



## Dane County Zoning Division

City-County Building  
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# DANE COUNTY CONDITIONAL USE PERMIT #2311

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit #2311 for Non-metallic mineral extraction operation pursuant to Dane County Code of Ordinances Section 10.191 and subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: June 24, 2015

DATE OF EXPIRATION: **June 24, 2030**

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

Parcel address: 2400 Erb Road, Town of Springdale

### **Parcel Description:**

A parcel of land located in the NE 1/4 of the NW 1/4, Section 23, Town of Springdale, described as follows: Commencing at the Northwest corner of said Section 23; thence S89°25'50" East, 1318.14 feet along the North line of the NW 1/4 of the NW 1/4 to the Northwest corner of the NE 1/4 of the NW 1/4; thence S00°03'29" West along the West line of the NE 1/4 of the NW 1/4 135.80 to a point on the South right-of-way line of USH 18 & 151, said point being the point of beginning; thence continuing along the West line of the NE 1/4 of the NW 1/4 S00°03'29" West, 737.28 feet to a point on the North right-of-way line of Ringgenberg Drive; thence N45°20'15" East, 171.33 feet along the North right-of-way line Ringgenberg Drive; thence N00°03'34" West, 280.02 feet along the West right-of-way line of Ringgenberg Drive to a point; thence N00°04'07" West, 269.03 feet along the West right-of-way line of Ringgenberg Drive to a point; thence continuing N00°04'07" West, 83.06 feet to a point on the South right-of-way line of USH 18 & 151; thence along the South right-of-way line of USH 18 & 151 S87°43'47" West, 325.13 feet to the point of beginning.

*Permit # 2311*

See next page for conditions

## **CONDITIONS:**

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing further extraction operations.
2. There shall be an additional element of this particular erosion control plan to be called a “dewatering plan” that will outline how water will be: stored and treated on-site (e.g. via an on-site catchment basin that would filter out large particulate matter from the water prior to pumping it off-site); removed from the site; and drained into and across the Ringgenberg field to the south. The applicant will need to demonstrate how any water to be pumped or otherwise removed from the site will be of a quality that meets with the Dane County Land Conservation Department’s approval.
3. On the site plan (dated 12/14/98), there is a discharge pipe indicated in the south of the site that directs water, via a culvert under the lateral road running between Erb Road and Ringgenberg Drive, into Ringgenberg’s field to the south. The prevailing surface water drainage course directs this water flow toward an intermittent stream course further to the south. This water discharge location shall be the only location from which water will be pumped or otherwise removed from the site.
4. The applicant shall apply for and receive all other required local, state and federal permits. In particular, the applicant shall contact Tom Harpt of the Wisconsin Department of Natural Resources (DNR) South-Central Region Office in Fitchburg at (608) 275-3285 and acquire the appropriate permit to discharge water from a non-metallic mining operation under the Wisconsin Pollutant Discharge Elimination System (WPDES).
5. The operator shall develop and operate the site according to the submitted site/operations plan, dated 12/14/98.
6. Operators shall cease no later than 15 years from the date of CUP approval, with a site inspection by Dane County Zoning in 7.5 years.
7. Reclamation shall be completed within one year after operations have ceased, and shall follow the operator’s submitted reclamation plan. As each phase is completed, the restoration of that phase must be completed as much as possible before extracting in the next phase. Final reclamation of the 5.4 acre CUP area must be up to NR 135 standards and pertinent ordinances/regulations governing reclamation. A copy of the required reclamation plan shall be filed with both the Town of Springdale and Dane County Zoning.
8. To ensure compliance with the reclamation plan, the operator shall post and maintain a bond or irrevocable letter of credit in favor of Dane County in the amount of \$8,100 (\$1,500 per acre of subject site) until reclamation is satisfactorily completed.
9. The driveway accessing the subject site shall be paved. The operator shall maintain the driveway in a dust free manner in accordance with local, state and federal regulations, and shall clean any dust or mud tracked onto public roads.
10. The operator and all haulers shall access the CUP site only through the existing access point onto the nameless road south of the site running perpendicularly between Erb Road and Ringgenberg Drive, locally known as Ringgenberg Drive.
11. The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed “no trespassing.”

12. Hours of operation shall be from 6 a.m. to 6 p.m., Monday through Friday. Saturday and Sunday operations are prohibited except for general maintenance and occasional trucking of material out of the quarry on Saturdays only. No operations of any kind shall take place on Sundays or legal holidays.
13. The operator shall comply with Subchapter VII – Blasting Resultants of the State of Wisconsin Department of Commerce Administrative Code and pertinent ordinances/regulations governing blasting.
14. In particular, blasting levels shall be kept below 0.5 inch/second peak particle velocity at frequencies below 40 Hz., as per the State of Wisconsin Department of Commerce Administrative Code, s. 7.64, Table 7.74-2.
15. The operator shall keep on file a seismographic record for every blast: This record shall be provided upon request (this is already the operator's practice).
16. There shall be a safety fence around the entire extraction area at all times. The safety fence shall be a minimum of 5 feet in height with a single strand of barbed wire on the top.
17. The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
18. There shall be no bulk fuel stored on site. (In cases where the operator wishes to have bulk fuel stored on site, the operator should indicate why and provide a plan for spill containment that meets state regulations.)
19. All excavation equipment, plants and vehicles shall be fueled, stored, serviced and repaired on lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
20. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
21. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076 and pertinent ordinances/regulations governing particulate emissions.
22. Dane County and the Town of Springdale shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Springdale.
23. The zoning administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. If the operation is not in reasonable compliance with the terms of this approval, such approval is subject to amendment or revocation.

**THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING  
AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE  
FOLLOWING FINDINGS OF FACT:**

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.

2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.

#### EXPIRATION OF PERMIT

In addition to any time limit established as a condition in granting this CUP, Section 10.25(2)(n) of the Dane County Code of Ordinances provides that any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with the ordinance.