

Eau Claire River, LLC Non-Metallic Mining Application Narrative

In accordance with Village of Kronenwetter Zoning Code 520-26.D. Non-Metallic Mining, we offer the following response:

- 1.) *A written description of the proposed operation, including the types and quantities of the materials that would be extracted;*** Approximately 1,300,000 cu. yds. of material would be excavated based on the current plan. Approximately 100,000 – 150,000 cu. yds. of material will remain on site to bring the infrastructure and building pads at or above the 100 yr. flood plain elevation. Approximately 1,250,000 cu. yds. of material will be leaving the site to support community construction needs and asphalt production. The anticipated materials to be excavated from the site are sand and gravel. The excavation will begin on the northeast corner of the site and move southwesterly. Site restoration efforts will take place concurrently with final grading as we move south. Fill material for the proposed building and infrastructure development will take place based on market demand.
- 2.) *Proposed dates to begin extraction, end extraction, and complete reclamation;*** Our team looks forward to beginning the excavation within 90 days of receiving regulatory approvals. We cannot predict the marketplace or need for earthen materials so anticipating a completion date is difficult. We anticipate a 20-year window for excavation and reclamation based on current material demands. The borrow source would be reclaimed as the excavation takes place. The redevelopment efforts will take place based on market demands.
- 3.) *Geologic composition and depth and thickness of the mineral deposit;*** Based on soil borings performed in the area we anticipate sand and gravel deposits to a depth of 100-feet below surface. Groundwater is anticipated at an elevation of 1145. Approximately 70-feet of excavation will take place below the groundwater table.
- 4.) *Existing use of the land and proposed use after reclamation;*** The existing use of the land is fallow agricultural land reverting back to wooded lands. A 1948 air photo depicts an agricultural field stretching across the center of the subject property approximately 20 acres in size. At some point in recent history, the Hanz construction company created a borrow source onsite which is evidenced by the existing excavation. Concrete production was believed to have taken place onsite as well as witnessed by cull concrete remaining in the excavation.
- 5.) *Existing natural and archaeological features on and adjacent to the site;*** To our knowledge, there are no natural or archaeological features on site. The Gate of Heaven cemetery is located approximately 2,000 feet north of the subject land.
- 6.) *Where extracted materials would be hauled and over what roads;*** The application relies on a full access being created through a median break at the current field entrance. Past negotiations with the adjacent landowner to share the current access to Kowalski Road have been unsuccessful. These negotiations date back to the previous landowner beginning in 2004. We anticipate the use of Kowalski Road to Business 51. Business 51

north to I-39 Interchange #185 (Cedar Creek) or south to I-39 Interchange #181 (Maple Ridge Road) dependent upon the location earthen material is needed. If earthen materials are needed for development within the Village of Kronenwetter east of the subject property, Kowalski Road may be used as an intermittent route.

If materials are to be supplied to American Asphalt, the use of Queenland Drive and Cedar Road will be used to access the American Asphalt storage yard as the shortest route between sites.

- 7.) ***Types, quantities, and frequency of use of equipment to extract, process, and haul;*** Generally, there are three (3) to five (5) pieces of machinery located at the site during operations (excavators, bull dozers, off road trucks, loaders, screening equipment, and equipment used for processing.) Eau Claire River, LLC will practice dust control, air quality and public road cleanliness per MSHA regulations. Onsite moving of material will use off-road haul trucks. Material leaving the site will be loaded into dump trucks or dump trailers.
- 8.) ***Types of materials and equipment used or stored on site;*** Quantities of material stored at the site are generally based on demand, but Eau Claire River, LLC has set general stockpile parameters for the site. The stockpile will generally be between 5,000 to 15,000 cubic yards of crushed gravel throughout operation, with approximately 20,000 cubic yards expected to be sold each year.
- 9.) ***Whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site;*** There will be limited screening taking place on site for the separation of sand and gravel. The maximum amount of combined material at the site at any given time will range from 20,000 to 50,000 cubic yards, with crushing events of 10,000 to 15,000 cubic yards of material anticipated two to four (2-4) times per year. The fueling of onsite equipment will be completed as needed delivered by a fuel transport truck that will not be stored onsite along with a 1,000 gallon on-site skid tank. Asphalt batching or concrete production is not anticipated to take place onsite.
- 10.) ***If washing is to be performed, estimated daily quantity of water required, its source and its disposition;*** Washing may be performed if aggregate material is encountered. Onsite groundwater will be used to wash the material. Washing will take place in a separate temporary sediment basin constructed large enough to address the volume.
- 11.) ***Whether excavation will occur below the water table and, if so, how ground water quality will be protected;*** Excavation below the groundwater table is anticipated. Daily inspection of equipment to address fuel or oil leaks is required. Storage of equipment at an elevation well above the water table is required. Offsite drainage to the excavation will take place via grassed swales with sediment basins. A large buffer will remain around the excavation to prevent offsite contamination.
- 12.) ***Description and elevations of all temporary or permanent structures;*** The excavation will not contain a permanent stormwater outlet due to the depth of the groundwater and the excessive storage capacity of the final excavation.

13.) Proposed hours and days of operation; Annual hours of operation are Monday through Friday 6:00 a.m. to 7:00 p.m.. Saturday 6:00 a.m. to 12:00 p.m.. No operational hours on Sunday.

14.) Any special measures that will be used for spill prevention and control, Refueling of equipment will take place away from the groundwater source. **dust control,** A water truck, sprinkler system, or alternate means of cover to control dust during dry periods of the year will be utilized **or environmental protection;** A vegetated buffer of existing trees/vegetation will remain around the site until the final redevelopment phase. The site will be gated during closed hours to prevent unauthorized entry or dumping of unauthorized materials. All disturbed areas will be topsoiled and seeded, erosion control mix for dry soils. Post rainfall events greater than 0.5 inches will take place to monitor erosion control efforts. Grassed swales will be maintained to address stormwater runoff and sediment control.

15.) A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features, including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms, fencing, and/or landscaping; and proposed temporary and permanent structures, including scales and offices. See Attached

16.) An erosion control plan, drawn to scale by a professional engineer, meeting all applicable village, state, and county requirements. See Attached

17.) A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the county nonmetallic mining reclamation ordinance, and clearly depicting proposed stages of restoration, proposed contours following restoration, depth of topsoil and vegetative cover, and proposed land use. See Attached

18.) Each nonmetallic mineral extraction operation, regardless of when established, shall have on file with the zoning administrator current operational, erosion control, and reclamation plans covering the subject matter in subsection A above, in no case later than 180 days from the effective date of this chapter. Operations established before the effective date of this chapter shall operate and restore the site in compliance with previous approved plans and conditions; with the provisions of this chapter; and to assure public safety, minimization of nuisances, and proper restoration of the site, provided that such requirements shall not be economically and technically unreasonable with respect to existing conditions. A copy of the enclosed materials will be filed with the Village of Kronenwetter.

19.) For new and expanded operations, a buffer yard meeting the requirements of subsection 520-79.C(4) shall be provided along all property borders abutting residentially zoned property. See Attached

20.) The conditional use permit may include limits on the amount of time the nonmetallic mineral extraction use shall remain in operation and/or hours and days of operation. Eau Claire River, LLC looks forward to working with the Village on this matter.

21.) The conditional use permit may include restrictions and/or hours for blasting, drilling, screening, asphalt batching, washing, and other processing. Eau Claire River, LLC looks forward to working with the Village on this matter.

22.) All mineral extraction activities and washing, crushing and similar processing shall be at least 50 feet from any right-of-way or property line, and 200 feet from a residential dwelling. All ancillary operations, such as offices, parking areas, and stockpiles, shall be at least 50 feet from any right-of-way or property line. This provision shall apply to all nonmetallic mineral extraction operations, including preexisting ones, except to the extent that buildings, structures, and surface activity areas were closer than specified as of the effective date of this chapter. Eau Claire River, LLC accepts this condition

23.) To prevent tracking of mud onto public roads, access driveways for all new and expanded nonmetallic operations shall be hard-surfaced within 50 feet of the public right-of-way, unless the adjacent road is not hard-surfaced. Eau Claire River, LLC anticipates 100-feet of paved access.

24.) All public roads to all nonmetallic mineral extraction operations, including operations established prior to the effective date of this chapter, shall be kept free of all mud, debris, and dust by sweeping or other means. Eau Claire River, LLC accepts this condition

25.) Access to all nonmetallic mineral extraction sites shall only be through points designated as entrances on the site or operations plan map or as otherwise legally established. The operator shall secure such access points when the site is not in operation. Eau Claire River, LLC accepts this condition

26.) For all nonmetallic mineral extraction operations, the site and driveway shall be sprayed to control dust, except when the temperature is below freezing. Spraying may also be required in and around the excavation pit to further reduce dust. All operations and sites, regardless of when established, shall also meet the air pollution standards in [section 520-92](#). Eau Claire River, LLC accepts this condition

27.) The conditional use permit may include provisions for the upgrade, repair, and maintenance of public roads serving the use, which shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required as part of the conditional use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance. Eau Claire River, LLC accepts this condition

28.) If any public road is damaged or destroyed as a result of any nonmetallic mineral extraction operation, including operations established prior to the effective date of this chapter, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operation. Eau Claire River, LLC accepts this condition

29.) On-site bulk fuel storage areas and areas for fueling of equipment shall be located in accordance with the Wisconsin Administrative Code and state statutes. A conditional use permit granted for a new or expanded operation may also require that such areas, facilities, and equipment be located above the water table to minimize the potential for groundwater contamination. An on-site 1,000 gallon skid tank will be used and stored above the groundwater table.

30.) If blasting, drilling, or other processing is requested, additional standards or conditions may be applied to the conditional use permit with relation to frequency, dust, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with the Wisconsin Administrative Code. Eau Claire River, LLC accepts this condition

31.) For all nonmetallic mineral extraction operations, including operations established prior to the effective date of this chapter, noise levels shall kept at or below allowable limits under [section 520-91](#). Eau Claire River, LLC accepts this condition

32.) For nonmetallic mineral extraction operations established or expanded after the effective date of this chapter, the area of extraction shall be completely enclosed by a security fence meeting applicable requirements of [section 520-83](#), or maintained at a slope not to exceed 3:1. Eau Claire River, LLC will not grade slopes greater than 3:1.

33.) The owner of each nonmetallic mineral extraction operation, regardless of when established, shall maintain insurance against liability for personal injury, death or property damage caused by the maintenance and/or operation of the nonmetallic mineral extraction operation and accessory structures. Such insurance policy shall have a single combined limit of not less than \$1,000,000.00 per occurrence and contain a provision that it may not be canceled or materially modified without the approval of the village. The owner shall provide the zoning administrator with a certificate of such insurance before issuance of a building permit, upon each policy renewal thereafter, and otherwise upon written request. Eau Claire River, LLC accepts this condition

34.) Upon written inquiry from the village, each nonmetallic mineral extraction operation, regardless of when established, shall have the burden of presenting credible evidence establishing the continued compliance with applicable provisions of this subsection D, and approved plans and conditions placed upon the conditional use permit or any other prior or subsequent village approval. Failure to establish compliance with applicable provision, the approved plans, and all conditions placed upon the conditional use permit or other village approval shall be grounds for revocation of the permit. If the village determines that it is necessary to consult with a third party to ascertain compliance, all costs and expenses associated with such consultation shall be borne by the owner of the nonmetallic mineral extraction operation. Failure to pay such costs and expenses or provide information requested by the village shall be grounds for revocation of the conditional use permit or other village approval, and/or enforcement under the provisions of this chapter. Eau Claire River, LLC accepts this condition

35.) Minimum required off-street parking: one space per each employee on the largest work shift. See attached plan.

Bull Junior Creek Flood Storage District Reservoir #2 Impacts

Most of the subject property is consumed by the Flood Storage District Reservoir #2 (FSDR2) with a flood elevation of 1173.5. The impacts of FSDR2 create a financial hardship on the parcel due to extensive earthmoving efforts required to create building pads 2 feet above the flood plain elevation as required by Village Code (flood protection elevation) and infrastructure routes at or above the flood elevation. The proposed non-metallic mining efforts:

- Create a borrow source to generate earthen fill material for the proposed building pads
- Generating a revenue source to aid in offsetting extraordinary earthmoving costs not experienced on sites outside of the floodplain
- Provide flood storage mitigation for the subject site and the surrounding sites within FSDR2

FSDR2 currently stores approximately 216 acre-feet of flood waters during a 100-year storm event impacting 13 individual properties based on current FEMA mapping. The creation of the proposed pond excavation will create approximately 484.5 acre-feet of flood storage. The result is an additional 268.5 acre-feet of flood storage may be available for additional flood storage. If neighboring properties choose to participate through grading efforts to direct water to the proposed facility, gains in property values can be realized by addressing the flood storage mitigation impacts.