



PLAN COMMISSION MEETING AGENDA

January 08, 2025 at 6:00 PM

Kronenwetter Fire Department Meeting Room

1. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

2. 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.

3. APPROVAL OF MINUTES

- C. 2024 10 21 PC Meeting Minutes

4. OLD BUSINESS

- D. Discussion and possible action: Milestone Materials Conditional Use Permit Application for a Nonmetallic Mining Operation.

5. NEXT MEETING: January 20, 2025

6. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

7. 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: 01/07/2025 Kronenwetter Municipal Center and www.kronenwetter.org

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



PLAN COMMISSION MEETING MINUTES

October 21, 2024 at 6:00 PM

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

1. CALL MEETING TO ORDER

@6:00PM

A. Pledge of Allegiance

B. Roll Call

PRESENT

- Chris Voll
- Dick Kvapil
- Bruce Sinkula
- Dan Lesniak
- Rick Grundman
- Ken Charneski

ABSENT

Tony Stange

2. ANNOUNCEMENT OF PUBLIC HEARING

C. Eau Claire River LLC Rezone: Eau Claire River, LLC 7306 Zinser St., Weston, WI 54476 request a zoning change of 35.58 acres from BP - Business Park to M2 – General Industrial, located at 1320 Kowalski Road, Kronenwetter, WI 54455. Parcel Identification Number 145-2707-023-0996. Legal description of the subject 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).

Overview given by Peter Wagner. Zoning change request from Business Park to M2– General Industrial. 1292 Kowalski Road, will access be off Kowalski Road?

Guy Fridel- 2230 Ruby Drive-Proposed zoning #9 was left blank on the application.

Bernie Kramer-

Jeff Zaler-1290 Kowalski-Concerns over safety for the walking path.

Tom Renzo- 3840 N 20th Ave.

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. APPROVAL OF MINUTES

- D. 2024 07 15 PC Meeting Minutes
Motion to approve made by Kvapil, Seconded by Sinkula.
Voting Yea: Voll, Kvapil, Sinkula, Lesniak, Grundman, Charneski

- E. 2024 08 19 PC Meeting Minutes
Motion to approve made by Lesniak, Seconded by Voll.
Voting Yea: Voll, Kvapil, Sinkula, Lesniak, Grundman, Charneski

- F. 2024 09 16 PC Meeting Minutes
Motion to approve made by Voll, Seconded by Grundman.
Voting Yea: Voll, Kvapil, Sinkula, Lesniak, Grundman, Charneski

6. REPORTS AND DISCUSSIONS

- G. Community Development Director Report
No questions from commission.

7. NEW BUSINESS

- H. Discussion and possible action Eau Claire River LLC Rezone Request
Motion to delay for 30 days, for forms to be completed in full. Overpass committee to supply maps for the ramps. Amended
New motion to delay until November 18, 2024, for forms to be completed in full.
Motion made by Charneski, Seconded by Lesniak.
Voting Yea: Voll, Kvapil, Sinkula, Lesniak, Grundman, Charneski

- I. Discussion and possible action § 520-121. - Conditional use permits
Report given by Peter Wagner: Research the possible changes listed and report back to the Commission.

- J. Discussion and possible action Zero-lot-line Residences
Overview given by Peter Wagner.
Direct Peter to look more closely at the options.

- K. Discussion and possible action § 520-27 B. Detached accessory structure (for residential use)
Overview given by Peter Wagner.
Will bring back to the commission at January meeting

8. NEXT MEETING - NOVEMBER 18, 2024

9. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

Conditional use permit.
Zero lot lines.

10. ADJOURNMENT

@ 8:03PM
Motion made by Lesniak, Seconded by Kvapil.
Voting Yea: Voll, Kvapil, Sinkula, Lesniak, Grundman, Charneski

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: 10/18/2024 Kronenwetter Municipal Center and www.kronenwetter.org

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

Report to Planning Commission

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

Meeting Date: January 8, 2025

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 Zone AE Floodplain. 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.

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.

2017 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.

ATTACHMENTS: Conditional Use Permit application, Staff Report and Letter from Attorney Olson.

AXLEY ATTORNEYS

Mitchell R. Olson
molson@axley.com
(608) 283.6724

VIA E-Mail Only

December 10, 2024

Village of Kronenwetter Plan Commission
C/O Peter Wegner, Planning & Zoning Director
pwegner@kronenwetter.org

Village of Kronenwetter
Jennifer Poyer, Village Clerk
Jpoyer@kronenwetter.org

RE: CUP APPLICATION FOR NONMETALLIC MINING (2070 and 2071 Queenland Drive)

Dear Plan Commission Members:

This firm represents Milestone Materials with respect to its pending application for a conditional use permit in the Village of Kronenwetter. It is our legal opinion that the Village has engaged in an inappropriate review of the CUP application. Moreover, it is our legal opinion that Milestone Materials' application fully satisfies the Village Ordinances, such that the CUP must be granted under Wisconsin Act 67.

BRIEF CHRONOLOGICAL HISTORY

- 1) Milestone Materials submitted its complete application to the Village in October 2024.
- 2) The Village Planning & Zoning Director issued a report to the Plan Commission.
- 3) A Public Hearing was held before the Village Plan Commission on November 18, 2024.
- 4) At the conclusion of the Public Hearing, the Plan Commission announced its intent to meet with the Redevelopment Authority to discuss the merits of the CUP application. That meeting is currently scheduled for December 12, 2024.

THE STAFF REPORT

The Report notes the following:

- 1) The subject property (for the CUP) has been for sale for some time and is difficult to develop due to the vast majority thereof being low lying and within mapped floodway.
- 2) The subject property is zoned General Industrial (M2).
- 3) The subject property is bordered by Interstate 39 and surrounded primarily by commercial and industrial properties.
- 4) The subject property is demonstrated to contain desirable and large quantities of sand and gravel aggregate.

The Report highlights for the Commission that Wisconsin Act 67 prohibits decisions based on personal preferences and speculation. **It further advised that where an applicant “meets or agrees to meet the requirements and conditions specified” in the ordinance or imposed by the decision-maker, the conditional use permit must be granted.** The Report then addresses the five factors to consider under the Ordinance. The Report concludes that all five factors/standards have been met by Milestone Materials.

THE PUBLIC HEARING

At the Public Hearing, there was no “substantial evidence” under Act 67 to refute the Staff Report or otherwise challenge this CUP Application. Rather than act on the application, the Plan Commission arbitrarily announced an intent to seek guidance from a third party, the Redevelopment Authority, which was not present and made no submissions to the Plan Commission at the time of the Public Hearing.

FINAL OPINIONS

I. The Plan Commission is exceeding its authority and in violation of law by seeking outside consultation beyond the scope of the Public Hearing.

Wisconsin Statutes are clear as to the process for reviewing a conditional use permit. Per Wis. Stat. sec. 59.69(5e)(c): “Upon receipt of a conditional use permit application, and following publication in the county of a class 2 notice under ch. 985, the county shall hold a public hearing on the application.” There is no right granted to hold meetings or public hearings before *ex parte* governmental agencies. If such an agency had any substantial evidence to offer, they were obliged to submit public comment at the November 18, 2024 meeting. As such, the proposed December 12th meeting, if it occurs, will be clear evidence that the Village is in violation of sec. 59.69(5e), Stats.

II. The CUP Application must be granted based on the Application, Staff Report, and “substantial evidence” submitted at the Public Hearing.

It bears noting that the subject property, in the M2 zoning district, allows nonmetallic mining as a conditional use. No rezoning is required here. Moreover, there are plentiful permitted uses allowed, such as a Freight Terminal, Distribution Center, Livestock or Farm Commodity Trucking, and all “heavy industrial” (e.g. slaughterhouses, tanneries, meat processing plants, paper plants, chemical production plants, commercial sewage treatment facilities, etc.) uses. A landowner can establish any of these permitted uses as a matter of right. The treatment of the proposed conditional use should be considered in this light. The application is not seeking approval in a residential or agricultural area, where some level of scrutiny is often applied.

The Village Ordinance, at sec. 520-121(G), provides the five criteria for granting a Conditional Use Permit.

1) Harmony with Comprehensive Plan.

First, Wisconsin law establishing the Comprehensive Plan process explicitly provides that a Conditional Use Permit does not need to be consistent with the Comprehensive Plan. Wis. Stat. sec. 66.1001(2m)(b). To the extent the Village seeks to compel such a standard, it would be in violation of state law.

Second, as set forth by the Staff Report, the proposed nonmetallic mine is in harmony with the Village’s Plan. The future land use map for the subject parcel calls for “industrial” land use. There is nothing in the plan that would reject a nonmetallic mine.

2) Impact on Others.

As set forth in the Staff Report, the proposed land use will not cause substantial or undue adverse effects on nearby property. This is a highly industrialized area surrounded by an interstate, a rail corridor, and large industrial facilities. The few remaining residential properties are already heavily impacted, and there is nothing in the record, in terms of substantial evidence, to prove any impacts that would violate condition 2.

Moreover, there is an apparent concern about the Village’s hope for a future highway interchange at Kowalski Road. The Kowalski Road Interchange Feasibility Study, by TADI, on November 6, 2023, eliminates any basis to reject this CUP on such grounds. The Report concludes the current road infrastructure is “sufficiently served” for the “current () and foreseeable future (within next 20 years).” The Study concludes: “Due to current traffic volume (being lower than previously projected traffic volumes), expected future development plans, and assessment of the adjacent interchanges and roadways operation and safety, a new I-39 interchange at Kowalski Road is currently not justified based on current State and Federal requirements.”

Finally, while the interchange is not currently viable, it bears importance to consider the clear desire of such an interchange in the future. The proposed land use, a nonmetallic mine, is temporary in nature, and will be reclaimed. Therefore, this use is likely the best interim use, that will still allow a future interchange.

If any other permitted use were allowed to be built on the subject property, the ability to construct an interchange in 20-40 years would be greatly compromised. Construction of a Distribution Center or Meat Processing Plant would fundamentally interfere with future road improvements. A non-metallic mine, on the other hand, allows for reclamation of raw land to support such future highway infrastructure, if then appropriate.

A rejection of this CUP application would be a rejection of private property rights and arguably a taking under the United States and Wisconsin Constitutions, as the Village appears to be seeking to preserve this land without any economic use until such time as an interchange project is deemed viable.

The granting of this CUP, under any rational approach, is the correct legal decision and sound land use decision for the reasonable future.

3) Consistency of Land Uses

Per the Staff Report, the M2 Zoning of the subject, the surrounding land uses, are in harmony. All other parcels in the vicinity can be developed without any negative impact from the proposed nonmetallic mine.

4) Adequate Service of Utilities

Per the Staff Report, the application meets this standard. There are no concerns as to access to local roads. The proposed plan addresses reasonable standards to deal with road maintenance and floodway compliance.

5) Public Benefits outweigh Adverse Impacts

Per the Staff Report, the application meets this standard. Sand and gravel are a critical resource needed for the growth of Kronenwetter and Marathon County. Local sources are the most economically viable-saving taxpayers from extra expenses associated with trucking logistics. These materials are not located everywhere, and not all locations are suitable for new mine development. The subject is an ideal site with minimal impacts to an already industrialized, high traffic, and noisy neighborhood. There is no record of “substantial evidence” showing “potential adverse impacts” that could justify denial of this permit.

CONCLUSION

Based on the foregoing, the Village of Kronenwetter is on notice of its perceived due process violations from seeking consultations outside the Public Hearing. Moreover, the Village is on notice that the record before the Planning Commission indisputably supports the approval of the CUP application.

If there are any questions, please contact the undersigned.

Sincerely,

AXLEY BRYNELSON, LLP



Mitchell R. Olson

MRO:eae

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:

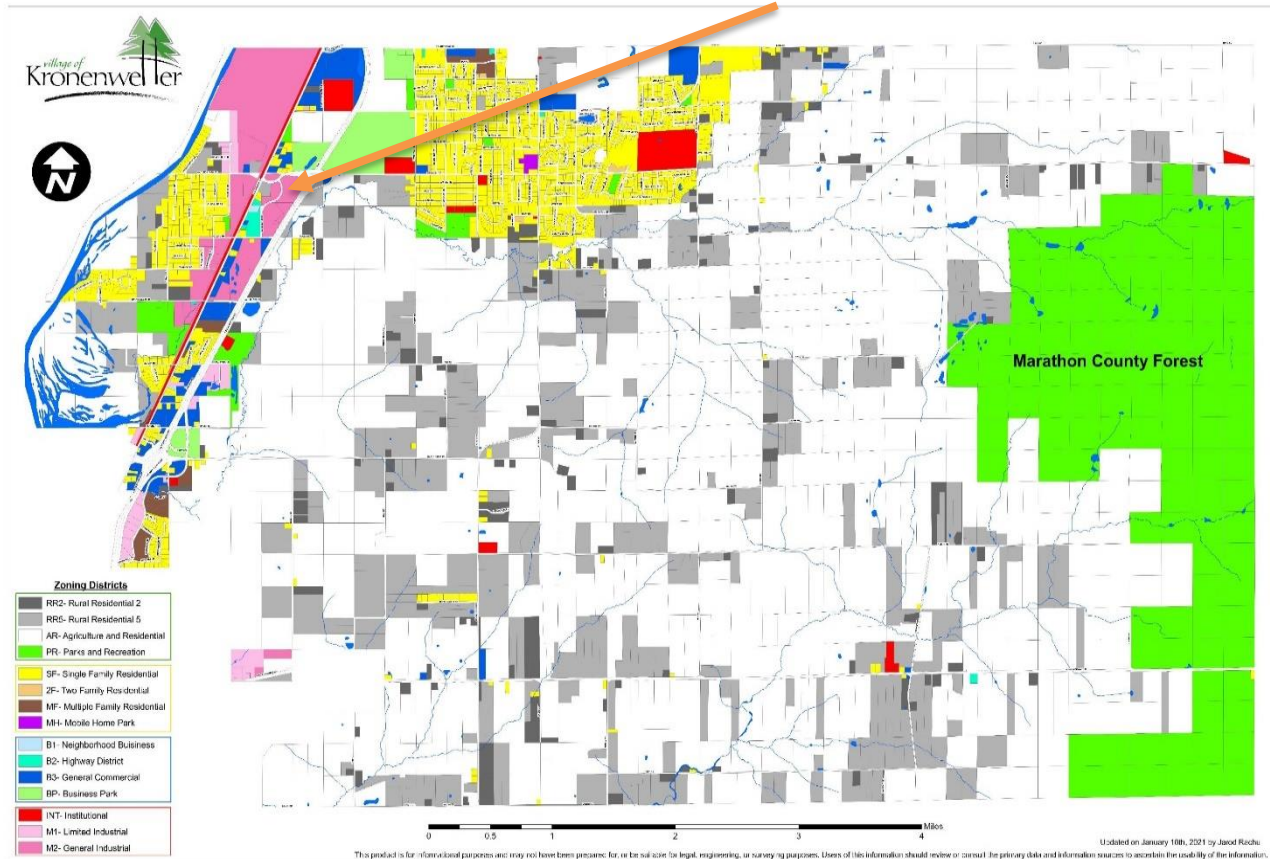
Plan Commission Public Hearing: 6:00 p.m. November 18, 2024

APPLICANT:

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

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

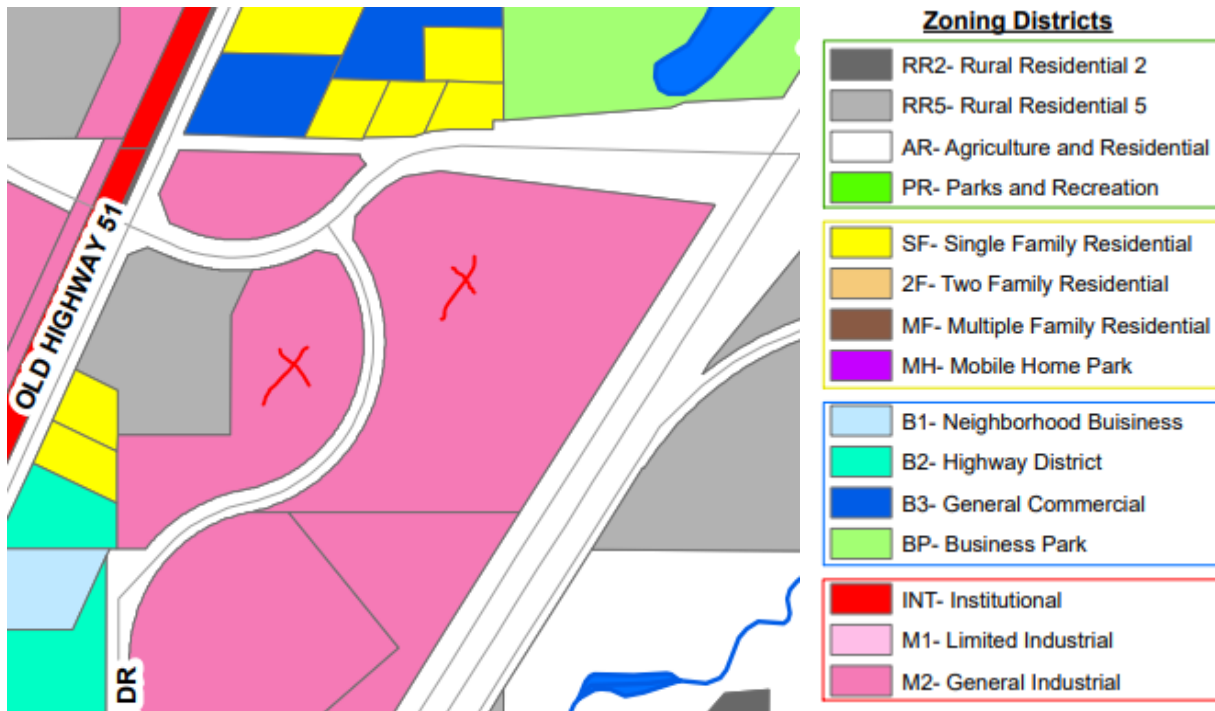
VILLAGE OF KRONENWETTER OFFICIAL ZONING MAP



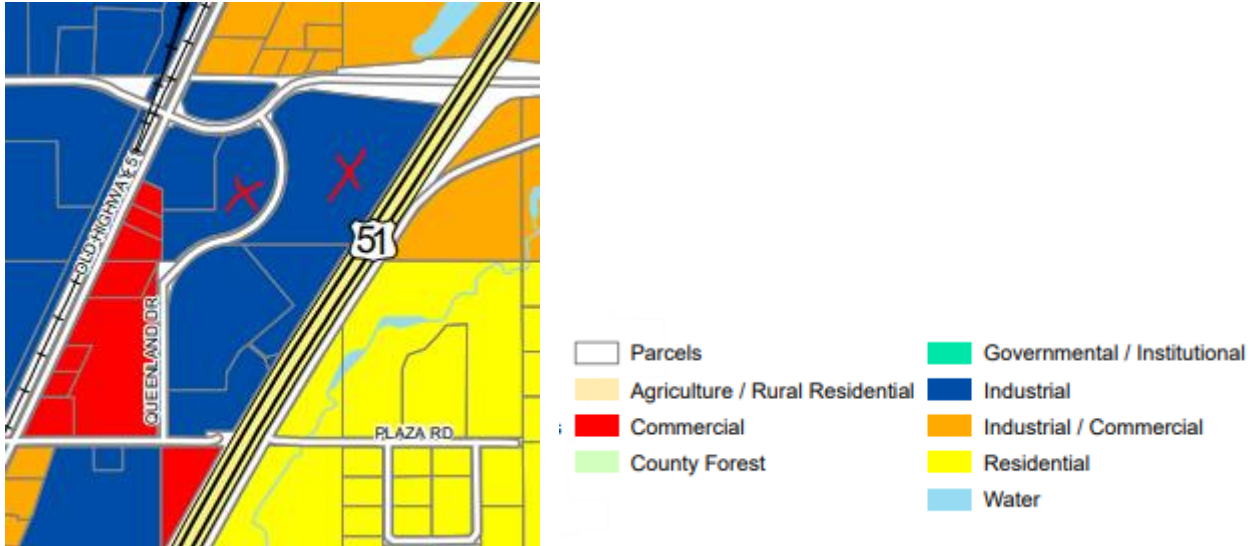
Map 1: Location Map
(Source Data: Village of Kronenwetter Zoning Map)



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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- FIGURE 2: AREA MAP
- FIGURE 3: WETLANDS & WATERBODIES
- FIGURE 4: FEMA FLOODWAY
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- EXISTING CONDITIONS
- OPERATIONS PLAN
- EROSION CONTROL PLAN
- RECLAMATION PLAN (PARK)
- RECLAMATION PLAN (DEVELOPMENT)
- RECLAMATION PLAN (PASSIVE RECREATION)

ATTACHMENTS

- ATTACHMENT 1: HYDRAULIC DREDGING SCHEMATIC
- ATTACHMENT 2: COMPLETED FORM & APPLICATION FEE
- ATTACHMENT 3: PROOF OF OWNERSHIP

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, RCM 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

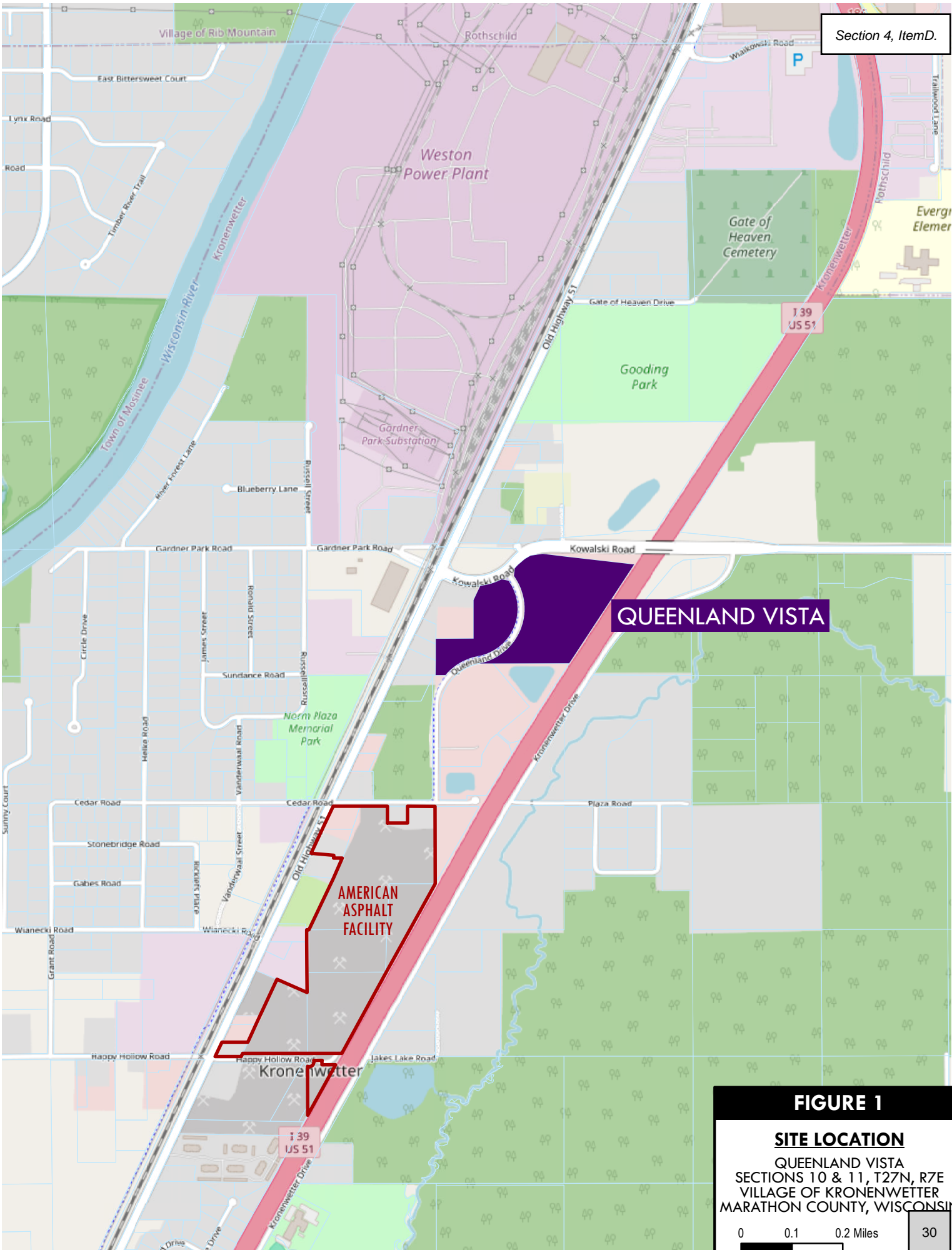
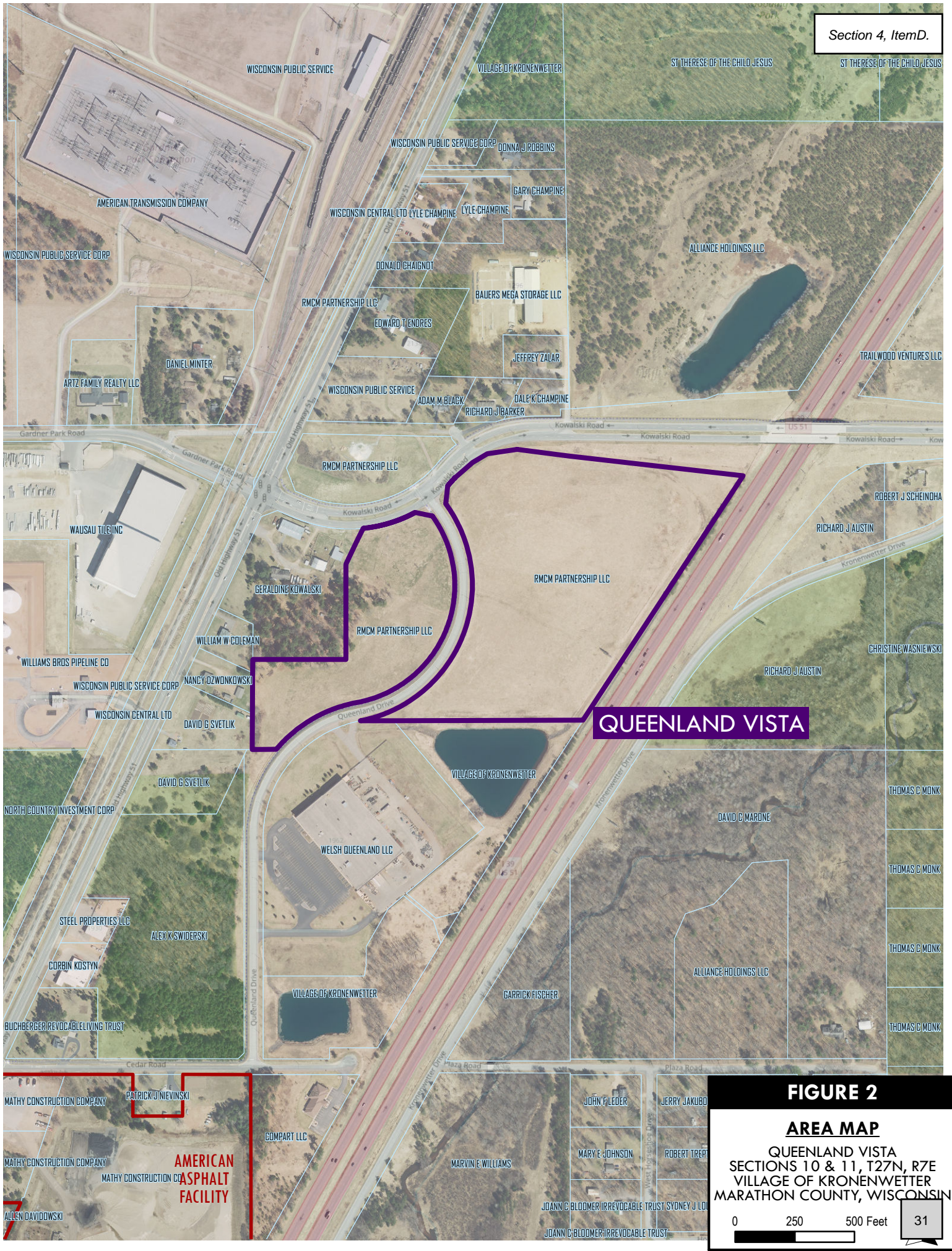


FIGURE 1
SITE LOCATION
 QUEENLAND VISTA
 SECTIONS 10 & 11, T27N, R7E
 VILLAGE OF KRONENWETTER
 MARATHON COUNTY, WISCONSIN

0 0.1 0.2 Miles

30



QUEENLAND VISTA

AMERICAN ASPHALT FACILITY

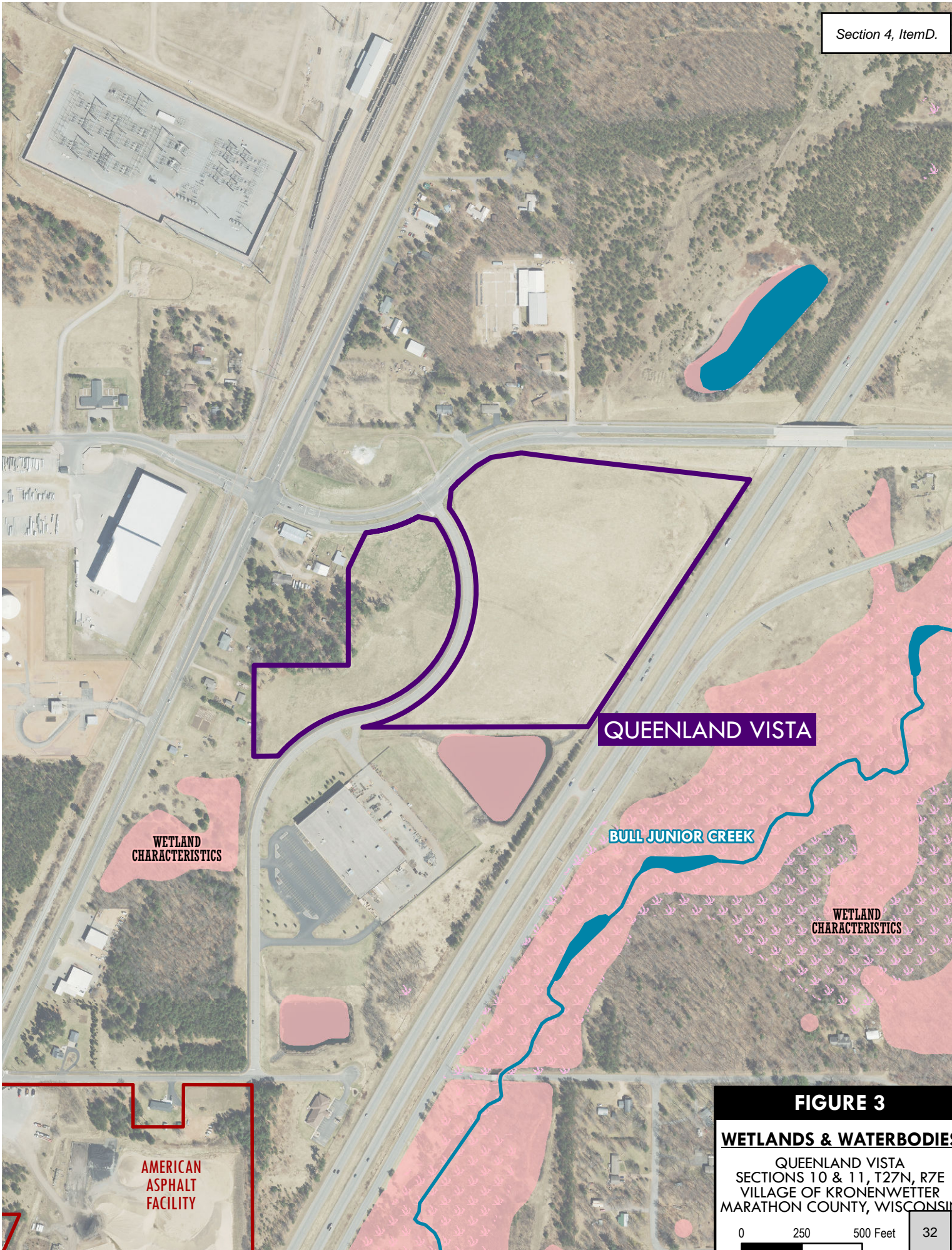
FIGURE 2

AREA MAP

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

0 250 500 Feet

31



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 4, Item D.

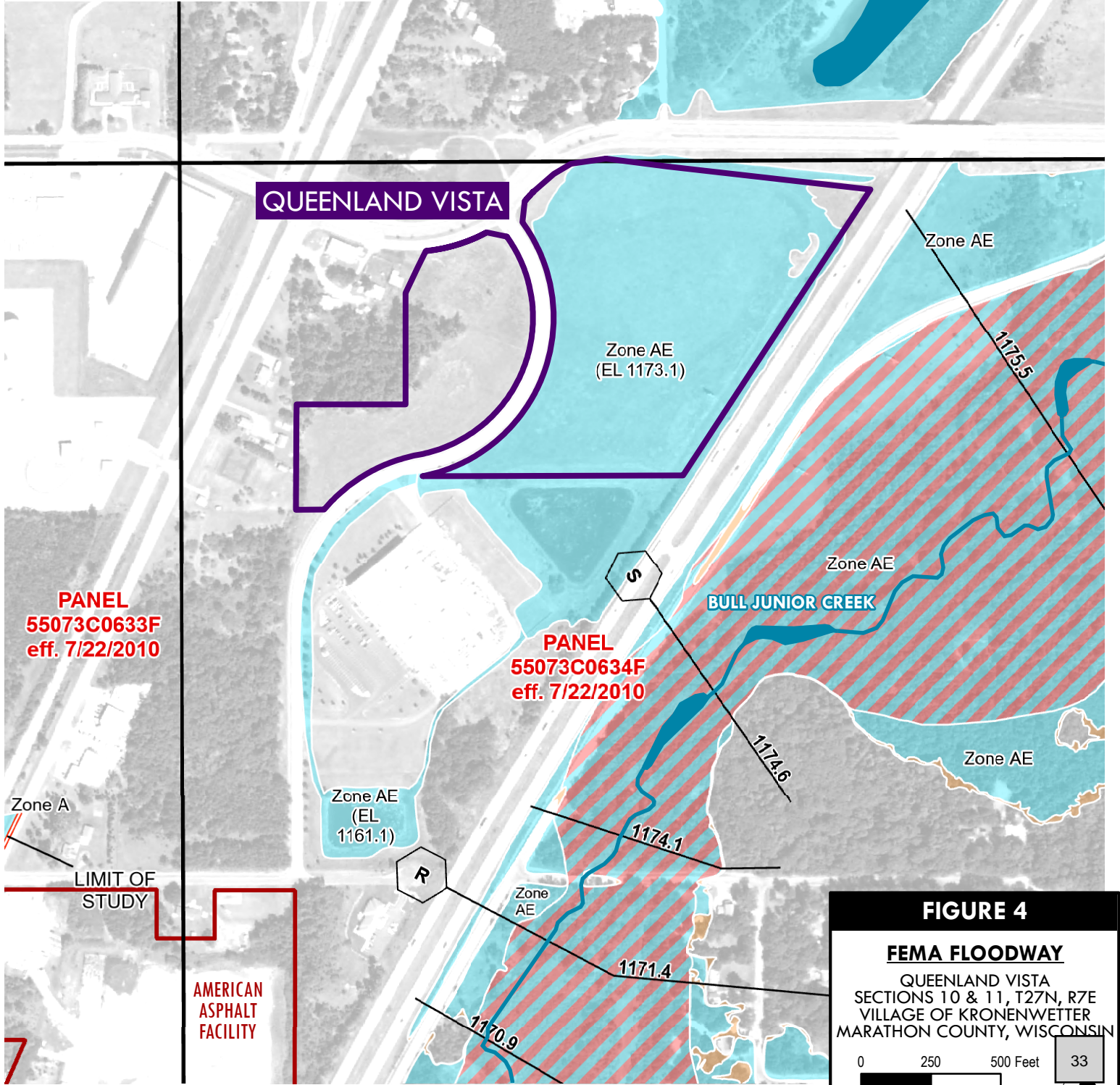
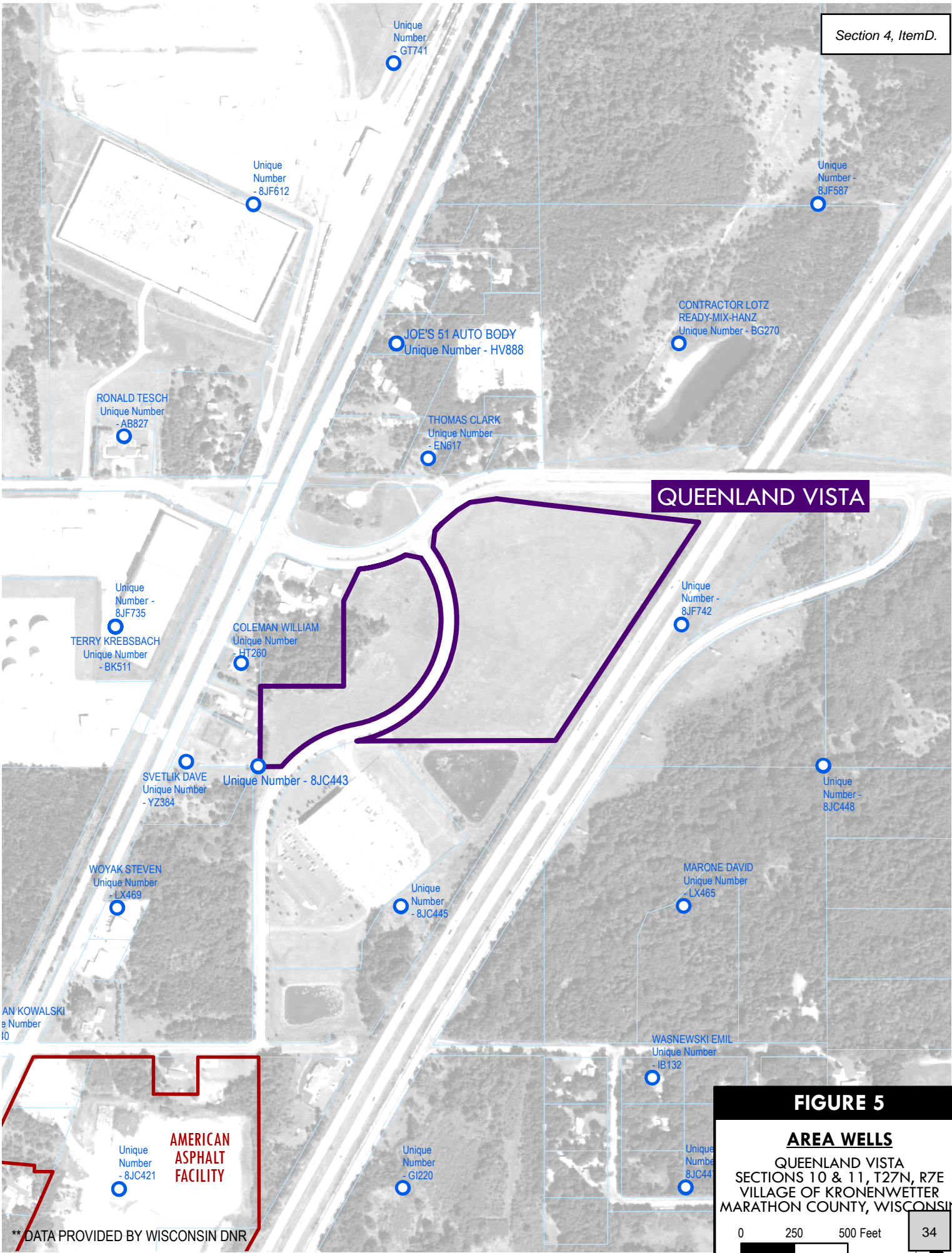


FIGURE 4
FEMA FLOODWAY
 QUEENLAND VISTA
 SECTIONS 10 & 11, T27N, R7E
 VILLAGE OF KRONENWETTER
 MARATHON COUNTY, WISCONSIN

0 250 500 Feet 33



QUEENLAND VISTA

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

0 250 500 Feet

34

** DATA PROVIDED BY WISCONSIN DNR

DRAWINGS







NONMETALLIC MINING CONDITIONAL USE PERMIT APPLICATION VILLAGE OF KRONENWETTER



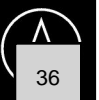
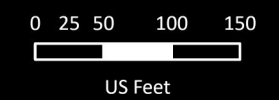
EXISTING CONDITIONS

Queenland Vista

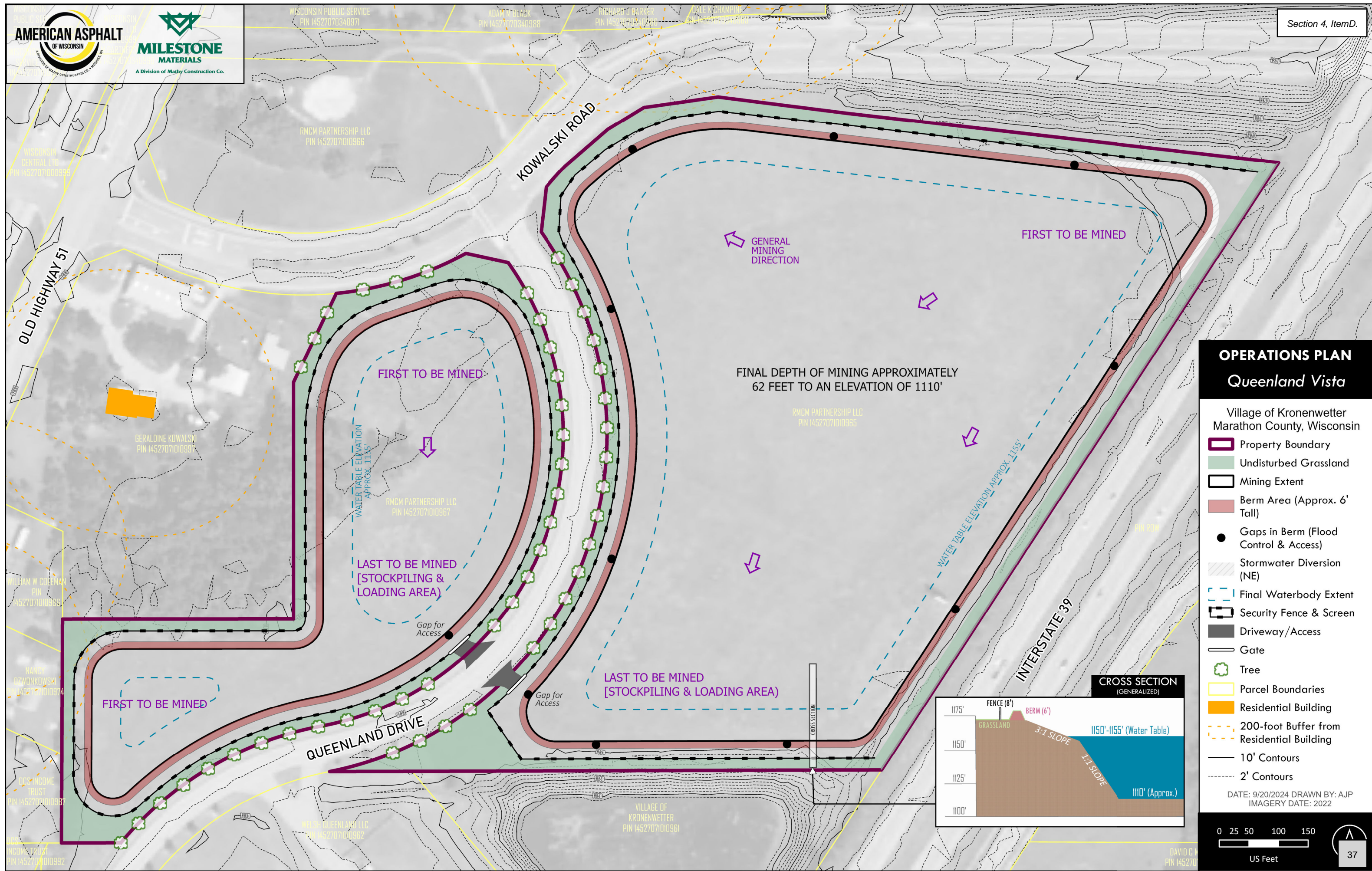
Village of Kronenwetter
Marathon County, Wisconsin

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

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



DAVID C. M.
PIN 14527071010992

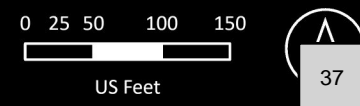


OPERATIONS PLAN
Queenland Vista

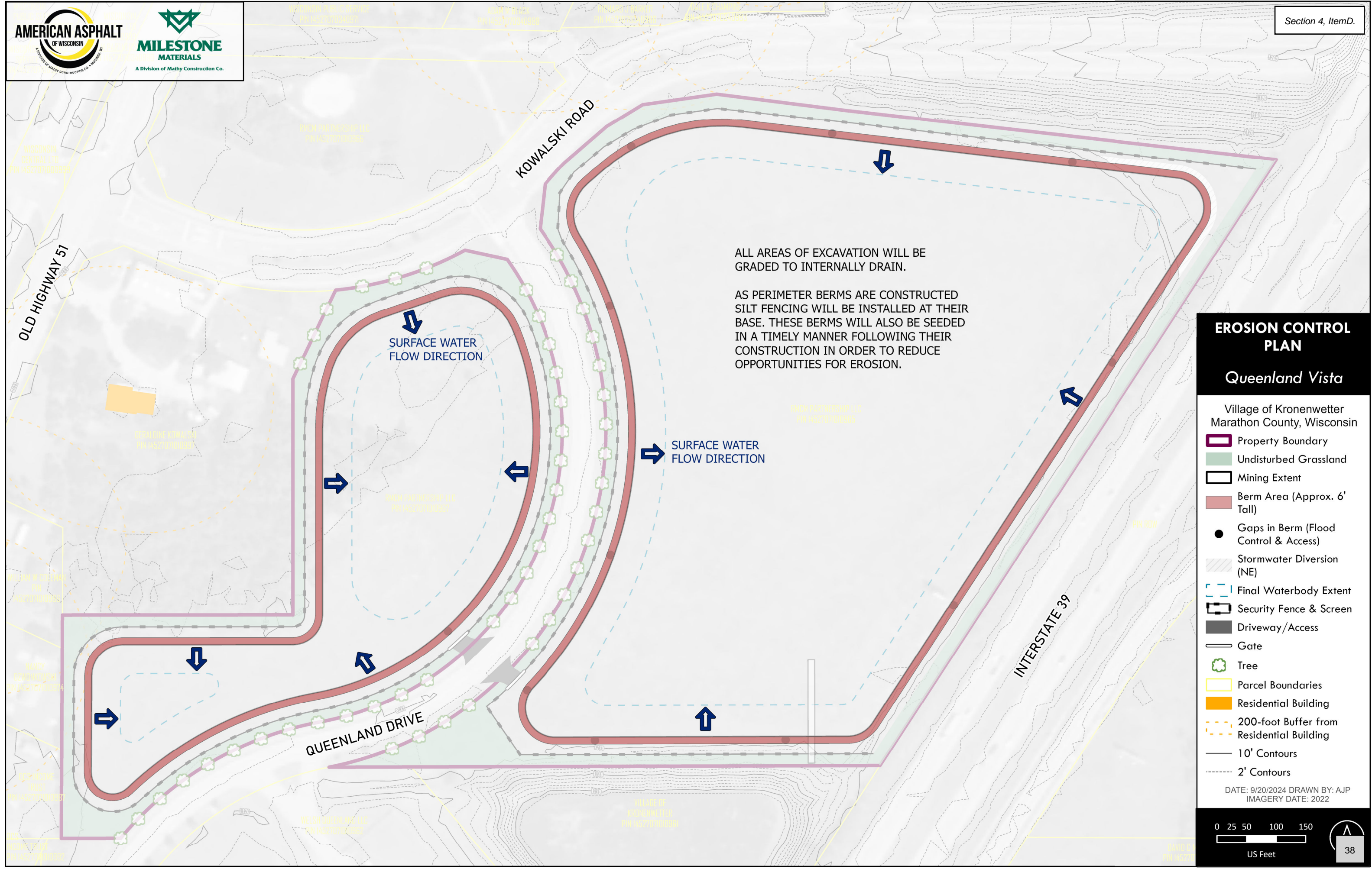
Village of Kronenwetter
Marathon County, Wisconsin

- 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



DAVID C. N.
PIN 145270













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.

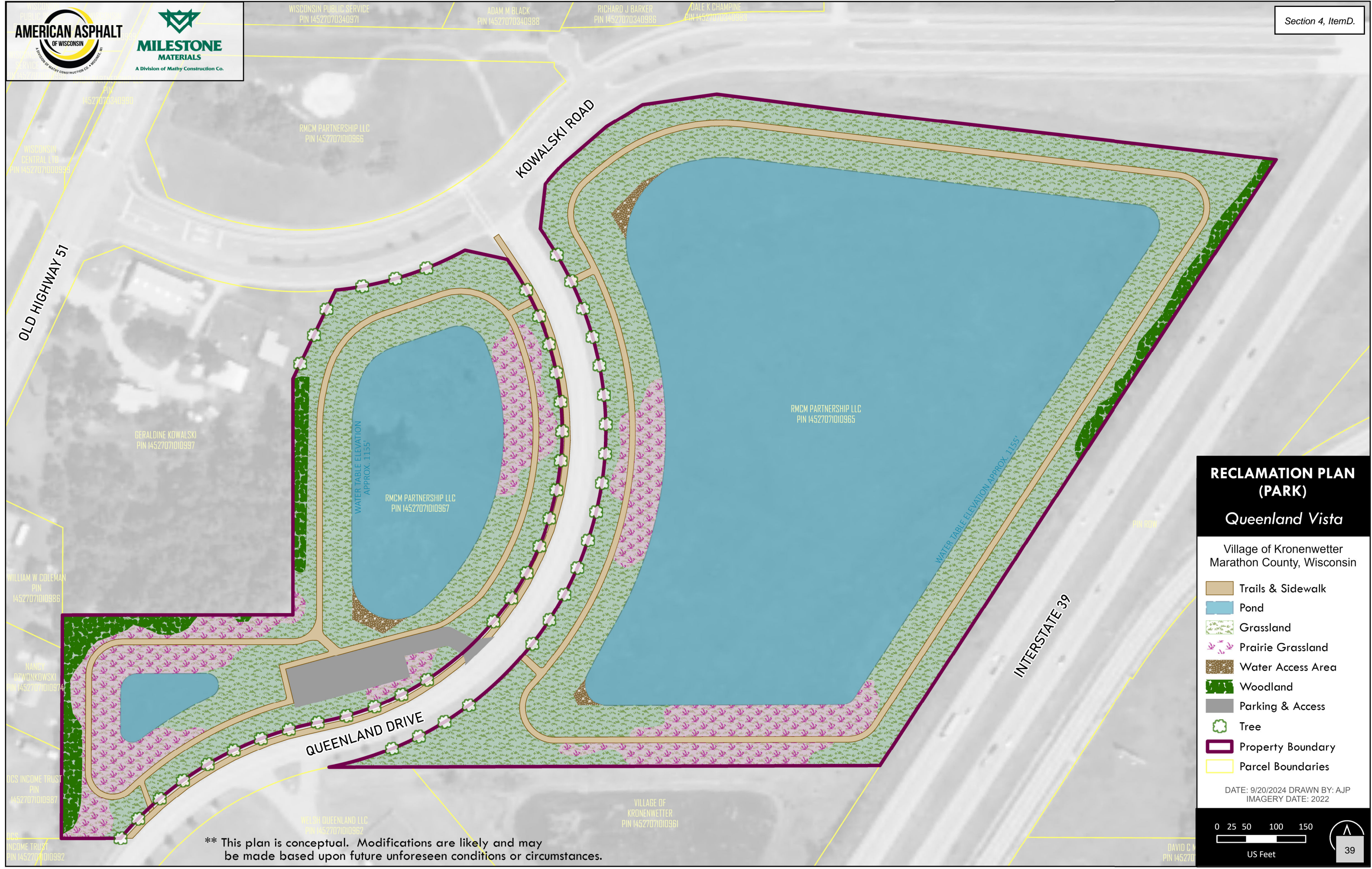
EROSION CONTROL PLAN

Queensland 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



**RECLAMATION PLAN
(PARK)**
Queenland Vista

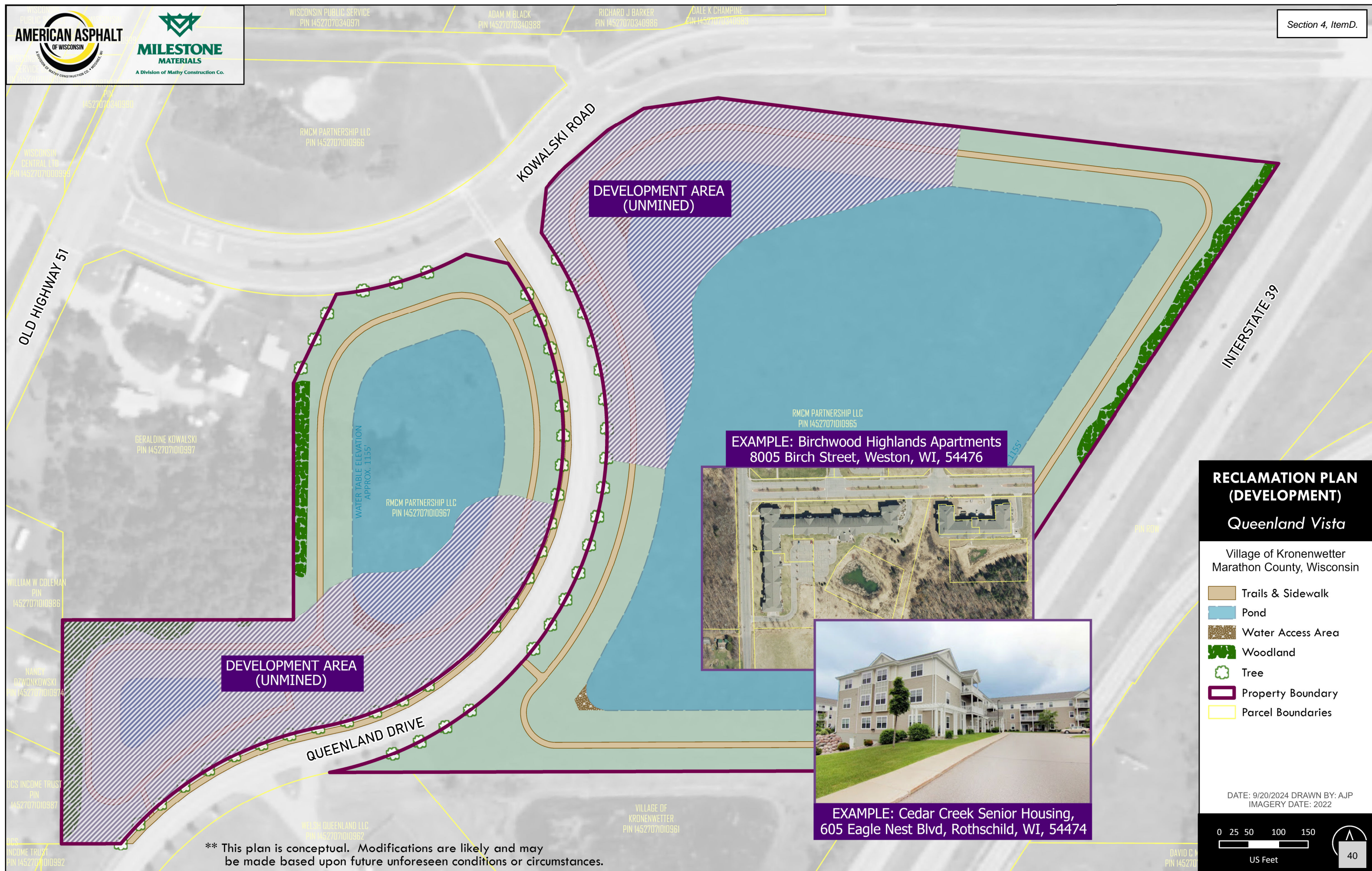
Village of Kronenwetter
Marathon County, Wisconsin

-  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

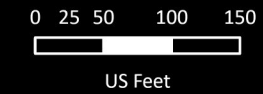
RECLAMATION PLAN (DEVELOPMENT)

Queenland Vista

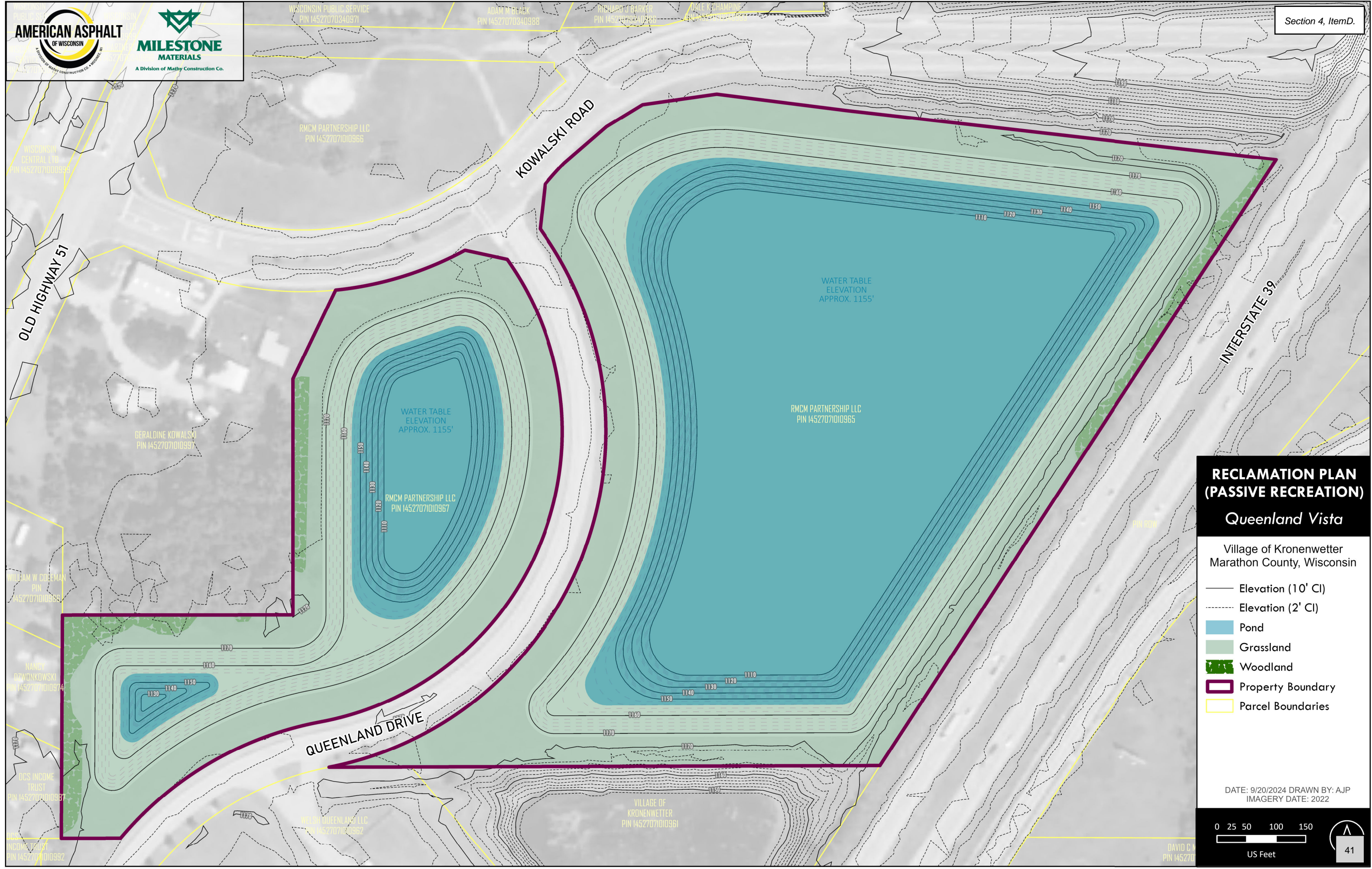
Village of Kronenwetter
Marathon County, Wisconsin

- 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



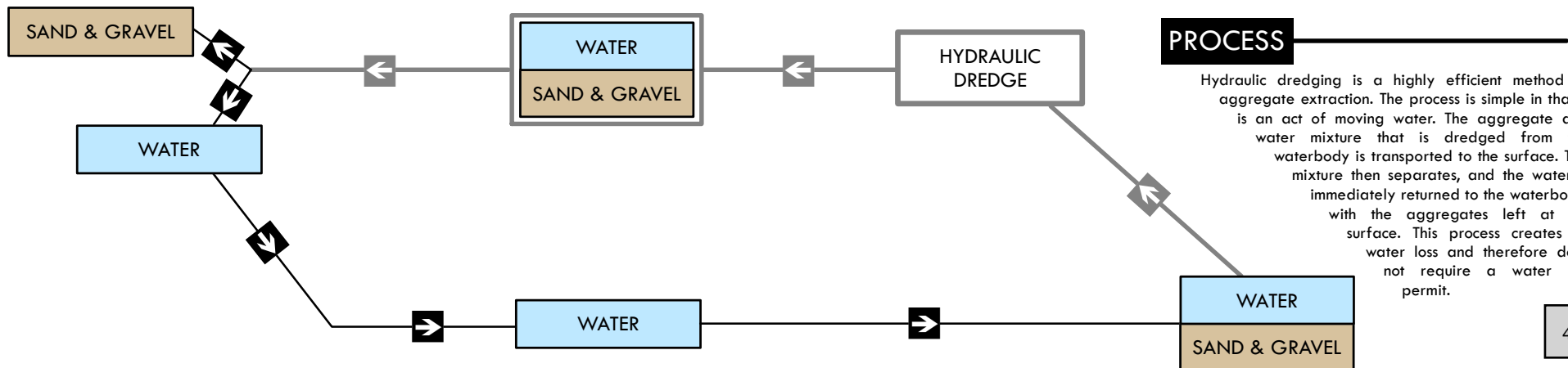
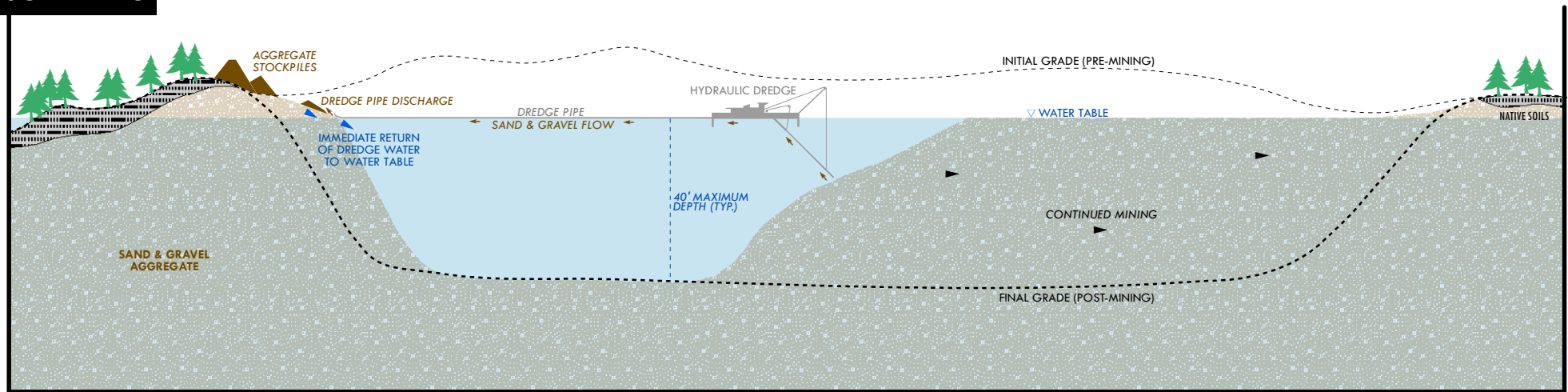
ATTACHMENT 1: HYDRAULIC DREDGING SCHEMATIC

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.

Section 4, Item D.



1582 Kronenwetter Drive
Kronenwetter, WI 54455
715-693-4200
www.kronenwetter.org

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