



Staff Report

Public Hearing: **May 26, 2015**

Petition: **CUP 2311**

Zoning Amendment:
None

Town/sect:
**Springdale
Section 23**

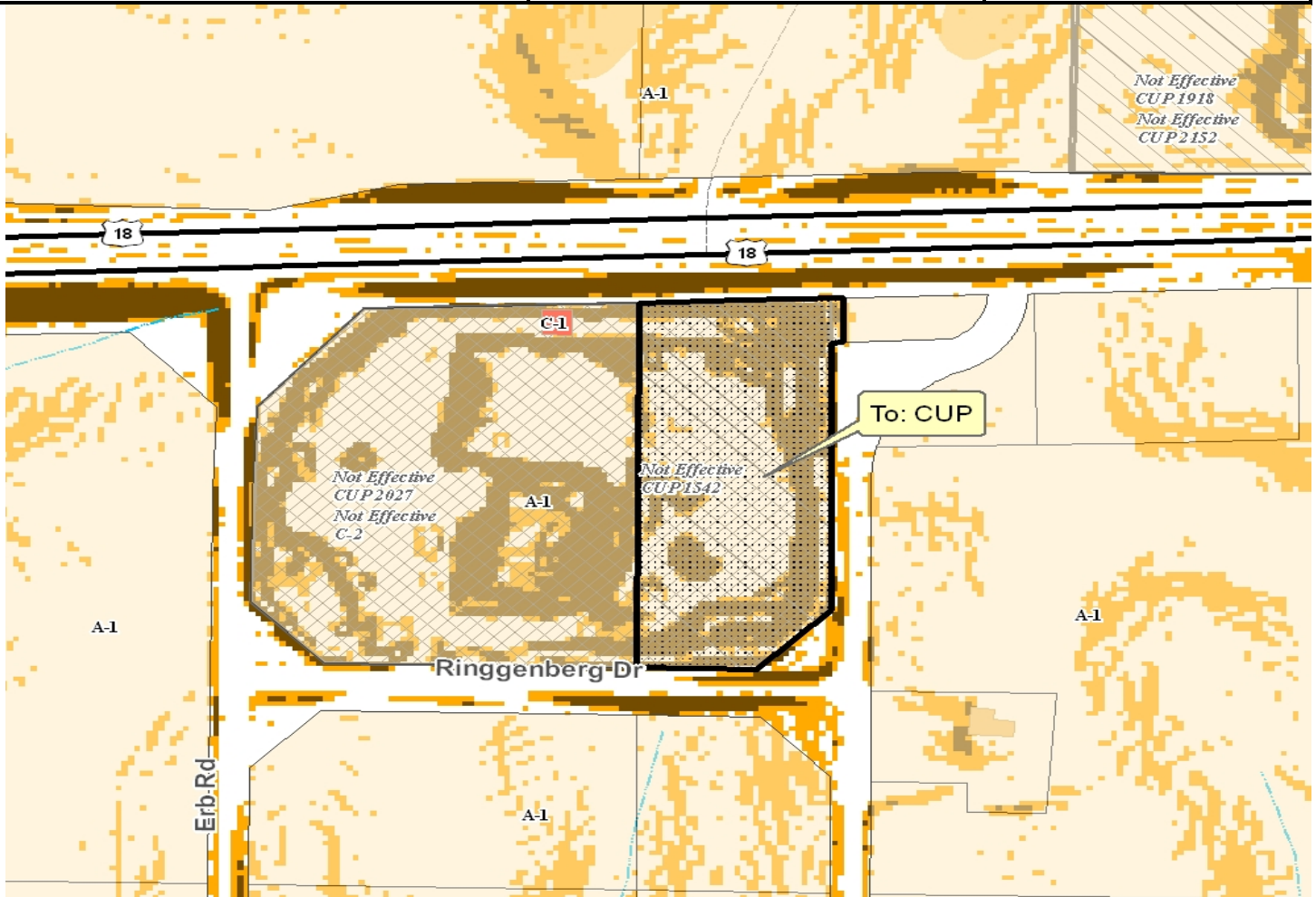
Acres: **5.8**
Survey Req. **No**

Applicant
Dana Bowar

Reason:
**Continuation of an existing
mineral extraction operation**

Location:
2400 Erb Road

Zoning and Land Regulation Committee



DESCRIPTION: Applicant is requesting approval of a conditional use permit to allow continuation of existing mineral extraction operations on the 5.8 acre property. Note the adjoining property to the west is a registered non-conforming mineral extraction site.

OBSERVATIONS: The property has been in mineral extraction use since 1999 when previous CUP #1542 was approved. According to the applicant, mineral extraction operations on the adjoining nonconforming site have been ongoing since the 1950s. No sensitive environmental features observed on the subject property.

RESOURCE PROTECTION: There are no resource protection corridors on the property.

STAFF: The subject property is located in the town's "extractive" planning area in acknowledgement of the longstanding use of the property. The proposed continuation of mineral extraction uses appears consistent with town plan policies. In addition to any town conditions of approval, staff has recommended conditions of approval on page 2 and 3 of the staff report, below.

TOWN: Approved with 23 conditions.

Proposed Conditional Use Permit # 2311

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. The following list of suggested conditions reflect an updated version of those that were associated with CUP#1542.

Please see the following page. If you have any questions about these conditions, please contact Pamela Andros at 608-261-9780.

Proposed Conditions for CUP 2311

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 further extraction operations.
2. There shall be an additional element of this particular erosion control plan to be called a “dewatering plan” that will outline how water will be: stored and treated on-site (e.g. via an on-site catchment basin that would filter out large particulate matter from the water prior to pumping it off-site); removed from the site; and drained into and across the Ringgenberg field to the south. The applicant will need to demonstrate how any water to be pumped or otherwise removed from the site will be of a quality that meets with the Dane County Land Conservation Department’s approval.
3. On the site plan (dated 12/14/98), there is a discharge pipe indicated in the south of the site that directs water, via a culvert under the lateral road running between Erb Road and Ringgenberg Drive, into Ringgenberg’s field to the south. The prevailing surface water drainage course directs this water flow toward an intermittent stream course further to the south. This water discharge location shall be the only location from which water will be pumped or otherwise removed from the site.
4. The applicant shall apply for and receive all other required local, state and federal permits. In particular, the applicant shall contact Tom Harpt of the Wisconsin Department of Natural Resources (DNR) South-Central Region Office in Fitchburg at (608) 275-3285 and acquire the appropriate permit to discharge water from a non-metallic mining operation under the Wisconsin Pollutant Discharge Elimination System (WPDES).
5. The operator shall develop and operate the site according to the submitted site/operations plan, dated 12/14/98.
6. Operators shall cease no later than 15 years from the date of CUP approval, with a site inspection by Dane County Zoning in 7.5 years.
7. Reclamation shall be completed within one year after operations have ceased, and shall follow the operator’s submitted reclamation plan. As each phase is completed, the restoration of that phase must be completed as much as possible before extracting in the next phase. Final reclamation of the 5.4 acre CUP area must be up to NR 135 standards and pertinent ordinances/regulations governing reclamation. A copy of the required reclamation plan shall be filed with both the Town of Springdale and Dane County Zoning.
8. To ensure compliance with the reclamation plan, the operator shall post and maintain a bond or irrevocable letter of credit in favor of Dane County in the amount of \$8,100 (\$1,500 per acre of subject site) until reclamation is satisfactorily completed.
9. The driveway accessing the subject site shall be paved. 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.
10. The operator and all haulers shall access the CUP site only through the existing access point onto the nameless road south of the site running perpendicularly between Erb Road and Ringgenberg Drive, locally known as Ringgenberg Drive.
11. 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.”
12. Hours of operation shall be from 6 a.m. to 6 p.m., Monday through Friday. Saturday and Sunday operations are prohibited except for general maintenance and occasional trucking of material out of the quarry on Saturdays only. No operations of any kind shall take place on Sundays or legal holidays.
13. The operator shall comply with Subchapter VII – Blasting Resultants of the State of Wisconsin Department of Commerce Administrative Code and pertinent ordinances/regulations governing blasting.

Proposed Conditions for CUP 2311

14. In particular, blasting levels shall be kept below 0.5 inch/second peak particle velocity at frequencies below 40 Hz., as per the State of Wisconsin Department of Commerce Administrative Code, s. 7.64, Table 7.74-2.
15. The operator shall keep on file a seismographic record for every blast: This record shall be provided upon request (this is already the operator's practice).
16. There shall be a safety fence around the entire extraction area at all times. The safety fence shall be a minimum of 5 feet in height with a single strand of barbed wire on the top.
17. 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.
18. There shall be no bulk fuel stored on site. (In cases where the operator wishes to have bulk fuel stored on site, the operator should indicate why and provide a plan for spill containment that meets state regulations.)
19. All excavation equipment, plants and vehicles shall be fueled, stored, serviced and repaired on lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
20. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
21. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076 and pertinent ordinances/regulations governing particulate emissions.
22. Dane County and the Town of Springdale 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. Copies of appropriate insurance policies shall be filed with the Town of Springdale.
23. The 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.