

Dane County



Minutes

Tuesday, June 14, 2016

6:30 PM

**City - County Building, ROOM 354
210 Martin Luther King Jr. Blvd., Madison
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Zoning & Land Regulation Committee

A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.
Staff present: Lane and Violante

Note: Miles arrived at 6:38pm.

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and DENNIS O'LOUGHLIN

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

No comments made by the public.

[2016
RPT-159](#)

Registrants at the June 14, 2016 ZLR Committee meeting

C. Consideration of Minutes

[2016
MIN-086](#)

Minutes of the June 1, 2016 Zoning and Land Regulation Committee meeting

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that the Minutes be approved. The motion carried 4-0.

[2016
MIN-085](#)

Minutes of the May 24, 2016 Zoning and Land Regulation Committee meeting

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that the Minutes be approved. The motion carried 4-0.

[2016
MIN-084](#)

Minutes of the May 10, 2016 Zoning and Land Regulation Committee meeting

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that the Minutes be approved. The motion carried 4-0.

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

[10983](#)

PETITION: REZONE 10983
APPLICANT: RICHARD SCOTT MOONEY
LOCATION: EAST OF 6645 HYSLOP ROAD, SECTION 35, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO R-3 Residence District
REASON: less restrictive rear yard setback

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1.A deed restriction shall be recorded on the property to prohibit any land division of the property.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[10985](#)

PETITION: REZONE 10985
APPLICANT: ROBERT E MCDOWELL
LOCATION: 5343 OAK PARK ROAD, SECTION 20, TOWN OF MEDINA
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District
REASON: creating one residential lot

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on parcels 0812-204-8000-7 and 0812-204-8500-2 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

2.A deed restriction shall be recorded on the A-2 property to prohibit any land division of the property.

3. A site development plan shall be approved by the Town of Medina prior to a zoning permit being issued on the property.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[10987](#)

PETITION: REZONE 10987
APPLICANT: TRACI J JONES
LOCATION: 10804 KINGSLAND ROAD, SECTION 20, TOWN OF BLUE MOUNDS
CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes District, RH-3 Rural Homes District TO RH-4 Rural Homes District
REASON: shifting of property lines between adjacent land owners

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10988](#)

PETITION: REZONE 10988
APPLICANT: KALTENBERG TRUST
LOCATION: 4989 COUNTY HIGHWAY TT, SECTION 34, TOWN OF SUN PRAIRIE
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District
REASON: separating existing residence from farmland

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

CUP 2341

PETITION: CUP 2341

APPLICANT: KALTENBERG TRUST

LOCATION: 4989 COUNTY HIGHWAY TT, SECTION 34, TOWN OF SUN PRAIRIE

CUP DESCRIPTION: unlimited livestock on 3 to 16 acres

A motion was made by BOLLIG, seconded by MILES, that this Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote: 5-0.

- 1. Livestock shall be limited to a maximum of 200 animal units, limited to beef or dairy cattle only.**
- 2. Owner/Operator shall be responsible for instituting and complying with a nutrient (manure) management plan written to NRCS 590 standards and approved by Dane County Land Conservation.**
- 3. Any modification of the existing manure storage structure should be consistent with Dane County Code of Ordinances Chapter 14, Subchapter 1.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10989](#)

PETITION: REZONE 10989
APPLICANT: ROBERTS IRREV FAMILY TR 2012
LOCATION: 2479 GLENN DRIVE, SECTION 21, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District, C-1 Commercial District TO A-2 Agriculture District, A-1EX Agriculture District TO A-2 Agriculture District
REASON: moving existing C-1 zoning east of its current location and rezoning remaining A1-EX to A2

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1. A deed restriction shall be recorded on the property to identify the following limitations on the property.**
 - a. The C-1 Commercial Zoning District boundary shall be limited to wedding and banquet hall land uses only.**
 - b. Hours of operation for the hall shall be limited to 9am to Midnight.**
 - c. All activities shall be conducted indoors, unless amended through the conditional use permit process. Outside loudspeakers or amplified sounds are prohibited.**
 - d. One 6'x8' sign identifying the commercial use shall be permitted to be located at the property entrance.**
 - e. The site development plan, including driveway, buildings, and parking area shall be reviewed and approved by the Town of Pleasant Springs prior to construction.**
 - f. Owner/operator shall notify the Town of events over 200 people a minimum of 2 weeks in advance.**
- 2. Applicant shall provide a design for an improved entrance from Glenn Drive to CTH N that will allow for safe two-way traffic entering and leaving Glenn Drive for the review and approval of the Town and concurrent by Dane County, and will pay for construction of the improved entrance in coordination with upcoming CTH N construction.**
- 3. The applicant will enter into a developer's agreement with the County, if required, regarding the improvement of the entrance from CTH N to Glenn Drive and provide a copy to the Town.**
- 4. The owner/operator shall obtain approval for all storm water management and erosion control measures by Dane County Land and Water Resource Department. The measures shall be installed and maintained per the approved plans.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 2338](#)

PETITION: CUP 2338
APPLICANT: HALFWAY PRAIRIE LLC
LOCATION: 6053 STATE HIGHWAY 78, SECTION 10, TOWN OF MAZOMANIE
CUP DESCRIPTION: renew conditional use permit for an existing mineral extraction site

A motion was made by MATANO, seconded by MILES, that the suggested conditions of the Conditional Use Permit be amended by adding the following additional condition. The motion carried by the following vote: 5-0.

- 1. One-foot tall minimum white pine evergreen trees shall be planted at the top of the entire berm along Highway 78 at intervals of every 15 feet. The trees shall be planted within 6 months of the date of the CUP effective date.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Conditional Use Permit be approved as amended with 27 conditions. The motion carried by the following vote: 5-0.

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, that receives approval of an erosion control permit from the the Dane County Land & Water Resources Department.
2. The applicant shall apply for and receive all other required local, state and federal permits before extraction commences and proof shall be on file with both the Dane County Planning and Development Department and the Town of Mazomanie.
3. There shall be no use of any Town of Mazomanie roads by any hauler either for approaching or leaving the subject site, except to deliver material as a final destination to a site in the Town of Mazomanie or by permission of the Mazomanie Town Board.
4. The total disturbed area of the site shall not exceed thirty (30) acres at one time, excluding berms.
5. Operator will create an 10 foot landscaped earthen berm around the opened area of the pit for the purpose of mitigating the noise and for visual and safety concerns of the neighbors. The berm shall be seeded and maintained in a slightly condition and mowed periodically to prevent weed infestation.
6. The operator shall develop and operate the site according to the proposed site and operations plan dated February 1, 2016; and the reclamation plan (sheets 4 and 5 of 5 Wipperfurth/Beuthin Pit Reclamation Plan) dated April 30, 2014.
7. Operations shall cease no later than fifteen (15) years from the date of CUP approval unless review shows that an extension is warranted. For the duration of this CUP, operation is exclusive to Halfway Prairie, Inc. A new CUP will need to be approved in order for a different operator to mine this site.
8. Reclamation shall meet requirements as defined in NR135 and Chapter 74 of the Dane County Code of Ordinances (DCCO). The property shall be reclaimed to farming and agricultural uses. The operator agrees to stockpile the topsoil separately from the overburden and to replace the overburden and topsoil in the proper sequence. Final reclamation of the site shall be completed within twelve (12) months of the expiration of the CUP.
9. The first 300' of the driveway accessing the subject site shall be paved. 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.
10. The operator and all haulers shall access the CUP site only through the proposed entry indicated on the site plan.
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 shall be as follows:
6:00 am to 6:00 pm Monday – Friday, and 6:00 a.m. to 2:00 p.m. on Saturdays. There shall be no operations on Sundays or any legal holidays. These hours of operation may be expanded with the approval of the Town Board if the operations are being solely performed for a public contract of unusual conditions.
13. The only installed/permanent lighting on the subject property will be an exterior scale house light.
14. There shall be no blasting or drilling on the site.
15. There shall be a safety fence around the perimeter of the extraction area at all times. This fence shall be comprised of a basic 39"-48" woven wire with two barbs farm fence with posts placed 12' apart and "NO TRESPASSING" signs at regular intervals. No extraction activities shall take place until after the fence is in

place.

16. The operator shall use water spray bars in the crushing process and screening process to eliminate dust and fugitive emissions. The operator shall spray the site with water when needed to control dust. The use of spray bars is not required when the temperature is below freezing. Verified complaints from neighboring landowners of blowing dust and sand will result in immediate corrective actions by Yahara Materials. Yahara Materials agrees to abide by all DNR air quality standards.

17. There shall be no bulk fuel stored on site. In cases where the operator wishes to have bulk fuel stored on site, the operator should indicate why and provide and receive approval from the Dane County Land Conservation Department of a spill containment plan that meets state regulations prior to storing bulk fuel on the site.

18. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands five (5) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.

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

20. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.

21. A hydrological water table study shall be performed before any disturbance at the site. This study must show the underground water movements, particularly in relation to the landfill site nearby and any residences that may be in the path of underground water movement.

22. The mineral extraction site shall be designed so that trucks will maintain a forward direction while entering, loading and leaving whenever possible.

23. Trucks shall not use engine brakes (jake brakes) in the vicinity of the mineral extraction site.

24. Dane County and the Town of Mazomanie 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 may commence. The liability insurance policy shall remain in effect until two (2) years after reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Mazomanie.

25. The operator must post a copy of this conditional use permit (#2338), including the list of conditions, on the work site.

26. The zoning administrator or designee may enter the premises of the operation to inspect those premises with reasonable advance notice to ascertain compliance with these conditions or to investigate an alleged violation. Anyone inspecting the property will be escorted by Yahara Materials and will comply with all safety regulations.

27. One-foot tall minimum white pine evergreen trees shall be planted at the top of the entire berm along Highway 78 at intervals of every 15 feet. The trees shall be planted within 6 months of the date of the CUP effective date.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 2103](#)

REVIEW AND POSSIBLE REVOCATION OF CUP #2103

Landowner: Oak Park Quarry, LLC

Location: 3522 Oak Park Road, Section 29, Town of Deerfield

Reason: compliance with conditions of approval and standards found in Dane County Code of Ordinances Section 10.255(2)(h)

A motion was made by BOLLIG, seconded by O'LOUGHLIN, not to revoke Conditional Use Permit #2103, notwithstanding that future violations of the conditions of approval will be cause for revocation actions to be enacted. The motion carried by the following vote: 3-2.

Ayes: 3 - BOLLIG, KOLAR and O'LOUGHLIN

Noes: 2 - MATANO and MILES

E. Plats and Certified Survey Maps

[2016 LD-016](#)

Final Plat - 8Twenty Park

City of Madison

Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(12(2)(b)).

A motion was made by BOLLIG, seconded by MATANO, to find no objection to the final plat. The motion carried by a voice vote.

[2016 LD-015](#)

Final Plat - Happy Valley Addition to Windsor Crossing

Village of Windsor

Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(12(2)(b)).

A motion was made by BOLLIG, seconded by MATANO, to find no objection to the final plat. The motion carried by a voice vote.

[2016 LD-017](#) Preliminary Plat - Daybreak Valley
Town of Middleton, Section 5
Staff recommends approval subject to conditions.

A motion was made by MATANO, seconded by O'LOUGHLIN, to approve the preliminary plat subject to the following conditions. The motion carried by a voice vote.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. The public park land appropriation requirement is to be satisfied
3. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
4. Utility easements are to be provided.
5. Grading and surfacing. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Middleton.
6. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
7. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
8. The required approval certificates are to be satisfied.

F. Resolutions

G. Ordinance Amendment

H. Items Requiring Committee Action

[2016
ACT-118](#) Discussion and possible action: Delegate alternate person of planning staff to review certified survey maps pursuant to Dane County Code of Ordinances Section 75.17(1)(b).

A motion was made by MILES, seconded by MATANO, to delegate Dane County Surveyor Dan Frick as the alternate person of Planning Staff to act as a signature for the Zoning and Land Regulation Committee pursuant to Dane County Code of Ordinances Section 75.17(1)(b). The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

I. Reports to Committee

[2016
RPT-147](#) Report of approved Certified Survey Maps

J. Other Business Authorized by Law

K. Adjourn

A motion was made by MILES, seconded by BOLLIG, to adjourn the meeting of the Zoning and Land Regulation Committee meeting at 8:53pm. The motion carried unanimously.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@countyofdane.com

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.