

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

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

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

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

Meeting called to order by Chairman Gaylord Olson at 9:00 a.m. Committee members in attendance are Gaylord Olson, Ray Ransom, Margaret Rewald, John Chrest and Norm Stoker. Others present were Tim Jeatran, County Surveyor; Lauree Kratcha, GIS Technician; Terry Schmidt, Zoning Administrator; Dustin McCune, Zoning Technician; Beth Storlie, Administrative Assistant and Paul Millis, Jackson County Corporation Counsel.

- Discussion and reconsideration of Coulee Frac Sand LLC zone change. Attorney John Wagman, Coulee Frac Sand LLC presented a brief history of the petition request and actions of the Town of Franklin Board, Zoning and Land Information Committee and County Board to date. He stated the following reasons for reconsideration of the initial denial:
 1. His clients were denied due process at the first town board meeting.
 2. The second town board vote was tainted due to a criminal threat that is still under investigation.
 3. He stressed that this is a simple dig operation and they will not be processing material. The reclamation plan has been reviewed and found to be sufficient.

Tom Clark represented the opposition to the request. He advocated upholding the decision for denial.

Discussion by the committee: Terry stated that the town board has not changed their vote or position and they have not passed a resolution of denial. Their moratorium has been removed as they have completed and implemented their Licensing Ordinance.

Additionally, Terry clarified misleading statements that were part of an email correspondence from Sheila Danielson. The Zoning and Land Information Committee did not publish nor were they responsible for publication of the Town of Franklin Ordinance and moratorium. This is the township's ordinance and they are the responsible party regarding these matters. Also it was stated that at the September 13, 2012 meeting that the committee voted to deny the request. Actually the committee took no action at this meeting.

A Motion by Norm Stoker, to uphold the Zoning and Land Information Committee decision as it stands to deny and forward the petition to the County Board of Supervisors for due process, seconded by John Chrest. Motion carried 4 – 1 with Gaylord Olson in opposition to the motion.

A Motion by Ray Ransom, to approve the October 11, 2012 minutes, seconded by John Chrest. Motion carried.

A Motion by Margaret Rewald, to approve the vouchers for payment, seconded by John Chrest. Motion carried.

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 9:35 a.m.

Returning to open session at approximately 10:00 a.m.

A Motion by Ray Ransom, to return to open session at 10:00 a.m., seconded by Norm Stoker. Motion carried.

A Motion by Norm Stoker, to approve the elevation as presented for Dustin McCune, seconded by John Chrest. Motion carried.

A Motion by Ray Ransom, to approve the elevation as presented for Terry Schmidt, seconded by Norm Stoker. Motion carried.

SURVEYOR'S REPORT – Tim Jeatran, see report.

- Completed a survey for the Highway Department on Cty Rd G north of York for a land transfer to the Town of Northfield for road purposes. They intend on deeding a portion to the town for Timber Coulee Rd.
- Been busy with corner maintenance in the Towns of Garden Valley and Garfield.
- We have been working in Bear Bluff on the remonumenting of section corners.
- Tim has been working with the new WISCORS network. He had to tie all the existing HARN stations into the WISCORS network so he can set up an adjusted coordinate system to match the NAD 83 (1991) adjustment. The new system works very quickly and has been a huge time saver.

GIS TECHNICIAN'S REPORT – Lauree Kratcha.

- Town of Alma Board of Review was last night and they have submitted their updates this morning. This is the last roll in. Next year there will be 7 – 9 reval's, so it could be a very busy fall. Hopefully the municipals will be proactive with scheduling their Board

of Review in a timely manner so that we aren't delayed into December for the printing of the tax bills.

- Manufacturing values have been sent by the State. We received them on Tuesday and Lauree has begun preparing the mill rate sheet and other worksheets for the municipals.
- The Town of Garfield is having a problem with private road name signs being stolen. They questioned their liability in this, and Lauree stated that since it is a private road that they need to order the replacement signs and bill the landowners for the cost.
- Attended the Assessor's School last week, which is training by the Department of Revenue. The DOR has begun tracking land sales that are for non-metallic mining as well as home sales that are occurring adjacent or near mining operations to determine what impact non-metallic mineral mining is having on property values.

ZONING REPORT – Terry Schmidt.

- Attended the Lions Club meeting this week to discuss sand mining in Jackson County. He and Gaylord discussed the non-metallic mining process in relationship to county ordinances dealing with zone changes, conditional uses and the reclamation process.
- Began working on text amendments to the Zoning Ordinance. Terry wants clearer language for the M-2 (Industrial Extractive) District, especially regarding what constitutes changes in operations that would be subject to a conditional use or reclamation plan update. He is also proposing adding an additional zone classification district for small parcels with a residence where the owner may want to locate undomesticated animal(s). He will have language for review and discussion in the next couple of months.
- Recycling is going well. The forklift was serviced last week and the last time was in 2008. We assumed it was on an annual basis and were surprised to see how much time has elapsed since the last service. The balers are scheduled for their annual service later today or tomorrow.
- Terry was nominated to serve on the MRA (Midwest Recycling Association) Board. They meet about 3-4 times per year and the organization is the one who markets the cardboard, aluminum and office paper for us.
- Pelham Property Update. Terry issued a citation to Mr. Pelham for non-compliance and ordered the removal of the fill. It was scheduled to appear in court on Monday, November 19th but Mr. Pelham has hired Jon Sherman to represent him. They have filed a plea of not guilty so a pre-trial conference will be scheduled.

- Pumping Maintenance Program. We issued 240 citations on October 16th. By the court date of November 12, 2012, 180 had complied and we requested dismissal. The balance has done nothing and will have a default judgment issued by the court.
- Discussed the LiDAR photography funding, which currently has a balance of \$110,000.00. Lauree is receiving nearly a dozen requests for LiDAR data monthly and questioned if there was any possibility of moving this project forward sooner. The estimated cost to do the entire county is \$400 a mile or \$400,000.00. This technology would be extremely beneficial for floodplain elevations, contour data, topographical data, tree species identification and height determination and numerous county departments would benefit from Zoning to Forestry and Parks to Law Enforcement and Land Conservation. The committee recommended pursuing with other departments and coming back for more detailed information over the next couple of months about the potential of acquiring this photography. They discussed the potential of financing the LiDAR flight now and utilizing Ho-Chunk funds to make the finance payments so we can start benefitting from the data now instead of later.
- We have received a complaint about an Amish property off of Sperber Rd. where the property owner built a combo shed/residence and now has a drilled well with water into the home without a septic system. This is becoming a bigger and bigger problem. The Sanitary Ordinance states if you have water or water draining fixtures within the home, you need a septic system to serve the home. Terry feels the language is clear and feels that if you are going to reside any structure, you must have a septic system installed. Several other counties have taken this position with their ordinances and are doing fine. He has asked for a legal opinion and review of the language by Corporation Counsel.
- The committee questioned if a policy needs to be implemented for zone change petitions that have been tabled by a township and the length of time that would be allowed for the item to remain tabled with no decision rendered. The property owner has a right to due process and should be working with the township to have action taken in a timely manner.

PUBLIC HEARINGS

- **ZONE CHANGE PETITION # 2012-57** as requested by David and Ann Burnell on property known as Lot 5 of CSM 2130 located in the NW1/4-NW1/4, Section 2, T21N, R6W, Town of Springfield, Jackson County, WI. The request is to change 3.73 acres of the Official Zoning Map from the R-4 (Residential) District to the R-2 (Residential) District for the placement of a new modular home. The petitioner also requests a conditional use permit to be granted for the operation of a household occupation within the R-2 District.

No township position was received prior to the public hearing.

A Motion by Ray Ransom, to approve zone change petition # 2012-57 for David and Ann Burnell, seconded by Margaret Rewald. Motion carried.

A Motion by Ray Ransom, to approve conditional use permit petition # 2012-57 for David and Ann Burnell, seconded by Margaret Rewald. Motion carried.

- **ZONE CHANGE PETITION # 2012-58** as requested by US Solar Mounts Corporation, Eric Pipkin owner, on property known as Lot 1 of CSM 809 located in the SE1/4-SE1/4, Section 15, T20N, R4W, Town of Manchester, Jackson County, WI. The request is to change the Official Zoning Map as follows: 5 acres from the A-2 (Forestry and Limited Agriculture) District to the B-2 (Outlying Business) District for the construction of a shop and office for the design, building and selling of solar racking and power systems, and 1.5 acres from the A-2 (Forestry and Limited Agriculture) District to the R-2 (Residential) District for a future home. The remaining 16.5 acres will stay in the A-2 (Forestry and Limited Agriculture) District

Township supports the request. Petitioner requested the removal of the change of 1.5 acres to the R-2 (Residential) District as they have no intention of building or placing a home on the parcel.

A Motion by John Chrest, to approve zone change petition # 2012-58 for US Solar Mounts Corporation for the B-2 (Outlying Business) District, seconded by Margaret Rewald. Motion carried.

- **CONDITIONAL USE PERMIT PETITION # 2012-59** as requested by Michael Didion, owner and Clint Sampson, agent on property located in the SE1/4-NW1/4, Section 26, T20N, R6W, Town of Franklin, Jackson County, WI. The request is to allow for filling and grading work on an existing stream crossing and to allow for tree and vegetation removal within 35 feet to a navigable creek for the cleaning and clearing of farm fields.

Township opposed the request as they wanted information about the WI-DNR and Army Corp permits. The work that was completed for this request is not subject to the jurisdiction of the WI-DNR or Army Corp and no permits from these agencies are required. Jackson County under the Shoreland Ordinance would be the enforcing agency.

The committee inquired if the tree debris piles were going to remain since they are located within the 35 foot buffer area to the navigable stream. The agent stated that they would remain.

A Motion by John Chrest, to approve conditional use permit petition # 2012-59 for Michael Didion, seconded by Margaret Rewald. Motion carried.

- **ZONE CHANGE PETITION # 2012-60** as requested by Joseph L. Reichenbach on property known as Lot 2 & 3 of CSM 1435 located in the NE1/4-NE1/4, Section 8, T21N, R4W, Town of Adams, Jackson County, WI. The request is to change 1.5 acres of the

Official Zoning Map from the A-1 (Agriculture) District to the R-2 (Residential) District for the construction of a single family home.

Township supports the request.

A Motion by Margaret Rewald, to approve zone change petition # 2012-60 for Joseph L. Reichenbach, seconded by John Chrest. Motion carried.

A Motion by Ray Ransom, to adjourn the meeting, seconded by John Chrest. Motion carried. Meeting adjourned at 11:30 a.m.