

# **Dane County Towns Association**

Advocate for Town Government

Established 1972

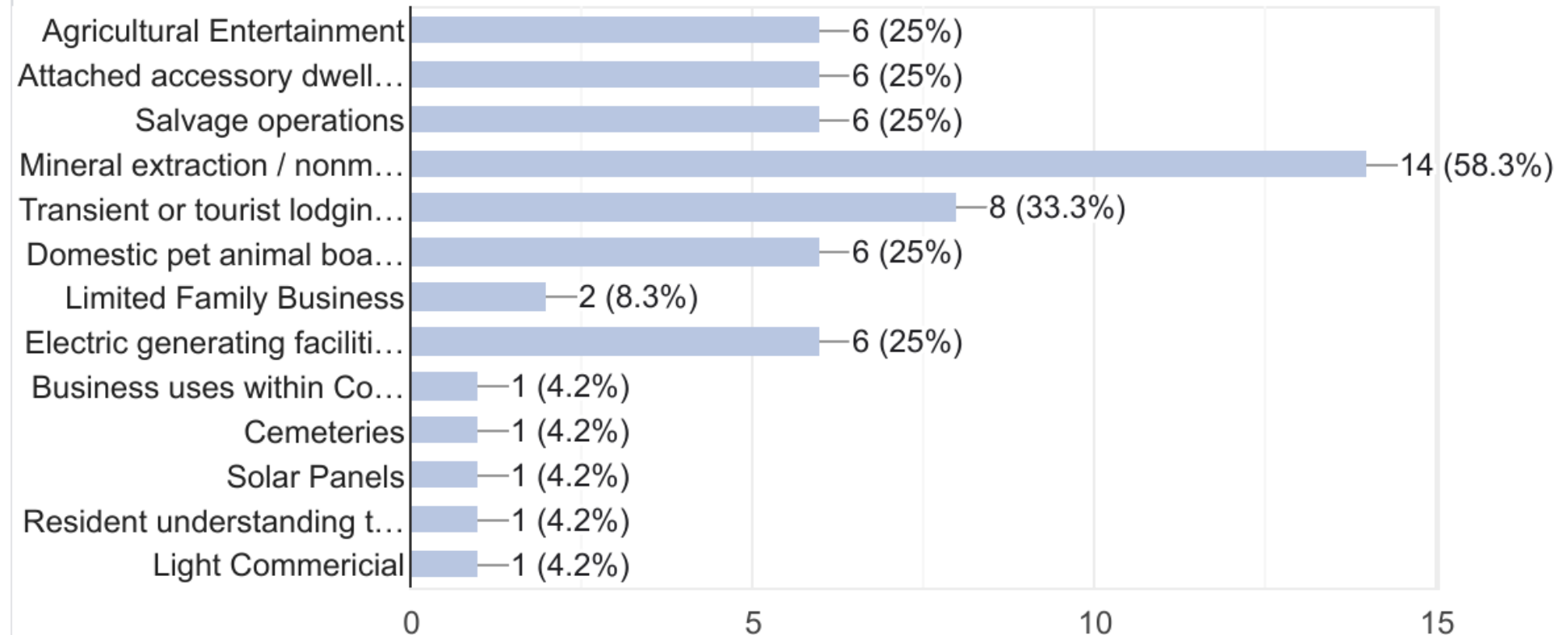


## Conditional Use Permit (CUP) Working Group Proposal

# DCTA Town Survey Summer 2025

From your perspective, what are the most problematic or challenging types of conditional uses? (Please select up to 3)

24 responses

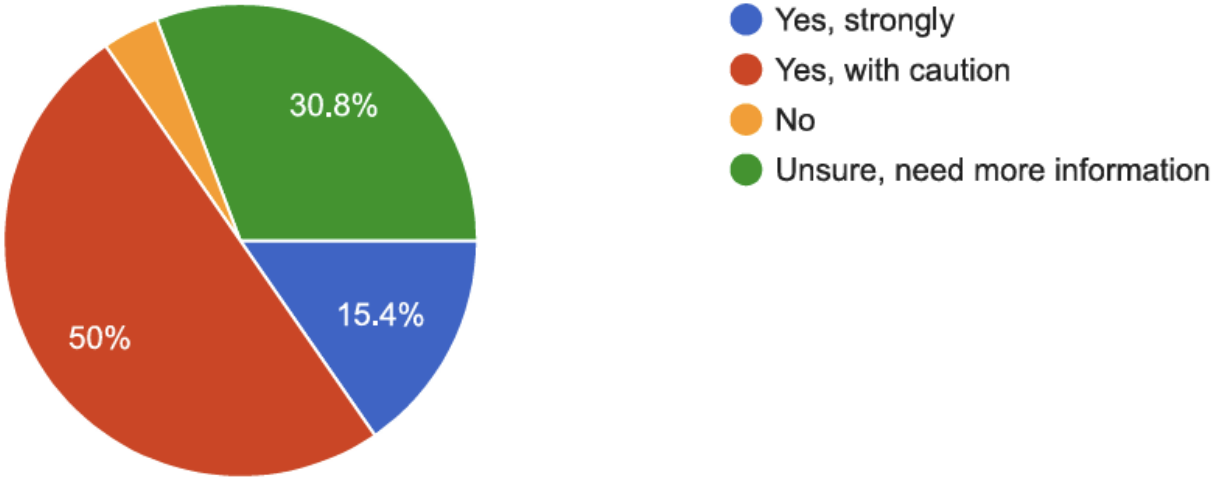


# DCTA Town Survey Summer 2025

Some communities around the state have responded to Act 67 by removing certain land uses from CUP options and requiring zoning map amendments (zoning changes) instead because this gives them greater discretion and control over land use decisions.

Would you support reducing the number of land uses listed as conditional uses in the County Zoning Code to get greater discretion and control over land use decisions?

26 responses



## 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.

# March 19, 2026 memo sent requesting feedback.



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

# Focus



The CUP Working Group focused its recommendations on **limiting industrial conditional uses** in agricultural zoning districts that are **not directly related to agriculture**.

## Proposal to remove the following Conditional Uses:

<i>Conditional Use</i>	<i>FP-1</i>	<i>FP-35</i>	<i>FP-B</i>	<i>AT-35</i>	<i>RM-16</i>
<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	



# Result

- Existing permits would remain valid.
- New applicants would be required to rezone and apply for a CUP.
- Renewal of existing CUPs, would need to comply with the new code.

# Impact

## Local Control

- Review is in response to 2017 Act 67 that requires approval of a CUP if the applicant meets or agrees to meet standards specified in the zoning code
- Will return town decision making authority over significant land use proposals

# Town Feedback Received



Town feedback that some **Conditional Uses listed in RI (Rural Industrial) Zoning** could significantly impact adjoining owners.

Propose to **remove the following Conditional Uses from RI:**

- Asphalt and concrete production
- Caretaker's residence
- Communication towers
- Commercial processing or composting of organic byproducts or wastes
- ~~Demolition material disposal sites~~
- ~~Dumping grounds~~
- Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources
- ~~Incinerator sites~~
- Mineral extraction operations
- Outdoor sales, display, or repair
- Salvage operations
- Slaughterhouses, meat processing plants
- Stock yards, livestock auction facilities
- Solid waste disposal or recycling operations
- ~~Storage of explosive materials~~
- Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law
- Wastewater treatment facilities

**Questions from local officials?**

# Next Steps

- Action at this meeting
- Requesting Dane County Ordinance Amendment
- Keeping opt out towns informed



## **Possible motion:**

Support an amendment to the Dane County Zoning Code to remove the four conditional uses identified in the May 20, 2026 Annual Meeting presentation from agricultural zoning districts and other associated changes.