

# Town of Albion

County of Dane

620 Albion Rd. Edgerton, WI 53534

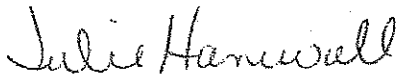
Phone: 608-884-8974 Fax: 608-884-2130

March 25, 2014

Dane County Zoning and Land Regulation Committee and  
Roger Lane, Zoning Administrator

At a public meeting held on March 24, 2014 the Albion Town Board unanimously voted to approve CUP# 02260 for Yahara Materials. The Town Board reviewed all the suggested conditions put on by the county staff and added one more condition: Yahara Materials must draw in an extraction line for the materials and label all adjoining properties (neighbors) on the map. The Town Board voted unanimously to approve all conditions set forth by the town and the county.

Thank You,  
Town of Albion Board



Julie Hanewall, Clerk/Treasurer

**TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT**

Regarding Petition # 022690 Dane County ZLR Committee Public Hearing Tuesday, February 25, 2014

Whereas, the Town Board of the Town of Albion \_\_\_\_\_ having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one):  **APPROVED**

**DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

**PLANNING COMMISSION VOTE:**      4 In Favor      0 Opposed

**TOWN BOARD VOTE:**              5 In Favor      0 Opposed

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(3)(a), if applicable, are found to be (check one):

**SATISFIED**

**NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

**THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):**

Conditional approval of CUP 02260 only for any one of the three DOT Hwy 73, Interstate 90/94 and Hwy 106 projects as per the proposal and for the only a 10 year period.

**PLEASE NOTE:** The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Julie Hanewall, as Town Clerk of the Town of Albion, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Tuesday, January 07, 2014

Julie Hanewall  
**Town Clerk**

Tuesday, March 04, 2014  
**Date**

## FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS

If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from section 10.255(2)(b):

*"No permit shall be granted when the zoning committee or applicable town board determines that the standards are not met, nor shall a permit be denied when the zoning committee and applicable town board determine that the standards are met."*

PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / STANDARD)

- |   |   |
|---|---|
| 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.   | 1. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 2. That 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. | 2. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 3. That 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.   | 3. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.   | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.   | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located.   | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

**THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:**

The January 7, 2014 Town of Albion Planning Commission was called to order by Chairman Claude Radermacher at the Albion Town hall at 6:30 p.m. with the following members present: Claude Radermacher, Chris Hackner, Stacey Babriaz, Jay Harding and Julie Hanewall, Clerk along with 15 concerned citizens.

REZONE - DCPREZ-2013-10643 – Helena Chemical Co - Owner, KD Engineering Consultants, Inc., Agent – 156 County Highway N, Edgerton, WI 53534 – Rezone from A-1Ex to A-B to expand existing A-B Agri-business district 8.18 acres and A-1Ex to A-4 under 35 acres. All neighbors were notified. Jim Sutton manager decided to build a warehouse on the southwest corner of the property. The county reviewed the zoning permit and suggested they increase the footprint to cover the driveways, parking area and some green space. The request is to go 50 ft. to the east, 100 ft. to the south, 200 ft. to the west and to the property line on the north because of the railroad tracks. This added up to about 8.1 acres. The new building is on the original A-B zoning footprint. It fit with the setbacks, the questionable areas for the county were with the driveways, and parking is outside of the original zoning area. Claude asked for any questions from the audience. Bob asked if the new office building will be for existing office or new office? The business is divided into resale or wholesale and the new office will be for the wholesale business and the new warehouse will also be for the wholesale. Will increase some truck traffic in and out? Yes this may increase some. Why is the driveway coming in and out still A-1 and not being changed? That has always been acceptable to the county, but they will include it if the town would want them to. The county told them not to take any more land than they need for the A-B zoning. Will they have any trucks or trailers parked in the A-1 area? No they should be able to stay within the A-B zoning area. The new yard will be blacktop eventually. They would like some of the language cleaned up on the original conditions. The county told them to start with Albion. There has not been any further concerns since this was passed in 2002. Did the county change the storm water plan? Yes they went through the state and county for approval of the storm water management plans. The first pond was placed in the northeast corner, they put another pond at the northwest corner. 60% goes northeast and 35% goes northwest, and 5% goes out along the driveway. Chris Hackner made a motion to approve rezone#10643 with all 26 conditions from the Rezone #8508 done in December of 2002 to be transferred to rezone#10643, Stacey Babriaz 2nd, 4 ayes, motion carried.

CUP – DCPCUP-2013-02260 – Crazy Acres, Inc – Owner, Yahara Materials, Inc. Agent – Property located west 983 State Highway 73 for mineral extraction. This quarry operation would be used for DOT Reconstruction project on Interstate 90-94/Interstate 39 and State Highway 73 & 106. Neighbors have been notified the first letter did not have time and date of meeting so they sent out another letter 3 days later. Tim Geoghegan representative from Yahara Materials and Robin Wilberd. He showed the map. This is 478 acres parcel, the proposed extrication site is about 105 acres. The rock is close to the surface and we plan to take 22 feet of rock out. We are going ahead with the zoning projects with the construction on Hwy 73, the interstate and Hwy 106. We are looking for a window were we can work on this. A large portion for these projects can come from this site. The way we would operate this is we would only open a minimal amount of rock at a time. The maximum amount of land would remain in Ag. The

soils that are stripped off the top would be taken out to the perimeter and used as a buffer for visual and sound. As they work their way out they would close the land behind them. This is a short term proposal because crazy acres wants this land back in production as soon as they can get it. They asked for a 10 year window. We have to have a permitted site to be able to bid on it. They will be using an existing field road. They use water on the crusher to control the dust. Sound should be minimal. They will have gates will be locked when not in operation. There are mufflers system on all their equipment. With the burms in place the sound travel should be minimal. There will be gates that will be locked when they are not in operation. The entrance will be treated with recycled asphalt to control dust at the entrance area. There will be stop signs set up on the roads that will be monitored by us and the DOT. The DOT has strong criteria that has to be met by the trucking operations. Have looked at site distances (required) There will be signs for people to be warned. We will do a bit more signage if we have too. Some of this will be addressed because Hwy 73 will be done first. This land will be improved and more productive after they are done. This quarry will have self-contained drainage there will be no discharge. There will be a significant amount of blasting because the rock all has to be blasted. If any neighbors have any questions or concerns they will set monitoring systems for them. Department of commerce has standard for blasting. If anyone has a question about their well they will do an inspection. They have been in business for 50 years and have never had pay out a claim for a well. There are distances they have maintain from residents, and this site is well beyond any of those distances. They recycle the water. Water usage is very small. No chemicals are used. Finished grade will be 850. Not looking at this for a batch site. This site would be for base products. Work hours would be 6:00 am to 6:00 pm Monday thru Friday and 6:00 am to noon on Saturday's when necessary. The DOT could make them work at night for safety reasons. All blasting has to be done during the day. Typically it is from 8:00 am to 4:00. If we want to put a limit on the PPB we would have to enforce it ourselves. The state has standards that they will enforce. If they do not receive the DOT bid this quarry would not happen. They put this is the proposal that this is for DOT work, they are not looking for a long term quarry to service the community. This is specifically for the Highway projects. This is also in the contract with the land owners, they do not want this left as a quarry they want it back for farming. If they put in a well they have to cap it when done. If the property of the owner wants it he has to apply for his own permits. This CUP is only for 10 years. They do not keep large volumes of fuel on the site. They will never have 20 acres open at one time. They are asking for a window, will not get all the projects. Stacey Babriaz made a motion to approve CUP 02260 only for any one of the three DOT Hwy 73, Interstate 90/94 and Hwy 106 projects as per the proposal and for the only a 10 year period. Chris Hackner 2<sup>nd</sup>.

Jay Harding made a motion to adjourn, Chris Hackner 2<sup>nd</sup>. 4 ayes, motion carried.

Julie Hanewall, Clerk