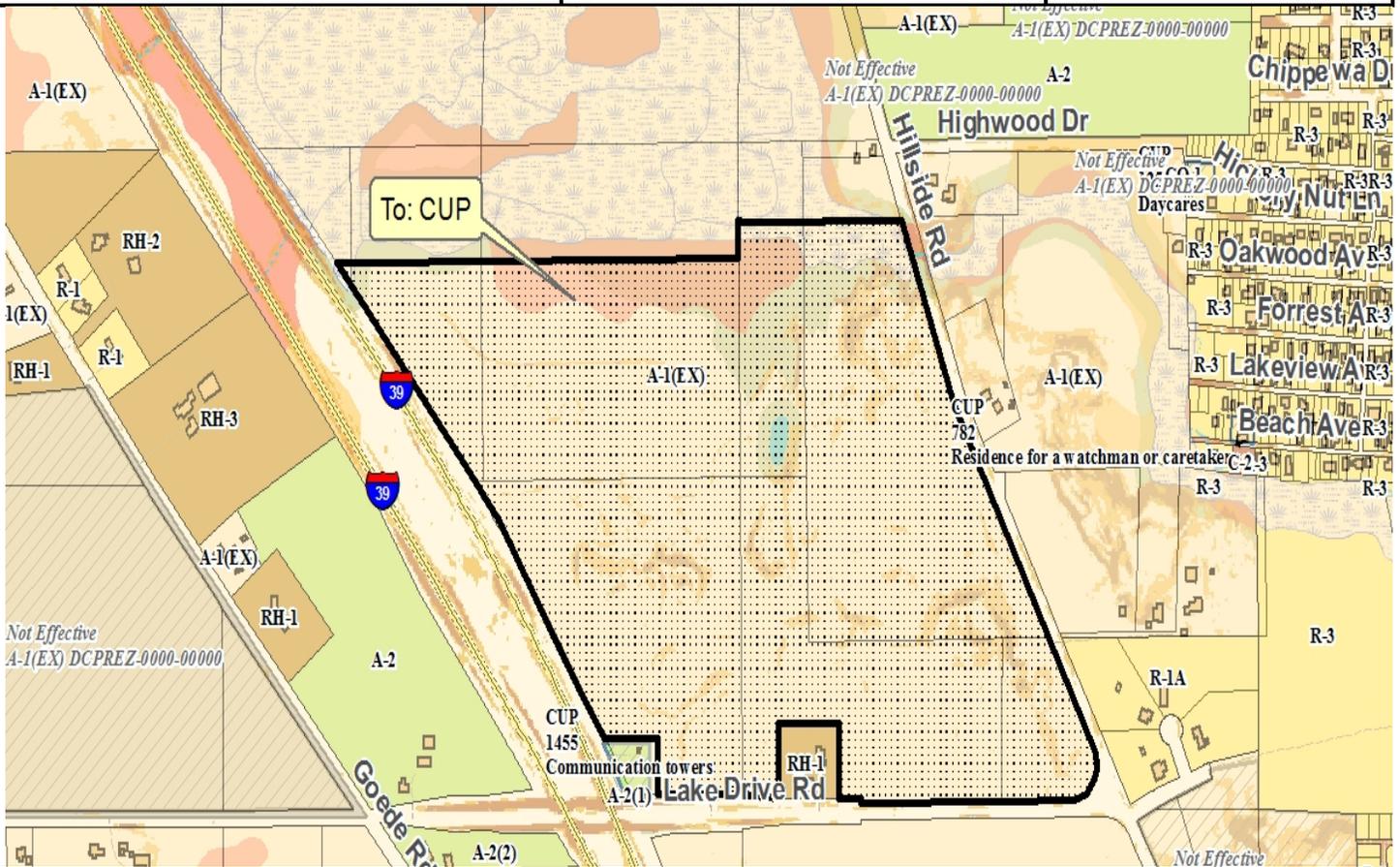




# Staff Report

<b>Public Hearing:</b> March 28, 2017	<b>Petition:</b> CUP 2373
<b>Zoning Amendment:</b> None	<b>Town/sect:</b> Albion Section 35
<b>Acres:</b> 112 <b>Survey Req.:</b> No	<b>Applicant:</b> Eastman Hunting Club Inc
<b>Reason:</b> Mineral Extraction Operation, Concrete Batch Plant, Asphalt Plant	<b>Location:</b> 278 Lake Drive

Zoning and Land Regulation Committee



**DESCRIPTION:** Hoffman Construction requests approval to set up a facility to supply concrete, asphalt, sand and aggregate for the widening and reconstruction of Interstate Highway I- 39/90. It is proposed that the property will return to agricultural use in 8 years.

**OBSERVATIONS:** The property is located on the southern edge of Dane County adjacent to the I – 39 corridor. There are wetlands, floodplain, and an intermittent stream just north of the project area. The operator plans to extract a 24-foot deep sand and gravel deposit from this area. Other aggregate will be hauled onto the site from a 10-acre registered non-conforming extraction site located approximately one mile to the north. Finished product from the operation will be trucked directly onto I-39. The water table in the area is between 800 to 815 ASL. The current elevation of the proposed extraction site is between 850 to 870 feet.

**TOWN PLAN:** The temporary land use is located in the Agricultural Preservation planning area. See full report for details.

**RESOURCE PROTECTION:** The proposed operation is outside the resource protection area. Berms will be constructed to separate the site from the wetland area and intermittent stream.

**STAFF:** See full staff report.

**TOWN:** The proposal is this under review at the Town of Albion.

## Proposed Conditional Use Permit # 2373

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:

13. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
14. 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.
15. 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.
16. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
17. 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
18. 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 site/operations and phasing plan dated January 19, 2017.
4. Operations shall cease no later than November 30, 2020, unless WisDOT is delayed in awarding contracts for the pending reconstruction of I-39/90. In that case, operations shall cease no later than November 30, 2025. Operator must provide documentation from WisDOT if there is such a delay.
5. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
6. The driveway accessing the subject site shall be paved, at a minimum, a distance of 100 feet from the public road. 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.
7. The operator and all haulers shall access the CUP site only through those points designated as entrances on the Site/Operations Plan dated January 19, 2017.
8. 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."
9. There shall be a minimum setback of 20' from the property line. Berms may be contained within this setback area.
10. Hours of operation shall be as follows:
  - Mining: 6:00 a.m. to 6:00 p.m. Monday – Friday, and occasional Saturdays.
  - Crushing & washing: 24/5 Monday – Friday, and occasional Saturdays.
  - Concrete & asphalt batching: day or night as required to meet WisDOT contract requirements, Monday – Saturday, and occasional Sunday.

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11. There shall be no blasting on the site.
12. For securing the site, the operator shall maintain the existing fence (within the WisDOT ROW) along the western boundary of the site. Control gates will be installed as shown on the operations site plan. An earthen berm will be installed to screen and secure the site along the street frontages of Lake Street and Hillside Road. Along the northern boundary of the site, the edge of the extraction area shall be maintained at a slope of no greater than 1:1.
13. 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.
14. No water shall be discharged from the site.
15. A fuel containment plan is required for any fuel stored on site.
16. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
17. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
18. Excavation below the elevation 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 section 10.17 of the DCCO.
19. Dane County and the Town of Albion shall be listed as additional named insureds on the Hoffman Construction Company 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.
20. The owner/operator must post a copy of this conditional use permit #2373, including the list of all conditions, on the work site.
21. 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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.
22. If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.