

**BOARD OF ADJUSTMENT STAFF REPORT
SP-28-11**

Milestone Materials

Public Hearing Scheduled for: 11/17/11

1. Request

A request for a special exception permit to authorize the continued operation of a quarry after the change of ownership.

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 W ½, section 28, T12N, R5E, Town of Excelsior.	<u>Permits:</u> In 1993 a permit was issued for up to five privys for the quarry.	Six special exception permits have been issued since 1988 for mineral extraction at this site.	

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 since 1957. A special exception permit was granted in 2008 for the continued operation of the quarry for a period of five years. The property is to be purchased by Milestone Materials in December of 2011.

Surrounding Properties		Floodplain/Wetland	Other:
North	Agricultural and few residential properties	Floodplain map, panel 5511C0356 E, effective date 12-15-09. This site is not located within the floodplain. There are no mapped wetlands indicated in this area.	
East	Agricultural and few residential properties		
South and West	The Village of Rock Springs		

4. Plan Commission/Town Recommendation

The Town of Excelsior 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. All work on and use of the premises shall proceed with the plans and supplemental evidence presented at the hearing. It is the responsibility of the applicant to secure all required Town, State, Federal and County permits within one year of the hearing date.
- B. No work shall be commenced prior to receiving the Board of Adjustment decision letter and securing the required permits.
- C. The site shall operate for the term and during the hours as permitted by special exception permit SP-06-08. This permit is due to expire November of 2016.
- D. Sauk County Conservation, Planning and Zoning shall be granted permission to view the site to ensure compliance with these conditions and other relevant provisions of Sauk County Ordinances. The power to ensure compliance with these conditions is given to Sauk County Conservation, Planning and Zoning. If the department finds that any of these conditions have been violated, they are hereby authorized to take corrective action, either

through suspension of the permit, citations or by any means of enforcement that is within their power.

E. Failure by the Applicant to follow all of the conditions set forth by the Sauk County Board of Adjustment is grounds for suspension or revocation of the special exception permit and possible enforcement action. In order to have the special exception permit reinstated after suspension, the applicant must comply with all conditions established by the Board of Adjustment, as determined by the Sauk County Conservation, Planning & Zoning Director or appear in front of the Board of Adjustment. In order to have the special exception permit reinstated after revocation the applicant must appear in front of the Board of Adjustment for a new hearing and comply with all requirements as outlined in this letter.

Report submitted by David D. Lorenz