



Dane County Zoning Division

City-County Building
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DANE COUNTY CONDITIONAL USE PERMIT # 2373

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 # 2373 for a Non-metallic Mineral Extraction Operation, Concrete Batch Plant, and Asphalt Plant pursuant to Dane County Code of Ordinance Section 10.191 and subject to any conditions contained herein:

EFFECTIVE DATE OF PERMIT: April 26, 2017

EXPIRATION DATE: See Condition 12

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

LEGAL DESCRIPTION:

Part of the Northeast Quarter of the Northeast Quarter, part of the Southeast Quarter of the Northeast Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northwest Quarter of the Northeast Quarter of Section 35 and part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northwest Quarter, part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 05 North, Range 12 East, Town of Albion, Dane County, Wisconsin, more particularly described as follows:
Commencing at the East Quarter corner of Section 35, aforesaid; thence North 00 degrees 35 minutes 43 seconds West along the East line of said Section 35, aforesaid, 62.10 feet to the North right-of-way line of Lake Drive Road and the Point of Beginning; thence South 89 degrees 19 minute 46 seconds West along said North right-of-way line, 284.84 feet; thence North 74 degrees 54 minutes 18 seconds West along said North right-of-way line, 23.14 feet; thence South 89 degrees 35 minutes 16 seconds West along said North right-of-way line, 119.09 feet to the East line of a lease; thence North 00 degrees 37 minutes 34 seconds West along said lease line, 206.81 feet to the Northline of said lease; thence South 89 degrees 22 minutes 26 seconds West along said North lease line, 273.56 feet to the Northeasterly right-of-way line; thence Northwesterly along said right-of-way line for the next four calls, North 31 degrees 37 minutes 48 seconds West, 245.08 feet; thence North 31 degrees 37 minutes 48 seconds West, 515.88 feet; thence North 37 degrees 33 minutes 27 seconds West, 253.74 feet to a point of curve; thence Northwesterly 1,069.84 feet along an arc of a curve to the Left, having a radius of 11,559.19 feet, the chord bears North 37 degrees 37 minutes 35 seconds West, 1,069.45 feet; thence North 89 degrees 36 minutes 13 seconds East, 1,888.88 feet to the East line of the Northeast Quarter of Section 35, aforesaid; thence North 00 degree 35 minutes 43 seconds West along said East line, 150.00 feet; thence North 89 degrees 35 minutes 17 seconds East, 800.25 feet more or less to the Westerly right-of-way line of Hillside

Road; thence South 26 degrees 52 minutes 55 seconds East along said right-of-way line, 2,339.08 feet more or less to the North right-of-way line of Lake Drive Road; thence South 89 degrees 23 minutes 30 seconds West along said North right-of-way line, 1,217.25 feet; thence North 00 degrees 47 minutes 58 seconds West along said North right-of-way line, 15.94 feet; thence South 89 degrees 19 minutes 46 seconds West along said North right-of-way line, 126.18 feet to the East line of Lot 1, Certified Survey Map No. 7418; thence North 00 degrees 54 minutes 05 seconds East along the East line of said Lot 1 a distance of 300.07 feet to the North line of Lot 1, aforesaid; thence South 89 degrees 31 minutes 31 seconds West along said North line, 307.85 feet to the West line of Lot 1, aforesaid; thence South 00 degrees 54 minute 05 seconds West along said West line, 298.01 feet to the North right-of-way line of Lake Drive Road; thence North 85 degrees 26 minutes 54 seconds West along said North right-of-way line, 185.62 feet to the Point of Beginning. Said parcel contains 4,895,466 square feet or 112.384 acres more or less.

CONDITIONS:

1. No mineral extraction or related activities shall occur unless they are directly connected to the WisDOT project to reconstruct I-39/90.
2. Hours of operation shall be as follows:
 - a. Mining: 6:00 am to 6:00 pm, Monday – Friday, and occasional Saturdays
 - b. Crushing and washing: 24/7, Monday - Friday, and occasional Saturdays
 - c. Concrete and asphalt batching: day or night as required to meet WisDOT contract requirements, Monday – Saturday and occasional Sundays
3. 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 extraction operations.
4. Operator shall apply for and receive all other required local, state and federal permits. No activity for which a state, federal or county permit is required shall occur on the property until the required permit has been issued, and until a copy of the permit has been provided to the Town Clerk.
5. The operator shall develop and operate the site according to the site/operations and phasing plan dated January 19, 2017.
6. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
7. The driveway accessing the subject site shall be paved, at a minimum, a distance of 100 feet from the public road. 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.
8. The operator and all haulers shall access the CUP site only from the west on the designated entrance on Lake Drive Road.
9. The access the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed “no trespassing”.
10. There shall be no blasting on the site.
11. 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. The applicant must provide weekly DOT erosion control reports upon request from the Town. The Town has the right to request dust control measures on the site.
12. The CUP shall expire upon the earlier to occur of the following:
 - a. The date that all sands and gravel located on Site and Site 2 are completely exhausted.

- b. The date that a total of 600,000 cubic yards of sands and gravel located on the Site and Site 2 have been extracted.
 - c. November 30, 2022.
 - d. The date the I-39 construction project of the North Corridor defined as 20 miles north or south of the Site is complete.
13. Operators shall submit documentation to the County demonstrating the volume of sands and gravel removed from the sites on a monthly basis.
14. No water shall be discharged from the site.
15. A fuel containment plan is required for any fuel stored on site.
16. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed the current industry standards for noise abatement.
17. The operator shall meet DNR standards for particulate emissions as described in NR415.075 and NR 415.076.
18. Dane County and the Town of Albion shall be listed as primary additional named insureds on the Hoffman Construction liability insurance policy, which shall provide for a minimum of \$1,000,000 of combined single limit coverage per occurrence. 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.
19. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.
20. Applicant will not use haul route heading south on Hillside Road for sand and gravel mined from the existing nonconforming (NC) mineral extraction site located at 487 Hillside Road (Site 2) and delivered to the Radio Tower Site (Site 1) (see attached map).
21. The high capacity well will be capped and abandoned when project is complete.
22. Applicant will complete annual sampling a maximum of two (2) nearby wells to check for contaminants. Applicant will complete this sampling for duration of CUP permit (8 years). Prior to the start of the site operations, a sample will be taken to establish a base line for the test well. If tests indicate a change from the baseline and exceed state standards, applicant will work with Town to remediate. The location of the test well or wells will be limited to a maximum of two and must be agreed to by both the Township and Applicant. Test will be performed by an independent lab and be consistent to water sampling recommendations for the county. The Town Engineer shall provide a definition for contaminants.
23. Applicant will direct lighting so that it doesn't leave the site. A photometric plan can be provided at the request of the township and may require modifications to the lighting plan to avoid impact on others. Lighting will be directed away from property lines. No lighting is anticipated outside of the property. Lighting that may impact adjacent owners can be mitigated by additional berm height.
24. Noise from the site shall be controlled by establishing a decibel limit with the County and the Town. The county shall establish appropriate levels and monitoring details with approval from the Town Board since noise from the Interstate does impact this area as well. The Town may request that the Applicant use white noise back-up noises on the site.
25. A berm of a minimum height of three (3) feet high will be placed along Hillside Road and Lake Drive, as measured from existing road centerline or ground level at the berm location, whichever is higher. If there are any substantial concerns with noise, light, or views, the berm shall be made taller up to a maximum of six (6) feet in the locations of greatest concern to the Town.

26. The applicant shall provide a road bond list for the Town of Albion on Hillside Road and Lake Drive Road in an amount to be determined by the Town Engineer and in a form to be approved by the Town Attorney. Determination of the existing road conditions will be documented by the Township and applicant. Applicant is responsible for all damage to town roads within the Planned Haul Routes. The applicant shall annually meet the requirements of Section 618 of the standard WisDOT specifications entitled *Maintenance and Repair of Haul Roads* per the DOT contract for the construction of I-39. At the completion of the CUP, the applicant and the Town will inspect Hillside Road and Lake Drive Road and the applicant shall repair Hillside Road and Lake Drive Road to the satisfaction of the Town Chair.
27. Edgerton Fire Protection District shall review applicant's plan for operations and provide input on any conditions it sees as necessary to protect the public prior to any land disturbing activities.
28. The intersection of Goede Road and Lake Drive is not 90 degrees. Due to barricades being used to close Lake Drive, we recommend the location of the barricades be located close to the intersection to slow down truck traffic and avoid 4-way stop. This will hopefully assist reducing the noise. The Township reserves the right to request the 4-way stop.
29. Access to Hillside Road from the site shall not be permitted.
30. The applicant must complete a certified wetland delineation on the site prior to operation to establish disturbance limits. The Applicant must comply with wetland setback requirements of Dane County.
31. The applicant shall provide quarterly reports of the elevation of the water table at the wellhead and monthly reports of water usage to the Town. The Applicant must promptly address any Town concerns.
32. The Applicant shall address any Town citizen complaints of odor from the Site by meeting with the complainant within 24 hours to discuss commercially reasonable solutions.
33. The applicant shall provide written notice to the Town simultaneous with any required reporting to any county or state agency.

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.