

CONDITIONAL USE ORDER

Document Number

Document Title

Recording Area

Name and Return Address:
Town of Trenton
Attn: Zoning Administrator
1071 Highway 33
West Bend, WI 53095

Parcel Identification Numbers:
T11_065200C (82.22 acres) and
T11_064200E (59.15 acres)

This instrument was drafted by
(insert name)

**Town of Trenton
1071 Highway 33
West Bend, WI
53095**

CONDITIONAL USE ORDER

THIS IS NOT A PERMIT: FAILURE TO OBTAIN PERMIT(S) MAY RESULT IN THE ISSUANCE OF CITATIONS.

(insert date of adoption)

Robert Roden
Rob-n-Cin Farms, LLC
5545 County Highway Y
West Bend, WI 53095

Parcel Identification Number(s):

T11_065200C (82.22 acres) and T11_064200E (59.15 acres)

FINDINGS OF FACT¹

1. Robert Roden, on behalf of Rob-n-Cin Farms, LLC (“Petitioner”), for the property located at 5545 County Road Y, Town of Trenton, Washington County, Wisconsin, owned by Rob-n-Cin Farms, LLC (“Property Owner”), as further described in Exhibit A attached hereto and incorporated herein by reference (the “Subject Property”), has made application for a conditional use permit.
2. The Petitioner requested the issuance of a conditional use permit for livestock facilities of 1,000 or more animal units pursuant to Section 380-14(C)(13) of the Town of Trenton Zoning Code (“Zoning Code”)
3. On February 16, 2026 the Town of Trenton adopted Ordinance Z2026.02.01, changing the zoning classification of the “Subject Property” to AE, Agricultural Enterprise.
4. The AE, Agricultural Enterprise zoning district is regulated by Section 380-14 of the Zoning Code. Section 380-14(C)(13) permits livestock facilities of 1,000 or more animal units as a conditional use.
5. Upon due notice, a public hearing for a conditional use for livestock facilities of 1,000 or more animal units on the property was held by the Town of Trenton Plan Commission on *(insert public hearing date)*, as required by Section 380-40 of the Town of Trenton Zoning Ordinance.
6. All persons present were given an opportunity to be heard. The Town of Trenton Staff Review, dated *(insert date of staff report)*, was received in the evidence of the conditional use hearing.
7. The matter came before the Town of Trenton Plan Commission on *(insert public hearing date)*, for deliberation.

8. The Plan Commission finds that the application complies with ATCP 51.30.
9. The Plan Commission finds that the Petitioner and Property Owner have shown by substantial evidence that all standards of the Town of Trenton Zoning Ordinance related to the proposed use will be met, and substantial evidence to the contrary has not been provided.

¹To the extent that findings of fact shown herein represent conclusions of law, these shall be deemed to be conclusions of law. To the extent that conclusions of law shown herein represent findings of fact, these shall be deemed to be findings of fact. The heading under which the statements are made shall not be controlling.

DRAFT

CONCLUSIONS OF LAW²

1. Section 380-14(13) of the Town of Trenton Zoning Code describes certain standards applicable to the proposed use, and the Town Plan Commission determines that the standards are met in this case by substantial evidence.
2. Chapter ATCP 51(Agriculture, Trade and Consumer Protection) interprets Wisconsin's livestock facility siting law. According to the livestock facility siting law, a county, town, city or village may not prohibit or disapprove a new or expanded livestock facility of any size unless one of the following applies:
 - The site is located in a zoning district that is not an agricultural zoning district.
 - The site is located in an agricultural zoning district where the livestock facility is prohibited. A prohibition, if any, must be clearly justified on the basis of public health or safety. The livestock facility siting law limits exclusionary zoning based solely on livestock facility size.
 - The proposed livestock facility violates a valid local ordinance adopted under certain state laws related to shoreland zoning, floodplain zoning, construction site erosion control or stormwater management.
 - The proposed livestock facility violates a local building, electrical or plumbing code that is consistent with the state building, electrical or plumbing code for that type of facility.
 - The proposed livestock facility will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local zoning ordinance prior to July 19, 2003), and the proposed facility violates one of the following:
 - A state livestock facility siting standard adopted by the department under this chapter.
 - A more stringent local ordinance standard enacted prior to the siting application. The more stringent local standard must be based on reasonable and scientifically defensible findings of fact, adopted by the local jurisdiction, which clearly show that the standard is necessary to protect public health or safety.

Some, but not all, political subdivisions require local approval of new or expanded livestock facilities. The livestock facility siting law does not require local approval. But if local approval is required, the political subdivision must grant or deny approval based on this chapter. A political subdivision may not consider other siting criteria, or apply standards that differ from this chapter, except as provided in the livestock facility siting law or this chapter.

3. The Town has proposed numerous conditions upon the use consistent with Section 380-14(13) of the Zoning Code and ATCP 51 and the Town Plan Commission determines that the conditions are reasonable, and are based upon substantial evidence, and the Petitioner has demonstrated that the Petitioner and Property Owner will comply with the conditions required by the Town and required by this Conditional Use Order.

² See footnote 1

THEREFORE, IT IS ORDERED AS FOLLOWS:

CONDITIONS

Commencing on the date hereof, a Conditional Use Order for the Subject Property is hereby granted. The Conditional Use granted applies only to the use of the Subject Property as described below and shall continue in existence only so long as the conditional use is operated in compliance with these conditions. The Conditional Use is subject to initial and continued compliance with each and every one of the following conditions, restrictions and limitations.

1. The Conditional Use Approval is limited to the uses described in the Applicant's Application for Conditional Use Permit, as further restricted herein. The Conditional Use approval applies to the parcels at 5545 County Highway Y, as further identified by the included legal description in Exhibit A.
2. The conditional use permit and the privileges granted by the permit run with land and remain in effect, despite a change in ownership of the livestock facility, if the new operator does not violate the terms of the local approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application. Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the Town Clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.
3. Petitioner and Owner Agreement. As a condition precedent to the issuance of the conditional use permit, the owner of the Subject Property shall approve the issuance of this conditional use permit upon the terms and conditions described herein in writing, and the Petitioner is required to accept the terms and conditions of the same in its entirety in writing.
4. This approval is limited to a livestock facility with a maximum capacity of 2,500 animal units at the Roden Echo Valley site within the Town of Trenton as defined by Chapter ATCP 51.01(4). No other uses are permitted other than those permitted in the AE Agricultural Enterprise zoning district under Section 380-14(B) of the Zoning Code.
5. Minimum setbacks shall be provided and maintained as required by Section 380-14(D)(4) and (5) of the Zoning Code as further illustrated in Exhibit B.
6. The livestock facility shall have and maintain an odor score, as defined and further regulated by ATCP 51.14 of at least 500.
7. Land applications of waste from the livestock facility shall comply with ATCP 51.16 requirements for nutrient management.
8. All waste storage facilities for the livestock facility shall be designed, constructed and maintained to minimize the risk of structural failure, and to minimize the potential for waste discharge to surface water or groundwater as further regulated by ATCP 51.18.
9. New or substantially altered animal lots shall comply with Natural Resources Conservation Service (NRCS) technical guide wastewater treatment strip standard

635 (January, 2002) as further required by ATCP 51.20.

10. All provisions of the application with respect to Sections ATCP 51.16 (nutrient management, 51.18 (waste storage facilities) and 51.20 (runoff management) shall apply in the absence of a valid WPDES permit.
11. An Employee Training Plan shall be maintained and utilized as described in Appendix E of the application materials (dated January 22, 2026). Such plans shall be made available to the public upon request to the Town Clerk.
12. An Environmental Incident Response Plan shall be maintained and utilized as described in Appendix F and the Employee Training Plan (dated January 22, 2026) of the application materials. Such plans shall be made available to the public upon request to the Town Clerk.
13. The conditional use shall be valid for five (5) years from the date of approval with an extension granted after that if the conditions of the conditional use permit are met and followed.
14. This permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted by the approval, and regardless of whether the livestock operator exercises the full authority granted by the approval. (ATCP 51.08(1)b))
15. The Town may withdraw local approval of this conditional use order granted under ATCP 51 unless the livestock operator does all of the following within two years after the local approval is granted (ATCP 51.08(2)):
 - a. Begins populating the approved livestock facility.
 - b. Begins construction on every new or expanded livestock housing structure, and every new or expanded waste storage structure, proposed in the application for local approval.
16. Any and all technical deficiencies identified by Town staff or any approving or objecting authority shall be corrected.
17. The Applicant shall address any other issues which are raised by any approving or objecting authority, which the Town Plan Commission deem necessary for the applicant to address in the application materials.
18. The Town reserves the right, but not the obligation to monitor compliance with the terms of this conditional use order pursuant to Section 380-14(C)(13)(l) of the Zoning Code and ATCP 51.34(4).
19. A permit and the privileges granted by a permit issued under Section 380-14(C)(13)(l) of the Zoning Code is conditioned on the livestock operator's compliance with the standards in ATCP 51 and with commitments made in the application for a permit. The Town is authorized to suspend a permit or seek other redress as provided in this chapter for noncompliance.
20. All other requirements of Chapter 380-14(C)(13) of the Zoning Code and ATCP 51 remain in full effect.
21. Other Conditions.
 - a. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or

private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, Washington County, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Town ordinance or other law.

- b. This Conditional Use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Town Plan Commission as being in compliance with all pertinent ordinances.
- c. Should the permitted Conditional Use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, the Conditional Use may be terminated by action of the Town Plan Commission, after first allowing the Applicant an opportunity to be heard.
- d. Any substantial change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed. The operator may make reasonable changes that maintain compliance with the standards in this chapter, and the Town Board shall not withhold authorization for those changes.
- e. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Order may be amended upon the prior approval of the Town Plan Commission if the Town Plan Commission finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Town Plan Commission feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
- f. 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 and the remainder shall continue in full force and effect.
- g. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this Conditional Use is in conflict with any other aspect of the Conditional Use or any aspect of any plan of the Conditional Use, the more restrictive provision shall be controlling as determined by the Town Plan Commission.

The Petitioner and Property Owner provided substantial evidence of meeting or agreeing to meet these conditions. There was no substantial evidence from opponents to the contrary.

Verify after public hearing.

[signatures on following pages]

APPROVAL

I hereby approve the issuance of this Conditional Use Permit to the Petitioner on the terms and conditions described herein.

Dated this _____ day of _____, 20__.

PROPERTY OWNER:
Rob-n-Cin Farms, LLC

By: _____
(Authorized Signatory)

Title: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF WASHINGTON)

Personally came before me on this _____ day of _____, 20____, the above-named executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, STATE OF WI
Print Name: _____
My Commission Expires: _____

Dated this _____ day of _____, 20__.

ACCEPTANCE

I hereby accept the terms and conditions of this Conditional Use in its entirety.

Dated this _____ day of _____, 20__.

PETITIONER: Rob-n-Cin Farms, LLC

By: _____
(Authorized Signatory)

Title: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF WASHINGTON)

Personally came before me on this _____ day of _____, 20____, the above-named
executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, STATE OF WI
Print Name: _____
My Commission Expires: _____

Dated this _____ day of _____, 20__.

Dated this _____ day of _____, 20__.

TOWN OF TRENTON

By: _____
Mike Lipscomb, Town Chairman

ATTEST:

Cindy Komro, Town Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF WASHINGTON)

Personally came before me on this _____ day of _____, 20____, the above-named
executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, STATE OF WI
Print Name: _____
My Commission Expires: _____

EXHIBIT A

Legal Description (from Washington County, WI GIS and application)

Parcel Identification Numbers T11_065200C (82.22 acres) and T11_064200E (59.15 acres)

Zoning Classification of the premises is AE Agricultural Enterprise District

Mailing address of premises is 5545 County Hwy Y, West Bend, WI 53095

Legal description of the property which is the subject of this application: (NOTE: Legal description provided by applicant)

Parcel T11_065200C: made up of two parcels combined in 2024, described as follows:

{Original Parcel T11_064200Y}

The Southeast 1/4 of the Northeast 1/4 in Section 25, Township 11 North of Range 20 East, Town of Trenton, Washington County, Wisconsin. EXCEPTING THEREFROM the following 3 described parcels, viz:

1. Parcel 1 of Certified Survey Map No. 4467, recorded in the Washington County Registry on March 30, 1995 in Volume 30 of Certified Survey Maps on Pages 5-7, as Document No. 688372, and being a part of the Southeast 1/4 and the South 2 acres of the Northeast 1/4, all in Section 25, Township 11 North, Range 20 East, in the Town of Trenton, Washington County, Wisconsin.
2. Parcel 1 of Certified Survey Map No. 4648, recorded in the Washington County Registry on March 20, 1996 in Volume 31 of Certified Survey Maps on Pages 188-189, as Document No. 712767, and being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 11 North, Range 20 East, in the Town of Trenton, Washington County, Wisconsin.
3. Lots 1 and 2 of Certified Survey Map No. 6696, recorded in the Washington County Registry on July 8, 2016 in Volume 51 of Certified Survey Maps on Pages 197-199, as Document No. 1408684, being all Lot 1 of Certified Survey Map No. 5909 located in the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 25, Township 11 North, Range 20 East, in the Town of Trenton, Washington County, Wisconsin.

{Original Parcel T11_065200B}

Being part of Lot 1 of Certified Survey Map No. 4109 located in the Southeast Quarter and Northeast Quarter of the Southwest Quarter of Section 25, T. 11 N., R 20 E., Town of Trenton, Washington County, Wisconsin, described as: Commencing at the South Quarter corner of said Section 25; thence N 00° 52' 49" E. 1268.49 feet along the East line of said SW-1/4 to the Southeast corner of said Lot 1 and the point of beginning; thence continue N 00° 52' 49" E., 821.43 feet along the East line to the Northeast corner of said Lot 1; thence N. 88° 56' 28" W., 106.09 feet along the North line of said Lot 1; thence S 00° 52' 49" W., 820.96 feet to the South line of said Lot 1; thence S 88° 41' 05" E., 106.09 feet along the South line of said Lot 1 to the point of beginning.

AND

Parcel One (1) of Certified Survey Map No. 4467, recorded in the Washington County Registry on March 30, 1995 in Volume 30 of Certified Survey Maps, pages 5-7 as Document No. 688372, being part of the SE-1/4 and the South 2 acres of the NE-1/4 all in Section 25, T11N, R20E, Town of Trenton, Washington County, Wisconsin.

Parcel T11_064200E: made up of two parcels combined in 2024, described as follows:

{Original Parcel T11_064200D}

Lot 2 of Certified Survey Map No. 6696, recorded in the Washington County Registry on July 8, 2016 in Volume 51 of Certified Survey Maps on Pages 197-199, as Document No. 1408684, being all Lot 1 of Certified Survey Map No. 5909 located in the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 25,

Township 11 North, Range 20 East, in the Town of Trenton, Washington County, Wisconsin.

{Original Parcel T11_063900Z}

The Southwest 1/4 of the Northeast 1/4 in Section 25, Township 11 North of Range 20 East, Town of Trenton, Washington County, Wisconsin. EXCEPTING THEREFROM the following 3 described parcels, viz:

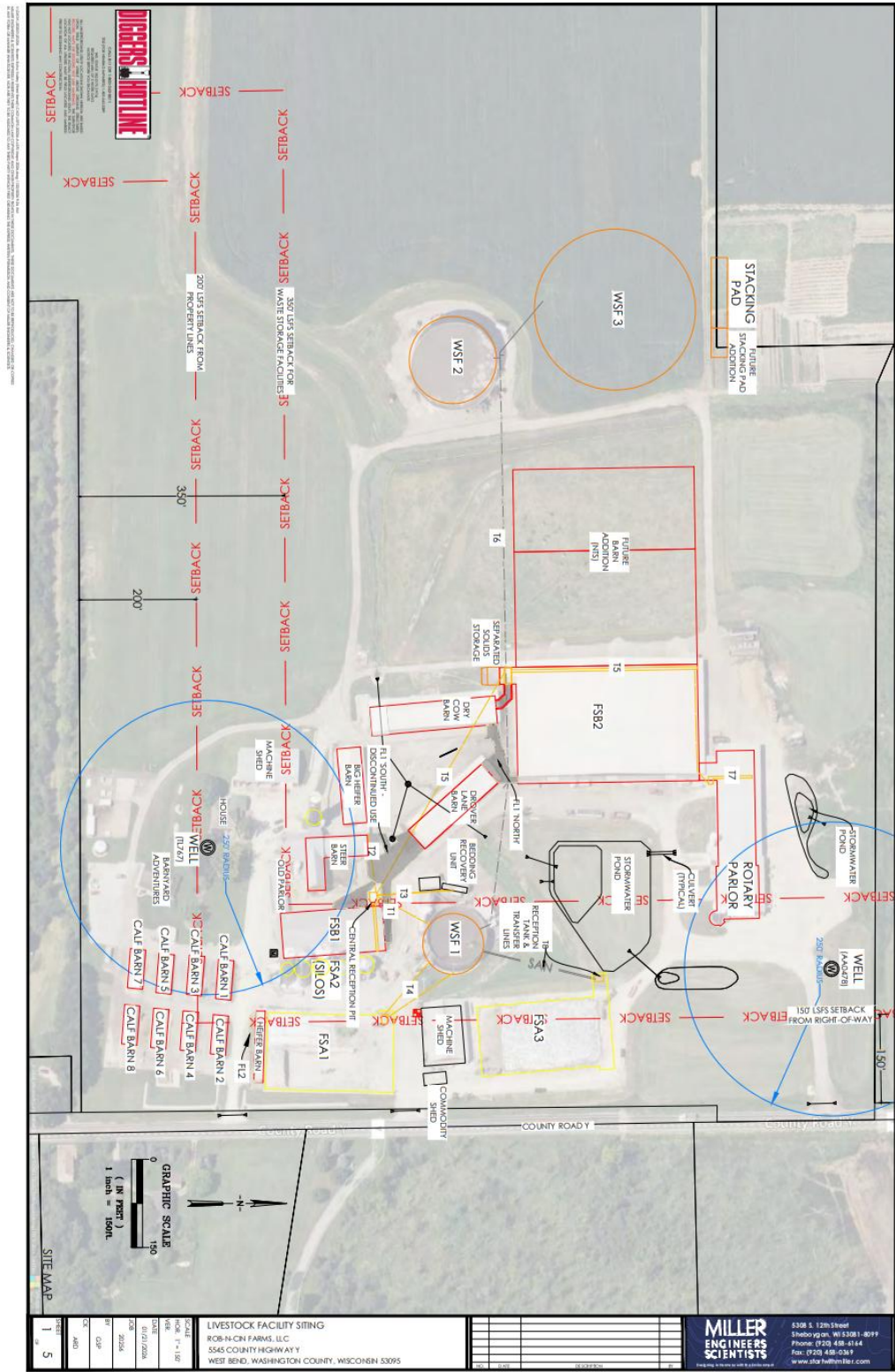
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source: Washington Co. GIS

EXHIBIT B

Livestock Facility Siting Setbacks



Source: ATCP Application - Appendix B