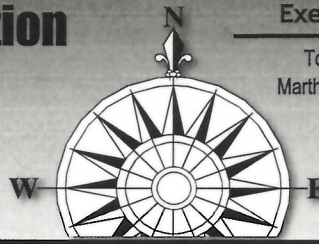


Dane County Towns Association

Advocate for Town Government

Established 1972

danecotowns.net



Executive Board

Tom Mathies, President
Martha Gibson, Vice President
Steve Anders
Greg Hyer
Mary Manering
Mark Porter
Brian Willison

To: Dane County Towns

From: DCTA CUP Working Group: Renee Lauber, Executive Director, DCTA; Cynthia Richson, Middleton Chair; Larry Beck, Albion Supervisor; Jim Schmitt, Cross Plains Plan Commission; Dawn Redford, Christiana Supervisor; Stephanie Zwettler, Perry Treasurer/Black Earth Clerk; Jim Maple, Deerfield Plan Commission; Tom Mathies, Verona Supervisor/DCTA President.

Date: March 19, 2026

Re: Conditional Use Permit (CUP) Working Group proposal

MEMORANDUM

This memo is a follow-up to the 2025 DCTA CUP Survey ([link to survey results](#)). In response to the survey, a CUP Working Group was formed to review the results and consider potential amendments to the Dane County Zoning Code.

Focus of Initial Recommendation

The CUP Working Group chose to focus its initial recommendations on conditional uses in agricultural zoning districts that are not directly related to agriculture -- the districts and uses are noted in the table below.

Conditional Use	FP-1	FP-35	FP-B	AT-35	RM-16
Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.	x	x	x	X	X
Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources.	x	x	x	X	
Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s. 10.103(15) and Chapter 74.		x	x	X	X
Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.		x	x	X	

Proposed Amendment

The Working Group proposes removing the above conditional use options from the agricultural zoning districts listed in the table above. Applicants seeking these uses would instead be required to:

1. Apply for a rezoning to a different commercial or industrial zoning district, like [Rural Industrial \(RI\)](#) or [Manufacturing & Industrial \(MI\)](#) district (note: a rezone to RI or MI can include a deed restriction to a subset of specified uses); and
2. Apply for a corresponding Conditional Use Permit (CUP), if needed.

Request for Feedback

The Working Group would like feedback on the proposal to ask Dane County to amend the Zoning Ordinance to:

- remove the identified conditional use categories from the zoning districts noted above; and
- direct applicants for those uses to apply for a rezone and corresponding CUP in the appropriate commercial or industrial zoning category (e.g., GC/HC, RI or MI zoning district).

Please have your Plan Commission and Town Board discuss this and submit comments by May 1, 2026 to lauberconsulting@gmail.com.

Questions & Answers

What would happen to existing CUPs if the CUP categories are removed from the zoning districts they are currently in?

Existing permits would remain valid. Landowners/operators with CUPs in these zoning districts would not be immediately impacted by the proposed change. However, applications for new CUPs, or renewal of existing CUPs, would need to comply with the new code. This would require a rezone and a new CUP.

Does this mean we will have to amend our town's Comprehensive Plan?

If a plan currently outlines policies for the affected land uses, or policies that could reasonably be applied to them, there is likely no need to amend the plan.

How would this work with the RI 16- acre minimum lot size?

Applicants can request smaller acreage as part of the rezone/CUP process.

What are the benefits of removing these conditional uses from existing zoning districts?

Under Wisconsin law, towns have more control over zoning decisions than CUPs. CUPs are governed by 2017 Act 67, forcing approval by the county if applicants meet listed "substantial evidence" standards. In contrast, zoning changes are legislative decisions of the town board. They allow broader discretion to consider comprehensive plan consistency, long-term land use goals, and the broader public interest.

Moving these conditional uses to a new zoning category, will give towns decision making authority over these significant land use proposals. If the zoning change is denied, the CUP will not be considered by the County.

What are the potential drawbacks?

Applicants would need to submit two applications, a zoning change and a CUP, and will have an additional application fee. Note, both applications can be submitted at the same time so the overall timeline for action should not increase. While CUPs can be "sunset" to end at a date certain or upon transfer of ownership, once land is zoned into a non-agricultural category like RI, it will remain in that category.

Conditional Use Permit (CUP) Survey

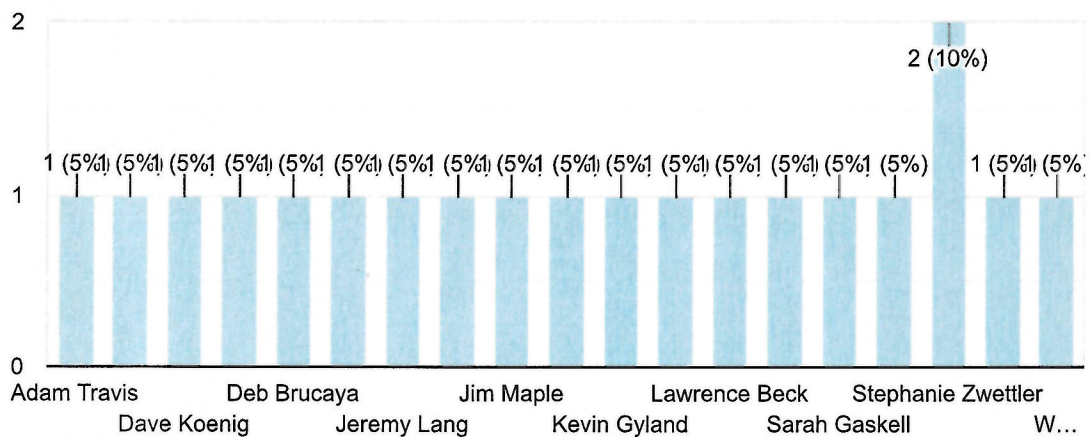
25 responses

[Publish analytics](#)

Your name (optional)

[Copy](#)

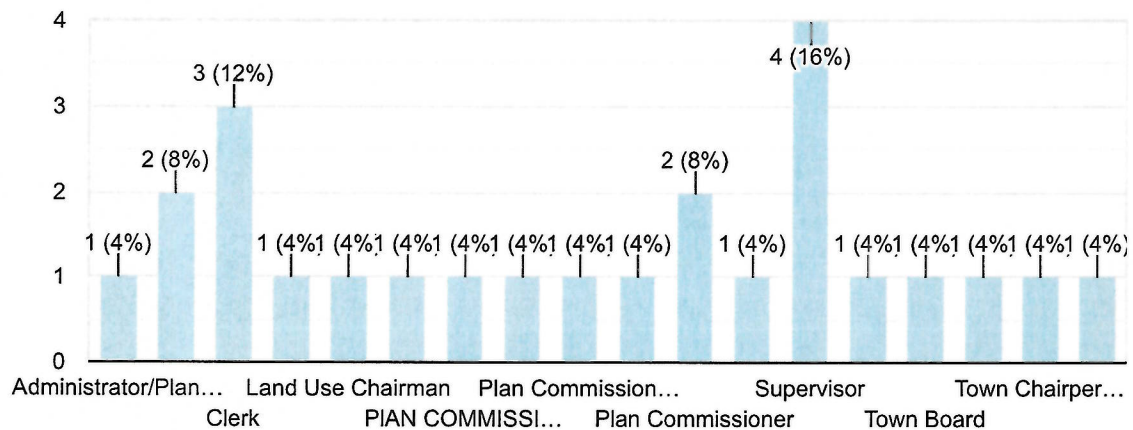
20 responses



What is your role or position with the town? (e.g., Clerk, Supervisor, Plan Commissioner, etc.)

[Copy](#)

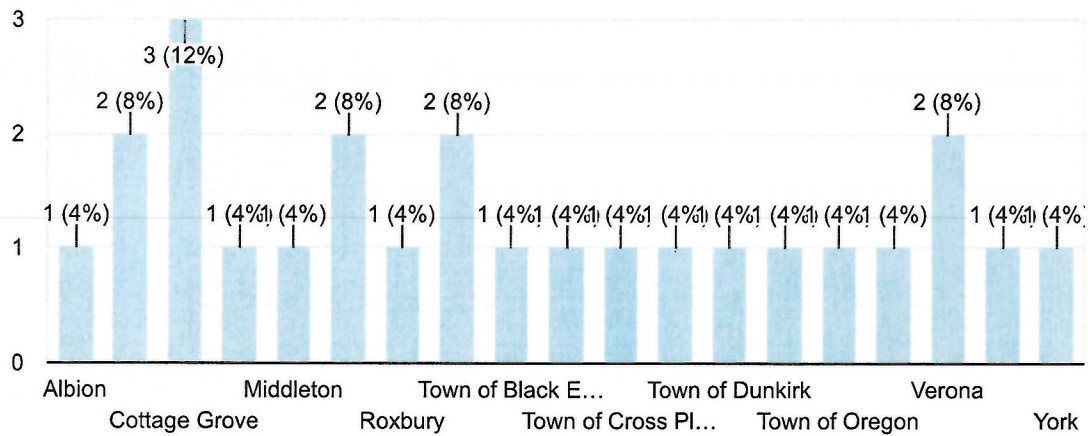
25 responses



What is the name of your town?

 Copy

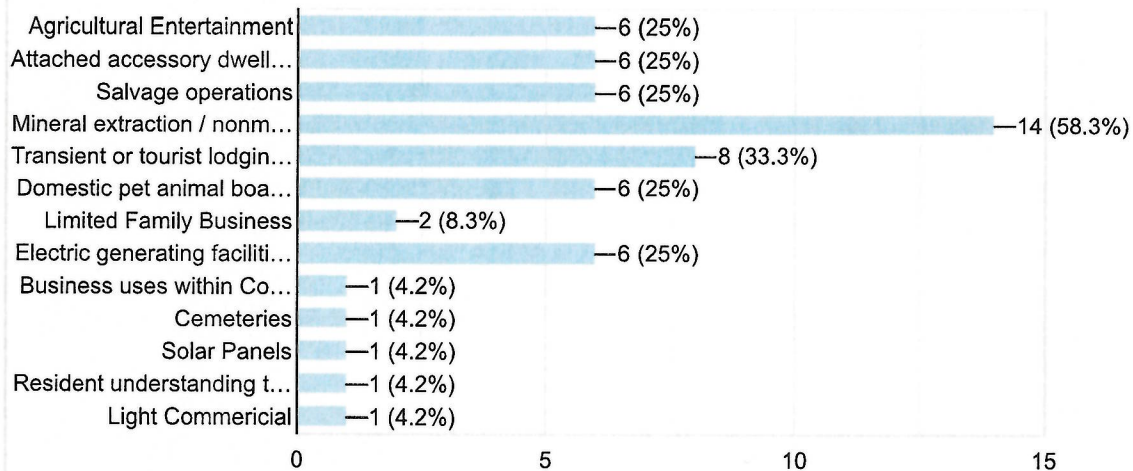
25 responses



From your perspective, what are the most problematic or challenging types of conditional uses? (Please select up to 3)

 Copy

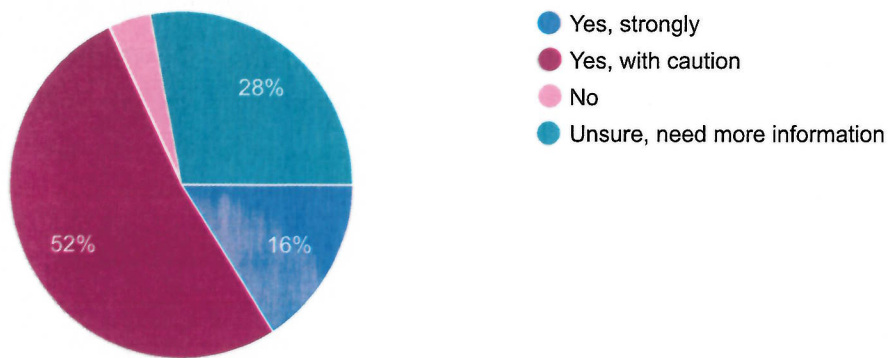
24 responses



Some communities around the state have responded to Act 67 by removing certain land uses from CUP options and requiring zoning map amendments (zoning changes) instead because this gives them greater discretion and control over land use decisions.

Would you support reducing the number of land uses listed as conditional uses in the County Zoning Code to get greater discretion and control over land use decisions?

25 responses



*If yes, are there specific CUP land uses your town would like to be moved in the zoning code from a CUP to a rezone?

14 responses

mineral extraction, salvage, electrical generation, pet boarding, concrete/asphalt, racetracks, adult entertainment

short-term rentals and large-scale dog boarding

Mineral extraction, solar panels and wind generators

The town of Deerfield is mostly concerned about Transient or Tourist Lodging CUPs. Rezoning may not be the answer and Licensing may be a better solution.

Salvage operations, mineral extraction

Mineral extraction

Mineral extraction, lodging and pet boarding

Mineral ex. and Cemeteries

Offering additional zoning categories to capture some uses might be useful, especially for business-type operations.

short-term rental

I/we would not support reducing conditional uses in lieu of rezoning in general but there may be a few zoning categories in which doing so would make sense. I/we have not gone through all the code categories to determine specifically the few instances where we could support such a change.

No specific.

Unfortunately I'm unable to answer this right now, sorry!

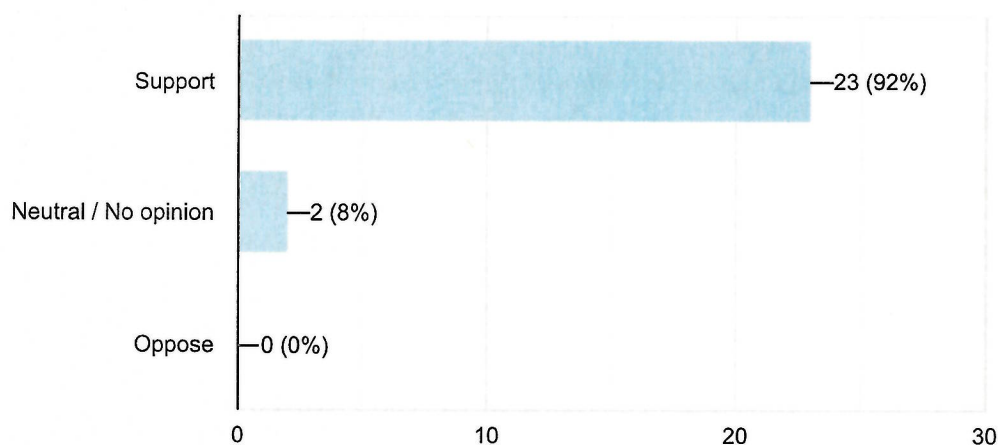
Light Commercial



DCTA has heard concerns about CUP applications being changed after town review. When the town and county act on different applications, the inconsistency can be perceived as deception. If details like site plans, project scope, or operational hours change, residents and local officials may feel misled or excluded from meaningful input.

Would you support requiring that applicants submit the same application to both the town and the county, to ensure consistency and prevent changes that could affect the approval process?

25 responses



Please use the space below to add additional comments or let us know if there are other aspects of CUPs that you think need to be addressed.

13 responses

I use the the County application as back up to our application for review.

we've lost local control

There should not be any informal meetings without township input

Dane Co gets the initial application. If the Town suggests changes in their review process, the town should receive the changed or amended application prior to the ZLR committee review.

We use the Dane County Application for consistency.

We don't have a lot of requests however we are open to support changes that become problematic as we could be facing those same issues some day.

We feel confident that if the town expresses any concerns, they are received and considered by the county.

I also think approved CUPs are difficult to recognize unless you have paperwork filed for it, especially since they can expire. Perhaps adding a field to the parcel information page in Access Dane (maybe in the zoning section?) would help identify which parcels have approved CUPs and make them more recognizable.

In most rural towns it is hard to find people to serve on boards and commissions. When we do find people they are not willing to learn all of the details, do all of the detail work. Making zoning/rezoning and CUPs as simple and easy as possible is the best way forward. One application for both town and county, everything spelled out in simple and easy to understand wording (use an AI to make it understandable to an 8th grade level), set up numbered checklists that landowners, the public, and the commissioners can follow.

Being able to see if there is an active CUP on a particular property in Access Dane.

PSC Power vs Towns and County.

All CUPs need to be treated equal. Not just by certain individuals that apply for them.

I support identical applications so towns are not used as a "test" prior to County review

We already require that applicants have an accepted application with the County and provide a copy with their application to the Town, so that both are looking at the same information.



If you are interested in participating in a workgroup or workshop to evaluate possible zoning code revisions related to CUPs, please provide your contact information below.

6 responses

Stephanie Zwettler

I would be interested in participating in a workgroup. Jim Maple, 608-289-2902,
jmaple444@gmail.com

lawrencekbeck@gmail.com

Probably not at this time until I retire in a few years. Still new to this and in learning stages.

Not at this time

This content is neither created nor endorsed by Google. - [Contact form owner](#) - [Terms of Service](#) - [Privacy Policy](#)

Does this form look suspicious? [Report](#)

Google Forms

