
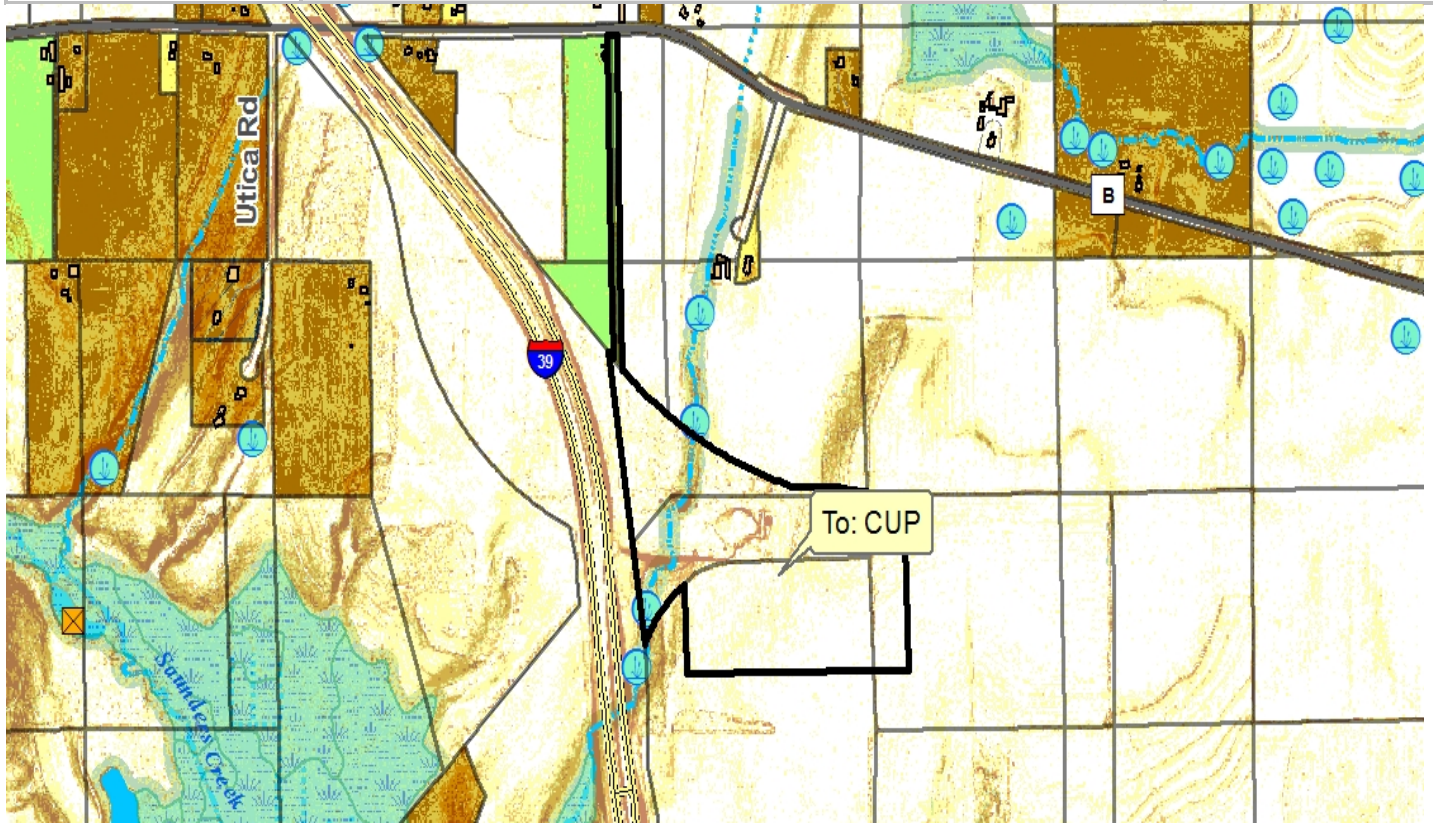


<p><b>Staff Report</b>  <b>Pam Andros</b>  <b>608-261-9780</b></p>  <p><b>Zoning and  Land Regulation  Committee</b></p>	<p><i>Public Hearing:</i> <b>January 26, 2021</b></p>	<b>CUP 02509</b>
	<p><i>Zoning Amendment Requested:</i>  <b>CONDITIONAL USE PERMIT FOR MINERAL EXTRACTION IN THE FARMLAND PRESERVATION (FP-35) ZONING DISTRICT</b></p>	<p><i>Town/Section:</i>  <b>CHRISTIANA, Section 29</b></p>
	<p><i>Size:</i> <b>54 Acres</b>      <i>Survey Required.</i></p> <p><i>Reason for the request:</i>  <b>MINERAL EXTRACTION</b></p> <p><b>STAFF UPDATE 3/11/2021</b></p>	<p><i>Applicant</i>  <b>Forever Sandfill &amp; Limestone</b></p> <p><i>Address:</i>  <b>EAST I 39/90  BETWEEN COUNTY HIGHWAY B AND CHURCH ROAD</b></p>



**REQUEST:** The proposal is to utilize 54-acre acres of the properties owned by the James Notstad Living Trust for nonmetallic mineral extraction, including blasting, excavating, processing, and truck transport of custom-crushed aggregates and clean fill to supply the local demand for construction materials. This quarry is known as Wrigley Field and will be operated by Forever Sandfill & Limestone.

**NEW INFORMATION:** The applicant has provided additional materials to address concerns about impacts on property values. The information is an assessment report dated January 8, 2019 that was conducted as part of an application for a CUP for renewal and expansion of a mineral extraction site (Oak Park Quarry) located in the town of Deerfield. That CUP was ultimately approved. The report concluded that there was no market-based evidence that the existing operation nor the proposed expansion would adversely impact the value of neighboring residential property values. *Please see attached.*



**DESCRIPTION OF OPERATION:** Excavators and haul trucks will be used to strip the overburden before drilling and blasting the limestone. Portable crushing equipment will be brought in as needed to crush and size the fractured limestone into material stockpiles. Processed gravel will be stored in stockpiles. The material will be transported in dump trucks per demand. Overburden will be stockpiled at the top of the quarry and the black dirt will be used to construct berms around the extraction area. Recycling of concrete and asphalt will take place at some point during the operation, when it will be brought in and stockpiled to be crushed and resold.

No buildings will be required, just a portable scale and a small office trailer. A dusk to dawn light will be located by the scale. A portable 1,000 gallon fuel tank will be on site to refuel the equipment, and a spill containment and pollution plan will be in place.

*Please refer to Figure 8: Operations Plan.*

Hours of operation will be 6:00 a.m. to 7:00 p.m. Monday through Friday, and 6:00 a.m. to 3:00 p.m. on Saturday. Extended hours may occasionally be needed due to peak hour project restrictions. Material processing will coincide with these hours, but at times, an extended schedule may be utilized to facilitate a project, meet a deadline, or take advantage of fair-weather conditions. Blasting activities will be limited to weekday hours between 8 a.m. and 4 p.m. No operations will take place on Sundays or legal holidays.

There will be one full-time employee on site plus an additional 2 to 3 employees for seasonal work.

Noise from the crushing and construction equipment will be minimized as crushing will be done on the quarry floor. Recycled asphalt will be used on the driveway to reduce dust. All activities will take place outdoors.

Daily traffic can vary from 5 to 50 loads depending on projects. Each dump truck can carry up to 22 tons. The driveway is 60' wide and has good visibility onto CTH B. A stop sign will be placed at the quarry exit on CTH B. Additional signage

includes: 1) Notice of the required site-specific safety training for mine site specific rules, 2) signs posting a safe speed limit of 3, and 3) Signs with 'No Trespassing' and 'Active Quarry' posted along fencing and/or bermed areas.

**OBSERVATIONS:** This quarry is called Wrigley Field quarry and it was initially opened in 2017 to supply material for US 39/90 improvements, serving as an important source of construction aggregates due to the material's quality, accessibility from the surface, and location along major transportation corridors (CTH B, STH 73 and US 39/90). The state used the quarry 3 years ago for the I-90 project. Because it was located within state right-of-way and used for a highway project, local permits were not required at that time.

The surrounding area is primarily farmland with some rural residential housing. The US 39/90 Interstate borders the property to the west. There is an intermittent stream from the north to the southwest corner of the site. DNR wetlands of less than 2 acres in size have also be identified on the site along the intermittent stream.

**PUBLIC CONCERNS:** As noted in the minutes of the January 26<sup>th</sup> public hearing and February 9<sup>th</sup> work meeting, key concerns expressed related to truck traffic, impact on property values, blasting notification and monitoring, the permit period, water table and dust.

**TOWN PLAN:** The subject property is in the *Agricultural Preservation District* of the town plan, and is shown as right-of-way (ROW) in the plan's 2000 and 2005 land use maps. This makes sense because WisDOT used it as a source of aggregate for the expansion of Hwy 39.

The primary goals of the Town of Christiana Land Use Plan are: "to preserve productive farmlands, the rural lifestyle and agricultural business character of the Town, and to protect farm operations from conflict with incompatible land uses. This requires that Christiana remain a Low-Density Town".

Mineral extraction is acknowledged within the district policies, specifically as follows:

"Mineral extraction operations are a conditional use in the Exclusive Agricultural Zoning (now Farmland Preservation) District, which is the predominant zoning district in the Town. The Town shall discourage non-farm residential development near existing or proposed mineral extraction operations. Where any residential development request is made within one half mile of a mineral extraction site, a warning will be placed on the deed noting that mineral extraction may occur at some point in the future".

## **COUNTY ZONING ORDINANCE**

**Compliance with Standards Required for Granting Conditional Uses:** In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

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.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. That the conditional use is consistent with the adopted town and county comprehensive plans.
8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the finding described in Section 10.220(1)

As referenced above, the conditional use standards in *Farmland Preservation* zoning districts are as follows:

1. The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.
2. The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. 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.
4. 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.
5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

**CONDITIONS:** In addition to conditions required of all CUPs, the Dane County Zoning Ordinance includes conditions specific to mineral extraction. The following list of recommended conditions are those conditions customized to this specific proposal including conditions imposed by the Town of Christiana.

- 1) Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter 74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.
- 2) The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
- 3) Operations shall cease no later than ten (10) years from the permit effective date.
- 4) Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards:
  - a) Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan.
  - b) Final slopes shall not be graded more than 3:1 except in a quarry operation.
  - c) The area shall be covered with topsoil and seeded to prevent erosion.
  - d) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County
  - e) Highwalls shall be free from falling debris, be benched at the top, and certified by a civil engineer to be stable.
- 5) The entire driveway must be blacktopped within two years. Crushed asphalt must be placed on the driveway immediately and watered at least twice weekly during the first year.
- 6) The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.
- 7) The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."
- 8) All surface and subsurface operations shall be setback a minimum of 20' from any property line that does not abut a public right of way.
- 9) Excavations below the grade of an abutting public street or highway shall be set back from the street or highway a distance at least equal to the distance that is required for buildings or structures under s. 10.102(9). The committee and town board may require greater setbacks where necessary to avoid subsidence, or for consistency with Chapters 11, 14, 17 or 74, Dane County Code.

- 10) Hours of operation shall be 6:30 a.m. to 5:30 p.m. Monday through Friday, and 6:30 a.m. to 3:30 p.m. on Saturdays. No operations of any kind shall take place on Sundays or legal holidays. Blasting shall be limited to 8:00 a.m. to 4:00 p.m. on weekdays.
- 11) A safety fence shall be placed around the perimeter of the extraction area that contains high walls and/or steep slopes.
- 12) Except for incidental removal associated with dust spraying or other routine operations under this permit, water shall not be pumped or otherwise removed from the site.
- 13) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
- 14) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.
- 15) Dane County and the Town shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.
- 16) Blasting:
  - (1) All blasting on the site must conform with all requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations.
  - (2) Fly rock shall be contained within the permitted mineral extraction area.
  - (3) A 72-hour notice shall be made prior to blasting to all residences/businesses within a one-half mile radius of the property, as well as to any parties who have requested notification either via mail or email as well as to the Town of Christiana.
  - (4) The Town of Christiana and up to three neighbors shall receive a report and a seismograph reading from each blast.
- 17) Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.
- 18) Mineral extraction at or near groundwater. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.
- 19) In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.
- 20) The Conditional Use Permit (#2509) for mineral extraction is for the operator Forever Sandfill & Limestone and is not transferable to any other operator.

**TOWN:** The town of Christiana approved with conditions.

**STAFF:** Staff recommends approval with conditions (see list of conditions above).

Questions? Call Pam Andros 608-261-9780 or email [andros@countyofdane.com](mailto:andros@countyofdane.com)

March 11, 2021