



## Dane County Zoning Division

City-County Building  
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# DANE COUNTY CONDITIONAL USE PERMIT # 2413

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 # 2413 for Non-metallic mineral extraction pursuant to Dane County Code of Ordinance Sections 10.123(3) and 10.191, subject to any conditions contained herein:

**EFFECTIVE DATE OF PERMIT: May 8, 2018**

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

LOCATION:, 972 State Highway 138, Section 18, Town of Dunkirk, Dane County, Wisconsin

### Legal Description:

Part of the SE 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4 of Section 18, T5N, R11E, Town of Dunkirk, Dane County, Wisconsin, described as follows: Beginning at the West 1/4 corner of Section 18; thence N87°50'15"E, 2643.98 feet to the Southeast corner of the SE 1/4 of the NW 1/4; thence N00°1'46"W, 1324.41 feet to the Northeast corner of said 1/4 -1/4, thence S87°37'17"W along the North line of the South 1/2 of the Northwest 1/4, 2298.47 feet; thence S00°12'41"E parallel with the West line of said South 1/2, 1249.24 feet; thence S87°50'15"W, 350.00 feet to said West line; thence S00°12'41"E, 66 feet to the point of beginning. Containing 70.05 acres.

### 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. Once extraction operations have reached 1,320 feet from the eastern boundary of the CUP area, 8' berms with 1:1 side slopes must be constructed for screening. The berms must be seeded in 14 days. When operations move beyond that point, the berms must be moved and reconstructed along the western edge of the site, wrapping around the NW and SW corners. The berms will be 8' with 1:1 slopes and shall be seeded in 14 days.
4. Operations shall cease no later than forty (40) years from the date of CUP approval.

5. The operation shall be conducted in phases with sand and gravel being extracted from approximately 3-5 acres at one time and reclaiming that area before moving on to the next phase.
6. Reclamation shall be completed as required by Chapter 74 of the DCCO and NR135. The plan shall be an amendment to the reclamation plan for the existing site (NC site), showing the existing site and the expansion area (CUP#2413), treating it as one overall operation.
7. The following are prohibited on this 70 acre site: blasting, drilling, production of asphalt or concrete, storage of recycled material, permanent structures, additional water wells, lighting, vehicle storage or fuel storage.
8. 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.
9. Haul roads must be maintained for dust control.
10. The operator and all haulers shall access the CUP site through the existing access point (971 State Hwy 138).
11. 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."
12. Hours of operation shall be as follows:
  - a. 6 am to 6 pm Monday through Friday
  - b. No operations shall take place on Saturdays, Sundays, or legal holidays
13. There shall be a safety fence around the entire extraction area at all times. This fence shall include "NO TRESPASSING" signs at regular intervals of at least 200' around the entire perimeter.
14. All vehicles shall be stored on lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
15. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement. Trucks will be routed to avoid unnecessary back-ups.
16. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
17. No minerals shall be excavated within 20 feet of the property boundaries with the exception of the east property line.
18. There shall be no alteration of topography within 5 feet of the property line, with the exception of the east property line.
19. Dane County and the Town of Dunkirk 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 Dunkirk.
20. The owner/operator must post a copy of this conditional use permit #2413, 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 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.

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.