
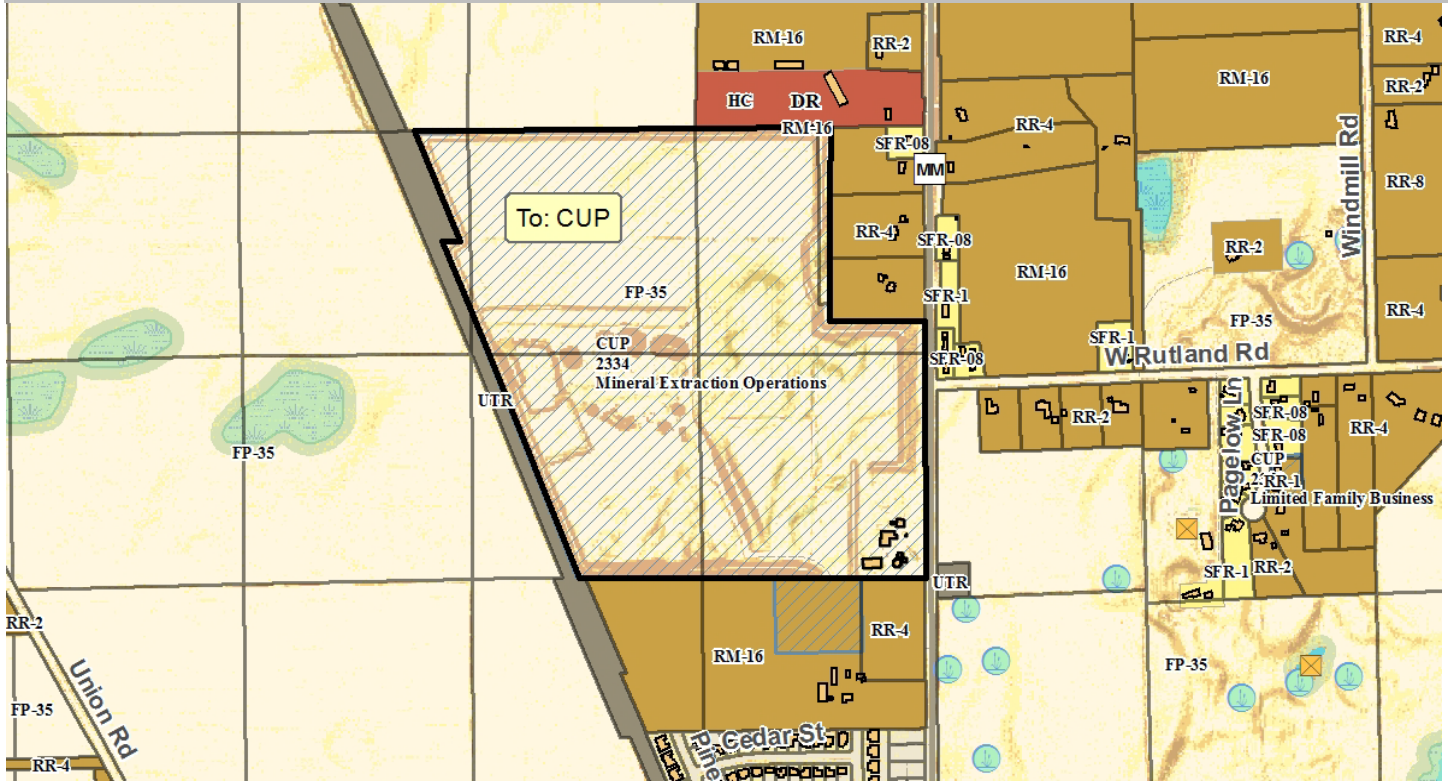


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>December 22, 2020</b>		<b>CUP 02510</b>	
	<i>Zoning Amendment Requested:</i> <b>TO CUP: Hot-mix asphalt plant</b>		<i>Town/Section:</i> <b>OREGON, Section 36</b>	
	<i>Size:</i> <b>138 Acres</b>	<i>Survey Required:</i> <b>No.</b>	<i>Applicant</i> <b>WINGRA REAL ESTATE LLC</b>	
	<i>Reason for the request:</i> <b>Hot-mix asphalt plant</b>		<i>Address:</i> <b>157 COUNTY HWY MM</b>	



**DESCRIPTION:** Landowner seeks a conditional use permit (CUP) to operate a portable asphalt plant at the Oregon Aggregate Site on property owned by Wingra Real Estate, LLC. The temporary asphalt plat would operate for a period of 15 years, and would supply local and regional construction projects, including road maintenance projects.

**OBSERVATIONS/ FACTUAL INFORMATION :** [CUP 2334](#) (effective 5/10/2016) approved a 30-year extension and expansion of a mineral extraction operation at this location. The proposed temporary asphalt plat would be located near the center of the existing mineral extraction CUP operation, within the existing berms.

**TOWN PLAN:** The site is in a Rural Preservation Area under the *Town of Oregon / Dane County Comprehensive Plan* and a Farmland Preservation Area in the *Dane County Farmland Preservation Plan*. The town plan includes a number of provisions to address mineral extraction operations and associated uses. Recommended staff conditions and the operational plan submitted with the application address the issues identified in the town/county plan, including noise and odor control. Please refer to the full 26-page application by Wingra Stone for the operational details, which can be found on [the Legistar page for this application](#).

**RESOURCE PROTECTION:** There are no mapped resource protection corridors on the site.

**STAFF:** See Page 2 for recommended conditions of approval.

**TOWN:** The Town Board approved the CUP conditioned upon the operation following the operations plan as presented.

## RECOMMENDED CONDITIONS OF APPROVAL

1. The conditional use permit shall expire 15 years from the permit effective date.
2. For the duration of this CUP, primary operation is exclusive to Payne & Dolan, Inc., and Payne & Dolan will perform and/or direct all operations on the site. Payne and Dolan shall be responsible for all conditions included in this conditional use permit.
3. Asphalt production facilities must comply with all requirements, including spill containment, of Chapter ATCP 93, Wisconsin Administrative Code.
4. Hours of Operation:
  - a. No operations of any kind shall take place on Sundays or the following legal holidays: New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Eve or Christmas Day.
  - b. The asphalt plant shall operate between 6:00 AM and 7:00 PM, Monday through Friday, and 6:00 AM to 3:00 PM on Saturdays.
  - c. Start-up activities for the asphalt plant may occur from 5:00 AM to 6:00 AM.
  - d. Shut-down activities for the asphalt plant may occur from 7:00 PM to 8:00 PM, Monday through Friday, and 3:00 PM to 4:00 PM on Saturdays.
  - e. Maintenance and repairs may occur outside of the aforementioned operations hours.
  - f. Trucking of hotmix asphalt will be from 6:00 AM to 7:00 PM, Monday through Friday, and 6:00 AM to 3:00 PM on Saturdays.
5. No more than five employees shall operate the asphalt plant.
6. Noise levels from the asphalt plant shall not exceed 75 decibels (dBa scale), as measured from the property line.
7. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, written statement of intent and operations plan submitted with the Conditional Use Permit application and dated October 14, 2020.
8. All operations must conform to all applicable conditions of Conditional Use Permit 2334, associated with the surrounding mineral extraction site. If CUP 2334 expires, is revoked or terminated, this Conditional Use Permit shall be terminated as well, and all associated uses shall cease. Re-establishment of asphalt batch plant operations after termination shall require approval of a new Conditional Use Permit.
9. The operator must provide to the Zoning Administrator a copy of an operational agreement approved by the Town of Oregon, consistent with applicable standards described in the *Town of Oregon / Dane County Comprehensive Plan*.
10. Any new and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code.
11. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
12. The applicant must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
14. Off-street parking for all on-site vehicles, including employees' personal transportation, must be provided, consistent with s. 10.102(8).
15. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the operator. Costs borne by the operator shall be proportional to the incremental increase in, and nature of, traffic associated with the proposed conditional use.
16. 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. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

17. The operator must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
18. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
19. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
20. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

***Questions? Contact Brian Standing at [standing@countyofdane.com](mailto:standing@countyofdane.com)***