



# Dane County

## Minutes - Final Unless Amended by Committee

### Zoning & Land Regulation Committee

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Tuesday, August 12, 2014

7:00 PM

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

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#### A. Call to Order

Chair Miles called the meeting to order at 7:05pm in Room 354.

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

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

Jim Garfoot, 9234 Jim Garfoot Circle, Town of Cross Plains, made the committee aware of his housing density right issues and disagreements with County Staff regarding development of his properties in the Town of Cross Plains. The Committee suggest that a zoning petition be filed with the County so that the development issue can be formal acted upon by the Town and County.

#### C. Consideration of Minutes

[2014](#)  
[MIN-225](#) Minutes of the July 8, 2014 Zoning and Land Regulation Committee meeting

**Attachments:** [07-08-14 ZLR minutes.pdf](#)

A motion was made by BOLLIG, seconded by MATANO, that the minutes of the July 8th meeting be approved. The motion carried by a voice vote.

[2014](#)  
[MIN-226](#) Minutes of the July 22, 2014 Zoning and Land Regulation Committee meeting

**Attachments:** [07-22-14 ZLR minutes.pdf](#)

A motion was made by BOLLIG, seconded by MATANO, that the minutes of the July 22nd meeting be approved. The motion carried by a voice vote.

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

[10649](#)

PETITION: REZONE 10649  
APPLICANT: WINDSOR GOLF VENTURES INC  
LOCATION: 4628 GOLF DRIVE, SECTION 30, TOWN OF WINDSOR  
CHANGE FROM: RE-1 Recreational District TO R-1 Residence District  
and R-3A Residence District; A-1EX Agriculture District TO R-1  
Residence District  
REASON: creation of thirteen residential lots

**Attachments:** [10649 Staff Update.pdf](#)  
[10649 elevation chart.pdf](#)  
[10649 Town.pdf](#)  
[10649 Comp Plan.pdf](#)  
[10649 Map 1.pdf](#)  
[10649 Map 2.pdf](#)  
[10649 App.pdf](#)  
[10649 boring map.pdf](#)  
[10649 boring report.pdf](#)  
[10649 wetland report.pdf](#)

A motion was made by Salov, seconded by Kolar, to recommend approval. No vote was taken.

A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014. The motion carried by a voice vote.

[10686](#)

PETITION: REZONE 10686  
APPLICANT: Town of Middleton  
LOCATION: Various locations, see details  
CHANGE FROM: Various zoning districts  
REASON: compliance with farmland preservation plan as required by ss 91.38

**Attachments:** [10686 Staff Update.pdf](#)  
[10686 Town.pdf](#)  
[MiddletonFPZ2014 Rezone Application 2014.pdf](#)  
[FPZ Rezone Petition 2014 notice to landowners.pdf](#)

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

[10714](#)

PETITION: REZONE 10714  
APPLICANT: DEBRA L BARSNESS  
LOCATION: 5507 COUNTY HIGHWAY J, SECTION 26, TOWN OF VERMONT  
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District  
REASON: add additional land to an existing residential lot

**Attachments:** [10714 Staff Update.pdf](#)  
[10714 Revised Survey.pdf](#)  
[10714 Town.pdf](#)  
[10714 Map 1.pdf](#)  
[10714 Map 2.pdf](#)  
[10714 App.pdf](#)

A motion was made by BOLLIG, seconded by SALOV, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote, 4-1.

1. The petition shall be amended to assign the zoning district classification of A-2(1) to the proposed 1.6-acre parcel.
2. The petition shall be amended to include the remaining 26-acre parcel to the south. The parcel shall be assigned the zoning district classification of A-2.

**Ayes:** 4 - BOLLIG,KOLAR,MILESandSALOV

**Noes:** 1 - MATANO

[10716](#)

PETITION: REZONE 10716  
APPLICANT: TOWN OF DUNKIRK  
LOCATION: TOWN OF DUNKIRK  
CHANGE FROM: A-1EX Agriculture District To Various Zoning Districts  
REASON: compliance with the adopted Dane County farmland preservation plan per ss 91.38

**Attachments:** [10716 Staff Update.pdf](#)  
[10716 letter.pdf](#)  
[10716 Town.pdf](#)  
[Dunkirk\\_FPZ\\_2014\\_Rezone\\_Application\\_complete.pdf](#)  
[FPZ Rezone Petition 2014 notice to landowners.pdf](#)

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

10720

PETITION: REZONE 10720  
APPLICANT: KARL R DETTMANN  
LOCATION: EAST OF 4204 COUNTY HIGHWAY P, SECTION 15,  
TOWN OF CROSS PLAINS  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes  
District  
REASON: creating three residential lots plus one lot for an existing  
residence

**Attachments:** [10720 Staff Update.pdf](#)  
[10720 Town.pdf](#)  
[10720 Density Study.pdf](#)  
[10720 Updated Lot 3.pdf](#)  
[10720 Map.pdf](#)  
[10720 App.pdf](#)  
[10720 info.pdf](#)

A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote, 3-2.

1. The petition shall be amended to assign the zoning district classification of RH-2 to the proposed Lots 2 and 3. Proposed Lot 1 shall remain RH-1.
2. A deed restriction shall be recorded on Lot 4 of the CSM to prohibit residential development on the lands zoned A-1 Exclusive Agriculture. Housing density rights have been exhausted on the original farm.
3. A joint driveway agreement in accordance with DCCO 75.19(8) shall be approved by the Zoning and Land Regulation Committee and recorded with the Register of Deeds.

**Ayes:** 3 - BOLLIG,KOLARandSALOV

**Noes:** 2 - MATANOandMILES

10725

PETITION: REZONE 10725  
APPLICANT: KEVIN L KLAHN  
LOCATION: 4562 HIGHWAY 92, SECTION 31, TOWN OF RUTLAND  
CHANGE FROM: Wetland District to Non-wetland District  
REASON: reclassification of small wetland area to allow filling

**Attachments:** [10725 Staff Update.pdf](#)

[10725 Town.pdf](#)

[10725 Stormwater.pdf](#)

[10725 Map.pdf](#)

[10725 DNR info.pdf](#)

[10725 App.pdf](#)

A motion was made by SALOV, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote, 4-1.

1 The petition shall be amended to remove only the identified Wetland #2, being 4,225 square feet in size, and identified Wetland #3, being 5,342 square feet in size, from the wetland inventory maps to allow the development of Klondike Farms as presented.

**Ayes:** 4 - BOLLIG, KOLAR, MILES and SALOV

**Noes:** 1 - MATANO

CUP 1613

REVIEW AND POSSIBLE REVOCATION OF CUP 1613 (LIMITED FAMILY BUSINESS)  
LANDOWNER: KENNETH AND VICKI MARTINSON  
LOCATION: 4614 COUNTY HIGHWAY A, SECTION 18, TOWN OF RUTLAND  
VIOLATION: FAILURE TO INSTALL LANDSCAPE BUFFER PER APPROVED CONDITIONS

**Attachments:** [CUP 1613 Staff update.pdf](#)

[CUP 1613 map.pdf](#)

[CUP 1613 violations.pdf](#)

[CUP 1613.pdf](#)

[CUP 1613 records.pdf](#)

[trees under power lines.pdf](#)

A motion was made by BOLLIG, seconded by MATANO, to approve the revocation of Conditional Use Permit #1613. The motion carried by a voice vote.

[CUP 2272](#)

PETITION: CUP 2272

APPLICANT: G & S PROPERTIES OF SPRINGFIELD LLC

LOCATION: 7265 STATE HIGHWAY 19, SECTION 9, TOWN OF  
SPRINGFIELD

CUP DESCRIPTION: continuation of and existing mineral extraction  
operation

Attachments: [CUP 2272 Staff Update.pdf](#)

[CUP 2272 Town.pdf](#)

[CUP 2272 map.pdf](#)

[CUP 2272 app.pdf](#)

A motion was made by MATANO, seconded by KOLAR, to approve Conditional Use Permit #2272 with 28 conditions. The motion carried by a voice vote.

1. The operator shall develop and operate the site according to the Site/Operation Plan as approved via Chapter 74 DCCO.
2. Operations shall cease on the earliest of (a) five (5) years from the date of the CUP's issuance, or (b) when the mineral deposit has been extracted as shown in the grading plan.
3. As used in this section, quarrying means: stripping, drilling, blasting, crushing, washing, stockpiling, loading, scaling and hauling loaded materials from the site.
4. Hours of operations for quarrying will be:
  - 6:00 a.m. to 6:00 p.m. Monday through Friday
  - 8:00 a.m. to 12:00 p.m. Saturdays
  - No operations shall occur on Sundays or legal holidays, except snow plowing activities, which include hauling and disposal of snow.
  - Equipment and vehicles not involved in quarrying operations may enter and leave the site outside of the stated hours of operation. Non-quarrying supplies and equipment may be loaded and unloaded from vehicles; and equipment and vehicles may be repaired and maintained outside of the stated hours of operations. Some equipment warm up and cool down time may also be allowed.
5. Any nighttime lighting shall be tented or shaded to be directed downward and avoid glare shining off the property.
6. No vehicles other than those used in the quarrying operation will be repaired on site, except in an emergency.
7. The applicant shall apply for and receive all other required local, state and federal permits before extraction commences and proof of such permits shall be filed with the Town of Springfield and Dane County.
8. At a minimum, the first 100 feet of the access point to STH 19 shall be paved or replaced with recycled blacktop. The operator shall maintain driveways on the site in a dust free manner in accordance with local, state and federal regulations and shall clean any dust or mud tracked onto public roads on an as-needed basis.
9. The operator shall meet DNR standards for particulate emissions as described in NR 415 of the Wisconsin Administrative Code.
10. The operator shall use water spray bars in the crushing process to reduce dust as needed, except when the temperature is below 32 degrees F. The operator shall use water spraying of the surface to control dust as needed. No additives that have not been approved by government agencies may be used with the water used for Washington aggregates or dust control.

11. All excavation equipment, plants and vehicles shall be fueled, stores, services and repaired on lands 5-foot above the highest water table elevation in order to prevent against groundwater contamination from leaks or spills. No waste oil shall be stored on the site.
12. A spill prevention and emergency response plan shall be in place and apply to all operations on the site including subcontractors and suppliers.
13. The access to the site entrance shall have gates securely locked when the extraction site is not in operation. The site shall be signed "SURFACE MINERAL EXTRACTION SITE – NO TRESPASSING." These signs shall be placed every 200 feet around the perimeter of the quarry and maintained.
14. There shall be a safety fence around the entire extraction area at all times. The safety fence shall be a 5-foot tall woven wire fence with one strand of barbed wire on top.
15. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed the current industry standards for noise abatement.
16. Blasting shall be conducted in the conformity with State of Wisconsin regulations, to include but not limited to sec. Comm. 7.64 (4), Wisconsin Administrative Code, and the standards of the United States Department of the Interior Bureau of Mines.
17. Property owners who request advance notice of blasting (and are located within one mile of the quarry) shall be notified of the approximate time that blasting is scheduled to occur at least one hour prior to blasting. Property owners who no longer wish to be notified can be removed from the notification list if they do so in writing. Blasting may occur only during the hours of 9:00 a.m. to 3:00 p.m., Monday through Friday. The Town of Springfield shall be notified of the blasting as well.
18. Two seismographs will be available upon request to be placed on homeowners' properties.
19. Seismographic records of each blast will be maintained as required by applicable regulations. All records shall be kept on site and be available for review during hours of operations.
20. The County Zoning Administrator, Town Building Inspector or designee may enter the premises of the operations to inspect those premises with reasonable advance notice to ascertain compliance or to investigate an alleged violation. Anyone inspecting the property will be escorted by the operator and will comply with all safety regulations. The operations must remain in strict compliance with the terms and conditions set forth herein. Unless the operations is in strict compliance with the terms and conditions set forth herein, the approval for the conditional use permit is subject to revocation.
21. The Town may request to receive documentation of the Dane County annual site inspections and permit renewal for Dane County Land Zoning.
22. Dane County and the Town of Springfield shall be listed as additional insured's on the operator's commercial general liability insurance policy and the commercial general liability insurance policy of any subcontractor. The policies shall contain a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of certificates of insurance to the Town of Springfield and Dane County as evidence of coverage before operations commence. Such liability insurance policies shall remain in effect until reclamation is complete.
23. Any fiscal impact from the road use damage of needed special services and equipment that the Town incurs that is directly related to the conditional use will be the responsibility of the operator. For example, special fire services, equipment or special rescue service for quarry operations.

24. In the event the operator fails to timely perform any element of the plan of operations, reclamation or erosion control, the Town may give the operator written notice of non-compliance. If the operator fails to cure the deficiency within seven (7) days, or a lesser-stated time in the event of an emergency immediately affecting public health or safety, the Town may enter the property of the operator and take necessary actions to cure the deficiency. The operator agrees that any such actions by the Town are taken for the special benefit of the property as the cost of such actions may be recovered as special charges against the property under Wisconsin law.

25. There shall be no bulk fuel stored on the site.

26. Fly rock shall be contained within the mineral extraction area.

27. Upon completion of the project, the site will conform to the grading plan submitted in the Non-metallic Reclamation Permit.

28. Gary Acker and all owners of the property shall be responsible for the operation and reclamation plan as well. The appropriate paperwork shall be filed at the Town of Springfield to document the responsible parties.

## E. Plats and Certified Survey Maps

[2014 LD-026](#) Final Plat - White Oak Ridge, City of Madison  
(7 lots, 4.2 acres) (application deadline 8/11/2014)  
Staff recommends certification of non-objection

**Attachments:** [aerial.pdf](#)

[27268 White Oak Ridge\\_0001.PDF](#)

A motion was made by MATANO, seconded by KOLAR, to certify the final plat with no objections. The motion carried by a voice vote.

**2014 LD-027** Final Plat - Paragon Place, City of Madison  
(5 lots, 40 acres) (application deadline 8/25/14)  
Staff recommends certification of non-objection

**Attachments:** aerial\_layout.pdf

27275 Paragon Place\_0001.PDF

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

**2014 LD-028** Final Certified Survey Map, Town of Burke, Section 15  
(2 lots, 1.49 acres)

**Attachments:** Burke Pamperin CSM Review 080614.pdf

content.pdf

A motion was made by KOLAR, seconded by BOLLIG, to approve the 2-lot certified survey map. The motion carried by a voice vote.

## F. Resolutions

## G. Ordinance Amendment



## H. Reports to Committee

[2014](#) Approved Certified Survey Map's  
[RPT-249](#)

**Attachments:** [August report.pdf](#)

## I. Other Business Authorized by Law

## J. Adjourn

**A motion was made by KOLAR, seconded by BOLLIG, to adjourn the meeting at 8:46pm. The motion carried unanimously.**

*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.*