



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

The following documents are included in the packet for the Land Use Planning & Zoning Committee meeting on Thursday, April 6, 2023.

Packet Pages:

- 2 Agenda
- 3-4 Draft Meeting Minutes from March 2, 2023
- 5-7 Financial Reports for February 2023
- 8-9 Permit Reports for February 2023
- 10-11 Violation Reports
- 12-13 Resolution
- 14-27 Agent Status Proposal
- 28-103 Public Hearing

Item I Owner: Badger Mining Cooperation **Site location:** W300 Utley Quarry Rd **General legal description:** S36,T15N,R13E, Town of Green Lake & S1,T14N,R13E, Town of Mackford ±132 acres **Request:** Revising the current Nonmetallic Mining Reclamation Permit

Item II Owner: 1970 Lawson LLC **Agent:** Matt Rogatz **Site location:** W1970 S Lawson Dr **General legal description:** Parcel 004-00480-0101, part of the SW1/4 of S20,T16N,R13E, Town of Brooklyn, ±1.62 acres **Request:** CUP update including the construction of a pavilion, two storage sheds, and two pickleball courts.

Item III Owner: Little Green Lodge LLC **Agent:** Anthony Goebel **Site location:** N2811 Park Rd **General legal description:** Parcel 006-01384-0000, 006-00614-0000, part of the NW1/4 of S32,T15N,R13E, Town of Green Lake, ±1.25 acres **Request:** CUP for hotel and event space.

Item IV Owner: Zodrow Properties LLC **Agent:** John Zodrow **Site location:** Int. of North St. and HWY 23 **General legal description:** Parcel 004-00339-0201, part of the SW1/4 of S16,T16N,R13E, Town of Brooklyn, ±8.4 acres **Request:** CUP for wood burning facility, compost site, and contractor's yard.

If you have questions or need additional information,
please contact the Land Use Planning & Zoning Department at (920) 294-4156.

**Land Use Planning & Zoning Committee
Meeting Notice**

**Date: April 6, 2023 Time: 9:00 AM
Location: Government Center, County Board Room #902, 571 County Road A, Green Lake WI**

Amended AGENDA*

Committee Members

Curt Talma, Chair

*Chuck Buss
Vice Chair*

Bill Boutwell

Gene Thom

Harley Reabe

*Karen Werlein,
Secretary*

Virtual attendance at meetings is optional. If technical difficulties arise, there may be instances when remote access may be compromised. If there is a quorum attending in person, the meeting will proceed as scheduled.

1. Call to Order
 2. Pledge of Allegiance
 3. Certification of Open Meeting Law
 4. Approval of Minutes: 3/2/23
 5. Public Comments
 6. Department Activity Reports
 - a. Financial reports
 - b. Land use & septic permits
 - c. Violation reports
 7. ***Review and approve Resolution Recommending Revision to State Renewable Energy Contract Regulations.**
 8. ***Discuss obtaining DSPS Agent Status and associated Private Sewage Ordinance Amendment.**
 9. Public Hearing: (Not to begin before 9:30 PM)

Each item below will consist of:

 - a. Public Testimony/Comment: 3-minute time limit
 - b. Committee Discussion & Deliberation
 - c. Committee Decision
 - d. Execute Ordinance/Determination Form
- Item I Owner:** Badger Mining Cooperation **Site location:** W300 Utley Quarry Rd **General legal description:** S36,T15N,R13E, Town of Green Lake & S1,T14N,R13E, Town of Mackford ±132 acres **Request:** Revising the current Nonmetallic Mining Reclamation Permit
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10. Future committee activities
 - a. Future agenda items
 - b. Next meeting date: May 4, 2023
 11. Adjourn

This meeting will be conducted through in person attendance or audio/visual communication. Remote access can be obtained through the following link:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 210 050 871 038

Passcode: CiDab8

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 920-659-4248,,230891229#](#) United States, Green Bay

Phone Conference ID: 230 891 229#

[Find a local number](#) | [Reset PIN](#)

Please accept at your earliest convenience. Thank you!

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, March 2, 2023**

CALL TO ORDER

Planning & Zoning Chair Curt Talma called the meeting of the Land Use Planning and Zoning Committee to order at 9:00 a.m. in the Green Lake County Government Center, County Board Room #0902, Green Lake, WI. The requirements of the open meeting law were certified as being met. Public access was available via remote programming as well as in person.

Present: Curt Talma, Gene Thom, Harley Reabe, Chuck Buss, Jeff Mann, Corporation Counsel
Absent: Bill Boutwell

Also Present: Matt Kirkman, Land Use Planning and Zoning Director, Noah Brown, Land Use Specialist, Karen Werlein, LUP&Z Secretary

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Motion/second (Thom/Reabe) to approve the minutes of the February 2nd meeting with one addition. Motion carried with no negative vote.

PUBLIC COMMENTS:

None

DEPARTMENT ACTIVITY REPORTS

a. **Financial reports**

P&Z Director Matt Kirkman gave an update on the January expenses and revenues.

b. **Permits**

Matt Kirkman stated there were 12 land use permits and 1 sanitary permit in January.

c. **Violations**

Matt Kirkman outlined the current land use violations as well as the POWTS violations.

2022 Annual Department Report:

Motion/second (Buss/Reabe) to approve the 2022 Annual Department Report. Motion carried with no negative vote.

Planning and Zoning Committee Training:

Kirkman discussed the training PowerPoint.

PUBLIC HEARING – 9:30AM

Chair Talma read the rules for the Public Hearing

Item I Owners: Marcel & Marian Mildebrandt Trust, Jeffrey & Kristine Miller **Site location:** N5629 Skunk Hollow Rd **General legal description:** Parcel 004-00621-0000, -0300, part of the NE1/4 of S26,T16N,R13E, Town of Brooklyn, ±19.98 acres **Request:** Rezone ±3.61 acres from A1, Farmland Preservation District, to R4, Rural Residential District and 1.39 acres from R1, Single Family Residential, to R4. To be identified by certified survey map.

- a. Public Testimony/Comment: Chair Talma called for public input. Jeff Miller, N5629 Skunk Hollow Rd: Spoke in favor of the rezone. Talma closed the public comment.
- b. Committee Discussion: Matt Kirkman presented the Staff Report. The Town of Brooklyn did not return the action form.
- c. Committee Decision: ***Motion/second (Buss/Thom)*** to approve the rezone. To be forwarded to County Board for final approval.
Motion carried with no negative vote.

FUTURE COMMITTEE ACTIVITIES

- a. Future agenda items –
- b. Next meeting date – April 6, 2023

ADJOURN

Chair Talma adjourned the meeting at 9:44AM.

**Respectfully submitted,
Karen Werlein, Land Use Coordinator**

DRAFT

**GREEN LAKE COUNTY
LAND USE PLANNING ZONING DEPARTMENT**

FEES RECEIVED	FEBRUARY				YEAR-TO-DATE				BUDGET	
	2022		2023		2022		2023		2023	
	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS										
Total Monthly Issued Permits	13	3,800	7	3,700	25	8,200	19	\$ 6,250	\$ 60,000	10%
SANITARY PERMITS (POWTS)										
Total Monthly Issued Permits	3	915	2	560	7	2,110	3	\$ 915	\$ 26,000	4%
NON-METALLIC MINING PERMITS										
Annual Permit Fees	8	6,000	10	\$ 6,900	18	15,200	20	\$ 16,550	\$ 15,200	109%
BOARD OF ADJUSTMENT										
Special Exception	-	-	-	-	-	-	-	-	-	-
Variances	1	375	-	-	2	750	-	-	-	-
Appeals	-	-	-	-	-	-	-	-	-	-
Total	1	\$ 375	-	\$ -	2	\$ 750	-	\$ -	\$ 1,500	0%
PLANNING & ZONING COMMITTEE										
Zoning Change	1	375	1	375	1	375	1	375	-	-
Conditional Use Permits	1	375	2	750	5	1,875	4	1,500	-	-
Variance	-	-	-	-	-	-	-	-	-	-
Total	2	\$ 750	3	\$ 1,125	6	\$ 2,250	5	\$ 1,875	\$ 8,525	22%
MISC.										
Wisconsin Fund	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	2	500	-	-	4	900	-	-
Total	-	\$ -	2	\$ 500	-	\$ -	4	\$ 900	-	-
SURVEYOR										
Certified Survey Maps	2	375	3	540	5	900	4	705	6,500	-
Preliminary and Final Plats	-	-	-	-	-	-	-	-	-	-
Applied Funds: County Surveyor	-	-	-	-	1	9,500	-	-	9,500	-
Total	2	\$ 375	3	\$ 540	6	\$ 10,400	4	\$ 705	\$ 16,000	4%
GIS (Geographic Information System)										
Map Sales	-	-	-	-	-	-	-	-	-	-
Land Records Transfer	-	-	-	-	-	-	-	-	25,000	-
Land Information Grant	-	-	-	-	-	-	-	-	10,000	-
Total	-	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 35,000	0%
GRAND TOTAL	29	12,215	27	13,325	64	38,910	55	27,195	\$ 162,225	
									Total	17%

GREEN LAKE COUNTY

For 02/01/23 - 02/28/23

Revenue Summary Report

FJRES01A

Periods 02 - 02

Land Use & Zoning Month End Revenue

MER100-10-P&Z

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
10 Land Use Planning and Zoning					
23-100-10-44400-000-000 Land Use Permits	60,000.00	3,700.00	6,250.00	53,750.00	10.42
23-100-10-44400-001-000 BOA Public Hearing	1,500.00	.00	.00	1,500.00	.00
23-100-10-44400-002-000 PZ Public Hearing	8,525.00	1,125.00	1,875.00	6,650.00	21.99
23-100-10-44409-000-000 Non-Metallic Mining	15,200.00	6,900.00	16,550.00	-1,350.00	108.88
23-100-10-44410-000-000 Sanitary Permits	26,000.00	560.00	915.00	25,085.00	3.52
23-100-10-45110-000-000 Fines & Forfeitures	.00	500.00	900.00	-900.00	.00
23-100-10-46131-002-000 Strategic Fund	10,000.00	.00	.00	10,000.00	.00
23-100-10-46762-000-000 Certified Survey Maps	6,500.00	540.00	705.00	5,795.00	10.85
23-100-10-47411-000-000 Interdepartment transfer/Land Records	25,000.00	.00	.00	25,000.00	.00
10 Land Use Planning and Zoning	152,725.00	13,325.00	27,195.00	125,530.00	17.81

For 02/01/23 - 02/28/23

Expenditure Summary Report

FJEXS01A

Periods 02 - 02

Land Use & Zoning Month End Expenses

MEE100-10-P&Z

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
10 Land Use Planning and Zoning						
53610 Code Enforcement						
23-100-10-53610-110-000 Salaries	322,851.00	.00	25,122.40	37,682.40	285,168.60	11.67
23-100-10-53610-140-000 Meeting Payments	940.00	.00	.00	.00	940.00	.00
23-100-10-53610-151-000 Social Security	24,701.00	.00	1,833.63	3,633.01	21,067.99	14.71
23-100-10-53610-153-000 Ret. Employer Share	21,956.00	.00	1,708.34	3,386.21	18,569.79	15.42
23-100-10-53610-154-000 Health Insurance	65,459.00	.00	5,183.44	20,866.88	44,592.12	31.88
23-100-10-53610-155-000 Life Insurance	321.00	.00	27.18	54.36	266.64	16.93
23-100-10-53610-210-002 Professional Services	9,500.00	.00	.00	.00	9,500.00	.00
23-100-10-53610-210-003 Miscellaneous Fees	300.00	.00	.00	.00	300.00	.00
23-100-10-53610-225-000 Phone Service	618.00	.00	62.45	128.69	489.31	20.82
23-100-10-53610-242-000 Print Management	300.00	.00	31.92	31.92	268.08	10.64
23-100-10-53610-307-000 Training	1,240.00	.00	.00	.00	1,240.00	.00
23-100-10-53610-310-000 Office Supplies	1,290.00	.00	.00	.00	1,290.00	.00
23-100-10-53610-312-000 Field Supplies	200.00	.00	.00	.00	200.00	.00
23-100-10-53610-312-001 Non-Metallic Mining Expense	.00	.00	299.30	1,650.00	-1,650.00	.00
23-100-10-53610-320-000 Publications-BOA Public Hearing	800.00	.00	.00	.00	800.00	.00
23-100-10-53610-320-001 Publications-PZ Public Hearing	3,000.00	.00	244.00	244.00	2,756.00	8.13
23-100-10-53610-321-000 Seminars	930.00	.00	400.00	400.00	530.00	43.01
23-100-10-53610-324-000 Member Dues	130.00	.00	100.00	100.00	30.00	76.92
23-100-10-53610-330-000 Travel	832.00	.00	.00	.00	832.00	.00
23-100-10-53610-352-000 Vehicle Maintenance	838.00	.00	.00	.00	838.00	.00
53610 Code Enforcement	456,206.00	.00	35,012.66	68,177.47	388,028.53	14.94
10 Land Use Planning and Zoning	456,206.00	.00	35,012.66	68,177.47	388,028.53	14.94

Land Use Permits: 02/01/2023 - 02/28/2023

Town of Berlin

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13325	002008500100	N9325 EASTRIDGE DR	02/10/2023	MNJ DEVELOPMENT LLC	\$400,000.00	Accessory Structure	Storage Unit Building. 17 Separate units		
13330	002000610601	N9525 32ND DR	02/10/2023	STEPHANF KRENTZ, WINGATE BARRACLOUGH	\$9,000.00	Accessory Structure	Lean-to Shed	Accessory Structure	Shed

Town of Brooklyn

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13329	004010060000	W2229 HICKORY RD	02/20/2023	W2241 HICKORY ROAD TRUST	\$2,063,535.00	Principal Structure	4 Bedroom 4,930sqft SFD	Accessory Structures	Sun Deck, screened porch, patio, attached garage
13334	004009340202	N5316 SHORE DR	02/24/2023	N5316 SHORE LLC	\$250,000.00	Addition/Alteration to Principal Structure	2nd floor above garage 2 bed 2 bath		

Town of Green Lake

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13326	006020710000	W2284 OAKWOOD AVE	02/15/2023	GREGORYH NOETHLICH, RONNICA V NOETHLICH	\$1,720,000.00	Principal Structure	7 bedroom 6,942sqft SFD	Accessory Structures	Screen Porch, patio, attached garage, detached garage

Town of Kingston

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
None									

Town of Mackford

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13332	010000560100	N2270 COUNTY ROAD A	02/16/2023	TOWN OF MACKFORD	\$45,000.00	Accessory Structure	Pavillion		

Town of Manchester

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13328	012004070200	W3723 COUNTY ROAD X	02/07/2023	SCOTT D & DIANA L SCHULZ	\$3,000.00	Accessory Structure	Gazebo		

Town of Marquette

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13331	014005000100	W5465 PUCKAWAY RD	02/13/2023	LLOYDL MILLER	\$12,000.00	Driveway	Driveway		

Town of Princeton

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
None									

Town of Saint Marie

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
None									

Town of Seneca

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
None									

February Estimated Cost: \$4,502,535.00
YTD Estimated Cost: \$5,487,315.00

Sanitary Permits: 2/1/2023 - 2/28/2023

Sanitary Permit	Parcel Number	Site Address	Owners	Date Issued	Permit Type	System Type	Plumber Name	Additional Explanation	Permit Fee \$ (County)	Permit Fee \$ (DPS)
202324002	010002340000	W196 COUNTY ROAD S	RANDALLJ HUPF, TERRIL HUPF	02/21/2023	New System	Conventional (Non-Pressurized In-Ground)	Ben Kinas	3 Bedroom House	280	100
202324003	006001000000	W2299 TULETA HILL RD	TIMOTHYS CRANE REVOCABLE TRUST	02/24/2023	New System	Conventional (Non-Pressurized In-Ground)	Ben Kinas	4 Bedroom House and 1 Bedroom Garage	280	100
Total:									560	200

* There are additional properties associated with the permit

Land Use Violations Report

First Notice						
Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date
006005810101	N2730 Welk Rd.	Ricky & Ashley Ruck	13069	Zoning	Commercial sale of firewood on R-1 zoned property. Unoccupied outside storage of trailers without dwelling unit on parcel.	2/28/2022
004003390201, 0204		Zodrow Properties	13086	Zoning/Vehicles	Trailers and RV on parcels that do not allow for it the way they currently sit. No permitted commercial use on C-2 parcel and no dwelling on R-4 parcel. Violation is happening between both parcels. C-2 & R-4 parcels involved and location is not 100% which equipment and materials are on each parcel. CUP application received.	3/11/2022
006013840000, 006006140000	N2811 Park Rd	Roses Lakeside Properties LLC	13302	Zoning	Improvements made without land use permit. Condition not met from 2005 CUP. CUP application received.	11/9/2022
002007690000	N9666 Wildflower Ln	Keith Van Buren	13346	Junk	6 cars, scissor lift on residential property, plastic liquid storage tanks, 2-3 trailers, 4 snowmobiles, steel frum barrels and other junk. Update:3/17/23 Office meeting with Noah.	3/8/2023
Second Notice						
Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date
004004440000	W2398 State RD	Philip Mirr	13152	Zoning	Operating a contractors yard in C2 Zoning.	5/24/2022
014001780000	N4474 Pine Rd E	Sammie Smith	12964	Zoning	Camper on A-1 zoned property.	9/10/2021
Sent to Corp. Counsel						
Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date
010003910200	W2194 Cty Rd X	David Cotterill	12995	Zoning/Vehicles	Three Structures built without permits (Barn/cabin, Shipping Container, Shed). Update 11/24/21: Spoke with David Cotterill regarding his violations. He said that he is on revision number 3 of his dwelling building plans. He intends to build a new house and a new shed in 2022. I instructed him to apply for a sanitary permit, and a land use permit by the end of the year. He is to include the ice shanty and storage barn structure on that application. The metal shipping container is not allowed on site once the shed is completed.	10/22/2021

POWTS Violation Report

First Notice:

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Additional Information
016007980500	N5588 Lock Rd	THOMAS KUJAC	202024007	POWTS Failure	Not all wastewater is run into new septic system	On hold. House deemed uninhabitable by health
016008010300	N5591 Lock Rd	TAMI CALAMITA	37516	POWTS Failure	Tank overflow	Working with Kinas Exc.
016004630000	N4487 Maple Ln	Justin Klein	58848	POWTS Failure	Tank not water tight	Working with Caleb

Second Notice:

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Additional Information
004009950000	N5552 Old Oak Ln.	PAFF FREDERICKA	10024391	POWTS Failure	System is a Cesspool Holding tank used when another type of system could be used	possibly working with Novak
006003320000	W2353 Center Rd	VALERIE & PAUL ALBRECHT	201624077	POWTS Violation	Tank not watertight	New permit
006001980000	W591 Thomas Rd	Carl Wilke	624010	POWTS Failure	Tank not watertight	Working with Egbert
016000090000	N6123 Swamp Rd	James Hebbe	1624006	POWTS Failure	Tank not watertight	Working with Kinas
002002110000	N8725 WHITE RIDGE RD	BLOCK KELIE	131	POWTS Failure	Tank not watertight	
006010220701	W1740 SANDSTONE AVE	WOOD SIMON	159178	POWTS Failure	Tank not watertight	Working with Pollesch
014001720000	W5156 PINE RD N	HEINECKE RANDAL R ET AL	26724	POWTS Failure	Tank not watertight	Working with Contractor. Waiting on soil test
016007700000	W5897 STATE ROAD 23	HAZELWOOD WANETTA ET AL	26752	POWTS Failure	Tank not watertight	New Permit
018000570000	W3602 PINE RD	BREWER DOUGLAS & SALLY	258	POWTS Failure	Tank not watertight	New permit
154000890000	150 W 2nd St	KENNETH & JEAN KOERNER	593	POWTS Failure	probable surface discharge	New permit
006001350000	N4474 LAKEVIEW RD	GREGORY ZIER	18201	POWTS Failure	Tank failure	Resent letter 7/22

Corp Counsel

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Additional Information
016009230000	W5886 WALTER WILLIAMS RD	PROG ROD-GUN CLUB	10024249	POWTS Failure	Tank failure	Has new permit
016009230000	N4922 RAY SHORTER RD	PROG ROD-GUN CLUB	10024256	POWTS Failure	Tank failure	Resent letter 7/22
016009230000	W5874 Walter Williams Rd	PROG ROD-GUN CLUB	10024251	POWTS Failure	Tank unsound	Resent letter 7/22
016009230000	N4939 RAY SHORTER RD	PROG ROD-GUN CLUB	10024253	POWTS Failure	Tank failure	Has new permit
008005940000	W6521 W North St	RHONDA BARKER	11	POWTS Failure	Tank failure	Maybe working with Hoffman Plumbing
016002620600	N5193 COUNTY ROAD D	MARCOE ELYSE	1624026	POWTS Failure	Tank not watertight	Maybe working with Pollesch

RESOLUTION NUMBER -2023

Resolution Recommending Revision to State Renewable Energy Contract Regulations

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting on this 18th day of April, 2023, does resolve as follows:

- 1 **WHEREAS**, the Wisconsin Legislature has limited how counties can regulate solar and
- 2 wind energy systems. See Wis stats. 66.0401, 196.02, 196.025 & 196.378.
- 3
- 4 **WHEREAS**, The Wisconsin Public Service Commission (“PSC”) has promulgated rules
- 5 that limit how counties can regulate wind energy systems. See PSC 128 of the
- 6 Wisconsin Administrative Code.
- 7
- 8 Fiscal note is not applicable.
- 9 Majority vote is needed to pass.

Roll Call on Resolution No. -2023

Ayes , Nays , Absent , Abstain

Passed and Adopted/Rejected this day of 18th day of April 2023.

Curt Talma, Chair

Chuck Buss, Vice Chair

County Board Chairman

Bill Boutwell

ATTEST: County Clerk
Approve as to Form:

Harley Reabe

Corporation Counsel

Gene Thom

10 **WHEREAS**, Planning and Zoning is a fundamental regulatory function and authority of
11 Wisconsin counties.

12

13 **WHEREAS**, Green Lake County residents have expressed concerns about contractual
14 provisions proposed by both solar and wind renewable energy companies in renewable
15 energy easement agreements.

16

17 **WHEREAS**, Green Lake County Land Use Planning & Zoning Committee and the
18 Green Lake County Board of Supervisors have concerns about the use of renewable
19 energy systems and their negative impacts on our residents, agricultural land and
20 production, as well as our water ways.

21

22 **WHEREAS**, Green Lake County Land Use Planning & Zoning Committee and the
23 Green Lake County Board of Supervisors have concerns about the regulatory limitations
24 placed on the counties by PSC 128, Chapter 66 and Chapter 196, Wisconsin Statutes.

25

26 **NOW THEREFORE BE IT RESOLVED:** by the Green Lake County Board of
27 Supervisors recommends and requests the Wisconsin Public Service Commission and
28 the Wisconsin State Legislature to revise PAC 128 and/or Chapters 66 & 196 of the
29 Wisconsin Statutes to address the following concerns:

30 a. Some renewable energy contracts under the current regulations appear to
31 bind owners and their property to decades worth of encumbrances while
32 allowing renewable energy companies to terminate the contracts at any time
33 for any or no reason.

34 b. The law does not prohibit energy companies from shifting liability created by
35 the renewable energy company to the landowners. This includes liability for
36 stray voltage, diminished property values, neurological problems, cancer, and
37 death that the renewable energy company causes.

38 c. State Law prohibits the regulation of the density and footprint of renewable
39 energy systems by Municipalities and prohibits Green Lake County from
40 requiring bonding certain to ensure proper decommissioning of renewable
41 energy systems.

42 **NOW THEREFORE BE FURTHER RESOLVED**, a copy of this resolution be sent to
43 Governor Tony Evers, all members of the State Legislature, the Wisconsin Counties
44 Association, and all other Wisconsin Counties.

45



Land Use Planning & Zoning Department

County Government Center
571 County Road A
Green Lake, WI 54941

Phone 920-294-4156 Website: <https://www.greenlakecountywi.gov>

Land Development Code Enforcement County Surveyor GIS Land Information

March 8, 2023

Re: Proposal to obtain Delegated Agent Status for POWTS Plan Reviews

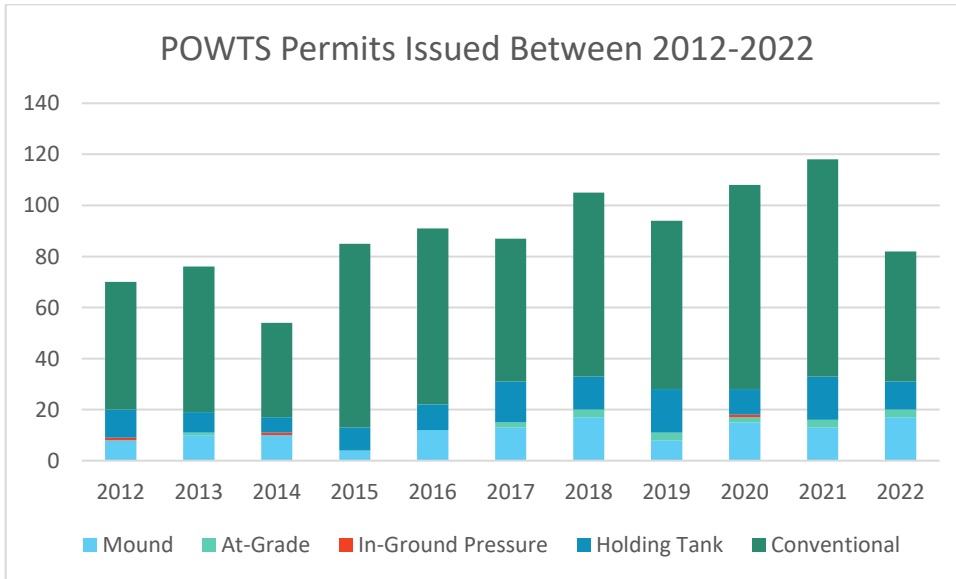
Introduction: The Land Use Planning and Zoning (LUPZ) Department is looking into obtaining delegated agent status through the Department of Safety and Professional Services (DSPS) for advanced Private Onsite Wastewater Treatment System (POWTS) plan reviews. Currently Green Lake County can only review POWTS plans for conventional systems and holding tanks for 1 or 2 family dwellings. Delegated agent status would allow the County to review plans for 1 or 2 family dwelling mound and at-grade systems and possibly even systems for commercial properties. The delegated agent status puts more responsibility on the County, but also allows the County to review more POWTS plans.

There are 36 counties that have some form of agent status through DSPS (see Table 1). The neighboring counties that have agent status are Waushara, Winnebago, Fond du Lac, and Marquette County. The County can choose which kinds of POWTS plans they want to obtain agent status to review and approve. Once the County chooses the plans they want to review a representative from DSPS comes to the County to train and determine if the County is competent to approve the POWTS plans. This comes at no direct cost to the county except for “in office” training which can vary from a day to a few months depending on the complexity of the plans.

Current Process: Green Lake County is responsible for issuing all sanitary permits for all POWTS that are not owned by the state or treat domestic waste. Although the County is responsible for issuing these permits it can only review and approve plans for holding tanks and conventional systems for 1 or 2 family dwellings. The plans for these residential properties using conventional and holding tank systems can be approved by the County and generally do not need prior state approval. Plans for mounds, at-grades, and commercial properties must be approved by DSPS and are then reviewed again by the County in order to obtain a sanitary permit. In both cases the County is responsible for completing a final inspection on the POWTS installation to ensure that it was installed according to the approved plan.

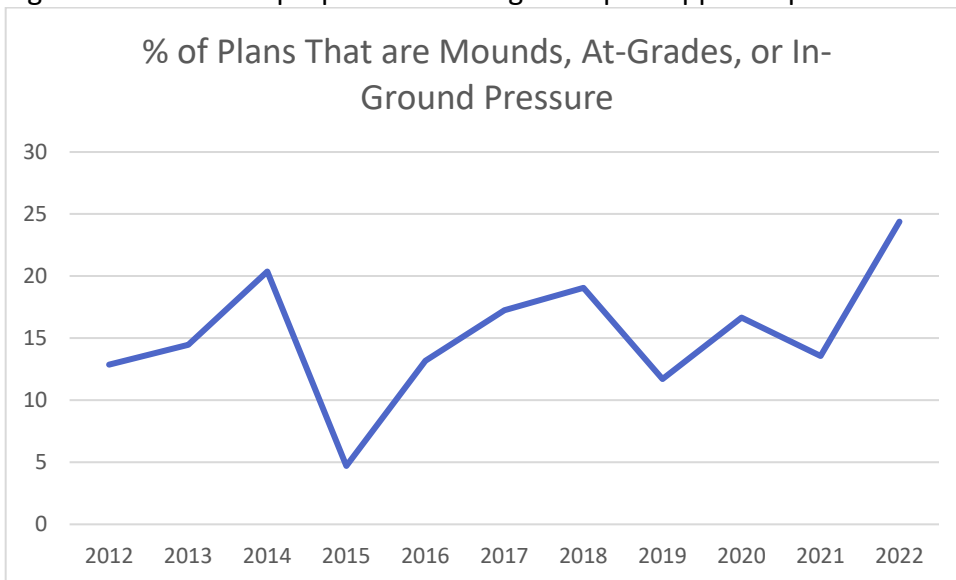
Currently there are 4,895 active septic systems in Green Lake County of which 3,503 are conventional systems, 53 are at-grade systems, 53 are in-ground pressure systems, 400 are holding tanks, 438 are mounds, 11 are privy’s, 435 are older unidentified septic systems, and 2 are systems in fill. The last 11 years have accounted for a significant portion of mounds (127) and at-grade (17) systems being installed in the County. There have also been recent updates which allow for gravity at-grade systems which would increase their appeal in the future. Although there haven’t been many in-ground pressure systems installed in the last 11 years they are very similar to mound and at-grade systems in how they operate. Figure 1 Below shows all the types of sanitary permits issued from 2012-2022

Figure 1: The Types of septic systems approved from 2012-2022



Proposed Process: Delegated agent status would allow the County to review plans for mound systems, in-ground pressure, at-grades, and possibly commercial properties in place of the DSPS (State) review. As indicated earlier, there are different levels of agent status, and the County can determine which kinds of plans it wants to review. The LUP&Z Department would propose that the County obtain agent status to review and approve mound, in-ground pressure, and at-grade systems designed to treat up to 1,000 gallons per day (6-bedroom house) for 1 or 2 family dwellings, and commercial holding tanks designed to collect up to 3,000 gallons per day. These requests are the most common types of agent status held by other Wisconsin counties. The LUP&Z department would try to obtain agent status in the summer or fall of 2023. In the future the LUP&Z Department may also look into obtaining agent status for commercial properties, but commercial properties have the potential to be more complex and have a higher risk than residential properties. Based off the last 10 years roughly 15-20% of the sanitary permits issued must obtain prior state plan approval. Figure 2 below shows the percentage of permits needing state plan review prior to county approval.

Figure 2: Residential properties needing state plan approval prior to Sanitary permit approval.



Possible Revenue:

While bringing in revenue is not a goal of the LUP&Z Department, revenues are one of the byproducts of Department functions. The current fee schedule should be updated to account for the increased workload and responsibility that comes with agent status. Currently a plan review (and approval) by DSPS costs \$250 and yet, the plumbers/applicants still need to pay a fee and obtain a sanitary permit through the County once DSPS review is completed. Table 2 shows the current fee schedule and Table 3 shows a proposed fee schedule with agent status. The fees overall would increase, but plumbers would now have the option to have plans reviewed by the County instead of DSPS, saving them \$130 for mound, at-grade, and in-ground pressure systems. These proposed fees are also either similar to or less than the fees of the neighboring counties that have agent status. Table 4 shows the fee schedules for Marquette, Winnebago, Waushara, and Fond du Lac counties. The Land use Planning and Zoning Department would like the revised fee schedule to be in effect on January 1st, 2024.

The proposed fee schedule could be used to estimate possible revenue from agent status plan reviews. With the proposed fee schedule the fees for a sanitary permit for a mound, at-grade, and In-Ground Pressure would go up \$120. The average number of permits issued between 2012-2022 is 88 and on average around 15% of those require a State review. This would be roughly 13 plans that could be reviewed at the County instead. The possible increased revenue would be around \$1,560 per year. It should also be noted that plumbers could still choose to send plans to be approved by the State for the additional \$130. The fees for residential conventional systems would increase from \$380 to \$400 per year. On average 63 of these permits are issued per year. This would increase revenue by \$1260. The total increase in revenue is estimated to be \$2,820 per year.

There are also other proposed changes within the fee schedule as well. All the averages are based off information from 2012 to 2022. The fee for reconnects would decrease from \$280 to \$250. Green Lake County averages around 4 Reconnection permits a year. This would decrease revenue by an estimated \$120 per year. Another change would be a permit for a transfer between owners. The fee would decrease from \$300 to \$75. Between 2012 and 2022 only one of these permits have been issued. Another change would be changing the Holding Tank permit fee from \$455 to \$400. On average around 12 of these permits were issued per year. This would decrease revenue by an estimated \$660 per year. The total decrease in revenue is estimated to be \$780 per year.

Overall, with the proposed changes in the permit fee schedule the County would increase revenue by an estimated \$2040 per year. If plumbers go through the County to obtain permits for mounds, at grades, and in-ground pressure systems they would save around \$1690 per year in State Fees.

Benefits:

There are three main benefits for the County to obtain agent status. One benefit would be to the plumbers who install septic systems in Green Lake County. Instead of going through state approval and then county approval they could instead just obtain approval through the County. This could allow for a quicker plan review and approval process for POWTS permits. A second benefit would be the relative ease to fit the plan approval process into the current sanitary permit process. Finally, as shown above, a new revenue stream could be created.

Risks and Costs:

There would be no direct costs to the County for the County to obtain agent status. The only costs may be in training time in which a representative from DSPS would come to the County to train and determine if the county is competent enough to have agent status. This process could take a day or two, or possibly a couple months of on and off training. When a county does obtain agent status it does take on more responsibility and must ensure that every plan approved meets current State Statutes and codes.

Conclusion:

The LUPZ Department is looking to obtain delegated agent status to be able to review POWTS plans. The requested agent status would be for plans that cover mounds, at-grades, and in-ground pressure systems that are designed to treat up to 1,000 Gallons per day. The Department would also like to be able to review plans for commercial holding tanks designed to treat up to 3,000 gallons per day. Obtaining agent status would improve the speed of the sanitary permitting process, would be easy to fit into the current permit approval process, and could increase revenue by an estimated \$2,040 per year. The main cost for this would be in the time it takes to have the staff trained and deemed as competent by a DSPS representative possibly taking a few days or a couple months. The LUP&Z department would try to obtain agent status in the summer or fall of 2023 with the expectation that an updated fee schedule would be approved to take effect on January 1st, 2024. With the requested delegated agent status, the State would be placing increased duties and responsibilities on the County to ensure all plans meet State Statutes and administrative codes.

Table 1: The list below shows all of the counties that have obtained agent status through DSPS.

POWTS DESIGNATED AGENTS

The Department has approved the delegation of plan review authority to 36 Designated Agents for POWTS. Designated Agents of the department and their specific level of delegation are current as of December 2022.

County	Category of Review
Adams	<ul style="list-style-type: none"> • Plan review for at-grade systems that receive a design wastewater flow of 1,000 gpd or less • Plan review for non-pressurized in-ground systems that receive a design wastewater flow of 3,000 gpd or less • Plan review for mound systems that receive a design wastewater flow of 1,000 gpd or less • Plan review for pressurized in-ground systems that receive a design wastewater flow of 1,000 gpd or less
Ashland	<ul style="list-style-type: none"> • Plan review for replacement septic and pump tanks for facilities with a design wastewater flow of 5,000 gpd or less • Plan review for mound systems that receive a design wastewater flow of 5,000 gpd or less for one and two-family dwellings <p>Plan review for at-grade systems that receive a design wastewater flow of 5,000 gpd or less for one and two-family dwellings</p>
Brown	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 1,000 gpd or less. • Plan review for pressurized in-ground systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for mound systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for at-grade systems that receive a design wastewater flow of 1,000 gpd or less.
Calumet	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 1,000 gpd or less. • Plan review for pressurized in-ground systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for mound systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for at-grade systems that receive a design wastewater flow of 1,000 gpd or less. •
Chippewa	<ul style="list-style-type: none"> • Plan review for pre-cast or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less. • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 5,000 gpd or less.

Clark	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 1,000 gpd or less. • Plan review for pressurized in-ground systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for mound systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for at-grade systems that receive a design wastewater flow of 1,000 gpd or less.
Dane	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 5,000 gpd or less. • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 5,000 gpd or less. • Plan review for pressurized in-ground systems that receive a design wastewater flow of 5,000 gpd or less. • Plan review for mound systems that receive a design wastewater flow of 5,000 gpd or less. • Plan review for at-grade systems that receive a design wastewater flow of 5,000 gpd or less.
Door	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 900 gpd or less. • Plan review for pressurized in-ground systems that receive a design wastewater flow of 900 gpd or less. • Plan review for mound systems that receive a design wastewater flow of 900 gpd or less. • Plan review for at-grade systems that receive a design wastewater flow of 900 gpd or less.
Eau Claire	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 5,000 gpd or less. • Plan review for pressurized in-ground systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for mound systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for at-grade systems that receive a design wastewater flow of 1,000 gpd or less.
Fond du Lac	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less. • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 3,000 gpd or less.
Grant	<ul style="list-style-type: none"> • Plan review for at-grade systems that receive a design wastewater flow up to 1,000 gallons per day. • Plan review for non-pressurized in-ground systems that receive a design wastewater flow up to 1,000 gallons per day.

Juneau	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 1,000 gpd or less. • Plan review for mound systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for at-grade systems that receive a design wastewater flow of 1,000 gpd or less.
Langlade	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less.
Lincoln	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 2,500 gpd or less.
Manitowoc	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 5,000 gpd or less. • Pressurized in-ground systems that receive a design wastewater flow of 5,000 gpd or less. • Mound systems that receive a design wastewater flow of 5,000 gpd or less. • At-grade systems that receive a design wastewater flow of 5,000 gpd or less.
Marathon	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less. • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 3,000 gpd or less. • Plan review for pressurized in-ground systems that receive a design wastewater flow of 5,000 gpd or less for one and two-family dwellings. • Plan review for mound systems that receive a design wastewater flow of 5,000 gpd or less for one and two-family dwellings. • Plan review for at-grade systems that receive a design wastewater flow of 5,000 gpd or less for one and two-family dwellings.
Marinette	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less. • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 3,000 gpd or less.
Marquette	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 3,000 gpd or less. • Plan review for at-grade systems with a design wastewater flow of 1,000 gpd or less. • Plan review for mound systems with a design wastewater flow of 1,000 gpd or less.
Monroe	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 3,000 gpd or less. • Plan review for at-grade systems with a design wastewater flow of 1,000 gpd or less. • Plan review for in-ground pressure systems with a design wastewater flow of 1,000 gpd or less. • Plan review for mound systems with a design wastewater flow of 1,000 gpd or less.

Oconto	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less. • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 3,000 gpd or less.
Oneida	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 5,000 gpd or less.
Outagamie	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less. • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 3,000 gpd or less. • Plan review for pressurized in-ground systems that receive a design wastewater flow of 3,000 gpd or less. • Plan review for mound systems that receive a design wastewater flow of 3,000 gpd or less. • Plan review for at-grade systems that receive a design wastewater flow of 3,000 gpd or less.
Ozaukee	<ul style="list-style-type: none"> • Plan review for pre-cast or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less. • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 1,000 gpd or less. • Plan review for pressurized in-ground systems with a design wastewater flow of 1,000 gpd or less. • Plan review for at-grade systems with a design wastewater flow of 1,000 gpd or less. • Plan review for mound systems with a design wastewater flow of 1,000 gpd or less.
Polk	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 1,000 gpd or less. • Plan review for pressurized in-ground systems with a design wastewater flow of 1,000 gpd or less. • Plan review for at-grade systems with a design wastewater flow of 1,000 gpd or less. • Plan review for mound systems with a design wastewater flow of 1,000 gpd or less. • Plan review for replacement septic and pump tanks with a design wastewater flow of 3,000 gpd or less • Plan review for pre-cast or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 3,000 gpd or less.
Rusk	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less. • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 5,000 gpd or less.
Sauk	<ul style="list-style-type: none"> • Plan review for at-grade systems with a design wastewater flow of 1,000 gpd or less.
Sheboygan	<ul style="list-style-type: none"> • Plan review for replacement septic and pump tanks for facilities with a design wastewater flow of 5,000 gpd or less
Shawano	<ul style="list-style-type: none"> • Plan review for mound systems that receive a design wastewater flow of 5,000 gpd or less for one and two-family dwellings. • Plan review for at-grade systems that receive a design wastewater flow of 5,000 gpd or less for one and two-family dwellings.

Trempealeau	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less.
Vilas	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 3,000 gallons per day or less. • Plan review for replacement septic and pump tanks with a design wastewater flow of 3,000 gpd or less • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 3,000 gpd or less.
Washington	<ul style="list-style-type: none"> • Plan review for at-grade systems that receive a design wastewater flow of 1,000 gpd or less • Plan review for in-ground pressure distribution systems that receive a design wastewater flow of 1,000 gpd or less • Plan review for mound systems that receive a design wastewater flow of 1,000 gpd or less
Waukesha	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 5,000 gpd or less. • Pressurized in-ground systems that receive a design wastewater flow of 5,000 gpd or less. • Mound systems that receive a design wastewater flow of 5,000 gpd or less. • At-grade systems that receive a design wastewater flow of 5,000 gpd or less.
Waupaca	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less.
Waushara	<ul style="list-style-type: none"> • Plan review for pre-cast, or manufactured holding tanks for public or commercial facilities with an estimated wastewater flow of 4,500 gpd or less. • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 4,500 gpd or less. • Mound systems that receive a design wastewater flow of 3,000 gpd or less
Winnebago	<ul style="list-style-type: none"> • Plan review for at-grade systems that receive a design wastewater flow of 1,000 gpd or less for one and two-family dwellings • Plan review for non-pressurized in-ground systems that receive a design wastewater flow of 1,000 gpd or less for one and two-family dwellings • Plan review for mound systems that receive a design wastewater flow of 1,000 gpd or less for one and two-family dwellings • Plan review for pressurized in-ground systems that receive a design wastewater flow of 1,000 gpd or less for one and two-family dwellings
Wood	<ul style="list-style-type: none"> • Plan review for non-pressurized in-ground systems for public or commercial facilities with a design wastewater flow of 1,000 gpd or less. • Plan review for pressurized in-ground systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for mound systems that receive a design wastewater flow of 1,000 gpd or less. • Plan review for at-grade systems that receive a design wastewater flow of 1,000 gpd or less.

Table 2: The table below shows the current fees for sanitary permits.

SANITATION	
Permits for New, Replacement, or Repair	
At-Grade	\$380
In-Ground Gravity	
In-Ground Gravity w/lift	
In-Ground Pressure	
Mound	
Holding Tank (includes \$75 review fee)	\$455
Reconnection Permits (No State fees)	
At-Grade	\$280
In-Ground Gravity	
In-Ground Gravity w/lift	
Holding Tank	
In-Ground Pressure	
Mound	
Additional Fees	
Transfer of permit between owner	\$300
Privy permit	\$225
Minor repair or modification	\$150
Additional fee per 5000 gallons DWF	\$100
Groundwater monitoring per site	\$100
Review fee	\$75
Renewal of permit	
Change of plumbers (review fee for new plans)	
Additional fee for pre-treatment units	
Affidavit or Agreement recording fee	\$30 flat fee
After the fact permit	Double initial filing fee

Table 3: Below is a proposed updated fee schedule for sanitary permits if the county obtained agent status.

Proposed Sanitary Permit Fee Schedule

Permit Type	Fee
Permits for New, Replacement, or Repair	
Conventional	\$400
Holding Tank (Plus separate Plan Review Fee)	\$400
Mound (Plus separate Plan Review Fee)	\$400
At-Grade (Plus separate Plan Review Fee)	\$400
In-Ground Pressure (Plus separate Plan Review Fee)	\$400
Plan Review Fee for Mound, At-Grades, In-Ground Pressure, and Commercial Holding Tanks	\$100
Privy	\$200
Reconnection Permits	
Conventional	\$250
Holding Tank	\$250
Mound	\$250
At-Grade	\$250
In-Ground Pressure	\$250
Additional Fees	
Minor repair of modification	\$150
Groundwater Monitoring Fee	\$100
Permit Transfer	\$75
Permit Renewal	\$75
Change of Plumbers Revision	\$75
Additional fee per 5000 Gallons DWF	
Additional fee for pre-treatment units	\$75
Affidavit or Agreement recording fee	\$30
After the fact permits are double the initial filing fee	

Table 4: The tables below show the fee schedules for Marquette, Winnebago, Waushara, and Fond du Lac Counties.

Marquette County

<u>SANITARY PERMIT FEES</u>	
Conventional	\$350.00
Privy	\$150 + \$30 Recording Fee
RV Transfer Container	\$150 + \$30 Recording Fee
Reconnection	\$150.00
Holding Tank	\$465 + \$30 Recording Fee
Mound	\$425.00
At-Grade	\$425.00
In-Ground Pressurized	\$425.00
Single Pass Sand Filter	\$450.00
Recirculating Sand Filter	\$450.00
Split Bed Recirculating Sand Filter	\$450.00
Drip-Line Effluent Dispersal	\$450.00
Experimental Systems	\$450.00
Aerobic Systems	\$450 + \$30 Recording Fee
Transfers	\$ 50.00
Change of Plumbers revision	\$ 50.00
Renewals during second year	\$ 50.00
Wisconsin Fund Application	\$100.00
Replacement Treatment Tank Only	\$300.00

<u>PLAN REVIEW FEES</u>	
Comm. In-Ground Non-Pressure	\$ 90.00
Mound and At-Grades	\$250.00

<u>MISCELLANEOUS FEES</u>	
Copies of Zoning Ordinance	\$ 3.00
Rural Address Sign	\$75.00
POWTS Maintenance Form Filing	\$ 5.00
Digital Recording of Hearing	\$10.00
Plat Book	\$35.00
Copies of 18x24 & Larger Prints/Pg.	\$ 6.00

Winnebago County

SANITARY

- **Sanitary Permit** - at-grade, mound and holding tank systems including holding tank replacements\$ 600.00*
 - The \$600.00 fee **INCLUDES** a \$100.00 State fee
- **System Review Fee** - At-grade, In-ground Pressure and Mound.....\$ 250.00
 - This \$250.00 fee is for in-house review/approval of these plans; State approval is no longer required;
 - Is in addition to the \$600.00 permit fee
- Renewal Fee and Transfer Fee 10.00
- Sanitary Permit – Reconnections, Septic tank replacement, repairs (County Permit only) 95.00
- Wisconsin Fund Application 50.00
- Soil Evaluation (County & State Plats) - \$10.00/lot with a maximum charge of \$100.00/plat per request made

* Per Section 16.10(1)(e) of the Winnebago County Sanitary Ordinance, "**Failure to obtain a sanitary permit where required – standard permit fee shall be doubled**".

Waushara County

SANITARY FEES	
PERMIT TYPE	FEE
Conventional - Includes all Alterations, Repairs, & Additions <i>*Except Public Buildings / See Below</i>	\$425 <i>(\$325 County, \$100 State Portion)</i>
Holding Tank <i>Fee includes recording of the Holding Tank Agreement</i>	\$525 <i>(\$425 County, \$100 State Portion)</i>
Vault Privy/Portable Toilet <i>Fee includes recording of the Privy Installation Agreement</i>	\$325
Mounds, Pressurized Systems, Systems in Fill, In Ground Pressurized, Experimental Systems, *Public Buildings (<i>*Plus separate state plan reviewal fees</i>)	*\$525 <i>(\$425 County, \$100 State Portion)</i>
Reconnections	\$325
Transfer or Renewal	\$100
Plan Review Fee: Mound and At-grades	\$250
Plan Review Fee: Commercial In Ground Non-Pressure	\$90

Fond du Lac County

SANITARY PERMIT FEES				
	PLAN REVIEW	COUNTY	STATE	TOTAL
Conventional	\$60	\$300	\$100	\$460
Mound		\$450	\$100	\$550
In-Ground Pressure		\$450	\$100	\$550
At-Grade		\$450	\$100	\$550
New Holding Tank	\$60	\$650	\$100	\$810
Replace Holding Tank	\$60	\$450	\$100	\$610
Reconnection		\$250		\$250
Repair	\$60	\$250	\$100	\$410
Renewals		\$300 or \$450		\$300 or \$450
Privy		\$200		\$200
Transfer Permit		\$125		\$125
Revisions		\$125		\$125
NOTE: Double fee for any of the above projects started without permit.				
Soil Evaluation Filing & Review Fee		\$10		\$10
Wisconsin Fund Grant Administrative Fee		\$100		\$100

NOTICE OF PUBLIC HEARING

The Green Lake County Land Use Planning and Zoning Committee will hold a public hearing in County Board Room #0902 of the Green Lake County Government Center, 571 County Road A, Green Lake, WI, on **Thursday, April 6, 2023, at 9:30 a.m.** to consider the following requests:

Item I Owner: Badger Mining Cooperation **Site location:** W300 Utley Quarry Rd **General legal description:** S36,T15N,R13E, Town of Green Lake & S1,T14N,R13E, Town of Mackford ±132 acres **Request:** Revising the current Nonmetallic Mining Reclamation Permit

Item II Owner: 1970 Lawson LLC **Agent:** Matt Rogatz **Site location:** W1970 S Lawson Dr **General legal description:** Parcel 004-00480-0101, part of the SW1/4 of S20,T16N,R13E, Town of Brooklyn, ±1.62 acres **Request:** CUP update including the construction of a pavilion, two storage sheds, and two pickleball courts.

Item III Owner: Little Green Lodge LLC **Agent:** Anthony Goebel **Site location:** N2811 Park Rd **General legal description:** Parcel 006-01384-0000, 006-00614-0000, part of the NW1/4 of S32,T15N,R13E, Town of Green Lake, ±1.25 acres **Request:** CUP for hotel and event space.

Item IV Owner: Zodrow Properties LLC **Agent:** John Zodrow **Site location:** Int. of North St. and HWY 23 **General legal description:** Parcel 004-00339-0201, part of the SW1/4 of S16,T16N,R13E, Town of Brooklyn, ±8.4 acres **Request:** CUP for wood burning facility, compost site, and contractor's yard.

All interested persons wishing to be heard at the public hearing are invited to attend. For further detailed information concerning this notice and for information related to the outcome of public hearing items, contact the Green Lake County **Land Use Planning and Zoning Department** at (920) 294-4156.

Publish: March 23, 2023

Land Use Planning and Zoning Committee Staff Report

Public Hearing

April 6, 2023

Item I: NMM Reclamation Plan

Owner:

Badger Mining Corporation

Applicant:

Matt Hess

Parcel Number/ Location:

The reclamation plan affects parcels 006-00699-0000, 006-00699-0100, 006-00705-0000, 006-00708-0100, 006-00708-0200, 006-00718-0000, 006-00719-0000, 006-00720-0100, 006-00726-0000, 006-00724-0000, 010-00008-0000, (±707.8 acres total). These parcels are located in the E ½ of Section 36, T15N, R13E, the S ½ of Section 36, T15N, R13E, SW ¼ of the SE ¼ Section 25, T15N, R13E Town of Green Lake and the NE ¼ of the NW ¼ of Section 1, T14n, R13E, NE ¼ of the SW ¼ Section 1, T14n, R13E Town of Mackford. The site is located at W267 County Road JJ.

Existing Zoning and Uses of Adjacent Area:

The parcels referenced above are mostly zoned M-1, Mineral Extraction District with a few other parcels zoned as A-1, Farmland Preservation, and I, Industrial. The property is currently being used as a non-metallic sand mine. The lands to the east are in Fond du Lac County, but they appear to be used agriculturally. The lands to the north are zoned as A-1 and appear to be mainly wetlands. The lands to the west are zoned as M-1, I, and A-1. These lands contain some other active quarries and the rest appear to be farmed. The lands to the south are all zoned A-1 and appear to be farmed.

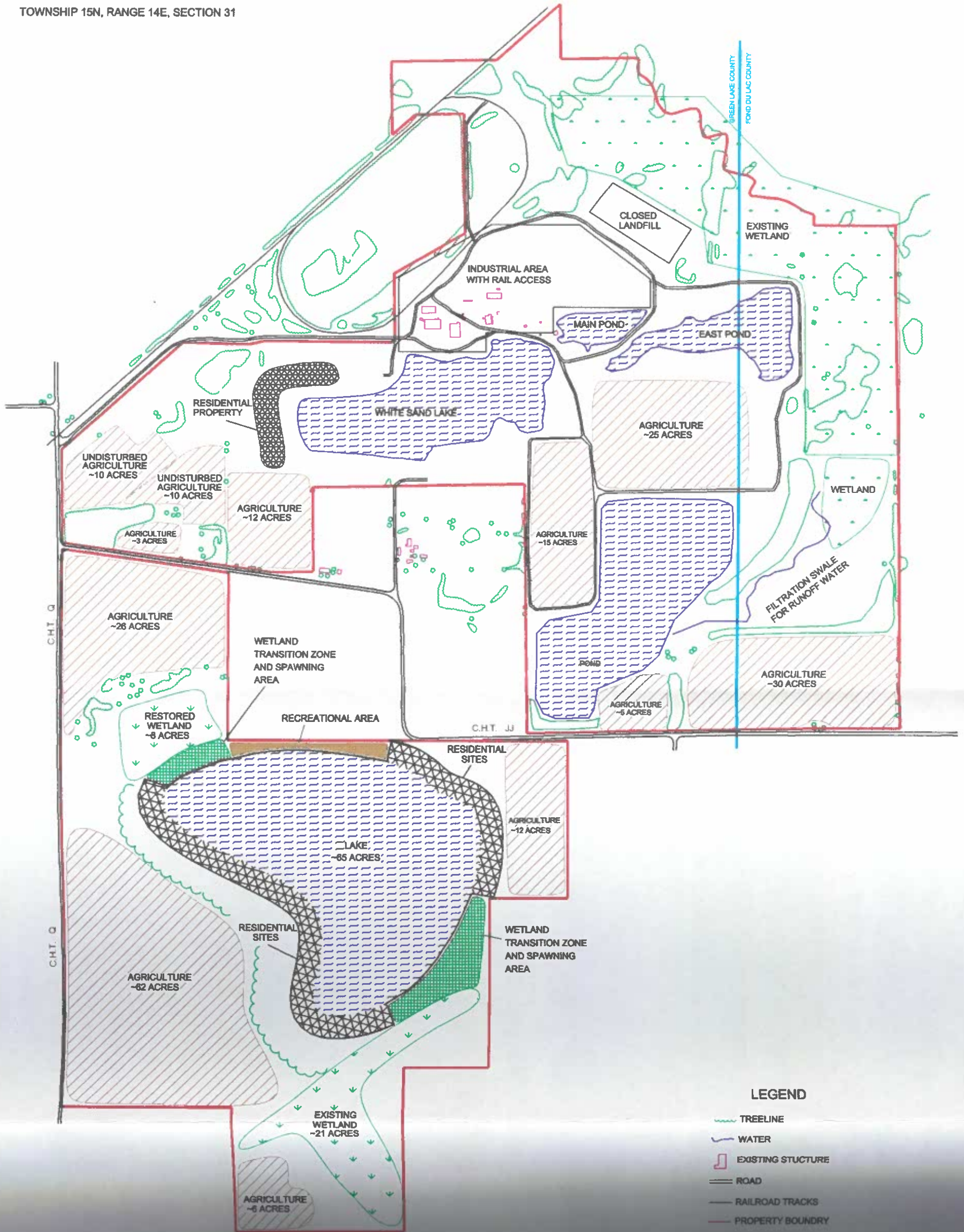
Additional Information/Analysis:

A quarry and sand plant have been operating in this area since the 1940's. In 2010 a conditional use permit was granted to expand the mine into what it is currently sized at now. During that hearing a reclamation plan was approved. Now the reclamation plan is being updated to change an area originally approved for a wetland transition zone into an area for agriculture. Other changes include changing some agricultural areas to grassland/prairie. The proposed 65-acre lake is also going to be covered under the DNR Chapter 30 reclamation permit and will no longer be under the County's jurisdiction. The maps below show the post mining land use plans from 2010 and the proposed post mining land use.

GREEN LAKE COUNTY
 TOWN OF GREEN LAKE
 TOWNSHIP 15N, RANGE 13E, SECTION 36

GREEN LAKE COUNTY
 TOWN OF MACKFORD
 TOWNSHIP 14N, RANGE 13E, SECTION 1

FOND DU LAC COUNTY
 TOWN OF METOMEN
 TOWNSHIP 15N, RANGE 14E, SECTION 31



LEGEND

- TREELINE
- WATER
- EXISTING STRUCTURE
- ROAD
- RAILROAD TRACKS
- PROPERTY BOUNDARY

DRAWING NO. 9

NR135 RECLAMATION REPORT
 FAIRWATER MINE FACILITY



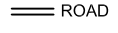
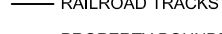

REVISION: MAY 27, 2005

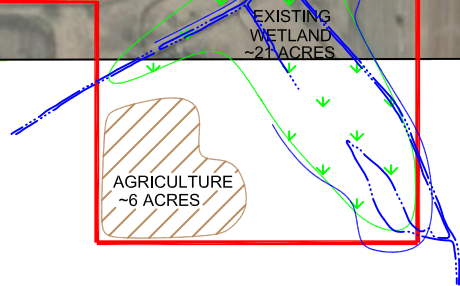
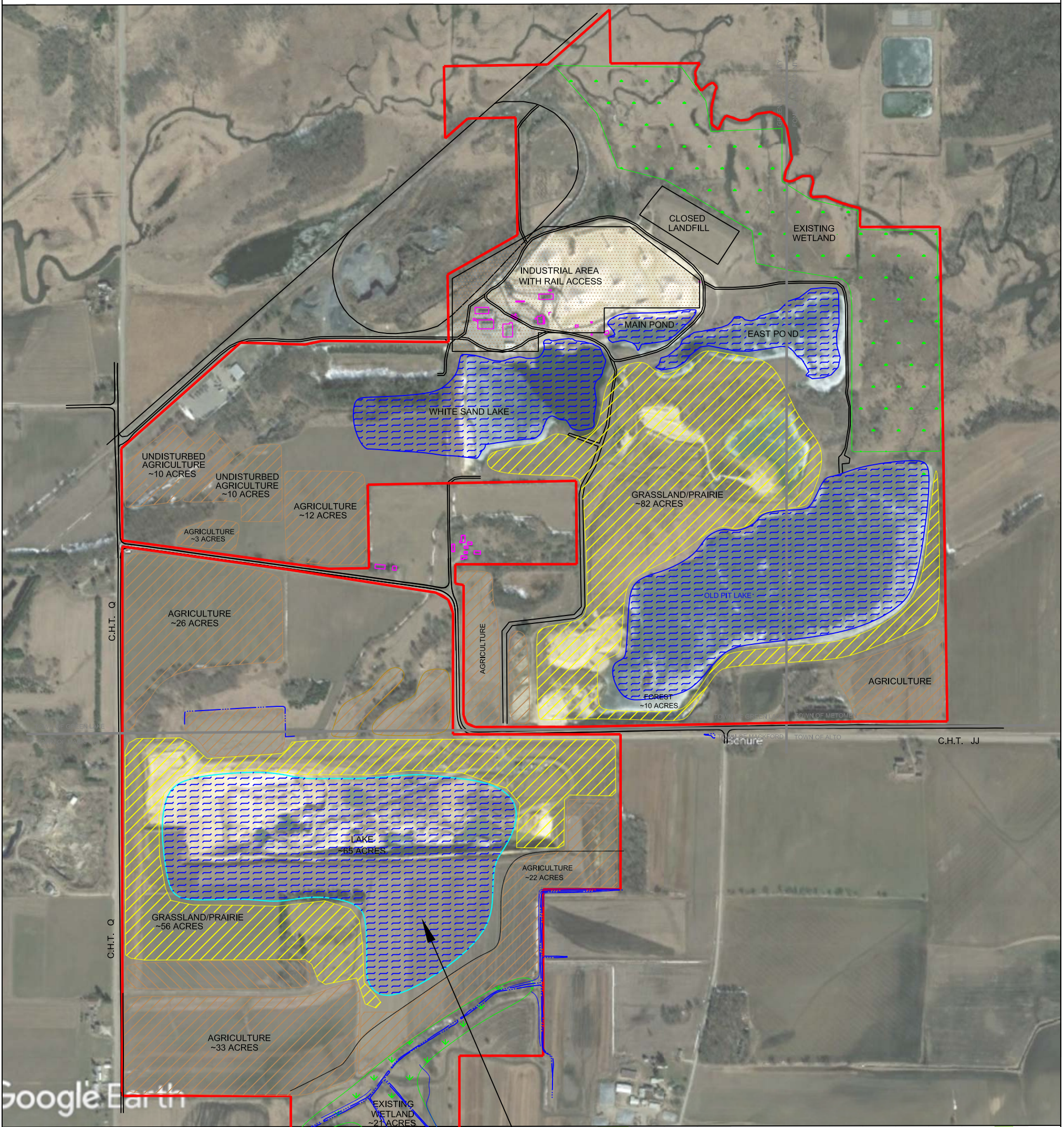
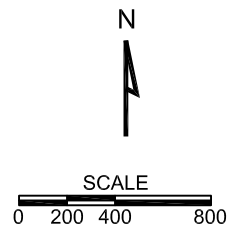
POST-MINING LAND USE

BADGER
 MINING
 CORPORATION - FAIRWATER PLANT

GREEN LAKE COUNTY
 TOWN OF GREEN LAKE
 TOWNSHIP 15N, RANGE 13E, SECTION 36

GREEN LAKE COUNTY
 TOWN OF MACKFORD
 TOWNSHIP 14N, RANGE 13E, SECTION 1

-  WATER
-  EXISTING STRUCTURE
-  ROAD
-  RAILROAD TRACKS
-  PROPERTY BOUNDARY



- This Reclamation Plan has the dual regulatory jurisdiction between Green Lake County & the WDNR.
- WDNR holds financial assurance requirements for the 65-acre lake / pond reclamation area.
 - Green Lake County will hold the financial assurance for all other area

DRAWING NO. 9

NR135 RECLAMATION REPORT
 FAIRWATER MINE FACILITY

REVISION: DECEMBER 15, 2022

POST-MINING LAND USE

BADGER
 MINING
 CORPORATION - FAIRWATER PLANT

Public Hearing

April 6, 2023

Item I: Reclamation Permit Public Hearing

Attn: Land Use Planning & Zoning Committee:

Owner:

Badger Mining Corporation

Applicant:

Same

The following review checklist is to work as a guide to explain the reclamation standards for a reclamation plan. NR 135.20 requires that the county publicly notices and allows the public an opportunity for a public hearing regarding the reclamation plan. As long as the reclamation plan meets all of the requirements it must be approved according to NR 135.17(1). According to Section 323-17.A.(2)(a) of the Nonmetallic Mining Reclamation ordinance, the Green Lake County Land Use Planning and Zoning Department shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application. The Land Use Planning & Zoning Committee is not the approval body in this case.

Reclamation Plan Review Checklist

This checklist is based on a restatement of reclamation plan requirements of NR135.19 and the County’s Non-Metallic Mining Ordinance # 323.

Applicant: _____ Badger Mining Corporation _____

Site Location: _____ W300 Utley Quarry Rd _____

_____ New Mine Automatic Permit # _____ 16 _____

_____ Yes _____ No Does the plan provide adequate detail on how reclamation will be conducted?

_____ Yes _____ No Does the plan meet the uniform statewide reclamation standards?

_____ Yes _____ No Can the target post-mining land use(s) be achieved?

_____ Approve Plan

_____ Plan returned for additional information (See Checklist)

Reviewed by: _____ Caleb Edwards _____ Date: _____ 3/8/2023 _____

Reviewed by: _____ Date: _____

NR 135.19(1) PLAN REQUIRED. An operator who conducts or plans to conduct nonmetallic mining on or after August 1, 2001, shall submit to the regulatory authority a reclamation plan that meets the requirements of this section and complies with the standards of Subch. II. To avoid duplication, the reclamation plans may, by reference, incorporate existing plans and materials that meet the requirements of Chapter NR 135.

□ Site Information:

NR 135.19(2) SITE INFORMATION. The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

□ **Maps:**

NR 135.19(2)(a) Maps of the nonmetallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the approximate elevation of ground water, the location of surface waters, and the existing drainage patterns.

Note: Some of or all of the information required above may be shown on the same submittal, i.e. the site map required by par. (a) may also show topography required by par. (c).

- **General Location:**
Found in Drawing 1
- **Property Boundaries:**
Found in Drawings 1 and 2
- **Aerial Extent:**
Found in Drawings 1 and 2
- **Geologic Composition and Depth of the Mineral Deposit:**
Found in Drawing 6
- **Distribution, Thickness, and Type of Topsoil:**
Found in Drawing 4, Explained in section 5.1
- **Approximate Elevation of Ground Water:**
Found in Drawing 8
- **Location of Surface Waters:**
Found in Drawing 2
- **Existing Drainage Patterns:**
Found in Drawing 3
- **Existing Topography:**
Found in Drawing 3

NR 135.19(2)(c) Existing topography as shown on contour maps of the site at intervals specified by the regulatory authority.

Note: Some of or all of the information required here may be combined to avoid duplication, e.g. a single map may show anticipated post-mining topography required by par.(c) as well as structures and roads as required by par. (d).

□ **Location of Manmade Features:**

NR 135.19(2)(d) Location of manmade features on or near the site.
Found in Drawings 3 and 4, Explained in section 3.5

□ **Previously Mined Areas: (IF APPLICABLE)**

NR 135.19(2)(e) For existing mines, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds, and sediment basins.

Found in Drawing 2

□ **Biological Information:**

NR 135. 19(2)(b) Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine site.

Explained in sections 5.5 and 5.6

□ **Post-mining Land Use:**

NR 135.19(3) POST-MINING LAND USE. (a) the reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post-mining land use shall also be consistent with any applicable state, local, or federal laws in effect at the time the plan is submitted.

Found in Section 6

Note: *A proposed post-mining land use is necessary to determine the type and degree of reclamation needed to correspond with that land use. The post-mining land use will be key in determining the reclamation plan. Final slopes, drainage patterns, site hydrology, seed mixes, and the degree of removal of mining-related structures, drainage structures and sediment control structures will be dictated by the approved post-mining land use.*

NR 135.19(3)(b) Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to subch. III of ch. 91., Stats., shall be restored to agricultural use.

Original Reclamation plan has some areas going towards grassland, wetlands, and other non-ag uses, however this was allowed at the time the original plan was approved. This updated plan is dedicating more land to be set in an ag use.

Note: *Section 91.46 (6), Stats., contains this requirement. Section 91.01 (2), Stats., defines the term “agricultural use.”*

□ **Reclamation Measures**

NR 135.19(4) RECLAMATION MEASURES. The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:

□ **Earthwork and Grading:**

NR 135.19(4)(a) A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing, and other structural slope stabilization measures.

Explained in section 6

❑ **Topsoil:**

NR 135.19(4)(b) The methods of topsoil or topsoil substitute material removal, storage, stabilization, and conservation that will be used during reclamation.

Explained in Section 6.2.1

❑ **Topography:**

NR 135.19(4)(c) A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.

Explained in section 6.3, Shown in Drawing 7

❑ **Structures:**

NR 135.19(4)(d) A plan or map which shows surface structures, roads, and related facilities after the cessation of mining.

Explained in Section 3.5, Found in Drawings 3 and 4

❑ **Cost:**

NR 135.19(4)(e) The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.

Can be found in the attached costs sheet.

❑ **Revegetation Plan:**

NR 135.19(4)(f) A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish solid and slope stabilization.

Explained in section 6.3.2

❑ **Revegetation Standards:**

NR 135.19(4)(g) Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the present vegetative cover, productivity, plant density, diversity or other applicable measures.

Explained in section 6.7

❑ **Erosion Control:**

NR 135.19(4)(h) A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.

Explained in section 6.2

❑ **Interim Reclamation: (OPTIONAL)**

NR 135.19(4)(i) A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to s. NR 135.41 and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of

the proposed areas involved, methods or reclamation to comply with the standards in Subch. II and timing of interim and final reclamation.

□ **Criteria for Successful Reclamation**

NR 135.19(5) The reclamation plan shall contain criteria for assuring successful reclamation in accordance with s. NR 135.13.

Explained in section 6.7

□ **Certification of the Reclamation Plan**

NR 135.19(6) CERTIFICATION OF RECLAMATION PLAN. (a) The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. The landowner and lessee, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation, except as provided in par. (b).

Found on Page 3

NR 135.19(6)(b) For the following situations, the landowner and lessee, if different from the mine operator, are not required to submit a written certification in accordance with par. (a). For these situations, the operator shall provide written evidence that the landowner and lessee, if different than the operator, have been provided with a written copy of the reclamation plan.

1. The mine operator has submitted a reclamation plan for an existing mine in accordance with s. NR 135.18 (1).
2. The operator has submitted a reclamation plan for a new or reopened mine in accordance with s. NR 135.18(2) which is located on land for which a lease agreement or memorandum of lease between the landowner and applicant was recorded prior to 8 months following December 1, 2000 (i.e. August 1, 2001).

Note: Please see the certification statement examples in Appendix G for more information.

□ **Financial Assurance**

\$356,00 has been provided.

NR 135.40(1-13)

□ **Submitting the Plan**

NR 135.19(7) APPROVAL. The regulatory authority shall approve, approve conditionally, or deny the reclamation plan in writing in accordance with s. NR 135.21(1). Conditional approvals shall be issued according to s. NR 135.21(2), and denials of permit applications shall be made according to s. NR 135.22.

Nonmetallic Mining Reclamation Plan Badger Mining Corporation – Fairwater Plant

December 20, 2022

Prepared by:

Badger Mining Corporation
Engineering Resources Team

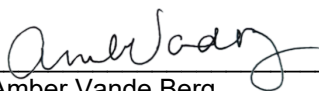


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Certification

“We hereby certify, as a duly authorized representative or agent, that Badger Mining Corporation (BMC) will comply with the provisions of this reclamation plan as well as the statewide nonmetallic mining reclamation standards established in Chapter NR 135, Wis. Adm. Code and Green Lake County’s Nonmetallic Mining Ordinance. The necessary resources have been committed to implement the plan.”



Amber Vande Berg
BMC Fairwater Plant Operations Team Leader

December 20, 2022
Date



Matt Hess
Mineral Process Engineer
BMC Engineering Resources Team

December 20, 2022
Date

1 Overview of Mining Operation

The Badger Mining Corporation (BMC) Fairwater Plant is a nonmetallic mining operation that produces industrial silica sand primarily for the foundry industry and has been operating since the 1940's. The Fairwater Plant is located two miles west of Fairwater, Wisconsin, in southeast Green Lake County and southwest Fond du Lac County. The extents and configuration of the Fairwater Plant encompass approximately 843 acres and is shown in Drawings No.1 and 2.

One of the main reasons for revising this Reclamation Plan is due to the dual regulatory jurisdiction between Green Lake County & the WDNR, which WDNR holds financial assurance requirements for the 65-acre lake / pond reclamation area & GL County will hold the financial assurance for all other area

2 Site Information

3.1 Physical Address

Operators Name:	Badger Mining Corporation - Fairwater Plant
Street Address:	W300 Utley Quarry Road.
City, State, Zip Code	Fairwater, WI 53931
Telephone No.	(920) 398-2741

3.2 Owner/ Operator Information

*Badger Mining Corporation
409 S. Church Street
P.O. Box 328
Berlin, WI 54923
(920) 361-2388*

<i>Non-Metallic Mining Permit #:</i>	16AU01
<i>Federal Employer ID #:</i>	39-1322423

<i>CEO:</i>	Cody Wickersheim
<i>President:</i>	Mark Hess

3.3 Legal Description & Tax Parcel Numbers

Drawing No. 1 shows the extents and configuration of the BMC Fairwater Plant nonmetallic mine operations, as delineated on the *USGS, Wisconsin 7.5 Minute Quadrangle Map*. The property encompasses approximately 843 acres. The mine operation is located within portions of the W ½ of Section 31, T15N, R14E, Town of Metomen, Fond du Lac County, Wisconsin and portions of Section 36, T15N, R13E, Town of Green Lake and Section 1, T14N, R13E, Town of Mackford, Green Lake County, Wisconsin.

TABLE 1: TAX PARCEL INFORMATION **Superseded**

Description	Parcel Number	Township
S31, T15N, R14E	T14 00783 (T14-15-14-31-07-001-00)	Town of Metomen, Fond du Lac County
S31, T15N, R14E	T14 00782 (T14-15-14-31-10-001-00)	Town of Metomen, Fond du Lac County
S31, T15N, R14E	T14 00779 (T14-15-14-31-11-001-00)	Town of Metomen, Fond du Lac County
S36, T15N, R13E	006-699-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-699-0100	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-705-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-708-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-718-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-719-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-720-0100	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-726-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-5801-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-5803-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-5806-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-00724-0000	Town of Green Lake, Green Lake County
S1, T14N, R13E	010-00002-0000	Town of Mackford, Green Lake County
S1, T14N, R13E	010-00003-0000	Town of Mackford, Green Lake County
S1, T14N, R13E	010-00007-0000	Town of Mackford, Green Lake County
S1, T14N, R13E	010-00008-0000	Town of Mackford, Green Lake County
S1, T14N, R13E	010-00009-0000	Town of Mackford, Green Lake County
S1, T14N, R13E	010-00010-0000	Town of Mackford, Green Lake County
S1, T14N, R13E	010-00011-0000	Town of Mackford, Green Lake County

3.4 Mine Boundaries

Property boundaries, existing site conditions, which include mining areas, processing, surface water, topography, geological cross sections, etc., and extent of deposit are shown in Drawings No.1 - 6.

3.5 Location of Manmade Features

The existing BMC Fairwater Plant nonmetallic mining operation consists of the active mining areas located south of County Road JJ, access roadways, process ponds, processing facilities (wash, dry, screen), stockpile area, rail and truck loadout, aboveground storage tanks (ASTs) for fueling and office, packaging, maintenance, and storage buildings. There are additional acres of sand deposit located North of County Road JJ, yet undisturbed, to be mined in the future.

The active deposit is access from County Road JJ as shown in Drawing No. 3. Culverts extend under County Road JJ to allow for process piping. A visual break of the mining operations consists of a minimum 8 feet high berm, parallel to County Road JJ. Facilities include a mine Station building, slurry pumps, tanks, and slurry piping and a diesel fueling station (12,000-gallon AST). The entrance to the mine is posted for safety. All excavations and accessories maintain a 100-foot buffer from any public right-of-way and property line.

All existing infrastructure of the Fairwater Plant is utilized for the mining and processing of the deposit.

3.6 Mine Safety

Access to the Fairwater Plant and Menke deposit mine site is gated and posted. No unauthorized access to the mine is allowed. All associates and subcontractors associated with the mine operation will follow the Mine Safety and Health Administration (MSHA) regulations along with BMC internal safety standards.

3.7 Zoning

The BMC Fairwater Plant property is currently zoned for mineral extraction and agriculture.

4 Mining Operation

In the mining process, topsoil from annual stripping areas is removed and stockpiled for future reclamation. When possible, the topsoil is immediately placed on a reclaim area and seeded. Earthwork will remove an area of overburden to expose the sandstone beneath for mining. Subsequent overburden removal will be used to backfill previously mined areas to properly slope the exterior perimeter of the mine. Overburden is currently removed by means of a track hoe, which fills articulated haul trucks. The trucks then relocate the overburden to backfill previously mined areas where the landscape is re-contoured to sub grade with a small track dozer to a contour that facilitates the designated post mining land use plan.

Next, BMC mines the sandstone from the deposit, using a ripping technique. In this technique, bulldozing operations disseminates the sandstone with a ripper tooth. After the sandstone is loosened, it is pushed to an area (slurry box) where water jets force the sand into a slurry. The sand slurry is pumped to the existing hydraulic processing operations where the sand is subject to classification and sizing operations. The final washed sand product is stockpiled according to different size fractions of sand. The annual mining operation is continuous during the months of April through November with a winter shutdown. Drying & screening of sand continues operate the full calendar year.

All existing infrastructure of the Fairwater Plant will be utilized for the mining and processing of the deposit. The extracted sand will be transported by means of a slurry line to the existing Fairwater Plant processing facility. All material not directly transported off the mine site will be stockpiled with areas designated as actively mined and outside of the 100-foot Green Lake County setback regulation. All unconsolidated slopes will be graded no steeper than 3:1.

5 Site Features

5.1 Soils

Soil data for the property was primarily determined by visual observation, testhole data and, review of the *Soil Survey of Green Lake County, Wisconsin (USDA NRCS)*. Topsoil depth is approximately 8-24 inches thick throughout the property. These soils are coarse to fine sandy loams that are moderately to well-drained. The USDA NRCS has classified the properties surface soils into numerous soil types, which are shown in Drawing No. 4.

5.2 Geologic Composition & Depth of Mineral Deposit

The unconsolidated sediment associated with this mine operation was derived from glacial origins in glacial valley floors, drainage ways, and depressions, till plains and stream terraces. As common with glacial sediment, the extent of deposit can vary significantly both horizontally and vertically and abruptly terminate.

Within the mine property, the unconsolidated sediment is expected to be a mixture of silty loam, a sandy clay loam, sandy loam, silty clay loam and gravely sand. The sloping hills are capped with topsoil that is approximately 8-24 inches thick throughout the property. Below the topsoil is a layer of unconsolidated glacial till that ranges in size from 10-inch diameter rocks to fine sand and clay and ranges in thickness from 10 to 30 feet. The overburden covers poorly cemented siliceous sandstone from the Tonti Member of the St. Peters Sandstone Formation. The sandstone varies in thickness up to 115 feet, where the final mining elevation is approximately 850 feet above mean sea level (msl). At the base of the deposit is the Readstown Member, a shaley conglomerate occurring locally in the base of the St. Peter. The water table is expected to be encountered during the mining process at a depth of 5-20 feet below the surface.

5.3 Site Topography

Topography of the Fairwater mine is indicated in Drawing No.3.

The White Sand Mine site surface is dome shaped dipping to the north and south. It ranges in height from approximately 965 to 925 feet msl. The exposed sand surface on the east end of the area drops into White Sand Lake with a surface water elevation of 905 feet msl.

Topography of the Menke site is shown in Drawing No. 3 and shows the mine area surface to range in elevation from about 930 to 972 above msl. The mine area is a kidney shaped depression nestled between to two higher elevations to the northeast and southwest. The overall ground surface slopes are bisected between the two highest elevations, with a portion sloping to the northwest non-navigable agricultural ditch (as determined by the United States Army Core of Engineers (USACE)) and the other portion sloping to the south USACE determined navigable waterway and adjacent wetland area. Geological cross sections are shown in Drawing No. 6.

5.4 Hydrological features

5.4.1 Groundwater

There is a natural water table gradient on the property where it is elevated to about 935 feet in the southwest portion and decreases in elevation as you move northeast toward the Grande River with an elevation of about 880 feet above mean sea level (MSL). Groundwater use in the local area is a mixture of potable, industrial and agricultural purposes. Based on local well construction reports, most of the groundwater is pumped from the underlying sandstone aquifer. The local wells are cased to at least 47 feet below grade.

The groundwater on the Menke deposit site is in a perched condition at an elevation of about 935 feet MSL. Testhole information indicates the water ranges from 5-20 feet below the surface. The water table is encountered during the mining process and controlled by pumping to the process ponds located north of County Road JJ. BMC has not had any adverse impacts to groundwater from the mining operation nor do we expect any.

5.4.2 Location of Surface Water and Drainage Patterns

The Grand River and associated wetland complex is located to the north of the BMC Fairwater Plant property. A wetland area exists near our railroad spur, which has been delineated. BMC currently has three process ponds created during the mining process. There is also a pond in the depleted mine formed from reclamation activity (Old Pit Lake). This pond is actively used for watersport recreation such and fishing and hunting.

A wetland area exists northwest of the active deposit. A portion of an USACE designated, non-navigable agricultural ditch located along the north end of the deposit is impacted. This non-navigable agricultural ditch flows northeast to our process ponds and is utilized for stormwater drainage and pit dewatering.

The mine will encroach within 500 feet of a USACE designated navigable waterway and associated wetlands located to the south of the active deposit. The proposed final reclamation plan for the Menke deposit mine site involves the creation of an approximate 65-acre freshwater lake. The lake will be located within 500 feet of the USACE designated, navigable waterway to the south. BMC received approval from the Wisconsin Department of Natural Resources (WDNR) under Wisconsin Statute Chapter 30.

Storm water from active mining operations and the stockpile area is conveyed as internal drainage and seeps into the ground within the site or conveyed to the process ponds. Dewatering operations in the mine area are controlled by pumping to the process ponds. Pond water (process and storm water) collected is recycled in the wash process. The East Pond has the potential to discharge to the wetland complex adjacent to the Grand River via (WPDES Outfall).

Storm water from the office/maintenance shop, paved parking, processing, truck loadout and rail loadout areas is either conveyed as internal drainage and seeps into the ground or is drained to the process ponds.

Storm water from the trucking/mobile equipment (ME) shop and unpaved parking area discharges to the roadside ditch, which then passes off-site through a culvert beneath Utley Quarry Road to the roadside ditch (SW Outfall), which has the potential to discharge to an agricultural field and potentially to the Grand River.

With proper management and utilizing best management practices (BMPs) for storm water management and erosion control, BMC does not foresee negative surface water impacts.

5.5 Vegetation

Vegetative data for the property was primarily determined by visual observation, review of the *Soil Survey of Green Lake County, Wisconsin (USDA NRCS)* and *“The Vegetation of Wisconsin” (Curtis, 1987)*. Overall land vegetation includes primarily cropland, with lowland marsh and small lots of upland mesic forest. The primarily woody native vegetation includes Red, White and Burr Oak, Basswood, sugar maple, quaking aspen, choke cherry box elder and slippery elm. Typical shrubs include grey dogwood, hazelnut, gooseberry and woodbine (a vine). The ground layer includes plant such as wild geranium, false Solomon’s seal, hog peanut, interrupted fern brome, timothy, sedges and tick-trefoil. The large portion of the property is planted with agricultural crops. Wetlands areas at the site were dominated by Reed canary grass, Hawthorn, goldenrod, Willow, England aster and Jewelweed.

5.6 Wildlife & Rare Species Review

The vegetation provides forage, nesting and cover habitat for a variety of wildlife of both game and non-game species. Some of the prominent groups of game species include white-tailed deer, eastern wild turkey, grey and fox squirrels, cotton-tail rabbits, coyote, raccoon and red fox. Other animal types include chipmunks, woodchucks, chipping sparrow, gold finch, black birds, robins, blue jays, crows, owls and red-tailed hawks.

Review of rare species and natural communities recorded in the Wisconsin Natural Heritage Inventory (NHI) indicates that there are no aquatic or terrestrial rare or natural communities as being

present on a township and locate level (WDNR – Bureau of Endangered Resources map generated using December 31, 2009, NHI data; Copyright 2003). This review showed that “there were no occurrences within the area of mining operations.”

5.7 Historical and Archeological

A Phase I Archeological Survey of the proposed Menke deposit mine expansion was completed by Mississippi Valley Archeology Center (MVAC), University of Wisconsin La Crosse. The conclusion of that study shows that “the Survey of the Menke property in 2008 and 2009 has not located any archaeological resources. At this date, the survey is considered complete and the proposed work by BMC is determined to have no impact on cultural resources within the project area.”

6 Reclamation Measures

The following sections describe measures to be taken to prevent unnecessary and undue degradation over the life of the reclamation project including: the post-mining land use, final grading and slopes, seed selection, planting procedures and erosion control measures. The enclosed Drawing No. 7 show the post-mining reclamation contours. Drawing No. 8 shows the anticipated post-mining geologic cross section.

6.1 Post-Mining Land Uses

The reclamation plan for the BMC FW Plant property considers and is compatible with the local and regional land uses. The proposed post-mining land use plan is valuable in many aspects. It encompasses a large area, which will positively affect many subsequent land users. It maintains workable agricultural land, develops a water recreation area, and provides excellent wildlife habitat. In addition, the current plant area will remain an industrial area to take advantage of the existing infrastructure. It is a benefit both economically and environmentally. The proposed land uses are shown in Drawing No. 9.

All area impacted by mining will be sloped to a minimum 3:1 and, where applicable, seeded with ground stabilizing grasses to a 70% coverage per NR135 Code. Post-mining reclamation that go above and beyond the NR 135 Code are identified below and are subject to change according to landowner desires.

6.1.1 Lake / Ponds

The East Pond and the Main Pond currently cover 11 acres and 4 acres respectively and are expected to remain ponds for final reclamation. The White Sand Lake currently covers approximately 17 acres of land. This lake is expected to increase in size as mining progresses and will remain a lake for post-mining reclamation. Another pond, Old Pit Lake, is a successful post-mining reclamation project in its post mining landform. Old Pit Lake is an approximate 58-acre lake that is actively used for watersport recreation such and fishing and hunting.

These lakes/ponds may provide post-mining development of residential lake front properties along their shorelines. The residential lot areas would be reclaimed with slope stabilizing grasses.

6.1.2 Prairie/Grassland

A portion of the mine area was restored back to Grassland. These areas were excavated to the desired sub-grade contour during the mining process using traditional excavation machinery. The areas were scarified to alleviate compaction and then capped with native topsoil. The topsoil is local material obtained from stripping operations.

6.1.3 Industrial Area

The current plant area will remain an industrial area to take advantage of the existing infrastructure (rail, buildings, etc.). Approximately 19 acres of this is the stockpile area which will require ripping, scarifying, final grading and growth media placement for reclamation activity.

6.1.4 Lake

After extraction of the sandstone, the pit will be allowed to fill in with water, creating a 65-acre freshwater lake. Depth of the lake will range from 60 to 135 feet, containing approximately 5,400 acre-ft of water. It is likely that additional shallow structures will be developed in the pit prior to

the end of mining, possibly constructed with overburden from stripping activities performed during the life of the mine. Chapter 30 Permit for this specific area requires that the "pond(s) will be reclaimed to a minimum 3' (horizontal) to 1' (vertical) slope to a minimum 6' water depth or greater.

6.1.5 Agriculture

A portion of the property will remain agricultural land for post mining land use.

6.2 Stormwater Management & Erosion Control

Stormwater management best management practices (BMPs) and erosion control features will be installed prior to performing any topsoil and overburden removal activities (commonly referred to as stripping) and prior to initiating any reclamation activities such as back filling, grading and topsoil placement. The *WDNR Construction Site Best Management Practice Handbook* serves as a resource and guide for the BMPs and controls. Such protection will be installed and maintained including but not limited to grading, protective ditches, silt fencing, straw bales, check dams, and buffer areas to reduce velocity and encourage infiltration. External stormwater runoff will be diverted, to the extent practical, away from any active mine area. While internal stormwater runoff that encounters the disturbed mine area(s) will infiltrate or be incorporated to the process water pond(s). Please refer to stormwater measure stated above in section 5.2.4.

6.2.1 Topsoil and Overburden Removal, Storage, Redistribution & Site Preparation

6.2.1.1 Removal

Stormwater management best management practices (BMPs) and erosion control features will be installed prior to performing any topsoil and overburden removal activities (commonly referred to as stripping) and prior to initiating any reclamation activities such as back filling, grading and topsoil placement. The *WDNR Construction Site Best Management Practice Handbook* serves as a resource and guide for the BMPs and controls.

As mining progresses, trees and brush are removed from the mine site. Topsoil is scraped with a track dozer from the surface to a depth of 8-24 inches. Wheel loaders then load it onto rear dump trucks for transport to the storage or reclaim area. Water trucks will sprinkle water on traffic areas to minimize dust generation.

When possible, the soil removed from new mining areas will be redistributed to complete reclamation of previously mined areas. If immediate reclamation is not performed, the soil is stockpiled for future reclamation.

6.2.1.2 Storage

These stockpiles will be protected from erosion and development of unwanted weeds and plants during storage by seeding the mix listed in Table 2 or some suitable alternative. Silt fencing may also be employed as a best management practice (BMP) to reduce the potential for off-mine sedimentation. Stockpiles will not be placed in existing natural drainages.

6.2.1.3 Redistribution & Site Preparation

As soon as practical, BMC will perform all necessary grading to achieve final topography and drainage patterns once mining phases are completed. The reclaim areas would be prepared by first grading the subsoil to reduce any steep slopes to a maximum slope of 3:1 horizontal to vertical incline. Proven techniques and practices would be employed to ensure that reclaimed slopes would be stable during and after construction. This activity would be performed with a track dozer. BMC will ensure that the sub grade is prepared to ensure proper adherence between the subsequent layer of topsoil and the underlying material.

Topsoil shall be uniformly distributed in a manner which minimizes compaction and prevents erosion. Topsoil distribution activity will be completed during proper moisture conditions. It will not be performed during or immediately after a precipitation event until the soils has adequately dried. Any clumps of material will be broken down using disks, rakes or other appropriate equipment to achieve a uniformly textured soil for proper seed bed preparation. In addition, the surface will be dressed to a uniform texture to improve soil contact and seed germination.

Dust suppression will be performed during reclamation activities if necessary. Water trucks will sprinkle water on traffic areas to minimize dust generation.

6.3 Final Topography

The anticipated final topography of the site following successful reclamation is shown in Drawing No. 7. The final topography will be designed to blend with the natural surrounding landscape and allow for successful re-vegetation.

6.3.1 Final Grading & Slopes

BMC will employ proven techniques and practices to ensure that reclaimed slopes will be stable during and after construction. Any remaining high walls will be reduced to a slope no greater than 3H:1V. All slopes will be graded in a way so to create a natural appearance by blending and feathering the contours into the existing natural terrain.

Excess material will also be stored close to the actual point of final use to reduce double handling. All unconsolidated slopes will be graded no steeper than 3:1. Storage will be chosen to avoid negative environmental impacts.

If any compaction is evident, some scarification method will be employed to alleviate compaction and ensure a good bond between the subsoil and the topsoil. Grading will be completed to avoid any ponding of water on the reclaimed surface.

Phased construction or development of the mine site will be conducted in a controlled manner to minimize exposed areas along with concurrent reclamation.

6.3.2 Re-vegetation Plan

Re-vegetation efforts include seeding, mulching and fertilizing. Seeding activity will be carried out using the appropriate equipment (seed drill, hydro seeding, broadcasting) and in a manner to avoid soil compaction. Seeded areas will be covered with mulch to minimize erosion. The size of the seeding area will be no larger than what can be seeded and mulched in the same day. All plant materials shall be handled with care and quality healthy seeds will be used to ensure proper germination. Seeds that show signs of injury, mold, rot or excessive drying will not be used. Mulch may be marsh hay, wheat straw or equivalent weed-free mulch. It will be applied uniformly at a rate of 1-1.25 ton per acre by means of a mulching blower machine.

Seed application will occur at any time during the growing season if soil conditions and moisture is suitable. Seeding will not be carried out when conditions are too dry, too windy or immediately following a significant rain event.

6.3.2.1 Quick Mix Seeding & Mulching

During reclamation, BMC will attempt, through selection and development of adequate seed mixtures to facilitate fast growth and adequate cover to minimize erosion. The proposed reclamation seed mixes will be used. The quick mix will be used sparingly when a quick establishment is necessary. Otherwise, the prairie seed mix will be the dominant seeding scheme. Successive seeding may be necessary. If it becomes apparent that the seed

mixture is not taking after one year, BMC will address the issue by adjusting the seed mixture and reseeding. The choice times for the quick seed mix are April 15th thru May 30th and September 15 thru October 15th. This seed mixture will be utilized secondary to the native prairie seed mix (Section 7.6.3) if a quick seed vegetation cover is desired for erosion purposes.

TABLE 2: QUICK SEED MIX

Species	Amount	lbs./ac.
Perennial Rye	30%	4.5
Annual Rye	20%	3
Tall Fescue	20%	3
Timothy	15%	1.5
Kentucky Blue Grass	15%	1.5
Cover crop (oats or Rye)	2 bushels per acre	---
Total cost per acre	\$40-45	---

- Cover crop of certified seed oats would be planted at 50 -75 pounds/acre on sloped ground in spring.
- Cover crop of certified winter wheat would be planted at 75-100 lbs/acre on sloped ground in fall.

6.3.2.2 *Native Prairie Establishment Seeding, Mulching & Maintenance*

Planting would occur with a specialized prairie seed drill. The drill would be equipped with three planting boxes. Each hopper or box would serve a purpose for the different sizes of seed. One box would serve for planting the forbs (tiny seed), one box would plant the grass (fluffy large seed) and one box would plant the cover crop (large grain seed).

The choice times for the native prairie mix are April 1 thru May 30 and October 15 thru November 15th.

Following planting, mowing would be performed once undesirable weed species reach knee height. This would be performed twice for the first two growing seasons. Mowing should be performed before weeds drop seed. If any invasive plants establish in the planting area it may be necessary to perform a selective herbicide treatment on the problem plants. Be sure to only apply herbicide on the undesirable plant species.

TABLE 3: NATIVE PRAIRIE SEED MIX

Common Name	Rate (ounces)/acre
Big Bluestem	32.0
Indian Grass	16.0
Switch Grass	32.0
Little Bluestem	8.0
Side Oats Grama	16.0
Wild Bergamot	0.3
Prairie Coreopsis	0.5
Lead Plant	0.5
Native Yarrow	0.5
Smooth Aster	0.5
Sky Blue Aster	0.5
White Prairie Clover	2.0
Purple Pale Coneflower	3.0
Stiff Goldenrod	0.5
Partridge Pea	5.0
Purple Prairie Clover	2.0
Showy Goldenrod	0.5
Butterfly Milkweed	0.5
Canada Wild Rye	16.0
Yellow Coneflower	0.5
Common Evening Primrose	0.5
Ox-Eye Sunflower	0.5
Button Blazing Star	0.3
Ohio Spiderwort	1.0
Black Eyed Susan	0.3
Canada Tick Trefoil	1.0
New England Aster	0.5
Total cost per acre	\$210-220

- Cover crop of certified seed oats would be planted at 50 -75 pounds/acre on sloped ground in spring.
- Cover crop of certified winter wheat would be planted at 75-100 lbs/acre on sloped ground in fall.

6.3.3 Follow Up Inspections and Necessary Site Maintenance

Sediment and erosion control systems will be inspected on a regular basis. Periodic follow up inspections of all reclaimed or otherwise stabilized surfaces will be conducted to ensure that they are in a condition stable to enough to control erosion and sedimentation and ensure property germination and growth occur.

Any damage due to traffic, wind, water or other causes detected will be promptly repaired and maintained. Likewise, other work to ensure long-term success of the vegetation including follow up fertilization, other necessary soil amendments, as well as any weed or pest control that may be needed to restore and maintain adequate vegetative cover will be accomplished. Inspections will continue until adequate permanent vegetation is sustained. This is believed to be an integral part of the long-term vegetation development.

6.4 Pit Advance

The general progression of mining activity is shown in Drawing No. 5. The general backfill sequence will follow the same sequence. Timelines are listed in Table 4 below.

6.5 Site Life

Area #1; the total sandstone deposit extends approximately 105 acres. The thickness of the sandstone ranges from 45 to 140 feet. The average mining depth is about 85 feet. The volume of sandstone at current production rates determined the site life for this area to be about 20 years, of which 12 have been mined, leaving 8 remaining.

The sandstone deposit in area #2 spans over 24 acres accessible to BMC. Here, the sandstone thickness ranges from 35 to 80 feet, with an average mining depth of about 60 feet. The volume of sandstone at current production rates determines the site life for this area to be 4 years.

The total site life estimate of 12 years may be affected due to changes in process recovery and annual production demands.

TABLE 4: MINING/RECLAMATION AREA TIMELINE

Area #	Total Acres	Mining Begins	Mining Ends	Reclamation Completed
1	105	2023	2031	2032
2	27	2030	2034	2035
3	29	---	2035	2036

6.6 Reclamation Timeframe

6.6.1 Concurrent Reclamation

The reclamation process is a continuous effort as previously mined areas are constantly backfilled, capped with growth media and then seeded. The goal is to minimize land disturbance and the total area exposed to stormwater and erosion. Concurrent reclamation includes Area #1 & #2. The entire mining and reclamation process takes approximately 3-5 years for any particular area to be developed/mined/reclaimed. This timeframe encompasses the initial, topsoil and overburden removal, sand mining, backfilling, growth media placement and final seeding.

6.6.2 Final Reclamation

The final reclamation of the BMC - Fairwater property includes Area #3. BMC intends to initiate reclamation of this project within one year after closure of the Fairwater Plant mine.

6.7 Criteria for Successful Reclamation

6.7.1 Standard for Vegetative Success

The success rate of reclaimed areas is based on the percent vegetative cover present. An area is considered reclaimed once 70% vegetative cover is sustained for one growing season. The methods defined in USDA NRSC Code 342 will be used as guidelines.

6.7.2 Standard for Pond Success

The success rate of an area reclaimed to a pond will be based on the USDA NRCS Conservation Practice Standard Code 378.

6.7.3 Standard for Agricultural Success

The success rate of area reclaimed to agriculture is based on the area having a gradient of less than 4H:1V and containing a minimum of 6 inches of topsoil. This soil shall be of local material that has been relocated and possibly stockpiled during the mining sequence. The area will be able sustain an annual crop growth.

6.7.4 Standard for Industrial Success

The success rate of industrial areas will be simply the utilization of the existing infrastructure such as rail, buildings, structures, utilities, etc.

6.8 Plan Modification

A request will be made if changes occur to the areas to be mined, the nature of the planned reclamation or other aspects of mining required by approval and procedures identified in Chapter NR 135 Wisconsin Administrative Code and/or the Green Lake County Nonmetallic Mining Ordinance.

6.9 Annual Reporting

Annual reports submitted by Green Lake County will be completed and returned on or before January 31st of each year for the previous calendar year activities

6.10 Reclamation Costs & Financial Assurance

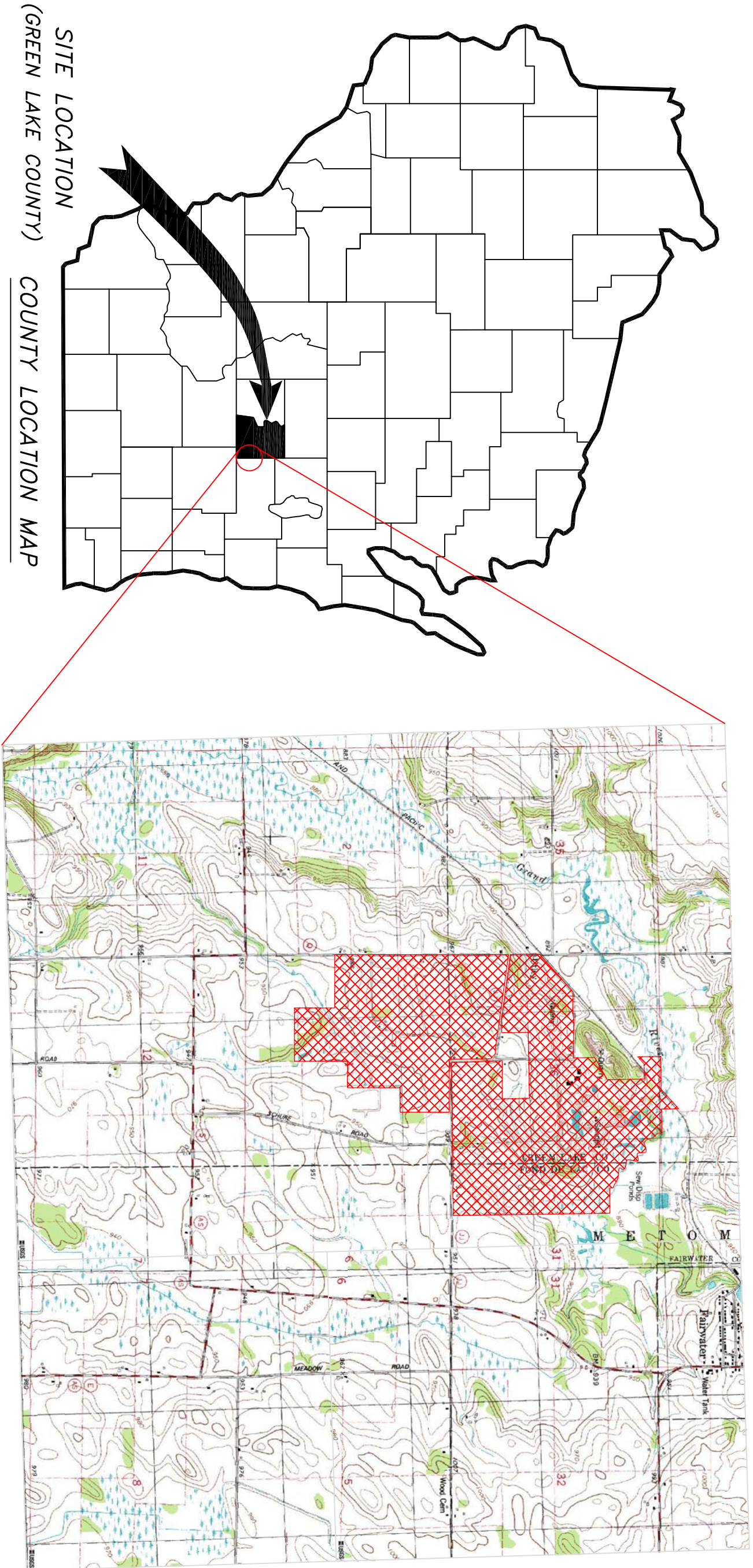
The costs associated with the current reclamation status is updated each year. The Financial assurance will be posted based on the number of active acres and will be submitted as requested by Green Lake County in their annual renewal process.

One of the main reasons for revising this Reclamation Plan is due to the dual regulatory jurisdiction between Green Lake County & the WDNR, which WDNR holds financial assurance requirements for the 65-acre lake / pond reclamation area & GL County will hold the financial assurance for all other area.

See Attached Reclamation Costs

DRAWINGS

BADGER MINING CORPORATION
 FAIRWATER MINE FACILITY



SITE LOCATION
 (GREEN LAKE COUNTY) COUNTY LOCATION MAP

DRAWING NO. 1

NR135 RECLAMATION REPORT
 FAIRWATER MINE FACILITY


REVISION: DECEMBER 15, 2022

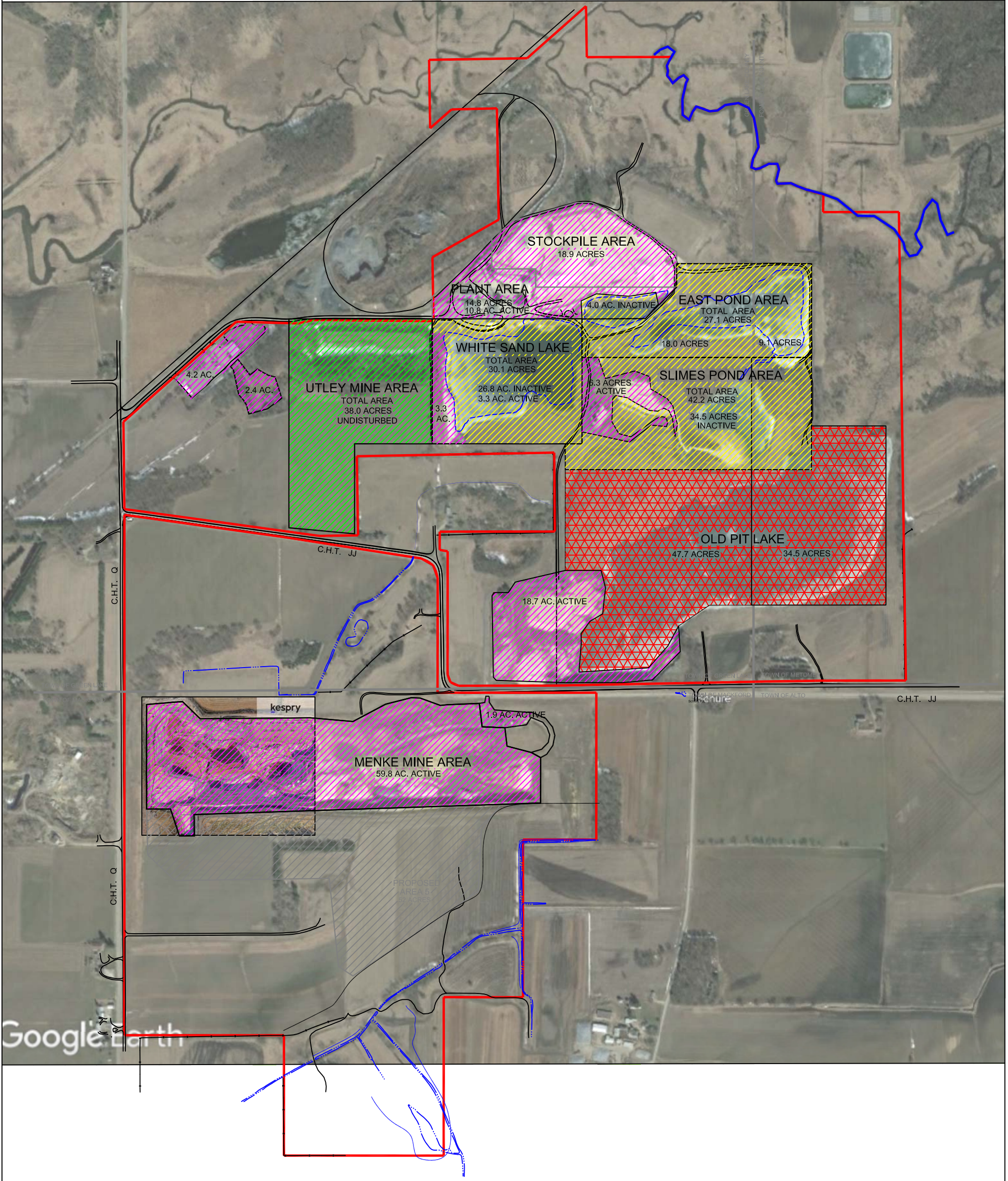
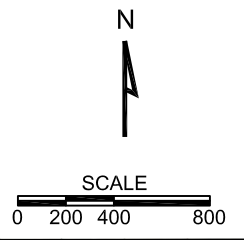
SITE LOCATION MAP

BADGER
 MINING
 CORPORATION - FAIRWATER PLANT

GREEN LAKE COUNTY
 TOWN OF GREEN LAKE
 TOWNSHIP 15N, RANGE 13E, SECTION 36

GREEN LAKE COUNTY
 TOWN OF MACKFORD
 TOWNSHIP 14N, RANGE 13E, SECTION 1

-  TREELINE
-  WATER
-  EXISTING STRUCTURE
-  ROAD
-  RAILROAD TRACKS
-  PROPERTY BOUNDRY
-  INACTIVE - PROPOSED
-  INACTIVE - RECLAIMED
-  INACTIVE - TEMP. RECLAIMED
-  INACTIVE - UNDISTURBED
-  ACTIVE - MINE
-  ACTIVE - INDUSTRIAL



DRAWING NO. 2

NR135 RECLAMATION REPORT
 FAIRWATER MINE FACILITY


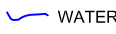

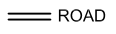


REVISION: DECEMBER 15, 2022



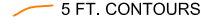
EXISTING SITE CONDITIONS

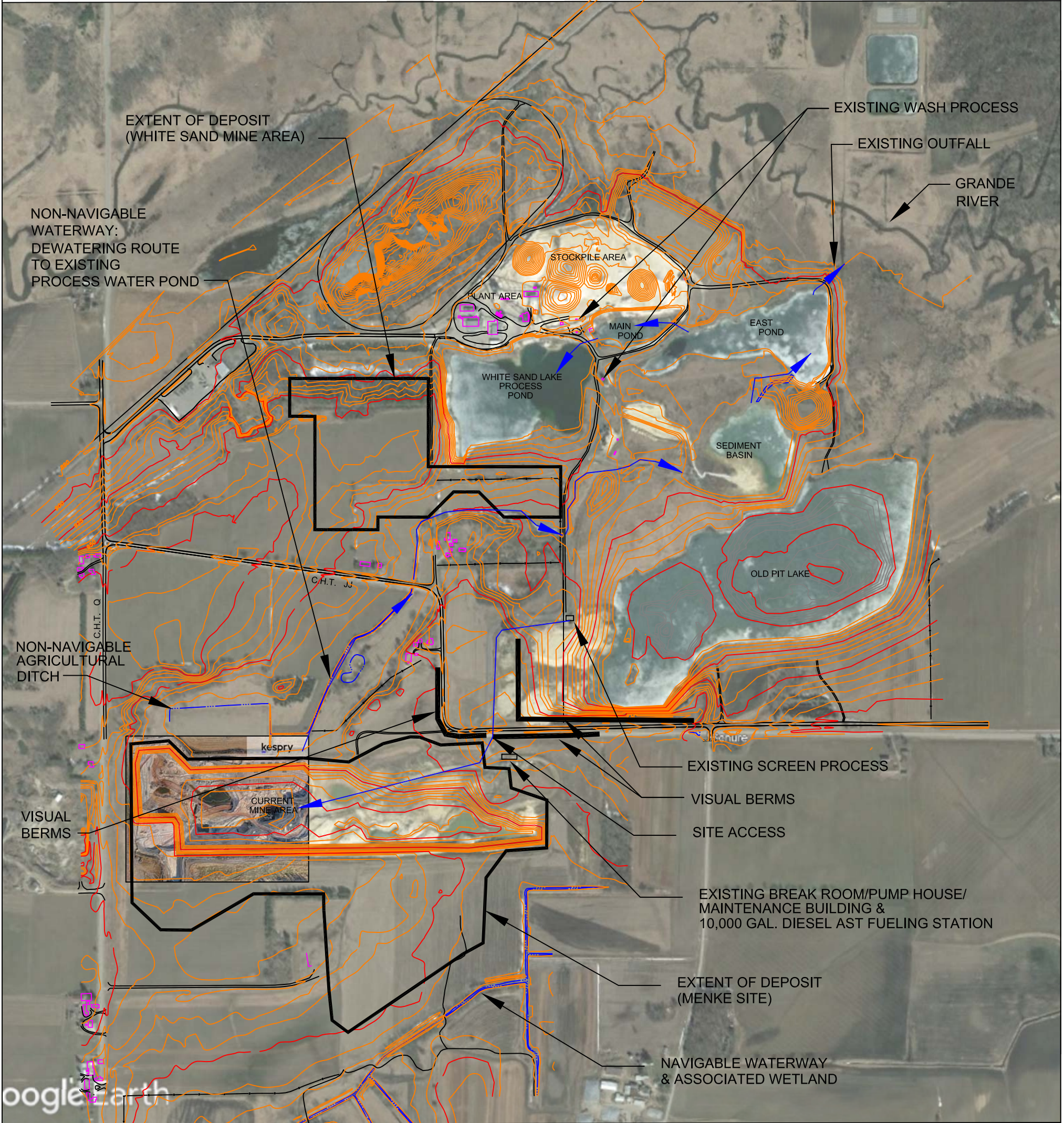
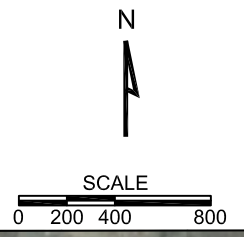
BADGER
 MINING
 CORPORATION - FAIRWATER PLANT

GREEN LAKE COUNTY
TOWN OF GREEN LAKE
TOWNSHIP 15N, RANGE 13E, SECTION 36

GREEN LAKE COUNTY
TOWN OF MACKFORD
TOWNSHIP 14N, RANGE 13E, SECTION 1

-  TREELINE
-  WATER
-  EXISTING STRUCTURE
-  ROAD
-  RAILROAD TRACKS
-  PROPERTY BOUNDARY

-  EXTENT OF DEPOSIT
-  25 FT. CONTOURS
-  5 FT. CONTOURS



DRAWING NO. 3

NR135 RECLAMATION REPORT
FAIRWATER MINE FACILITY


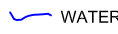

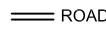
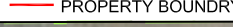

REVISION: DECEMBER 15, 2022

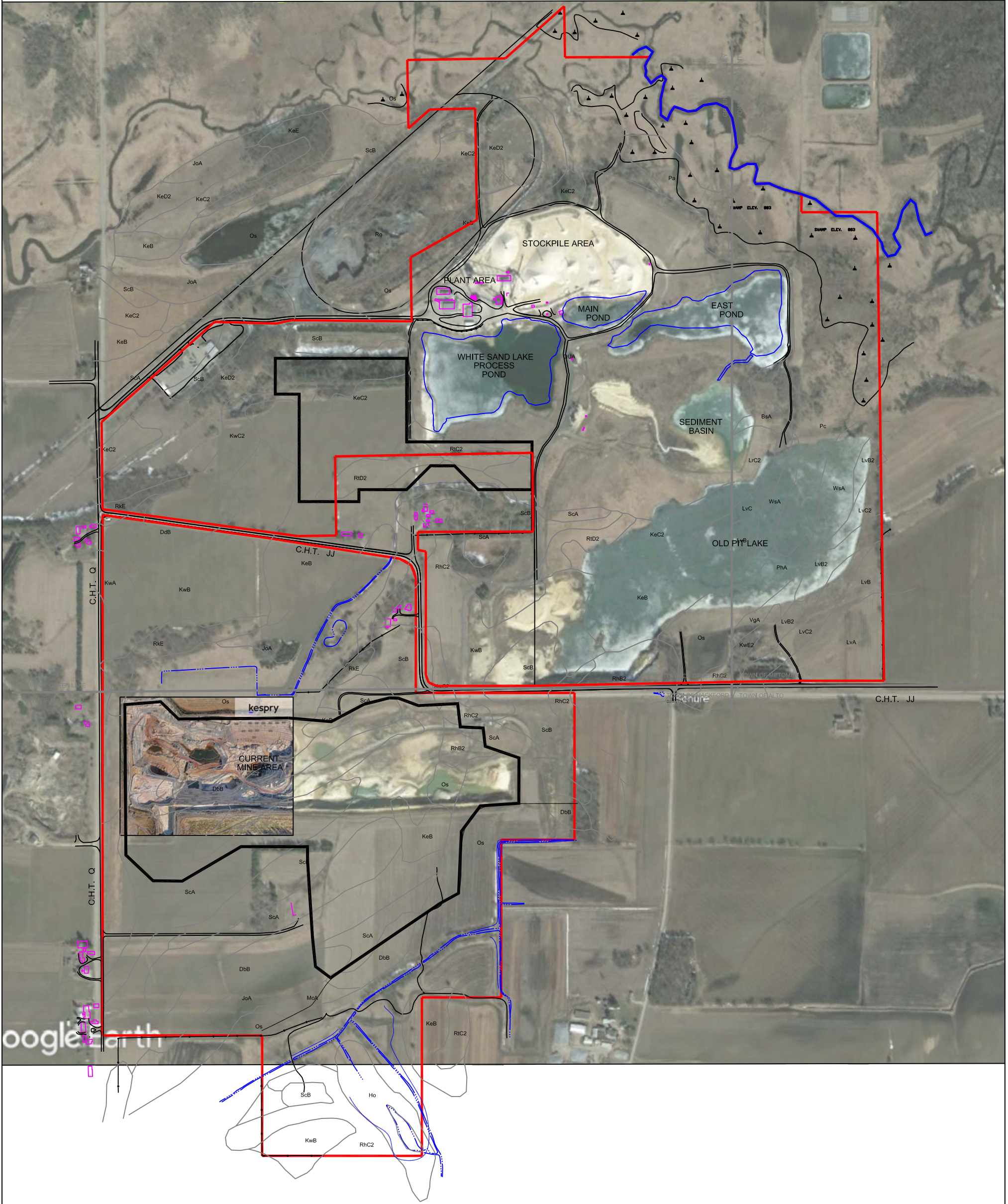
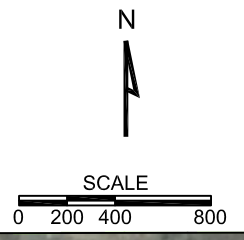
SITE LAYOUT; EXISTING TOPOGRAPHY

BADGER
MINING
CORPORATION - FAIRWATER PLANT

GREEN LAKE COUNTY
 TOWN OF GREEN LAKE
 TOWNSHIP 15N, RANGE 13E, SECTION 36

GREEN LAKE COUNTY
 TOWN OF MACKFORD
 TOWNSHIP 14N, RANGE 13E, SECTION 1

-  TREELINE
-  WATER
-  EXISTING STRUCTURE
-  ROAD
-  RAILROAD TRACKS
-  PROPERTY BOUNDARY
-  SOIL LINE BOUNDARY
-  EXTENT OF DEPOSIT



DRAWING NO. 4

NR135 RECLAMATION REPORT
 FAIRWATER MINE FACILITY


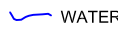

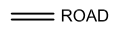


REVISION: DECEMBER 15, 2022


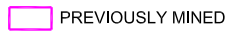

EXISTING SOIL SURVEY

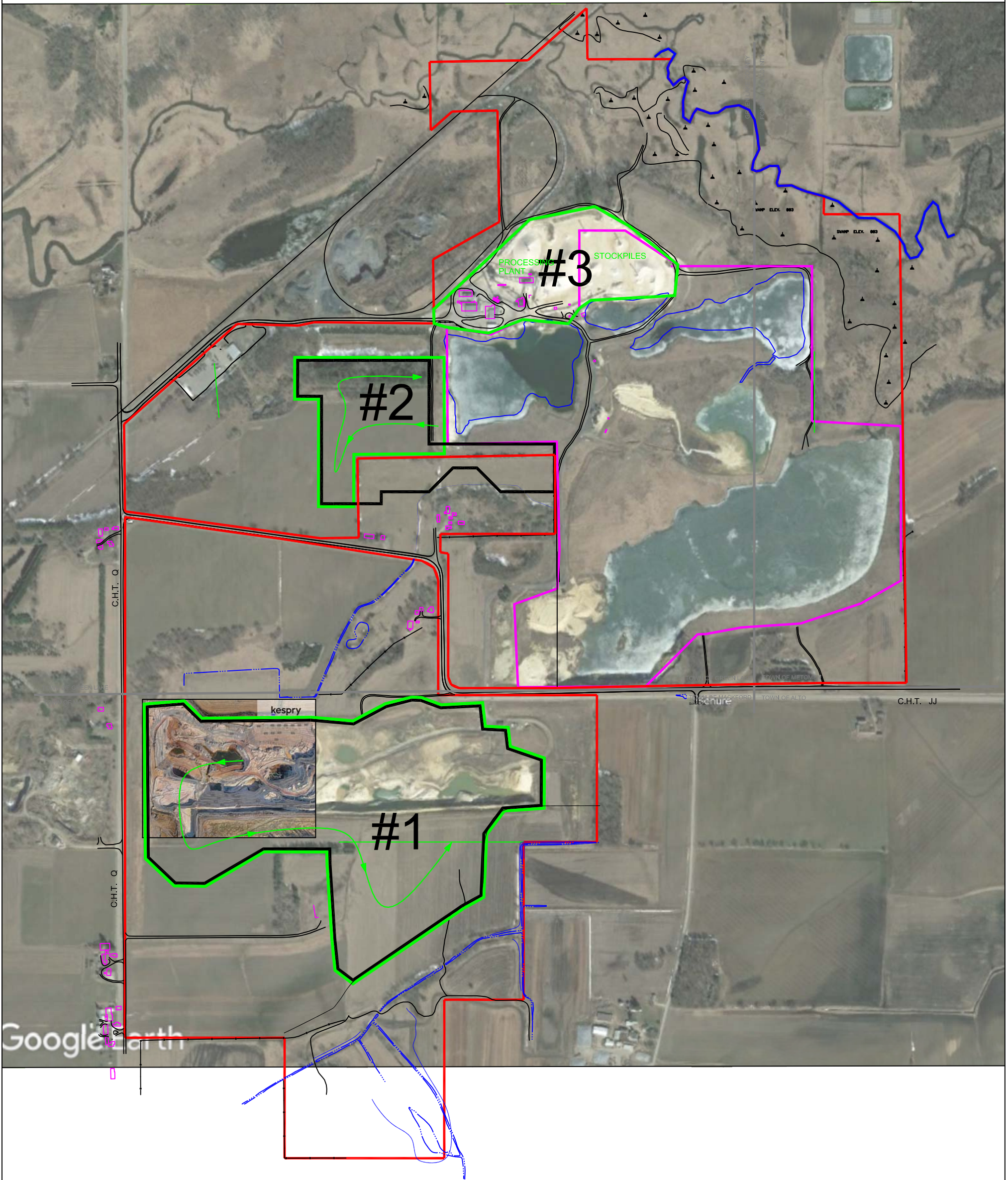
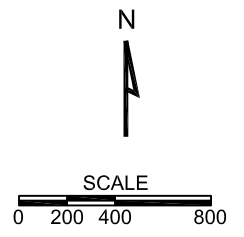
BADGER
 MINING
 CORPORATION - FAIRWATER PLANT

GREEN LAKE COUNTY
TOWN OF GREEN LAKE
TOWNSHIP 15N, RANGE 13E, SECTION 36

GREEN LAKE COUNTY
TOWN OF MACKFORD
TOWNSHIP 14N, RANGE 13E, SECTION 1

-  TREELINE
-  WATER
-  EXISTING STRUCTURE
-  ROAD
-  RAILROAD TRACKS
-  PROPERTY BOUNDARY

-  EXTENT OF DEPOSIT
-  PREVIOUSLY MINED
-  #1 MINING & RECLAMATION AREA & SEQUENCE



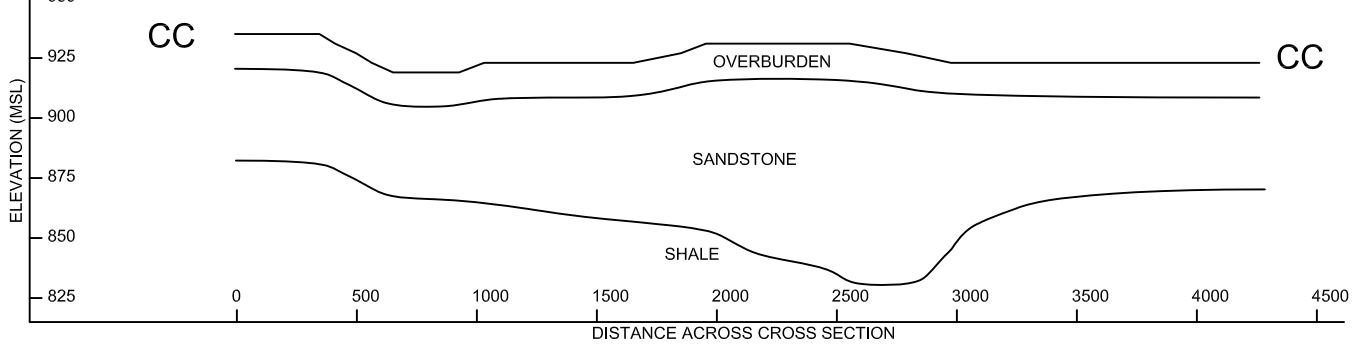
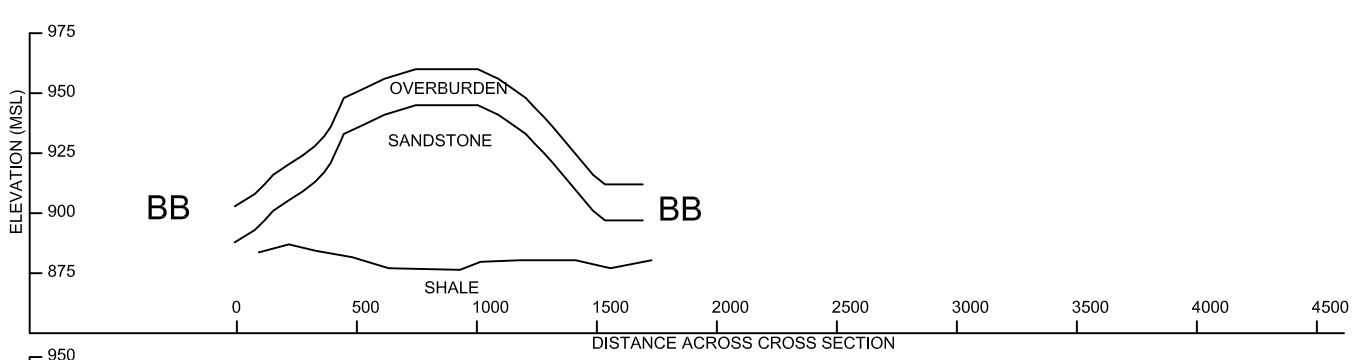
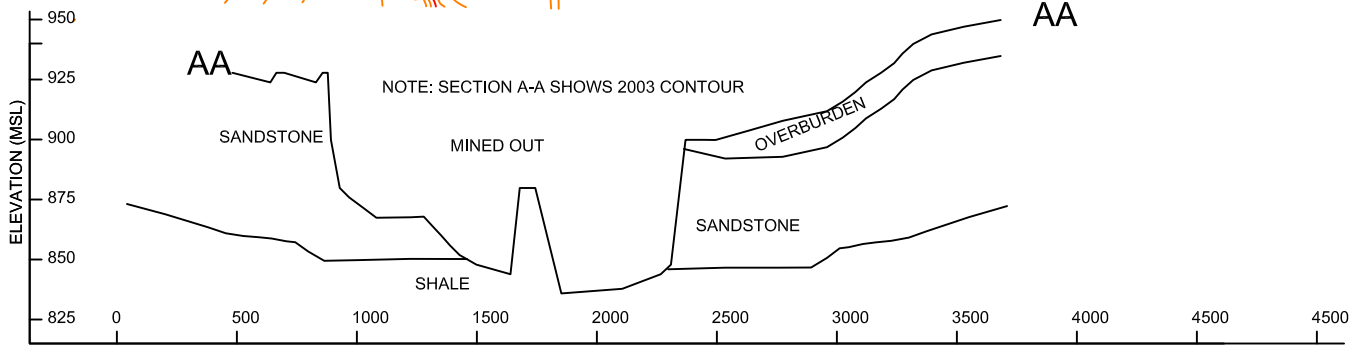
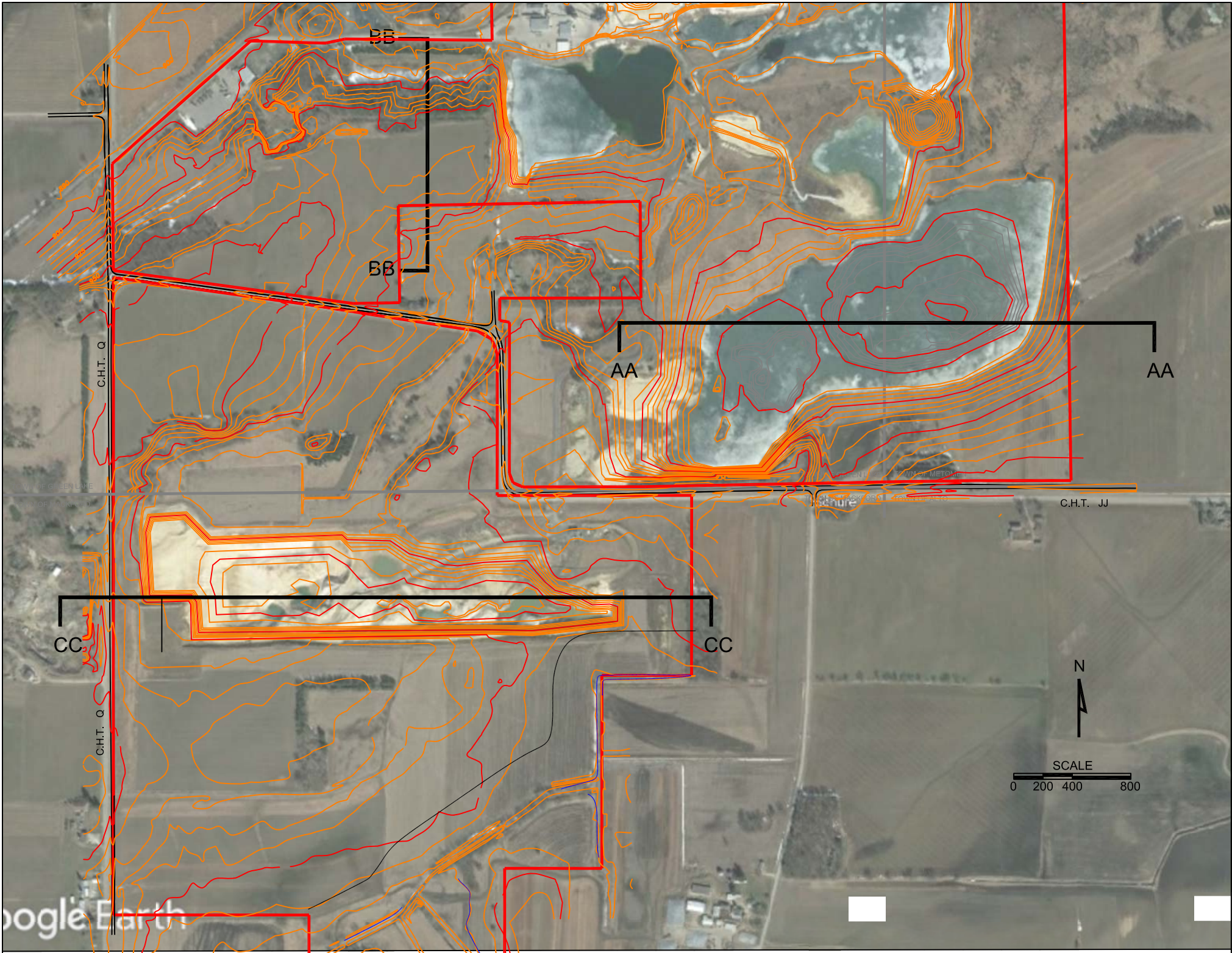
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NR135 RECLAMATION REPORT
FAIRWATER MINE FACILITY

REVISION: DECEMBER 15, 2022

MINING & RECLAMATION SEQUENCE

BADGER
MINING
CORPORATION - FAIRWATER PLANT



- PROPERTY BOUNDARY
- 25 FT. CONTOURS
- 5 FT. CONTOURS

DRAWING NO. 6

NR135 RECLAMATION REPORT
FAIRWATER MINE FACILITY

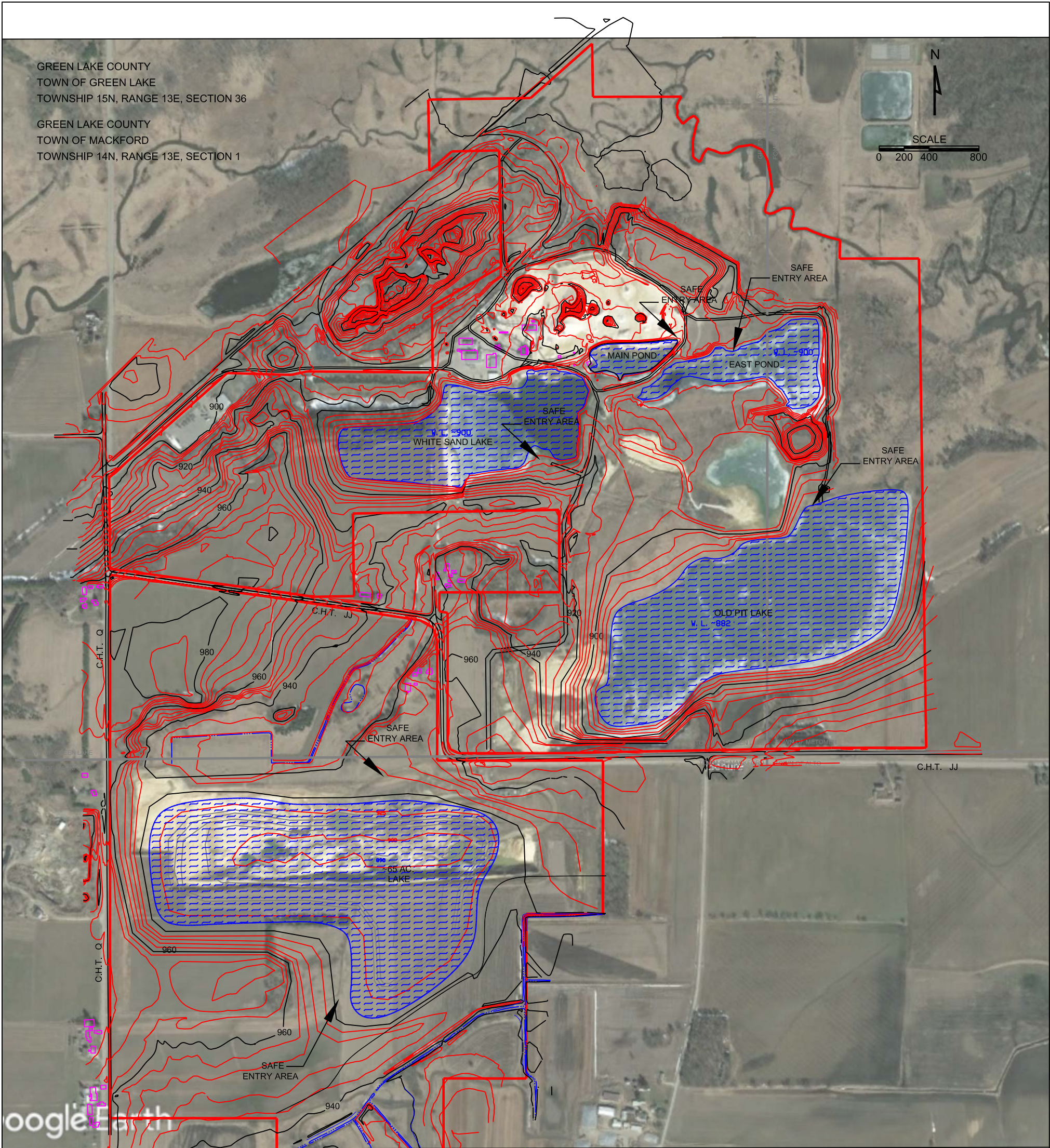
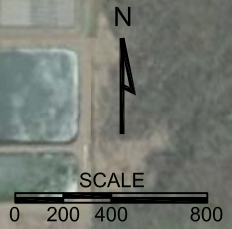
REVISION: DECEMBER 15, 2022

EXISTING GEOLOGIC CROSS SECTIONS

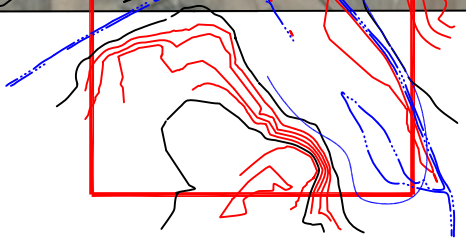
BADGER
MINING
CORPORATION - FAIRWATER PLANT

GREEN LAKE COUNTY
TOWN OF GREEN LAKE
TOWNSHIP 15N, RANGE 13E, SECTION 36

GREEN LAKE COUNTY
TOWN OF MACKFORD
TOWNSHIP 14N, RANGE 13E, SECTION 1



Google Earth



LEGEND

- TREELINE
- WATER
- EXISTING STRUCTURE
- ROAD
- RAILROAD TRACKS
- PROPERTY BOUNDARY
- SOIL LINE BOUNDARY
- 20 FT. CONTOURS
- 4 FT. CONTOURS

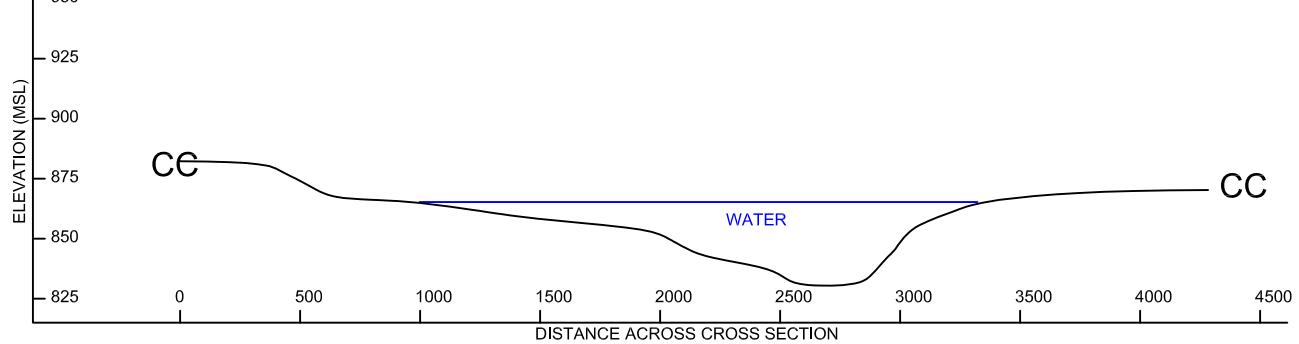
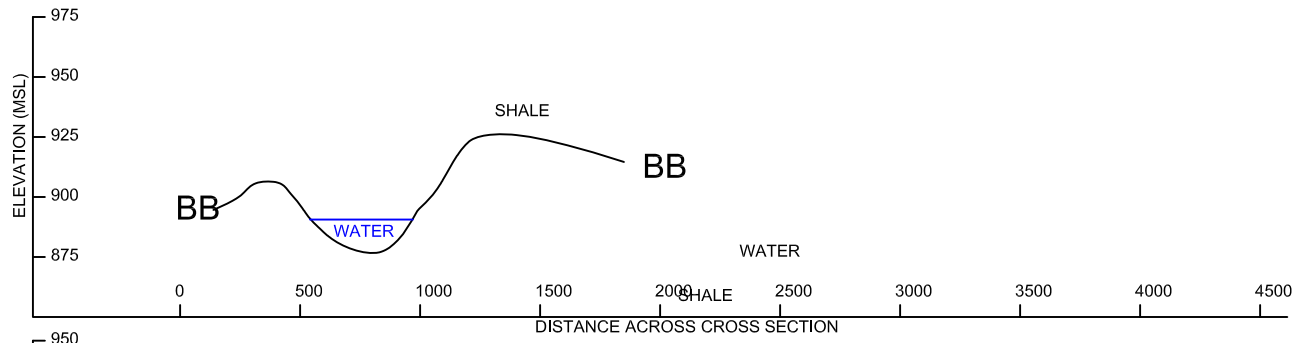
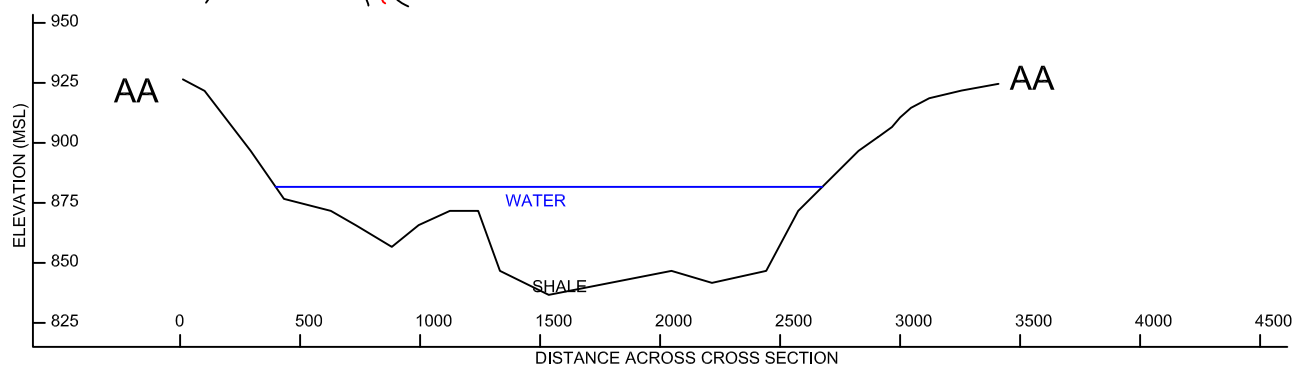
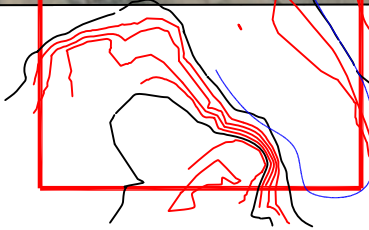
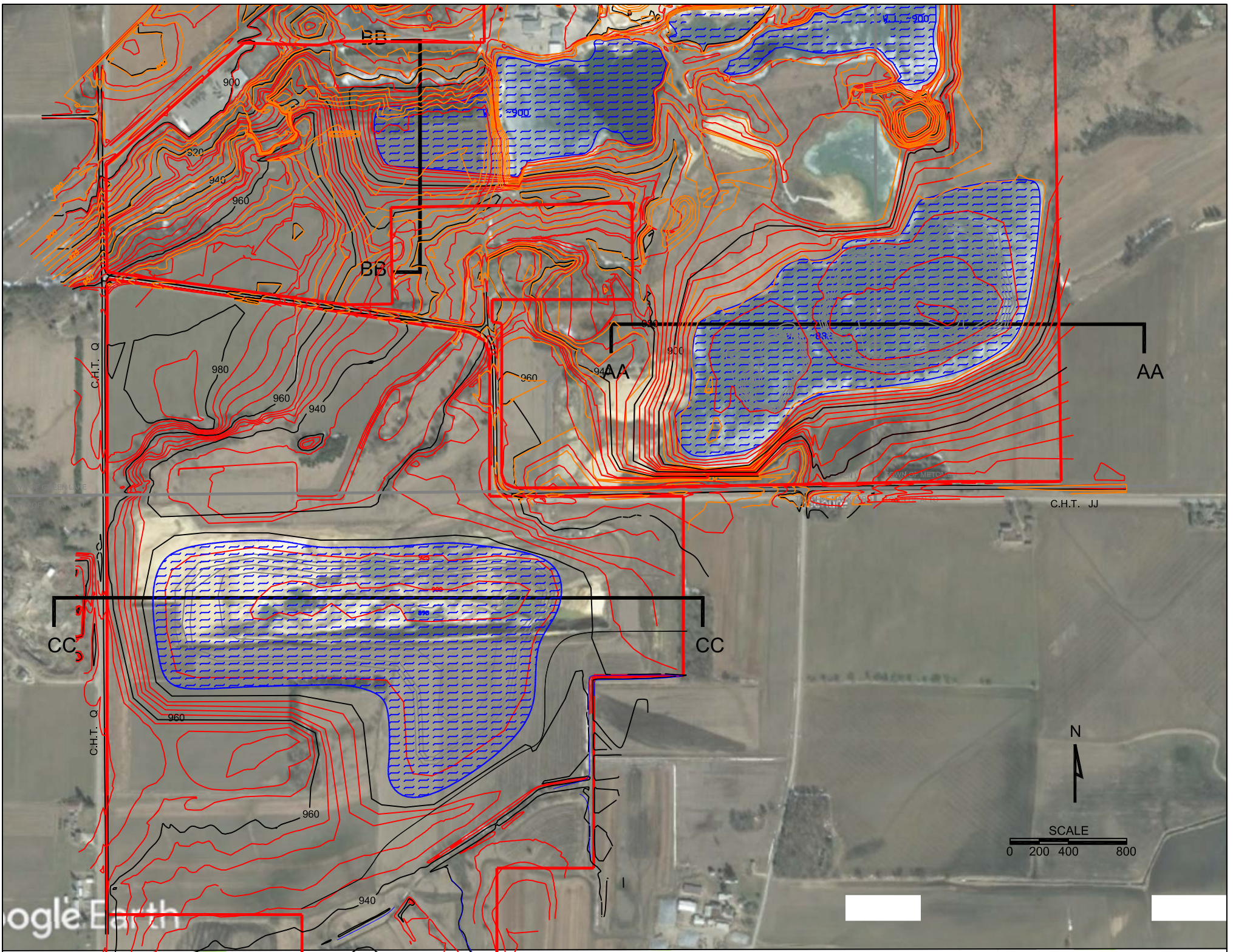
DRAWING NO. 7

NR135 RECLAMATION REPORT
FAIRWATER MINE FACILITY

REVISION: DECEMBER 15, 2022

POST-MINING RECLAMATION CONDITIONS

BADGER
MINING
CORPORATION - FAIRWATER PLANT



- PROPERTY BOUNDARY
- 20 FT. CONTOURS
- 4 FT. CONTOURS

DRAWING NO. 8

NR135 RECLAMATION REPORT
FAIRWATER MINE FACILITY



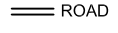
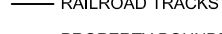

REVISION: DECEMBER 15, 2022

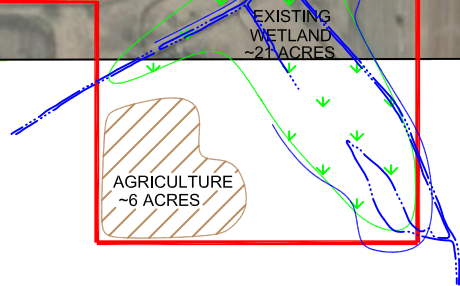
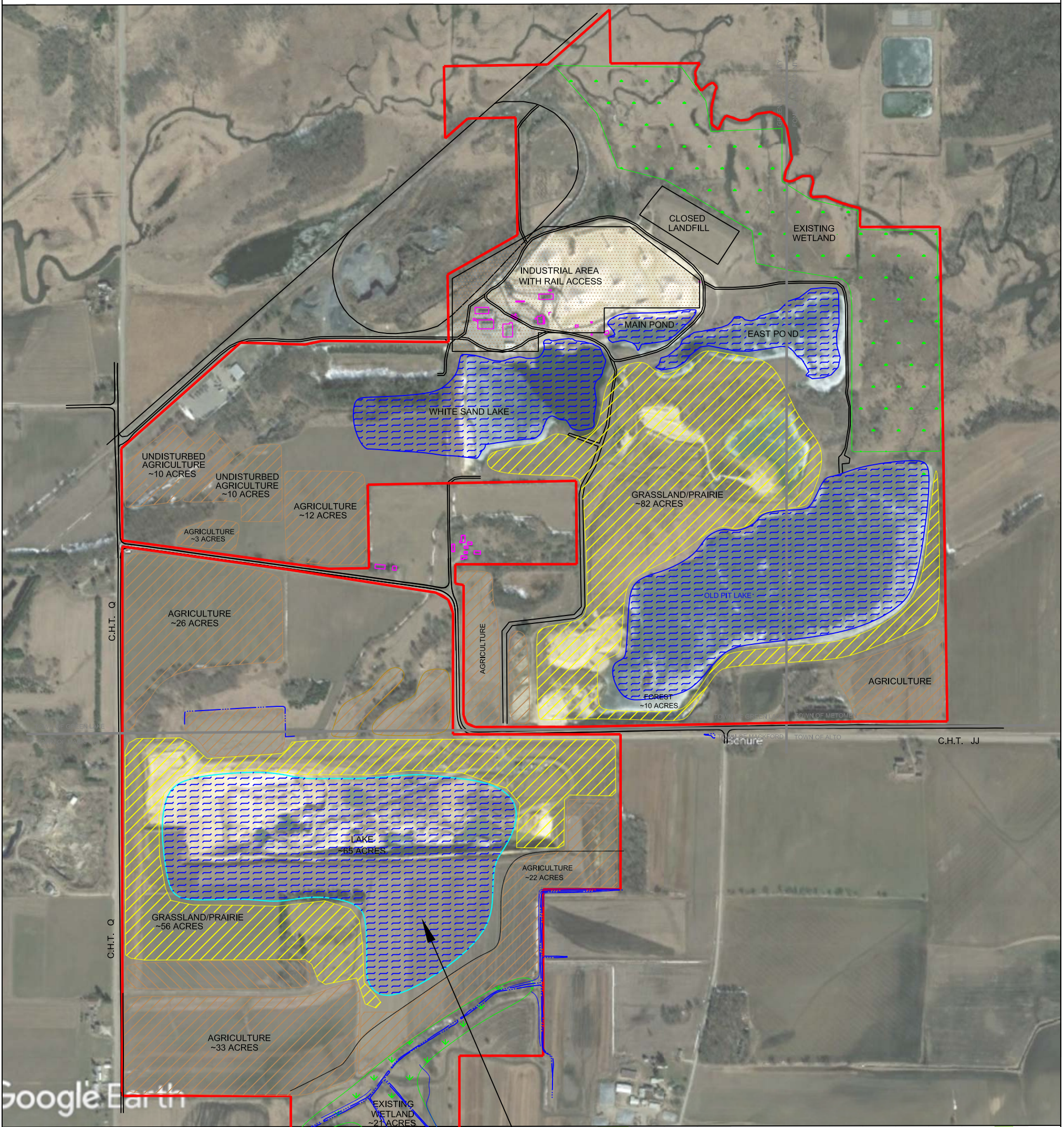
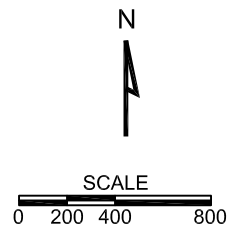
POST-MINING GEOLOGIC CROSS SECTIONS

BADGER
MINING
CORPORATION - FAIRWATER PLANT

GREEN LAKE COUNTY
 TOWN OF GREEN LAKE
 TOWNSHIP 15N, RANGE 13E, SECTION 36

GREEN LAKE COUNTY
 TOWN OF MACKFORD
 TOWNSHIP 14N, RANGE 13E, SECTION 1

-  WATER
-  EXISTING STRUCTURE
-  ROAD
-  RAILROAD TRACKS
-  PROPERTY BOUNDARY



- This Reclamation Plan has the dual regulatory jurisdiction between Green Lake County & the WDNR.
- WDNR holds financial assurance requirements for the 65-acre lake / pond reclamation area.
 - Green Lake County will hold the financial assurance for all other area

DRAWING NO. 9

NR135 RECLAMATION REPORT
 FAIRWATER MINE FACILITY

REVISION: DECEMBER 15, 2022

POST-MINING LAND USE

BADGER
 MINING
 CORPORATION - FAIRWATER PLANT

Replace with Parcel Table on Page 5

Description	Parcel Number	Township
S31, T15N, R14E	T14 00783 (T14-15-14-31-07-001-00)	Town of Metomen, Fond du Lac County
S31, T15N, R14E	T14 00782 (T14-15-14-31-10-001-00)	Town of Metomen, Fond du Lac County
S31, T15N, R14E	T14 00779 (T14-15-14-31-10-001-00)	Town of Metomen, Fond du Lac County
S1, T14N, R13E	010-00008-0000	Town of Mackford, Green Lake County
S36, T15N, R13E	006-00705-0000	Town of Green Lake, Green Lake County
S36, T15N, 13E	006-00708-0100	Town of Green Lake, Green Lake County
S25, T15N, 13E S36, 15N, 13E	006-00708-0200	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-00719-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-00719-0100	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-00720-0100	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-00724-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-00725-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-00726-0000	Town of Green Lake, Green Lake County
S36, T15N, R13E	006-00729-0000	Town of Green Lake, Green Lake County

Updated: 12/22/2022

Area	SQ.FT.	ACREAGE			COST		
		Total Acres	Inactive	Active	Earthwork	Finish Work	Total
PLANT	645,900	14.8	4.0	10.8	\$75,655	\$54,500	\$130,154
STOCKPILE	823,100	18.9	0.0	18.9			
SLIMES POND AREA	1,836,100	42.2	35.9	6.3			
EAST POND	1,179,500	27.1	27.1	0.0	\$58,501	\$17,616	\$76,117
WHITE SAND LAKE	1,313,000	30.1	26.8	3.3			
UTLEY MINE AREA	1,656,400	38.0	38.0	0.0			
LOGIC HAUL PIT	106,700	2.4	0.0	2.4	\$42,749	\$4,495	\$47,244
LOGIC HAUL BUILDINGS	180,800	4.2	0.0	4.2			
OLD PIT LAKE (WEST)	2,890,300	66.4	47.7	18.7	\$68,303	\$34,315	\$102,618
OLD PIT LAKE (EAST)	1,504,500	34.5	34.5	0.0			
MENKE MINE AREA	4,877,400	112.0	50.3	61.7			
TOTALS	12,136,300	278.6	214.0	126.3	\$245,208	\$110,925	\$356,132
65-ACRE LAKE				65.0	CH30 Permit Bonding Separate Financial Assurance		\$310,570

NOTES: Reclamation estimate assumes continued operations until the deposit is depleted.
 Final Reclamation consists of the plant, stockpile, slimes pond, existing open mine and logichaul pit.
 Logic Haul building post-mining use to remain as current use
 East Pond & Whitesand Lake will remain a lake for final reclamation.
 The Utley Mine area will be reclaimed to a lake (connected to Whitesand Lake)
 Continued stripping operations will take care of the highwall reduction earthwork in the mine areas

RECLAMATION COST ESTIMATE - FAIRWATER PLANT & STOCKPILE AREA**					
CUT & FILL EARTHWORK					\$75,655
	<u>SQ. FT.</u>	<u>Fill Depth</u>	<u>CU.YDS.</u>		
Plant	470,448	1	17,424		
Stockpile	823,284	1	30,492		
Total	1,293,732		47,916		
	1800	Cubic Yards per Truck per Day			
	3	Trucks			
	9	Days to Complete			
	\$1.58	Cost per Cubic Yard			
EQUIPMENT HOURS					
	Excavator	72	Hours		
	Haul Truck	72	Hours		
	Haul Truck	72	Hours		
	Haul Truck	72	Hours		
	Dozer	72	Hours		
	Water Truck	36	Hours		
MOBILIZATION COST					\$3,400
	Excavator Mobilization Cost	\$300	One Way	Cost	\$600
	Haul Truck Mobilization Cost	\$300	One Way	Cost	\$600
	Haul Truck Mobilization Cost	\$300	One Way	Cost	\$600
	Haul Truck Mobilization Cost	\$300	One Way	Cost	\$600
	Dozer Mobilization Cost	\$500	One Way	Cost	\$1,000
	Water Truck Cost	\$0		Cost	\$0
EQUIPMENT COST					\$50,200
	Excavator Cost	\$9,000	Per Month	Hourly Rate	Cost
	Haul Truck Cost	\$13,000	Per Month	\$51.92	\$9,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Dozer Cost	\$2,200	per Week	\$55.00	\$2,200
	Water Truck Cost	\$0		\$0.00	\$0
FUEL COST					\$8,280
	Fuel Cost	\$2.50		Gallons	Cost
	Excavator Fuel Cost	12	Gallons per hour	864	\$2,160
	Haul Truck Fuel Cost	8	Gallons per hour	576	\$1,440
	Haul Truck Fuel Cost	8	Gallons per hour	576	\$1,440
	Haul Truck Fuel Cost	8	Gallons per hour	576	\$1,440
	Dozer Fuel Cost	5	Gallons per hour	360	\$900
	Water Truck Cost	5	Gallons per hour	360	\$900
LABOR COST					\$12,672
	Excavator Operator Cost	\$32.00	per Hour	Cost	\$2,304
	Haul Truck Operator Cost	\$32.00	per Hour	Cost	\$2,304
	Haul Truck Operator Cost	\$32.00	per Hour	Cost	\$2,304
	Haul Truck Operator Cost	\$32.00	per Hour	Cost	\$2,304
	Dozer Operator Cost	\$32.00	per Hour	Cost	\$2,304
	Water Truck Cost	\$32.00	per Hour	Cost	\$1,152
SUPERVISION COST					\$1,103
	# Trips to site	9	(once per day)	Cost	\$90
	Travel (miles)	20	\$0.50 per mile	Cost	\$1,013
	Wages	\$75.00	per hour	Cost	\$1,013
FINISH WORK					\$54,500
SEED COST					\$9,950
	Deluxe Mix Lawn Seed	100	#/acre	Cost/#	Cost
	Timothy	15	#/acre	\$2.25	\$225
	Clover	15	#/acre	\$2.20	\$33
	Cover Crop	200	#/acre	\$1.80	\$27
				\$0.25	\$50
PLANTING COST					\$44,550
	Finish Dozer	4	Hours per acre	Hourly Rate	Cost
	No-Till Drill	2	Hours per acre	\$100.00	\$400
	Mulcher	3	Hours per acre	\$125.00	\$250
	Bales	225	Hours per acre	\$100.00	\$300
	Misc	2	Hours per acre	\$2.00	\$450
				\$50.00	\$100

**Assume the cost to dismantle the plant equipment & structures would be equal to the salvage value

RECLAMATION COST ESTIMATE - SLIMES, EAST POND, WSL,UTLEY PIT

CUT & FILL EARTHWORK					\$58,501
	<u>SQ. FT.</u>	<u>Fill Depth</u>	<u>CU.YDS.</u>		
SLIMES POND AREA	274,428	1	10,164		
EAST POND	0				
WHITE SAND LAKE	143,748				
UTLEY MINE AREA	0	1	0		
Total	418,176		10,164		
	1800	Cubic Yards per Truck per Day			
	3	Trucks			
	2	Days to Complete			
	\$5.76	Cost per Cubic Yard			
EQUIPMENT HOURS					
	Excavator	16	Hours		
	Haul Truck	16	Hours		
	Haul Truck	16	Hours		
	Haul Truck	16	Hours		
	Dozer	16	Hours		
	Water Truck	8	Hours		
MOBILIZATION COST					\$3,400
				Cost	
	Excavator Mobilization Cost	\$300	One Way	\$600	
	Haul Truck Mobilization Cost	\$300	One Way	\$600	
	Haul Truck Mobilization Cost	\$300	One Way	\$600	
	Haul Truck Mobilization Cost	\$300	One Way	\$600	
	Dozer Mobilization Cost	\$500	One Way	\$1,000	
	Water Truck Cost	\$0		\$0	
EQUIPMENT COST					\$50,200
				Hourly Rate	Cost
	Excavator Cost	\$9,000	Per Month	\$51.92	\$9,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Dozer Cost	\$2,200	per Week	\$55.00	\$2,200
	Water Truck Cost	\$0		\$0.00	\$0
FUEL COST					\$1,840
	Fuel Cost	\$2.50		Gallons	Cost
	Excavator Fuel Cost	12	Gallons per hour	192	\$480
	Haul Truck Fuel Cost	8	Gallons per hour	128	\$320
	Haul Truck Fuel Cost	8	Gallons per hour	128	\$320
	Haul Truck Fuel Cost	8	Gallons per hour	128	\$320
	Dozer Fuel Cost	5	Gallons per hour	80	\$200
	Water Truck Cost	5	Gallons per hour	80	\$200
LABOR COST					\$2,816
				Cost	
	Excavator Operator Cost	\$32.00	per Hour	\$512	
	Haul Truck Operator Cost	\$32.00	per Hour	\$512	
	Haul Truck Operator Cost	\$32.00	per Hour	\$512	
	Haul Truck Operator Cost	\$32.00	per Hour	\$512	
	Dozer Operator Cost	\$32.00	per Hour	\$512	
	Water Truck Cost	\$32.00	per Hour	\$256	
SUPERVISION COST					\$245
	# Trips to site	2	(once per day)	Cost	
	Travel (miles)	20	\$0.50 per mile	\$20	
	Wages	\$75.00	per hour	\$225	
FINISH WORK					\$17,616
		9.6	Acres		
SEED COST					\$3,216
				Cost/#	Cost
	Deluxe Mix Lawn Seed	100	#/acre	\$2.25	\$225
	Timothy	15	#/acre	\$2.20	\$33
	Clover	15	#/acre	\$1.80	\$27
	Cover Crop	200	#/acre	\$0.25	\$50
PLANTING COST					\$14,400
				Hourly Rate	Cost
	Finish Dozer	4	Hours per acre	\$100.00	\$400
	No-Till Drill	2	Hours per acre	\$125.00	\$250
	Mulcher	3	Hours per acre	\$100.00	\$300
	Bales	225	Hours per acre	\$2.00	\$450
	Misc	2	Hours per acre	\$50.00	\$100

RECLAMATION COST ESTIMATE SHEET - LOGIC HAUL AREA

CUT & FILL EARTHWORK \$42,749

	<u>SQ. FT.</u>	<u>Fill Depth</u>	<u>CU.YDS.</u>
Logic Haul PIT	106,700	1	3,952
Logic Haul BUILDINGS	180,800	0	0
	1500	Cubic Yards per Truck per Day	
	2	Trucks	
	2	Days to Complete	
	\$10.82	Cost per Cubic Yard	

EQUIPMENT HOURS

Excavator	16	Hours
Haul Truck	16	Hours
Haul Truck	16	Hours
Dozer	16	Hours
Water Truck	8	Hours

MOBILIZATION COST \$2,800

			Cost
Excavator Mobilization Cost	\$300	One Way	\$600
Haul Truck Mobilization Cost	\$300	One Way	\$600
Haul Truck Mobilization Cost	\$300	One Way	\$600
Dozer Mobilization Cost	\$500	One Way	\$1,000
Water Truck Cost	\$0		\$0

EQUIPMENT COST \$35,880

			Hourly Rate	Cost
Excavator Cost	\$9,000	Per Month	\$51.92	\$9,000
Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
Dozer Cost	\$2,200	per Week	\$55.00	\$880
Water Truck Cost	\$0		\$0.00	\$0

FUEL COST \$1,520

			Gallons	Cost
Fuel Cost	\$2.50			
Excavator Fuel Cost	12	Gallons per hour	192	\$480
Haul Truck Fuel Cost	8	Gallons per hour	128	\$320
Haul Truck Fuel Cost	8	Gallons per hour	128	\$320
Dozer Fuel Cost	5	Gallons per hour	80	\$200
Water Truck Cost	5	Gallons per hour	80	\$200

LABOR COST \$2,304

			Cost
Excavator Operator Cost	\$32.00	per Hour	\$512
Haul Truck Operator Cost	\$32.00	per Hour	\$512
Haul Truck Operator Cost	\$32.00	per Hour	\$512
Dozer Operator Cost	\$32.00	per Hour	\$512
Water Truck Cost	\$32.00	per Hour	\$256

SUPERVISION COST \$245

			Cost
# Trips to site	2	(once per day)	
Travel (miles)	20	\$0.50 per mile	\$20
Wages	\$75.00	per hour	\$225

FINISH WORK \$4,495

SEED COST \$821

			Cost/#	Cost
Deluxe Mix Lawn Seed	100	#/acre	\$2.25	\$225
Timothy	15	#/acre	\$2.20	\$33
Clover	15	#/acre	\$1.80	\$27
Cover Crop	200	#/acre	\$0.25	\$50

PLANTING COST \$3,674

			Hourly Rate	Cost
Finish Dozer	4	Hours per acre	\$100.00	\$400
No-Till Drill	2	Hours per acre	\$125.00	\$250
Mulcher	3	Hours per acre	\$100.00	\$300
Bales	225	Hours per acre	\$2.00	\$450
Misc	2	Hours per acre	\$50.00	\$100

RECLAMATION COST ESTIMATE - OLD PIT LAKE AREA					
CUT & FILL EARTHWORK					\$68,303
	<u>SQ. FT.</u>	<u>Fill Depth</u>	<u>CU.YDS.</u>		
OLD PIT LAKE (WEST)	814,572	1	30,169		
OLD PIT LAKE (EAST)	0	1	0		
Total	814,572		30,169		
	1800	Cubic Yards per Truck per Day			
	3	Trucks			
	6	Days to Complete			
	\$2.26	Cost per Cubic Yard			
EQUIPMENT HOURS					
	Excavator	48	Hours		
	Haul Truck	48	Hours		
	Haul Truck	48	Hours		
	Haul Truck	48	Hours		
	Dozer	48	Hours		
	Water Truck	24	Hours		
MOBILIZATION COST					\$3,400
	Excavator Mobilization Cost	\$300	One Way	Cost	
	Haul Truck Mobilization Cost	\$300	One Way	\$600	
	Haul Truck Mobilization Cost	\$300	One Way	\$600	
	Haul Truck Mobilization Cost	\$300	One Way	\$600	
	Dozer Mobilization Cost	\$500	One Way	\$1,000	
	Water Truck Cost	\$0		\$0	
EQUIPMENT COST					\$50,200
	Excavator Cost	\$9,000	Per Month	Hourly Rate	Cost
	Haul Truck Cost	\$13,000	Per Month	\$51.92	\$9,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Dozer Cost	\$2,200	per Week	\$75.00	\$13,000
	Water Truck Cost	\$0		\$55.00	\$2,200
				\$0.00	\$0
FUEL COST					\$5,520
	Fuel Cost	\$2.50		Gallons	Cost
	Excavator Fuel Cost	12	Gallons per hour	576	\$1,440
	Haul Truck Fuel Cost	8	Gallons per hour	384	\$960
	Haul Truck Fuel Cost	8	Gallons per hour	384	\$960
	Haul Truck Fuel Cost	8	Gallons per hour	384	\$960
	Dozer Fuel Cost	5	Gallons per hour	240	\$600
	Water Truck Cost	5	Gallons per hour	240	\$600
LABOR COST					\$8,448
	Excavator Operator Cost	\$32.00	per Hour	Cost	
	Haul Truck Operator Cost	\$32.00	per Hour	\$1,536	
	Haul Truck Operator Cost	\$32.00	per Hour	\$1,536	
	Haul Truck Operator Cost	\$32.00	per Hour	\$1,536	
	Dozer Operator Cost	\$32.00	per Hour	\$1,536	
	Water Truck Cost	\$32.00	per Hour	\$768	
SUPERVISION COST					\$735
	# Trips to site	6	(once per day)	Cost	
	Travel (miles)	20	\$0.50	per mile	\$60
	Wages	\$75.00	per hour		\$675
FINISH WORK					\$34,315
SEED COST					\$6,265
	Deluxe Mix Lawn Seed	100	#/acre	Cost/#	Cost
	Timothy	15	#/acre	\$2.25	\$225
	Clover	15	#/acre	\$2.20	\$33
	Cover Crop	200	#/acre	\$1.80	\$27
				\$0.25	\$50
PLANTING COST					\$28,050
	Finish Dozer	4	Hours per acre	Hourly Rate	Cost
	No-Till Drill	2	Hours per acre	\$100.00	\$400
	Mulcher	3	Hours per acre	\$125.00	\$250
	Bales	225	Hours per acre	\$100.00	\$300
	Misc	2	Hours per acre	\$2.00	\$450
				\$50.00	\$100

RECLAMATION COST ESTIMATE - FAIRWATER PLANT & STOCKPILE AREA**					
CUT & FILL EARTHWORK					\$100,160
MENKE MINE AREA	<u>SQ. FT.</u> 2,687,652	<u>Fill Depth</u> 1	<u>CU.YDS.</u> 99,543		
Total	2,687,652		99,543		
	1800	Cubic Yards per Truck per Day			
	3	Trucks			
	19	Days to Complete			
	\$1.01	Cost per Cubic Yard			
EQUIPMENT HOURS					
	Excavator	152	Hours		
	Haul Truck	152	Hours		
	Haul Truck	152	Hours		
	Haul Truck	152	Hours		
	Dozer	152	Hours		
	Water Truck	76	Hours		
MOBILIZATION COST					\$3,400
	Excavator Mobilization Cost	\$300	One Way	Cost	\$600
	Haul Truck Mobilization Cost	\$300	One Way		\$600
	Haul Truck Mobilization Cost	\$300	One Way		\$600
	Haul Truck Mobilization Cost	\$300	One Way		\$600
	Dozer Mobilization Cost	\$500	One Way		\$1,000
	Water Truck Cost	\$0			\$0
EQUIPMENT COST					\$50,200
	Excavator Cost	\$9,000	Per Month	Hourly Rate	Cost
	Haul Truck Cost	\$13,000	Per Month	\$51.92	\$9,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Haul Truck Cost	\$13,000	Per Month	\$75.00	\$13,000
	Dozer Cost	\$2,200	per Week	\$55.00	\$2,200
	Water Truck Cost	\$0		\$0.00	\$0
FUEL COST					\$17,480
	Fuel Cost	\$2.50		Gallons	Cost
	Excavator Fuel Cost	12	Gallons per hour	1,824	\$4,560
	Haul Truck Fuel Cost	8	Gallons per hour	1,216	\$3,040
	Haul Truck Fuel Cost	8	Gallons per hour	1,216	\$3,040
	Haul Truck Fuel Cost	8	Gallons per hour	1,216	\$3,040
	Dozer Fuel Cost	5	Gallons per hour	760	\$1,900
	Water Truck Cost	5	Gallons per hour	760	\$1,900
LABOR COST					\$26,752
	Excavator Operator Cost	\$32.00	per Hour		Cost
	Haul Truck Operator Cost	\$32.00	per Hour		\$4,864
	Haul Truck Operator Cost	\$32.00	per Hour		\$4,864
	Haul Truck Operator Cost	\$32.00	per Hour		\$4,864
	Dozer Operator Cost	\$32.00	per Hour		\$4,864
	Water Truck Cost	\$32.00	per Hour		\$2,432
SUPERVISION COST					\$2,328
	# Trips to site	19	(once per day)		Cost
	Travel (miles)	20	\$0.50	per mile	\$190
	Wages	\$75.00	per hour		\$2,138
FINISH WORK					\$113,220
SEED COST					\$20,670
	Deluxe Mix Lawn Seed	100	#/acre	Cost/#	Cost
	Timothy	15	#/acre	\$2.25	\$225
	Clover	15	#/acre	\$2.20	\$33
	Cover Crop	200	#/acre	\$1.80	\$27
				\$0.25	\$50
PLANTING COST					\$92,550
	Finish Dozer	4	Hours per acre	Hourly Rate	Cost
	No-Till Drill	2	Hours per acre	\$100.00	\$400
	Mulcher	3	Hours per acre	\$125.00	\$250
	Bales	225	Hours per acre	\$100.00	\$300
	Misc	2	Hours per acre	\$2.00	\$450
				\$50.00	\$100

**Assume the cost to dismantle the plant equipment & structures would be equal to the salvage value

RECLAMATION COST ESTIMATE SHEET - MENKE MINE BUILDING

CUT & FILL EARTHWORK \$12,800

	<u>SQ. FT.</u>	<u>Fill Depth</u>	<u>CU.YDS.</u>	
MENKE MINE BUILDING	0	1	0	
	1500	Cubic Yards per Truck per Day		
	2	Trucks		
	0	Days to Complete		
	#DIV/0!	Cost per Cubic Yard		

EQUIPMENT HOURS

Excavator	0	Hours
Haul Truck	0	Hours
Haul Truck	0	Hours
Dozer	0	Hours
Water Truck	0	Hours

MOBILIZATION COST \$2,800

Excavator Mobilization Cost	\$300	One Way	Cost	\$600
Haul Truck Mobilization Cost	\$300	One Way		\$600
Haul Truck Mobilization Cost	\$300	One Way		\$600
Dozer Mobilization Cost	\$500	One Way		\$1,000
Water Truck Cost	\$0			\$0

EQUIPMENT COST \$10,000

Excavator Cost	\$3,000	per Week	Hourly Rate	\$17.31	Cost	\$3,000
Haul Truck Cost	\$3,500	per Week		\$20.19		\$3,500
Haul Truck Cost	\$3,500	per Week		\$20.19		\$3,500
Dozer Cost	\$2,200	per Week		\$55.00		\$0
Water Truck Cost	\$0			\$0.00		\$0

FUEL COST \$0

Fuel Cost	\$2.50		Gallons	Cost	
Excavator Fuel Cost	12	Gallons per hour	0		\$0
Haul Truck Fuel Cost	8	Gallons per hour	0		\$0
Haul Truck Fuel Cost	8	Gallons per hour	0		\$0
Dozer Fuel Cost	5	Gallons per hour	0		\$0
Water Truck Cost	5	Gallons per hour	0		\$0

LABOR COST \$0

Excavator Operator Cost	\$32.00	per Hour	Cost	\$0
Haul Truck Operator Cost	\$32.00	per Hour		\$0
Haul Truck Operator Cost	\$32.00	per Hour		\$0
Dozer Operator Cost	\$32.00	per Hour		\$0
Water Truck Cost	\$32.00	per Hour		\$0

SUPERVISION COST \$0

# Trips to site	0	(once per day)	Cost	\$0
Travel (miles)	20	\$0.50	per mile	\$0
Wages	\$75.00	per hour		\$0

FINISH WORK \$0

	0.0	Acres	
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SEED COST \$0

Deluxe Mix Lawn Seed	100	#/acre	Cost/#	\$2.25	Cost	\$225
Timothy	15	#/acre		\$2.20		\$33
Clover	15	#/acre		\$1.80		\$27
Cover Crop	200	#/acre		\$0.25		\$50

PLANTING COST \$0

Finish Dozer	4	Hours per acre	Hourly Rate	\$100.00	Cost	\$400
No-Till Drill	2	Hours per acre		\$125.00		\$250
Mulcher	3	Hours per acre		\$100.00		\$300
Bales	225	Hours per acre		\$2.00		\$450
Misc	2	Hours per acre		\$50.00		\$100

Land Use Planning and Zoning Committee Staff Report

Public Hearing

April 6, 2023

Item II: Conditional Use Permit (CUP)

Owner:

1970 Lawson LLC

Applicant:

Matt Rogatz

Request: The owner/applicant is requesting an update to their existing conditional use permit to add two pickleball courts, a picnic pavilion, and two storage sheds to an existing motel/bar and grill. They are also looking to remove condition four “A fence or vegetative screening be constructed on the east property line” from the CUP approved on April 7, 2022.

Parcel Number/ Location: The request affects parcel 004-00480-0101 (±1.62 acres). The parcel is located in the SE ¼ of the SW ¼ of Section 20, T16N, R13E, Town of Brooklyn. The site address is W1970 S Lawson Dr.

Existing Zoning and Uses of Adjacent Area: The parcel referenced above is zoned C-2, Extensive District. The property is currently being used as a motel/hotel, a bar and grill, and a parking lot for the guests. The parcels to the north are located in the city of Green Lake and appear to be used as open fields and boat lift storage. The parcels to the east are zoned as R-3, Multiple-Family Residence and have houses on the property. The properties to the south are mostly zoned as R-3 and C-1, General commercial district. The property to the west is zoned as C-2.

Additional Information/Analysis: The Green Lake Inn has been in business for the last 20 years but has recently gotten new owners. In 2022 a conditional use permit was approved to allow the operation of a bar and grill along with other building additions/improvements. The owner/applicant is requesting a conditional use permit to add two pickleball courts each 33’x 60’ in area along with a 25’x 50’ picnic pavilion and two 25’x 20’ storage sheds. The pickleball courts and picnic pavilion would be able to be used by customers and guests and the storage sheds would be used by the business.

The owner is also requesting that condition four from the CUP approved in 2022 “A fence or vegetative screening be constructed on the east property line” to be removed. The property owner recently bought the property that borders the east lot line and no longer feels it is necessary to require a vegetative screen/ fence along that shared lot line.

It is important that the Committee maintain the purpose and intent of the County Zoning Ordinance when reviewing and approving a request of this nature. The following criteria are to be used by the Committee when making conditional use permit decisions:

General Standards for Review of Conditional Use Requests: When reviewing a conditional use permit, the Committee shall take into consideration, among other things, the recommendation

of the affected town and the particular facts and circumstances of each proposed use in terms of the following standards:

- a) If an applicant meets or agrees to meet all of the requirements specified in this chapter and any conditions imposed by the Committee, based on substantial evidence, the Committee shall grant the conditional use permit.
- b) Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- c) The requirements and conditions must be reasonable and, to the extent practicable, measurable, and may include conditions such as the permit's duration, transfer, or renewal.
- d) The applicant must demonstrate that the application and all requirements and conditions related to the conditional use, are or shall be satisfied, and supported by substantial evidence. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.

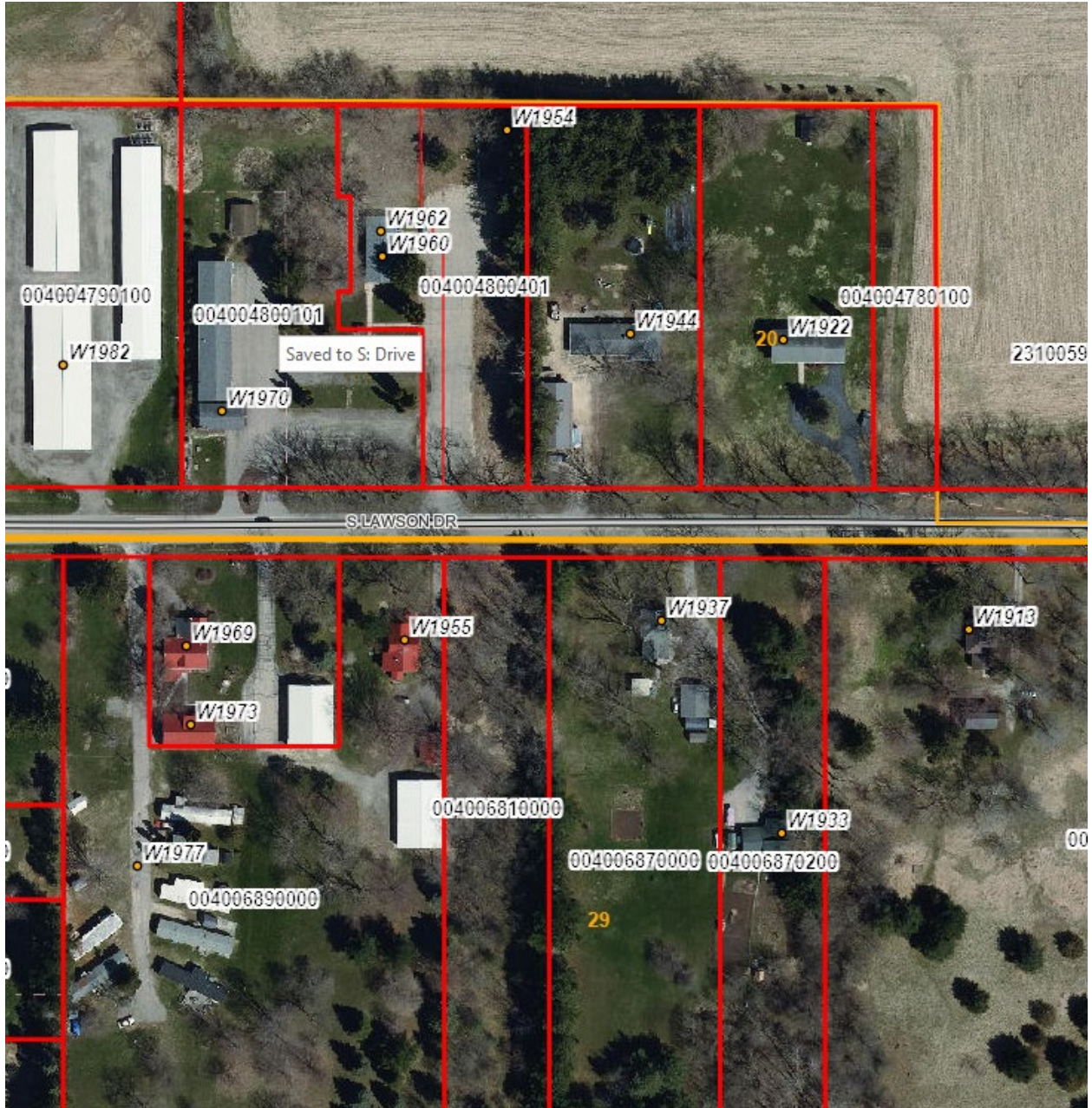
Substantial evidence is defined as: facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

- a) No conditional use permit shall be approved or approved with conditions by the Committee unless it shall find the conditional use: Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands; and
- b) Will be designed, constructed, operated, and maintained so as to be harmonious, be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and
- c) Will not be hazardous or disturbing to existing or future neighboring uses; and
- d) Will not be detrimental to property in the immediate vicinity or to the community as a whole; and
- e) Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and schools; the persons or agencies responsible for the establishment of the proposed use shall be able to provide, adequately, any such service; and
- f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.

County Staff Comments: This request should be reviewed by the Committee to determine if it meets the general criteria for review as listed above. If the Committee wishes to approve this request, the following conditions may be appropriate:

1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
2. Any outdoor lighting shall comply with Section 350-23 of the County Zoning Ordinance.
3. That the owners/applicants are responsible for obtaining permits from any other regulatory agency, if required.
4. A fence or vegetative screening be constructed on the east property line.
5. The hours of operation are from 11:00 am to 10:00pm Monday through Sunday.

Town of Brooklyn: The Town Board Action request for the Conditional Use Permit was sent to the Town Clerk on February 15, 2023. The Town of Brooklyn took no action.



Fee Received (Non-Refundable)

\$375.00

Date

1/19/23

By signing and submitting this completed application with public hearing fee, the applicant or agent requests the Land Use Planning & Zoning Committee consider the conditional use permit request at the next available public hearing.

PROPERTY OWNER / APPLICANT

Name 1979 Lawson LLC

Mailing Address 210 South Ave Glenview, IL 60022

Phone Number 773-719-4441 Email matt@chicagoindustrials.com

Signature [Signature] Date 1-2-23

AGENT IF OTHER THAN OWNER

Name Matthew Rogatz

Mailing Address 210 South Ave Glenview, IL 60022

Phone Number 773-719-4441 Email matt@chicagoindustrials.com

Signature [Signature] Date 1-2-23

PROPERTY INFORMATION

Town of Brooklyn Location of Property W 1970 S Lawson Dr.

Section 20 Town 16 N Range 13 E

Affected Parcel Number(s) 004-00480-0101 Affected Acres

Subdivision 004-00480-0101 Lot Block

CSM 2139 Lot 142 or COS

Legal Description Parcel # 004-00480-0101 - Sec 20, T16N, R13E, Containing E of the SW Corner of sec 20 plus 314' E of S 314' 100 to Peg / Parcel # 004-00480-0101 Sec 20, T16N, R13E Lot 1 certified Survey Map 220 North Pls 1 & 2 CSM 2139 Sec 20

Current Zoning Classification

Present Use of Property: (List all current uses and improvements, i.e. home, store, farm field, wooded, etc.)

Property is currently being used as a 17 Room Inn with parking lot

PROPOSAL - Use separate or additional sheet(s) IF necessary

Describe specifically the nature of this request (List all proposed uses of the parcel.) What do you plan to do?

Plan to add 2 pickle ball courts 33' x 60' each, one picnic pavillion 25' x 50', 2 Storage Garages 10' x 8' 8" each and Repave parking area for Boats. Also Requesting fence requirement from previous CUP APP to be removed because adjacent land now owned by same person.

See attached drawing

If this box is checked, provide the following information:

Proposed use has additional minimum development standards in Section _____

Explain how your proposal meets or exceeds these requirements.

OPERATIONAL PLAN NARRATIVE

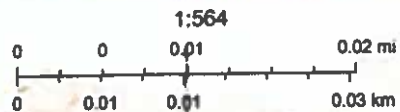
The Greenlake Inn (1970 Lawson LLC) is currently operating as 17 Room Inn. The owner would like to convert a portion of the parking area to add 2 pickle ball courts 33' x 60' each, one picnic pavillion 25' x 50', 2 Storage garages 10' x 8' 8" each and Repave remaining area for boat parking. In addition, we would request that the fence/grocery Requirement be removed from earlier CUP Requirement because the adjacent lot is now owned by same person. ~~and~~ ~~operations~~ All other Inn operations would remain the same.

GIS Viewer Map



1/4/2023, 12:24:08 PM

- Address
- ▭ Section
- TaxParcel



Green Lake County, WI
www.greenlakecountywi.gov

TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Brooklyn, County of Green Lake, took the following action on –(Date)

_____.

Owner/Applicant: 1970 Lawson LLC **Applicant:** Matt Rogatz

Site Location: W1970 S Lawson Dr

General legal description: Parcel 004-00480-0101, Town of Brooklyn, ±1.62 acres

Request: CUP to construct a pavilion, storage, and pickle ball courts

Planned public hearing date for the above requests: April 6, 2023

Town Does Not object to and Approves of request

No action taken

Objects to and requests denial of request

NOTE: If denial – please enclose Town Resolution of denial

- Reason(s) for objection:

Town Representative

Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: **March 29th, 2023**

Land Use Planning and Zoning Committee Staff Report

Public Hearing

April 6, 2023

Item III: Conditional Use Permit (CUP)

Owner:

Little Green Lodge LLC

Applicant:

Tony Goebel

Request: The owner/applicant is requesting a conditional use permit to operate a restaurant and hotel with attached concession stand. The use would also include renting the entire building for small events and micro-weddings.

Parcel Number/ Location: The request affects parcels 006-01384-0000 (±0.73 acres) and 006-00614-0000 (±0.52 acres). The parcels are located in the NW ¼ of the NW ¼ of Section 32, T15N, R13E, Town of Green Lake. The site address is N2811 Park Rd.

Existing Zoning and Uses of Adjacent Area: The parcel 006-01384-0000 is zoned C-1, General Commercial District. The property is currently being used as a restaurant with hotel/motel on the second floor. The parcel 006-00614-0000 is zoned C-2, Extensive Commercial District. This property is currently being used as a parking lot for the restaurant and hotel/motel. The two parcels are split by Park Rd. To the West, the property is bordered by Little Green Lake. Following the lakeshore to the south the neighboring property is zoned municipally under the City of Markesan and owned by the City. This property appears to be used for open space with a few buildings. To the North and East, the properties are zoned as R-1, Single-Family Residence District, and appear to be used for single family residences. To the Southeast there is also a parcel zoned R-3, Multiple-Family Residence District that is used as a mobile home park.

Additional Information/Analysis: Originally this property was developed as a tavern in the 1970's. In 2004 the tavern burned down and subsequently rebuilt under a conditional use permit. The 2004 CUP approved reconstruction of the bar/restaurant use as well as the second story hotel/motel use. A second CUP was approved in 2010 allowing for the upgrading of the parking lot located on parcel 006-00614-0000. Currently the 2nd story that is being used as rental rooms whereas the applicant would be looking to rent the entire property out instead of only room by room. The applicant states the goal would be to rent the entire property for family reunions and group events but, if need be, rooms will be rented out individually. They plan on renting with a 3-day minimum with a 2-day minimum in certain parts of the year. The applicant also adds the option of hosting small events and micro-weddings. They plan to have sound and events contained to the inside of the building with use of the basement. In conjunction with this use a 16x52 storage building will be added to the parcel currently containing the parking lot.

The applicant plans to continue the restaurant operation. The new plans for the restaurant would be planned to have 2-4 nights a month open to create a "higher-end ticketed dinner."

The starting days would be the third Tuesday and Wednesday nights of each month. Along with the restaurant the applicant would also be looking to add a concession stand to sell packed food during the summer months on the weekends. A food truck/trailer is planned to be operated on Friday and Saturdays from May 15th to October 15th. The applicant would eventually turn this into a more permanent tiki bar serving outside customers.

It is important that the Committee maintain the purpose and intent of the County Zoning Ordinance when reviewing and approving a request of this nature. The following criteria are to be used by the Committee when making conditional use permit decisions:

General Standards for Review of Conditional Use Requests: When reviewing a conditional use permit, the Committee shall take into consideration, among other things, the recommendation of the affected town and the particular facts and circumstances of each proposed use in terms of the following standards:

- a) If an applicant meets or agrees to meet all of the requirements specified in this chapter and any conditions imposed by the Committee, based on substantial evidence, the Committee shall grant the conditional use permit.
- b) Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- c) The requirements and conditions must be reasonable and, to the extent practicable, measurable, and may include conditions such as the permit's duration, transfer, or renewal.
- d) The applicant must demonstrate that the application and all requirements and conditions related to the conditional use, are or shall be satisfied, and supported by substantial evidence. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.

Substantial evidence is defined as: 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.

- a) No conditional use permit shall be approved or approved with conditions by the Committee unless it shall find the conditional use: Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands; and
- b) Will be designed, constructed, operated, and maintained so as to be harmonious, be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and
- c) Will not be hazardous or disturbing to existing or future neighboring uses; and
- d) Will not be detrimental to property in the immediate vicinity or to the community as a whole; and

- e) Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and schools; the persons or agencies responsible for the establishment of the proposed use shall be able to provide, adequately, any such service; and
- f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.

County Staff Comments: This request should be reviewed by the Committee to determine if it meets the general criteria for review as listed above. If the Committee wishes to approve this request, the following conditions may be appropriate:

1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
2. Any outdoor lighting shall comply with Section 350-23 of the County Zoning Ordinance.
3. Any off-street parking shall comply with Section 350-21 of the County Zoning Ordinance.
4. That the owners/applicants are responsible for obtaining permits and licenses from any other regulatory agency, if required.
5. That the lodging component of the business be limited to the second floor of the principal structure.
6. That the owner/applicant apply for and receive a Land Use Permit prior to making any changes authorized through this conditional use permit approval process.
7. That the owner/applicant provide appropriate landscaping to hide the dumpsters as well as provide the neighbors with privacy screening by re-establishing the vegetative screen surrounding the parking lot within one year of CUP approval.
8. That the vegetative screening surrounding the parking lot be maintained as long as the parking lot use exists. Any dead, dying or diseased vegetation shall be removed and replaced with viable and effective, visual-screening vegetation as soon as practicable.
9. The rooms/property are rented for a minimum of 3 days from April to October (peak tourist season) and 2-day minimum for November to March (off tourist season). In no case shall the property be rented for a period exceeding 29 days.
10. Maximum lodging occupancy shall be based on 2 people per bedroom.
11. The events occurring within this CUP approved venue shall happen between the hours of 3pm-12am.
12. Concession stand/ Food truck shall operate between the hours of 9am-7pm.

Town of Green Lake: The Town Board Action request for the Conditional Use Permit was sent to the Town Clerk on February 15, 2023. The Town Board does not object to and approves the request.

Fee Received (Non-Refundable) \$375

Date 1/23/2023

By signing and submitting this completed application with public hearing fee, the applicant or agent requests the Land Use Planning & Zoning Committee consider the conditional use permit request at the next available public hearing.

PROPERTY OWNER / APPLICANT

Name Jeffrey Rose

Mailing Address 1201 Mahogany Dr Westminster, MD 21157

Phone Number 443-992-5999 Email jrose@rosemanufacturing.com

Signature *Jeffrey A Rose* Date 1/23/2023

AGENT IF OTHER THAN OWNER Official property owner will be under The Lodge at Little Green LLC

Name Ledgeview Holdings LLC - Anthony Goebel

Mailing Address 131 N Rolling Meadows Drive, Fond du Lac, WI 54937

Phone Number 920-251-9004 Email tony@5gbenefits.com

Signature *Anthony Goebel* Date 1/23/2023

PROPERTY INFORMATION

Town of Green Lake Location of Property N811 Park Road, Markesan, WI 53946 and Lot 2 Certified Survey Map 956 V4

Section 32 Town 15 N Range 13 E .73 and .52

Affected Parcel Number(s) 006-01384-0000 / 006-00614-0000 Affected Acres 1.25

Subdivision n/a Lot n/a Block n/a

CSM n/a Lot n/a or COS n/a

Legal Description _____

Grand view plat lot 1 of certified survey map 956 V4 & that parcel as Desc V415 P19 Lying in SW1/4 NW1/4 Sec 32

Lot 2 Certified Survey Map 954 V4 (a Res Of Lot 2 Csm 180) Sec 32

Current Zoning Classification Restaurant and Hotel/Motel for 2nd floor

Present Use of Property: (List all current uses and improvements, i.e. home, store, farm field, wooded, etc.)

Currently used and commercially zoned as a restaurant and hotel.

PROPOSAL - Use separate or additional sheet(s) IF necessary

Describe **specifically** the nature of this request (List all proposed uses of the parcel.) What do you plan to do? See attached typed sheet

If this application is for a use that will be contained to a part of the parcel, specify the exact dimensions of the affected area. _____

If this box is checked, provide the following information:

Proposed use has additional minimum development standards in Section _____
Explain how your proposal meets or exceeds these requirements.

OPERATIONAL PLAN NARRATIVE

See attached typed document

OPERATIONAL PLAN NARRATIVE (continued)

See attached typed document

Land Use Planning & Zoning Department

Application for Conditional Use Permit

Property Owner: Ledgeview Holdings LLC (Anthony Goebel)

Expected name: **Little Lodge Lodge LLC**

- **What is the history of the business and/or applicant?**

CURRENT: The business is currently being used as a full-time restaurant and hotel under the name of Rose's Lakeside Pub. The restaurant serves food and liquor and the hotel is rented by the room through their own direct website and Airbnb.

APPLICANT: The new buyer, Tony Goebel, is an experienced local business owner that lives 18 miles east in Eldorado, WI. He owns a local insurance agency, real estate holding company, and vacation rental management company. He owns numerous large rentals (specifically in Door County) that were a Bed & Breakfast and turned them into successful group rentals and micro-wedding venues. Tony's brother is also a bar manager at a high-end restaurant in Fond du Lac and his sister is one of Fox Valley's top wedding planners. He plans to have this property combine all of their expertise to make it a thriving and successful business.

The property will be professionally managed and marketed by Little Adventure Vacation Rentals LLC which has employees out of Fond du Lac and is owned by Anthony Goebel.

- **What is the history of the property and its current use?**

The current property is commercially zoned as a restaurant and hotel, and those are the current uses of the property. The first floor is being used as the restaurant, the 2nd floor is where the hotel rooms are and is being used as Airbnb rentals and hotel rooms. That is the same use that the applicant is looking to continue with the change in ownership. The lower level is being used for the owner office and storage for the restaurant and hotel.

- **Describe in detail the proposed use of the property.**

The new owners plan to bring a lot of new life and excitement into the property! The applicant is looking to have the same zoning and uses as currently (commercially zoned as a restaurant and hotel). The business model will change slightly where the applicant will be renting the property out as one rental instead of individual rooms, but it will be the same use that it is currently zoned for. We will just want the entire property to be zoned as a hotel, because we would like to have the lower level be used for when it is rented as a hotel, event, or micro wedding. We want to continue the use of the liquor license for when we do small events, micro-weddings, and the restaurant. We will have three main uses:

1. **Hotel** – This will be our main focus for the property. We will cater specifically to families for family reunions and group rentals, including corporate retreats. It will be marketed exactly how it is now (on Airbnb, our direct booking website, as well as Vrbo). The difference is we would like to have the entire property rented out the majority of the time versus individual rooms. We will still do individual room rentals but our priority for booking will be on renting the entire property (on a 3-day minimum and down to 2-days in certain parts of the year). The property should be able to sleep 30 people (which is close to the current occupancy as the hotel).

2. **Small events and micro-weddings** – We will accept with prior approval from our management staff, small events and weddings. Our experience at our other properties we own and manage is that 90% of the weddings end up being under 40 employees. We tailor to micro-weddings and elopements. Because we don't want to be managing large scale weddings. The property should be able to handle weddings up to 150 people but that is not our priority. We also would have all sound and events contained inside the building and they are required to have a professional wedding planner to coordinate the wedding. We are just the venue. Which is why we want to utilize the basement for additional finished space. When we say small events we mean birthday parties, guys/guys weekends together, family reunions. This should be less intrusive than even the current operations of being a full-time restaurant open all day and night for drinking.

3. **Restaurant** – We will continue to operate the restaurant but create higher demand with being open less days, almost like a “pop up restaurant venue”. It is clear from the financials (and that there are been numerous restaurants in the property over the years) that the property does not get traffic to be profitable year-round as just a restaurant. We are going to keep the commercial kitchen but lock it off from the rest of the property. So if we rent out the entire property the kitchen remains untouched. We also will have dedicated locked storage in the lower level for the restaurant operations. We will start with 2-4 nights a month having higher-end ticketed dinners and see if demand justifies eventually doing a Friday night fish fry. We will be more for steak, fish, and plated meals than doing fried food and sandwiches. We also want to set the property up to potentially doing dinner theaters as well. We will continue to have our liquor license. We are also looking at putting up a 12x16 concession stand or parking a mobile food truck or trailer in the south corner of the lot (closest to the park) to sell packaged ice cream, candy, packaged food in the summer months on weekends.

- **If applicable, include an operation and/or maintenance plan.**

We do have a full-time maintenance employee that works for our company that is on call for any urgent issues for the property. Our ownership and management is located under 20 miles away as well. We don't have a specific operation and/or maintenance plan that would differ from current use.

- **When will the property be used? (Seasonally? Set daily hours?)**

The property will be year-round. We plan to be fully booked every day in Peak Summer, about 75% booked in the shoulder season and about 50% booked in the winter. The restaurant itself will be 2-4

days a month (we will “book” the entire property for the restaurant usage) which will be to start a Monday and Tuesday night for plated dinners probably open from 3pm to 11pm those two days.

- **What will be done with the current structures, if any? - See attached drawings.**

Lower Level – Game Room and Storage

- Living room/game room add LVP flooring and painted ceiling (it is sprinklered already and above it is common area).
- All black lines are of existing walls. We want to add 3 small walls to block off for owner storage and put 4 doors.
- Renovate the existing bathroom that is in the lower level with new flooring, paint, fixtures
- Keeping walk-in cooler for now. Behind walk-in cooler will be locked storage for the restaurant items
- LVP in the finished hallway at bottom of stairs and bathroom. Putting commercial carpet on floors to basement.
- Turn the existing office into a usage room or hang out area.
- Ideal situation is turn it into a bedroom. Add fire walls if state requires this

First Floor – Living Room, bar/countertop, and dining area

Phase 1 – Happening immediately and what we want done for sure:

- Kitchen cabinets behind the bar with quartz countertops. Fridge, oven, microwave. Just moving fridges. (replace one sink in bar)
- Keeping all restaurant equipment in the kitchen but putting doors and short wall/door to keep kitchen locked.
- Where the swinging door is move that to the kitchen (back 4 feet) and build wall separating kitchen from restaurant
- Install locks on both doors of the commercial kitchen to completely block this off from the rest of the property.
- Install smaller door on the utility room.

Phase 2 – If we have time before a May 18th opening. Move the existing bar back 3 feet to the wall. Shorten bar width about 12 feet.

- Use existing hook ups for 2 dishwashers, 2 regular sinks and cabinets under most of the bar. New Quartz for bar and on counters
- Where existing sink hookups are replace with a nice kitchen sink instead of a bar sink.

2nd Floor – Hotel Rooms

- Add a wall in Suite 3 and Suite 2 that creates a new bedroom in each of those rooms.
- New flooring in the laundry room and add two over head cabinets for storage.
- Add some minor decorations on the wall
- Change out two beds with king beds in Suite 1 and add one bunk bed and one crib in Suite 4

Outside Work

- New pre-built storage building in the parking lot that is 16 feet x 52 feet
- We do not have a requirement for where it needs to be located but it will be on the parking lot side
- New gutters on the exterior of the building
- Powerwash the siding and decks

- Painting the exterior of the property
- Cleaning up the north property line sheds and garbage
- Resurface the parking lot with
- **Will any new structures be built? If yes, how will they be used and where will they be located?**

We are looking at adding a 16x52 storage shed on the parking lot side of the property. Probably on the north or south end of the property perpendicular to the road. This shed will be made out of wood and will attempt to match the color of the building.

- **What hazards, concerns, or disruptions may your proposed use pose to neighboring properties and the community as a whole? How can those concerns be addressed?**

We are proposing the same conditional uses that the building is approved for now. We do not anticipate any hazards, concerns, or disruptions. Rose's Lakeside Pub holds small events (as do other restaurants in the township and county) that will be of equal size to what we plan to hold. When we host a small event or wedding we will more than likely have it indoors to contain any sound. The restaurant already has speakers inside and there is not noise issues with the property currently because it is a very well built building.

- **What will be done to protect the human and environmental health of the surrounding area from negative impacts of this use?**

I don't foresee anything changing for this or an impact on human and environmental health from our business doing the same conditional use as the current owner (restaurant and hotel).

- **Why was this property chosen for this business activity? How will this use benefit the community by being located on this specific property?**

We saw potential in the property because of the set-up and location of being on the water. We liked that it was zoned commercial as a restaurant (with liquor license) and as a hotel. We do not too large of a property, we wanted something close to home and manageable. The Green Lake County area is growing, especially on the hospitality side, tourist side, and wedding venue side of things. This property is very well constructed and being located on the waterfront we felt like we could really turn it into something special. There really is nothing in the Green Lake area for what we are looking to turn this property into. Our clientele are families that are looking to get together for a relaxing vacation and getaway, where they have all the amenities there for them to enjoy. We also wanted the ability to host "pop up restaurant days" and small events where we can take the skills from everyone in our family to showcase to the community. The community will get a new venue/property that is unique that is already proven in the Door County market.

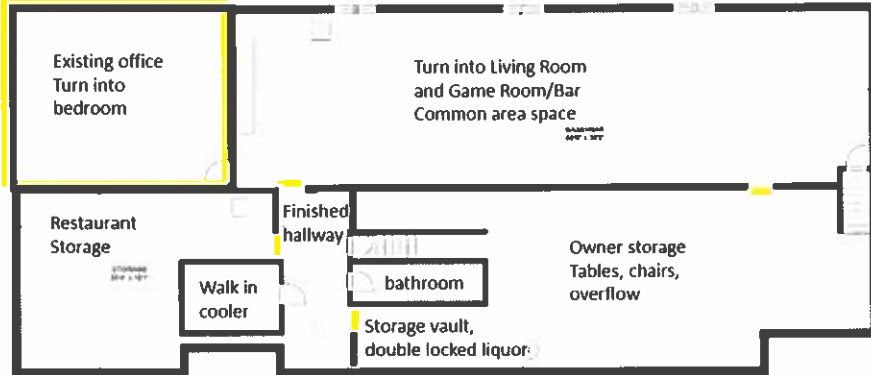
- How would this business activity meet goals and objectives of the County's Comprehensive Plan? (This will be clear after meeting with Department staff prior to submitting the Conditional Use Permit application, as required above.)

It appears we are meeting the goals and objectives of the County's Comprehensive Plan based on what we have already read and seeing the current commercial zoning approved as a restaurant and hotel. We look forward to working with the Town of Green Lake, Green Lake County, and State of Wisconsin to make this a successful endeavor!

Site plan of N2811 Park Road, Markesan, WI

Lower Level – game room and storage

1. Living room/game room add LVP flooring and painted ceiling (it is sprinklered already and above it is common area).
2. All black lines are of existing walls. We want to add 3 small walls to block off for owner storage and put 4 doors.
3. Renovate the existing bathroom that is in the lower level with new flooring, paint, fixtures
4. Keeping walk in cooler for now. Behind walk-in cooler will be locked storage for the restaurant items
5. LVP in the finished hallway at bottom of stairs and bathroom. Putting commercial carpet on floors to basement.
6. Turn the existing office into a usage room or hang out area.
 1. Ideal situation is turn it into a bedroom. Add fire walls if state requires this



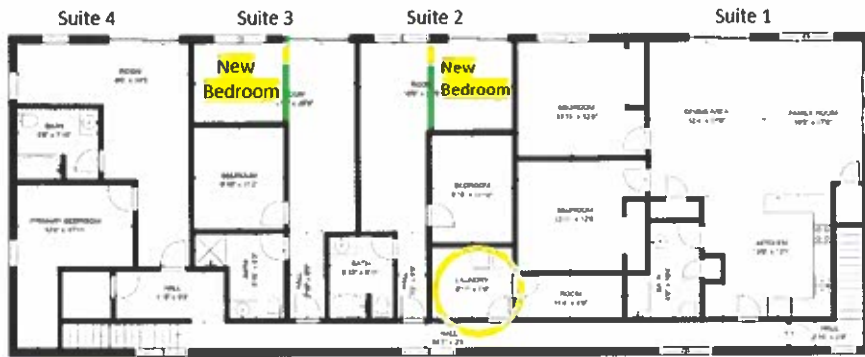
First Floor – Living room, bar/countertop, and dining area

1. **Phase 1** – Happening immediately and what we want done for sure:
 1. Kitchen cabinets behind the bar with quartz countertops. Fridge, oven, microwave. Just moving fridges. (replace one sink in bar)
 2. Keeping all restaurant equipment in the kitchen but putting doors and short wall/door to keep kitchen locked.
 3. Where the swinging door is move that to the kitchen (back 4 feet) and build wall separating kitchen from restaurant
 4. Install locks on both doors of the commercial kitchen to completely block this off from the rest of the property.
 5. Install smaller door on the utility room.
2. **Phase 2** – If we have time before a May 18th opening. Move the existing bar back 3 feet to the wall. Shorten bar width about 12 feet.
 1. Use existing hook ups for 2 dishwashers, 2 regular sinks and cabinets under most of the bar. New Quartz for bar and on counters
 2. Where existing sink hookups are replace with a nice kitchen sink instead of a bar sink.



2nd Floor – Hotel Rooms

1. Add a wall in Suite 3 and Suite 2 that creates a new bedroom in each of those rooms.
2. New flooring in the laundry room and add two over head cabinets for storage.
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4. Change out two beds with king beds in Suite 1 and add one bunk bed and one crib in Suite 4



Outside Work

1. New pre-built storage building in the parking lot that is 16 feet x 52 feet
2. We do not have a requirement for where it needs to be located but it will be on the parking lot side
3. New gutters on the exterior of the building
4. Powerwash the siding and decks
5. **Phase 2**
 1. Painting the exterior of the property
 2. Cleaning up the north property line sheds and garbage
 3. Resurface the parking lot with



The 16x52' shed will be 12 feet from north property line and 25 feet from road access and 25 feet from rear set-back.

The yellow circle for the outside work – we are looking at doing a mobile food truck in summer or a 12x16 concession stand.

TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Green Lake, County of Green Lake, took the following action on –
(Date) 3-13-2023.

Owner/Applicant: Roses Lakeside Properties LLC

Agent: Anthony Goebel

Site Location: N2811 Park Rd.

General legal description: Parcel 006-01384-0000, 006-00614-0000, Town of Green Lake, ±1.25 acres

Request: CUP for hotel/event space.

Planned public hearing date for the above requests: April 6, 2023

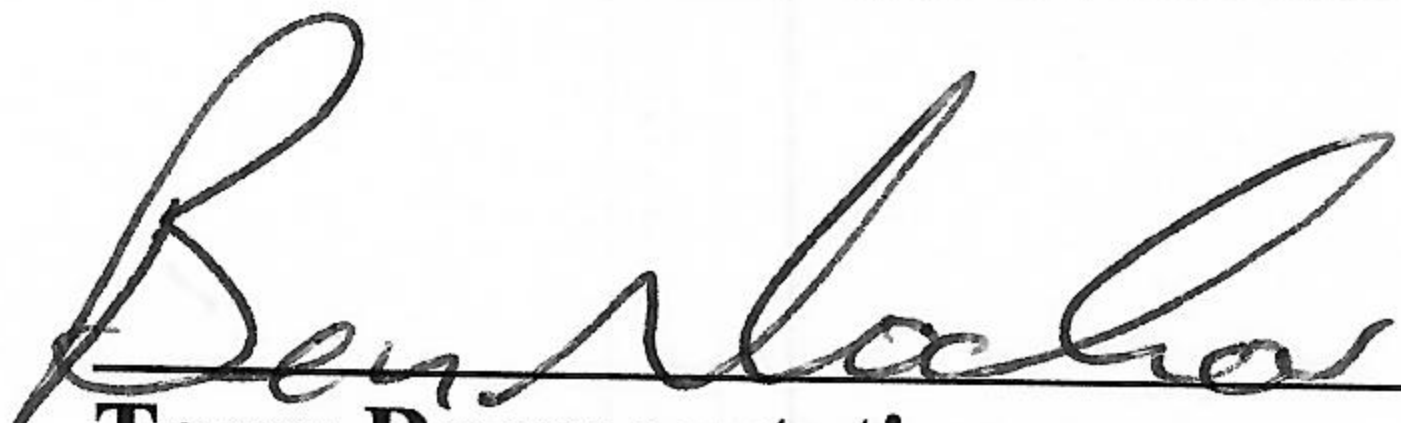
Town Does Not object to and Approves of request

No action taken

Objects to and requests denial of request

NOTE: If denial – please enclose Town Resolution of denial

- Reason(s) for objection:


Town Representative

3-13-23
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: **March 29th, 2023**

Land Use Planning and Zoning Committee Staff Report

Public Hearing

April 6, 2023

Item IV: Conditional Use Permit (CUP)

Owner:

Zodrow Properties LLC

Applicant:

John Zodrow

Request: The owner/applicant is requesting a conditional use permit to operate a brush and leaf disposal/compost site, a brush burning/wood burning facility, and a contractor's yard.

Parcel Number/ Location: The request affects parcel 004-00339-0201 (±8.37 acres). The parcel is located in the SW ¼ of the SW ¼ of Section 16, T16N, R13E, Town of Brooklyn. The site is located south of State Highway 23 and North of North St.

Existing Zoning and Uses of Adjacent Area: The parcel referenced above is C-2, Extensive Commercial District. Historically the property has been undeveloped or farmed, but recently it has become an unpermitted contractor's yard and unlicensed compost/yard waste dump site. The neighboring properties to the north are split-zoned and appear to be used commercially and agriculturally. The properties to the east are zoned C-2 which appears undeveloped and R-4, Rural Residential District which has a residence. To the south the properties are mostly zoned R-1, Single Family Residential or Municipal and appear to all be used residentially. There is also one R-4 property to the south which appears to be mostly undeveloped but is used to access the proposed site and is currently appears to be used as overflow for yard waste dumping. The properties to the west are zoned R-1 and C-2 but appear to either be used for agriculture or a cemetery.

Additional Information/Analysis: Currently a composting site and wood burning facility do not clearly fit into any of the counties zoning districts except for Industrial and Agricultural with certain conditions. The committee may want to decide if composting sites and wood burning facilities should be suitable in the C-2 district as an extension of a "contractors' yard". There are three parts/uses related to this CUP request. They are a brush and leaf disposal/compost site, a brush burning/wood burning facility, and a contractor's yard. Each request should be treated separately when deciding whether to approve or partially approve the CUP. None of these uses will require any structures to be built.

A majority of this proposed parcel will be used for a brush and leaf disposal/compost site. The leaf and brush material will mainly come from jobs conducted by Green Lake Lawn and Snow. The site would be used seasonally everyday between April to December from 8:00am to 5:00pm. The applicant estimates that "a lot" of leaves would be dumped into windrow piles on the property in the fall months. As for brush, the pile would "never be very big". Any finished compost would be incorporated into topsoil utilized for the applicant's contracting business. The applicant has not mentioned any plans to prevent erosion or contain runoff within the

proposed properties lot lines. The applicant plans on utilizing a berm, located on his undeveloped rural residential property to the south, to control runoff.

WDNR regulations require that yard waste must be managed either through composting, land spreading, or wood chipping. A license is required for any property that would have more than 50 cubic yards of compostable materials. It is extremely likely that the applicant maintains much more than 50 cubic yards of compostable material based on their CUP application and the 2020 aerial photo. Wood chipping brush would not require a license through the WDNR and could fit well in the C-2 District. Land spreading yard waste does not require a specific license either, but that is more of an agricultural use (fertilizer and soil conditioner) than a commercial use. The subject site is not zoned for the land spreading of yard waste.

A second use on the property would be burning brush/wood burning facility. The hours of operation would be the same as the compost site. The applicant would like to burn a “not very big” brush pile once a year in the spring before the snow leaves. They would mainly burn brush collected from jobs completed by Green Lake Lawn and Snow. To ensure the fire remains contained onsite they would only burn when the ground is wet/snow covered. WDNR prohibits businesses and municipalities from burning wood waste or brush unless they obtain a wood burning facility license. There are exemptions but based on staff’s review the exemptions apply to the burning of wood/brush that was produced on the same property where it is burned.

The third proposed use on this property is a contractor’s yard. The hours of operation would be the same as the compost site. In the past the applicant has stored mulch piles on the property along with a few trailers and a machine that chews up leaves. The applicant has proposed that they would only want to store the machine that chews up leaves on the property. They do not plan on storing any other equipment or materials besides yard waste, brush, and compost on the property. The equipment would be stored east of the brush pile near the driveway.

It is important that the Committee maintain the purpose and intent of the County Zoning Ordinance when reviewing and approving a request of this nature. The following criteria are to be used by the Committee when making conditional use permit decisions:

General Standards for Review of Conditional Use Requests: When reviewing a conditional use permit, the Committee shall take into consideration, among other things, the recommendation of the affected town and the particular facts and circumstances of each proposed use in terms of the following standards:

- a) If an applicant meets or agrees to meet all of the requirements specified in this chapter and any conditions imposed by the Committee, based on substantial evidence, the Committee shall grant the conditional use permit.
- b) Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

- c) The requirements and conditions must be reasonable and, to the extent practicable, measurable, and may include conditions such as the permit's duration, transfer, or renewal.
- d) The applicant must demonstrate that the application and all requirements and conditions related to the conditional use, are or shall be satisfied, and supported by substantial evidence. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.

Substantial evidence is defined as: 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.

- a) No conditional use permit shall be approved or approved with conditions by the Committee unless it shall find the conditional use: Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands; and
- b) Will be designed, constructed, operated, and maintained so as to be harmonious, be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and
- c) Will not be hazardous or disturbing to existing or future neighboring uses; and
- d) Will not be detrimental to property in the immediate vicinity or to the community as a whole; and
- e) Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and schools; the persons or agencies responsible for the establishment of the proposed use shall be able to provide, adequately, any such service; and
- f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.

County Staff Comments: These requests should be reviewed by the Committee to determine if they meet the general criteria for review as listed above. If the Committee wishes to approve or partially approve this request, the following conditions may be appropriate:

General Conditions:

1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
2. Any outdoor lighting shall comply with Section 350-23 of the County Zoning Ordinance.
3. The hours of operation are from 8:00 am to 5:00pm Monday through Sunday.
4. All activities relating to this site must but contained within the subject parcel. All compostable materials currently located on the R-4 zoned parcel (#004-00339-0204) immediately south of the subject parcel shall be removed and/or relocated to the subject parcel.

Conditions for Compost Site:

5. Only yard waste may be stored on the property and turned into compost.
6. That the owners/applicants are responsible for obtaining and maintaining a composting facility license through the Wisconsin Department of Natural Resources.
7. The applicant to provide the Land Use Planning & Zoning Department with a copy of the WDNR approved erosion control and stormwater runoff plan / permit. Said plan shall be established and maintained to prevent erosion and runoff from the subject site. The use of neighboring parcels for this purpose is not authorized under this CUP.

Conditions for Wood-burning Facility:

8. Only clean wood and brush may be stored and burned on the property.
9. That the owners/applicants are responsible for obtaining and maintaining a wood burning facility license through the Wisconsin Department of Natural Resources.
10. The applicant to provide the Land Use Planning & Zoning Department with a copy of the WDNR approved erosion control and stormwater runoff plan / permit if applicable. Said plan shall be established and maintained to prevent erosion and runoff from the subject site. The use of neighboring parcels for this purpose is not authorized under this CUP.

Conditions for Contractors yard:

11. All materials stored on site must be suitable for future use.
12. All motor vehicles stored on site must be in road worthy condition and have current WDOT registration.
13. All accessory equipment stored on site must be in workable condition.
14. Anything stored on site that does not meet the above conditions is prohibited.

Town of Brooklyn: The Town Board Action request for the Conditional Use Permit was sent to the Town Clerk on February 15, 2023. The Town did not return an action form.

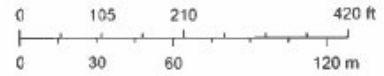
GIS Viewer Map



1/25/2023, 2:21:52 PM

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- Address
- Corner
- SUB
- Section
- TaxParcel

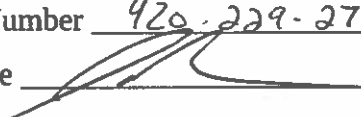


Fee Received (Non-Refundable) 375.⁰⁰ 1/31/23

Date ~~1-12-22~~

By signing and submitting this completed application with public hearing fee, the applicant or agent requests the Land Use Planning & Zoning Committee consider the conditional use permit request at the next available public hearing.

PROPERTY OWNER / APPLICANT

Name Zodrow Properties
Mailing Address W 1287 N Lawson Dr, Green Lake WI 54941
Phone Number 920-229-2709 Email greenlake.lawn and smv@gmail.com
Signature  Date 1-12-23

AGENT IF OTHER THAN OWNER

Name _____
Mailing Address _____
Phone Number _____ Email _____
Signature _____ Date _____

PROPERTY INFORMATION

Town of Brooklyn Location of Property intersection of Str Rd 23 + North S
Section 16 Town 16 N Range 13 E
Affected Parcel Number(s) 004-00339-0201 Affected Acres ±8
Subdivision _____ Lot _____ Block _____
CSM 3660 Lot 1 or COS _____
Legal Description Lot 1 CSM 3660 Vol 21

Current Zoning Classification C2

Present Use of Property: (List all current uses and improvements, i.e. home, store, farm field, wooded, etc.)
The current use of property is leaf and brush storage. The brush pile gets burned annually and the leaves get turned into compost.

PROPOSAL - Use separate or additional sheet(s) IF necessary

Describe **specifically** the nature of this request (List all proposed uses of the parcel.) What do you plan to do? Continued use for leaf and brush disposal for

Green Lake Lawn and Snow. No future plans for any structures
etc.

If this application is for a use that will be contained to a part of the parcel, specify the exact dimensions of the affected area. _____

If this box is checked, provide the following information:

Proposed use has additional minimum development standards in Section _____.

Explain how your proposal meets or exceeds these requirements.

OPERATIONAL PLAN NARRATIVE

We have owned the property since 2017 and it has been used
since that time to put Green Lake Lawn and Snow Inc, leaves
and other debris, we have also stored mulch piles on property.

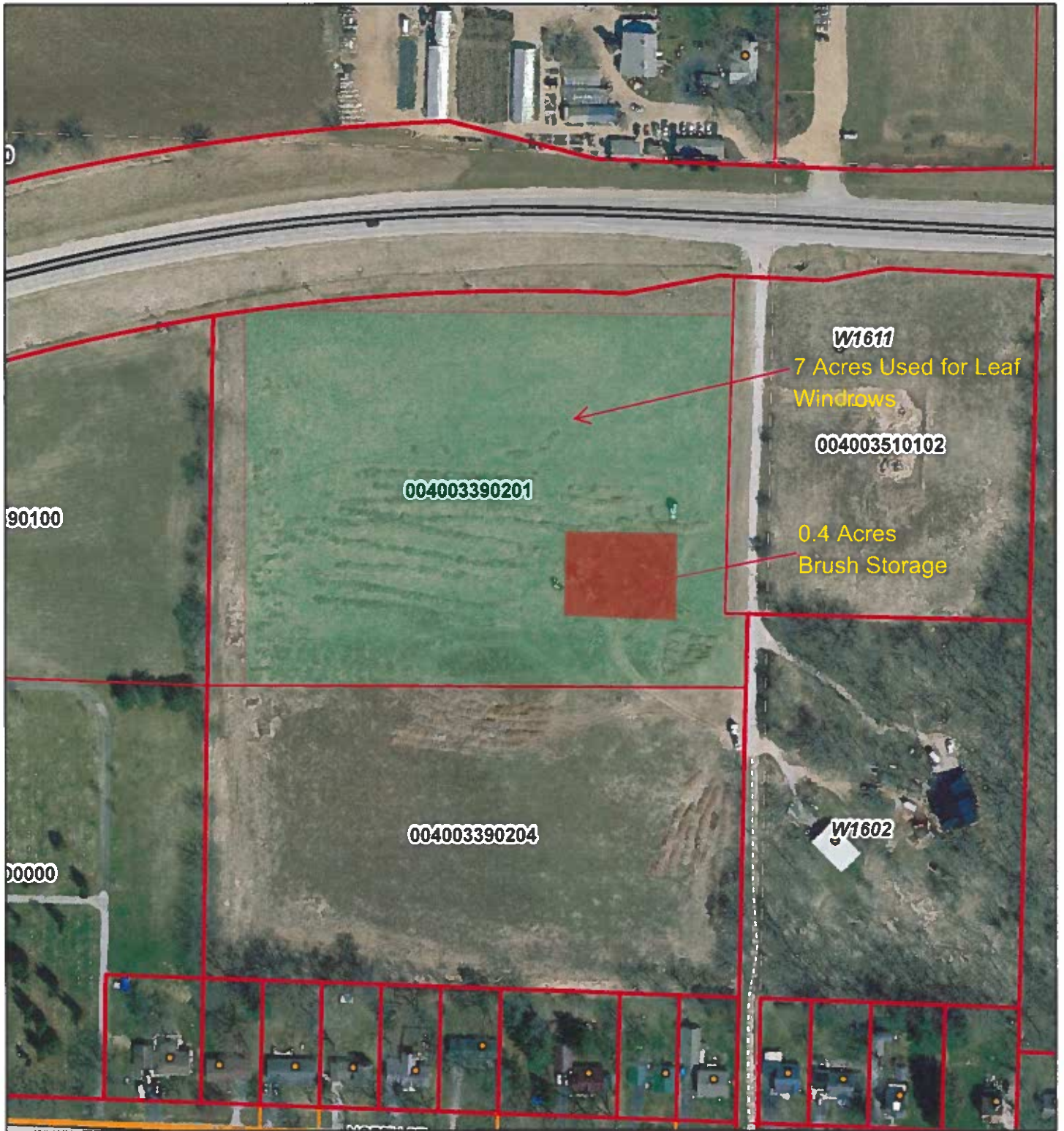
It is used seasonally. From April - Nov/Dec.

The county created a berm on property years ago. So
no worries about run off etc.

There are currently no structures and have no intention
to put any up.

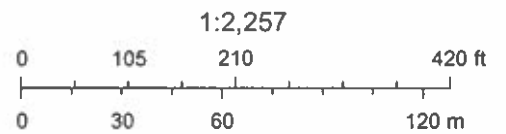
8-5 hours

GIS Viewer Map



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- Address
- ▭ Section
- Corner
- ▭ TaxParcel
- SUB



Edwards, Caleb

From: John & Angela <greenlakelawnandsnow@gmail.com>
Sent: Friday, March 17, 2023 5:04 PM
To: Edwards, Caleb
Subject: Re: CUP Application

[CAUTION: EXTERNAL SENDER This email originated from outside Green Lake County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Brush and leaf disposal/ composting site:

1. What is the estimated volume of leaves and debris to be stored on site per year I dont know the volume . We suck a lot of leaves up in the fall months.
2. What is the estimated volume of finished compost to be produced per year? No plans as of now to do anything with the compost. Currently just dump our leaves on site.
3. What will the finished compost be used for? If we had finished compost we would likely add it to topsoil.

Brush/wood burning:

1. How often will brush be burned? The pile is never very big. We burn it one time a year before the snow leaves in Spring.
2. How much brush will be burned at a time? See above
3. What measures will be taken to ensure the fire will remain contained inside the burning area? We burn it only when ground is wet/snow covered.
4. What type of materials will be burned on the property? Brush only

Contractor's yard:

1. What type of equipment will be stored on the property? We have a machine for chewing up the leaves.
2. What materials (mulch, wood chips...) will be stored on the property? No.
3. Where will the equipment and materials be stored on the property? East of brush pile closer to the driveway.



John & Angela Zodrow
Green Lake Lawn & Snow Inc.
PO Box 3
Princeton, WI 54968
920-295-CUTS

On Fri, Mar 17, 2023 at 3:18 PM Edwards, Caleb <cedwards@greenlakecountywi.gov> wrote:

Hello John,

I was looking over your CUP Application for a brush and leaf disposal site and after reading it and talking with Matt Kirkman it sounded like you might be looking to do more than just brush and leaf disposal. It looks like you want to use the property as a brush and leaf disposal/ composting site, a brush burning site, and a contractor's yard. I was planning on breaking down the application into those three separate categories and was looking for some more information. If I misinterpreted anything or missed anything, please let me know. Answering the following questions would help me get a better understanding on how you plan on using this property. If none of the questions apply, please let me know.

Brush and leaf disposal/ composting site:

1. What is the estimated volume of leaves and debris to be stored on site per year?
2. What is the estimated volume of finished compost to be produced per year?
3. What will the finished compost be used for?

Brush/wood burning:

1. How often will brush be burned?
2. How much brush will be burned at a time?

3. What measures will be taken to ensure the fire will remain contained inside the burning area?

4. What type of materials will be burned on the property?

Contractor's yard:

1. What type of equipment will be stored on the property?

2. What materials (mulch, wood chips...) will be stored on the property?

3. Where will the equipment and materials be stored on the property?

If you can think of anything else that may be useful, please let me know.

Thanks,

Caleb Edwards

Green Lake County

Land Use Specialist

571 County Road A, Green Lake, WI 54941

cedwards@co.green-lake.wi.us

920-294-4028