CONDITIONAL USE PERMIT APPLICATION

Village of Rochester

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

APPLICANT INFORMATION			
Property Owner Name:	Racine County	**Agent/Architect Name:**	Shannon Kurth
Address (Number & Street):	14200 Washington Ave	**Address (Number & Street):**	
Address (City, State, Zip):	Sturtevant, WI 53177	**Address (City, State, Zip):**	
Email Address:		**Email Address:**	
Phone #:		**Phone #:**	

SITE INFORMATION

Legal Description:	PT NE1/4 COM 240W OF NE COR S350 SW414 W1668 N725 E 1849 TO POB- GRAVEL PIT* EXEMPT* **TOTAL ACRES** 30.00
Zoning District: M-4	**Property Address or Location:** 32020 Academy Road

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

Is this application being submitted to correct a violation? Yes ☐ No ■

Provide the project name and a short summary of the proposed conditional use:

Continuation of a non-metallic mining (sand and gravel) operation, including the crushing and storing of stone and recycled concrete and asphalt within the Racine County Public Works (AKA Frost Pit). Along with composting lake weeds.

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.

☐ Complete attached planning overview	☐ Site Plan drawn to scale	☐ Detailed operational plan	☐ Agreement for Reimbursable services form	☐ Detailed written statement of intent	☐ 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: Shannon Kurth Date: 11/2/2026

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.

The Racine County Public Works nonmetallic mining operation (AKA Frost Pit) conditional use 2-year renewal to continue mining operation of an existing pit. The site is located on the north side of Academy Road and access is via an approximately 1,050-foot long drive. Lands to the west, south, and east are agricultural and presently being actively farmed. The land to the north is a restored asphalt plant that has been divided into 3 residential properties.

Currently, the wooded slope along the easterly portion of the site will be maintained while the site is being mined, to screen views of the site. A berm has been constructed along the northern property line to also act as a visual and audible buffer from the quarrying activity. These berms help retain storm water runoff on the site that can be used for dust control and contained the over-burden that will be used in the final reclamation of the site. A hard surface paved driveway has been constructed and will be maintained/swept on an as-needed basis at the site going to CTH FF to also aid in reducing potential dust problems for abutting property owners.

The present plans are to continue mining in a westerly direction. There are letters of agreement from the abutting property owners giving permission to mine up to the northern property line. As indicated in the previous approval letter, the area located along the northern property line was allowed to quarry up to the Lang Quarry site. The area that is presently active acreage is approximately 7.5 acres with 7.1 acres reclaimed and .6 acres interim reclaimed. We are currently stockpiling lake weeds to compost and use as fill. As market demand and material requirements dictate, the intent is to expand mining operations onto additional land to the west, with this expansion anticipated to begin in approximately 2026.

Besides active quarrying on an as-needed basis, this site is used for the stockpiling of recycled concrete and asphalt that is used for County and State projects. On occasion, some of the material is also sold to the various local municipalities within Racine County. No material is sold to private firms or individuals for profit. At this time, equipment used for this work would consist of bulldozers, excavators, skid steers, dump trucks, and scrapers for the stripping and reclamation work. Motor graders and compaction equipment could also be used as a part of the restoration work. Front-end loaders for loading the crushed materials and single-axle and tandem-axle trucks for hauling the material will also be used at the site.

Racine County contracts for crushing of gravel from this quarry. Every four to five years, it is anticipated that 20,000-30,000 tons of gravel will be produced. The crushing operation is usually performed in the later part of April through the end of May or is done in October. The actual time involved in the crushing activities is typically a week or 10 days. Hours of operation for the crushing are Monday-Friday. Hauling materials from this site may, at certain times, be done on weekends. In most cases that would probably be for emergency situations.

The County is responsible for all site preparation, stripping, and final reclamation of the site. Restoration will be done in accordance with Chapter 12.5 of the Racine County Code of Ordinances. Slopes cannot be more than 3:1. Signage is maintained at the property lines and at the high wall. For the entire site, the stripped material will be either stored on the site for future use or used for the grading and contemporaneous reclamation to usable farmland.

For reclamation, the best post-mining land use would be to propose agricultural farmland. Currently, the land directly to the west of the active mining area is farmed by the Frosts until it is desired to be opened for non-metallic mining use. The current land use plan shows that the neighboring properties are desired for agricultural use. Once it is planned for this mining operation to end, a land use plan amendment will be proposed to remove from extractive resource to agricultural land and the property would be proposed to be rezoned to an agricultural designation.

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.

The continued operation of this conditional use is not detrimental to or endanger the public health, safety, comfort, or general welfare as this quarry has signage warning of the pit operation, installed and maintains a paved tracking pad to reduce debris from the roadway, controls site storm water drainage within the property, and maintains existing berms to aid in noise, visual and dust impacts of adjoining properties. The operation of this pit provides a valuable resource for enhancement of roadways within the village and county.

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.

This quarry operation has been in existence for many years and Racine County has adhered to the conditions of previous approvals to lessen impacts and enjoyment of other property in this area. The renewal requested is not changing any part of this operation from previous submittals.

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.

The conditional use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district as the reclamation plan for this property is to return its use to agriculture upon final reclamation consistent with uses in this area.

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

The access drive from the pit operation area to Academy Road (CTH FF) is paved to reduce tracking of debris upon the public road and reduce dust from equipment and vehicles accessing the site. In addition, site drainage is maintained within the property boundaries.

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.

The site is served by a private drive and is perpendicular to the public road that enhances vision of traffic on the public road. All trucks must come to a full stop before entering onto CTH FF. A stop sign is in place to notify drivers.

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.

Current uses are nonmetallic mining activity and agricultural use consistent with existing zoning.

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

Rochester 2050 Land Use Plan identifies this area as "extractive"

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

In accordance with previous condition of approval, signage warning of the quarry operation placed around the boundary at a spacing of no more thank 100-feet. Signs on metal on metal posts.

APPLICATION CHECKLIST FOR A CONDITIONAL USE PERMIT

A scaled site plan and detailed operations plan must be submitted with your Conditional Use Permit application. Please use the checklist below to ensure you are submitting all required information applicable to your request. Please attach to your application form the required maps and plans listed below, along with any additional pages. (Parentheses indicate Code references.)

☐ SCALED SITE PLAN. Sufficiently detailed on paper no larger than 11" x 17". Include the following, as applicable:

- ☐ Date plan created, scale, and north arrow.
- ☐ Existing subject property lot lines and dimensions.
- ☐ Location of all existing and proposed structures and use area. (35-22 B-D)
- ☐ Existing topography shown at a contour interval not less than two feet, or where not readily available elevations at appropriate locations, as well as proposed changes in topography. (Ch. 32; 35-22 D)
- ☐ The type, size, location, height, and dimensions of all structures including fences and walls showing conformance with all provisions of the underlying zoning district, such as lot width and area, setbacks, yards, building heights, etc. (35-90; 35-22 B-D)
- ☐ Location and number of parking stalls and loading and storage areas. (35-160; 35-161; 35-162; 35-22 D)
- ☐ Location and size of existing and proposed sanitary sewers, septic tanks and disposal fields, holding tanks, storm sewers, and water mains. (Ch. 10; 32; 35-15)
- ☐ Location and dimensions of any existing utilities, easements or rights-of-way, including existing and proposed public right-of-way widths. (35-160; 30-82)
- ☐ Location of proposed solid waste (refuse) and recycling storage areas. (35-22 D)
- ☐ Location of pedestrian sidewalks and walkways. (35-22 D)
- ☐ Zoning district boundaries in the immediate area. All districts on the property and on all neighboring properties must be clearly labeled.
- ☐ Location and extent of existing trees, and type of proposed plantings including type and extent of erosion control. (Ch. 32; 35-22 D)
- ☐ Location, type, height and intensity of proposed lighting. (35-22 D)
- ☐ A graphic delineation of any planned development staging.
- ☐ Any other site or use information, such as 100 year internal flood lines, which will assist the Plan Commission in making a determination and recommendation on the proposal.

☐ CONSTRUCTION PLAN. Include with site plan the following, as applicable:

- ☐ Primary building materials used in construction of all structures. (35-190; 35-22 C)
- ☐ Architectural plans, elevations, and perspective drawings/sketches illustrating the design and character of proposed structures. (35-190; 35-22 C, D)

☐ OPERATIONS PLAN. Describe in detail the following characteristics of the operation, as applicable: (Attach as addendum to this application.)

- ☐ Specific use of site and building(s). (See 35-250 for general use restrictions.)
- ☐ Hours of operations.
- ☐ Number of full and part time employees.
- ☐ Type of materials and equipment to be stored on site.
- ☐ Method of handling solid and liquid waste disposal.
- ☐ Method of exterior maintenance (site and buildings).
- ☐ Method of site and building security other than local police.
- ☐ Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.
- ☐ Copies of all special use permits issued by state or county agencies.
- ☐ Any other information which will assist the Plan Commission in making a determination and recommendation of the proposal.

☐ ADDITIONAL MATERIALS. Additional information is required for certain conditional uses:

- ☐ Conditional uses in the shoreland-wetland and floodplain districts must provide plans showing conformance with Code Ch. 36 and 37, respectively.
- ☐ Applications for Manufactured Home Communities must provide additional information. (35-100 D)
- ☐ Applications for quarrying operations must submit additional information. (35-100 F 3)
- ☐ Applications for solid waste facilities; scrap iron, steel or nonferrous metal processing facilities; recycling facilities; auto junkyards; and auto scrap metal salvage yards must submit additional information. (35-100 F 4)
- ☐ Applications for adult-oriented entertainment businesses must provide additional information. (35-100 G)
- ☐ Applications for Non-Agricultural Businesses in agricultural zoning districts must provide additional information. (35-100 I)

Village of Rochester
Agreement for Reimbursable Services
By Petitioner/Applicant/Property Owner

Any person or applicant presenting a proposal, petition, or project, whether or not a permit or license is required, will be charged costs and fees equivalent to the cost to the Village for reviews and/or other work performed by the consulting Village Engineer, Village Attorney, Zoning Administrator, and any other consultants engaged by the Village.

Such persons or applicants shall be required to pay fees equivalent to the cost to the Village for any work associated with the drafting of agreements or other documents associated with any project, proposal, petition, permit, license, review or approval required, including but not limited to engineering, design, and/or inspection fees for public improvements that are associated with the review.

The Village may require a person or applicant to sign an agreement for payment, and to make a deposit toward such costs and fees. If a deposit is required, the deposit shall be in an amount reasonably estimated by the Village Clerk to cover the anticipated costs and fees, however, the person or applicant shall be liable for the full amount of the Village's costs and fees regardless of the amount of the deposit, unless otherwise prohibited by law. If the deposited amount falls below the amount reasonably estimated to complete the work, the Clerk may require an additional deposit. Any portion of the deposit that is not used by the Village for costs and fees shall be returned to the applicant.

Review fees which are charged to a person or applicant, but which are not paid, may be assigned by the Village as a special assessment to the subject property.

Shannon Kurth, the applicant/petitioner/property owner(s) for
Name(s)

Racine County Conditional Use Permit - Frost Pit, dated November 2, 2026,
Nature of application/petition

agree(s) to reimburse the Village of Rochester for all consultant services (e.g. engineering, planning, surveying, legal) required to process this application in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, impact fees, etc.), and, further, agrees to reimburse the Village for other administrative staff review if, in the judgment of the Village Board, such reimbursement is warranted.

Dated this 2 day of November, 2026.

Shannon Kurth
Signature of Applicant/Petitioner

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Signature of Property Owner, if different from Applicant/Petitioner