

CHIPPEWA COUNTY
PLANNING & ZONING COMMITTEE
REGULAR MEETING
JANUARY 19, 2023
CHIPPEWA COUNTY COURTHOUSE, RM 302
4:30 PM

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
David Eisenhuth	Chippewa County	District 15 (Chair)	Present	
Jason Bergeron	Chippewa County	District 7 (Vice-Chair)	Present	
Dean Gullickson	Chippewa County	District 5	Present	
Caden Berg	Chippewa County	District 13	Absent	
Chuck Hull	Chippewa County	District 19	Present	

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

4. CONSENT AGENDA

Motion to Approve the Agenda: (1) Gullickson, (2) Bergeron: All in favor
Motion to Approve the Minutes: (1) Bergeron, (2) Gullickson: All in favor.
Motion to Approve the Next Meeting: (1) Gullickson, (2) Hull: All in favor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, District 5
SECONDER:	Jason Bergeron, District 7 (Vice-Chair)
AYES:	Eisenhuth, Bergeron, Gullickson, Hull
ABSENT:	Berg

1. Approve the Agenda

2. Approve the Minutes

Planning & Zoning Committee - Regular Meeting - Nov 17, 2022 4:30 PM

3. Schedule Next Meeting Date - February 23, 2023 @ 4:30 PM

5. BUSINESS ITEMS

1. Res. 07-23: Resolution to Authorize the Sale of Tax Deed Lands Acquired by Foreclosure of Tax Certificates
In Rem - Doug Clary
Motion to Approve the Resolution.

Planning & Zoning Committee

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 302

January 19, 2023
4:30 PM

RESULT:	FORWARD TO COUNTY BOARD [UNANIMOUS]	Next: 2/14/2023 6:00 PM
MOVER:	Dean Gullickson, District 5	
SECONDER:	Jason Bergeron, District 7 (Vice-Chair)	
AYES:	Eisenhuth, Bergeron, Gullickson, Hull	
ABSENT:	Berg	

2. 1981-0024 - Stelter Inc - CUP Renewal - Town of Lafayette
General Discussion occurred on items 5.2 through 5.6. These items are all non-metallic mining permit renewals. The pit operators are not seeking any changes to the CUP. The updates will include property owner information and parcel information if needed. The permits will be extended to 4 years with an expiration date of January 31, 2027.

Motion to combine items 5.2 through 5.6 and approve the changes as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, District 5
SECONDER:	Chuck Hull, District 19
AYES:	Eisenhuth, Bergeron, Gullickson, Hull
ABSENT:	Berg

3. 2004-0010 - Charles & Cathy Morning Trust ETAL(Stelter Inc) - CUP Renewal - Town of Eagle Point
General Discussion occurred on items 5.2 through 5.6. These items are all non-metallic mining permit renewals. The pit operators are not seeking any changes to the CUP. The updates will include property owner information and parcel information if needed. The permits will be extended to 4 years with an expiration date of January 31, 2027.

Motion to combine items 5.2 through 5.6 and approve the changes as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, District 5
SECONDER:	Chuck Hull, District 19
AYES:	Eisenhuth, Bergeron, Gullickson, Hull
ABSENT:	Berg

4. 2012-0006 - Charles & Cathy Morning (Stelter Inc) - CUP Renewal - Town of Woodmohr
General Discussion occurred on items 5.2 through 5.6. These items are all non-metallic mining permit renewals. The pit operators are not seeking any changes to the CUP. The updates will include property owner information and parcel information if needed. The permits will be extended to 4 years with an expiration date of January 31, 2027.

Motion to combine items 5.2 through 5.6 and approve the changes as presented.

Planning & Zoning Committee

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 302

January 19, 2023
4:30 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, District 5
SECONDER:	Chuck Hull, District 19
AYES:	Eisenhuth, Bergeron, Gullickson, Hull
ABSENT:	Berg

5. 2015-0008 - Classic Rock Materials - CUP Renewal - Town of Wheaton

General Discussion occurred on items 5.2 through 5.6. These items are all non-metallic mining permit renewals. The pit operators are not seeking any changes to the CUP. The updates will include property owner information and parcel information if needed. The permits will be extended to 4 years with an expiration date of January 31, 2027.

Motion to combine items 5.2 through 5.6 and approve the changes as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, District 5
SECONDER:	Chuck Hull, District 19
AYES:	Eisenhuth, Bergeron, Gullickson, Hull
ABSENT:	Berg

6. 2016-0016 - No Mercy Excavating - CUP Renewal - Town of Wheaton

General Discussion occurred on items 5.2 through 5.6. These items are all non-metallic mining permit renewals. The pit operators are not seeking any changes to the CUP. The updates will include property owner information and parcel information if needed. The permits will be extended to 4 years with an expiration date of January 31, 2027.

Motion to combine items 5.2 through 5.6 and approve the changes as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, District 5
SECONDER:	Chuck Hull, District 19
AYES:	Eisenhuth, Bergeron, Gullickson, Hull
ABSENT:	Berg

6. AGENDA ITEMS FOR FUTURE CONSIDERATION

Discussion on Aerobic Treatment Units (ATU's)

7. ADJOURN

Motion to Adjourn.

Planning & Zoning Committee

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 302

January 19, 2023
4:30 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason Bergeron, District 7 (Vice-Chair)
SECONDER:	Dean Gullickson, District 5
AYES:	Eisenhuth, Bergeron, Gullickson, Hull
ABSENT:	Berg

CHIPPEWA COUNTY
PLANNING & ZONING COMMITTEE
REGULAR MEETING
NOVEMBER 17, 2022
CHIPPEWA COUNTY COURTHOUSE, RM 302
4:30 PM

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
David Eisenhuth	Chippewa County	District 15 (Chair)	Present	
Jason Bergeron	Chippewa County	District 7 (Vice-Chair)	Present	
Dean Gullickson	Chippewa County	District 5	Present	
Caden Berg	Chippewa County	District 13	Present	
Chuck Hull	Chippewa County	District 19	Present	

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

None.

4. CONSENT AGENDA

Motion to Approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, District 5
SECONDER:	Jason Bergeron, District 7 (Vice-Chair)
AYES:	Eisenhuth, Bergeron, Gullickson, Berg, Hull

1. Approve the Agenda

2. Approve the Minutes

Planning & Zoning Committee - Regular Meeting - Oct 20, 2022 4:30 PM

3. Schedule Next Meeting Date - December 15, 2022 @ 4:30PM

5. PUBLIC HEARINGS - FOR DISCUSSION AND ACTION

1. 2022-0011 - Flackey Living Trust - Rezone - Town of Eagle Point
 Motion to Approve

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, District 5
SECONDER:	Caden Berg, District 13
AYES:	Eisenhuth, Bergeron, Gullickson, Berg, Hull

Minutes Acceptance: Minutes of Nov 17, 2022 4:30 PM (Consent Agenda)

Planning & Zoning Committee

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 302

November 17, 2022
4:30 PM

2. 2022-0012 - Cory Pecha - Rezone - Town of Eagle Point
Motion to Approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason Bergeron, District 7 (Vice-Chair)
SECONDER:	Chuck Hull, District 19
AYES:	Eisenhuth, Bergeron, Gullickson, Berg, Hull

6. BUSINESS ITEMS

1. 1992-0029 - Ray Michels - CUP Renewal - Town of Woodmohr
Motion to Approve with updating the parcel numbers and property owners names, if needed, four-year renewal with the four-years starting on 02-18-2023.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, District 5
SECONDER:	Jason Bergeron, District 7 (Vice-Chair)
AYES:	Eisenhuth, Bergeron, Gullickson, Berg, Hull

2. 2012-0003 - Ray Michels - CUP Renewal - Town of Woodmohr
Motion to Approve with updating the parcel numbers and property owners names, if needed, four-year renewal with the four-years starting on 02-18-2023.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, District 5
SECONDER:	Jason Bergeron, District 7 (Vice-Chair)
AYES:	Eisenhuth, Bergeron, Gullickson, Berg, Hull

3. Review and Action on Offers to Purchase Received on Tax Deed Property - Doug Clary
Motion to accept the following bids contingent on the successful bidder's submission of the remaining balance and the \$30 Register of Deeds Recording Fee by Cashier's Check or Certified Check in full within 15 days of delivery or written notification of Chippewa County's acceptance of their bid. The bid deposit submitted by the successful bidder shall be forfeited to Chippewa County in the event the successful bidder fails to make full payment for the property within 15 days of delivery to the successful bidder of written notification of Chippewa County's acceptance of the successful bid:

1. City of Chippewa Falls: 22808-0524-60431205 - Skyline Real Estate Services LLC for \$106.
2. City of Eau Claire: 22809-3343-05220000 - Skyline Real Estate Services LLC for \$207.
3. Town of Lake Holcombe: 23206-0811-75644OL1 - Meyer, Donald & Lana for \$100.

Minutes Acceptance: Minutes of Nov 17, 2022 4:30 PM (Consent Agenda)

Planning & Zoning Committee

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 302

November 17, 2022
4:30 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chuck Hull, District 19
SECONDER:	Dean Gullickson, District 5
AYES:	Eisenhuth, Bergeron, Gullickson, Berg, Hull

4. Discussion & Direction on Future Sales of Tax Deeded Land - Doug Clary
Discussion to keep the remaining tax deeds parcels as the current minimum bid.

7. AGENDA ITEMS FOR FUTURE CONSIDERATION

Dates & Times of Future PZC meetings.

8. ADJOURN

Motion to Adjourn.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason Bergeron, District 7 (Vice-Chair)
SECONDER:	Chuck Hull, District 19
AYES:	Eisenhuth, Bergeron, Gullickson, Berg, Hull

Minutes Acceptance: Minutes of Nov 17, 2022 4:30 PM (Consent Agenda)

**STATEMENT OF EXPLANATION**

Resolution No. 07 - 23

**RES. 07-23: RESOLUTION TO AUTHORIZE THE SALE OF TAX DEED LANDS
ACQUIRED BY FORECLOSURE OF TAX CERTIFICATES IN REM - DOUG
CLARY**

1 If approved, this resolution will authorize the sale of 6 parcels of property acquired by
2 the County in 2022 through property tax foreclosure of properties, in rem pursuant to § 75.521
3 of the Wisconsin Statutes. Pursuant to Sec. 2-353(e)(4) of the Chippewa County Code of
4 Ordinances, the Planning & Zoning Committee recommends to the County Board those tax
5 deed lands acquired by the County through property tax foreclosure which should be offered
6 for sale to the public or which should be retained by the County. The Committee is
7 recommending that the listed parcels acquired by the County in 2022 be offered for sale to the
8 public.

Resolution No. 07 - 23

**RES. 07-23: RESOLUTION TO AUTHORIZE THE SALE OF TAX DEED LANDS ACQUIRED BY
FORECLOSURE OF TAX CERTIFICATES IN REM - DOUG CLARY**

WHEREAS, pursuant to Secs. 2-352 and 2-353 of the Chippewa County Code of Ordinances and Sec. 75.521 of the Wisconsin State Statutes, the County acquired legal title to certain properties by virtue of the Judgment In Rem 2022 No. 1 for Foreclosure of Tax Liens dated November 10, 2022, and recorded on November 11, 2022 as Document #937348 in the Chippewa County Register of Deeds Office; and

WHEREAS, pursuant to Sec. 2-353(e)(4) of the Chippewa County Code of Ordinances, the Planning & Zoning Committee is to recommend to the County Board those tax deed lands which should be offered for sale to the public as well as the tax deed lands acquired by foreclosure of tax certificates by action in rem that should be retained by the County; and

WHEREAS, the Planning & Zoning Committee recommends that the following described Chippewa County tax deed lands, acquired in 2022 by the County pursuant to the above-referenced Judgment In Rem 2022 No. 1 for Foreclosure of Tax Liens, be offered for sale pursuant to the provisions of Sec. 75.69, Wis. Stats., and Sec. 2-353 of the Chippewa County Code of Ordinances:

Town of Eagle Point

GREENFIELD PARK ADDITION PRT LOT 5 PCL BEG @ INTER E LN HWY 124 & S LN 88TH AVE; E 150', S 58', S 36 D W 165.36', S 12' TO S LN NW NW, W 50' TO HWY 124, N 201.70' TO POB. PCL RETAINED IN V789 P690
Sct/Twn/Rng 29 29N 08W
Parcel Nbr. 22908-2922-65110005B

Town of Ruby

SW SE PCL BEG 165' E OF SW COR; N 1320', E 165', S 1320', W 165' TO POB.
Sct/Twn/Rng 11 31N 05W
Parcel Nbr. 23105-1143-07510000

Town of Ruby

NE SE PCL BEG 370' N OF S LN ON W LN CTY HWY G; W 300', N 375', E 300', S 375' TO POB.
Sct/Twn/Rng 28 32N 05W
Parcel Nbr. 23205-2841-08000000

Town of Sampson

NE NW LOT 1 OF CERT SUR MAP #2205 IN V9 P296 DOC #632015
Sct/Twn/Rge 13 32N 08W
Parcel Nbr. 23208-1321-72205001

Town of Sigel

SE NW & SW NE OUTLOT 1 OF CERT SUR MAP #2407 IN V10 P329 DOC #656148 SUBJ TO EASEMENT FOR LOT 3 CSM #2423 PER DOC #751817 ALSO FOR LOT 2 CSM #2408 PER DOC #762993. SUBJECT TO EASEMENT PER DOC #858873.

Sct/Twn/Rng 14 28N 07W

Parcel Nbr. 22807-1424-72407OL01

City of Cornell

SE SW PCL BEG @ SE COR; N 133', W 133', S 133', E 133' TO POB.

Sct/Twn/Rng 20 31N 06W

Parcel Nbr. 23106-2034-08750000

NOW, THEREFORE BE IT RESOLVED, that all of the above-mentioned tax deed lands acquired in 2022 by the County pursuant to the above-referenced Judgment In Rem 2022 No. 1 for Foreclosure of Tax, be offered for sale pursuant to the provisions of Sec. 75.69, Wis. Stats., and Sec. 2-353 of the Chippewa County Code of Ordinances.

Recommended for Approval by the Planning and Zoning Committee.

FINANCIAL IMPACT:

Depending on the condition of each individual property, the County may incur expense(s) relative to the engagement of outside vendors' services to secure the properties or to remove abandoned household items. Costs at this time are unknown. Sale of the properties will generate revenue to the County to offset the loss of real property taxes that went unpaid on these properties prior to the County acquiring legal title. The amount of revenue that may be generated is unknown at this time.

01/19/2023 Planning & Zoning Committee

RESULT: FORWARD TO COUNTY BOARD [UNANIMOUS] Next: 2/14/2023 6:00 PM

MOVER: Dean Gullickson, District 5

SECONDER: Jason Bergeron, District 7 (Vice-Chair)

AYES: David Eisenhuth, Jason Bergeron, Dean Gullickson, Chuck Hull

ABSENT: Caden Berg

Approved as to Form:

Todd A. Pauls
Todd A. Pauls, Corporation Counsel

12/7/2022

Lori Zwiefelhofer
Lori Zwiefelhofer, Finance Director

12/7/2022

Randy B. Scholz

Randy B. Scholz, County Administrator 12/7/2022



5.1.a

DocId:8531170

Tx:4400278

**JUDGMENT IN REM 2022 NO. 1 FOR
FORECLOSURE OF TAX LIENS****937348****RECORDED ON****11/11/2022 01:59 PM****MELANIE K. MCMANUS****REGISTER OF DEEDS****REC FEE: 30.00****TRANSFER FEE:****FEE EXEMPT: 77.25(14)****CHIPPEWA COUNTY, WI****PAGES: 6**

Exempt from fee pursuant to Wis. Stat. §77.25(14).

Recording Area

Name and Return Address

**Chippewa County Treasurer
711 N. Bridge Street, Rm. 105
Chippewa Falls, WI 54729**

22908-2922-65110005B

23105-1143-07510000

23205-2841-08000000

23208-1321-72205001

22807-1424-72407OL01

23106-2034-08750000

Parcel Identification Number(s) (PIN)**THIS PAGE IS PART OF THIS LEGAL DOCUMENT - DO NOT REMOVE**

This information must be completed by submitter: document title, name & return address, and PIN(if required). Other information such as the granting clause, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document.

Attachment: 2022 In Rem Foreclosure - Judgment In Rem - Recorded (07 - 23 : Res. 07-23: Resolution of Authorize the Sale of Tax Deed Lands)

11-11-2022

Clerk of Circuit Court

Chippewa County, WI

2022GF000005

BY THE COURT:

DATE SIGNED: November 10, 2022

Electronically signed by Benjamin J. Lane
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

CHIPPEWA COUNTY

IN THE MATTER OF THE)
FORECLOSURE OF TAX)
LIENS, PURSUANT TO)
SECTION 75.521)
WISCONSIN STATUTES)
PROCEEDING)
BY CHIPPEWA COUNTY)
LIST OF TAX LIENS FOR THE YEAR)
2016, 2017 & 2018)

JUDGMENT IN REM 2022
No. 1

CASE No. 22 - GF - 5

The above-entitled action for foreclosure of tax liens by proceeding IN REM pursuant to the provisions of Wis. Stat. §75.521, and Sections 2-352 and 2-353 of the Chippewa County Code of Ordinances, having come on before the Court; and

It appearing that a List of the parcels of property affected by the unpaid tax liens for the years 2016, 2017 & 2018 as shown on the delinquent tax rolls in the office of the County Treasurer of Chippewa County was filed in the office of the Clerk of the Circuit Court of Chippewa County on the 27th day of July, 2022; and

It appearing by the *Affidavit of Publication and Default* of Patricia Schimmel, County Treasurer, on file herein that a certified copy of such List of Tax Liens was posted in the office of the County Treasurer of Chippewa County on the 27th day of July, 2022; and

It appearing by the *Affidavit of Publication and Default* of said Patricia Schimmel, County Treasurer of Chippewa County, on file herein that the said List of Tax Liens (including the petition for judgment being a part thereof) together with a notice in the form required by, and pursuant to, the terms of Wis. Stat. §75.521(6) was published in the Chippewa Herald Telegram, a newspaper of general circulation published in the English language in Chippewa County,

Attachment: 2022 In Rem Foreclosure - Judgment In Rem - Recorded (07 - 23 : Res. 07-23: Resolution of Authorize the Sale of Tax Deed Lands)

possessing the qualifications specified in Chapter 985 of the Wisconsin Statutes, and having the largest circulation in such county, once a week for three successive weeks, the first publication being on the 5th day of August, 2022, and the last publication being on the 19th day of August, 2022, said notice fixing the 30th day of September, 2022, as the final redemption date for the redemption of the delinquent tax liens described in said list; and

It appearing by the *Affidavit of Mailing* of Patricia Schimmel, County Treasurer, on file herein, that on the 29th day of July, 2022, 1st day of August, 2022 and 4th day of August, 2022, she mailed by certified mail to the last known post office address of each owner and mortgagee of record as shown in the List of Tax Liens identified in the caption hereof, a copy of the Petition herein and the list of all tax liens as to include the description of the particular parcel or parcels in which each such owner or mortgagee held any interest of record; and

It appearing that David H. Raihle, Jr., an attorney at law of Chippewa County, Wisconsin, was appointed Guardian ad Litem for all persons known or unknown who have or may have an interest in the lands described in said List of Tax Liens and who are or may be minors or incompetents at the date of filing of such list in the office of the Clerk of Circuit Court and based on his *Report of Guardian Ad Litem*, filed with the Court on the 23rd day of August, 2022, there are no minors or incompetents that can be determined to have an interest in any of the said delinquent tax parcels; and

It appearing that the military status of the persons having or claiming an interest in the lands described in said list is unknown, and that an order authorizing judgment against such persons pursuant to law has been entered herein; and

It appearing from the *Affidavit of Redemption Prior to Judgment* of Patricia Schimmel, County Treasurer of Chippewa County, filed on the 7th day of October, 2022, that the delinquent taxes for Item Nos. 3, 7, 8, 10, 11, 26, 37 and 38, as set forth in the *List of Tax Liens of Chippewa County Being Foreclosed By Proceeding In Rem 2022 No. 1*, filed by Ms. Schimmel on the 27th day of July, 2022, remain unredeemed and are subject to foreclosure; and

It appearing that more than thirty (30) days have elapsed since the 30th day of September, 2022, the last date for redemption, and that no answer herein has been served upon the said

Patricia Schimmel, County Treasurer of Chippewa County; and

It appearing from the *Notice of Voluntary Dismissal* filed on the 1st day of November, 2022, that Chippewa County voluntarily dismisses this action, without prejudice, as to Item No. 26 and Item No. 37 as set forth in the *List of Tax Liens of Chippewa County being foreclosed by Proceeding In Rem No. 1*; and

The plaintiff, appearing by Todd A. Pauls, Corporation Counsel, in and for said Chippewa County, and David H. Raihle, Jr., Guardian ad Litem, appearing herein for and on behalf of said minors and incompetents, through the *Report of Guardian Ad Litem* filed with the Court on the 23rd day of August, 2022; and

Proofs of the matters and things alleged in the said list and petition having been duly reviewed by the Court; from which proofs so taken, it satisfactorily appears that the allegations contained in said list and petition are true;

NOW, THEREFORE IT IS ADJUDGED, that Chippewa County, Wisconsin, is vested with an estate in fee simple absolute in all the lands hereinafter described, subject, however, to all unpaid taxes and charges which are subsequent to the latest dated tax lien appearing on the list of tax liens herein and to recorded restrictions as provided in Wis. Stat. §75.14(4);

IT IS FURTHER ORDERED AND ADJUDGED, that all persons, both natural and artificial, including the State of Wisconsin, infants, incompetents, absentees and non-residents who may have had any right, title, interest, claim, lien or equity of redemption in such lands hereinafter described and all persons claiming under or through them or any of them from and after the date of filing the said list of tax liens as aforesaid are forever barred and foreclosed of such right, title, interest, claim, lien or equity of redemption;

IT IS FURTHER ORDERED AND ADJUDGED, that in the event any Respondent or any heir, successor, assign, or other person, or entity is in possession of any parcel for which judgment is granted, Chippewa County may, without further notice, obtain a writ of assistance from the Court ordering the Chippewa County Sheriff's Department to remove the occupying party or parties from the subject parcel. Respondent and any person or entity claiming under the

Respondent are enjoined from committing waste upon the premises and from taking any other action that may impair the value of the premises.

The following is the description of the lands remaining unredeemed and affected by this judgment:

<u>Listing Number</u>	<u>Municipality</u>	<u>Legal Description</u>
3	Eagle Point	GREENFIELD PARK ADDITION PRT LOT 5 PCL BEG @ INTER E LN HWY 124 & S LN 88TH AVE; E 150', S 58', S 36 D W 165.36', S 12' TO S LN NW NW, W 50' TO HWY 124, N 201.70' TO POB. PCL RETAINED IN V789 P690 Sct/Twn/Rng 29 29N 08W Parcel Nbr:22908-2922-65110005B
7	Town of Ruby	SW SE PCL BEG 165' E OF SW COR; N 1320', E 165', S 1320', W 165' TO POB. Sct/Twn/Rng 11 31N 05W Parcel Nbr: 23105-1143-07510000
8	Town of Ruby	NE SE PCL BEG 370' N OF S LN ON W LN CTY HWY G; W 300', N 375', E 300', S 375' TO POB. Sct/Twn/Rng 28 32N 05W Parcel Nbr: 23205-2841-08000000
10	Town of Sampson	NE NW LOT 1 OF CERT SUR MAP #2205 IN V9 P296 DOC #632015 Sct/Twn/Rng 13 32N 08W Parcel Nbr: 23208-1321-72205001
11	Town of Sigel	SE NW & SW NE OUTLOT 1 OF CERT SUR MAP #2407 IN V10 P329 DOC #656148 SUBJ TO EASEMENT FOR LOT 3 CSM #2423 PER DOC #751817 ALSO FOR LOT 2 CSM #2408 PER DOC #762993. SUBJECT TO EASEMENT PER DOC #858873. Sct/Twn/Rng 14 28N 07W Parcel Nbr: 22807-1424-72407OL01
38	City of Cornell	SE SW PCL BEG @ SE COR; N 133', W 133', S

133', E 133' TO POB.
Sct/Twn/Rng 20 31N 06W
Parcel Nbr: 23106-2034-08750000

Dated this 10th day of November, 2022.

BY THE COURT:

BY THE COURT:

Honorable Benjamin J. Lane
Circuit Court Judge
Chippewa County, Wisconsin

Drafted By:
Todd A. Pauls
State Bar #1037578
Chippewa County Corporation Counsel
711 North Bridge Street, #102
Chippewa Falls, WI 54729
715-726-4595

State of Wisconsin
County of Oconto
This document is a true and correct
copy of the original on file and of record
in my office and has been compared by me
Attest November 11, 2022
Karen J. Hepler Clerk
Maria Trubin Deputy Clerk

- 5 -

SEAB



STATEMENT OF EXPLANATION

5.2

1981-0024 - STELTER INC - CUP RENEWAL - TOWN OF LAFAYETTE

To renew a non-metallic mine (Colony Pit) in the Agricultural District in accordance with sections 70-71(b)(2), 70-108 and 70-180 through 70-187 of the Chippewa County Zoning Ordinance on parcels of land located in the NW 1/4, Section 10, Township 28 North, Range 08 West. Town of Lafayette. Physical Address: 5695 160th Street.

Chippewa County Zoning Department

711 N. Bridge Street * Room 9 * Chippewa Falls, WI 54729 * Telephone: (715) 726-7940 * Fax: (715) 726-4596

Wednesday, December 7, 2022

Mailing Address:

Ryan Stelter
Stelter Inc
306 4th Ave
Chippewa Falls, WI 54729

Property Address:

5695 160th Street
Town of Lafayette

Dear Mr. Stelter

Our records indicate that Conditional Use Permit #1981-0024 for your non-metallic mine in the Town of Lafayette will expire on 1/21/2023. To continue mining operations, **submit a letter and the fee with the following information to the planning and zoning office by Wednesday, December 14, 2022**, in order to be on the January 19, 2023 planning and zoning committee meeting.

1. **Any modifications to the plans or the NR 135 Narrative will need to be submitted to the planning and zoning office by Friday, December 16, 2022. If you are changing the plans you will need to contact LCFM immediately.**

If there are no changes to the permit submit \$150.00 for the hearing. If you are expanding or making modifications you will need to submit \$350.00 for the public hearing. Make checks payable to Chippewa County Treasurer.

Failure to make these deadlines, will result in no mining activity or hauling from this site until a new permit has been issued.

If you have any questions, please contact the Planning and Zoning Office.

Sincerely

Renee Daken
Zoning Secretary

Attachment: Public Notices & Maps (7496 : 1981-0024 - Stelter Inc - CUP Renewal)

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone: 715.726.7940 • Fax: 715.726.4596 • www.co.chippewa.wi.us •

Land Management

Land Planning

Land Records & G.I.S.

POWTS & Wells

Date: December 28, 2022

To: Property Owner(s)

From: Doug Clary, Zoning Administrator

Re: Request for a Renewal
1981-0024 – Conditional Use Permit for a Non-Metallic Mine
Colony Pit – Town of Lafayette

Dear Property Owner(s):

On January 21, 2021, the Planning & Zoning Committee approved the renewal of Conditional Use Permit (CUP) 1981-0024, which allowed Stelter Inc a non-metallic mine referred to as the Colony Pit. The CUP will expire on January 21, 2023. Section 70-184(d) of the Zoning Ordinance requires the non-metallic mine operators to submit a request for the renewal of a CUP at least 45 calendar days prior to the expiration date of the existing conditional use permit.

Stelter Inc renewal request indicates that they are not seeking any changes to the approved plans or requesting any changes to the conditions on the CUP. Thus, they are not required to include any items shown on previously submitted documents. A public hearing is not required on this CUP renewal request because there are no changes requested. However, a public informational hearing can be requested by a person who owns property within 660 feet of the proposed nonmetallic mining site.

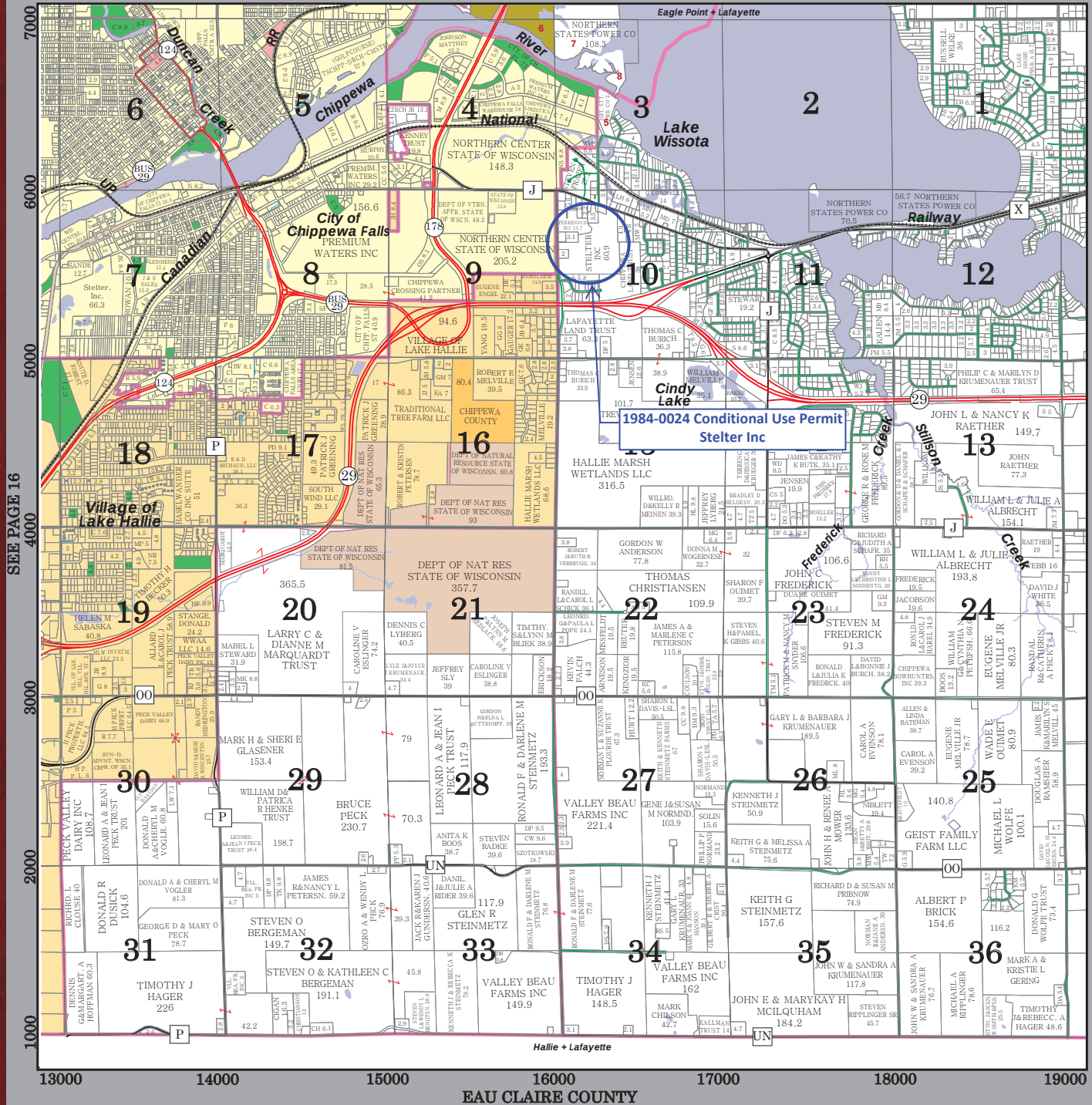
Please be advised that the Planning & Zoning Committee will be reviewing this CUP renewal request at their **January 19, 2023** meeting. If the Department does not receive a request for a public hearing prior to this date, then I anticipate the CUP will be renewed by the Planning & Zoning Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and of the zoning ordinance.

If you have any questions, please feel free to contact me at (715) 726-7941.

Attachment: Public Notices & Maps (7496 : 1981-0024 - Stelter Inc - CUP Renewal)



SEE PAGE 30



EAU CLAIRE COUNTY

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All acreages are computed & rounded to the closest tenth acre, roadways are excluded from totals. All mapping is for reference only and is not intended, or to be used for any legal purpose.



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ROBERT A THORSON

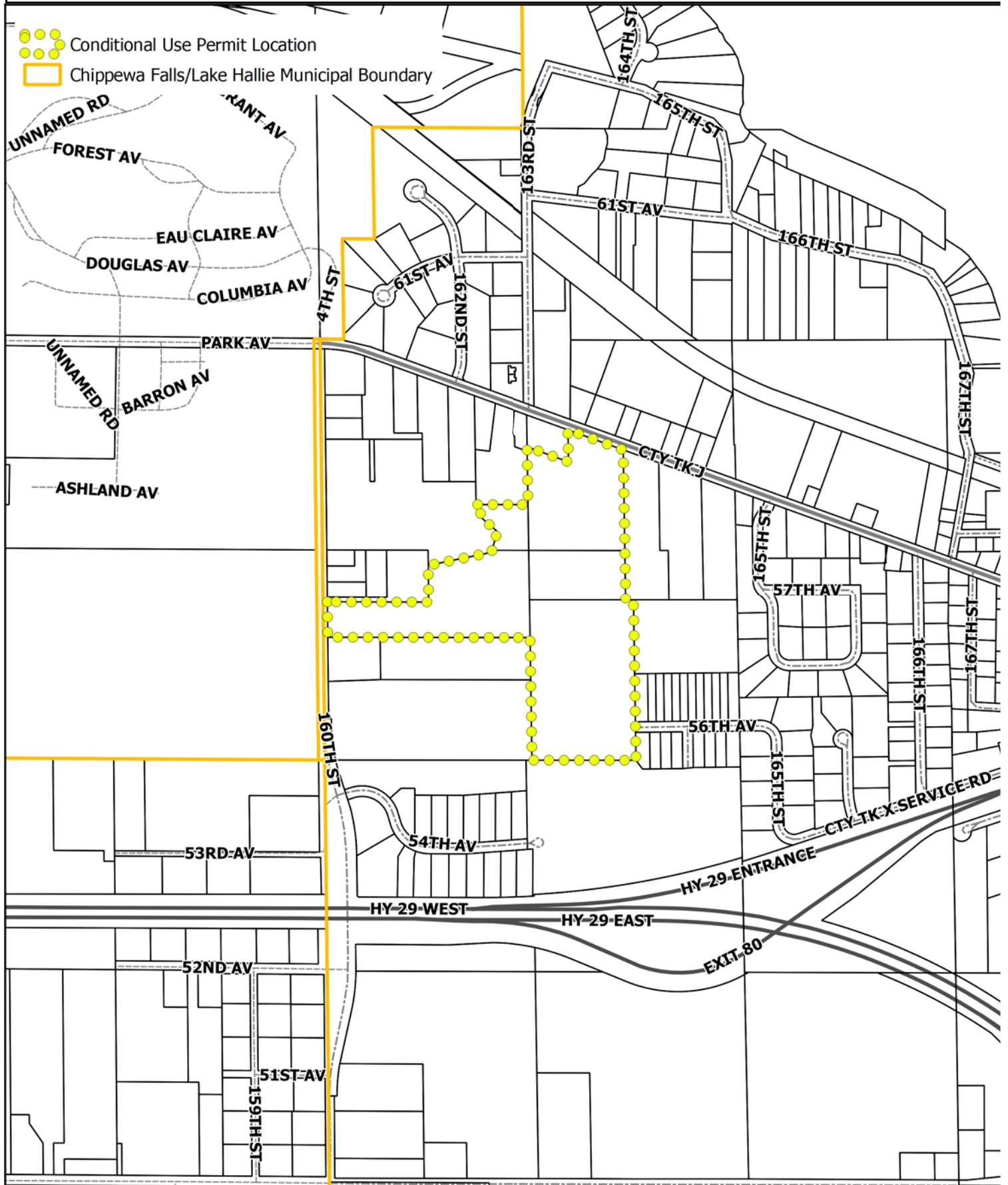
ATTORNEY AT LAW

220 W. Willow Street
P.O. Box 636
Chippewa Falls, WI 54729

Telephone: (715) 723-0375
Facsimile: (715) 723-7222
Email: bobthorson@sbcglobal.net

Website: www.Thorsonlawoffice.com

1981-0024 Stelter Inc - Colony Pit
Conditional Use Permit Petition - Location Map

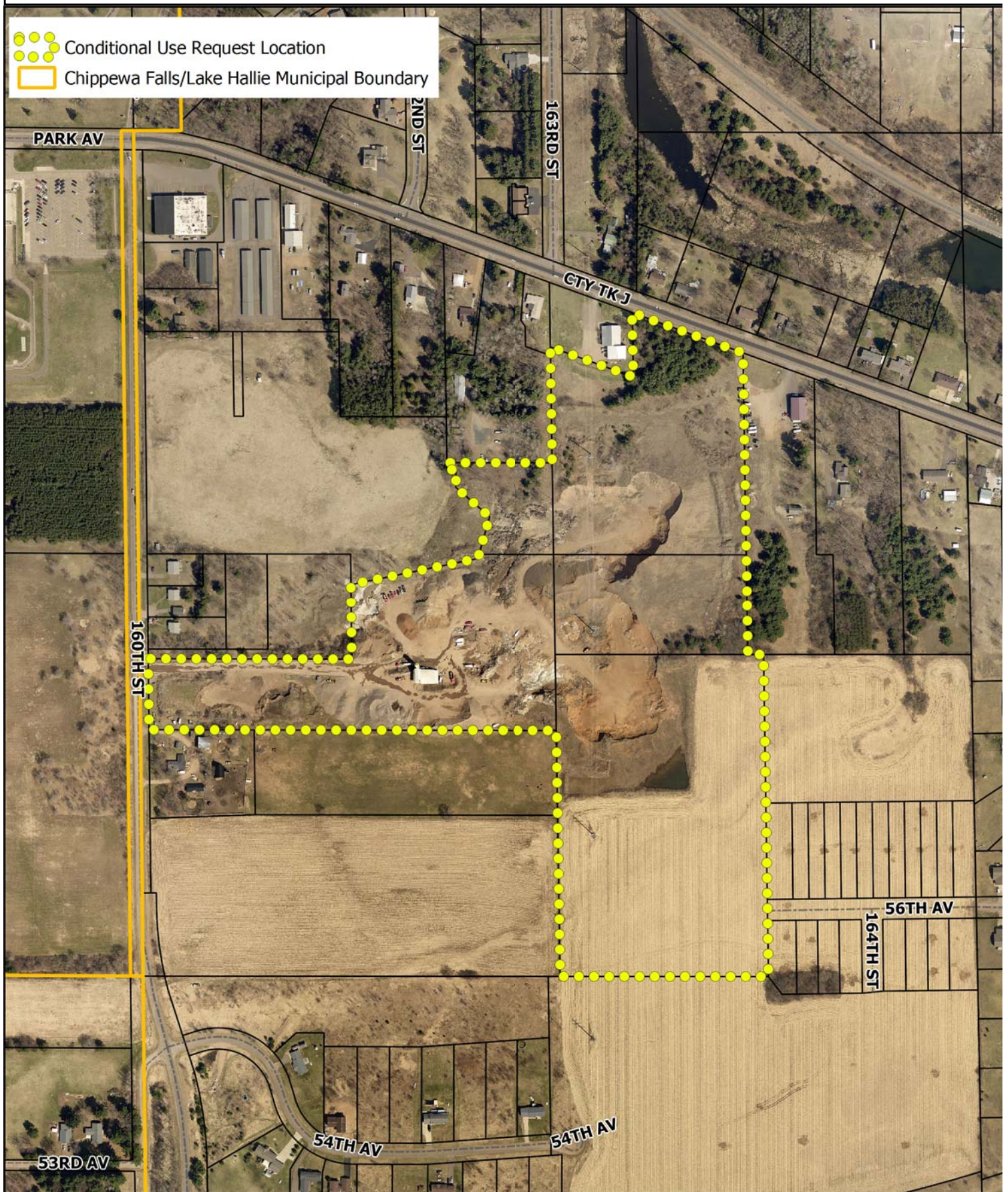


Attachment: Public Notices & Maps (7496 : 1981-0024 - Stelter Inc - CUP Renewal)

1981-0024 Stelter Inc - Colony Pit
Conditional Use Permit Petition - Aerial (2020)

5.2.a

- Conditional Use Request Location
- Chippewa Falls/Lake Hallie Municipal Boundary



Attachment: Public Notices & Maps (7496 : 1981-0024 - Stelter Inc - CUP Renewal)



DRAFT: 2023-01-13

CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE

NOTICE OF ACTION

Conditional Use Permit for a Non-Metallic Mine Colony Pit (Town of Lafayette)

APPEAL NUMBER: 1981-0024

APPROVAL DATE: ~~01-21-2021~~ 01-19-2023

EXPIRATION DATE: ~~01-21-2023~~ 01-31-2027

LAND OWNER(S):

Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 22808-1021-05550000)
Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 22808-1022-08750000)
Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 22808-1023-70239001)
Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 22808-1024-02000000)
Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 22808-1024-06000000)

OPERATOR:

Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724

Dear Stelter Inc.,

On January ~~2419~~, ~~2021~~2023, the Planning & Zoning Committee considered your request for the renewal of a Conditional Use Permit, which would allow for the extraction of natural minerals and resources in the Agricultural District pursuant to 70-71(b)(2), 70-108 and sections 70-180 through 70-187 of the Chippewa County Zoning Ordinance. The lands associated with this particular conditional use permit are located in the NW ¼ of Section 10, Township 28N, Range 08W, Town of Lafayette.

DECISION:

The Planning & Zoning Committee has GRANTED a conditional use permit with the following conditions:

- (1) This is a ~~24~~ year permit and set to expire on January ~~2431~~, ~~2023~~2027. Off-site hauling of material following permit expiration and in case of revocation is prohibited.
- (2) Permit granted to allow mining within the proposed Non-Metallic Mine Boundaries as shown on the submitted information for this Conditional Use Permit.
- (3) Activities to be in compliance with WDNR WPDES Permit.
- (4) Activities to be conducted in compliance with the approved Non-Metallic Mining Reclamation "Plan Narrative" dated April 20, 2001 and the "Initial Site Map", "Site Operations Map", and "Final Site Map" all dated February 20, 2001.
- (5) Operator to follow: 1) All provisions of Chippewa County Non-Metallic Mining Reclamation Ordinance and 2) Wisconsin Administrative Rule NR 135.
- (6) Discharge of water from the site will not allowed. To achieve this the following items are required:
 - a. Maintain berm in the Southeast corner
 - b. Install silt fence around the sand stockpiles
 - c. Separate the stockpiles on the south edge from the berm.
 - d. Stormwater retention ponds inside the pit required.
- (7) Small amounts of demolition materials may be stockpiled and crushed onsite. No burying of this mater onsite, except stumpage as allowed by the WDNR.

Attachment: 1981-0024 Stelter Inc - Colony Pit - CUP Renewal 2023 - DRAFT Decision (7496 : 1981-0024 - Stelter Inc - CUP Renewal)

DRAFT: 2023-01-13

- (8) Completion of restoration activities within one year of permit expiration.
- (9) It is the responsibility of the landowner and/or lease holder to keep all permits current.
- (10) Hours of operation 7:00 a.m. to 5:30 p.m. Monday through Friday, No Saturdays, Sundays or holidays. Hours of operation for hauling to be 6:00 a.m. to 9:00 p.m. Monday through Friday, No Saturdays, Sundays or holidays. All other hours to be brought before the Planning & Zoning Committee for approval.
- (11) Product stockpiles must meet the property boundary setback of 50 feet.
- (12) Topsoil stockpiles and reconstructed berms are to be seeded down.
 - a. Per the Land Conservation & Forest Management Inspection form dated 09-03-2020, Regrade topsoil berm on west side of the mine to a maximum height of 8 feet with slopes of 3:1. Mow and seed all soil berms with WisDOT mix #20 by June 2, 2021.
- (13) No mining below ground water elevation is allowed under this permit.
- (14) Maintain a 250' setback from Cooper well (Parcel: 22809-1021-04750000, 16315 CTH J), squared off parallel to the property line. (This is equivalent to the 100' property line separation distance along the north property line). Berms are allowed inside 250' setback).
- (15) Sign by entrance stating pit owner, pit operator and hours of operation.
- (16) Gate on the pit.

A complete record of the hearing and the decision of the Planning & Zoning Committee are available for inspection in the Chippewa County Planning & Zoning Department, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin. Information can be reviewed and/or requested between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays.

RENEWAL OF THE CONDITIONAL USE PERMIT:

The Planning & Zoning Committee may renew conditional use permits authorizing nonmetallic mining activities subject to the following:

- (1) Applications for the renewal of a conditional use permit must be submitted at least 45 calendar days prior to the expiration date of the existing conditional use permit. Applications are not required to include any items shown on previously submitted applications, unless the information has changed. Renewal applications may merely indicate no change in such items. Any proposed changes from prior applications shall be required to submit the applicable required information under this division.
- (2) Unless a public informational hearing is requested by a person who owns property within 660 feet of the proposed nonmetallic mining site, no public hearing shall be required to be held with the respect to the conditional use permit renewal application. However, if the application provides for an enlargement of a permitted nonmetallic mining site, or otherwise provides for an alteration or change in the method of operations or reclamation previously approved, a new conditional use permit shall be required and approved by the Committee only after finding such change will not adversely properties within 660'..
- (3) Conditional Use Permit renewals may be conditioned upon correction of any unanticipated environmental impacts, which occurred during the term of initial or renewal permits.
- (4) The conditional use permit may be renewed by the Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and this division. To ensure compliance, the Department shall bi-annually inspect the nonmetallic mining operation.

TERMINATION:

This conditional use permit shall not be terminated or denied without first providing the operator with a notice of a public hearing and a public hearing at which the operator shall be given the right to respond to any alleged noncompliance of the conditions of the permit and this division. Termination or non-renewal shall occur only in the event of an operator's failure to comply with any material term of the initial or renewed conditional use permit, the Reclamation Plan, the performance standards incorporated herein, or upon a significant change, as determined by the Committee, in material circumstances

DRAFT: 2023-01-13

rendering continued operation under the conditional use permit to be contrary to the health, safety, or welfare of the County.

TRANSFER OF PERMIT:

In the event an operator succeeds the interest of another at an uncompleted non-metallic mine site, the former operator shall be released of the responsibilities imposed by the current permit issued to the former operator upon satisfaction of the following conditions.

- (1) The non-metallic mine site is in compliance with the requirements of this division and the permit for the operation of the non-metallic mine site.
- (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire permitted non-metallic mining site by a written, signed and notarized document and provides adequate financial assurance for approved reclamation of the non-metallic mine site.

NON-METALLIC MINE SITE ENLARGEMENT:

Any proposed non-metallic mining site enlargement shall be processed as a new application pursuant to this division. All provisions of this division shall apply to the proposed enlargement.

FAILURE TO OPEN AND OPERATE:

Failure of an operator to take substantial steps to open and operate a non-metallic mining site within 1 year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future non-metallic mining activity.

ABANDONMENT OF NON-METALLIC MINE OPERATIONS:

Any non-metallic mine site on which no non-metallic mining activity has taken place for 24 consecutive months shall be determined to be abandoned. If the abandonment of a non-metallic mine site occurs, the conditional use permit shall be terminated and all applicable reclamation standards and bonds shall be enforced or executed. Non-metallic mining operations shall not be conducted within the boundaries of the previously permitted non-metallic mine site, unless a new non-metallic mine permit has been issued under this division.

WRIT OF CERTIORARI

Any person or persons jointly or severally aggrieved by this decision of the Planning & Zoning Committee or any taxpayer, or any officer, department, board or bureau of the County, may commence an action in the circuit court for writ of certiorari to review the legality of such decision.

Dated this ~~22nd~~ **23rd** day of **January, 2021**~~2023~~.

By the Order of the Planning & Zoning Committee.



Douglas Clary, Director
 Department of Planning & Zoning

CC: David Staber, Lafayette Town Chair – *via email*
~~Dan Masterpole~~ Lynda Schweikert, Land County Conservationist, Chippewa County DLCFM – *via email*
 File

Attachment: 1981-0024 Stelter Inc - Colony Pit - CUP Renewal 2023 - DRAFT Decision (7496 : 1981-0024 - Stelter Inc - CUP Renewal)



STATEMENT OF EXPLANATION

5.3

2004-0010 - CHARLES & CATHY MORNING TRUST ETAL(STELTER INC) - CUP RENEWAL - TOWN OF EAGLE POINT

To allow renewal of a non-metallic mine (Morning East) in the Agricultural District in accordance with sections 70-71(b)(2), 70-108 and 70-180 through 70-187 of the Chippewa County Zoning Ordinance on parcels located in the SW 1/4 of the NW 1/4 and the NE 1/4 of the SE 1/4, Section 05, Township 30 North, Range 08 West. Town of Eagle Point. Physical Address: 18253 State Hwy 124.

Chippewa County Zoning Department

711 N. Bridge Street * Room 9 * Chippewa Falls, WI 54729 * Telephone: (715) 726-7940 * Fax: (715) 726-4596

Wednesday, December 7, 2022

Mailing Address:

Ryan Stelter
Stelter Inc
306 4th Ave
Chippewa Falls, WI 54729

Property Address:

State Hwy 124
Town of Eagle Point

Dear Mr. Stelter

Our records indicate that Conditional Use Permit #2004-0010 for your non-metallic mine in the Town of Eagle Point will expire on 2/18/2023. To continue mining operations, **submit a letter and the necessary fee with the following information to the planning and zoning office by Wednesday, December 14, 2022**, in order to be on the January 19, 2023 planning and zoning committee meeting.

1. **Any modifications to the plans or the NR 135 Narrative will need to be submitted to the planning and zoning office by Friday, December 16, 2022. If you are changing the plans you will need to contact LCFM immediately.**

If there are no changes to the expired permit submit \$150.00 for the hearing. If you are expanding or making modifications you will need to submit \$350.00 for the public hearing. Make checks payable to Chippewa County Treasurer.

Failure to make these deadlines, will result in no mining activity or hauling from this site until a new permit has been issued.

If you have any questions, please contact the Planning and Zoning Office.

Sincerely

Renee Daken
Zoning Secretary

Attachment: Public Notices & Maps (7498 : 2004-0010 - Charles & Cathy Morning Trust ETAL - CUP Renewal)

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone: 715.726.7940 • Fax: 715.726.4596 • www.co.chippewa.wi.us •

Land Management

Land Planning

Land Records & G.I.S.

POWTS & Wells

Date: December 28, 2022

To: Property Owner(s)

From: Doug Clary, Zoning Administrator

Re: Request for a Renewal
2004-0010 – Conditional Use Permit for a Non-Metallic Mine
Morning East Pit – Town of Eagle Point

Dear Property Owner(s):

On February 18, 2021, the Planning & Zoning Committee approved the renewal of Conditional Use Permit (CUP) 2004-0010, which allowed Stelter Inc a non-metallic mine referred to as the Morning East Pit. The CUP will expire on February 18, 2023. Section 70-184(d) of the Zoning Ordinance requires the non-metallic mine operators to submit a request for the renewal of a CUP at least 45 calendar days prior to the expiration date of the existing conditional use permit.

Stelter Inc renewal request indicates that they are not seeking any changes to the approved plans or requesting any changes to the conditions on the CUP. Thus, they are not required to include any items shown on previously submitted documents. A public hearing is not required on this CUP renewal request because there are no changes requested. However, a public informational hearing can be requested by a person who owns property within 660 feet of the proposed nonmetallic mining site.

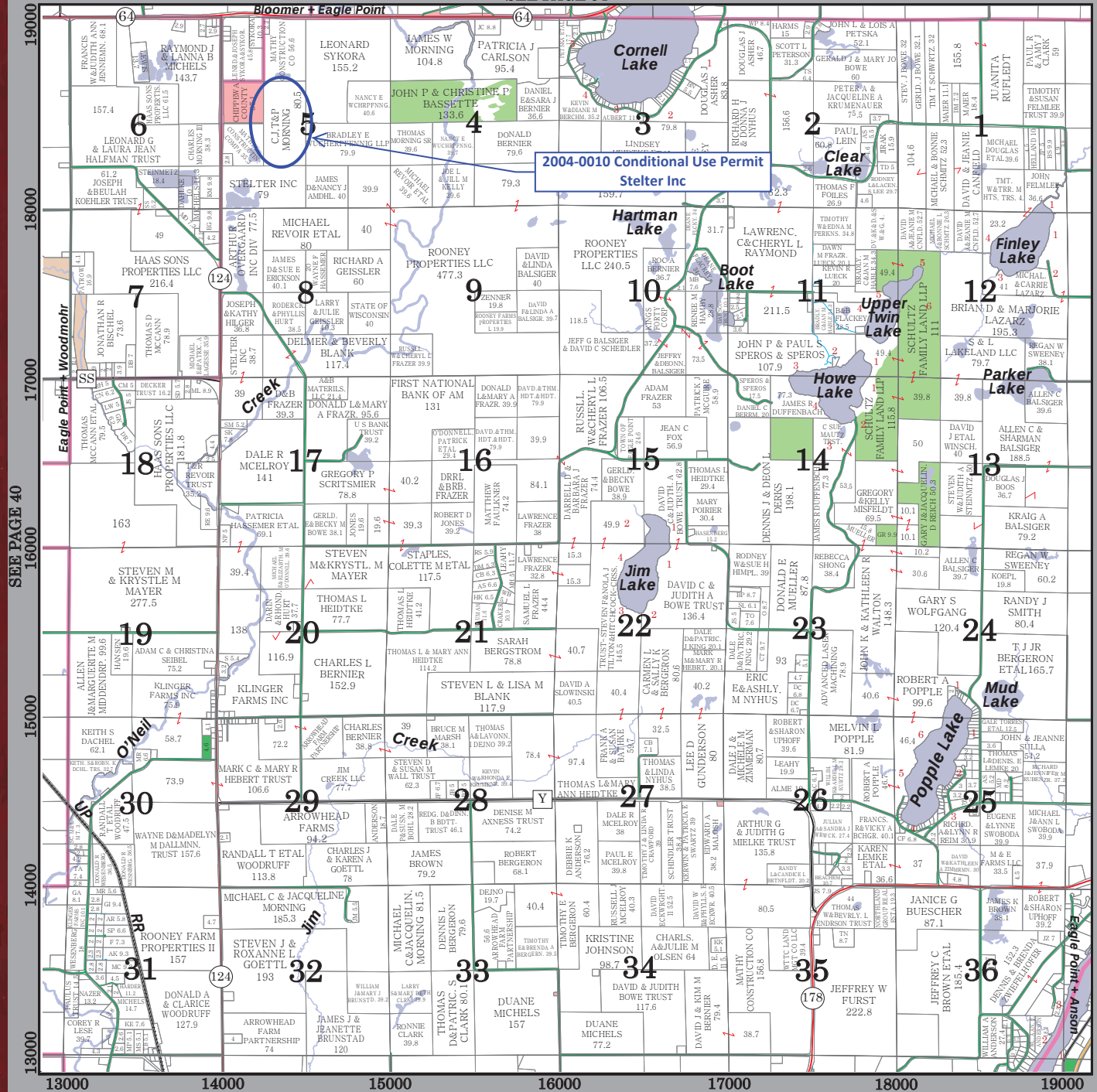
Please be advised that the Planning & Zoning Committee will be reviewing this CUP renewal request at their **January 19, 2023** meeting. If the Department does not receive a request for a public hearing prior to this date, then I anticipate the CUP will be renewed by the Planning & Zoning Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and of the zoning ordinance.

If you have any questions, please feel free to contact me at (715) 726-7941.

Attachment: Public Notices & Maps (7498 : 2004-0010 - Charles & Cathy Morning Trust ETAL - CUP Renewal)



SEE PAGE 54

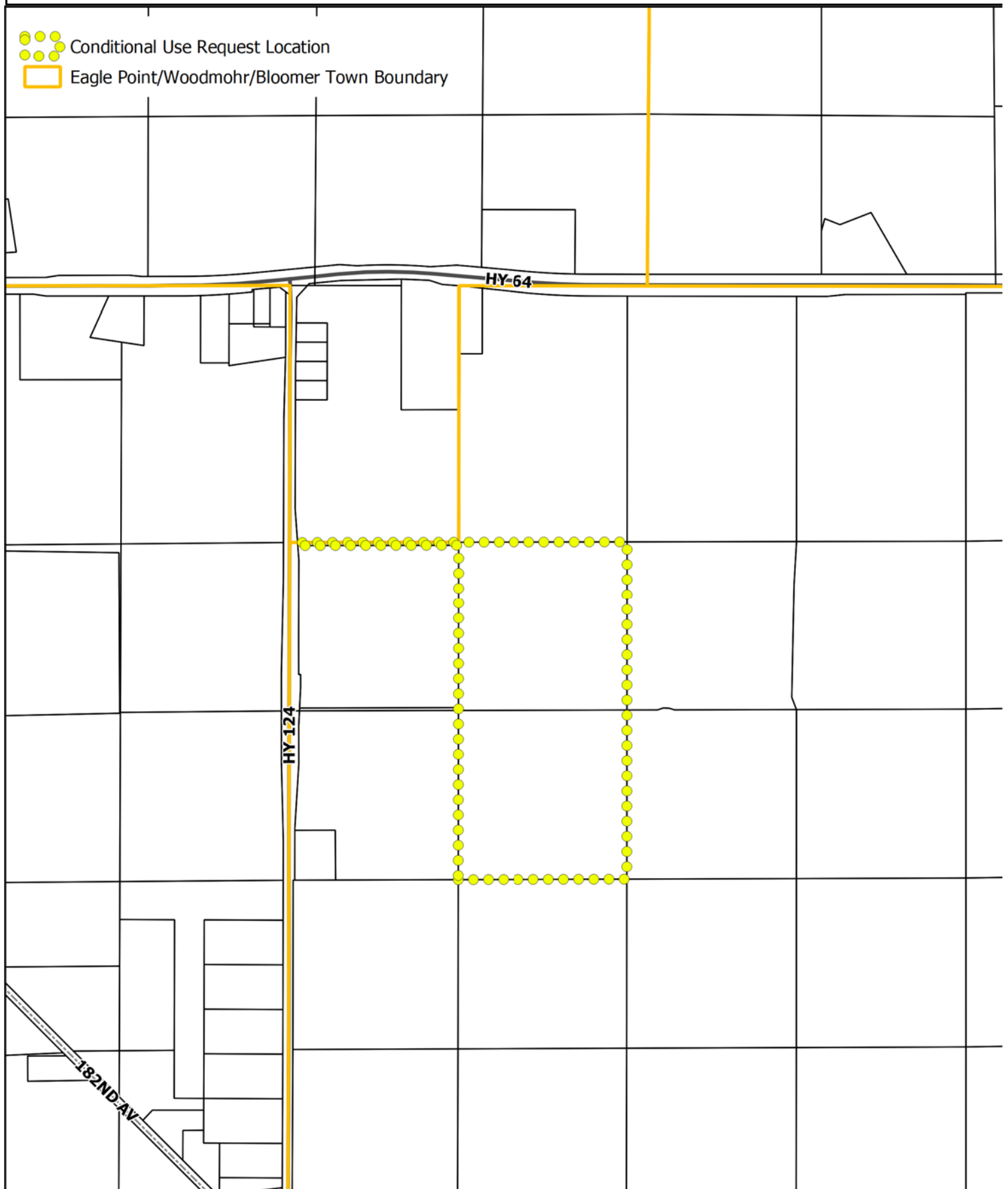


SEE PAGE 30

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All acreages are computed & rounded to the closest tenth acre, roadways are excluded from totals. All mapping is for reference only and is not intended, or to be used for any legal purpose.

Attachment: Public Notices & Maps (7498 : 2004-0010 - Charles & Cathy Morning Trust ETAL - CUP Renewal)

2004-0010 Stelter Inc (Morning East Pit) - Conditional Use Permit - Location Map

Attachment: Public Notices & Maps (7498 : 2004-0010 - Charles & Cathy Morning Trust ETAL - CUP Renewal)

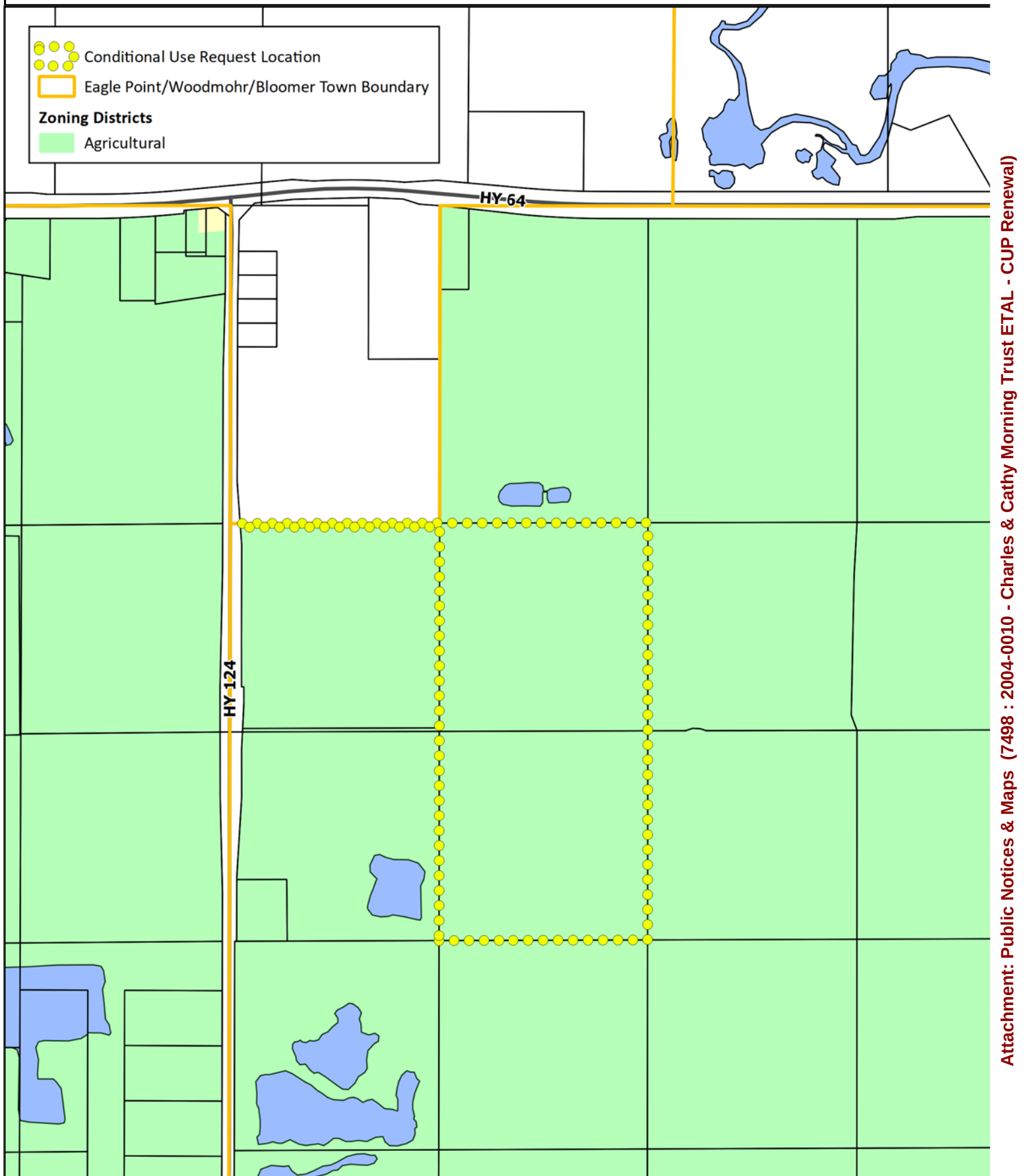
2004-0010 Stelter Inc (Morning East Pit) - Conditional Use Permit - Aerial (2020)

-  Conditional Use Request Location
-  Eagle Point/Woodmohr/Bloomer Town Boundary



Attachment: Public Notices & Maps (7498 : 2004-0010 - Charles & Cathy Morning Trust ETAL - CUP Renewal)

2004-0010 Stelter Inc (Morning East Pit) - Conditional Use Permit - Zoning Districts



DRAFT: 2023-01-13

CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE

NOTICE OF ACTION

Conditional Use Permit for a Non-Metallic Mine Morning East Pit (Town of Eagle Point)

APPEAL NUMBER: 2004-0010

APPROVAL DATE: ~~02-18-2021~~ 01-19-2023

EXPIRATION DATE: ~~02-18-2023~~ 01-31-2027

LAND OWNER(S):

Charles Morning III Etal, 13951 State Hwy 124, Bloomer, Wisconsin 54724

(Parcel #: 23008-0524-00000001)

Charles Morning III Etal, 13951 State Hwy 124, Bloomer, Wisconsin 54724

(Parcel #: 23008-0531-00000000)

OPERATOR:

Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724

Dear Mr. Morning & Mr. Stelter,

On ~~February 18, 2021~~ January 19, 2023, the Planning & Zoning Committee considered your request for a renewal of a Conditional Use Permit, which ~~would~~ allowed for the extraction of natural minerals and resources in the Agricultural District pursuant to 70-71(b)(2), 70-108 and sections 70-180 through 70-187 of the Chippewa County Zoning Ordinance. The land associated with this particular conditional use permit is located in the SE ¼ of the NW ¼ and the NE ¼ of the SW ¼, Section 05, Town 30, Range 08. Physical Address: State Highway 124. Town of Eagle Point.

DECISION:

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

- (1) This is a **24-year permit**, set for renewal prior to ~~February 18, 2023~~ January 31, 2027. No off-site hauling of material following permit expiration and in case of revocation.
- (2) Permit granted to allow mining within the proposed Non-Metallic Mine Boundaries as shown on the submitted information for this Conditional Use Permit.
- (3) Activities to be in compliance with WDNR WPDES Permit.
- (4) No discharge of water to be allowed from this site.
- (5) Hours of operation will be Monday through Friday 6:00 a.m. to 9:00 p.m. Saturdays 6:00 a.m. to 3:00 p.m. No Sundays or Holidays. All other hours to be brought before the Planning & Zoning Committee for special approval.
- (6) Allow onsite storage of demolition asphalt and concrete for recycling purposes only. Burying of asphalt or concrete is prohibited.
- (7) Operator to follow: 1) All provisions of Chippewa County Non-Metallic Mining Reclamation Ordinance and 2) Wisconsin Administrative Rule NR 135.
- (8) Activities to be conducted in compliance with the approved Non-Metallic Mining Reclamation "Plan Narrative" dated January 28, 2004 and the "Initial Site Map", "Site Operations Map", and "Final Site Map" all dated April 17, 2003.
- (9) It shall be the responsibility of the landowner and/or lease holder to keep all permits current.
- (10) Sign by entrance stating pit owner and operator as well as hours of operation.
- (11) Entrance/exit to pit to be allowed from the existing Stelter Inc mine to the south only.
- (12) Maintain 100 foot mining separation from the onsite wetlands.

DRAFT: 2023-01-13

- (13) Mining is allowed to the shared property line between Morning and the Chippewa County land. (The SW ¼ of the NW ¼, Section 5, Township 30N, Range 08W only.)

A complete record of the hearing and the decision of the Planning & Zoning Committee are available for inspection in the Chippewa County Planning & Zoning Department, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin. Information can be reviewed and/or requested between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays.

RENEWAL OF THE CONDITIONAL USE PERMIT:

The Planning & Zoning Committee may renew conditional use permits authorizing nonmetallic mining activities subject to the following:

- (1) Applications for the renewal of a conditional use permit must be submitted at least 45 calendar days prior to the expiration date of the existing conditional use permit. Applications are not required to include any items shown on previously submitted applications, unless the information has changed. Renewal applications may merely indicate no change in such items. Any proposed changes from prior applications shall be required to submit the applicable required information under this division.
- (2) Unless a public informational hearing is requested by a person who owns property within 660 feet of the proposed nonmetallic mining site, no public hearing shall be required to be held with the respect to the conditional use permit renewal application. However, if the application provides for an enlargement of a permitted nonmetallic mining site, or otherwise provides for an alteration or change in the method of operations or reclamation previously approved, a new conditional use permit shall be required and approved by the Committee only after finding such change will not adversely properties within 660'.
- (3) Conditional Use Permit renewals may be conditioned upon correction of any unanticipated environmental impacts, which occurred during the term of initial or renewal permits.
- (4) The conditional use permit may be renewed by the Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and this division. To ensure compliance, the Department shall bi-annually inspect the nonmetallic mining operation.

TERMINATION:

This conditional use permit shall not be terminated or denied without first providing the operator with a notice of a public hearing and a public hearing at which the operator shall be given the right to respond to any alleged noncompliance of the conditions of the permit and this division. Termination or non-renewal shall occur only in the event of an operator's failure to comply with any material term of the initial or renewed conditional use permit, the Reclamation Plan, the performance standards incorporated herein, or upon a significant change, as determined by the Committee, in material circumstances rendering continued operation under the conditional use permit to be contrary to the health, safety, or welfare of the County.

TRANSFER OF PERMIT:

In the event an operator succeeds the interest of another at an uncompleted non-metallic mine site, the former operator shall be released of the responsibilities imposed by the current permit issued to the former operator upon satisfaction of the following conditions.

- (1) The nonmetallic mine site is in compliance with the requirements of this division and the permit for the operation of the nonmetallic mine site.
- (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire permitted nonmetallic mining site by a written, signed and notarized document and provides adequate financial assurance for approved reclamation of the nonmetallic mine site.

NONMETALLIC MINE SITE ENLARGEMENT:

Any proposed nonmetallic mining site enlargement shall be processed as a new application pursuant to this division. All provisions of this division shall apply to the proposed enlargement.

APPEAL NUMBER: 2004-0010

APPROVAL DATE: ~~February 18, 2021~~ January 19, 2023DRAFT: 2023-01-13**FAILURE TO OPEN AND OPERATE:**

Failure of an operator to take substantial steps to open and operate a nonmetallic mining site within 1 year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future nonmetallic mining activity.

ABANDONMENT OF NONMETALLIC MINE OPERATIONS:

Any nonmetallic mine site on which no nonmetallic mining activity has taken place for 24 consecutive months shall be determined to be abandoned. If the abandonment of a nonmetallic mine site occurs, the conditional use permit shall be terminated and all applicable reclamation standards and bonds shall be enforced or executed. Nonmetallic mining operations shall not be conducted within the boundaries of the previously permitted nonmetallic mine site, unless a new nonmetallic mine permit has been issued under this division.

WRIT OF CERTIORARI

Any person or persons jointly or severally aggrieved by this decision of the Planning & Zoning Committee or any taxpayer, or any officer, department, board or bureau of the County, may commence an action in the circuit court for writ of certiorari to review the legality of such decision.

Dated this 19th day of ~~February, 2021~~ January 19, 2023.

By the Order of the Planning & Zoning Committee.



Douglas Clary, Director
Department of Planning & Zoning

CC: Dennis Ferstenou, Eagle Point Town Chair - *via email*
~~Dan Masterpole~~ Lynda Schwiekert, County Land Conservationist, DLCFM – *via email*
File



STATEMENT OF EXPLANATION
2012-0006 - CHARLES & CATHY MORNING (STELTER INC) - CUP
RENEWAL - TOWN OF WOODMOHR

5.4

To allow renewal of a non-metallic mine (Morning West) in the Agricultural District in accordance with sections 70-71(b)(2), 70-108 and 70-180 through 70-187 of the Chippewa County Zoning Ordinance on a parcel which is located in the NE 1/4 of the SE 1/4, Section 06, Township 30 North, Range 08 West. Town of Woodmohr. Physical Address: 18404 State Hwy 124.

Chippewa County Zoning Department

711 N. Bridge Street * Room 9 * Chippewa Falls, WI 54729 * Telephone: (715) 726-7940 * Fax: (715) 726-4596

Wednesday, December 7, 2022

Mailing Address:

Ryan Stelter
Stelter Inc
306 4th Ave
Chippewa Falls, WI 54729

Property Address:

5695 160th Street
Town of Lafayette

Dear Mr. Stelter

Our records indicate that Conditional Use Permit #1981-0024 for your non-metallic mine in the Town of Lafayette will expire on 1/21/2023. To continue mining operations, **submit a letter and the fee with the following information to the planning and zoning office by Wednesday, December 14, 2022**, in order to be on the January 19, 2023 planning and zoning committee meeting.

1. **Any modifications to the plans or the NR 135 Narrative will need to be submitted to the planning and zoning office by Friday, December 16, 2022. If you are changing the plans you will need to contact LCFM immediately.**

If there are no changes to the permit submit \$150.00 for the hearing. If you are expanding or making modifications you will need to submit \$350.00 for the public hearing. Make checks payable to Chippewa County Treasurer.

Failure to make these deadlines, will result in no mining activity or hauling from this site until a new permit has been issued.

If you have any questions, please contact the Planning and Zoning Office.

Sincerely

Renee Daken
Zoning Secretary

Attachment: Public Notices & Maps (7497 : 2012-0006 - Charles & Cathy Morning - CUP Renewal)

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone: 715.726.7940 • Fax: 715.726.4596 • www.co.chippewa.wi.us •

Land Management

Land Planning

Land Records & G.I.S.

POWTS & Wells

Date: December 28, 2022

To: Property Owner(s)

From: Doug Clary, Zoning Administrator

Re: Request for a Renewal
1981-0024 – Conditional Use Permit for a Non-Metallic Mine
Colony Pit – Town of Lafayette

Dear Property Owner(s):

On January 21, 2021, the Planning & Zoning Committee approved the renewal of Conditional Use Permit (CUP) 1981-0024, which allowed Stelter Inc a non-metallic mine referred to as the Colony Pit. The CUP will expire on January 21, 2023. Section 70-184(d) of the Zoning Ordinance requires the non-metallic mine operators to submit a request for the renewal of a CUP at least 45 calendar days prior to the expiration date of the existing conditional use permit.

Stelter Inc renewal request indicates that they are not seeking any changes to the approved plans or requesting any changes to the conditions on the CUP. Thus, they are not required to include any items shown on previously submitted documents. A public hearing is not required on this CUP renewal request because there are no changes requested. However, a public informational hearing can be requested by a person who owns property within 660 feet of the proposed nonmetallic mining site.

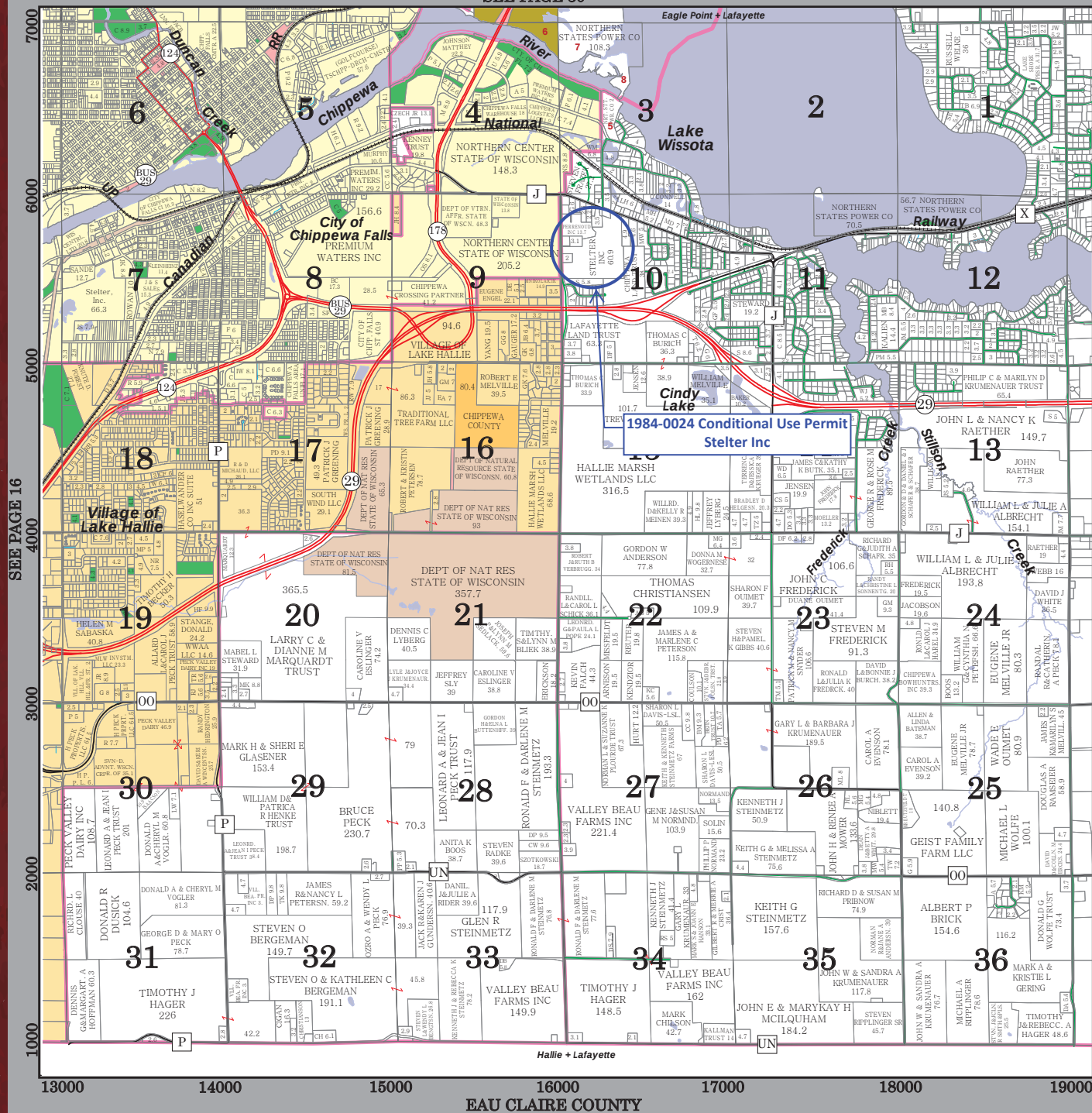
Please be advised that the Planning & Zoning Committee will be reviewing this CUP renewal request at their **January 19, 2023** meeting. If the Department does not receive a request for a public hearing prior to this date, then I anticipate the CUP will be renewed by the Planning & Zoning Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and of the zoning ordinance.

If you have any questions, please feel free to contact me at (715) 726-7941.

Attachment: Public Notices & Maps (7497 : 2012-0006 - Charles & Cathy Morning - CUP Renewal)



SEE PAGE 30



EAU CLAIRE COUNTY

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All acreages are computed & rounded to the closest tenth acre, roadways are excluded from totals. All mapping is for reference only and is not intended, or to be used for any legal purpose.



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ROBERT A THORSON

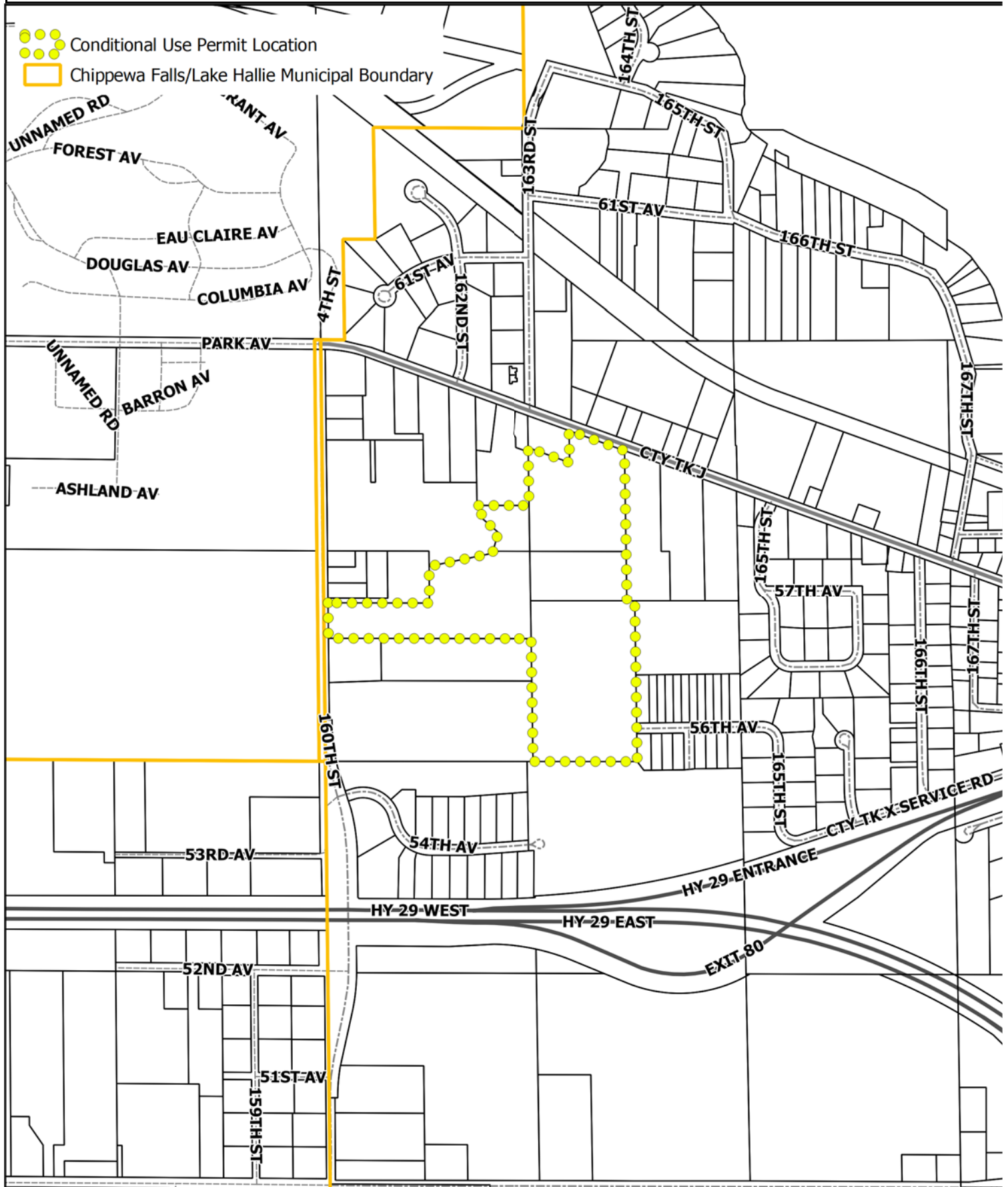
ATTORNEY AT LAW

220 W. Willow Street
P.O. Box 636
Chippewa Falls, WI 54729

Telephone: (715) 723-0375
Facsimile: (715) 723-7222
Email: bobthorson@sbcglobal.net

Website: www.Thorsonlawoffice.com

1981-0024 Stelter Inc - Colony Pit
Conditional Use Permit Petition - Location Map

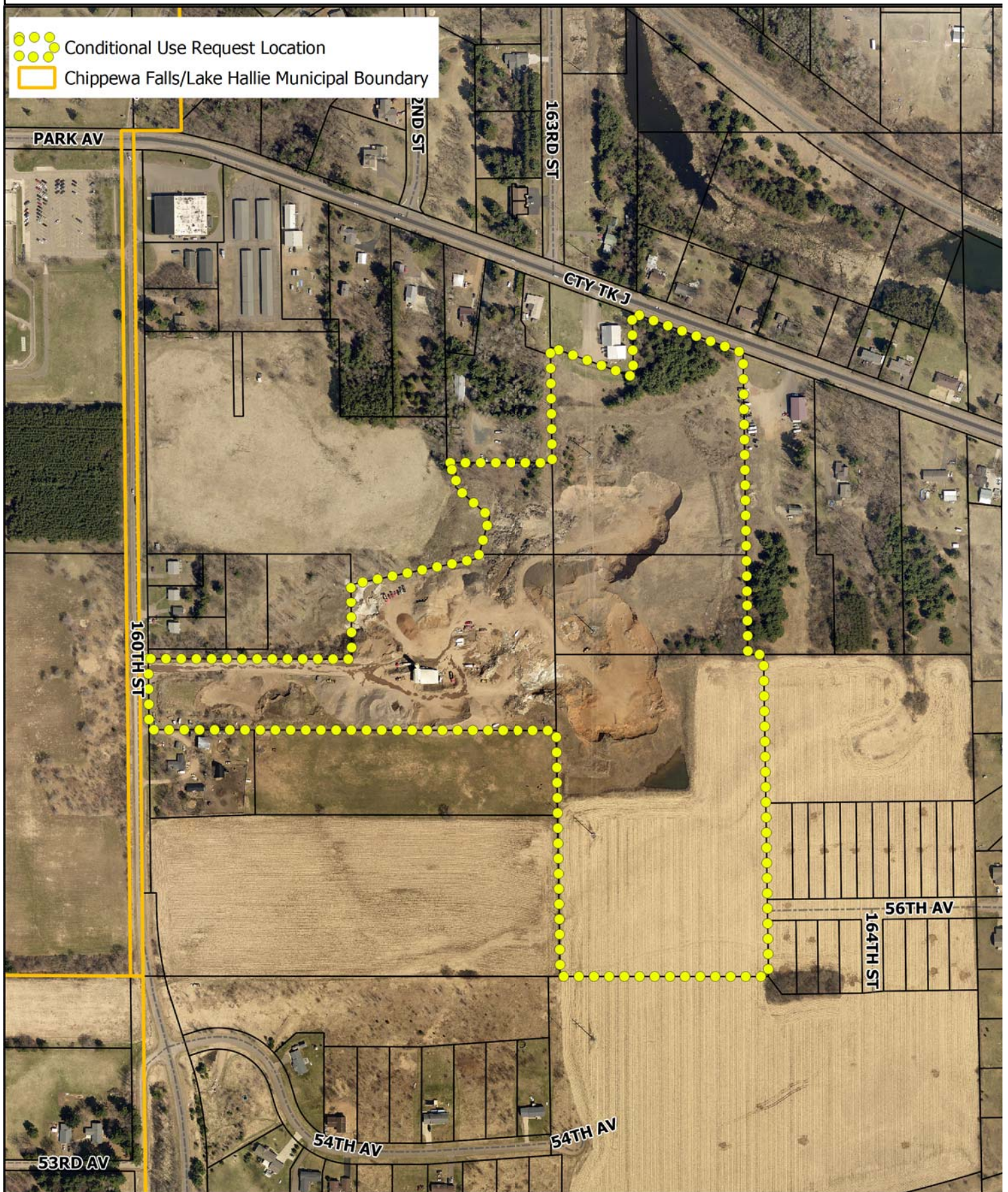


Attachment: Public Notices & Maps (7497 : 2012-0006 - Charles & Cathy Morning - CUP Renewal)

1981-0024 Stelter Inc - Colony Pit
Conditional Use Permit Petition - Aerial (2020)

5.4.a

- Conditional Use Request Location
- Chippewa Falls/Lake Hallie Municipal Boundary



Attachment: Public Notices & Maps (7497 : 2012-0006 - Charles & Cathy Morning - CUP Renewal)

Produced on December 30, 2020 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.



DRAFT: 2023-01-13

CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE

NOTICE OF ACTION

Conditional Use Permit for a Non-Metallic Mine Colony Pit (Town of Lafayette)

APPEAL NUMBER: 1981-0024

APPROVAL DATE: ~~01-21-2021~~ 01-19-2023

EXPIRATION DATE: ~~01-21-2023~~ 01-31-2027

LAND OWNER(S):

Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 22808-1021-05550000)
Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 22808-1022-08750000)
Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 22808-1023-70239001)
Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 22808-1024-02000000)
Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724	(Parcel #: 22808-1024-06000000)

OPERATOR:

Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724

Dear Stelter Inc.,

On January ~~2419~~, ~~2021~~2023, the Planning & Zoning Committee considered your request for the renewal of a Conditional Use Permit, which would allow for the extraction of natural minerals and resources in the Agricultural District pursuant to 70-71(b)(2), 70-108 and sections 70-180 through 70-187 of the Chippewa County Zoning Ordinance. The lands associated with this particular conditional use permit are located in the NW ¼ of Section 10, Township 28N, Range 08W, Town of Lafayette.

DECISION:

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

- (1) This is a **24 year permit** and set to expire on **January ~~2431~~, ~~2023~~2027**. Off-site hauling of material following permit expiration and in case of revocation is prohibited.
- (2) Permit granted to allow mining within the proposed Non-Metallic Mine Boundaries as shown on the submitted information for this Conditional Use Permit.
- (3) Activities to be in compliance with WDNR WPDES Permit.
- (4) Activities to be conducted in compliance with the approved Non-Metallic Mining Reclamation "Plan Narrative" dated April 20, 2001 and the "Initial Site Map", "Site Operations Map", and "Final Site Map" all dated February 20, 2001.
- (5) Operator to follow: 1) All provisions of Chippewa County Non-Metallic Mining Reclamation Ordinance and 2) Wisconsin Administrative Rule NR 135.
- (6) Discharge of water from the site will not allowed. To achieve this the following items are required:
 - a. Maintain berm in the Southeast corner
 - b. Install silt fence around the sand stockpiles
 - c. Separate the stockpiles on the south edge from the berm.
 - d. Stormwater retention ponds inside the pit required.
- (7) Small amounts of demolition materials may be stockpiled and crushed onsite. No burying of this mater onsite, except stumpage as allowed by the WDNR.

DRAFT: 2023-01-13

- (8) Completion of restoration activities within one year of permit expiration.
- (9) It is the responsibility of the landowner and/or lease holder to keep all permits current.
- (10) Hours of operation 7:00 a.m. to 5:30 p.m. Monday through Friday, No Saturdays, Sundays or holidays. Hours of operation for hauling to be 6:00 a.m. to 9:00 p.m. Monday through Friday, No Saturdays, Sundays or holidays. All other hours to be brought before the Planning & Zoning Committee for approval.
- (11) Product stockpiles must meet the property boundary setback of 50 feet.
- (12) Topsoil stockpiles and reconstructed berms are to be seeded down.
 - a. Per the Land Conservation & Forest Management Inspection form dated 09-03-2020, Regrade topsoil berm on west side of the mine to a maximum height of 8 feet with slopes of 3:1. Mow and seed all soil berms with WisDOT mix #20 by June 2, 2021.
- (13) No mining below ground water elevation is allowed under this permit.
- (14) Maintain a 250' setback from Cooper well (Parcel: 22809-1021-04750000, 16315 CTH J), squared off parallel to the property line. (This is equivalent to the 100' property line separation distance along the north property line). Berms are allowed inside 250' setback).
- (15) Sign by entrance stating pit owner, pit operator and hours of operation.
- (16) Gate on the pit.

A complete record of the hearing and the decision of the Planning & Zoning Committee are available for inspection in the Chippewa County Planning & Zoning Department, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin. Information can be reviewed and/or requested between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays.

RENEWAL OF THE CONDITIONAL USE PERMIT:

The Planning & Zoning Committee may renew conditional use permits authorizing nonmetallic mining activities subject to the following:

- (1) Applications for the renewal of a conditional use permit must be submitted at least 45 calendar days prior to the expiration date of the existing conditional use permit. Applications are not required to include any items shown on previously submitted applications, unless the information has changed. Renewal applications may merely indicate no change in such items. Any proposed changes from prior applications shall be required to submit the applicable required information under this division.
- (2) Unless a public informational hearing is requested by a person who owns property within 660 feet of the proposed nonmetallic mining site, no public hearing shall be required to be held with the respect to the conditional use permit renewal application. However, if the application provides for an enlargement of a permitted nonmetallic mining site, or otherwise provides for an alteration or change in the method of operations or reclamation previously approved, a new conditional use permit shall be required and approved by the Committee only after finding such change will not adversely properties within 660'..
- (3) Conditional Use Permit renewals may be conditioned upon correction of any unanticipated environmental impacts, which occurred during the term of initial or renewal permits.
- (4) The conditional use permit may be renewed by the Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and this division. To ensure compliance, the Department shall bi-annually inspect the nonmetallic mining operation.

TERMINATION:

This conditional use permit shall not be terminated or denied without first providing the operator with a notice of a public hearing and a public hearing at which the operator shall be given the right to respond to any alleged noncompliance of the conditions of the permit and this division. Termination or non-renewal shall occur only in the event of an operator's failure to comply with any material term of the initial or renewed conditional use permit, the Reclamation Plan, the performance standards incorporated herein, or upon a significant change, as determined by the Committee, in material circumstances

DRAFT: 2023-01-13

rendering continued operation under the conditional use permit to be contrary to the health, safety, or welfare of the County.

TRANSFER OF PERMIT:

In the event an operator succeeds the interest of another at an uncompleted non-metallic mine site, the former operator shall be released of the responsibilities imposed by the current permit issued to the former operator upon satisfaction of the following conditions.

- (1) The non-metallic mine site is in compliance with the requirements of this division and the permit for the operation of the non-metallic mine site.
- (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire permitted non-metallic mining site by a written, signed and notarized document and provides adequate financial assurance for approved reclamation of the non-metallic mine site.

NON-METALLIC MINE SITE ENLARGEMENT:

Any proposed non-metallic mining site enlargement shall be processed as a new application pursuant to this division. All provisions of this division shall apply to the proposed enlargement.

FAILURE TO OPEN AND OPERATE:

Failure of an operator to take substantial steps to open and operate a non-metallic mining site within 1 year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future non-metallic mining activity.

ABANDONMENT OF NON-METALLIC MINE OPERATIONS:

Any non-metallic mine site on which no non-metallic mining activity has taken place for 24 consecutive months shall be determined to be abandoned. If the abandonment of a non-metallic mine site occurs, the conditional use permit shall be terminated and all applicable reclamation standards and bonds shall be enforced or executed. Non-metallic mining operations shall not be conducted within the boundaries of the previously permitted non-metallic mine site, unless a new non-metallic mine permit has been issued under this division.

WRIT OF CERTIORARI

Any person or persons jointly or severally aggrieved by this decision of the Planning & Zoning Committee or any taxpayer, or any officer, department, board or bureau of the County, may commence an action in the circuit court for writ of certiorari to review the legality of such decision.

Dated this ~~22nd~~ 23rd day of January, 2021~~2023~~.

By the Order of the Planning & Zoning Committee.



Douglas Clary, Director
 Department of Planning & Zoning

CC: David Staber, Lafayette Town Chair – *via email*
~~Dan Masterpole~~Lynda Schweikert, ~~Land County~~ Conservationist, Chippewa County DLCFM – *via email*
 File

Attachment: 1981-0024 Stelter Inc - Colony Pit - CUP Renewal 2023 - DRAFT Decision (7497 : 2012-0006 - Charles & Cathy Morning - CUP



STATEMENT OF EXPLANATION
2015-0008 - CLASSIC ROCK MATERIALS - CUP RENEWAL - TOWN OF
WHEATON

To allow renewal of a non-metallic mine in the Agricultural District in accordance with sections 70-71(b)(2), 70-108 and 70-180 through 70-187 of the Chippewa County Zoning Ordinance on a parcel which is located in the NE 1/4 of the SW 1/4, Section 30, Township 28 North, Range 09 West. Town of Wheaton.

Chippewa County Zoning Department

711 N. Bridge Street * Room 9 * Chippewa Falls, WI 54729 * Telephone: (715) 726-7940 * Fax: (715) 726-4596

Wednesday, December 7, 2022

Mailing Address:

Ryan Stelter
Stelter Inc
306 4th Ave
Chippewa Falls, WI 54729

Property Address:

State Hwy 124
Town of Eagle Point

Dear Mr. Stelter

Our records indicate that Conditional Use Permit #2004-0010 for your non-metallic mine in the Town of Eagle Point will expire on 2/18/2023. To continue mining operations, **submit a letter and the necessary fee with the following information to the planning and zoning office by Wednesday, December 14, 2022**, in order to be on the January 19, 2023 planning and zoning committee meeting.

1. **Any modifications to the plans or the NR 135 Narrative will need to be submitted to the planning and zoning office by Friday, December 16, 2022. If you are changing the plans you will need to contact LCFM immediately.**

If there are no changes to the expired permit submit \$150.00 for the hearing. If you are expanding or making modifications you will need to submit \$350.00 for the public hearing. Make checks payable to Chippewa County Treasurer.

Failure to make these deadlines, will result in no mining activity or hauling from this site until a new permit has been issued.

If you have any questions, please contact the Planning and Zoning Office.

Sincerely

Renee Daken
Zoning Secretary

Attachment: Public Notices & Maps (7500 : 2015-0008 - Classic Rock Materials - CUP Renewal)

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone: 715.726.7940 • Fax: 715.726.4596 • www.co.chippewa.wi.us •

Land Management

Land Planning

Land Records & G.I.S.

POWTS & Wells

Date: December 28, 2022

To: Property Owner(s)

From: Doug Clary, Zoning Administrator

Re: Request for a Renewal
2004-0010 – Conditional Use Permit for a Non-Metallic Mine
Morning East Pit – Town of Eagle Point

Dear Property Owner(s):

On February 18, 2021, the Planning & Zoning Committee approved the renewal of Conditional Use Permit (CUP) 2004-0010, which allowed Stelter Inc a non-metallic mine referred to as the Morning East Pit. The CUP will expire on February 18, 2023. Section 70-184(d) of the Zoning Ordinance requires the non-metallic mine operators to submit a request for the renewal of a CUP at least 45 calendar days prior to the expiration date of the existing conditional use permit.

Stelter Inc renewal request indicates that they are not seeking any changes to the approved plans or requesting any changes to the conditions on the CUP. Thus, they are not required to include any items shown on previously submitted documents. A public hearing is not required on this CUP renewal request because there are no changes requested. However, a public informational hearing can be requested by a person who owns property within 660 feet of the proposed nonmetallic mining site.

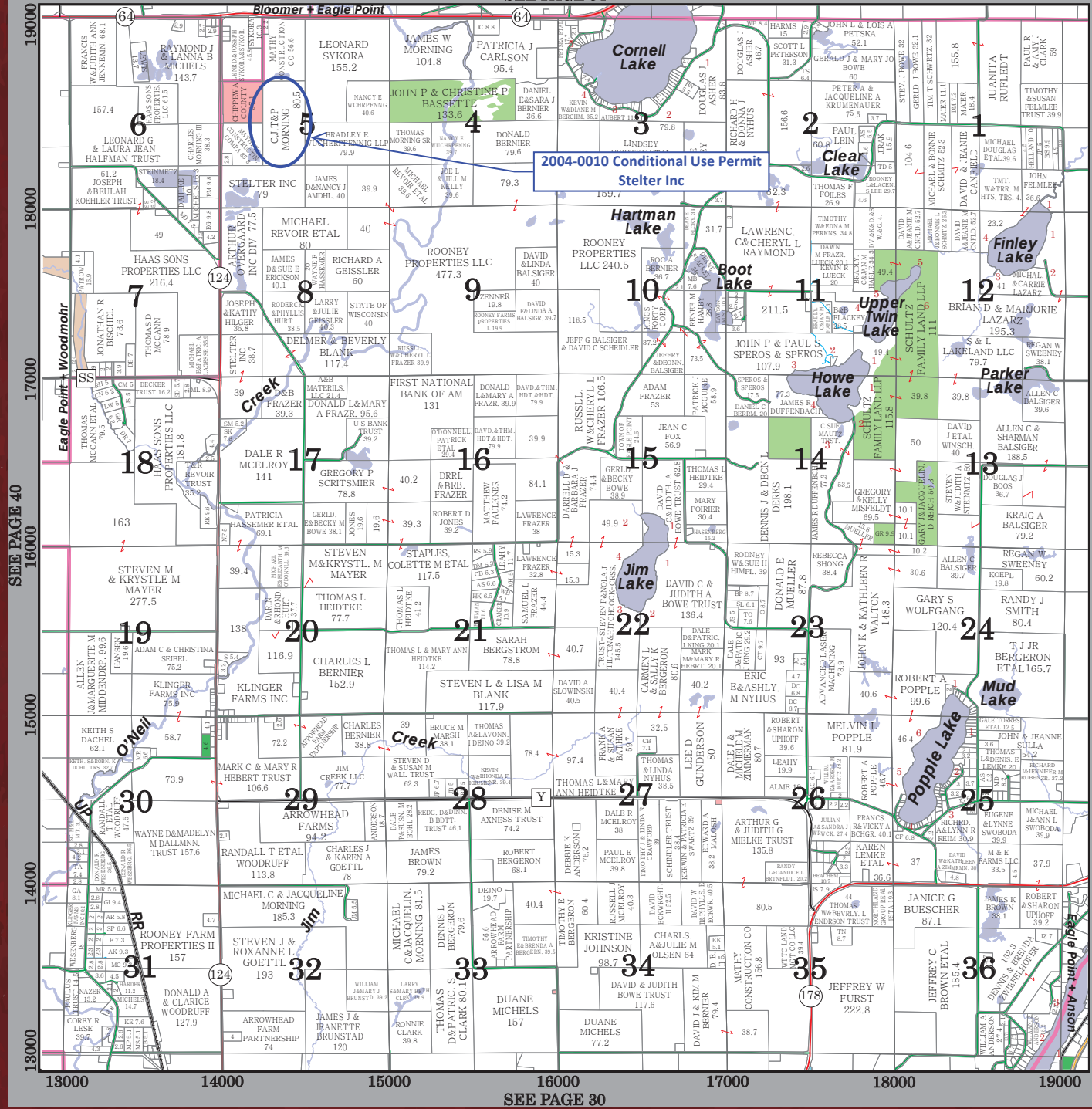
Please be advised that the Planning & Zoning Committee will be reviewing this CUP renewal request at their **January 19, 2023** meeting. If the Department does not receive a request for a public hearing prior to this date, then I anticipate the CUP will be renewed by the Planning & Zoning Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and of the zoning ordinance.

If you have any questions, please feel free to contact me at (715) 726-7941.

Attachment: Public Notices & Maps (7500 : 2015-0008 - Classic Rock Materials - CUP Renewal)

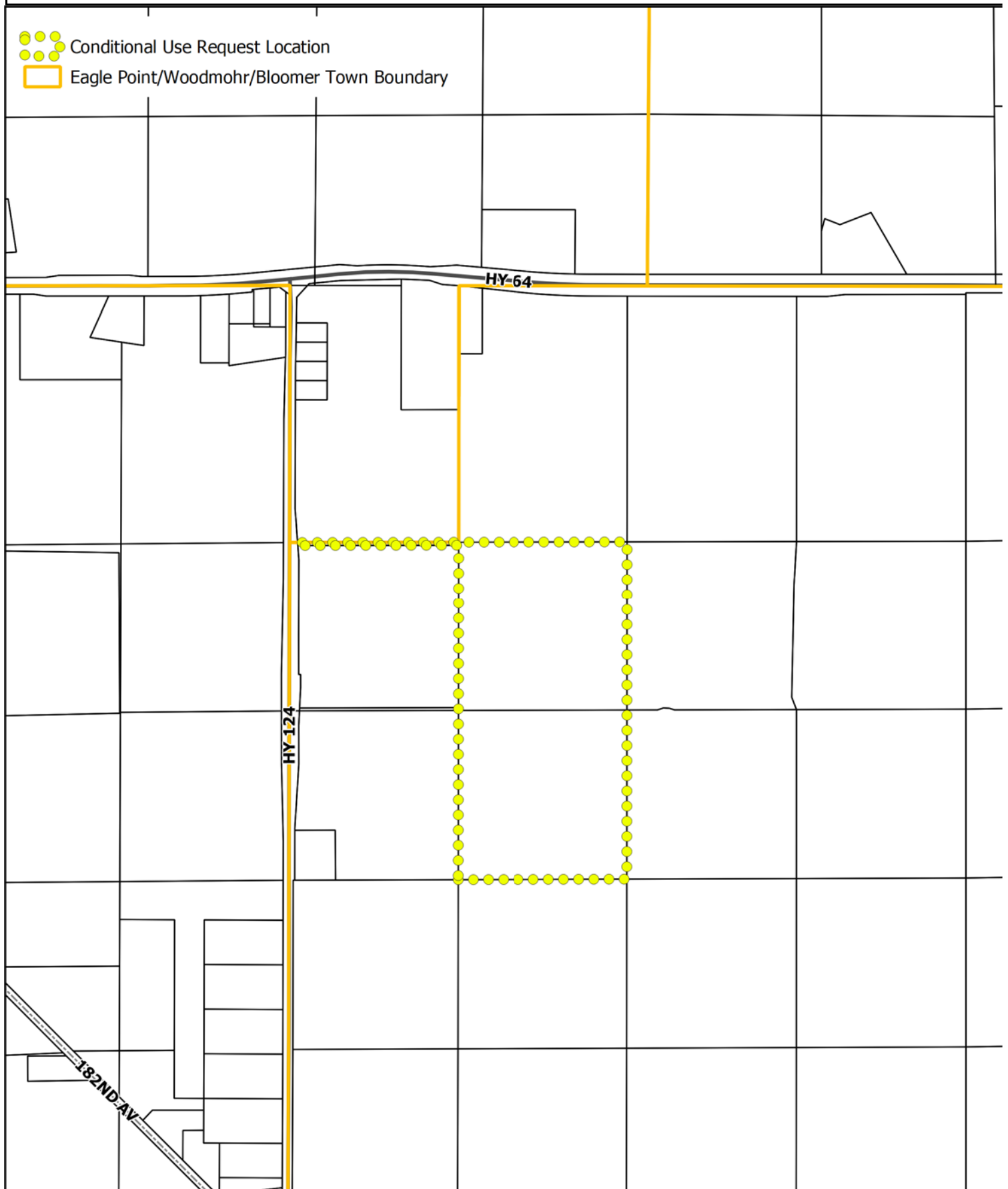


SEE PAGE 54



All acreages are computed & rounded to the closest tenth acre, roadways are excluded from totals. All mapping is for reference only and is not intended, or to be used for any legal purpose.

2004-0010 Stelter Inc (Morning East Pit) - Conditional Use Permit - Location Map



Attachment: Public Notices & Maps (7500 : 2015-0008 - Classic Rock Materials - CUP Renewal)

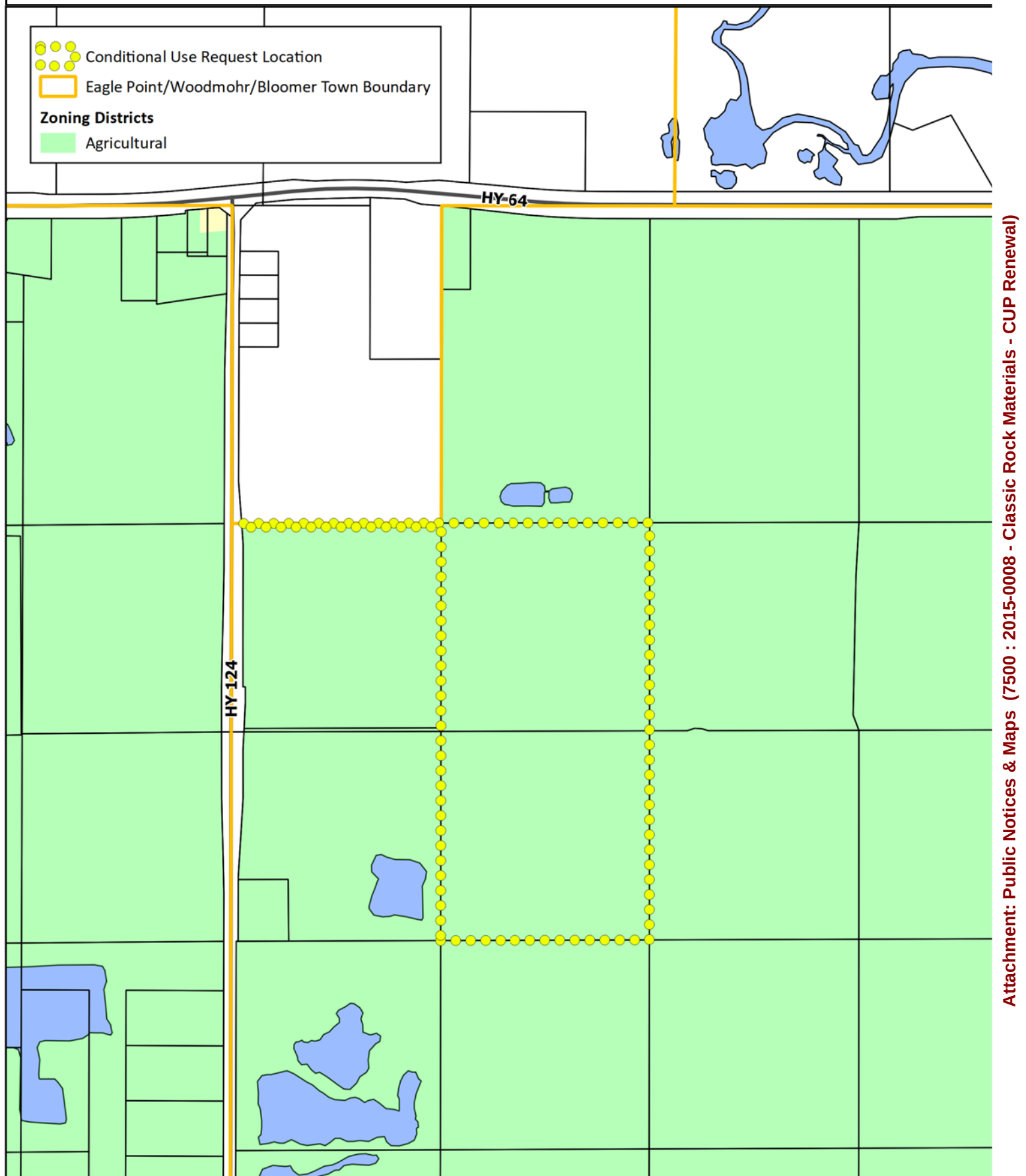
2004-0010 Stelter Inc (Morning East Pit) - Conditional Use Permit - Aerial (2020)

-  Conditional Use Request Location
-  Eagle Point/Woodmohr/Bloomer Town Boundary



Attachment: Public Notices & Maps (7500 : 2015-0008 - Classic Rock Materials - CUP Renewal)

2004-0010 Stelter Inc (Morning East Pit) - Conditional Use Permit - Zoning Districts



Attachment: Public Notices & Maps (7500 : 2015-0008 - Classic Rock Materials - CUP Renewal)

DRAFT: 2023-01-13

CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE

NOTICE OF ACTION

Conditional Use Permit for a Non-Metallic Mine Wildenberg Pit (Town of Wheaton)

APPEAL NUMBER: 2012-0003

APPROVAL DATE: ~~01-21-2021~~ 01-19-2023EXPIRATION DATE: ~~01-21-2023~~ 01-31-2027**LAND OWNER:**Duane G Wildenberg Trust, 6003 90th Street, Chippewa Falls, Wisconsin 54729

(Parcel #: 22809-3031-00020000)

OPERATOR:Classic Rock Materials, Duane G Wildenberg, 6003 90th Street, Chippewa Falls, Wisconsin 54729

Dear Classic Rock Materials and Mr. Wildenberg:

On January ~~2419~~, ~~2021~~2023, the Planning & Zoning Committee considered your request for the renewal of a Conditional Use Permit, which ~~would~~ allowed for the extraction of natural minerals and resources in the Agricultural District pursuant to 70-71(b)(2), 70-108 and sections 70-180 through 70-187 of the Chippewa County Zoning Ordinance. The land associated with this particular conditional use permit is located in the NE ¼ of the SW ¼, Section 30, Township 28 North, Range 09 West, in the Town of Wheaton and has a physical address of 2570 County Highway F.

DECISION:The Planning & Zoning Committee has **GRANTED** a conditional use permit with the following conditions:

- (1) This is a **24-year permit** and set to expire on **January 2431**, ~~2023~~2027.
- (2) Permit granted to allow mining within the proposed Non-Metallic Mine Boundaries as shown on the submitted information for this Conditional Use Permit.
- (3) Activities to be in compliance with WDNR WPDES Permit.
- (4) Separation distance of 50' from all property lines must be maintained unless an agreement in writing is obtained from the property owners and submitted to the County DPZ.
- (5) No discharge of water is allowed from the site.
- (6) Mining activities cannot be any closer than 250' to a residence and/or potable well.
- (7) The floor elevation is proposed to be at 974' above mean-sea-level, while the estimated groundwater level is at 900' MSL.
- (8) Hours of operation shall be from 8:00 a.m. to 5:00 p.m. Monday through Friday, 9:00 a.m. to 3:00 p.m. Saturdays. No Sundays or holidays. All other hours to be brought before the Planning & Zoning Committee for special approval. *(Note: Hours were approved after discussion with the adjacent property owners and the operator and as requested by the Wheaton Town Board.)*
- (9) A sign must be placed by the entrance stating the property owners name and the operator as well as hours of operation.
- (10) Operator to follow: 1) All provisions of Chippewa County Non-Metallic Mining Reclamation Ordinance; 2) All applicable provisions of Chapter 70 – Chippewa County Zoning Ordinance and; 3) Wisconsin Administrative Rule NR 135.
- (11) Activities to be conducted in compliance with the approved Non-Metallic Mining Reclamation "Plan Narrative" and the "Initial Site Map", "Site Operations Map", and "Final Site Map" dated December 10, 2014.

DRAFT: 2023-01-13

- (12) Off-site hauling of material following permit expiration and in case of revocation will be prohibited. It is the responsibility of the landowner and/or operator to keep all applicable permits current.
- (13) Onsite hauling of material for the purpose of washing, crushing or storage will be prohibited, except as allowed under this permit.
- (14) Onsite temporary storage of recycled asphalt and/or concrete is allowed.
- (15) No burying of any materials will be allowed onsite.
- (16) Grade soil piles to a 3(horizontal) to 1(vertical) slope & mulch with seeding.
- (17) If needed, the washing & crushing of sand and gravel can occur onsite, but is limited to the site specific material. There is no proposal at this point in time for any type of well to be located on the property.
- (18) Operator has agreed that no chemicals or flocculants will be utilized and as part of this permit would be prohibited.
- (19) Ingress/Egress Access: Access point shall be approved by the County Highway Department.
- (20) Crushing on site may occur for a maximum of five (5) separate days per year. Owner/Operator shall notify the neighbors of when crushing will take place on site.
- (21) The loading of trucks shall occur during daylight hours only.

A complete record of the hearing and the decision of the Planning & Zoning Committee are available for inspection in the Department of Planning & Zoning, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin. Information can be reviewed and/or requested between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays.

RENEWAL OF THE CONDITIONAL USE PERMIT:

The Planning & Zoning Committee may renew conditional use permits authorizing nonmetallic mining activities subject to the following:

- (1) Applications for the renewal of a conditional use permit must be submitted at least 45 calendar days prior to the expiration date of the existing conditional use permit. Applications are not required to include any items shown on previously submitted applications, unless the information has changed. Renewal applications may merely indicate no change in such items. Any proposed changes from prior applications shall be required to submit the applicable required information under this division.
- (2) Unless a public informational hearing is requested by a person who owns property within 660 feet of the proposed nonmetallic mining site, no public hearing shall be required to be held with the respect to the conditional use permit renewal application. However, if the application provides for an enlargement of a permitted nonmetallic mining site, or otherwise provides for an alteration or change in the method of operations or reclamation previously approved, a new conditional use permit shall be required and approved by the Committee only after finding such change will not adversely properties within 660'..
- (3) Conditional Use Permit renewals may be conditioned upon correction of any unanticipated environmental impacts, which occurred during the term of initial or renewal permits.
- (4) The conditional use permit may be renewed by the Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and this division. To ensure compliance, the Department shall bi-annually inspect the nonmetallic mining operation.

TERMINATION:

This conditional use permit shall not be terminated or denied without first providing the operator with a notice of a public hearing and a public hearing at which the operator shall be given the right to respond to any alleged noncompliance of the conditions of the permit and this division. Termination or non-renewal shall occur only in the event of an operator's failure to comply with any material term of the initial or renewed conditional use permit, the Reclamation Plan, the performance standards incorporated herein, or upon a significant change, as determined by the Committee, in material circumstances rendering continued operation under the conditional use permit to be contrary to the health, safety, or welfare of the County.

APPEAL NUMBER: 2015-0008

APPEAL DATE: ~~January 19, 2023~~ January 19, 2023DRAFT: 2023-01-13**TRANSFER OF PERMIT:**

In the event an operator succeeds the interest of another at an uncompleted non-metallic mine site, the former operator shall be released of the responsibilities imposed by the current permit issued to the former operator upon satisfaction of the following conditions.

- (1) The non-metallic mine site is in compliance with the requirements of this division and the permit for the operation of the non-metallic mine site.
- (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire permitted non-metallic mining site by a written, signed and notarized document and provides adequate financial assurance for approved reclamation of the non-metallic mine site.

NON-METALLIC MINE SITE ENLARGEMENT:

Any proposed non-metallic mining site enlargement shall be processed as a new application pursuant to this division. All provisions of this division shall apply to the proposed enlargement.

FAILURE TO OPEN AND OPERATE:

Failure of an operator to take substantial steps to open and operate a non-metallic mining site within 1 year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future non-metallic mining activity.

ABANDONMENT OF NON-METALLIC MINE OPERATIONS:

Any non-metallic mine site on which no non-metallic mining activity has taken place for 24 consecutive months shall be determined to be abandoned. If the abandonment of a non-metallic mine site occurs, the conditional use permit shall be terminated and all applicable reclamation standards and bonds shall be enforced or executed. Non-metallic mining operations shall not be conducted within the boundaries of the previously permitted non-metallic mine site, unless a new non-metallic mine permit has been issued under this division.

WRIT OF CERTIORARI

Any person or persons jointly or severally aggrieved by this decision of the Planning & Zoning Committee or any taxpayer, or any officer, department, board or bureau of the County, may commence an action in the circuit court for writ of certiorari to review the legality of such decision.

Dated this ~~22nd~~ 19th day of January, 2021~~2023~~.

By the Order of the Planning & Zoning Committee.



Douglas Clary, Director
Department of Planning & Zoning

CC: Mark Blaskowski, Wheaton Town Chair – *via email*
~~Dan Masterpole~~ Lynda Schweikert, Land Conservationist, Chippewa County DLCFM – *via email*
File



STATEMENT OF EXPLANATION
2016-0016 - NO MERCY EXCAVATING - CUP RENEWAL - TOWN OF
WHEATON

5.6

To allow renewal of a non-metallic mine in the Agricultural District in accordance with sections 70-71(b)(2), 70-108 and 70-180 through 70-187 of the Chippewa County Zoning Ordinance on parcels which are located in the NW 1/4 of the NW 1/4, S 1/2 of the NW 1/4, Section 24, Township 28 North, Range 10 West. Town of Wheaton. Physical Address: 3773 County Hwy T.

Chippewa County Zoning Department

711 N. Bridge Street * Room 9 * Chippewa Falls, WI 54729 * Telephone: (715) 726-7940 * Fax: (715) 726-4596

Wednesday, December 7, 2022

Mailing Address:

Ryan Stelter
Stelter Inc
306 4th Ave
Chippewa Falls, WI 54729

Property Address:

State Hwy 124
Town of Eagle Point

Dear Mr. Stelter

Our records indicate that Conditional Use Permit #2004-0010 for your non-metallic mine in the Town of Eagle Point will expire on 2/18/2023. To continue mining operations, **submit a letter and the necessary fee with the following information to the planning and zoning office by Wednesday, December 14, 2022**, in order to be on the January 19, 2023 planning and zoning committee meeting.

1. **Any modifications to the plans or the NR 135 Narrative will need to be submitted to the planning and zoning office by Friday, December 16, 2022. If you are changing the plans you will need to contact LCFM immediately.**

If there are no changes to the expired permit submit \$150.00 for the hearing. If you are expanding or making modifications you will need to submit \$350.00 for the public hearing. Make checks payable to Chippewa County Treasurer.

Failure to make these deadlines, will result in no mining activity or hauling from this site until a new permit has been issued.

If you have any questions, please contact the Planning and Zoning Office.

Sincerely

Renee Daken
Zoning Secretary

Attachment: Public Notices & Maps (7499 : 2016-0016 - No Mercy Excavating - CUP Renewal)

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone: 715.726.7940 • Fax: 715.726.4596 • www.co.chippewa.wi.us •

Land Management

Land Planning

Land Records & G.I.S.

POWTS & Wells

Date: December 28, 2022

To: Property Owner(s)

From: Doug Clary, Zoning Administrator

Re: Request for a Renewal
2004-0010 – Conditional Use Permit for a Non-Metallic Mine
Morning East Pit – Town of Eagle Point

Dear Property Owner(s):

On February 18, 2021, the Planning & Zoning Committee approved the renewal of Conditional Use Permit (CUP) 2004-0010, which allowed Stelter Inc a non-metallic mine referred to as the Morning East Pit. The CUP will expire on February 18, 2023. Section 70-184(d) of the Zoning Ordinance requires the non-metallic mine operators to submit a request for the renewal of a CUP at least 45 calendar days prior to the expiration date of the existing conditional use permit.

Stelter Inc renewal request indicates that they are not seeking any changes to the approved plans or requesting any changes to the conditions on the CUP. Thus, they are not required to include any items shown on previously submitted documents. A public hearing is not required on this CUP renewal request because there are no changes requested. However, a public informational hearing can be requested by a person who owns property within 660 feet of the proposed nonmetallic mining site.

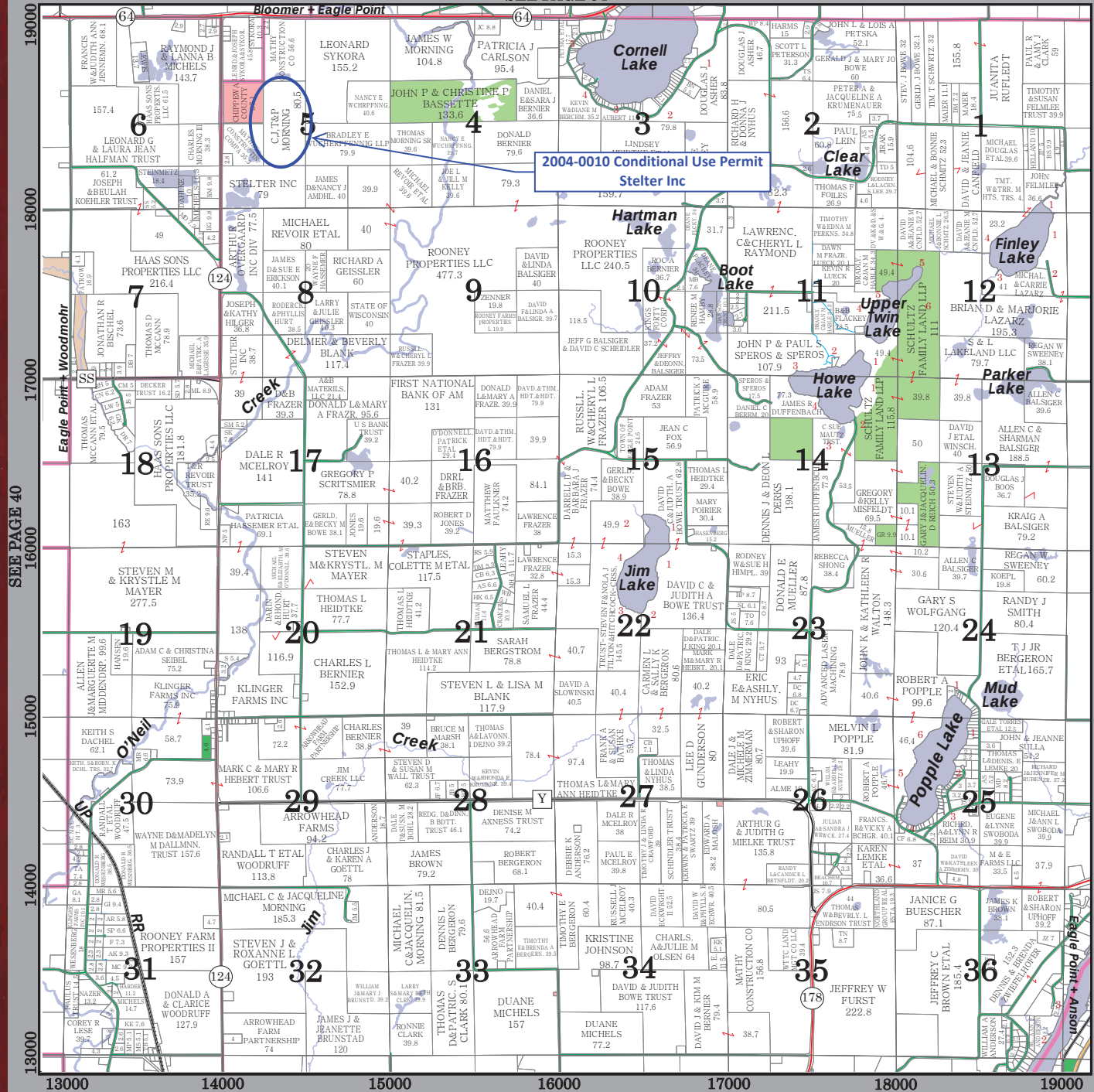
Please be advised that the Planning & Zoning Committee will be reviewing this CUP renewal request at their **January 19, 2023** meeting. If the Department does not receive a request for a public hearing prior to this date, then I anticipate the CUP will be renewed by the Planning & Zoning Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and of the zoning ordinance.

If you have any questions, please feel free to contact me at (715) 726-7941.

Attachment: Public Notices & Maps (7499 : 2016-0016 - No Mercy Excavating - CUP Renewal)



SEE PAGE 54



SEE PAGE 30

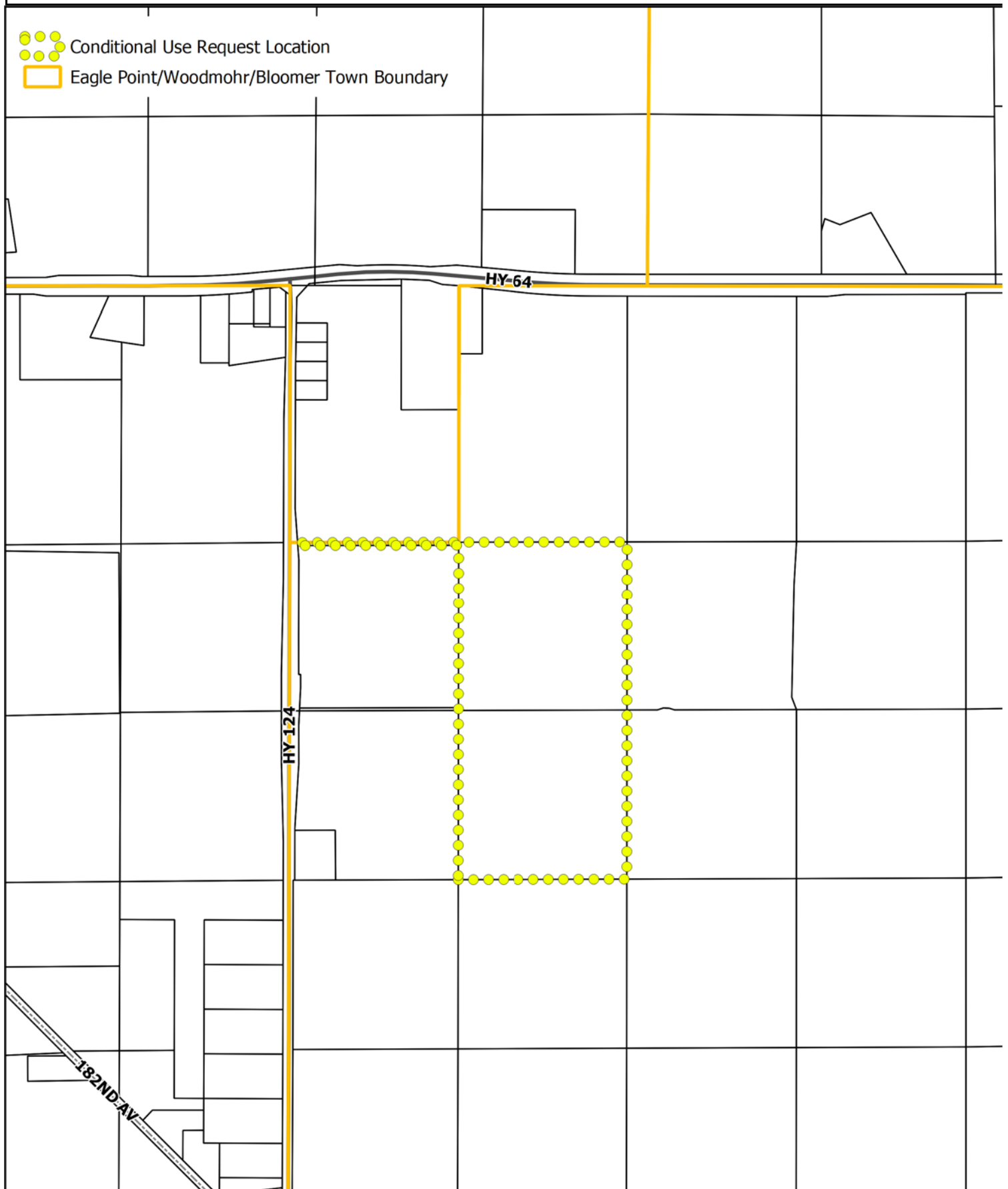
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All acreages are computed & rounded to the closest tenth acre, roadways are excluded from totals. All mapping is for reference only and is not intended, or to be used for any legal purpose.

Attachment: Public Notices & Maps (7499 : 2016-0016 - No Mercy Excavating - CUP Renewal)

SEE PAGE 44

2004-0010 Stelter Inc (Morning East Pit) - Conditional Use Permit - Location Map



Attachment: Public Notices & Maps (7499 : 2016-0016 - No Mercy Excavating - CUP Renewal)

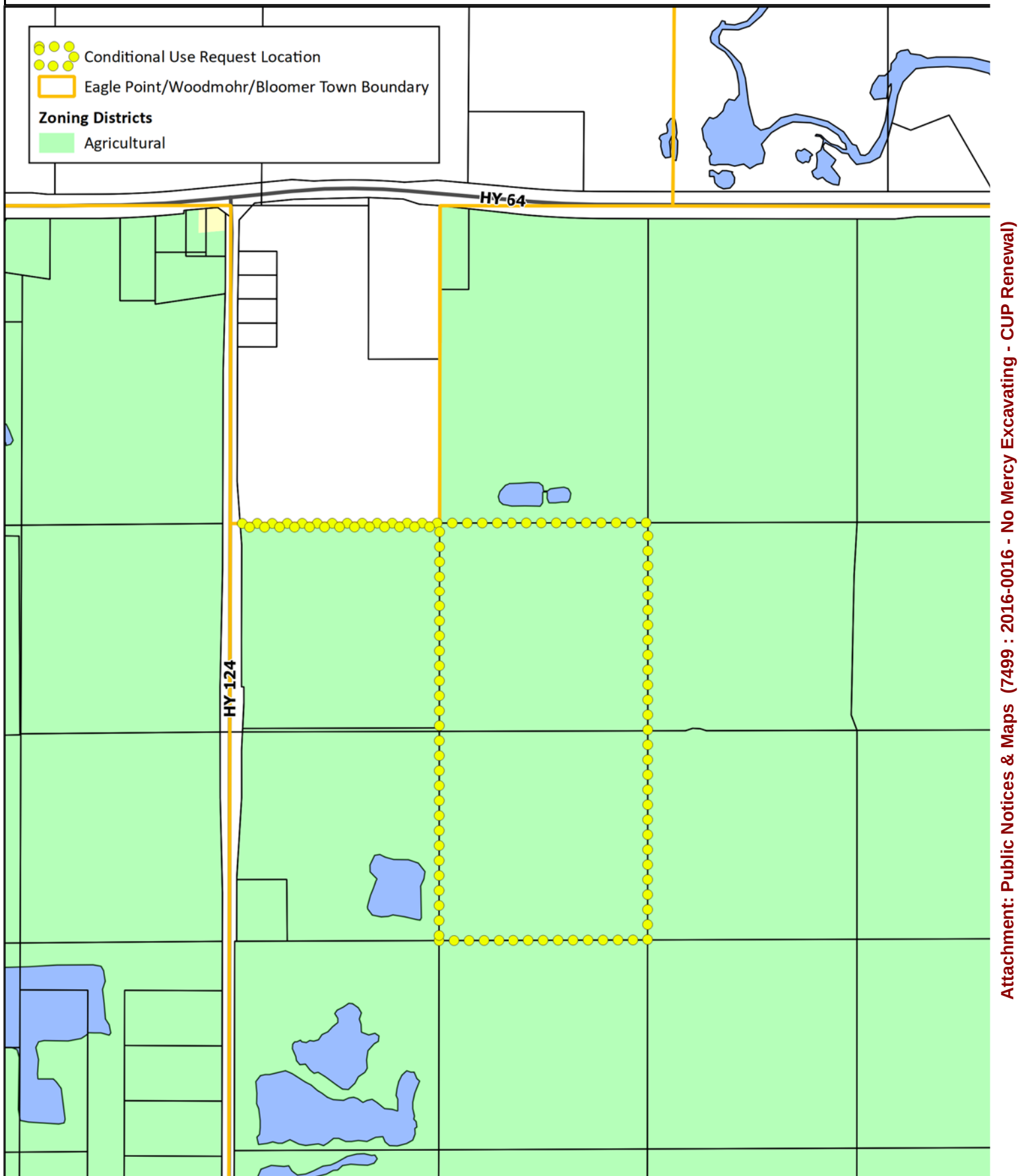
2004-0010 Stelter Inc (Morning East Pit) - Conditional Use Permit - Aerial (2020)

- Conditional Use Request Location
- Eagle Point/Woodmohr/Bloomer Town Boundary



Attachment: Public Notices & Maps (7499 : 2016-0016 - No Mercy Excavating - CUP Renewal)

2004-0010 Stelter Inc (Morning East Pit) - Conditional Use Permit - Zoning Districts



Attachment: Public Notices & Maps (7499 : 2016-0016 - No Mercy Excavating - CUP Renewal)

DRAFT: 2023-01-13

CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE

NOTICE OF ACTION

Conditional Use Permit for a Non-Metallic Mine Morning East Pit (Town of Eagle Point)

APPEAL NUMBER: 2004-0010

APPROVAL DATE: ~~02-18-2021~~ 01-19-2023

EXPIRATION DATE: ~~02-18-2023~~ 01-31-2027

LAND OWNER(S):

Charles Morning III Etal, 13951 State Hwy 124, Bloomer, Wisconsin 54724

(Parcel #: 23008-0524-00000001)

Charles Morning III Etal, 13951 State Hwy 124, Bloomer, Wisconsin 54724

(Parcel #: 23008-0531-00000000)

OPERATOR:

Stelter Inc, 15331 State Highway 124, Bloomer, Wisconsin 54724

Dear Mr. Morning & Mr. Stelter,

On ~~February 18, 2021~~ January 19, 2023, the Planning & Zoning Committee considered your request for a renewal of a Conditional Use Permit, which ~~would~~ allowed for the extraction of natural minerals and resources in the Agricultural District pursuant to 70-71(b)(2), 70-108 and sections 70-180 through 70-187 of the Chippewa County Zoning Ordinance. The land associated with this particular conditional use permit is located in the SE ¼ of the NW ¼ and the NE ¼ of the SW ¼, Section 05, Town 30, Range 08. Physical Address: State Highway 124. Town of Eagle Point.

DECISION:

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

- (1) This is a **24-year permit**, set for renewal prior to ~~February 18, 2023~~ January 31, 2027. No off-site hauling of material following permit expiration and in case of revocation.
- (2) Permit granted to allow mining within the proposed Non-Metallic Mine Boundaries as shown on the submitted information for this Conditional Use Permit.
- (3) Activities to be in compliance with WDNR WPDES Permit.
- (4) No discharge of water to be allowed from this site.
- (5) Hours of operation will be Monday through Friday 6:00 a.m. to 9:00 p.m. Saturdays 6:00 a.m. to 3:00 p.m. No Sundays or Holidays. All other hours to be brought before the Planning & Zoning Committee for special approval.
- (6) Allow onsite storage of demolition asphalt and concrete for recycling purposes only. Burying of asphalt or concrete is prohibited.
- (7) Operator to follow: 1) All provisions of Chippewa County Non-Metallic Mining Reclamation Ordinance and 2) Wisconsin Administrative Rule NR 135.
- (8) Activities to be conducted in compliance with the approved Non-Metallic Mining Reclamation "Plan Narrative" dated January 28, 2004 and the "Initial Site Map", "Site Operations Map", and "Final Site Map" all dated April 17, 2003.
- (9) It shall be the responsibility of the landowner and/or lease holder to keep all permits current.
- (10) Sign by entrance stating pit owner and operator as well as hours of operation.
- (11) Entrance/exit to pit to be allowed from the existing Stelter Inc mine to the south only.
- (12) Maintain 100 foot mining separation from the onsite wetlands.

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- (13) Mining is allowed to the shared property line between Morning and the Chippewa County land. (The SW ¼ of the NW ¼, Section 5, Township 30N, Range 08W only.)

A complete record of the hearing and the decision of the Planning & Zoning Committee are available for inspection in the Chippewa County Planning & Zoning Department, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin. Information can be reviewed and/or requested between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays.

RENEWAL OF THE CONDITIONAL USE PERMIT:

The Planning & Zoning Committee may renew conditional use permits authorizing nonmetallic mining activities subject to the following:

- (1) Applications for the renewal of a conditional use permit must be submitted at least 45 calendar days prior to the expiration date of the existing conditional use permit. Applications are not required to include any items shown on previously submitted applications, unless the information has changed. Renewal applications may merely indicate no change in such items. Any proposed changes from prior applications shall be required to submit the applicable required information under this division.
- (2) Unless a public informational hearing is requested by a person who owns property within 660 feet of the proposed nonmetallic mining site, no public hearing shall be required to be held with the respect to the conditional use permit renewal application. However, if the application provides for an enlargement of a permitted nonmetallic mining site, or otherwise provides for an alteration or change in the method of operations or reclamation previously approved, a new conditional use permit shall be required and approved by the Committee only after finding such change will not adversely properties within 660'.
- (3) Conditional Use Permit renewals may be conditioned upon correction of any unanticipated environmental impacts, which occurred during the term of initial or renewal permits.
- (4) The conditional use permit may be renewed by the Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and this division. To ensure compliance, the Department shall bi-annually inspect the nonmetallic mining operation.

TERMINATION:

This conditional use permit shall not be terminated or denied without first providing the operator with a notice of a public hearing and a public hearing at which the operator shall be given the right to respond to any alleged noncompliance of the conditions of the permit and this division. Termination or non-renewal shall occur only in the event of an operator's failure to comply with any material term of the initial or renewed conditional use permit, the Reclamation Plan, the performance standards incorporated herein, or upon a significant change, as determined by the Committee, in material circumstances rendering continued operation under the conditional use permit to be contrary to the health, safety, or welfare of the County.

TRANSFER OF PERMIT:

In the event an operator succeeds the interest of another at an uncompleted non-metallic mine site, the former operator shall be released of the responsibilities imposed by the current permit issued to the former operator upon satisfaction of the following conditions.

- (1) The nonmetallic mine site is in compliance with the requirements of this division and the permit for the operation of the nonmetallic mine site.
- (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire permitted nonmetallic mining site by a written, signed and notarized document and provides adequate financial assurance for approved reclamation of the nonmetallic mine site.

NONMETALLIC MINE SITE ENLARGEMENT:

Any proposed nonmetallic mining site enlargement shall be processed as a new application pursuant to this division. All provisions of this division shall apply to the proposed enlargement.

APPEAL NUMBER: 2004-0010

APPROVAL DATE: ~~February 18, 2021~~ January 19, 2023

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FAILURE TO OPEN AND OPERATE:

Failure of an operator to take substantial steps to open and operate a nonmetallic mining site within 1 year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future nonmetallic mining activity.

ABANDONMENT OF NONMETALLIC MINE OPERATIONS:

Any nonmetallic mine site on which no nonmetallic mining activity has taken place for 24 consecutive months shall be determined to be abandoned. If the abandonment of a nonmetallic mine site occurs, the conditional use permit shall be terminated and all applicable reclamation standards and bonds shall be enforced or executed. Nonmetallic mining operations shall not be conducted within the boundaries of the previously permitted nonmetallic mine site, unless a new nonmetallic mine permit has been issued under this division.

WRIT OF CERTIORARI

Any person or persons jointly or severally aggrieved by this decision of the Planning & Zoning Committee or any taxpayer, or any officer, department, board or bureau of the County, may commence an action in the circuit court for writ of certiorari to review the legality of such decision.

Dated this 19th day of ~~February, 2021~~ January 19, 2023.

By the Order of the Planning & Zoning Committee.



Douglas Clary, Director
Department of Planning & Zoning

CC: Dennis Ferstenou, Eagle Point Town Chair - *via email*
~~Dan Masterpole~~ Lynda Schwiekert, County Land Conservationist, DLCFM – *via email*
File

Attachment: 2004-0010 Stelter Inc - Morning East Pit - CUP Renewal 2023 - DRAFT Decision (7499 : 2016-0016 - No Mercy Excavating - CUP