



## Dane County Planning and Development Department

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Fax (608) 267-1540

*Community Development*  
(608)261-9781, Rm. 421

*Planning*  
(608)266-4251, Rm. 116

*Records & Support*  
(608)266-4251, Rm. 116

*Zoning*  
(608)266-4266, Rm. 116

10/9/2015

Aaron Madsen  
Enbridge Energy Company  
4628 Mike Colalillo Drive  
Deluth, MN 53807

### RE: Conditional Use Permit #2291

Dear Mr. Madsen,

On September 29, 2015, the Dane County Zoning and Land Regulation Committee reviewed the action that I had taken on July 24, 2015, regarding the alterations of the conditions of approval for Conditional Use Permit #2291. The alteration was intended to reflect a recent change in State legislation. The Committee determined that I as the Zoning Administrator did not have the authority to revise conditions of approval after the Committee had taken action.

The Zoning and Land Regulation Committee instructed me to have Conditional Use Permit #2291 reflect the exact conditions of approval as approved by the Zoning and Land Regulation Committee on April 14, 2015. As part of the Committee's direction, a note has been added to the conditional use permit which identifies that conditions 7 & 8 are unenforceable by the County due to the State Budget Bill, 2015 Wisconsin Act 15.

Attached is a copy of Conditional Use Permit #2291 noting the conditions of approval as originally approved by the Dane County Zoning and Land Regulation Committee with notation.

Please keep a copy of this letter for your records. If you have any questions, please contact the Dane County zoning office at 266-4266.

Respectfully,

A handwritten signature in black ink, appearing to read "Roger W. Lane III".

Roger Lane  
Dane County Zoning Administrator

CC: Town of Medina Clerk  
Zoning and Land Regulation Committee members  
Dave Gault, Dane County Corporation Counsel  
Jeff Vercauteren, Whyte Hirschboeck Dudek S.C.

Enclosure



## **Dane County Zoning Division**

City-County Building  
210 Martin Luther King, Jr., Blvd., Room 116  
Madison Wisconsin 53703  
(608) 266-4266/266-9083 Fax (608) 267-1540

# **DANE COUNTY** **CONDITIONAL USE PERMIT #2291**

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 #2291 for Petroleum Pumping Station pursuant to Dane County Code of Ordinances Section 10.123(3)(c) and subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: **April 21, 2015**

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS: **5635 Cherry Lane, Section 14, Town of Medina, Dane County, Wisconsin (tax parcel ID: 0812-144-8002-0)**

### **CONDITIONS:**

1. The pumping station shall be located and constructed as depicted in the presented plans.
2. Enbridge shall be responsible for obtaining a road use agreement with the Town of Medina prior to the construction of the pumping station to ensure repairs for any damage to local roadways.
3. A spill containment basin shall be constructed around the pumping station to handle a minimum of a 60 minute flow prior to the operation of the pumping station.
4. The pumping station shall be designed and constructed to limit the operating noise to a maximum of 50 decibels dba as measured at property lines.
5. Exterior lighting shall be down-shrouded to limit light pollution onto adjoining property.
6. Enbridge shall agree to indemnify and hold harmless Dane County for pollution losses Per the terms as detailed in Enbridge's proposal titled "CONDITIONAL USE PERMIT ("CUP") CONDITIONS", submitted and entered into the public record on January 27, 2015, which is incorporated herein by reference.

7. Enbridge shall procure and maintain liability insurance as follows: \$100,000,000 limits in General Liability insurance with a time element exception to the pollution exclusion (currently in place), and \$25,000,000 of Environmental Impairment Liability insurance. Enbridge shall list Dane County as an Additional Insured on the total \$125,000,000 of combined liability insurance. (See note below.)
8. The required General Liability Insurance and Environmental Impairment Liability insurances shall meet the technical insurance specifications listed in Appendix A of the insurance consultant's report, which is incorporated herein by reference. (See note below.)
9. Applicant shall maintain an Emergency Response Plan that is in compliance with the applicable requirements of local, state and federal agencies with jurisdiction. A copy of the Emergency Response Plan shall be made available to the Dane County Department of Emergency Management Hazardous Materials Planner within 30 days of permit approval.
10. The applicant warrants that it will at all times have available, on the county and/or regional level, sufficient emergency response staff, equipment, and materials to immediately and fully respond to any spill, leak, rupture or other release of Petroleum Products or Hazardous Substances from applicant's facilities.
11. On a biennial basis, the applicant shall conduct training exercises for first responders in coordination with the Fire Chiefs in the Waterloo and Marshall area. The first such exercise shall be conducted within 30 days of completion of the pumping station, with future exercises scheduled in consultation with the Fire Chiefs. The applicant shall provide advance notice of the scheduled training exercises to the Dane County Hazardous Materials Planner and invite his/her participation and involvement at the exercises.
12. These emergency response conditions do not relieve the applicant of any applicable regulatory responsibilities related to safety and emergency response planning.

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.

#### NOTE:

The state Budget Bill, 2015 Wisconsin Act 55, was enacted on July 12, 2015 and published on July 13, 2015. Pursuant to Wis. Stat. §991.11, the provisions of the Budget Bill became effective on July 14, 2015. Section 1923e of the Budget Bill created Wis. Stat. §59.70(25), entitled “Interstate Hazardous Liquid Pipeline,” which states:

A county may not require an operator of an interstate hazardous pipeline to obtain insurance if the pipeline operating company carries comprehensive general liability insurance coverage that includes coverage for sudden and accidental pollution liability.