

**CONDITIONAL USE PERMIT
TOWN OF EAGLE**

**Al & Cynthia Mae Gagliano – Kettle Moraine Ranch
Horse Ranch and Western Theme Town Operation at,
W379 S9674 CTH "S", Town of Eagle, Tax Parcel # EGLT 1838-997**

WHEREAS, pursuant to Section 3.08 of the zoning code, applications for Conditional Use permits have been filed for approval of a horse ranch and western theme town with related activities at W379 S9674 CTH "S", Town of Eagle, Tax Parcel #EGLT 1838-997, said applications were previously filed in 1971, 1973, 1985, and 1990 with the Waukesha County Park and Planning Commission, and in 1985, 1990, and 2006 with the Town Clerk, Town of Eagle, Wisconsin, and

WHEREAS, after proper notice pursuant to the Town of Eagle Zoning Code joint public hearings were noticed in the official newspaper twice and with notice being mailed at least ten (10) days prior to the dates of such public hearings to the owners of record of the properties situated within 300 feet of the boundaries of the properties affected, and

WHEREAS, after required statutory open meeting notification, the Plan Commission and Town Board held the joint meetings, the latest meeting being on July 12, 2006, and

WHEREAS, the Town Board now agrees it is in the Town's best interest to streamline the review process and combine all previous Conditional Uses into one consolidated document listing all approved uses for the site, and

WHEREAS, the Plan Commission and Town Board does hereby make the following findings of fact;

- A. The establishment of ONLY the horse ranch related activities and a western theme town operation including: horse rentals; buying, selling, and trading of horse trailers; operations of an auction barn, blacksmith shop, bunkhouse, chapel, post office, saloon, sheriff's office, trading post, and western store; outdoor cooking and camping; and general community fund raising events will not be detrimental to or endanger the public health, safety, morals, comforts, or general welfare.
- B. The establishment of the residential dwelling, garage, wood shed , corn crib, play house, St. Rose Chapel, Jeff's waterfall memorial, and rear 130 ft. x 300 ft. horse paddock area shall be considered agricultural in character in keeping with the existing zoning designation, and shall be used strictly for private use. This area shall be completely enclosed by permanent fencing and gates, which shall be signed as "private property" to permit no public access. The residential area shall not be considered a part of the operation of the adjoining commercial uses.
- C. The uses, values and enjoyment of other property in the neighborhood for the purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the above permitted activities and facility operations, or agricultural use, and the proposed uses are compatible with the use of adjacent land.
- D. The establishment of the horse ranch related activities and western theme town will not impede the normal and orderly development and improvement of the surrounding property from uses permitted in the A-2 "Rural Home District".

E. That adequate access, roads, ingress and egress have been provided.

F. That the conditional use shall in all other respects conform to the applicable regulations of the district in which it is located.

NOW THEREFORE, based upon the findings of the Planning Commission and Town Board set forth above, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

DETERMINATION AND FINDINGS

The horse ranch related activities and a western theme town operation including: horse rentals; buying, selling, and trading of horse trailers; operations of an auction barn/indoor arena, blacksmith shop, bunkhouse, chapel, post office, saloon, sheriff's office, trading post, and western store; outdoor cooking and camping; and general community fund raising events on Tax Parcel # EGLT 1838-997, Town of Eagle, Wisconsin, are subject to the conditions hereafter stated, in accordance with the purpose and intent of Section 3.08 of the zoning code of the Town of Eagle and will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.

ORDER

1. **Site Plan:** A scaled site plan (plat of survey) shall be provided that accurately shows the location and size of all buildings, structures, and fences existing and proposed, and shall designate the size and location of any parking and outside storage areas. A revised and scaled site plan shall be filed with the Town Clerk and approved by the Plan Commission prior to any future amendments to this conditional use permit. If an accurately scaled plan is not provided within a time limit of 30 days as specified by the Town Board, this conditional use consolidation and all uses herein described shall become null and void.
2. **Plan of Operations:** The site may be used for camping, hayrides, tram rides, horse shows, horse boarding and rental, corporate parties, weddings, and special events. Special events shall be limited to weekends and legal holidays. Weddings and corporate parties are permitted in the public areas of the site any time within the general hours of operation.
3. **Hours of Operation:** The hours of operation are from 9:00 a.m. to 9:00 p.m. daily. Special events hours of operation shall be until 11:00 p.m. on hayride nights, 12:00 a.m. on horse show nights, and 12:00 a.m. for all other nights of special events.
4. **Annual Special Event:** During Knucklefest, on the Labor Day weekend, it shall be permitted to play music until 12:00 a.m. and provide on-site sale and consumption of alcoholic beverages until 12:00 a.m. with closing of the facility at 1:00 a.m.
5. **Special Events Notification:** A written notification is required to be submitted by the applicant to the Town Clerk 30 days prior to any special event anticipating more than 500 people in attendance (excluding weddings and corporate parties). A Site Plan and Plan of Operations amendment shall be required prior to any scheduled events with more than 1,000 people in attendance.

6. **Sale and Consumption of Alcohol:** On-site sale and consumption of alcoholic beverages is permitted only within the auction barn/indoor arena and saloon. Sale and consumption of alcoholic beverages elsewhere on the grounds shall be limited to special events only, in segregated fenced-off areas, and as provided on an approved Site Plan. Sale and consumption of alcoholic beverages during special events shall require the presence of security personnel or appropriate law enforcement at all times. The applicant shall obtain a liquor license with proper approval from the Town Board, and keep said liquor license current.
7. **Horse Boarding and Rental Operation:** Per the Conditional Use permit granted May 14, 1973, there shall be no more than 33 horses used in the rental operation, and no more than 20 horses shall be boarded on site. No more than 10 horse wagons or 5 horse trailers shall be on site at any one time for the purpose of rent or sale. All wagons and trailers shall be stored behind buildings and out of public view when they are not in use.
8. **Camping:** Per the Conditional Use permit granted by Waukesha County on May 17, 1973, outdoor camping shall be limited to no more than 100 people. All trailers, motor homes, and campers shall be limited to the amount of space set up for them. Camping shall only be within designated areas as shown on an approved site plan, and said plan shall be provided within 30 days of approval. Two sealed "vault type" toilet buildings or portable toilets shall be provided for the camp grounds. All roads and parking areas shall be maintained in a dust-free condition, as determined by the Town Board.
9. **Tram-Train Service:** One tram-train (which is a rubber tired vehicle with a chassis replicating a railroad train engine) may be operated on the grounds as desired. The tram-train shall not be operated on any public roadways unless properly licensed. The tram-train must be kept in a well maintained, operable, and safe condition at all times. The passenger capacity must be clearly posted along with any rules or regulations concerning its use and rider-ship conduct.
10. **Parking:** Ample parking stalls shall be provided and shown on the approved Site Plan, or an amended Site Plan as may be needed for special events. Areas for vehicle parking or storage shall be a minimum of 9 ft. x 20 ft. in area per vehicle. No parking on the road is permitted.
11. **Exterior Housekeeping:** The applicant/owner will keep the exterior condition of the premises in a neat and orderly condition, so the premises will not detract from neighboring premises. Outside storage of equipment/materials shall be permitted only in accordance with an approved Site Plan.
12. **Inspection:** The petitioners shall allow the Town of Eagle representative(s) to inspect the premises at any reasonable time to determine compliance with this consolidated Conditional Use permit and all approved future amendments. The property owner shall be required to obtain permits for all buildings constructed since 1990, subject to the Building Inspector's review of building plans, payment of all fees, and completion of code compliance inspections. Any building(s) that have not received a required building permit from the Building Inspector within 150 days of this approval shall be considered in non-compliance, and may be cited each day that the offense exists until the building is brought into compliance or removed from the site.

13. **Transferable:** This conditional use permit is granted to Al Gagliano & Cynthia Mae Gagliano and shall not be transferable. A change in ownership or of individuals leasing the property shall require a new Conditional Use application, Site Plan and Plan of Operation approval.
14. **Terms of Conditional Use:** The terms and conditions of this Conditional Use permit may be reviewed by the Town of Eagle Plan Commission and the Town Board every one (1) year or at their discretion upon notice to the owner, and upon such review additional terms and conditions may be imposed as are deemed necessary and appropriate by the Town of Eagle Plan Commission and Town Board, so as to protect and promote the health, safety, welfare and intent of the Zoning Code.
15. **Termination:** Where a permitted Conditional Use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the Conditional Use permit may be terminated by action of the Town Board following referral by the Plan Commission after conclusion of a public hearing.
16. **Expansion or Changes:** Petition may be made at any time for expansion or other change of the Conditional Use permit and such petition shall not prejudice the existing grant as herein authorized. The procedure shall be the same for an initial petition except that at the discretion of the Town Board and Plan Commission minor changes which are consistent with approved Site Plan and Plan of Operations may be permitted without a public hearing. A minor change is one in which the proposed changes do not significantly affect the character or intensity of the use and is consistent with the Site Plan and Plan of Operations.
17. **Interpretation:** If any aspect of this Conditional Use Permit is in conflict with any other aspect of the Conditional Use permit, the more restrictive provisions shall be controlling, as determined by the Plan Commission of the Town of Eagle.
18. **Severability:** Should any paragraph or phrase of this conditional use permit be determined by a court to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use permit and the remainder shall continue in full force and effect.
19. **Fees and Expenses:** The cost of professional services incurred by the Town for the review of and preparation of the conditional use document or other related professional services for this application shall be paid by the applicant. In the event the Town is required to enforce any of the conditions in this conditional use permit due to a violation of those conditions by the applicant, the applicant shall pay all professional fees incurred by the Town, including but not limited to attorney fees.

Dated: June 30, 2008

By: Bob Kwiatkowski
Bob Kwiatkowski, Chairman
Town of Eagle

Attested: Lynn Pepper
Lynn Pepper, Clerk
Town of Eagle

This conditional use permit is approved and accepted

this 30th day of June, 2008.

Al Gagliano
Al Gagliano

Cynthia Mae Gagliano
Cynthia Mae Gagliano

Drafted by Brian Pionke, Community Planner, on June 2, 2008.