

Submittal Requirements

Project Summary:

Payne & Dolan is applying for a thirty (30) year conditional use permit (CUP) to allow nonmetallic mineral extraction and processing, i.e. a sand & gravel pit, on parcels of property owned by Wingra Real Estate, LLC. and the Klahn Revocable Trust.

The property is located in the Town of Oregon, Dane County, Wisconsin. The purpose of the project is to supply high-quality sand & gravel aggregates at competitive prices. The site would serve as a major source of aggregates for Payne & Dolan's asphalt plant located in Fitchburg.

The Wingra Real Estate property is currently registered as a Marketable Nonmetallic Mineral Deposit. Registration is intended to reserve finite nonmetallic mineral resources, through wise land use planning and zoning, for the needs of future generations. State law, by providing for the registration of marketable nonmetallic mineral deposits, encourages the identification, preservation and planning for the potential development of marketable deposits.

Payne & Dolan has been successfully operating a nonmetallic mineral extraction operation on an adjoining property – the Klahn Aggregate Site (original approval - CUP #1916 dated 11/9/2004) for over 10 years and the establishment, maintenance and operation of that site has not been detrimental to or endangered the public health, safety, comfort or general welfare. Payne & Dolan has operated the adjoining Klahn Site in such a responsible manner with no impact on the public health, safety comfort or general welfare, that the Town of Oregon and Dane County approved a 10 year extension of the CUP for the site in December of 2012 (renewal approval – CUP #2223 dated 12/11/12). This project would basically be an extension of that existing operation.

The site could also supply local contractors with construction aggregates for such things as ready-mix concrete, asphalt, concrete blocks, bricks, drainage around house foundations, retaining walls and other structures, filtration for water, sewer and septic systems, and sand for ice control. The products would be used in the construction of residential homes, commercial buildings, roads & bridges, parking lots, driveways, airports, schools, churches, hospitals and other public facilities.

The reclaimed site would include a 41 +/- acre lake surrounded by 97 +/- acres of farmland.

Payne & Dolan, Inc., will continue to donate \$7,500.00 annually to the Town of Oregon each year the permit is in effect.

Property Owner(s): Wingra Real Estate, LLC.
PO Box 44284
Madison, WI 53744-4284

Klahn Revocable Trust
157 CTH MM
Brooklyn, WI 53521

**Applicant, Mineral
Rights Lessee and Site
Operator:** Payne & Dolan, Inc.
6295 Lacy Road
Fitchburg, Wisconsin 53593
Phone: 608.845.8900
Fax: 608.845.8884

Contact(s): Bill Buglass
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bbuglass@payneanddolan.com

Clint Weninger
(262) 524-1258
cweninger@payneanddolan.com

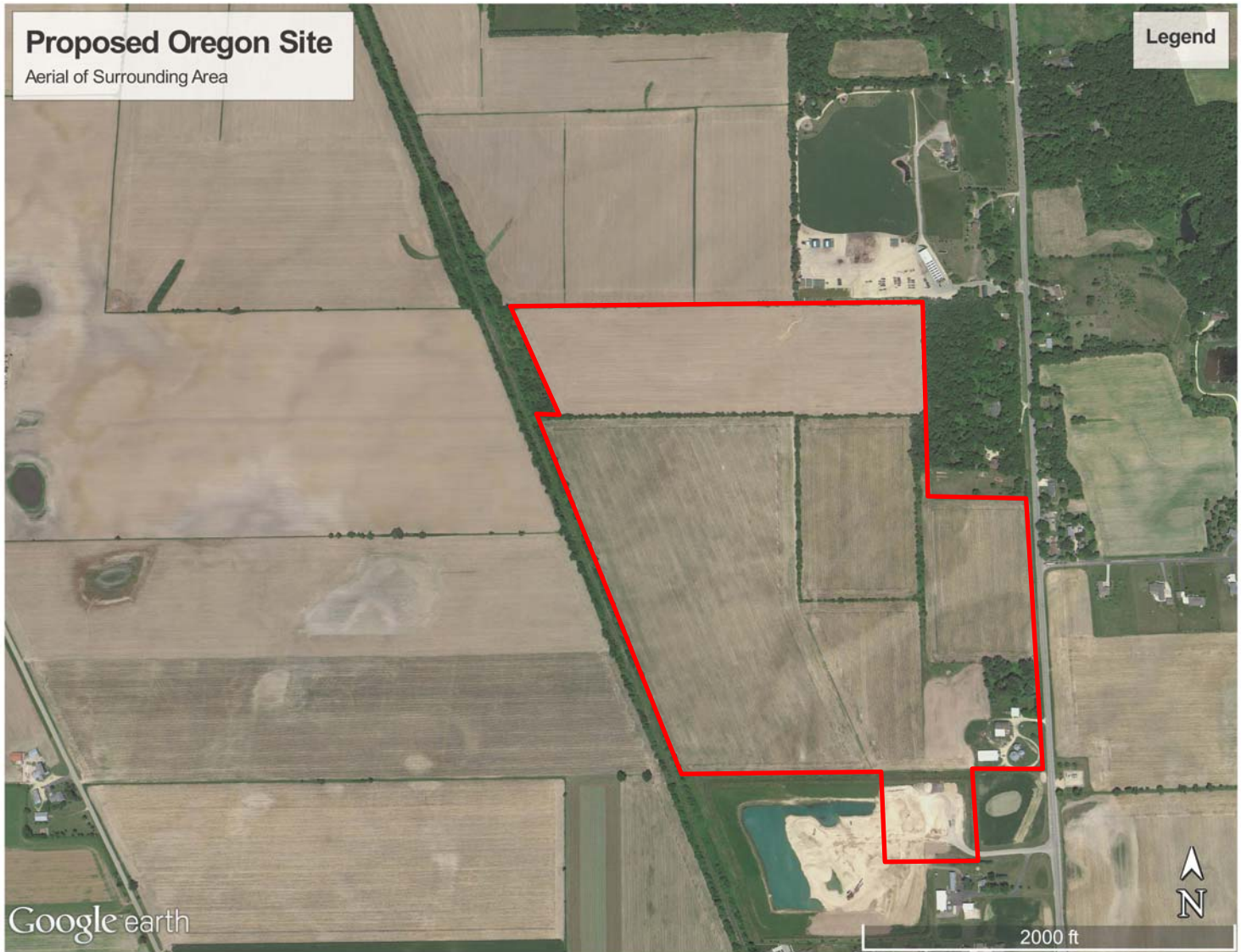
Property Description: Wingra Real Estate, LLC.
Approximately 138 acres located in the NE ¼ of Section 36, Town 5 North, Range 9 East, Town of Oregon, Dane County.

Klahn Revocable Trust
Approximately 8 acres located in the NE ¼, NE ¼, SE ¼ of Section 36, Town 5 North, Range 9 East, Town of Oregon, Dane County.

See section (a)1 below and attached legal description for complete property description.

Tax Parcel Numbers: Wingra Real Estate, LLC.
050936 -185010
-280010
-180610
-190010
-195010
-180510

Klahn Revocable Trust
050936 -481000
-480020



Applications for CUPs for mineral extraction must include the following information as requested by Dane County Planning & Development Department and required by S.10.191(2) of the zoning ordinance.

(a) A legal description of the land for which the permit is requested.

- 1. This may be a lot in a Certified Survey Map, a lot (and block, if any) in a subdivision, or an exact "metes and bounds" description.

Wingra Real Estate Property: Being a part of the SE ¼ of the NE ¼ Section 36, Township 5 North, Range 9 East, Town of Oregon, Dane County, Wisconsin, bounded and described as follows: Commencing at the East ¼ said Section 36, said point being the place of beginning of the lands to be described; thence S88°48'59"W along the south line of said NE ¼ Section, 2014.04 feet to a point on the East line of the Railroad right-of-way; thence N22°51'05"W along said east line, 2150.82 feet; thence N88°59'17"E along said east line, 107.74 feet; thence N22°51'05"W along said east line, 700.00 feet; thence N88°59'17"E, 316.52 feet; thence N88°59'38"E, 2102.69 feet; thence S00°13'15"W, 1138.69 feet; thence N88°59'38"E, 582.39 feet to a point on the east line of said NE ¼ Section 36; thence S00°37'52"E along said east line 1501.52 feet to the place of beginning.

Said lands containing 6,026,112 square feet or 138.340 acres of land, more or less (gross, to center line of County Trunk Highway "MM").

Klahn Revocable Trust Property: Being a part of the NE ¼ of the SE ¼ Section 36, Township 5 North, Range 9 East, Town of Oregon, Dane County, Wisconsin, bounded and described as follows: Commencing at the East ¼ corner said Section 36; thence S88°48'52"W along the north line of said SE ¼ Section 36, 406.07 feet to the place of beginning of the lands to be described; thence S00°37'24"E along the west line of Lot 1 of Certified Survey Map No. 10112, 430.00 feet; thence S88°48'52"W, 500.00 feet; thence N00°37'24"W, 430.00 feet to a point on the north line of said SE ¼ Section 36; thence N88°48'52"E along said north line, 500.00 feet to the place of beginning.

Said lands containing 214,990 square feet or 4.935 acres of land more or less.

Maps of the above properties are included in the application.

- 2. The description must include the size of the CUP area in acres or square feet.

The area of the Conditional Use Permit request is approx 143 acres – 138 acres of the Wingra Real Estate, LLC property and 5 acres of the Klahn Revocable Trust property.

(b) Tax parcel number(s) of the lot(s) or parcel(s) where the conditional use is to be located. If the proposed area is a part of a larger parcel, applicant must provide the tax parcel number of the larger parcel.

Wingra Real Estate, LLC.
050936 -185010

Klahn Revocable Trust
050936 -481000

-280010
 -180610
 -190010
 -195010
 -180510

-480020

(c) A written statement containing the following information:

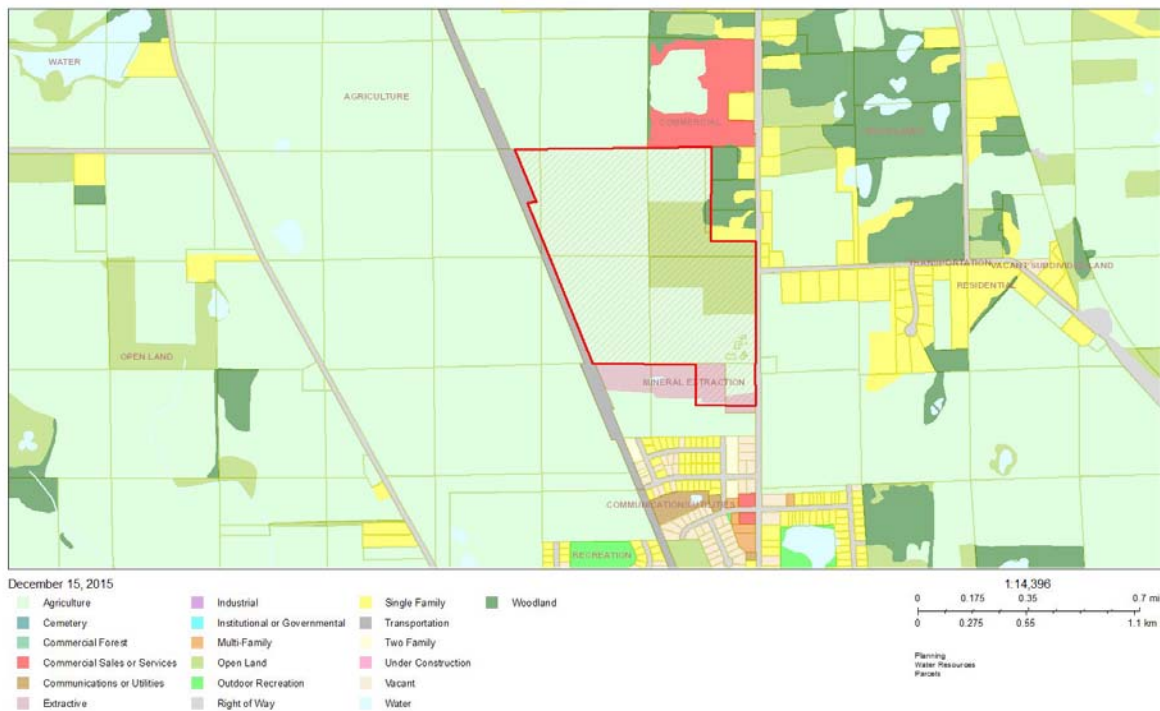
1. General description of the operation.

Extraction operations will include site development, sand & gravel extraction, processing, product delivery and reclamation. Site development includes the removal of surface soils for the construction of berms, the creation of the general operations area and to expose the sand & gravel strata in the active extraction area. The mineral extraction operations to be conducted on the property shall include the removal of rock, gravel, sand, or any other minerals from the earth by excavating, stripping or leveling. These operations include reasonable accessory uses for mineral extraction, including, but not limited to; crushing, processing, sorting, screening, washing (with settling ponds), conveying, stockpiling, sale and distribution of aggregate material.

Locating an asphalt plant or concrete plant on the property is not part of this application.

2. Existing use of the land.

A majority of the land is currently used for agriculture. Some of the Klahn Revocable Trust property is currently being used as active nonmetallic mineral extraction.



3. Existing natural features including approximated depth of groundwater.

The natural features on the land are gently rolling to fairly flat farmland. The average seasonal groundwater elevation is approx. 962' msl – which is 18 +/- feet below the existing ground surface.

4. The types and quantities of materials that would be extracted.

The primary material to be removed from the site is construction quality aggregate produced from the sand & gravel. The quantity of construction aggregate to be removed from the site over the duration of the project is approx 7,000,000 tons.

Excess overburden materials consisting of clay, silt, dirt and topsoil not required for reclamation may be removed from the site. Sufficient topsoil will remain on site to reclaim the site back to farmland.

5. Proposed dates to begin extraction, end extraction and complete reclamation.

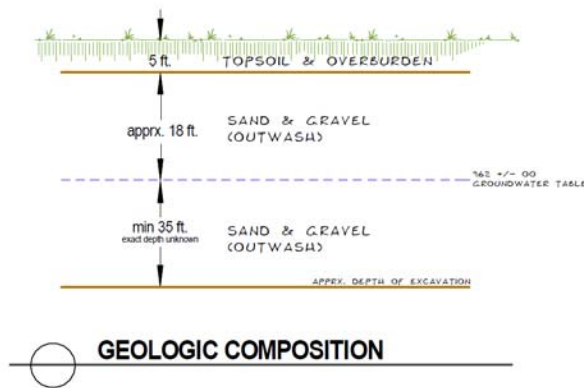
Site development will begin as soon as possible after CUP approval and upon acquisition of all applicable permits. The estimated duration/life of this site is estimated at 30 years based on current market conditions. Reclamation will be completed within one (1) year of completion of extraction.

6. Proposed hours and days of operation.

Hours of mineral extraction shall be from 6:00 AM to 7:00 PM, Monday thru Friday and 6:00 AM to 3:00 PM on Saturdays. 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. Maintenance and repairs may occur outside of the aforementioned operating hours. Trucking hours will be from 7:00 AM to 6:00 PM Monday thru Friday and 7:00 AM to 3:00 PM on Saturdays.

7. Geologic composition and depth to the mineral deposit

There is an average of 5 feet of overburden, consisting of silty loam and topsoil, on top of 60 +/- feet of high quality sand & gravel. There is approximately 18 feet of sand & gravel above the water table and a minimum of 35 feet of sand & gravel below the water table. The deposit is distributed fairly even across the property.



8. Identify all major proposed haul routes to the nearest Class A highway or truck route. Indicate traffic flow patterns.

Trucks entering and leaving the site will utilize the existing entrance from the Klahn Site directly to CTH MM. This entrance location has been previously approved and the necessary highway access improvements already exist.



9. Proposed phasing plan, if any (recommended for larger sites).

The general operations area will be located in the southwest corner of the property and consist of approx. 24 +/- acres. Operations in this area will consist of finish crushing, screening, washing, stockpiling and product loadout and sales.

A phasing plan is not shown – rather a rolling phase of extraction and reclamation will occur – beginning in the north and progressing to the south. A rolling phase allows for reclamation to occur

concurrently with the extraction operations. Operations in the active extraction area will consist of active sand & gravel extraction, primary crushing, draglining and other accessory extractive operations. This area will consist of approx. 40 acres open at any given time. The actual acres open at any given time may vary due to market conditions.

The general operations will be mined near the end of the life of the deposit.

10. Types, quantities and frequency of use of equipment to extract, process and haul.

Sand & gravel is removed from above and below the water utilizing available technology such as a loader, dragline, backhoe or dredge. Removal of sand & gravel below the water table will be done “in the wet” and will not require pumping any water off the site.

A majority of the equipment used to extract, process and haul will be portable and includes earthmovers, draglines, bulldozers, scrapers, loaders, trucks, conveyors, primary, secondary and tertiary crushers, sizing and washing equipment, a scale and scale house. Excavation of materials below the water will be done primarily by backhoe or dragline. The use of this equipment will vary depending on the market demands and workload.

11. Whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching or concrete mixing would be performed on site.

There will be no drilling or blasting on site.

Locating an asphalt plant or concrete plant at the site is not part of this application.

Mining including excavating, crushing, screening and washing will predominantly occur during the construction season (which is typically April thru November but may vary due to weather and market demands).

Bulk fuel storage may occur on the property but would be limited to no more than 1,000 gallons. Such fuel storage would occur in a double walled containment systems that meet all state and federal regulation. Payne & Dolan will have a spill prevention plan in place for the property prior to beginning any site operations.



Example of double walled fuel storage trailer

12. Whether excavation will occur below the water table and, if so, how ground water quality will be protected.

Excavation of sand & gravel will occur below the water table. The operations will be similar to the existing extraction operations on the Klahn Site immediately adjacent to the south. Those operations have not had an impact on ground water quality.

No harmful chemicals are used in the processing of the sand & gravel and a spill prevention and control plan will be in place prior to beginning operations.

The source of water to be used in the mineral extraction operation is composed of groundwater infiltration and surface water run-off from the site. Water collected on the site is used to control dust in processing operations and in the processing (washing) of aggregates. Water from the washing and processing operations is recycled as much as possible. All necessary permits required by the DNR for the operation that involve water will be obtained and adhered to.

13. Any proposed temporary or permanent structures (e.g. scales, offices).

No permanent buildings are proposed. Operations on the site will utilize the existing portable scale and scale house.

14. Any special measure that will be used for spill prevention and control, dust control, transportation, or environmental protection.

Special measures that will be used for spill prevention and control, dust control, transportation, and environmental protection include strong operational controls, the implementation of a spill prevention plan, a fugitive dust control plan, compliance with all local, state and federal environmental regulations and a signed master trucking agreement.

A copy of the spill prevention and control plan and the fugitive dust control plan are included with the application.

15. Proposed use after reclamation as consistent with Chapter 74.

Final reclamation includes returning the site to agricultural use. Apprx. 97 acres will be farmable. All final slopes will be less than 5:1. The site will be cleared of debris and left in a workmanlike condition at final reclamation. All reclaimed areas will be covered with one (1) foot of topsoil and either seeded to prevent erosion or returned to active agriculture.

Payne & Dolan will obtain a reclamation permit and meet all the requirements for reclamation included in NR-135. Financial assurance will be posted with Dane County to insure reclamation is completed.

Payne & Dolan has a proven track record in reclaiming sites. Photographs of various aggregate sites reclaimed by Payne & Dolan are included with the application.

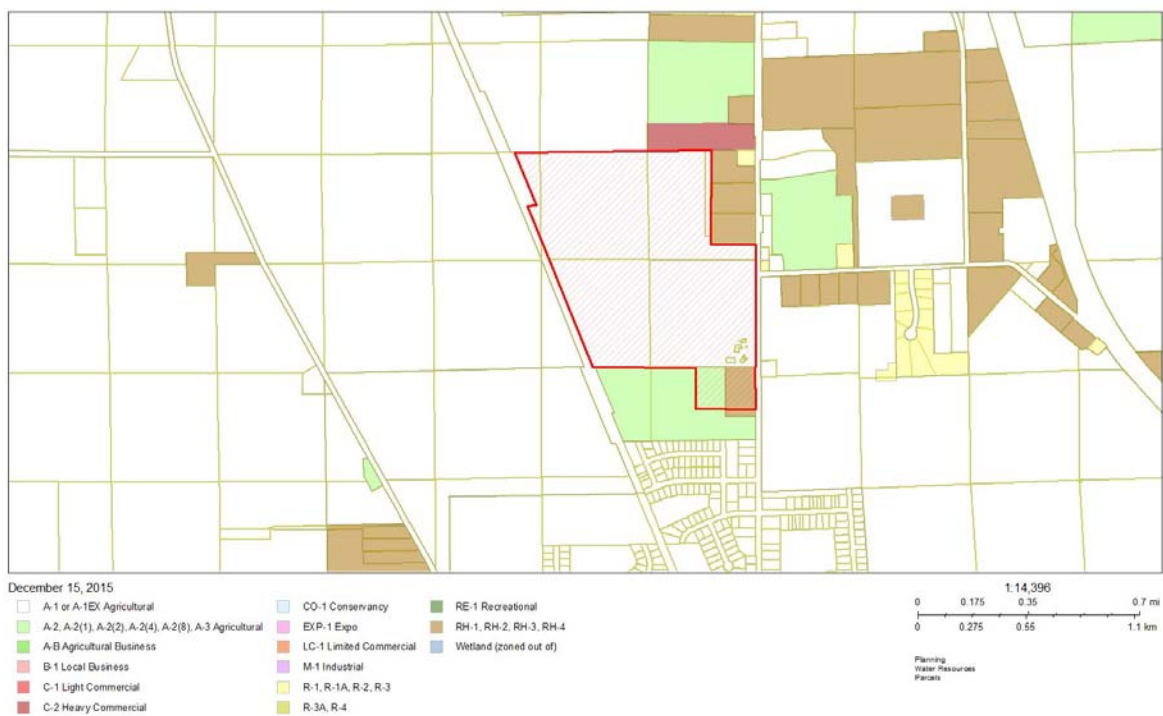
(d) In addition to the submittal requirements enumerated in sec. 10.255(2)(e), applications for a mineral extraction conditional use permit shall include a Site/Operations Plan prepared by a qualified professional, drawn to a measurable scale large enough to show detail and at least 11" x 17" in size, showing the following information

1. Boundaries of the permit area and of the extraction site.

See Sheet 3 – Existing Site Conditions of the attached Site Development and Reclamation Plan.

2. Zoning district boundaries in the immediate area. Label all zoning districts on the subject property and on neighboring properties.

See below figure or see Sheet 4 – Zoning of the attached Site Development and Reclamation Plan.



3. Existing contour lines (not more than 10 foot intervals).

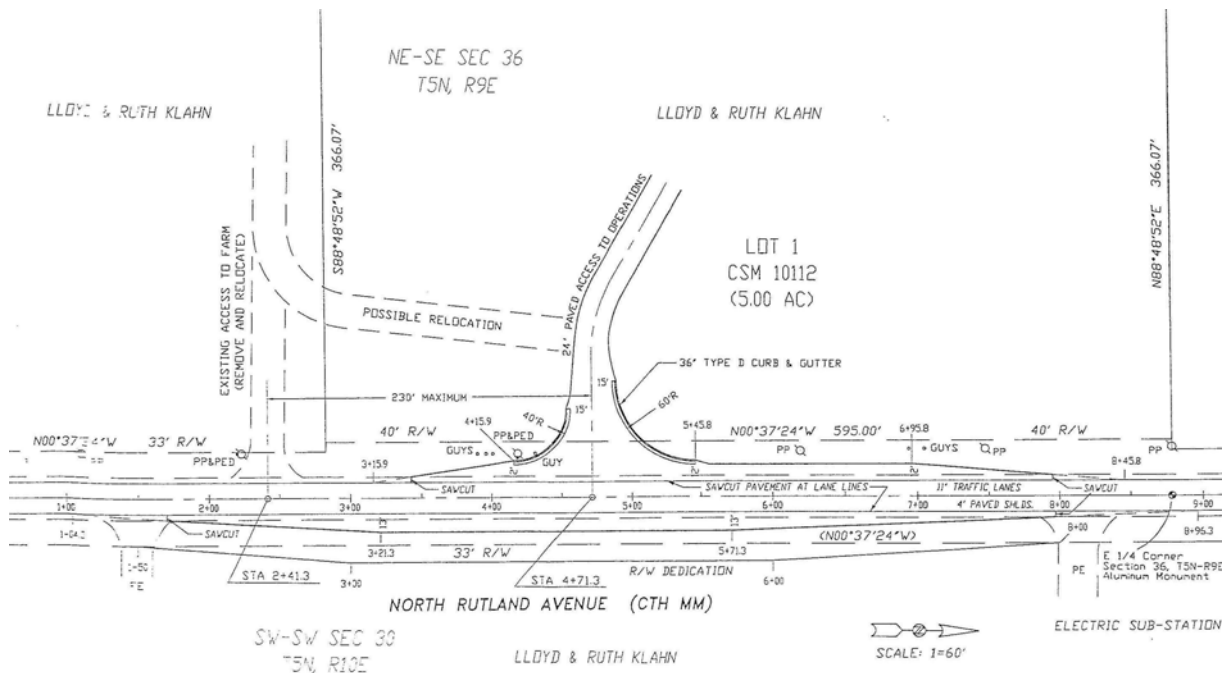
See Sheet 3 – Existing Site Conditions of the attached Site Development and Reclamation Plan.

4. Existing natural features including lakes, perennial/navigable streams, intermittent streams, floodplains, wetlands, drainage patterns and archaeological features.

There are not any lakes, perennial/navigable streams, intermittent streams, floodplains, wetlands, or archaeological features on the site. The only natural features include drainage patterns. See Sheet 3 – Existing Site Conditions of the attached Site Development and Reclamation Plan.

5. Existing roads, driveways, and utilities. Show width of all driveway entrances onto public and private roadways.

See Sheet 4 – Site Access and Berming of the attached Site Development and Reclamation Plan.



Access geometry per the existing operation

6. All residences within 1,000 feet of the property.

See Sheet 3 – Existing Site Conditions of the attached Site Development and Reclamation Plan.

7. Specific location of proposed extraction area, staging area, equipment storage.

See Sheet 6 – General Operations Plan of the attached Site Development and Reclamation Plan.

8. Proposed location and surfacing of driveways.

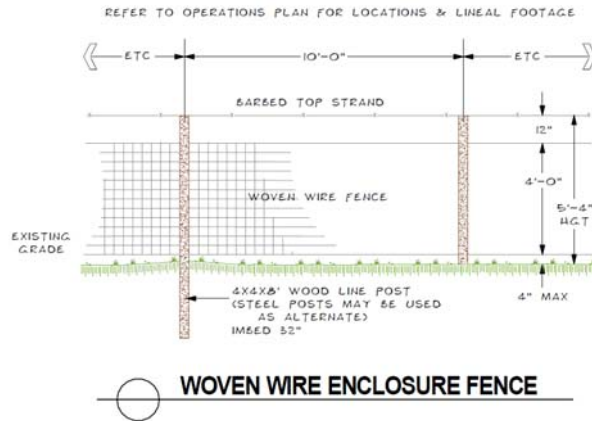
See Sheet 6 – General Operations Plan of the attached Site Development and Reclamation Plan.

9. Proposed phasing plan, if any (recommended for larger sites).

See Sheet 6 – General Operations Plan of the attached Site Development and Reclamation Plan.

10. Proposed fencing of property, if any, and gating of driveways

See Sheet 5 – Site Access and Berming of the attached Site Development and Reclamation Plan.



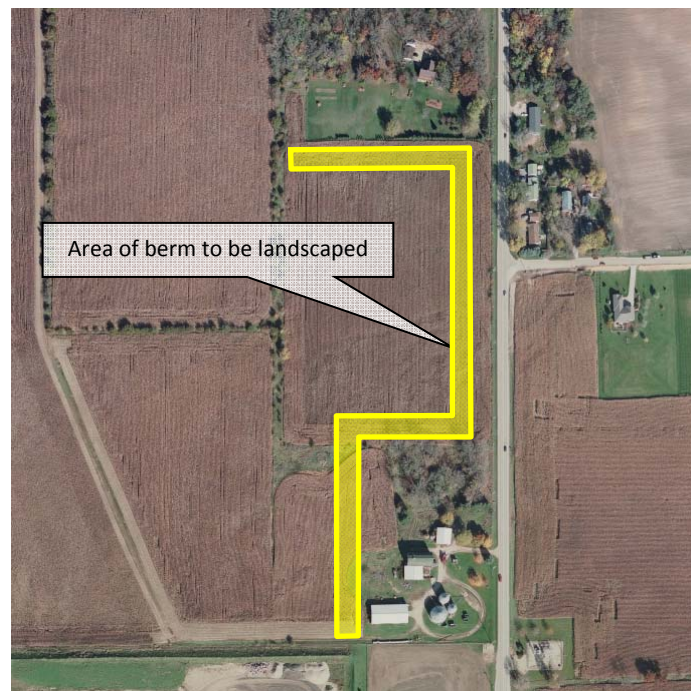
11. Proposed location of stockpiles.

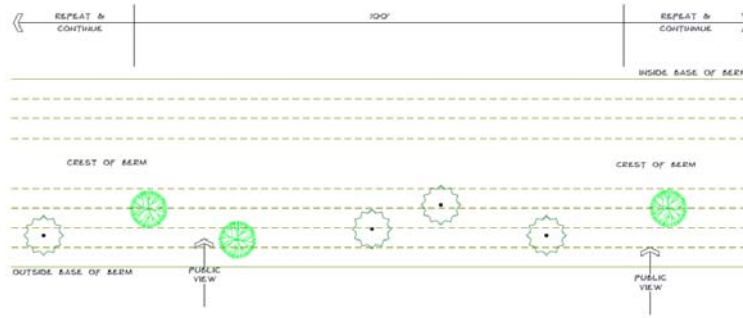
See Sheet 6 – General Operations Plan of the attached Site Development and Reclamation Plan.

12. Proposed location and type of screening berms and landscaping.

See Sheet 5 – Site Access and Berming of the attached Site Development and Reclamation Plan for berm location.

The berms will be built and seeded per the plan. Landscaping will then be installed on the berm adjacent to CTH MM on the east side of the property and along the residence in the northeast corner of the property. See the diagrams below for more details.



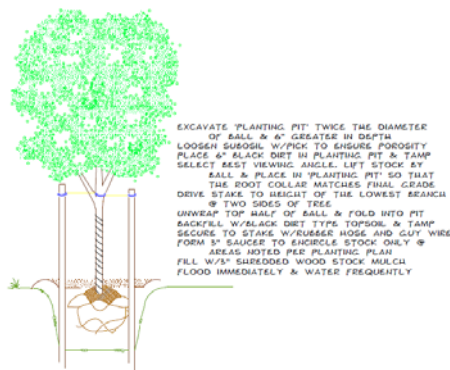


BERM LANDSCAPE PLAN

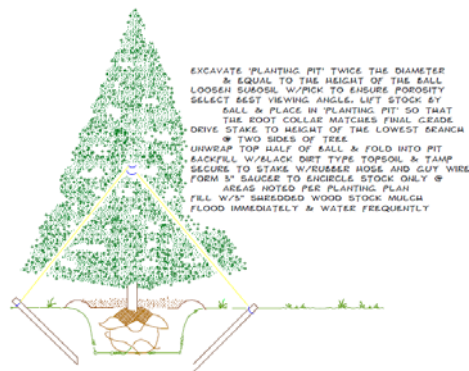
6 PIECES OF PLANT MATERIAL REQUIRED PER EVERY 100 LINEAL FEET OF LANDSCAPED BERM
 TREE TYPE PLANTS: (SHADE/EVERGREEN/ORNAMENTAL)
 PLANT MIX OF 2/6 DECAIDUOUS & 1/6 EVERGREEN
 PROJECT MANAGER MAY APPROVE TREE / SHRUB SUBSTITUTIONS AS NECESSARY
 5% SLOPE ON OUTSIDE OF BERM
 5% SLOPE ON INSIDE OF BERM
 APPEX 10% BERM HEIGHT
 ONLY EAST BERM ALONG CTU MM AND NORTHEAST BERM ALONG RESIDENTIAL PLANTED
 1400 FT. TOTAL BERM LENGTH
 TOTAL OF 70 TREES

PLANT MATERIAL SCHEDULE

QUANTITY	STATIC USE	SCIENTIFIC NAME	COMMON NAME	MIN. SIZE	SYMBOL
1	●	ACER SACCHARUM (WISCONSIN STATE TREE)	SUGAR MAPLE	2 1/2 GAL	MAP
1	●	GLEDITSIA TRIACANTHOS	HONEY LOCUST	2 1/2 GAL	GTH
4	●	ACER RUBRUM	RED MAPLE	2 1/2 GAL	RMP
2(1)	●	PICEA CLAUCA	WHITE SPRUCE	5' HGT	WSP
0	●	PRUNUS STROBUS	WHITE PINE	5' HGT	WPN
0	●	FOESYTHIA X INTERMEDIA	GOLD FOSYTHAI	24-30"	LYN
0	●	EUONYMUS ALATUS	BURNING BUSH	24-30"	BSH
0	●	LIGUSTRUM OSTROSPOLIUM REGALIANUM	REGAL PRIVET	24-30"	EGL
0	●	JUNIPERUS CAHENSIS	SEAGREEN JUNPER	24-30"	SGJ
0	●	PRUNUS MUGO MUGHUS	MUGHO PINE	24-30"	MCO
—	●	LAWN	SEED AS DETAILED	—	—



BERM LANDSCAPE PLAN



BERM LANDSCAPE PLAN

13. *Proposed temporary and permanent structures, including scales and offices.*

See Sheet 5 – Site Access and Berming of the attached Site Development and Reclamation Plan.

14. *Proposed signage, if any.*

The existing sign at the site entrance would be replaced with the sign below.



(e) *An erosion control plan, drawn to scale by a professional engineer, meeting all applicable state and county requirements.*

An erosion control plan is currently that meets all applicable state and county requirements is currently being prepared by Montgomery & Associates.

(f) *A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Dane County Nonmetallic Mining Reclamation Ordinance.*

See Sheet 7 – Reclamation Plan of the attached Site Development and Reclamation Plan.

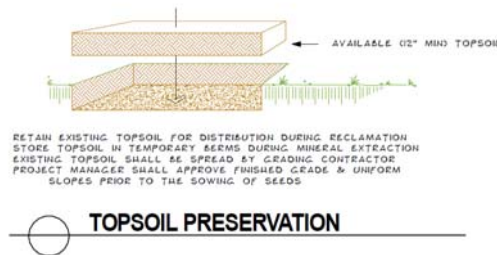
See Reclamation Plan Details for more information on site reclamation.

(3) Excavations below the grade of an abutting 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 s.10.17.

See Sheet 6 – General Operations Plan of the attached Site Development and Reclamation Plan for nonmetallic mineral extraction setbacks from abutting streets or highways.

(4) Topsoil from the area or operation shall be saved and stored on site for reclamation of the area.

Sufficient topsoil will be saved and stored on site to cover the reclaimed slopes with a minimum of one (1) foot of topsoil. The remaining topsoil not used or saved for reclamation may be sold and removed from the site.

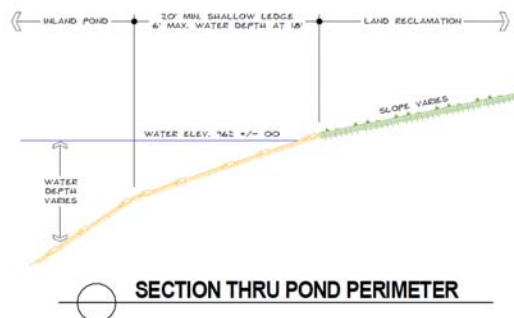
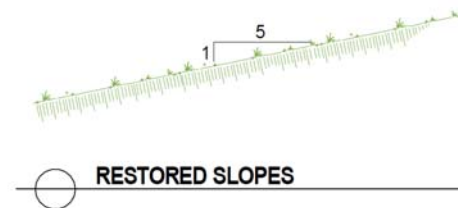


(5) Reclamation of the area of operations is required as follows:

(a) Final slopes shall not be graded more than 3:1 except in a quarry operation.

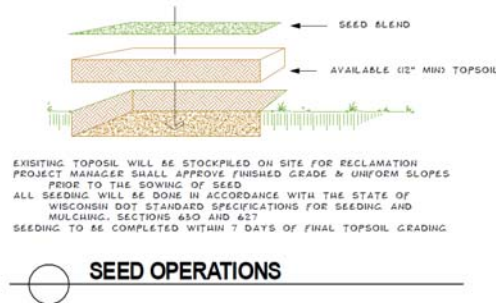
Final slopes will be graded to no less than a 5:1 slope, except for the slope into the pond which will be graded to a 3:1 slope to a minimum of 6 ft. depth below the water as required by NR-135.

See Sheet 7 – Reclamation Plan of the attached Site Development and Reclamation Plan.



(b) The area shall be covered with topsoil and seeded to prevent erosion.

All reclaimed areas will be covered with one (1) foot of topsoil and either seeded to prevent erosion or returned to active agriculture.



(c) The area shall be cleared of debris and left in a workmanlike condition subject to the approval of Dane County.

The property will be left in a workmanlike condition as previously state in section (c)15 above.

(6) Mineral extraction operations which existed prior to 1969 and were registered with and approved by the Dane County Zoning Administrator shall be considered nonconforming uses in accordance with s10.21.

This section does not apply to this site.