

**COMPOSITE REPORT FOR CUP#2371
MARCH 28, 2017 ZLR COMMITTEE PUBLIC HEARING
CONDITIONAL USE PERMIT FOR MINERAL EXTRACTION IN THE A-2 & A-3 DISTRICT
BLUE MOUNDS SECTION 14**



PROPOSAL SUMMARY & BACKGROUND

- **Agent/Applicant:** Fink's Paving & Excavating
- **Owner:** Diane V. Fink
- **Size, zoning, use of existing parcel:** 70 acres zoned A-2 & A-3
- **Rezone/CUP desired:** The applicant wishes to renew their conditional use permit (CUP#1759) which expires in April 2017, so they can continue and expand operations of the limestone quarry.
- **Other county permits:** An erosion control (Chapter 14) and nonmetallic mining reclamation permit (Chapter 74) are required. Reclamation and erosion control/storm water plans have been submitted.
- **History:** This site has operated as a quarry since 1988. That rezone/CUP petition was for 30 acres located CUP 1759 was for renewal and expansion of the previous permit for a mineral extraction operation.
- **Town Action:** On 3/13, the Blue Mounds Town Board approved as the applicant proposed.
- **Village of Mount Horeb:** At their March 1st Board meeting, the Village of Mount Horeb recommended approval of CUP #2371 with the following two conditions, 1) installation of a vegetative berm if the quarry expands to the east toward the Village limits; and 2) require site reclamation for the entire site upon closure of the quarry.

DANE COUNTY PLANNING STAFF COMMENTS

Overview: This petition is for continuation and expansion of a non-metallic mineral extraction operation. The quarry has been in operation since 1988. The proposed expansion will go to the east, removing the knoll in the center of the property. The expansion limit of the proposed quarry expansion is approximately 700 feet from the Village limits. The site produces approximately 60,000 tons of aggregate per year. Blasting occurs approximately 3 times per year. The current quarry wall is approximately 1,400 feet west of the Brookstone Ridge subdivision.

Operation: The quarry is currently used to produce gravel products for Fink's Paving & Excavating to provide materials for public transportation and private commercial and residential projects within a 20 mile radius. Operations include the blasting of rock, crushing of blasted rock into various sized products, and the loading and trucking of this material off site. The operation also has import materials including asphalt for recycling and clean fill materials.

Town of Blue Mounds Comprehensive Plan: Future Land Use Plan Map: The subject property is in the "Transition Agriculture" land use district, which will ultimately be annexed into the Village of Mount Horeb. The quarry expansion area is within the Mount Horeb Urban Service Area (USA). The Village of Mount Horeb Comprehensive Plan designates the area to be used for future planned neighborhood development.

Compliance with County Ordinances: Mineral extraction operations must meet requirements found in Chapters 10, 14 and 74 of the Dane County Code of Ordinances. The applicant submitted all of the required information as described in **10.191(2)**. The applicant has submitted an erosion control plan/storm water management plan as required by Chapter 14 of the Dane County Code of Ordinances (DCCO), and a reclamation plan as required by Chapter 74. Chapter 10 provides six standards for granting a CUP in Section **10.255(2)(h)**, as follows:

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

POTENTIAL CONDITIONS OF APPROVAL FOR CUP 2371:

Conditions are based on those the ZLR commonly applies to permits for mineral extraction operations, customized to the particular site and operation, including conditions proposed by the applicant and reviewed by the town. The following list reflects the conditions included in the proposal blended with the county's standard set of conditions.

1. The applicant shall submit an erosion control plan covering the area to be disturbed 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 submitted for this proposal and dated December 2001.
4. Operations shall cease no later than twenty-five (25) years from the date of CUP approval.
5. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
6. An undisturbed area between the eastern boundary of the CUP area and the boundary of the quarry expansion area shall be maintained as shown on the operations plan.
7. Screening will be achieved with berms and vegetation in preparation for eastward expansion of the quarry.
8. 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.
9. The operator and all haulers shall access the CUP site only through those points designated as entrances on the site/operations plan.
10. 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."
11. There shall be a minimum setback of 20' from the property line. Berms may be contained within this setback area.
12. Hours of operation shall be as follows:
 - For the period of April 1 through November 30, the hours shall be 6:30 a.m. – 5:00 p.m. Monday through Friday and 7:00 a.m. to 2:30 p.m. on Saturdays.
 - For the period of December 1 through March 31, the hours of operation shall be 7:00 a.m. – 4:00 p.m. Closed on Saturday and Sunday.
13. The following blasting procedures must be followed:
 - Blasting will be conducted by a properly licensed class 5, 6 or 7 blaster
 - Notifications will be made by the blasting contractor and/or Yahara Materials twenty-four (24) hours before any blast.
 - A blasting log will be required for each blast.
 - All blasting will be recorded on a seismograph.
 - All seismographic records will be available at any time for review by the township.
 - All blasting must meet state standards.
14. There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.
15. 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.

16. The operator must have a spill containment plan for bulk fuel stored on site.
17. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then 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. Dane County and the Town of Blue Mounds shall be listed as additional named insureds on the Fink's Paving and Excavation, Inc. liability insurance policy, which shall be for a minimum of \$2,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.
20. The owner/operator must post a copy of this conditional use permit #2371, including the list of all conditions, on the work site.
21. 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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.
22. If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.

(Questions? Contact Pam Andros – 261-9780)