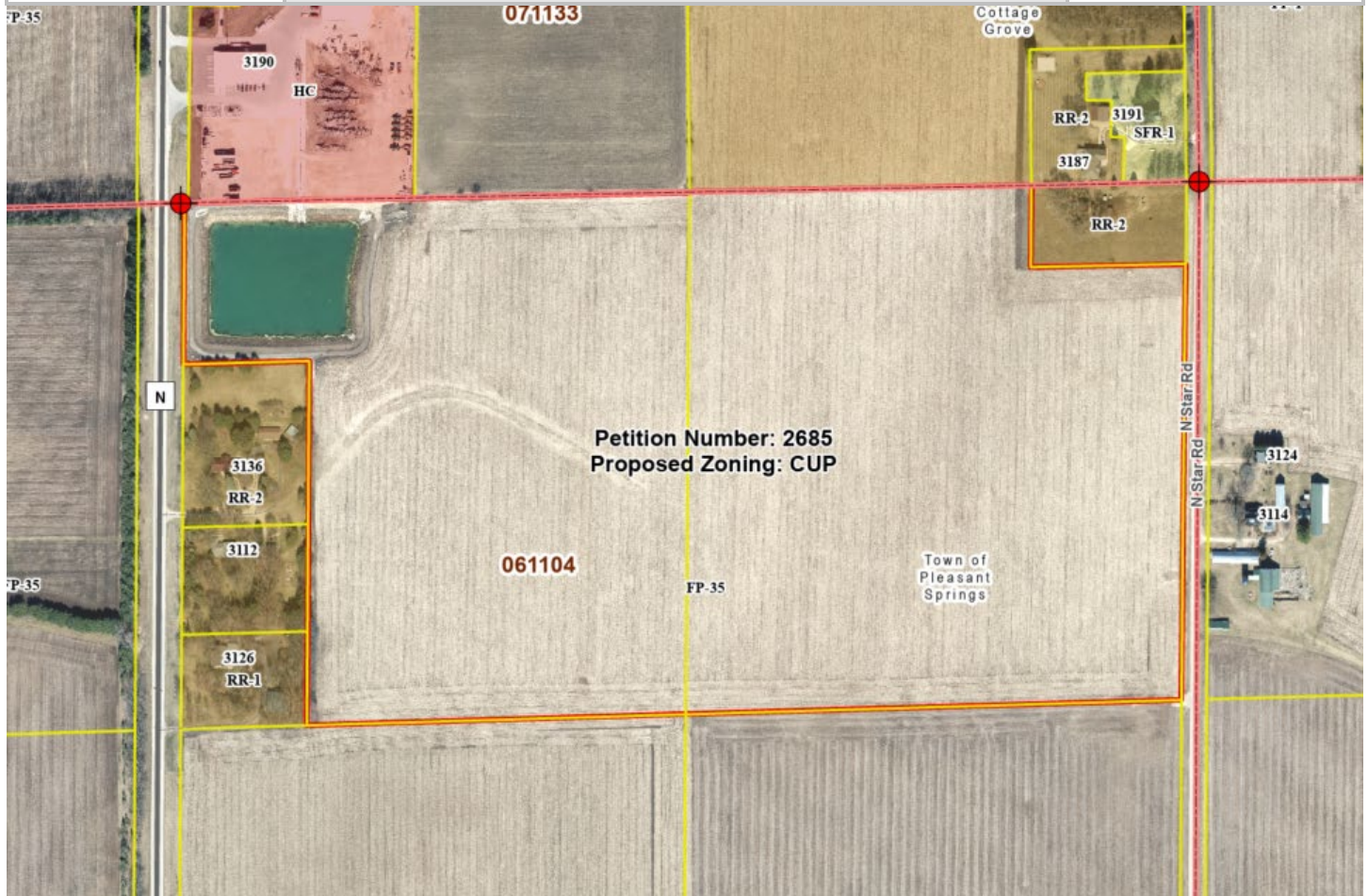


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> November 25, 2025		Conditional Use 02685
	<u>Zoning Amendment Requested:</u> TO CUP: Mineral extraction		<u>Town, Section:</u> PLEASANT SPRINGS, Section 4
	<u>Size:</u> 73.9 Acres	<u>Survey Required:</u> <i>no</i>	<u>Applicant:</u> H STORAGE LLC, Dennis Richardson
	<u>Reason for the request:</u> New mineral extraction site.		<u>Address:</u> East of 3136 CTH N



DESCRIPTION: H Storage LLC (RG Huston) is requesting a Conditional Use Permit for non-metallic mineral extraction on agricultural lands they currently own. The site involves mining and processing of onsite sand and limestone aggregates for local construction projects, ranging from residential homesites and commercial sites to local roadways and major highways. The proposal is for 10 years with future submittals as west to east phasing commences and ends.

OBSERVATIONS/ FACTUAL INFORMATION: The site is located east of County Highway N, north of Interstate 39/90 and south of US Highway 12 & 18.

Mineral extraction and reclamation are proposed over three phases. The first phase and beginning of mineral extraction is anticipated to be in 2026, and the end of extraction, after completing the third phase, is anticipated to be in the year 2056, or approximately ten years per phase. During the mineral extraction phases, the remaining phases where mineral extraction has not taken place will remain as agricultural cropland use.

Mining will be conducted above the water table and the anticipated elevation of the quarry floor will be about 50 feet below pre-mining grades.

Operational hours are proposed to be Monday through Saturday, 6:00 am to 6:00 pm. with no operations on Sundays and holidays. Night work associated with municipal or WisDOT projects may occur on a limited basis.

The current land use adjacent or near to the proposed site is predominately agricultural in nature. There are four residential homesites established adjacent to this proposed site. Three along CTH N and one located northeast along North Star Rd.

The access to the site is already established on an adjacent parcel directly to the north. Truck traffic exporting materials are anticipated to travel north or south on County Highway N. There are three phases being proposed that extracts materials west to east. Areas not being mined will stay in agricultural production.

Mineral extraction is listed as an allowable conditional use in the FP-35 Zoning District. *S. 10.222(3)(c)*. Importing of materials from different sites is not allowed to be processed and exported. Importing of clean fill is allowed to further achieve reclamation. Stockpiling and processing 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.

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

RESOURCE ANALYSIS: Currently, the town of Pleasant Springs has three active mineral extraction sites and those sites are identified as registered non-conforming sites. There are four active sites within 1.5 miles of this proposed site.

COMPREHENSIVE PLAN: The property is located in both the town's agricultural preservation and rural mixed use planning areas. The rural mixed use planning area is loosely defined along CTH N north of Interstate 39/90 and is intended to, "...accommodate a mix of agricultural uses, rural residential uses, and limited family-run rural business uses requiring a rural location and access to the County Trunk Highway network." The plan includes policies for mineral extraction proposals, indicating that the town will review proposals against all applicable standards for approval found in the county zoning code. The plan further stipulates the following, "To ensure these standards are satisfied, the town will consider limitations or conditions on various aspects of the proposed extraction activity. Examples of potential limitations/conditions include restrictions on hours of operation, blasting, improvements necessary for safe ingress/egress, erosion or stormwater control measures, environmental buffers, and/or privacy or security screening, fencing, landscaping, or berming."

The applicant had initially proposed rezoning the property to RI (Rural Industry) to accommodate outdoor storage uses for broader operations of the RG Huston construction services company in the future, but the requested zoning was inconsistent with town plan policies and so was withdrawn by the applicant. Staff's understanding is that there will still be some outdoor storage uses, though primarily for equipment involved in the mineral extraction operation. Based on the descriptions provided by the applicant, it appears the near-term outdoor storage uses would be considered a "mineral extraction accessory use" and therefore can be accommodated under proposed CUP #2685.

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

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

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

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

Driveway entrance improvements to C.T.H. N already exist and are working safely on the H Storage Property to the north where ingress/egress will take place. No trespassing signs and MSHA danger/warning signs will be installed in accordance with federal, state, and local requirements. The project is being submitted concurrently to the Wisconsin Department of Natural Resources (WDNR) to address and obtain permitting for air quality (particulate emissions). All pit equipment have muffler systems which meet or exceed industry standards for noise. The non-metallic mining site will operate within all applicable environmental controls and permitting set forth by WDNR, Dane County, and other regulatory bodies. The site will be bermed from public view along CTH N. Landscaping will be planted on the berm to increase the aesthetic views of the berms.

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

The surrounding property is mainly agricultural, which the operation will have negligible impact on. A proposed berm along the west of the site will help screen and mitigate noise for the rural residences to the west. Landscaping will be planted on the berm to increase the aesthetic views of the berms. Proposed screening in the northeast corner of the site and topography/elevation change due to quarry/pit operations being much lower than the surrounding area will aid in screening and noise mitigation for the rural residences in the east/northeast corner of the site. The hours of operation are consistent with normal business hours. All federal, state, and local permits, laws, and ordinances will be followed.

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

The project operations will not impede any development or improvements of the surrounding properties. The hours of operation are consistent with normal business hours. All federal, state, and local permits, laws, and ordinances will be followed. Once the mineral extraction is complete, the site will be reclaimed to farmland use.

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

Aside from storm sewer for the reclaimed site, no utilities are being proposed at this time. Access for dump truck traffic will enter and exit the project site via the existing ingress/egress driveways to C.T.H. N of the existing H Storage Site near the northwest corner of the project site. No additional improvements are anticipated to be needed for access to and from the site. Drainage patterns during quarry/pit operations will be kept similar to existing patterns to the maximum extent practicable. Post-development stormwater management will be submitted, reviewed, and approved by WDNR and Dane County for the reclaimed site prior to the start of operations.

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

Driveway improvements to County Highway N on the existing H Storage Site, where ingress/egress access will occur, have been in place for years and have proven efficient and safe. The existing driveway is asphalt surfaced of sufficient dimensions for safe operation and turning movements in and out of the site. Daily truck volume varies greatly but the impact to safety and/or congestion is anticipated to be negligible.

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

The proposed site and operations will follow all federal, state, and local permitting, laws, and ordinances.

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

The proposed operation is in close proximity to areas indicated on the Town Comprehensive Plan for future land use as being rural mixed use allowing for the establishment and operation of rural businesses that are compatible with the rural character of the town and existing, neighboring land uses. The site will be reclaimed for farmland use once the mineral extraction is completed.

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

- a. **Explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district:**
 - Mineral Extraction is an allowable use under FP-35 zoning.
- b. **Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations:**
 - Mineral Extraction is an allowable use under FP-35 zoning. Large volumes of valuable minerals are located within the property boundaries.
- c. **Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use:**
 - The mining will take place in phases to allow farming to continue as long as possible before mining and the land will be reclaimed to farmland use after mining operations.
- d. **Explain how the use does not substantially impair or limit the current or future agricultural use of surrounding parcels zoned for agricultural use:**
 - The mining will take place in phases to allow farming to continue as long as possible before mining and the land will be reclaimed to farmland use after mining operations.
- e. **Explain how construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible:**
 - The mining will take place in phases to allow farming to continue as long as possible before mining and the land will be reclaimed to farmland use after mining operations.

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

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

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

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

14. The operator shall carry liability insurance with Dane County and the Town listed as additional named insureds.
15. The town board and zoning committee may set further reasonable restrictions on a mineral extraction operation. *(See staff suggested conditions below)*
 - a. Blasting shall conform to Wisconsin Administrative Code SPS 307. Blasting shall occur between sunrise and sunset, as required by SPS 307. The zoning committee and town board may set further daily limits on hours when blasting may occur to minimize impact on neighboring properties.
 - b. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.
 - c. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.
 - d. In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.

TOWN ACTION: Recommended approval – 10/22/2025

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

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

Below 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.

- 1) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions.
- 2) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
- 3) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 4) Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
- 5) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
- 6) All vehicles and equipment must access the site only at the approved location identified in the site plan and operations plan.
- 7) Off-street parking must be provided, consistent with s. 10.102(8).
- 8) If the 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.
- 9) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

- 10) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
- 11) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
- 12) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
- 13) Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter 74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.
- 14) The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
- 15) The permit period shall be ten (10) years from effective date.
- 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.
 - 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.
- 17) Solid waste dumping is prohibited.
- 18) 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, debris or mud tracked onto public roads.
- 19) 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."
- 20) 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.
- 21) Excavations below the grade abutting of North Star Rd. shall be setback 30 feet from the property line. Excavations below the grade abutting CTH N shall be setback 42 feet from the property line.
- 22) 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.
- 23) The operator shall use spray bars (water) in the crushing process to reduce dust when necessary. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
- 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) No blasting shall occur on Sundays and holidays.
 - b) Notice shall be provided to nearby residents as described in SPS 307, Wisconsin Administrative Code.
 - 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 ATP 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 operations destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a RG Huston only. CUP #2685 is non-transferrable to a different operator.
- 32) This CUP is limited to RG Huston only. CUP #2685 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.

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

Looking east, south of the driveway at 3190 CTH N

