



AXLEY BRYNELSON, LLP

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May 10, 2016

VIA U.S. MAIL AND EMAIL

Mr. Roger Lane
Dane County Zoning Administrator
City-County Building, Room 216
210 Martin Luther King, Jr., Blvd.
Madison, WI 53703

RE: Oak Park Quarry, LLC
Conditional Use Permit No. #2103
Our File No.: 15066.71772

Dear Mr. Lane:

I am writing on behalf of my client, Oak Park Quarry, LLC. The Dane County Zoning and Land Resources Committee is scheduled to address the pending item regarding possible revocation of the Conditional Use Permit at its meeting on May 10, 2016.

We thank County Zoning Staff for the recent Staff Report recommending no revocation of the CUP.

We wish to share with the ZLR a brief history of what has transpired over the duration of the ZLR's consideration of this issue. Oak Park Quarry has in good faith attempted to take all necessary steps to satisfy Town and County regulations, and has fully complied with same. For example,

- Oak Park Quarry has applied for, paid the applicable fees, and has received licenses from the Town of Deerfield as required by their Nonmetallic License Ordinance and their Blasting Ordinance.
- Oak Park Quarry is in good standing under its licenses, and continues to cooperate while the Town considers amendments to its new Blasting Ordinance.

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- Oak Park Quarry, in fact, has not blasted while these issues have been pending. The uncertainty surrounding the CUP has caused Oak Park Quarry not to participate in bidding for several major road construction projects for which it was ideally located, at a substantial financial cost.
- Oak Park Quarry has held numerous meetings with neighbors and with St. Paul's Church to attempt to find common ground on issues of concern, and continues to be willing to seek solutions that reasonably protect the Church.
- Oak Park Quarry has brought Dr. Lawrence Gubbe and Prof. Charles Dowding to the Town of Deerfield to share their blasting and engineering expertise.
- There is no evidence that Oak Park Quarry has violated terms of its CUP, been subject to citations for violations, or violated State law regulating blasting.
- The nature and scope of the quarry operations are consistent with the operations applied for and contemplated at the time of CUP issuance. The fact that neighbors start to complain about those very contemplated operations, years into a 10-year CUP, is not a legal basis to revoke said CUP. Otherwise, every CUP could be revoked at any time; which would eliminate the certainty a 10-year permit is designed to allow.

We ask that the ZLR consider the fact that the quarry has been present at this location for over many decades, and even though it may be more active now than at times in the past, the amount of rock removed under the current 10-year CUP is only a small fraction of the total material removed over the decades. Yet no one complained until the past few years. Moreover, the blasting done today, with advanced technology and smaller quantities of stone per blast, is designed to be much less impactful to neighbors.

The operator of Oak Park Quarry has other quarries in Southern Wisconsin with home sites much closer to blasting locations, but those quarries do not generate anywhere near the level of complaints which have evolved in the Town of Deerfield. Oak Park continues to be willing to engage the interested neighbors here to find reasonable means to address concern; although the new license ordinances certainly should cover the vast majority of concerns.

Oak Park Quarry has shown considerable patience and diligence in attempting to comply with new and onerous local ordinances, all the while dealing with this County CUP review. Oak Park Quarry is anxious to resolve this CUP issue and return to good standing with Dane County. We respectfully request that the ZLR reject the proposed revocation and bring this process to conclusion.

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Thank you.

Sincerely,

AXLEY BRYNELSON, LLP



Mitchell R. Olson
MRO/tmd

cc: Atty. David Gault, Dane County Corporation Counsel
Ms. Kim Grob, Town of Deerfield Clerk
Attorney Alan Reuter, Town of Deerfield Attorney
Mr. Jerry Bolling, Dane County ZLR
Ms. Mary Kolar, Dane County ZLR
Mr. Al Matano, Dane County ZLR
Mr. Patrick Miles, Dane County ZLR
Mr. Dennis O'Loughlin, Dane County ZLR
Mr. Bob Salov