



Dane County Planning & Development

Division of Zoning

May 28, 2019

Attn: JOHN W CARLSON & DENNIS J CARLSON

Re: Registered and approved non-conforming - non-metallic mining sites; abandoned uses.

On January 17, 2019, the Dane County Board of Supervisors adopted 2018-OA-20, which comprehensively revised the Dane County Zoning Ordinance (Chapter 10, Dane County Code). In addition, the town of Roxbury has adopted the new Dane County Zoning Ordinance on May 20, 2019.

What does this mean for you?

The Dane County Zoning division has identified that your property or portions of your property are registered with the county as a non-conforming mineral extraction site or use. This notice is to inform you that registered nonconforming mineral extraction sites are subject to the provisions of the new zoning ordinance under section 10.102(7)(b).

1. Abandonment or Discontinuation of a Nonconforming Use.

- *Any use that is discontinued or abandoned for a period of one (1) year shall be considered terminated and shall lose its nonconforming status. Any future use or reestablishment of a previously nonconforming use on the premises must conform to the provisions of this ordinance, except as specifically exempted below.*
- *The relocation or expansion of any nonconforming use beyond areas where such use was originally established shall conform to all standards and requirements of this ordinance, except as otherwise provided by law.*

This memo serves as notification that in order for any registered non-conforming mineral extraction site to exist and to maintain its non-conformity, the following requirements must be adhered to.

(b) Mineral extraction uses shall be considered abandoned or discontinued if the use ceases for twelve months or longer, unless the landowner or operator complies with all of the following:

- Within twelve months of the effective date of this ordinance has submitted a reclamation plan under Chapter 74, Dane County Code.
- By January 31 of each year after submitting a reclamation plan, submits an annual report that meets all the requirements of s.74.251, Dane County Code and indicates the site was active during the previous year.
- Within twelve months of the receipt of notice under s. 10.102(7)(b)2., records a deed notice document, that:
 - (a) *indicates the presence of a nonconforming mineral extraction site;*
 - (b) *describes the boundaries of the nonconforming mineral extraction site, and;*
 - (c) *is signed by the landowner and the zoning administrator.*

- By January 31 of each year after submitting a reclamation plan, provide to the zoning administrator evidence, subject to inspection, that all of the following conditions are met:
 - (a) *Verification of property ownership or an active mineral lease, as recorded with the Dane County Register of Deeds, between the landowner and a mineral extraction operator.*
 - (b) *The driveway accessing the subject site shall either be paved or covered with crushed asphalt for a minimum distance of 100 feet from the public right-of-way.*
 - (c) *There shall be a safety fence around the entire extraction area at all times.*
 - (d) *Driveway access points to the site shall be gated. All gates shall be signed "no trespassing."*
 - (e) *The operator shall post clearly visible signage indicating the presence of mineral extraction activity.*

Please note, that except as described in section (b) above, when the nonconforming use of a property has ceased for twelve months or longer, a use shall be considered abandoned and discontinued. A Conditional Use Permit would then be required to be approved by the town and the county to allow for future mineral extraction uses.

Your attention to this issue is greatly appreciated and you may contact me with any questions with the above referenced language.

Sincerely,



Dan Everson

Assistant Zoning Administrator

608.267.1541