

From: Jim Hughes <ajimhughes@gmail.com>
Sent: Wednesday, December 11, 2024 6:31 PM
To: Planning & Development <plandev@danecounty.gov>
Subject: Request for Public Hearing on CUP 2582

To the Zoning and Land Regulation Committee:

Assistant Zoning Administrator Daniel Everson has submitted a report about the K&D Stone quarry operation for the Committee's December 17th meeting.

This report provides clear evidence that K&D Stone is in violation of CUP 2582.

Mr. Everson's report includes the following photo:



His report describes this as “a large pile of brush, trees and branches. The operator will be burning this pile over time.”

This pile meets the definition of “outdoor storage” under the Dane County Zoning Code: “Any activity located primarily outdoors involving the receiving, holding and shipping of materials for a single business.”

Outdoor storage is not permitted in Farmland Preservation zoning.

Note that in October, in conjunction with CUP 2639, the Zoning and Land Regulation committee reviewed an outdoor storage violation at a different location in Rutland Township. Zoning Administrator Roger Lane issued a violation letter which states that the site was not permitted to engage in outdoor storage of wood. The letter includes photos of the wood storage, including this photo:



The wood storage cited in Mr. Lane’s violation letter appears to contain less material than the wood storage pictured in Mr. Everson’s report.

Conclusion: K&D Stone’s wood storage is in violation of the Dane County Zoning Code.

In addition, as stated in Mr. Everson’s report, Condition #1 of CUP 2582 requires that “the operation of the conditional use must conform, in all respects, to the approved site plan.” The approved site plan does not include a location for outdoor storage of wood.

Conclusion: K&D Stone’s wood storage location is in violation of Condition #1 of CUP 2582.

In addition, as stated in Mr. Everson’s report, K&D Stone “will be burning this pile over time.” In fact, K&D Stone has already engaged in wood burning. This past and planned burning meets the definition of a solid waste disposal operation under the Dane County Zoning Code: “A site or facility for the collection, storage, utilization, processing or final disposal of solid waste. (a) Solid waste disposal operations include, but are not limited to: sanitary landfills, land disposal, incinerator, transfer, air curtain destruction, composting reduction, shredding, compression, processing and salvage.”

The Dane County Zoning Code states that “Mineral extraction does not include ... Solid waste disposal operations.

Conclusion: K&D Stone's wood burning is in violation of the Dane County Zoning Code.

In addition, the site and operational plans for CUP 2582 do not include wood burning.

Conclusion: K&D Stone's wood burning is in violation of Condition #1 of CUP 2582.

In addition, Wisconsin DNR prohibits burning wood that originated off-site without a DNR permit. See ch. NR 502, Wis. Adm. Code.

Condition #3 of CUP 2582 states "The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits."

Conclusion: if K&D Stone does not have the required DNR permit then K&D Stone's wood burning is in violation of Condition #3 of CUP 2582.

Holding a public hearing will allow K&D Stone to present evidence of satisfying DNR requirements for past and future wood burning.

In addition, separate from Mr. Everson's report, consider this photo of K&D Stone's fence along Center Road:



The fence is located within the Township public right-of-way. The fence is approximately 23 feet from the road centerline. As shown in Certified Survey Map 16260, the public right-of-way extends 33 feet from the centerline. The fence is approximately 10 feet outside of the K&D Stone property. The K&D Stone approved site plan does not show a fence in this location. Dane County has no jurisdiction over the Township right-of-way and cannot approve locating a fence in Township right-of-way.

Conclusion: K&D Stone's fence location is in violation of Condition #1 of CUP 2582.

Please consider this request for a public hearing as explained in Mr. Everson's report.

Sincerely,

Jim Hughes
Rutland Township