

May 17, 2022

To: ZLR Committee, County of Dane

From: Bill Boerigter, 798 Center Rd, Town of Rutland

RE: CUP #2022-02563 (quarry)

I oppose the Conditional Use Permit for the quarry.

The burden is on the applicant to show how he meets the 8 CUP Standards, and I do not think he has done it.

1. It does not meet Standard #2. The values and enjoyment of other neighborhood properties will certainly be diminished by this large, new expansion. We need to look no further for evidence of diminished values than the recent purchase of a residential home at 439 Center Rd. by the quarry operator himself. The details of this sale and its diminished value are described in a letter dated April 21, 2022 from prior owner Joanna Kessenich to our Town Board. The Committee has a copy of that letter. I demand you read it. This home is adjacent to the existing quarry and was sold at an estimated discount of \$300,000 to market. The prior owner tried to find a buyer for their home multiple times and could not even get one legitimate offer. Eventually they had only one option—to sell to the quarry operator himself, at a substantial discount to market. This CUP is for a new quarry operation 4 times the size of the existing, nearly played out quarry. **By purchasing this home at a substantial discount, the applicant has essentially proved the point that existing homeowners will all be harmed by more quarry operations.**
2. Does not meet Standard #7. The CUP must be compatible with the Town's existing Comprehensive Plan, and the applicant has given no evidence that it is.

First example: Town Plan Page 3.3 states: *The issues identified as "highest importance" in a resident survey were:*

- *Pedestrian safety*
- *Increasing traffic levels*
- *Safety concerns at problem intersections*
- *Farmland loss*
- *Encroachment of incompatible land uses*

Approval of this expanded quarry, the destruction of farmland and the logical increase in large truck traffic runs counter to what resident's feel are highly important. The applicant has not addressed these issues.

Second example: Town Plan Page 2.8 regarding Goal 7 Land Use states “Create a pattern of development that fosters the rural character and agricultural land preservation and maintain the agricultural land base to the greatest extent possible”.

In my opinion, the Town (and the County!) has clearly stated its preference for farm land preservation. Approval of this CUP runs counter to the stated goal. Gravel, sand and stone extraction for 85+ years is not “farmland preservation”. And the applicant saying that “someday I will reclaim it” does not square with a preservation philosophy. By this logic, virtually any use, no matter how disruptive, noisy, large, long-lasting, or incompatible must be deemed “OK”... as long as someday, maybe 100 years from now, someone can push dirt over a site and say “see, I preserved some farmland”.

I urge you to only make your decision on Standard #7 after you have read the Town’s Plan. You must not approve the CUP if the applicant does not meet Standard 7.

3. The Committee may be aware that a virtually identical CUP application (same site and same use) was submitted eighteen months ago. The Town Board denied the application after concluding it did not meet 7 of the 8 Standards. This decision was supported by the County. Our current Board has decided not to act on this most recent application, and thus the decision is in your hands.

I ask you to carefully review the 8 Standards. If in the end you approve the CUP, you will need to describe to Rutland residents, in detail, what has changed a mere 18 months later to suddenly meet all 8 Standards?

Bill Boerigter
798 Center Rd