

Staff Report



Zoning and Land Regulation Committee

Public Hearing: **September 16, 2025**

Zoning Amendment Requested:

TO CUP: Renew existing permit (CUP #2333) for Non-metallic mineral extraction operation

Size: **73.28 acres**

Survey Required: *n/a*

Reason for the request:

Renew an existing non-metallic mineral extraction site.

CUP 02673

Town/Section:

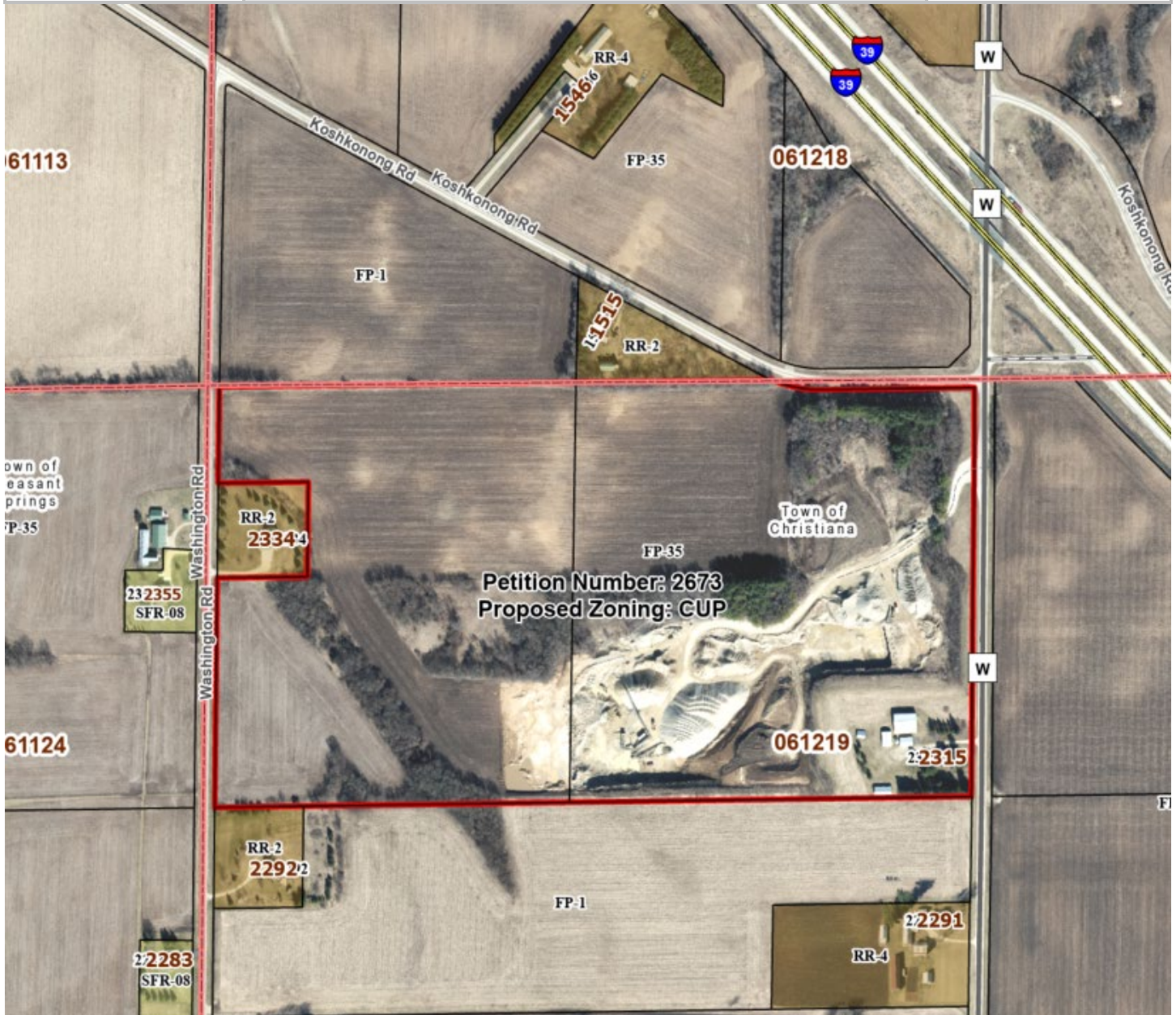
CHRISTIANA, Section 19

Applicant

RG Huston

Address:

2315 CTH W



DESCRIPTION: RG Huston, (Dennis Richardson) would like to obtain a Conditional Use Permit (CUP) to continuing to operate a non-metallic mineral extraction site located on approximately 73 acres on lands under the ownership of VOLENBERG REV TR, JOAN L. The proposal would renew the existing CUP for another 10 years.

The site is located at 2315 County Highway W and south of Interstate 39/90 in the town of Christiana. The existing limestone quarry, sand and gravel pit has been in operation since 2004. The site involves mining, recycling, processing of

aggregates and soils for local construction projects including residential home sites, commercial sites, and road/highway projects. Operational hours are proposed to be Monday through Saturday 6:00 am to 6:00 pm.

Mining will continue to the west and south with the floor of the quarry well above the local groundwater table.

OBSERVATIONS/FACTUAL INFORMATION: The easterly 40 acres of the CUP area was a Non-Conforming Mineral Extraction Site registered in 1969, but the Non-Conforming status was deleted on 01/18/1987. Before CUP #1880, there was CUP #737 for mineral extraction for highway construction (government use) by Richard Volenberg, effective 4/11/1989, expired in 1989. CUP #2333 replaced #1880.

The surrounding area is a mixture of agricultural and scattered rural residential uses. No sensitive environmental features observed. The land is currently being leased and lands not disturbed are utilized for crop production. Mined material will be processed by crushing, screening, and washing, then temporarily stockpiled until sold or used.

RG Huston has an approved reclamation plan on file with Dane County that includes erosion control and stormwater components. The plan is for the site to be returned to agricultural uses.

RESOURCE PROTECTION: There are no areas of resource protection located on the subject property.

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

Prior to granting or denying a conditional use, the ZLR Committee shall make findings based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the eight standards to obtain a conditional use permit. Below is the list of the eight standards and the applicant's response to those sections.

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

- *Renewing an existing mineral extraction CUP site that already meets and will continue to maintain those measures. Driveway entrance improvements onto County W already exists and is working safely. The site is already signed with no trespassing signs and MSHA danger/warning signs required by law. The site is under permit and meets the WisDNR standards for particulate emissions. All pit equipment has muffler systems which meet or exceed industry standards for noise.*

2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

- *Renewing an existing mineral extraction CUP site that already meets and will continue to maintain those measures. The surrounding property is mainly agricultural which our operation will continue to not have an impact on. The rural homestead to the west is the son of the mineral extraction site owner. The farm field to the north is owned by the mineral extraction site owner and will remain in agricultural production. The farmstead/home to the south is the home of the mineral extraction owner - Joan Volenberg.*

3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- *Renewing an existing mineral extraction CUP site that already meets and will continue to maintain those measures. We are not changing any zoning so we should continue to not affect any surrounding properties future permitted uses. After mineral extraction is completed, the property will be returned to its previous agricultural use.*

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

- *Renewing an existing mineral extraction CUP site that already has the required improvements done. No additional access improvements are needed. Existing drainage patterns remain to the north through existing drainage swales north of Koshkonong Road. Existing electrical utilities were upgraded in years past and are currently more than adequate for our operations.*
- 5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;**
- *Renewing an existing mineral extraction CUP site that already has the required improvements done. Driveway improvements to County Highway W have been in place for years and have proven efficient and safe. The existing driveway is asphalt surfaced, 24 feet wide by approximately 110 feet long. Daily truck volume varies greatly but on seasonal average it is zero to ten trucks per hour when the site is in use.*
- 6. The conditional use shall conform to all applicable regulations of the district in which it is located.**
- *The Renewing an existing mineral extraction CUP site that already meets and will continue to maintain applicable regulations. The site is currently zoned FP-35 and will remain zoned that way.*
- 7. The conditional use is consistent with the adopted town and county comprehensive plans.**
- *Renewing an existing mineral extraction CUP site that is consistent with both comprehensive plans. We are keeping the current zoning of FP-35 which coincides with the current Town of Christiana long range plan for the area.*
- 8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).**
- a. The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district:**
- *The location of Mineral Extraction Sites are allowed in FP-35 zoning districts with a Conditional Use Permit. These Mineral Extraction Sites have to be located where the underground source is. This is a renewal of an existing Nonmetallic Mineral Extraction Site.*
- b. The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.**
- *This is a renewal of an existing Nonmetallic Mineral Extraction Site. FP-35 zoned parcels are a major area for Mineral Extraction Sites due to their typically rural locations. Mineral Extraction Sites have to be located where the underground source is.*
- c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.**
- *This mineral extraction site is a temporary use for the farmland. The long term plan for this site is for it to be completely reclaimed back to farmland.*
- d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.**
- *This is renewal of an existing nonmetallic mineral extraction site that has been in use since 2004 without impact to adjacent farm parcels. The mineral extraction operation will continue the same - be status quo. Therefore there should continue to be no impacts to adjoining farm parcels.*
- e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.**
- *We will continue to not encroach upon or impact adjacent farmland parcels not under ownership by Joan Volenberg. The farmland owned by Joan Volenberg will be phased into mining production as needed minimizing the area taken as much as possible.*

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

Potential conditions of approval specific to CUP 2673 can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Common topics include but are not limited to, hours of operation, hours for blasting, blasting notification procedures, screening, duration, site access, and identification of haul routes.

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

1. Topsoil shall be saved and stored on site for reclamation of the area.
2. The applicant shall receive approval of an erosion control permit prior to commencing extraction operations.
3. The Town and Committee will set an expiration date for the conditional use permit based on the quantity of material to be removed. *(See staff suggested conditions below)*
4. Reclamation of the site shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances.
5. The driveway accessing the site shall be paved or covered with crushed asphalt for a minimum distance of 100 feet.
6. The access have gates securely locked when the extraction site is not in operation.
7. All excavation shall be setback a minimum of 20' from any property line.
8. All excavations shall be setback to the building setback requirements from streets.
9. The Town and Committee will assign hours of operation appropriate to the particular application. [Note: Typical hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday, and 8 a.m. to early afternoon on Saturday. If there are residences nearby, hours may be more limited (e.g., start at 7:00 a.m. with no Saturday hours). *(See staff suggested conditions below)*]
10. There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 4 feet in height.
11. Discharge of water from a site is limited. *(See staff suggested conditions below)*
12. All trucks and excavation equipment to have muffler systems that meet current industry standards for noise abatement.
13. The operator shall meet DNR standards for particulate emissions.
14. The operator shall carry liability insurance with Dane County and the Town listed as additional named insureds.
15. The town board and zoning committee may set further reasonable restrictions on a mineral extraction operation. *(See staff suggested conditions below)*
 - a. Blasting shall conform to Wisconsin Administrative Code SPS 307. Blasting shall occur between sunrise and sunset, as required by SPS 307. The zoning committee and town board may set further daily limits on hours when blasting may occur to minimize impact on neighboring properties.
 - b. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.
 - c. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.
 - d. In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.

APPLICABLE COMPREHENSIVE PLAN: The property is located in the town's agricultural preservation area. Mineral extraction is recognized as a conditional use in this district and the plan goals for mineral extraction are to 1) require all mineral extraction operations and utilities to be functionally and visually compatible with the predominant agricultural and rural residential uses of the land; and to 2) limit conflicts between mineral extraction and incompatible uses. Town policies also indicate that the town, "...may require that an applicant for a mineral extraction operation enter into a binding agreement with the town detailing the applicant's responsibilities to the town for provision of services, road repairs, etc..".

Pending any concerns expressed at the ZLR public hearing, or by the town in the course of its review, the proposed CUP extension appears reasonably consistent with comprehensive plan policies.

TOWN ACTION: The Town of Christiana Board recommended approval of the CUP subject to a 10 year extension and the “same conditions:” as previous [CUP 2333](#).

STAFF RECOMMENDATIONS

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

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

Below are a list of conditions as required under both sections [10.101\(7\)\(h\)](#) (standard conditions applicable to all CUPs), and section [10.103\(15\)](#) (special requirements for mineral extraction) of the zoning ordinance that will need to be part of the conditional use permit, if approved. Additional conditions or alterations to the conditions recommended below may be needed to address concerns raised at the public hearing. The recommended conditions are largely reflective of the previous conditions imposed under CUP 2333.

- 1) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions.
- 2) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
- 3) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 4) Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
- 5) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
- 6) All vehicles and equipment must access the site only at the approved location identified in the site plan and operations plan.
- 7) Township roads shall not be used for hauling to or from the site, either empty or full, unless the applicant or customers are serving a resident/business on the township roads. All other use of town roads requires Town Board approval.
- 8) Off-street parking must be provided, consistent with s. 10.102(8).
- 9) 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 borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 10) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
- 11) 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.
- 12) 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.
- 13) 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.

- 14) Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter 74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.
- 15) 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.
- 16) The permit period shall be ten (10) years from effective date.
- 17) Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards:
 - a) Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan.
 - b) Final slopes shall not be graded more than 3:1 except in a quarry operation.
 - c) The area shall be covered with topsoil and seeded to prevent erosion.
 - d) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County
 - e) Highwalls shall be free from falling debris, be benched at the top, and certified by a civil engineer to be stable.
- 18) Solid waste dumping is prohibited.
- 19) 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.
- 20) 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."
- 21) All surface and subsurface operations shall be setback a minimum of 20' from property lines that do not abut a public right of way. Operations shall adhere to the conditional use permit boundary as shown on the operation plan.
- 22) Excavations below the grade abutting of Washington and Koshkonong Road shall be setback 30 feet from the property line and 42 feet from County Highway W right-of-way line.
- 23) Subject to State Statute 66.0441(3)(c), hours of operation shall be 6:00 a.m. to 6:00 p.m. Monday through Saturday. There shall be no operations of any kind on Sundays and holidays. Holidays are to include: New Year's Eve, New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve, and Christmas Day.
- 24) 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.
- 25) Any water pumped off-site shall be in accordance with Wisconsin DNR Stormwater Discharge requirements. There shall be no dewatering of groundwater from the site for operations below the water table.
- 26) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
- 27) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.
- 28) 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.
- 29) Blasting:
 - a) Blasting shall be limited to 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. Monday through Friday. No blasting shall occur on weekends or holidays.
 - 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 within ¼ mile of the site who wish to be notified of blasts. Residents need to communicate with operator regarding such requests.
 - 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.
 - d) Fly rock shall be contained within the permitted mineral extraction area.

- 30) Any fuel storage on-site shall comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment. All excavation equipment and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.
- 31) 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.
- 32) This CUP is limited to RG Huston only. CUP #2673 is non-transferrable to a different operator.
- 33) Berms and landscaping shall be established and maintained.
- 34) 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.
- 35) Back-up alarms - The on-site traffic flow shall be designated to establish minimal backing up of vehicular traffic during normal work operations. Whenever possible, the operator shall utilize alternatives to standard backup beeps, for instance, those making a sweeping sound if approved by MSHA.
- 36) Engine breaking is prohibited for all vehicles either entering, leaving or driving onsite.
- 37) The Town of Christiana may request documentation of any Dane County inspections and permit renewals.

Any questions about this petition or staff report, please contact Dan Everson at (608) 267-1541 or email at everson.daniel@countyofdane.com