



## Dane County Zoning Division

City-County Building  
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# DANE COUNTY CONDITIONAL USE PERMIT #2338

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 #2338 for Non-metallic mineral extraction operation pursuant to Dane County Code of Ordinances Section 10.191 and subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: June 15, 2016

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

### **Boundary Description:**

A parcel of land located in the NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 10, Town of Mazomanie described as follows: Beginning at the Southwest corner of said SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; thence North along the West line of said SE  $\frac{1}{4}$  and NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , 1450 feet to a point on the Southerly right-of-way of the W & S Railroad; thence Northeasterly along said Southerly right-of-way, 1650 feet to a point on the Southerly right-of-way of the State Highway 78 and East Mathewson Road; thence Southeasterly along said Southerly right-of-way 80 feet to point on the Westerly right-of-way of State Highway 78; thence Southerly along said Westerly right-of-way 2550 feet to the intersection of said right-of-way with the South line of said SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ; thence West along said South line 1270 feet to the point of beginning.

### **CONDITIONS:**

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, that receives approval of an erosion control permit from the the Dane County Land & Water Resources Department.
2. The applicant shall apply for and receive all other required local, state and federal permits before extraction commences and proof shall be on file with both the Dane County Planning and Development Department and the Town of Mazomanie.
3. There shall be no use of any Town of Mazomanie roads by any hauler either for approaching or leaving the subject site, except to deliver material as a final destination to a site in the Town of Mazomanie or by permission of the Mazomanie Town Board.
4. The total disturbed area of the site shall not exceed thirty (30) acres at one time, excluding berms.
5. Operator will create an 10 foot landscaped earthen berm around the opened area of the pit for the purpose of mitigating the noise and for visual and safety concerns of the neighbors. The berm shall be seeded and maintained in a sightly condition and mowed periodically to prevent weed infestation.

6. The operator shall develop and operate the site according to the proposed site and operations plan dated February 1, 2016; and the reclamation plan (sheets 4 and 5 of 5 Wipperfurth/Beuthin Pit Reclamation Plan) dated April 30, 2014.
7. Operations shall cease no later than fifteen (15) years from the date of CUP approval unless review shows that an extension is warranted. For the duration of this CUP, operation is exclusive to Halfway Prairie, Inc. A new CUP will need to be approved in order for a different operator to mine this site.
8. Reclamation shall meet requirements as defined in NR135 and Chapter 74 of the Dane County Code of Ordinances (DCCO). The property shall be reclaimed to farming and agricultural uses. The operator agrees to stockpile the topsoil separately from the overburden and to replace the overburden and topsoil in the proper sequence. Final reclamation of the site shall be completed within twelve (12) months of the expiration of the CUP.
9. The first 300' of 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 proposed entry indicated on the site plan.
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 as follows:  
6:00 am to 6:00 pm Monday – Friday, and 6:00 a.m. to 2:00 p.m. on Saturdays. There shall be no operations on Sundays or any legal holidays. These hours of operation may be expanded with the approval of the Town Board if the operations are being solely performed for a public contract of unusual conditions.
13. The only installed/permanent lighting on the subject property will be an exterior scale house light.
14. There shall be no blasting or drilling on the site.
15. There shall be a safety fence around the perimeter of the extraction area at all times. This fence shall be comprised of a basic 39"-48" woven wire with two barbs farm fence with posts placed 12' apart and "NO TRESPASSING" signs at regular intervals. No extraction activities shall take place until after the fence is in place.
16. The operator shall use water spray bars in the crushing process and screening process to eliminate dust and fugitive emissions. The operator shall spray the site with water when needed to control dust. The use of spray bars is not required when the temperature is below freezing. Verified complaints from neighboring landowners of blowing dust and sand will result in immediate corrective actions by Yahara Materials. Yahara Materials agrees to abide by all DNR air quality standards.
17. 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 and receive approval from the Dane County Land Conservation Department of a spill containment plan that meets state regulations prior to storing bulk fuel on the site.
18. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands five (5) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
19. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
20. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.

21. A hydrological water table study shall be performed before any disturbance at the site. This study must show the underground water movements, particularly in relation to the landfill site nearby and any residences that may be in the path of underground water movement.
22. The mineral extraction site shall be designed so that trucks will maintain a forward direction while entering, loading and leaving whenever possible.
23. Trucks shall not use engine brakes (jake brakes) in the vicinity of the mineral extraction site.
24. Dane County and the Town of Mazomanie 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 may commence. The liability insurance policy shall remain in effect until two (2) years after reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Mazomanie.
25. The operator must post a copy of this conditional use permit (#2338), including the list of conditions, on the work site.
26. The zoning administrator or designee may enter the premises of the operation to inspect those premises with reasonable advance notice to ascertain compliance with these conditions or to investigate an alleged violation. Anyone inspecting the property will be escorted by Yahara Materials and will comply with all safety regulations.
27. One-foot tall minimum white pine evergreen trees shall be planted at the top of the entire berm along Highway 78 at intervals of every 15 feet. The trees shall be planted within 6 months of the date of the CUP effective date.

**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.