



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **December 22, 2015**

Zoning Amendment:  
**None**

Acres: 73.2  
Survey Req. No

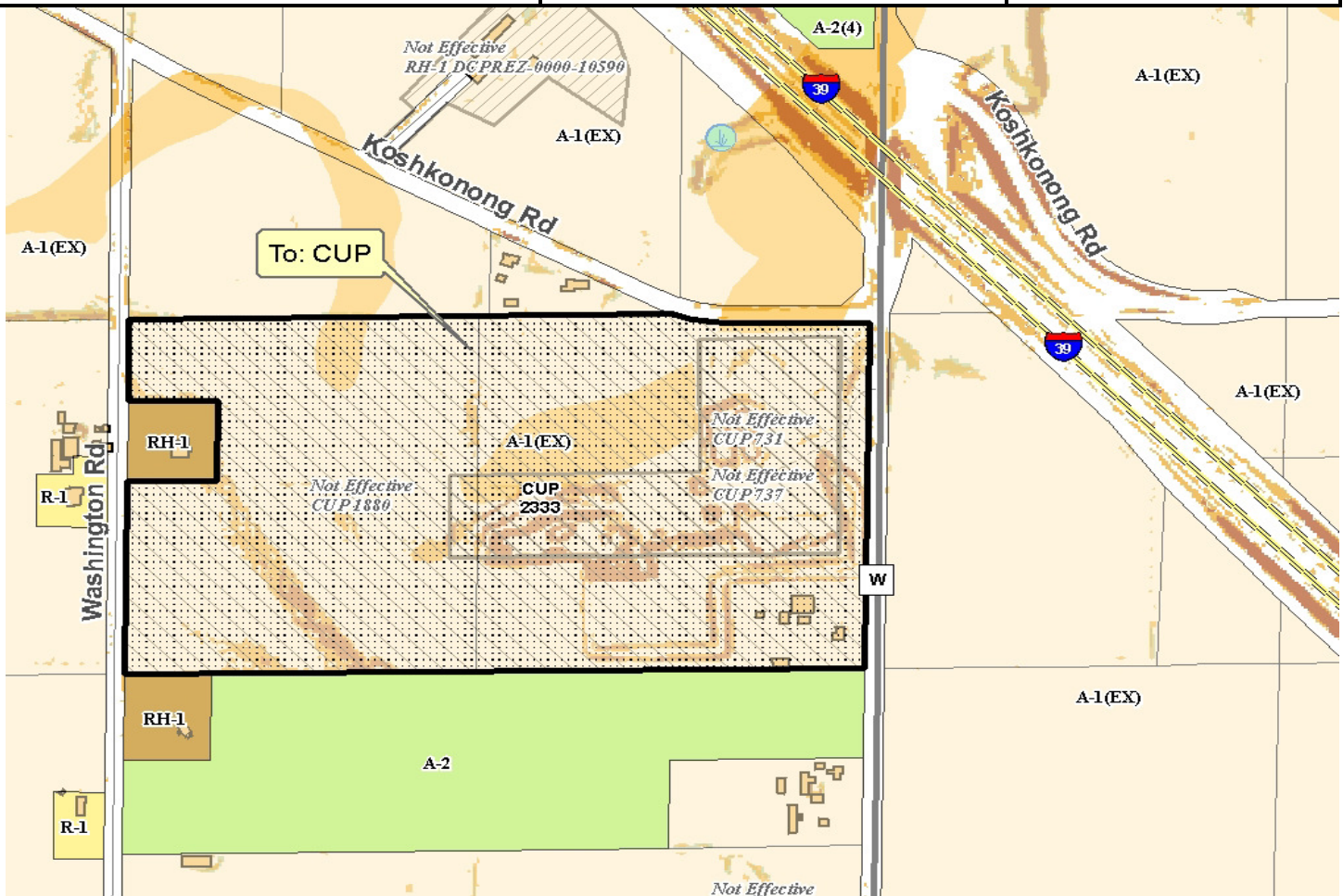
Reason:  
**Renew an existing Conditional  
use permit for a Mineral  
Extraction Operation**

Petition: **CUP 2333**

Town/sect:  
**Christiana  
Section 19**

Applicant  
**Joan L Volenberg**

Location:  
**2315 County Highway  
W**



**DESCRIPTION:** The applicant wishes to expand and continue the existing mineral extraction operation. The requested CUP area is the same as that of CUP#1880. The total permit period requested is 20 years. However, because the town of Christiana requested 10 years, the applicant adjusted the proposal to a 10-year permit period.

**OBSERVATIONS:** The surrounding area is a mixture of agricultural and scattered rural residential uses. No sensitive environmental features observed.

**TOWN PLAN:** The property is located in the town's agricultural preservation area. Mineral extraction is recognized as a conditional use in this district and the plan goals for mineral extraction are to 1) require all mineral extraction operations and utilities to be functionally and visually compatible with the predominant agricultural and rural residential uses of the land; and to 2) limit conflicts between mineral extraction and incompatible uses.

**RESOURCE PROTECTION:** No resource protection corridors located on the property.

**STAFF:** See attached staff report and draft CUP. The proposal appears reasonably consistent with town plan policies.

**TOWN:** Approved, with conditions.

## Proposed Conditional Use Permit # 2333

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

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

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. The applicant shall maintain the existing Dane County erosion control and storm water permit in active status for the entire site for the duration of the mineral extraction operation.
2. The operator shall apply for, and receive all other required local, state and federal permits and licenses.
3. The applicant shall meet DNR standards for particulate emissions as described in NR 415.075, Wisconsin Administrative Code.
4. The operator shall develop and operate the site according to the site and operations plan that is part of the application for this permit.
5. Operations shall cease no later than ten (10) years from the date of issuance of the conditional use permit.
6. Reclamation shall be completed within one year after operations have ceased, and shall be phased according to the operations and reclamation plan.
7. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances (DCCO).
8. The operator shall post and maintain at all times a bond or irrevocable letter of credit in favor of Dane County, as required by Chapter 74 of the DCCO, to ensure compliance with the reclamation plan.
9. The driveway accessing the site shall be maintained as paved and maintained in a dust free manner in accordance with local, state, and federal regulations; and the operator shall clean any dust or mud tracked onto public roads.
10. The operator and all haulers shall access the site only through the single access point on CTH W as shown on the operations plan.
11. The access to the driveway shall have gates securely locked when the extraction site is not in operation.
12. Township roads shall not be used for hauling to or from the site, either empty or full, unless the applicant or customers are serving a resident/business on the Township road. All other use of town roads requires Town Board approval.
13. The site shall be signed "No Trespassing".
14. The permit holders shall comply with all federal and state blasting and safety laws, ordinances and regulations at all times, including Wisconsin Department of Commerce Chapter 7.
15. Hours of operation shall be from 6 a.m. to 6 p.m., Monday through Saturday.

Conditions continued.....

## **Proposed Conditional Use Permit # 2333**

16. All blasting shall take place Monday through Friday, between the hours of 8 a.m. to noon and 1 pm to 4 pm. No blasting shall occur on weekends or holidays.
17. A 24-hour notice will be made to all residences/businesses within a ¼ mile radius of the corners of the property, including any parties that have requested notification either via mail or email prior to any blasting.
18. No water shall be removed from the site.
19. No bulk fuel will be stored in any permanent tanks on site.
20. The operator shall require all trucks and excavation equipment have muffler systems that meet or exceed the current industry standards for noise abatement.
21. The applicant or its customers hauling material from the site will not use jake-brakes unless necessary for an emergency.
22. Extraction area shall be set back 30 feet from Washington Street, 42 feet from CTH W, and 5 feet from all other property lines.
23. 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. Unless the operation is in reasonable compliance with these conditions of approval, such approval is subject to amendment or revocation. Anyone inspecting the property will be escorted by the operator and will comply with all safety rules.
24. The Town of Christiana may request documentation of any Dane County inspections and permit renewals.
25. Conditional Use Permit for mineral extraction is for the operator R.G. Huston only. CUP#2333 is non-transferrable to a different operator.