

Report on Conditional Use Permit # 2159

A complaint was received by the Dane County Zoning Division regarding the operation of the Oak Park Quarry located at 372 Koshkonong Road, Section 14 in the Town of Christiana. The complaint raised concerns regarding whether or not the mineral extraction operation was operating after the approved hours under CUP #2159.

Condition #9 – Hours of 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. 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.

Dane County Staff (Everson) conducted a site inspection on April 15, 2016 and found the following results:

1. **The site is in violation of condition #8, which states:** Open excavation area shall not exceed eight (8) acres.
 - The open excavation area of the site appears to be closer to 16-20 acres with no reclaimed areas.
2. **The site is in violation of condition #11, which states:** 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”.
 - No fence has been installed.
3. **The site is in violation of condition #3, which states:** The operator shall develop and operate the site according to the submitted site and operations plan.
 - No fencing and excavated areas are more than 8 acres.
4. **The site is in violation of condition #1 , which states:** 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.
 - There are erosion control concerns with the areas that have been expanded. Berms along Koshkonong Road are not stabilized.
5. **The site is in violation of condition #6, which states:** Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
 - Reclamation plan shall be modified to address the new expanded areas or reclamation of the disturbed areas shall commence immediately.

6. **The site is in violation of condition #9, which states:** Hours of 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. 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.
- According to the landowner of the site, operations have exceeded the approved hours due to the Interstate 90/94 expansion project.

Summary

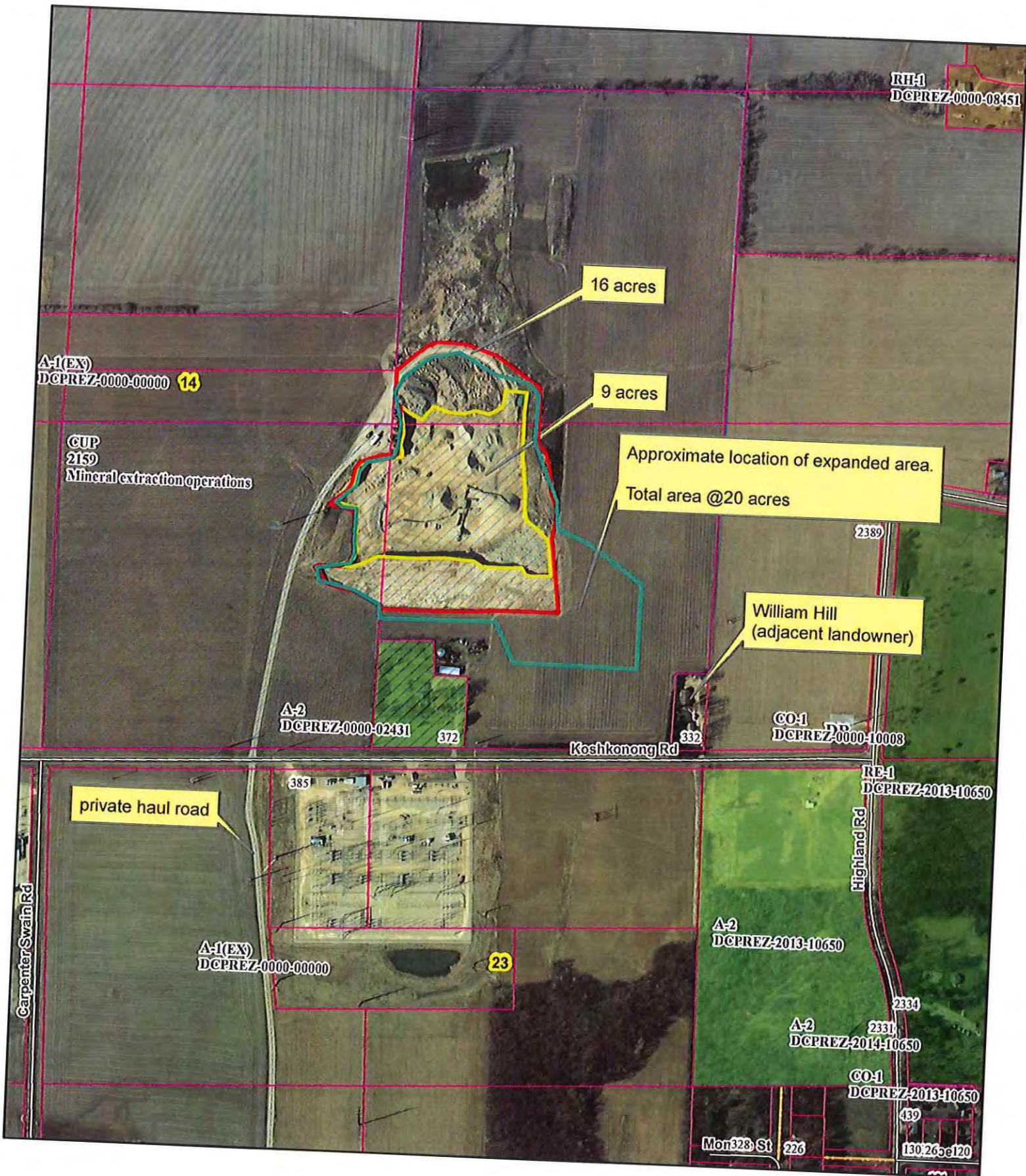
A Stop Work Order was placed on this site on Friday, April 15, 2016 and a conversation took place with Mr. Lein, the property owner that went over the various concerns. It is the recommendation of planning staff that this site should apply for a new CUP to allow for the possibility of expanded hours/night work and to allow for a greater area to be extracted.

- There is one immediate landowner adjacent to this site that may be affected.
- There is a 1-mile paved private haul road in place to allow truck traffic to the south that diverts trucks to CTH B.
- This site seems to have a quality aggregate product that meets or exceed DOT requirements.
- The current CUP is not setup to allow for a large scale operation that can meet the needs of a large scale DOT project.
- HEPTA-S (Stanley Lein) is the landowner, T&T Stone is the operator and Bjoin Limestone is the general contractor overseeing the blasting and crushing operations.



Conditional Use Permit #2159

Town of Christiana, Section 14





Dane County Zoning Division

City-County Building

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DANE COUNTY CONDITIONAL USE PERMIT #2159

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 #2159 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: APRIL 13, 2011 Expiration Date: APRIL 12, 2026

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

Dane County Certified Survey Map number 3745, together with Parts of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, all in Section 14, T.6N., R.12E., Town of Christiana, Dane County, Wisconsin, being more fully described as follows: Beginning at the S $\frac{1}{4}$ corner of Section 14; thence West, 1320 feet more or less to the Southwest corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence North along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ and the West line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, 1540 feet more or less to the Northwest corner of the South $\frac{1}{6}$ th of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence East, 1320 feet more or less to the Northeast corner of said South $\frac{1}{6}$ th; thence North along the West line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, 1100 feet more or less to the Northwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$; thence East, 1320 feet more or less to the Northeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$; thence South along the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ and the East line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, 2300 feet more or less to a point lying 340 feet North of the Southeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$; thence West, 130 feet; thence South, 340 feet to the South line of said $\frac{1}{4}$ - $\frac{1}{4}$; thence West along said South line, 1190 feet more or less to the point of beginning. The above described containing 121.3 acres more or less.

Parcel Numbers: 0612-114-9210-8, 0612-144-8500-9, 0612-144-9000-2, 0612-143-9500-8, 0612-143-8240-0

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. 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) 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 revised 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 eight (8) acres.
9. Hours of 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. 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.
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 or greater until the quarry is closed or CUP 2159 expires. Proof of insurance shall be submitted annually to the Township and the insurance Township shall be named as an additional insured.
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.

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.