

- The applicant has worked with the Town of Oregon to draft new deed restrictions, informed by the company's track record after getting established. Both the current and new deed restrictions would overlap with some of the [current CUP conditions](#), so a new CUP for the outdoor storage and the caretaker's residence is needed. A new CUP petition has been submitted to update the current permit; this is scheduled for a May 26th public hearing with ZLR. Zoning Staff would prefer that the requirements for the outdoor storage be handled as part of the CUP if possible, to avoid overlapping restriction documents and duplicative processes.

A new septic system is proposed on the adjacent RR-2 lot, which is also owned by the applicants. Typically, when a septic system is proposed off-site and an on-site location is not feasible, staff recommends an off-lot easement to document this for future landowners. By ordinance (Ch. 46), the septic system / soil absorption area must be located at least 5 feet from any lot line.

Because there is an existing stormwater management plan on file with Land and Water Resources, the applicants were asked to verify if the POWTS location will affect the stormwater plan. They have confirmed with LWRD staff that (1) the proposed septic system does not conflict with the site's stormwater and (2) replacing the barn on the same footprint will not require a revision to the site's stormwater management plan. Only an erosion control permit will be required.

COMPREHENSIVE PLAN: This petition is in the Town's Farmland Preservation planning area and is subject to the land use policies related to that designation. No land use change is proposed. New building is replacing an existing accessory structure. This proposal remains consistent with the goals, objectives of policies related to commercial development needed to support existing agricultural activities, provide supplemental income for farm families or provide agricultural-related services. For questions about the town plan, contact Senior Planner Bridgit Van Belleghem at (608) 225-2043 or VanBelleghem.Bridgit@danecounty.gov.

RESOURCE PROTECTION: Not applicable – no sensitive environmental features trigger extra review or permitting. An erosion control permit will be required for land disturbance over 4,000 square feet as part of construction permitting.

TOWN ACTION: Town Board recommends approval subject to deed restrictions (see below and in Town Action Report).

STAFF RECOMMENDATION: Staff supports the proposed rezoning; however, based on the town plan and the surrounding area being non-commercial in nature, Staff recommends deed restrictions to limit future land uses, site lighting, operating hours, signage, and equipment noise (similar to the current restrictions). Also the recording of an off-lot septic easement. As this report was being finalized, public comments were received expressing concern with the rezoning and the existing business use.

The town's recommendation would add additional deed restrictions to the ones previously imposed. Their new restrictions would increase the number of on-site (office) employees from 3 to 6, specify the location of trash/waste receptacles, further restrict outdoor storage (which is a conditional use under GC zoning), limit the total building footprint to 20% of the site, and prohibit a handful of land uses.

The recommended restrictions include language about the outdoor storage would overlap with the CUP proposal currently under review for the outdoor storage. Staff would prefer to address the outdoor storage limitations with the CUP rather than with the general deed restriction, to simplify the requirements. This would avoid the need to do a new rezone, deed restriction AND conditional use process in the future if any changes to the outdoor storage are proposed. In the current restriction language recommended by the town, it is also not clear what would constitute "non-essential" equipment or materials, and if the business could continue to have outdoor storage of equipment in the front yard / parking lot area located behind the fence abutting the highway. The site plan does not clearly indicate that area for storage, so clarification is needed.

Pending any comments at the public hearing, staff recommends postponement, due to public opposition and to allow staff and applicants time to revisit and clarify the recommended deed restriction language at the same time as the CUP is being reviewed by both the town and county.

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