



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **January 24, 2017**

Zoning Amendment:
None

Acres: 103
Survey Req. No

Reason:
Allow the continuation of an existing mineral extraction site

Petition: **CUP 2362**

Town/sect:
**Burke
Section 26**

Applicant
**Madison Crushing and
Excavation**

Location:
5185 Reiner Road



DESCRIPTION: Madison Crushing & Excavating Company Inc., requests approval of a conditional use permit (CUP) for continuation of a longstanding mineral extraction operation on approximately 103 acres. The mineral extraction site is made up of two expired CUPs and an area of non-conforming (NC) status. As configured in the submitted application, CUP#2362 would cover the entire operation, including both expired CUP areas and the NC area, making it one complete permitted site.

OBSERVATIONS: The surrounding area is a mixture of single family residences, agricultural fields and numerous platted vacant residential lots. The City of Madison boundary reaches along the western and eastern boundaries of the CUP area, with Reiner Road running along the eastern boundary.

TOWN PLAN: The property is shown in the town plan as a mixture of low to high density residential, park space and commercial/retail. The property is also located in the Boundary Adjustment Area – Madison (BAA-M) of the Burke/ DeForest/Sun Prairie/ Madison Cooperative Plan (adopted 2006).

RESOURCE PROTECTION: No resource protection corridors located on the property.

STAFF: See attached full staff report. Recommended *minimum* conditions are listed on the following pages.

TOWN: Pending.

Proposed Conditional Use Permit #2362

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. 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. 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. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
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.

Staff has prepared a list of conditions that represent the minimum that may be necessary in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be modified, or additional conditions added, to address potential concerns or issues that may come to light during the public hearing on the proposal.

- 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) The operator shall develop and operate the site according to the proposed site operations plan.
- 4) Operations shall cease no later than twenty (20) years from the date of CUP approval.
- 5) Reclamation shall be completed as required by Chapter 74 of the DCCO and NR135.
- 6) All driveways shall be paved a minimum of 100 feet from road. "Paved" can include recycled asphalt applied over graveled drive. 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.
- 7) The operator and all haulers shall access the CUP site through the three (3) existing access points on the site.
- 8) The access to the driveways shall have gates securely locked when the extraction site is not in operation. The site shall be signed "NO TRESPASSING."
- 9) Hours of operation shall be as follows:
 - a. Operations, excluding blasting, may begin at 6:00 am Monday – Saturday.
 - b. Blasting may begin at 7:00 am Monday – Saturday.
 - c. Drilling, blasting and crushing shall cease at 7:00 pm Monday – Friday and at 12:00 noon on Saturday.
- 10) The operator shall comply with Subchapter VII, Blasting Resultants, of the State of Wisconsin Department of Commerce Administrative Code. 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 7.64-2.
- 11) The operator shall keep on file a seismographic record for every blast. The seismographic record shall be sent to the Town of Burke and Dane County Zoning Division within 7 days of the blast.

CUP #2362 continued

- 12) There shall be a safety fence around the entire extraction area at all times. This fence shall be comprised of a basic farm fence with posts and "NO TRESPASSING" signs at regular intervals of at least 100 ft. around the entire perimeter of the anticipated disturbed area.
- 13) The operator shall use water spray bars 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.
- 14) There shall be bulk fuel stored on site, as it is currently on the C-2 commercial zoned parcel. Currently there are two (2) 10,000 gallon and one (1) 1,000 gallon bulk storage fuel tanks on the site. Secondary containment is provided, and guard posts are provided around the tank area. The operator shall receive approval from the Dane County Land Conservation Department of a spill containment plan that meets state regulations.
- 15) 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.
- 16) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
- 17) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
- 18) Dane County and the Town of Burke 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 may 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 Burke.
- 19) 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.
- 20) No minerals shall be excavated within 30 feet of the road right-of-way, or within 50 feet of property boundaries.
- 21) Operator will provide notice the Town Clerk and to residents within 1,000 feet of the CUP boundaries at least 24 hours in advance of a blasting event.