



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **June 28, 2016**

Zoning Amendment:
None

Acres: 120
Survey Req. No

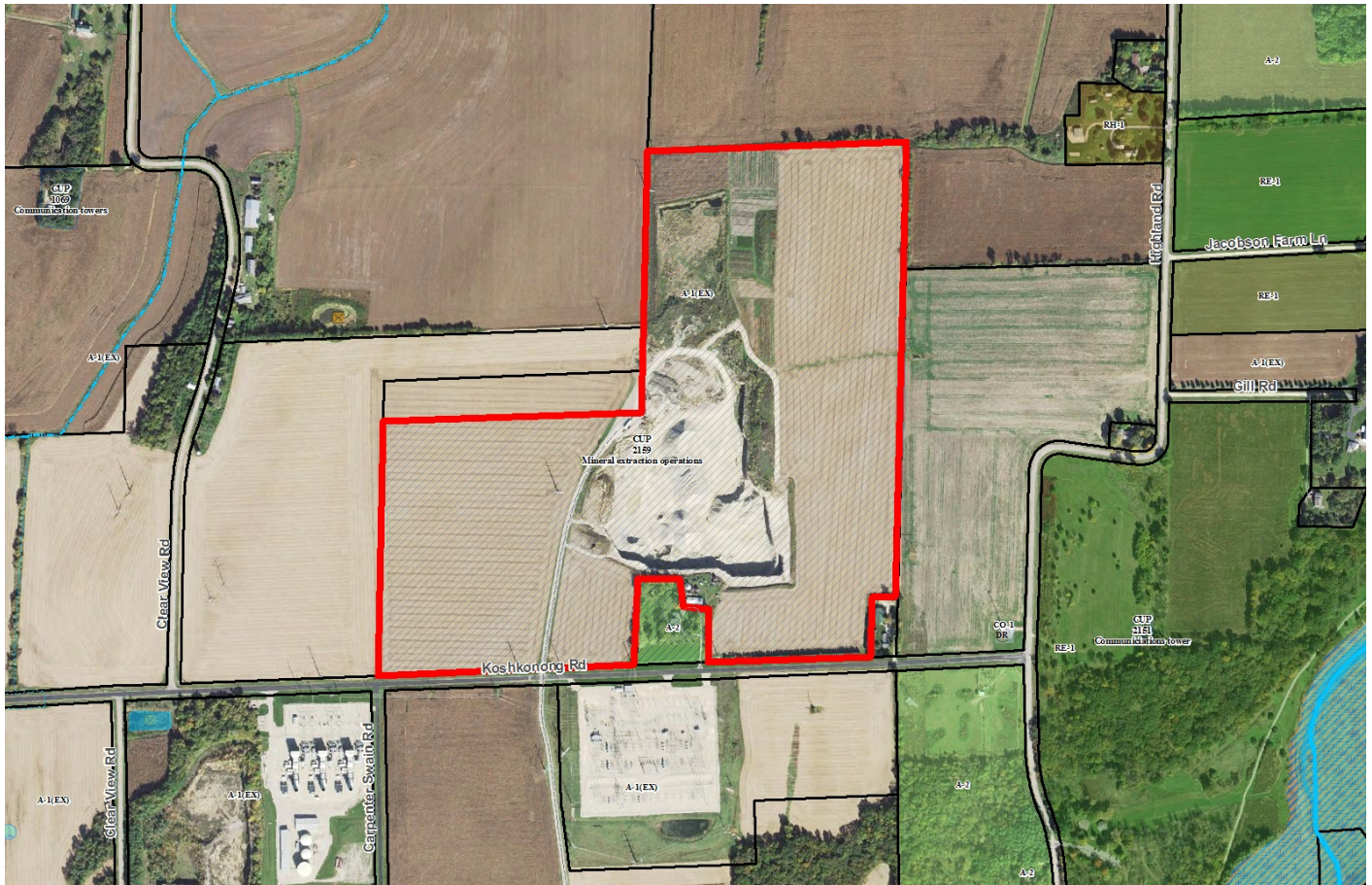
Reason:
Revise conditions for the existing mineral extraction site

Petition: **CUP 2346**

Town/sect:
**Christiana
Section 14**

Applicant
**Bjion Limestone /
Hepta S**

Location:
372 Koshkonong Road



DESCRIPTION: The applicant requests a new conditional use permit for mineral extraction in order to amend conditions of the existing CUP (#2159). The key changes to the conditions involve the details related to the hours of operation, a shorter permit period of (10 years vs. 15), and an increased maximum size of the open excavation area (20 acres vs. 8). In addition, operations, erosion control, and reclamation plans related to the site are being updated.

OBSERVATIONS: The surrounding area is a mixture of mostly agricultural use and scattered residential uses. The subject property is located at the intersection of Highland and Koshkonong Road, across from an ATC substation, and the RockGen power station.

TOWN PLAN: The property is located in the town's agricultural preservation area.

RESOURCE PROTECTION: No resource protection corridors located on the property.

STAFF: See attached full staff report for additional background and observations. In addition to any conditions required by the town, staff has recommended potential conditions of approval on page 2, below.

TOWN: Approved with conditions (town conditions have been incorporated into recommendations on pages 2-3, below).

Proposed Conditional Use Permit #2346

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. 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. 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. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
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.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

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 ten (10) 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.

Proposed Conditional Use Permit #2346 (page 2)

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.
20. This Conditional Use Permit for mineral extraction is for the operator Bjoin Limestone only. CUP#2346 is non-transferrable to a different operator.