

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 22, 2021**, at 212 River Drive Room 5 Wausau WI 54403.

The meeting site identified above will be open to the public. However, due to the COVID-19 pandemic and associated public health directives, Marathon County encourages the Board members and the public to attend this meeting remotely. To this end, instead of attendance in person, Board members and the public may attend this meeting by telephone conference. If Board members or members of the public cannot attend remotely, Marathon County requests that appropriate safety measures, including adequate social distancing, be utilized by all in-person attendees.

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: 146 270 5670

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 February 25, 2021 minutes.
2. *The application of Paul Bugar Jr. on behalf of Bugar Land LLC for a conditional use permit per 17.204.54 “Nonmetallic Mining” of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code, for the purpose of operating a nonmetallic mining operation on property currently owned by Paul Bugar Jr. The property is located in the F-P Farmland Preservation district, on property described as part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and part of the NE $\frac{1}{4}$ NW FRL $\frac{1}{4}$ Section 2, T27N, 2E, Town of Brighton, further described as PIN# 010.2702.022.0994 and 010.2702.022.0999
3. Board education and training as needed
4. Board Appointments
5. Announcements and Requests
6. Adjourn.

*For agenda item #2, an opportunity will also be provided to give testimony on reclamation related matters as required by Chapter 21, Nonmetallic Mining Reclamation Code. The reclamation plan and specifications may be viewed at the Conservation Planning and Zoning Department, 210 River Drive, Wausau during regular business hours (8:00 AM to 4:30 PM –Monday – Friday). Please call 715-261-6000 with questions about the project or to make an appointment to view or discuss the reclamation plans.

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.



Karen Piel, Chairman
Board of Adjustment



Land and Water Program Director
Conservation Planning and Zoning Department

Publish: April 5th and April 12th, 2021

E-mailed to Wausau Daily Herald on April 1, 2021, at 8:15 a.m. /cek

**MINUTES
MARATHON COUNTY BOARD OF ADJUSTMENT**

Members present in person: Richard Lawson

Members present remotely: Karen Piel, Arnold Schlei, Roger Zimmerman, and Carolyn Opitz

Members not present: Jim Servi, Kerry Brimmer

Also present remotely via phone / WEBEX or in person: Teal Fyksen, Diane Hanson, Dominique Swangstu, Lane Loveland, Cindy Kraeger, Morgan Tollard, Andy Lynch, Paul Daigle, Jean Kopplin, Cory Lang, Edward and Annmarie Wolf, Matt Eslinger, Dustin Albert, Michael Vaughn, Don Genrich, Dan Higginbotham, Seth Hornung and Mark Kolbe.

Called to order at 9:00 a.m., 210 River Drive, Wausau by Vice Chair Lawson, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment.

1. Approve November 19, 2020 minutes – Motion / second by Piel / Zimmerman to approve the November 19, 2020 minutes as distributed. Motion **carried** by voice vote, no dissent.

2. The application The application of American Asphalt of WI for a conditional use permit per 17.203.05 (table 3) and 17.204.62 of the Marathon County General Code of Ordinances Chapter 17 for the purpose of placing a temporary asphalt plant in an existing, permitted, nonmetallic mine located within the F-P Farmland Preservation district. The parcel is described as part of the NE ¼, NW FRL ¼, Section 3, T27N, R3E, Town of Eau Pleine further described as PIN# 020.2703.032.0999

Teal Fyksen was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Fyksen explained the staff report Exhibit 1 which was included in the meeting packet. Fyksen discussed the proposed hours of operation are Monday through Saturday 6 am to 7 pm. Fyksen mentioned the applicant is requesting a two year timeframe. There are no active or past violations on the property.

Opitz questioned the hours of operation. Fyksen explained the code allows hours of operation from 7 am to 7 am Monday through Friday. Fyksen stated a Conditional Use Permit was granted in 2018 with the extended hours of operation.

Matt Eslinger was sworn in and is staying consistent with the past Conditional Use Permit that was issued in 2018. The work is anticipated to start in mid-May and to be completed by November 1, 2021.

Vice Chair Lawson asked for any additional testimony.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 9:21 a.m.

Motion / second by Piel / Schlei to **grant** the conditional use request to allow a temporary asphalt plant in an existing nonmetallic mine is valid for 2 years from today; with operating hours of 6 am to 7 pm Monday – Saturday.

The Board deliberated and completed the Conclusion of Law and Decision Sheet

Motion **carried** 5 yes, 0 no, roll call vote.

3. The application of Edward and Annmarie Wolf for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a detached accessory structure for personal use with dimensions differing from the standards in the L-D-R Low Density Residential district, described as NW ¼ SW ¼ Section 4, Township 26N, R2E, Town of Spencer, described as PIN# 074.2602.043.0005 with a property address of: 208825 Andrews Rd, Spencer, WI 54479

Teal Fyksen was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Fyksen explained the staff report Exhibit 1 which was included in the meeting packet. Fyksen discussed Ordinance Section 17.401.02 related to the construction of the detached accessory structures outside of the building standards. The code allows for 1200 square feet of floor area, 14' side walls, 24' overall height, 12' overhead garage doors. This application is for 1800 square foot detached accessory structure with 16 side wall height, 14' garage door height and a maximum height 25'. The detached accessory structure would be used for storage of personal items. There are no active or past violations on the property. All other applicable regulations will be met.

Lawson discussed if the size is substantial or unusual in the general area. The town did not have any concerns listed on the resolution.

Edward Wolf was sworn in and is the owner of the parcel. The detached accessory structure will be used for storage of his personal items.

Vice Chair Lawson asked for any additional testimony.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 9:35 am.

**MINUTES
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Motion / second by Piel / Zimmerman to **grant** the conditional use request, without any additional conditions.

The Board deliberated and completed the Conclusion of Law and Decision Sheet.

Motion **carried** 5 yes, 0 no, roll call vote.

4. The application of Edward and Annmarie Wolf for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a detached accessory structure prior to a principle structure for personal use with dimensions differing from the standards in the L-D-R Low Density Residential district, described as NW ¼ SW ¼ Section 4, Township 26N, R2E, Town of Spencer, described as PIN# 074.2602.043.0006

Teal Fyksen was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Fyksen explained the staff report Exhibit 1 which was included in the meeting packet. Fyksen discussed Ordinance Section 17.401.02 related to the construction of the detached accessory structures prior to the principle structure for personal use. The code allows for 1200 square feet of floor area, 14' side walls, 24' overall height, 12' overhead garage doors. This application is for 1800 square foot detached accessory structure with 16 side wall height, 14' garage door height and a maximum height 25'. The detached accessory structure would be used for storage of personal items. There are no active or past violations on the property. All other applicable regulations will be met.

Edward Wolf was sworn in and is the owner of the parcel. The detached accessory structure will be used for storage of his personal items. Wolf is not planning on building a principle structure on the parcel.

Piel questioned if there was discussion at the Town Board meeting regarding a principle structure being built on the parcel. Wolf did not attend the meeting. Fyksen stated there were no conditions included on the Town Resolution.

Vice Chair Lawson asked for any additional testimony.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 9:47 am.

Motion / second by Zimmerman / Opitz to **grant** the conditional use request, without any additional conditions.

The Board deliberated and completed the Conclusion of Law and Decision Sheet.

Motion **carried** 5 yes, 0 no, roll call vote.

5. The application of Cory Lang for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a detached accessory structure for personal use with dimensions differing from the standards in the L-D-R Low Density Residential zoning district, described as part of the NE ¼ SE ¼ Section 13, Township 28N, R06E, Town of Marathon, described as PIN# 054.2806.134.0971 with a property address: 146101 Crocus Road, Wausau WI 54401

Dominique Swangstu was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Swangstu explained and reviewed the staff report Exhibit 1 which was included in the meeting packet. Swangstu discussed Ordinance Section 17.401.02 related to the construction of a detached accessory structure exceeding the dimensional limitations within the L-D-R zoning district standards. The zoning code allows for maximum 1,200 square feet of floor area, 14' side walls, 24' overall height, 12' overhead garage doors. This application is for 1728 square foot detached accessory structure while meeting all other applicable dimensional and setback standards. The detached accessory structure would be used for personal use. Additionally, the structure has not started and there are no active or past violations on the property. All other applicable regulations will be met.

Lawson asked staff if there were any active violations onsite and Mr. Swangstu stated there are not active or past zoning violations onsite.

Cory Lang was sworn in and is the owner of the parcel in question. He reiterated that the detached accessory structure would be used to store his personal items including vehicles and recreational vehicles. Additionally, he had noted that the proposed location of the building will be screened from the road and adjacent residentially zoned parcels.

Lawson discussed that the proposed size is smaller and/or very similar in size to those other detached accessory structures in the area. Lang agreed.

Vice Chair Lawson asked for any additional testimony.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 10:04 am.

Motion / second by Schlei / Zimmerman to **grant** the conditional use request, without any additional conditions.

The Board deliberated and completed the Conclusion of Law and Decision Sheet.

Motion **carried** 5 yes, 0 no, roll call vote.

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6. The application of Michael Vaughn for a variance from the terms of Section 17.202.03(F) of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code for a variance to the setback requirement to the town road to construct a single family home, described as part of Govt Lot 1- Lot 2 Town of Elderon Section 18, T27N, R10E, PIN # 022.2710.185.0986 with a property address: 215250 Lakefront Drive, Hatley WI 54440

Dominique Swangstu was sworn in and noted that the Town of Elderon had supplied a town resolution and recommendation regarding this variance, yet it was received by the department after the creation of the staff report. Swangstu explained and reviewed the staff report Exhibit 1 which was included in the meeting packet. Swangstu explained the slight discrepancy in the towns future land use map. A composite of several site plans were merged into one document which was included in the packet. The proposed development location on this parcel is not located in a mapped floodplain or DNR mapped wetlands. The parcel and proposed development is located with the shoreland overlay district given the parcel is directly adjacent to Pike Lake, therefore the Chapter 22 Shoreland, Shoreland-Wetlands, Floodplain Ordinance would apply. The standard minimum setback to the Road Right of Way (ROW) is 30'. The standard minimum setback to the centerline is 63'. The proposed setback to the ROW is 16.5' and the setback to the Centerline is 43.2'. Swangstu stated a vast majority of the structures are non-conforming due to the ROW or centerline. The town road – Lakefront Drive is a 3 rod road (48 feet wide) whereas, the standard for town roads is 4 roads wide (66 feet). The Town resolution was received by the department with the recommendation of approval for the variance, with no recommended additional conditions. All other applicable regulations will be met.

Schlei asked staff that it appears the lots to the west are also close to the road, is that correct. Swangstu responded and agreed that adjacent lots in the area are also close to the road. Swangstu also stated the majority of the properties on Pike Lake are either non-conforming as it relates to the road setback and/or the Ordinary High Water Mark setback.

Piel questioned the prior use of the lot. Swangstu stated it was and is vacant but the owner is in attendance and can provide more information regarding the existing and past uses onsite.

Michael Vaughn was sworn in and is the owner of the parcel. Vaughn stated nothing is on the lot and they have used it for camping. He stated that when he purchased the lot in 2001 and was planning to build in 2007 the lot conformed to the standards yet currently does not meet the standards given it is substandard. Vaughn also stated that the Sanitary Permit has been issued. Vaughn provided and explained Exhibit 6, which had some additional information regarding the sub-standard status of the lot. He also stated a Certified Survey Map (CSM) was completed by Dan Higgenbotham of the property and adjacent properties. The CSM clearly displays how this new construction will “fit” the neighborhood because of it is a similar distance to the road as the neighbors. Vaughn referenced code section 17.805.13 non-conforming lots of record which was also referenced in Exhibit 6. Vaughn was ready to build and was notified the setback to the road has changed.

Lawson asked and verified with the applicant that the request for a variance was not related to a self-created hardship given the parcel was created prior to the current zoning standards.

Piel asked the applicant when he purchased the property and he responded in 2001. It was also explained that at the time and in 2007 Vaughn obtained permits for the new home construction onsite and was unable to start or complete the project. Vaughn had stated since 2007 the standards have changed which is why he is requesting the variance to the road.

Don Genrich was sworn in and is in opposition to the variance request. He noted that the homes to the east of the parcel in question are setback much farther than others, nearly 75 feet. Genrich is concerned with the setbacks; parking on the street which may cause a traffic hazard, as well as agrees it would be impossible for Vaughn to build onsite while meeting the minimum road setback. Genrich is also concerned that it is listed as a cabin on the application and may be used for a seasonal rental in the future.

Schlei asked staff what the setback to the road was for the parcel to the east of the parcel in question, as well as asked if the lot was non-conforming. Staff addressed the questions and clarified the differentiation between the minimum road setback and the Ordinary High Water Mark (OHWM) setback. Swangstu also noted the home to the east of parcel in question is closer to the OHWM than what is being proposed on the Vaughn property.

Discussion occurred by the committee members regarding the setback from the Ordinary High Water Mark (OHWM) of 75'. Swangstu stated most properties on Pike Lake are non-conforming to the OHWM or setbacks.

Piel questioned the parking on the street and what is typical for the lots in the area. Vaughn indicated people to the east all have onsite parking and some of the existing parcels have parking on the roadway. Vaughn stated there will be enough space for at least one car onsite and also stated people can park across the street on his other parcel.

Lawson asked the applicant if there would be any issue with the possible condition being placed on the conditional use permit addressing no on street parking. Vaughn agreed that would be no issue if the board were to do so.

Dominique Swangstu read into the record the emails received in opposition to the Michael Vaughn variance:

Exhibit 2 - Jeff Adams – 214580 Lakefront Drive Hatley – in opposition of the variance.

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Exhibit 3 - Ron Retzke – 215396 N Shore Drive Hatley - Stated he built on the lake following all zoning ordinances.

Exhibit 4 - Bruce and Lynn Voss – 215270 Lakefront Drive Hatley - Concerns include: Traffic / blind spot on road; parking, septic tank location; well location; block/rock wall planned; additional fill; proper drainage.

Exhibit 5 – Mark and Diane Goltz – Concerned with lot has been vacant was not to be developed; concerned about road setbacks; vehicle traffic; mitigation; POWTS under a private road; decrease in property value.

Loveland, provided some additional information and insight regarding the changes in the shoreland and general zoning standards and requirements, specifically regarding sub standards parcels.

Swangstu replied to the emails that pertained to the Chapter 17 Zoning Code inquires as well as discussed ACT 67 which was passed in 2017 which addresses sub-standards parcels.

Piel stated her concern with the written testimony regarding the curve and steep incline. Loveland stated Lakefront Drive is busy and does have a steep slope but stated it is not substantially different from any other houses or properties on the road. Loveland also addressed that the applicant stated that individuals could park across the street on the other property owned by Vaughn, yet Loveland stated ownership could change and that option may not be available in the future.

Lawson, asked Loveland if there were any slow or other cautionary signs on the town road. Loveland responded that he was not aware of any town signs but did remember seeing a slow children at play sign that would have been placed by a resident on private property. The town has the ability to post signs on Lakefront Drive

Schlei questioned the POWTS system under the road if the property was ever sold as well as asked about future parking. Swangstu discussed the property owner could pursue getting easements (for parking or POWTS). Yet, Vaughn would be required to establish an easement for the sanitary components if and when property ownership changes on either lot.

Vice Chair Lawson asked for any additional testimony.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 10:54 a.m.

Motion / second by Zimmerman / Schlei to **grant** the variance request.

The Board deliberated and completed the Conclusion of Law and Decision Sheet, as well as verified there would be no additional conditions on the variance given the town has the ability to post signs on the town road to prevent on street parking.

Motion **carried** 4 yes, 0 no, roll call vote. Opitz recused herself from the voting process due to technology problems.

Chair Lawson called for a 15 minute recess.

Hearing resumed at 11:15 a.m.

7. The application of Seth Hornung for a variance from the terms of Section 17.202.03(F) of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code for a variance to the setback requirement to the town road to construct an addition onto an existing home, described as part of NW ¼, SE ¼, Section 34, T26N, R07E, Town of Knowlton, PIN # 048.2607.344.0026 with a property address: 152179 Greenview Drive, Mosinee WI 54455

Dominique Swangstu was sworn in and explained the staff report Exhibit 1 which was included in the meeting packet. The proposed development location on this parcel is not located in a regulatory floodplain or DNR mapped wetlands. Yet, as shown in the staff report there is mapped floodplain onsite, but a Letter of Map Amendment (LOMA) was approved by FEMA removing the vast majority of the parcel from the regulatory floodplain. The parcel and proposed development is located with the shoreland overlay district given the parcel is directly adjacent to Lake Dubay (Wisconsin River), therefore the Chapter 22 Shoreland, Shoreland-Wetlands, Floodplain Ordinance would apply. Swangstu stated the existing home is non-conforming. The standard minimum setback to the Road Right of Way (ROW) is 30'. The standard minimum setback to the centerline is 63'. The proposed setback to the ROW is 20.2' and the setback to the Centerline is 35.4'. Swangstu stated a few other structures along Greenview Drive are non-conforming as it relates to the ROW and/or centerline setback. It was also noted that the town road – Greenview Drive is a 2 rod road (33 feet wide) whereas, the standard for town roads is 4 roads wide (66 feet). The Town resolution was received recommending approval of the variance with no recommended additional conditions. All other applicable regulations will be met.

Lawson asked if there were any questions for staff by the board.

Zimmerman asked staff if there were any discussions about expanding the 2 rod road to make it standard in width which is 4 rods wide. Swangstu stated it was discussed at the town level and also explained that if the town were to expand the road, (given there are existing homes and parcels to the south) the road would need to be expanded to the north. If the road was expanded to the south the homes on Greenview Drive would become more non-conforming as it relates to the road setback.

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Seth Hornung was sworn in and is the owner of the parcel along with Sage Brooks. The parcel was purchased on July 1, 2020. Hornung stated this would be a permanent residence. There would be very little public impact based on the parcel location. The road turns into a gravel road near the parcel. Hornung also explained other existing factors onsite which is guiding the request and need for a variance. The proposed home addition would allow for the cars to be parked inside instead of being parked outside and on the road. Additionally the home addition would allow the home to become a full time residence.

Lawson questioned the current use of the garage. Hornung replied it is used to park cars.

Piel questioned if the proposed addition would be closer to the road than the existing home, and the applicant stated it would be closer to the road than the existing non-conforming home. Swangstu provided clarity regarding the question regarding if the addition would be no closer to the road or not by explaining that the statement was made that home would be no closer to the OHWM than the current structure.

Lawson asked for any additional testimony.

Dominique Swangstu read into the record an email received in opposition to the Seth Hornung variance.

Exhibit 2 – Rolf & Joan Reitz – 200985 Waterview Drive Knowlton Concerns include: rain and snow melt are not increased on their property; landscape contouring to avoid water backing; fertilized water into Lake DuBay.

Vice Chair Lawson asked for any additional testimony or follow up questions regarding the public comment.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 11:34 a.m.

Motion / second by Piel / Schlei to **grant** the variance request.

The Board deliberated and completed the Conclusion of Law and Decision Sheet.

Motion **carried** 5 yes, 0 no, roll call vote.

8. Board education and training as needed – None.

9. Announcements and Requests – Loveland mentioned Dominique Swangstu will be the lead on the BOA applications involving Zoning changes and Teal Fyksen will take the lead on nonmetallic mining site applications.

Next meeting date – April 22 at 9:00 am, 212 River Drive, Wausau Room 5 / remotely

10. Meeting adjourned – **Motion** / second by Piel /Opitz to adjourn at 11:40 am. Motion **carried** by voice vote, no dissent.

Respectfully submitted,
Arnold Schlei, Secretary
Marathon County Board of Adjustment

RL/cek

cc: Board of Adjustment (7), County Clerk, Town Clerk

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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: Paul Bugar Trucking, Inc. - Paul Bugar Jr
Mailing Address: W294 State Road 98
Telephone: (715) 255-9058 Fax: _____
Cellphone: _____ Email: pbugar1@frontier.com
Owner Name: (if different) Paul Bugar Trucking, Inc. - Paul Bugar Jr
Mailing Address: W294 State Road 98
Telephone: (715) 255-9058 Fax: _____

PARCEL INFORMATION

Parcel ID # (PIN): 010-2702-022-0999 & 010-2702-022-0994; see attached Tax Sheets for full legal descriptions
(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 _____ ¼ _____ NW1/4 ¼
Section 2, T 27 N, R 2 E, Town of Brighton
Lot _____ . Block _____ Subdivision _____

Property Address: _____
Parcel size: 63.63 ac. - 31.8 ac. total 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.):
Land is currently a farm field

Existing improvements (Structures, well, septic, etc.):
No structures are proposed. A Quarry with access roads resulting in a pond is proposed

PROPOSAL

Describe **specifically** the nature of this request (be sure to **list all proposed uses** of the parcel). What do you plan to do?
A Quarry is proposed resulting in a pond to be used for aquaculture after reclamation. Access roads and fence around the perimeter will remain. All other machinery will be removed after mining is complete. Blasting, crushing and dewatering will be required.

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 project maps for Quarry perimeter. Attachment 1 of reclamation plan

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 type="checkbox"/>	_____	Completed application including signatures.
<input type="checkbox"/>	_____	Map with all required information.
<input type="checkbox"/>	_____	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input type="checkbox"/>	_____	Zoning Permit application
<input type="checkbox"/>	_____	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="font-size: 1.5em; font-family: cursive;">Paul J Bugas</p> <p>Owner Signature (required)</p>	<p style="font-size: 1.5em;">1-27-2021</p> <p>Date</p>
<p style="font-size: 1.5em; font-family: cursive;">Paul J Bugas</p> <p>Agent / Person responsible for work Signature (required)</p>	<p style="font-size: 1.5em;">1-27-2021</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.

Return to: Board of Adjustment Telephone: 715-261-6000
 Marathon County CPZ Department Toll free within Marathon County: 1-800-236-0153
 210 River Drive Facsimile: 715-261-6016
 Wausau, WI 54403-5449

<p>For office use</p> <p>Amount Received: \$ <u>600.00</u></p> <p><small>0:\CPZ\Ordinances\FORMS\ConditionalUsePermitApplication.docx</small></p>	<p>For office use</p> <p>Date Stamp:</p>	<p style="font-size: 2em; font-weight: bold;">RECEIVED</p> <p style="font-size: 1.5em;">FEB 25 2021</p> <p>MARATHON CO. CONSERVATION, PLANNING & ZONING DEPT</p>
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Section 17.204.54 NONMETALLIC MINING

A. Aerial Photograph and Map.

1. The boundary of the affected parcel and any adjacent parcel, pipelines, railroads, streams, utilities, and wetlands on the proposed extraction site and any adjacent parcel.

See Attachment 1 in Reclamation Plan. There are no utility lines adjacent to the proposed Quarry. All utilities lines are adjacent to County Highway P and County Highway F. The plan was designed to stay greater than 500 feet from Dill Creek to the north and Raeder Creek to the west, no other potential navigable waterbodies are present in the area. The project area was designed to avoid wetlands.

2. The name of the owner of each adjacent parcel and the location of all structures within 300 feet of the proposed mine site.

Please see Attachment 4 in Reclamation Plan.

3. The proposed location, extent, and depth of the intended sand, gravel, and rock excavation, showing the setback distances.

Proposed Depth of exaction varies between approximately 50 to 100 feet, or to elevation 1250. Adjacent quarrys to the east and west show hard rock is present near the surface and extend to the proposed depth. All activities associated with mining will maintain a minimum 10-foot setback from all property lines. See Attachment 1 in the Reclamation Plan, "Cross Section" for proposes depth of excavation.

4. The proposed location of any ponds, sediment basins, and stockpiles showing the setback distances.

The entire Quarry will result in a pond. For initial earth moving, a settling area for stormwater runoff will be constructed in the northeast project area. Berms will be constructed around the project area to keep the site internally drained. During excavation, all stockpiling will be confined within the project boundary to prevent siltation to the adjacent landscape. See Attachment 1, "Working Site Map" for operational detail.

5. The surface drainage and estimated depth to groundwater.

Surface water will drain to the north. Groundwater elevation will be similar to the existing surface water elevation of the adjacent quarry to the west, elevation 1280. See Attachment 1, "Cross Sections" for estimated groundwater elevations.

B. Operational Information.

1. The duration of any applicable lease.

No Lease is required, Bugar Land, LLC owns the property

2. The estimated date that operations will commence and terminate.

Work is expected to begin Spring of 2021 and last approximately 50 years until reclaimed.

3. Anticipated hours of operation.

Work will be Monday-Friday, 6 am to 6 pm and Saturdays 6:30 am to 5 pm

4. The proposed primary travel routes to transport material to and from the site.

Two access points to and from the Quarry are proposed. One to County Highway F and the other to County Highway P. See Attachment 1, Working Site Map.

5. A description of the excavation and processing equipment to be used.

Equipment used for excavation will be backhoes, dump trucks, crusher, screener and other equipment typical of a hard rock quarry. Blasting will be required.

6. A description of measures to be taken to screen or buffer the operation from view from any adjacent residential parcel.

The proposed Quarry is located approximately 800 feet north of County Highway P and 2,500 feet west of County Highway F, well away from vehicle and residential view. Vegetated Berms will also be used to provide additional screening.

7. A description of measures to be taken to control dust, noise, and vibrations from the operation.

During dry conditions, a water truck will be used to suppress dust resulting from the site. The location of the quarry is setback away from roads minimizing noise and vibrations from operations. Blasting will sparingly be conducted. When blasting, enough material will be dislodged for the near future so another round of blasting will not have to be completed immediately.

C. Operation.

1. All blasting must be done by a state licensed and certified blaster, who must have a certificate of liability or proof of liability insurance.

Paul Bugar Trucking, Inc. only uses licensed and certified blasters.

2. All excavation equipment must be constructed, maintained, and operated in such a manner as to eliminate, as practicable, dust, noise, or vibration that might adversely affect or injure any person living in the vicinity of the operation.

All reasonable efforts will be made to minimize the effects of dust, noise and vibrations from the operation. The project area is off the road with minimal amount of residential area present minimizing disturbance to the local community.

3. Any excavation access road must have and be maintained with a dustless surface.

Water trucks will be used during dry periods to minimize dust.

4. Operations must be conducted in such a manner that any water runoff from the operation does not adversely affect any adjacent parcel.

A settling area and berms will be constructed to contain surface water runoff. A Stormwater Pollution Prevention Plan (SWPPP) is currently submitted to the Wisconsin Department of Natural Resources (WDNR) for review and approval. As part of the SWPPP, monitoring of stormwater will be required and submitted to the WDNR

5. All equipment and temporary structures, such as stone crusher, conveyor, or screener, must be removed from the site within 90 days of the termination of extraction operations.

All machinery and equipment will be removed within 90 days after final reclamation is complete.

D. Setback Requirements.

1. The excavation must be setback at least 100 feet from any existing occupied structure other than the owner's.

No structures are present within 100 feet.

2. All operations shall be at least 50 feet from the centerline of any right-of-way and 10 feet from any property line unless there is a written agreement between adjoining owners both of whom hold valid nonmetallic mining permits under which they both agree to mine up to their common property line. Mining up to or into the right-of-way may be authorized where it is determined by the unit of government having jurisdiction over the road that such mining would be beneficial.

No roads are within 50 feet of the project area. A minimum 10 feet will be maintained from all property lines unless a future written agreement is produced between this quarry and the adjacent quarry to the east.

3. All accessory uses such as offices and parking areas shall be at least 75 feet from any right-of-way or property line.

No offices are proposed. No road is within 75 feet of the project site.

- E. Nonmetallic mining shall comply with the terms of Marathon County Nonmetallic Mining Code, Chapter 21, General Code of Ordinances.

See attached Reclamation Plan.

- F. All nonmetallic mining shall be required to provide for the proper closure and reclamation of the extraction site to an agricultural use.

The quarry will result in a fish pond used for aquaculture at the completion of reclamation.

- G. Nonmetallic mining activity and operation shall be consistent with Wisconsin Statute, Chapter 91, Farmland Preservation, 91.46(6)

The quarry will result in a fish pond used for aquaculture at the completion of reclamation.

Farmland Preservation Districts. Nonmetallic mineral extraction in Farmland Preservation Districts may be permitted if the all of the following apply:

- A. The operation complies with Subchapter 1 of Chapter 295, Wis. Stats., and rules promulgated under that subchapter, with General Code of Ordinances for Marathon County Chapter 21 Nonmetallic Mining Reclamation Code under Wis. Stats., 295.13 or Wis. Stats., 295.14, and general requirements standards under this section and provided the reclamation of the extraction site is to an agricultural use (including all applicable provisions of this ordinance), and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.

The quarry will result in a fish pond used for aquaculture at the completion of reclamation.

- B. The operation and its location in the Farmland Preservation zoning district are consistent with the purposes of the Farmland Preservation zoning district.

Yes, this activity is consistent with farmland preservation.

- C. The operation and its location in the Farmland Preservation zoning district are reasonable and appropriate, considering alternative locations outside the Farmland Preservation zoning district, or are specifically approved under state or federal law.

The operation and its location in the Farmland Preservation zoning district are reasonable. The post mining land use is approved and consistent with agricultural use after mining is complete.

- D. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

The resulting aquaculture pond will not have a negative effect on the surrounding agricultural land. The resulting use is considered Agricultural.

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

The resulting aquaculture pond will not have a negative effect on the surrounding agricultural land. All activities will be confined to the project area. Existing agricultural land will be continued to be used until mining begins.

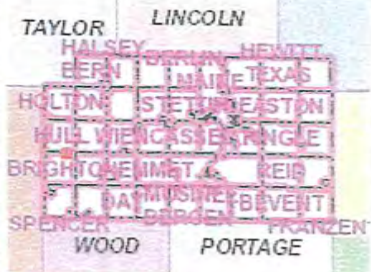
- F. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.

The owner agrees to restore the land to an aquaculture pond, which is considered an agricultural use.



WAUSAU

Land Information Mapping System



- Legend**
- Parcel Annotations
 - Parcels
 - Land Hooks
 - Section Lines/Numbers
 - Right Of Ways
 - Municipalities
 - Floodplain
 - A
 - AO
 - AE
 - AE FLOODWAY
 - AE ADMINISTRATIVE FLOODWAY
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - 2015 Orthos
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - Surrounding_Counties
 - CLARK
 - LANGLADE
 - LINCOLN
 - PORTAGE
 - SHAWANO
 - TAYLOR
 - WAUPACA
 - WOOD

Notes
Figure 6

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

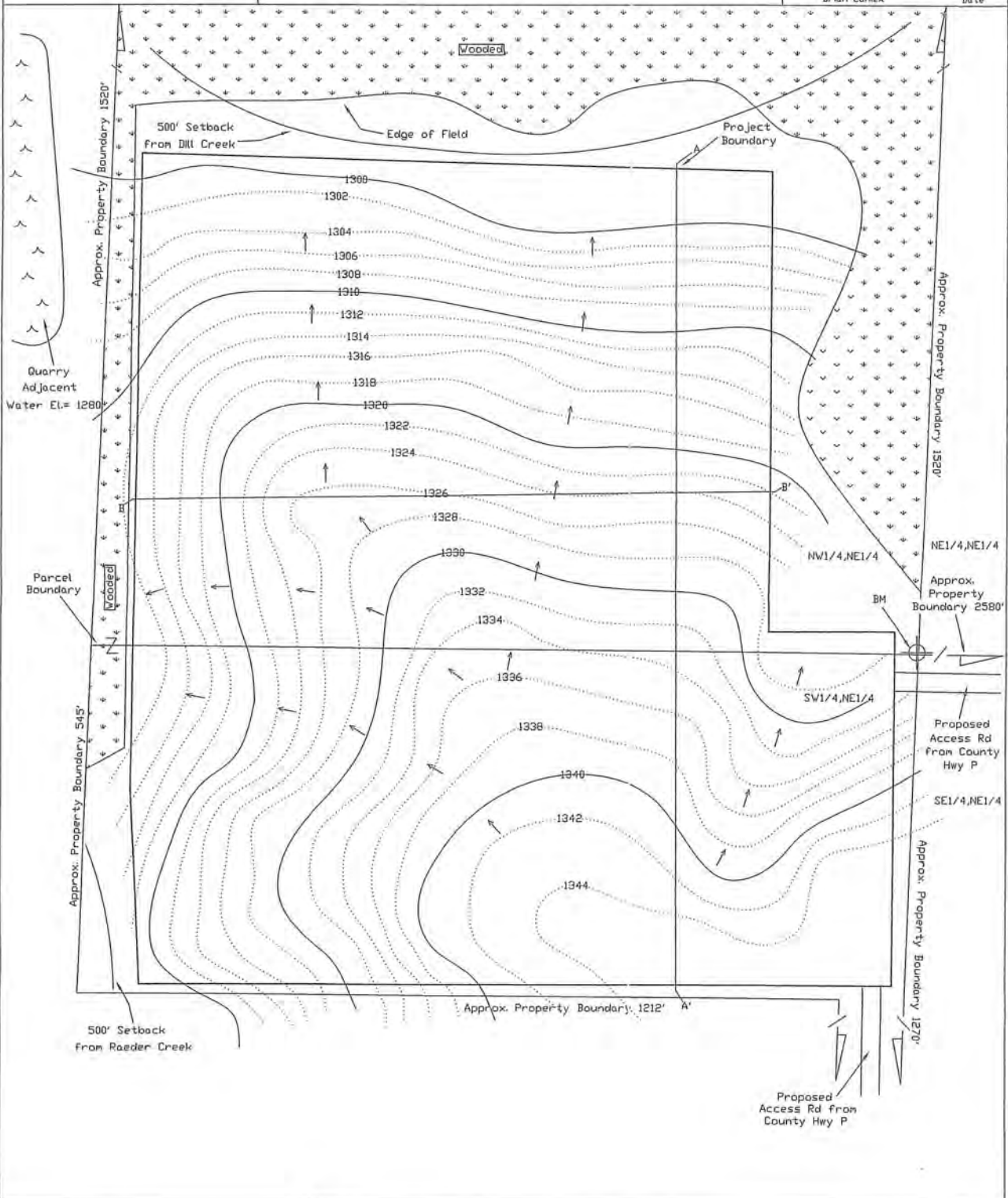
242.43 0 242.43 Feet

NAD_1983_HARN_WISCRS_Marathon_County_Feet

Project
 Paul Bugar Trucking, Inc.
 NW1/4, Sec. 2, T27N, R2E
 Town of Brighton, Marathon County

EXISTING SITE MAP

Created By
 Star Environmental, Inc.
 PO Box 434 Marathon, WI 54448
 Phone: (715) 443-6115
 Fax: (715) 443-6108
 Brian Conlek
 Date 1-26-11



Scale 1" = 150'
 Unless Noted
 This is not a certified survey map

Legend

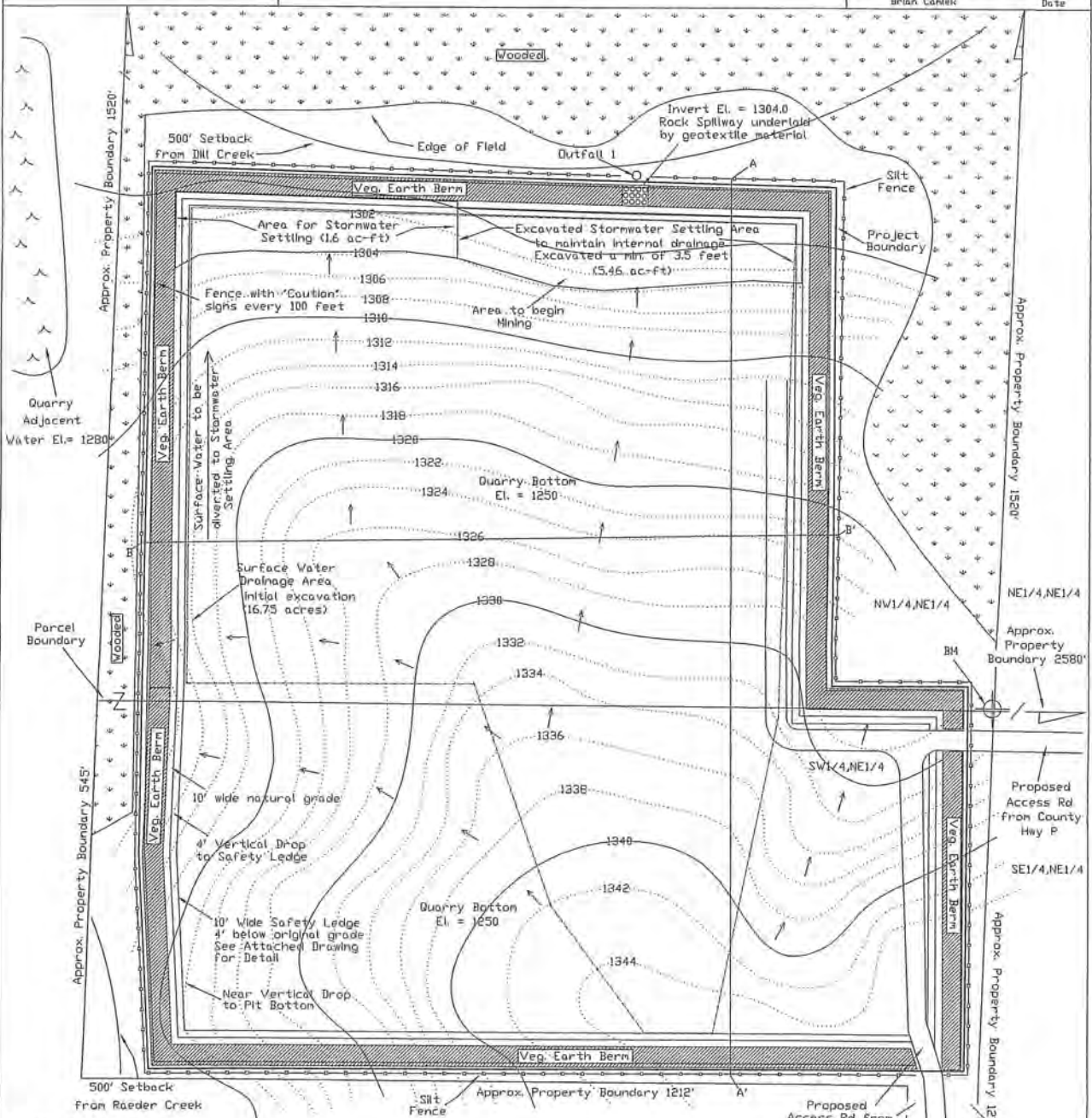
	BM Top of Wood Fence Post El. = 1322.0		Surface Water Flow
	Woods		

Project:
 Paul Bugar Trucking, Inc.
 NW1/4, Sec. 2, T27N, R2E
 Town of Brighton, Marathon County

WORKING SITE MAP

Created By:
 Star Environmental, Inc.
 PO Box 434 Marathon, WI 54448
 Phone (715) 443-6115
 Fax (715) 443-6108

B. Cole
 Brian Conlek
 Date: 1-26-21



Process of Operations:

- 1) Install Silt Fence
- 2) Construct vegetated earth berms with stripped topsoil. Berm sideslopes to be 3:1 or flatter. Minimum Berm top to be El. 1305.0 or 4 feet above existing grade, whichever is higher
- 3) Seed and Mulch Berm.
- 4) Excavate Stormwater Settling Area
- 5) Excavate Quarry to elevation 1250
- 6) Continue constructing earth berms downslope of disturbed area and directing stormwater runoff north to excavated areas
- 7) Install Silt Fence downslope as berms are constructed for newly disturbed areas. Berm sideslopes to be 3:1 or flatter Min. Berm top to be 4 feet above existing grade
- 8) Quarry is considered reclaimed when 70% vegetative cover is established and vertical walls, safety ledges and fences are constructed
- 9) Remove Silt Fence once berms are stabilized

Scale 1" = 150'
 Unless Noted

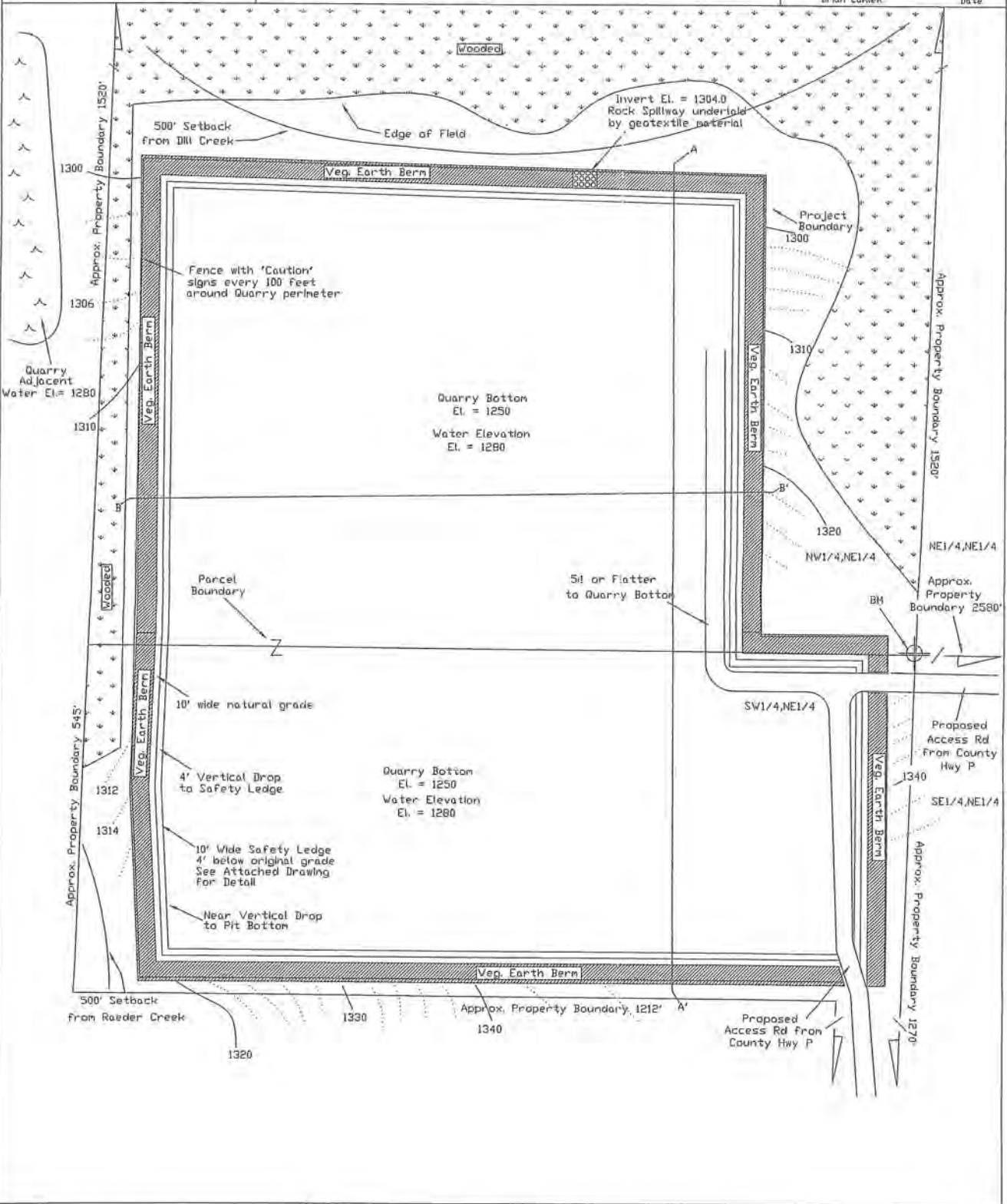
This is not a certified survey map

<p>Legend</p> <ul style="list-style-type: none"> BM Top of Wood Fence Post El. = 1332.0 Woods 	<ul style="list-style-type: none"> Silt Fence Surface Water Drainage Area For Initial disturbance 	<ul style="list-style-type: none"> Surface Water Flow
--------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------

Project:
 Paul Bugar Trucking, Inc.
 NW1/4, Sec. 2, T27N, R2E
 Town of Brighton, Marathon County

PROPOSED SITE MAP

Created By:
 Star Environmental, Inc.
 PO Box 434 Marathon, WI 54448
 Phone: (715) 443-6115
 Fax: (715) 443-6108
 Brian Conlek
 Date: 1-26-21



Scale 1" = 150'
 Unless Noted

This is not a certified survey map

Legend

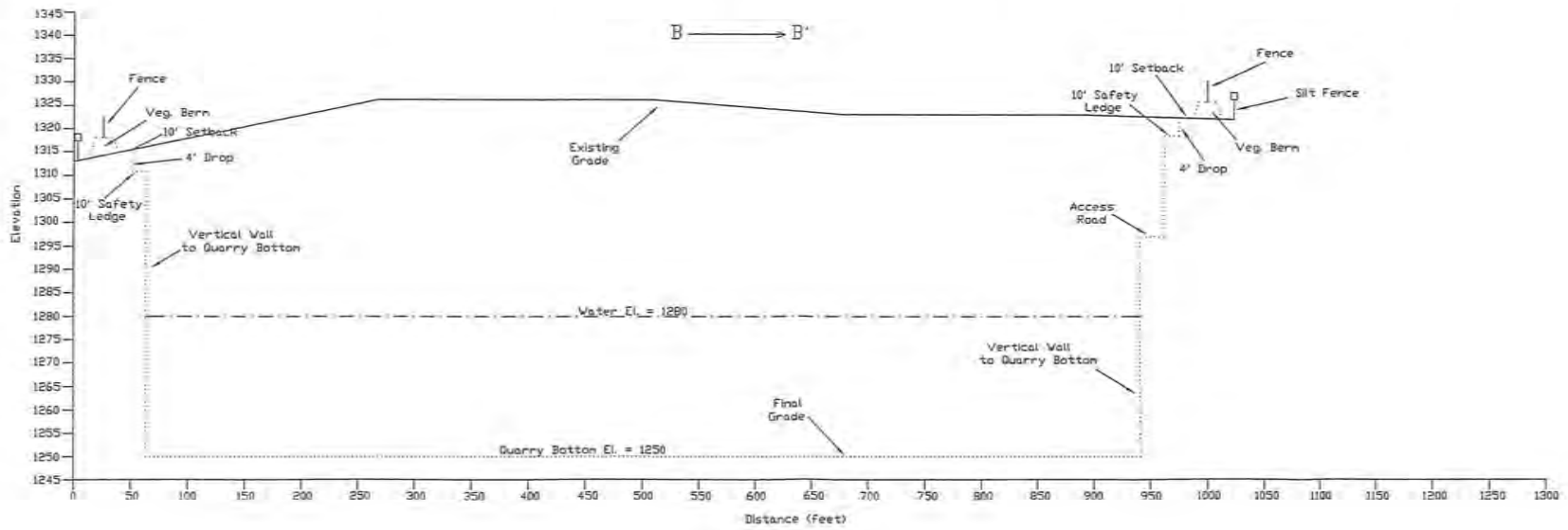
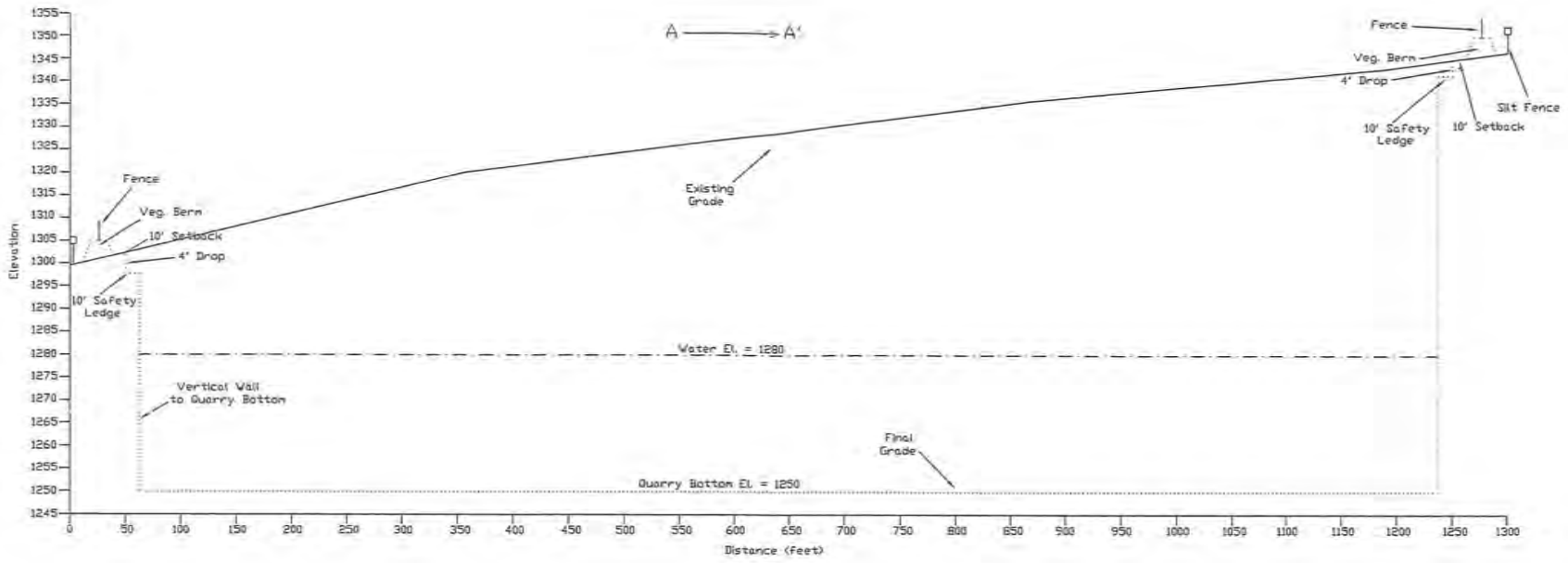


BM Top of Wood
 Fence Post
 EL = 1332.0

Woods



Vegetated Earth Berm



Example of Typical Vertical Wall and Safety Ledge Drawing

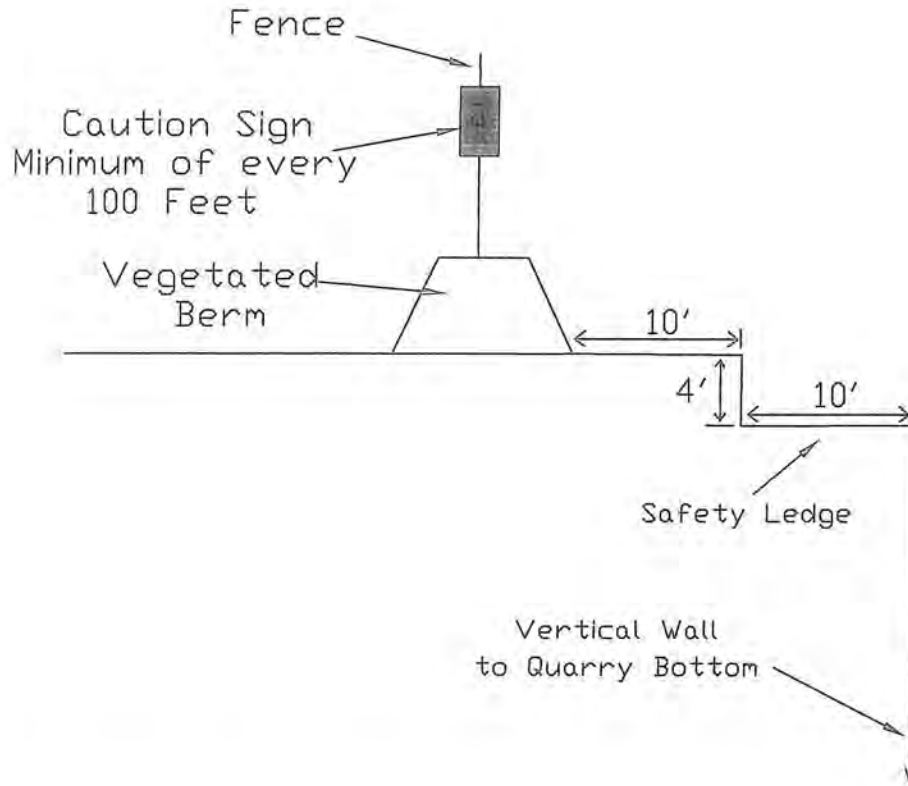
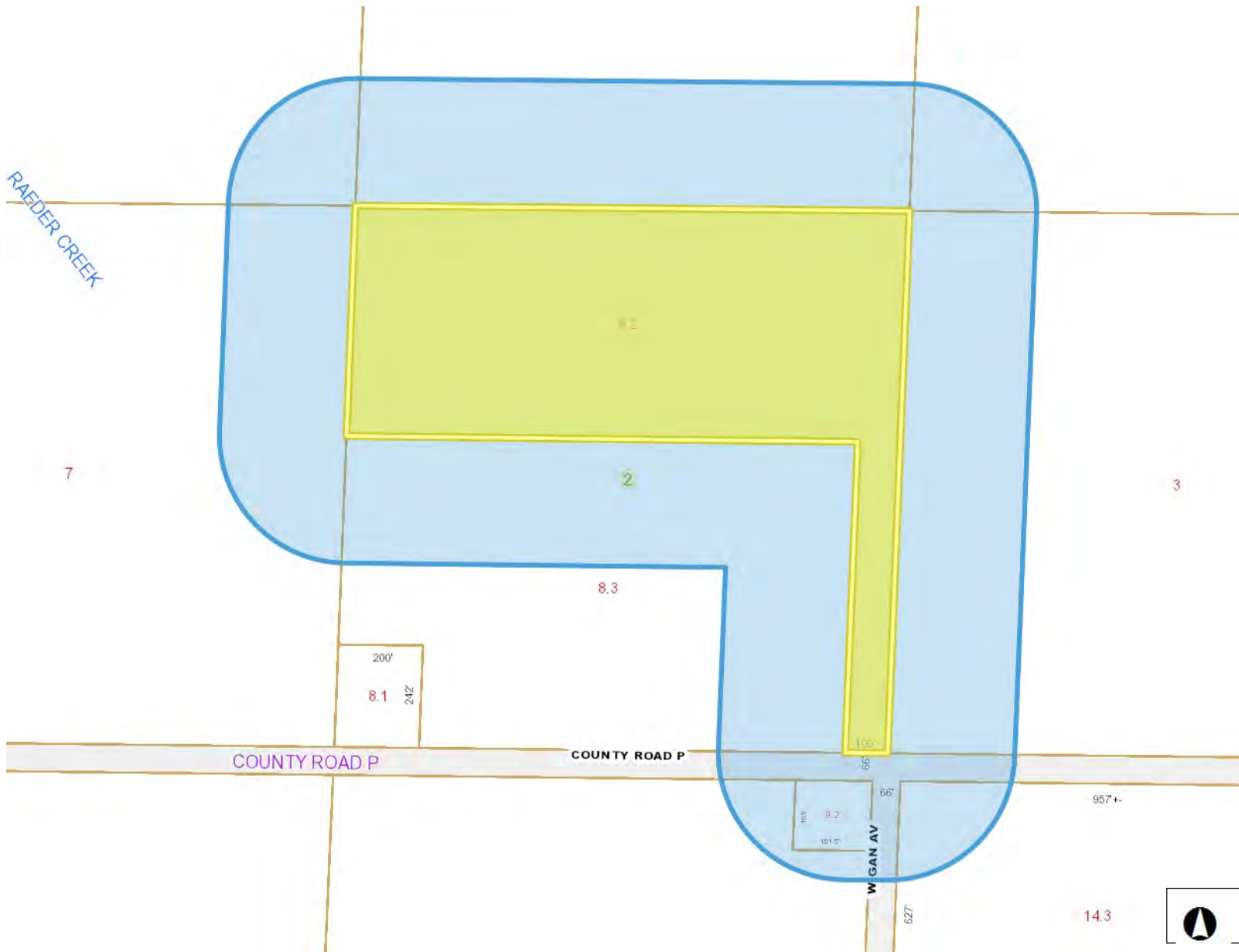


Figure 11



Land Information Mapping System



Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities

175.30 0 175.30 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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Notes

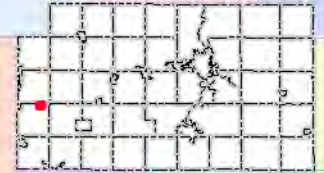
PIN # 010.2702.022.0994



Land Information Mapping System

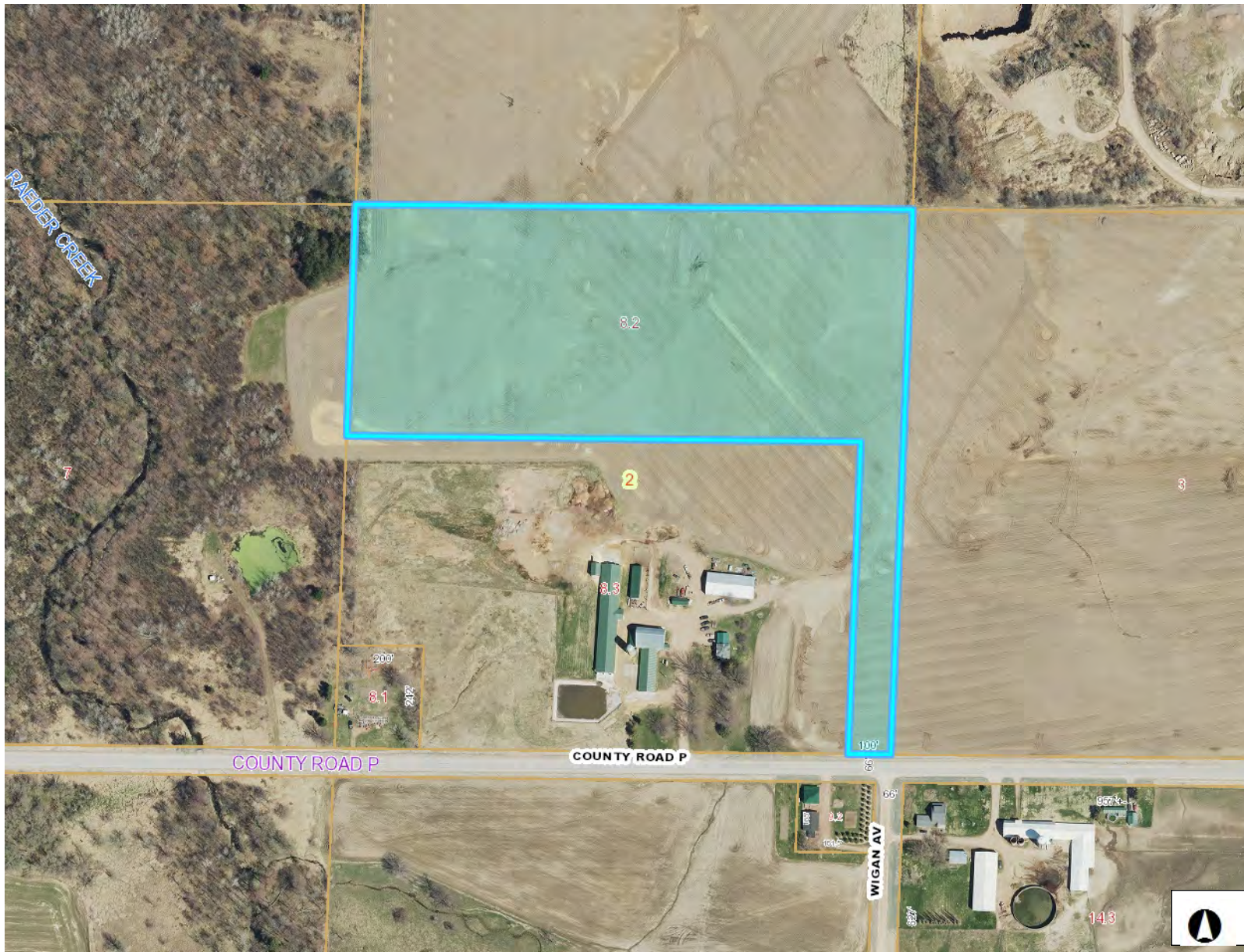
TAYLOR

LINCOLN



WOOD

PORTAGE



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

175.30 0 175.30 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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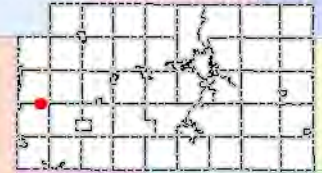
010.2702.022.0994



Land Information Mapping System

TAYLOR

LINCOLN



WOOD

PORTAGE

11.2

35

WALTON

6

2

RAEDER CREEK

8.2



Legend

- Road Names
- Parcels
- Parcel Lot Lines
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- Section Lines/Numbers
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- Municipalities

207.17 0 207.17 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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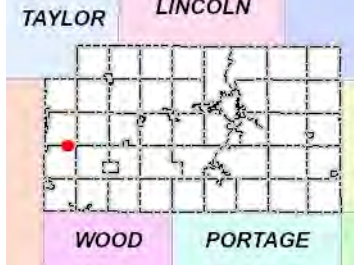
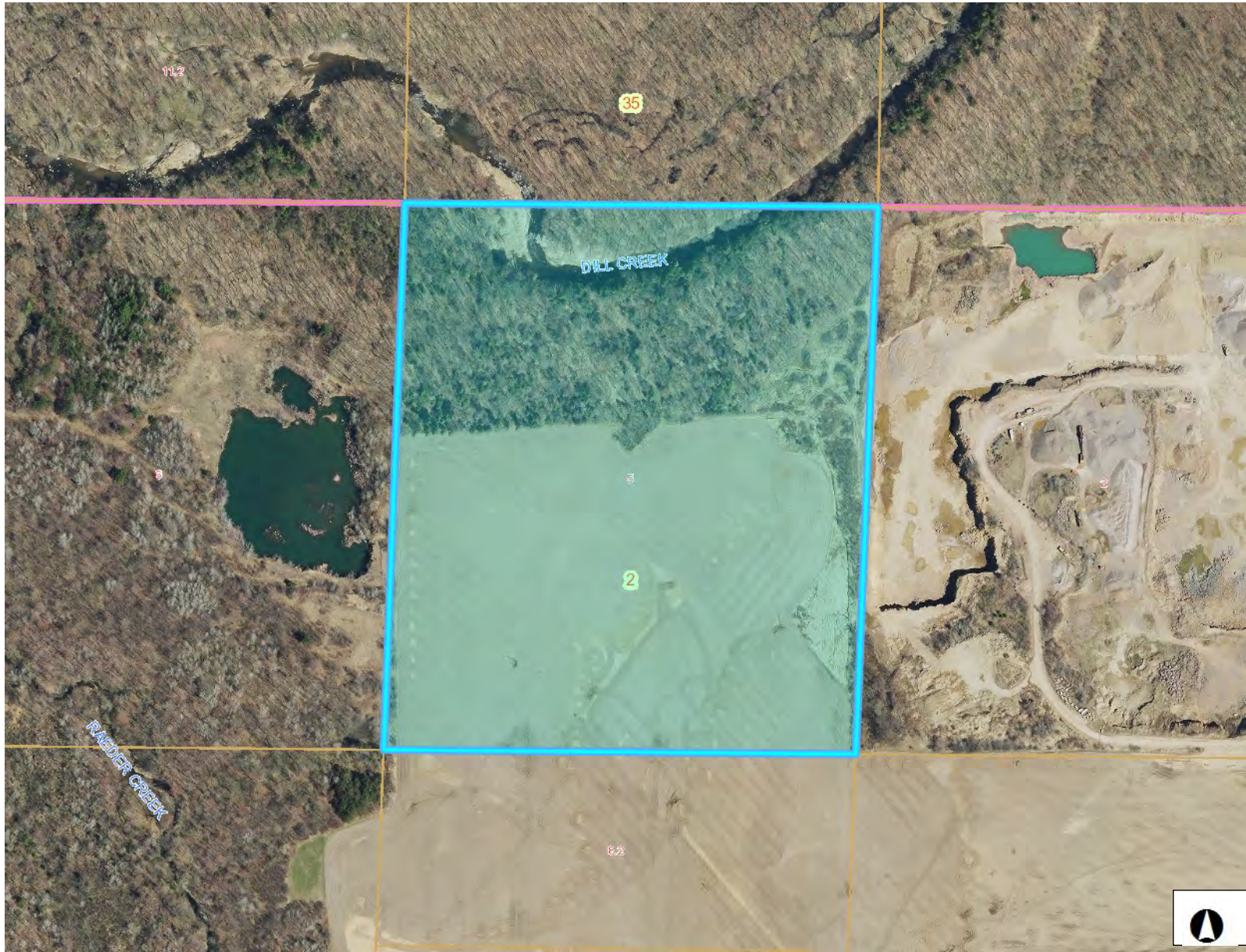
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

010.2702.022.0999



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



207.17 0 207.17 Feet

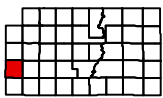


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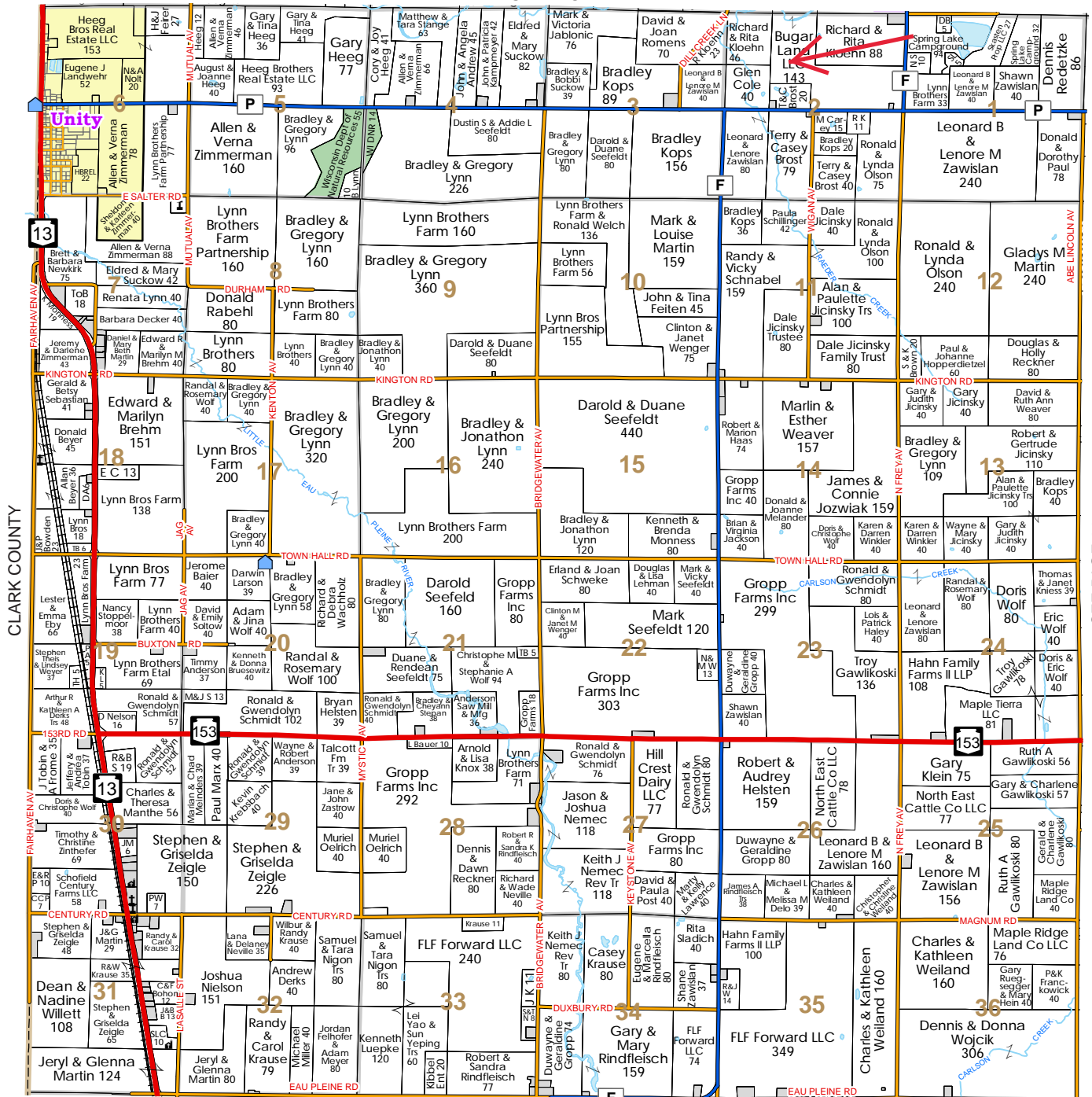


Brighton

Township 27N - Range 2E


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SEE PAGE 47



SEE PAGE 31

SEE PAGE 11


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Ken, Kim, Kelvin Heiman

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STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF BRIGHTON)

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Arlyn Abegglen, Clerk of the Town of Brighton, 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 Brighton Town Board at a meeting held on the 14th day of April, 2021.

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 Brighton.

NOW, THEREFORE BE IT RESOLVED that the Town of Brighton Town Board considered on the 14th day of April, 2021, the application of Paul Bugar Jr. on behalf of Bugar Land LLC for a conditional use permit per 17.204.54 "Nonmetallic Mining" of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code, for the purpose of operating a nonmetallic mining operation on property currently owned by Paul Bugar Jr. The property is located in the F-P Farmland Preservation district, on property described as part of the SE 1/4 NW 1/4, and part of the NE 1/4 NW FRL 1/4 Section 2, T27N, 2E, Town of Brighton, further described as PIN# 010.2702.022.0994 and 010.2702.022.0999

and hereby recommends:

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

Comments, conditions and reasons for recommended action:

See Attached

Clerk

Arlyn Abegglen

Town Board

Mark Frause

Steven Hoff

Robert Haas

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 March 30, 2021 to:

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



210433 STATE HWY 13
SPENCER, WI 54479

PHONE: 715-659-5181
FAX: 715-659-4310

MARK KRAUSE
CHAIRMAN
103961 CENTURY RD
SPENCER, WI 54479
PHONE: 715-659-5372

STEVEN GROPP
SUPERVISOR
105488 STATE HWY 153
SPENCER, WI 54479
PHONE: 715-659-5132

ROBERT HAAS
SUPERVISOR
215217 COUNTY HWY F
UNITY, WI 54488
PHONE: 715-223-2022

EUGENE RINDFLEISCH
TREASURER
210657 RIDGE AVE
SPENCER, WI 54479
PHONE: 715-659-2450

ARLYN ABEGGLEN
CLERK
210433 STATE HWY 13
SPENCER, WI 54479
PHONE: 715-659-5181
FAX: 715-659-4310
Email: artyn@abegglen.us

ATTACHMENT TO TOWN RESOLUTION DATED APRIL 14, 2021

Comments, conditions, and reasons for recommended action.

The Town of Brighton Planning Commission and the Town of Brighton Board feel that the proposed conditional use permit does not fit well with the Town Comprehensive plan.

In their opinion the main objective of the Town of Brighton Comprehensive Plan is to preserve farmland. This is some of the highest quality, most productive farmland in the Town of Brighton. It should remain as farmland.

The Town is concerned about local businesses and how this decision would impact them. The Town is aware that Paul Bugar Jr and companies owned by him in whole or in part recently signed 10-year lease with the owner of a nearby, already permitted pit. Note, Bugar has operated this pit for many years.

The owner of that pit indicated that there is an adequate amount of quality material to support the business for at least 10 years. That is why he signed a 10-year contract.

REQUESTED RESTRICTIONS IF THIS PERMIT IS APPROVED

Public safety – Vehicles entering and exiting the flow of traffic in low light times of the day is more hazardous. Restrict hours of operation as indicated in the application – Monday – Friday 6:00 am to 6:00 pm & Saturday 6:30 am to 5:00 pm. We would like to see one access point to the pit area on County Road F only. We would like signs warning people about trucks entering & exiting the road.

Protect Town Roads - Limit truck travel to County Highway P, County Highway F, Highway 153 and 13. Town roads cannot be used unless they are a direct way to deliver product to the Town or its residents. ***Use of Town roads must be limited as much as possible, no shortcuts to other areas allowed***



**Paul Bugar Jr.
Conditional Use Permit Application
Staff Report, March 29th, 2021
Marathon County Board Of Adjustment**

Findings of Fact

REQUEST:

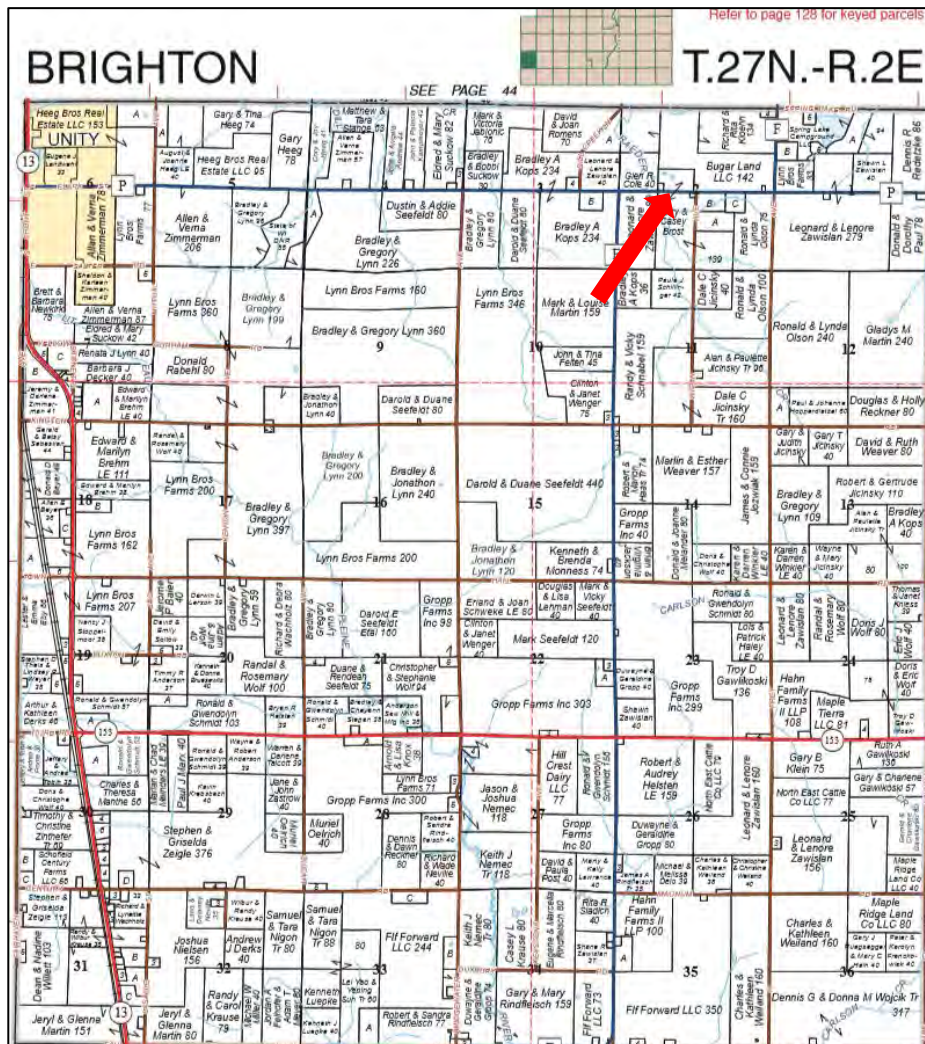
The application of Paul Bugar Jr. on behalf of Bugar Land LLC for a conditional use permit per 17.204.54 “Nonmetallic Mining” of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code, for the purpose of operating a nonmetallic mining operation on property currently owned by Paul Bugar Jr. The property is located in the F-P Farmland Preservation district, on property described as part of the SE¼ NW ¼, and part of the NE ¼ NW FRL ¼ Section 2, T27N, 2E, Town of Brighton, further described as PIN# 010.2702.022.0994 and 010.2702.022.0999

PUBLIC HEARINGS/MEETINGS:

- Town of Brighton Town Board Meeting (April 14th, 2021)
- Marathon County Board of Adjustment Meeting (April 22, 2021 at 9:00am)

APPLICANT(s): Paul Bugar Jr. – W2944 State Highway 98, Loyal WI 54446.

PROPERTY OWNER: Bugar Land LLC – part of the SE¼ NW ¼, and part of the NE ¼ NW FRL ¼ Section 2, T27N, 2E, Town of Brighton, further described as PIN# 010.2702.022.0994 and 010.2702.022.0999

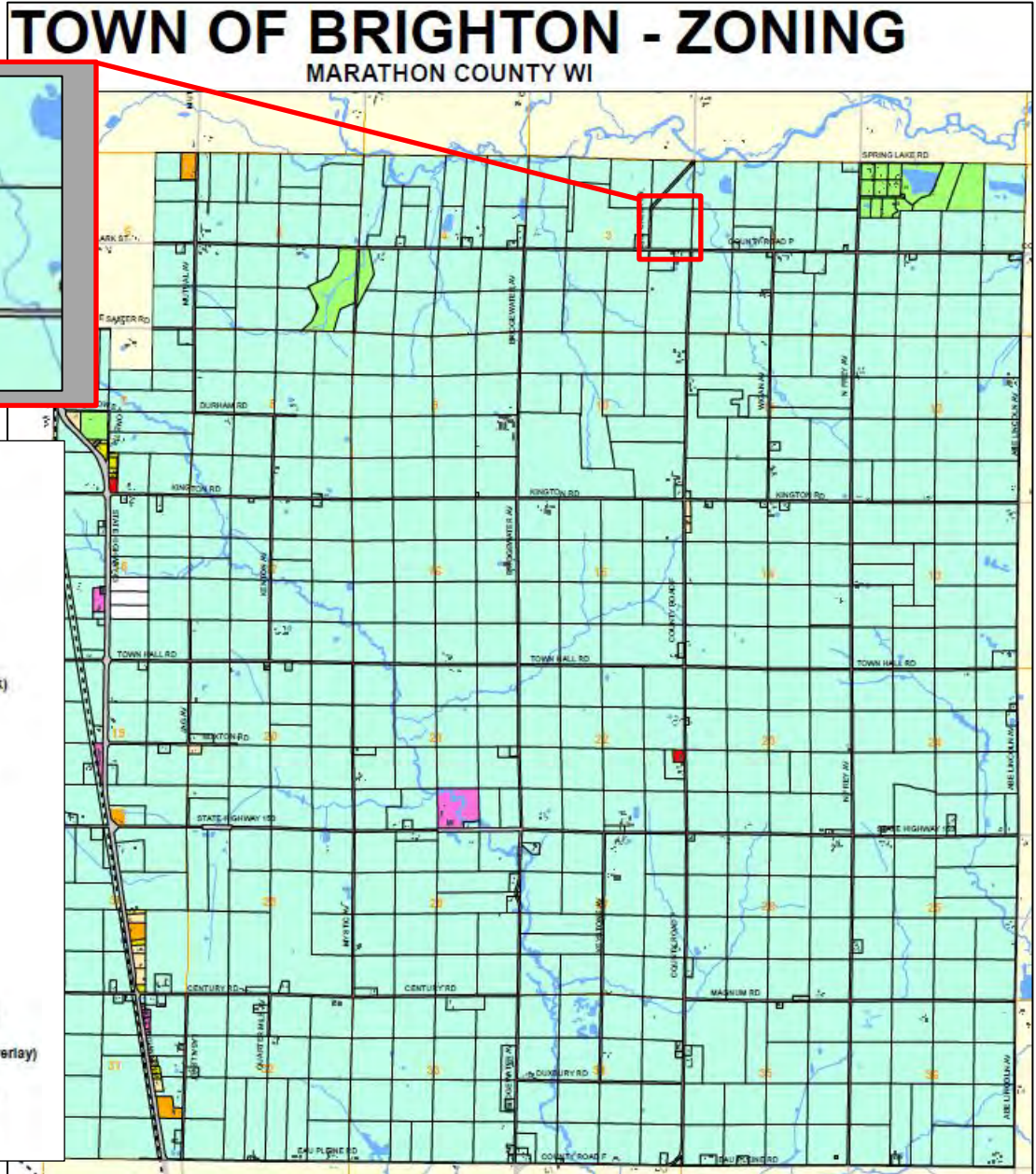


Map 1: Location of Conditional Use Permit Request

EXISTING ZONING DISTRICT:

F-P Farmland Preservation District - 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.

EXISTING ZONING DISTRICT MAP: Adjacent parcels and parcels within close proximity are zoned General Agriculture (white) and Farmland Preservation (teal). Immediately adjacent to the North is the Town of Hull.



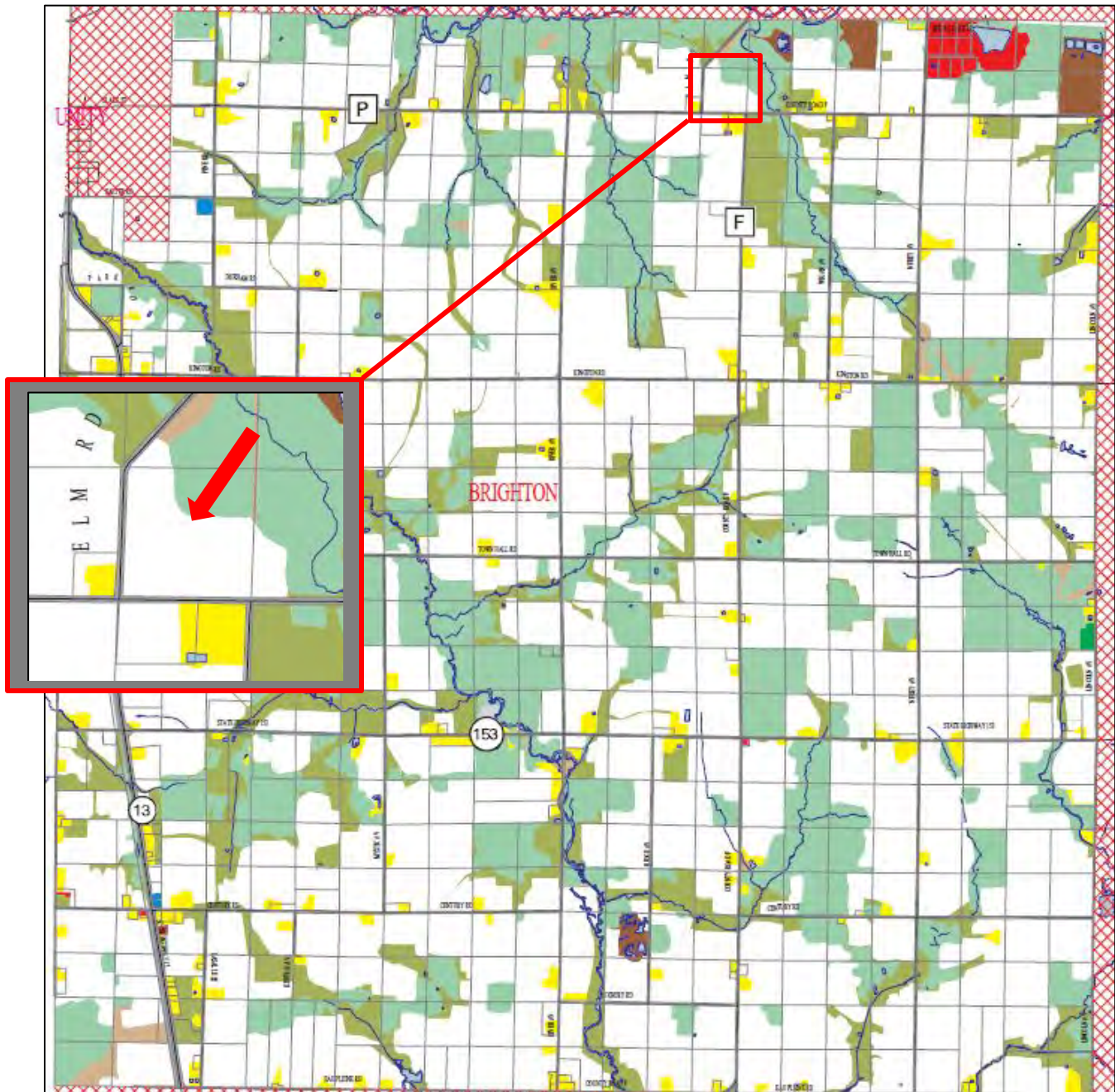
CLASSIFICATIONS












- U-R (Urban Residential)
- L-D-R (Low Density Residential)
- R-R (Rural Residential)
- R-E (Rural Estate)
- M-H (Manufactured/Mobile Home Park)
- C (Commercial Regional)
- N-C (Neighborhood Commercial)
- B-R (Business Regional)
- L-I (Light Industrial)
- H-I (Heavy Industrial)
- G-A (General Agriculture)
- F-P (Farmland Preservation)
- C-V/R-C (Conservancy & Recreation)
- HWY (Hwy Corridor & Interchange Overlay)
- A-A-P (Airport Approach Protection)
- W-P (Wellhead Protection Overlay)

ACREAGE:
41.13 Acres

Legal Notification:
A legal advertisement was published in the *Wausau Daily Herald* on April 5th, 2021 and April 12th, 2021. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

TOWN of BRIGHTON COMPREHENSIVE PLAN (FUTURE LAND USE MAP): The parcel in question is shown to be designated as Woodland in the Town of Marathon's Comprehensive Plan Future Land Use Map. Additionally, there is some agricultural and single family residential land uses adjacent to within close proximity to the parcel in question.



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

SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:

- The proposed development location on this parcel:
 - Is **Not** located within mapped floodplain.
 - *Though there is mapped floodplain on the parcel, the proposed nonmetallic mine boundary (development location) is NOT within mapped floodplain.*
 - Is **Not** located within DNR mapped wetlands, or water features.
 - *Though there are mapped wetlands on the parcel, the proposed nonmetallic mine boundary (development location) is NOT within mapped wetlands.*
 - **IS** located within the shoreland overlay district. (DNR stormwater permitting, for nonmetallic mine sites, addresses any and all shoreland standards)



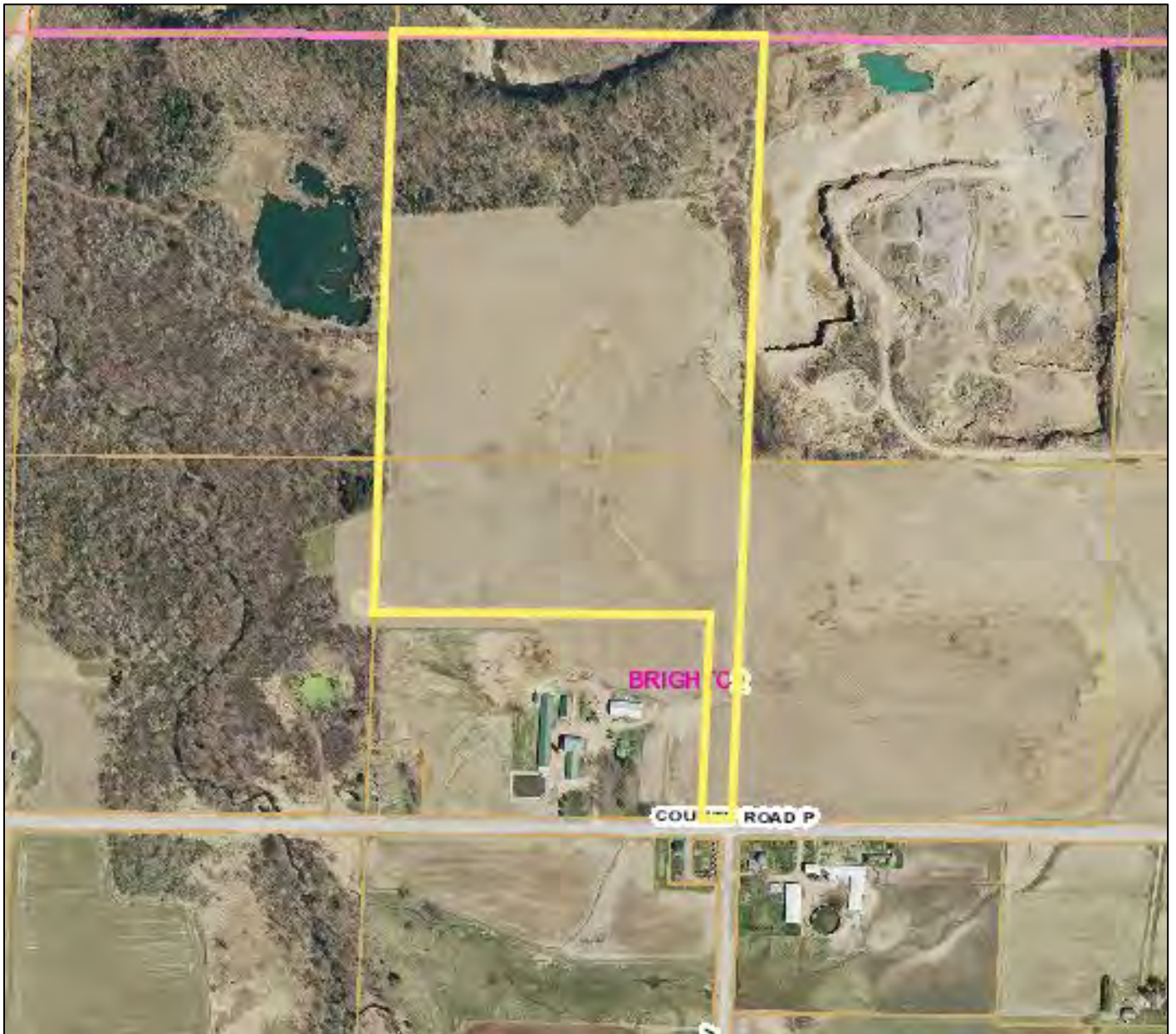
Yellow Line = Approximate boundary of Bugar Land LLC parcels (PIN# 010.2702.022.0994 and 010.2702.022.0999)

Aerial Photo of the Property:



Yellow Line = Approximate boundary of Bugar Land LLC parcels
(PIN# 010.2702.022.0994 and 010.2702.022.0999)

Aerial Photo of adjacent lands:



Yellow Line = Approximate boundary of Bugar Land LLC parcels
(PIN# 010.2702.022.0994 and 010.2702.022.0999)

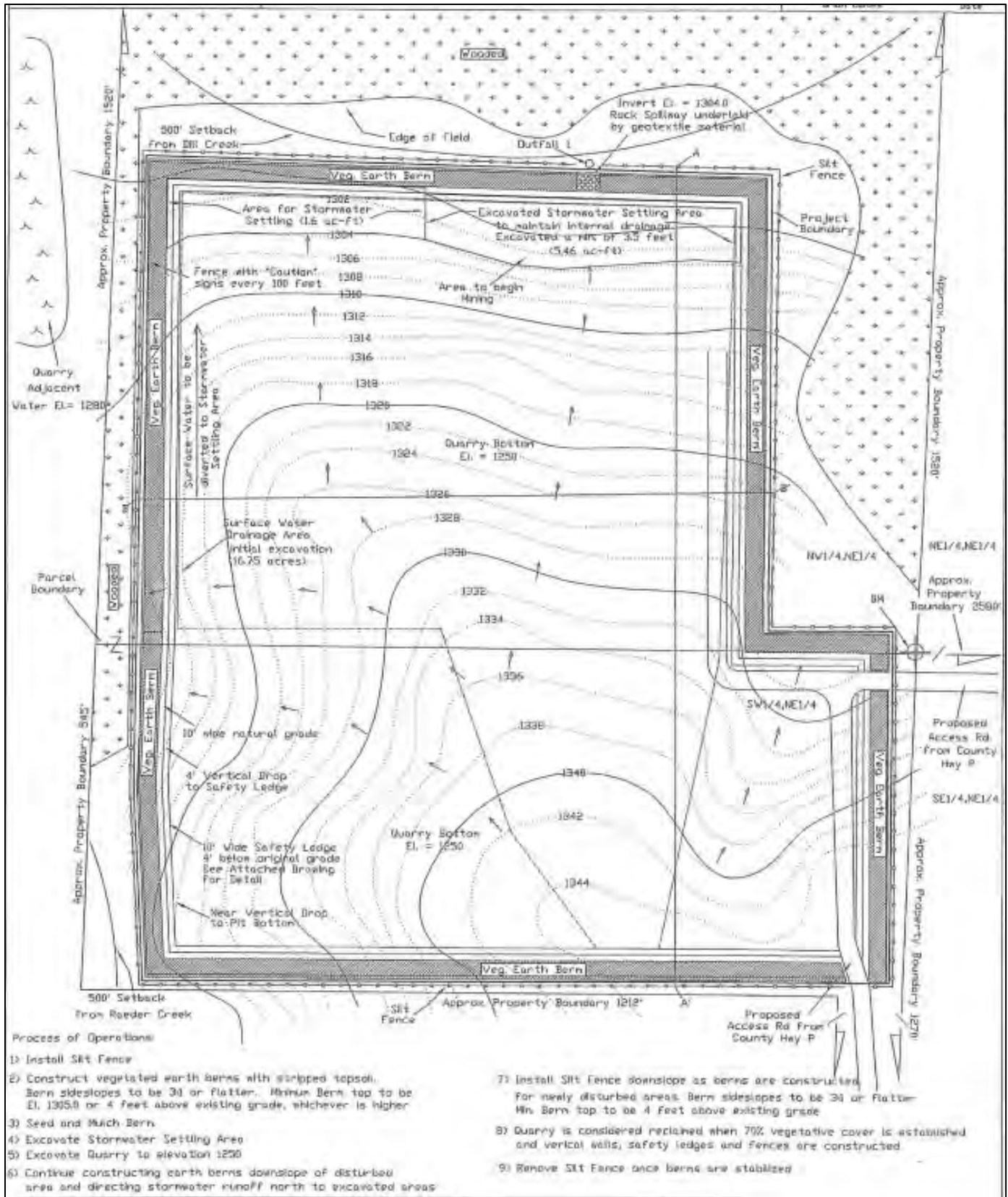
Violations:

There are known violations on the parcel where the proposed development or use are proposed.

Approximate Project Boundary (submitted by the applicant):

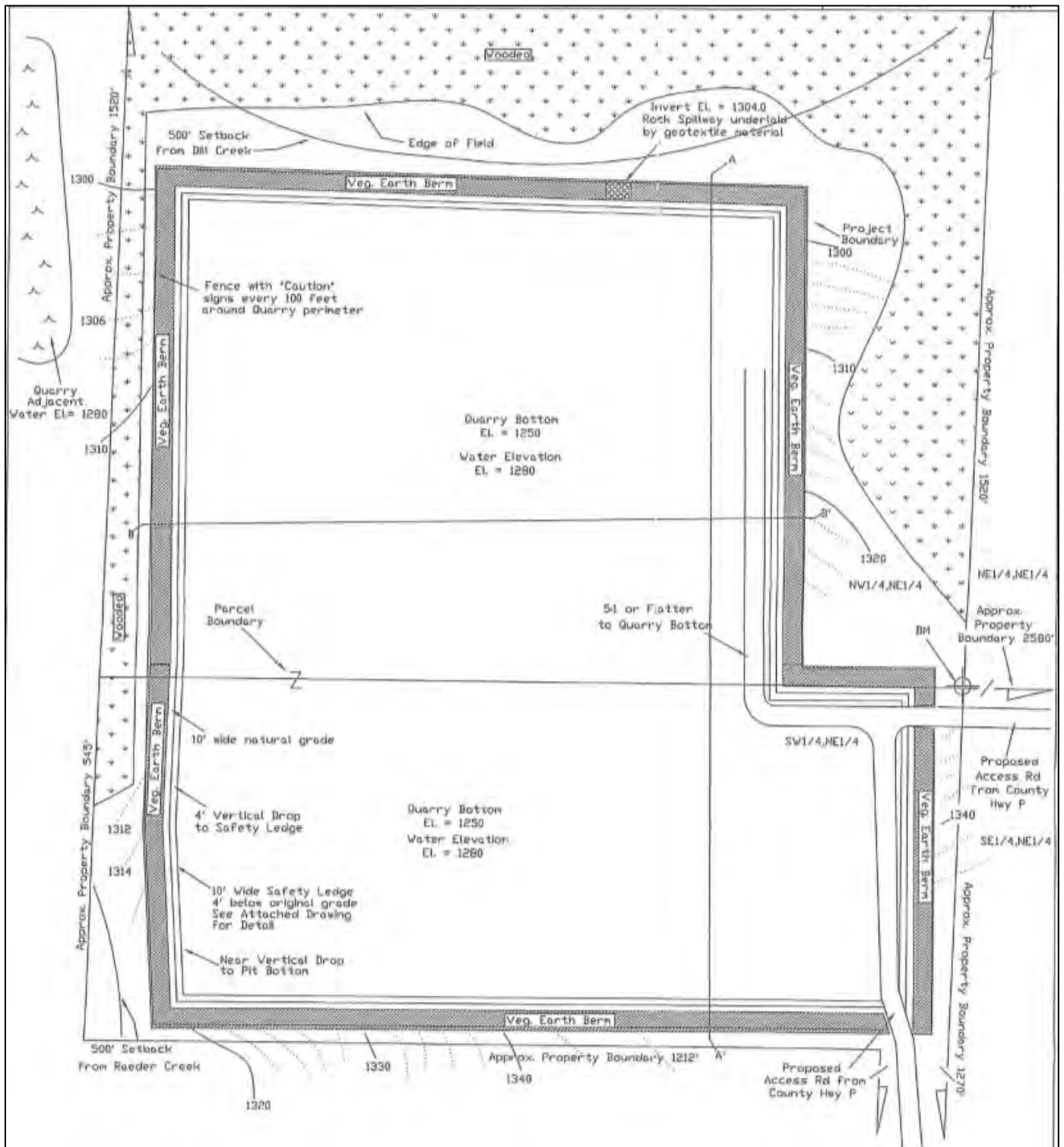


Nonmetallic Mine Working Site Plan (submitted by the applicant):



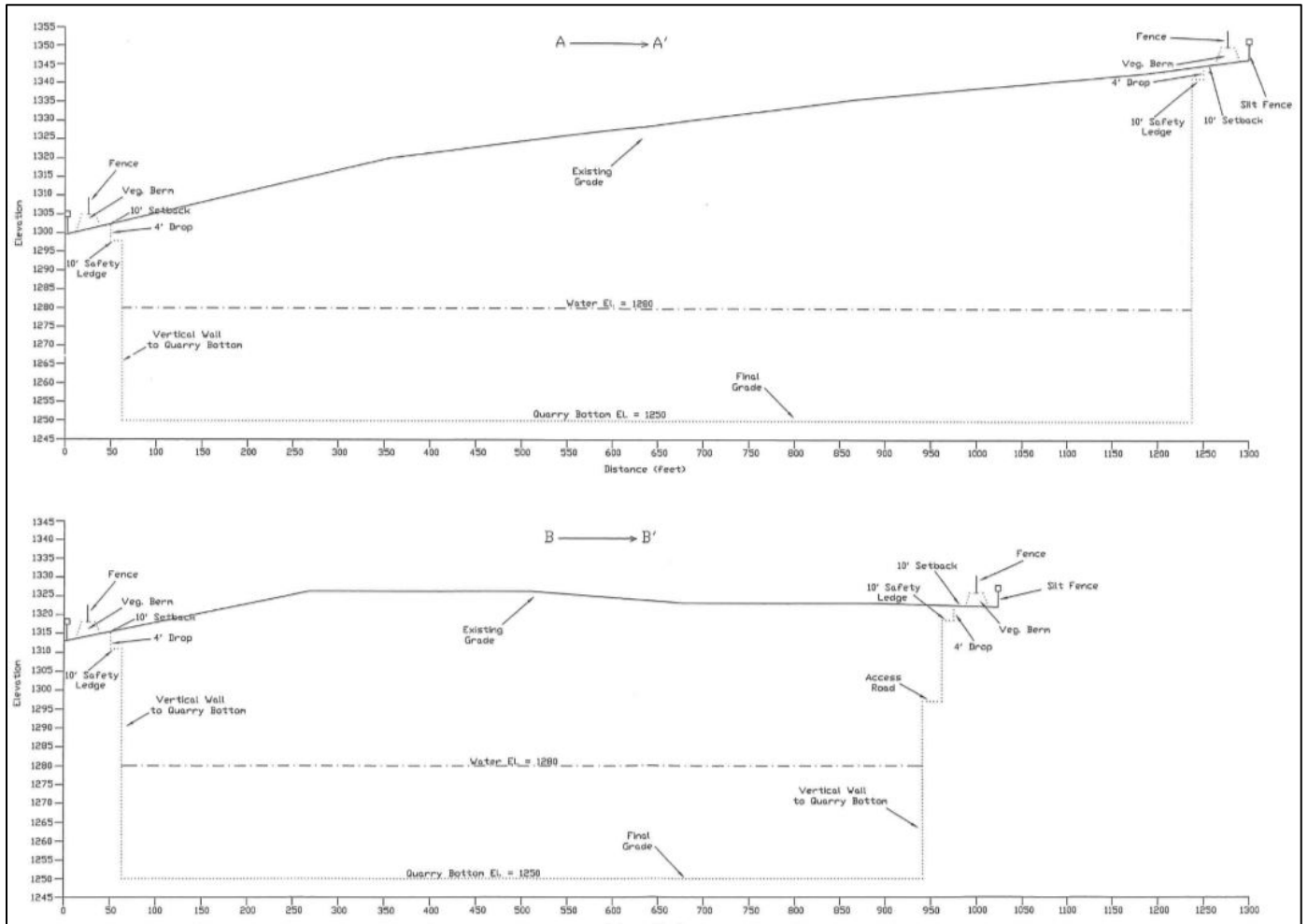
Proposed Reclaimed Nonmetallic Mine Site Plan (submitted by the applicant):

Proposed Aquaculture Pond



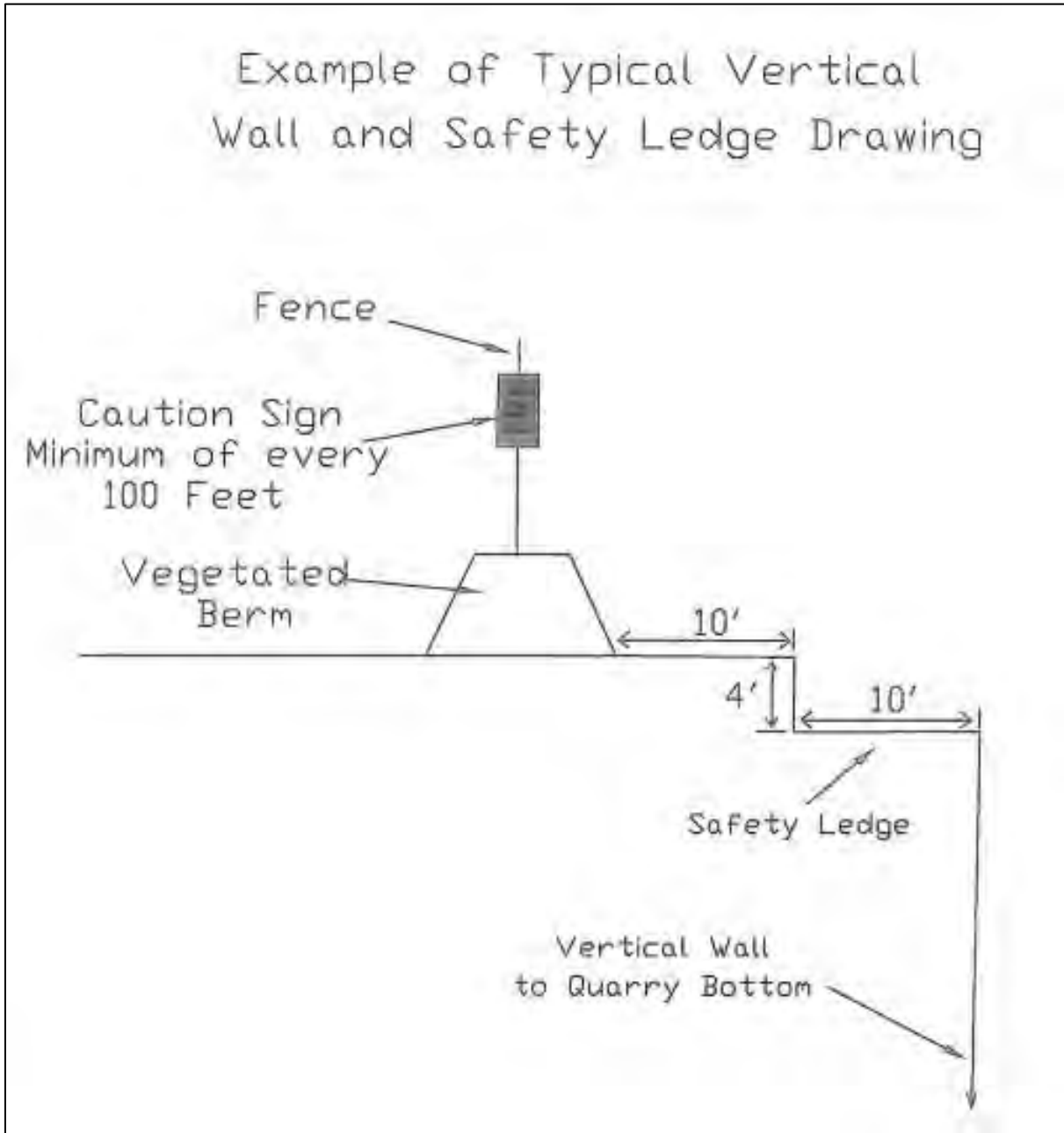
Proposed Reclaimed Nonmetallic Mine Site Plan (submitted by the applicant):

Elevational Cross-Sections



Supporting Documentation (submitted by the applicant)

Example Safety Ledge Diagram



Provisions of Law – General Standards (Reminder)

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.
2. Comprehensive Plan.
3. Compliance with Applicable Regulations.
4. Use of Adjacent Property.
5. Public Services.
6. Impact of Traffic.
7. Enhancement of Surrounding Environment.
8. Impact on Public Health, Safety, and Welfare.
9. Isolation of Existing Uses.
10. Substantial Evidence.

Specific Provision of Law:

Title 2: Zoning Districts and Uses

Key:	P Permitted Use				C Conditional Use			(Blank) Use Not Permitted					
USE	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
Nonmetallic Mining				C	C	C	C					C	Section 17.204.54

Section 17.204.54 NONMETALLIC MINING

Nonmetallic mining may be permitted as a conditional use in the R-E, F-P, G-A, C-V/R-C, and the H-I districts in accordance with the following:

General Requirements. Mining of nonmetallic minerals and the processing for manufacture of materials incidental to such extraction and the erection of buildings and the installation of equipment and machinery are subject to the following requirements:

A. **Aerial Photograph and Map.**

1. The boundary of the affected parcel and any adjacent parcel, pipelines, railroads, streams, utilities, and wetlands on the proposed extraction site and any adjacent parcel.
2. The name of the owner of each adjacent parcel and the location of all structures within 300 feet of the proposed mine site.
3. The proposed location, extent, and depth of the intended sand, gravel, and rock excavation, showing the setback distances.
4. The proposed location of any ponds, sediment basins, and stockpiles showing the setback distances.
5. The surface drainage and estimated depth to groundwater.

B. **Operational Information.**

1. The duration of any applicable lease.
2. The estimated date that operations will commence and terminate.
3. Anticipated hours of operation.
4. The proposed primary travel routes to transport material to and from the site.
5. A description of the excavation and processing equipment to be used.
6. A description of measures to be taken to screen or buffer the operation from view from any adjacent residential parcel.
7. A description of measures to be taken to control dust, noise, and vibrations from the operation.

C. **Operation.**

1. All blasting must be done by a state licensed and certified blaster, who must have a certificate of liability or proof of liability insurance.
2. All excavation equipment must be constructed, maintained, and operated in such a manner as to eliminate, as practicable, dust, noise, or vibration that might adversely affect or injure any person living in the vicinity of the operation.
3. Any excavation access road must have and be maintained with a dustless surface.
4. Operations must be conducted in such a manner that any water runoff from the operation does not adversely affect any adjacent parcel.
5. All equipment and temporary structures, such as stone crusher, conveyor, or screener, must be removed from the site within 90 days of the termination of extraction operations.

D. Setback Requirements.

1. The excavation must be setback at least 100 feet from any existing occupied structure other than the owner's.
2. All operations shall be at least 50 feet from the centerline of any right-of-way and 10 feet from any property line unless there is a written agreement between adjoining owners both of whom hold valid nonmetallic mining permits under which they both agree to mine up to their common property line. Mining up to or into the right-of-way may be authorized where it is determined by the unit of government having jurisdiction over the road that such mining would be beneficial.
3. All accessory uses such as offices and parking areas shall be at least 75 feet from any right-of-way or property line.

E. Nonmetallic mining shall comply with the terms of Marathon County Nonmetallic Mining Code, Chapter 21, General Code of Ordinances.

F. All nonmetallic mining shall be required to provide for the proper closure and reclamation of the extraction site to an agricultural use.

G. Nonmetallic mining activity and operation shall be consistent with Wisconsin Statute, Chapter 91, Farmland Preservation, 91.46(6)

Farmland Preservation Districts. Nonmetallic mineral extraction in Farmland Preservation Districts may be permitted if the all of the following apply:

- A. The operation complies with Subchapter 1 of Chapter 295, Wis. Stats., and rules promulgated under that subchapter, with General Code of Ordinances for Marathon County Chapter 21 Nonmetallic Mining Reclamation Code under Wis. Stats., 295.13 or Wis. Stats., 295.14, and general requirements standards under this section and provided the reclamation of the extraction site is to an agricultural use (including all applicable provisions of this ordinance), and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
- B. The operation and its location in the Farmland Preservation zoning district are consistent with the purposes of the Farmland Preservation zoning district.
- C. The operation and its location in the Farmland Preservation zoning district are reasonable and appropriate, considering alternative locations outside the Farmland Preservation zoning district, or are specifically approved under state or federal law.
- D. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
- E. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- F. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.

TOWN RECOMMENDATION:

On April 14th, 2021 the **Town of Brighton** Town Board Recommended denial to Marathon County's Board of Adjustment.

STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF BRIGHTON)

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Arlyn Abegglen, Clerk of the Town of Brighton, 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 Brighton Town Board at a meeting held on the 14th day of April, 2021.

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 Brighton.

NOW, THEREFORE BE IT RESOLVED that the Town of Brighton Town Board considered on the 14th day of April, 2021, the application of Paul Bugar Jr. on behalf of Bugar Land LLC for a conditional use permit per 17.204.54 "Nonmetallic Mining" of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code, for the purpose of operating a nonmetallic mining operation on property currently owned by Paul Bugar Jr. The property is located in the F-P Farmland Preservation district, on property described as part of the SE 1/4 NW 1/4, and part of the NE 1/4 NW FRL 1/4 Section 2, T27N, 2E, Town of Brighton, further described as PIN# 010.2702.022.0994 and 010.2702.022.0999

and hereby recommends:

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

Comments, conditions and reasons for recommended action:

See Attached

Clerk Arlyn Abegglen
 Town Board Mark Krauss
Steven Hoff
Robert Haas

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 March 30, 2021 to:



210433 STATE HWY 13
SPENCER, WI 54479

PHONE: 715-659-5181
FAX: 715-659-4310

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103961 CENTURY RD
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CLERK
210433 STATE HWY 13
SPENCER, WI 54479
PHONE: 715-659-5181
FAX: 715-659-4310
Email: arlyni@abegglen.us

ATTACHMENT TO TOWN RESOLUTION DATED APRIL 14, 2021

Comments, conditions, and reasons for recommended action.

The Town of Brighton Planning Commission and the Town of Brighton Board feel that the proposed conditional use permit does not fit well with the Town Comprehensive plan.

In their opinion the main objective of the Town of Brighton Comprehensive Plan is to preserve farmland. This is some of the highest quality, most productive farmland in the Town of Brighton. It should remain as farmland.

The Town is concerned about local businesses and how this decision would impact them. The Town is aware that Paul Bugar Jr and companies owned by him in whole or in part recently signed 10-year lease with the owner of a nearby, already permitted pit. Note, Bugar has operated this pit for many years.

The owner of that pit indicated that there is an adequate amount of quality material to support the business for at least 10 years. That is why he signed a 10-year contract.

REQUESTED RESTRICTIONS IF THIS PERMIT IS APPROVED

Public safety – Vehicles entering and exiting the flow of traffic in low light times of the day is more hazardous. Restrict hours of operation as indicated in the application – Monday – Friday 6:00 am to 6:00 pm & Saturday 6:30 am to 5:00 pm. We would like to see one access point to the pit area on County Road F only. We would like signs warning people about trucks entering & exiting the road.

Protect Town Roads - Limit truck travel to County Highway P, County Highway F, Highway 153 and 13. Town roads cannot be used unless they are a direct way to deliver product to the Town or its residents. ****Use of Town roads must be limited as much as possible, no shortcuts to other areas allowed****

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:

A handwritten signature in black ink, appearing to read "Julia" followed by a long horizontal flourish.

03/29/2021

SIGNATURE

DATE