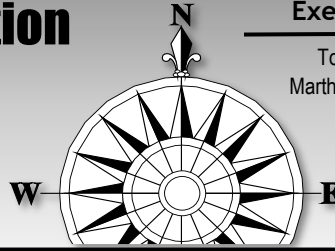


Dane County Towns Association

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
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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
<i>Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.</i>	x	x	x	X	X
<i>Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources.</i>	x	x	x	X	
<i>Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s. 10.103(15) and Chapter 74.</i>		x	x	X	X
<i>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.</i>		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.