



Notice of Public Hearing

Zoning and Land Regulation Committee

Public Hearing: **May 10, 2016**

Zoning Amendment:
None

Acres: 59.8
Survey Req. No.

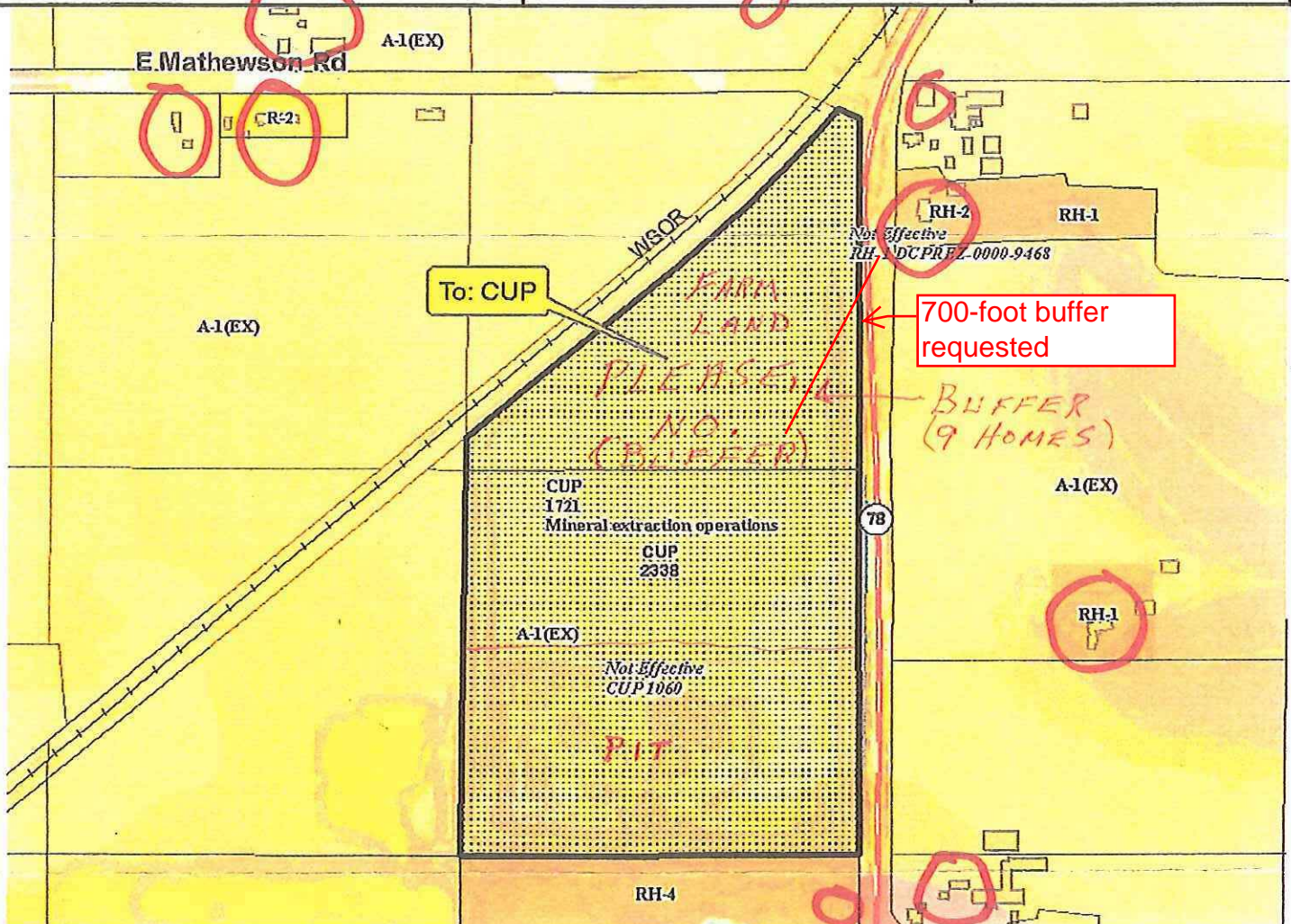
Reason:
Renew conditional use permit for an existing mineral extraction site

Petition: **CUP 2338**

Town/sect:
**Mazomanie
Section 10**

Applicant
Halfway Prairie LLC

Location:
6053 State Highway 78



A public hearing on this petition will be held on **May 10, 2016** at 7:00 P.M. in Room 201 of the City-County Building, Madison WI. This hearing is being held so that the Dane County Zoning and Land Regulation committee (ZLR) may hear those persons who have an interest in the proposed change in zoning districts or conditional use. The ZLR Committee will review the proposed change in zoning districts or conditional use against the policies of the adopted town land use or comprehensive plan and the Dane County Comprehensive Plan. Conditional Uses are granted or denied by the ZLR Committee and relevant Town Board. Committee recommendations on zoning district changes are referred to the County Board, which will make the final decision on approval/denial subject to County Executive signature. Should you desire more information regarding this proposed zoning change or conditional use application, please call or visit the Dane County Zoning Division, Room 116 City-County Building, telephone (608) 266-4266 between the hours of 7:45 AM and 4:30 PM, Monday - Friday. This change must be acted on by the local Town Board prior to ZLR committee action. Interested persons should contact their Town Board regarding this matter as soon as possible.

A COPY OF THIS NOTICE HAS BEEN SENT TO NEIGHBORING PROPERTY OWNERS. PLEASE SHARE THIS NOTICE WITH ANY OF YOUR NEIGHBORS THAT MAY NOT HAVE RECEIVED THIS NOTICE BY MAIL.

OPPOSITION TO CUP REQUEST BY YAHARA MATERIALS, INC. FOR 59.8 ACRES AT OR NEAR 6053 HIGHWAY 78, MAZOMANIE, WISCONSIN.

We the undersigned concerned property owners who are adversely affected by the existing and proposed CUP activities of the Halfway Prairie Pit, Mazomanie, Wisconsin, hereby express our opposition to the CUP request on the triangular parcel at or near 6053 State Highway 78, Mazomanie, Wisconsin for the following reasons: (Reference CUP #1721 7/24/010

1. Noise from digging, crushing, and trucking disruptive to normal living conditions, and should not be permitted. Trucks in and out noisy and create dust.
2. Numerous conditions in Conditional Use Permit #1721 not followed.
3. Dust from the pit as water spray bars are seldom used as called for in #1721.
4. #4 of #1721. Not complied with. Trees do not "mitigate the noise and for visual and safety concerns of the neighbors". No evidence of mowing in the past 15 years.
5. #7. Extension is not warranted and operation should cease.
6. #8 says, "The total disturbed area of the site shall not exceed 20 acres at one time." This proposed CUP would exceed 20 acres and the proposed CUP should not be granted! It appears from a hillside view of the quarry, it exceeds 20 acres now.
7. #9. Reclamation; No evidence of any reclamation to farming as owners promised and called for in #1721.
8. #11. The first 150' of the driveway shall be paved. Not long enough. Not dust free.
9. #23. Where is the "water table study", and the neighbors would like to see it since the water flow seems to be in a NW direction toward at least 4 occupied homes.
10. #24. All private wells are to be tested @ 3 years. None have been tested to our knowledge.

The proposed CUP in the triangular agriculture field North of the proposed 41-acre site is not needed at this time. Colored aerial maps show approximately twenty acres of the present 40 acre parcel as available for mining. The approximately 20 acres in the triangle are not needed at this time and should never be extracted due to its close proximity to rural housing and opportunities by adjacent land owners to promote rural housing. This CUP request should be denied.

Adjacent farmlands with normal potential to urban housing is negatively impaired and economic losses to adjacent property owners, as who could want to build rural housing and live next to a gravel pit. It would stifle any legal development of adjacent home sites to the benefit of a dusty, noisy quarry, with all the added traffic of gravel/sand trucks.

In the Composite Report for CUP #2338, Proposal Summary and Background, p. 2 under Town of Mazomanie Comprehensive Plans: Note this language: "Extraction activities are not generally compatible with residential uses and should be directed away from clusters of home sites or planned residential areas."

That is exactly our position. There are clusters of home sites adjacent to this parcel, and at least one farmland owner would like to develop "planned residential areas", but cannot go to the tremendous cost of development and try and sell lots with a noisy, dusty, ugly quarry in the front yard.

(See addendum A with CUP 2338 comments.)

ADDENDUM A – CUP #2338 (OLD CUP #1721 OUTLINED ON PAGE ONE)

1. The proposed extension into the approximately 20 acre triangular parcel North of the existing open pit SHOULD NOT be granted for the enumerated reasons in this Objection. There is no need for expansion into the triangle. This should be the “buffer area”, approximately 600 feet to the closest residential home site to the North. A second home site is also close to the “triangle” and would be negatively impacted with expansion in the triangle. The aerial view shows about one-half of the existing 40 acres as still available for extraction. It also appears that to the West of the 40 fronting on Highway 78, that extraction has begun. We request the County look into this since we have no access to the pit.
2. The permit period should be reduced from 15 years to five years to evaluate conformity with #2338. It should be five years, not fifteen years.
3. Reclamation Plan: on p. 2 of Composite Report for CUP #2338; no visible evidence of any reclamation in 15 years. Why haven’t at least parts of this pit returned to agriculture use as proposed? We ask the County to look into this.
4. P. 2, again, Town of Mazomanie Comprehensive Plan: “Extraction activities are not generally compatible with residential uses and should be directed away from cluster of home sites or planned residential areas.” PLEASE ENFORCE THIS BY NO FURTHER EXPANSION TO THE NORTH IN THE TRIANGLE on Highway 78 near Matthewson Road.
5. The Town (of Mazo) never did “provide full public review of the proposal”. No neighbors were notified.
6. Chapter 10 six standards for granting a CUP in Section 10.255. (2); three of six not met:
 1. “comfort or welfare” not compatible with residential neighbors.
 2. “uses, values and enjoyment of other property in the neighborhood” not met.
 3. CUP will impede the development and improvement of surrounding property for permitted uses. How many people would want to build a house next to a quarry?
7. On page 3 of Composite Report for CUP 2338, #4 is proposing a thirty (30) acres disturbed area, 50% more than the earlier CUP #1721. This should not be increased from 20 to 30 acres of disturbed area; not needed; too much open area. Leave at 20 acres as in the past 15 years. How many acres are “disturbed” now?
8. #5 of Conditions has not been complied with in the past 15 years; we ask the County to check into this.
9. #7, 15 years is too long. Please review in five years.
10. #9. 150 feet not enough length to prevent excess dust from trucks; pave past the scales.
11. #12 Saturday hours of operation conflict.
12. #16 should be enforced: “The operator shall use water spray bars in the crushing process and screening process to eliminate dust and fugitive emissions.”
13. What is the permitted depth of this current operation (pit), and is it in conformance with the County?

That is why the CUP cannot be expanded. How can governmental committees and departments thwart the development by private land owners by protecting the interest of open pit land miners? They must not.

Incidentally, none of the neighbors ever knew of any public hearing where we could have come to speak at the town level. Maybe it was posted at the Town Hall, but who would ever go there to read about meetings. We first learned of this CUP request in a notice sent out 4/7/16 by Dane County Planning and Development, and at least two neighbors never got any notice from the County.

It clearly states that, "The Town shall provide for full public review of the proposal". This never happened.

Further, p.2. of the Composite Report for CUP #2338 under "Compliance with County Ordinances", has six standards for granting a CUP in Section 10.255 (2) (n). 1. This use certainly is detrimental---especially the "comfort and welfare".

#2 Other properties in neighborhood will be "impaired or diminished by establishment, maintenance or operation of the conditional use".

#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." The proposed CUP would have tremendous negative impact on surrounding property and the proposed CUP should NOT be granted.

In the existing extraction area, a FIVE (5) YEARS TIME SHOULD BE SET FOR EVALUATION, NOT 15 YEARS. This needs to be reviewed more frequently than 15 years.

700 feet

Drawing the extraction site line Five Hundred (500) feet from the nearest single family residence, would not extend the mining into the triangular parcel, which is in the CUP request, and this would be a reasonable and fair step back to protect neighbors. The quarry is destroying the harmony of the entire neighborhood.

For the aforementioned reasons, we respectfully request that the applicant's request for expansion of any CUP be denied for the aforementioned reasons to comply with the standards set forth in Dane County as referenced above.

Thank you for your understanding and support of the neighbors to the Yahara quarry in not granting this CUP request.

Dated on or about April 23, 2016.

John Heintz 10133 E-MATHEWSON RD MAZOMANIE 4/23/16
Gerald Olson 6034 HWY 78 MAZOMANIE, WI 53560 4/23/16
Janice A. Olson 6034 HWY 78 Mazomanie, WI 53560 4/23/16
Zanny E. Lieble 123 West Main St, Mazomanie, WI 4/23/16
Aron Kuchter 6127 Wichte Ln Mazomanie, WI 4/23/16 Tenant of 5 years
Bonnie Thirion 10133 E. Mathewson Rd. Mazomanie, WI 4-23-16 9 years
Victoria Julson Julia-Jean Heintz 10147 E-MATHEWSON RD 4/23/16
James Priedl 6092 State Rd 78 Mazomanie, WI 4-24-2016