DOUGLAS COUNTY ZONING COMMITTEE
PUBLIC HEARING
Wednesday, April 8, 2020 | 9:00 a.m.

Please call the Chair or Zoning Office (715-395-1380) if you are unable to attend.

MEMBERS:  Mary Lou Bergman, Chair    Patricia Ryan, Vice Chair    Jim Borgeson
Charlie Glazman    Nick Baker

Due to the COVID-19 pandemic, this meeting is being held via teleconference only. Members of the media and the public may attend by calling 1-219-243-0786. The PIN is 671 514 769#

A G E N D A

(Committee to maintain a two-hour meeting limit or take action to continue meeting beyond that time.)

1. Roll call.
2. Public Hearing (applications attached):
   a) Amendment to the Douglas County Zoning Ordinance 8.0: Petition No. 19-07: DL Skiing, LLC, from the December 11, 2019 and March 11, 2020 hearings.
   b) Conditional-use permit: DL Skiing, LLC.
   c) Conditional-use permit renewals/reclamation plan approvals:
      1. Arlyn Hunter-Jensen (owner) / Thunderhill Aggregate LLC (operator) – non-metallic mine permit #14022; and
      2. Walter Moss, Walt Moss Trucking, Inc. (owner/operator) – non-metallic mine permit #20371.
   d) Recap of zone change recommendations to the County Board.
3. Adjournment.

cc:  County Board Supervisors    Other interested parties

NOTE: Attachments to agenda are available in County Clerk’s Office for review or copying. Action may be taken on any item listed on the agenda. The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of an accommodation to participate in the public meeting process, please contact the Douglas County Clerk’s Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request, depending on the amount of notice we receive. Posted: Courthouse, Government Center, Telegram

Name    Date

3/23/20
Amended  
Public Notice  
Douglas County Planning & Zoning Committee

A Public Hearing will be held by the Douglas County Planning & Zoning Committee at 9:00 a.m. on Wednesday, April 8, 2020. Due to the COVID-19 pandemic, this meeting is being held via teleconference only. Members of the media and public may attend by calling 1-219-243-0786. The PIN is 671 514 769#

a) Amendment to the Douglas County Zoning Ordinance 8.0:

Petition No. 19-07: DL Skiing LLC, Superior, WI - from the December 11, 2019 and March 11, 2020 hearings - Lots 1 & 2, CSM #527, Vol 4, Pgs 28-29, Pt NW1/4-SW1/4, Section 8, T48N-R15W; (3041S Whitetail Ridge Rd; TS-030-01913-00; 01913-01), Town of Superior – from the R-2: Residential zoning district to the RR-1: Residential-Recreation zoning district, (proposed use: lodging for the resort), filed November 13, 2019 (revision filed February 6, 2020) in the County Clerk’s Office.

b) Conditional-Use Permit:

1) DL Skiing LLC, Superior, WI – from the December 11, 2019 & March 11, 2020 hearings - lodging for the resort (existing building) – Lot 1, CSM #527, Vol 4, Pgs 28-29, Pt NW1/4-SW1/4, Section 8, T48N-R15W; (3041S Whitetail Ridge Rd; TS-030-01913-00), Town of Superior.

c) Conditional-Use Permit Renewals:

1) Arlyn Hunter-Jensen (owner) / Thunderhill Aggregate LLC, (operator), Superior, WI – non-metallic mine permit #14022 renewal and approval of reclamation plan – NE1/4-NE1/4; NW1/4-NE1/4; SW1/4-NE1/4 & SE1/4-NE1/4, Section 13, T47N-R14W; (5600S County Road A; TS-030-00284-00; 00285-00; 00286-00; 00287-00), Town of Superior.

2) Walter Moss, Walt Moss Trucking, Inc., (owner/operator), Lake Nebagamon, WI – non-metallic mine permit #20371 renewal and approval of reclamation plan - Fr’l SW1/4-SW1/4; S-210’ of S1/2 of Fr’l NW1/4-SW1/4, Section 7, T46N-R10W; (7908S County Road S; HI-016-00747-00; 00746-02), Town of Highland.

Tessah Behlings, Zoning Coordinator  
Mary Lou Bergman, Chair

If you have any comments on this item, let the Planning & Zoning Office know in writing prior to the meeting, or appear at the Public Hearing. Planning & Zoning Office, 1313 Belknap St., Rm. 206, Superior, WI 54880 (715-395-1380). Action may be taken on any item listed on the public hearing. In accordance with WI Statutes 59.69 (5)(a), attachments to public hearing notice and maps of subject properties are available for review in the Planning & Zoning Office, or at www.douglascountywi.org. The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of accommodation to participate in the public meeting process, please contact the Douglas County Clerk’s Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request depending on the amount of notice we receive. TDD (715) 395-7521.

ST March 20 & 27, 2020
PETITION FOR AMENDMENT TO DOUGLAS COUNTY ZONING ORDINANCE

Date of application: 11-8-19
ZC Hearing Date: 12-11-2019

TO THE DOUGLAS COUNTY BOARD OF SUPERVISORS AND ZONING COMMITTEE:
The Petitioner hereby petitions you pursuant to Wis Stat. § 59.69(5)(e)1, to amend the Zoning District Map of the Douglas County Zoning Ordinance by reclassifying the property as shown and stated below:

1. Requested Zone Change:
   From (Zone District): R-2 Residential
   To (Zone District): C-1 Commercial
   R-R-1 Residential-Recreation

2. Property Description: Information must be complete and accurate.
   Tax Parcel #: 01TS-030-01913-00
   02TS-030-01913-01
   Section 8  Town 48  N Range 15  W
   Town of Superior
   Property Address: 3041 S White Tail Dr.
   Legal Description: 01 Lot 1 CSM #527, V01 4 pgs 28-29, pt NW SW
   02 Lot 2 CSM #527, V01 4 pgs 28-29, pt NW SW

3. Portion of Lot / Parcel Affected by Zone Change Request:
   Lot / Parcel Size: Length: Width: Acres: 10.01 (2 parcels)
   Area to be Re-Zoned: Length: Width: Acres: 10.01 (2 parcels)

4. Property Owner:
   Property Owner’s Name: DL Skiing LLC (Larry Pulkrabek)
   Mailing Address: 3125 S Mont du Lac Rd City, State, Zip Superior, WI 54880
   Telephone: 218-626-3797 E-mail Address: MikeO@mdlresort.com

5. Petitioner requests this amendment for a proposed property use of:
   Lodging for the resort

6. In making this petition, Petitioner gives permission for an inspection of the above-stated site by the Douglas County Office of Zoning Administration and/or Zoning Committee, and will allow photographs to be taken of the same if necessary.

7. Contact the Town Clerk to place this application on the Town Board agenda prior to scheduled Zoning Committee hearing as required by Sec. 59.69(5)(e) 3 Wis Stats.

(Continued on reverse)
8. A dimensional diagram of the property is as shown below:

![Diagram of property]

*Property Owner or Agent Signature*

Larry Pulkrabek

*Date Signed*

11-12-19

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**Zoning Committee Decision:**

Date: 12-11-2019

☐ Approved  ☐ Denied

**County Board Decision:**

Date: 12-19-2019

☐ Approved  ☐ Denied

Petition for Amendment to Douglas County Zoning Ordinance

Rev 02-2017
APPLICATION FOR PERMIT:  

- LAND-USE  

- CONDITIONAL-USE  

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner’s Name: DL SKUNK LLC
Mailing Address: 3125 mont du lac Dr City, State, Zip Superior WI 54880
Telephone: 218-626-3797  E-mail Address: NVMSQ@MDSLResort.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)
Tax Parcel #: T5-030-0913-00  Section 8  Town 48  N  Range 15 W
Town of: Superior
Parcel Acreage or Size: 5.01
Property Address: 3041 S. Whiteface Dr
Legal Description: Lot 1 CSM #527 Vol 4 PGs 28-9 PT N-3/4 OF E-1/4 NW SW
Name of Adjacent Lake or Stream: Wetlands: Yes No  Zone District RA

Type of construction: None (accessory, dwelling, addition to seasonal dwelling, alteration to accessory building, relocate structure)
Proposed Use: Lodging for the resort (existing building)

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Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No  X
Sanitary Permit #: 44754 8/15/1972

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary. I hereby agree to terms and conditions on following site sketch page.

Applicant’s Signature: Date: 2-6-20

Printed Name (if different than property owner above):
Address & phone (if different than property owner above):

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Permit No:
Date Issued:
Zone Chg No:
Variance No:

Revised 03-2019
February 29, 2020

Dear Town of Superior Planning Commission, Town of Superior Board, and Douglas County Planning and Zoning Committee,

We are writing this letter regarding the Conditional-Use Permit:

1) DL Skiing LLC, Superior, WI- lodging for the resort (existing building) – Lot 1, CSM #527, Vol 4, Pgs 28-29, Pt NW1/4-SW ¼, Section 8, T48N-R15W; (3041 Whitetail Ridge Rd; TS-030-01913-00), Town of Superior.

Here are notes and concerns from the three families that live and own the properties surrounding 3041 Whitetail Ridge Road on 3 sides:

1) ISSUE RESOLVED? One weekend with no music, just minor noise from races. Noise Pollution: There has been increased noise pollution in the last year when DL Skiing added speakers at the sledding hill pointed directly at our neighborhood. The music is audible in Fond du Lac and in Jay Cooke State Park as well. The music is played at night and all day/night on the weekends. As Nora and Tom play with their young children outside it is unpleasant to listen to a constant stream of music coming through the woods instead of hearing the sounds of nature. We are sometimes even able to hear the music inside our homes. Cindy and Nora have complained to Mont du Lac directly with no change. A neighbor from down the hill was shocked when she stopped up, to hear how loud the music is in our front yard. Patty, Lloyd, and Tom (long time residents of the road) share that this is a new addition this winter. Although not much can be done about this now (especially if they are not willing to listen to our concerns), it is a concern with DL Skiing wanting to do more with the property that is even closer to our homes and our quiet woods. There are complaints from residents in Fond du Lac as well, they are meeting about the this month.

2) Light Pollution: Long term residents on Whitetail Ridge Road and Fond du Lac report an extreme increase in nighttime lighting coming from the ski hill. Again, there might not be much we can do about this now on their commercial property, but it is a consideration for the property at 3041 Whitetail Ridge Road.

3) Private Road: Our private road will have increased use - even with alternative driveway from Mont Du Lac. A representative from Mont du Lac has told several neighbors on River Valley Road and Whitetail Ridge Road that they will not use this road to access the property. They have already proved false with this promise by using the road many times this winter to access their property. A verbal promise to not use our private road does not ensure our road will not be used for their business use. We currently pay for plowing and last year paid for dirt to be added to the road. Should the residents be responsible to pay for upkeep of the private road if Mont du Lac is using it for commercial purposes?
4) **Zoning:** The property in question was zoned residential intentionally - this affects property value and the sanctity of this area on the river. Refer to the original land use agreement.

5) **Water:** With the ever-growing expansion of Mont du Lac, increased water use with snow making equipment, more wells, and water use in summer with camping and cabins that have been added – have and will alter our well production/water quality and pressure. There are environmental concerns with added construction and development to the area for the water table.

6) **Changes:** The longer hours in winter and more summer events are making the area busier. The addition of jet ski, canoe, and kayak rentals to our river will drastically change the atmosphere of the previously quiet fishing area. There were noise complaints from residents in Fond du Lac and from our road with just employees testing out the jet skis last summer.

7) **Environmental Impact:** DL Skiing states that they would just like to use "the existing building for lodging for the resort". This could be ignored as a harmless option, but we are concerned with how changing their zoning to RR-1 will open the door for other things like a mobile home or trailer park, restaurant, resort, or motel. See highlighted areas below copied from the Zoning Ordinance for Douglas County.
   
   (a) A single mobile home provided the lot area and setback requirements of this district are met and the owner provides an accessory building or garage for storage purposes. (b) **Mobile home parks and trailer parks subject to the provisions of Section 6.0.**
   
   (c) Telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relays and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
   
   (d) **Recreational service-oriented uses such as resorts and motels, restaurants and cocktail lounges, marinas, sport shops and bait sales, and other recreational services which in the opinion of the County Zoning Committee are of the same general character or clearly incidental to a permitted use or use authorized by conditional permit.**

Some of the properties on Whitetail Ridge Road are zoned RR-1 already, but the properties are owned by single families, not businesses.
This area saw dramatic environmental damage with the flood of 2012. There have been many slides and deterioration/erosion of the land. We request an environmental impact study be conducted before any more land is cleared.

**Finally, some personal thoughts from the individual families:**

Moving to this neighborhood 2 years ago I wanted to escape the city, and live in a quiet forested environment on the river, which it was at that time. Now Mont Du Lac has extended services, hours, noise, light, water use, traffic, etc.... I have no control over the
commercial property that they own, but this new property serves as a buffer between our home and Mont Du Lac. It should remain a residential only property. Yes, I believe one should be able to do whatever they want with their own property - as long as it does not impact others and others ability to do what they want with their own property. I am limited to having a single residential home on a minimum lot size of 5 acres, these rules should apply to the parcel in question as well. If I blasted music and built a restaurant or hotel on my property as Mont Du Lac has and will do, then I would expect the neighbors to report me to authorities, as they should. Changing the zoning on this property will negatively impact our home and property values as well.

-Cindy

I moved my family to this peaceful road in November 2018. We moved from a very busy road in a populated area of Duluth to raise our children in the woods where my now husband was blessed to be raised. Our children (5 and 7) are blossoming before our eyes with the freedom and space to run and be free. We look forward to welcoming a third child this summer, and hope we can give her and the boys a peaceful, nature filled environment to grow up in. Although we will continue to have our beautiful wooded acreage across from and next to 3041 Whitetail Ridge Road, I have great fears about what any commercial use of the property will do to our peace, safety, and security. With DL Skiing already taking a bit of our peace away with the addition of the music, brighter lights, and jet ski rental, I fear what else they could do to impact our home. I have also heard many stories from people in the area and people who have worked with DL Skiing that have me unlikely to trust any promises or even plans for the property. I am thankful for the Town of Superior’s Planning Commission and Town Board for previously supporting the residents of this road over a growing business and I am hopeful that we can count on you to continue to use caution when making agreements that could impact the residents on our road. Thank you!

-Nora
DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

APPLICATION FOR PERMIT: □ LAND-USE  ✔ CONDITIONAL-USE

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

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<th>Applicant / Operator</th>
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<td>Thunderhill Aggregate LLC</td>
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PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: TJ-030-00284/285/286/287-00  Section 13  Town 47  N Range 14  W
Town of: Superior  Parcel Acreage or Size: 140 Acres
Property Address: 5400 S. County Rod A
Legal Description: NE-NE/NW-NE/SW-NE/SE-NE
Name of Adjacent Lake or Stream: Wetlands: □ Yes □ No  Zone District F-1

Nonmetallic Mine (NEW) - Nonmetallic Mining Permit Number: 20-0029
CU Permit #: 14022

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary. I hereby agree to terms and conditions on following site sketch page.

Signature of Operator: Robin Cuch  Date: 2-10-20

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You are responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources wetlands identification page or contact a Department of Natural Resources Service Center.

**Additional responsibilities for owners of projects disturbing one or more acre(s) of soil**

I understand that this project is subject to regulations regarding erosion control and storm water management and I will comply with those standards. For more information, visit the Department of Natural Resources or contact a Department of Natural Resources Service Center.

Applicant's Signature: [Signature]

Date: 07-10-20
February 28, 2020

Thunderhill Aggregate LLC
6521 Tower Ave
Superior, WI 54880

This letter is regarding the Thunderhill Aggregate LLC mine located on County Road A, Town of Superior, WI parcel number TS-030-00284/285/286/287-00, Mine Permit #20-0029, Conditional Use Permit #14022. The reclamation plan and financial assurance are under review as part of the conditional use permit renewal. Aside from an acreage update in 2017, the plan has not been updated since 2003. Please see the attached revisions which need to be addressed. Financial assurance will need to be adjusted with the plan updates.

Any questions regarding reclamation plan updates may be directed to Ashley Vande Voort, Douglas County Land Conservationist, at Ashley.vandevoort@douglascountywi.org or 715-395-1266.

Sincerely,

[Signature]

Zach DeVoe
Land Services Director

Attachments
- Reclamation Plan Revisions
- Authorization of Agent Form
- Mine Area Map
- 2003 Reclamation Plan
Reclamation Plan Revisions- CU#14022

Site information

Maps
The current reclamation plan (page 2 Topography section) states “No water impoundments or artificial lakes will be required on site”. The last map (created by J.R. Jensen) shows two “future ponds” on the site. Please check if maps are accurate, or need to be updated to display where ponds are intended to exist.

Area Extent- As of 12-13-17 the reclamation plan was updated to include 22 acres. The last communication I have record of in 2017 states mining is not intended to be expanded beyond the 22 acres. The maps created by J.R. Jensen in 2003 show a total of 11 acres to be mined, and needs to be updated. I have attached a map of the current mined area. Please review the attached map of the current mine area. The current acreage disturbed is 24 acres. Please verify this map is acceptable to display the proposed mine area, or submit a map of your own to show the future proposed mine area. It is a violation of your permit to mine outside the area proposed in the reclamation plan.

Post Mining Land Use
The current reclamation plan states the post-mining land use shall be forest property. There is currently water standing on site, and the map created by J.R. Jensen displays “future ponds”. If water intends to remain on site into the future, please update the plan to include open water as well as forested land as the post-mining land use. This update will need to be approved by the Town of Superior. Please contact Sue Radzak at 715-395-1380 for assistance on proposing this change the Town of Superior.

It is the responsibility of the permit holder to ensure all necessary permits are secured for the mine. The appropriate WDNR permit will need to be secured to create a pond on the property. Please contact DNRWMSPublicInquiry@wisconsin.gov or 608-267-3125 to secure the appropriate permits if you have not already done so. Please submit any permit records to Douglas County Zoning Department.

Reclamation Measures

Earthwork and Grading
The current reclamation plan states “All disturbed land shall be graded to provide a maximum 3:1 slope.” This can remain unchanged if it is intended to grade all walls to meet this requirement. However, if any rock walls will remain, then language must be added to state that walls will be stable upon reclamation and describe any additional safety measures. The estimated cost to perform this stabilization and safety measures should be included with the estimated cost of reclamation.

Topography
This section states “no water impoundments or lakes will be required on this site”. If water will be on site please add this along with any safety measures which will be in place.

Cost
The current reclamation plan states “estimated costs for this site reclamation will be $3,000 to $5,000”. The most updated record I have (2016) show $11,891 of financial assurance in place. This needs to be updated to reflect current prices and plan updates.
Re-vegetation Plan

Area to be seeded must be updated to the proposed total mine area.

Permanent Seeding Requirements

Please updated the seed list to include a native seed mix such as WisDOT mix 70, 70A or 75 and the reclamation cost estimate should be appropriately adjusted.

The post mining land use is forested. Please add the cost of planting trees to the site to achieve a forest cover. Please include the tree planting density.

Re-vegetative standards

The current reclamation plan states “the vegetation will be considered complete when it matches the area adjacent to the disturbed area”. This is acceptable language, but dependent upon the surrounding area, and interpretation, this could be challenging to meet. I recommend adding reclamation will include 80% vegetative cover with sufficient native species coverage.

To address the planted trees, either a survival rate percentage can be added, or an estimated future number of trees per acre (factor in that not all trees planted will survive).

Criteria for Successful Reclamation

Again, for #1, consider using wording consistent with language in “re-vegetation standards” if this was updated.

For #4, add language for stable walls, if there will be walls remaining on site.

Financial Assurance

Records from 2016 have $11,891 in place for financial assurance for this site. Financial assurance will need to be adjusted for the increased acreage and plan updates. It may be helpful to breakdown the reclamation costs per activity performed to justify the amount of financial assurance in place.

Certification of Reclamation Plan

The reclamation plan will need to be signed by the operator. If the landowner and lessee are different than the mine operator, the landowner and lessee must either also sign the reclamation plan, or written proof must be provided that they received a copy of the approved reclamation plan. If the operator is different than the landowner, an Authorization of Agent form (attached) must also be submitted.
NR-135 Non-Metallic Mining Reclamation Plan
for Quarry Pit on the Property of Arlyn H. Jensen

Site Information:

General Location:
See attached plat diagram

Property Boundary:
NW ¼ - SE ¼ Section 13 T47N R14W, Town of Superior, Douglas County, WI
Landowner: Arlyn H. Jensen

Area Extent:
8 acres total, as shown on attached map

Geological Composition:
The mineral deposit is homogenous igneous bedrock, probably basaltic.

Distribution, thickness, and type of topsoil:
The existing topsoil in the area is clayey loam with an approximate thickness of six inches.

Approximate Elevation of Groundwater:
Groundwater is estimated at an elevation of 960 feet, based on a local groundwater drinking well.

Location of Surface Water:
See attached topographic map

Existing Drainage Patterns:
See attached topographic map

Existing Topography:
See attached topographic map.

Location of Manmade Features:
See attached aerial photo.

Previously Mined Areas:
Not Applicable

Biological Information:
Lands adjacent to the mine are forest areas consisting of mixed hardwoods.

Post Mining Land Use:
Post-mining land use shall be forest property, which is consistent with current land use.

Reclamation Measures:
Earthwork and Grading:
All disturbed lands shall be graded to provide a maximum 3:1 slope.

Topsoil:
Topsoil will be removed with a D-8 bulldozer and stockpiled on site. Once the topsoil is stockpiled, silt fence will be placed around the base of the pile and then the stockpile will be seeded using the mixture for temporary seeding. Once reclamation begins, the topsoil will be replaced evenly over the entire pit area and then seeded as described in the seeding requirements.

Topography:
Final topography will be determined upon completion of the non-metallic mining operation. Final contours will reflect the maximum slope described in earthwork and grading above. No water impoundments or artificial lakes will be required on this site.

Structures:
Existing roads will remain after reclamation for access to the site. No other structures are to remain on the site.

Cost:
Estimated costs for this site reclamation will be $3,000 to $5,000.

Re-vegetation Plan:

Dormant Seeding Requirements:
To be completed after November 1. Dormant seeding is not recommended.

Temporary Seeding Requirements:
To be completed from September 15 to October 1 and shall consist of winter wheat or rye applied at a rate of 2.0 bushels/acre.

Seed needed: 16 bushels

Permanent Seeding Requirements:
Area to be seeded: 8 acres

- Kentucky Bluegrass: Rate 4.0 lbs/acre, seed needed 32 lbs
- Creeping Red Fescue: Rate 3.0 lbs/acre, seed needed 24 lbs
- Perennial or Annual Rye: Rate 1.0 lbs/acre, seed needed 8 lbs
- Fertilizer: 300 lbs 20-20-20 and 2 tons of 80-85 lime or equivalent per acre
- Fertilizer needed: 2400 lbs 20-20-20 and 16 tons of 80-85 lime
- Mulch: 2 tons or 60 bales per acre, mulch needed 16 tons or 320 bales
- Optimum seeding dates: May 1 to June 16 for spring seeding
  August 15 to September 15 for fall seeding
All gardening materials (seed, fertilizer, mulch, etc.) and required tests shall be obtained and on site prior to the completion of construction. In lieu of soil test, fertilizer will be applied at rates described above. Seed mixtures will be applied at pure live seed rates. Mulch materials will be placed within 48 hours of seeding. Mulch materials will be spread at a recommended rate so it does not disrupt the planned vegetation.

**Re-vegetative Standards:**
The standards for the re-vegetation of the pit are as follows: Seed, fertilize, and mulch according to the rates described above. The vegetation will be considered complete when it matches the area adjacent to the disturbed area.

**Erosion Control:**
Erosion control measures during reclamation shall be according to WISDOT standards and specifications and shall include but not limited to the use of silt fence, erosion control blankets, riprap, and seeding. Erosion control measures will be implemented during reclamation to minimize erosion and pollution of surface and groundwater.

**Interim Reclamation:**
Interim reclamation will occur when areas of the pit are depleted of material or when the pit is encroaching on the property lines. This reclamation will occur with six (6) months of the area’s depletion.

**Criteria for Successful Reclamation:**

Reclamation will be complete when the following criteria have been met:
1. Re-vegetation is comparable to the area adjacent to the disturbed areas.
2. Erosion control measures are no longer necessary and are removed.
3. There is no unnatural erosion on the site.
4. The slopes meet the requirement of no greater than 3:1.
5. All criteria listed in the reclamation plan have been met.

An on-site inspection will verify that the conditions and requirements of the reclamation plan have been met. The Douglas County Zoning Department will have final authority to determine if the reclamation plan has been successful.

**Certification of the Reclamation Plan:**
Operator of the Pit must sign a statement assuring that the reclamation plan that has been developed will be followed. Operator shall keep a copy of the Reclamation Plan at Pit or, if not practical, at Operator’s nearest office or place of business.

**Financial Assurance:**
Operator of Pit must sign a statement assuring money has been set aside in a Trust Fund, Certificates of Deposit, Bonds, Cash, or Government Securities to cover the cost of reclamation should the Operator abandon the Pit forcing the County into hiring someone to reclaim the abandoned Pit. The cost included in this reclamation plan is an estimate. The final cost of reclamation could be greater or lesser than the estimate. Operator of Pit
shall provide for any cost difference to complete the Reclamation plan.

Submitting the Reclamation Plan:
Matthew D. Jensen has prepared this reclamation plan to be submitted by the landowner, Arlyn H. Jensen.
JENSEN QUARRY
APPROXIMATE LOCATION

LEGAL DESCRIPTION:
T47N R14W S13
SE 1/4 NW1/4
NE1/4
DOUGLAS COUNTY PERMIT

ISSUE DATE
04/08/2015

CONDITIONAL-USE#
14022

MAILING ADDRESS
UDEEN TRUCKING, INC
6521 TOWER AVE
SUPERIOR WI 54880

TOWN OF SUPERIOR

PARCEL(S): TS-030-00284-00, TS-030-00285-00, TS-030-00286-00, TS-030-00287-00

PROPERTY ADDRESS
5600 S COUNTY ROAD A

LEGAL DESCRIPTION:
NW NE 13-47-14

SECTION TOWN RANGE
13 47 N 14 W

FOR
NON-METALLIC MINE (RENEWAL)

CONDITIONS: The following minimum requirements must be met for all land uses:

04-08-2015 - Douglas County Zoning Committee approved five year renewal of non-metallic mine permit (expiring 04-08-2020). Town’s conditional approval dated 01-02-2015 received and on file. All conditions associated with this permit are on attached four pages. This permit should be considered incomplete without four pages of conditions attached.

cc: Arlyn Hunter Jensen (property owner), 4842 E Thunderhill Tr, Superior, WI 54880

This is not a building permit. Check with your Town Chairman for information concerning township building requirements or permits for any structure. The Wisconsin Uniform Dwelling Code requires that all towns issue building permits for new dwellings and additions to existing dwellings. Please contact the appropriate town clerk for obtaining permits.

ZONING AUTHORITY
Land-Use and Conditional-Use Permits:

This permit will expire one year after date of issuance if construction is not commenced or two years from date of issuance. Changes in plans or specifications shall not be made without approval of the Zoning Administrator.

This permit may be revoked if any of the information given in the application is found to have been misrepresented.

Chapter 26.03 WI Statutes states “no person may harvest any raw forest products until 14 days after notifying the County Clerk of the person’s proposal to harvest.” Contact the Douglas County Clerks office at (715) 395-1568.

Commercial buildings may also require permits from the State of Wisconsin; Department of Commerce; Division of Safety and Buildings.

All Permits:

It is the property owner and/or contractor’s responsibility to ensure that conditions of all recorded easements are met. These may include, but may not be limited to: sewer systems, power lines, gas lines, telephone cables, cable television, pipelines, roads and private access. For additional information, it is recommended that you contact the local sanitary district, power, gas, telephone, cable & pipeline companies, and local municipality, as applicable. Recorded easements should also be referenced on the property owner’s deed.

Driveway Access Recommendations (for emergency services):

To protect the property owner and family you must provide adequate access/turn-around capabilities for emergency vehicles (i.e., ambulance, fire fighting equipment, snow plow, etc.), the following guidelines are recommended as MINIMUM standards by the Director of the Office of Emergency Management:

Highway / road turn-off to property entrance road must be a minimum of 20 feet in length.

Width of driveway access road must be a minimum of 20 feet.

Overhead clearance must be a minimum of 16 feet.

Parking or turn-around area - any alignment to provide adequate exit capabilities for emergency equipment.

Driveway Permits / Culvert Requirements:

Town Roads – appropriate Town Clerk

County Roads: Jason Jackman, Douglas County Hwy. Department @ (715) 374-2612

US / State Highways: Dan Anderson, WI DOT @ (715) 635-5059

IF PROPERTY IS IN FOREST CROP, NOTIFY THE TOWN AND THE DEPARTMENT OF NATURAL RESOURCES.
DOUGLAS COUNTY, WISCONSIN
Planning, Zoning and Land Information Offices
1313 Belknap Street, Room 206
Superior, WI 54880

CONDITIONS OF PERMIT: 14022

ISSUED: 04-08-2015

Tax Parcel I.D. Number: 
TS-030-00284-00  TS-030-00286-00  S-13, T-47N, R-14W
TS-030-00285-00  TS-030-00287-00

Proposed Use: Non-Metallic Mine Renewal

CONDITIONS:

1. Attachment "Non-Metallic Mining Conditional-Use Permit Conditions, Final Copy as approved by Town of Superior Plan Commission on March 31, 2010" hereby incorporated as conditions to be observed on this permit.

2. Attachment "Mediation Session Results – Thunderhill Quarry, 14022, August 12, 2010 at the Town of Superior Town Hall, Jeff Hoffman, UW-Extension (Eau Claire), Facilitator" hereby incorporated as conditions to be observed on this permit.

3. A certificate of insurance shall be submitted to the Zoning office. Certificates of insurance shall be obtained from each subcontractor, blasting company and crushing company. All certificates must be submitted prior to commencing any work.

4. All trucks shall use County Road A.

5. Pre-blast surveys of homes within ½ mile radius of the blasting operation shall be done by an independent company. The survey should also include testing of wells. A list of property owners included in the pre-blast survey shall be submitted to the Zoning office.

6. The Zoning office and all residents who wish to be notified within a ½ mile to one mile radius shall be notified at least 24 hours before each blast occurs. Leaving a message on a voice mail recorder to the parties is considered adequate notice. No blasting is allowed on Saturday, Sunday or Holidays.

7. Residents within a one mile radius shall be contacted two to three days after each blast to see if any problems occur.

8. A third party independent consultant will provide two seismographs to monitor each blast.

9. All operations must be confined to the area of the legal description accompanying the application for the conditional use permit.

   Blasting hours shall be Monday thru Friday, 6:00 a.m. to 6:00 p.m.

   Crushing hours shall be Monday thru Friday, 6:00 a.m. to 8:00 p.m. 6:00 p.m. (per mediation session) and Saturdays only if necessary (refer to #11).

10. Subcontractors shall be required to obtain all necessary permits from the respective agencies. Thunderhill Aggregate is responsible to make sure that all regulations are followed. Operation must comply with all appropriate USWEPA, US Army Corps of Engineers and WI Department of Natural Resources requirements.

11. If contractual requirements with the WI-DOT require additional hours of operation, restricted to Monday thru Friday, 6:00 a.m. to 8:00 p.m., a request may be submitted to the Douglas County Zoning Department for review. The applicant will provide a copy of the contract for review by the Zoning Department, the Douglas County Zoning Committee, and Town of Superior.
12. Unscheduled equipment repair and routine maintenance such as oil and greasing, oil changes, changing screens and welding is authorized between 6:00 a.m. and 9:00 p.m., Monday thru Friday.

13. This conditional use permit will expire five three years from the approval date. The applicant must comply with the requirements of NR-135 regarding Non-Metallic Mining Restoration Law and all submission of annual reports.

14. The operation must comply with the requirements of Section 6.2 – Quarries and Mines found in the Douglas County Zoning Ordinance or Regulations.

15. This permit renewed for five years. Permit expiration will be 04-08-2020.

These pages are intended to be a part of above numbered permit and should be included in any copies or other duplication of this permit.
1. During periods of road weight restrictions (WI Stat. 349.6) the permit holder will not haul on any posted roadways, unless granted emergency authorization from the Town Road Foreman. The permit holder will assume the cost of repairs for any damage that occurs to these roads caused by their hauling operations.

2. During weight restrictions, the Town Road Foreman may establish alternative haul routes. The permit holder agrees to provide gravel to repair damaged areas caused by their hauling operations.

3. Hours of Operation:
   a. Normal sales hours are: 6:00 a.m. to 8:00 p.m. Monday through Friday, 7:00 a.m. to 3:00 p.m. Sundays.
   b. Extended hours of 24-hour operations may be allowed for emergency situations, specific job requirements and special projects or other justified purposes.
   c. The permit holder will notify the Town of Superior if they need to operate 24 hours or more than the normal sales hours, specifying the approximate start date and approximate duration of operations.
   d. If the Town Road Foreman is not available, leaving a recorded message on the Town answering machine is considered adequate notification for item 3(c).

4. Dust control: The operator is responsible for minimizing respirable dust exposure by use of wet suppression for processing aggregate materials and by controlling fugitive emissions from peripheral activities, including trucking. Maintain respirable dust limits within MSHA standards and provide a healthy, dust-free environment for employees and neighboring property owners.

5. Noise control: The operator is responsible for mitigation of on-site noise by maintaining functional mufflers and exhaust systems on all internal combustion engines and by shielding mechanical processes with noise barriers.

6. Blasting (if applicable):
   a. All blasting operations will comply with the Wisconsin Administrative Code Chapters Comm. 7 & 8 and the National Fire Protection Association guidelines in the NFPA Explosives Material Code, Chapter 495.
   b. In addition, the operator or contractor will place a minimum of three (3) seismographs at neighboring residences during each blast. The operator will make a copy of each blast record available to the Town of Superior and residences upon request.
   c. The operator will maintain a blast notification list at the local company office.
   d. Any neighbor or resident within ½ mile of the quarry may request notification prior to any blast detonation at the quarry.
   e. The operator is responsible to provide blast notification in-person or by telephone to occur on the day of the proposed blast and at least two hours prior to the blast. A voice message is considered proper notification if residents are not home on the day of the blast.
Mediation Session Results – Thunderhill Quarry, 14022
August 12, 2010 at the Town of Superior Town Hall, Jeff Hoffman, UW-Extension (Eau Claire), Facilitator

I. Issues agreed to by all participants:

A. Intensity of the blasting
B. Hours of operation of the mine
C. Noise during crushing operations
D. Lack of notification prior to blasting
E. Other issues raised by individuals: crushing during bow hunting season, dust control, high speeds by gravel trucks, traffic safety near Copper Creek Bridge and reduction in property values.

II. Remedies to the issues expressed by Scott Udeen, Thunderhill Aggregate, LLC

A. Agreed to reduce the intensity of the blasting in the mine – all agreed that this will require some trial and error on the part of the blasting contractor, Hoover Construction.
B. Noted that the current hours of operation are from 6:00 a.m. to 6:00 p.m. The current permit states 6:00 a.m. to 8:00 p.m.
C. Agreed to relocate the crusher to take advantage of the existing terrain and reduce the noise effect.
D. Agreed to notify all property owners within ½ mile and will contact all property owners between ½ and one mile to determine if they wish to be notified prior to each blast.
TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

APPLICATION FOR PERMIT: □ LAND-USE ✓ CONDITIONAL-USE

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON THIS PAGE

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Applicant / Operator
Walter Moss

Property Owners / Lessors (if different from Applicant)
Walt Moss Trucking, Inc.

Address
PO Box 231

Address
PO Box 231

City, State, Zip Code
Lake Nebagamon, WI 54849

City, State, Zip Code
Lake Nebagamon, WI 54849

Phone Number (please complete this field)

Phone Number (please complete this field)

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: HI-016-00747-00; HI-016-00746-02

Section 7 Town 46 N Range 10 W

Town of: Highland

Parcel Acreage or Size: 37 Acres

Property Address: 7908 S County Road S

Legal Description: FR'L SW SW & S-210' OF S-1/2 FRL NW SW 7-46-10

Name of Adjacent Lake or Stream: 

Wetlands: ✓ Yes □ No Zone District: F-1

Nonmetallic Mine (Renewal) - Nonmetallic Mining Permit Number: YR-0058

3-Year Renewal CU Permit #: 20371

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary. I hereby agree to terms and conditions on following site sketch page.

Signature of Operator __________________________ Date __________

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Revised 10-12-2016
February 28, 2020

Walter Moss
PO Box 231
Lake Nebagamon, WI 54849

Dear Mr. Moss:

This letter is regarding the sand mine located on County Road S in the Town of Highland, Parcel #HI-016-00747-00, Mine Permit #19-0058, Conditional Use #20371. The original reclamation plan states the post-mining land use as a grassland. The 2016 mine reclamation plan update changes the land use to residential with open water. "Homes will be constructed on the southeastern part of the site with access to the pond in the center of the site." Any post mining land use change must be approved by the Town of Highland. As part of your 2020 conditional use permit renewal, the Town of Highland will be requested to approve the post-mining land use change.

One of the conditional uses on your permit states, “In accordance with the request by the Town of Highland regarding groundwater protection the following condition applies: the operator will establish a local benchmark at the bottom of the existing culvert under County Road S near the mine. No portion of the floor of the mine shall extend below the benchmark.” It can be presumed that in order to create a pond on the site, excavation will occur to a depth that is lower than the elevation of the bottom of the culvert on County Road S. This information will be brought to the Town of Highland for them to review the current conflicting post-mining land use and condition on your permit.

Please contact Ashley Vande Voort at Ashley.vandevoort@douglascountywi.org or 715-395-1266 if you have any questions.

Sincerely,

Zach DeVoe
Land Services Director

Enc

cc: Town of Highland
DOUGLAS COUNTY PERMIT

ISSUE DATE
04/08/2015

CONDITIONAL-USE#
20371

MAILING ADDRESS
WALT MOSS TRUCKING, INC.
P.O. BOX 231
LAKE NEBAGAMON WI 54849

TOWN OF HIGHLAND

PARCEL(S): HI-016-00746-02, HI-016-00747-00

PROPERTY ADDRESS
7908 S COUNTY ROAD S

LEGAL DESCRIPTION:
FRL SW SW, 7-46-10

SECTION
07

TOWN
46 N

RANGE
10 W

FOR
NON-METALLIC MINE (RENEWAL)

CONDITIONS: The following minimum requirements must be met for all land uses:

04-08-2015 - Douglas County Zoning Committee approved five year renewal of non-metallic mine permit (expiring 04-08-2020). Town approval dated 03-11-2015 received and on file. All conditions associated with this permit are listed on Page 2. This permit should be considered incomplete without Page 2 attached.

This is not a building permit. Check with your Town Chairman for information concerning township building requirements or permits for any structure. The Wisconsin Uniform Dwelling Code requires that all towns issue building permits for new dwellings and additions to existing dwellings. Please contact the appropriate town clerk for obtaining permits.

ZONING AUTHORITY
CONDITIONS OF PERMIT: 20371

ISSUED: 04-08-2015

Tax Parcel I.D. Number:
1) HI-016-00746-02
2) HI-016-00747-00

Proposed Use: Non-metallic Mining Permit (Renewal)

CONDITIONS:

1. Must comply with Ordinance 8.0, Section VI, Sub. 6.2

2. Must comply with Ordinance 8.9

3. In accordance with the request by the Town of Highland regarding groundwater protection the following condition applies: the operator will establish a local benchmark at the bottom of the existing culvert under County Road S near the mine. No portion of the floor of the mine shall extend below the benchmark.

4. Applicant to provide revised reclamation plan to the Douglas County Zoning Office for review by the Land and Water Conservation Department. Approved reclamation plan to be reviewed, approved and in place by June 1, 2015. Revi ew d & Approved 03-09-2014

5. This permit renewal effective for five years. This permit will expire 04-08-2020.

6. Applicant to provide additional financial assurance if indicated in the revised plan.

7. Must maintain financial assurance and comply with submission of annual NR-135 report.

This page is intended to be a part of above numbered permit and should be included in any copies or other duplication of this permit.