



# COLUMBIA COUNTY

Planning and Zoning Department

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112 E. Edgewater Street  
Portage, WI 53901

## **Public Hearing Item 6: Conditional Use Permit**

Planning & Zoning Committee • February 3, 2026

<b><u>Proposed Use:</u></b>	Non-Metallic Mineral Extraction – CUP Renewal
<b><u>Applicable Section(s):</u></b>	12.115.02; Table 12.115.02(1); 12.125.25; 12.155.06(10)
<b><u>Zoning District(s):</u></b>	I-2 General Industrial
<b><u>Property Owner(s):</u></b>	Wieser Real Estate Partnership
<b><u>Applicant(s):</u></b>	Wieser Real Estate Partnership; c/o Mark Wieser
<b><u>Property Location:</u></b>	Located in the Northeast Quarter of the Northwest Quarter of Section 36, Town 13 North, Range 8 East
<b><u>Town:</u></b>	Lewiston
<b><u>Parcel(s) Affected:</u></b>	919.04
<b><u>Site Address:</u></b>	2815 Riley Road
<b><u>Background:</u></b>	

Mark Wieser of Wieser Real Estate Partnership, owner and applicant, requests the Planning and Zoning Committee review and approve a Conditional Use Permit Renewal for Non-Metallic Mineral Extraction on the aforementioned property. The site fronts on State Highway 127 and has direct access off of State Highway 127 and can also be accessed from Riley Road through lands under common ownership in the City of Portage. The property is zoned I-2 General Industrial and planned for continued Industrial land use. There are no mapped wetlands or floodplain on the property. In the Columbia County Zoning Ordinance, non-metallic mineral extraction is regulated under Section 12.125.25. A copy of this section is included with this report under the Conclusions of Law. Land use and zoning of adjacent properties is below.

### **Adjacent Land Uses and Zoning**

Direction	General Land Use	Zoning
North	Agriculture and Wetland	A-1 Agriculture
East	Correctional Institution	<i>M-3 Interchange Industrial (City of Portage)</i>
South	Industrial	<i>M-3 Interchange Industrial (City of Portage)</i>
West	Agriculture and Single-Family Residence	A-1 Agriculture

### **Analysis:**

The owner rezoned the property to Industrial in 2008 to allow for the outdoor storage of products produced on their site in the City of Portage. Wieser Real Estate Partnership owns approximately 50 acres in total. 34.74 acres are located in the Town of Lewiston, and 15.20 acres are located in the City of Portage. The industrial plant is located within the city. The nonmetallic mining activity consists of phased removal of borrow material on parcel 919.04 and is 8 acres in size. The material is extracted based on third-party requests for fill material and is not intended to be used onsite for concrete production. The most recent 2013 Conditional Use Permit expired in January 2025; therefore, Wieser Real Estate Partnership is seeking a renewal of the existing CUP. There are no operational or site plan revisions proposed, so recommended conditions remain unchanged other than the removal of conditions that have been fulfilled. An approved Reclamation Plan is on file with the Department. Staff is proposing a 10-year time limit on this Conditional Use Permit.

### **Town Board Action:**

The Lewiston Town Board met on June 19, 2025 and recommended approval of the Conditional Use Permit with conditions.

**Standards for Review:**

The proposed use complies with the General Criteria of Section 12.150.07(4) of the Columbia County Zoning Ordinance. See Attachment A for more details.

**Recommendation:**

Staff recommends approval of the Conditional Use Permit for Non-Metallic Mineral Extraction, subject to the adoption of the following recommended Findings, Conclusions, and Conditions.

**Recommended Findings of Fact:**

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Ordinance, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
  - a. Wieser Real Estate Partnership is the owner of the subject property.
  - b. Mark Wieser of Wieser Real Estate Partnership is the applicant for a Conditional Use Permit.
  - c. Wieser Real Estate Partnership is the operator of an existing non-metallic mine on the subject property.
  - d. Mark Wieser of Wieser Real Estate Partnership is requesting renewal of a Conditional Use Permit for non-metallic mining in the I-2 General Industrial zoning district.
  - e. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
  - f. The use will be designed, constructed, operated, and maintained so as to be compatible, and 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 such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
  - g. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
  - h. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
  - i. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
  - j. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.

**Recommended Conclusions of Law:**

1. The subject property is located in the Town of Lewiston and is zoned I-2 General Industrial. The District uses are listed in Table 12.115.02(1).
2. Mark Wieser of Wieser Real Estate Partnership is the petitioner for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Code.
3. The petitioners are proposing to continue operation of a Non-Metallic Mine on the site, which is allowed as a Conditional Use under Table 12.115.02(1).
4. The Lewiston Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 12.150.07 of the Columbia County Zoning Code.
5. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)(b) and 12.150.07 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
6. The standards of Section 12.125.25 of the Columbia County Zoning Code as noted below are applicable:
  - (1) In addition to the information normally required for conditional use permit applications, the application shall include the following information:
    - (a) A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what

roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; whether excavation will occur below the water table and, if so, how ground water quality will be protected; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; if within the A-1 district, justification that the use meets all standards associated with such district; and assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all county, state, and federal regulations, including a listing of all applicable regulations.

(b) A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms and landscaping; and proposed temporary and permanent structures, including scales and offices.

(c) An erosion control plan, drawn to scale by a professional engineer, meeting all applicable state and county requirements.

(d) A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Columbia County non-metallic mining reclamation ordinance.

(2) The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in Section 12.140.06(2)(d).

(3) The appropriate County approval authority may place limits on the amount of time the non-metallic mineral extraction use shall remain in operation.

(4) The nearest edge of all buildings, structures, and surface activity areas, including pit edges, shall be located a minimum of 200 feet from all dwellings on adjacent properties, and no less than 50 feet from any lot line.

(5) To prevent tracking of mud onto public roads, access driveways shall be paved within one 100 feet of public roads, unless the adjacent road is unpaved.

(6) All public roads shall be kept free of all mud, debris, and dust by sweeping or other means as necessary, or as requested by the applicable town.

(7) Access to the site shall only be through points designated as entrances on the site or operations plan; such access points shall be secured when the site is not in operation.

(8) Provisions for the upgrade, repair, and maintenance of town and county roads shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance. If any town or county road is damaged or destroyed as a result of owners' operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.

(9) The site and driveway shall be sprayed to control dust, except when the temperature is below freezing. Spraying may also be required in and around the excavation pit to further reduce dust.

(10) On-site bulk fuel storage areas and areas for fueling of equipment (e.g., above the water table) shall be located to minimize the potential for groundwater contamination and in accordance with the Wisconsin Administrative Code and State Statutes.

(11) Hours or days of operation may be limited.

(12) Hours for blasting, drilling, screening, and asphalt batching shall be established. The conditional use permit may restrict such activities from occurring if the conditional use permit standards cannot be met.

- (13) If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with the Wisconsin Administrative Code.
- (14) All trucks, excavation, and processing equipment shall have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The level of noise generated by the facility or equipment shall not exceed 65 decibels at the property line.
- (15) Unless the extraction site is inaccessible, the area of extraction shall be completely enclosed by a safety fence or maintained at a slope not to exceed 3:1.
- (16) The applicant shall furnish a certificate of insurance before operations commence.
- (17) Approval shall be subject to amendment or revocation if non-compliance with approved plans, this section, or approval conditions is identified.
- (18) Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.
- (19) Within the A-1 district, such use shall also be subject to the following additional limitations:
  - (a) The operation complies with subchapter I of Wisconsin Statutes Chapter 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under Section 295.13 or 295.14 and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
  - (b) The operation and its location in the A-1 district are consistent with the purposes of that district in Section 12.105.01(1).
  - (c) The operation and its location in the A-1 district are reasonable and appropriate, considering alternative locations outside the A-1 district, or are specifically approved under state or federal law.
  - (d) The operation is reasonable designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - (e) The operation does not substantially impair or limit the current or future agricultural use or surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - (f) The owner shall be required to restore the land to agricultural use, consistent with the County approved reclamation plan, when extraction is completed.

#### **Recommended Conditions for the Decision:**

1. The Conditional Use Permit shall expire 10 years from the date of issuance.
2. The property owner shall abide by the “Screening Agreement for Outdoor Storage” as drafted by the Town of Lewiston and signed by the owner on June 26, 2012.
3. No un-reclaimed area of the pit shall be used for the parking, refueling, servicing or repair of vehicles and equipment other than equipment required for excavation and loading in the pit area. No fuel shall be stored in the mine site area as delineated in the submittals.
4. The owner and operator shall require all trucks, excavation and processing equipment to have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The level of noise or sound generated by the facility or equipment shall not exceed 65 decibels at the property line.
5. The owner and operator shall minimize the generation of airborne dust resulting from excavating, screening, processing and hauling operations within the mine site and on the driveway as needed or upon request of the Town or County.
6. The County shall have the right to order the installation of erosion control barriers on the site where, due to unforeseen circumstances, such barriers are deemed necessary to prevent unacceptable off-site erosion and sedimentation that might impact surface waters.
7. Hours of operation, including, but not limited to, excavating, stockpiling, loading and hauling are limited to the hours between 8 A.M to 5:00PM Monday through Friday and 8:00 AM to 12:00 Noon on Saturdays.

Necessary maintenance such as welding, tire repair, or changing of engine fluids may be conducted at other times provided such activities do not constitute a nuisance.

8. There shall be no blasting within the identified mine site.
9. Steel rebar being stored on parcels in the Town of Lewiston shall be relocated to land within the Portage City limits.
10. No ground signs, except for directional or informational, shall be allowed unless they are reviewed by the Town and approved by the Planning and Zoning Department.
11. The provisions of Section 12.125.25 of the Columbia County Zoning Code are hereby incorporated as part of this Conditional use Permit.
12. The owner and operator shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
13. The Planning and Zoning Department shall have the right of inspection, upon reasonable notice to the owner/operator, for the purpose of determining compliance with this permit and the approved Reclamation Plan.
14. If the Planning and Zoning Committee finds that the review criteria of Section 12.150.07(4) of the Columbia County Zoning Code, or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.
15. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Lewiston and Wieser Real Estate Partnership are hereby incorporated by reference as part of this Conditional Use Permit, however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included as a condition of approval. Any additional Town agreement(s) or condition(s) are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.

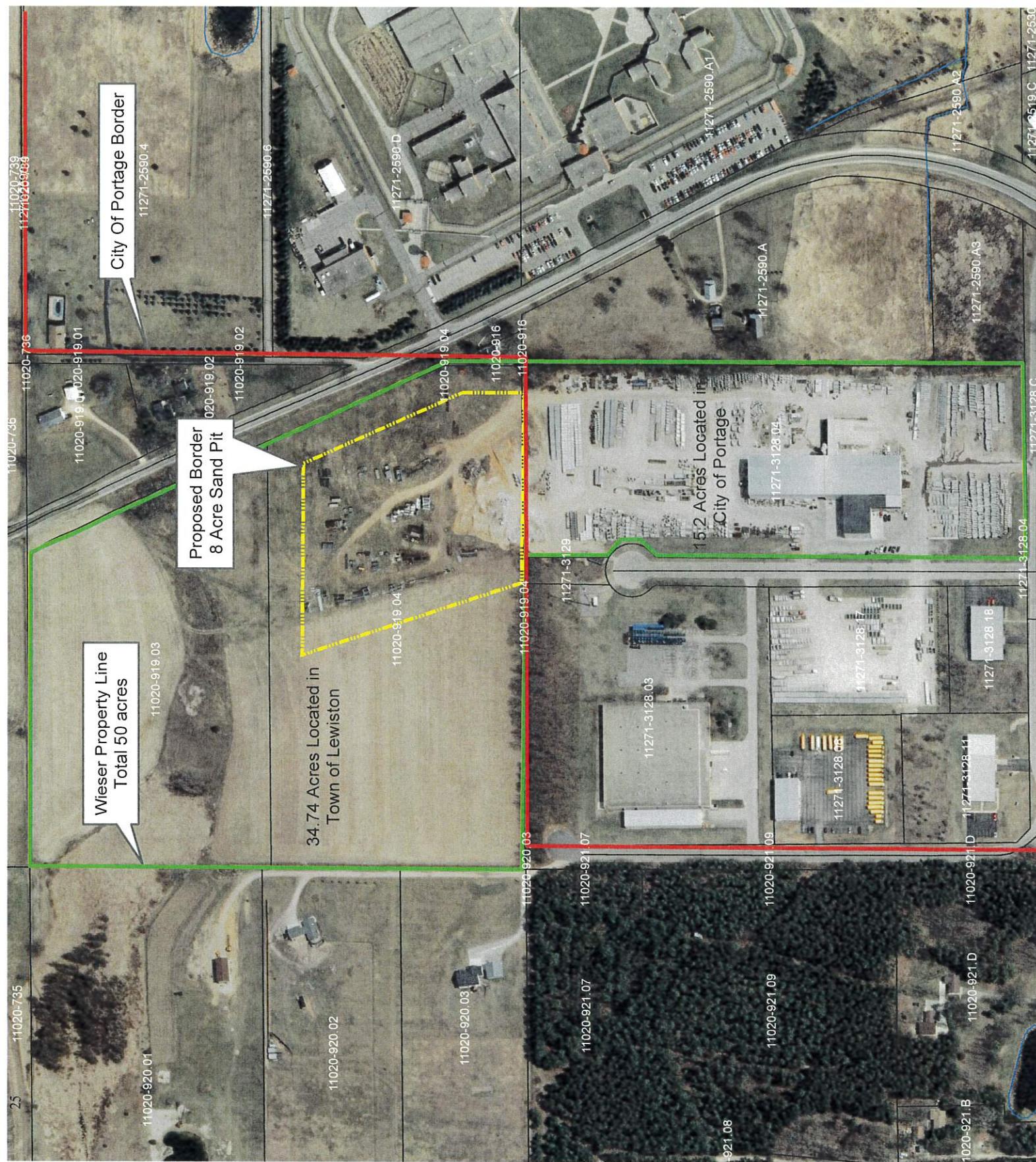
## Section 12.150.07(4): Criteria for review of all Conditional Uses

### Re: Public Hearing Item 6: Wieser Real Estate CUP

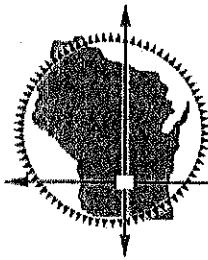
*\*Staff comments are italicized after each review item.*

Review Criteria. In reviewing the conditional use permit the Planning and Zoning Committee shall use the following as guides for making a decision.

- (1) The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.  
*The proposal is to renew approval for the operation of an existing non-metallic mine. Continuing to operate within the confines of state and local regulations, including the conditions of the Conditional Use Permit and reclamation plan, will help ensure that the use does not endanger the public health, safety, or general welfare of the occupants of surrounding lands.*
- (2) The use will be designed, constructed, operated, and maintained so as to be compatible, and 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 such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area. *The use is consistent with industrial and agricultural uses, and abiding by an approved reclamation plan should adequately mitigate any impacts of the use on the area.*
- (3) The erosion potential of site based on topography, drainage, slope, soil type, and vegetative cover. *Abiding by all state and local requirements, including the approved reclamation plan, should adequately prevent erosion issues.*
- (4) The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands. *The site should not present problems for water pollution. There are no floodplains or wetlands in the area.*
- (5) The site has adequate utilities, including if necessary acceptable disposal systems. *There are no utilities or disposal systems required at the site.*
- (6) Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow. *Ingress and egress to the site is from an existing access point on Riley Road through lands under common ownership in the City of Portage. Mining operations are existing, and continuation of said activity should not affect traffic flow beyond the current demand.*
- (7) The Conditional Use shall conform with the standards of the applicable district(s) in which it is located. *The proposed use is consistent with industrial and agricultural uses per Section 12.125.25 of the Columbia County Zoning Ordinance and will be conducted in accordance with an approved reclamation plan.*







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400 DeWitt Street  
Portage, WI 53901

## COLUMBIA COUNTY PLANNING & ZONING COMMITTEE DECISION ON APPLICATION FOR CONDITIONAL USE PERMIT

**Owners & Petitioner:**

Wieser Real Estate Partnership

**Property Description:**

NE-NW, Section 36, T13N, R8E, Town of Lewiston,  
Tax Parcel 919.04

**Site Address:**

2815 Riley Road

**Zoning District:**

I-2 General Industrial

**Proposed Use:**

Sand Pit

**Applicable Sections**

**of Ordinance:** Section 16-125-230, Non-Metallic Mineral Extraction Use,

Columbia County Zoning Ordinance

**Hearing Date:**

January 7, 2014

### Recommendation/Conditions

In consideration of evidence submitted and testimony given at a public hearing on January 7, 2014, the Columbia County Planning and Zoning Committee approves a Conditional Use Permit for nonmetallic mineral extraction (sand) as proposed in the application and accompanying submittals, together with the following recommended Findings, Conclusions, and Conditions of approval:

#### Findings:

1. Wieser Real Estate Partnership is the owner of the subject property.
2. Nonmetallic mining sites are permitted in the I-2 General Industrial upon approval of a Conditional Use Permit.
3. The nonmetallic mining site is consistent with purposes of the industrial zoning and Comprehensive Plan.
4. The site is a reasonable location for the mine as it has been determined that the resources are available on this site.
5. Final reclamation will result in an Industrial storage yard for the existing concrete company.

#### Conclusions:

1. The proposed use complies with all applicable standards and criteria, including the provisions of the Columbia County Nonmetallic Mining Ordinance.
2. The proposed sand pit is compatible with the Industrial character of the general vicinity and will not substantially impact current or future permitted uses in the vicinity.
3. The application qualifies for a Conditional Use Permit.

#### Conditions for Approval:

1. Prior to any site preparation or stripping, the applicant shall agree to screen and maintain a vegetative buffer as described in the "Screening Agreement for Outdoor Storage" as drafted by the Town of Lewiston.

2. Proper permits must be obtained from the Dept. of Transportation for access off of Hwy 127 and the driveway must comply with Sec. 16-140-030 A. for the proper vision clearance.
3. The Conditional Use Permit expires on Jan 1, 2025 unless it is extended through the Conditional Use Permit process.
4. The Planning and Zoning Department shall have the right of inspection, upon reasonable notice to the owner /operator, for the purpose of determining compliance with this permit and the approved Reclamation Plan.
5. No un-reclaimed area of the pit shall be used for the parking, refueling, servicing or repair of vehicles and equipment other than equipment required for excavation and loading in the pit area. No fuel shall be stored in the mine site area as delineated in the submittals.
6. The owner and operator shall require all trucks, excavation and processing equipment to have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The level of noise or sound generated by the facility or equipment shall not exceed 65 decibels at the property line.
7. The owner and operator shall minimize the generation of airborne dust resulting from excavating, screening, processing and hauling operations within the mine site and on the driveway as needed or upon request of the Town or County.
8. The County shall have the right to order the installation of erosion control barriers on the site where, due to unforeseen circumstances, such barriers are deemed necessary to prevent unacceptable off-site erosion and sedimentation that might impact surface waters.
9. Hours of operation, including, but not limited to, excavating, stockpiling, loading and hauling are limited to the hours between 8 A.M to 5:00PM Monday through Friday and 8:00 AM to 12:00 Noon on Saturdays. Necessary maintenance such as welding, tire repair, or changing of engine fluids may be conducted at other times provided such activities do not constitute a nuisance.
10. There shall be no blasting within the identified mine site.
11. The steel rebar that is being stored on parcels in the Town of Lewiston must be moved to land within the Portage City limits.
12. The service road on the east side will be removed and a new service road constructed on the west side of the property.
13. The petitioner will pay for the installation of a mutually agreeable filtration system for the well on parcel 11020-916.
14. No ground signs, except for directional or informational, shall be allowed unless they are reviewed by the Town and approved by the Planning and Zoning Department.
15. The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
16. If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070 D of the Columbia County Zoning Code or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the conditional use permit.

For the Columbia County Planning & Zoning Committee



John C. Bluemke, Director of Planning & Zoning

January 8, 2014

Date

#### Distribution

Wieser Real Estate Partnership  
Town of Lewiston - Town Chair  
Town of Lewiston - Town Clerk