

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, June 20, 2018

Agenda Item 4

Applicant: William Holst

Request: Renewal of Conditional Use Permit for a Heavy Industrial Use (Sand Processing and Rail Load-Out Facility)

Background:

In 2012, WISC obtained a permit for a Mineral Processing and Rail Load-Out Facility in the Town of Trenton. In 2014, WISC presented staff with information which demonstrated that they had acted to establish the use without constructing the facility. Prior to the 2016 renewal, WISC indicated that it no longer has any intention of constructing a processing and rail load-out facility on the site.

The property owner, William F. Holst III, assumed operation of the proposed facility and has continued to work to establish a new mineral processing and rail load-out facility on the site.

Issues Pertaining to the Request:

- The property is in Sections 28, 33, and 34, T25N, R18W in the Town of Trenton. The property is zoned Industrial.
- Adjacent land uses are nonmetallic mining to the east and west, residential to the north across Hwy. 35 and agriculture to the south. High density residential, Rural Residential 20 District, is located near the proposed site approximately one-half mile to the south.
- The proposed facility would receive, wash, dry, screen silica sand for shipment and is proposed to operate 24 hours a day, seven days a week.
- The applicant has been working with the BNSF railroad and has indicated that plans for rail siding will be approved. The first phase of the plan is to construct four rail sidings, one to connect to the mail line and three others for the loading of rail cars, as well as a structure for loading dry sand onto the rail cars. The dry sand structure is proposed to be 60' x 100' with a height of 40'.

Trucks would enter the site and dump into one of three hoppers. The sand would be conveyed from the hopper to a corresponding rail line. The conveyors will be covered and have a dust collection system to reduce/eliminate dust leaving the site. This design will allow for the facility to ship sand for up to 3 different sand operations. Final plans for the conveyors have not been presented to staff.

Future phases call for the construction of a wash plant and dry plant. The applicant will be able to provide additional information regarding rail plans, structures and timelines at the meeting.

- A new Traffic Impact Analysis (TIA) is needed to determine if any road improvements are required. The applicant previously stated that the primary haul route will be Hwy. 35 and 830th St.
- The applicant has previously indicated that outbound rail shipments will average 200 cars per week. Loading trucks for shipment will consist of a conveyor and a hopper. Truck shipments are secondary and will be predominantly local.

Shipment numbers may be different now with the applicant constructing in phases.

- Unsalable product would be used for mine reclamation.
- The applicant intends to install two high-capacity wells in the future. The water will be used to wash the sand and remove the clay and silt-sized particles. The wash water will be recycled using a closed-loop sand dewatering system, ponds, pumps and pipes.
 - The WDNR permits high capacity wells. Any new high capacity well application is required to face an environmental review.
 - The aquifer used for the high capacity wells will not be the same one used for the existing residential and agricultural wells in the area.
 - One potable water supply well will also be needed on the site.
- WDNR regulates and monitors storm water and process water through the WPDES Permits. The applicant will work with the DNR to determine the need for a WPDES Permit.
- Operation of the proposed plant will necessitate the development and implementation of a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans will 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 will need to be developed for the facility. A plan submitted by WISC outlined various methods for dust suppression on the site.
 - All loaded trucks will be tarped on the site.
 - The drying, screening and loadout process will be equipped with a dust collection system.
 - Pavement and recycled asphalt for high traffic areas with the use of a watering truck or settling product.
 - Piles will be watered as needed.

The applicant intends to submit a new Fugitive Dust Plan which will adhere to many of the provisions of the previous plan.

- The WDNR Bureau of Air Management permits and monitors emissions of nonmetallic mining and processing operations. Their jurisdiction ranges from extraction to shipment.
- Staff has received several concerns from nearby residents about the original proposed facility.
- The Town of Trenton recommended approval of the original proposal on May 9, 2012 without reference to the Town Comprehensive Plan and with the following recommendations:
 - Extend berm on Hwy 35 and include trees on top.
 - Lights shall be adjusted away from residences.
 - Noise controls shall be implemented.
 - Berm shall be constructed along County Road K to block view of the railroad.
 - All rail cars shall be behind the berm on Hwy 35.
 - Trucks shall have a drive-through unload to avoid back-up alarms.
- Staff attempted to contact the Town of Trenton Chairperson to receive comment regarding this renewal. Staff was unable to get a response at the time this report was sent.

- The existing conditions are:
 1. Activities shall be conducted consistent with the submitted plan.
 2. 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.
 3. Applicant shall obtain all necessary permits for structures or signs not discussed in this plan from the Zoning Office.
 4. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
 5. Applicant shall 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 studies.
 6. Any polyacrylamide flocculants must be used consistent with WI DNR permits.
 7. The Fugitive Dust Plan shall include dust suppression methods for any stockpiled materials, at sand transfer points, and during instances exceptional events such as high winds.
 8. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
 9. This permit shall expire in two years. A status report shall be made to the LMC in one year.
 10. The Town of Trenton's recommendations/comments shall be adhered to.
 11. Site plan approval and any potential height exemptions shall be obtained prior to any construction.
 12. Applicant shall present proposed plans to the Town of Trenton. Concerns raised by the Town can be addressed through site plan approval or as a modification to this permit.
 13. The applicant shall submit a Traffic Impact Analysis, or similar document, to the WisDOT and make any suggested road improvements.
 14. Any unforeseen impacts shall be addressed to the satisfaction of the County.

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 and determine if any modifications are necessary. If no changes or additions are necessary, staff recommends that the LMC renew the CUP with the following conditions:

1. Activities shall be conducted consistent with the submitted plan.
2. 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.
3. Applicant shall obtain all necessary permits for structures or signs not discussed in this plan from the Zoning Office.
4. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
5. Applicant shall 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 studies.
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Applicant: Holst
Conditional Use Permit for Heavy Industrial Use
June 20, 2018



13. The applicant shall submit a Traffic Impact Analysis, or similar document, to the WisDOT and make any suggested road improvements.
14. Any unforeseen impacts shall be addressed to the satisfaction of the County.

Submitted By: Brad Roy, Zoning Administrator

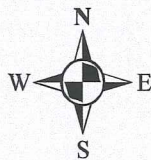
Land Management Committee

CUP Renewal -
Sand Processing Facility
(June 20th, 2018)

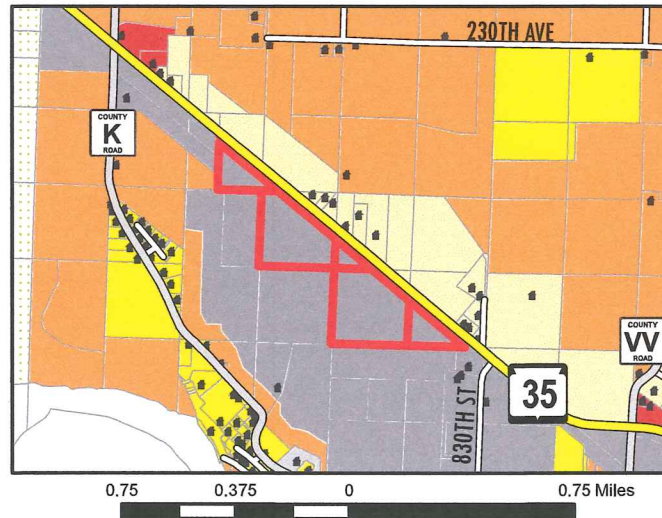
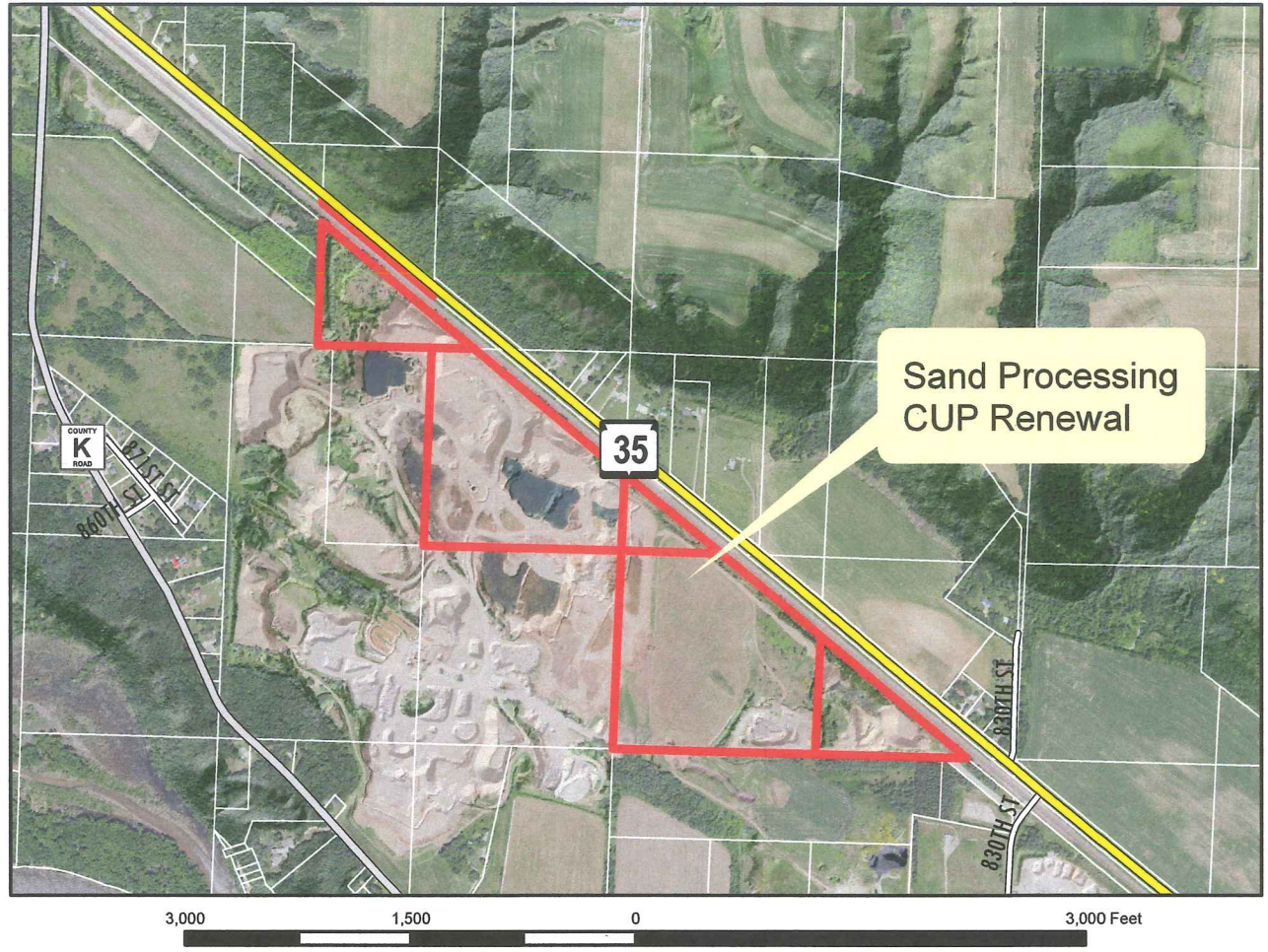
Legend

-  Dwellings
 -  Sand Processing CUP
 -  Parcels
- ### Zoning
-  Agriculture - Residential
 -  Commercial
 -  General Rural Flexible
 -  Industrial
 -  Light - Industrial
 -  Rural Residential - 20
 -  Rural Residential - 8

Orthophotography - 2017 NAIP (FSA)

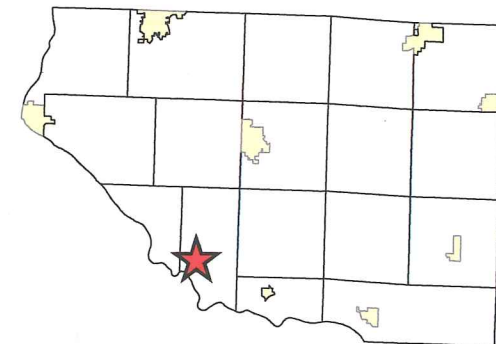


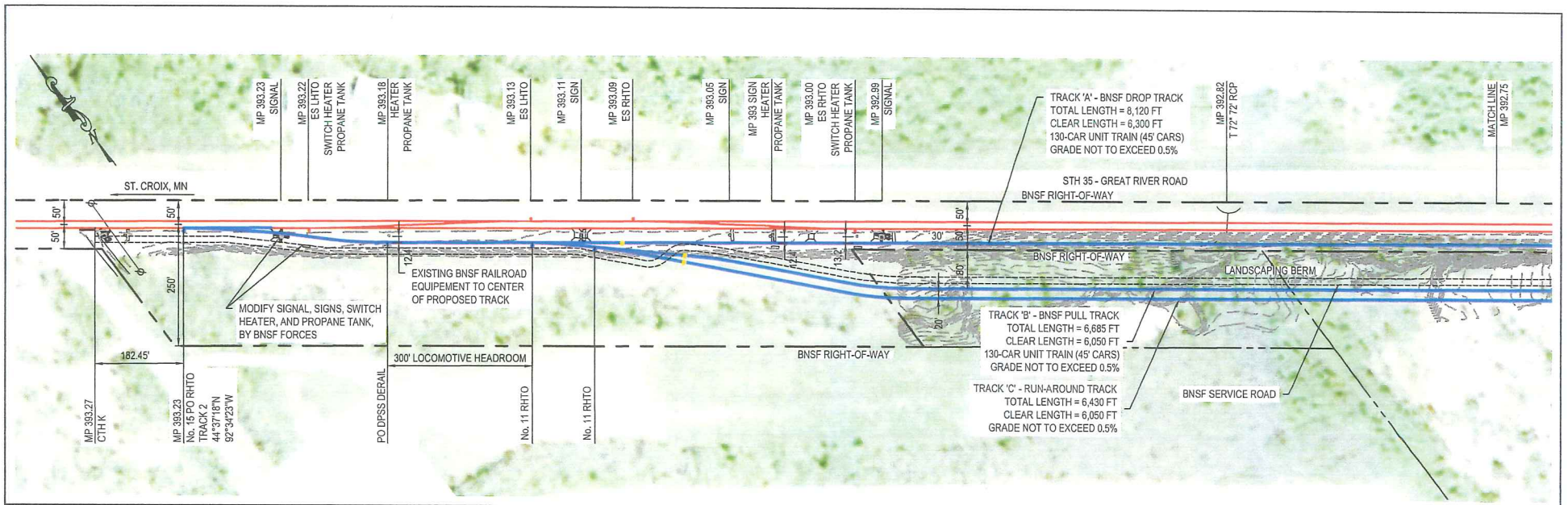
Prepared by the Department of Land Management



Site Location

T25N R18W SEC 28,33,34
Town of Trenton





NOTES:

1. RAILROAD CURVES TO BE 7°30', MIN.
2. 80-FT MINIMUM REVERSING TANGENT
3. CONSTRUCTION PLANS WILL DETERMINE ANY CULVERT EXTENSIONS REQUIRED

SPECIFICATIONS:

136# JOINTED RAIL ON CONCRETE TIES, #9-136# BNSF STANDARD TURNOUTS, EARTHEN BUMPERS

BNSF SCOPE OF WORK:

INSTALL 900-TF OF 136# RAIL, INCLUDING 1- No. 15 PO RHTO, 1- NO. 15 PO LHTO, 2- PO DOUBLE SWITCH POINT DERAILS, 4- SWITCH HEATERS, AND RELATED SIGNAL NEEDS.

CONTRACTOR SCOPE OF WORK:

INSTALL 29,080-TF, INCLUDING 3- NO. 11 RHTO, 3- NO. 11 LHTO, 5- NO. 9 RHTO, 2- NO. 9 LHTO, AND 3- EARTHEN BUMPERS.

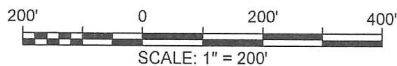
DIGGERS ON HOTLINE
Toll Free (800) 242-8511
Hearing Impaired TDD (800) 542-2289
www.DiggersOnHotline.com

"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

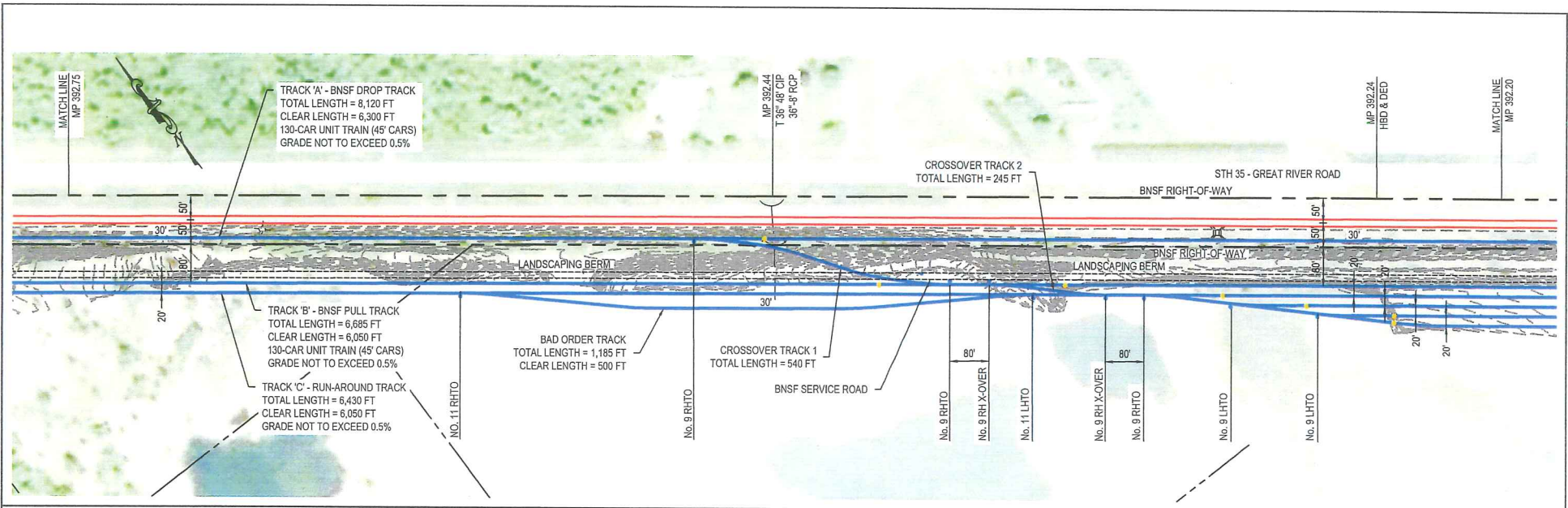
REVISION #	BY	DATE	DESCRIPTION

DRAWN BY: JPF	For Use In Agreement With:
CHECK'D BY: JPF	BNSF RAILWAY
DATE: June 8, 2018	And VALLEY SAND, LLC
SHEET NUMBER:	MP 391.73 TO MP 393.23 - LS LAGR MP 410.1
01 OF 04	ST. CROIX SUBDIVISION
	HAGER CITY, PIERCE Co., WISCONSIN
	TRACKAGE TO SERVE: VALLEY SAND, LLC

VOLKMAN RAILROAD BUILDERS
14625 W. Kaul Avenue
Menomonee Falls, WI 53051
P: (262) 252-3377
F: (262) 252-3393



LEGEND:
- - - - - EXISTING BNSF RIGHT-OF-WAY
- - - - - EXISTING BNSF TRACK
- - - - - PROPOSED INDUSTRY TRACK
- - - - - 14-FT CLEARANCE POINT



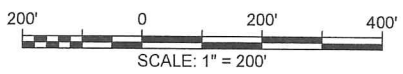
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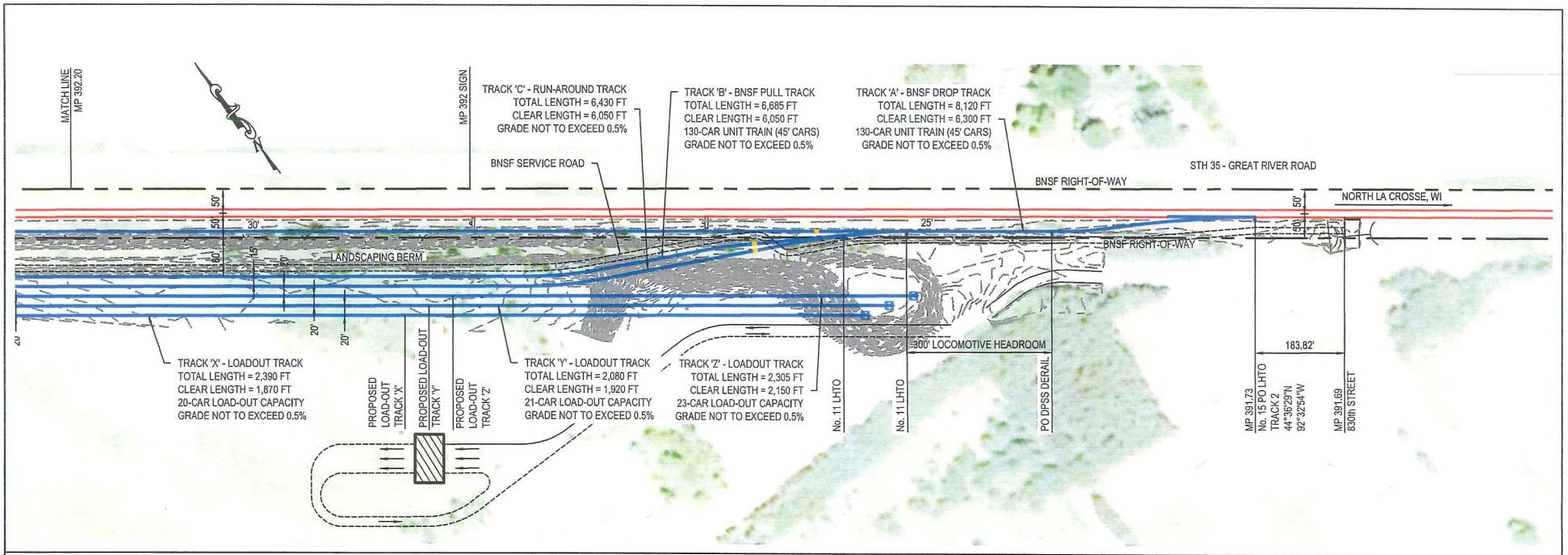
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SHEET NUMBER:	03	HAGER CITY, PIERCE Co., WISCONSIN	VALLEY SAND, LLC
		TRACKAGE TO SERVE:	

VOLKMAN RAILROAD BUILDERS
 14625 W. Kaul Avenue
 Menomonee Falls, WI 53051
 p: (262) 252-3377
 f: (262) 252-3393



LEGEND:
 EXISTING BNSF RIGHT-OF-WAY
 EXISTING BNSF TRACK
 PROPOSED INDUSTRY TRACK
 14-FT CLEARANCE POINT

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

June 20, 2018

Agenda Item 5

Applicant: County Materials

Request: Request for Modification 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. The applicant is now requesting to increase the number of allowable unreclaimed acres to 50.

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.

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."

- Reclamation has begun in the North/West part of the quarry and will continue in an easterly direction until it is full to the haul road which is expected by late 2018/2019. The reclamation activities will then be moved to the quarry floor against the east wall.
- The operation received numerous complaints when it began operation 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 modification of this conditional use permit. Mr. Johnson stated that the town board voted to approve the expansion and the town 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 submitted consistent with submitted plans.
 8. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
 9. Zoning Office shall be notified if groundwater is encountered.
 10. All structures and signage shall be permitted by the Zoning Office.
 11. An elevation benchmark shall be established.
 12. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
 13. Applicant shall comply with NR 135 Annual Reclamation Permits.
 14. 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.
 15. 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.
 16. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
 17. The recycling of concrete products shall be allowed.
 18. This CUP shall be reviewed for renewal in two years unless compliance issues arise.
 19. 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.

20. All loaded trucks shall be covered (tarped) prior to leaving the site.
21. The quarry shall have no more than 40 unreclaimed acres at given time. The storm water pond and processing area are to be included in the unreclaimed acres.
22. 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.
23. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
24. A lockbox with access key shall be made accessible to emergency personnel.
25. Applicant shall provide a status report to the LMC at the request of the Town of Spring Lake.
26. Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.
27. The fugitive Dust Plan shall be implemented as approved.
28. Applicant is allowed to water anytime necessary to mitigate off-site dust impact.

Recommendation:

Staff recommends the Land Management Committee consider whether the proposed modification at the proposed location would be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC approve the proposed modification with the following conditions (**proposed modifications in bold**):

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 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 (tarpred) 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.
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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
(June 20th, 2018)
CUP-Modification
(Nonmetallic Mining)

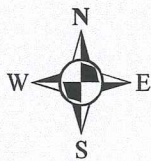
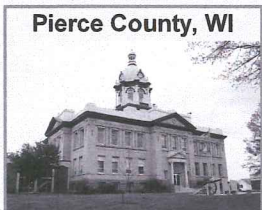
Legend

-  Dwellings
-  County Materials
-  Parcels
-  Contours (10ft)

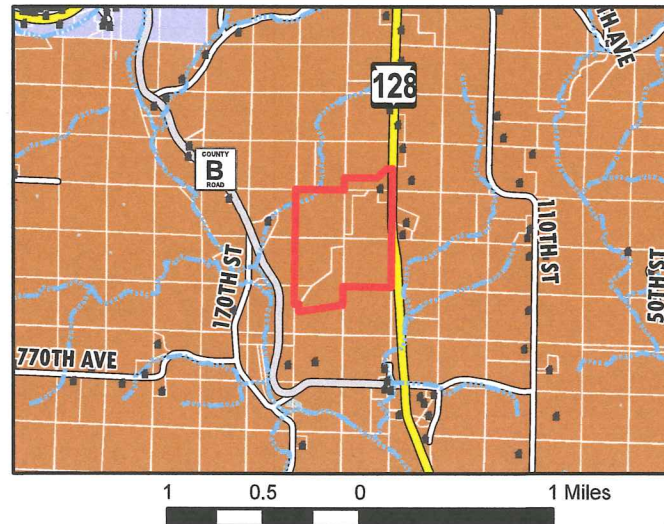
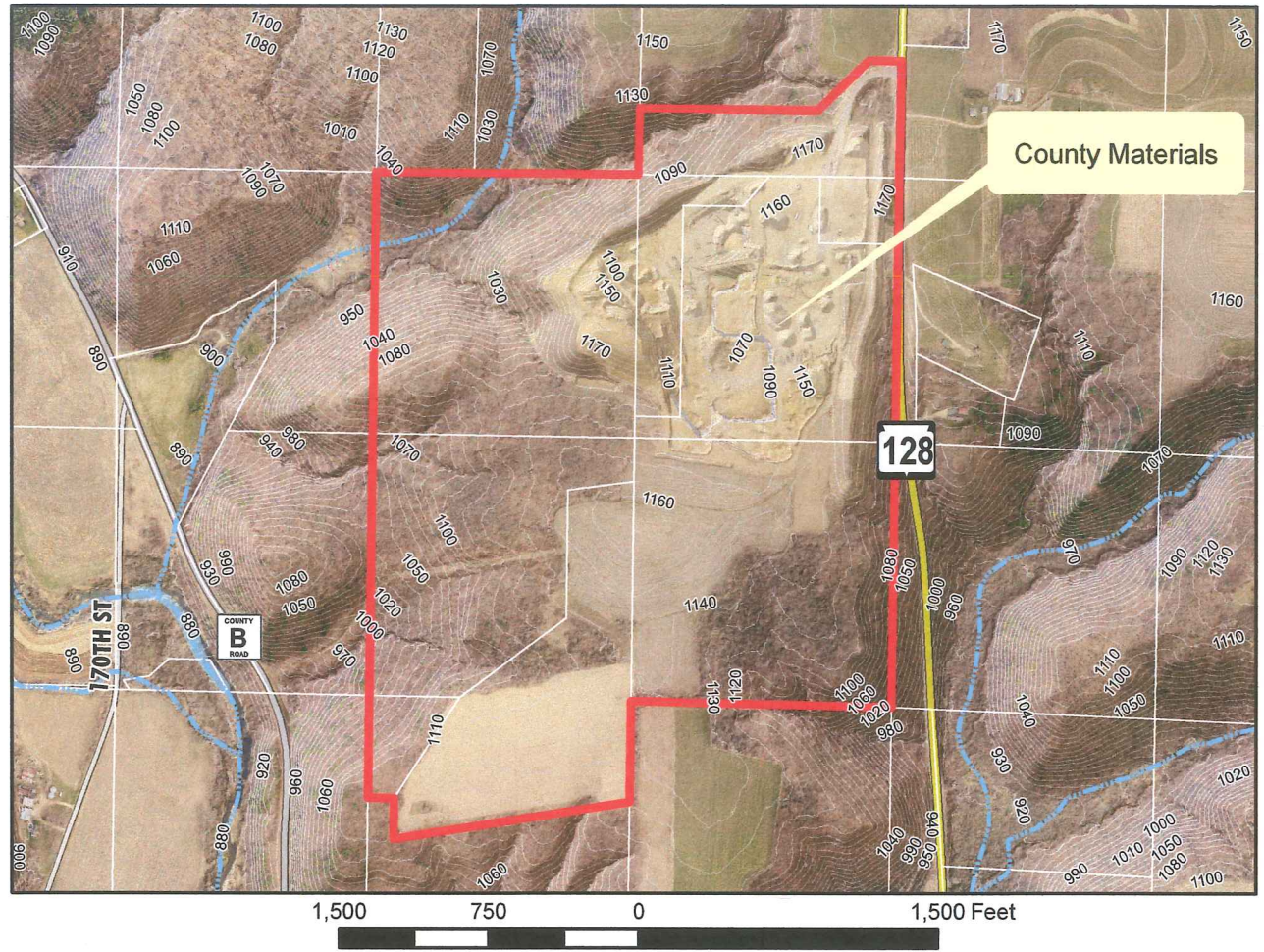
Zoning

-  General Rural
-  Spring Valley

Orthophotography - 2015 Pierce County

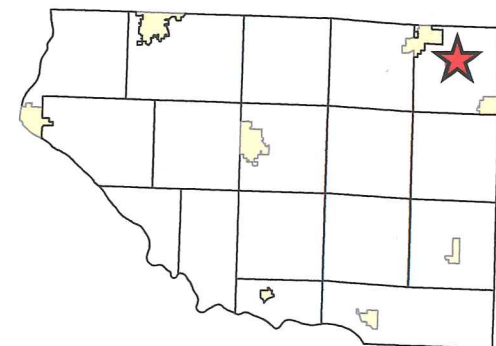


Prepared by the Department of Land Management



Site Location

N8139 Hwy 128
Town of Spring Lake





LEGEND

- APPROX. PROPERTY LINE
- APPROX. QUARRY BOUNDARY
- OVERHEAD POWER LINES
- FENCE
- A-A' PROFILE LOCATION
- GROUND CONTOUR (10')
- GROUND CONTOUR (2')
- ROAD
- FIELD ROAD
- CULVERT
- STRUCTURE
- WOODED AREA



COUNTY MATERIALS CORPORATION
 205 North St.
 P.O. Box 100
 Marathon, WI 54448

Spring Valley Quarry
 Existing Conditions

Project	SV2018.dwg	Sheet	
Date	06/04/2018	Drawn By	JRS
Scale	1in=150ft		

