

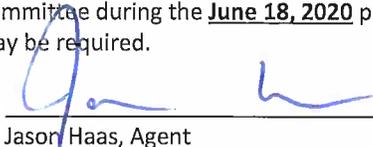
APPEAL NUMBER: 1989-0079

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 Inc. is requesting a **Conditional Use Permit be granted which will allow a non-metallic mine (Burtness Pit) 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. Kristi Burtness, 3581 130th Street, Chippewa Falls, Wisconsin 54279 (Parcel #: 22809-2923-73126001)
 - b. David Burtness, 4351 463rd Avenue, Menomonie, Wisconsin 54751 (Parcel #: 22809-2923-73707002)
 - c. Bethany Marquardt, 2523 80th Street, Eau Claire, Wisconsin 54703 (Parcel #: 22809-2923-73707001)
- (2) That these parcels are located within the **Agricultural** District.
- (3) That Conditional Use Permit 1989-0079 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 28, 2020** utilizing one of the following:

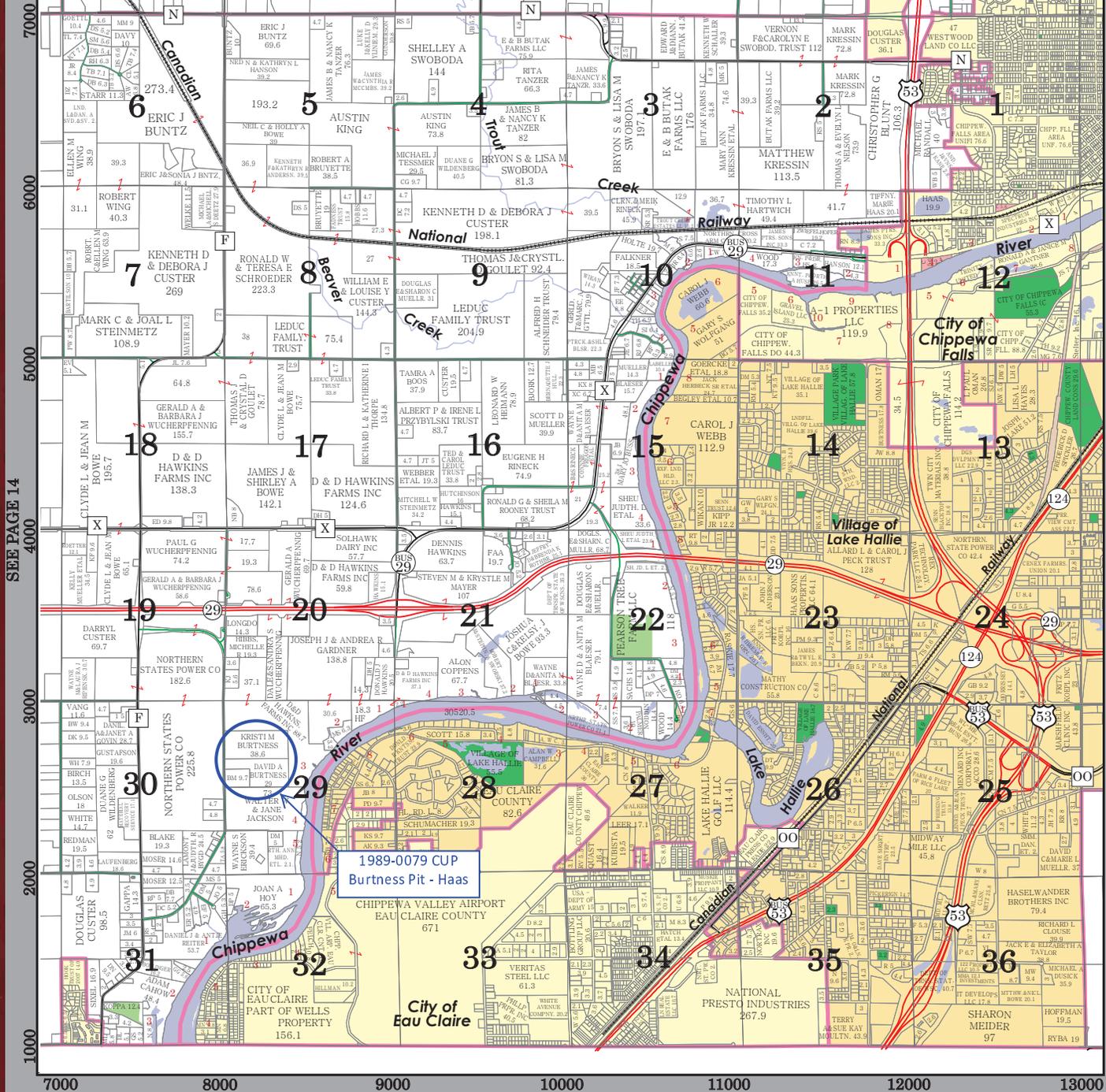
Mailing Address: Chippewa County Department of Planning and Zoning 711 N. Bridge Street Chippewa Falls, Wisconsin 54729	Email Address: dclary@co.chippewa.wi.us
	Fax Number: (715) 726-4596

Conditional Use Request

Haas Inc is requesting a Conditional use permit for their existing Burtness 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.



SEE PAGE 28



EAU CLAIRE COUNTY

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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.



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CHIPPEWA COUNTY
DEPARTMENT OF PLANNING & ZONING

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Land Management

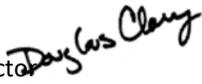
Land Planning

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 #1989-0079

Petitioner: Haas Inc. – Jason Haas

Property Owners: K. Burtness, D. Burtness & B. Marquardt

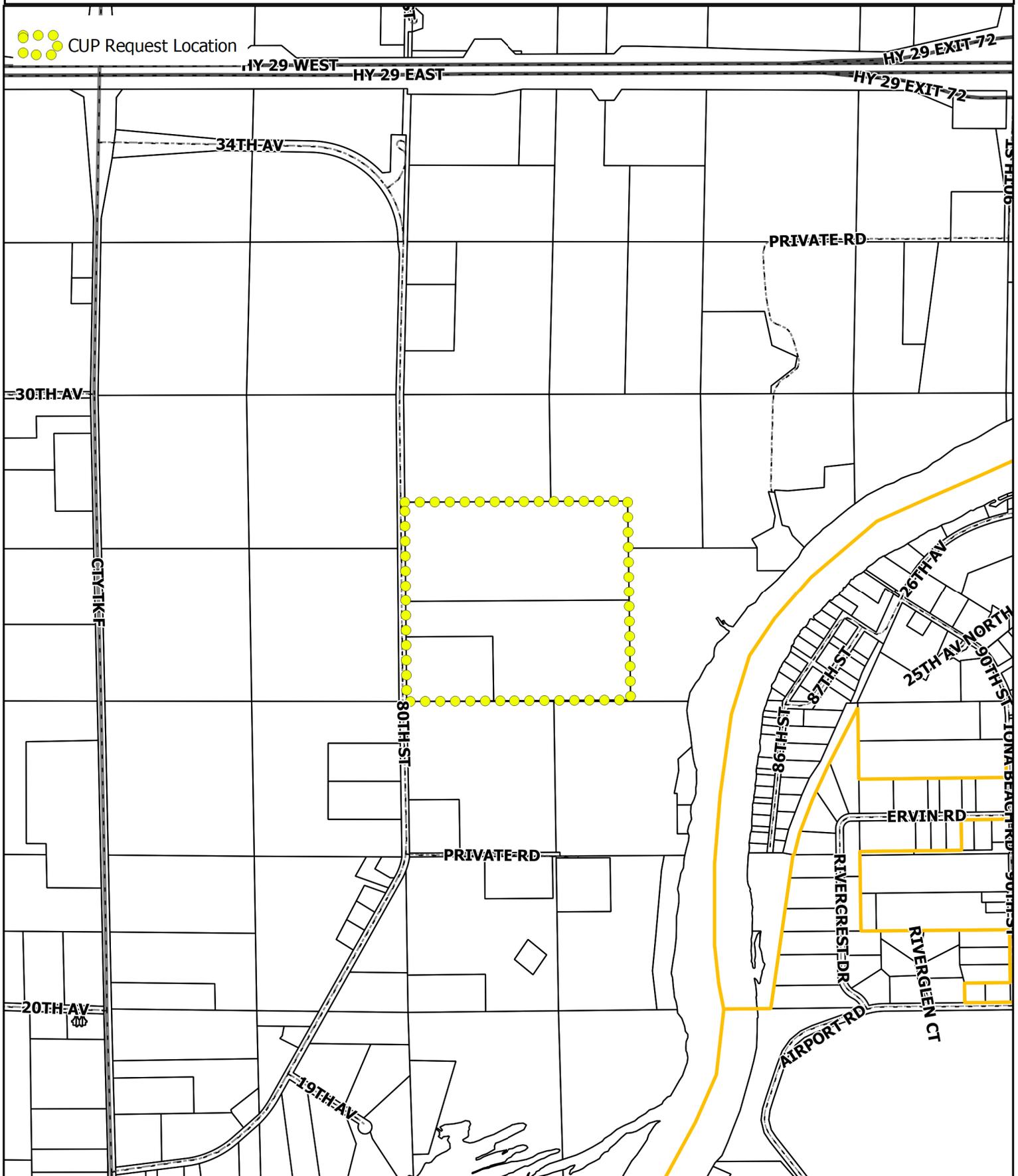
To allow a non-metallic mine (Burtness Pit) in the Agricultural District in accordance with sections 70-71(b)(2), 70-108 and 70-180 through 70-187 of the Chippewa County Zoning Ordinance on parcels which are located in the SW ¼ of the NW ¼, Section 29, Township 28 North, Range 09 West. Town of Wheaton.

The Wheaton Parks and Planning Commission will **REVIEW** this request on **June 2, 2020 at 7:00 PM**, at the Wheaton Fire Station, 3900 38th Street, Chippewa Falls, Wisconsin 54729. The Parks and Planning Commission will forward an **ADVISORY** recommendation to the Wheaton Town Board to approve, disapprove or approve with modification(s) and/or condition(s).

The Wheaton Town Board will **REVIEW** this request on **June 9, 2020 at 7:00 PM**, at the Wheaton Town Hall, 4975 County Highway T, 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.

1989-0079 Burtness Pit (Haas) - CUP Request - Location Map



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

Scale: 1" = 1,100'

1989-0079 Burtness Pit (Haas) - CUP Request - Aerial (2018)



CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE
NOTICE OF ACTION

**Conditional Use Permit Renewal for a Non-Metallic Mine
Burtness Pit (Town of Wheaton)**

APPEAL NUMBER: # 1989-079
RENEWAL DATE: 08-18-2016
EXPIRATION DATE: 02-28-2020

LAND OWNER(S):

Kristi Burtness, 3581 130th Street, Chippewa Falls, Wisconsin 54279
David Burtness, 4351 463rd Avenue, Menomonie, Wisconsin 54751
Bethany Marquardt, 2523 80th Street, Eau Claire, Wisconsin 54703

(Parcel #: 22809-2923-73126001)
(Parcel #: 22809-2923-73707002)
(Parcel #: 22809-2923-73707001)

OPERATOR:

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

Dear Haas Sons Inc, Ms. Burtness, Mr. Burtness and Ms. Marquardt;

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 SW ¼ of the NW ¼, Section 29, Town 28, Range 09. Physical Address: 80th Street. Town of Wheaton.

DECISION:

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

1. Activities to be in compliance with WDNR WPDES Permit.
2. Permit will allow activities in areas labeled cells 1 & 2.
3. Hours of operation will be Monday through Friday 7:00 a.m. to 6:00 p.m. No weekends or Holidays. All other hours to be brought before the Planning & Zoning Committee for special approval.
4. Allow onsite storage of demolition asphalt and concrete for recycling purposes only. Burying of asphalt or concrete is prohibited.
5. This is a 4 year permit, no off-site hauling of material following permit expiration and in case of revocation. Permit to expire February 28th, 2020.
6. Operator to follow: 1) All provisions of Chippewa County Non-Metallic Mining Reclamation Ordinance and 2) Wisconsin Administrative Rule NR 135.
7. Activities to be conducted in compliance with submitted plan dated, December 15, 1998, with map sheets dated December 15 and 22, 1998 and "Description of Site Operation" plan received May 1, 2002.
8. It shall be the responsibility of the landowner and/or operator to keep all permits current.
9. Required erosion control measure be monitored and maintained in order to prevent future occurrences of erosion.
10. A topsoil Waiver has been granted because the existing soil lacks the minimum required depth of 8 inches. All existing topsoil and subsoil shall be salvaged for reclamation.
11. No excavation below ground water elevation.

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: Mark Blaskowski, Wheaton Town Chair – *via email*
Dan Masterpole, Land Conservationist, Chippewa County DLCFM – *via email*
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