

NOTICE OF VILLAGE OF HARRISON BOARD MEETING

DATE: Tuesday, August 8, 2023
TIME: 6:00pm
PLACE: Harrison Municipal Building, W5298 State Road 114,
Menasha, WI 54952

NOTICE IS HEREBY GIVEN that a Village of Harrison Board meeting will be held at 6:00pm on Tuesday, August 8, 2023, at the Harrison Municipal Building. This is a public meeting, and the agenda is listed below.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Correspondence or Communications from Board and Staff**
 - a) Staff received copy of Crossroad Development, LLC permit for connection to State Trunk Highway
5. **Corrections and Approval of the Previous Meeting Minutes**
 - a) Minutes of the July 25, 2023 Meeting
6. **Public Comments**

Please be advised per State Statute section 19.84(2), information will be received from the public; be further advised that there may be limited discussion on the information received; however, no action will be taken under public comments. It is the policy of the Village that there is a three-minute time limit per person. Time extensions may be granted by the President. Please register your name on the sign-in sheet prior to the start of the meeting.
7. **Old Business for Discussion, Consideration, and/or Action**
 - a) Renewal of Conditional Use Permit - Crossroad Development, LLC
8. **New Business for Discussion, Consideration, and/or Action**
 - a) Ordinance V23-07 Amending the Village of Harrison Zoning Map - Dale & Cindy Marx, Section of Parcel 40526 Schmidt Rd
9. **Future Agenda Items**
 - Hiring Policy (MVH/AB)
 - Organizational Chart (tabled)
 - Job Descriptions for Deputy Clerk/HR & Lead Utility Billing Clerk (tabled)
10. **Adjournment**

Any person with hearing disabilities or requiring special accommodations to participate in the meeting should contact the Clerk's Office (920-989-1062) at least 24-hours prior to the meeting. This is a public meeting.

APPLICATION/PERMIT FOR CONNECTION TO STATE TRUNK HIGHWAY

Wisconsin Department of Transportation (WisDOT)
 DT1604 9/2009 s. 88.07(2) Wis. Stats. & Ch. Trans 231 Wis. Adm. Code

- This form is an application for permission for a STH Connection. If approved, the permit does not create a right of access or access easement for the property.
- If the property has any legal restrictions that prohibit access to a state trunk highway (STH), WisDOT cannot approve a STH connection permit for the property.
- Please type or print neatly in ink. Fill out the required information on both sides of this form per the instructions. One form is required per connection. For more information, visit: <http://wisconsindot.gov/Pages/doing-bus/real-estate/permits/default.aspx>
- Please provide a copy of the property deed with all applications.

WISDOT OFFICE INFORMATION	Document Identification Number
	08-100247567-2018

APPLICANT INFORMATION	1. Applicant Name and Mailing Address – Street/PO Box, City, State, ZIP Code Eugene M. and Joyce Frederickson W4755 Creekview Rd Kaukauna, WI 54130	2. Property Owner Name / Address (if not applicant) 3. If Not Property Owner, Reason for Application		
CONNECTION LOCATION INFORMATION	4. Highway Number(s) Hwy 55	5. County Calumet	6. <input type="checkbox"/> City <input checked="" type="checkbox"/> Village <input type="checkbox"/> Town of Harrison	7. Side of the Highway <input type="checkbox"/> North <input type="checkbox"/> South <input checked="" type="checkbox"/> East <input type="checkbox"/> West
	8. Located within the SE Quarter, of the NW Quarter, Section 6, Town 20 North, Range 19		9. Fire or Street Number (if applicable) W4755	
	10. Name of Nearest Side Road from Location High Line Rd	11. Distance and Direction from Side Road 66 feet West <small>(Foot or Miles) (N, S, E, W)</small>		11. How far is the location from the nearest non-side road connection on the same highway? 750 feet <small>(Foot or Miles)</small>
CONNECTION TYPE INFORMATION	Log Mile or Reference Point (Filled in by WisDOT):			
	12. Proposed Activity (Check one) <input type="checkbox"/> Construct New <input checked="" type="checkbox"/> Alter Existing <input type="checkbox"/> Remove Existing <input type="checkbox"/> Permit Existing	13. Proposed Use (Check one – See instructions for category description) <input type="checkbox"/> Urban – Commercial/Industrial <input type="checkbox"/> Urban – Residential <input type="checkbox"/> Rural – Commercial/Industrial <input checked="" type="checkbox"/> Rural – Residential <input type="checkbox"/> Rural – Agricultural <input type="checkbox"/> Public Road <input type="checkbox"/> Trail or Trail Crossing Is this a change of the existing use (if applicable)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		16. Proposed Trips Per Day (Check one) <input type="checkbox"/> Seasonal <input type="checkbox"/> 101-1000 <input checked="" type="checkbox"/> 1-50 <input type="checkbox"/> Over 1000 <input type="checkbox"/> 51-100 Peak hour traffic count: _____
	14. Proposed Width: 24	15. Proposed Surface: RECLAIMED BLACK TOP		QUESTIONS 17-27 on BACK PAGE

All connections have restrictions, which include the information preprinted and filled-in on this application along with any conditions, covenants, supplemental provisions, superimposed notes, and detail drawings added by WisDOT. The applicant shall be responsible for complying with these restrictions along with the construction and maintenance of the connection. It is further understood that WisDOT's approval is subject to applicant's full compliance with relevant state statutes and administrative rules, plus any laws, codes, rules, regulations, ordinances and permit requirements of other jurisdictional agencies. The alteration of this form by the applicant is prohibited. Under s. 88.073 Wisconsin Statutes, WisDOT's permit denial or revocation may be appealed.

The applicant affirms that all information provided on and submitted with this form is correct and complete. Providing incorrect or incomplete information may result in permit denial or revocation as well as criminal prosecution under s. 946.32 Wisconsin Statutes.

X Eugene Frederickson 1-18-18
(Property Owner or Authorized Representative) (Date)

(Area Code and Telephone #) (E-mail address if available)

FOR OFFICIAL WISDOT USE ONLY – DO NOT WRITE BELOW THIS LINE

<input type="checkbox"/> THE FOLLOWING SUPPLEMENTAL PROVISIONS APPLY	<input checked="" type="checkbox"/> Permit APPROVED (THIS PERMIT IS REVOCABLE) <input type="checkbox"/> Permit DENIED <input type="checkbox"/> Application DISMISSED
	X <u>David B. Nelson</u> 03/26/18 <small>(WisDOT Authorized Representative) (Date)</small> <small>(If Computer-filled, Brush Script Font)</small>
	<input type="checkbox"/> Temporary permit. Expiration date: _____ <input type="checkbox"/> This permit voids / replaces permit # _____
<input type="checkbox"/> Shared connection	Co-user name: _____ Related permit # _____

File:

17. Yes No Is the property zoned? Provide documentation from the jurisdictional zoning authority.

18. Explain how the land is currently being used:

ZONED COMMERCIAL USE FOR A.G. FARMING

19. Yes No Are you aware of any plan to change the zoning or land use for the property? If yes, explain.

NO. IN THE FUTURE THIS DRIVEWAY WILL BE A ROAD

20. Yes No Is this connection for property that was part of a land division or assemblage created on or after 2/1/99? If yes, explain.

Property to North sold to Hhighline Development to 2004

21. Yes No Do you own other property abutting the highway that is next to the property that this connection will serve? If yes, describe.

Note 1: Answering "yes" to #20 or 21 may result in a Wis. Administrative Code Trans 233 review by WisDOT. If this is needed, the processing of your application may be delayed.

22. Yes No Does the property abut or border another public road? If yes, provide the road's name.

23. Yes No Are there any existing connections to any road serving the property? If yes, how many? 1

24. Yes No Are there any restrictions on the number, use, or location of connections to the property?

25. Yes No Are there any access easements across the property (recorded or unrecorded)?

Note 2: If you answered "yes" to #24 or 25, provide a copy of all documents relevant to the restrictions and/or easements

26. Provide the property tax identification number: 40394

27. What is the proposed construction completion date for the connection? See Conditions of Issuance #9. 2018

FOR ANY NEW CONNECTION OR CONNECTION TO BE MOVED, APPLICANT SHALL PLACE A FLAG OR MARKER IN THE HIGHWAY DITCH OR FORESLOPE (VISIBLE FROM THE HIGHWAY) AT THE PROPOSED LOCATION.

CONDITIONS OF ISSUANCE

1. WisDOT reserves the right to make such changes, additions, repairs, relocations and removals within statutory limits to the connection or its appurtenances on the right-of-way as may at any time be considered necessary to facilitate relocation, reconstruction, widening, and maintenance of the highway, or to provide proper protection to life and property on or adjacent to the highway, or if alternative access to the property becomes available.

2. Except in cases where the indicated connection may be constructed by forces acting on behalf of WisDOT due to a highway improvement or maintenance project, the permittee shall do all of the following: (a) Furnish all materials, do all work, and pay all costs for the construction and maintenance of the connection and its appurtenances on the right-of-way. Materials used and the type and quality of the work shall be appropriate for the connection type specified in this permit; (b) Do all work without jeopardy to, or interference with, traffic using the highway; (c) Promptly restore to WisDOT's satisfaction and at least pre-existing conditions, highway surfaces, shoulders, ditches, vegetation, drainage appurtenances, guardrail, signs, electric conduits/cables, etc. disturbed by any work; (d) Maintain the connection and its appurtenances within the right-of-way limits, which includes keeping them in a proper state of repair, preventing the blockage or impairment of right-of-way drainage, and preventing aboveground obstacles to occur that could cause serious injury or death to a motorist in an errant vehicle; (e) Not disturb or cause the disturbance of any survey marker without the prior written approval of WisDOT.

3. The permittee, indicated on the reverse side, represents all parties in interest, and agrees that any connection or approach constructed by or for the permittee is for the purpose of obtaining access to the property (listed in #26) and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the right-of-way.

4. The permittee shall not make any changes to the connection, its appurtenances, or adjacent right-of-way, including, without limitation, changes to the location (#4-11), use (#13), width (#14), surface (#15), or increase the number of trips per day (#16) approved by this permit without obtaining prior written approval from WisDOT. WisDOT will evaluate all potential highway impacts that may arise from the proposed change(s) and therefore, does not guarantee approval.

5. The permittee, successors or assigns agree to hold harmless the State of Wisconsin and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.

6. WisDOT does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material upon any portion of any connection along any state trunk highway even though snow, ice or sleet is deposited or windrowed on said connection by its authorized representative engaged in normal winter maintenance operations.

7. Under Wisconsin Administrative Rule Trans 401, the permittee shall implement proper erosion control and storm water management measures at all times during work operations and upon completion of the connection to protect all restored areas until the replacement vegetation achieves sustained growth.

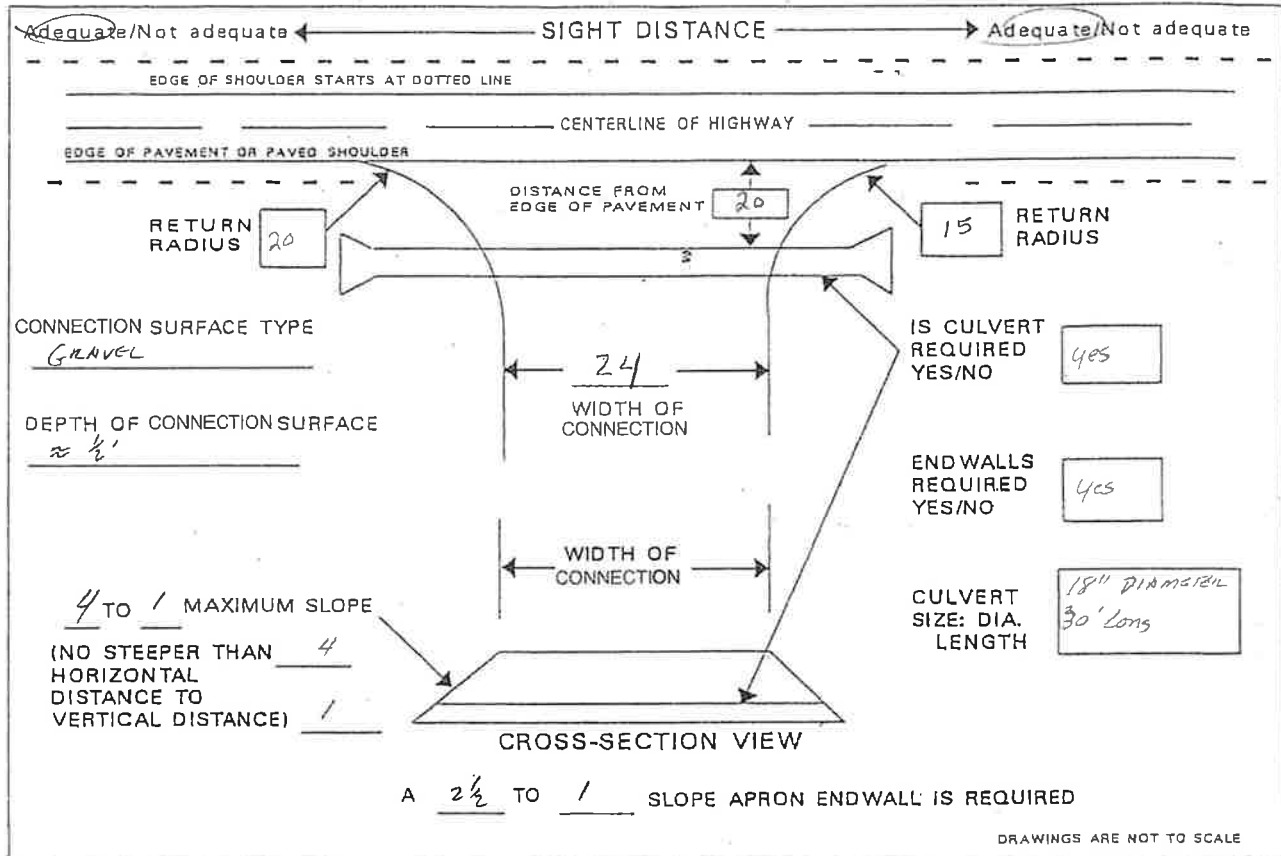
8. Rock, asphalt, concrete, timber or other embankment retention or marking treatments for the connection are prohibited.

9. If the permitted work has not been started by the construction completion date, this permit is null and void. If the work has been started but is not finished by the construction completion date, no additional work shall be done unless authorized through an approved written time extension or a subsequent permit from WisDOT. Accomplishment of any part of the work shall verify agreement by the permittee to conform to this permit and to be bound by all of its requirements, restrictions, and obligations, all of which shall continue to be in full force and effect. WisDOT does not guarantee the approval of a time extension or subsequent permit since the conditions WisDOT based its permit approval upon may have changed between the permit approval date and time extension request date.

STH CONNECTION DESIGN CHECKLIST

Wisconsin Department of Transportation
DT1247 6/2006-2 s.86.07(2) Wis. Stats. & Ch. Trans 231 Wis. Adm. Code

Applicant Name GENE FREDRICKSON	Property Owner Name (if not applicant)
Highway STH 55	County CALUMET



OTHER COMMENTS

Endwall construction may require the applicant to excavate a portion of the ditch bottom and/or backslope for the endwall to set properly. If you or your contractor have any questions, contact the WisDOT Regional Transportation Office.

The applicant shall make sure that utilities and other facilities are located prior to beginning any work and are not damaged as a result of activities performed under this permit. Call Diggers Hotline three days prior to doing any excavating at 800-242-8511.

CONNECTION MARKERS OR REFLECTORS

A wooden, plastic or metal post with or without blue reflector(s) may be installed on each side of the connection. Wooden posts shall not have a cross-sectional area above the ground line of more than 14 square inches (normal 4" x 4" square post or 4" diameter posts are satisfactory) or the affected cross-section area shall be reduced by drilling or a saw cut. Such drill hole or scoring with saw shall be approximately 4" above the ground. Metal or plastic posts shall not be stronger than the equivalent of a 1 1/2" diameter standard metal pipe. **Red or amber reflectors are prohibited.**

VILLAGE BOARD MEETING

VILLAGE OF HARRISON**From:**

Matt Heiser, Village Manager

Meeting Date:

August 8, 2023

Title:

Renewal of Crossroads' Conditional Use Permit (CUP)

Issue:

Should the Village approve the extension of the Conditional Use Permit for Crossroad's Development to November 20, 2023?

Background and Additional Information:

The Village Board reviewed the original request a second time at the April 25, 2023 meeting.

The Board approved the CUP at that meeting with the following conditions:

1. All provisions of Section 117-131 of the zoning ordinance relating to resource extraction shall be met.
2. All Local, State and Federal regulations must be met.
3. No refining (pulverizing, shredding, etc.) shall occur during wind speeds greater up to 10 mph. (originally proposed as: than a Light Breeze as described by the National Weather Service. A Light Breeze is described as 4 to 7 mph.)
4. Shredder/pulverizing operations to be at least 500 feet from Hwy 55 property lines (originally proposed as 600 feet from Hwy 55 property lines).
5. The Conditional Use Permit shall be granted as temporary approval with an expiration date of July 26, 2023. The Village Board shall have the right to extend the conditional use permit at the July 25, 2023 meeting. Any extension shall cease all refining (pulverizing, shredding, etc.) on or before November 10, 2023.
6. Hours of operation shall be Monday-Friday 7:00am-5:00pm. No refining (pulverizing, shredding, etc.) shall occur on Saturdays or Sundays. The only activity to occur on Saturdays is for material to be hauled off site. The Plan Commission may approve different hours of operation upon request and review.
7. The developer shall acknowledge the conditions of approval and agree to abide by all conditions. Failure to abide by conditions may be cause for revocation of this Conditional Use Permit.

The Village Board reviewed the CUP extension at its July 25 meeting. Board members expressed some questions about permits needed from the County for the trucking/access of this commercial activity.

A motion was made and seconded to deny the extension. The motion failed to pass with a tie vote of three to three.

A second motion was made to approve the extension contingent on confirmation that the appropriate permits were obtained. This motion also failed to pass with another three to three vote. Thus the extension of the Conditional Use Permit was not approved.

Since that time Crossroad's Development has confirmed that the state Department of Transportation has jurisdiction over the access point to the property, not Calumet County, because it comes via state highway 55.

Furthermore, Crossroad's Development already had a permit granted by the DoT (see attached).

As a reminder for the Board, the state of Wisconsin tightened its regulation of Conditional Use Permits in Act 67 in 2017.

Section 62.23(7)(de)2.a. of the Wisconsin Statutes provides:

“If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.”

“Shall” means that the municipality does not have a meaningful choice.

Although the statute refers to “cities,” the statute also applies to “villages.”

Per Section 62.23(7)(de)1.b.:

“‘Substantial evidence’ means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.”

Under the Village's ordinance, the Plan Commission (and later, the Board) must evaluate six criteria in deciding whether to grant or deny a CUP.

(1) Zoning. The proposed use conforms to the underlying zoning district intent and design standards and is in harmony with the general purpose and intent of this chapter.

(2) Plans. The proposed use conforms to the Village comprehensive plan and any other officially adopted Village plan.

(3) Traffic. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(4) Landscaping and screening. Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed use as established in article VI, Access, Parking, and Loading and article IX, Landscaping and Screening Standards.

(5) Neighborhood compatibility. The proposed use is compatible with the predominant or prevailing land use of the neighborhood surrounding the proposed development and whether the proposed use creates a nuisance due to noise, odor, or dust.

(6) Services. Adequate facilities, access roads, drainage and/or necessary services have been or will be provided.

The Village Board has received quite a bit of public input regarding this topic. The vast majority of it is concern over the dust that will be created by the proposed activity. The Village Attorney advises that:

- Any evidence of nuisance must be reliable, not merely speculative.
- The Village should be cautious to deny the CUP due to a nuisance because the Business Park zoning implies that there will be some noise, odor or dust.

Budget Impacts:

None

Recommended Action:

Staff recommends the Board grant extension of the Conditional User Permit, with all of its original conditions, to November 10, 2023.

Attachments:

1. Original staff memo from April 25, 2023 meeting including maps and other attachments.
2. Wisconsin Dept. of Transportation permit for connection to a state highway.



VILLAGE BOARD MEETING

VILLAGE OF HARRISON

From:

Mark J. Mommaerts, AICP, Assistant Village Manager

Meeting Date:

April 25, 2023

Title:

Conditional Use Permit – Crossroad Development, LLC

Issue:

Should the Village Board approve a Conditional Use Permit for a topsoil screening operation (resource extraction)?

Background and Additional Information:

The Village Board at the March 28th meeting referred this item back to the Plan Commission for review of additional information. The Plan Commission discussed this item at the April 18th meeting. There was some discussion and confusion as to whether or not a permit had been granted by the previous Assistant Planner. An email dated July 26, 2022 to Gene Frederickson from Trish Nau (Asst. Planner) referenced the resource extraction section of the zoning ordinance and states, "... This ordinance states the permission of the moving of topsoil for temporary and transitional uses." There may be some confusion as to whether this email granted permission or referenced that the ordinance grants permission (which is the case). The site was granted an erosion control ordinance which regulates striping and stockpiling of soil, but not pulverizing and shredding.

The applicant is proposing to place the shredding equipment further south on the property than originally planned. Limits to when shredding can occur during wind speeds. After much discussion, the Plan Commission is recommending approval of the resource extraction permit with several conditions, as listed in the recommendation section.

From the March 28th Meeting:

The applicant is seeking a Conditional Use Permit (CUP) in order to screen topsoil, which includes shredding and pulverizing, at the property located at N9650 Hwy 55, Loc ID 40386 & 40378. The property is currently zoned Business Park (BP). Resource extraction is a conditional use under Article 117-131 of the zoning ordinance and shall include but is not limited to, the removal for sale or processing of topsoil, fill, sand, gravel, rock or any material. Processing may include crushing, washing, or refining. Storing or stockpiling of such materials on the site is permissible.

The applicant is proposing hours of operation as 7:00am to 5:00pm, Monday thru Friday. Erosion control will be established and maintained as needed with weekly site inspections and rain events. Equipment on premise would include a topsoil screening shredder, a loader, foreman trucks, a sweeper and skid steer as needed, and repair trucks as needed.

There are residential properties within 600 feet of Location IDs 40386 and 40378. There are concerns for dust and noise.

The Plan Commission held a public hearing at their meeting on March 21st. There were several letters in support of the operations. There were several individuals that spoke in opposition to the permit. The concerns centered around dust and possible contaminant soil being brought to the site.

Basis for Approval: *(from the Zoning Ordinance Section 117-319) Each item must be met in order to grant approval.*

1. *Zoning. The proposed use conforms to the underlying zoning district intent and design standards and is in harmony with the general purpose and intent of this chapter. Where there is an existing nonconforming structure, the design standards of the underlying zoning district may be waived by the plan commission and village board. Resource extraction is a conditional use under the Special Provisions article, which fits into the current zoning of Business Park.*
2. *Plans. The proposed use conforms to the comprehensive plan and any other officially adopted plan. The proposed use of the property for resource extraction use conforms to the Comprehensive Plan as a conditional use.*
3. *Traffic. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Access to the property is from an existing road, Hwy 55. It is anticipated that there will be minimal traffic entering/exiting the development on a daily basis.*
4. *Landscaping and screening. Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed use as established in article VI, Access, Parking, and Loading and article IX, Landscaping and Screening Standards. The applicant has a proposed silt fence in the site plan.*
5. *Neighborhood compatibility. The proposed use is compatible with the predominant or prevailing land use of the neighborhood surrounding the proposed development and whether the proposed use creates a nuisance due to noise, odor, or dust. The surrounding land uses are for commercial or business development. There are rural residential lots in the area. There will be minimal traffic for this business. Operations include the screening of topsoil. The Plan Commission found that possible nuisance due to dust will exist if the screening/shredding operation is approved.*
6. *Services. Adequate facilities, access roads, drainage and/or necessary services have been or will be provided. Sanitary sewer and water are not needed for the operation. Stormwater management is available. Roadway access is provided via Hwy 55.*

Budget Impacts:

None

Recommended Action:

The Plan Commission recommends approval of the Resource Extraction request with the following conditions:

1. All provisions of Section 117-131 of the zoning ordinance relating to resource extraction shall be met.
2. All Local, State, and Federal regulations shall be met.
3. No refining (pulverizing, shredding, ect.) shall occur during winds speeds greater than a Light Breeze as described by the National Weather Service. A Light Breeze is described as 4 to 7 mph.
4. Shredder/pulverizing operations to be at least 600-feet from Hwy 55 property lines.
5. The Conditional Use Permit shall be granted as temporary approval with an expiration date of July 26, 2023. The Village Board shall have the right to extend the conditional use permit at the July 25th meeting. Any extension shall cease all refining (pulverizing, shredding, ect.) on or before November 10, 2023.
6. Hours of operation shall be Monday-Friday 7:00am-5:00pm. No refining (pulverizing, shredding, ect.) shall occur on Saturdays or Sundays. The only activity to occur on Saturdays is for material to be hauled off site. The Plan Commission may approve different hours of operation upon request and review.
7. The developer shall acknowledge the conditions of approval and agree to abide by all conditions. Failure to abide by conditions may be cause for revocation of Conditional Use Permit.

Attachments:

- Aerial Map
- Site Plan
- Development Plan
- Applicant Responses to previous recommendation of denial
- Location of Past and Proposed Shredder
- Pictures of Site Equipment



Calumet County, WI

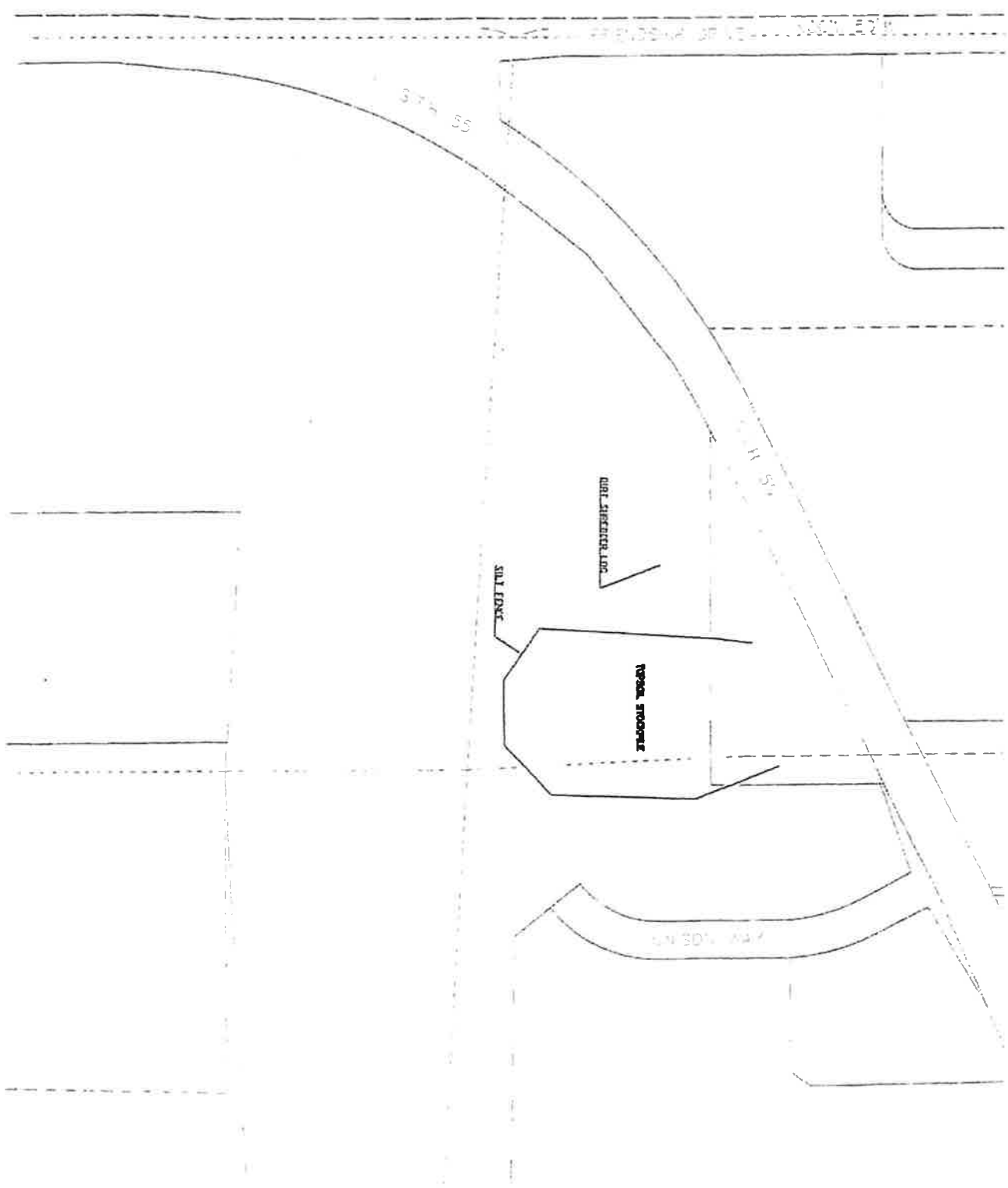
Legend

- Address Point
- County Boundary
- Wisconsin Water
- Other Counties
- Unincorporated Community
- Town Boundary
- Point of Interest
- Parcel Boundary
- - Property Hook
- PLSS Section
- State Parks
- County Parks
- Lake
- River and Stream
- Major Roads
- Local Roads
- Local Roads
- Municipal Streets
- Trail
- Railroad
- Color 2021
 - Red Road 1
 - Green Road 2
 - Blue Road 3



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

<p>Calumet County, WI</p>	



**Crossroad Development, LLC
Development Plan**

- 1. Hours of operation will be 7am – 5pm Monday – Friday**
- 2. Erosion control will be established and maintained as needed with weekly site inspections and rain events**
- 3. Equipment would be**
 - a. Topsoil Screening plant**
 - b. Loader**
 - c. Foreman trucks**
 - d. Sweeper / skid steer as needed**
 - e. Repair trucks as needed**
- 4. Stockpile on the NE corner of STH 55 and Highline Drive: NW Quarter, Section 6, Township 20, Range 19**

March 27, 2023

Village of Harrison
C/O: Village Plan Commission
W5298 State Road 114
Harrison, WI 54952

Re: Crossroads Development, LLC Conditional Use Permit Application

Dear Members of the Village of Harrison Plan Commission:

Please accept this letter as a response to your letter dated March 22, 2023 in which the Plan Commission recommended denial of our application involving a Conditional Use Permit (CUP) regarding the screening, shredding and pulverizing of topsoil at Location IDs 40386 and 40378.

I will attempt to address the bullet points for reasons for considering denial in hopes of persuading you to reconsider your stance on this matter.

- 1) Non-compliance within the last five years regarding shredding and pulverizing.
 - a. We are not sure where this comment originates as we have not been required to take out such a permit in the past.
- 2) Inadequate dust control mechanisms, or lack of explanation of such mechanisms.
 - a. A good, quality shredded topsoil has a low moisture content. The machinery required to shred and pulverize this topsoil into a quality product includes high speed conveyors to pile a finished product as the material is being processed. Reasonable dust control is achieved by placing the operations on the backside of material stockpiles to prevent airborne material from becoming fugitive.
- 3) The proposed location of the site and concerns by neighbors who may have been previously exposed to past dust and fine particles in the air.
 - a. The proposed rural location of the current stockpile is relatively remote with most of the property inside the ¼ mile radius of the location being owned by myself or my land holding companies. (Please see provided map.)
 - b. Other neighbors in close proximity to the proposed project location include the following who support our efforts. They are as follows:

GORDON BAUMGART
Print:

Gordon Baumgart
Signature:

Ross Schmidt
Print:

Ross Schmidt
Signature:

JOHN L. VAN TREECK
Print:

John L. Van Treeck
Signature:

- 4) Concern about the origins of soils being brought to the site and potential for contaminants being released into the air through the refining process.
 - a. The material hauled onsite originates from a former agricultural field near the intersection of CTH AP and S. Quest Drive near Darboy. As a result of the large building erected at that location, the topsoil had been stripped and piled as an available, marketable resource. There is no reason to believe that there is any contaminants in this material as this field was in agricultural production in the recent past.

I look forward to further productive discussions in a path forward allowing Crossroads Land Development LLC and Gene Frederickson Trucking to move forward as originally discussed with Village personnel.

Thank you for taking the time to hear my point of view and objectives as it relates to this matter. I appreciate the opportunity to further comment on this process.

Regards,



Gene Frederickson

Crossroads Land Development LLC



PREVIOUS STRIPPED
TOPSOIL PILE

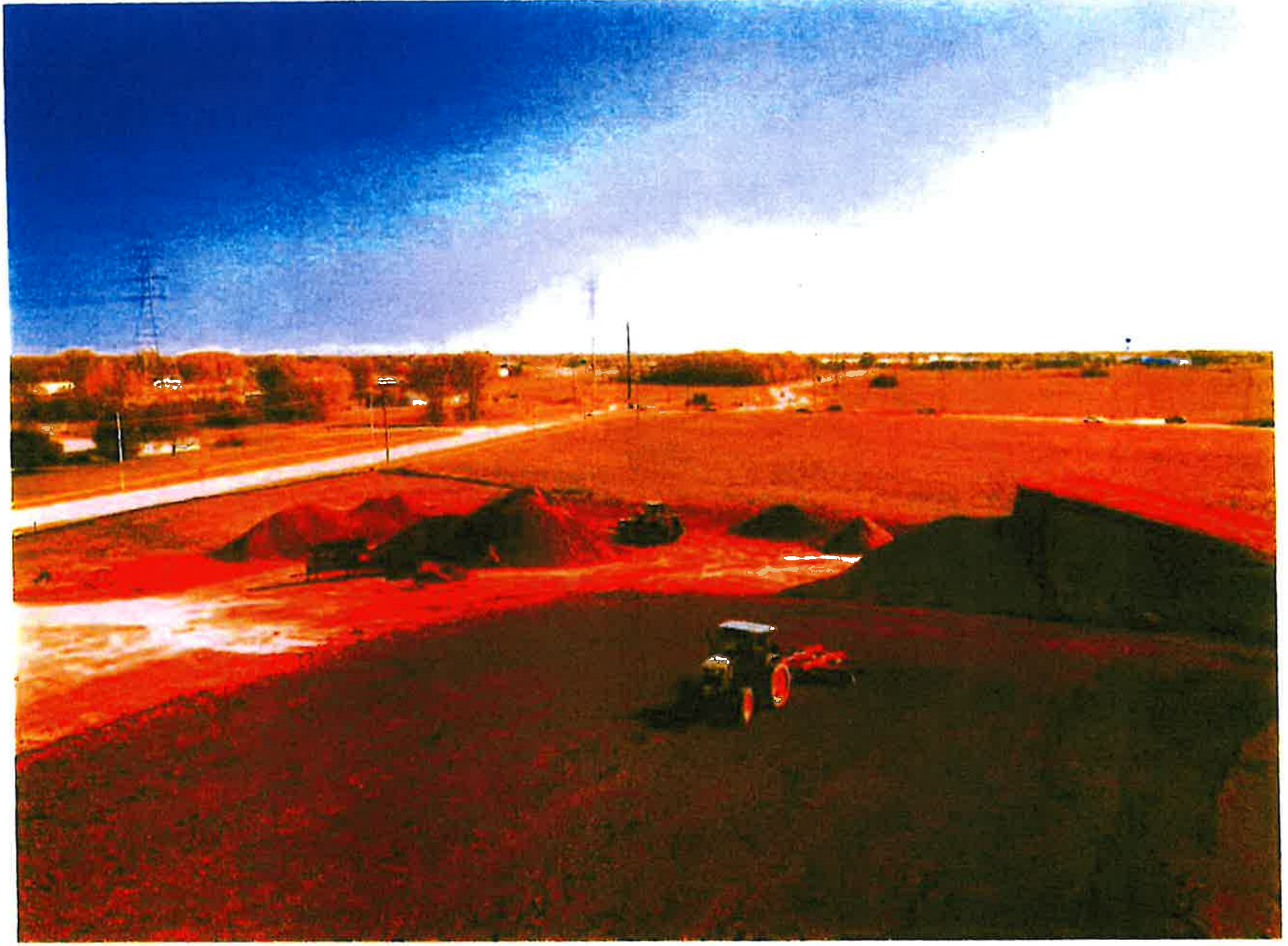
1366.399 ft
0.258 Mi Radius

DIRT SHREDDER LOCATION

110710 27 W

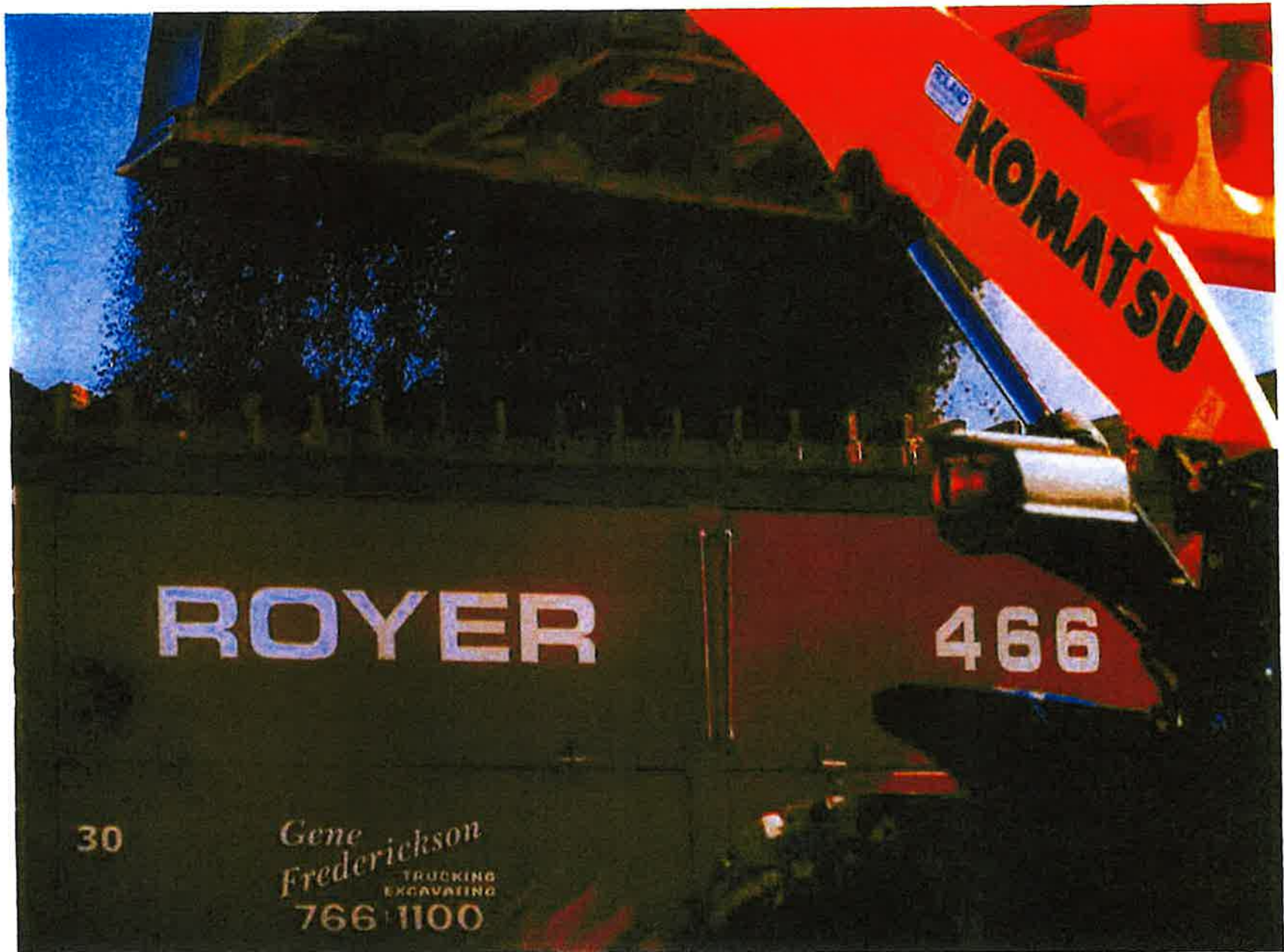
110710 27 W











ROYER

466

30

Gene
Frederickson
TRUCKING
EXCAVATING
766-1100

APPLICATION/PERMIT FOR CONNECTION TO STATE TRUNK HIGHWAY

Wisconsin Department of Transportation (WisDOT)
 DT1504 9/2009 s. 88.07(2) Wis. Stats. & Ch. Trans 231 Wis. Adm. Code

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WISDOT OFFICE INFORMATION	Document Identification Number: 08-100247567-2018
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APPLICANT INFORMATION	1. Applicant Name and Mailing Address – Street/PO Box, City, State, ZIP Code Eugene M. and Joyce Fredericksen W4755 Creekview Rd Kaukauna, WI 54130	2. Property Owner Name / Address (if not applicant) 3. If Not Property Owner, Reason for Application		
CONNECTION LOCATION INFORMATION	4. Highway Number(s) Hwy 55	5. County Calumet	6. <input type="checkbox"/> City <input checked="" type="checkbox"/> Village <input type="checkbox"/> Town of: Harrison	7. Side of the Highway <input type="checkbox"/> North <input type="checkbox"/> South <input checked="" type="checkbox"/> East <input type="checkbox"/> West
	8. Located within the SE Quarter, of the NW Quarter, Section 8, Town 20 North, Range 19		9. Fire or Street Number (if applicable) W4755	
	10. Name of Nearest Side Road from Location High Line Rd	Distance and Direction from Side Road 0.66 feet West <small>(Feet or Miles) (N, S, E, W)</small>		11. How far is the location from the nearest non-side road connection on the same highway? 750 feet <small>(Feet or Miles)</small>
Log Mile or Reference Point (Filled in by WisDOT):				
CONNECTION TYPE INFORMATION	12. Proposed Activity (Check one) <input type="checkbox"/> Construct New <input checked="" type="checkbox"/> Alter Existing <input type="checkbox"/> Remove Existing <input type="checkbox"/> Permit Existing	13. Proposed Use (Check one – See instructions for category description) <input type="checkbox"/> Urban – Commercial/Industrial <input type="checkbox"/> Rural – Agricultural <input type="checkbox"/> Urban – Residential <input type="checkbox"/> Public Road <input type="checkbox"/> Rural – Commercial/Industrial <input type="checkbox"/> Trail or Trail Crossing <input checked="" type="checkbox"/> Rural – Residential Is this a change of the existing use (if applicable)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		16. Proposed Trips Per Day (Check one) <input type="checkbox"/> Seasonal <input type="checkbox"/> 101-1000 <input checked="" type="checkbox"/> 1-50 <input type="checkbox"/> Over 1000 <input type="checkbox"/> 61-100 Peak hour traffic count: _____
	14. Proposed Width: 24	15. Proposed Surface: RECLAIMED BLACK TOP		QUESTIONS 17-27 on BACK PAGE

All connections have restrictions, which include the information preprinted and filled-in on this application along with any conditions, covenants, supplemental provisions, superimposed notes, and detail drawings added by WisDOT. The applicant shall be responsible for complying with these restrictions along with the construction and maintenance of the connection. It is further understood that WisDOT's approval is subject to applicant's full compliance with relevant state statutes and administrative rules, plus any laws, codes, rules, regulations, ordinances and permit requirements of other jurisdictional agencies. The alteration of this form by the applicant is prohibited. Under s. 88.073 Wisconsin Statutes, WisDOT's permit denial or revocation may be appealed.

The applicant affirms that all information provided on and submitted with this form is correct and complete. Providing incorrect or incomplete information may result in permit denial or revocation as well as criminal prosecution under s. 946.32 Wisconsin Statutes.

X Eugene Fredericksen 1-18-18
(Property Owner or Authorized Representative) (Date)

(Area Code and Telephone #) (E-mail address if available)

FOR OFFICIAL WISDOT USE ONLY – DO NOT WRITE BELOW THIS LINE

THE FOLLOWING SUPPLEMENTAL PROVISIONS APPLY

<input checked="" type="checkbox"/> Permit APPROVED (THIS PERMIT IS REVOCABLE) <input type="checkbox"/> Permit DENIED <input type="checkbox"/> Application DISMISSED
X <u>David B. Nielsen</u> 03/26/18 <small>(WisDOT Authorized Representative) (Date)</small> <small>(If Computer-filled, Brush Script Font)</small>
<input type="checkbox"/> Temporary permit. Expiration date: _____ <input type="checkbox"/> This permit voids / replaces permit # _____
<input type="checkbox"/> Shared connection Co-user name: _____ Related permit # _____

17. Yes No Is the property zoned? Provide documentation from the jurisdictional zoning authority.

18. Explain how the land is currently being used:

ZONED COMMERCIAL USE FOR AG. FARMING

19. Yes No Are you aware of any plan to change the zoning or land use for the property? If yes, explain.

NO. IN THE FUTURE THIS DRIVEWAY WILL BE A ROAD

20. Yes No Is this connection for property that was part of a land division or assemblage created on or after 2/1/99? If yes, explain.

Property to North sold to Hhighline Development to 2004

21. Yes No Do you own other property abutting the highway that is next to the property that this connection will serve? If yes, describe.

Note 1: Answering "yes" to #20 or 21 may result in a Wis. Administrative Code Trans 233 review by WisDOT. If this is needed, the processing of your application may be delayed.

22. Yes No Does the property abut or border another public road? If yes, provide the road's name.

23. Yes No Are there any existing connections to any road serving the property? If yes, how many? 1

24. Yes No Are there any restrictions on the number, use, or location of connections to the property?

25. Yes No Are there any access easements across the property (recorded or unrecorded)?

Note 2: If you answered "yes" to #24 or 25, provide a copy of all documents relevant to the restrictions and/or easements

26. Provide the property tax identification number: 40394

27. What is the proposed construction completion date for the connection? See Conditions of Issuance #9. 2018

FOR ANY NEW CONNECTION OR CONNECTION TO BE MOVED, APPLICANT SHALL PLACE A FLAG OR MARKER IN THE HIGHWAY DITCH OR FORESLOPE (VISIBLE FROM THE HIGHWAY) AT THE PROPOSED LOCATION.

CONDITIONS OF ISSUANCE

1. WisDOT reserves the right to make such changes, additions, repairs, relocations and removals within statutory limits to the connection or its appurtenances on the right-of-way as may at any time be considered necessary to facilitate relocation, reconstruction, widening, and maintenance of the highway, or to provide proper protection to life and property on or adjacent to the highway, or if alternative access to the property becomes available.

2. Except in cases where the indicated connection may be constructed by forces acting on behalf of WisDOT due to a highway improvement or maintenance project, the permittee shall do all of the following: (a) Furnish all materials, do all work, and pay all costs for the construction and maintenance of the connection and its appurtenances on the right-of-way. Materials used and the type and quality of the work shall be appropriate for the connection type specified in this permit; (b) Do all work without jeopardy to, or interference with, traffic using the highway; (c) Promptly restore to WisDOT's satisfaction and at least pre-existing conditions, highway surfaces, shoulders, ditches, vegetation, drainage appurtenances, guardrail, signs, electric conduits/cables, etc. disturbed by any work; (d) Maintain the connection and its appurtenances within the right-of-way limits, which includes keeping them in a proper state of repair, preventing the blockage or impairment of right-of-way drainage, and preventing aboveground obstacles to occur that could cause serious injury or death to a motorist in an errant vehicle; (e) Not disturb or cause the disturbance of any survey marker without the prior written approval of WisDOT.

3. The permittee, indicated on the reverse side, represents all parties in interest, and agrees that any connection or approach constructed by or for the permittee is for the purpose of obtaining access to the property (listed in #26) and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the right-of-way.

4. The permittee shall not make any changes to the connection, its appurtenances, or adjacent right-of-way, including, without limitation, changes to the location (#4-11), use (#13), width (#14), surface (#15), or increase the number of trips per day (#16) approved by this permit without obtaining prior written approval from WisDOT. WisDOT will evaluate all potential highway impacts that may arise from the proposed change(s) and therefore, does not guarantee approval.

5. The permittee, successors or assigns agree to hold harmless the State of Wisconsin and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.

6. WisDOT does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material upon any portion of any connection along any state trunk highway even though snow, ice or sleet is deposited or windrowed on said connection by its authorized representative engaged in normal winter maintenance operations.

7. Under Wisconsin Administrative Rule Trans 401, the permittee shall implement proper erosion control and storm water management measures at all times during work operations and upon completion of the connection to protect all restored areas until the replacement vegetation achieves sustained growth.

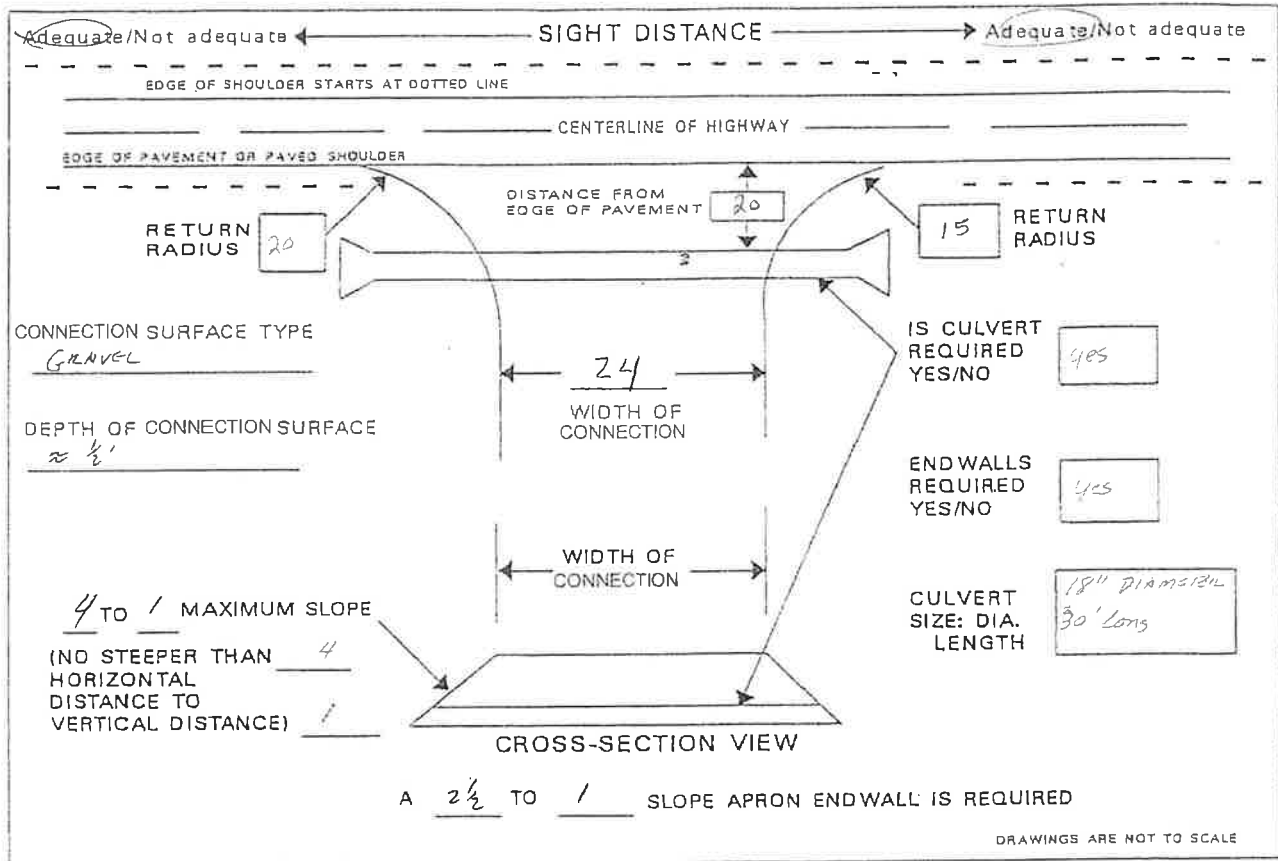
8. Rock, asphalt, concrete, timber or other embankment retention or marking treatments for the connection are prohibited.

9. If the permitted work has not been started by the construction completion date, this permit is null and void. If the work has been started but is not finished by the construction completion date, no additional work shall be done unless authorized through an approved written time extension or a subsequent permit from WisDOT. Accomplishment of any part of the work shall verify agreement by the permittee to conform to this permit and to be bound by all of its requirements, restrictions, and obligations, all of which shall continue to be in full force and effect. WisDOT does not guarantee the approval of a time extension or subsequent permit since the conditions WisDOT based its permit approval upon may have changed between the permit approval date and time extension request date.

STH CONNECTION DESIGN CHECKLIST

Wisconsin Department of Transportation
 DT1247 6/2006-2 s.86.07(2) Wis. Stats. & Ch. Trans 231 Wis. Adm. Code

Applicant Name GENE FREDRICKSON	Property Owner Name (if not applicant)
Highway STH 55	County CADDOG



OTHER COMMENTS

Endwall construction may require the applicant to excavate a portion of the ditch bottom and/or backslope for the endwall to set properly. If you or your contractor have any questions, contact the WisDOT Regional Transportation Office.

The applicant shall make sure that utilities and other facilities are located prior to beginning any work and are not damaged as a result of activities performed under this permit. Call Diggers Hotline three days prior to doing any excavating at 800-242-8511.

CONNECTION MARKERS OR REFLECTORS

A wooden, plastic or metal post with or without blue reflector(s) may be installed on each side of the connection. Wooden posts shall not have a cross-sectional area above the ground line of more than 14 square inches (normal 4" x 4" square post or 4" diameter posts are satisfactory) or the affected cross-section area shall be reduced by drilling or a saw cut. Such drill hole or scoring with saw shall be approximately 4" above the ground. Metal or plastic posts shall not be stronger than the equivalent of a 1½" diameter standard metal pipe. **Red or amber reflectors are prohibited.**

VILLAGE BOARD MEETING**VILLAGE OF HARRISON**

From:

Matt Heiser, Village Manager and Josh Sherman, Assistant Planner

Meeting Date:

August 8, 2023

Title:

Ordinance V23-07 Amending the Village of Harrison Zoning Map - Dale & Cindy Marx, Section of Parcel 40526 Schmidt Rd

Issue:

Should the Village Board adopt Ordinance V23-07 to document the amended zoning map?

Background and Additional Information:

On July 25, 2023 the Village Board approved the request to rezone property located on Schmidt Rd from General Agriculture [AG] to Rural Residential [RR]. The proposed location is a new lot, created by a Certified Survey Map, that abuts site address W4495 Schmidt Rd to the West and South.

Ordinance 23-07 was created to document the approval of the amendment to the official Village Zoning Map.

Budget Impacts:

None.

Recommended Action:

Approve Ordinance V23-07 to the Zoning Map amendment from General Agriculture (GA) to Rural Residential (RR) as recommended by the Plan Commission.

Attachments:

- [MEMO Village Board 7-25-23 Rezone Marx Attach Aerial Map - CSM.pdf](#)
- [V23-07 Zoning Map Amendment - Marx .pdf](#)

Calumet County, WI

Legend

- Address Point
- County Boundary
- Wisconsin Water
- Other Counties
- Unincorporated Community
- Town Boundary
- Part of Parcel
- Parcel Boundary
- Property Hook
- PLSS Section
- State Parks
- County Parks
- Lake
- River and Stream
- Major Roads
- Local Roads
- Road Pin
- Municipal Street
- Road
- Railroad
- Cal or 2024
- Ave. Hwy.
- Over Hwy.
- Sub. Hwy.



**New Lot
Proposed rezoning
to rural residential**

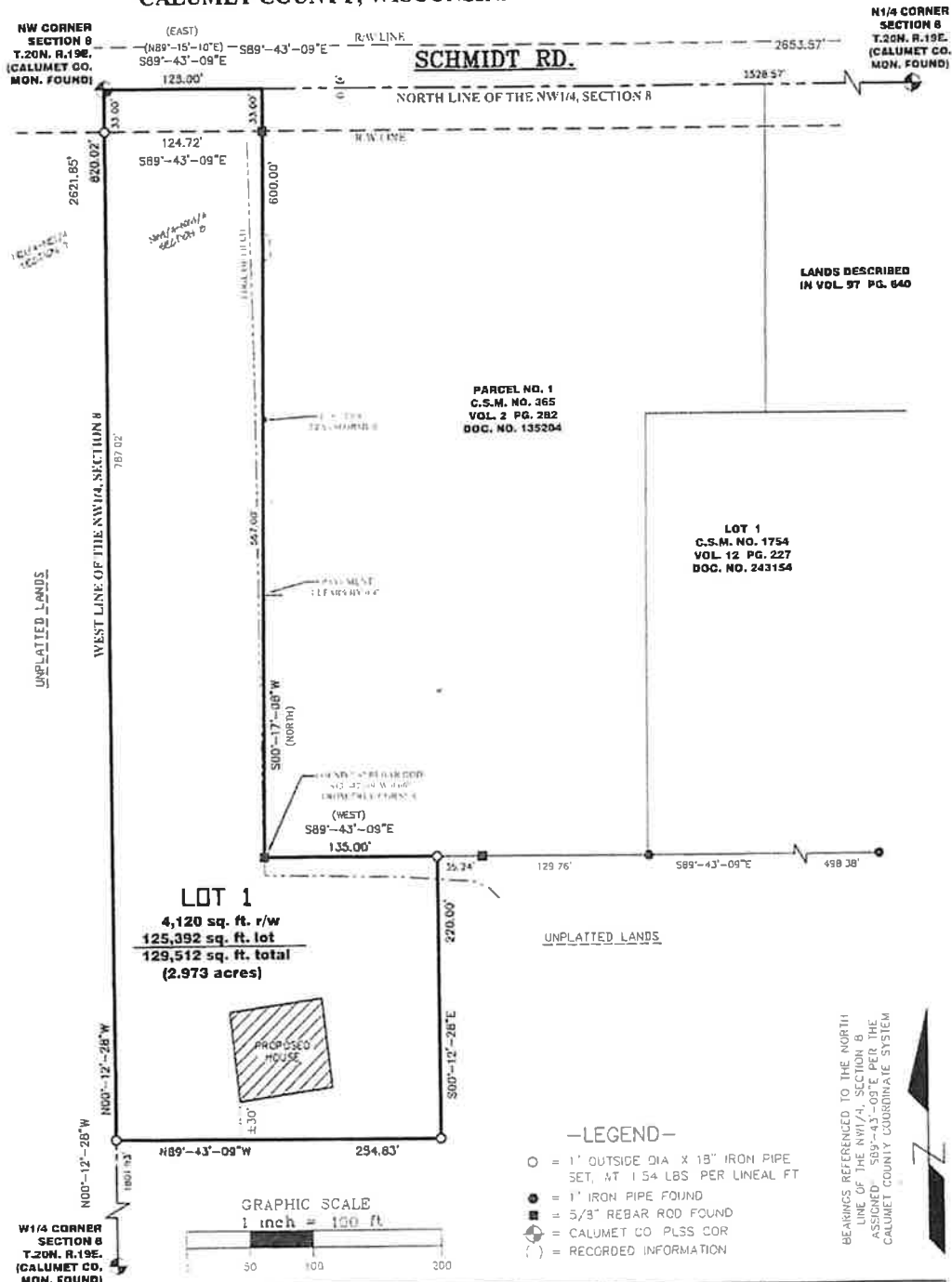


DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

<p>Title</p> <p>Date of File</p> <p>Project No. 18-001</p> <p>Drawn</p>	
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CERTIFIED SURVEY MAP NO. _____

A PART OF THE NW1/4-NW1/4, SECTION 8,
T.20N., R.19E., VILLAGE OF HARRISON,
CALUMET COUNTY, WISCONSIN.

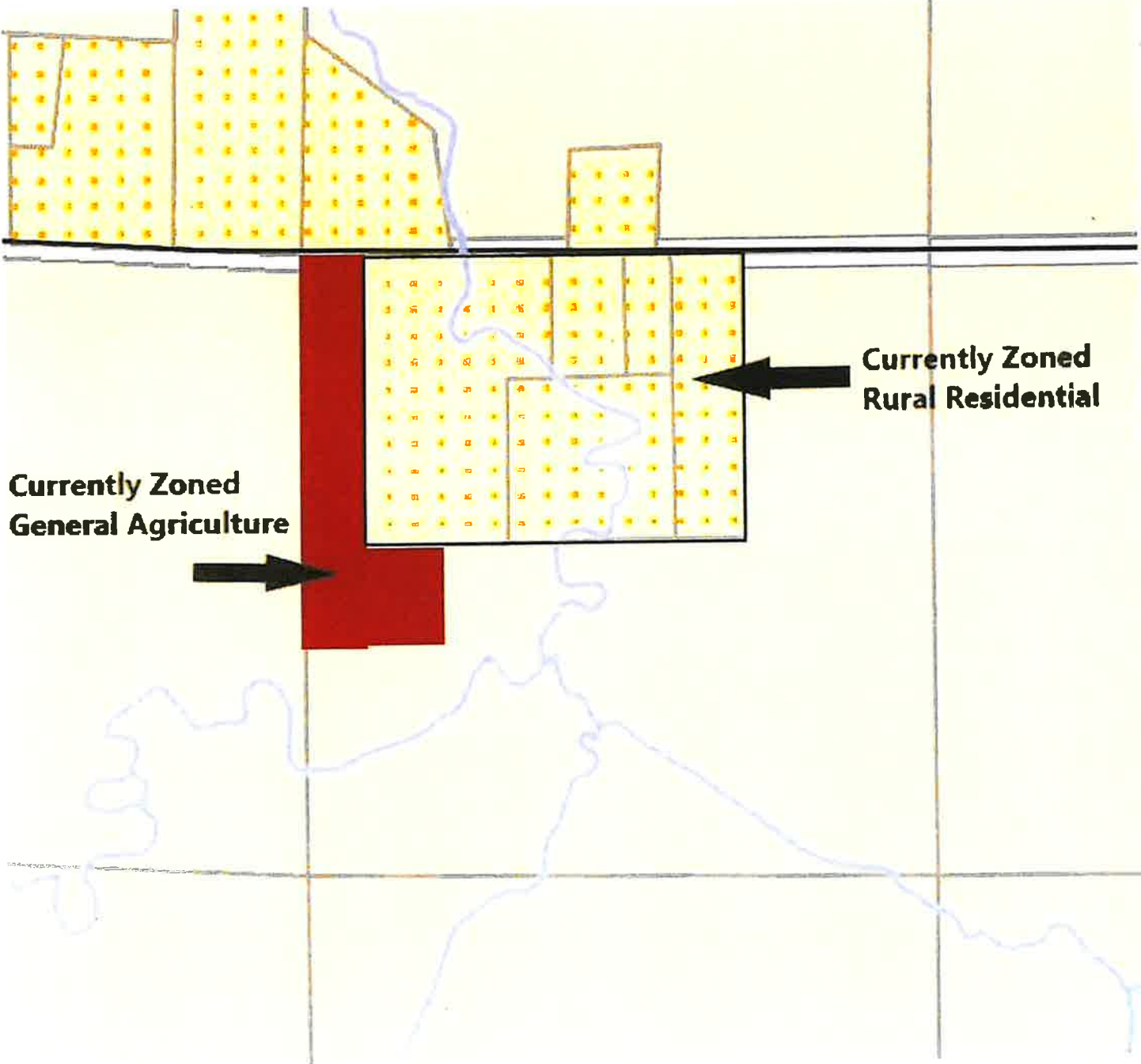


SURVEYED FOR:
DALE MARK
N8296 C TH "M"
MENAASHA, WI 54952

MERIDIAN
SURVEYING, LLC

2020 Madison Street Office: 920-993-0861
New Harrison, WI 53061 Fax: 920-273-6037

DRAWN BY: JD	FIELD WORK DATE: 6-23-23
CHECKED BY: BB	FIELD BOOK: X
JOB NO.: 14597	SHEET 1 OF 4



**Currently Zoned
General Agriculture**

**Currently Zoned
Rural Residential**

ORDINANCE V23-07

**AN ORDINANCE AMENDING THE VILLAGE OF HARRISON
OFFICIAL ZONING MAP. (Dale & Cindy Marx, Schmidt Rd.)**

WHEREAS, a public hearing on the zoning map amendment was held by the Harrison Plan Commission on July 18, 2023; and

WHEREAS, the Plan Commission found the proposed zoning map amendment to be consistent with the Comprehensive Plan; and

WHEREAS, the Plan Commission recommended approval of the zoning map amendment.

THEREFORE, BE IT ORDAINED, by the Village Board of the Village of Harrison, Calumet and Outagamie Counties, Wisconsin, that Article IV of the Village of Harrison Zoning Ordinance pertaining to zoning districts, and the map therein described, is hereby amended by rezoning the below described properties from General Agricultural [AG] to Rural Residential [RR].

Land contained wholly within Parcel No. 40526 and specifically described as:

Part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East, Village of Harrison, Calumet County, Wisconsin containing 129,512 square feet (2.973 acres) of land and being described by: Beginning at the northwest corner of said Section 8; thence S89°-43'-09"E along the north line of the NW1/4 of said Section 8, a distance of 125.00 feet to the northwest corner of Certified Survey Map No. 365, recorded in Volume 2 of Certified Survey Maps on Page 282 as Document No. 135204 of Calumet County Records; thence S00°-17'-08"W 600.00 feet to the southwest corner of said Certified Survey Map No. 365; thence S89°-43'-09"E along the south line of said Certified Survey Map No. 365, a distance of 135.00 feet; thence S00°-12'-28"E 220.00 feet; thence N89°-43'-09"W 254.83 feet to the west line of said NW1/4; thence N00°-12'-28"W along said west line, a distance of 820.02 feet to the point of beginning; being subject to any all easements and restrictions of record

EFFECT. This ordinance shall be in force and effect upon passage as provided by law. Upon passage, the Village zoning administrator is authorized and directed to make necessary changes to the official zoning map of the Village of Harrison, all in accordance with this Ordinance.

Introduced, Approved, and Adopted by the Village Board of the Village of Harrison on this 8th day of August 2023.

Allison Blackmer, Village President

Attest: Vicki L. Tessen, Village Clerk

Recorded Vote: ____ For ____ Against

Addendum A

Matt Gehl

From: Nielsen, David - DOT <david.nielsen@dot.wi.gov>
Sent: Tuesday, August 8, 2023 1:15 PM
To: Matt Gehl
Cc: Davis, Daniel - DOT; Rbellin@hboattorneys.com; Gene Frederickson
Subject: RE: Driveway Access Permit?

Per our phone conversation yesterday, WisDOT is processing the permit you sent in for Gene Fredrickson. WisDOT will be able to get the paperwork finished before your meeting with the Village of Harrison, so I am sending this email. We have reviewed the site and do not have any concerns with the permit submittal showing between 1-50 trucks a day and for the potential 2 year extension for the conditional use permit. This could change at later date if this area were to redevelop or the intensity of the use were to change.

David B Nielsen, P.E.

Access Management Engineer
Northeast Region

Wisconsin Department of Transportation
944 Vanderperren Way
Green Bay WI 54304

Cell : (920) 366-8961
david.nielsen@dot.wi.gov

If this is related to a records request, please email: dotdtsdnerecords@dot.wi.gov

From: Matt Gehl <matt@gftexc.com>
Sent: Monday, July 31, 2023 8:12 AM
To: Nielsen, David - DOT <david.nielsen@dot.wi.gov>
Cc: Davis, Daniel - DOT <Daniel1.Davis@dot.wi.gov>; Rbellin@hboattorneys.com; Gene Frederickson <Gene@gftexc.com>
Subject: RE: Driveway Access Permit?

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

David,

The access permit application for historic driveway that previously serviced the Zwier's property has been attached. Please let me know if you need anything else.

Thanks,