



**PAYNE & DOLAN**  
INCORPORATED

February 3, 2016

Town of Oregon Plan Commission  
Oregon Town Hall  
1138 Union Road  
Oregon, WI 53575

**Re: Oregon Aggregate Site Conditional Use Permit Request**

Dear Plan Commission Member:

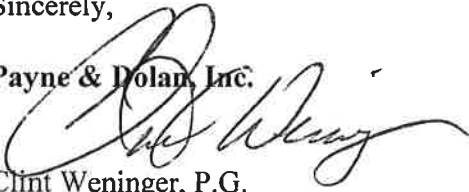
Payne & Dolan has recently submitted a Conditional Use Permit application requesting the ability to extract and process sand & gravel from the Wingra Real Estate property. This property is immediately north of the existing Klahn Aggregate Site.

The C.U.P. application included some proposed conditions for the use of the property. Some of the conditions requested vary from those previously approved by the Town for the Klahn Aggregate Site – C.U.P. #2223 dated December 11, 2012. At the request of the Town, I have included a summary of the proposed conditions that outlines the differences between the existing permit and this C.U.P. request.

We appreciate the continued opportunity to operate in the Town of Oregon. I look forward to further discussing our proposed project with you and others on the Plan Commission and Town Board. If you have any questions and/or need additional information, please do not hesitate to contact either me (262) 366-5429 (cell) or Bill Buglass (608) 445-0925 (cell).

Sincerely,

**Payne & Dolan, Inc.**

  
Clint Weninger, P.G.  
Land Resources Manager

"An Equal Opportunity Employer"

[www.payneanddolan.com](http://www.payneanddolan.com)

**Antioch, IL 60002**  
28435 Route 173  
847-838-3700 Fax: 847-838-6300

**Waukesha, WI 53187**  
P.O. Box 781  
N3W23650 Badinger Road  
262-524-1700 Fax: 262-524-1845

**Kenosha, WI 53144**  
1700 120th Avenue  
262-859-3081 Fax: 262-859-3031

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## Proposed Conditions comparison to Existing Conditions

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1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.

*No change - same as existing CUP #2223*

2. The applicant shall apply for and receive all other required local, state and federal permits.

*No change - same as existing CUP #2223*

3. The operator shall develop and operate the site according to the site/operations and phasing plan dated January 21, 2016.

*No change - same as existing CUP #2223*

4. Operations shall cease no later than thirty (30) years from the date of the CUP approval.

*Condition modified from CUP #2223 to match current CUP request and estimated life of the deposit*

5. Reclamation shall meet the requirements of Chapter 74 of the Dane County Code of Ordinances.

*No change - same as existing CUP #2223*

6. Reclamation must be completed within 12 months of the termination of the CUP.

*No change - same as existing CUP #2223*

7. The driveway accessing the site shall be paved. 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.

*Condition modified from CUP #2223 to match current CUP request as the entrance road improvements have already been made*

8. The operator and all haulers shall access the CUP site only through those points designated as entrances on the site/operations plan dated January 21, 2016.

*No change - same as existing CUP #2223*

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".

*No change - same as existing CUP #2223*

10. 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 4<sup>th</sup>, 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.

*Condition modified from CUP #2223 to match current CUP request:*

*Operation hours extended by 1 hour at both ends of the day Monday - Friday (existing CUP – 7:00 AM – 6:00 PM)*

*Trucking hours requested are the same as existing summer hours but for all year*

*Requested limited Saturday operations – existing permit has no operations (except repair or maintenance) or trucking on Saturdays*

11. There shall be no blasting or drilling on the site.

*No change - same as existing CUP #2223*

12. There will be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 5 ft. in height with a single strand of barbed wire on top.

*Condition modified from CUP #2223 to describe type of security fence installed*

13. The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.

*No change - same as existing CUP #2223*

14. No water shall be pumped or otherwise removed from the site.

*No change - same as existing CUP #2223*

15. Bulk fuel may be stored on site but is limited to no more than 1,000 gallons. Fuel must be stored in containment that meets all applicable state and federal regulations. Operator must have a spill prevention plan in place.

*New condition*

16. All excavation shall equipment, plants and vehicles shall be fueled, stored, serviced and repaired on lands above 965 ft. feet in elevation to prevent against groundwater contamination from leaks or spills.

*New Condition*

17. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.

*No change - same as existing CUP #2223*

18. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.

*No change - same as existing CUP #2223*

19. Applicant shall provide claims procedures and bond for private water wells within ½ mile of the site.

*No change - same as existing CUP #2223*

20. Berms shall be seeded and planted as described in the site/operations plan.

*No change - same as existing CUP #2223*

21. No permanent structures shall be erected.

*No change - same as existing CUP #2223*

22. Applicant shall conduct an annual review of the site operations with the Town of Oregon during the 4<sup>th</sup> quarter of each year.

*No change - same as existing CUP #2223*

23. Dane County and the Town of Oregon shall be listed as additional insureds on the Payne & Dolan, Inc. 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 commence. The liability insurance policy shall remain in effect until reclamation is complete.

*No change - same as existing CUP #2223*

24. The Zoning Administrator or designee may enter on the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Unless the operations is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.

*No change - same as existing CUP #2223*

Conditions that are not included in current CUP request:

- Applicant shall sample and test the lake water annually for bacteria

*Very easy to get positives from minor amounts of bacteria resulting from geese and other birds utilizing the pond*

- Crushing shall be limited to 8 weeks per year

*Time restriction is not feasible to processing the volume of materials needed to meet market demands*

- Trucks within the site will be routed forward

*Trucks routes will be established to move trucks forward as often as possible thus minimizing the backing of trucks but trucks will still need to be able to back up on occasion.*

- Operator shall do a Phase 1 Archeological Survey at its expense prior to beginning site work

*County Planning & Zoning staff reviewed available records and determined this was not necessary for this property*