

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 02405 Dane County ZLR Committee Public Hearing Tuesday, January 23, 2018

Whereas, the Town Board of the **Town of** Cottage Grove having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): **APPROVED**

DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

PLANNING COMMISSION VOTE: 6 **In Favor** 1 **Opposed**

TOWN BOARD VOTE: 4 **In Favor** 1 **Opposed**

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(3)(a), if applicable, are found to be (check one):

SATISFIED

NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

See attached set of conditions.

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

The opposing vote on both the Plan Commission and the Town Board was the same person, and he noted that his main objection is the term of the CUP. He felt that a 5 year term would be more appropriate, to give the operator time to show he would be following the conditions before he renewed for another term

I, Kim Banigan, as Town Clerk of the Town of Cottage Grove, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Monday, December 18, 2017

Kim Banigan
Town Clerk

Wednesday, December 27, 2017
Date

FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS

If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from section 10.255(2)(b):

“No permit shall be granted when the zoning committee or applicable town board determines that the standards are not met, nor shall a permit be denied when the zoning committee and applicable town board determine that the standards are met.”

PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / STANDARD)

- | | |
|---|---|
| 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. | 1. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 2. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 3. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located. | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

Town of Cottage Grove Conditions

- Operating hours of 6 a.m to 6 p.m., Monday thru Friday, 6 a.m to 4 p.m. on no more than six Saturdays each year, with 7 days prior notice provide to the Town clerk, plus the residents at 2252, 2272, and 2292 US Highway 12 & 18, 3380 North Star Road, and all others within 500 feet of the new site. It was discussed that notice could be by whatever means is agreeable to the Rocky Rights, LLC and the recipient.
- Property boundaries to be surveyed and entire property must be surrounded by a perimeter fence.
- Exterior sides of active areas will have a 7' high berm with 1:1 side slopes
- Interior sides of active areas will have a 5' high berm with 1:1 side slopes
- Berms to be seeded within 14 days.
- A maximum of 9 acres can be active at any one time, including all three phases of up to 3 acres each: 1) operating, 2) dewatering, 3) reclamation.
- Reclaimed areas must be returned to agricultural use.
- The following are prohibited on the new 35 acre site: Blasting, crushing, screening, production of asphalt or concrete, storage of recycled material, permanent structures, additional water wells, lighting, vehicle storage, fuel storage.
- Haul roads must be maintained for dust control.
- No altering of topography within 5' of the property line.
- CUP expires after 10 years
- CUP must be posted on the site.