



Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

DANE COUNTY
PLANNING & DEVELOPMENT

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(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

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Zoning
(608)266-4266, Rm. 116

Date: April 25, 2023

To: Zoning and Land Regulation Committee members

From: Daniel Everson, Dane County Assistant Zoning Administrator

RE: Summary of concerns regarding CUP #2584

Cc: Roger Lane, Zoning Administrator; Todd Violante, Director of Planning and Development; Dustin Gradel, Tri County Paving

On March 28, 2023 the ZLR Committee held a public hearing regarding CUP #2584 to allow for a mineral extraction operation in the Town of Dane. There were many concerns raised and a significant amount of testimony received during the public hearing. County Staff has prepared a summary of these concerns and sent a letter to the applicant. See attached letter. The letter not only summarizes the concerns, but also provides staff's response to the particular topic. The letter was written in hopes of narrowing down the concerns to see if the proposed land use could meet the 8 standards of obtaining a conditional use permit if additional information is received.

At the public hearing, many of the concerns raised were in regards to the volume of material being extracted and the number of trucks coming and going. In addition, the topography of Bonetti Road, the overall change in aesthetics of the countryside, hours of operation and blasting were expressed.

At the April 25th ZLR Committee meeting, Staff would like the Committee to review the summary of concerns and provide feedback on the contents of the letter and the need for an applicant's response. In order to provide direction to the applicant, the Committee will need to decide if the letter is adequate or if additional concerns need to be addressed.

Once all the concerns are assembled, the applicant will be directed provided additional information to adequately address the concerns in order to meet the 8 standards of obtaining a conditional use permit.



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April 6, 2023

Tri County Paving
PO Box 394
DeForest, WI 53532

RE: Conditions/Concerns regarding CUP #2584

Dear Mr. Gradel,

The Dane County Zoning and Land Regulation Committee held a public hearing regarding conditional use permit (CUP) #2584 March 28, 2023. At the meeting, the public raised concerns about the proposed non-metallic mineral extraction activity. I have summarized the concerns below.

In order to obtain a conditional use permit, the proposal must meet eight (8) standards as listed under the zoning ordinances. Many times, conditions must be placed on the conditional use permit to address concerns in meeting these eight (8) standards. The standards are listed at the end of this letter.

Please review the topics below and provide your response regarding the concerns. Staff has provided an objective view of each topic. The response to the items will be helpful for the Zoning and Land Regulation Committee in rendering a decision on the conditional use permit.

Hours of Operation

Applicant: Work schedule as per application: 7am to 6pm weekdays, 7am to 4pm on Saturdays. No operations on Sundays and holidays as defined by county staff.

Blasting schedule: Monday through Friday between the hours of 8am to 2pm.
No schedule provided regarding asphalt/concrete temporary batch plants.

Citizens: No night time operations; 8am to 4pm; M-F only (7am to 6pm).

Staff: It appears that the hours of operation are within the normal hours as suggested in the zoning ordinance. At the public hearing, there was a reference of removing Saturday work. The applicant shall provide an update to the hours of operation. Please note, operational hours will need to accommodate for warmup and maintenance of equipment.

Berms

Applicant: The operation plan shows berms being constructed along Bonetti Road and along the south side of the entrance path. The detail shows 6-foot berms.

Citizens: The public would like to see plantings on the berms especially along Bonetti Road. ROW.

Staff: Berms are beneficial in controlling dust, maintaining storm water on site, and improving the aesthetics to the property. Some quarries in Dane County have planted 4-foot evergreen trees every 100 feet to improve aesthetics. Applicant shall provide additional information on the proposed berms regarding landscaping and maintenance of the berms.

Quarry/Operation Setbacks

Applicant: The application shows a 10-foot setback from property lines.

Citizens: The public expressed concerns regarding this limits of the quarry operation.

Staff: The application does not conform to the minimum conditions as noted in the zoning ordinance. As part of the standard conditions for mineral extraction sites, a 20-foot setback from property lines and a 30-foot setback for town roads are required. The applicant proposes an “undisturbed area” towards the southerly portion but is not clearly defined. The applicant shall provide an updated operations plan showing the limits of land disturbance in accordance with minimum conditions and clearly define the proposed southerly buffer area.

Noise Limitations/Back up Alarms

Applicant: All vehicles will be equipped with MSHA –approved backup alarms and muffler systems. Noise generation is similar to agricultural equipment.

Citizens: The public suggested placing a 75 decibel limit measured 100 feet away from property line. They have also suggested back-up alarms be reduced in some fashion.

Staff: Quarrying activity inherently produces noise due to the operation of crushing machines, end loaders, and the loading of trucks. Noise limits have been set by towns on other quarry operations in the past. A general standard of 75 decibels Dba has been used for quarry operations in the past. The applicant will need to review operational volumes to see if this is an achievable limit and identify a suitable location of equipment within the site to achieve this limit. The applicant shall provide an updated operations plan showing more detail of where equipment will be placed on the site.

Mine Safety and Health Administration (MSHA) mandates that back-up alarms are required for all equipment and vehicles used in surface and sub-surface mines. Beeping alarms are a standard in the industry. MSHA is somewhat vague on the alternative noises that could be used. Operator should incorporate a one way directional of truck equipment to avoid using back up alarms as much as practical.

Review of CUP

Applicant: The application does not state an expiration date. Amount of material on site is estimated to be around a 75-year supply.

Citizens: The public have expressed an annual review by town and county. The operation be limited to the operator and the CUP would expire in 10 years.

Staff: Under the special requirements for non-metallic mineral extraction sites, the town and the county are required to set a time limit based on the quantity of material. It has been common practice to set a time limit on quarry operations to allow the operation to be reviewed after the activity has been in operation. Equipment, stockpiles, internal truck routing, and depth of quarry, all change over time. It may be necessary to evaluate the operation as the operation moves through its phases. In the past, the County has been setting a time limit between 5 and 25 years for mineral extraction CUPs. Given the scale of the operation, staff is suggesting that a time limit of 15 years be placed on the conditional use permit if approved. The applicant shall provide an expiration date for the CUP. If it is beyond 15 years, the applicant shall substantiate reasoning beyond the suggested limit.

Truck Traffic

Applicant: The primary haul route will be south on Bonetti Road to County Hwy DM. Bonetti Road is capable of handling truck traffic. Anticipate 60,000 tons +/- of processed gravel to be extracted per year. The total amount will depend on the construction market and need for gravel.

Citizens: The amount of truck traffic in the neighborhood is too intense for the rural area. Bonetti Road is unsafe for additional truck traffic due to existing design.

Staff: Bonetti Road may have limitations being used as a truck route. Due to width being 18 feet north of the site, the proposed haul route, south on Bonetti Road, appears to be appropriate. As noted in the Staff Report, it appears that the roadway is capable of handling 250 vehicle trips per day. Staff is concerned that the roadway limitation may be exceeded due to the quarry activity and additional temporary plants proposed. Bonetti Road rests on the Dane/Vienna town line. The roadway is regulated and maintained by the Town of Vienna. The applicant shall provide information on Vienna's acceptance of using Bonetti Road for trucking purposes and if any improvement are to be made to the roadway. The applicant shall also provide additional information regarding the anticipated amount of truck traffic per day. At the public hearing, the applicant stated that temporary asphalt/concrete plant were no longer proposed for the site. Please verify in written response.

Tarping of Trucks

Applicant: The application does not address tarping of trucks.

Citizens: The public has requested that all trucks be tarped leaving the site.

Staff: It has been a common practice for many quarry operations to use tarps on hauling vehicles to reduce impacts on other vehicles during transportation of materials off-site. The applicant should consider all materials being tarped as part of the hauling operation when practical. The applicant shall provide additional information regarding the possibility of loads being tarped.

Preblast Survey

Applicant: Survey as per SPS 307 for homes located within 500 feet and notified 24 hours in advance as well as the historical home located at 7801 Dunroven Rd.

Citizens: No blasting allowed.

Staff: Wisconsin Administrative Code SPS 307.40 requires blasters to conduct pre-blast surveys of buildings as determined by distance/intensity ratio as listed under the code. Setting additional requirements appears to be subjective. The site has a very low housing density and the proposed blasting events are noted to be six to eight times a year. Given the infrequent blasting, staff suggests that the standard conditions as listed under the zoning ordinance be used as part of the conditions for the CUP, if approved.

Fencing

Applicant: A fence will be installed along Bonetti Rd and on the south end of the site as shown on plans. A 6 foot tall fence is shown in a detail on the grading plans.

Citizen: The public has requested that an 8-foot minimum chain link fence be used along the northerly portion of the proposed site.

Staff: The application does not conform to the minimum conditions as noted in the zoning ordinance. As part of the standard conditions for mineral extraction sites, a 4-foot minimum fence shall be placed around the entire extraction area. The applicant shall provide an updated operations plan showing proposed fencing in accordance with special requirements.

Pumping of Water/Groundwater Protection

Applicant: No pumping; stormwater will be contained on site and no material will be removed that lies below the natural water table. The sandstone layer will not be disturbed. All operations will be conducted above the water table and there will be no impact on underground water.

Citizen: Concerns regarding draw down of groundwater and wells in the area; no pumping.

Staff: The floor of the quarry is approximately 75 to 90 feet above groundwater. The operator will need to illustrate a specific area on the operations plan to contain and manage the stormwater. Additional details on the location of a holding pond for stormwater will need to be addressed. No stormwater will be allowed to be pumped off-site unless approved by DNR.

High-Capacity Well

Applicant: The application states that a high-capacity well is proposed for the washing of material and concrete production.

Citizens: The public expressed concerns regarding the water table being lowered and existing wells becoming dry.

Staff: It appears that most of the water that will be used for the purposes of removing fine particles as a product of crushing rock. It is common practice to store the extracted water on-site to be reused for washing of aggregate. The water will not be trucked off-site. The

applicant should provide more information on the intent of the well, how the water will be used, anticipated quantity used, and provide details regarding wash areas and location of wash water detention basins.

Property Values

Applicant: Adjacent property owners will feel little to no impact with the proposed mineral extraction. The town designates this area as an Agricultural Preservation Planning area which greatly limits additional housing in the surrounding area.

Citizens: Concerns with negative impacts on property values, study showing lower property values.

Staff: There are five home sites within 1000 feet of the proposed site, four existing houses and one undeveloped residential lot. Applicant should provide information that supports their view showing that the proposed quarry will have little to no impact on property values.

Farmland Preservation Policies

Applicant: The application notes that the project will be divided into two phases. Measures will be made to allow as much land to be row cropped as possible.

Citizens: No comment.

Staff: The proposal is within a Farmland Preservation Area. The reclamation for the site notes that the property will be returned to crop production once the material is extracted anticipated to be completed in 2090. The plan notes that the workable area will be reclaimed as the operation permits. It is suggested that a more detailed plan be developed how the proposed site is being reclaimed in phases to support the policies.

As mentioned above, proposal needs to meet all eight (8) standards in order to obtain a CUP. As you are responding to these concerns, please make sure you take in to account the standards. Please feel free to comment on other items that may have been stated during the public hearing that are not listed in above concerns.

Regards,

Daniel Everson
Assistant Zoning Administrator

8 Standards for Conditional Use Permits

Standards for approval. Before approving any conditional use permit, the town board and zoning committee must find that all of the following conditions are met:

- a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- b. 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;
- c. 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;
- d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- f. That the conditional use shall conform to all applicable regulations of the district in which it is located.
- g. That the conditional use is consistent with the adopted town and county comprehensive plans.
- h. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in [s. 10.220\(1\)](#).
 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.