



# 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, November 15, 2022

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 November 15, 2022 Zoning and Land Regulation  
Committee meeting to order at 6:30 PM.

Staff present: Violante, Lane, Holloway, Standing, Everson

**Present** 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and KATE MCGINNITY

**Excused** 1 - MELISSA RATCLIFF

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

No comments made by the public.

[2022](#)  
[RPT-540](#)

November 15, 2022 ZLR Registrants

**Attachments:** [Nov 15th ZLR Registrants](#)

#### C. Consideration of Minutes

[2022](#)  
[MIN-386](#)

Minutes of the October 25, 2022 Zoning and Land Regulation Committee  
meeting

**Attachments:** [10-25-22 ZLR Public Hearing Minutes.pdf](#)

A motion was made by BOLLIG, seconded by MCGINNITY, that the Minutes be  
approved. The motion carried by the following vote:

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

**Excused:** 1 - RATCLIFF

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

[11901](#)

PETITION: REZONE 11901  
APPLICANT: DIANNE ROELKE  
LOCATION: SOUTH OF 5706 OLD HIGHWAY 78, SECTION 15, TOWN  
OF MAZOMANIE  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural  
Residential District, UTR Utility, Transportation and ROW District TO RR-4  
Rural Residential District  
REASON: creating one residential lot

**Attachments:** [11901 Ord Amend.pdf](#)

[11901 Staff Report](#)

[11901 Town Action](#)

[11902 Density Study](#)

[11901 Map](#)

[11901 App](#)

*In support: Diane Roelke and Donna Duhr*

*Opposed: None*

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

**1. A deed restriction shall be recorded on parcels 080615384150, 080615490010,  
080615485024, and 080615495602 to prohibit further residential development on  
the remaining FP-35 zoned land. The housing density rights for the original farm  
have been exhausted.**

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

**Excused:** 1 - RATCLIFF

[11902](#)

PETITION: REZONE 11902  
APPLICANT: STRIKE EAGLE LLC  
LOCATION: WEST OF 8712 ZAHLER DRIVE, SECTION 27, TOWN OF  
SPRINGDALE  
CHANGE FROM: AT-35 Agriculture Transition District TO RR-2 Rural  
Residential District, AT-35 Agriculture Transition District TO RR-1 Rural  
Residential District  
REASON: creating two residential lots

**Attachments:** [11902 Ord Amend.pdf](#)  
[11902 Staff Report](#)  
[11902 Town Action](#)  
[11902 Zahler concept plan June 2019](#)  
[11902 Map](#)  
[11902 App](#)

*In support: John Krebs*  
*Opposed: None*

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

**1. The landowner shall record a deed restriction on both new CSM lots  
prohibiting further division.**

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

**Excused:** 1 - RATCLIFF

[11903](#)

PETITION: REZONE 11903  
APPLICANT: DD ACRES LLC  
LOCATION: 5590 EASY STREET, SECTION 33, TOWN OF VIENNA  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1  
Farmland Preservation District, FP-35 Farmland Preservation District TO  
RM-8 Rural Mixed-Use District  
REASON: separate existing residence and farm buildings from farmland

**Attachments:** [11903 Ord Amend.pdf](#)

[11903 Staff Report](#)

[11903 Town Action](#)

[11903 Density Study](#)

[11903 Map](#)

[11903 App](#)

*In support: Patrick Maier*

*Opposed: None*

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

**1. Land owner shall have a manure management plan in place and comply with  
Chapter NR 151, Subchapter II, Wisconsin Administrative Code.**

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

**Excused:** 1 - RATCLIFF

[11904](#)

PETITION: REZONE 11904  
APPLICANT: DIANE KARLS ESTATE (AUDREY PRIEVE)  
LOCATION: 7906 GLUTH ROAD, SECTION 5, TOWN OF DANE  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural  
Residential District  
REASON: separating existing residence from farmland

**Attachments:** [11904 Ord Amend.pdf](#)

[11904 Staff Report](#)

[11904 Town Action](#)

[11904 Density Study](#)

[11904 Map](#)

[11904 App](#)

*In support: Audrey Prieve*

*Opposed: None*

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

**1. The shed building located within Gluth Road right-of-way may not be rebuilt or repaired.**

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

**Excused:** 1 - RATCLIFF

[11905](#)

PETITION: REZONE 11905  
APPLICANT: OREGON FARM LTD PARTNERSHIP  
LOCATION: 1264, 1275, 1276 LATHERS ROAD AND LANDS TO  
SOUTH, SECTION 10, TOWN OF OREGON  
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-2 Single  
Family Residential District, RM-8 Rural Mixed-Use District TO SFR-2  
Single Family Residential District, RM-8 Rural Mixed-Use District TO RR-4  
Rural Residential District, AT-35 Agriculture Transition District TO RR-4  
Rural Residential District, SFR-08 Single Family Residential District TO  
SFR-1 Single Family Residential District  
REASON: create two new residential lots and modify other lot boundaries

**Attachments:** [11905 Ord Amend.pdf](#)

[11905 Staff Report](#)

[11905 Town Action](#)

[11905 Density Study](#)

[11905 Map](#)

[11905 App](#)

*In support: Mark Peterson, Phil Peterson*

*Opposed: None*

**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, KIEFER and MCGINNITY

**Excused:** 1 - RATCLIFF

[11906](#)

PETITION: REZONE 11906  
APPLICANT: KUHL JT IRREV LIVING TR, ROBERT M & ALTHEA C  
LOCATION: 5260 TOWER LINE ROAD, SECTION 26, TOWN OF  
MEDINA  
CHANGE FROM: RM-8 Rural Mixed-Use District TO RR-4 Rural  
Residential District  
REASON: creating two residential lots

**Attachments:** [11906 Ord Amend.pdf](#)

[11906 Staff Report](#)

[11906 Town Action](#)

[11906 Density Study](#)

[11906 Revised CSM](#)

[11906 Map](#)

[11906 App](#)

*In support: Jim Lowrey*

*Opposed: None*

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

**1. Owner of Robert M & Althea C Kuhl Joint Irrevocable Living Trust shall record a deed restriction on vacant FP-35 zoned parcels 081223495010, 081224390010, and 081226180010 prohibiting further non-farm development in accordance with Town of Medina plan policies, as the housing density units have been exhausted.**

**2. The owner shall record deed restrictions on the proposed RR-4 parcels limiting the keeping of livestock in accordance with the Town of Medina animal unit restrictions.**

**3. A joint driveway agreement shall be recorded with the Register of Deeds for the benefit of proposed Lot 3 and Lot 2 of CSM 14601 to the south.**

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

**Excused:** 1 - RATCLIFF

[11907](#)

PETITION: REZONE 11907  
APPLICANT: KEVIN SKADAHL & ANNA HINCHLEY-SKADAHL  
LOCATION: 2709 CLEAR VIEW RD, SECTION 10, TOWN OF  
CHRISTIANA  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural  
Residential District  
REASON: separating existing residence from farmland

**Attachments:** [11907 Ord Amend.pdf](#)

[11907 Staff Report](#)

[11907 Town Action](#)

[11907 Density Study](#)

[11907 Map](#)

[11907 App](#)

*In support: Anna Hinchley-Skadahl, Kevin Skadahl*

*Opposed: None*

**A motion was made by BOLLIG, seconded by MCGINNITY to suspend the rules and allow for the town action to be accepted. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - RATCLIFF

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

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

**Excused:** 1 - RATCLIFF



[11908](#)

PETITION: REZONE 11908  
APPLICANT: D SOMMERFELD PROPERTY LLC  
LOCATION: 331-335 N. NINE MOUND RD, SECTION 16, TOWN OF  
VERONA  
CHANGE FROM: LC Limited Commercial District TO GC General  
Commercial District  
REASON: change zoning to allow for a hair salon business

- Attachments:** [11908 Ord Amend.pdf](#)  
[11908 Staff Report](#)  
[11908 Town Action](#)  
[11908 City of Verona zoning excerpt](#)  
[11908 Map](#)  
[11908 App](#)

*In support: Doug Sommerfeld*  
*Opposed: None*

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

**A deed restriction shall be recorded on the property which states:**

- 1. Land uses on the property shall be limited exclusively to the following:**
  - a. Contractor, landscaping or building trade operations**
  - b. Undeveloped natural resource and open space areas**
  - c. Office uses**
  - d. Indoor sales**
  - e. Indoor storage and repair**
  - f. Personal or professional service**
  - g. A transportation, utility, communication or other use required by law**
  - h. Utility services associated with a permitted use**
- 2. Any dumpsters kept outdoors shall be screened from view of the public and surrounding residences.**

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

**Excused:** 1 - RATCLIFF

[02577](#)

PETITION: CUP 02577

APPLICANT: REGENT OF UNIV OF WIS 310 PETERSON BLDG

LOCATION: 3725 SCHNEIDER DRIVE, SECTION 27, TOWN OF DUNN

CUP DESCRIPTION: solar array electric generating facility - 15 acres

**Attachments:** [CUP 2577 Staff Report](#)

[CUP 2577 Town Action](#)

[CUP 2577 Distance to homes buffer](#)

[CUP 2577 Terrain Elevation Map](#)

[CUP 2577 Decommissioning Plan UW Kegonsa 2022-11-01](#)

[CUP 2577 Supplemental and Updated Documents](#)

[CUP 2577 Map](#)

[CUP 2577 App](#)

[CUP 2577 Public comment in opposition - Martinson](#)

[CUP 2577 Public comment in opposition - Ace](#)

[CUP 2577 Public petition in opposition](#)

[CUP 2577 Public comment in opposition - Pertzborn](#)

[CUP 2577 Public comment in opposition - Tiedt](#)

[CUP 2577 Vickerman testimony.pdf](#)

*In support: Hannah Stahmann, Mikhaila Calice, Missy Nergard, John Daugherty, Josh Sherry, Aaron Williams, Jim Boullion, Gary Anderson, Ameya Baxi, Nolan Stumpf, Michael Vickerman, Will Awve, Sarah Glover, Amanda Thomas, and Josh Arnold*

*Opposition: Patricia Dennis, Kathy Layton, Mary Martinson, Travis Martinson, Mary Ann Ace, Gordon Ace, Tyler Martinson, Kimberly Pertzborn, and Brian Tiedt*

**A motion was made by BOLLIG, seconded by MCGINNITY, that the Conditional Use Permit be postponed due to public opposition. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - RATCLIFF

[2022 OA-030](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE DANE COUNTY FARMLAND PRESERVATION PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN.

**Sponsors:** DOOLAN, ENGELBERGER and SMITH

**Attachments:** [2022 OA-30 staff memo.pdf](#)  
[2022 OA-30 ordinance text.pdf](#)  
[FPP 11 Farmland Preservation Plan Map.pdf](#)  
[Farmland Preservation Plan 2022 DRAFT Volume I POLICIES.pdf](#)  
[Farmland Preservation Plan 2022 DRAFT Volume II AG INVENTORY.pdf](#)  
[FPP Maps - Other.pdf](#)  
[FPP 2022 Appendix 1 SURVEY RESULTS.pdf](#)  
[FPP 2022 Appendix 2 SURVEY INSTRUMENTS AND RAW DATA .pdf](#)  
[Community notice.pdf](#)  
[DaneCertOrderLetter20221114.pdf](#)  
[DaneCountyFPPPlanCertApplication TV DG.pdf](#)  
[November 15, 2022 Newspaper Notice- for FPP plan amendments.pdf](#)  
[CARPC Comment Letter.pdf](#)  
[Testimony from William Haack.pdf](#)

*In support: Renee Lauber and Jessica Barmack*  
*Opposed: None*

A motion was made by KIEFER, seconded by BOLLIG, to amend the language in the Dane County Farmland Preservation Plan in accordance with the suggestion noted in the letter dated November 11, 2022 from the Capital Area Regional Plan Commission. The motion carried by the following vote: 4-0

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

**Excused:** 1 - RATCLIFF

A motion was made by KIEFER, seconded by MCGINNITY, that the Ordinance be recommended for approval as amended. The motion carried by the following vote: 4-0

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

**Excused:** 1 - RATCLIFF

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

[11871](#)

PETITION: REZONE 11871  
APPLICANT: GARY L BAUMGARTNER  
LOCATION: 9808 CTH A, SECTION 23, TOWN OF PERRY  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: separating existing residence from farmland

**Attachments:** [11871 Ord Amend.pdf](#)  
[11871 Staff Update.pdf](#)  
[11871 Revised CSM.pdf](#)  
[11871 Town Action.pdf](#)  
[11871 Density.pdf](#)  
[11871 Map](#)  
[11871 App](#)  
[11871 DW Easement.pdf](#)

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

1. The zoning district classification shall be amended to RR-4 Rural Residential Zoning District.
2. A certified survey map be recorded with the Register of Deeds.

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

**Excused:** 1 - RATCLIFF

## F. Plats and Certified Survey Maps

## G. Resolutions

## H. Ordinance Amendment

[2022 OA-030](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE DANE COUNTY FARMLAND PRESERVATION PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN.

**Sponsors:** DOOLAN, ENGELBERGER and SMITH

**Attachments:** [2022 OA-30 staff memo.pdf](#)  
[2022 OA-30 ordinance text.pdf](#)  
[FPP 11 Farmland Preservation Plan Map.pdf](#)  
[Farmland Preservation Plan 2022 DRAFT Volume I POLICIES.pdf](#)  
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[DaneCertOrderLetter20221114.pdf](#)  
[DaneCountyFPPPlanCertApplication TV DG.pdf](#)  
[November 15, 2022 Newspaper Notice- for FPP plan amendments.pdf](#)  
[CARPC Comment Letter.pdf](#)  
[Testimony from William Haack.pdf](#)

*In support: Renee Lauber*

**See motion above.**

## I. Items Requiring Committee Action

[2022 ACT-175](#) Site Plan Review for the relocation of a farm residence within the FP-35 Farmland Preservation Zoning District  
Applicant: David and Tammie Smithback  
Location: 2671 Straus Drive, Section 12, Town of Pleasant Springs

**Attachments:** [Site Plan Review, Smithback, Sec 12, Pleasant Springs.pdf](#)  
[Smithback proposal](#)

*In support: Chris Miller*

**A motion was made by MCGINNITY, seconded by BOLLIG, to approve the site plan with one condition. The motion carried by the following vote: 4-0.**

**1. The existing residence to be removed within 90 days after occupancy of the new house.**

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

Excused: 1 - RATCLIFF

**J. Reports to Committee**

**K. Other Business Authorized by Law**

**L. Adjourn**

A motion was made by BOLLIG, seconded by KIEFER, that the meeting be adjourned at 8:55 PM. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF