

Dane County



Minutes

Tuesday, February 28, 2023

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?

A. Call to Order

Chair Doolan called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

McGinnity attended via Zoom.

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

Present 5 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, KATE MCGINNITY, and MELISSA RATCLIFF

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

John Matson, Matson Airport, expressed concerns regarding the location of a recently approved communication tower under Conditional Use Permit #2578. The location is in the direct landing path for the airport.

A motion was made by KIEFER, seconded by RATCLIFF, to place the approval of CUP #2578 on the March 14th ZLR agenda for discussion purposes. The motion carried by the following vote: 5-0.

[2022](#)
[RPT-745](#)

February 28, 2023 ZLR Registrants

C. Consideration of Minutes

[2022](#)
[MIN-511](#)

Minutes of the January 24, 2023 ZLR Committee Meeting

A motion was made by BOLLIG, seconded by RATCLIFF, that the minutes of the January 24, 2023 ZLR Committee meeting be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

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

[02583](#)

PETITION: CUP 02583

APPLICANT: ARIF M KHAN & SADIA ARIF

LOCATION: 3486 COUNTY ROAD MN, SECTION 2, TOWN OF DUNN

CUP DESCRIPTION: 174' monopole communication tower

In Support: Derek McGrew, Jake Remington

Opposed: McFarland Community & Economic Development Director Andrew Bremer, McFarland Village President Carolyn Clow, Edward Wreh, Kris Krentz, Steve Riecks

A motion was made by MCGINNITY, seconded by RATCLIFF, that the Conditional Use Permit be postponed due to public opposition and lack of town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11922](#)

PETITION: REZONE 11922
APPLICANT: JAMES & SANDRA MICKELSON
LOCATION: 4002 STH 73, SECTION 15, TOWN OF DEERFIELD
CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural Residential District
REASON: separating existing residence from farmland

In Support: James Mickelson

Opposed: None

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

- 1. A deed notice shall be recorded on the proposed RR-2 lot indicating that 1 additional density unit is available for future use on the property.**
- 2. A deed restriction shall be recorded on the remaining FP-35 zoned land (balance of tax parcels 0712-153-9000-9 and 0712-153-8500-6) stating the following:**
 - a. Further nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the former farm have been exhausted per the Town Comprehensive Plan density policies.**
- 3. The existing two Town of Deerfield roads to the parcel provide sufficient access to the proposed CSM lot and surrounding lands.**

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11923](#)

PETITION: REZONE 11923
APPLICANT: ADAM AND ANNE STEELE
LOCATION: 788 HOLY CROSS WAY, SECTION 34, TOWN OF BURKE
CHANGE FROM: SFR-08 Single Family Residential District TO HC Heavy Commercial District
REASON: zoning to allow for a personal storage facility

In Support: Travis Leeser, Adam Steele

Opposed: City of Madison Staff

A motion was made by RATCLIFF, seconded by BOLLIG, that the Zoning Petition be postponed due to City of Madison opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11924](#)

PETITION: REZONE 11924
APPLICANT: STEVEN AND PATRICIA GAUSMANN
LOCATION: SOUTH/WEST OF 3881 VILAS HOPE RD, SECTION 19, TOWN OF COTTAGE GROVE
CHANGE FROM: TFR-08 Two Family Residential District TO RR-2 Rural Residential District
REASON: zoning change for single-family residential use and taller accessory building

In Support: Sandra Goke
Opposed: None

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

1. A wetland delineation report shall be submitted to Dane County Zoning Division prior to development of the property.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11925](#)

PETITION: REZONE 11925
APPLICANT: TOM AND JENNIFER GILLETTE
LOCATION: SOUTH OF 493 EDGEHILL LANE, SECTION 25, TOWN OF MONTROSE
CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural Residential District
REASON: zoning to allow for residential use

In Support: Tom Gillette
Opposed: None

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

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11926](#)

PETITION: REZONE 11926
APPLICANT: THOMAS AND REBECCA STREICH
LOCATION: 4343 AND 4345 VILAS RD, SECTION 7, TOWN OF COTTAGE GROVE
CHANGE FROM: RR-4 Rural Residential District TO RE Recreational District, RR-4 Rural Residential District TO RR-2 Rural Residential District
REASON: shifting of property lines between adjacent land owners

In Support: Thomas Streich
Opposed: None

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

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

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

[11789](#)

PETITION: REZONE 11789
APPLICANT: CARBON CYCLE CONSULTING LLC
LOCATION: 464 CANAL ROAD, SECTION 2, TOWN OF MEDINA
CHANGE FROM: FP-35 Farmland Preservation District TO FP-B Farmland Preservation
Business District
REASON: change zoning to allow for the composting of manure and agricultural by-products

A motion was made by BOLLIG, seconded by KIEFER, to suspend the rules in order to discuss the petition due to the public hearing date being more than one year ago. The motion carried by the following vote: 4-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Noes: 1 - KIEFER

In Support: Jason Fuller
Opposed: None

A motion was made by BOLLIG, seconded by RATCLIFF, to extend the time period to consider the Rezone Petition until March 28, 2023 to allow the applicant more time to secure all necessary permits. The motion carried by the following vote: 4-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Noes: 1 - KIEFER

[02550](#)

PETITION: CUP 02550
APPLICANT: CARBON CYCLE CONSULTING LLC
LOCATION: 464 CANAL ROAD, SECTION 2, TOWN OF MEDINA
CUP DESCRIPTION: composting facility / manure processing facility

A motion was made by BOLLIG, seconded by RATCLIFF, to suspend the rules in order to discuss the petition due to the public hearing date being more than one year ago. The motion carried by the following vote: 4-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Noes: 1 - KIEFER

A motion was made by BOLLIG, seconded by RATCLIFF, to extend the time period to consider the Conditional Use Permit to March 28, 2023 to allow the applicant time to finish securing the necessary permits. The motion carried by the following vote: 4-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Noes: 1 - KIEFER

[11910](#)

PETITION: REZONE 11910
APPLICANT: CEDAR CREEK VALLEY LLC (JULIETTE SCHICK)
LOCATION: 2631 COUNTY HIGHWAY J, SECTION 14, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO RR-4 Rural Residential District
REASON: expanding residential lot boundary

In Support: Juliette Schick

Opposed: None

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

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11912](#)

PETITION: REZONE 11912
APPLICANT: DOROTHY M JOHNSON
LOCATION: 1343 STARR SCHOOL RD, NORTH AND SOUTH OF 1383 STARR SCHOOL RD, SECTION 2, TOWN OF RUTLAND
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District and RR-2 Rural Residential District
REASON: separate existing farmstead from farm and create 3 additional residential lots

In Support: Michael Rumpf

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: 5-0.

1. A deed restriction shall be recorded on parcels 051002497300, 051002495500, 051002490003, 051002485000, 051002480020, 051002195903, 051002190006, 051002185003, and 051002180900 stating the following:

a. Further non-farm development on the remaining FP-35 zoned land is prohibited. The housing density rights for the "original" farm have been exhausted per the Town Comprehensive Plan density policies.

2. A deed restriction shall be recorded on proposed Lot 2 stating the following:

a. No commercial use shall be allowed on proposed Lot 2.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11919](#)

PETITION: REZONE 11919

APPLICANT: K&D STONE LLC

LOCATION: WEST OF 430 CENTER ROAD, SECTION 28, TOWN OF RUTLAND

CHANGE FROM: FP-1 Farmland Preservation District TO FP-35 Farmland Preservation
Business District

REASON: bring existing legal non-conforming non-metallic mineral extraction site into
conformance with current zoning ordinances

In Support: Mitch Olson, Noah Rusch

Opposed: None

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

Ayes: 5 - BOLLIG, DOOLAN, KIEFER, MCGINNITY and RATCLIFF

[02580](#)

PETITION: CUP 02580
APPLICANT: TODD M LEKAN
LOCATION: 272 EDGERTON ROAD, SECTION 34, TOWN OF ALBION
CUP DESCRIPTION: large animal (horse) boarding

In Support: Robb Leach
Opposed: None

A motion was made by BOLLIG, seconded by RATCLIFF, that the Conditional Use Permit be approved with conditions, finding that the proposal meets the CUP standards. The motion carried by the following vote: 5-0.

- 1. Any conditions required for specific uses listed under s.10.103 of County Ordinances;**
- 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan;**
- 3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of 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 county 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 county 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 and circulation must be provided, consistent with s. 10.102(8) of County Ordinances;**
- 9. If 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 County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or 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 county zoning administrator, a placard with the approval of the 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 reasonable opportunity to correct any violations prior to revocation;
14. Horse boarding operations shall be limited to a maximum of 25 horses at any one time. The number of employees shall be limited to a maximum of 5.
15. Horse boarding and training facility operating hours shall be daylight hours, which vary seasonally.
16. The CUP is granted for Ace Equestrian, with Allison Graf as the operator. The CUP shall expire upon the sale of the property to a new owner (not including the impending sale of the land to Allison Graf).
17. Owner/Operator shall be responsible for instituting and complying with a nutrient management plan and/or animal waste disposal plan written to NR 151 standards and approved by Dane County Land Conservation.
18. Outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.
19. The parking and circulation plan shall comply with the Zoning Ordinance requirements of section 10.102(8).
20. Any business signage shall require a sign permit and shall comply with all applicable Town of Albion and Dane County Zoning Ordinance sign regulations.
21. Upon approval of the CUP, the 4 adjacent neighbors will be notified by the Town of Albion that they have the option to voluntarily test for nitrates, nitrites, coliform and e-coli. Any such testing shall be completed within 90 days of the approval of the CUP. The cost of the testing will be paid by the CUP applicant and the tests will be kept on file with the Town of Albion.
22. The owner or applicant will work with the Town of Albion on identifying and fixing the water runoff issues coming from the property's main driveway and creating issues on the town road. If services of an engineer are required, it will be at the cost of the owner or applicant. Cost of any repair shall be the sole responsibility of the applicant unless otherwise agreed to by the Town of Albion.
23. The CUP shall expire automatically if Ace Equestrian or a successor entity owned by Allison Graf ceases to do business or is no longer registered as a business in good standing with the Wisconsin DFI.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[02582](#)

PETITION: CUP 02582
APPLICANT: K&D STONE LLC
LOCATION: WEST OF 430 CENTER ROAD, SECTION 28, TOWN OF RUTLAND
CUP DESCRIPTION: expansion of an existing non-metallic mineral extraction operation

A motion was made by KIEFER, seconded by BOLLIG, to enter the emails and letters received after the public hearing into the public record. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandRATCLIFF

Abstain: 1 - MCGINNITY

A motion was made by KIEFER, seconded by BOLLIG, to direct staff to prepare findings of fact and potential conditions in order to be reviewed at the March 14th ZLR Committee meeting. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandRATCLIFF

Abstain: 1 - MCGINNITY

A motion was made by KIEFER, seconded by RATCLIFF, to close the public record. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandRATCLIFF

Abstain: 1 - MCGINNITY

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

[2022 OA-057](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, ESTABLISHING SETBACKS FOR COMMUNICATION TOWERS

A motion was made by BOLLIG, seconded by RATCLIFF, that the Ordinance be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

I. Items Requiring Committee Action

J. Reports to Committee

[2022](#)
[RPT-706](#) Report of approved Certified Survey maps

K. Other Business Authorized by Law

Chair Doolan asked to revisit the ZLR rules and procedures at the March 14th ZLR meeting in order to review the language regarding the time limit set on rezoning petitions and conditional use permit applications after the public hearing has been held.

L. Adjourn

A motion was made by RATCLIFF, seconded by BOLLIG, to adjourn the meeting at 8:56pm. The motion carried unanimously.