

Rezoning Staff Report
St. Croix County Community Development Committee
Roberts Concrete/Cemstone Ready Mix, LLC
Public Hearing Date: October 17, 2024

Property Owners:	Roberts Concrete
Applicant/Agent:	Cemstone Ready Mix, LLC
Site Address:	1139 County Road G, New Richmond, WI 54017
Town:	Richmond
File #:	RZN-2024-08
Legal Description:	Parts of the North ½ along with parts of the NE ¼ of the SW ¼ of Section 21, Township 30N, Range 18W, Town of Richmond, St. Croix County
Total Acres:	+/- 115
Current Zoning:	<i>R-2 Residential District</i>
Requested Zoning:	<i>R-1 Residential District with a Nonmetallic Mining Overlay District (NMO)</i>
Attachments:	Rezoning application

BACKGROUND:

Purpose of Request

Roberts Concrete owns 115 +/- acres in the Town of Richmond. The property owner/applicant has applied to rezone the parcels from the R-2 Residential District to the R-1 Residential District, with a Nonmetallic Mining Overlay (NMO) District, pursuant to Section 15.545 of the St. Croix County Zoning Ordinance. The agent proposes an expansion of an existing Nonmetallic Mining operation.

The rezoning application is being reviewed to assess whether the proposed R-1 Residential Zoning District and the Nonmetallic Mining Overlay District is consistent with the Comprehensive Plans of both the Town of Richmond and St. Croix County. If the rezoning application is approved, a separate Conditional Use Permit (CUP) application will be required. The CUP application will be reviewed by county staff and relevant agencies. A public hearing will be held by the St. Croix County Board of Adjustment to collect comments on the nonmetallic mining operations and proposed reclamation plans, in accordance with Chapter 14 (Nonmetallic Mining) regulations.

Specifically, the rezoning application request will be evaluated for:

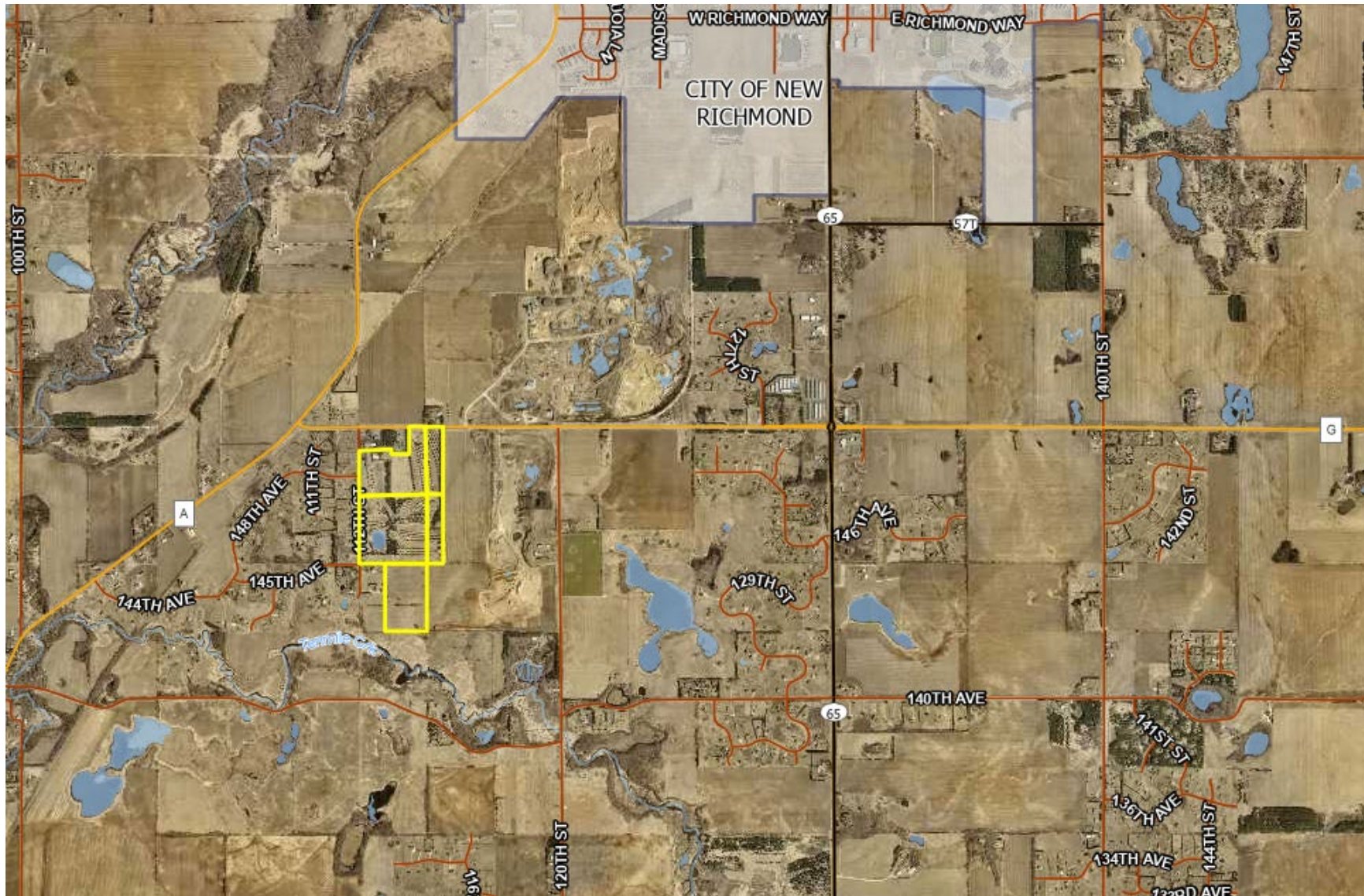
1. Consistency with standards, goals, and objectives for the Comprehensive Plans of both the Town of Richmond and St. Croix County. A **comprehensive plan** is a document designed to guide future actions of a county, city, or town. A typical plan consists of long-range goals and maps that portray the future vision of that particular jurisdiction. The plan document provides a guide in making decisions such as land uses and rezoning requests.

DEFINITION:

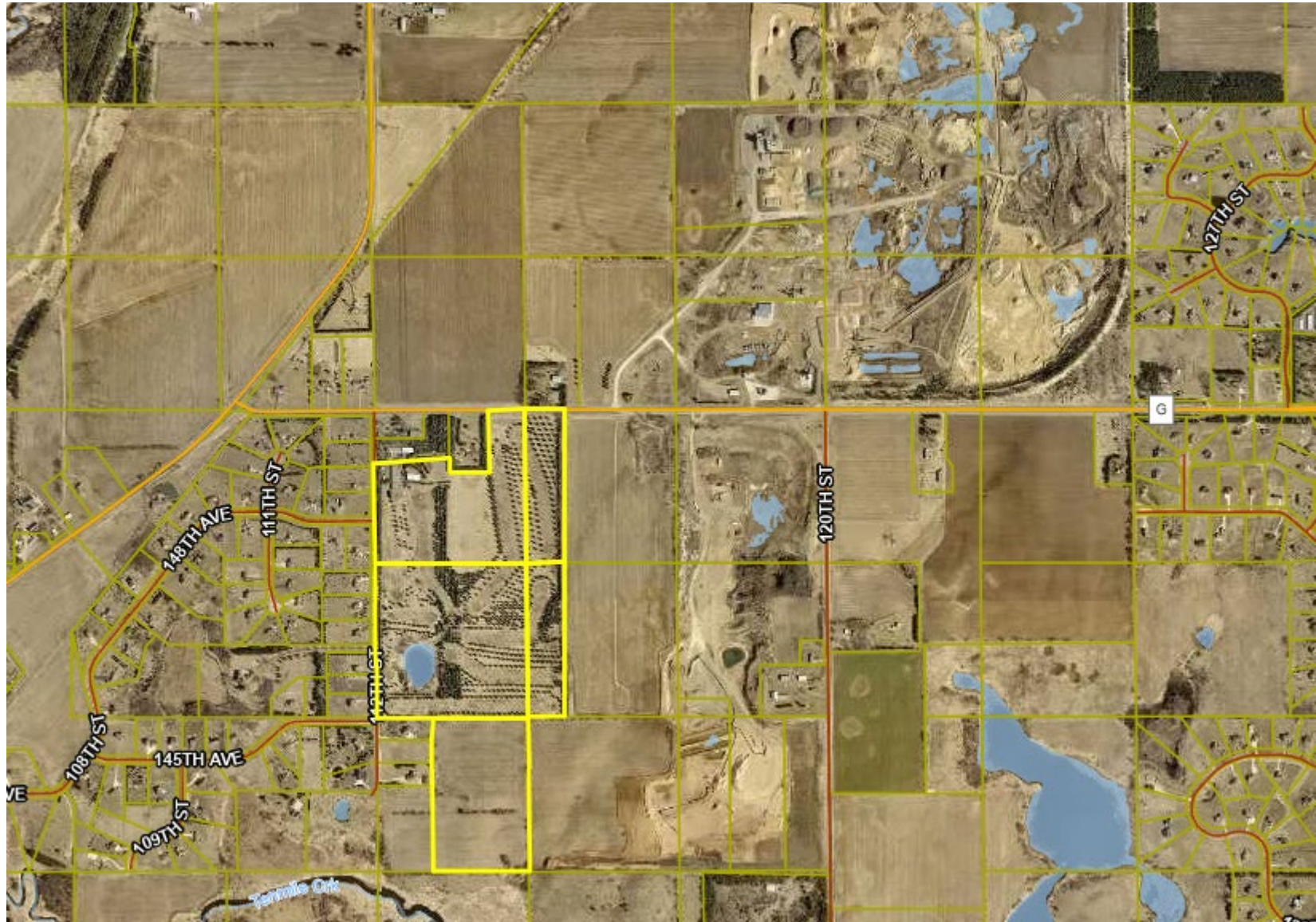
Nonmetallic mining means the following:

- Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals (stone, sand, gravel) for sale or use by the operator.
- Includes the use of mining equipment or techniques to remove materials and may include drilling, blasting, excavation and grading.
- Includes processes that are related to the preparation or processing of the nonmetallic minerals including stockpiling of materials, blending of aggregate resources, crushing, screening, and dewatering.

LOCATION MAP – 1139 COUNTY ROAD G



2022 AERIAL PHOTO

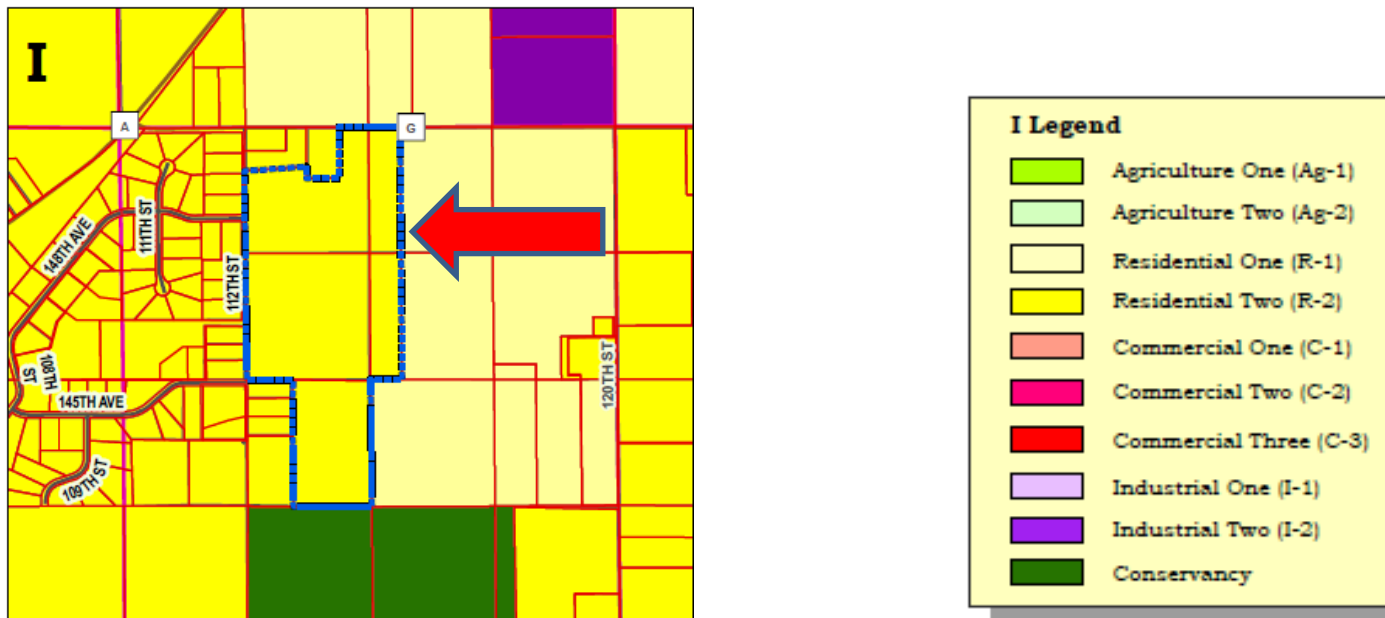


General Features of the Property

Based on the Official St. Croix County Zoning Map for the Town of Richmond, the subject parcels (outlined in blue on the map below) are zoned as R-2 Residential. They are bordered by properties zoned as R-1 to the east and north, which include existing nonmetallic mining operations, and by properties zoned as R-2 to the west, which are part of a rural subdivision. The large majority of the subject property's prior use was a 9-hole golf course. The southerly 25 acres has recently been cropped.

In the R-1 Zoning District, nonmetallic mining operations are permitted as a Conditional Use. Other allowable uses in the R-1 Residential District include residential development with a density of one unit per 10 acres and agricultural activities. In contrast, the R-2 Zoning District permits most agricultural uses and residential development on 1.5-acre lots without density restrictions. However, nonmetallic mining is not permitted in the R-2 District.

Additionally, the subject site is bordered to the south by a Conservancy Zoning District owned by the U.S. Fish and Wildlife Service. This district includes Tenmile Creek and surrounding natural areas.

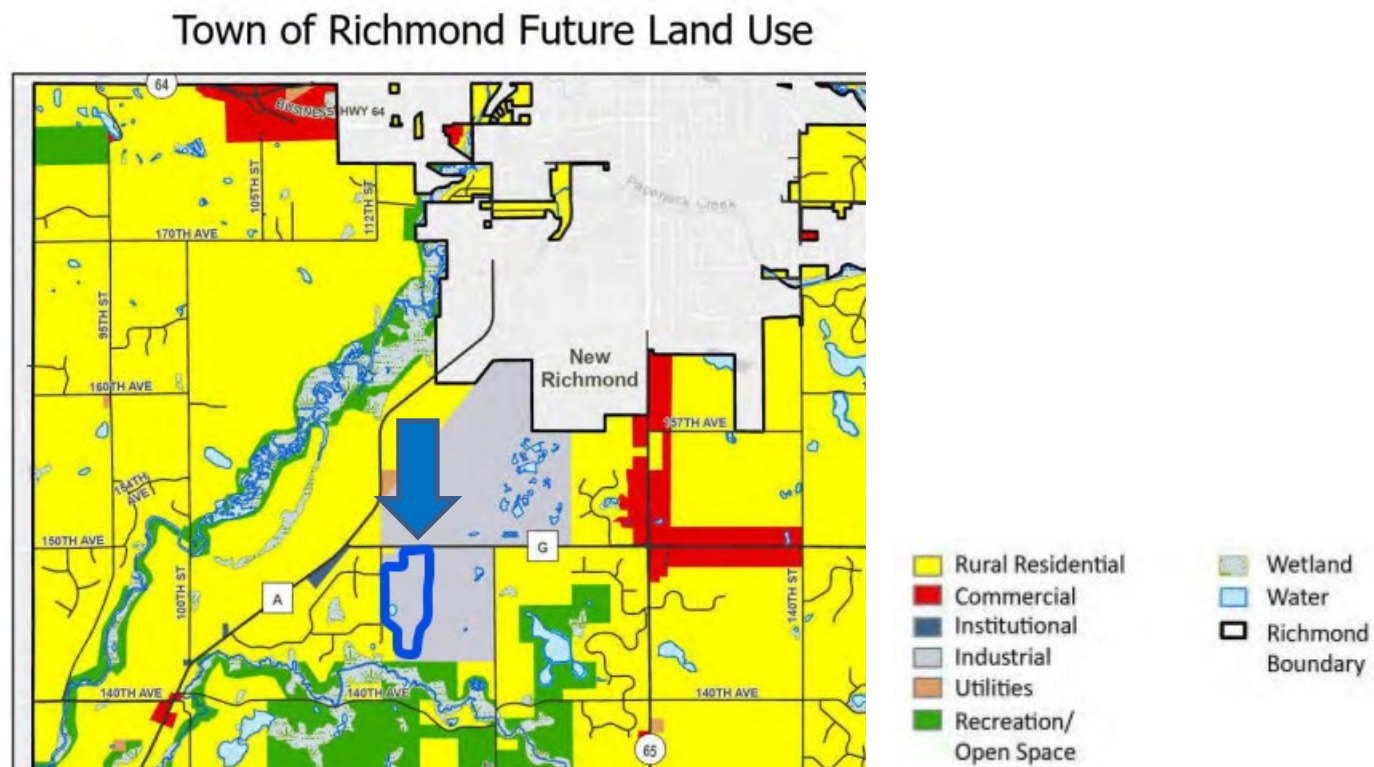


COMPREHENSIVE PLANS:

Official zoning maps/ordinances enacted or amended (rezoning of lands) are required to be consistent with the local governmental unit's Comprehensive Plan, per Wisconsin State Statute 66.1001 (3)(g).

Town of Richmond 2023 Comprehensive Plan

The Town of Richmond Future Land Use Map from the Town of Richmond 2023 Comprehensive Plan designates the subject parcels as “Industrial” (outlined in blue at point of blue arrow).



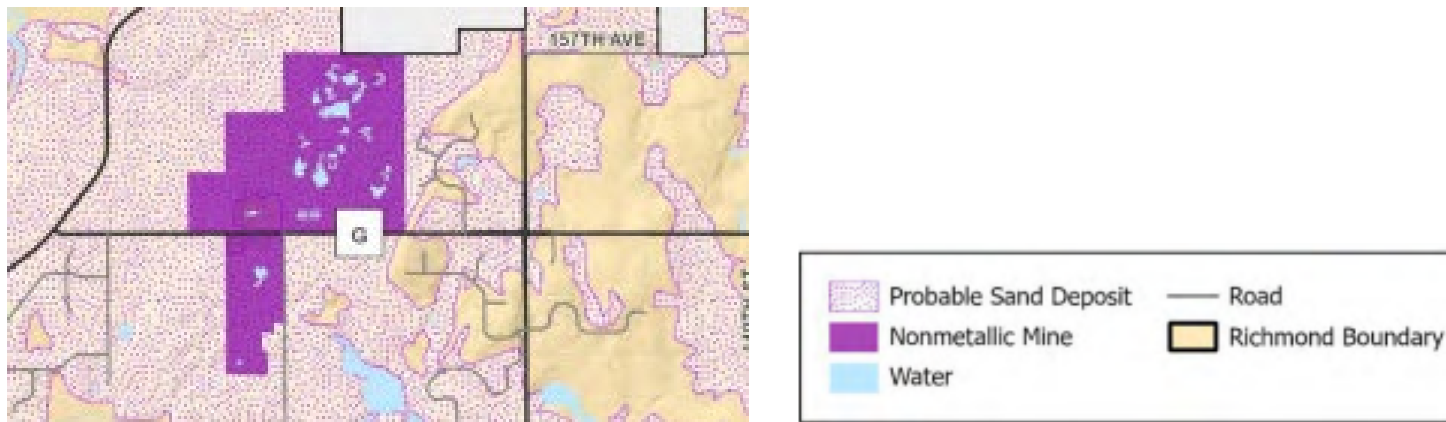
The Town of Richmond Comprehensive Plan language summary on the “Industrial” category is summarized as follows (from page 141 of Town Comprehensive Plan):

Industrial: New industrial land use is limited to expansion areas of the existing nonmetallic mining sites on CTH G as shown on the Future Land Use map. No other new areas of industrial development are encouraged or planned. Generally other large-scale, dense or high impact industrial development which requires greater services than the town can provide should be located within or adjacent to the City of New Richmond where urban sewer and water services are present or readily available.

From page 91 Natural Resources chapter of the Town Comprehensive Plan:

Suitability for Extraction of Minerals (Non-Metallic)

The Town of Richmond has significant supplies of sand and gravel. The soils amongst glacial outwash are the most likely source for sand and gravel as the melting waters of the glacier were most active in sorting and depositing high-quality sand and gravel in this area. Where the bedrock is at or near the surface of the ground are areas which are probably most suited for quarrying stone.



St. Croix County Comprehensive Plan – 2024-2045

St. Croix County Future Land Use:

St. Croix County Future Land Use Map (subject parcel outlined in red below):



The St. Croix County Comprehensive Plan Future Land Use Map designates the subject parcels as “Industrial”.
Plan language includes:

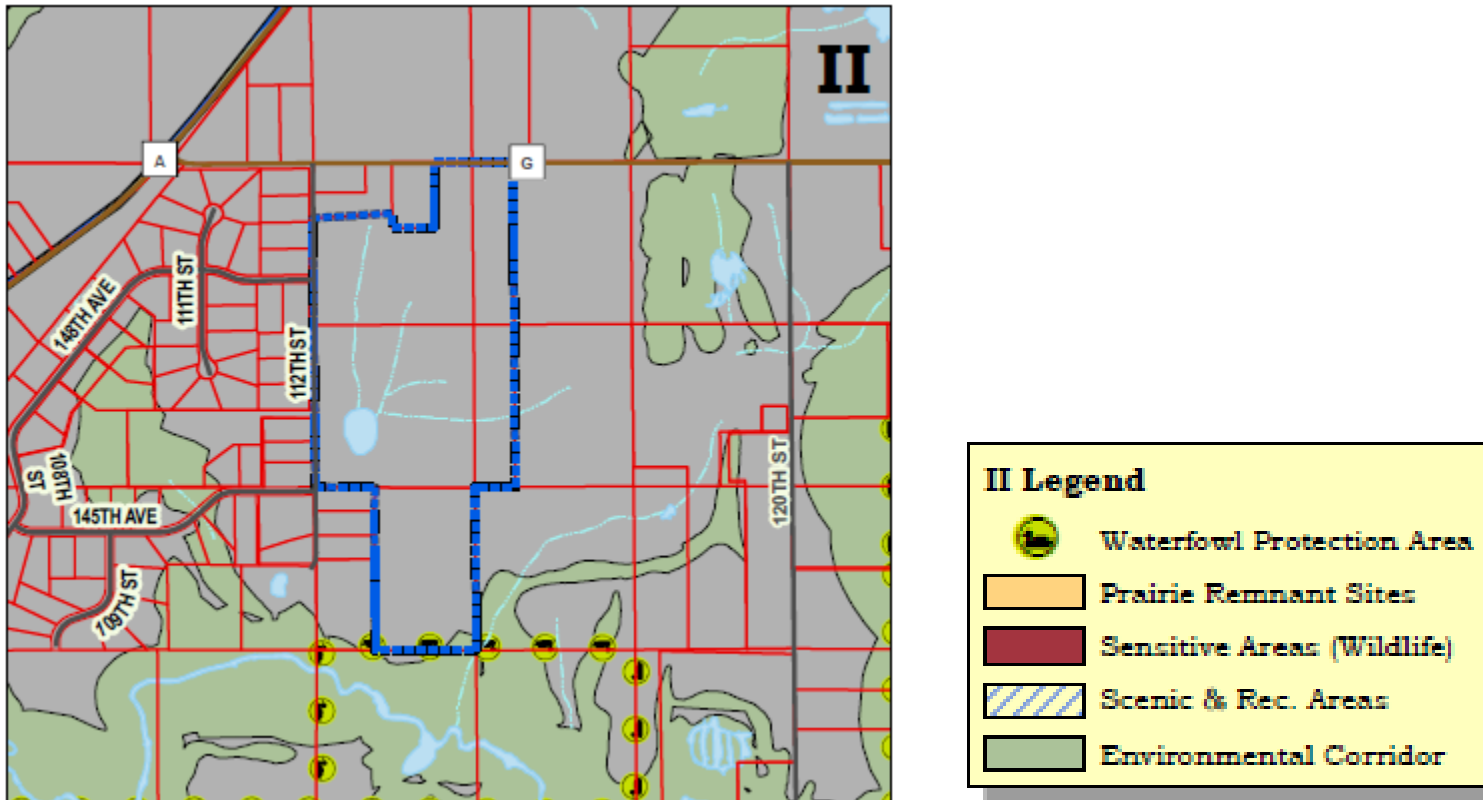
Industrial / Future Industrial

Purpose Statement: The purpose of the **Industrial / Future Industrial** classification is to identify areas suitable for planned industrial development. There are some existing scattered industrial developments throughout the County (mainly quarry sites) and these areas are expected to stay in industrial use with some possible site expansion. Most towns delineated little to no new industrial sites and limited expansion of existing industrial sites. The most appropriate industrial uses and locations will be those that are located along major transportation corridors and intersections, sites have available utilities to serve the volume of the industrial use, and supportive and compatible with agriculture and the natural resources of the area.

Natural Resource Features

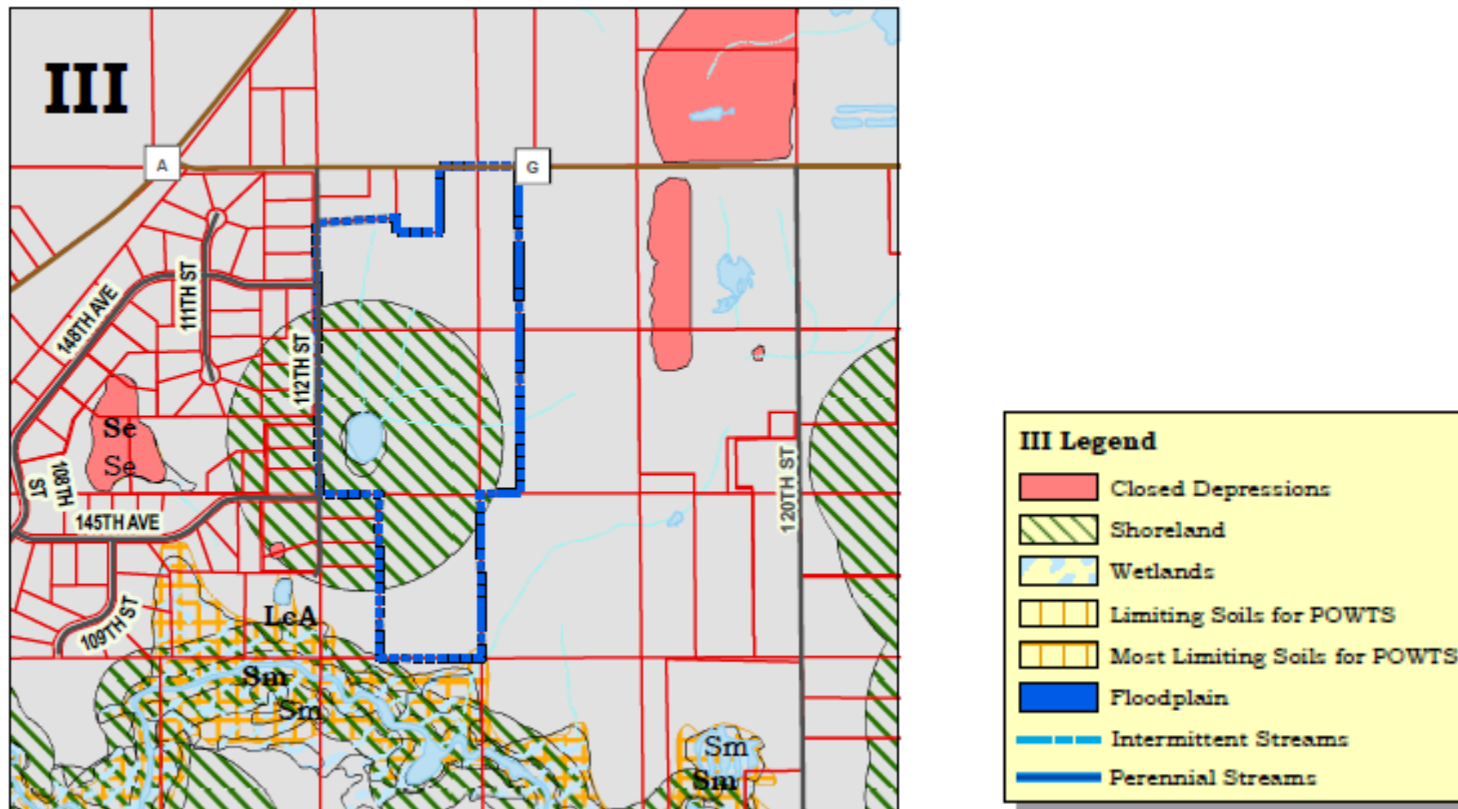
The subject site does not contain areas associated with Wildlife Protection Areas or Environmental Corridors. A Waterfowl Protection Area abuts the site to the south and is associated with Tenmile Creek and adjacent natural areas and wetlands. This property is owned and managed by the U.S. Fish and Wildlife Service.

Land Use Map II



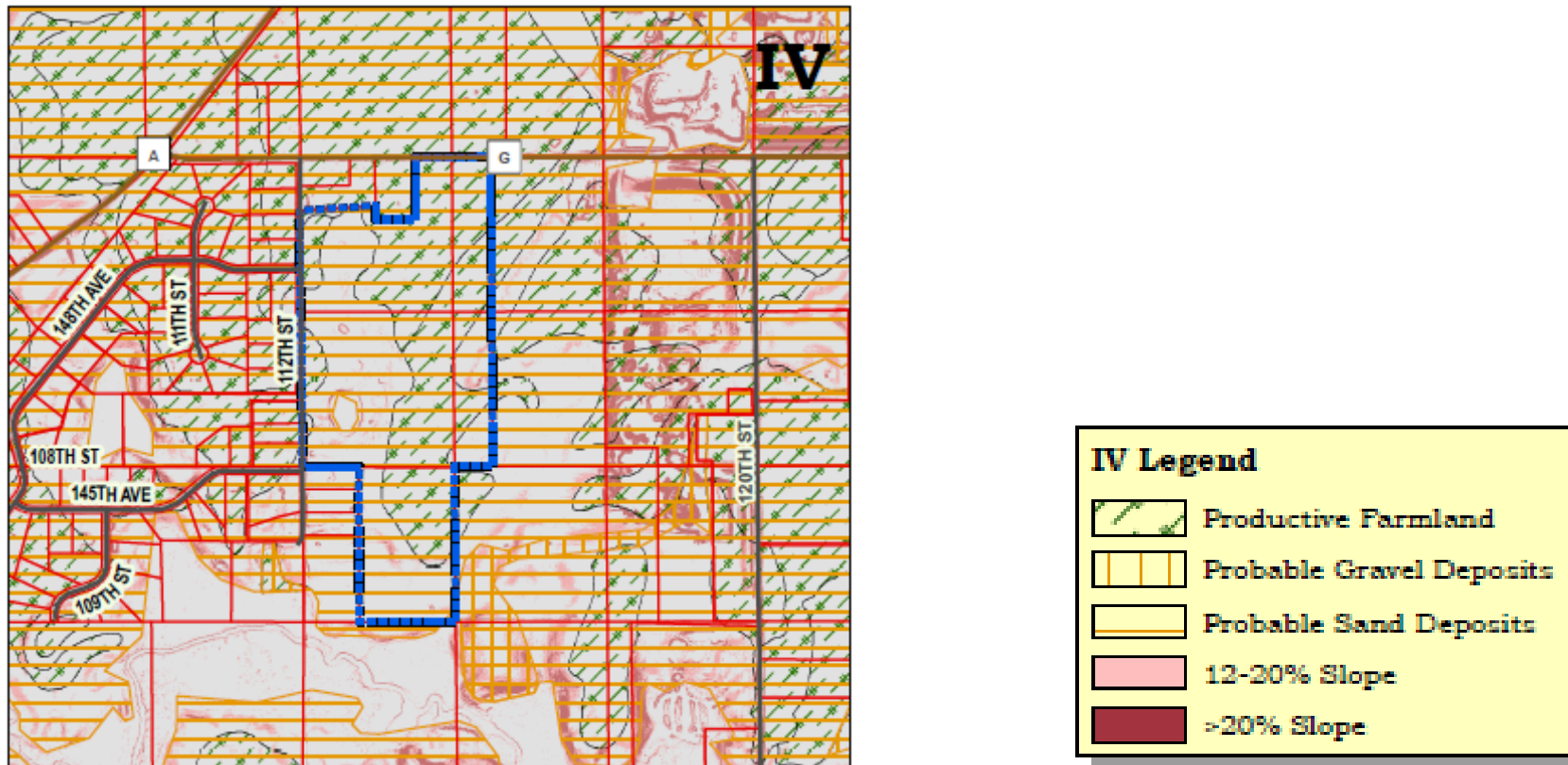
The subject property includes shoreland areas (lands within 1,000 feet of a navigable water). Shoreland areas are regulated through Chapter 16 (County Shoreland Zoning) and establishes development standards for various uses. Several Intermittent Streams are identified that channel surface run-off during snow melt and precipitation events from a larger geographical area and generally flow from north to south and east to west. Drainage and storm water plans will be required for review for any development/mining activities on the site.

Land Use Map III



The subject parcels include large areas of likely sand deposits and some areas that have soils suitable for some productive farmland. (Map Source: Natural Resource Conservation Service)

Land Use Map IV



GOVERNMENTAL AGENCY REVIEW:

1. The Town of Richmond Town Board recommended approval of the rezoning application at their September 24, 2024 meeting.
2. The Wisconsin Dept. of Natural Resources (DNR) was sent the rezoning application for review and comment. The DNR has no comment to make related to the rezoning request.
3. The St. Croix County Highway Department does not have any comments related to the rezoning application.

St. Croix County Zoning Ordinance - Chapter 15.252 - Nonmetallic Mining Overlay

15.252 NMO Nonmetallic Mining Overlay

***Purpose:** The Nonmetallic Mining Overlay (NMO) provides for the site location of new and expansion of existing heavy industrial non-metallic mining sites. Nonmetallic mining is an important industry that contributes to the County's economic well-being. However, heavy industrial mining operations, if not properly sited and regulated, can create short-term and long-term damage to the physical environment and tax base. The NMO allows the County to regulate the expansion of existing heavy industrial mining sites, engage in case-by-case review of proposals for new heavy industrial mining sites, and regulate heavy industrial mining to minimize or prevent damage to the public and to restore mining sites to a useful and stable condition after mining ceases.*

1. Permitted and Conditional Uses. The following uses are allowed:

- a. Heavy Industrial Mining operations, subject to an approved reclamation plan and any conditions of approval of an NMO district, and consistent with [Chapter 14](#) of the County Code, all applicable state and federal regulations, and any conditions of a permit or reclamation plan approved by the County and the State of Wisconsin; and
- b. Permitted and conditional uses allowed in the base district, subject to their applicable requirements and approval processes.

2. Dimensional Standards.

- a. The nonmetallic mining site must comply with any buffer zone, setback, height, or area of operations standards required by Chapter 14 of the County Code, any state or federal statute, and any condition of a state or County permit.
- b. Any land use subject to a reclamation plan shall comply with the base district requirements, any condition of rezoning to an NMO district, and any State or County-approved reclamation plan in effect when the use is established.

Effective on: 12/1/2019

TECHNICAL REVIEW FINDINGS:**Town of Richmond 2023 Comprehensive Plan and St. Croix County Comprehensive Plan 2024-2045*****The following are Transportation, Natural Resource and Land Use Goals and Objectives:***

1. Provide for safe and adequate road capacities and road conditions. (Town)
2. Direct new residential, open space, agricultural, institutional, commercial, and industrial land uses to those areas designated for such uses in this comprehensive plan. (Town)
3. Control access throughout the county road system to ensure the access, mobility, and safety of affected road segments. (County)
4. Conserve mineral resources for nonmetallic mining.(County)
5. Balance the needs of the nonmetallic mining industry for high-quality nonmetallic minerals and their extraction, processing, and transportation with the public's need for appropriate environmental protection and operational regulations. (County)
6. Residential development in major subdivisions should be buffered from nearby agricultural or nonmetallic mineral extraction lands to minimize conflicts between farming or mining and residential uses. (County).
7. Additional studies on noise, traffic, real estate value, air quality and groundwater impacts may be needed for site-specific nonmetallic mineral extraction and processing (County) (through Conditional Use Permit process)

St. Croix County Natural Resources Management Plan

8. Be consistent or not in conflict with the St. Croix County Natural Resources Management Plan.

Land Use Ordinances Consistency

9. Development of the property shall comply with standards in Chapter 14 *Nonmetallic Mining*, Chapter 15 *Zoning*, Chapter 16 *Shoreland Zoning and other applicable St. Croix County Ordinances*.

APPLICABLE STATUTES AND CRITERIA:

The Community Development Committee shall only recommend approval for rezoning subject to the following provisions:

1. The rezoning and proposed use is consistent with the St. Croix County Comprehensive Plan and local Town Comprehensive Plan.
2. The rezoning and proposed use is consistent with the St. Croix County Natural Resources Management Plan.
3. The rezoning and proposed use is consistent with the St. Croix County Zoning Ordinance and all other applicable Ordinances.
4. The Town has not disapproved the rezoning request.
5. The rezoning and proposed use is consistent with surrounding zoning districts and does not result in spot zoning.
6. The rezoning and proposed use is consistent with surrounding land uses.

COMMUNITY DEVELOPMENT COMMITTEE ACTION:

Pursuant to Section 15.545 of the Zoning Ordinance, the Community Development Committee may do one of the following:

1. Recommend approval of the zoning amendment.
2. Recommend disapproval of the zoning amendment.
3. Continue the public hearing for additional information.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning amendment from R-2 *Residential District* to R-1 *Residential District* with a *Nonmetallic Mining Overlay* based on the following findings of fact:

1. The Town Board of Richmond has recommended approval of the rezoning application.
2. The Town of Richmond and St. Croix County Comprehensive Plans include Future Land Use Map designations and Future Land Use designation descriptions that support the rezoning change from R-2 Residential to R-1 Residential with a Nonmetallic Mining Overlay (NMO) District.
3. The rezoning and proposed use shall comply with the St. Croix County Natural Resources Management Plan.
4. Development of the property shall comply with standards in Chapter 14 *Nonmetallic Mining*, Chapter 15 *Zoning*, Chapter 16 *Shoreland Zoning and other applicable St. Croix County Ordinances*.