

Written Testimony
Regarding CUP 02582 – K&D Stone LLC
Town Of Rutland Notice of Public Hearing
January 24, 2023 – 6:30 P.M.

Submitted By

Paul D. Proctor, 705 Center Road, Town of Rutland, Stoughton, WI 53589

January 16, 2023

INTRODUCTION:

I am opposed to the CUP 02582, K&D Stone LLC, West of 430 Center Road, Section 28, Town of Rutland. Expansion of an existing non-metallic mineral extraction operation.

The existing 9-acre quarry, Parcel ID 052/0510-284-9850-4 was in existence when I purchased my property in 1985. That was 38 years ago. Based on the size of the quarry, only being 9 acres, I was not concerned about living in the area near the quarry. In 1985 I was gone during the day as I was employed and was not concerned about the negative truck traffic effects of the small quarry operation.

The CUP 02582 applicant, Kevin Hahn purchased the above 9-acre quarry in 2016. Activity of the quarry increased after this purchase. This was an issue I accepted because the 9-acre quarry was an existing registered non-conforming site.

In 2019, the CUP applicant, Kevin Hahn purchased 36.7 acres, Parcel ID 052/0510-284-8001-0. This was purchased completely prior to any CUP application or approval. This is the parcel of land that K&D Stone LLC is seeking to acquire a Conditional Use Permit for non-metallic extraction. Granted, Kevin Hahn did make a similar CUP proposal in 2020 that was denied by the Town of Rutland but, it was still after he had purchased the property. We as a township and county do not need to be held hostage to approve this CUP. It is not our responsibility this process was not started and discussed prior to Mr. Hahn purchasing the additional 36.7 acres. It was his poor business decision to purchase without inquiring and pursuing the CUP before purchasing.

The CUP application is asking to expand the existing quarry to the south and include all existing and proposed quarry operations under one CUP for non-metallic mineral extraction. The compromise by the applicant of giving up the non-conforming status of the existing 9-acre quarry in exchange to debating and discussing the new 36.7-acre expansion as one CUP is not acceptable.

The existing 9-acre quarry Parcel ID 052/0510-284-9850-4 is a stand alone entity that the Town Of Rutland has accepted as it has been in existence since approximately 1937.

The new 36.7-acre Parcel ID 052/0510-284-8001-0 is a new parcel of land that needs to be debated and discussed based on its own merits as it stands in 2023.

THE EIGHT STANDARDS IN OBTAINING A CONDITIONAL USE PERMIT:

The proposed CUP 02582, K&D Stone LLC, West of 430 Center Road, Section 28, Town of Rutland must meet all eight standards in order to obtain a conditional use permit. After reviewing the proposal, I would ask that the Town of Rutland Board, Town of Rutland Planning Commission and if needed the Dane County Zoning Committee go through all eight standards and explain how it does or does not meet the standard.

Below are my thoughts on some of the standards:

Standard 1 – The proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort or general welfare. I do not plan on entering the proposed quarry area so the fence, locking gate, no trespassing signs, etc. that the applicant discusses in his application is not suffice to safety of the residents of the Town of Rutland. My concern is the safety on the roads that will spill far beyond the quarry fence line. Granted, this is not at the quarry location itself, but is a result of the quarry operation. The heavy trucks to and from the quarry site create a hazard and nuisance affecting people over a much wider area in the township. The narrow width of Center Road, lack of shoulder and number of driveways create a safety hazard. This is not as great of a concern with the existing 9-acre quarry. When the existing 9-acre quarry was created the neighborhood was almost largely unoccupied agricultural lands with a few farmsteads. Today in 2023, the neighborhood has transitioned to being an established rural residential area. With the new 36.7-acre site it is a much larger safety concern with increased truck traffic. Additional dump trucks on area roads will increase vehicle accidents and traffic deaths.

Standard 2 – The users, values and enjoyment of other properties in the neighborhood already permitted shall be in no foreseeable manner be substantially impaired or diminished by establishment, maintenance or operation of the proposed conditional use. The home property value study provided in the CUP application by S. MacWilliams, State of Wisconsin Certified Appraiser #91 should be subject to peer review. A perfect home on paper may not be so perfect if the location doesn't fit with a buyers' lifestyle. The MacWilliams report claims there is no effect when quarries are built. This certainly goes against common sense. Would you pay the same amount for a house with a quarry in the neighborhood and the same house without a quarry? My property that I purchased in 1985 cannot claim a loss of property value from the existing quarry because the quarry was present prior to 1985. The value of my property was already adjusted based on existing quarry. Those of us owning property now, if the CUP is approved, would experience a loss in equity because it is a much larger new quarry. At the Town of Rutland, Dane County, Open Book review on December 1, 2022 I had an appointment and met with a representative from Gardiner Appraisal Service, LLC, Assessor, Town of Rutland. I inquired about the impact on my assessment from the possible larger quarry. I was told by the Gardiner representative to e-mail her if the CUP is approved as a reduction may occur from the larger size of the quarry and increased truck traffic. I would say that the MacWilliams report is flawed and should be peer reviewed.

Standard 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. The CUP application references 6 residential homes within 1,000 feet of the proposed new quarry. This is not a desirable housing density to approve a new quarry on Parcel ID 052/0510-284-8001-0.

Standard 4 – There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures. If the CUP is approved, with the increased volume of dump trucks traveling on the Town of Rutland roads due to the quarry operation, the 30-year life cycle used in the Town of Rutland budgeting process for road repair will need to be shortened. This will increase cost to taxpayers. There are numerous studies and models available to determine damage costs associated with truck traffic. If this CUP does get approved, I would ask that under conditions, a yearly fee gets assessed to K&D Stone LLC for road repair/building. Neighboring townships presently access fees to quarry operators for road repair/building.

Standard 5 – Adequate measures have been or will be taken to provide adequate ingress/egress to public streets and the proposed conditional use will not present traffic conflicts. Increased truck traffic volume resulting from approval of the CUP will always be a safety concern regarding entering and existing a public road.

Standard 6 – The conditional use shall conform to all applicable regulations of the district in which it is located. Provide information on necessary licensing, or regulations associated with the proposed land use. The CUP application is presented as one CUP project. This is not accurate. The 36.7-acre Parcel ID 052/0510-284-8001-0 is a separate parcel that was purchased in 2019. It may be bordering the existing, registered non-conforming 9.0-acre Parcel ID 052/0510-284-9850-4 but is not considered one of the same. The 36.7-acre parcel needs to stand on its own and meet the eight Standards as of 2023.

Standard 7 – The conditional use is consistent with the adopted Town and County Comprehensive Plans. Means of preserving agricultural lands and rural character does not include a quarry as indicated in the application. The 36.7-acre in this application was an agricultural field with corn and soybeans being raised. It also had beautiful oak tree grove that has been completely bulldozed out already before the CUP is even approved. I was not involved when the Town of Rutland established the Agricultural Preservation District as a means of preserving agricultural lands and rural character. I have been involved in agriculture my whole life. My thoughts are that the leaders who were involved in Agricultural Preservation did not envision quarries in that vision.

Standard 8 – If the conditional use is to be located in a Farmland Preservation District, the conditional use must meet the findings as listed below:

- 1. The proposed use is consistent with the purpose of the district.**
- 2. The proposed use is reasonable and appropriate with alternative locations considered.**
- 3. The proposed use is reasonably designed to minimize the use of agricultural lands.**
- 4. The proposed use does not substantially impair the current or future agricultural use of surrounding parcels.**
- 5. Construction damage to remaining lands in agricultural use is minimized and/or repaired**

I have no comments on Standard 8.

SUMMARY:

It has been said by the CUP applicant, Kevin Hahn that this process and procedure should not even be happening. I disagree. What has changed is an increased outpouring of public comment and debate and the accountability of public agencies and elected officials. I ask that you the Town of Rutland Board, Town of Rutland Planning Commission and if needed the Dane County Zoning Committee follow the set

process and procedures established and do it in a transparent way so whatever the outcome, it can be trusted. Thank you.

Paul Proctor, 705 Center Road, Town of Rutland, Stoughton, WI 53589

