



## **Public Hearing Item 7: Conditional Use Permit**

Planning & Zoning Committee • September 2, 2025

<b><u>Proposed Use:</u></b>	Non-Metallic Mineral Extraction
<b><u>Applicable Section(s):</u></b>	12.105.02; Table 12.105.02(1); 12.125.25; 12.155.06(10)
<b><u>Zoning District(s):</u></b>	A-1 Agriculture
<b><u>Property Owner(s):</u></b>	Attoe Joint Revocable Trust Dated 2/22/2021, c/o Randy Attoe
<b><u>Applicant(s):</u></b>	Tri-County Paving Inc, c/o Dustin Gradel
<b><u>Property Location:</u></b>	Located in the Northwest Quarter of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter of Section 4, and the Northeast Quarter of the Southeast Quarter of Section 5, all in Town 10 North, Range 10 East
<b><u>Town:</u></b>	Leeds
<b><u>Parcel(s) Affected:</u></b>	65, 66.1, 68, 70, 72, 73, 90
<b><u>Site Address:</u></b>	Hall Road
<b><u>Background:</u></b>	

Randy Attoe of the Attoe Joint Revocable Trust and Dustin Gradel of Tri-County Paving Inc., owner and applicants, request the Planning and Zoning Committee review and approve a Conditional Use Permit for Non-Metallic Mineral Extraction on the aforementioned property. The proposed quarry would cover a total of 30 acres, across parcels 65, 66.1, 68, 70, 72, and 73. Non-metallic mineral extraction is a Conditional Use within the A-1 Agriculture zoning district. Total acreage of all parcels involved is 148.11, and individual parcel acreage follows:

Parcel No.	Area (acres)
65	20
66.1	39.59
68	20
70	20
72	22.62
73	25.9
90	30

The property is zoned A-1 Agriculture and planned for continued Agricultural or Open Space land use. There are no mapped wetlands, floodplain, or steep slopes on the property. Slopes on site range from 1 to 4 percent. All parcels are currently enrolled in the Farmland Preservation Program. In the Columbia County Zoning Ordinance, non-metallic mineral extraction is regulated under Section 12.125.25. Land use and zoning of adjacent properties is below.

### **Adjacent Land Uses and Zoning**

Direction	General Land Use	Zoning
North	Agriculture and Single-Family Residence	A-1 Agriculture

<b>East</b>	Agriculture and Single-Family Residence	A-1 Agriculture
<b>South</b>	Agriculture	A-1 Agriculture
<b>West</b>	Agriculture and Single-Family Residence	A-1 Agriculture

### **Analysis:**

Tri-County Paving is proposing to open and operate a 30-acre non-metallic mine on site. The mine location straddles parcels 65, 66.1, 68, 70, 72, 73, and 90. The mine is proposed to operate in one phase over 75 years. The proposed mine boundaries are located greater than 600 feet from the surrounding homes and will sit at the minimum required setback of 50 feet from the nearest property line. Limestone will be the primary material extracted and will be used for concrete and asphalt mixes for building and road construction. The operator anticipates producing approximately 100,000 tons of aggregate per year. Proposed operational hours are Monday through Friday from 6:00 am until 6:00 pm, and Saturdays from 7:00 am to 4:00 pm. Equipment maintenance will occur after hours. Equipment includes drills, loaders, dozers, haul trucks, scrapers, dump trucks, and crushing equipment. Activities occurring on site will include blasting, crushing, washing, stockpiling, and hauling. A portable wash plant will be located in the southwestern corner of the mine. Drilling, blasting and crushing will occur as needed, depending on market demand for aggregate. Proper notifications will be sent 24 hours prior to blasting, in accordance with proposed Condition 9. Blasting hours will be limited to Monday through Friday, from 8:00 am until 2:00 pm. Screening and washing of material will occur after. There will be no permanent bulk fuel storage, and a stormwater pollution and prevention plan will be prepared and submitted to the Department of Natural Resources for review.

Access to the site will be from Hall Road, approximately 665 feet east of State Road 22, and will run northwest of the proposed mine through parcels 66.1 and 90. A “No Right Turn” sign will be installed at the access exit to ensure trucks travel west to State Road 22, unless a local delivery of materials requires them to be hauled to the east. The revised access location will allow mine traffic to bypass nearby residences. The access road will be paved a minimum of 100 feet south of Hall Road. The remaining access will consist of gravel. The access road will be watered, and Hall Road will be swept as needed near the access entrance. A scale and a scale house will be constructed between the mine and Hall Road, to the east of the access road. A low capacity well is also proposed in this area. Haul trucks will travel west along Hall Road to reach State Highway 22.

A locking gate and warning sign will be installed at the entrance of the site. Additional warning signs will be posted along the fence line around the perimeter of the site. One ground sign, four feet by four feet in size, will be installed at the entrance to identify the quarry for both emergency services and truck traffic. A landscape berm at least six feet in height will be installed around the perimeter of the mine from the topsoil and overburden on site for visual and noise screening. The berm will be a minimum of six feet in height, seeded, and a four-foot tall, barbed wire fence will be installed on top. The proposed berm does not run along the access road. No other landscaping is proposed.

Erosion control measures include silt fencing, rip rap, hay bales, and prompt seeding and mulching of finished areas. The site will be internally drained to the maximum possible extent to reduce runoff from the site. The bottom of the proposed mine will sit ten feet above the water table.

Reclamation will occur immediately following the conclusion of mining activities and will be completed within two years of operation cessation. The site will be reclaimed for agricultural use. The County has already received and reviewed the reclamation plans to ensure compliance with NR135.

### **Town Board Action:**

The Leeds Town Board met on July 21, 2025 and recommended approval of the Conditional Use Permit with conditions.

### **Standards for Review:**

The proposed use complies with the General Criteria of Section 12.150.07(4) of the Columbia County Zoning Ordinance. See Attachment A for more details.

### **Recommendation:**

Staff recommends approval of the Conditional Use Permit for Non-Metallic Mineral Extraction, subject to the adoption of the following recommended Findings, Conclusions, and Conditions.

### **Recommended Findings of Fact:**

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Ordinance, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
  - a. Attoe Joint Revocable Trust Dated 2/22/2021, c/o Randy Attoe is the owner of the subject property.
  - b. Attoe Joint Revocable Trust Dated 2/22/2021, c/o Randy Attoe and Tri-County Paving Inc, c/o Dustin Gradel are the applicants for a Conditional Use Permit.
  - c. Tri-County Paving Inc, c/o Dustin Gradel is the operator of the proposed non-metallic mine.
  - d. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
  - e. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
  - f. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
  - g. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
  - h. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
  - i. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.

### **Recommended Conclusions of Law:**

1. The subject property is located in the Town of Leeds and is zoned A-1 Agriculture. The District uses are listed in Table 12.105.02(1).
2. Attoe Joint Revocable Trust Dated 2/22/2021, c/o Randy Attoe and Tri-County Paving Inc, c/o Dustin Gradel are the petitioners for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Code.
3. The petitioners are proposing to operate of a Non-Metallic Mine on the site, which is allowed as a Conditional Use under Table 12.105.02(1).
4. The Leeds Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 12.150.07 of the Columbia County Zoning Code.
5. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)(b) and 12.150.07 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
6. The standards of Section 12.125.25 of the Columbia County Zoning Code as noted below are applicable:
  - (1) In addition to the information normally required for conditional use permit applications, the application shall include the following information:
    - (a) A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; whether excavation will occur below the water table and, if so, how ground water quality will be protected; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; if within the A-1 district, justification that the use meets all standards associated with such district; and assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all county, state, and federal regulations, including a listing of all applicable regulations.

- (b) A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms and landscaping; and proposed temporary and permanent structures, including scales and offices.
  - (c) An erosion control plan, drawn to scale by a professional engineer, meeting all applicable state and county requirements.
  - (d) A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Columbia County non-metallic mining reclamation ordinance.
- (2) The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in Section 12.140.06(2)(d).
  - (3) The appropriate County approval authority may place limits on the amount of time the non-metallic mineral extraction use shall remain in operation.
  - (4) The nearest edge of all buildings, structures, and surface activity areas, including pit edges, shall be located a minimum of 200 feet from all dwellings on adjacent properties, and no less than 50 feet from any lot line.
  - (5) To prevent tracking of mud onto public roads, access driveways shall be paved within one 100 feet of public roads, unless the adjacent road is unpaved.
  - (6) All public roads shall be kept free of all mud, debris, and dust by sweeping or other means as necessary, or as requested by the applicable town.
  - (7) Access to the site shall only be through points designated as entrances on the site or operations plan; such access points shall be secured when the site is not in operation.
  - (8) Provisions for the upgrade, repair, and maintenance of town and county roads shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance. If any town or county road is damaged or destroyed as a result of owners' operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.
  - (9) The site and driveway shall be sprayed to control dust, except when the temperature is below freezing. Spraying may also be required in and around the excavation pit to further reduce dust.
  - (10) On-site bulk fuel storage areas and areas for fueling of equipment (e.g., above the water table) shall be located to minimize the potential for groundwater contamination and in accordance with the Wisconsin Administrative Code and State Statutes.
  - (11) Hours or days of operation may be limited.
  - (12) Hours for blasting, drilling, screening, and asphalt batching shall be established. The conditional use permit may restrict such activities from occurring if the conditional use permit standards cannot be met.
  - (13) If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with the Wisconsin Administrative Code.
  - (14) All trucks, excavation, and processing equipment shall have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The level of noise generated by the facility or equipment shall not exceed 65 decibels at the property line.
  - (15) Unless the extraction site is inaccessible, the area of extraction shall be completely enclosed by a safety fence or maintained at a slope not to exceed 3:1.

- (16) The applicant shall furnish a certificate of insurance before operations commence.
- (17) Approval shall be subject to amendment or revocation if non-compliance with approved plans, this section, or approval conditions is identified.
- (18) Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.
- (19) Within the A-1 district, such use shall also be subject to the following additional limitations:
  - (a) The operation complies with subchapter I of Wisconsin Statutes Chapter 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under Section 295.13 or 295.14 and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
  - (b) The operation and its location in the A-1 district are consistent with the purposes of that district in Section 12.105.01(1).
  - (c) The operation and its location in the A-1 district are reasonable and appropriate, considering alternative locations outside the A-1 district, or are specifically approved under state or federal law.
  - (d) The operation is reasonable designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - (e) The operation does not substantially impair or limit the current or future agricultural use or surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - (f) The owner shall be required to restore the land to agricultural use, consistent with the County approved reclamation plan, when extraction is completed.

**Recommended Conditions for the Decision:**

1. The Conditional Use Permit shall expire 10 years from the date of issuance.
2. A berm, at least 6 feet in height, shall be constructed around the perimeter of the site. A fence, at least 4 feet in height, shall be installed on top of said berm to screen and protect the site.
3. The pit area shall not be used for parking, refueling, servicing, or repair of vehicles and equipment other than equipment required for excavation and loading in the pit area. No fuel shall be stored in the mine site area, as delineated on the approved plan.
4. The owner and operator shall require all trucks, excavation, and processing equipment to have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The level of noise or sound generated by the facility or equipment shall not exceed 65 decibels at the property line.
5. The owner and operator shall minimize the generation of airborne dust resulting from excavating, screening, processing, and hauling operations within the mine site and on the driveway as needed, or upon request of the Town or County.
6. The County shall have the right to order the installation of erosion control barriers on site where, due to unforeseen circumstances, such barriers are deemed necessary to prevent unacceptable off-site erosion and sedimentation that might impact surface waters.
7. Hours of operation, including, but not limited to, excavating, stockpiling, loading, and hauling, are limited to the following: Monday through Friday 6:00 am to 6:00 pm, and Saturdays from 7:00 am to 4:00 pm. In the event a State or municipal contract is awarded to Tri-County Paving and requires night quarry operations, Tri-County Paving shall provide three (3) days' notice to the County, Town, and any surrounding neighbors that have requested said notice. Said notice shall identify the job and the number of nights required for after-hours operation. Notice shall be in writing unless the individuals, County, or Town consent to an email notification.
8. Prior to blasting, notification must be provided to the County, Town, and all residents requesting notification at least 24 hours prior to the proposed blast time. All blasting shall occur between the hours of 8:00 am and 2:00 pm, Monday through Friday. All blasts shall be conducted by professionals licensed with the State of Wisconsin and conform with all applicable regulations. The blasting shall be monitored by the owner and operator.

9. Necessary maintenance, such as welding, tire repair, or changing of engine fluids may be conducted at other times provided such activities do not constitute a nuisance.
10. There shall be no changes to the proposed mine operation as described in the Reclamation Plan regarding the depth, extent, proposed final grades, or phasing sequence without the prior written approval of the Planning and Zoning Department, which shall have the right to determine whether such changes require further review by the Planning and Zoning Committee or revisions to the Reclamation Plan.
11. No ground signs, except for directional or informational, shall be allowed unless they are reviewed by the Town and approved by the Planning and Zoning Department. A four-foot by four-foot informational sign identifying the mine shall be placed near the entrance to assist with directing trucks and emergency services to the site.
12. Warning signs shall be posted and maintained around the perimeter of the site.
13. The provisions of Section 12.125.25 of the Columbia County Zoning Code are hereby incorporated as part of this Conditional use Permit, unless otherwise authorized by variance.
14. The owner and operator shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
15. The Planning and Zoning Department shall have the right of inspection, upon reasonable notice to the owner/operator, for the purpose of determining compliance with this permit and the approved Reclamation Plan.
16. If the Planning and Zoning Committee finds that the review criteria of Section 12.150.07(4) of the Columbia County Zoning Code, or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.
17. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Leeds and Attoe Joint Revocable Trust Dated 2/22/2021 and Tri-County Paving Inc. are hereby incorporated by reference as part of this Conditional Use Permit, however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included as a condition of approval. Any additional Town agreement(s) or condition(s) are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to the review the Conditional Use Permit.
  - a. The driveway permit and Road Agreement, as approved, shall be incorporated into the CUP. These documents are titled "Attachment B, and Attachment C".

**Section 12.150.07(4): Criteria for review of all Conditional Uses**

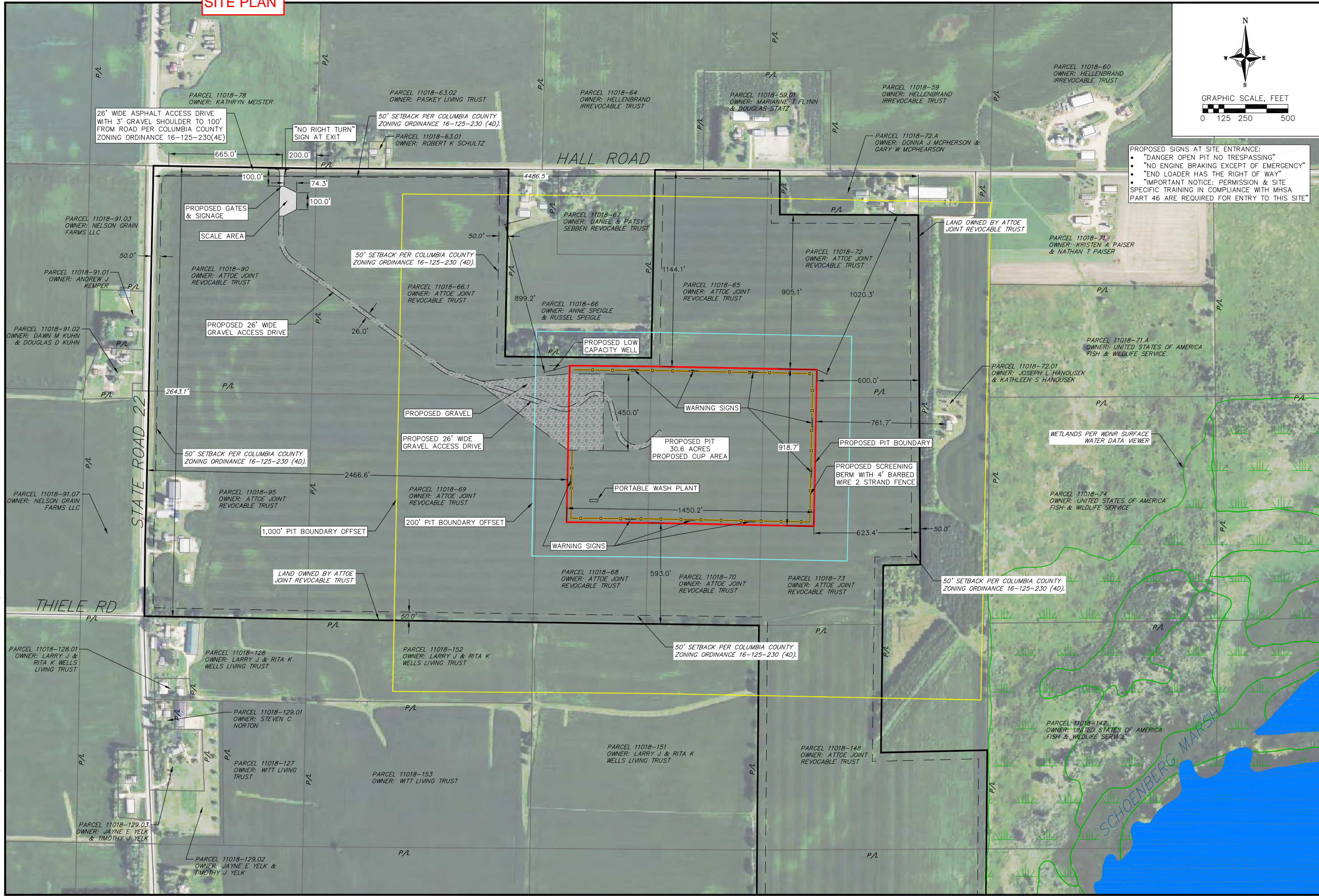
**Re: Public Hearing Item 5: Attoe Trust – Tri County Paving CUP**

*\*Staff comments are italicized after each review item.*

Review Criteria. In reviewing the conditional use permit the Planning and Zoning Committee shall use the following as guides for making a decision.

- (1) The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands. *The proposal to operate a new non-metallic mine has been thoroughly vetted at the local level with site layout modifications made, including driveway relocation, to reduce impacts to the occupants of the surrounding lands.*
- (2) The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area. *The use is consistent with agricultural uses, and abiding by an approved reclamation plan should adequately mitigate any impacts of the use on the area.*
- (3) The erosion potential of site based on topography, drainage, slope, soil type, and vegetative cover. *Abiding by all state and local requirements, including the approved reclamation plan, should adequately prevent erosion issues.*
- (4) The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands. *The site should not present problems for water pollution. There are no floodplains or wetlands in the area.*
- (5) The site has adequate utilities, including if necessary acceptable disposal systems. *There are no utilities or disposal systems required at the site.*
- (6) Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow. *Ingress and egress to the site is from an Hall Road, approximately 665 feet east of State Highway 22. The location of access was revised to locate it closer to Highway 22 in order minimize traffic congestion and disturbance for neighboring homes.*
- (7) The Conditional Use shall conform with the standards of the applicable district(s) in which it is located. *The proposed use is consistent with agricultural uses per Section 12.125.25 of the Columbia County Zoning Ordinance and will be conducted in accordance with an approved reclamation plan.*







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planners engineers advisors

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DATE	2025-06-17
DRAFTER	EGAN
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PROJECT NO.	250331
SHEET	1 OF 1