



PLAN COMMISSION MEETING AGENDA

August 18, 2025 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. ZONING CHANGE REQUEST

HVF Income Trust (Dale Folwarski), 1756 E. State Highway 153, Kronenwetter, WI, 54455, Request rezone from AR (Agricultural and Residential) to RR-5 (Rural Residential 5). The 47.58-acre parcel (1756 E STATE HIGHWAY 153) will be divided to create a 5.055-acre parcel and a 42.52-acre parcel. Parcel Identification Number: 145-2707-253-0993. Legal description of the subject property: SEC 25-27-07 W 1/2 W 1/2 E 1/2 SW 1/4 & E 1/2 W 1/2 SW 1/4 EX VOL 578M-975/HWY EX N 460' THRF

D. ZONING CHANGE REQUEST

David and Lois Pelot, 3225 Martin Road, Kronenwetter, WI 54455, requests a zoning change from RR-5 (Rural Residential 5) to RR-2 (Rural Residential 2). The 9.59-acre parcel (3225 Martin Road) will be divided to create a 6.57-acre parcel (Lot 1) and a 3.021-acre parcel (Lot 2), located at 3225 Martin Road, Kronenwetter, WI, 54455. Parcel Identification Number: 145-2708-091-0989. Legal description of the subject property: SEC 09-27-08 PT OF NE 1/4 NE 1/4 - LOT 1 CSM VOL 83 PG 15 (#17358) (DOC# 1711450).

3. CLOSE 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- DISCUSSION AND POSSIBLE ACTION

6. REPORTS AND DISCUSSIONS

- E. Community Development Director Report
- F. Review 2017 Wisconsin Act 67

7. OLD BUSINESS - DISCUSSION AND POSSIBLE ACTION

- G. Milestone Materials Conditional Use Permit for a Nonmetallic Mining Operation

8. NEW BUSINESS- DISCUSSION AND POSSIBLE ACTION

- H. Zoning Change Request and CSM - Folwarski
- I. Zoning Change Request and CSM - Pelot
- J. Zero-Lot-Line Residences
- K. Chicken Ownership in the Village (CLIPP)
- L. Review Previously Proposed Changes to § 520-121. - Conditional Use Permits
- M. Review Previously Proposed Changes to § 520-124. - Site Plan Procedures

9. NEXT MEETING: September 15, 2025
10. CONSIDERATION OF ITEMS FOR FUTURE AGENDA
11. 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: 08/15/2025 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

Community Development/Planning and Zoning Director Report

August 18, 2025

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

- Meeting with Surveyor, Engineer and Developer regarding proposed Glacier Meadows Subdivision.
- Movie Under the Stars Event.
- Correspondence with Milestone Materials regarding proposed Non-metallic Mining Operation.
- Correspondence with Appraisers regarding Village owned Kronenwetter Drive parcels.
- Review propose CSM and Rezone 3225 Martin Road.
- Construction Meeting Kronenwetter Drive & Local Roads Rehabilitation Projects.
- Review maintenance and upgrade proposal from Mastec for AT&T's existing telecommunication facility located at 3111 16th Road.
- Review proposed CSM and Rezone on Forest Road. Tax Parcel ID Number: 145-2708-191-0988.
- Correspondence with Realtor regarding vacant lot on the corner of Terrebonne Drive and Plantation Lane.
- Complaints and Correspondence.
- Review proposed CSM and Rezone on Aspen Road. Tax Parcel ID Number: 145-2708-212-0987.
- Review proposed CSM and Rezone on E. Hwy 153. Tax Parcel ID Number: 145-2707-253-0993.
- Research language options to allow chickens on smaller lots within the Village.
- Review proposed Conditional Use Permit application for a second principal building on a parcel zoned RR5- Rural Residential 5.
- Research § 520-27. - Accessory and miscellaneous land use types.
- Research ordinance language requirements for a porch pick up or farm stand in SF – Single Family Residential.
- Review proposed Rezone on Gardner Park Road. Tax Parcel ID Number: 145-2707-034-0972.
- Review ordinance requirements related to storage shed sales.
- Correspondence with Developer regarding available properties in TID 1 and 2.
- Review proposed amendments to Marathon County Chapter 15 – Private Sewage Systems.
- Research available parcels within the Village for the placement of a Single-family detached residence.
- Research and correspondence regarding proposed Office/Contractor Shop and Personal Storage Facility.
- Correspondence regarding possible CSM and Rezone on County Road X. Tax Parcel ID Number: 145-2707-364-0990.
- Correspondence with Realtor regarding buildable area on numerous parcels on Creek Road.
- Review Driveway access, buffer requirements, setbacks and permitted uses for parcel located on Old Highway 51. Tax Parcel ID Number: 145-2707-152-0031.
- Correspondence with Marathon County and Wisconsin DNR regarding manure complaint.
- Correspondence with a Wausau Tile Engineering Manager regarding proposed Slag Silo.

- Meeting with resident regarding proposed Garage and Driveway access at 2077 Prairie Meadow Drive.
- Review proposed rezone on Gardner Park. Tax Parcel ID Number: 145-2707-034-0972.
- Research Village Ordinances and State Statutes regarding Family Disposition of Human Remains on private property.
- Correspondence with U.S. General Services Administration regarding Federal Aviation Administration property. Tax Parcel ID Number: 145-2708-053-0994.
- Review § 520-83. - Fences and landscape walls.
- Research 2017 Wisconsin Act 67.
- Research current Village Ordinances related to Solar Energy Systems.
- Correspondence with Davey Engineering regarding Residential Development in B3-General Commercial.
- Fielded numerous inquiries regarding permitted, conditional and prohibited uses on various parcels.
- Meeting with RPS Engineering regarding Flanner and Jamroz drainage issues.
- Meeting with Developers to discuss challenges related to development on certain parcels within TID #1.



Report to Planning Commission

Agenda Item: 2017 Wisconsin Act 67

Meeting Date: August 18, 2025

Referring Body: Plan Commission

Committee Contact: David Baker

Staff Contact: Peter Wegner, CD/PZ Director

Report Prepared by: Peter Wegner, CD/PZ Director

AGENDA ITEM: 2017 Wisconsin Act 67

OBJECTIVE(S): To provide information regarding the impacts of Act 67 on Conditional Use Permits (CUPs).

HISTORY/BACKGROUND: 2017 Wisconsin Act 67, enacted in November 2017, created a statutory framework that local governments must follow in passing CUP ordinances and granting or denying CUPs.

RECOMMENDED ACTION: Information only.

ATTACHMENTS: Wisconsin Towns Association, "Conditional Use Permits After Act 67: Frequently Asked Questions," "Act 67 CUP Analysis," Department of Planning & Landscape Architecture University of Wisconsin-Madison/Extension, "Conditional Use Permits and the Substantial Evidence Standard," League of Wisconsin Municipalities, "Legislature Curtails Municipal Conditional Use Permit Authority."



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Act 67 CUP Analysis

There has been confusion in how 2017 Wisconsin Act 67 (the Act) generally impacts the conditional use permit (CUP) process. The Wisconsin Towns Association (WTA) published a broad overview of the Act in a magazine article describing the law changes that were implemented. This memo is intended to supplement that article by providing a more in-depth explanation. It will go into more detail regarding what CUP law was, what the law is now, and what that means for CUP ordinance provisions.

CUPs Prior to Act 67

To put the Act into context, it is important to know what courts required of the conditional use permit process prior to Act 67. Before Act 67 most of the CUP framework came from court made law as no statute directly related to CUPs.

There are three basic types of use designations in a zoning ordinance: permitted, prohibited, and conditional. Permitted uses are allowed by right under a zoning ordinance. For example, a parcel of land zoned for commercial use that complies with the zoning ordinance is entitled by right to obtain a building permit. Conversely, a prohibited use means a person may not use the property for certain purposes (e.g., opening a business in a residential zone where commercial uses are prohibited). Conditional uses are a hybrid between permitted and prohibited. A conditional use requires special permission to use property in a certain manner in a particular zoning district. As part of the process to obtain permission, the local government can apply conditions upon the use of that property because it is not permitted by right. For example, a residential zone may have a daycare center as a conditional use. That means the property owner can operate the daycare center if they get permission from the local government and agree to all of the conditions attached to a permit, which is called a conditional use permit (CUP).

Prior to Act, 67 local governments could create individual CUP requirements based on their broad zoning authority. For example, previously there was not a public hearing requirement for CUPs, even though many municipalities chose to have one. There was also no set procedure on how to handle CUP applications except for local rules. Procedurally, a local government would typically require an application for a CUP, hold a public hearing, then either approve or deny the CUP. Act 67 established procedural requirements in statute, including the need for a public hearing.

Despite broad procedural discretion by the local government prior to Act 67, legal standards and burdens that had to be followed and met by the local government were already created by the courts before the new law. When reviewing local government CUP decisions, courts evaluated: 1) whether the board kept within its jurisdiction; 2) whether the board proceeded on a correct theory of law; 3) whether its action

was arbitrary, oppressive or unreasonable and represented its will and not its judgment; and, 4) whether the evidence was such that the board might reasonably make the decision in question. *Edward Kraemer & Sons v. Sauk County Board of Adjustment*, 183 Wis. 2d 1, 515 N.W. 2d 256 (1994).

The Wisconsin Supreme Court gave local governments broad authority to enact CUP ordinances and establish criteria that guided the decision making process. In one such case, *Edward Kraemer & Sons v. Sauk County Board of Adjustment*, 183 Wis. 2d 1, 515 N.W. 2d 256 (1994), a mining company challenged the denial of a CUP on the theory the county could only use objective and specific criteria in its decision making process. The county had a CUP ordinance that directed its board of adjustment to consider criteria, such as, whether or not the project was a wise use of county resources, or how it impacted the public health, safety and welfare. In this case, the court was tasked to determine if the permit denial satisfied the second element of the aforementioned four part analysis, that being whether the county applied the correct theory of law. The Court ruled in favor of the county, finding broad CUP criteria created by the county board was valid, and the county zoning board had to consider the criteria when evaluating the permit. Therefore the zoning board could properly base its denial on the impact to the public health, safety, and general welfare. For example the board could consider potential health hazards created by the proposed mine, or “the generalized effects on the public welfare...that would result from partial destruction of a natural area that...is of great geological importance.” *Kraemer*, 183 Wis. 2d, 1, 11. The court made clear that generalized standards were acceptable in CUP ordinances.

Historically, one of the most common challenges to a CUP denial has dealt with the fourth element of the court created test, that being whether the evidence was such that the board might reasonably make the decision in question. This became known as the substantial evidence test.

Defining substantial evidence is no simple task. Decades of case-law has formulated some basic tenets of substantial evidence. The Wisconsin Supreme Court recently re-iterated that “[s]ubstantial evidence is evidence of such convincing power that reasonable persons could reach the same decision as the local governmental entity, even if there is also substantial evidence to support the opposite decision.” *AllEnergy Corporation v. Trempealeau County Environment & Land Use Committee*, 2017 WI 52, ¶75, 375 Wis. 2d 329, 895 N.W.2d 368. The board may draw reasonable inferences from credible evidence. *Id.* If credible, relevant and probative evidence upon which reasonable persons could rely to reach a decision supports the decision of the local government, the court will uphold that decision. *Id.* A decision is not supported by substantial evidence if it is based on uncorroborated hearsay alone. *Id.* at ¶81.

To put substantial evidence into context, it is less than a preponderance of evidence (a more likely than not standard), but more than a mere scintilla of evidence. Put another way, the evidence cannot be based on conjecture and speculation. *Id.* at ¶76.

In applying the substantial evidence test, the court defers to the decision of the local board, granting it a presumption of correctness. In fact, in cases where evidence could support either a denial or approval of a permit, the court will defer to the local government. Further, the court does not reweigh evidence and try to perform the function of the board. It looks at the record as whole and considers the context of the evidence in determining whether it supports the local government’s decision. *Id.* at ¶89. Importantly, the burden is on the applicant to show it satisfied the criteria for a permit.

The *AllEnergy* case, decided in 2017, provides a useful example of how the courts have applied this test. This case involved a proposed sand mine in Trempealeau County. The land use committee denied AllEnergy's CUP request to open a sand mine in the Town of Arcadia. AllEnergy sued, alleging substantial evidence did not support the permit denial. The county ordinance required the committee to consider the public health, safety, and general welfare; the wise use of natural resources; aesthetics; the market value of land; and, the legitimate interests of properties in the vicinity. The land use committee denied the permit for three primary reasons: 1) the mine raised environmental concerns; 2) the mine would change the landscape and have adverse effects on wildlife and recreational opportunities for residents and tourists; and, 3) the mine raised health concerns and would result in changes in local culture and conditions.

At the public hearing for the CUP, dozens testified opposing the mine. Those testifying raised concerns that the mine would endanger a Class II trout stream. One person explained that a report noted the stream was on the verge of no longer being able to sustain healthy trout populations due to runoff, and drainage from the mine would cause further damage. Another resident testified that building the mine on wetlands next to the stream would increase flooding on the river, which was already prone to flooding. A different resident testified that a neighboring mine had caused numerous water quality problems, such as sand in drinking water, and increased costs for water testing.

Others testifying at the hearing raised concerns regarding the impact to landscape, wildlife, and recreation. One email submitted said the mine would impact the habitability of the wetland area for various species of waterfowl. Residents also testified about the aesthetic degradation caused by other mines in the area. Others stated that residents would see lower property values.

People who lived near existing mines provided anecdotal evidence concerning health issues that arose, and professionals entered evidence about various health risks with air and water quality.

The court ruled in favor of the county's denial of the CUP. It found testimony submitted at the public hearing provided substantial evidence to support the decision. Even though AllEnergy had experts that provided conflicting evidence, the court deferred to the judgment of the local government and would not reweigh the evidence.

There are a few key takeaways from this case. The first is how much deference a court will give to a local decision making body. It is somewhat similar to Board of Review in that the local body is presumed correct. Only if there is no probative evidence rationally related to the decision will courts overturn permit denials. The second key takeaway is the type of evidence that is available to local bodies. Testimony and written letters or emails are valid as long as they rationally relate to the reason for denial. For instance the board in this case could not have denied the permit based on environmental concerns if no one had provided any evidence about environmental impacts. Thus the testimony must relate to an ordinance criteria and the reason for denial.

CUPs After Act 67

CUP law after Act 67 shares many similarities with law prior to this legislation. Indeed in many instances Act 67 codified already existing court made CUP law.

The Act specifically defines what a conditional use means. It is defined as a conditional use permit, special exception, or other special zoning permission issued by a local government, but does not include a variance. This is unchanged from prior law.

The substantial evidence standard now defined in statute as a result of Act 67 is also the same as prior law. The Act specifically defines substantial evidence as “*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.*” This language codified the substantial evidence standards applied in *AllEnergy*. This means the substantial evidence analysis explained above will continue after Act 67.

Interestingly, the Act also places the substantial evidence burden on the applicant to show it will meet all conditions and requirements of the ordinance. The applicant must provide substantial evidence that every requirement and condition will be satisfied. For the local government, all conditions placed upon a permit must be related to the purpose of the zoning ordinance and based on substantial evidence. Substantial evidence must also support denials of CUPs by local government.

If the local government approves a CUP it may attach conditions to the permit. As stated above, those conditions must be related to the purpose of the ordinance and based upon substantial evidence. Further, the local government can place conditions related to the duration, transfer, or renewal of the permit. If the applicant, with a showing of substantial evidence, meets, or agrees to meet, all requirements and conditions imposed by the local government, the CUP must be approved. But again, the burden is on the applicant to show through substantial evidence that they will meet the conditions. If substantial evidence shows they will not meet the conditions imposed, the permit can be denied.

The conditions imposed by the local body must also be “*reasonable, and, to the extent practicable, measurable*”. Generally, zoning ordinances stem from the police power, or the ability to create ordinances in furtherance of the public health, safety, or general welfare. This Act specifies that CUP ordinance provisions and requirements must be “*reasonable, and, to the extent practicable, measurable*”. “Reasonable”, although not defined, is a broad term that is deferential to local governments. Any ordinance requirement generally related to the police power could be considered “reasonable”.

The qualifier, “to the extent practicable”, is important to determining the meaning of this language. By adding this language, the legislature expressed its intent to have subjective requirements in CUP ordinances, when purely objective requirements cannot be crafted. Measurable requirements may not always be possible, which is why the legislature used this language. Standards, such as, preserving the public health, safety, and general welfare are still valid under Act 67. The ordinance can still have these broad, subjective criteria, but certainly more emphasis will be placed on having specific conditions implementing those requirements. Aesthetic requirements can also have both subjective and objective components. Similarly, more emphasis will be put on whether or not a local government created specific requirements that were as objective as possible as measured by the standard “to the extent practicable, measurable”.

Additionally, the Act created a uniform procedure for CUPs. Once a person files a completed application, the local government must hold a public hearing on the application. The local government must publish a class 2 notice under chapter 985 to meet the notice requirements for the public hearing.

Considerations After Act 67

Local governments will need to critically evaluate their CUP ordinances after passage of the Act. The WTA still highly recommends using CUPs. They are a valuable planning tool and are great for managing uses that may have negative externalities. Oftentimes local governments will state that a conditional use exists in every zone that has a specific permitted use. For example a conditional use might exist in all agricultural zones. After Act 67 it may behoove local governments to analyze whether that is the best planning system. Local governments should look at every district and decide if it truly wants conditional uses allowed in those zones. For example, if there is an area that is important to tourism for its scenic beauty, the local government may not want to have a conditional use for mining around that location. This will also require analyzing the comprehensive plan to ensure use designations are consistent.

Ultimately, local governments will have to weigh the advantages and risks of the many zoning options available to them. The WTA believes CUPs are still a valuable zoning tool that should not be abandoned because Act 67 mirrors prior law in many respects. Some local governments may decide to reduce the number of conditional uses permitted within their jurisdiction and shift to conducting rezones. This is another strategy that also carries with it some advantages and disadvantages. Conducting rezones will lead to more procedural requirements that must be fulfilled. Comprehensive plans may need to be updated with rezoning of properties. Utilizing this strategy could also reduce the control local governments have over the property since it is illegal to “contract zone”. In other words the local government cannot contract away its legislative function, or sign an agreement based on a rezoning. On the other hand, rezonings are legislative decisions, which means these types of decisions receive even more deference from courts. Local governments will have to weigh these risks when choosing how to implement their community/development plans.



Legislature Curtails Municipal Conditional Use Permit Authority

Daniel M. Olson, Assistant Legal Counsel, League of Wisconsin Municipalities

The Wisconsin legislature enacted major changes to local zoning authority laws in 2017 that were urged and promoted by developers but described by its legislative supporters as a “homeowners” bill of rights. Nonetheless, the laws passed and the governor signed them. Significantly, the most important change to municipal land use powers included in the legislation, 2017 Wisconsin Act 67, impacts the conditional use permit (“CUP”) authority of all local governments, including cities and villages.

Conditional Use Background

Zoning is a regulatory system designed to proactively improve the quality of land use patterns in communities and supplant the inefficient, expensive, and reactive nuisance litigation morass of the 19th century. These goals are typically accomplished by grouping compatible land use activities into zoning districts, which diminishes the negative impacts from incompatible uses.

Within the districts, certain land uses are deemed unlikely to adversely affect other uses in the district and are permitted without review. Other land use activities are only allowed as conditional uses in zoning districts even though they may be beneficial because they carry a high risk of negative external impacts on adjoining properties, neighborhoods or the whole community. These less compatible and less desirable land uses are commonly allowed only after individualized review by a zoning authority and subject to conditions designed to decrease the potential adverse impacts.

The traditional CUP system of the last 75-plus years provided cities and villages

with critical flexibility to accommodate risky land uses but protect the property values and investments of adjoining property owners, neighborhoods, and the whole community. The legislative changes to city and village CUP authority attacks that balance of interests by making the CUP decision process rigid and less able to protect other property owners and communities from the negative impacts of land uses traditionally categorized as conditional uses. A CUP system is now a much less desirable land use planning and regulation tool that cities and villages might reasonably abandon altogether.

CUP Authority Changes

The Municipality published an article exploring the scope of CUP authority in 2008. See *Zoning 495*. Much of that article is still relevant and important to a full understanding of CUP authority in Wisconsin. However, the 2017 CUP law changes, a reaction to the Wisconsin Supreme Court’s 2017 decision in *AllEnergy v. Trempealeau County*, 2017 WI 52, 375 Wis. 2d 329, 895 N.W.2d 368, substantially altered CUP authority in several critical areas.

First, the law amends the zoning enabling statute to specify that any CUP “condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.” Wis. Stat. §62.23(7)(de)2.a. It also mandates that CUP requirements and conditions “must be reasonable and, to the extent practicable, measurable” Wis. Stat. §62.23(7)(de)2.b. These new obligations are problematic.

Prior to the change, general non-specific CUP requirements in zoning ordinances were reasonable and, thus legally permissible. Now, they must be based on substantial evidence and, where practicable, they must be measurable to be reasonable.

One challenge will be creating reasonable CUP requirements that are meaningful. Drafting an ordinance with reasonable requirements to govern the likely as well as all possible contingencies relating to a conditional use will be a very difficult task. A meaningful requirement that is legally reasonable in one circumstance may likely be unreasonable in another. That is due to the nature of conditional uses; their impacts vary based on location, which is why they were not classified as permitted uses in the first instance.

And, what should zoning officials make of the “substantial evidence” and “measurable” requirements? Must adoption or amendment of CUP ordinances be accompanied by a record that satisfies the substantial evidence threshold? Assuming we can figure out what “to the extent practicable” also means, how measurable does a CUP requirement have to be to comply with the new law? There are no answers to these questions in the statute and, the courts, through costly litigation, will likely be the only authority that might satisfy a disgruntled developer.

Second, what qualifies as substantial evidence – the information an administrative body is allowed to rely on in reaching its decision – is now defined by statute instead of case law. “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.” Wis. Stat. §62.23(7)(de)1.b.

While similar to what the substantial evidence test was, *see AllEnergy*, 2017 WI 52 at ¶ 76, it is clear that the change was enacted to try and limit the type of information a zoning authority can rely on in deciding whether to grant a CUP. It must not only be facts and information instead of personal preferences or speculation, but those facts and information must “directly pertain” to the requirements and conditions in the zoning ordinance or established by the zoning board.

It will be impossible to confine public hearing testimony from citizens to

only facts and information that directly pertains to CUP requirements and conditions. Most people do not have the kind of legal training or experience to provide wholly objective testimony at an informal zoning hearing. When this happens, are members of the zoning board legally permitted to redirect the testimony of the citizen without being challenged by the applicant as impermissibly biased? That is just one impact of the substantial evidence requirement.

The language prohibiting reliance on speculation for substantial evidence is another problem area. CUPs are inherently uses with higher risks of negative impacts on other uses. But, the negative impact varies from location to location. Therefore, is evidence about decreased property values or other negative impacts associated with a similar use at a different location speculation or

non-speculation about probable impacts at the proposed location?

Third, the city and village zoning enabling statute was amended to specify that “if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city *shall* grant the conditional use permit.” Wis. Stat. §62.23(7)(de)2.a. (emphasis added). This language embraces a minority zoning legal theory the Wisconsin Supreme Court rejected in *AllEnergy* that “where a [CUP] applicant has shown that all conditions and standards, both by ordinance and as devised by the zoning committee, have been or will be met, the applicant is entitled to the issuance of a permit.” *AllEnergy*, 2017 WI 52 at ¶119.

Adding this legal principle to Wisconsin zoning law shifts the legal burden from

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a CUP applicant to the municipal governmental body responsible for making the CUP decision. The municipality must establish a permit requirement or condition by ordinance or develop conditions that are based on substantial evidence provided at the hearing. The burden shifting limits the effectiveness of the entire CUP review process and moves CUPs much closer to permitted use status than might be desirable in most circumstances.

As already noted, the pre-hearing ordinance requirements are likely to be watered down and less meaningful in order to survive a reasonableness challenge since they will apply to all proposed CUPs that have highly variable impacts based on location. This will make CUP applications much harder to deny.

Public officials do not welcome zoning litigation. It is inefficient and costly. So, even assuming that they will have a solid understanding of substantial evidence, zoning board members will be very cautious with their authority to impose CUP conditions based on substantial evidence introduced at the zoning hearing. Again, the burden shifting will make CUP applications much more difficult to deny.

Could a CUP applicant preempt the entire CUP process by simply promising full compliance when he files the CUP application? Probably not because a public hearing is mandated and the zoning board is vested with some authority to impose conditions that are based on substantial evidence after the public hearing and before granting a permit. However, as long as the CUP applicant agrees to abide by all the requirements and conditions, zoning board discretion is nullified and it must grant the CUP.

Responding to the Changes



The legislative changes did not reduce the adverse impact risks associated with conditional uses for adjoining properties, neighborhoods, or communities. The risks are still present and, absent a

municipal response, are now even greater given the reduced ability to address those negative externalities. So, cities and villages should consider their options given the new legislative restrictions on their CUP authority.

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Cities and villages can start with the knowledge that they are not legally required to have conditional uses in their zoning codes. Moreover, in most cases, the legislative decision by a city council or village board to include or not include a particular land use in a zoning district is essentially immune from legal challenge. The legislature may have severely curtailed city and village authority to deny a CUP request but it did not have any impact on city council or village board legislative discretion to classify land uses as conditional or permitted or determine how many, if any, conditional uses a city or village should have in a particular zoning district. So, one legally permissible response to the new laws might be elimination of all existing conditional uses in zoning districts or limiting them to a very select group of low-risk uses.

With the new laws, the legislature eliminated much of the prior legal authority cities and villages used to accommodate conditional uses while protecting property interests of adjoining landowners, the stability of neighborhoods, and the well-being of the whole community. Unless a city or village is willing to accept a conditional use in a zoning district – with much less ability to guide when and where it exists – then

eliminating them altogether or greatly reducing their availability is a reasonable and legally permissible response.

In addition, cities and villages will need to closely examine their existing conditional use permit requirements set by ordinance. As noted above, they must be reasonable, related to the purpose of the ordinance and, to the extent practicable, measurable. Thus, general requirements for CUPs commonly found in existing zoning ordinances are now suspect and subject to legal challenge. Instead, revised requirements should be information-based. In addition, a city or village will need to show that revised requirements are measurable, unless impracticable. And, if impracticable, they will need to be able demonstrate why.

Conclusion


Conditional use zoning permits have been commonly used by cities and villages to allow riskier land use activities in zoning districts subject to review and conditions. 2017 Wisconsin Act 67 substantially altered the CUP review and condition authority cities and villages have used for the last 75 years. The status quo for conditional uses in Wisconsin has changed dramatically. Cities and villages must now decide how they will respond to these changes. Revisions to CUP requirements in zoning ordinances

will be necessary. A thorough review of conditional use designation and inclusion in zoning districts is also warranted.

Zoning 523

About the author:

Daniel Olson is the Assistant Legal Counsel for the League. He provides legal assistance to municipal attorneys and officials through telephone inquiries, written opinions and briefs, workshop presentations, and published articles. He also assists in writing League handbooks and planning the Municipal Attorney's Institute. Daniel joined the League staff in 2001. Contact Daniel at danolson@lwm-info.org



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Conditional Use Permits After Act 67: Frequently Asked Questions

Recently, Wisconsin enacted legislation that impacted conditional use permits (CUP). 2017 Wisconsin Act 67 (the Act) created a statutory framework that local governments must follow in passing CUP ordinances and granting or denying CUPs. The legislation has prompted numerous questions for local governments and in the planning and legal professions. To help local governments navigate this legal landscape, the Wisconsin Towns Association (WTA) created this Frequently Asked Questions document to communicate the legal impacts and place them in the proper context. We have also authored a more detailed legal analysis entitled “Act 67 CUP Analysis.”

What is a Conditional Use Permit?

The Act created a definition for conditional use. It is defined as a “*use allowed under a conditional use permit, special exception, or other special zoning permission...but does not include a variance.*” There was not a statutory definition for a CUP prior to Act 67; however, this definition is consistent with how CUPs were previously used and implemented. The Act simply codified how local governments were already handling CUPs.

What is the procedure for issuing CUPs under Act 67?

The procedure for issuing CUPs under the Act is fairly straightforward. Once the local government receives an application for a CUP it must hold a public hearing on the application. The local government must provide a class 2 notice under chapter 985 of the Wisconsin statutes (meaning publishing the notice in the newspaper twice or posting in 3 places for 2 weeks). After the public hearing the local government must either approve or deny the permit application.

Did Act 67 Invalidate My Zoning Ordinance?

The Act did not invalidate zoning ordinances. Zoning ordinances stem from the police power, or the ability to pass ordinances in furtherance of the public health, safety, or general welfare. They identify what land uses are allowed by right or conditional in a “zone”. If they are neither allowed nor conditional they are presumed prohibited. The Act simply added statutory requirements for the CUP review process that primarily existed in case law. While the applicable standards existed in case law, given this codification, it may be useful for local governments to review the CUP related portions of their zoning ordinances to make certain they are consistent with statutes.

What was codified?

In addition to adding a definition of CUP to the statutes, Act 67 codified prior law in regards to the 1) substantial evidence test, or in other words the standards local governments apply in their decision making, and 2) the scope of ordinance requirements and permit conditions.

What is this substantial evidence test?

Act 67 requires local governments to base their CUP determinations upon “substantial evidence”. This was a requirement prior to Act 67, so this is not a law change. The Act defines substantial evidence as “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.” Although this definition sounds like a high bar, it is in fact deferential to local governments. Evidence presented at a public hearing could support approval and denial, and the courts will generally defer to the local decision in those instances. The evidence does not even need to show that it is more likely than not that the local requirements cannot be met. It is simply whether a reasonable person could reach the same conclusion as the local body. As long as the local decision relied upon probative and credible evidence, the decision will be upheld by courts.

Is it true that Act 67 eliminated the ability to use public comment?

This is a question many people have asked about Act 67. This Act did not eliminate the role of public comment. In fact the role of public comment is unchanged from prior law. Local governments are required to hold public hearings on CUPs under Act 67. The substantial evidence standard is linked to the public testimony at these hearings. Included in the Act’s definition of substantial evidence is a prohibition from considering “merely personal preference or speculation” as evidence. This was the case prior to Act 67 because substantial evidence has always been a requirement for approval or denial of a permit. Prior to Act 67 uncorroborated hearsay could not be the sole reason for a denial prior to Act 67 either. There was always a requirement that facts and information be provided. As long as the public is providing facts and information related to the application or ordinance criteria, the board can consider it if it rises above speculation or personal preference. In other words, the weight given to public comment has not changed.

Act 67 states our ordinance requirements and permit conditions must be “to the extent practicable, measurable”. What does “to the extent practicable, measurable” mean?

Act 67 codified prior case law regarding the scope of CUP ordinance requirements and conditions. The Act requires that ordinance requirements and conditions imposed by the zoning body must be “reasonable, and to the extent practicable, measurable”. This is not as restrictive as it appears. An ordinance requirement or condition is reasonable if it relates to the police power, meaning it is in furtherance of the public health, safety, or general welfare. The “to the extent practicable, measurable language” does not eliminate subjective ordinance requirements. CUP

ordinances can still have subjective factors, such as the public health, safety, and general welfare. This is because the legislature did not put an absolute requirement that all requirements and conditions must be measurable or objective. It only put the qualifier that the requirements and conditions must be measurable if practicable. Since the legislature did not put an absolute requirement for objectivity, local governments will continue to have flexibility with their ordinance criteria and permit conditions. With that said, the conditions imposed by the zoning board should be measurable, if possible.

Can We Still Place Conditions on CUPs?

Conditions attached to a permit are still allowed and important tools for CUPs. Any CUP approved by the local government can have conditions attached to it related to the purpose of the ordinance and based on substantial evidence. This is a broad grant of authority to impose conditions. Further, the local body may impose conditions for the permit's duration, transfer or renewal.

Does Act 67 guarantee an applicant a CUP?

A critical requirement under the Act is that the burden is on the CUP applicant to show with substantial evidence that it will comply with the ordinance requirements and permit conditions. The Act does state that if the applicant meets, or agrees to meet, all ordinance requirements and permit conditions the local government must issue the permit. But again, the substantial evidence standard comes into play because the applicant must have evidence to support it will comply with all requirements.

What do we do with our CUP provisions in our zoning ordinance?

Local governments will need to critically evaluate their CUP ordinances after passage of the Act. The WTA still highly recommends using CUPs. They are a valuable planning tool and are great for managing uses that may have negative externalities. Oftentimes local governments will state that a conditional use exists in every zone that has a specific permitted use. For example a conditional use might exist in all agricultural zones. After Act 67 it may behoove local governments to analyze whether that is the best planning system. Local governments should look at every district and decide if it truly wants conditional uses allowed in those zones. For example, if there is an area that is important to tourism for its scenic beauty, the local government may not want to have a conditional use for mining around that location. This will also require analyzing the comprehensive plan.

This is all very confusing, why don't we just stop using CUPs altogether?

Ultimately, local governments will have to weigh the advantages and risks of the many zoning options available to them. The WTA believes CUPs are still a valuable zoning tool that should not be abandoned because Act 67 mirrors prior law in many respects. Some local governments may decide to reduce the number of conditional uses permitted within their jurisdiction and shift to conducting rezones. This is another strategy that also carries with it some advantages and

disadvantages. Conducting rezones will lead to more procedural requirements that must be fulfilled. Comprehensive plans may need to be updated with rezoning of properties. Utilizing this strategy could also reduce the control local governments have over the property since it is illegal to “contract zone”. In other words the local government cannot contract away its legislative function, or sign an agreement based on a rezoning. Rezoning is a legislative decision, however, which means these types of decisions receive even more deference from courts. Local governments will have to weigh these risks when choosing how to implement its community/development plans.

Perspectives on Planning

January 2018



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Conditional Use Permits After 2017 Wisconsin Act 67

By Brian W. Ohm

[2017 Wisconsin Act 67](#) adds new sections to the *Wisconsin Statutes* governing the issuance of conditional use permits to the general zoning enabling laws for cities, villages, towns, and counties.¹ Until the addition of these sections, the general zoning enabling statutes did not include the term “conditional use permit” nor provide any guidance for the issuance of conditional use permits. Rather, the law governing conditional use permits was based on court decisions.

Act 67 Responds to the Wisconsin Supreme Court Decision in *AllEnergy Corp. v. Trempealeau County*

The Wisconsin Supreme Court’s May 2017 decision in [AllEnergy Corp. v. Trempealeau County](#), 2017 WI 52, provides important context for understanding the conditional use requirements inserted in Act 67.

The *AllEnergy* case involved the denial of a conditional use permit for a proposed frac sand mine in Trempealeau County. The County voted to adopt 37 conditions for the mine, which AllEnergy agreed to meet, but then the County voted to deny the conditional use permit in part relying on public testimony in opposition to the mine. A divided Wisconsin Supreme Court upheld the County’s denial of the conditional use permit acknowledging the

discretionary authority of local governments in reviewing proposed conditional uses.

Act 67 in part reflects the sentiment articulated by the dissent in the *AllEnergy* decision. According to the Dissent in *AllEnergy*: “When the Trempealeau County Board writes its zoning code, or considers amendments, . . . is the stage at which the County has the greatest discretion in determining what may, and may not, be allowed on various tracts of property.” “Upon adding a conditional use to a zoning district, the municipality rejects, by that very act, the argument that the listed use is incompatible with the district.” “An application for a conditional use permit is not an invitation to re-open that debate. A permit application is, instead, an opportunity to determine whether the specific instantiation of the conditional use can be accomplished within the standards identified by the zoning ordinance.”

While local governments did not need to change their ordinances in response to the *AllEnergy* decision, Act 67 should prompt local governments to review their zoning ordinances, practices, and procedures to ensure they meet the new statutory requirements.

The New Statutory Requirements

Act 67 limits local government discretion related to the issuance of conditional use permits.

¹Act 67 creates section 62.23 (7) (de) for cities, villages, and towns exercising zoning under village powers, section 60.61 (4e) for towns exercising zoning without village powers, and section 59.69 (5e) for counties.

The new law adds the following definition of “conditional use” to the Statutes: “‘Conditional use’ means a use allowed under a conditional use permit, special exception, or other zoning permission issued by a [city, village, town, county] but does not include a variance.”

Act 67 also includes the following definition of “substantial evidence,” a term used in several places in the Act: “‘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.” This language softens the language of earlier versions of the bill that stated substantial evidence did not include “public comment that is based solely on personal opinion, uncorroborated hearsay, or speculation.” Public comment that provides reasonable facts and information related to the conditions of the permit is accepted under Act 67 as evidence.

Act 67 then provides that “if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the [city, village, town, county] ordinance or imposed by the [city, village, town, county] zoning board, the [city, village, town, county] shall grant the conditional use permit.” This new language follows the argument made by the plaintiffs and the dissenting opinion in the *AllEnergy* case. The use of the term “zoning board,” however, is at odds with current Wisconsin law that allows the governing body, the plan commission, or the zoning board of adjustment/appeals to grant conditional uses. This “zoning board” terminology may lead to some confusion.

Act 67 also provides that the conditions imposed “must be related to the purpose of the ordinance and be based on substantial evidence” and “must be reasonable and to the extent practicable, measurable” This new statutory language emphasizes the importance of having clear purpose statements in the zoning ordinance. In addition, since local comprehensive plans can help articulate the purpose of ordinances that implement the plan, local governments should consider including a requirement that the proposed conditional use furthers and does not conflict with the local comprehensive plan.

Act 67 states that permits “may include conditions such as the permit’s duration, transfer, or renewal.” In the past, sometimes there was confusion about whether local governments had the authority to place a time limit on

the duration of a conditional use permit. This new statutory language clarifies that local governments have that authority.

Next, Act 67 provides that the applicant must present substantial evidence “that the application and all requirements and conditions established by the [city, village, town, county] relating to the conditional use are or shall be satisfied.” The city, village, town or county’s “decision to approve or deny the permit must be supported by substantial evidence.”

Under the new law, a local government must hold a public hearing on a conditional use permit application, following publication of a class 2 notice. If a local government denies an application for a conditional use, the applicant may appeal the decision to circuit court. The conditional use permit can be revoked if the applicant does not follow the conditions imposed in the permit.

The New Requirements In A Nutshell:

- ◆ The requirements and conditions specified in the ordinance or imposed by the zoning board must be reasonable, and to the extent practicable, measurable.
- ◆ Any condition imposed must relate to the purpose of the ordinance and be based on substantial evidence.
- ◆ 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 a reasonable person would accept in support of a conclusion.
- ◆ If an applicant meets, or agrees to meet, all of the requirements and conditions specified in the ordinance or imposed by the zoning board, the local government must grant the CUP.
- ◆ The applicant must provide substantial evidence that the application and all requirements and conditions are, or shall be, satisfied.
- ◆ If an applicant does not meet one or more of the requirements (for example the application is incomplete) or conditions specified in the ordinance or imposed by the zoning board, the local government can deny the CUP.
- ◆ A local government’s decision to approve or deny a conditional use permit must be supported by substantial evidence.

The new conditional use law applies to applications for conditional use permits filed on and after November 28, 2017.

Local governments should review the requirements of their ordinance to consider adding to or revising the conditions listed in the ordinance to ensure that the local government will be able to review specific development proposals against the purpose of the ordinance and be able to support conditions imposed on a specific application with substantial evidence. Act 67 may prompt some local governments to reconsider what might be listed as a conditional use in certain zoning districts and explore creating new districts or other ways to regulate the use. Local governments might also want to a multi-step process that informs applicants of the conditions the zoning board will imposed prior to the board’s decision so the applicant can prove that they can comply with the conditions.



Frequently Asked Questions About Act 67²

■Does Act 67 Limit Local Discretion to Deny a Conditional Use Permits?

Act 67 attempts to limit the level of discretion implied in the lead opinion of Wisconsin Supreme Court in the *AllEnergy* case.

Clearly under Act 67, if an applicant agrees to meet all the requirements of the ordinance and all the conditions imposed, the local government has no discretion to deny the permit.

However, local governments still have discretion in terms of whether or not something is listed as a conditional use in the zoning ordinance. Local governments also have discretion as to whether or not to impose a condition (for example every permit might not need conditions related to hours of operation). Local governments also have the authority to deny a permit if the applicant cannot meet the requirements of the ordinance or the conditions imposed. The fact that Act 67 talks about denial of a permit and the right challenge a denial in court shows the legislature did not take away all authority to deny an application for a conditional use permit.

² Thanks to Becky Roberts with the Center for Land Use Education at UW-Stevens Point for compiling these questions.

A local government still has the ability to approve or deny a permit, and to attach conditions. A local government either approves a CUP because it complies with the requirements of the ordinance and the conditions imposed or they deny it because it does not meet the requirements of the ordinance and the conditions imposed.

Local governments have more discretion when rezoning a property. Act 67 may prompt some local governments to limit what is a conditional use and require a rezoning to a different district for certain uses.

■Is a local government obligated to craft conditions that will help the applicant meet the ordinance requirements?

No, but the local government needs to articulate why the proposed use does not meet the ordinance requirements and allow the applicant to suggest conditions that address the deficiencies.

For example, say an ordinance has general standards for CUPS like "protect public health, safety, and welfare." The zoning board uses that standard to say "we should not allow this project because it will lead to traffic congestion leading to unsafe traffic conditions." Under Act 67, the local government can't deny it unless they back it up with substantial evidence. The local government decides to conduct a traffic study. The traffic study concludes that if truck traffic to the site is limited to certain hours, there will be no congestion. The applicant proposes a condition to limit truck traffic based on the findings of the study.

There needs to be an opportunity for some back and forth between the applicant and the local government -- for example, the local government says we're concerned about water quality. They will need to provide specific facts about the water quality impacts. They may use that information to impose a specific condition that will address the water quality issue or it might be that the local government identifies the threat posed by the conditional use and the applicant responds by saying "I've hired a hydrologist, here is their report about the water quality impacts. The hydrologist recommends we do x, y, and z to address those impact. We propose doing that". The applicant develops the alleviating conditions.

What Act 67 changes is that in the past a group of citizens who are opposed to a project would say "deny the CUP because it will have traffic impact" and the local government would deny the CUP. Act 67 changes that.

Local governments can't just say, "We have a standard in our ordinance that a CUP promote public health, safety, and welfare. We think there are traffic impacts so we deny the CUP." Local governments need substantial evidence that there will be traffic impacts. That evidence will provide the basis for more specific conditions imposed by the local government or suggested by the applicant. There are engineering solutions for many impacts so it will be difficult for there to be no condition that could be imposed to meet the ordinance standards. It may be extremely expensive to follow the condition -- that might stop the project. Perhaps the hours of operation end up being so limited the applicant drops the project. That may lead the applicant to argue the condition is unreasonable. Resolution of that issue will take further litigation.

Historically, most CUPs are approved. Denials are very limited. Act 67 may make denials harder.

■*How closely do conditions imposed by the zoning board need to match the "standards" (requirements and conditions) outlined in the zoning ordinance? In other words, do you need to rely on the ordinance purpose or ordinance standards when crafting conditions?*

Yes, Act 67 requires that "any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence." Many ordinances include general statements like protect public health and safety in the purpose statement of the ordinance, as a requirement of the ordinance, or as a standard for granting conditions. *Kraemer & Sons Inc. v. Sauk Cnty. Adjust. Bd.*, 183 Wis. 2d 1, 13, 515 N.W.2d 256 (1994), provides guidance that standards in ordinances can include general standards like the "need to protect public health, safety, and welfare" and more specific standards like "mining operations must not impair water quality." Act 67 does not prohibit the use of general standards so local governments should still include them. They just will need to provide substantial evidence to justify why the condition is necessary to protect public health, safety, and welfare.

■*Act 67 requires applicants to demonstrate that all requirements and conditions are, or shall be, satisfied. This seems like it will be problematic. Do you have any tips that a local government can use to avoid situations where the applicant promises to meet the requirements/conditions and then never follows through?*

A local government could revoke the permit or take other legal action if the requirements and conditions are not met. The body granting a conditional use permit retains jurisdiction over the permit to insure that the applicant complies with the conditions over the life of the permit and the applicant does what they said they would do. Just like the enforcement of any zoning matter, the zoning administrator will need to monitor the activity to insure compliance. Neighboring property owners also can monitor compliance and can file a complaint with the local government -- "The permit allows the mine to operate from 8am to 5pm and they have been working until 7 pm this past week." The local government could revoke the permit for noncompliance. They could also impose a monetary penalty for not being in compliance. They should check the enforcement section of their zoning ordinance to see what it currently provides. Now Act 67 requires that the applicant provide substantial evidence that they will comply. It is not clear that applicants have been held to this standard before. This might prove helpful when dealing with, for example, "bad actors" -- "In the past, you had a CUP for a similar use and you didn't do x, y, and z as you were supposed to do. Provide us with substantial evidence that you will do things differently." It might be difficult for the applicant to do.

■*Does Act 67's reference to only the "zoning board" mean that the plan commission and/or governing body cannot grant conditional use permits?*

Under prior Wisconsin law, it was interpreted that the authority to grant conditional use permits could rest with either the zoning board of appeals/adjustment, the plan commission, or the governing body.³ It is not clear whether the use of "zoning board" was a drafting error or intentional.

It may lead some people to argue that as a result of Act 67 only the zoning board can grant conditional use permits despite the language elsewhere that conditional use permits can be decided by the zoning board, the plan commission, or the governing body. (When there is a conflict in the statutes, the most recently adopted statute controls.)

The language of Act 67 may lead others to argue that Act 67 only applies to conditional use permits issued by the zoning board. The plaintiffs in *AllEnergy* made the argument that the county committee did not have the

³ See Wis. Stat. §§ 59.694(1), 60.65(3) and 62.23(7)(e)

legal authority to make the decision it did because the decision to not allow the mine was a legislative decision that could only be made by the county board -- the legislative body. The lead opinion in the Supreme Court's decision determined that the ordinance (the standards in the ordinance, etc.) properly authorized the committee's actions so it was not an improper delegation of legislative authority. Since Act 67 is limited to the zoning board, it does raise the argument that if it is the governing body that issues the conditional use permit, the governing body, as a legislative body, has more discretion to act on conditional use permits because they are not bound by the requirements of Act 67.

■ *Can a local ordinance provide for an appeal of a conditional use permit decision to another local body?*

A number of local governments provide for appeal of a plan commission decision on a conditional use permit to the zoning board of appeals or the governing body. It is not clear from the wording of Act 67 if it preempts local ordinances from having an intermediate step of appeal to a zoning board or the governing body before the denied applicant could appeal the decision to circuit court. An ordinance providing for an intermediate appeal in an ordinance should still be acceptable under an argument that if the applicant succeeds in the appeal it saves the time and expense of having to bring a lawsuit in a court of law.

Brian W. Ohm, an attorney, is a professor in the UW-Madison Department of Planning and Landscape Architecture and the state specialist in planning law for UW-Extension.





Report to Planning Commission

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

Meeting Date: August 18, 2025

Referring Body: Plan Commission

Committee Contact: Dave Baker

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. The Plan Commission held a public hearing on June 16, 2025. On August 6, 2025, the Plan Commission approved an extension to take final action on the Conditional Use Permit on August 18, 2025.

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 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.

On January 8, 2025, the Plan Commission reviewed and denied a Non-metallic Mining Conditional Use Permit Application for these parcels. The Plan Commission's denial was based on substantial evidence that review criteria 1, 2, 3 and 5 could not be met.

The Zoning Administrator accepted a new application less than 12 months from the date of denial due to a change in factors. These factors include limiting the mining operation to only Lot 3 (2070 Queensland Drive), providing a minimum property tax payment and an option to purchase land for an interchange.

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, Proposed Development Agreement and Staff Report.

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

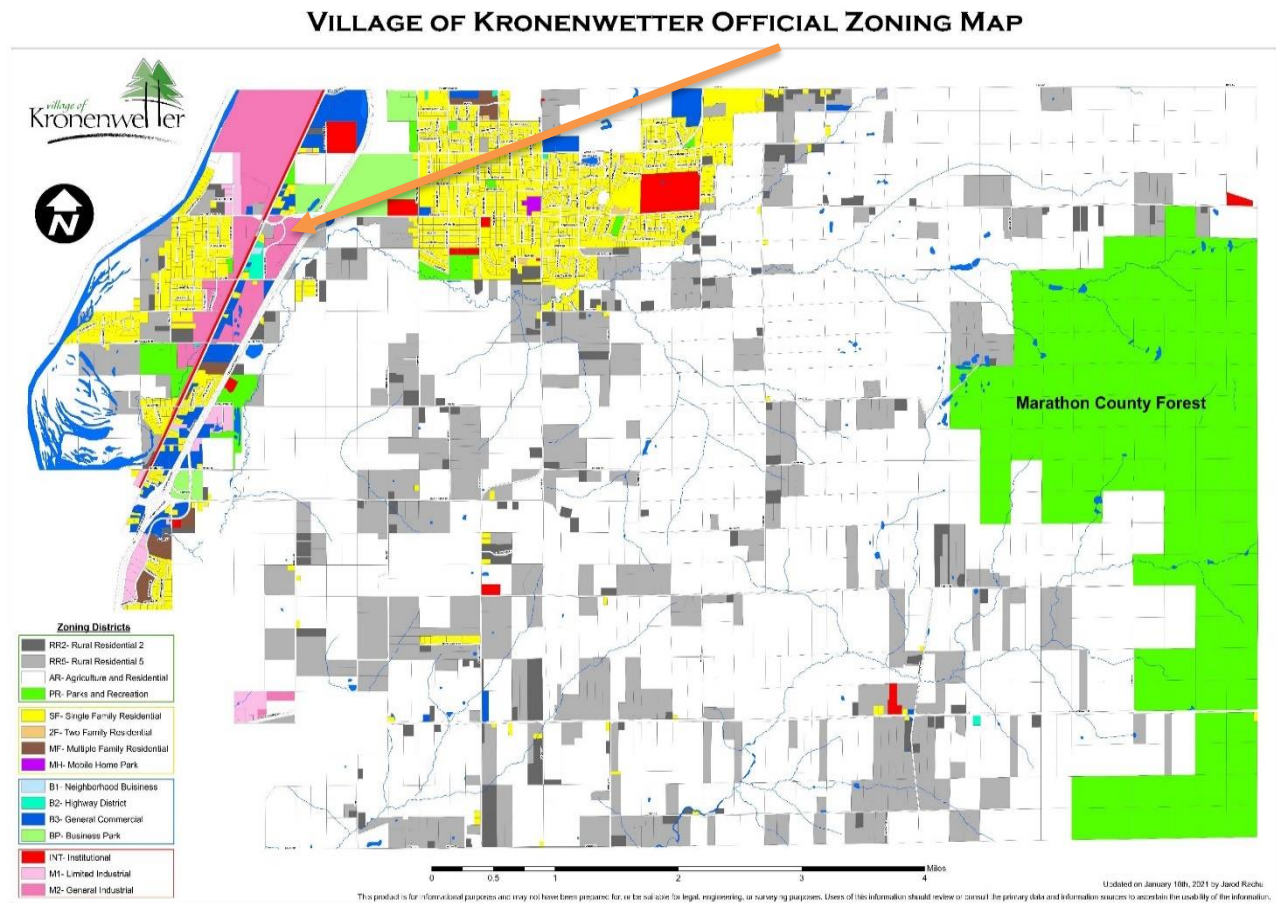
STAFF REPORT FOR PLAN COMMISSION

PUBLIC HEARINGS/
MEETINGS:

Plan Commission Public Hearing: 6:00 p.m. June 16, 2025
Plan Commission Meeting: 6:00 p.m. August 6, 2025
Plan Commission Meeting: 6:00 p.m. August 18, 2025

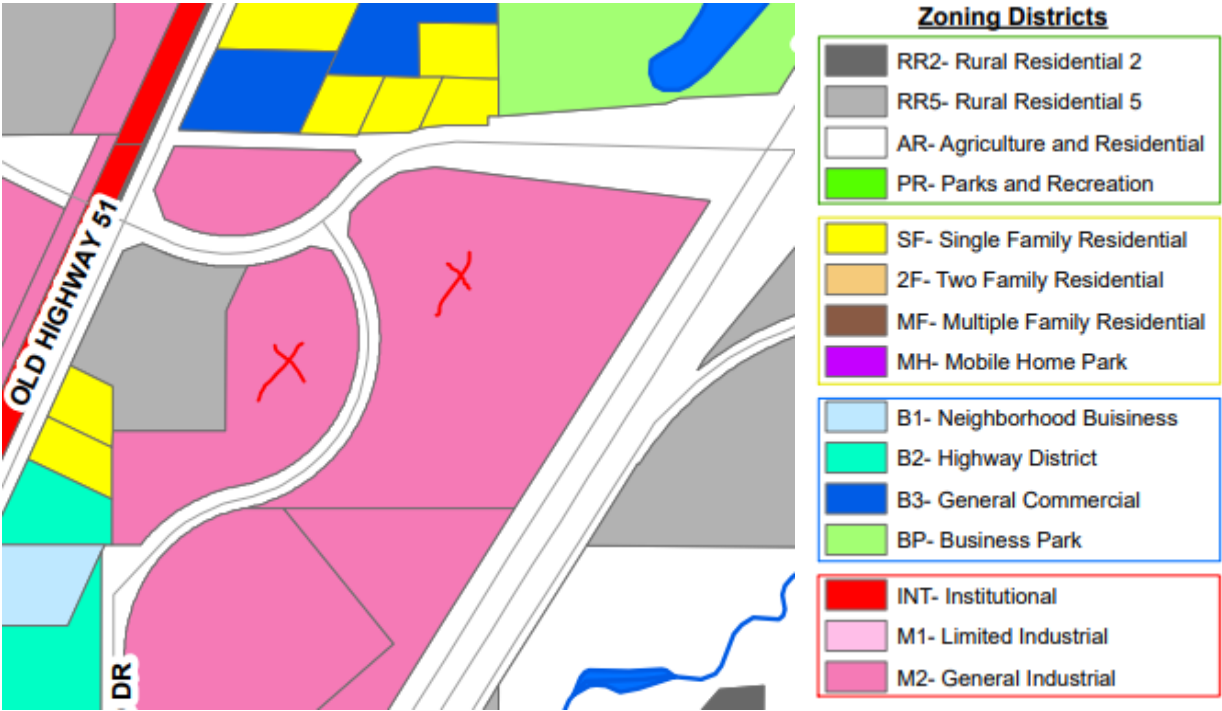
APPLICANT: Milestone Materials
920 10th Avenue North
Onalaska, WI, 54650

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

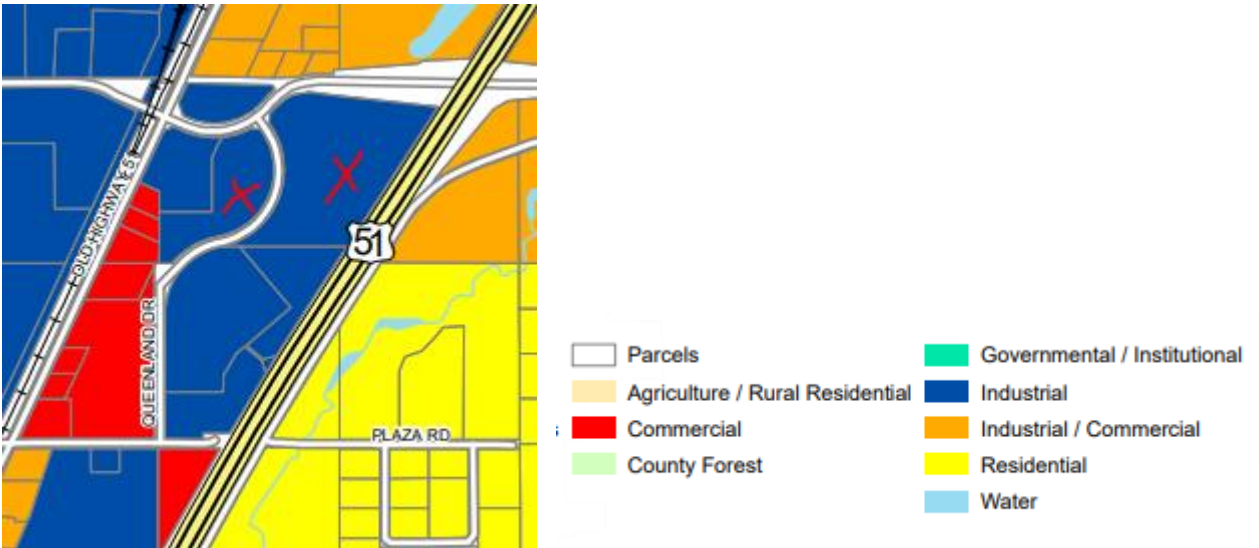




Map 2: Aerial Photo
(Source Data: Marathon County GIS)



Map 3: Zoning Map
(Source Data: Village of Kronenwetter)



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 Queensland 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 Queensland Drive – 22.30 acres
2071 Queensland Drive – 9.16 acres

LEGAL NOTIFICATION: A legal advertisement was published in the *Wausau Daily Herald* on Monday, June 2, 2025 and Monday, June 9, 2025. 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 June 2, 2025.

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 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.

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.

On January 8, 2025, the Plan Commission reviewed and denied a Non-metallic Mining Conditional Use Permit Application for these parcels. The Plan Commission’s denial was based on substantial evidence that review criteria 1, 2, 3 and 5 could not be met.

The Zoning Administrator accepted a new application less than 12 months from the date of denial due to a change in factors. These factors include limiting the mining operation to only Lot 3 (2070 Queensland Drive), providing a minimum property tax payment and an option to purchase land for an interchange.

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 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 Village Ordinances, Wisconsin DNR General WPDES Storm Water Permit, Wisconsin DNR Air Emissions Permit Wisconsin Administrative Code and the Marathon County Nonmetallic Mining Reclamation 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.

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 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.

Nearly the entire parcel east of Queensland 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**

MARCH 2025



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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 ID 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, WTC 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 WTC 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, however, at this time the proposed use will utilize only areas within tax parcel ID 145-2707-

101-0965 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 15-20 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 one new access off of Queensland Drive. This access point will be hard surfaced within 50 feet of the Queensland Drive right-of-way. This area will be well kept and clean to reduce any tracking onto Queensland Drive. This access 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 southeast corner of the site and progress to the north and west toward Queensland Drive & Kowalski Road. As part of this mining operation there will be areas developed for Commercial and/or Industrial use. The location and scale of these areas will be better defined within engineering plans in the future, should our proposed mining conditional use permit be approved. Generally, areas along both the east and west side of Queensland drive seem the logical location for such development.

The aggregate mining itself will be completed using a combination of typical dry excavation and also 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 point for the operations areas will have a locking gate. 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 point, to discourage trespassing on to the property.

Also incorporated into the Operations Plan is an area of water access. Aggregates will be left in place in this area in order to provide a spot for safe ingress and egress from the water

body. The slope in this area 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 is a drawing of the proposed reclamation of the site following mining. Development of the property both during and following mining is planned. In order for development to be economically feasible some large areas for buildings and related infrastructure would be needed. These areas will be filled to an elevation greater than 2 feet above the FEMA flood elevation and graded to ensure proper drainage.

An area in the southwest portion of the operations area east of Queensland Drive is shown as a location of future development. This is a large enough area for development of typical commercial or industrial uses. Preservation of this area 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, will likely warrant consideration of a future use that combines the resultant water body and development.

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. In areas along Queensland Drive there will be lots created for commercial and/or industrial development and be managed by the owners of said lots.

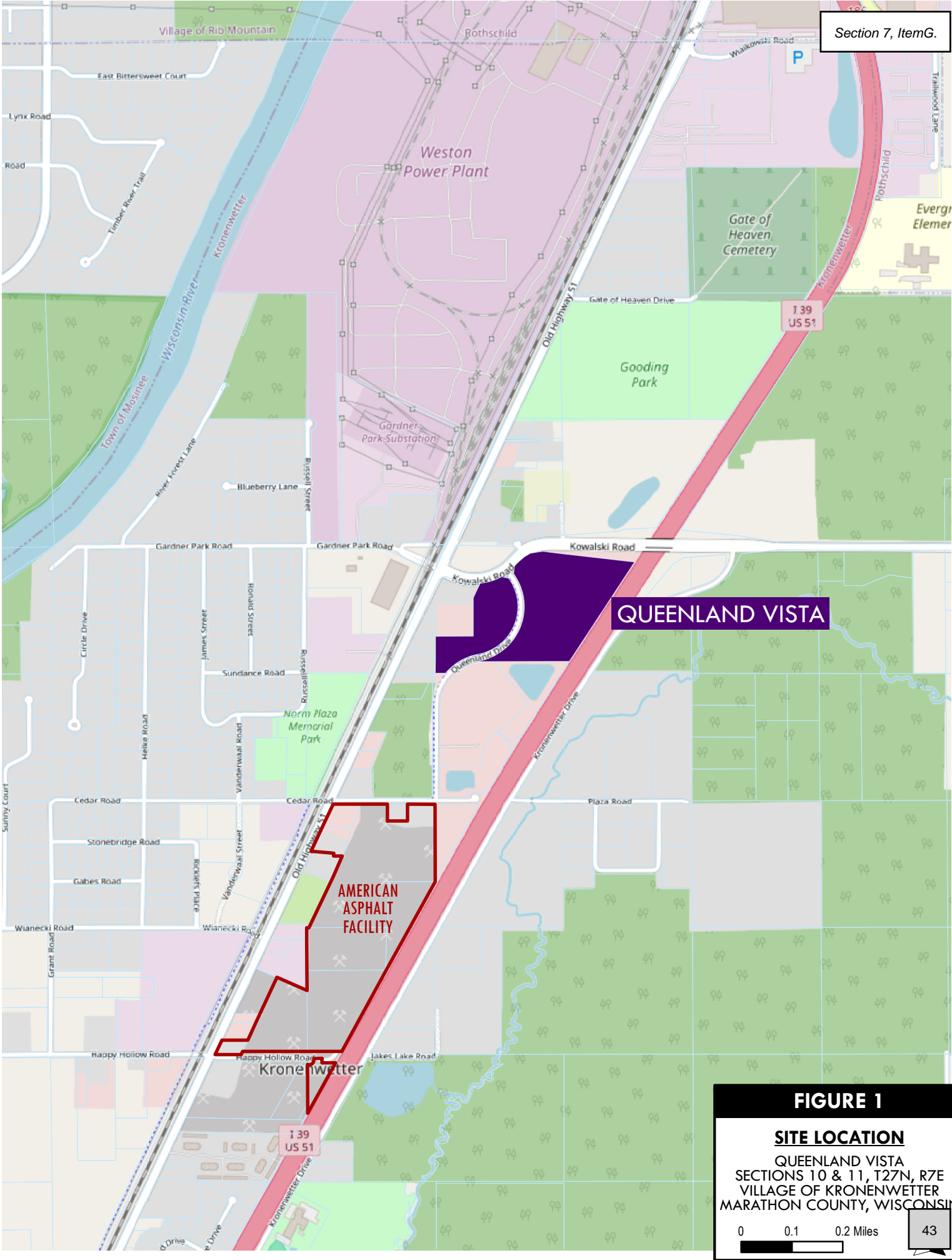
Mined areas will incorporate a water body and will be generally flat. The banks along the water body will be safely sloped and will include a safe, gradual slope out into the water body as well.

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



QUEENLAND VISTA

AMERICAN
ASPHALT
FACILITY

FIGURE 1

SITE LOCATION

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

0 0.1 0.2 Miles

43



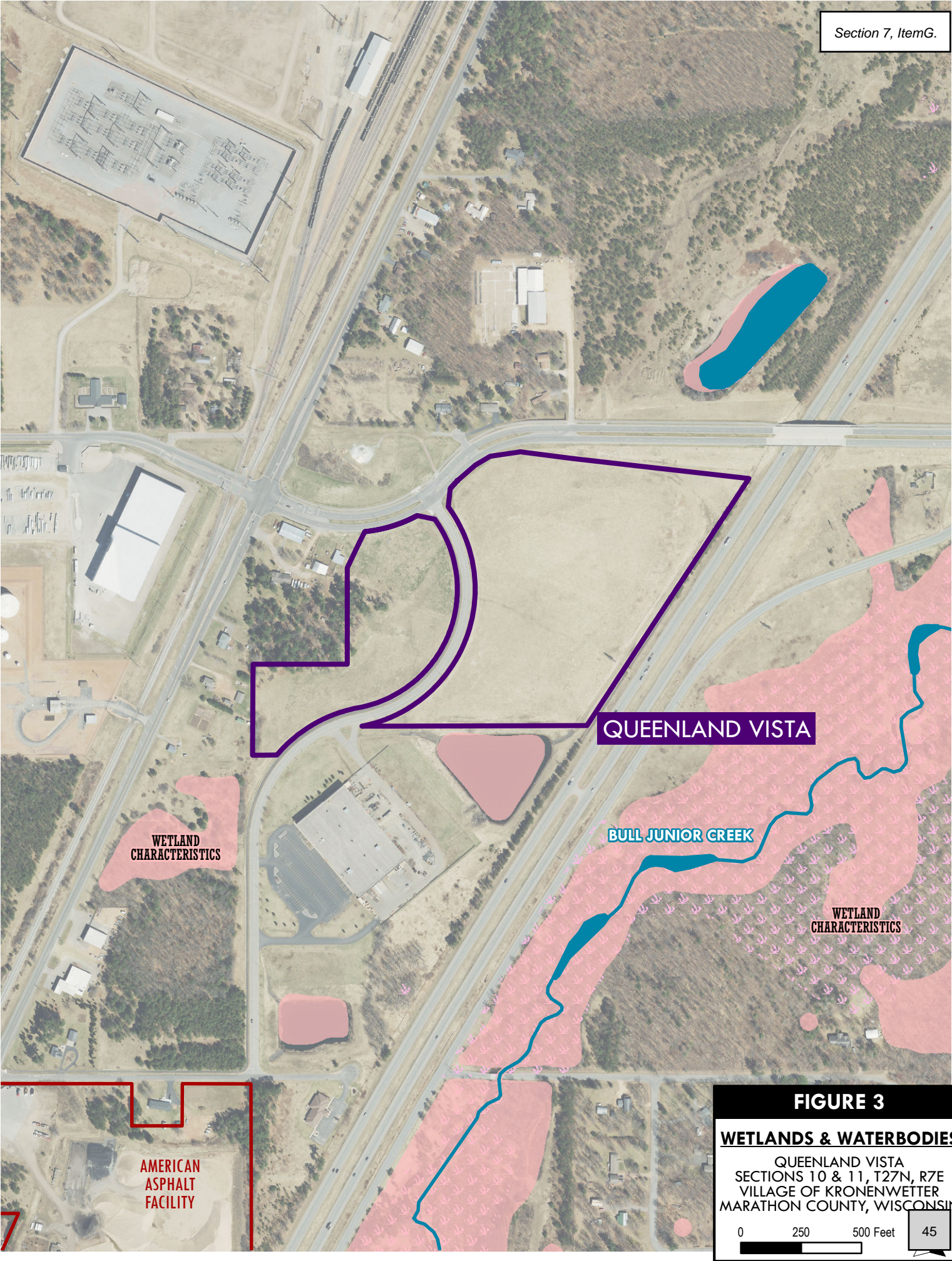
FIGURE 2

AREA MAP

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

0 250 500 Feet

44



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 G.

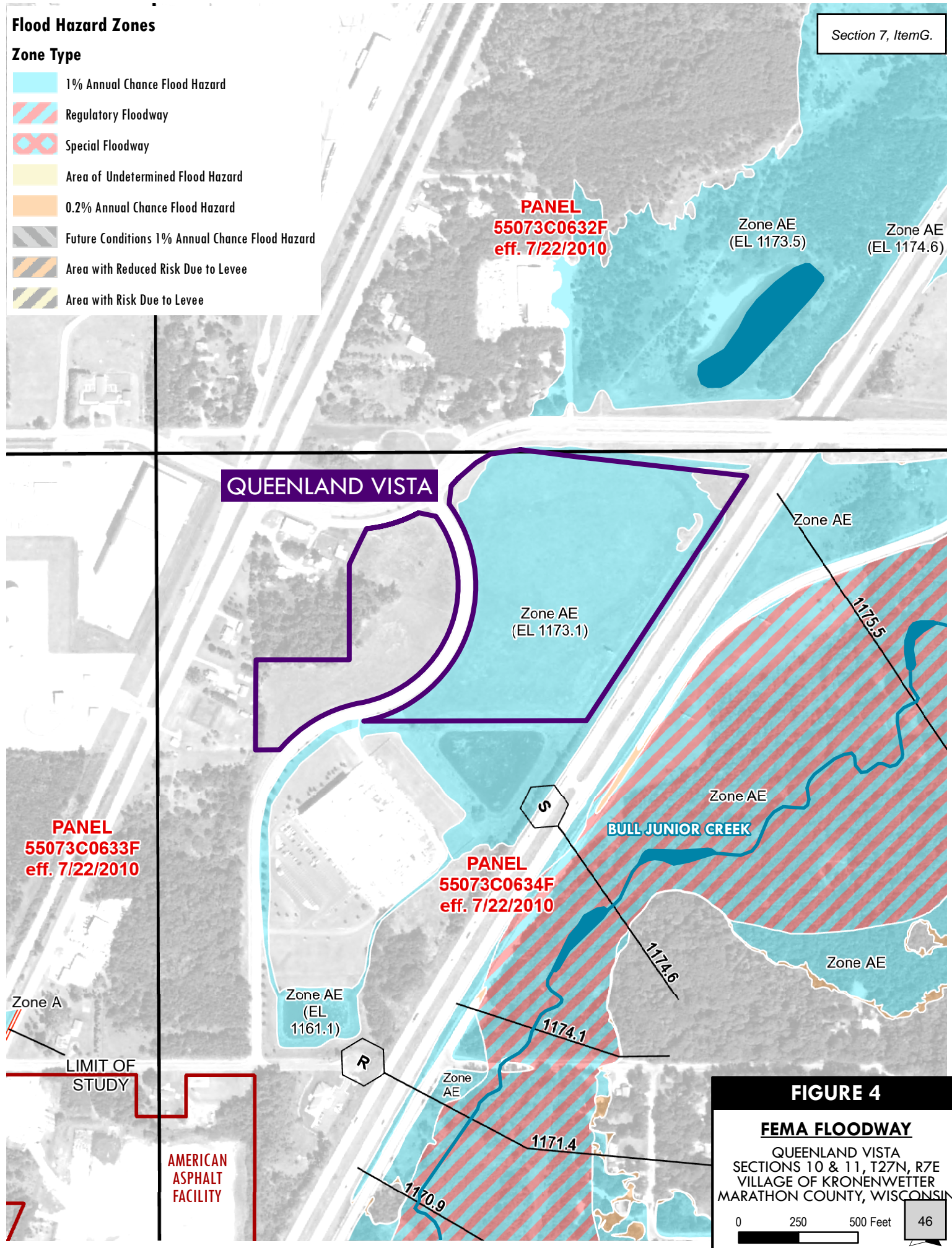


FIGURE 4

FEMA FLOODWAY

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

0 250 500 Feet

FIGURE 5

AREA WELLS

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

0 250 500 Feet

47

FIGURE 5

AREA WELLS

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

0 250 500 Feet

47

FIGURE 5

AREA WELLS

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

0 250 500 Feet

47

FIGURE 5

AREA WELLS

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

0 250 500 Feet

47

FIGURE 5

AREA WELLS

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

0 250 500 Feet

47

Section 7, Item G.

Unique Number - GT741

Unique Number - 8JF612

Unique Number - 8JF587

JOE'S 51 AUTO BODY
Unique Number - HV888

CONTRACTOR LOTZ
READY-MIX-HANZ
Unique Number - BG270

RONALD TESCH
Unique Number - AB827

THOMAS CLARK
Unique Number - EN617

QUEENSLAND VISTA

Unique Number - 8JF735

TERRY KREBSBACH
Unique Number - BK511

COLEMAN WILLIAM
Unique Number - HT260

Unique Number - 8JF742

SVETLIK DAVE
Unique Number - YZ384

Unique Number - 8JC443

Unique Number - 8JC445

Unique Number - 8JC448

WOYAK STEVEN
Unique Number - LX469

AN KOWALSKI
Unique Number - IO

Unique Number - 8JC421

AMERICAN ASPHALT FACILITY

Unique Number - GI220

MARONE DAVID
Unique Number - LX465

WASNEWSKI EMIL
Unique Number - IB132

Unique Number - 8JC44

FIGURE 5

AREA WELLS

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

0 250 500 Feet

47

** DATA PROVIDED BY WISCONSIN DNR

DRAWINGS

NONMETALLIC MINING CONDITIONAL USE PERMIT APPLICATION VILLAGE OF KRONENWETTER

WISCONSIN
PUBLIC SERVICE
CORPORATION
PIN 14527070340999

AMERICAN ASPHALT
OF WISCONSIN

WISCONSIN
PUBLIC SERVICE
CORPORATION
PIN 14527070340999

WISCONSIN
PUBLIC SERVICE
CORPORATION
PIN 14527070340999

MILESTONE
MATERIALS

A Division of Mathy Construction Co.

Section 7, Item G.

EXISTING CONDITIONS

Queenland Vista

Village of Kronenwetter
Marathon County, Wisconsin

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

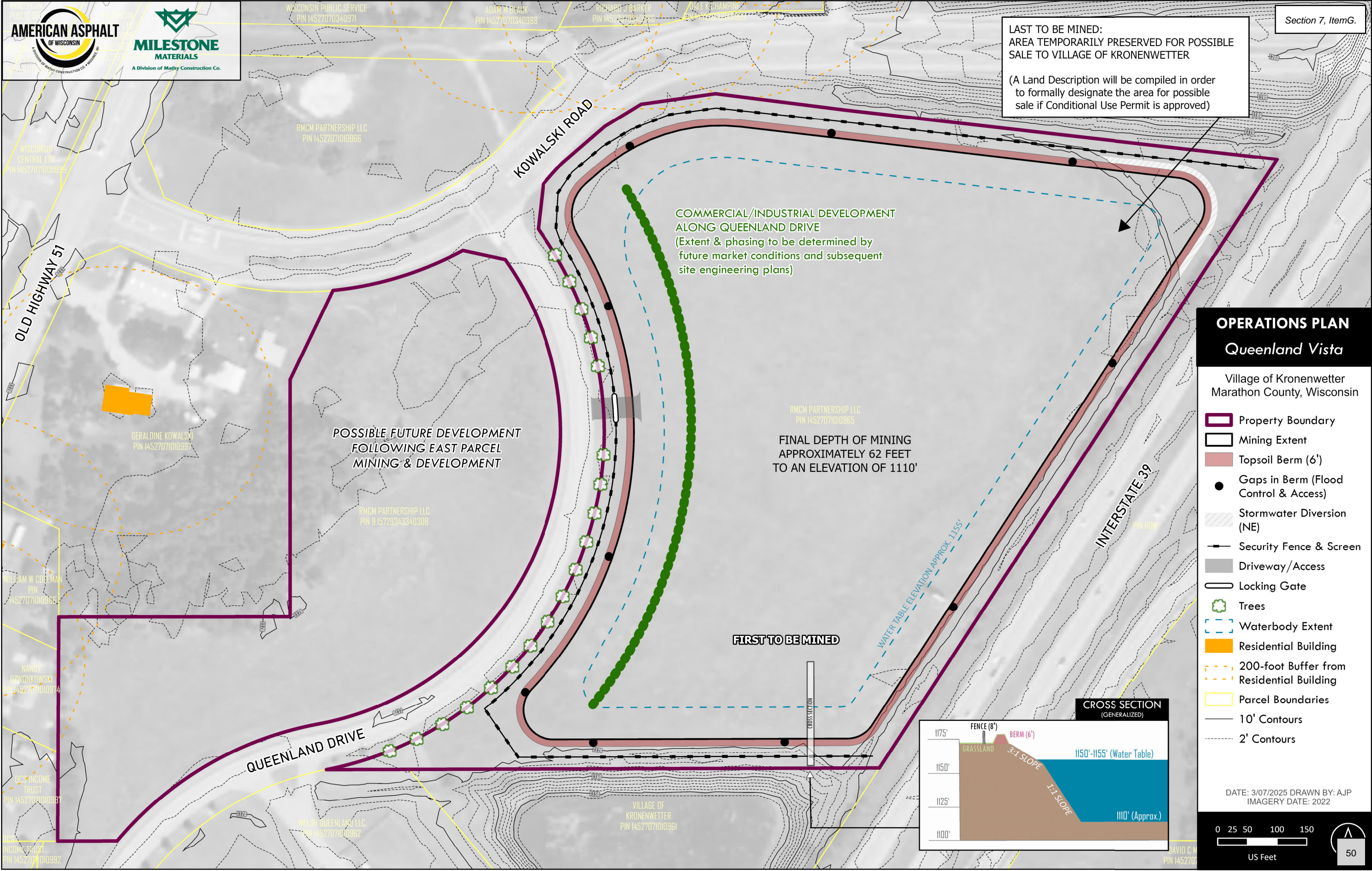
DATE: 3/07/2025 DRAWN BY: AJP
IMAGERY DATE: 2022

0 25 50 100 150
US Feet

49

LAST TO BE MINED:
AREA TEMPORARILY PRESERVED FOR POSSIBLE
SALE TO VILLAGE OF KRONENWETTER

(A Land Description will be compiled in order
to formally designate the area for possible
sale if Conditional Use Permit is approved)



OPERATIONS PLAN
Queenland Vista

Village of Kronenwetter
Marathon County, Wisconsin

Property Boundary

Mining Extent

Topsoil Berm (6')

Gaps in Berm (Flood Control & Access)

Stormwater Diversion (NE)

Security Fence & Screen

Driveway/Access

Locking Gate

Trees

Waterbody Extent

Residential Building

200-foot Buffer from Residential Building

Parcel Boundaries

10' Contours

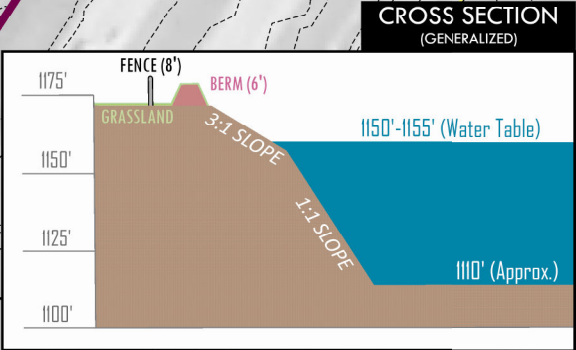
2' Contours

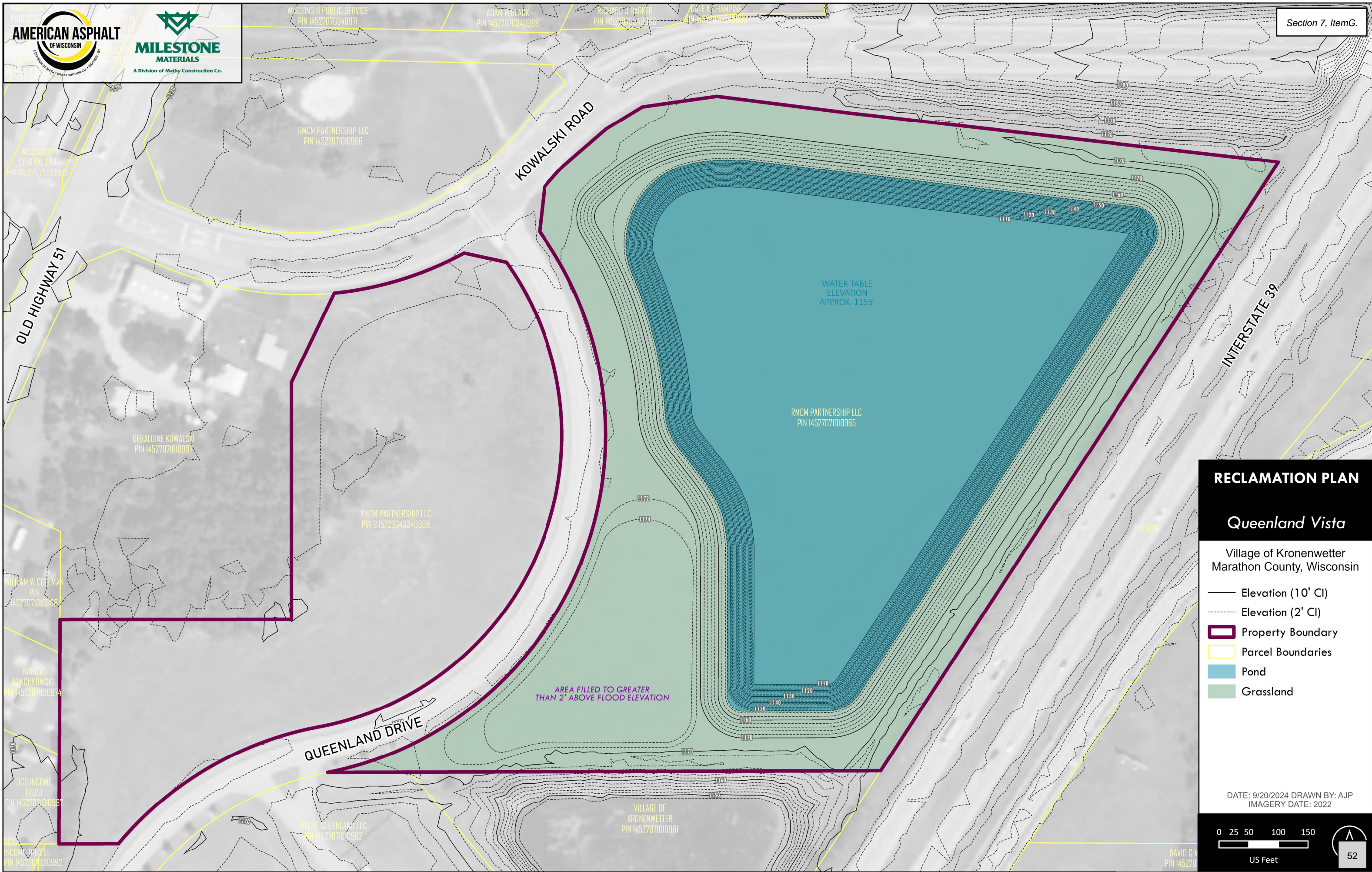
DATE: 3/07/2025 DRAWN BY: AJP
IMAGERY DATE: 2022

0 25 50 100 150

US Feet

50









RECLAMATION PLAN

Queenland Vista

Village of Kronenwetter
Marathon County, Wisconsin

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

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

0 25 50 100 150
US Feet

ATTACHMENT 1: HYDRAULIC DREDGING SCHEMATIC

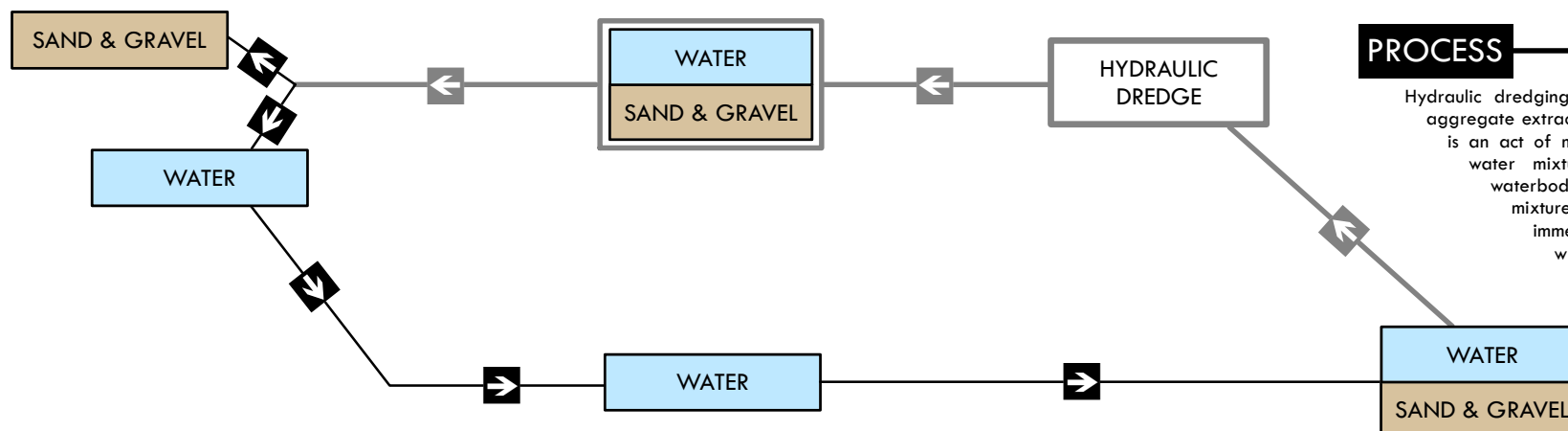
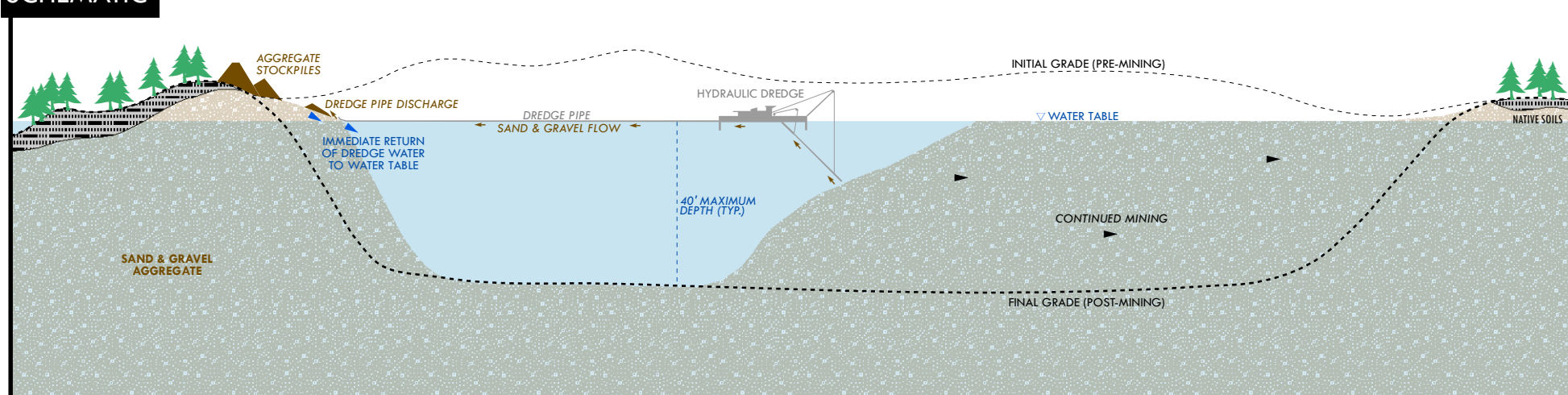
NONMETALLIC MINING CONDITIONAL USE PERMIT APPLICATION
VILLAGE OF KRONENWETTER

HYDRAULIC DREDGING

Section 7, ItemG.

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 7, Item G.



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 22.30 ☐ 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.

Thomas S Burch
Applicant's Signature

Thomas S Burch
Print Applicant's Name

3-31-25
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

**VILLAGE OF KRONENWETTER TID NO. 1
DEVELOPMENT AGREEMENT**

THIS AGREEMENT TO UNDERTAKE DEVELOPMENT (“Agreement”) is entered into as of the date executed by both Parties (the “Effective Date”), by and between the **Village of Kronenwetter**, a Wisconsin municipal corporation (the “Village”), with its office located at 1582 Kronenwetter Drive, Mosinee, Wisconsin 54455, and **WTTC Land Management, LLC**, a Wisconsin limited liability company (“WTTC”), with its principal office located at 920 10th Avenue North, Onalaska, Wisconsin 54650. The Village and WTTC may be referred to herein individually as “Party” or collectively as “Parties”.

RECITALS

WHEREAS, RCMC Partnership LLC, a Wisconsin Limited Liability Company (“RCMC”), is the owner of and in possession of certain lands located in Tax Incremental District No. 1, Village of Kronenwetter, Marathon County, Wisconsin, more particularly described as follows:

Lot 1 CSM Vol. 64, page 16 (#14379) Doc. (#1449149) except Document 1499365, 1499366, & 1499367 for road, Village of Kronenwetter, Marathon County, Wisconsin.

Parcel ID No. 145-2707-101-0965

(hereafter, “Lot 1”)

Lot 3 CSM Vol. 64, page 16 (#14379) Doc. (#1449149) except Document 1499365, 1499366, & 1499367 for road, Village of Kronenwetter, Marathon County, Wisconsin.

Parcel ID No. 145-2707-101-0967

(hereafter, “Lot 3”)

(Lot 1 and Lot 3 are collectively referred to hereafter as the “Property”);

WHEREAS, WTTC intends to purchase the Property from RCMC;

WHEREAS, WTTC’s purchase of the Property from RCMC is contingent upon the Village’s approval of WTTC’s intended use and development of the Property as stated in WTTC’s Conditional Use Permit Application (“CUP Application”), dated _____, which WTTC submitted to the Village and which is attached hereto as Exhibit A; and

WHEREAS, this Agreement establishes the terms and conditions under which the Village will consider WTTC’s CUP Application.

AGREEMENT

Now therefore, in consideration of the mutual promises contained herein, the Parties state and agree as follows:

1. LAND USE. The Property, specifically Lot 3, shall be developed and used as stated in the CUP Application. Nothing in this Agreement provides WTTC with the right to use the Property for a purpose other than what is stated in the CUP Application (and thereafter, as the Village may approve in the Conditional Use Permit) including, but not limited to, a use that would be exempted from general property taxes, without the prior written consent of the Village, which consent shall not be unreasonably withheld.

2. TERM. This Agreement shall be for an Initial Term beginning on the date WTCC acquires the Property from RCMC per a Warranty Deed recorded with the Marathon County Register of Deeds and ending on December 31, 2044 (the “TID 1 Termination Date”).

3. MINIMUM PROPERTY TAX PAYMENT. Commencing January 1, 2026, property tax revenue generated by the Property shall be at least (to be determined) (“Minimum Property Tax Payment”) annually through the TID 1 Termination Date. If the property taxes assessed to the Property are less than the Minimum Property Tax Payment in any year, WTTC shall pay the Village the difference between the Minimum Property Tax Payment and the assessed property taxes. For example, if the assessed property taxes for the Property total Ten Thousand Dollars (\$10,000.00) in any year, WTTC shall pay to the Village the assessed property taxes plus (to be determined), which totals the Minimum Property Tax Payment. Payment of the Minimum Tax Payment shall be due January 31 of the year property taxes for the Property are due and payable, and every year thereafter until January 31, 2045. The first payment of the Minimum Property Tax Payment shall be paid, if any, is calendar year 2026. If the assessed property taxes for the Property in any year exceeds the Minimum Property Tax Payment, WTTC shall pay the assessed property taxes and no further payment to the Village shall be owed under this Agreement. The aggregate Minimum Property Tax Payments under this Agreement shall not exceed (to be determined).

4. OPTION TO PURCHASE LAND FOR INTERCHANGE. The Village shall have the right and option to purchase a 5-acre portion of Lot 3 for a price equal to the price RCMC sold to WTTC, \$21,217.00 acre, until December 31st, 2035, for the construction of highway interchange to connect Kowalski Road to I-39 (the “Interchange”). The terms and conditions of this Paragraph (“Option to Purchase Land for Interchange”) shall remain in effect until December 31, 2035, after which date the option described herein expires. The portion of Lot 3 subject to the Option described herein is depicted on Exhibit B to this Agreement. To memorialize the Option, the Parties shall enter the Option to Purchase Agreement attached hereto as Exhibit C, or a substantially similar Agreement, which shall be incorporated herein upon execution.

5. VILLAGE OBLIGATIONS. The Village agrees to do the following:

a. Consider the CUP Application as attached.

b. Consider and approve WTTC’s site plan and mining plan when said plan(s) is/are submitted in accordance with the Villages Ordinances.

c. Grant WTTC the option to submit another CUP application after TID 1 Termination Date, to permit nonmetallic on Lot 1, which is located on the west side of Queenland Drive. Any CUP application submitted for Lot 1 under this Agreement shall be considered according to the Village Zoning Ordinances effective as of the Effective Date.

7. NOTICES. Any notice or request required or authorized to be given by the terms of this Agreement or under any applicable law by either party shall be in writing, hand delivered or sent by certified or registered mail postage prepaid, return receipt requested. Such written notice shall be addressed as follows:

As to the Village: Village Administrator
Village of Kronenwetter
1582 Kronenwetter Dr
Mosinee, WI 54455

As to WTTC: WTTC Land Management, LLC
Attn: Chief Legal Officer
920 10th Avenue North
Onalaska, WI 54650

8. MEMORANDUM OF AGREEMENT. The Village will not record this Agreement, but hereby authorizes WTTC to record a Memorandum of Agreement and Affidavit with the Marathon County Register of Deeds office.

9. BINDING AGREEMENT. All covenants, conditions, limitations and provisions of the Agreement shall apply to and are binding upon and inure to the benefit of the heirs, representatives, executors, administrators, successors and assigns of the Parties.

10. MODIFICATION. No modification, variation, or amendment of this Agreement shall be effective unless it is in writing and is signed by the Parties.

11. WAIVER. No waiver of any provision of this Agreement, or waiver of any breach of this Agreement, shall be effective unless the waiver is in writing and is signed by the Party against whom the waiver is claimed. No waiver of any breach shall be deemed to be a waiver of any other or subsequent breach.

12. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement of the Parties and supersedes all previous and contemporaneous agreements, representations, warranties and undertakings, written or oral.

13. HEADINGS. The headings of articles, sections and paragraphs within this Agreement are included for convenience and ease of reference only and do not form part of such articles, sections and paragraphs.

14. SEVERABILITY. The invalidity of any provision of this Agreement shall not affect the enforceability of any other provision of this Agreement.

15. SURVIVAL. Obligations of both Parties survive termination of this Agreement.

16. COUNTERPARTS. This Agreement may be executed in two or more counterparts (facsimile and/or electronic signatures are acceptable hereunder), each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

17. GOVERNING LAW. The formation, interpretation, and performance of this Agreement shall be governed by laws of the State of Wisconsin.

IN WITNESS WHEREOF, the Village and WTTC have executed and delivered this instrument as of the Effective Date.

VILLAGE OF KRONENWETTER

Chris Voll, Village Board President

ATTEST:

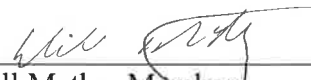
Jennifer Poyer, Village Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this ____ day of _____ 2025, the above named Chris Voll, Village President, and Jennifer Poyer, Village Clerk, of the Village of Kronenwetter, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission: _____

WTTC LAND MANAGEMENT, LLC


Will Mathy, Member

STATE OF WISCONSIN)
) ss.
COUNTY OF La Crosse)

Personally came before me this 28th day of March 2025, the above named Will Mathy, member of WTTC Land Management, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.



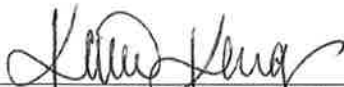

Notary Public, State of Wisconsin
My Commission: expires 9/18/28

EXHIBIT A
CONDITIONAL USE PERMIT APPLICATION

EXHIBIT B
DEPICTION OF THE PROPERTY

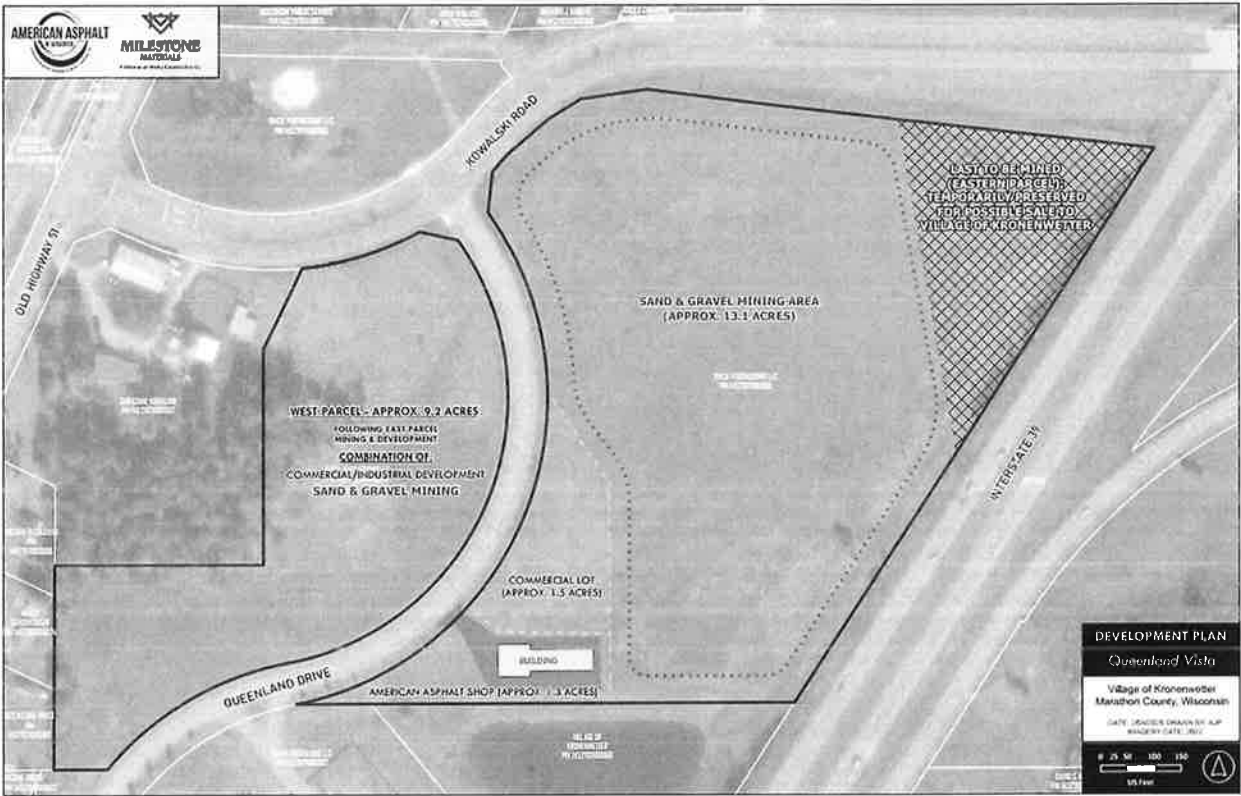


EXHIBIT C
OPTION TO PURCHASE LAND

OPTION TO PURCHASE AGREEMENT

THIS OPTION TO PURCHASE AGREEMENT (the “Agreement”) is made by and between WTTC Land Management, LLC, a Wisconsin limited liability company, or its successor in interest (the “Seller”), and the Village of Kronenwetter, a Wisconsin municipal corporation (the “Purchaser”), and is effective as of the date executed by both Parties below (the “Effective Date”). The Purchaser and the Seller may be referred to herein individually as “Party” or collectively as the “Parties”.

1. **OPTION TO PURCHASE.** The Seller hereby grants the Purchaser an option to purchase the Property, as such is defined in Paragraph 2 of this Agreement (the “Option”). If Purchaser wishes to exercise this option to purchase, the Purchaser must send written notice to Seller prior to the expiration of the Option Period stating that Purchaser is exercising its option to purchase the Property. The “Option Period” is a period of time commencing on the Effective Date and continuing until and including all of December 31, 2035. If the Purchaser exercises its option to purchase the Property, then at Closing the Purchaser shall purchase and Seller shall sell the Property.

2. **THE PROPERTY.** The Property is a 5-acre portion of the real property located at 2070 Queenland Drive, Kronenwetter, WI 54455, which is described as:

Lot 3 CSM Vol. 64, page 16 (#14379) Doc. (#1449149) except
Document 1499365, 1499366, & 1499367 for road, Village of
Kronenwetter, Marathon County, Wisconsin.
Parcel ID No. 145-2707-101-0967 (hereafter, “Lot 3”).

The Parties shall hire a surveyor to develop a legal description for the 5-acre portion of Lot 3 which is subject to this Agreement and shall share equally (i.e., one-half each) the costs associated with developing the legal description of the Property. The term Property includes, without limitation, (a) all improvements and fixtures located on, or which use a part, of the Property and (b) all easement and appurtenant rights benefiting such real property.

3. **PURCHASE PRICE.** If the Option is exercised by Purchaser, then at Closing the Purchaser must pay the purchase price (the “Purchase Price”) for the Property, which shall be \$21,217.00 per acre.

4. **PURCHASE AND SALE AGREEMENT.** If Purchaser exercises the Option during the Option Period, then Purchaser and Seller agree to enter into an offer to purchase for the Property within thirty (30) days of Seller’s receipt of Purchaser’s exercise notice on the terms set forth in this Agreement and upon any other commercially reasonable terms.

5. **CLOSING.** The closing of the purchase of the Property pursuant to this Option, if exercised, shall be held no later than thirty (30) days following the Parties’ execution of the Purchase and Sale Agreement articulated in Paragraph 4 of this Agreement. Closing shall take place at a time and place mutually agreeable to the Parties. Seller shall, at closing of the Option, if applicable, convey the Property to Purchaser by quit claim deed. Seller shall pay for the cost of Purchaser’s owner’s insurance policy on the Property. The Parties shall share equally (i.e., one-half each) the costs of closing.

6. **TITLE AND SURVEY.**

A. Initial Title Commitment. Purchaser has the right to obtain at its sole cost a title commitment (the “Initial Title Commitment”) for an ALTA 2006 Form owner’s title insurance policy issued by a title insurance company selected by Purchaser (the “Title Company”) for an amount determined by Purchaser covering title to the Property on or after the Agreement Date, showing the condition of title of the Property.

B. Survey. Purchaser may obtain one or more surveys of the Property prepared by a surveyor licensed in Wisconsin to such level of detail as Purchaser determines in its sole and absolute discretion (the “Survey”). Costs of any such Survey shall be paid by Purchaser. Purchaser will not be in breach or default under this Agreement if Purchaser elects not to obtain any survey of the Property.

C. Cost of Title Policy. The cost of the Initial Title Commitment and the owner’s title insurance policy to be issued by the Title Company pursuant to the Title Commitment (the “Title Policy”) shall be paid by the Purchaser. The cost of any lender’s title insurance policy for any lender to Purchaser shall be paid by Purchaser.

7. **CONDITION OF PROPERTY.** Seller makes no warranties regarding the conditions of the Property and is selling the Property to the Purchaser “AS IS”.

8. **PRORATION AT CLOSING.** Property taxes and other similar items for the Property shall be prorated as of the time of Closing. If the amount of the property taxes for the year of Closing is not known as of the Closing then property taxes will be prorated at the Closing on the basis of the most recently ascertainable real estate taxes for the Property.

9. **ADDITIONAL PROVISIONS.**

A. Binding Agreement. This Agreement and the terms and provisions hereof shall inure to the benefit of and be binding upon the parties hereto, and their respective successors, assigns, executors, administrators, heirs and personal representatives.

B. Notices. Any notice given pursuant hereto shall be in writing and shall be personally delivered, mailed or sent to the addresses set forth below:

If to Purchaser: Village Administrator
 Village of Kronenwetter
 1582 Kronenwetter Dr
 Mosinee, WI 54455

If to Seller: WTTC Land Management, LLC
 Attn: Chief Legal Officer
 920 10th Avenue North
 Onalaska, WI 54650

Any such notice personally delivered shall be deemed to have been given upon such delivery.

C. Counterparts. This Agreement may be signed in counterparts, all of which when taken together shall be deemed original documents and a single instrument. A fax signature shall be deemed an original signature.

D. Further Assurances. Each party agrees that it will execute and deliver to the other such additional documents, certificates and other matters as may be reasonably requested by counsel for the other party before Closing in order to confirm the terms hereof or to close this transaction in accordance with any applicable laws and regulations.

E. Entire Agreement. The Agreement forms the entire agreement with respect to the subject transaction and supersedes any prior agreement. No amendments to this Agreement shall be valid unless in writing and signed by both parties hereunder.

F. Time is of the Essence. The parties acknowledge and agree that time is of the essence in this transaction.

G. Recording. Sellers agree that Purchaser may record a memorandum of this Agreement.

H. Paragraph Headings. The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs thereof.

I. Applicable Law. This Agreement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin. This Agreement is the joint work product of the parties and this Agreement will not be subject to any rule or principal of construction requiring that it be interpreted against a party as the drafting party.

J. Unenforceable or Inapplicable Provisions. If any provision hereof is for any reason unenforceable or inapplicable, the other provisions hereof will remain in full force and effect in the same manner as if such unenforceable or inapplicable provisions had never been contained herein.

[Signature Page Follows]



**PARCEL # 145-2707-256-0993 (FOLWARSKI)
CSM and ZONING CHANGE REQUEST**

STAFF REPORT FOR PLANNING COMMISSION

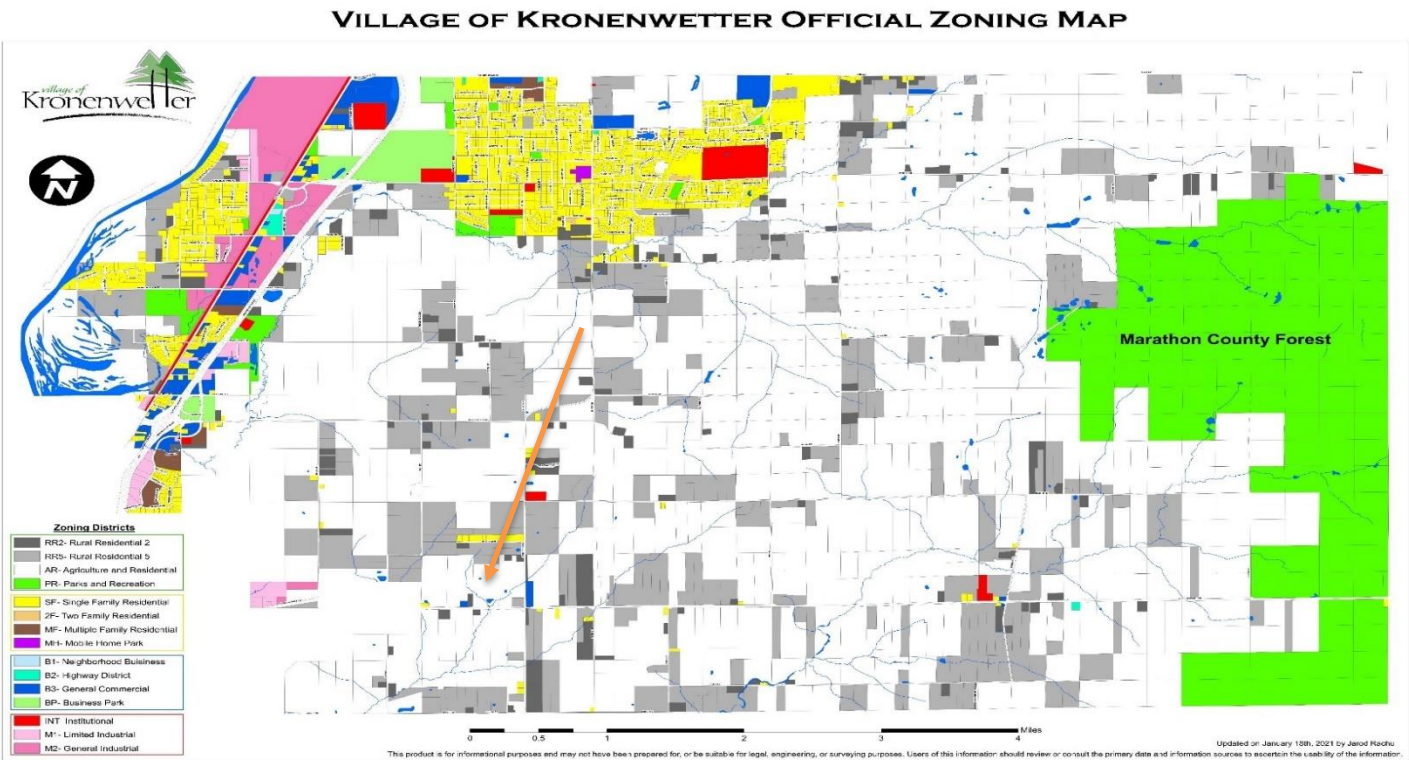
**PUBLIC HEARINGS/
MEETINGS:** Plan Commission Public Hearing: 6:00 p.m. August 18, 2025

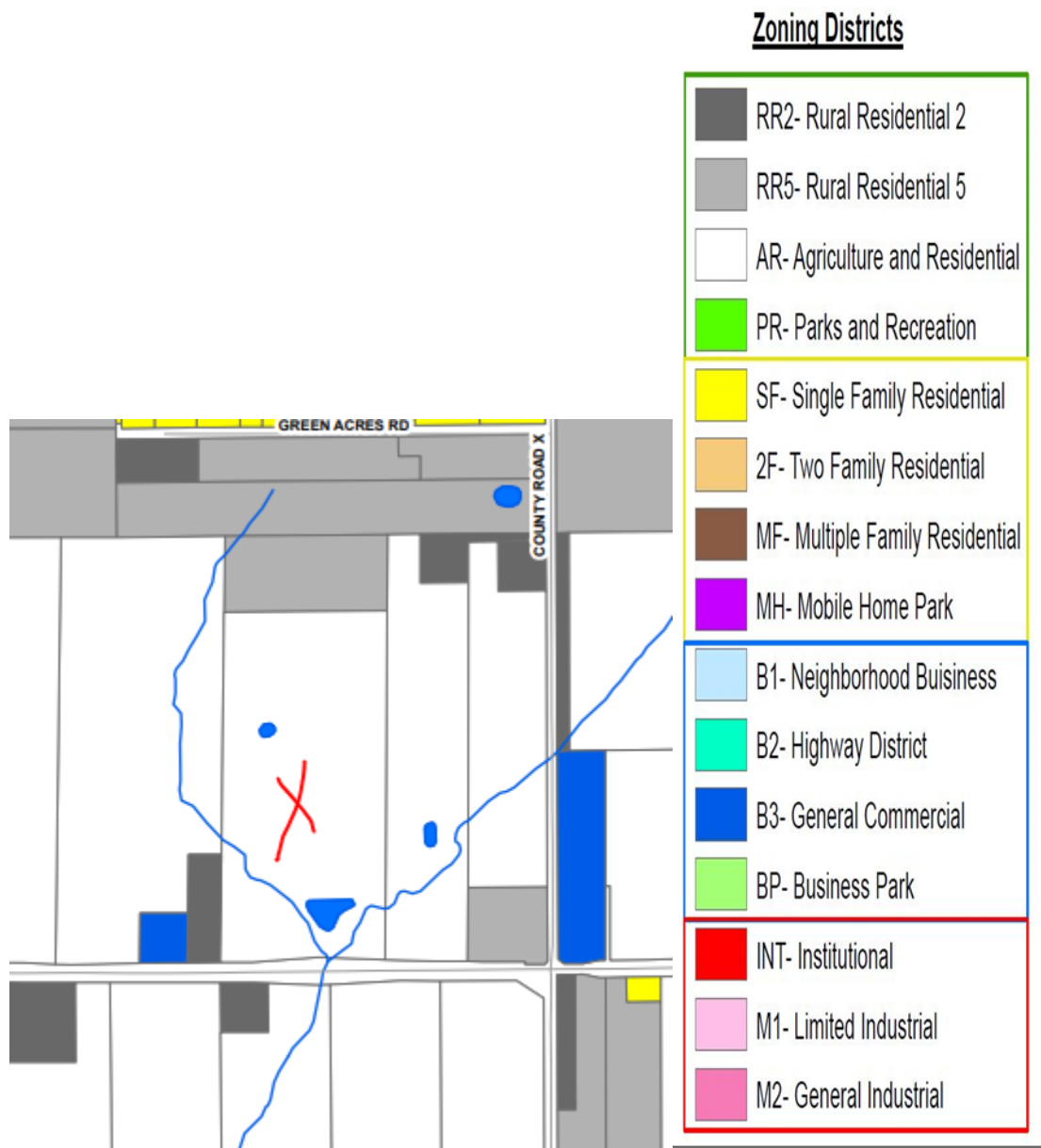
APPLICANT: Dustin Vreeland, Vreeland Associates
6103 Dawn Street
Weston, WI 54476

OWNER: HVF Income Trust (Dale Folwarski)
1756 E. State Highway 153
Kronenwetter, WI 54455

Prepared By: Vreeland Land Surveyors
6103 Dawn Street
Weston, WI 54476

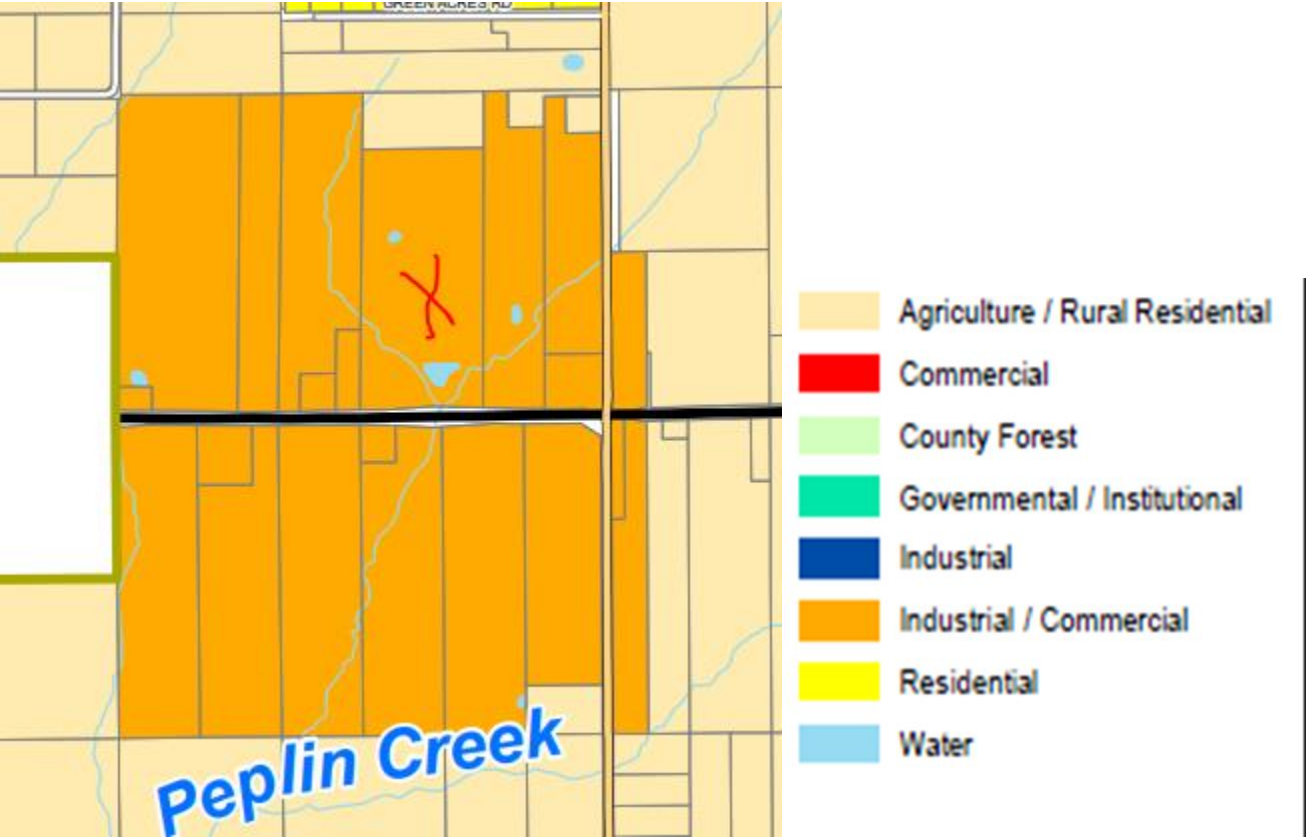
LOCATION OF REQUEST: 1756 E. State Highway 153, Kronenwetter, WI 54455, (See Map 1)





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

PARCEL # 145-2707-256-0993 (Folwarski)



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

PARCEL # 145-2707-256-0993 (Folwarski)

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____

PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF
SECTION 25, TOWNSHIP 27 NORTH, RANGE 7 EAST,
VILLAGE OF KRONENWETTER, MARATHON COUNTY, WISCONSIN.

VREELAND ASSOCIATES, INC.	
LAND SURVEYORS & ENGINEERS	
8103 DAWN STREET	WESTON, WI. 54476
PH (715) 241-0947	tim@vrealandassociates.us
PREPARED FOR: DALE FOLWARSKI	
FILE #: 24-0304 FOLWARSKI	
DRAFTED BY: TIMOTHY G. VREELAND	
DRAWN BY: DALTON L. ZEINERT	

LEGEND

- ⊙ = GOVERNMENT CORNER LOCATION
PER COUNTY SURVEY RECORDS
- = 0.75" x 24" REBAR 1.502
POUNDS PER FOOT SET
- = 1.315" OUTSIDE DIAMETER IRON
PIPE FOUND IN PLACE
- ▲ = WOOD LATH SET
- < > = PREVIOUSLY RECORDED AS
CSM = CERTIFIED SURVEY MAP

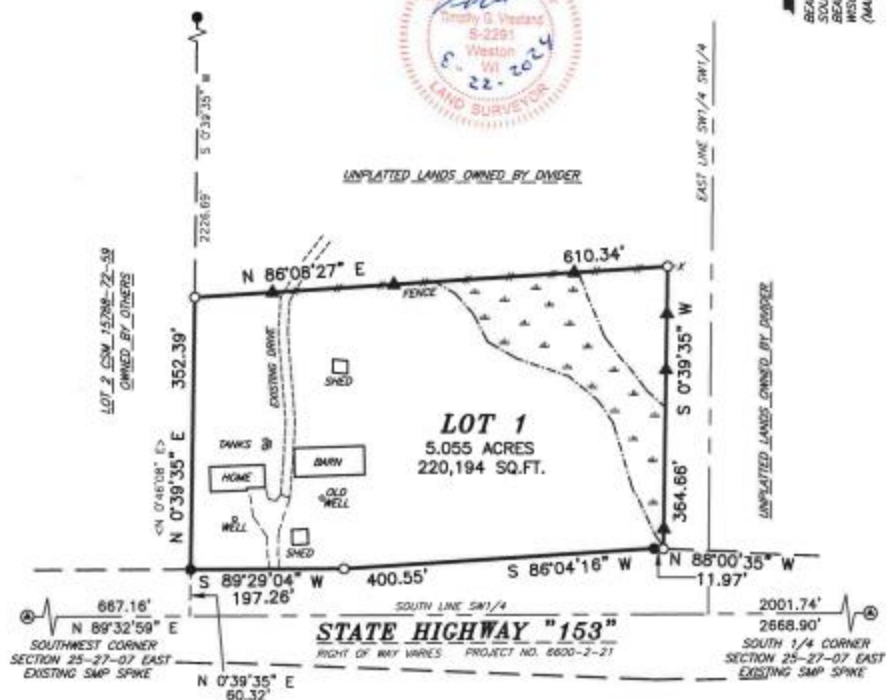
0 150 300
SCALE 1" = 150'

THIS MAP DOES NOT TRANSFER PROPERTY
OWNERSHIP, AND THE SALE OR TRANSFER
OF PROPERTY REQUIRES A RECORDED
DEED EXCEPTING PUBLIC DEDICATION.

- - - APPROXIMATE LOCATION OF WETLANDS
PER DNR INVENTORY MAPPING.
- ▲ ▲ DELINEATION WOULD BE NEEDED TO
VERIFY THE LOCATION.



BEARINGS REFERENCED TO THE
SOUTH LINE OF THE SOUTHWEST 1/4
SECTION 25, TOWNSHIP 27 NORTH,
RANGE 7 EAST, MARATHON COUNTY,
WISCONSIN COUNTY COORDINATE SYSTEM
(MARATHON) NA83 (2011)



SHEET 1 OF 2 SHEETS

PARCEL # 145-2707-256-0993 (Folwarski)

CERTIFIED SURVEY MAP

PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION
25, TOWNSHIP 27 NORTH, RANGE 7 EAST, VILLAGE OF
KRONENWETTER, MARATHON COUNTY, WISCONSIN.

SHEET 2 OF 2 SHEETS

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE
DIRECTION OF DALE FOLWARSKI, I SURVEYED, MAPPED AND DIVIDED THAT PART OF THE
SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 27 NORTH, RANGE 7 EAST,
VILLAGE OF KRONENWETTER, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE N 89°32'59" E
ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 667.16 FEET; THENCE N 0°39'35" E 60.32
FEET TO THE NORTH LINE OF STATE HIGHWAY "153" AND TO THE POINT OF BEGINNING; THENCE
CONTINUING N 0°39'35" E ALONG THE EAST LINE OF LOT 2 OF CERTIFIED SURVEY MAP NUMBER
15788, RECORDED IN VOLUME 72 ON PAGE 59, 352.39 FEET; THENCE N 86°08'27" E 610.34
FEET; THENCE S 0°39'35" W 364.66 FEET TO THE NORTH LINE OF STATE HIGHWAY "153";
THENCE N 88°00'35" W ALONG THE NORTH LINE OF STATE HIGHWAY "153" 11.97 FEET; THENCE
S 86°04'16" W ALONG THE NORTH LINE OF STATE HIGHWAY "153" 400.55 FEET; THENCE
S 89°29'04" W ALONG THE NORTH LINE OF STATE HIGHWAY "153" 197.26 FEET TO THE POINT OF
BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND
USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE
LAND SURVEYED AND THE DIVISION AND THE CERTIFIED SURVEY MAP THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES IN
SURVEYING, MAPPING AND DIVIDING THE LANDS, CHAPTER A-E 7 OF THE WISCONSIN
ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF THE VILLAGE OF KRONENWETTER,
ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE
SAME.



DATED THIS 22ND DAY OF AUGUST, 2024
SURVEY PERFORMED JULY 29TH, 2024

TIMOTHY G. VREELAND P.L.S. 2291

VILLAGE BOARD AUTHORIZATION

I, _____ THE COMMUNITY DEVELOPMENT AND
ZONING ADMINISTRATOR OF THE VILLAGE OF KRONENWETTER HEREBY
CERTIFY, PURSUANT TO THE VILLAGE OF KRONENWETTER SUBDIVISION
REGULATION (CHAPTER 460 OF VILLAGE CODE), THAT THE VILLAGE BOARD
APPROVED THIS CERTIFIED SURVEY MAP ON _____ DAY OF _____
, 2024.

COMMUNITY DEVELOPMENT/ZONING ADMINISTRATOR

Legal Description of Property:

SEC 25-27-07 W 1/2 W 1/2 E 1/2 SW 1/4 & E 1/2 W 1/2 SW 1/4 EX VOL 578M-975/HWY EX N 460' THRF

Current Zoning:

AR – Agricultural and Residential (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 Monday, August 4, 2025 and Monday, August 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 August 4, 2025.



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

PARCEL # 145-2707-256-0993 (Folwarski)

INTRODUCTION: Rezone Request from AR (Agricultural and Residential) to RR-5 (Rural Residential 5)

The 47.58-acre parcel (1756 E STATE HIGHWAY 153) will be divided to create a 5.055-acre parcel and a 42.52-acre parcel. The proposed rezone from AR to RR5 is consistent with neighboring parcels. The creation of Lot 1 meets the minimum frontage (100ft), minimum lot width (300ft) and minimum lot area (5.0 acres) requirements for RR5 (Rural Residential Zoning 5).

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. While the property is designated on the Future Land Use Map as Industrial/Commercial, there are existing AR, RR-5 and RR-2 parcels in this area. The rezone of this parcel to RR-5 will allow for consistent land uses with adjoining parcels. This is consistent with the Comprehensive Plan Goal to strive to avoid allowing conflicting land uses to be located adjacent to one another.
- 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. Rezoning this property, will maintain a residential use consistent with the surrounding area. This satisfies the Zoning Ordinance's purpose of preserving and enhancing community appearance and quality of life.

3. *Does rezoning address any of the following that is not properly addressed on the current Official Zoning Map?*

- No Keeps it the same.

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. There are Rural Residential 2 (RR-2), Rural Residential 5 (RR-5) and Agricultural and Residential (AR) lots that are located near this parcel. The property owners will continue to utilize the parcel for purposes within these districts.
5. *Does the rezoning meet the minimum requirements for frontage or parcel size?*
 - Yes. The proposed property will meet all minimum requirements.
5. *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?*
 - This land is not being rezoned to a multi-family, commercial, or industrial zoning district.

RECOMMENDED MOTION

Motion to forward a recommendation to the Village Board to approve the Zoning Change Request for Dale Folwarski from AR (Agricultural and Residential) to RR5 (Rural Residential 5) and CSM as presented.

Zoning Change Request Application

Application Fee: \$300 Regular Meeting / \$450 Special Meeting

A zoning change is an amendment to the specific zoning district in which a property or properties are classified.

Plan Commission Meetings are held on the 3rd Monday of each month. Village Board Meetings on zoning change requests typically take place on the 4th Tuesday of each month.

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



Applicant Information

1. Applicant Dustin Vreeland Vreeland Associates 715-241-0947
Name Phone Number
6103 Dawn Street Weston, WI
Address
dustin@vreelandassociates.us
Email
2. Property Titleholder Name HVF Inacome Trust (Dale Folwarski) 715-693-4002
Address 1756 E State Highway 153 Kronenwetter, WI
Phone Number
Email
3. Prepared By Vreeland Associates
Company Name Name
Address
Phone Number Email

Property Information

4. Property Address 1756 E. State Highway 153
5. Section 25 Township 27 Range 7 6. Parcel Identification # (PIN) 145-2707-253-0993
7. Legal Description (attach an additional sheet if necessary) see attached draft CSM
8. Current Zoning District AR 9. Proposed Zoning District RR5
10. Parcel Acreage 5.055 11. Will the Zoning Change be accompanied by a CSM or Subdivision? CSM
12. Has anyone previously requested a zoning change to the subject property? If yes, when was the request made and to what zoning district? Not that I'm aware of.

13. Is the subject property planned to be improved? If yes, when is the improvement scheduled for and what will be the actual use of the improvement? It currently has improvements

Required Attachments

1. Narrative describing the zoning change request with respect to the following matters:
 - a. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
 - b. Does the rezoning further the purpose and intent of this Chapter?
 - c. Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?
 - i. 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.
 - ii. 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.
 - iii. Growth patterns or rates have changed, thereby creating the need for a rezoning.
 - d. 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?
 - e. 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.
 - f. 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?
2. Property Map which shows the zoning change request boundaries, structures on the property, and the required setbacks from the property lines.

Applicant Acknowledgement

I/We request a public hearing be held before the Planning Commission of the Village of Kronenwetter, Marathon County, State of Wisconsin, to hear and consider the request for a zoning change of the property stated in this application. I hereby depose and say that all the above statements and all accompanying statements and drawings are correct and true.

Vreeland Associates	7-23-2025
Applicant	Date
HVF Income Trust	7-23-2025
Property Titleholder	Date
Dustin Vreeland	7-23-2025
Prepared By	Date

FOR OFFICE USE ONLY:

Application Received _____ Check # _____

Plan Commission:

Meeting Date _____

Recommendation: Approved / Denied

Village Board:

Meeting Date _____

Decision: Approved / Denied

NARRATIVE

- 1.)
 - a.) The proposal is consistent with the Village comprehensive Plan.
 - b.) Yes, I think?
 - c.) No mistake in mapping and no change in factors or growth patterns.
 - d.) The zone change is consistent with land use.
 - e.) The lot does meet minimum requirements of the propose district.
 - f.) Propose rezone to RR5 and will be residential use.
- 2.) Propose CSM is attached. Only the north and east lines have been established with this survey and all structures meet minimum setbacks. The west line and highway right of way are existing.

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____

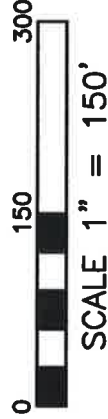
PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF
SECTION 25, TOWNSHIP 27 NORTH, RANGE 7 EAST,
VILLAGE OF KRONENWETTER, MARATHON COUNTY, WISCONSIN.

VREELAND ASSOCIATES, INC. LAND SURVEYORS & ENGINEERS 6103 DAWN STREET WESTON, WI. 54476 PH (715) 241-0947 tim@vreelandassociates.us
PREPARED FOR: DALE FOLWARSKI
FILE #: 24-0304 FOLWARSKI
DRAFTED BY: TIMOTHY G. VREELAND
DRAWN BY: DALTON L. ZEINERT

LEGEND

- ④ = GOVERNMENT CORNER LOCATION
PER COUNTY SURVEY RECORDS
- = 0.75" x 24" REBAR 1.502
POUNDS PER FOOT SET
- = 1.315" OUTSIDE DIAMETER IRON
PIPE FOUND IN PLACE
- ▲ = WOOD LATH SET
- < > = PREVIOUSLY RECORDED AS
CSM = CERTIFIED SURVEY MAP

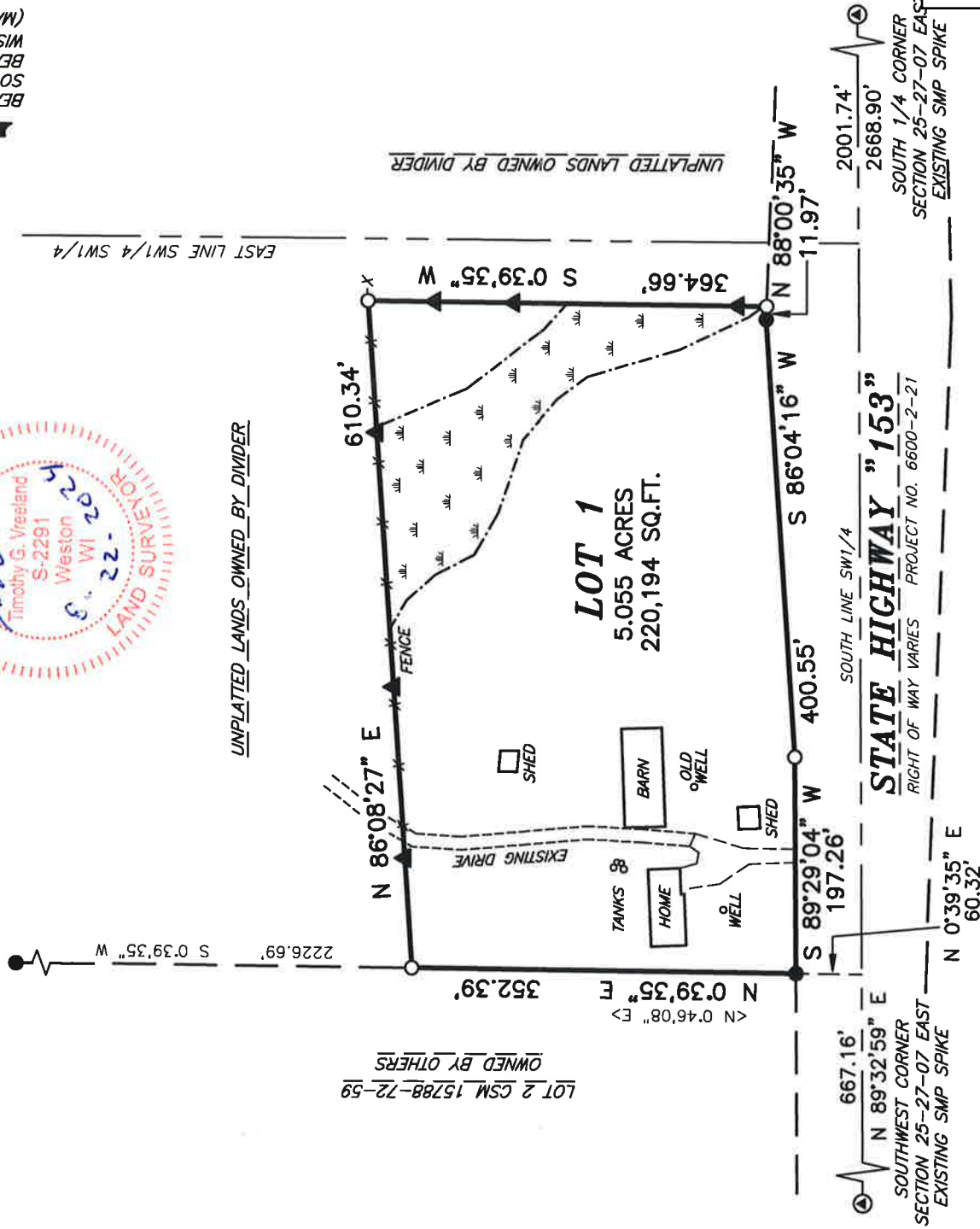
--- = APPROXIMATE LOCATION OF WETLANDS
PER DNR INVENTORY MAPPING.
DELINEATION WOULD BE NEEDED TO
VERIFY THE LOCATION.



THIS MAP DOES NOT TRANSFER PROPERTY
OWNERSHIP, AND THE SALE OR TRANSFER
OF PROPERTY REQUIRES A RECORDED
DEED EXCEPTING PUBLIC DEDICATION.



BEARINGS REFERENCED TO THE
SOUTH LINE OF THE SOUTHWEST 1/4
BEARING N 89°32'59" E PER
WISCONSIN COUNTY COORDINATE SYSTEM
(MARATHON) MAD83 (2011)



CERTIFIED SURVEY MAP

PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 27 NORTH, RANGE 7 EAST, VILLAGE OF KRONENWETTER, MARATHON COUNTY, WISCONSIN.

SHEET 2 OF 2 SHEETS

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF DALE FOLWARSKI, I SURVEYED, MAPPED AND DIVIDED THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 27 NORTH, RANGE 7 EAST, VILLAGE OF KRONENWETTER, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE N 89°32'59" E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 667.16 FEET; THENCE N 0°39'35" E 60.32 FEET TO THE NORTH LINE OF STATE HIGHWAY "153" AND TO THE POINT OF BEGINNING; THENCE CONTINUING N 0°39'35" E ALONG THE EAST LINE OF LOT 2 OF CERTIFIED SURVEY MAP NUMBER 15788, RECORDED IN VOLUME 72 ON PAGE 59, 352.39 FEET; THENCE N 86°08'27 E 610.34 FEET; THENCE S 0°39'35" W 364.66 FEET TO THE NORTH LINE OF STATE HIGHWAY "153"; THENCE N 88°00'35" W ALONG THE NORTH LINE OF STATE HIGHWAY "153" 11.97 FEET; THENCE S 86°04'16" W ALONG THE NORTH LINE OF STATE HIGHWAY "153" 400.55 FEET; THENCE S 89°29'04" W ALONG THE NORTH LINE OF STATE HIGHWAY "153" 197.26 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION AND THE CERTIFIED SURVEY MAP THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, MAPPING AND DIVIDING THE LANDS, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF THE VILLAGE OF KRONENWETTER, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.



DATED THIS 22ND DAY OF AUGUST, 2024
SURVEY PERFORMED JULY 29TH, 2024

TIMOTHY G. VREELAND P.L.S. 2291

VILLAGE BOARD AUTHORIZATION

I, _____ THE COMMUNITY DEVELOPMENT AND ZONING ADMINISTRATOR OF THE VILLAGE OF KRONENWETTER HEREBY CERTIFY, PURSUANT TO THE VILLAGE OF KRONENWETTER SUBDIVISION REGULATION (CHAPTER 460 OF VILLAGE CODE), THAT THE VILLAGE BOARD APPROVED THIS CERTIFIED SURVEY MAP ON _____ DAY OF _____, 2024.

COMMUNITY DEVELOPMENT/ZONING ADMINISTRATOR

Certified Survey Map (CSM) Application

Application Fee: \$200 + \$25 per lot

*Village of Kronenwetter Ordinance Chapter §460-16
Certified Survey Map (CSM) procedure.*

*Plan Commission meetings are held on the 3rd Monday of each month.
Although not required, it is recommended that the applicant attend these meetings.*



Applicant Information

1. Applicant Name Tim Vreeland Phone Number 715-241-0947
Address 6103 Dawn Street Weston, WI
Email tim@vreelandassociates.us
2. Property Title holder Name HVF Income Trust (Dale Folwarski) Phone Number 715-693-4002
Address 1756 E. State Highway 153 Kronenwetter
- Email _____
3. Prepared By Company Name Vreeland Associates
Address 6103 Dawn Street Weston, WI
Phone Number 715-241-0947 Email tim@vreelandassociates.us

Property Information

4. Property Address 1756 E. State Highway 153
5. Section 25 Township 27 Range 7 6. Parcel Identification # (PIN) 14527072530993
7. Legal Description (attach an additional sheet if necessary) see attached CSM
8. Parcel Acreage 5.055 9. Zoning District AR
10. Will the CSM application be accompanied by a zoning change request? (if yes, what district)
yes RR5 _____
The zoning change application is required to be submitted with this CSM application.
11. Is the property to be a CSM within an existing subdivision? (if yes, what subdivision) no
12. Number of lots proposed in the CSM: 1

13. How will water be provided? existing private 14. How will sewage disposal take place? existing private

Required Attachments

1. Narrative describing the CSM with respect to the following matters:

- a. Existing use of property within the general area of the property in question.
- b. Citation of any existing legal rights-of-way or easements affecting the property.
- c. Existing covenants on the property.
- d. How the applicant proposes to meet the parkland dedication requirement
- e. Any other proposals, such as parcels of land intended to be dedicated, conveyed or reserved for public use.

2. The CSM shall be on 11" x 17" drawings

Requirements: Village of Kronenwetter, WI Review and Approval Procedures (ecode360.com) and Wisconsin Legislature: 236.34


- a. General. The preliminary CSM shall be based upon a survey completed by a registered land surveyor. The final preliminary CSM shall be prepared on Mylar or paper of good quality at a scale of not more than 100 feet to the inch and shall be a legible print for and shall show correctly on its face the following information:
 - (1) Proposed title of the CSM
 - (2) Date, scale and North arrow.
 - (3) Location of the proposed CSM by government lot, quarter section, township, range and county.
 - (4) Small drawing showing the location of the land to be divided.
 - (5) Name and addresses of the owner, subdivider and land surveyor preparing the plat.
 - (6) Entire area contiguous to the proposed CSM owned or controlled by the subdivider shall be included on the preliminary CSM even though only a portion of said area is proposed for immediate development. The Village Board, upon the Plan Commission's recommendation, may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.
- b. Preliminary CSM technical information. All preliminary CSM shall show the following:
 - (1) Exterior boundaries of the proposed lots, including the exact length and bearings, referenced to an established public land survey monument and the total acreage encompassed.
 - (2) Locations of all existing property boundary lines, drives, structures, streams and watercourses, lakes, wetlands, rock outcrops, wooded areas and other significant features within the tract being divided or immediately adjacent thereto.
 - (3) Location, right-of-way widths and names of all existing streets or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the CSM or immediately adjacent thereto.
 - (4) Location and names of any adjacent lots, parks and cemeteries and owners of record of abutting unplatted lands.
 - (5) Existing and proposed zoning on and adjacent to the proposed lots.
 - (6) High-water elevation of all ponds, streams, lakes, flowages and wetlands within the interior boundaries of the lots.
 - (7) Floodplain and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the CSM.
 - (8) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements.
 - (9) Approximate dimensions of all lots. The area in square feet of each lot shall be provided.

- (10) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring plotting.
 - (11) Approximate radii of all curves.
 - (12) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed division in relation to access.
 - (13) Where the Plan Commission or Village Board finds that it requires additional information relative to a particular question presented by a proposed development in order to review the preliminary CSM, it shall have the authority to request in writing such information from the subdivider.
- c. Additional information. The Plan Commission or Village Board may require a proposed CSM layout of all or part of the contiguously owned land even though division is not planned at the time.

Refer to Chapter 460-16 of the Village of Kronenwetter Ordinances "Subdivision of Land" for further regulations on required improvements and design standards.

I hereby certify and say that all the above statements and all accompanying statements and drawings are correct and true based on information and belief.

Tim Vreeland
(Printed Name of Applicant)


(Signature of Applicant)

8-11-2025
(Date)



REPORT TO Village Board

ITEM NAME:	§ 520-20. - Residential land use types. (Zero-Lot-Line Residences)
MEETING DATE:	August 18, 2025
PRESENTING COMMITTEE:	Planning Commission
COMMITTEE CONTACT:	Dave Baker
STAFF CONTACT:	Pete Wegner
PREPARED BY:	Peter Wegner

ISSUE: Staff received inquiries regarding the concept of Zero-Lot-Line Residences. A zero-lot-line residence is a piece of residential real estate in which the structure comes up to, or very near to, the edge of the property line. Some of the advantages are they cost less than homes with larger lots. They offer greater privacy than a condo since they share less or no walls. They maximize the use of available space and reduce maintenance responsibilities. Being in close proximity or sharing a common wall with your neighbors gives a sense of community, as residents are more likely to interact and develop closer relationships.

On 10/21/2024, the Planning Commission reviewed example language and diagrams from other municipalities. As a result, Staff was directed to draft ordinance language. On 1/20/2025, the Planning Commission reviewed proposed language and directed staff to schedule a public hearing. On 2/17/2025, the Planning Commission held a public hearing and directed staff to forward an ordinance amendment to the Village Board for review and approval. On 2/24/2025 the Village Board reviewed the proposed changes and voted NOT to approve the amendments.

Motion by Eiden/Charneski to not approve proposed amendments to Chapter 520-Zoning, Article IV. – Land Use Descriptions and Standards. Motion carried by roll call vote 5:2. Voting yea- Eiden, Charneski, Coyle, Vedvik, Mortensen; Voting nay – Voll, Myszka

It was requested that the Plan Commission again consider the concept of Zero-Lot-Line Residences.

OBJECTIVES: Review and Discuss Zero-Lot-Line Residences

RECOMMENDED ACTION: Provide staff with direction.

ATTACHMENTS (describe briefly): Public Hearing Language and ORDINANCE AMENDMENT NO.: 25-03, § 520-20. - Residential land use types.

Proposed Zero-Lot-Line Structures Ordinance Language

Public Hearing Draft

ARTICLE IV. - LAND USE DESCRIPTIONS AND STANDARDS

§ 520-20. - Residential land use types.

B. Two-family residence.

(1) A two-family residence is a single structure containing two separate dwelling units, each unit having a private individual exterior access, and with no shared internal access within the building. Two-family residences can be constructed as attached side-by-side units each with a ground floor and roof (duplex), or as a two-story structure with one unit above the other (flats). Where side by side, both dwelling units must share the same lot; the individual units may not be on separate lots as a "zero lot line" structure.

(2) Performance standards:

(a) Each two-family residence constructed after June 20, 2016, shall meet the performance standards in subsection A(2)(a) through (f) above, except where otherwise allowed by conditional use permit.

(b) The structure must be in compliance with the Wisconsin Uniform Dwelling Code (UDC).

(c) Where side by side, a building-code-required, fire-rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.

(d) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.

(e) The minimum gross floor area of each dwelling unit shall be 700 square feet, exclusive of attached garages, carports, and open decks/porches.

(f) Each unit within each new two-family residence shall be served by a separate driveway, or minimum driveway width for any shared driveway shall be not less than 30 feet at the front lot line.

(g) Minimum required off-street parking: two outdoor spaces per dwelling unit, such as in a driveway, plus spaces in garage(s). All motor vehicles shall be parked on a hard surface as defined in section 520-138, or on a graveled surface if such surface was legally established before January 1, 2015.

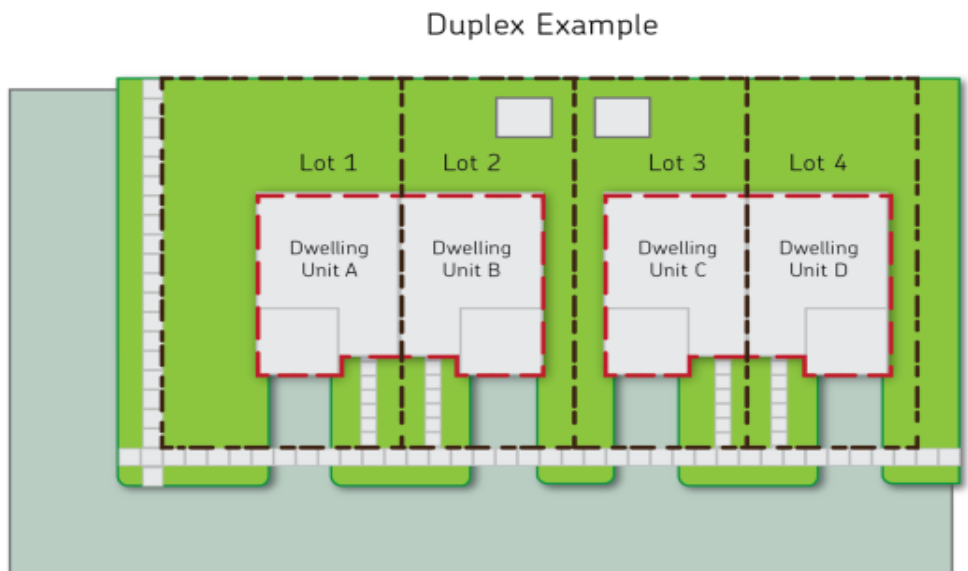
(h) Zero Lot Line Structures (see Figure 520-20C). For buildings containing two separate dwelling units constructed side-by-side, with each unit located on a

separate lot, having a private individual exterior access, and no shared internal access within the building, the following additional standards shall apply:

1. The duplex shall meet the front, side, and rear setbacks required for the applicable zoning district, except that the shared wall shall have no minimum setback requirement.

2. The builder shall provide, with the zoning permit or building permit application, an agreement or covenant specifying maintenance standards for the common wall, maintenance and replacement standards for exterior surfaces of the building to maintain a neat and harmonious appearance over time, maintenance standards for any other common features, and restrictions against construction of detached single family residences on any of the affected lots in the event either or all sides of the zero lot line construction dwelling are destroyed. Such agreement or covenant shall also provide that it may not be terminated, amended or otherwise altered without the approval of the Village Board. Such agreement shall be subject to Zoning Administrator approval, and then recorded by the builder against all affected properties prior to occupancy of the dwelling as a zero-lot line structure.

Figure 520-20C: Example of Zero Lot Line Structure



~~(H)~~ (i) For single-family detached residences utilizing driveways greater than 660 feet in length:

1. A turnout near the driveway's midpoint shall be required. In those instances where a driveway exceeds 1,320 feet in length, turnouts shall be provided no more than 660 feet apart.
2. A turnout shall also be provided within 100 feet of the structure.
3. The minimum turning radius shall be 45 feet.
4. A typical cross-section shall be submitted with the building permit application. A typical driveway cross-section example is depicted in figure 520-20A.
5. The driveway shall be constructed to be 14 feet wide at all points.
6. The driveway shall not exceed an eight percent grade.
7. The driveway shall be constructed with an adequate base to support 55,000 pounds during any weather.
 - a. This requirement can be met by having a certified engineer design a driveway and create a typical cross-section for that driveway. The design of any driveway will need to be stamped and/or signed by that engineer to certify the driveway will be constructed to meet this weight standard. A typical cross-section example is depicted in figure 520-20A.
 - b. This requirement can also be met by constructing the driveway to the standards outlined in figure 520-20B. A cross-section detailing the driveway construction will need to be submitted and certified that it will be constructed to satisfy the code requirements. Base course thickness is based on soil drainage class.

Figure 520-20A: Typical Driveway Cross-Section

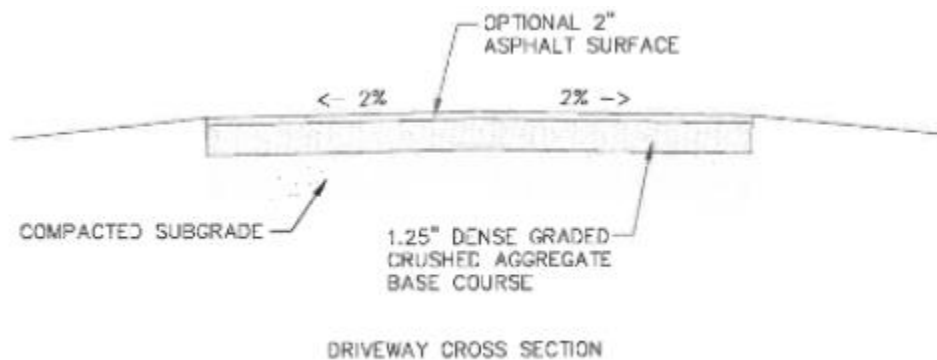


Figure 520-20B: Village of Kronenwetter Minimum Long Driveway Standards that Satisfy the Weight Standard During Any Weather

MINIMUM STANDARDS

MINIMUM BASE COURSE THICKNESS

EXISTING SUBGRADE SOIL TYPES	WITH 2" ASPHALT SURFACE	WITHOUT 2" ASPHALT SURFACE
WELL-DRAINED	8"	8"
POORLY-DRAINED	8"	10"

DRIVEWAYS NOT ALLOWED OVER PEAT, ORGANIC SILT, ORGANIC CLAY

KRONENWETTER LONG
DRIVEWAY STANDARDS

well-drained and poorly-drained soils will be determined through the Natural Resources Conservation Service Web Soil Survey. Excessively drained, somewhat excessively drained, well-drained, and moderately well drained will be classified as 'well-drained soils'. Somewhat poorly drained, poorly drained, very poorly drained, and subaqueous will be classified as 'poorly-drained soils'. If any part of the proposed driveway extends through a poorly-drained soil classification, the entirety of the driveway shall be constructed to the poorly-drained minimum driveway standard

8. The driveway shall maintain an overhead clearance of 15 feet and five feet of cleared brush on each side of the driveway.

9. Bridges and culverts shall be designed to support at least 55,000 pounds and should provide a minimum of 14 feet of unrestricted width and height.

~~(+)~~ (i) For single-family detached residences utilizing private roads accessing three or more lots: Approval from the village public works director shall be required to ensure the roadway will meet village standards for a typical rural road section, except for the public right-of-way requirement. The width of the travel surface shall be 22 feet, with a three-foot shoulder on each side. Property owners shall sign a private roadway maintenance agreement.

ARTICLE XVI. – DEFINITIONS**§ 520-138. - Definitions.**

Zero Lot Line Structure: A structure that is built over the property line, where walls separating occupancy units follow lot lines, such as a zero-lot line duplex.

VILLAGE OF KRONENWETTER
Marathon County, Wisconsin
An Ordinance Amending the Code of the Village of Kronenwetter
ORDINANCE NO.: 25-03 Chapter 520 - ZONING
Amending ARTICLE IV. - LAND USE DESCRIPTIONS AND STANDARDS
§ 520-20. - Residential land use types.

WHEREAS, the Village of Kronenwetter Planning Commission has recommended the Village Board adopt language to allow Zero-Lot-Line Residences

NOW, THEREFORE, BE ORDAINED by the Village of Kronenwetter Village Board, as follows:

**Proposed Amendments to Chapter 520 -
ZONING ARTICLE IV. - LAND USE DESCRIPTIONS AND STANDARDS**

§ 520-20. - Residential land use types.

B. Two-family residence.

(1) A two-family residence is a single structure containing two separate dwelling units, each unit having private individual exterior access, and with no shared internal access within the building. Two-family residences can be constructed as attached side-by-side units each with a ground floor and roof (duplex), or as a two-story structure with one unit above the other (flats). Where side by side, both dwelling units must share the same lot; the individual units may not be on separate lots as a "zero lot line" structure.

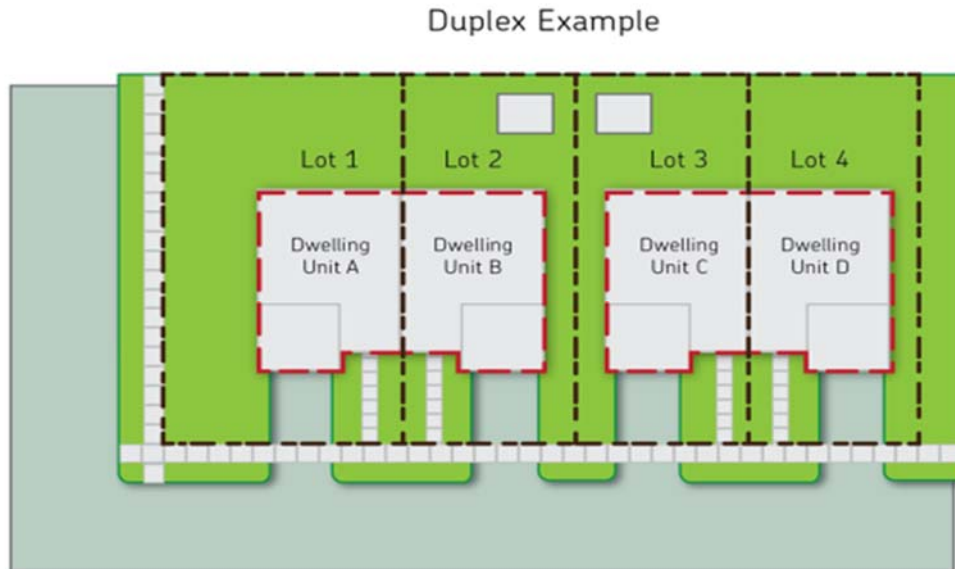
(2) Performance standards:

(a) Each two-family residence constructed after June 20, 2016, shall meet the performance standards in subsection A(2)(a) through (f) above, except where otherwise allowed by conditional use permit.

(b) The structure must be in compliance with the Wisconsin Uniform Dwelling Code (UDC).

-
- (c) Where side by side, a building-code-required, fire-rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
- (d) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (e) The minimum gross floor area of each dwelling unit shall be 700 square feet, exclusive of attached garages, carports, and open decks/porches.
- (f) Each unit within each new two-family residence shall be served by a separate driveway, or minimum driveway width for any shared driveway shall be not less than 30 feet at the front lot line.
- (g) Minimum required off-street parking: two outdoor spaces per dwelling unit, such as in a driveway, plus spaces in garage(s). All motor vehicles shall be parked on a hard surface as defined in section 520-138, or on a graveled surface if such surface was legally established before January 1, 2015.
- (h) Zero Lot Line Structures (see Figure 520-20C). For buildings containing two separate dwelling units constructed side-by-side, with each unit located on a separate lot, having a private individual exterior access, and no shared internal access within the building, the following additional standards shall apply:
1. The duplex shall meet the front, side, and rear setbacks required for the applicable zoning district, except that the shared wall shall have no minimum setback requirement.
 2. The builder shall provide, with the zoning permit or building permit application, an agreement or covenant specifying maintenance standards for the common wall, maintenance and replacement standards for exterior surfaces of the building to maintain a neat and harmonious appearance over time, maintenance standards for any common sewer lateral and any other common features, and restrictions against construction of detached single family residences on any of the affected lots in the event either or all sides of the zero lot line construction dwelling are destroyed. Such agreement or covenant shall also provide that it may not be terminated, amended or otherwise altered without the approval of the Village Board. Such agreement shall be subject to Zoning Administrator approval, and then recorded by the builder against all affected properties prior to occupancy of the dwelling as a zero-lot line structure.

Figure 520-20C: Example of Zero Lot Line Structure



(i) For single-family detached residences utilizing driveways greater than 660 feet in length:

1. A turnout near the driveway's midpoint shall be required. In those instances where a driveway exceeds 1,320 feet in length, turnouts shall be provided no more than 660 feet apart.
2. A turnout shall also be provided within 100 feet of the structure.
3. The minimum turning radius shall be 45 feet.
4. A typical cross-section shall be submitted with the building permit application. A typical driveway cross-section example is depicted in figure 520-20A.
5. The driveway shall be constructed to be 14 feet wide at all points.
6. The driveway shall not exceed an eight percent grade.
7. The driveway shall be constructed with an adequate base to support 55,000 pounds during any weather.

- a. This requirement can be met by having a certified engineer design a driveway and create a typical cross-section for that driveway. The design of any driveway will need to be stamped and/or signed by that engineer to certify the driveway will be constructed to meet this weight standard. A typical cross-section example is depicted in figure 520-20A.
- b. This requirement can also be met by constructing the driveway to the standards outlined in figure 520-20B. A cross-section detailing the driveway construction will need to be submitted and certified that it will be constructed to satisfy the code requirements. Base course thickness is based on soil drainage class.

Figure 520-20A: Typical Driveway Cross-Section

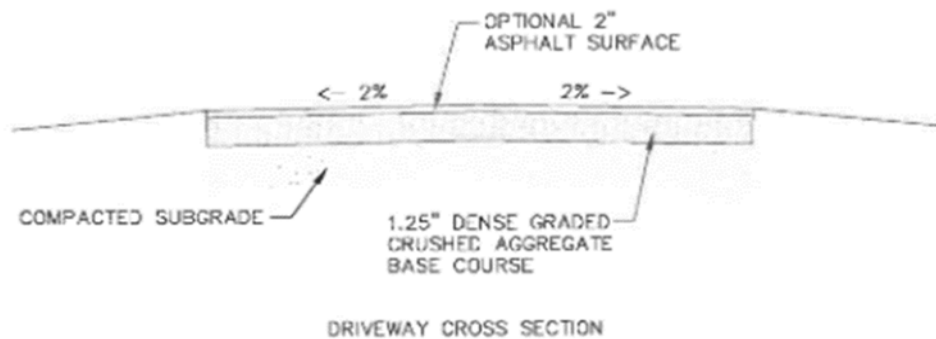


Figure 520-20B: Village of Kronenwetter Minimum Long Driveway Standards that Satisfy the Weight Standard During Any Weather

MINIMUM STANDARDS

MINIMUM BASE COURSE THICKNESS

EXISTING SUBGRADE SOIL TYPES	WITH 2" ASPHALT SURFACE	WITHOUT 2" ASPHALT SURFACE
WELL-DRAINED	8"	8"
POORLY-DRAINED	8"	10"

DRIVEWAYS NOT ALLOWED OVER PEAT, ORGANIC SILT, ORGANIC CLAY

KRONENWETTER LONG DRIVEWAY STANDARDS

well-drained and poorly-drained soils will be determined through the Natural Resources Conservation Service Web Soil Survey. Excessively drained, somewhat excessively drained, well-drained, and moderately well drained will be classified as 'well-drained soils'. Somewhat poorly drained, poorly drained, very poorly drained, and subaqueous will be classified as 'poorly-drained soils'. If any part of the proposed driveway extends through a poorly-drained soil classification, the entirety of the driveway shall be constructed to the poorly-drained minimum driveway standard

8. The driveway shall maintain an overhead clearance of 15 feet and five feet of cleared brush on each side of the driveway.

9. Bridges and culverts shall be designed to support at least 55,000 pounds and should provide a minimum of 14 feet of unrestricted width and height.

(j) For single-family detached residences utilizing private roads accessing three or more lots: Approval from the village public works director shall be required to ensure the roadway will meet village standards for a typical rural road section, except for the public right-of-way requirement. The width of the travel surface shall be 22 feet, with a three-foot shoulder on each side. Property owners shall sign a private roadway maintenance agreement.

ARTICLE XVI. – DEFINITIONS

§ 520-138. - Definitions.

Zero Lot Line Structure: A structure that is built over the property line, where walls separating occupancy units follow lot lines, such as a zero-lot line duplex.

ATTACHMENT 3 RURAL LOT DIMENSIONS

Figure V (1): Rural, Open Space and Residential District Lot Dimension and Intensity Standards

Zoning District	Minimum Lot Area	Minimum Lot Width (ft) ^(a)	Minimum Public Street Frontage (ft)	Maximum Total Building Coverage	Maximum Accessory Structure Floor Area (sf) (c)	Minimum Landscape Surface Ratio (LSR)
AR Agriculture and Residential	20 acres	600	200	N/A	10,000	N/A
RR-5 Rural Residential 5 Acres	5.0 acres	300	100	20%	5,000	N/A
RR-2 Rural Residential 2 Acres	2.0 acres	150	80	20%	3,000	N/A
PR Parks and Recreation	N/A	N/A	N/A	10%	N/A	50%
SF Single Family	20,000 square feet	100	50	30%	2,510 x lot area in acres (d)	50%
2F Two-Family Residential (b&e)	20,000 square feet	100	40	40%	2,510 x lot area in acres (d)	40%
MF Multifamily Residential (e&f)	5,000 square feet/dwelling unit	100	40	40%	10% of lot area	30%
MH Mobile Home	5,000 square feet/home (g)	50	N/A	40%	350	30%

NOTES:

- (a) The minimum lot width shall be measured at the front of the building.
- (b) For zero lot line structures, each lot shall have a minimum lot area of 10,000 square feet per unit and must be at least 40 feet in width within two family residential zoning districts.

PART II: - GENERAL LEGISLATION Chapter
520 - ZONING - FIGURES
ATTACHMENT 3 RURAL LOT DIMENSIONS

Section 8, ItemJ.

- (c) Maximum accessory structure floor area may be increased by site plan approval under § 520-124 and per the standards in § 520-27. B.
- (d) The floor area shall not exceed 2,510 square feet, with a maximum of three accessory structures allowed on the same zoning lot over one acre and a maximum of two accessory structures allowed on the same zoning lot under one acre.
- (e) Single-family detached residences within the 2F District shall comply with the SF District requirements.
- (f) Single-family detached residences within the MF District shall comply with the SF District requirements. Two family residences within the MF District shall comply with the 2F District requirements.
- (g) Total area of each mobile home community shall be a minimum of 10 acres.

(Ord. No. 16-07, 6-20-2016; Ord. No. 17-07, 4-11-2017; Ord. No. 17-20, 9-26-2017)

ATTACHMENT 4 RURAL SETBACK STANDARDS

Figure V (2): Rural, Open Space and Residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) ^(b)								Minimum Principal Building Separation (ft)	Maximum Building Height			
	Principal Residential Building including Attached Garage				Detached Accessory Building ^(a)		Hard or Gravel Surface ^(d)			Principal Building		Accessory Building	
	Front ^(a)	Street Side ^(a)	Interior Side	Rear	Interior Side ^(c)	Rear	Interior Side or rear	Front or Street ^(a)		Feet	Floors	Feet	Floors
AR	50	30	20	40	12	12	0	0	10	35	2.5	35	2.5
RR-5	50	30	20	25	12	12	6	10	15	35	2.5	35	2.5
RR-2	50	30	20	25	12	12	6	10	15	35	2.5	35	2.5
PR	30	30	12	20	12	12	6	10	30	35	2.5	25	2
SF	50	25	12	12	5	5	6	10	20	35	2.5	15	1
2F (e)	30	30	8	12	5	5	6	10	20	35	2.5	15	1
MF (f)	30	30	8	12	5	5	6	10	20	40	3	15	1
MH	20 (g)	20 (g)	8	12	5	5	6	10	10	20	1	15	1

NOTES:

-
- (a) See section 520-27. B for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory buildings, and other standards associated with detached accessory structures.
 - (b) Additional setbacks may be required along zoning district boundaries for buffer yards, if required for the land use under article IV or section 520-79.C (4).
 - (c) Minimum streetside yard setbacks are equal to the minimum streetside setback for the principal structure.
 - (d) Includes all gravel and hard surfaces as defined in section 520-138, along with recreational vehicles. This setback excludes intrusions required for driveway entrances and permitted or required for cross-access driveways and pedestrian ways; shared driveways; and shared parking lots.
 - (e) Single-family detached residences shall comply with the requirements for the SF District. No interior side yard setbacks for zero lot line structures.
 - (f) Single-family detached residences shall comply with the requirements of the SF District. Two-family residences shall comply with the requirements of the 2F District.
 - (g) A minimum one-hundred-foot-wide buffer must be provided around the perimeter of each mobile home community.

(Ord. No. 16-07, 6-20-2016)

PASSED and ADOPTED this 10TH day of February 2025

By: _____
Chris Voll, Village President

(SEAL)

ATTEST:

Jennifer Poyer, Interim Clerk

PART II: - GENERAL LEGISLATION
Chapter 520 - ZONING
- FIGURES
ATTACHMENT 3 RURAL LOT DIMENSIONS

Section 8, ItemJ.

PART II: - GENERAL LEGISLATION
Chapter 520 - ZONING
- FIGURES
ATTACHMENT 3 RURAL LOT DIMENSIONS

ATTACHMENT 3 RURAL LOT DIMENSIONS

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RR-5 Rural Residential 5 Acres	5.0 acres	300	100	20%	5,000	N/A
RR-2 Rural Residential 2 Acres	2.0 acres	150	80	20%	3,000	N/A
PR Parks and Recreation	N/A	N/A	N/A	10%	N/A	50%
SF Single Family	20,000 square feet	100	50	30%	2,510 x lot area in acres ^(e, d)	50%
2F Two-Family Residential ^(d, b & e)	20,000 square feet	100	40	40%	2,510 x lot area in acres ^(e, d)	40%
MF Multifamily Residential ^(e, f)	5,000 square feet/dwelling unit	100	40	40%	10% of lot area	30%
MH Mobile Home	5,000 square feet/home ^{(f)-(g)}	50	N/A	40%	350	30%

PART II: - GENERAL LEGISLATION
Chapter 520 - ZONING
- FIGURES
ATTACHMENT 3 RURAL LOT DIMENSIONS

NOTES:

- (a) The minimum lot width shall be measured at the front of the building.
- (b) For zero lot line structures, each lot shall have a minimum lot area of 10,000 square feet per unit and must be of at least 40 feet in width within two family residential zoning districts.
- ~~(b)~~(c) Maximum accessory structure floor area may be increased by site plan approval under § 520-124 and per the standards in § 520-27.B.
- ~~(c)~~(d) The floor area shall not exceed 2,510 square feet, with a maximum of three accessory structures allowed on the same zoning lot over one acre and a maximum of two accessory structures allowed on the same zoning lot under one acre.
- ~~(d)~~(e) Single-family detached residences within the 2F District shall comply with the SF District requirements.
- ~~(e)~~(f) Single-family detached residences within the MF District shall comply with the SF District requirements. Two-family residences within the MF District shall comply with the 2F District requirements.
- ~~(f)~~(g) Total area of each mobile home community shall be a minimum of 10 acres.

(Ord. No. 16-07, 6-20-2016; Ord. No. 17-07, 4-11-2017; Ord. No. 17-20, 9-26-2017)

ATTACHMENT 4 RURAL SETBACK STANDARDS

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	Principal Residential Building including Attached Garage				Detached Accessory Building ^(a)		Hard or Gravel Surface ^(d)			Principal Building	
	Front ^(a)	Street Side ^(a)	Interior Side	Rear	Interior Side ^(c)	Rear	Interior Side or Rear	Front or Street ^(a)		Feet	Floors
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RR-5	50	30	20	25	12	12	6	10	15	35	2.5
RR-2	50	30	20	25	12	12	6	10	15	35	2.5
PR	30	30	12	20	12	12	6	10	30	35	2.5
SF	50	25	12	12	5	5	6	10	20	35	2.5
2F(e)	30	30	8	12	5	5	6	10	20	35	2.5
MF(f)	30	30	8	12	5	5	6	10	20	40	3
MH	20(g)	20(g)	8	12	5	5	6	10	10	20	1

NOTES:

- (a) See section 520-27.B for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory buildings, and other standards associated with detached accessory structures.
- (b) Additional setbacks may be required along zoning district boundaries for buffer yards, if required for the particular land use under article IV or section 520-79.C(4).
- (c) Minimum streetside yard setbacks are equal to the minimum streetside setback for the principal structure.
- (d) Includes all gravel and hard surfaces as defined in section 520-138, along with recreational vehicles. This setback excludes intrusions required for driveway entrances and permitted or required for cross-access driveways and pedestrian ways; shared driveways; and shared parking lots.
- (e) Single-family detached residences shall comply with the requirements for the SF District. No interior side yard setbacks for zero lot line structures.
- (f) Single-family detached residences shall comply with the requirements of the SF District. Two-family residences shall comply with the requirements for the 2F District.
- (g) A minimum one-hundred-foot-wide buffer must be provided around the perimeter of each mobile home community.

(Ord. No. 16-07, 6-20-2016)

PART II: - GENERAL LEGISLATION
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ATTACHMENT 4 RURAL SETBACK STANDARDS

Section 8, Item J.



REPORT TO Village Board

ITEM NAME:	Chickens
MEETING DATE:	August 18, 2025
PRESENTING COMMITTEE:	Plan Commission
COMMITTEE CONTACT:	David M. Baker
STAFF CONTACT:	Pete Wegner
PREPARED BY:	Peter Wegner

ISSUE: Currently, chickens are allowed in the Agriculture and Residential and Rural Residential 5 Districts as a permitted use and in the Rural Residential 2 District as a Conditional Use. The use is currently not permitted in the Single-Family Residential District.

On 8/4/2025 the CLIPP Committee reviewed proposed language to allow chickens in SF – Single Family Residential. A motion was made to forward the proposed language to the Plan Commission for review and future public hearing.

OBJECTIVES: To review and discuss allowing chickens within SF – Single Family Residential Zoning Districts.

RECOMMENDED ACTION: Review materials provided by staff. Direct staff how to proceed.

ATTACHMENTS (describe briefly): Proposed Ordinance Language.

PROPOSED LANGUAGE

Draft Discussed with CLIPP on 8/4/2025

§ 520-27. - Accessory and miscellaneous land use types.**H. Keeping of farm animals on residential lots.**

(1) This is the keeping or raising of farm animals on a residential lot, in zoning districts where allowed under Figure 520-17[3] and where such activity is clearly accessory to the principal residential use. Farm animals are as defined in Article XVI. The animals may be kept for show, breeding, or products that are predominantly consumed or used by the residents of the same lot. Gardening and residential composting are allowed in all zoning districts.

(2) Performance standards:

(a) All animals shall be kept within a completely enclosed area.

(b) Uses shall meet all performance standards in Article XII, including odor standards in § 520-93.

(c) To be considered an accessory use within any RR-2 Zoning District:

[1] The only permitted farm animals are chickens, ducks, and bees.

[2] All animal enclosures and beehives shall meet the minimum interior side and rear setback requirements for detached accessory buildings per Figure V(2).

[3] No animal enclosure shall be located closer than 10 feet from the principal building.

[4] The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage.

(d) Within the AR and RR-5 Zoning Districts:

[1] The keeping or raising of hogs as an accessory use to the principal residential use shall be limited to no more than two hogs.

[2] The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage. The Zoning Administrator may approve modifications and exceptions to this animal unit density standard if, each year the normal density standard is to be exceeded, the landowner provides conservation compliance documentation from Marathon County signifying that the keeping of a higher density of animal units is in compliance with all NR 151 agricultural runoff performance standards and prohibitions.

(e) Within the SF Zoning District:

[1] The only permitted farm animals are chickens. Each parcel is limited to four (4) hens. Roosters are prohibited.

[2] Chickens shall be kept in a covered coop and attached pen located within the rear yard of the premises, no closer than five feet to any property line.

[3] Chicken coops and attached pens shall allow at least 4 square feet per chicken, not exceed a maximum of 32 square feet in size and the height of the coop and attached pen shall not exceed 6 feet above ground level. A chicken coop is excluded from figure V(1) floor area, and coverage standards associated with detached accessory structures.

[4] All chicken coops and attached pens shall be reasonably free of chicken manure and other substances such that the environment around the chickens does not become noxious or offensive.

~~(f)~~ (e) The keeping of bees shall be governed by the following additional regulations:

[1] No more than one beehive shall be kept for each 5,000 square feet of lot area.

[2] The front of any beehive shall face away from the property line of the residential property closest to the beehive. A flyway barrier consisting of a solid fence of six feet in height or a dense hedge at least six feet in height shall be placed along the side of the beehive that contains the entrance to the hive, be located within five feet of the hive, and extend at least two feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least 25 feet from all property lines.

[3] A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

[4] No Africanized bees may be kept.

Proposed Definitions:

Chicken. A female hen of any age, including chicks. This definition does not include other kinds of fowl including but not limited to ducks, quail, pheasant, geese, turkeys, guinea hens, peacocks, emus and ostriches.

Coop. An enclosed structure or pen within which chickens roost or are housed.



Report to Village Board

Agenda Item: Proposed changes to § 520-121. - Conditional use permits.

Meeting Date: August 18, 2025

Referring Body: Plan Commission

Committee Contact: Dave Baker

Staff Contact: Peter Wegner, CD/PZ Director

Report Prepared by: Peter Wegner, CD/PZ Director

AGENDA ITEM: Proposed changes to § 520-121 - Conditional use permits.

OBJECTIVE(S): Discussion and possible action to review § 520-121. – Conditional use permits.

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.

On 11/18/2024, the Plan Commission reviewed draft language, suggested some changes and directed staff to research further.

On 2/17/2025, the Plan Commission reviewed and discussed draft language and possible changes addressing those aspects mentioned above. Staff was directed to make changes as discussed and to present revised language at the next Plan Commission Meeting.

On 3/17/2025, staff presented the most recent proposed changes. As a result, the Plan Commission directed staff to hold a public hearing on April 21, 2025, to gather public input related to these changes.

On 4/21/2025, the Plan Commission held a public hearing and passed a motion to recommend Village Board approval.

On 5/12/2025, the Village Board discussed the proposed Ordinance Amendment. Action was delayed to allow new Village Board Trustees time to consider that being proposed.

On 6/14/2025, the Village Board discussed the background of the proposed Ordinance Amendment.

On 7/28/2025, the Village Board discussed concerns with the language as proposed. Motion passed not to approve the proposed changes to 520-121.

RECOMMENDED ACTION: Review and discuss history of proposed changes to 520-121.

ATTACHMENTS: Proposed changes to 520-121- Conditional use permits and Ordinance Amendment.

Proposed Changes 4/21/2025 Public Hearing

§ 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) 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 the Board of Appeals. An appeal of a decision under Subsection E may be taken to the 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 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 consideration by the Board of Appeals.
 - (3) The 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 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.

(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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

~~(2)~~ ~~(1)~~ Is the proposed conditional use ~~in harmony~~ compatible with the Comprehensive Plan, this chapter, and any other plan, program, or ordinance adopted by the Village?

~~(3)~~ ~~(2)~~ The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in a substantial or 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.

~~(4)~~ ~~(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?

~~(5)~~ ~~(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?

- 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 within 520-121 K. ~~for original granting of a conditional use permit.~~

- K. Revocation of Permits. The Planning Commission shall retain continuing jurisdiction over all activities authorized by the permit to assure compliance with this ordinance, other ordinances, and the permit terms. Such authority shall be in addition to the enforcement authority of the Zoning Administrator. Upon notice to the Planning Commission of an alleged violation of any permit, in its sole discretion, the Planning Commission may hold a public hearing to consider amending, suspending, or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department prior to conducting the public hearing. The notice shall contain the date, time, and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s). Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Planning Commission, at its sole discretion, may hold additional public hearings. If the Planning Commission finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend, or revoke the permit. The decision of the Committee shall be furnished to the permit holder in writing, stating the reasons therefore.
- L ~~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.
- M ~~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.
- N ~~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.
- O ~~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.

- P Θ.** Uses now regulated as conditional uses that were legal land uses (permitted by right or as conditional uses) prior to effective date of this 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 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.

VILLAGE OF KRONENWETTER
Marathon County, Wisconsin
An Ordinance Amending the Code of the Village of Kronenwetter
ORDINANCE NO.: 25-04
Chapter 520 - ZONING
Amending ARTICLE XV. - PROCEDURES AND ADMINISTRATION
§ 520-121. – Conditional use permits.

WHEREAS, the Village of Kronenwetter Plan Commission has recommended the Village Board adopt language to update existing code relating to appeals and to comply with State Statutes

NOW, THEREFORE, BE ORDAINED by the Village of Kronenwetter Village Board as follows:

**Proposed Amendments to Chapter 520 – ZONING
Amending ARTICLE XV. - PROCEDURES AND ADMINISTRATION**

§ 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) 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 first class mail to 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 the Board of Appeals. An appeal of a decision under Subsection E may be taken to the 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 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 consideration by the Board of Appeals.

(3) The 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 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.

(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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

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

(3) 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.

(4) 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?

(5) 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?

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 within 520-121 K.

K. Revocation of Permits. The Plan Commission shall retain continuing jurisdiction over all activities authorized by the permit to assure compliance with this ordinance, other ordinances, and the permit terms. Such authority shall be in addition to the enforcement authority of the Zoning Administrator. Upon notice to the Plan Commission of an alleged violation of any permit, in its sole discretion, the Plan Commission may hold a public hearing to consider amending, suspending, or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department prior to conducting the public hearing. The notice shall contain the date, time, and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s). Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Plan Commission, at its sole discretion, may hold additional public hearings. If the Plan Commission finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend, or revoke the permit. The decision of the Plan Commission shall be furnished to the permit holder in writing, stating the reasons therefore.

L. 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.

M. 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.

N. 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.

O. 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.

P. Uses now regulated as conditional uses that were legal land uses (permitted by right or as conditional uses) prior to effective date of this 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 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.

PASSED and ADOPTED this 23rd day of June 2025

By: _____

Dave Baker, Village President

(SEAL)

ATTEST:

Jennifer Poyer, Village Clerk



Report to Village Board

Agenda Item: Proposed changes to § 520-124. - Site plan procedures.

Meeting Date: August 18, 2025

Referring Body: Plan Commission

Committee Contact: Dave Baker

Staff Contact: Peter Wegner, CD/PZ Director

Report Prepared by: Peter Wegner, CD/PZ Director

AGENDA ITEM: Proposed changes to § 520-124. - Site plan procedures.

OBJECTIVE(S): Discussion and possible action to review § 520-124 - Site Plan Procedures.

HISTORY/BACKGROUND: The Plan Commission has been reviewing proposed changes to §520-121. – Conditional use permits. The Plan Commission acknowledged changes to §520-124. - Site plan procedures should be considered to provide consistency. Specifically, changes under 520-124 H. Action by Plan Commission: appeal procedure and 520-121 I. Action by Village Board.

On February 17, 2025, staff was directed to make changes to 520-124 H. and I related to the appeal process.

On March 17, 2025, the Plan Commission reviewed and approved the proposed changes. As a result, the Plan Commission directed staff to schedule a public hearing on April 21, 2025, to gather public input related to these changes.

On 4/21/2025, the Plan Commission held a public hearing and recommended an Ordinance Amendment be forwarded to the Village Board approval.

On 5/12/2025, the Village Board discussed the proposed Ordinance Amendment. Action was delayed to allow new Village Board Trustees time to consider that being proposed.

On 5/12/2025, the Village Board discussed the proposed Ordinance Amendment. Action was delayed to allow new Village Board Trustees time to consider that being proposed.

On 6/14/2025, the Village Board discussed the background of the proposed Ordinance Amendment.

On 7/28/2025, the Village Board discussed concerns with the language as proposed. Motion passed not to approve the proposed changes to 520-124 Site plan procedures.

RECOMMENDED ACTION: Review and discuss the history of proposed changes to 520-124 Site plan procedures.

ATTACHMENTS: Proposed changes to § 520-124. - Site plan procedures and Ordinance Amendment.

Proposed Language 4/21/2025 Public Hearing

§ 520-124. - Site plan procedures.**Sections A. – G. unchanged**

H. Action by plan commission; appeal procedure. Except as provided in subsection I, the plan commission shall, within 45 days of a complete submittal, approve the site plan as presented, approve the site plan with conditions, or reject the site plan, indicating reasons for rejection, unless this time frame is extended by written agreement of the applicant. Such deadline may be extended by written or electronic agreement from the applicant. The zoning administrator shall notify the applicant of such action in writing on a form designed for that purpose. Within ~~20~~ 30 days of such action, the applicant may appeal in writing all or part of the plan commission's decision to the ~~village board~~ Board of Appeals. During the appeal process, the zoning administrator and building inspector are authorized to hold the issuance of permits to enable commencement or continuation of building and other activities authorized by the zoning administrator's decision, and to issue a stop-work order for any such activities already commenced. The ~~village board~~ Board of Appeals may affirm, modify, or reverse the plan commission's decision. The plan commission shall inform the village board of all site plans submitted, reviewed, approved, and rejected under this subsection H during each meeting.

I. Action by village board.

(1) The plan commission shall not determine a site plan application, but shall forward the complete site plan application or components thereof, all associated materials, and a report and recommendation to the village board in all cases where at least one of the following conditions is present:

~~(a) The applicant has indicated on the application form a desire for village board action instead of plan commission action.~~

~~(b) The application is filed concurrently with a rezoning application for the same site.~~

(a) ~~(c)~~ The site plan is for a large retail and commercial service development as described in section 520-77.

(b) ~~(d)~~ The site plan proposes public improvements other than driveway connections to public streets and sanitary sewer or water lateral connections to existing public mains, or in the opinion of the commission requires such improvements.

~~(c) A written agreement between the village and applicant requires village board approval of the site plan.~~

(2) In the above instances, the village board shall, between ten and 60 days of submittal of plan commission referral, approve the site plan as presented, approve the site plan with conditions, or reject the site plan, including reasons for rejection, unless this time frame is extended by written or electronic agreement of the applicant. The zoning administrator shall notify the applicant of such action in writing on a form designed for this purpose.

J. Appeal to ~~village board~~ the Board of Appeals. An appeal of a decision under subsection H may be taken to the ~~village board~~ 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 ~~ten~~ 30 days after the date of the commission's 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 site plan, 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 consideration ~~village board~~ by the Board of Appeals.

(3) The ~~village board~~ Board of Appeals shall, ~~by resolution,~~ make a final decision to grant, with or without conditions, or to deny each application for site plan approval after receiving 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 ~~eCommission~~ under this section. The ~~village board's~~ Board of Appeals' determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.

VILLAGE OF KRONENWETTER
 Marathon County, Wisconsin
 An Ordinance Amending the Code of the Village of Kronenwetter
 ORDINANCE NO.: 25-05
 Chapter 520 - ZONING
 Amending ARTICLE XV. - PROCEDURES AND ADMINISTRATION
 § 520-124. - Site plan procedures.

WHEREAS, the Village of Kronenwetter Plan Commission has recommended the Village Board adopt language to update existing code relating to appeals and to provide consistency with other sections.

NOW, THEREFORE, BE ORDAINED by the Village of Kronenwetter Village Board, as follows:

Proposed Amendments to Chapter 520 – ZONING
Amending ARTICLE XV. - PROCEDURES AND ADMINISTRATION

§ 520-124. - Site plan procedures.

Sections A. – G. unchanged

H. Action by plan commission; appeal procedure. Except as provided in subsection I, the plan commission shall, within 45 days of a complete submittal, approve the site plan as presented, approve the site plan with conditions, or reject the site plan, indicating reasons for rejection, unless this time frame is extended by written agreement of the applicant. Such deadline may be extended by written or electronic agreement from the applicant. The zoning administrator shall notify the applicant of such action in writing on a form designed for that purpose. Within 30 days of such action, the applicant may appeal in writing all or part of the Plan Commission's decision to the Board of Appeals. During the appeal process, the zoning administrator and building inspector are authorized to hold the issuance of permits to enable commencement or continuation of building and other activities authorized by the zoning administrator's decision, and to issue a stop-work order for any such activities already commenced. The Board of Appeals may affirm, modify, or reverse the plan commission's decision. The plan commission shall inform the village board of all site plans submitted, reviewed, approved, and rejected under this subsection H during each meeting.

I. Action by village board.

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(a) The applicant has indicated on the application form a desire for village board action instead of plan commission action.

(b) The application is filed concurrently with a rezoning application for the same site.

(c) The site plan is for a large retail and commercial service development as described in section 520-77.

(d) The site plan proposes public improvements other than driveway connections to public streets and sanitary sewer or water lateral connections to existing public mains, or in the opinion of the commission requires such improvements.

(2) In the above instances, the village board shall, between ten and 60 days of submittal of plan commission referral, approve the site plan as presented, approve the site plan with conditions, or reject the site plan, including reasons for rejection, unless this time frame is extended by written or electronic agreement of the applicant. The zoning administrator shall notify the applicant of such action in writing on a form designed for this purpose.

J. Appeal to the Board of Appeals. An appeal of a decision under subsection H may be taken to the 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 30 days after the date of the commission's 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 site plan, 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 consideration by the Board of Appeals.

(3) The Board of Appeals shall make a final decision to grant, with or without conditions, or to deny each application for site plan approval after receiving 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 Board of Appeals' determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.

PASSED and ADOPTED this 23rd day of June 2025

By: _____

Dave Baker, Village President

(SEAL)

ATTEST:

Jennifer Poyer, Village Clerk