



## Dane County Zoning Division

City-County Building  
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# DANE COUNTY CONDITIONAL USE PERMIT # 2388

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 # 2388 allowing the dumping of clean fill in an expired mineral extraction site pursuant to Dane County Code of Ordinance Section 10.191 and subject to any conditions contained herein:

**EFFECTIVE DATE OF PERMIT: September 27, 2017**

**Expiration Date: September 27, 2027**

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

PARCEL #: 0810-261-8041-0 ADDRESS: 5185 Reiner Road, Town of Burke

### Legal Description:

Part of the NE 1/4 NE 1/4 of Section 26, Town of Burke described as follows: commencing at the East quarter corner of said Section 26; thence along the East line of the said NE 1/4, N00037'10" East, 1331.57 feet to the Southeast corner of the said NE 1/4 NE 1/4; thence along the South line of the said NE 1/4 NE 1/4, S88°21'40" West, 33.01 feet to a point on the West right-of-way line of Reiner Road and the point of beginning; thence continuing along said South line, S88°21'40" West, 1301.60 feet to the Southwest corner of the said NE 1/4 NE 1/4; thence along the West line of the said NE 1/4 NE 1/4, N00023'34" East, 854.30 feet; thence N88°44'19" East, 1034.63 feet to a point on the West line of Lot #1, Certified Survey Map #10265; thence along said West line, S00037'10" West, 261.75 feet to the Southwest corner of said Lot #1; thence along the South line of said Lot #1, N89°05'04" East, 269.99 feet to a point on the West line of said Reiner Road; thence along said West line, S00037'10" West, 582.44 feet to a point on the South line of the said NE 1/4 NE 1/4 and the point of beginning.

### 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 filling 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 ten (10) years from the date of the CUP approval.
- 5) Only clean filled is allowed. Hazardous material, garbage, etc. is prohibited.
- 6) Reclamation shall be completed as required by Chapter 74 of the DCCO and NR135.
- 7) 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.
- 8) The operator and all haulers shall access the CUP site through the existing access points on the site.
- 9) The access to the driveways shall have gates securely locked when the site is not in operation. The site shall be signed "NO TRESPASSING."
- 10) There shall be no blasting or further excavation of sand or gravel on this site.
- 11) Hours of operation shall be as follows:
  - a. Operations may occur at 6:00 am through 7:00 pm Monday through Friday.
  - b. Saturday operations may occur from 6:00 am through 12:00 pm.
  - c.. No operations shall take place on Sundays or legal holidays.
- 12) There shall be a safety fence around the entire 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 spray the site with water if and when needed to control dust.
- 14) There shall be no bulk storage fuel tanks on site. The operator may only bring in temporary bulk fuel tanks on site during fill placement operations.
- 15) All equipment 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) An annual road maintenance fee in the amount of \$2,000 shall be paid to the Town of Burke.

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.