

MINUTES
JACKSON COUNTY ZONING & LAND INFORMATION COMMITTEE
October 6, 2011

October 6, 2011: Committee Meeting

Meeting Called To Order by Chairman Gary Olson at 8:00 a.m.

A Motion by Jim Olson, to approve the September 15, 2011 minutes, seconded by Gaylord Olson. Motion carried.

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

CSM EASEMENT REVIEW:

- Mike Harding, Coulee Region Surveying, is doing a survey at Parkland Village for their owners Frontier Properties LLC. They are separating the campground from the mobile home park off of Oasis Rd. Oasis Rd. ends before you get into the mobile home portion of the property, private roads travel through the remainder of the park. These roads are 40 feet in width. The division will create a parcel that is land locked, so they are proposing an easement off of Julianna Rd. along the north line of the property. They are requesting a 40 foot easement since it all the roadways are private and that width. They are restricted in getting a 66 foot easement as that would cause encroachment issues.

Terry added that the committee has the authority under the ordinance to approve easements which are less than the standard 66 foot width.

A Motion by Ray Ransom, to approve a 40 foot easement for Frontier Properties LLC, seconded by Norm Stoker. Motion carried.

SURVEYOR'S REPORT – Tim Jeatran, see report.

- Tim met with Gene Ellis regarding the land swap and he plans to move forward with the survey work once the cranberry harvest has been completed.
- Doing more county road corner protection up on Cty Rd T, located seven corners.
- The Base Budget Grant funds have been received.
- Have been busy over the past couple of weeks moving data from Tim's old computer to the new one. It's been a nightmare moving all the survey jobs.
- Continuing to set corners in Bear Bluff.

- Last week, Lauree attended the WRPLA conference in Middleton. She is the President elect and she also attended the President's Council meeting on Tuesday.
- Lauree continues to work on the E911 Atlas.

ZONING REPORT – Terry Schmidt

- Sanitary Permits have been coming in consistent and we should end up similar to last year on total permits. Travel Trailers are up from last year. Dustin feels that this trend may continue to grow.
- We are continuing to verify Certificates of Operation and Inspection that come in stating that they do not have a system on site. Dustin or Terry will complete an onsite to ensure that this is the case before we remove them from the system.
- Terry stated that at some point we may want to require the installation of a septic system for anyone who is building a home, no matter what. If the house is going to be a full time residence, you put a septic system in. That would eliminate the issues we have been seeing with water lines into structures or fixtures without the septic system being installed. Rod Stenulson has been contacting the State questioning why homes are being built without inspection in Jackson County. The State turned the table on him a bit because he was to send a list to them to verify and as some of the properties he's complaining about were properties he was responsible for inspecting when he was contracted by many municipalities in Jackson County. Maybe the intent is to have Jackson County should hire a building inspector instead of the contracted services of General Engineering or Randy Sullivan. It isn't our responsibility to do these inspections; it is the State's requirement to follow through. This will be a continuing issue.
- Citations were issued on September 20th to 270 individuals. The phones have been ringing off the hook for the past week. About 120 we will be requesting the dismissal of the citation since the work was done prior to the date of the citation but we didn't receive the information, or they were scheduled for service at the time of the citation. That means we have about 150 that have yet to comply.

The biggest problem is that homeowners have the work done but rely on the pumper to send the information in, and they may hold on to it was payment security. Our ordinance states that we are to receive the information within ten days of the service and that it is the landowner's responsibility. The amount of time involved with this is much greater than what people realize.

We also have landowners that service annually or every other year, but don't provide the proof of service. Then they get upset when we send a notice, but we haven't received the information from them.

Many counties are charging a small fee by billing the landowner. If they don't receive

the payment, then they deal with it in Small Claims Court. Terry feels that not cost effective either.

One issue this year was a pumper sending out a flyer with a compliance date on their information, but the date was incorrect. Terry doesn't have a problem with them sending flyers out, but they have no business showing any compliance date nor should they be stating that according to their records a property is due for service. They may not be aware of work that may have been done by a competitor or at the time of a service repair to the system.

- We have requested Corporation Counsel to get a court order to access a property on Hwy 10 in the Town of Cleveland for clean up. This started over a year ago with a call from the township about the garbage, junk, and debris lying about this property. Letters were sent to the owner of record, who is deceased. Paul Millis stated that we need to issue one more order, sending it to the last known address and post a copy on the door. Chris Hovell placarded the house posting the notice and mailed the notice. Today is the deadline for compliance; if no response is received then he will go to the Judge and getting a third party order. This will be the same procedure that we will have to follow for the properties on Hideaway Rd. in Brockway.
- Terry has begun the Floodplain maps 90 day review period by verifying the road names, stream names, and he is finding errors on those. Only technical data such as LOMA letters will be considered for modifications to the maps. Terry will compare our LOMA letters. We will have to write a letter with each map number explaining what we are debating or stating is incorrect. We will need to get this to the DNR within the 90 day appeal period.
- Dustin and Terry will be attending the WCCA Fall Conference in Baraboo at Devil's Head next week, October 12 -14, 2011.
- Last Tuesday, Terry attended a joint Land Use Study meeting in Monroe County. This is a study of Fort McCoy and the surrounding municipalities. They received a federal grant to complete the study and Mississippi River Regional Plan Commission will be completing the study for areas around the Fort. They will be creating buffers and trying to maintain non-conflicting uses to maintain their A-rating at the Fort.
- ProWest is progressing very well through the permit development. We experienced a problem last week as the SQL server that houses the module crashed. We are experiencing issues internally but ProWest is continuing the development of the reports, letters on their end. They are not able to move them on to our server for beta testing.

For the better part of 6-8 weeks, IT has been dealing with issues with the anti-virus software updates, which the vendor has changed the format and this is causing numerous interface problems with many of our PCs. These issues caused the backup software to fail on the SQL server, and then the SQL software got corrupted and

crashed. No one could log in, no one could log out. IT has been dealing with Microsoft and ACS, who are the hardware installation contractors, about the issue and they have determined that this server is a 2008 and all other servers on the network are 2005. Microsoft has a domain hierarchy component in the software which wants to make this server the main hub or brain for the server network. ACS has determined what needs to be done and it appears that we will be down for an additional week or two.

It may entail purchasing an additional server to serve as the domain, but then our department will have this SQL server dedicated to our department only. This will be a good thing because it will prevent data from other departments being moved on or off our server, which causes problems with data being left behind or data accidentally being deleted when shifting back and forth.

It has slowed us down with our beta testing of the ProWest modules especially with the Tough Book application. ProWest was ready to load up the Tough Book module for beta testing, but they cannot access the server at this point. Dustin will still need to take the Tough Book out in the field and test the software for any changes. This is on hold for a little bit, we hope to up before the end of the month because this is the big push with septic installation prior to the cold weather setting in. We need to get this resolved as quickly as we can.

- Tim commented on a survey article that addressed the safety concerns of surveyors in Florida. Over the past ten years, they have been experiencing a rash of armed thefts of survey equipment. It's being stolen then sold on the black market in South America because the equipment runs about \$35,000.00. There have been several deaths related to the thefts.

PUBLIC HEARINGS

- **ZONE CHANGE PETITION # 2011-39** as requested by Christopher and Katie Olson on property known as Lot 1 of CSM 3568 located in the SE1/4 – NE1/4, Section 25, T21N, R5W, Town of Albion, 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 has not met at the time of the public hearing.

A Motion by Ray Ransom, to approve zone change petition # 2011-39 for Christopher and Katie Olson, seconded by Jim Olson. Motion carried.

- **CONDITIONAL USE REQUEST # 2011-41** as requested by Legacy Bogs LLC on property located in the SW1/4-SE1/4, Section 13, T20N, R1E, Town of Bear Bluff, Jackson County, WI. The request is to allow for the installation of a wash plant for the sand extraction operation.

Township supports the request with the stipulation that all roads are restored to

original condition or better. All roads hauled on to be bonded and maintained at all times so as to be safe for the general public.

The committee questioned the duration or length of time the wash plant will be located at the site? Andy Swendowitz, Legacy Bogs stated that they estimate it would be one to three years as it is a portable plant. They will be stock piling the sand and then refining it prior to shipment.

Gaylord Olson II, Land Conservationist, stated a letter of credit is on file for the operation in the amount of \$5,000.00. He questioned if the letter of credit should be increased due to the addition of the wash plant. The letter of credit is to cover the expenses of removal by a third party, meaning the County. The committee did not take any action on the letter of credit issue but commented that the scrap metal would be very valuable. Andy Swendowitz, Legacy Bogs, stated the structure is estimated to be \$2,000,000.00.

A Motion by Jim Olson, to approve conditional use request # 2011-41 for Legacy Bogs LLC, seconded by Norm Stoker. Motion carried.

- **CONDITIONAL USE REQUEST # 2011-42** as requested by John Overlien on property known as Lot 1 CSM 1712 located in the NE1/4-SE1/4, Section 20, T21N, R4W, Town of Albion, Jackson County, WI. The request is to allow for small engine repair, household occupation within the R-2 (Residential) District.

Township has not met at the time of the public hearing.

A Motion by Ray Ransom, to approve conditional use request # 2011-42 for John Overlien, seconded by Norm Stoker. Motion carried.

- **ZONE CHANGE PETITION # 2011-40** as requested by Gelhar Real Estate Investments LLC and Taylor Real Estate Investments LLC on property described as follows: All of the NE1/4-NE1/4, the SE1/4-NE1/4 and part of the NW1/4-NE1/4 of Section 6; all of the SW1/4-NW1/4, the NW1/4-NW1/4, the NE1/4-NW1/4 and the SE1/4-NW1/4 and parts of the SW1/4-NE1/4, the NW1/4-SE1/4, the NW1/4-SW1/4 and the NE1/4-SW1/4, Section 5, all in T21N, R6W, Town of Springfield, Jackson County, WI. The request is to change 304.14 acres of the Official Zoning Map from the A-1 (Agriculture) District to the M-2 (Industrial Extractive) District for the operation of a non-metallic sand mine. A conditional use is also requested per Section 17.41 of the Jackson County Zoning Ordinance for the operation of wash plants and other related sand extraction activities at the property.

Township has not met at the time of the public hearing. A letter was read into the minutes from Mike Wenholz, WI-DNR. Public comment was received questioning the impact on property values and tax assessment values.

Rob Hargrave, Taylor Frac LLC reviewed the proposal with the committee. The

following questions were discussed:

- *What impact will the blast area have to area homes and what safe guards will be in place to protect these properties?*
Mike McGill, Viking Explosives, stated that Com 7 is the regulation and guidelines for blasting. Factors of blasting are speed and frequency known as Peak Particle Velocity (PPV). Anything greater than $\frac{3}{4}$ of an inch per second of PPV is required to be reported to the state. Viking Explosives proposes a self-imposed $\frac{1}{2}$ inch PPV; if they exceed a $\frac{1}{2}$ then they will go to better technology that would control the Peak Particle Velocity and the frequency.
- *Does Com 7 establish any footage or radius buffer around the perimeter of the property?*
Com 7 requires seismograph measurement to the nearest structure not owned by the mining operation. This pre-blast survey of property is required per Com 7. This pre-blast inspection of the home creates a base line inventory of the home, identifying any existing cracks, shifts in foundation, or damage prior to the blasting occurring.
- *What protection does the homeowner have, is there a bond, insurance?*
They are insured to \$5,000,000.00 umbrella. The pre-blast inventory would document any existing conditions and identify any changes to the home after blasting. The property owner would litigate with the mining company for any settlement.
- *How often will blasting occur and what duration?*
It varies depending on the depth and density of the material that is being blasted.
- *Is a warning siren sounded or 24 hour notice given to homeowners?*
This may be a condition of the approval. Com 7 requires daylight blasting; they would not deviate from that. They do not intend on blasting on the weekend. Notification of the blast date and times can be a condition of the approval as well.
- *What route will be used for truck traffic?*
They will travel west on Hwy 95 to River Rd then into the City of Blair for loading on rail. The reason that they are not heading into Blair on Hwy 95 is because they would have to back track through the city to the rail site. During the spring weigh limitations, they will be forced to go through Blair.
- *Do you expect much litigation in the future?*
No, Viking Explosives has been in operation in Wisconsin for over 15 years. They do on average 10 shots to 15 shots a day in Wisconsin all over mostly in rock quarries or construction work. Mike McGill has been with them for over seven years and they have not anything other than damage of property in a

quarry such as a rock hitting a crusher. In the seven years, only one claim was for damage to a home.

➤ *Has a reclamation plan been created?*

Gaylord Olson II stated that Bay Environmental has prepared the reclamation plan which is on file with his office. Copies are available for review by the committee. He added that it is very thorough.

➤ *Has there ever been an issue with private wells?*

On the eastern part of the state, there have been cases with a well with more so with the mining. Some of the quarries over there are 200 feet deep, so they've actually gone in and extracted that rock below the depths of the well and the well have dried up.

➤ *Does the pre-blast investigation include private wells or just the structure?*

This is something that has come up more recently and it can be part of it especially regarding water quality. It may be recommended. In many cases, explosives are used by well drilling firms to stimulate wells and regenerate them.

➤ *What will the hours of operation be?*

They want to be a 24/7 facility. The initial start up and plant is set-up for two shifts, as time goes on and orders change they may run weekends and eventually third shift.

➤ *Is that the plant itself or it is including the trucks going down the road to Blair?*

There probably won't be a need for hauling at 3:00 a.m. as example. It would be more advantageous to have the trucks on during the day. They estimate two trucks hauling two to three loads per hour between shifts. Terry added this could a something to consider with hours of operation, are you talking plant operation or truck on the road operation.

➤ *With the meeting held in the Town of Springfield, is there anything the committee could gain from the questions and public comment that was at that meeting?*

John Curran, Town of Springfield Chairman stated that they covered the same items as we are now. They did not have any negative reaction at their meeting. The township is working with the Highway Department regarding the transportation issues such as truck traffic, damage to roadways, etc. Badger Mining operates in an unzoned township, and they are running 24 hours with very little regulation. Now with this operation, we wouldn't want to see a list of regulations, it's not fair.

Taylor Frac stated that they are willing to work with the township regarding the road maintenance issues. John added that River Rd is used heavily with Blair Grain especially this time of year. Terry recommended tarping trucks before transporting the material to the rail site.

- *If the Town of Springfield develops a list of conditions for the permit, are they automatically attached to the conditional use permit?*

Terry stated that any conditions that the township may develop can and will be added to the conditions of the permit. Terry recommended tarping trucks before transporting the material.

- *What effect will this have on neighboring property values and assessments?*

Manufacturing assessment values are handled by the State of Wisconsin, any agricultural land assessment would be the local assessor. There is no answer to the question of devaluation of a home next to this operation at this time.

Janelle Merry, Bay Environmental, added that a 100 foot buffer surrounds the property which is a DO NOT DISTURB buffer except for along the south line near the ponds and access driveway. She added that the Stormwater Control Permit required by the WI-DNR has been issued and the Air Quality Permits have been filed, but have not been approved yet.

A Motion by Gaylord Olson, to approve zone change petition # 2011-40 for Gelhar Real Estates Investments LLC and Taylor Real Estate Investments LLC, seconded by Norm Stoker. Motion carried.

After further discussion, the committee felt it necessary to postpone any decision or stipulations of approval until the Town of Springfield had the opportunity to meet with their residents.

A Motion by Jim Olson, to postpone conditional use request # 2011-40 for Gelhar Real Estate Investments LLC and Taylor Real Estate Investments LLC until the committee has the opportunity to review the stipulations or conditions of the Town of Springfield and Zoning Department, seconded by Norm Stoker. Motion carried.

A special meeting of the Zoning and Land Information Committee will be held Monday, October 17, 2011 beginning at 5:00 p.m. to continue discussion of the conditional use and render a decision.

A Motion by Ray Ransom, to adjourn the meeting, seconded by Jim Olson. Motion carried. Meeting adjourned at 12:00 p.m.