

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 02385 Dane County ZLR Committee Public Hearing Tuesday, September 26, 2017

Whereas, the Town Board of the **Town of** Burke having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): ☒ **APPROVED**

☐ **DENIED (If DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

PLANNING COMMISSION VOTE: 4 **In Favor** 0 **Opposed**

TOWN BOARD VOTE: 5 **In Favor** 0 **Opposed**

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(3)(a), if applicable, are found to be (check one):

☒ **SATISFIED**

☐ **NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

Unable to paste all conditions here... will email the resolution containing the conditions to county staff.

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Brenda Ayers, as Town Clerk of the Town of Burke, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Wednesday, September 20, 2017

Brenda Ayers
Town Clerk

Thursday, September 21, 2017
Date

FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS

If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from section 10.255(2)(b):

“No permit shall be granted when the zoning committee or applicable town board determines that the standards are not met, nor shall a permit be denied when the zoning committee and applicable town board determine that the standards are met.”

**PLEASE INDICATE THE APPROPRIATE FINDING
FOR EACH STANDARD (CHECK ONE / STANDARD)**

- | | |
|---|---|
| 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare. | 1. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 2. That 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. | 2. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 3. That 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. | 3. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located. | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

TOWN BOARD RESOLUTION 09202017A

RESOLUTION BY THE TOWN BOARD OF THE TOWN OF BURKE CONDITIONALLY APPROVING CONDITIONAL USE PERMIT (CUP) #2385 FOR MINERAL EXTRACTION REQUESTED BY SUN PRAIRIE CONCRETE

WHEREAS, an application for a Conditional Use Permit (CUP) for mineral extraction-clean fill site for the property located at 5067 Reiner Rd (parcel number 0810-264-8001-8) was submitted to the Town for review and action on behalf of Sun Prairie Concrete .; and

WHEREAS, the Plan Commission has reviewed the CUP application and recommended conditional approval; and

WHEREAS, the Town Board has reviewed and considered the Plan Commission's recommendation.

NOW, THEREFORE, the Town Board hereby approves the Conditional Use Permit with the following conditions:

- 1) The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations to Dane County, and receive approval of an erosion control permit from Dane County 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 proposed site operations plan.
- 4) Operations shall cease no later than 10 years from the date of CUP approval.
- 5) Only clean fill is allowed. Hazardous material, garbage, etc. is prohibited.
- 6) Reclamation shall be completed as required by Chapter 74 of the DCCO and NR135.
- 7) All driveways shall be paved (includes asphalt-like or recycled asphalt materials) a minimum of 100 feet from the 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.

- 8) The operator and all haulers shall access the CUP site only through the three (3) existing access points indicated on the site plan.
- 9) 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."
- 10) No blasting is allowed on the site.
- 11) Hours of operation shall be as follows:
 - a. Operations, excluding blasting, may occur from 6:00 a.m. to 7:00 p.m. Monday-Friday.
 - b. Saturday operations may occur from 6:00 a.m. through 12 noon.
 - d. No operations shall take place on Sunday or legal holidays except snow plowing activities which will include hauling and disposal of snow.
- 12) There shall be a safety fence around the entire area at all times. This fence shall be comprised of a basic farm fence with posts and "NO TRESPASSING" signs at regular intervals of at least 100 ft. around the entire perimeter of the anticipated disturbed area.
- 13) The operator shall spray the site with water if and when needed to control dust.
- 14) There shall be no bulk fuel storage tanks on site. The operator may only bring in bulk fuel tanks on site during fuel placement operations.
- 15) All equipment 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.
- 16) The operator shall require all trucks and equipment to have muffler systems that meet or exceed 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) Dane County and the Town of Burke 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 reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Burke.
- 19) 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.

- 20) An annual road maintenance fee in the amount of \$2,000 shall be paid to the Town of Burke.

The above Resolution was duly adopted by the Town Board of the Town of Burke, Dane County, Wisconsin, at a meeting on September 20, 2017.

APPROVED:

By Kevin Viney
Kevin Viney, Town Chair

ATTEST:
Brenda Ayers
Brenda Ayers, Town Clerk/Treasurer