

# TOWN BOARD ACTION REPORT - REZONE

Regarding Petition # Cup 2346

Dane County Zoning & Land Regulation Committee Public Hearing Date 6/28/16

Whereas, the Town Board of the Town of Christiana having considered said zoning petition, be it therefore resolved that said petition is hereby (check one):  Approved  Denied  Postponed

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained

Town Board Vote: 3 in favor 0 opposed 0 abstained

## THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1.  Deed restriction limiting use(s) in the \_\_\_\_\_ zoning district to only the following:  
\_\_\_\_\_  
\_\_\_\_\_
2.  Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):  
\_\_\_\_\_  
\_\_\_\_\_
3.  Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):  
\_\_\_\_\_  
\_\_\_\_\_
4.  Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):  
\_\_\_\_\_  
\_\_\_\_\_

5.  Other Condition(s). Please specify:  
A. Change Item #4 in Conditions (see attached)  
From 15 to 10 years  
B. Unlimited hours only for DOT projects #9(d)

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, Sandra Everson, as Town Clerk of the Town of Christiana, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on June 14, 2016.  
Town Clerk Sandra Everson Date: June 16, 2016.

## RECOMMENDED CONDITIONS

The following list of conditions is based on a modified 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.

### 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 ~~fifteen (15)~~ <sup>ten (10)</sup> 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.

**(Questions? Contact Pam Andros, Senior Planner, Dane County Planning & Development – 608-261-9780)**

**TOWN OF CHRISTIANA  
PLAN COMMISSION MEETING MINUTES  
MAY 24, 2016**

The meeting was called to order at 7:30 pm by Tom Jelinek. Those present were: Jim Lowrey, Cindy Cutrano, Adam Travis, Tom Jelinek and Duane Hinchley.

Cindy Cutrano made a motion to approve the minutes from April 26, 2016, seconded by Duane Hinchley. All ayes.

Public appearances – None.

Cindy Cutrano made a motion to approve rezone request of 2 acres from A1-EX to RH-1 for Howard Lien & Sons, Inc./Carolyn Lien for their property located at 2466 Clear View Rd, for existing home, seconded by Jim Lowrey. All ayes.

Jim Lowrey made a motion to approve moving parcel number 0162-052-9575-0 of 2.2 acres down to touch West Evergreen Dr., for Lisa A. Arington-Glesinger/Michael Rumpf, seconded by Adam Travis. All ayes.

Jim Lowrey made a motion to approve rezone of 7.55 acres from RH-2/A1EX to RH-2, for Lisa A. Arington-Glesinger/Michael Rumpf, for their property at 3008 McClain Rd, with bump outs in driveway as required, seconded by Duane Hinchley. All ayes.

Jim Lowrey made a motion to deed restrict remaining 42.406 acres for no residential or commercial development for Lisa A. Arington-Glesinger/Michael Rumpf, for their property at parcel number 0162-053-8100-0, seconded by Duane Hinchley. All ayes.

Jim Lowrey made a motion to approve CUP #2346 (see attached "RECOMMENDED CONDITIONS from Dane County Zoning) with number 4 to be changed from fifteen (15) years to ten (10) years to start in 2016 for Hepta S. Inc/Attorney Timothy H. Lindau for their property at parcel numbers 0612-144-8500-9, 0612-143-8240-0 and 0612-143-9500-8, seconded by Cindy Cutrano. All ayes.

Jim Lowrey made a motion to adjourn the meeting, seconded by Duane Hinchley. All ayes. Meeting adjourned at 8:06 pm.

Cindy Cutrano  
Secretary