



Dane County Zoning Division

City-County Building
210 Martin Luther King, Jr., Blvd., Room 116
Madison Wisconsin 53703
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DANE COUNTY CONDITIONAL USE PERMIT #2449

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 # 2449 for non-metallic mineral extraction pursuant to Dane County Code of Ordinances Section 10.103(15), subject to any conditions contained herein:

EFFECTIVE DATE OF PERMIT: May 21, 2019

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

LOCATION: 3522 Oak Park Road, Town of Deerfield, Dane County, Wisconsin

Legal Description:

See attached legal description

CONDITIONS:

- 1) Any conditions required for specific uses listed under s. 10.103 (see list below).
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 3) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
- 4) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 5) Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
- 6) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.

- 7) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 8) Off-street parking must be provided, consistent with s. 10.102(8).
- 9) If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 10) 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. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
- 11) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
- 12) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
- 13) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
- 14) Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter 74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.
- 15) The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
- 16) The Town and Committee will set an expiration date for the conditional use permit based on the quantity of material to be removed and the expected duration of mineral extraction activities. Extensions: Due to uncertainty in estimating duration for mineral extraction, conditional use permit holders who have operated without violations, may have the duration of their permit extended for a period not to exceed five years, based on an administrative review by the zoning administrator, in consultation with the town board. No more than one such extension shall be granted over the lifespan of the conditional use permit, and all conditions shall remain the same as the original permit. Further extensions or any modifications of conditions shall require re-application and approval of a new conditional use permit.
- 17) Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards: a) Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan. b) Final slopes shall not be graded more than 3:1 except in a quarry operation. c) The area shall be covered with topsoil and seeded to prevent erosion. d) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County. e) High walls shall be free from falling debris, be benched at the top, and certified by a civil engineer to be stable.
- 18) The driveway accessing the subject site shall either be paved or covered with crushed asphalt for a minimum distance of 100 feet from the public right-of-way. 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.
- 19) 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."
- 20) All surface and subsurface operations shall be setback a minimum of 20' from any property line that does not abut a public right of way.
 - 21) Excavations below the grade of an abutting public street or highway shall be set back from the street or highway a distance at least equal to the distance that is required for buildings or structures under s. 10.102(9). The committee and town board may require greater setbacks where necessary to avoid subsidence, or for consistency with Chapters 11, 14, 17 or 74, Dane County Code.
 - 22) The Town and Committee will assign hours of operation appropriate to the particular application. No operations of any kind shall take place on Sundays or legal holidays. The committee and town board may approve limited exceptions to normal hours of operations for projects associated with Wisconsin Department of Transportation or municipal road projects requiring night work. [Note: Typical hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday, and 8 a.m. to early afternoon on Saturday. If there are residences nearby, hours may be more limited (e.g., start at 7:00 a.m. with no Saturday hours).] See specifics for this operation below.
 - 23) There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.
 - 24) Except for incidental removal associated with dust spraying or other routine operations under this permit, water shall not be pumped or otherwise removed from the site.
 - 25) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
 - 26) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.
 - 27) Dane County and the Town shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The 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 reclamation is complete.
 - 28) At their own initiative or at the applicant's request, the town board and zoning committee may set further reasonable restrictions on a mineral extraction operation , or prohibit any mineral extraction accessory use.
 - 29) Additional conditions for particular circumstances. Where any of the following circumstances apply, the zoning committee and town board shall also impose the following conditions on any approved conditional use permit for mineral extraction: Blasting Schedule: Blasting shall occur between sunrise and sunset, as required by SPS 307. The zoning committee and town board may set further daily limits on hours when blasting may occur, to minimize impact on neighboring properties. Schedules for blasting need not conform to hours of operation for the overall mineral extraction project. Notice of Blasting Events: Prior to any blasting event, notice shall be provided to nearby residents as described in SPS 307, Wisconsin Administrative Code. In addition, operators will honor the requests of residents within 500' of the mineral extraction site to either receive or stop receiving such notices at any time. Other standards: All blasting on the site must conform with all requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations. Fly Rock: Fly rock shall be contained within the permitted mineral extraction area. Fuel storage: All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment. Mineral extraction at or near groundwater: All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills. Disturbance of monuments: In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation

- and disturbance of the existing monument.
- 30) Operations shall cease no later than five (5) years from the date of CUP approval. The expiration of the conditional use permit may be extended subject to Condition 16 above.
 - 31) The haul route will be Oak Park Road South to USH 12 except for local deliveries that are north of the quarry on Oak Park Road.
 - 32) 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 the following holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day or Christmas Day.
 - 33) No blasting can take place until the operator has received a blasting license from the town of Deerfield. A copy of the license and/or approval from the town of Deerfield must be provided to Dane County Zoning.
 - 34) The following limits shall not be exceeded during blasting events, as measured by a seismograph placed at St. Paul's Liberty Lutheran Church: PPV of .20 in./sec.; PPV of .15 in./sec. when Hz. is less than 14; and air blast of 123 dB(L). Reports of each blast will be submitted to the Dane County Zoning Administrator within three (3) working days, and the Town will notify the County of any violations therein.
 - 35) The seismograph at St. Paul's Liberty Lutheran Church shall be placed by a third party agreed to by the church and the quarry, and will be paid for the quarry. A copy of the agreement will be forwarded to the Town Clerk. In the event that a third party cannot be agreed upon, then the blaster shall place two seismographs at the church. The seismograph data recorded by the operator will include Peak Particle Velocities (PPV) and the corresponding frequencies and the maximum air blast in decibel (dB).
 - 36) The operator shall contact St. Paul's Liberty Lutheran Church and the Town Clerk and the cemetery association by email 2 days in advance of blasting to verify that the church and/or cemetery will not be in use for Church services, weddings, or funerals during the proposed blasting date and time. Blasting will not take place during the week-long summer school, and the church will notify the quarry and the Town Clerk when summer school will take place. There will be no blasting on election days.

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. 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.

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.

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 ¼ NW ¼, 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 ¼ to the centerline of Oak Park Road and the Southwest corner of the SE ¼ NW ¼ of said Section 29; thence North along the West line of the SE ¼ NW ¼ of Section 29, 150 feet to the point of beginning; thence North along the West line of the SE ¼ NW ¼ 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 ¼ NW ¼ of Section 29, 280 feet; thence West 770 feet to the point of beginning.

Also:

Part of the SE ¼ NW ¼ and part of the NE ¼ SW ¼, 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 ¼ to the centerline of Oak Park Road and the Southwest corner of the SE ¼ NW ¼ of said Section 29; thence North along the West line of the SE ¼ NW ¼ of Section 29, 150 feet to the point of beginning. Thence East 800 feet; thence South parallel to the West line of the SE ¼ NW ¼ and the NE ¼ SW ¼ of Section 29, 550 feet; thence West 800 feet; thence North along the West line of the NE ¼ SW ¼ and the SE ¼ NW ¼ of Section 29, 550 feet to the point of beginning.

Haul Road

Part of the NE ¼ of the SW ¼ and the SE ¼ of the SW ¼, all in Section 29, T.7N., R.12E., Town of Deerfield, Dane County, Wisconsin

Being more fully described as follows:

Commencing at the Northwest corner of the NE ¼ of the SW ¼; thence S02°17'09"W along the West line of said ¼ - ¼, 400 feet; thence N86°47'28"E, 800 feet

To the Southeast corner of lands described in conditional use permit number 2103 and the point of beginning; thence S02°39'45"W, 1254.34 feet; thence S11°30'15"W, 166.82 feet; thence S70°35'17"W, 500.33 feet; thence S52°13'56"W, 345.43 feet to the East line of Oak Park Road; thence N87°41'21"W, 33.00 feet; thence N02°18'39"E, 84.82 feet; thence S87°41'21"E, 33.00 feet to the East line of Oak Park Road; thence N52°13'56"E, 300.56 feet; thence N70°35'17"E, 473.59 feet; thence N11°30'15"W, 124.06 feet;

Thence N2°39'45"E, 1244.13 feet; thence N86°47'28"E, 66.34 feet to the point of beginning. Containing 3.38 acres.

New CUP

Part of the NE ¼ of the SW ¼ and the SE ¼ of the SW ¼, all in Section 29, T.7N., R.12E., Town of Deerfield, Dane County, Wisconsin

Being more fully described as follows:

Commencing at the North ¼ corner of Section 29; thence S86°45'36"W, 66.33 feet; thence S02°27'17"W, 1073.89 feet; thence N87°33'44"W, 204.12 feet to the Westerly corner of Dane County Certified Survey Map number 8906 and the point of beginning; thence S02°26'27"W along the West line of said survey, 464.97 feet; thence S16°02'52"W along said survey, 216.44 feet; thence S88°50'54"W, 972.85 feet to the East line of Oak Park Road; thence N02°22'42"E along said East line, 684.40 feet; thence N89°32'09"E, 1023.92 feet to the point of beginning. Containing 15.80 acres.