

FEBRUARY 6, 2023
PLANNING COMMISSION MEETING
TOWN OF WATERFORD
415 N. MILWAUKEE ST., WATERFORD, WI

TOWN HALL

5:30 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/88464190825?pwd=Y3hCVmo5enhqN2c0Z2QyK3F3dWVjUT09>

Meeting ID: 884 6419 0825

Passcode: 298515

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF JANUARY 9, 2023 MINUTES AS PRESENTED.
4. SITE PLAN REVIEW/CONDITIONAL USE PERMIT RENEWAL- CLEARWATER AGGREGATE SITE (PAYNE & DOLAN), 6745 NORTHWEST HWY.
5. CORRESPONDENCE-
6. SHORELAND CONTRACT REPORT
7. FORTH COMING EVENTS-

“Requests from persons with disabilities who need to participate in this meeting or hearing should be made to the Town Chairperson Office at 534-1871 with as much notice as possible”

TOWN BOARD MAY BE IN ATTENDANCE

This notice is subject to amendment up and to the time applicable as allowed by law. Please check with Town Clerk for any changes.

**PLANNING COMMISSION MEETING
415 N. MILWAUKEE ST.
JANUARY 9, 2023 @ 5:00 PM
UNAPPROVED/UNOFFICIAL MINUTES**

1. Via speaker phone, Planning Commission meeting was called to order at 5:00 PM by Chairman Hincz: Commissioners Schmidt, Luick, Wenck, Dickinson and Derse. Commissioner Nelson was absent.
2. Chairman Hincz led the Pledge of Allegiance.
3. **Commissioner Derse motioned to approve the December 5, 2022 minutes as presented, seconded by Commissioner Wenck. Vote taken: 5-0. Motion carried.**
4. Correspondence: None
5. Pier Permit- Kunde, 5753 Scenery Rd.- **Commissioner Luick motioned to approve the pier permit as presented, seconded by Commissioner Schmidt. Vote taken: 5-0. Motion carried.**
6. Shoreland Contract Report- None
7. Forthcoming Events-

Commissioner Derse motioned to adjourn the meeting at 5:06 PM, seconded by Commissioner Luick. Vote taken: 5-0. Motion carried.

Respectfully Submitted,

Tina Mayer, Town Clerk

January 19th, 2023

Mr. Tom Hincz, Chairman
Town of Waterford
415 N. Milwaukee Street
Waterford, WI 53185

**Site Plan Review – CUP Renewal
Clearwater Acres Aggregate Site, Town of Waterford**

Dear Chairman Hincz:

Payne+Dolan, Inc. has made application to Racine County requesting a site plan review and two-year extension of the existing conditional use permit for the Clearwater Acres Aggregate Site near the intersection of Caldwell Road and Highway 83. This request will be heard by the Racine County Economic Development and Land Use Planning Committee on Monday, February 20th, 2023. A copy of the application materials are enclosed.

It is Payne+Dolan's intent to continue to operate this site in compliance with the conditions and requirements as previously approved. We are not requesting any changes to the conditional use permit at this time.

Payne+Dolan is requesting to be on the February 6th Plan Commission agenda and the February 13th Town Board agenda to answer any questions the Town may have regarding our operations and renewal request.

Thank you for your time and effort in this request. We appreciate the continued opportunity to work in your community. If you have any questions and/or need additional information, please do not hesitate to contact me at (262) 366-5124.

Sincerely,

Payne+Dolan, Inc.

A handwritten signature in black ink that reads 'Bryanna Bucholtz'.

Bryanna Bucholtz
Land Resources Administrator

CONDITIONAL USE / SITE PLAN REVIEW APPLICATION

Racine County, Wisconsin

Owner: Clearwater Acres, LLP

Applicant/Agent: Payne+Dolan, Inc.

Town: Waterford

Zoning district(s): M-4 Quarrying District

TO THE RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE:

The undersigned requests a conditional use / site plan review permit to (specify use, project, structure, size, etc.)

Renwal of an exsiting CUP for sand & gravel extraction and related accessory uses for the Clearwater Aggregate

Site. No changes to the conditions of the exsiting CUP are requested.

AT (site address): 6745 Northwest Circle, Waterford, WI 53185

Subdivision: Lot(s): Block:

Parcel # Section(s) 16 & 17 T 4 N R 19 E

If served by municipal sewer, check here: Sanitary permit #:

Attached are:

- X zoning permit application
X hearing/review fee (Fees are non-refundable, & re-publication/amendment fees will be charged where applicable.)
X 12 SETS: drawn-to-scale site plan that is based on a survey (10 of the 12 should be sized or folded to 8.5" x 11")
X letter of agent status
X 3 SETS: landscaping/lighting plan
X 12 SETS: report/cover letter & operations plan abutting property owners' names & mailing addresses other

print name: Bryanna Bucholtz, Payne+Dolan

e-mail address: bbucholtz@walbecgroup.com

address: N3 W23650 Badinger Road

telephone #: (262) 366-5124

Waukesha, WI 53188

signed: Bryanna Bucholtz

STAFF USE ONLY:

BASED ON CURRENT MAPPING, check applicable statement(s) below & underline or circle the word "all" or "partially".

- The property is all / partially located in the shoreland area.
The project is all / partially located in the shoreland area.
The property is all / partially located in the floodplain.
The project is all / partially located in the floodplain.
The property is all / partially located in the wetland.
The project is all / partially located in the wetland.

The applicant is subject to the following Racine County Ordinance provisions (specify article/section):

Shoreland contract: yes no

Public hearing date:

Site plan review meeting date:

Submittal received by:

Date petition filed:

cash or check #: amount received: \$

APPLICATION FOR ZONING PERMIT
RACINE COUNTY, WISCONSIN (Rev. 07/22)

PERMIT NO. _____
 DATE PERMIT ISSUED _____

OWNER Clearwater Acres, LLP
 Mailing _____
 Address 421 N Milwaukee Street

APPLICANT Payne+Dolan, Inc.
 Mailing _____
 Address N3 W23650 Badinger Road

Waterford WI 53185
 City State Zip

Waukesha WI 53188
 City State Zip

Phone _____

Phone (262) 366-5124

Email _____

Email bbucholtz@walbecgroup.com

Parcel Id. # _____

Site Address 6745 Northwest Circle, Waterford, WI 53185

Municipality Town of Waterford Section(s) 16 & 17 Town 4 North, Range 19 East
 Lot _____ Block _____ Subdivision Name _____ CSM # _____

Proposed Construction/Use Renewal of an existing CUP for sand & gravel extraction and related accessory uses for the Clearwater Aggregate Site. No changes to the conditions of the existing CUP are requested.

New _____	Principal Bldg. _____	Size (_____ x _____) (_____ x _____) (_____ x _____)
Addition _____	Accessory _____	Area (sq ft) (_____) (_____) (_____)
Alteration _____	Deck _____	Peak Ht. (ft.) _____ 100-Yr. Floodplain Elev. _____
Conversion _____	Sign _____	Eave Ht. (ft.) _____ Flood Protection Elev. _____
Temporary _____	Other _____	Building Ht.-Avg. (ft.) _____

Contractor _____	Est. Value w/Labor \$ _____	ZONING DISTRICT			
Existing Nonconforming? _____	N/A _____	Yes _____ No _____	<u>Yard Setbacks</u>	<u>Proposed</u>	<u>OK?</u>
Structure in Shoreland? (per map) _____	Yes _____ No _____	Yes _____ No _____	Street-1 st	_____	_____
Mitigation or Buffer Needed? _____	Yes _____ No _____	Yes _____ No _____	Street-2 nd	_____	_____
Structure in Floodplain? (per map) _____	*Yes _____ No _____	Yes _____ No _____	Side-1 st	_____	_____
*Structure's Fair Market Value \$ _____	Cumulative % _____	Yes _____ No _____	Side-2 nd	_____	_____
*>50% of Fair Market Value? _____	N/A _____	Yes _____ No _____	Rear	_____	_____
Structure in Wetland? (per map) _____	Yes _____ No _____	Yes _____ No _____	Shore	_____	_____
Substandard Lot? _____	Yes _____ No _____	Yes _____ No _____	Total Acc. Structures	_____	_____
BOA Variance Needed? _____	Yes _____ No _____	Yes _____ No _____	Date of Approval	_____	_____
Conditional Use/Site Plan Needed? _____	Yes _____ No _____	Yes _____ No _____	Date of Approval	_____	_____
Shoreland Contract Needed? _____	Yes _____ No _____	Yes _____ No _____	Date of Approval	_____	_____

Additional Zoning Permit Stipulations Listed on Back of this Form? Yes _____ No _____ (If "Yes," see back)

The applicant hereby acknowledges receipt of notice contained herein and certifies that submitted information/ attachments are true and correct to the best of the knowledge and belief of the signer, and that all construction/ use will be done in accordance with the Zoning Ordinance, applicable stipulations, and Wisconsin laws.

BOA/Conditional Use/Site Plan Pd: \$ _____	_____	Signature of Owner /Applicant/Agent _____	Date _____
CC Date/Check#/Cash _____	_____	Print Name(s) _____	_____
Shoreland Contract Fee Pd: \$ _____	_____	Notes (revisions, extensions, etc.) _____	_____
CC Date/Check#/Cash _____	_____	_____	_____
Zoning Permit Fee Pd: \$ _____	_____	_____	_____
CC Date/Check#/Cash _____	_____	_____	_____
Other: _____ Pd: \$ _____	_____	_____	_____

✓ if shoreland erosion review fee is included above Zoning Administrator _____ (Staff Initials)

Make checks payable to "Racine County Development Services" - **Note: ALL FEES ARE NONREFUNDABLE (OVER)**

PIN

Staff Use Only

If a private onsite wastewater treatment system (POWTS) serves the property, check here _____ and complete #1-6 below:

- 1) Sanitary Permit # _____ Date issued _____ Year installed _____ Failing? _____
- 2) **If zoning permit is for an accessory structure without plumbing, check here _____ and go to #4 below.**
- 3a) If a commercial facility, public building, or place of employment, will there be a change in occupancy of the structure; or will the proposed modification affect either the type or number of plumbing appliances, fixtures or devices discharging to the system? **Yes*** _____ No _____ N/A _____
- 3b) If a dwelling, will the addition/alteration change the number of bedrooms? **Yes*** _____ No _____ N/A _____
*If "Yes" above, documentation must be submitted per SPS 383.25 (2) (d) to verify system can be used.
- 4) Will construction interfere with the setback requirements to the POWTS per SPS 383.43 (8) (i)? Yes _____ No _____
If "Yes," provide variance approval date: _____
- 5) Has a new sanitary permit been issued to accommodate the structure or proposed modification in wastewater flow or contaminant load **and/or** County sanitary approval granted? Yes _____ No _____
- 6) Comments _____

POWTS Inspector's Signature: _____ Date: _____

ZONING PERMIT REQUIREMENTS

A Plat of Survey shall be prepared by a Land Surveyor registered in Wisconsin illustrating new principal structure's location on lots less than five (5) acres in size. All zoning permit applications shall be accompanied by plans drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon and any primary and accessory buildings, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building and the number of families and/or employees the building is intended to accommodate. Include floodplain, wetlands, environmental corridors, easements and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for ordinance enforcement. Adequate driveway access and off-street parking stalls must be provided in accordance with Sec. 20-1088, Racine County Code of Ordinances. In addition, if a private sewage system exists, the location of the tank(s), system and vent shall be shown on the plan with setback distances to the closest part of the proposed construction.

All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. Lot area shall not contain road right-of-way. NOTE: All street yard, side yard, and rear yard setbacks shall be measured from the closest property lines. Shore yard setbacks shall be measured from the closest point of the ordinary highwater mark of a navigable body of water. All elevations shall be provided in mean sea level datum.

All zoning permits issued pursuant to this ordinance are valid for nine (9) months unless substantial construction has commenced and is continuing, otherwise such zoning permits shall become null and void and a new zoning permit is required. It is the responsibility of the applicant to secure all other necessary permits required by any federal, state or local agency. The issuance of a zoning permit is not a guaranty or warranty that the requirements have been met for other necessary permits, or that the site is otherwise suitable for construction.

NOTICE: YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER. See DNR web site <http://dnr.wi.gov/wetlands/locating.html> for more information.

ADDITIONAL ZONING PERMIT STIPULATIONS (check all that apply)

- _____ Proposed structure is for owner residential use only and not to be used for human habitation or separate living quarters. No business, commercial or industrial use is allowed.
- _____ All disturbed soils must be reseeded and mulched or sodded immediately upon completion of project.
- _____ Must install the following within 14 days of completion of roof: gutters and downspouts which outlet onto splashblocks or into drain tiles; or a hard surface material that extends at least 16" beyond the dripline of the structure.
- _____ All excess soil not used for backfilling project must be removed from the shoreland area within 10 days of excavation.
- _____ A hard surface material must be placed beneath the deck to prevent soil erosion.
- _____ All existing yard grade elevations will remain unchanged.
- _____ Firmly anchor, no floor < _____'; Buoyant, flammable, explosive or injurious materials/utilities/electric & 1st floor ≥ _____'



An Equal Opportunity Employer

N3 W23650 Badinger Road | Waukesha, WI 53188
262.524.1700 | walbecgroup.com

January 17th, 2023

Clearwater Acres LLP
421 N Milwaukee St
Waterford, WI 53185

Letter of Agent Status

Dear Clearwater Acres, LLP:

The Racine County Planning & Zoning Department requires us to submit a Letter of Agent Status with our conditional use permit application for your property, giving us permission to act as your representative for the conditional use process. If the applicant does not own the property at the time of filing &/or public hearing then a written, signed, & dated letter from the property owner acknowledging said petition & authorizing specified agent to speak on the owner's behalf must be submitted.

The acknowledgement included in this letter should suffice as the Letter of Agent Status. If you could please sign it and return it at your earliest convenience it would be appreciated.

Thank you for your time and consideration in this matter. If you have any questions and/or need additional information, please do not hesitate to contact me at (262) 366-5124.

Sincerely,

Payne+Dolan, Inc.

Bryanna Bucholtz
Land Resources Administrator

Acknowledgement

I acknowledge and approve of said renewal of conditional use application for Clearwater Acres, LLP property located in the Town of Waterford, and hereby authorize Payne+Dolan, Inc. - N3 W23650 Badinger Road, Waukesha, WI 53187 - to act as the specified agent to speak on the owner's behalf as it relates to the aforementioned conditional use application.

Clearwater Acres LLC by Dale Hindrich

1-18-23

Clearwater Acres, LLP
421 N. Milwaukee St.
Waterford, WI 53185

date

Payne+Dolan – Clearwater Acres Aggregate Site Site Plan Review – January, 2023

History

- Land Use Amendment, Rezoning and Conditional Use Permit approval by Racine County Economic Development and Land Use Planning Committee on April 17th, 2017.
- Approved recommendation and conditions by the Town of Waterford Board on May 8th, 2017.
- Mineral extraction began in December of 2019 with first crushing and processing set and product load-out beginning in 2020.

Site Operation Updates

- Construction of the Highway 83/Northwest Circle intersection, Northwest Circle improvements and paving of the site entrance road were completed in 2019.
- Approximately 29.5 acres have been stripped of topsoil and overburden for operations/stockpile area and mineral extraction. (See attached map)
- Mineral extraction is occurring both above and below the water table.

Upcoming Operations

- 29.5 acres are currently open.
- Crushing plant is planned to be on site in 2023.
- Planning on stripping approximately 5 acres in 2023.

Other Information

- There is approximately 15+/- years of material remaining at the site depending on market conditions.
- There is a sufficient amount of overburden and topsoil on site to reclaim the site to the conditions shown on the reclamation plan.

May 2019



July 2019



October 2018



December 2019



Spring 2017



Summer 2022



Estimated Reclamation Costs

Clearwater Aggregate Site
Highway 83, Town of Waterford
Racine County

Activities	Amount	Cost Unit	Cost/Unit	Total
Mobilization	1.00	Lump Sum	\$3,000	\$3,000
Excavation, Grading & Backfilling (1)	29.50	Acre	\$3,200	\$94,400
Grade Subsoil & Topsoil (2)	29.50	Acre	\$1,600	\$47,200
Seed, Fertilize & Mulch to DOT standard (3)	1.00	Acre	\$1,900	\$1,900
Misc Clean-Up / Fence and Gate Removal	1.00	Lump Sum	\$10,000	\$10,000
			Total	\$156,500

Notes

- 1) Excavation, grading & backfilling are for areas that are open and need reclamation
- 2) Grade subsoil & topsoil is for areas that are partially reclaimed and need finished grade work
- 3) Only miscellaneous areas would require seed, fertilize and mulch.

Clearwater Acres Aggregate Site
Abutting Property Owners
January 10th, 2023

Owner Name: Clearwater Acres II LLP
Mailing Address: 421 N Milwaukee St., Waterford, WI 53185
Parcel ID: 016041909012000

Owner Name: Clearwater Acres LLP
Mailing Address: 421 N Milwaukee St., Waterford, WI 53185
Parcel ID: 016041916002000, 016041916004000

Owner Name: Dale B Himebauch & Kathy L Himebauch
Mailing Address: 34422 High Drive, East Troy, WI 53120
Parcel ID: 016041908024000

Owner Name: David J Carini
Mailing Address: 7011 Caldwell Rd., Waterford, WI 53185
Parcel ID: 016041908024010

Owner Name: Gregory A Himebauch & Luann M Himebauch
Mailing Address: 34422 High Drive, East Troy, WI 53120
Parcel ID: 016041909011000

Owner Name: Gregory H Foat
Mailing Address: 3121 El Camino Way, Waterford, WI 53185
Parcel ID: 016041917009000

Owner Name: James & Pamila Schmidt Rev Trust
Mailing Address: 6124 Northwest Highway, Waterford, WI 53185
Parcel ID: 016041916010000, 016041916011000, 016041917019000

Owner Name: John Radi
Mailing Address: 3521 Jacobs Rd., Waterford, WI 53185
Parcel ID: 016041917006000

Owner Name: Justin Thomas Potter
Mailing Address: 6508 Northwest Hwy, Waterford, WI 53185
Parcel ID: 016041917009010

Owner Name: Lance S Poltrock
Mailing Address: 6757 Caldwell Road, Waterford, WI 53185
Parcel ID: 016041917020000

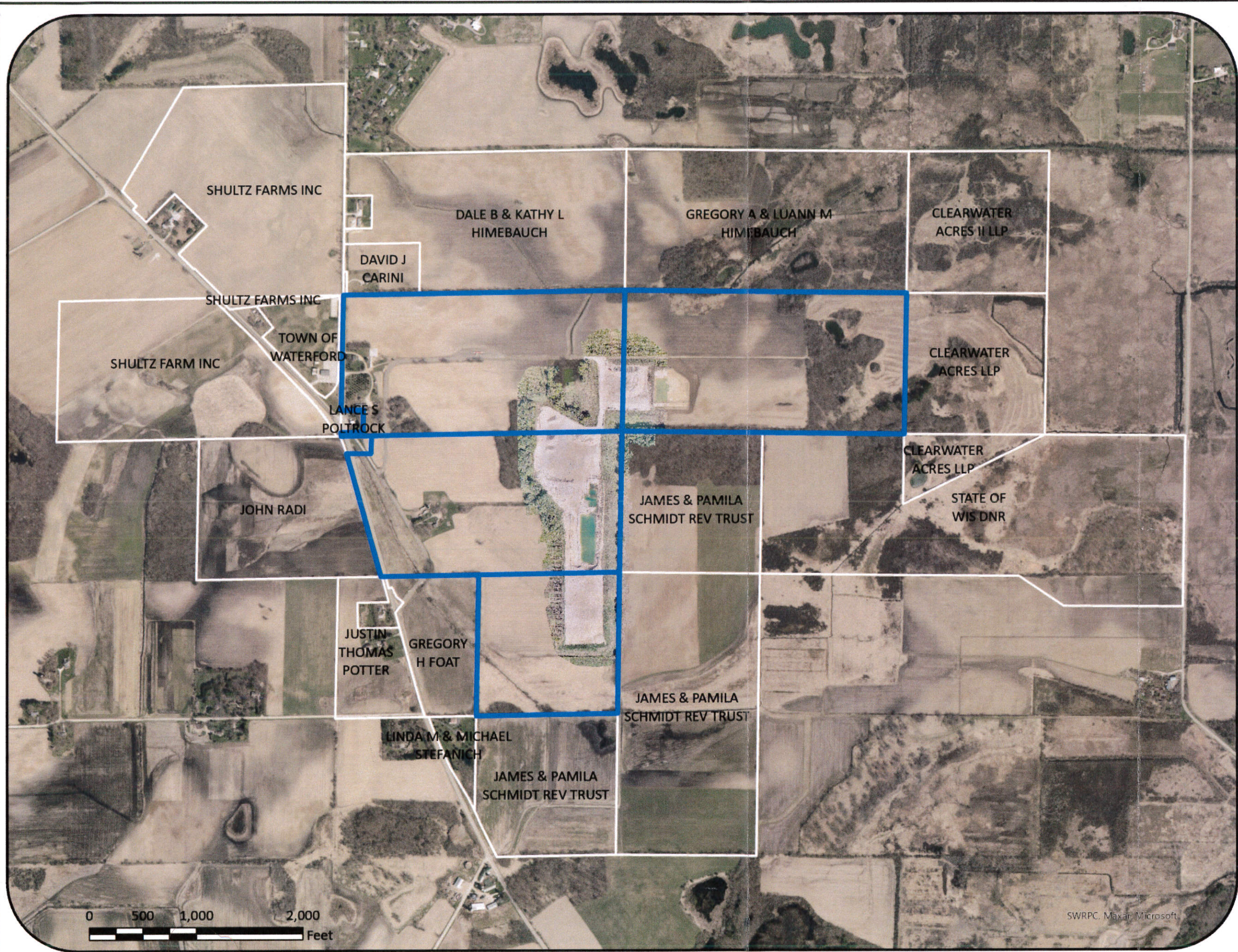
Owner Name: Linda Stefanich & Michael Stefanich
Mailing Address: 6359 Northwest Hwy, Waterford, WI 53185
Parcel ID: 016041917018020

Owner Name: Schultz Farm Inc
Mailing Address: 450 County Highway L, East Troy, WI 53120
Parcel ID: 016041917002000

Owner Name: Schultz Farms Inc
Mailing Address: 450 Highway 24, East Troy, WI 53120
Parcel ID: 016041908010000, 016041908010000

Owner Name: State of WIS DNR
Mailing Address: PO Box 7921, Madison, WI 53707
Parcel ID: 016041916005000

Owner Name: Town of Waterford
Mailing Address: 415 N Milwaukee St
Parcel ID: 016041917005000

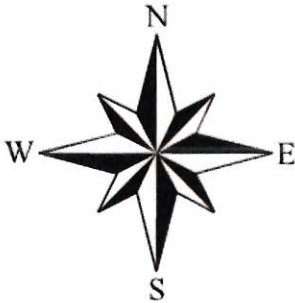


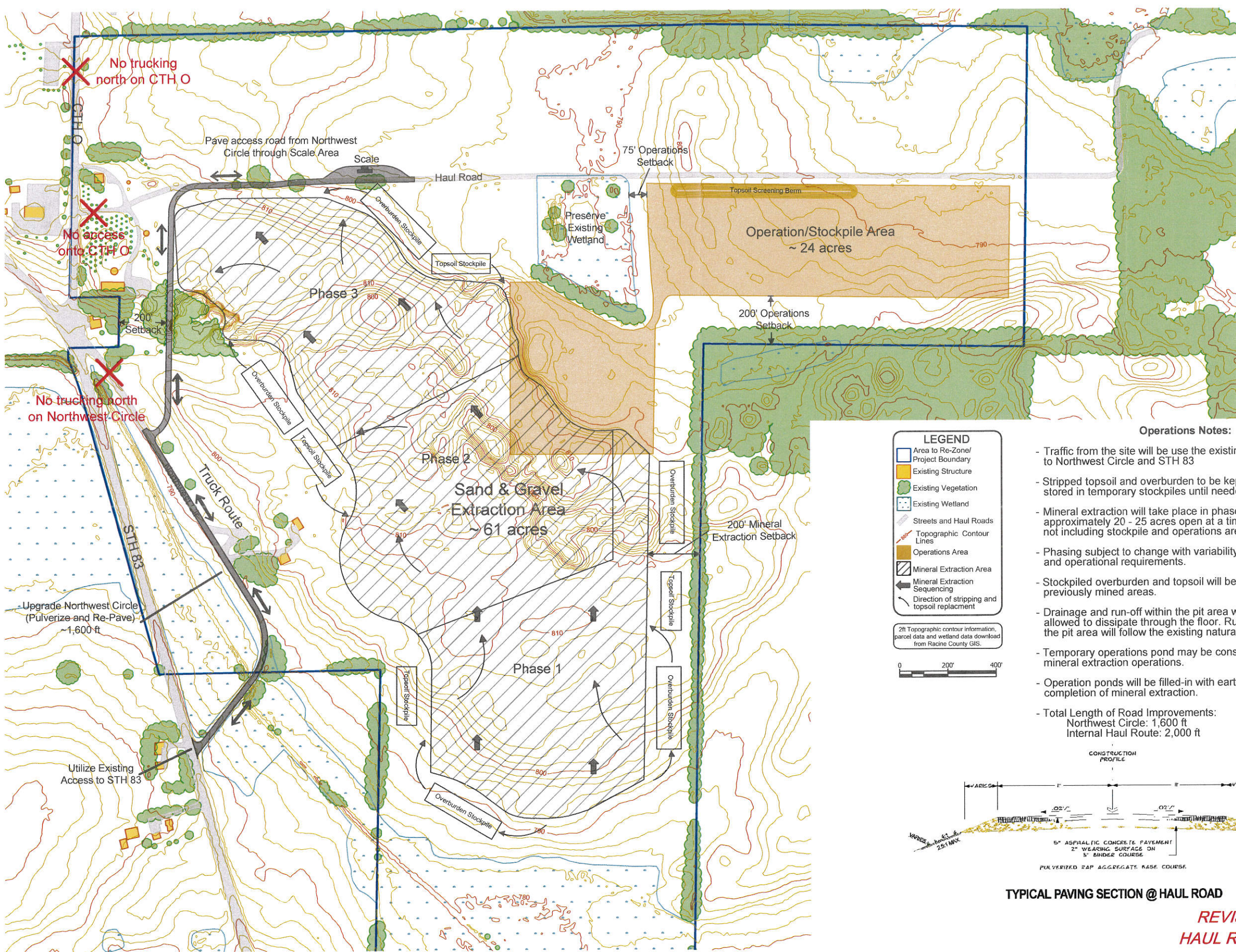
Payne & Dolan - Clearwater Aggregate Site

Abutting Property Owners

2023 Site Plan Review

Aerial Date: September 2022





No trucking north on CTH O

No access onto CTH O

No trucking north on Northwest Circle

Upgrade Northwest Circle (Pulverize and Re-Pave) ~1,600 ft

Utilize Existing Access to STH 83

LEGEND

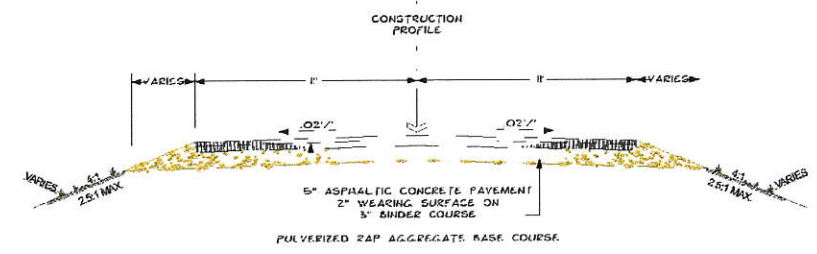
- Area to Re-Zone/Project Boundary
- Existing Structure
- Existing Vegetation
- Existing Wetland
- Streets and Haul Roads
- Topographic Contour Lines
- Operations Area
- Mineral Extraction Area
- Mineral Extraction Sequencing
- Direction of stripping and topsoil replacement

2ft Topographic contour information, parcel data and wetland data download from Racine County GIS.

0 200' 400'

Operations Notes:

- Traffic from the site will use the existing farm road south to Northwest Circle and STH 83
- Stripped topsoil and overburden to be kept separate and stored in temporary stockpiles until needed for reclamation.
- Mineral extraction will take place in phases, with approximately 20 - 25 acres open at a time. Open acreage not including stockpile and operations area.
- Phasing subject to change with variability in mineral deposit and operational requirements.
- Stockpiled overburden and topsoil will be used to reclaim the previously mined areas.
- Drainage and run-off within the pit area will be internal and allowed to dissipate through the floor. Run-off from outside the pit area will follow the existing natural drainage patterns.
- Temporary operations pond may be constructed during mineral extraction operations.
- Operation ponds will be filled-in with earth materials upon completion of mineral extraction.
- Total Length of Road Improvements:
Northwest Circle: 1,600 ft
Internal Haul Route: 2,000 ft



TYPICAL PAVING SECTION @ HAUL ROAD

**REVISED 8/8/2017
HAUL ROAD REVISION
OPERATIONS PLAN**

Payne & Dolan, Inc.
N3 W23650 Badinger Rd
Waukesha, WI 53187



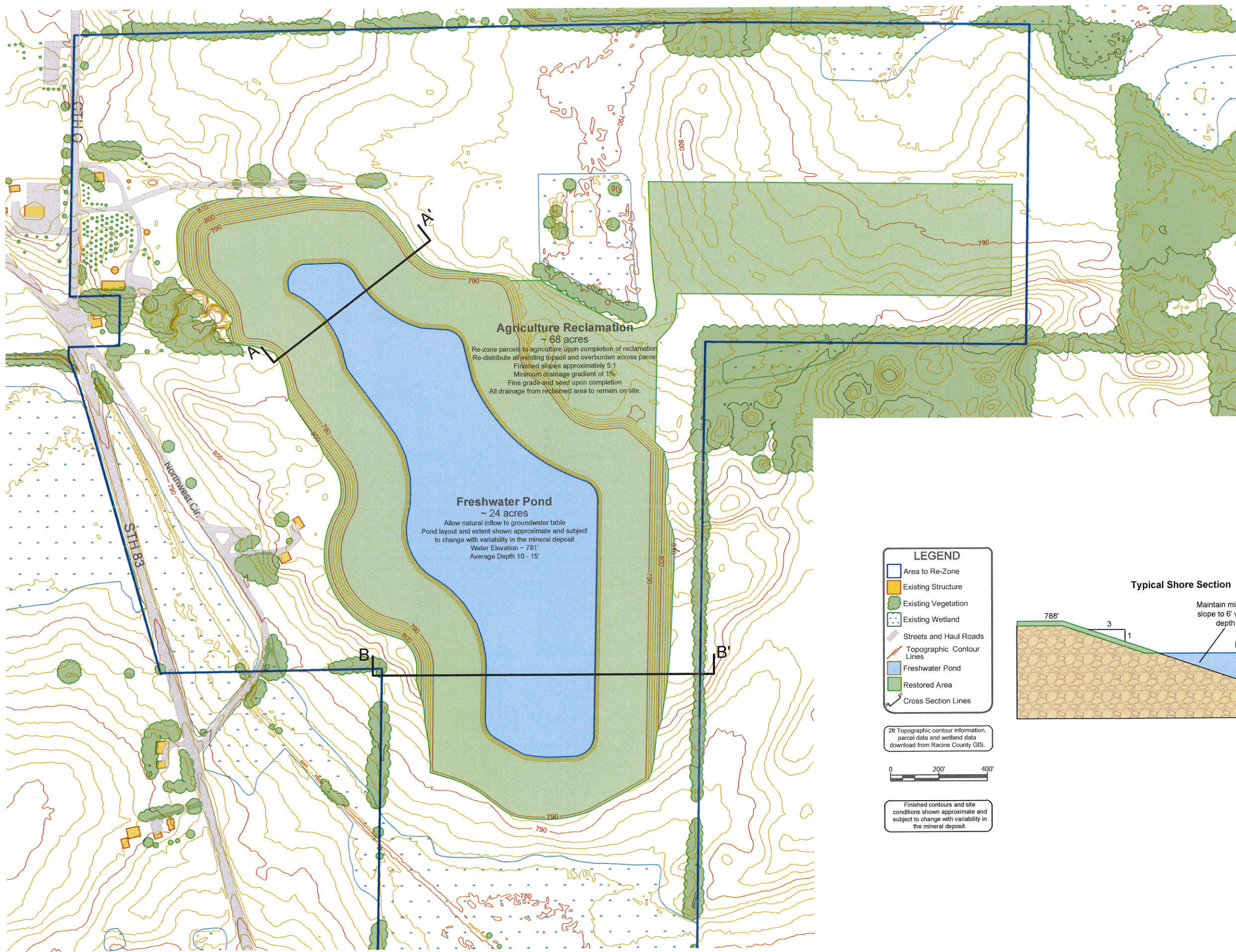
NOTES:

PROJECT:
Nonmetallic Mineral Extraction and Reclamation
Clearwater Acres LLP
Town of Waterford, Racine County, Wisconsin

BY	DATE	REVISION

DATE: 8/8/2017
DRAWN BY: EJC
DRAWING #:
SCALE:

3

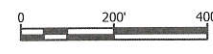


Agriculture Reclamation
 ~ 68 acres
 Re-zone parcels to agriculture upon completion of reclamation
 Re-distribute all existing topsoil and overburden across parcels
 Finished slopes approximately 5:1
 Minimum drainage gradient of 1%
 Fine grade and seed upon completion
 All drainage from reclaimed area to remain on site.

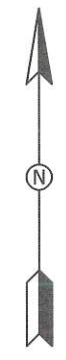
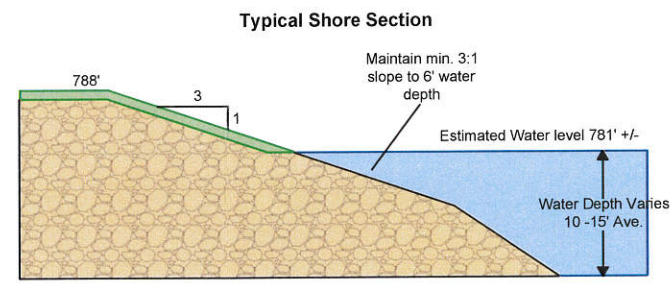
Freshwater Pond
 ~ 24 acres
 Allow natural inflow to groundwater table
 Pond layout and extent shown approximate and subject to change with variability in the mineral deposit
 Water Elevation ~ 781'
 Average Depth 10 - 15'

- LEGEND**
- Area to Re-Zone
 - Existing Structure
 - Existing Vegetation
 - Existing Wetland
 - Streets and Haul Roads
 - Topographic Contour Lines
 - Freshwater Pond
 - Restored Area
 - Cross Section Lines

2R Topographic contour information, parcel data and wetland data download from Racine County GIS.



Finished contours and site conditions shown approximate and subject to change with variability in the mineral deposit.



Payne & Dolan, Inc.
 N3 W23650 Badinger Rd
 Waukesha, WI 53187



NOTES:

PROJECT:
Nonmetallic Mineral Extraction and Reclamation
 Clearwater Acres LLP
 Town of Waterford, Racine County, Wisconsin

BY	DATE	REVISION

DATE: 10/10/2016
 DRAWN BY: EJC
 DRAWING #:
 SCALE:
 1" = 400'

5