



## Dane County Zoning Division

City-County Building  
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# DANE COUNTY CONDITIONAL USE PERMIT #2334

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 #2334 for Non-metallic mineral extraction pursuant to Dane County Code of Ordinances Section 10.191 and subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: May 10, 2016

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

### **Boundary Description:**

*Wingra Real Estate Property:* Being a part of the SE ¼ of the NE ¼ Section 36, Township 5 North, Range 9 East, Town of Oregon, Dane County, Wisconsin, bounded and described as follows: Commencing at the East ¼ said Section 36, said point being the place of beginning of the lands to be described; thence S88°48'59"W along the south line of said NE ¼ Section, 2014.04 feet to a point on the East line of the Railroad right-of-way; thence N22°51'05"W along said east line, 2150.82 feet; thence N88°59'17"E along said east line, 107.74 feet; thence N22°51'05"W along said east line, 700.00 feet; thence N88°59'17"E, 316.52 feet; thence N88°59'38"E, 2102.69 feet; thence S00°13'15"W, 1138.69 feet; thence N88°59'38"E, 582.39 feet to a point on the east line of said NE ¼ Section 36; thence S00°37'52"E along said east line 1501.52 feet to the place of beginning.

Said lands containing 6,026,112 square feet or 138.340 acres of land, more or less (gross, to center line of County Trunk Highway "MM").

*Klahn Revocable Trust Property:* Being a part of the NE ¼ of the SE ¼ Section 36, Township 5 North, Range 9 East, Town of Oregon, Dane County, Wisconsin, bounded and described as follows: Commencing at the East ¼ corner said Section 36; thence S88°48'52"W along the north line of said SE ¼ Section 36, 406.07 feet to the place of beginning of the lands to be described; thence S00°37'24"E along the west line of Lot 1 of Certified Survey Map No. 10112, 430.00 feet; thence S88°48'52"W, 500.00 feet; thence N00°37'24"W, 430.00 feet to a point on the north line of said SE ¼ Section 36; thence N88°48'52"E along said north line, 500.00 feet to the place of beginning.

Said lands containing 214,990 square feet or 4.935 acres of land more or less.

Note: Renewal of CUP #2223.

**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 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 site/operations and phasing plan dated January 21, 2016.
4. Operations shall cease no later than thirty (30) years from the date of the CUP approval. For the duration of this CUP, primary operation is exclusive to Payne & Dolan, Inc., and Payne & Dolan will perform and/or direct all operations on the site.
5. Reclamation shall meet the requirements of Chapter 74 of the Dane County Code of Ordinances.
6. Reclamation must be completed within 12 months of the termination of the CUP.
7. The driveway accessing the site shall be paved. 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 through those points designated as entrances on the site/operations plan dated January 21, 2016.
9. 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".
10. Hours of mineral extraction shall be from 6:00 AM to 7:00 PM, Monday through Friday and 6:00 AM to 3:00 PM on Saturdays. No operations of any kind shall take place on Sundays or the following legal holidays: New Years Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, Christmas Eve or Christmas Day. Maintenance and repairs may occur outside of the aforementioned operating hours. Trucking hours will be from 7:00 AM to 6:00 PM Monday through Friday and 7:00 AM to 3:00 PM on Saturdays.
11. There shall be no blasting or drilling on the site.
12. There will be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 5 ft. in height with a single strand of barbed wire on top.
13. 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.
14. No water shall be pumped or otherwise removed from the site.
15. Bulk fuel may be stored on site but is limited to no more than 1,000 gallons. Fuel must be

stored in containment that meets all applicable state and federal regulations. Operator must have a spill prevention plan in place.

16. All excavation equipment, plants and vehicles shall be fueled, stored, serviced, and repaired on lands above three (3) feet in elevation above highest water table elevation to prevent against groundwater contamination from leaks or spills.
17. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
18. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
19. Applicant shall provide claims procedures and bond for private water wells within ½ mile of the site.
20. Berms shall be seeded and planted as described in the site/operations plan.
21. No permanent structures shall be erected.
22. Applicant shall conduct an annual review of the site operations with the Town of Oregon during the 4<sup>th</sup> quarter of each year.
23. Dane County and the Town of Oregon shall be listed as additional insureds on the Payne & Dolan, Inc. 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.
24. The zoning administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with those 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.
25. All dump trucks hauling aggregate from the site must tarp their loads.

**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.