



Dane County Zoning Division

City-County Building
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DANE COUNTY CONDITIONAL USE PERMIT # 2411

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 # 2411 for Temporary Concrete Batch Plant pursuant to Dane County Code of Ordinance Sections 10.126(3), subject to any conditions contained herein:

EFFECTIVE DATE OF PERMIT: APRIL 24, 2018

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

LOCATION:, 770 Albion Road, Town of Albion, Dane County, Wisconsin

Legal Description:

Commencing at the S $\frac{1}{4}$ corner of said Section 16; thence S88°28'35"E along the South line of the SE $\frac{1}{4}$ of said Section, 1349.05 feet to the West line of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$; thence N00°08'19"W along said West line, 1001.66 feet to the place of beginning for the land to be herein described; thence continuing N00°08'19"W along said West line, 340.38 feet to the NW corner of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$; thence S88°28'50"E along the North line of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$, 294.12 feet to the Westerly Right-of-Way (R.O.W.) of I-39; thence Southeasterly along a curve convexed westerly, 611.74 feet, having a radius of 22,998.33 feet and a chord bearing S29°28'16"E, 611.01 feet; thence S67°30'13"W 249.67 feet; thence N39°28'46"W 379.52 feet; thence N88°28'50"W parallel to said North line, 121.10 feet to the place of beginning. Containing 4.85 acres.

CONDITIONS:

1. The batch plant at this site may be used only for the I39/90 Project WISDOT 1007-11-74, I90/39 South Dane County Line to East Church Road Southbound Lanes.
2. Operator shall provide the WisDOT project ID and documentation from WisDOT showing that material from this site meets project specifications. This documentation will be provided to the Dane County Zoning division.
3. No mineral extraction, no crushing, and no aggregate washing shall occur on-site.
4. There shall be no blasting on the site.
5. Operations shall cease no later than December 1, 2018.
6. Hours of operation shall be as follows: Concrete Batching: day or night as required to meet WisDOT contract requirements, Monday – Saturday, and occasional Sunday. Limits established by the Township shall be included with the hours of operation.
7. The applicant shall follow the approved erosion control implementation plan (ECIP).

8. The operator shall use spray bars (water) and/or water truck to reduce dust and as requested by a representative of Lenox Landscape Supply. 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.
9. The applicant shall apply for and receive all other required local, state and federal permits. Copies of permits must be provided to the Town of Albion.
10. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
11. The operator shall develop and operate the site according to the site/operations plan submitted with the application materials.
12. A berm minimum of three (3) feet above the elevation of the site pad will be placed along all sides of the site except the interstate side.
13. The operator and all haulers shall access the CUP site via the interstate with tracking pad as noted on the Site/Operations Plan. The applicant shall resubmit exhibit with the title "Site/Operations Plan" and provide a date of the submittal on the map for acceptance.
14. Applicant will not use any Town of Albion roads for hauling to/from this site.
15. No bulk fuel storage on site.
16. The operator shall require all trucks to have muffler systems that meet or exceed the current industry standards for noise abatement.
17. Noise from site shall be controlled by establishing a decibel limit with the County and the Town. The County to establish appropriate levels and monitoring details with approval from the Town Board since noise from the Interstate does impact this area as well.
18. Outdoor lighting will be portable and will be directed away from property lines, neighboring parcels and roads to mitigate impacts. Light must be directed in a way that it will not leave the site.
19. Applicant will provide a well usage report any month the well is used for the duration of the CUP.
20. Edgerton Fire Protection District shall review applicant's plan for operations and provide input on any conditions it sees as necessary to protect the public.
21. The owner/operator must post a copy of this conditional use permit #2411, including the list of all conditions, on the work site.
22. Dane County and the Town of Albion shall be listed as primary additional named insureds on the Rock Road Companies, Inc. liability insurance policy, which shall provide for a minimum of \$1,000,000 of combined single limit coverage per occurrence. Operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until operations cease.
23. 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.
24. If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.

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.

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.