



AGENDA
Planning Commission
Wednesday, June 22, 2022 - 6:00 PM
Village Hall
300 W. Spring St. Rochester, WI

A meeting of the Planning Commission will be held Wednesday, June 22, 2022 in the Village Hall commencing at **6:00 PM**.

Page

1. Roll Call by Chairperson: Patricia Gerber

Plan Commissioners: Gary Beck, Ed Chart, Maureen Eckert, Patricia Gerber, George Olen, Mark Tamblin, Doug Wearing, Marc Morgan (Alternate 1), and Patricia Edwards (Alternate 2).

2. Pledge of Allegiance

3. Submitted for Review and Approval

3.1. May 25, 2022 Minutes

3 - 19

[Planning Commission - May 25 2022 - Minutes - Pdf](#)

4. Public Hearings

(Be advised it is necessary to register in advance of the public hearing in order for your comments to be heard. Registration forms are available at the meeting and must be turned in to the Plan Commission Secretary prior to the start of the hearing. Pre-registered Citizens will be called by name by the Plan Commission Chairperson and are subject to a three minute time period, per person, with time extensions granted at the Plan Commission's discretion.)

4.1. Application for a Conditional Use Permit to continue a non-metallic mining (sand & gravel) extraction operation, including an existing asphalt plant, and modification to hours of operation, located at 36404 Washington Avenue. Parcel ID Nos. 176031906-010000, -018000, -011000.

20 - 56

Owner: Payne & Dolan, Inc.

Applicant: Clint Weninger

[Agenda Item Report - AIR-22-096 - Pdf](#)

5. Action Items

5.1. Application for a Conditional Use Permit to continue a non-metallic mining (sand & gravel) extraction operation, including an existing asphalt plant, and modification to hours of operation, located at 36404 Washington Avenue. Parcel ID Nos. 176031906-010000, -018000, -011000.

Owner: Payne & Dolan, Inc.

Applicant: Clint Weninger

5.2. Pre-application conference to discuss a conceptual plan to create a two (2) lot certified survey map, located at 1503 Heritage Road, in Section 9, Township 3 North, Range 19 East, Village of Rochester, Racine County, Wisconsin. Parcel ID # 176031909023001 Approx. 5.94 Acres

57 - 76

Owner: Kempken Trust James L. & Diane K.

- 5.3. Review and recommendation to the Village Board for a shoreland conditional use permit to raze an existing residence and to construct a new single family residence with a full basement, and covered porch at 35118 Wisconsin Street, Section 18, Township 3 North, Range 19 East, Village of Rochester. Parcel ID Nos. 176031918204000 & 176031918205000.

Owner: Patricia Levandoski
Agent: Greg Ingersoll- Wausau Homes
[Agenda Item Report - AIR-22-098 - Pdf](#)

6. Report from Village Board Liaison

- 6.1. The following items were approved by the Village Board on June 6, 2022:
- Ordinance #2022-2 Repealing and Recreating Certain Sections of the Village Zoning Code to clarify existing provisions and to amend the zoning map
 - Ordinance #2022-3 Repealing and Recreating Section 30-14A.2. of the Land Division Code concerning Wetland Setbacks and Private Onsite Wastewater Treatment Systems
 - Ordinance #2022-4 Amending the 2050 Land Use Plan for Approximately 8.68 Acres of Land Located at 135 N. River Road
 - A one-lot Extraterritorial Plat Review Certified Survey Map land division located directly south of 3235 Honey Creek Road, Town of Waterford
 - A four-lot Certified Survey Map land division located at 135 N. River Road, Village of Rochester

7. Adjourn

Betty Novy, Administrator/Treasurer
Posted: June 17, 2022

It is possible that members and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Village Hall at 262-534-1180.

Next Meeting: July 27, 2022



MINUTES

Planning Commission Meeting

6:00 PM - Wednesday, May 25, 2022

Village Hall

The Planning Commission of the Village of Rochester was called to order on Wednesday, May 25, 2022, at 6:00 PM, in the Village Hall:

1. VIRTUAL MEETING DETAILS:

Virtual participation by phone or video conference was available for this meeting. No phone or video participants were noted.

2. ROLL CALL BY CHAIRPERSON: PATRICIA GERBER

PRESENT: Gary Beck, Edward Chart, Maureen Eckert, Patricia Gerber, George Olen, Mark Tamblyn, and Doug Wearing

ABSENT: Patricia Edwards and Marc Morgan

STAFF PRESENT: Betty Novy, Administrator-Treasurer, Sarah Reed, Development Services Specialist, and Brian Jensen, Zoning Administrator

3. PLEDGE OF ALLEGIANCE

4. SUBMITTED FOR REVIEW AND APPROVAL

4.1. APRIL 27, 2022 MINUTES

Maureen Eckert made a motion to approve the minutes of the April 27, 2022 Plan Commission meeting as printed. Mark Tamblyn seconded the motion. Carried unanimously.

5. PUBLIC HEARINGS

5.1. APPLICATION FOR CONDITIONAL USE TO UTILIZE AN EXISTING ACCESSORY STRUCTURE FOR THE INDOOR STORAGE OF OFF-SEASON STORAGE OF BOATS AND OTHER RECREATIONAL VEHICLES, SUCH AS CAMPERS, TRAVEL TRAILERS, SNOWMOBILES, OFF-ROAD VEHICLES, AND MOTOR HOMES AT 28700 WAY MAR LANE, PARCEL ID NO. 176031913007000

JAY & KRISTINE ROGERS, OWNERS

MIDWEST MARINE & BARGE SERVICE, LLC, APPLICANT

BRAD LOIS- BEAR REALTY, AGENT

[EXHIBIT A - Rogers Cond Use Zoning Analysis](#)

Brian Jensen, Zoning Administrator, presented the zoning analysis report on the proposed conditional use which is attached to these minutes as EXHIBIT A.

Brad Lois, Applicant's Agent, addressed the Commission. Lois explained the proposed use will be contained within an existing building on the property. The property was recently sold and the new owner has no need for the 7,920 square foot storage building on site, however he knows Ken Remer who owns Midwest Marine and Barge Service. Remer's business takes him off site everyday and it would only be Remer or his employees bringing boats and recreational vehicles to or from the property for storage. It was clarified this is not a self storage situation.

Jay Rogers, Owner, addressed the Commission. Rogers noted they do not want commercial types of activities on site. There will be no winterizing or maintenance of boats on site. Commissioners questioned whether there was plumbing in the storage building. The only identified water source was an outside hose bib with a freeze proof hydrant. It was noted that portable toilets might be needed for use by Midwest Marine employees.

Commissioner Olen noted the property is located in a beautiful area with nice homes. He asked the applicant to verify no outside storage will occur. The applicant verified there will be no outside storage of boats or recreational vehicles. The owner also indicated he will ensure that the property remains clean and quiet.

There was question on whether the Rochester Volunteer Fire Company had been contacted about the installation of a knox box on the building. A knox box will allow easy access to the storage building by emergency personnel in the instance that a fire occurs. The applicant indicated he was glad to comply with this requirement. There was another question about whether the pond on the property would be used in conjunction with any of the boats. The applicant indicated the pond will not be used for this purpose.

Gerber asked if anyone else in attendance wanted to speak for or against the application. There were no further comments offered.

Edward Chart made a motion to close the public hearing at 6:17 p.m. Mark Tamblyn seconded the motion. Carried unanimously.

6. ACTION ITEMS

6.1. APPLICATION FOR CONDITIONAL USE TO UTILIZE AN EXISTING ACCESSORY STRUCTURE FOR THE INDOOR STORAGE OF OFF-SEASON STORAGE OF BOATS AND OTHER RECREATIONAL VEHICLES, SUCH AS CAMPERS, TRAVEL TRAILERS, SNOWMOBILES, OFF-ROAD VEHICLES, AND MOTOR HOMES AT 28700 WAY MAR LANE, PARCEL ID NO.

176031913007000

JAY & KRISTINE ROGERS, OWNERS

MIDWEST MARINE & BARGE SERVICE, LLC, APPLICANT

BRAD LOIS- BEAR REALTY, AGENT

[EXHIBIT B - Recommended Conditions ROGERS](#)

Commissioners reviewed the application and public hearing testimony for conformance with the conditional use criteria review list.

Remer further explained his business. He has two employees, but they meet off site most times. Most of his trips to the site will be in the early morning when he will be picking up the barge or equipment. He noted his primary business involves operating his barge to service boats in area lakes. The barge is basically a flat deck watercraft with steering that allows him to service boats in the water. When the barge needs service, it is generally taken to a dealer. Remer explained there will be times when he has to remove shrink wrap from the boats that will be stored there and a dumpster will be needed for this purpose. The owner stated there will be no signage or advertising on the site.

Commissioners noted the proposed use involves an existing storage building in an agricultural district and only one or two employees traveling to and from the site once or twice a day, but does not involve employees being on site for extended periods of time. Additionally, they noted there will be no outside storage and there will be no changes to the building or disturbance of the existing grounds. Commissioners determined aesthetic requirements pertaining to site and building projects, drainage and groundcover requirements, site landscaping, parking areas, driveway locations, pedestrian facilities, traffic, and highway access provisions of the code do not apply as the site is private and will not be open to the public. They also discussed whether waste will be generated by the activity, site lighting requirements, and signage requirements.

Commissioners determined that a portable toilet and dumpster should be placed on site as a condition of approval and that these items should be screened from the sight of neighbors by landscaping or the building. No signage is to be placed on the property and no outside lighting will be required as the proposed use involves indoor storage only. The applicant will be required to coordinate the installation of a knox box with the Rochester Volunteer Fire Company to allow for access to the storage building by emergency services.

Mark Tamblyn made a motion to approve the conditional use to utilize an existing accessory structure for the indoor storage of off-season storage of boats and other recreation vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes at 28700 Way Mar Lane subject to the recommended conditions of the zoning administrator attached to these minutes as EXHIBIT B and the installation of a knox box on the storage building. Gary Beck seconded the motion. Carried unanimously.

**6.2. EXTRATERRITORIAL PLAT REVIEW- CERTIFIED SURVEY MAP FOR A PROPOSED LAND DIVISION TO CREATE ONE (1) PARCEL OF LAND, LOCATED DIRECTLY SOUTH OF 3235 HONEY CREEK ROAD, IN SECTION 31, TOWNSHIP 4 NORTH, RANGE 19 EAST, TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN
OWNER: SIX M FARMS LLC- ERIC MEALY
PARCEL ID: 016041931012010**

[EXHIBIT C - Six M Farms Extraterritorial Plat Review Analysis](#)

Sarah Reed, Development Services Specialist, presented the extraterritorial plat review analysis report on the application which is attached to these minutes as EXHIBIT C.

Eric Mealy, Applicant, addressed the Commission. Mealy indicated the purpose of the land division is so that he can build a house on the new parcel.

Maureen Eckert made a motion to recommend extraterritorial plat approval to the Village Board of the Certified Survey Map to create one parcel of land directly south of 3235 Honey Creek Road in the Town of Waterford. Mark Tamblyn seconded the motion. Carried unanimously.

6.3. BUILDING SITE AND OPERATIONAL PLAN FOR THE TEMPORARY SALES OF 1.4G CONSUMER GRADE FIREWORKS FROM A 20' X 60' CANOPY TENT FROM JUNE 10- JULY 10, 2022 AT 2723 BECK DRIVE, LOCATED IN SEC. 1, T3N R19E, VILLAGE OF ROCHESTER. PARCEL ID #176031901021000

OWNER: WATERFORD-LB, LLC

APPLICANT: AMERICAN FIREWORKS & NOVELTIES, LLC, HEATHER SIEGEL

[EXHIBIT D - American Fireworks and Novelties Zoning Analysis](#)

[EXHIBIT E- Recommended Conditions AMER FIREWORKS](#)

Sarah Reed, Development Services Specialist, presented the zoning analysis report on the application for building site and operational plan approval which is attached to these minutes as EXHIBIT D.

Heather Siegel, Applicant, addressed the Commission. Siegel explained this is the 20th year of operating at this location. Commissioners noted Burger King has been having troubles with staffing and often times its lobby has been closed to the public. Commissioners determined that a portable toilet should be placed on site as a condition of approval and, rather than tying operating hours to that of Burger King, the hours of fireworks sales should be updated to 8:00 a.m. to 9:00 p.m.

Mark Tamblyn made a motion to approve the Building Site and Operational Plan for the temporary sales of 1.4G Consumer Grade Fireworks from a 20' x 60' canopy tent from Jun 10, 2022 - July 10, 2022 at 2723 Beck Drive subject to the recommended conditions of the zoning administrator attached to these minutes as EXHIBIT E, and the two additional conditions regarding placement of a portable toilet onsite and specified operating hours. Maureen Eckert seconded the motion. Carried unanimously.

6.4. REVIEW AND POSSIBLE RECOMMENDATION TOWARDS ADOPTION: ORDINANCE #2022-2 "AN ORDINANCE TO REPEAL AND RECREATE CERTAIN SECTIONS OF THE VILLAGE OF ROCHESTER VILLAGE ZONING CODE TO CLARIFY EXISTING PROVISIONS AND TO AMEND THE ZONING MAP OF THE VILLAGE OF ROCHESTER FROM B-2 LIMITED BUSINESS DISTRICT TO B-3 GENERAL BUSINESS DISTRICT"

Novy reported this as the second reading of Ordinance #2022-2 and noted Commissioners were now able to make a recommendation to the Village Board regarding its adoption. No comments or concerns were stated by Commissioners.

Maureen Eckert made a motion to recommend approval to the Village Board of Ordinance #2022-2 "An Ordinance to Repeal and Recreate Certain Sections of the Village of Rochester Zoning Code to Clarify Existing Provisions and to Amend the Zoning Map of the Village of Rochester from B-2 Limited Business District to B-2 General Business District". Gary Beck seconded the motion. Carried unanimously.

**6.5. REVIEW AND POSSIBLE RECOMMENDATION TOWARDS ADOPTION:
ORDINANCE #2022-3 "AN ORDINANCE TO REPEAL AND RE-CREATE
SECTION 30-14 A.2. OF THE VILLAGE CODE CONCERNING WETLAND
SETBACKS AND PRIVATE ONSITE WASTEWATER TREATMENT
SYSTEMS"**

Novy reported this as the second reading of Ordinance #2022-3 as well and noted Commissioners were now able to make a recommendation to the Village Board regarding its adoption. No comments or concerns were stated by Commissioners.

Maureen Eckert made a motion to recommend approval to the Village Board of Ordinance #2022-3 "An Ordinance to Repeal and Recreate Section 30-14 A.2. of the Village Code Concerning Wetland Setbacks and Private Onsite Wastewater Treatment Systems". Mark Tamblyn seconded the motion. Carried unanimously.

7. ADJOURN

Mark Tamblyn made a motion to adjourn at 7:13 P.M. Maureen Eckert seconded the motion. Carried unanimously.

Betty Novy, Village Administrator/
Planning Secretary



Village of Rochester

Planning Memorandum

Planning Commission - May 25 2022

Prepared For:

Planning Commission

Staff Contact:

Sarah Reed, Development Services Specialist

Agenda Item:

Application for conditional use to utilize an existing accessory structure for the indoor storage of off-season storage of boats and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes at 28700 Way Mar Lane, Parcel ID No. 176031913007000
Jay & Kristine Rogers, Owners
Midwest Marine & Barge Service, LLC, Applicant
Brad Lois- Bear Realty, Agent

Existing Zoning and Land Use Restrictions:

The subject property is a ±62-acre parcel located ± 540-feet north of the intersection of Plank Road (CTH A) and Crossway Road. The property is currently zoned A-2, General Farming and Residential District. Neighboring properties are also zoned A-2, General Farming and Residential District to the south, east, and west, P-2 Recreational Park District to the north, and P-1 Institutional Park District to the northeast. Currently, the owner is requesting to utilize an existing accessory structure for the indoor off-season storage of boats and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes.

Planning Analysis:

Under Ch 35-62 (3) Conditional Uses, it states: *"Off-season storage facilities for boats and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles, and motorhomes. Such storage may not occur in a barn or other accessory building that was constructed prior to January 1, 2000."* The subject building was permitted for construction in April of 2001 and the applicant submitted pictures of the accessory structure in question as a part of this petition.

Proposed hours of operation would be 8:00 AM to 5:00 PM Monday-Friday. The applicant has 2 full-time and 2 part-time employees that would assist him in bringing the proposed recreational vehicles to the site for storage. May through July it is proposed to store campers and some boats, and September through May would store campers and winterized boats. The estimated number of boats would be around 20 boats and no more than 6 campers. There is no maintenance of the recreational vehicles occurring on the site. Customers will not be coming to the property as a majority of the work is to be conducted offsite at customer's property. The petition also notes that there would be no large semis or noisy equipment will be used at the property. There is an estimated 2-3 trips per day in and out of the property for this proposal. There is no plumbing in the building.

Staff Recommended Conditions:

See attached recommended conditions

Suggested Motion of Planning Commission:

If the Village of Rochester Planning Commission feel this conditional use is appropriate, approval is recommended for the following reasons:

1. This use is not hazardous, offensive, or otherwise adverse to the environmental quality, water quality, water quality, shoreland cover or property values in the Village
2. This use appears to be permitted by underlying zoning district
3. Based on other things going on in the area, the use appears to fit with the uses of the district

Attachments:

- [5.25.2022LegalNoticeRoch](#)
- [5-25-22 Rogers - Midwest Marine CUP](#)
- [RogersApps](#)
- [RogersSitePlan&Overview](#)
- [Rogers Scaled Map](#)
- [RogersLetterofAgent](#)
- [Rogers-DraftConditions](#)
- [RogersAPOaffofmailing](#)

Exhibit B

Recommended Conditions - ROGERS

1. **Zoning Permit.** The applicant must obtain a zoning permits from the Racine County Development Services Office, on behalf of the Village of Rochester, after paying the zoning permit fee of \$150.00 prior to any storage of recreational vehicles on site. The cards must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit. (s 35-100(F)(g)(d))
3. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Applicant, and agents of the Property Owner (collectively referred to herein as “Applicant” or “Property Owner”) with respect to the uses on the Property.
4. A portable restroom is to be provided for this use and shall be screened from neighboring property owners and public view. The proposed location shall be illustrated on the site plan before issuance of the zoning permit.
5. A dumpster or suitable refuse container for refuse must be provided for this use and shall be screened from neighboring property owners and public view. The proposed location shall be illustrated on the site plan before issuance of the zoning permit.
6. **Plans.** This approval is strictly for proposed indoor storage of boats and other recreational vehicles, including the storage of two (2) of the operator’s barges within the building, and may only occur within the accessory structure as noted in the submitted plan dated April 22, 2022.
7. There shall be no maintenance or repair of boats and other recreational vehicles permitted to occur on this site or within the accessory structure. This approval does not allow for the storage of any piers or boat lifts on the property. No outdoor storage is permitted as a part of this approval.
8. Hours of operation are Monday- Friday 8:00AM to 5:00PM.
9. **Fire Codes.** The existing building shall comply with the Village of Rochester Fire Codes. (Contact Jack Biermann, Rochester Assistant Fire Chief, by telephone at (262) 534-3444, regarding fire code requirements and knox box requirements)
10. **Parking.** All parking for this proposed conditional use permit must be located on the subject property. No parking is permitted within the public right-of-way of Way Mar Lane.
11. The applicant and his employees are responsible for keeping the area free of refuse or debris on a daily basis.
12. **Access.** The applicant must allow any Racine County Development Services employee, on behalf of the Village of Rochester, full and unlimited access to the project site at a reasonable time to investigate the projects construction, operation, and maintenance. (s. 35-100(F)(3)(e))
13. **Location and Design of Loading Facilities and Waste Storage.** Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall not be visible from roadways and neighboring properties. Loading, trash collection and compaction, and outdoor

Exhibit B

storage areas should be screened. **Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used and predominant materials and colors of the building.** If such areas are to be covered, then the covering shall conform to those used and predominant materials and colors of the building. (s. 35-22(D)(9))

14. **Continued Compliance.** Upon written inquiry by the Plan Commission, the permit holder under this section shall have the burden of presenting credible evidence establishing to a reasonable degree of certainty the continued compliance with all conditions placed upon the conditional use permits. Failure to establish compliance with all conditions placed upon the conditional use will be grounds for revocation.
15. **Performance Standards.** The applicant must comply with the provisions of 35-250 Performance Standards, found in Chapter 35 (Planning and Zoning) of the Village of Rochester Municipal Code. (s. 35-250)
16. **Property Maintenance Requirements.** This site must be kept neat and orderly at all times, with all refuse dumpsters out of view of passersby. All disposed items must be done in an environmentally safe manner. The continued positive appearance of buildings and property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining, and pruning all landscape planting areas; cleaning up litter and emptying trash containers in a timely fashion; sweeping, cleaning, and repairing paved surfaces; replacing broken and vandalized parts; replacing burned out light bulbs; and cleaning, painting, and repairing windows and building facade.
17. **Operation Requirements.** The operation shall not locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash or be harmful to human, animal, plant or aquatic life. Any oil or other hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations.
18. **Advertising Signs.** Advertising signage for the storage operation is prohibited.
19. **Accumulation of Refuse and Debris.** Any fence, wall, hedge, yard, space, or landscaped area must be kept free of any accumulation of refuse or debris. Plant materials must be kept in a healthy growing condition and structures must be maintained in a sound manner.
20. **Stormwater Requirements.** The property owner or designated agent must contact the Village of Rochester regarding stormwater regulations for the site. Compliance with all regulations and requirements, as determined by the Village of Rochester is required.
21. **Compliance with Law.** The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations. (s 35-100(C)(1)(o))
22. **Amendments to Conditional Use Permit.** No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Rochester's prior approval. All

Exhibit B

addition, deletion, and/or change requests must be submitted to the Village of Rochester or the Racine County Development Services office in writing. **(s.35-100(C)(1)(o))**

23. **Liability.** Village of Rochester and Racine County does not warrant that the plans for this project are functionally and/or structurally adequate. Village of Rochester and Racine County does not certify that the design is adequate for this site and Village of Rochester and Racine County accepts no liability through this approval.
24. **Reimburse Village Costs.** Applicant shall reimbursement to the Village all costs incurred by the Village for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.
25. **Agreement.** Your acceptance of the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Jay & Kristine Rogers, (Owner), Midwest Marine & Barge Service, LLC. (Applicant), their heirs, successors, and assigns are responsible for full compliance with the above conditions.
26. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

village of Rochester



Village of Rochester
Planning Memorandum
Planning Commission - May 25 2022

Prepared For:

Planning Commission

Staff Contact:

Sarah Reed, Development Services Specialist

Agenda Item:

Extraterritorial Plat Review- Certified Survey Map for a proposed land division to create one (1) parcel of land, located directly south of 3235 Honey Creek Road, in Section 31, Township 4 North, Range 19 East, Town of Waterford, Racine County, Wisconsin
 Owner: Six M Farms LLC- Eric Mealy
 Parcel ID: 016041931012010

Existing Zoning and Land Use Restrictions:

The applicant has submitted a request for a land division to create one (1) parcel of land consisting of 1.44 acres, located within the Town of Waterford, Racine County, Wisconsin. The proposed land division is located within 1.5 miles of the Rochester Village Limits and requires Village of Rochester extraterritorial plat review and approval. Under 30-15, Extraterritorial Plat Approval Jurisdiction, found in Chapter 30, Land Divisions of the Village of Rochester Municipal Code it states,

Pursuant to Wis. Stat. S 236.45 (3)

"The subdivision ordinances adopted by the Village shall regulate the division or subdivision of land within the extraterritorial plat approval jurisdiction of the Village, as well as, land within the corporate limits of the Village when the Village has the right to approve or object to plats with that are under Wis. Stat. s. 236.10(1)(b)2, and (2).

Planning Analysis:

Staff has reviewed the above referenced CSM creating one (1) parcel of land and have determined that there are no plans or amendments in the Village of Rochester Comprehensive Land Use Plan that would prevent this land from being divided. Current zoning designation is A-1, Farmland Preservation District and the property owner received conditional use approval for the creation of a non-farm residence. The subject property proposed to be divided has no existing structures and appears to meet the lot width and area requirements as required by the Chapter 20 Zoning Ordinance for Racine County. A soil and site evaluation was completed to delineate suitable conventional system location to service proposed residential construction. The remaining land will continue to be utilized for an agricultural use.

Staff reviewed this request with the Village of Rochester Public Works Manager, and it was noted that the stormwater runoff that this property will generate will not have any impact on the Village of Rochester in any way and that there were no concerns or objections to the CSM as submitted. The

Extraterritorial Certified Survey Map fee as outlined in the Village of Rochester fee schedule was paid by the property owner on May 4, 2022.

Planning Conclusions:

Proposed land division should not adversely affect Village Comprehensive Land Use Plan or drainage

Suggested Motion of Planning Commssion:

Therefore it is staff recommendation that the Village of Rochester Planning Commission should recommend extraterritorial plat approval to the Rochester Village Board relating to this proposed land division.

Attachments:

[Mealy Meeting Maps](#)

[Mealy Ext CSM](#)

[MealyCSM ReviewC. Birkett](#)

[MealySoilTest](#)

[MealyReimbursementAgree](#)



Village of Rochester
Planning Memorandum
Planning Commission - May 25 2022

Prepared For:

Planning Commission

Staff Contact:

Sarah Reed, Development Services Specialist

Agenda Item:

Building Site and Operational Plan for the temporary sales of 1.4G Consumer Grade Fireworks from a 20' x 60' canopy tent from June 10- July 10, 2022 at 2723 Beck Drive, located in Sec. 1, T3N R19E, Village of Rochester. Parcel ID #176031901021000

Owner: Waterford-LB, LLC

Applicant: American Fireworks & Novelties, LLC, Heather Siegel

Existing Zoning and Land Use Restrictions:

The subject property is ± 0.88-acres and zoned B-3, General Business District. The properties to the north and northeast are zoned B-3, General Business District, the property to the southwest is zoned B-4, Highway Business District. and the property across STH 36 is within the Village of Waterford. The last approval for the temporary sales of fireworks was on April 28, 2021, by the Planning Commission. In the 2021 approval letter dated April 30, 2021, it states, *"This request was considered as a "grandfathered use" that has taken place at 2723 Beck Drive, prior to the July 2014 adoption of the Village of Rochester Municipal Code, and the temporary sales of fireworks may continue on this property."* At this time the applicant is requesting a building and site operational plan for the temporary sales of of 1.4G Consumer Grade Fireworks from a 20'x60' canopy tent from June 10- July 10, 2022.

Planning Analysis:

Applicant will be constructing a temporary 20' x 60' flame retardant canopy tent along with two (2) 8' x 20' temporary merchandise storage containers to house the consumer grade fireworks inventory, outside of the road right-of-way. Applicant has also submitted details on the temporary signage of two (2) 4' x 20' banners on the north and south sides of the canopy tent and one (1) 2.5' x 10' on the east side of the canopy tent (see attached map and signage details). Please note that in the cover letter submitted by the applicant, they specified that they were going to be placing three (3) 7' x 7' logo banners on the north side of the container. It has been confirmed that they will no longer be placing the (3) 7' x 7' logo banners, per the applicant.

No merchandise will remain in the tent overnight. In review, staff recognizes that in 2021 approval by the Village of Rochester Planning Commission, this temporary use for the sales of consumer grade fireworks was restricted to the hours of 8:00 AM to the closing hours of the Burger King Restaurant, however that information is not stated in the cover letter submitted by the applicant. Per the submitted lease agreement, the employees and customers of the temporary use are permitted to utilize the

existing restroom facilities in the Burger King restaurant. Applicant has submitted a copy of the certificate of insurance for review and if acceptable by the Planning Commission, will be attached to the zoning permit when issued (see attached). Staff verified with the Village of Rochester Administration that no complaints were received regarding the temporary sales of fireworks and novelties during June-July 2021. This request was sent to the Village of Rochester's Fire Chief (see attached response).

Staff Recommended Conditions:

See attached drafted conditions

Suggested Motion of Planning Commission:

If the Village feels that the proposed temporary use is appropriate, approval is recommended for the following reasons:

1. This use is not hazardous, offensive, or otherwise adverse to the environmental quality, water quality, property values in the Village
2. This use appears to be permitted by the underlying zoning district
3. Based on other things going on in the area, the use appears to fit with the uses of the district and surrounding area

Attachments:

- [American Fireworks Meeting Maps](#)
- [AmericanFireworksApps](#)
- [AmericanFireworksCoverLetter.SitePlans](#)
- [AmericanFireworksLease](#)
- [AmericanFireworksFireChiefReview](#)
- [AmericanFireworksInsurance](#)
- [AmericanFireworksSignDetails](#)
- [AmericanFireworks-DraftConditions](#)

Exhibit E - Recommended Conditions AMER FIREWORKS

1. **Zoning Permit.** The applicant must obtain a zoning permit from the Racine County Development Services Office on behalf of the Village of Rochester after paying the zoning permit fee for the temporary use of \$100.00 prior to conducting the temporary sales of fireworks from this property. The zoning permit card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit. (s 35-100(F)(g)(d))
3. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Applicant, and agents of the Property Owner (collectively referred to herein as “Applicant” or “Property Owner”) with respect to the uses on the Property.
4. **Plans.** The proposed 20’ x 60’ flame retardant canopy tent and the (2) 8’ x 20’ storage containers shall be located and sized in conformance with the submitted plan dated April 11, 2022.
5. The proposed sales activity must be contained within the tent area and there shall not be any outside displays or signs placed within the public right-of-way of N. Milwaukee Avenue (STH 36) and Beck Drive (STH 20).
6. The fireworks sales shall be restricted to only the sales of 1.4G consumer grade fireworks.
7. The applicant must supply portable restrooms for customers for this temporary use. The facilities must be maintained in a sanitary condition.
8. The temporary fireworks sales activity may be conducted from June 10, 2022 until July 10, 2022 from 8:00AM to 9:00PM. **The canopy tent, storage containers, and other items related to the fireworks sales must be removed from the subject property by July 10, 2022.**
9. It is the responsibility of the applicant to store and sell novelty fireworks in compliance with the requirements outlined in NFPA 1, Chapter 65.
10. **Parking.** All parking for this proposed temporary use permit must be located on the subject property. No parking is permitted within the public right-of-way of STH 20 or STH 36. The applicant or his employees may have to direct vehicles on-site to avoid drivers hesitating/stopping on the public road and are responsible for ensuring that all parking for this temporary sales activity is in the designed on-site parking spaces at the subject property.
11. The applicant shall contact the Village of Rochester Fire Department three (3) days prior to conducting any sales activity on this property to schedule a fire inspection.
12. There shall be “No Smoking” signs posted in the tent and on the storage containers. No person may smoke where statutory fireworks or commercial novelty fireworks are stored or handled.
13. The storage containers shall be locked and unlocked only to move product to and from the tent sales area.

Exhibit E

14. No person may store or handle statutory fireworks or commercial novelty fireworks on any premise unless the premises are equipped with fire extinguishers approved by the Village Fire Chief or Fire Inspector.
15. There shall be no firework demonstrations or other ignition use of fireworks conducted on this property.
16. No merchandise shall remain within the canopy tent area after the approved business hours.
17. The applicant and his employees are responsible for keeping the area free of refuse or debris daily.
18. According to the submitted lease agreement signed by the Leese on February 23, 2019, American Fireworks & Novelties, LLC employees and their customers have permission to utilize the existing restroom facilities in the Burger King restaurant.
19. No permit shall be issued unless the applicant has and maintains adequate liability insurance with the limits of \$1,000,000 bodily injury and property damage, combined single limit, naming the Village, officers, employees, and agents against all claims, liability, loss damages or expenses, whether caused by or contributed to the negligence of the Village, it officers, employees, or agents. Said insurance shall provide that the Village received written notice thirty (30) days prior to cancellation, nonrenewal, or material change to the policy. Proof of said insurance shall be submitted to the Racine County Development Services office, on behalf of the Village of Rochester, prior to the issuance of this temporary use permit.
20. **Access.** The applicant must allow the any Racine County Development Services employee, on behalf of the Village of Rochester, Village of Rochester personnel full and unlimited access to the project site at a reasonable time to investigate the projects construction, operation, and maintenance. (s.35-100(F)(3)(e))
21. **Continued Compliance.** Upon written inquiry by the Plan Commission, the permit holder under this section shall have the burden of presenting credible evidence establishing to a reasonable degree of certainty the continued compliance with all conditions placed upon the conditional use permits. Failure to establish compliance with all conditions placed upon the conditional use will be grounds for revocation.
22. **Performance Standards.** The applicant must comply with the provisions of 35-250 Performance Standards, found in Chapter 35 (Planning and Zoning) of the Village of Rochester Municipal Code. (s. 35-250)
23. **Compliance with Law.** The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations. (s 35-100(C)(1)(o))
24. **Amendments to Conditional Use Permit.** No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Rochester's Planning Commission's

Exhibit E

prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Rochester or the Racine County Development Services office in writing. **(s.35-100(C)(1)(o))**

25. **Liability.** Village of Rochester and Racine County accepts no liability through the issuance of this temporary use permit approval for this site or any proposed operations or firework sales.

26. **Reimburse Village Costs.** Applicant shall reimbursement to the Village all costs incurred by the Village for review of this temporary use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.

27. **Agreement.** Your acceptance of the temporary use approval /zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, American Fireworks & Novelties, LLC. (Applicant), their heirs, successors, and assigns are responsible for full compliance with the above conditions.



Village of Rochester
Planning Memorandum
Planning Commission - Jun 22 2022

Prepared For:

Planning Commission

Staff Contact:

Sarah Reed, Development Services Specialist

Agenda Item:

Application for a Conditional Use Permit to continue a non-metallic mining (sand & gravel) extraction operation, including an existing asphalt plant, and modification to hours of operation, located at 36404 Washington Avenue. Parcel ID Nos. 176031906-010000, -018000, -011000.

Owner: Payne & Dolan, Inc.
Applicant: Clint Weninger

Existing Zoning and Land Use Restrictions:

The subject property combined is approximately ±645 acres in total land area with ±224.5 acres within the Village of Rochester currently zoned M-4, Quarrying District. This site has a total mining area of ±538 acres and with ±183 acres within the Village of Rochester. There is ±72 acres in active mining within the Village, and ±99 acres reclaimed. Neighboring parcels are A-2, General Farming and Residential District to the south and east, M-2, General Industrial District to the west, and R-8, Suburban Residential District (Unsewered), C-1, Resource Conservation District, and A-3, General Farming-Holding District to the south. The operation continues to the north in the Town of Waterford. The last approval from the Village of Rochester Planning Commission for this site was in June 2020 for the continuation of a non-metallic mining (sand & gravel) operation including crushing. At this time, it appears that the applicant is requesting a renewal of the conditional use approval, to include an additional request to modify the hours of operation.

Planning Analysis:

A site visit was conducted on April 27, 2022 by the Racine County Development Services and Land Conservation Departments and it was determined that the operation is in compliance with the 2020 conditions of approval. Please see the attached Technical Review from the Racine County Land Conservation Department dated April 27, 2022. Please note that this office and Village of Rochester have not received any complaints regarding this operation. Additionally, the Financial Assurance of \$369,000 on file with the Racine County Development Services Department was reviewed and determined to be sufficient to cover the current reclamation costs. The reclamation plan on file shows 2 freshwater lakes and the remaining land as agricultural/farmland and areas designated to become parkland.

The operator is requesting to modify the hours of operation for an extra half hour of start-up and shut-down for the asphalt plant; wanting clarification if the asphalt plant may be operated on Saturday, and the ability to pick-up and return equipment to the site outside of the listed hours of operation. The

start-up and shut-down times are to take advantage of the better weather during the asphalt paving season. The start-up time is requested to begin at 5:00am and the shut-down time to end by 8:00pm. The last modification to the hours of operation were in June 2020 by the Plan Commission to allow for the current start-up of 5:30am and shut-down time ending at 7:30pm. Additionally, the extended hours for picking up and returning the equipment to the site will be advantageous maximizing daylight during the construction season. Please see the requested modified hours of operation in the drafted conditions.

Staff Recommended Conditions:

See attached conditions.

Suggested Motion of Planning Commission:

If the Village of Rochester Planning Commission feels that this conditional use is appropriate, approval is recommended for the following reasons:

1. This use is not hazardous, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover or property values in the Village
2. This use appears to be permitted in the underlying district
3. Based on other things going on in the area, the use appears to fit with the uses of the district

Attachments:

[Payne Dolan CUP 6-22-22](#)

[HoneyCreek2020R](#)

[Payne&DolanCoverLetter](#)

[Payne&DolanSitePlans](#)

[Payne&DolanLCRev](#)

[Payne&DolanRCEngRev](#)

[HoneyCreek-DraftConditions](#)

[Payne&DolanAffidavitofMailing](#)

Village of Rochester Planning Commission

Conditional Use Permit Payne & Dolan, Inc – Honey Creek Site

Section 6, Town 3 North, Range 19 East
34604 Washington Avenue, Village of Rochester

Wednesday, June 22, 2022

Payne & Dolan Inc, Owners
Clint Weninger, Agent

Site Address: 34604 Washington Avenue

M-4 Conditional Use Permit to continue a non-metallic mining (sand & gravel) extraction operation, including an existing asphalt & modification to hours of operation

Location Map



© OpenStreetMap (and) contributors, CC-BY-SA

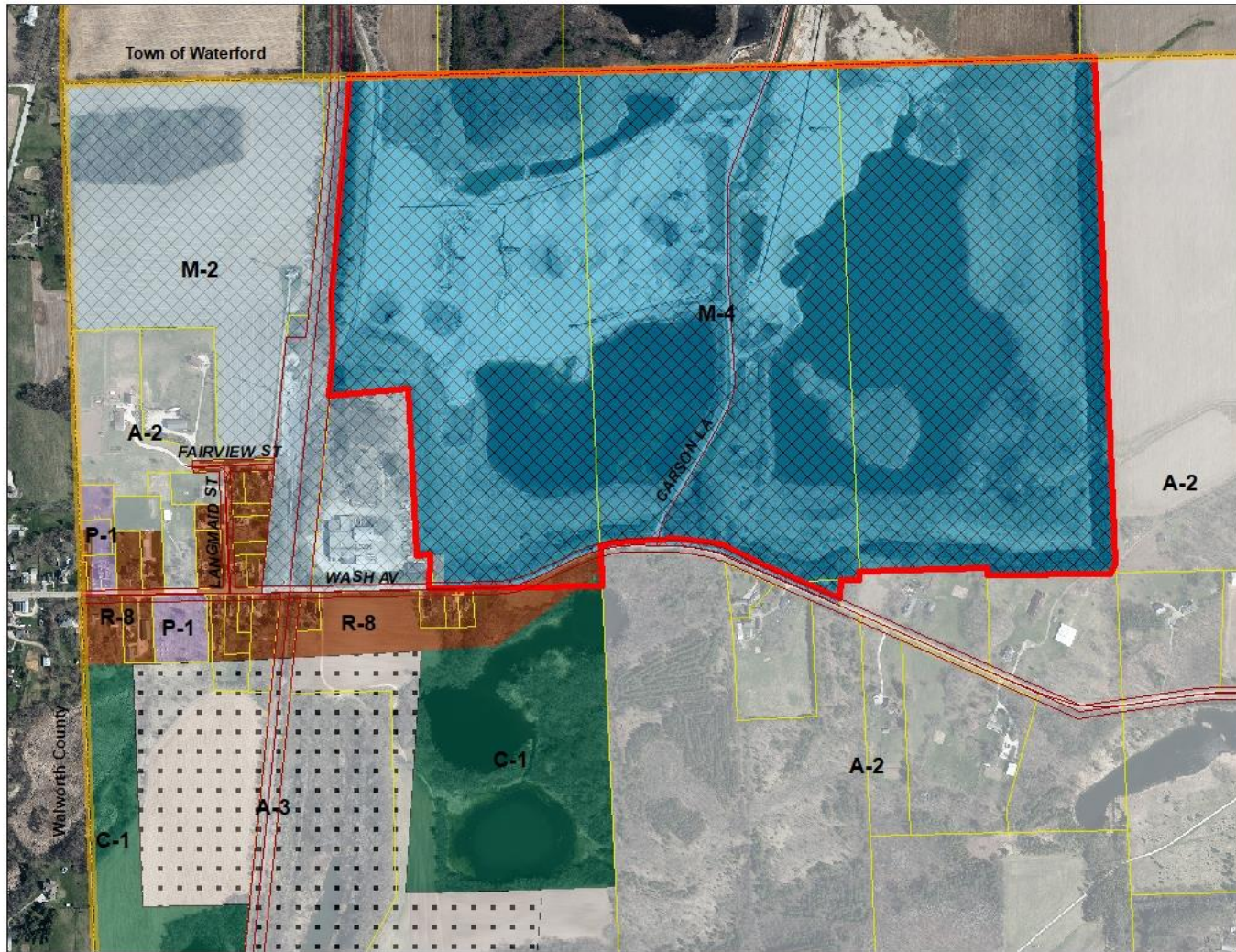


Payne & Dolan Inc, Owners
Clint Weninger, Agent

Site Address: 34604 Washington Avenue

M-4 Conditional Use Permit to continue a non-metallic mining (sand & gravel) extraction operation, including an existing asphalt & modification to hours of operation

Zoning



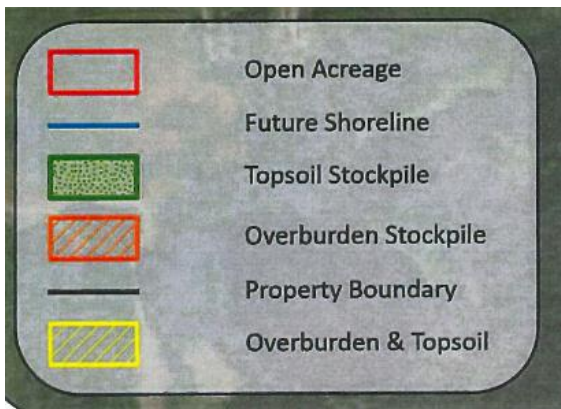
Payne & Dolan Inc, Owners
Clint Weninger, Agent
Site Address: 34604 Washington Avenue

2020 Aerial Map

M-4 Conditional Use Permit to continue a non-metallic mining (sand & gravel) extraction operation, including an existing asphalt & modification to hours of operation









Honey Creek- Payne & Dolan, Inc.

Waterford- S31&32 T4N R19E

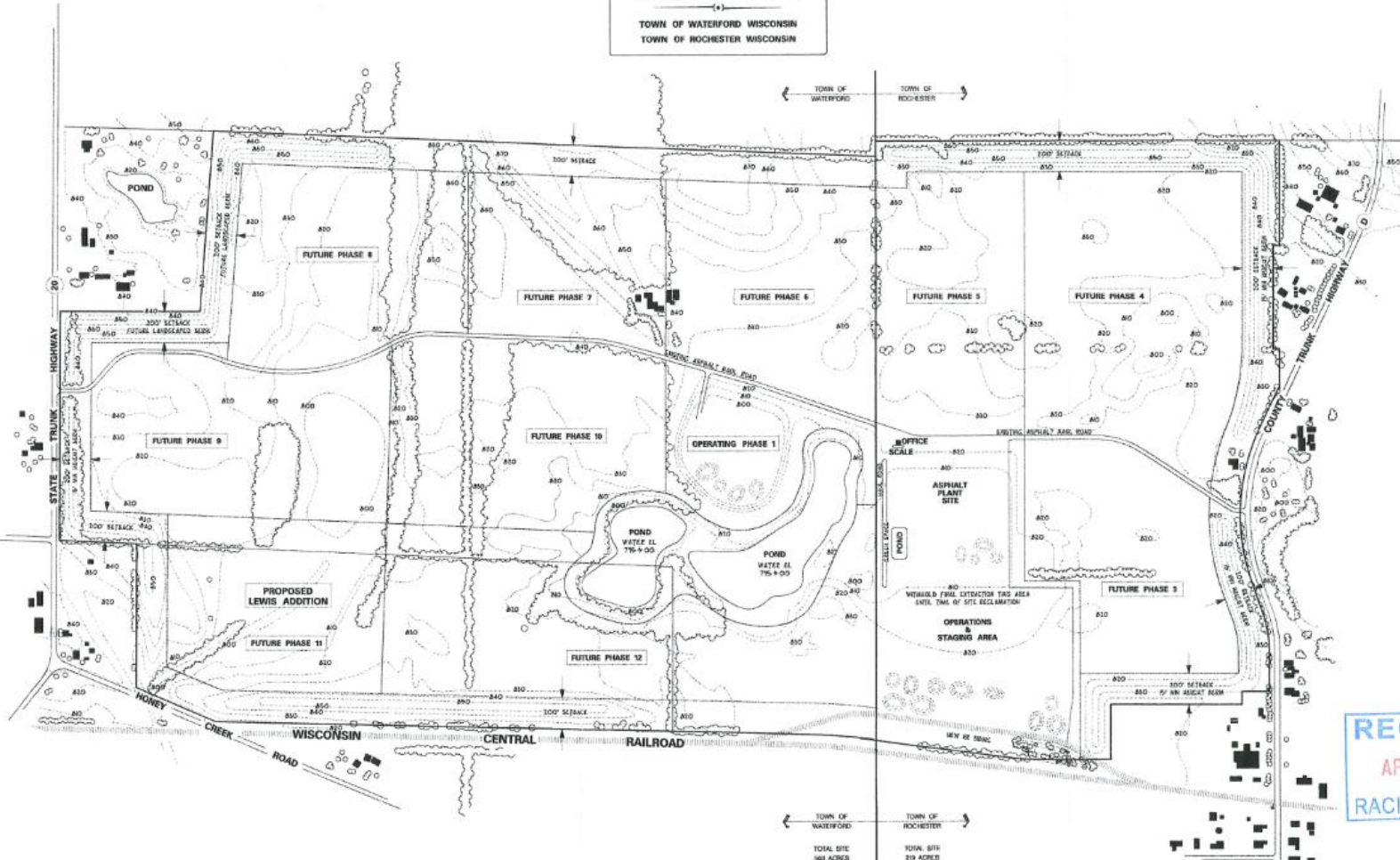
Rochester- S6 T4NR19E

1 inch = 600 feet

- Tax Parcels
- Mining Area
±538 Acres
- Active Mining
±113 Acres
- Reclaimed
± 113 Acres
- Wetlands

Racine County Development Services- 2015 Aerial Photo- Revised 6/8/2020 SMR

DETAILS OF THE
 METHODS & SEQUENCING
 FOR
 MINERAL EXTRACTION
 &
 SITE RECLAMATION PLAN
 TOWN OF WATERFORD WISCONSIN
 TOWN OF ROCHESTER WISCONSIN



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REVISED 5 NOV 17

SEC 6 - T3N - R19E

Village of Rochester

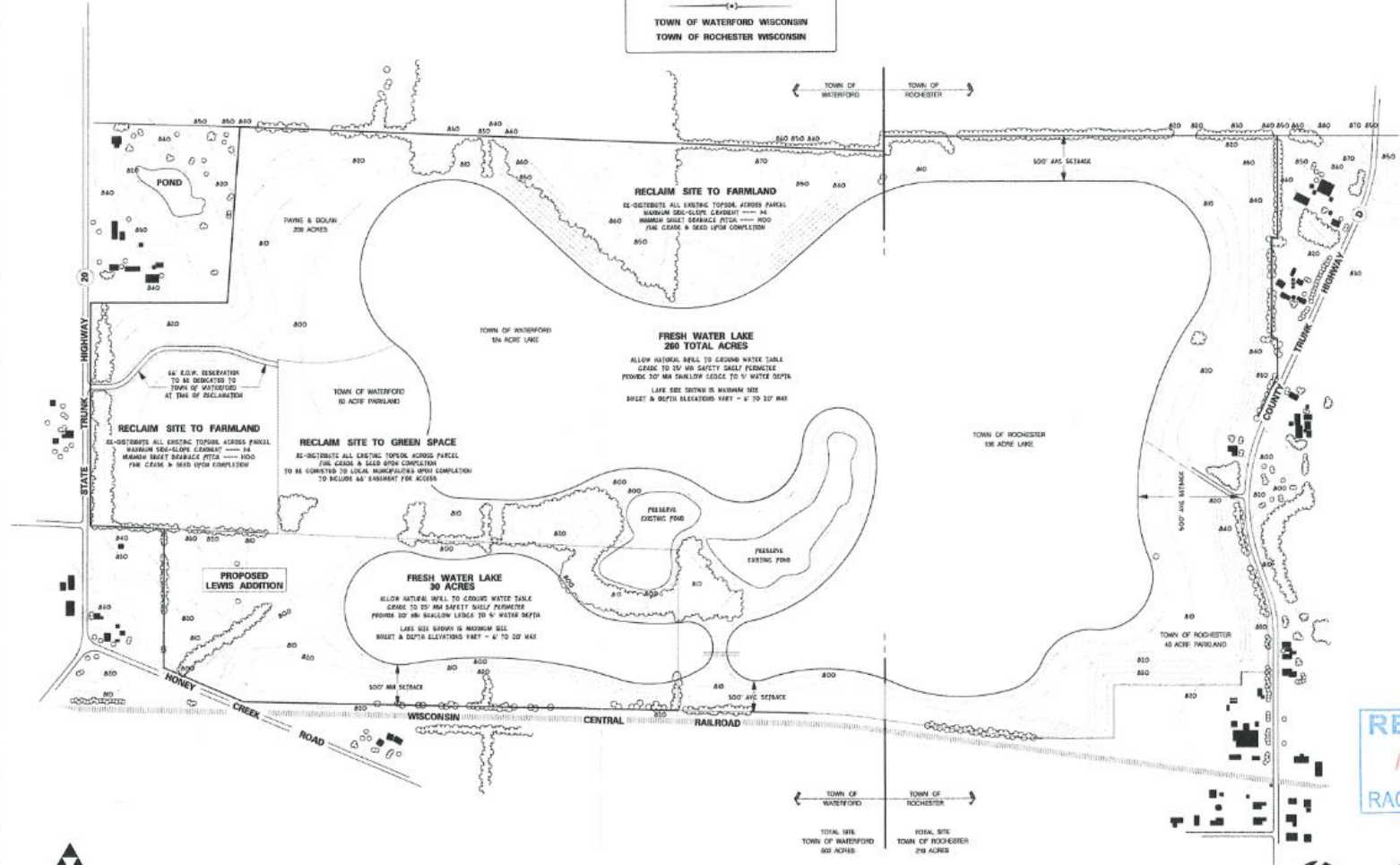
P&D PAYNE & DOLAN
 N3 W23650 BADINGER ROAD
 WALKESHA, WISCONSIN 53187
 414-524-1700

200 SCALE
 0 50 100 150 200
 NORTH
PARCEL SEQUENCING PLAN

B

DETAILS OF THE
METHODS & SEQUENCING
FOR
MINERAL EXTRACTION
&
SITE RECLAMATION PLAN

TOWN OF WATERFORD WISCONSIN
TOWN OF ROCHESTER WISCONSIN



RECEIVED
APR 14 2022
RACINE COUNTY

TOWN OF WATERFORD TOWN OF ROCHESTER

TOTAL SITE TOWN OF WATERFORD 54 ACRES TOTAL SITE TOWN OF ROCHESTER 136 ACRES

200 SCALE 0 100 200 300 400 500 600 700 800 900

SITE RECLAMATION PLAN

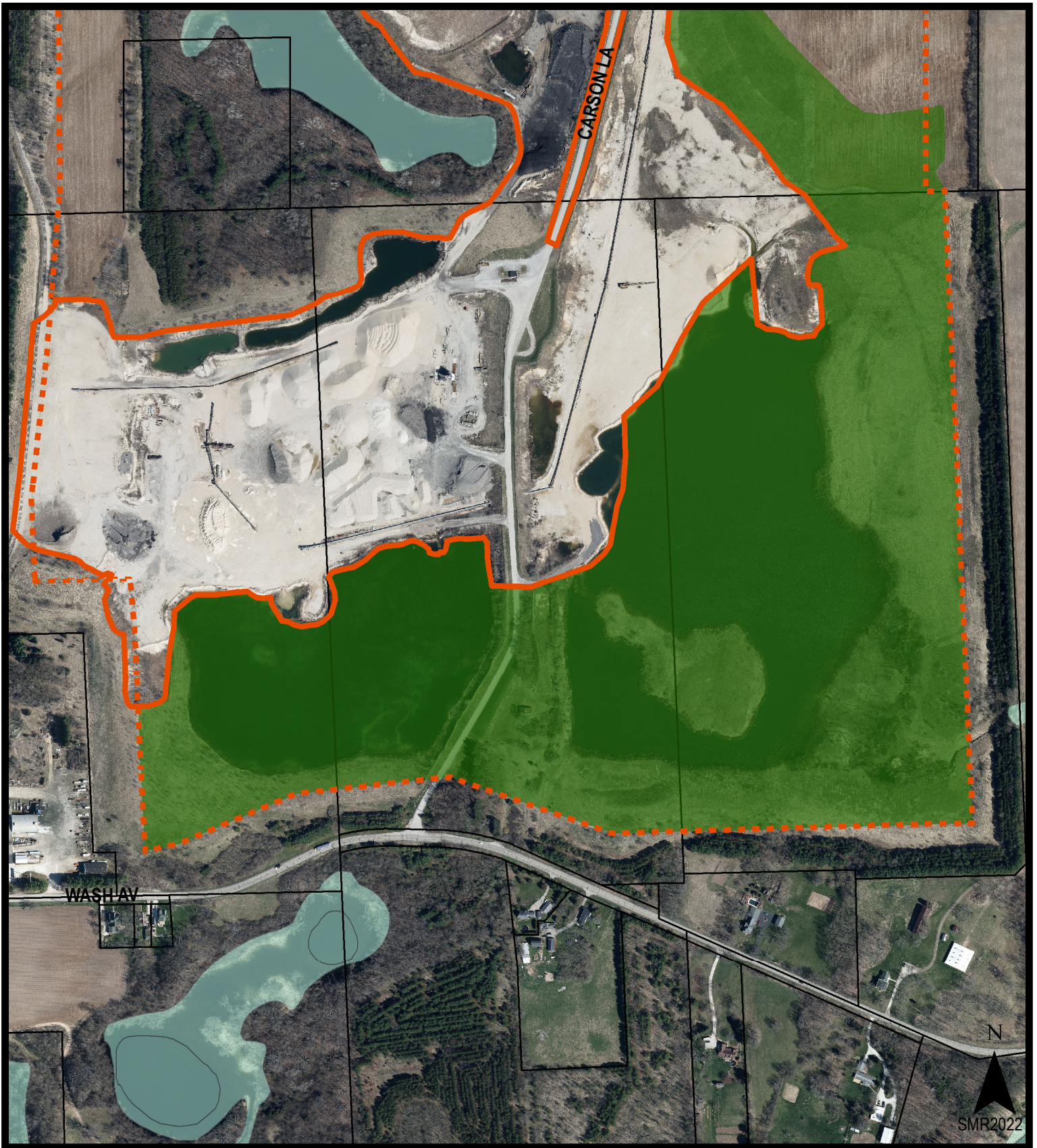


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Page 30 of 108



P&D PAYNE & DOLAN
113 W20650 BADINGER ROAD
WAUKESHA, WISCONSIN 53187
414 524-1700



Honey Creek- Payne & Dolan, Inc.


Rochester S6 T3N R19E | 2020 Spring Aerial | 1 inch = 500 feet


Racine County Development Services | Revised SMR 6/2022

 Tax Parcels

 Wetlands

 Mining Area
± 183 Acres

 Active Mining
± 72 Acres

 Reclaimed
± 99 Acres

April 14th, 2022

Mr. Brian Jensen
Racine County Public Works and Development
14200 Washington Avenue
Sturtevant, WI 53177

**Conditional Use Permit Renewal
Honey Creek Aggregate Site – Village of Rochester**

Dear Mr. Jensen

Payne & Dolan, Inc. is requesting a renewal of its existing conditional use permit for the continued operation of the Honey Creek Aggregate Site and asphalt plant located in the Village of Rochester on CTH D. It is Payne & Dolan’s intent to continue to operate this site in compliance with the conditions and requirements as previously approved, however, we are requesting several minor modifications to the hours of operation.

The requested changes will allow for an extra half hour start-up and shut-down for the asphalt plant; clarification that the asphalt plant can be operated on Saturday (no days of the week are listed in the existing CUP); and the ability to pick-up and return equipment to the site outside of the listed hours of operation. The start-up and shut-down times will allow us to take advantage of the better weather during the available asphalt paving construction season. The extended hours for picking up and returning of equipment to the site will be advantageous to our road construction crews in maximizing the daylight hours available during the construction season.

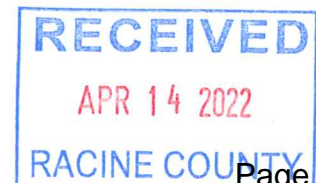
We are suggesting the proposed language for Condition #5 would be:

The asphalt plant and associated operations may not be operated other than between the hours of 6 a.m. and 7 p.m. Monday through Saturday, and it must be operated in a manner that meets or exceeds all local, state, and federal environmental requirements. The owner is allowed to perform start-up activities for the asphalt plant from 5:00 a.m. to 6:00 a.m. and shut down activities from 7:00 p.m. to 8:00 p.m. The owner is allowed twenty-four (24) hour operations when necessitated by specific projects and shall notify the Village of Rochester at least three (3) days in advance of the operation.

We are suggesting the proposed language for Condition #15 would be:

Hours of operation for grading, crushing, washing, material load out, internal trucking and external trucking:

<i>Monday – Friday</i>	<i>6:00 a.m. – 7:00 p.m.</i>
<i>Saturday</i>	<i>7:00 a.m. – 2:00 p.m.</i>

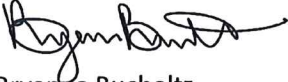


*Limited to 20 Saturdays per year
No mining or trucking operation on Sunday or Holidays.
Picking up and returning of equipment may occur outside of the hours listed above.*

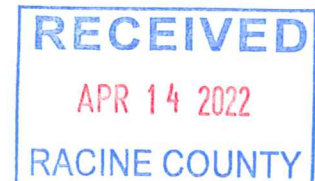
Thank you for your time and effort in this request. We appreciate the continued opportunity to work in the Village of Rochester. If you have any questions and/or need additional information, please do not hesitate to contact me at (262) 366-5124.

Sincerely,

Payne & Dolan, Inc.



Bryanna Bucholtz
Land Resources Administrator



Section 3.(2).(a).2 Ordinance No. 2009-5 of the Village of Rochester’s Code of Ordinances list the following requirements for a conditional use application in the M-4 zoning district:

a) Name and address of the applicant.

Payne & Dolan, Inc.
N3 W23650 Badinger Road
Waukesha, WI 53187
Phone: (262) 524-1700
Fax: (262) 524-1845

b) Name and address of the owner of the site on which use is taking place.

Same as above.

c) Description of the site for use by lot, block and recorded subdivision or by metes and bounds.

The following property descriptions were taken from the Racine County GIS.

E1/2 NE1/4 EXC COM SE COR NE 1/4 N48 SW TO PT 45W OF POB E45 TO POB & EXC S35 OF W660 ****TOTAL ACRES**** 85.00

W1/2 NE1/4 EXC PT LY S OF CTH D ****TOTAL ACRES**** 76.00

E1/2 NW1/4 LY E OF RR & COM 1173 E & 1024 NE OF W1/4 COR NE151 E373 S150 W394 TO POB EXC V1015P17 EXC V2032P322 PT FROM 014031906016000 IN 90 FOR 91 ROLL ****TOTAL ACRES**** 69.00

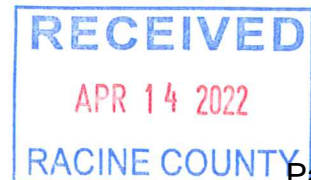
all in Section 6, Town 3 North, Range 19 East, Village of Rochester, Racine County, Wisconsin.

d) Address of the site.

34604 Washington Avenue (CTH D)
Waterford, WI 53185

e) Statement of the nature of the proposed operation, and appropriate exhibits, including:

The nature of the existing operation is the extraction and processing of sand & gravel including earthmoving, crushing, washing, sorting, sizing, stockpiling, transporting and reclamation. Operations also include a portable hot-mix asphalt plant, which is on site intermittently; the mixing of asphalt; the recycling of materials to be used in hot-mix asphalt; and the trucking and loadout of hot-mix asphalt and aggregate products.



The extraction operation will be conducted in general accordance with the operations plan dated November 5, 1997 and the will be restored in conformance with the reclamation plan dated November 5, 1997.

1.) List of equipment and machinery to be used to conduct operations.

Equipment to be used in the extraction, crushing and washing operation includes, but is not limited to: dozers, scrapers, backhoes, various types of crushers, screen plants, wash plants, conveyors, stackers, surge bins, front end loaders, generator sets, scale, scale office building, etc. in addition to various rolling stock equipment currently being operated at the site such as end loaders and trucks.

Equipment to be used in the operation of the asphalt plant includes, but is not limited to: various components of the asphalt plant itself such as the baghouse, control house, silos, feed bins, drum, storage tanks, scale, etc. in addition to various rolling stock equipment currently being operated at the site such as end loaders and trucks.

2.) Type and amount of explosives to be stored, if any.

No explosives will be used or stored on site.

3.) Size, location, and use of the buildings to be constructed on the site.

A scale office building has been constructed on the site. See attached aerial photo for location.

4.) Smoke and dust control devices to be utilized, if any.

Mineral extraction, processing and asphalt plant operations shall be conducted in accordance with the Federal Environmental Protection Agency and the State of Wisconsin Department of Natural Resources air pollution control regulations.

Air pollution control measures may be required from time to time on an as needed basis. Such measures may include sweeping of access roads, paving portions of access roads, water or chemical control of processing and material handling operations, control of dust from storage piles and the utilization of a baghouse on the asphalt plant.

The operations at the site will meet EPA and DNR requirements concerning air quality. Airborne particulate matter will not exceed Wisconsin DNR Administrative Code Regulations.

5.) Highways to be used for the truck traffic to and from the subject site.

The transportation of products from the site will utilize the existing transportation routes that exist with the current operation. The site has entrances unto STH 20 to the north in the Town of Waterford and CTH D (Washington Ave.) to the south in the Village of Rochester.

6.) Deodorants or odor control devices.

Potential odors emitted from the site can and will be controlled utilizing the latest odor control additives or technologies. The most effective odor additive to date that Payne & Dolan has used is Ecosorb which is produced by Odor Management, Inc. Ecosorb is a non-toxic, non-hazardous, biodegradable odor additive. These odor additive suppressant products actually act as an oxygen scavenger that significantly retard the release of compounds that are responsible for the characteristic asphalt smell.

7.) Proposed devices for muffling noise.

The noise created by the proposed operation of the site will be of a similar nature to the existing/past operations. A majority of the operations occur in the existing extraction area 20 ft. below grade in the center of the site. This location takes advantage of the natural topography and existing vegetation which help mitigate potential noise from leaving the site. In addition, equipment is properly muffled and maintained.

8.) The employment of safety devices to protect the public from dangers inherent to the proposed use.

Security fence, locking gates, signing, berms, landscaping and plantings are all devices that are used limit public access to the operations area on the site thus protecting the public from potential dangers inherent to the proposed use. Site specific hazard awareness training that details potential hazards of the operation is given to all employees, contractors and visitors that come unto the site.

9.) Method of concealing unsightly deposits, if any.

The site is screened from view of surrounding properties by earthen berms and previous installed landscaping and plantings.

10.) Employee and machinery/equipment parking areas.

See attached plan.

11.) Any other pertinent data which the applicant deems material, or as requested by the Village.

Provided as needed.

f) Zoning of the site to be used. Existing land use and zoning abutting subject property.

The property is currently zoned M-4. The existing land use is mineral extraction and associated operations including a crushing plant, washing plant and asphalt plant.

The surrounding land use is primarily M-2, A-2 and R-2.

g) Depth of existing and proposed excavations.

There is approximately 3-10 ft. of topsoil and other overburden materials overlying the sand & gravel. The depth of the current excavation varies from 10-30 feet above the water and up to 25-30 feet below the water. Depths of the excavation may change depending on the area of the property being worked.

h) Commencement and completion dates of each type of operation proposed.

The site is already an existing operation. Extraction on the site will follow the phasing outlined in the submitted operations and reclamation plan.

i) Hours and days of operation.

The asphalt plant and associated operations may not be operated other than between the hours of 6 a.m. and 7 p.m. Monday through Saturday, and it must be operated in a manner that meets or exceeds all local, state, and federal environmental requirements. The owner is allowed to perform start-up activities for the asphalt plant from 5:00 a.m. to 6:00 a.m. and shut down activities from 7:00 p.m. to 8:00 p.m. The owner is allowed twenty-four (24) hour operations when necessitated by specific projects and shall notify the Village of Rochester at least three (3) days in advance of the operation.

Hours of operation for grading, crushing, washing, material load out, internal trucking and external trucking:

Monday – Friday	6:00 a.m. – 7:00 p.m.
Saturday	7:00 a.m. – 2:00 p.m.
Limited to 20 Saturdays per year	
No mining or trucking operation on Sunday or Holidays.	
Picking up and returning of equipment may occur outside of the hours listed above.	

Activities such as equipment maintenance and minimum site maintenance, such as snowplowing and lawn mowing, may take place outside of the times listed above.

j) Number of employees.

The number of employees can vary from 1-15 depending upon the scope and nature of the work being performed and also the time of year operations are occurring. The employees are mainly seasonal with more on site during the typical construction season then in the winter months.

k) Method and manner of draining surface water and accumulated water from the licensed premises.

Payne & Dolan has secured and shall maintain a NR-216 stormwater permit and notice of intent from the Wisconsin Department of Natural Resources for the operations on site. Stormwater from within the site is internally drained. With very severe and wet weather

conditions, there is an occasional need to pump water into adjoining drainage ditches and waterway. Any discharge of water off-site is completed per local and state requirements. Any water discharge is tested on a regular basis to ensure compliance with Wisconsin DNR standards.

l) Method and manner of restoring the areas of the operation after the cessation of operation to a condition of practical usefulness and reasonable physical attractiveness.

Reclamation is an on-going process during the nonmetallic mineral extraction process, with a majority of the reclamation being completed during active mineral extraction. The topsoil and other overburden materials covering the nonmetallic mineral deposit are removed and stockpiled separately for future reclamation. After the nonmetallic minerals are removed, the topsoil and other overburden materials will be placed over the area where the minerals were excavated, graded to conform with the surrounding land and seeded. The existing topsoil and overburden are re-distributed across the parcel and fine graded to present a uniform appearance. Reclaimed slopes will be seeded upon completion of the fine grading. Payne & Dolan will perform the necessary grading to achieve the final topography and drainage patterns as outlined in the approved reclamation plan.

m) Topographic mapping of the site showing existing and proposed contours, with a contour interval no greater than two (2) feet. (12 copies)

Operations plan shows the existing contours available when the plan was approved in 1997. Plan shows existing and proposed contours but at an interval greater than 2 ft. More detailed contours can be provided within 60 days notification.

Contours shall be constructed in general accordance with the plans and drawings submitted at the time of application and hearing and shall be merged with existing and proposed contours abutting properties, the pit bottom shall have a minimum slope of 0.5% to provide drainage.

n) Existing trees four inches or more in diameter, measured four feet from the existing elevation, and proposed tree plantings; provided, however that, for heavily wooded areas, the perimeter of the heavily wooded area may be delineated and the types of trees and range of diameters may be provided.

Existing trees and vegetation can be seen on the aerial photograph submitted. No additional tree plantings are proposed.

o) Landscaping berms, fencing and gates.

The existing entrance unto Washington Ave (CTH D) is currently bermed. There is a gate at the entrance to limit accessibility to the site. A significant number of trees have been planted around the perimeter of the site. A majority of the site is fenced.

p) Sign locations and sizes.

A sign is located at the entrance unto the site from CTH D. Various safety signs are located throughout the property as needed and include such signs as No Trespassing (on perimeter fence).

q) Existing and proposed access roads.

Vehicles entering and leaving the site will utilize the existing paved entrance and access road from CTH D. This access road extends north to STH 20 through a portion of the site that is in the Town of Waterford.

There is no need at this time for any additional access roads into the site.

r) Water supply facilities, including source quantity and disposition of the water to be used.

Water for the scale house comes from a private well. Water used in the processing operations comes from the on-site ponds. The washing process recycles the water used. The wash water returns "clean" water to the ponds after the fine sediments have had time to settle out of the water.

s) Proposed sanitary facilities.

The scale building utilizes a conventional septic system. Other site operations utilize portable sanitary facilities such as Port-a-Johns.

t) Test results of area water wells, and proposed testing plans, where the proposed use includes excavation below the water table, along with sureties to ensure performance of continued testing and resolution of issues identified, in a form determined by the Village Plan Commission upon the Village Plan Commission finding that such condition or conditions are proper for protection of health, safety and or welfare of the public.

Before underwater excavation was initiated, Payne & Dolan performed a hydrologic study as required by Racine County to determine the baseline water quality and quantity on the site. A copy of the study was given to Racine County, the Town of Waterford and the Village of Rochester for their review and approval. Before work on the lake was initiated, Payne & Dolan offered property owners within 2,500 feet of the subject parcel boundary an opportunity to have Payne & Dolan perform a baseline well test to establish water quality and quantity in said well(s). The offer was made in the form of written notices (certified

mail; return receipt requested) to each property owner. Payne & Dolan submitted to Racine County and the respective Towns a list of to whom the notices were sent and a second list which enumerates those property owners who have requested the baseline well test. If there is a problem with any such tested well after work below the water table has begun, a disinterested third party will be brought in at Payne & Dolan's expense to investigate the situation. If it is determined that Payne & Dolan is responsible for the well problem, the well will be repaired, dug deeper, or a new well dug, whichever the disinterested third party recommends as the appropriate remedy, at Payne & Dolan's

expense. Payne & Dolan will be responsible for supplying potable water to the affected party until the well problem is resolved.

- u) Highway access restrictions, deed restrictions, and traffic control, along with repair plans for Village roads affected by the operation. Where determined necessary by the Village Plan Commission, the applicant shall submit a financial surety for the projected road repair.*

The transportation of products produced at the site will utilize the existing transportation routes that currently exist with the present operation. The highway access to CTH D and necessary traffic control are already in place. A repair plan for CTH D is not necessary as county roads are built to handle the traffic and types of trucks associated with a nonmetallic mineral extraction operation. Use of all other Village Roads shall be prohibited, except for a local delivery.

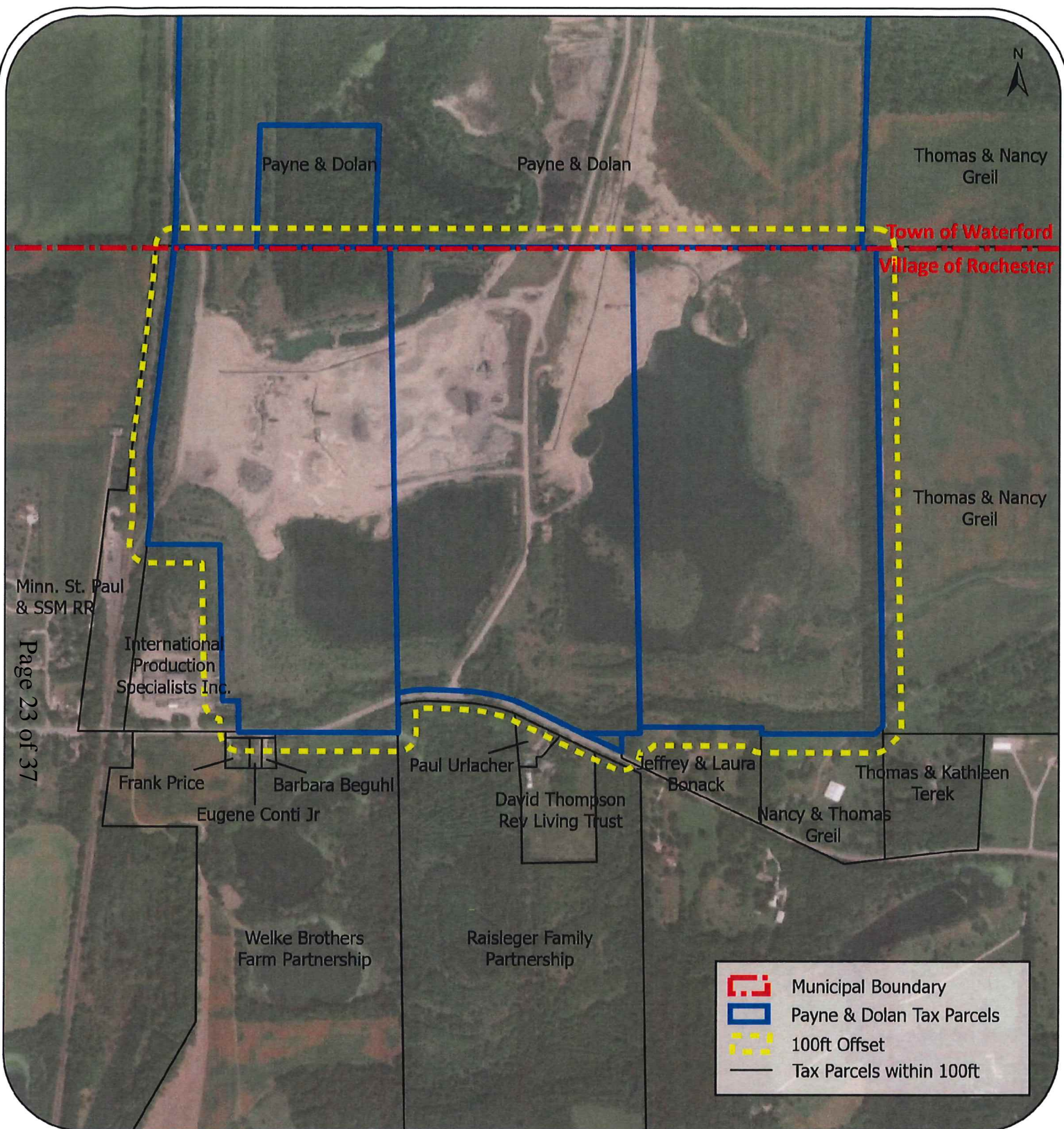
- v) Letter of Agreement from the applicant agreeing to restore the subject site in accordance with the approved reclamation plan (see subsection (5.07.c(1))).*

See Letter of Agreement on file – also see Certification of Reclamation on Sheet S of the Reclamation and Operations Plan for the site.

- w) The Village Plan Commission may also as a condition precedent to the issuance of the zoning permit and conditional use permit, require an agreement with the applicant and owner whereby they agree to restore the site to a condition of practical usefulness and reasonable physical attractiveness.*

The reclamation plan has been previously approved by Racine County and the then Town of Rochester. A copy of the reclamation plan is attached.

Payne & Dolan currently has a reclamation permit (#NM01-014-002) issued by Racine County for the site. A reclamation bond in the amount of \$369,000 is currently posted with Racine County.

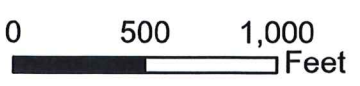


Page 23 of 37

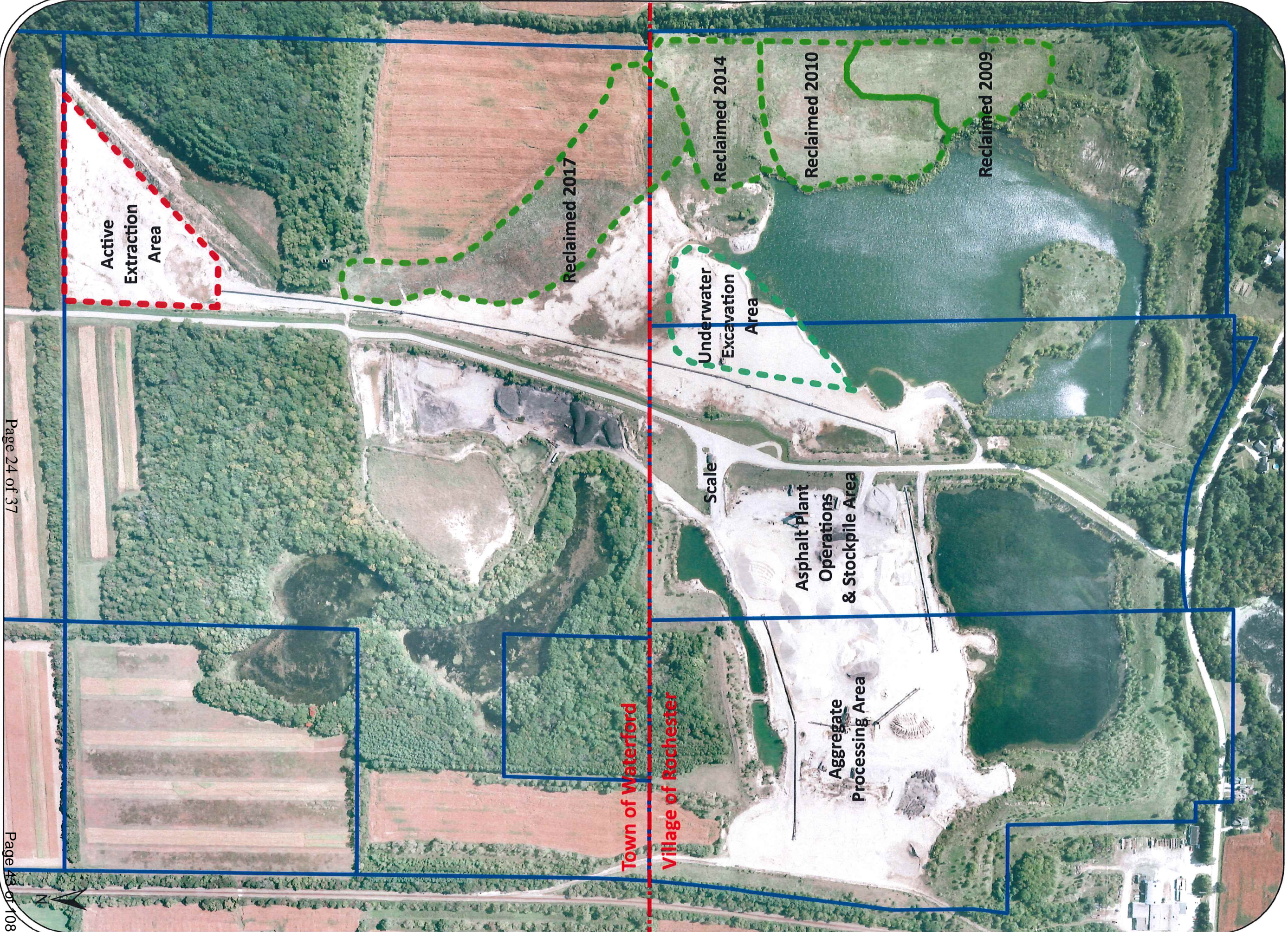
Payne & Dolan, Inc. - Honey Creek Aggregate Site

2022 CUP Renewal
 Abutting Property Owners

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 APR 14 2022
 RACINE COUNTY



Page 42 of 108



Active
Extraction
Area

Reclaimed 2017

Reclaimed 2014

Reclaimed 2010

Reclaimed 2009

Underwater
Excavation
Area

Scale

Asphalt Plant
Operations
& Stockpile Area

Aggregate
Processing Area

Town of Waterford

Village of Rochester

RECEIVED Payne & Dolan, Inc. - Honey Creek Aggregate Site

APR 14 2022 2022 CUP Renewal

RACINE COUNTY

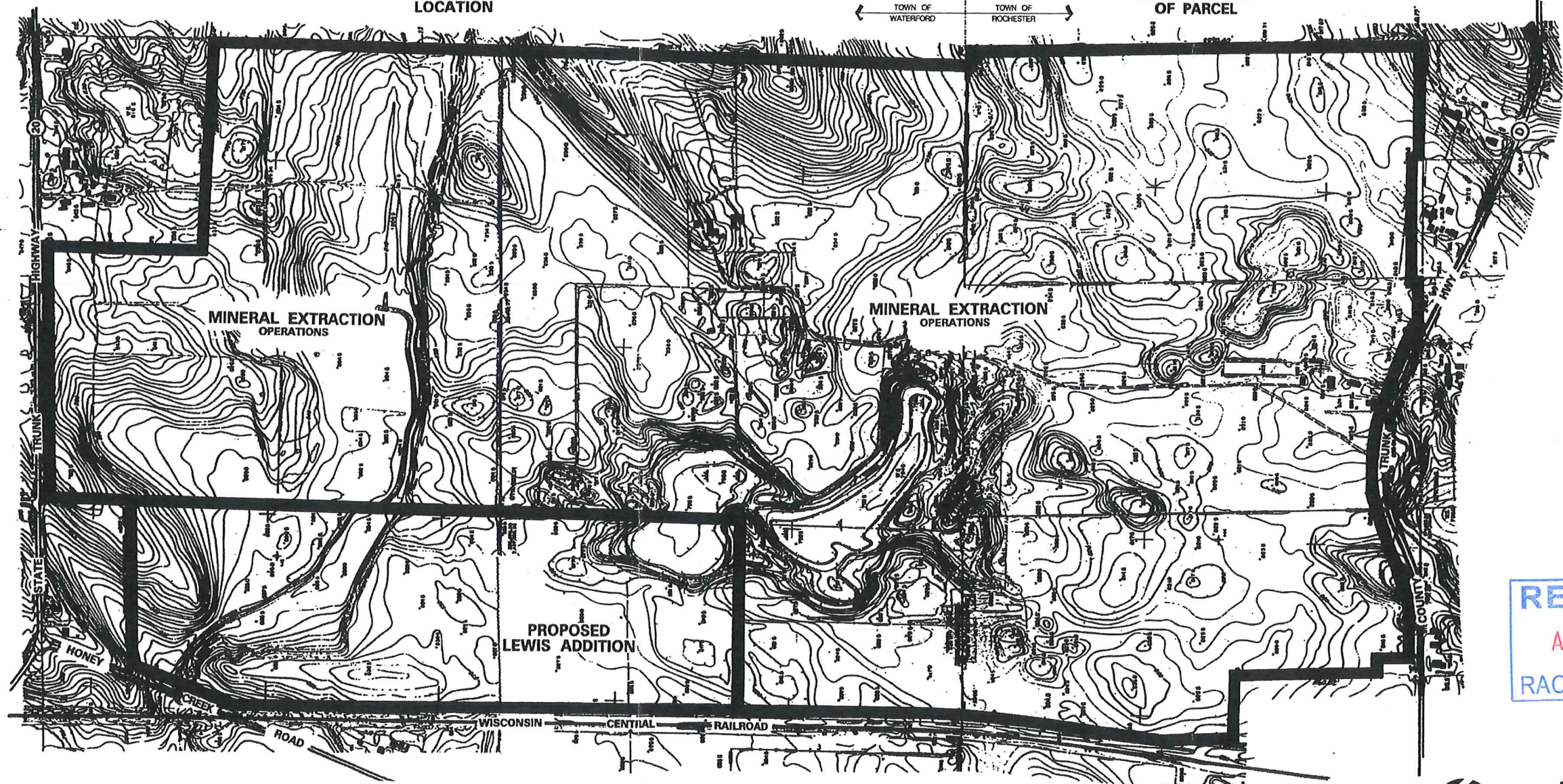
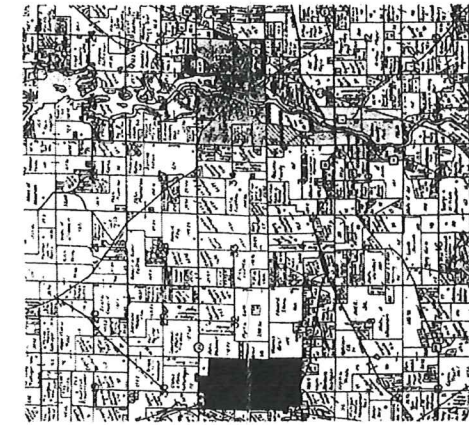
2020 Aerial



SUBMITTED JULY 2002

DETAILS OF THE
METHODS & SEQUENCING
 FOR
MINERAL EXTRACTION
 &
SITE RECLAMATION PLAN

TOWN OF WATERFORD WISCONSIN
 TOWN OF ROCHESTER WISCONSIN



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 RACINE COUNTY



INDEX OF EXHIBITS

- A PLAT OF EXISTING SITE
- B PARCEL SEQUENCING PLAN
- C SITE RECLAMATION PLAN

250 SCALE 250 500 750 1000

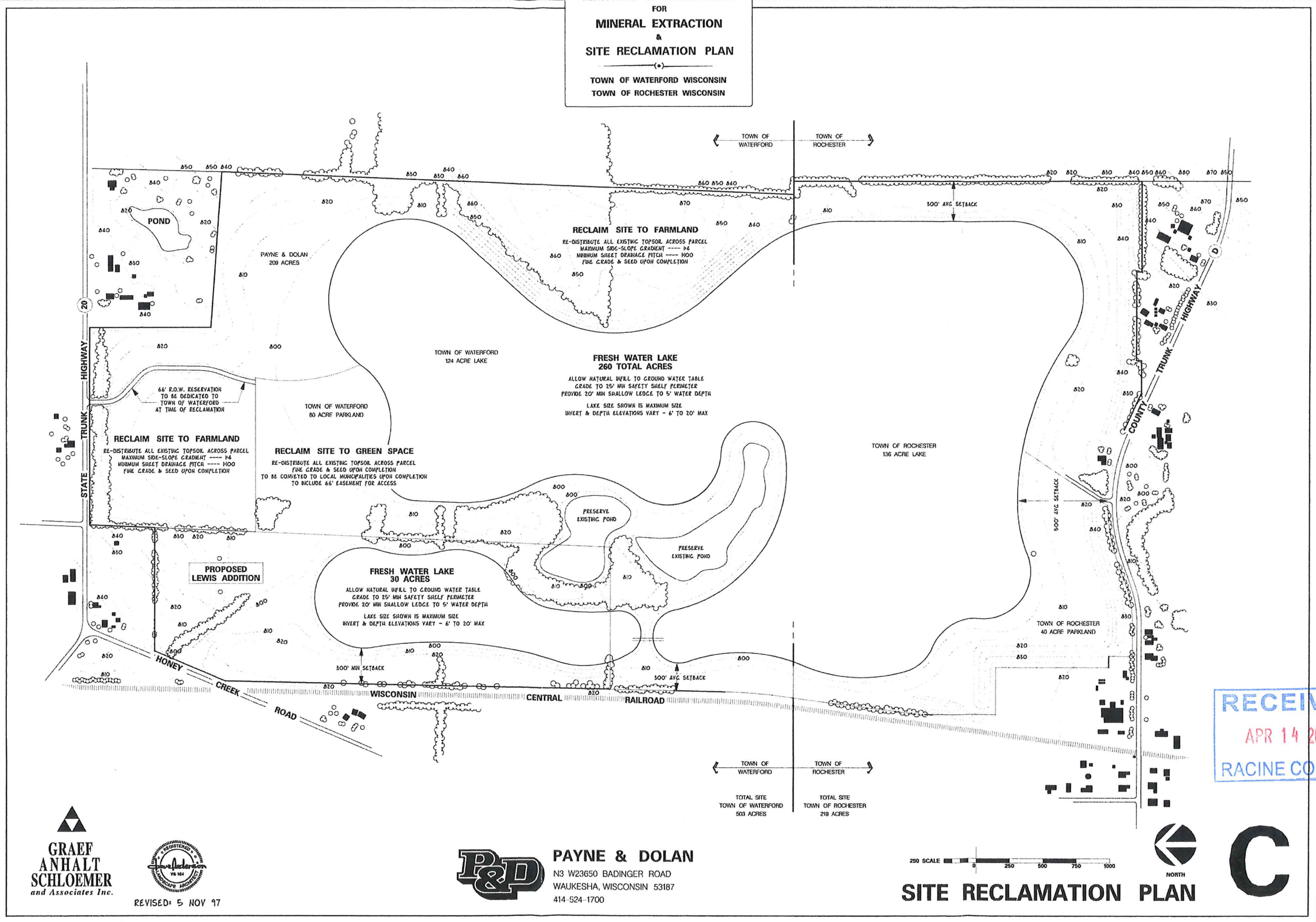
PLAT OF EXISTING SITE
 APPROXIMATE DATE OF MAP: 1965



A

**DETAILS OF THE
METHODS & SEQUENCING
FOR
MINERAL EXTRACTION
&
SITE RECLAMATION PLAN**

TOWN OF WATERFORD WISCONSIN
TOWN OF ROCHESTER WISCONSIN



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APR 14 2022
RACINE COUNTY

**GRAEF
ANHALT
SCHLOEMER**
and Associates Inc.



REVISED: 5 NOV 97

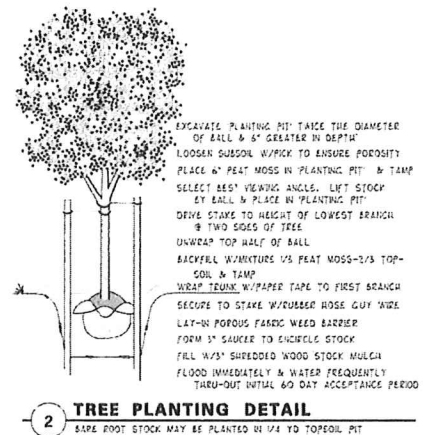
P&D PAYNE & DOLAN
N3 W23650 BADINGER ROAD
WAUKESHA, WISCONSIN 53187
414-524-1700



C

SITE RECLAMATION PLAN

DETAILS OF THE
METHODS & SEQUENCING
FOR
MINERAL EXTRACTION
&
SITE RECLAMATION PLAN
TOWN OF WATERFORD WISCONSIN
TOWN OF ROCHESTER WISCONSIN

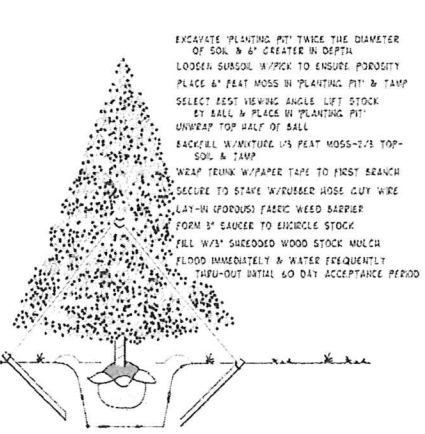


2 TREE PLANTING DETAIL
BARE ROOT STOCK MAY BE PLANTED IN 1/4 TO TOPSOIL PIT

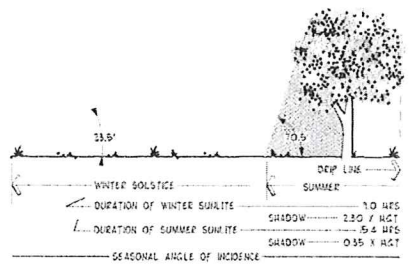
CALL BEFORE YOU DIG

STATE LAW REQUIRES YOU TO NOTIFY OWNERS AND OPERATORS OF UNDERGROUND FACILITIES AT LEAST 3 FULL WORKING DAYS BEFORE YOU DIG

1-800-242-8511



3 EVERGREEN PLANTING DETAIL
BARE ROOT STOCK MAY BE PLANTED IN 1/4 TO TOPSOIL PIT



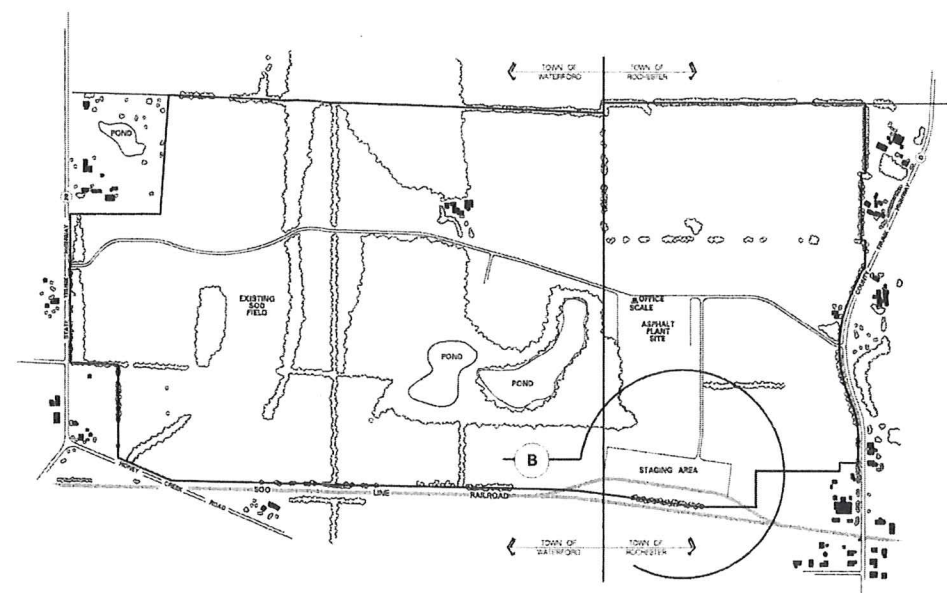
1 CLIMATOLOGICAL DATA OF SITE
WATERFORD/ROCHESTER, WISCONSIN

GEOGRAPHICAL LOCATION OF SITE: 42.90 NORTH LATITUDE
88.60 WEST LONGITUDE

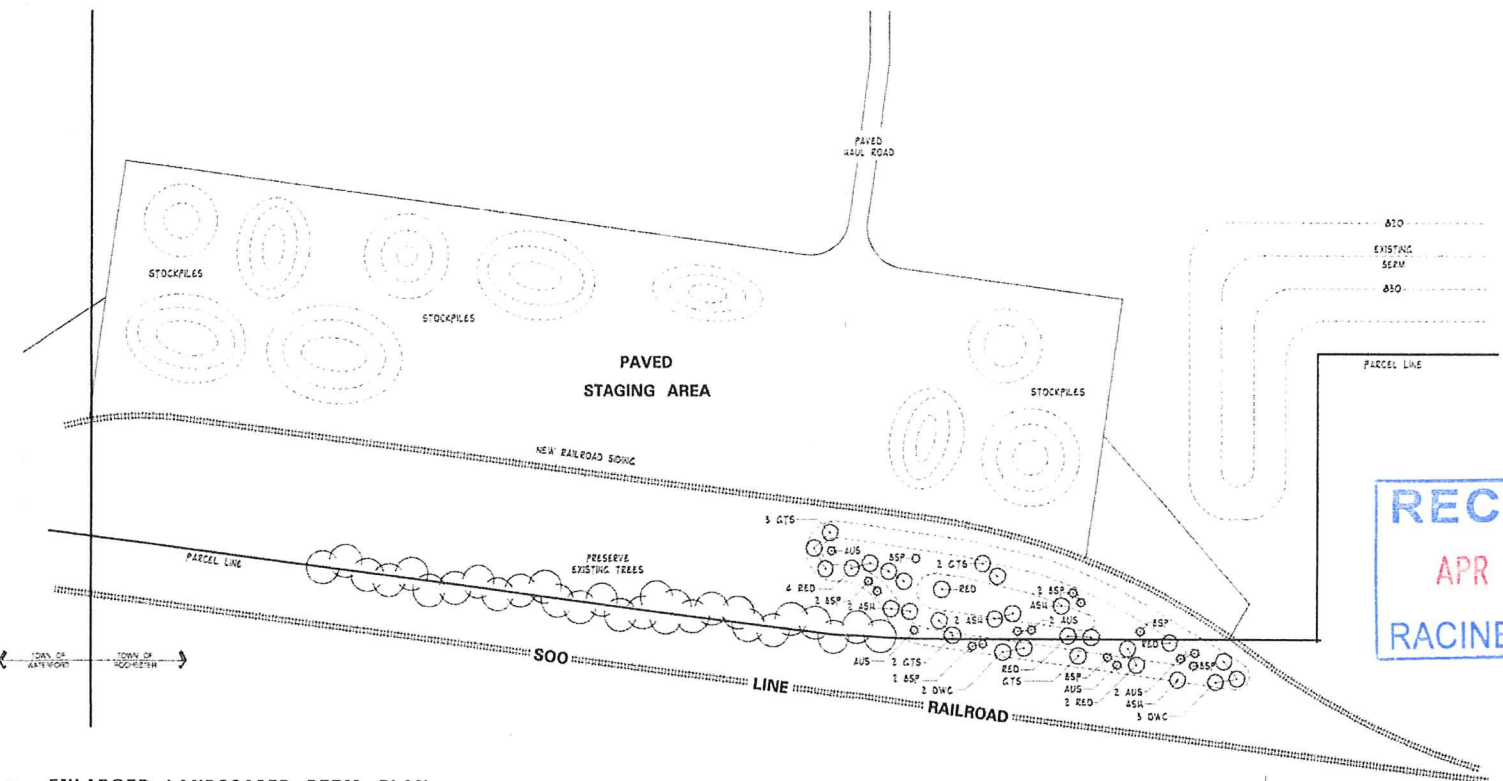
DURATION OF ANNUAL GROWING SEASON 176 DAYS
AVERAGE WARMEST DAY 50 JULY 48° F
AVERAGE COLDEST DAY 8 JAN 4° F
ANNUAL PRECIPITATION 75.0 MM
AVERAGE SUNSHINE PER DAY 5.6H
OVERALL AVERAGE TEMPERATURE 45° F

PLANT MATERIAL SCHEDULE

QUANTITY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	MIN. SIZE	SYMBOL
8	●	GLEDITSIA TRIACANTHOS HERENS (PATENT W/)	SKYLINE LOCUST	2" CAL	GTS
6	●	FRAXINUS PENNSYLVANICA LANCEOLATA	GREEN ASH	2" CAL	JSH
10	●	ACER RUBRUM 'AUTUMN BLAZE'	AUTUMN BLAZE RED MAPLE	2" CAL	RED
5	●	MALUS WYMAN	DOH WYMAN CRAB	2" CAL	DWC
7	●	PRUNUS NEGUNDA	AUSTRIAN PINE	5" HGT	AUS
10	●	PICEA POCENIS (GLAUCA) VORBERGEM	BLUE SPRUCE	5" HGT	SSP



A SITE PLAN
REFER TO SHEET B FOR SITE PLAN



B ENLARGED LANDSCAPED BERM PLAN
CONSTRUCT BERM PER BERM PLAN & CROSS-SECTIONS

RECEIVED
APR 14 2022
RACINE COUNTY



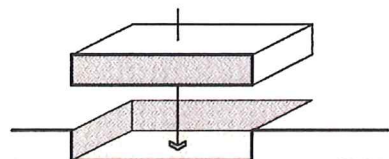
5 JUN 97



PAYNE & DOLAN
N3 W23650 BADINGER ROAD
WAUKESHA, WISCONSIN 53187
414-524-1700

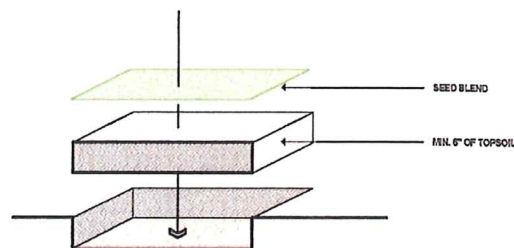


LANDSCAPED BERM DETAILS



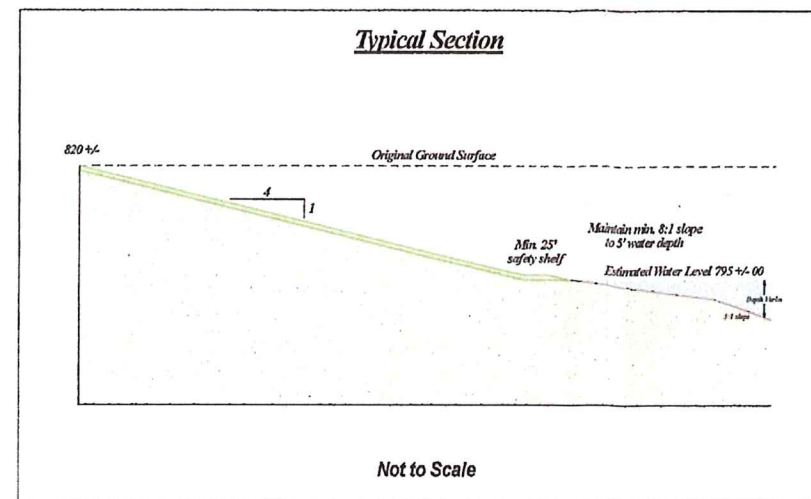
- RETAIN EXISTING TOPSOIL & SUBSOIL FOR DISTRIBUTION DURING RECLAMATION
- MINIMUM 6" OF SUBSOIL AND 6" OF TOPSOIL ON RECLAIMED SLOPES
- STORE TOPSOIL & SUBSOIL IN TEMPORARY BERMS DURING MINERAL EXTRACTION
- EXISTING TOPSOIL & SUBSOIL SHALL BE SPREAD BY GRADING CONTRACTOR
- PROJECT MANAGER SHALL APPROVE FINISHED GRADE & UNIFORM SLOPES PRIOR TO THE SOWING OF SEED

PRESERVATION OF TOPSOIL & SUBSOIL



- ENOUGH TOPSOIL WILL BE STOCKPILED ON SITE FOR RECLAMATION
- MINIMUM OF 6" OF TOPSOIL ON RECLAIMED SLOPES
- PROJECT MANAGER SHALL APPROVE FINISHED GRADE & UNIFORM SLOPES PRIOR TO THE SOWING OF SEED
- ALL SEEDING WILL BE DONE IN ACCORDANCE WITH THE STATE OF WISCONSIN DOT STANDARD SPECIFICATIONS FOR SEEDING AND MULCHING, SECTIONS 630 AND 627
- SEEDING TO BE COMPLETED WITHIN 30 DAYS OF FINAL TOPSOIL GRADING

SEED OPERATIONS



DETAILS

I. PURPOSE AND SCOPE

The purpose of this reclamation plan is to describe the activities to reclaim the site to a condition whereby future land use is feasible after the completion of mineral extraction activities. Implementation of this reclamation plan shall be completed within one (1) year after the cessation of site operations.

The proposed land use for the reclaimed site upon reclamation is returning the parcel to agricultural/farmland operations and green space. The ultimate land development and end use (beyond grading, revegetation and other requirements detailed in this plan) are subject to future land use requirements.

No end use development proposals (besides those listed above) shall be implemented prior to the submission of detailed end-use development plans pursuant to then applicable town and county ordinance requirements, and the granting of detailed zoning and land use approvals in accordance with such applicable ordinance requirements.

II. PROPOSED EARTHWORK AND RECLAMATION

The topsoil and other overburden materials covering the nonmetallic mineral deposit are removed and stockpiled separately for future reclamation. After the nonmetallic minerals are removed, the topsoil and other overburden materials will be placed over the area where the minerals were excavated, graded to conform with the surrounding land and seeded. The existing topsoil and overburden are re-distributed across the parcel and fine graded to present a uniform appearance. Reclaimed slopes will be seeded upon completion of the fine grading.

The reclamation plan has been designed to maintain pre-mine drainage patterns to the greatest extent possible and to improve upon existing conditions where possible. Payne & Dolan will perform the necessary grading to achieve the final topography and drainage patterns as outlined in the attached reclamation plan view.

III. REVEGETATION PLAN

After the overburden materials have been placed over reclaimed slopes, the stockpiled topsoil will be spread over the reclaimed slopes, fine graded, seeded and mulched. Seeding activities will be carried out in accordance with accepted seeding specifications provided in the reclamation plan.

Prepared soil will be seeded at any time during the growing season when soil conditions are suitable but no longer than 30 days after the final grading of reclaimed slopes. Seeding activities should not be carried out immediately following rain, when the ground is too dry, or during windy periods.

All seeding and mulching will be done in accordance with the State of Wisconsin Department of Transportation Standard Specifications for Seeding and Mulching, Sections 630 and 627.

IV. EROSION CONTROL AND POST OPERATIONAL MAINTENANCE

Erosion control measures will be implemented as necessary to minimize off-site erosion until such time as permanent placement and shaping of overburden and topsoil and seeding is possible. Best Management Practices (BMPs) such as check dams, straw bales, silt fence, surface water diversions, energy dissipators, mulch or artificial surface cover, cover crop of vegetation, buffer areas, or other appropriate measures will be taken as necessary. All erosion and sediment control practices will be periodically checked for stability and operation on a regular basis.

Follow-up inspections of all reclaimed or otherwise stabilized surfaces along with all erosion and sediment control practices will be conducted on a monthly basis to ensure their stability until such time as the vegetation required to support the post-mining land use has been successfully established and the financial assurance has been released.

Seeded areas will be reseeded and fertilized as necessary to establish and maintain a dense self-sustaining vegetative cover over reclaimed slopes. Erosion and sediment control measures will be repaired or replaced as necessary. Other preventative measures not mentioned in this reclamation plan will be taken as necessary to minimize off-site erosion.

V. COSTS OF RECLAMATION

Reclamation is an on-going process during the nonmetallic mineral extraction process, with a majority of the reclamation being completed during active mineral extraction. Final reclamation will consist of reclaiming the processing and stockpiling area upon completion of the mineral extraction activities.

The estimated reclamation costs shall approximate the actual costs of reclamation including but not limited to grading and shaping overburden over previously mined areas as shown on the reclamation plan, distribution and placement of topsoil, necessary erosion control measures, seeding, mulching, inspections and maintenance.

The estimated reclamation costs for this site are \$93,750.

VI. ASSESSING SUCCESSFUL RECLAMATION

Payne & Dolan will assess successful reclamation with the approved reclamation plan using the following methods:

1. The available overburden and topsoil have been graded to the contours as shown on the reclamation plan, and have been fine graded, seeded and mulched.
2. Adequate vegetation has been established to stabilize reclaimed surfaces. Adequate revegetation will be determined by utilizing the guidelines outlined in the Wisconsin Technical Note-AGRONOMY-WI-1, Guidelines for Herbaceous Stand Evaluation, dated May 15, 1991 or by percent cover will be determined as total cover (expressed as a percentage) as measured by the canopy (vertical projection of plant parts) and will be recorded by species. Revegetation will be measured over the entire revegetated site at no less than 10 randomly placed square foot quadrants for each 10 acre area.

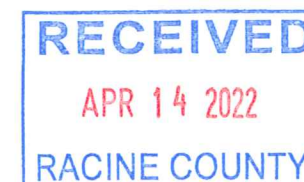
VII. CERTIFICATION OF RECLAMATION PLAN

I hereby certify, as a duly authorized representative or agent, that the reclamation at this nonmetallic mining site will be carried out in accordance with the approved reclamation plan submitted by Payne & Dolan, Inc. I also certify that the information contained herein is true and accurate and complies with the local and statewide nonmetallic mining reclamation standards established in NR 135, Wisconsin Administrative Code.

Signature of representative or agent:

 Clint G. Weninger, PG
 Payne & Dolan, Inc.

Date signed:
 7/17/02



RECLAMATION MEASURES

PAYNE AND DOLAN, INC.
 N3 W23650 Badfinger Road
 P.O. Box 781
 Waukesha, WI 53187
 Phone: 262.524.1700



NOTES:
 THIS PRINT IS THE PROPERTY OF PAYNE AND DOLAN, INC. AND THE CONTENTS CONTAINED HEREIN ARE CONFIDENTIAL AND SHOULD NOT BE USED OUTSIDE OF THE COMPANY WITHOUT PERMISSION.

Nonmetallic Mining Reclamation
Honey Creek Aggregate Site
Towns of Rochester & Waterford, Racine County, Wisconsin

PROJECT:

REVISION:

DATE: July 11-2002

SCALE: As shown



RACINE COUNTY LAND CONSERVATION
Technical Review

Date: **April 27, 2022**
For: **Honey Creek Site, Payne and Dolan, Inc.**
Address: **34422 High Drive, Town of Waterford, Village of Rochester**
Review By: **Chad Sampson**

Excavated topsoil and overburden soils must remain on site in stockpiles as the site is restored. A minimum of three inches of topsoil must be spread over the finished restored land. Keep the topsoil and overburden separate for restoration.

Protect the stockpiles from soil erosion by seeding and mulching them within seven (7) days after formation. The sides slopes of the stockpiles should be no steeper than 2:1 slope.

Restored grades should be no greater than 3:1 slope and elevations will meet the final reclamation plan.

Reclaim areas of the site where extraction has been completed as new areas are opened for mining.

Maintain a 50 foot or wider grassed buffer between the reclaimed cropland and surface water.

April 25, 2022

Applicant/Owner: Honey Creek/ Payne & Dolan Inc.

Phone: 262-524-1700/262-524-1258

Site Address: 34422 High Drive (Honey Creek Site/Waterford) and 34604 Washington Ave (Rochester)

Municipal: Waterford & Rochester

Section 31(W) and Sec. 6 (R), T3&4N., R.19E.,

Parcel ID No. 016041931-001000, -005000, -011020, -013000, -014000 (Waterford) and 176031906-010000, -018000, -011000 (Rochester)

Sarah,

Engineering section has spent 3 hours reviewing these plans and find that their reclamation costs are sufficient.

Shannon Kurth

****DRAFT CONDITIONS****:

1. **Zoning Permit.** The applicant must obtain a zoning permit from the Racine County Development Services Office after paying the zoning permit fee of **\$720.00 (\$10/acre)**. The card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed. **(s. 35-6)**
2. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit. **(s.35-100(F)(g))**
3. **Plans.** The proposed project shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Services Office, on behalf of the Village of Rochester, on April 14, 2022, and must be restored in conformance with restoration plan (Map C) dated November 5, 1997.
4. The asphalt plant must be located in Phase I area south of the existing wetland as indicated on the submitted site plan. The proposed use may include aggregate drying and musting with bituminous materials producing asphalt “pavement” for paving purposes and hauling said asphalt “pavement” to paving locations. Only one (1) asphalt plant may be established in the Village of Rochester by Payne & Dolan, Inc. at any one time.
5. The asphalt plant may not be operated other than between the hours of 6:00am and 7:00pm, **Monday through Saturday (20 Saturdays per year)**, and it must be operated in a manner that meets or exceeds all local, state, and federal environmental requirements. The owner is allowed to perform start-up activities for the asphalt plant from **5:00am** to 6:00am and shut down activities from 7:00pm to **8:00pm**. The owner is allowed twenty-four (24) hour operations when necessitated by specific projects and shall notify the Village of Rochester at least three (3) days in advance of the operation.
6. The oil storage area, if any, must be surrounded by a berm. Said berm must be of sufficient height and width to hold and contain the capacity of all oil storage tanks located in said area. Oil storage area and surrounding berms shall be lined with an impermeable surface.
7. The final restoration of this site now includes a 260-acre lake. This lake must comply with all applicable Wisconsin Department of Natural Resources and United States Army Corps of Engineers recommendations or requirements. The site operator must retain on the site an amount of topsoil and overburden that is an ample amount to cover all the disturbed area outside the lake with a minimum of 6 inches of subsoil and a minimum of 6 inches topsoil. The side slopes of the proposed pond must be sloped, covered with soil, and seeded to prevent excessive soil erosion until all phases of this quarrying are completed. Side slopes of the lake to be 8:1 for the first 5 feet of depth and no steeper than 3:1 thereafter. **(s.35-100(F)(3)(a)(1) Reclamation Plan)**

See the attached National Resource Conservation Service (formerly SCS) technical guide sheets on pond construction for proper side slopes. Do not block or create surface water drainage problems on the adjacent properties.

Chapter 12.5 of the Racine County Code of Ordinances relative to nonmetallic mining reclamation very thoroughly covers the handling of topsoil, the storage of topsoil, and financial assurance that can be used to mandate that commitments to reclamation are kept, and can be found in the following sections:

- 12.5-10 (21) Replacement of topsoil
- 12.5-10 (23) Topsoil
- 12.5-10 (24) Topsoil
- 12.5-11 (4) Topsoil Management
- 12.5-11 (6) Topsoil Redistribution
- 12.5-14 (a) Financial Assurance Requirements
- 12.5-14 (a) (3) Amount and Duration of Financial Assurance
- 12.5-14 (a) (12) Adjustment of Financial Assurance

Ample amounts of topsoil to complete reclamation as approved will remain on the site at all times. If it is determined by the Village or the County that, at any time, the amount of topsoil on site is not sufficient to accomplish reclamation as approved, then the financial assurance will be adjusted to cover any deficiency.

This parcel must be restored as a natural preservation with the possibility of residential lots in the area that is not designated to be parkland. The lots will meet the requirements of local communities at the time of development.

A portion of this site, 82.86 acres in the Town of Waterford and 40.92 acres in the Village of Rochester, are designated to become parkland and shall be graded, sloped, and planted as depicted in the reclamation plan.

8. The restoration of the site must meet or exceed all the requirements of the mandated NR 135 regulation and subsequent nonmetallic mine reclamation ordinance adopted by Racine County in May of 2001. Payne & Dolan, Inc. must continue to comply with Condition Numbers 10, 11, and 12, concerning well testing, from the August 20, 2001, conditions of approval **(s. 35-100 (F)(3)(a)(1) Reclamation Plan)**
9. Payne & Dolan, Inc. must work with the affected municipalities for traffic control so that quarry traffic does not overload either the northern or southern access points on the connecting road network.
10. No blasting is permitted on this property as a part of this approval. No explosives shall be used or stored on this property.
11. All roads throughout the entire pit must be maintained in all-weather, dust-controlled condition. When applying treatment to this access road surface, the applicant must make

6.22.2022 Village of Rochester Plan Commission Meeting
DRAFT CONDITIONS for Payne & Dolan, Inc-Honey Creek
Submitted by Racine County Planning Staff

every effort to avoid the spread of this treatment material onto Washington Avenue (CTH D). Should such material and/or soil material be spread, carried, and/or spilled onto Washington Avenue, the applicant must take action to mitigate the problem within the same working day. All dust palliatives must be State of Wisconsin DNR approved.

12. The applicant is responsible for ensuring that all truck drivers, whether they are his own employees or contract drivers, strictly obey all posted speed limits and traffic signs and laws. This includes coming to a full stop before entering a public roadway. The quarry driveways shall have a speed limit of 15 miles per hour. Engine braking is prohibited on the subject properties and on all public roads within the Village of Rochester. Should this office received substantive complaints that these conditions are not in compliance, the Village of Rochester Planning Commission/ Village Board reserves the right to reconsider and possibly revoke this permit for non-compliance.
13. The applicant is responsible for control and/or cutting of noxious weeds in compliance with each Village's weed ordinance. **(s.7-12 Noxious Weeds, Natural Lawns, and Grass Clippings)**
14. The Village of Rochester Planning Commission/ Village Board reserves the right to require with 60 days' notice, a complete set of elevations, including bottom of pit grades be taken by a registered land surveyor or professional engineer tied into mean sea level datum. This operation may not occur below the grades shown on the submitted restoration plan.
15. Hours of Operation for grading, crushing, washing, material load out, internal trucking, and external trucking:
 - Monday-Friday:
 - Village of Rochester 6:00am to 7:00pm
 - Saturday:
 - Village of Rochester 7:00am-2:00pm
 - Limited to 20 Saturdays per year
 - No mining or trucking operation on Sunday or Holidays
 - Picking up and returning of equipment may occur outside of the hours listed above**
 - Activities such as equipment maintenance and minimum site maintenance, such as snowplowing and lawn mowing, may take place outside of the times listed above. The applicant is prohibited from the use of back-up horns on any vehicles and equipment used or being maintained outside of the times listed above **(s. 35-100(F)(3)(b)(1) Hours and Days of Operation)**
16. The Village of Rochester Zoning Administrator or his designee may enter the mine site to verify compliance with these conditions. Representatives must have proper MSHA training or be escorted by Payne & Dolan, Inc., personnel. **(s.35-10(B))**
17. The topsoil must be stockpiled separately from the remaining overburden material. All stockpiles must be temporarily seeded with twenty (20) pounds per 1,000 square feet of

6.22.2022 Village of Rochester Plan Commission Meeting
DRAFT CONDITIONS for Payne & Dolan, Inc-Honey Creek
Submitted by Racine County Planning Staff

- perennial rye grass or winter wheat within seven (7) days of formation. The operator is responsible for reseeding until all overburden stockpiles are in dense vegetative cover.
18. If a sediment basin(s) is needed, it must be designed in accordance with the criteria shown in the Wisconsin Construction Site Handbook that was developed by the Wisconsin Department of Natural Resources. The plans must be submitted to this office for review and approval prior to construction of sediment basin(s).
 19. The proposed landscape berm must be no steeper than 2:1 and it is preferred that the slope be 3:1 or flatter. A minimum of three (3) inches of topsoil shall be placed over the subsoil prior to seeding, mulching, and planting of shrubs and trees. Seeding shall be accomplished using the seeding mixtures from prior phases of the operation.
 20. All excavation boundaries must be staked or otherwise marked and may be inspected by the department prior to commencing operations under this approval. Stakes must be made of steel, fiberglass, or other suitable material as determined by this office.
 21. A security fence must be maintained around the property with signed warning of the mining activity to be placed around the property boundaries spaced no more than 250 feet apart.
 22. The wash area may be located in the operations area as shown on the site drawing labeled Parcel Sequencing Plan Sheet B dated November 5, 1997. No well is approved by this action. Such an additional water source will require the further review and approval of the Village of Rochester Planning Commission and Village Board, through the public hearing process.
 23. The washing ponds must be constructed in a manner that prevents any of the wash water from entering the wetlands. This may require additional berms or barriers as determined by this office or the Village of Rochester.
 24. Dust control must be established on all internal haul roads. Dust palliatives must be DNR approved. Airborne particulate matter shall not exceed Wisconsin State Administrative Code Regulations.
 25. Payne & Dolan, Inc., must continue an annual evaluation of monitoring data to identify actual groundwater conditions compared to those that are anticipated and provide copies of the evaluation to the Village of Rochester. Furthermore, Payne & Dolan, Inc., must investigate any reported problems with water supply wells for groundwater users within 2500 feet of the quarry limits. If it is determined that the mining operation is responsible for a well problem, the well must be repaired or replaced as necessary by Payne & Dolan, Inc., provided that the well is:
 - Located within the well protection area (2500 feet of the boundary of this quarry site).
 - The owner of an existing well allows the representatives of Payne & Dolan, Inc., to inspect and test the well prior to excavation; or

6.22.2022 Village of Rochester Plan Commission Meeting
DRAFT CONDITIONS for Payne & Dolan, Inc-Honey Creek
Submitted by Racine County Planning Staff

- The owner of any new well drilled during the excavation notify Payne & Dolan, Inc. at the time of drilling and allowed the company to inspect the same to determine its condition **(s. 35-100(F)(3)(t) Test results of area wells...)**
26. This approval is for a two-year period and shall expire on June 22, 2024. However, no permit renewal will be granted unless the project is in reasonable compliance with the conditions of this approval. An onsite evaluation by this office will determine compliance. **(s. 35-100 (F)(3)(f)(1) Terms of Permit)**
27. The applicant is responsible for full compliance with 35-100, Special Conditional Use Provisions for Quarrying Operations, found in the Chapter 35 (Planning and Zoning Ordinance) of the Village of Rochester Municipal Code.
28. No additions, deletions, or changes may be made to these conditions without the prior approval from the Village of Rochester Planning Commission and Rochester Village Board.
29. The applicant is responsible for all necessary federal, state, and local permits, approvals, and licenses. **(s.35-100(C)(1)(o))**
30. Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understood, and agree to follow all conditions of this approval. Therefore, Payne & Dolan, Inc., and its officers, heirs, and assigns are responsible for full compliance with the above conditions. **(s.35-100 (C)(3)(a))**
31. It is the property owner's responsibility to inform any subsequent owner of the existence of these conditions.

June 22, 2022, Plan Commission Meeting

Payne & Dolan, Inc.

Clint Weninger, applicant/agent

Conditional Use Permit request

Affidavit of Mailing

I, Kim Parsons, of Racine County Public Works and Development Services, Racine County, Sturtevant, Wisconsin, being first duly sworn, stated that she distributed as listed below and properly enclosed in a postpaid envelope [proper post office addresses set after respective name(s)], a notice of a meeting for the Village of Rochester Plan Commission, which is to be held at 6:00pm, on Wednesday the 22nd day of June 2022.

Notice distributed via U.S.P.S. on 6/8/2022:

PAYNE & DOLAN INC
N3 W23650 BADINGER RD
WAUKESHA WI 53188

WELKE BROTHERS FARM PARTNERS
30822 KETTERHAGEN RD
BURLINGTON WI 53105

RICHARD A RICHTER
34301 WASHINGTON AVE
BURLINGTON WI 53105

THOMAS J TEREK
33914 WASHINGTON AVE
BURLINGTON WI 53105

WILLIAM GENDRICH REV TRUST
PO BOX 123
N7254 HONEY CREEK RD
HONEY CREEK WI 53138

INTL PRODUCTION SPECIALISTS INC
PO BOX 125
HONEY CREEK WI 53138

JEFFREY BONACK
34230 WASHINGTON AVE
BURLINGTON WI 53105

MICHAEL GRACE
3329 HONEY CREEK RD
BURLINGTON WI 53105

RAISLEGER FAMILY PARTNERSHIP
33833 WASHINGTON AVE BOX 60
HONEY CREEK WI 53138

DAVID W THOMPSON REV TRUST
34411 WASHINGTON AVE
BURLINGTON WI 53105

PAUL G URLACHER
34425 WASHINGTON AVE
BURLINGTON WI 53105

MINN ST PAUL & SSM R R
120 S 6TH ST
MINNEAPOLIS MN 55402

AKABE GULBANKIAN
309 MAIN ST
RACINE WI 53403

SIX M FARMS LLC
7932 PLEASANT RD
WATERFORD WI 53185

BARBARA BEGUHL
34823 WASHINGTON AVE
BURLINGTON WI 53105

EUGENE N CONTI JR
34827 WASHINGTON AVE
BURLINGTON WI 53105

FRANK C PRICE
3010 O'LEARY LN
EAST TROY WI 53120

JOHN W JANAKY
34111 WASHINGTON AVE
BURLINGTON WI 53105

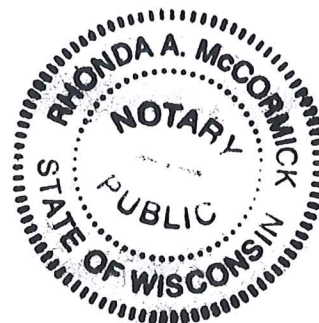
THOMAS P GREIL
4901 BIG BEND RD
WATERFORD WI 53185

DAVID J LOTHARIUS
35201 FAIRVIEW ST
HONEY CREEK WI 53167

Kim Parsons

Sworn to before me this 8th day of June 2022.

Rhonda A. McCormick
Notary Public, Racine County, Wisconsin
My commission expires 10/12/2025





Village of Rochester
Planning Memorandum
Planning Commission - Jun 22 2022

Prepared For:

Planning Commission

Staff Contact:

Sarah Reed, Development Services Specialist

Agenda Item:

Pre-application conference to discuss a conceptual plan to create a two (2) lot certified survey map, located at 1503 Heritage Road, in Section 9, Township 3 North, Range 19 East, Village of Rochester, Racine County, Wisconsin. Parcel ID # 176031909023001
Approx. 5.94 Acres

Owner: Kempken Trust James L. & Diane K.

Existing Zoning and Land Use Restrictions:

The owner is requesting a pre-application conference with the Village of Rochester Planning Commission, prior to submitting a conceptual plan to divide their property into two (2) parcels of land. Under Section 30-21 (Pre-Application Conference), found in Chapter 30 (Land Division) of the Village of Rochester Municipal Code states as follows:

"It is recommended that the sub-divider meet with the Zoning Administrator, and then the Village Plan Commission prior to submitting a conceptual plan to learn the objectives of the Land Use Plan and Land Division Chapter and understand how these will influence the planned development. It is also recommended to meet with the Village Engineer. The Zoning Administrator will provide information on zoning, driveway access, sanitary requirements, floodplains, environmental corridors and wetlands on the site. It is also recommended that members of the Commission plan a site visit with the sub-divider as a part of a duly noticed public meeting prior to submission of the conceptual plan."

Planning Analysis:

Staff has reviewed the preliminary certified survey map request and have found that the following regulations apply to this development:

1. This property owner obtained Certified Survey Map approval back in 2017 with the Village of Rochester Plan Commission and Village Board create a 1.84 acre lot. This was recorded on October 23, 2017 as CSM 3264.
2. The Village of Rochester 2050 Land Use Plan shows the property identified as Suburban Residential (1.5 to 2.99 Acres per dwelling unit). The proposed lots are sized at approx. 0.92 acres and 5.02 acres. The proposal would comply with an approximately 2.97 acres per dwelling unit density.

3. The property is zoned A-2, General Farming and Residential District. Under the A-2 zoning district requirements, each lot must at a minimum of 150 feet of lot width measured at the minimum required street yard setback (i.e. 75-feet from road right-of-way) and a minimum of 40,000 sqft of land area exclusive of road right-of-way. This proposal meets the minimum lot requirements under the A-2 zoning district.

4. No floodplain, wetlands, shoreland jurisdiction, primary or secondary environmental corridors, or isolated natural resource areas are indicated in the mapping on this subject property.

5. The subject property will be serviced by Private Onsite Wastewater Treatment Systems (POWTS). The property owner shall contact a Certified Soil Tester that is licensed in the State of Wisconsin, to conduct a soil and site evaluation for the proposed lot to ensure that a code compliant POWTS can serve this proposed development. Original copy of the soil and site evaluation shall be submitted to the Racine County Development Services Department for review and approval prior to submitting a conceptual plan to the Village of Rochester Planning Commission for this proposal.

6. The parent parcel of the submitted preliminary proposal shows that there are existing accessory structures located on the lot. There is approximately 3,340 sqft of accessory structure square footage on the present lot. With the proposed lot size of approximately 5.02 acres, the accessory structure square footage would remain in compliance with Section 35-21 (B)(3)(d) in the Chapter 35 Planning & Zoning Ordinance and would be in compliance with the accessory structure setbacks to the new proposed lot line.

7. The Racine County Public Works Department has reviewed this preliminary proposal and indicated:

- Based on the functional area of the intersection of Heritage Road (R-2) and Academy Road (CTH FF), the proposed parcel and any subsequent parcels shall use the shared access easement as shown on CSM 3264 for the proposed parcel and any future parcels. No additional access points will be granted even with future parcel splits or with different owners. Access to Heritage Road for the proposed lot or future lots would be prohibited.

Please see the attached advisory opinion from the Racine County Public Works Department.

8. The Village of Rochester's Public Works Manager reviewed the submitted preliminary proposal and offered the following comments:

- Stormwater has historically flowed from the west to southwest to the intersection of HWY FF and Heritage Road. The water collects on the county road right-of-ways. The collection point for the water is 219 ft. away from the west property line of the proposed CSM.

There were no concerns or objections to the proposed CSM. See attached staff report from the Village of Rochester Public Works Manager.

Planning Conclusions:

If the property owner wishes to continue subdividing this property as a two (2) lot certified survey map, they are required to obtain the following approval in following order:

1. Conceptual Plan Approval from the Village of Rochester Planning Commission. (See 30-63 Conceptual Development Plan of the Chapter 30 Land Division Ordinance for submittal requirements)
2. Certified survey approval from the Village of Rochester Planning Commission
3. Certified survey map approval from the Village of Rochester Village Board.

Suggested Motion of Planning Commssion:

There is no formal action associated with the Pre-Application Conference. Instead, the Planning Commission should identify any items of concern with the development and provide guidance for any design items found in conflict with Section 30-3. "INTENT." of the land division ordinance which is provided as an attachment to this report; and the comprehensive land use plan or its components.

Attachments:

[Kempken Pre-App CSM 6-22-22](#)
[KempkenCoverLetter&ReimAgree](#)
[KempkenSitePlan](#)
[KempkenRCEngRev](#)
[KempkenRochRev](#)
[KempkenAffidavitofMailing](#)

Village of Rochester Planning Commission

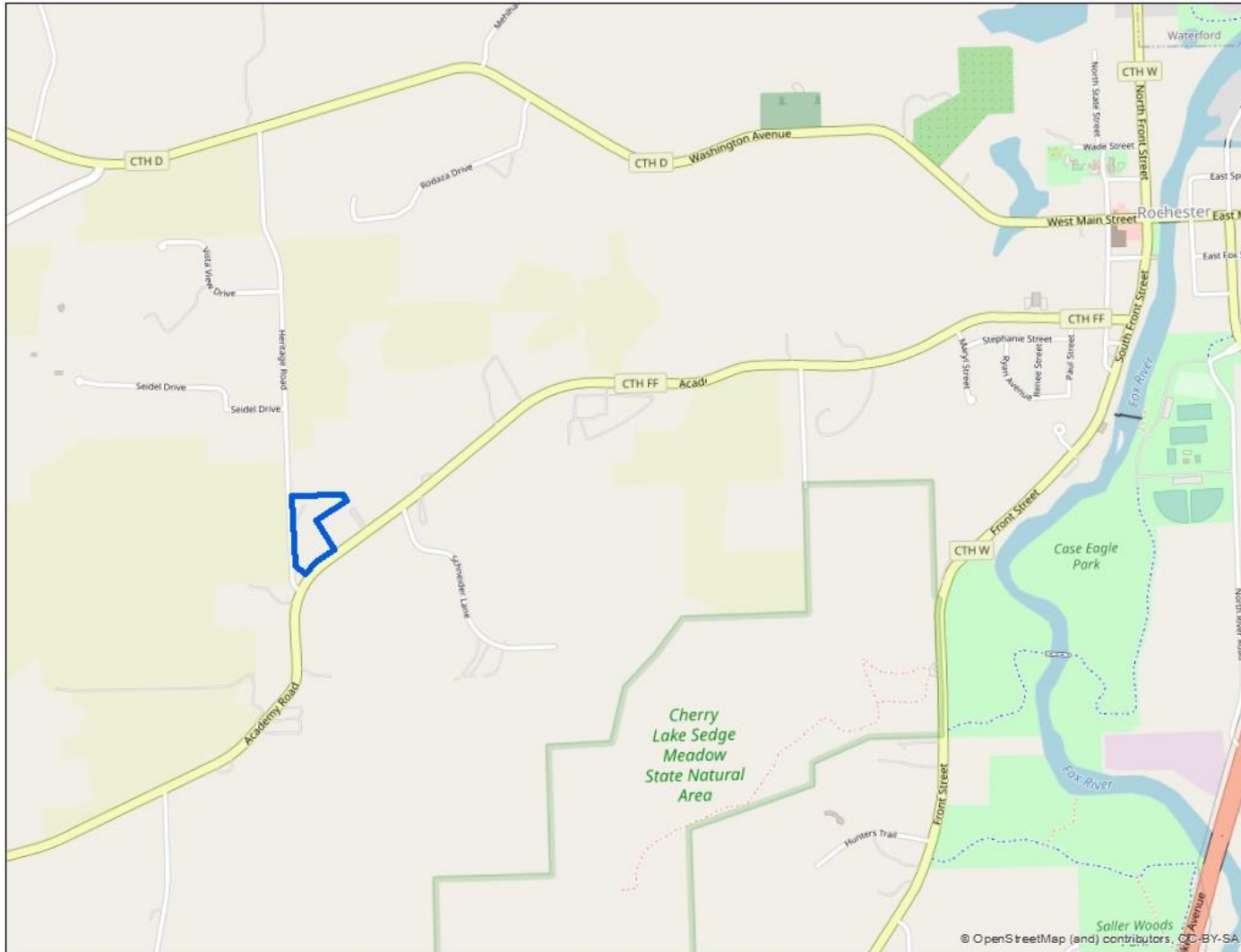
Pre-Application CSM Review Kempken

Section 9, Town 3 North, Range 19 East
Part of 1503 Heritage Road, Village of Rochester

Wednesday, June 22, 2022

James & Diane Kempken, Owners
Site Address: (part of) 1503 Heritage Road
Zoned: A-2 General Farming & Residential District
Pre-application conference to discuss a conceptual plan to create a 2-lot CSM

Location Map



James & Diane Kempken, Owners
Site Address: (part of) 1503 Heritage Road
Zoned: A-2 General Farming & Residential District
Pre-application conference to discuss a conceptual plan to create a 2-lot CSM

Zoning



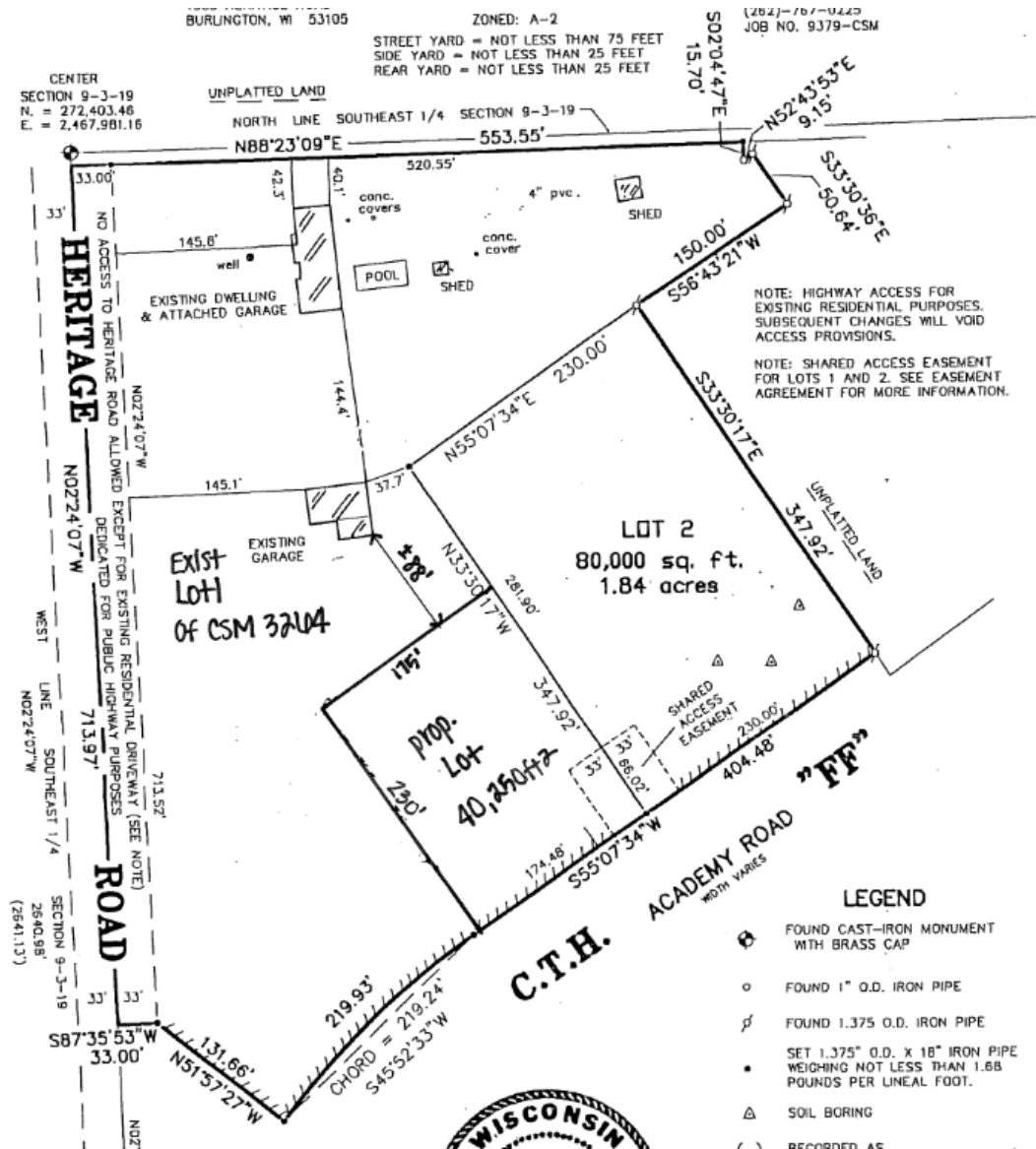
James & Diane Kempken, Owners
Site Address: (part of) 1503 Heritage Road
Zoned: A-2 General Farming & Residential District
Pre-application conference to discuss a conceptual plan to create a 2-lot CSM

2020 Aerial Map



James & Diane Kempken, Owners
Site Address: (part of) 1503 Heritage Road
Zoned: A-2 General Farming & Residential District
Pre-application conference to discuss a conceptual plan to create a 2-lot CSM

Proposed



James L. Kempken
1503 Heritage Rd.
Burlington, WI 53105

May 23rd, 2022

Racine County Development Services
14200 Washington Ave.
Sturtevant, WI 53177

We are requesting to sell .92 of an acre, which is 40,075 sq. ft., off our land which is considered Lot 1. We are proposing a 175' frontage on Highway FF and using the shared driveway access that is already in place. The depth would be 230' which would leave approximately 88' to our existing outbuilding. This would leave our Lot 1 with our house and outbuildings just over of 5 acres.

We are trying to downsize the upkeep of our property as we age.

We will have Bob Wetzel of BW surveying do our surveying if approved and Chris Johnson of CJ's Soil Testing would do the perk test.

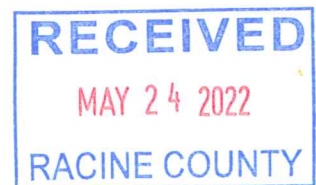
We have enclosed a sketch of the dimensions of the proposed lot on a copy of a certified survey of our land.

Please consider this action as it would be much easier for us to keep our property in the excellent condition we have been used to doing.

Sincerely,



James L & Diane K Kempken



Village of Rochester
Agreement for Reimbursable Services
By Petitioner/Applicant/Property Owner

The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in its review of a proposal coming before the Plan Commission. The Village reserves the right to apply the charges for these services as well as for staff time expended in the administration, investigation and processing of applications to the Petitioner.

The Petitioner is required to provide the Village with an executed copy of this agreement as a prerequisite to the processing of the development application. The submittal of a development proposal application or petition shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the Village as a special assessment to the subject property.

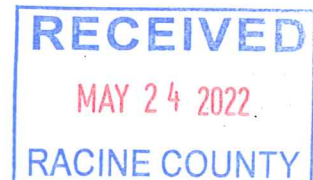
James L + Diane K Kempken, the applicant/petitioner/ property owner(s) for
(Names)
CSM, dated May 25th, 2022,
(Nature of application/petition)

agrees to reimburse the Village of Rochester for all consultant services (e.g. engineering, planning, surveying, legal) required to process this application in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, impact fees, etc.), and, further, agrees to reimburse the Village for other administrative staff review if, in the judgment of the Village Board, such reimbursement is warranted.

Dated this 25th day of May, 2022.

Jh-Kempken
(Signature of Applicant/Petitioner)

(Signature of Property Owner, if Different from Applicant/Petitioner)



HCMiller

Stock No. 26273

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE VILLAGE OF ROCHESTER, RACINE COUNTY, WISCONSIN.

PREPARED FOR: JAMES L. AND DIANE K. KEMPKEN TRUST
1503 HERITAGE ROAD
BURLINGTON, WI 53105

PREPARED BY: B.W. SURVEYING, INC.
412 N. PINE STREET
BURLINGTON, WI 53105
(262)-767-0225
JOB NO. 9379-CSM

ZONED: A-2
STREET YARD = NOT LESS THAN 75 FEET
SIDE YARD = NOT LESS THAN 25 FEET
REAR YARD = NOT LESS THAN 25 FEET

SECTION 9-3-3-19
N. = 279,403.46
E. = 2,467,981.16

CENTER UNPLATTED LAND
NORTH LINE SOUTHEAST 1/4 SECTION 9-3-19

5020.47'E
15.70'
553.55'
520.55'

515.15'
533.30'36"E
30.64'

150.00'
556.43'21"W

NOTE: HIGHWAY ACCESS FOR EXISTING RESIDENTIAL PURPOSES. SUBSEQUENT CHANGES WILL VOID ACCESS PROVISIONS.
NOTE: SHARED ACCESS EASEMENT FOR LOTS 1 AND 2. SEE EASEMENT AGREEMENT FOR MORE INFORMATION.

533.30'17"E
230.00'

230.00'
N55°07'34"E

N02°24'07"W

HERITAGE ROAD

LOT 2
80,000 sq. ft.
1.84 acres

347.92'

281.90'

37.7'

N02°24'07"W

LOT 1
282,105 sq. ft.
6.48 acres

Indl. right of way
258,552 sq. ft.
5.94 acres
excl. right of way

713.52'

713.97'

N02°24'07"W

SECTION 9-3-19
2640.98'
(2641.13')

33'

33'

33'

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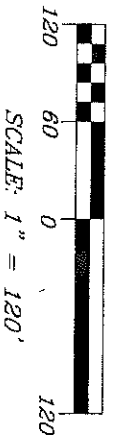
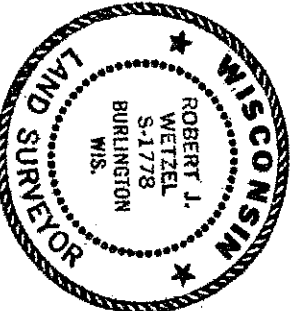
C.T.H.

ACADEMY ROAD
WIDTH VARIES

"FF"

LEGEND

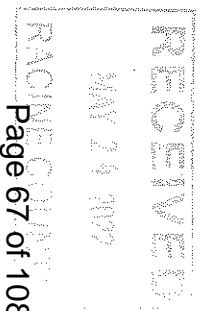
- FOUND 1" O.D. IRON PIPE
- FOUND 1.375" O.D. IRON PIPE
- SET 1.375" O.D. X 18" IRON PIPE WEIGHING NOT LESS THAN 1.68 POUNDS PER LINEAL FOOT.
- ▲ SOIL BORING
- () RECORDED AS
- LLLL NO HIGHWAY ACCESS



SOUTH 1/4 CORNER
SECTION 9-3-19
N. = 269,764.77
E. = 2,468,091.84

ROBERT J. WETZEL
SEPTEMBER 22, 2017
REVISED: SEPTEMBER 26, 2017

SHEET 2 OF 4



Docket Number 2017-0063-02

June 10, 2022

James & Diane Kempken
1503 Heritage Road
Burlington, WI 53105

Regarding advisory opinion for highway access, Parcel 176031909023001 Currently owned by Kempken Trust James & Diane:

James,

The County of Racine Department of Public Works and Development Services (hereinafter Department) received your request for a conceptual review of access to the subject parcel. The request indicates preliminary planning prior to a fractional division of the subject parcel for residential use, however all reviews such as this are performed for the entire parent parcel to allow for future planning considerations. Access from the parent parcel was reviewed with respect to CTH FF (Academy Rd), a County Trunk Highway and R2 (Heritage Rd), a Rustic Road both under Racine County jurisdiction.

When reviewing any type of access request or conceptual request as in this case, conditions are examined closely and compared to standards established within the Wisconsin Department of Transportation FDM (Facilities Development Manual, *See* MADISON, WIS., WISCONSIN DEPARTMENT OF TRANSPORTATION FACILITIES DEVELOPMENT MANUAL [2020]). These standards are used by Racine County and many other local jurisdictions as they provide guidance and criteria related to highway and roadway design that balances safety with the rights of access to privately owned property. Additionally, Racine County reflects findings based on permitting requirements and guidance found within the Policy on Permits for Access Points between County Trunk Highways & Abutting Lands.

The findings of this review include the following:

- Based on the functional area of the intersection of Heritage Avenue R-2 at Academy Road CTH-FF. The proposed parcel and any subsequent parcels shall use the shared access easement as shown on CSM No. 3264 for the proposed parcel and any future parcels. No additional access points on to CTH FF will be granted even with future parcel splits or with different owners.

- As stated on CSM No. 3264, direct access is prohibited from this parcel (and subsequent parcels) to Heritage Avenue R-2. Racine County ordinance grandfathered highway access in place before August 12, 1965. These requirements imply that subsequent changes (in use) would require the County to rescind the existing direct access to Heritage Avenue R-2.

With these factors in mind, Racine County processes access requests by comparing field data and observations with these established criteria to determine if an access should be approved. When it is found that the criteria for access are met, an access may be granted. When the results of the review indicate that criteria are not met and that a safety concern exists, per Racine County policy, the Department cannot permit access at this location regardless of other factors.

In the case of this current request, we find that one access point currently exists and the maximum total number of access points that may be permitted is two. With this said, any proposal for access and access permit request must satisfy these criteria and should take highway safety and future planning of the property into account. There will be no allowable access for 450 feet from the intersection of Heritage Avenue R-2 at Academy Road CTH-FF. Please keep the total maximum number of access points for the parent parcel also in mind when determining access for proposed land divisions such as this. Subsequent land divisions will require shared driveways, easements, or other considerations to gain access to County Trunk Highway FF.

The County is requesting that no access within 450 feet from the intersections of CTH FF and R-2 remain on the new CSM. Also, we would require that the existing CSM No. 3264 call outs for the shared access easement or any changes to and their location be called out on any future certified survey map.

As you move forward with the planning process, do not hesitate to reach out to Racine County for preliminary review and comment. We would be happy to continue working together as you refine a plan and look to bring it to fruition. Further information regarding Racine County Highway Permits can be found at this link: <https://www.racinecounty.com/departments/public-works-and-development-services/public-works/highway-permits> and I would be happy to discuss the process with you moving forward.

Thank you,

Shannon Kurth
Engineering and Survey Specialist

REQUEST FOR TECHNICAL ASSISTANCE

TO: RC Engineering

ATTN: Shannon Kurth

FOR: Conditional Use Site Plan Review Variance Shoreland Contract
 Other Pre-App CSM Revision

DATE OF PUBLIC HEARING (If Applicable) **June 22, 2022**

FROM: Sarah Reed, Development Services Department

Applicant/Owner: James & Diane Kempken
Phone: 262-534-2603
Site Address: Part of 1503 Heritage Road
Municipal: Rochester

Section 9 , T3N., R.19E., Lot No:1, Block No.
Subdivision:
CSM:3264
Parcel ID No. 176031909023001

ASSISTANCE REQUESTED ON: Please review the attached proposed CSM for any highway jurisdiction recommendations/comments

Please review these plans and the site and send your recommendations to this office.

INFORMATION ATTACHED: Site Plan Additional Information/Maps available

Date reply needed: 6/15/2022

Signature: _____ *Sarah Reed* _____, Date: 5/31/2022

James L. Kempken
1503 Heritage Rd.
Burlington, WI 53105

May 23rd, 2022

Racine County Development Services
14200 Washington Ave.
Sturtevant, WI 53177

We are requesting to sell .92 of an acre, which is 40,075 sq. ft., off our land which is considered Lot 1. We are proposing a 175' frontage on Highway FF and using the shared driveway access that is already in place. The depth would be 230' which would leave approximately 88' to our existing outbuilding. This would leave our Lot 1 with our house and outbuildings just over of 5 acres.

We are trying to downsize the upkeep of our property as we age.

We will have Bob Wetzel of BW surveying do our surveying if approved and Chris Johnson of CJ's Soil Testing would do the perk test.

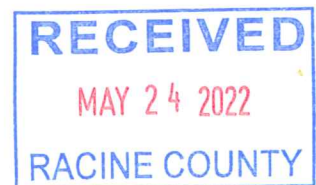
We have enclosed a sketch of the dimensions of the proposed lot on a copy of a certified survey of our land.

Please consider this action as it would be much easier for us to keep our property in the excellent condition we have been used to doing.

Sincerely,



James L & Diane K Kempken



Village of Rochester
Agreement for Reimbursable Services
By Petitioner/Applicant/Property Owner

The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in its review of a proposal coming before the Plan Commission. The Village reserves the right to apply the charges for these services as well as for staff time expended in the administration, investigation and processing of applications to the Petitioner.

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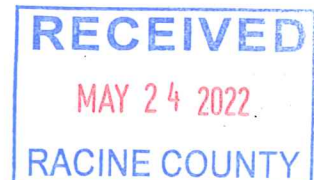
James L + Diane K Kempken, the applicant/petitioner/ property owner(s) for
(Names)
CSM, dated May 25th, 2022,
(Nature of application/petition)

agrees to reimburse the Village of Rochester for all consultant services (e.g. engineering, planning, surveying, legal) required to process this application in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, impact fees, etc.), and, further, agrees to reimburse the Village for other administrative staff review if, in the judgment of the Village Board, such reimbursement is warranted.

Dated this 25th day of May, 2022.

Jh-Kempken
(Signature of Applicant/Petitioner)

(Signature of Property Owner, if Different from Applicant/Petitioner)



CERTIFIED SURVEY MAP NO. 3204

BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE VILLAGE OF ROCHESTER, RACINE COUNTY, WISCONSIN.

PREPARED FOR: JAMES L. AND DIANE K. KEMPKEN TRUST
1503 HERITAGE ROAD
BURLINGTON, WI 53105

PREPARED BY: B.W. SURVEYING, INC.
412 N. PINE STREET
BURLINGTON, WI 53105
(262)-767-0225
JOB NO. 9379-CSM

ZONED: A-2

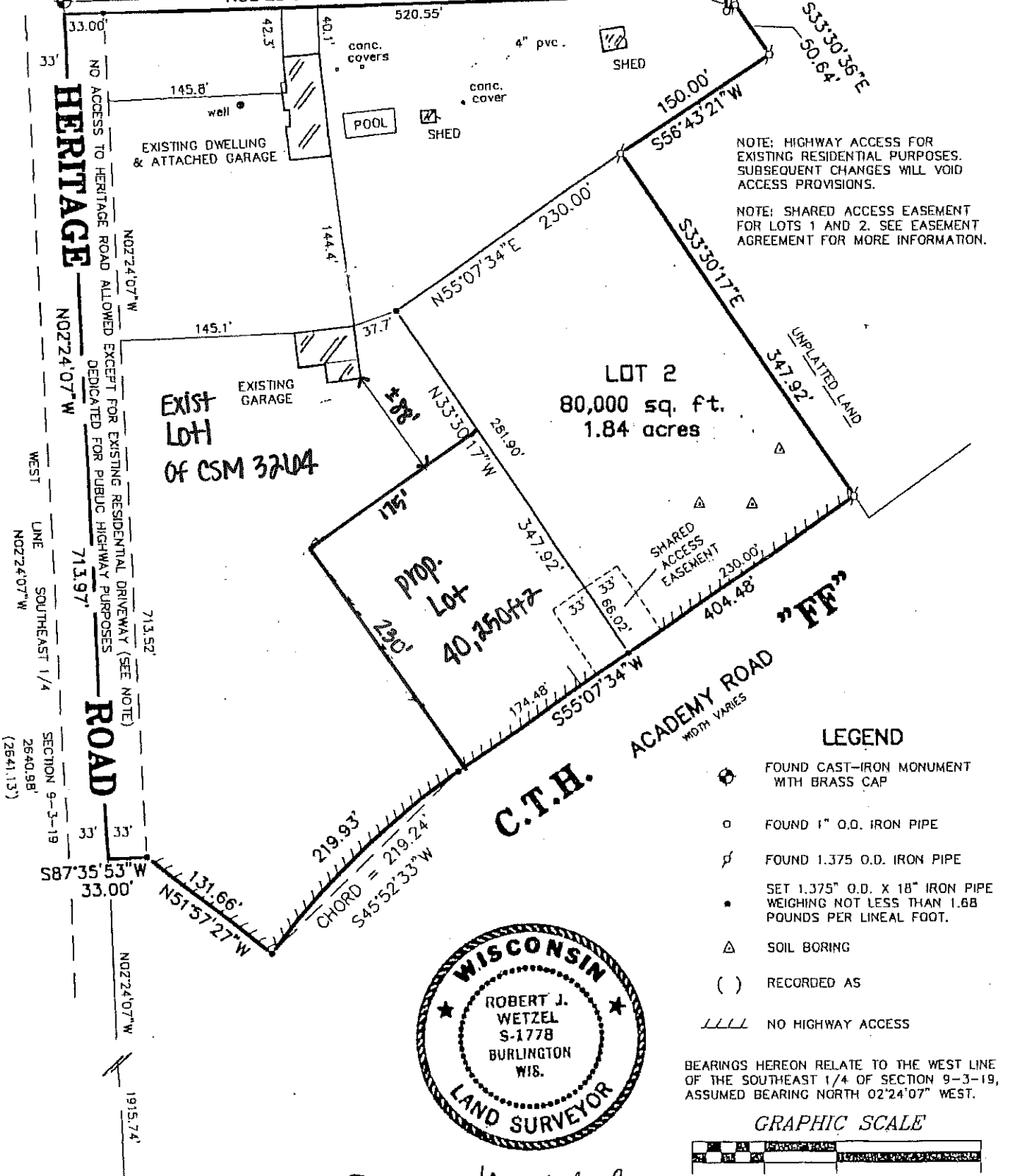
STREET YARD = NOT LESS THAN 75 FEET
SIDE YARD = NOT LESS THAN 25 FEET
REAR YARD = NOT LESS THAN 25 FEET

CENTER
SECTION 9-3-19
N. = 272,403.46
E. = 2,467,981.16

UNPLATTED LAND

NORTH LINE SOUTHEAST 1/4 SECTION 9-3-19

N88°23'09"E 553.55'

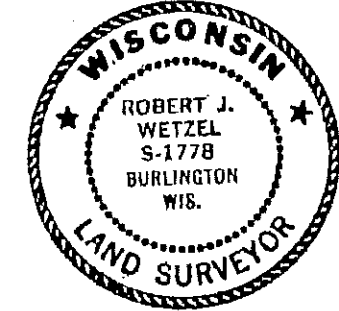


NOTE: HIGHWAY ACCESS FOR EXISTING RESIDENTIAL PURPOSES. SUBSEQUENT CHANGES WILL VOID ACCESS PROVISIONS.

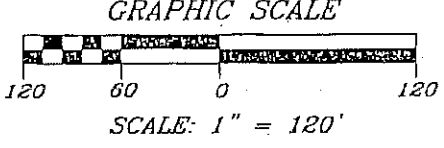
NOTE: SHARED ACCESS EASEMENT FOR LOTS 1 AND 2. SEE EASEMENT AGREEMENT FOR MORE INFORMATION.

LOT 2
80,000 sq. ft.
1.84 acres

EXIST LOT
OF CSM 3204



- LEGEND**
- ⊙ FOUND CAST-IRON MONUMENT WITH BRASS CAP
 - FOUND 1" O.D. IRON PIPE
 - ⊕ FOUND 1.375 O.D. IRON PIPE
 - SET 1.375" O.D. X 18" IRON PIPE WEIGHING NOT LESS THAN 1.68 POUNDS PER LINEAL FOOT.
 - △ SOIL BORING
 - () RECORDED AS
 - |||| NO HIGHWAY ACCESS
- BEARINGS HEREON RELATE TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 9-3-19, ASSUMED BEARING NORTH 02°24'07" WEST.



SOUTH 1/4 CORNER SECTION 9-3-19
N. = 269,764.77
E. = 2,468,091.84

Robert J. Wetzel
ROBERT J. WETZEL S-1778
SEPTEMBER 22, 2017
REVISED: SEPTEMBER 26, 2017

SHEET 2 OF 4

Staff Report

To: Sarah Reed, Racine County Development Services

From: Christopher Birkett, Public Works Manager

Date: June 14, 2022

Re: James and Diane Kempken CSM Review.

I have reviewed the Survey provided by Sarah Reed at RCDS. I then went and looked at the property, I spoke with James Kempken and asked about the stormwater generated and where it flows to and how much collects after a rain event.

The storm water has historically flowed to the west southwest to the intersection of Hwy FF and Heritage Rd. The water collects on the county road right of ways. The collection point for the water is 219 ft. away from the west property line of the proposed CSM.

I have no concerns or objection to the proposed CSM.

June 22, 2022, Plan Commission Meeting
James & Diane Kempken, Owner/Applicants
Pre-application CSM Review

Affidavit of Mailing

I, *Kim Parsons*, of Racine County Public Works and Development Services, Racine County, Sturtevant, Wisconsin, being first duly sworn, stated that she distributed as listed below and properly enclosed in a postpaid envelope [proper post office addresses set after respective name(s)], a notice of a meeting for the Village of Rochester Plan Commission, which is to be held at 6:00pm, on Wednesday the 22nd day of June 2022.

Notice distributed via U.S.P.S. on 6/8/2022:

MICHAEL P WEINKAUF
1310 HERITAGE RD
BURLINGTON WI 53105

JACOB M WEINKAUF
1544 HERITAGE RD
BURLINGTON WI 53105

MARY LEONARD
1521 HERITAGE RD
BURLINGTON WI 53105

JAMES & DIANE KEMPKEN TRUST
1503 HERITAGE RD
BURLINGTON WI 53105

MARILYN J WAGNER
32226 ACADEMY RD
BURLINGTON WI 53105

DANIEL P STREET
32324 ACADEMY RD
BURLINGTON WI 53105


THOMAS S ROHLEDER
32364 ACADEMY RD
BURLINGTON WI 53105

ROBERT K TAYLOR
32328 ACADEMY RD
BURLINGTON WI 53105



Kim Parsons

Sworn to before me this 8th day of June 2022.



Rhonda A. McCormick
Notary Public, Racine County, Wisconsin
My commission expires 10/12/2025





Village of Rochester
Planning Memorandum
Planning Commission - Jun 22 2022

Prepared For:

Planning Commission

Staff Contact:

Sarah Reed, Development Services Specialist

Agenda Item:

Review and recommendation to the Village Board for a shoreland conditional use permit to raze an existing residence and to construct a new single family residence with a full basement, and covered porch at 35118 Wisconsin Street, Section 18, Township 3 North, Range 19 East, Village of Rochester. Parcel ID Nos. 176031918204000 & 176031918205000.

Owner: Patricia Levandoski
Agent: Greg Ingersoll- Wausau Homes

Existing Zoning and Land Use Restrictions:

The property is located approximately 150-feet northeast of the intersection of Wisconsin Street and Lakewood Avenue and falls within the shoreland jurisdiction of Lake Tahoe and Delmonte Lake in the Village of Rochester. As this project is within the 300-foot landward of the Ordinary High Water Mark of Lake Tahoe and the survey indicated that there will be 6,462 sqft of land disturbance on slopes less than 12%, Ch 36-36(B)(7) in the Village of Rochester Shoreland-Wetland and Shoreland Zoning Districts specifies that a conditional use permit is required.

Planning Analysis:

The property owners are requesting to raze an existing residence to construct a new single-family residence with full basement, and covered porch located at 35118 Wisconsin Street. The property is currently zoned R-8 Suburban Residential District (Unsewered). The proposed residence meets or exceeds all setbacks as specified in R-8 Suburban Residential District to the road right-of-way and side lot lines and is exceeds the minimum setback to the OHWM of Tahoe Lake. As a part of this project the property owner will be installing a new Private Onsite Wastewater Treatment System and combining all lots into one Parcel ID with the Racine County Register of Deeds. The property would be subject to the 30% impervious surface lot coverage regulation and the proposed project with existing and proposed structures would result in 18.4% the total lot area as indicated on the survey.

This project was reviewed by the Racine County Land Conservation Department, as well as, the Village of Rochester Engineer to provide recommended conditions regarding erosion control and stormwater conditions for the proposed project. Please see the attached technical reviews that have been integrated into the drafted conditions.

Staff Recommended Conditions:

See attached recommended conditions

Suggested Motion of Planning Commission:

Staff recommends that the Plan Commission recommend approval to the Village Board for the shoreland conditional use permit for the following reasons:

1. This use is not hazardous, offensive, or otherwise adverse to the environmental equality, water quality, shoreland cover, or property values in the Village
2. This use is permitted by the underlying zoning district

Attachments:

[Levandoski - Ingersoll Shoreland CUP 6-22-22](#)

[LevandoskiApps&ReimbursementAgree](#)

[LevandoskiCoverLetter](#)

[LevandoskiSurvey](#)

[LevandoskiArchitecturalPlans](#)

[Levandoski-LCRecommendations](#)

[Levandoski-RochEngReV](#)

[Levandoski-DraftConditions](#)

[LevandoskiLetterofAgent](#)

[LevandoskiAffidavitofMailing](#)

Village of Rochester Planning Commission

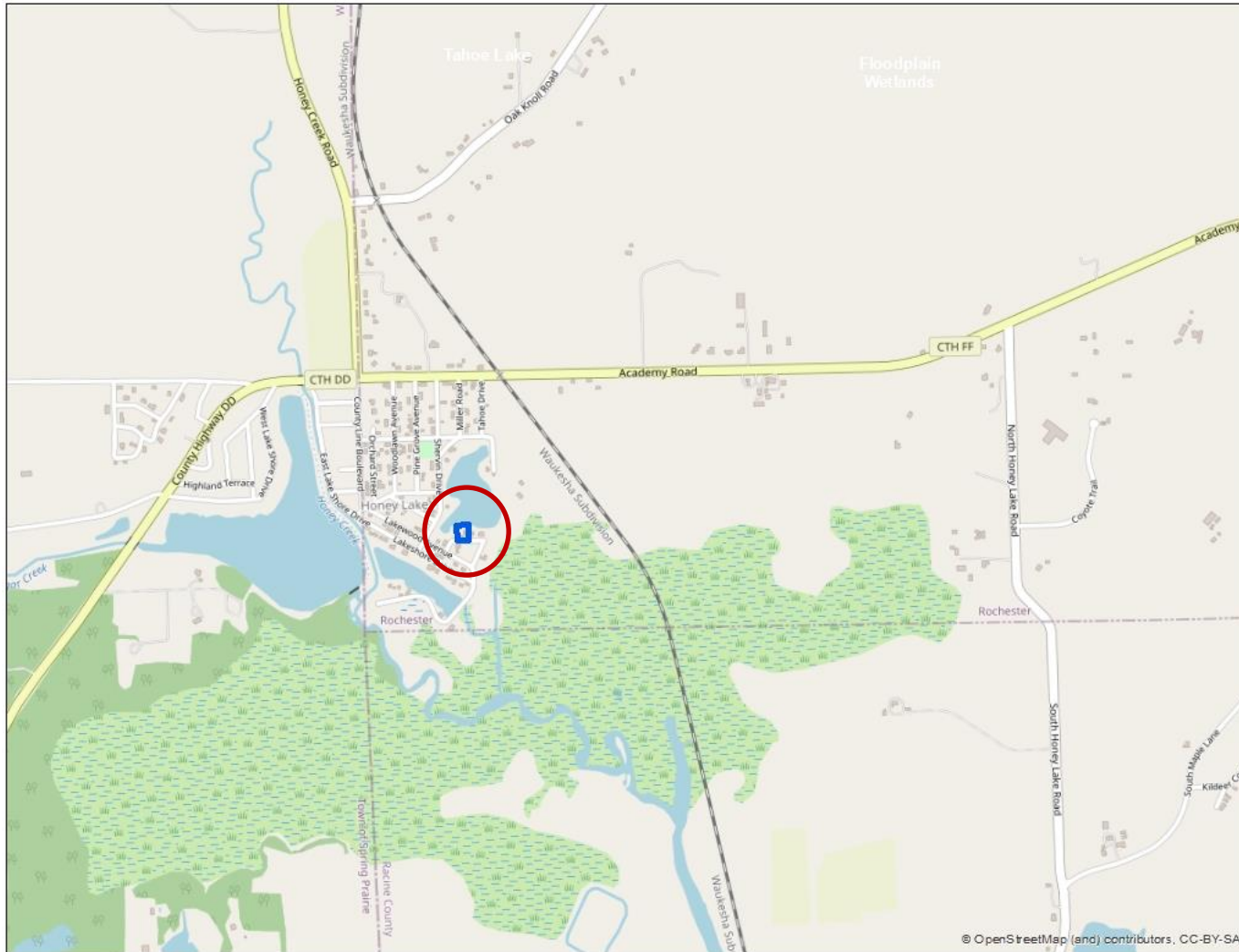
Review & Recommendation of Shoreland CUP Levandoski / Ingersoll – Wausau Homes

Section 18, Town 3 North, Range 19 East
35118 Wisconsin Street, Village of Rochester

Wednesday, June 22, 2022

Patricia Levandoski, Owners
Greg Ingersoll – Wausau Homes, Agent
Site Address: 35118 Wisconsin Street
R-8 Review & recommendation of shoreland conditional use to raze existing residences & construct new single-family residence, full basement, & covered porch

Location Map



© OpenStreetMap (and) contributors, CC-BY-SA



Patricia Levandoski, Owners
Greg Ingersoll – Wausau Homes, Agent
Site Address: 35118 Wisconsin Street

Zoning

R-8 Review & recommendation of shoreland conditional use to raze existing residences & construct new single-family residence, full basement, & covered porch



Patricia Levandoski, Owners
Greg Ingersoll – Wausau Homes, Agent
Site Address: 35118 Wisconsin Street
R-8 Review & recommendation of shoreland conditional use to raze existing residences & construct new single-family residence, full basement, & covered porch

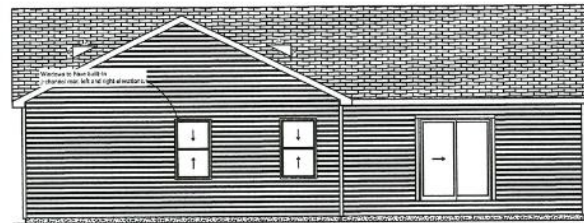
2020 Aerial Map



Page 6 of 32

Page 82 of 108

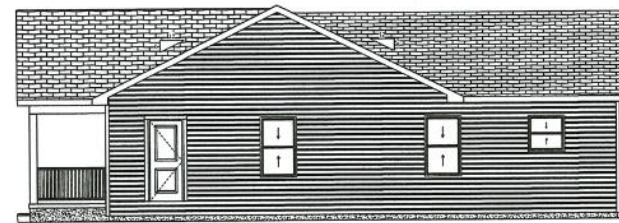
SEC 18 – T3N – R19E
Village of Rochester



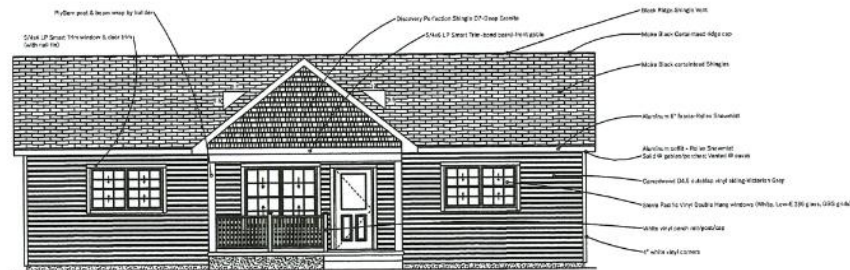
Rear Elevation
 SCALE: 1/4" = 1'-0"



Left Elevation
 SCALE: 1/4" = 1'-0"



Right Elevation
 SCALE: 1/4" = 1'-0"



Front Elevation
 SCALE: 1/4" = 1'-0"

APPLICATION FOR ZONING PERMIT VILLAGE OF ROCHESTER, WISCONSIN			PERMIT NO.	DATE PERMIT ISSUED
OWNER: <u>Pathi Levandoski</u>			APPLICANT: <u>Ingersoll Home Builders, LLC</u>	
Mailing Address: <u>35118 Wisconsin St.</u>			Mailing Address: <u>206 E. Walworth St.</u> <small>(If Corporation, registered name)</small>	
<u>Burlington</u>	<u>WI</u>	<u>53105</u>	<u>Elkhorn</u>	<u>WI</u> <u>53121</u>
City	State	Zip	City	State Zip
Phone (H) <u>262-492-8867</u>	(W)		Phone (W) <u>262-379-1616</u>	Cell <u>262-374-1761</u>
Parcel Id# <u>176-031918205000</u>	Site Address <u>35118 Wisconsin St.</u>			

Lot <u>9, 10, 11</u>	Block <u>22</u>	Subdivision Name <u>Honey Creek</u>	CSM #
----------------------	-----------------	-------------------------------------	-------

Proposed Construction/ Use: Phase existing residence & construct new single family residence, full basement, & covered porch

New <input checked="" type="checkbox"/>	Principal Bldg. <input checked="" type="checkbox"/>	Size	<u>(20' x 28')</u>	<u>(26' x 42')</u>	<u>(16' x 10.5')</u>
Addition	Accessory	Area (sq ft)	<u>(560ft²)</u>	<u>(1092ft²)</u>	<u>(104ft²)</u>
Alteration	Deck	# of Units/Stories	<u>1 / 1</u>	Building Ht. (Avg ft.)	<u>13'</u>
Conversion	Sign	Peak Ht. (ft)	<u>17'</u>	100yr Floodplain (elevation)	<u>749.8'</u>
Temporary	Other	Eave Ht. (ft)	<u>9'</u>	Flood Protection Elevation	<u>771.8'</u> <i>per survey</i>

Contractor: <u>Ingersoll Home Builders</u>	Est. Value w/ Labor \$ <u>350,000</u>	ZONING DIST. <u>R-8</u>
--	---------------------------------------	-------------------------

Existing Nonconforming? <u>N/A</u> <input checked="" type="checkbox"/> *Yes <input type="checkbox"/> No <input type="checkbox"/>	Yard Setbacks	Proposed	OK?
*Structure's Fair Mkt Value \$ <u>N/A</u> Cumulative %	Street- 1 st	<u>55.6'</u>	<u>yes</u>
*>50% of Fair Market Value <u>N/A</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>	Street - 2 nd	<u>-</u>	<u>-</u>
Structure in Shoreland (per map) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>	Side - 1 st	<u>15'</u>	<u>yes</u>
Structure in Floodplain? (per map) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Side - 2 nd	<u>±18'</u>	<u>yes</u>
Structure in Wetland (per map) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Rear	<u>-</u>	<u>-</u>
Substandard Lot? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>	Shore	<u>100'</u>	<u>yes</u>
Abutting Lot- Same Owner/ Closely Related <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>	Acc. Structures %		
BOA Variance Needed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	--Date of Approval		
Conditional Use/ Site Plan Needed? <u>Shoreland CUP</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	--Date of Approval		
Shoreland Contract Needed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	--Date of Approval		
Additional Zoning Permit Stipulations Listed on Back of this Form? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	(If Yes, see back)		

The applicant hereby certifies that the information submitted on this application (both sides) and attached hereto, is 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 applicable stipulations, Wisconsin laws and Village of Rochester ordinances.

BOA/ Conditional Use/ Site Plan Cash/ Check # <u>4904</u>	Pd: \$ <u>000.00</u>	<u>[Signature]</u>	<u>6-2-22</u>
Shoreland Contract Fee	Pd: \$	Signature of Applicant	Date
Other:	Pd: \$	Signature of Secretary of Corporation/ Partner	Date
Zoning Permit Fee	Pd: \$	<u>Gary Ingersoll</u>	
Cash/ Check #	Pd: \$	Print Name	

ZONING PERMIT REQUIREMENTS

If public municipal sewer serves the property, check here _____. Do not complete # 1 – 6 below.

If a private sewage system 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.
- 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 addition/alteration change the number of bedrooms? Yes* _____ No N/A _____ *If "Yes" above, documentation must be submitted to verify that the system can accommodate a modification in wastewater flow or contaminant load pursuant to SPS 83.25 (2) (d).
- 4) Will construction interfere with setback requirements to private sewage system per SPS 83.43 (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: _____

POWTS License #: _____

A Plat of Survey shall be prepared by a Land Surveyor registered in Wisconsin for all new principal structures located 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. Plans should also 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.

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. The lot and location of the building thereon shall be staked out on the ground before construction is started. 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 Twenty Four (24) 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.

Applicant
Initials

ADDITIONAL ZONING PERMIT STIPULATIONS (check all that apply)

- Proposed structure is for personal use only. 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.
- Adequate off-street parking must be provided in accordance with Chapter 15- Sec. 6.08, Village of Rochester Municipal Code.
- Driveway access shall be 12 feet wide for 1 & 2-family dwellings and a minimum of 24 feet wide for all other uses.
- It is the responsibility of the property owner to comply with any restrictive covenants associated with this property and obtain all necessary federal, state, and local permits, approvals, and licenses and comply with all applicable codes and regulations.
- Proposed construction will not be located within a utility of drainage easement.
-

Village of Rochester, P.O. Box 65, Rochester, WI 53167 Phone (262) 534-2431 Fax: (262) 534-4084

CONDITIONAL USE APPLICATION

VILLAGE OF ROCHESTER, WISCONSIN

Note: Application must be fully completed and signed by the applicant or the applicant's agent.

OWNER: Patti Levandoski APPLICANT/ AGENT: Ingersoll Home Builders, LLC

Zoning District: R-8

TO THE VILLAGE OF ROCHESTER PLAN COMMISSION:
 The undersigned requests a conditional use permit to (specify use, project, structure, size, etc.):
Move existing residence & construct new single family residence, full basement & covered porch

AT (site address): 35118 Wisconsin St.

Subdivision: Honey Creek Lots(s): 9, 10, 11 Block: 22

Parcel ID#: 176-031918205000 & 176031918204000

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

- ✓ Attached are:
- Zoning permit application fully completed & signed by the applicant or the applicant's agent.
 - 12 SETS: drawn-to-scale site plan that is based on a survey (2 full sets at scale, 10 no larger than 11' x 17', folded to 8.5" x 11")
 - Letter of agent status- If the applicant does not own the property at the time of filing and/or public hearing, a written, signed and dated letter from the property owner acknowledging said petition and authorizing specified agent to speak on the owner's behalf must be submitted.
 - Hearing/ review fee payable to "Racine County" (Fees are non-refundable, and re-publication/ amendment fees will be charged where applicable).
 - Signed "Agreement for Reimbursable Services"
 - 3 SETS: landscaping/ lighting plan none
 - 12 SETS: report/ cover letter & operations plan
 - Names & mailing addresses of the property owner's within 100' of the subject property and across the street.
 - Other _____

Property Owner Name:	<u>Patti Levandoski</u>	E-mail address:	<u>levan@tds.net</u>
Address:	<u>35118 Wisconsin St.</u> <u>Burlington, WI 53105</u>	Telephone #:	<u>262-492-8867</u>
Agent Name:	<u>Greg Ingersoll (Ingersoll Home Builders, LLC)</u>	E-mail address:	<u>ingersollg@wausauhomes.com</u>
Address:	<u>206 E. Walworth St.</u> <u>Elkhorn, WI 53121</u>	Telephone #:	<u>262-374-1761</u>
		Signature:	<u>[Signature]</u>

Staff Use Only:
 BASED ON CURRENT MAPPING, check applicable statement(s) below and underline or circle the word "all" or "partially"

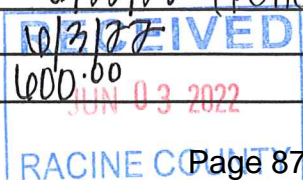
- The property is all / partially located in the Tahoe Lake & Del Monte Lake shoreland area.
- The project is all / partially located in the 11 shoreland area.
- The property is all / partially located in the _____ floodplain.
- The project is all / partially located in the N/A floodplain.
- The property is all / partially located in the wetland.
- The project is all / partially located in the wetland.

The applicant is subject to the following Ordinance provisions (specify article/ section):
Ch 76-78 R-8 Suburban Residential Dist. (unsewered); 35-100 Conditional Use; 35-700(c) Non-conforming uses, structures, properties, fixtures; Ch 76-74 (B)(7) Activities & uses requiring a Shoreland contract; Yes No ; Shoreland contract: Yes No ; Site plan review meeting date: 6/27/22 (PC Action Item)

Public Hearing Date: _____ Date petition filed: 10/3/22

Submittal Received by: [Signature] Amount received: 600.00

Cash or Check #: 4904



Village of Rochester
Agreement for Reimbursable Services
By Petitioner/Applicant/Property Owner

The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in its review of a proposal coming before the Plan Commission. The Village reserves the right to apply the charges for these services as well as for staff time expended in the administration, investigation and processing of applications to the Petitioner.

The Petitioner is required to provide the Village with an executed copy of this agreement as a prerequisite to the processing of the development application. The submittal of a development proposal application or petition shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the Village as a special assessment to the subject property.

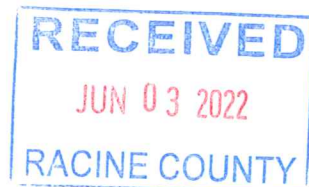
Greg Ingarsoll, Patti Lewandowski, the applicant/petitioner/ property owner(s) for
(Names)
Conditional Use Permit, dated 06/02, 2022,
(Nature of application/petition)

agrees to reimburse the Village of Rochester for all consultant services (e.g. engineering, planning, surveying, legal) required to process this application in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, impact fees, etc.), and, further, agrees to reimburse the Village for other administrative staff review if, in the judgment of the Village Board, such reimbursement is warranted.

Dated this 2 day of June, 2022.

Greg Ingarsoll / Patti A. Lewandowski
(Signature of Applicant/Petitioner)

Patti A. Lewandowski
(Signature of Property Owner, if Different from Applicant/Petitioner)





June 2, 2022

To the Village of Rochester Plan Commission:

As her builder and on behalf of Patti A. Levandoski, I am submitting all required documentation required for a conditional use permit application for 35118 Wisconsin St., Burlington.

We are contracted to build a 2 bedroom, 2 bath, 1,652 sq ft home for Patti on her property at 35118 Wisconsin St., Burlington. The proposed timeline for said construction is as follows:

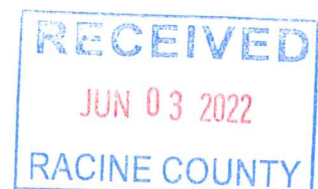
- July 18, 2022 – Demo of existing home (the existing garage will remain undisturbed)
- Site work, excavation & foundation will commence immediately after the existing home is razed.
- Aug. 29, 2022 – Framing of the new home to start.
- We are estimating completion of the home the first week of December 2022.

Silt fence will be installed around the perimeter of the building site, as indicated on the survey with minimal disturbance to the site. All elevations, site work and finished grading will comply with the submitted site plan and blueprints.

Landscaping and landscape lighting are not part of our contract with Ms. Levandoski and are the responsibility of the homeowner.

Respectfully submitted,

Greg Ingersoll, owner
Ingersoll Home Builders, LLC
dba Wausau Homes Elkhorn



TAHOE LAKE

PLAT OF SURVEY

OF LOTS 9, 10, AND 11, BLOCK 22, HONEY CREEK SUBDIVISION, BEING PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 18, T. 3 N., R. 19 E., OF THE 4TH P.M., VILLAGE OF ROCHESTER, RACINE COUNTY, WISCONSIN.

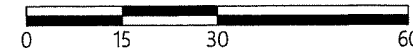
SHORELINE IS THE APPROXIMATE ORDINARY HIGH WATER MARK (AN ACCURATE LOCATION SHOULD BE FLAGGED BY A QUALIFIED PROFESSIONAL)

FEMA SPECIAL FLOOD HAZARD AREA
1% ANNUAL CHANCE FLOOD
PER FIRM PANEL 55101C0133D
DATED MAY 2, 2012
ELEVATION = 769.8'

EDGE OF WATER (ICE)
ELEV. = 768.4'

TOP OF SLOPE

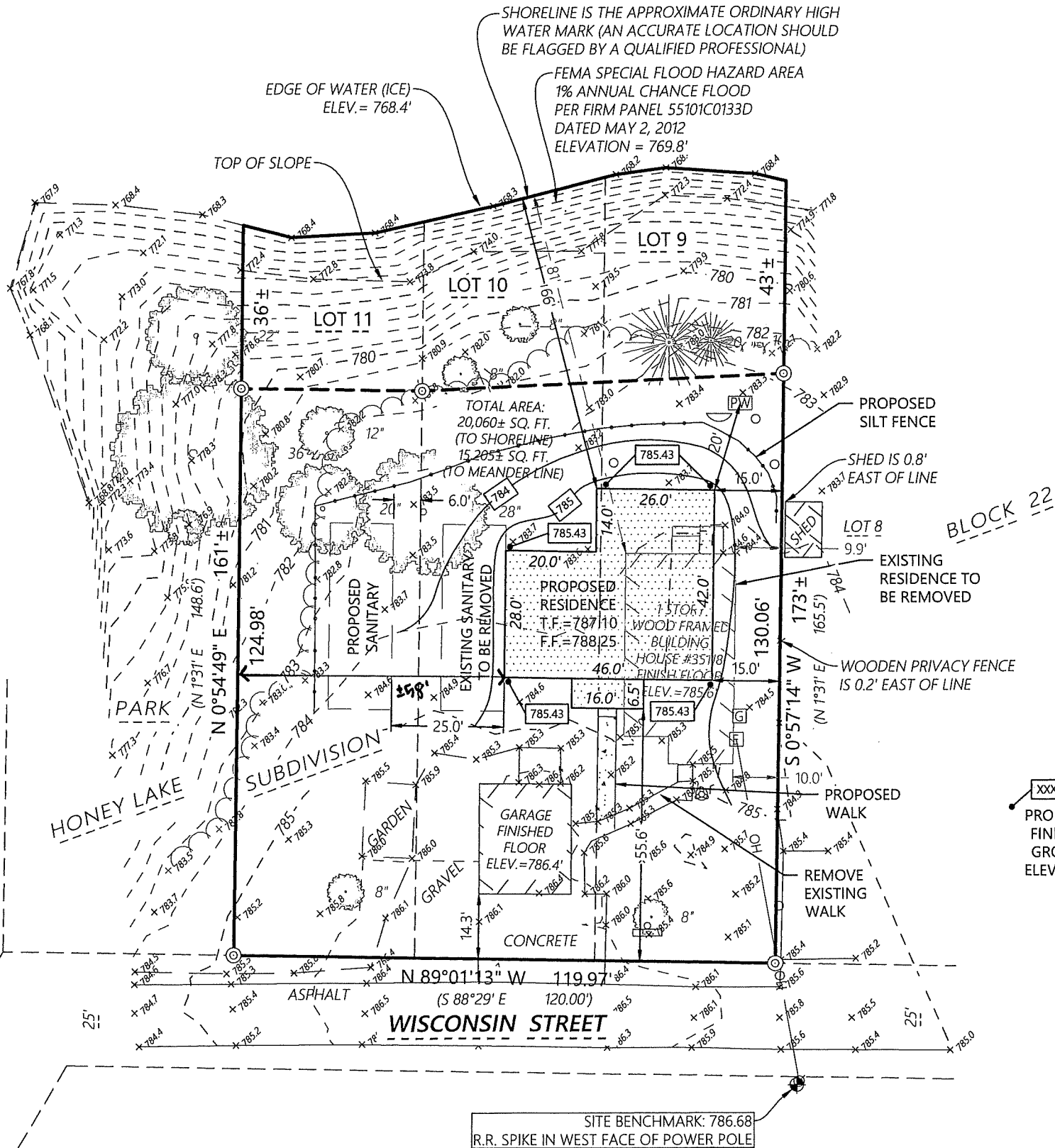
Scale: 1" = 30'



DISTANCE UNITS BASED ON THE UNITED STATES SURVEY FOOT

BEARINGS BASED ON THE WISCONSIN COORDINATE REFERENCE SYSTEM, RACINE ZONE. THE EAST LINE OF LOT 9 BEARING S 0°57'14" W

VERTICAL DATUM BASED ON NAVD-88 (2012)
STARTING BENCHMARK: NGS PID: DG4963
ELEVATION: 918.40



MONUMENT KEY

- ⊙ 1 1/2" Iron Pipe Found
- (XXX.XX) Record Information

LEGEND

- ⊗ Existing Utility Pole
- Existing Guy Wire
- ⊗ Existing Septic Vent
- PW Existing Well
- ⊕ Existing Sign
- G Existing Gas Meter
- ⊙ Existing Satellite Dish
- ⊙ Benchmark
- ☀ Coniferous Tree
- ⊙ Deciduous Tree
- ~ Existing Treeline

SITE SUMMARY

TOTAL LAND AREA = 20,060 SQ. FT.
 TOTAL LAND DISTURBANCE = 6,462 SQ. FT.
 GREEN SPACE AREA = 16,360 SQ. FT. (81.6%)
 IMPERVIOUS AREA = 3,700 SQ. FT. (18.4%)
 BUILDING AREA = 2,249 SQ. FT. (11.2%)

Kristin J. Belongia, P.L.S.
 Wisconsin Professional Land Surveyor S-2943

State of Wisconsin } ss
 County of Rock

I hereby certify that I have supervised the survey of the property described above and to the best my knowledge and belief, the plat drawn hereon complies with Chapter A-E 7 of the State of Wisconsin Administrative Code, Minimum Standards for Property Surveys and correctly represents said survey and its location.

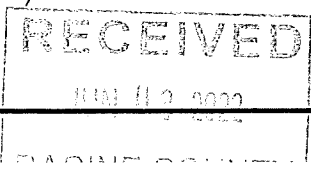
Given under my hand and seal this 21st day of March, 2022 at Beloit, Wisconsin.

Last day of field work March 13, 2022

Modified April 19, 2022 to show proposed residence.

If the surveyor's signature is not red in color, the plan is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

SITE BENCHMARK: 786.68
 R.R. SPIKE IN WEST FACE OF POWER POLE

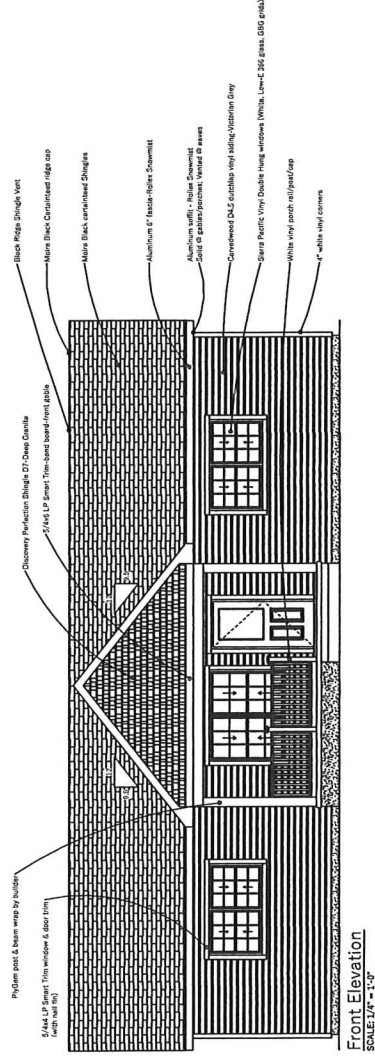
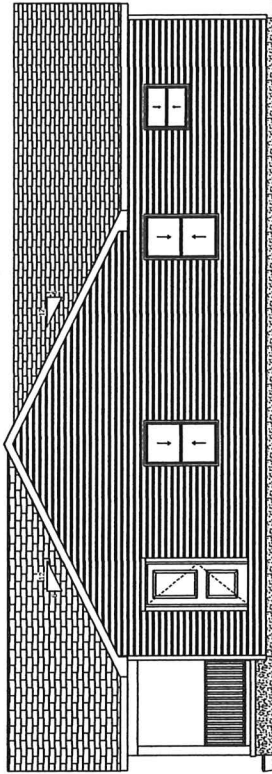
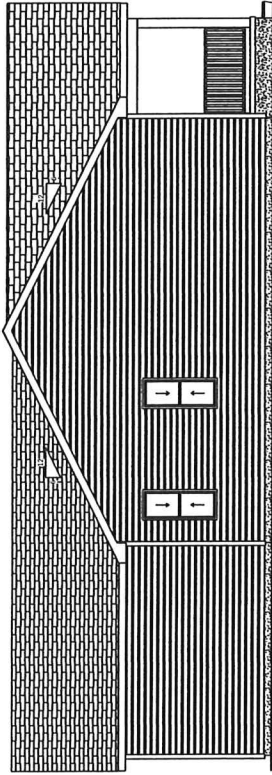
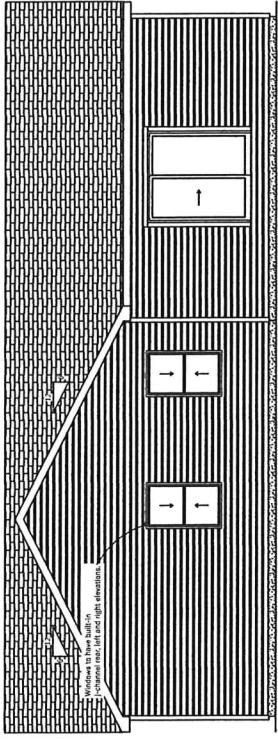


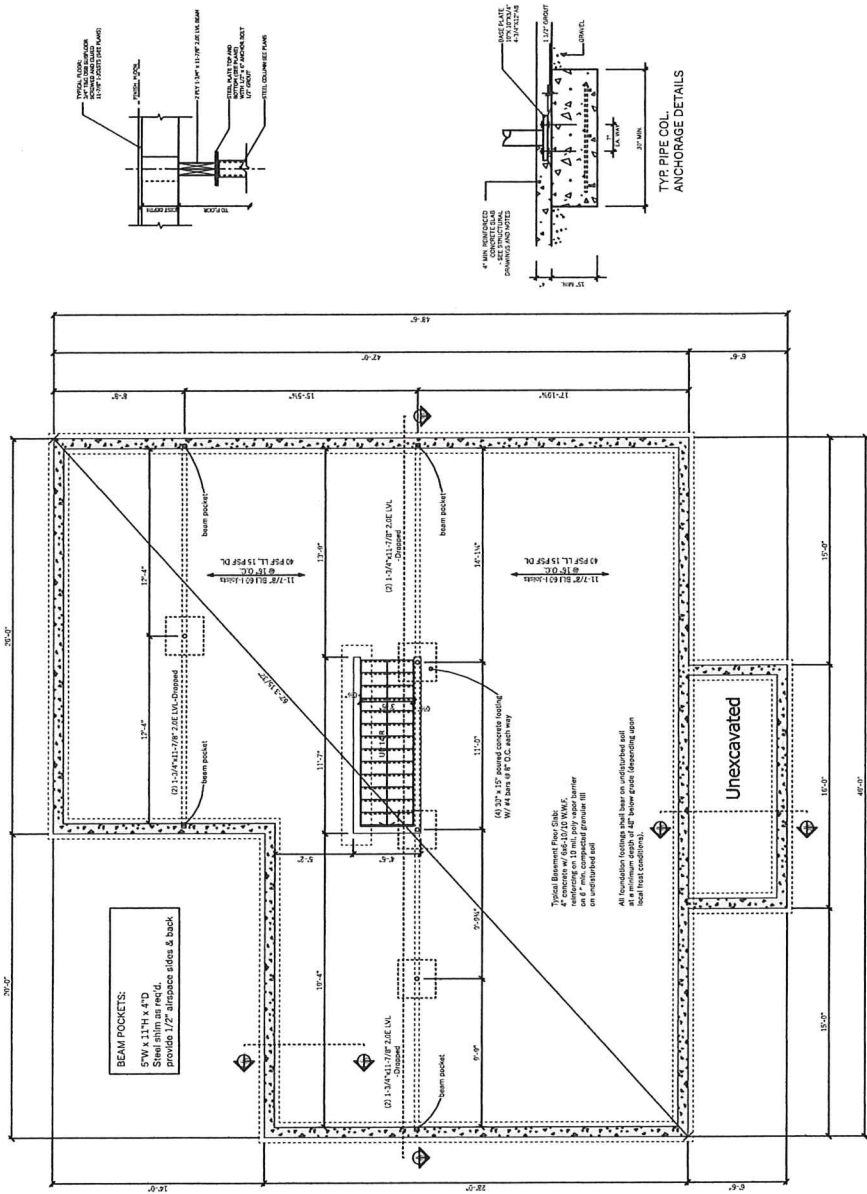
Batterman
 engineers surveyors planners
 2857 Bartells Drive
 Beloit, Wisconsin 53511
 608.365.4464

PLAT OF SURVEY

FOR THE EXCLUSIVE USE OF:
 PATTI LEVANDOSKI
 35118 WISCONSIN STREET
 BURLINGTON, WI 53105

ORDER NO: 34243
 BOOK: SEE FILE
 FIELD CREW: DGM
 DRAWN BY: DGM / LMB
 SHEET 1 OF 1





Foundation Notes:

- This drawing is to be used by the contractor or other responsible contractor with the proper foundation dimensions. It is the contractor's responsibility to ensure that the foundation is constructed in accordance with applicable codes and soil conditions.
- The right of foundation walls and column placements as shown are critical. If changes are required, the contractor must be approved by the architect. Changes must be made immediately for approval.
- Final fill Assembly: 1/2" x 6/8" dia. anchor bolts @ 2' o.c. and no more than 18" from column, through pressure treated 2x12 on 12" o.c. fill and gravel.
- 4" o.c. foundation formwork shall bear on undisturbed soil at a minimum frost depth of 48" below grade bearing upon a 2" o.c. compacted granular fill.
- Foundation formwork shall bear on undisturbed soil at a minimum frost depth of 48" below grade bearing upon a 2" o.c. compacted granular fill.
- Foundation formwork shall bear on undisturbed soil at a minimum frost depth of 48" below grade bearing upon a 2" o.c. compacted granular fill.
- Builder to determine final HVAC and mechanical locations.

Foundation Plan

8'-0" Foundation Wall Height - 8" Poured Concrete Wall 2x6 bearing & partition walls as depicted; studs @ 16" o.c. 4" poured concrete slab

- * Dimensions are from edge of concrete
- * Headers and bearing studs by supplier

Foundation
SCALE: 1/4" = 1'-0"

These drawings are provided under license to Wausau Homes and are not to be reproduced, modified, or used for any other purpose without the written consent of Wausau Homes. You acknowledge and agree that Wausau Homes shall not be held liable for any errors or omissions on these drawings.

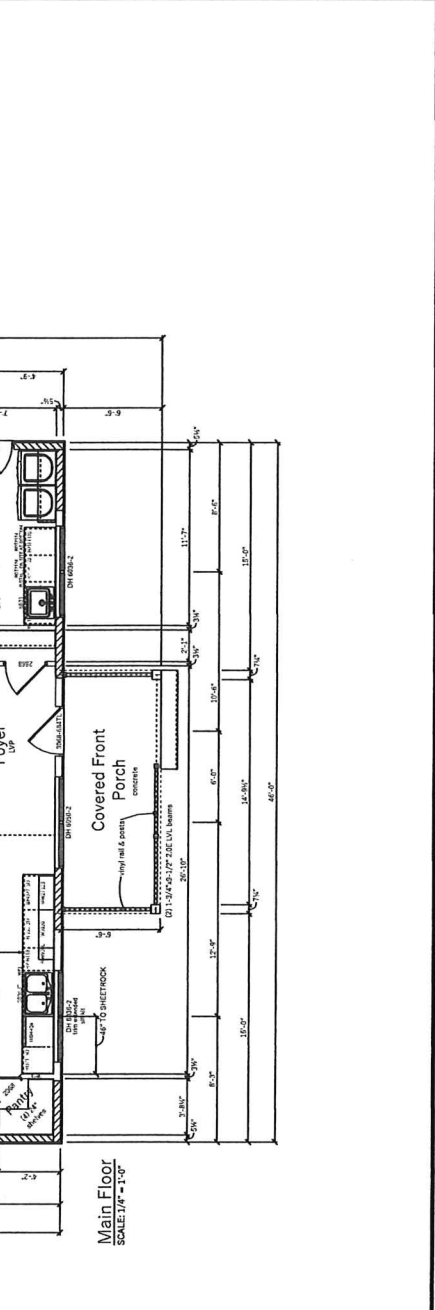
Roof Construction
 Asphalt Shingles-Contaminated Moist Black Ice & water @ eaves eaves-2 courses
 15/32" OSB sheathing w/ clips
 Aluminum roof edge-white
 R50 ceiling insulation

Attic Construction
 2x6 sub-panels @ 24" o.c.
 High heights as noted on Roof Plan
 Aluminum fascia-Rollex Snowmit
 R50 ceiling insulation

Wall Construction
 2x6 sub-panels @ 24" o.c.
 Aluminum solid girth @ gables & porches-Rollex Snowmit
 Aluminum fascia-Rollex Snowmit

Cellar Construction
 6 mil vapor barrier
 5/8" ceiling gyp board or 1/2" high strength 1/2" drywall
 6 mil vapor barrier
 R21 insulation @ 8" o.c.
 7/16" OSB sheathing
 11-7/8" I-Joists @ 16" o.c. w/ 1-1/8" rimboard
 R21 rim insulation
 Vinyl gable siding-Discovery Perfection Shingle- Double 7"-Deep Granite

Foundation Construction
 24" treated plate w/ 1/2" min. anchor bolts 72" o.c.; 16" from corners
 Sill sealer on south wall w/ gyp & roofing
 2" rigid foam @ foundation exterior
 4" poured concrete slab
 15" x 8" continuous footing w/ keyway
 4" drain tile w/ bleeders @ 8" o.c.



Wall Bracing

Continuously Sheathed Wood Structural Panel - CS-WSP
 1/2" OSB for maximum 24" stud spacing.
 15/32" OSB for maximum 16" o.c. stud spacing.
 15/32" OSB for maximum 12" o.c. stud spacing.
 Minimum braced wall panel height or slope angle per Table SP2321.2b-1 (U.N.C.) panels (U.N.C.)

Continuously Sheathed Garage - CS-G
 Same as CS-WSP, however panels adjacent to garage openings.
 15/32" OSB for maximum 16" o.c. stud spacing.

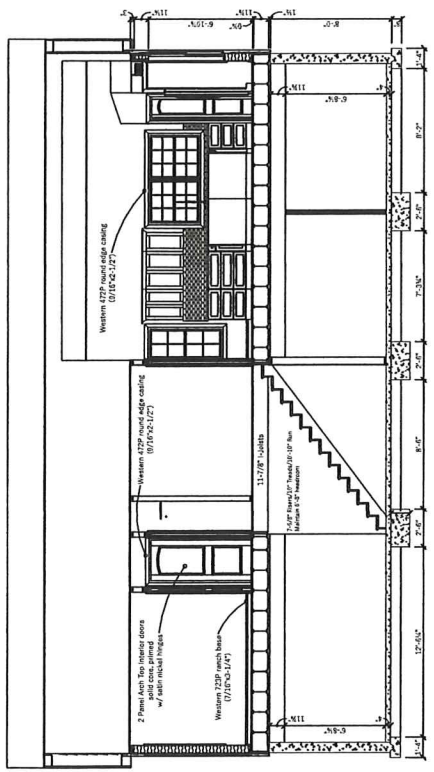
Orysum Board Panel Two Sides - OS-2
 1/2" OSB for maximum 24" stud spacing.
 15/32" OSB for maximum 16" o.c. stud spacing.
 15/32" OSB for maximum 12" o.c. stud spacing.

Panel Frame - PF / Panel Frame Holdover - PFH
 1 1/2" maximum panel width.
 1 1/2" maximum panel height.
 15/32" OSB for maximum 16" o.c. stud spacing.

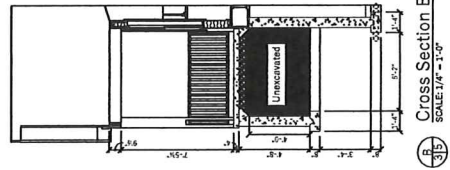
Engineered Braced Wall Solution
 Refer to structural documents.

Required length of continuous bracing on walls parallel to each other in each room shall be as follows: SP2321.2a-1
 Braced wall panels shall begin in more than 12" from each end of a braced wall line with a maximum of 27' between panels per figure SP2321.2b-1.
 Braced wall panels are 4' o.c. unless noted otherwise.
 Provide nominal 2x solid blocking at all panel ends joints which do not align with wall floor framing. Install edge bracing per typical framing interruption.

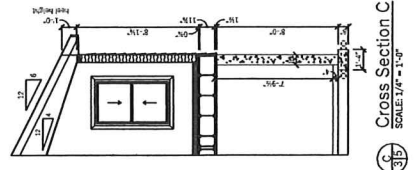
First Floor Plan
 Square Footage of Living Area: 1652
 Square Footage of Front Porch: 104
 82-1/8" Wall Heights (U.N.C.)
 82-7/8" Pre-set Heights (U.N.C.)
 Dimensions are to wall framing



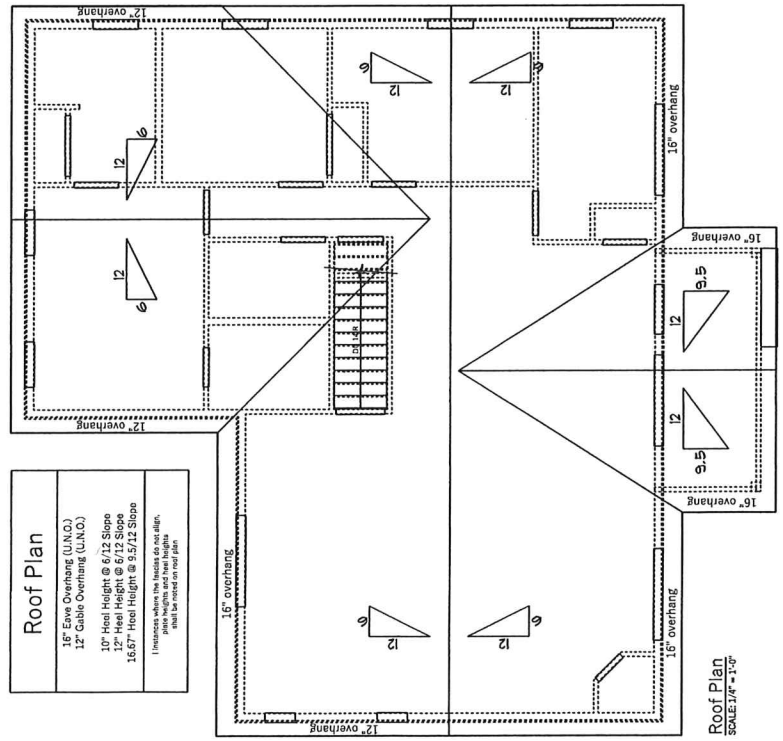
Cross Section A
 SCALE: 1/4" = 1'-0"



Cross Section B
 SCALE: 1/4" = 1'-0"



Cross Section C
 SCALE: 1/4" = 1'-0"



Roof Plan

16" Eave Overhang (U.N.O.)
12" Gable Overhang (U.N.O.)
10" Hoel Height @ 6/12 Slope
12" Hoel Height @ 6/12 Slope
16.67" Hoel Height @ 9.5/12 Slope

1. Dimensions shown are for the finished roof surface.
 2. All roof pitches shall be noted on roof plan.
 3. All roof pitches shall be noted on roof plan.

Roof Plan
 SCALE: 1/4" = 1'-0"

RACINE COUNTY LAND CONSERVATION
Technical Review

Date: **June 14, 2022**

For: **Patricia Levandoski (o) / Greg Ingersoll – Wausau Homes (a)**

Parcel ID: **176031918204000 and 176031918205000**

Address: **35118 Wisconsin Street, Rochester**

Review: **Shoreland Conditional Use to raze the existing residence and construct new single-family residence with full basement, and covered porch.**

Review by: **Allison Hamm**

1. To prevent sedimentation from entering onto an abutting property or into areas of concentrated flow, silt fencing must be installed as drawn on the submitted plat of survey. Silt fence shall remain in-place and be maintained until the area is no longer susceptible to erosion; remove silt fence when vegetation is established.
2. Do not allow stockpiles or soil disturbances beyond the property lines or within the floodplain. Stockpiles must be located within the confines of the silt fence, with side slopes of 2:1 or flatter. The topsoil stockpile must be temporarily seeded within seven (7) days after formation. All other disturbed soil must be temporarily seeded within seven days after the foundation is backfilled or the rough grading is completed. Seed all disturbed soils with five (5) lbs. of perennial ryegrass per 1,000 sq. ft. and mulch.
3. Backfill must slope away from the structures and all slopes must be 3:1 or flatter. All excess earth not used for immediate backfilling of the proposed structure must be removed from the property. A retaining wall may be needed if unable to taper to existing grades. Grade fill to match existing elevations of the property.
4. Storm water drainage plan review, approval, and regulation are the Village's responsibility. The property owner must contact the Village for approval of the proposed finished yard grades and any proposed changes to the storm water drainage patterns on-site. The Village has the authority to not issue a building permit until they have approved a storm water drainage plan for the site.
5. Use existing driveways and concrete pads for vehicles and equipment. During construction, this site must have graveled roads, access drives, and/or parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road must be removed by street cleaning (not flushing) before the end of each work day or as determined by the jurisdictional highway authority.
6. All structures must have rain gutters and downspouts installed on all roofs within 14 days after the completion of the roof and associated fascia treatment. Downspouts must outlet away from the buildings in a manner to prevent soil erosion.
7. A minimum of three inches of topsoil must be on the surface prior to seeding and/or sodding.

8. Permanent seeding and mulching or sodding of all disturbed soil areas must be completed within 7 days after final grading. Seeding may be completed through snow cover at which time seeding is not allowed again until April 1st at which time permanent seeding may resume. Permanent seeding must be completed prior to June 1, 2023. The site may need to be stabilized with straw; mulch or erosion control fabric prior to winter. See the attached seeding recommendations.

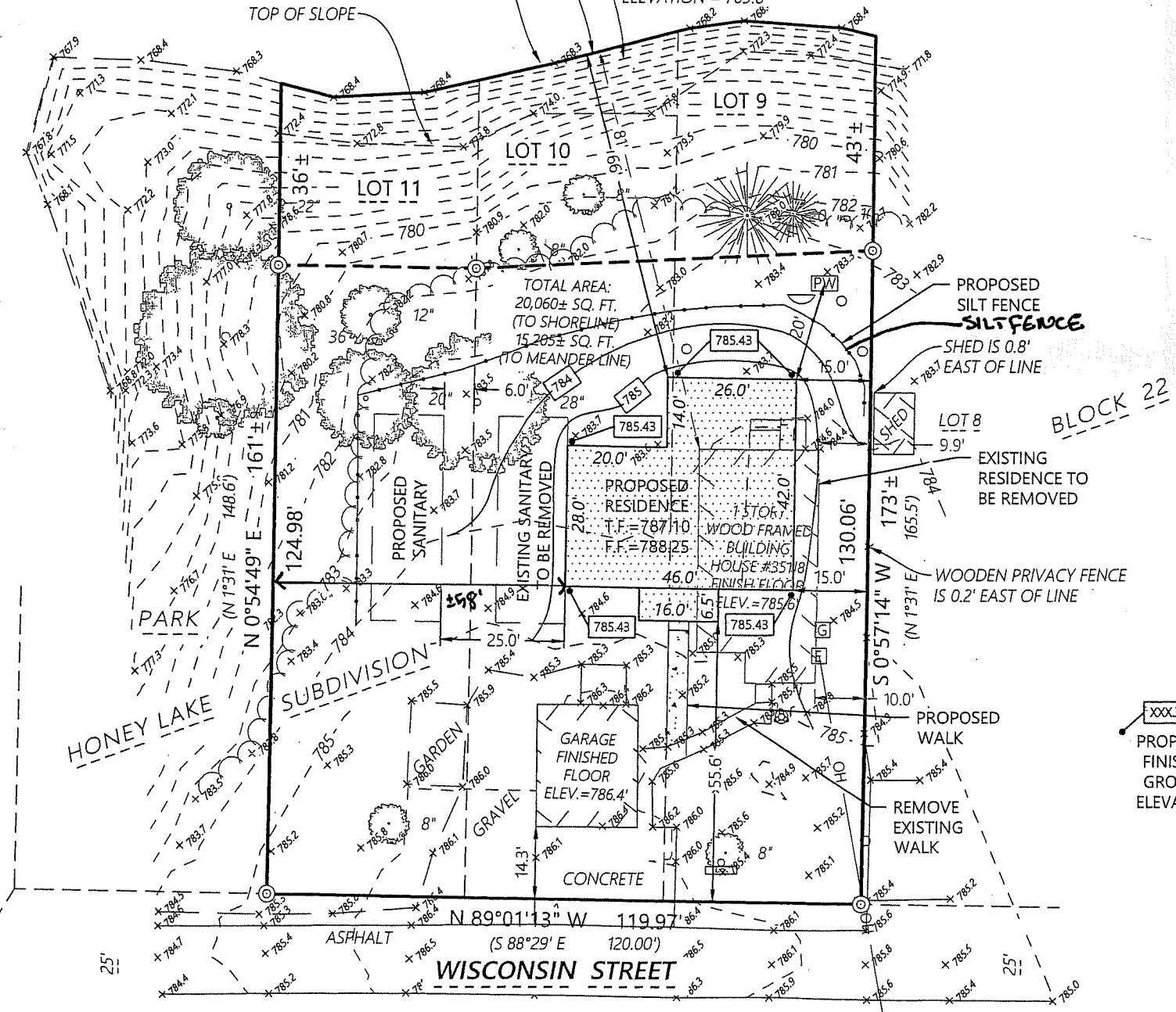
TAHOE LAKE

SHORELINE IS THE APPROXIMATE ORDINARY HIGH WATER MARK (AN ACCURATE LOCATION SHOULD BE FLAGGED BY A QUALIFIED PROFESSIONAL)

FEMA SPECIAL FLOOD HAZARD AREA
1% ANNUAL CHANCE FLOOD
PER FIRM PANEL 55101C0133D
DATED MAY 2, 2012
ELEVATION = 769.8'

EDGE OF WATER (ICE)
ELEV. = 768.4'

TOP OF SLOPE

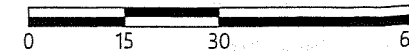


SITE BENCHMARK: 786.68
R.R. SPIKE IN WEST FACE OF POWER POLE

PLAT OF SURVEY

OF LOTS 9, 10, AND 11, BLOCK 22, HONEY CREEK
SUBDIVISION, BEING PART OF THE SW 1/4 OF THE SW 1/4
OF SECTION 18, T. 3 N., R. 19 E., OF THE 4TH P.M., VILLAGE
OF ROCHESTER, RACINE COUNTY, WISCONSIN.

Scale: 1" = 30'



DISTANCE UNITS BASED ON THE UNITED STATES SURVEY FOOT

BEARINGS BASED ON THE WISCONSIN COORDINATE REFERENCE
SYSTEM, RACINE ZONE. THE EAST LINE OF LOT 9
BEARING S 0°57'14" W

VERTICAL DATUM BASED ON NAVD-88 (2012)
STARTING BENCHMARK: NGS PID: DG4963
ELEVATION: 918.40



MONUMENT KEY

- ⊙ 1 1/2" Iron Pipe Found
- (XXX.XX) Record Information

LEGEND

- ⊘ Existing Utility Pole
- Existing Guy Wire
- ⊕ Existing Septic Vent
- PW Existing Well
- ⊞ Existing Sign
- ⊞ Existing Gas Meter
- ⊞ Existing Satellite Dish
- ⊙ Benchmark
- ☀ Coniferous Tree
- ☀ Deciduous Tree
- ⌒ Existing Treeline

SITE SUMMARY

TOTAL LAND AREA = 20,060 SQ. FT.
 TOTAL LAND DISTURBANCE = 6,462 SQ. FT.
 GREEN SPACE AREA = 16,360 SQ. FT. (81.6%)
 IMPERVIOUS AREA = 3,700 SQ. FT. (18.4%)
 BUILDING AREA = 2,249 SQ. FT. (11.2%)

Kristin J. Belongia, P.L.S.
Wisconsin Professional Land Surveyor S-2943

State of Wisconsin } ss
County of Rock

If the surveyor's signature is not red in color,
the plan is a copy that should be assumed to
contain unauthorized alterations.
The certification contained on this document
shall not apply to any copies.

I hereby certify that I have supervised the survey of the property described above and to the best
my knowledge and belief, the plat drawn hereon complies with Chapter A-E 7 of the State of
Wisconsin Administrative Code, Minimum Standards for Property Surveys and correctly
represents said survey and its location.

Given under my hand and seal this 21st day of March, 2022 at Beloit, Wisconsin.

Last day of field work March 13, 2022

Modified April 19, 2022 to show proposed residence.

RECEIVED

MAR 22 2022

FOR THE EXCLUSIVE USE OF:

PATTI LEVANDOSKI
35118 WISCONSIN STREET
BURLINGTON, WI 53105

ORDER NO: 34243

BOOK: SEE FILE
FIELD CREW: DGM
DRAWN BY: DGM / LMB
SHEET 1 OF 1

Batterman
engineers surveyors planners

1040 N Wisconsin Street
2857 Bartells Drive
Beloit, Wisconsin 53511
608.365.4464

PLAT OF SURVEY

Silt Fence

Design Criteria and Requirements (CPA-123)

Timing – Silt fence shall be installed prior to soil disturbance.

Placement – When installed as a stand-alone practice on a slope, silt fence shall be placed on the contour. The parallel spacing shall not exceed the maximum slope lengths for the appropriate slope as specified in Table 1.

Silt fence shall not be placed perpendicular to the contour.

The ends of the fence shall be extended upslope to prevent water from flowing around the ends of the fence.

Height – Installed silt fence shall be a minimum 14 inches high and shall not exceed 28 inches in height measured from the installed ground elevation.

Support –

1. Wood Supports:

- a. The full height of the silt fence shall be supported by 1 1/8 inches air or kiln dried posts of hickory or oak.
- b. The silt fence fabric shall be stapled, using at least 0.5-inch staples, to the upslope side of the posts in at least three places.
- c. The posts shall be a minimum of 3 feet long for 24-inch silt fence and a minimum of 4 feet for 36-inch silt fence fabric.

2. Steel Supports:

- a. The full height of the silt fence shall be supported by steel posts at least 5 feet long with a strength of 1.33 pounds per foot and have projections for the attachment of fasteners.
- b. The silt fence fabric shall be attached in at least three places on the upslope side with 50 pound plastic tie straps or wire fasteners. To prevent damage to the fabric from fastener, the protruding ends shall be pointed away from the fabric.

3. The maximum spacing of posts for non-woven silt fence shall be 3 feet and for woven fabric 3 feet.

4. Silt fence shall have a support cord.

5. Where joints are necessary, each end of the fabric shall be securely fastened to a post. The posts shall then be wrapped around each other to produce a stable, secure joint or shall be overlapped the distance between two posts.

6. A minimum of 20 inches of the post shall extend into the ground after installation.

Anchoring – Silt fence shall be anchored by spreading at least 8 inches of the fabric in a 4 inch wide by 6 inch deep trench, or 6 inch deep V-trench on the upslope side of the fence. The trench shall be backfilled and compacted. Trenches shall not be excavated wider and deeper than necessary for proper installation. On the terminal ends of silt fence the fabric shall be wrapped around the post such that the staples are not visible.

Geotextile Fabric Specifications – The geotextile fabric consists of either woven or non-woven polyester, polypropylene, stabilized nylon, polyethylene, or polyvinylidene chloride. Non-woven fabric may be needle-punched, heat bonded, resin bonded, or combinations thereof. All fabric shall meet the following requirements as specified in Table 2.

Slope	Fence Spacing
< 2%	100 feet
2 to 5%	75 feet
5 to 10%	50 feet
10 to 33%	25 feet
> 33%	20 feet

Test Requirement	Method	Value ¹
Minimum grab tensile strength in the machine direction	ASTM D 4632	120 lbs (550N)
Minimum grab tensile strength in the cross machine direction	ASTM D 4632	100 lbs (450N)
Maximum apparent opening size equivalent standard sieve	ASTM D 4751	No. 30 (600 μm)
Minimum permittivity	ASTM D 4491	0.05 sec ¹
Minimum ultraviolet stability percent of strength retained after 500 hours of exposure	ASTM D 4355	70%

(WisDOT Standard Specifications for Road and Bridge Construction, 2001)

¹ All numerical values represent min/max average roll values. (For example, the average min. test results on any roll in a lot should meet or exceed the min. specified values.) Silt fence shall have a maximum flow rate of 10-gallons/minute/square foot at 50mm constant head as determined by multiplying permittivity in 1/second as determined by ASTM D-4491 by a conversion factor of 74.

Maintenance and Operation

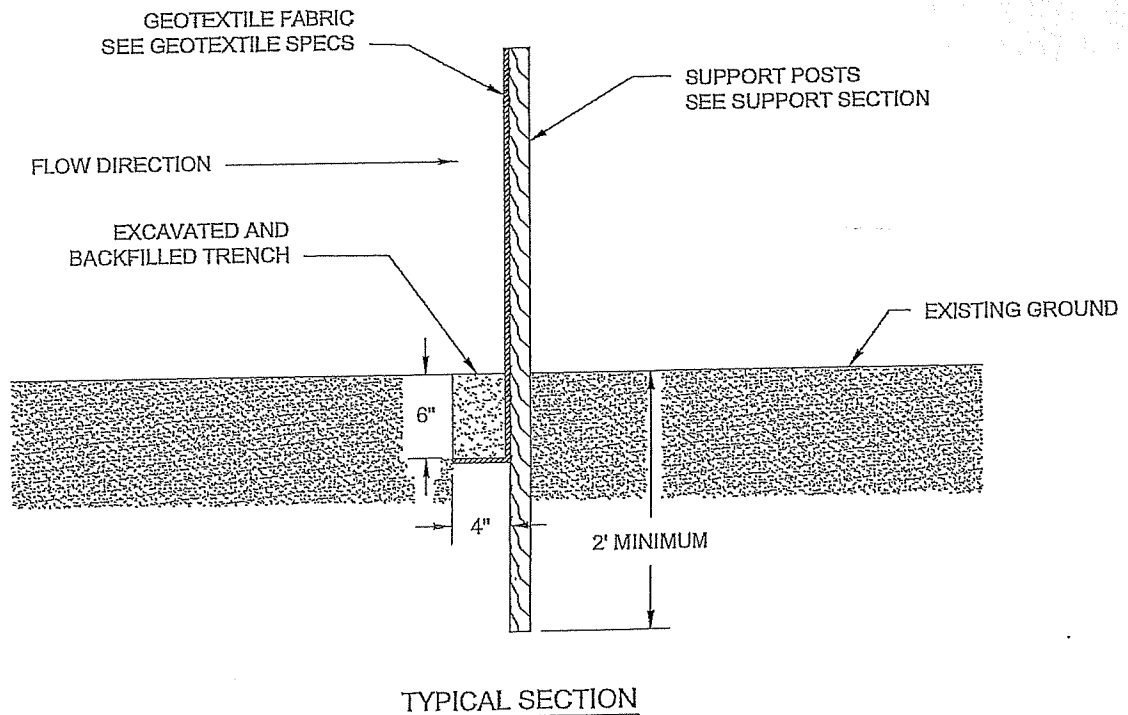
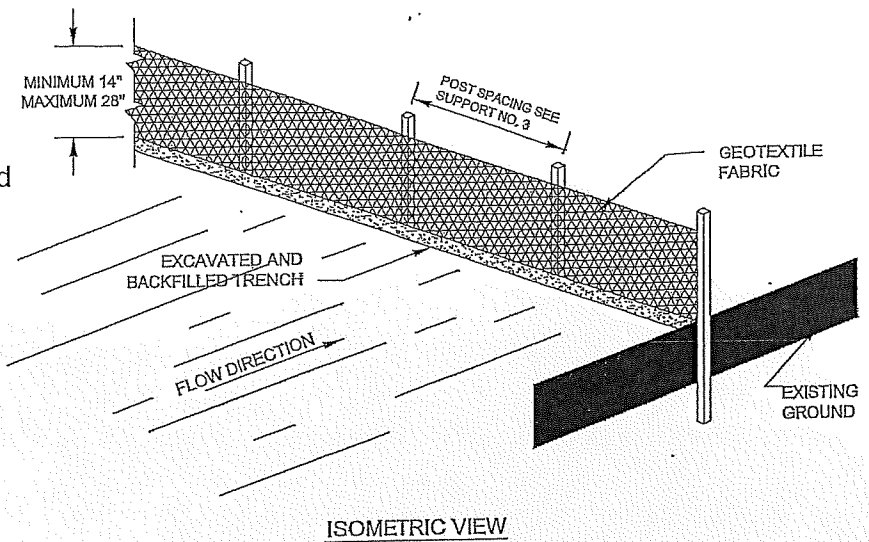
Silt fence shall at a minimum be inspected weekly and within 24 hours after every precipitation even that produces 0.5 inches of rain or more during a 24 hour period.


Damaged or decomposed fence, undercutting, or flow channels around the end of barriers shall be repaired or corrected.

Sediment shall be properly disposed of once the deposits reach 1/2 the height of the fence.

Removal - Silt fence shall remain in-place and be maintained until the disturbed upslope area is stabilized by permanent vegetation and is no longer susceptible to erosion.

*For more detailed information on silt fence review description "Silt Fence (1056) from the WDNR Conservation Practice Standard.



<p>SILT FENCE</p>	<p>Racine County Land Conservation 14200 Washington Avenue Sturtevant, WI 53177</p>		
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RACINE COUNTY SEEDING REQUIREMENTS

SEEDING DATES:

SEEDING TYPE	DATES
Permanent Seeding	April 1 st – September 15 th
Temporary Seeding	September 16 th – October 31 st
Dormant Seeding	November 1 st – Snow cover

If permanent seeding is not completed prior to winter, the site will need to be stabilized with straw, mulch or erosion control fabric and permanent seeding will need to be finished during the next acceptable time period following the temporary seeding. Reference instructions included with seed mixture for additional information. Consider watering to help establish the seeding when applicable. Water application rates shall be controlled to prevent runoff and erosion.

PERMANENT SEEDING: FROM APRIL 1ST THRU SEPT 15TH

MINIMUM PURE LIVE SEED (PLS)¹ RATE PER ACRE AND TOTAL POUNDS OF SEED NEEDED

SEEDING MIX	RATE/ACRES	POUNDS
Kentucky Bluegrass	4.5	0.5
Creeping Red Fescue	6.0	0.6
Perennial Ryegrass	15.0	1.5

Permanent seeding and mulching or sodding of all disturbed soil areas must be completed within seven days after final grading. Permanent seeding is completed to permanently stabilize areas of exposed soil. Permanent seeding shall be completed during the next acceptable time period following temporary seeding. Topsoil installation shall be completed prior to permanent seeding.

¹ PLS = (% Germination x %Purity)

Seed mixture shall meet all requirements of the WI weed laws. Species identified as restricted or prohibited by law shall not be planted. Certified seed shall be used, and the seeding rates will be based on pure live seed.

TEMPORARY SEEDING: FROM SEPTEMBER 16TH THRU OCTOBER 31ST

SEED A TEMPORARY COVER CROP OF EITHER ONE OF THE FOLLOWING

Species	Pounds/Acre	Percent Purity
Winter Cereal Rye	131	97
Annual Ryegrass	80	97
Oats	131	98

Temporary seeding should be done from September 16th to October 31st to reduce runoff and erosion until permanent seeding or other erosion control practices can be established. This should be done when disturbed areas will not be brought to final grade for a period greater than 30 days.

DORMANT SEEDING: FROM NOVEMBER 1ST THRU SNOW COVER

Dormant seeding in the fall, between November and snow cover is another option. For dormant seeding, increase the seeds per square foot by 15%. Dormant seed is applied after climatic conditions prevent germination until the following spring (April 1st). Dormant seeding may be completed prior to snow cover at which time seeding is not allowed again until April 1st at which time permanent seeding may resume. Use permanent seeding mixture for dormant seeding. Seed is broadcast and incorporated, no-tilled, or drilled into the seedbed. Seedbed preparations and conditions are similar to conventional seeding.

ESTABLISHING AND MAINTAINING VEGETATION

MATERIALS

If no soil test is available, apply a minimum of 150 pounds of 20-10-10 fertilizer per acre. This is equivalent to 30 pounds nitrogen (N), 15 pounds phosphate (P_2O_5), and 15 pounds potash (K_2O) per acre.

SEEDBED PREPARATION:

Seedbed preparation shall immediately follow construction activities. Prepare a fine, firm seedbed to a minimum depth of three inches. A seedbed is considered firm when a footprint penetrates $\frac{1}{4}$ to $\frac{1}{2}$ inch deep.

SEEDING

Inoculate legumes with the specific inoculum for the species in accordance with the manufacturer's recommendations. When using a hydroseeder, five times the recommended rate of inoculant shall be added to the hydroseeder. Inoculant shall not be missed with liquid fertilizer.

Seed may be broadcast or drilled as appropriate to the site. Seed and fertilize as soon as possible after construction. Seeding perpendicular to direction of flow is required to limit erosion. Seed grasses and legumes no more than $\frac{1}{4}$ inch deep.

MAINTANENCE

During construction areas that have been seeded shall at a minimum be inspected weekly and within 24 hours after every precipitation even that produces 0.5 inches of rain or more during a 24-hour period. Inspect weekly during the growing season until vegetation is densely established or permit expires. Repair and reseed areas that have erosion damage as necessary.

Memo

To: Betty Novy, Village of Rochester Administrator

Sarah Reed, Racine County

From: Gary Vogel, P.E.

Date: June 16, 2022

Project No.: 221307.80

Subject: 35118 Wisconsin Street - Plan Review

Betty and Sarah,

We reviewed the proposed home demolition and rebuild at the subject property and take no exceptions to the plan. The property is within the Shoreland Zoning District and the following items were identified.

1. There is no planned filling or grading.
2. The plan meets the minimum required setback of 50' from the ordinary high water mark.
3. The plan shows the improvements still provide for an impervious coverage of less than 30% of the overall lot.

Please let us know if we can provide any further information.

****DRAFT CONDITIONS****:

1. **Zoning Permit.** The applicant must obtain a zoning permits from the Racine County Development Services Office, on behalf of the Village of Rochester, after paying the zoning permit fee of \$500.00 prior to any construction commencing on the above referenced property. The cards must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. **Private Onsite Wastewater Treatment System.** Prior to the issuance of a zoning permit, sanitary approval must be obtained from the Racine County Development Services Department to service the proposed single-family residence. Please contact the Development Services Department at (262)886-8440 opt. 3.
3. **Lot Combination.** Prior to zoning permit issuance, Lot 11 shall be combined into one parcel with Lots 9 and 10 with the Racine County Register of Deeds office and a cop of the recorded document submitted to this office before the zoning permit shall be released.
4. Failure to comply with the terms and conditions stated herein might result in the issuance of citation(s) and/or revocation of this permit. This approval does not authorize any work other than what is specifically described in the submitted application.
5. To prevent sedimentation from entering onto an abutting property, into areas of concentrated flow, or into the public waters of Tahoe Lake, a temporary diversion must be constructed to the north, east, and west of the proposed single-family residence with full basement and covered porch as shown on the attached plan labeled Exhibit A-1. This diversion must be constructed of filter fabric fencing placed into a four-inch by four-inch V-shaped trench, backfilled with fill material, and compacted. This diversion must be installed before any excavation begins, and it must remain in place and be maintained until permanent seeding or sodding is established as determined by this office. See the attached copy of "Filter Fabric Fences" for installation requirements.
6. The smallest amount of bare ground shall be exposed for as short a time as feasible. **(s.36-36 (B)(9)(a))**
7. Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established. **(s.36-36 (B)(9)(b))**
8. Fill shall be stabilized according to accepted engineering standards. **(s.36-36(B)(9)(e))**
9. The proposed single-family residence with full basement and covered porch must be located and constructed as shown on the submitted plan labeled Exhibit A. It must have a first-floor elevation of 788.25 feet above mean sea level datum (MSLD). The finished yard grade must be 785.43 feet above MSLD.
10. Use existing driveways and concrete pads for vehicles and equipment. During construction, this site must have gravel roads, access drives, and/or parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road must be removed by street cleaning (not flushing) before the end of each workday or as determined by the

11. If additional fill is necessary, only clean fill may be used for this project. Fill material may not contain sod, brush, roots, or other perishable material. No broken concrete, asphalt, scrap wood, or other types of construction debris are allowed as fill material. Rock particles larger than three-fourths of the layer thickness must be removed from the material before compacting with the fill. No fill may be placed in any wetland or floodplain. No additional fill will be allowed without the Village of Rochester's prior approval. A drawing showing the fill limits must be provided to the staff for their review and approval. Fill may only be placed as shown on the approved plan. Do not place fill on the entire lot. Yard grades must taper to the existing ground elevations at no greater than a 3:1 slope.
12. A minimum of three inches of topsoil must be placed on the surface of any disturbed area before seeding and/or sodding. Any disturbance of vegetation beyond the immediate project area must be restored upon project completion. Any equipment used to complete the project must be confined to the applicant's property unless a written consent has been obtained from the affected property owner(s) and said consent is on file with the Village of Rochester before beginning the project.
13. The backfill must slope away from the structure, and all slopes must be 3:1 or flatter. All excess earth not used for immediate backfilling around the proposed single-family residence with full basement and covered porch must be removed from the property. A retaining wall may be needed if unable to taper to existing grades. Grade backfill to match existing elevations. Should you need to construct any retaining walls on this property, please contact this office as additional approvals/permits may be required.
14. Do not allow stockpiles or soil disturbances beyond the property lines, within the floodplain, or within the designated Private Onsite Wastewater Treatment System (POWTS) location. Stockpiles must be located within the confines of the silt fence, with side slopes of 2:1 or flatter. The topsoil stockpile must be temporarily seeded within seven (7) days after formation. All other disturbed soil must be temporarily seeded within seven (7) days after the foundation is backfilled or the rough grading is completed. Seed all disturbed soils with five (5) lbs. of perennial ryegrass per 1,000 sq. ft. and mulch.
15. The proposed single-family residence and covered porch must have rain gutters and downspouts installed within 14 days of completing the roof. The downspouts must outlet away from the proposed structure onto splash blocks to prevent erosion.
16. Permanent seeding and mulching or sodding on all disturbed soil areas must be completed within seven (7) days after final grading. Seeding may be completed through snow cover at which time seeding is not allowed again until April 1st at which time permanent seeding may resume. Permanent seeding must be completed prior to June 1, 2023. The site may need to be stabilized with straw, mulch or erosion control fabric prior to winter. See the attached seeding recommendations.
17. Storm water drainage plan review, approval, and regulation are the Village's responsibility. The landowner must contact the Village for approval. The Village might not issue a building permit until they have approved said plan.

18. Do not break or damage any underground tile. If encountered, any underground agricultural tile line must be rerouted or fixed. If any underground tile is encountered that has anything but clean water flowing through it, contact Racine County Code Administration at (262) 886-8475 to investigate.
19. Minimize erosion, water pollution, and siltation caused by this construction project. This may require additional erosion control measures as determined by this office.
20. The improvements required to be installed and/or constructed on this property to aid in the prevention of erosion, sedimentation, and/or pollution must be maintained in perpetuity, being kept in sound condition and in good working order.
21. This approval and these conditions are intended to prevent erosion, sedimentation, and pollution. The Village of Rochester and Racine County do not warrant that the plans for this project are functionally and/or structurally adequate. The Village and County do not certify that the design is adequate for this site and the Village of Rochester and Racine County accept no liability through this approval.
22. **Access.** The applicant must allow full and unlimited access to the project site at any reasonable time to any employee or representative designated by the Village of Rochester who is investigating the project's construction, operation, or maintenance.
23. The Village of Rochester reserves the right to request, at the sole expense of the property owner, an as-built survey of the proposed project with elevations in order to verify final yard grades and other elevation data related to said project.
24. **Compliance with Law.** The applicant is responsible for obtaining all other necessary federal, State, and local permits before work begins on the project. The applicant is required to comply with all applicable local, state, and federal regulations. (s.35-100 (C)(1)(o))
25. **Amendments to Conditional Use Permit.** No additions, deletions, or changes may be made to these conditions without the Village of Rochester's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Rochester or Racine County Development Services office in writing. **(s. 35-100 (C)(1)(o))**
26. **Reimburse Village Costs.** Applicant shall reimburse to the Village all costs incurred by the Village for review of this shoreland conditional use including but not limited to engineering, legal, and planning review that occurred prior to the permit issuance and during the implementation of the plans and construction of the improvements.
27. **Agreement.** Your acceptance of the shoreland conditional use approval/zoning permit and beginning the project means that you have read, understood, and agree to follow all conditions of this approval. Therefore, Patricia Levandoski is hereby held responsible for full compliance with all of these conditions.



June 2, 2022

To Whom it May Concern -

I, Patti Levandoski, give my permission to Greg Ingersoll from Ingersoll Home Builders, LLC, to act on my behalf as my builder and to represent my interest in my application of a conditional use permit and all other permits, before the Village of Rochester Planning Commission and Village Board, for the purpose of constructing my new home at 35118 Wisconsin St., Burlington, WI.

Sincerely,

A handwritten signature in black ink that reads "Patti A. Levandoski".

Patti Levandoski



June 22, 2022, Plan Commission Meeting
Patricia Levandoski, Owner
Greg Ingersoll – Wausau Homes, Applicant/Agent
Shoreland Conditional Use Permit request

Affidavit of Mailing

I, Kim Parsons, of Racine County Public Works and Development Services, Racine County, Sturtevant, Wisconsin, being first duly sworn, stated that she distributed as listed below and properly enclosed in a postpaid envelope [proper post office addresses set after respective name(s)], a notice of a meeting for the Village of Rochester Plan Commission, which is to be held at 6:00pm, on Wednesday the 22nd day of June 2022.

Notice distributed via U.S.P.S. on 6/8/2022:

PATRICIA A LEVANDOSKI
35118 WISCONSIN ST
BURLINGTON WI 53105

STACEY L CASEY
35123 WISCONSIN ST
BURLINGTON WI 53105

DOUGLAS O WEBB
35110 WISCONSIN ST
BURLINGTON WI 53105

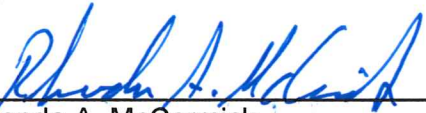
HONEY LAKE PROTECTION & REHAB
P O BOX 565
BURLINGTON WI 53105

GREG INGERSOLL
INGERSOLL HOME BUILDERS
206 E WALWORTH ST
ELKHORN WI 53121



Kim Parsons

Sworn to before me this 8th day of June 2022.



Rhonda A. McCormick
Notary Public, Racine County, Wisconsin
My commission expires 10/12/2025

