



# Dane County

## Minutes - Final Unless Amended by Committee

### Zoning & Land Regulation Committee

*Consider:*

*Who benefits? Who is burdened?*

*Who does not have a voice at the table?*

*How can policymakers mitigate unintended consequences?*

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Tuesday, July 12, 2022

6:30 PM

Hybrid Meeting: Attend in person at the City County  
Building Room 354; OR  
Attend virtually via Zoom.

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See below for additional instructions on how to attend the meeting and provide public testimony.

#### A. Call to Order

Chair DOOLAN called the July 12, 2022 ZLR Work Meeting to order at 6:30 PM

Staff Present: Violante, Lane, Allan, Andros and Everson

Present 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and KATE MCGINNITY

Excused 1 - MELISSA RATCLIFF

#### B. Public comment for any item not listed on the agenda

No comments made by the public.

[2022](#) July 12, 2022 ZLR Registrants  
[RPT-187](#)

Attachments: [July 12, 2022 ZLR Registrants](#)

#### C. Consideration of Minutes

A motion was made by MCGINNITY, seconded by KIEFER, that action on the June 28, 2022 minutes be postponed. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

#### D. Zoning Map Amendments and Conditional Use Permits from previous meetings

[02561](#)

PETITION: CUP 02561

APPLICANT: BRADD R DRAHEIM

LOCATION: 4658 STATE HWY 92, SECTION 31, TOWN OF RUTLAND

CUP DESCRIPTION: limited family business - welding business

**Attachments:** [CUP 2561 Staff Update](#)

[CUP 2561 Town Action Report](#)

[CUP 2561 Map](#)

[CUP 2561 App](#)

A motion was made by MCGINNITY, seconded by KIEFER, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

1. This conditional use permit is for a Limited Family Business (welding business). Hours of operation are limited to 8:00AM-7:00PM, Monday – Friday and 10AM-6PM Saturday and Sunday.
2. Any conditions required for specific uses listed under s. 10.103.
  - a. The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
  - b. The use shall be limited to the accessory building as depicted on the site and operations plans. Any outdoor storage of equipment awaiting service shall be located at the rear of the workshop as depicted on the site plan.
  - c. Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.
  - d. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.
3. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Two off-street parking spaces must be provided, consistent with s. 10.102(8).
9. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner

shall be proportional to the incremental increase in traffic associated with the proposed conditional use. 10. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

11. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.

12. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

13. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

14. No outdoor lighting.

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

[02566](#)

PETITION: CUP 02566  
APPLICANT: CASEY AND MELISSA HELBACH  
LOCATION: 6993 APPLEWOOD DRIVE, SECTION 27, TOWN OF  
MIDDLETON  
CUP DESCRIPTION: transient or tourist lodging

- Attachments:** [CUP 2566 Staff Update](#)  
[CUP 2566 Town Action Report](#)  
[CUP 2566 Septic Sys Limit](#)  
[CUP 2566 Written Opposition - Zilavy & Ross](#)  
[CUP 2566 Opposition - Lenz](#)  
[CUP 2566 Map](#)  
[CUP 2566 App](#)

*In support: Melissa Helbach*

*In opposition: Tom Zilavy, Frederic Ross*

**A motion was made by KIEFER, seconded by MCGINNITY, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.**

1. The Town finds that the proposal meets the general standards for conditional use permits per Dane County Ordinances 10.101(7)(d)1.
2. The Town finds that the proposed conditional use is consistent with the adopted Town Comprehensive Plan.
3. The CUP is granted subject to all standard conditions specified in Dane County Zoning Ordinance Section 10.101(7)(d)2, as applicable.
4. This conditional use permit shall expire in the event the property is sold or transferred to another owner. Continuation or extension of an expired conditional use requires re-application and approval by the Town Board and Dane County.
5. The applicant shall comply with all licensing and permitting requirements for short-term rentals.
6. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.
7. The rental shall be limited to 8 overnight guests.
8. This Conditional Use Permit shall expire one (1) year after the effective date. Landowner may renew the CUP by successfully obtaining a new CUP prior to the expiration date.
9. The maximum number of allowable rental days within a 365-day period is 180 days. The landowner must notify the Town Clerk in writing when the first rental within a 365-day period begins.
10. Quiet hours shall be 10:00pm to 8:00am, all days of the week.
11. No more than 5 overnight vehicles shall be on the premises at any one time. All vehicles must be parked on paved driveway surfaces or inside the existing garage and maintain adequate access for emergency vehicles.
12. No pets allowed.
13. Any new outdoor lighting shall be downward directed, designed to minimize ambient spill and shall comply with all applicable requirements of the Town of

Middleton.

14. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.

15. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site.

16. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation.

17. Failure to comply with any imposed conditions, or to pay reasonable Town/County costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to the revocation.

18. If the transient or tourist lodging operation is abandoned for one year or more, this conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

19. The operation of all-terrain vehicles, ATVs, and snowmobiles by occupants of the transient or tourist lodging operation shall be prohibited on the property.

20. Signage is prohibited.

21. Fireworks are prohibited.

22. The owner, or their designated emergency contact person, be available within one (1) hour to address any problems.

23. The owner or operator must provide the Town of Middleton Clerk with a copy of the current rental agreement no later than the date of issuance of the CUP. In the event the agreement is modified in any manner, the modified agreement must be provided to the Town of Middleton Clerk within ten (10) calendar days of the date the modified agreement is placed in use.

24. The rental period shall be a minimum of 5 days.

25. Landowner will conduct a background check on any prospective renter.

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

**Excused:** 1 - RATCLIFF

[02568](#)

PETITION: CUP 02568  
APPLICANT: SHARON FUCCILE  
LOCATION: 4500 RUSTIC DRIVE, SECTION 2, TOWN OF BLOOMING GROVE  
CUP DESCRIPTION: daycare center

**Attachments:** [CUP 2568 Staff Update](#)  
[CUP 2568 Town Action Report](#)  
[CUP 2568 FAQ Supplement](#)  
[CUP 2568 Map](#)  
[CUP 2568 App](#)

*In support: Sarah Wright, Rebecca Katzenmeyer*

A motion was made by KIEFER, seconded by BOLLIG, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

1. Capacity of the daycare shall be limited in accordance with the operator's state license.
2. Hours of operation of the preschool shall be limited to 7:00am to 6:00pm, Monday through Friday.
3. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
4. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
5. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
6. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
7. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
8. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
9. Off-street parking must be provided, consistent with s. 10.102(8).
10. If the Dane County Highway, Transportation and Public Works Department, town board, or city of Madison traffic engineer determine that road improvements, signage, and/or driveway modifications are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs for road improvements borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

11. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

12. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.

13. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

14. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

[02567](#)

PETITION: CUP 02567

APPLICANT: CURT & DEB HERFEL

LOCATION: 1977 STATE HWY 69, SOUTH OF 2005 STATE HWY 69,  
SECTION 28, TOWN OF VERONA

CUP DESCRIPTION: allow crushing at an existing non-metallic mineral  
extraction site

**Attachments:** [2567 staff memo 7 12 2022](#)

[CUP 2567 Staff Report](#)

[CUP 2567 Email in Opposition](#)

[CUP 2567 Map](#)

[CUP 2567 App](#)

*In support: Bill Buglass, Brian Wallace, Clint Weninger, Tom Mathies*

A motion was made by BOLLIG, seconded by MCGINNITY, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

- 1) Any conditions required for specific uses listed under s. 10.103 (see list below).
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 3) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
- 4) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 5) Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
- 6) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
- 7) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 8) Off-street parking must be provided, consistent with s. 10.102(8).
- 9) If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 10) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with



these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

11) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.

12) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

13) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

14) Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter 74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.

15) The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.

16) CUP #2567 will expire on December 30th, 2030. The applicant shall not apply for an extension of the duration of the permit period\*

17) The CUP will expire upon any change of operator\*

18) Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances.

19) The site shall be excavated from north to south. During excavation, groundwater elevation at Riverside Road shall be monitored at MW#4. If a rise in groundwater is directly attributable to the excavation, the excavation shall be stopped until a plan is developed and implemented to mitigate any potential damage to the homes south of Riverside Road.

20) If WisDNR determines that a decrease in the groundwater base flow to Badger Mill Creek has occurred as a direct result of the operation of CUP#2567, the operator shall replenish the lost flow volume with approximately 60 degree water from a source within the site mutually agreeable to the DNR and the operator.

21) The area north of Badger Mill Creek shall be designated a "buffer area" as designated on the site plan. No mineral extraction shall take place within the buffer area. Mineral extraction shall not take place within the 100 foot setbacks or within a floodplain, mapped wetland or within 500 feet of Badger Mill Creek.

22) There shall be no blasting on the site.

23) No water from the site is to be pumped off the site.

24) There shall be no bulk fuel stored on site.

25) A spill prevention and counter-measure plan shall apply to all operations on the site including subcontractors and suppliers per the plans submitted by the applicant.

26) The operator shall implement a fugitive dust control plan.

27) No visual dust generated by on-site operations will be permitted to cross property lines\*

28) No chemical additives are to be used with the water used for washing aggregates or dust control.

- 29) The driveway accessing the subject site shall either be paved or covered with crushed asphalt for a minimum distance of 100 feet from the public right-of-way. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.
- 30) The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."
- 31) The landowners shall sign a covenant that limits access to the two driveways indicated on the site plan. The driveway on the west side of STH 69 shall be a restricted use driveway.
- 32) WisDOT agrees to the concept of the production crossing under the highway provided that a safety section is included and that maintenance and removal agreements are submitted with a "Permit to work in right-of-way".
- 33) All surface and subsurface operations shall be setback a minimum of 20' from any property line that does not abut a public right of way.
- 34) The "vision triangles" shown on the haul road entrance shall be maintained by the Operator.
- 35) Mineral extraction excavation shall be set back from the property lines and rights-of-way a minimum of 100 feet.
- 36) Excavations below the grade of an abutting public street or highway shall be set back from the street or highway a distance at least equal to the distance that is required for buildings or structures under s. 10.102(9). The committee and town board may require greater setbacks where necessary to avoid subsidence, or for consistency with Chapters 11, 14, 17 or 74, Dane County Code.
- 37) Days and hours of all operations, equipment warm-up, cool down, maintenance and repairs shall be as follows: Daily operations = Monday through Friday; Hours of Operation = 8:00 a.m. to 6:00 p.m. (including equipment maintenance); hours for warm-up = 7:30 a.m. to 8:00 a.m.; hours for cool-down = 6:00 p.m. to 6:30 p.m.
- 38) The mineral extraction phases shall be fenced with a 5 foot high fence with a single strand of barbed wire at the top.
- 39) The enclosure fence shall be posted with "No trespassing" signs.
- 40) The entrance to each phase shall remain gated, and that gate shall have a locking mechanism.
- 41) The entrance into the site shall be from the approved DOT entrance as shown on the submitted operations plan.
- 42) The berms shall be seeded and landscaped and maintained in a reasonable condition per the submitted planting plan.
- 43) The berms shall have the planned landscaping completed within one year of beginning site development for each phase.
- 44) No asphalt plant or concrete plant is permitted.
- 45) No material will be brought in to the site for washing, crushing, or any other process.
- 46) No permanent buildings shall be erected on the site.
- 47) Except for incidental removal associated with dust spraying or other routine operations under this permit, water shall not be pumped or otherwise removed from the site.
- 48) The operator shall implement a groundwater monitoring plan as follows:
  - a) Prior to the commencement of any site excavation after the issuance of CUP#2567, the applicant shall offer to sample and inspect local existing wells within 1,000 feet of the CUP limits, which have not been previously inspected. The inspections shall be conducted by an independent qualified inspector approved by the County Sanitarian, selected and paid for by Payne & Dolan.

- b) Neighbors' wells located within 1,000 feet of the site will be tested semi-annually for bacteria and nitrates.
  - c) On-site monitoring wells will be measured for water elevation on a quarterly basis.
  - d) All sampling and testing will be done by an independent qualified inspector, selected and paid for by Payne & Dolan, and approved by the County Sanitarian.
  - e) If at any time the annual sample results exceed the levels established in the Wisconsin Admin Code NR140.10, the County Sanitarian will be notified and appropriate remedial steps will be taken as outlined in the Wisconsin Admin Code.
  - f) All remedial steps to be taken shall be as per the attached wells, septic systems and basement claims procedure.
- 49) Mandatory well testing for bacteria and nitrates will be done semi-annually, and VOCs to be done annually. Contract to be in place before start of operation. All results will be make available to all property owners within 1,000 feet of the site.
- 50) Payne & Dolan must offer to place drain tiles around the homes at 7211 and 7229 Riverside Rd prior to beginning operations. Furnishing and placing of the drain tiles will only be done with written approval of the property owner.
- 51) Payne & Dolan must offer the following protections for neighbors' wells, septic systems and basements: Basement assurance: Prior to the commencement of any site excavation after the issuance of CUP#2567, Payne & Dolan shall offer to inspect basements of homes within 1,000- feet of the CUP area. The inspections are to establish and to document existing conditions of the basement prior to commencing development of the CUP site. Payne & Dolan shall post and maintain at all times during the term of CUP#2567, a bond in favor of Dane County in the amount of ten thousand dollars (\$10k) as security for its obligations under the basement claims procedure. Mitigation may include, but is not limited to drain tile, sump pump, rebuilding the basement, etc. The owner shall give their approval for the mitigation in writing prior to beginning the mitigation. Should the need for mitigation be found to be necessary due to the operation of CUP#2567, Payne & Dolan shall maintain the equipment and provide electrical power, if used, for the life of CUP#2567.
- 52) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed the current industry standards for noise abatement.
- 53) The applicant will reduce the noise caused by the back-up signal of trucks\*
- 54) Engine breaking is prohibited for all vehicles either entering, leaving or driving on-site\*
- 55) All loaded dump trucks shall be tarped prior to leaving the site.
- 56) Trucking of materials from the site shall be limited to trucks owned or hired by Payne & Dolan, Inc. or customers who have entered into a sales contract with Payne & Dolan which includes trucking, in which case the contract with the customer shall include a clause directing the customer to abide by all applicable conditions of CUP#2567
- 57) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.
- 58) Noise levels from the processing site operations shall not exceed 75 decibels (dBa scale), as measured from the property line.
- 59) Dane County and the Town shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$2,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before

operations commence. The liability insurance policy shall remain in effect until reclamation is complete.

60) At their own initiative or at the applicant's request, the town board and zoning committee may set further reasonable restrictions on a mineral extraction operation, or prohibit any mineral extraction accessory use.

61) In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.

62) Payne & Dolan must extend an offer for seven days after approval of CUP#2567 for a "Property Value Agreement" to homeowners within ¼ mile of the CUP site.

63) Operator shall be not be required to provide surveys, inspections, plans, offers or guarantees if those items were completed and/or offered under the previous CUP 1934.

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

[02563](#)

PETITION: CUP 02563

APPLICANT: KEVIN HAHN

LOCATION: 1000 FEET SOUTH OF 439 CENTER ROAD, SECTION 28,  
TOWN OF RUTLAND

CUP DESCRIPTION: non-metallic mineral extraction operation

**Attachments:** [CUP 2563 Staff Report.pdf](#)  
[CUP 2563 Town Action.pdf](#)  
[CUP 2563 Map](#)  
[CUP 2563 App](#)  
[CUP 2563 Applicant Slides.pdf](#)  
[CUP 2563 App Supplement.pdf](#)  
[Report-by-Rutland-Residents response to Courter Resource Group  
plan.pdf](#)  
[Rutland Town Officials Comments.pdf](#)  
[Town Bruce Sime letter of support.pdf](#)  
[Town combined written comments submitted to Town 5\\_2022.pdf](#)  
[Town Dale Arndt letter of support.pdf](#)  
[Town Nancy Nedveck letter of support.pdf](#)  
[Town Travis Leeser letter of potential conditions and support.pdf](#)  
[Sue Williams letter of opposition.pdf](#)  
[Tom Umhoefer letter of opposition.pdf](#)  
[Seffrood Letter of Opposition.pdf](#)  
[Truie Brobston letter of support.pdf](#)  
[Amanda Igl letter of opposition.pdf](#)  
[Bill Boerigter letter of opposition.pdf](#)  
[Buck Sweeny Letter re Responses to Concerns - 5.10.22.pdf](#)  
[Eric Bachhuber Letter of opposition.pdf](#)  
[Henry Spelter letter of opposition.pdf](#)  
[Henry Spelter statement of objection.pdf](#)  
[Jason and Lindsay Berning letter of opposition.pdf](#)  
[Jayne Seibel letter of opposition.pdf](#)  
[Jessica Gunby letter of support.pdf](#)  
[Joanna Kessenich letter of opposition.pdf](#)  
[Jodi Igl letter of opposition.pdf](#)  
[Kent Knutson letter of opposition.pdf](#)  
[Mary Celley letter of opposition.pdf](#)  
[Mary Knutson letter of opposition.pdf](#)  
[Maureen Rowe letter of opposition.pdf](#)  
[Michelle Perz letter of support.pdf](#)  
[Pam Marr-Laundrie letter of opposition.pdf](#)  
[Public Interest Letter.pdf](#)

**A motion was made by KIEFER, seconded by MCGINNITY, to admit additional correspondence received after the May 24, 2022 public hearing into the record. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

A motion was made by KIEFER, seconded by BOLLIG, to allow new additional testimony from members of the public attending in person who didn't testify via ZOOM at the previous public hearing, with each speaker given five minutes to speak. The motion carried by the following vote: 4-0.

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

*In support: Kevin Hahn, Jessica Hahn, Mitchell Olson, Noah Rusch, Bob Postel  
In opposition: Kenneth Stanek, Elizabeth Thompson, Mary Knutson, Kent Knutson,  
Sharon Seffrood, Sue Williams, Bill Boerigter, Aristotle Georgiades, Jodi Igl, Henry  
Spelter, Jason Berning, Chris Ziemba, Sarah Andrisevic, Eric Bachhuber, Lindsay  
Virginia Bryan, Robert Bryan, Aaron Thiel, Cheryl Adams, Sara DeMuri, Pamela  
Peterson, MaryJo Biechler, Tom Eugster, James Latimer, Walter Zeltner, Christine  
Zeltner*

*Note: additional registrations may be viewed on attached list of registrants under B,  
above.*

**A motion was made by MCGINNITY, seconded by BOLLIG, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.**

- 1) Any conditions required for specific uses listed under s. 10.103 (see list below).
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 3) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
- 4) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 5) Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
- 6) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
- 7) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 8) Off-street parking must be provided, consistent with s. 10.102(8).
- 9) If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 10) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
- 11) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
- 12) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.



13) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

14) In the event that the property changes ownership from the current owner/operator or his heirs, the CUP shall be null and void.

15) Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter 74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.

16) The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.

17) The permit period shall be twenty (20) years from effective date. Extensions shall be allowed at the end of this 20-year period.

a) Extensions. Due to uncertainty in estimating duration for mineral extraction, conditional use permit holders who have operated without violations, may have the duration of their permit extended for a period not to exceed five years, based on an administrative review by the zoning administrator, in consultation with the town board. No more than one such extension shall be granted over the lifespan of the conditional use permit, and all conditions shall remain the same as the original permit. Further extensions or any modifications of conditions shall require re-application and approval of a new conditional use permit.

18) Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards:

a) Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan.

b) Final slopes shall not be graded more than 3:1 except in a quarry operation.

c) The area shall be covered with topsoil and seeded to prevent erosion.

d) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County

e) Highwalls shall be free from falling debris, be benched at the top, and certified by a civil engineer to be stable.

19) The driveway accessing the subject site shall either be paved or covered with crushed asphalt for a minimum distance of 100 feet from the public right-of-way. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.

20) The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."

21) Portable signs shall be used to alert pedestrians, bikers and drivers of potential roadway activity (i.e. trucks entering, workers present) due to the intermittent, seasonal nature of work.

22) All surface and subsurface operations shall be setback a minimum of 20' from any property line that does not abut a public right of way.

23) Excavations below the grade of an abutting public street or highway shall be set back from the street or highway a distance at least equal to the distance that is required for buildings or structures under s. 10.102(9). The committee and town board may require greater setbacks where necessary to avoid subsidence, or for

consistency with Chapters 11, 14, 17 or 74, Dane County Code.

24) Hours of operation shall be 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturday. Hours for warm-up are 6:30 a.m. to 7:00 a.m. Monday through Friday, and 7:00 a.m. to 8:00 a.m. on Saturdays. Only maintenance of equipment (no blasting, crushing, trucking, etc.) is allowed on Sundays. No operations of any kind shall take place on holidays. Blasting is restricted to 10:00 a.m. to 4:00 p.m. Monday through Friday.

25) There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.

26) Except for incidental removal associated with dust spraying or other routine operations under this permit, water shall not be pumped or otherwise removed from the site.

27) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.

28) Whenever possible, the operator shall utilize alternatives to standard back-up beeps, for instance, those making a sweeping sound.

29) The on-site traffic flow shall be designated to establish minimal backing up of vehicular traffic during normal work operations.

30) Engine breaking is prohibited for all vehicles either entering, leaving or driving on-site.

31) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.

32) Dane County and the Town shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.

33) Blasting:

a) Blasting Schedule. Blasting shall limited to 10:00 a.m. to 4:00 p.m. Monday through Friday.

b) Notice of Blasting Events. Prior to any blasting event, notice shall be provided to nearby residents as described in SPS 307, Wisconsin Administrative Code. In addition, operators will honor the requests of residents within 500' of the mineral extraction site to either receive or stop receiving such notices at any time. Residents need to communicate with operator regarding such requests.

c) Other standards. All blasting on the site must conform with all requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations.

d) Fly rock shall be contained within the permitted mineral extraction area.

34) Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.

35) In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

**Excused:** 1 - RATCLIFF

## E. Plats and Certified Survey Maps

## F. Resolutions

## G. Ordinance Amendment

## H. Items Requiring Committee Action

[2022](#)  
[ACT-056](#) Site Plan Review for the relocation of an existing residence within the AT-35 Agricultural Transition Zoning District  
Applicant: Becky Arbaje  
Location: 1717 Gammeter Rd., Town of Springdale, Section 36

**Attachments:** [Arbaje Site Plan approval SPRINGDALE](#)  
[Springdale minutes 2021](#)

A motion was made by BOLLIG, seconded by MCGINNITY, that the Action Item be approved. The motion carried by the following vote:

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

**Excused:** 1 - RATCLIFF

## I. Reports to Committee

[2022](#)  
[RPT-172](#) Report of recorded Certified Survey Maps

**Attachments:** [Jul 2022](#)

## J. Other Business Authorized by Law

KIEFER requested a discussion of Planning and Development office hours on a future agenda.

## K. Adjourn

A motion was made by BOLLIG, seconded by KIEFER, that the meeting be adjourned at 8:25 PM. The motion carried by the following vote: 4-0.

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

**Excused:** 1 - RATCLIFF