LAND MANAGEMENT COMMITTEE MEETING REVISED AGENDA

Wednesday, July 1, 2020 – 6:00 p.m.

County Board Room, Pierce County Courthouse, 414 W. Main St. Ellsworth, WI 54011

#	414 W. Main St. Ellsworth, WI 54011 Action	Presenter	
1	Call to order	Chair	
2	Next meeting dates: July 15 th , August 5 th & 19 th , all in 2020.	Chair	
3	Elect Temporary Chairperson	Acting Chair	
4	Elect Committee Chairperson	Acting Chair	
5	Elect Committee Vice-Chairperson	Chair	
6	Approve minutes of the February 19, 2020 Land Management Committee meeting.	Chair	
7	Public hearing to consider and take action on a request for a map amendment (rezone) from General Rural Flexible 8 to Commercial District for Zeverino Investments LLC, David Zeverino, owner on property located in part of the NW ¼ of the NE ¼ of Section 1, T26N, R20W, Town of Oak Grove, Pierce County, WI.	Lund	
8	Discuss take action on a request for modification of a conditional use permit for a Retreat Center (Wedding Barn) in the Primary Agriculture District for Melissa Deyo and Donald Dufek, owners, on property located in the SE ¼ of the SE ¼ of Section 33, T27N, R17W, Town of Martell, Pierce County, WI.	Lund	
9	Discuss take action on a request for renewal of a conditional use permit for CMC-Spring Valley LLC (County Materials) owner on property located in the SE ¼ of the SE ¼ of Section 9 and the NE ¼ and the NW ¼ of the SE ¼ of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI.	Adank	
10	Discuss take action on a request for modification of a conditional use permit for Expansion of a Nonconforming Structure for Michael Dorricott, owner on property located on Lot 2, Marissa's Addition, in the NW ¼ of the NW ¼ of Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Adank	
11	Discuss take action on a request for renewal of a conditional use permit for a Nonmetallic Mining Operation in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, for Rumpca Excavating Inc, agent for John C. Rohl Jr, John C. & Alva-Jeanne Rohl and Mackenze Rohl, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy	
12	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wieser Real Estate Partnership Limited Partnership and DAM Investments LLC, owners on property located in Sections 3, 4, 9 & 10, all in T25N, R16W, Town of Salem, Pierce County, WI.	Roy	

13	Discuss take action on Travel/Training Requests.	Pichotta
14	Future agenda items.	Pichotta
15	Adjourn	Members

Questions regarding this agenda may be made to the Department of Land Management at 715-273-6746.

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities requiring special accommodations for attendance at the meeting. For additional information or to make a request, contact the Administrative Coordinator at 715-273-6851.

A quorum of County Board supervisors may be present.

(6/19/20)

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

July 1, 2020

Agenda Item 7

Applicant: Zeverino Investments LLC (Crystal & David Zeverino)

Request:

Map amendment (rezone) from General Rural Flexible-8 to Commercial

Background: The applicants received a Conditional Use Permit from the LMC on 12/18/2019 for a Farm & Home Based Business for their Trucking Company on this parcel. The applicants are now proposing to rezone the 29.25-acre property from General Rural Flexible-8 to Commercial.



Issues Pertaining to the Request:

- The parcel is in part of the NW ¼ of the NE ¼ of Sec. 1, T26N, R20W in the Town of Oak Grove. The parcel is located on the South side of Highway 29 approximately 1.5 miles outside of Prescott.
- Current land use is agricultural. Adjacent land uses are agricultural and residential.
- The parcel is currently in the General Rural Flexible-8 zoning district. Adjacent zoning districts are General Rural Flexible-8 and Rural Residential-12.
- Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts states: General Rural (GR) is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or are compatible with surrounding rural land.

General Rural-Flexible (GRF) is established to achieve the same objectives as the General Rural (GR) District but to allow a greater density of residential development with the approval of the town board.

Applicant: Zeverino Investments LLC (Crystal & David Zeverino)

Map Amendment (Rezone)

July 1, 2020

<u>Commercial</u> (C) is established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire county. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors.

- Pierce County's adopted Comprehensive Plan states: "The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs. discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone."
- The Town of Oak Grove recommended approval of this request on 5-18-2020. They stated, "See Town of Oak Grove Comp. Plan, Revised 10/18/2012. Policies & Programs #9, Goal #2, Objectives 1 & 2 of Chapter 7, page 10 (Economic Development)." A copy is attached.
- The value of land for agricultural use according to the USDA Web Soil Survey is as follows:

Soil Map Unit Name	Slope	% Area	Capability Unit	New Farmland Classification
Dakota Loam (401A)	0-3%	42.8%	2s	All areas are prime farmland.
Kasson Silt Loam (866B)	2-6%	3.8%	2e	All areas are prime farmland.
Rockton Silt Loam (170B)	1-6%	53.4%	2e	All areas are prime farmland.

Staff Recommendation:

Given that the Oak Grove Town Board has determined that this proposed map amendment (rezone) of 29.25 acres from General Rural Flexible-8 to Commercial is consistent with their Comprehensive Plan, staff recommends that the LMC approve this map amendment (rezone) and forward a recommendation to the County Board of Supervisors.

Submitted By:

Emily Lund

Assistant Zoning Administrator

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Zoning: 715/273-6747 Planning: 715/273-6746 Fax: 715/273-6864

Pierce County Courthouse 414 W. Main Street P.O. BOX 647 Ellsworth, Wisconsin 54011 www.co.pierce.wi.us

Iown Recommendation Form					
Request: Conditional Use Permit Plat Approval – Concept, Preliminary, Final (Circle One) Map Amendment - (Rezone) Other-					
Applicant/Agent: Name David Zeverino					
Site Address (if applicable)					
Site Address (if applicable) Property Description: 40nv ¼ of the 160r ¼, or Gov. Lot #, Section 1, T26N, R20W, Lot, Block, Subdivision					
Computer # 020 _ 01087 _ 0600 Parcel # 020226200112U632					
Zoning District RURAL FLEX 8 Acreage 29.25					
A town recommendation is required as part of the application for a rezone (map amendment) or a conditional use permit. This recommendation is necessary whether a town has adopted a comprehensive plan or has not. Pierce County will seek to further each Town's planning goals when considering the establishment of conditionally permitted uses and when considering approval of a request for a rezone/map amendment.					
Pierce County will seek to further each town's planning goals and objectives when considering the establishment of conditionally permitted uses, and will consider adherence to established goals and objectives to be consistent with the "public interest" for that town. In cases where an adopted plan gives guidance regarding the establishment of a proposed conditional use, the specific portion of the plan relating to the request should be referenced. If a town plan is silent regarding the establishment of a proposed use, or a town has not adopted a comprehensive plan, the recommendation will be advisory in nature.					
Pierce County will approve re-zonings (map amendments) within a given town only when the proposed amendment is consistent with that town's comprehensive plan. The specific portion of the plan which supports the rezone request should be referenced. It should be noted that if a town's comprehensive plan is silent on a proposed rezone, approval cannot be granted unless consistency is achieved through plan amendment. In cases where a town has not adopted a comprehensive plan, a rezoning request will be considered based upon its consistency with the Pierce County Comprehensive Plan. In such cases, a town's recommendation regarding the proposed rezone will be used to assist the Land Management Committee in evaluating applicable goal statements.					
Questions regarding the need for a Town Recommendation and its generation or use should be directed to Land Management Department Staff at (715) 273-6746.					
Town Recommendation: / Approval Denial					
Justification/PlanReference: <u>See Jown 17 Och Prope amp Plan</u> , Revised 10/18/2012. Policist Prograde - H 9, Book #2, Objectives 1 + 2. H Chapter 7, page 10 (Economic Development).					
Concerns/Suggested Conditions:					
Please attach additional information as necessary.					
Town Chair Signature: Neeting Date: 5-18-2020					

Goals, Objectives, Policies, Programs, and Actions

Goal 1: Support economic activity and development that does not detract from the rural way of life in the Town of Oak Grove.

Objectives:

- 1. Promote agricultural based businesses.
- 2. Avoid conflicts between farmland and residential areas.
- 3. Support Oak Grove remaining as an agricultural community.
- 4. Promote local and regional tourism that supports local businesses, artists communities, natural scenic locations.

Policies, Programs, and Actions:

- 1. Support existing farms and their continued operation.
- 2. Encourage businesses that assist the farming community.
- 3. Promote the development of specialty farming and/or small businesses that produce food/beverages for sale.
- 4. Support Eco-tourism that promotes the enjoyment of our natural resources in ways that do not degrade them.
- 5. Ensure that businesses, no matter what size, do not adversely affect the Town's natural resources and quality of life of residents.
- 6. Continue to encourage the organic growth of locally owned businesses and artists.
- 7. Work with surrounding communities to support, coordinate, and promote cultural events.
- 8. Support businesses that do not detract from the enjoyment of the Great River Road.
- Guide future commercial and light industrial type activities away from areas where residential development exists or has a residential zoning classification if potential negative impacts exist.
- 10. Support the use of open space for recreation and tourist activity.

Goal 2: Support the development of new commercial and light industrial businesses in the Town of Oak Grove.

Objectives:

- 1. Promote the development of commercial or light industrial business.
- 2. Increase the local tax base.

Policies, Programs, and Actions:

- 1. Explore the feasibility of creating incentives to help attract commercial or light industrial businesses.
- 2. Work with the Piece County Economic Development Corporation to bring new business into Oak Grove.
- 3. Encourage residents to provide support to new businesses by shopping locally.

Land Management Committee

David Zeverino (July 1, 2020)

REZONE-GRF-8 to Commercial

Legend

Dwellings Contours (10ft)

CUP Parcel

Proposed Buildings

Building Footprints

Zoning

General Rural Flexible - 8

Light - Industrial

Primary Agriculture

Rural Residential - 12

Zeverino Owned Parcels

100 Yr Floodway/ No Base Elev. Det

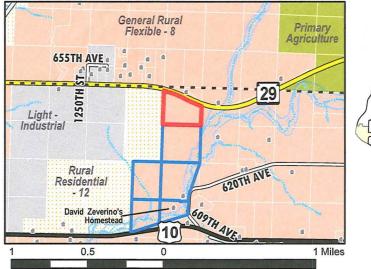
Orthophotography - 2015 Pierce County



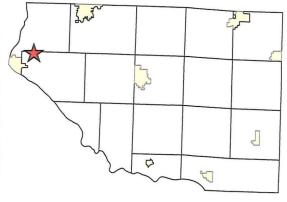


Prepared by the Department of Land Management





STATE HWY 29 TOWN OF OAK GROVE



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 1, 2020

Agenda Item 8

Applicant: Mellissa Deyo & Donald Dufek (The Barns of Lost Creek)

Request: Conditional Use Permit (CUP) Modification for a wedding barn (Retreat Center)

Background: The applicants received a CUP from the LMC in May 2012 to utilize the barn as a retreat center for country-style weddings and receptions. The applicants received site plan approval from the LMC in December 2016 for the dining hall to be moved into a new accessory structure.

This year the applicant's business has been greatly impacted by the COVID-19 Coronavirus Pandemic. With limits to public gatherings, social distancing requirements, and other restrictions, they had to cancel many weddings and receptions. The existing CUP limits the guest count to 150 people. In order to comply with the new Public Health Dept. requirements, the applicants are proposing to modify the CUP by offering these 3 options to clients:

- 1. Big Wedding. 150 people max. Only 1 event per day. Everything in her existing permit. (This would be an option when the world is safer without a virus and associated restrictions.)
- 2. Mini-Wedding. 30 people max. 4-hour time limit. Meal allowed. 3 celebratory dances allowed (bride/groom, bride/dad, groom/mom). No live music or entertainment allowed.
- 3. Micro-Wedding. 15 people max. 2.5-hour time limit. Wedding cake allowed, but no meal allowed. 3 celebratory dances allowed (bride/groom, bride/dad, groom/mom). No live music or entertainment allowed.

They are proposing to have up to (3) Micro- or Mini- weddings per day OR (1) Big Wedding per day. However, they are not asking for (3) mini/micro plus (1) big wedding on the same day.

Issues Pertaining to the Request:

- The property is in the SE ¼ of the SE ¼ in Section 33, T27N, R17W in the Town of Martell, Pierce County, WI. The property is in the Primary Agricultural zoning district. The property address is W6124 Co Rd N and is located on 40 acres.
- The existing conditions are:
 - 1. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
 - 2. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), Department of Health & Family Services, etc.).
 - 3. Maximum occupancy shall be limited to 150 people, 3 events per week, 1 event per day on Friday, Saturday, and Sunday.
 - 4. The maximum capacity of 150 persons will require 50 available parking spaces, with a minimum of one space for handicapped parking.
 - 5. Advertising signs shall comply with the zoning code standards and signs shall be located outside of road right-of-way and out of the vision clearance triangle.

CUP Modification - wedding barn (retreat center)

- 6. Applicants shall work with Todd Dolan, Martell Building Inspector, to secure final approval from DSPS prior to holding any events.
- 7. Applicants shall establish a vegetative screen, consisting of no less than five spruce trees, 9-12 feet tall, between the parking lot and County Road N within 12 months.
- 8. A status report shall be made to the Land Management Committee in one year.
- 9. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
- 10. Closing time to be 11 PM.
- 11. No parking on Town or County Roads
- 12. No fireworks allowed.
- Following discussion with Legal Counsel, staff is also recommending the modification of Condition #2. This condition, in essence, requires the Land Management Department and Committee to enforce local and/or state ordinances and regulations that they have no control over. With that condition in place, an applicants' failure to comply with, or dispute about the administration of, another agency's ordinance or licensing requirements could require the LMC to revoke their CUP. All local or state ordinances contain penalty provisions relating to noncompliance with that ordinance or rule. Given this, it is not necessary for the LMC to tie CUPs to compliance with other agencies rules and regulations. Removal of this condition would not excuse an applicant from the need to obtain all necessary permits and approvals; it simply removes the Land Management Committee from enforcing them.

Recommendation:

Staff recommends that the LMC consider whether the proposed modifications would impact the previous finding that the proposed use in the proposed location would not be contrary to the public interest, nor detrimental or injurious to public health, safety, or character of the surrounding area. If the proposal does not impact the previous finding, staff recommends the LMC approve the proposed modifications with the following conditions (proposed additions are in **bold**, proposed deletions are struck through):

- 1. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
- 2. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. DSPS, Dept. of Public Health, etc.).
- 3. Wedding and reception options for wedding clients:
 - a. "Big Wedding." 150 people max. 1 Big Wedding per day. No additional events allowed that day.
 - b. "Mini-Wedding." 30 people max. 4-hour time limit. Meal allowed. 3 celebratory dances allowed. No live music or entertainment allowed.
 - c. "Micro-Wedding." 15 people max. 2.5-hour time limit. Wedding cake allowed. No meal allowed. 3 celebratory dances allowed. No live music or entertainment allowed.
- 4. Maximum occupancy shall be limited to 150 people, up to (3) Micro- or Mini- weddings per day or (1) Big Wedding per day, events held on Friday, Saturday, and Sunday. 3 events per week, 1 event per day on Friday, Saturday, and Sunday.
- 5. The maximum capacity of 150 persons will require 50 available parking spaces, with a minimum of one space for handicapped parking.

Deyo / Dufek July 1, 2020 CUP Modification - wedding barn (retreat center)

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- 11. Closing time to be 11 PM.
- 12. No parking on Town or County Roads
- 13. No fireworks allowed.

Submitted By: Emily Lund

Assistant Zoning Administrator

Land Management Committee

Melissa Deyo & Donald Dufek (July 1, 2020)

> CUP Modification -Retreat Center

Legend

Dwellings

Deyo/Dufek Site

Parcels

Contours (10ft)

Zoning

Ellsworth ETZ

General Rural Flexible

Light - Industrial

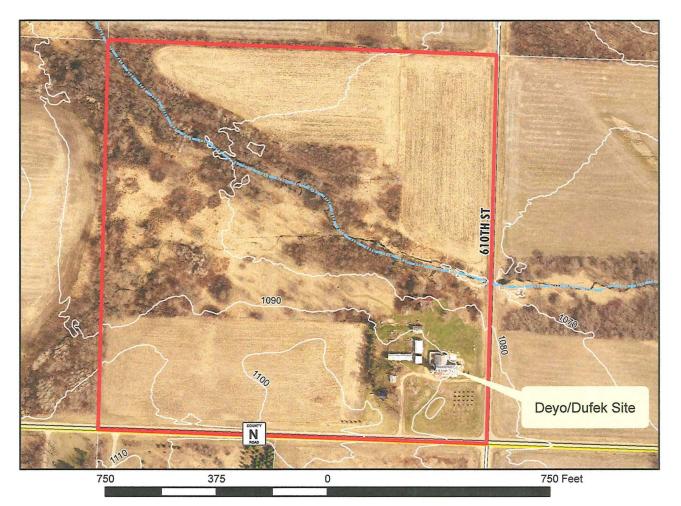
Primary Agriculture

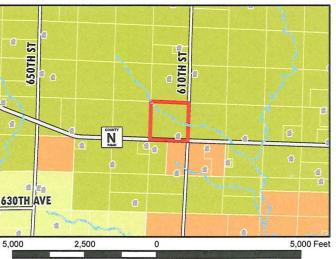
Orthophotography - 2015 Pierce County





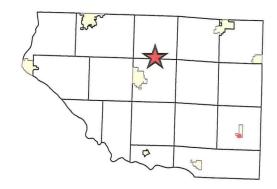
Prepared by the Department of Land Management





Site Location

W6124 Co Rd N Town of Martell



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

July 1, 2020

Agenda Item 9

Applicant: County Materials

Request:

Request for renewal of Conditional Use Permit for Nonmetallic Mining

Background:

County Materials obtained a Conditional Use Permit for Nonmetallic Mining in April, 2007. Mining operations began in 2008. The Conditional Use Permit covers approximately 200 acres; County Materials intends to mine approximately 130 of those acres.

The original application presented a plan in which the entire operation would be conducted below grade within the extraction area. Currently, the primary crusher is located in the lowest level of the quarry with the secondary crusher and lime plant in the mid-level of the quarry. The wash plant and other operational structures are located above the quarry.

The original application allowed no more than 30 unreclaimed acres at any given time. In April 2012 the number of allowable unreclaimed acres was increased to 40. In June 2018 the number of allowable unreclaimed acres was increased to 50. The applicant has indicated that they may need to increase the amount of allowable unreclaimed acres again or have some of the reclaimed acreage certified as completed by the next scheduled renewal in 2022.

Issues Pertaining to the Request:

- This property is located in the SE ¼ of the SE ¼ in Section 9, and the NW ¼ of the SE ¼ and the NE ¼ of the NE ¼ in Section 16, T26, R15W in the Town of Spring Lake. The property is zoned General Rural.
- The original operation plan states that excavation would create a floor elevation of 1050', where all activity would be conducted.
- The average current floor elevation is 1100' and the processing area has an approximate elevation of 1160'. The average floor elevation of the quarry is 1100'. County Materials has begun to lower the floor to 1060'. The floor of the expansion area will be no lower than 1040'.
- Staff asked the applicant how many open acres are needed before the entire operation can be moved to the quarry floor and if this proposed increase would enable the move.

The applicant responded that "It is not feasible to move the entire operation into the lower elevations of the floor under current market conditions. It would be detrimental on sales/profitability to move the wash plant and stockpiles into the lower level of the quarry due to multiple operational concerns. Please consider the vast majority of the dust and noises generated are from our crushing activities. Both the primary crusher and secondary crusher are located in the lower and mid-levels of the quarry. We do plan to move the lime plant along with the secondary crusher into the lowest floor level within the next five years, if the current market conditions continue to exist.

Applicant: County Materials

July 1, 2020 CUP Renewal

In the next ten years we could evaluate the entire process to see if it would be feasible to move more of the operation into the lower levels of the quarry."

- The applicant stated that the reclamation in the North/West part of the quarry to the haul road has been seeded and the establishment of vegetation has started. The reclamation activities have now been moved to the quarry floor against the east wall.
- A surety bond increase rider was submitted to the Land Management Department since the last modification in June 2018. The bond rider covers a total of 50 unreclaimed acres.
- The operation received numerous complaints when it began about noise, dust and appearance. Staff has not received any complaints since the last renewal.

Staff spoke with Town of Spring Lake Chairperson, Richard Johnson, regarding the renewal of this conditional use permit. Mr. Johnson stated that the town has not had any complaints regarding the mine since the last renewal and has no additional comments or concerns.

- The existing conditions of the permit are:
 - 1. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
 - 2. Hours of operation shall be 6am to 6pm with nonproduction hours 6pm to 8pm, Monday through Friday and 8am to noon on Saturday. Operation shall be closed on holidays.
 - 3. Blasting shall be completed by a State licensed blaster. Blasting shall take place no more than 4 times per week and blasting times shall be between 11am and 2pm unless extenuating circumstances occur at which time a Town official shall be notified prior to any blasting.
 - 4. Storm water measures shall be implemented and maintained consistent with Land Conservation Department recommendations.
 - 5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.
 - 6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
 - 7. Reclamation shall be consistent with submitted plans.
 - 8. Applicant shall determine if the reclamation plan needs updating and shall submit an updated financial assurance bond based on increased acreage.
 - 9. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
 - 10. Zoning Office shall be notified if groundwater is encountered.
 - 11. All structures and signage shall be permitted by the Zoning Office.
 - 12. An elevation benchmark shall be established.
 - 13. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
 - 14. Applicant shall comply with NR 135 Annual Reclamation Permits.
 - 15. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
 - 16. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline, and for all other properties

Applicant: County Materials

July 1, 2020 CUP Renewal

agreed upon by County Materials (Jones, etc.). This shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.

- 17. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
- 18. The recycling of concrete products shall be allowed.
- 19. This CUP shall be reviewed for renewal in two years unless compliance issues arise.
- 20. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
- 21. All loaded trucks shall be covered (tarped) prior to leaving the site.
- 22. The quarry shall have no more than 50 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
- 23. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line, and at 1 ½ miles from property boundary, and shall submit results to the Land Management Department. Such readings shall be taken three times annually, and at locations agreeable to Land Management Department Staff and County Materials. An initial reading shall be made prior to operations to establish a baseline.
- 24. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
- 25. A lockbox with access key shall be made accessible to emergency personnel.
- 26. Applicant shall provide a status report to the LMC at the request of the Town of Spring Lake.
- 27. Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.
- 28. The fugitive Dust Plan shall be implemented as approved.
- 29. Applicant is allowed to water anytime necessary to mitigate off-site dust impact.

Recommendation:

Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to mitigate any impact on the public health, safety, the public interest and character of the area and renew this conditional use permit for a nonmetallic mining operation with the following conditions:

- 1. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
- 2. Hours of operation shall be 6am to 6pm with nonproduction hours 6pm to 8pm, Monday through Friday and 8am to noon on Saturday. Operation shall be closed on holidays.
- 3. Blasting shall be completed by a State licensed blaster. Blasting shall take place no more than 4 times per week and blasting times shall be between 11am and 2pm unless extenuating circumstances occur at which time a Town official shall be notified prior to any blasting.
- 4. Storm water measures shall be implemented and maintained consistent with Land Conservation Department recommendations.
- 5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.
- 6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
- 7. Reclamation shall be consistent with submitted plans.

Applicant: County Materials

July 1, 2020 CUP Renewal

- 8. Applicant shall determine if the reclamation plan needs updating and shall submit an updated financial assurance bond based on increased acreage.
- 9. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
- 10. Zoning Office shall be notified if groundwater is encountered.
- 11. All structures and signage shall be permitted by the Zoning Office.
- 12. An elevation benchmark shall be established.
- 13. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
- 14. Applicant shall comply with NR 135 Annual Reclamation Permits.
- 15. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
- 16. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline, and for all other properties agreed upon by County Materials (Jones, etc.). This shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.
- 17. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
- 18. The recycling of concrete products shall be allowed.
- 19. This CUP shall be reviewed for renewal in two years unless compliance issues arise.
- 20. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
- 21. All loaded trucks shall be covered (tarped) prior to leaving the site.
- 22. The quarry shall have no more than 50 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
- 23. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line, and at 1 ½ miles from property boundary, and shall submit results to the Land Management Department. Such readings shall be taken three times annually, and at locations agreeable to Land Management Department Staff and County Materials. An initial reading shall be made prior to operations to establish a baseline.
- 24. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
- 25. A lockbox with access key shall be made accessible to emergency personnel.
- 26. Applicant shall provide a status report to the LMC at the request of the Town of Spring Lake.
- 27. Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.
- 28. The fugitive Dust Plan shall be implemented as approved.
- 29. Applicant is allowed to water anytime necessary to mitigate off-site dust impact.

Submitted By: Adam Adank,

Zoning Specialist

Land Management Committee

County Materials (July 1, 2020)

Renewal of CUP for Nonmetallic Mining

Legend

Dwellings

County Materials

Parcels

Contours (10ft)

Zoning

General Rural



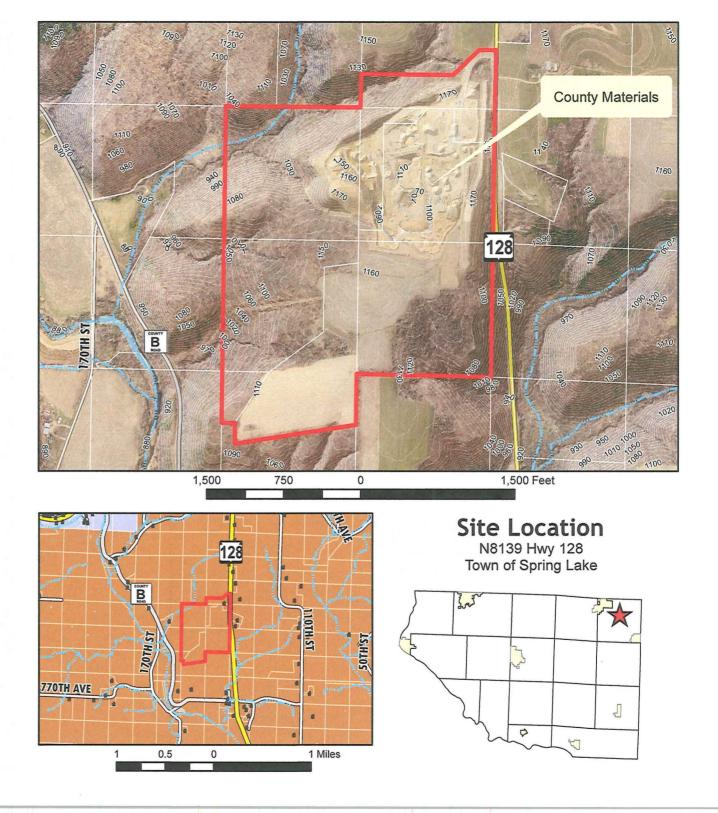
Spring Valley

Orthophotography - 2015 Pierce County





Prepared by the Department of Land Management



LAND MANAGEMENT COMMITTEE STAFF REPORT

Land Management Committee Meeting,

July 1, 2020

Agenda Item 10

Applicant: Michael Dorricott

Request:

Request for modification of Conditional Use Permit for Expansion of a Nonconforming

Structure

Background:

The applicant's property is located at W9636 295th Ave. In 1995 a former property owner obtained a Land Use Permit (LUP) for a 14' x 70' mobile home and a 26' x 30' garage. When the garage was constructed it encroached on the 10' rear yard property line setback. The applicant was able to estimate a property line boundary by running line from 2 apparent property markers. Based on these markers the existing garage is approximately 4' from the rear yard property line. Lot line markers were verified by the adjoining property owner while Land Management staff was onsite.

The applicant was originally approved to construct a 2-3 bedroom dwelling addition off the west side of the existing garage. The original plans consisted of a 26' x 30' 2 story house with a 14' x 30' room located in the roof truss design. A smaller 16' x 16' one story addition was also proposed to be added to the west side of the 26' x 30' 2 story house.

The applicant has requested to modify his plans because of certain building code requirements. The applicant is now requesting to construct a 30' x 32' 2 story house that is attached to the garage by a 7' long breezeway. A future room is still proposed to be located in the roof truss design and a smaller one story room is still proposed off the west side of the proposed house but it would be 20' x 20' instead of 16' x 16' like originally proposed. The applicant has determined that the new construction will be setback at least 3'8" from the rear yard property line.

The location of the existing mobile home in relation to the rear yard property line and existing garage restrict the applicant's area to build. The applicant intends to live in the mobile home during construction of the proposed dwelling.

Issues Pertaining to the Request:

- The property is located in Lot 2, Marissa's Addition in the NW ¼ of the NW ¼ in Sec. 19, T25N, R18W, Town of Diamond Bluff.
- The property is zoned Rural Residential 20. Adjacent property is zoned Rural Residential 20 and Agriculture-Residential.
- Adjacent land uses surrounding the property are residential and wooded.
- PCC § 240-67A.(2) states, "Additions to or extensions of nonconforming structures are permitted, provided that such additions or extensions comply with all the provisions of this chapter or a conditional use permit is granted as provided in § 240-76."

Applicant: Michael Dorricott

July 1, 2020

Request for modification of Conditional Use Permit for Expansion of a Nonconforming Structure

- PCC § 240-76A states "Applicability. A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to or expansion of a nonconforming structure, or expansion or intensification of a nonconforming use."
- PCC § 240-23 states, "Minimum requirements. Developments shall meet the minimum requirements for the applicable district shown in the Table of Dimensional Requirements."
- PCC § 240-42 (E) states, "Temporary residence during construction of principal dwelling. An existing dwelling or manufactured home may be used as a temporary residence during construction of a new dwelling on the same parcel, subject to the following:
 - (1) A land use permit shall be obtained for the temporary residence.
 - (2) A temporary residence, if a manufactured home moved onto a lot, shall comply with all setback requirements of this chapter.
 - (3) Such temporary residence shall be connected to an approved wastewater disposal system.
 - (4) A permit for a temporary residence shall lapse at such time as the principal dwelling is completed and has been connected to utilities or 12 months from the date of issuance, whichever is earlier.
 - (5) The temporary residence shall be removed or destroyed at the time the permit for such temporary residence lapses or converted to a nonresidential use.
- A sanitary permit was obtained in 1995 for a 3 Bedroom Private On-site Wastewater Treatment System (POWTS).
- The existing well is located under the front part of the existing trailer over 14' from the proposed addition and the septic system is located south of the existing trailer. Both meet the required setbacks from the proposed addition.
- The proposed expansion area is currently used as open yard space and should not negatively impact the functionality of the site.
- The nearest dwelling is located approximately 125 feet to the west of the proposed expansion.
- The Town of Diamond Bluff recommended approval of the original request on 7-12-2018. The Town did not reference its Comprehensive Plan.

The Town does not have any concerns about the proposed modification.

Recommendation:

Staff recommends that the LMC consider whether the proposed modifications would impact the previous finding that the proposed use in the proposed location would not be contrary to the public interest, nor detrimental or injurious to public health, safety or character of the surrounding area.

Applicant: Michael Dorricott

July 1, 2020

Request for modification of Conditional Use Permit for Expansion of a Nonconforming Structure

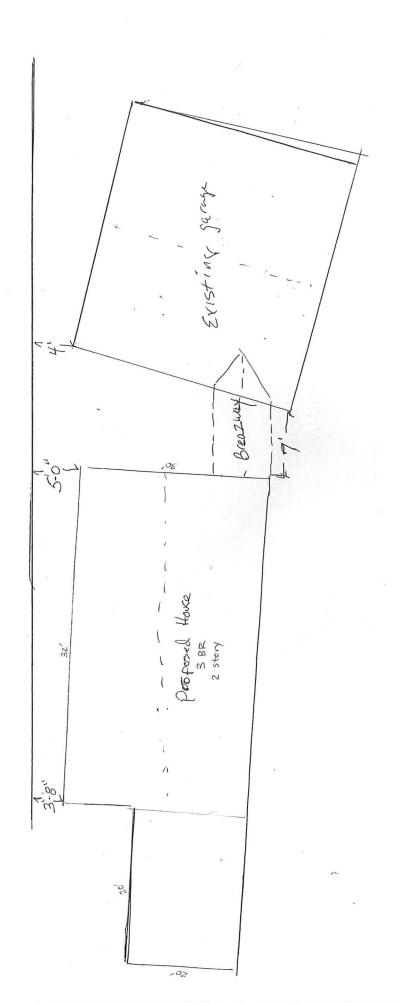
If the proposal does not impact the previous finding, staff recommends the LMC approve the proposed modifications with the following conditions:

- 1. Activities shall be conducted as proposed in the application and as presented to the LMC unless modified by another condition of this permit.
- 2. The applicant shall maintain a rear yard property line setback of 3'8" or as established by the Land Management Committee of ____ feet. Lot line shall be verified by a registered land surveyor or as agreed upon by the adjacent property owner.
- 3. A Sanitary Reconnect Permit shall be obtained prior to any construction.
- 4. The applicants shall follow Pierce County Solid Waste Code Ch. 201 and Wisconsin Administrative Code NR 447 for disposal of used and unusable building materials.
- 5. The applicant shall follow PCC §240-42(E). Temporary dwelling during construction of principal dwelling and secure all necessary permits.
- 6. The proposed expansion shall be completed within 12 months of CUP approval.
- 7. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required.

Submitted By:

Adam Adank

Zoning Specialist





Adam Adank <adam.adank@co.pierce.wi.us>

Michael Dorricott House Permit

2 messages

Adam Adank <adam.adank@co.pierce.wi.us> To: arandy43@yahoo.com Wed, Jun 17, 2020 at 10:12 AM

Hello Randy,

As you are aware, Michael Dorricott is proposing to build a house off of his existing nonconforming garage. Because the garage is within the 10' rear yard property line setback it is considered nonconforming and Michael Dorricott is allowed to apply for a Conditional Use Permit to expand the nonconforming structure. Because you are the rear property owner, I wanted to reach out to you and see if you had any concerns with Michael expanding closer to the lot line than the existing garage. Thanks,

Adam Adank Zoning Specialist / Code Compliance Pierce County Land Management 715-273-6746

Randy Anderson <arandy43@yahoo.com>

Thu, Jun 18, 2020 at 8:13 AM

Reply-To: "arandy43@yahoo.com" <arandy43@yahoo.com>
To: "adam.adank@co.pierce.wi.us" <adam.adank@co.pierce.wi.us>

No concerns as to how close he gets, I think as of yesterday Mike told me his roof overhang will be around a foot and a half. As long as he doesn't go over the line onto my property all is good. He told me he got line figured out. I'll be home Sunday to check and see.

Randy

Sent from Yahoo Mail on Android [Quoted text hidden]

Land Management Committee

Michael Dorricott (July 1, 2020)

Modification of CUP for expansion of Nonconforming Structure

Legend

Dwellings

Dorricott CUP

Parcels

Contours (10ft)

New Structure

Zoning

Agriculture - Residential

Commercial

Industrial

Light - Industrial

Rural Residential - 20

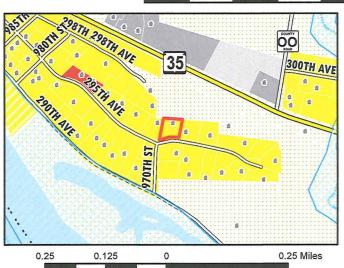
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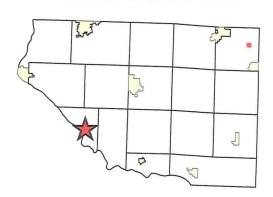
Prepared by the Department of Land Management





Site Location

W9636 295TH AVE TOWN OF DIAMOND BLUFF



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 1, 2020

Agenda Item 11

Applicant: Rumpca Excavating, agent for John Rohl

Request: Conditional Use Permit Renewal for Nonmetallic Mining

Background:

Nonmetallic mining had previously been permitted on this parcel. However, the conditional use permit expired and the use ceased for more than 12 months in 2008. In 2015, staff became aware that mining had again begun on the site and notified the applicant that a new Conditional Use Permit was required. At that point mining activity was halted and the applicant began the process of applying for a new conditional use permit.

The property is subject to a conservation easement with the Kinnickinnic River Land Trust (KRLT). The easement required the mine to be reclaimed in 2010. The applicant and the KRLT have come to an agreement to allow mining for a limited term and then have the site reclaimed. Rumpca Excavating operates a mine on the neighboring property. A policy exception to the 100' mining setbacks was granted and a road connecting the two mines was constructed. Rumpca Excavating anticipates one more year of mining and then beginning reclamation of the site.

Issues Pertaining to the Request:

- The legal description for this property is in the NW ¼ of the SW ¼ in Section 28, T27N, R19W in the Town of Clifton. The property is zoned Primary Agriculture.
- The site has a residence and an active agricultural operation. Surrounding land uses are residential, agriculture and nonmetallic mining.
- The mining site has approximately 5 unreclaimed acres. Access to the mine is off of County Road
 MM. The extraction area will be expanded to allow for better reclaimed slopes.
- The site is relatively flat with the relief of approximately 25 feet. No major streams are present on the site. The active mining area is and will continue to be internally drained.
- Sand and gravel is present under the topsoil and is approximately 20 feet thick. The operation is for the extraction of the sand and gravel. Typical equipment on the site is bulldozer, backhoe, screener and trucks for hauling. Portable crushing equipment is brought in when needed.
- There will be no blasting or use of chemicals on the site. Washing and processing of the material will occur on the adjacent Rumpca property.
- The average ground water elevation, determined by area wells, is 830 feet above sea level. The pit floor is approximately 1000 feet above sea level.
- The operation will be most active in the summer months. Typical summer hours of operation will be 7am to 7pm Monday through Friday and 7am to 4:30 on Saturday.

Applicant: Rumpca/Rohl Mining

Conditional Use Permit Renewal for Nonmetallic Mining

July 1, 2020

The Reclamation Plan states that the post mining land use will be pasture land. The plan calls for sequential reclamation and covers approximately 8 acres. Final slopes will be no greater than 3:1. The applicants have been working with the Land Conservation Department to improve the runoff through the reclaimed mining area and farm.

- Staff contacted the Town of Clifton Chairperson regarding this renewal and the Town has no concerns about renewing the permit.
- Staff has received concerns from a property owner west of the site off of County Road MM regarding the amount of trucks traveling on the road.
- The Pierce County Highway Commissioner has also inquired about the operation due to road damage. The Commissioner is examining the situation. Staff has proposed a new condition requiring a road agreement with the Pierce County Highway Department. Rumpca Excavating does not have any concerns about the new proposed condition.
- The existing conditions are:
 - 1. A 100-ft setback shall be maintained from all property lines for all mining activities, unless granted an exemption by the LMC.
 - 2. Applicant shall comply with all requirements of Pierce County Code Chapter 241, Nonmetallic Mining Reclamation.
 - 3. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies if required.
 - 4. 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.
 - 5. A fugitive Dust Plan shall be developed and implemented for the mining site and haul roads.
 - 6. Hours of operation shall be 7am to 7 pm Monday through Friday and 7:00 am to 4:30 pm on Saturday.
 - 7. Final reclaimed contours for the Reclamation Plan shall be submitted to the Zoning Office.
 - 8. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
 - 9. This CUP renewal shall expire in two years.
 - 10. Any expansion or intensification shall require a new conditional use permit.

Recommendation:

Staff recommends that the Land Management Committee consider whether established conditions are adequate to protect the public interest, public health and safety, and the character of the area. If no other additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

- 1. A 100-ft setback shall be maintained from all property lines for all mining activities, unless granted an exemption by the LMC.
- 2. Applicant shall comply with all requirements of Pierce County Code Chapter 241, Nonmetallic Mining Reclamation.
- 3. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies if required.

Applicant: Rumpca/Rohl Mining Conditional Use Permit Renewal for Nonmetallic Mining July 1, 2020

- 4. 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.
- 5. A fugitive Dust Plan shall be developed and implemented for the mining site and haul roads.
- 6. Hours of operation shall be 7am to 7 pm Monday through Friday and 7:00 am to 4:30 pm on Saturday.
- 7. Final reclaimed contours for the Reclamation Plan shall be submitted to the Zoning Office.
- 8. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
- 9. This CUP renewal shall expire in two years.
- 10. Any expansion or intensification shall require a new conditional use permit.
- 11. The applicant shall enter into a road agreement with the Pierce County Highway Department if deemed necessary by the Highway Commissioner.

Submitted By: Brad Roy, Zoning Administrator

Land Management Committee

Rohl Nonmetallic Mining (July 1, 2020)

CUP Renewal -Nonmetallic Mining

Legend

Dwellings

Nonmetallic Mining

Parcels

Zoning

General Rural Flexible

Primary Agriculture

Orthophotography - Pierce County 2015





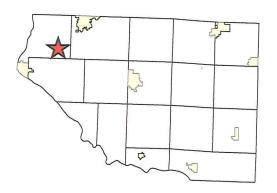
Prepared by the Department of Land Management





Site Location

S28-T27-R19 Town of Clifton



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 1, 2020

Agenda Item 12

Applicant: Wieser Concrete Products Inc.

Request:

Conditional use permit (CUP) renewal for Nonmetallic Mining.

Background:

This request is for 3 nonmetallic mines (mines #1, #2, and #4) on the Wieser property; mine #3 has been permanently reclaimed. In the past, the mining product was primarily used in the production of concrete products. Volumes of material were dependent on the market needs. In 2014 the material in mine #4 was identified as industrial frac sand and the use of the mine increased. Due to the market conditions the frac sand operator (Total Excavating) has closed operations in mine #4 and has begun to reclaim portions of the mine. Extraction of materials for Wieser Concrete is continuing in mine #4.

The applicant has been in discussions with the Town of Salem regarding the use of Town roads. There have been plans to construct private access to Hwy. 10 which includes a bridge over the Rush River. No formal actions with the Land Management Department have taken place.

Issues Pertaining to the Request:

- The mining location occurs in the E ½ of the NE ¼, NW ¼ of the NE ¼, and the NE ¼ of the SE ¼ in Section 9, the W ½ of the NW ¼ in Section 10, plus acreage along the river in the middle of Section 4, all in Salem Township.
- The property is zoned General Rural, and Primary Agriculture. Mining operations are located primarily in Primary Agriculture zones.
- Mine #1 on the hilltop is located in Sections 9 & 10 and is the limestone source. The operation plan identifies normal workdays are Monday through Friday, 7a.m. to 6p.m. and in rare cases material may be needed at other times due to project requirements or emergencies and may operate 24 hours per day. Blasting operations are from 8 a.m. to 5p.m. several days per year. After blasting, the limestone is crushed and transported to the bottom quarry via conveyor for washing and stockpiling. There are 13 open acres.
- Mine #2 is behind the pre-cast plant is mined for sand and gravel. Material is removed through the use of a front end loader or backhoe and dump trucks. The operation plan identifies normal workdays are Monday through Friday, 6a.m. to 8p.m. and in rare cases material may be needed at other times due to project requirements or emergencies and may operate 24 hours per day. There are 8 open acres.
- Mine #4 operations consist of mining as well as washing and load out of the sand and gravel from all the mines. Equipment used for the mining is front end loaders, screener, excavator and dump trucks. Materials from this site are sand, and rock. Currently there are stockpiles of sand and rock and averages 10-30 loads per week. There are 34 open acres. Typical hours of operation range from 6a.m. to 6p.m.

- Wash water for the sand and gravel is supplied from the existing pond on site adjacent to mine #4. No supplemental water is necessary for washing operations.
- Crushing at the site is conducted as necessary and has been performed 24 hours a day.
- Review fee calculation is \$200 plus \$20/acre, which totals $200 + (20/ac \times 55-ac) = 1300$.
- Staff has contacted the Chairperson of the Town of Salem about this renewal. The Town does not have any concerns regarding the renewal of this permit.
- The applicant has expressed an intention to construct a private access to Hwy. 10. This project would require the construction of a bridge over the Rush River. The applicant is working to obtain all of the necessary permits for this project.
- Staff has not received any complaints about the mining operations.
- Following discussion with Legal Counsel, staff is also recommending the elimination of Conditions #2 and #3. These conditions, in essence, require the Land Management Department and Committee to enforce local and/or state ordinances and regulations that they have no control over. With that condition in place, an applicants' failure to comply with, or dispute about the administration of, another agency's ordinance or licensing requirements could require the LMC to revoke their CUP. All local or state ordinances contain penalty provisions relating to noncompliance with that ordinance or rule. Given this, it is not necessary for the LMC to tie CUPs to compliance with other agencies rules and regulations. Removal of these conditions would not excuse an applicant from the need to obtain all necessary permits and approvals; it simply removes the Land Management Committee from enforcing them.
- Condition #13 has been completed.
- The existing conditions are:
 - 1. Renewal fee in the amount of \$1,300 shall be submitted to the Land Management Department.
 - 2. All required permits shall be kept current with the DNR.
 - 3. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
 - 4. A 100-ft setback shall be maintained from all property lines for all mining activities.
 - 5. The applicant shall notify the Zoning Office if groundwater is encountered.
 - 6. Blasting shall be conducted by a state licensed blaster.
 - 7. Blasting shall take place between the hours of 8am and 5pm.
 - 8. Reclamation shall be completed consistent with the submitted plans.
 - 9. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted annually for all wells within 1000 feet of any mine where blasting takes place. All results shall be provided to the Zoning Office.
 - 10. Any unforeseen erosion issues shall be addressed to the satisfaction of the County.
 - 11. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
 - 12. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
 - 13. The conditional use permit shall expire in 2 years.

- 14. Road agreements shall be secured from appropriate municipalities for hauling industrial sand.
- 15. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
- 16. A Fugitive Dust Plan shall be developed and implemented.
- 17. Operations may not begin prior to 6a.m. from December to April.
- 18. A Traffic Impact Analysis be completed for any potential access points onto Hwy. 10.

Recommendations:

Staff recommends that the Land Management Committee consider whether established conditions are adequate to protect the public interest, public health and safety, and the character of the area. If no additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

- Renewal fee in the amount of \$1,300 shall be submitted to the Land Management Department.
 All required permits shall be kept current with the DNR.
 Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
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 A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
- 13. A Fugitive Dust Plan shall be developed and implemented.
- 14. Operations may not begin prior to 6a.m. from December to April.
- 15. A Traffic Impact Analysis be completed for any potential access points onto Hwy. 10.

Submitted By: Brad Roy

Zoning Administrator

Land Management Committee

Wieser Concrete Products, Inc (July 1, 2020)

CUP - Renewal

Legend

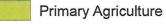
Dwellings

Wieser Renewal

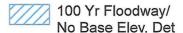
Parcels

Zoning

General Rural



Industrial



Mine#

#1 - Quarry (Limestone Gravel)

#2 - Behind Plant (Sand & Gravel)

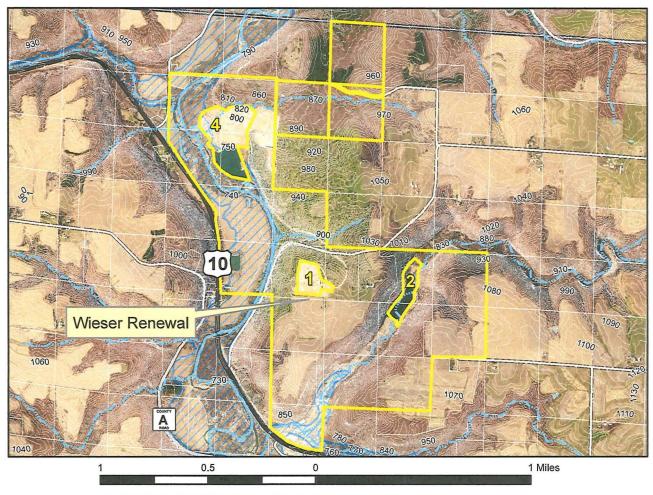
#4 - Wash Plant (Sand)

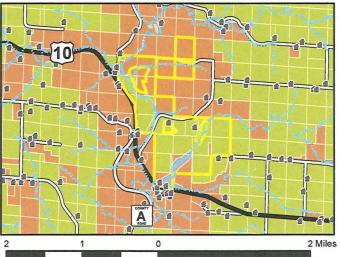
Orthophotography - 2015 Pierce County





Prepared by the Department of Land Management





Site Location

Section 9 & 10 Town of Salem

