

**MINUTES**  
**JACKSON COUNTY ZONING & LAND INFORMATION COMMITTEE**  
March 14 & 15, 2012

**March 14, 2012: Committee Site Visits**

**Meeting called to order** by Chairman Gary Olson at 8:00 a.m., the Site Visits followed.

**March 15, 2012: Committee Meeting and Public Hearings**

**Meeting called to order** by Chairman Gary Olson at 9:00 a.m. Committee members in attendance are Gary Olson, Ray Ransom, Gaylord Olson and Norm Stoker. Others present were Tim Jeatran, County Surveyor; Terry Schmidt, Zoning Administrator; and Lauree Kratcha, GIS Technician.

**A Motion by Ray Ransom, to approve the February 16, 2012 minutes, seconded by Gaylord Olson. Motion carried.**

**A Motion by Gaylord Olson, to approve the vouchers for payment, seconded by Norm Stoker. Motion carried.**

**CSM REVIEW:**

- Dallas Wilhite is completing a survey out at the landfill that was required for the parcels retained by the Town of Brockway and Waste Management, which was originally part of the property owned by Thomas McNulty. These parcels were required to be surveyed at the time of transfer but it was never completed until now. An easement is needed to get around the Waste Management property and down into a lot that is being created and separated from the McNulty acreage, which is the former demolition site. The leech station and the toe of the landfill are not owned by the County, which is now being surveyed as a lot along with the access road to the landfill to be transferred to the County in order for them to do their maintenance of the landfill. There is an existing 50 foot easement that serves a portion of this property; it is undevelopable due to the landfill so Terry does not see any issue with waiving the 66 foot width standard.

**A Motion by Norm Stoker, to approve a 50 foot easement for Thomas McNulty, seconded by Ray Ransom. Motion carried.**

- Dennis Melichar is completing a survey on the Lynn Finch property off of Nash Rd. Scott Finch, Lynn's son, wants to create a 1.5 acre parcel behind his father's parcel to build a new home and continue to use the existing easement and driveway to serve the new lot. Scott built a home previously on the parcel in the front but is now divorced and the home was awarded to his ex-wife. The distance between the lot line and the existing shed is only 46 feet. Terry doesn't want to show a 66 foot easement having an encumbrance with the existing shed within the 66 foot easement. He does recommend

if approving the 46 foot easement putting on the face of the CSM that this is only serving this one lot and one lot only. No additional divisions can be served by this easement. The Town of Adams approval will be required and a private road name will be needed, as well because there are more than two homes served by this easement or private road.

**A Motion by Ray Ransom, to approve a 46 foot easement for Lynn Finch with the stipulation that the easement is to serve this additional lot with no other new divisions to occur, the Town of Adams approval is required, and a private road name is required, seconded by Gaylord Olson. Motion carried.**

**SURVEYOR'S REPORT – Tim Jeatran, see report.**

- Worked with the Forestry Department to located easement boundaries on land that Morrison Creek Cranberry owns and is giving an access easement to Jackson County.
- Ralph suffered two ruptured discs in his back and had surgery. He will not be able to come back to work for three to four months. Jim Zahasky said that Jack could be available to assist Tim with these county projects.
- Continuing to draw tie sheets with the new software has about 30 to complete yet and will have to work on them on rainy days.
- Had a Land Information Council meeting regarding the 2012 WLIP Base Budget Grant in the amount of \$24,600.00. The committee advised that we apply for the grant and use the funds towards a project in the Register of Deeds Office for indexing deed documents. Shari is checking into a firm from Hudson to complete this work. They would index by forty, grantor and grantee and attempt to correct the errors caused by Kelpro.

**A Motion by Gaylord Olson, to approve application for the 2012 WLIP Base Budge Grant and that the funds be utilized for the Register of Deeds Office deed indexing project, seconded by Ray Ransom. Motion carried.**

- Tim has been researching for the upcoming highway construction projects. Portions of County K, C and T are being done this year, three township roads in Garden Valley and other county projects as well.
- Continuing to researching deeds for County retained mineral rights.

**GIS TECHNICIAN'S REPORT – Lauree Kratcha.**

- The Town of Manchester has a new assessor and they have finally picked up their workbook. Rolls will start coming in shortly.

- Had a hitch with the E911 upgrade. Spillman was here a couple of weeks ago for training with Lauree, prior to his arrival she purchased a server that was to dedicated for Spillman, Lauree's mapping software and the Zoning permit application developed by Prowest. When the server was installed, IT installed it as the domain server (master controller server for the county) and Lauree's software cannot be installed on a domain server and it would not be supported by ESRI if it is. IT is now buying Lauree a new server for her software, Spillman and eventually the Zoning application will move on to it as well. The committee questioned if there is a domain or control issue developing with IT that they feel they need to have control of all issues within departments. Spillman will return in June to complete the installation and we will eliminate GeoComm and only have one vendor to work with.
- Emergency Service Atlas is still hanging out there. Someone has finally started to take charge since Fire Chiefs, DNR and other agencies started to want to make changes and modifications. They have run out of money that they have already paid Lauree. She is limiting them to one final list of edits, which should be completed by the end of next week.
- Started working on the Town of Franklin zoning map, they need to take them to public hearing.

### **SKETCH PLAT REVIEW – Jack Ackers, Clear Water Dells**

- Reviewed the sketch plat proposal for Clear Water Dells. They are proposing losing three lots to eliminate building a township road. Length to width ratio is not a problem since they are proposing a cul-de-sac due to the radius curve they are able to meet the minimum width requirement of 160 feet within 75 feet of the right-of-way.

The only concerns that Terry and Tim have identified is with the southern most common access that is proposed to serve lots 3, 4 and 5. It is proposed to be similar to the subdivision in Manchester where they came in with the 100 foot easement for the frontage of the lots and then the driveways branch off from there. If it is not a town road and they are not extending a private road into the lots, the Highway Commissioner has already approved the two common accesses as long as they are driveways only. If they are extending in private roads, then they would have to come back to him and it would be a different scenario. There is a concern for E911 with stacking three address numbers at the roadway. The committee questioned if this is the best development practice to continually use. Tim still has concerns about compliance with Chapter 6 about having three or more residences on a private road. Lauree stated that since this is only 100 feet in length, we could double sign these lots with three stacked at the roadway and one at each driveway entrance. This should be carried on the plat face so any potential owner of these lots knows that they will be required to have two signs.

The other issue is under the Subdivision Ordinance and Chapter 236 of State Statutes, whenever you develop land on a navigable body of water you must provide public

access and it is to be shown on the plat. The minimum width is 60 feet and our ordinance has some requirements as far as grading and gravel. This is to be shown on the plat. On the south side of Halls Creek, this was divided by CSM and this would not apply in this area, but on the north side this is where the plat is located and this has not been determined. Terry has not had the opportunity to contact Renee Powers at the State to determine if the committee has the authority to waive this or not. The committee discussed the possibility of the developer creating a parking area within the road right-of-way on the eastern edge of the plat and providing an access point at that location. This would require approval from the Highway Department. Potentially there could be a better location next to the CSM lots off of West Rd. There is an existing landing and parking lot on the other side of the highway from the plat. The Friends of the Black River would like to request a public walking trail along Halls Creek. They are primitive walking trails along the body of water. They would encourage shared green space like these walking trails.

**A Motion by Ray Ransom, to approve the sketch concept plat for Clear Water Dells with the stipulation that all properties within the plat are double signed for E911 purposes and the public access issues are resolved, seconded by Gaylord Olson. Motion carried.**

#### **ZONING REPORT – Terry Schmidt**

- Text amendments have been completed and will come forward next month for the Sanitary Ordinance. Most were cleaning up language with the name change of the Department of Commerce to the Department of Safety and Professional Services as well as the statute references. We did add a section where we addressed these tanks that are being installed for RV and camping units. If they are installing anything that is approved RV containment tank and 250 gallons or less, it must remain above ground. If it is greater than 250 gallons, if it's going to be buried then appropriate County Sanitary Permit must be issued, inspection and specifications for the tank.
- The Town of Franklin joined zoning in 2009 and we have not completed a zoning map for them to approve to date. The zoning map has been completed by Terry and Lauree so they need to bring it forward through a public hearing for formal adoption. We normally give 45 days for the review at the township, we ask them to give us any recommendations for changes; if they agree with the map then we schedule a public hearing for committee approval and ultimately county board adoption.
- Fieldwork has begun. Soil evaluations, Sanitary Permits and Land Use Permits are coming in strong. Along with that, the phone calls with complaints, violations and site checks are starting as well.
- Gaylord Olson II and Terry met with Paul Millis briefly in regards to the citations that were issued to Taylor Frac LLC for starting without all appropriate requirements and standards of the conditional use permit being completed. He said that he didn't feel that we had enough legal basis to move forward with the citation action and to get a judgment in our favor with the court. He chose to work out a deal with the attorney

from Taylor Frac and they agreed to “you be good for three months and the citations will be dismissed”. Terry and Gaylord don’t necessarily agree with the action, but the deal has been made.

- ATC, the transmission line company that is proposing to come through the county met with the office staff last week. They have narrowed it down to three potential routes through Jackson County. Another set of public informational meetings will be held at the end of April for any potentially affected landowners. They are set-up throughout the area, from Ettrick to Warrens to Wisconsin Dells. Once they determine two routes, they can present them to the PSC and the PSC selects one route. If the PSC determines that the line is warranted, ATC is ordered to begin construction. At that point, there is nothing that we can do at the local level; zoning does not have any authority. They would get their utility easements beginning in 2013 and begin the construction process by 2016 with transmission beginning in 2018.
- WCCA Spring Conference is set for March 29 & 30, 2012 in Mosinee. Terry and Dustin plan on attending the training conference.
- Update on appeal of the Circuit Court decision versus Borntreger. The brief for our position has been filed with the Court of Appeals in Madison.
- Terry attended the Executive/Finance Committee meeting Tuesday to discuss the outstanding funds owed to Jackson County by the Town of Adams, Alma, Irving and Manchester due to the lack of a comprehensive plan being developed. Exec/Finance made a motion to proceed with attempting to receive payment for these outstanding funds. It allows outside counsel to be hired to review this issue and determine if the county has legal standing to pursue payment of these funds. If this review is positive for payment, then the county will pursue billing the townships for reimbursement.

## **PUBLIC HEARINGS**

- **ZONING CHANGE PETITION # 2012-01** as requested by Legacy Bogs LLC, owner and Al O’Leary, agent on property located in that part of Government Lot 3, lying west of Hay Creek excluding the north 660 feet and the west 660 feet, Government Lot 4, that part of Government Lot 5 lying west of Hay Creek, that part of the NW1/4-NE1/4 lying west of Hay Creek, the NE1/4-NW1/4 and the NW1/4-NW1/4, all in Section 1, T20N, R1E, Town of Bear Bluff, Jackson County, WI. The request is to change 174.4 acres of the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the M-2 (Industrial Extractive) District. This will allow for a conditional use request for non-metallic sand extraction mining within the M-2 District. Once the mining operation is concluded, the zoning classification will revert back to the A-2 (Forestry and Limited Agriculture) District.

Township supports the request with the stipulation that the Town of Bear Bluff Non-metallic Mining Ordinance be met. Terry stated that there are a number of things from the county’s position:

1. With Hay Creek running through the parcel, what is the prospect of doing grading and filling within the shoreland area? The DNR will prohibit any work within 500 feet of that area.
2. Where is the proposed access going? The access will go east out to Cranberry Rd. then down Cranberry Rd.

When the onsite was completed, a representative of Flying Dollar Cranberry was present and on the far northeast corner of the parcel there is a culvert and driveway over Hay Creek that they mutually utilize. Legacy Bogs LLC stated that they intend on installing their own driveway to this area as part of their permitting process. They added that this site has the potential of having a wash plant and onsite processing, which lowers the truck traffic. They do not intend on any blasting occurring.

Gaylord Olson II, Land Conservation Department, added that once the final proposal is determined the reclamation plan and associated information will need to be submitted and approved.

Terry added that all township, LCD, DNR, Army Corp of Engineer standards and regulations must be met as conditions of a permit. The permit will be held and not issued until all of these standards, regulations and conditions are completed and proof submitted to our office.

**A Motion by Norm Stoker, to approve zone change petition # 2012-01 for Legacy Bogs LLC, seconded by Gaylord Olson. Motion carried.**

**A Motion by Ray Ransom, to approve conditional use request # 2012 -01 for Legacy Bogs LLC with the stipulation that all local, county, state or federal requirements and standards are met, seconded by Norm Stoker. Motion carried.**

- **CONDITIONAL USE REQUEST # 2012-05** as requested by Joshua Millis on property known as Lot 1 of CSM 2169 located in the SW1/4-SE1/4, Section 20, T21N, R4W, Town of Albion, Jackson County, WI. The request is to allow for an automotive repair business within the existing garage. The property is located in the R-2 (Residential) District.

Township supports the request with the stipulation to not exceed four vehicles in the screened area.

**A Motion by Ray Ransom, to approve conditional use request # 2012-05 for Joshua Millis with the stipulation that the number of vehicles located in the screened area cannot exceed four, seconded by Norm Stoker. Motion carried.**

- **ZONE CHANGE PETITION # 2012-08** as requested by Mike Simonis on property known as Lot 3 of CSM 2778 located in the SW1/4-NW1/4, Section 4, T21N, R3W, Town of Brockway, Jackson County, WI. The request is to change 5 acres of the Official

Zoning Map from the B-2 (Outlying Business) District to the R-2 (Residential) District for the construction of a single family home.

Township supports the request.

**A Motion by Norm Stoker, to approve zone change petition # 2012-08 for Mike and Russell Simonis, seconded by Ray Ransom. Motion carried.**

- **CONDITIONAL USE REQUEST # 2012-09** as requested by Allen and Sandy Miller on property located in the NW1/4-SW1/4, Section 31, T21N, R5W, Town of Albion, Jackson County, WI. The request is to allow for filling and grading within a shoreland area for a new creek crossing.

Township opposed the request as the petitioners were not present at their local township meeting. No notification of attendance at the town board meeting was sent to the petitioner or the Land Conservation Department. An email from Michael Wenholz, WI-DNR was read into the minutes with approval of appropriate waterway permits from the DNR, thus other than recommending proper stream shoreline restoration following construction; the DNR has no comment regarding this request. These comments are regarding shoreland zoning only and do not reflect any applicable erosion control, waterway permitting, or regulations.

Public comment was received in opposition because of illegal debris that has been placed upstream.

Terry commented that the design for the stream crossing has been designed by the Land Conservation Department Engineer Technician, which meets all local, state and federal specifications. Gaylord Olson II added that the site is cleaned up upon completion of the project and all DNR permits have been issued for the request.

**A Motion by Gaylord Olson, to approve conditional use request # 2012-09 for Allen and Sandy Miller with the stipulation of the Town of Albion approval, seconded Ray Ransom. Motion carried.**

- **CONDITIONAL USE REQUEST # 2012-10** as requested by James M. Olson on property located in the SE1/4-NE1/4, Section 5, T19N, R5W, Town of Melrose, Jackson County, WI. The request is to allow for filling and grading within a shoreland area to install a new rock crossing and riprap.

No position received at the time of hearing. An email from Michael Wenholz, WI-DNR was read into the minutes with approval of appropriate waterway permits from the DNR, thus other than recommending proper stream shoreline restoration following construction; the DNR has no comment regarding this request. These comments are regarding shoreland zoning only and do not reflect any applicable erosion control, waterway permitting, or regulations.

**A Motion by Norm Stoker, to approve conditional use request # 2012-10 for James M. Olson with the stipulation of the Town of Melrose approval, seconded by Ray Ransom. Motion carried.**

- **CONDITIONAL USE REQUEST # 2012-11** as requested by Don Dobson on property known as Lot 1 of CSM 799 located in the NW1/4-SE1/4, Section 35, T22N, R5W, Town of Hixton, Jackson County, WI. The request is to allow for filling, grading and tree removal within a shoreland area for the purpose of constructing a new stream crossing.

No position received at the time of hearing. An email from Michael Wenholz, WI-DNR was read into the minutes with approval of appropriate waterway permits from the DNR, thus other than recommending proper stream shoreline restoration following construction; the DNR has no comment regarding this request. These comments are regarding shoreland zoning only and do not reflect any applicable erosion control, waterway permitting, or regulations.

**A Motion by Ray Ransom, to approve conditional use request # 2012-11 for Don Dobson, seconded by Norm Stoker. Motion carried.**

- **ZONE CHANGE PETITION # 2012-12** as requested by Callaway Cranberry, David and Barbara Callaway on property located in the NE1/4-NE1/4, the east half of the SE1/4-NE1/4, west half of SE1/4-NE1/4, the NE1/4-SW1/4, the SW1/4-SE1/4 and the SE1/4-SE1/4, Section 33, and the SW1/4-NW1/4, Section 34, all in T20N, R1E, Town of Bear Bluff, Jackson County, WI. The request is to change 174 acres of the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the M-2 (Industrial Extractive) District to allow for a conditional use permit to be granted for a non-metallic mining operation. The property will revert back to the A-2 (Forestry and Limited Agriculture) District once the mining operation is completed.

Township supports the request with the stipulation that the Town of Bear Bluff Non-metallic Mining Ordinance be met.

Terry added that all township, LCD, DNR, Army Corp of Engineer standards and regulations must be met as conditions of a permit. The permit will be held and not issued until all of these standards, regulations and conditions are completed and proof submitted to our office. This proposal is to come out onto a town road and then ultimately onto a county highway with the trucked material. Road approvals will be required from the township and Jackson County Highway Department.

Mr. Callaway added that the material will be removed and trucked out to improve the reservoir.

**A Motion by Gaylord Olson, to approve zone change petition # 2012-12 for Callaway Cranberry, David and Barbara Callaway, seconded by Norm Stoker. Motion carried.**



**A Motion by Norm Stoker, to approve conditional use request # 2012 -12 for Callaway Cranberry, David and Barbara Callaway with the stipulation that all local, county, state or federal requirements and standards are met, seconded by Ray Ransom. Motion carried.**

- **ZONE CHANGE PETITION # 2012-13** as requested by Marvin Usry on property located in the SW1/4-NW1/4, Section 27, T20N, R3W, Town of Manchester, Jackson County, WI. The request is to change 1.5 acres of the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the R-2 (Residential) District for the construction of a single family home/cabin.

The petitioner requests an amendment to five acres to be changed. Township supports the request. A question arose about the improvement of the roadway to serve the home.

**A Motion by Gaylord Olson, to approve zone change petition # 2012-13 for Marvin Usry with the amendment to five acres to be changed, seconded by Norm Stoker. Motion carried.**

**A Motion by Norm Stoker, to adjourn the meeting, seconded by Ray Ransom. Motion carried. Meeting adjourned at 11:45 a.m.**