

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 02411 Dane County ZLR Committee Public Hearing Tuesday, March 27, 2018

Whereas, the Town Board of the **Town of** Albion having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): ☒ **APPROVED**

☐ **DENIED (If DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

PLANNING COMMISSION VOTE: 5 **In Favor** 0 **Opposed**

TOWN BOARD VOTE: 5 **In Favor** 0 **Opposed**

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(3)(a), if applicable, are found to be (check one):

☒ **SATISFIED**

☐ **NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

There are 19 Conditions put on by the plan Comm and Town Board - 1.No mineral extraction, no crushing, and no aggregate washing shall occur on-site.

SEE ATTACHED CONDITIONS.

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Julie Hanewall, as Town Clerk of the Town of Albion, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Tuesday, February 6, 2018

Julie Hanewall
Town Clerk

Friday, February 16, 2018
Date

FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS

If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from section 10.255(2)(b):

“No permit shall be granted when the zoning committee or applicable town board determines that the standards are not met, nor shall a permit be denied when the zoning committee and applicable town board determine that the standards are met.”

**PLEASE INDICATE THE APPROPRIATE FINDING
FOR EACH STANDARD (CHECK ONE / STANDARD)**

- | | |
|---|---|
| 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. | 1. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 2. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 3. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located. | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

Conditions for CUP# 02411 – Lenox Landscape and Supply, LLC, Rock Road Companies

Conditions put on by the Albion Plan Commission and Albion Town Board

1. No mineral extraction, no crushing, and no aggregate washing shall occur on-site.
2. Hours of operation shall be as follows:
 - a. Concrete Batching: day or night as required to meet WisDOT contract requirements, Monday – Saturday, and occasional Sunday. Limits established by the Township shall be included with the hours of operation.
3. Operator shall apply for and receive all other required local, state and federal permits. Copies of permits must be provided to the Town of Albion.
4. The operator and all haulers shall access the CUP site via the interstate with tracking pad as noted on the Site/Operations Plan. The applicant shall resubmit exhibit with the title “Site/Operations Plan” and provide a date of the submittal on the map for acceptance.
5. There shall be no blasting on the site.
6. The operator shall use spray bars (water) and/or water truck to reduce dust and as requested by a representative of Lenox Landscape Supply. 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
7. Operations shall cease no later than December 1, 2018.
8. No bulk fuel storage on site.
9. The operator shall require all trucks to have muffler systems that meet or exceed the current industry standards for noise abatement.
10. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
11. Dane County and the Town of Albion shall be listed as primary additional named insureds on the Rock Road Companies, Inc. 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 operations cease.
12. The Zoning Administrator or designee may enter the premises of the operation, after giving reasonable prior notice to the property owner or lawful tenant, 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.
13. Applicant will not use any Town of Albion roads for hauling to/from this site.
14. Applicant will direct lighting so that it doesn't leave the site.
15. A berm minimum of three (3) feet above the elevation of the site pad will be placed along all sides of the site except the interstate side.
16. 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.
17. Batch plant at this site may be used only for the I39/90 Project WISDOT 1007-11-74, I90/39 South Dane County Line to East Church Road Southbound Lanes.
18. Noise from site shall controlled by establishing a decibel limit with the County and the Town. The County to establish appropriate levels and monitoring details with

approval from the Town Board since noise from the Interstate does impact this area as well.

19. Applicant will provide a well usage report any month the well is used for the duration of the CUP.