



DANE COUNTY ZONING STAFF COMMENTS / BACKGROUND

- **Owner/Applicant:** Stanley Lien
- **Operator:** Bjoin Limestone, Inc.
- **Size, zoning, use of existing parcel:** The total CUP area is 120 acres in size, all zoned A1-EX.
- **Rezone/CUP desired:** The applicant wants a new conditional use permit for mineral extraction in order to amend conditions of the existing CUP (#2159). The key changes to the conditions, involve the details related to the hours of operation, a shorter permit period of (10 years vs. 15), and an increased maximum size of the open excavation area (20 acres vs. 8). In addition, operations, erosion control, and reclamation plans related to the site are being updated.
- **History:** CUP# 2159 became effective on April 13, 2011 and was set to expire on April 12, 2026. The owner was found in violation of CUP#2159 on April 19, 2016, due to failure to meet numerous conditions of the permit. A stop work order was issued. More specifically, 1) the open excavation area exceeded the limit of 8 acres; 2) a safety fence was not installed around portions of the extraction area that contain high walls and/or steep slopes; 3) the operation did not follow the operations plan; 4) the erosion control plan was not in compliance; 5) The reclamation permit (Chapter 74) was not in compliance (letter of credit expired and based on incorrect amount of

acreage); and 5) the hours of operation were not followed. The operator, Bjoin Limestone, immediately started correcting violations and has been very cooperative. Bjoin Limestone was not the operator at the time of the issuance of CUP #2159. Bjoin Limestone applied for a new CUP in order to revise conditions. A mineral extraction operation existed prior to 2011. CUP#1262 became effective on April 1, 1996 and expired on April 1, 2011.

TOWN ACTION REPORT

On May 24, 2016, The Town of Christiana Plan Commission voted unanimously to approve the proposal, with only one change to a permit period of 10 years rather than the 15 year period originally proposed. As of June 7th, the county has not yet received a Town Action Report for this petition.

DANE COUNTY PLANNING STAFF COMMENTS

Overview: This petition is for a new conditional use permit for mineral extraction in order to amend conditions of the existing CUP (#2159). The key changes to the conditions, involve the details related to the hours of operation, a shorter permit period of (10 years vs. 15), and an increased size of the open excavation area (20 acres vs. 8). In addition, operations, erosion control, and reclamation plans related to the site are being updated.

Surrounding Area Characteristics: The surrounding area is a mixture of mostly agricultural use and scattered residential uses. The subject property is located at the intersection of Highland and Koshkonong Road.

Reclamation Plan: A reclamation plan and reclamation permit (permit #74-98) already exist for this operation. This permit is based upon a reclamation plan that identifies agriculture as its future land use. The applicant is in the process of updating the reclamation plan and renewing the permit.

Town Plan: The *Town of Christiana Comprehensive Plan* identifies the subject property in the *Agricultural Preservation* land use district. The plan explains that mineral extraction is allowed as a conditional use in the district. It also states that the town will discourage non-farm residential development near existing mineral extraction sites.

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 application meets the requirements of section **10.191**. 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)** of the zoning ordinance are 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.

According to **S. 10.123(5)** *Standards for conditional uses in the A-1 Exclusive Agriculture zoning district*, the ZLR Committee must also consider the following factors when approving CUPs in the **A-1 Exclusive 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.

RECOMMENDED CONDITIONS

The following list of conditions is based on a modified and updated version of those approved for CUP#2159. They are based upon a list of conditions that are standard for mineral extraction operations in Dane County, customized for this specific site and proposal.

POTENTIAL CONDITIONS OF APPROVAL FOR CUP 2346:

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 submitted site and operations plan.
4. Operations shall cease no later than ten (10) years from the date of issuance of the conditional use permit.
5. Reclamation shall be completed within one year after operations have ceased, and shall be phased according to the revised operations and reclamation plan.
6. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
7. All drive aisles shall be either graveled or paved according to operations plans, and shall be maintained in a dust free manner in accordance with local, state, and federal regulations.
8. Open excavation area shall not exceed twenty (20) acres.

9. Hours of operation shall be as follows:
 - a. Operations shall be limited to 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. on Saturday. There shall be no Sunday operations.
 - b. Blasting shall be limited to 9:00 am to 4:30 pm Monday through Friday.
 - c. Crushing of stone shall be limited to 6:00 a.m. to 9:00 p.m., Monday through Friday. Crushing shall not be permitted on Saturday, Sunday or legal holidays.
 - d. For Wisconsin Department of Transportation (WisDOT) projects, hauling/transport of material will occur 24 hours per day/7 days per week, with the exception of Sunday evenings. Hauling for local municipal and/or commercial projects will be limited to 6:00 a.m. to 9:00 pm Monday through Friday, and 7:00 a.m. to 12:00 pm on Saturday.
10. There shall be a minimum of an 80 foot setback from all Township roadway right of way lines, and a minimum of a 200 foot setback from all property lines of other owners.
11. There shall be a safety fence around portions of the extraction area that contains high walls and/or steep slopes. That safety fence shall be a minimum of 5 feet in height with a single strand of barbed wire on the top. For areas that are not high walls or steep slopes, during operations, the edges of the extraction area shall be maintained at a slope no greater than 1:1. The site shall be signed “no trespassing”.
12. All blasting shall be performed in strict accordance with State of Wisconsin rules and regulations. No explosives shall be stored on the quarry site.
13. The owner/operator shall notify, in writing, the Town of Christiana Clerk, local utility (Wisconsin Power and Light), and residents living within one-quarter mile of the open excavation area of the quarrying activity, the dates of blasting at the quarry. Said notification shall be provided more than 72 hours prior to blasting.
14. 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.
15. 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.
16. The applicant shall meet DNR standards for particulate emissions as described in NR 415.075, Wisconsin Administrative Code.
17. Owner/operator shall maintain liability insurance coverage in the amount of \$5,000,000 and maintained at that level until the quarry is closed or CUP 2346 expires. Dane County and the Town of Christiana shall be named as additional insureds on this insurance policy. Copies of appropriate insurance policies shall be filed with the Town of Christiana..
18. The Dane County 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. If the operation is not in reasonable compliance with the terms of this approval, such approval is subject to amendment or revocation.

19. The operator must post a copy of this conditional use permit (#2346), including the list of conditions, on the work site.
20. This Conditional Use Permit for mineral extraction is for the operator Bjoin Limestone only. CUP#2346 is non-transferrable to a different operator.

(Questions? Contact Pam Andros – 261-9780)