

March 24, 2011

DECISION
SAUK COUNTY BOARD OF ADJUSTMENT
Appeal Application No. SP-06-11

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dennis Plantenberg
S121 State Road 33
Wonewoc, WI. 53968

Dear Mr. Plantenberg:

On March 24, 2011, the Sauk County Board of Adjustment considered your application for a special exception permit, pursuant to Sauk Co. Code § 7.05(2)(1)19. Based upon the applicable records, evidence and testimony presented at the hearing, the Board of Adjustment makes the following:

FINDINGS OF FACT

Dennis Plantenberg, hereinafter referred to as "Applicant", applied for a special exception permit pursuant to Sauk Co. Code § 7.05(2)(1)19, to authorize the renewal of the special exception permit to operate a mineral extraction site. The property is located in section 6 in the Town of La Valle and subject to Chapter 7, of the Sauk County Zoning Ordinance.

Sauk Co. Code § 7.05(2)(1)19, provides that a special exception permit is required for mineral extraction activities in the Agricultural District.

The surrounding area contains agricultural, forested and wetland properties with very few residential properties. Special exception permits have been granted in 2000 and 2006 for mineral extraction activities at this site.

CONCLUSIONS OF LAW

The Sauk County Board of Adjustment may not grant a special exception permit for mineral activities unless all of the conditions listed in Sauk Co. Code §7.05(2)(1)19, are met. As part of its review, the Board must determine whether the location of the site is consistent with the intent of the ordinance and whether the site will significantly injure the public health, safety or welfare. The applicant has the burden of showing that the permit meets the standards designated in Sauk Co. Code § 7.05(2)(1)19. Edward Kraemer & Sons, Inc. v. Sauk County Board of Adjustment, 183 Wis. 2d 1, 515 N.W.2d 256, 262 (1994).

Upon reviewing the evidence and testimony, the Board determined the mineral extraction site is consistent with the purpose and intent of the Agricultural District. The board made this decision based on testimony and information provided at the hearing, and the following:

The Board determined that this site has been used for mineral extraction activities since 2000 without Planning & Zoning receiving any complaints or issuing any citations. The Town of La Valle was also supportive of the Board of Adjustment renewing the special exception permit. The Board amended the recommended conditions of the permit to extend the permit to a period of ten years.

DECISION

Based upon the evidence, testimony, exhibits and legal authority, the Sauk County Board of Adjustment, by a vote of three to none, approves your request, subject to conditions, for a special exception permit to operate mineral extraction activities.

In issuing the special exception permit, the Board set forth the following conditions the Applicant shall comply with:

- 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.

APPEAL RIGHTS

A complete record of the hearing and the decision of the Board is available for inspection at the Sauk County West Square Building. Please note that advance arrangements may be necessary to

inspect such records. This decision will become final unless a written appeal is filed with the Sauk County Circuit Court within 30 days of the decision being filed in the Sauk County Planning and Zoning Office. Copies of the record may be secured upon written request and upon payment of the transcription fees.

Very truly yours,

SAUK COUNTY BOARD OF ADJUSTMENT

Linda White, Vice Chair

Robert Roloff, Secretary

Filed on this date: _____

COPY TO:

Mr. Richard Vogt, S10284 Dead End Road, Plain, WI. 53577
Ms. Linda White, S3175 White Road, Reedsburg, WI. 53959
Mr. Robert Roloff S1661 Fox Court, La Valle, WI. 53941
Mr. Henry Netzinger, E11085 Sauk Prairie Road, Prairie Du Sac, WI. 53578
Mr. David Allen, S3951 Grote Hill Road, Reedsburg, WI. 53959
Mr. Ron Lestikow, S6463 Devils Delight Road, Merrimac, WI. 53561
Mr. David Wernecke E13119 State Road 33, Baraboo, WI. 53913
Sauk County Planning and Zoning Office
Town Clerk
District Supervisor