



PLAN COMMISSION MEETING AGENDA

November 18, 2024 at 6:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

1. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

2. ANNOUNCEMENT OF PUBLIC HEARING

- C. Milestone Materials, 920 10th Avenue North, Onalaska, WI, 54650, Requests a Conditional Use Permit for a Nonmetallic Mining Operation on Queenland Vista SECTIONS 10 & 11, T27N, R7E VILLAGE OF KRONENWETTER MARATHON COUNTY, WISCONSIN. Section 10: 2071 Queenland Dr, SEC 10-27-07 PT OF NE 1/4 NE 1/4 - LOT 1 CSM VOL 64 PG 16 (#14379) (DOC #1449149) EX DOC #1499365-RD 9.160 2071 Queenland Dr Section: 10 Acres, PIN 145-2707-101-0967. Section 11: 2070 Queenland Dr, SEC 10-27-07 PT OF NE 1/4 NE 1/4 - ALSO PT OF NW 1/4 NW 1/4 SEC 11 - LOT 3 CSM VOL 64 PG 16 (#14379)(DOC #1449149 EX DOC #1499367-RD 22.300 2070 Queenland Dr Section: 11 Acres, PIN 145-2707-101-0965.

3. CLOSING OF PUBLIC HEARING

4. PUBLIC COMMENT

Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this Village that Public Comment will take no longer than 15 minutes with a three-minute time period, per person, with time extension per the Chief Presiding Officer's discretion. Be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.

5. REPORTS AND DISCUSSIONS

- D. Community Development/Planning and Zoning Director Report.

6. OLD BUSINESS

- E. Discussion and possible action: Eau Claire River LLC Rezone.

7. NEW BUSINESS

- F. Discussion and possible action: Milestone Materials Conditional Use Permit Application for a Nonmetallic Mining Operation.
- G. Discussion and possible action: § 520-121. - Conditional use permits.

8. NEXT MEETING: December 16, 2024

9. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

10. ADJOURNMENT

NOTE: Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made at least 24 hours in advance to the Village Clerk's office at (715) 693-4200 during business hours.

Posted: 11/15/2024 Kronenwetter Municipal Center and www.kronenwetter.org

Faxed: WAOW, WSAU, City Pages, Mosinee Times | Emailed: Wausau Daily Herald, WSAW, WAOW, Mosinee

Community Development/Planning and Zoning Director Report

November 18, 2024

Peter S. Wegner, Community Development/Planning and Zoning Director

- Complaints/Enforcement.
- Non-Metallic Mining Research.
- Conditional Use Permit language.
- Preliminary Review Commonwealth Development Corporation CUP.
- Documentation for DNR Floodplain Ordinance Approval.
- Research available properties for proposed development project.
- Correspondence with Badger State Consulting regarding Commercial Electrical projects.
- Meeting with Developer regarding Multifamily Development Project.
- Phone correspondence with Attorney VanderWaal regarding enforcement case.
- Correspondence with UDC Inspector regarding Enforcement Construction completed w/o permits.
- Correspondence with DNR Floodplain Ordinance Expert re: DNR Approval.
- Research 520-23 L. Commercial Animal Establishment, 520-23 O. Campground, 520-28 Temporary Land Use Types. C. Outdoor Assembly or Special Event and 520-122 Temporary Use Permits.
- Maple Ridge parcel options (rezone, uses and permit requirements).
- Correspondence with UDC Inspector regarding noncompliance.
- REI Zone A Floodplain Mapping removal request.
- Research and Correspondence regarding possible expansion of East Nick Avenue.
- Correspondence regarding access to landlocked parcel. Easement by necessity.
- Correspondence Bauer Storage. Compliance, possible rezone and CSM.
- Research Density requirements MF vs. M2 as it relates to Multifamily Residences.
- Correspondence with DNR Floodplain Engineer regarding enforcement case.
- Milestone Materials Conditional Use Permit Public Hearing questions from the public.
- Temporary mobile sign for Northland Lutheran High School.
- Review § 218-14. - Grade level and Seasonal High Groundwater Elevation Form (Groundwater Affidavit).
- Kowalski Interchange correspondence.

Report to Planning Commission

Agenda Item: Zoning Change Request: Eau Claire River, LLC 7306 Zinser St., Weston, WI 54476

Meeting Date: November 18, 2024

Referring Body: Plan Commission

Committee Contact: Chris Voll

Staff Contact: Peter Wegner, CD/PZ Director

Report Prepared by: Peter Wegner, CD/PZ Director

AGENDA ITEM: Proposed Zoning Change Request: Eau Claire River, LLC 7306 Zinser St., Weston, WI 54476

OBJECTIVE(S): To review the Zoning Change Request.

HISTORY/BACKGROUND: Eau Claire River, LLC 7306 Zinser St., Weston, WI 54476 requests a zoning change of 35.58 acres from BP - Business Park to M2 – General Industrial, located at 1320 Kowalski Road, Kronenwetter, WI 54455. The subject property was used for non-metallic mining in the past as witnessed by the large pond located on the east boundary. If the rezone is approved, the proposed use would be non-metallic mining. The material taken from the site will be used to construct infrastructure for multi-family development on the property, provide material to American Asphalt and add excess storage capacity to the flood storage district. The proposed rezone is consistent with the comprehensive plan and is consistent with current zoning districts in the area. The rezone complies with the intent of this chapter.

RECOMMENDED ACTION: Motion to recommend the Village Board approve the zoning change request of Eau Claire River, LLC to change 35.58 acres from BP - Business Park to M2 – General Industrial.

§ 520-118. - **Amendments to official zoning map (rezonings).**

F. Public hearing and recommendation. The plan commission shall hold a public hearing on all proposed amendments to the official zoning map. Following the public hearing, and after consideration of comments provided therein, the plan commission shall review the proposed amendment to the official zoning map and shall within 45 days of the public hearing make a recommendation to the village board that the application be granted as requested, modified, or denied. If the commission fails to make a recommendation within this time frame, the proposed amendment shall be forwarded to the village board without recommendation. Such deadline may be extended by written or electronic agreement from the applicant.

ATTACHMENTS: 10/21/2024 Zoning Change Request, Staff Report and 11/18/2024 Letter and maps received by REI regarding Kowalski Interchange questions from 10/21/2024 Public Hearing.

1320 KOWALSKI ROAD, KRONENWETTER, WI 54455
ZONING CHANGE REQUEST

STAFF REPORT FOR PLANNING COMMISSION

**PUBLIC HEARINGS/
MEETINGS:**

Plan Commission Public Hearing: 6:00 p.m. October 21, 2024
Plan Commission Meeting: 6:00 p.m. November 18, 2024

APPLICANT:

Eau Claire River, LLC
7306 Zinser St.,
Weston, WI 54476

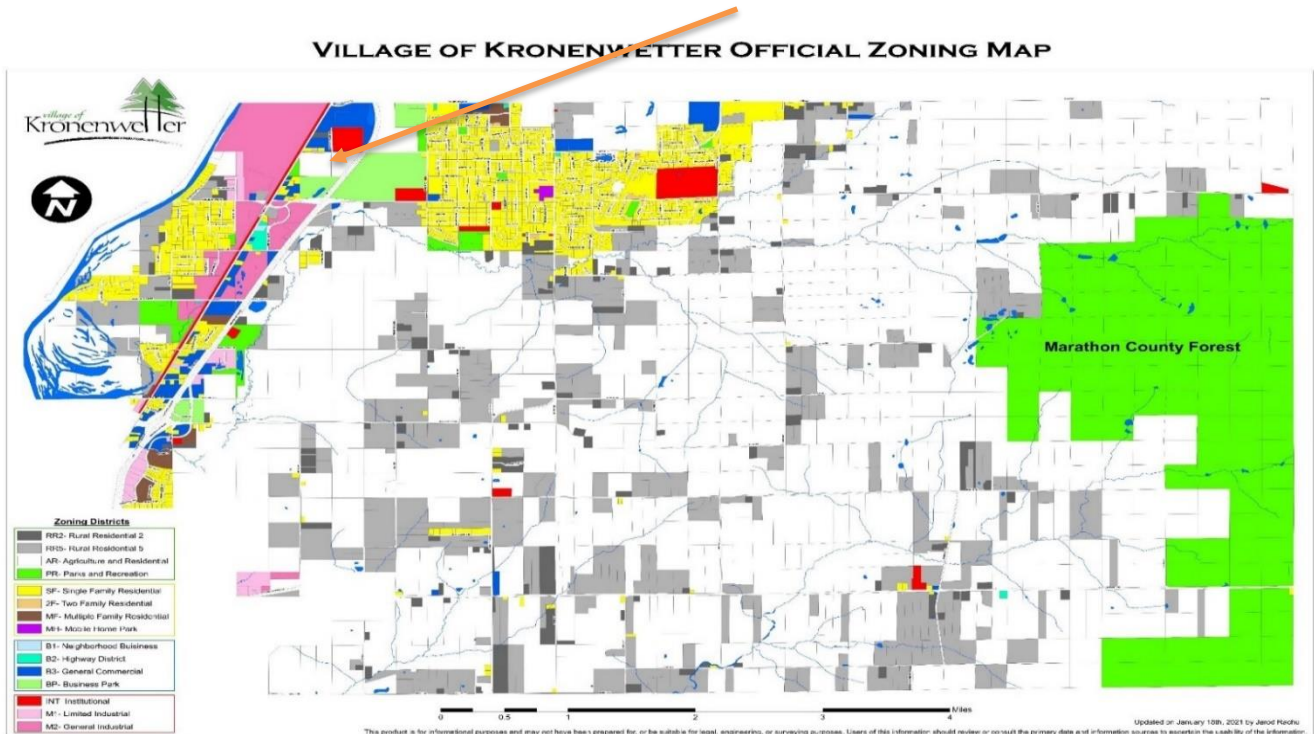
OWNER:

Eau Claire River, LLC
7306 Zinser St.,
Weston, WI 54476

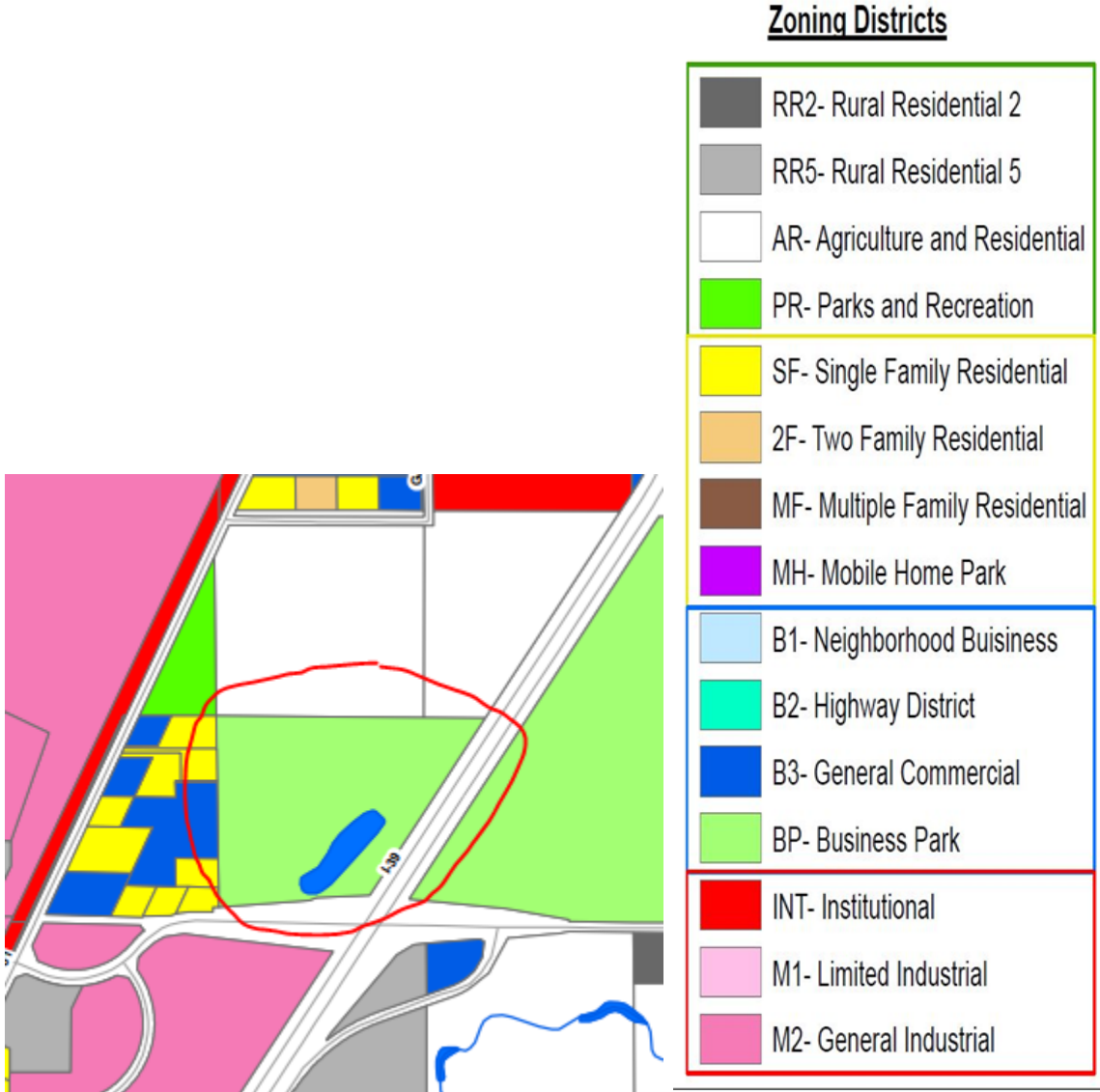
Prepared By:

REI Engineering, Inc.
4080 N. 20th Ave.,
Wausau, WI 54401

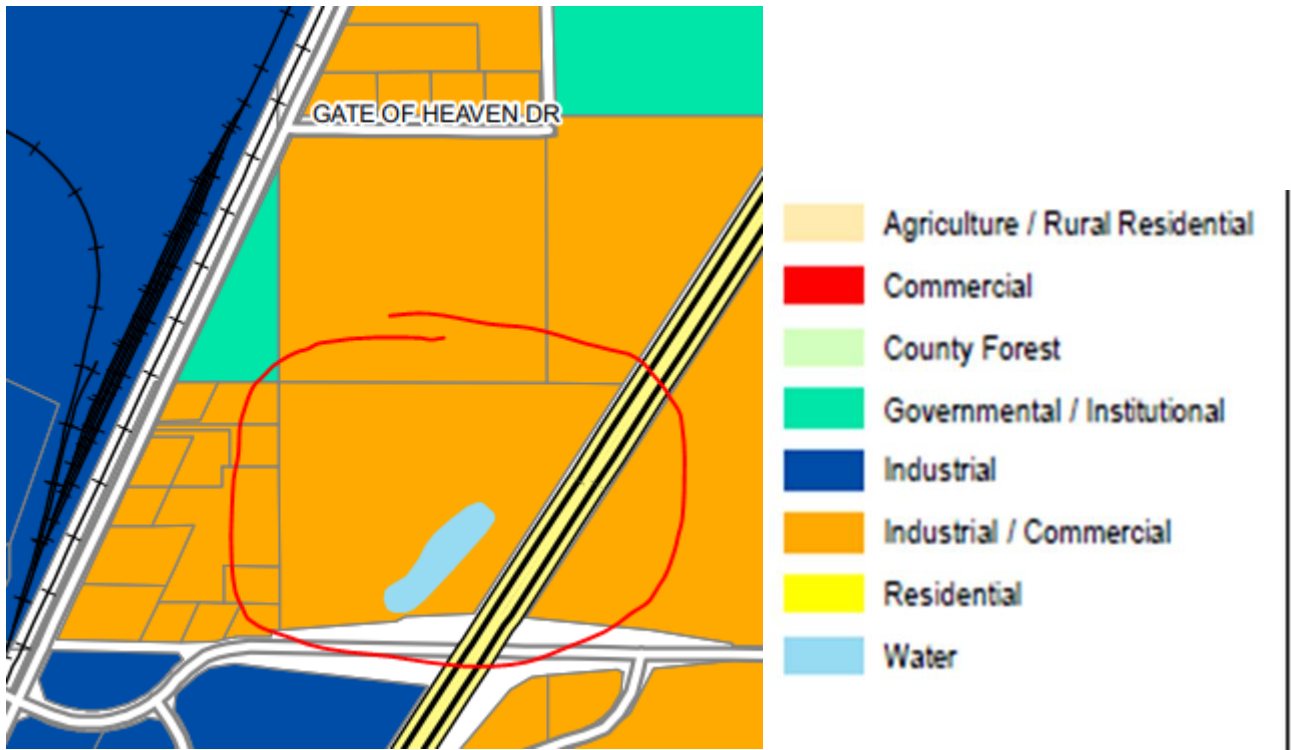
LOCATION OF REQUEST: 1320 KOWALSKI ROAD, KRONENWETTER, WI 54455



Map 1: Location Map
(Source Data: Marathon Co. GIS)



Map 2: Current Zoning
(Source Data: Village of Kronenwetter)



Map 3: Future Land Use Map
(Source Data: Village of Kronenwetter)

Future Land Use Plan

Industrial/Commercial: Area designated for concentrated development in an industrial park (heavy) or business park (light / office) setting.

Industrial: Light and heavy industrial development. Industrial facilities, manufacturing operations, and contractor shops at which all operations are conducted entirely within an enclosed building, with the exception of fully screened outdoor storage and loading operations. Light industrial facilities are those which are not associated with nuisances such as odor, noise, heat, vibration, and radiation detectable at the property line and which do not pose a significant safety hazard such as danger of explosion. A "Light Industrial" land use may conduct retail sales activity as an accessory use. A "Heavy Industrial" use may include activity conducted partially or wholly outside of an enclosed building and may be associated with nuisance conditions.

Commercial: Lower impact commercial uses such as retail stores, taverns, restaurants, business offices, motels/hotels, offices, telephone/gas company, gas stations.



Map 4: Aerial Photo
(Source Data: Marathon County)

Legal Description of Property: SEC 02-27-07 PT OF S 1/2 SW 1/4 THAT PT LYG WLY OF HWY '51' & D/I CSM VOL 10 PG 182 (#2709) (DOC #772685) EX DOC 1488725-(RD)

Current Zoning: BP – Business Park (see Map 2)

COMPREHENSIVE PLAN FUTURE LAND USE: Industrial/Commercial (See Map 3)

LEGAL NOTIFICATION: A legal advertisement was published in the Wausau Daily Herald on October 4, 2024, and October 11, 2024. Notice of the zoning change request was sent by regular mail to adjacent property owners within 500 feet of the subject property on October 3, 2024.

INTRODUCTION: Rezone Request of a 35.58-acre parcel from BP - Business Park to M2 – General Industrial. Eau Claire River, LLC 7306 Zinser St., Weston, WI 54476 requests a zoning change of 35.58 acres from BP - Business Park to M2 – General Industrial, located at 1320 Kowalski Road, Kronenwetter, WI 54455. The subject property was used for non-metallic mining in the past as witnessed by the large pond located on the east boundary. If the rezone is approved, the proposed use would be non-metallic mining. The material taken from the site will

be used to construct infrastructure for multi-family development on the property, provide material to American Asphalt and add excess storage capacity to the flood storage district. The proposed rezone is consistent with the comprehensive plan and is consistent with current zoning districts in the area. The rezone complies with the intent of this chapter.

RECOMMENDED MOTION: Motion to recommend the Village Board approve the Zoning Change Request of Eau Claire River, LLC from BP - Business Park to M2 – General Industrial.

§ 520-118. - Amendments to official zoning map (rezonings).

F. Public hearing and recommendation. The plan commission shall hold a public hearing on all proposed amendments to the official zoning map. Following the public hearing, and after consideration of comments provided therein, the plan commission shall review the proposed amendment to the official zoning map and shall within 45 days of the public hearing make a recommendation to the village board that the application be granted as requested, modified, or denied. If the commission fails to make a recommendation within this time frame, the proposed amendment shall be forwarded to the village board without recommendation. Such deadline may be extended by written or electronic agreement from the applicant.

FINDINGS OF FACT AND RECOMMENDATION OF THE VILLAGE PLAN COMMISSION:

Within forty-five (45) days after the close of the hearing on a proposed amendment, the Village Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Village Board. Where the purpose and effect of the proposed amendment are to change the zoning classification of a particular property, the Village Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. *Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?*

- Yes. The property is designated on the Future Land Use Map as Industrial/Commercial. The rezone of this parcel to M2- General Industrial would keep the property consistent with the surrounding Industrial and Commercial zoned property. This is consistent with the Comprehensive Plan Goal to guide development to areas already established and well positioned for business.
- 2009 Wisconsin Act 372 clarifies that new or amended zoning, land division and official mapping ordinances must be consistent with an adopted comprehensive plan. Consistent means “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan.” This same Act clarifies that the Comprehensive Plan in itself is not a regulation, it is “a guide to the physical, social, and economic development of a local governmental unit” and that “[t]he enactment of a comprehensive plan by ordinance does not make the comprehensive plan by itself a regulation.” The Future Land Use Map is just one indicator of consistency, which discredits the other 200 pages of the Comp Plan and the Goals and Objectives.
- Page 121 of the 2019 Comprehensive Plan states the following:

Future Land Use Plan

The Future Land Use Plan Map represents the long-term land use recommendations for all lands in the Village. Although the map is advisory and does not have the authority of zoning, it is intended to reflect community desires and serve as a guide for local officials to coordinate and manage future development of the Village

- Page 126-127 of the 2019 Comprehensive Plan also states:

Goals, Objectives, & Policies

As in previous chapters of this plan, a goal and a series of objectives are identified.

Goal: The Village will make sound land use decisions which strive to coordinate future growth and land uses with infrastructure capabilities and availability.

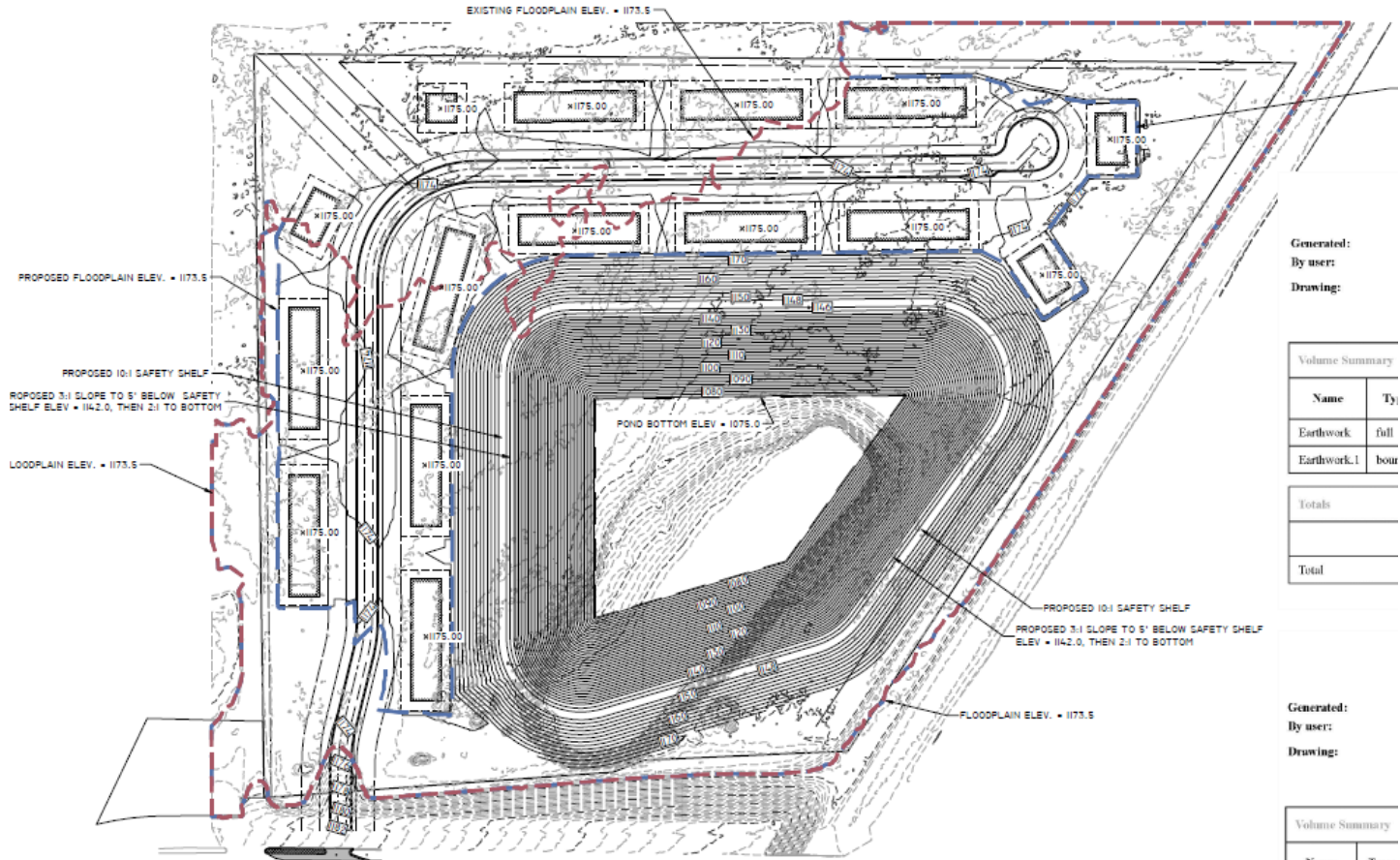
- a. Strategically locate new developments in areas to create mutually beneficial relationships among businesses
- b. Encourage growth to occur within the Sewer Service Planning Area
- c. Utilize the Future Land Use Map in directing potential commercial and industrial opportunities to appropriate locations
- d. Work with landowners to protect productive agricultural and forest lands to accommodate property owner desires to the extent possible
- e. Strive to avoid allowing conflicting land uses to be located adjacent to one another
- f. Preserve the most advantageous properties for commercial and industrial uses and direct residential use to other property
- g. Encourage industrial uses in areas with convenient access to arterial roadways
- h. Discourage large and undeveloped residential lots in areas serviced by the public water and sewer infrastructure
- i. Recognize the different expectations residents have living in different areas of the Village and develop ordinances and policies reflective of those property owner expectations
- j. Encourage development that preserves to the extent possible the quality of life that residents enjoy
- k. Strive to maintain a density of no greater than one residential unit per twenty acres of land in the rural areas of the Village
- l. Strive to maintain a density of no greater than one residential unit per one-half acre in the more urban areas of the Village
- m. Seek to be involved with Wisconsin Public Service land use decision making process, particularly those regarding property adjacent to the existing power generation facilities and develop compatible neighboring uses
- n. Encourage projects that cater to the Village’s aging population
- o. Avoid excess regulations that drive up cost for housing, land development, and site development

- Wisconsin Court of Appeals, Lakeland Area Property Owners Association, U.A. v. Oneida County, 2020SAP858

When reviewing an ordinance for consistency with a comprehensive plan, the future land use map and narrative portions of the plan should not be reviewed in isolation, but instead should be understood in relation to each other and in the context of the remainder of the plan.

2. *Does the rezoning further the purpose and intent of this Chapter?*

- Yes. There are numerous large parcels directly south of this property zoned M2-General Industrial. By rezoning this property, the property would maintain industrial zoning that would be consistent with the surrounding area. This satisfies the Zoning Ordinance purpose of preserving and enhancing the community appearance. The rezone furthers the purpose of this Chapter and the Comprehensive Plan by making more land available for Industrial Development.
3. *Does rezoning address any of the following that is not properly addressed on the current Official Zoning Map?*
- a. *A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from being perpetuated.*
 - b. *Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.*
 - c. *Growth patterns or rates have changed, thereby creating the need for a rezoning.*
- Yes in regards to b. The floodplain maps were recently updated. The property is now located within a flood storage district. Flood Storage District language was recently added to the Village's Floodplain Ordinance. An area of the property contiguous to lands lying outside the floodplain can be filled to the flood protection elevation if an equal volume of flood storage is created. The future proposed use of a non-metallic mine will add considerable excess storage capacity to the flood storage district.
4. *Does the proposed zoning district maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?*
- Yes. The proposed rezone will be consistent with parcels located directly south. By rezoning this property, the property would maintain conformity with the surrounding area. The property would maintain industrial land uses. The parcel will meet the minimum requirements for land uses within the industrial zoning district. The parcel is well suited for future industrial development.
5. *Does the rezoning meet the minimum requirements for frontage or parcel size? A lot, lots, or parcel of land shall not qualify for a zoning map amendment unless it possesses 200 feet of frontage or contains 25,000 square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning map amendment.*
- Yes. The parcel meets all minimum requirements.
6. *For applications to rezone land to a multi-family, commercial, or industrial zoning district, is, or will there be, adequate public infrastructure available to accommodate the range of uses allowed in that zoning district?*
- If the rezone is approved, the applicant's proposed use is non-metallic mining. The applicant is requesting full access to the property through a large break in the existing Kowalski Road median. In addition, they are requesting the Village attain an easement to allow sanitary sewer and water service to the subject parcel from the existing service lines located adjacent to the west property boundary.





Village of Kronenwetter
Attn: Peter Wegner
Community Development Director
1582 Kronenwetter Drive
Kronenwetter, WI 54455



Subject: Materials for November 18, 2024 Planning Commission Meeting Addressing the Eau Claire River, LLC Rezone Request for Parcel # 14527070230996 – Kowalski Interchange Matter.

Dear Peter,

Thank you for your efforts regarding this matter to date. We are providing the enclosed drawings to address the Villages consideration of a southbound I-39 ramp serving Kowalski Road. Our understanding regarding the viability of a potential Kowalski Road interchange was addressed in the 11/06/23 study prepared by TADI which concluded very large challenges needed to be overcome to construct the interchange. Further, the Village of Kronenwetter had not taken action to place the proposed interchange on the Official Village of Kronenwetter Map therefore leading us to believe the interchange was not viable or pursued.

The enclosed drawings depict our original non-metallic mining/redevelopment submittal plan as well as an amended plan depicting the impacts of a potential southbound ramp from I-39 to Kowalski Road. We are comfortable with moving forward with either plan. We ask that if the Village prefers the plan accommodating the southbound ramp, then the Village will take action to place the full interchange on the Village of Kronenwetter Official Map impacting all 4 quadrants of the interchange to ensure a full interchange can be constructed. If the Village does not place the Kowalski Road interchange on the Official Map, we will move forward with our original submittal.

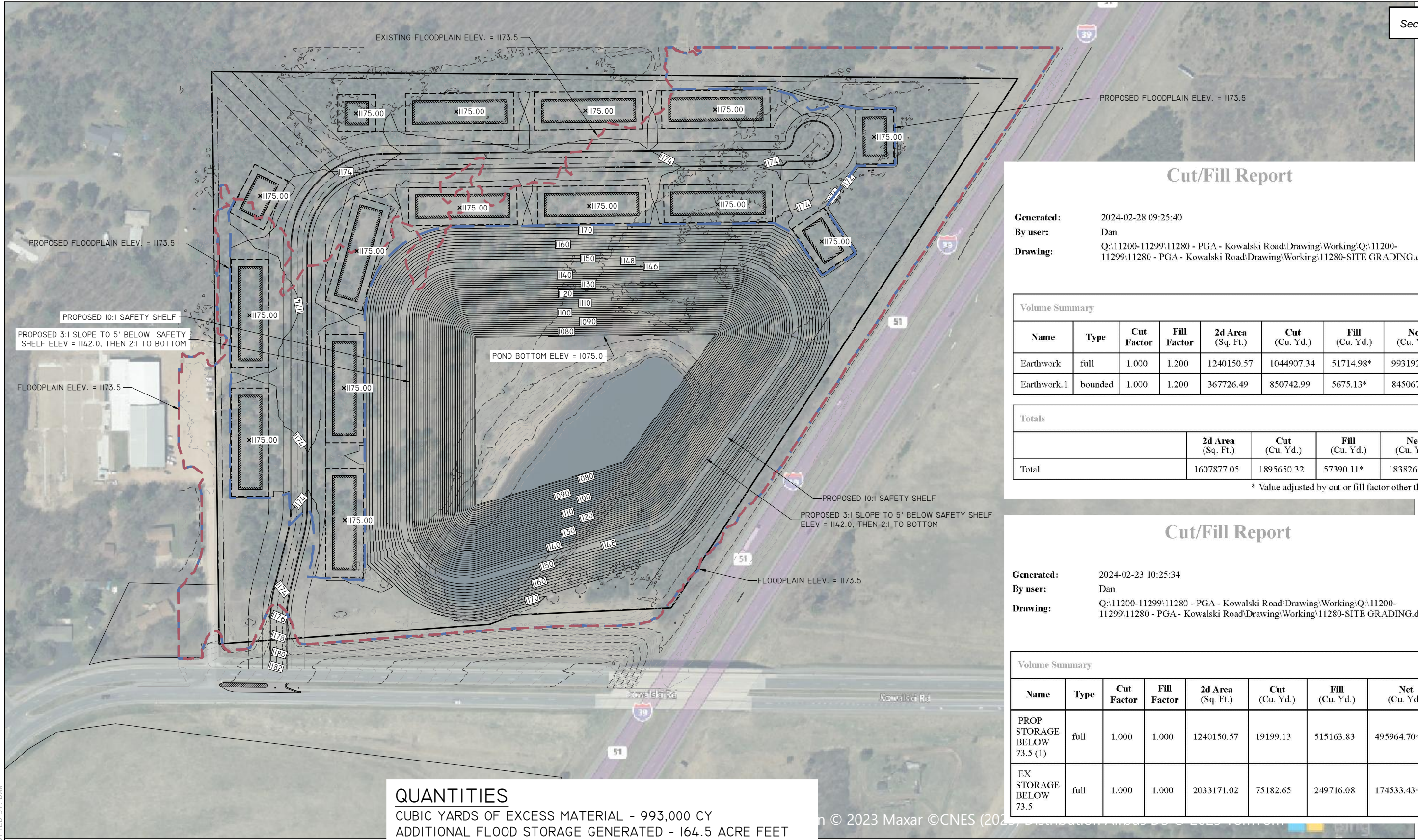
We look forward to further discussion of the matter the evening of November 18th. Please contact us if you need any additional information to complete the review and approval of this request. Thanks in advance for your help and cooperation with this matter.

Sincerely,
REI Engineering, Inc.

Tom Radenz, PLS
Senior Consultant

cc. Gary Guerndt, Kurt Seubert, Eau Claire River, LLC, 703 Zinser St., Weston, WI 54476

enclosures



QUANTITIES
 CUBIC YARDS OF EXCESS MATERIAL - 993,000 CY
 ADDITIONAL FLOOD STORAGE GENERATED - 164.5 ACRE FEET

Cut/Fill Report

Generated: 2024-02-28 09:25:40
 By user: Dan
 Drawing: Q:\11200-11299\11280 - PGA - Kowalski Road\Drawing\Working\Q\11200-11299\11280 - PGA - Kowalski Road\Drawing\Working\11280-SITE GRADING.dwg

Volume Summary							
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Earthwork	full	1.000	1.200	1240150.57	1044907.34	51714.98*	993192.36*
Earthwork.1	bounded	1.000	1.200	367726.49	850742.99	5675.13*	845067.85*

Totals				
	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total	1607877.05	1895650.32	57390.11*	1838260.21*

* Value adjusted by cut or fill factor other than 1.0

Cut/Fill Report

Generated: 2024-02-23 10:25:34
 By user: Dan
 Drawing: Q:\11200-11299\11280 - PGA - Kowalski Road\Drawing\Working\Q\11200-11299\11280 - PGA - Kowalski Road\Drawing\Working\11280-SITE GRADING.dwg

Volume Summary							
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
PROP STORAGE BELOW 73.5 (1)	full	1.000	1.000	1240150.57	19199.13	515163.83	495964.70<Fill>
EX STORAGE BELOW 73.5	full	1.000	1.000	2033171.02	75182.65	249716.08	174533.43<Fill>

EARTHWORK I FILL = 5,675 CY (SHOWING AS FILLING IN EXISTING SIDESLOPE OF POND TO GET TO PROPOSED SURFACE.)

CUT = 1,044,907 CY + 5,675 CY = 1,039,232 CY
 FILL = 51,715 CY - 5,675 CY = 46,040 CY
 NET CUT = 1,039,232 CY - 46,040 CY = 993,192 CY

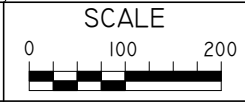
FLOODPLAIN (ELEV. 1173.5) (EXCESS) = 515,164 CY - 249,716 CY = 265,448 CY
 ACRE FEET = 265,448 CY / 1613.333 CY/AF = 164.5 ACRE FEET ADDITIONAL STORAGE

DRAWING FILE: Q:\11200-11299\11280 - PGA - Kowalski Road\Drawing\11280-RESTORATION POND.dwg LAYOUT: RP PLOTTED: OCT 02, 2024 - 2:18PM PLOTTED BY: DAN

REI Engineering, INC.
 4080 N. 20TH AVENUE
 WAUSAU, WISCONSIN 54401
 PHONE: 715.675.9784, FAX: 715.675.4060
 EMAIL: MAIL@REIENGINEERING.COM



CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING



DATE	REVISION	BY	CHKD	SURVEYED BY:	DESIGNED BY:DDD	SURVEY DATE:
				SURVEY CHKD BY:	CIVIL CHKD BY:JJB	CIVIL DATE: 10/2/24
				SURVEY APVD BY:	CIVIL APVD BY:JJB	DRAWN BY: NAP

RESTORATION PLAN
 EAU CLAIRE RIVER, LLC
 1320 KOWALSKI ROAD
 KRONENWETTER, WI

NOTES:

1. THE INITIAL WORK IN THE PITS WILL START ADJACENT TO THE STAGING AREA. STAGING AND STORAGE AREAS WILL VARY THROUGHOUT THE USE OF THE PIT.
2. THE SAND/GRAVEL MATERIAL WILL BE EXCAVATED TO APPROX. ELEVATION OF 1075.
3. ALL EXCAVATED SAND/GRAVEL AREA SIDE SLOPES WILL BE FINISH GRADED TO A MAXIMUM OF 3:1. THE NATIVE TOPSOIL THAT WILL BE STRIPPED AND USED TO CREATE ANY EARTHEN BERMS AND/OR STOCKPILED WILL BE SPREAD AT 3"-4" DEPTH OVER ALL DISTURBED AREAS TO BE REVEGETATED. IMPORTED TOPSOIL (NATIVE TO THE AREA) MAY BE REQUIRED IF ADDITIONAL IS REQUIRED. APPROXIMATELY 8,000 CY OF TOPSOIL WILL BE NEEDED FOR FINAL RECLAMATION BETWEEN WHAT IS CURRENTLY EXISTING ON SITE AND POTENTIAL IMPORT.
4. ALL DISTURBED AREAS (~20 ACRES) INTENDED TO BE REVEGETATED SHALL BE SEEDED WITH THE FOLLOWING MIX (OR EQUIVALENT SUBSTITUTE): PRAIRIE NURSERY, EROSION CONTROL MIX FOR DRY SOILS, APPLY GLYPHOSATE HERBICIDE TO AREA WHEN MAJORITY OF WEEDS ARE 2"-3" TALL. WAIT 10 DAYS THEN FINELY TILL THE SOIL ONLY 1"-2" DOWN AND PLANT IMMEDIATELY BY HAND BROADCASTING OR UTILIZING BRILLION SEED DRILL AT A RATE OF 10 LBS/ACRE (NO HYDROSEEDING PRAIRIE SEEDS). RAKE OR DRAG AREA LIGHTLY, COVERING THE SEED WITH ABOUT 1/4" TO 1/2" OF SOIL. ROLL AREA FIRMLY AFTER RAKING. MULCH PRAIRIE SEEDED AREAS LESS THAN 4:1 SLOPE WITH 1" OF WEED FREE STRAW MULCH. APPLY WISDOT NET-FREE CLASS 1, URBAN TYPE B EROSION MAT ON SLOPING AREAS STEEPER THAN 4:1. *REFER TO PRAIRIE NURSERY'S "GUIDE TO ESTABLISHING A NATIVE SEED MIX" FOR DETAILED INSTRUCTIONS/GUIDELINES FOR SUCCESSFUL NATIVE SEED ESTABLISHMENT AND MANAGEMENT.
5. PRIOR TO THE ESTABLISHMENT OF THE NATIVE PERENNIAL VEGETATION, WEEKLY AND POST RAINFALL VISUAL INSPECTIONS WILL BE CONDUCTED TO IDENTIFY ANY PROBLEM AREAS. ANY REQUIRED SILT FENCE & EROSION CONTROL MEASURES WILL BE REPAIRED IN A TIMELY MANNER TO PREVENT STORM WATER DISCHARGE. REFER TO THE GRADING AND EROSION CONTROL PLAN FOR EROSION CONTROL TREATMENT. RAINFALL INSPECTIONS WILL BE CONDUCTED UNTIL PLANT MATERIALS IN NEWLY RESTORED AREAS VISIBLY MEET 70% ESTABLISHMENT.
6. THE POST-MINING LAND USE IS INTENDED TO ESTABLISH A PERMANENT WET POND (ESTIMATED WATER ELEVATION OF 1148±) WITH THE SHORELINE ENVIRONMENT REVERTING BACK TO NATURAL/NATIVE WISCONSIN HABITAT ABOVE THE NATURAL WATER ELEVATION. NATURAL/NATIVE HABITAT IS TO BE ACHIEVED THROUGH THE ESTABLISHMENT OF NATIVE SEED MIXES AND NATURAL SOWING OF NATIVE TREE/SHRUB SPECIES AROUND THE PERIPHERY. THE FUTURE PLAN FOR THE WEST PORTION OF THE PROPERTY IS CONCEPTUALLY REPRESENTED AND INTENDED TO BE DEVELOPED WITH AN ACCESS R.O.W. SERVING THE DEVELOPMENT FROM THE SOUTH. THIS DEVELOPMENT WILL UTILIZE THE POND AND NATIVE AREAS FOR OUTDOOR RECREATIONAL ACTIVITIES.
7. ALL POST-MINING INFRASTRUCTURE WILL BE CONSTRUCTED ALONG WITH BUILDING PADS AT AN ELEVATION OF 1175± (±2' ABOVE THE 100-YR FLOOD ELEVATION)

FLOODPLAIN (ELEV. 1173.5) (EXCESS) = 1,565,441 CY - 865,381 CY - 249,716 = 450,344 CY
 ACRE FEET = 450,344 CY / 1613.333 CY/AF = 279 ACRE FEET ADDITIONAL STORAGE

QUANTITIES

TOTAL AMOUNT OF EXCAVATION = 1,328,948 CY
 MATERIAL TO BE REMAIN ON-SITE FOR DEVELOPMENT = 30,287 CY
 EXCESS MATERIAL = 1,298,661 CY

ADDITIONAL FLOOD STORAGE GENERATED - 279 ACRE FEET

Cut/Fill Summary

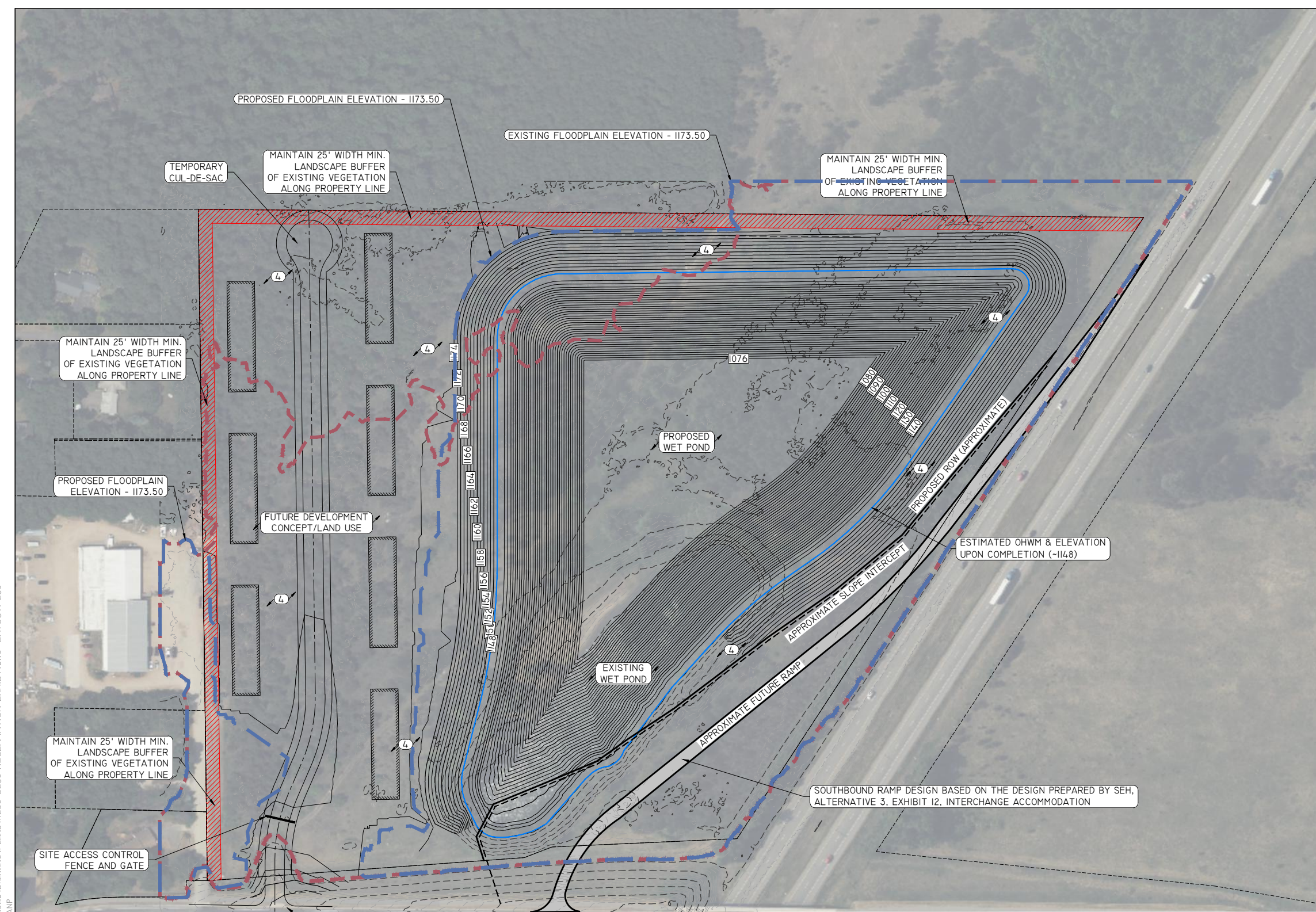
Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
Earthwork	1.000	1.200	1329653.31 Sq. Ft.	1328948.13 Cu. Yd.	30287.24 Cu. Yd.	1298660.89 Cu. Yd.<Cut>

Cut/Fill Summary

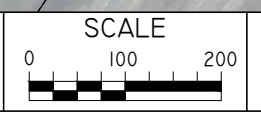
Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
EX STORAGE BELOW 73.5	1.000	1.000	2033171.02 Sq. Ft.	75182.65 Cu. Yd.	249716.08 Cu. Yd.	174533.43 Cu. Yd.<Fill>
PROP STORAGE BELOW WATER (48)	1.000	1.000	2033171.02 Sq. Ft.	1307355.82 Cu. Yd.	865380.70 Cu. Yd.	441975.12 Cu. Yd.<Cut>
PROP STORAGE BELOW 73.5	1.000	1.000	2033171.02 Sq. Ft.	87199.05 Cu. Yd.	1565441.01 Cu. Yd.	1478241.95 Cu. Yd.<Fill>

DATE	REVISION	BY	CHKD	SURVEYED BY:	DESIGNED BY:DDD	SURVEY DATE:
				SURVEY CHKD BY:	CIVIL CHKD BY:JJB	CIVIL DATE: 10/29/24
				SURVEY APVD BY:	CIVIL APVD BY:JJB	DRAWN BY: NAP

RECLAMATION PLAN - SOUTHBOUND INTERCHANGE ACCOMMODATION
 EAU CLAIRE RIVER, LLC
 1320 KOWALSKI ROAD
 KRONENWETTER, WI



DRAWING FILE: Q:\11200-11299\11280 - PGA - KOWALSKI ROAD\Drawing\PLANS\11280-C250-RECLAMATION EXHIBIT.dwg LAYOUT: 250
 PLOTTED: Nov 07, 2024 - 12:59PM PLOTTED BY: NATHANP



Report to Planning Commission

Agenda Item: MILESTONE MATERIALS, 2070 AND 2071 QUEENLAND DR
CONDITIONAL USE PERMIT for a Nonmetallic Mining Operation.

Meeting Date: November 18, 2024

Referring Body: Plan Commission

Committee Contact: Chris Voll

Staff Contact: Peter Wegner, CD/PZ Director

Report Prepared by: Peter Wegner, CD/PZ Director

AGENDA ITEM: MILESTONE MATERIALS, 2070 AND 2071 QUEENLAND DR
CONDITIONAL USE PERMIT for a Nonmetallic Mining Operation.

OBJECTIVE(S): To review the Conditional Use Permit and related documents for a Nonmetallic Mining Operation located at 2070 AND 2071 QUEENLAND DR.

HISTORY/BACKGROUND: Milestone Materials has applied for a conditional use permit (CUP) for a nonmetallic mining operation on the property described above.

The subject property has been for sale for quite some time and is difficult to develop due to the vast majority of it being low lying and within the mapped floodway. The property is currently grassland and zoned General Industrial (M2). The site is bordered on the north by Kowalski Road and on the east by Interstate 39. It is otherwise surrounded by a mixture of residential, commercial, and industrial properties.

There is one water body adjacent to the south of the property. This is a stormwater control and flood relief area owned by the Village of Kronenwetter. Presently drainage from the north flows to this waterbody and it serves as an infiltration basin. There are no waterbodies or wetlands on the subject property.

Geologic exploration has shown that as much as one million cubic yards of high-quality sand and gravel aggregate can be mined at the site. The time needed to complete this mining is difficult to predict as it is based solely on demand for the aggregates. Estimated time table for beginning and ending of operations is 15-25 years.

RECOMMENDED ACTION: The Plan Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial.

Each requested conditional use permit shall meet the following criteria (achieve "yes" answers) to be approved. Below you find Staff's comments as it relates to each.

- requires that standards governing conditional uses be “reasonable and, to the extent practicable, measurable...”
- prohibits a community from basing a conditional use permit decision on “personal preferences or speculation.”
- instructs that, where an applicant “meets or agrees to meet all of the requirements and conditions specified” in the ordinance or imposed by the decision-maker, the conditional use permit must be granted.

ATTACHMENTS: Conditional Use Permit application and Staff Report.

MILESTONE MATERIALS, 2070 AND 2071 QUEENLAND DR CONDITIONAL USE PERMIT for a Nonmetallic Mining Operation

STAFF REPORT FOR PLAN COMMISSION

PUBLIC HEARINGS/ MEETINGS:

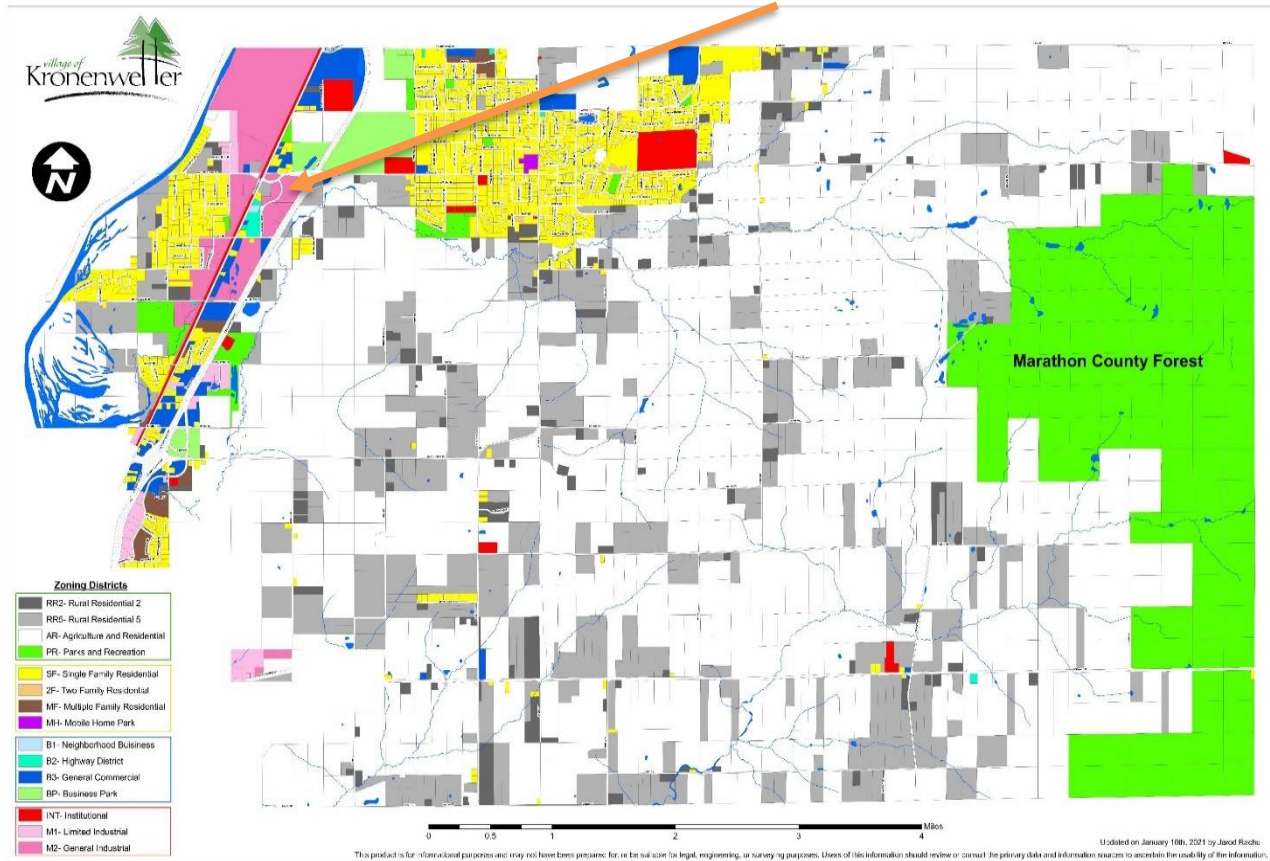
Plan Commission Public Hearing: 6:00 p.m. November 18, 2024

APPLICANT:

Milestone Materials
920 10th Avenue North
Onalaska, WI, 54650

LOCATION OF REQUEST: 2070 AND 2071 QUEENLAND DR, Kronenwetter WI 54455 (See Map 1)

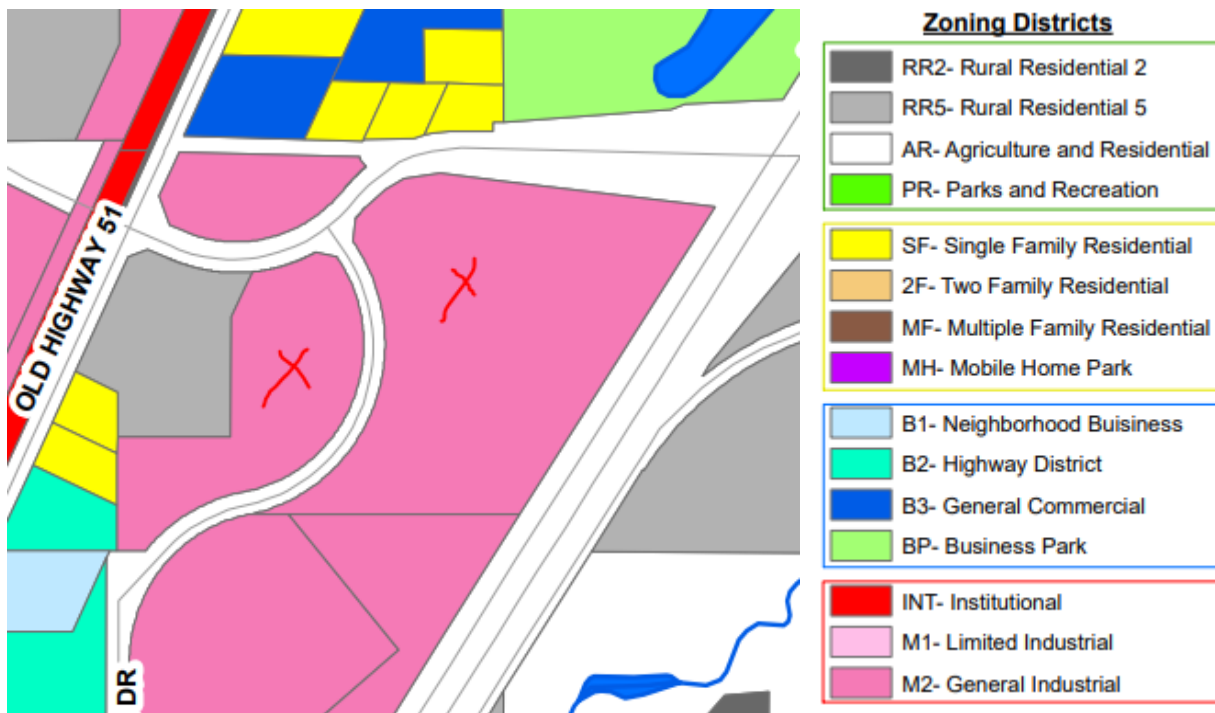
VILLAGE OF KRONENWETTER OFFICIAL ZONING MAP



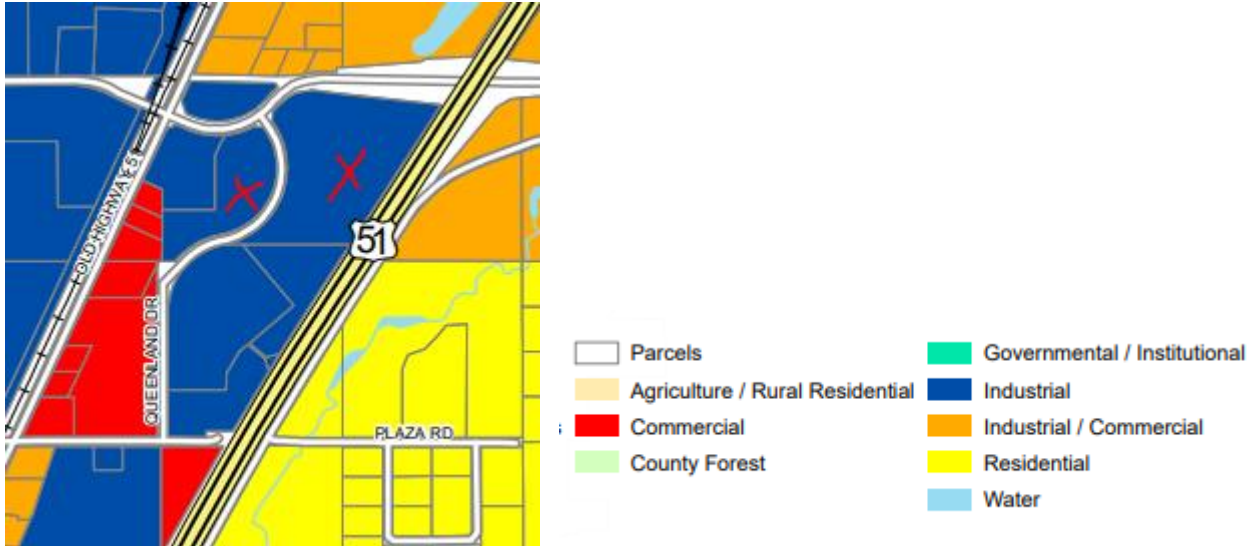
Map 1: Location Map
(Source Data: Village of Kronenwetter Zoning Map)



Map 2: Aerial Photo
(Source Data: Marathon County GIS)



Map 3: Zoning Map
(Source Data: Village of Kronenwetter)
Milestone Materials – CONDITIONAL USE PERMIT



Map 4: Future Land Use Map
(Source Data: Village of Kronenwetter)

LEGAL DESCRIPTION OF PROPERTY:

2070 Queenland Drive - SEC 10-27-07 PT OF NE 1/4 NE 1/4 - ALSO PT OF NW 1/4 NW 1/4 SEC 11 - LOT 3 CSM VOL 64 PG 16 (#14379)(DOC #1449149 EX DOC #1499367-RD

2071 Queenland Drive - SEC 10-27-07 PT OF NE 1/4 NE 1/4 - LOT 1 CSM VOL 64 PG 16 (#14379) (DOC #1449149) EX DOC #1499365-RD

ZONING:

M2 - General Industrial

ACREAGE:

2070 Queenland Drive – 22.30 acres
2071 Queenland Drive – 9.16 acres

LEGAL NOTIFICATION:

A legal advertisement was published in the *Wausau Daily Herald* on Monday, November 4, 2024, and Monday, November 11, 2024. Notice of the proposed Conditional Use Permit request was sent by regular mail to adjacent property owners within 500 feet of the subject property on November 4, 2024.

PROPOSED CONDITIONAL USE: *CONDITIONAL USE PERMIT for a Nonmetallic Mining Operation.*

DEVELOPMENT PATTERN (AND ZONING):

Subject Property: M2
North: BP, SF, RR5, B3 and M2
South: M2
East: Across I-39 (RR5 and
West: M2, RR5, SF and B2

INTRODUCTION

Milestone Materials has applied for a conditional use permit (CUP) for a nonmetallic mining operation on properties located at 2070 and 2071 Queensland Drive.

The subject property has been for sale for quite some time and is difficult to develop due to the vast majority of it being low lying and within the mapped floodway. The property is currently grassland and zoned General Industrial (M2). The site is bordered on the north by Kowalski Road and on the east by Interstate 39. It is otherwise surrounded by a mixture of residential, commercial, and industrial properties.

There is one water body adjacent to the south of the property. This is a stormwater control and flood relief area owned by the Village of Kronenwetter. Presently drainage from the north flows to this waterbody and it serves as an infiltration basin. There are no waterbodies or wetlands on the subject property.

Geologic exploration has shown that as much as one million cubic yards of high-quality sand and gravel aggregate can be mined at the site. The time needed to complete this mining is difficult to predict as it is based solely on demand for the aggregates. Estimated time table for beginning and ending of operations is 15-25 years.

RECOMMENDED MOTION

The Plan Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial.

Each requested conditional use permit shall meet the following criteria (achieve "yes" answers) to be approved. Below you find Staff's comments as it relates to each.

2017 WI Act 67

- requires that standards governing conditional uses be “reasonable and, to the extent practicable, measurable...
- prohibits a community from basing a conditional use permit decision on “personal preferences or speculation.”
- instructs that, where an applicant “meets or agrees to meet all of the requirements and conditions specified” in the ordinance or imposed by the decision-maker, the conditional use permit must be granted.

FINDINGS OF FACT CONDITIONAL USE

1. Is the proposed conditional use in harmony with the Comprehensive Plan, this chapter, and any other plan, program, or ordinance adopted by the Village?

The proposed nonmetallic mining operation is located on property zoned M2 – General Industrial. The only zoning districts that allow Nonmetallic Mineral Extraction, with an approved Conditional Use Permit, are AR – Agricultural Residential and M2 – General Industrial.

The parcels where they propose a nonmetallic mining operation are zoned Industrial on the Future Land Use Map. The 2019 Comprehensive Plan encourages industrial use in the area.

The parcels where the proposed nonmetallic mining would occur are 2070 and 2071 Queensland Drive. Nearly all of 2070 Queensland Drive (Lot 3) is located in Zone AE Floodplain. These parcels are located within severely distressed TID #1.

2. The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted by the Village?

The proposed Conditional Use request will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. By meeting the requirements of the Zoning Ordinance, the granting of the conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the area.

This will be accomplished by meeting the requirements of the Zoning Ordinance, Wisconsin DNR General WPDES Storm Water Permit and Wisconsin DNR Air Emissions Permit. In addition, erosion, surface water runoff, dust and noise control measures will be put in place. Finally, the applicant must submit a reclamation plan prepared in accordance with the Wisconsin Administrative Code and the county nonmetallic mining reclamation ordinance.

3. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

The parcel is zoned M2 and surrounded by a mixture of residential, commercial, and industrial zoned properties. The conditional use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in these zoning districts.

Permitted uses which do not require a Conditional Use Permit within M2 –General Industrial include: slaughterhouses; tanneries; primary meat processing and fish processing; cabbage processing; alcoholic beverage producers other than breweries and wineries; paper, pulp, or paperboard producers; chemical and allied product producers (except drug producers); petroleum and coal product producers; asphalt, concrete, or cement producers; stone, clay, or glass product producers; power production facilities (power plants); primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

4. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?

The access to the operation will consist of two new accesses off of Queenland Drive. The access to the eastern parcel will be constructed first and the second access to the western parcel will not be constructed until mining operations are nearing completion on the east side of Queenland Drive. These access points will be hard surfaced within 50 feet of the Queenland Drive right-of-way. These areas will be well kept and clean to reduce any tracking onto Queenland Drive. These accesses will be swept as needed.

Nearly the entire parcel east of Queenland Drive lies within the FEMA Floodplain. In order to ensure that there are no impedances of flood waters onto the property there will be gaps built into the planned berms on site. The floodwater elevation established by FEMA at the site is 1173.1 feet. The elevations of these gaps in the berms will be constructed to ensure floodwaters can freely enter the operations area on site.

5. Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

The proposed nonmetallic mine will provide a local and reliable source of aggregate necessary for future infrastructure and public and private community development. The products produced at this site would be used to make hot mix asphalt, concrete, landscaping materials, and other aggregate products important to the community. The Reclamation Plan includes possible end uses of the property such as a Public Park, Multifamily Residential Development and a site for Passive Recreation.

NONMETALLIC MINING CONDITIONAL USE PERMIT APPLICATION

QUEENLAND VISTA

MILESTONE MATERIALS

A DIVISION OF MATHY CONSTRUCTION COMPANY

QUEENLAND DRIVE, VILLAGE OF KRONENWETTER

MARATHON COUNTY, WISCONSIN

**SUBMITTED TO:
VILLAGE OF KRONENWETTER**

OCTOBER 2024

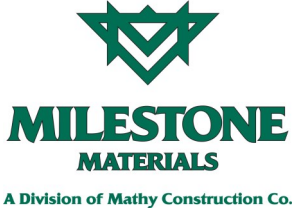


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PROJECT DESCRIPTION

NONMETALLIC MINING CONDITIONAL USE PERMIT APPLICATION
VILLAGE OF KRONENWETTER

Introduction & Purpose

This application and associated plans provide details of proposed nonmetallic mining activities on and within tax parcel IDs 145-2707-101-0967 & 145-2707-101-0965. These plans have been developed in an effort to fulfill requirements within the following Village of Kronenwetter Code of Ordinances.

- Chapter 520, Article IV, Land Use Descriptions and Standards, Section 26 – Industrial Land Use Types, Subsection D. Nonmetallic Mineral Extraction
- Chapter 520, Article XV, Procedures and Administration, Section 121 – Conditional Use Permits

Milestone Materials has applied for a conditional use permit (CUP) for a nonmetallic mining operation on the property. Additional supporting information may be referenced or reviewed within the conditional use permit application.

SECTION 1.0, DESCRIPTION OF THE PROPERTY

1.1 Current Conditions

The subject property has been for sale for quite some time and is difficult to develop due to the vast majority of it being low lying and within the mapped floodway. The property is currently grassland and zoned General Industrial (M2). The site is bordered on the north by Kowalski Road and on the east by Interstate 39. It is otherwise surrounded by a mixture of residential, commercial, and industrial properties (Figure 1 & Figure 2).

There is one water body adjacent to the south of the property. This is a stormwater control and flood relief area owned by the Village of Kronenwetter. Presently drainage from the north flows to this waterbody and it serves as an infiltration basin (Figure 2). There are no waterbodies or wetlands on the subject property (Figure 3).

Bull Junior Creek is located to the east of Interstate 39. The floodplain for the creek extends onto the subject property (Figure 4). There are no existing structures or wells on the property.

1.2 Ownership

A purchase agreement exists between the property owners, RMCM Partnership LLC, WTTTC Land Management LLC, and the applicant, Milestone Materials. The execution of this purchase agreement is contingent upon the permitting of the proposed operation. If the required permitting is obtained the agreement will be executed and the property sold to WTTTC Land Management LLC and then Milestone Materials would become the tenant and operator of the property.

1.3 Inventory of the aggregate resource and location on site

The entire property, including both parcels on each side of Queensland Drive, holds economical aggregate resources. The two parcels are a combined 31.46 acres in size, and

the proposed use will utilize approximately all areas aside from a 50-foot setback from the property boundaries for the extraction of sand and gravel aggregates. This area is delineated on the Operations Plan (see Drawings). Geologic exploration has shown that as much as one million cubic yards of high-quality sand and gravel aggregate can be mined at the site. The time needed to complete this mining is impossible to predict as it is based solely on demand for the aggregates. However, based on estimates we would expect this reserve to supply construction aggregates for use in the area for approximately 20 years.

1.4 Aggregate Resource

Through geological exploration, the property has been proven to hold substantial aggregate resources. Sand & gravel resources have been produced in this area for many decades. Aggregate resources are vital for the immediate area as well as regionally. A local and reliable source of aggregate is necessary for future infrastructure and public and private community development. The products produced at this site would be used to make hot mix asphalt, concrete, landscaping materials, and other aggregate products important to the community. The proximity of this high-quality aggregate resource to its use makes it an economically viable resource for the community and its residents.

SECTION 2.0, MINING PLAN & PROPOSED OPERATIONS

2.1 Location of mining area, depth of mining activities

Both the mining area and the depth, and additional other project specifics, are shown on the attached Operations Plan (see Drawings).

2.2 Access

The access to the operation will consist of two new accesses off of Queensland Drive. The access to the eastern parcel will be constructed first and the second access to the western parcel will not be constructed until mining operations are nearing completion on the east side of Queensland Drive.

These access points will be hard surfaced within 50 feet of the Queensland Drive right-of-way. These areas will be well kept and clean to reduce any tracking onto Queensland Drive. These accesses will be swept as needed.

2.3 Phasing, staging, sequencing of the mining operation

The conceptual progression of the mining operation is shown on the Operations Plan (Drawings). The mining will begin in the northeast corner of the site and progress to the south and west and then to the parcel on the west side of Queensland Drive. Mining will be completed using a combination of typical dry excavation and mining below the water table using a hydraulic dredge (see Attachment 1). All extraction activities and related operations will be maintained within the area labeled as MINING EXTENT on the attached Operations Plan.

The hydraulic dredging outfall will be in the stockpiling & loading area. The water pumped there with the aggregate will then flow back into the water body. Aggregates will typically then be stockpiled and then hauled to the American Asphalt Facility for further processing. However, at times, the aggregates may be hauled by end-loaders a short distance to an onsite crushing and screening plant where the sand and gravel is crushed and sized into various products. The crushed and screened materials would then be stockpiled on site. End-loaders are used to load the product into trucks from the stockpiles. The trucks are then weighed either before or after the sand and gravel is transported to its final destination. The trucks will primarily be hauling the sand and gravel directly south less than ½ mile from the mining operation to one customer, American Asphalt.

Prior to the mining of the sand & gravel, the existing soils and overburden will be excavated and used in the construction of perimeter berms and for reclamation activities. As mining progresses, the berm construction will continue along the northern and eastern edges of the property, eventually encompassing the entire perimeter of the operations areas. These earthen berms will be sized as needed to ensure the view of the operation from neighboring areas is minimized. These berms also greatly reduce equipment noise from the operations area, contain and direct storm water runoff, and act as a storage area for overburden and/or topsoil.

Berms will be constructed of topsoil and subsoil removed from future mining areas and will be seeded shortly after construction. The construction of these berms will be done over time. When conditions allow, the topsoil and subsoil stripped and removed from future mining areas will be placed directly into active reclamation areas. This procedure will reduce soil handling and help to preserve the soil viability for final reclamation and vegetation.

2.4 Floodplain Management

Nearly the entire parcel east of Queensland Drive lies within the FEMA Floodway (Figure 4). In order to ensure that there are no impedances of flood waters onto the property there will be gaps built into the planned berms on site. The approximate location of these gaps is shown in the attached Operations Plan. The floodwater elevation established by FEMA at the site is 1173.1 feet. The elevations of these gaps in the berms will be constructed to ensure floodwaters can freely enter the operations area on site.

2.5 Safety measures such as fencing and gates

There will be multiple layers of security in place to reduce the potential for trespassing and allow for safe operations at the site. The access points for the operations areas will have locking gates. A chainlink security fence will be installed as shown on the Operations Plan. This fence will also utilize slats to visually screen the operations from view. In addition, perimeter berms will also screen the operations from view. Appropriate signage will be installed on the outside of the fence, and near the site access points, to discourage trespassing on to the property.

Also incorporated into the Operations Plan are areas of water access. Aggregates will be left in place in these areas in order to provide spots for safe ingress and egress from the

water body. The slopes in these areas will be approximately 10:1 for approximately 20-30 feet both above and below the shoreline in these areas. In addition, all other areas along the shoreline will have slopes no greater than 3:1.

2.6 Vehicle parking, access roads and access to public roads, and local routes to truck routes

There are ample parking areas on the property. Typically, 2-4 employee vehicles will be parked at the site during times the site is fully operating. Traffic from the operation would consist of the coming and going of aggregate processing operations employees and maintenance personnel and aggregate hauling.

The haul traffic from the operation would access the site using Queensland Drive. The vast majority of haul traffic will travel south on Queensland Drive and then cross Cedar Road directly accessing the American Asphalt Facility.

2.7 Schedule of activities including daily hours of operation, days of the week, months of operation

Activity at the site will occur year around with the most activity during the construction season (March to November). Reduced operations will occur December through February, as supply and demand conditions warrant.

The proposed daily operating hours are limited to 6:00 a.m. to 8:00 p.m., Monday to Saturday, for the operation. These operating hours mirror those of American Asphalt Facility. There shall be no operation on legal holidays, including New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Employees and agents may be present on premises outside of operational hours for security and other non-production tasks, like maintenance.

In the event extended hours should be required due to unique project constraints or emergencies, such as flooding, these hours may need to be extended. This would be subject to the consent of the Village of Kronenwetter. If an emergency occurs, flooding for example, and aggregate was needed, the Village of Kronenwetter Administrator, or designated contact person, would be contacted prior to working outside of the established operating hours.

SECTION 3.0, ENVIRONMENTAL CONTROLS & PERMITS

3.1 The required permits & related approvals for the proposed operation are as follows:

UNIT OF GOVERNMENT	TYPE OF APPLICATION	STATUS
Village of Kronenwetter	Conditional Use Permit	Applied For
Wisconsin DNR	General WPDES Storm Water Permit	To Be Applied For
Wisconsin Department of Commerce	Tank Registration	To Be Applied For
Wisconsin DNR	Air Emissions Permit	To Be Applied For

3.2 Erosion and surface water runoff control measures

All stormwater will be directed into the mining area and allowed to flow to the water body. All of the stormwater on the mining site will infiltrate to groundwater and will not discharge.

The site, and its stormwater, will be included within the Wisconsin Pollutant Discharge Elimination System (WPDES) general permit for Mineral (Nonmetallic) Mining and/or processing permit issued by the Wisconsin Department of Natural Resources. The permit conditions require Best Management Practices for managing runoff. A stormwater pollution prevention plan is maintained in accordance with the permit. This plan outlines the actions completed on site to ensure proper erosion control and that any storm water discharges, should they exist, are managed appropriately. In addition, the WPDES permit requires that the site is inspected regularly to ensure that there are not any erosion problems and that all best management practices are functioning properly.

Currently there is a swale along the northern and eastern edges of the eastern parcel that conveys stormwater from Kowalski Road and Interstate 39 right-of-way to the east and south to the Village of Kronenwetter infiltration basin. This flow will be maintained around our operations area (see Drawings).

An Erosion Control Plan is attached. Due to the nature of the proposed use, only standard erosion control details have been provided. One caveat to this scenario, which is noted on the Erosion Control Plan, is the back side of the screening berms. As the berms are constructed we will install silt fencing at the base of these areas to ensure any stormwater flowing off the back side of these berms is treated. In addition, we are required to seed any exposed soils expeditiously.

3.3 Dust and noise generated and control measures

Dust

The operations that generate dust are controlled, on a large scale, by earthen berms around the operation. The nature of the primary extraction operations, hydraulic dredging, is an entirely water-driven process and is dust free. During the aggregate processing, some aggregate dust is generated by the crushing equipment, which is controlled by water spray bars and shrouding of dust generating transfer points. In addition, fugitive dust from crushing operations is regulated via an air quality permit to ensure ambient air concentrations are not affected. Fugitive dust is also generated on roads and traffic areas around the processing plant and stockpile areas which is controlled by water truck spraying and calcium chloride treatment if necessary.

Noise

Site activities that generate noise will fully comply with all applicable local regulations related to noise control. Company-owned equipment and trucks on site will not utilize jake braking and will also have effective mufflers to reduce noise. The construction of berms

and the nature of the operations being completed below grade greatly reduce noise impacts.

SECTION 4.0, RECLAMATION PLAN

4.1 Reclamation Plan

Attached are (3) drawings that were compiled in an effort to illustrate the possibilities for reclamation of the site following mining. These drawings are as follows:

a. Park

A potential end use of the property could be a public park. Trail systems connected to current infrastructure that allow for walking or biking around the large ponds are illustrated on the plan. A small parking area and some areas of planting of prairie grassland that would include native plants and wildflowers could be of value to the community.

Also of note on the plan are water access areas. While it is shown on the Operations Plan that slopes no steeper than 3:1 will be created above the water table we are proposing to leave some aggregates unmined in spots to provide for water access areas. These three areas will have greatly reduced slopes of approximately 10:1 for a distance of approximately 40 feet from the shore and also approximately 20 feet offshore to provide areas that allow for safe ingress and egress from the waterbodies.

b. Development

Residential development of the property following mining is also a possibility. In order for development to be economically feasible some large areas for buildings and related infrastructure would be needed. Some hypothetical areas are shown on this drawing that would provide a large enough area for construction of medium to high density residential development. Preservation of these areas would greatly reduce the volume of aggregates that could be mined from the property but the future real estate climate, on the scale of many years to decades, may warrant consideration of a future use that combines the resultant water bodies and residential development.

c. Passive Recreation

Lastly, a plan for the end use of the site for passive recreation is provided. This plan includes the same resultant waterbodies and grades as the Park plan but does not include prairie grassland seeding or the construction of trails and parking areas.

This plan will be provided within our application for a Reclamation Permit to Marathon County should we obtain a conditional use permit for our mining operation. This plan, and its accompanying information, will be prepared in accordance with the Wisconsin Administrative Code and the county nonmetallic mining ordinance.

4.2 Description of topsoil stripping, stabilization and conservation methods that will be used during reclamation

Reclamation occurs progressively and concurrently with the development and progression of mining activity through the various areas of the operation. Efforts will be directed toward stabilizing internal slopes through grading and landscaping and creating a more formalized appearance through additional grading and landscaping.

Part of the soil fill will come from the temporary berms that were constructed during mining process. The rest will come from direct stripping of overburden as new areas of the mine are developed. Slopes will be blended into surrounding topography and all areas will be graded to properly drain. Upon final placement and grading of subsoil, topsoil will be evenly placed on the backfilled areas, graded to properly drain and seeded. This procedure will be followed until the reclamation is completed.

All topsoil removed from the mined areas will be used for final cover, grading, and seeding. As overburden is removed from new areas of the operation, the topsoil will be separated and immediately placed on areas recently sloped and graded. If the topsoil is not immediately used, topsoil stockpiles will be sloped and seeded.

4.3 Estimated cost of reclamation for each phase of the project, and bond if required

Financial assurance for reclamation will be in the form of a performance bond issued by an independent surety in an amount to cover the acres disturbed annually. The amount of this bond will be determined by the Marathon County Engineer.

4.4 Revegetation plan

All sloped areas at this site will be revegetated upon completion of mining activities. Seedbed preparation will consist of using a disc and rake. The topsoil and subsoil will be seeded at a rate 130# / acre immediately following interim or permanent reclamation. The seed mix will be a #20 from the 2024 Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction manual which consists of 6% Kentucky Bluegrass, 15% Red Fescue, 24% Hard Fescue, 40% Tall Fescue, and 15% Perennial Ryegrass. Fertilizer will be applied at 300# / acre and mulching will be applied at 2 ton / acre if needed. The interim and permanently reclaimed areas will be seeded with temporary seeding. Oats will be used in spring and summer, and winter wheat or rye will be used in fall plantings after September 1st. The soil will be fertilized as indicated by soil tests, using commercial fertilizer and/or other amendments.

4.5 Schedule of reclamation activities

Reclamation is completed concurrently with mining. Reclamation begins as aggregate reserves are depleted and formerly excavated areas are no longer necessary for stockpiling and equipment setup. Reclamation activities during on-going mining operations will be completed in accordance with federal, state, and local regulations.

4.6 Post mining management

Following completion of all reclamation activities the management of the property will be limited. Its management will depend upon the future use and ownership. Due to the nature of the mining operation the future use will incorporate a water body and will be generally flat. The banks along the water body will be safely sloped and will include a safe, gradual slope out into the water body as well.

The final waterbodies left on site will provide a very large amount of flood storage.

FIGURES



NONMETALLIC MINING CONDITIONAL USE PERMIT APPLICATION VILLAGE OF KRONENWETTER

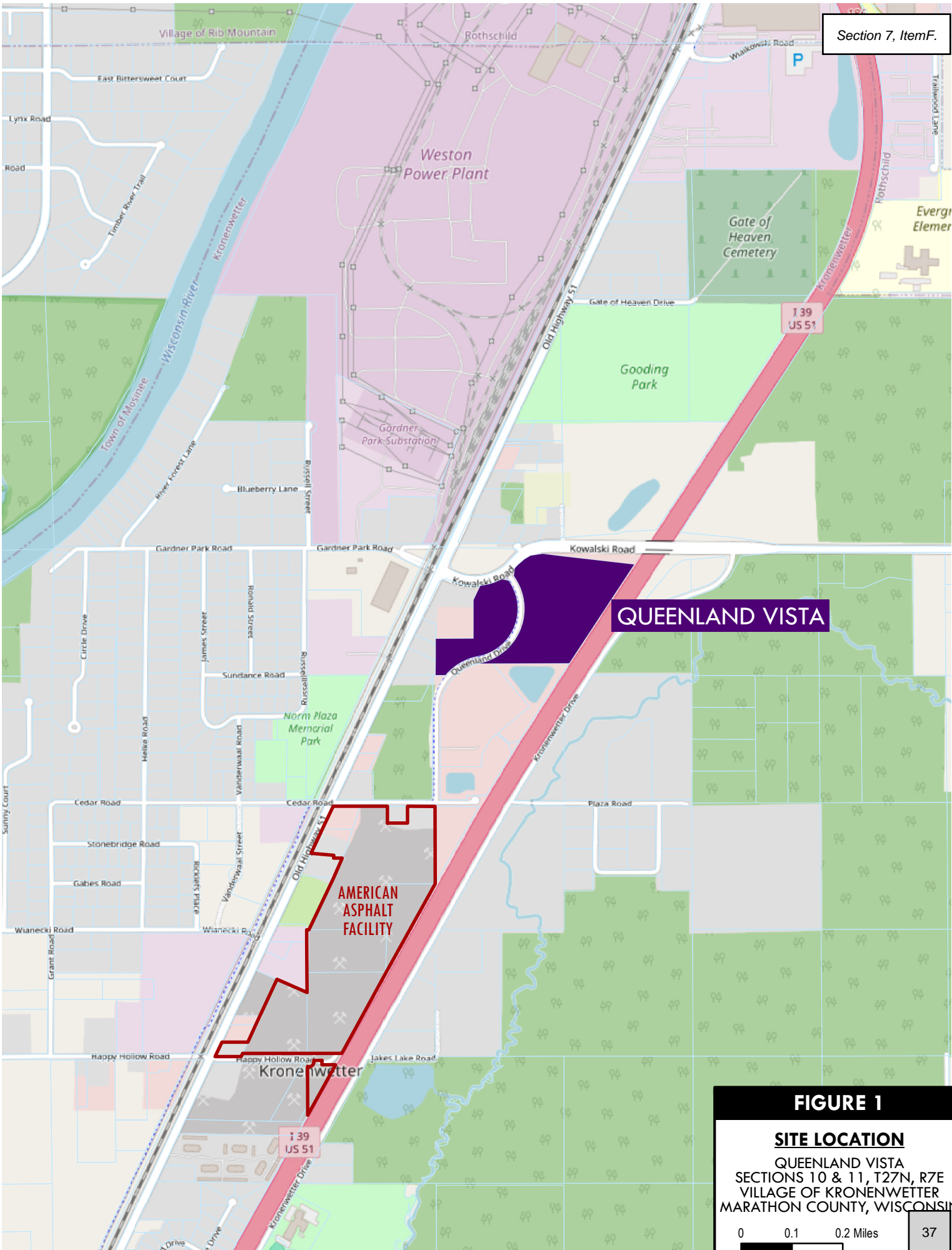
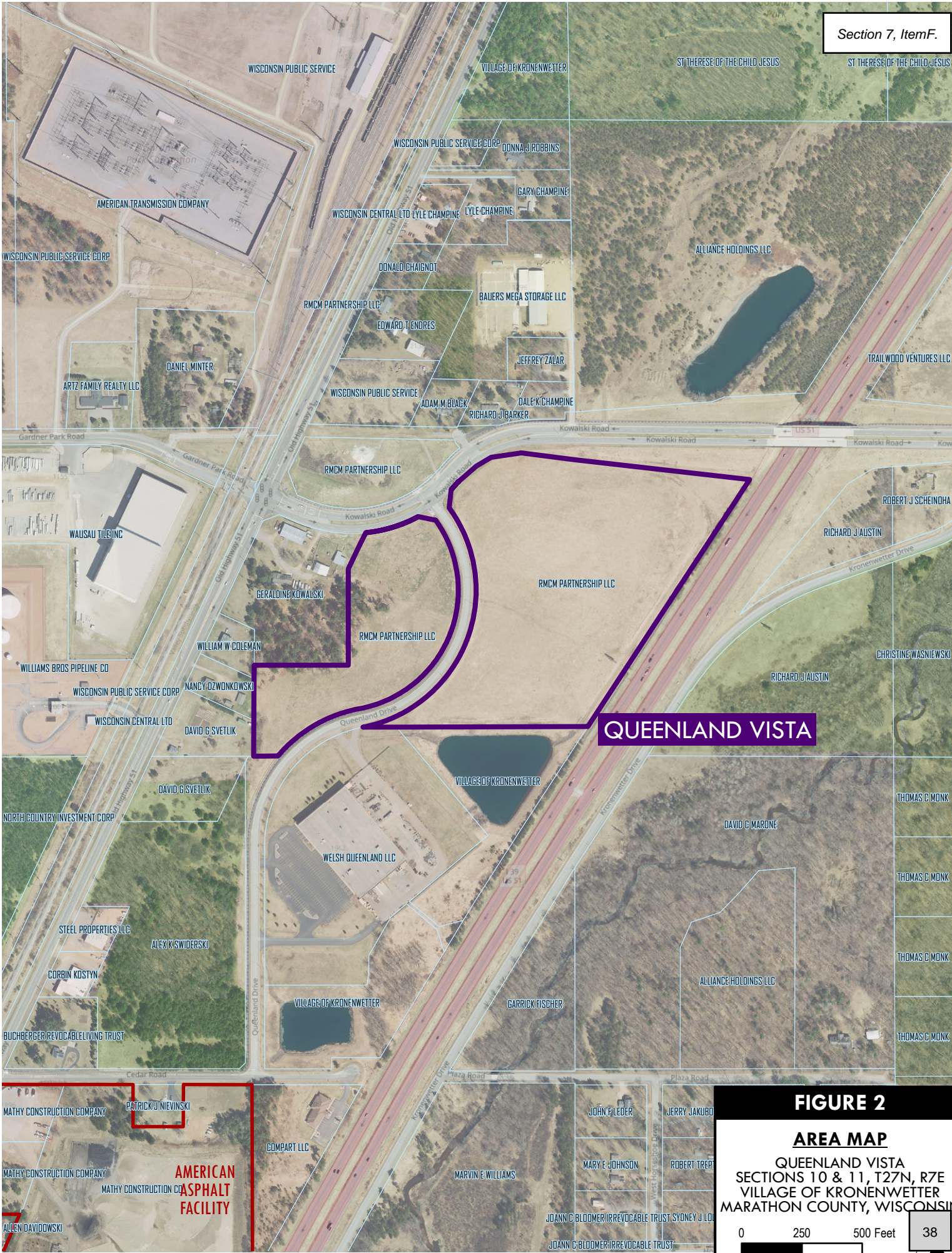


FIGURE 1
SITE LOCATION
 QUEENLAND VISTA
 SECTIONS 10 & 11, T27N, R7E
 VILLAGE OF KRONEWETTER
 MARATHON COUNTY, WISCONSIN

0 0.1 0.2 Miles

37



QUEENLAND VISTA

AMERICAN ASPHALT FACILITY

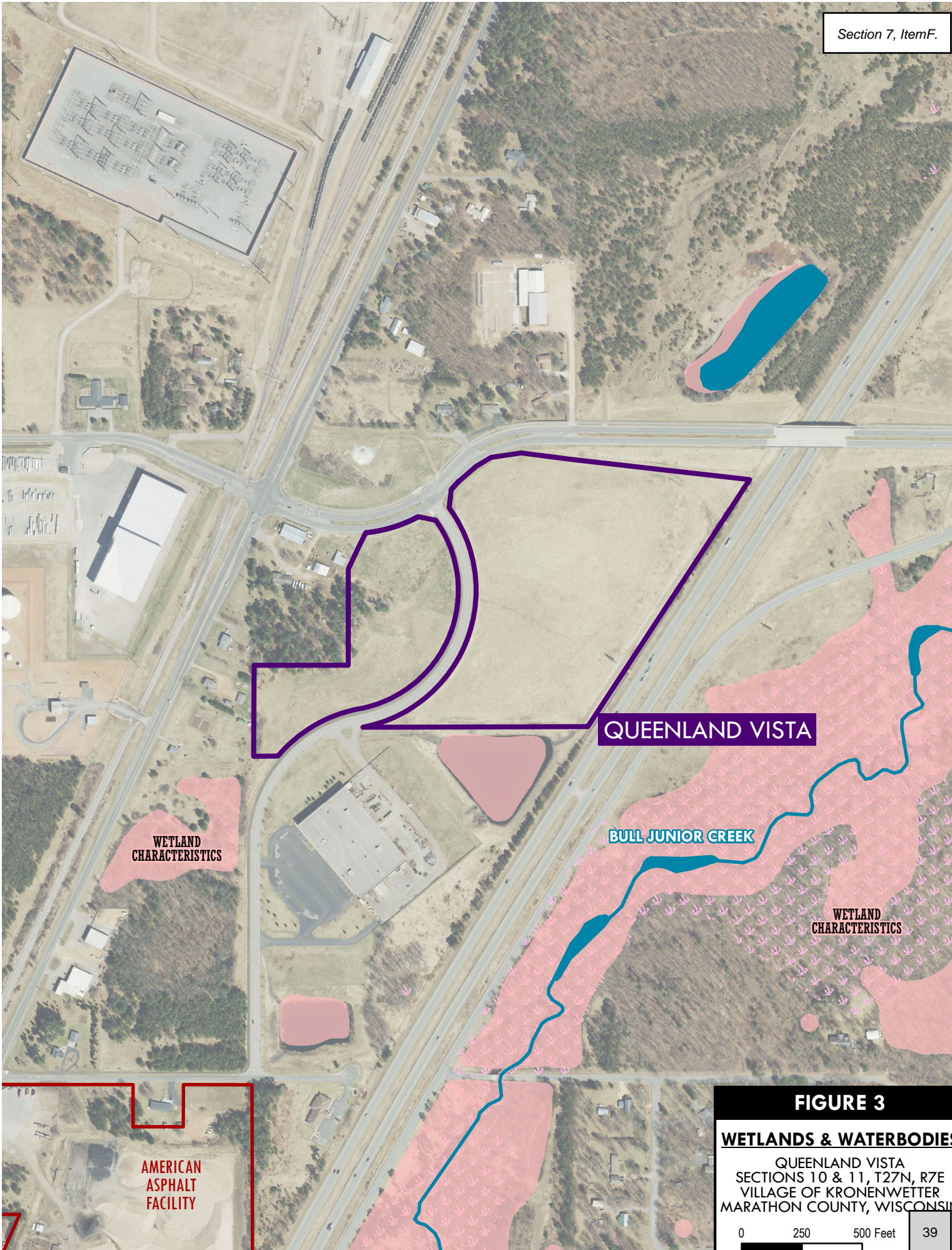
FIGURE 2

AREA MAP

QUEENLAND VISTA
SECTIONS 10 & 11, T27N, R7E
VILLAGE OF KRONENWETTER
MARATHON COUNTY, WISCONSIN

0 250 500 Feet

38



Flood Hazard Zones

Zone Type

-  1% Annual Chance Flood Hazard
-  Regulatory Floodway
-  Special Floodway
-  Area of Undetermined Flood Hazard
-  0.2% Annual Chance Flood Hazard
-  Future Conditions 1% Annual Chance Flood Hazard
-  Area with Reduced Risk Due to Levee
-  Area with Risk Due to Levee

Section 7, Item F.

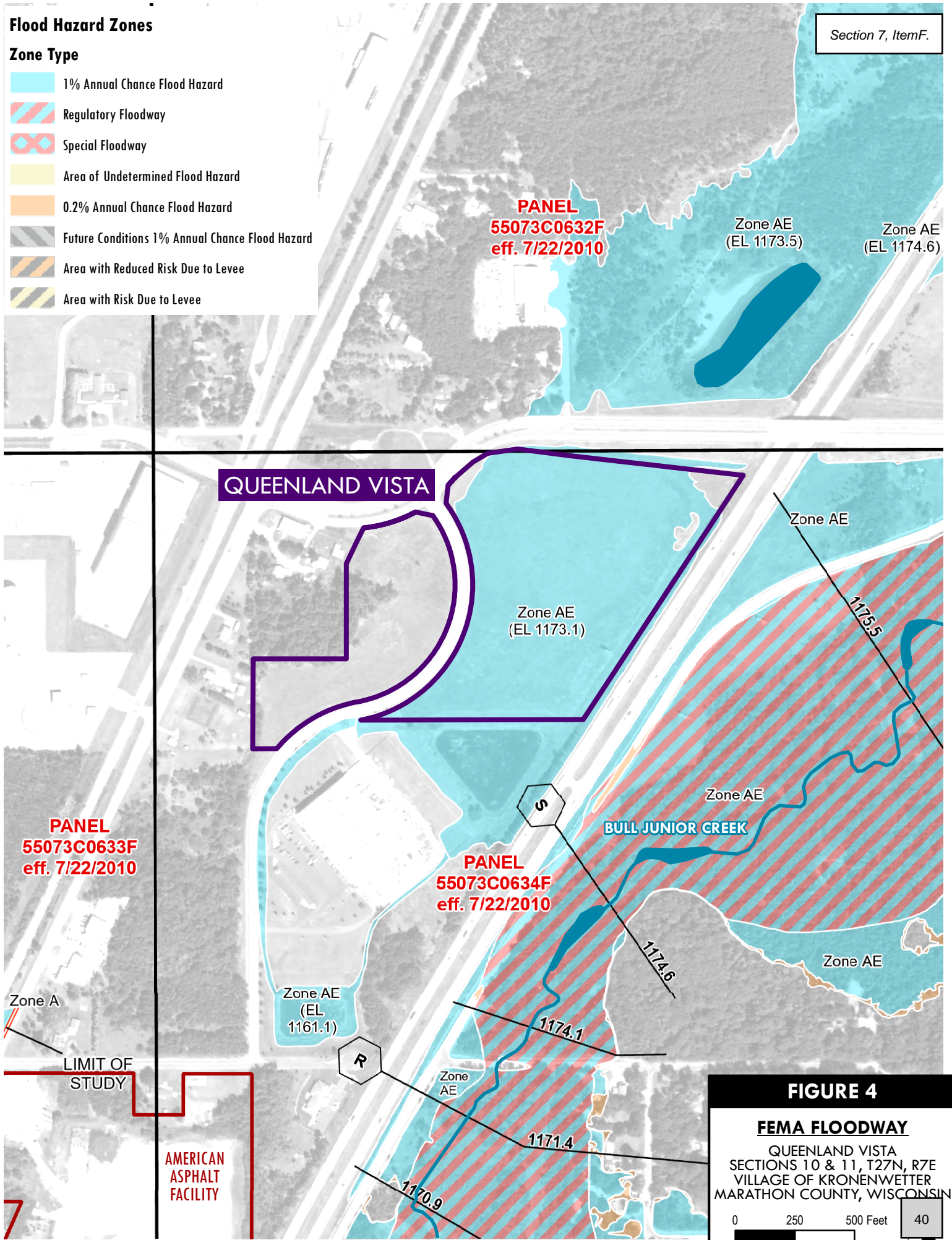
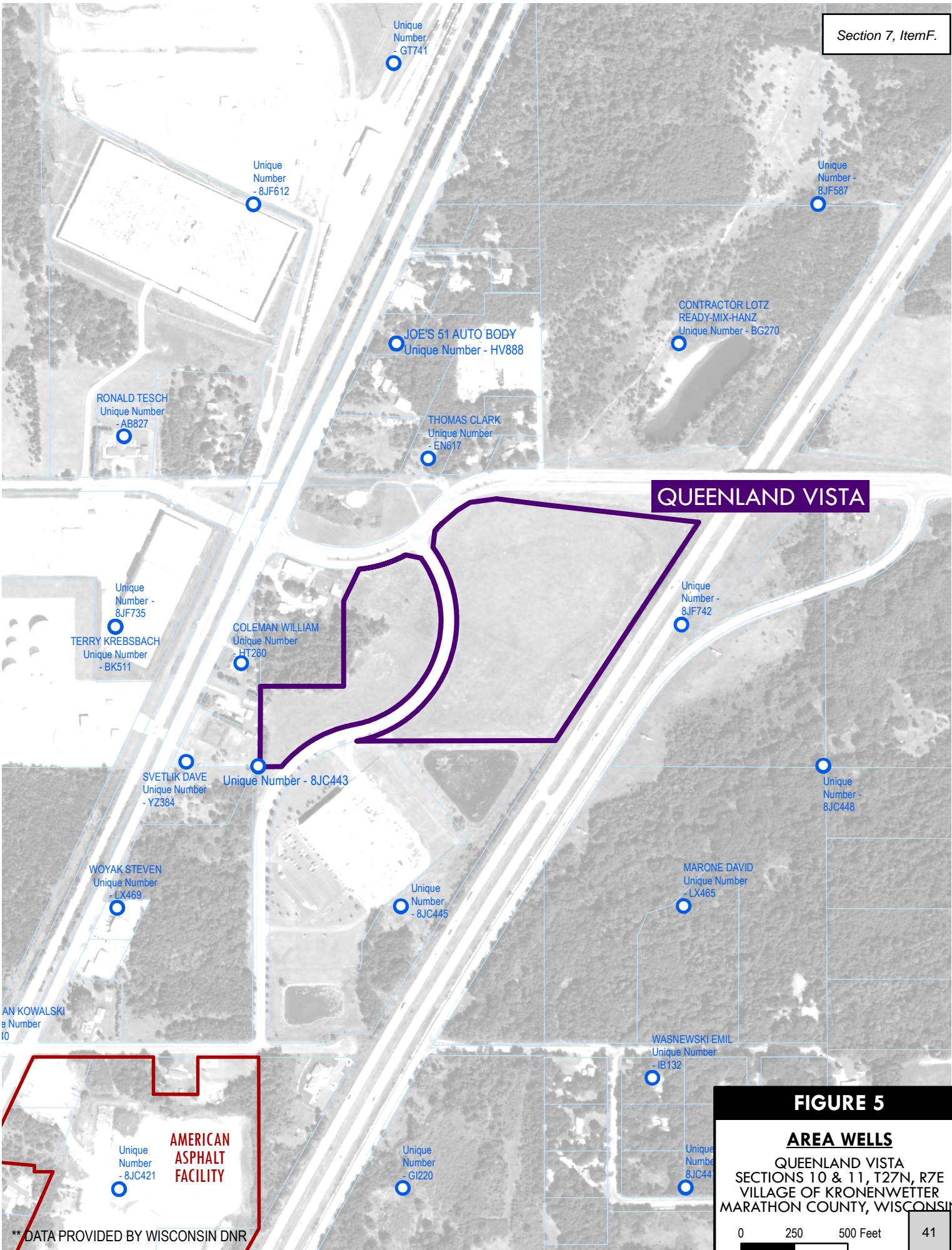


FIGURE 4
FEMA FLOODWAY
 QUEENLAND VISTA
 SECTIONS 10 & 11, T27N, R7E
 VILLAGE OF KRONENWETTER
 MARATHON COUNTY, WISCONSIN

0 250 500 Feet 40



QUEENLAND VISTA

FIGURE 5
AREA WELLS
 QUEENLAND VISTA
 SECTIONS 10 & 11, T27N, R7E
 VILLAGE OF KRONENWETTER
 MARATHON COUNTY, WISCONSIN

0 250 500 Feet

41

** DATA PROVIDED BY WISCONSIN DNR

DRAWINGS







NONMETALLIC MINING CONDITIONAL USE PERMIT APPLICATION VILLAGE OF KRONENWETTER



EXISTING CONDITIONS

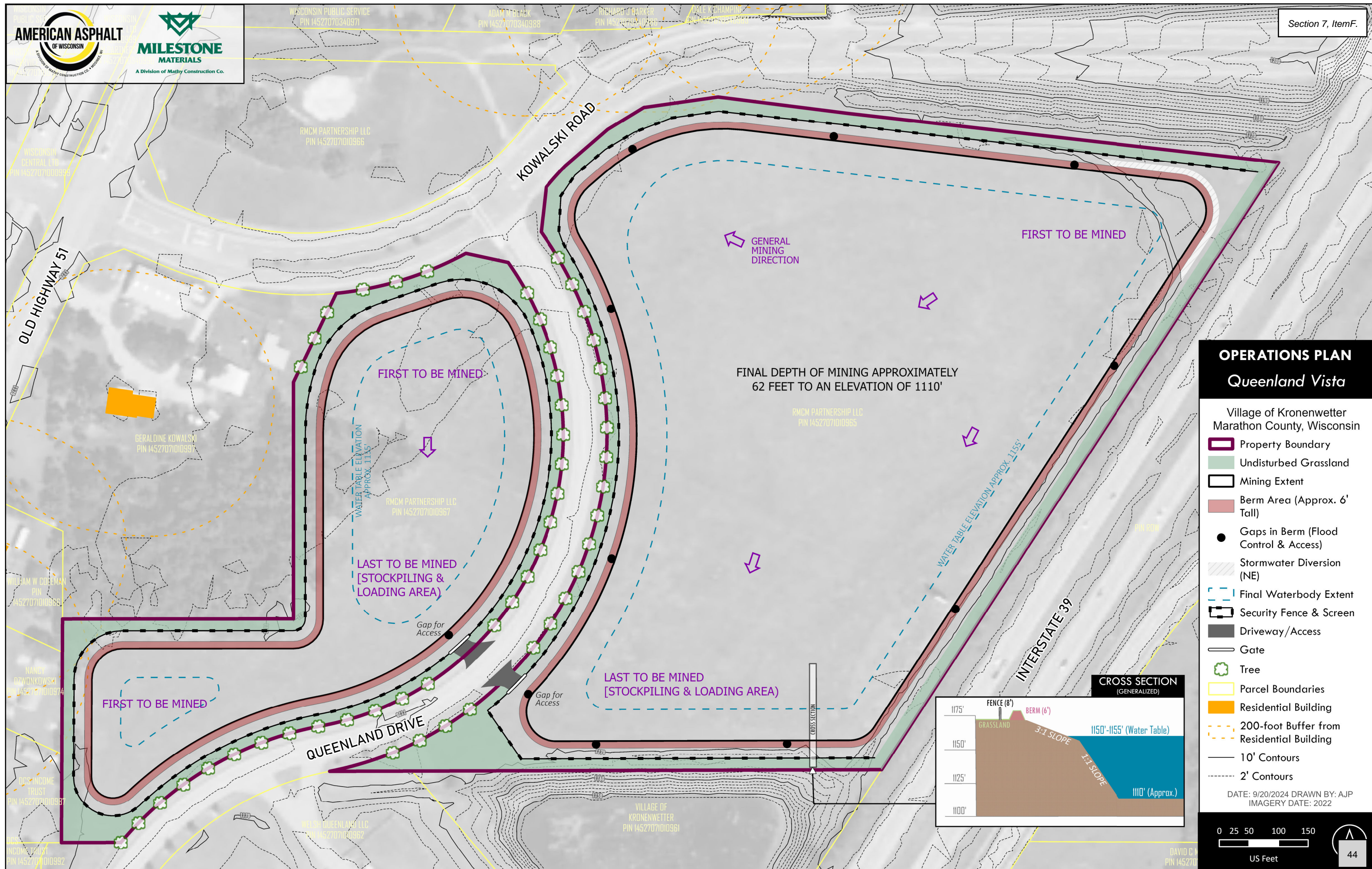
Queenland Vista

Village of Kronenwetter
Marathon County, Wisconsin

-  Property Boundary
-  Parcel Boundaries
-  Elevation (10' CI)
-  Elevation (2' CI)

DATE: 9/20/2024 DRAWN BY: AJP
IMAGERY DATE: 2022



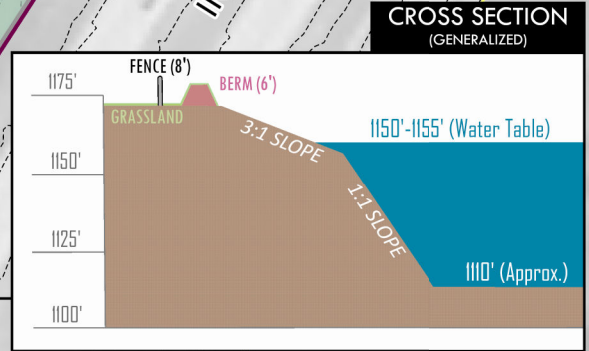


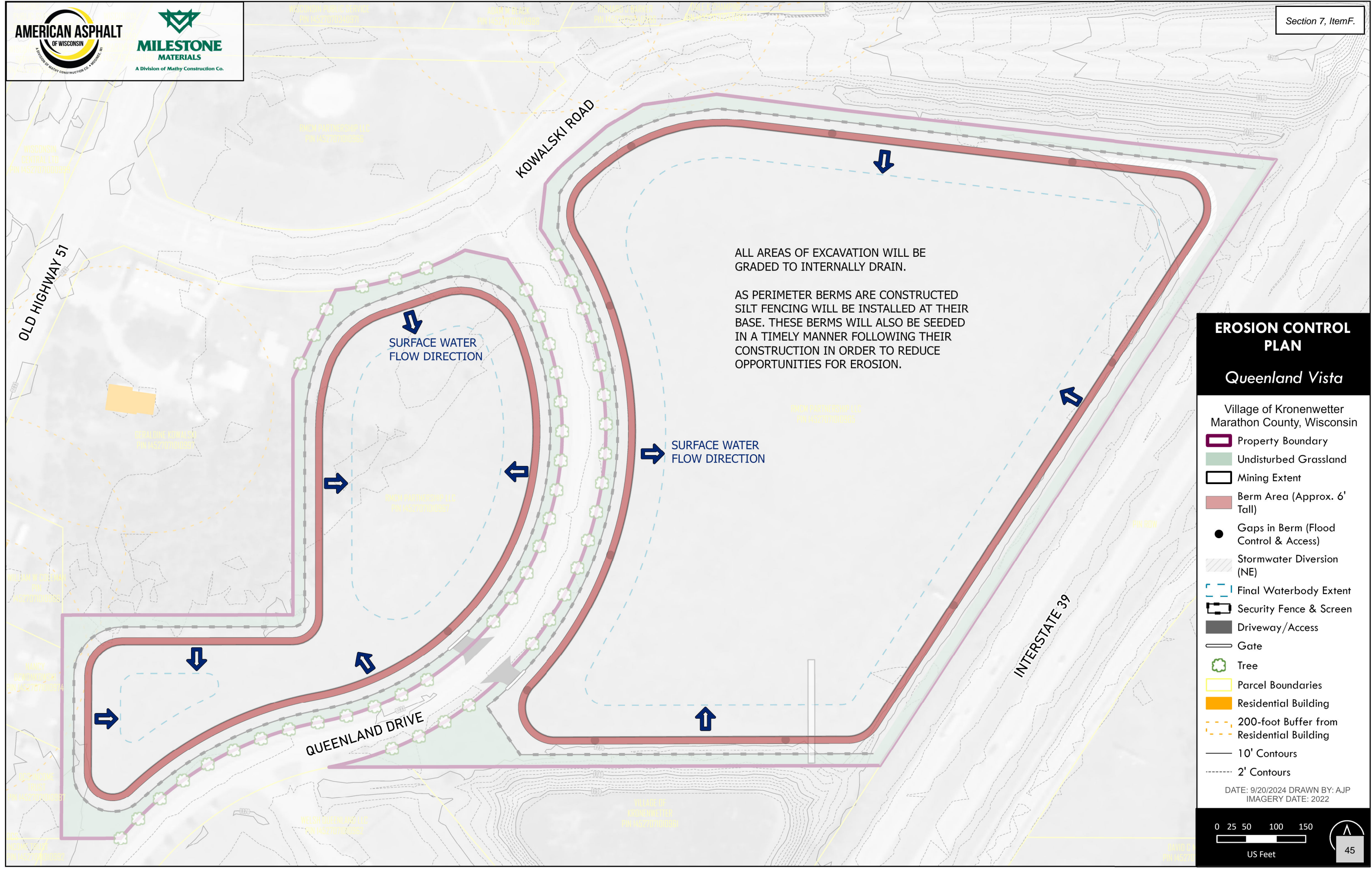
OPERATIONS PLAN
Queenland Vista

Village of Kronenwetter
Marathon County, Wisconsin

- Property Boundary
- Undisturbed Grassland
- Mining Extent
- Berm Area (Approx. 6' Tall)
- Gaps in Berm (Flood Control & Access)
- Stormwater Diversion (NE)
- Final Waterbody Extent
- Security Fence & Screen
- Driveway/Access
- Gate
- Tree
- Parcel Boundaries
- Residential Building
- 200-foot Buffer from Residential Building
- 10' Contours
- 2' Contours

DATE: 9/20/2024 DRAWN BY: AJP
IMAGERY DATE: 2022





ALL AREAS OF EXCAVATION WILL BE GRADED TO INTERNALLY DRAIN.

AS PERIMETER BERMS ARE CONSTRUCTED SILT FENCING WILL BE INSTALLED AT THEIR BASE. THESE BERMS WILL ALSO BE SEEDDED IN A TIMELY MANNER FOLLOWING THEIR CONSTRUCTION IN ORDER TO REDUCE OPPORTUNITIES FOR EROSION.

EROSION CONTROL PLAN

Queenland Vista

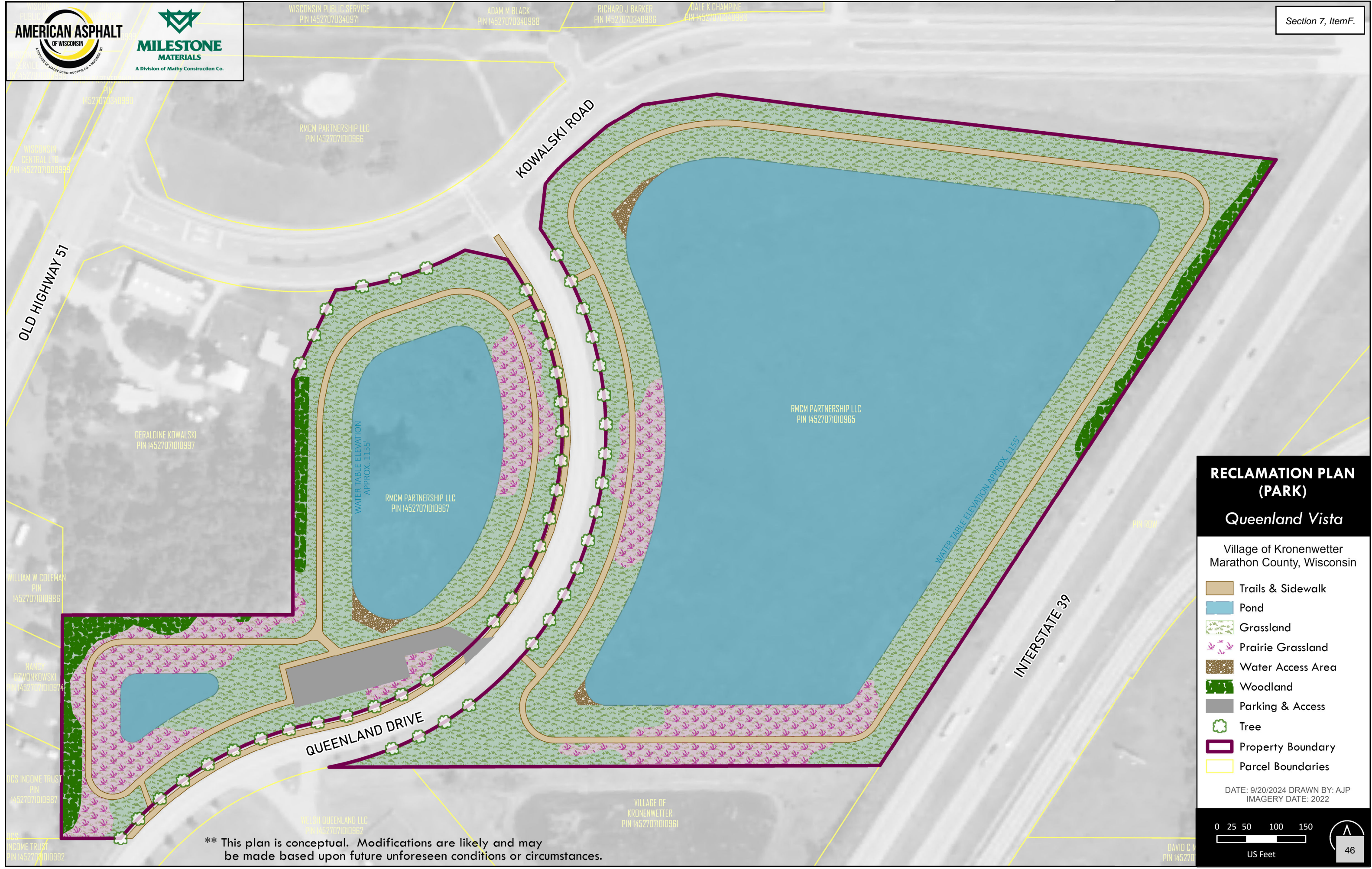
Village of Kronenwetter
Marathon County, Wisconsin

- Property Boundary
- Undisturbed Grassland
- Mining Extent
- Berm Area (Approx. 6' Tall)
- Gaps in Berm (Flood Control & Access)
- Stormwater Diversion (NE)
- Final Waterbody Extent
- Security Fence & Screen
- Driveway/Access
- Gate
- 🌳 Tree
- Parcel Boundaries
- Residential Building
- 200-foot Buffer from Residential Building
- 10' Contours
- 2' Contours

DATE: 9/20/2024 DRAWN BY: AJP
IMAGERY DATE: 2022

0 25 50 100 150
US Feet

45

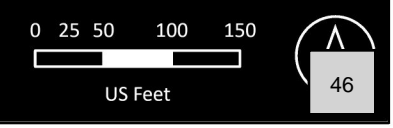


RECLAMATION PLAN
(PARK)
Queenland Vista

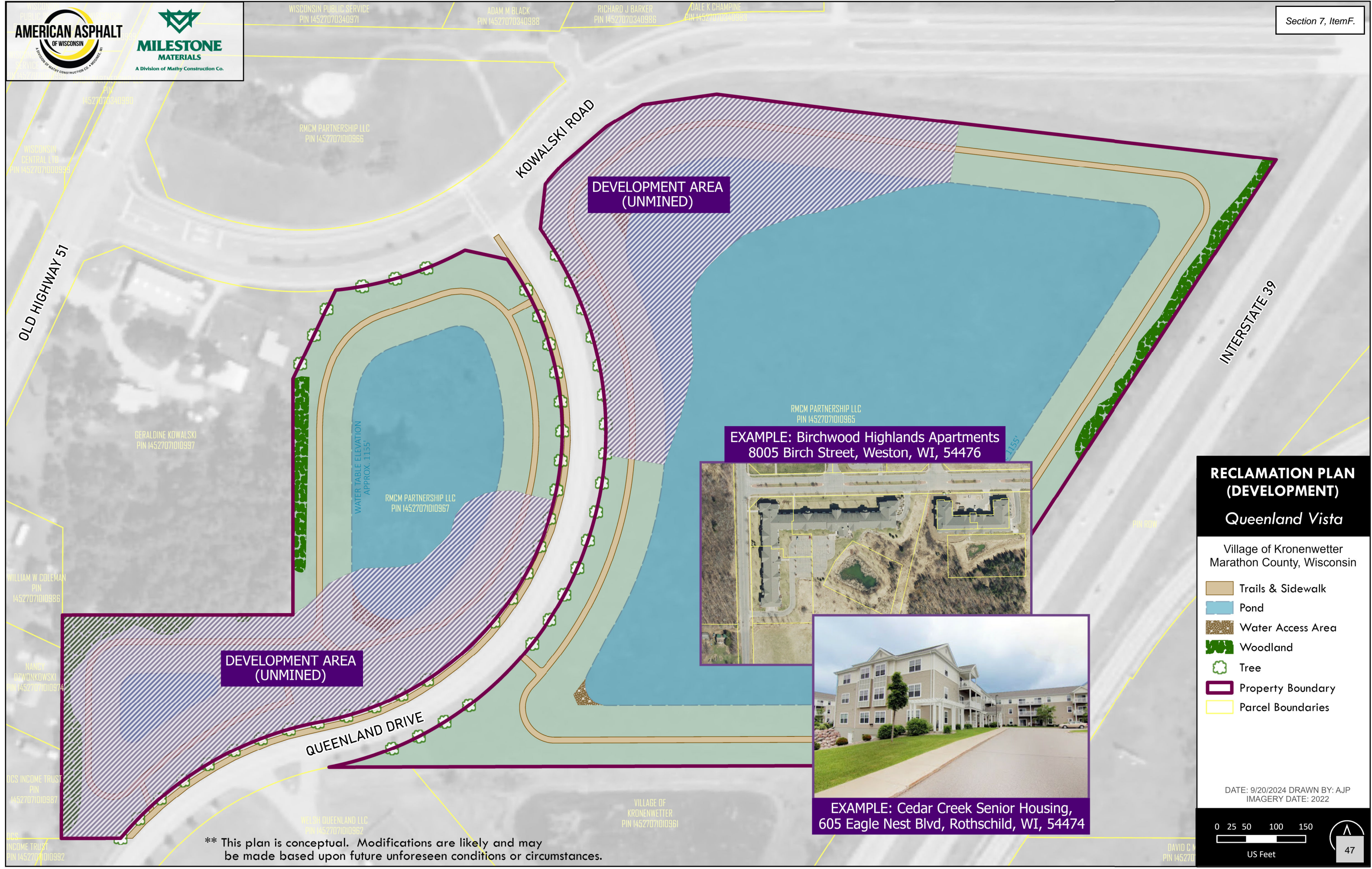
Village of Kronenwetter
 Marathon County, Wisconsin

-  Trails & Sidewalk
-  Pond
-  Grassland
-  Prairie Grassland
-  Water Access Area
-  Woodland
-  Parking & Access
-  Tree
-  Property Boundary
-  Parcel Boundaries

DATE: 9/20/2024 DRAWN BY: AJP
 IMAGERY DATE: 2022



** This plan is conceptual. Modifications are likely and may be made based upon future unforeseen conditions or circumstances.



EXAMPLE: Birchwood Highlands Apartments
8005 Birch Street, Weston, WI, 54476



EXAMPLE: Cedar Creek Senior Housing,
605 Eagle Nest Blvd, Rothschild, WI, 54474

RECLAMATION PLAN (DEVELOPMENT)
Queenland Vista

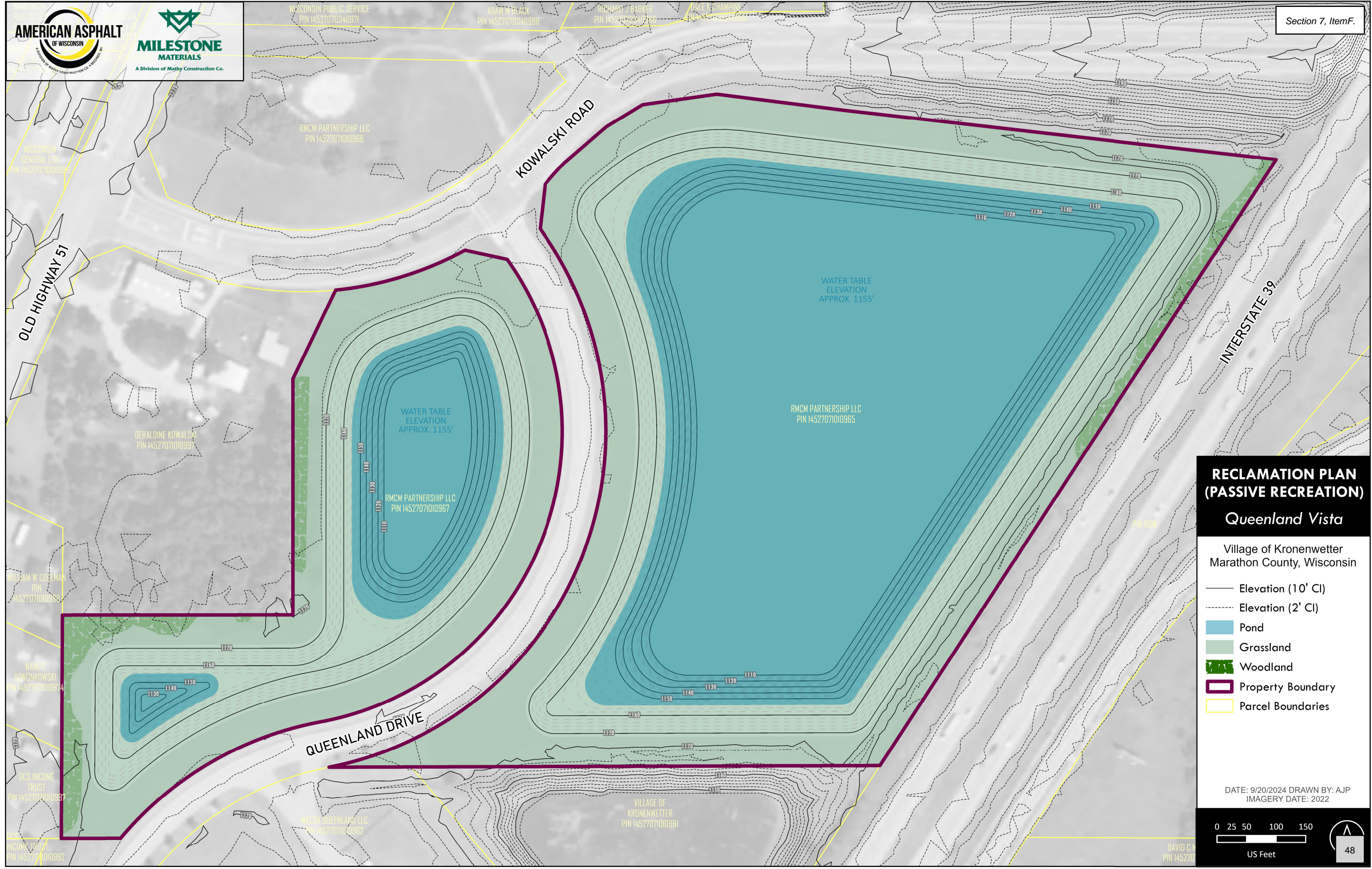
Village of Kronenwetter
Marathon County, Wisconsin

- Trails & Sidewalk
- Pond
- Water Access Area
- Woodland
- Tree
- Property Boundary
- Parcel Boundaries

DATE: 9/20/2024 DRAWN BY: AJP
IMAGERY DATE: 2022










** This plan is conceptual. Modifications are likely and may be made based upon future unforeseen conditions or circumstances.



RECLAMATION PLAN
(PASSIVE RECREATION)
Queenland Vista

Village of Kronenwetter
Marathon County, Wisconsin

-  Elevation (10' CI)
-  Elevation (2' CI)
-  Pond
-  Grassland
-  Woodland
-  Property Boundary
-  Parcel Boundaries

DATE: 9/20/2024 DRAWN BY: AJP
IMAGERY DATE: 2022



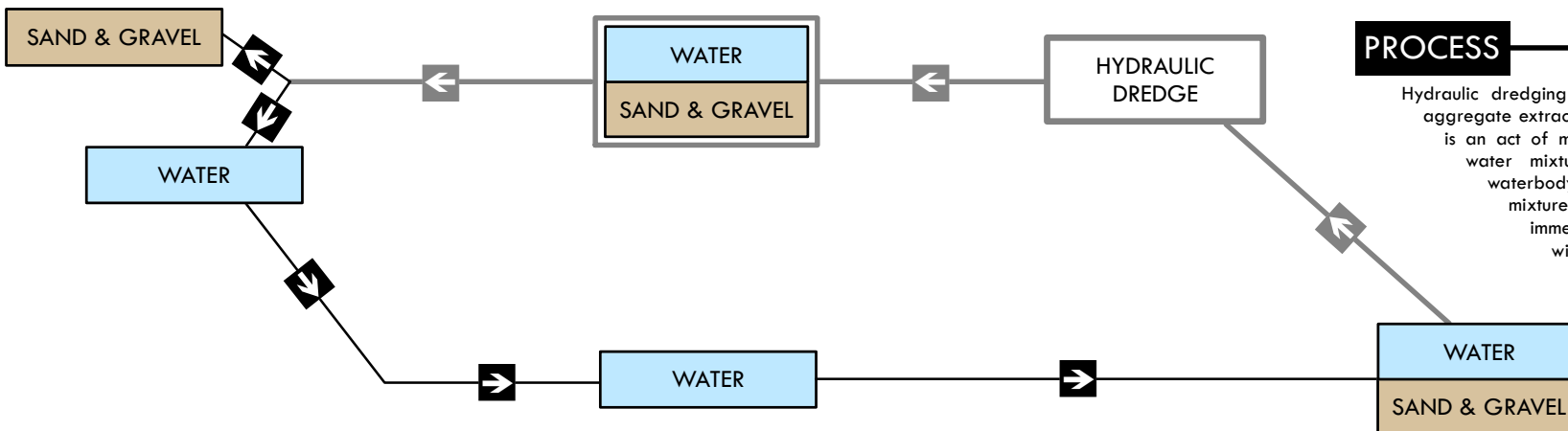
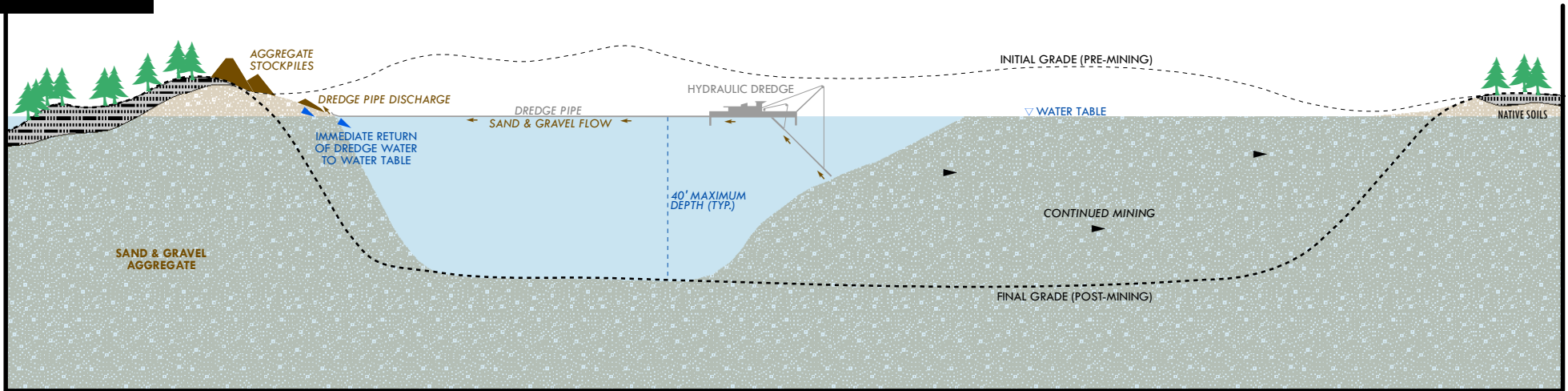
ATTACHMENT 1: HYDRAULIC DREDGING SCHEMATIC

NONMETALLIC MINING CONDITIONAL USE PERMIT APPLICATION
VILLAGE OF KRONENWETTER

HYDRAULIC DREDGING

This aggregate mining process uses a hydraulic dredge system to excavate the aggregates from underwater. The dredge is partially submerged in water and is equipped with a pump. When dredging, the operator lowers the boom of the dredge to the bottom of the body of water, in this case to maximum depth of 40 feet. A rotating cutter head on the end of the dredge piping then uses teeth to loosen the aggregate material, as the pump moves the sediment, along with water, from the bottom of the excavation. A long pipe then carries the aggregate and water combination from the bottom of the waterbody to the surface. The pipe discharges to a stockpile area that allows for the water to drain from the aggregate and immediately return to the waterbody. The deposited aggregates are then relocated on site and stockpiled for later use off site.

SCHEMATIC



PROCESS

Hydraulic dredging is a highly efficient method of aggregate extraction. The process is simple in that it is an act of moving water. The aggregate and water mixture that is dredged from the waterbody is transported to the surface. This mixture then separates, and the water is immediately returned to the waterbody, with the aggregates left at the surface. This process creates no water loss and therefore does not require a water use permit.

ATTACHMENT 2:
COMPLETED FORM & APPLICATION FEE

NONMETALLIC MINING CONDITIONAL USE PERMIT APPLICATION
VILLAGE OF KRONENWETTER

Non-Metallic Mining Conditional Use Permit Application

Application Fee: \$300

A non-metallic mining conditional use permit is required for any mining activity in the Village. There are also additional permits required by the County and State of Wisconsin.

Plan Commission Meetings are held on the 3rd Monday of each month. Village Board Meetings on conditional use applications typically take place on the 4th Monday of each month.

Although not required, it is recommended that the applicant attend these meetings.



1. Applicant Name Milestone Materials Phone Number 608-779-6608
Address 920 10th Avenue North, Onalaska, WI, 54650
Email andrew.peters@mathy.com
2. Owner Name RMCM Partnership, LLC Phone Number N/A
Address 7120 Baxter Road, Arena, WI, 53503
Email N/A
3. Parcel ID#(s) 145-2707-101-0967 & 145-2707-101-0965
4. Legal description of the site Lot 1 & Lot 3, Certified Survey Map #14379
Sections 10 & 11, Township 27 North, Range 7 East
5. Total area to be affected by this project. Include areas for stockpiling, processing, conservation practices and any roads to be reclaimed 27.54 Square feet OR Acres
6. Description of the proposed mining operation including type of material extracted and processing methods to be used in mining the site See Attached Description
7. Observed OR Estimated elevation of groundwater 1152' msl
Reference depth to a permanent on-site reference point (bench mark).
8. Estimated volume of materials to be extracted 35,000* cubic yards. (Include only the volume to be extracted in the time period covered by this application) *Estimated per year extraction. Varies based on demand.
9. Estimated timetable for beginning and ending of operations on the site including any phases or stages 15 - 25 Years* (see above disclaimer)

10. A. If operation is intended to be seasonal, list the months of operation [Months/Days/Hours of operation are chosen to match those of Plant 22]
January through December

B. Daily hours of operation
Monday 6 a.m. to 8 p.m.
Tuesday 6 a.m. to 8 p.m.
Wednesday 6 a.m. to 8 p.m.
Thursday 6 a.m. to 8 p.m.
Friday 6 a.m. to 8 p.m.
Saturday 6 a.m. to 8 p.m.
Sunday a.m. to p.m.

11. Are any temporary erosion control measures used during excavation? Yes OR No
(If yes, the measures to be used must be shown on the plan. If no, explain why none are needed.)
Silt fence, berms, erosion mat

12. In addition, the following drawings or documents must be attached to this application. All maps must be drawn at a scale of no less than one (1) inch equals two hundred (200) feet.

- A. Copy of the lease or proof of ownership.
- B. Copies of County and/or State permits or approvals.
- C. Description of anticipated topography, water impoundments, artificial lakes and future land use of the site upon completion of reclamation.
- D. Describe measures to be taken to screen the operation from view of surrounding land uses or an explanation of why such measures are not needed.
- E. A map of the site as it presently exists, include the following:
 - 1. Property boundaries and the location of all structures on or adjacent to the site and the purpose for which each structure and the adjoining land are used.
 - 2. Contours of the affected land at intervals no larger than two (2) feet.
 - 3. The location and names of all streams and roads on or within three hundred (300) feet of the site.
 - 4. Boundaries of previous excavations on the site and the location and description of boundary stakes for the proposed site. The stakes shall be referenced to a permanent reference point. The area stakes shall include all stockpiling and storage areas.
- F. If the site is to be mined in phases, four copies of an operation plan which shall include the following:
 - 1. A plan view and description of sequential phases of mining including haulage ways, storage areas and processing areas.
 - 2. If necessary, attach a plan showing temporary erosion control measures.

To the best of my knowledge, I certify that the information provided on this application and accompanying documents are true and accurate. I also understand that submitting this application authorizes the Zoning Administrator and his/her designee to enter onto the property for the purposes outlined in the Non-metallic Mining Reclamation Ordinance.

Applicant's Signature

Print Applicant's Name

Date

ATTACHMENT 3: PROOF OF OWNERSHIP



NONMETALLIC MINING CONDITIONAL USE PERMIT APPLICATION
VILLAGE OF KRONENWETTER

MEMORANDUM OF PURCHASE AGREEMENT

This Memorandum of Purchase Agreement made this 1 day of 10, 2024, by and between RMCM Partnership LLC, a Wisconsin limited liability company ("RMCM"), as Seller, WTTC Land Management Co., LLC, a Wisconsin limited liability company ("WTTC"), as Purchaser, and Milestone Materials, a Division of Mathy Construction Company ("Milestone"), as proposed Tenant.

For good and valuable consideration described in the Real Estate Purchase Agreement between the parties dated August 9, 2024 (the "Agreement"), RMCM has agreed to sell and WTTC has agreed to purchase that certain real property situated in the Village of Kronenwetter, Marathon County, Wisconsin more particularly described on the attached Exhibit A (the "Property"), under the terms and conditions described in the Agreement. Upon successful closing on its purchase of the Property, WTTC has agreed to lease the Property to Milestone, as the site operator.

The Agreement grants WTTC and Milestone the right to apply for and obtain those certain approvals necessary for Milestone's proposed use of the Property related to its mining operations. Accordingly, any approving authorities, including but not limited to the Marathon County Zoning Department, may rely on this memorandum in lieu of a deed and/or lease agreement which will be available upon completion of the transaction. Such transaction is contingent upon WTTC/Milestone obtaining the approvals necessary for operating the Property.

This Memorandum of Purchase Agreement is not a complete summary of the terms of the Agreement. In the event of conflict between the provisions contained within this Memorandum and the Agreement, provisions within the Agreement shall control.

WITNESS:

Janet Monk
Name: Janet Monk

RMCM PARTNERSHIP LLC

By: Thomas Monk
Thomas Monk
Managing Partner

WITNESS:

Tristan K. Gardner
Name: Tristan K. Gardner

WTTC LAND MANAGEMENT CO., LLC

By: Will Mathy
Will Mathy
President

WITNESS:

Tristan K. Gardner
Name: Tristan K. Gardner

MILESTONE MATERIALS

By: Will Mathy
Will Mathy
Vice President

EXHIBIT A

Lots one (1) and three (3) of Certified Survey Map No. 14379 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 64 of Certified Survey Maps on page 16, as Document No. 1449149, as corrected by Affidavit of Correction recorded in said Register's office as Document No. 1463682; being a part of the Northeast quarter (NE ¼) of the Northeast quarter (NE ¼) of Section ten (10), and also a part of the Northwest quarter (NW ¼) of the Northwest quarter (NW ¼) of Section eleven (11), all in Township twenty-seven (27) North, Range seven (7) East, in the Village of Kronenwetter, Marathon County, Wisconsin; subject to easements of record.

PIN: 145-2707-101-0967
145-2707-101-0965

Report to Planning Commission

Agenda Item: Discussion and possible action related to § 520-121 - Conditional use permits.
Meeting Date: November 18, 2024
Referring Body: Plan Commission
Committee Contact: Chris Voll
Staff Contact: Peter Wegner, CD/PZ Director
Report Prepared by: Peter Wegner, CD/PZ Director

AGENDA ITEM: Discussion and possible action related to § 520-121 - Conditional use permits.

OBJECTIVE(S): Review and discuss current language and process.

HISTORY/BACKGROUND: On 10/21/2024 the Plan Commission discussed various aspects of § 520-121 - Conditional use permits. Staff provided background information regarding the Conditional Use Process, Review Criteria, Conditions of Approval, 2017 ACT 67, Renewals, Transfers and Appeals and Possible Changes to Existing Language. Staff was given direction and asked to place this item on the 11/18/2024 PC Meeting Agenda.

RECOMMENDED ACTION: Review updated information and direct staff to make changes as needed.

ATTACHMENTS: Proposed Changes from 10/21/2024 and Conditional Uses and Possible Renewal handout.

Proposed Changes 11/18/2024

§ 520-121 Conditional use permits.

- A. Initiation of conditional use permit. Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

- B. Application for conditional use permit. No application for a conditional use permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required notice of public hearing, the applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hardcopies in a quantity directed by the Zoning Administrator. Said complete application shall be composed of all of the following:
 - (1) A completed conditional use permit application form furnished by the Zoning Administrator.
 - (2) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (3) A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.
 - (4) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this section.
 - (5) Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission to ensure that the intent of this chapter is fulfilled.

- (6) A fee as established by the Village Board and stated in the Village of Kronenwetter's fee schedule.

C. Zoning Administrator review and recommendation.

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. Only a complete application in the determination of the Zoning Administrator shall entitle a public hearing under Subsection D. The Zoning Administrator shall inform the applicant if the application is incomplete in his or her determination.
- (2) Once the Zoning Administrator determines that the application is complete, the Zoning Administrator or designee shall authorize the public hearing and prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in Subsection G below. The Zoning Administrator shall forward a copy of the evaluation to the Plan Commission.

D. Notice of public hearing.

- (1) ~~Legal ad (per existing ordinances). The notice of the time, date, and location of the Planning Commission public hearing shall be published by the Village at least two times in a newspaper of general circulation in the Village of Kronenwetter. Publications shall occur 14 calendar days and seven calendar days prior to the date of the Planning Commission public hearing on a conditional use permit or a zoning change request. The notice of the time, date, and location of the Planning Commission public hearing shall be published by the Village at least one time in a newspaper of general circulation in the Village of Kronenwetter 10 calendar days prior to the date of the Planning Commission public hearing on an application for variance request.~~
Upon receipt of a conditional use permit application, and following publication in the Village of a class 2 notice under Wis. Stat. ch. 985, the Village shall hold a public hearing on the application.
- (2) Public notice. Notice of the Plan Commission public hearing shall be sent by regular mail to the applicant, each landowner adjoining the subject property and each landowner within 500 feet of the subject property. Notice of the Planning Commission public hearing shall be sent at least 10 calendar days prior to the Planning Commission public hearing. The notice shall be prepared and mailed by the Village. The failure of any person required by this section to receive the notice shall

not invalidate or otherwise have any effect upon a public meeting or public hearing or action taken on the application.

(3) Local government notice. The Village shall send one copy of the application at least 10 calendar days prior to the Plan Commission public hearing to the adjoining local government for review and comment when the project affects another municipality, or the primary access to the affected property is through an adjoining municipality. The failure of any person required by this section to receive the notice shall not invalidate or otherwise have any effect upon a public meeting or public hearing or action taken on the application.

(4) Village website. Notice of the Plan Commission public hearing shall be posted on the Village webpage. The failure of any person required by this section to receive the notice shall not invalidate or otherwise have any effect upon a public meeting or public hearing or action taken on the application.

E. Review and action by Plan Commission. Within 60 days after the public hearing, or an extension of said period requested in writing or electronic format by the applicant and granted by the Commission, the Plan Commission shall take final action on the conditional use permit request. The Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Commission members in attendance.

F. Appeal to ~~Village Board~~ the Zoning Board of Appeals. An appeal of a decision under Subsection E may be taken to the ~~Village Board~~ Zoning Board of Appeals by any person, firm or corporation or any officer, department, board, commission or agency of the Village who is aggrieved by the decision. Such appeal shall be made in writing to the Zoning Administrator within ~~10~~ 30 days after the date of the Plan Commission's written decision. In the case of an appeal:

(1) The Zoning Administrator and Building Inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit and shall issue a stop-work order for any such activities already commenced.

(2) The Zoning Administrator shall immediately notify the applicant and property owner of the appeal in writing and shall schedule the appeal for ~~Village Board~~ consideration by the Zoning Board of Appeals.

(3) The ~~Village Board~~ Zoning Board of Appeals shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving the Plan Commission's record and reviewing the Commission's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in Subsection G and shall have all of the powers of the Plan Commission under this section. The ~~Village Board's Zoning Board of Appeals'~~ determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.

G. Review criteria for conditional use permit. ~~Each requested conditional use permit shall meet the following criteria (achieve "yes" answers) to be approved:~~

(1) In this paragraph:

(a) "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the Village, but does not include a variance.

(b) "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(2)

(a) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the Village ordinance(s) or those imposed by the Village Plan Commission, the Village shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance(s) and be based on substantial evidence.

(b) The requirements and conditions described under subd. (2)(a) must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Village's decision to approve or deny the permit must be supported by substantial evidence.

~~(3)(4)~~ Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Village may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance(s) or by the Village Plan Commission.

~~(4)(5)~~ If the Village denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in Wis. Stat. § 62.23(7)(e)10. a., or if the decision is on an application for an approval, as defined in Wis. Stat. § 781.10(1)(a), under the procedures described in Wis. Stat. § 62.23(7)(e)10. b.

~~(1)~~ Is the proposed conditional use in harmony with the Comprehensive Plan, this chapter, and any other plan, program, or ordinance adopted by the Village?

~~(5)(2)~~ The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in an ~~substantial or undue~~ undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future. ~~be developed as a result of the implementation of the provisions of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted by the Village?~~

~~(6)(3)~~ Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

~~(7)(4)~~ Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?

~~(5)~~ Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

H. Issuance and recording of permit. Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant

a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant.

- I. Effect of denial. No conditional use permit application that has been denied shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- J. Termination of approved conditional use. Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this chapter. Any conditional use found not to be in compliance with the terms of this chapter or the approved conditional use permit shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.
- K. Time limits on development of conditional use. The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the associated conditional use permit and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this section, "operational" shall be defined as occupancy of the conditional use.
- L. Renewals. The permit holder may submit an application for renewal along with the appropriate fee for renewal prior to the expiration of the time limit on the permit, if any. No conditional use permit renewal shall be required to go through a new public hearing.
- M. Discontinuance of approved conditional use. Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated and receive no treatment as a legal prior nonconforming use. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.
- N. Change of ownership. All requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by this chapter or by a specific

condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, without approval by the Plan Commission, shall be considered a violation of this chapter and shall be grounds for revocation of said conditional use permit.

- O. Uses now regulated as conditional uses that were legal land uses (permitted by right or as conditional uses) prior to effective date of this ~~chapter section~~. A use now regulated as a conditional use that was a legal land use — either permitted by right or as a conditional use — prior to the effective date of this ~~chapter section~~ shall be considered as a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a new conditional use permit under this section.

Land Uses which require a Conditional Use Permit 11/18/2024

The Planning Commission will review and discuss possible renewal requirements for each.

Allowable Uses in Rural, Open Space and Residential Zoning Districts

Agricultural Land Uses

- (1) Agricultural Use
- (2) Agricultural-Related Use

Institutional and Recreational Land Uses

- (2) Active Outdoor Public Recreation
- (3) Indoor Institutional, General
- (5) Outdoor Institutional
- (9) Community Living Arrangement (9-15 residents)

Commercial Land Uses

- (4) Group Day-Care Center
- (12) Commercial Animal Establishment
- (13) Bed-and-Breakfast
- (15) Campground
- (17) Tourist Rooming House

Storage or Disposal Land Uses

- (3) Personal Storage Facility
- (4) Junkyard or Salvage Yard
- (5) Solid Waste Disposal, Composting, and/or Recycling Facility

Transportation Land Uses

- (2) Airport or Heliport
- (5) Livestock or Farm Commodity Trucking

Industrial Land Uses

- (3) Communications Tower
- (4) Nonmetallic Mineral Extraction

Accessory and Miscellaneous Land Uses

- (4) Intermediate Day-Care Home
- (6) Residential Business
- (7) Animal Fancier
- (15) Small Exterior Communication Device
- (16) Large Exterior Communication Device
- (21) Private Lake (Pond)
- (22) Vehicle Course or Track
- (23) Donation Dropoff Box or Vending Machine
- (24) Solid-fuel-fired heating devices

Allowable Uses in Nonresidential and Mixed-Use Zoning Districts

Residential Land Uses

- (2) Two-Family Residence
- (3) Multifamily Residence (3-16 unit building)
- (4) Multifamily Residence (17+ unit building)
- (6) Mixed-Use Dwelling Unit
- (7) Workforce Multifamily Housing

Agricultural Land Uses

- (2) Agricultural-Related
- (3) Community Garden

Institutional and Recreational Land Uses

- (2) Active Outdoor Public Recreation
- (3) Indoor Institutional, General
- (4) Indoor Institutional, Intensive
- (5) Outdoor Institutional
- (7) Institutional Residential
- (8) Community Living Arrangement (1-8)
- (9) Community Living Arrangement (9-15)
- (10) Community Living Arrangement (16+)

Commercial Land Uses

- (1) Office
- (2) Personal or Professional Service
- (3) Artisan Studio
- (4) Group Day-Care Center
- (5) Indoor Sales or Service
- (6) Outdoor Display
- (8) Outdoor and Vehicle Repair and Maintenance
- (9) Drive-In or Drive-Through Sales or Service
- (10) Indoor Commercial Entertainment
- (11) Outdoor Commercial Entertainment
- (13) Bed-and-Breakfast

- (14) Boardinghouse
- (15) Campground
- (16) Commercial Indoor Lodging
- (17) Tourist Rooming House
- (18) Adult Entertainment or Adult-Oriented Establishment
- (19) Large Retail and Commercial Service Development
- (20) Micro beverage Production Facility

Storage or Disposal Land Uses

- (1) Indoor Storage or Wholesaling
- (2) Outdoor Storage or Wholesaling
- (3) Personal Storage Facility
- (4) Junkyard or Salvage Yard
- (5) Solid Waste Disposal, Composting, and/or Recycling Facility
- (6) Auction Yard

Transportation Land Uses

- (1) Off-Site Parking
- (2) Airport or Heliport
- (3) Freight Terminal
- (4) Distribution Center
- (5) Livestock or Farm Commodity Trucking

Industrial Land Uses

- (1) Light Industrial
- (2) Heavy Industrial
- (3) Communications Tower

(4) Nonmetallic Mineral Extraction

Accessory and Miscellaneous Land Uses

(5) Home Occupation

(6) Residential Business

(7) Animal Fancier

(12) Light Industrial Activities Incidental to Indoor Sales or Service

(13) Outdoor Display Incidental to Indoor Sales or Services

(14) Outdoor Alcohol Area

(16) Large Exterior Communication Device

(20) Outdoor Solid-Fuel-Fired Heating Device

(22) Vehicle Course or Track

(23) Donation Dropoff Box or Vending Machine