

Dane County



Minutes

Tuesday, June 23, 2020

6:30 PM

Remote Meeting: Call: 1-877-309-2073 Access Code: 588-340-037

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?

The June 23rd Zoning and Land Regulation Committee meeting is being held remotely in accordance with public health requirements to protect our community from the COVID-19 pandemic. The public can access the meeting in the following manner:

By phone, call: 1-877-309-2073 and use Access Code: 588-340-037 or via computer at: <https://global.gotomeeting.com/install/588340037> Note: You will be placed on hold until the Host joins.

If you would like to speak on an agenda item, you must PRE-REGISTER in ADVANCE by calling 1-608-266-9078. Registrants must provide their full name, 10-digit phone number, and the agenda item they wish to speak about. Anyone wishing to speak is strongly encouraged to pre-register as soon as possible.

Registrations will be accepted until 30 minutes prior to the meeting. During the meeting, Staff will place you on mute until the petition item is before the committee. Registrants will have 5 minutes to express their concerns.

If you have any questions regarding an agenda item, please contact the Zoning Administrator by phone at 1-608-266-9078, or by email at lane.roger@countyofdane.com.

A. Call to Order

Supervisor Bollig called the remote meeting of the June 23, 2020 Zoning and Land Regulation Committee to order at 6:32pm.

Staff present: Allan, Andros, Everson, Kodl, Menard, and Violante

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

[2020](#)
[RPT-085](#)

June 23, 2020 ZLR Meeting Registrants

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

No comments made by the public.

C. Consideration of Minutes

A motion was made by Doolan, seconded by KIEFER, to approve the minutes of the May 26, 2020 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

[2020](#)
[MIN-047](#)

Minutes of the May 26, 2020 Zoning and Land Regulation Committee meeting

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

[11559](#)

PETITION: REZONE 11559
APPLICANT: ALEXANDER C MCKENZIE
LOCATION: 1000 FEET SW OF 9812 GREENWALD ROAD, SECTION 26, TOWN OF VERMONT
CHANGE FROM: FP-35 (General Farmland Preservation) District TO RR-2 (Rural Residential, 2 to 4 acres) District
REASON: creating one residential lot

In Favor: Alex McKenzie

Opposed: None

A motion was made by Peters, seconded by Doolan, to recommend approval of the zoning petition with the following condition. The motion carried, 5-0.

1. A deed restriction shall be recorded on parcels 0706-234-8500-1 and 0706-234-9001-0 to prohibit non-farm development on the FP-35 zoned lands.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11560](#)

PETITION: REZONE 11560
APPLICANT: MICHAEL G COYLE
LOCATION: NORTH OF 3575 TIMBER LANE, SECTION 25, TOWN OF CROSS PLAINS
CHANGE FROM: RR-4 (Rural Residential, 4 to 8 acres) District TO FP-1 (Small Lot Farmland Preservation) District
REASON: removing development rights from property

In Favor: Michael Colye, Sharene Smith

Opposed: None

A motion was made by Doolan, seconded by Kiefer, to recommend approval of the zoning petition. The motion carried, 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11561](#)

PETITION: REZONE 11561
APPLICANT: JACLYN E TRACY
LOCATION: 4727 RUTLAND-DUNN TOWN LINE ROAD, SECTION 31, TOWN OF DUNN
CHANGE FROM: SFR-1 (Single Family Residential, 1 to 2 acres) District TO RR-1 (Rural Residential, 1 to 2 acres) District
REASON: Change zoning district to allow for the construction of a larger accessory building

In Favor: Jaclyn Tracy
Opposed: None

A motion was made by Peters, seconded by Smith, to recommend approval of the zoning petition with the following condition. The motion carried, 5-0.

1. A deed restriction shall be recorded on the RR-1 zoned property prohibiting the accessory building from being used for the storage of business-related materials or for business use.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11562](#)

PETITION: REZONE 11562
APPLICANT: CAROLYN J BRADT
LOCATION: 8283 RILEY ROAD, SECTION 2, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 (Agriculture Transition) District TO RR-4 (Rural Residential, 4 to 8 acres) District, RR-8 (Rural Residential, 8 to 16 acres) District TO AT-35 (Agriculture Transition) District, RR-8 (Rural Residential, 8 to 16 acres) District TO RR-4 (Rural Residential, 4 to 8 acres) District
REASON: creating one residential lot and transfer of lands between adjacent landowners

In Favor: Carolyn Bradt
Opposed: None

A motion was made by Peters, seconded by Kiefer, to recommend approval of the zoning petition with the following conditions. The motion carried, 5-0.

1. A deed restriction shall be recorded on the two RR-4 lots prohibiting further land division of the properties.

2. A note shall be placed on the Certified Survey Map noting that Lot 2 is subject to Town-approved building envelope, location of the home site is on file at the Town Hall.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11563](#)

PETITION: REZONE 11563
APPLICANT: BRIAN HENNING
LOCATION: NORTHEAST OF 6471 COUNTY HWY TT, SECTION 33, TOWN OF YORK
CHANGE FROM: FP-35 (General Farmland Preservation) District TO RR-1 (Rural Residential, 1 to 2 acres) District
REASON: creating one residential lot

In Favor: Brian Henning
Opposed: None

A motion was made by Smith, seconded by Doolan, to recommend approval of the zoning petition with the following condition. The motion carried, 5-0.

1. A deed restriction shall be recorded on parcels 091228396708 and 091228491702 prohibiting non-farm development on the FP-35 zoned land in accordance with town of York comprehensive plan policies.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11564](#)

PETITION: REZONE 11564
APPLICANT: MICHAEL G COYLE
LOCATION: SOUTH OF 7989 W MINERAL POINT ROAD, SECTION 25, TOWN OF CROSS PLAINS
CHANGE FROM: FP-35 (General Farmland Preservation) District TO RR-4 (Rural Residential, 4 to 8 acres) District
REASON: creating one residential lot

In Favor: Michael Coyle, Sharene Smith
Opposed: None

A motion was made by Peters, seconded by Doolan, to recommend approval of the zoning petition with the following condition. The motion carried, 5-0.

1. A deed notice shall be recorded on parcel numbers 0707-251-9560-0, 0707-251-9550-0, 0707-251-9060-0, 0707-251-9050-0, 0707-251-8700-6, 0707-251-8500-8, and 0707-251-8000-3 indicating that, except for rezone and separation of the existing farmhouse on current parcel number 0707-251-8500-8, no further non-farm development is permitted.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11565](#)

PETITION: REZONE 11565
APPLICANT: STEVEN W SMITH
LOCATION: SOUTH OF 5585 COUNTY ROAD J, SECTION 26, TOWN OF VERMONT
CHANGE FROM: FP-35 (General Farmland Preservation) District TO RR-2 (Rural Residential, 2 to 4 acres) District
REASON: creating 2-acre residential building site on a 49-acre property

In Favor: Steve Smith
Opposed: None

A motion was made by Doolan, seconded by Peters, to recommend approval of the zoning petition with the following condition. The motion carried, 5-0.

1. A deed restriction shall be recorded on parcels 0706-263-9000-9, 0706-263-8910-0, and 0706-263-8720-0 prohibiting additional non-farm development on the FP-35 zoned land in accordance with town of Vermont comprehensive plan policies.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11566](#)

PETITION: REZONE 11566
APPLICANT: AVOIDANCE ACRES EXCHANGE LLC
LOCATION: 2710 HIGHWAY MN, SECTION 5, TOWN OF PLEASANT SPRINGS
CHANGE FROM: FP-35 (General Farmland Preservation) District TO RR-1 (Rural Residential, 1 to 2 acres) District
REASON: creating 1 acre residential building site on 38 acre property

In Favor: Tom Duffy
Opposed: None

A motion was made by Peters, seconded by Doolan, to recommend approval of the zoning petition with the following conditions. The motion carried, 5-0.

1. A deed restriction shall be recorded on parcel 0611-051-8500-3 prohibiting further non-farm development or land division on the FP-35 zoned land in accordance with the town density policy.

2. Driveway installation shall be done in conformance with the submitted engineering plans and shall meet town driveway ordinance standards.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 02493](#)

PETITION: CUP 02493
APPLICANT: JOSEPH PATRICK EUGSTER
LOCATION: 3865 STATE HIGHWAY 138, SECTION 10, TOWN OF RUTLAND
CUP DESCRIPTION: EXPAND AGRICULTURAL ACCESSORY USES ON THE FARM

In Favor: Jacob Eugster
Opposed: None

A motion was made by Peters, seconded by Smith, to postpone the petition due to no town action. The motion carried, 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 02495](#)

PETITION: CUP 02495
APPLICANT: PETERSON TR, PHILIP L & CAROL L
LOCATION: 5900 COUNTY HIGHWAY D, SECTION 5, TOWN OF OREGON
CUP DESCRIPTION: proposed landscape business

In Favor: Sheena Amble

Opposed: None

A motion was made by Peters, seconded by Kiefer, to approve the Conditional Use Permit with the following conditions. The motion carried, 5-0.

1. No on-site customers or retail sales.
2. No more than 13 employees on site.
3. Normal hours of operation are 6:30 a.m. to 7:00 p.m., but winter snow removal hours may depend on weather.
4. No more than 9 pieces of equipment may be stored outside overnight.
5. Outdoor storage is limited to basic materials. All tires, parts, salt and ice melt must be stored indoors. Outdoor storage of mulch and dirt to be stored in bins located behind the shop building. No outdoor storage of parts, tires or other non-essential equipment or materials.
6. No debris piles.
7. No burning on-site.
8. No fertilizer, chemicals or permanent fuel tanks on site.
9. Signage limited to one free standing unlit sign in compliance with Dane County sign ordinance.
10. Operator to maintain trash removal contract. One garbage dumpster will be located behind the oversized carport
11. No outside loudspeakers.
12. Vegetative screening, consistent with Section 10.102(12), Dane County Code, must be maintained along the western side of the property, to shield the adjacent RR-2 zoning lot. Additional evergreen screening must be installed along CTH D from the new, shared driveway, to the existing driveway to be eliminated.
13. This conditional use permit will expire on the sale of the property to a third party. Continuation of the conditional use after sale to a third party will require approval of a new conditional use permit.
14. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
15. 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.
16. 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.
17. 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.
18. 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.

19. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

20. Off-street parking must be provided, consistent with s. 10.102(8). Employee parking to be located on the west side of the shop.

21. Joint driveway agreement must be recorded, and a copy submitted to the zoning administrator and the Town Clerk.

22. 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 born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 02497](#)

PETITION: CUP 02497
APPLICANT: DD ACRES LLC
LOCATION: 7085 SCHUMACHER ROAD AND LANDS SOUTH AND WEST THERE OF,
SECTION 21, TOWN OF VIENNA
CUP DESCRIPTION: mineral extraction

In Favor: Dustin Gradel, Terry Wenger
Opposed: None

A motion was made by Doolan, seconded by Smith, to approve the Conditional Use Permit with the following conditions. The motion carried, 5-0.

Section I: Standard CUP Conditions

- 1) Any conditions required for specific uses listed under s. 10.103 (see Section II, 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.

Section II: Standard Mineral Extraction CUP Conditions. The following are conditions for all mineral extraction conditional use permits per section 10.103(15)(b), Dane County Zoning Ordinance.

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) The Town and Committee will set an expiration date for the conditional use permit based on the quantity of material to be removed and the expected duration of mineral extraction activities. (SEE SECTION III, CONDITION #1, BELOW FOR CUP EXPIRATION DATE.)

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.

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 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.

6) 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."

7) 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.

8) 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.

9) The Town and Committee will assign hours of operation appropriate to the particular application. No operations of any kind shall take place on Sundays or legal holidays. The committee and town board may approve limited exceptions to normal hours of operations for projects associated with Wisconsin Department of Transportation or municipal road projects requiring night work. [Note: Typical hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday, and 8 a.m. to early afternoon on Saturday. If there are residences nearby, hours may be more limited (e.g., start at 7:00 a.m. with no Saturday hours).] (SEE SECTION III, CONDITION #3 BELOW FOR SPECIFIC HOURS OF OPERATION.)

10) 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.

11) 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.

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

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

14) 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.

15) 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.

16) Additional conditions for particular circumstances. Where any of the following circumstances apply, the zoning committee and town board shall also impose the following conditions on any approved conditional use permit for mineral extraction:

a) Blasting:

(1) **Blasting Schedule.** Blasting shall occur between sunrise and sunset, as required by SPS 307. The zoning committee and town board may set further daily limits on hours when blasting may occur, to minimize impact on neighboring properties. Schedules for blasting need not conform to hours of operation for the overall mineral extraction project. (SEE SECTION III, CONDITION #3, BELOW FOR BLASTING SCHEDULE.)

(2) **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. (SEE SECTION III, CONDITION #4, BELOW FOR PRE-BLAST SURVEY AND SPECIFIC BLASTING NOTIFICATION REQUIREMENTS.)

(3) **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.

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

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

c) 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.

d) 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.

Section III: Conditions Unique to CUP 2497.

- 1) Operations shall cease no later than 50 years from the date of CUP approval.
- 2) The main haul route will Schumacher Road to Hwy V going east or west on Hwy V. Schumacher Road to the south will be used for local delivery only.
- 3) Hours of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Friday, and Saturdays 7:00 a.m. to 4:00 p.m. Blasting hours will be limited to 8:00 a.m. to 2:00 p.m. Monday through Friday.
- 4) All residences located within 500 feet of the blasting location shall have a pre-blast survey conducted to ascertain the status of such residences. Residences within 500' will be notified 24 hours in advance of a blast.
- 5) The operation shall be conducted in 3 phases as described in the submitted operations plan.
- 6) Tri-County shall be responsible for the maintenance, upkeep, or upgrade of Schumacher Road from the quarry entrance to County Highway V at the Town's discretion as described in the roadway maintenance agreement.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

CUP 02499

PETITION: CUP 02499

APPLICANT: JONATHAN T KETZLER & MARY E MCSWEENEY

LOCATION: 1048 SEVERSON ROAD, SECTION 13, TOWN OF MONTROSE

CUP DESCRIPTION: allow sanitary plumbing fixtures inside an agricultural accessory building

In Favor: Jonathan Ketzler, Mary McSweeney

Opposed: None

A motion was made by Peters, seconded by Kiefer, to approve the Conditional Use Permit with the following conditions. The motion carried, 5-0.

- 1. Agricultural accessory buildings with installed sanitary facilities must remain in private agricultural use and must not be used for human habitation. If the agricultural use of these structures ceases, sanitary fixtures must be removed, and septic systems properly capped, subject to the approval of the Zoning Administrator and the Division of Environmental Health.**
- 2. Commercial riding stables, large animal boarding or other commercial uses are not permitted.**
- 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. A new, private onsite wastewater treatment system, sized appropriately to serve only the horse barn, must be installed and maintained in compliance with the state plumbing code and the Dane County Sanitary Ordinance.**
- 7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 8. 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.**
- 9. The owner must post, 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.**
- 10. 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.**
- 11. 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.**
- 12. 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.**

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 02500](#)

PETITION: CUP 02500
APPLICANT: HEARTLAND COMMUNITY CHURCH OF ROCKFORD INC / WOLF PAVING
LOCATION: EAST OF 5423 REINER ROAD, SECTION 24, TOWN OF BURKE
CUP DESCRIPTION: mineral extraction accessory use - stockpiling and processing concrete and asphalt pavements for the purpose of recycling and reuse

In Favor: Jacob Mrugacz from Wolf Paving

Opposed: David Zielke, John Schmeid, City of Madison Planning Staff (by letter)

Zielke indicated that he has an offer to purchase the property on which the Conditional Use is proposed and that he has plans to rezone and residentially develop the property. Zielke indicated that he believes residential development is a more appropriate land use for the neighborhood and also more consistent with town comprehensive plan policies.

Schmeid lives in the area and expressed a desire to know more about the proposed Conditional Use and it's potential impact on the neighborhood. He expressed concerns with traffic safety due to increased development that's occurred south of Sun Prairie resulting in more traffic congestion in the area. He also questioned how the proposed Conditional Use would fit with the broader development patterns occurring in the area.

City of Madison planning staff outlined numerous concerns with the proposed mineral extraction accessory uses in a letter to the committee dated June 12, 2020, arguing that the proposal fails to meet several county zoning code standards for approval of a Conditional Use Permit.

A motion was made by Smith, seconded by Peters, to postpone the petition due to opposition presented at the public hearing and no town action. The motion carried, 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[2020 OA-003](#)

Amending Chapter 82 of the Dane County Code of Ordinances, incorporating amendments to the Town of Middleton Comprehensive Plan into the Dane County Comprehensive Plan

In Favor: Cynthia Richson (Town of Middleton Board Chair), Rachel Holloway (Town Planner)

Opposed: None

A motion was made by Peters, seconded by Doolan, to recommend approval of the Ordinance Amendment. The motion carried, 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

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

[11444](#)

PETITION: REZONE 11444
APPLICANT: ROBERT LANGE
LOCATION: SOUTH OF 1026 COUNTY HIGHWAY N, SECTION 16, TOWN OF DUNKIRK
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

In Favor: Robert Lange
Opposed: None

A motion was made by Peters, seconded by Doolan, to recommend approval of the zoning petition with the following conditions. The motion carried, 5-0.

- 1. The petition shall be amended to include rezoning existing ~9 acre lot 1 of CSM 5599 to FP-35 to be combined with approximately 30 acres of adjoining unplatted lands to create a new, ~39 acre FP-35 zoned parcel to be shown as lot 2 on the final CSM.**
- 2. A deed restriction shall be recorded on parcels 0511-162-8850-8, 0511-162-8001-5, 0511-161-9070-1, 0511-161-8570-8, 0511-161-8500-2, and 0511-094-9210-3 prohibiting further nonfarm development or division of the FP-35 zoned land in accordance with town of Dunkirk comprehensive plan policies.**
- 3. The 100 year floodplain boundary and wetland buffer area shall be depicted on the final CSM. No structural development shall be located in the environmentally sensitive areas.**
- 4. Applicant shall record a shared driveway easement agreement ensuring access across proposed ~39 acre Lot 2 to the new RR-2 parcel and the neighboring ~68 acres of FP-35 zoned lands lying to the east and south. The easement shall be depicted on the CSM, and the recorded shared driveway easement agreement shall address maintenance and upkeep responsibilities between all users of the driveway.**

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11521](#)

PETITION: REZONE 11521
APPLICANT: JOHN VOSEN
LOCATION: 4622 ROCKY DELL ROAD, SECTION 5, TOWN OF MIDDLETON
CHANGE FROM: AT-5 Agriculture Transition District TO LC Limited Commercial District and various districts to RR-8 Rural Residential
REASON: increase the size of an existing limited commercial zoning area and expand the size of the existing residential lot

In Favor: Kyle Walser
Opposed: None

A motion was made by Doolan, seconded by Peters, to recommend approval of the zoning petition with the following conditions. The motion carried, 5-0.

- 1. Development of the property shall be completed in accordance with plans as approved by the town of Middleton.**

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11557](#)

PETITION: REZONE 11557
APPLICANT: KRENZ LIVING TR
LOCATION: 9 SHADY WILLOW ROAD, SECTION 35, TOWN OF RUTLAND
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-2 Rural Residential District
REASON: dividing an existing residential lot to create an additional lot

In Favor: Bob Krenz
Opposed: None

A motion was made by Peters, seconded by Smith, to recommend approval of the zoning petition with the following conditions. The motion carried, 5-0.

1. A notice document shall be recorded on the RM-16 zoned property indicating that the lot was created as a result of a transfer of development rights.
2. The approximate extent of the sensitive environmental features (floodplain, wetland / 75' wetland buffer) shall be delineated on the final CSM. Any new structural development shall be located outside of the environmentally sensitive areas of the property.
3. The boundary of the proposed RR-2 parcel shall be amended to include the replacement septic area on the lot.
4. The TDR-S Sending area overlay zoning district shall be applied to the ~200 acre Nelson farm (tax parcels: 0510-342-8500-5, 0510-331-8000-3, 0510-273-9500-7, 0510-273-9000-2, 0510-273-8500-9, and 0510-273-8000-4).
5. A notice document shall be recorded on the ~200 acre Nelson farm indicating that 3 possible splits remain available.
6. TDR sending property owner (Nelson) shall record a deed restriction on a minimum of 70 acres of the FP-35 zoned property prohibiting nonfarm development in accordance with town plan policies. (Note: the 70 acres has been identified and legally described by the surveyor.)

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

F. Plats and Certified Survey Maps

[2020 LD-003](#) Banovetz proposed 2-lot Certified Survey Map
Town of Cottage Grove
Staff recommends approval.

A motion was made by DOOLAN, seconded by PETERS, that the 2-lot Certified Survey Map be approved. The motion carried by a voice vote, 5-0.

[2020 LD-004](#) Ripp Farms proposed Land Division Waiver request from Ch. 75.19(6)(b)
Town of Dane
See attached report.

A motion was made by KIEFER, seconded by PETERS, that the Land Division waiver application be postponed. The motion carried by a voice vote, 5-0.

G. Resolutions

H. Ordinance Amendment

[2020 OA-003](#) Amending Chapter 82 of the Dane County Code of Ordinances, incorporating amendments to the Town of Middleton Comprehensive Plan into the Dane County Comprehensive Plan

See Committee action under item D. 21, above.

I. Items Requiring Committee Action

[2020
ACT-053](#) Site Plan Review for the relocation of a farm residence within the FP-35 Farmland Preservation Zoning District
Applicant: Kyle and Ashley Scheel
Location: 5676 State Hwy 73, Section 15, Town of Medina

In Favor: Ashley Scheel

Opposed: None

A motion was made by Peters, seconded by Doolan, to approve the site plan for relocation of the farm residence with the following condition. The motion carried, 5-0.

1. The existing residence be removed within 60 days after occupancy of the new house.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

J. Reports to Committee

No reports to the committee.

K. Other Business Authorized by Law

No other business.

L. Adjourn

A motion was made by Kiefer, seconded by Smith, to adjourn the meeting. The motion carried by a voice vote.

**Questions? Contact Majid Allan, Planning and Development Department, 266-4266,
Allan@countyofdane.com**