

# STAFF REPORT      LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

July 18, 2018

Agenda Item 4

**Applicant:** Greg Knoll

**Request:** Conditional Use Permit - Expansion of a Nonconforming Structure

## **Background:**

The applicant's property is located at W8730 640<sup>th</sup> Ave. In 1982 the applicant obtained a Land Use Permit (LUP) for a 30' x 64' pole shed. When the pole shed was constructed it encroached on the 75' centerline setback to 640<sup>th</sup>. In 1984 a Sanitary Permit was issued for a 2 bedroom dwelling located within the pole shed. An 8' x 8' room that extends south off the front of the house was built in the 1980's and is located 67' from the centerline of 640<sup>th</sup> Avenue. Staff was unable to locate a LUP permit for the existing 8' x 8' room. The applicant now proposes to construct a matching 8' x 8' utility room addition on a concrete slab alongside the existing 8' x 8' room. The applicant proposes to maintain the current 67' setback from the centerline of 640<sup>th</sup> Ave.

## **Issues Pertaining to the Request:**

- This parcel is located in the SE ¼ of the NW ¼ in Sec. 4, T26N, R18W, Town of Trimble. The property is zoned Primary Agriculture.
- 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."
- 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."
- Pierce County Code (PCC) § 240-27C states, "Town highways. Except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the center line of the road or 42 feet from the edge of the right-of-way, whichever is greater."
- The existing well and septic system are each located on the west side of the house and meet the required setbacks from the proposed addition.
- Adjacent land uses surrounding the property are agricultural and residential. The nearest driveway is approximately 290' to the east of the applicant's driveway.
- The proposed expansion area is currently used as open yard space and should not negatively impact the functionality of the site.
- The proposed expansion will not result in a reduced line of sight for vehicles traveling along 640<sup>th</sup> Ave.

Applicant: Greg Knoll  
July 18, 2018  
Expansion of Nonconforming Structure

- The Town of Trimble recommended approval of this request on 6-18-2018. The Town did not reference its Comprehensive Plan.

**Recommendation:**

Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, and no modifications to the site layout are necessary to achieve efficient traffic flow and circulation, or to mitigate off site impacts, staff recommends that the LMC approve this conditional use permit and the proposed site plan with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC.
2. The applicants shall maintain the 67' setback from the centerline of 640<sup>th</sup> Ave.
3. 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.
4. The proposed expansion shall be completed within 12 months of CUP approval.

**Submitted By:** Adam Adank  
Zoning Specialist





640TH AVE

67 feet to centerline

Existing 8'x8' room

Well

Septic Tank

Proposed 8'x8' addition

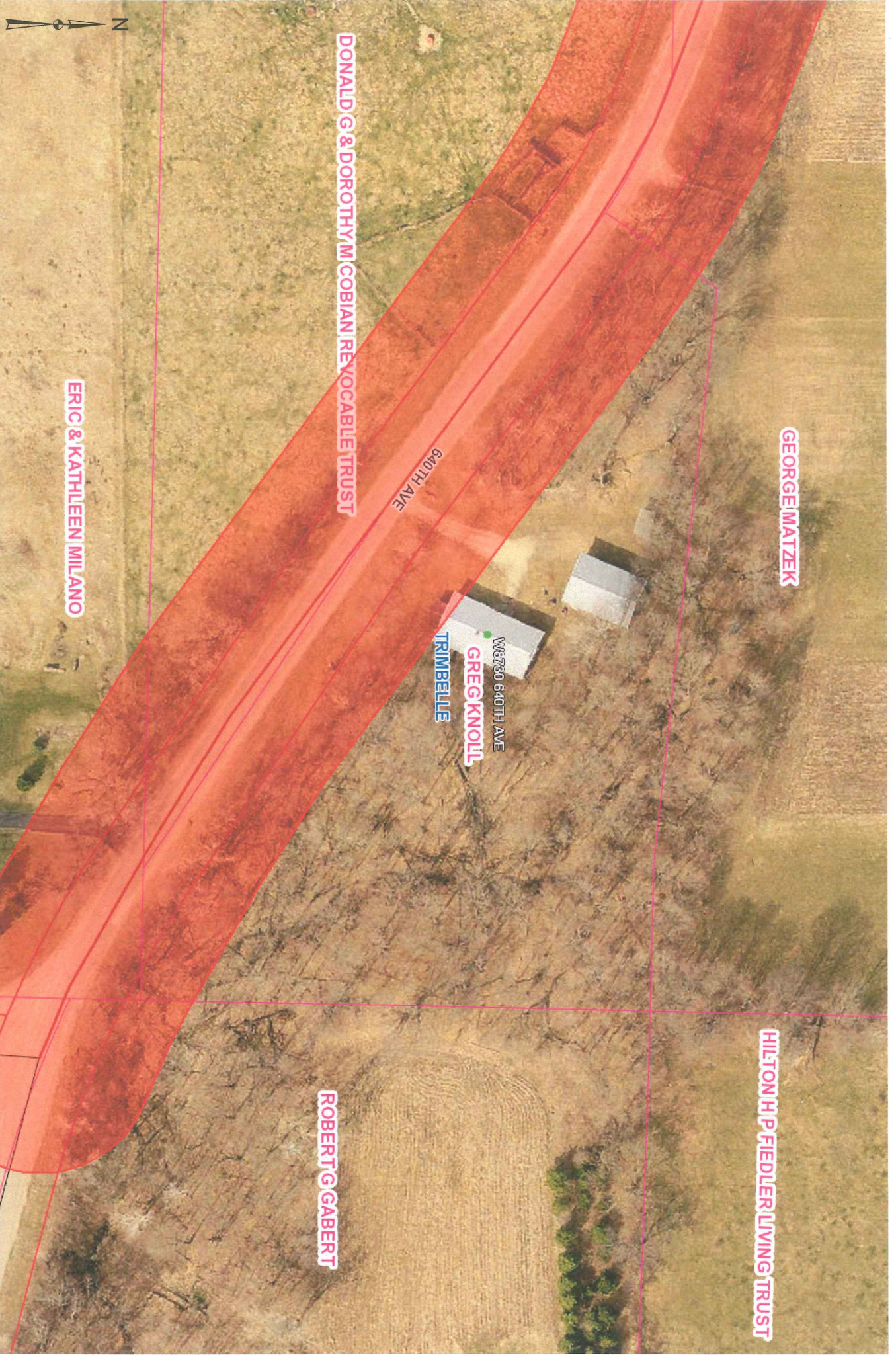


These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:994

**75ft Setback**

Date: 7/10/2018



GEORGE MATZEK

HILTON H P FIEDLER LIVING TRUST

DONALD G & DOROTHY M COBIAN REVOCABLE TRUST

ERIC & KATHLEEN MILANO

W8230 640TH AVE  
GREG KNOLL

TRIMBELLE

640TH AVE

ROBERT G GABERT









# Land Management Committee

Greg Knoll  
(July 18, 2018)

CUP for Nonconforming structure expansion

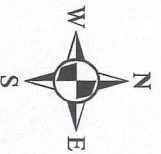
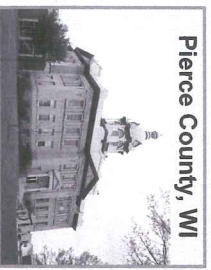
## Legend

-  Dwellings
-  Knoll CUP
-  Parcels
-  Contours (10ft)

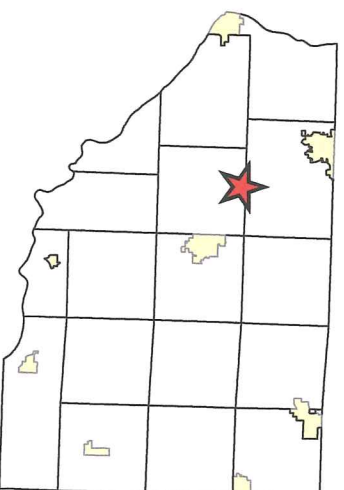
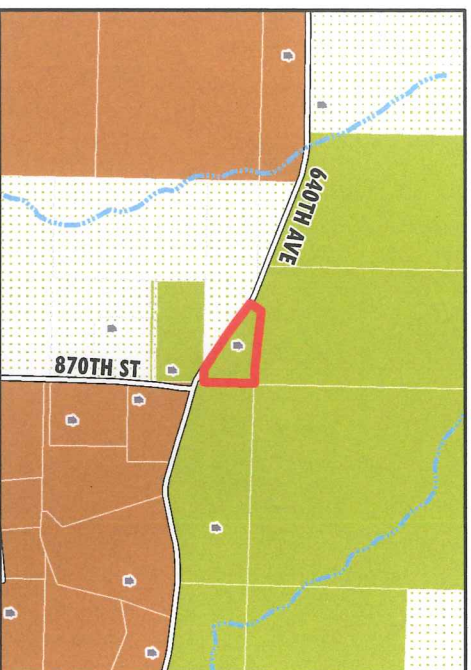
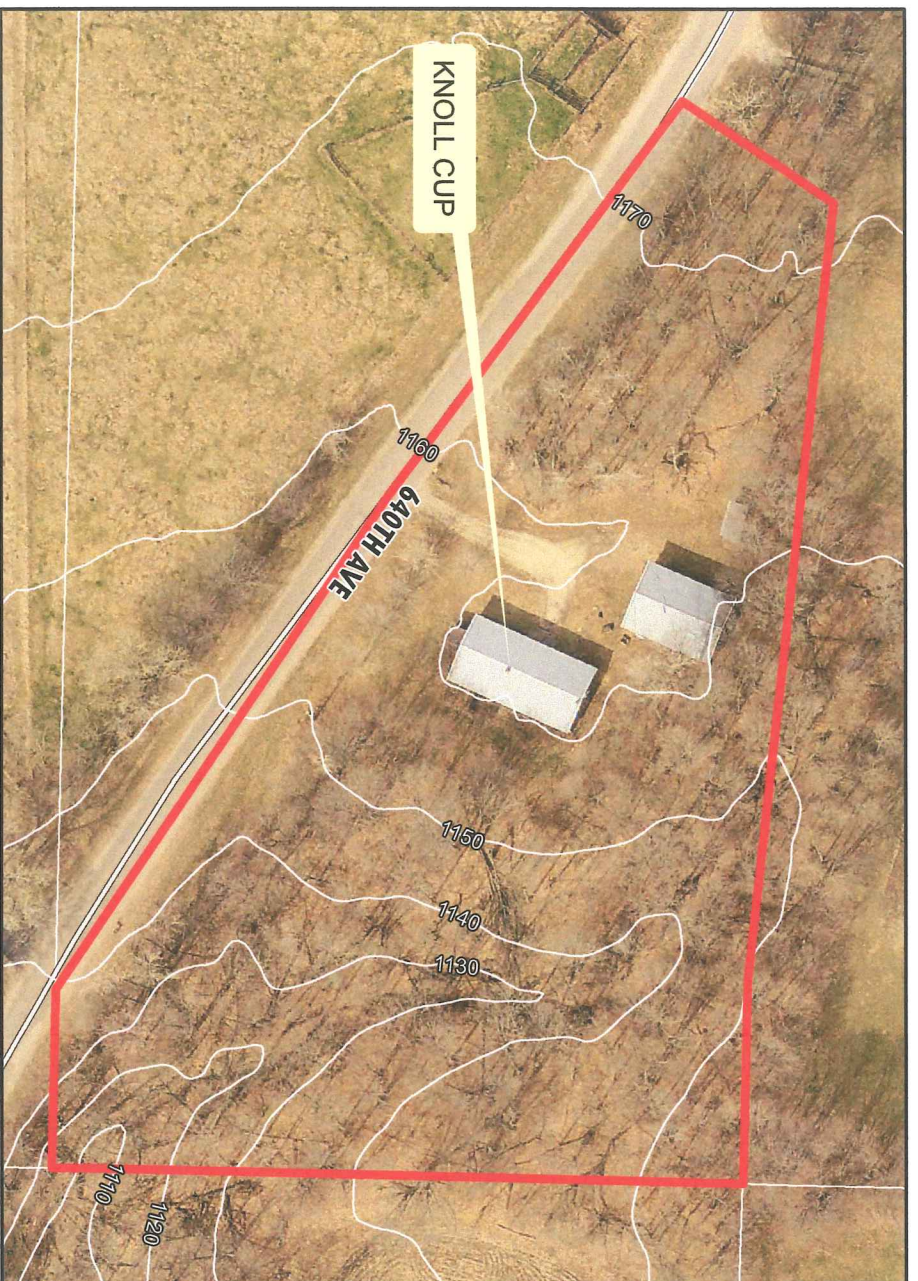
## Zoning

-  Agriculture - Residential
-  General Rural
-  Primary Agriculture

Orthophotography - 2015 Pierce County



Prepared by the Department of Land Management



**Site Location**  
W8730 640th Ave  
TOWN OF TRIMBELLE



# STAFF REPORT      LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

July 18, 2018

Agenda Item 5

**Applicant:** Bernard Schoeder

**Request:** Consider and take action on a Conditional Use Permit (CUP) for expansion/intensification of multiple-family dwellings.

## **Background:**

At the March 7, 2018 LMC meeting Mr. Schoeder was granted approval to convert the former Prairie View Elementary School into a multiple family dwelling with 16 units for adults age 55 and over. The building is currently in the process of being renovated consistent with the plans approved at the March 7<sup>th</sup> 2018 LMC Meeting. The applicant is now requesting to add a 17<sup>th</sup> unit that will be located in the area that was previously designated as a community restroom. The proposed 17<sup>th</sup> unit will be an efficiency unit comprised of a single room with a kitchen, closet, washer and dryer. The unit will also have a private bathroom. No other changes are proposed.

## **Issues Pertaining to the Request:**

- The applicant owns a total of 9.00 acres located in the Weberg's Pine View Subdivision. The parcels are located in Lot 1,2,3,4,5,6,7, block A, Lot 1,2,3,4,5,6,7,8,9,10 Block B, and Lot 1,2, Block C of the Weberg's Pine View Addition all located in the NE ¼ of the NE ¼ of Sec 1, T24N, R18W, Town of Trenton. The property is zoned Rural Residential-20.
- Adjacent zoning districts are Rural Residential-20, Commercial, and General Rural Flexible. Adjacent land uses are agricultural and residential.
- PCC § 240-88 defines Multiple-Family Dwelling as, "A building containing three or more dwelling units."
- The applicant was granted conditional approval for his building plans by the Department of Safety and Professional Services (DSPS) on March 27, 2018.
- The applicant was granted variance approval from the DSPS on December 12, 2017 to not install a sprinkler system due to lack of municipal water supply, and allow the construction/use of a corridor with increased fire ratings not normally allowed by code.
- The applicant has started to renovate the interior of the building. The footprint of the existing building will not change.
- The applicant anticipates a 6 month to 1 year construction schedule with hopes to start renting out the dwelling units by January 2019.
- Access to the site is off of 170<sup>th</sup> Avenue which is a town road.



Applicant: B. Schoeder

July 18, 2018

CUP – Expansion/Intensification of Multiple Family Dwellings

- The school has an existing Private On-site Wastewater Treatment System (POWTS) sized large enough to accommodate the wastewater flows from the proposed 17 dwelling units. A new soil test was conducted on 5/9/2018 for a new drainfield to be located on the west side of the property.
- Off-street parking per Pierce County Zoning Code Ch. 240-54(A) requires 2 parking spaces per dwelling unit for residential uses. The proposed senior living facility will have 17 dwelling units requiring 34 parking spaces. The site has 37 existing parking spaces on the north side of the facility with the option for an additional 27 parking spaces on the south end of the facility.
- The Wisconsin Department of Natural Resources requires an asbestos inspection for multi-family housing with five or more units.
- The Department of Health Services requires licensed inspectors and risk assessors to identify lead paint. When building surfaces or components are being renovated in any residential and child occupied buildings built before 1978, lead paint must be assumed present or identified through testing.
- The Trenton Town Board recommended approval of this request on 6/19/2018 without any concerns or recommended conditions.
- The existing conditions are:
  1. Activities shall be conducted as submitted in the application and as presented to the LMC.
  2. The applicant shall work with the State of Wisconsin Commercial building inspector, Joe Merchak, to ensure compliance with the Commercial Building Code requirements. Applicant shall receive all necessary permits from the Department of Safety and Professional Services (DSPS) and other agencies as required.
  3. The applicant shall work with the Wisconsin Department of Natural Resources and Wisconsin Department of Health Services to ensure all lead paint and asbestos regulations are followed during renovation activities and any future building maintenance/repairs.
  4. The applicant shall work with a certified soil tester and certified plumber to obtain a State Sanitary Permit and install a new POWTS drainfield prior to the rental of any dwelling units.
  5. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on or off property.
  6. The proposed project shall be completed within 12 months of CUP approval. No renewal of this request will be necessary provided the use is established within 12 months of approval.
  7. Applicant understands that expansion or intensification of this use will require modification to this permit or potentially, issuance of a new conditional use permit.



**Recommendation:**

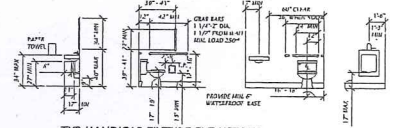
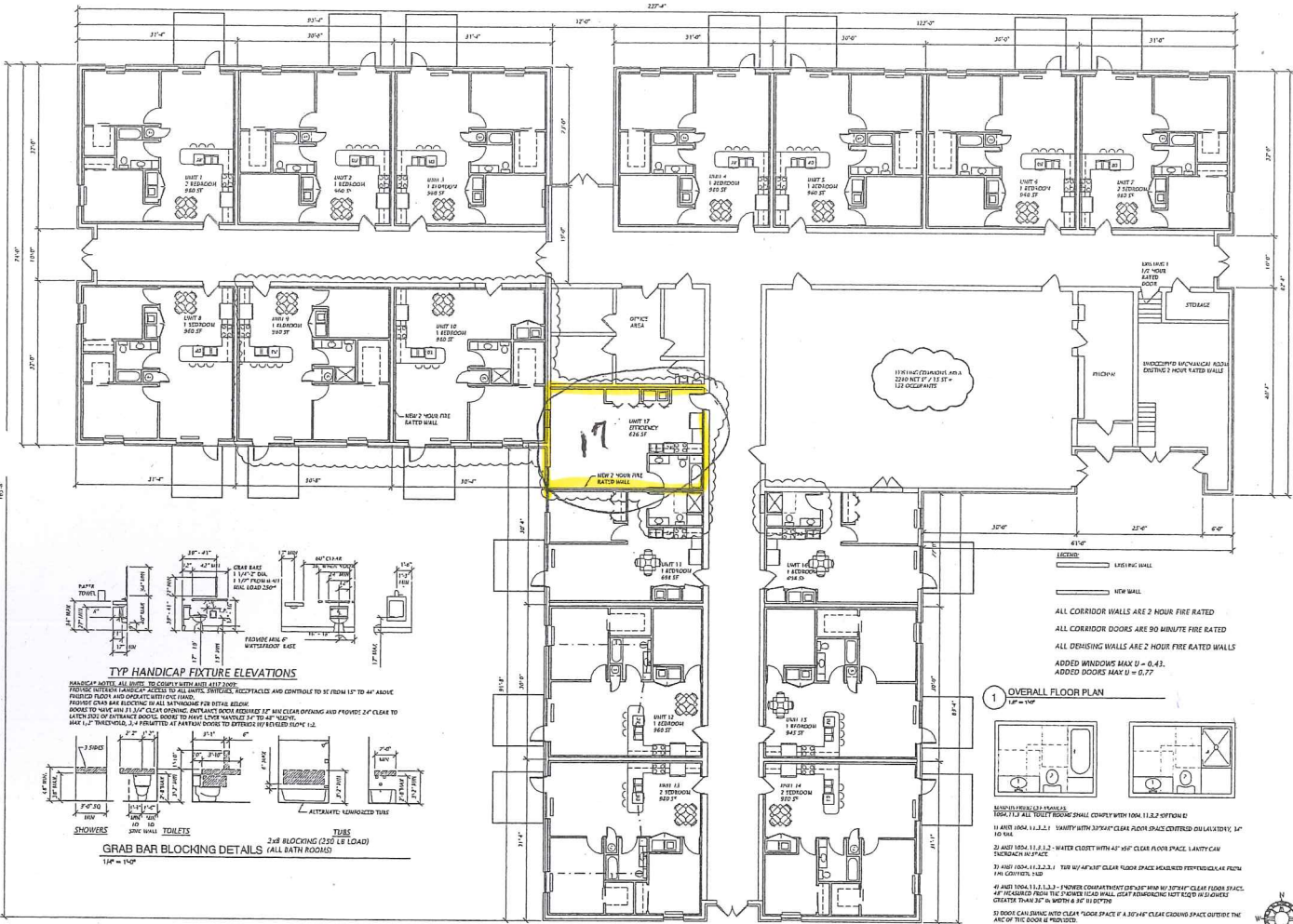
Staff recommends that the Land Management Committee determine whether the proposed use at the proposed location is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area.

If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for multiple family dwellings with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC.
2. The applicant shall work with the State of Wisconsin Commercial building inspector, Joe Merchak, to ensure compliance with the Commercial Building Code requirements. Applicant shall receive all necessary permits from the Department of Safety and Professional Services (DSPS) and other agencies as required.
3. The applicant shall work with the Wisconsin Department of Natural Resources and Wisconsin Department of Health Services to ensure all lead paint and asbestos regulations are followed during renovation activities and any future building maintenance/repairs.
4. The applicant shall work with a certified soil tester and certified plumber to obtain a State Sanitary Permit and install a new POWTS drainfield prior to the rental of any dwelling units.
5. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on or off property.
6. The proposed project shall be completed within 12 months of CUP approval. No renewal of this request will be necessary provided the use is established within 12 months of approval.
7. Applicant understands that expansion or intensification of this use will require modification to this permit or potentially, issuance of a new conditional use permit.

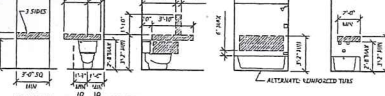
**Submitted By:** Adam Adank,  
Zoning Specialist





TYP. HANDICAP FIXTURE ELEVATIONS

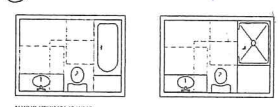
HANDICAP NOTES: ALL NOTES TO COMPLY WITH ADA 2010. FLOORING WITHIN CIRCLES ACCESS TO ALL TOILETS, SHOWERS, RECEIPTS AND CONTROLS TO BE FROM 15" TO 48" ABOVE FINISHED FLOOR AND OPERATE WITH ONE HAND. FLOORING SHALL BE SLIP-RESISTANT. ALL BATHROOMS FOR BIDDING. ABOVE TO WALKWAY SHALL BE CLEAR. CLEARANCE SHALL BE MINIMUM 32" MIN. CLEAR OPENING AND PROVIDED 24" CLEAR TO BATHROOM ENTRANCE. BIDDING TO HAVE CLEARANCE 32" TO 48" CLEAR. MAX 1.2" THRESHOLD. 3.4 PERMITTED AT ENTRY DOORS TO EXTERIOR BY ELEVATOR FROM 1.2.



GRAB BAR BLOCKING DETAILS (ALL BATH ROOMS)  
 1/4" = 1/8"

- LEGEND:
  - EXISTING WALL
  - NEW WALL
- ALL CORRIDOR WALLS ARE 2 HOUR FIRE RATED
- ALL CORRIDOR DOORS ARE 90 MINUTE FIRE RATED
- ALL DEMISING WALLS ARE 2 HOUR FIRE RATED WALLS
- ADDED WINDOWS MAX U = 0.41
- ADDED DOORS MAX U = 0.17

1 OVERALL FLOOR PLAN  
 1/8" = 1/8"



- MINIMUM CLEARANCES:
  - 1) AISLE 48" MIN. CLEARANCE SHALL COMPLY WITH 1004.1.2.2 OPTION 1, 14" MIN. CLEARANCE
  - 2) AISLE 48" MIN. CLEARANCE SHALL COMPLY WITH 1004.1.2.2 OPTION 2, 14" MIN. CLEARANCE
  - 3) AISLE 48" MIN. CLEARANCE SHALL COMPLY WITH 1004.1.2.2 OPTION 3, 14" MIN. CLEARANCE
  - 4) AISLE 48" MIN. CLEARANCE SHALL COMPLY WITH 1004.1.2.2 OPTION 4, 14" MIN. CLEARANCE
  - 5) AISLE 48" MIN. CLEARANCE SHALL COMPLY WITH 1004.1.2.2 OPTION 5, 14" MIN. CLEARANCE
  - 6) AISLE 48" MIN. CLEARANCE SHALL COMPLY WITH 1004.1.2.2 OPTION 6, 14" MIN. CLEARANCE
  - 7) AISLE 48" MIN. CLEARANCE SHALL COMPLY WITH 1004.1.2.2 OPTION 7, 14" MIN. CLEARANCE
  - 8) AISLE 48" MIN. CLEARANCE SHALL COMPLY WITH 1004.1.2.2 OPTION 8, 14" MIN. CLEARANCE
  - 9) AISLE 48" MIN. CLEARANCE SHALL COMPLY WITH 1004.1.2.2 OPTION 9, 14" MIN. CLEARANCE
  - 10) AISLE 48" MIN. CLEARANCE SHALL COMPLY WITH 1004.1.2.2 OPTION 10, 14" MIN. CLEARANCE

TYP. TYPE B UNIT TOILET PLAN









# Land Management Committee






Bernard Schoeder  
(July 18, 2018)

CUP - Expansion/Intensification of Multiple-family dwellings

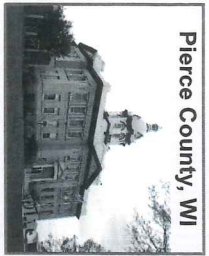
## Legend

-  Dwellings
-  Schoeder CUP
-  Parcels
-  Contours (10ft)

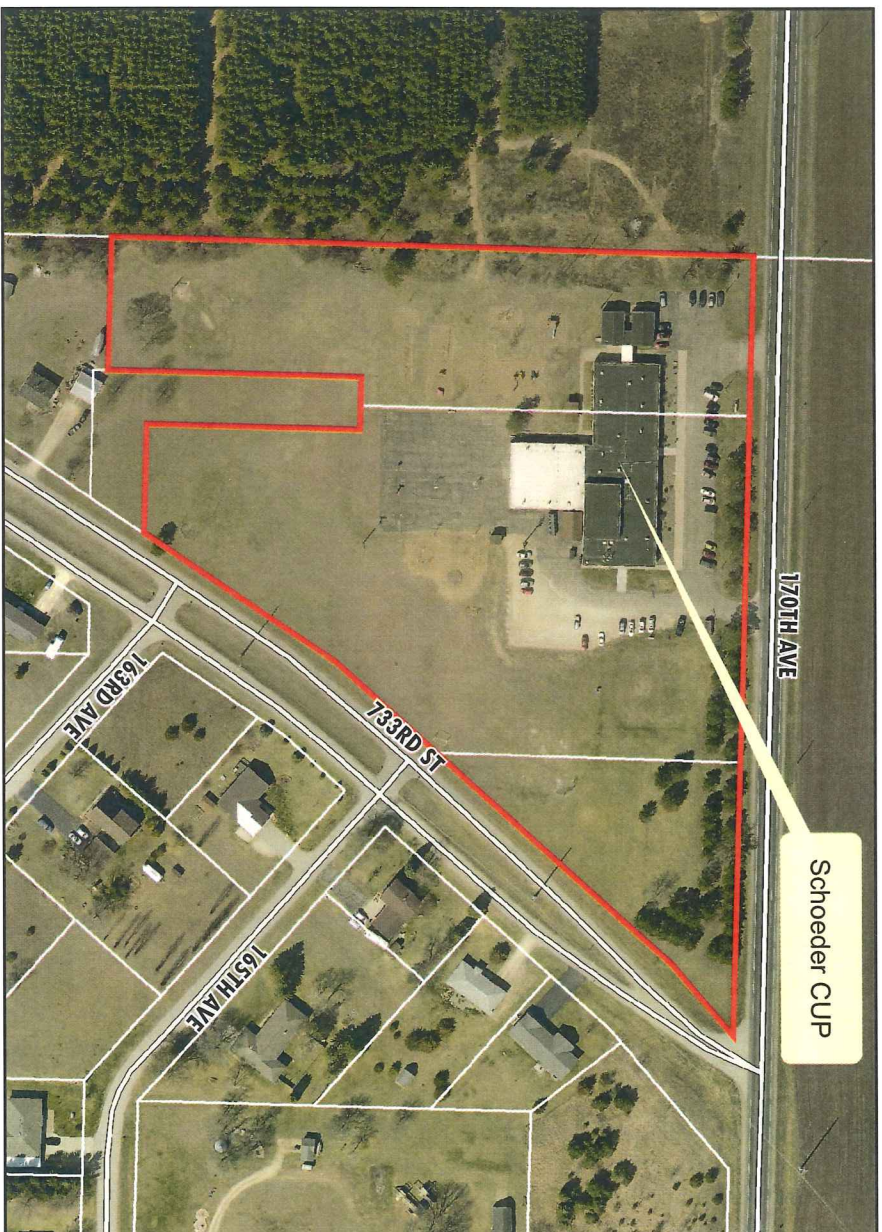
## Zoning

-  Commercial
-  General Rural
-  General Rural Flexible
-  Light - Industrial
-  Rural Residential - 20

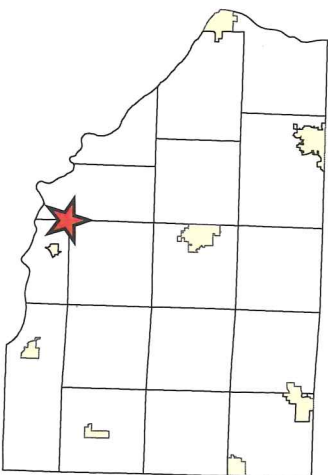
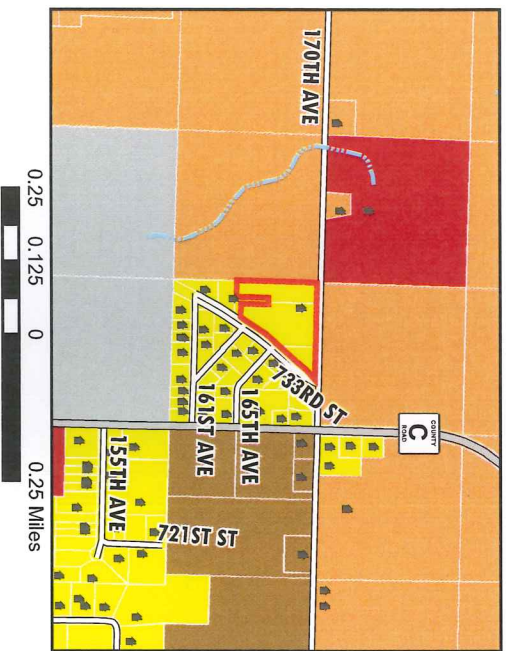
Orthophotography - 2015 Pierce County



Prepared by the Department of Land Management



**Site Location**  
W7375 170TH AVE  
Town of Trenton





# STAFF REPORT      LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 18, 2018

Agenda Item 6

**Applicant:** Town of Trenton

**Request:** Conditional Use Permit (CUP) for a Campground

**Background:**

The Town of Trenton is proposing to create a 21 site campground located on floodplain property acquired in the Trenton Island Buyout in approximately 1993. The campground will be utilized exclusively by mobile recreational vehicles and managed either by the Town of Trenton or their agent.

**Issues Pertaining to the Request:**

- This property is located on 5.5 acres in the SW ¼ of the SE ¼ in Section 33, T25N, R18W, in the Town of Trenton. The property is zoned General Rural Flexible.
- In 2017 this site was rezoned from Rural Residential 20 to General Rural Flexible (GRF).
- A campground is defined in Pierce County Code § 240-88 as “any parcel or tract of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units or by one to three camping units if the parcel or tract of land is represented as a campground and may include multiple related uses managed as one operation.”
- Campgrounds are a conditionally permitted use in the General Rural Flexible zoning district, subject to the conditions set forth in Pierce County Code § 240-39A:
  1. Each campsite shall be plainly marked and surfaced with gravel, asphalt or other surface to free the site of mud.
  2. The maximum number of campsites shall be 15 per acre.
  3. Minimum lot size shall be 5 acres.
  4. Each campsite shall be a minimum of 1,000 square feet.
  5. There shall be two off-street parking spaces for each campsite.
  6. All sites shall meet the required setbacks from roads and from the ordinary high-water mark and shall be located at least 50 feet from all exterior lot lines.
  7. Each campground shall be screened by means of vegetative screening, as described in § 240-31D, along all lot lines. Such requirements may be waived by the Zoning Administrator if existing woody vegetation is such that the screening objective is or will be achieved.
  8. No more than one mobile recreational vehicle shall be allowed on any individual campsite.
  9. A camping unit shall not be occupied for more than eight months in a calendar year, although a camping unit may remain on an individual campsite for an entire calendar year. The wheels and tires shall remain in an in-transit position.
  10. No porches, lean-to's or additions shall be constructed outdoor immediately adjacent to a camping unit. Canvas screen rooms or awnings shall be allowed.
  11. A wooden deck may be provided adjacent to a camping unit subject to the following:
    - a. The deck shall not exceed 256 square feet in area.
    - b. The deck may be enclosed by open railings but shall not have built-in benches or tables.
    - c. The deck shall not have a permanent foundation in the ground.
  12. A camping unit and deck may only be skirted with lattice; however, solid skirting may be installed immediately adjacent to the tires.



13. One storage shed may be allowed per campsite. Said shed shall not exceed 80 square feet in floor area.
  14. A shelter unit may be located on an individual campsite, provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities. A shelter unit shall not exceed 300 square feet in total floor area.
  15. One dwelling unit to be occupied by the owner and not more than one additional dwelling unit to be occupied by the manager may be permitted in a campground.
  16. Camping shall be permitted in approved campgrounds without issuance of a regular land use permit.
- Each site will be a minimum of 1,000 square feet and will have two off street parking spaces. Each site will be marked and surfaced with gravel.
  - No more than one mobile recreational vehicle will be allowed on each camp site.
  - Wheels and tires will be required to be in an in-transit position.
  - Each site will be provided with electricity and water. Black and grey water will be collected at set intervals with an appropriately equipped pumper truck and disposed of at a municipal treatment facility.
  - A water well will be installed to provide potable water to camping units. The well head will be located out of the floodplain just below 860<sup>th</sup> St. A water main will be run into the circular area in the middle of the sites. Each access pedestal will be at elevation 687' or higher and supplied with a backflow preventer.
  - The electric transformer will also be located outside the floodplain below 860<sup>th</sup> St. with the individual electric services located in the circular middle area at elevation 687' or higher.
  - Camping units will be required to be moved every 180 days consistent with the Floodplain Zoning regulations.
  - The site is located in an area where there is more than a 72 hour warning of likely flood events. There will be a flood warning procedure for the campground that offers notice to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation. This agreement is valid for one year.
- The Town of Trenton has an agreement for 2018. This will need to be updated annually.
- Signage will be prominently placed near the entrance that informs that a "Flood Hazard Area" is being entered. The sign will provide contact information and illustrate the evacuation route.
  - A road will be constructed around the outer perimeter of the campsites.
  - Gravel is present just below the surface throughout much of the site. Additional gravel and other fill may be needed. In order to comply with the floodplain regulations, the placement of gravel or other material cannot increase the existing surface elevation. Prior to the placement of any material on the surface, existing elevations shall be established as well as final grade determinations by a registered surveyor.



- Screening requirements are described in § 240-31C & D. § 240-31(C)(7) states: “Existing woody plants which meet the requirements of Subsection D may be used to meet the landscape buffer requirements.”

There is significant vegetation on the site. A final determination if any screening is needed will be made after the campground road is constructed.

- The Town of Trenton recommended approval of this request with no reference to the Town Comprehensive Plan on June 19, 2018.

### **Recommendation:**

Staff recommends that the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a campground with the following conditions:

1. Operations shall be consistent with the application unless modified by another condition of this permit.
2. Internal roads, camping pads, and utility installation shall be completed prior to the operation of the campground.
3. The applicant shall contact the Zoning Office after the construction of the road to determine if any screening is necessary.
4. Any campground advertising signage shall comply with Pierce County zoning standards.
5. 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-DHS standards etc.).
6. 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.
7. Prior to the placement of any material on the surface, existing elevations shall be established as well as final grade determinations by a registered surveyor.
8. This conditional use permit shall expire in two years. A status review shall be presented to the LMC within 1 year.
9. Written flood warning procedures for the upcoming year shall be submitted to the Zoning Office annually prior to December 31<sup>st</sup> of the preceding year.






**Submitted By:** Brad Roy  
Zoning Administrator



# Land Management Committee

Town of Trenton  
(July 28, 2018)  
CUP - Campground

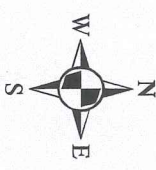
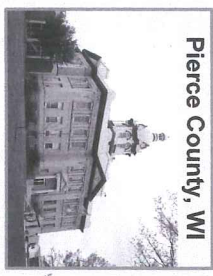
## Legend

-  Dwellings
-  Campground Location
-  Parcels
-  Contours (10ft)
-  Floodplain

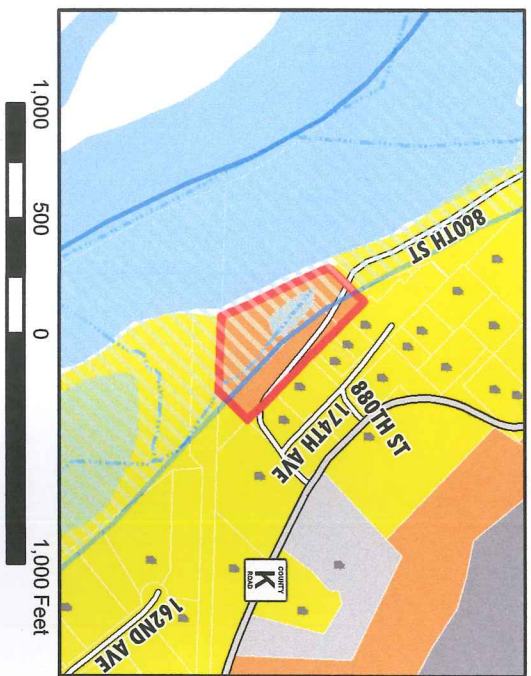
## Zoning

-  General Rural Flexible
-  Industrial
-  Light - Industrial
-  Rural Residential - 20

Orthophotography - 2015 Pierce County

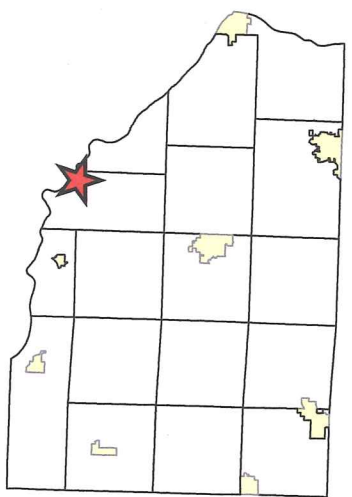


Prepared by the Department of Land Management

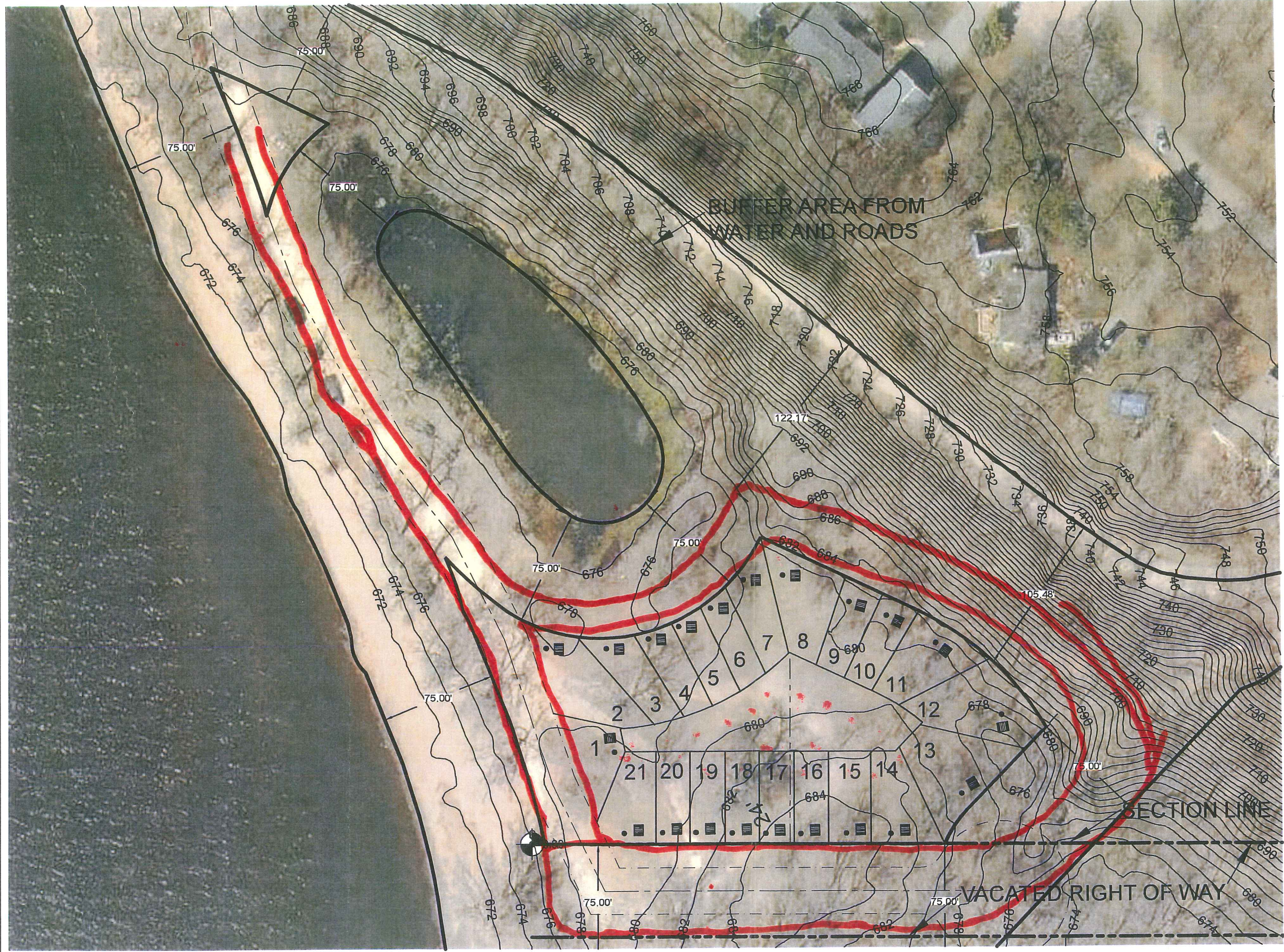


## Site Location

SECTION 33  
Town of Trenton







NOTE: NO LAND SURVEY WAS PERFORMED FOR THIS EXHIBIT.  
 ALL EXISTING LINE WORK AND PHOTO WERE TAKEN FROM COUNTY  
 GIS WEBSITE, AND MAY VARY IN FIELD.

*Road*

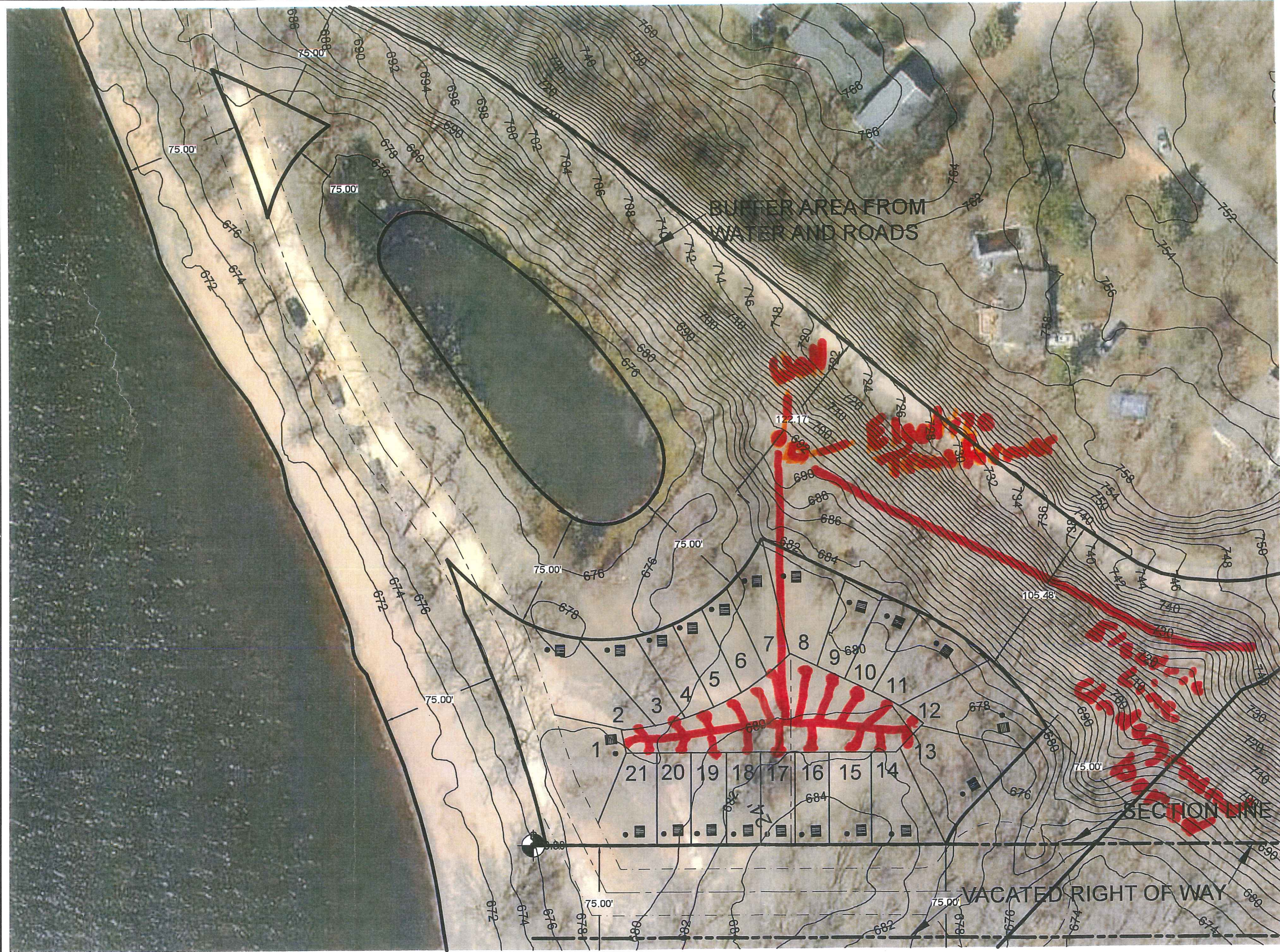
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TRENTON TOWNSHIP  
 CAMPGROUND CONCEPT  
 TRENTON, WISCONSIN

JOHNSON & SCOFIELD INC.  
 SURVEYING AND ENGINEERING  
 1203 MAIN STREET, RED WING, MN 55066  
 PH (651) 388-1558 FAX (651) 388-1559







NOTE: NO LAND SURVEY WAS PERFORMED FOR THIS EXHIBIT.  
 ALL EXISTING LINE WORK AND PHOTO WERE TAKEN FROM COUNTY  
 GIS WEBSITE, AND MAY VARY IN FIELD.

# Utilities

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## TRENTON TOWNSHIP CAMPGROUND CONCEPT

TRENTON, WISCONSIN

**JOHNSON & SCOFIELD INC.**  
 SURVEYING AND ENGINEERING

1203 MAIN STREET, RED WING, MN 55066  
 PH (651) 388-1558 FAX (651) 388-1559





# STAFF REPORT      LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 18, 2018

Agenda Item 7

**Applicant:** Total Excavating, agent for Wieser Concrete Products Inc.

**Request:** Expansion of a Nonmetallic Mining operation.

## Background:

There are 3 nonmetallic mines on the Wieser property. 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 industrial frac sand was identified in Mine #4 and the use of the mine increased. In 2015 conditions were added to address the increased use of the mine. The applicant is now requesting to expand Mine #4 onto adjoining property. The proposed expansion area is approximately 125 acres. The submitted Reclamation Plan indicates that not all of the area will be mined, but the applicant has suggested that market conditions could change and it may be feasible to mine to the full extent.

The CUP for the 3 nonmetallic mines was last renewed on January 7, 2017. Mining activities had ceased before 2001 in Mine #3, and the applicant is not intending to mine in that area in the future.

## Issues Pertaining to the Request:

- The expansion is proposed in the NW ¼ in Section 3 and the SE ¼ of the NE ¼ in Section 4, all in T25N, R16W, Salem Township.
- The property is zoned General Rural. Currently the land is used for recreation and harvesting timber. Neighboring land use is recreation and agriculture.
- Materials to be extracted are limestone/dolomite and sand. Haul roads will also be constructed on the proposed site. Operations will involve the use of excavators, dump trucks, bulldozers, tractors and watering trucks for dust control. Materials will be hauled to the current plant for processing.
- Hours of operation will range from 12 to 24 hours a day, 5 to 7 days per week, depending on market conditions.
- 350<sup>th</sup> St. extends through the proposed expansion area. The applicant has not provided details if the road will be used for access. Condition #14 addresses the need for Road Agreements.
- 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.
- Currently there are 30 open acres. The operator does not anticipate exceeding 30 open acres at any time. The reclamation plan for the current operation as well as the proposed expansion details contemporaneous reclamation to limit the amount of open acres.
- 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.
- A Fugitive Dust Plan and Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures have been submitted to the Zoning Office.



- A Reclamation plan for the expansion area was submitted and satisfies the requirements of PCC §241. The post mining land use is to be open space uses. All overburden and topsoil will be stored on site and used for final reclamation. All slopes will be reclaimed to 3:1. Topsoil will be replaced at an average depth of 10”.

The site will be seeded using DOT seed mixtures. Silt fence or filter sock will be placed on downslopes and sediment logs will be used when channelized flow is anticipated.

- 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 12 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 7 open acres.
- Staff received a letter from a nearby landowner with concerns about the mining operation and proposed expansion. The letter is included for your review. Staff has not received any other complaints regarding the existing operation.
- The Town of Salem recommended approval of this request on June 12, 2018 without reference to their Comprehensive Plan. The Town did provide the following comment, “Follow existing road agreement.”
- The applicant has expressed an interest in constructing a private access to Hwy. 10. This project would require the construction of a bridge over the Rush River. The applicant has been working with the DNR and Zoning staff regarding necessary permits. The applicant may be able to provide additional information regarding a possible bridge at the meeting.
- The existing conditions are:
  1. Renewal fee in the amount of \$1,006 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 determine whether the proposed mine expansion would contrary to the public interest, and whether it would be detrimental or injurious to public health and safety, and the character of the area.

If found to be not contrary to the above, staff recommends this CUP for mine expansion be approved with the following conditions:

1. All required permits shall be kept current with the DNR.
2. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
3. A 100-ft setback shall be maintained from all property lines for all mining activities.
4. The applicant shall notify the Zoning Office if groundwater is encountered.
5. Blasting shall be conducted by a state licensed blaster.
6. Blasting shall take place between the hours of 8am and 5pm.
7. Reclamation shall be completed consistent with the submitted plans.
8. 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.
9. Any unforeseen erosion issues shall be addressed to the satisfaction of the County.
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11. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
12. The conditional use permit shall expire in 2 years.
13. Road agreements shall be secured from appropriate municipalities for hauling industrial sand.
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15. A Fugitive Dust Plan shall be developed and implemented.
16. Operations may not begin prior to 6a.m. from December to April.
17. A Traffic Impact Analysis be completed for any potential access points onto Hwy. 10.

**Submitted By:** Brad Roy  
Zoning Administrator



# Land Management Committee

Total Excavating  
(July 18, 2018)

## CUP - Nonmetallic Mining

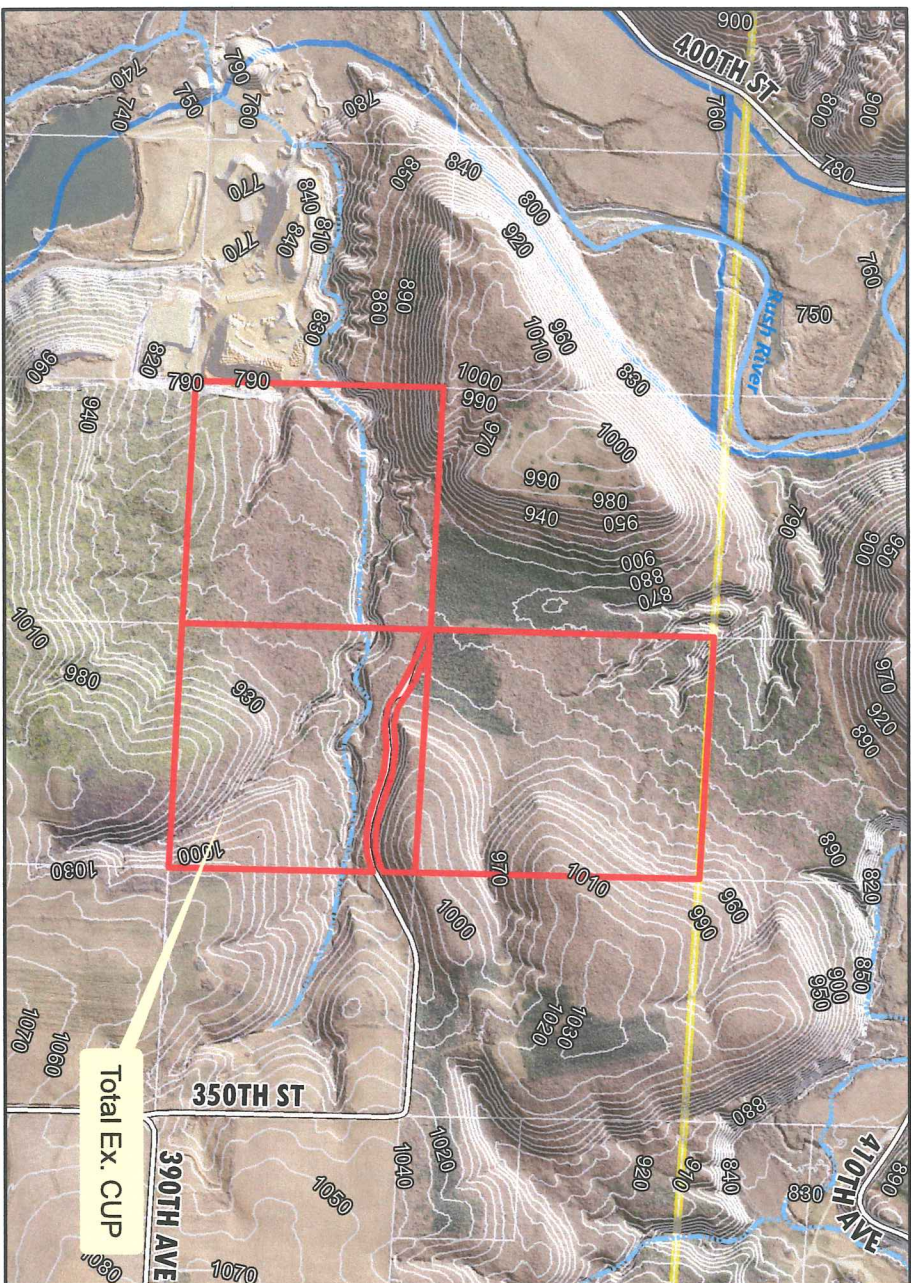
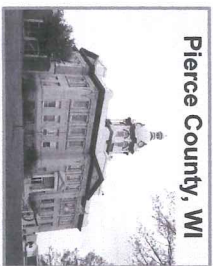
### Legend

- ◆ Dwellings
- ▭ Total Ex. CUP
- ▭ Parcels
- Contours (10ft)
- Intermittent Stream
- ▭ Floodplain

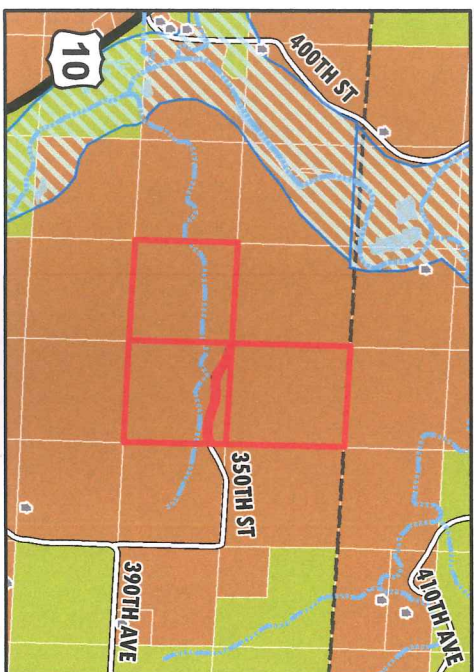
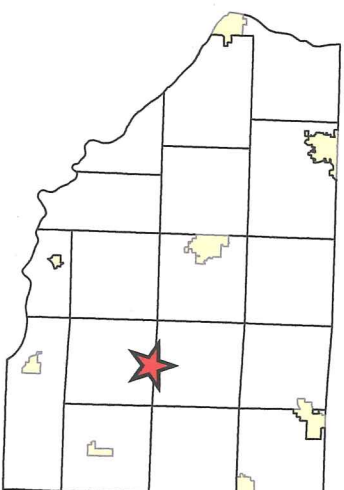
### Zoning

- ▭ General Rural
- ▭ Primary Agriculture

Orthophotography - 2015 Pierce County



**Site Location**  
Sec. 3/4 Twn. 25 Rng. 16  
TOWN OF SALEM







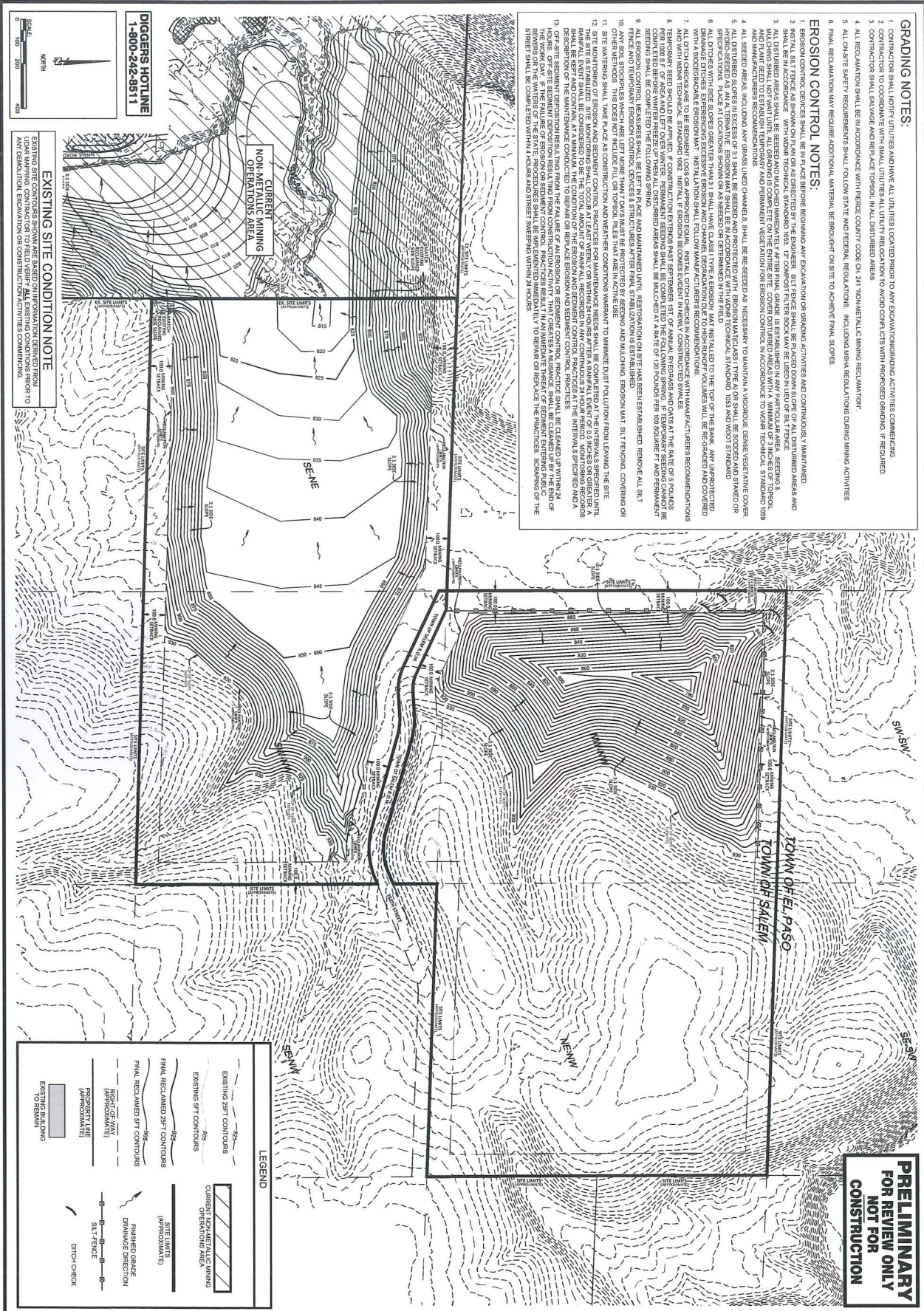


**GRADING NOTES:**

1. CONTRACTOR SHALL NOTIFY UTILITIES AND HAVE ALL UTILITIES LOCATED PRIOR TO ANY EXCAVATION/GRADING ACTIVITIES COMMENCING.
2. CONTRACTOR TO COORDINATE WITH SMALL UTILITIES ALL UTILITY RELOCATION TO AVOID CONFLICTS WITH PROPOSED GRADING. IF REQUIRED, CONTRACTOR SHALL SURFACE AND REFACE TOPSOIL SHALL DISTURBED AREAS.
3. ALL RELOCATION SHALL BE IN ACCORDANCE WITH PERCE COUNTY CODE CH 241 NON-METALLIC MINING RECLAMATION.
4. ALL RELOCATION SHALL BE IN ACCORDANCE WITH PERCE COUNTY CODE CH 241 NON-METALLIC MINING RECLAMATION.
5. ALL SITE SAFETY REQUIREMENTS SHALL FOLLOW STATE AND FEDERAL REGULATIONS. INCLUDE HIGH REGULATIONS DURING WINDY ACTIVITIES.
6. FINAL RECLAMATION MAY REQUIRE ADDITIONAL MATERIAL BE BROUGHT ON SITE TO ACHIEVE FINAL SLOPES.

**EROSION CONTROL NOTES:**

1. EROSION CONTROL MEASURES SHALL BE INSTALLED BEFORE ANY EXCAVATION OR GRADING ACTIVITIES AND CONTINUOUSLY MAINTAINED.
2. INSTALL SILT FENCE AS SHOWN ON PLAN OR AS DIRECTED BY THE ENGINEER. SILT FENCE SHALL BE PLACED DOWN SLOPE OF ALL DISTURBED AREAS AND SHALL BE IN ACCORDANCE WITH WISCONSIN TECHNICAL STANDARD 1053. 12" CONCRETE FILTER SOCK MAY BE USED IN LIEU OF SILT FENCE. SERRING & STAPLING SHALL BE USED TO SECURE FILTER SOCK TO THE GROUND.
3. ALL DISTURBED AREAS SHALL BE SEEDING AND COVERED WITH MULCH OR COVER STRIPPED AREAS WITH A MINIMUM OF 3 INCHES OF TOPSOIL AND MAY BE SEED TO ESTABLISH TEMPORARY AND PERMANENT VEGETATION FOR EROSION CONTROL IN ACCORDANCE WITH WISCONSIN TECHNICAL STANDARD 1059.
4. ALL SEEDING AREAS INCLUDING ANY GRASS, LEGUMINOUS, OR OTHER PLANTS SHALL BE SEEDING AS NECESSARY TO MAINTAIN A VIGOROUS, DENSE VEGETATIVE COVER.
5. ALL DISTURBED SLOPES IN EXCESS OF 3:1 SHALL BE SEEDING AND PROTECTED WITH EROSION MAT (CLASS 1) TYPE A OR SHALL BE SOCCED AND STYLED OR HYDRO SEEDING AS AN ALTERNATIVE. EROSION MAT SHALL BE IN ACCORDANCE WITH WISCONSIN TECHNICAL STANDARD 1053 AND WOOD STANDAORD.
6. ALL DITCHES WITH SLOPES GREATER THAN 3:1 SHALL HAVE CLASS 1 TYPE A EROSION MAT INSTALLED TO THE TOP OF THE BANK. ANY UNPROTECTED DRAINAGE DITCHES EXPERIENCING EXCESSIVE EROSION AND CHANNEL DEGRADATION DUE TO HIGH FLOW VOLUMES SHALL BE REGRADDED AND COVERED WITH WISCONSIN TECHNICAL STANDARD 1053. INSTALL DITCH CHECKS IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS AND WITH WISCONSIN TECHNICAL STANDARD 1053.
7. ALL DITCH CHECKS ARE TO BE SEEDING AND COVERED WITH MULCH OR COVER STRIPPED AREAS WITH A MINIMUM OF 3 INCHES OF TOPSOIL AND MAY BE SEED TO ESTABLISH TEMPORARY AND PERMANENT VEGETATION FOR EROSION CONTROL IN ACCORDANCE WITH WISCONSIN TECHNICAL STANDARD 1059.
8. TEMPORARY SEED SHOULD BE APPLIED IF CONSTRUCTION EXPOSES SOIL TO EROSION. SEED SHOULD BE APPLIED AT THE RATE OF 5 POUNDS PER 100 SQUARE FEET OF EXPOSED SOIL. SEED SHOULD BE APPLIED TO ALL EXPOSED AREAS WITHIN 24 HOURS OF EXCAVATION OR GRADING. SEEDING SHOULD BE COMPLETED BEFORE WINTER FREEZE UP THEN ALL UNDISTURBED AREAS SHALL BE MULCHED AT A RATE OF 120 POUNDS PER 100 SQUARE FEET AND PERMANENT VEGETATION SHALL BE ESTABLISHED WITHIN 24 HOURS OF EXCAVATION OR GRADING.
9. ALL EROSION CONTROL MEASURES SHALL BE LEFT IN PLACE AND MAINTAINED UNTIL REVISIONS ON SITE HAS BEEN ESTABLISHED. REMOVE ALL SILT FENCE AND TEMPORARY EROSION CONTROL DEVICES & STRUCTURES AFTER FINAL STABILIZATION IS ESTABLISHED.
10. ANY SOIL STOCKPILES WHICH ARE LEFT MORE THAN 7 DAYS MUST BE PROTECTED BY SEEDING AND MULCHING. EROSION MAT, SILT FENCING, COVERING OR FENCING SHALL BE USED TO PROTECT STOCKPILES FROM WIND AND WEATHER CONDITIONS WARRANT TO MINIMIZE DUST POLLUTION FROM LEAVING THE SITE.
11. SITE MONITORING OF EROSION AND SEDIMENT CONTROL PRACTICES FOR MAINTENANCE NEEDS SHALL BE COMPLETED AT THE INTERVALS SPECIFIED UNTIL PERMANENT VEGETATION IS ESTABLISHED. MONITORING SHALL BE COMPLETED AT THE INTERVALS SPECIFIED AND A LOG OF SITE SEDIMENT DEPOSITION RESULTS FROM CONSTRUCTION ACTIVITY. THE LOG SHALL BE COMPLETED AT THE END OF EACH WORKING DAY AND A SUMMARY OF THE STATE PROCEDURES SHALL BE SUBMITTED IMMEDIATELY TO REPAIR OR REPLACE THE PRACTICES. SPANNING OF THE STREET SHALL BE COMPLETED WITHIN 4 HOURS AND STREET SWEEPING WITHIN 24 HOURS.



**PRELIMINARY FOR REVIEW ONLY NOT FOR CONSTRUCTION**

**EXISTING SITE CONDITION NOTE**  
EXISTING SITE CONTOURS SHOWN ARE BASED ON INFORMATION OBTAINED FROM LEAD MAPPING CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ACTIVITIES COMMENCING.

| LEGEND |                               |
|--------|-------------------------------|
|        | EXISTING 20FT CONTOURS        |
|        | EXISTING 5FT CONTOURS         |
|        | FINAL RECLAIMED 20FT CONTOURS |
|        | FINAL RECLAIMED 5FT CONTOURS  |
|        | SITE LIMITS (APPROXIMATE)     |
|        | FINISHED GRADE                |
|        | DRAINAGE DIRECTION            |
|        | SILT FENCE                    |
|        | DITCH CHECK                   |
|        | RIGHT-OF-WAY (APPROXIMATE)    |
|        | PROPOSED AREA (APPROXIMATE)   |
|        | EXISTING BUILDING TO REMAIN   |

PROJECT: **NON-METALLIC MINING RECLAMATION WIESER SITE - AMENDMENT**  
PIERCE COUNTY, WISCONSIN

**RECLAMATION PLAN**

SHEET NO. **C4.0**

**Auth-Consulting/associates**  
S&T Land Surveying a division of A/C/A

**CORPORATE OFFICE**  
460 Technology Drive East  
Suite 4  
Menomonee, WI 54951  
Tel: 715-251-4100

**BRANCH OFFICE**  
3900 Dale Street  
Suite 101  
Madison, WI 53704  
Tel: 715-361-5271

auth@consulting.com

|                       |                            |
|-----------------------|----------------------------|
| DRAWING PHASE:        | DRAWN BY: JVF              |
| X OWNER REVIEW        | CHECKED BY: ZPF            |
| AGENCY REVIEW         | DATE: 05/08/18             |
| BID DOCUMENT          | DWG FILE: C4.0-Reclamation |
| FOR CONSTRUCTION      | REF FILE: 5244-009cc       |
| AS-BUILT DOCUMENT     | JOB NUMBER: 5244-009       |
| PRELIMINARY           |                            |
| REVISION DESCRIPTION: | NAME: DATE:                |



MAY 16 2018

Pierce County Wisconsin  
Dept. of Land Management  
Box 647  
Ellsworth, Wi. 54011

May 15, 2018 Certified Mail

Att: Brad Roy & Andy Pichotta & committee members  
RE: Future Request by Weiser Concrete Products, ET AL.  
to expand CUP dated Jan. 4 2017

I am an adjoining property owner to the mining site existence and proposed site expansion. I am also on the Town of Salem Zoning committee.. The committee addressed some of the issues and now will present there recommendations to the Town Board. You should have something from the board in the near future.

Outside of the zoning committee recommendations, as a resident, & land owner, I would like you to review some additional concerns I have with this footprint expansion.

1.) A Bridge across the Rush River, as stated in enclosed letter dated Feb. 27, 2017, from Andy Weiser is to be built.. So there is no delay on the building of this bridge, my concern, is that the bridge be built in 2018.

2.) Some Phasing in Plan as an addition to the reclamation plan.

3.) Even though blasting has been minimized, more blasting is done. I am concern with future ground water issues. I do not have a problem now, but I don't want one either in the future. I would like to have wells tested in a 3/4 mile area, annually, and the results sent to property owners also.

4.) Is it possible to get a copy of the Storm Water Pollution Plan and Spill Prevention Control and Countermeasures Plan submitted to your office, along with the Fugitive Dust Plan, stated in the current CUP., I would appreciate it

5.) Has the Reclamation financial assurance information been approved by Corporate Counsel and will this financial commitment be increased if the mining footprint is approved?

6.) Property Value Guarantee-included in the towns comp. plan as a policy. Kindly review.

**COMMENT:**

I have future plans to sell off for development, home wooded building lots. Homes would want to take advantage of the pristine rush river valley, (as per the towns comp. plan) and face their homes to the East or North East.. a number of these potential lots.. are now compromised with the view of the mining operation. Expedient restoration is imperative. Pictures will reflect my concerns.

Not knowing when the county zoning committee will have a hearing, it appears doubtful that I will be able to attend. Whatever, your committee can do in my absence, on my concerns, will be greatly appreciated.

Thank you for your time and consideration

*David A. Gilles*

David A. Gilles, Trust, land owner & resident

**Enclosures for your file:**

Weiser certified letter dated Feb. 27,2017 to adjoining property owners.

Pictures from my land facing the Northeast and Direct East

Town of Salem Nonmetallic Mining Policy



COPY

9/18/17 K.O. WIESER 1.500.000  
Said he understood & would try to meet  
Bar & Bob said they'd try to shut off

# WIESER CONCRETE

W3716 U.S. HWY 10 • MAIDEN ROCK, WI 54750  
(715) 647-2311 800-325-8456 Fax: (715) 647-5181  
Website: www.wieserconcrete.com

Rec'd in TP by Certified Mail

February 27, 2017

David A. Gilles Trust  
W3890 370<sup>th</sup> Ave.  
Ellsworth, WI 54011

Dear David A. Gilles Trust:

Hello, my name is Andy Wieser. My two brothers and I own and operate a gravel pit and quarry just east of the Rush River off of 390<sup>th</sup> Ave. We are applying for a permit to build a bridge across the Rush River. Our reasons for this is reduce the truck traffic on 390<sup>th</sup> avenue and also to give our employees and customers a safer access to highway 10. We will be accessing highway 10 about ¼ miles southeast of 400<sup>th</sup> street. The visibility is much greater there which will in turn will increase safety for everyone using highway 10. We are proposing a precast Clear Span Bridge that spans from bank to bank that will not impact the normal flow of the river.

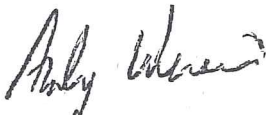
We are also renewing our nonmetallic mining permit and plan to conduct some stream bank erosion control along our existing pond.

The total cost of these two projects will be covered by Wieser and will not have an effect on your taxes. Our goal is to keep Rush River pristine while gaining a safer access to highway 10 for everyone.

We have also enclosed a copy of the Notice of Pending Application for your information.

If you have any questions would like to discuss further please do not hesitate to contact me at 715-647-2311.

Sincerely,



Andy Wieser  
President  
Wieser Concrete



"Where Quality Is A Standard, Not An Extra."



Part of part of Co 41116W

New M. 11.11.13

## Town of Salem Nonmetallic Mining Policies

2/12/13

New or expanded nonmetallic mining operations within the Town of Salem must conform to the standards contained in the following policies in order to be considered for approval by the Town. The Town of Salem may also provide comments to Pierce County when Conditional Use Permits are sought for new or expanded non-metallic mining. Town comments or requested conditions to CUP's may be more specific, more restrictive and may differ from the policies specified herein if, in the opinion of the Town Board, such conditions would result in a project more consistent with the Comprehensive Plan.

### General Standards

- Mining site shall be clearly delineated and secured by fencing or other appropriate measures.
- The Town of Salem shall be provided notice by the mine owner/operator of any violations, citations, or other enforcement action taken or issued by any other governmental body or agency against the mine owner/operator, including any issued while the owner/operator conducted business under another name(s).

### Off-Site Impacts

- The operator shall retain all surface water drainage from non-metallic mining operations within the site boundaries of such operations.
- The operator shall provide a buffer area of a minimum of 50 feet wide along bordering property lines and public roadways. No mining operations may take place within this buffer and the buffer must be maintained in a natural vegetative condition.
- Mining sites must be screened from public view to the maximum extent practicable through the use of berms, additional setbacks or other measures. The screening plan must be approved by the Town and must include a revegetation plan to prevent erosion and stabilize sideslopes.
- The operator shall limit normal hours of operations to 10 hours a day Monday through Saturday during daylight hours and not later than 6:00 pm to minimize off-site impacts to residents. The operator may submit a plan for extended hours if it can demonstrate that additional hours are necessary for the mining operation and it would not negatively impact neighboring uses. If the operation is proposed within an Industrial District, extended hours will be considered, particularly if the extended hours would be consistent with those of a pre-existing and conforming operation.
- The operator shall ensure that trucks from the mining site do not interfere with the safety of children being taken or returned from school, or the safety of residents and commuters at times when traffic volume from commuters going to and from work is highest.
- The operator shall limit night lighting on site to that which is minimally necessary for security and, wherever possible, shall be shielded from illuminating off-site areas.



*Approved  
for 12-31-12*

- Off-site noise and dust levels must be controlled to the maximum extent practicable and in accordance with limits specified under Pierce County Conditional Use Permit. Any plans required by Pierce County regarding dust and/or noise must be submitted to the Town Board for review.
- The operator shall use only county trunk highways (CTH CC, A) or U.S. Highways (US 10) for operation of trucks hauling to and from the operator's facility. At no time will Town roads be used for such operation.

#### **Water Quality and Quantity**

- If considered to be warranted by the Town, agreements must be in place between the owner/operator and the Town regarding water quality and quantity before mining operations begin. Such agreements are to address off-site well testing, groundwater/surface water quantity and quality as well as financial assurances in the case where off-site water supplies are damaged by mine activities.

#### **Blasting**

- Town of Salem officials and residents that could be affected by blasting operations must be given at least 72 hour's notice (i.e., phone call, email, verbally in person) prior to blasting.
- All surface blasting shall be conducted between sunrise and sunset, unless the operator has shown that the public will not be adversely affected by noise and other impacts, and the Town Board has approved the deviation from normal blasting hours a more restrictive time period is specified by the Town as a condition of use.

#### **Storage of Explosives**

- No storage of explosive material is allowed on site.

#### **No Liability for Damages**

- These polices shall not be construed as an assumption of liability by the Town of Salem for damages because of injuries sustained or property destroyed by any person's failure to comply with the requirements set forth herein or under any agreements specific to a mine operation.

#### **Property Value Guarantee**

- If the Town believes there is a substantial potential for decrease in property values because of a mine operation, a Property Value Guarantee must be in place between the owner/operator and the Town before mine operations may commence.