

Dane County



Minutes

Tuesday, August 12, 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 7:05pm 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 Minutes of the July 8, 2014 Zoning and Land Regulation Committee meeting
MIN-225

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 Minutes of the July 22, 2014 Zoning and Land Regulation Committee meeting
MIN-226

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

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

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

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

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

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

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,MILESandSALOV

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

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

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

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

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)

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

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.