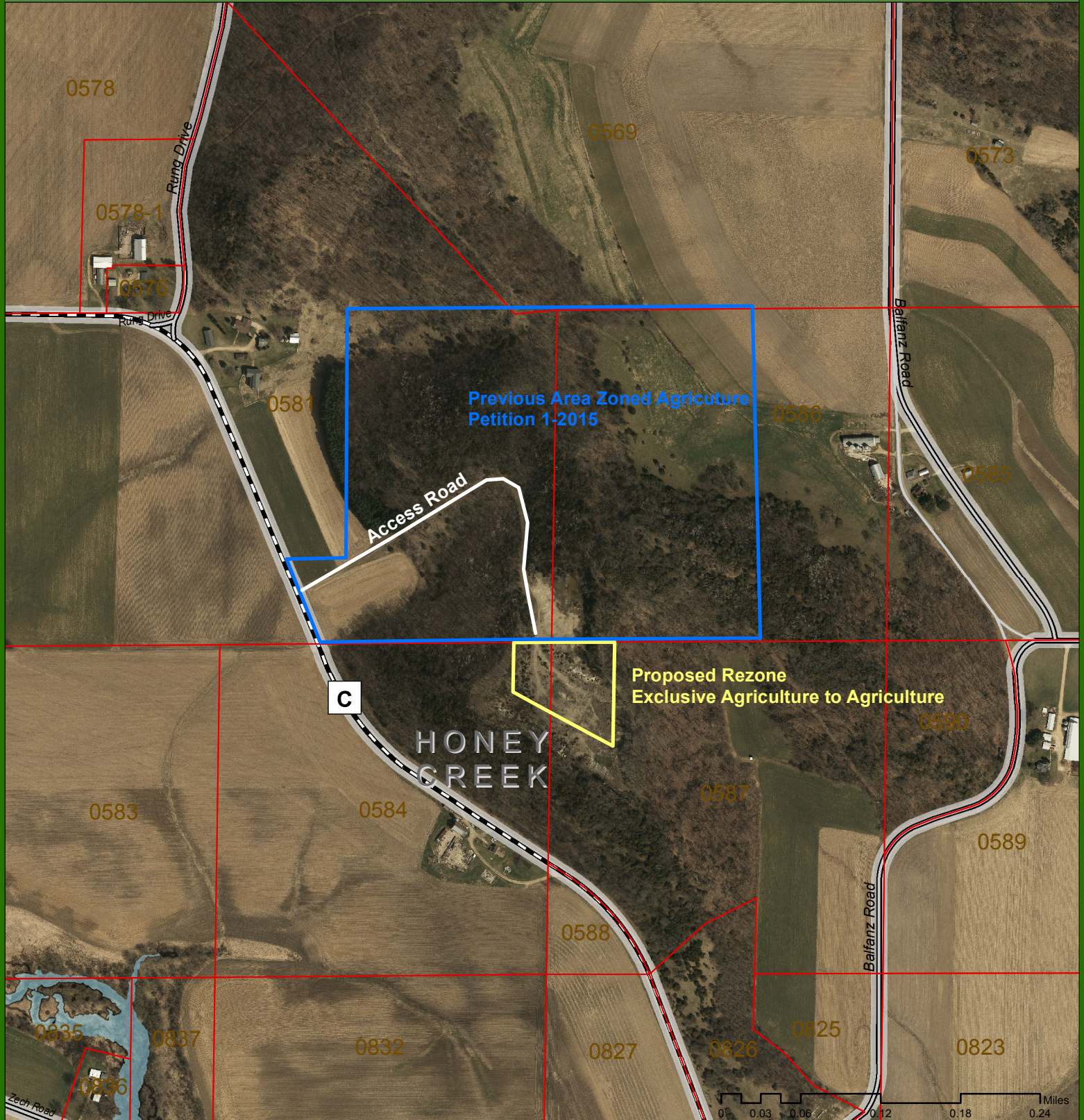












Yahara Materials, Inc, Rezone Petition 14-2017



Legend

	YaharaMaterials	FLD_ZONE, FLOODWAY
	PlatOfSurvey	 0.2 PCT chance - 500 year
	TaxParcel	 A, 100 year - No established Elev
	Road Centerlines Town	 AE, 100 year - Established Elev
FEMA Flood Zones		 AE, FLOODWAY
	<all other values>	 X, Above 0.2 PCT Chance

FOR INFORMATIONAL PURPOSES ONLY
Sauk County does not attest to the accuracy
of the data contained herein and makes no
warranty with respect to its correctness or validity.
Data contained in this map is limited by the method
and accuracy of its collection.



Staff Report
Conservation, Planning, and Zoning Committee
Yahara Materials, Inc., Applicant
Balfanz/Evert Quarry
Rezoning Petition No. 14-2017

Hearing Date: June 27, 2017

Applicant:

Yahara Materials, Inc.

Staff:

Steve Sorenson

355-4831

steve.sorenson@saukcountywi.gov

Current Zone:

Exclusive Agriculture

Proposed Zone:

Agriculture

Relevant Plans:

Town of Honey Creek Comprehensive

Applicable Zoning Regulations:

7.150 Ordinance Amendments

7.038(1) Nonmetallic mining site, one acre or greater

Notification:

(by U.S. mail, except newspaper)

May 31, 2017: Newspaper

May 31, 2017: CPZ Committee

May 31, 2017: Town Clerk

May 31, 2017: Adjacent Landowners

Town Board Recommendation:

Scheduled for the May 17th, 2017

Town Board Meeting

Exhibits:

A. Development Application

B. Operational Plan

C. Various Maps/Survey

Request

Yahara Materials Inc., hereafter referred to as 'applicant,' are requesting a rezone for 2.8 acres of land from exclusive agriculture to agriculture for the purpose of obtaining a special exemption permit in conjunction with non-metallic mining. The area will be used for siting a portable scale to weigh trucks and to stockpile processed limestone. Upon completion of the mining operation, the applicant will reclaim the disturbed area. Previously stripped and stockpiled soils would be pushed on the slopes and floor and then graded to contours that would be seeded down to prevent erosion and promote the regrowth of natural vegetation. Details of reclamation will be determined at the special exception permit. Section 7.038(1) Non-metallic mining site, one acre or greater is permitted by issuance of a special exception within the Agricultural District. The applicant has submitted background information regarding the proposed operation, which has been included as attachments. Pending approval of the rezoning, the applicant will need to obtain a special exception permit through the Board of Adjustment.

Legal Description of Area

Lands to be affected by the proposed rezoning are located in part of the Southwest One-Quarter of the Southeast One-Quarter and in part of the Southeast One-Quarter of the Southwest One-Quarter, all in Section 14, Township 10 North, Range 5 East, Town of Honey Creek, Sauk County, Wisconsin more specifically described as follows: Commencing at the South One-Quarter corner of said Section 14; thence North 00°55'18" East, 1041.15 feet along the North-South One Quarter line of said Section 14 to the Point of Beginning; thence North 61°22'24" West, 169.42 feet; thence North 00°55'18" East 195.32 feet to a point on the North line of the aforementioned Southeast One-Quarter of the Southwest One-Quarter; thence North 89°34'38" East, 150.04 feet along the North line of said Southeast One-Quarter of the Southwest One-Quarter to the Northeast Corner thereof; thence North 89°44'25" East, 250.05 feet along the North line of the aforementioned Southwest One-Quarter of the Southeast One-Quarter; thence South 00°55'18" West, 414.00 feet; thence North 61°22'44" West, 282.36 feet to the point of beginning. Parcel contains 121,918 square feet or 2.80 acres and is subject to any applicable easement or restriction of record.

Town of Honey Creek Recommendation and Comprehensive Plan

The Town of Honey Creek reviewed the rezone request at a special meeting held on May 17, 2017. Town comments noted that they limited the use as indicated in the introduction of the operational plan.

Adjacent Zoning and Land Uses

The adjacent zoning and land uses are as follows:

Direction	Zoning	Land Use
Property	Exclusive Agriculture	Abandoned quarry
North	Agriculture	Active quarry
South	Exclusive Agriculture	Woods
East	Exclusive Agriculture	Woods
West	Exclusive Agriculture	Woods/cropland

Rezone Standards from Exclusive Agriculture

Wis. Stats. 91.48 allows for the rezone of land out of exclusive agriculture, providing the entity can find all of the following:

- (a) The land is better suited for a use not allowed in the farmland preservation zoning district.
The subject property has been and continues to be mined. The applicant will be continuing the current operation.
- (b) The rezoning is consistent with any applicable comprehensive plan.
As noted, the Town of Honey Creek allows only one mine site and this is an expansion of the existing mine site. This is the only mine site in Honey Creek.
- (c) The rezoning is substantially consistent with the county certified farmland preservation plan.
The proposal would appear to be consistent, as the proposed rezoning will allow for the continuation of a non-agricultural use for a specified period of time within a limited area. Once the mining use is completed, the property will be restored to allow for agricultural activities and associated agricultural uses in the future.
- (d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
Farming operations continue to exist in the immediate adjacent area. As the pit operation closes, the site will be re-graded.

Additional Considerations

On December 2, 2016 staff met with Yahara representatives to discuss mine activity occurring off the permitted mine site. Compliance options were provided that included expanding the existing mine footprint through a rezone and special exception process or moving the processed rock stockpiles, scale house and grub/stripping pile back to the approved mine site.

On January 17, 2017 staff provided a letter to Yahara seeking compliance by spring. On April 20, 2017 staff conducted a mine inspection of the Balfanz/Evert mine and discovered no action taken on correcting the violation. A citation was issued for conducting mine activity outside of

an approved mining site. The operator responded by submitting a rezoning and special exception application to expand the mine site.

The original application material notes that the area to be rezoned is 4.5 acres in size. However, upon review of the application materials, it was found that the larger parcel would place mining operations in close proximity to a residential home. The proposed area has been decreased in size so as to maintain the 600 foot separation required by Ordinance.

Property Access: The site has access from an existing driveway to Prairie Road.

Committee Action Options

Approve Petition 14-2017, based on the facts of the request presented at the public hearing, the Town of Honey Creek recommended approval that the proposed rezone from exclusive agriculture to agriculture appears to be consistent with respective plans, and that rezone met all standards and findings noted.

Disapprove Petition 14-2017, based on the facts of the request presented at the public hearing, the Town of Honey Creek recommend disapproval of the rezone, and that the rezone does not meet the standards and findings noted.

Modify and Approve Petition 14-2017. Not Recommended.



P.O. Box 277 Waunakee, WI 53597-0277 Phone 608-849-4162 Fax 608-849-5062

**OPERATIONAL PLAN
BALFANZ/EVERT QUARRY
TOWN OF HONEY CREEK
ZONING CHANGE REQUEST**
Exclusive Agriculture to Agriculture

Introduction:

Yahara Materials, Inc. is requesting a change of zoning on 4.48 acres of land in section 14, T10N, R5E in the Township of Honey Creek (PIN 020-0587-00000) on land owned by the Evert Family Trust and United Dreams Dairy, LLC. The reason for this request is to change approximately 4.5 acres from exclusive agriculture to agriculture to allow for a special exemption permit in conjunction with non-metallic mining. The area will be used for siting a portable scale to weigh trucks, and also to stock pile processed limestone. There will be no actual mining on this site as this portion of the quarry has been depleted.

Location:

NE ¼ of NE ¼ of Section 14
Town 10N, R5E located in Sauk County, WI.

Ownership:

United Dreams Dairy, LLC
E8810 Zech Road
North Freedom, WI 53951
Tax Parcel ID: 0584-00000

Evert Family Trust
C/O Ruth Evert
E8760 Zech Road
North Freedom, WI 53951
Tax Parcel ID: 0587-00000

Operator:

Yahara Materials, Inc.
P.O. Box 277
Waunakee, WI 53597-0277
608-849-4162

Description of Operations:

This land will be used in conjunction with the operations conducted on the adjoining property. The 4.50 acres will be used for the siting of a portable scale to weigh trucks, and also to stock pile processed limestone products.

Erosion Control:

During all phases of our operations, disbursed areas will be closely monitored for potential erosion. The use of silt fencing, hay bales, riprap and prompt seeding and mulching of the disturbed areas will minimize erosion. All slopes will drain into the quarry creating a self-contained drainage pattern with no discharge from the quarry.

Dust Control:

Spray bars will be used on the crushing equipment for dust suppression. The traveled areas of the quarry will be watered by truck as necessary to control dust (please see Fugitive Emissions Plan).

Hours of Operation:

Hours of operation would be 6:00 am to 6:00 pm, Monday through Friday and 6:00 am to 2:00 pm on Saturday (when necessary). The only exception to these normal hours of operation would be when required by WISDOT to perform work on the highways, which may require night work on a very limited basis for the duration of a specific project.

Blasting Plan:

- 1.) All blasting will be conducted by a properly licensed class 5, 6, or 7 blaster.
- 2.) Phone or e-mail notifications will be made to all surrounding neighbors and the Town of Honey Creek 24 hours prior to any blast.
- 3.) A blasting log will be required for each blast.
- 4.) All blasting will be recorded by a properly calibrated seismograph.
- 5.) All seismograph records will be available anytime for review by the township.
- 6.) All blasting will meet the Wisconsin Department of Commerce Administrative Code Chapter 7.

Reclamation:

At the conclusion of quarry operations, the previously stripped and stockpiled soils would be pushed on the slopes and floor and then graded to contours that would be seeded down to prevent erosion and promote the regrowth of natural vegetation.

A reclamation plan that meets the requirements of NR135 will be prepared and submitted for approval by Sauk County Planning and

Zoning prior to commencement of quarry operations for the new disturbed area.

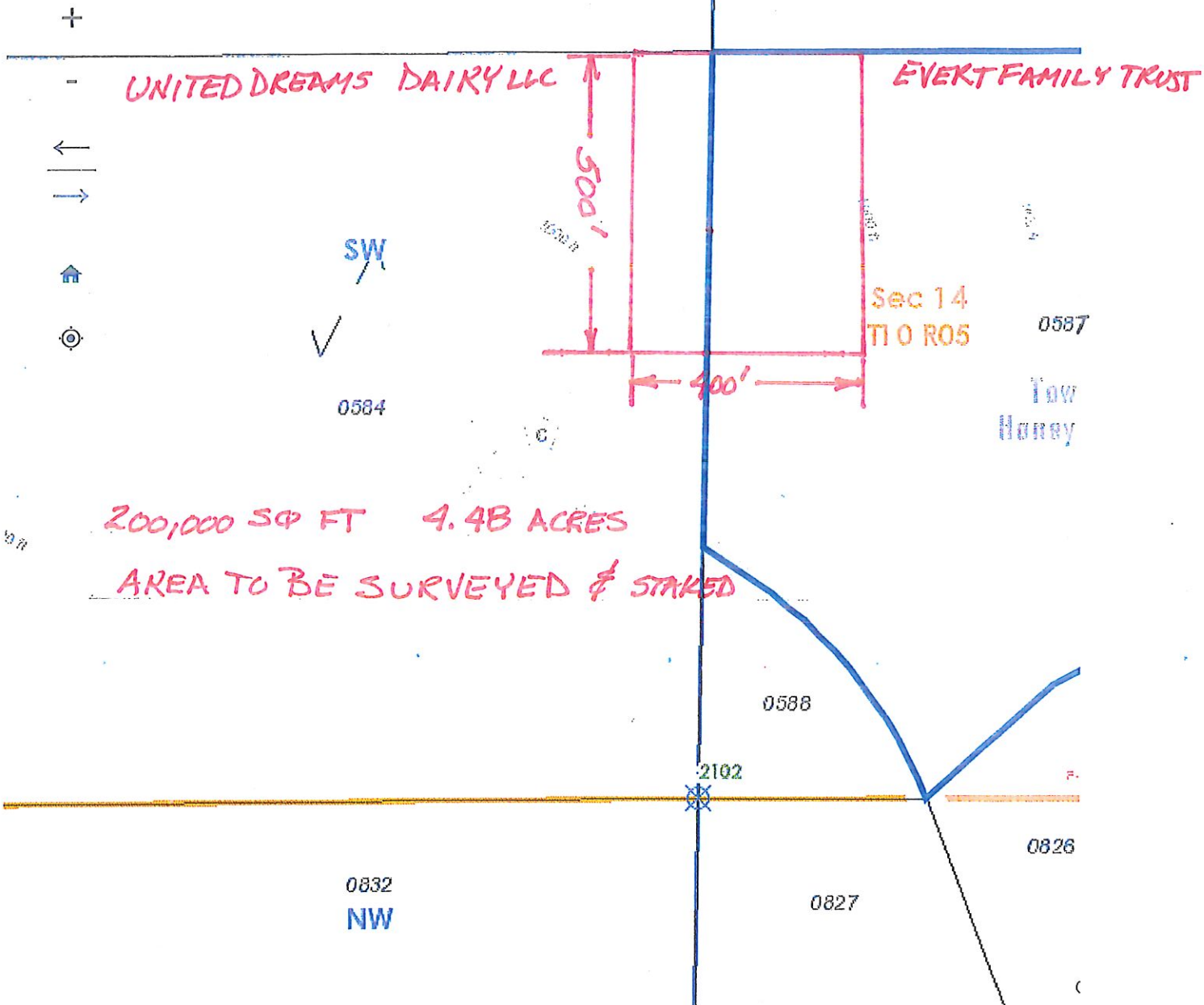
Conclusion:

Legitimate concerns regarding quarry operations usually center on the issues of the environment, and the safety of all those in the immediate vicinity of the proposed site. Yahara Materials, Inc., as an aggregate producer, is in the most highly regulated industry in the state. We conduct our operations well within these regulations, and with particular regard to the concerns of our neighbors, about blasting, noise, and dust. Our well-conceived operational and reclamation plans will assure that all concerns are met.



Sauk County GIS
0581

Tax Parcel iSite





SITE TO BE SURVEYED & STAKED.

Sauk County

Ascent Land Records Suite

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Public

Real estate property & tax

What do you want to do?

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Owner (s): EVERT FAMILY TRUST		Location: Section, Sect. 14, T10N, R5E	
Mailing Address: EVERT FAMILY TRUST C/O RUTH EVERT E8760 ZECH RD NORTH FREEDOM, WI 53951		School District: 5100 - Sch D of Sauk Prairie	
Tax Parcel ID Number: 0587-00000	Tax District: 020-Town of Honey Creek	Status: Active	Acres: 35.3600
Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.): S 14-10-5 SW1/4 SE1/4 N OF HWY "C" EXC V386-681			
Site Address (es): (Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)			

[Select Detail -->](#)

<Select Detail>

[Make Default Detail](#)[Printer Friendly Page](#)[View Interactive Map](#)**Summary of Subject Details:***NOTE: Not all subject details are available at every county.***Assessments:**

Assessment detail by year.

Taxes:

Tax history by year, links to tax payment history, and payoff calculator.

Zoning:

Rural zoning map for the selected parcel. Zoning is intended to be used as a reference only. Only rural zoning information is provided. For information about city or village zoning, please contact local officials.

Districts:

Special District Information (Lake, Sanitary, TIF, BID).

Parcel History:

History of tax parcel changes. Parcel history is not available for changes made prior to January 2012. Changes made prior to this are available only by visiting the County.

Documents:

Documents related to selected tax parcel. There may be other documents related to this parcel that are not shown.

Survey History:

List of surveys performed on selected parcel or on parents of selected parcel. There may be surveys performed that are not available electronically through this portal.

Sales History:

List of all sales related to the selected parcel. There may be documents related to this parcel that are not shown.

Parcel Map:

Interactive map of the selected tax parcel. Maps are available for 'Active' parcels only.

Permits:

Listing of sanitary and/or land use permits associated with the parcel.

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Owner (s): UNITED DREAMS DAIRY LLC		Location: Section, Sect. 14, T10N, R5E	
Mailing Address: UNITED DREAMS DAIRY LLC E8810 ZECH RD NORTH FREEDOM, WI 53951		School District: 5100 - Sch D of Sauk Prairie	
Tax Parcel ID Number: 0584-00000	Tax District: 020-Town of Honey Creek	Status: Active	Acres: 40.0000
Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.): S 14-10-5 SE SW 40.00A			
Site Address (es): (Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.) E9087 COUNTY RD C NORTH FREEDOM, WI 53951			

[Select Detail -->](#)

<Select Detail>

[Make Default Detail](#)[Printer Friendly Page](#)[View Interactive Map](#)**Summary of Subject Details:***NOTE: Not all subject details are available at every county.***Assessments:**

Assessment detail by year.

Taxes:

Tax history by year, links to tax payment history, and payoff calculator.

Zoning:

Rural zoning map for the selected parcel. Zoning is intended to be used as a reference only. Only rural zoning information is provided. For information about city or village zoning, please contact local officials.

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May 31, 2017

TO THE MEMBERS OF THE SAUK COUNTY CONSERVATION, PLANNING, AND ZONING COMMITTEE:

Dennis Polivka, E3681 County Road JJ, Spring Green, WI 53588
Eric Peterson, S9801 Exchange Road, Prairie du Sac, WI 53578
Judy Ashford, S6611 Bluff Road, Merrimac, WI 53561
John Dietz, S4821 Golf Course Road, Reedsburg, WI 53559
Richard Flint, E7189 Eagle Ridge Court, Reedsburg, WI 53959
Chuck Spencer, S5075 Lovers Lane, Baraboo, WI 53913
Clark Pettersen, S4723 Elwood Road, LaValle, WI 53941

Hearing of a Rezoning Petition:

Petition #14-2017 Rezone. A petition to consider a rezone from an Exclusive Agriculture to an Agriculture zoning district pursuant to s.7.150 Ordinance Amendments of the Sauk County Zoning Ordinance. Said rezone is located in the Town of Honey Creek, Sauk County, Wisconsin.

Please take note:

A hearing on the above Petition has been scheduled for TUESDAY, June 27th, 2017 at 9:15 a.m. in the COUNTY BOARD ROOM.

A copy of the Notice of Hearing is enclosed.

Sincerely,

Steve Sorenson
Assistant Zoning Administrator
Sauk County Conservation, Planning, & Zoning

Copy (with enclosure) to:

Sauk County Clerk, Sauk County West Square Building
Crystal Fahrenkamp, Honey Creek Town Clerk, S8314 Denzer Rd, North Freedom, WI 53951 (certified mail)
United Dreams Dairy, LLC, E8810 Zech Rd, North Freedom, WI 53951 (certified mail)
Evert Family Trust, E8760 Zech Rd, North Freedom, WI 53951 (certified mail)
Adjacent property owners

OFFICE OF
SAUK COUNTY CONSERVATION, PLANNING, AND ZONING
SAUK COUNTY WEST SQUARE BUILDING
505 BROADWAY
BARABOO, WI 53913
Telephone: (608) 355-3285

NOTICE

PLEASE TAKE NOTICE, that the Conservation, Planning, and Zoning Committee of the Sauk County Board of Supervisors will hold a public hearing on June 27, 2017, at 9:15 a.m. or as soon thereafter as the matter may be heard, in the County Board Room at the Sauk County West Square Building in the City of Baraboo to consider:

- I. A. Petition 14-2017. A petition to consider a rezone from an Exclusive Agriculture to an Agriculture zoning district pursuant to s. 7.150 Ordinance Amendments of the Sauk County Zoning Ordinance. Said rezone is located in the Town of Honey Creek, Sauk County, Wisconsin.

Lands to be affected by the proposed rezoning are located in part of the Southwest One-Quarter of the Southeast One-Quarter and in part of the Southeast One-Quarter of the Southwest One-Quarter, all in Section 14, Township 10 North, Range 5 East, Town of Honey Creek, Sauk County, Wisconsin more specifically described as follows:

Commencing at the South One-Quarter corner of said Section 14; thence North 00°55'18" East, 1041.15 feet along the North-South One Quarter line of said Section 14 to the Point of Beginning; thence North 61°22'24" West, 169.42 feet; thence North 00°55'18" East 195.32 feet to a point on the North line of the aforementioned Southeast One-Quarter of the Southwest One-Quarter; thence North 89°34'38" East, 150.04 feet along the North line of said Southeast One-Quarter of the Southwest One-Quarter to the Northeast Corner thereof; thence North 89°44'25" East, 250.05 feet along the North line of the aforementioned Southwest One-Quarter of the Southeast One-Quarter; thence South 00°55'18" West, 414.00 feet; thence North 61°22'44" West, 282.36 feet to the point of beginning. Parcel contains 121,918 square feet or 2.80 acres and is subject to any applicable easement or restriction of record.

- B. Testimony of persons to appear at the public hearing; any person so desiring will be given a reasonable opportunity to express their opinions on the matter before the Committee.
- II. A. The purpose of the proposed rezone is to obtain a special exemption permit pursuant to s.7.038(1) nonmetallic mining site, one acre or greater, to operate a mineral extraction site, specifically a portable scale and stockpile area.
- B. Any person desiring more information or to request a map of the proposed rezone may contact the Sauk County Conservation, Planning, and Zoning Office, Steve Sorenson at the Sauk County West Square Building (Telephone (608) 355-4831 phone)
- C. If you have a disability and need help, reasonable accommodations can be made for those so requesting provided that a 48 hour notice is given. Please call 608-355-3245 or TDD 608-355-3490.

Date: May 31, 2017

SAUK COUNTY CONSERVATION, PLANNING, AND ZONING COMMITTEE

BY: Steve Sorenson, Assistant Zoning Administrator
 Sauk County Department of Conservation, Planning, and Zoning
 505 Broadway Street
 Sauk County West Square Building
 Baraboo, WI 53913

To be published June 15, 2017 and June 22, 2017

TOWN ACKNOWLEDGEMENT FORM
Appeal to Sauk County Board of Adjustment
(must be submitted as part as BOA Application)

General Information:

Applicant: YAHARA MATERIALS INC Address: PO Box 277
City, State, Zip: WAUNAKEE WI 53597 Phone: 608-849-4162
Site Address if different from mailing address: _____

Property Owner: EVERT FAMILY TRUST / UNITED BREWERS DAUGHTERS Address: 58810 ZECH Rd NORTH FREEDOM WI
City, State, Zip: NORTH FREEDOM Phone: _____

Tax Parcel ID: 0587-00000 / 0584-00000 Town: HONEY CREEK
Legal Description: NE 1/4, NE 1/4, Sec 14 T 10 N, R 5 E
Subdivision: N/A Lot: _____ Zoning District: _____
Present Improvements: NONE Proposed Use: MINERAL EXTRACTION / SCALE STOCK PILE

(I)(We) are appealing to the Board of Adjustments for: ☐ Variance ☒ Special Exception ☒ Change in
Administrative Decision Permit **ZONING**

Property is located in: Floodplain: ☐ yes ☒ no Shoreland: ☐ yes ☒ no

I, as Town Chair acknowledge that the affore mentioned property owner will be requesting a hearing before the Sauk County Board of Adjustment. I have put the request on our Town Board Agenda for the meeting to be held on 05/17/2017. At that time, I will notify the Sauk County Department of Planning and Zoning of any decision made by the Board on this appeal.

Town Comments (if any): To limit use as indicated in introduction of Operational Plan

HONEY CREEK
Town of

Jennifer Evert
Town Chair

05/17/2017
Date

ORDINANCE NO. ____-2017

PETITION 14-2017. APPROVING THE REZONING OF LANDS IN THE TOWN OF HONEY CREEK FROM AN EXCLUSIVE AGRICULTURE TO AN AGRICULTURE ZONING DISTRICT FILED UPON UNITED DREAMS DAIRY LLC AND EVERT FAMILY TRUST, PROPERTY OWNERS.

WHEREAS, a public hearing was held by the Conservation, Planning, and Zoning Committee upon petition 14-2017 as filed by United Dreams Dairy LLC and Evert Family Trust, property owners, for a change in the zoning of certain lands from an Exclusive Agriculture to an Agriculture Zoning District; and

WHEREAS, the purpose of the request is to obtain a special exemption permit pursuant to s7.030 non-metallic mining site, one acre or greater, to operate a sand pit; and

WHEREAS, the Town of Honey Creek Town Board has approved the rezone request; and

WHEREAS, the Conservation, Planning, and Zoning Committee reviewed and discussed the request as described in petition 14-2017; and

WHEREAS, the Conservation, Planning, and Zoning Committee, based upon the facts of the request and public testimony heard at the public hearing on June 27, 2017, recommended to the Sauk County Board of Supervisors that the petition be approved.

NOW, THEREFORE, BE IT ORDAINED, by the Sauk County Board of Supervisors met in regular session, that the rezoning of the aforementioned lands, more specifically described in petition 14-2017, as filed with the Sauk County Clerk, under the Sauk County Zoning Ordinance, Chapter 7 SCCO, be Approved.

For consideration by the Sauk County Board of Supervisors on July 18, 2017.

Respectfully submitted,

CONSERVATION, PLANNING, AND ZONING COMMITTEE

DENNIS POLIVKA, CHAIR

CHUCK SPENCER

JUDY ASHFORD

ERIC PETERSON

JOHN DIETZ

CLARK PETTERSEN

RICHARD FLINT

Fiscal Note: No Impact
MIS Note: No Impact