

MEMORANDUM

TO: DANE COUNTY ZONING & LAND REGULATION (ZLR) COMMITTEE

CC: ROGER LANE, ZONING ADMINISTRATOR; YAHARA MATERIALS, APPLICANT; MARY BETH PERANTEAU; CHARLES SWEENEY

FROM: PAMELA ANDROS, AICP

DATE: JUNE 24TH, 2014

RE: STAFF UPDATE FOR CUP#2260

This item is on tonight's agenda in the event that the committee wishes to alter the wording of condition #23, regarding pre-blast surveys. The attorney, Mary Beth Peranteau, representing neighbors of the mineral extraction operation, has requested clarification of one of the conditions associated with CUP#2260. Condition number 23 is as follows:

Pre-blast inspections on buildings and wells shall be performed on any property within $\frac{3}{4}$ of a mile of the extraction operation if requested by the property owner. The operator shall maintain records of the inspections and be made available to Dane County Zoning Division upon request.

The wording of this condition is standard for CUPs for mineral extraction in Dane County.

The attorney representing the applicant feels that the wording of the condition is fine as is, noting that the "pre-blast survey is done before the blast and followed up if there is alleged damage", and also that "well inspection is the same way".

Mary Beth provided the following as alternative wording for conditions #23:

Owners of property within $\frac{3}{4}$ mile of the extraction operation shall be reimbursed by the operator for the reasonable cost of one well inspection and one property inspection per year during the term of the CUP, with initial inspections to occur prior to the commencement of operations. Well inspections shall be performed by a certified well driller or pump installer, shall include a pump test to determine the static water level and pumping water level, and shall be documented on a WDNR well inspection form. Property inspections shall be performed by a licensed home inspector and shall consist of the inspection, photographing and recorded description of pre-blast conditions of the interior and exterior of residences and other structures.

Clearly there is concern over who gets to decide who to hire, the reporting required, and the frequency of the inspections.

As written, the condition is reasonable, however, clarification could be useful for everyone involved

(neighbors, operator, town and Dane County Zoning). Some clarifying items include, but are not limited to, the property owner making the request must provide a copy of that request to the Town of Albion and to Dane County Zoning; and the inspections must be conducted by a licensed professional. For selecting a professional, perhaps one that meets the approval of the property owner, operator and Town of Albion Board, could be useful in addressing people's concerns. The above are simply options for the committee to discuss if they wish. The condition wording can stay as is, or be reworded and shared with the town board before they act.

The town of Albion has 40 days from the date of the ZLR's action on CUP #2260 (May 13, 2014 meeting) to give final approval or disapproval of the CUP as amended. The town may not modify the conditions as approved by the ZLR. The town of Albion has until July 21, 2014 to notify the county of their action on CUP#2260. The town has not yet acted on CUP 2260 as approved by the ZLR on May 13th.