



Staff Report

Public Hearing: **March 28, 2017**

Zoning Amendment:
None

Acres: 70
Survey Req. No

Reason:
Continuation of an existing mineral extraction operation

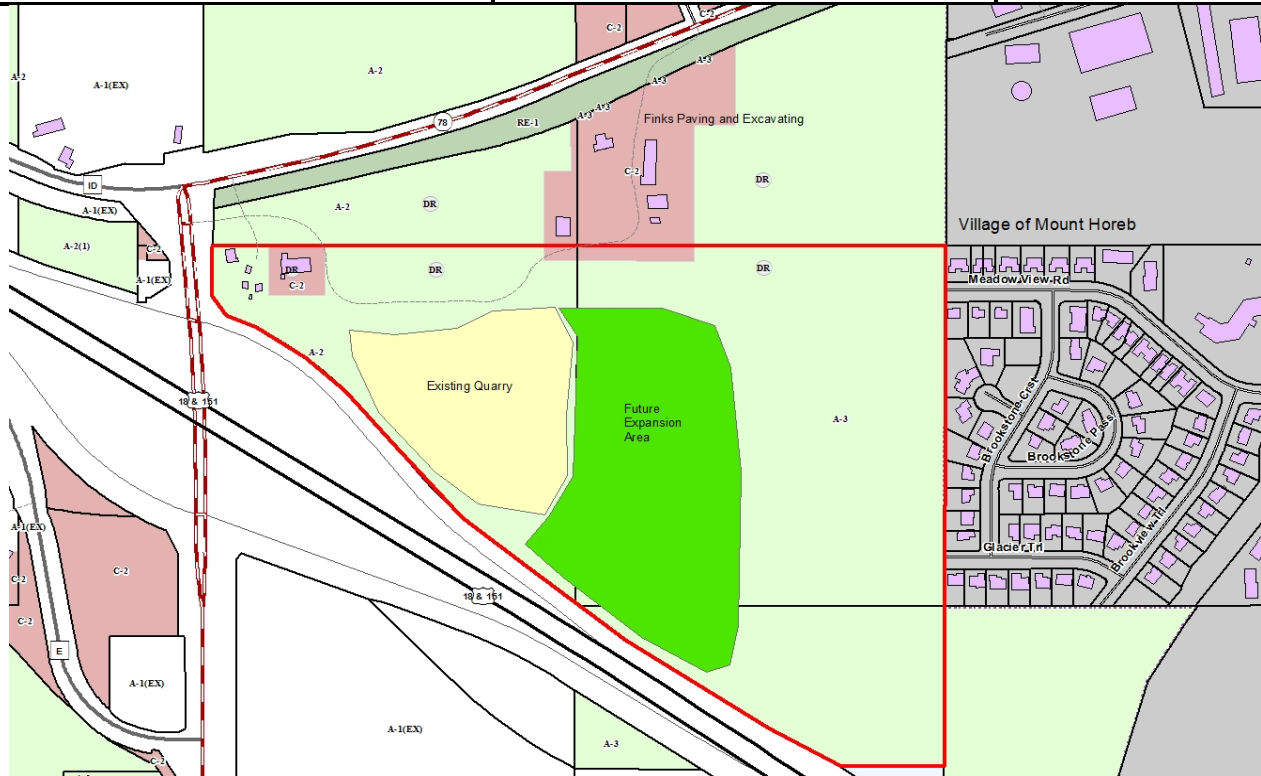
Petition: **CUP 2371**

Town/sect:
Blue Mounds Section 14

Applicant
Diane V Fink

Location:
2732 State Highway 78

Zoning and Land Regulation Committee



DESCRIPTION: The Finks would like to be allowed to continue an existing non-metallic mineral extraction operation which is used in conjunction with Finks Paving and Excavating. The quarry has been in operation since 1988. The current conditional use permit, CUP #1759, will in April 2017. The proposed expansion limit end approximately 700 feet from the Village limits.

OBSERVATIONS: The Finks own approximately 220 acres of land just west of the Village of Mt. Horeb. A portion of the land, south of Highway 78, is used for Finks Paving and Excavating. The business also operates a quarry on the site to support the excavating business. The quarry has been in operation since 1988. The site produces approximately 60,000 tons of aggregate per year. Blasting occurs approximately 3 times per year. The quarry is proposed to expand to the east, removing the knoll in the center of the property. 50% of the area contains Class II soils. No other sensitive environmental features observed. The current quarry wall is approximately 1400 feet west of the Brookstone Ridge Subdivision. Additional information provided in the attached Staff Report.

COMP PLANS: The Town Plan designates this area as an agricultural transition area which will eventually be annexed into the Village of Mount Horeb. The quarry expansion area is within the Mt. Horeb Urban Service Area. The Village of Mount Horeb Comprehensive plan designates the area to be used for future planned neighborhood development.

RESOURCE PROTECTION: The proposal is outside the resource protection area.

3/28 ZLR: the petition was postponed due to public opposition regarding safety, screening, and reclamation of the site.

TOWN: Approved as presented. The Village of Mount Horeb also suggested that the CUP should be approved.

STAFF UPDATE: Staff sent a letter to the applicant which identified neighborhood concerns. The applicant has addressed the concerns with the following:

SAFETY: The neighbors were concerned with the safety of the site. The entire perimeter of the excavation site will be surrounded with a 4-foot tall fence. There is an entrance gate that is locked during off hours. The fence and gate should provide an adequate deterrent to the site.

SCREENING: The neighbors were concerned with the visual impact of the site. The applicant will be constructing a berm along the east side of the excavation area. Given that the material is being extracted from west to east and the construction of a berm, the quarry will have minimal visual impact to the Brookstone neighborhood. See attached plan.

BOUNDARY LIMITS: The neighbors were concerned with the operation continuing up to the borders of the Brookstone Neighborhood. The boundaries of the Conditional Use Permit were revised to reflect a 400-foot separation from the neighborhood. The fencing for the operation will be placed 1000 feet away from the neighborhood.

RECLAMATION: The neighbors were concerned with the reclamation of the site. The operation has an approved reclamation plan on file. The plan shows that the area will be used for future residential and commercial development. Future development of the area will not begin until the aggregate source is exhausted.

TIME LIMIT: There were concerns raised regarding the 25-year time limit for the operation. The Finks own all the property between County Highway ID and US 18/151. No further development will occur adjacent to the mineral extraction site until such time as the aggregate source is exhausted and the reclamation plan instituted.

SEE ATTACHED SUGGESTED CONDITIONS

Proposed Conditional Use Permit # 2371

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
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.
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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. The applicant shall submit an erosion control plan covering the area to be disturbed and receive approval of an erosion control permit prior to commencing extraction operations.
2. The applicant shall apply for and receive all other required local, state and federal permits.
3. The operator shall develop and operate the site according to the site/operations and phasing plan submitted for this proposal and dated December 2001.
4. Operations shall cease no later than twenty-five (25) years from the date of CUP approval.
5. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
6. An undisturbed area between the eastern boundary of the CUP area and the boundary of the quarry expansion area shall be maintained as shown on the operations plan.
7. Screening will be achieved with berms and vegetation in preparation for eastward expansion of the quarry.
8. The driveway accessing the site shall be paved. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.
9. The operator and all haulers shall access the CUP site only through those points designated as entrances on the site/operations plan.
10. The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."
11. There shall be a minimum setback of 20' from the property line. Berms may be contained within this setback area.

Continued....

12. Hours of operation shall be as follows:

- For the period of April 1 through November 30, the hours shall be 6:30 a.m. – 5:00 p.m. Monday through Friday and 7:00 a.m. to 2:30 p.m. on Saturdays.
- For the period of December 1 through March 31, the hours of operation shall be 7:00 a.m. – 4:00 p.m. Closed on Saturday and Sunday.

13. The following blasting procedures must be followed:

- Blasting will be conducted by a properly licensed class 5, 6 or 7 blaster
- Notifications will be made by the blasting contractor and/or Yahara Materials twenty-four (24) hours before any blast.
- A blasting log will be required for each blast.
- All blasting will be recorded on a seismograph.
- All seismographic records will be available at any time for review by the township.
- All blasting must meet state standards.

14. There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.

15. The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.

16. The operator must have a spill containment plan for bulk fuel stored on site.

17. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.

18. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.

19. Dane County and the Town of Blue Mounds shall be listed as additional named insureds on the Fink's Paving and Excavation, Inc. liability insurance policy, which shall be for a minimum of \$2,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.

20. The owner/operator must post a copy of this conditional use permit #2371, including the list of all conditions, on the work site.

21. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.

22. If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.