

Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> July 28, 2026		Conditional Use 02715
	<u>Zoning Amendment Requested:</u> TO CUP: Mineral Extraction		<u>Town, Section:</u> CHRISTIANA, Section 14
	<u>Size:</u> 122.2 Acres	<u>Survey Required:</u>	<u>Applicant:</u> HEPTA S INC
	<u>Reason for the request:</u> Mineral Extraction		<u>Address:</u> 450 KOSHKONONG RD.



DESCRIPTION: Bjoin Limestone is requesting a new Conditional Use Permit for non-metallic mineral extraction that replaces the existing CUP (2346 expired) and expands the current operations further to the west. The existing limestone quarry is an active site owned by HEPTA-S and operated by Bjoin Limestone.

OBSERVATIONS: The proposed site is located at 450 Koshkonong Road, northwest of the Village of Rockdale and CamRock County Park. The property is currently zoned FP-35 and there is an associated rezone petition #12303 included. The surrounding properties are predominantly zoned agricultural with minimal rural residential. American Transmission Company has an electrical substation directly to the south of the CUP. Proposed acreage affected is about 90 acres and the entrance is shown across the road from the private haul road. Majority of the site drains internally and/or to the north.

One residential homesite is located directly adjacent to the CUP, but the applicant has stated that the purpose of rezone petition 12303 is to change the zoning from residential to FP-35 in order to eliminate any future conflicts and to allow for mineral extraction uses within that area. All structures associated with the residential lot are being planned to be removed. In addition, a new Certified Survey Map will be required to be submitted and recorded to dissolve the residential lot into the larger boundary.

Operational hours are proposed to be Monday through Friday, 6:00 AM to 6:00 PM and 7:00 AM to 12:00 PM with no operations on Sunday's and holidays. Blasting is proposed to within the hours of 9:00 AM to 4:30 PM Monday through Friday. What's unique about this site is a 1 mile private road was constructed south and directly across the site entrance on the Howard Lein Farm to County Highway B in the early 2000's specifically to reduce truck traffic on town roads.

Mineral extraction is listed as an allowable conditional use in the FP-35 (Farmland Preservation) Zoning District. S. 10.222(3)(c). Importing of materials from different sites is not allowed to be processed and exported, but importing of clean fill is allowed to further achieve reclamation. Accessory uses such as stockpiling and processing of concrete and asphalt pavements for the purpose of recycling are allowed for reuse in asphalt or concrete mixtures or base course products. A new reclamation plan will be required to submitted for review as a condition of approval of the CUP.

COMPREHENSIVE PLAN: This petition is in the town's agricultural preservation planning area and is subject to the land use policies related to that designation. Mineral extraction is recognized as a conditional use in this district and the plan goals for mineral extraction are to:

- 1) require all mineral extraction operations and utilities to be functionally and visually compatible with the predominant agricultural and rural residential uses of the land; and to
- 2) limit conflicts between mineral extraction and incompatible uses.

Comprehensive plan policies also indicate that the town, *"...may require that an applicant for a mineral extraction operation enter into a binding agreement with the town detailing the applicant's responsibilities to the town for provision of services, road repairs, etc."*

Staff are unaware of any violations or complaints with regards to the existing quarry operation. Given the location and surrounding land uses, the likelihood of potential land use conflicts is limited. Pending any concerns expressed at the ZLR public hearing, the proposed CUP extension appears reasonably consistent with comprehensive plan policies.

For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

RESOURCE PROTECTION: There are no resource protection corridors on or within 300 feet of the property.

CONDITIONAL USE PERMIT DECISION MAKING: "Conditional uses" are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and determine whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant's testimony with regards to meeting the standards.

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

The quarry's operations and reclamation approach are designed to minimize environmental impacts and maintain safe site development practices. The quarry limits active mining area to a maximum 20-acre footprint. Interim reclamation measures are implemented as mining progresses to stabilize mined areas and minimize off-site impacts. The site uses gates and signage to control public access. A perimeter fence and safety berms surround the mining area and additional fencing and berms will be installed. Ingress and egress use an existing paved access road to minimize dust. A private

paved haul road connects the site directly to County Road B, allowing haul trucks to avoid town roads. Hauling on public roads is limited to roads required to access county and state highways.

2. That 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.

Mining is limited to a 20-acre active area. Impacts are minimized through phased reclamation, erosion control, and vegetative cover. Post mining land use is planned to be restored agricultural land, aligned with current and future zoning and many of the neighboring properties' existing use. A private paved haul road connects the site directly to County Road B, allowing haul trucks to avoid town roads. Hauling on public roads is limited to roads required to access county and state highways.

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.

Mining remains confined to a limited active area, impacts are minimized through phased reclamation and erosion control, and the site's return to agricultural use allows for surrounding properties to continue normal, orderly development without obstruction. The site has been operated as a mining site since around 2002.

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

Utilities, access roads, drainage systems, and other necessary site improvements are in place. Phased grading, erosion control, and stormwater practices support proper site function, allowing the conditional use to operate without requiring off-site infrastructure.

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

Ingress and egress use an existing paved access road, with traffic directed to established haul routes. A private paved haul road connects the site directly to County Road B, allowing haul trucks to avoid town roads. Hauling on public roads is limited to roads required to access county and state highways.

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

Operations follow regulations in the district, including Dane County Chapter 74 and NR 135.19, with mining limits, reclamation steps, erosion controls, and site management practices aligned with required standards for non-metallic mining activities.

7. That the conditional use is consistent with the adopted town and county comprehensive plans.

Operations follow permitted land-use designations and support long-term agricultural restoration, aligning with the Dane County future land use as part of an agricultural preservation district.

8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).

a. Explain how the use and its location in the Farmland Preservation District are consistent with the purposes of the district.

Non-metallic mineral extraction is an acceptable Conditional Use described in the Dane County Code of Ordinances, Chapter 10, Section 10.222(3). The proposed non-metallic mineral extraction is a temporary land use and once mining operations have ceased, the reclaimed quarry floor will be restored to agricultural land use. The long-term use of the property remains consistent with farmland preservation objectives.

b. Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations.

Non-metallic mining is site-specific and dependent on the underlying material deposits. Alternative locations would not contain these mineral resources. Non-metallic mining operations have been occurring at the site since 2002. The location of the quarry within Farmland Preservation Zoning district minimizes the impact of mining operations on neighboring businesses or residences, as opposed to more densely populated areas.

c. Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use.

Mining operations and subsequent land disruption will not extend beyond the limits of mineral deposits. Existing agricultural use is maintained in areas not yet mined and outside of the limits of mineral deposits. The mining operations are phased with interim reclamation occurring as mining progresses. Upon reclamation, the quarry floor will be returned to agricultural use.

d. Explain how the use does not substantially impair the current or future agricultural use of surrounding parcels zoned for agricultural use.

Non-metallic mining operations will not infringe upon the ability of surrounding parcels to remain in agricultural use. An 80' setback from property lines of other owners and perimeter fencing around the mined area will distinguish the boundary of mining operations. Adjacent agricultural operations are further protected through the implementation of erosion control measures and dust control measures. Traffic routing limits interference with local agricultural activities.

e. Explain how construction damage to remaining lands in agricultural use is minimized and repaired, to the extent feasible.

Access roads and truck haul routes are designed to minimize impacts to surrounding areas. Agricultural areas beyond the extent of mineral deposits will not be disturbed. In areas that are mined, the reclaimed quarry floor will be agricultural land use. Topsoil will be distributed evenly on the reclaimed areas to a depth of 3 to 6 inches to promote vegetation and crop establishment.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: Mineral extraction has potential nuisances that pertain to blasting, truck traffic, dust, noise and aesthetics. The applicant has submitted information regarding how those potential nuisances are handled as part of their application.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Common topics include but are not limited to, hours of operation, hours for blasting, blasting notification procedures, screening, duration, site access, and identification of haul routes.

Under Dane County Zoning Ordinance section 10.103(15), there are special requirements for mineral extraction operations to address many of the potential conflicts with the land use activity. In addition to conditions required for all conditional use permits, the Town Board and zoning committee shall impose, at a minimum, the following conditions on any approved conditional use permit for mineral extraction:

1. Topsoil shall be saved and stored on site for reclamation of the area.
2. The applicant shall receive approval of an erosion control permit prior to commencing extraction operations.
3. The Town and Committee will set an expiration date for the conditional use permit based on the quantity of material to be removed. (See staff suggested conditions below)
4. Reclamation of the site shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances.
5. The driveway accessing the site shall be paved or covered with crushed asphalt for a minimum distance of 100 feet.
6. The access have gates securely locked when the extraction site is not in operation.
7. All excavation shall be setback a minimum of 20' from any property line.
8. All excavations shall be setback to the building setback requirements from streets.
9. The Town and Committee will assign hours of operation appropriate to the particular application. [Note: Typical hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday, and 8 a.m. to early afternoon on Saturday. If there are residences nearby, hours may be more limited (e.g., start at 7:00 a.m. with no Saturday hours). (See staff suggested conditions below)]
10. There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.
11. Discharge of water from a site is limited. (See staff suggested conditions below)
12. All trucks and excavation equipment to have muffler systems that meet current industry standards for noise

abatement.

13. The operator shall meet DNR standards for particulate emissions.

14. The operator shall carry liability insurance with Dane County and the Town listed as additional named insureds.

15. The town board and zoning committee may set further reasonable restrictions on a mineral extraction operation.

(See staff suggested conditions below)

a. Blasting shall conform to Wisconsin Administrative Code SPS 307. Blasting shall occur between sunrise and sunset, as required by SPS 307. The zoning committee and town board may set further daily limits on hours when blasting may occur to minimize impact on neighboring properties.

b. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.

c. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.

d. In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.

TOWN ACTION: Approved with a 10-year limit as per the town board action report.

STAFF RECOMMENDATION: The contents of this staff report summarize the information provided by the applicant. As part of the conditional use permit process, the public has an opportunity to provide additional information and raise concerns. Concerns raised will need to be addressed by the applicant.

Pending any comments at the public hearing, the Committee will need to make findings of fact as to whether the proposed CUP will meet the applicable CUP standards outlined above in the decision-making section.

Below is a list of conditions as required under both sections 10.101(7)(h) (standard conditions applicable to all CUPs), and section 10.103(15) (special requirements for mineral extraction) of the zoning ordinance that will need to be part of the conditional use permit, if approved. Additional conditions or alterations to the conditions recommended below may be needed to address concerns raised at the public hearing.

1) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions:

2) 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 or Uniform Dwelling Code.

3) 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.

4) Any ongoing business operation 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.

5) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.

6) All vehicles and equipment must access the site only at the approved location identified in the site plan and operations plan.

7) Off-street parking must be provided, consistent with s. 10.102(8).

- 8) If the town engineer determines that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 9) 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.
- 10) The owner 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.
- 11) 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.
- 12) 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.
- 13) Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter 74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.
- 14) The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
- 15) The permit period shall be ten (10) years from the effective date as per town board action report.
- 16) Open excavation area shall not exceed twenty (20) acres.
- 17) Reclamation shall be completed within one year after operations have ceased and shall be phased according to the operations and reclamation plan.
- 18) Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards:
- a) Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan.
 - b) Final slopes shall not be graded more than 3:1 except in a quarry operation.
 - c) The area shall be covered with topsoil and seeded to prevent erosion.
 - d) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County
 - e) Highwalls shall be free from falling debris, be benched at the top, and certified by a civil engineer to be stable.
- 19) Solid waste dumping is prohibited.
- 20) The driveway(s) accessing the subject site shall either be paved or covered with crushed asphalt for a minimum distance of 100 feet from the public right-of-way. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust, debris or mud tracked onto public roads.
- 21) 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."

22) All surface and subsurface operations shall be setback a minimum of 20' from property lines that do not abut a public right of way. Operations shall adhere to the conditional use permit boundary as shown on the operation plan.

23) Excavations below the grade abutting Koshkonong Rd. shall be setback 30 feet from the property line.

24) Subject to State Statute 66.0441(3)(c), hours of operation shall be as follows:

a. Operations shall be limited to 6:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 AM to 12:00 PM on Saturday's. There shall be no operations of any kind on Sundays and holidays. Holidays are to include: New Year's Eve, New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve, and Christmas Day.

b. Crushing of stone shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Friday. Crushing shall not be permitted on Saturday, Sunday or legal holidays.

d. For Wisconsin Department of Transportation (WisDOT) projects, hauling/transport of material will occur 24 hours per day/7 days per week, with the exception of Sunday evenings. Hauling for local municipal and/or commercial projects will be limited to 6:00 a.m. to 6:00 pm Monday through Friday and 7:00 a.m. to 12:00 pm on Saturday.

25) 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.

26) There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.

27) Any water pumped off-site shall be in accordance with Wisconsin DNR Stormwater Discharge requirements. There shall be no dewatering of groundwater from the site for operations below the water table.

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

29) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.

30) Dane County and the Town shall be listed as additional named insureds on the operator's 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.

31) Blasting:

b) Blasting shall be limited to Monday through Friday, 9:00 AM to 4:30 PM only. No blasting shall occur on the weekends or holidays.

c) Notice of Blasting Events. Prior to any blasting event, operator to notify the Town of Christiana Clerk, affected neighbors of blasts and to offer pre-blast surveys to nearby residents. Notice shall be provided to nearby residents as described in SPS 307, Wisconsin Administrative Code. In addition, the operator shall maintain a list of residents within ¼ mile of the site who wish to be notified of blasts. Residents need to communicate with operator regarding such requests.

d) All blasting on the site must conform to all requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations.

e) Fly rock shall be contained within the permitted mineral extraction area.

32) Any fuel storage on-site shall comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment. All excavation equipment and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.

33) In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.

34) CUP #2715 is limited to Bjoin Limestone and is non-transferrable to a different operator.

35) Berms and landscaping shall be established and maintained.

36) Noise Limitation shall not exceed 75 decibels at a point 100 feet away from the property line. The decibel level shall be measured in DbA for average over a 15-minute period.

37) Back-up alarms - The on-site traffic flow shall be designated to establish minimal backing up of vehicular traffic during normal work operations. Whenever possible, the operator shall utilize alternatives to standard backup beeps, for instance, those making a sweeping sound if approved by MSHA.

38) Engine breaking is prohibited for all vehicles either entering, leaving or driving onsite.

Please contact Dan Everson at (608) 267-1541 if you have questions about this petition or staff report.