

NOTICE FOR PUBLIC HEARING

A public hearing as required by the General Code of Ordinances for Marathon County Chapter 17 Zoning Code will be held by the **Marathon County Board of Adjustment** at **9:00 a.m., Thursday, April 27, 2023**, at 500 Forest Street, Wausau WI 54403.

Persons wishing to attend the meeting by phone may call into the telephone conference beginning fifteen (15) minutes prior to the start time indicated above using the following number:

Phone Number: 1-408-418-9388

Access Code/Meeting Number: 2482 290 3069

PLEASE NOTE: If you are prompted to provide an “Attendee Identification Number” enter the # sign. No other number is required to participate in the telephone conference.

When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

1. Approval of the March 23, 2023 minutes.
2. The application of Daniel M Good on behalf of Riverside Parochial School for a conditional use permit per Section 17.204.31 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning code to construct and operate a Parochial School in the N-C Neighborhood Commercial District, Located in part of the Southwest ¼ of the Southeast ¼ of Section 11, Township 28 North, Range 2 East, Town of Hull. Parcel is described as Lot 1 of preliminary CSM. Parent Parcel PIN #044.2802.114.0997.
3. The application of American Asphalt of WI for a conditional use permit per Section 17.204.62 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning Code to construct and operate a temporary concrete and/or blacktop mix plant, processing, stockpiling, and recycling of road building materials facility located within the Farm Preservation District. Property is described as the Northeast ¼ , Northwest Fractional ¼ of Section 3, Township 27 North, Range 3 East, Town of Eau Pleine; Pin#: 020.2703.032.0999.
4. Board Education and Training as needed
 - a. Chapter 17 Updates
5. Board Reappointments
6. Announcements and Requests
7. Adjourn

All interested persons will be provided the opportunity to provide testimony at the public hearing. Those planning to attend this meeting who need some type of special accommodation in order to participate should call the County Clerk’s Office at 715-261-1500. Please call at least one business day in advance of the meeting.

In the event you are unable to attend the public hearing and wish to provide written testimony, please contact the Conservation, Planning and Zoning Department at 715-261-6000 for assistance.

Richard M. Lawson Richard Lawson - Vice Chairman, Board of Adjustment

Laurie Miskimins Laurie Miskimins - Director, Conservation Planning and
Zoning Department

Publish: April 10th and April 17th, 2023

E-mailed to Wausau Daily Herald on April 6th, 2023, at 12:45 p.m./ nd

APPLICATION FOR CONDITIONAL USE PERMIT
MARATHON COUNTY BOARD OF ADJUSTMENT

The applicant hereby requests the Board of Adjustment to hear and decide upon this application as prescribed by Section 17.803 of the Marathon County Zoning Ordinance. **Use a separate sheet if necessary.**

Name of Applicant: Daniel McCood
Mailing Address: 110367 Wwertzburg Rd Athens WI 54411
Telephone: Fax:
Cellphone: 717 247 6216 Email: peacefulvalleyj@gmail.com
Owner Name: (if different) Riverside Parochial School Board of Directors
Mailing Address:
Telephone: Fax:

PARCEL INFORMATION

Parcel ID # (PIN): 044-2802-114-0997
(If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)
Legal Description: Government Lot: or SW ¼ SE ¼ Section: 11, T 28 N, R 2 E,
Town of Hull
Lot Block Subdivision
Property Address: ? Huckleberry Rd Colby WI 54421
Parcel size: 2.069 Acres or 87,750 ft² Zoning District: N-C

Present use of property (List all current uses, i.e. home, store, farm field, wooded, etc.):
Currently the land is used for farming

Existing improvements (Structures, well, septic, etc.):
There are no existing improvements on this parcel

PROPOSAL

Describe **specifically** the nature of this request (be sure to **list all proposed uses** of the parcel). What do you plan to do?
The board of directors are proposing the building of a one room parochial school house on this parcel. It will include a septic system and well.

If this application is for a use that will be restricted to part of the parcel, specify the **exact dimensions** of the affected area.
Currently there are no known restricted areas on this parcel

Provide the following information if this box is checked

Proposal has additional development standards in Section . Explain how your proposal meets or exceeds these requirements.

Use separate/additional sheet(s) if necessary

INSTRUCTIONS TO APPLICANT

1. Be sure to complete **all items** on the application. This includes a **brief, but complete explanation** of the current use and proposed new use.
2. Prepare a **map at a scale which is reproducible** (11" x 17" or smaller). For maps larger than 11" x 17", be prepared to provide as many copies as needed for transmittal. In no instance may the scale of the map be less than 1 inch equals 200 feet. There are instances where a cross-section of the property or contours will be helpful, and in some cases one or both may be required. Narrative or photos may be included as supporting documentation.

At a minimum the map must include:

- The location, dimensions, and parcel identification number of the lot or lots including a legal description.
- Location of any and all nearby public and private streets.
- Dimensions of the lot and the location of all existing and proposed buildings or structures, and location of existing or proposed private onsite wastewater treatment (septic) system.
- Required front, rear, and side yard areas, open space, and parking.
- On residential parcels, the number of dwelling units contained within each building and proposed number of bedrooms.
- Location and dimensions of all buildings or structures to be erected, structurally altered, or moved.
- Wetlands and floodplains
- Screening/Buffers
- Lighting
- Parking

3. **Include the \$600 fee** when you submit the application. Please make checks payable to Marathon County.

We cannot consider an application complete until the following are submitted to this office:

<i>Check if submitted</i>	<i>Initial of staff</i>	
<input checked="" type="checkbox"/>	SH	Completed application including signatures.
<input checked="" type="checkbox"/>	SH	Map with all required information.
<input checked="" type="checkbox"/>	SH	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input checked="" type="checkbox"/>	SH	Zoning Permit application
<input checked="" type="checkbox"/>	SH	Fee

Please contact the Marathon County Conservation, Planning and Zoning Department with any questions: 715-261-6000.

IMPORTANT: The applicant or authorized representative **must be present at the hearing** or Board **may deny** the application without prejudice.

Gary M. Bubben (Chairman)
Owner Signature (required)

2-16-23
Date

Daniel M. Good
Agent / Person responsible for work Signature (required)

2-11-23
Date

Conditional Use Permits expire six (6) months from the latest date of signature on the approval letter signed by Chairman and the Secretary of the Board of Adjustment if the proposed construction or preparation of land for use has not commenced. The Zoning Administrator may grant an extension for up to six (6) months upon show of valid cause.

Return to: Board of Adjustment
Marathon County CPZ Department
210 River Drive
Wausau, WI 54403-5449

Telephone: 715-261-6000
Toll free within Marathon County: 1-800-236-0153
Facsimile: 715-261-6016

For office use

Amount Received: \$

600.00 ✓

For office use

Date Stamp:

For office use

RECEIVED

FEB 16 2023

MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT.

Contact: Daniel M Good
 110367 Wwertzburg Rd
 Athens WI 54411

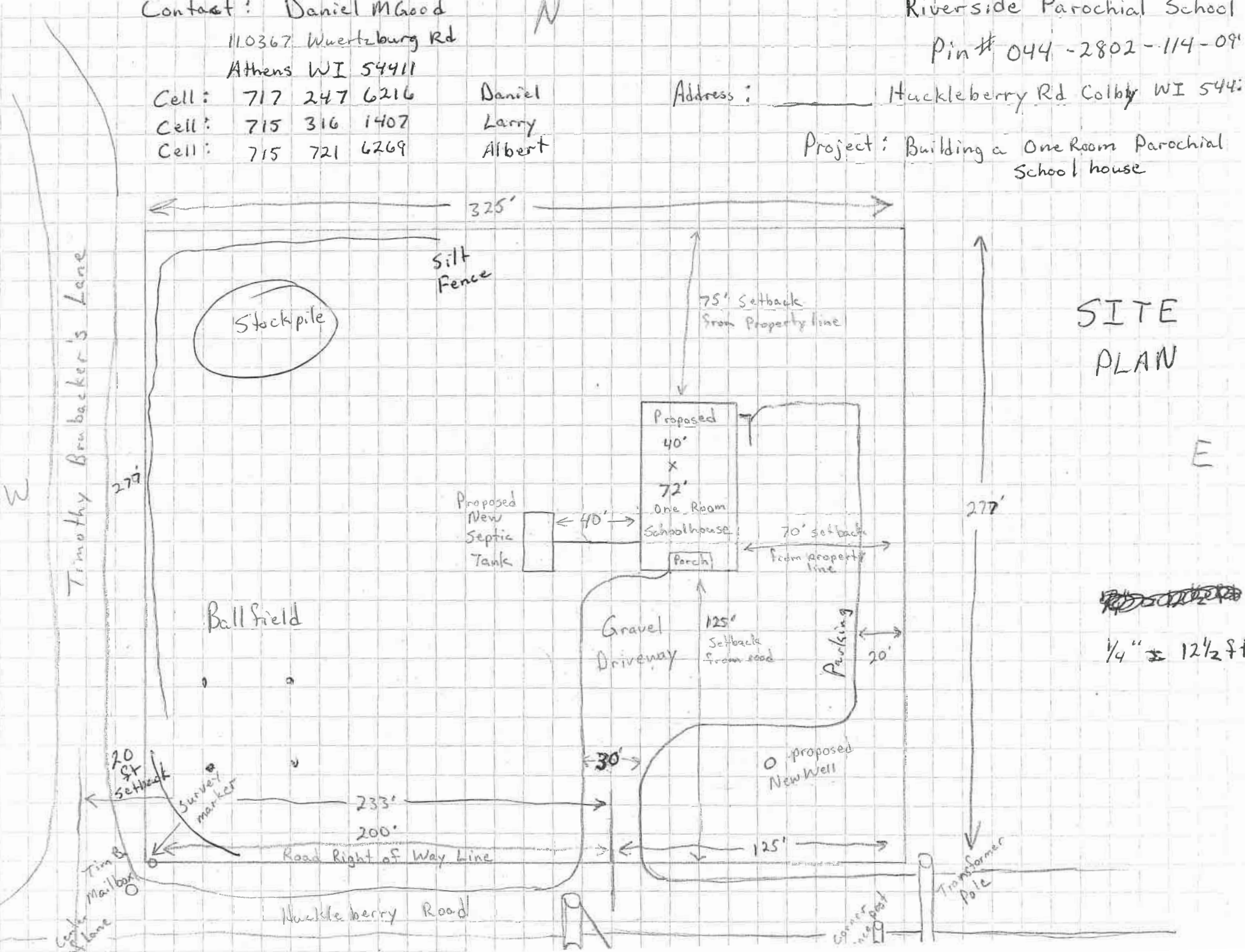
Cell: 717 247 6216
 Cell: 715 316 1407
 Cell: 715 721 6269

Daniel
 Larry
 Albert

Riverside Parochial School
 Pin# 044-2802-114-09

Address: _____ Huckleberry Rd Colby WI 54401

Project: Building a One Room Parochial School house



SITE PLAN

E

~~1/4" = 12 1/2 ft~~
 1/4" = 12 1/2 ft

CERTIFIED SURVEY MAP

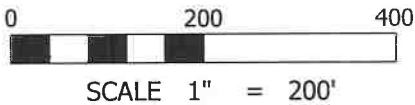
MARATHON COUNTY NO. _____

PART OF THE SW1/4 OF THE SE1/4 OF SECTION 11, TOWNSHIP 28 NORTH, RANGE 2 EAST, TOWN OF HULL, MARATHON COUNTY, WISCONSIN.

NORTHCENTRAL LAND SURVEYING, LLC
 163957 OWL RIDGE ROAD, WAUSAU, WISCONSIN 54403
 WEBSITE: www.NorthCentralLandSurveying.com
 PHONE: 715-297-8343
 EMAIL: JasonPflieger@gmail.com
 DRAFTED & DRAWN BY: JASON J. PFLIEGER
 OWNER OF PROPERTY: MERLE & ESTHER MARTIN
 SURVEY PREPARED FOR: LARRY BRUBACKER
 DATE OF FIELDWORK: 2/6/2023
 FILE NUMBER: 2023006 BRUBACKER

PAGE 1 OF 2

NOTE:
 THIS MAP DOES NOT TRANSFER PROPERTY OWNERSHIP.
 SALE OR TRANSFER OF PROPERTY REQUIRES A DEED.



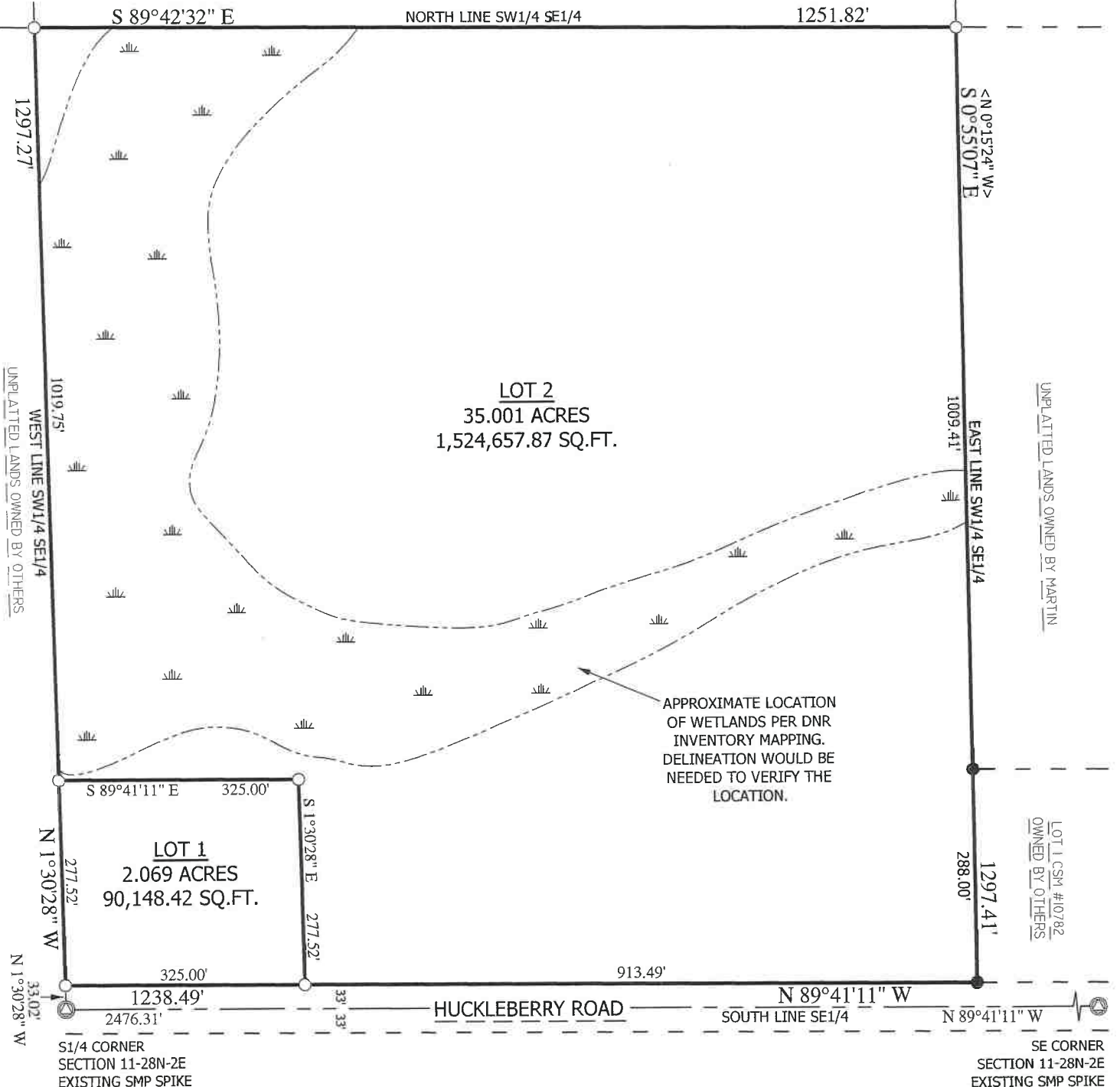
LEGEND

- = SECTION CORNER AS NOTED
- = 3/4" X 18" REBAR 1.50lbs/ft SET
- = 1.25" O.D. IRON PIPE FOUND
- = PREVIOUSLY RECORDED AS

BEARING REFERENCE

BEARINGS REFERENCED TO THE SOUTH LINE OF THE SE1/4 BEARING N 89°41'11" W PER WCCS (MARATHON COUNTY) NAD83 (2011)

UNPLATTED LANDS OWNED BY OTHERS



CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____

PART OF THE SW1/4 OF THE SE1/4 OF SECTION 11, TOWNSHIP 28 NORTH, RANGE 2 EAST, TOWN OF HULL, MARATHON COUNTY, WISCONSIN.

NORTHCENTRAL LAND SURVEYING, LLC
 163957 OWL RIDGE ROAD, WAUSAU, WISCONSIN 54403
 WEBSITE: www.NorthCentralLandSurveying.com
 PHONE: 715-297-8343
 EMAIL: JasonPflieger@gmail.com
 DRAFTED & DRAWN BY: JASON J. PFLIEGER
 OWNER OF PROPERTY: MERLE & ESTHER MARTIN
 SURVEY PREPARED FOR: LARRY BRUBACKER
 DATE OF FIELDWORK: 2/6/2023
 FILE NUMBER: 2023006 BRUBACKER

PAGE 2 OF 2

SURVEYORS CERTIFICATE

I, JASON J. PFLIEGER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF LARRY BRUBACKER, I SURVEYED, MAPPED AND DIVIDED PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 28 NORTH, RANGE 2 EAST, TOWN OF HULL, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

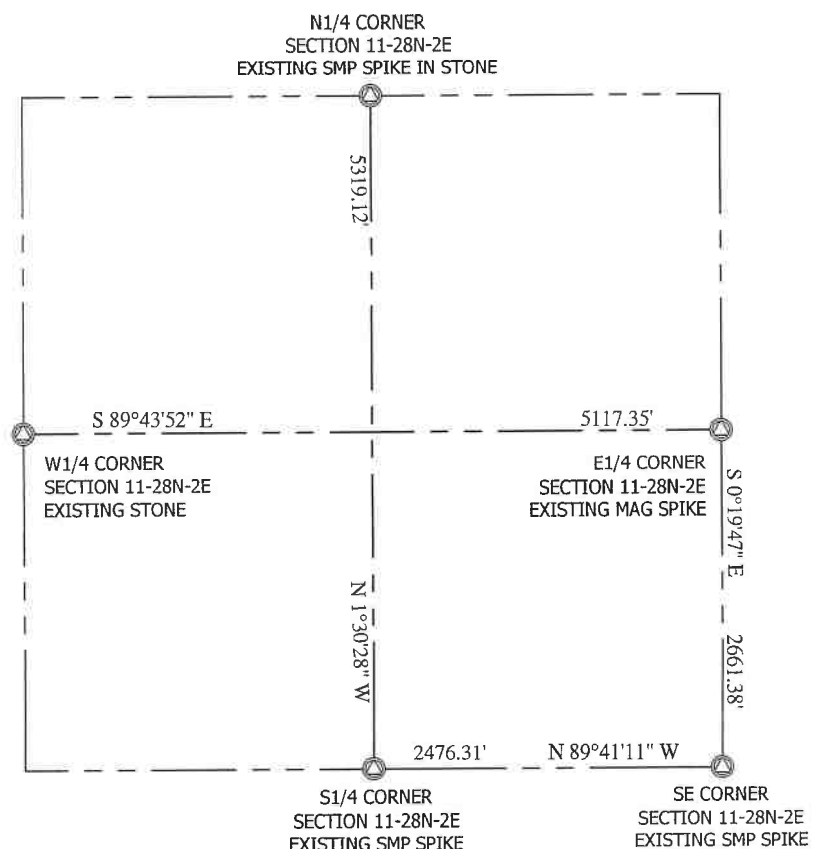
COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 11; THENCE N 1°30'28" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 33.02 FEET TO THE NORTH LINE OF HUCKLEBERRY ROAD AND TO THE POINT OF BEGINNING; THENCE CONTINUING N 1°30'28" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1297.27 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 89°42'32" E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1251.82 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 0°55'07" E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1297.41 FEET TO THE NORTH LINE OF HUCKLEBERRY ROAD; THENCE N 89°41'11" W ALONG THE NORTH LINE OF HUCKLEBERRY ROAD, 1238.49 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS 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 MARATHON COUNTY AND THE TOWN OF HULL, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATED THIS 8TH DAY OF FEBRUARY, 2023

JASON J. PFLIEGER P.L.S. 3148-8



APPROVED FOR RECORDING UNDER THE TERMS OF THE MARATHON COUNTY LAND DIVISION REGULATIONS.

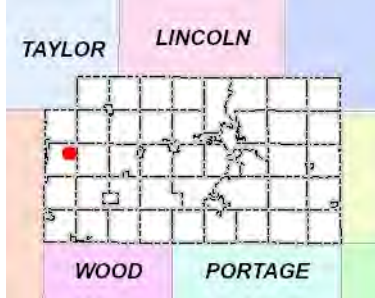
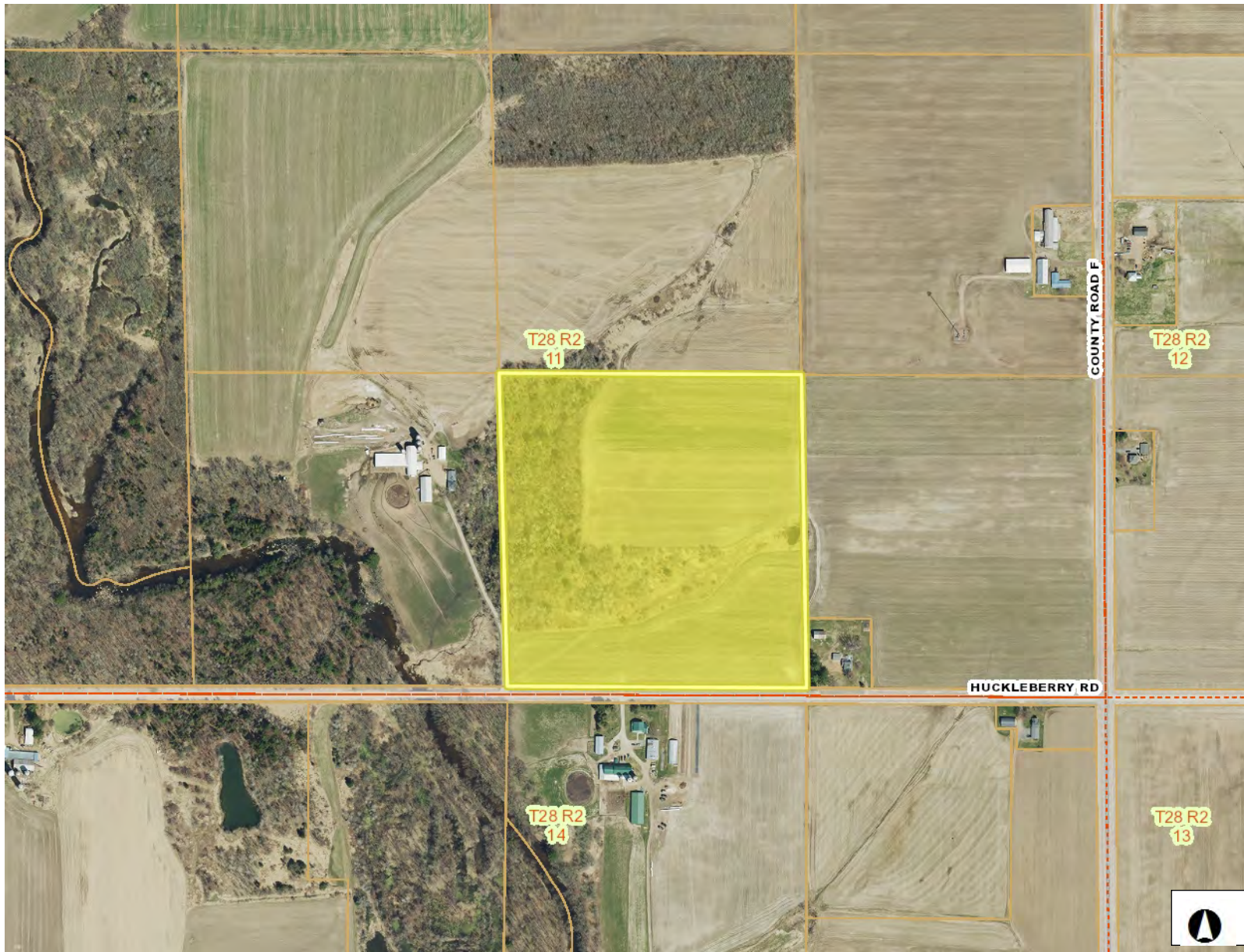
BY: _____

DATE: _____

MARATHON COUNTY DEPARTMENT OF CONSERVATION, PLANNING & ZONING
 CPZ TRACKING NO. _____



Land Information Mapping System



Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities
- 2020 Orthos Countywide
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

309.00 0 309.00 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

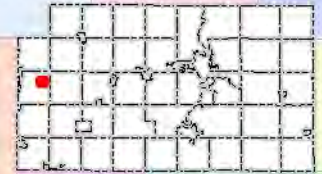
Notes



Land Information Mapping System

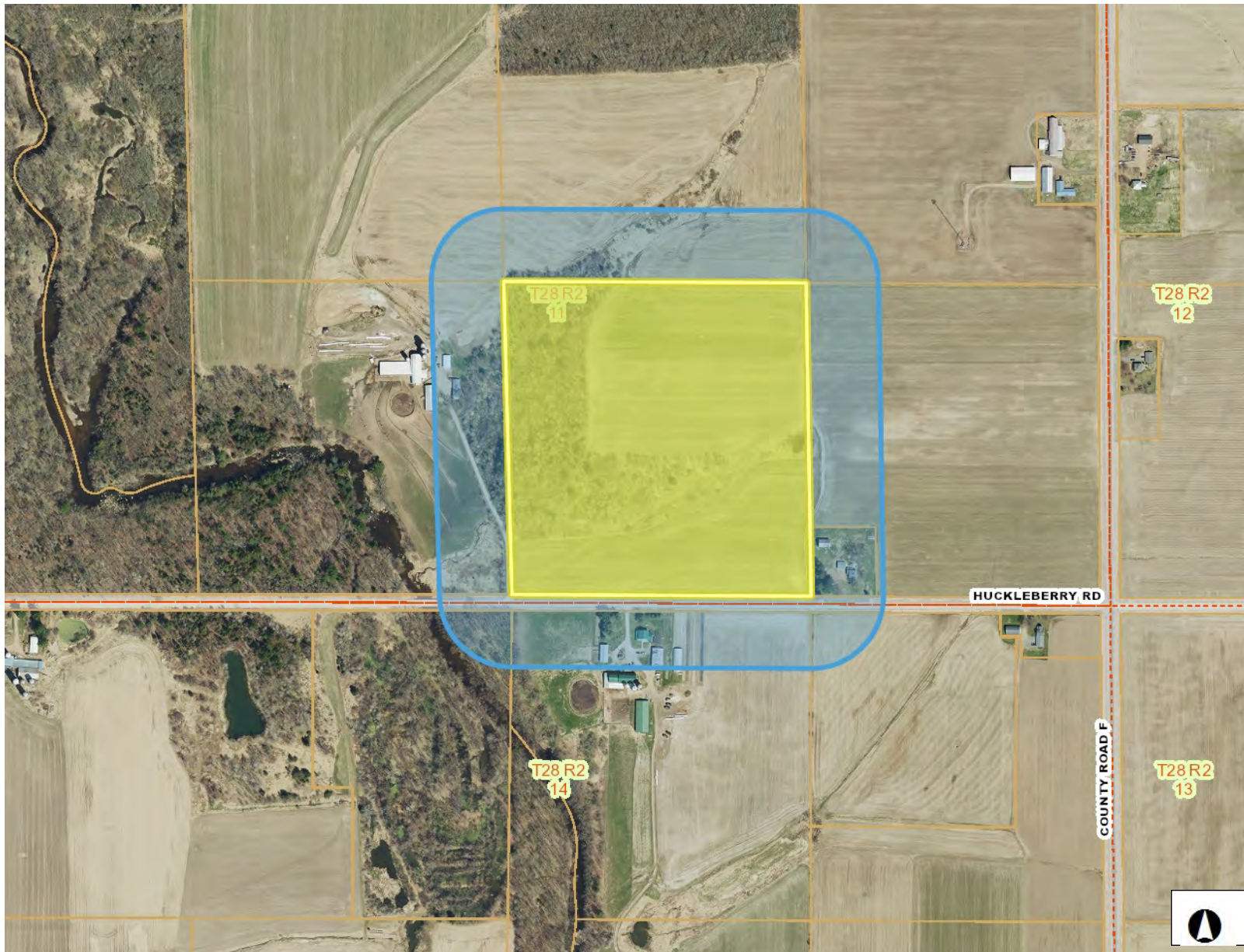
TAYLOR

LINCOLN



WOOD

PORTAGE



Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
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Notes



STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF HULL)

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Jenny Reynolds, Clerk of the Town of Hull, Marathon County, State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town of Hull Town Board at a meeting held on the 13th day of March, 2023.

RESOLUTION

WHEREAS, the Marathon County Board of Adjustment is established for the purpose of hearing certain appeals, applications and granting variances in harmony with the general purpose and intent of land use regulations, and

WHEREAS, such a hearing is scheduled to come before the Board affecting lands within the Town of Elderon.

NOW, THEREFORE BE IT RESOLVED that the Town of Hull Town Board considered on the 13th day of March, 2023, the application of Daniel M Good on behalf of Riverside Parochial School for a conditional use permit per Section 17.204.31 of the General Zoning Code of Ordinances under Marathon county Chapter 17 Zoning code to construct and operate a Parochial School in the N-C Neighborhood Commercial District, Located in part of the Southwest ¼ of the Southeast ¼ of Section 11, Township 28 North, Range 2 East, Town of Hull. Parcel is described as Lot 1 of preliminary CSM. Parent Parcel PIN #044.2802.114.0997.

and hereby recommends:

- Marathon County Board of Adjustment **APPROVE** application
- Marathon County Board of Adjustment **DENY** application

Comments, conditions and reasons for recommended action:

Clerk Jenny Reynolds
Town Board Michael Dyer
Beau Balda
Kevin J. Hays

NOTE: If you recommend disapproval of this request, please make every effort to send a representative to the Board of Adjustment Public Hearing. Town input at the hearing is always appreciated.

Please return this form before April 7, 2023 to:

Board of Adjustment
Marathon County Conservation, Planning and Zoning Department
210 River Drive
Wausau, WI 54403



Riverside Parochial School
Conditional Use Permit Application
Staff Report, April 4th, 2023
Marathon County Board of Adjustment

PETITIONER:

Daniel M Good – 110367 Wuertzburg Road, Athens WI, 54411

PROPERTY OWNERS:

Riverside Parochial School Board of Directors– 110367 Wuertzburg Road, Athens WI, 54411

REQUEST:

The application of Daniel M Good on behalf of Riverside Parochial School for a conditional use permit per Section 17.204.31 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning code to construct and operate a Parochial School in the N-C Neighborhood Commercial District, Located in part of the Southwest ¼ of the Southeast ¼ of Section 11, Township 28 North, Range 2 East, Town of Hull. Parcel is described as Lot 1 of preliminary CSM. Parent Parcel PIN # 044.2802.114.0997.

PUBLIC HEARINGS/MEETINGS:

- Town of Hull Town Board Meeting: March 13th, 2023
- Marathon County Board of Adjustment Meeting: April 4th, 2023; 9AM

Legal Notification:

A legal advertisement was published in the *Wausau Daily Herald*. Notice of the CUP was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

EXISTING ZONING DISTRICT:

N-C Neighborhood Commercial District: The purpose of the N-C district is to accommodate the wide range of retail stores and personal service establishments which cater to frequent recurring needs.

Town Comprehensive Plan Future Land Use Map: The parcel is shown to be designated as cropland, other agriculture, and forest land in the Town of Hull's Future Land Use Map (2005)

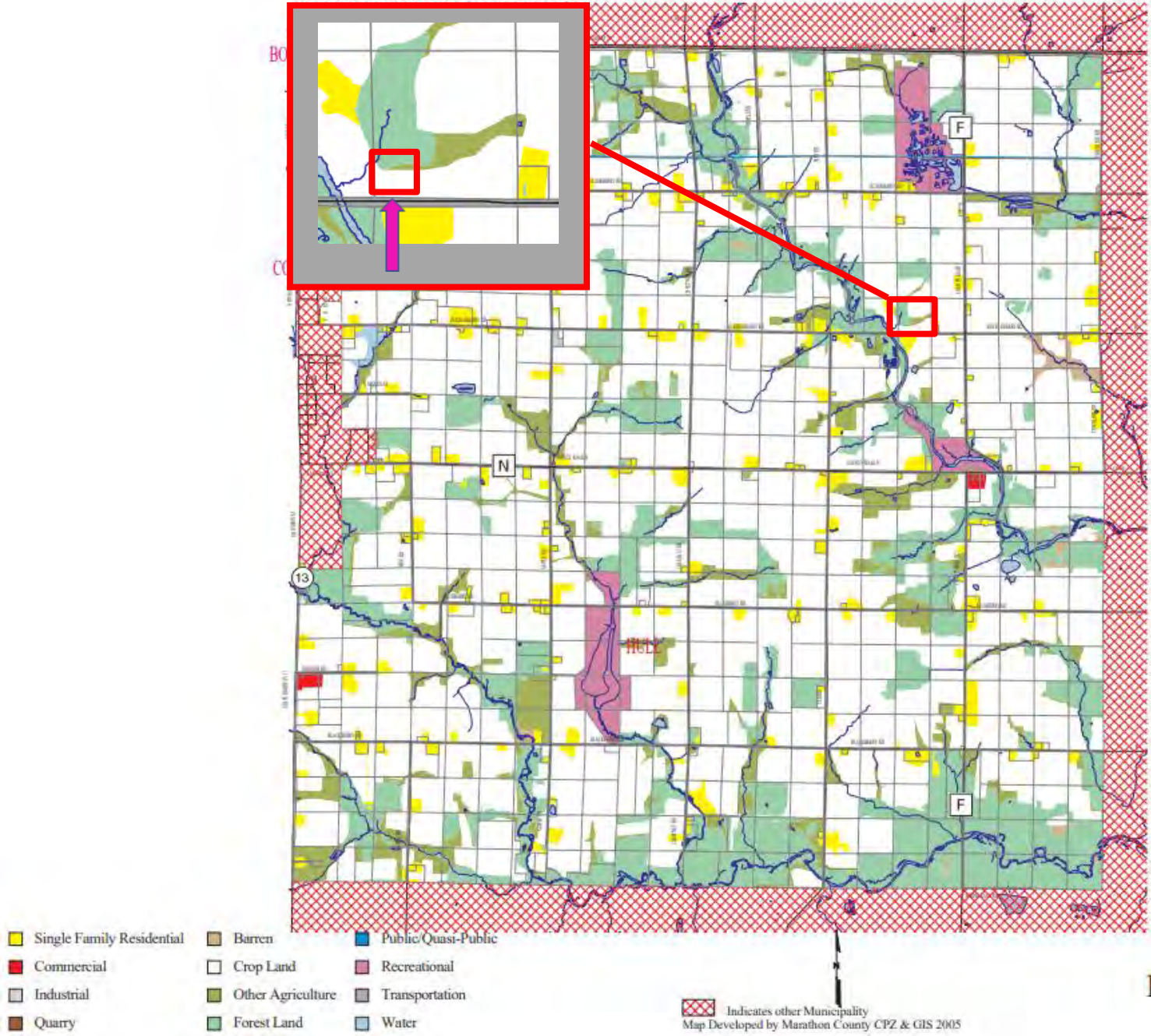


Figure 3-1
Future Land Use
HULL

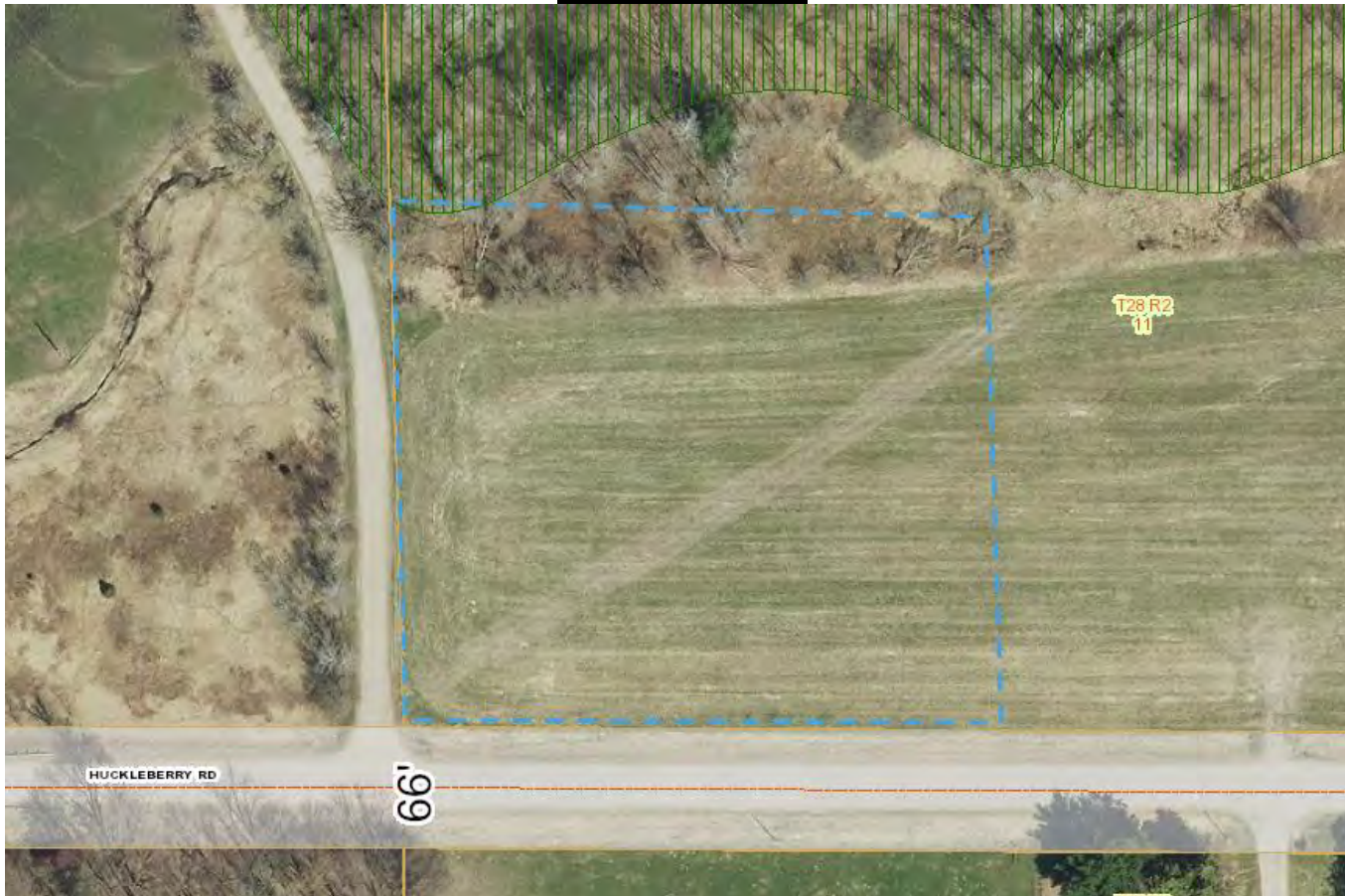
SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:

- The proposed structure on this parcel is:
 - **Not** located within mapped floodplain
 - **Not** located within DNR mapped wetlands, or water features.
 - Located within the shoreland overlay district.

VIOLATIONS

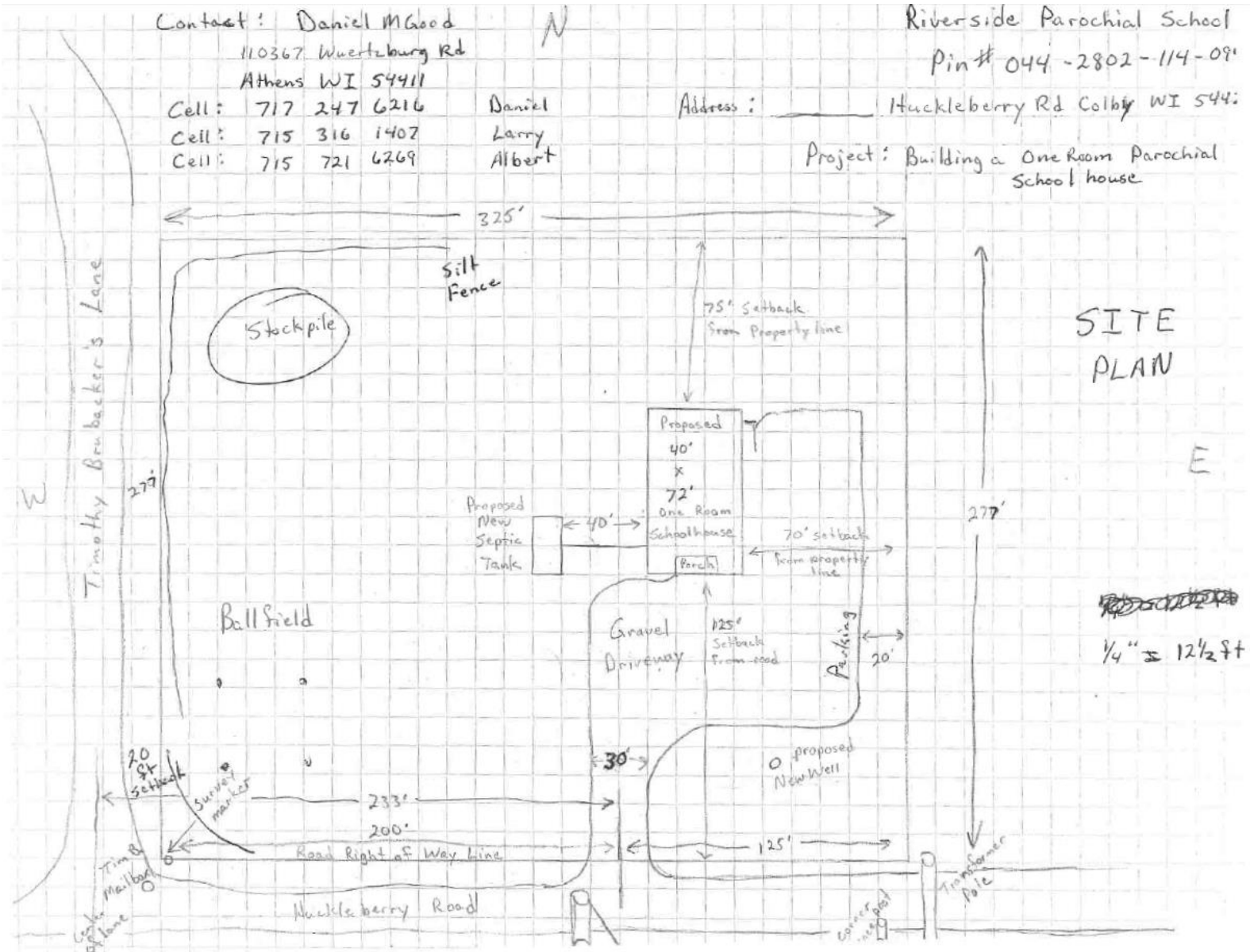
There are no known violations on the property.

Aerial Photo

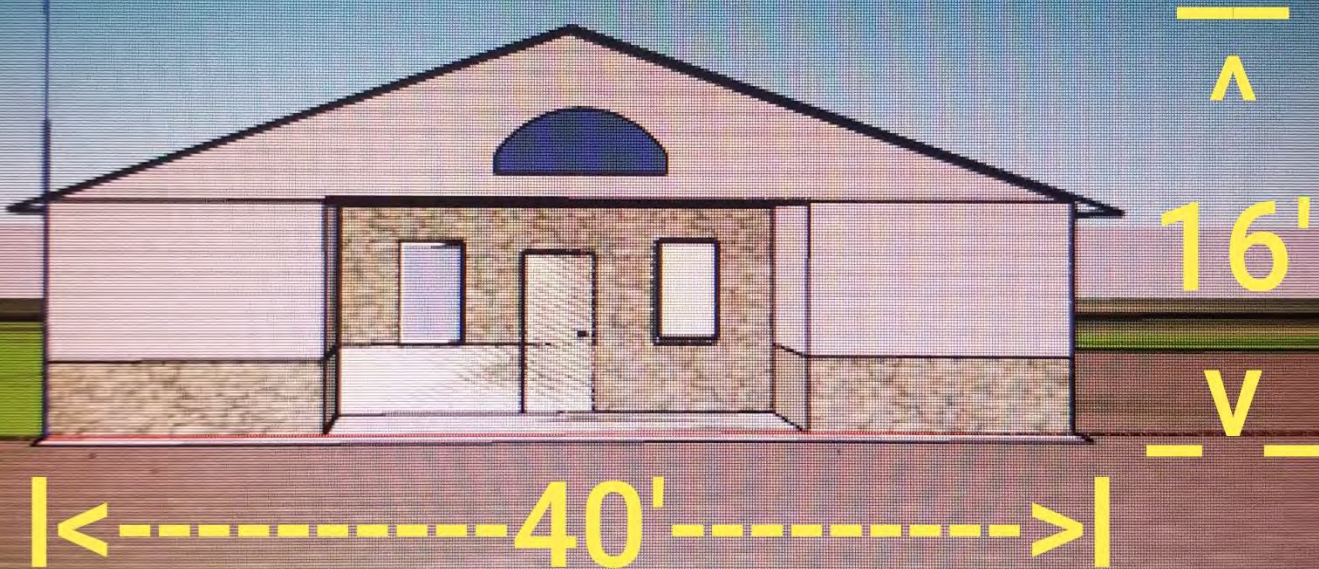




Site Plans



Riverside Parochial School



Top view looking north



Chapter 17 Sections that apply to this application

Table 3. Uses Permitted by District

USE	P Permitted Use				C Conditional Use			(Blank) Use Not Permitted				Development Standards	
	Residential Districts				Agricultural Districts			Nonresidential Districts					
	U-R	L-D-R	R-R	R-E	F-P	G-A	C-W/R-C	N-C	C	B-R	L-I		H-I
Institutions for Higher Education, Parochial, Technical School, Colleges, and Universities			C	C				C	C	C			Section 17.204.31

Section 17.204.31 INSTITUTION FOR HIGHER EDUCATION, PAROCHIAL, TECHNICAL SCHOOL, COLLEGES, AND UNIVERSITIES

- A. **Thoroughfare.** In all districts where institutions for higher education are permitted as conditional uses such facilities shall be located on major thoroughfares, at intersections of major collector streets or on service roads of major thoroughfares.
- B. **Residential Districts.** Where permitted in residential districts, such uses shall comply with the following requirements:
 1. Property Line Setbacks. All structures and activity areas, except off-street parking area, shall be located at least 50 feet from all property lines.
 2. Minimum Lot Area. The minimum lot area shall be 3 acres.
 3. Ingress/Egress Separation. All points of entrance or exit shall be located no closer than 100 feet from the intersection of two major thoroughfares and/or no closer than 100 feet from the intersection of a major thoroughfare and a collector street.

Section 17.204.31

- A. The proposed site located on a town road (Huckleberry Road) just West of County Road F.
- B. Proposed Parcels is not a Residential district (B) does not apply.

Section 17.502.02 MINIMUM NUMBER OF REQUIRED PARKING SPACES

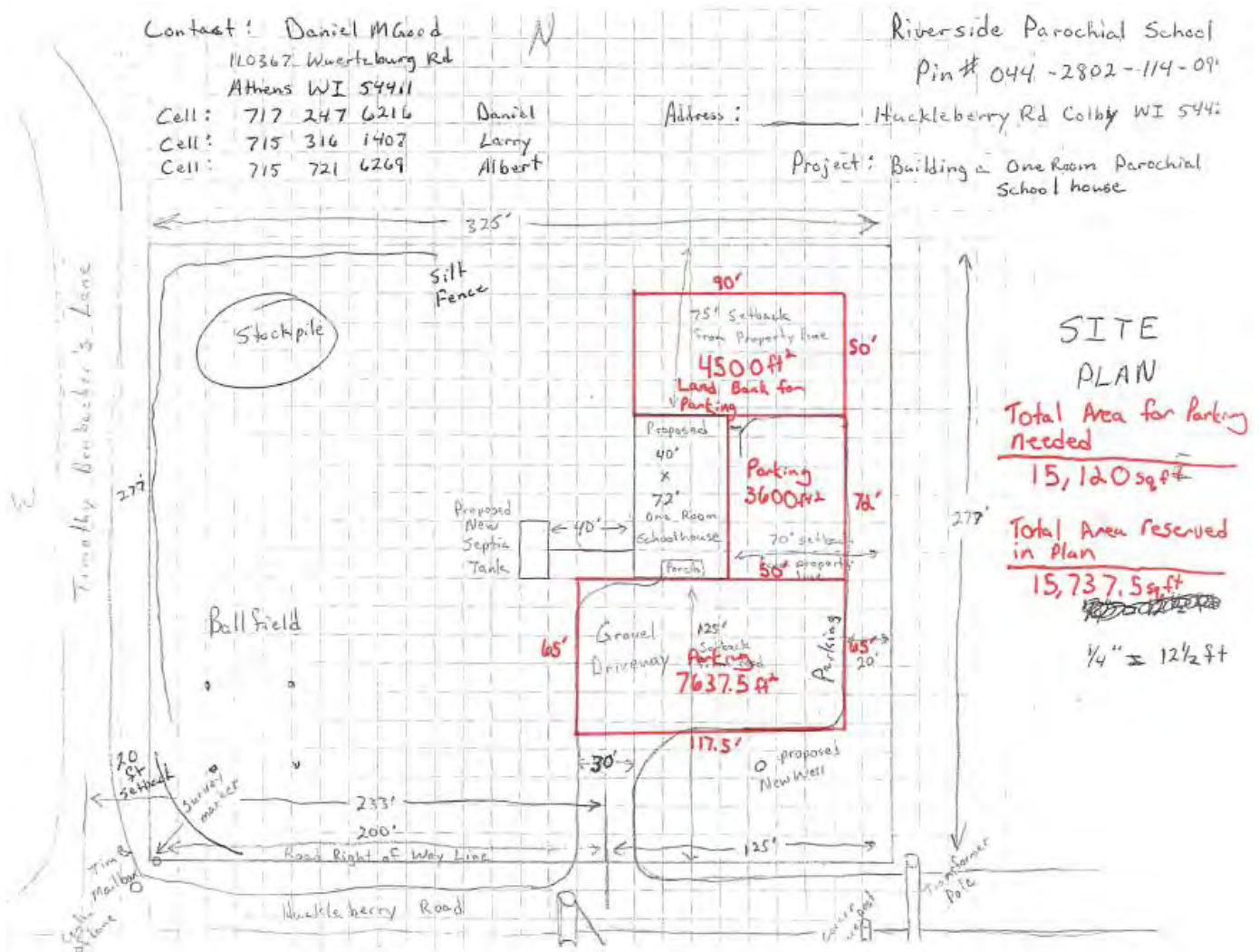
Table 8: MINIMUM PARKING REQUIREMENTS

USE	MINIMUM REQUIRED OFF-STREET PARKING SPACES
Schools, Public or Private	Elementary and Middle: 2 spaces per classroom High: 7 spaces per classroom
Default Parking Requirement	
Agricultural Uses*	No minimum parking required
Residential Uses*	2 spaces per dwelling unit
Community, Civic, and Institution Uses*	1 space per 3 persons permitted at maximum occupancy
Industrial and Extraction Uses*	1 space per 750 sq. ft. of shop floor or manufacturing floor area, plus 1 space per 300 sq. ft. of office area.

Requirement for parking:

School Public or Private Total Parking Needed: 35 spaces or 11,025ft²

Community Civic, and Institution Uses: Total Parking Needed: 48 spaces or 15,120ft²



Proposed plan is designed with 15,737.5ft² of parking (4,500ft² is land banked meaning it is a reserved area for parking but does not need to be developed).

Section 17.803.01 PURPOSE AND AUTHORITY

- A. **Purpose.** Certain uses are of such a nature, or their effects are as dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this chapter for the determination of such uses as conditional uses. Conditional uses are land uses listed as such in [Table 3](#) Uses Permitted by District. They may be established in such district only upon approval by the Board of Adjustment.

The procedures and standards in this Chapter are intended to provide a consistent and uniform method for review of conditional use permit proposals. These review procedures and standards are intended to accomplish the following purposes:

1. Ensure full compliance with the standards contained in this ordinance and other applicable local ordinances, and state and federal laws.
2. Achieve efficient use of the land.
3. Prevent adverse impact on adjoining or nearby properties.
4. Protect natural resources.
5. Facilitate development in accordance with the County's land use objectives per the Comprehensive Plan.

Section 17.803.02 APPLICATION PROCEDURES

- I. **Board of Adjustment Determination.** The Board of Adjustment shall review the application for conditional use, together with the previous meetings' findings and reports and recommendations from the Zoning Administrator, public safety officials, and other reviewing agencies. The Board of Adjustment shall then make a determination on the conditional use application, as set forth in Section [17.803.03](#) and based on the Substantial Evidence, other requirements and standards of this ordinance. The Board of Adjustment may approve, approve with conditions, or deny a conditional use request as follows:

1. **Approval.** Upon determination by the Board of Adjustment that the final plan for conditional use is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, approval shall be granted.
2. **Approval with Conditions.** The Board of Adjustment may impose reasonable conditions with the approval of a conditional use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements:
 - a. Conditions must be to the extent of practical and measurable
 - b. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - c. Conditions shall be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - d. Conditions shall be necessary to meet the intent and purpose of this ordinance, related to the standards established in this ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards. These conditions may include, but are not limited to the following:
 - 1) Permit duration, transfer or renewal
 - 2) Setback and yard dimensions.
 - 3) Specified sewage disposal and water supply facilities.
 - 4) Landscaping and planting screens.
 - 5) Operational controls.
 - 6) Sureties.
 - 7) Deed restrictions.
 - 8) Location of structures, docks, piers or signs.
 - 9) Location and amount of parking facilities.

- 10) Type of construction.
 - 11) The obtaining of other permits required by the state or federal government agencies, and other county requirements based upon other ordinances as conditions that must be met before issuance of such permit.
3. **Denial.** Upon determination by the Board of Adjustment that a conditional use proposal does not comply with the spirit or intent or standards and regulations set forth in this ordinance, or would constitute a nuisance by reason of noise, dust, smoke, odor, or other similar factors, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the county, the conditional use proposal shall be denied.

Section 17.803.03 BASIS OF DETERMINATION

- A. **Conformance with Requirements.** The applicant shall be required to establish by clear and convincing evidence that the applicable standards of this Chapter, the specific standards pertinent to each conditional use, including site plan review criteria set forth for applicable site development standards for specific uses set forth elsewhere in this Chapter (refer to Chapter [17.204](#), Development Standards for Specific Uses) have been met.
- B. **General Standards.** The Board of Adjustment shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards:
1. **Compatibility with Adjacent Uses.** The proposed conditional use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - c. The hours of operation of the proposed use. Approval of a conditional use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
 2. **Comprehensive Plan.** The proposed conditional use will be harmonious with and in accordance with the general objectives or with any specific objective of the town and county comprehensive plan.
 3. **Compliance with Applicable Regulations.** The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.
 4. **Use of Adjacent Property.** The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.
 5. **Public Services.** The proposed conditional use will be served adequately by essential public facilities and services including but not necessarily limited to utilities, highways, streets, police and fire protection, drainage structures, refuse disposal, and school(s); unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional use is completed.
 6. **Impact of Traffic.** The location of the proposed conditional use shall, within the zoning district, minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
 - a. Proximity and access to major thoroughfares.
 - b. Estimated traffic generated by the proposed use.
 - c. Proximity and relation to intersections.
 - d. Adequacy of driver sight distances.
 - e. Location of and access to off-street parking.
 - f. Required vehicular turning movements.
 - g. Provision of pedestrian traffic (if applicable).
 7. **Enhancement of Surrounding Environment.** The proposed conditional use shall provide the maximum feasible enhancement of the surrounding environment and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:

- a. The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this Ordinance may be required as a condition of approval of a conditional use.
 - b. The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
8. Impact on Public Health, Safety, and Welfare. The proposed conditional use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, and environmental impact.
 9. Isolation of Existing Uses. The location of the proposed conditional use shall not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed conditional use shall not result in a small non-residential area being substantially surrounded by incompatible uses.
 10. Substantial Evidence. Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions.

RECOMMENDATIONS FOR THE CUP

If granted, the CUP should consider including the following conditions:

- The Board of Adjustment should specify in their decision (and subsequently the letter that is issued to the applicant)
 - Shall obtain all necessary permits from Federal State and Local regulators.
 - Expiration date of permit (change of ownership and/or change of use)

TOWN RECOMMENDATION:

The **Town of Hull** Town Boards Recommend **Approval** to Marathon County’s Board of Adjustments.

THE STAFF RESERVE THE RIGHT TO AMEND THIS REPORT BASED ON NEW EVIDENCE PRESENTED PRIOR TO AND/OR DURING THE PUBLIC HEARING.

DECISIONS OF THE BOARD ARE SUBJECT TO APPEAL AS PROVIDED IN SS.59.694(10) WIS. STATS.

RESPECTFULLY SUBMITTED:



SIGNATURE

03/09/2023

DATE

APPLICATION FOR CONDITIONAL USE PERMIT
MARATHON COUNTY BOARD OF ADJUSTMENT

The applicant hereby requests the Board of Adjustment to hear and decide upon this application as prescribed by Section 17.803 of the Marathon County Zoning Ordinance. Use a separate sheet if necessary.

Name of Applicant: American Asphalt of WI
 Mailing Address: P.O. Box 98 Mosinee WI 54455
 Telephone: 715-693-5200 Fax: 715-693-5220
 Cellphone: _____ Email: Matt.eslinger@americanasphaltofwi.com
 Owner Name: (if different) Milestone Materials
 Mailing Address: P.O. Box 98 Mosinee WI 54455
 Telephone: 715-693-5200 Fax: _____

PARCEL INFORMATION

Parcel ID # (PIN): 020-2703-032-0999
 (If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)

Legal Description: Government Lot _____ or NE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 3, T 27 N, R 3 E, Town of Eau Claire
 Lot _____ Block _____ Subdivision _____
 Property Address: EP 765 City Rd P Stratford WI 54484
 Parcel size: 41.13 Acres or _____ Sq. Ft.
 Zoning District: F-P Farmland Preservation

Present use of property (List all current uses, i.e. home, store, farm field, wooded, etc.):

Rock Quarry

Existing improvements (Structures, well, septic, etc.):

None

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?

About 4 acres of the quarry will be used as a temporary asphalt plant site

If this application is for a use that will be restricted to part of the parcel, specify the exact dimensions of the affected area.

Please see attached plant diagram
Approx 250' x 200'

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.204.62. Explain how your proposal meets or exceeds these requirements.

The temporary asphalt plant will be located in the area shown on attached map, which is in a permitted non-metallic mine & at least 100' from any residence. American Asphalt is asking for a CUP from 5/1/23 - 11/20/24. All equipment & debris will be out of the plant site by 11/20/24. Hours will be determined by BDA. American would like to request the hours Monday - Saturday 6:00am - 7:00pm. American will spray Chloride on the travel route in the quarry to suppress dust. Perfume is added to the asphalt cement to eliminate odor.

Use separate/additional sheet(s) if necessary

INSTRUCTIONS TO APPLICANT

1. Be sure to complete **all items** on the application. This includes a **brief, but complete explanation** of the current use and proposed new use.
2. Prepare a **map at a scale which is reproducible** (11" x 17" or smaller). For maps larger than 11" x 17", be prepared to provide as many copies as needed for transmittal. In no instance may the scale of the map be less than 1 inch equals 200 feet. There are instances where a cross-section of the property or contours will be helpful, and in some cases one or both may be required. Narrative or photos may be included as supporting documentation.

At a minimum the map must include:

- The location, dimensions, and parcel identification number of the lot or lots including a legal description.
- Location of any and all nearby public and private streets.
- Dimensions of the lot and the location of all existing and proposed buildings or structures, and location of existing or proposed private onsite wastewater treatment (septic) system.
- Required front, rear, and side yard areas, open space, and parking.
- On residential parcels, the number of dwelling units contained within each building and proposed number of bedrooms.
- Location and dimensions of all buildings or structures to be erected, structurally altered, or moved.
- Wetlands and floodplains
- Screening/Buffers
- Lighting
- Parking



3. **Include the \$600 fee** when you submit the application. Please make checks payable to Marathon County.

We cannot consider an application complete until the following are submitted to this office:

<i>Check if submitted</i>	<i>Initial of staff</i>	
<input checked="" type="checkbox"/>	_____	Completed application including signatures.
<input checked="" type="checkbox"/>	_____	Map with all required information.
<input checked="" type="checkbox"/>	_____	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input checked="" type="checkbox"/>	_____	Zoning Permit application
<input checked="" type="checkbox"/>	_____	600.00 Fee

Please contact the Marathon County Conservation, Planning and Zoning Department with any questions: 715-261-6000.

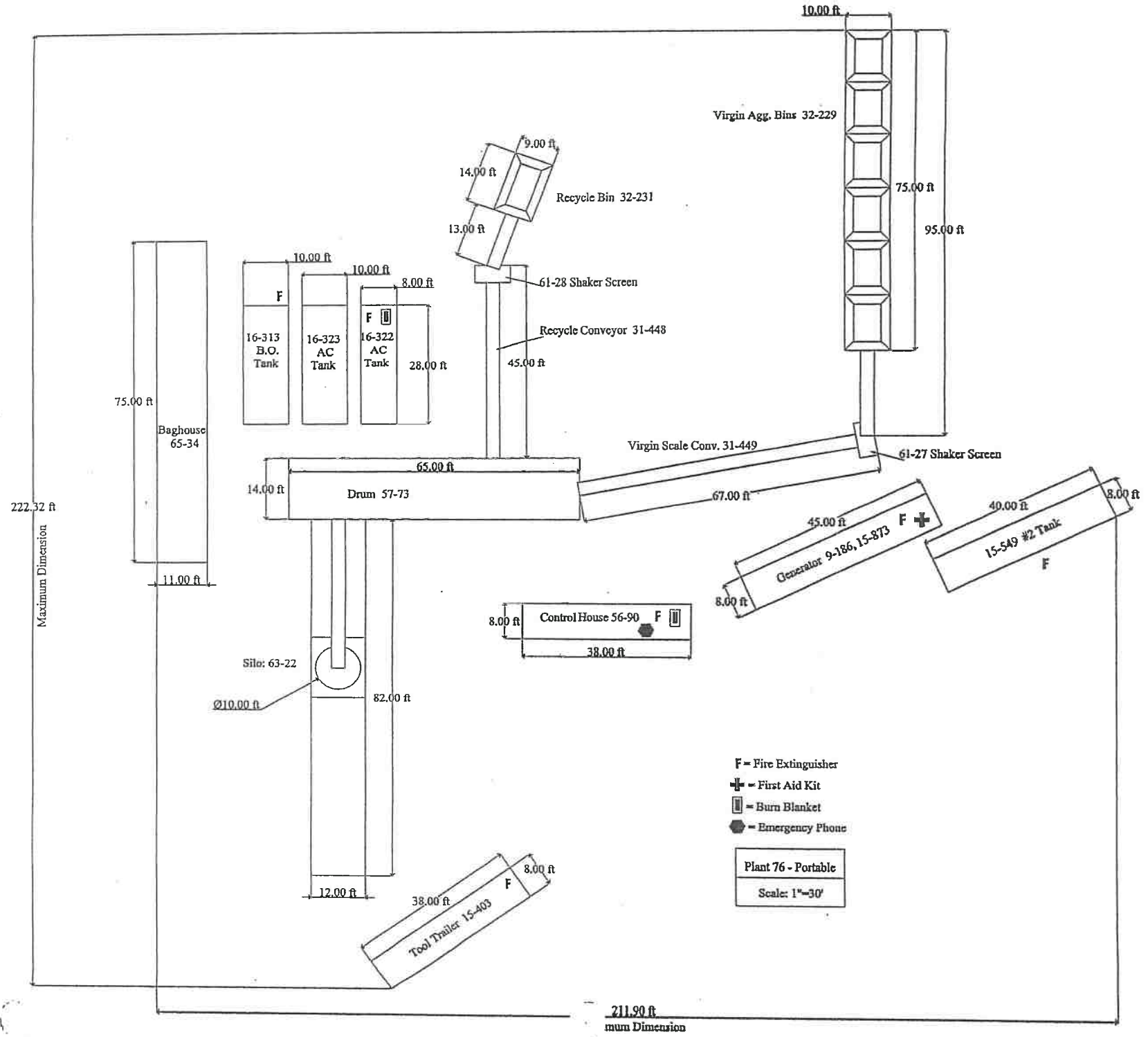
IMPORTANT: The applicant or authorized representative **must be present at the hearing** or Board **may deny** the application without prejudice.

<p style="text-align: center;"></p> <p>_____ Owner Signature (required)</p>	<p style="text-align: center;">2-7-23</p> <p>_____ Date</p>
<p style="text-align: center;"></p> <p>_____ Agent / Person responsible for work Signature (required)</p>	<p style="text-align: center;">2-7-23</p> <p>_____ Date</p>

Conditional Use Permits expire six (6) months from the latest date of signature on the approval letter signed by Chairman and the Secretary of the Board of Adjustment if the proposed construction or preparation of land for use has not commenced. The Zoning Administrator may grant an extension for up to six (6) months upon show of valid cause.

<u>Return to:</u>	Board of Adjustment Marathon County CPZ Department 210 River Drive Wausau, WI 54403-5449	Telephone: 715-261-6000 Toll free within Marathon County: 1-800-236-0153 Facsimile: 715-261-6016
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For office use	For office use	For office use
Amount Received: \$ <u>600.00</u> FEB 24, 2023	Date Stamp:	RECEIVED MARATHON COUNTY CPZ FEB. 24, 2023



Google Maps



Imagery ©2020 Maxar Technologies, USDA Farm Service Agency, Map data ©2020 200 ft



WAUSAU

Land Information Mapping System

TAYLOR	LINCOLN	
HALSEY	BERLIN	HEWITT
BERN	MAINE	TEXAS
HOLTON	STETTIN	EASTON
HULL	WIENCASSET	RINGLE
BRIGHTON	EMMET	REID
	DAY	MUSINEE
SPENCER	BERGEN	FRANZEN
	WOOD	PORTAGE



- Legend**
- Parcel Annotations
 - Parcels
 - Land Hooks
 - Section Lines/Numbers
 - Right Of Ways
 - Municipalities
 - 2015 Orthos
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

133.79 0 133.79 Feet

NAD_1983_HARN_WISCRS_Marathon_County_Feet

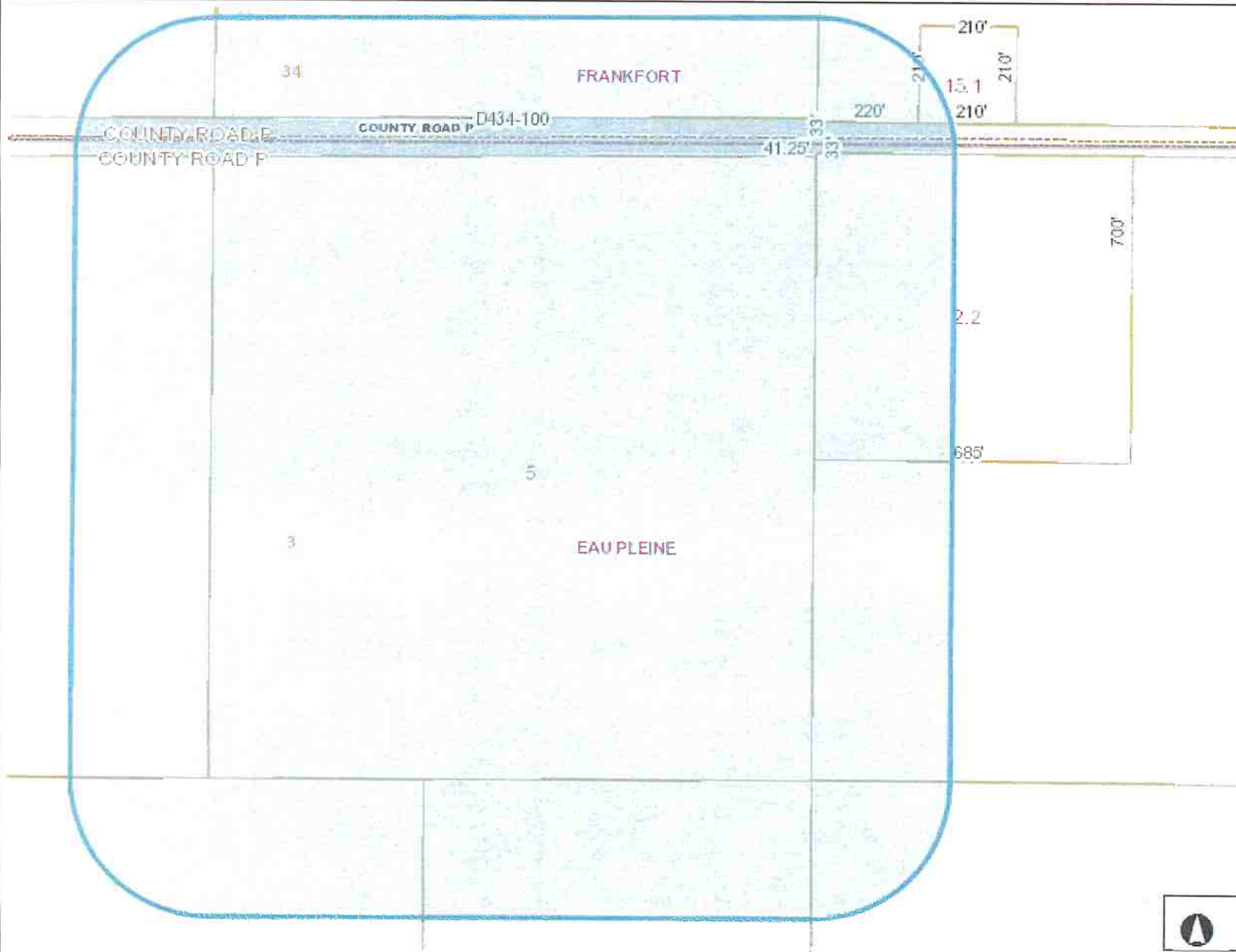
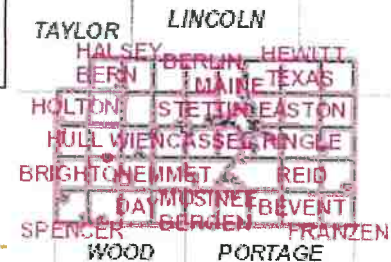
DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Land Information Mapping System



Legend

- Parcel Annotations
- Parcels
- Land Hooks
- ▨ Section Lines/Numbers
- Right Of Ways
- Municipalities



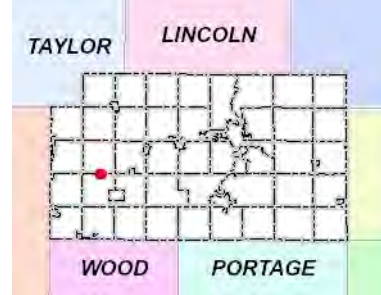
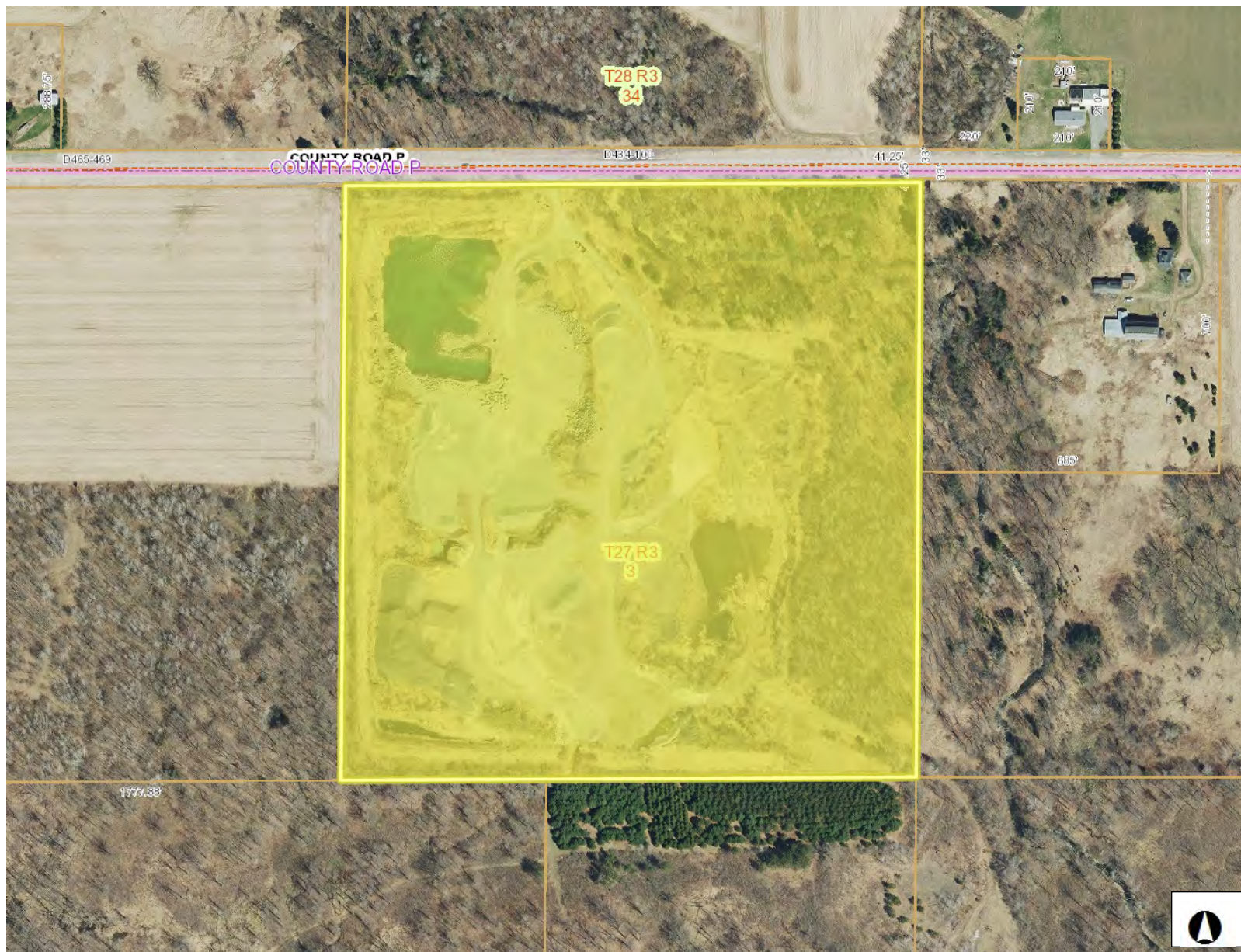
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Notes



Land Information Mapping System



- ### Legend
- Road Names
 - Parcels
 - Parcel Lot Lines
 - Land Hooks
 - Section Lines/Numbers
 - Right Of Ways
 - Named Places
 - Municipalities
- 2020 Orthos Countywide
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3

169.82 0 169.82 Feet



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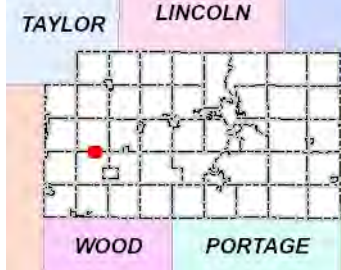
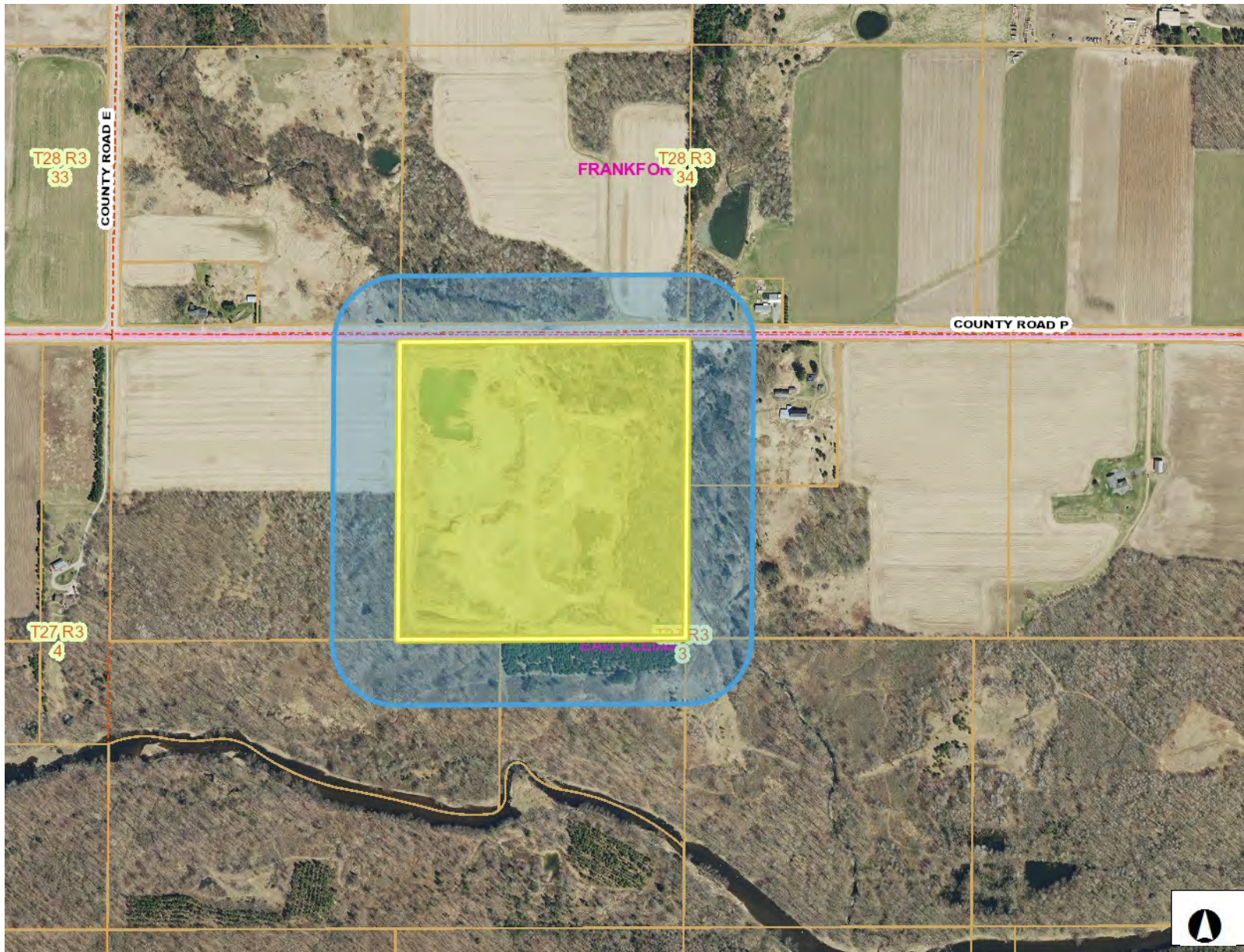
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Notes



Land Information Mapping System



Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities
- 2020 Orthos Countywide
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

339.64 0 339.64 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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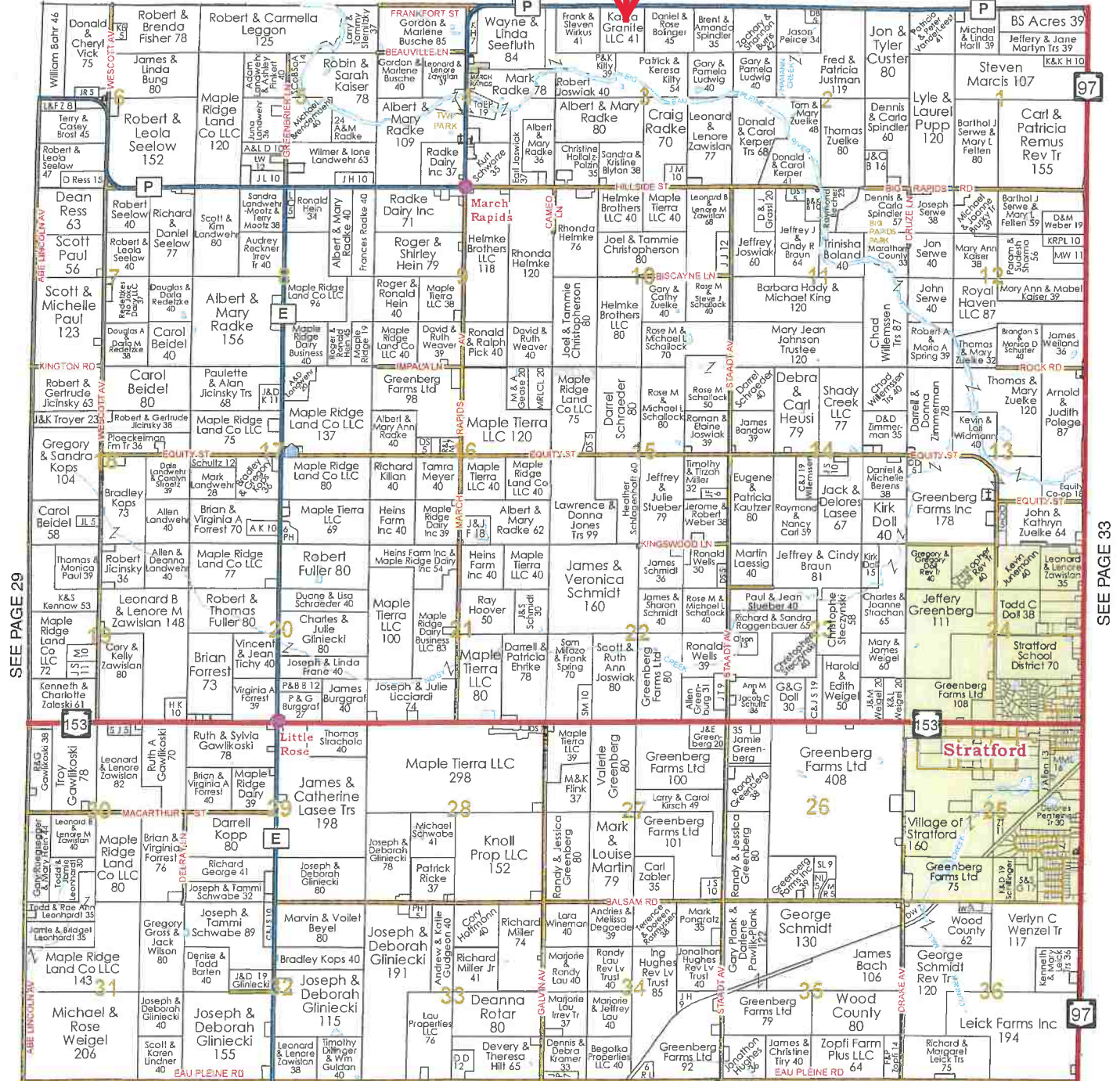
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Notes



SEE PAGE 10



SEE PAGE 13

Need Additional Plat Books?

Extension Marathon County Office
212 River Drive, Suite 3 • Wausau, WI 54403
(715) 261-1230



Extension

UNIVERSITY OF WISCONSIN-MADISON
MARATHON COUNTY

Call for additional purchase locations.



STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF EAU PLEINE)

Resolution 2023-B

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Deanna Landwehr, Clerk of the Town of Eau Pleine Marathon County, State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town of Eau Pleine Town Board at a meeting held on the 14th day of March, 2023.

RESOLUTION

WHEREAS, the Marathon County Board of Adjustment is established for the purpose of hearing certain appeals, applications and granting variances in harmony with the general purpose and intent of land use regulations, and

WHEREAS, such a hearing is scheduled to come before the Board affecting lands within the Town of Eau Pleine.

NOW, THEREFORE BE IT RESOLVED that the Town of Eau Pleine Town Board considered on the 14th day of March, 2023, the application of American Asphalt of WI for a conditional use permit per Section 17.204.62 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning Code to construct and operate a temporary concrete and/or blacktop mix plant, processing, stockpiling, and recycling of road building materials facility located within the Farm Preservation District. Property is described as the Northeast ¼, Northwest Fractional ¼ of Section 3, Township 27 North, Range 3 East, Town of Eau Pleine; Pin#: 020.2703.032.0999.

and hereby recommends:

- Marathon County Board of Adjustment **APPROVE** application
- Marathon County Board of Adjustment **DENY** application

Comments, conditions and reasons for recommended action:

Clerk Deanna Landwehr
 Town Board Mark Landwehr
Mark Landwehr
Mark Landwehr

NOTE: If you recommend disapproval of this request, please make every effort to send a representative to the Board of Adjustment Public Hearing. Town input at the hearing is always appreciated. Please return this form before April 10, 2023 to:

Board of Adjustment
Marathon County Conservation, Planning and Zoning Department
210 River Drive
Wausau, WI 54403



American Asphalt of WI
Conditional Use Permit Application
Staff Report, April 27th, 2023
Marathon County Board of Adjustment

PETITIONER:

American Asphalt of WI – PO Box 98, Mosinee, WI 54455

PROPERTY OWNERS:

Milestone Materials– PO Box 98, Mosinee, WI 54455

REQUEST:

The application of American Asphalt of WI for a conditional use permit per Section 17.204.62 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning Code to construct and operate a temporary concrete and/or blacktop mix plant, processing, stockpiling, and recycling of road building materials facility located within the Farm Preservation District. Property is described as the Northeast ¼ , Northwest Fractional ¼ of Section 3, Township 27 North, Range 3 East, Town of Eau Pleine; Pin#: 020.2703.032.0999.

PUBLIC HEARINGS/MEETINGS:

- Town of Eau Pleine Town Board Meeting: March 14th, 2023
- Marathon County Board of Adjustment Meeting: April 27th, 2023; 9AM

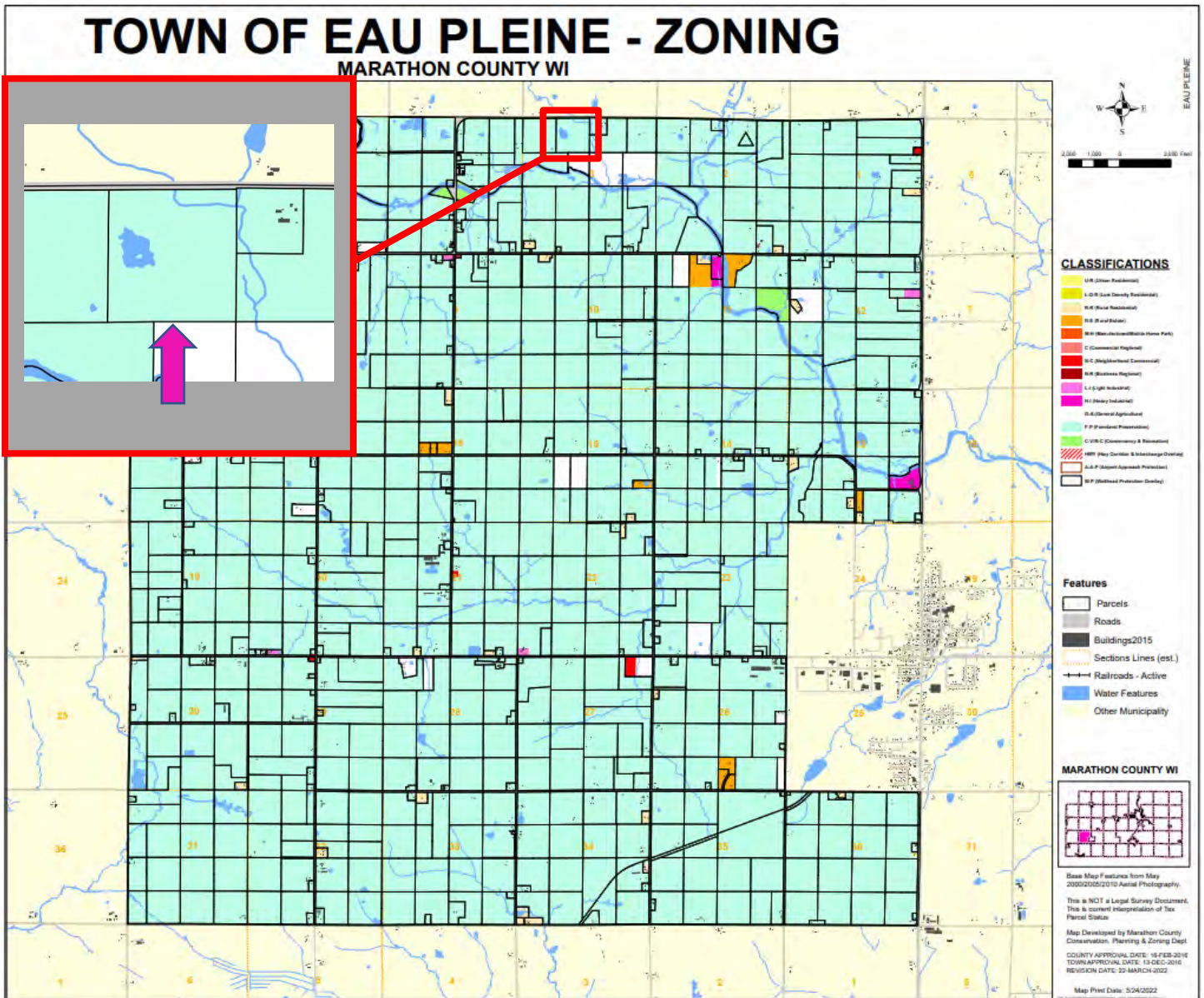
Legal Notification:

A legal advertisement was published in the *Wausau Daily Herald*. Notice of the CUP was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

EXISTING ZONING DISTRICT:

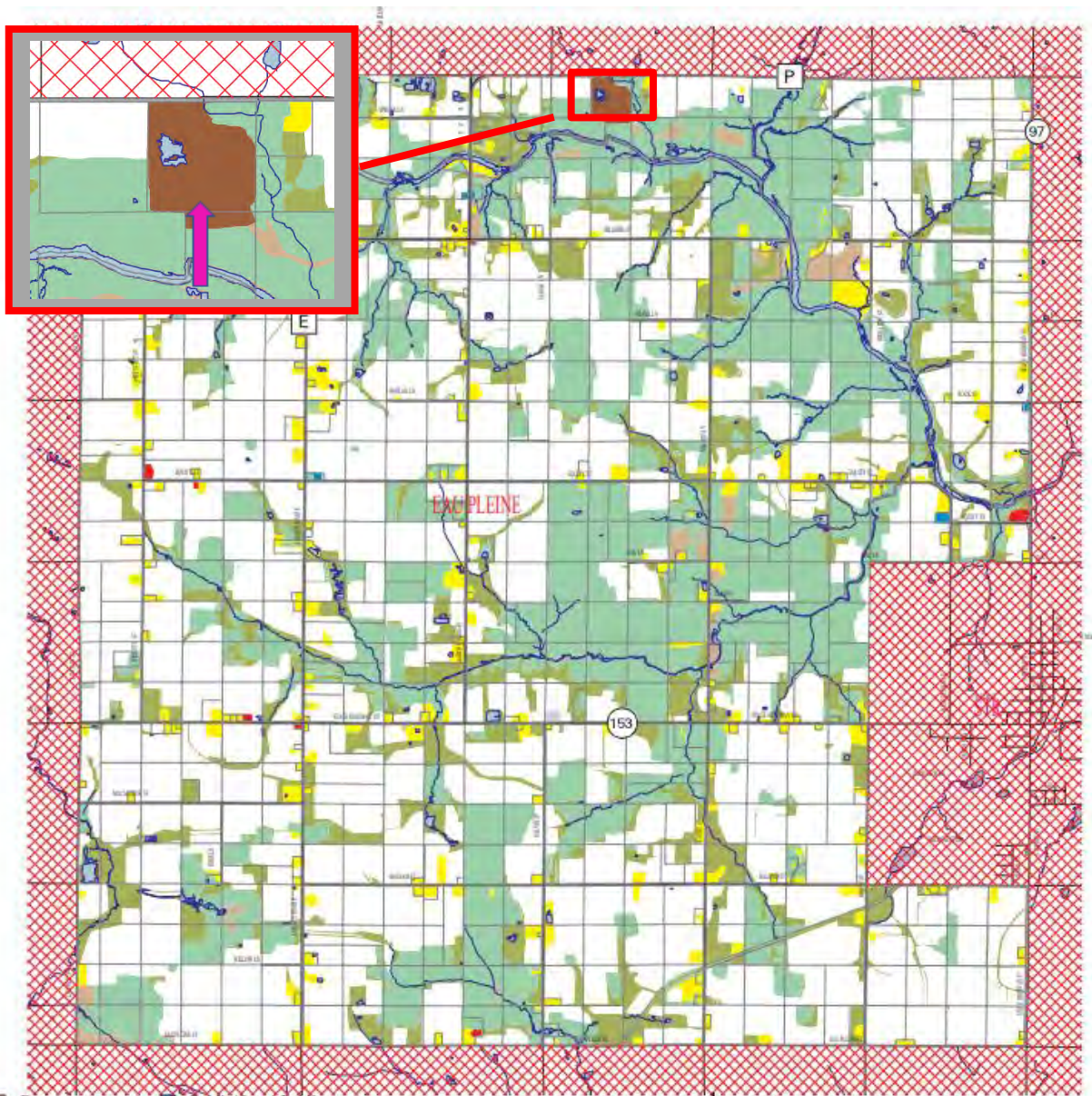
- A. **F-P Farmland Preservation Zoning.** The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses. This district is not intended to accommodate non-agricultural growth.

Town of Eau Pleine Zoning Map: The parcel proposed is currently zoned Farm Preservation



Acreage: 41.13 Acres

Town Comprehensive Plan Future Land Use Map: The parcel is shown to be designated as Quarry, in the Town of Eau Pleine's Future Land Use Map (2005)



- | | | |
|---------------------------|-------------------|---------------------|
| Single Family Residential | Barren | Public Quasi-Public |
| Commercial | Crop Land | Recreational |
| Industrial | Other Agriculture | Transportation |
| Quarry | Forest Land | Water |

Indicates other Municipality
Map Developed by Marathon County CPZ & GIS 2005

Figure 3-1
Future Land Use
EAU PLEINE

SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:

- The proposed plant on this parcel is:
 - **Not** located within mapped floodplain
 - **Not** located within DNR mapped wetlands, or water features.
 - **Not** located within the shoreland overlay district but is close.

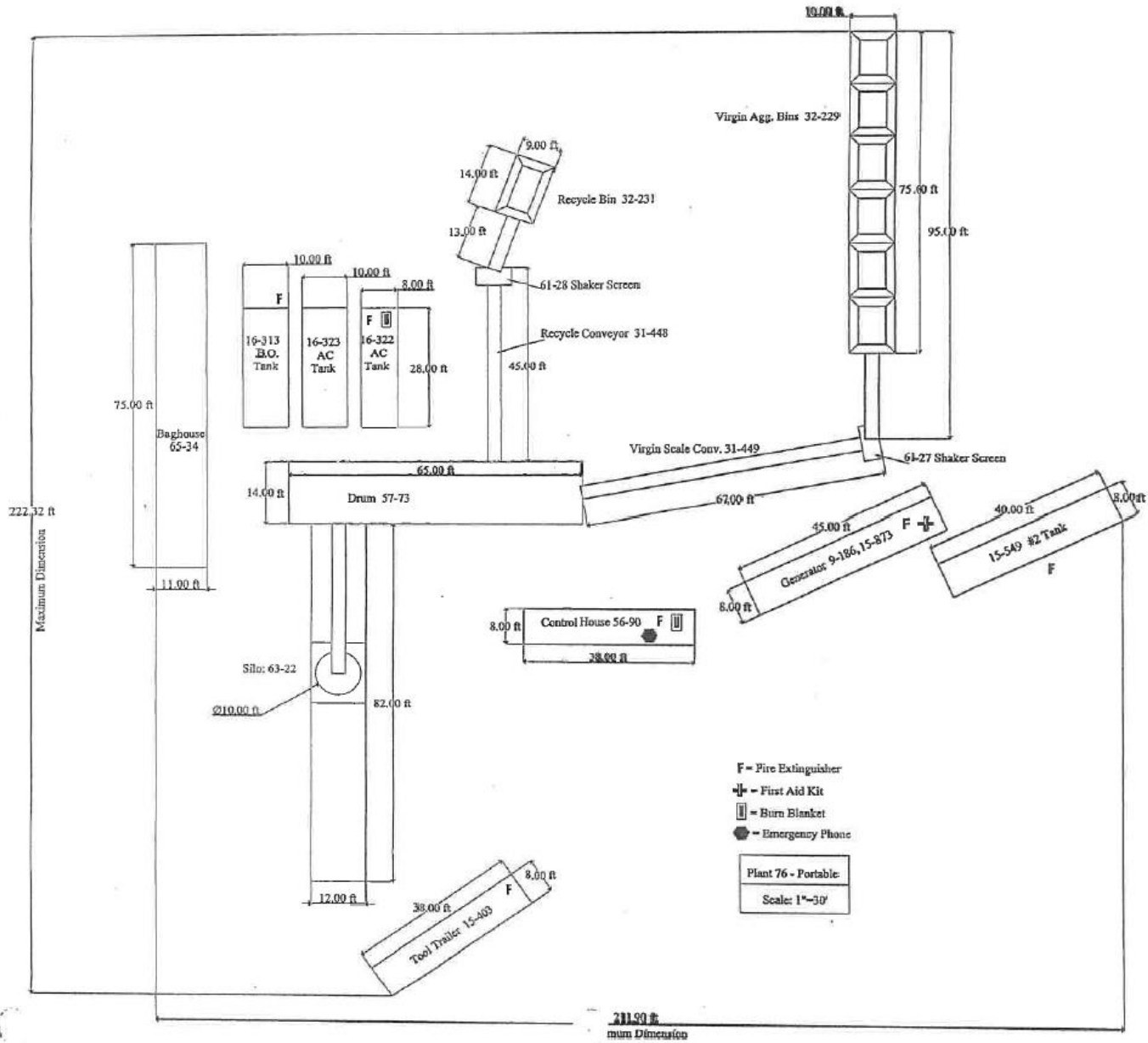
VIOLATIONS

There are no known violations on the property.

Aerial Photo



Site Plans



Google Maps



Google

Chapter 17 Sections that apply to this application

Table 3. Uses Permitted by District

USE	P Permitted Use				C Conditional Use				(Blank) Use Not Permitted				
	Residential Districts				Agricultural Districts				Nonresidential Districts				Development Standards
	U-R	L-D-R	R-R	R-E	F-P	G-A	C-V/R-C	N-C	C	B-R	L-I	H-I	
ACCESSORY, TEMPORARY, and OTHER USES													
Accessory Buildings, Structures, and Uses	P	P	P	P	P	P	P	P	P	P	P	P	Chapter 17.401
Accessory Building(s) prior to a Principal Structure (For personal/private use and/or accessory to the principal use of the lot)	C	C	C	P	P	P	C						Section 17.401.01(A)
Accessory Building(s) exceeding the dimensional limitations of Table 6. (For personal/private use and/or accessory to the principal use of the lot)	C	C	C	C	C	C	C	C	C	C	C	C	Section 17.401.02(E)
Permanent use of Storage/Shipping containers as an accessory structure				C	P	P	C	P	P	P	P	P	Section 17.401.01
Concrete and/or Blacktop Mix Plant, processing, stockpiling, and recycling of road building materials					C	C					C	C	Section 17.204.62
Garage, Yard, and Estate Sales	P	P	P	P	P	P	P						Section 17.204.55

Section 17.204.62 CONCRETE AND/OR BLACKTOP MIX PLANT, PROCESSING, STOCKPILING, AND RECYCLING OF ROAD BUILDING MATERIALS

- A. The proposed plant is strongly advised to be located within an existing permitted nonmetallic mine where there are currently no violations.
- B. The proposed plant shall not be located within 100 feet of a residence (unless it is the owner or operator's residence).
- C. Hours of operation shall be limited to Monday through Friday 7 am-7 pm (unless otherwise specified by the BOA).
- D. The proposed plant permit shall be valid for a maximum of 2 years (unless otherwise specified by the BOA).
- E. No portion of the batch plant or its operation shall be located on a public or private street.
- F. The proposed plant shall be operated in a manner that eliminates unnecessary dust, noise, and odor.
- G. The site must be clear of all equipment, material and debris upon completion of the project or upon expiration of the permit, whichever comes first.

Section 17.204.62(E) Responses

- A. The proposed site is located in an existing non-metallic mine and there are currently no violations.
- B. **Per Site Plan and Aerial images:** There are no residence withing 100-feet of the project area.
- C. **Per application Materials:** Requested hours are from 6:00am-7:00pm Monday through Saturday.
- D. **Per application Materials:** Project will begin May 1st, 2023 and project completion in November 20th, 2023
- E. **Per Site Plan:** No portion of plant will be located on a public or private street.
- F. **Per application materials:** Haul roads will be treated with chloride to suppress dust; Perfume is added to asphalt to eliminate odor.
- G. **Per application Materials:** Debris and equipment will be removed from project site by 11/20/2024.

Section 17.803.01 PURPOSE AND AUTHORITY

- A. **Purpose.** Certain uses are of such a nature, or their effects are as dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this chapter for the determination of such uses as conditional uses. Conditional uses are land uses listed as such in [Table 3](#) Uses Permitted by District. They may be established in such district only upon approval by the Board of Adjustment.

The procedures and standards in this Chapter are intended to provide a consistent and uniform method for review of conditional use permit proposals. These review procedures and standards are intended to accomplish the following purposes:

1. Ensure full compliance with the standards contained in this ordinance and other applicable local ordinances, and state and federal laws.
2. Achieve efficient use of the land.
3. Prevent adverse impact on adjoining or nearby properties.
4. Protect natural resources.
5. Facilitate development in accordance with the County's land use objectives per the Comprehensive Plan.

Section 17.803.02 APPLICATION PROCEDURES

- I. **Board of Adjustment Determination.** The Board of Adjustment shall review the application for conditional use, together with the previous meetings' findings and reports and recommendations from the Zoning Administrator, public safety officials, and other reviewing agencies. The Board of Adjustment shall then make a determination on the conditional use application, as set forth in Section [17.803.03](#) and based on the Substantial Evidence, other requirements and standards of this ordinance. The Board of Adjustment may approve, approve with conditions, or deny a conditional use request as follows:
1. **Approval.** Upon determination by the Board of Adjustment that the final plan for conditional use is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, approval shall be granted.
 2. **Approval with Conditions.** The Board of Adjustment may impose reasonable conditions with the approval of a conditional use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements:
 - a. Conditions must be to the extent of practical and measurable
 - b. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - c. Conditions shall be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - d. Conditions shall be necessary to meet the intent and purpose of this ordinance, related to the standards established in this ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards. These conditions may include, but are not limited to the following:
 - 1) Permit duration, transfer or renewal
 - 2) Setback and yard dimensions.
 - 3) Specified sewage disposal and water supply facilities.
 - 4) Landscaping and planting screens.
 - 5) Operational controls.
 - 6) Sureties.
 - 7) Deed restrictions.
 - 8) Location of structures, docks, piers or signs.
 - 9) Location and amount of parking facilities.
 - 10) Type of construction.
 - 11) The obtaining of other permits required by the state or federal government agencies, and other county requirements based upon other ordinances as conditions that must be met before issuance of such permit.
 3. **Denial.** Upon determination by the Board of Adjustment that a conditional use proposal does not comply with the spirit or intent or standards and regulations set forth in this ordinance, or would constitute a nuisance by reason of noise, dust, smoke, odor, or other similar factors, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the county, the conditional use proposal shall be denied.

Section 17.803.03 BASIS OF DETERMINATION

- A. **Conformance with Requirements.** The applicant shall be required to establish by clear and convincing evidence that the applicable standards of this Chapter, the specific standards pertinent to each conditional use, including site plan review criteria set forth for applicable site development standards for specific uses set forth elsewhere in this Chapter (refer to Chapter [17.204](#), Development Standards for Specific Uses) have been met.
- B. **General Standards.** The Board of Adjustment shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards:
1. **Compatibility with Adjacent Uses.** The proposed conditional use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - c. The hours of operation of the proposed use. Approval of a conditional use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
 2. **Comprehensive Plan.** The proposed conditional use will be harmonious with and in accordance with the general objectives or with any specific objective of the town and county comprehensive plan.
 3. **Compliance with Applicable Regulations.** The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.
 4. **Use of Adjacent Property.** The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.
 5. **Public Services.** The proposed conditional use will be served adequately by essential public facilities and services including but not necessarily limited to utilities, highways, streets, police and fire protection, drainage structures, refuse disposal, and school(s); unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional use is completed.
 6. **Impact of Traffic.** The location of the proposed conditional use shall, within the zoning district, minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
 - a. Proximity and access to major thoroughfares.
 - b. Estimated traffic generated by the proposed use.
 - c. Proximity and relation to intersections.
 - d. Adequacy of driver sight distances.
 - e. Location of and access to off-street parking.
 - f. Required vehicular turning movements.
 - g. Provision of pedestrian traffic (if applicable).
 7. **Enhancement of Surrounding Environment.** The proposed conditional use shall provide the maximum feasible enhancement of the surrounding environment and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:
 - a. The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this Ordinance may be required as a condition of approval of a conditional use.
 - b. The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
 8. **Impact on Public Health, Safety, and Welfare.** The proposed conditional use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental

to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, and environmental impact.

9. Isolation of Existing Uses. The location of the proposed conditional use shall not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed conditional use shall not result in a small non-residential area being substantially surrounded by incompatible uses.
10. Substantial Evidence. Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions.

RECOMMENDATIONS FOR THE CUP

If granted, the CUP should consider including the following conditions:

- The Board of Adjustment should specify in their decision (and subsequently the letter that is issued to the applicant)
 - Dust control
 - Hours of operation
 - Change of operator
 - Expiration date of permit

TOWN RECOMMENDATION:

The **Town of Eau Claire** Town Boards Recommend **Approval** to Marathon County's Board of Adjustments.

THE STAFF RESERVE THE RIGHT TO AMEND THIS REPORT BASED ON NEW EVIDENCE PRESENTED PRIOR TO AND/OR DURING THE PUBLIC HEARING.

DECISIONS OF THE BOARD ARE SUBJECT TO APPEAL AS PROVIDED IN SS.59.694(10) WIS. STATS.

RESPECTFULLY SUBMITTED:



SIGNATURE

03/09/2023

DATE