

On March 11, 2015, Dane County's Zoning & Land Regulation Committee will review and possibly revoke CUP 1059 for a concrete batch plant. Yahara Materials, Inc. is opposed to the revocation of CUP 1059 for the reasons outlined in this document.

CUP 1059 Violations

The Staff Report associated with the ZLR review of CUP 1059 asserts the concrete batch plant was being operated outside the boundaries of the conditional use permit and that annual reviews of the CUP were not taking place with the Town of Blooming Grove.

CUP Boundaries

Upon being notified of the batch plant operating outside the boundaries of CUP 1059, the batch plant was removed from the site within 48 hours. Based on an aerial photograph, the concrete batch plant was operating approximately 65 feet outside the boundary for CUP 1059, not 700 feet as mentioned in the February 6, 2015 letter issued by the Dane County Zoning Administrator under bullet point #1 (Exhibit A). The location of the batch plant was on an adjacent parcel of land also owned by Yahara Materials, Inc.

When reviewing CUP 1059, the boundaries of the CUP must be clarified for the ZLR Committee. As illustrated in Exhibit B, there is a discrepancy between the map included with the Staff Report and the map included with the "CUP 1059 info" attached to the March 11, 2015 meeting agenda. The metes and bounds description included with the application for CUP 1059 clarifies the map included with the "CUP 1059 info" which references approximately 60 acres is correct. The boundaries of the map included with the Staff Report referencing 45 acres are not correct.

Blooming Grove Review

CUP 1059 was approved on May 11, 1993 subject to one condition, namely "The Town Board shall review the operation on an annual basis." On May 23, 1993, the Town of Blooming Grove chair submitted a letter (Exhibit C) describing the items to be reviewed for CUP 1059. Provided this letter was submitted after CUP 1059 was approved, the items to be reviewed were not explicitly set forth as conditions of the CUP.

While the Staff Report states "Staff believes it was the responsibility of Yahara Materials to hold the annual review meeting," neither the condition of CUP 1059 nor the Town of Blooming Grove letter on May 23, 1993 state it was the responsibility of Yahara Materials to initiate the annual review. The Staff Report also references a letter dated February 25, 2015 from the Town of Blooming Grove indicating town officials were unaware of the requirement of an annual review. The referenced letter is included as Exhibit D. The last two sentences of the letter state the Town of Blooming Grove has not received complaints from Blooming Grove residents about the operations at the Buckeye Quarry in 10 years, and that "The Town is interested in doing what is needed to allow for the continuous operation of the quarry as it has been operating for the past 27+ years."

CUP Standards

The Staff Report associated with the ZLR review of CUP 1059 asserts CUP 1059 does not comply with three of the six conditional use permit standards. The specifics of the asserted violations are reiterated below along with Yahara Materials' objection to the statements:

- *Standard #1 because the conditional use permit has resulted in endangerment to public safety, and general welfare due to the use of haul routes that result in concrete truck traffic on streets through residential neighborhoods.*
 - **Objection:** The haul routes from the batch plant are dedicated to roads designated as truck routes. The designated truck route immediately exiting the CUP site is County Highway AB, which was a designated truck route in 1993 when CUP 1059 was issued and has been a designated truck route since the 1960s.
- *Standard #5 because the conditional use has resulted in truck traffic on residential streets in the neighborhood resulting in traffic congestion and safety concerns.*
 - **Objection:** Similar to the objection raised in regards to standard #1's asserted violation, the haul routes from the batch plant are dedicated to roads designated as truck routes. As illustrated in Exhibit E, the truck traffic traveling from the batch plant in 2014 accounted for 0.26 of 1% of the total reported traffic on County Highway AB.
- *Standard #6 because no road projects or limit in duration are specified in the conditional use permit, nor is there evidence that concrete materials have been used solely for the construction and maintenance of public roads as required by ordinance.*
 - **Objection:** The portable concrete batch plants that have operated under CUP 1059 were used to supply concrete for public roads. Specifically, the batch plant that operated under CUP 1059 in 2014 supplied concrete for the improvements to US Highway 12/18. The accusation that concrete was not used solely for public roads is troubling as it hints at fraud on Yahara Materials' part.

Under bullet point #3 in the February 6, 2015 letter issued by the Dane County Zoning Administrator (Exhibit A), conflicts with standards #3 and #4 of the conditional use permit were cited. Since standards #3 and #4 were not mentioned in the updated Staff Report, the Staff's position on the possible violation of standards #3 and #4 is not clear. Each staff report cites different standards.

Illegally Extracted Materials

The February 6, 2015 letter issued by the Dane County Zoning Administrator (Exhibit A) and the Staff Report both state approximately 250,000 tons of aggregate has been illegally extracted from the site. This assertion is irrelevant to CUP 1059 as mineral extraction operations are separate from concrete batch plant operations, and should therefore not be considered as a factor during the ZLR's review of CUP 1059.

Complaints and Development

Yahara Materials submitted an open records request on February 17, 2015 for all complaints concerning the Buckeye Quarry. In a response on March 4, 2015, Dane County Planning & Development Director Todd Violante commented that "six (6) pages of an email complaint and associated string of emails and attachments from this past November" was "the only complaint of which we are aware that was submitted to our department in recent recollection regarding the Buckeye quarry." Todd Violante's March 4, 2015

letter and the referenced six pages are included as Exhibit F. The email string is presumably the complaint referenced on the Staff Report which states: "On November 7, 2014, Assistant Zoning Administrator Dan Everson conducted a site inspection at the quarry stemming from a complaint." The first email in the string states "neighbors continue to be under duress with all the blasting," and therefore appears to be a complaint about blasting. Since blasting is not associated with the operations of a concrete batch plant, this complaint should also not be considered as a factor during the ZLR's review of CUP 1059.

The Staff Report references "a significant amount of development in the area through out the previous 22 years." Exhibit G incorporates aerial photographs of the land surrounding the Buckeye Quarry since 1995. While "significant amount" is a subjective term, the aerial photographs do not indicate significant development, such as an entire new residential neighborhood, has been built around the site since 1995.

Summary

Yahara Materials is opposed to the revocation of CUP 1059 for the following reasons:

- The batch plant was removed within 48 hours of Yahara Materials learning the plant was out of the CUP boundaries.
- The CUP does not indicate Yahara Materials is responsible for initiating annual reviews of the batch plant with the Town of Blooming Grove, and the Town of Blooming Grove has not received any complaints about the batch plant in the past 10 years.
- The haul routes from the batch plant for CUP 1059 follow designated truck routes, and the concrete from the batch plant has historically been used for public projects only.
- Items related to mineral extraction at the Buckeye Quarry must be kept separate from the review of CUP 1059 as the operation of the two activities is separate.

Exhibit A



DANE COUNTY PLANNING DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

*Housing &
Economic Development*
(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

February 6, 2015

Yahara Materials, Inc.
Buckeye Quarry, LLC
6117 County Highway K
Waunakee, WI 53597

RE: CUP #1059 violations and Committee Review Notice

Dear Mr. Burcalow,

On November 7, 2014, Assistant Zoning Administrator Dan Everson conducted a site inspection at the quarry located at 4315 County Highway AB in the Town of Blooming Grove. The site is also known as the Buckeye Quarry. During the site inspection, it was observed that the concrete batch plant that was approved for operation under Conditional Use Permit (CUP) #1059 was located outside the approved area. See attached map.

Dane County Zoning Division has also found the following discrepancies with the operation of this concrete batch plant that has raised concerns. The items are listed as follows:

1. The concrete batch plant was located approximately 700 feet away from the location as noted under the approved site map under Conditional Use Permit #1059. Further the batch plant was located outside the boundaries of the conditional use permit. Dane County Zoning Division considers this a violation of the terms of the conditional use permit.
2. When Conditional Use Permit was approved in 1993, the Dane County Zoning and Natural Resource Committee approved the Conditional Use Permit with a condition that the Blooming Grove Town Board review the operation on an annual basis. See attached minutes. In checking with the Town of Blooming Grove, the annual review of the batch plant has never taken place. Dane County Zoning Division considers this a violation of the terms of the conditional use permit.
3. During the approval of CUP 1059, the Regional Planning Commission raised concerns regarding the operation of concrete batch plant in a soon to be urbanized area. They note that there should be no long term commitments for this type of use in this location. Now 22 years later, there have been several complaints lodged with the City of Madison and Dane County regarding the truck traffic traveling west from the quarry on Buckeye Road. The area along Buckeye Road has developed into a residential neighborhood. It appears that the concrete batch plant is having a negative effect on traffic patterns in the area and may be conflicting with standard #3 and #4 of the conditional use permit. Alternate trucking routes may be needed to ensure safety of the residential neighborhood.

4. There is a pending violation occurring at the Buckeye Quarry site. It appears that the quarry operator has extracted aggregate materials from the west side of the quarry without proper approvals. The area is zoned A-1 Exclusive Agriculture and requires a conditional use permit to extract non-metallic minerals pursuant to Dane County Code of Ordinance Section 10.191. It is estimated that operator has extracted approximately 250,000 tons of aggregate from the site, equivalent to 10,000 truck loads of material. The matter is currently being reviewed by the Board of Adjustment. Given the pending violation, staff feels that the batch plant was used in the processing of the illegally extracted materials and should be considered as violating standard #6 of the conditional use permit. The batch plant should be operated in an area that is in conformance of applicable regulations of the zoning district.

Given the amount of issues that have arisen regarding this conditional use permit, Dane County Zoning Division will be requesting that the Dane County Zoning and Land Regulation Committee review Conditional Use Permit #1059 pursuant to Dane County Code of Ordinance section 10.255 (2)(m).

Please be informed that the Dane County Zoning and Land Regulation Committee will be holding a public hearing on CUP #1059 on February 24, 2015 at 7:00pm in Room 201 of the City-County Building, 210 Martin Luther King Jr. Boulevard, Madison, WI. If the Committee finds that the standards of the conditional use permit are not being complied with, the Committee may revoke the permit.

If you would like to contact me regarding this issue, I can be reached at (608) 266-9078.

Respectfully,

Roger Lane
Dane County Zoning Administrator

CC: Town of Blooming Grove Clerk
Assistant Zoning Administrator Dan Everson

Exhibit B

Information Provided with 3/11/15 Agenda



Dane County Agriculture, Environment & Land Records Committee

DANE COUNTY AGRICULTURE, ENVIRONMENT & LAND RECORDS COMMITTEE

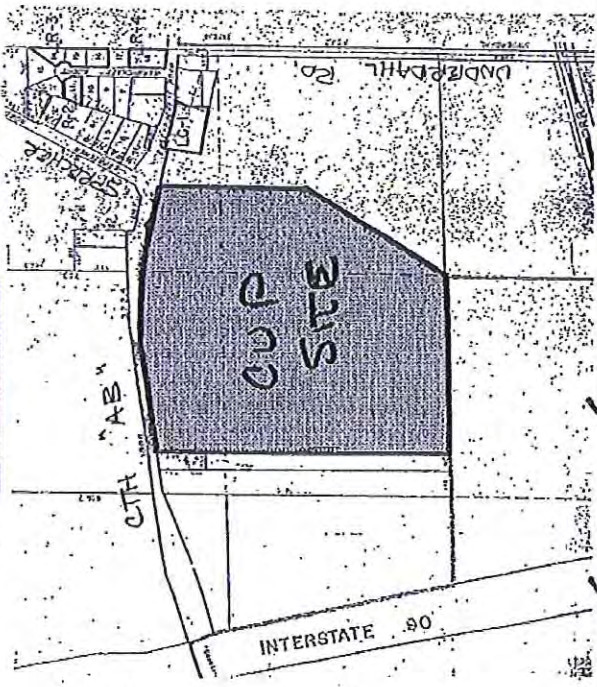
S.U.R. # 1059

Mr. Yabaca Materials, Inc.

LOCATION: East of 42nd CTH AB Section 24, NE Town Blomling Grove Area
60.0 acres of land

Proposed use: Concrete batch plant for Nishu project.

NOTE: TOWNED AREA IS SHOWN - ALL UNDESIGNATED AREAS ARE IN THE A-1 AGRICULTURAL EXCLUSIVE DISTRICT.



TOWN BOARD: ☐ Deny ☒ Approve ☐ Condition or Restriction ☐ Amend Zoning from _____ to _____

Z.N.R. Committee Recommendation by vote of _____ to _____

☐ Deny ☐ Approve ☐ Amend ☐ As specified by town ☐ Zoning from _____ to _____ ☐ To include condition or restriction

DATE OF ACTION _____

The information above was included as linked attachments with the Zoning & Land Regulation Committee's 3/11/15 final meeting agenda. The map on the left was incorporated on the first page of the attachment titled "CUP 1059 Staff Update," and the document on the right was incorporated on the fourth page of the attachment titled "CUP 1059 info."

Information Provided with 3/11/15 Agenda – Inconsistent Information

 Notice of Public Hearing Zoning and Land Regulation Committee	Public Hearing: February 24, 2015 Action: Review of Conditional Use Permit #1059 – Concrete Batch Plant Location: 4315 County Highway AB Owner: Yahara Materials, Inc. Buckeye Quarry, LLC Nearest: Review and possible revocation of the Conditional Use Permit due to violations and concerns	Permit: CUP 1059 Township: Blooming Grove / 14 Section: 14, NE Acres: 45.2 acres
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Inconsistent Acreage

Inconsistent Boundaries

Dane County Agriculture, Environment & Land Records Committee

DATE COUNTY APPLICATION FOR CONDITIONAL USE PERMIT: Item No. 10.

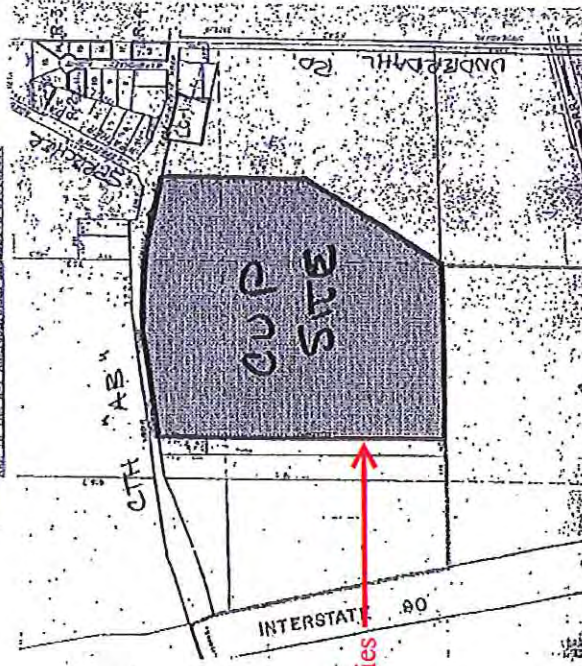
S.U.P. # 1059

Mr. Yahara Materials, Inc.

45.2 acres of land

Proposed use: Concrete batch plant for block project.

MAP: PROPOSED AREA TO BE SHOWN - 1/4 SECTION 14, NE
AND 1/4 SECTION 15, NE - AGRICULTURAL RESERVE DISTRICT



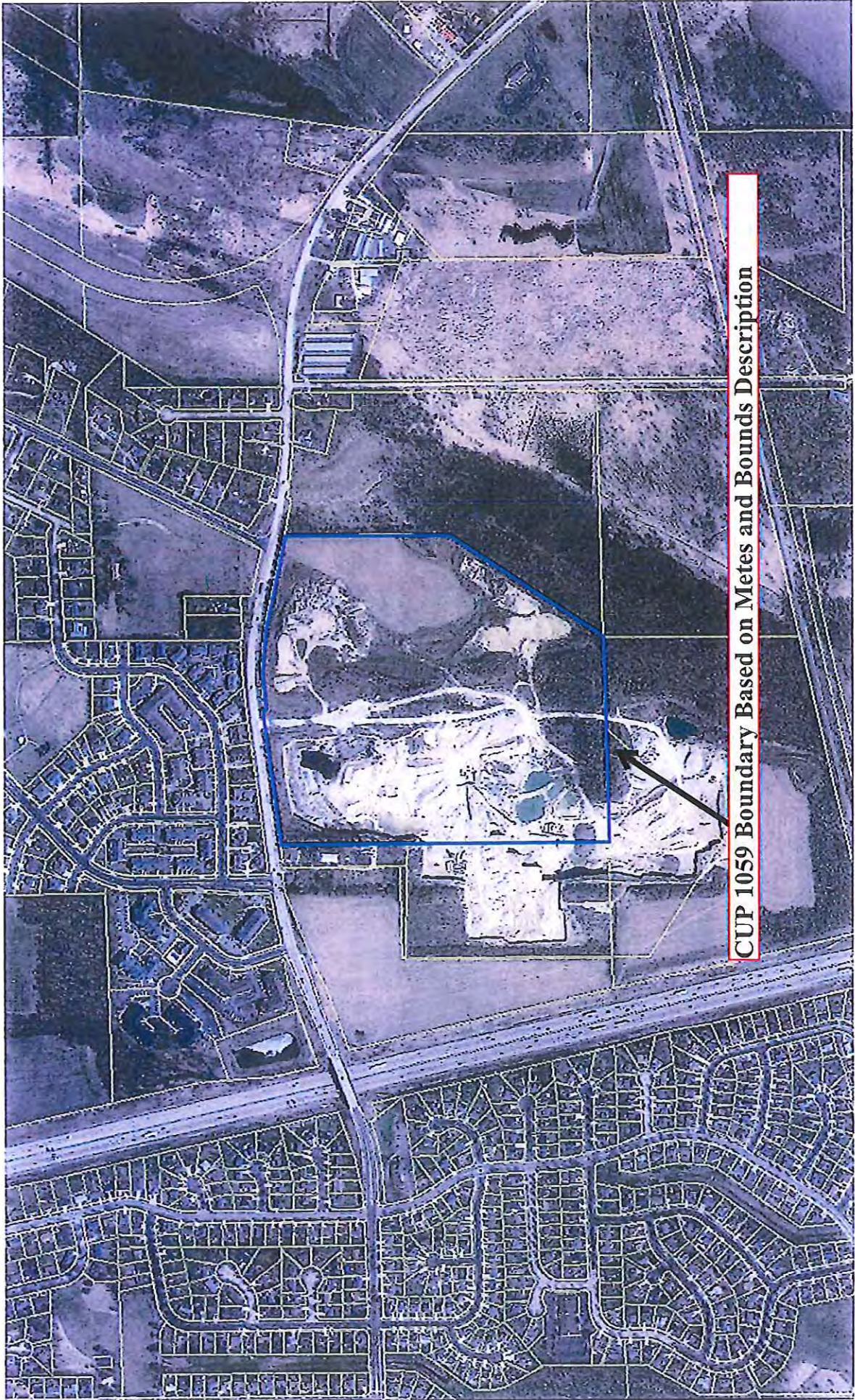
TOWN BOARD: ☐ Deny ☒ Approve ☐ Condition or Restriction ☐ Amend Zoning from _____ to _____

Z.N.R. Committee Recommendation by vote of _____ to _____

☐ Deny ☐ Approve ☐ Amend ☐ As specified by town ☐ Zoning from _____ to _____ ☐ To include condition or restriction

DATE OF ACTION _____

The acreage and boundaries referenced on the information provided with the 3/11/15 agenda is not consistent. Based on the metes and bounds description included with the application for CUP #1059, the acreage and boundaries of the map on the right referencing is correct.



CUP 1059 Boundary Based on Metes and Bounds Description

Exhibit C

TOWN OF BLOOMING GROVE

TELEPHONE 249-2194

3325 THURBER AVENUE - MADISON, WISCONSIN 53714

May 23, 1993

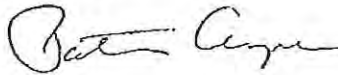
Mr. Bill Fleck
Dane County Zoning
Madison, WI 53709

Dear Mr. Fleck:

In regard to the conditional use permit for the concrete batch plant at the Yahara Materials Gravel pit, the town wishes to have an annual review (in January) of the operation of the concrete batch plant. Items for review are:

- Traffic patterns and amount of traffic generated by the plant.
- Conditions of the entry into the pit, including amount of dust caused by extra traffic.
- Time of operation--daily hours and also length of time (weeks, months, etc) that pit is used for batch plant.
- Complaints of nearby residents.

Sincerely,



Patricia Ampe, Chair

Exhibit D



1880 S. Stoughton Road Madison WI 53716
Phone 608-223-1104 * Fax 608-223-1106
www.blmgrove.com

February 25, 2015

DANE COUNTY ZONING
ROOM 116, CITY-COUNTY BUILDING
210 MLK JR BLVD
MADISON WI 53703

Re: CUP #1059 -- Yahara Materials Inc., Buckeye Quarry

Dane County Zoning has pointed out that the Town has not performed annual reviews of the batch plant at the Buckeye Quarry.

Until this issue surfaced just a few months ago, I was not aware of this requirement. In fact none of the current Town Board members, despite having a total of 50 years of experience dating back to 1999, were aware of this. Neither was our Town Administrator, Mike Wolf, who has worked in the town office for 13 years.

In the 10 years I've been Town Chair, we have not received any complaints from Blooming Grove residents about the operations at the Buckeye Quarry.

The Town is interested in doing what is needed to allow for the continuous operation of the quarry as it has been operating for the past 27+ years.

Sincerely,

Dwight Johnson
Town Chair
Town of Blooming Grove, Dane County

cc: Yahara Materials Inc.

Exhibit E

2014 Concrete Truck Traffic

Traffic Count at Buckeye Rd and USH51 Intersection: 14,850 AWDT
Traffic Count at intersection east of Interstate on Buckeye: + 7,250 AWDT
22,100 AWDT

$22,100 \text{ AWDT} \div 2 = 11,050 \text{ AWDT}$ Each Direction on Buckeye Road

2014 Concrete traffic from batch plant at Buckeye Quarry = 3,200 loads

$3,200 \text{ loads} \div 110 \text{ working days} = 29 \text{ loads per day}$

$29 \text{ loads per day} \div 11,050 \text{ AWDT} = .00262$

$.00262 \times 100 = 0.26 \text{ of } 1\% \text{ of AWDT}$

*AWDT = Average Week Day Traffic Count

June 9, 1952

ETH "A" B
(USH 51) to Nop
ETH "B" B

Dane County Highway Committee
Highway Garage
Fish Hatchery Road
Madison, Wisconsin

Re: Buckeye Road, beginning at the intersection of a town road and U.S.H. #51, near the S.W. corner of Section 9, Town of Blooming Grove; thence southeast and easterly along said road to the west line of Section 13, Town of Blooming Grove; thence southeasterly through Sections 13 and 24, Town of Blooming Grove, to the east line of said Section 24; thence south along the east town line of Blooming Grove to its intersection with U.S.H. No. 12 at Nops which lies near the east 1/4 corner of the S.W. 1/4 of said Section 24, Town of Blooming Grove.

Gentlemen:

We have received a copy of a letter written by the Dane County surveyor to the chairman of the town of Blooming Grove concerning the above road.

In this letter the surveyor states that the above road is "definitely a four (4) rod road". We have also received a statement from the town clerk certifying that according to the town's records the Buckeye Road is a four rod road.

We are willing to rely on the above statement of the town clerk that the town's records show a locally laid out highway four rods in width, and on that basis we hereby give our approval for placing the Buckeye Road on the county trunk system. This approval, of course, is subject to the conditions set forth in Resolution No. 46 of the Dane County Board of Supervisors dated August 26, 1948. Naturally if there are any defects which come to light at a later date, it will be the town's duty to correct same.

Very truly yours,

RICHARD W. BARNHILL
District Attorney

John

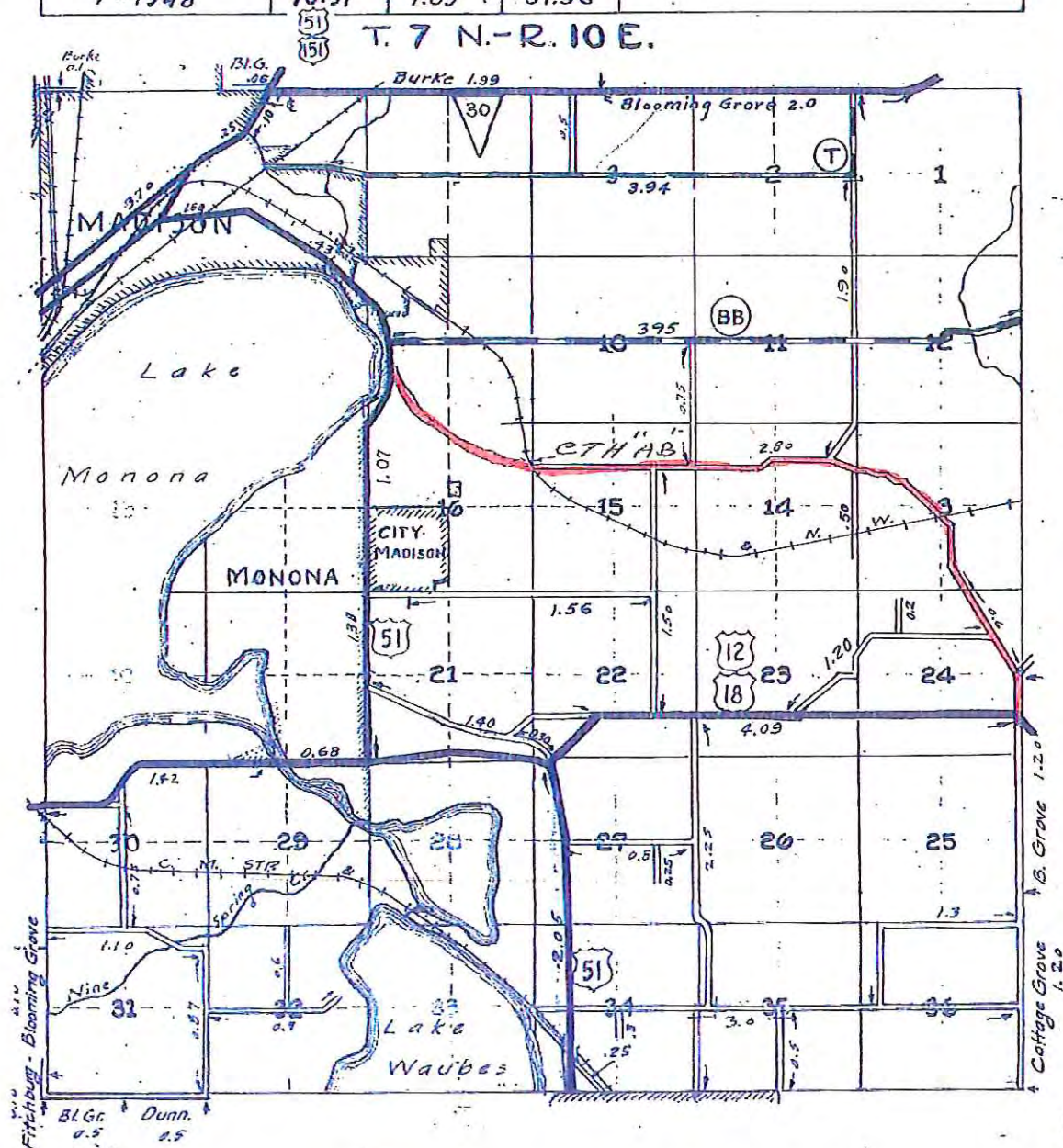
cc Mr. H. S. Marble, Town Clerk
Town of Blooming Grove

By: Joseph Goodman
Assistant District Attorney

COPY

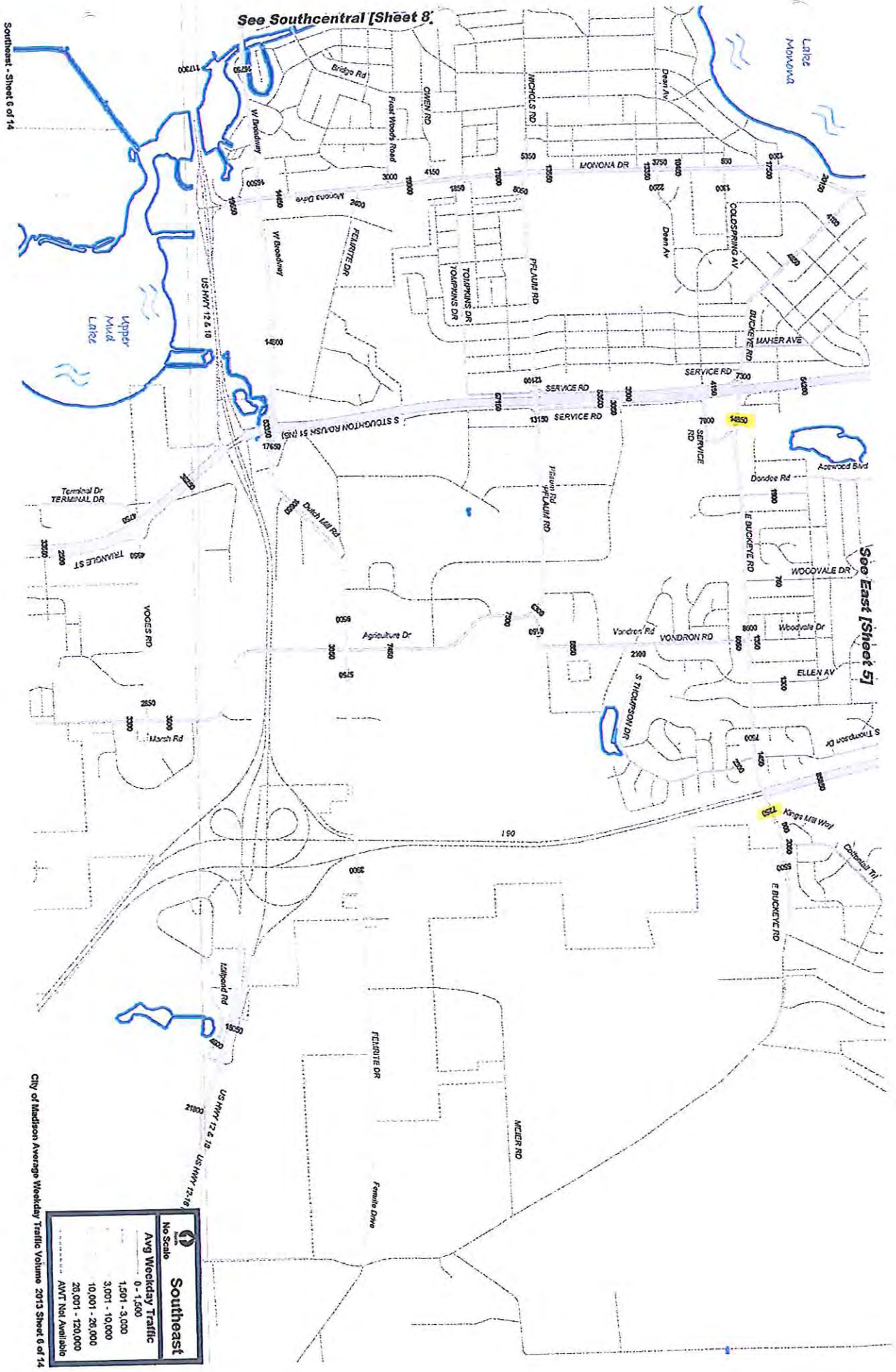
TABLE OF MILEAGES				-LEGEND-
Date of Last Connection	State Trunks	County Trunks	Local Roads	
1-1-1949	10.73	7.89	48.51	State Trunk Highway System
1-1-				
1-7-1943	13.12	4.32	45.47	County Trunk Highway System
1- 1944	13.12	4.32	45.77	
1- 1945	13.12	4.32	46.90	Town Roads
1- 1946	13.12	4.32	48.01	
1- 1947	13.12	4.32	52.09	
1- 1948	10.91	7.89	51.56	

T. 7 N.-R. 10 E.



Certified as Correct:

Town Chairman



City of Madison Average Weekly Traffic Volume 2013 Sheet 6 of 14

Southeast	
No Scale	
Avg Weekday Traffic	
0 - 1,500	1,501 - 3,000
3,001 - 10,000	10,001 - 25,000
25,001 - 120,000	AVMT Not Available

Exhibit F



Dane County Planning & Development Department

March 4, 2015

Michael Lawton, Attorney
Boardman & Clark, LLP
1 South Pinckney Street, Suite 410
P.O. Box 927
Madison, WI 53701-0927

RE: Open Records Request

Dear Mr. Lawton:

As a custodian of the Dane County Planning & Development Department records, I am in receipt of your written request dated February 17, 2015 for an open records request. The hardcopy of your communication was received in the department on February 18, 2015. You requested the following records:

- i. A copy of all Wis. Admin. Code Chapter NR 135 and Dane Co. Ord. Chapter 74 inspection reports prepared by Dane County Zoning Department staff from 2001 through 2015 to date, in color where the original document is in color, and including any maps associated therewith, for all or any part of the mineral extraction site commonly known as the Buckeye Quarry, or any part or parcel thereof, located along and near a portion of Buckeye Road (County AB), east of 1-90/94, and now operated by Yahara Materials, Inc. and its affiliated entities, or by their predecessors in interest, in the Town of Blooming Grove and/or the City of Madison, Dane County, Wisconsin, and in particular including all of the tax parcels referred to in the pending appeal before the Dane County Board of Adjustment in Appeal No. 3665; and
- ii. A copy of any pages of records which were not copied in connection with the records copied by the Dane County Planning and Development staff in response to my request letter of January 23, 2015.
- iii. A copy of the record of all complaints made in writing, electronically, in person or by telephone by any government official or members of the public from 2001 to date concerning the Buckeye Quarry described above.
- iv. A copy of all files on any conditional use permits issued by Dane County that the Dane County Planning and Development Department referred to the Zoning and Land Regulation Committee or its predecessor for consideration of revocation of the conditional use permit at any time during the period from 2001 to date anywhere in Dane County.

Planning & Development Department responses to requested items i. thru iv. are as follows:

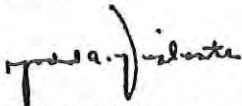
- i. This request is approved. A hardcopy packet of information responding to this request was provided to you by Assistant Zoning Administrator Daniel Everson under separate cover. A representative of your office picked up the packet from our office on February 26, 2015.

- ii. This request is denied. Zoning Division staff have indicated that to the best of their knowledge they have already provided everything that they are aware of in this regard in reply to your January 23, 2015 open records request.
- iii. This request is partially denied. First, it is unreasonable and overly burdensome and is without a reasonable limitation as required by Wis. Stat. § 19.35(1)(h). Second, this Department is not the custodian of "*all complaints* made in writing, electronically, in person or by telephone by any government official or members of the public from 2001 to date concerning the Buckeye Quarry." Third, the Department of Administration, Division of Information Management, not this Department, is the custodian of Dane County email. Fourth, even if this Department was the custodian of email, the records you are requesting are not indexed, arranged or automated in a way that the information can be easily retrieved and separated by the parameters you have identified. Wis. Stats. § 19.36(4) and 19.35(1)(am)3. Our Division of Information Management cannot search for email pertaining to a general topic the way an internet search engine like Google can search for web pages. Rather, you must provide search terms. Nevertheless, in the spirit of open government, enclosed please find six (6) pages of an email complaint and associated string of emails and attachments from this past November regarding this issue. It is the only complaint of which we are aware that was submitted to our department in recent recollection regarding the Buckeye quarry.
- iv. This request is approved. Please find enclosed 67 pages of material in response to this request.

In order to obtain a copy of these records, there is a charge of \$0.25 per page for these documents, as per §16.41, Dane County Code of Ordinances. Payment for the 73 pages of material in the amount of \$18.25 may be sent to the Planning & Development Department at the address listed below, or can be paid directly at the department's public counter located at the same address.

Pursuant to Wis. Stat. §19.35(4)(b), I am required to inform you that if you disagree with any determinations contained in this letter, you may seek review by mandamus under Wis. Stat. §19.37(1), or by application to the attorney general or a district attorney.

Sincerely,



Todd A. Violante, AICP
Director

cc: Daniel Everson, Assistant Zoning Administrator (via email)
David Gault, Assistant Corporation Counsel (via email)
Roger Lane, Zoning Administrator (via email)
Daniel Lowndes, Risk Manager (via email)

Six (6) pages of material in response to open records request item iii.

From: [Everson, Daniel](#)
To: [Schmidt, Robin forward](#)
Cc: [Lane, Roger](#)
Subject: RE: grandfather clause
Date: Monday, November 03, 2014 9:55:58 AM
Attachments: [NC content.pdf](#)
[2014 aerial.pdf](#)
[2005 aerial.pdf](#)

A portion of this mineral extraction site is in the town of Blooming Grove and in the City of Madison. Attached is a copy of the non-conforming "grandfathered" registration from 1969 for lands under the ownership of Ghereke. Also, attached is a 2014 aerial map that outlines in yellow a tract of land that Yahara Materials purchased from a Fobes in 1987. A 2005 aerial photos is attached as well, so you can see the progression. It appears and I am not seeing anything that would allow that the lands to the west to be grandfathered, nor do I see a Conditional Use Permit from the town/county to allow for mineral extraction.

I will have to initiate a conversation with Yahara Materials to find out more about the progression of extracting materials from the lands to the west.

Dan Everson

Assistant Zoning Administrator

608.267.1541

everson.daniel@countyofdane.com

-

From: Lane, Roger
Sent: Monday, November 03, 2014 8:12 AM
To: Everson, Daniel
Subject: FW: grandfather clause

Dan,

Please look into this and see if Yahara has expanded past their limits. Is the area in the City of Madison?

Roger

From: Robin Schmidt [<mailto:robin4danecounty@yahoo.com>]
Sent: Monday, October 27, 2014 12:28 PM
To: Lane, Roger
Subject: Fwd: grandfather clause

Roger - can you help clarify this for us?

Thanks!

Robin

Sent from my iPad

Begin forwarded message:

From: "Demarb, Denise" <district16@cityofmadison.com>
Date: October 27, 2014 at 10:45:43 AM CDT
To: Robin Schmidt <robin4danecounty@yahoo.com>
Cc: Scott Rice <Smrice89@gmail.com>, "Ruckriegel, Edwin" <ERuckriegel@cityofmadison.com>
Subject: grandfather clause

Robin,

I spoke to Ed Ruckriegel with MFD and he suggested I contact you. I am writing concerning clarification in the grandfather clause for quarries.

I was told Yahara quarry is currently blasting in land that was not owned by them when the State law was written. Is this new land included in the grandfather clause? If the new land is not included in the grandfather clause, does the quarry need to follow a different set of "rules" for the new land? And of course, how are these "rules" different from the grandfathered rules?

Neighbors continue to be under duress with all the blasting. This is likely to escalate with the plans for work on Stoughton Rd in the summer of 2015 and 2016.

Please forward this email to the appropriate person to help answer the questions illustrated above.

thanks
Denise

Denise DeMarb
Alder District 16, City of Madison
608-358-3195

Please Subscribe to my updates at:
<http://www.cityofmadison.com/council/district16/blog/>



DANE COUNTY ZONING DEPARTMENT

Room 314, City-County Building
Madison, Wisconsin 53709
Telephone 266-4266



Dairy and Recreation
Center of America

APRIL 16, 1969 DEADLINE TO REGISTER OLD GRAVEL PITS AND OTHER MINERAL EXTRACTION OPERATIONS IN DANE COUNTY.

To all concerned:

The enclosed copy of Zoning Ordinance Amendment 1163 should be of interest to all owners of land where gravel pits, quarries and related activities take place, as well as to those who are conducting this kind of business.

Your attention is invited to the very last paragraph, (4), and to the last sentence therein, which reads as follows:

"All existing mineral extraction operations shall be deemed non-conforming uses and may be continued providing that they have been worked prior to the date of adoption of this ordinance and they have been registered with the County Zoning Supervisor within one year of the date of adoption of this ordinance."

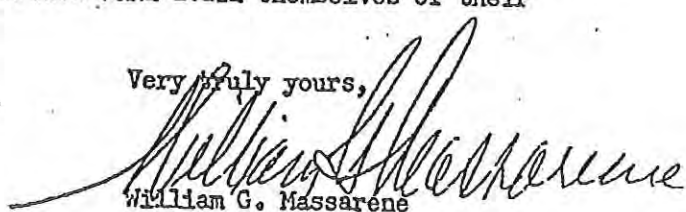
April 16, 1968 is the date this ordinance was adopted. Within Dane County a mineral extraction operation that began before that date may be continued, provided it is registered with the Dane County Zoning Supervisor, Room 314, City-County Building, Madison, Wisconsin 53709 no later than April 16, 1969.

Registration of mineral extraction operations that were worked prior to April 16, 1968 should be in writing, and may be accomplished by letter. The following information should be included:

1. Name of landowner
2. Name of Township
3. Section number and quarter, e. g. "NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12."
4. Approximate acreage of land claimed for mineral deposits
5. Type of operation, e. g. "quarry"
6. Approximate date operation first worked (must be earlier than April 16, 1968)
7. Signature of owner, or his agent (registration of deposits by parties who contract for their use will be recognized)

We hope that all interested parties will avail themselves of their rights.

Very truly yours,


William G. Massarene
Zoning Supervisor

7

MADISON STONE COMPANY INCORPORATED

Route 1
MADISON, WISCONSIN
249-8562

14 March 1969

Dane County Zoning Department
City - County Building
Room 314
Madison, Wis. 53709

Gentlemen:

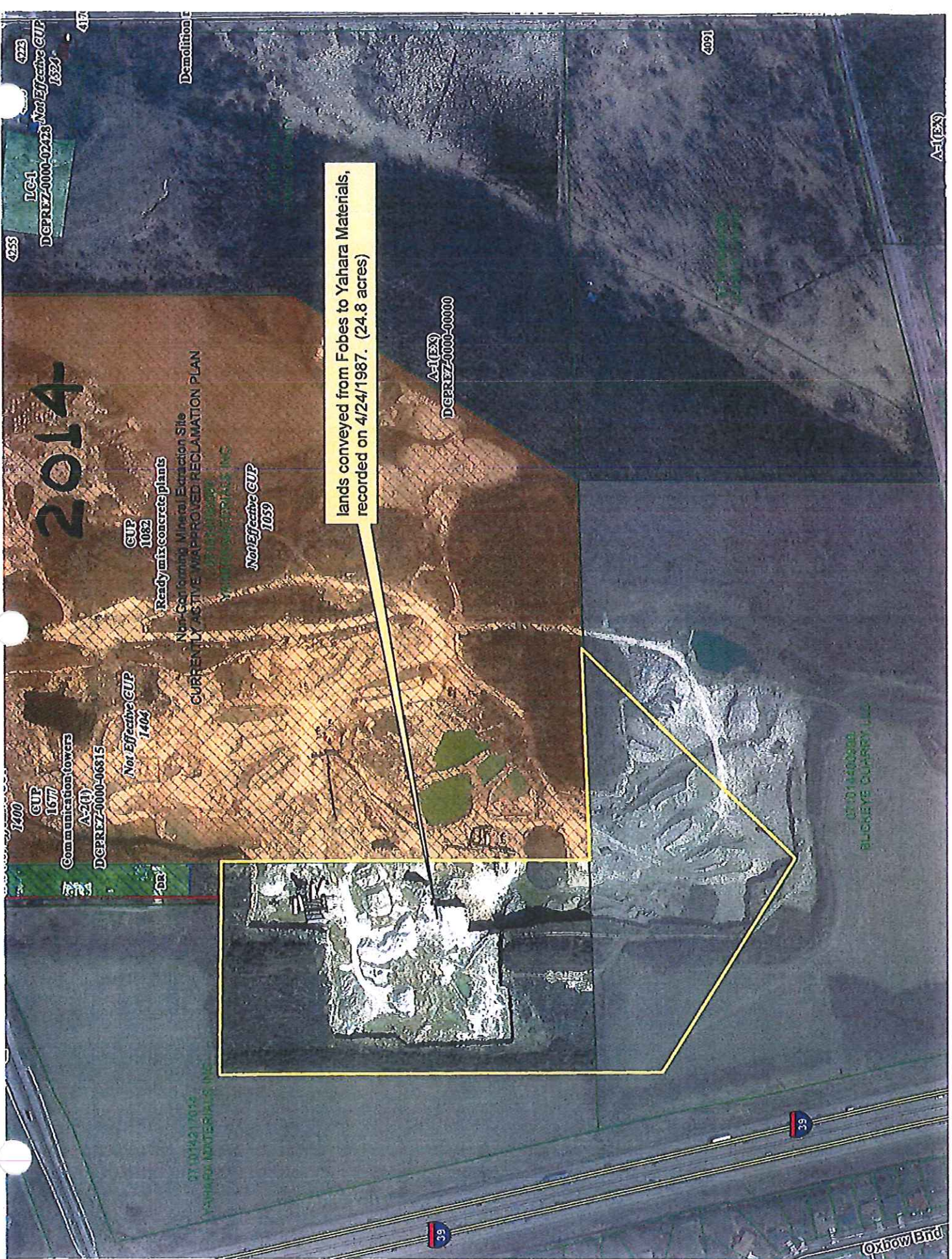
We hereby register the below listed quarries and or gravel mineral extraction operations in Dane County that have been used in prior years:

<u>OWNER</u>	<u>TOWNSHIP</u>	<u>SECTION</u>	
• Sam Messerschmidt	Burke	17	NE 1/4
• Lena Hoffman	Burke	17	NE 1/4
• Reno Gherke	Bloomington Grove	14	
• Perry T. Fess	Burke	26 & 27	SW 1/4 of 27
• Madison Stone	Bloomington Grove	2	
• Clem Hensen	Bristol	30	
• Madison Stone	West Port	10	
• Vernon Bork	Cottage Grove	17	NE 1/4
• Madison Stone	Sun Prairie	8	
W. Charles Anderson	Dunn	25-35-36	
• Francis Nordness	Vienna	23	
• V. C. Reindahl	Oregon	24	
• Louis Rolfsmeier	Bloomington Grove	12	
• Madison Stone	Burke	17	NO
• Carl Simonson	Deerfield	27	
• Anna Pollow	Verona	16	
• Capital Sand & Gravel	Cross Palains	11	
• Capital Sand & Gravel	Cross Plains	24	
• Simon Fergestad	Christiana	30	
• Thomas Skaar	Cottage Grove	27 & 28	SW 1/4 28
• Ed. Olson	Cottage Grove	29	NO

MADISON STONE CO. INC.

H. M. Nelson
H. M. NELSON
President

HMN/wnd



2014

lands conveyed from Fobes to Yahara Materials,
recorded on 4/24/1987. (24.8 acres)

1400
CUP
1577
Communication towers
A-2(1)
DGPREF-0000-06315

Not Effective CUP
1404

CUP
1032

Ready mix concrete plants

Non-Conforming Mineral Extraction Site
CURRENTLY ACTIVE IMPROVED RECLAMATION PLAN

Not Effective CUP
1059

A-1(2A)
DGPREF-0000-00000

071014400000
BLUCKEYE QUARRY, LLC

39

39

Oxbow Bend

2005

4255
4225
LC1
DCPREZ-0000-02423 Not Effective CUP
1524

417

CUP
1677
Communication towers
A-2(1)
DCPREZ-0000-06815
Not Effective CUP
1404

Ready mix concrete plants
Non-Conflicting Material Extraction Site
CUP ENTIRELY ACTIVE VIA APPROVED RECLAMATION PLAN
07/01/1987
YAHARA MATERIALS INC.
Not Effective CUP
1059

lands conveyed from Fobes to Yahara Materials,
recorded on 4/24/1987. (24.8 acres)

A-1(EX)
DCPREZ-0000-00000

4091

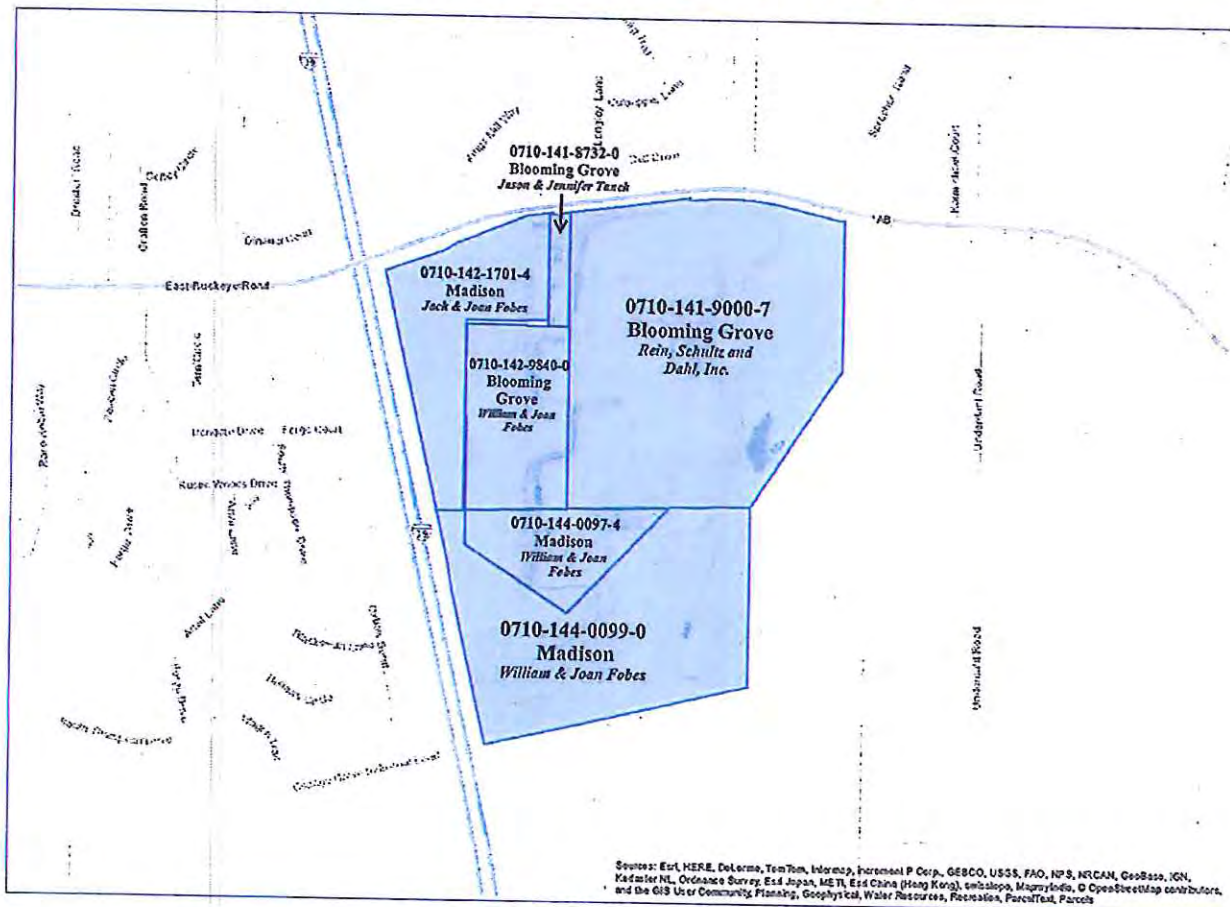
A-1(EX)

07/01/1987
50688725-03-000000-1-00

Oxbow Bnd

Exhibit G

BUCKEYE QUARRY



1995 Aerial



2000 Aerial



2005 Aerial



2010 Aerial



2014 Aerial

