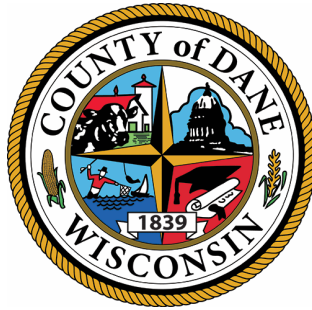


Dane County



Minutes

Tuesday, April 25, 2017

6:30 PM

**City - County Building, ROOM 354
210 Martin Luther King Jr. Blvd., Madison
City - County Building, ROOM 354
210 Martin Luther King Jr. Blvd., Madison**

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: Everson, Standing, and Violante

Youth Governance Members present: Garrett Stolen.

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.

[2017](#)
[RPT-041](#)

Registrants of the April 25, 2017 ZLR Committee meeting

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

[11099](#)

PETITION: REZONE 11099

APPLICANT: DOYLE FARMS INC

LOCATION: NORTH OF 181 UNION ROAD, SECTION 35, TOWN OF OREGON

CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District, A-1EX Agriculture District TO A-4 Agriculture District

REASON: separate farm buildings from farm

In favor: Dan Johnson

Opposed: None

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

1. The petition shall be amended to create an additional 2.01-acre lot to bring the existing non-conforming residential lot into conformance with current regulations. The zoning district classification of A-2(2) shall be assigned to the lot.

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

[11106](#)

PETITION: REZONE 11106

APPLICANT: HANERVILLE REAL ESTATE LLC

LOCATION: 956 VEIUM ROAD, SECTION 14, TOWN OF DUNKIRK

CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District

REASON: creating one residential lot

In favor: Brett Olson

Opposed: None

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

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

11107

PETITION: REZONE 11107
APPLICANT: GEORGE HAUGE
LOCATION: 1834 SCHADEL ROAD, SECTION 36, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: separating existing residence from farmland

In favor: George Hauge

Opposed: None

A motion was made by O'LOUGHLIN, seconded by MILES, 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 parcels 0711-363-9000-7 and 0711-363-9500-2 to prohibit further residential development on the remaining A-1EX Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.**
- 2. A deed notice shall be placed on Lots 1 and 2 identifying that two housing density rights remain as part of this property. The separation of the existing residence from the remainder of the lot will not count against the housing density rights available.**

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

11108

PETITION: REZONE 11108
APPLICANT: ANDREW E ANDERSON
LOCATION: WEST OF 3825 SHOWER ROAD, SECTION 19, TOWN OF VERMONT
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District
REASON: creating one residential lot

In favor: Andrew Anderson

Opposed: Elizabeth Drage was concerned with the design of the driveway.

A motion was made by MATANO, seconded by MILES, that this Zoning Petition be postponed. The motion carried by the following vote: 5-0.

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

11109

PETITION: REZONE 11109
APPLICANT: STEVEN E SCHULZ
LOCATION: 1027 W MEDINA ROAD, SECTION 33, TOWN OF MEDINA
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District, B-1 Local Business District TO A-2 (4) Agriculture District
REASON: bring existing parcels into compliance with current zoning regulations

In favor: Steven Schulz

Opposed: None

A motion was made by O'LOUGHLIN, 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

11110

PETITION: REZONE 11110

APPLICANT: KUHL JT IRREV LIVING TR, ROBERT M & ALTHEA C

LOCATION: LANDS SOUTH OF 5260 TOWER LINE ROAD, SECTION 26, TOWN OF MEDINA

CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District, A-1EX Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District

REASON: rezoning part of farm creating 2 new residential lots and separating the 2 existing homes from the farm.

In favor: Jim Lowrey

Opposed: None

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

1. The Town of Medina's Animal Deed Restriction shall be recorded on each lot.

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

11111

PETITION: REZONE 11111

APPLICANT: RONALD J COTTER

LOCATION: 1494 PLEASANT HILL ROAD, SECTION 2, TOWN OF DUNKIRK

CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District

REASON: creating one residential lot

In favor: Tom Matson

Opposed: None

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

11112

PETITION: REZONE 11112

APPLICANT: CAROLANN THERESA NELSON

LOCATION: 848 STORYTOWN ROAD, SECTION 17, TOWN OF OREGON

CHANGE FROM: R-1A Residence District TO R-3 Residence District, A-1EX Agriculture District TO R-3 Residence District

REASON: combining lots for residential use

In favor: Eric Nelson

Opposed: None

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

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

11113

PETITION: REZONE 11113
APPLICANT: DANIEL S BREUNIG
LOCATION: EAST OF 6625 VIADUCT ROAD, SECTION 12, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: creating one residential lot

In favor: Dan and Kay Breunig
Opposed: None

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. The appropriate easements and restrictions shall be recorded on the property to identify the transfer of a development right in accordance with Dane County Transfer of Development Rights Ordinance.

Ayes: 5 - BOLLIG, KOLAR, MATANO, MILES and O'LOUGHLIN

11114

PETITION: REZONE 11114
APPLICANT: WCPRW TR
LOCATION: 7001 COUNTY HIGHWAY P, SECTION 22, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: separating existing residence from farmland

In favor: Stuart Wolf
Opposed: None

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

Ayes: 5 - BOLLIG, KOLAR, MATANO, MILES and O'LOUGHLIN

11116

PETITION: REZONE 11116
APPLICANT: KCJ LLC
LOCATION: EAST OF 10260 FERTILE RIDGE ROAD, SECTION 22, TOWN OF BLUE MOUNDS
CHANGE FROM: RH-2 Rural Homes District TO RH-4 Rural Homes District, A-1EX Agriculture District TO RH-4 Rural Homes District, A-1EX Agriculture District TO A-2 Agriculture District
REASON: shifting of property lines between adjacent land owners

In favor: Vern Jesse
Opposed: None

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, MILES and O'LOUGHLIN

11117

PETITION: REZONE 11117
APPLICANT: TIMOTHY P SWEENEY
LOCATION: 2778 PRAIRIE CIRCLE, SECTION 7, TOWN OF VERONA
CHANGE FROM: A-3 Agriculture District TO RH-1 Rural Homes District, A-3 Agriculture District
TO RH-2 Rural Homes District, A-3 Agriculture District TO RH-3 Rural Homes District, A-3
Agriculture District TO RH-4 Rural Homes District
REASON: creation of 4 lots

In favor: Noa Prieve
Opposed: None

**A motion was made by MILES, seconded by MATANO, that this Zoning Petition
be postponed. The motion carried by the following vote: 5-0.**

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

11118

PETITION: REZONE 11118
APPLICANT: KIM J BIGLER
LOCATION: 2821 CAVE OF THE MOUNDS ROAD, SECTION 8, TOWN OF BLUE MOUNDS
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: separating existing residence from farmland

In favor: Kim Bigler
Opposed: None

**A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition
be recommended for approval. The motion carried by the following vote: 5-0.
1. The entire septic system shall be within the boundaries of the new lot.**

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

11119

PETITION: REZONE 11119
APPLICANT: GARY G BARBIAN
LOCATION: 8410 COUNTY HIGHWAY Y, SECTION 11, TOWN OF ROXBURY
CHANGE FROM: R-1 Residence District TO A-2 Agriculture District, A-1EX Agriculture District
TO A-2 Agriculture District
REASON: separating existing residence from farmland

In favor: Gary Barbian
Opposed: None

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

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

11120

PETITION: REZONE 11120
APPLICANT: STEPHEN D FLACH
LOCATION: 8716 RIDGE DRIVE, SECTION 27, TOWN OF PRIMROSE
CHANGE FROM: A-2 (8) Agriculture District TO RH-4 Rural Homes District, A-2 (8) Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-4 Rural Homes District, A-1EX Agriculture District TO A-2 Agriculture District
REASON: shifting of property lines between adjacent land owners

In favor: Stephen Flach

Opposed: Cindy and Jeff Hisel

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be postponed due to no town action and public opposition. The motion carried by the following vote: 5-0.

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

11121

PETITION: REZONE 11121
APPLICANT: RADEMACHER LIVING TR, BRUCE & SHELLY
LOCATION: 5007 COUNTY HIGHWAY TT, SECTION 34, TOWN OF SUN PRAIRIE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, R-1 Residence District TO A-2 (2) Agriculture District
REASON: creating one residential lot

In favor: Bruce Rademacher

Opposed: None

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 northerly A-2(2) lot prohibiting residential development on the property. The existing house shall be removed from the property.**
- 2. A deed restriction shall be recorded on the southerly A-2(1) lot prohibiting occupancy of any new residence until such time as the residence at 5007 County Highway TT is removed.**

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

11122

PETITION: REZONE 11122
APPLICANT: KEITH K KRAMER
LOCATION: EAST OF 4721 SCHNEIDER DRIVE, SECTION 30, TOWN OF DUNN
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District
REASON: creating one residential lot

In favor: Brett and Lindsay Kramer
Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, 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 parcels 0610-302-9000-4 and 0610-302-8500-1 to prohibit further residential development on the remaining A-1EX Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

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

11123

PETITION: REZONE 11123
APPLICANT: KYLE O KLAWITTER
LOCATION: NORTH OF 1939 HUBRED LANE, SECTION 23, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO A-2 Agriculture District
REASON: creating two residential lots

In favor: Dyle Klawitter. The applicant requested that the petition be postponed.
Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning Petition be postponed at the petitioner's request. The motion carried by the following vote: 5-0.

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

CUP 2375

PETITION: CUP 2375
APPLICANT: MALY ENTERPRISES LLC
LOCATION: 5353 MALY ROAD, SECTION 24, TOWN OF BURKE
CUP DESCRIPTION: tavern

In favor: Mike Maly, Stephanie Farnia, and Nicholas Hanson

Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Conditional Use Permit be approved with 7 conditions. The motion carried by the following vote: 5-0.

- 1.The CUP is limited to 5353 Maly Rd Unit B first floor inside only.**
- 2.The applicant shall apply for, receive and keep current Federal and State permits pertaining to the operation of a distillery and remain compliant with rules thereof.**
- 3.On site consumption of alcohol is limited to taste samples as allowed under the manufacturer permit issued by the DOR (currently 1.5 ounces per person per day)**
- 4.Hours of operations shall be limited to Thursday and Friday 4 p.m. to 8 p.m., Saturday 11 a.m. to 5 p.m. and Sunday 12 p.m. to 3 p.m.**
- 5.Occupancy is limited to 20 people (including staff and customers); never to exceed the limit imposed by the Fire Inspector for the Sun Prairie Volunteer Fire Department Inc.**
- 6.Any free standing signage must be approved by the City of Madison.**
- 7.Operator will take adequate measures to ensure employees and customers obey Town of Burke parking regulations as to not impede traffic on Maly Road.**

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

11133

PETITION: REZONE 11133
APPLICANT: DOHM REV LIVING TR, RICHARD E & PAMELA H
LOCATION: 1206 FRITZ ROAD, SECTION 7, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: separating existing residence from farmland

In favor: Richard Dohm

Opposed: None

A motion was made by O'LOUGHLIN, 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

2016
OA-085

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE TOWN OF BERRY COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

In favor: Town Chair Tony Varda

Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Ordinance be postponed. The motion carried by the following vote: 5-0.

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

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

11094

PETITION: REZONE 11094
APPLICANT: JULIE M DIETERLE
LOCATION: 1952 COUNTY HIGHWAY W, SECTION 30, TOWN OF CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: separating existing residence from farmland and creating a new 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: 5-0.

1. A deed restriction shall be recorded on Lot 2 which states,"The landowner or future landowner understands that the adjacent quarry activity involves blasting, heavy vehicle and equipment use, noise, dust, and operation during the evening or early in the morning, that maybe of nuisance. The landowner owner or future landowners understand and accept the adjacent quarry land use and further agree not to file claims regarding the quarry activity as being a nuisance."

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

11103

PETITION: REZONE 11103
APPLICANT: PAUL J TUITE & TAMMY LATOUR
LOCATION: 6257 MARY IDA DRIVE, SECTION 3, TOWN OF BURKE
CHANGE FROM: R-1 Residence District TO A-1 Agriculture District
REASON: shifting of property lines between adjacent land owners

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

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

11105

PETITION: REZONE 11105
APPLICANT: WENDY PACETTI
LOCATION: 1841 RANGE TRAIL, SECTION 34, TOWN OF VERONA
CHANGE FROM: RH-3 Rural Homes District TO RH-1 Rural Homes District
REASON: creating four residential lots, one for existing home

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion failed by the following vote: 1-4 (Oloughlin - Aye)

Ayes: 1 - O'LOUGHLIN

Noes: 4 - BOLLIG,KOLAR,MATANOandMILES

**A motion was made by MATANO, seconded by MILES, that this Zoning Petition be recommended for denial.
No vote.**

A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be postponed. The motion carried by the following vote: 4-1 (Matano - Nay)

Ayes: 4 - BOLLIG,KOLAR,MILESandO'LOUGHLIN

Noes: 1 - MATANO

11115

PETITION: REZONE 11115
APPLICANT: CHRISTOPHER W MILLER
LOCATION: 8096 US HIGHWAY 18 & 151, SECTION 13, TOWN OF SPRINGDALE
CHANGE FROM: R-4 Residence District TO LC-1 Limited Commercial District
REASON: zoning change to allow a landscaping company

A motion was made by MILES, seconded by MATANO, 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 placed on the property to limit the land uses to a lawn maintenance and snow plowing business. The business shall comply with all conditions as noted in Dane County Conditional Use Permit #2376.

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

CUP 2376

PETITION: CUP 2376
APPLICANT: CHRISTOPHER W MILLER
LOCATION: 8096 US HIGHWAY 18 & 151, SECTION 13, TOWN OF SPRINGDALE
CUP DESCRIPTION: Residence for owner of the business

A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be approved with 14 conditions. The motion carried by the following vote: 5-0.

- 1.The LC-1 use shall be limited to a lawn maintenance and snow plowing business conducted off-site. It is a service oriented business with no manufacturing, assembly of products on the premises.**
- 2.The Hours of Operation shall be Monday – Saturday, 7 a.m. – 7 p.m. during lawn maintenance season and as needed during snow plowing season.**
- 3.The number of employees is 4, not including the resident/co-owner residing on the property. The number of hours each employee shall spend on site is 5 hrs./week to arrive to pick up equipment and supplies at the start of the day and to return equipment and supplies at the end of the day. (Four employees on site no more than 5 hours a week per employee = 20 hours a week of on-site activity.)**
- 4.No retail sales shall be conducted on the property.**
- 5.Outside amplification of sounds is prohibited.**
- 6.Signage is prohibited.**
- 7.All outside lighting shall comply with the Town of Springdale Dark Sky Lighting Ordinance. (All lighting shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixture shall be full cut-off fixtures which prevent upward transmission of light. All night photo cell controlled lighting shall not be permitted, however, motion controlled and switch controlled security lights are acceptable.)**
- 8.Outside storage of materials shall be shielded from visibility from the highway and from the residence to the West. Road salt stored outside shall be limited to 5 yards of salt, stored in such a manner to prevent soil infiltration and/or run-off and in compliance with DNR standards.**
- 9.Debris from job sites shall be disposed of off-site and burning on-site is prohibited.**
- 10. All equipment shall be stored inside the accessory buildings. (The equipment consists of 2 pick-up trucks, 2 trailers, 2 riding lawnmowers, 2 skid loaders, 2 plows, 2 salt boxes, 1 dump trailer and several snow blowers.)**
- 11.The existing natural vegetative screening between this lot and the neighbor to the West shall be maintained.**
- 12.All employee vehicles, not to exceed 4 vehicles, shall be parked as close to the outbuilding as possible.**
- 13.The existing second residential-like structure on the lot shall be office space; at no point shall it be used as a residence.**
- 14.Architectural review and approval by the Springdale Plan Commission shall be required for any proposed improvements to the lot, and shall include review of the exterior appearance, design, size and character of the proposed improvements, including parking facilities. The improvements shall enhance the rural quality of life throughout the town.**

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

CUP 2371

PETITION: CUP 2371

APPLICANT: DIANE V FINK

LOCATION: 2732 STATE HIGHWAY 78, SECTION 14, TOWN OF BLUE MOUNDS

CUP DESCRIPTION: continue existing mineral extraction operation

A motion was made by MILES, seconded by O'LOUGHLIN, that this Conditional Use Permit be approved with 22 conditions. The motion carried by the following vote: 5-0.

- 1.The applicant shall submit an erosion control plan covering the area to be disturbed and receive approval of an erosion control permit prior to commencing extraction operations.
- 2.The applicant shall apply for and receive all other required local, state and federal permits.
- 3.The operator shall develop and operate the site according to the site/operations and phasing plan submitted for this proposal and dated December 2001.
- 4.Operations shall cease no later than twenty-five (25) years from the date of CUP approval.
- 5.Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
- 6.An undisturbed area between the eastern boundary of the CUP area and the boundary of the quarry expansion area shall be maintained as shown on the operations plan.
- 7.Screening will be achieved with berms and vegetation in preparation for eastward expansion of the quarry.
- 8.The driveway accessing the 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.
- 9.The operator and all haulers shall access the CUP site only through those points designated as entrances on the site/operations plan.
- 10.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."
- 11.There shall be a minimum setback of 20' from the property line. Berms may be contained within this setback area.
- 12.Hours of operation shall be as follows:
 - For the period of April 1 through November 30, the hours shall be 6:30 a.m. – 5:00 p.m. Monday through Friday and 7:00 a.m. to 2:30 p.m. on Saturdays.
 - For the period of December 1 through March 31, the hours of operation shall be 7:00 a.m. – 4:00 p.m. Closed on Saturday and Sunday.
- 13.The following blasting procedures must be followed:
 - Blasting will be conducted by a properly licensed class 5, 6 or 7 blaster
 - Notifications will be made by the blasting contractor and/or Yahara Materials twenty-four (24) hours before any blast.
 - A blasting log will be required for each blast.
 - All blasting will be recorded on a seismograph.
 - All seismographic records will be available at any time for review by the township.
 - All blasting must meet state standards.
- 14.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.
- 15.The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
- 16.The operator must have a spill containment plan for bulk fuel stored on site.

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

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

19.Dane County and the Town of Blue Mounds shall be listed as additional named insureds on the Fink's Paving and Excavation, Inc. liability insurance policy, which shall be for a minimum of \$2,000,000 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.

20.The owner/operator must post a copy of this conditional use permit #2371, including the list of all conditions, on the work site.

21.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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.

22.If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.

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

CUP 2373

PETITION: CUP 2373
APPLICANT: EASTMAN HUNTING CLUB INC
LOCATION: 278 LAKE DRIVE, SECTION 35, TOWN OF ALBION
CUP DESCRIPTION: mineral extraction, concrete batch plant, and asphalt plant operation

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Conditional Use Permit be approved with 33 conditions. The motion carried by the following vote: 5-0.

- 1.No mineral extraction or related activities shall occur unless they are directly connected to the WisDOT project to reconstruct I-39/90.
- 2.Hours of operation shall be as follows:
 - a.Mining: 6:00 am to 6:00 pm, Monday – Friday, and occasional Saturdays
 - b.Crushing and washing: 24/7, Monday - Friday, and occasional Saturdays
 - c.Concrete and asphalt batching: day or night as required to meet WisDOT contract requirements, Monday – Saturday and occasional Sundays
- 3.Applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
- 4.Operator shall apply for and receive all other required local, state and federal permits. No activity for which a state, federal or county permit is required shall occur on the property until the required permit has been issued, and until a copy of the permit has been provided to the Town Clerk.
- 5.The operator shall develop and operate the site according to the site/operations and phasing plan dated January 19, 2017.
- 6.Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
- 7.The driveway accessing the subject site shall be paved, at a minimum, a distance of 100 feet from the public road. 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.
- 8.The operator and all haulers shall access the CUP site only from the west on the designated entrance on Lake Drive Road.
- 9.The access the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed “no trespassing”.
- 10.There shall be no blasting on the site.
- 11.The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust. The applicant must provide weekly DOT erosion control reports upon request from the Town. The Town has the right to request dust control measures on the site.
- 12.The CUP shall expire upon the earlier to occur of the following:
 - a.The date that all sands and gravel located on Site and Site 2 are completely exhausted.
 - b.The date that a total of 600,000 cubic yards of sands and gravel located on the Site and Site 2 have been extracted.
 - c.November 30, 2022.
 - d.The date the I-39 construction project of the North Corridor defined as 20 miles north or south of the Site is complete.
- 13.Operators shall submit documentation to the County demonstrating the volume of sands and gravel removed from the sites on a monthly basis.
- 14.No water shall be discharged from the site.

15.A fuel containment plan is required for any fuel stored on site.

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

17.The operator shall meet DNR standards for particulate emissions as described in NR415.075 and NR 415.076.

18.Dane County and the Town of Albion shall be listed as primary additional named insureds on the Hoffman Construction liability insurance policy, which shall provide for a minimum of \$1,000,000 of combined single limit coverage per occurrence. 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.

19.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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.

20.Applicant will not use haul route heading south on Hillside Road for sand and gravel mined from the existing nonconforming (NC) mineral extraction site located at 487 Hillside Road (Site 2) and delivered to the Radio Tower Site (Site 1) (see attached map).

21.The high capacity well will be capped and abandoned when project is complete.

22.Applicant will complete annual sampling a maximum of two (2) nearby wells to check for contaminants. Applicant will complete this sampling for duration of CUP permit (8 years). Prior to the start of the site operations, a sample will be taken to establish a base line for the test well. If tests indicate a change from the baseline and exceed state standards, applicant will work with Town to remediate. The location of the test well or wells will be limited to a maximum of two and must be agreed to by both the Township and Applicant. Test will be performed by an independent lab and be consistent to water sampling recommendations for the county. The Town Engineer shall provide a definition for contaminants.

23.Applicant will direct lighting so that it doesn't leave the site. A photometric plan can be provided at the request of the township and may require modifications to the lighting plan to avoid impact on others. Lighting will be directed away from property lines. No lighting is anticipated outside of the property. Lighting that may impact adjacent owners can be mitigated by additional berm height.

24.Noise from the site shall be controlled by establishing a decibel limit with the County and the Town. The county shall establish appropriate levels and monitoring details with approval from the Town Board since noise from the Interstate does impact this area as well. The Town may request that the Applicant use white noise back-up noises on the site.

25.A berm of a minimum height of three (3) feet high will be placed along Hillside Road and Lake Drive, as measured from existing road centerline or ground level at the berm location, whichever is higher. If there are any substantial concerns with noise, light, or views, the berm shall be made taller up to a maximum of six (6) feet in the locations of greatest concern to the Town.

26.The applicant shall provide a road bond list for the Town of Albion on Hillside Road and Lake Drive Road in an amount to be determined by the Town Engineer and in a form to be approved by the Town Attorney. Determination of the existing road conditions will be documented by the Township and applicant. Applicant is responsible for all damage to town roads within the Planned Haul Routes. The applicant shall annually meet the requirements of Section 618 of the standard WisDOT specifications entitled Maintenance and Repair of Haul Roads

per the DOT contract for the construction of I-39. At the completion of the CUP, the applicant and the Town will inspect Hillside Road and Lake Drive Road and the applicant shall repair Hillside Road and Lake Drive Road to the satisfaction of the Town Chair.

27. Edgerton Fire Protection District shall review applicant's plan for operations and provide input on any conditions it sees as necessary to protect the public prior to any land disturbing activities.

28. The intersection of Goede Road and Lake Drive is not 90 degrees. Due to barricades being used to close Lake Drive, we recommend the location of the barricades be located close to the intersection to slow down truck traffic and avoid 4-way stop. This will hopefully assist reducing the noise. The Township reserves the right to request the 4-way stop.

29. Access to Hillside Road from the site shall not be permitted.

30. The applicant must complete a certified wetland delineation on the site prior to operation to establish disturbance limits. The Applicant must comply with wetland setback requirements of Dane County.

31. The applicant shall provide quarterly reports of the elevation of the water table at the wellhead and monthly reports of water usage to the Town. The Applicant must promptly address any Town concerns.

32. The Applicant shall address any Town citizen complaints of odor from the Site by meeting with the complainant within 24 hours to discuss commercially reasonable solutions.

33. The applicant shall provide written notice to the Town simultaneous with any required reporting to any county or state agency.

Ayes: 5 - BOLLIG, KOLAR, MATANO, MILES and O'LOUGHLIN

CUP 2374

PETITION: CUP 2374

APPLICANT: G & N LAND HOLDINGS LLC

LOCATION: NORTHWEST CORNER OF PROPERTY AT 1471 US HIGHWAY 51, SECTION 1,
TOWN OF RUTLAND

CUP DESCRIPTION: monopole communication tower

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Conditional Use Permit be approved with 19 conditions. The motion carried by the following vote: 5-0.

1.The primary use of the communication tower permitted under Conditional Use Permit No. 2374 shall be for the transmission and reception of cellular/PCS wireless voice / data communications, and related telecommunications equipment.

2.The communication tower placed, constructed or modified under Conditional Use Permit No. 2374 shall accommodate the collocation of telecommunications equipment for at least two (2) additional telecommunications providers. The initial height of the tower shall be 100' above ground level. However, the tower shall be engineered to be extendable to a maximum height of 155 feet above ground level. Extension beyond 20% of the as-built initial height of the tower (120') shall require amendment and approval of a new Conditional Use Permit.

3.The minimum of two (2) collocation sites required hereunder need not be available on the tower as initially placed, constructed, or modified, provided that the tower will support the later addition of the collocation sites as specified in condition #2, above.

4.Collocation sites required hereunder shall, upon request, be made available by the holder of Conditional Use Permit No. 2374 for the mounting of technologically compatible antenna arrays and equipment at the prevailing market rate in the region and upon contractual provisions which are standard in the industry.

5.The holder of Conditional Use Permit No. 2374 is permitted, if needed, to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Any other user collocating on the tower permitted herein is permitted to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Two or more users of the tower may build a single building with a floor area of no more than 314 square feet per user sharing the building. Buildings constructed or used by tower collocators shall be subject to all conditions established for Conditional Use Permit No.2374, including locational requirements contained in the site plan.

6.The holder of Conditional Use Permit No. 2374 shall, through ownership, lease, option or other means, at all times have the right to use the land associated with the permitted tower for uses related to the use of the collocation sites required hereunder, including the construction and use of buildings as permitted under paragraph 5 herein.

7.The final site plan(s) and design drawings submitted with the CUP #2374 application materials, are fully incorporated herein and continued effectiveness of Conditional Use Permit No. 2374 is expressly conditioned upon compliance with those plans.

8.Upon written inquiry by the committee, the holder of Conditional Use Permit No. 2374 shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all

conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with conditions on Conditional Use Permit No. 2374, all reasonable costs and expenses associated with such consultation shall be borne by the holder of said conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit.

9.The holder of Conditional Use Permit No. 2374 shall within 30 days of any collocation on the permitted tower provide the committee with written notification of the identity of the collocater and the nature of the equipment installed. Within 30 days of the date on which any collocated use ceases, the permit holder shall provide the committee with written notice of the cessation of such use. Any changes due to collocation or otherwise shall be reviewed by the Zoning Administrator prior to implementation to determine if permits are needed and to determine that such changes are in compliance with terms of the CUP and does not significantly alter the appearance or structural integrity of the tower approved and permitted under this CUP.

10.If at any time the communication tower permitted under Conditional Use Permit No. 2374 ceases to be used for the primary use, as identified in paragraph 1 above, for a continuous period of 12 months the permit holder shall, upon notification by the committee, dismantle and remove the tower. If the tower is not removed within 30 days of such notification, Dane County may enter upon the premises and remove the tower at the expense of the holder of the conditional use permit.

11.Prior to issuance of the requested conditional use permit, and as a condition of its continued validity, applicant shall provide Dane County with a bond, or evidence of an existing bond, in the amount of \$20,000 ensuring performance of applicant's obligation to remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit, including payment for such removal by Dane County or its agent, in the event the permit is revoked or the use permitted thereunder ceases for a continuous period of 12 months. Said bond shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond. Applicant shall remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit no less than 30 days prior to the termination or expiration of the bond required hereunder.

12.The applicant shall file a Notice of Proposed Construction on Form 7460-1 to the FAA to assure that the tower will not impact air traffic.

13.Contact with Wisconsin DOT Bureau of Aeronautics should be made prior to construction, if it has not already been done, to determine whether notification to that agency is required.

14.All tower components, appurtenances and transmission lines should be securely bonded and grounded to prevent RF interference caused by stray signals.

15.A Wisconsin-licensed Structural Engineer will approve and stamp the tower design, and certify that the tower can support up to three additional cellular/PCS voice / data antenna arrays. The finished structure should also be inspected by the Structural Engineer.

16.The applicant shall utilize a galvanized or painted finish on the tower to minimize visual impact, if permitted by the FAA.

17. The applicant shall paint steel appurtenances the same color as the tower to minimize visual impact.
18. The tower lease area shall be surrounded by a security fence with fabric privacy screening.
19. Failure to comply with any of the aforesaid conditions shall be grounds for the committee to immediately revoke Conditional Use Permit No. 2374.

Ayes: 5 - BOLLIG, KOLAR, MATANO, MILES and O'LOUGHLIN

E. Plats and Certified Survey Maps

[2016 LD-058](#) Tim Sweeney Land Division Waiver - Public road frontage requirements
Town of Verona
4-lot Certified Survey Map

A motion was made by MATANO, seconded by MILES, that the Land Division waiver to allow lots 2 and 3 to be created with no public road frontage be postponed. The motion carried by a voice vote.

[2016 LD-060](#) Final Plat - Terravessa
City of Fitchburg
Staff recommends a certification of non-objection.

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

[2016 LD-061](#) Preliminary Plat - Spruce Hollow Replat No. 1
Town of Middleton
Staff recommends conditional approval.

A motion was made by MILES, seconded by MATANO, to approve the preliminary plat with 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. All streets shall be noted as dedicated to the public.
4. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
5. Comments from the Dane County Highway department are to be satisfied:
 - CTH S is a controlled access highway.
 - No access should be designated across the entire frontage along CTH S.
 - Right of way appears to be correct.
6. Utility easements are to be provided.
7. 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.
8. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
9. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
10. The required approval certificates are to be satisfied.

F. Resolutions

G. Ordinance Amendment

[2016](#)
[OA-085](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF
ORDINANCES, INCORPORATING THE TOWN OF BERRY
COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE
PLAN

See motion above.

H. Items Requiring Committee Action

I. Reports to Committee

J. Other Business Authorized by Law

K. Adjourn

A motion was made by AL MATANO, seconded by PATRICK MILES, to adjourn
the April 26, 2017 Zoning and Land Regulation Committee meeting at 8:48pm.
The motion carried unanimously.

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