
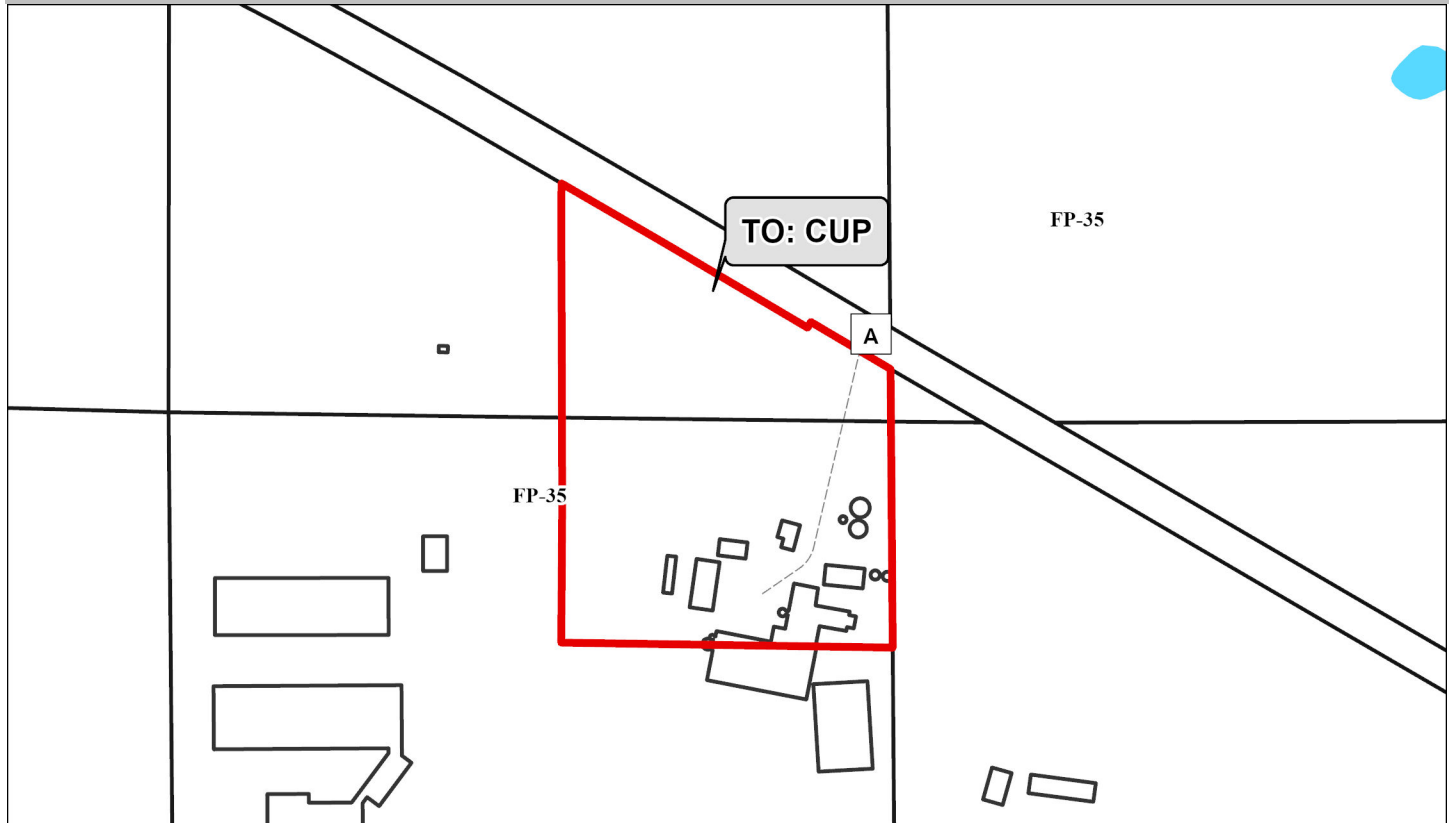


<b>Staff Report</b>    <b>Zoning &amp; Land Regulation Committee</b>	<u>Public Hearing:</u> <b>September 16, 2025</b>		<b>Conditional Use 02679</b>
	<u>Zoning Amendment Requested:</u> <b>TO CUP: Two new farm residences</b>		<u>Town, Section:</u> <b>MONTROSE, Section 16</b>
	<u>Size:</u> <b>9 Acres</b>	<u>Survey Required:</u>	<u>Applicant:</u> <b>GOBEL DAIRY LLC</b>
	<u>Reason for the request:</u> <b>Two new farm residences</b>		<u>Address:</u> <b>7263 COUNTY HIGHWAY A</b>



**DESCRIPTION:** Applicant would like a conditional use permit (CUP) to build two new farm residences on the Gobel dairy farm at 7263 County Highway A. The houses would each be a 4-bedroom home.

**OBSERVATIONS/FACTURAL INFORMATION:** The property is a large dairy farm in active agricultural use. The neighboring lands are farms zoned for Farmland Preservation on all sides, with the nearest residential lots over 1,500 feet away.

Farm residences are an allowable conditional use in the FP-35 zoning district. If approved, a deed restriction will be placed on the property that the additional residences are for farm workers only. If the farm ever ceases to operate, the buildings would need to be either removed or separated from the farm by creating residential lots for the homes. Knowing this, staff recommends that the houses be arranged in a way that lots could be easily created if the need arises. Specifically, placing the homes at least 60 feet apart from one another would enable the northern home to meet the building setback requirements of a [Rural Residential zoning district](#) (minimum 50-foot rear yard setback and 10-foot side yard setback). The site plan used for the sanitary permit application appears to provide for this. Otherwise, staff has no concerns with the building placement or setbacks from property lines.

**HIGHWAY ACCESS:** An access permit is required from Dane County Highway Department, to serve the additional homes on the current driveway. Please contact Kevin Eslick 608-283-1486 / [eslick.kevin@danecounty.gov](mailto:eslick.kevin@danecounty.gov)

**RESOURCE PROTECTION:** There are no sensitive environmental features on or near the proposed conditional use boundary. There is land in the floodplain on the farm lands to the east which would not be affected by the proposed construction.

The Gobels have been actively working with Land and Water Resources Department (LWRD) staff on nutrient management and various conservation practices, to sustain and enhance the land. LWRD no longer does “farm conservation plans” (which are still referenced in the Chapter 10 zoning ordinance). Instead, they work with farmers on “nutrient management plans” that address a variety of things from manure storage and spreading, to crop rotation, erosion controls, and other aspects of the farm operation.

**COMPREHENSIVE PLAN:** This proposal is consistent with the Comprehensive Plan. Accessory buildings for farm workers is a permitted conditional use in Farmland Preservation areas as it enables the continued operation of this agricultural enterprise. Location between existing farm operation buildings to the east and cellular tower to the west ensures that minimal high-quality farmland is removed from production. Need to apply conditions to CUP for farm workers and specific occupant numbers. Adequate density units are available for these two modular homes (see density study). No deed restriction required. For questions about the town plan, contact Senior Planner Bridgit Van Belleghem at (608) 225-2043 or [VanBelleghem.Bridgit@danecounty.gov](mailto:VanBelleghem.Bridgit@danecounty.gov).

**CONDITIONAL USE PERMIT DECISION MAKING:** “Conditional uses” are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and determine whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant’s testimony with regards to meeting the standards.

**1. *That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.***

The CUP application describes the proposed operations plan. The applicant states that the manufactured homes will be built to Wisconsin standards on private property.

**2. *That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.***

The applicant states that the homes will be beautiful to look at. As noted above, this area is sparsely populated with few homes near the proposed site.

**3. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***

This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. This property and most of the surrounding properties are in agricultural use, and this site is already developed. The applicant states that the homes will be built on private property along the existing driveway.

As noted above, placing the homes at least 60 feet apart from one another would help enable the home sites to be made into separate residential lots, if that is ever desired by the landowners (in the event the CUP expires).

**4. *That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.***

The utilities, access roads, drainage, and other improvements needed for the proposed use are mostly already in place, except for the new shared septic system and the extension of the driveway. Soil testing has been done and the sanitary permit is in process. The applicant states that they are in contact with Amy Piaget at Dane County Land and Water Resources (LWRD). Other LWRD staff have commented that the addition of impervious areas to the farm operation will require a revision to the existing stormwater management plan. These items would be covered by standard CUP condition #4 below.

**5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.***

The new homes would be served by the existing driveway (to be extended) and will have on-site parking.

**6. *That the conditional use shall conform to all applicable regulations of the district in which it is located.***

The proposed use conforms to the applicable regulations of the FP-35 zoning district. A farm residence is an allowable conditional use in the FP-35 district. By ordinance, a single-family household may have any number of individuals related by blood, adoption, foster care, domestic partnership or marriage, OR no more than five unrelated individuals (see suggested conditions below).

**7. *That the conditional use is consistent with the adopted town and county comprehensive plans.***

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans.

**8. *If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).***

- a. *The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.*
- b. *The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.*
- c. *The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.*
- d. *The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.*
- e. *Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.*

The FP-35 district is intended for a wide range of agricultural and agricultural accessory uses, including activities compatible with agricultural use, with the stated purpose of preserving productive farms. The construction of secondary residences for use by farm employees is consistent with this purpose. The homes are located in a part of the farm that is already developed and not as suitable for farming, with construction proposed for fall to avoid crop disruption and spring rains. The location would not affect the existing farm land or surrounding farms; if anything, it should have a positive effect by helping to sustain the farm operation.

**POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE:** The potential concerns associated with farm residences most likely involve the loss of farmland, and the potential for conflicts between residential and agricultural uses, as suggested by the standards above. The application addresses these potential concerns, as noted above.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Under Dane County Zoning Ordinance section 10.103, there are other special requirements for farm residences. This includes specific information that must be included in the application (details on the farm operation lands, size, crops, employees, and proof of farm income) as well as 3 conditions that are required (see conditions 13-15 below).

**TOWN ACTION:** On August 5, 2025 the Town Board recommended approval, noting the CUP is for farm residences for dairy farm employees, would use the existing farm entrance for access, and the CUP would become invalid if Gobel Dairy LLC goes out of business or undergoes a name change. If the CUP becomes invalid, the homes would need to be removed unless there is a timely request to obtain a new CUP or a request to rezone and create two residential lots.

**STAFF RECOMMENDATION:** Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the information outlined above, and is also reflected in the town's approval/conditions. If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing.

Pending any comments at the public hearing, Staff recommends (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above, and (2) approval of the CUP with the conditions below.

## ***CUP 2679 Potential Conditions of Approval:***

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

### ***Conditions specific to CUP # 2679:***

13. This conditional use permit 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. CUP would become invalid if Gobel Dairy LLC goes out of business or undergoes a name change. If the CUP becomes invalid, the homes would need to be removed unless there is a timely application for a new CUP or a request to rezone and create new residential lots for the homes.
17. Under this CUP, occupancy of the 2 farm residences is limited to the following:
  - a. A person who is both the owner and farm operator of the farm.
  - b. A parent or child of the owner and farm operator of the farm.
  - c. An individual who earns more than 50 percent of his or her gross income from the farm.
  - d. Total occupancy for each residence shall be limited to (a) any number of individuals related by blood, adoption, foster care, domestic partnership or marriage, or (b) no more than five unrelated individuals.

Please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@danecounty.gov](mailto:holloway.rachel@danecounty.gov) if you have questions about this petition or staff report.