

TOWN OF OSCEOLA

Polk County, Wisconsin 54020

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RESOLUTION #09-09

WHEREAS, on August 4, 2009, Kraemer Mining and Materials submitted a revised Special Exception Permit (SEP) application to operate a 61 acre quarry and 28 acre processing and stockpiling area on 187 acre total leased site in the Town of Osceola, and

WHEREAS, by a vote of 5 to 1 at its September 21, 2009 meeting the Town of Osceola Plan Commission recommended that the Osceola Town Board recommend denial of the August 4, 2009 revised Special Exception Permit to the Polk County Land Information Committee, and

WHEREAS, at its meeting on October 5, 2009, the Town Board considered the following information regarding the proposed quarry operation which is the subject of the revised Special Exception Use Permit application:

Blasting

Ground Vibration/Air Overpressure will be below state mandated levels but will cause unacceptable shock vibration of the structures as per the January 22, 2009 report issued by Kamperman Associates (Exhibit 1). The type of vibration is referred to as "House Rattle" and will negatively impact residences both north and south of the proposed quarry.

Noise

The operational noise of the rock crusher and other heavy vehicles within the quarry will exceed an acceptable level considering the existing ambient background noise level as stated in the Kamperman Associates report.

Dust

The limitations for airborne emissions (dust) will likely exceed the State of Wisconsin limit of 150 micrograms per cubic meter in a 24 hour period if local background conditions of 39.7 micrograms per cubic meter are considered per state requirements (as discussed in Cedar Corporation Report shown in Exhibit II).

Truck Traffic

At peak operation, the proposed quarry will significantly increase area truck traffic by an estimated 200 trucks (400 trips) per day on area roadways. The route traveled will most likely pass through a residentially zoned area in the Village of Dresser and will result in a substantial (estimated 571%) increase in truck traffic based on recorded traffic counter readings from 2004. The statistics were presented in Chairman Strohane's traffic summary document shown in Exhibit III.

Private Well Concerns

Private wells within 1200 feet of the quarry will need to meet additional requirements of NR 812.12 (16) which requires the well to operate at a depth below that of the quarry floor of 400 feet as described in independent analysis completed by Cedar Corporation.



Incompatible Land Use/Residential Density

The proposed quarry is a land use that is incompatible with the residential density within the area adjacent to or near the proposed quarry. The adverse impact to the nearby residences from quarry operations cannot be adequately mitigated because of the proximity of the homes to the proposed quarry. Maps showing land uses adjacent to or near other quarries were reviewed to determine what type of residential density was typical when a quarry begins operation. Examples were provided in a report from Stevens Engineering and Supervisor Wright in Exhibit IV and Exhibit V. The maps show that there is a higher density of homes in closer proximity to the proposed quarry in the Town of Osceola than the other quarries the Plan Commission reviewed.

Incompatible With 1998 Land Use Plan

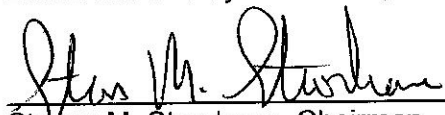
The type of activity for the proposed quarry is not compatible within an agricultural land use as designated for this area in the 1998 Land Use Plan. In addition, the proposed special exception permit to allow for a quarry would be inconsistent with goals stated in the 1998 Town of Osceola Comprehensive Plan, including the following: 1) to try to ensure that adjacent land uses are compatible with regard to factors such as smoke, noise, odor, traffic, activity, and appearance; and 2) to prevent incursion of incompatible, non-residential uses into single family residential areas; and 3) to maintain the rural character of the Town; and 4) to maintain the Town as one of the most beautiful areas in the state. There was also information presented to the Town Board showing a substantial growth in residences in the Town of Osceola in the area of the proposed quarry since 1998 when the Comprehensive Plan was adopted as shown in Supervisor Wright's Exhibit V.

WHEREAS, the Town Board also reviewed the Polk County Zoning Code Section IV C, which establishes criteria for review of Special Exception permits and provides that any approval of a Special Exception Use Permit "shall be based upon such evidence . . . tending to show the desirability or undesirability of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious & toxic gases & odors, noise, vibrations, from operation of heavy equipment, heavy vehicular traffic and increased traffic;

WHEREAS, the Town Board finds that the Special Exception Use Permit should be denied because the proposed quarry use will create such undesirable conditions as dust, noise, vibrations from operation of heavy equipment, heavy vehicular traffic and will increase heavy vehicular traffic; and these undesirable conditions will adversely affect nearby residential uses;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of Supervisors finds that the above reasons for recommending that the Land Information Committee deny the proposed special exception permit are supported in the record, and, further finds that the proposed special exception permit would be contrary to the interest of the public health, safety, and welfare. Therefore, based on the above findings, the Town Board hereby recommends that the Polk County Land Information Committee deny the revised Special Exception Permit submitted by Kraemer Mining and Materials, as requested in the August 4, 2009 application. A certified copy of this Resolution shall be filed with Polk County Zoning to be made a part of the record of the Polk County Land Information Committee's decision on this matter.

Dated this 5th Day of October, 2009


Steven M. Stroshane, Chairman


Robert G. Wright, Supervisor


Eugene Lindholm, Supervisor



ATTEST:

I hereby certify that the Resolution, of which the above is a copy, was duly passed by the Town Board of Supervisors of the Town of Osceola, Polk county, State of Wisconsin, on the 5th day of October, 2009, at a meeting duly called and held and at which a quorum was present and acted throughout.


Lorraine Rugroden, Clerk/Treasurer

