

Dane County Conditional Use Permit Application

Application Date	C.U.P Number
04/22/2024	DCPCUP-2024-02621
Public Hearing Date	
06/18/2024	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME ROCK CROP LLC	Phone with Area Code	AGENT NAME DUSTIN GRADEL	Phone with Area Code (608) 206-5804
BILLING ADDRESS (Number, Street) 5874 CUBA VALLEY RD		ADDRESS (Number, Street) 7579 MEIXNER ROAD	
(City, State, Zip) WAUNAKEE, WI 53597		(City, State, Zip) DeForest, WI 53532	
E-MAIL ADDRESS gnedres@tds.net		E-MAIL ADDRESS dgradel@tricitypaving.com	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
5626 County Hwy V				-	
TOWNSHIP VIENNA	SECTION 16	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0909-163-8000-2		0909-164-8500-6			

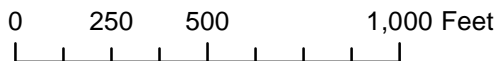
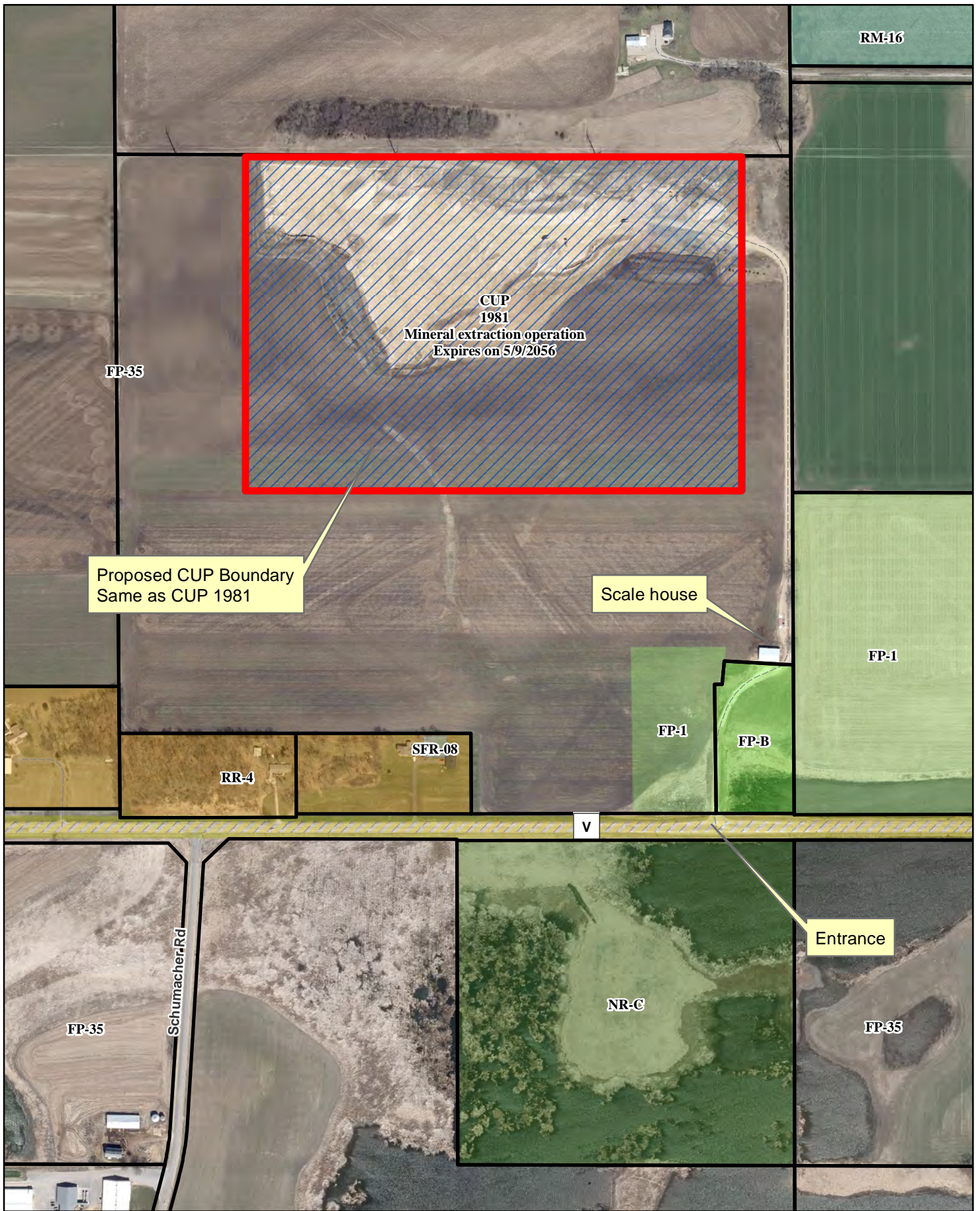
CUP DESCRIPTION

10.222(3)(d) Temporary Concrete Batch Plant for public road projects

DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
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10.222(3)(d) temporary concrete batch plant	59
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DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	Inspectors Initials RWL1	SIGNATURE:(Owner or Agent) PRINT NAME: DATE:
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Temporary Concrete Batch Plant

**BREGGAMAN QUARRY TEMPORARY
PORTABLE CONCRETE BATCH PLANT**

APPLICATION FOR A CONDITIONAL USE PERMIT

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Dane County
Department of Planning and Development
 Zoning Division
 Room 116, City-County Building
 210 Martin Luther King Jr. Blvd.
 Madison, Wisconsin 53703
 (608) 266-4266

Application Fees	
General:	\$495
Mineral Extraction:	\$1145
Communication Tower:	\$1145 (+\$3000 RF eng review fee)
PERMIT FEES DOUBLE FOR VIOLATIONS OR WHEN WORK HAS STARTED PRIOR TO ISSUANCE OF PERMIT	

CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION			
Property Owner Name:	Rock Crop LLC	Agent Name:	Dustin Gradel
Address (Number & Street):	5874 Cuba Valley Rd.	Address (Number & Street):	7579 Meixner Rd
Address (City, State, Zip):	Waunakee WI. 53597	Address (City, State, Zip):	DeForest WI. 53532
Email Address:	gnendres@tds.net	Email Address:	dgradel@tricitypaving.com
Phone#:		Phone#:	608-206-5804

SITE INFORMATION

Township:	Town of Vienna	Parcel Number(s):	064/0909-163-8000-2 & 064/0909-164-8500-6
Section:	Sec. 16	Property Address or Location:	5626 CTH V, DeForest WI. 53532
Existing Zoning:	FP-35	Proposed Zoning:	FP-35
		CUP Code Section(s):	

DESCRIPTION OF PROPOSED CONDITIONAL USE

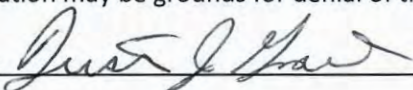
Type of conditional use permit (for example: limited family business, animal boarding, mineral extraction, or any other listed conditional use): Temporary Concrete Batch Plant	Is this application being submitted to correct a violation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Provide a short but detailed description of the proposed conditional use: We are requesting a CUP for a Portable Concrete Batch Plant to supply concrete to various State, County, Municipal and private projects in the area. It will be placed in the Breggaman Quarry (CUP#1981) The Batch plant will be temporary and portable in nature. Outdoor storage would consist of piles of aggregates and sand stored within the existing site. Cement materials would be stored in portable enclosed bins.	
Temporary Concrete Batch plants are only permitted for road projects within the FP-35 Zoning District.	

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department 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 information sheet for standards	<input type="checkbox"/> Site Plan drawn to scale	<input type="checkbox"/> Detailed operational plan	<input type="checkbox"/> Written legal description of boundaries	<input type="checkbox"/> Detailed written statement of intent	<input type="checkbox"/> Application fee (non-refundable), payable to Dane County Treasurer
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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 Dane County Department of Planning and Development 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: 

Date: 4-16-24

BUSINESS PURPOSE AND PLANNED ACTIVITY

This application to the Town of Vienna and County of Dane is a request for a Conditional Use Permit for a Designated Area in the Breggaman Quarry for a Portable Concrete Batch Plant to supply concrete to various State, County, and Municipal projects in the area. The Designated area for a Portable Concrete Batch Plant will be located at 5626 CTH V, DeForest WI. in the Breggaman Quarry (CUP 1981). We are asking for a designated location in the Breggaman Quarry for a Portable Concrete Batch Plant which will be supplied and operated by Various Concrete Companies. The site has approx.: 10 years of service and will be used for various construction projects in and around the Dane County area.

APPLICATION FOR CONDITIONAL USE PERMIT BY TRI COUNTY PAVING INC. FOR A DESIGNATED LOCATION FOR A TEMPORARY CONCRETE BATCH PLANT ON PROPERTY OWNED BY ROCK CROP LLC, 5626 CTH V, DEFOREST WI 53532, TOWN OF VIENNA, DANE COUNTY, WISCONSIN.

Items for Written Brief:

1. **LEGAL DESCRIPTION OF THE EXISTING QUARRY:** The east 820 feet of the NE ¼ of the SW ¼ and the West 1140 feet of the NW ¼ of the SE ¼ of Section 16. T9N, R9E, Town of Vienna, Dane County WI.
2. **TAX PARCEL NUMBER:** 064/0909-163-8000-2 & 064/0909-164-8500-6.
3. **DESCRIPTION OF OPERATIONS:** The proposed CUP is for a designated area to house a Temporary Concrete Batch Plant that will be supplied and operated by various Concrete Companies, used to supply Ready Mix Concrete to various WIS. DOT, County, Municipal in the area. Activities conducted outdoors at the site would include the staging, handling, and mixing of materials, loading of delivery trucks. Washout of trucks into internally drained gravel pit. Outdoor storage would consist of piles of aggregates and sand stored within the existing gravel pit site. Cement materials would be stored in portable enclosed bins. Water will be trucked in on tanker trailers. The Temporary Concrete Batch Plant operator must obtain a Wisconsin DNR General Permit to operate in this location.
4. **EXISTING USES OF THE LAND:** The existing use of the property is an existing Gravel Quarry CUP #1981. We are currently filling and reclaiming depleted areas of the Gravel quarry.

5. **EXISTING NATURAL FEATURES AND SURROUNDING AREA:** The existing natural feature of the land is a sand and gravel pit. The land around the pit is being used as cropland, with a small area of trees. There are very few homes in the vicinity. There is a Veterinary business that has recently been built just South of the Quarry which shares the same entrance.

6. **PROPOSED DATES TEMPORARY CONCRETE PLANT PRODUCTION:** Possible Start of production in 2024. We anticipate the materials will last Approx: 10 years from the start of the CUP depending on the construction market.

7. **PROPOSED NUMBER OF EMPLOYEES, HOURS AND DAYS OF OPERATION:** The exact number of employees varies between 3 and 15 on the Ready-Mix Concrete operations team. Hours of operation will be Monday thru Friday 6:00 am to 8:00 pm. Plus intermittent operations during weekends “only as project demands necessitate” (WisDOT sometimes requires nighttime work, we would notify the Town of Vienna prior to nighttime work)

8. **WHERE MATERIAL WILL BE HAULED AND OVER WHAT ROUTES:** The entrance and access to the Temporary Concrete plant is paved and ready. All material will be hauled on CTY Hwy V east and west to various projects.

9. **EROSION/STORMWATER MANAGEMENT:** There is an Erosion control/Storm water management plan in place for the existing Quarry. Water run off from the plant will drain toward the bottom of the existing quarry. As a part of a participating Contractor doing work for WisDOT construction work strict environmental and erosion control standards must be adhered to and are regularly monitored by WisDOT project staff. The plant operator must have a current and valid plant specific WIDNR general permit for storm water runoff.

10. **NOISE:** Berms are in place surrounding the existing quarry to provide visual and noise reduction. The noise emitted by the plant’s operations will be less than or equal to the current noise generated by the existing quarry operations and farming operations around the quarry.

- 11. DUST CONTROL:** Dust will be controlled using an enclosed bin for the storage of fine particle materials such as cement. Water is used extensively around the plant site during plant operations as needed to control the dust from moving trucks. Water as well as sweeping is used on the paved access road to control dust.
- 12. ODORS, POLLUTION:** The batch plant mixes sand, aggregate, cement, and water to produce concrete. The proposed ready mix batch plant does not produce hazardous chemicals or particulates. The concrete batch plant will have a Wisconsin DNR General Permit to operate in this location.
- 13. LIGHTING:** If operations occur at night, outdoor lighting will be provided by portable lighting plants for purpose of employee visibility and safety. The lights would be operated only during periods of night-time operations and as needed for visibility and safety. To mitigate impacts to neighboring residences and roadways, the lights will be directed away from property lines, neighboring parcels, and roads.
- 14. REFUELING:** Refueling will take place as needed. There shall be no permanent bulk fuel stored on site. Any spills will be remedied.
- 15. PROPOSED STORAGE OF RECYCLED MATERIALS:** We plan to have temporary Concrete and Asphalt recycled materials on site this will be in the Active Quarry part of the property.
- 16. PERMANENT OR TEMPORARY STRUCTURE:** No permanent structures are anticipated for the Temporary Concrete Batch Plant.
- 17. SANITARY ON-SITE FACILITIES:** There is a porta-potty on site. We also have garbage containers.
- 18. WATER USE:** Concrete contractor to haul in water in tanker trailer's.
- 19. SIGNAGE:** No additional signage will be needed.

Eight Standards of a Conditional Use Permit

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.

Berming; berms are in place as necessary and maintained to provide for visual and sound barriers to any adjoining residences. **Noise:** the noise generated by the plant would be less than or equal to the current noise generated by the existing quarry and farm production around the quarry. **Access:** we will use an existing entrance onto County Rd. V this access has an acceleration, deceleration lane and passing lane. The public is used to trucks entering and exiting. **Dust Control:** The access road is paved with asphalt and watering will be done in the quarry as needed to control dust. **Erosion Control:** A storm water pollution prevention plan is in place.

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.

The existing area is made up of farmland and existing pits and quarries. There is one home roughly 500 feet from the Quarry and the proposed Temporary Portable Concrete plant. There is also a commercial business that shares the access road to the quarry and is located 1700 feet south of the proposed use. The use is Temporary in nature.

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 existing quarry is in the process of reclamation and turned back into farmland. The surrounding area is generally agricultural in nature, and development is not expected in the near term, such that normal and orderly development will not be impacted by this proposal. The use is Temporary in nature.

4: That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

The proposed conditional use is located in an area that will be satisfactorily served by and will not impose undue burden on any improvements, facilities, utilities or services provided by the public agencies serving the subject property. We will be using an existing entrance for access to the proposed use. The existing condition of the access is a 24' asphalt paved road. There is an existing portable scale and portable scale house. Storm water will be contained in the proposed quarry, we have included the Storm Water Pollution Prevention Plan.

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 existing access is a 24' wide roadway. Hwy V has an Acceleration, Deceleration and there is a passing lane as well to allow normal traffic flow. It is considered a Type B1 with Bypass. There is plenty of room for trucks on site and employee parking.

6: That the conditional use shall conform to all applicable regulations of the district in which it is located.

The proposed use conforms to the applicable regulations of the FP-35 zoning district. In the FP-35 district, the allowable conditional use include "Asphalt plants or ready-mix concrete plants that comply with s.91.6(5) Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration." Tri County Paving Inc. will follow all regulations/ordinances laid out by the State of Wisconsin, County of Dane, and Town of Vienna

7: The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.

As stated above, the proposed conditional use is consistent with the Town and County Comprehensive plans.

8: If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220(1)

- 1. The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.**

The proposed use is temporary in nature and the land will be returned to farmland production. The proposed use conforms to the applicable regulations of the FP-35 zoning district. In the FP-35 district, the allowable conditional use include "Asphalt plants or ready-mix concrete plants that comply with s.91.6(5) Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration."

- 2. The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or specifically approved under state or federal law.**

The Town of Vienna has many existing conforming and non-conforming pits. The farm currently has a quarry on this property that Tri County Paving Inc. operates. The proposed CUP is reasonable and appropriate for the area.

- 3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, for agricultural use or open space use.**

The proposed use is temporary in nature and the land will be returned to farmland production.

- 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.**

The existing quarry is being reclaimed at the same time as the proposed conditional use.

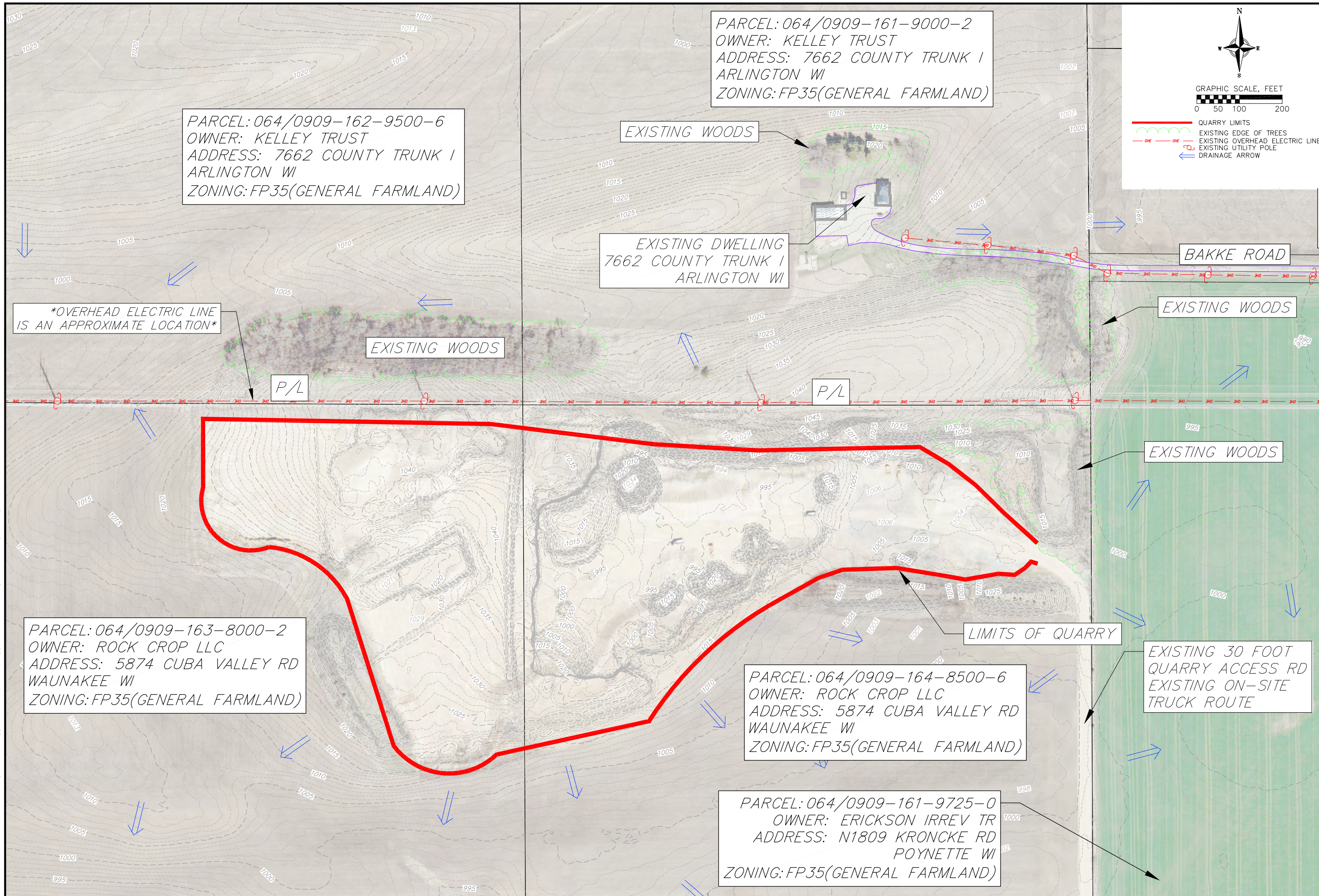
- 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.**

The area of the proposed use will be reclaimed immediately upon completion of the CUP









PARCEL: 064/0909-162-9500-6
 OWNER: KELLEY TRUST
 ADDRESS: 7662 COUNTY TRUNK I
 ARLINGTON WI
 ZONING: FP35(GENERAL FARMLAND)

PARCEL: 064/0909-161-9000-2
 OWNER: KELLEY TRUST
 ADDRESS: 7662 COUNTY TRUNK I
 ARLINGTON WI
 ZONING: FP35(GENERAL FARMLAND)

EXISTING DWELLING
 7662 COUNTY TRUNK I
 ARLINGTON WI

*OVERHEAD ELECTRIC LINE
 IS AN APPROXIMATE LOCATION*

PARCEL: 064/0909-163-8000-2
 OWNER: ROCK CROP LLC
 ADDRESS: 5874 CUBA VALLEY RD
 WAUNAKEE WI
 ZONING: FP35(GENERAL FARMLAND)

PARCEL: 064/0909-164-8500-6
 OWNER: ROCK CROP LLC
 ADDRESS: 5874 CUBA VALLEY RD
 WAUNAKEE WI
 ZONING: FP35(GENERAL FARMLAND)

PARCEL: 064/0909-161-9725-0
 OWNER: ERICKSON IRREV TR
 ADDRESS: N1809 KRONCKE RD
 POYNETTE WI
 ZONING: FP35(GENERAL FARMLAND)

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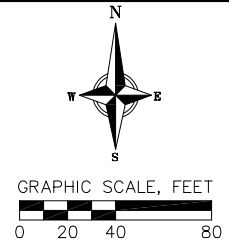
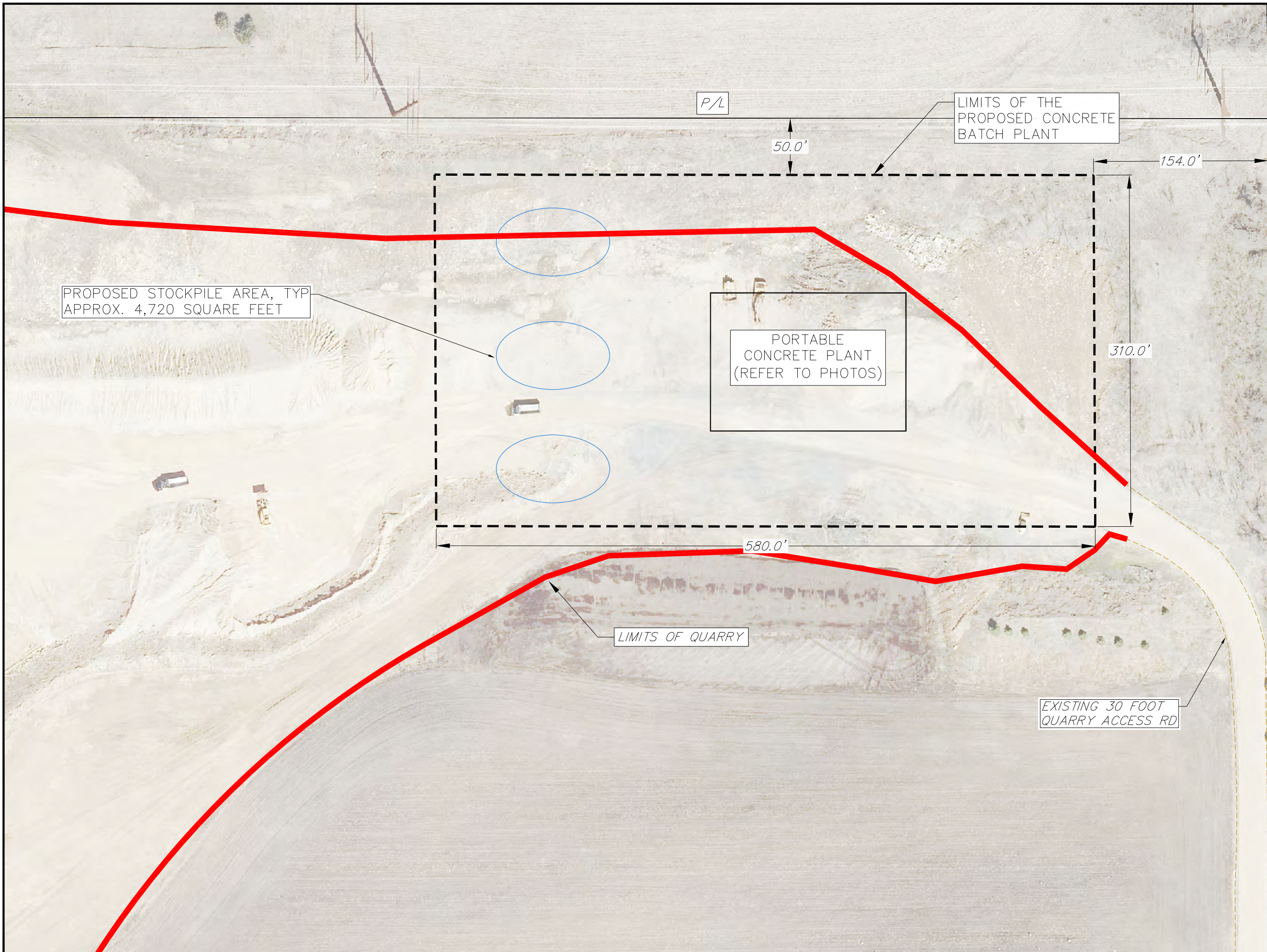
GRAPHIC SCALE, FEET
 0 50 100 200

- QUARRY LIMITS
- - - EXISTING EDGE OF TREES
- - - EXISTING OVERHEAD ELECTRIC LINE
- ⊕ EXISTING UTILITY POLE
- ⇄ DRAINAGE ARROW

EXISTING CONDITIONS
 BREGGAMAN QUARRY
 TOWN OF VIENNA
 DANE COUNTY, WISCONSIN

NO.	DATE	REVISIONS	REMARKS

DATE: 2024-04-24
 DRAFTER: KLIN
 CHECKED: MGJER
 PROJECT NO.: 240234
 SHEET: 1 OF 3



SITE / OPERATIONS PLAN
BERGEMAN QUARRY
TOWN OF VIENNA
DANE COUNTY, WISCONSIN

REVISIONS		REVISIONS	
NO.	DATE	NO.	DATE

DATE: 2024-04-24
 DRAFTER: KLIN
 CHECKED: MGER
 PROJECT NO.: 240234
 SHEET: 3 OF 3