

Jodi Igl
4241 County Road A
Oregon, WI 53575

5/16/22

County of Dane Wisconsin
Planning & Development
City County Building, Room 116
210 Martin Luther King Jr. Blvd.
Madison, WI 53703
lane.roger@countyofdane.com

Dane County Zoning & Land Regulation Committee,

The first statements in the beginning of this letter may prove to be of value to the committee, where awareness of the Town of Rutland Board and Planning Commission actions in the progression of the CUP 2022-02563, would not be forthcoming nor of public knowledge to those not in review of such actions.

There have been **multiple violations in regards to the open meeting law, by Rutland board members** and some collusion between the DLZ, Rutland Planning Commission chair, and some Rutland board members. (Please note that this information was recently sent to the Wisconsin Department of Justice & General Attorney's office).

In short, there have been multiple members of the town board in attendance at the Planning Commission meetings. The meeting **agenda's do not disclose joint session nor attendance data/minutes**, & is in audio only. If you wish to research the Town of Rutland website, begin on 1/3/22 of the Planning Commissions agenda, item 5, CUP procedure & 1/5/22 Rutland Board Agenda, which does not indicate it is, the CUP final procedure.

As to proceedings for the CUP 2022-02563, our Town Chair Zentner announced at the Planning Commission meeting on 5/3/22, that she and Supervisor Postel would recuse themselves in the deciding vote on CUP 02563 in an upcoming board meeting. It is not known at what point the chair made this determination, as she & supervisor Postel were both in attendance as board members at the Public Hearing of a **negative quorum 4/28/22**.

Chair Zentner's announcement to the Planning Commission, **gave the impression** that a board of 5 with one other supervisor whom recused prior to the Public Hearing, **would not have a quorum in the coming vote** on this CUP. (Note Supervisor Postel did not later recuse himself) So the PC was trying to determine how to proceed when **Ms Androse of ZLR stated " This is what you did last time" and handed the clerk a printed copy of a 2016 Rutland board decision document**, of a CUP from an ATC tower, which was a non board vote and passed to the County. This was **ZLR helping determine the Rutland Planning Commission's decision on this CUP 02563 at its most crucial determining moment**. Contrary to Ms Androse's statement to the PC, the ZLR may want to review the **previous Rutland quarry CUP applicant Mandt Sand & Gravel, or the first denial of the Nelson Excavations**. (A follow up letter of this current content from 5/3/22, PC meeting will be sent to the DOJ).

As for the communication between the ZLR, community residents, and board members, a statement from ZLR **Ms Androse, Cc - Mr. Lane & Mr. Violante**, to Supervisor Postel whom posted on social media "Concerned Citizens of Rutland" is enclosed, of which, **states a nuance in terms of this CUP**, though much different than communications received by other members of the ZLR on this same subject matter, regardless of it's triviality.

All of the information herein regarding the Rutland Board, Planning Commission and ZLR Androse statement, can be found on the Town of Rutland website or by request from the town clerk. town.rutland.wi.us

Opposition to CUP 2022-02563 Rutland resident Jodi Ig 4241 County Road A, Oregon, WI,
hearing letter submission to Dane County Planning and Development 5/16/22.

It is hopeful that the Town of Rutland submitted all of the community letters to the ZLR prior to its hearing. Though with pre-existing conditions of the towns government, I have chosen to send a summary of my submitted letter as follows.

Traffic, health, safety, & land use. within this CUP application does not adhere to the Town of Rutland Comprehensive Plan, of active agricultural land, natural open spaces where residents value a quiet sense of community that this rural character offers.

Standard 1. Does not comply with public health, safety & general welfare, whereas the applicant states nothing for public health and safety outside of the quarry. The requested location on Center Road is on top a hillside, where dust and debris will travel to adjacent properties and beyond creating air & noise quality conditions. The applicant does not address risk to pedestrians and bicyclist on the narrow country roadway of Center Road with no shoulders and deep ditches of which multiple dump trucks will be expected to travel. Where is public safety in this situation? The Town of Rutland Board requested quarry operators to re-route their truck traffic over multiple years now, for the annual MadCity bicycle races, the boards actions indicates a risk factor by dump truck traffic with concerns for pedestrian/bicyclists' public health and safety on Center Road. Enclosed please find sound recordings data from 2021 of truck traffic on Old Stage Road. The truck route for this CUP is stated to utilize **Center Road, to County Road A, to US 14, which is not direct access to a main highway.** Truck traffic has to pass through multiple neighborhoods prior to reaching US 14, therefore the impact is a much greater area considering 1200 + trucks per 6 day work week with the applicant leaving an open ended extension on the hours of operations. The impact of dump truck traffic will severely affect those living on the proposed truck route through out the day and night hours of operation.

Standard 2. Use and enjoyment of property in the neighborhood. The applicant speaks of an existing quarry that is below the hill in a pocket with trees on two sides. To the West is privately owned neighbors woodland, the East is Center Road, North the operators home, South a very old cemetery and a residence. It is a very old deep hole on minimal acreage. It has only operated annually for a good many years to maintain its non conditional use, prior to the current owners purchase 5 years ago. (It is concerning that the purchase of a non conditional use quarry, was not brought into compliance and subject to ZLR standards of current conditional use, at time of purchase/new ownership) (Its my understanding that it was purchased from a relative of the current operator, which shouldn't affect). This is a neighborhood, where current operations have hampered property owners enjoyment. There are multiple resident grievances documented by the town. Truck traffic on these roadways are currently an issue with speeding dump trucks and chipped windshields, with multiple risks to public health and safety. At my residence 3 miles away, I have been financially impacted by dump truck traffic on County A, whereas I have replaced 2 windshields on my vehicle and currently have an existing rock chip which happen while parked in my driveway. Imagine if that had been a child waiting for the school bus getting pummeled with gravel. These breakages all happened in May, June, August 2021, with documents of proof submitted to the Rutland Public Hearing on 4/28/22. The health and safety of the Rutland community without impact, should be first and foremost objective here, whereas this CUP applicant does not comply with the standard, of enjoyment of other property in the neighborhood of which more than 10 properties in the near vicinity are directly impacted. Town of Rutland Comprehensive Plan states, (the desire outcome) Families are integral to the community, and the environment is safe.

Standard 3. It is not possible on this hilled parcel to establish a preservation of rural character. With the current operations below the hill, it is a horrific site, but at least its below the hill which makes it a bit less visible. This new site will be visible to all surrounding property owners, the cemetery visitor and those that travel Old Stage Road for its rustic character. Incrementally or not, the current use by the DOT, shows piles of dirt and sand from the roadway. It simply is not possible to preserve a rural character with the remaining 14 acres. The applicant describes reclamation to a lake which is not in compliance, where Rutland Comprehensive Plan clearly states farmland reuse in farmland preservation. Additionally in August of 2020 the applicants attorney Axely, in a letter to the Town of Rutland states that this site when reclaimed will be turned back to agricultural when he is done. The change in the applicants description of farmland reuse is significant.

Opposition to CUP 2022-02563 Rutland

Standard 4. There are currently 2 entrances to the existing quarry and 1 to the north on the new parcel being utilized by the DOT. If another driveway is added to the south, this will most likely utilize a portion of the remaining 14 acres, if not it will still create 4 driveways in a 2 block radius. With truck traffic creating more public roadway hazards. It is also concerning of which property portions 22.96 or 14.74 will be the planned the requirement of berm, fencing and distancing from other properties?

Standard 5. The description given by the applicant is vague, whereas in standard 4, the applicant states creating a driveway to the South. Yet here he states the use of an existing driveway to the North. This is an assumption that the driveway he speaking to, is the one currently being utilized by the DOT to access the new parcel, which is to the South of the non conditional quarry. Non the less, there is one too many driveways in this small expanse.

Standard 6. Conform to all applicable regulation of the district. The applicant state he will operate the quarry in compliance with the CUP, MSHA, WI, Dane County, & Town of Rutland requirements. It is not possible to operate within the Town of Rutland's Comprehensive Plan within this new parcel location, where the applicant would not comply with standard 6.

Standard 7. The applicant does not comply to the Town of Rutland Comprehensive Plan requirements of farmland reuse in agricultural preservation. Whereas the Ag district as a means of preserving agricultural land and rural character. The applicant currently impacts the neighborhoods and localized residences, where a new opening on this parcel would be a public health and safety hazards to everyone in the community, by the elevated location that will impact the air and noise quality that residents have become accustom. The dump truck traffic is currently an impact on the community by use of this roadway and flying debris. This applicant does not meet the requirements of the 7th standard.

Farmland Preservation Zoning district section 10.20(I):

1. Please review statements in standards 1,2,3,7.

2. The applicant speaks of product here, without the consideration of an alternative site. The County may consider a quarry comparable to farm operations, but one should consider the Town of Rutland has quarries at every point of the compass around it. This production has become industrialized considering the noise, air quality, and volumes of truck traffic within the district. Farming isn't that loud nor does it consistently pollute the air on a daily basis. As stated standard 2, this property is on top of a hill, visible from all angles, it is located next to the road and adjacent to a cemetery and neighboring properties that are in close proximity which creates loss of enjoyment of our existing environment. This is not a good fit for this neighborhood due to the small space on top of neighboring properties. Certainly there is available land that is off the roadway and away from homesteads.

3. The impact on farmland will be 22.96 acres, the incremental preserve will be minimal for a great many years, with a mere 14.74 acres utilized for farmland. Who will take over site of this CUP requirement?

4. Limited it will be at 22.96 acres of lost farmland with minimal increments and the possible Ag use of 14.74 acres.

5. The driveways on this site have not been clearly identified, nor the truck routes specified on the site map.

SWPPP- Plan management & training.

The applicant states he has no employees yet he site Devin Hahn as an emergency contact. Is Devin Hahn trained under the requirements of the SWPPP?

On 5/3/22, the applicant stated during the Rutland Planning Commission meeting, that he had 6 employees. Have these employees been trained for the SWPPP?

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In review of the requirements for Dane County Zoning & Land Regulations standards for a conditional use permit, DCPCUP-2022-02563 have not been met by the applicant within this application process.

The Comprehensive Plan for the Town of Rutland requirements have also not been met with in this application for the proposal of a new parcel for a gravel pit operation site.

Respectfully Submitted,

Jodi Igl
Town of Rutland Resident

From: "Andros, Pamela" <Andros@countyofdane.com>
Sent: Monday, April 18, 2022 2:50pm
To: "SupervisorPostel@town.rutland.wi.us" <SupervisorPostel@town.rutland.wi.us>
Cc: "Lane, Roger" <lane.roger@countyofdane.com>, "Violante, Todd" <Violante@countyofdane.com>
Subject: Kevin Hahn quarry application

Hello Bob,

I understand that you have questions about the quarry application in Rutland. The proposal is an expansion of an existing quarry. The existing quarry is a registered legal non-conforming (NC) site, and the expansion goes beyond the boundaries of the NC area. That is likely the reason for the term "new". It is a new conditional use permit (CUP). That nuance is more of a zoning administration detail. The proposed land use is an expansion of a mineral extraction site.

Hopefully this is helpful, and if you have any further questions, please feel free to reach out.

Alex

Alexandra Andros, AICP
Senior Planner
Dane County Planning & Development

Conditional Use Map

PART OF THE NE 1/4 OF THE SE 1/4, SECTION 28,
T.05N., R.10E., TOWN OF RUTLAND, DANE COUNTY,
WISCONSIN.



CSM
2520

EAST 1/4
CORNER,
SECTION 28

1/4 LINE

N89°22'48"E 1000.00'

Part of the NE 1/4 of the SE 1/4, Section 28, T.05N.,
R.10E., Town of Rutland, Dane County, Wisconsin.

Beginning at the East 1/4 corner of said Section 28;
thence S00°53'15"E along the East line of the SE 1/4,
1000.00 feet; thence S89°22'48"W along a line parallel with
the North line of the said SE 1/4, 1000.00 feet; thence
N00°53'15"W along a line parallel with the East line of the
said 1/4, 1000.00 feet to the North line of the SE 1/4; thence
N89°22'48"E along said North line, 1000.00 feet to the point
of beginning. The above described containing 22.957
acres.

N00°53'15"W 1000.00'

S00°53'15"E 1000.00'

NE 1/4 -
SE 1/4

CENTER ROAD

S89°22'48"W 1000.00'

1/4 -1/4 LINE

SE 1/4 -
SE 1/4

S.W. GRAVES
CEMETERY

S.W. GRAVES CEMETERY
ADDITION # 2

OLD STAGE ROAD

Wisconsin Mapping, LLC

Surveying and Mapping Services
306 West Quarry Street, Deerfield, Wisconsin 53531
(608) 764-5602

Prepared for:
Kevin Hahn
3572 Old Stone Rd.
Stoughton, WI, 53589

Scale 1" = 200'
0 100 200 400