

Amendatory Ordinance No. 8-0718

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Ivey Construction, Inc. and Ralph Proctor;

For land in the E ½ of the SE ¼ of Section 10 and W ½ of the SW ¼ of Section 11 all in T5N-R4E in the Town of Ridgeway; affecting tax parcels 024-0769, 024-0784 and 024-0785.

And, this petition is made to rezone 92.64 acres from A-1 Agricultural 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 Ridgeway** 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 **2974** 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.

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 2974
Recommendation: **Approval**

Applicant(s): Ivey Construction Inc. and Ralph Proctor **Town of Ridgeway**
Site Description: part of the E1/2-SE S10 & W1/2-SW S11-T5N-R4E affecting tax parcels 024-0769; 0784; 0785.

Petition Summary: This request is to create a lot eligible for nonmetallic mining by rezoning 92.64 acres from A-1 Ag to AB-1 Ag Bus.

Comments/Recommendations

1. If the rezoning is approved, the use must be approved by conditional use permit. The requested uses are nonmetallic mining and residence.
2. NR135 WI Adm Rule will require an approved reclamation plan in association with the nonmetallic mining use.
3. Section 4.5 of the zoning ordinance lists considerations for nonmetallic mining proposals.
4. 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 Ridgeway recommends approval of the rezoning and approval of the CUP with the following proposed conditions:

- 1) The applicant shall apply for and receive all required local, state and federal permits.
- 2) The reclamation plan will meet the requirements of NR135.
- 3) Hours of operation will be from 6am to 6pm Monday through Friday, and 6am to 4pm on Saturdays. No operations will take place on Sundays.
- 4) The operator will require all trucks and excavation equipment to have muffler systems that meet or exceed the current industry standard for noise abatement.
- 5) The operator shall meet or exceed DNR standards for particulate emissions as described in NR415.075 and NR415.076.
- 6) A seismograph will be installed for the first two shots to any adjoining land owner with a residence and even if not a residence or abutting land owner if requested.
- 7) Solely and exclusively for extraction of sand only.
- 8) Reclamation activities shall be phased with respect to the phasing of the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance.
- 9) Interim reclamation may also be required for mined lands that have been disturbed and will be disturbed again in future operations. Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, removal or fill.
- 10) Ivey will construct berms around the work areas during the stripping process. These berms will be placed to help hide the mining process. Trees will be planted on top of the berms and also seeded down with number four grass seed to protect the berms from erosion.

Staff Recommendation: Staff recommends approval with the conditions recommended by the Town. The recommended Town conditions plus those listed as follows are proposed to satisfy the standards in 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.

