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August 28, 2020

Via Email

Dane County Planning & Development
Attn: Pamela Andros, Senior Planner
Andros@countyofdane.com

RE: Conditional Use Permit Application for Non-Metallic Mining
Our Client: Kevin Hahn/Nelson Excavating & Son LLC
Our File No: 26199.85032

Dear Ms. Andros:

We represent Kevin Hahn regarding his application for a Conditional Use Permit ("CUP") in the Town of Rutland. He has previously submitted an application. I thought it would be important to provide supplemental information for clarity. Mr. Hahn has a pre-existing non-conforming use site, which he operates. This is simply an expansion from the non-conforming use site into an adjacent farmland property. The new proposed site is located in farmland preservation so I thought I would explain why the proposed use should be granted a CUP in a farmland preservation area:

1. The use of this location in the farmland preservation district is consistent with the purpose of the district. The limestone is a product that is only found or is located at glacial deposits. This is not a product where you can simply dig a hole and find it. This particular area is in a farmland preservation zone. CUPs are allowed on farmland preservations as long as they are consistent with the agricultural practice. One way to look at this is the property owner simply harvesting his stone rather than his crops. Furthermore, the property would be brought back to agricultural once the mining was done through reclamation.
2. The use of this location in the farmland preservation district is reasonable and appropriate considering alternative locations. Mr. Hahn does not have any other locations that have aggregate on them other than his non-conforming use site. By expanding into this area he will be able to better reclaim his non-conforming use site and will also reclaim this site and turn it back to agricultural when he is done. There is another quarry site within a couple of miles of the site as limestone is found in this general area.
3. The use is reasonably designed to minimize the conversion of land at and around the site of the use from agriculture use or open space use. There will be appropriate setbacks in order to minimize any effect on adjoining properties and the property will be returned to agricultural use. The site will be operated in phases to maximize the combination of mining and agricultural use.
4. The use does not substantially impair or limit the current or future agricultural uses surrounding the parcels of land that are a result of the restricted agriculture use. The applicant will be

operating on his own property with appropriate setbacks so that the operation does not adversely affect any agricultural uses.

5. Construction damage to land remaining for agriculture use is minimized or will be repaired to the extent possible. Again, we are doing this in phases with appropriate setbacks and will minimize the open area of the mine.

For these reasons we believe we meet the criteria of the farmland preservation district.

Mr. Hahn has previously talked about the eight standards on how to meet the conditions. Mr. Hahn is a small operator and has requested our assistance to help him. Scott MacWilliams, a licensed real estate appraiser, has opined on the property values of the surrounding areas as an expert appraiser in this area. Mr. Hahn is expanding his operation onto an adjoining property which he recently purchased. The expansion will give him more room to operate it in the bottom of the pit and minimize views from neighboring properties as it will be down in a hole. As the area opens up more he will have more room to stockpile in the pit and he will operate in phases and he will reclaim the area as he goes. The current access road has been used for years and has worked extremely well for his uses. However, at a later date it may make sense to move the access entry point to another location which will be designed by engineers.

Mr. Hahn will also work with storm water engineers to ensure the storm water will be handled appropriately if granted the CUP. He will comply with all state, federal, and local regulations in the operation of his pit.

Sincerely,

AXLEY BRYNELSON, LLP

A handwritten signature in black ink, appearing to read "Buck Sweeney". The signature is fluid and cursive, with the first name "Buck" being more prominent than the last name "Sweeney".

Charles "Buck" V. Sweeney
CVS:abs

cc: George Dawn, Town Clerk of Rutland (via email: clerk@town.rutland.wi.us)
Peter Loughrin, Town Chair of Rutland (via email: chair@town.rutland.wi.us)
Kevin Hahn (via email: nelsonexcavatingandson@gmail.com)