

# MEMO

To: Zoning & Land Regulation (ZLR) Committee  
From: Majid Allan, Senior Planner  
Date: March 24, 2023  
Subject: Findings of Fact and suggested conditions for CUP #2550, Town of Medina

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Staff has recommended approval of CUP 2550 for a composting facility in the FP-B zoning district. Below are recommended findings of fact and conclusions that the ZLR Committee may wish to adopt if it finds that proposed Conditional Use Permit #2550 meets the standards for approval of a Conditional Use Permit. The conditions listed below incorporate those recommended by the town of Medina.

## **Finding of Fact:**

1. The proposed composting operation is a continuation of a previous operation that composted animal waste produced by an onsite Confined Animal Feeding Operation (CAFO) farm. The site has existing facilities for the proposed land use.
2. The property is recommended for FP-B (Farmland Preservation – Business) zoning under rezoning petition 11789. The FP-B zoning district lists composting facilities as a land use permitted through the conditional use process.
3. The Department of Agriculture, Trade, and Consumer Protection has certified the FP-B Zoning District to be included within the Farmland Preservation Program. Composting facilities are an acceptable land use within the certified zoning district. The land use is considered an agricultural-related use under state statutes and county ordinance.
4. The applicant has obtained required certificate and permits for operation of a composting facility from Dane County Land and Water Resources, and the Wisconsin Department of Natural Resources.
5. The Town of Medina Comprehensive Plan shows this site within the Agricultural Preservation Planning Area. Residential density is limited to one house per 35 acres. The property is in a sparsely populated area.
6. The Dane County Zoning Ordinance assigns conditions for all conditional use permits in order to set minimum standards for potential uses. Those conditions and others will be imposed upon the proposed composting facility.
7. The land use is subject to ongoing compliance with other county and state ordinances and regulations.
8. The Wisconsin Department of Natural Resources has set standards for operation of composting facilities, including owner financial responsibility requirements to ensure proper remediation should the need arise.
9. A public hearing was held for the proposed land use. Concerns were raised regarding odors, and traffic. Conditions have been proposed to mitigate the concerns.
10. The Zoning and Land Regulation has determined that the proposal will meet the 8 standards for obtaining a conditional use permit under 10.101(7)(d) and 10.220(1) given that the list of conditions below are followed.

## RECOMMENDED CONDITIONS:

- 1) This Conditional Use Permit for a composting facility shall not become effective until FP-B (Farmland Preservation – Business) zoning is established on the property as proposed under [rezoning petition 11789](#).
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions.
- 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 and licenses. 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 born by the landowner. Costs born 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 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.
- 12) 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.
- 13) 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.
- 14) The operator shall take reasonable measures to control dust on the driveway a minimum of 500 feet from the public right of way.
- 15) The operator and Town of Medina will enter into a road maintenance agreement.
- 16) All vehicle accessing the site must obey posted road weight limits.
- 16) Hours of operation for deliveries shall be 6-8pm daily.
- 17) This Conditional Use Permit is non-transferrable and shall expire upon sale or transfer of the property or the business operation to an unrelated party.