

Dear Dane County Zoning

May 17, 2022

Dear ZLR Board

I am writing this letter in opposition of CUP 2022-02563 by Kevin Hahn.

I do not believe that his expansion application meets all 8 standard required. Specifically, I do not believe Kevin has addressed Standard 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."

At the Town of Rutland public hearing, when Kevin Hahn was specifically asked how he has addressed condition 2, Kevin responded by saying he has tried to work with the neighbors by offering to put in a driveway, by buying their home, by promising to sell them land. I believe these are all nice, but they do not address the issues related to Standard 2. Kevin's existing 10-acre quarry as well as a different quarry that is in operation only a mile away, both of which are non-conforming quarries, have already negatively affected the entire neighborhood and surrounding area. We have heard from real estate professionals that property values will go down or at a minimum if someone wanted to sell, they would have a harder time selling and getting the price other comparable properties not located by an active quarry would get. We heard that people that like to walk and bike on the beautiful county roads that exist in the Town of Rutland, now go other places or have to wait until Sunday when dump trucks are not coming back and forth from these two quarries, which has been significantly increased in the last couple years. Even the Town of Rutland Board asked both quarry operators if they would find different routes or postpone driving trucks on a day that a group had a bicycle time trial in the Town of Rutland last year and again this year. No one likes to feel the drag of a dump truck going past them at 45 mph while on a bike or walking. And you never see people riding their horses on these roads any longer. The idea that talking to his neighbors and trying to "work with them" does not mean that he has actually met standard 2 at all. The noise, the dust, and the increase truck traffic will have an adverse effect on this now residential neighborhood for everyone who lives near this quarry. We heard that the constant noise at the quarry prevents property owners from enjoying their yards in peace and quiet, as it was when they bought or built their homes. We heard that people are scared to walk or ride their bikes, or ride their horses on the roads surrounding the quarries due to the dump truck traffic that scare people and animals.

At the time his original 10-acre non-conforming quarry was started (1930's) there were few if any homes nearby. When Kevin bought this quarry, he will even tell you that it had not been active for over 10 years. During that time many home

were built with the understanding that this quarry was going to be going through the reclamation process and would not become active again. Once it became active, the entire neighborhood was unhappy but understood that there was nothing that could be done. Kevin knew the neighbors were not happy. He could see all the homes that had been built around the inactive quarry. But he decided to go ahead and buy the 40-acre parcel next to his quarry anyhow. He says he needed to do this because he is a small business owner and this is his livelihood and he needs to support his family. But he did not know this land would be sold to him when he purchased the original 10-acre quarry so this is not something that is being taken away from him. The location of this quarry is no longer ideal for a quarry due to the residential nature of the surrounding properties. No one is denying him the right to support his family, but I believe he purchased the wrong piece of property in the Town of Rutland to accomplish this desire.

The Town of Rutland comprehensive plan speaks of keeping the rural atmosphere and encouraging walking in Viking. It has a vision for Rutland in 2024 that says:

In 2024,

Rutland is a place where ...

- ® Farmland, open space, and other rural land uses are common and highly visible.
- ® Agricultural types are diverse including family farms, niche or specialty farms, truck farming, and organic farming.
- ® Commercial development is limited and controlled, and is located near municipal services resulting in an increased tax base that does not impact the town's rural character.
- ® Local history and historic structures are preserved. ® The town has high-quality natural areas consisting of state and federal land.
- ® Critical natural resource areas such as aquifers and groundwater recharge areas are identified and protected.
- ® The transportation infrastructure is viable and includes alternative modes of transportation.
- ® Growth occurs in a slow and controlled manner,
- ® Most new growth occurs near existing development or in new well-defined clusters to protect agricultural and open space.
- ® Families are integral to the community, and the environment is safe.
- ® There is a strong sense of community with community gathering places.
- ® There is a diverse population that includes individuals of a variety of age ranges, lifestyles, and income levels.
- ® The land use plan guides development in a consistent and fair manner.
- ® The community is clean and well maintained.
- ® There is good telecommunication infrastructure.

® Local government services are provided consistent with the town's tax base.

® There is a proper balance of private property rights and community benefits.

If this CUP is approved, I believe it will go against what was the vision of the Town of Rutland as written!

Kevin Hahn indicated that if the expansion is not approved he would start the reclamation process of the 10-acre quarry. This process could result in 100's of dump truck a day if he was to try to get the reclamation completed as quickly as possible. He believes this will be far worse than if the expansion were to be approved. I was very saddened to hear him make this statement, which quite frankly felt more like a threat. Yes, I am sure the reclamation process will be uncomfortable due to the truck traffic, but if Kevin is the good neighbor, nice guy everyone who supports his expansion says he is, then during the reclamation process he will continue to behave in that way because that IS who he is and not an act to get this CUP process approved. I do not believe the argument that the reclamation process will be worse than if the CUP is approved is an argument to approve this application, as it does not have anything to do with any of the 8 standards.

But if in fact the ZLR decides this application does in fact meet all 8 standards then I am requesting you consider the following conditions be placed on the CUP:

- 1) The hours of operation must be 7A to 5P Monday through Friday only! I make this request due to the fact that it is now a residential neighborhood and people want to be able to enjoy their yards on the weekends and in the evenings when they come home from work.
- 2) The original 10-acre quarry give up the "non-conforming status" and must abide by all conditions placed on the expansion area.
- 3) That all trucks and equipment operating within the quarry be outfitted with approved OSHA "swishing backup noise" and not beeping. I ask this because of all the complaints of the relentless beeping made by equipment backing up within the quarry.
- 4) That the Quarry operator will agree to paying for water testing on an annual basis for any neighboring property if requested. I make this request due to the concerns expressed for ground water contamination.
- 5) There be a "Left Turn Only sign at the exit of the quarry requiring truck traffic to travel north on Center Road and either take Old Stone Rd or County Hwy A to get to Hwy 14 or Hwy 138. I make this request because property owners on Old Stage Rd already bear the brunt of the Northwest Quarry traffic.

6) There will be no operation of the quarry on Saturdays, Sundays or holidays to allow the neighborhood to have their weekends to enjoy their rural lifestyle

7) If the quarry operator ever decides to sell, the quarry MUST go back to farmland and cannot be sold to a different Quarry operator. I make this request because of the fear that a larger quarry operator such as Wingra, may try to come in and purchase this quarry.

8) This quarry can only be used for the material found within its grounds and cannot ever be used for asphalt.

9) Only 10 acres at a time can be quarried to prevent a huge ugly large hole from being created all at once

10) That the existing berm and fence around the 10-acre quarry as well as any new berms and fences built for the expansion are required to be nicely kept and landscaped so that it is not an eyesore for the township. This should include grass that needs to be mowed and nice trees planted and maintained. The fence should never be in a condition that it looks like it is falling down or in any disrepair. Scrub trees and weeds should not be allowed to grow on the berm. I make this request because the current fence and berm on the 10-acre quarry along the road is an eyesore and full of scrub trees and weeds and the fence is in bad shape. I worry the same will come true with an expansion.

11). The driveway into and out of the quarry needs to be black top or cement to eliminate the mud that is currently happening onto Center Road when there is rain and this becomes a safety hazard as it is slippery.

12) The quarry operator is required to notify property owners within 2000 feet of the Quarry of any blasting prior to the blasting occurring. I request this because many residents have complained that they are not within the current 1000 feet requirement and they are startled and scared when their homes vibrate at the time of a blast and feel that if they had notice at least they wouldn't get scared

Finally, again I do not believe this quarry application meets the 8 standards. At the Town Of Rutland public hearing 98% of the people that spoke in favor of the quarry were either from out of town or a business affiliates with the quarry. The few supporters that live nearby the quarry are not representative of the majority of property owners within the neighboring community. Those that spoke in favor of the expansion spoke about how the Hahn family is trying to make a living, that Kevin is a small family business and that he is a good person and a helpful neighbor. I personally know Kevin and find him to be a very nice person, but that does not have anything to do with this CUP application and the 8 standards from which you must judge.

I do not believe that anything I have heard or read speaks to how standard number 2 is met with this CUP application. If this application is approved, I

strongly believe there will be adverse affects on the surrounding community for the next 100 plus years. The quality of life that the residents in this area love will absolutely be diminished. Therefore, I believe Dane County zoning must deny this application.

Sincerely

Sue Williams

4269 Old Stage Rd