



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?

Tuesday, May 11, 2021

6:30 PM

Remote meeting

ZOOM meeting Webinar ID: 861 6761 5864

A. Call to Order

Chair Bollig called the May 11, 2021 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff Present: Everson, Lane, Parry, and Violante

Youth Governance member present: Baluck Deang

Note: Supervisor Kiefer arrived at 7:00pm.

Present 5 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

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

No comments were made by the public.

[2021
RPT-077](#)

May 11th ZLR meeting registrants

Attachments: [May 11th ZLR Registrants.pdf](#)

C. Consideration of Minutes

[2021
MIN-042](#)

Minutes of the April 27, 2021 Zoning and Land Regulation Committee meeting

Attachments: [4-27-21 ZLR public hearing meeting minutes.pdf](#)

A motion was made by PETERS, seconded by DOOLAN, to approve the minutes of the April 27, 2021 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

D. Public Hearing for Zoning Map Amendments, Conditional Use Permits, and Ordinance Amendments

E. Zoning Map Amendments and Conditional Use Permits from previous meetings

CUP 2509

RECONSIDERATION TO AMEND THE CONDITIONAL USE PERMIT BOUNDARIES IN ORDER TO COMPLY WITH DANE COUNTY HIGHWAY ACCESS REQUIREMENTS
PETITION: CUP 02509
APPLICANT: JAMES NOTSTAD LIVING TRUST
LOCATION: EAST I 39/90 BETWEEN COUNTY HIGHWAY B AND CHURCH ROAD, SECTION 29, TOWN OF CHRISTIANA
CUP DESCRIPTION: mineral extraction

Attachments:

[CUP 2509 Staff Memo.pdf](#)
[CUP 2509 Hwy Access Approval.pdf](#)
[CUP 2509 Revised Boundary Map.pdf](#)
[CUP 2509 Revised Map.pdf](#)
[Neighborhood Map.pdf](#)
[CUP 2509 Staff Update.pdf](#)
[CUP 2509 Town Action.pdf](#)
[CUP 2509 MAP.pdf](#)
[CUP 2509 APP](#)
[CUP 2509 APP Supplement.pdf](#)
[CUP 2509 Property Value Min Extract Report](#)
[Nelson opposition](#)
[Knudson Letter.pdf](#)
[Lien Letter.pdf](#)
[CUP 2509 Knutson Opposition information.pdf](#)
[CUP 2509 objection Daggett.pdf](#)
[March 23rd opposition comments.pdf](#)
[CUP #2509 w revised boundary](#)

A motion was made by PETERS, seconded by DOOLAN, to allow additional testimony with regards to the reconsideration of CUP 2509. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

*In favor: Jeff Furseth
Opposed: Brett Daggett*

A motion was made by DOOLAN, seconded by PETERS, to direct staff to enter the additional testimony into the official record. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Abstain: 1 - KIEFER

A motion was made by DOOLAN, seconded by PETERS, to amend the boundaries of Conditional Use Permit #2509 in order to comply with Dane County Highway access requirements onto County Highway B. The conditional use permit shall retain the same 20 conditions as previously approved. The motion carried by the following vote: 4-0-1.

- 1) 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.
- 2) 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.
- 3) Operations shall cease no later than ten (10) years from the permit effective date.
- 4) 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.
- 5) The entire driveway must be blacktopped within two years. Crushed asphalt must be placed on the driveway immediately and watered at least twice weekly during the first year.
- 6) 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.
- 7) 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."
- 8) 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.
- 9) 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.
- 10) Hours of operation shall be 6:30 a.m. to 5:30 p.m. Monday through Friday, and 6:30 a.m. to 3:30 p.m. on Saturdays.
No operations of any kind shall take place on Sundays or legal holidays. Blasting shall be limited to 8:00 a.m. to 4:00 p.m. on weekdays.
- 11) A safety fence shall be placed around the perimeter of the extraction area that contains high walls and/or steep slopes.
- 12) 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.
- 13) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise

abatement.

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

15) 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.

16) Blasting:

a) 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.

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

c) A 72-hour notice shall be made prior to blasting to all residences/businesses within a one-half mile radius of the property, as well as to any parties who have requested notification either via mail or email as well as to the Town of Christiana.

d) The Town of Christiana and up to three neighbors shall receive a report and a seismograph reading from each blast.

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

18) Mineral extraction at or near groundwater. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.

19) 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.

20) The Conditional Use Permit (#2509) for mineral extraction is for the operator Forever Sandfill & Limestone and is not transferable to any other operator.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Abstain: 1 - KIEFER

[11676](#)

PETITION: REZONE 11676
APPLICANT: RONALD P HEFFRON
LOCATION: 41 CLARKSON ROAD, SECTION 1, TOWN OF MEDINA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District
REASON: creating one residential lot

Attachments: [11676 Ord Amend.pdf](#)
[11676 Staff Update.pdf](#)
[11676 Town.pdf](#)
[11676 Density.pdf](#)
[11676 Map](#)
[11676 APP.pdf](#)

A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on the property reflecting the Town of Medina animal restrictions.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11682](#)

PETITION: REZONE 11682
APPLICANT: TWIN ROCK LLC
LOCATION: SOUTH OF DAIRY RIDGE ROAD AND EAST OF SPRING ROSE ROAD, SECTION 18, TOWN OF VERONA
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-1 Single Family Residential District, AT-35 Agriculture Transition District TO SFR-2 Single Family Residential District, AT-35 Agriculture Transition District TO NR-C Natural Resource Conservation District
REASON: new subdivision plat-13 residential lots and 1 outlot.

Attachments: [11682 Ord Amend.pdf](#)
[11682 Staff Update.pdf](#)
[11682 Town.pdf](#)
[11682 Opposition - Chesmore.pdf](#)
[11682 Map](#)
[11682 APP](#)

A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

1. The approval is conditioned upon Lots 4-13 having staggered front yard setbacks; a trail being installed in the outlot; screening approved by the Plan Commission; height limit for all single story residences; elevation drawing being provided by the applicant; and a maintenance agreement being created as part of the developer's agreement..

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

02517

PETITION: CUP 02517
APPLICANT: GREGORY L STAMN
LOCATION: JUST NORTH OF 1371 STATE HIGHWAY 92, VERONA, WI 53593, SECTION 2,
TOWN OF PRIMROSE
CUP DESCRIPTION: private landing strip

Attachments: [CUP 2517 Staff Update.pdf](#)
[CUP 2517 Town.pdf](#)
[CUP 2517 FAA Conditional Approval.pdf](#)
[CUP 2517 WISDOT Site Approval.pdf](#)
[CUP 2517 - Letter of Support.pdf](#)
[CUP 2517 Neighbor Support](#)
[CUP 2517 Map](#)
[CUP 2517 APP](#)
[CUP #2517.pdf](#)

A motion was made by SMITH, seconded by PETERS, that the Conditional Use Permit be approved with 22 conditions. The motion carried by the following vote: 5-0.

1. The airstrip is for the private use of Trever Otto and occasional guests only. No commercial operations permitted.
2. Runway surfacing must be grass. No other structures, gravel, pavement or improvements are allowed.
3. Take-offs should be to the west, and landings to the east. In the event that wind and weather conditions require a landing to be made to the west, every safe effort will be made to avoid flight paths over neighboring residences and immediate property surrounding the house at 1410 State Rd 92.
4. The number of total monthly operations is capped at 20.
5. The airstrip is limited to propeller aircraft using a single, piston-driven engine, not to exceed 300 horsepower.
6. Airstrip operation hours are limited to between sunrise and sunset.
7. No lighting is permitted.
8. Aerial approaches to all runways shall clear all public roads, highways, railroads, waterways, and other traverse ways in accordance with Wis. Stat. § 114.134.
9. Applicant will consult with Alliant Energy about any necessary visual mitigation to power lines IAW AC 70/7460-1M, along State Highway 92, while mitigating any unnecessary visual impacts to neighbors.
10. Airport construction, design, and maintenance must comply with all required and recommended standards described in Federal Aviation Administration Chicago Airports District Office Notice of Airport Airspace Analysis Determination dated April 13, 2021.
11. Airport operation must comply with all requirements of the Wisconsin Department of Transportation Bureau of Aeronautics Certificate of Airport Site Approval 2021-WIBOA-1762-AS.
12. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.

13. 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.
14. 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.
15. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
16. Off-street parking must be provided, consistent with s. 10.102(8).
17. 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.
18. 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.
19. 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.
20. 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.
21. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit
22. The conditional use permit shall expire in 2 years.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

[2021](#) Report of approved Certified Survey Maps
[RPT-058](#)

Attachments: [May 2021](#)

[2021](#)
[PRES-033](#)

PRESENTATION ON REGIONAL HOUSING STRATEGY BY OLIVIA PARRY

Attachments: [ZLR Intro.pdf](#)

K. Other Business Authorized by Law

L. Adjourn

A motion was made by KIEFER, seconded by PETERS, to adjourn the May 11, 2021 Zoning and Land Regulation Committee meeting at 8:05pm. The motion carried unanimously.

Questions? Contact Planning and Development Staff, 266-4266, or plandev@countyofdane.com