



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, September 22, 2020

6:30 PM

GoTo virtual meeting: By phone, call: 1-866-899-4679
enter access code: 362-553-101

By computer:

<https://global.gotomeeting.com/join/362553101>

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The September 22nd 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 1-866-899-4679 enter access code: 362-553-101 or by computer:
<https://global.gotomeeting.com/join/362553101> Note: You will be asked to identify yourself when connected

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 Zoning Administrator Roger Lane by phone at 1-608-266-9078, or by email at lane.roger@countyofdane.com

A. Call to Order

Chair Bollig called the meeting of the September 22, 2020 Zoning and Land Regulation Committee to order at 6:30pm.

Staff present: Allan, Everson, and Lane

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 made by the public.

[2020
RPT-329](#)

Sept 22nd ZLR Committee meeting Registrants

Attachments: [Sept 22nd ZLR meeting registrants](#)

C. Consideration of Minutes

[2020
MIN-153](#)

Minutes of the June 23, 2020 Zoning and Land Regulation Committee meeting

Attachments: [6-23-20 ZLR public hearing minutes.pdf](#)

A motion was made by KIEFER, seconded by PETERS, that the Minutes of the June 23, 2020 Zoning and Land Regulation Committee meeting be approved. The motion carried by a voice vote.

[2020
MIN-154](#)

Minutes of the July 28, 2020 Zoning and Land Regulation Committee meeting

Attachments: [7-28-20 ZLR public hearing minutes.pdf](#)

A motion was made by KIEFER, seconded by PETERS, that the Minutes of the July 28, 2020 Zoning and Land Regulation Committee meeting be approved. The motion carried by a voice vote.

[2020
MIN-155](#)

Minutes of the August 25, 2020 Zoning and Land Regulation Committee meeting

Attachments: [8-25-20 ZLR public hearing minutes.pdf](#)

A motion was made by KIEFER, seconded by PETERS, that the Minutes of the August 25, 2020 Zoning and Land Regulation Committee meeting be approved. The motion carried by a voice vote.

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

11580

PETITION: REZONE 11580
APPLICANT: UNBRIDLED SPIRITS LLC
LOCATION: 2782 WHITE CROSSING ROAD, SECTION 7, TOWN OF VERONA
WETLAND STATUS CHANGE: wetland to non-wetland
REASON: removal of a small wetland area from the wetland inventory map

- Attachments:** [11580 Ord Amend.pdf](#)
[11580 Staff Report.pdf](#)
[11580 Town.pdf](#)
[11580 Wetland GP Coverage Letter - 2012 6079653.pdf](#)
[11580 Wetland Concurrence Letter_WDNR_00340.pdf](#)
[11580 Wetland Delineation Report_00340.pdf](#)
[11580 Other_Navigability Determination_00340.pdf](#)
[11580 Map.pdf](#)
[11580 APP](#)

Registered in support: Stacey Bean and Luke Specketer
Opposed: None

A motion was made by DOOLAN, seconded by SMITH, that the reclassification of wetlands be recommended for approval with the following condition. The motion carried by the following vote: 5-0

- 1. Prior to the start of any land disturbance on the site, the landowner shall obtain the following, including compliance with any permit conditions:**
- a. Shoreland Erosion Control Permits under Chapter 11, Dane County Code;**
 - b. Floodplain Zoning Permits under Chapter 17, Dane County Code;**
 - c. DNR Wetland Fill General Permit GP-SC-2020-13-00340, issued March 11, 2020;**
 - d. A Preliminary Review Letter from the Dane County Land and Water Resources Department, Water Resources Engineering Division, under s. 14.48, Dane County Code. If the Director of the Dane County Land and Water Resources Department, or designee, determines additional controls are necessary, applicant shall obtain a stormwater control permit under s. 14.46, Dane County Code.**
 - e. Any other permits required under federal or state law.**

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11581](#)

PETITION: REZONE 11581
APPLICANT: ECO SOLUTIONS, LLC AND KEITH BIENEMAN
LOCATION: JUST WEST OF 1980 STATE HIGHWAY 92, SECTION 29, TOWN OF SPRINGDALE
CHANGE FROM: RR-8 Rural Residential District TO RM-8 Rural Mixed-Use District , RR-4 Rural Residential District TO UTR Utility District
REASON: rezone two parcels to allow proposed agricultural and residential land uses

Attachments: [11581 Staff Report](#)
[11581 Letter from LWRD regarding restriction](#)
[11581 Easement](#)
[11581 APP](#)
[11581 Map](#)

Registered in Support: Ryan Seib
Opposed: None

A motion was made by KIEFER, seconded by DOOLAN, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11582](#)

PETITION: REZONE 11582
APPLICANT: KYLE J MATHEWS
LOCATION: EAST OF 3934 VILAS HOPE ROAD, SECTION 19, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

Attachments: [11582 Staff Report](#)
[11582 Madison comments](#)
[11582 APP](#)
[11582 Map](#)

Spoke in support: Kyle Mathews
Opposed: City of Madison

A motion was made by KIEFER, seconded by PETERS, that the Zoning Petition be postponed due to no Town action and configuration concerns. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11583](#)

PETITION: REZONE 11583
APPLICANT: JAMES L MEIER
LOCATION: 6005 COUNTY HIGHWAY V, SECTION 20, TOWN OF VIENNA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: separating existing residence from farmland

Attachments: [11583 Ord Amend.pdf](#)

[11583 Staff Report](#)

[11583 Town](#)

[11583 Density](#)

[11583 Map](#)

[11583 APP](#)

Registered in support: James Meier

Opposed: None

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

1. A deed restriction shall be recorded on parcels 0909-202-8500-9 & 0909-202-8000-4 prohibiting further land division.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11584](#)

PETITION: REZONE 11584
APPLICANT: DL DEANS FARMS LLC
LOCATION: EAST OF 5868 LEE ROAD, SECTION 11, TOWN OF DANE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District
REASON: creating a residential lot through a transfer of development right

Attachments: [11584 Ord Amend.pdf](#)

[11584 Staff Report](#)

[11584 Town](#)

[11584 Map.pdf](#)

[11584 APP.pdf](#)

[11584 Density.pdf](#)

Registered in Support: Carl Deans

Opposed: None

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

1. The appropriate agricultural easements and deed notices shall be recorded on the properties to document the transfer of the development right.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11586](#)

PETITION: REZONE 11586
APPLICANT: EHLE INC
LOCATION: 2410 COUNTY HIGHWAY BN, SECTION 23, TOWN OF PLEASANT SPRINGS
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District
REASON: separating existing residence from farmland

Attachments: [11586 Ord Amend.pdf](#)

[11586 Staff Report](#)

[11586 Town](#)

[11586 Density](#)

[11586 Map](#)

[11586 APP](#)

Registered in support: Robert Ehle

Opposed: None

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11587](#)

PETITION: REZONE 11587
APPLICANT: VINEY ACRES LLC
LOCATION: 2171 NORA ROAD, SECTION 27, TOWN OF COTTAGE GROVE
CHANGE FROM: RR-4 Rural Residential District TO RR-2 Rural Residential District, RR-4 Rural Residential District TO FP-1 Farmland Preservation District
REASON: reducing the size of a residential lot and creating an agricultural lot

Attachments: [11587 Ord Amend.pdf](#)

[11587 Staff Report.pdf](#)

[11587 Town.pdf](#)

[11587 Map](#)

[11587 APP](#)

A motion was made by PETERS, seconded by KIEFER, to take up 2020-LD-013 Land Division variance prior to acting on Petition 11587. The motion carried by a voice vote.

[2020 LD-013](#)

Chapter 75 Land Division variance request - Viney Acres (11587)
Town of Cottage Grove

Attachments: [Report](#)

[doc06526720200914092325](#)

A motion was made by PETERS, seconded by DOOLAN, that the Land Division waiver for the proposed lot be approved. The motion carried by a voice vote, 5-0.

Finding of fact: Proposed lot will be zoned FP-1, no residential development allowed.

[11587](#)

PETITION: REZONE 11587
APPLICANT: VINEY ACRES LLC
LOCATION: 2171 NORA ROAD, SECTION 27, TOWN OF COTTAGE GROVE
CHANGE FROM: RR-4 Rural Residential District TO RR-2 Rural Residential District, RR-4 Rural Residential District TO FP-1 Farmland Preservation District
REASON: reducing the size of a residential lot and creating an agricultural lot

Attachments: [11587 Ord Amend.pdf](#)
[11587 Staff Report.pdf](#)
[11587 Town.pdf](#)
[11587 Map](#)
[11587 APP](#)

Registered in support: Donald Viney
Opposed: None

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11589](#)

PETITION: REZONE 11589
APPLICANT: THOMAS W SHANNON
LOCATION: 5525 PORTAGE ROAD, SECTION 21, TOWN OF BURKE
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-2 Rural Residential District
REASON: separating existing residences onto individual properties

Attachments: [11589 Staff Report](#)
[11589 Map](#)
[11589 APP](#)

Registered in support: Tom and Heather Shannon
Opposed: None

A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition be postponed due to no Town Action. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

11590

PETITION: REZONE 11590
APPLICANT: CLAYTON R SWERIG / TOWN OF CHRISTIANA
LOCATION: 1431 COUNTY HIGHWAY W, SECTION 19, TOWN OF CHRISTIANA
CHANGE FROM: FP-35 Farmland Preservation District TO RE Recreational District
REASON: creating an access pathway to an existing cemetery

Attachments: [11590 Ord Amend.pdf](#)
[11590 Staff Report.pdf](#)
[11590 Town.pdf](#)
[11590 Map](#)
[11590 APP](#)

Registered in support: Jim Lowery
Opposed: None

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

CUP 02504

PETITION: CUP 02504
APPLICANT: SN WINDY ACRES LLC
LOCATION: 3158-3160 COUNTY HIGHWAY J, SECTION 1, TOWN OF SPRINGDALE
CUP DESCRIPTION: transient or tourist lodging- Short term rental

Attachments: [CUP 2504 Staff Report](#)
[CUP 2504 Map](#)
[CUP 2504 APP](#)

Spoke in support: Scott Nierbuhr
Opposed: None

A motion was made by KIEFER, seconded by PETERS, that the Conditional Use Permit be postponed due to no Town action. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 02505](#)

PETITION: CUP 02505
APPLICANT: WESTRES QUARRY LLC
LOCATION: EAST OF 4716 STATE HIGHWAY 78, SECTION 2, TOWN OF VERMONT
CUP DESCRIPTION: renewal of a conditional use permit to allow mineral extraction. The proposal expands the quarry boundaries 4 acres to allow for a 15-acre site

- Attachments:** [CUP 2505 APP.pdf](#)
[CUP 2505 Addendum to APP.pdf](#)
[CUP 2505 Concern.pdf](#)
[CUP 2505 Boundary Map.pdf](#)
[CUP 2505 Staff Report](#)
[CUP #2505.pdf](#)

*Spoke in support: Robin Loger with Yahara Materials and Janet Loewi
Opposed: None*

A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be approved with 32 conditions. The motion carried by the following vote: 5-0

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

14) 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.

15) 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.

16) 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.

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.

17) 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.

18) 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.

19) 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."

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- 20) 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.
- 21) 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.
- 22) 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 specifics for this operation below.
- 23) 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.
- 24) 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.
- 25) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
- 26) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.
- 27) 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.
- 28) 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.
- 29) 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.
 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.
 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.
- 30) Hours of operation shall be 6:00 a.m. with no drilling or crushing until 7:00 a.m., to 6:00 p.m. Monday through Friday, and 6:00 a.m. with no drilling or crushing until 7:00 a.m., to 2:00 p.m. on Saturdays. No operations of any kind shall take place on Sundays or legal holidays.
- 31) Operations shall cease no later than ten (10) years from the permit effective date.
- 32) The total disturbed area of the site shall not exceed the fifteen (15.1) acres.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[2020 OA-013](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE Town of SPRINGDALE Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: BOLLIG and DOWNING

Attachments: [2020 OA-13 Ordinance Text.pdf](#)
[2020 OA-13 staff memo Springdale .pdf](#)
[2020 OA-012 10172016 Plan updated 06222020.pdf](#)
[2020 OA-012 Town of Springdale June 22 2020 Plan Commission meeting minutes.pdf](#)

Spoke in support: Town of Springdale Plan Commission Chair Amy Jester
Opposed: None

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[2020 OA-014](#) AMENDING CHAPTER 17 OF THE DANE COUNTY CODE OF
ORDINANCES, REVISING FLOOD INSURANCE RATE MAPS

Sponsors: BOLLIG, JOERS and STUBBS

Attachments: [2020 OA-014 ORDINANCE](#)

[2020 OA-014 Fiscal Note](#)

[2020 OA-014 Staff Report](#)

[2020 OA-014 Location Map.pdf](#)

[2020 OA-014 CLOMR 20-05-1453R-550081](#)

[2020 OA-014 Exhibits](#)

Support: None

Opposed: None

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

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

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

Attachments: [CUP 2500 Staff Update.pdf](#)

[CUP 2500 Town.pdf](#)

[CUP 2500 Madison Letter of Concern](#)

[CUP 2500 Map](#)

[CUP 2500 APP](#)

[CUP #2500.pdf](#)

Register to Speak: Robert Procter and Jacob Mrugacz requested that the expiration of the conditional use permit be extended to 35 years.

A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be approved with 36 conditions. The motion carried by the following vote: 5-0

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

14) 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.

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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.

18) 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.

19) 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."

20) 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.

21) 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.

22) 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 specifics for this operation below.

23) 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.

24) 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.

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

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

27) 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.

28) 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.

29) 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.

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.

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.
- 30) There shall be no blasting on this site.
- 31) The site plan including driveway location, ingress, egress, turn lanes, etc. shall be approved by the Town Engineer prior to construction.
- 32) Hours of operation shall be from 6:00am to 7:00pm, Monday through Saturday. Operations outside of these times must be for projects that require such timing. If hours of operation are extended for a period of five (5) days or more, the operator shall provide a written notice to the Town Clerk no less than 24 hours in advance of extending the hours of operation.
- 33) The operator shall take reasonable measures to control dust on the property.
- 34) An annual road maintenance fee of \$2,000 is submitted to the municipality by December 31st each year.
- 35) For the reclamation plan, applicant shall identify an end land use that will complement the City's development plans for the subject area.
- 36) CUP period: 10 years.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

F. Plats and Certified Survey Maps

[2020 LD-014](#) Kennedy Hills Final Plat
Town of Cottage Grove
Consideration of the August 13, 2020 conditional approval and execution of the plat document pursuant to established committee policy.
Staff recommends the chairperson to sign and date the final plat and proceed with recording.

Attachments: [conditional approval](#)
[plat 2sht1 march](#)
[plat 2sht2 march](#)
[KennedyHillsTDRNotice](#)
[KennedyHillsTDREasement#1](#)
[KennedyHillsTDREasement#2](#)
[19-10](#)
[map](#)

A motion was made by KIEFER, seconded by SMITH, that the plat be signed. The motion carried by a voice vote 5-0. and Dan Everson signed the plat on behalf of Jerry Bollig.

G. Resolutions

H. Ordinance Amendment

[2020 OA-013](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE Town of SPRINGDALE Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: BOLLIG and DOWNING

Attachments: [2020 OA-13 Ordinance Text.pdf](#)
[2020 OA-13 staff memo Springdale .pdf](#)
[2020 OA-012 10172016 Plan updated 06222020.pdf](#)
[2020 OA-012 Town of Springdale June 22 2020 Plan Commission meeting minutes.pdf](#)

See motion above.

[2020 OA-014](#) AMENDING CHAPTER 17 OF THE DANE COUNTY CODE OF ORDINANCES, REVISING FLOOD INSURANCE RATE MAPS

Sponsors: BOLLIG, JOERS and STUBBS

Attachments: [2020 OA-014 ORDINANCE](#)
[2020 OA-014 Fiscal Note](#)
[2020 OA-014 Staff Report](#)
[2020 OA-014 Location Map.pdf](#)
[2020 OA-014 CLOMR 20-05-1453R-550081](#)
[2020 OA-014 Exhibits](#)

See motion above.

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by DOOLAN, seconded by KIEFER, to adjourn the September 22, 2020 Zoning and Land Regulation Committee meeting at 8:05pm. The motion carried by unanimously.

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