



CONDITIONAL USE PERMIT APPLICATION

Village of Rochester

300 W. Spring St., Rochester, WI 53167
(262) 534-2431

APPLICANT INFORMATION

Property Owner Name:	Payne & Dolan, Inc.	Agent/Architect Name:	Same
Address (Number & Street):	N3 W23650 Badinger Road	Address (Number & Street):	
Address (City, State, Zip):	Waukesha, WI 53188	Address (City, State, Zip):	
Email Address:	bbucholtz@walbecgroup.com	Email Address:	
Phone #:	(262) 366-5124	Phone #:	

SITE INFORMATION

Legal Description:	The E 1/2 NW 1/4, and the NE 1/4, all in Section 6, T3N, R19E		
Zoning District:	M-4	Property Address or Location:	34604 Washington Ave, Burlington, WI 53105

DESCRIPTION OF PROPOSED CONDITIONAL USE

Type of conditional use permit (For example: manufactured home community, quarry, wind turbine, amendment, or any other listed conditional use. Include Code section, if known.): Quarry CUP Renewal	Is this application being submitted to correct a violation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Provide the project name and a short summary of the proposed conditional use: Renewal of an existing CUP for sand & gravel extraction and related accessory uses for the Honey Creek Aggregate Site.	

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with Village staff to review the application and determined that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included. Note that additional application submittal requirements apply for particular uses or as may be required by the Zoning Administrator. Applicants for significant and/or potentially controversial conditional uses are strongly encouraged to meet with staff prior to submittal.

<input type="checkbox"/> Complete attached planning overview	<input type="checkbox"/> Site Plan drawn to scale	<input type="checkbox"/> Detailed operational plan	<input type="checkbox"/> Agreement for Reimbursable services form	<input type="checkbox"/> Detailed written statement of intent	<input type="checkbox"/> Application fee (non-refundable), payable to Village of Rochester. See current fee schedule for fee amounts
--	---	--	---	---	---

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I hereby give permission for staff of the Village of Rochester to enter my property for the purpose of collecting information to be used as part of the review of this application. I acknowledge that submittal of false or incorrect information may be grounds for denial of this application.

Owner/Agent Signature: Bryanna Buchholz

Date: 3/6/2024

WRITTEN STATEMENT OF INTENT

Applicants must provide a detailed written statement of intent describing the proposed conditional use. Please use the form below and provide responses, as applicable, to your proposed conditional use. Attach additional pages, if necessary.

Describe **in detail** the proposed conditional use. Provide the specific location of the use(s), type of equipment used, planned property improvements, including description / size of existing or proposed new buildings to be used, and any other relevant information. For existing or proposed commercial operations, provide the name of the business and describe the nature and type of business activity.

See attached

CONDITIONAL USE PERMIT PLANNING OVERVIEW

Applicants must provide adequate evidence demonstrating to the Village of Rochester Plan Commission that the proposed conditional use complies with the following standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in Chapter 35 of the Village of Rochester Code.

Please explain how the proposed land use will comply with the following (attach additional pages, if necessary):

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

See attached

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

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

4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.

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

6. The conditional use shall conform to all applicable regulations of the district in which it is located. Briefly describe the current use(s) of the property on which the conditional use is proposed.

7. The conditional use is consistent with the adopted Village land use plans.

8. Any signage required by the conditional use will comply with the provisions of Ord. 35-170 through 35-179.

The Village of Rochester's Code of Ordinances list the following requirements for a conditional use application in the M-4 zoning district:

a) Name and address of the applicant.

Payne & Dolan, Inc.
N3 W23650 Badinger Road
Waukesha, WI 53187
Phone: (262) 524-1700
Fax: (262) 524-1845

b) Name and address of the owner of the site on which use is taking place.

Same as above.

c) Description of the site for use by lot, block and recorded subdivision or by metes and bounds.

The following property descriptions were taken from the Racine County GIS.

E1/2 NE1/4 EXC COM SE COR NE 1/4 N48 SW TO PT 45W OF POB E45 TO POB & EXC S35 OF W660 **TOTAL ACRES** 85.00

W1/2 NE1/4 EXC PT LY S OF CTH D **TOTAL ACRES** 76.00

E1/2 NW1/4 LY E OF RR & COM 1173 E & 1024 NE OF W1/4 COR NE151 E373 S150 W394 TO POB EXC V1015P17 EXC V2032P322 PT FROM 014031906016000 IN 90 FOR 91 ROLL **TOTAL ACRES** 69.00

all in Section 6, Town 3 North, Range 19 East, Village of Rochester, Racine County, Wisconsin.

d) Address of the site.

34604 Washington Avenue (CTH D)
Waterford, WI 53185

e) Statement of the nature of the proposed operation, and appropriate exhibits, including:

The nature of the existing operation is the extraction and processing of sand & gravel including earthmoving, crushing, washing, sorting, sizing, stockpiling, transporting and reclamation. Operations also include a portable hot-mix asphalt plant, which is on site intermittently; the mixing of asphalt; the recycling of materials to be used in hot-mix asphalt; and the trucking and loadout of hot-mix asphalt and aggregate products.

The extraction operation will be conducted in general accordance with the operations plan dated November 5, 1997 and the will be restored in conformance with the reclamation plan dated November 5, 1997.

1.) List of equipment and machinery to be used to conduct operations.

Equipment to be used in the extraction, crushing and washing operation includes, but is not limited to: dozers, scrapers, backhoes, various types of crushers, screen plants, wash plants, conveyors, stackers, surge bins, front end loaders, generator sets, scale, scale office building, etc. in addition to various rolling stock equipment currently being operated at the site such as end loaders and trucks.

Equipment to be used in the operation of the asphalt plant includes, but is not limited to: various components of the asphalt plant itself such as the baghouse, control house, silos, feed bins, drum, storage tanks, scale, etc. in addition to various rolling stock equipment currently being operated at the site such as end loaders and trucks.

2.) Type and amount of explosives to be stored, if any.

No explosives will be used or stored on site.

3.) Size, location, and use of the buildings to be constructed on the site.

A scale office building has been constructed on the site. See attached aerial photo for location.

4.) Smoke and dust control devices to be utilized, if any.

Mineral extraction, processing and asphalt plant operations shall be conducted in accordance with the Federal Environmental Protection Agency and the State of Wisconsin Department of Natural Resources air pollution control regulations.

Air pollution control measures may be required from time to time on an as needed basis. Such measures may include sweeping of access roads, paving portions of access roads, water or chemical control of processing and material handling operations, control of dust from storage piles and the utilization of a baghouse on the asphalt plant.

The operations at the site will meet EPA and DNR requirements concerning air quality. Airborne particulate matter will not exceed Wisconsin DNR Administrative Code Regulations.

5.) Highways to be used for the truck traffic to and from the subject site.

The transportation of products from the site will utilize the existing transportation routes that exist with the current operation. The site has entrances unto STH 20 to the north in the Town of Waterford and CTH D (Washington Ave.) to the south in the Village of Rochester.

6.) *Deodorants or odor control devices.*

Potential odors emitted from the site can and will be controlled utilizing the latest odor control additives or technologies. The most effective odor additive to date that Payne & Dolan has used is Ecosorb which is produced by Odor Management, Inc. Ecosorb is a non-toxic, non-hazardous, biodegradable odor additive. These odor additive suppressant products actually act as an oxygen scavenger that significantly retard the release of compounds that are responsible for the characteristic asphalt smell.

7.) *Proposed devices for muffling noise.*

The noise created by the proposed operation of the site will be of a similar nature to the existing/past operations. A majority of the operations occur in the existing extraction area 20 ft. below grade in the center of the site. This location takes advantage of the natural topography and existing vegetation which help mitigate potential noise from leaving the site. In addition, equipment is properly muffled and maintained.

8.) *The employment of safety devices to protect the public from dangers inherent to the proposed use.*

Security fence, locking gates, signing, berms, landscaping and plantings are all devices that are used limit public access to the operations area on the site thus protecting the public from potential dangers inherent to the proposed use. Site specific hazard awareness training that details potential hazards of the operation is given to all employees, contractors and visitors that come unto the site.

9.) *Method of concealing unsightly deposits, if any.*

The site is screened from view of surrounding properties by earthen berms and previous installed landscaping and plantings.

10.) *Employee and machinery/equipment parking areas.*

See attached plan.

11.) *Any other pertinent data which the applicant deems material, or as requested by the Village.*

Provided as needed.

f) *Zoning of the site to be used. Existing land use and zoning abutting subject property.*

The property is currently zoned M-4. The existing land use is mineral extraction and associated operations including a crushing plant, washing plant and asphalt plant.

The surrounding land use is primarily M-2, A-2 and R-2.

g) Depth of existing and proposed excavations.

There is approximately 3-10 ft. of topsoil and other overburden materials overlying the sand & gravel. The depth of the current excavation varies from 10-30 feet above the water and up to 25-30 feet below the water. Depths of the excavation may change depending on the area of the property being worked.

h) Commencement and completion dates of each type of operation proposed.

The site is already an existing operation. Extraction on the site will follow the phasing outlined in the submitted operations and reclamation plan.

i) Hours and days of operation.

The asphalt plant may not be operated other than between the hours of 6:00am and 7:00pm, Monday through Friday, and 6:00am and 4:00pm on Saturdays (20 Saturdays per year) and it must be operated in a manner that meets or exceeds all local, state, and federal environmental requirements. The owner is allowed to perform start-up activities for the asphalt plant from 5:00am to 6:00am and shut down activities from 7:00pm to 8:00pm Monday through Friday, and start-up activities from 5:00am to 6:00am and shut-down activities from 4:00pm to 5:00pm on Saturdays (20 Saturdays per year) The owner is allowed twenty-four (24) hour operations when necessitated by specific projects and shall notify the Village of Rochester at least three (3) days in advance of the operation.

Hours of operation for grading, crushing, washing, material load out, internal trucking and external trucking:

Monday – Friday	6:00 a.m. – 7:00 p.m.
Saturday	7:00 a.m. – 2:00 p.m.
Limited to 20 Saturdays per year	
No mining or trucking operation on Sunday or Holidays.	
Picking up and returning of equipment may occur outside of the hours listed above.	

Activities such as equipment maintenance and minimum site maintenance, such as snowplowing and lawn mowing, may take place outside of the times listed above.

j) Number of employees.

The number of employees can vary from 1-15 depending upon the scope and nature of the work being performed and also the time of year operations are occurring. The employees are mainly seasonal with more on site during the typical construction season then in the winter months.

k) Method and manner of draining surface water and accumulated water from the licensed premises.

Payne & Dolan has secured and shall maintain a NR-216 stormwater permit and notice of intent from the Wisconsin Department of Natural Resources for the operations on site. Stormwater from within the site is internally drained. With very severe and wet weather conditions, there is an occasional need to pump water into adjoining drainage ditches and waterway. Any discharge of water off-site is completed per local and state requirements. Any water discharge is tested on a regular basis to ensure compliance with Wisconsin DNR standards.

l) Method and manner of restoring the areas of the operation after the cessation of operation to a condition of practical usefulness and reasonable physical attractiveness.

Reclamation is an on-going process during the nonmetallic mineral extraction process, with a majority of the reclamation being completed during active mineral extraction. The topsoil and other overburden materials covering the nonmetallic mineral deposit are removed and stockpiled separately for future reclamation. After the nonmetallic minerals are removed, the topsoil and other overburden materials will be placed over the area where the minerals were excavated, graded to conform with the surrounding land and seeded. The existing topsoil and overburden are re-distributed across the parcel and fine graded to present a uniform appearance. Reclaimed slopes will be seeded upon completion of the fine grading. Payne & Dolan will perform the necessary grading to achieve the final topography and drainage patterns as outlined in the approved reclamation plan.

m) Topographic mapping of the site showing existing and proposed contours, with a contour interval no greater than two (2) feet. (12 copies)

Operations plan shows the existing contours available when the plan was approved in 1997. Plan shows existing and proposed contours but at an interval greater than 2 ft. More detailed contours can be provided within 60 days notification.

Contours shall be constructed in general accordance with the plans and drawings submitted at the time of application and hearing and shall be merged with existing and proposed contours abutting properties, the pit bottom shall have a minimum slope of 0.5% to provide drainage.

n) Existing trees four inches or more in diameter, measured four feet from the existing elevation, and proposed tree plantings; provided, however that, for heavily wooded areas, the perimeter of the heavily wooded area may be delineated and the types of trees and range of diameters may be provided.

Existing trees and vegetation can be seen on the aerial photograph submitted. No additional tree plantings are proposed.

o) Landscaping berms, fencing and gates.

The existing entrance unto Washington Ave (CTH D) is currently bermed. There is a gate at the entrance to limit accessibility to the site. A significant number of trees have been planted around the perimeter of the site. A majority of the site is fenced.

p) Sign locations and sizes.

A sign is located at the entrance unto the site from CTH D. Various safety signs are located throughout the property as needed and include such signs as No Trespassing (on perimeter fence).

q) Existing and proposed access roads.

Vehicles entering and leaving the site will utilize the existing paved entrance and access road from CTH D. This access road extends north to STH 20 thru a portion of the site that is in the Town of Waterford.

There is no need at this time for any additional access roads into the site.

r) Water supply facilities, including source quantity and disposition of the water to be used.

Water for the scale house comes from a private well. Water used in the processing operations comes from the on-site ponds. The washing process recycles the water used. The wash water returns "clean" water to the ponds after the fine sediments have had time to settle out of the water.

s) Proposed sanitary facilities.

The scale building utilizes a conventional septic system. Other site operations utilize portable sanitary facilities such as Port-a-Johns.

t) Test results of area water wells, and proposed testing plans, where the proposed use includes excavation below the water table, along with sureties to ensure performance of continued testing and resolution of issues identified, in a form determined by the Village Plan Commission upon the Village Plan Commission finding that such condition or conditions are proper for protection of health, safety and or welfare of the public.

Before underwater excavation was initiated, Payne & Dolan performed a hydrologic study as required by Racine County to determine the baseline water quality and quantity on the site. A copy of the study was given to Racine County, the Town of Waterford and the Village of Rochester for their review and approval. Before work on the lake was initiated, Payne & Dolan offered property owners within 2,500 feet of the subject parcel boundary an opportunity to have Payne & Dolan perform a baseline well test to establish water quality and quantity in said well(s). The offer was made in the form of written notices (certified mail; return receipt requested) to each property owner. Payne & Dolan submitted to Racine County and the respective Towns a list of to whom the notices were sent and a second list which enumerates those property owners who have requested the baseline well test. If there is a problem with any such tested well after work below the water table has begun, a disinterested third party will be brought in at Payne & Dolan's expense to investigate the situation. If it is determined that Payne & Dolan is responsible for the well problem, the well will be repaired, dug deeper, or a new well dug, whichever

the disinterested third party recommends as the appropriate remedy, at Payne & Dolan's expense. Payne & Dolan will be responsible for supplying potable water to the affected party until the well problem is resolved.

- u) Highway access restrictions, deed restrictions, and traffic control, along with repair plans for Village roads affected by the operation. Where determined necessary by the Village Plan Commission, the applicant shall submit a financial surety for the projected road repair.*

The transportation of products produced at the site will utilize the existing transportation routes that currently exist with the present operation. The highway access to CTH D and necessary traffic control are already in place. A repair plan for CTH D is not necessary as county roads are built to handle the traffic and types of trucks associated with a nonmetallic mineral extraction operation. Use of all other Village Roads shall be prohibited, except for a local delivery.

- v) Letter of Agreement from the applicant agreeing to restore the subject site in accordance with the approved reclamation plan (see subsection (5.07.c(1))).*

See Letter of Agreement on file – also see Certification of Reclamation on Sheet S of the Reclamation and Operations Plan for the site.

- w) The Village Plan Commission may also as a condition precedent to the issuance of the zoning permit and conditional use permit, require an agreement with the applicant and owner whereby they agree to restore the site to a condition of practical usefulness and reasonable physical attractiveness.*

The reclamation plan has been previously approved by Racine County and the then Town of Rochester. A copy of the reclamation plan is attached.

Payne & Dolan currently has a reclamation permit (#NM01-014-002) issued by Racine County for the site. A reclamation bond in the amount of \$369,000 is currently posted with Racine County.