



Dane County Zoning Division

City-County Building
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DANE COUNTY CONDITIONAL USE PERMIT #2103

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit #2103 for a Mineral Extraction Site pursuant to Dane County Code of Ordinance Section 10.194 and subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: March 24, 2009

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS: **3522 Oak Park Road, Town of Deerfield, Dane County, Wisconsin.**

Parcel # 0712-293-8000-2

Description:

Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Town of Deerfield described as follows: Commencing at the southeast corner of the Northwest quarter of said Section 29, thence West along the South line of said NW $\frac{1}{4}$ to the centerline of Oak Park Road and the Southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 29; thence North along the West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, 150 feet to the point of beginning; thence North along the West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, 820 feet; thence east 1010 feet; thence S23 degrees West, 580 feet; thence South parallel to the West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, 280 feet; thence West 770 feet to the point of beginning.

Also:

Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Town of Deerfield described as follows: Commencing at the Southeast corner of the Northwest quarter of said Section 29; thence West along the South line of said NW $\frac{1}{4}$ to the centerline of Oak Park Road and the Southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 29; thence North along the West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, 150 feet to the point of beginning. Thence East 800 feet; thence South parallel to the West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, 550 feet; thence West 800 feet; thence North along the West line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, 550 feet to the point of beginning.

CONDITIONS:

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. Reclamation shall meet the requirements of Chapter 74 of the Dane County Code of Ordinances.

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3. The applicant shall apply for and receive all other required local, state and federal permits.
4. Operations shall cease no later than 10 (ten) years from the date of CUP approval.
5. The driveway accessing the subject site shall be paved for a distance of at least 100 feet from the public road. 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.
6. The haul route will be Oak Park Road South to USH 12.
7. The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."
8. Hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday, and from 7:00 a.m. to 1:00 p.m. on Saturdays. No operations of any kind shall take place on Sundays or legal holidays.
9. There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 5 feet in height with a single strand of barbed wire on the top.
10. No water shall be pumped or otherwise removed from the site.
11. There shall be no bulk fuel stored on site
12. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
13. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
14. 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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.

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.

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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.

EXPIRATION OF PERMIT

In addition to any time limit established as a condition in granting this CUP, Section 10.25(2)(n) of the Dane County Code of Ordinances provides that any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with the ordinance.