



Staff Report

Public Hearing: **February 25, 2014**

Petition: **CUP 2260**

Zoning Amendment:
A-1Ex Exclusive Agriculture District to A-1 Exclusive Agriculture District

Town/sect:
Albion Section 15

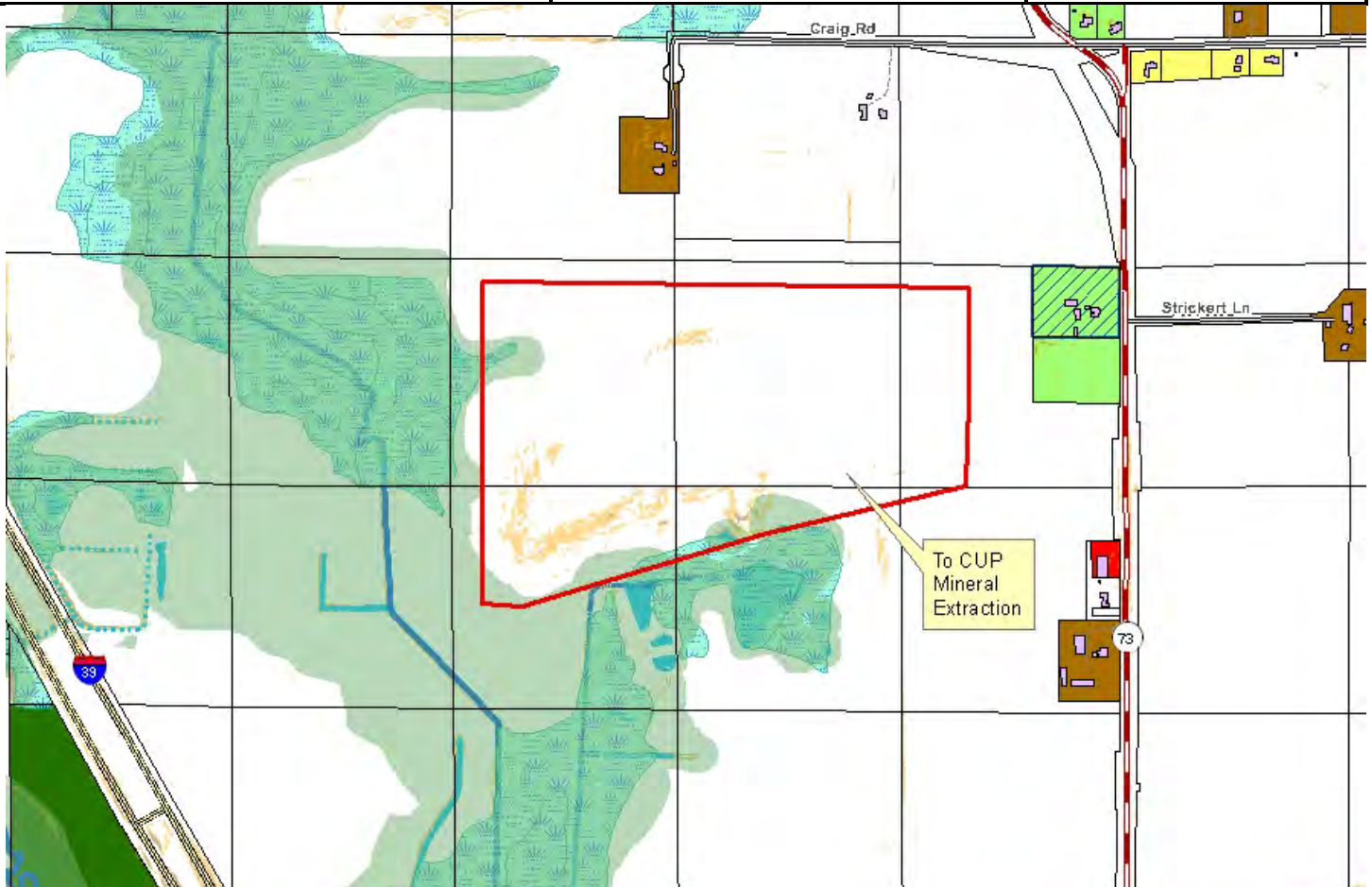
Acres: 105
Survey Req. No

Applicant
Crazy Acres Inc

Reason:
Mineral Extraction

Location:
West of 983 State Highway 73

Zoning and Land Regulation Committee



DESCRIPTION: Yahara Materials would like to obtain approvals to create a 100-acre mineral extraction site located between Interstate 39 and Highway 73. It is anticipated that the materials will be used for the reconstruction of Interstate 39.

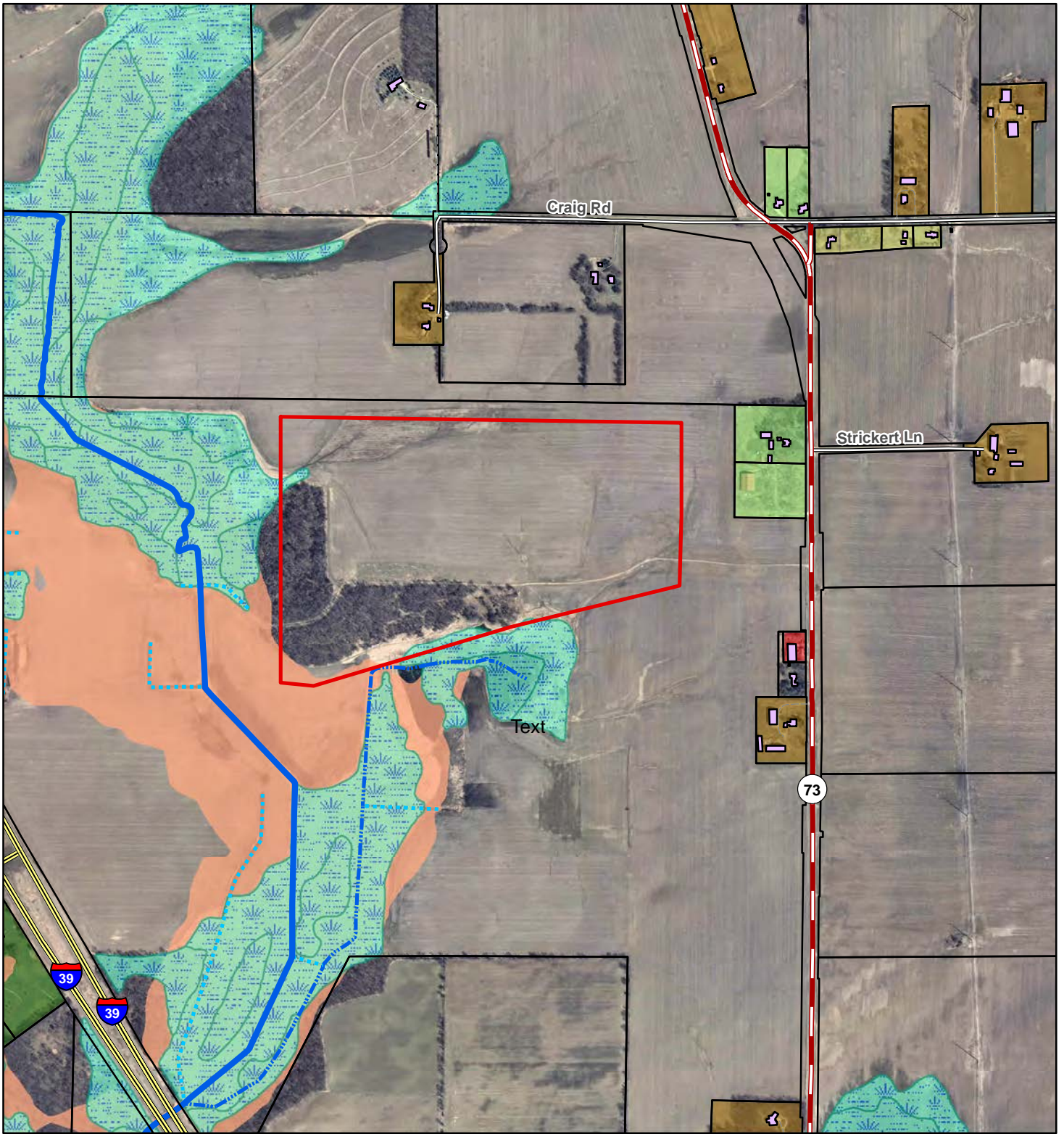
OBSERVATIONS: The proposal located in an area with low housing density. There are 4 home sites located approximately 1000 feet away from the site. The northern part of the site consists of Class I and II soils. The boundaries of the site have been drawn to avoid the sensitive environmental features on the property.

TOWN PLAN: The Town Comprehensive Plan identifies this area as Agricultural Preservation and Compatible Rural Uses. Mineral extraction operations are listed as an acceptable use within the district. It appears that the proposal is consistent with the policies of the Town Comprehensive Plan.



RESOURCE PROTECTION: The Town Plan identifies water features, wetlands, and floodplains as part of their resource protection area. The Dane County Comprehensive Plan identifies slopes exceeding 20% grade as part of the resource protection area. The proposal appears to be outside of these areas.

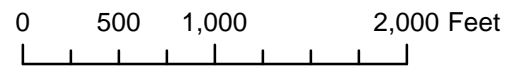
STAFF: See Staff Report.

TOWN: The Town of Albion has approved the Conditional Use Permit conditioned up a 10-year expiration date.



Legend

-  Wetland
-  100-year Floodplain



**CUP #2260
Crazy Acres**

STAFF REPORT FOR CUP #2260
February 25, 2014 ZLR Committee Public Hearing
Conditional Use Permit for a Mineral Extraction Site in the A-1EX District, Albion, Section 15

DANE COUNTY ZONING STAFF COMMENTS / BACKGROUND

- **Owner(s) of record:** Crazy Acres Inc.
- **Agent:** Yahara Materials
- **Size, zoning, use of existing parcel:** The proposed CUP area covers 105 acres, all zoned A1-EX. See attached map.
- **Rezone/CUP desired:** CUP for mineral extraction
- **Number of new home sites created:** None
- **Shoreland/Floodzone/Wetlands:** None
- **Zoning Issues:** An erosion control (Chapter 14) and nonmetallic mining reclamation permit (Chapter 74) are required.

TOWN ACTION REPORT

The Town of Albion Board approved CUP#2260 with a ten year limit..

PROPOSAL SUMMARY

Overview: Yahara Materials has entered into a long-term lease with Crazy Acres to operate a rock quarry on their property. This petition is for a Conditional Use Permit (CUP) for a mineral extraction operation covering 105 acres. The site would be operated and used for both public (WisDOT reconstruction of I90-94, I39 and STH 73 & 106) and private projects.

Analysis

Surrounding Area Characteristics: The surrounding area is agricultural, with scattered residential land uses. Please see attached map.

Operational: The application materials provided a description of the operations, including:

- 1) Quarry access would be via an existing field road currently used in the farming operation.
- 2) The limestone deposit lies in a ridge which runs in a north-south direction.
- 3) In preparation of the site, the top soil and sub soil will be stripped and stockpiled on the perimeter of the proposed quarry. The stockpiles will be shaped and seeded to prevent erosion. These stockpiles will create berms around the quarry.
- 4) When stripping operations are complete, a drill will be used to prepare bedrock for blasting. Crushing equipment will be used to process the rock to WisDOT specifications. A portable scale will be set up to weigh the products being hauled.
- 5) During all phases of the proposed quarry operation, as much land as possible will remain in agricultural production.
- 6) During all phases of the operation, disturbed areas will be closely monitored for potential erosion. Silt fencing, hay bales, riprap and prompt seeding and mulching of the disturbed areas will be utilized. All slopes will drain into the quarry creating a self-contained drainage pattern with no discharge from the quarry.
- 7) For dust control, spray bars will be used on the crushing equipment and traveled areas of the quarry will be watered by truck as necessary.
- 8) Hours of operation will be 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 2:00 p.m. on Saturday (when necessary). Exceptions to these hours would be when required by WisDOT to perform work on the Interstate which may require night work on a limited basis for the duration of a specific project.
- 9) Blasting will be conducted by a licensed blaster; phone or e-mail notifications will be made to all surrounding neighbors and the Town of Albion 24 hours prior to any blast; a blasting log will be required for each blast;

all blasting will be recorded by a properly calibrated seismograph; all seismograph records will be available anytime for review by the township; and all blasting will meet State requirements.

10) Upon completion of this operation, the entire site will be returned to typical row crops (corn or soybeans)

Further information was also provided including:

- 1) Fugitive Emissions Plan
- 2) Yahara Materials Blasting Procedure
- 3) Erosion Control and Stormwater Management Plan
- 4) Report titled "Aggregate Processing Plant Sound Level Assessment", conducted by Mathy Construction Company, Onalaska, WI, dated January 30, 2004.
- 5) Operations plan, 11" x 17" plan map, dated 12-06-2013
- 6) Reclamation Plan, 11" x 17" plan map, dated 12-16-2013

Town Plan:

- *Town of Albion Comprehensive Plan (adopted 2006)*: The subject property is located in the *Agricultural and Rural Land Uses* planned land use category. Included in the description of this category is "specifically approved non-metallic mineral extraction and mineral processing (quarries, cement batch plants and asphalt plants)".

Compliance with County Ordinances: Mineral extraction operations must meet requirements found in Chapters 10 (Zoning), 14 (Erosion Control and Storm Water) and 74 (Nonmetallic Mining Reclamation) of the Dane County Code of Ordinances. Chapter 10 provides six standards for granting a CUP in Section **10.255(2)(h)** of the zoning ordinance 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.

According to **S. 10.123(3)(a)** of the zoning ordinance, the ZNR Committee must also consider the following factors when approving CUPs in the A-1 Exclusive District:

1. The statement of purposes of the zoning ordinance and the A-1 Exclusive Agriculture District.
2. The potential for conflict with agricultural use
3. The need of the proposed use for a location in an agricultural area.
4. The availability of alternative locations
5. Compatibility with existing or permitted use on adjacent lands.
6. The productivity of lands involved
7. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural lands converted.
8. The need for public services created by the proposed use.

9. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
10. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

RECOMMENDED CONDITIONS

Over the past few years, Dane County has applied a standard set of conditions to approvals of mineral extraction operations to assure that they meet CUP standards in S. 10.255(2)(h) of the zoning ordinance. Based on the specifics of the proposal, these conditions can vary slightly and other conditions are sometimes included.

If this proposal is approved, the ZLR should consider the following list of potential conditions:

Potential Conditions for CUP 2260:

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
2. The applicant shall apply for and receive all other required local, state and federal permits.
3. The operator shall develop and operate the site according to the site/operations and phasing plan dated 12-6-2013.
4. Operations shall cease no later than ten years from the date of CUP approval.
5. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
6. The driveway accessing the subject site shall be paved for a distance of at least 100 feet from the public road. 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. A 20' x 50' tracking pad shall be installed as designated on the Operations Plan, dated 12-6-2013..
7. The operator and all haulers shall access the CUP site only through those points designated as entrances on the Site/Operations Plan dated 12-6-2013.
8. 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."
9. Hours of operation will be 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 2:00 p.m. on Saturday. Exceptions to these hours would be when required by WisDOT to perform work on the Interstate which may require night work on a limited basis for the duration of a specific project. In the case of such an exception, Yahara Materials must provide documentation from WisDOT showing such requirements.
10. Blasting shall be conducted as defined in the "*Yahara Materials Blasting Procedure*" as provided with the application materials. Blasting will be conducted by a licensed class 5, 6 or 7 Blaster; notifications will be made by either the Blasting Contractor and/or Yahara Materials twenty-four hours prior to any blast; a blasting log will be required for each blast; all blasting will be recorded by a properly calibrated seismograph; all seismograph records will be available anytime for review by the township; and all blasting will meet Wisconsin's Department of Commerce Administrative Code Chapter 7
11. The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
12. No water shall be pumped or otherwise removed from the site.
13. There shall be no bulk fuel stored on site.
14. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
15. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.

16. Dane County and the Town of Albion shall be listed as additional named insureds on the Yahara Materials Inc. 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.
17. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.

(Questions? Contact Pam Andros – 266-5915 or 261-9780)

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 02260 Dane County ZLR Committee Public Hearing Tuesday, February 25, 2014

Whereas, the Town Board of the Town of Albion having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): **APPROVED**

DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

PLANNING COMMISSION VOTE: 4 In Favor 0 Opposed

TOWN BOARD VOTE: 5 In Favor 0 Opposed

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(3)(a), if applicable, are found to be (check one):

SATISFIED

NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

Only valid for 10 years.

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Julie Hanewall, as Town Clerk of the Town of Albion, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Tuesday, January 07, 2014

Julie Hanewall
Town Clerk

Wednesday, February 12, 2014
Date

FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS

If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from section 10.255(2)(b):

"No permit shall be granted when the zoning committee or applicable town board determines that the standards are not met, nor shall a permit be denied when the zoning committee and applicable town board determine that the standards are met."

PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / STANDARD)

- | | |
|---|---|
| 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. | 1. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 2. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 3. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 5. 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. | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located. | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS: