

# Eight Standards of a Conditional Use Permit

**1: The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Tri County Paving has been successfully operating other Non-metallic mines within Dane County which have not been detrimental to or endangered public health, safety, comfort or general welfare. Berming; berms will be constructed as necessary and maintained to provide for visual and sound barriers to adjoining residences. Dust Control: The entire access road will be paved with asphalt and watering will be done in the quarry as needed to control dust. Erosion Control and a storm water pollution prevention plan is in place. We will meet all MSHA requirements. We will meet all State Blasting regulations. The site will be secured by a 6' high fence around the entire perimeter, and a locking gate at the driveway entrance into the quarry. In addition, operational and engineering controls have been developed as a part of the conditional use permit application process.

**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.**

Adjacent Property owners will feel little to no impact with the proposed mineral extraction. The mechanized equipment used is not louder than typical farm machinery. Tri County Paving has agreed to placing a 75-decibel limit measured 100' away from the property lines of 7841 and 7715 Bonetti Rd. (the two homesteads closest to the quarry) Berms will be constructed, along with the natural topography will provide for visual and sound barriers to other properties in the neighborhood. Tri County Paving Inc. will pave the entire access road and watering will be done in the quarry to control dust as needed. There are only 3 residences within 1500 Feet of the site (1 of the residence's is owned by the owner of the property). The town designates this area as an Agricultural Preservation Planning area which greatly limits additional housing in the surrounding area. Most of the surrounding area is used for agricultural production. According to Scott L. MacWilliams (Certified General Appraiser) Review of impacts to Residential property values adjacent to the proposed J & D Quarry found no market-supported evidence that the opening of the J & D Quarry for non-metallic mining will adversely impact the neighboring residential property values. (This study is included in the Application Addendum)

**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 existing land is currently used for row crops. The proposed reclamation plan will show that the site will be placed back to row crops with more gradual contours. The orderly development of the area is geared toward agricultural production. Very little residential development is allowed on adjacent properties. Once the limestone is extracted, the area will be returned to agricultural production.

**4: That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.**

The proposed conditional use is in an area that will be satisfactorily served by and will not impose undue burden on any improvements, facilities, utilities or services provided by the public agencies serving the subject property. We have a maintenance and bond agreement in place with the town of Vienna if the proposed CUP is granted. After listening to Residents and Board members we are improving the intersection of Bonetti Rd and Viaduct Rd. A letter of review and recommendation from the Town of Vienna Engineer Scott Anderson P.E. is included in the Application Addendum. Tri County Paving will follow the review and recommendations as per the Town of Vienna and Town Engineer. We will be using a newly constructed shared farm field entrance for access to the proposed quarry. The quarry will have a portable scale and portable scale house. We will also install a high-capacity well in the future. Storm water will be contained in the proposed quarry, we have included the Storm Water Pollution Prevention Plan.

**5: Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Bonetti Road is 1.5 miles long and is a low volume road mainly used as farm access road with very minimal number of residential homes. Approx: 3 south of proposed entrance and 2 north of proposed entrance. Truck traffic will only drive south of the proposed entrance. We will construct a wide entrance for trucks to enter and exit the site safely. The entire entrance and roadway to the quarry floor will be paved with asphalt. We have also agreed to adjust the speed limit of our truck traffic to what the township recommends.

**6: That the conditional use shall conform to all applicable regulations of the district in which it is located.**

Tri County Paving Inc. will follow all regulations/ordinances laid out by the State of Wisconsin, County of Dane, and Town of Dane. The new quarry will be located in an FP-35 Zoning District. FP-35 Zoning Districts allow for quarry operations under a conditional use permit. Tri County Paving Inc. also acknowledges the special requirements for mineral extraction found under DCCO 10.103(15).

**7: The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.**

The Town of Dane and County of Dane will find that the proposed use is consistent with agricultural use and pursuant to Sect. 91.75(5) of the Wisconsin Statutes: (a) that the limestone quarry is an activity that will not convert land that has been used for primarily for agricultural purposes; (b) is not an activity which will conflict with agricultural operations subject to farmland preservation agreement of the subject property; and (d) is not an activity which will conflict with agricultural operations on other properties. The Town of Dane's Comprehensive Plan page 34 Item 5. States such uses are appropriate in the Agricultural Preservation Areas.

**8: If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220(1)**

**1. The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.**

Non-Metallic Mining is allowable under Farmland Preservation Zoning. All measures will be made for as much land to be row cropped as possible, the reclamation of the quarry will create more gradual elevation contours that are more conducive for row cropping.

- 2. The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or specifically approved under state or federal law.**

Non-Metallic Mining is allowable under Farmland Preservation, Farmland Preservation greatly limits additional housing in the surrounding area, the quarry will be located in a rural area with very few homes adjacent to the property or even in the vicinity.

- 3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, for agricultural use or open space use.**

Tri County Paving Inc. will operate and maintain the quarry in order to allow row cropping to continue as material is extracted.

- 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.**

As Material is extracted and space allows Tri County Paving Inc. will begin reclamation to reestablish row crop farming as soon as possible for current and future agricultural use.

- 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.**

All measures will be made for as much land to be row cropped as possible. The reclamation of the quarry will create more gradual contours that are conducive to row cropping and help minimize erosion.

