



# Staff Report

Public Hearing: **May 27, 2014**

Petition: **CUP 2272**

Zoning Amendment:  
**None**

Town/sect:  
**Springfield  
Section 09**

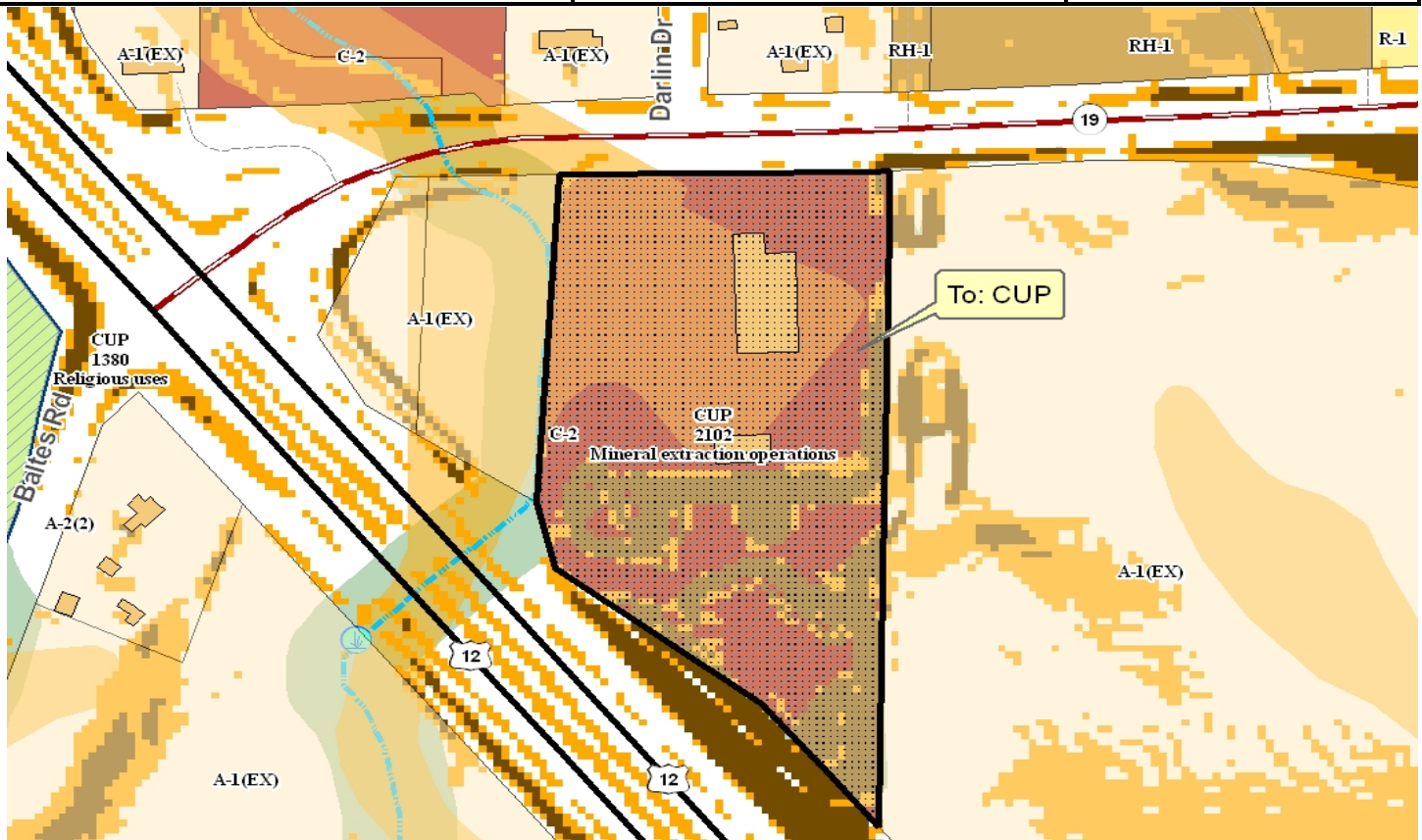
Zoning and Land Regulation Committee

Acres: **7.65**  
Survey Req. **No**

Applicant  
**G & S Properties of  
Springfield LLC**

Reason:  
**Continue Mineral Extraction  
operation**

Location:  
**7265 State Highway 19**



**DESCRIPTION:** The petitioner is requesting a 10-year continuation of an existing mineral extraction operation. CUP# 2102 was approved in 2009 for mineral extraction on this site. The removal of sand and gravel is to create a level area for future commercial expansion. The 2009 approval had a 5 year expiration date.

**OBSERVATIONS:** The property is located at the intersection of Highway 12 and Highway 19. Steep slope topography (some exceeding 20%) is present on the south side of the lot. There is a storm water way that runs along the west of the property line. This waterway would not be considered navigable and would not be subject to Shoreland regulations.

**TOWN PLAN:** The subject property is located in the *Rural Development District-Rural Center* of the Town of Springfield Comprehensive Plan. The description of the district is to "Allow [a] broader range of residential, commercial, institutional, and recreational uses".

**RESOURCE PROTECTION:** The Town's Comprehensive Plan identifies sensitive water features along with their buffer areas and steep slope topography as resource protection area. The steep terrain of the site is identified as an area of resource protection.

**STAFF:** Please see attached staff report for further analysis and suggested conditions.

**TOWN:** Pending town action June 17<sup>th</sup>.

**5/27 ZLR Action:** A motion was made by MATANO, seconded by KOLAR, that the Conditional Use Permit be postponed until Town action is received. The motion carried by a voice vote.

**Staff Update:** The Town has approved the Conditional Use Permit subject to the same conditions as the previous CUP. The CUP will terminate in 5 years.

STAFF REPORT FOR CUP No. 2272  
MAY 27, 2014 ZLR COMMITTEE PUBLIC HEARING  
CONDITIONAL USE PERMIT FOR A MINERAL EXTRACTION SITE IN THE C-2 COMMERCIAL DISTRICT  
SPRINGFIELD SECTION 9



**DANE COUNTY ZONING STAFF COMMENTS / BACKGROUND**

- **Owner(s) of record:** G&S Properties of Springfield LLC
- **Agent:** Gary Acker
- **Size, zoning, use of existing parcel:** 7.65 acres zoned C-2.
- **Rezone/CUP desired:** CUP for mineral extraction to replace CUP 2102. The purpose of 2102 was for mineral extraction operations with an ultimate goal of site preparation for expanding the commercial business (Springfield Welding). The proposed CUP 2272 will be for a continuation of the same.
- **Number of new home sites created:** None
- **History:** CUP 2102, for Mineral Extraction, expired on March 24<sup>th</sup>, 2014. Prior to this was CUP 1855 for mineral extraction related to the UW highway 12 expansion project (expired in October of 2008). Rezone petition No. 8752 was to rezone the 3 acres that was added to property already in C-2 zoning. This 3.0 acres was from land separated from the farm by the US Highway 12 realignment and expansion.
- **Shoreland/Floodzone/Wetlands:** None
- **Zoning Issues:** An erosion control (Chapter 14) and nonmetallic mining reclamation permit (Chapter 74) are required.

**(Questions? Contact Pam Andros – 261-9780)**

## TOWN ACTION REPORT

As of this date (May 15, 2014), the Town of Springfield has not yet acted on this petition.

### DANE COUNTY PLANNING STAFF COMMENTS

**Overview:** This petition is for continuation of mineral extraction activities, for a 10 year period, which will ultimately provide site improvements for expanding a commercial use. What was once two different properties were combined into one and the regarding efforts is to remove a steep hill and allow better access from one portion of the property to the other. Mining of limestone will be conducted in one phase.

**Surrounding Area Characteristics:** The surrounding area is a mixture of commercial, agricultural and residential uses. This includes other mineral extraction uses, including a large NC site located southwest on the other side of highway 12.

**Operational Plans:** Blasting, drilling, crushing, screening and washing are all activities that will occur as part of this operation. Site access is from Hwy 19, a class A highway. Proposed hours of operation are 6:00 am to 6:00 pm Monday through Friday and 8:00 am to 12:00 pm on Saturdays. No operations will occur on Sundays and legal holidays, except snow plowing activities which include hauling and disposal of snow.

**Reclamation (NR 135, Chapter 74 DCCO):** The applicant has submitted a reclamation plan for this site. The final use will be expansion of Springfield Welding & Manufacturing.

### **Analysis**

#### Town Plan:

The subject property is located in the *Rural Development District-Rural Center* of the Town of Springfield Comprehensive Plan. The description of the district is to “Allow [a] broader range of residential, commercial, institutional, and recreational uses”.

#### Compliance with County Ordinances:

Mineral extraction operations must meet requirements found in Chapters 10, 14 and 74 of the Dane County Code of Ordinances (DCCO). The applicant has submitted an erosion control plan/storm water management plan as required by Chapter 14 and a reclamation plan as required by Chapter 74.

Chapter 10 provides submittal requirements for a CUP for mineral extraction in Section 10.191(2). Among these requirements is a written statement containing 15 items as outlined in 10.191(2)(c), and a site/operations plan containing 14 items as outlined in 10.191(2)(d).

Chapter 10 provides six standards for granting a CUP in Section **10.255(2)(h)** of the zoning ordinance. They are as follows:

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.
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.
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.
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
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.

Also in Chapter 10, according to **S. 10.123(5)**, the ZLR Committee must also find that the following factors are met before approving any conditional use permit in the A-1 EX (exclusive agriculture) zoning district:

- a) The use and its location in the A1 Ex zoning district are consistent with the purposes of the district.
- b) The use and its location in the A-1 Ex zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

### **RECOMMENDED CONDITIONS**

**Conditions:** The ZLR Committee should condition approval on a similar set of conditions as those associated with CUP #2102 plus any specified by the town of Springfield. Please see the following list of potential conditions for CUP #2272 that are based on an updated version of the previous CUP.

### **Potential Conditions for CUP#2272:**

1. The operator shall develop and operate the site according to the Site/Operation Plan as approved via Chapter 74 DCCO.
2. Operations shall cease on the earliest of (a) five (5) years from the date of the CUP's issuance, or (b) when the mineral deposit has been extracted as shown in the grading plan.
3. As used in this section, quarrying means: stripping, drilling, blasting, crushing, washing, stockpiling, loading, scaling and hauling loaded materials from the site.
4. Hours of operations for quarrying will be:
  - 6:00 a.m. to 6:00 p.m. Monday through Friday
  - 8:00 a.m. to 12:00 p.m. Saturdays
  - No operations shall occur on Sundays or legal holidays, except snow plowing activities, which include hauling and disposal of snow.
  - Equipment and vehicles not involved in quarrying operations may enter and leave the site outside of the stated hours of operation. Non-quarrying supplies and equipment may be loaded and unloaded from vehicles; and equipment and vehicles may be repaired and maintained outside of the stated hours of operations. Some equipment warm up and cool down time may also be allowed.
5. Any nighttime lighting shall be tented or shaded to be directed downward and avoid glare shining off the property.
6. No vehicles other than those used in the quarrying operation will be repaired on site, except in an emergency.

7. The applicant shall apply for and receive all other required local, state and federal permits before extraction commences and proof of such permits shall be filed with the Town of Springfield and Dane County.
8. At a minimum, the first 100 feet of the access point to STH 19 shall be paved or replaced with recycled blacktop. The operator shall maintain driveways on the site in a dust free manner in accordance with local, state and federal regulations and shall clean any dust or mud tracked onto public roads on an as-needed basis.
9. The operator shall meet DNR standards for particulate emissions as described in NR 415 of the Wisconsin Administrative Code.
10. The operator shall use water spray bars in the crushing process to reduce dust as needed, except when the temperature is below 32 degrees F. The operator shall use water spraying of the surface to control dust as needed. No additives that have not been approved by government agencies may be used with the water used for Washington aggregates or dust control.
11. All excavation equipment, plants and vehicles shall be fueled, stores, services and repaired on lands 5-foot above the highest water table elevation in order to prevent against groundwater contamination from leaks or spills. No waste oil shall be stored on the site.
12. A spill prevention and emergency response plan shall be in place and apply to all operations on the site including subcontractors and suppliers.
13. The access to the site entrance shall have gates securely locked when the extraction site is not in operation. The site shall be signed "SURFACE MINERAL EXTRACTION SITE – NO TRESPASSING." These signs shall be placed every 200 feet around the perimeter of the quarry and maintained.
14. There shall be a safety fence around the entire extraction area at all times. The safety fence shall be a 5-foot tall woven wire fence with one strand of barbed wire on top.
15. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed the current industry standards for noise abatement.
16. Blasting shall be conducted in the conformity with State of Wisconsin regulations, to include but not limited to sec. Comm. 7.64 (4), Wisconsin Administrative Code, and the standards of the United States Department of the Interior Bureau of Mines.
17. Property owners who request advance notice of blasting (and are located within one mile of the quarry) shall be notified of the approximate time that blasting is scheduled to occur at least one hour prior to blasting. Property owners who no longer wish to be notified can be removed from the notification list if they do so in writing. Blasting may occur only during the hours of 9:00 a.m. to 3:00 p.m., Monday through Friday. The Town of Springfield shall be notified of the blasting as well.
18. Two seismographs will be available upon request to be placed on homeowners' properties.
19. Seismographic records of each blast will be maintained as required by applicable regulations. All records shall be kept on site and be available for review during hours of operations.
20. The County Zoning Administrator, Town Building Inspector or designee may enter the premises of the operations to inspect those premises with reasonable advance notice to ascertain compliance or to investigate an alleged violation. Anyone inspecting the property will be escorted by the operator and will

comply with all safety regulations. The operations must remain in strict compliance with the terms and conditions set forth herein. Unless the operations is in strict compliance with the terms and conditions set forth herein, the approval for the conditional use permit is subject to revocation.

21. The Town may request to receive documentation of the Dane County annual site inspections and permit renewal for Dane County Land Zoning.
22. Dane County and the Town of Springfield shall be listed as additional insured's on the operator's commercial general liability insurance policy and the commercial general liability insurance policy of any subcontractor. The policies shall contain a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of certificates of insurance to the Town of Springfield and Dane County as evidence of coverage before operations commence. Such liability insurance policies shall remain in effect until reclamation is complete.
23. Any fiscal impact from the road use damage of needed special services and equipment that the Town incurs that is directly related to the conditional use will be the responsibility of the operator. For example, special fire services, equipment or special rescue service for quarry operations.
24. In the event the operator fails to timely perform any element of the plan of operations, reclamation or erosion control, the Town may give the operator written notice of non-compliance. If the operator fails to cure the deficiency within seven (7) days, or a lesser-stated time in the event of an emergency immediately affecting public health or safety, the Town may enter the property of the operator and take necessary actions to cure the deficiency. The operator agrees that any such actions by the Town are taken for the special benefit of the property as the cost of such actions may be recovered as special charges against the property under Wisconsin law.
25. There shall be no bulk fuel stored on the site.
26. Fly rock shall be contained within the mineral extraction area.
27. Upon completion of the project, the site will conform to the grading plan submitted in the Non-metallic Reclamation Permit.
28. Gary Acker and all owners of the property shall be responsible for the operation and reclamation plan as well. The appropriate paperwork shall be filed at the Town of Springfield to document the responsible parties.

**(Questions? Contact Pam Andros – 261-9780)**