, 3-0.

Ayes: 3 - PETERS, KIEFER and SMITH

Excused: 2 - BOLLIG and DOOLAN

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

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

[11739](#)

PETITION: REZONE 11739

APPLICANT: SOLON W PIERCE III

LOCATION: EAST OF 1475 COUNTY HWY BB, SECTION 18, TOWN OF DEERFIELD

CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District

REASON: creating two residential lots

Attachments: [11739 Staff Update](#)
[11739 Town Action Report](#)
[11739 Revised 1 lot map](#)
[11739 Density.pdf](#)
[11739 Map](#)
[11739 APP](#)
[11739 Soil Suitability Map](#)

Registered in support: Solon Pierce, Don Imhoff

Registered in opposition: None

Allan informed the committee of a recently discovered discrepancy with wetland data that could impact the petition and recommended postponement.

A motion was made by Smith, seconded by Kiefer, to postpone the petition. The motion carried, 3-0.

Ayes: 3 - PETERS,KIEFERandSMITH

Excused: 2 - BOLLIGandDOOLAN

[11772](#)

PETITION: REZONE 11772
APPLICANT: TOWN OF VERONA
LOCATION: PROPERTIES NORTH OF CROSS COUNTRY ROAD, SECTION 8, TOWN OF VERONA
CHANGE FROM: RR-1, RR-2, and RR-4 Rural Residential District TO SFR-1 and SFR-2 Single Family Residential District
REASON: town initiated blanket rezone of various properties will better accommodate existing land uses and provide more consistency amongst surrounding neighborhood and with the town/county comprehensive plan

Attachments: [11772 Ord Amend](#)
[11772 Staff Update.pdf](#)
[11772 Town Action Report](#)
[11772 Email in support - Steuck.pdf](#)
[11772 Map](#)
[11772 APP](#)

Registered in support: None
Registered in opposition: None

A motion was made by Smith, seconded by Kiefer, to recommend approval of the petition. The motion carried, 3-0.

Ayes: 3 - PETERS,KIEFERandSMITH

Excused: 2 - BOLLIGandDOOLAN

[11774](#)

PETITION: REZONE 11774
APPLICANT: JASON W JASKULA
LOCATION: 76 HILLSIDE ROAD AND SURROUNDING PROPERTIES, SECTION 36, TOWN OF ALBION
CHANGE FROM: FP-35 Farmland Preservation District TO RM-16 Rural Mixed-use District
REASON: expanding existing residential lot

Attachments: [11774 Ord Amend](#)
[11774 Staff Update](#)
[11774 Town Action Report](#)
[11774 Density Study](#)
[11774 Map](#)
[11774 APP Revised](#)

Registered in support: Jason Jaskula
Registered in opposition: None

A motion was made by Smith, seconded by Kiefer, to recommend approval of the petition with the following condition. The motion carried, 3-0.

1. Owners shall record deed restrictions on both RM-16 parcels prohibiting land divisions or further development.

Ayes: 3 - PETERS,KIEFERandSMITH

Excused: 2 - BOLLIGandDOOLAN

02540

PETITION: CUP 02540
APPLICANT: DANE COUNTY WASTE & RENEWABLES
LOCATION: NORTH AND EAST OF 3087 LUDS LANE, SECTION 30, TOWN OF COTTAGE GROVE
CUP DESCRIPTION: electric generating facility - 178-acre solar array farm

Attachments: [CUP #2540 \(Solar Electric Generating Facility\)](#)

[CUP 2540 Staff Update](#)

[CUP 2540 Town Action Report.pdf](#)

[CUP 2540 Site Plan 122721 Final](#)

[CUP 2540 Revised layout](#)

[CUP 2540 Applicant Response to Cottage Grove Questions.pdf](#)

[CUP 2540 Response to 8 CUP Standards.pdf](#)

[CUP 2540 Project Presentation.pdf](#)

[CUP 2540 Map](#)

[CUP 2540 APP](#)

Registered in support: Bill French, Ben Tanko

Registered in opposition: None

A motion was made by Smith, seconded by Kiefer, to approve the Conditional Use Permit with the following 17 conditions. The motion carried, 3-0.

- 1) Pile driving operations (during construction) are limited to between 7:00 a.m. to 7:00 p.m. Monday through Friday.
- 2) Seven to eight foot tall arbor vitae or cedars shall be planted outside the solar facility fence on the border with Hope Lutheran Church (on Dane County property, so the solar facility will be responsible for their maintenance).
- 3) Areas adjacent to crop land that is not row-crops will be mowed 3-4 times per year to keep seed from native plantings on the solar site from dispersing onto the crop land.
- 4) The town shall be an additional insured on a bond with the County.
- 5) Any conditions required for specific uses listed under s. 10.103.
- 6) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 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) 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 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 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.

Ayes: 3 - PETERS,KIEFERandSMITH

Excused: 2 - BOLLIGandDOOLAN

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

[2021](#)
[ACT-368](#)

Discussion and possible action regarding the violation of conditions of Conditional Use Permit #2537, DUSTIN MAHER, 7537 Fallen Oak Drive, Section 29, Town of Middleton. The conditional use permit was issued for transient or tourist lodging.

Attachments: [ACT 368 Staff Report.pdf](#)
[CUP violation letter - Jan 3](#)
[Dept of Health violation letter - Jan 4](#)
[CUP #2537](#)
[House Listing.pdf](#)
[Citation Letter - Nov 5th](#)
[Zoning Violation Letter - July 13th](#)

Registered in support (against revocation of CUP 2537): Dustin Maher
Registered in opposition (in favor of revocation of CUP 2537): Ken Wagner, Gary Kraft, Janis Parkinson, Mike Parkison

A motion was made by Kiefer, seconded by Smith, to approve the revocation of CUP 2537 for transient and tourist lodging based on the following findings as presented in the staff report. The motion carried, 3-0.

1. After being notified of the violation on July 13th, the landowner has continued to violate various aspects of the land use. The landowner continued to advertise the short-term rental; has exceeded the 8-person limit of the septic system; and has not obtained a license from the Health Department. The rental of the house is still causing complaints from the neighbors.

Ayes: 3 - PETERS,KIEFERandSMITH

Excused: 2 - BOLLIGandDOOLAN

A motion was made by Kiefer, seconded by Smith, to reconsider. Motion carried, 3-0

Ayes: 3 - PETERS,KIEFERandSMITH

Excused: 2 - BOLLIGandDOOLAN

A motion was made by Kiefer, seconded by Smith, to approve the revocation of CUP 2537 for transient and tourist lodging based on the following findings as presented in the staff report. The motion carried, 3-0.

1. After being notified of the violation on July 13th, the landowner has continued to violate various aspects of the land use. The landowner continued to advertise the short-term rental; has exceeded the 8-person limit of the septic system; and has not obtained a license from the Health Department. The rental of the house is still causing complaints from the neighbors.

Ayes: 3 - PETERS,KIEFERandSMITH

Excused: 2 - BOLLIGandDOOLAN

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by Smith, seconded by Kiefer, to adjourn the meeting at 7:20PM. The motion carried by a voice vote.

Questions? Contact Planning and Development Staff, 266-4266, or plandev@countyofdane.com.

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.