

RESOLUTION NO. 2018-78

A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT, NONMETALLIC MINING PERMIT AND EXPLOSIVES USE PERMIT TO ALLOW FOR THE FURTHER DEVELOPMENT OF AN EXISTING LIMESTONE QUARRY INCLUDING EARTHMOVING, BLASTING, CRUSHING, SORTING AND SIZING, STOCKPILING, TRANSPORTATION AND RECLAMATION, AS WELL AS THOSE ACTIVITIES PERMITTED IN THE VILLAGE'S ORDINANCES ENTITLED "REGULATION OF NONMETALLIC MINING" AND "EXPLOSIVES AND BLASTING"; THIS PROPERTY IS LOCATED NORTH AND EAST OF THE EXISTING QUARRY AT 1501 3 MILE ROAD, SEC. 28 AND 29, T4N, R23E, VILLAGE OF CALEDONIA, RACINE COUNTY, WI; PAYNE & DOLAN, INC. OWNER/APPLICANT

The Village Board for the Village of Caledonia resolves as follows:

WHEREAS, Owner/Applicant requested a Conditional Use Permit, Nonmetallic Mining Permit and Explosives Use Permit to allow for the further development of an existing limestone quarry including earthmoving, blasting, crushing, sorting and sizing, stockpiling, transportation and reclamation, as well as those activities permitted in the Village's ordinances entitled "Regulation of Nonmetallic Mining" (Title 7, Chapter 11) and "Explosives and Blasting" (Title 7, Chapter 10) for property located North and East of the existing quarry at 1501 3 Mile Road, Sec. 28 and 29, T4N, R23E, Village of Caledonia, Racine County, WI; Parcel Nos: 104042328075000, 104042328074000, 104042328071000 and 104042329193000; and

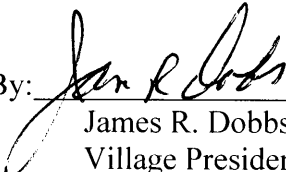
WHEREAS, the Village of Caledonia Plan Commission recommended approval of the request, subject to the conditions attached hereto as **Exhibit A**, for the following reasons as set for the in staff memorandum:

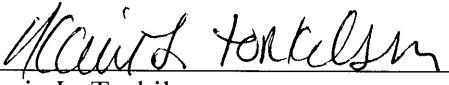
1. The proposed use is allowed by underlying zoning through the conditional use process;
2. The proposed use, with conditions, meets the standards set forth under Sec. 20-1182, adopted under Title 16 of the Village's Code of Ordinances;
3. The applicant agreed to meet all of the requirements and conditions to be imposed by the Village; and
4. For the same reasons set forth in Plan Commission Resolution No. 2018-75, and the motion related to the resolution, which are incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Caledonia that the requested Conditional Use Permit, Nonmetallic Mining Permit and Explosives Use Permit set forth above, are hereby approved for the same reasons set forth above and subject to the same conditions and contingencies imposed by the Village Plan Commission.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 4th day of September, 2018.

VILLAGE OF CALEDONIA

By: 
James R. Dobbs
Village President

Attest: 
Karie L. Torkilsen
Village Clerk

770272.001 (594)

EXHIBIT A - CONDITIONS
Payne and Dolan - Quarry

1. **Zoning Permit.** The applicant must obtain a zoning permit card from the Office of the Village Zoning Administrator after paying a zoning permit fee of \$3620.00. (\$3000, plus \$20 per acre for the 31 active acres worked). Payment of the zoning permit fee shall be made within thirty (30) days of your receipt of this letter. This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. **Conditions Made Applicable to 20 Acre Grandfathered Parcel.** Pursuant to Section 7-11-6 of the Village's Nonmetallic Mining Ordinance, the conditions governing the issuance of a conditional use permit shall also be made applicable to the 20 acre "grandfathered" parcel referenced above which is to be made part of the applicant's proposed quarry expansion.
3. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
4. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Agent, and any other users of the Property Owner with respect to the uses on the Property.
5. **Plans.** The proposed operation to allow for the further development of an existing limestone quarry including earthmoving, blasting, crushing, sorting and sizing, stockpiling, transportation and reclamation, as well as those activities permitted in the Village's ordinances entitled "Regulation of Nonmetallic Mining" (Title 7, chapter 11) and "Explosives and Blasting" (Title 7, Chapter 10) shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Service Office on May 30, 2018.
6. **Permit Duration.** This permit is granted for a two-year period, after which a two-year extension may be granted by the Village of Caledonia Plan Commission and Village Board upon request of the applicant. However, no such extension or permit renewal will be granted unless this project is in reasonable compliance with the conditions of this approval. An on-site evaluation by this office will determine compliance. In two years, the applicant must re-apply for an extension of the conditional use permit and site plan review permit or completely restore the quarry in compliance with the submitted restoration plans. The applicant must continue applying for a renewal of its nonmetallic mining permit on a biennial basis and explosives use permit on an annual basis.
7. **Restoration Bond.** The restoration bond (financial assurance) required by Chapter 12.5 Nonmetallic Mining Reclamation and also by the Village of Caledonia Ordinance for this operation must continue to be maintained in effect. The amount of the restoration bond shall be increased to adequately cover the costs of the applicant's updated reclamation plan. The amount of the bond shall be determined by the Zoning Administrator, after

consultation with the applicant and Village Public Works Director. This new bond shall be submitted prior to issuance of the zoning permit. The amount for the bond proposed by the applicant to meet the requirements under this condition and Chapter 12.5 of the Racine County Code of Ordinances shall be reviewed for sufficiency by an engineering consultant and financial consultant retained by Racine County and the Village and the cost of services for the consultants shall be paid for by the applicant within thirty (30) days upon request by Racine County and/or the Village. Such bond shall be reviewed periodically (at a minimum every four (4) years) by Racine County and the Village to assure it complies with this condition and Chapter 12.5 of the Racine County Code of Ordinances. The bond amount shall include amounts for maintenance of water quality that is safe for fishing, swimming and recreational uses as determined by the City of Racine Health Department testing standards or a similar public health agency acceptable to the Village and Racine County. Payne and Dolan shall be financially responsible for maintaining safe water quality as determined by the City of Racine Health Department or similar public health agency until there is a transfer of ownership to an unrelated entity or unrelated third-party, and then such requirements shall transfer to such unrelated entity or unrelated third-party so long as these conditions still apply.

8. **Hours of Operation.** The permitted hours of operation for Plant Operations are 6:00 a.m. to 10:00 p.m. Monday through Friday, 6:00 a.m. to 6:00 p.m. on Saturday and none on Sunday. The permitted hours of operation for Quarry Operations (except stripping and drilling) are 7:00 a.m. to 10:00 p.m. Monday through Friday, 7:00 a.m. to 3:00 p.m. on Saturday and none on Sunday. The permitted hours of operation for Overburden Stripping are 7:00 a.m. to 5:00 p.m. Monday through Friday, 7:00 a.m. to 1:00 p.m. on Saturday and none on Sunday. The permitted hours of operation for Drilling are 7:00 a.m. to 6:00 p.m. Monday through Friday, 7:00 a.m. to 1:00 p.m. on Saturday and none on Sunday. The permitted hours of operation for Blasting are 9:00 a.m. to 4:00 p.m. Monday through Friday, 9:00 a.m. to 12:00 p.m. on Saturday and none on Sunday. The permitted hours of operation for Loadout are 6:00 a.m. to 6:00 p.m. Monday through Friday, 6:00 a.m. to 6:00 p.m. on Saturday and none on Sunday. The permitted hours of operation for Quarry Maintenance are 6:00 a.m. to 10:00 p.m. Monday through Friday, 6:00 a.m. to 10:00 p.m. on Saturday and 6:00 a.m. to 10:00 p.m. on Sunday. There are no hours of operation restrictions for Shop and Plant Maintenance.
9. **Reclamation Plan.** This approval recognizes that the reclamation plan for the subject site is being amended to incorporate the further development area as outlined in the submitted plans. Implementation of this reclamation plan must occur within three (3) years after the cessation of extraction operations.
10. **Stormwater.** The property owner or designated agent must contact the Village of Caledonia Stormwater Utility District Commission and the Village Utility Director regarding Stormwater regulations for this site. Compliance with all regulations and requirements, as determined by the Village of Caledonia Stormwater Utility District Commission and the Village Utility Director is required. Stormwater management plans shall be submitted for approval and be in compliance with all Village requirements, as

determined by the Stormwater Utility District Commission and the Village Utility Director before permits are issued.

11. **Caledonia Utility District.** The property owner or designated agent must contact the Caledonia Sewer and Water Utility District regarding Utility District regulations for this site. Specifically, the relocation of any Utility District infrastructure associated with the relocation of Charles Street. Compliance with all regulations and requirements, as determined by the Caledonia Sewer and Water Utility District Commission and the Village Utility Director is required.
12. **Engineering Department.** The property owner or designated agent must contact the Village of Caledonia Engineering Department and must comply with all regulations and requirements of the Village of Caledonia Engineering Department. Specifically, any Engineering Department requirements associated with the relocation of Charles Street and the location and construction of the proposed bike path. All costs associated with the relocation of Charles Street, including the costs of vacating a portion of Charles Street in its present location, dedication of easements and right-of-way necessary to accommodate the relocation of Charles Street, and the relocation and installation of utilities, shall be borne by the applicant.
13. **Landscaping.** Landscaping at the site must be in compliance with the submitted Landscaping Plan. The Village may require a letter of credit or bond to be posted to ensure implementation and maintenance. Landscaping shall comply with Title 16. The landscaping plan shall follow the Village of Caledonia planting requirements.
14. **Stockpiles and Berms.** Overburden and topsoil shall be stockpiled for creating the landscape berms and later final restoration. Any future stockpiles shall have side slopes of 2:1 or flatter and be seeded to prevent soil erosion. All stockpiles must have a minimum of four inches of topsoil on the surface to allow grasses to grow to prevent soil erosion. The temporary seeding of the stockpiles must be a mixture of grasses at a rate of five pounds of perennial ryegrass, 10 pounds of smooth brome and 10 pounds of tall fescue per 1,000 square feet. These stockpiles must remain until used to restore the land being mined. See the prior "WI-CPA-123" for seeding recommendations for final restoration. All landscape berms must have a minimum of six inches of topsoil on the surface prior to seeding or placing of shrubs and trees.
15. **No Accumulation of Refuse and Debris.** Any fence, wall, hedge, yard, space or landscaped area must be kept free of any accumulation of refuse or debris. Plant materials must be kept in a healthy growing condition and structures must be maintained in a sound manner.
16. **Property Maintenance Required.** A complete and thorough maintenance program must be established to insure attractiveness. The continued positive appearance of buildings and property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining and pruning all landscape planting areas including removal and replacement of dead or

diseased landscaping; cleaning up litter; sweeping, cleaning and repairing paved surfaces; and cleaning, painting, and repairing windows and building façade. All drives and parking areas shall be maintained in a dust free condition.

17. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances (a copy is attached), as adopted by the Village of Caledonia.
18. **Compliance with Law.** The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations, including Titles 9, 14, 16 and 18 of the Village of Caledonia Code of Ordinances.
19. **Reimburse Village Costs.** Applicant shall reimburse the Village all costs incurred by the Village for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.
20. **Amendments to Conditional Use Permit.** No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Caledonia's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Caledonia in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.
21. **Access.** The applicant must allow any Village or Racine County employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance. Any inspectors or visitors must follow all local, state and federal safety guidelines and shall check in at Payne & Dolan's office.
22. **Fill Material.** Only clean fill may be used for the berms on these parcels. Fill material may not contain sod, brush, roots or other perishable material. No re-bar, asphalt, scrap wood, or other types of construction debris will be permitted as fill material. Rock particles larger than three-fourths of the layer thickness must be removed from the material prior to compaction with the fill.
23. **Traffic Compliance.** The applicant is responsible for using best efforts for ensuring that truck drivers obey all posted speed limits and applicable traffic laws with the Quarry operation. Applicant shall ensure that a "STOP" sign is in place for all truck drivers entering the public road from the Quarry. Applicant shall require its drivers and the drivers of its customers to not travel on streets East of Charles Street, unless transporting materials directly to a project site. This includes coming to a full stop before entering the public roadway. The quarry driveways shall have a speed limit of no more than 15 miles per hour. Should this office receive substantial complaints that such laws are being broken, the Village of Caledonia reserves the right to seek revocation of this permit for noncompliance.

24. **Blasting.** Blasting may be conducted as a part of this operation. Such blasting shall be in accordance with the standards contained in the Caledonia blasting permit. Preblasting notifications and preblast surveys shall be offered to all residents or owners of dwellings or other structures located within the area defined by ordinance.
25. **Air Regulations.** Mineral extraction operations shall be conducted in accordance with the Federal Environmental Protection Agency and the State of Wisconsin Department of Natural Resources air pollution control regulations. Dust shall be controlled so that there are no visible emissions (0% opacity) at the boundaries of the property. The Fugitive Dust Control Plan, submitted on May 30, 2018, must be followed.
26. **Spill Prevention.** The Spill Prevention Control and Countermeasure Plan, submitted on May 30, 2018, must be followed.
27. **Deed Restriction.** As outlined in the submitted documents a deed restriction in a form approved by the Village Attorney must be recorded with the Racine County Register of Deeds office that indicates that no future mining-related activity, business park uses or industrial uses will take place east of the relocated Charles Street. The intent of this deed restriction is to ensure that future uses after implementation of the reclamation plan are compatible with residential and recreational uses. Any amendments to this deed restriction shall require approval by a vote of six of the seven members of the Village Board to be effective. A copy of this deed restriction and proof of recording must be submitted to the Racine County Development Services office prior to zoning permit issuance.
28. **Vegetated Buffer.** As illustrated on the submitted plans a vegetated buffer must be installed east of the relocated Charles Street. Also, as indicated on the submitted plans the existing tree line will be improved.
29. **Berming and Landscaping.** As illustrated on the submitted plans landscape berms must be installed west, north, east and south of the proposed further development of the limestone quarry. Also, a landscape berm must be installed east of the relocated Charles Street and south of Ellis Avenue as illustrated on the submitted plans. The berms and landscaping shall be professionally designed and installed prior to the commencement of non-metallic mining operations in the expanded area, and shall be professionally and perpetually maintained.
30. **Haul Roads.** All haul roads must be maintained in a dust-controlled condition and any dust palliatives must be Wisconsin Department of Natural Resources (WDNR) approved prior to usage. All haul roads throughout the entire quarry operation must be maintained in an all-weather, dust-free condition. When applying treatment to any access road surface, the operator must make every effort to avoid the spread of this treatment material onto the public roadway. Should such material and/or soil material be spread, carried, and/or spilled onto the public roadway, the pit operator must act immediately to mitigate

the problem. The haul roads must be provided with gates that can be locked whenever the quarry is not operation.

31. **Boundary Staking.** All excavation boundaries, phase boundaries, and wetland boundaries, if any, must be staked or otherwise marked and may be inspected by the Village or the Racine County Development Services Department prior to commencing operations under this approval. Stakes must be made of steel, fiberglass, or other suitable material as determined by this office. Signs warning of the quarry operation must be placed around the property boundaries spaced 200 feet apart. Security fencing must be placed around the entire operation. Said fencing must be installed prior to the removal of any materials from the site.
32. **Sediment.** During construction and operations this site must have roads, access drives and/or parking areas of sufficient width and length to prevent sediment from being tracked onto public roadways. Any sediment reaching a public road must be removed by street cleaning (not flushing) before the end of each workday or as determined by the jurisdictional highway authority.
33. **Contact Information.** The operator of the quarry shall provide property owners within 1,000 feet of the site with contact information, including the direct number to the manager of the quarry site during workday and non-working hours, so that concerns may be promptly addressed.
34. **Elevations.** Racine County and the Village of Caledonia reserve the right to require, with 60 days notice, a complete set of elevations including bottom of pit grades. The elevations must be taken by a registered land surveyor or a professional engineer.
35. **Reclamation Notification.** The operator must notify this office and the Village of Caledonia in writing at least 30 working days prior to final completion of site reclamation.
36. **Signage.** Any sign on this property must conform to the ordinance standards and will require a separate zoning permit.
37. **Site Restoration.** Final site restoration and the restoration bond are subject to compliance with Chapter 12.5 Non-Metallic Mining Reclamation, Racine County Code of Ordinances.
38. **Noise.** Noise levels measured at the property lines must never exceed 68 decibels, when the crushing activity is occurring.
39. **Crushing.** The crushing activity must comply with the State of Wisconsin air pollution regulations. All dust control equipment/devices on the crusher must be kept operational and must be maintained as required by State/Federal regulations.

40. **Vibrations.** The crushing activity must not emit vibrations, which are discernable without instruments, outside its premises.
41. **Jake-braking.** No “jake-braking” by haul trucks is allowed except under emergency circumstances.
42. **Compliance with Law.** The applicant must obtain all necessary federal, state, and local permits, approvals, and licenses. The applicant must comply with all applicable codes and regulations.
43. **Agreement.** Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Payne & Dolan Inc. and its heirs, successors, and assigns are responsible for full compliance with the above conditions.
44. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.