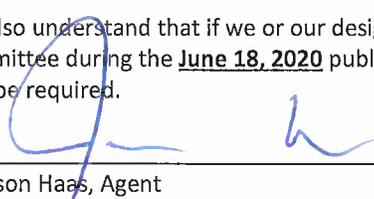


APPEAL NUMBER: 2008-0012
APPEAL DATE: 06-18-2020

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 (Hilger 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 parcel of land:
 - a. Joseph & Kathy Hilger, 22021 175th Street, Cornell, Wisconsin 54732 (Parcel #: 23008-0832-00000000)
- (2) That these parcels are located within the **Agricultural** District.
- (3) That Conditional Use Permit 2008-0012 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 Hilger pit in Chippewa county. Haas would like to continue to operate the pit as they have been for the last 6 years when they started mining the pit in 2014.

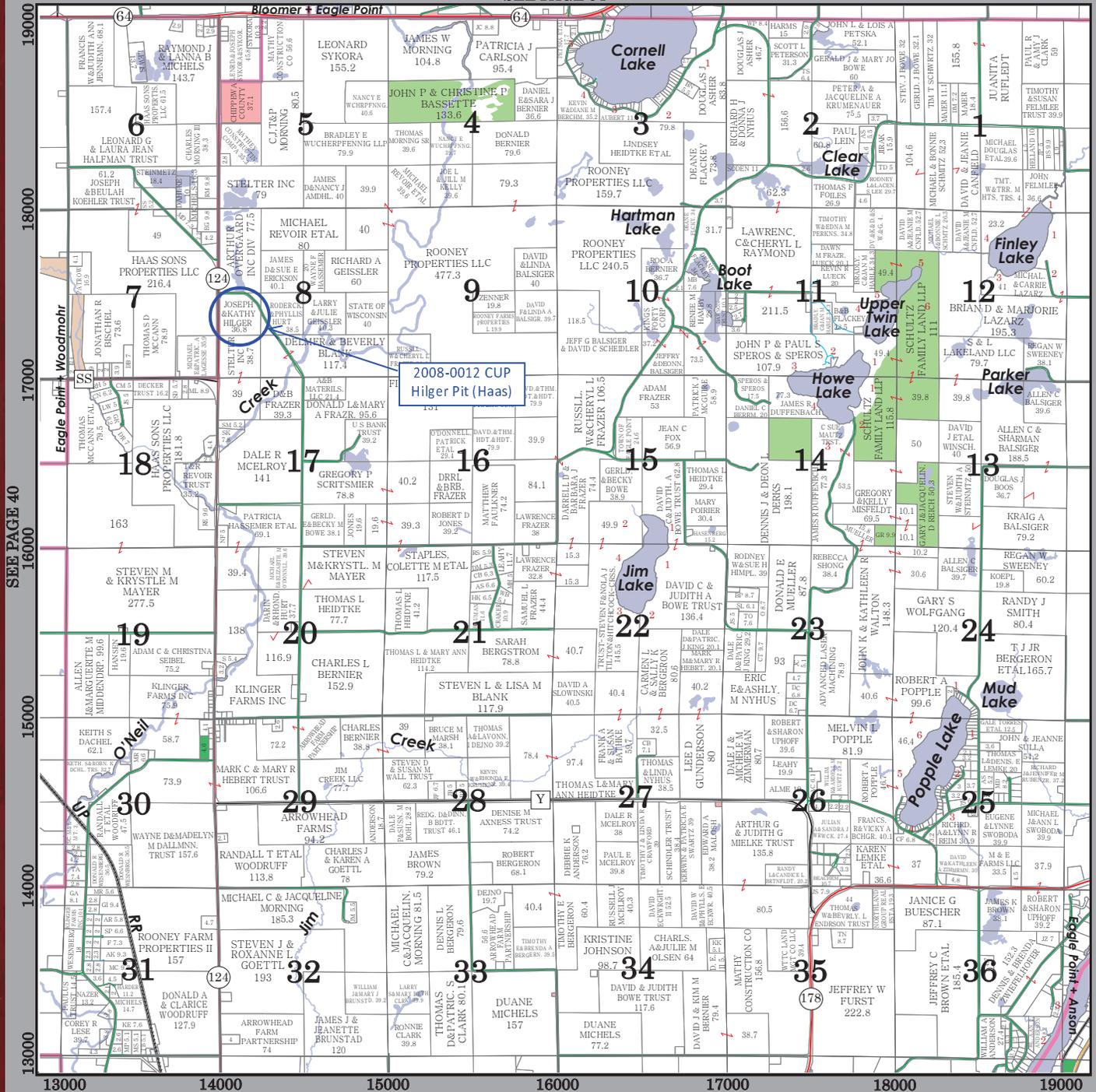
EAGLE POINT (C), WOODMOHR (E), BLOOMER (SE)



T30N R08W



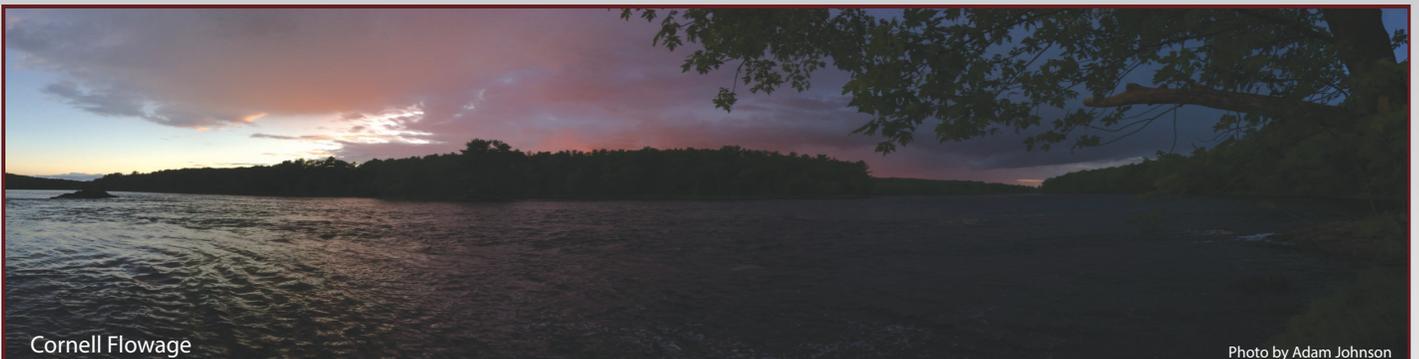
SEE PAGE 54



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 #2008-0012

Petitioner: Haas Inc. – Jason Haas

Property Owners: Joseph & Kathy Hilger

To allow a non-metallic mine (Hilger 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 a parcel which is located in the NE ¼ of the SW ¼, Section 08, 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.

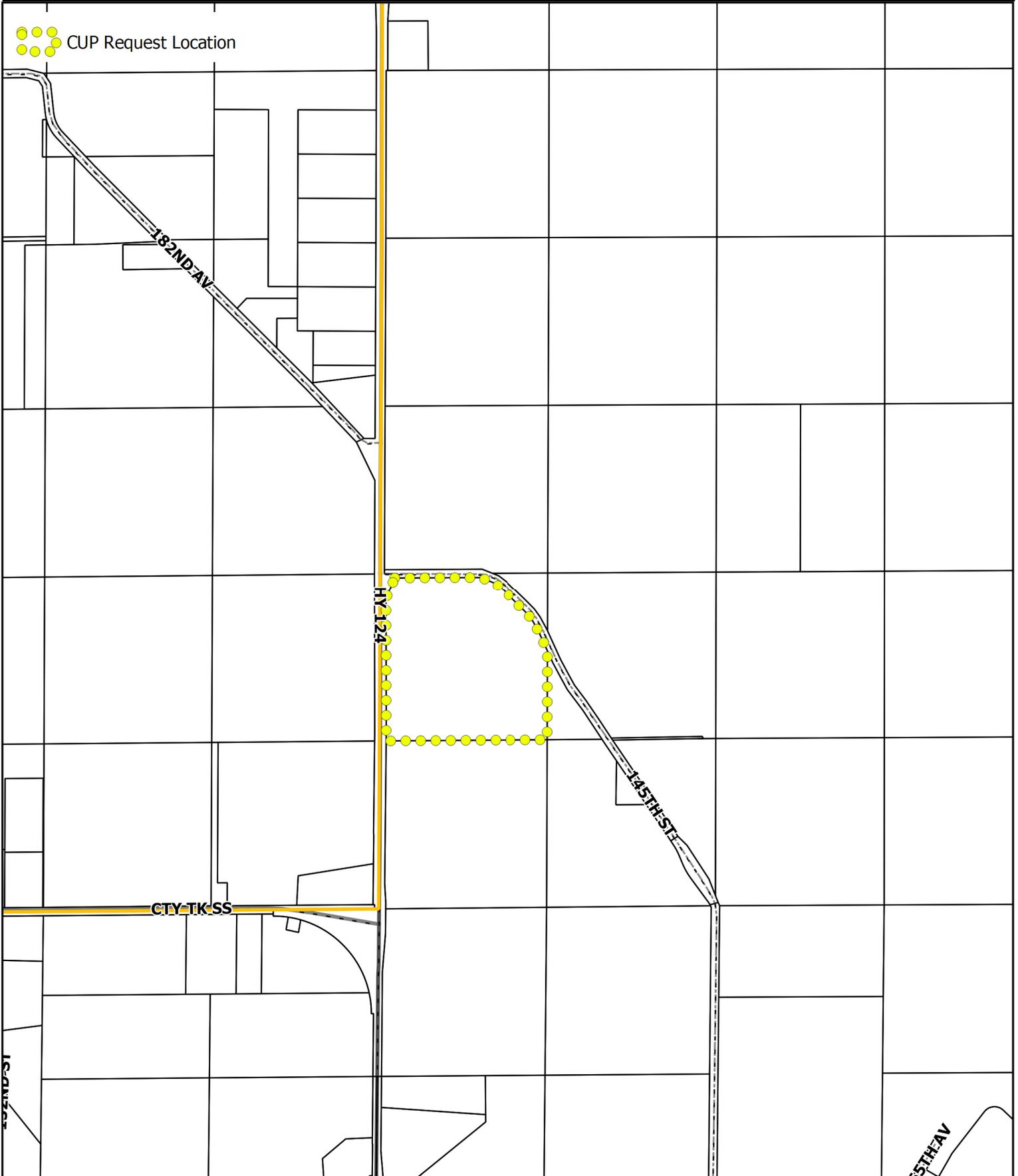
The Eagle Point Plan Commission will **REVIEW** the rezone request on **June 8, 2020 at 7:00 PM**, at the Eagle Point Town Hall, 14802 State Hwy 124, Chippewa Falls, Wisconsin 54729. The Plan Commission will forward an **ADVISORY** recommendation to the Eagle Point Town Board to approve, disapprove or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

2008-0012 Hilger Pit (Haas) - CUP Request - Location Map

 CUP Request Location



2008-0012 Hilger Pit (Haas) - CUP Request - Aerial (2017)

 CUP Request Location



CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE
NOTICE OF ACTION

**Conditional Use Permit Renewal of a Non-Metallic Mine
Hilger Pit (Town of Eagle Point)**

APPEAL NUMBER: # 1992-0011

APPROVAL DATE: 08-18-2016

EXPIRATION DATE: 02-28-2020

LAND OWNER(S):

Joseph & Kathy Hilger, 22021 175th Street, Cornell, Wisconsin 54732

(Parcel #: 23008-0832-00000000)

OPERATOR:

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

Dear Mr. & Mrs. Hilger and Haas Sons, Inc.,

On August 18th, 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 the NW ¼ of the SW ¼, Section 08, Township 30 North, Range 08 West. Town of Eagle Point.

DECISION:

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

- (1) Permit will allow activities and reclamation in areas labeled cells 1-3.
- (2) Activities to be in compliance with WDNR WPDES Permit.
- (3) Separation distance of 50' from all property lines must be maintained unless agreement in writing is obtained from the property owners.
 - a. A waiver agreement, dated June 11, 2014, has been reached between the southern property (23008-0833-00000000). The agreement waives the 50' setback to the property line for this specific property.
- (4) No discharge of water is allowed from the site.
- (5) Mining activities cannot be any closer than 250' to a residence and/or well. Verification of well location on the Roderick Hurt property will be required. (11-12-2008 – Verification by Doug Clary that the Hurt Residence is located 180' from property line).
- (6) Plans show that the maximum depth of excavation will be 980' above mean sea level. This would put the bottom excavation to be a maximum of 10' below the assumed water table. However, the excavation below the water table will vary based on the extraction of the existing gravel deposit. (Revision approved 10-23-2008).
- (7) 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. 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.
- (8) Sign by entrance stating pit owner and operator as well as hours of operation.
- (9) Operator to follow: 1) All provisions of Chippewa County Non-Metallic Mining Reclamation Ordinance and; 2) Wisconsin Administrative Rule NR 135.
- (10) Activities to be conducted in compliance with the approved Non-Metallic Mining Reclamation Plan Narrative and the "Initial Site Map", and "Final Site Map" all date stamped and received June 18th, 2008.
- (11) No off-site hauling of material following permit expiration and in the case of revocation. It is the responsibility of the land owner and or operator to make sure permits are up to date.
- (12) Onsite temporary storage of recycled asphalt and/or concrete is allowed.

- (13) No burying of any materials will be allowed onsite.
- (14) In the future the operator may be requesting an asphalt and/or concrete batch plant.
- (15) Grade soil piles to a 3 (horizontal) to 1 (vertical) slope & mulch with seeding.
- (16) Washing & crushing of sand and gravel will occur onsite. No wells will be required because the operation will be mining below the water table.
- (17) Berms to be installed on the north, east and west sides of the pit.
- (18) 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 Town Chair – *via email*
File