

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, January 2, 2019

Agenda Item 4

Applicant: Cory & Gena Huppert (owners) and Dan Kugel (agent)

Request: Concept plan approval

Background: Applicants are requesting concept plan approval for a 164.9-acre, 33-lot, and 2-outlot subdivision in the Town of Clifton. They intend to complete the plat in phases.

Issues Pertaining to the Request:

- This property is located in the entire NE ¼ and the fractional NE ¼ of the SE ¼, all in Sec. 9, T27N, R19W, Town of Clifton, Pierce County, Wisconsin.
- Current land use is agricultural and recreational. Surrounding land use is agricultural, recreational, and residential.
- This land is not in any Farmland Preservation programs as per the Land Conservation Department.
- The property is in the General Rural Flexible-8 zoning district. This plat conforms to the surrounding land and meets the zoning density. With all the contiguous land the applicants own included, the calculation is $(164.9\text{-ac}) \times (8 / 40) = 32.98 \approx 33$ residential lots.
- Proposed lots 22-24 are located within Kinnickinnic River Blufflands and comply with Sec. 240-45B.
- The Wisconsin Wetland Inventory Map indicates no wetlands in this project area.
- The FEMA FIRM maps indicate no floodplain in this project area.
- Most of the proposed lots have slopes less than 12%, except exterior lots 3-9, 14-18, and 22-24 to the west and south. The 12% slopes have a dark yellow line and 20% slopes have a dark pink line.
- The acreage of each lot is not shown on the proposed concept plan.
- To determine suitability of the site for subdivision, staff reviewed the site for hazards of life, health or property, no such hazards were apparent.
- Town of Clifton approved this concept plan on December 4, 2018.

Recommendation:

Staff recommends the Land Management Committee approve this concept plan with the following conditions:

1. Applicant shall secure preliminary plat approval prior to beginning construction of roads or installation of erosion control and stormwater measures.
2. The County minimum lot size of 1-acres and the Town of Clifton minimum lot size of 3 acres, excluding right-of-way and easements shall be met.
3. The proposed Town roads shall be numbered in accordance to Pierce County Code Ch. 115 (Numbering of Building & Roads) and shall be determined by the Pierce County GIS Specialist.
4. Applicant shall obtain all necessary sign permits.

Submitted By: Emily Lund,
Assistant Zoning Administrator

Land Management Committee

Cory & Gena Huppert
(January 2, 2018)
Concept Plan

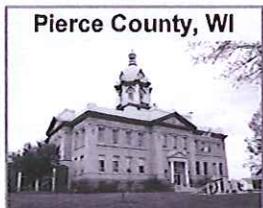
Legend

-  Dwellings
-  Plan Site
-  Parcels

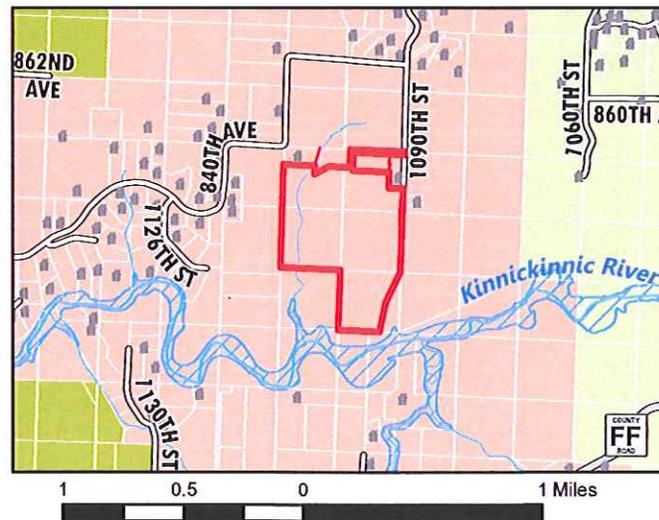
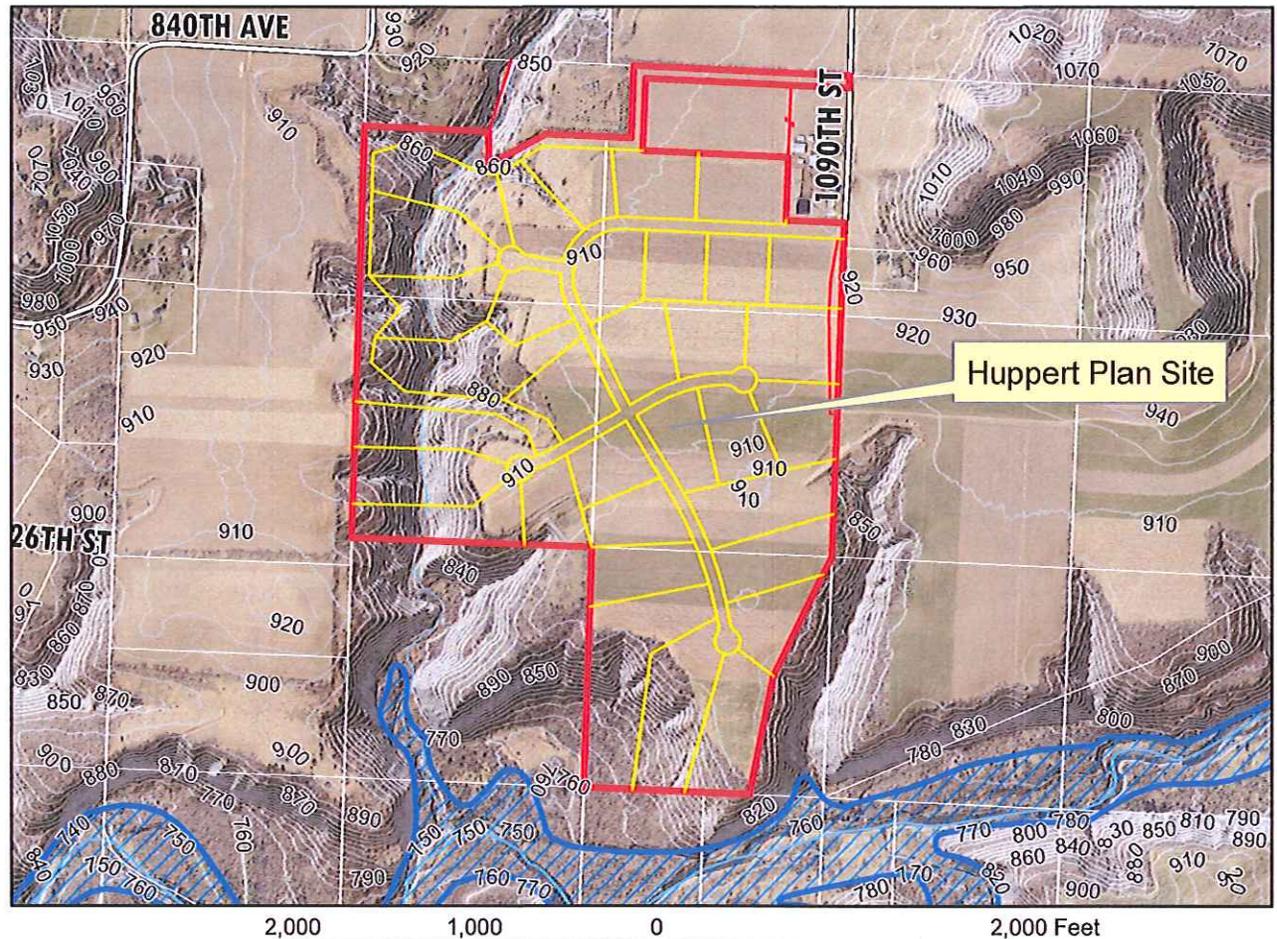
Zoning

-  General Rural Flexible - 8
-  Primary Agriculture
-  River Falls ETZ
-  100 Yr Floodway/
No Base Elev. Det

Orthophotography - 2015 Pierce County

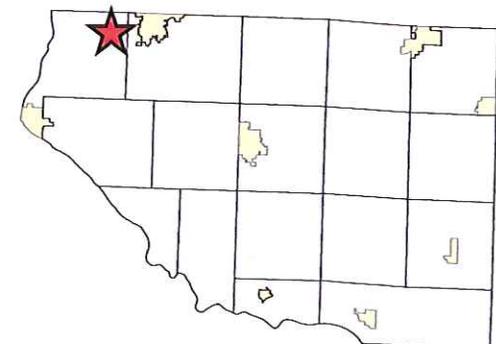


Prepared by the Department of Land Management



Site Location

TWN: 27 RNG:19 SEC:9
Town of Clifton



840th Avenue

1090th Street

66' Wide Private Road Easement
(as shown on C.S.M. Vol. 6, P. 35)

Unplanted Land

Proposed Walking Trail

See J.C.S.M. Vol. 6, Page 35

Proposed On-lot Private Walking Trail

NE-W Section 9

NE-E Section 9

SW-W Section 10

Proposed Town Road

Prop. Town Road

12% Slope
100' Tank, 100'000'

R-10

R-10

R-10

R-10

R-10

R-10

R-10

R-10

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, January 2, 2019

Agenda Item 5

Applicant: Wisconsin Industrial Sand (WISC).

Request: Renewal of Conditional Use Permit for Nonmetallic Mining – Bay City

Background: The underground mining operation began in 2006; in 2008 the hours of operation were expanded to 24 hours a day. In 2013, the LMC approved an expansion of the mining area into the Town of Hartland. Activities on the site include blasting, screening, washing and sizing underground in the mining tunnels. Washing is done in clay-lined ponds within the tunnels. The washed sand is then trucked to the processing facility in the Town of Trenton. Trucks enter and exit the site directly onto STH 35.

Issues Pertaining to the Request:

- These properties are located in Sections 2, 3, 4 and 10, T24N, R17W, of the Town Isabelle and 33, 34, and 35, T25N, R17W, of the Town of Hartland. The properties are zoned General Rural, General Rural Flexible and Primary Agriculture.
- The permitted mining area encompasses approximately 1300 acres. The primary use of the land is either agriculture or forested and undeveloped. Other area uses include low-density residential.
- The entire mining process takes place underground using room and pillar mining. The sandstone will be mined in parallel tunnels approximately 30-foot wide separated by 70-foot wide sandstone pillars. The mining is accomplished by drilling and blasting.
- The tunnels allow for the internal washing, sizing and storage of the sand. The blasted sand is screened and taken to an underground classifying area where the sand is sized and dewatered. Approximately 90% of the water is recycled.
- Water is supplied by two 1000 GPM fresh water wells, typically only one is used. High capacity wells are permitted by the WDNR. The lower level of the mined sand is approximately 60-80 feet above the groundwater table.
- The use of flocculants is permitted by the WI DNR which monitors the type and limits the amount used.
- The facility has a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans identify potential sources of stormwater pollution and spills of oil-related materials and other chemical, and establish controls to minimize any potential impacts to surface waters.
- A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce dust from roadways during periods of dry or windy conditions.
- The site is currently not in production, but activities are taking place to keep the permit active. The following actions are/have been completed.
 1. Monthly in-house Inspections for SWPPP (Stormwater Pollution Prevention Plan)

Applicant: Wisconsin Industrial Sand
Renewal of Conditional Use Permit for Nonmetallic Mining
January 2, 2019

2. Monthly in-house Inspections for SPCC (Spill Plan Control and Countermeasures)
 3. Quarterly Stormwater Discharge in-house Inspections
 4. Regular in-house Primary and Secondary Escape inspections along with any needed scaling or cleaning of tunnels
 5. Quarterly MSHA Regulatory Inspections (MSHA inspects our underground and surface areas for compliance)
 6. Annual in-house continuity and Ground Checks of electrical components
 7. Fire Extinguisher in-house Inspections
 8. Maintaining Electrical systems inside and outside of mine for capacitor chargers, lights and electrical components
 9. Maintaining water management system within underground workings to keep water away from electrical equipment.
 10. Semi-annual AED and Oxygen in-house Inspections
 11. Allowing Annual Bat counts with WDNR
 12. Allowing Continuation of Scientific studies related to Bat Vaccines for WNS (White Nose Syndrome).
- Staff has not received any complaints about the operation since the expansion in 2013.
 - The applicant has received a permit from WisDOT to mine under Hwy. 35.
 - Staff contacted the towns of Isabelle and Hartland regarding this renewal request. No response was received at the time this report was sent.
 - The conditions associated with the existing mine are:
 1. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Commerce, Mine Safety and Health Administration and other agencies if required.
 2. Applicant shall submit written verification from all real property owners granting access to the abandoned tunnels of which WSS will be accessing pursuant to this CUP.
 3. Applicant shall submit verification of lease agreements before mining is conducted and before mining is conducted within the 100 foot setback to parcels of which WSS does not hold the mineral rights, subject to condition number 5.
 4. Applicant shall comply with the conditions recommended by the Town of Isabelle. The Town of Isabelle recommended approval of this request on March 22, 2006, subject to the following conditions:
 1. A map of the facility and underground tunnels shall be posted conspicuously at the site.
 - a. This same map shall be provided to the Town Clerk of the Town of Isabelle and emergency officials.
 - b. This map shall be updated semi-annually.
 2. A site stability study shall be completed by a professional engineer qualified for such work.
 - a. The stability of the site shall be monitored by a qualified professional engineer annually.
 - b. A copy of the engineer's report shall be made available to the Town of Isabelle.
 3. The ground water shall be monitored by professionals qualified to perform such work.
 - a. Check all wells within 1,000 feet of company wells. This is the same as county requirements.
 - b. The ground water shall be monitored annually as well as any time the Town of Isabelle deems appropriate.
 - c. A copy of this report shall be made available to the Town of Isabelle.
 4. A reclamation plan shall be prepared-
 - a. In compliance with the requirements of the County of Pierce.

Applicant: Wisconsin Industrial Sand
Renewal of Conditional Use Permit for Nonmetallic Mining
January 2, 2019

- b. Including a performance bond to insure that reclamation work can be completed after operations cease or the operating entity ceases to exist.
5. Hours during which blasting operations can be performed will be unrestricted unless official complaints are registered with the Town of Isabelle-
 - a. Upon receipt of an official complaint to the Town of Isabelle, the Town of Isabelle will advise the operators of the facility of the hours of blasting restrictions.
 - b. Within 24 hours of notification, the operators of the facility shall not perform blasting between the hours of 9:00 PM to 5:00 AM.
6. Town of Isabelle does not control driveway permits onto a State of Wisconsin highway and therefore cannot approve or deny any such driveway. However, the Town of Isabelle is very concerned about trees on either side of the driveway blocking the view of the drivers on the driveway and the State Highway. The Town of Isabelle strongly recommends that sufficient trees be removed to promote safe vehicular traffic.
5. A 100-ft setback shall be maintained from all property lines for which Wisconsin Specialty Sand does not hold the mineral rights, except for any areas which were granted an exception to this requirement. An exception was granted on the west property boundary of the parcel subject to this CUP. Mining is permitted 57 feet from this boundary.
6. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
7. Real property owners located within 1000 feet of the parcel subject to this CUP shall be notified of the blasting schedule and be given the option of having notices sent to them by phone, text or email before and blasting. Blasting shall be restricted to six days a week.
8. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all wells located within 1000 feet of the parcels subject to this CUP.
9. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
10. After the asphalt and road gravel is removed, following mine closure, the road bed shall be graded so storm water will run laterally off the old road bed and not longitudinally down the old profile grade of the road bed.
11. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences and kept current.
12. Applicant agrees that any unforeseen erosion issues that arise during or after construction shall be addressed to the satisfaction of the county.
13. Applicant shall submit to the Zoning Office a copy of the Storm Water Pollution Prevention Plan and a Spill Prevention, Control and Countermeasures Plan if these plans are required by other agencies. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
14. This CUP shall be renewed every two years.
15. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.
16. The applicant shall submit written verification from the Department of Natural Resources that a binding agreement between the DNR and WSS is in place to preserve the conservation values of the existing DNR State Natural Area and associated tunnels. Such agreement shall also address access.
17. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy. 35.
18. Outdoor storage of any equipment and/or mining materials shall only occur on the parcel with the mine entrance.
19. Mining shall not encroach within 200 feet of any existing residence unless owner authorization has been obtained.
20. All loaded trucks shall be tarped.

21. A fugitive dust plan that utilizes industry standards and best management practices shall be developed and adhered to.
22. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
23. Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
24. WISC will be subject to control methods deemed adequate by the LMC for silica emissions if current or future studies suggest a significant public health threat exists from such emissions.
25. A groundwater response plan, including accurate determinations of the groundwater elevation and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.
26. A map of the facility and underground tunnels shall be submitted to the Town of Hartland semi-annually.
27. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the applicable Town and approved by the LMC.

Recommendation:

Staff recommends that the Land Management Committee determine whether any changes or additions to the existing conditions are necessary. If no changes or additions are warranted, staff recommends this CUP be renewed with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Commerce, Mine Safety and Health Administration and other agencies if required.
2. Applicant shall submit written verification from all real property owners granting access to the abandoned tunnels of which WSS will be accessing pursuant to this CUP.
3. Applicant shall submit verification of lease agreements before mining is conducted and before mining is conducted within the 100 foot setback to parcels of which WSS does not hold the mineral rights, subject to condition number 5.
4. Applicant shall comply with the conditions recommended by the Town of Isabelle. The Town of Isabelle recommended approval of this request on March 22, 2006, subject to the following conditions:
 1. A map of the facility and underground tunnels shall be posted conspicuously at the site.
 - a. This same map shall be provided to the Town Clerk of the Town of Isabelle and emergency officials.
 - b. This map shall be updated semi-annually.
 2. A site stability study shall be completed by a professional engineer qualified for such work.
 - a. The stability of the site shall be monitored by a qualified professional engineer annually.
 - b. A copy of the engineer's report shall be made available to the Town of Isabelle.
 3. The ground water shall be monitored by professionals qualified to perform such work.
 - a. Check all wells within 1,000 feet of company wells. This is the same as county requirements.
 - b. The ground water shall be monitored annually as well as any time the Town of Isabelle deems appropriate.
 - c. A copy of this report shall be made available to the Town of Isabelle.
 4. A reclamation plan shall be prepared-
 - a. In compliance with the requirements of the County of Pierce.
 - b. Including a performance bond to insure that reclamation work can be completed after operations cease or the operating entity ceases to exist.
 5. Hours during which blasting operations can be performed will be unrestricted unless official complaints are registered with the Town of Isabelle-

- a. Upon receipt of an official complaint to the Town of Isabelle, the Town of Isabelle will advise the operators of the facility of the hours of blasting restrictions.
- b. Within 24 hours of notification, the operators of the facility shall not perform blasting between the hours of 9:00 PM to 5:00 AM.
6. Town of Isabelle does not control driveway permits onto a State of Wisconsin highway and therefore cannot approve or deny any such driveway. However, the Town of Isabelle is very concerned about trees on either side of the driveway blocking the view of the drivers on the driveway and the State Highway. The Town of Isabelle strongly recommends that sufficient trees be removed to promote safe vehicular traffic.
5. A 100-ft setback shall be maintained from all property lines for which Wisconsin Specialty Sand does not hold the mineral rights, except for any areas which were granted an exception to this requirement. An exception was granted on the west property boundary of the parcel subject to this CUP. Mining is permitted 57 feet from this boundary.
6. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
7. Real property owners located within 1000 feet of the parcel subject to this CUP shall be notified of the blasting schedule and be given the option of having notices sent to them by phone, text or email before and blasting. Blasting shall be restricted to six days a week.
8. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all wells located within 1000 feet of the parcels subject to this CUP.
9. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
10. After the asphalt and road gravel is removed, following mine closure, the road bed shall be graded so storm water will run laterally off the old road bed and not longitudinally down the old profile grade of the road bed.
11. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences and kept current.
12. Applicant agrees that any unforeseen erosion issues that arise during or after construction shall be addressed to the satisfaction of the county.
13. Applicant shall submit to the Zoning Office a copy of the Storm Water Pollution Prevention Plan and a Spill Prevention, Control and Countermeasures Plan if these plans are required by other agencies. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
14. This CUP shall be renewed every two years.
15. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.
16. The applicant shall submit written verification from the Department of Natural Resources that a binding agreement between the DNR and WSS is in place to preserve the conservation values of the existing DNR State Natural Area and associated tunnels. Such agreement shall also address access.
17. 18. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy. 35.
18. Outdoor storage of any equipment and/or mining materials shall only occur on the parcel with the mine entrance.
19. Mining shall not encroach within 200 feet of any existing residence unless owner authorization has been obtained.
20. All loaded trucks shall be tarped.

Applicant: Wisconsin Industrial Sand
Renewal of Conditional Use Permit for Nonmetallic Mining
January 2, 2019

21. A fugitive dust plan that utilizes industry standards and best management practices shall be developed and adhered to.
22. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
23. Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
24. WISC will be subject to control methods deemed adequate by the LMC for silica emissions if current or future studies suggest a significant public health threat exists from such emissions.
25. A groundwater response plan, including accurate determinations of the groundwater elevation and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.
26. A map of the facility and underground tunnels shall be submitted to the Town of Hartland semi-annually.
27. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the applicable Town and approved by the LMC.

Submitted By: Brad Roy,
Zoning Administrator

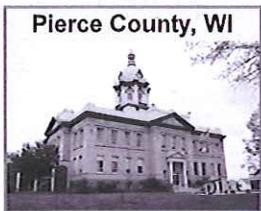
Land Management Committee

WISC - Bay City Mine
(January 2, 2019)
CUP - Renewal

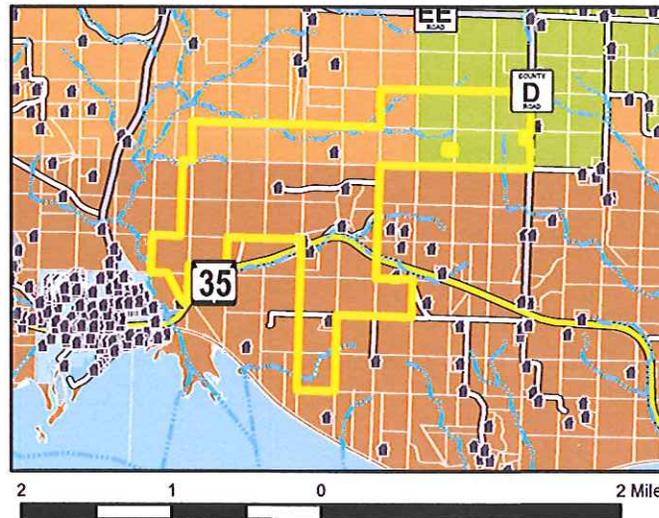
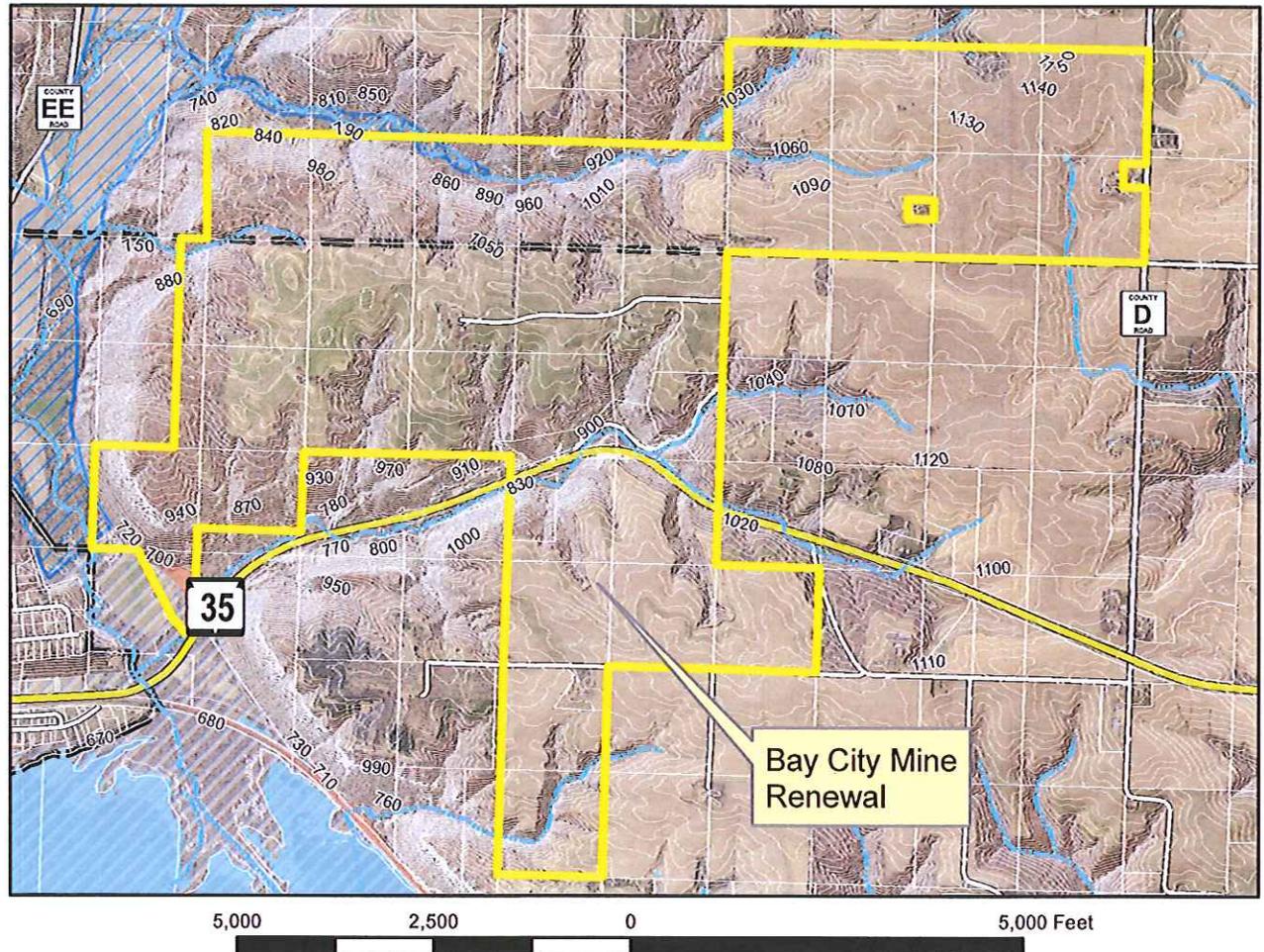
Legend

-  Dwellings
 -  Mine Renewal
 -  Parcels
- ### Zoning
-  Commercial
 -  General Rural
 -  General Rural Flexible
 -  Industrial
 -  Primary Agriculture
 -  Village
-  100 Yr Floodway/
No Base Elev. Det
 -  100 Yr Floodway/
Base Elev. Det

Orthophotography - 2015 Pierce County



Prepared by the Department of Land Management



Site Location

Town of Isabelle
and Hartland

