AXLEY ATTORNEYS

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MEMORANDUM

TO: Dane County Zoning & Land Regulation Committee

FROM: Attorney Mitchell Olson

RE: K&D Stone
Dane County CUP 2582
Our File No. 26199.85032

DATE: August 28, 2025

CC: Roger Lane, Zoning Administrator; Dan Everson, Asst. Zoning Administrator

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In anticipation of the ZLR Committee Meeting of September 2, 2025, the CUP holder, K&D Stone, submits the following position statement. We respectfully request that the ZLR Committee take NO ACTION to revoke the subject CUP.

MEETING PROTOCOL

We have made a formal request through Zoning Staff and Corporation Counsel for an allotment of up to 45 minutes to present to the Committee directly through the owner, Kevin Hahn, his engineer, and his attorney. Dane County Corporation Counsel David Gault has recommended approving this request. The presentation will be focused on the issues at hand and efficient as possible.

ZONING STAFF LETTER OF JULY 29, 2025

The attached letter was sent by County Zoning Staff to K&D Stone on July 29, 2025. It lists seven (7) "ongoing violations" and a "possible solution" for each. Staff has included this letter with their September 2, 2025 Report to the ZLR.

K&D Stone responds to each of the seven (7) items below:

I) Operations Plan

The Operator disagrees with the alleged non-compliance in the following respects:

First, the original plan was reasonably followed as to staging. A quarry is not a linear operation with discrete areas of activity. Here you have varying demand levels for different aggregate materials, including sand and limestone. Those materials are not in the same locations within the quarry. The Operator needs to go where the material is located to supply its customers.

In this case, the demand for sand was high and the sand resource had to be extracted further to the south. It is completely unrealistic to forbid an operator to move to a new phase to extract sand until all other material (e.g. limestone) was depleted from the prior phase. Yet, that is what is suggested here.

The operator did not jump ahead or randomly open areas of the quarry without following the general terms of the original operating plan. All open areas are in fact needed for operations and extraction of aggregates.

Second, in terms of "fill" material, we need to set the record straight. There was no "solid waste" disposal on site with the exception of a load or two of mixed material that was mistakenly received on one occasion and observed by Dan Everson. On this topic, note the following:

- As admitted by staff in their Memo of 12/17/24:

  "I mentioned to the operator that any type of building materials that isn't allowed must be removed. Various types of stone is allowed, whether it is manmade or naturally made like boulders or rocks. The operator must monitor every load that comes into the site to verify the types of materials being dumped.

  I did not see anything egregious that would constitute a violation. I also had conversations with Wisconsin DNR staff that oversee the reclamation program and solid waste division at the state level to get their thoughts on this issue. These types of building materials are allowed to be used as fill within a non-metallic mining site.

  ***NR 500.08(2)(a), Wisconsin Adm. Code* considers clean fill to be clean soil, brick, building stone, concrete or reinforced concrete no painted with lead-based paint, broken pavement, and wood not treated with preservatives or lead-based paint.**

  The original CUP application materials does mention that the site will accept general fill: 'The site will also accept general fill from offsite to aid in reclamation of the site – materials will include but not be limited to topsoil and general fill –

no trash or solid waste is accepted… Finally, note that concrete and asphalt will also be accepted to recycled as noted in Appendix D – Aggregate Products List."

As per *10.004(99)3, Dane County Code of Ordinances*, Importing and dumping of clean fill materials is an accessory use of Mineral Extraction. In addition, under *10.004(99)2*, stockpiling and processing of concrete and asphalt pavements for purpose of recycling for reuse in asphalt or concrete mixtures or base course products is allowed as an accessory use in Mineral Extraction.

- There is only one instance of mistaken acceptance of construction waste material. A notice was given and complete corrective action was made immediately to dispose of that material. The operator recently took test pits in the stock piles at issue, and they were found to be clean. (Exhibit A) There is no repeated or existing violation. All other material accepted at the site was done lawfully per the CUP and County and State law.

Third, in terms of berms, see part VI below. All berms are in compliance. The only specific violation as to planting of evergreen trees to replace dying trees was corrected in a timely nature by the set deadline. There is no other Dane County Standard for berms appearance that was ever in violation.

Fourth, topsoil was always permitted to be brought in per the CUP Operation Plan. See above:

"The site will also accept general fill from offsite to aid in reclamation of the site – materials will include but not be limited to topsoil and general fill – no trash or solid waste is accepted…" The CUP did not prohibit sales of topsoil.

Fifth, in terms of stormwater, a design to control stormwater at the Southwest portion of the property was installed and later found deficient. All other portions of the site were adequately addressed for stormwater. No significant off-site stormwater impacts were ever reported / observed. Operator was advised of the deficient condition by notice dated July 22, 2025. Operator immediately addressed the stormwater issue and installed a new system to completely control water on site. See Report from Snyder Associates confirming this was addressed.

Finally, in terms of the "SOLUTION," Operator has hired an engineer, Scott Anderson, PE, with Snyder & Associates, Inc. He has created an updated Operations Plan with respect to development of the site. Please see the attached Plan Sheet and Narrative at Exhibits B and C.

II) WDNR / State Approvals

There are no current objections, notices of violations, or other issues raised by WDNR as to any permits issued for this operation.

The comment about approval for a "second stormwater discharge point" is not true.

The comment about stormwater "pumped" off site to the Center Road ditch is not true.

The Report from Snyder & Associates addresses these allegations. (Exhibit C)

Additionally, the operator, on his own accord, requested that Mr. David Vriezen, State Mining Inspector, State of Wisconsin, Department of Safety and Professional Services, review the subject quarry. Mr. Vriezen's report is attached as Exhibit D. He opines that **"this mine site is well-operated and its management is taking positive steps to be a responsible neighbor."** (emphasis added)

Interestingly, State Mining Inspector Vriezen commented:

- "Fencing and berms around the site were in good repair."
- "Berms were well constructed and maintained at this visit."

See Exhibit D.

III) Solid Waste and Fill Material

This is discussed under Part I, above. To address Staff comments here:

First, all topsoil from the original site has been saved for reclamation.

Second, there is no violation to have a stockpile of topsoil. The CUP application called for it and the CUP did not prohibit it. This never was a violation. Operator believes recycling and sale of topsoil was called for in the CUP application. (Exhibit D)

Finally, in terms of the "SOULTION," the proposal is directly contrary to the Staff's prior findings, County and State law, and the CUP application materials. The CUP does not prohibit the acceptance of allowable fill.

IV) Erosion Control / Stormwater

This is discussed under Part I, above. All corrective action has been made in a timely fashion.

Finally, in terms of the "SOLUTION," operator has hired Snyder & Associates to address and confirm compliance with stormwater and all related permits. (Exhibit C)

V) Reclamation Plan

The reason for opening the site to the degree at present was explained in Part I, above.

Finally, in terms of the "SOLUTION," operator is adding acreage and planting same in winter wheat to comply. The new Operations Plan and Narrative from Snyder & Associates addresses same. This is in addition to farmland already in crop planting for the 2025 season. (Exhibits B and C)

VI) Berms/Landscaping

The CUP standards set forth specifications for height, location, evergreen tree planting, and side slopes. The only deviation at any time was evergreen trees, which in some instances did not prosper and needed replacement. When operator was given a notice of correction, he timely added more than enough new evergreen trees of adequate size and health.

Finally, in terms of the "SOLUTION," Operator has hired Snyder & Associates and worked with them to make additional corrections to enhance the berms. Please see their report. (Exhibit C) While operator does not believe it is necessary; he will hire a landscaping firm to help monitor the berms going forward if that remains a concern.

VII) Volume of Truck Traffic

There is no condition in the CUP addressing truck traffic or limiting the number of trips per day. There was never a notice of violation of the CUP directly finding a CUP violation due to truck traffic. There is, accordingly, no basis to revoke this CUP because trucks are coming and going at this quarry.

The Town of Rutland has decided, on its own accord, to post almost all roads in the vicinity of this property as Class B highways. Truck traffic is forcibly funneled to Old Stone Road, County Hwy A, and State Hwy 138. It is this Town dictated restriction that now causes more traffic impacts on select property owners.

Further, overall business and truck traffic to this quarry is down considerably in 2025 versus 2024. The aggregate market is cyclical and project-dependent. There are multiple other quarries in this neighborhood competing for business. They likely decrease traffic from this quarry but may cause their own traffic instead.

Moreover, it needs to be noted that the vast majority of trucks delivering legal material to the quarry are also taking a load of aggregate out of the quarry in the same visit. No "extra traffic" is so generated. To forbid such in and out loads is nothing but economic punishment. Fill is needed at this site for future reclamation. It can be managed on site during the life of the quarry. Forcing

all fill to arrive only at the reclamation phase just pushes the truck loads into the future and makes reclamation more expensive and longer in duration.

There also have not been known / disclosed complaints about "truck traffic" shared with operator over the past 2 years.

Finally, in terms of a "SOLUTION," stopping all delivery of legal material has no basis in the CUP or law. It is patently unfair to punish this operator for operating his business within the scope of his permit.

NEW ZONING STAFF REPORT OF SEPTEMBER 2, 2025.

This Report alleges that operator "in general has failed to implement and follow approved operations plan." However, out of all aspects of the operations plan, only two items are cited, berms and stormwater control. Both have been discussed above at length. It is not fair to suggest the entire operation is "generally" in violation.

For the Berms, overall, there is no evidence of any damage to property of others. While vegetation management on the berms was not ideal, the berms are in compliance at this time. Moreover, there was never an instance of a formal notice of violation and demand for cure which was not timely addressed and compliance achieved.

For the Stormwater, the Operator has addressed all stormwater issues. 100% of stormwater is captured onsite per Snyder & Associates. The new stormwater pond that was installed by K&D Stone captures the 500-year storm for stormwater runoff and conveys the water to the sand pit area. The water then dissipates via infiltration into the ground. There is no evidence of damage to the environment from any small quantities of stormwater that may have been missed under prior control mechanisms.

CURRENT STATUS OF COMPLIANCE WITH CUP 2582

Operator previously submitted a Memo on July 21, 2025, addressing compliance with the listed 38 conditions in the subject Conditional Use Permit #2582, for non-metallic mineral extraction. An updated memo is attached as Exhibit E.

FINAL STATEMENT TO ZLR

This is a matter driven by complaints. This CUP was vehemently opposed when it was presented before the Town of Rutland and Dane County, including 2 times before the ZLR where it was approved each time. The neighbors have never accepted that this quarry should be at this location. The neighbors patrol Center Road looking for any evidence of any possible violation.

For example, they complain to the County about operations during a funeral service at the adjacent cemetery despite the fact that no one told the operator about the funeral. And Staff perpetuates such complaints knowing the operator had no knowledge of the funeral and the Town caused the problem. Unfortunately, no matter what the operator does, these complaints are unlikely to change.

However, the County is not beholden to a few vociferous persons choosing to complain at all possible opportunities.

The County's Code, at sec. 10.101(7)(g), requires that the County administrator give written notice of a violation of permit conditions and 10 days to correct the violations. There is not an instance here where the County has documented a violation, issued a formal written notice with right to cure, and shown non-compliance after 10 days.

Moreover, the nature of the alleged violations here are limited, have not caused harm to 3rd persons or the environment, and have all been corrected.

Conditional Use Permits in Wisconsin are now governed by Act 67 and its "substantial evidence" standard. The expert report from Snyder & Associates offers clear and convincing substantial evidence of compliance with the CUP. Operator contends that a CUP cannot be revoked based on the substantial evidence in the record.

Revocation of a permit for a nonmetallic mine means shutting it down. All employees are terminated. All contracts for materials for ongoing jobs are breached. Projects will be delayed. Hundreds of thousands of dollars in investments in this property will be lost. The County would force premature closure and reclamation of a valuable and existing aggregate site before its useful life was exhausted.

The County is also reminded that the operator, in good faith, released his legal non-conforming use status on the original quarry parcel as a condition to obtain this CUP. Premature revocation of this CUP creates a significant legal issue as to future rights to the original quarry parcel.

This operator has taken serious steps, and made substantial investments, to address any concerns and lay out a clear plan for operations going forward. Operator realizes that future operations need to be professional and compliant with the CUP. Operator respectfully requests an opportunity to continue his operations at this site.

We look forward to meeting with the Committee at the upcoming hearing.

Mitchell R. Olson
Attorney

EXHIBIT
A

Test Pit #1

Test Pit #1

Test Pit #1

Test Pit #2

Test Pit #2

Test Pit #2

Test Pit #2

Ditch

TAB C

Ditch

Ditch

Ditch

Ditch

TAB D

Berm

Berm

Berm by Spelter – New Topsoil added. Seeded & Mulched

Berm by Spelter – New Topsoil added. Seeded & Mulched

Berm by Spelter – New Topsoil added. Seeded & Mulched

Berm by Spelter – New Topsoil added. Seeded & Mulched

EXHIBIT

B

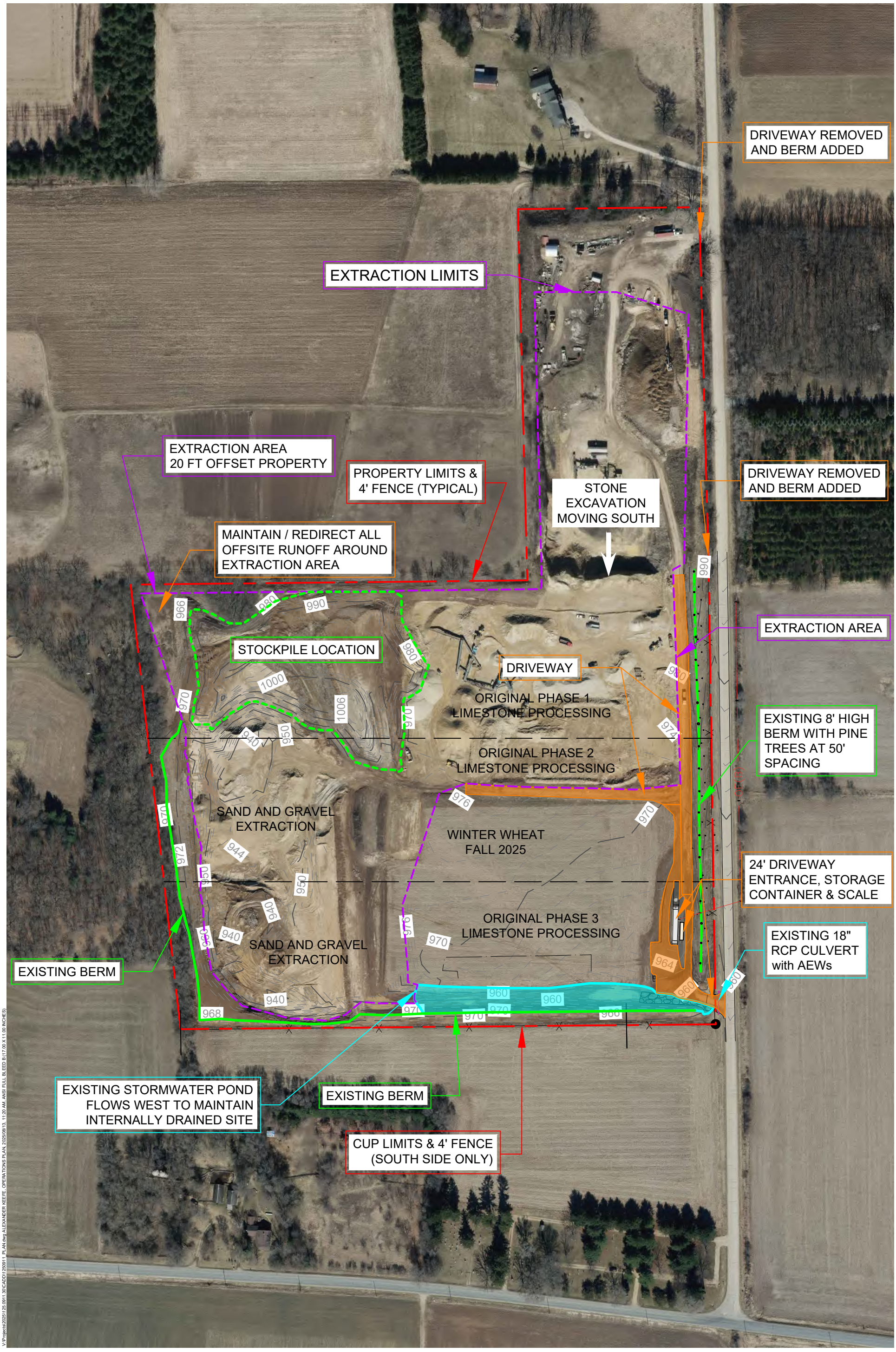

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EXHIBIT

SNYDER & ASSOCIATES

0 200 FEET

N

OPERATIONS PLAN

K&D STONE | TOWN OF RUTLAND, DANE COUNTY, WI | 08/13/2025

EXHIBIT
C

SNYDER & ASSOCIATES

IOWA | MISSOURI | NEBRASKA | SOUTH DAKOTA | WISCONSIN

Memorandum

To: Dane County Zoning & Land Regulation Committee

Date: 8-27-2025

From: Scott Anderson, PE

CC: Kevin Hahn, K&D Stone
Mitchell Olson, Axley Brynelson LLP

RE: CUP 2582 – Mineral Extraction/Summary of Violations
Town of Rutland, Section 28

Please regard this memo in response to the July 29th , 2025 letter that was addressed to K&D Stone from the Dane County Planning & Development Mining Regulatory Department. That letter had 7 items that were to be addressed by K&D Stone. Please see those seven items and responses below.

OPERATIONS PLAN

Solution: The operator would need to hire a civil engineer to develop an operations plan and phased grading plan to provide a clear direction of the development of the site. The plan will need to address site regrading for internal draining, seeded buffer areas, and drainage paths. The plan would be reviewed and approved by Dane County.

Response: K&D Stone hired Snyder & Associates on July 24th, 2025 to assist with updating the existing operations plan. We toured the quarry operation, took notes, took photographs, and conducted an onsite topographic survey. Based on this information, we have constructed an updated operations plan in early August. Please see the attached updated operations plan for review.

DNR APPROVALS

Response from the DNR - The Wastewater and Storm Water Programs have been in communication with the permittee regarding the compliance monitoring and reporting requirements of the permit and have no active enforcement actions with the facility. It appears the operator has received approval for a second stormwater discharge point near the new access point. This was not shown on the original operations plan and staff does have

concerns with the amount of stormwater being pumped off site to the Center Rd. ditch which flows to the Grave's Cemetery.

K&D Stone will not be discharging any stormwater to the southern access point that abuts the Center Road right of way. A new stormwater pond, complete with new paving at the entrance will prevent any stormwater runoff from leaving the site. We have attached a short form stormwater report to this memo showing the installed pond and stormwater routing. The quarry will be internally drained with all stormwater captured. This area was topographically surveyed and modeled to ensure no stormwater leaves the site. The swale and capture area are sized to handle the 500-year Storm event.

SOLID WASTE and FILL MATERIAL

Solution: The operator will need to discontinue the acceptance of solid waste material (bricks, masonry block, building materials).

Snyder & Associates has no comment on this item at this time.

EROSION CONTROL/STORMWATER VIOLATIONS

Solution: The operator would need to hire a civil engineer to develop an operations plan and phased grading plan to provide a clear direction of the development of the site. The plan will need to address site regrading for internal draining, seeded buffer areas, and drainage paths. The plan would be reviewed and approved by Dane County.

Response: K&D Stone hired Snyder & Associates on July 24th, 2025 to assist with updating the existing operations plan and to ensure the recent stormwater pond that K&D Stone installed is adequately sized. The pipe that was originally in the south berm has been removed. Snyder & Associates performed a topographic survey and generated stormwater computations based on the survey. the quarry operation, took notes, took photographs, and conducted an onsite topographic survey. Based on this information, we have constructed an updated operations plan in early August. Please see the attached updated operations plan for review.

RECLAMATION PLAN

Solution: The operator should return a portion of the site to an agricultural use within 6 months.

A portion to the south has been planted with corn this year. The remainder of the field will be planted with winter wheat this fall.

BERMS/LANDSCAPING

Solution: The operator would need to hire a landscaping company to address the inadequate landscaping and plantings of the berms and to address on how the berms and landscaping will be monitored. The landscape company would maintain all berms and non- excavated areas with vegetation to prevent erosion and invasive plant species.

The grass berms have been mowed, weeded, and maintained. K&D Stone hired Hamacher Lawn Care in conjunction with self performing some of the work themselves. Please see the pictures that were taken at the site on 8/27/2025 of the berms at the end of this memo. The berm was topographically surveyed by Snyder & Associates, which did confirm that the berm was 8' tall from the invert of the Center Road ditch and that the pine trees were spaced at 50' in length.

VOLUME of TRUCK TRAFFIC

Solution: The operator should discontinue the acceptance of any material to the site in order to reduce truck traffic to a reasonable level.

Snyder & Associates has no comment on this item at this time.

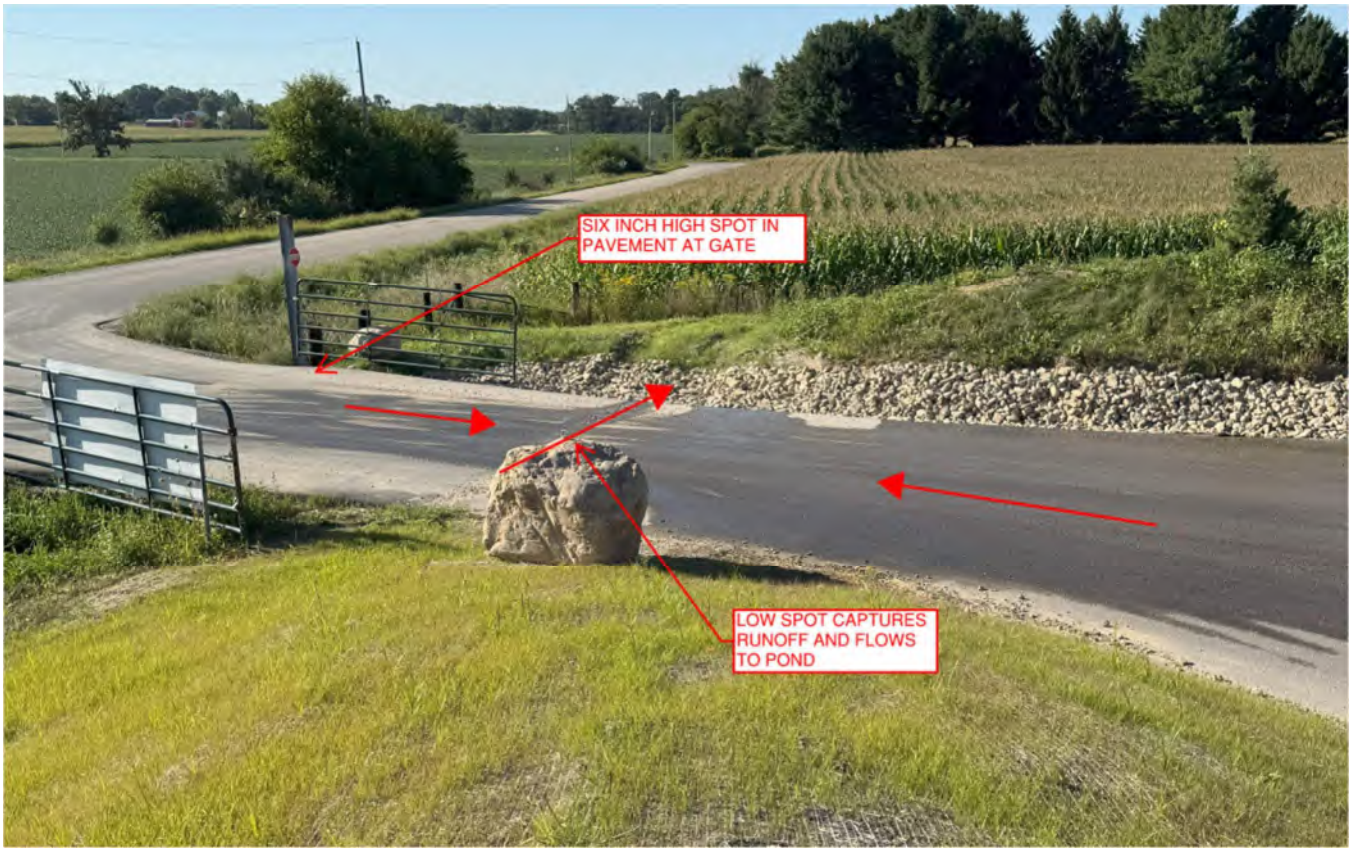
Standing on berm looking south towards Center Road.

Standing in quarry looking at inside slope of berm. Facing northeast.

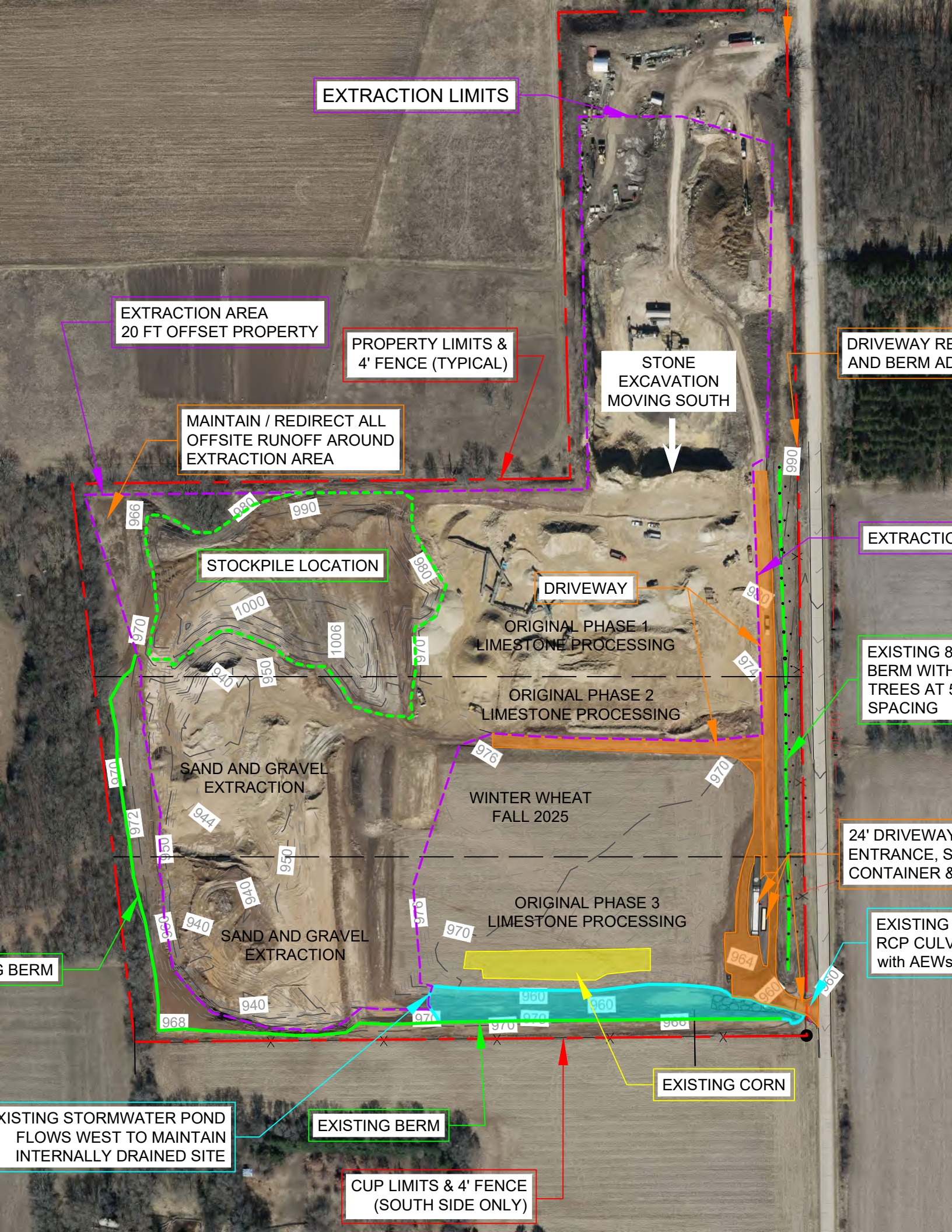
Standing on berm looking to the north. Center Road is to the left or east.

Berm at the entrance. The new grass is getting established.

Looking at newly installed stormwater pond. The main entrance is just off the page to your right. Surveyed elevations show that water is captured and heads to the west to ultimately dump in the sand mining area. No stormwater currently leaves the site.



On berm looking south at entrance grading. Grades are set up so no stormwater leaves the site.


EXTRACTION LIMITS
EXTRACTION AREA
20 FT OFFSET PROPERTY
PROPERTY LIMITS &
4' FENCE (TYPICAL)
STONE
EXCAVATION
MOVING SOUTH
DRIVEWAY RE
AND BERM AD
MAINTAIN / REDIRECT ALL
OFFSITE RUNOFF AROUND
EXTRACTION AREA
EXTRACTIC
STOCKPILE LOCATION
DRIVEWAY
ORIGINAL PHASE 1
LIMESTONE PROCESSING
EXISTING 8
BERM WITH
TREES AT 5
SPACING
ORIGINAL PHASE 2
LIMESTONE PROCESSING
SAND AND GRAVEL
EXTRACTION
WINTER WHEAT
FALL 2025
24' DRIVEWAY
ENTRANCE, S
CONTAINER &
ORIGINAL PHASE 3
LIMESTONE PROCESSING
EXISTING
RCP CULV
with AEWs
G BERM
SAND AND GRAVEL
EXTRACTION
EXISTING CORN
XISTING STORMWATER POND
FLOWS WEST TO MAINTAIN
INTERNALLY DRAINED SITE
EXISTING BERM
CUP LIMITS & 4' FENCE
(SOUTH SIDE ONLY)

Memorandum

To: Kevin Hahn **Date:** 2025-08-13

From: Alex Keefe

CC: Scott Anderson

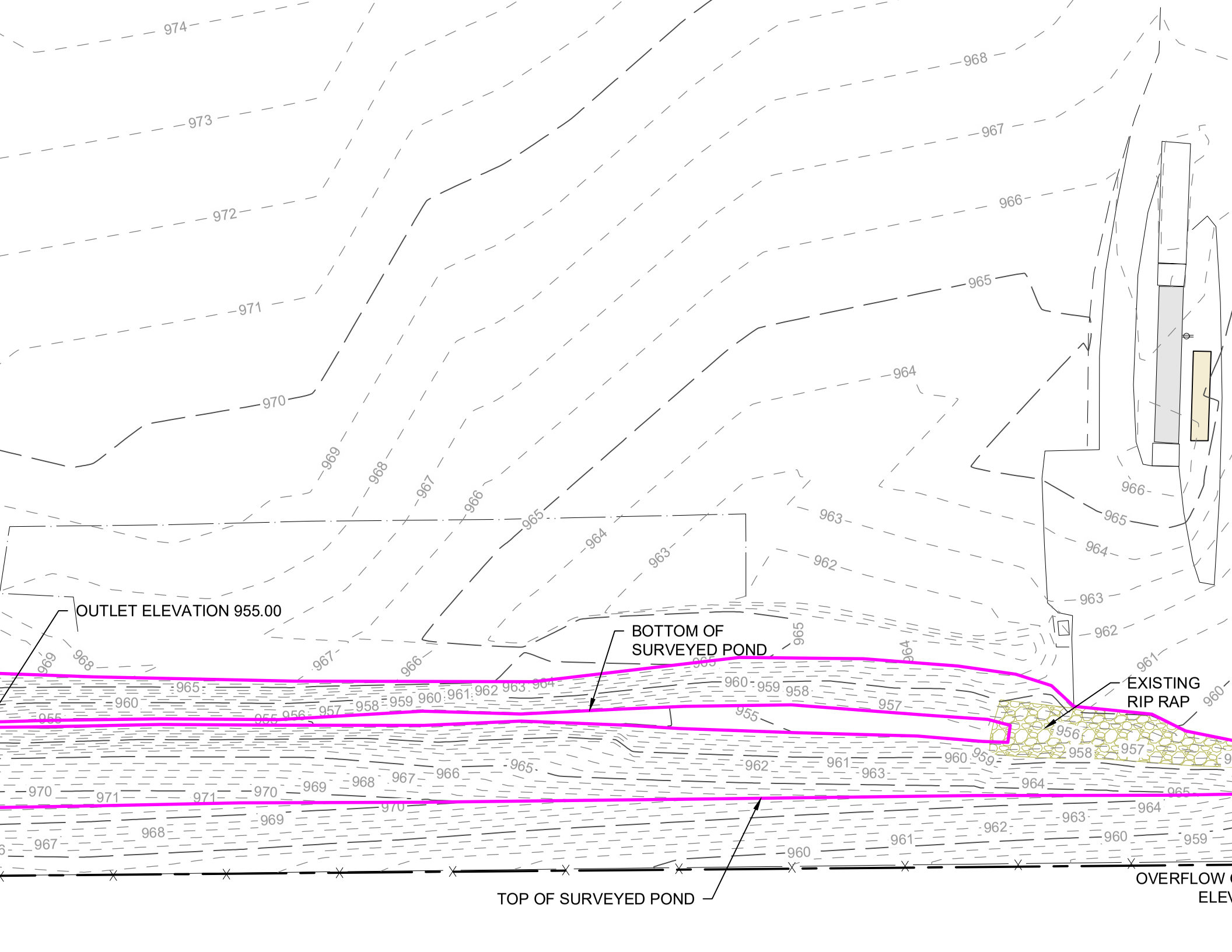
RE: Stormwater Management K&D Stone

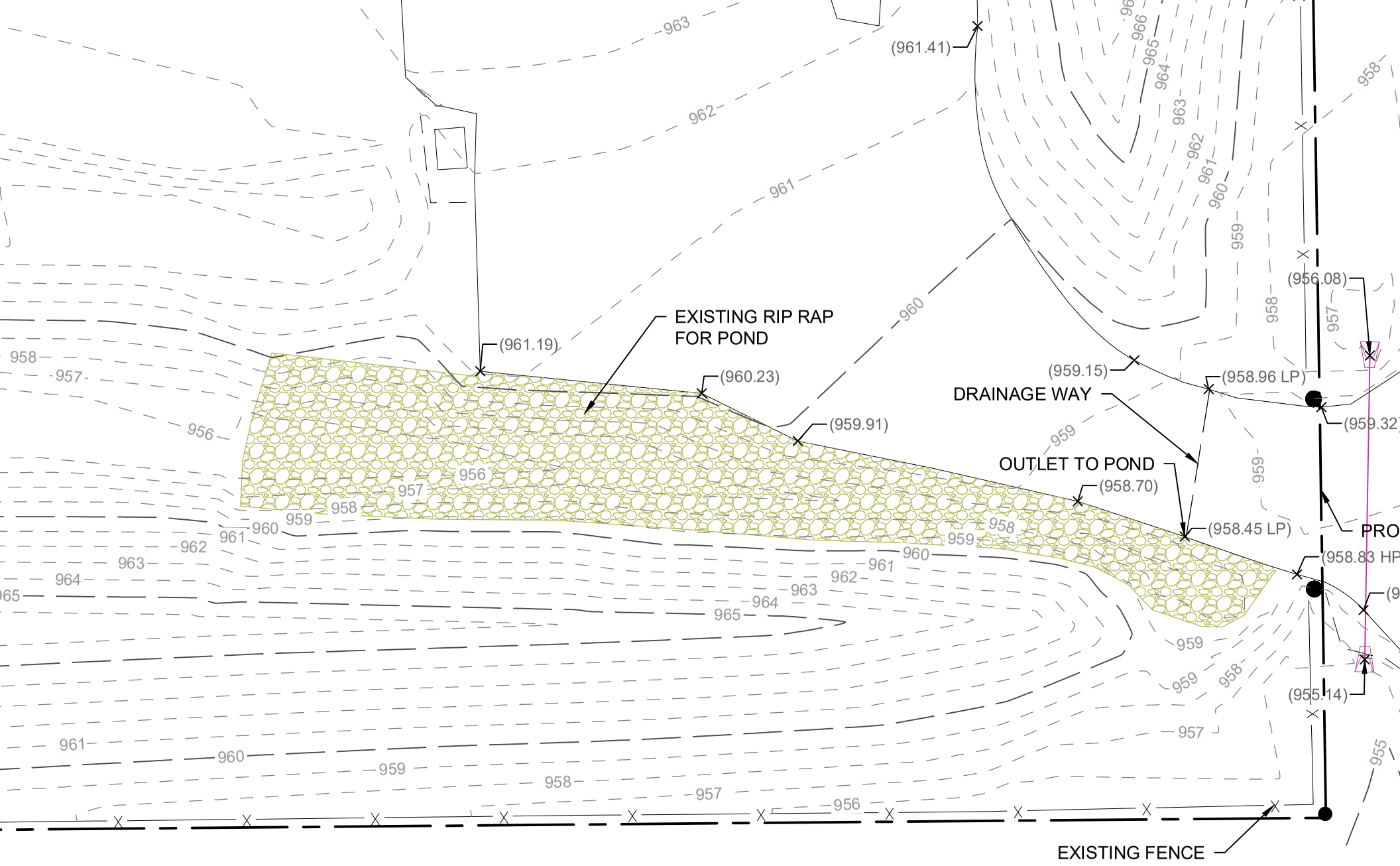
The K&D Stone quarry is located in the Town of Rutland at 345 Center Road. The purpose of this stormwater management memo is to demonstrate that the site is internally drained. There are berms around the entire site to prevent water from flowing offsite except the water on the backslopes.

There is only one entrance and it is built to contain the water on site. There is an asphalt swale graded with a ridge near the location of the gate to prevent water from flowing offsite through the driveway. This swale is designed to flow into the stormwater pond, which is located along the south property line. This pond will then outlet to the southwest corner of the site, which is approximately 940.

A pond exhibit, driveway grading exhibit, drainage map, and the hydrocad calcs are attached. The parking lot swale was modeled as a pond which flows into the stormwater pond. The overflow elevations for each of the ponds where the water would begin flowing off site is the ridge in the driveway entrance, which is 958.83. A summary of the peak elevations for both the swale and pond are in the table below. In the 500-yr storm event, all of the water that flows either directly to the pond, or to the swale, stays on site.

Storm Event (Yr.)	1P Peak Water Surface Elevation (ft.)	2P Peak Water Surface Elevation (ft.)
25	958.68	956.67
50	958.69	956.87
100	958.71	957.07
200	958.73	957.25
500	958.74	957.52


OUTLET ELEVATION 955.00
BOTTOM OF SURVEYED POND
EXISTING RIP RAP
TOP OF SURVEYED POND
OVERFLOW
ELEV


(961.41)
(961.19)
EXISTING RIP RAP
FOR POND
(960.23)
(959.91)
(959.15)
(958.96 LP)
DRAINAGE WAY
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OUTLET TO POND
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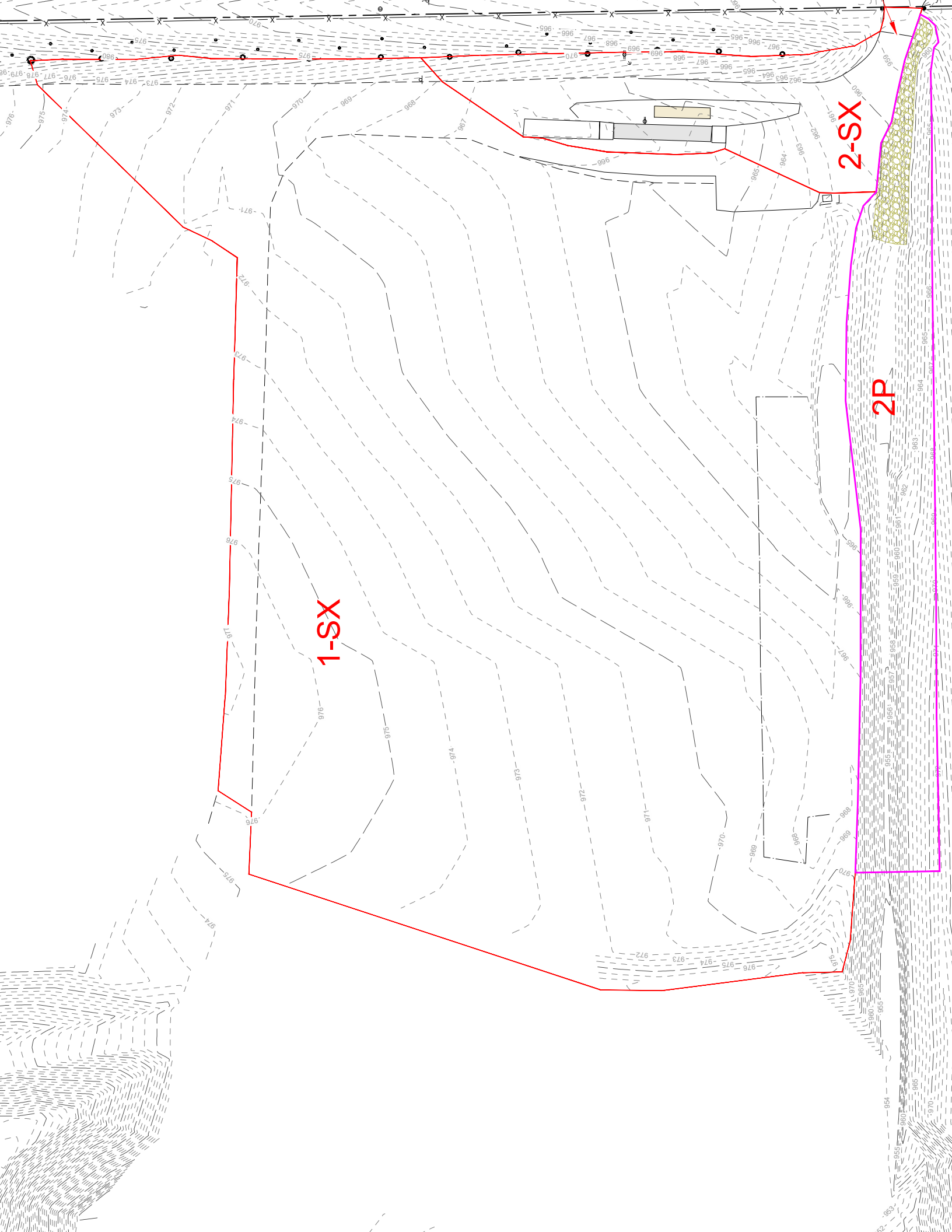
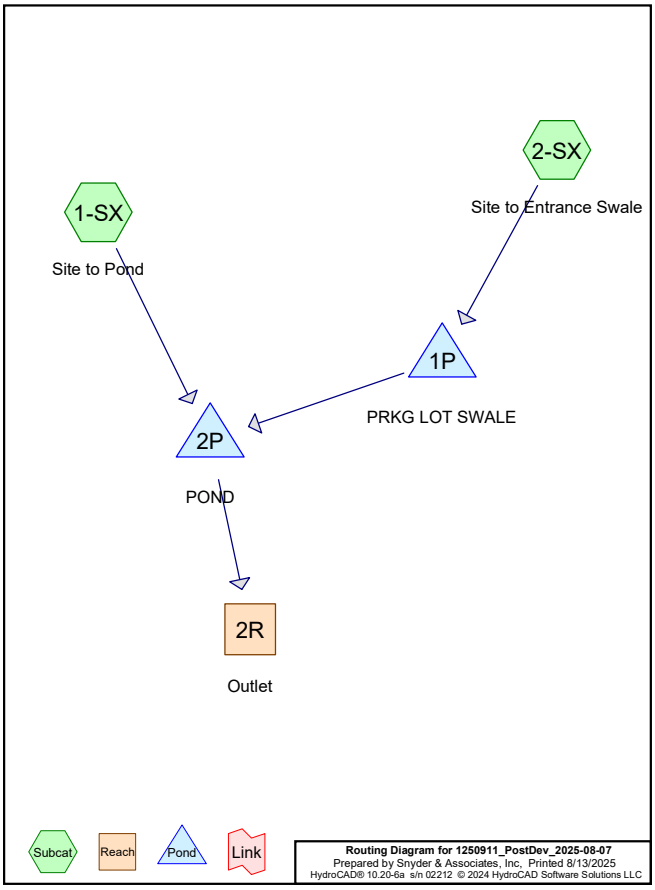
(958.83 HP
(955.14)
EXISTING FENCE


2-SX
2P
1-SX



Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	25-yr. Dane	MSE 24-hr	4	Default	24.00	1	5.01	2
2	50-yr. Dane	MSE 24-hr	4	Default	24.00	1	5.80	2
3	100-yr. Dane	MSE 24-hr	4	Default	24.00	1	6.66	2
4	200-yr. Dane	MSE 24-hr	4	Default	24.00	1	7.53	2
5	500-yr. Dane	MSE 24-hr	4	Default	24.00	1	8.94	2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
5.957	74	>75% Grass cover, Good, HSG C (1-SX, 2-SX)
1.283	98	Paved parking, HSG C (1-SX, 2-SX)
0.355	83	Small grain, straight row, Good, HSG C (1-SX)

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	0.000	5.957	0.000	0.000	5.957	>75% Grass cover, Good	1-SX, 2-SX
0.000	0.000	1.283	0.000	0.000	1.283	Paved parking	1-SX, 2-SX
0.000	0.000	0.355	0.000	0.000	0.355	Small grain, straight row, Good	1-SX

Time span=0.00-96.00 hrs, dt=0.01 hrs, 9601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1-SX: Site to Pond Runoff Area=306,901 sf 12.34% Impervious Runoff Depth=2.63"
Tc=6.0 min CN=77 Runoff=30.08 cfs 1.545 af

Subcatchment2-SX: Site to Entrance Runoff Area=23,909 sf 75.34% Impervious Runoff Depth=4.10"
Tc=6.0 min CN=92 Runoff=3.36 cfs 0.187 af

Reach 2R: Outlet Inflow=29.48 cfs 1.728 af
Outflow=29.48 cfs 1.728 af

Pond 1P: PRKG LOT SWALE Peak Elev=958.68' Storage=6 cf Inflow=3.36 cfs 0.187 af
Outflow=3.36 cfs 0.187 af

Pond 2P: POND Peak Elev=956.67' Storage=6,022 cf Inflow=33.43 cfs 1.732 af
Outflow=29.48 cfs 1.728 af

Summary for Subcatchment 1-SX: Site to Pond

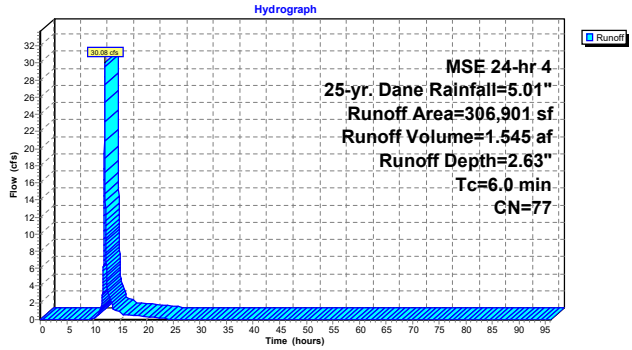
Runoff = 30.08 cfs @ 12.13 hrs, Volume= 1.545 af, Depth= 2.63"
Routed to Pond 2P : POND

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
MSE 24-hr 4 25-yr. Dane Rainfall=5.01"

Area (sf)	CN	Description
37,866	98	Paved parking, HSG C
15,445	83	Small grain, straight row, Good, HSG C
253,590	74	>75% Grass cover, Good, HSG C
306,901	77	Weighted Average
269,035		87.66% Pervious Area
37,866		12.34% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 1-SX: Site to Pond



Summary for Subcatchment 2-SX: Site to Entrance Swale

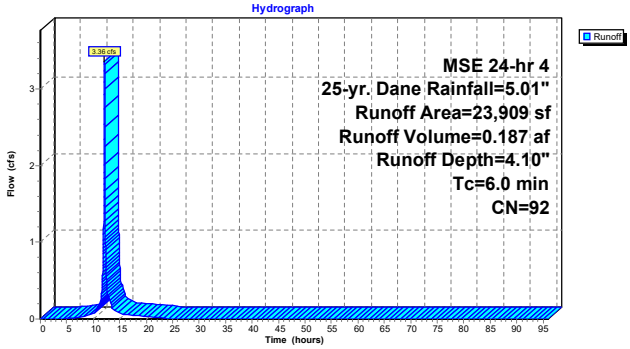
Runoff = 3.36 cfs @ 12.13 hrs, Volume= 0.187 af, Depth= 4.10"
Routed to Pond 1P : PRKG LOT SWALE

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
MSE 24-hr 4 25-yr. Dane Rainfall=5.01"

Area (sf)	CN	Description
18,012	98	Paved parking, HSG C
5,897	74	>75% Grass cover, Good, HSG C
23,909	92	Weighted Average
5,897		24.66% Pervious Area
18,012		75.34% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 2-SX: Site to Entrance Swale

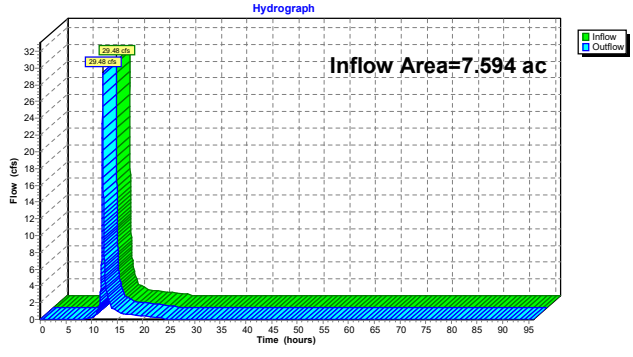


Summary for Reach 2R: Outlet

Inflow Area = 7.594 ac, 16.89% Impervious, Inflow Depth = 2.73" for 25-yr. Dane event
Inflow = 29.48 cfs @ 12.16 hrs, Volume= 1.728 af
Outflow = 29.48 cfs @ 12.16 hrs, Volume= 1.728 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs

Reach 2R: Outlet



Summary for Pond 1P: PRKG LOT SWALE

Inflow Area = 0.549 ac, 75.34% Impervious, Inflow Depth = 4.10" for 25-yr. Dane event
Inflow = 3.36 cfs @ 12.13 hrs, Volume= 0.187 af
Outflow = 3.36 cfs @ 12.13 hrs, Volume= 0.187 af, Atten= 0%, Lag= 0.0 min
Primary = 3.36 cfs @ 12.13 hrs, Volume= 0.187 af
Routed to Pond 2P : POND

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
Peak Elev= 958.68' @ 12.13 hrs Surf.Area= 83 sf Storage= 6 cf

Plug-Flow detention time= 0.0 min calculated for 0.187 af (100% of inflow)
Center-of-Mass det. time= 0.0 min (776.7 - 776.6)

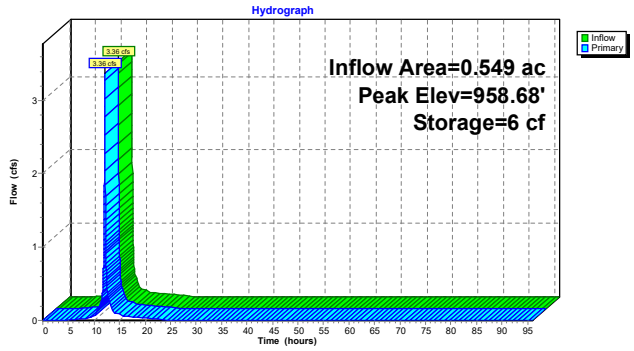
Volume	Invert	Avail.Storage	Storage Description
#1	958.45'	123 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
958.45	1	0	0
958.50	3	0	0
958.60	28	2	2
958.70	100	6	8
958.80	246	17	25
958.90	488	37	62
959.00	721	60	123

Device	Routing	Invert	Outlet Devices
#1	Primary	958.45'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)**
			Head (feet) 0.00 0.15 0.38
			Width (feet) 1.00 15.00 39.00

Primary OutFlow Max=3.36 cfs @ 12.13 hrs HW=958.68' TW=956.59' (Dynamic Tailwater)
↑**1=Custom Weir/Orifice** (Weir Controls 3.36 cfs @ 1.27 fps)

Pond 1P: PRKG LOT SWALE



Summary for Pond 2P: POND

Inflow Area = 7.594 ac, 16.89% Impervious, Inflow Depth = 2.74" for 25-yr. Dane event
Inflow = 33.43 cfs @ 12.13 hrs, Volume= 1.732 af
Outflow = 29.48 cfs @ 12.16 hrs, Volume= 1.728 af, Atten= 12%, Lag= 1.9 min
Primary = 29.48 cfs @ 12.16 hrs, Volume= 1.728 af
Routed to Reach 2R : Outlet

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
Peak Elev= 956.67' @ 12.16 hrs Surf.Area= 5,620 sf Storage= 6,022 cf

Plug-Flow detention time= 7.4 min calculated for 1.728 af (100% of inflow)
Center-of-Mass det. time= 5.7 min (817.4 - 811.7)

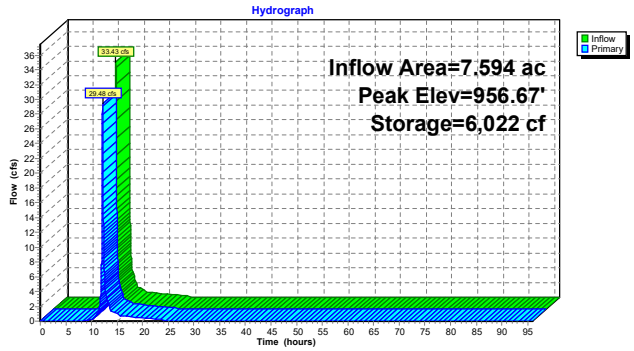
Volume	Invert	Avail.Storage	Storage Description
#1	954.60'	15,513 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
954.60	68	0	0
955.00	917	197	197
955.25	1,688	326	523
955.50	2,443	516	1,039
955.75	3,419	733	1,772
956.00	4,218	955	2,726
957.00	6,310	5,264	7,990
958.00	8,735	7,523	15,513

Device	Routing	Invert	Outlet Devices
#1	Primary	955.00'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)**
			Head (feet) 0.00 1.00 2.00 3.00 4.00 5.00
			Width (feet) 2.00 5.30 8.10 11.00 13.80 16.50

Primary OutFlow Max=29.41 cfs @ 12.16 hrs HW=956.67' TW=0.00' (Dynamic Tailwater)
↑**1=Custom Weir/Orifice** (Weir Controls 29.41 cfs @ 3.76 fps)

Pond 2P: POND



Time span=0.00-96.00 hrs, dt=0.01 hrs, 9601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1-SX: Site to Pond Runoff Area=306,901 sf 12.34% Impervious Runoff Depth=3.31"
Tc=6.0 min CN=77 Runoff=37.57 cfs 1.940 af

Subcatchment2-SX: Site to Entrance Runoff Area=23,909 sf 75.34% Impervious Runoff Depth=4.87"
Tc=6.0 min CN=92 Runoff=3.95 cfs 0.223 af

Reach 2R: Outlet Inflow=37.00 cfs 2.159 af
Outflow=37.00 cfs 2.159 af

Pond 1P: PRKG LOT SWALE Peak Elev=958.69' Storage=7 cf Inflow=3.95 cfs 0.223 af
Outflow=3.95 cfs 0.223 af

Pond 2P: POND Peak Elev=956.87' Storage=7,194 cf Inflow=41.52 cfs 2.163 af
Outflow=37.00 cfs 2.159 af

Summary for Subcatchment 1-SX: Site to Pond

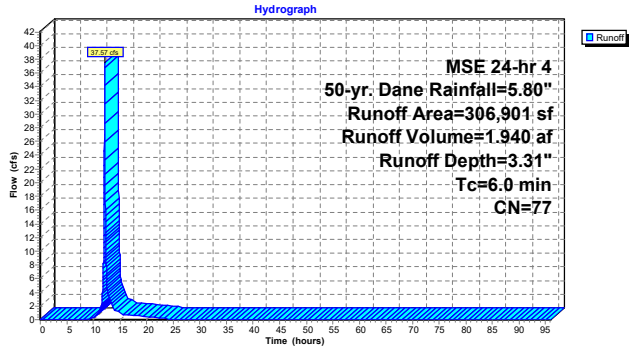
Runoff = 37.57 cfs @ 12.13 hrs, Volume= 1.940 af, Depth= 3.31"
Routed to Pond 2P : POND

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
MSE 24-hr 4 50-yr. Dane Rainfall=5.80"

Area (sf)	CN	Description
37,866	98	Paved parking, HSG C
15,445	83	Small grain, straight row, Good, HSG C
253,590	74	>75% Grass cover, Good, HSG C
306,901	77	Weighted Average
269,035		87.66% Pervious Area
37,866		12.34% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1-SX: Site to Pond



Summary for Subcatchment 2-SX: Site to Entrance Swale

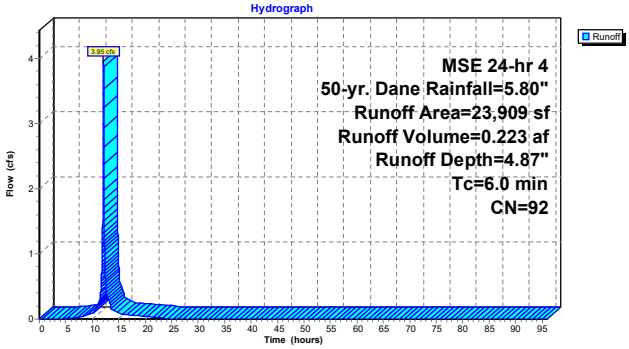
Runoff = 3.95 cfs @ 12.13 hrs, Volume= 0.223 af, Depth= 4.87"
Routed to Pond 1P : PRKG LOT SWALE

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
MSE 24-hr 4 50-yr. Dane Rainfall=5.80"

Area (sf)	CN	Description
18,012	98	Paved parking, HSG C
5,897	74	>75% Grass cover, Good, HSG C
23,909	92	Weighted Average
5,897		24.66% Pervious Area
18,012		75.34% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2-SX: Site to Entrance Swale

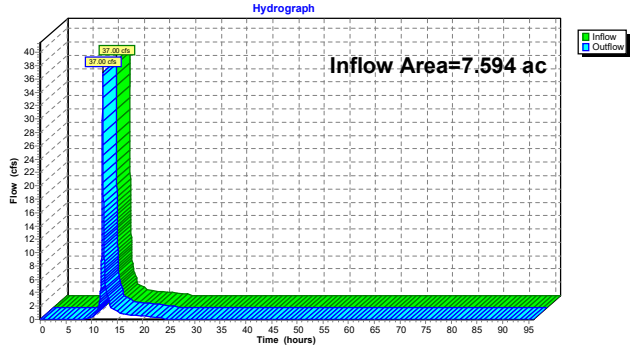


Summary for Reach 2R: Outlet

Inflow Area = 7.594 ac, 16.89% Impervious, Inflow Depth = 3.41" for 50-yr. Dane event
Inflow = 37.00 cfs @ 12.16 hrs, Volume= 2.159 af
Outflow = 37.00 cfs @ 12.16 hrs, Volume= 2.159 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs

Reach 2R: Outlet



Summary for Pond 1P: PRKG LOT SWALE

Inflow Area = 0.549 ac, 75.34% Impervious, Inflow Depth = 4.87" for 50-yr. Dane event
Inflow = 3.95 cfs @ 12.13 hrs, Volume= 0.223 af
Outflow = 3.95 cfs @ 12.13 hrs, Volume= 0.223 af, Atten= 0%, Lag= 0.0 min
Primary = 3.95 cfs @ 12.13 hrs, Volume= 0.223 af
Routed to Pond 2P : POND

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
Peak Elev= 958.69' @ 12.13 hrs Surf.Area= 94 sf Storage= 7 cf

Plug-Flow detention time= 0.0 min calculated for 0.223 af (100% of inflow)
Center-of-Mass det. time= 0.0 min (772.8 - 772.8)

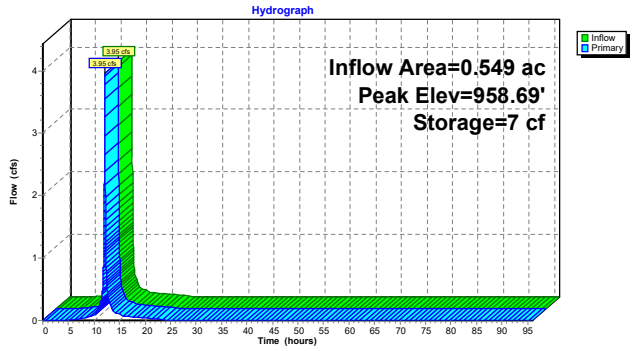
Volume	Invert	Avail.Storage	Storage Description
#1	958.45'	123 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
958.45	1	0	0
958.50	3	0	0
958.60	28	2	2
958.70	100	6	8
958.80	246	17	25
958.90	488	37	62
959.00	721	60	123

Device	Routing	Invert	Outlet Devices
#1	Primary	958.45'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)**
			Head (feet) 0.00 0.15 0.38
			Width (feet) 1.00 15.00 39.00

Primary OutFlow Max=3.95 cfs @ 12.13 hrs HW=958.69' TW=956.79' (Dynamic Tailwater)
1=Custom Weir/Orifice (Weir Controls 3.95 cfs @ 1.31 fps)

Pond 1P: PRKG LOT SWALE



Summary for Pond 2P: POND

Inflow Area = 7.594 ac, 16.89% Impervious, Inflow Depth = 3.42" for 50-yr. Dane event
Inflow = 41.52 cfs @ 12.13 hrs, Volume= 2.163 af
Outflow = 37.00 cfs @ 12.16 hrs, Volume= 2.159 af, Atten= 11%, Lag= 1.8 min
Primary = 37.00 cfs @ 12.16 hrs, Volume= 2.159 af
Routed to Reach 2R : Outlet

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
Peak Elev= 956.87' @ 12.16 hrs Surf.Area= 6,040 sf Storage= 7,194 cf

Plug-Flow detention time= 6.7 min calculated for 2.159 af (100% of inflow)
Center-of-Mass det. time= 5.4 min (812.1 - 806.6)

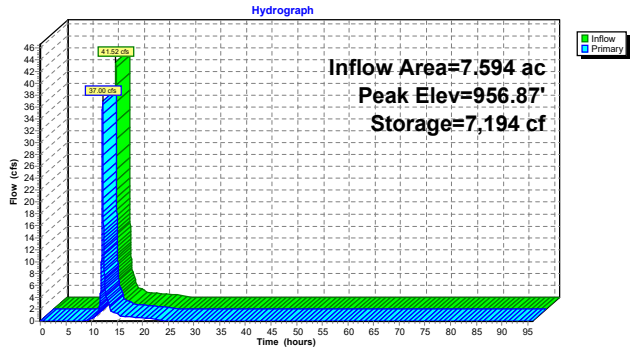
Volume	Invert	Avail.Storage	Storage Description
#1	954.60'	15,513 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
954.60	68	0	0
955.00	917	197	197
955.25	1,688	326	523
955.50	2,443	516	1,039
955.75	3,419	733	1,772
956.00	4,218	955	2,726
957.00	6,310	5,264	7,990
958.00	8,735	7,523	15,513

Device	Routing	Invert	Outlet Devices
#1	Primary	955.00'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)**
			Head (feet) 0.00 1.00 2.00 3.00 4.00 5.00
			Width (feet) 2.00 5.30 8.10 11.00 13.80 16.50

Primary OutFlow Max=36.94 cfs @ 12.16 hrs HW=956.87' TW=0.00' (Dynamic Tailwater)
1=Custom Weir/Orifice (Weir Controls 36.94 cfs @ 3.96 fps)

Pond 2P: POND



Time span=0.00-96.00 hrs, dt=0.01 hrs, 9601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1-SX: Site to Pond Runoff Area=306,901 sf 12.34% Impervious Runoff Depth=4.06"
Tc=6.0 min CN=77 Runoff=45.85 cfs 2.385 af

Subcatchment2-SX: Site to Entrance Runoff Area=23,909 sf 75.34% Impervious Runoff Depth=5.72"
Tc=6.0 min CN=92 Runoff=4.59 cfs 0.262 af

Reach 2R: Outlet Inflow=45.34 cfs 2.642 af
Outflow=45.34 cfs 2.642 af

Pond 1P: PRKG LOT SWALE Peak Elev=958.71' Storage=9 cf Inflow=4.59 cfs 0.262 af
Outflow=4.59 cfs 0.262 af

Pond 2P: POND Peak Elev=957.07' Storage=8,432 cf Inflow=50.44 cfs 2.646 af
Outflow=45.34 cfs 2.642 af

Summary for Subcatchment 1-SX: Site to Pond

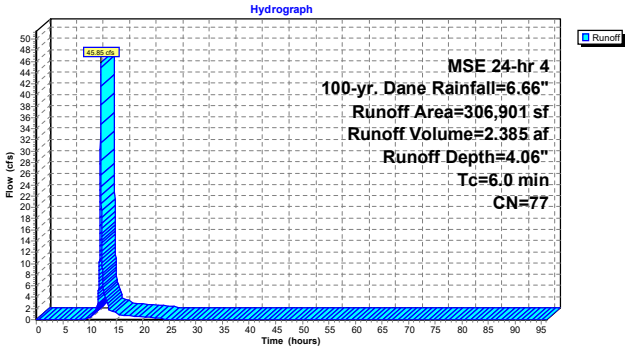
Runoff = 45.85 cfs @ 12.13 hrs, Volume= 2.385 af, Depth= 4.06"
Routed to Pond 2P : POND

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
MSE 24-hr 4 100-yr. Dane Rainfall=6.66"

Area (sf)	CN	Description
37,866	98	Paved parking, HSG C
15,445	83	Small grain, straight row, Good, HSG C
253,590	74	>75% Grass cover, Good, HSG C
306,901	77	Weighted Average
269,035		87.66% Pervious Area
37,866		12.34% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 1-SX: Site to Pond



Summary for Subcatchment 2-SX: Site to Entrance Swale

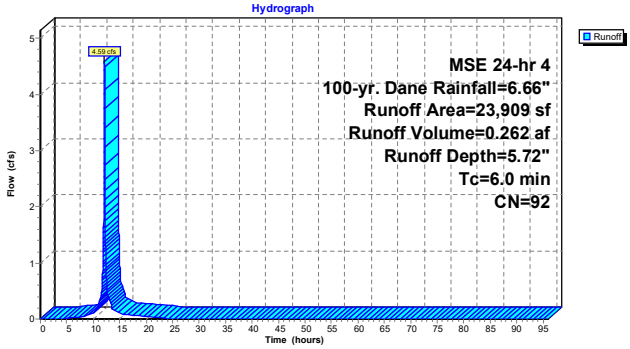
Runoff = 4.59 cfs @ 12.13 hrs, Volume= 0.262 af, Depth= 5.72"
Routed to Pond 1P : PRKG LOT SWALE

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
MSE 24-hr 4 100-yr. Dane Rainfall=6.66"

Area (sf)	CN	Description
18,012	98	Paved parking, HSG C
5,897	74	>75% Grass cover, Good, HSG C
23,909	92	Weighted Average
5,897		24.66% Pervious Area
18,012		75.34% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 2-SX: Site to Entrance Swale

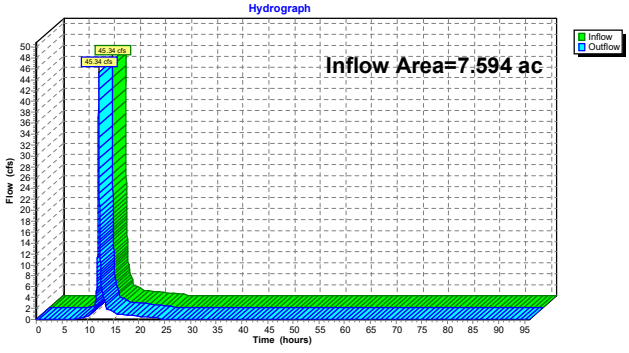


Summary for Reach 2R: Outlet

Inflow Area = 7.594 ac, 16.89% Impervious, Inflow Depth = 4.17" for 100-yr. Dane event
Inflow = 45.34 cfs @ 12.16 hrs, Volume= 2.642 af
Outflow = 45.34 cfs @ 12.16 hrs, Volume= 2.642 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs

Reach 2R: Outlet



Summary for Pond 1P: PRKG LOT SWALE

Inflow Area = 0.549 ac, 75.34% Impervious, Inflow Depth = 5.72" for 100-yr. Dane event
Inflow = 4.59 cfs @ 12.13 hrs, Volume= 0.262 af
Outflow = 4.59 cfs @ 12.13 hrs, Volume= 0.262 af, Atten= 0%, Lag= 0.0 min
Primary = 4.59 cfs @ 12.13 hrs, Volume= 0.262 af
Routed to Pond 2P : POND

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
Peak Elev= 958.71' @ 12.13 hrs Surf.Area= 111 sf Storage= 9 cf

Plug-Flow detention time= 0.0 min calculated for 0.262 af (100% of inflow)
Center-of-Mass det. time= 0.0 min (769.4 - 769.3)

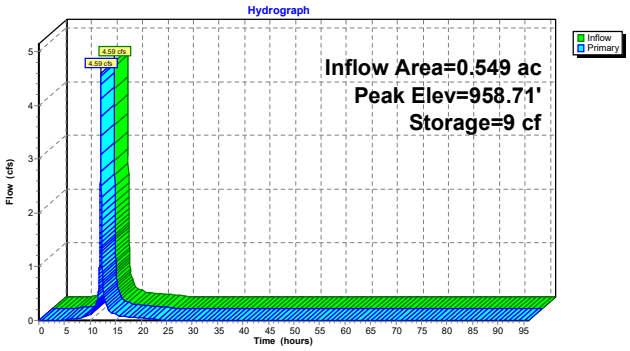
Volume	Invert	Avail.Storage	Storage Description
#1	958.45'	123 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
958.45	1	0	0
958.50	3	0	0
958.60	28	2	2
958.70	100	6	8
958.80	246	17	25
958.90	488	37	62
959.00	721	60	123

Device	Routing	Invert	Outlet Devices
#1	Primary	958.45'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)**
			Head (feet) 0.00 0.15 0.38
			Width (feet) 1.00 15.00 39.00

Primary OutFlow Max=4.59 cfs @ 12.13 hrs HW=958.71' TW=956.99' (Dynamic Tailwater)
↑**1=Custom Weir/Orifice** (Weir Controls 4.59 cfs @ 1.35 fps)

Pond 1P: PRKG LOT SWALE



Summary for Pond 2P: POND

Inflow Area = 7.594 ac, 16.89% Impervious, Inflow Depth = 4.18" for 100-yr. Dane event
Inflow = 50.44 cfs @ 12.13 hrs, Volume= 2.646 af
Outflow = 45.34 cfs @ 12.16 hrs, Volume= 2.642 af, Atten= 10%, Lag= 1.7 min
Primary = 45.34 cfs @ 12.16 hrs, Volume= 2.642 af
Routed to Reach 2R : Outlet

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
Peak Elev= 957.07' @ 12.16 hrs Surf.Area= 6,478 sf Storage= 8,432 cf

Plug-Flow detention time= 6.3 min calculated for 2.642 af (100% of inflow)
Center-of-Mass det. time= 5.2 min (807.2 - 802.1)

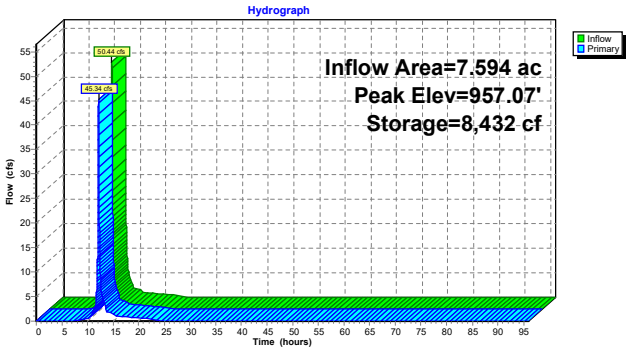
Volume	Invert	Avail.Storage	Storage Description
#1	954.60'	15,513 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
954.60	68	0	0
955.00	917	197	197
955.25	1,688	326	523
955.50	2,443	516	1,039
955.75	3,419	733	1,772
956.00	4,218	955	2,726
957.00	6,310	5,264	7,990
958.00	8,735	7,523	15,513

Device	Routing	Invert	Outlet Devices
#1	Primary	955.00'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)**
			Head (feet) 0.00 1.00 2.00 3.00 4.00 5.00
			Width (feet) 2.00 5.30 8.10 11.00 13.80 16.50

Primary OutFlow Max=45.31 cfs @ 12.16 hrs HW=957.07' TW=0.00' (Dynamic Tailwater)
↑**1=Custom Weir/Orifice** (Weir Controls 45.31 cfs @ 4.15 fps)

Pond 2P: POND



Time span=0.00-96.00 hrs, dt=0.01 hrs, 9601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1-SX: Site to Pond Runoff Area=306,901 sf 12.34% Impervious Runoff Depth=4.85"
Tc=6.0 min CN=77 Runoff=54.30 cfs 2.845 af

Subcatchment2-SX: Site to Entrance Runoff Area=23,909 sf 75.34% Impervious Runoff Depth=6.58"
Tc=6.0 min CN=92 Runoff=5.23 cfs 0.301 af

Reach 2R: Outlet Inflow=53.86 cfs 3.141 af
Outflow=53.86 cfs 3.141 af

Pond 1P: PRKG LOT SWALE Peak Elev=958.72' Storage=11 cf Inflow=5.23 cfs 0.301 af
Outflow=5.23 cfs 0.301 af

Pond 2P: POND Peak Elev=957.25' Storage=9,652 cf Inflow=59.53 cfs 3.146 af
Outflow=53.86 cfs 3.141 af

Summary for Subcatchment 1-SX: Site to Pond

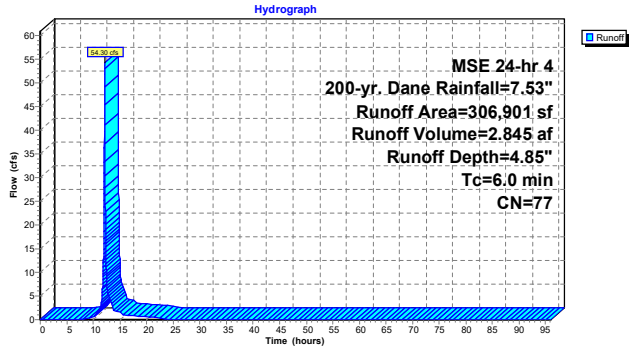
Runoff = 54.30 cfs @ 12.13 hrs, Volume= 2.845 af, Depth= 4.85"
Routed to Pond 2P : POND

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
MSE 24-hr 4 200-yr. Dane Rainfall=7.53"

Area (sf)	CN	Description
37,866	98	Paved parking, HSG C
15,445	83	Small grain, straight row, Good, HSG C
253,590	74	>75% Grass cover, Good, HSG C
306,901	77	Weighted Average
269,035		87.66% Pervious Area
37,866		12.34% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 1-SX: Site to Pond



Summary for Subcatchment 2-SX: Site to Entrance Swale

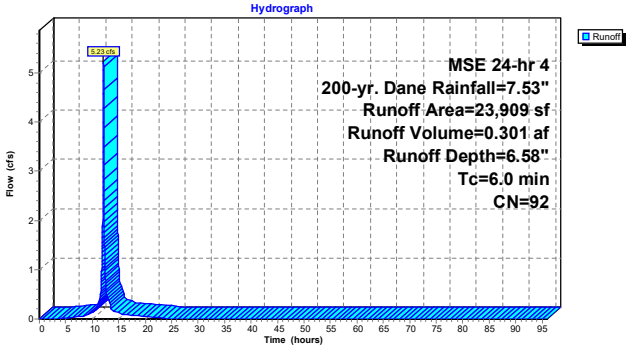
Runoff = 5.23 cfs @ 12.13 hrs, Volume= 0.301 af, Depth= 6.58"
Routed to Pond 1P : PRKG LOT SWALE

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
MSE 24-hr 4 200-yr. Dane Rainfall=7.53"

Area (sf)	CN	Description
18,012	98	Paved parking, HSG C
5,897	74	>75% Grass cover, Good, HSG C
23,909	92	Weighted Average
5,897		24.66% Pervious Area
18,012		75.34% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 2-SX: Site to Entrance Swale

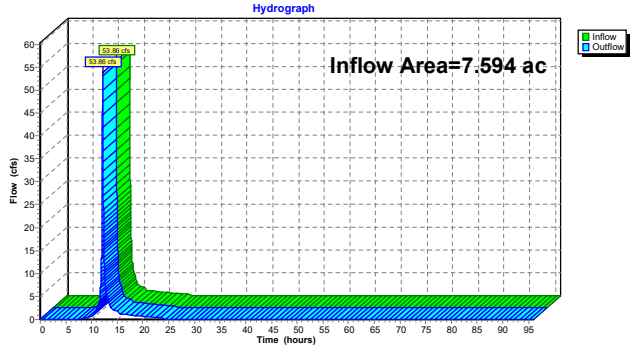


Summary for Reach 2R: Outlet

Inflow Area = 7.594 ac, 16.89% Impervious, Inflow Depth = 4.96" for 200-yr. Dane event
Inflow = 53.86 cfs @ 12.16 hrs, Volume= 3.141 af
Outflow = 53.86 cfs @ 12.16 hrs, Volume= 3.141 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs

Reach 2R: Outlet



Summary for Pond 1P: PRKG LOT SWALE

Inflow Area = 0.549 ac, 75.34% Impervious, Inflow Depth = 6.58" for 200-yr. Dane event
Inflow = 5.23 cfs @ 12.13 hrs, Volume= 0.301 af
Outflow = 5.23 cfs @ 12.13 hrs, Volume= 0.301 af, Atten= 0%, Lag= 0.0 min
Primary = 5.23 cfs @ 12.13 hrs, Volume= 0.301 af
Routed to Pond 2P : POND

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
Peak Elev= 958.72' @ 12.13 hrs Surf.Area= 131 sf Storage= 11 cf

Plug-Flow detention time= 0.0 min calculated for 0.301 af (100% of inflow)
Center-of-Mass det. time= 0.0 min (766.4 - 766.4)

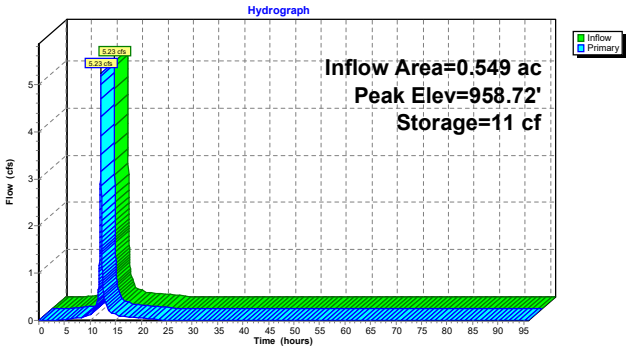
Volume	Invert	Avail.Storage	Storage Description
#1	958.45'	123 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
958.45	1	0	0
958.50	3	0	0
958.60	28	2	2
958.70	100	6	8
958.80	246	17	25
958.90	488	37	62
959.00	721	60	123

Device	Routing	Invert	Outlet Devices
#1	Primary	958.45'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)** Head (feet) 0.00 0.15 0.38 Width (feet) 1.00 15.00 39.00

Primary OutFlow Max=5.23 cfs @ 12.13 hrs HW=958.72' TW=957.17' (Dynamic Tailwater)
↑**1=Custom Weir/Orifice** (Weir Controls 5.23 cfs @ 1.38 fps)

Pond 1P: PRKG LOT SWALE



Summary for Pond 2P: POND

Inflow Area = 7.594 ac, 16.89% Impervious, Inflow Depth = 4.97" for 200-yr. Dane event
Inflow = 59.53 cfs @ 12.13 hrs, Volume= 3.146 af
Outflow = 53.86 cfs @ 12.16 hrs, Volume= 3.141 af, Atten= 10%, Lag= 1.7 min
Primary = 53.86 cfs @ 12.16 hrs, Volume= 3.141 af
Routed to Reach 2R : Outlet

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
Peak Elev= 957.25' @ 12.16 hrs Surf.Area= 6,919 sf Storage= 9,652 cf

Plug-Flow detention time= 6.0 min calculated for 3.141 af (100% of inflow)
Center-of-Mass det. time= 4.9 min (803.1 - 798.1)

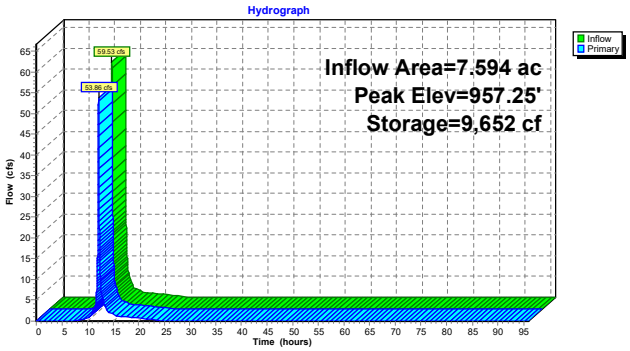
Volume	Invert	Avail.Storage	Storage Description
#1	954.60'	15,513 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
954.60	68	0	0
955.00	917	197	197
955.25	1,688	326	523
955.50	2,443	516	1,039
955.75	3,419	733	1,772
956.00	4,218	955	2,726
957.00	6,310	5,264	7,990
958.00	8,735	7,523	15,513

Device	Routing	Invert	Outlet Devices
#1	Primary	955.00'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)** Head (feet) 0.00 1.00 2.00 3.00 4.00 5.00 Width (feet) 2.00 5.30 8.10 11.00 13.80 16.50

Primary OutFlow Max=53.84 cfs @ 12.16 hrs HW=957.25' TW=0.00' (Dynamic Tailwater)
↑**1=Custom Weir/Orifice** (Weir Controls 53.84 cfs @ 4.32 fps)

Pond 2P: POND



Time span=0.00-96.00 hrs, dt=0.01 hrs, 9601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1-SX: Site to Pond Runoff Area=306,901 sf 12.34% Impervious Runoff Depth=6.14"
Tc=6.0 min CN=77 Runoff=68.05 cfs 3.607 af

Subcatchment2-SX: Site to Entrance Runoff Area=23,909 sf 75.34% Impervious Runoff Depth=7.97"
Tc=6.0 min CN=92 Runoff=6.27 cfs 0.365 af

Reach 2R: Outlet Inflow=67.73 cfs 3.967 af
Outflow=67.73 cfs 3.967 af

Pond 1P: PRKG LOT SWALE Peak Elev=958.74' Storage=14 cf Inflow=6.27 cfs 0.365 af
Outflow=6.27 cfs 0.365 af

Pond 2P: POND Peak Elev=957.52' Storage=11,571 cf Inflow=74.32 cfs 3.972 af
Outflow=67.73 cfs 3.967 af

Summary for Subcatchment 1-SX: Site to Pond

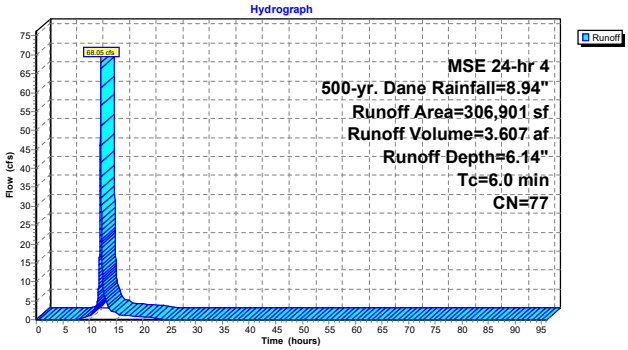
Runoff = 68.05 cfs @ 12.13 hrs, Volume= 3.607 af, Depth= 6.14"
Routed to Pond 2P : POND

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
MSE 24-hr 4 500-yr. Dane Rainfall=8.94"

Area (sf)	CN	Description
37,866	98	Paved parking, HSG C
15,445	83	Small grain, straight row, Good, HSG C
253,590	74	>75% Grass cover, Good, HSG C
306,901	77	Weighted Average
269,035		87.66% Pervious Area
37,866		12.34% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1-SX: Site to Pond



Summary for Subcatchment 2-SX: Site to Entrance Swale

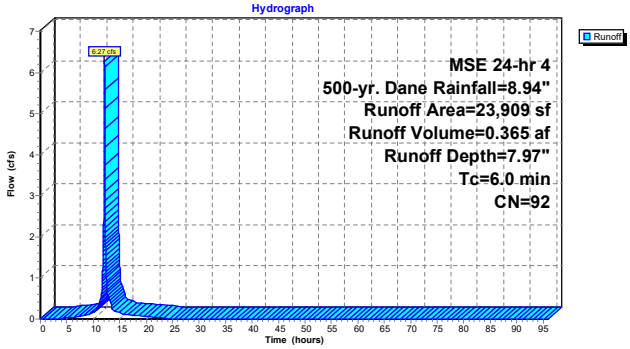
Runoff = 6.27 cfs @ 12.13 hrs, Volume= 0.365 af, Depth= 7.97"
Routed to Pond 1P : PRKG LOT SWALE

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
MSE 24-hr 4 500-yr. Dane Rainfall=8.94"

Area (sf)	CN	Description
18,012	98	Paved parking, HSG C
5,897	74	>75% Grass cover, Good, HSG C
23,909	92	Weighted Average
5,897		24.66% Pervious Area
18,012		75.34% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2-SX: Site to Entrance Swale

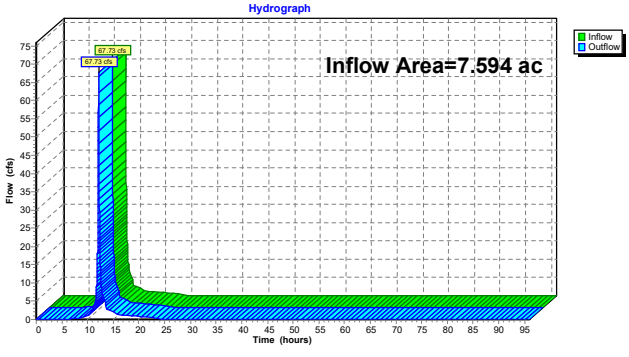


Summary for Reach 2R: Outlet

Inflow Area = 7.594 ac, 16.89% Impervious, Inflow Depth = 6.27" for 500-yr. Dane event
Inflow = 67.73 cfs @ 12.16 hrs, Volume= 3.967 af
Outflow = 67.73 cfs @ 12.16 hrs, Volume= 3.967 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs

Reach 2R: Outlet



Summary for Pond 1P: PRKG LOT SWALE

Inflow Area = 0.549 ac, 75.34% Impervious, Inflow Depth = 7.97" for 500-yr. Dane event
Inflow = 6.27 cfs @ 12.13 hrs, Volume= 0.365 af
Outflow = 6.27 cfs @ 12.13 hrs, Volume= 0.365 af, Atten= 0%, Lag= 0.0 min
Primary = 6.27 cfs @ 12.13 hrs, Volume= 0.365 af
Routed to Pond 2P : POND

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
Peak Elev= 958.74' @ 12.13 hrs Surf.Area= 162 sf Storage= 14 cf

Plug-Flow detention time= 0.0 min calculated for 0.365 af (100% of inflow)
Center-of-Mass det. time= 0.0 min (762.5 - 762.5)

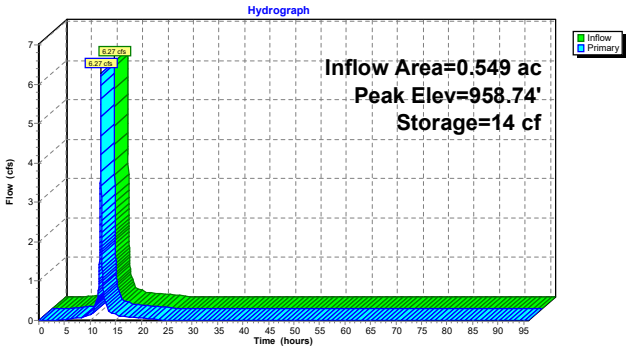
Volume	Invert	Avail.Storage	Storage Description
#1	958.45'	123 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
958.45	1	0	0
958.50	3	0	0
958.60	28	2	2
958.70	100	6	8
958.80	246	17	25
958.90	488	37	62
959.00	721	60	123

Device	Routing	Invert	Outlet Devices
#1	Primary	958.45'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)**
			Head (feet) 0.00 0.15 0.38
			Width (feet) 1.00 15.00 39.00

Primary OutFlow Max=6.27 cfs @ 12.13 hrs HW=958.74' TW=957.43' (Dynamic Tailwater)
↑**1=Custom Weir/Orifice** (Weir Controls 6.27 cfs @ 1.43 fps)

Pond 1P: PRKG LOT SWALE



Summary for Pond 2P: POND

Inflow Area = 7.594 ac, 16.89% Impervious, Inflow Depth = 6.28" for 500-yr. Dane event
Inflow = 74.32 cfs @ 12.13 hrs, Volume= 3.972 af
Outflow = 67.73 cfs @ 12.16 hrs, Volume= 3.967 af, Atten= 9%, Lag= 1.6 min
Primary = 67.73 cfs @ 12.16 hrs, Volume= 3.967 af
Routed to Reach 2R : Outlet

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.01 hrs
Peak Elev= 957.52' @ 12.16 hrs Surf.Area= 7,562 sf Storage= 11,571 cf

Plug-Flow detention time= 5.5 min calculated for 3.967 af (100% of inflow)
Center-of-Mass det. time= 4.7 min (797.5 - 792.8)

Volume	Invert	Avail.Storage	Storage Description
#1	954.60'	15,513 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
954.60	68	0	0
955.00	917	197	197
955.25	1,688	326	523
955.50	2,443	516	1,039
955.75	3,419	733	1,772
956.00	4,218	955	2,726
957.00	6,310	5,264	7,990
958.00	8,735	7,523	15,513

Device	Routing	Invert	Outlet Devices
#1	Primary	955.00'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)**
			Head (feet) 0.00 1.00 2.00 3.00 4.00 5.00
			Width (feet) 2.00 5.30 8.10 11.00 13.80 16.50

Primary OutFlow Max=67.65 cfs @ 12.16 hrs HW=957.51' TW=0.00' (Dynamic Tailwater)
↑**1=Custom Weir/Orifice** (Weir Controls 67.65 cfs @ 4.54 fps)

Pond 2P: POND

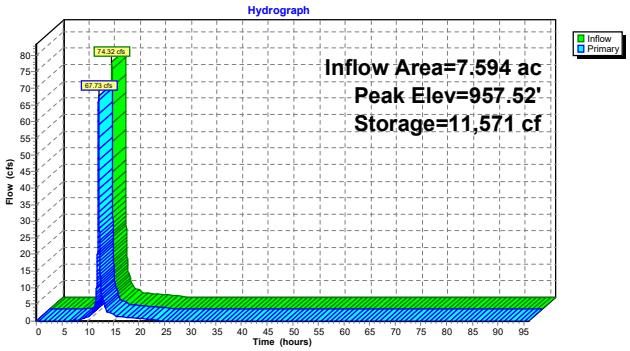


EXHIBIT
D

State of Wisconsin

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

CORRESPONDENCE / MEMORANDUM

DATE: 8 July 2025

TO: Kevin Hahn. Nelson Excavating / K & D Stone
345 Center Road, Oregon, WI

FROM: David Vriezen, State Mining Inspector
Waukesha Office, 141 NW Barstow St., Waukesha, WI 53188

SUBJECT: Consultation Report: 3 July 2025

Mr. Hahn requested I stop by Nelson Excavating / K & D Stone and perform a review of this mine. On Thursday, 3 July 2025 I stopped in and evaluated the property and paperwork associated with this mine site (MSHA mine identification number 47-03842).

I reviewed the pertinent Mine Safety & Health Administration (MSHA) documentation on site, the 2023 and 2024 inspection reports available on-line, and the Part 46 Training Plan for this site. Apart from a needed update to the list of Competent Person(s) to train on a new front-end loader, there were no significant discrepancies noted in the training plan. The on-line inspection reports showed three and two citations, respectively, for the last two years. There were no repeat violations from 2023 to 2024.

A review of the mine site showed a well-run operation. While mining is the primary function, there is also asphalt recycling, concrete recycling and recovery of concrete rebar taking place. The equipment in use was well maintained and equipment out of service was locked out and annotated with tags in accordance with 30 CFR Part 56.14100. Fencing and berms around the mine site were in good repair and ***No Trespassing*** signs posted at regular intervals.

Note 1: some minor trimming of foliage would make the sign by the former access gate more visible.

Note 2: some local governments require No Trespassing signs have the ordinance number on the sign. It is recommended this be looked into.

Berms were well constructed and maintained at this visit. The owner had added multiple trees on and adjacent to the berms along Center Road to restrict view and aid in keeping dust from blowing on the road. The owner also has a skid-steer with a rotating brush that is available to clean Center Road when mud is deposited on the road by traffic from the mine. A water truck was also being used at this visit for dust control.

Seismograph records for the last two production shots were requested from the Blasting Contractor, Ahlgrimm Explosives of Mineral Point, WI. A review of these records showed two production shots on 18 June 2025 that were well within Department of Safety & Professional Services, Chapter 307. According to Mr. Hahn, complaints are not generally received about the blasting at mine site. If the reports from 18 June 2025 are typical for blasting at this site, this would be expected. See diagrams on page 3.

The red pin above shows the location of the 18 June 2025 production shots. The inner circle shows a 600-foot radius from that shot, the outer circle shows a ¼ mile radius from the shot. The Hahn residence (yellow triangle) to the North and the Hansen residence to the northeast (blue diamond) are within a quarter mile of the active bench. Vibrations of 0.09 inch per second were recorded at the Hahn residence, 435 Center Road. Calculated readings of 0.12 inch per second would be expected at the Hansen home, 430 Center Road. Both readings are well within SPS 307 requirements.

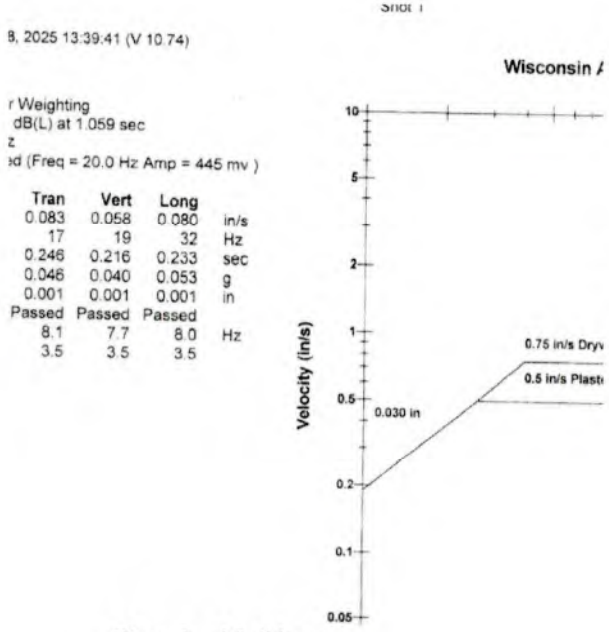
Questions were raised about several other matters. One was the reclassification of nearby roads from Class A to Class B. This change resulted in a decrease to 60% of the allowed weight of a Class A county highway. Likewise, changes in the speed limit from 45 mph to 35 mph was a concern. SPS 307 does not address either of these items, however, the Department of Transportation may be able to find out why the local township made these changes. A third concern was the unauthorized Small Unmanned Aircraft Systems (also known as sUAS or drones) over the quarry. This issue should be addressed to the Federal Aviation Administration (FAA) since operation of drones over people is governed by 14 CFR Part 107.39 and 14 CFR Part 107, Subpart D.

In my opinion, this mine site is well-operated and its management is taking positive steps to be a responsible neighbor.

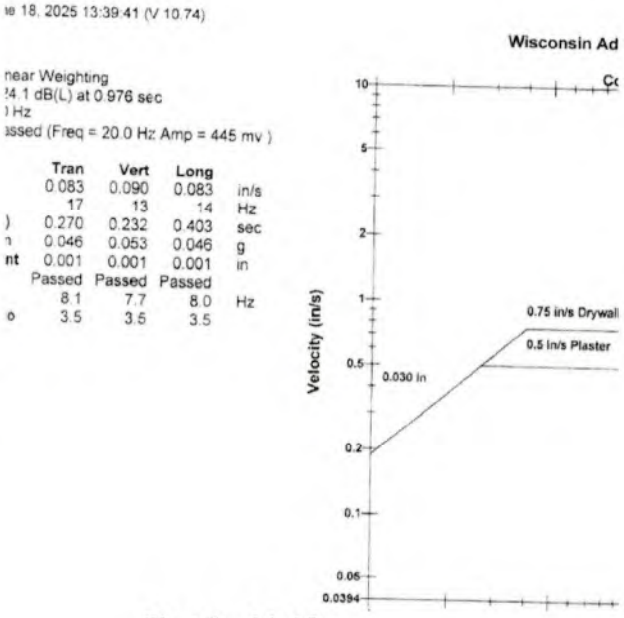
If I may be of further help, feel free to contact me at the e-mail address or phone listed below.

Regards,

David M. Vriezen
State Mining Inspector
Wisconsin Department of Safety & Professional Services
David.Vriezen@Wisconsin.gov
414 416 3196



Shot 1. 10:21 a.m.



Shot 2. 11:13 a.m.

Note: the lines in the middle of the above diagrams are referred to as the "Z-curve". This is the limit for allowable vibrations at a given frequency. These two production shots would have to be over five times more powerful to come close to where the resulting vibrations might start to cause damage to a lath & plaster wall.

EXHIBIT
E

AXLEY ATTORNEYS

Mitchell R. Olson
molson@axley.com
608.283.6724

MEMORANDUM

TO: Dane County Zoning & Land Regulation Committee

FROM: Attorney Mitchell Olson / K & D Stone

RE: CUP 2582 – Mineral Extraction: Permit Review

DATE: July 21, 2025

CC: Roger Lane, Zoning Administrator; Dan Everson, Land Division Review

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In follow-up to the Dane County Zoning & Land Regulation Committee ("ZLR") meeting on June 24, 2025, K&D Stone hereby submits the following supplemental narrative and documents, as requested by the Zoning Staff, relative to compliance with CUP 2582.

K&D Stone has received a Report ("Summary of Concerns and Violations of CUP 2582") which Zoning Staff has submitted to the ZLR. ("Zoning Staff Report") This Memo specifically responds to that Report, as well.

The following is a list of the 38 conditions in the subject Conditional Use Permit #2582, for non-metallic mineral extraction, and the Operator's position on compliance therewith, as of July 21, 2025.

ADDRESSING ALL CUP CONDITIONS (1-38)

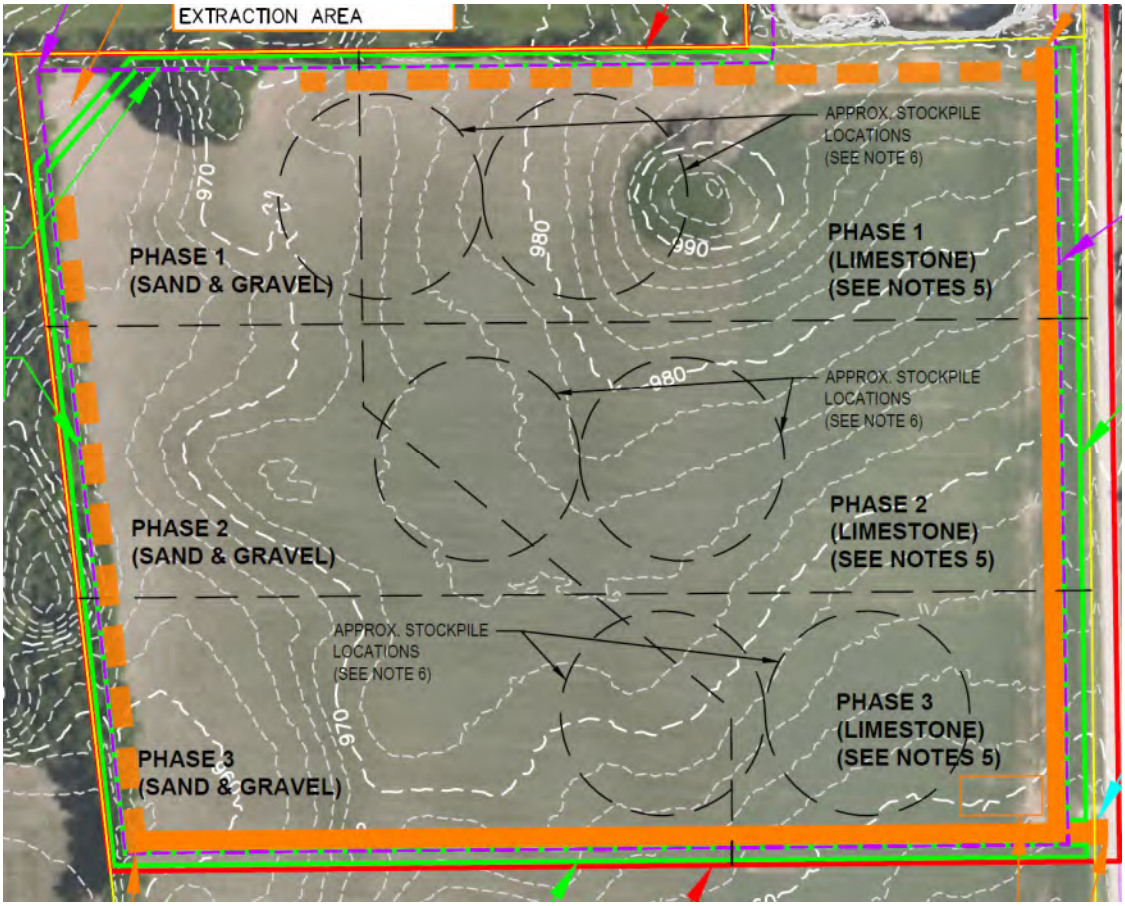
1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions.

   Response: *There are four (4) issues to address wherein Zoning Staff reports a lack of compliance.*

A. Operational / Phasing Plans

The Zoning Staff Report raises concerns about the mine's Operations Plan as to (i) developing incrementally, (ii) following phasing, and (iii) following the reclamation plan.

In response, the Operations and Phasing Plan called for development from North to South. This has occurred. The Operator is mining both sand and limestone and the Operation Plan has phases for each due to the variable demands of the aggregate market.



The demand for sand has been strong and the sand has depleted more rapidly than expected. There was less sand than expected in the north, and more in the south. Operator has had to move south to continue to mine sand. Operator cannot reasonably be expected to stop all sand extraction and sales, when sand is readily accessible, simply because there is still stone to extract in a prior phase area.

There is no instance of disconnected expansion. All operations are connected and work in concert, as typical of a quarry. All open areas are in active use for extraction, stockpiling, and movement within the quarry.

Quarrying through the phases has moved perhaps faster than originally anticipated, but that rate or movement of operations is not a violation.

Nothing about the current operations will prevent reclamation as anticipated by the Reclamation Plan. This is a fairly small site, overall, and the current level of disturbance / open areas was inevitable. [This also addresses Condition #16]

B. Acceptance of Fill and Stockpile at Northwest Corner.

The Operations Plan for this site provided: "The site will also accept general fill from offsite to aid in the reclamation of the site – materials will include but not be limited to topsoil and general fill – no trash or solid waste is accepted but a dumpster will be provided on site to manage any materials that need to be disposed of."

Per County Staff, acceptable clean fill includes "clean soil, brick, building stone, concrete or reinforced concrete not painted with lead-based paint, broken pavement, and wood not treated or painted with preservatives of lead-based paint." (Tab A - December 17, 2024 Report) Moreover, importing and dumping of clean fill is an accessory use to Mineral Extraction under Dane County Code 10.004(99)3. (Tab A)

In July 2024, there was a limited delivery of material that arrived on site which contained some prohibited material such as building materials. Mr. Dan Everson observed the materials at an inspection. He directed the removal of improper materials (including small pieces of splintered plywood and a couple pieces of aluminum) and directed the Operator to monitor every load coming on site. He commented: "I did not see anything that would constitute a violation." (Tab A)

The Operator has not taken in any more prohibited material since that time. Operator admits a mistake was made in not stopping the limited load(s) which caused concern. Operator removed and immediately disposed of all improper material at that time in July 2024. Operator has procedures in place to prevent future occurrences.

The Operator maintains a stockpile in the northwest corner of the expansion area. That pile sits on native ground. The stockpile is a combination of onsite stripping material from DOT Borrow Pit Project and new expansion quarry onsite stripping material, in addition to clean fill brought in for future reclamation. It was here that the improper loads were deposited in July 2024.

Operator maintains this stockpile for future reclamation. It should be noted that a significant amount of fill will be required to reclaim certain areas at a 3:1 slope. In the future, when other quarry areas are ready to take fill for reclamation, this stockpile will be moved and used therefor. The virgin land under the existing stockpile can then be mined further as needed.

In order to provide a level of assurance as to the nature of the existing fill material in this stockpile, Operator has dug two large holes (test pits) to inspect the contents. Photos showing the stockpile and the test pits are provided at Tab B.

Operator did not discover any improper materials in this process. Zoning Staff is welcome to inspect same.

Overall, the Operations Plan allows for stockpiles, allows for offsite material to assist with reclamation, and allows for reclamation using fill. Operator is complying with these processes. While a mistake was made in the past, the Operator is not engaged in solid waste dumping operations. Operator believes it is in current compliance. [This will address Condition #16]

C. Topsoil Processing.

The Operator believed he could receive used concrete, used asphalt, and topsoil for recycling / beneficial re-use. The text of the CUP did not specifically address recycling / beneficial re-use of topsoil, in addition to its use for reclamation. The re-sale of topsoil was assumed to be part of operations as it was included in Appendix D – Aggregate Products. Operator would welcome a discussion with Staff on how to best interpret this. In the interim, Operator has stopped all sales of topsoil and will retain all topsoil on site for future reclamation. As of the date of this Memo, Operator will be acting in compliance. [This will address Condition #13]

D. Stormwater Internal Drainage.

Inspections by Dane County Land & Water Staff and Zoning Staff detected a gap in the site's ability to drain internally at the southeast corner of the site. Based on a meeting with Zoning Staff on July 16, 2025, and the Staff Report, Operator understands the concerns and has taken immediate corrective action to cure this issue.

Specifically, starting near the gate entrance in the southeast corner of the site, Operator has created a drainage swale approximately 800 feet long running west to internally drain into the sand pit. The swale starts in the near the gate to collect all surface drainage and direct it east for approximately 800 feet. The first 400 feet is pitched at 1% slope, the remaining 400 feet will remain level to allow for some infiltration while still draining internally. The most upstream portion of the swale along the asphalt is covered in 3" clear stone. All stormwater will be internally drained under this design effective July 21, 2025, thereby creating compliance. [This will address Condition #14]

Photos depicting the new drainage way appear at Tab C.

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.

   Response: In Compliance. There are no permanent structures onsite that fit under the Commercial Building Code or Uniform Dwelling Code. There is a scale house. Zoning Staff agrees.

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.

   Response: In Compliance. All required permits were obtained, and the Operator is in compliance therewith. To date, copies have not been requested by Zoning Administrator. Zoning Staff is waiting on comments from DNR.

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.

   Response: In Compliance. Operator maintains all applicable licensing requirements, including seller's permit, scale house permit, and CDL licensing. To date, copies have not been requested by Zoning Administrator. Zoning Staff is waiting on comments from DNR.

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.

Response: *Not Applicable*. *There is no sewage disposal system onsite. A portable toilet serves this site.* *Zoning Staff agrees.*

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

   Response: *In Compliance*. *The only entrance is the Main Gate at the South end off Center Road, per Site and Operations Plan.* *Zoning Staff agrees.*

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

   Response: *Not Applicable*. *There is more than adequate parking for the employees at the site, including adjacent to the entrance gate. The site does not receive regular visitors other than trucks arriving to haul material.* *Zoning Staff agrees.*

8. If the Dane County Highway, Transportation and Public Works Department or the Town Engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

   Response: *Not Applicable*. *No road improvements have been required.* *Zoning Staff indicates compliant.*

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 appliable workplace safety rules or standards for the site.

   Response: *In Compliance*. *Inspections have always been freely permitted. Operator has also invited State Mining Inspector David Vriezen to inspect the site, which occurred on 7/2/2025. His report will be provided.* *Zoning Staff agrees.*

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.

    Response: *In Compliance*. *Placard is posted on Scale House at entry to property.* *Zoning Staff agrees.*

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.

    Response: *In Compliance. CUP is maintained in Scale House. Zoning Staff agrees.*

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.

    Response: *Under County Review. There have never been any costs or fines assessed. Any formal written notices of violation from County Staff with the stated opportunity to cure a violation have resulted in timely compliance. Zoning Staff's Report has highlighted areas of concern addressed herein.*

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 onsite for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.

    Response: *In Compliance. All topsoil is maintained onsite for future reclamation. See Response to Zoning Staff Report, 1.C., above.*

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.

    Response: *In Compliance. Operator has an approved Dane County erosion control plan. See Response to Zoning Staff Report, 1.D., above.*

15. The permit period shall be fifteen (15) years from effective date.

    Response: *In Compliance. Permit is within 15-year period. Zoning Staff has no comments.*

16. 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.

Response: *In Compliance. An approved Reclamation Plan is on file. This is a future requirement to be imposed when reclamation is appropriate per the mining plan and reclamation plan.*

b. Final slopes shall not be graded more than 3:1 except in a quarry operation.

Response: *In Compliance. An approved Reclamation Plan is on file. This is a future requirement to be imposed when reclamation is appropriate per the mining plan and reclamation plan.*

c. The area shall be covered with topsoil and seeded to prevent erosion.

Response: *In Compliance. An approved Reclamation Plan is on file. This is a future requirement to be imposed when reclamation is appropriate per the mining plan and reclamation plan.*

d. The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County.

Response: *In Compliance. An approved Reclamation Plan is on file. This is a future requirement to be imposed when reclamation is appropriate per the mining plan and reclamation plan.*

e. Highwalls shall be free from falling debris, be benched at the top, and certified by a Civil Engineer to be stable.

Response: *In Compliance. An approved Reclamation Plan is on file. This is a future requirement to be imposed when reclamation is appropriate per the mining plan and reclamation plan.*

Overall Response: See Response to Zoning Staff Report, 1.A. and 1.B., above. A reclamation plan is not an exact science and it can ultimately be followed and implemented regardless of whether a single temporary stockpile is currently placed in the NW corner.

17. The driveway 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 or mud tracked onto public roads.

Response: *In Compliance. The driveway is constructed appropriately. Operator waters daily (multiple times, if needed) when applicable and mechanically brooms the driveway and public road intersection to keep in a mud and dust free condition. Zoning Staff agrees.*

18. 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."

Response: *In Compliance. The gate is closed and locked outside of operational hours except to allow for entry / exit as may be appropriate. Operator has established and communicated a policy to all employees to ensure compliance. Zoning Staff acknowledges Operator is addressing this concern.*

19. 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 along the Southern portion of the property shall adhere to the conditional use permit boundary (200-300 feet) as shown on the operation plan.

Response: *In Compliance. Setbacks are adhered to. Zoning Staff agrees.*

20. Excavations below the grade abutting Center Road shall be setback 30 feet from the property line.

Response: *In Compliance. Setbacks are adhered to. Zoning Staff agrees.*

21. Subject to State Statute 66.0441(3)(c), 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.

Response: *In Compliance. Operator is currently following what appears to be the County's reading of this term. We do wish to note that there is a fundamental source of confusion related to this term. As this condition is strictly read, a mechanic is forbidden from working to repair or maintain a piece of equipment at 7:02PM on a Monday. Working from 7:02PM to 8:00PM could conceivably have that piece of equipment available for work the next day, especially if the mechanic has traveled from out-of-town and been working on the equipment for several hours prior to 7:00PM. Yet, that same work could lawfully occur any time between 12:01AM and 11:59PM on a Sunday. Provided the site is secure, there is nothing inherent in a mechanical repair that would cause any*

disturbance to any neighbors at 7:02PM. A past issue in this regard arose due to this unusual set of rules. Operator would welcome a discussion with Staff on how to best interpret this term. As of now, Operator is following Staff's instructions. Zoning Staff acknowledges Operator is addressing this concern.

22. 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.

    Response: In Compliance. A compliant fence is run at 4 feet high around the entire extraction area. Zoning Staff agrees.

23. Any water pumped off-site shall be in accordance with Wisconsin DNR Stormwater Discharge Permit WI-A046515-06. There shall be no dewatering of groundwater from the site for operations below the water table.

    Response: In Compliance. Operator is following Stormwater Discharge Permit. There has been no dewatering activity below the water table. Zoning Staff is waiting on comments from DNR.

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

    Response: In Compliance. Zoning Staff agrees.

25. The Operator shall meet DNR standards for particulate emissions as described in NR415.075 and NR 415.076, Wisconsin Administrative Code.

    Response: In Compliance. Zoning Staff indicates this site may not be applicable.

26. 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.

    Response: In Compliance. Liability Insurance Policy in place at all times. The insurance agent/company annually has sent the certificate of insurance to the Town and County. Zoning Staff agrees.

27. Blasting:

    a. Blasting shall be limited to 10:00 a.m. to 4:00 p.m. Monday through Friday.

Response: *In Compliance. All blasting meets CUP terms. Zoning Staff agrees.*

    b. Notice of Blasting Events. Prior to any blasting event, 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 withing 1/2 mile of the site who wish to be notified of blasts. Residents need to communicate with the Operator regarding such requests.

Response: *In Compliance. All blasting meets CUP terms. Zoning Staff agrees.*

    c. 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.

Response: *In Compliance. All blasting meets CUP terms. Zoning Staff agrees.*

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

Response: *In Compliance. All blasting meets CUP terms. Zoning Staff agrees.*

28. Any fuel storage onsite 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.

Response: *In Compliance. Onsite fuel storage consists of two (2) 1,000-gallon mobile tanks on wheels. All fueling is done at appropriate locations, well above water table elevation. Zoning Staff agrees.*

29. 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.

Response: *Not Applicable. Operator is not aware of any survey monuments at issue. Zoning Staff agrees.*

30. This CUP is limited to K&D Stone only. CUP #2582 is non-transferrable to a different Operator.

    Response: *In Compliance. Operator has not transferred the CUP. Zoning Staff agrees.*

31. 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. Other operational berms shall be 8 feet tall as needed with 3:1 side slopes.

    Response: *In Compliance. There has been past concerns related to the vegetation on the berm on Center Road. Operator timely complied with the most recent Dane County Staff request, via email, and planted additional evergreen trees which are of the necessary size and height required. Operator has also taken steps to control noxious weeds. While the berms have not been perfect, Operator believes that they are in compliance with any applicable standards.*

    Moreover, in good faith, Operator is taking additional steps to restore and improve the berms with the addition of topsoil, seeding, and e-matting. This includes the Center Road berm and the berm adjacent to the Spelter parcel. Photos depicting the current berm condition as of July 21, 2025, with updated improvements, are provided at Tab D.

    Operator, going forward, is committed to monitor, maintain, and assure the berm is established and healthy, and keeps a good appearance. Operator is willing to hire a professional landscape firm to assist with berm maintenance, such as for weed control / fertilization.

32. 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.

    Response: *In Compliance. Zoning Staff agrees.*

33. The maximum number of driveways shall be limited to one. The Northerly driveway shall be removed within 2 years of the date of the conditional use permit and the site will utilize the Southerly driveway as shown in the operations plan.

    Response: *In Compliance. The North gate was closed and a berm installed in its place. Only the South entrance is in use. Zoning Staff agrees.*

34. Back-up alarms. The onsite traffic flow shall be designated to establish minimum 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.

Response: *In Compliance*. *Zoning Staff agrees.*

35. A 2' x 4' sign shall be placed at the existing point of the site stating: "All loads are required to be tarped prior to leaving the site."

Response: *In Compliance*. *Zoning Staff notes this condition is unenforceable. Operator has and will continue to encourage trucks to tarp their loads.*

36. A 2' x 4' sign shall be placed at the entrance point of the site stating: "Speed limit 15 mph."

Response: *In Compliance*. *Zoning Staff agrees.*

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

Response: *In Compliance*. *Zoning Staff does not comment.*

38. Upon 24-hour notice to conditional use permit Operator, operations must cease during interment at the Graves Cemetery.

Response: *In Compliance*. *There have been three (3) known burial services since commencement of CUP operations. There was no notice to Operator prior to events 1 and 3. There was notice prior to event 2, and Operator stopped operations for that event. Operator cannot comply unless notice is provided. Zoning Staff does not comment.*

CONCLUDING COMMENTS:

Since the June 24th ZLR meeting, the Operator, via counsel, made multiple written requests to set a date and time with Zoning Staff for a meeting to discuss this matter. Staff declined those requests. Staff instead demanded a statement from the Operator as to whether or not it believed it was 100% in compliance with any and all permits and laws governing its operation. Operator did not believe that was fair, and frankly, explained that Operator was consulting with its private consultant, State officials, and others to investigate whether there were any issues of concern. As a result, a meeting did not occur.

Operator's process was delayed due to his health and a hospitalization period in July.

Zoning Staff appeared on site on July 16, 2025, to conduct an inspection. Operator fully cooperated therewith.

Operator has taken steps to address all concerns and acknowledge where mistakes were made in the past.

Operator is committed to proceeding to operate in a professional and compliant manner. In furtherance thereof, Operator is willing, voluntarily, for a period of two (2) years to submit to an inspection and the issuance of a written report every six (6) months, to Zoning Staff, by a professional consultant / engineer with expertise in the non-metallic mining and reclamation field, assessing compliance with the all permit standards. Operator will agree to disclose those reports and any findings of concern to Zoning Staff. Operator will also agree to cure any issues within 30 days of such notice. Operator will assume all costs of this process.

Operator therefore respectfully requests the ZLR decline further proceedings, including a public hearing, on possible revocation. As previously discussed, such a hearing will simply revive and escalate hostilities in the neighborhood. Operator has responded to all concerns, admitted where mistakes were made, and is willing to move forward. Operator understands that future operations will be monitored closely and that strict compliance is needed.

Operator requests a chance to move forward with its operation. Operator employs 6-8 full-time workers, supplies critical aggregate resources to contractors and local governments in an area of significant economic growth, and has binding contracts that require the balance of 2025 to fulfill. Causing the loss of this CUP would have drastic impacts to many persons and businesses.

Thank you for your attention to this matter.

TAB A

Dane County Planning & Development
Mining Regulatory

Date: December 17, 2024

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."*

On Monday, November 19, 2024, emails were received by residents in the township of Rutland requesting that our department investigate a massive amount of garbage and construction debris being buried at the site. Concerns were raised with regards to the contamination of the groundwater and that the site was being used as a landfill. Several photos were attached showing the types of material from a neighboring property.

On November 20, 2024, I met with Kevin Hahn to go over the concerns raised and to investigate the fill material that was being placed on site. One of the first things I noticed is there were two distinct piles of broken concrete and asphalt. The asphalt is being recycled on site for the purpose of being sold for driveways and parking lots. The concrete is being recycled as well. There are several pieces that do contain rebar, but the operator has the ability to remove as much as practible before the concrete is crushed. Both materials are not being buried and are contained within the boundaries of the site.

Further to the west there was a large pile of brush, trees and branches. The operator will be burning this pile over time. The DNR does have guidance on this type of material and wood stumps cannot be buried, but can be shredded or chipped then spread out.

The operator took me to the area where there has been recent dumping of various types of building materials. Materials were cinder blocks, clay tile, cream colered bricks, broken concrete and small pieces of asphalt. I did see small pieces of splintered plywood and a couple pieces of aluminum, maybe a window frame. I mentioned to the operator that any type of building materials that isn't allowed must be removed. Various types of stone materials is allowed, whether it is a man made or naturally made like boulders or rocks. The operator must monitor every load that comes into the site to verify the types of materials being dumped.

I did not see anything egregious that would constitute a violation. I also had conversations with Wisconsin DNR staff that oversee the reclamation program and the solid waste division at the state level to get their thoughts on this issue. These types of building materials are allowed to be used as fill within a non-metallic mining site.

NR 500.08(2)(a), *Wisconsin Adm. Code* considers clean fill to be clean soil, brick, building stone, concrete or reinforced concrete not painted with lead-based paint, broken pavement, and wood not treated or painted with preservatives or lead-based paint.

The original CUP application materials does mention that the site will accept general fill.

The site will also accept general fill from offsite to aid in the reclamation of the site – materials will include but not be limited to topsoil and general fill – no trash or solid waste is accepted but a dumpster will be provided onsite to manage any materials that need to be disposed of. Finally, note that concrete and asphalt will also be accepted to be recycled as noted in *Appendix D – Aggregate Products List.*

AGGREGATE PRODUCTS LIST

Crushed Stone:

- 3/4" Clear Crushed Limestone
- 1 ¼" Clear Crushed Limestone
- 3" Clear Crushed Limestone
- 5" Clear Crushed Limestone
- ¾" Base Crushed Limestone
- 1 ¼" Base Crushed Limestone
- 3" Breaker Run
- Screenings
- Rip-Rap – Various Sizes

Recycled Products:

- 1 ¼" Crushed Asphalt
- 1 ¼" Crushed Concrete

Other Products:

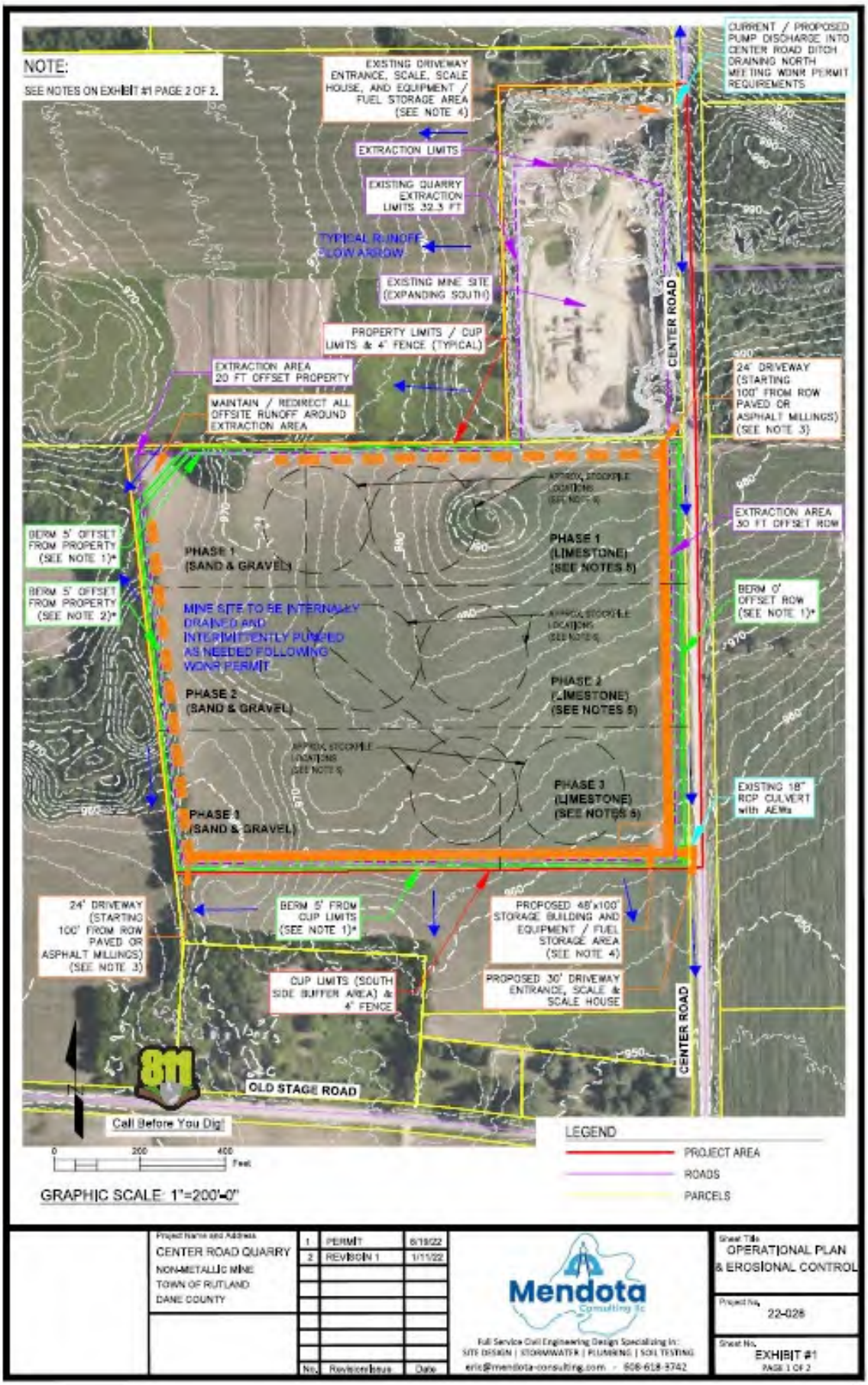
- Bank Run Sand
- Screened Sand
- Topsoil
- Screened Topsoil
- Landscape Boulders
- Cobblestone – Various Sizes

As per 10.004(99)3 *Dane County Code of Ordinances*, Importing and dumping of clean fill materials is an accessory use to Mineral extraction. In addition, under 10.004(99)2; stockpiling and processing of concrete and asphalt pavements for the purpose of recycling for reuse in asphalt or concrete mixtures or base course products is allowed as an accessory use to Mineral Extraction.

Lastly, the site in general appeared to be in compliance. No erosion control issues and the newly constructed berms seemed to be providing stormwater control. I will be following up on the landscape of the berm along Center Road next spring as the evergreen trees do not appear to be healthy.

Also, I initiated a conversation with the operator with regards to the overall strategy with the operations plan and the reclamtion plan. Technically, there are no areas considered to be reclaimed and the reclamation plan can be modified over time as the initial conception is for the site is to be returned to a small lake.

However, Condition #1 of CUP 2582 states that the 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.



Project Name and Address	No.	Revision/Issue	Date
CENTER ROAD QUARRY NON-METALLIC MINE TOWN OF RUTLAND DANE COUNTY	1	PERMIT	6/13/22
	2	REVISION 1	1/11/22

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eric@mendota-consulting.com ~ 608-618-3742

Sheet Title: OPERATIONAL PLAN & EROSIONAL CONTROL
Project No.: 22-028
Sheet No.: EXHIBIT #1
PAGE 1 OF 2


FP-35
DCPREZ-2022-11919
FP-35
DCPREZ-2019-00007
CUP
2582
Non-metallic mineral extraction
Center Rd
Spring 2022

Summer 2023

Test Pit #1

TAB B

Test Pit #1

Test Pit #1

Test Pit #2

Test Pit #2

Test Pit #2

Test Pit #2

Ditch

TAB C

Ditch

Ditch

Ditch

Ditch

TAB D

Berm

Berm

Berm by Spelter – New Topsoil added. Seeded & Mulched

Berm by Spelter – New Topsoil added. Seeded & Mulched

Berm by Spelter – New Topsoil added. Seeded & Mulched

Berm by Spelter – New Topsoil added. Seeded & Mulched