



Dane County Zoning Division

City-County Building
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DANE COUNTY CONDITIONAL USE PERMIT # 2405

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 # 2405 for Non-metallic mineral extraction pursuant to Dane County Code of Ordinance Sections 10.123(3), subject to any conditions contained herein:

EFFECTIVE DATE OF PERMIT: EFFECTIVE MAY 16, 2018

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

LOCATION: 2294 US Highway 12/18, Town of Cottage Grove, Dane County, Wisconsin

Legal Description:

Part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, and part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 27, Township 07 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin, more fully described as follows: Commencing at the Southwest Corner of said Section 27; thence N88°30'19"E, 2038.48 feet to the point of beginning; thence N00°12'11"W, 1543.65 feet to a meander corner; thence continuing along said west line N00°12'11"W, 30 feet more or less to the North bank of a drainage ditch; thence along said West line S00°12'11"E, 30 feet more or less to the above said meander corner; thence along a meander line S86°45'36"E, 465.17 feet to a meander corner being 30 feet more or less South of the North bank of said drainage ditch; thence continuing along said meander line S89°16'20"E, 163.35 feet to a meander corner and a point on the East line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence along said East line N00°12'27"W, 30 feet more or less to the North bank of said drainage ditch; thence along said East line S00°12'27"E, 30 feet more or less to said meander corner; thence continuing along said East line, S00°12'27"E, 158.23 feet to the Northwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 27; thence along the North line of said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ N88°51'22"E, 412.61 feet; thence S00°11'54"E, 1338.38 feet to the South line of said Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$; thence along the South line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, S88°32'14"W, 412.44 feet to the South $\frac{1}{4}$ corner of said Section 27; thence along the South line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, S88°30'19"W, 627.94 feet to the point of beginning including all lands lying between said meander line and the North bank of drainage ditch. Said parcel contains 35.000 acres, more or less.

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 proposed site operations plan.
- 4) Operations shall cease no later than ten (10) years from the date of CUP approval.
- 5) The applicant will reclaim and seed 6 acres of disturbed land in the existing quarry.
- 6) A maximum of 9 acres can be active at any one time, including all three phases of up to 3 acres each: 1) operating, 2) dewatering, 3) reclamation.
- 7) Reclamation shall be completed as required by Chapter 74 of the DCCO and NR135. The plan shall cover the existing site (NC site) as well as the expansion area, treating it as one overall site and operation. The reclaimed areas must be returned to agricultural use.
- 8) The following are prohibited on this 35 acre site: blasting, drilling, crushing, screening, production of asphalt or concrete, storage of recycled material, permanent structures, additional water wells, lighting, vehicle storage or fuel storage.
- 9) The operator shall use multi-frequency back-up alarms to minimize disturbance to surrounding properties, and trucks will be routed to avoid unnecessary back-ups.
- 10) The property boundaries must be surveyed and the entire property must be surrounded by a perimeter fence.
- 11) Exterior sides of active acres shall have a 7' high berm with 1:1 side slopes, and interior sides of active areas shall have a 5' berm with 1:1 side slopes.
- 12) Berms shall be seeded within 14 days.
- 13) 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. The operator will follow the Dust Control Plan.
- 14) Haul roads must be maintained for dust control.
- 15) The operator and all haulers shall access the CUP site through the existing access points.
- 16) 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."
- 17) Hours of operation shall be as follows:
 - a. 6 am to 6 pm Monday through Fridays..
 - b. 6 am to 4 pm on no more than six Saturdays each year, with 7 days prior notice provided to the Town Clerk, and residents at 2252, 2272 and 2292 US Hwy 12&18, 3380 North Star Road, and all others within 500 feet of the new site. Rocky Rights LLC and those receiving notice will define the means of notification.
 - c. No operations shall take place on Sundays or legal holidays

- 18) 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.
- 19) 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.
- 20) There shall be no storage of recycled material on the site.
- 21) There shall be no permanent structures on the site.
- 22) All of the material extracted on this site shall be taken to the existing batch plant.
- 23) All vehicles shall be stored on lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
- 24) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
- 25) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
- 26) No minerals shall be excavated within 20 feet of the property boundaries with the exception of the south property line.
- 27) There shall be no alteration of topography within 5 feet of the property line.
- 28) Dane County and the Town of Cottage Grove 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 Cottage Grove.
- 29) 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.
- 30) No minerals shall be excavated within 20 feet of the property boundaries with the exception of the south property line.

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.