

PUBLIC HEARING TESTIMONY (Verbal & Written)

**PUBLIC INFORMATION HEARING
CHIPPEWA COUNTY (HWY. 124 SITE)
AUGUST 23, 2018**

Leonard Sykora, 14527 State Highway 64, Bloomer, WI 54724 (Verbal Testimony)

I live just north of the Chippewa County pit off of 124. It's going through a reclamation process.

They put a driveway in just south of our property, right on the line. Did not approve of that. There's supposed to be, I understand, a 10' setback. If this road gets used for gravel, it needs to be 50' off the property line.

What a mess. If it's a road for mining, it should be 50' off the line.

My biggest concern is there is no setback on that road right now. It's right on the survey line.

I think this is all I need to cover. If I need to, I can put it in writing and send it.

Thank you.

(Written testimony continued on next page)

Leonard Sykora, 14527 State Highway 64, Bloomer, WI 54724 (Written Testimony)

August 27, 2018



Leonard J. and Joseph P. Sykora
14527 State Highway 64
Bloomer, WI 54724

Re: Chippewa County Public Hearing Non-Metallic Mining and Reclamation

Mr. Brian Kelly:

As you know, a driveway was put in ON our property line to the south. We noticed this in passing a few weeks ago and decided to question what was going on. Not once were we mailed any information or made aware that this was going to take place.

Also, the paperwork to discuss the driveway was sent to us AFTER the driveway went in. Why weren't we informed of this before any excavating took place or any sale/transfer of land? We own the property directly North of that driveway and someone failed to send us the paperwork.

We attended the town of Eagle Point Meeting, on Augusts 13, 2018. That was the first time I (Leonard) had a chance to voice my concerns. This was only public comment so I had to go a step further.

We attended the next meeting on August 23, 2018, at the Chippewa County Courthouse, Doug Clary said they were looking at 5' setback to our property line. We want a minimum setback of 10' from our property line. Agriculture or Residence is 10' setback and it's our understanding that if they extract gravel it is a 50' setback.

A letter from Doug Clary to Leigh Darrow dated August 16, 2018 said the transfer of ownership of the northern 24' to Charles Morning III Et Al should be completed before the public hearing took place. That's exactly what happened and we were never made aware of what was going on. More issues.

In that same letter 8d. Separation distance of 50' from all property lines must be maintained unless and agreement in writing is obtained from the adjacent property owners and submitted to the County DPZ.

The attached paperwork we were given at the meeting says ZERO SETBACKS and we were not informed of this at any time. We are not in agreement of this, nor did we receive any paperwork indicating such.

If at anytime a residence/house is built we want a 10' setback from our property line.

If at anytime there's a road put in for gravel extraction we want a 50' setback from our property line.

Also in the letter from Doug Clary dated August 16, 2018 says the driveway as it's currently constructed does not meet the requirements of the zoning ordinance and as such will need to be modified. I want to know what that ordinance is and what is going to be done as this directly affects us and our property.

Please provide us with the requested information and the setback information within 7 days of receiving this letter. If you want to meet with us, please call us at 715-288-6440.

Thank you for your time. We look forward to hearing from you to get this issue resolved.

Leonard and Joseph Sykora, Land Owners

CC: Dan Masterpole, Matt Hartman, Doug Clary, Dennis Ferstenou, Randy Scholz, Jared Zwiefelhofer

(Written testimony continued on next page)

- c. Activities to be in compliance with WDNR WPDES Permit.
- d. Separation distance of 50' from all property lines must be maintained unless an agreement in writing is obtained from the adjacent property owners and submitted to the County DPZ.
- e. No discharge of water is allowed from the site.
- f. Mining activities cannot be any closer than 250' to a residence and/or potable well.
- g. The floor elevation will vary slightly through the bottom of the pit, but preliminary plans call for the bottom of the pit to be at 963' above mean sea level (MSL). The ground water level is estimated to be around 1004' MSL.
- h. Hours of operation shall be from 6:00 a.m. to 9:00 p.m. Monday through Friday, 6:00 a.m. to 3:00 p.m. Saturdays. No Sundays or holidays. All other hours to be brought before the Planning & Zoning Committee for special approval.
- i. A sign must be placed by the entrance stating the property owners name and the operator as well as hours of operation.
- j. Operator to follow: 1) All provisions of Chippewa County Non-Metallic Mining Reclamation Ordinance; 2) All applicable provisions of Chapter 70 – Chippewa County Zoning Ordinance and; 3) Wisconsin Administrative Rule NR 135.
- k. Activities to be conducted in compliance with the approved Non-Metallic Mining Reclamation "Plan Narrative" and the "Initial Site Map", "Site Operations Map", and "Final Site Map" all dated ~~December 19, 2016~~ April 5, 2018. These documents can be found on the Chippewa County Department of Land Conservation and Forest Management's home webpage as well as within the property file in the DPZ.
- l. Two rows of pine trees shall be planted along the northern property line to create a vegetation buffer. The pine trees shall be planted prior to October 15, ~~2017~~ 2018 and shall be properly maintained throughout the life of the non-metallic mine.
- m. Off-site hauling of material following permit expiration and in case of revocation will be prohibited. It is the responsibility of the landowner and/or operator to keep all applicable permits current.
- n. Onsite hauling of material for the purpose of washing, crushing or storage will be prohibited, except as allowed under this permit.
- o. Onsite temporary storage of recycled asphalt and/or concrete is allowed.
- p. No burying of any materials will be allowed onsite.
- q. If needed, the washing & crushing of sand and gravel can occur onsite, but is limited to the site specific material. There is no proposal at this point in time for any type of well to be located on the property.
- r. Operator has agreed that no chemicals or flocculants will be utilized and as part of this permit would be prohibited.
- s. Ingress/Egress Access: Access point shall be approved by the Wisconsin Department of Transportation.
- t. Driveway: A shared driveway entrance onto HWY 124 and a new driveway was placed on the northern 24' of parcel number 23008-0523-00020000. This 24' strip of land is intended to be separated off and sold to Charles Morning III Et Al. The driveway, as it is currently constructed, does not meet the requirements of the zoning ordinance and as such will need to be modified. As of today's date, I have had conversations with the Highway Department on the modifications for the driveway to meet the zoning ordinance requirements.

Attachments:

- 1. Conditional Use Application
- 2. Section 70-71(b)(2)

File

(Written testimony continued on next page)

**NON-METALLIC MINING RECLAMATION PLAN
"124 PIT – 2018 REVISION"**

Operator: Chippewa County Highway Department

Owner: Chippewa County

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Summary

This reclamation plan has been developed to provide information about the existing site of the proposed mine, the proposed site operations, and how the mine will be reclaimed to the proposed post mining land use.

This reclamation plan is for a 37.01 acre mine located on the east side of State Highway 124, 0.4 miles south of State Highway 64. The land is currently an active mine. The site has already been stripped of topsoil for a majority of the mine area.

This reclamation plan is a revision due to the acquisition of additional lands along the south boundary and the sale of land on the north boundary. **Also, this revision takes into account zero-setback agreements with property owners to the north, south and east.**

The operator will mine sand and gravel that is located on stream sediment of the Copper Falls Formation. A majority of the site will be mined below the water table and reclaimed as a wildlife pond. The remainder of the site will be reclaimed to wildlife habitat.

A. Site Information

1. Landowner

Landowner: Chippewa County
711 N. Bridge St.
Chippewa Falls, WI 54729

Applicant: Chippewa County Highway Department
801 East Grand Avenue
Chippewa Falls, WI 54729

(Written testimony continued on next page)

CHIPPEWA COUNTY
DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone:715.726.7940 • Fax:715.726.4596 • www.co.chippewa.wi.us •

Land Management
715.726.7940, Rm 009

Land Planning
715.726.7941, Rm 009

Land Records & G.I.S.
715.738.2595, Rm 005

POWTS & Wells
715.726.7943, Rm 009

Date: August 16, 2018
To: Leigh Darrow, Chair Planning & Zoning Committee
From: Douglas Clary, Director
Re: Chippewa County Highway Department & Charles Morning III Et Al
Non-Metallic Mine – 2018 Renewal and Expansion

Conditional Use Information – 2016-0014 (2018 – Renewal & Expansion)

1. **Appellant Name:** Chippewa County Highway Department & Charles Morning III Et Al
2. **Agent/Operator:** Chippewa County Highway Department; Brian Kelley, Highway Commissioner
3. **General Property Location:** Located on the east side of State of Highway 124, ½ mile south of the HWY 124/64 Intersection. Parcels are located in the SW ¼ of the NW ¼, Section 05, Township 30N, Range 08W, Town of Eagle Point.
 - a. Parcel #: 23008-0523-00020000 – Chippewa County Highway Department
 - b. Parcel #: 23008-0523-07770000 – Charles Morning III Et Al (22' wide)
4. **Type of Appeal:** Applicant is requesting a CUP be granted for a renewal and expansion of an existing non-metallic mine in the Agricultural District in accordance with Section 70-71(b)(2) and 70-108 of the Chippewa County Zoning Ordinance.
5. **Planning & Zoning Committee Authority:** Please see section 70-71(b)(2) of the zoning ordinance. I have attached a copy of this section for your review.
6. **Town of Eagle Point Recommendation:** The Eagle Point Town Board will be meeting on Monday, August 20, 2018, to discuss the application. Dennis Ferstenou, Town Chair, will contact me with the Town Board's decision.
7. **Staff Comments:** This pit was reopened in 2017 after the existing CUP was granted by the Planning & Zoning Committee. The County Highway Department has negotiated the purchase of 23008-0523-07770000 from Charles Morning III Et Al. As part of the negotiation, the County Highway Department will transfer ownership of the northern 24' to Charles Morning III Et Al. By the time the public hearing occurs on this petition, the transaction should be completed.

This request is a renewal and expansion of the existing conditional use permit. Since land will be removed and added to the permitted area, this will be viewed as a new petition. There are three areas of modification (1) the renewal period, (2) the plan dates have changed and (3) the deadline for the tree planting on the northern property line. As a side note, the trees were not planted because the negotiations started last fall in regards to the land transfer. Therefore, instead of planting, the highway department wanted to wait until the ownership was secured. Thus, the trees need to be planted this year.
8. **Staff Recommendations:** Section 70-71(b)(2) gives the Planning & Zoning Committee the ability to approve a conditional use when the location has been approved after a public hearing and the permit has been properly conditioned as not to adversely affect the character and quality of the immediate area. Please find below my recommendations modifications to the original permit:
 - a. Initially, this is a 2-year permit, set for renewal prior to ~~February 23rd, 2019~~ August 23, 2020.
 - b. Permit will allow activities and reclamation in Cells labeled 1-5