

Jodi Igl  
4241 County Rd. A  
Oregon, WI. 53575  
Town of Rutland

Dane County Zoning & Board of Directors  
210 Martin Luther King Jr. Blvd.  
Madison, WI. 53703  
[plandev@countyofdane.com](mailto:plandev@countyofdane.com)

To: Dane County Planning Commission Board & Staff,

The Dane County zoning board, on Jan. 24, 2023, will publicly hear in joint session with the Town of Rutland, the Conditional use Permit - CUP 2022-02582 K&D Stone LLC.

This letter represents my opposition to the said CUP 02582.

As there is a history with this CUP applicant, it is of utmost importance that the Zoning Board consider past actions of this CUP applicant, with the precedence of the Rutland residents input and concerns for their communities wellbeing.

Contrary to the belief, our town board did provide objection to this CUP on 5/24/22, it is with regret that Dane County zoning staff had minimized this input by way of distorting the facts when questioned by the board. This is some of the context of which the zoning board accepted their staffs recommendation. The 5/24/22 hearing audio of Ms Andros response to the board, in quotes; "The town board members provided input to the zoning committee, each individual letter wrote and felt that uhm, the 8 standards and so uhm they did provided information, not all as a group but individual person uhm in letters to the committee." The reality of this obscured statement given, is that 3 out of 5 town board members did provide input (not all of them). Two board members felt the CUP met the standard, and One did not. This information was provided to Mr. Keifer later. This is not the only role that Ms. Andros played in interference with this CUP, as I had previously provided zoning a letter from her attendance at our town PC meeting on May 3, 2022. Ms Andros' interference during a Rutland planning commission meeting during a vote consideration on this applicant in 2022, Ms Andros randomly interjected at the point of the PC's final decision process, by offering, and had in hand, a previous Town of Rutland Board document decision from 2016 on a tower for zoning that was sent to Dane County Zoning to determine its outcome. Stating that this is what the town did last time. (Rutland audio 5/03/22, agenda item 7 is available by request of the Rutland

town clerk, as these audio's have been denied placement on the towns public website by request of our planning commissioner chair Leeser)

There is further evidence that Dane County zoning staff has shown bias toward the public for this applicant as follows; Mr Roger Lane was contacted on 11/14/22 about the this denied CUP applicants personal use of the DOT borrowed site on 11/10/22. Video evidence was provided. Emails to and from DOT, Ms Knorr, indicate that the DOT is aware of an issue, and also states that the DOT site project has been completed. With this information along with the video evidence, one can summarize that the applicant was indeed using the site for personal gain as the video shows the dump trucks path leaving the DOT borrowed site loaded with sand, the sand being delivered to a construction site in Paoli. It is also noted that Mr Lane does not wish to retain the video evidence from this report. Please read the 10 emails from residents, the DOT, and Dane County Zoning/Mr Lane. Also please view my email to Ms Knorr, with the undeniable original video of the dump truck leaving the DOT site on Center Road, and it's delivery of sand to Paoli. Also please note in the video, all the secondary roads being used.

On 11/18/22, I revisited the Bachman construction site at the Seven Acre Dairy Co. in Paoli, it is assumed Mr Lane was there the day before. What I found was the sand pile site completely removed and the area leveled. However, there was a couple of small piles of sand and gravel moved near the side of the building, which was the area where the dump truck had backed up for loading topsoil after its sand delivery. I video taped this area and retained a sample of the sand for future laboratory results. The 11/18/22 video is attached to this email.

There is quite a lot of documentation of this applicants behaviors that is unbecoming of a business man that depicts himself as a good neighbor. As a matter of fact at the last Rutland PC meeting, (1/02/23) not only did the planning commission chair stop a resident from his 3 minutes of speaking because he did not like what he was saying, the applicant Mr Hahn and his son Devin both verbally attacked me with foul language. This behavior has been allowed proponents throughout the process of this CUP applicant by our town chairs, who have also limited public voices & website audio access. Zoning staff Majid Allen spoke uninterrupted for 7 minutes after chair Leeser abruptly stopped public speaking. (1/02/23 PC video clips attached) (The full audio PC 1/02/23, happens to be on the Town of Rutland's website if there's interest in the details)

There is so much more documented information in regards to the town chairs bias and the silencing of the public on all levels.

Please know that this has been ongoing issue since the end of 2020, whereas my 33 year Rutland residency has never seen such unethical discrepancies by our Rutland town chairs.

**This is why it is of the utmost importance that the Zoning Board personally read and**

**consider all the documentation provided them, to see the evidence, and avoid communication misinformation in your considerations to hearing CUP2022-02582.**

**Has Dane County Planning & Zoning, procured an environmental impact statement?**

If so, I wish to request a copy of the procured document, by Dane County Zoning.

Whereas socio-economic impact affecting residents in the Town of Rutland, Dane County Zoning is required to provide such a report to the public.

<https://docs.legis.wisconsin.gov/statutes/statutes/295/iii/53>

**4)** Procedure for environmental impact statement.

**(a)** The department shall prepare an environmental impact statement for every application for a mining permit. In preparing the environmental impact statement, the department shall comply with s. 1.11 (2) and s. NR 150.30 (2), Wis. Adm. Code.

<https://docs.legis.wisconsin.gov/statutes/statutes/1/11/2>

An environmental impact statement is not required when the project will have minor impacts on the environment but will have possible socio-economic impacts. Wisconsin's Environmental Decade, Inc. v. DNR, 115 Wis. 2d 381, 340 N.W.2d 722 (1983).

While the indirect secondary environmental effects may be influential in the content of an environmental impact statement, they are not necessarily controlling in determining the threshold question of whether an environmental impact statement is to be prepared. The presence of significant indirect effects or cumulative effects only increase the need for an environmental impact statement.

**(2)** All agencies of the state shall:

**(c)** Include in every recommendation or report on proposals for legislation and other **major actions significantly affecting the quality of the human environment**, a detailed statement, substantially following the guidelines issued by the United States council on environmental quality under P.L. 91-190, 42 USC 4331, by the responsible official on:

1. The environmental impact of the proposed action;
2. Any adverse environmental effects which cannot be avoided should the proposal be implemented;
3. Alternatives to the proposed action;
4. The relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity;
5. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented; and
6. Such statement shall also contain details of the beneficial aspects of the proposed project, both short term and long term, and the economic advantages and disadvantages of the proposal.

**(d)** Prior to making any detailed statement, the responsible official shall consult with and obtain the comments of any agency which has jurisdiction or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate agencies, which are authorized to develop and enforce **environmental standards shall be made available to the governor, the department of natural resources and to the public.**

My opposition to CUP 2022-02582 continues after the before-mentioned email references.

**From:** Jodi Igl  
**Date:** November 11, 2022 at 11:28:57 AM CST  
**To:** [Karla.Knorr@dot.wi.gov](mailto:Karla.Knorr@dot.wi.gov)  
**Subject:** 11/10/22 Nelson excavating DOT site activity

Hello Ms Knorr,

It is my understanding that the DOT is responsible for the borrowed site in Rutland on Center Road, Stoughton, WI. Owner Kevin Hahn, Nelson excavation.

As the property owner/Nelson excavation no longer has a CUP for this site the oversight falls to the DOT of its management.

Please view the video's attached of this borrowed site being utilized 11/10/22, by the land owner in the sale & delivery of sand to a private construction site in Paoli, WI. The land owner is using his nonconforming site driveway as the exit from the DOT borrowed site.

This practice is illegal according to DOT management of borrowed sites, therefore I am requesting immediate action by the DOT in the protocol of investigating & securing the borrowed property site by transcript, notices & penalties of this violation.

There is additional footage available of this contracted dump truck of the route to its destination at the construction site. This provided video shows the activity of the truck leaving the site & transporting it to a Paoli Bachman construction site in delivery the of sand.

If you would like to discuss & or attain the additional footage, please contact me at 608-712-8181.

Respectfully submitted,

Jodi Igl  
Oregon, WI

**11/10/22 Nelson excavating DOT site activity**

**[IMG\\_8913.HEIC](#)**

**[IMG\\_8915.HEIC](#)**

**[IMG\\_8923.MOV](#)**

There are a few more in-between clips that show my following of this dump truck #58, from the Nelson excavation property of which is a DOT borrowed site on Center Road to a Paoli Bachman construction site for delivery of sand.

Jodi

Reply: Knorr, Karla - DOT <Karla.Knorr@dot.wi.gov>

Nov 14, 2022, 8:20 A

Thank you for your concern and reaching out to WisDOT. WisDOT has been working very closely with Wisconsin DNR on this site and we will continue to do so. We have also been working with the landowner. **We are hopeful this issue will be resolved in the near future.**

Thanks  
Karla

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Lane, Roger  
to Daniel, Todd

Dear Mr. Spelter,

Nov. 14, 2022

The Dane County Zoning Division has reviewed the video that you have sent. The video **shows excavating equipment going to/from the DOT approved borrow site** on the property. Upon investigation, the equipment was cleaning up the DOT site for the winter. We have determined that there is no zoning ordinance violation on the property. This site has been reviewed by the Zoning Division, DNR, and the DOT over the last few weeks. The property is in compliance.

There is no current CUP application on the property. **The Dane County Zoning Division will not retain the video.**

As stated in a previous email, portions of the property contain a legal non-conforming non-metallic mineral extraction site and a DOT approved borrow pit.

Sincerely,

from: Lane, Roger

**Henry Spelter**

Nov. 14, 2022

Thank you. I note you made no mention of the loaded truck leaving the site (the former CUP site, not the existing nonconforming site).

from: Lane, Roger

Dear Mr. Spelter,

Nov. 14, 2022

Once again, there is no excavating taking place in the former CUP site. I would appreciate it if you would refrain from trying to manufacture issues. The Dane County Zoning Division is closely monitoring the situation.

Respectfully,

Roger Lane  
Dane County Zoning Administrator

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**From:** Henry Spelter

**Sent:** Tuesday, November 15, 2022 1:58 PM

**To:** Knorr, Karla - DOT <[Karla.Knorr@dot.wi.gov](mailto:Karla.Knorr@dot.wi.gov)>

**Cc:** Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>

**Subject:** Clarification

Dear Ms Knorr:

You wrote me before that:

"We will continue to communicate with the WDNR and the permit issue will be resolved **before the WisDOT contract closes.**" (emphasis mine)

Activity at the site continues with trucks hauling sand outbound. I was told by your project engineer that the DOT project had ended in August and that reclamation had not restarted only because a CUP had been granted to the operator. As you know, that permit was rescinded on October 27. If the DOT contract had closed, then shouldn't reclamation have started? Your message above implies the project has not ended. The Dane county zoning administrator said you are in charge of the site and he has no authority over it.

So to shed clarity, did the DOT hwy 14 roundabout project cease on or before October 27? If so, has the DOT directed the site be reclaimed? If not for the DOT project, where are the truck loads of sand going?

I am getting several calls from neighbors upset about the seeming breaking of the rules and the ongoing disruptions they are exposed to, so please clarify the questions that I have raised for us all.

I am copying Dane Co Planning Administrator on this message.

From: **Knorr, Karla - DOT** <[Karla.Knorr@dot.wi.gov](mailto:Karla.Knorr@dot.wi.gov)>

Date: Tue, Nov 15, 2022 at 2:03 PM

Subject: RE: Clarification

To: Henry Spelter

Cc: Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>

Mr Spelter

Work on the project has been completed but the contract with the contractor is not complete. After a project's physical work has completed, there are a few months of paperwork activities that happens before a contract with a contractor can be closed out.

WisDOT is working closely with DNR on resolving this issue and we will continue to do so. It will be resolved before the contract with the contractor is closed out. Thanks!

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From: Gail  
to: "Lane, Roger" <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>  
cc: "Violante, Todd" <[Violante@countyofdane.com](mailto:Violante@countyofdane.com)>, "Andros, Alexandra" <[Andros@countyofdane.com](mailto:Andros@countyofdane.com)>  
date: Nov 14, 2022, 5:28 PM  
subject: RE: requestions Written Decision document

Can you clarify a question we neighbors have? The owner is trucking sand out of the borrow site to a non-DOT job site in Paoli. (Neighbors have video documentation of this.) Is this allowed while the CUP is suspended? I know you visited the site recently, but we are still looking for a yes-or-no answer to this. If yes, we'll let it drop.

Also, please don't forward this email - thanks!

Gail

----- Original Message -----

From: "Lane, Roger" <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>

To: Gail

Date: November 16, 2022 8:19 AM

Subject: RE: requestions Written Decision document

Dear Gail,

We are currently investigating the claim. Do you know the location that the sand was being trucked to?

Regards,

Roger Lane

Dane County Zoning Administrator



From: "Lane, Roger" <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>  
To: Gail  
Cc: "Violante, Todd" <[Violante@countyofdane.com](mailto:Violante@countyofdane.com)>  
Date: November 17, 2022 1:07 PM  
Subject: RE: requestions Written Decision document

Dear Gail,

Yesterday I performed an inspection on the Hahn property and also went to Paoli to visit the site. The address that you gave me was incorrect so I paid a visit to the Paoli Creamery that has a major renovation project taking place. In speaking with the contractor, they did have gravel delivered to the site but no sand. They are also in the process of removing the excess topsoil from the site.

I first inspected the legal non-conforming mineral extraction area of the Hahn property. It revealed no violations. They do have an active pit using deposits on the north end of the pit for product. Processed aggregate materials are in the non-conforming area. All equipment on site was for the purposes of running a quarry. The crushing machines have produced gravel at different grades. It is perfectly acceptable for trucks to be loaded with this material and be delivered to the respective construction sites. This all complies with the Dane County Zoning Ordinances.

An inspection was conducted on the borrow site area. The DOT borrow site is not active. Top soil is being delivered adjacent to the DOT borrow pit for future reclamation of the site. I presume that this has come from the Paoli Creamery. Please note that the activity of trucking top soil (dirt) beside the borrow pit is NOT considered mineral extraction. This is a perfectly acceptable activity. Landowners are allowed to bring soil onto their property. As long erosion control requirements area being followed, it is perfectly acceptable.

I do understand the concerns you have with this site and the Dane County Zoning Division takes all complaints seriously. We thoroughly investigate all concerns. I have reviewed the videos that you have sent me and found that your observations document the activities that are permitted on the property.

Please be informed that the Hahn property has a DOT approved borrow pit and a legal non-conforming non-metallic mineral extraction operation. There will be activities on this property as part of the legal operations. Dane County Zoning Division has met with the DNR and the DOT at this site to ensure that all regulations are being followed. Further, the Dane County Zoning Division has inspected this property several times over the last few weeks. The landowner is fully aware of the current limitations.

We do not find the property to be in violation with Dane County Zoning Ordinances.  
Respectfully,

Roger Lane  
Dane County Zoning Administrator

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## Opposition statement continued...

**Town of Rutland Comprehensive Plan was established by its town government and its community many years ago. This plan is an accepted agreement with the governmental representatives of Dane County Wisconsin. Depicted here are the highlights of this plan.**

### A Vision for Rutland

Currently, Rutland is a rural community that is home to active agricultural lands, natural open spaces, and low density residential development. Residents value the quiet and the sense of community this rural character offers.

In 2024, Rutland is a place where ...

- ◆ Farmland, open space, and other rural land uses are common and highly visible.
- ◆ Agricultural types are diverse including family farms, niche or specialty farms, truck farming, and organic farming.
- ◆ Commercial development is limited and controlled, and is located near municipal services resulting in an increased tax base that does not impact the town's rural character.
- ◆ Local history and historic structures are preserved.
- ◆ The town has high-quality natural areas consisting of state and federal land.
- ◆ Critical natural resource areas such as aquifers and groundwater recharge areas are identified and protected.
- ◆ The transportation infrastructure is viable and includes alternative modes of transportation .
- ◆ Growth occurs in a slow and controlled manner,
- ◆ Most new growth occurs near existing development or in new well-defined clusters to protect agricultural and open space.
- ◆ Families are integral to the community, and the environment is safe.
- ◆ There is a strong sense of community with community gathering places.
- ◆ There is a diverse population that includes individuals of a variety of age ranges, lifestyles, and income levels.
- ◆ The land use plan guides development in a consistent and fair manner.
- ◆ The community is clean and well maintained.
- ◆ There is good telecommunication infrastructure.
- ◆ Local government services are provided consistent with the town's tax base.
- ◆ There is a proper balance of private property rights and community benefits.

Continued...

## Town of Rutland Community Vision & Plan Implementation

### Goal 1 Housing

Provide a housing stock to meet the diverse needs of current and future residents consistent with the town's rural setting.

#### Objectives:

1. Within the region, increase the supply of independent and assisted housing facilities for special populations (elderly, developmentally disabled, etc.).

#### Policies:

1. Support and promote state and county-level housing assistance programs available to town residents.
2. Locate new housing in and around existing developed areas and in clusters.
7. Maintain the existing growth rate of about 13 dwelling units per year, excluding those built in conservation subdivisions.

#### Policies:

1. Support and promote state and county-level housing assistance programs available to town residents.
2. Locate new housing in and around existing developed areas and in clusters.
5. Allow accessory dwelling units in existing homes provided they are occupied by a relative of the home owner.
7. Maintain the existing growth rate of about 13 dwelling units per year, excluding those built in conservation subdivisions.

### Goal 2 Transportation

Develop a diversified, safe, efficient, and environmentally sound transportation network to move people and goods within the community and to connect the Town with population centers in the region.

#### Objectives:

1. Reduce the potential for traffic accidents and provide for safe transportation throughout the Town.
2. Within the region, increase the number of transportation options available.
3. Minimize the negative impacts of future transportation projects to the greatest extent possible.
4. Reduce the amount of non-local traffic passing through residential areas.

#### Policies:

1. Ensure that local road improvement projects are implemented consistent with Wisconsin's transportation plan.
2. Locate and design transportation projects to minimize negative impacts on agricultural, natural, cultural, and historic resources and on neighborhoods.
3. Limit the number of access points onto town roads while providing appropriate levels of access to private property.
4. Install/upgrade bicycle and pedestrian facilities in conjunction with road improvement projects, where appropriate.
5. Within the region, promote multi-modal transportation systems.
6. Promote the creation of a Park & Ride lot near the intersection of STH 138/14, STH 51/138, and/or at STH92/14.

Continued...

## Town of Rutland Community Vision & Plan Implementation

### Transportation

7. Plan commercial land uses at Park & Ride lots and transit stations. Aim for efficient, compatible development, well-targeted to local demand (reducing regional shopping trips). Where possible share parking facilities with commercial uses.
8. Coordinate land use and transportation facilities so they support one another.
9. Support the establishment of trail systems within the context of broad transportation planning.
10. Support initiatives to reduce traffic volume and congestion on the major highways radiating from Madison.

### Goal 3 Pedestrian and Bicycle Travel

Develop a network of pedestrian and bike ways throughout the community and with other areas in the region.

#### Objectives:

1. Increase opportunities for pedestrian and bike travel within the Town.
2. Increase pedestrian and bicycle safety.
3. Increase the number of miles of bike routes.
4. Increase connectivity with pedestrian facilities in surrounding areas.

#### Policies:

1. Advocate the addition of bike lanes on state and county roads where appropriate.
2. Within the region, support transportation programs that meet the special needs of the elderly, children, and disabled persons.
3. Work to encourage walkways and bike routes in appropriate areas.
4. Connect town bike routes with those in the region.

### Goal 4 Stormwater Management

Minimize the impacts of stormwater runoff on the Town.

#### Objectives:

1. Reduce the amount of flooding that occurs as a result of impervious surface/stormwater runoff from surrounding communities.
2. Improve water quality associated with stormwater events.

#### Policies:

1. Work with neighboring communities to ensure that development that occurs there does not contribute to stormwater runoff problems in the Town.
2. Stormwater flowing off of new developments should not exceed pre-development levels.

Goal 6 Agricultural Preservation District Preserve agricultural land in the town.

Continued...

## Town of Rutland Community Vision & Plan Implementation

### Stormwater

#### Objectives:

1. Preserve existing farm operations.
2. Permit development that enhances the growth of agriculture in the Town.
3. Preserve the rural character of the Town.

#### Policies:

1. Agricultural preservation areas shown on the plan map are to protect farm operations for future production from encroachment of incompatible uses and help qualify farmers for benefits of the Wisconsin Farmland Preservation Program, but keeping in mind the allowance for some land divisions for eligible farms.
4. Carefully review any proposed commercial recreation activity. It is recognized that there may be requests for land-extensive activities for uses such as golf courses, horse boarding stables, horse riding stables (rental of horses), and other such uses requiring rezoning and/or conditional use permits. Such uses may be allowed if limited to:
  - a. Those areas having less productive farmland.
  - b. Those areas with minimal impact on farming operations.
  - d. Those uses and locations having a minimal effect on existing nearby uses.
  - c. Those uses with minimal construction development, thus allowing future reuse as farmland.
  - e. Locations which have direct access to state or county highways. If town roads are involved, the developer must demonstrate minimal impact to neighbors. If the town road requires improvement, the developer shall pay for their share of such improvement. The safety of access will be a major concern. f.
  - f. The size of area and magnitude of operation which protects the rural atmosphere and scenic beauty of the town.
  - g. Service facilities appropriate to the proposed use and to rural location.
  - h. Those uses and locations having minimal impact on lakes, ponds, streams, and groundwater.

Appendix Land Use Map is attached.

Goal 7 Land Use Create a pattern of development that fosters the rural character and agricultural land preservation and that minimizes potential conflicts between incompatible land uses.

#### Objectives:

1. Maintain the agricultural land base to the greatest extent possible.
2. Minimize the negative effects of incompatible land uses.

#### Policies:

1. Ensure that new development occurs in areas and in a manner that can be efficiently served by Town services.
2. Use open space areas as buffers between incompatible land uses, to protect environmentally sensitive lands, or to compliment other land development.
3. New commercial development adjacent to residential developments shall provide adequate open space, buffers, and screening.
4. Promote land uses, densities and regulations that result in the protection of valued resources and recognize existing physical limitations (e.g., slope, woodlands, water).

Opposition Statement Continued...

Town of Rutland Community Vision & Plan Implementation

9. Rezoning proposals shall be consistent with this plan.
12. Require buffers between incompatible land uses to minimize potential negative effects.
20. Ensure the preservation of property rights as protected by state and federal law.

**As depicted in the Town of Rutland's Comprehensive Plan, there are multiple deficiencies to the newly proposed quarry site of the current application CUP 2022-02582.**

The Town of Rutland Board 2020, has a history of denial to this Center Road property. The Standards currently presented by the applicant are of the same nature and description as they were, in the 2020 denial of this CUP property by the Rutland Town Board. This CUP will have impact on the community as described in the above Dane County & Town of Rutland Comprehensive Plan, Policy, and Objectives. Within these standard comparisons, one can summarize the following reasons for denial of CUP 02582.

These Standard are described within the Town of Rutland's Comprehensive Plan & that of Dane County's Comprehensive Plan as not being met by this CUP 2202-02582 applicant is as follows:

Standard 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.

**Standard #1 \* is not being met:**

\* "Current quarry operation does not satisfy Std #1 and therefore an expansion would also not satisfy Standard 1". \*  
"The quarry itself, and the proposed expansion, cause great noise, dust and fly-rock, cause truck traffic that is frequent, damaging to the roads and of great risk to pedestrians and bikers, is of an unknown lifetime and is in direct violation of several Town of Rutland goals and policies."

Standard 2

That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

**Standard #2 \* is not being met:**

\* "The Current quarry does impair and diminish the uses, values and enjoyment of other property and an expansion would continue this impairment and diminishment."  
\* "The Town and County Dane county development approvals since 1937 have created a limit to the existing 9-acre quarry site to remain as a 9-acre quarry." \*  
"Dane county Comprehensive Land Use Plan, page 40, discusses a 1,000 foot rule. Interpreted as intended, the rule causes any mineral deposits outside of the current 9-acre site to be out of the realm of possibility of extraction."

Standard 3

That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

**Standard #3 \* is not being met:**

\* "The Current quarry has been in existence for 87 years. Kevin Hahn estimates a remaining useful life of 25 years, meaning the existing quarry will not begin a reclamation until after 100 years. By extension, an expansion this time would prevent current FP-35 land from being reclaimed for a very, very long time."

## Opposition Statement

### Town of Rutland Community Vision & Plan Implementation

- \* “Standard #3 requires that the use will not impede normal and orderly development of surrounding property. This particular FP-35 land, if governed by an indefinite period of maybe 100 years, most certainly “impedes the normal and orderly development” that would occur if the land was not governed by this CUP.

#### Standard 4

That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

#### **Standard #4 \* is not being met:**

- \* “The current quarry has a well documented problem with water. Uncontrolled and unregulated pumping out of the quarry resulted in flooding areas and killing trees.” \*

“Center Road is not a safe road for the types of vehicular traffic required of the existing quarry and of any expansion.” \*

Appendix Land Use Map is attached - (Please note that the 9 acre quarry is shown in part, as a pond or lake in 2005).

#### Standard 5

That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

#### **Standard #5 \* is not being met:**

- \* “Town roads are being damaged.” \*

“The size of trucks (8.5’-wide), the frequency of trucks approaching each other on narrow (22’) town roads with no shoulders, uncovered loads and poor driving habits all endanger pedestrians and bikers.” \*

“An expansion of the quarry will not minimize traffic congestion and this general standard is not satisfied.”

#### Standard 7

That the conditional use is consistent with the adopted town and county comprehensive plans.

#### **Standard #7 \* is not being met:**

- \* “The CUP is not consistent with the town and county comprehensive plans as evidenced in numerous places.”

“Policy #1. Ensure that existing cemeteries are protected from development including transportation corridors.”

- \* “Mineral resources. Makes clear that mineral extraction needs to be no nearer than 1,000’ from non-farm development.”

“Objectives: Reduce the potential for traffic accidents and provide for safe transportation throughout the Town.”

- \* “Reduce the amount of non-local traffic passing through residential areas.”

- \* “Increase pedestrian and bicycle safety.”

The 2020 CONDITIONAL USE PERMIT #2020-02496, as is COMPARABLE to the current CUP 2022-02582, FAILS to COMPLY with presented standards as described in the County and Towns Comprehensive Planning.

The 2020 results from the hearing and board decision on this Center Road property in the Town of Rutland is as follows;

Whereas, the Town Board of the Town of Rutland having considered said conditional use permit application, be it therefore resolved that said conditional use permit is X DENIED

PLANNING COMMISSION VOTE: \_\_0\_\_ In Favor \_\_4\_\_ Opposed TOWN BOARD VOTE: \_\_0\_\_ In Favor \_\_4\_\_ Opposed

## Opposition Statement

### Town of Rutland Community Vision & Plan Implementation

It is evident that the Rutland Town Board of 2020 had insight to the towns planning & policies. This 2020 board showed no bias or unethical behavior, as reasons for recusal. When the 2020 Rutland Board processed this Center Road CUP property, they used the procedural protocol required by a town board in accordance with Dane County Zoning & the laws of the State of Wisconsin. The process used in 2020, represents in-depth considerations and use of the towns planning along with community input.

The current submitted application of CUP 02582, and of its standards, offers no changes to the towns 2020 findings within our comprehensive plan or policy requirements. The applicants response to these standards within this CUP located in the Rutland township on Center Road, offers no significant changes from its conception in 2020, nor in 2021.

The 2022 concept is in fact limited to an inherent existing 9 acre non conditional quarry by its own conception with Town & County developments since 1937. Even though it is a blight within the residential community, it should remain within the 9 acre limit and of its singular reclamation requirement.

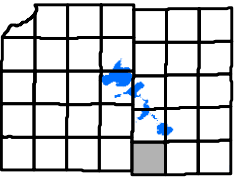
Dane County Zoning should consider the history of this CUP and the desired outcome from a board that has acted, and has offers the most comprehensible representation of the Town of Rutland community.

The denial of CUP 2022-02582 should be on the basis of the Rutland communities first response and continued desired outcome in the removal of this CUP 02582 property expansion on Center Road.

Respectfully submitted,

Jodi Igl  
Town of Rutland Resident

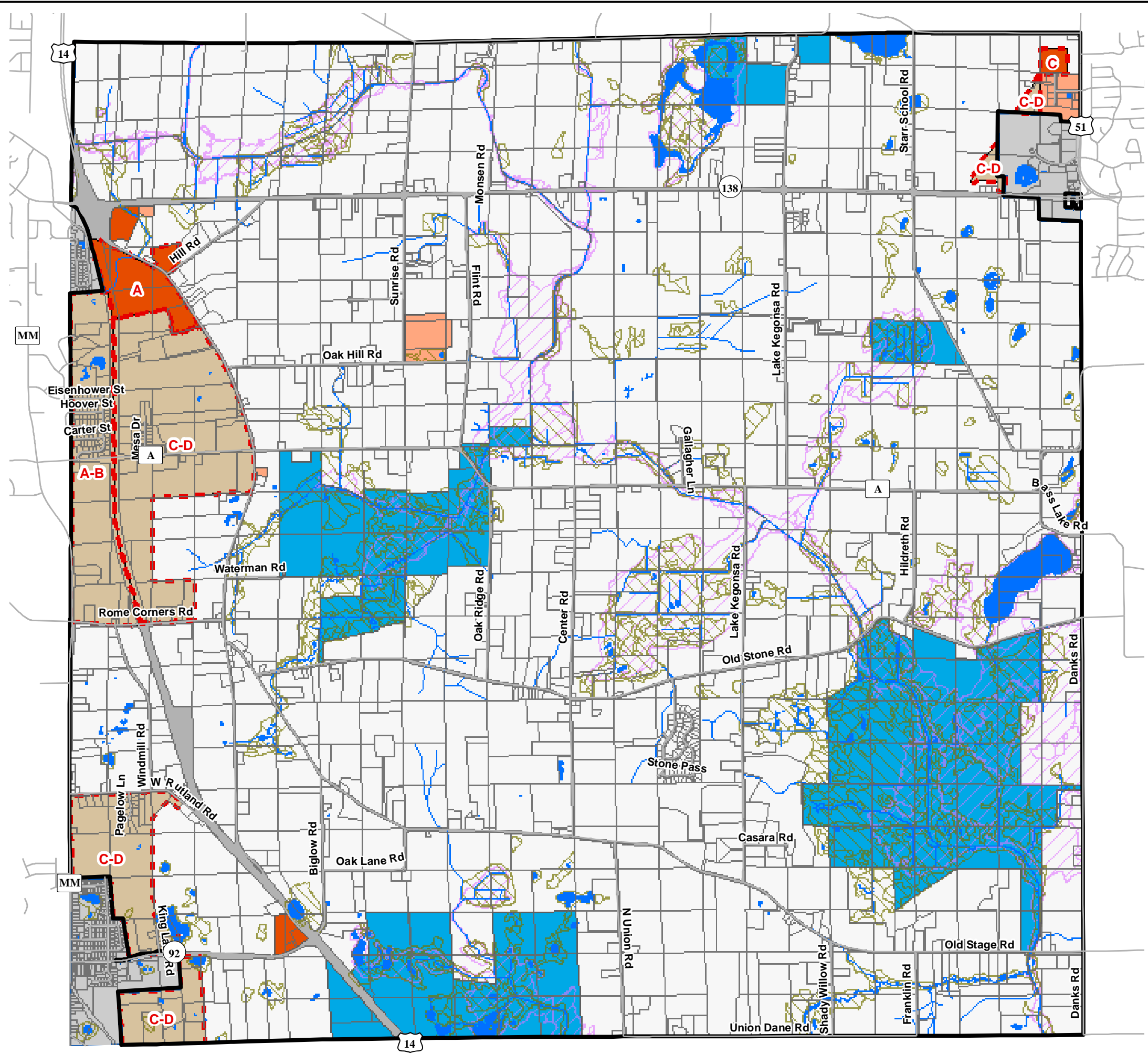




# Town of Rutland

## Future Land Use 2005 to 2024

### Comprehensive Plan - Policy Document



#### Proposed Land Use

- Residential - Medium Density (1 acres lots)
- Commercial
- Commercial - Existing
- Public Resource Land
- Agricultural Preservation

(see exhibit 5-1 for a description of the districts)

#### Overlay Districts

- Wetland
- 1 Percent Annual Flood Chance Area

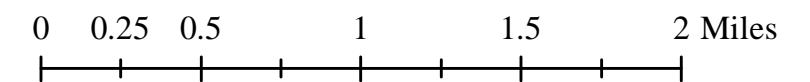
#### Development Phasing

- A** 2005 - 2009
- B** 2010 - 2014
- C** 2015 - 2019
- D** 2020 - 2024

#### Map Legend

- Tax Parcel Boundary
- River or Stream
- Lake or Pond
- Development Phase Boundary
- Municipal Boundary

Sept., 2017



Source Info:  
 Urban Service Area: 2017, (CARPC)  
 Municipal Boundary: 2017, (DCPD)  
 Tax Parcel Boundary: 2017, (DCPD)  
 Zoning: 2017, (DCPD)

This map was prepared through the Dane County Department of Planning and Development in conjunction with the Dane County Land & Water Resources Department, Dane County Land Information Office and the Capital Area Regional Planning Commission