

APPEAL NUMBER: 2001-0029

APPEAL DATE: 06-18-2020

CONDITIONAL USE REQUEST
Chippewa County Planning & Zoning Committee

The undersigned applicants state the following points of consideration/acknowledgement:

(1) Jason Haas of Haas Sons is requesting a **Conditional Use Permit be granted which will allow a non-metallic mine (Lawin North) in accordance with Section 70-71(b)(2), 70-108 and 70-180 through 70-187 of the Chippewa County Zoning Ordinance**, on the following parcels of land:

- a. Haas Sons Properties LLC., 203 E Birch Street, Thorp, Wisconsin 54771 (Parcel #: 23008-1811-05010000)
- b. Haas Sons Properties LLC., 203 E Birch Street, Thorp, Wisconsin 54771 (Parcel #: 23008-1812-05010000)
- c. Haas Sons Properties LLC., 203 E Birch Street, Thorp, Wisconsin 54771 (Parcel #: 23008-1813-00000000)
- d. Haas Sons Properties LLC., 203 E Birch Street, Thorp, Wisconsin 54771 (Parcel #: 23008-1814-00020000)
- e. T. & R. Revoir Trust, 16516 State Highway 124, Bloomer, Wisconsin 54724 (Parcel #: 23008-1841-00020000)
- f. Haas Sons Properties LLC., 203 E Birch Street, Thorp, Wisconsin 54771 (Parcel #: 23008-1842-00000000)

- (2) That these parcels are located within the **Agricultural** District.
- (3) That Conditional Use Permit 2001-0029 was renewed on 08-18-2016 with an expiration date of 02-28-2020.
- (4) They are requesting the Chippewa County Planning & Zoning Committee grant a Conditional Use Permit for the project as shown on submitted documents with the same conditions and restrictions as approved within the 2016 renewal.
- (5) That all attached information or any additional requested information is true, accurate and completed to the best of their knowledge. And that the Planning & Zoning Committee considers it all as part of the application.
- (6) We or our designated representative will have an opportunity to present to the committee in favor of this request.
- (7) We have the authority to allow the Planning & Zoning Department staff and/or committee access to the property to conduct necessary inspections related to the request.
- (8) We understand that we cannot direct any written communication about this application to a member of the Planning & Zoning Committee unless we also file a copy with the Department of Planning & Zoning and direct additional copies to each person who has registered an interest in this application.
- (9) We also understand that if we or our designated representative fails to appear in front of the Planning & Zoning Committee during the **June 18, 2020** public hearing our request may be **DENIED** and/or additional republication fees may be required.

Signed: _____
Jason Haas, Agent

Date: 5-28-2020

Please sign and return by **May 27, 2020** utilizing one of the following:

Mailing Address: Chippewa County Department of Planning and Zoning 711 N. Bridge Street Chippewa Falls, Wisconsin 54729	Email Address: dclary@co.chippewa.wi.us
	Fax Number: (715) 726-4596

Conditional Use Request

Haas Inc is requesting a Conditional use permit for their existing Lawin pit in Chippewa county. Haas would like to continue to operate the pit as they have been for the last 8 years when they took over the pit from A-1 materials in 2012.

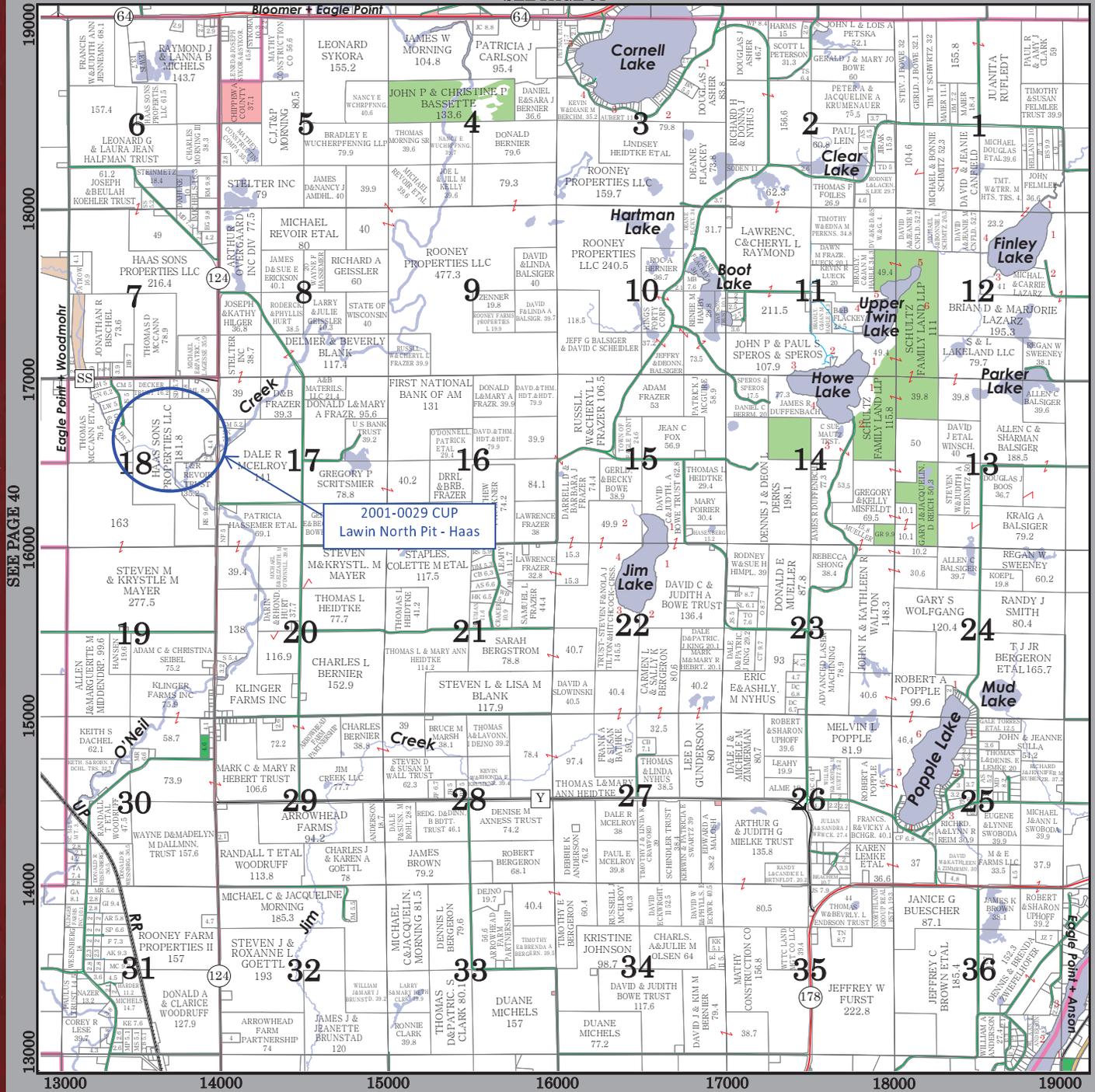
EAGLE POINT (C), WOODMOHR (E), BLOOMER (SE)



T30N R08W



SEE PAGE 54



SEE PAGE 30

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All acreages are computed & rounded to the closest tenth acre, roadways are excluded from totals. All mapping is for reference only and is not intended, or to be used for any legal purpose.



Cornell Flowage

Photo by Adam Johnson

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

Land Planning

Land Records & G.I.S.

POWTS & Wells

Date: May 28, 2020

To: Property Owner(s)

From: Douglas Clary, Director



Re: Public Meetings & Hearing

Dear Property Owner(s):

The Chippewa County Department of Planning & Zoning has received a conditional use petition on parcels of land that are located either adjacent to or in the vicinity of property owned by you. You are receiving this notice because your property has been determined to be within the legal public hearing notification distance per county and state requirements. I have enclosed a map identifying the location of the parcels associated with this conditional use petition. If you have any questions regarding this rezone petition, please contact me at (715) 726-7941.

CONDITIONAL USE PETITION #2001-0029

Petitioner: Haas Inc. – Jason Haas
Revoir Trust

Property Owners: Haas Sons & Thomas R & Rebecca M

To allow a non-metallic mine (Lawin North) in the Agricultural District in accordance with sections 70-71(b)(2), 70-108 and 70-180 through 70-187 of the Chippewa County Zoning Ordinance on parcels which are located in the NE ¼ and that portion of the SE ¼ north of O’Neil Creek and McCann Creek in Section 18, Township 30 North, Range 08 West. Town of Eagle Point.

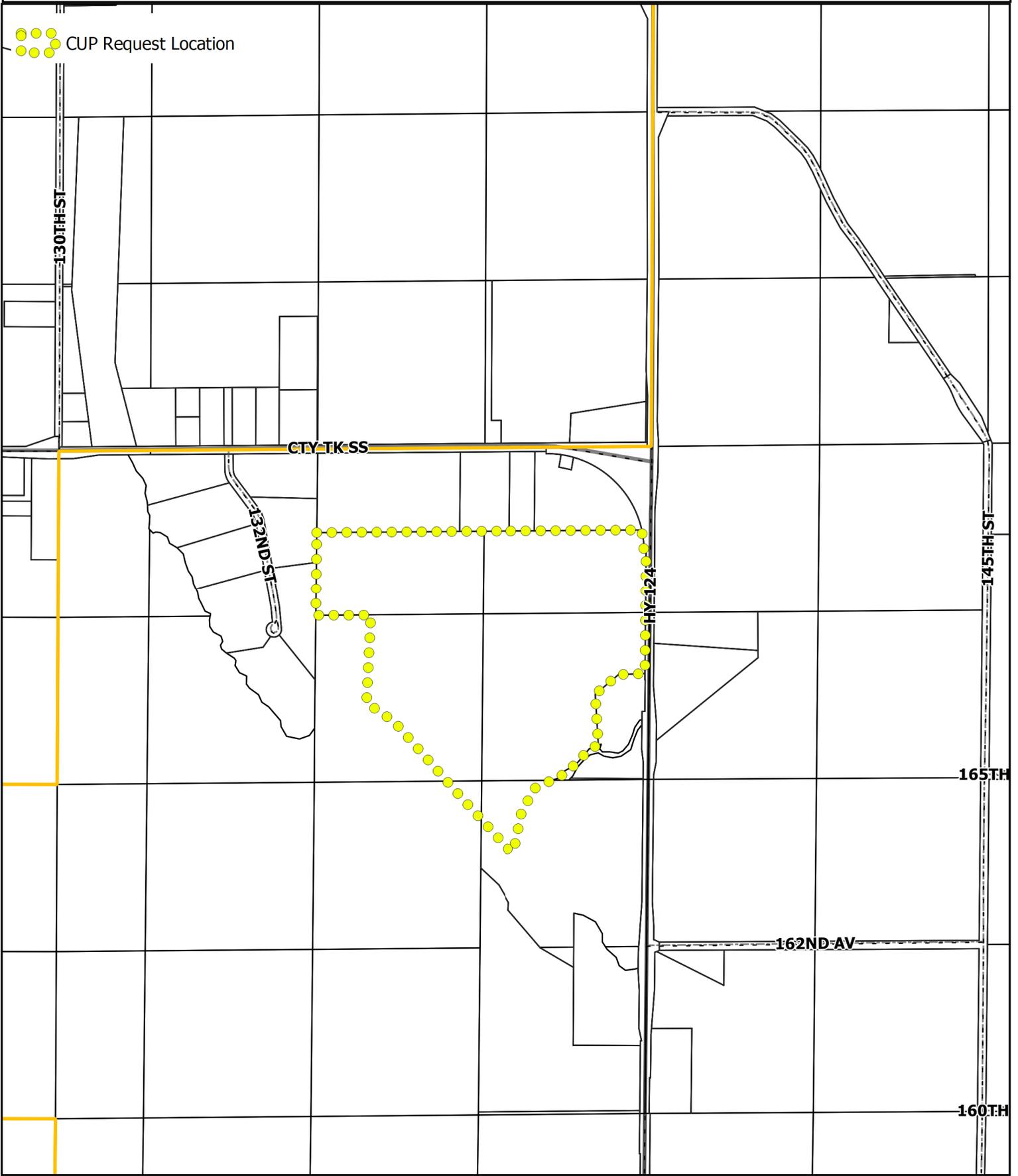
Below is a list of the public meetings where the rezone petition will be discussed. All meetings are open to the public and all are invited to attend the meetings and discuss the rezone petition.

The Eagle Point Plan Commission will **REVIEW** the rezone request on **June 8, 2020 at 7:00 PM**, at the Eagle Point Town Hall, 14802 State Hwy 124, Chippewa Falls, Wisconsin 54729. The Plan Commission will forward an **ADVISORY** recommendation to the Eagle Point Town Board to approve, disapprove or approve with modification(s) and/or condition(s).

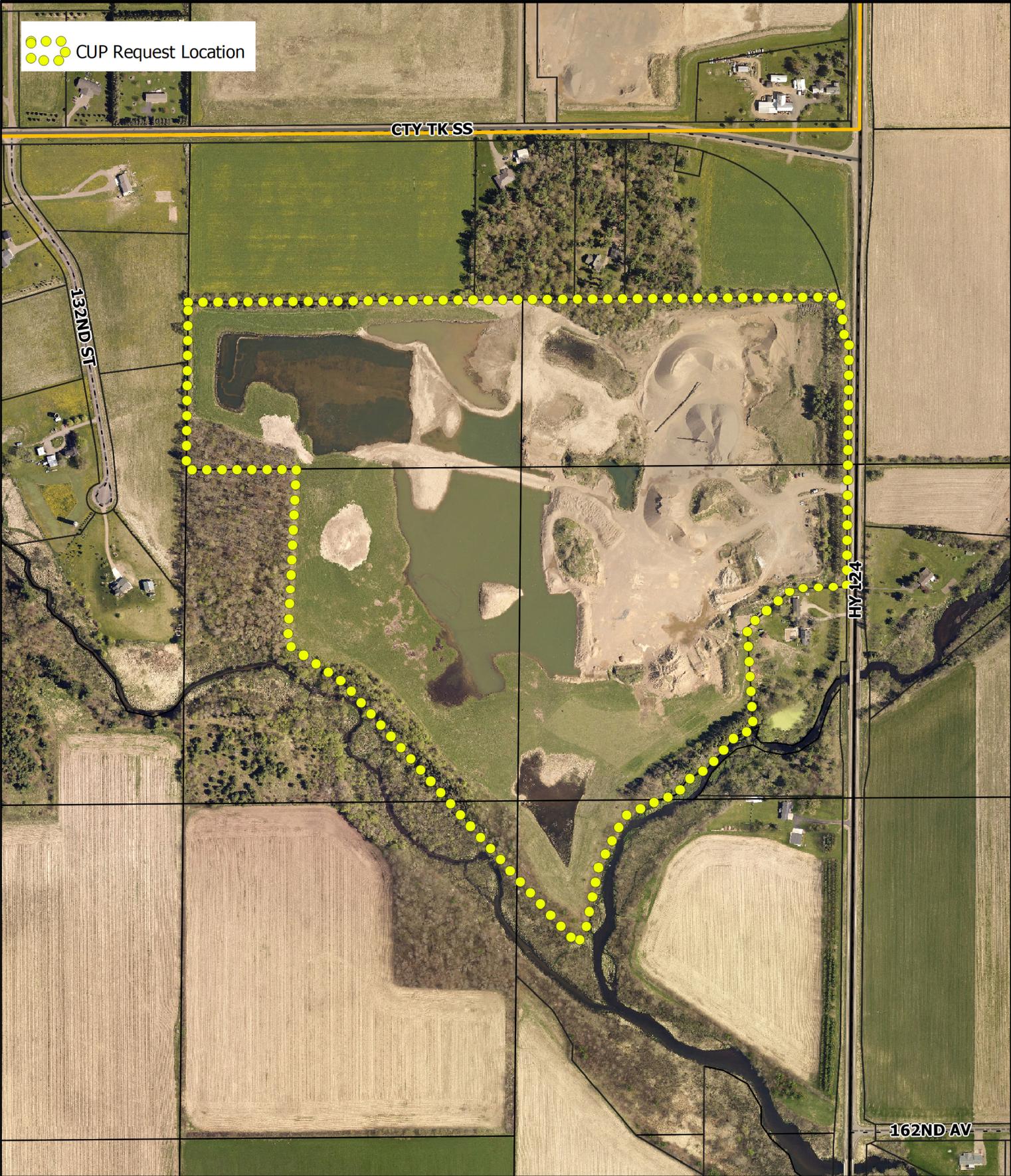
The Eagle Point Town Board will **REVIEW** the rezone request on **June 15, 2020 at 7:00 PM**, at the Eagle Point Town Hall, 14802 State Hwy 124, Chippewa Falls, Wisconsin 54729. The Town Board will forward an **ADVISORY** recommendation to the Chippewa County Planning & Zoning Committee to approve, disapprove or approve with modification(s) and/or condition(s).

The Chippewa County Planning & Zoning Committee will hold a **PUBLIC HEARING** on **June 18, 2020 at 4:30 PM**, in room 003, of the Chippewa County Courthouse located at 711 N. Bridge Street, Chippewa Falls, Wisconsin. The Committee will make a final determination to approve or disapprove of the conditional use petition.

2001-0029 Lawin North Pit (Haas) - CUP Request - Location Map



2001-0029 Lawin North Pit (Haas) - CUP Request - Aerial (2017)



Produced on May 22, 2020 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

Scale: 1" = 500'

CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE
NOTICE OF ACTION

Conditional Use Permit Renewal for a Non-Metallic Mine
Lawin North Pit (Town of Eagle Point)

APPEAL NUMBER: # 2001-0029

RENEWAL DATE: 08-18-2016

EXPIRATION DATE: 02-28-2020

LAND OWNER(S):

Haas Sons Properties LLC., 203 E Birch Street, Thorp, Wisconsin 54771	(Parcel #: 23008-1811-05010000)
Haas Sons Properties LLC., 203 E Birch Street, Thorp, Wisconsin 54771	(Parcel #: 23008-1812-05010000)
Haas Sons Properties LLC., 203 E Birch Street, Thorp, Wisconsin 54771	(Parcel #: 23008-1813-00000000)
Haas Sons Properties LLC., 203 E Birch Street, Thorp, Wisconsin 54771	(Parcel #: 23008-1814-00020000)
Thomas & Rebecca Revoir Trust, 16516 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 23008-1841-00020000)
Haas Sons Properties LLC., 203 E Birch Street, Thorp, Wisconsin 54771	(Parcel #: 23008-1842-00000000)

OPERATOR:

Haas Sons Inc., 203 E Birch Street, Thorp, Wisconsin 54771

Dear Haas Sons Inc., Haas Sons Properties LLC., and Thomas & Rebecca Revoir Trust;

On August 18, 2016, the Planning & Zoning Committee considered your request for a Conditional Use Permit Renewal, which would allow for extraction of natural minerals and resources in the Agricultural District pursuant to 70-71(b)(2), 70-108 and sections 70-180 through 70-187 of the Chippewa County Zoning Ordinance. The land associated with this particular conditional use permit is located in the NE ¼, and that portion of the SE ¼ north of O’Neil Creek and McCann Creek in Section 18, Township 30N, Range 08W, Town of Eagle Point.

DECISION:

The Planning & Zoning Committee has **GRANTED** the conditional use permit renewal with the following conditions:

1. This is a 4-year permit, set to expire on February 28th, 2020.
2. Permit will allow activities and reclamation in areas labeled cells 1-5.
3. Activities to be in compliance with WDNR WPDES Permit.
4. No discharge of runoff or processing water allowed from the mined areas.
5. The plan states the site will be internally drained and that mining into the water table will occur. The ground water elevation is approximately 980 feet. The final floor elevations of the mine shall be no lower than 982 within 500 feet of the OHWM.
6. The regional Flood Elevation has been estimated at 990’ above mean sea level. No excavation or removal of materials will be allowed between this contour line and McCann & O’Neil Creeks.
7. Mining operation to provide surface water and wetland protection.
8. No mining below the water table within 500 feet of the OHWM.
9. Annual reclamation measures to ensure the structural integrity of the stream bank is not compromised. This would include backfilling the northern boundaries of the phases with a 3:1 slope by November 1st of every year.
10. Hours of operation to be 6:00 a.m. to 9:00 p.m. Monday through Friday and 6:00 a.m. to 3:00 p.m. on Saturdays. One hour prior to and after start up and shut down. No Sundays or holidays. All other hours to be brought before the Planning & Zoning Committee for special approval.
11. Topsoil can be stocked in the 50’ buffer but no mining in that area.
12. Completion of restoration activities within one year of permit expiration.
13. Prohibit sale of topsoil.
14. Maintain silt fence on east side of the pit until the berms have established vegetation.

15. A 500 foot buffer from the wetland boundaries be staked out prior to topsoil stripping/stockpiling and maintained throughout site activities.
16. A separation distance of 250 feet between the site and all dwelling/wells.
17. Dust control required on ingress/egress.
18. Operator to follow: 1) All provisions of Chippewa County Non-Metallic mining Reclamation Ordinance and; 2) Wisconsin Administrative Rule NR 135.
19. 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 date stamped received June 28th,2012.
20. No burying of any materials will be allowed onsite.
21. This is a 4-year permit, no off-site hauling of material following permit expiration and in the case of revocations. It is the responsibility of the land owner and or operator to make sure permits are up to date.
22. Operator has agreed that no chemicals or flocculants will be utilized and as part of this permit would be prohibited.

A complete record of the hearing and the decision of the Planning & Zoning Committee are available for inspection in the Chippewa County Planning & Zoning Department, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin. Information can be reviewed and/or requested between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays.

RENEWAL OF THE CONDITIONAL USE PERMIT:

The Planning & Zoning Committee may renew conditional use permits authorizing nonmetallic mining activities subject to the following:

- (1) Applications for the renewal of a conditional use permit must be submitted at least 45 calendar days prior to the expiration date of the existing conditional use permit. Applications are not required to include any items shown on previously submitted applications, unless the information has changed. Renewal applications may merely indicate no change in such items. Any proposed changes from prior applications shall be required to submit the applicable required information under this division.
- (2) Unless a public informational hearing is requested by a person who owns property within 660 feet of the proposed nonmetallic mining site, no public hearing shall be required to be held with the respect to the conditional use permit renewal application. However, if the application provides for an enlargement of a permitted nonmetallic mining site, or otherwise provides for an alteration or change in the method of operations or reclamation previously approved, a new conditional use permit shall be required and approved by the Committee only after finding such change will not adversely properties within 660'..
- (3) Conditional Use Permit renewals may be conditioned upon correction of any unanticipated environmental impacts, which occurred during the term of initial or renewal permits.
- (4) The conditional use permit may be renewed by the Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and this division. To ensure compliance, the Department shall bi-annually inspect the nonmetallic mining operation.

TERMINATION:

This conditional use permit shall not be terminated or denied without first providing the operator with a notice of a public hearing and a public hearing at which the operator shall be given the right to respond to any alleged noncompliance of the conditions of the permit and this division. Termination or non-renewal shall occur only in the event of an operator's failure to comply with any material term of the initial or renewed conditional use permit, the Reclamation Plan, the performance standards incorporated herein, or upon a significant change, as determined by the Committee, in material circumstances rendering continued operation under the conditional use permit to be contrary to the health, safety, or welfare of the County.

TRANSFER OF PERMIT:

In the event an operator succeeds the interest of another at an uncompleted nonmetallic mine site, the former operator shall be released of the responsibilities imposed by the current permit issued to the former operator upon satisfaction of the following conditions.

- (1) The nonmetallic mine site is in compliance with the requirements of this division and the permit for the operation of the nonmetallic mine site.
- (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire permitted nonmetallic mining site by a written, signed and notarized document and provides adequate financial assurance for approved reclamation of the nonmetallic mine site.

NONMETALLIC MINE SITE ENLARGEMENT:

Any proposed nonmetallic mining site enlargement shall be processed as a new application pursuant to this division. All provisions of this division shall apply to the proposed enlargement.

FAILURE TO OPEN AND OPERATE:

Failure of an operator to take substantial steps to open and operate a nonmetallic mining site within 1 year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future nonmetallic mining activity.

ABANDONMENT OF NONMETALLIC MINE OPERATIONS:

Any nonmetallic mine site on which no nonmetallic mining activity has taken place for 24 consecutive months shall be determined to be abandoned. If the abandonment of a nonmetallic mine site occurs, the conditional use permit shall be terminated and all applicable reclamation standards and bonds shall be enforced or executed. Nonmetallic mining operations shall not be conducted within the boundaries of the previously permitted nonmetallic mine site, unless a new nonmetallic mine permit has been issued under this division.

WRIT OF CERTIORARI

Any person or persons jointly or severally aggrieved by this decision of the Planning & Zoning Committee or any taxpayer, or any officer, department, board or bureau of the County, may commence an action in the circuit court for writ of certiorari to review the legality of such decision.

Dated this 18th day of August, 2016.

By the Order of the Planning & Zoning Committee.



Douglas Clary, Director
Department of Planning & Zoning

CC: Dennis Ferstenou, Eagle Point Town Chair – *via email*
Dan Masterpole, Land Conservationist, Chippewa County DLCFM – *via email*
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