

Lincoln County Planning and Zoning Committee
Friday, May 17, 2013 at 8:30 a.m.
Lincoln County Service Center, Meeting Room 156

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in meeting room 156 in the Lincoln County Service Center. Members present: Saal, Bailey, Nelson & Pike along with Diane Hanson, Land Services Administrator; Dan Bowers, Zoning Specialist, June Winters, Program Assistant and 4 others. Supervisor Rusch was excused.
2. Approval of the April 8, 2013 meeting minutes – Motion by Bailey, seconded by Pike to approve the April 8, 2013 minutes. Motion carried all ayes.
3. Public Comment – There was no public comment.
4. “Old Business” - John & Conni Schade (Backroad LLC) Rezone from Planned Business zoning district to a General Business zoning district to allow for a salvage yard. The property is located in the SW¹/₄NW¹/₄ of Section 11, T35N-R6E, in the Town of Bradley, having addresses of N11541 Roberts Road.

On 4/15/13, Dan Bowers received an e-mail from John Schade withdrawing the Rezone request. Saal said that he had received a call from John Henning regarding issues that the business was still being operated as a salvage yard. Dan Bowers explained that Schade had been given 6 months to comply and Hanson said that Schade needs to comply with the conditions of the previously issued Conditional Use Permit and that they felt that 6 months was an appropriate time frame. A letter to Schade stated that 10/13/13 is the deadline to comply. Bailey asked Harry Gladwin if the town had an opinion after the last meeting and Gladwin stated that the Town of Bradley sees this as a dead issue but they may have concerns about the length of time being given to comply. Gladwin requested a copy of the compliance letter that had been sent to Schade.

Nelson commented that he had received a phone call from a constituent also. Nelson asked Bowers about a previous citation that the business had received and if this current issue had been a part of that. Nelson doesn't believe that they should be cycling more vehicles through the business to be salvaged and that the 6 month timeframe to comply with the rest of the original conditions was very generous.

Saal mirrored Nelson's concerns. Saal had told the landowner that these issues should be addressed at the public meetings and not with a phone call to the individual supervisors.

Saal commented to Zoning staff that he believes that with the rezone request withdrawn, the salvage aspect of the business is done and suggested that staff contact Schade and make that clear and that it should be enforced. The consensus of the Committee was that they agreed with Saal's comments.

5. “Old Business” – Conditional Use for Patricia Urban, personal representative to Robert and Vivian Stephan, and County Materials Corporation, co-applicant, to open 21 acre gravel pit as a conditional use in a Rural Lands 2 zoning district. The property is located in the NW¹/₄NE¹/₄ of Section 1, T34N-R6E, in the Town of Bradley, off of Crass Road. The request is being heard under section 17.3.08(10) of Lincoln County Ordinances.

Supervisor Pike recused himself from participating from the discussion & vote as a close relative is employed by County Materials.

Bowers reviewed the Township Recommendation form received from the Town of Bradley reflecting the Town Commission meeting on 4/22/13 with a 5-0 favorable vote and the Town Board meeting on 5/13/13 indicating a 4-0

favorable vote with 12 conditions requested. Bowers' staff report mimicked the Town of Bradley's conditions but adding a condition that they comply with 17.3.08(10) of Lincoln County Ordinances regarding Non-metallic Mining.

Saal asked Gladwin if the Town of Bradley had any other comments. Gladwin reviewed how the Plan Commission meeting & Town Board meeting went and how much landowner participation there was. Saal commented that it appears that County Materials is very willing to comply with conditions.

Jim Small, County Materials, asked to make a couple of comments. He explained that they had submitted new maps for the reclamation plan. He also asked about the condition regarding the 10 year time limit. He wanted to be assured that in 10 years they could possibly re-appear for an extension or to re-apply for the Conditional Use. Bowers said that in his opinion the end date should remain at 10 years but with the understanding that they may re-apply at that time. Bailey questioned the bond amount for road damage. Gladwin said that at their meeting a \$40K figure had been mentioned but 70% of that figure is what had been agreed to at the meeting (\$28,000).

Nelson questioned the 10 year time limit. He suggested having an automatic 10 year extension providing there have been no issues with the rest of the conditions imposed. Saal's opinion was that the 10 year limit was appropriate with the opportunity to re-apply for a new Conditional Use at that time to make sure that there are no new concerns. Bailey said that he would just like to see it "reviewed" in 10 years. Bowers said that there was a similar situation in the Town of Schley. The pit had been open for 5 years with the review being made after 1 year. There were issue with the pit and complaints from the neighbors. Bailey cited several pits in operation for years and they don't have to go through a review every 10 years. Gladwin said that the landowners that attended the meetings, even though they did not really want the pit, conceded to that as long as there was a time limit imposed. Pete Krautkramer, County Materials, was hoping that they could apply for a renewal at that time and not have to go through the entire process all over again.

Nelson asked about the reclamation process. Hanson said that after the pit is no longer being used it is supposed to be reclaimed within 1 year. Bowers stated that the applicant pays an annual fee for the acreage that remains open. Nelson asked how County Material planned to reclaim. Krautkramer said that they typically start on one end and as they move along they reclaim areas no longer used. Gladwin reminded the Committee and read from the Town of Bradley conditions that County Materials has explained in writing how they plan to reclaim.

Bailey questioned the condition regarding covering the loads. Gladwin said that it was discussed at their meetings and that County Materials will do their best to minimize this problem and encourage anyone with complaints to call County Materials directly to resolve the issue.

Bowers had a suggestion regarding the time frame condition to add "unless renewed by the Township & County". Nelson suggested that it be "upon review at the 10 year point and if there have not been any complaints that it be renewed for another 10 years and then completely reclaimed at that time". As far as spillage on the road, Nelson said that it should be monitored by the job supervisor daily to make sure that there are no issues.

Saal closed the "Old Business" portion of the meeting hearing for the Conditional Use request. There was more discussion on the conditions.

Motion by Nelson, seconded by Bailey to APPROVE ON CONDITION, as listed in the Town of Bradley Recommendation and zoning staff report with the discussed revisions for conditions #8 & #11 on the staff report. Conditions:

1. The regulations contained in 17.3.08 (10) of Lincoln County Ordinances are made apart of the conditions of approval.
2. A Certified Survey map showing the 50 ft. power line easement shall be recorded.

3. Buffer depths from neighboring property lines to the north, west, and south shall be 20 ft. Buffer depth from the centerline of Crass Road shall be 150 ft. The southwest corner from the south side of the power line easement shall not be mined.
4. Hours of operation shall be restricted to 7:00 am to 6:00 pm Monday thru Friday, with occasional Saturday operations between 8:00 am to 5:00 pm
5. Maintenance of processing equipment, loading and hauling of aggregate products may occur during the above hours.
6. Maximum pit depth shall not exceed 1490 ft. (msl).
7. Well water of surrounding property owners shall be tested for nitrates, total dissolved solids and suspended solids before the operation commences and annually at the expense of County Materials.
8. The conditional use shall be reviewed both the Town of Bradley & Lincoln County 10 years after this approval with the option to renew for another 10 years being contingent on compliance with conditions of the original Conditional Use permit. Reclamation will be ongoing in accordance with page 18 section 4.2 of County Materials' (proposed) reclamation plan (see note below).

Page 18, County Materials Proposed Bradley Non-metallic Mining Operation

4.2 Reclamation Area

“Reclamation will be completed progressively as the aggregate reserves are depleted. Reclamation will start in areas no longer required for processing or stockpiling and continue progressively in conjunction with the mining operations. The area to be reclaimed is shown in drawing 4. Initial efforts will be directed toward stabilizing internal slopes and creating a more formalized appearance through grading and landscaping. Reclamation will continue to occur progressively and concurrently until all permitted areas have been reclaimed.”

9. The reclamation plan shall incorporate a minimum of 20% of the land be replanted in trees.
10. A bond for road repair or replacement of Crass Road used by County Materials from the pit entrance on Crass Rd. to County Road D will be provided to the Town of Bradley in the amount of \$28,000.00.
11. Loads on all trucks must be covered if so equipped. The public road shall be inspected daily by County Materials during times of use of the pit and any obstructions be remedied.
12. No blacktop (asphalt) plants, cement plants, washing plants or blasting will be permitted.
13. The truck route used by any operation of County Materials shall be from the pit entrance on Crass Road to County Road D.

Motion carried all ayes.

At 9:30 a.m. Saal called for a 10 minute break. At 9:40 a.m. the meeting resumed.

6. Department Report -

- a. Committee reviewed the Compliance report. Bowers reviewed some of the issues on his compliance report. He explained the circumstances and process that was followed with the Schade compliance issue and the timeframe allowed. Saal discussed the protocol for the hearings. Other compliance issues as listed on the report were discussed.
- b. Committee reviewed the financial report and put it on file. Hanson reviewed the report for the Committee.
- c. 2014 Zoning Budget - Hanson reviewed the proposed Zoning Department budget for 2014. There was discussion on the proposed budget. Motion by Nelson, seconded by Pike to approve the 2014 Zoning budget as proposed and forward to Finance. Motion carried all ayes.
- d. Shoreland Zoning Ordinance re-write update. Bowers reviewed the proposed changes that have been discussed for the ordinance update.

Committee proceeded with item #9 on the agenda before going into closed session.

9. Confirm next meeting/public hearing date – Tentatively June 13, 2013 – Tour will be at 2:00 p.m. with the Public Hearing starting at 2:30 p.m.

Committee proceeded to item #7 on the agenda.

7. Convene into closed session pursuant to sec. 19.85(1) (c), Wis. Stats. for purpose of considering employment, promotion, compensation or performance evaluation data of any public employee(s) over which the government body has jurisdiction or exercises responsibility. [Land Services Administrator]

Motion by Bailey, seconded by Saal to convene into closed session. Motion carried by a roll call vote. Randy Scholz, Administrative Coordinator joined the meeting at that time. The Committee, Scholz and Diane Hanson remained for the closed session.

8. Reconvene into open session and take any necessary action on closed session item (above). Motion by Nelson, seconded by Saal to reconvene into open session. Motion carried by a roll call vote. There was no action taken.
10. Adjourn - Motion by Nelson, seconded by Saal to adjourn at 10:42 a.m. Motion carried all ayes.

Minutes prepared by June Winters