



DANE COUNTY ZONING STAFF COMMENTS / BACKGROUND

Owner/Applicant: Christine Borchers is the property owner, and William Ziegler is the agent. Madison Crushing & Excavating Company Inc., is the operator.

Size, zoning, use of existing parcel: 103 acres, zoned A-1 Agricultural, and 8 acres zoned C-2 Commercial.

Rezone/CUP desired: conditional use permit (CUP) for a mineral extraction operation on a site that is made up of two expired CUPs and an area of non-conforming (NC) status. The NC portion is in the center, and the operation expanded from there into the northern portion (expired CUP#1993) and the southern portion (expired CUP#1672). The CUP on the northern portion and the CUP on the southern portion both expired in 2016, and operations have taken place on the NC area after the CUPs expired. As configured in the submitted application, CUP#2362 would cover the entire operation, including both expired CUP areas and the NC area, making it one complete permitted site.

History: There is a long history of mineral extraction operations at this location. The NC portion of the operation was registered in 1969. A mining permit for a 25.8 acre site north of the NC site operation was issued in 1980 (permit M80-4). In 1988, years after the rules changed to require conditional use permits, CUP#643 was issued replacing permit M80-4. In 1990 CUP#788 was approved for expansion of the NC site into 17.5 acres to the south. CUP#1159 replaced CUP#643 in 1994, and then CUP#1159 was replaced with CUP#1642 in 2000, and then CUP#1642 was replaced with CUP#1993. CUP#1672 replaced CUP#788. For a more detailed description of this history, please see *History of the Zeigler Quarry* provided in the meeting packet.

DANE COUNTY PLANNING STAFF COMMENTS

Operations Plan: The proposed use is a stone and gravel quarry. As described in the application:

“mining of the limestone bedrock will occur in a single phase. The mining operations will continue along the north face of the Northern Expansion Area from the center of the extraction area and will excavate the exposed working faces, extracting down and into the bedrock towards the property boundary or until the excavation reaches the desired final grades”. Based on the existing mining operation, the anticipated depth of limestone extraction is up to 100 feet. Extraction will not occur below groundwater elevations.

The northern portion of the site will be completed in one phase extending the north wall north to the permit area limits. Topsoil will be used for creating berms around the perimeter of the site. Overburden materials will be stabilized and stored for future reclamation. The center “main pit” area will be used to process and stockpile aggregate, and the southern portion of the site will be used to stockpile and process material. Blasting, drilling, mining, crushing, screening, washing and refueling will take place in the operation. The operation will not include asphalt batching or concrete mixing. Truck ingress and egress will be from Reiner Road following major truck routes to and from destination job sites.

Hours of Operation: The hours of operation are currently and will be 6:00 am – 7:00 pm Monday through Friday, excluding blasting, which may occur from 7:00 am through 7:00 pm. Saturday operations are currently and shall remain 6:00 am through 12:00 noon with blasting permitted from 7:00 am – 12:00 noon. No operations occur on Sundays or legal holidays, except snow plowing activities which include hauling and disposal of snow.

Surrounding Area Characteristics: The surrounding area is a mixture of single family residences, agricultural fields and numerous platted vacant residential lots. The City of Madison boundary reaches along the western and eastern boundaries of the CUP area, with Reiner Road running along the eastern boundary.

Town Plan: The *Future Land Use* map (dated 11/19/2013) of the *Town of Burke Comprehensive Plan* shows the subject property as a mixture of low to high density residential, park space and commercial/retail. The property is also located in the Boundary Adjustment Area – Madison (BAA-M) of the Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan (adopted 2006).

Town Action: The county has not yet received a Town Action Report. The proposal did go before the town of Burke Plan Commission on January 11, 2017 where the Plan Commission provided a recommendation to the Town Board that the proposal be approved with conditions. The Town Board will meet on February 15th, 2017.

Compliance with County Ordinances: The applicant will have to meet requirements of Chapter 74, Nonmetallic Mining Reclamation, and Chapter 14 (Stormwater and Erosion Control) of the Dane County Code of Ordinances (DCCO).

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.

RECOMMENDED CONDITIONS

The following list of conditions is based upon a list of conditions that are traditionally used for similar operations in Dane County, customized for this specific site and proposal. Any conditions requested by the town of Burke, via the Town Action Report, will also be incorporated into this list.

POTENTIAL CONDITIONS OF APPROVAL FOR CUP 2362:

- 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 proposed site operations plan.
- 4) Operations shall cease no later than twenty (20) years from the date of CUP approval.
- 5) Reclamation shall be completed as required by Chapter 74 of the DCCO and NR135.
- 6) All driveways shall be paved a minimum of 100 feet from road. "Paved" can include recycled asphalt applied over graveled drive. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.
- 7) The operator and all haulers shall access the CUP site through the three (3) existing access points on the site.
- 8) The access to the driveways shall have gates securely locked when the extraction site is not in operation. The site shall be signed "NO TRESPASSING."
- 9) Hours of operation shall be as follows:
 - a. Operations, excluding blasting, may begin at 6:00 am Monday – Saturday.
 - b. Blasting may begin at 7:00 am Monday – Saturday.
 - c. Drilling, blasting and crushing shall cease at 7:00 pm Monday – Friday and at 12:00 noon on Saturday.
- 10) The operator shall comply with Subchapter VII, Blasting Resultants, of the State of Wisconsin Department of Commerce Administrative Code. In particular, blasting levels shall be kept below 0.5 inch/second peak particle velocity at frequencies below 40 Hz., as per the State of

Wisconsin Department of Commerce Administrative Code, s. 7.64, Table 7.64-2.

- 11) The operator shall keep on file a seismographic record for every blast. The seismographic record shall be sent to the Town of Burke and Dane County Zoning Division within 7 days of the blast.
- 12) There shall be a safety fence around the entire extraction area at all times. This fence shall be comprised of a basic farm fence with posts and “NO TRESPASSING” signs at regular intervals of at least 100 ft. around the entire perimeter of the anticipated disturbed area.
- 13) The operator shall use water spray bars 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.
- 14) There shall be bulk fuel stored on site, as it is currently on the C-2 commercial zoned parcel. Currently there are two (2) 10,000 gallon and one (1) 1,000 gallon bulk storage fuel tanks on the site. Secondary containment is provided, and guard posts are provided around the tank area. The operator shall receive approval from the Dane County Land Conservation Department of a spill containment plan that meets state regulations.
- 15) All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
- 16) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
- 17) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
- 18) Dane County and the Town of Burke shall be listed as additional named insureds on the operator’s liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations may commence. The liability insurance policy shall remain in effect until reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Burke.
- 19) 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. If the operation is not in reasonable compliance with the terms of this approval, such approval is subject to amendment or revocation.
- 20) No minerals shall be excavated within 30 feet of the road right-of-way, or within 50 feet of property boundaries.
- 21) Operator will provide notice the Town Clerk and to residents within 1,000 feet of the CUP boundaries at least 24 hours in advance of a blasting event.

[Questions? Contact Pam Andros – (608) 261-9780]