



DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

Date: September 30, 2020
To: Zoning and Land Regulation Committee members
From: Roger Lane, Dane County Zoning Administrator
RE: Summary of concerns regarding CUP #2496
Cc: Todd Violante, Director of Planning and Development

*Housing &
Economic Development*
(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

Pursuant to Wisc. Stat. 59.69(5e), The applicant [of a conditional use permit] must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. County Staff has compiled a list of concerns that were raised as part of the public hearing held on Conditional Use Permit Application #2496. The Committee should decide if the concerns that are listed below are reasonable and that additional information is warranted, or if the concerns are of such a nature that mitigating conditions are not feasible. Staff has included recommendations where appropriate.

1. Truck traffic: The application did not provide information regarding the types of trucks, truck routes, or volume of traffic as required by submittal requirements. Standard 4 – Staff suggests that the applicant provide documentation regarding anticipated truck traffic.
2. Road Safety: Concerns were raised regarding the conflicts between large vehicles and pedestrian/bicyclists using the roadway together. Several residents stated that truck traffic on Center Road and nearby town roads was already unsafe due to the narrow and undulating nature of the roads. They further stated that additional truck traffic would exacerbate the situation. Standard 1&4 – Staff suggests that the applicant provide information on what measures can be done to ensure safety and reduce conflicts.
3. Access Safety: Concerns were raised regarding the entrance/exit for the quarry operation. Standard 5 – Staff suggests that the applicant provide information and map showing how the access point is designed including adequate visibility and other measures will be taken to provide a safe access point. What measures are being taken to reduce the amount of dirt being tracked onto the public right-of-way.
4. Site Safety: Concerns were raised regarding unauthorized persons entering the site. Standard 1 – Staff suggests that the applicant provide a response to what measures are in place or will be installed to prevent/discourage unauthorized persons from gaining access to the site.
5. Road impacts/maintenance: Concerns were raised regarding the negative impacts of heavy truck traffic on the town roads. Standard 2 - Staff suggests that the applicant provide a

response on what measures can be done to protect the conditions of the roads or mitigate impacts on roads.

6. Groundwater contamination: Concerns were raised regarding the materials that are being trucked into to the site causing ground water contamination due to products leaching into the groundwater. Standard 1 & 6 – Staff suggests that the applicant provide a response on hazardous materials stored on site and what measures will be taken to prevent groundwater contamination.
7. Blasting: Concerns were raised regarding the intensity of the previous blasting at the existing quarry and the possible destruction of historic sites in the area (cemetery and homes) if the CUP were to be approved. Standards 1 & 2 – Staff suggests that the applicant provide a response on what measures will be taken to provide protection to the historic sites and neighboring homes.
8. Intensity: Concerns were raised regarding the activity of the site. The application notes that the amount of material extracted from the site will vary year to year. The applicant's testimony stated that the extracted material would just be used for his excavating business. Standard 1 & 2 – Staff suggests that the applicant provide a more definitive answer regarding the amount of material that is projected to be extracted per year at its highest volume. Will the site be retained by the landowner or the area leased to other operators?
9. Reclamation: The application notes that reclamation has been conducted on a portion of the existing quarry. Standard 6 – Staff suggests that the applicant provide additional information and maps showing where the past reclamation has been conducted.
10. Pumping of water: Concerns were raised regarding the dewatering on the site. The application notes that there is a settling pond in the existing quarry area that gets pumped out. Standard 4 & 6 – Staff suggests that the applicant provide information regarding the dewatering practice that has been performed on the site. Provide documentation that the dewatering meets DNR standards/permitting.
11. Noise: Concerns were raised regarding the noise being created as part of the excavation, processing, and loading of material. Standards 1 & 2 - Staff suggests that the applicant provide additional information on what measures have been taken or will be taken regarding the reduction of noise as part of the operation.
12. Dust: Concerns were raised regarding the creation of dust. Standard 1 & 2 – Staff suggests that the applicant provide additional information on what measures are in place or what measures will be taken to control fugitive dust. Provide records of fugitive dust management per DNR regulations.
13. Hours of Operation: Concerns were raised regarding the hours of operation and work being performed on the weekends. The application notes hours of operations but does not identify days of the week. Standard 1 & 2 - Staff suggests that the applicant provide more definitive information regarding days of operation.
14. Conditional Use Permit boundaries: Concerns were raised that the processing and storing of gravel that will be extracted from the CUP area will be conducted outside the CUP boundaries. Standards 4, 5, & 6 – Staff suggests that the boundaries of the conditional use permit be revised to include all activities performed for the operation of the non-metallic mineral extraction process.

15. Decrease property values: Concerns were raised regarding the submitted appraisal report. It was noted that the report does not take into account the obvious conflicts in land use activities between mineral extraction and residences. Standard 2 – Staff suggests that the applicant provide additional information regarding the effects on property values.
16. Town and County Comprehensive Plan policies: Concerns were raised regarding the proposed activity not meeting several policies found in the Town Comprehensive Plan. Standard 7 – Staff suggests that the applicant provide additional information on how the proposal is consistent with the Town and County Comprehensive Plan policies.

CUP STANDARDS: In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. That the conditional use is consistent with the adopted town and county comprehensive plans;
8. If the conditional use permit is located in the FP Farmland Preservation Zoning District the land use shall meet the requirements found under 10.220(1)(b).