



Dane County Zoning Division

City-County Building
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DANE COUNTY CONDITIONAL USE PERMIT #2642

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.101(7) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANTS Conditional Use Permit #2642 allowing a Mineral extraction operation on the premise conditioned upon Dane County Code of Ordinances Section 10.101(7)(d) and subject to the additional conditions listed below:

EFFECTIVE DATE OF PERMIT: November 19, 2024

CUP EXPIRATION DATE: November 19, 2034 (see below)

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

LOCATION: 3355 County Highway N, Town of Cottage Grove (Tax Parcel # 0711-283-9800-6)

LEGAL DESCRIPTION:

A PART OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 28 AND PART OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 33, T7N, R11E, TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN NOR PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH $\frac{1}{4}$ CORNER OF SAID SECTION 28: THENCE S87°48'15" W, 23.76 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY TRUNK HIGHWAY N AND THE POINT OF BEGINNING:

THENCE ALONG SAID WEST RIGHT OF WAY LINE N01°15'44"E, 308.32 FEET;

THENCE CONTINUING ALONG SAID WEST LINE N02°53'06" W, 100.08 FEET;

THENCE CONTINUING ALONG SAID WEST LINE N11°54'15" W, 101.98 FEET;

THENCE CONTINUING ALONG SAID WEST LINE N22°23'44" W, 107.70 FEET;

THENCE CONTINUING ALONG SAID WEST LINE N28°31'04" W, 113.18 FEET;

THENCE CONTINUING ALONG SAID WEST LINE N27°36'57" W, 112.25 FEET;

THENCE CONTINUING ALONG SAID WEST LINE N29°02'26" W, 146.65 FEET;

THENCE S61°51'56" W, 237.87 FEET; THENCE S79°25'30" W, 686.42 FEET;

THENCE S01°12'09" E, 1717.49 FEET TO THE NORTH RIGHT OF WAY LINE OF UNITED STATES HIGHWAYS 12 & 18; THENCE ALONG SAID NORTH LINE S83°56'37" E (REC. AS S83°48'28" E).

158.15 FEET; THENCE CONTINUING ALONG SAID NORTH LINE N86°17'51" E (REC. AS N86°31'58" E), 355.09 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S08°45'13" E (REC. AS

S88°42'02" E), 500.56 FEET; THENCE CONTINUING ALONG SAID NORTH LINE N42°20'28" E (REC. AS N42°26'28" E), 81.29 FEET TO THE WEST LINE OF SAID C.T.H. N; THENCE ALONG SAID WEST LINE N02°53'49" W (REC. AS N02°48'40" W), 68.59 FEET (REC. AS 68.47 FEET); THENCE CONTINUING ALONG SAID WEST LINE N01°32'37" E (REC. AS N01°39'11" E), 690.41 FEET; THENCE CONTINUING ALONG SAID WEST LINE N16°18'41" W (REC. AS N16°12'07" W), 118.28 FEET; THENCE CONTINUING ALONG SAID WEST LINE N45°02'09" E (REC. AS N45°08'43" E), 52.69 FEET; THENCE CONTINUING ALONG SAID WEST LINE N00°04'19 E, 55.71 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 45.1727 ACRES.

CONDITIONS:

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (see below).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. 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 or Uniform Dwelling Code.
4. 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.
5. Any ongoing business operation 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.
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. 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 landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
10. 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.
11. 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.
12. 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.

Conditions specific to CUP #2642:

13. 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.
14. Operations shall cease no later than ten (10) years from the date of issuance of the conditional use permit.
15. Topsoil shall be saved and stored on site for reclamation of the area. Reclamation shall be completed within one year after operations have ceased, and shall be phased according to the operations and reclamation plan.
16. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances (DCCO). The current reclamation plan on file with Dane County will need to be modified as per DCCO Ch. 74.231.
17. 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.
18. Hours of operations, except for crushing, screening, and washing shall be from 6 a.m. to 6 p.m., Monday through Friday, and from 8 a.m. to 1 p.m. on Saturday. Crushing, screening and washing shall not occur before 7 a.m. on Monday through Friday and 8 a.m. on Saturday. No operations of any kind shall take place on Sundays or legal holidays. Hours may be extended on a per need basis by approval of the Town Chair/Board, with written notification being given to Dane County Zoning.
19. Access with be paved a minimum of 150 feet.
20. Trucks shall exit the site onto Natvig Road where they can then access CTH N.
21. There shall be a safety fence with a minimum 4-foot height around the entire extraction area at all times. The existing right-of-way fence, located to the south and east of the property, shall be maintained.
22. The site shall be signed "no trespassing". When the extraction site is not open, the access road onto CTH N shall have gates securely locked.
23. There shall be no blasting or drilling on the site unless approved by the Township permitting process, and operator provides written evidence of Town permit to Dane County Zoning.
24. There shall be no bulk fuel stored on the site.
25. There shall be no high-capacity wells on site unless approved through appropriate WisDNR permitting process.
26. No mining shall take place within 300 feet of Little Door Creek.
27. All excavation shall be set back a minimum of 20' from any property line. Excavations below the grade of an abutting public street or highway shall be set back from the street or highway a distance at least equal to the distance that is required for buildings or structures under DCCO s. 10.17 (42 feet from Right of Way Line of CTH N and US HWY 12/18).
28. The operator shall require all trucks, excavation, crushing, screening and washing equipment to have muffler systems which meet or exceed then-current industry standards for noise abatement.
29. The applicant shall meet DNR standards for particulate emissions as described in NR 415.076, Wisconsin Administrative Code.
30. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.

31. In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.
32. CUP to become effective only upon Rezone Petition #12109 first becoming effective.
33. This CUP is limited to RG Huston only and is not transferrable to a different operator.

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.
7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.
8. If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220.

EXPIRATION OF PERMIT

Upon the allowed land use's cessation or abandonment for a period of one year, this conditional use permit will be deemed to have been terminated and any future use shall be in conformity with the ordinance.