



PROPOSAL SUMMARY & BACKGROUND

- **Agent/Applicant:** R.G. Huston Co.
- **Owner:** Joan Volenberg
- **Size, zoning, use of existing parcel:** The parcels total 73.2 acres zoned A-1 Exclusive, with a CUP for mineral extraction (CUP#1880). The Volenberg's house and farm buildings are located in the southeast corner of the 73+- area.
- **Rezone/CUP desired:** The applicant wishes to expand and continue the existing mineral extraction operation. The CUP area is the same as that of CUP#1880. The total permit period requested is 20 years. Because the town of Christiana requested 10 years, the applicant adjusted the proposal to a 10-year permit period.
- **History:** CUP #1880 became effective on March 23, 2004 with permit period of 10 years. The purpose of that permit was to allow Sun Prairie Sand & Gravel to develop the 78 acres west of CTH W, including the "old" mineral extraction site. A 14-acre area was developed in 2 phases,

with blasting, crushing and screening conducted on site. The operation was transferred to RG Huston in 2011. Long ago, the easterly 40 acres of the CUP area was a Non-Conforming Mineral Extraction Site registered in 1969, but the Non-Conforming status was deleted on 01/18/1987. Before CUP#1880, there was CUP#737 for mineral extraction for highway construction (government use) by Richard Volenberg, effective 4/11/1989, expired in 1989. Pet. 8158, effective 8/2/2001 created the 1-acre RH-1 parcel with frontage on Washington Road at the westerly edge of Volenberg's 78 acres.

- **Other county permits:** An erosion control (Chapter 14) and nonmetallic mining reclamation permit (Chapter 74) are required. There are reclamation and erosion control/storm water plans and permits associated with this operation. These plans will be updated to reflect the expanded CUP boundaries.
- **Town Action:** On November 24, 2015, the town of Christiana Plan Commission approved CUP#2333 with 21 conditions. Those conditions are incorporated in the list of recommended conditions found at the end of this report.

DANE COUNTY PLANNING STAFF COMMENTS

Overview: This petition is for continuation and expansion of an existing mineral extraction operation. This request is for a CUP area covering 73.2 acres for a period of 20 years. The operation itself only covers a portion of the CUP area. The applicant included a list of 20 conditions as part of the proposal. These were based on conditions from the previous permit (CUP 1880). The applicant also received feedback on these conditions from the town of Christiana. After meeting with the town, the applicant agreed to a 10 year permit period.

Surrounding Area Characteristics: The surrounding area is a mixture of agricultural and scattered residential uses.

Reclamation Plan: A reclamation plan and reclamation permit (permit #37) already exist for this operation. This permit is based upon a reclamation plan that identifies agriculture as it's future land use. Although the reclamation plan will be updated, the planned end land use continues to be agriculture.

Town Plan: The *Town of Christiana Comprehensive Plan* identifies the subject property in the *Agricultural Preservation* future land use district. 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.

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.

10.123(5) Standards for conditional uses in the A-1 Exclusive Agriculture zoning district.

In addition to the requirements of s. 10.255(2)(h), the zoning committee must find that the following standards are met before approving any conditional use permit in the A-1(exclusive agriculture) zoning district.

- (a) The use and its location in the A-1 Exclusive Agriculture zoning district are consistent with the purposes of the district.
- (b) The use and its location in the A-1 Exclusive Agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

POTENTIAL CONDITIONS OF APPROVAL FOR CUP 2136

Conditions are based on those the ZLR commonly apply to permits for mineral extraction operations, customized to the particular site and operation, including conditions proposed by the applicant and reviewed and approved by the town. The following list reflects the county's standard conditions blended with those that were proposed by the applicant and requested by the town of Christiana.

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 require 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.
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.

(Questions? Contact Pam Andros – 261-9780)