



# Dane County Planning & Development

## Mining Regulatory

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Date: June 24, 2025

To: Zoning & Land Regulation Committee

From: Daniel Everson, Land Division Review

Re: CUP 2582 – Mineral Extraction  
Town of Rutland, Section 28  
Property owner/Operator: K & D Stone (Kevin Hahn)

### **DCCO 10.101(7)(g) Revocation of Conditional Use Permit.**

1. Application for a conditional use permit constitutes consent to inspection of the permitted premises by the zoning administrator or designee to assure permit compliance.
2. If a landowner or holder of the conditional use permit is found to be in violation of the permit conditions, the landowner or holder of the permit shall be notified in writing of the said violation(s) and given 10 days to correct the violation.
3. If the violation is not corrected within the assigned correction period, a report shall be filed with the zoning committee documenting the violation.
4. If the zoning committee finds that the conditions stipulated in the conditional use permit are not being complied with, the zoning committee, after a public hearing, may revoke the conditional use permit. Appeals from the action of the zoning committee may be as provided in s. 10.101(7)(d).

10.101(7)(h)(2)(a) xii.

2. Conditions.

a. Standard conditions.

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 Zoning and Land Regulation Committee conditionally approved CUP 2582 on March 14, 2023.

On June 22, 2023, the Board of Adjustment heard appeal #3724 which was an appeal by Rutland Citizens United, U.A., Pamela J. Marr-Laundrie, and Henry Spelter appealing the decision of the Dane County Zoning and Land Regulation Committee regarding approval of conditional use permit 2582. The BOA approved conditional use permit 2582 with conditions as modified.

- *Amend condition 21 to be subject to State Statute 66.0441(3)(c).*
- *Append condition 38 to read, "Upon 24 hour notice to conditional use permit operator, operations must cease during interment at the Graves Cemetery."*

Several inspections have occurred at the subject property since the approval of the CUP either to go over various concerns from citizens of Rutland or to follow up with the conditions of the CUP with the operator. Inspections pertain to the dimensions of berms, fencing, landscaping, material tracked out onto Center Road, stormwater issues, erosion control measures and fill material being brought into the site.

On June 8, 2025, our department received a complaint with videos and photos. The complaint is in regards to the operations outside of the approved hours, open gate, dust and debris in the town road, landscaping concerns on the Center Road berm and operations being conducted while a funeral was in procession at the Graves Cemetery on May 23, 2025.

On June 9, 2025, I conducted an inspection and to go over the concerns of the complaint with the operator.

#### Cemetery concerns

Condition #38 states: Upon 24-hour notice to conditional use permit operator, operations must cease during interment at the Graves Cemetery.

According to Kevin Hahn, the cemetery or whoever was overseeing the funeral did not contact him or provide any notice. Our office did not receive a complaint from anyone that was a part of the funeral proceedings. The operator has no issue with ceasing operations as long as notification is communicated to him ahead of time. I believe communication can be improved between the cemetery association and the operator, if warranted.

#### Center Road berm concerns

Condition #31 states: Berms and landscaping shall be established and maintained. A permanent 8-foot minimum berm shall be located along Center Road. The berm shall be planted with an EVERGREEN Tree (min 4' B&B) every 50 feet.

I have been monitoring the landscape and evergreen plantings of the Center Road berm for two years now. Prior to the recent complaint, I have directed the operator to either replace any dead or unhealthy evergreen trees and have encouraged additional plantings of evergreen trees. I will be following up on this issue in 2 weeks (June 23, 2025). As for the concern for noxious weeds, I would recommend the town to get involved. Some townships may regulate noxious weeds in their ordinances. As of June 18, 2025, the issue with landscaping/trees had not been completed.



One of the evergreen trees planted 2 years ago.



Example of a landscaped berm at a mineral extraction site in the town of Oregon



#### Operations outside of approved timeframes

Condition #21 states: Hours of operation shall be 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturday. Hours for warm-up are 6:30 a.m. to 7:00 a.m. Monday through Friday, and 7:30 a.m. to 8:00 a.m. on Saturdays. Only maintenance of equipment (no blasting, crushing, trucking, stockpiling, etc.) is allowed on Sundays. There shall be no operations of any kind on 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.

According to Kevin there was maintenance of two different pieces of equipment on that particular day and time. Maintenance is mentioned specifically in condition #21 and county staff feels that this is defined to Sunday's only. I will communicate to the operator that maintenance is only allowed during the approved operational hours and/or on Sundays.

#### Debris/dust on town roads concerns

Condition #17 states: 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.

It is the responsibility of the operator to remove debris and keep the roads in good condition throughout the day. The times that I have been on site or conducted an inspection this year, I have never noticed the driveway or town road to be in disorder.

#### Open gate concerns

Condition #18 states: 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."

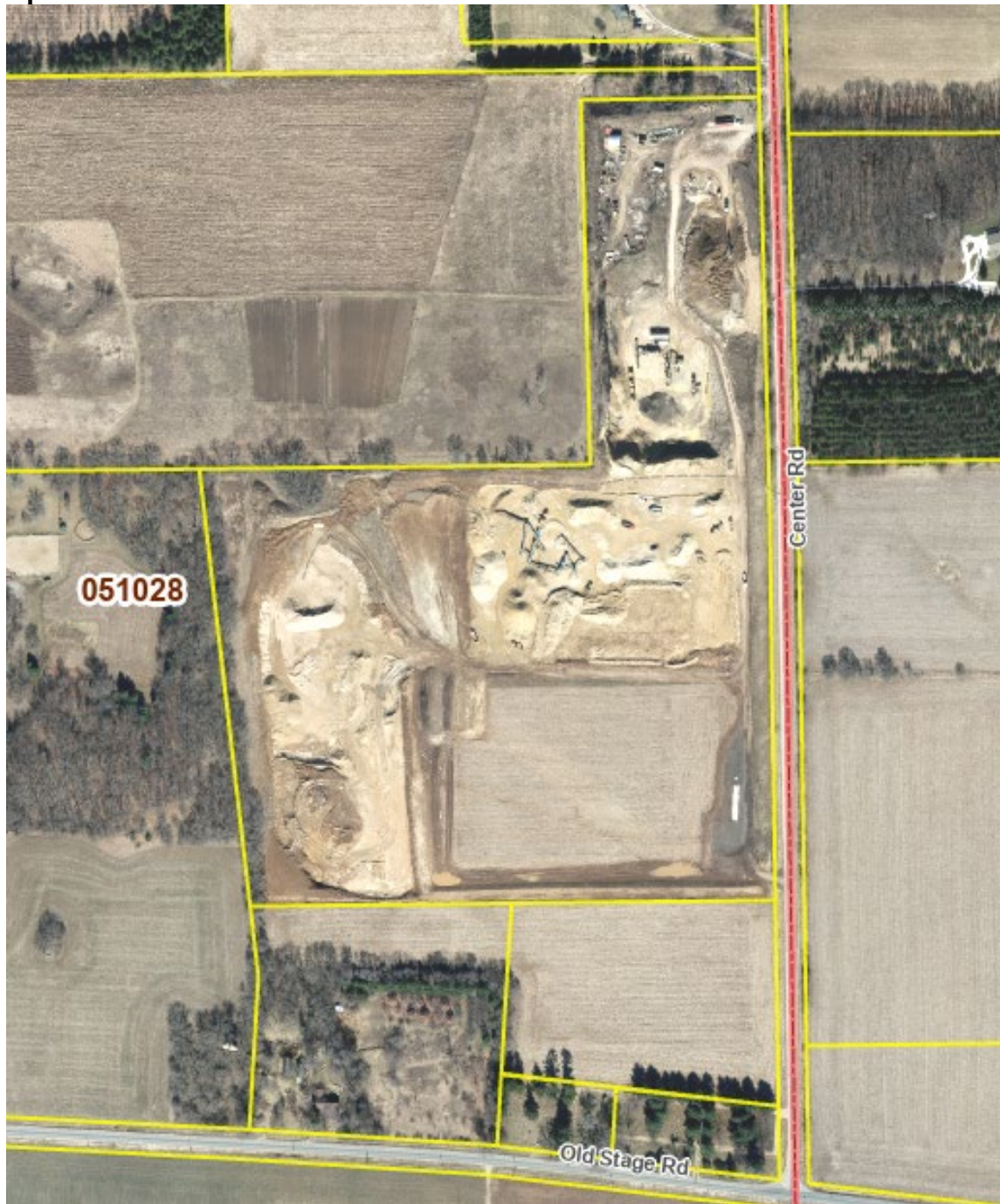
On June 20, 2025, I received another complaint with regards to the gate left open and not locked after the approved operational hours. See attached photo.



K&D Stone open after hours 6/17/25  
Add a Caption 7:20pm

Tuesday • Jun 17, 2025 •  
7:20PM

April 2024



Spring 2022

