

MINUTES
JACKSON COUNTY ZONING & LAND INFORMATION COMMITTEE
December 13, 2012

December 13, 2012: Committee Site Visits, Meeting and Public Hearings

Meeting called to order by Chairman Gaylord Olson at 9:00 a.m., the Site Visits followed. Committee members in attendance are Gaylord Olson, Ray Ransom, Margaret Rewald, John Chrest and Norm Stoker. Others present were Tim Jeatran, County Surveyor; Laaree Kratcha, GIS Technician; Terry Schmidt, Zoning Administrator; and Beth Storlie, Administrative Assistant.

A Motion by Ray Ransom, to adjourn to closed session pursuant to s. 19.85 (1) (c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, seconded by Norm Stoker. Chrest – yes, Stoker – yes, Ransom – yes, Rewald – yes, and Olson – yes, motion carried.

The committee adjourned to closed session at 10:00 a.m.

Returning to open session at approximately 10:15 a.m.

A Motion by John Chrest, to return to open session at 10:15 a.m., seconded by Norm Stoker. Motion carried.

A Motion by Ray Ransom, to approve the evaluation for Beth Storlie as presented, seconded by Margaret Rewald. Motion carried.

A Motion by John Chrest, to approve the minutes, seconded by Norm Stoker. Motion carried.

A Motion by Ray Ransom, to approve the vouchers for payment, seconded by Norm Stoker. Motion carried.

CSM REVIEW

- Jim Benrud in the Town of Melrose, is looking at selling several parcels. There is some confusion on ownership of the outlot between him and Jim Olson. He has a buyer for Lot 5 and is requesting a 66 foot easement off of Benrud Lane to get to Lot 5. It may not be needed if they get the clouded title for the outlot straightened out and the buyer purchases the outlot. They want to complete the sale yet in 2012.

A Motion by John Chrest, to approve a 66 foot easement for Jim Benrud, seconded by Margaret Rewald. Motion carried.

SURVEYOR'S REPORT – Tim Jeatran, see report.

- Been working in Bear Bluff re-monumenting section corners.
- The Forestry Department received their new GPS equipment and I have been working with them setting up the coordinate system and jobs in the new unit.
- I need to go to the WSLs Surveyor's Conference from January 23-25, 2013 for continuing education for my Land Surveyor's License.

GIS TECHNICIAN'S REPORT – Lauree Kratcha.

- Busy printing tax bills. Statutorily she is required to have them in the township's hands by the second Monday of December. Unfortunately there were three townships that didn't make that deadline. Manchester didn't have their annual meeting until the week before, Garfield mis-posted their annual meeting and just held it last night and Komensky never submitted their mill rate sheets. This causes a major problem with mortgage companies that purchase our tax roll for payment of the escrowed property taxes.
- Sheriff's Department called Lauree and said that they are having problems with Spillman again. It's creating a bunch of errors. She's trying to work on this between generating the tax bills. She is very disappointed in the support from Spillman.
- In January there will be a report coming out by the State Cartographer's Office on LiDAR and the development of a consortium for a flight. We will update you after the report is filed.

ZONING REPORT – Terry Schmidt.

- Terry is looking at doing several text amendments to the Zoning Ordinance and would like to add language that would establish procedures for the filing of a petition and completion through county board before any additional applications or an application with a substantial change to the proposal are submitted. This is not in the statutes or in the Zoning Ordinance, but state statute does allow us to place such language in our ordinance. The committee felt that the current climate would have the potential for this occurring and recommended developing language for this. Terry will draft language.
- A law was passed last spring, Act 170; this changes our jurisdiction for non-conforming structures either in the shoreland regulations or land use regulations. It basically says if we have an ordinance that restricts the rebuilding or maintenance of a legal non-conforming building and if it restricts by amortization or dollar figure, this is no longer legal. Both our ordinances do this. We call this the 50% rule, if the structure is damaged more than 50% of the assessed value, you are not able to rebuild, remodel, or renovate that structure.

We have to draft language in our ordinances something that does not do it by monetary standards, this could be square footage or something else. Terry will be discussing this with the surrounding counties tomorrow at the regional WCCA meeting.

- We have been paying Veolia Environmental, which was purchased by Advanced Disposal, for our garbage dumpster at the Recycling Center \$262.00 per month. We just received the bill and there was a brief note on it that our agreement will automatically renew for 60 months unless we send a certified letter by January 11, 2013. Terry checked with Modern Disposal, who does our drop box switches, for a price. They quoted us \$145.00 per month including the disposal fee. Terry has drafted a letter to Advanced Disposal and will go with Modern Disposal.
- The two balers at the Recycling Center had maintenance performed on them and when they did that work, they discovered a number of safety issues as well. We will be getting those repaired as well for a cost of over \$500.00. They are getting up there in age, but are working well yet.
- We had two heat lamps that were blowing the circuit breakers so we contacted Stetzer Electric. They found some cracks in the tubing to the lamps, so they are repairing them.

PUBLIC HEARINGS

- **CONDITIONAL USE REQUEST # 2012-52** as requested by David and Sandy Loomis on property located in the SE1/4-NW1/4, Section 10, T20N, R3W, Town of Manchester, Jackson County, WI. The request is to allow for a staging area for transportation equipment and landscape, construction equipment within the R-4 (Residential) District.

Township supports the request. Terry stated that the property owner has taken a tremendous step towards property clean up.

A Motion by Margaret Rewald, to approve conditional use request # 2012-52 for David and Sandy Loomis, seconded by John Chrest.

Additional discussion occurred about the continued need for property clean up and compliance inspections by the Zoning Department.

A Motion by John Chrest, to amend the approval of conditional use request # 2012-52 for David and Sandy Loomis with the stipulation that every six months a compliance inspection is performed by the Jackson County Zoning Department until the property is cleaned up, seconded by Ray Ransom. Motion carried.

- **CONDITIONAL USE PERMIT PETITION # 2012-61** as requested by Croell Redi-Mix and Bob Hansen, agent on property located in the S ½ of the NE1/4 and the N ½ of the

SE1/4, Section 20, T22N, R3W, Town of Adams, Jackson County, WI. The request is to allow for a conditional use permit to be issued for non-metallic mining operations and processing of non-metallic minerals within the M-2 (Industrial Extractive) District. The request also includes the filling and grading of land within 300 feet of the Black River for operation and reclamation activities.

Township supports the request. The petitioner stated that they have been operating at this site for 40 years, but they've increased the volume of the product being sold. They have an agreement with the Town of Adams that 175 feet of the driveway near the entrance to Cty Rd E will be paved.

Terry added that the property is zoned correctly and has been since the Town of Adams joined the comprehensive zoning program. But a conditional use permit was never granted for the operation of the non-metallic mineral extraction that has been occurring at the site. For some reason, this was never addressed at the time of the zoning implementation.

Public comment was received in support and opposition to the request. A resolution by the Ho-Chunk Nation legislature was read into the minutes.

Randy Anderson, Highway Commissioner stated that compliance must be met with the Highway Use Policy and they are monitoring the road condition. No road agreement has been completed for County Hwy E. He added that statutorily they can establish weight limits to address road damage issues.

Several stipulations or conditions need to be considered for this operation, they include:

1. A road agreement with the Jackson County Highway Department.
2. Hours of operation for the trucking of the material, which could be limited to daylight hours only.
3. Tarping of the material when it leaves the sight.
4. An approved DNR Stormwater Management Plan.
5. An approved DNR Mining Permit within the floodplain.
6. An approved DNR Air Quality Management Plan.
7. Potential flood study to eliminate the need for public access from the Black River to the private pond, which is currently required under NR340.

A Motion by John Chrest, to approve conditional use request # 2012-61 for Croell Redi-Mix, no second.

Additional discussion occurred with concerns about the number of trucks (one every 1 ½ minutes) entering and exiting the site.

A Motion by Margaret Rewald, to amend the motion and approve conditional use request # 2012-61 for Croell Redi-Mix with the stipulations that compliance with the Highway Use Policy, appropriate tarping, hours of operation during daylight hours, and

all federal, state, county and local permit is obtained, seconded by Norm Stoker. Motion carried.

- **ZONE CHANGE PETITION # 2012-62** as requested by Coulee Frac Sand LLC, Jon Sopher agent on property located in the SW1/4-SW1/4 and the SE1/4-SW1/4, Section 14, the NE1/4-NW1/4, and the SE1/4-NW1/4, Section 23 lying north and northeast of the road, all in T20N, R6W, Town of Franklin, Jackson County, WI. The request is to change approximately 130 acres of the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the M-2 (Industrial Extractive) District for non-metallic mining.

Township has no objection.

The petitioner stated that they are proposing 10 acres to be the active extraction site over the next five years with a total of 50 acres being mined over time. This will be a “dig and haul” operation without processing occurring at the site. There will be no high capacity wells as no sand processing will be occurring. The remaining acreage will remain as is with no disturbance.

Public comment was received in opposition and support of the request. Letters of support and opposition were also read into the minutes.

Jeff Blanchard, Town Chairman for Franklin, clarified the town’s position and action as follows:

1. The first vote was 3 – 0 against due to the moratorium that the town implemented for the creation of their Mining Permit Ordinance.
2. The second vote was 2 – 1, two voted to represent the majority that were opposed and one voted in favor in support of the minority.
3. The third vote with mixed discussion was 3 – 0 with no objection.

A Motion by John Chrest, to deny zone change petition # 2012-62 for Coulee Frac Sand LLC, seconded by Norm Stoker. Committee discussion occurred, with the motion carrying on a vote of 3 – 2 with Gaylord Olson and Ray Ransom opposing.

A Motion by Ray Ransom, to adjourn the meeting, seconded by Margaret Rewald. Motion carried. Meeting adjourned at 2:00 p.m.