



Public Hearing Item 3: Conditional Use Permit

Planning & Zoning Committee • October 6, 2026

<u>Proposed Use:</u>	Non-Metallic Mineral Extraction – Expansion
<u>Applicable Section(s):</u>	12.115.02; Table 12.115.02(1); 12.125.25; 12.155.06(10)
<u>Zoning District(s):</u>	A-1 Agriculture
<u>Property Owner(s):</u>	Ballweg, James C
<u>Applicant/Operator:</u>	Yahara Materials, Inc. c/o Robin Loger
<u>Property Location:</u>	Located in the Southeast Quarter of the Southeast Quarter of Section 25, Town 10 North, Range 7 East, and the Southwest Quarter of the Southwest Quarter of Section 30, Town 10 North, Range 8 East
<u>Town:</u>	West Point
<u>Parcel(s) Affected:</u>	307, 612
<u>Site Address:</u>	W12257 Reynolds Road
<u>Background:</u>	

Robin Loger of Yahara Materials, Inc., operator and applicant, requests the Planning and Zoning Committee review and approve a Conditional Use Permit Renewal for Non-Metallic Mineral Extraction – Expansion on the aforementioned property. Parcel 307 is 40 acres in size and parcel 612 is 36 acres. The parcels are zoned A-1 Agriculture and planned for continued Agricultural or Open Space on the Columbia County Future Land Use map. There are no wetlands or floodplain present. The site is accessed through parcel 305 to the west, also owned by James C Ballweg, to Reynolds Road. 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	Agriculture, Woodland, & Single-Family Residence	A-1 Agriculture
East	Agriculture & Woodland	A-1 Agriculture
South	Woodland & Non-Metallic Mineral Extraction	A-1 Agriculture
West	Agriculture, Woodland, & Single-Family Residence	A-1 Agriculture

Analysis:

The Conditional Use Permit was originally approved in 2000 to provide crushed stone for local transportation and construction projects. The CUP was later renewed in 2010 and 2021. A copy of the 2021 Conditional Use Permit Decision is attached to this report. During the 2021 renewal, conditions were added to allow for limited night hauling for up to 120 days per calendar year and temporary asphalt crushing. This would require written notification to both the Town and County prior to commencement of any night hauling or temporary asphalt batch plant and would likely be utilized if Yahara Materials, Inc. is awarded a DOT contract. These conditions can be viewed as Conditions 7 and 8.

Yahara Materials is not proposing any operational changes at this time; therefore, this CUP request only seeks to increase the approved mining area. Operational activities on site include overburden removal, drilling, blasting, crushing, and material hauling. The site is low volume and currently requires only a few crushing mobilizations per year. Two to five employees are on site during operation hours, which will continue from 6:00 am to 6:00 pm Monday through Friday, and from 6:00 am to 12:00 pm Saturday.

The existing mine area on parcel 307 is projected to be exhausted this year. Yahara is proposing to expand the quarry activity into parcel 612 to the east and increase the total quarry area to 58 acres, as shown on the attached operational plan. The site will continue to be accessed via a locked and gated entrance on the east side of Reynolds Road. Because the quarry is relatively small, no phasing is proposed. As the materials are depleted, reclamation will commence. A revised reclamation plan is on file with the Department. Disturbed areas will be monitored for erosion and erosion control practices will be utilized throughout the operation, including silt fencing, hay bales, riprap, and seeding and mulching. Spray bars will be applied to the crushing equipment and the quarry roads will be watered as needed to suppress airborne dust. Additional details on the proposed quarry, including blasting procedures, can be viewed with the attachments.

Town Board Action:

The West Point Town Board met on August 13, 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 - Expansion, 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. James C Ballweg is the owner of the subject property.
 - b. Robin Loger of Yahara Materials, Inc is the applicant for a Conditional Use Permit.
 - c. Yahara Materials, Inc is the operator of an existing non-metallic mine on the subject property.
 - d. Robin Loger of Yahara Materials, Inc is requesting an expansion of a Conditional Use Permit for non-metallic mining in the A-1 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.

Recommended Conclusions of Law:

1. The subject property is located in the Town of West Point and is zoned A-1 Agriculture. The District uses are listed in Table 12.105.02(1).
2. Robin Loger of Yahara Materials, 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 petitioner is proposing to continue operation of a Non-Metallic Mine and expand the boundaries of the mine on site, which is allowed as a Conditional Use under Table 12.105.02(1).
4. The West Point 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 reasonably 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. Permanent fuel storage shall be prohibited. 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. A portable fuel barrel, no larger than 1,000 gallons in size, shall be allowed.

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 6:00 am to 12:00 pm. 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. Processing of asphalt is further limited in item 8 below.
7. In the event a State or municipal contract is awarded to the operator and requires night quarry operations, the operator 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.
8. 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 the operator requiring night paving operations, the operator 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.
9. 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.
10. 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.
11. There shall be no harvesting of timber on the subject property without approval of the Planning and Zoning Department, which shall be subject to a determination that such harvest will maintain proper vegetative screening of the quarry area.
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 West Point and Yahara Materials, 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 review the Conditional Use Permit.

- a. The operator shall enter into an agreement with the Town of West Point.

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

Re: Public Hearing Item 3: Ballweg 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 renew operational approval and expand the 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 per Wisconsin Chapter 91, 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 easement through parcel 305 that connects with Reynolds Road. 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.*





Yahara Materials Inc.

6117 County Road K
Waunakee WI 53597

(608) 849-4162

Ballweg Quarry

Operational Plan

April 3rd, 2026

-  Property Boundary - 76 Acres
-  Proposed Mine Site - 58 Acres
-  Active Area - 11 Acres
-  24' Width Haul / Access Road
-  Tracking Pad
-  Locked & Gated Entrance to Site



Town: West Point
T.10 N. R.07 E.



SCALE: 1" = 400'
2025 Aerial Photo