

Town of Lowell, Dodge County, Wisconsin
Resolution No. _____

**Conditional Use Permit for the Construction and Operation of
the Village of Lowell Wastewater Treatment Facility (WWTF)**
(Village of Lowell / Kulke Property)

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**WHEREAS,** MSA Professional Services, agent for The Village of Lowell (hereafter "owner/operator") and Kenneth & Howard Kulke, property owners, applied for a Conditional Use Permit (CUP) pursuant to Section 13-1-46(c)(7) and Section 13-1-73(c) of the Zoning Code in order to construct and operate a new wastewater treatment facility (WWTF) with associated collection and distribution piping as described in Attachment "A" on property located in the AG: Agricultural Zoning District west of CTH KW south of STH 16/60; and

**WHEREAS,** A public hearing concerning the CUP application and proposed WWTF facility and operation was held on September 6, 2011; and

**WHEREAS,** Pursuant to Section 13-1-60 of the Zoning Code, the Town Plan Commission and Town Board have reviewed and considered the proposed WWTF and the potential impact such use may have on the health, safety, and general welfare of adjoining property, the surrounding neighborhood, and the community as a whole; and found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.

**WHEREAS,** The Town Plan Commission has found the proposed use to be in accordance with the purpose and intent of the Zoning Code and further determined that the proposed use meets or exceeds the standards for approval set forth in Section 13-1-66, and, therefore, has recommended to the Town Board APPROVAL of a conditional use permit subject to the conditions set forth in Attachment "A"; and

**WHEREAS,** The Town Board considered the Plan Commission recommendation and determined that, subject to and with complete satisfaction of the conditions set forth in Attachment "A", construction and continuing operation of the WWTF as proposed, the proposed use meets or exceeds the standards and special considerations set forth in Section 13-1-66, and

**NOW, THEREFORE,** the Town Board of the Town of Lowell does hereby resolve that:

**Section 1.** A Conditional Use Permit is hereby granted to the owner/operator for purposes of constructing and operating a new wastewater treatment facility (WWTF) with associated collection and discharge piping on the real property described in Attachment "A".

**Section 2.** The granting of this permit and subsequent use of the property described herein is subject to ongoing compliance with all conditions and requirements specified in Attachment "A" and applicable sections of the Town's Zoning Code and other Municipal Ordinances.

Adopted this 13<sup>th</sup> day of September, 2011.

ATTEST:  
  
\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
John Schmitt, Town Chairman

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

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**ATTACHMENT "A"**

Property Description: Property:PIN# 032-1014-2214-000

Being a part of the SW ¼ of the NE ¼ and part of the SE ¼ of the NE ¼ of Section 22, Town 10 North, Range 14 East, in the Town of Lowell, County of Dodge, State of Wisconsin.

Beginning at the East ¼ corner of said Section 22; thence North 89031'24" West, 1676.64 feet along the South line of the Northeast ¼ of said Section 22 to the East line of the West ¼ of the Southwest ¼ of said Northeast ¼; thence North 00034'50" East, 649.84 feet along said East line; thence South 89031'24" East, 335.11 feet to the East line of the Southwest ¼ of said Northeast ¼; thence South 00033'40" West, 619.84 feet along said East line; thence South 89031'24" East, 1241.27 feet; thence North 00028'58" East, 95.00 feet; thence South 89031'24" East, 100.00 feet to the East line of said Northeast ¼ and the centerline of CTH KW; thence South 00028'58" West, 125.00 feet along said East line and said centerline to the point of beginning.

Property Owner(s): Kenneth & Howard Kulke, W8503 STH 16-60, Watertown, WI 53098

Operator/Agent(s): Village of Lowell (and future property owner)

Zoning District(s): AG: Agricultural

Zoning Code

Reference(s): Section 13-1-46(c)(7) and Section 13-1-73(c)

Proposed Use(s): Wastewater Treatment Facility (WWTF) to be comprised of synthetically-lined recirculating sand filters, pre-treatment effluent filters, solids settling septic tank, disinfection unit, 500 sqft control building, access driveway, perimeter fencing/security gates, etc. as described and detailed in the Design Report (November, 2010) and WWTF plans and profiles plan set (dated 8/1/2010)

Public Hearing: September 6, 2011

Plan Commission Recommendation: APPROVAL w/ conditions (September 6, 2011)

Town Board Action: APPROVAL w/ conditions (September 13, 2011)

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**Conditions of Approval:**

1. Whenever the Town Board has reasonable cause to believe that any of the conditions herein are/have been violated; that any commitment made by the owner/operator has not been fulfilled or complied with; or, that the operation or use of the property, in whole or in part, is hazardous, harmful, offensive or otherwise having an adverse impact on the environment, safety, use of the adjacent and surrounding land, or value of the surrounding land,

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the Town Board shall have the right to revoke or modify this conditional use permit, including but not limited to, imposing stricter conditions upon the operation or owner/operator of the facility. The Town Board shall hold a hearing with the owner/operator. The purpose of the hearing will be to discuss the facts and thereafter apply reasonable discretion as to whether or not to take any action including the right to revoke or modify this conditional use permit or imposing stricter or other conditions upon the owner/operator. A finding of non-compliance shall constitute a violation of the Town's Zoning Code and be subject to any penalty provisions and enforcement actions contained in that or other applicable Town Code. *(Standard condition in ALL CUP's; recommended by Zoning Administrator)*

2. A certified survey map (CSM) creating the 6.1 acre parcel upon which the WWTF is to be constructed and operated shall be prepared and submitted to the Town and Dodge County for review and approval in accordance with all applicable minor land division procedures. *(Recommended by Plan Commission)*
3. The owner/operator shall provide plans to and discuss the overall operation and all proposed safety and security measures with the local fire department, emergency medical services and law enforcement officials to ensure that those officials are aware of the operation and how to contact the owner/operator and/or access the facility in the event of a fire or other on-site an emergency. If deemed necessary by said officials, the owner/operator shall install a Knox Box or other mutually acceptable measures that would allow emergency access into the locked facility. *(Recommended by Plan Commission)*
4. The owner/operator shall arrange a mutually acceptable date/time with the Town Board (and/or designees) to conduct a final "walk-through" inspection of the WWTF property and facility for purposes of ensuring that all site and building improvements have been completed as planned/approved, and, identifying any outstanding items that need to be completed (e.g. permanent grading & erosion control measures installed and operational). *(Recommended by Plan Commission)*
5. In the event that there are any problems created by the construction and/or operation of the WWTF during or after construction that affect adjacent or nearby properties or property owners, including but not limited to erosion, storm water run-off, noise, dust, light, odor, effluent discharge, or other conditions that the Town deems to be hazardous, harmful, offensive or otherwise might have an adverse impact on the environment, safety, or reasonable use of said adjacent property or property owners, the owner/operator shall be responsible for correcting any such problem(s) as may be mutually agreed to between the owner/operator and said property owner(s). Any agreement made pursuant to this condition shall not affect or limit the Town's right to pursue the review of and modification or revocation of this CUP pursuant to Condition #1 set forth herein. *(Recommended by Plan Commission)*