

Town of Spring Green Town Plan Commission

Monday, September 11, 2006

Introduction

We represent numerous families and individuals who are residents of the Town of Spring Green. We are very concerned about The Kraemer Company LLC (“Kraemer Company”) proposal to operate a sand pit on the Hausner Trust property located near the intersection of Jones Road and State Trunk Highway 60.

Town of Spring Green Comprehensive Plan

The Comprehensive Plan for the Town of Spring Green was created through the hard work of many people. It provides the long-range vision and guidance for Town of Spring Green development. Citizen input was important to the process of developing the Plan. The end result is a plan providing guidelines for current development, the vision of what the Town of Spring Green will be in 2025, and the framework for future modifications to the Plan.

We are going to make two key points:

First, the issue of non-metallic mining is so important that it should be incorporated into the Plan. That incorporation should include the same due diligence applied to all other segments of the Plan.

Second, the Kraemer Company proposal is inconsistent with the Comprehensive Plan. We ask that if you must take an action, you deny the Kraemer Company’s proposal.

Point 1: Non-metallic mining

Recently, the Plan has been amended to show the location of the potential sand and gravel deposits within the Town and to acknowledge the possibility of non-metallic mining. The amendments do not, however, address the locations where the Town envisions the development of this mineral resource to occur. The Plan includes many uses that were carefully thought out when developing the zoning locations in the Plan. We ask that due consideration be given to acknowledging the presence of this mineral resource, and that equal consideration be given to the locations where development of that resource meets the goals, objectives

and vision of the Plan. The Plan is meant to be as its title advertises: comprehensive. In order to be comprehensive, the Plan must address both the presence of the mineral resources and the orderly development of that resource. The map that was adopted by the Town shows that approximately 50% of the Town has potential sand and gravel deposits. Given the extent of the potential of this mineral resource, it seems prudent to address the thoughtful, orderly development of this resource. The Kraemer Company has stated that they have not explored other potential sites for a sand pit, and the recently adopted map shows that there are many other potential locations for a sand pit in the Town.

Point 2: How the Kraemer Company proposal is inconsistent with the Comprehensive Plan

Here are key excerpts from the Plan:

The Community Vision Statement

In the Year 2025, the Town of Spring Green is envisioned as a largely rural community with residential areas carefully placed amid farmlands, riverside, woodlands, and hills. Planned business development districts are able to take advantage of state highway access.

Town government, local citizens and landowners have proactively collaborated to provide leadership and commitment to create a green community—grass, parks, conservancy, woods—that preserves its productive farmland and productive woodlands. Spring Green has kept that small town feel and rural quality of life.

For future reality to approximate this vision, Town officials will need to work with citizens, local farmers, developers, public sector partners, and others to share this vision, create visual tools that express it, and promote the projects that embody it.

The stated long-term goals are:

- Maintain and improve the community's quality of life.
- Promote the comfort, safety, health, prosperity, aesthetics and general welfare of the community.
- Provide for orderly development.
- Protect the Town's natural resource base.

One of the issues recognized in the Plan is that the Town Board and Plan Commission need a plan and regulations to provide a meaningful framework for land use decisions.

The Comprehensive Plan is that framework.

The Plan states, "The plan is a guide to be used by officials in initiating changes in zoning to achieve desired land use and as a basis for evaluating requests from individuals." We ask that the Board and Plan Commission use the stated vision of the Town of Spring Green residents, as manifest in the Plan, to evaluate the Kraemer Company's request.

The rezoning request is in direct disagreement with the Plan, specifically Elements 6 and 7. The agricultural, natural, and cultural resources for the Town are addressed in Element 6 of the Plan, while land use is dealt with in Element 7.

Element 6 acknowledges that growth and development are positive attributes to the area; however, the Plan cautions that growth and development "pose a serious threat to the agricultural resources." The Plan also recognizes agriculture as the largest and most important industry in the community. It logically follows that the stated goal for agriculture is "to protect and preserve the Town's productive agricultural resources." The agricultural resource objectives of the Plan include: continuing the RC-35 zoning on lands with the greatest long-term commitment to agriculture, discouraging residential subdivision and other commercial or industrial use within RC-35, and discouraging other land uses and activities with RC-35 which conflict with agricultural use or adversely affect long-term agricultural investment.

There have been previous instances when the removal of sand knobs on local farms has been allowed. This use seems to be in agreement with the goal of long-term commitment to the preservation of productive agricultural use. The removal of the knobs did not diminish the agricultural use of the land, in contrast, it potentially allows for additional productive farmland in the Town.

Removal of 54 acres of land that is currently in productive agriculture clearly does not follow the vision or any of the above stated agricultural objectives of the Plan. A portion of the parcel that is being proposed for rezoning is even delineated in the Plan as "prime farmland." Converting prime farmland into a 30 acre, 25 foot deep pond will definitely "adversely affect long-term agricultural investment" in the 54 acre parcel.

Element 6 also discusses the importance of the groundwater source located within the subsurface sand and gravel deposits along the Wisconsin River. The Plan states that the permeable and porous nature of these sand and gravel deposits leave them vulnerable to contamination from pollutants, and goes on to state that one of the natural resources objectives is to protect and upgrade the quality of surface and ground water. The operations of the sand pit would expose groundwater to a serious risk of contamination, affecting the neighboring families that use this water source, and potentially affecting the river valley more broadly.

Element 7 of the Plan discusses land use and projects the expected growth for the Town. One of the projections made in the Plan is the amount of acreage that will be converted into commercial/industrial use. The expected growth is shown as 11 acres per five years between 2005 and 2025, resulting in a total growth in commercial/industrial use of 55 acres in the next 20 years. The proposed 54-acre land parcel rezoning by Kraemer Company would essentially use up the projected growth for the next 20 years in the Town for commercial/industrial use. The zoning requested by Kraemer is to change from RC-35 to Agriculture, but at the end of the day, the extraction of non-metallic minerals is a commercial/industrial endeavor. Does this mean that the Town is expecting to allow double the projected growth in commercial/industrial use? It seems that doubling the amount of land in commercial/industrial use is a radical departure from the vision of the Plan.

One of the goals and objectives of the Town for land use is stated as “maintain the continuity of the Resource Conservancy Districts, throughout the Town, in accordance with the stated policies of this plan. Rezoning out of the Resource Conservancy Districts shall not be permitted unless identified as furthering the Plan goals and objectives.” This statement is obviously directly opposed to the Kraemer Company’s request.

Environmental Issues

This specific request raises many issues which apply generally to the balance of the Township due to the fact that approximately half of the township (based on the newly incorporated map) contains potential sites for non-metallic mining. Balancing the economic benefits of such mining with other impacts on the community deserves the Plan Commission’s close attention. In determining where non-metallic mining should be permitted, the Commission should address what impact it may have on locally and regionally important environmental issues. Here are some issues we believe the Commission will want to address:

- Adjacent agricultural lands could be significantly affected by extraction activities and results, including blowing sand from the extraction area. Extraction sites should be located so as to protect agricultural lands.
- Groundwater availability and quality can be affected by mining. Negative groundwater outcomes must be mitigated.
- The Nature Conservancy already has a significant presence in the area, helping to restore and protect parts of the River Valley. Extraction should not spoil their efforts.
- Noise from extraction, maintenance and transport can be a significant problem. Standards are needed and enforcement issues addressed.
- Traffic on adjacent roads will be affected by substantial additional truck traffic as well as sand and gravel on the road surface. Appropriate safety

precautions must be defined and responsibility for on-going road maintenance made clear.

Other activities beyond non-metallic mining, such as asphalt manufacture, are sometimes permitted without additional involvement of local authorities. On-site production of asphalt could expose the immediate area, including the Wisconsin River, the broader Riverway and area groundwater to possible volatile hydrocarbon products and by-products. Assurances are needed that only approved activities take place at an extraction site and with appropriate safeguards.

Property Rights

Property owners trust that their political representatives will take actions and make decisions that respect their property investments and general quality of life. Since their property investments are frequently long-term, they rely on both the consistency and perceived fairness of land-use decisions. The Town's Comprehensive Plan provides a framework for future land-use decisions that reinforce consistency and perceived fairness for its residents.

Certainly, the Kraemer Company's proposed land-use would likely have an impact on the adjacent 6 residential properties. While not directly quantifiable, it is anticipated that property values will be reduced. Given the various environmental concerns, immediately adjacent residents will likely experience a reduction in the quality of life associated with their properties.

Importantly, town residents other than those immediately adjacent to the proposed facility will be impacted by the approval of the Kraemer Company's proposal and its subsequent operation. The real or perceived inconsistency in land-use policy can affect town property attractiveness and/or values due to uncertainty over future development decisions. Further, certain environmental issues (such as road and traffic concerns) can impact landowners some distance from the proposed facility.

Tourism Issues

The particular site proposed for non-metallic mining has some special characteristics that make it less appropriate than other potential sites. Highway 60 is considered by visitors – and by many from Spring Green - as a particularly scenic corridor into the area. In fact, it is under consideration for designation as a scenic by-way. Placing a sand pit in this location would run counter to those plans and could have a significant negative impact on the designation efforts.

Tourism and the visitor industry provide economic growth to an important part of the greater Spring Green Area population. Unplanned development in inappropriate areas will negatively impact the desirability of this area to tourists. Mining should take place only in areas where it will not materially affect visitors who are so important to the local economy. The Plan Commission has the opportunity to define how this can best be done.

Summary

We ask that the members of the Town Board and Plan Commission carefully consider the Kraemer Company proposal as it compares with the Plan. The Kraemer Company proposal does not align with the goals and objectives of that vision.

If the Plan Commission must act on the Kraemer Company proposal, we recommend it be denied on this land parcel which the Plan itself designates as prime farmland and is zoned as Resource Conservancy land.

We believe that the best possible outcome here is to table the Kraemer Company request and use the established process (detailed in the plan) to incorporate non-metallic mining into the Plan. Once non-metallic mining is completely addressed within the plan, the Plan Commission and Town Board will have a basis for appropriate action on similar land-use proposals.

We strongly recommend that the Town Board and Plan Commission work towards formally completing the incorporation of non-metallic mining land use into the Plan. This would involve specifically identifying targeted and preferred 'use areas' where this land use would be acceptable and/or pursued. Citizens, including those here this evening, will participate in the Plan Commission's process. We also urge the Kraemer Company be included with their expertise in this area.

By enhancing the Comprehensive Plan as described above, the Town Board and Plan Commission will indicate to town residents and property owners that the Plan's goals and objectives can still be relied upon for future land-use and investment decisions. The Town Board and Plan Commission have the opportunity to reaffirm the long-range vision, goals and objectives for the Town of Spring Green. We trust the Town Board and Plan Commission to use due diligence in addressing this land-use issue.