Dane County



Minutes

Tuesday, October 22, 2024

6:30 PM

See below for additional instructions on how to attend the meeting and provide public testimony. Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

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?

This meeting is being conducted on land now known and recognized as Dane County, Wisconsin. We acknowledge that this land is at the same time the ancestral, traditional, & contemporary land of the Ho-Chunk, Sauk & Kickapoo nations.

A. Call to Order

Chair DOOLAN called the October 22, 2024 ZLR Committee meeting to order at 6:31 PM in Room 354 of the City-County Building.

Staff present: Violante, Allan, Standing, Holloway, Everson and Frick.

Present 5 - JERRY BOLLIG, MICHELE DOOLAN, JEFFREY KRONING, DON POSTLER, and MICHELE RITT

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

No comments made by the public.

2024 October 22, 2024 ZLR Registrants RPT-319

C. Consideration of Minutes

<u>2024</u> Minutes of the October 8, 2024 Zoning and Land Regulation Committee meeting MIN-272

A motion was made by KRONING to approve the minutes of the October 8, 2024 meeting. The motion carried by the following vote: 5-0.

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

12099 PETITION: REZONE 12099

APPLICANT: ADAM AND SARA WIPPERFURTH

LOCATION: 7339 LODI-SPRINGFIELD ROAD, SECTION 17, TOWN OF DANE CHANGE FROM: FP-1 Farmland Preservation District TO RR-8 Rural Residential District

REASON: zoning compliance for existing land use (residential)

In Support: Adam Wipperfurth

Opposed: none

A motion was made by POSTLER, seconded by KRONING, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

APPLICANT: KEN A ALDERSON

LOCATION: 2249 STATE HIGHWAY 92, SECTION 19, TOWN OF SPRINGDALE

CHANGE FROM: AT-35 Agriculture Transition District and RR-2 Rural Residential District TO

RR-4 Rural Residential District

REASON: shifting of property lines between adjacent land owners to expand a residential lot

In support: Ken Alderson

Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Aves: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

12101 PETITION: REZONE 12101

APPLICANT: SARA & ANDREW WRIGHT

LOCATION: 11780 MID TOWN ROAD, SECTION 6, TOWN OF VERONA

CHANGE FROM: RR-8 Rural Residential District TO RR-4 Rural Residential District and RR-2

Rural Residential District

REASON: change zoning to create up to 4 residential lots on property (one for existing

residence)

In support: Andrew Wright

Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be postponed due to the need for town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

12102 PETITION: REZONE 12102

APPLICANT: DOUGLAS A & MARY E PORTER JT REV LIVING TR

LOCATION: 721, 731, 741 COUNTY HIGHWAY A, SECTION 4, TOWN OF ALBION

CHANGE FROM: RR-2 Rural Residential District TO RR-1 Rural Residential District and FP-35

Farmland Preservation District

REASON: shifting of property lines between adjacent land owners (modify two existing

residential lots)

In support: Douglas Porter

Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

APPLICANT: TOWN OF VERMONT

LOCATION: MULTIPLE (SEE LIST), SECTION 32, TOWN OF VERMONT CHANGE FROM: FP-35 Farmland Preservation District TO FP-35 Farmland

Preservation District

REASON: establishing an nr-1 (natural resource identification) overlay zoning

district for ridgetop protection areas

In support: Warren Gaskill, Eric Haugen, Tim Pierce

Opposed: Brian West, Dr. Pfister

Neither in support nor opposed: Greer Deneen, William Kuenzi, Ryan Baxter, Craig

LaPlante, Andrea Flickinger, Thomas Schmeling, Jennifer Lamba

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be postponed due to opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

12104 PETITION: REZONE 12104

APPLICANT: JOHN L & KAREN S WADDELL REV TR (MICHAEL SCHUSTER)

LOCATION: 7108 STATE HWY 89, SECTION 24, TOWN OF YORK

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District REASON: separate existing residence from the farmland and create a residential lot

In support: Michael Schuster, John Waddell, Karen Waddell

Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

12105 PETITION: REZONE 12105

APPLICANT: TOWN OF BLOOMING GROVE

LOCATION: 4381 MARSH RD, SECTION 26, TOWN OF BLOOMING GROVE

CHANGE FROM: FP-35 Farmland Preservation District TO AT-35 Agriculture Transition District REASON: Town-initiated blanket rezone for consistency with the Dane County Farmland

Preservation Plan and s. 91.38, Wisconsin Statutes

In support: none Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

APPLICANT: TOWN OF VERONA

LOCATION: MULTIPLE PROPERTIES (SEE LIST), SECTION 29, TOWN OF VERONA CHANGE FROM: FP-35 Farmland Preservation District TO AT-35 Agriculture Transition District REASON: Town-initiated blanket rezone for consistency with the Dane County Farmland

Preservation Plan and s. 91.38, Wisconsin Statutes

In support: none Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be postponed due to the need for town action. The motion carried by the following vote: 5-0.

Aves: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

12107 PETITION: REZONE 12107

APPLICANT: JOSEPH AND KEITH O'CONNELL

LOCATION: ZWETTLER RD WEST OF 4341 COUNTY HWY F, SECTION 7, TOWN OF

VERMONT

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: creating one residential lot

In support: Tyler Wilkinson, Travis O'Connell

Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

12108 PETITION: REZONE 12108

APPLICANT: DONALD N GOEDEN (C/O MARY JO BELL)

LOCATION: WEST OF 6685 STEVENSON RD, SECTION 26, TOWN OF DANE

CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District.

FP-1 Farmland Preservation District, and RM-16 Rural Mixed-Use District

REASON: create one new residential lot and two agricultural lots, and adjust property boundary

with two adjoining landowners

In support: Mary Jo Bell, Sydney Bell, Cade Hansen, Quentin Bell

Opposed: none

Neither in support nor opposed: Teresa Hanson

A motion was made by POSTLER, seconded by KRONING, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 5-0

- 1. A deed restriction shall be recorded on tax parcels 090826295007, 090826280004, and 090826185900 stating the following:
- a. Further residential/nonfarm development is prohibited on the remaining FP-35 and FP-1 zoned land. The housing density rights for the original Joseph Goeden farm have been exhausted per the Town Comprehensive Plan density policies.

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

<u>12109</u> PETITION: REZONE 12109

APPLICANT: SKAAR PIT LLC

LOCATION: 3355 COUNTY HIGHWAY N, SECTION 28, TOWN OF COTTAGE GROVE CHANGE FROM: HC Heavy Commercial District and RM-16 Rural Mixed-Use District TO MI

Manufacturing and Industrial District

REASON: rezone to match existing land use to current zoning districts

In support: Dennis Richardson

Opposed: none

A motion was made by KRONING, seconded by BOLLIG, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 5-0

A deed restriction shall be recorded on the lot stating the following:

- 1. Land uses on the property shall be limited exclusively to the following permitted uses:
- a. Undeveloped natural resource and open space areas
- b. Agriculture and accessory uses (livestock not permitted)
- c. Electric generating facilities
- d. Fertilizer manufacture, mixing or blending
- e. Freight and passenger bus terminals
- f. Government, institutional, religious or nonprofit community uses
- g. Drive-in establishments
- h. Personal or professional service
- i. Indoor entertainment and assembly
- j. Indoor storage and repair
- k. Indoor sales
- I. Outdoor sales, display or repair
- m. Heavy industrial uses
- n. Light industrial uses
- o. Contractor, landscaping or building trade operations
- p. Off-site parking lot or garage
- q. Office uses
- r. Outdoor active recreation
- s. Outdoor entertainment
- t. Outdoor storage
- u. Personal storage facilities
- v. Utility services
- w. Vehicle repair or maintenance services
- x. Transportation, utility or communication use required by law
- y. Warehousing and distribution facilities
- z. Wastewater treatment facilities
- 2. The conditional uses listed in the MI zoning district are not restricted.

APPLICANT: DUANE L & DOROTHY J SKAAR JT REV LIVING TR

LOCATION: 1384 SCHADEL ROAD. SECTION 31. TOWN OF DEERFIELD

CHANGE FROM: RR-2 Rural Residential District and FP-35 Farmland Preservation District TO

RR-8 Rural Residential District REASON: creating 3 residential lots

In support: Dave Dinkel

Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 5-0.

- 1. Property owner shall record a deed restriction prohibiting further nonfarm development on the balance of FP-35 zoned land (tax parcels 071231295001, 071231380007, and 071231395000).
- 2. A shared driveway easement shall be shown on the CSM, and a shared driveway easement agreement shall be recorded that addresses maintenance and owner responsibilities and meets the standards in DCCO s. 75.19(8).
- 3. Steep slope topography exceeding 20% grade shall be depicted on the CSM. A note shall be placed on the CSM which states: "No structural development or driveways are permitted on areas with slopes over 20% grade."

Aves: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

12111 PETITION: REZONE 12111

APPLICANT: BENJAMIN AND JOLEEN AUGUST

LOCATION: 6059 PORTAGE ROAD, SECTION 3, TOWN OF BURKE

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

REASON: create three new residential lots

In support: Benjamin and Joleen August

Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be postponed due to the need for town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

<u>12112</u> PETITION: REZONE 12112

APPLICANT: VINEY ACRES LLC

LOCATION: SOUTH OF 2876 SIGGELKOW ROAD, SECTION 31, TOWN OF COTTAGE GROVE

CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural Residential District

REASON: expand existing residential lot

In support: Donald Viney

Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be recommended for approval. The motion carried by the following vote:

02638

PETITION: CUP 02638

APPLICANT: SILVIN F & ROSEMARY C KURT REV TR (C/O DALE KURT) LOCATION: 4558 RIDGE ROAD, SECTION 1, TOWN OF COTTAGE GROVE

CUP DESCRIPTION: secondary farm residence (C.U.P. renewal)

In support: Dale Kurt Opposed: none

A motion was made by KRONING, seconded by POSTLER, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 5-0.

Standard Conditions for all Conditional Use Permits from 10.101(7):

- 1. Any conditions required for specific uses listed under s. 10.103 (see below).
- 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 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. 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 borne by the landowner. Costs borne 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 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

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costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit.

Conditions specific to CUP # 2638:

- 13. Any approved conditional use permit for a farm residence shall expire on the sale of the property to an unrelated third party. Continued use of a farm residence after sale to an unrelated third party shall require approval of a new conditional use permit.
- 14. The Zoning Committee may revoke any Conditional Use Permit it finds in violation of this section. Continued use of residence with a revoked conditional use permit shall require approval of a rezone petition to a zoning district that allows nonfarm residential use.
- 15. 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 conditions #13 and #14 above.
- 16. The secondary farm residence is occupied by a farm employee as per the town approval.

02639

PETITION: CUP 02639

APPLICANT: BADFISH ACRES LLC (DEAN TANGEMAN)
LOCATION: 363 DANKS RD, SECTION 25, TOWN OF RUTLAND
CUP DESCRIPTION: caretaker's residence in an existing building

In support: Dean Tangeman

Opposed: none

A motion was made by KRONING, seconded by POSTLER, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 5-0.

Standard Conditions for all Conditional Use Permits from 10.101(7):

- 1. Any conditions required for specific uses listed under s. 10.103 (none).
- 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 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. 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 borne by the landowner. Costs borne 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 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.

Aves: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

PETITION: CUP 02640 02640

APPLICANT: DAN AND MARLENE LAFLEUR

LOCATION: 3440 MEADOW ROAD, SECTION 32, TOWN OF MIDDLETON

CUP DESCRIPTION: small-animal boarding facility for 30 dogs

In support: Lena La Fleur, Neva La Fleur, Trond La Fleur, Eric Olsen, Dawn Levenick, Theresa Hanson, Elizabeth Olson, Spencer Thomas, Myra Andreassen, Marlene La Fleur, Tonya La Fleur, Karl La Fleur, Eli Williams, Finn La Fleur, Carrie Sanders, Tina Chase, Katie Frank, Dan La Fleur

Opposed: Sue Coats, Greg Breen, David Radcliffe, Ted Waldbillig, Nancy Froncek, Sue Gill, Tom Brady, Sheri Lowe, Christa Lowe, Julie Mikalofsky, Andy Marquardt, Julie Hankes, Mark Hazelbaker, Jennifer Shelton, Carl Dickson

Supervisor Bollig left the meeting at 8:05pm, returned 8:23 pm.

A motion was made by KRONING, seconded by BOLLIG, that the Conditional Use Permit be postponed due to opposition. RITT requested roll call vote. The motion carried by the following roll call vote: 3-2 (DOOLAN and RITT voting No).

Ayes: 3 - BOLLIG, KRONING and POSTLER

Noes: 2 - DOOLANandRITT

Supervisor Bollig left the meeting at 9:52 p.m.

Present 4 - MICHELE DOOLAN, JEFFREY KRONING, DON POSTLER, and MICHELE RITT

Excused 1 - JERRY BOLLIG

2024 OA-011 AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE Town of CROSS PLAINS Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

In support: James Schmitt, Greg Hyer

Opposed: none

A motion was made by DOOLAN, seconded by KRONING, that the Ordinance Amendment be recommended for approval. The motion carried by the following

Aves: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

2024 OA-014 AMENDING CHAPTER 82 TO ADOPT AMENDMENTS TO THE TOWN OF PRIMROSE COMPREHENSIVE PLAN AS PART OF THE DANE COUNTY COMPREHENSIVE PLAN

> In support: Martha Gibson Opposed: William Haack

A motion was made by KRONING, seconded by POSTLER, that the Ordinance Amendment be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

2024 OA-015 AMENDING CHAPTER 82 TO ADOPT AMENDMENTS TO THE DANE COUNTY FARMLAND PRESERVATION PLAN AS PART OF THE DANE COUNTY COMPREHENSIVE PLAN

> In support: none Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Ordinance Amendment be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

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

APPLICANT: VAN HOLTENS INC (ATTN: STEVE BYRNES)

LOCATION: EAST OF 211 CANAL RD. SECTION 12. TOWN OF MEDINA

CHANGE FROM: FP-35 Farmland Preservation District TO FP-B Farmland Preservation

Business District and FP-1 Farmland Preservation District

REASON: zoning for a new pickle fermentation business site and creating on agricultural lot

In support: Matthew Miller

Opposed: Sarah Osborne, Willie Osborne

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

- 1. A deed restriction shall be recorded on the lot stating the following:
- a. Land uses on the property shall be limited exclusively to the following:
 - i. Pickle tankyard (fermentation and storage) operation
- b. Site construction shall conform to the site and operation plans as approved as part of Rezone Petition 12091.
- c. Lighting shall be installed per the plans presented. Lighting shall be limited to a maximum of 3,000K color temperature. Outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.
- d. Business signage shall require a sign permit and shall comply with all applicable restrictions of the Dane County Zoning Ordinance sign regulations.
- 2. One density unit remains available to the FP-1 zoned lot.
- 3. The CSM shall be recorded within 1 year of approval of the rezone petition (extending the Delayed Effective Date at the applicants' request).

Aves: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

F. Plats and Certified Survey Maps

G. Resolutions

2024 RES-179 AWARDING CONTRACT FOR PERPETUATION AND MAINTENANCE OF THE PUBLIC LAND SURVEY SYSTEM IN MULTIPLE TOWNSHIPS

A motion was made by KRONING, seconded by POSTLER, that the Resolution be recommended for approval. The motion carried by the following vote: 4-0

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

2024 RES-180 AWARDING CONTRACT FOR PERPETUATION AND MAINTENANCE OF THE PUBLIC LAND SURVEY SYSTEM IN MULTIPLE TOWNSHIPS

A motion was made by KRONING, seconded by POSTLER, that the Resolution be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

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Excused: 1 - BOLLIG

H. Ordinance Amendment

- I. Items Requiring Committee Action
- J. Reports to Committee
- K. Other Business Authorized by Law
- L. Adjourn

A motion was made by POSTLER that the meeting be adjourned at 10:36 PM. The motion carried unanimously.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG