

BOARD OF ADJUSTMENT STAFF REPORT
SP-06-11

Dennis Plantenberg

Public Hearing Scheduled for: 03/24/11

1. Request

A request for a special exception permit to authorize the renewal of the permit to operate a mineral extraction site.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is located in the Agricultural zoning district, on real estate described as: part of the SW ¼, NE ¼ and NW ¼, SE ¼, section 6, T13N, R3E, Town of La Valle.	<u>Permits:</u> None found	A special exception permit was granted in 2000 for mineral extraction at this site and renewed in 2006.	None found

3. Finding of Fact:

When reviewing a special exception proposal the Board of Adjustment reviews the proposed site to show that the approval shall be consistent with the general purpose and intent of the ordinance and to show the desirability of the proposed location for the specific proposed use from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases or odors, noise, vibration, operation of heavy machinery, heavy vehicular traffic and increased traffic on public streets.

Section 7.05(2)(l)19 of the Sauk County Zoning Ordinance provides that a special exception permit is required for mineral extraction activities.

This site had been used for mineral extraction by the applicant since 2000. The mining consists of extraction of sand only. There is no blasting or crushing of material at this location. The Office of Planning and Zoning has received no complaints regarding this activity. The applicant has an approved reclamation plan in place for this site.

Surrounding Properties		Floodplain/Wetland	Other:
North	Agricultural, forested and few residential properties	Floodplain map, panel 5511C0043 E, effective date 12-15-09. The mine site is not located within the floodplain. There are mapped wetlands indicated in this area, but not the actual mine site.	
South	Agricultural, forested and wetlands		
East	Agricultural, few residential properties, a restaurant and campground.		
West	Agricultural, forested, wetlands and the Baraboo River.		

4. Plan Commission/Town Recommendation

The Town of La Valle is aware that this appeal has been filed with the Sauk County Board of Adjustment.

5. Planning and Zoning Recommendation

Planning and zoning recommends that the following conditions be considered by the Board should the Board grant the special exception permit.

- A. The permit is limited to ten years and the Applicant may apply to the Board of Adjustment at that time for a permit to continue operations.
- B. Planning and Zoning shall inspect the operations at least one time each year on an unscheduled and unannounced basis to ensure compliance with the approved conditions.
- C. The applicant must provide reasonable financial assurance that the mine site will be reclaimed. Financial assurance must be in place prior to commencement of operational activities. The acres to be disturbed will be jointly set by the Office of Planning & Zoning and the applicant, and shall be adjusted annually.

D. The applicant shall keep the disturbance to a minimum and shall keep erosion control practices in place until the site is reclaimed. The haul road may need to be watered when the site conditions warrant.

E. Warning signs shall be posted no more than 100 feet apart to indicate the presence of mining operations. It is recommended that two rows of trees be established and maintained to make the pond visually inconspicuous from State Road 33.

F. An undeveloped buffer zone of 50 feet shall be established between all property lines of adjacent land owners and any part of the quarry operation. A buffer zone of 600 feet shall be established from an existing residential structure, other than structures owned by the Applicants. The 50 and 600 foot buffer zones may be waived upon release of adjacent property owner(s).

G. The hours of operation shall be as follows:

A. Processing	8 AM to 5 PM	Monday through Friday
B. Loading & Trucking	8 AM to 5 PM	Monday through Friday
	8 AM to 12 Noon	Saturday
C. Maintenance	6 AM to 6 PM	Monday through Saturday

H. No restriction on the number of days or months of operation during the year.

I. Under emergency conditions, the Planning and Zoning Administrator shall have the power to enact emergency operational hours.

J. It is recommended that reclamation be phased, and reclamation will be completed as areas of the quarry have all mineral extraction material depleted and not needed for related mineral extraction activities. Overburden spoil piles shall be stabilized with erosion control measures.

K. Where mineral extraction has been completed, those areas will be reclaimed by grading to a level surface, covered with top soil, mulched and planted with a grass mixture. The sand pit excavation, when completed, will be a multi-use pond. The pond will have maximum bank slopes of three to one. It will be the responsibility of the applicant to inform Planning and Zoning of completion of reclamation and that area be accessible to Planning and Zoning staff for inspections.

L. Enforcement. Within reasonable time after the Planning and Zoning Office is aware of any violation, it will provide a written notice to the applicant specifying the nature of the violation and the action necessary to correct the violation. The second notice of violation of a specific item or the fourth notice overall of violation of any nature would cause a suspension of the permit. The

suspension would be in effect until the violation is corrected to the satisfaction of the Office of Planning and Zoning and an application is submitted to the Board of Adjustment for a new/revised permit.

Report submitted by David D. Lorenz