



Public Hearing Item 3: Conditional Use Permit

Planning & Zoning Committee • April 7, 2026

Proposed Use: Non-Metallic Mineral Extraction – Expansion

Applicable Section(s): 12.115.02; Table 12.115.02(1); 12.125.25; 12.155.06(10)

Zoning District(s): A-1 Agriculture and A-1 Agriculture with A-4 Agricultural Overlay

Property Owner(s): Becker, William R; Becker, Debra A; Berg, Susan

Applicant(s): Northeast Asphalt Inc. c/o Ethan Courter

Property Location: Located in the Northwest Quarter of the Southwest Quarter, the Southwest Quarter of the Southwest Quarter, the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 34, Town 13 North, Range 10 East

Town: Marcellon

Parcel(s) Affected: 508.03, 632.01, 633, 634

Site Address: N7754 State Highway 22

Background:

Ethan Courter of Northeast Asphalt, applicant and operator, requests the Planning and Zoning Committee review and approve a Conditional Use Permit for an expansion to Non-Metallic Mineral Extraction on the aforementioned property. Parcel 634 is 39.5 acres in size, parcel 508.03 is 17.39 acres in size and parcel 632.01 is 65.65 acres. All parcels are zoned A-1 Agriculture and planned for continued Agricultural or Open Space on the Columbia County Future Land Use map. Parcel 632.01 is restricted with 40 acres of the A-4 Agricultural Overlay district, and additional A-4 restrictions are proposed (see rezoning report). There are no wetlands or floodplain present. The site fronts on State Highway 22 and State Highway 33 and has direct access off of State Highway 22. In the Columbia County Zoning Ordinance, non-metallic mineral extraction is regulated under Section 12.125.25. A copy of this section is included with this report under the Conclusions of Law. Land use and zoning of adjacent properties is below.

Adjacent Land Uses and Zoning

Direction	General Land Use	Zoning
North	Woodland and Single-Family Residence	A-1 Agriculture
East	Agriculture	A-1 Agriculture
South	Woodland and Agriculture	A-1 Agriculture
West	Agriculture and Woodland	A-1 Agriculture and C-1 Light Commercial

Analysis:

The site is currently operated under Conditional Use Permit 2025-041 for non-metallic mineral extraction use at the Becker Quarry on State Highway 22. The Conditional Use Permit was originally approved in 1995 and also included parcels 633 and 636, which have since been reclaimed. A copy of the 2025 Conditional Use Permit Decision is attached to this summary. Northeast Asphalt is not proposing any operational changes at this time; therefore, this CUP request only seeks to increase the approved mining area. Portions of parcel 634 have already been restored, as the life of the site on this parcel is nearing completion. Because of this, Northeast Asphalt is seeking additional acreage for new mining activity to the northeast of the existing site. Because parcel 633 has already been mined and reclaimed, it will only be used to access the new mining sites proposed on parcels 508.03

and 632.01. A 50-foot setback will be maintained along the eastern and western property lines, and a 100-foot setback will be maintained along the north property line/State Highway 33 right-of-way.

A new 5-acre mining area is located in the southwest corner of parcel 632.01, and a 15-acre mining area is located in the northernmost portion of parcels 508.03 and 632.01, for a total of approximately 20 acres of new mining activity. Parcels 508.03 and 632.01 are owned by Susan Berg, and Northeast Asphalt is intending to purchase the western 41.08 acres of the property (shown as Lot 1 of the attached Preliminary Certified Survey Map) for the purposes of the mine expansion. The existing home on parcel 508.03 will be split off onto a smaller lot and remain under current ownership. Due to the reduced acreage of the existing home, additional lands will be restricted with A-4 Agricultural Overlay to maintain the minimum required housing density. Nonmetallic mining is a conditional use in both the A-1 and A-4 districts and thus will not affect this part of the request. A revised reclamation plan is on file with the Department. Staff is proposing a 5-year time limit on this Conditional Use Permit per the Town of Marcellon's request.

Town Board Action:

The Marcellon Town Board met on March 9, 2026 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. William R Becker, Debra A Becker, and Susan Berg are the owners of the subject property.
 - b. Ethan Courter of Northeast Asphalt Inc. is the applicant for a Conditional Use Permit.
 - c. Northeast Asphalt Inc. is the operator of an existing non-metallic mine on the subject property.
 - d. Ethan Courter of Northeast Asphalt Inc. is requesting an expansion to the existing Conditional Use Permit for non-metallic mining in the A-1 Agriculture and A-1 Agriculture with A-4 Agricultural Overlay zoning districts.
 - e. 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.
 - f. 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.
 - g. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
 - h. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
 - i. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 - j. 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 Marcellon and is zoned A-1 Agriculture and A-1 Agriculture with A-4 Agricultural Overlay. The District uses are listed in Table 12.105.02(1).
2. Ethan Courter of Northeast Asphalt Inc is the petitioner 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 continue operation and expand a Non-Metallic Mine on the site, which is allowed as a Conditional Use under Table 12.115.02(1).
4. The Marcellon 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 5 years from the date of issuance.
2. 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.

3. 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 our below allowable limits. The level of noise or sound generated by the facility or equipment shall not exceed 65 decibels at the property line.
4. 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.
5. 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.
6. Hours of operation, including, but not limited to, excavating, stockpiling, loading, hauling, and processing of asphalt 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. Night hauling and processing of asphalt is further limited in items 8 and 9 below.
7. 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.
8. In the event a State or municipal contract is awarded to Northeast Asphalt and requires night quarry operations, Northeast Asphalt 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. Night hauling shall not exceed 120 days per calendar year.
9. The operation of a portable asphalt plant on the premises shall be allowed for a maximum of 120 days per calendar year, with the allowed dates occurring between May 15 and Nov 1. In the event a contract is awarded to Northeast Asphalt requiring night paving operations, Northeast Asphalt 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. The operation of the asphalt plant during normal hours of operation shall count as an allowed day in determining the total number of allowed days per calendar year.
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.
12. The provisions of Section 12.125.25 of the Columbia County Zoning Code are hereby incorporated as part of this Conditional use Permit.
13. The owner and operator shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
14. 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.
15. 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.
16. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Marcellon and Northeast Asphalt Inc, William Becker, Debra Becker, and/or Susan Berg 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 review the Conditional Use Permit.

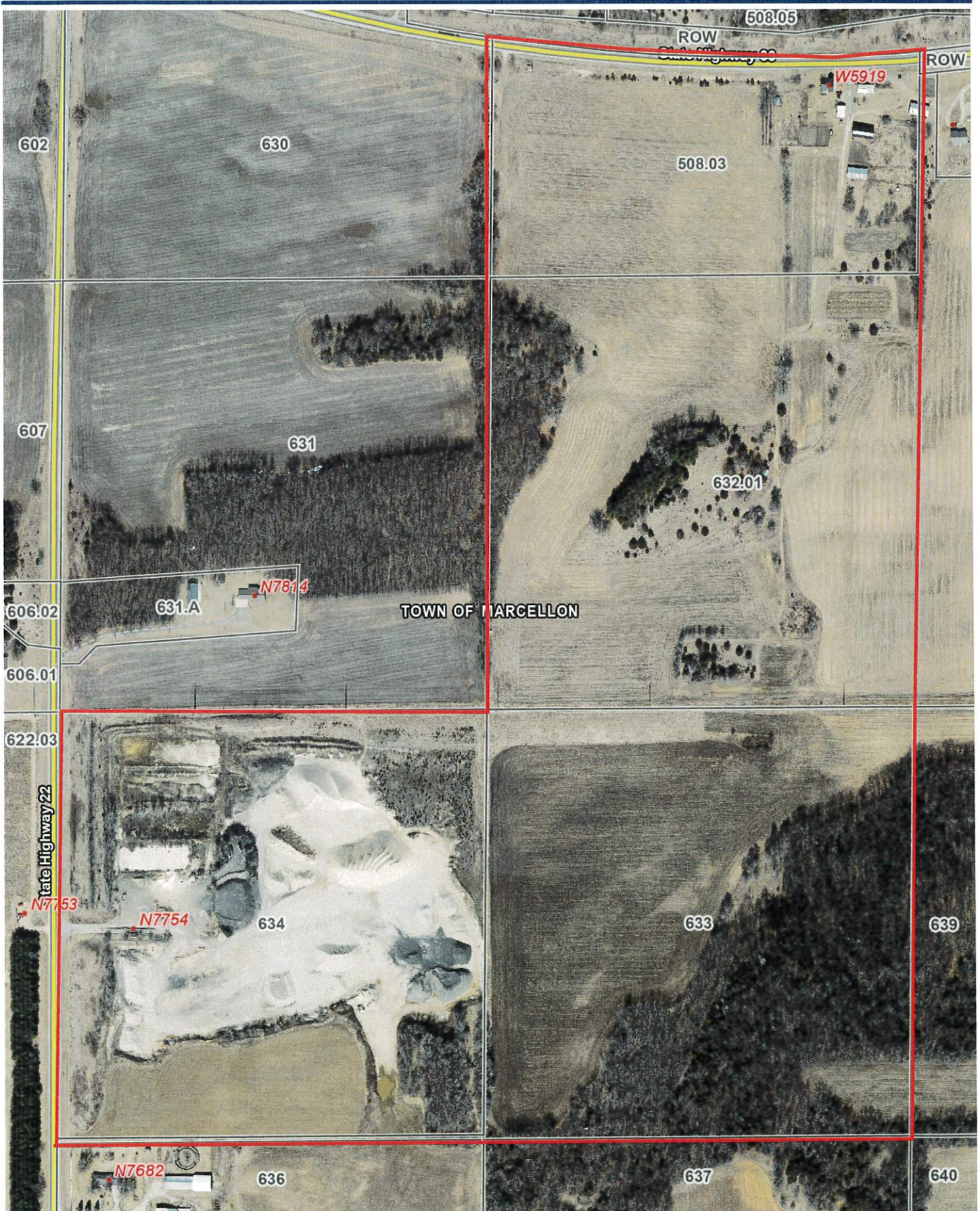
Section 12.150.07(4): Criteria for review of all Conditional Uses

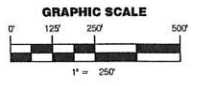
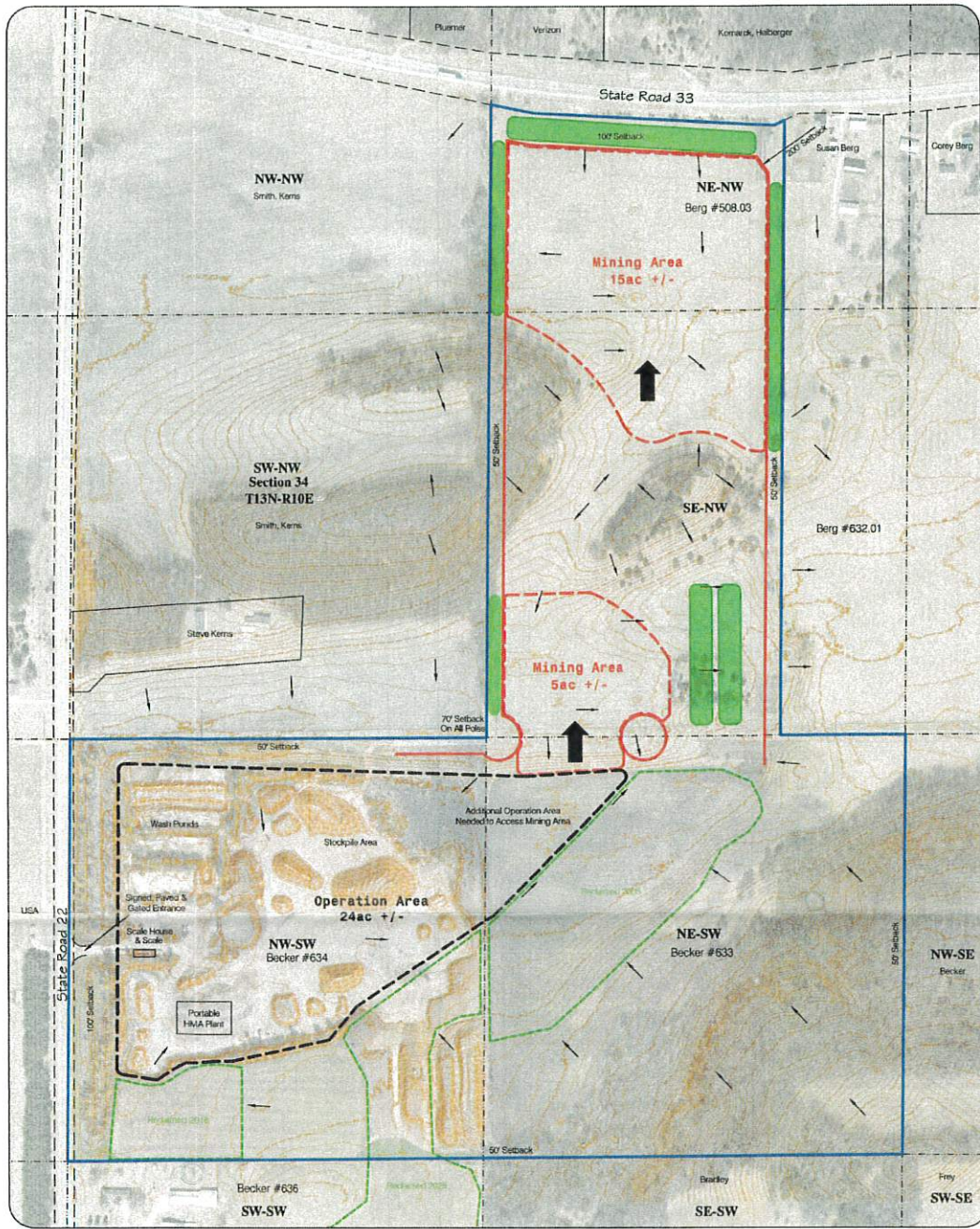
Re: Public Hearing Item 5: Becker-Northeast Asphalt CUP

**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 is to expand the approved boundaries of an existing non-metallic mine. Continuing to operate within the confines of state and local regulations, including the conditions of the Conditional Use Permit and reclamation plan, will help ensure that the use does not endanger the public health, safety, or general welfare of the occupants of 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 existing access point on State Highway 22. Mining operations are existing, and continuation of said activity should not affect traffic flow beyond the current demand.*
- (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.*





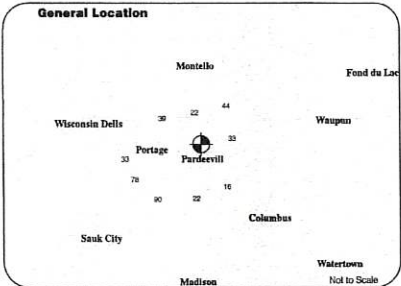
Operation Plan Notes

- Sand and gravel extraction across parcels as shown
- Reclamation on-going with sand and gravel extraction.
- Excess topsoil and overburden placed in temporary stockpiles until needed for reclamation.
- Mineral extraction will take place in a rolling phase.
- Utilize existing access road and entrance onto State Road 22 from existing aggregate site for duration of project.
- Drainage and run-off within the pit area will be kept internal and allowed to dissipate through the pit floor. Run-off from outside the pit area will follow the existing natural drainage patterns.
- Mining areas shown approximate and subject to change with variability in the mineral deposit.

Legend

- Property Boundary
- Estimated Mining Area +/-
- Proposed Mining Limit
- Contour Major - 10' interval
- Contour Minor - 2' interval
- Section Lines
- Road Right-of-way
- Proposed Temporary Overburden Berm
- Reclaimed
- Drainage Pattern

➔ Anticipated Mineral Extraction Sequencing



Northeast Asphalt
A WALBEC COMPANY

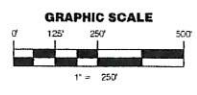
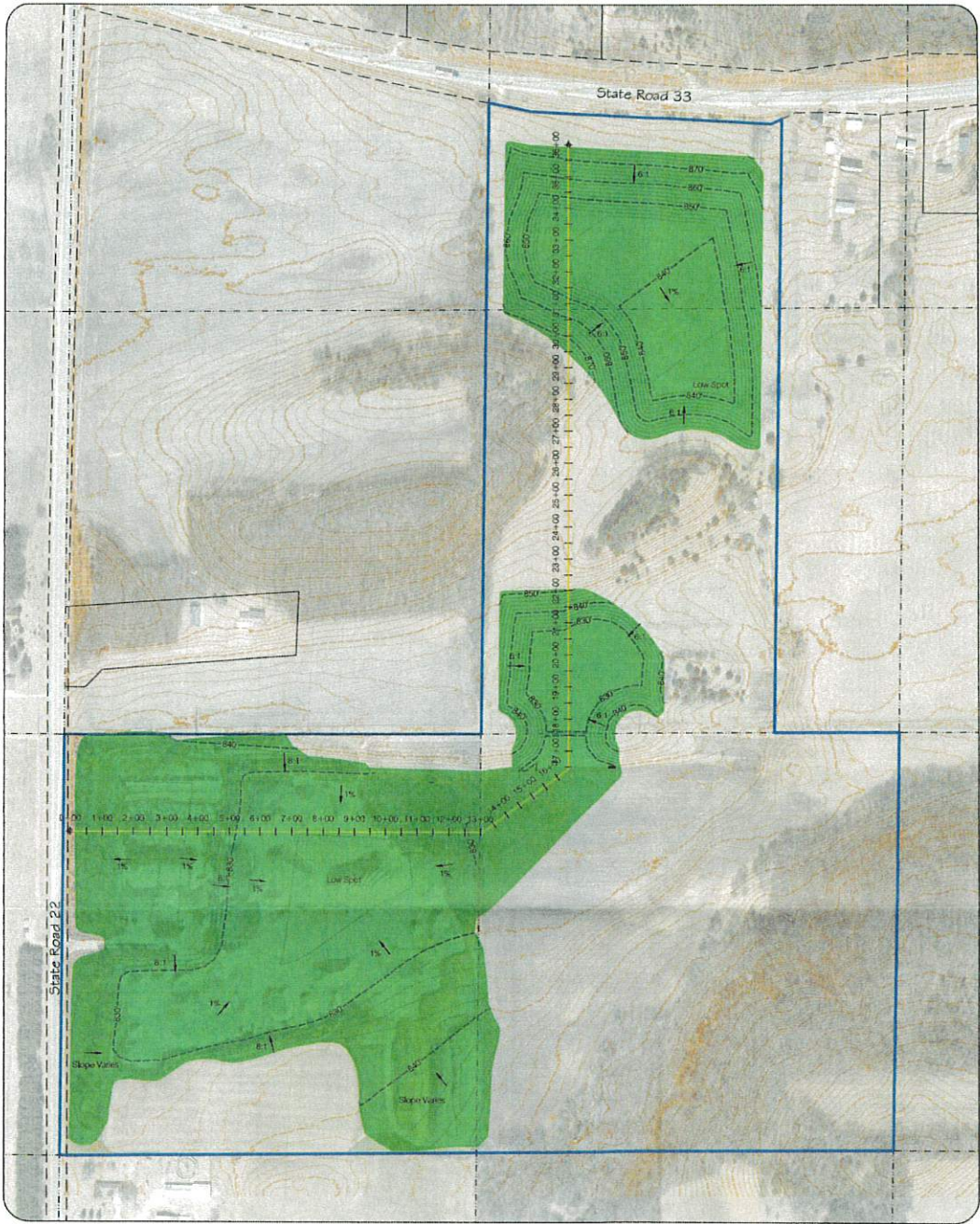
Site Plan / Existing Conditions

BECKER AGGREGATE SITE
N-SW, SE-NW, Section 34
T13N-R10E, Town of Marcellion
Columbia County, Wisconsin

Date: 12-2-25 Site #: 85011 Drawn By: JS

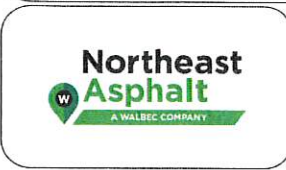
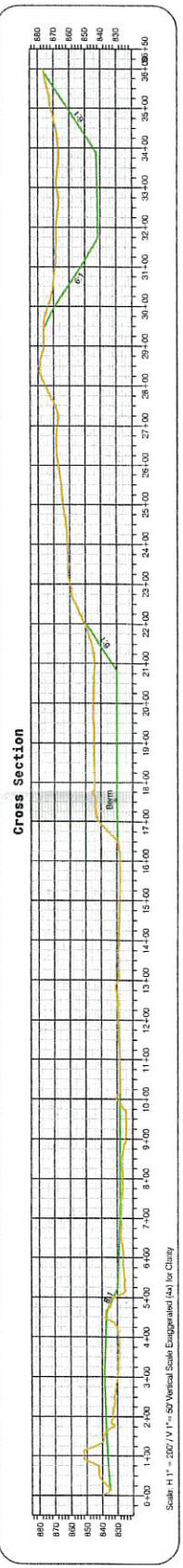
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SHEET 1 OF 2



Legend	
	Property Boundary
	Contour Major - 10' Interval
	Contour Minor - 2' Interval
	Proposed Contour Major - 10' Interval
	Proposed Contour Minor - 2' Interval
	Section Lines
	Road Right-of-way
	Cross Section
	Redeveloped Area
	Proposed Drainage Pattern

Finished contours and site conditions shown approximate and subject to change with variability in the mineral deposit.



Final Conditions/Cross Section

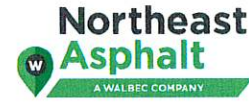
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Becker Aggregate Site
N-SW, SE-NW, Section 34
T13N-R10E, Town of Marcellon
Columbia County, Wisconsin

Date: 12-2-25 Site #: 89011 Drawn By: JS

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SHEET 2 OF 2



An Equal Opportunity & Affirmative Action Employer

W6380 Design Drive | Greenville, WI 54942
920.757.2900 | walbecgroup.com

December 12, 2025

Renee Pulver-Johnson
Principal Land Use Planner
Columbia County Planning & Zoning
112 E. Edgewater Street
Portage, WI 53901

SUBJECT: Rezoning Request and Conditional Use Permit Amendment - Becker Aggregate Site

Renee,

Please find enclosed the \$50.00 Rezoning Pre-Application Fee, Rezoning Application, \$50.00 Conditional Use Pre-Application Fee and Conditional Use Application related to the Becker Aggregate Site located in the Town of Marcellon, Columbia County, Wisconsin.

Northeast Asphalt, Inc. is intending on purchasing ~41 acres of property from Susan Berg that is adjacent to the current Becker Aggregate Site. The Berg Property would provide additional ~ 20 acres of mineable sand & gravel material to maintain non-metallic mining and portable hot mix asphalt plant operations.

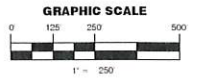
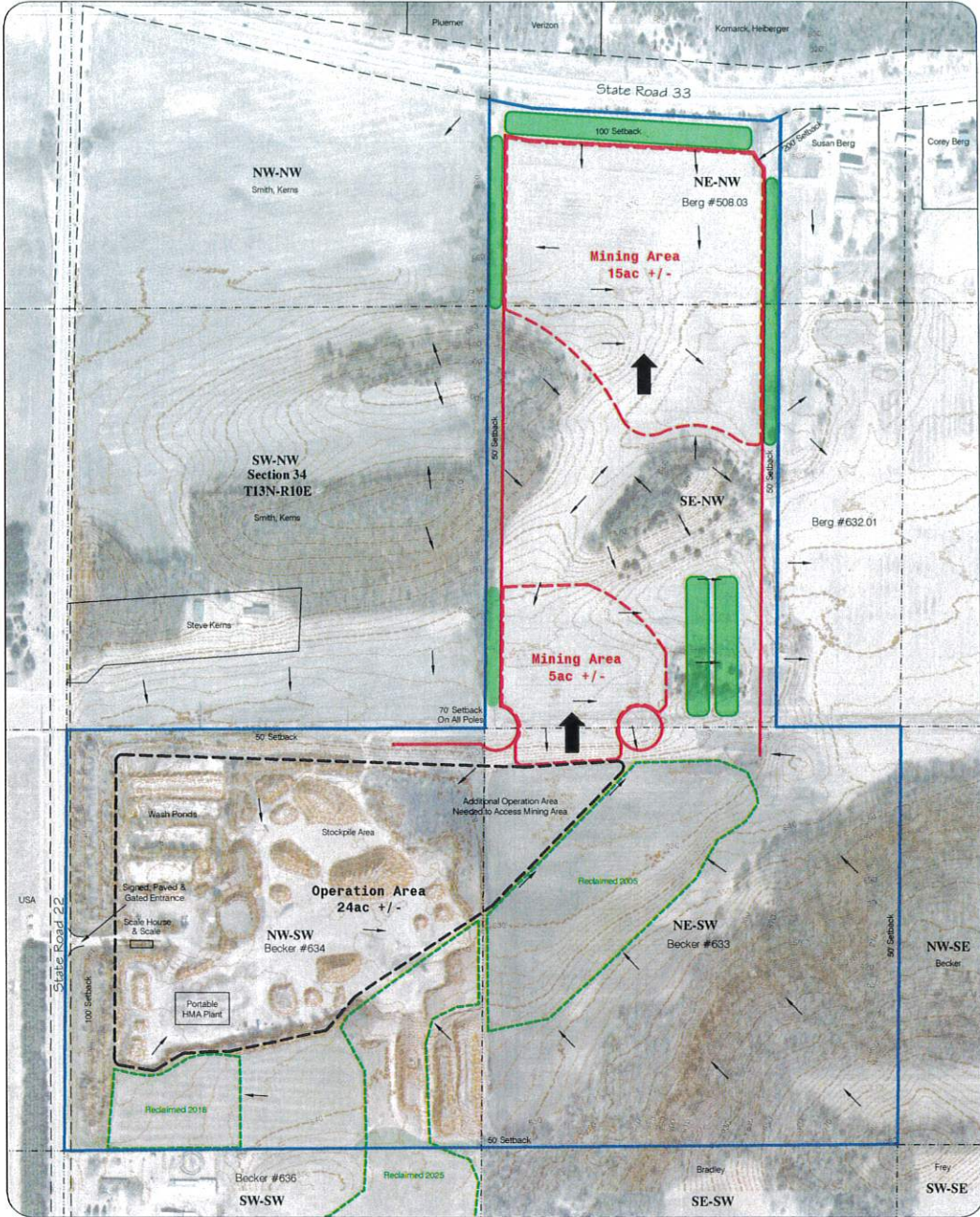
The property to purchase is divided from two existing parcels owned by Susan Berg. Parcel 508.03 is currently zoned A-1 and includes an existing residence. Parcel 632.01 includes both A-1 and A-1 with A-4 overlay. To divide these parcel, all lands current zoned A-1 to be removed removed from the residential lot must be rezoned to A-1 with A-4 overlay to maintain the residence density. The existing CUP for the Becker Aggregate Site was renewed in August 2025. The existing CUP would need to be amended to include the purchase property, and the Becker owned parcel 633. No conditional changes to the CUP would be requested. We would like to be considered for Rezoning and Conditional Use Permit Amendment at the next available Planning & Zoning Committee Hearing pending recommendation from the Town of Marcellon.

We appreciate the guidance and support through this process and look forward to continuing a strong working relationship with the Town of Marcellon and Columbia County. If you have any questions please do not hesitate to contact me.

Thank you,

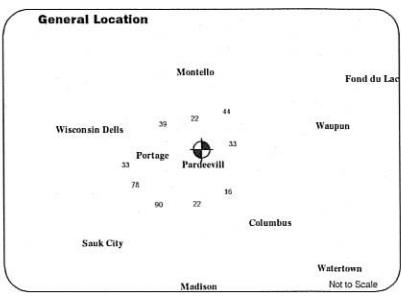
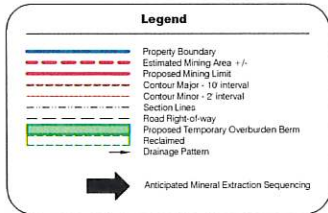
Ethan Courter

Northeast Asphalt, Inc.
W6380 Design Drive
Greenville, WI 54942
(920) 588-7743
ecourter@walbecgroup.com



Operation Plan Notes

- Sand and gravel extraction across parcels as shown.
- Reclamation on-going with sand and gravel extraction.
- Excess topsoil and overburden placed in temporary stockpiles until needed for reclamation.
- Mineral extraction will take place in a rolling phase.
- Utilize existing access road and entrance onto State Road 22 from existing aggregate site for duration of project.
- Drainage and run-off within the pit area will be kept internal and allowed to dissipate through the pit floor. Run-off from outside the pit area will follow the existing natural drainage patterns.
- Mining areas shown approximate and subject to change with variability in the mineral deposit.



Site Plan / Existing Conditions

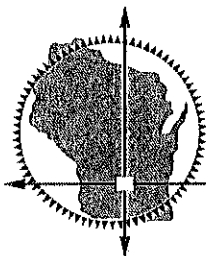
THIS PRINT IS THE PROPERTY OF W&B AND DOWN, N.E. AND THE CONTENTS CONTAINED HEREIN ARE CONSIDERED CONFIDENTIAL AND SHOULD NOT BE USED OUTSIDE OF THE COMPANY WITHOUT PERMISSION.

Becker Aggregate Site
N-SW, SE-NW, Section 34
T13N-R10E, Town of Marcellon
Columbia County, Wisconsin

Date: 12-2-25 Site #: 89011 Drawn By: JS

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SHEET 1 OF 2



COLUMBIA COUNTY

Planning & Zoning Department

PHONE: 608-742-9660
E-MAIL: planning.zoning@columbiacountywi.gov
WEBSITE: www.co.columbia.wi.us

112 E Edgewater Street
Portage, WI 53901

COLUMBIA COUNTY PLANNING & ZONING COMMITTEE DECISION ON APPLICATION FOR CONDITIONAL USE PERMIT

Property Owner(s): Becker, William R; Becker, Debra A
Applicant(s): Northeast Asphalt, Inc. c/o Matt Matuszak
File #: 2025-041
Site Address: N7754 State Highway 22
Town: Marcellon
Parcel(s) Affected: 634, 636
Property Description: Located in the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 34, Town 13 North, Range 10 East
Zoning District: A-1 Agriculture
Hearing Date: August 5, 2025

In consideration of evidence submitted and testimony given at a public hearing on August 5, 2025, the Columbia County Planning & Zoning Committee approves a Conditional Use Permit for a Non-Metallic Mineral Extraction – CUP Renewal, as proposed in the application and accompanying submittals, together with the following Findings of Fact, Conclusions of Law and Conditions for the Decision:

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. William and Debra Becker are the owners of the subject property.
 - b. William and Debra Becker and Northeast Asphalt Inc. are the applicants for a Conditional Use Permit.
 - c. Northeast Asphalt Inc. is the operator of an existing non-metallic mine on the subject property.
 - d. William and Debra Becker and Northeast Asphalt Inc. are requesting renewal of a Conditional Agriculture zoning district.
 - e. 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.
 - f. 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.
 - g. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
 - h. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
 - i. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.

- j. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.

Conclusions of Law:

1. The subject property is located in the Town of Marcellon and is zoned A-1 Agriculture. The District uses are listed in Table 12.105.02(1).
2. William and Debra Becker and Northeast Asphalt Inc. 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 continue operation of a Non-Metallic Mine on the site, which is allowed as a Conditional Use under Table 12.105.02(1).
4. The Marcellon 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.

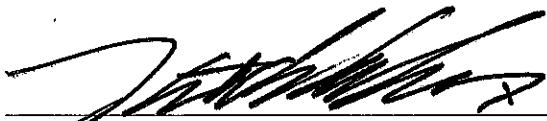
Conditions for the Decision:

1. The Conditional Use Permit shall expire 5 years from the date of issuance.
2. 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.
3. 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.
4. 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.
5. 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.
6. Hours of operation, including, but not limited to, excavating, stockpiling, loading, hauling, and processing of asphalt 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. Night hauling and processing of asphalt is further limited in items 8 and 9 below.
7. 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.
8. In the event a State or municipal contract is awarded to Northeast Asphalt and requires night quarry operations, Northeast Asphalt 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. Night hauling shall not exceed 120 days per calendar year.
9. In the event a State or municipal contract is awarded to Northeast Asphalt and requires night quarry operations, Northeast Asphalt 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. Night hauling shall not exceed 120 days per calendar year.
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.
12. The provisions of Section 12.125.25 of the Columbia County Zoning Code are hereby incorporated as part of this Conditional use Permit.
13. The owner and operator shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
14. 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.
15. 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.

16. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Marcellon and William and Debra Becker and Northeast Asphalt 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.

For the Columbia County Planning & Zoning Committee



Kurt Calkins, Director of Planning and Zoning

August 5, 2025

Date

Distribution:

Owner – Becker, William R; Becker, Debra A
Applicant – Northeast Asphalt, Inc. c/o Matt Matuszak
Town of Marcellon – Town Chair
Town of Marcellon – Town Clerk