



# DANE COUNTY PLANNING & DEVELOPMENT

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DATE 2/4/2021

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TO: Zoning and Land Regulations Committee  
Roger Lane, Zoning Administrator

*Zoning*  
(608)266-4266, Rm. 116

FROM: Brian Standing, Senior Planner, *standing@countyofdane.com*

CC: Todd Violante, Director of Planning and Development  
Jennifer Hanson, Town of Oregon  
Clint Weninger, Payne and Dolan

RE: CUP 2510 Updated Recommended Conditions of Approval

On January 12, 2021, the ZLR Committee identified several questions to the applicant for CUP 2510, based on comment received at the December 22, 2021 public hearing. On February 1, 2021 Clint Weninger, of Payne and Dolan, responded to Roger Lane.

If the Committee decides that the standards of the ordinance have been met, the following conditions of approval would support that conclusion.

## **RECOMMENDED CONDITIONS OF APPROVAL (REVISED FEBRUARY 3, 2021, REVISIONS UNDERLINED)**

1. The conditional use permit shall expire 15 years from the permit effective date.
2. 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. Payne and Dolan shall be responsible for all conditions included in this conditional use permit.
3. Asphalt production facilities must comply with all requirements of:
  - a. Chapter ATCP 93, Wisconsin Administrative Code, including spill containment;
  - b. All current air emission and pollution control permitting standards, including dust and particulate controls, of the U.S. Environmental Protection Agency and the Wisconsin Department of Natural Resources;
  - c. All applicable state and federal stormwater and groundwater protection regulations and with Chapter 14, Dane County Code;
  - d. Odor control standards under NR 429, Wisconsin Administrative Code.
4. Hours of Operation:
  - a. No operations of any kind shall take place on Sundays or the following legal holidays: New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Eve or Christmas Day.
  - b. The asphalt plant shall operate between 6:00 AM and 7:00 PM, Monday through Friday, and 6:00 AM to 3:00 PM on Saturdays.
  - c. Start-up activities for the asphalt plant may occur from 5:00 AM to 6:00 AM.
  - d. Shut-down activities for the asphalt plant may occur from 7:00 PM to 8:00 PM, Monday through Friday, and 3:00 PM to 4:00 PM on Saturdays.
  - e. Maintenance and repairs may occur outside of the aforementioned operations hours.
  - f. Trucking of hotmix asphalt will be from 6:00 AM to 7:00 PM, Monday through Friday, and 6:00 AM to 3:00 PM on Saturdays.

- g. All activities, including start-up, shut-down, maintenance, repair and trucking operations shall comply with all pollution, noise, odor, traffic and other performance standards required by conditions of this permit.
5. No more than five employees shall operate the asphalt plant.
6. Peak noise levels from all operations at the site, including the mineral extraction operation and the asphalt plant, shall not exceed 75 decibels (dBa scale), as measured from the property line.
7. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, written statement of intent and operations plan submitted with the Conditional Use Permit application and dated October 14, 2020.
8. All operations must conform to all applicable conditions of Conditional Use Permit 2334, associated with the surrounding mineral extraction site. If CUP 2334 expires, is revoked or terminated, this Conditional Use Permit shall be terminated as well, and all associated uses shall cease. Re-establishment of asphalt batch plant operations after termination shall require approval of a new Conditional Use Permit.
9. The operator must provide to the Zoning Administrator a copy of an operational agreement approved by the Town of Oregon, consistent with applicable standards described in the *Town of Oregon / Dane County Comprehensive Plan*.
10. Any new and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code.
11. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
12. The applicant must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan. Truck traffic associated with the asphalt plant shall not exceed 20 trips per hour.
14. Off-street parking for all on-site vehicles, including employees' personal transportation, must be provided, consistent with s. 10.102(8).
15. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the operator. Costs borne by the operator shall be proportional to the incremental increase in, and nature of, traffic associated with the proposed conditional use.
16. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
17. The operator must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
18. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
19. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
20. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.