

Town of Perry
Minutes of Land Use Committee Meeting
Wednesday, January 8, 2025
Perry Town Hall, 10084 County Highway A

1. Call to Order. Chairman Dean Vogel called the meeting to order at 8:02 PM. Committee members Ken Hefty, Jeff Anderson, Bird Cupps, and Deputy Clerk Stephanie Zwettler were present. Also in attendance: Bob Talarczyk, John Fleming, John Wiggins, Diane Erb and grandsons. Committee member Phoebe Blackman and Majid Allan attended via teleconference.
2. Minutes of Previous Meeting – November 11, 2024. Jeff Anderson moved and Ken Hefty seconded a motion to approve the minutes of the Land Use Committee meeting held on November 11 as presented. Motion carried.
3. Diane Erb, 1514 Sutter Rd – site plans for residences, driveways, and zoning changes to create (3) lots from FP-35 to RR-2 and RM-8. Chairman Dean Vogel recognized John Wiggins who addressed the Committee. John Wiggins opposed the rezones, citing that additional houses would generate nuisance, additional traffic, remove agricultural land, and violate the Land Use Plan with too many residences. Ken Hefty explained that the farm has three density units and complies with the Land Use Plan's density policy.

The Committee discussed the northeastern proposed 3-acre lot on the preliminary survey. Chairman Vogel requested justification for a parcel larger than two acres. The applicant replied, expressing concerns about the proximity of the existing fence line that could interfere with septic and livestock. The committee members agreed the soils present meet the criteria of the Land Use Plan. Jeff Anderson moved and Ken Hefty seconded the motion to recommend approval of the site plan, driveway, and zoning change of the 3-acre lot from FP-35 to RR-2. Motion carried.

The Committee discussed the southwestern proposed 10.6-acre lot, designated as "Lot 1," on the preliminary survey. Committee members noted the presence of fair and poor soil and agreed that the proposed driveway from Sutter Road is suitable with minimal land disturbance. Chairman Vogel requested justification for a parcel larger than two acres; the applicant responded, intending to raise livestock and that the land is steep. Bird Cupps noted the land south of the lot line was not included in the survey, leaving out a small corner and a long strip. Surveyor Bob Talarczyk explained that the survey could be amended to include the remaining area to the property line and designate the "Choice" soil "non-buildable." Ken Hefty moved and Jeff Anderson seconded the motion to recommend approval of the site plan, driveway, and zoning change of "Lot 1" from FP-35 to RM-8 and to amend the survey extending the lot to the property line with a "non-buildable" designation." Motion carried.

The Committee discussed the proposed adjacent 10.6-acre lot, designated as "Lot 2," on the preliminary survey. The applicant also cited an intention to maintain livestock and keep the land in crop production as it is currently. Chairman Vogel noted that while the soils are adequate, he expressed concern that the location for the proposed residence appears centrally located in the field. Bird Cupps also commented that while the proposed driveway utilizes the existing field road from Sutter Road, its purpose serves to meet the 66-foot rule requirement for lot creation and thus creating a "flag lot." She noted that the Land Use Plan discourages "flag lots" in the desired criteria for evaluating site plans. Committee members discussed other options for alternate sites but voiced overall concerns about the amount of land taken from agricultural production.

Ken Hefty moved to recommend approval of the proposed driveway, site plan, and zoning change of "Lot 2" from FP-35 to RM-8, and to amend the survey extending the lot to the property line. Motion failed for lack of a second.

4. Dane Co. Ordinance Amendment OA-23 – CUP review process. Senior Planner Majid Allan provided material for Deputy Clerk Stephanie Zwettler to distribute, showing the amended portions of the current conditional use permit (CUP) application review process. He explained that the purpose of the amendment is to conform with state statutory requirements. Mr. Allan reviewed the current process which allows towns to approve or deny applications. However, he explained that the current process is inconsistent with state law, which specifies that only counties decide on CUP applications. The amendment would allow towns to recommend approving or denying the application to Dane County Zoning, but the decision will be rendered by the county. The amendment would also eliminate the requirement that a town hold a public hearing on CUP applications nor be required to keep a written record of evidence. Majid Allan answered questions from the Land Use Committee and offered additional information.
5. Pending applications – review and discussion. Deputy Clerk Stephanie Zwettler reported that there are no pending applications.
6. Schedule meetings. Site views will be held on February 1, 2025, and the meeting and public hearings will be held on February 5, 2025, for applications submitted by January 15, 2025.
7. Adjourn. Jeff Anderson moved and Ken Hefty seconded a motion to adjourn. Motion carried. The meeting adjourned at 10:45 PM.

Respectfully submitted,
Stephanie Zwettler, Deputy Clerk
