

Dane County



Minutes

Tuesday, May 13, 2014

7:00 PM

City - County Building, ROOM 351
210 Martin Luther King Jr. Blvd., Madison

Zoning & Land Regulation Committee

A. Call to Order

Chair Miles called the meeting to order at 7:00pm in Room 351, City-County Building.

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and BOB SALOV

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

No comments were made by the public.

C. Consideration of Minutes

**2014
MIN-055** Minutes of the April 8, 2014 Zoning and Land Regulation Committee meeting

A motion was made by MATANO, seconded by BOLLIG, that the Minutes be approved. The motion carried by a voice vote.

**2014
MIN-056** Minutes of the April 29, 2014 Zoning and Land Regulation Committee meeting

A motion was made by MATANO, seconded by BOLLIG, that the Minutes be approved as amended. The motion carried by a voice vote.

Salov requested that the minutes be amended to reflect that he participated in the meeting through teleconference.

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

10663 **PETITION: REZONE 10663**
APPLICANT: Town of Windsor
LOCATION: Various locations, see details
CHANGE FROM: Various zoning districts
REASON: compliance with farmland preservation plan as required by ss 91.38

A motion was made by KOLAR, seconded by MATANO, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

10664

PETITION: REZONE 10664

APPLICANT: CLIFFORD BARBIAN

LOCATION: NW OF 7815 CRYSTAL LAKE ROAD, SECTION 6, TOWN OF DANE

CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District and A-2 Agriculture District

REASON: creation of two residential lots and separation of existing farm residence from farmland

A motion was made by BOLLIG, seconded by KOLAR, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

- 1. The zoning district classification shall be amended to RH-1 and A-2 to allow for the development of a 2.1-acre residential lot, a 2.6-acre residential lot, and a 31.7-acre agricultural lot.**
- 2. The certified survey map for the residential lots shall depict a building envelope area for each site which limits development for the properties. The building envelope size is limited to 100'x190' as shown on the submitted drawing.**
- 3. A deed restriction shall be placed on the remainder of the A-1 Exclusive lands to prohibit further residential development.**
- 4. A deed restriction shall be placed on the remainder of the A-1 Exclusive lands to prohibit further land divisions.**

10665

PETITION: REZONE 10665

APPLICANT: CLARICE A HINCHLEY

LOCATION: 108 STATE HIGHWAY 106, SECTION 24, TOWN OF ALBION

CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District

REASON: separation of existing residence from farmland

A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

- 1. The zoning district classification shall be amended to RH-1 to allow for the development of a 2-acre residential lot.**

CUP 2260

PETITION: CUP 2260

APPLICANT: CRAZY ACRES INC

LOCATION: WEST OF 983 STATE HIGHWAY 73, SECTION 15, TOWN OF ALBION

CUP DESCRIPTION: mineral extraction

A motion was made by KOLAR, seconded by BOLLIG, that the Conditional Use Permit be approved with the following conditions: In addition to the staff suggested conditions, the following items shall be included in the conditions: pre-blast inspection shall be required to buildings and wells within 3/4 miles of the operation site upon demand; no crushing shall occur at night; strobe lights shall be required to be used during night activity in lieu of audible signals; and watershed protection shall be installed prior to excavation activities and protection maintained.

A motion was made by SALOV, seconded by BOLLIG, that the previous motion be amended to include an annual inspection of the mineral extraction operation. The motion carried by a voice vote.

A motion was made by KOLAR, seconded by BOLLIG, that the Conditional Use Permit be approved with the following 23 conditions. The motion carried by a voice vote.

1. This operation will provide materials for WisDOT projects associated with Hwy 73, Hwy 106 and/or I-39/90, and for any other municipal (town, city, village) projects taking place during the same timeframe as WisDOT projects. Operator must provide documentation related to state projects upon request to the Dane County Zoning Administrator.
2. Operations shall cease no later than 10 years from the date of CUP approval.
3. The applicant shall submit an erosion control and storm water management plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
4. The applicant shall apply for and receive all other required local, state and federal permits.
5. The operator shall develop and operate the site according to the site/operations and phasing plan dated 5-07-2014. This plan shows an active area of 29 acres within the CUP boundary.
6. The operator shall not remove any trees from the property.
7. The operator must follow noise control guidelines as defined in the Aggregate Processing Plant Sound Level Assessment submitted with the application
8. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
9. The driveway accessing the subject site shall be paved for a distance of at least 100 feet from the public road. 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. A 20' x 50' tracking pad shall be installed as designated on the Operations Plan map, dated 05/07/14..
10. The operator and all haulers shall access the CUP site from US Highway 73 as depicted on the operations plan dated 05-07-14.
11. 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."
12. Hours of operation will be 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 2:00 p.m. on Saturday. Exceptions to these hours would be when required by WisDOT to perform work on the Interstate which may require night work on a limited basis for the duration of a specific project. In the case of such an exception, Yahara Materials must provide documentation from WisDOT showing such requirements. Crushing of material shall be prohibited between the hours of 6:00pm and 6:00am.
13. Audible backup alarms shall not be used during the night hours. Strobe lights shall be used during night hours in conformance with OSHA standards.
14. Blasting shall be conducted as defined in the "Yahara Materials Blasting Procedure" as provided with the application materials. Blasting will be conducted by a licensed class 5, 6 or 7 Blaster; notifications will be made by either the Blasting Contractor and/or Yahara Materials twenty-four hours prior to any blast; a blasting log will be required for each blast; all blasting will be recorded by a properly calibrated seismograph; all seismograph records will be available anytime for review by the township; and all blasting will meet Wisconsin's Department of Commerce Administrative Code Chapter 7.
15. The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
16. There shall be no bulk fuel stored on site.

17. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
18. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
19. The operator shall follow the Fugitive Emissions Plan, submitted with the application materials.
20. Dane County and the Town of Albion shall be listed as additional named insureds on the Yahara Materials Inc. 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.
21. 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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.
22. An annual inspection shall be conducted on the site by the Dane County Zoning Division to assure compliance with conditions of approval.
23. Pre-blast inspections on buildings and wells shall be performed on any property within ¼ mile of the extraction operation if requested by the property owner. The operator shall maintain records of the inspections and be made available to Dane County Zoning Division upon request.

F. Plats and Certified Survey Maps

- 2014 LD-004** Final Plat - Techlands, City of Fitchburg, Section 15
(29 lots) (application deadline 5/15/14)
Staff recommends certification of non-objection

A motion was made by KOLAR, seconded by MATANO, that the Land Division be approved by non-objection. The motion carried by a voice vote.

- 2014 LD-005** Final Plat - North Addition to Grandview Commons, City of Madison, Section 2
(251 lots) (application deadline 5/18/14)
Staff recommends certification of non-objection

A motion was made by BOLLIG, seconded by MATANO, that the Land Division be approved by non-objection. The motion carried by a voice vote.

G. Resolutions

H. Ordinance Amendment

J. Reports to Committee

Report of Certified Survey Maps

APP #9551, Grob, Town of Sun Prairie, Section 35 (2 lots, 2.6 acres)
APP #9587, Schmitt, Town of Dane, Section 34 (2 lots, 10 acres)
APP #9578, Foster, Town of Blooming Grove, Section 2 (2 lots, 5.4 acres)
APP #9582, Zauner, Town of Vienna, Section 28/29 (3 lots, 81 acres)
APP #9563, Mustang Properties, Town of Madison, Section 34 (3 lots, 6.3 acres)
APP #9586, Meinholz, Town of Springfield, Section 29 (1 lot, 2.5 acres)
APP #9584, Truttman, Town of Primrose, Section 31 (1 lot, 3 acres)
APP #9580, Wendt, Town of York, Section 33 (2 lots, 40 acres)
APP #9579, Waubesa Beach Club, Town of Dunn, Section 5 (2 lots, 1.0 acres)
APP #9581, Wendt, Town of Medina, Section 4 (1lot, 5.4 acres)
APP #9588, Kirch, town of Mazomanie, Section 36 (1 lot, 16.07 acres)

The report was accepted by the Committee.

K. Other Business Authorized by Law

**2014
RPT-034**

Review of Zoning and Land Regulation Committee Rules and Procedures

A motion was made by MATANO, seconded by BOLLIG, that Staff be directed to make the following changes to the rules and procedures subject to approval by the Committee at a future meeting. The motion carried by a voice vote.

- 1i. The meeting time shall be changed to 7:00pm.
- 2a. Language shall be introduced to include policies regarding road frontage exceptions.
- 2b. Staff shall provide options to reflect resource protection corridors on certified survey maps or other documents.

L. Adjourn

A motion was made by BOLLIG, seconded by MATANO, to adjourn the Zoning and Land Regulation Committee. The motion carried unanimously. Time: 9:00pm.

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.