

RESOLUTION NO. 2016-1

To Approve a Conditional Use Permit in the Town of Lowell, Dodge County Wisconsin, for the Operation of a Horse Boarding Facility at N3899 CTY K

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- WHEREAS,** Greg Joswick (Property Owner) has applied to the Town Board for approval of a Conditional Use Permit (CUP) in the Town of Lowell pursuant to Section 13-1-46(c)(9), 13-1-66 and 13-1-76 of the Zoning Code in order to operate a Horse Boarding Facility on property located in the AG-1 General Agricultural Zoning District at N3899 County Road K; and
- WHEREAS,** a public hearing concerning the CUP application and proposed operation was held on January 5, 2016, and
- WHEREAS,** the Town Board has, pursuant to Section 13-1-66(c) of the Zoning Code, reviewed the conditional use permit application and supporting information and evaluated the effect of the proposed use on: the maintenance of safe and healthful conditions; the prevention and control of water pollution and sedimentation; existing topography, drainage features, and vegetative cover; the location of the site with respect to floodplains, floodways, rivers, and streams; the erosion potential of the site; the location of the site relative to existing and future access roads; the need of the proposed use for a shoreland location; compatibility with uses on adjacent land; and the amount of liquid wastes to be generated and the adequacy of the proposed disposal system; and
- WHEREAS,** the Town Board has, pursuant to Section 13-1-66(a) of the Zoning Code, and in consideration of the above and subject to and with complete satisfaction of the conditions attached hereto as Attachment "A", finds that: the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare; the uses, values, and enjoyment of other Property in the neighborhood shall be in no foreseeable manner substantially impaired or diminished by the proposed use; the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding Property for uses permitted; adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided; adequate measures have been or are being taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; the conditional use shall conform to all applicable regulations of the AG-1 Zoning District; the proposed use does not violate floodplain regulations; adequate measures have been or are being taken to prevent and control water pollution, sedimentation, erosion and run-off; and

**NOW THEREFORE,** the Town Board of the Town of Lowell does hereby resolve that:

- Section 1.** A Conditional Use Permit is hereby granted for purposes of operating a horse boarding facility on the following described Property:

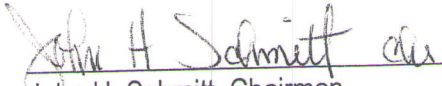
Parcel pin #: 032-1014-1313-000 as described as LOT 1 CSM 4664 IN V30 P3 BEING PT N1/2 SE1/4 PT S1/2 NE1/4 & PT SE1/4 NW1/4 SEC 13 in the Town of Lowell.

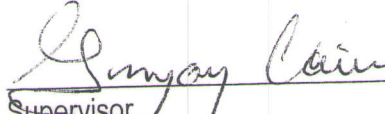
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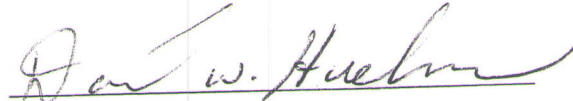
### Section 2.

The granting of this permit and subsequent use of the Property described herein is subject to ongoing compliance with all conditions and requirements specified in Attachment "A" and the Town's Zoning Ordinance;

Adopted this 9<sup>th</sup> day of February, 2016.

  
John H. Schmitt, Chairman

  
Supervisor

  
Supervisor

ATTEST:

  
Theresa Firari, Clerk



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### ATTACHMENT "A"

Property Description: Parcel Pin #: 032-1014-1313-000 as described as LOT 1 CMS 4664 IN V30 P3 BEING PT N1/2 SE1/4 PT S1/2 NE1/4 & PT SE1/4 NW1/4 SEC 13 in the town of Lowell.

Property Owner(s): Greg Joswick

Operator/Agent(s): Greg Joswick

Zoning District(s): AG-1 General Agricultural District

Proposed Use(s): Horse Boarding Facility (under Section 13-1-46(c)(9), 13-1-66 and 13-1-76 of the Town Zoning Code)

Public Hearing: January 5, 2016

Plan Commission Recommendation: APPROVAL w/ conditions; January 5, 2016

Town Board Action: APPROVAL w/ conditions; January 12, 2016

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#### Conditions of Approval:

1. For purposes of this permit, the term "Operator", "Property Owner" and/or "Applicant" shall mean or refer to Greg Joswick, the applicant for this CUP.
2. The rights of this permit are not assignable or transferable to any other person, Property owner, corporation, or operator. In the event the Property Owner or Operator sells or otherwise relinquishes ownership or interest in the Property or operation permitted under the permit, this permit shall become null and void. A new conditional use permit may be issued by the Town to any new Property owner and/or operator subject to compliance with the Town's Zoning Code and other regulations in effect that time. Issuance of a new CUP to a subsequent owner for the same or similar commercial use/operation is not automatic nor guaranteed.
3. All written and verbal commitments made by the owner/operator to the Town as submitted in the application materials, handouts, and made during the public hearing and meetings as summarized in meeting minutes shall be deemed conditions of approval in addition to those listed herein. The use shall be consistent with the features, facility improvements and restrictions set forth in Exhibit 1 (as presented to the Town by the owner/operator).
4. Whenever the Town Board has reasonable cause to believe that any of the conditions herein imposed are being or have been violated, that any commitment made by the owner/operator is or has not been fulfilled or complied with, or, use of the property is deemed to be hazardous, harmful, offensive or oth-

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erwise have an adverse impact on the environment, safety, and value of the surrounding neighborhood and community, the Town Board shall hold a hearing with Applicants to ascertain the actual facts and thereafter apply reasonable discretion on whether to take any action including the right to revoke or modify this conditional use permit or imposing stricter or other conditions upon the Applicants. A finding of material lack of compliance after the hearing described herein shall constitute a violation of the Town's Zoning Ordinance and be subject to any penalty provisions and enforcement actions contained in that or other applicable Town ordinance.

5. The operator will provide a written manure disposal plan to the town board. Manure will be applied in accordance to sound agricultural practices.
6. The operator shall be responsible for obtaining all necessary permits and Planning Commission approval for all site improvements, e.g. new building, improvements, fencing, external lighting, signage, etc. prior to the completion or installation of said improvements in accordance to Town Zoning.
7. The operator shall be responsible for ensuring boarders do not Trespass on neighboring properties. The operator shall clearly mark his property boundaries and instruct riders of trespassing is strictly prohibited.
8. Boarders must obtain written permission from current land owners in accordance to Dodge County Land Records if riding on private property not owned by operator. The written permission must be on them while riding on said property.
9. The operator is restricted to a maximum of 10 horses at any one time.
10. The operator must follow the minimum size requirements for stables as shown below

| Size of Horse                                                                 |                    | Minimum Stable Size |
|-------------------------------------------------------------------------------|--------------------|---------------------|
| Small                                                                         | Under 13-2 hands   | 9' x 9'             |
| Medium                                                                        | 13-2 to 15-2 hands | 10' x 10'           |
| Large                                                                         | 15-2 hands or over | 12' x 12'           |
| <b><i>Stables must be a box stall, lean-to or a three-sided structure</i></b> |                    |                     |

11. The operator currently has enough square footage for 7 horses. If the operator wishes to reach his maximum horses allowed, he must create additional stable area.
12. This condition use permit is good for 1 year from the approval. The operator must come back to the Planning Commission for revaluation in January 2017.