

## Six Standards of a Conditional Use Permit

---

### Provide an explanation on how the proposed land use will meet all six standards.

Payne & Dolan has been operating a nonmetallic mineral extraction site immediately adjacent to this propose site (the Klahn Site) 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.

Payne & Dolan will operate the Oregon Site under a set of conditions of approval for the mineral extraction operations to assure that the project meets the CUP Standards in S. 10.255(2)(h) of the zoning ordinance. The proposed conditions are included in the application.

### (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

#### **Public Health**

A private well protection bond and claims procedure is included.

A spill prevention plan will be implemented and is included

No chemicals will be used

No visual dust will cross the property lines as per the fugitive dust control plan and DNR regulations

There will be no discharge of water from the property

An Erosion Control Permit will be applied for and received prior to beginning operations

No water will leave the watershed due to this operation

The noise analysis concludes there will be no noise impact to the neighbors due to the berms that shield the crushing and washing operation and the lower elevation of processing

No flow of water into the site other than natural precipitation

Ken Bradbury, hydrogeologist with the Wisconsin Geological and Natural History Survey, stated he was not aware of any quarry or gravel pit that has caused groundwater contamination.

Payne & Dolan, Inc. has a successful track record of removing sand & gravel from the groundwater with no problems

Currently, Payne & Dolan removes aggregate from groundwater at 12 sites in Southeastern Wisconsin, 3 of which are in Dane County

Adjacent Klahn Site has been operating for 10+ years with no detriment to the public health

Payne & Dolan will operate the Oregon Site under a set of conditions of approval for the mineral extraction operations to assure that the project meets the CUP Standards in S. 10.255(2)(h) of the zoning ordinance.

#### **Public Safety**

Trucking access is on an improved intersection on a Class A Hwy – CTH MM

Improvements to the intersection of entrance haul road and CTH MM previously approved by the county, paid for by the operator, and built to ensure safe ingress and egress to the site

The site is secured by fences, locked gates and landscaped berms  
All trucks will be covered with tarps  
No blasting will be done  
The traffic study completed for the Klahn Site operation predicted less than 3% average increase to ADT on CTH MM during trucking hours, which is not considered significant  
Trucking to and from the site is not expected to differ from the current operations on the Klahn Site  
Adjacent Klahn Site has been operating for 10+ years with no detriment to the public safety  
Payne & Dolan will operate the Oregon Site under a set of conditions of approval for the mineral extraction operations to assure that the project meets the CUP Standards in S. 10.255(2)(h) of the zoning ordinance.

**Public Comfort**

The site is designed to minimize impacts to the people of the community and to maintain the agricultural nature of the area by such things as fencing, berms, location of processing areas and abiding by all rules regulations and permits required for the operation of the site  
The site will be returned to productive agriculture upon completion  
Route trucks forward within the site to limit the back-up alarms  
No increase in noise  
Berms will be constructed and landscaped prior to beginning, creating colorful and aesthetically pleasing topographical items while shielding the processing operation from view.  
All equipment will have mufflers  
Site is bordered primarily by farmland and a previous mineral extraction site  
This source will provide an economical supply of high quality aggregate with which to improve and maintain the streets, roads and highways we travel on such as CTH MM, STH 14 and the Beltline  
Site is fairly remote and away from many homes  
Adjacent Klahn Site has been operating for 10+ years with no detriment to the public comfort  
Payne & Dolan will operate the Oregon Site under a set of conditions of approval for the mineral extraction operations to assure that the project meets the CUP Standards in S. 10.255(2)(h) of the zoning ordinance

**Public General Welfare**

\$7,500 annual contribution to the Town of Oregon  
This site will provide a substantial source of high quality aggregates within the community with which to build our homes, schools, highways, buildings etc. without incurring additional trucking costs  
An extraction operation near Cross Plains has been operating for over 40 years next to Black Earth Creek and in the groundwater, with no impacts, except possibly a positive impact of adding flow to the Black Earth Creek  
The scientific and engineering conclusions are that this is an environmentally safe project  
Anecdotal comments from other communities where Payne & Dolan, Inc. operates mineral extraction operations state that Payne & Dolan's operations meet or exceed all of the standards  
Payne & Dolan has operated the adjoining Klahn Site in such a responsible manner with no impact on the Public General Welfare, that the Town of Oregon and Dane County approved a 10 year extension of the CUP for the site  
Potential to make use of the railroad line on the west side of the site  
Operations limited to normal business hours Monday thru Friday  
Adjacent Klahn Site has been operating for 10+ years with no detriment to the public comfort  
Payne & Dolan will operate the Oregon Site under a set of conditions of approval for the mineral extraction operations to assure that the project meets the CUP Standards in S. 10.255(2)(h) of the zoning ordinance.

**(2) 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.**

Allowed use in the A-1 district, surrounding lands are predominantly zoned agriculture  
The surrounding berms and the lower elevation for processing will shield vision of crushing, washing and load out areas  
The noise study states that there will be no noise impacts to residents  
Claims procedures have been included by Payne & Dolan, Inc. for private wells, which state specifically that P&D must take immediate action to provide water no matter the cause or responsibility  
There will be no drilling or blasting  
No asphalt plant or redimix plant are part of this permit application  
Comments from communities that P&D works whole heartedly confirm that this and all standards are met  
A fugitive dust control plan will be implemented  
All federal, state and local laws and permits will be acquired and maintained throughout the process  
Adjacent Klahn Site has been operating for 10+ years with no detriment to the uses, value and enjoyment of other property in the neighborhood  
Payne & Dolan will operate the Oregon Site under a set of conditions of approval for the mineral extraction operations to assure that the project meets the CUP Standards in S. 10.255(2)(h) of the zoning ordinance

**(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.**

The land uses on the north, west and east are predominantly agriculture as is this parcel  
The land use to the south is a previous mineral extraction site  
Portions of the parcel will remain in agricultural use (i.e. farmland) during the nonmetallic mineral extraction process  
The parcel will be returned to agriculture after cessation of the nonmetallic mineral extraction operations and completion of reclamation  
Adjacent Klahn Site has been operating for 10+ years with no impediment to the normal and orderly development and improvement of the surrounding property  
Payne & Dolan will operate the Oregon Site under a set of conditions of approval for the mineral extraction operations to assure that the project meets the CUP Standards in S. 10.255(2)(h) of the zoning ordinance

**(4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.**

No additional services will be required  
The entrance and haul road along with the improvements to CTH MM have been constructed and paid for by the operator  
The site will be constructed per the plans and proposals  
No water will leave the site  
A storm water and erosion control plan will be acquired and implemented.  
The equipment is portable  
No permanent structures will be constructed

**(5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

All vehicles will enter and exit the site via a single access to CTH MM

The entrance road is currently paved will remain paved for the duration of the site operations

CTH MM has been improved with acceleration, deceleration, and passing lanes approved by the Dane County Highway Department

The improvements were made and paid for by the operator and have been used for the last 10 years

Trucking from the existing operation for the last 10 years has not impeded the flow of traffic in the area

**(6) That the conditional use shall conform to all applicable regulations of the district in which it is located.**

This plan and proposal meets all the applicable regulations of the A-1 Exclusive Ag and A-2 Ag Districts, including such things as building heights, setbacks, side yard requirements, etc.

This C.U.P. application is for a period of thirty (30) years

This limited term use and the resulting pond and agricultural land will preserve the A-1 parcel as farm land  
Portions of the parcel will remain in agricultural use (i.e. farmland) during the nonmetallic mineral extraction process