

Amendatory Ordinance No. 7-0718

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Allied Stone LLC and Michael Kessenich;

For land in the W ½ of the NW ¼ of Section 10-T8N-R1E in the Town of Pulaski; affecting tax parcels 022-0353.02, 022-0353.A and 022-0354.A.

And, this petition is made to rezone 12.21 acres A-1 Agricultural & AR-1 Agricultural Residential to AB-1 Agricultural Business;

Whereas notice of such petition has been properly advertised and notice has been given to the **Clerk of the Town of Pulaski** and the Town is recommending approval as it has been deemed to be consistent with the goals and intent of its adopted comprehensive plan,

Whereas a public hearing, designated as zoning hearing number **2976** was last held on **June 28, 2018** in accord with said notice, and said notice, and as a result of said hearing action has been taken by the Iowa County Planning & Zoning Committee to **approve** said petition with the condition that the associated certified survey map is duly recorded with the Iowa County Register of Deeds within 6 months.

Now therefore be it resolved that official county zoning map be amended as recommended by the Iowa County Planning and Zoning Committee.

Respectfully submitted by the Iowa County Planning & Zoning Committee.

I, the undersigned Iowa County Clerk, hereby certify that the above Amendatory Ordinance No. was X approved as recommended _____ approved with amendment _____ denied as recommended _____ denied or _____ rereferred to the Iowa County Planning & Zoning Committee by the Iowa County Board of Supervisors on **July 24, 2018**. The effective date of this ordinance shall be **July 24, 2018**.



Greg Klusendorf
Iowa County Clerk

Date: 7/25/18



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing Held on June 28, 2018

Zoning Hearing 2976

Recommendation: **Approval**

Applicant(s): Allied Stone LLC and Michael Kessenich

Town of Pulaski

Site Description: part of the W1/2-NW of Section 10-T8N-R1E affecting tax parcels 022-0353.02; 0353.A; 0354.A

Petition Summary: This request is to create a lot eligible for nonmetallic mining by rezoning 12.21 acres from A-1 Ag & AR-1 Ag Res to AB-1 Ag Bus and 52.36 acres to A-1 Ag.

Comments/Recommendations

1. The northerly portion of the proposed lot was zoned AR-1 in 1994. If approved, this proposal would result in only that portion of the original AR-1 lot now 022-0353.03 remaining AR-1.
2. If the rezoning is approved, the use must be approved by conditional use permit. The requested uses are nonmetallic mining.
3. NR135 WI Adm Rule will require an approved reclamation plan in association with the nonmetallic mining use.
4. Section 4.5 of the zoning ordinance lists considerations for nonmetallic mining proposals.
5. The zoning ordinance lists the following standards for considering conditional use permits:
 1. The proposed use complies with all applicable provisions of this Ordinance.
 2. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (house of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
 3. There are no significant adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.
 4. Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
 5. Public safety, transportation and utility facilities and services will be available to serve

- the subject property while maintaining sufficient levels of service for existing development.
6. Adequate assurances of continuing maintenance are provided.
 7. The proposed use is consistent with the Iowa County Comprehensive Plan.

Town Recommendation: The Town of Pulaski recommends approval.

Staff Recommendation: Staff recommends approval with the following conditions to satisfy the ordinance considerations:

- 1) The associated certified survey map be duly recorded within 6 months of the County Board approving the zoning change.
- 2) The associated reclamation plan be approved with a post-mining land use compatible with surrounding legal uses.
- 3) The applicants need to provide evidence of an easement over the existing driveway on the Walsh property for the proposed mining use with a potential maintenance agreement to take into account the proposed heavy truck traffic.
- 4) Hours of operation should be considered in deference to the adjacent residential lot.
- 5) Visual/aesthetic impacts should be considered in deference to the adjacent residential lot.
- 6) The following standards are within the zoning ordinance:
 - a) The nonmetallic mining site must comply with all provisions of this ordinance, the Iowa County Nonmetallic Mining Reclamation Ordinance, and Wis. Admin. Code Ch. NR135.
 - b) The establishment, maintenance, or operation of the mining use shall not endanger the public health, safety, or general welfare, nor impair significant aesthetic, scientific, educational, or agricultural values.
 - c) The establishment, maintenance, or operation of the mining use will not substantially affect the existing use of adjacent properties and will not have a substantial adverse effect on the most suitable long term future use for the area.
 - d) That adequate utility, access roads, drainage, traffic plans, and other site improvements are or will be provided.
 - e) That the mining use shall conform to all government regulations and standards pertaining to the activity, including air and water quality standards and storm and waste water permit discharge requirements.
 - f) That the noise, vibration, and dust levels be within the standards as established by the State.
 - g) That an undeveloped buffer zone adjacent to extraction operations, extending not less than 50 feet from a property line into the mining

site, or up to any other distance as the Commission finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle of repose being provided along property lines.

- h) That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in the property being in a final conditional which is reasonably safe, attractive and, if possible, conducive to productive new uses for the site.
- i) That the operation and reclamation shall be conducted in a manner that meets groundwater quality standards pursuant to Wis. Admin. Code ch. NR140.
- j) That the operations and reclamation shall be conducted in a manner that does not cause a permanent lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to future users.
- k) The mining site shall be enclosed by at least a 3-strand barbed wire fence, maintained at all times, with warning signs posted to indicate the presence of a nonmetallic mining site at intervals agreeable to the affected Town and County.
- l) Water from site dewatering and washing operations will meet the conditions of the required Wisconsin Pollution Discharge Elimination System (WPDES) permit from the WDNR.
- m) Any noise shall comply with all applicable OSHA standards. Verification of this requirement shall be provided to the Office upon written request.
- n) Blasting shall, at a minimum, comply with the provisions listed in SPS 307, Wis. Administrative Rule. At sites where there is a principal structure on neighboring property within 500 feet of the shared property line with the mining site, blast charges may be required to be reduced in size as blasting activity nears the property line.
- o) The permit shall be in effect for 5 years and may be renewed by application to the County. All permitted operations may be inspected at least once every year by the Office and may be inspected at the time a request for renewal is submitted for the purpose of determining if all conditions of the operations are being complied with. Renewed permits shall be modified to be in compliance with all state, county, and local law in effect at the time of renewal. Permits may be amended on application to the Commission to allow extensions or alterations in operations under new ownerships or managements.
- p) An address shall be required for the mining site assigned under the provisions of the Iowa County Address & Road Naming Ordinance.

