



DANE COUNTY PLANNING & DEVELOPMENT

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DATE 1/5/2021

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TO: Zoning and Land Regulations Committee
Roger Lane, Zoning Administrator

Zoning
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FROM: Pamela Andros, Senior Planner

CC: Todd Violante, Director of Planning and Development
Kathleen Clark, Town of Vienna

RE: Summary of Concerns Regarding CUP #2511

Pursuant to Wisc. Stat. 59.69(5e), The applicant for 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 have compiled a list of concerns that were raised as part of the public hearing held on Conditional Use Permit Application #2511. 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. Impact on private wells: A number of concerns were raised about wells, specifically 5 wells that are located within 500' of the proposed CUP area; excavation will be lower than the base of the existing wells; excavation will be lower than the water table; and a potential requirement of replacement of the existing wells, if needed. Applicant should consider what assurances they are willing to offer property owners within 500' of the operation, including potentially paying full cost of repair, modification or replacement of wells failed due to the operations of CUP #2511.
2. Storm water: Citing existing storm water issues in the area, concerns were raised about potential storm water impacts resulting from the proposed operation. The applicant explains that storm water and run off will be contained internally. The mining will begin in the southwest and progress to the northeast, and run off will be directed to a pond already existing in the neighboring operation. The operation must meet Dane County storm water requirements (Chapter 14), and also acquire a stormwater permit from the DNR. The applicant should provide evidence that those standards are met.
3. Property Values: A property assessment or appraisal information regarding this concern could be provided.
4. Number of acres already disturbed: Madison Sand & Gravel operates a substantial amount of mineral extraction in the town. The applicant is in the process of reclaiming portions of the existing mineral extraction site. The town of Vienna has a mineral extraction ordinance that controls for the amount of extraction taking place at any one time by limiting the number of active acreage allowed townwide. This proposal falls within limits set forth in the town ordinance.
5. Sand blowing onto adjacent lands: Concerns were raised about blowing sand from the current operation and a continuation or increase of this problem resulting from this proposal. The applicant explained that berms and watering trucks will be used to control dust. The applicant should respond to this concern by describing how blowing sand will be controlled, and any additional or modified measures should be added to the operations plan.
6. Berms are aesthetically unpleasing: One person shared his opinion that existing berms, including the tree plantings, are unattractive and he is concerned that those shown for the proposed operation will also be disappointing. The applicant should consider altering the design to improve aesthetics.

7. Current Noise: Members of the public are concerned that this proposed operation will add more noise to what they already consider a problem. The applicant stated that the noise will be mitigated by the construction of berms. Proposed conditions on the permit should be amended to include the language “The operator shall use multi-frequency back-up alarms to minimize disturbance to surrounding properties, and trucks will be routed to avoid unnecessary back-ups” and to set an absolute, peak noise level of no more than 75 decibels (DbA) as measured from the property line.
8. Concerns about future expansion: Concerns were raised about future expansion of mineral extraction, and/or other commercial uses being developed adjacent to the proposed CUP area. The operator would not be able to expand without applying for a new conditional use permit from the county as well as meeting the ordinance requirements of the town of Vienna. In order for land use to change to a commercial use, the land would need to be rezoned to a commercial zoning district. Commercial development would have to be identified in the town comprehensive plan in order for that to happen, and because it is not, commercial development is not consistent with the comprehensive plan.

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).