



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **August 26, 2014**

Zoning Amendment:  
**None**

Acres: 47.2  
Survey Req. No

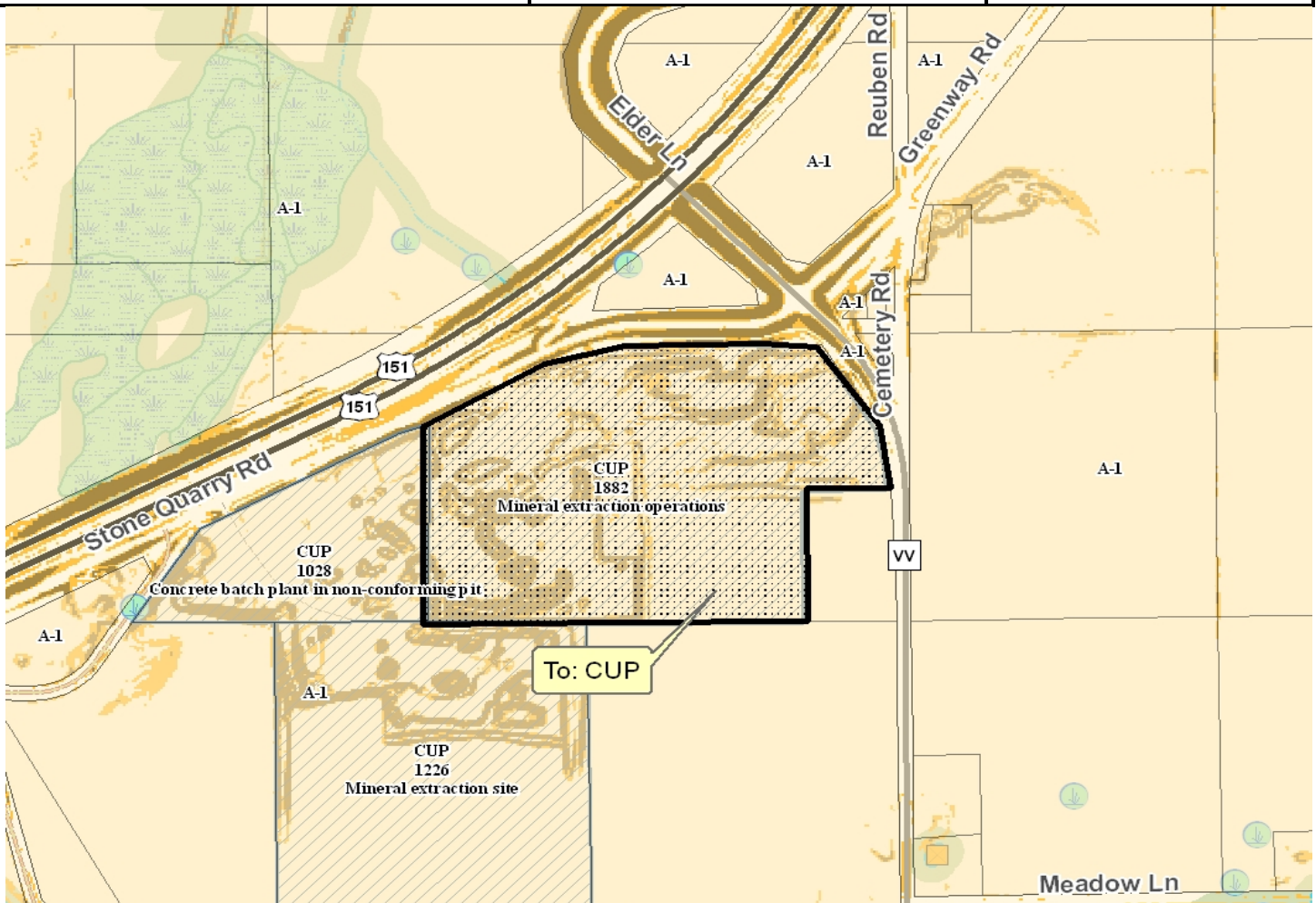
Reason:  
**Mineral Extraction Operation**

Petition: **CUP 2280**

Town/sect:  
**Bristol  
Section 34**

Applicant  
**L&S LLC**

Location:  
**2275 Florence Drive**



**DESCRIPTION:** This is an application for a mineral extraction operation. It will replace CUP 1882 and will allow continuation of an existing operation.

**OBSERVATIONS:** Please see attached staff report for a detailed description of this proposal.

**TOWN PLAN:** The subject property is located in the *Agricultural Preservation* land use district and as well as a portion of the *Unsewered Development* district in the County Adopted Town of Bristol Land Use Plan (1981), and as *Agricultural Preservation* in the town's comprehensive plan adopted in 2005. The policy in the county adopted plan states that "mineral extraction operations may be permitted provided that they meet all the policies and standards of the town with regard to road usage and are compatible with surrounding use of land."

**RESOURCE PROTECTION:** There are no areas of resource protection corridor located on the property.

**STAFF:** Please see the attached staff report for more details about this proposal.

**TOWN:** Approved.

**STAFF REPORT for CUP #2280, Mineral Extraction Site**

Public Hearing Date: 8/26/2014

Work Meeting Date: 9/9/2014

Owner of Record: L&S LLC

Applicant/Agent: **Wolf Paving Company Inc.**

Town: **Bristol**, Section: **34**



**I. OVERVIEW - CUP 2280, Conditional Use Permit for Mineral Extraction Site in the A-1 District, Bristol (Renewal of Expired CUP 1882)**

- **Owner(s) of record:** L&S LLC
- **Agent:** Wolf Paving Company Inc.
- **Size, zoning, use of existing parcel:** 47.2 acre A-1 zoned existing limestone quarry previously in operation under CUP 1882 and prior to that, CUP 1108 (see History below). The neighboring mineral extraction operation is operated by Wingra Stone.
- **Rezone/CUP desired:** Renew the CUP for mineral extraction operation. A Reclamation Plan and an Erosion Control/Stormwater management Plan have been submitted as required.
- **Number of new home sites created:** None

- **History:** CUP 1882 was a 10 year permit that became effective on May 24, 2004, and was approved with 15 conditions. CUP 1882 was a renewal of CUP 1108 which became effective on 01/25/1994.
  - **Soils/Uses:** Non A-1EX
  - **Shoreland/Floodzone/Wetlands:** None
- (Questions? Contact Pamela Andros – 261-9780)**

## II. OPERATION

Of the 47 acre site, 36 acres are open for mining activities (stockpiling, staging, crushing, sediment control), 1.57 acres have been stripped and prepared for mining, and the remaining approximate 9 acres remain in agriculture. This 9 acre area will be mined in the future. Hours of operation will be the same as the previous permit - 6:00 a.m. to 6:00 p.m., Monday through Friday, and 7:00 a.m. to 4:00 p.m. on Saturdays. No operations of any kind shall take place on Sundays or legal holidays. No mining activities will take place below the water table. In the description of the operations, the applicant states:

“Mining activities that include drilling, blasting, crushing, and screening are typically performed once per year at the subject property. The duration of the event is dependent on the quantity needed to satisfy local development projects. No aggregate washing activities are performed at the subject property. No permanent bulk storage fuel tanks are kept at the subject property. Mining equipment and heavy equipment is fuel[ed] daily by portable fuel trucks”.

As defined in the reclamation plan, the site will ultimately be reclaimed for agricultural use.

## III. ANALYSIS

Town Plan: The subject property is in the Agricultural Preservation District. The county adopted *Town of Bristol Land Use Plan (1981)* describes the purpose of this district as follows: “Protect farm operations from the encroachment of incompatible uses and help qualify farmers for the state agricultural tax credit program”. One policy of this district is: “Mineral extraction operations may be permitted provided that they meet all the policies and standards of the town with regard to road usage and are compatible with surrounding uses of land”.

Compliance with County Ordinances: Mineral extraction operations must meet requirements found in Chapters 10, 14 and 74 of the Dane County Code of Ordinances. Chapter 10 provides six standards for granting a CUP in Section **10.255(2)(h)** of the zoning ordinance are as follows:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. That the establishment of the 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 have been or are being made.
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Public, Local, Government, and Agency Input:

- *Town Plan Commission Recommendation:* As of July 30, the county has not yet received the Town Action Report.
- *Town Board Action:* As of July 30, the county has not yet received the Town Action Report.

#### **IV. RECOMMENDATIONS**

The following list of potential conditions are the same as those attached to the previous CUP (#1882). The committee should consider the following conditions combined with any requested by the town of Bristol:

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 extraction operations.
2. The applicant shall apply for and receive all other required local, state and federal permits.
3. Operations shall cease no later than 10 years from the date of CUP approval.
4. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
5. 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.
6. 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.”
7. Hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday, and from 7:00 a.m. to 4:00 p.m. on Saturdays. No operations of any kind shall take place on Sundays or legal holidays.
8. The owner or operator shall notify residents living within ½ mile of the pit of the dates and times for blasting.
9. 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.
10. No water shall be pumped or otherwise removed from the site.
11. There shall be no bulk fuel stored on site.
12. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
13. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
14. Dane County and the Town of Bristol shall be listed as additional named insureds on the [name of operator] 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.
15. 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.

**(Questions? Contact: Pamela Andros at 261-9780)**