

**BOARD OF ADJUSTMENT
PUBLIC HEARING
JUNE 25, 2020**



Applications

Application 1:

The application of Robert and Heidi Pachniak for a conditional use permit per Section 17.401.02 of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code for the purpose to construct a detached accessory structure for personal use with floor area differing from the standards in the L-D-R Low Density Residential district, described as part of the NW ¼ NW ¼ Section 27, Township 26N, Range 8E, Town of Guenther, described as Lot 1 on Certified Survey Map #175018, further described as, PIN # 032.2608.272.0988 with a property address of: 160499 County Road C, Mosinee, WI 54455

Application 2:

The application of KLM Acres 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 boundary expansion and continued operation of an existing permitted nonmetallic mining operation (Reclamation Permit #15-003) on properties currently owned by Randolph and Teresa Konkol. The property is located in the G-A General Agricultural district, on parcel described as part of the NW¼ NW ¼ Section 34, T26N, 7E Town of Knowlton, further described as PIN# 048.2607.342.0980 with a property address of: 201631 County Road DB, Mosinee, WI 54455.

Application 3:

The continuation of the public hearing regarding the James Peterson Sons, Inc. request for a conditional use application from the April 23, 2020 Board of Adjustment hearing.

Application #1

The application of Robert and Heidi Pachniak for a conditional use permit per Section 17.401.02 of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code for the purpose to construct a detached accessory structure for personal use with floor area differing from the standards in the L-D-R Low Density Residential district, described as part of the NW ¼ NW ¼ Section 27, Township 26N, Range 8E, Town of Guenther, described as Lot 1 on Certified Survey Map #175018, further described as, PIN # 032.2608.272.0988 with a property address of: 160499 County Road C, Mosinee, WI 54455.



MARATHON COUNTY BOARD OF ADJUSTMENT

210 River Drive • Wausau, Wisconsin 54403-5449
Phone: 715-261-8000 • Fax: 715-261-8016
Long distance within Marathon County: 1-800-236-0163
crrt@co.marathon.wi.us • www.co.marathon.wi.us

Decision Sheet

The application of Robert and Heidi Pachniak for a conditional use permit per Section 17.401.02 of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code for the purpose to construct a detached accessory structure for personal use with floor area differing from the standards in the L-D-R Low Density Residential district, described as part of the NW 1/4 NW 1/4 Section 27, Township 26N, Range 8E, Town of Guenther, described as Lot 1 on Certified Survey Map #175018, further described as, PIN # 032.2608.272.0988 with a property address of, 160499 County Road C, Mosinee, WI 54455

CONCLUSION OF LAW

Based on the facts presented in the application and at the June 25, 2020 public hearing, the Board concludes that:

1. There are no current violations on this site.

Yes [] (There are no violations) No [] (There is a violation) Insufficient information []

Not Applicable []

Comments:

2. The conditional use permit is: applicable to the proposed land use, valid in perpetuity, and inextricably associated with the parcel. (Unless altered by the BOA)

Yes [] No [] Insufficient information [] Not Applicable []

Comments:

3. Additional conditions to be placed upon the permit:

Yes [] No [] Insufficient information [] Not Applicable []

Comments:

Condition as follows:

4. The applicant shows substantial evidence demonstrating that they will meet the requirements and conditions necessary to obtain a conditional use permit.

Yes [] No [] Insufficient information [] Not Applicable []

Comments:

5. Is granting the Conditional Use Permit contrary with the purpose and intent of the General Code of Ordinances for Marathon County?

This code is adopted to secure and provide the following objectives for the County of Marathon:

1. To promote the public health, safety, comfort, and welfare of the residents of the County of Marathon;
2. To establish and maintain zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;
3. To facilitate the provision of public utilities and public services;
4. To provide the proper arrangement of streets or highways in relation to existing or proposed streets and highways (and the county's transportation plan);
5. To promote orderly, efficient, and appropriate development of land;
6. To provide uniform procedures and standards for observance by both the approving authority and the subdivider for the division, subdivision, and development of land;
7. To provide standards and guidelines for compatibility of designs, materials, layout, landscaping, and effective use of land for quality commercial development;
8. To provide reasonable and appropriate visual identification of commercial establishments;
9. To ensure adequate provision of open space for light, air, and fire safety;
10. To manage traffic via access points and other planning tools;
11. To preserve and protect existing trees and vegetation, flood plains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development;
12. To provide guidelines for development of recreational uses;
13. To require the adequate and safe provision of transportation, water, sewage, and drainage in the county;
14. To preserve the character and quality of residential neighborhoods;
15. To preserve the character and quality of agricultural areas;
16. To provide appropriate technical assistance to towns during the planning and zoning phase of extraterritorial zoning discussions; and to assure the County's policy of providing an opportunity for towns to opt out of county zoning by conducting a comprehensive revision of zoning ordinances at a minimum of ten-year intervals

Yes No Insufficient information Not Applicable

Comments _____

Provisions of Law – General Standards

17.803.03 Basis of Determination (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:

- The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- 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.
- 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.

Provisions of Law – General Standards (Cont'd)

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:

- Proximity and access to major thoroughfares.
- Estimated traffic generated by the proposed use.
- Proximity and relation to intersections.
- Adequacy of driver sight distances.
- Location of and access to off-street parking.
- Required vehicular turning movements.
- 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:

- 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.
- 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.

Provisions of the Law - Specific

Section 17.401.02 ACCESSORY BUILDINGS

The use of the accessory building must be secondary and incidental to the principle use.

E. Construction of Detached Accessory Structures exceeding the dimensional building standards:

1. A conditional Use Permit may be applied for the construction of a detached accessory structure with floor area and components differing from the dimensional and maximum lot coverage standards listed in [Table 6](#).

Requirement	Residential Districts (U-R or L-D-R)	Residential Districts (RR)	Residential District (RE)	Agricultural Districts (GA & FP)	Any Other Zoning District
Location	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard
Accessory Structure allowed prior to Principle Structure	conditional use permit required	conditional use permit required	YES	YES	NO
Setback Requirements from principle structure	15 feet	15 feet	15 feet	15 feet	15 feet
from side property line	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
from rear property line	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district

Provisions of Law – Specific (continued)

Section 17.401.02 ACCESSORY BUILDINGS

The use of the accessory building must be secondary and incidental to the principle use.

Table 6. Detached Accessory Building Standards

Requirement	Residential Districts (U-R or L-D-R)	Residential Districts (RR)	Residential District (RE)	Agricultural Districts (GA & FP)	Any Other Zoning District
Maximum Lot Coverage (*)	25% of buildable area	10% of buildable area	10% of buildable area	--	25% of buildable area
Maximum side wall height	14 feet	14 feet	None	None	None
Maximum garage door height	12 feet	12 feet	None	None	None
Maximum Size	1200 sq. ft.	1800 sq. ft.	NONE	NONE	NONE
Maximum Height (**)	24 feet	24 feet	35 feet ***	35 feet ***	35 feet ***

* Buildable area as used in Table 6 is the area of the lot remaining after allowing for the minimum required side, rear and front yard setback requirements.

Staff Report

Application #2: The application of Robert and Heidi Pachniak for a conditional use permit per Section 17.401.02 of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code for the purpose to construct a detached accessory structure for personal use with floor area differing from the standards in the L-D-R Low Density Residential district, described as part of the NW ¼ NW ¼ Section 27, Township 26N, Range 8E, Town of Guenther, described as Lot 1 on Certified Survey Map #175018, further described as, PIN # 032.2608.272.0988 with a property address of: 160499 County Road C, Mosinee, WI 54455

REVIEW OF THE SITE AND/OR PERTINENT DOCUMENTS REVEALED THE FOLLOWING ITEMS:

1. The Town of Guenther has adopted county zoning.
2. The property is not located in shoreland zoning.
3. The property is not located in mapped floodplain
4. There are no mapped wetlands located on the property
5. There are no known violations on this site.

APPLICABLE PROVISIONS OF CHAPTER 17 – ZONING CODE:

Section 17.401.02 ACCESSORY BUILDINGS

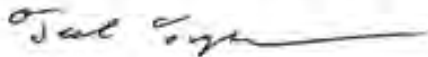
The use of the accessory building must be secondary and incidental to the principle use.

E. Construction of Detached Accessory Structures exceeding the dimensional building standards:

1. A conditional Use Permit may be applied for the construction of a detached accessory structure with floor area and components differing from the dimensional and maximum lot coverage standards listed in [Table 5](#).

THE STAFF RESERVES THE RIGHT TO AMEND THIS REPORT BASED ON NEW EVIDENCE PRESENTED AT THE HEARING. DECISIONS OF THE BOARD ARE SUBJECT TO APPEAL AS PROVIDED IN SS.59.894(10) WIS. STATS.

RESPECTFULLY SUBMITTED:



6/18/20

SIGNATURE

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: Robert or Heidi Paquin
Mailing Address: 150499 County Road C Mosinee WI 54455
Telephone: 715.803.2748 Fax:
Cellphone: 715.247.5480 Email: rpaquin50@yahoo.com
Owner Name: (if different)
Mailing Address:
Telephone: Fax:

PARCEL INFORMATION

Parcel ID # (PIN): 052-2908-272-0082
Legal Description: Government Lot or NW 1/4 NW 1/4
Section 27, T26 N, R09 E, Town of Gurnee
Lot Block Subdivision
Property Address: 160499 County Road C Mosinee WI 54458
Parcel size: 108850 Acres or Sq. Ft.
Zoning District: U-R

Present use of property (List all current uses, i.e. home, store, farm field, wooded, etc.):
Home
Existing improvements (Structures, well, septic, etc.):
There is well and septic on the property.

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?
Construct a shed that is larger than is allowed within the U-R zoning district for personal storage.

If this application is for a use that will be restricted to part of the parcel, specify the exact dimensions of the affected area.
length 50feet, width 32feet, sidewalk 12 foot, overlaid doors 120x100 and 180x100.
Height 15 ft.

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.

RECEIVED

Use separate/additional sheet(s) if necessary

Exhibit #2 - CUP Application

Exhibit #3 – Location within Township

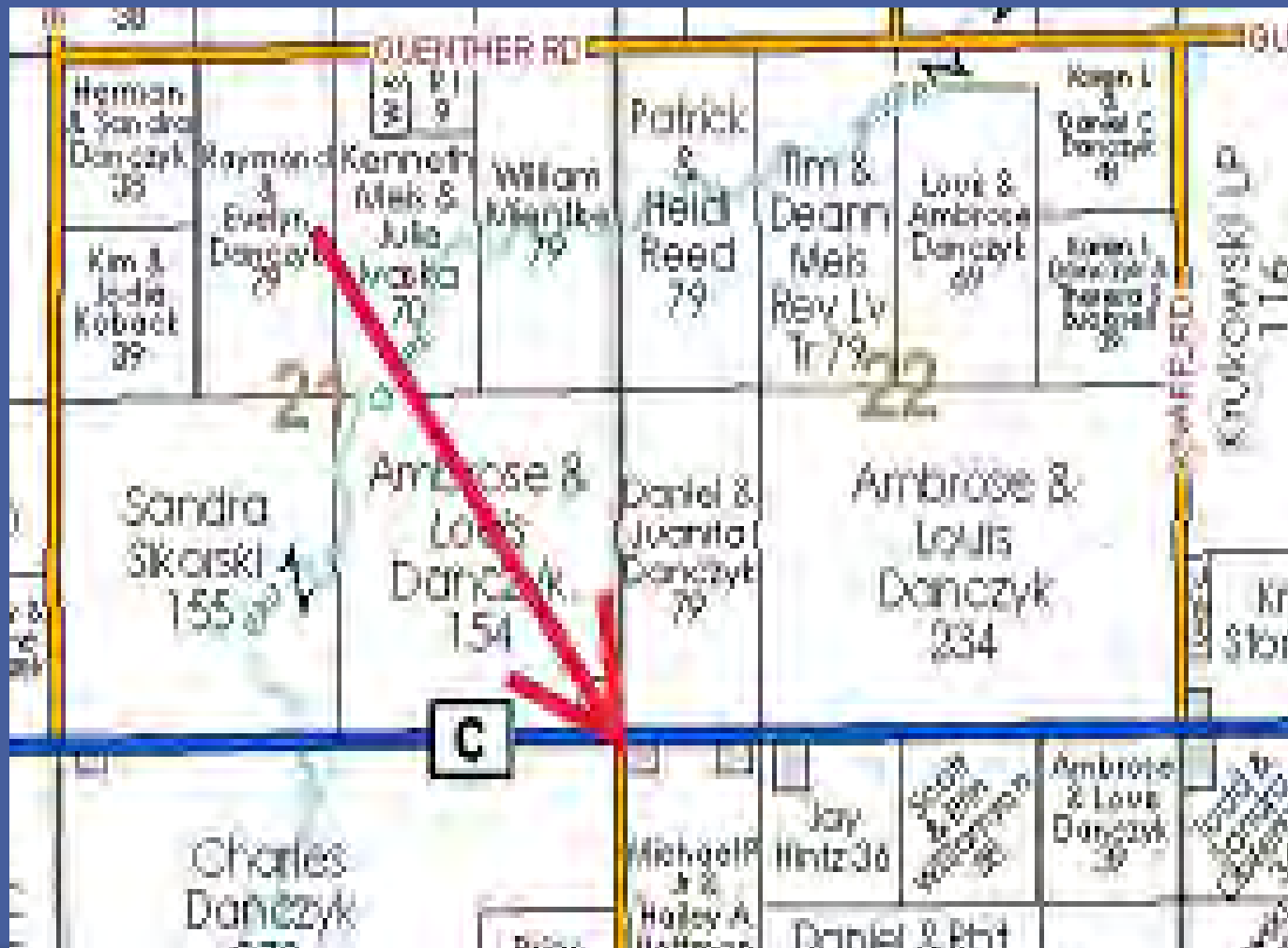


Exhibit #4 - Certified Survey Map

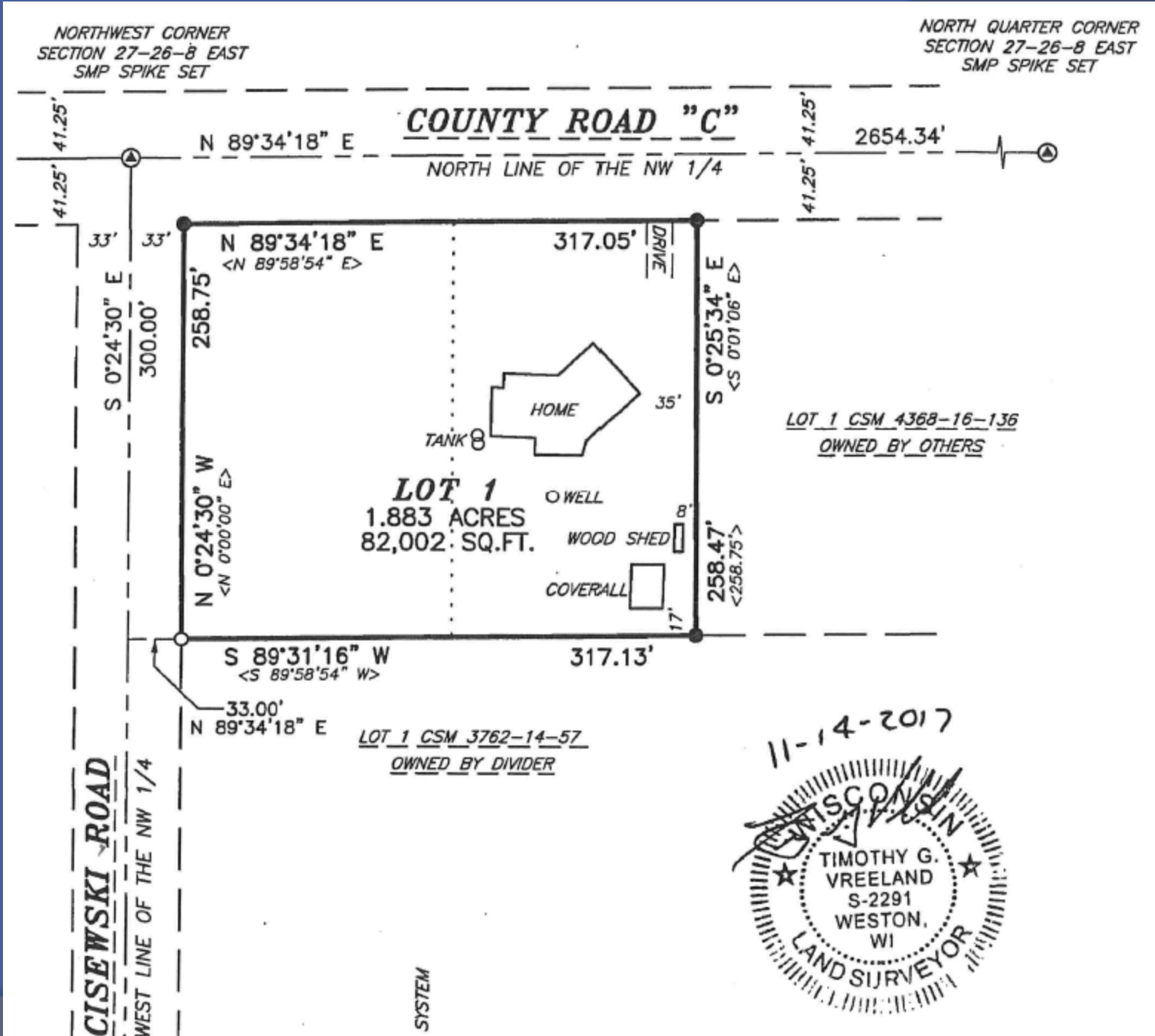
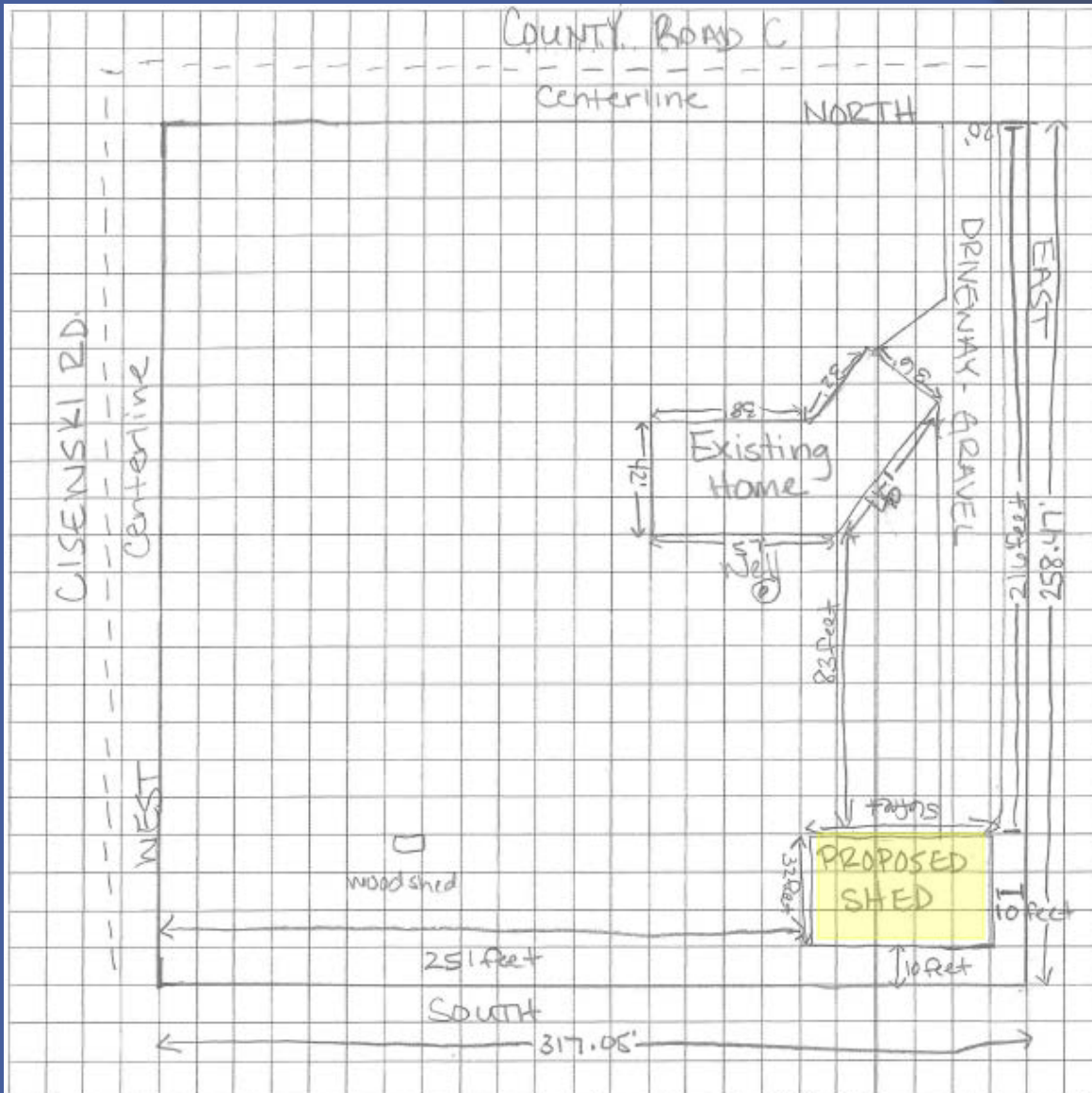


Exhibit #5 - Proposed Site Plan



- Requirements to be shown:**
- ◆ Location and dimensions of all current and proposed buildings;
 - ◆ Location of existing or proposed private onsite wastewater treatment system and wells.
 - ◆ Dimensions of driveways and indicate type (paved, gravel, etc.);
 - ◆ Indicate and label the location of any public and private street;
 - ◆ Required front, rear, side yard area, open space, and parking

Road Setback: 251 ft from centerline
 Side Yard Setbacks: 10 ft and 251 ft
 Rear Yard Setback: 10 ft
 Max Building Height: 19 ft
 Setback from Ordinary High Water Mark: NA ft
 Lot Width at Building Line: ft

Exhibit #6- Proposed Sidewall and Height Dimensions



Exhibit #7 – Town of Guenther Future Land Use



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

Exhibit #8 – Surrounding Zoning

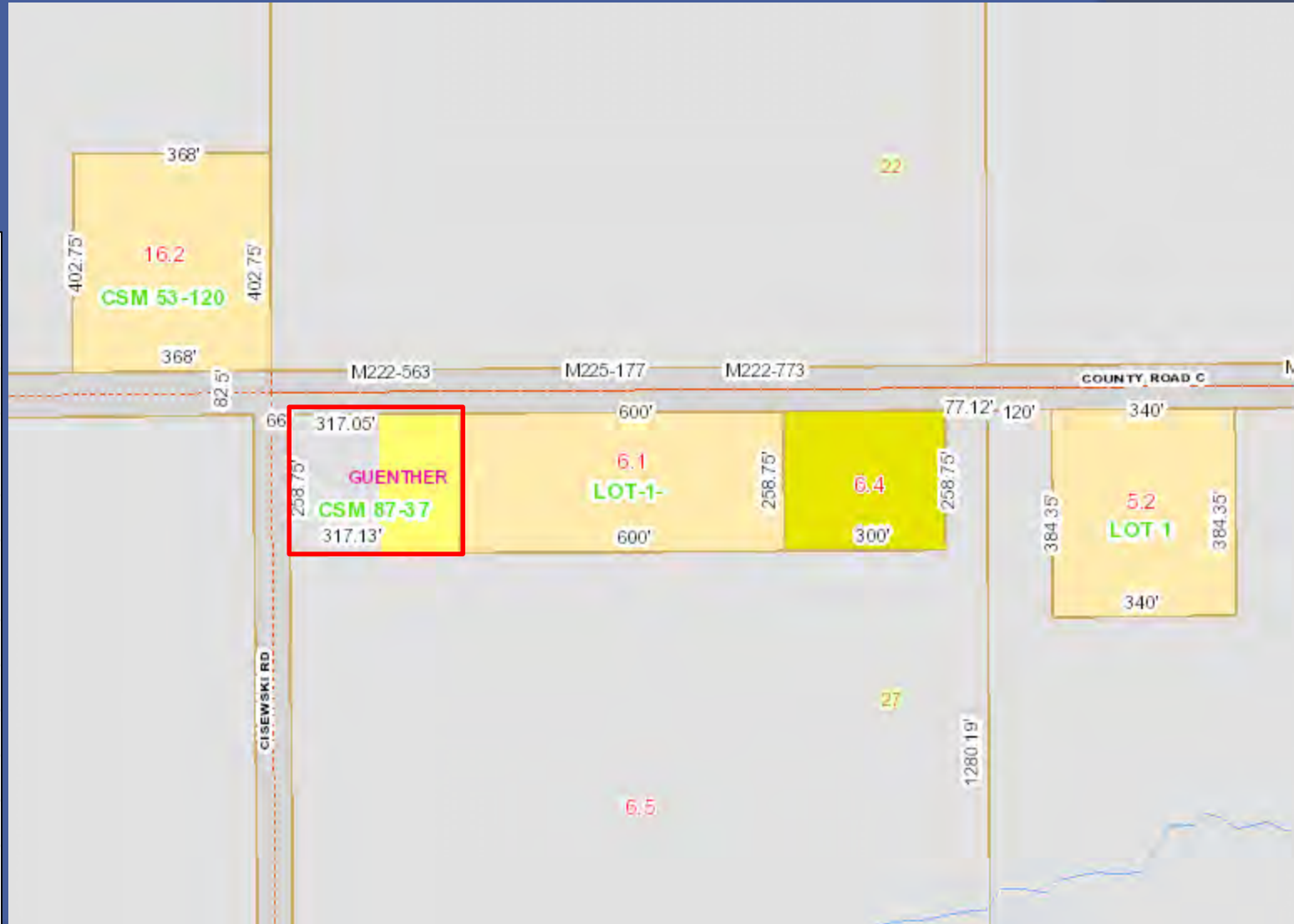


Exhibit #9 – Aerial Photo (wide angle)

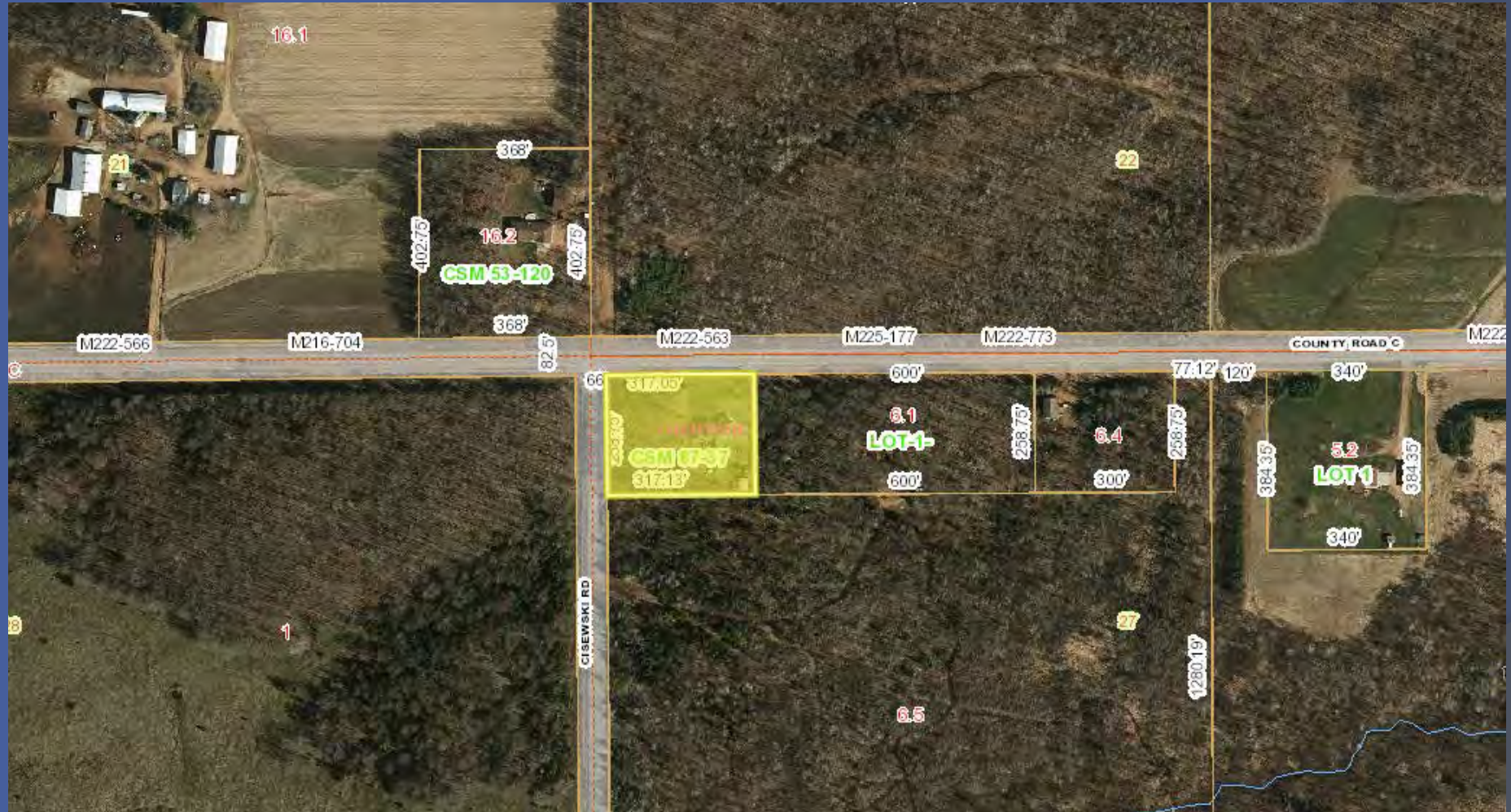
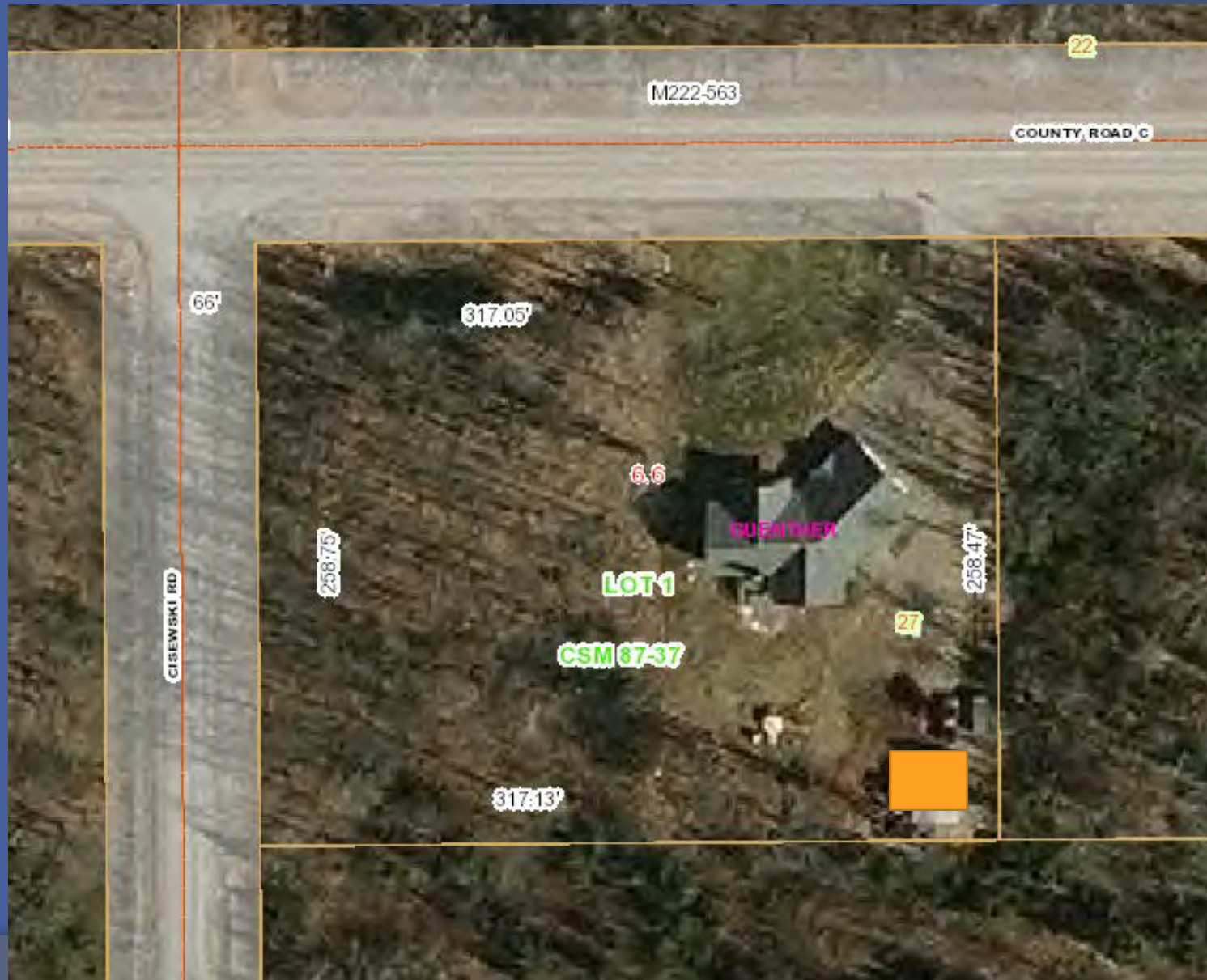


Exhibit #10 – Aerial Photo



Proposed Dimensions

32 ft. x 56 ft.



Approx. Location
of Proposed
Structure

Exhibit #11 – Required vs Proposed

	Low Density Residential Required (L-D-R)	Pachniak Proposed (L-D-R)
Setback from principle Structure	15 feet	60 feet
Setback from side property line	7 feet	10 & 250 feet
<i>from rear property line</i>	7 feet	10 feet
Maximum side wall height	14 feet	12 feet
Maximum garage door height	12 feet	10 feet (both doors)
Maximum Size	1,200 sq. ft.	1,792 sq. ft.
Maximum Height (**)	24 feet	19 ft.
Right-of-Way Setback	50 feet	250 feet & 200 feet
Lot Coverage %	Maximum 25% of buildable area	8.6% of buildable area

STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF GUENTHER)

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Joan Whitt, Clerk of the Town of Guenther, 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 Guenther Town Board at a meeting held on the 8th day of June, 2020.

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 Guenther.

NOW, THEREFORE BE IT RESOLVED that the Town of Guenther Town Board considered on the 8th day of June, 2020, the application of Robert and Heidi Pachniak for a conditional use permit per Section 17.401.02 of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code for the purpose to construct a detached accessory structure for personal use with floor area differing from the standards in the L-D-R Low Density Residential district, described as part of the NW ¼ NW ¼ Section 27, Township 26N, Range 8E, Town of Guenther, described as Lot 1 on Certified Survey Map #175018, further described as, PIN # 032.2608.272.0988 with a property address of: 160499 County Road C, Mosinee, WI 54455.

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 Joan E. Whitt
Town Board [Signature]
[Signature]
[Signature]

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 June 4, 2020 to:

Board of Adjustment
Marathon County Conservation, Planning and Zoning Department

RECEIVED
MARATHON
JUN 11 2020



MARATHON
COUNTY

Application #2

The application of KLM Acres 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 boundary expansion and continued operation of an existing permitted nonmetallic mining operation (Reclamation Permit #15-003) on properties currently owned by Randolph and Teresa Konkol. The property is located in the G-A General Agricultural district, on parcel described as part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T26N, 7E Town of Knowlton, further described as PIN# 048.2607.342.0980 with a property address of: 201631 County Road DB, Mosinee, WI 54455.



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Decision Sheet

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CONCLUSION OF LAW

Based on the facts presented in the application and at the June 25, 2020 public hearing, the Board concludes that:

- 1) **The proposed nonmetallic mine will meet all required setbacks.** (minimum distance: 100 ft. from residence, unless it is the owner or operators residence, operations are 50 ft. from centerline of ROW and 10 ft. from property line – except by written agreement between adjoining landowners)

Yes No Insufficient information N/A

Comments:

- 2) **All accessory uses such as office and parking areas will be at least 75 feet from any right-of-way or property line.**

Yes No Insufficient information N/A

Comments:

- 3) **Applicant intends to, and shall, meet other applicable regulations.** (Stormwater, town requests, DNR Chp 30, NR135 Reclamation Standards etc.)

Yes No Insufficient information N/A

Comments:

- 4) **The hours of operation are permitted as proposed** (*unless altered by the BOA*): Monday through Friday 7:00am – 6:00pm and 7:00am – 12pm on Saturdays. No operation on Sundays or legal holidays.

Yes No Insufficient information N/A

Comments:

Determination Worksheet (continued)

5) **The nonmetallic mine conditional use permit is to run in concurrence with the mine site's reclamation permit and remain valid for the duration of the reclamation permit, to the extent, both permits are in compliance.** (Unless altered by the BOA)

Yes No Insufficient information N/A

Comments:

6) **Other conditions are to be placed on the Conditional Use Permit.** (*Specific haul routes, dust control,*

Yes No Insufficient information N/A

Comments:

7) **The applicant shows substantial evidence demonstrating that they will meet the requirements and conditions to obtain a conditional use permit.**

Yes No Insufficient information N/A

Comments:

9) **Is granting the Conditional Use Permit contrary with the purpose and intent of the General Code of Ordinances for Marathon County?**

This code is adopted to secure and provide the following objectives for the County of Marathon:

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2. To establish and maintain zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;
3. To facilitate the provision of public utilities and public services;
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5. To promote orderly, efficient, and appropriate development of land;
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7. To provide standards and guidelines for compatibility of designs, materials, layout, landscaping, and effective use of land for quality commercial development;
8. To provide reasonable and appropriate visual identification of commercial establishments;
9. To ensure adequate provision of open space for light, air, and fire safety;
10. To manage traffic via access points and other planning tools;
11. To preserve and protect existing trees and vegetation, flood plains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development;
12. To provide guidelines for development of recreational uses;
13. To require the adequate and safe provision of transportation, water, sewage, and drainage in the county;
14. To preserve the character and quality of residential neighborhoods;
15. To preserve the character and quality of agricultural areas;
16. To provide appropriate technical assistance to towns during the planning and zoning phase of extraterritorial zoning discussions; and to assure the County's policy of providing an opportunity for towns to opt out of county zoning by conducting a comprehensive revision of zoning ordinances at a minimum of ten-year intervals

Yes No Insufficient information Not Applicable

Comments _____

Provisions of Law – General Standards

17.803.03 Basis of Determination (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:

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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.

Provisions of Law – General Standards (Cont'd)

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:

- Proximity and access to major thoroughfares.
- Estimated traffic generated by the proposed use.
- Proximity and relation to intersections.
- Adequacy of driver sight distances.
- Location of and access to off-street parking.
- Required vehicular turning movements.
- 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:

- 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.
- The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.

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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.

Provisions of the Law – Specific

Title 2: Zoning Districts and Uses

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	
INDUSTRIAL and EXTRACTION USES													
Nonmetallic Mining				C	C	C	C					C	Section 17.204.54

Provisions of the Law – Specific (continued)

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.

Provisions of the Law – Specific (continued)

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)

Staff Report

Application #2: The application of KLM Acres 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 boundary expansion and continued operation of an existing permitted nonmetallic mining operation (Reclamation Permit #15-003) on properties currently owned by Randolph and Teresa Konkol. The property is located in the G-A General Agricultural district, on parcel described as part of the NW¼ NW ¼ Section 34, T26N, 7E Town of Knowlton, further described as PIN# 048.2607.342.0980 with a property address of: 201631 County Road DB, Mosinee, WI 54455.

REVIEW OF THE SITE AND/OR PERTINENT DOCUMENTS REVEALED THE FOLLOWING ITEMS:

1. The Town of Knowlton has adopted county zoning.
2. The property is located in shoreland zoning.
3. The property is not located in mapped floodplain.
4. There are mapped wetlands on the property.
5. There are no known violations on this site.

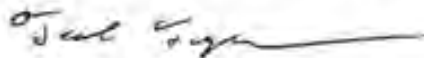
APPLICABLE PROVISIONS OF CHAPTER 17 – ZONING CODE:

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	I-E	F-P	G-A	C-V/H-C	N-C	L	B-R	L-I		H-I
INDUSTRIAL and EXTRACTION USES													
Nonmetallic Mining				C	C	C	C					C	Section 17.204.54

THE STAFF RESERVES THE RIGHT TO AMEND THIS REPORT BASED ON NEW EVIDENCE PRESENTED AT THE HEARING. DECISIONS OF THE BOARD ARE SUBJECT TO APPEAL AS PROVIDED IN SS.59.804(10) WIS. STATS.

RESPECTFULLY SUBMITTED:



SIGNATURE

6/18/20

DATE

Exhibit #2 - CUP Application

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: KLM Acres
Mailing Address: 201631 County RD DB Mosinee, WI 54455
Telephone: _____ Fax: _____
Cellphone: 715-570-6926 Email: cmrdu44@gmail.com
Owner Name: (if different) Randy & Terri Komkel
Mailing Address: 201631 County RD DB Mosinee, WI 54455
Telephone: 715-693-6915 Fax: _____

PARCEL INFORMATION

Parcel ID # (PIN): 04426073420980
(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 NW 1/4 NW 1/4
Section 34, T 26 N, R 7 E, Town of _____
Lot _____, Block _____, Subdivision _____
Property Address: 201631 County RD DB Mosinee, WI 54455
Parcel size: 23.7 Acres or _____ Sq. Ft.
Zoning District: G-A General Agriculture

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

Existing Improvements (Structures, well, septic, etc.):
House, 3 detached storage buildings, well, septic

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?
Obtain a "C.U.P." to expand the existing non-metallic mining operation.

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


Provide the following information if this box is checked

Proposal has additional development standards in Section 17.207.54. Explain how your proposal meets or exceeds these requirements.

Use separate/additional sheet(s) if necessary

KLM Acres Non-Metallic Mine Site

To: Marathon County Board of Adjustment
Town of Knowlton Board & Plan Commission

From: Chris Mrdutt – KLM Acres 

Date: February 25, 2020

Re: Renewal and Expansion of Non-Metallic Mine.

Five years ago, we obtained a special exception from the Marathon County Board of Adjustment to operate a non-metallic mine site at 201631 County Road DB, Mosinee, Town of Knowlton. The site was originally targeted by Integrity Grading and Excavating as a large borrow site with the sand fill being used to cover the WPS landfill. Since that time, the site has been used to provide fill for contractors in our area and is now known as KLM Acres. The last BOA approval was good for five years and we are looking to renew and expand the Non-Metallic operation.

Over the last five years, we have been contacted numerous times by contractors looking for fill in the Knowlton area. There currently is not a lot of fill available between northern Portage County and Wausau. This requires fill to be trucked in from non-metallic sites that are further away. This dramatically adds to development costs in our local area. The renewal and expansion of the KLM Acres site would give a local option for fill material in our community.

Below is a list of benefits of renewing/expansion of KLM Acres.

- The access to the site is on a County Road that was constructed to meet state specifications. There are no road limits placed on County Road DB at this location so material can leave the site year-round. After five years of use, there has been no documented road damage to County Road DB from trucks hauling material.
- The site is well screened from neighboring (non-family) properties.
- There are no wetlands in the project site.
- The project site is not located in shoreland zoning.
- Property is zoned General Agriculture with the land being used as non-metallic mine (pond) and farm field.
- The soil is very sandy which yields low crop production.
- This operation does not require blasting.
- The new access road helps reduce tracking of materials onto County Road DB.
- If needed, the access road is watered during hauling to reduce dust.

Exhibit #3 – Narrative (continued)

- Truck hauling signs are placed on County Road DB during periods of heavy hauling.
- We have fielded no complaints from neighboring residences over the last five years.
- The Town of Knowlton's Comprehensive plan indicates where current non-metallic sites are located in the town but does not map where future sites could be developed.
- Groundwater at the site is 3-5 feet below surface, which will allow the site to be reclaimed as a pond.
- Expanding the non-metallic site provides larger amounts of fill for our local area. The expansion will use up portions of the agriculture field that would no longer be in production due to their small/fractionalized size.

Exhibit #3 – Code Requirements Narrative

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:

Responses to the following Ordinance Requirements are in green and underlined.

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. Provided
2. The name of the owner of each adjacent parcel and the location of all structures within 300 feet of the proposed mine site. Provided
3. The proposed location, extent, and depth of the intended sand, gravel, and rock excavation, showing the setback distances. Provided. Edge of excavation/finished pond will be at least 50 feet from all property lines.
4. The proposed location of any ponds, sediment basins, and stockpiles showing the setback distances. Provided
5. The surface drainage and estimated depth to groundwater. Site is internally drained depth to groundwater is 4-6 feet.

B. Operational Information.

1. The duration of any applicable lease. N/A
2. The estimated date that operations will commence and terminate. Currently in operation and would terminate when material is spent.
3. Anticipated hours of operation. Same as current operation, 7a.m – 6 p.m. Monday – Friday, 7a.m – 12p.m on Saturdays.
4. The proposed primary travel routes to transport material to and from the site. County Road DB, State Highway 34, and Interstate 39.
5. A description of the excavation and processing equipment to be used. Excavator, payloader, bulldozer, dump truck, dewater pumps, screener, water truck for dust control
6. A description of measures to be taken to screen or buffer the operation from view from any adjacent residential parcel. Site is well screened from neighboring non-family properties. Mature Pine Trees, and young maple and oak trees buffer the site from County Road DB. The farm buildings and fences shield other views a long County Road DB. No neighboring residences have a direct view of the non-metallic site.

Exhibit #3 – Code Requirements Narrative (continued)

7. A description of measures to be taken to control dust, noise, and vibrations from the operation. Access road will have water applied to it as needed to control dust. Tracked sedimentation onto County Road DB is swept off every day. Material is loaded at least 500 feet from any Town or County Road to minimize noise and vibrations.

C. Operation.

Title 2: Zoning Districts and Uses

50

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. n/a There is no blasting done at this location.
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. Equipment is maintained to reduce the amount of dust, noise, and vibration.
3. Any excavation access road must have and be maintained with a dustless surface. Access road is build with road grade granite to reduce the amount of dust. Watering is also done to reduce the amount of dust during peak haul times.
4. Operations must be conducted in such a manner that any water runoff from the operation does not adversely affect any adjacent parcel. Site is designed where all water runoff is directed into the site/pond. Approved DNR construction site erosion control plan is on file.
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. Yes

D. Setback Requirements.

1. The excavation must be setback at least 100 feet from any existing occupied structure other than the owner's. Meets Criteria
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. Meets Criteria
3. All accessory uses such as offices and parking areas shall be at least 75 feet from any right-of-way or property line. N/A

Exhibit #3 – Code Requirements Narrative (continued)

E. Nonmetallic mining shall comply with the terms of Marathon County Nonmetallic Mining Code, Chapter 21, Current operation and future operation complies with the terms of the Marathon County Nonmetallic Mining Code.

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. This site will be reclaimed to pond surrounded by grassland/prairie.

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: N/A property is not in a Farmland Preservation District

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. Meets Criteria

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

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. N/A

D. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use. Land around extraction site will remain in agricultural use and/or open space.

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. Meets Criteria

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

Exhibit #3 – Code Requirements Narrative (continued)

INDUSTRIAL and EXTRACTION USES

General Standards. The following general standards for the Industrial districts are to provide areas for manufacturing, warehousing, other light industrial/office/research operations, and may include intensive agricultural related uses. It may also be used for commercial storage facilities, contractor and trade establishments, and similar businesses. However, such use may not be detrimental to the surrounding area or to the county as a whole because of dust, groundwater degradation, noise, odor, physical appearance, smoke, traffic, or other nuisance factors.

Responses to the following Ordinance Requirements are in green and underlined.

A. Site Plan Requirement. A site plan must be reviewed and approved by the Zoning Administrator and/or the Board of Adjustment prior to the start of any new construction or any addition or alteration that adds to the area of an existing structure or to the total area of all existing structures on the site. In the process of obtaining Board of Adjustment approval to continue and expand the non-metallic mining site.

B. Development Standards. The development standards contained in this section are minimum standards and must be met by any Industrial use established after the effective date of this ordinance or any applicable amendment and by any prior non-conforming use that is added to, altered, expanded, extended, or modified after the effective date of this ordinance or any applicable amendment.

1. Driving Surfaces. All driveways, parking areas, and roads must be maintained in a durable condition.

Meets Criteria

2. Enclosures. All allowed and permitted uses must be conducted within completely enclosed buildings, unless outdoor uses have been included in a site plan that has been reviewed and approved by the Zoning Administrator and/or Board of Adjustment and subject to any conditions set by the Board of Adjustment. All uses are conducted outside and meet current Zoning Administrator and Board of Adjustment criteria.

3. Landscaping. All landscaping shown on an approved site plan must be established and maintained in a healthy condition. Landscaping materials must be replaced when necessary. Existing landscape adequately shields the site from neighboring non-family residences.

4. Lighting. Lighting used to illuminate any portion of the site must be shielded and arranged so that it does not directly shine on any abutting property. Site does not require lighting.

5. Waste Receptacle. The site must be kept free of debris and refuse and contained within a waste receptacle. Meets Criteria

6. Loading and unloading. Adequate space must be provided for the loading, parking, standing, and unloading of motor vehicles without undue interference with the public use of roadways. No portion of a vehicle that is loading, parked, standing, or unloading may project into a public roadway. Meets Criteria

7. Noise. The sound generated by a use may not exceed 70 decibels at the lot line. Meets Criteria

8. Odor. No use may cause or result in the emission of any substance or combination of substances into the ambient air and produce an objectionable odor unless preventative measures satisfactory to the

department are taken to abate or control the emission. An odor will be deemed objectionable when either or both of the following tests are met: Meets Criteria

a. If the department, upon investigation, determines that the odor is objectionable based upon the nature, intensity, frequency, and duration of the odor, taking into consideration the type of area involved and any other pertinent factor identified by the department.

b. If 60% of a sample of persons exposed to the odor in their place of residence or employment, other than the place that is the odor's source, find the odor to be objectionable based upon its nature, intensity, frequency, and duration.

9. Outdoor Storage. Outdoor storage is permitted if the storage area is screened and the stored materials are not visible from any public road. Meets Criteria

10. Screening. Required screening may be provided by use of fences, hedges, or other plantings, and walls that are at least four feet in height. Any required screening must be maintained in good condition. Meets Criteria

11. Vibration. Ground vibrations generated by a use must not be perceptible at any point on the lot line without the use of instruments, excluding nonmetallic mining operations. Meets Criteria

12. Other. No use may emit dangerous or obnoxious fumes, glare, heat, or radiation that extends beyond any lot line on which the use is located. Meets Criteria

Exhibit #4– Aerial Photo KLM Acres Nonmetallic mine site



KLM Acres / Randy and Terri Konkol
201631 County Road DB
Mosinee, WI 54455

Parcel # 048-2607-342-0980
NW¼, NW¼, Sec.34, T26N, R7E
23.7 Acres

Exhibit #5 – Aerial Photo Future Pond



Exhibit #6- Aerial Photo Two Lane Access Road



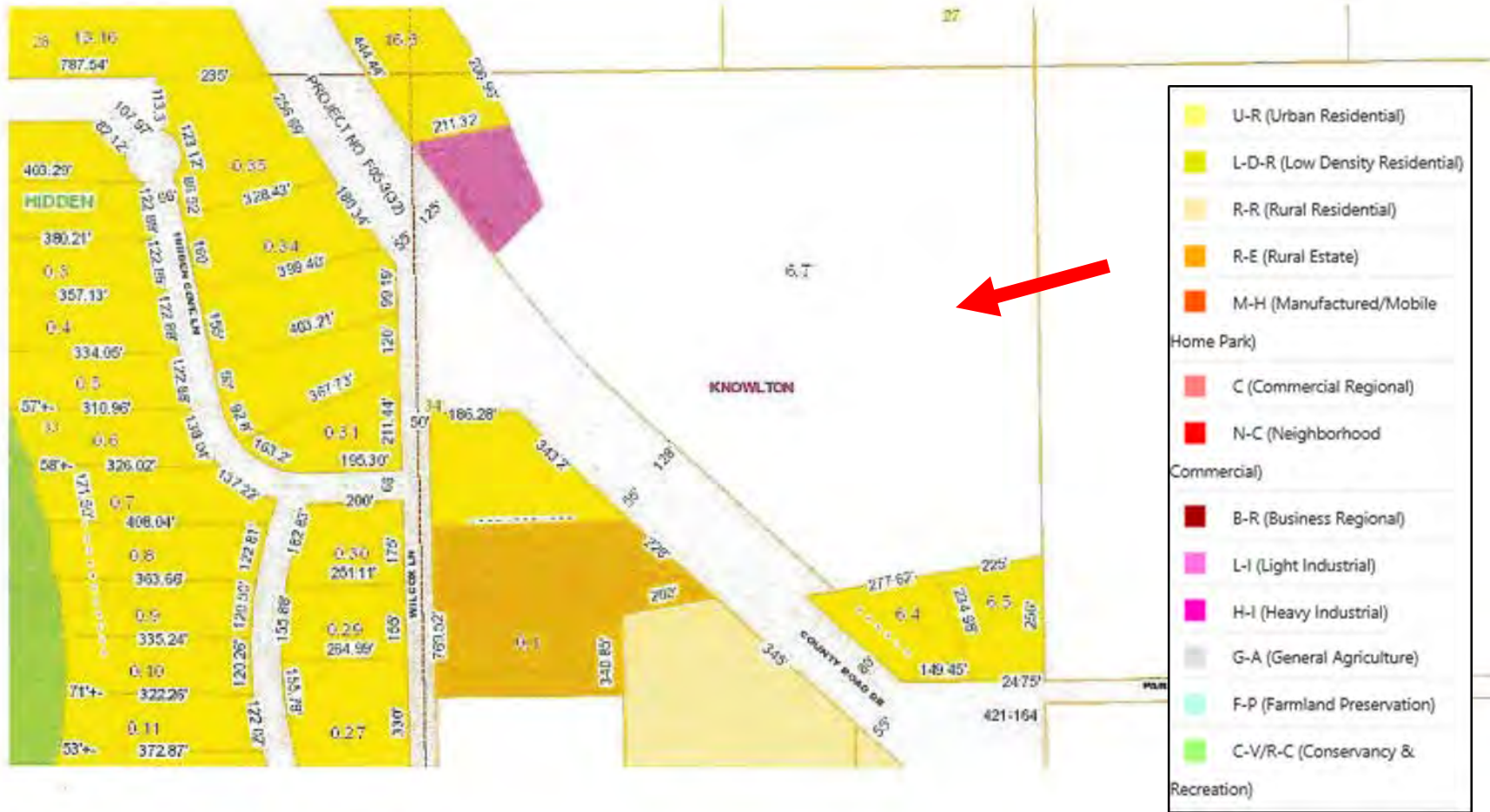
Exhibit #7 – Approximate Project Area



Exhibit #8- DNR Wetlands



Exhibit #9 – Project Site – G-A Zoning District



Project Site – General Agriculture Zoning

Exhibit #10 – Aerial Photo Knowlton Pit



Exhibit #12 – Town of Knowlton Future Land Use



Single Family Residential	Industrial	Forest Land	Recreational
Single Family Residential/Forest	Quarry	Wetlands	Railroad
Multi-Family Residential	Farm Land	Floodplain	Transportation
Commercial	Forest/Agriculture	Public/Quasi-Public	Water

Exhibit #13 Site Contours



Exhibit #14 Site Map

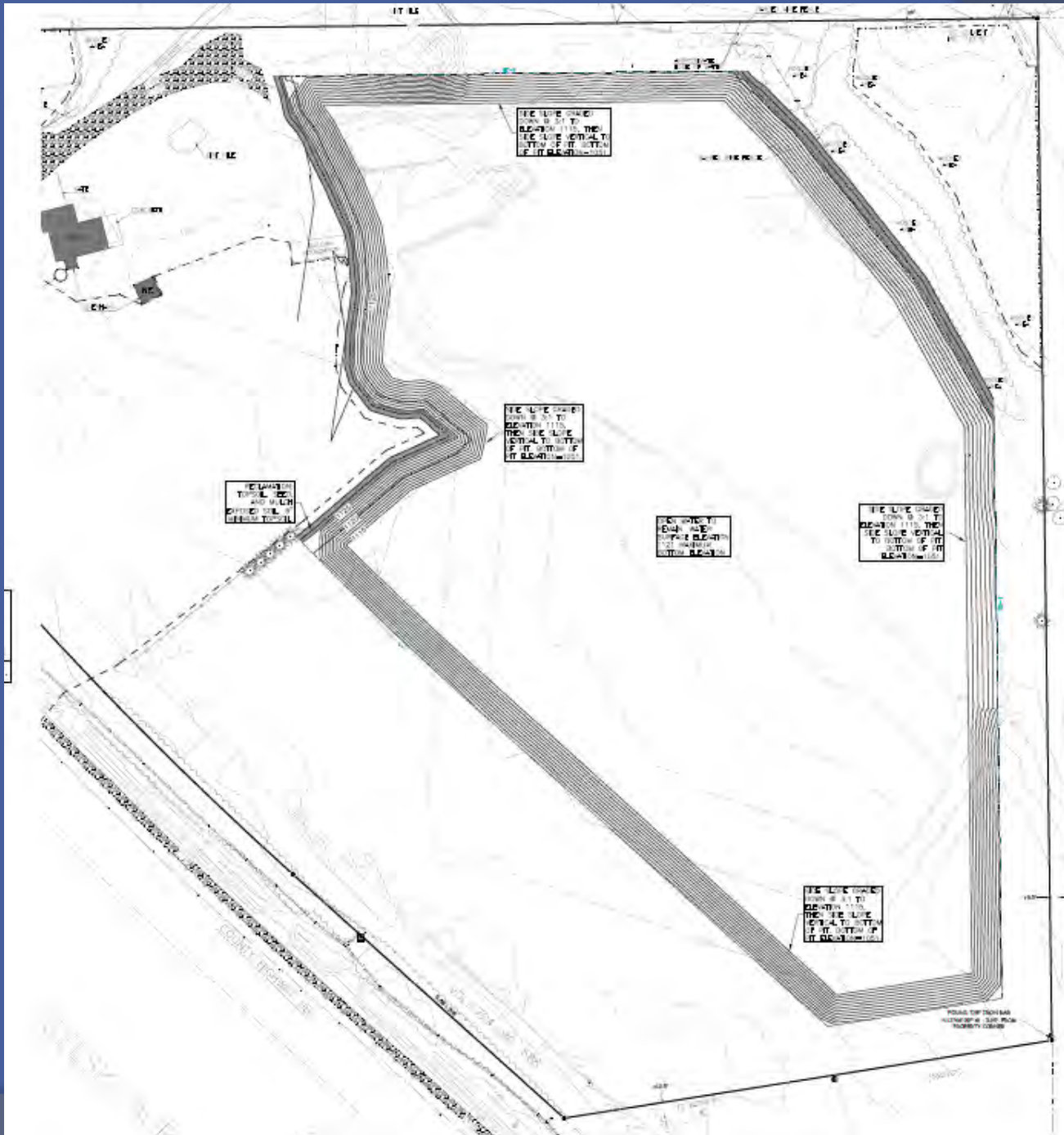


Exhibit #15 Mine Profile

NORTH-SOUTH GRAVEL PIT PROFILE

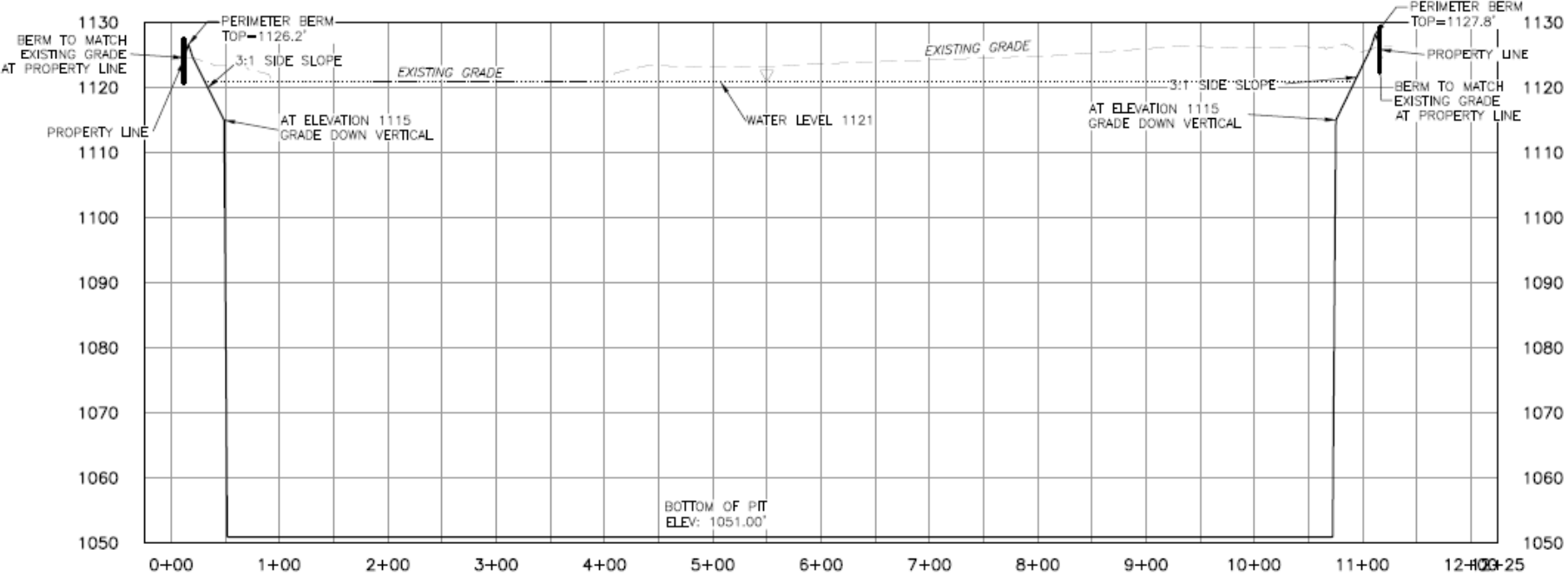


Exhibit #16 Mine Profile

EAST-WEST

GRAVEL PIT PROFILE

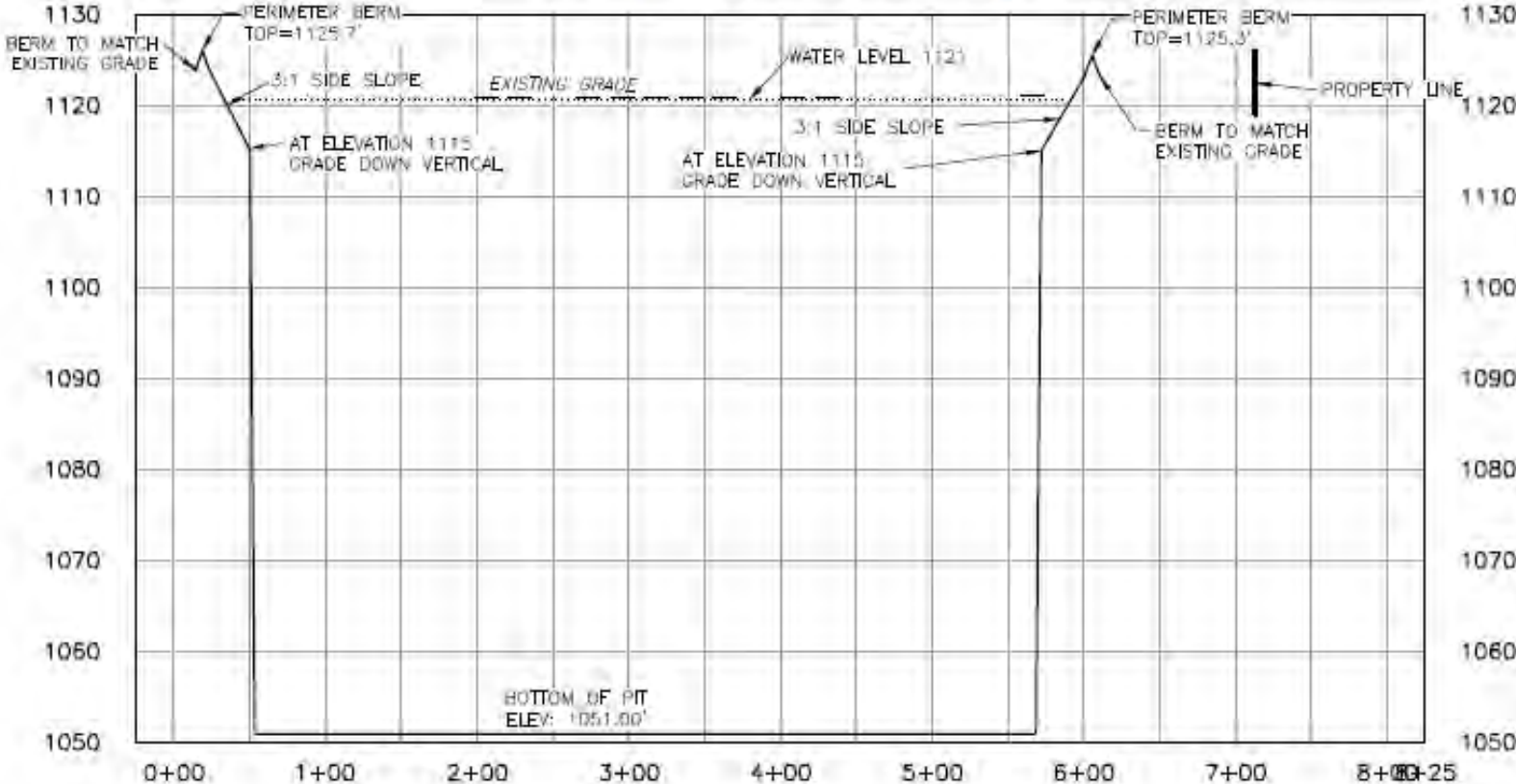


Exhibit 17 -Town of Knowlton Resolution

STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF KNOWLTON)

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Alan Fochs, Clerk of the Town of Knowlton, 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 Knowlton Town Board at a meeting held on the 3th day of JUNE, 2020.

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 Knowlton.

NOW, THEREFORE BE IT RESOLVED that the Town of Knowlton Town Board considered on the 3th day of JUNE, 2020, the application of KLM Acres 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 boundary expansion and continued operation of an existing permitted nonmetallic mining operation (Reclamation Permit #15-003) on properties currently owned by Randolph and Teresa Konkol. The property is located in the G-A General Agricultural district, on parcel described as part of the NW¼ NW ¼ Section 34, T26N, 7E Town of Knowlton, further described as PIN# 048.2607.342.0980 with a property address of: 201631 County Road DB, Mosinee, WI 54455

and hereby recommends:

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

Comments, conditions and reasons for recommended action:

With the following conditions: hours of operation 7:30am-6pm Monday-Friday, 7:30am-12pm Saturdays, setback to County DB right of way of 250', total excavated area limited to 12 acres, limited to 10 years expiring on 6/1/2030 and must provide map reflecting setback and area conditions.

Clerk Alan Fochs
 Town Board By Act
Jane Mami
Kevin Brown

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 June 4, 2020 to:

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



MARATHON COUNTY



Application #3

The continuation of the public hearing regarding the James Peterson Sons, Inc. request for a conditional use application from the April 23, 2020 Board of Adjustment hearing.

Determination Worksheet



MARATHON COUNTY BOARD OF ADJUSTMENT

210 River Drive • Wausau, Wisconsin 54403-5449
Phone: 715-261-6000 • Fax: 715-261-6016
Long distance within Marathon County: 1-800-236-0153
cpr@co.marathon.wi.us • www.co.marathon.wi.us

Decision Sheet

The application of James Peterson Sons, Inc. 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 a vertical expansion (deeper depth) and continued operation of an existing permitted nonmetallic mining operation (Reclamation Permit #04-003) on properties currently owned by Andrew and Thomas Altenhofen and Joan Altenhofen. The properties are located in the F-P Farmland Preservation district, on parcels described as NE ¼ SW ¼ and SE ¼ SW ¼ Section 1, T29N, 6E Town of Marathon, further described as PIN# 054.2806.013.0998 and 054.2806.013.0993.

CONCLUSION OF LAW

Based on the facts presented in the application and at the June 25, 2020 public hearing, the Board concludes that:

- 1) **The proposed nonmetallic mine will meet all required setbacks.** (minimum distance: 100 ft. from residence, unless it is the owner or operators residence, operations are 50 ft. from centerline of ROW and 10 ft. from property line - except by written agreement between adjoining landowners)
Yes No Insufficient information N/A
Comments:

- 2) **All accessory uses such as office and parking areas will be at least 75 feet from any right-of-way or property line.**
Yes No Insufficient information N/A
Comments:

- 3) **Applicant intends to, and shall, meet other applicable regulations.** (Stormwater, town requests, DNR Chp 30, NR135 Reclamation Standards etc.)
Yes No Insufficient information N/A
Comments:

- 4) **The hours of operation will be limited to Monday through Friday 6AM – 7PM** (unless altered by the BOA)
Proposed: Monday - Friday (6am – 7pm) and Saturday (6am - 5pm)
Yes No Insufficient information N/A
Comments:
The Board approved hours as proposed.

Determination Worksheet (continued)

5) **The nonmetallic mine conditional use permit is to run in concurrence with the mine site's reclamation permit and remain valid for the duration of the reclamation permit, to the extent, both permits are in compliance.** (Unless altered by the BOA)

Yes No Insufficient information N/A

Comments:

6) **Other conditions are to be placed on the Conditional Use Permit.** (*Specific haul routes, dust control,*

Yes No Insufficient information N/A

Comments:

7) **The applicant shows substantial evidence demonstrating that they will meet the requirements and conditions to obtain a conditional use permit.**

Yes No Insufficient information N/A

Comments:

9) **Is granting the Conditional Use Permit contrary with the purpose and intent of the General Code of Ordinances for Marathon County?**

This code is adopted to secure and provide the following objectives for the County of Marathon:

1. To promote the public health, safety, comfort, and welfare of the residents of the County of Marathon;
2. To establish and maintain zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;
3. To facilitate the provision of public utilities and public services;
4. To provide the proper arrangement of streets or highways in relation to existing or proposed streets and highways (and the county's transportation plan);
5. To promote orderly, efficient, and appropriate development of land;
6. To provide uniform procedures and standards for observance by both the approving authority and the subdivider for the division, subdivision, and development of land;
7. To provide standards and guidelines for compatibility of designs, materials, layout, landscaping, and effective use of land for quality commercial development;
8. To provide reasonable and appropriate visual identification of commercial establishments;
9. To ensure adequate provision of open space for light, air, and fire safety;
10. To manage traffic via access points and other planning tools;
11. To preserve and protect existing trees and vegetation, flood plains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development;
12. To provide guidelines for development of recreational uses;
13. To require the adequate and safe provision of transportation, water, sewage, and drainage in the county;
14. To preserve the character and quality of residential neighborhoods;
15. To preserve the character and quality of agricultural areas;
16. To provide appropriate technical assistance to towns during the planning and zoning phase of extraterritorial zoning discussions; and to assure the County's policy of providing an opportunity for towns to opt out of county zoning by conducting a comprehensive revision of zoning ordinances at a minimum of ten-year intervals

Yes No Insufficient information Not Applicable

Comments _____

Provisions of Law – General Standards

17.803.03 Basis of Determination (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:

- The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- 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.
- 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.

Provisions of Law – General Standards (Cont'd)

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:

- Proximity and access to major thoroughfares.
- Estimated traffic generated by the proposed use.
- Proximity and relation to intersections.
- Adequacy of driver sight distances.
- Location of and access to off-street parking.
- Required vehicular turning movements.
- 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:

- 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.
- 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.

Provisions of the Law – Specific

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	
INDUSTRIAL and EXTRACTION USES													
Nonmetallic Mining				C	C	C	C					C	Section 17.204.54

Provisions of the Law – Specific (continued)

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.

Provisions of the Law – Specific (continued)

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)

Staff Report

Application #3: The application of James Peterson Sons, Inc. 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 a vertical expansion (deeper depth) and continued operation of an existing permitted nonmetallic mining operation (Reclamation Permit #04-003) on properties currently owned by Andrew and Thomas Altenhofen and Joan Altenhofen. The properties are located in the F-P Farmland Preservation district, on parcels described as NE ¼ SW ¼ and SE ¼ SW ¼ Section 1, T28N, 6E Town of Marathon, further described as PIN# 054.2806.013.0998 and 054.2806.013.0993.

REVIEW OF THE SITE AND/OR PERTINENT DOCUMENTS REVEALED THE FOLLOWING ITEMS:

1. The Town of Marathon **has** adopted county zoning.
2. Part of the property **is** located in shoreland zoning.
3. Part of the property **is** located in mapped floodplain
4. There **are** mapped wetlands on the property.
5. There **are no** known violations on this site.

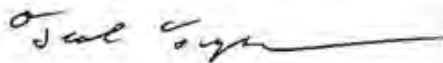
APPLICABLE PROVISIONS OF CHAPTER 17 – ZONING CODE:

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
INDUSTRIAL and EXTRACTION USES													
Nonmetallic Mining				C	C	C	C					C	Section 17.204.54

THE STAFF RESERVES THE RIGHT TO AMEND THIS REPORT BASED ON NEW EVIDENCE PRESENTED AT THE HEARING. DECISIONS OF THE BOARD ARE SUBJECT TO APPEAL AS PROVIDED IN SS.59.694(10) WIS. STATS.

RESPECTFULLY SUBMITTED:



4/13/20

SIGNATURE

DATE

Exhibit #2 - CUP Application

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: James Peterson Sons, Inc
Mailing Address: P.O. Box 120 Medford, WI 54451
Telephone: 715-748-3035 Fax: _____
Cellphone: _____ Email: jeff.peterson@jpsbp.com
Owner Name: (if different) See Attachment 1
Mailing Address: _____
Telephone: _____ Fax: _____

PARCEL INFORMATION

Parcel ID # (PIN): 05428060130998 & 05428060130993
(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 & SE 1/4 SW 1/4
Section 1 T 28 N, R 6 E, Town of Marathon
Lot _____ Block _____ Subdivision _____

Property Address: _____
Parcel size: 77.6 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.):
Non-metallic Mine and farm field

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?
See Attachment 2

If this application is for a use that will be restricted to part of the parcel, specify the exact dimensions of the affected area.
Excavation will be performed in the 52 acre area shown on Reclamation Plan Sheets

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.204.54. Explain how your proposal meets or exceeds these requirements.

Use separate/additional sheets if necessary



**VREELAND
ASSOCIATE**

**LAND SURVEYORS
& ENGINEERS**

6103 Dawn St.
Weston, WI 54476
Phone #: 715-241-0947

Attachment 1

2. Name and Address of Owner

- a. Owner of Parcel #05428060130998
Andrew & Thomas Altenhofen
145211 County Road NN
Wausau, WI 54401

- b. Owner of Parcel #05428060130993
Joan Altenhofen
141900 County Road NN
Marathon, WI 54448

Exhibit #4 – Narrative



**VREELAND
ASSOCIATE**
LAND SURVEYORS
& ENGINEERS

6103 Dawn St.
Weston, WI 54476
Phone #: 715-241-0947

Attachment 2

Description specifically the nature of this work

We are requesting a permit to remove sand from an approximate 52 acres located in the east half of parcel #05428060130998 and parcel #05428060130993. Initial estimates indicate that approximately 1,559,667 cubic yards of sand will be removed from the site in several phases. A typical phase would consist of an approximately 5 to 7 acres borrow area. A phased approach was selected to minimize erosion problems during the sand removal process.

Prior to disturbing large areas of surficial soils, vegetative berm has been installed and will continue to be maintained down gradient of the proposed work zone area and a tracking pad has been constructed at the entrance of the proposed mine at County Road NN. Vegetative berm and tracking pad will be constructed and maintained according Wisconsin DNR Technical Standards 1054 and 1057, respectfully. The erosion control measures will be inspected and maintained periodically to ensure continued functionality. Additionally, the erosion control measures will be inspected within 24 hours after a rainfall that produces $\frac{1}{2}$ " or more of precipitation in a 24-hour period. All devices will be cleaned and adjusted as needed to ensure their continual effectiveness until sufficient plant coverage, as defined later, has been established.

The topsoil has been and will be stripped and used for the vegetated buffer. The vegetative buffer will be constructed per Wisconsin DNR Technical Standards. Erosion from the stockpiles will be minimized by hand sowing temporary grass seed over the stockpile to initiate rapid revegetation.

Sand soil excavation shall proceed from the west side of the borrow area towards the east to the elevations required to achieve the proposed surface grades shown on the post mining grading plans. Typically the site will have a side slope of minimum of a 4-foot horizontal to a 1-foot vertical slope with a 1 foot safety shelf with a slope of 10-foot horizontal to 1-foot vertical slope at the water surface elevation.

General 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 an adjacent parcel.
See attached Site Map 1 with all layers turned on from Marathon County's GIS Map.
2. The name of the owner of each adjacent parcel and the location of all structures within 300 feet of the proposed mine site.

Exhibit #4 – Narrative (continued)



See attached Site Map 2 of location map with adjacent property owners last names listed and buildings highlighted.

3. The proposed location, extent and depth of the intended sand, gravel and rock excavation, showing the setback distances.
See attached Proposed Reclamation Plan and 2 cross sections of proposed mine.
4. The proposed location of any ponds, sediment basins, and stockpiles showing the setback distances.
See attached Proposed Reclamation Plan and 2 cross sections of proposed mine.
5. The surface drainage and estimated depth of groundwater.
See attached Proposed Reclamation Plan and 2 cross sections of proposed mine.

B. Operational Information

1. The duration of an application lease.
See the attached Extension of Agreement for Fill Material
2. The estimated date that operations will commence and terminate.
See the attached Extension of Agreement for Fill Material. Termination of borrow site will occur once all materials have been exhausted.
3. Anticipated hours of operation.
Hours of operation will be from 7am to 7pm Monday through Friday.
4. The proposed primary travel routes to transport materials to and from the site.
There is an existing haul road along the west edge of the proposed mine site. The haul road exits the site along County Road NN and is the primary travel route.
5. A description of excavation and processing equipment to be used.
A backhoe will be used to dig up the sand and hauled using dump trucks. Bulldozer to level and grade the vegetative berm and front-loader will be used on site to load trucks.
6. A description of measures to be taken to screen or buffer the operation from view from any adjacent residential parcel.
A vegetative berm has been installed and will be maintain so no water will runoff outside of the mining area. A vegetative buffer has been installed along the side and back of the existing residential property.
7. A description of measures to be taken to control dust, noise and vibrations from the operation.
See the attached Wisconsin DNR Technical Standard 1068 Dust Control. Noise and vibration will be control by not using a blasting equipment and only digging during operating hours.

C. Operation

- i. All blasting must be done by a state licensed and certified blaster, who must have a certificate of liability or proof of liability insurance.
No blasting will occur on site.
2. All excavation equipment must be constructed, maintained, and operated in such a manner as to eliminated, as practicable, dust, noise or vibration that might adversely affect or injure any person living in the vicinity of the operation.

Exhibit #4 – Narrative (continued)



**VREELAND
ASSOCIATE**
LAND SURVEYORS
& ENGINEERS

8103 Dawn St.
Weston, WI 54476
Phone #: 715-241-0847

All equipment will be annually maintained off-site to ensure all equipment is running properly. If equipment breaks on site operations will be shut down until the piece of equipment has been removed or repaired.

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

The existing haul road is a dustless gravel road. It will be maintained to continue to be dustless.

4. Operations must be conducted in such a manner that any water runoff from the operation does not adversely affect any adjacent parcel.
All adjacent properties are at a higher elevation than the proposed mine and no runoff will leave the mine site.

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 equipment will be removed within 90 days of 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.

See attached Proposed Reclamation Plan and 2 cross sections of proposed mine.

2. All operations shall be at least 50 feet from the centerline of a 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.

See attached Proposed Reclamation Plan and 2 cross sections of proposed mine and Extension of Agreement for Fill Material

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 or parking areas will be constructed on site.

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

The proposed plan abides by Marathon County Ordinance.

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

The proposed plan will be reclaimed as a fishpond.

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

The proposed plan will be reclaimed as a fishpond and will abide by Wisconsin Statutes.

Exhibit #4 – Narrative (continued)



6103 Dawn St.
Weston, WI 54476
Phone #: 715-241-0947

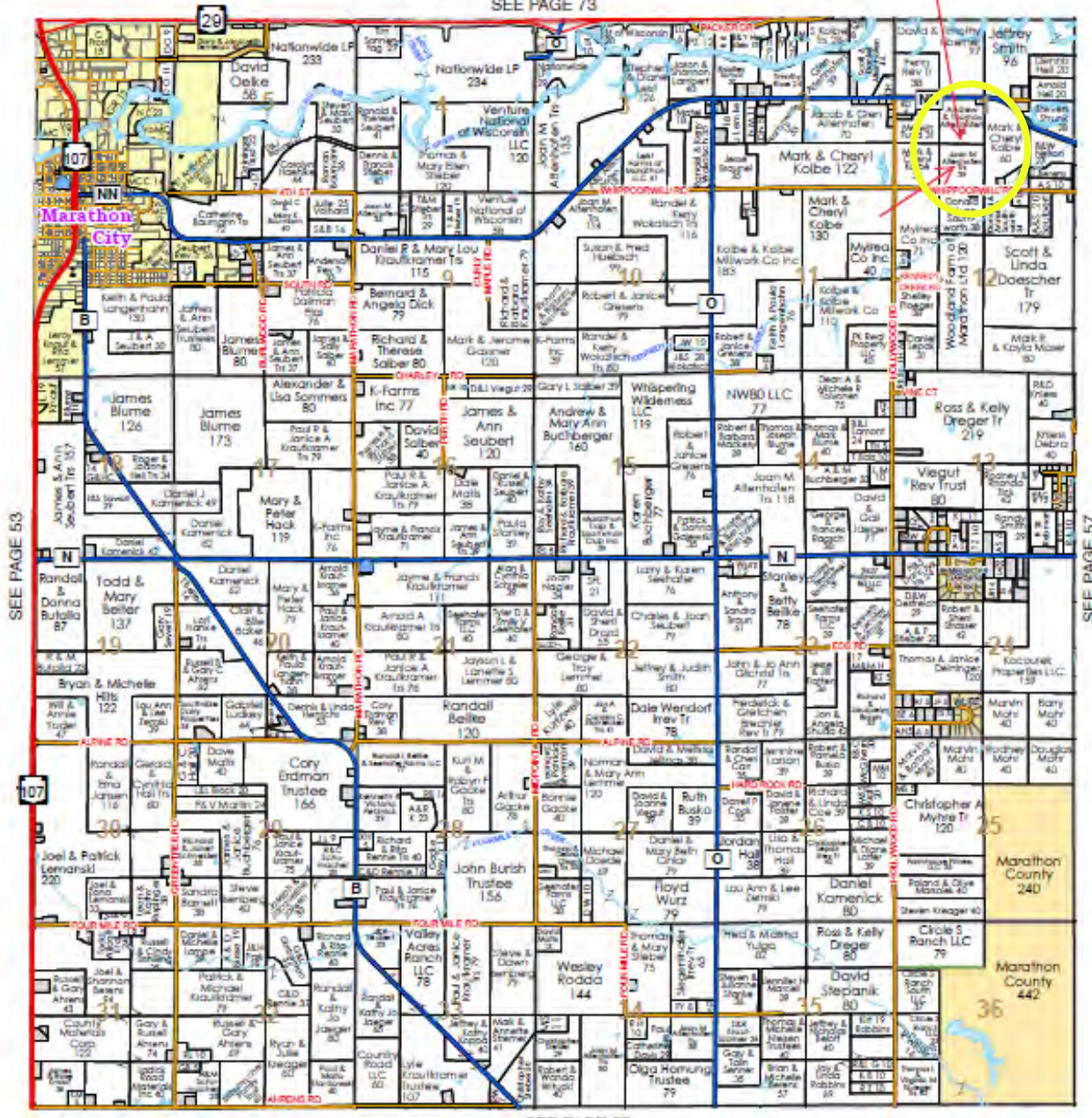
Farmland Preservation Districts

- A. The operation complies with Subchapter 1 of Chapter 295, WI Stats., and rules promulgated under that subchapter, with General Code of Ordinances for Marathon County Chapter 21 nonmetallic Mining Reclamation Code under Wisconsin Statute Section 294.13 or Wisconsin Statute Section 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 an applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining site.
The proposed site will continue to be used as a farm field (hay, corn, etc...) until phases are complete in creating a fishpond.
- B. The operation and its location in the Farmland Preservation zoning district are consistent with the purposes of the Farmland Preservation zoning district.
The proposed reclamation will abide by the intent 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.
The existing site is already permitted as a nonmetallic mine.
- D. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
The site will return to agricultural use once the sand has be extracted.
- 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 operation will not impair or limit the surrounding parcels of land.
- F. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan when extraction is complete.
The owner/applicant will restore the land to an agricultural use once extraction is complete.

Exhibit #5 - Location within Township



SEE PAGE 73

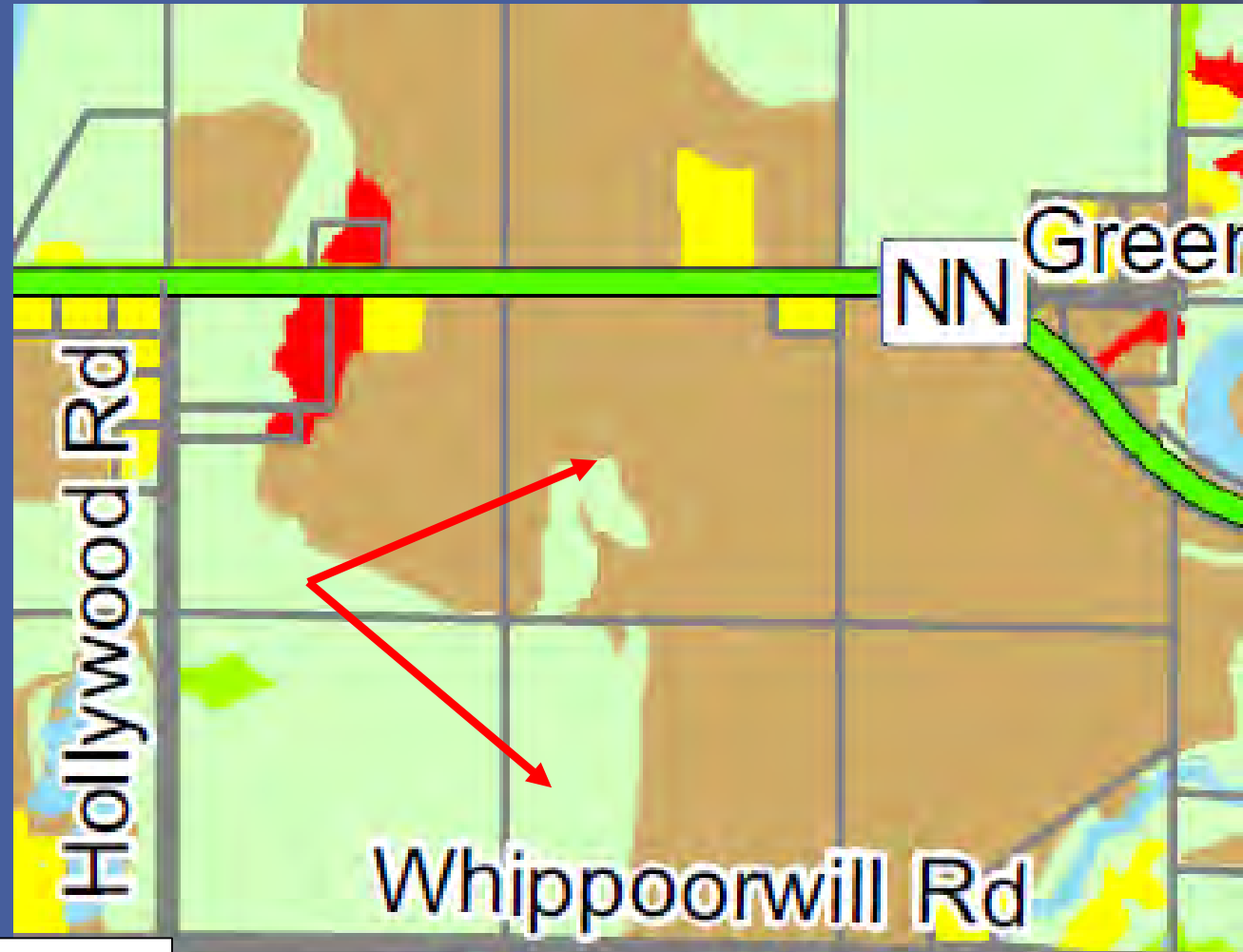


SEE PAGE 53

SEE PAGE 57

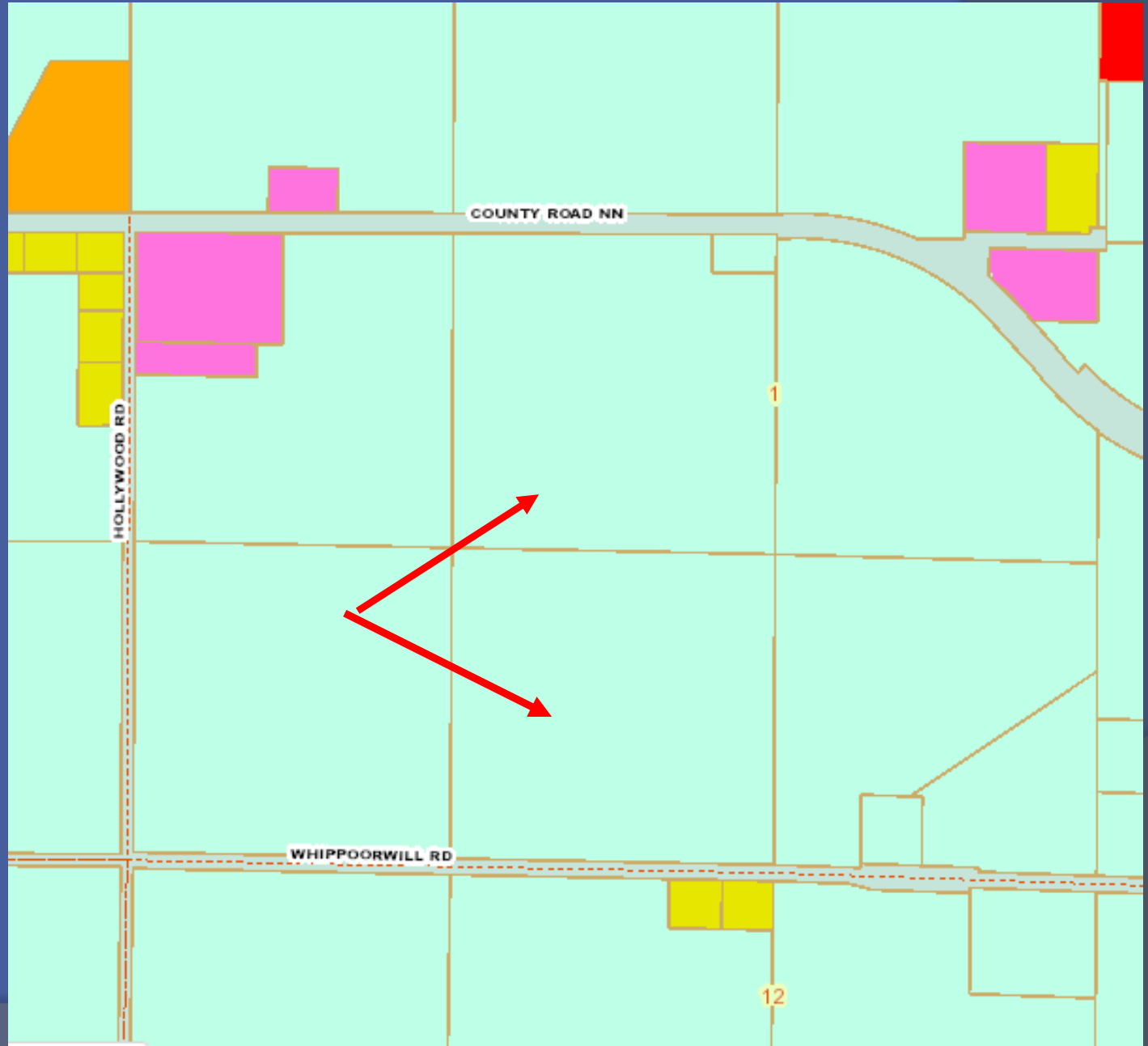
SEE PAGE 27

Exhibit #6 – Town of Marathon Future Land Use



Legend		
Minor Civil Divisions	Agriculture	Woodlands
US Highway	Agricultural/Residential	Public/Quasi-Public
State Highways	Commercial	Quarry
County Highways	Industrial	Outdoor Recreation
Local Roads	Multi-Family Residential	River Corridor
Parcels	Single Family Residential	Water
	Open Lands	

Exhibit #7 – Surrounding Zoning



- 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)

Exhibit #8- Aerial Photo (wide angle)



Exhibit #9- Aerial Photo PIN# 054.2806.013.0998

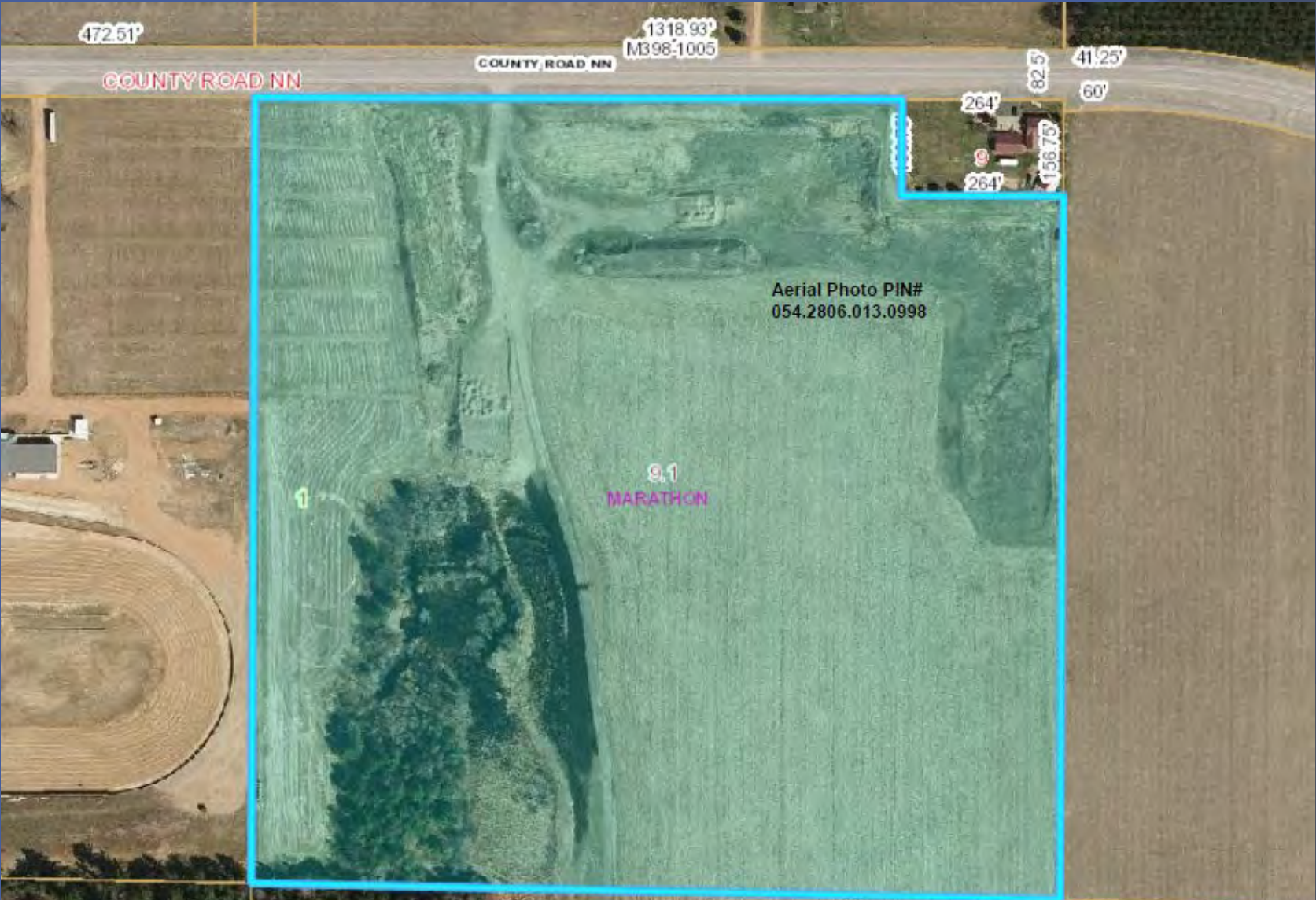
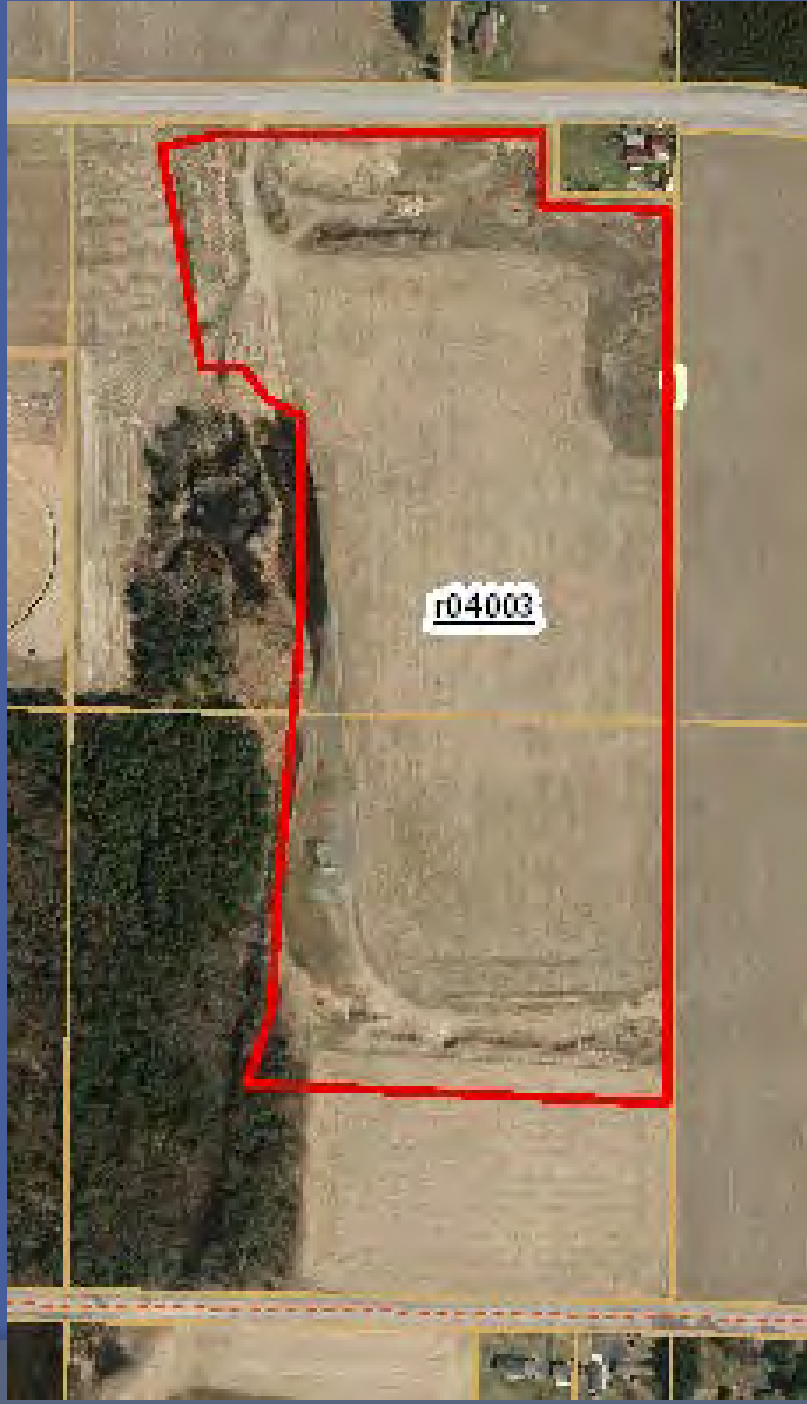


Exhibit #10– Aerial Photo PIN# 054.2806.013.0993



Exhibit #11 – Existing Site Currently Permitted





RECEIVED
APR 16 2020
MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT

April 13, 2020

Marathon County Board of Adjustment

Town of Marathon

Application/Petition for Conditional Use permit

The Town of Marathon Zoning and Planning had a meeting scheduled for March 24, 2020 at 7:00 p.m. The State of Wisconsin Governor directed DHS Secretary Andrea Palm to issue Emergency order #12 "Safer at Home" to curb the spread of the COVID-19 pandemic. The order is effective until 8 a.m. Friday April 24, 2020. Because of the order the Zoning and Planning Meeting / Public Hearing had to be cancelled and postponed to a date to be established. Because of concerns from residents living in the area of the proposed site the Town of Marathon Board is requesting the Marathon County Board of Adjustment postpone a decision on the application to their next scheduled meeting. This would allow the Town of Marathon Zoning and Planning Committee and the Town of Marathon Board to hold their normal meetings to render a decision to the Marathon County Board of Adjustments.

Thank you,

Town of Marathon Board
Keith Langenhahn Chairman

4/17/2020

NE ¼ SW ¼ and SE ¼ SW ¼, Section 1
T28N, 6e Town of Marathon
PIN#054.2806.013.0998 and 054.2806.013.0993

Board of Adjustment,

This letter is in concern for the application of James Peterson, Sons, Inc. for the 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 a Vertical Expansion (deeper depth) and continued operations of an existing permitted nonmetallic mining operation (Reclaimed Permit #04-003) on the properties Currently owned by Andrew and Thomas Altenhofen and Joan Altenhofen.

As owners of adjacent properties we have a few concerns we feel need to be addressed. They are as follows: (#1) With the removal of soil approximately 20’ below the water level will there be a possible compromise in water to the neighboring properties? This process will involve the dugout area to fill with water. If this process compromises the water quantity and quality of the adjacent properties we feel it needs to be written within the proposal that any expenses to alleviate such issues be covered by the holders of this permit and the owners of the permitted property. (#2) Hours of operation. We feel that the hours of operation of the above Mining be limited to 6am – 6pm Monday through Friday and none on Saturday or Sunday. We feel that anything outside of this timeframe would affect our quality of life in our own homes.

If we need to be reached on any of these issue please reach out to us. Also, please forward us documents of the outcome of this and any future hearings on this matter.

Exhibit #13 - Letter of Opposition
(Continued)

Thank you for allowing us to voice our concerns and wishes.

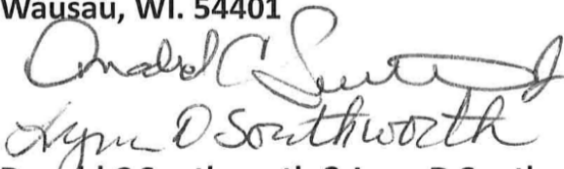
Warm regards



David J Southworth & Yvonne D Southworth

145421 Whippoorwill Rd

Wausau, WI. 54401



Donald C Southworth & Lynn D Southworth

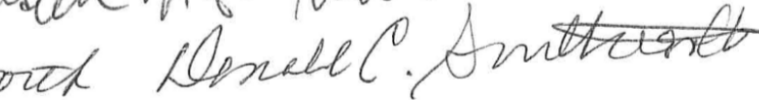
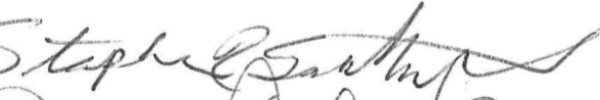
145457 Whippoorwill Rd

Wausau, WI. 54401



David J Southworth

Donald C Southworth



Stephen R Southworth

Susan M Southworth

Donald C Southworth & Annette G Southworth

145563 Whippoorwill Rd

Wausau, WI. 54401

DOM

March 20, 2020

Mark

Earlier this month you had informed me of the possibility of a large pond being constructed on the property to the west of your agricultural field along County Hwy NN which you refer to as fields F6-7. You asked me to evaluate what would be the impact(s) to your fields if any of this pond being constructed.

This field is currently in your NRCS Code 590 Nutrient Management Plan. This field currently has a Surface Water Quality Management Area (SWQMA) which encompasses approximately 26 acres along the eastern side of the 56 acres of the field. SWQMA's are restricted areas that are 300 feet from the highwater mark of a stream or river and 1000 feet from a lake or pond. Within this SWQMA you are restricted on the amount manure per acre you can apply less than would be allowable outside of SWQMA. Areas of the field not within the SWQMA can have manure applied according to the University of Wisconsin A2809 recommendations. Also, the area within the SWQMA cannot have manure applied during the times when the soil is frozen and or snow-covered. Areas of the field outside of the SWQMA can have manure applied during those times because they are deemed a safe distance from surface waters.

If this pond is constructed in close proximity of your field, the effect would be that the remainder of your field would be included in a new SWQMA that would be buffered from the edge of the new pond. This would eliminate the remainder of the field from "winter" manure applications and more force you to purchase commercial fertilizer to meet the needs of a crop on that field which you may not need currently.

A number of years ago you had over 200 head of beef cattle on your farm operation. In the last few years, you have depopulated to about 40 total animals. As the next generation has joined the farming operation, they may wish to expand somewhat their grazing operation. This would mean fields closer to the main farm would be needed for expanded grazing pastures, thus taking them out of row crop production and being unavailable for collected manure to be applied to as currently is being done.

Two possible solutions to the impact of the pond and ensuing SWQMA would be to either construct a berm or a ditch along the west side of your field. This would not allow any surface water to drain towards the adjoining pond and thus remove the SWQMA setback on your field. One drawback to the berm would be, that the berm could create ponding along the west side, impact crop production. You would need to install subsurface drain tile to relieve the ponding of surface water created by the berm.

I have attached a copy of your current manure application map and a copy of what it would look like with the pond constructed. Don't hesitate to call or email me with any questions.

Paul Sturgis
WI Agronomy Mgr.
Crop IMS, LLC
715-572-3625
psturgis@cropims.com

Exhibit #14 – Letter of Opposition – Kolbe / Paul Sturgis WI
Agronomy Crops IMS

Exhibit #14- Letter of Opposition – Kolbe / Paul Sturgis WI
 Agronomy Crops IMS continued

am: Mylrea Co., V18 Generated:9/25/2019, Crop year: 2019, Township Range Section:28N 6E s2



Current

- GHF Wetland
- 690 SWQMA 300FT
- SWQMA 1000FT
- Perennial Streams
- Intermittent Streams
- Waterbodies
- Counties
- Roads
- P - High Permeability
- R - Bedrock <math>< 20'</math>

- Nutrient prohibited areas (buffers vary by feature)
- Grassed waterway
- Non-eroding channel
- Epifaunal erosion channel
- Ditch
- Gully
- Headland stacks
- Not formed
- Grass filter area
- Vegetated buffer

- Water
- Sinkhole/other land feature
- Other
- Soil samples
- County Defined Key Features
- Fields
- Drinking Well
- Public well
- Irrigation well
- Sinkhole

- Fractured bedrock at surface
- Other direct conduit
- Tile outlet

Exhibit #14 – Letter of Opposition – Kolbe / Paul Sturgis WI
 Agronomy Crops IMS continued



Exhibit #14- Letter of Opposition - Kolbe /
Paul Sturgis WI Agronomy Crops IMS
continued



STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF MARATHON)

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Kelley Blume, Clerk of the Town of Marathon, 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 Marathon Town Board at a meeting held on the 8th day of June, 2020.

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 Guenther.

NOW, THEREFORE BE IT RESOLVED that the Town of Marathon Town Board considered on the 8th day of June, 2020, the application of James Peterson Sons, Inc. 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 a vertical expansion (deeper depth) and continued operation of an existing nonmetallic mining operation (reclamation permit #04-003) on properties currently owned by Andrew and Thomas Altenhofen and Joan Altenhofen. The properties are located in the F-P Farm Preservation district, on parcels described as NE 1/4 SW 1/4 -EX COM AT INCTN OF S LN CTH NN & E LN SD 40 W 16 RDS S 10 RDS E 16 RDS N 10 RDS TO POB EX M398-1004 (HWY) and SE 1/4 SW 1/4 EX S 33' Section 1, T28N, 6E Town of Marathon, further described as PIN# 054.2806.013.0998 and 054.2806.013.0993

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 Kelley A Blume
Town Board David Krugger
Bonnie Lind

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 2, 2020 to:

Exhibit 16 - Basis of Determination
Town of Marathon

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MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT.

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.
C) a) City NN
b) dent problem w/ p10 operators
c) 7:00 AM to 7:00 PM
 - 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.
(Surface water - Language #12) Quality of water in question
(The Town will work to protect existing ground water resources) P.27
 - 3. Compliance with Applicable Regulations.** The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.
In compliance
 - 4. Use of Adjacent Property.** The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.
problem area
water well contamination potential + change to SWQMA
for adjoining land owner
 - 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 schools; 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.
Trachy full on City NN

Restrictions on
surface water flow

Exhibit 17 - Basis of Determination - Town of
Marathon continued

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).

Exists Access from NN - Concerns about Dust Control
To include CTH NN

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.

Slope as proposed

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.

Town members presented concerns which included violation of
Hours of operation & Dust Control Mason Concern
+ Noise from Trucking (Take breaks) abt late as 10 PM.
Environmental concerns - water quality in question - and result.

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.

data
Msg from Mark Kolbe (SW&MA)
Letter from Southworth Realty - (water quality concern with Liability Question)

Agenda Item # 5

Board Education & Training

Agenda Item #6

Announcements and Requests