Florence County Zoning and Solid Waste

We are Proud of Our County

COURTHOUSE 501 LAKE AVENUE
P.O. BOX 627
FLORENCE, WI 54121
(715) 528-3206
FAX (715) 528-5720

June 15, 2016

Minutes of the **Planning and Zoning meeting with Public Hearing** conducted on June 1, 2016 in the courthouse, Florence County, WI.

Chairperson Bomberg called the meeting to order at 7:00 P.M. and took roll call.

Members present: Supervisors' Gary Steber, Jeanette Bomberg, Sherry Johnson, Jason Neuens, and Larry Neuens.

Members absent: None

Others present: Greg Seibold, Jim Baldridge, Kim Haevers, Paul Gobski, Dan Dickhut, Matt Kastell, Scott Siekman, Jan Baldridge, Byron & Sue Christensen, Berit Helledy, Joan Spears, John Holbrook, Mary LeFevre, Jim Lefevre, Martin Siddons Sr., Martin Siddons Jr., Joseph G. Bichler, Fred Erwin, John Heideman, Breanna Thompson, Eric Brolin, Warren Owecki, Diane Theis, Stan Nowak, Jackie Dahlke, Hank Murphy, Tim Bomberg, Jessica McCoy, Rich Wolosyn and Trish Kelly.

Chairperson Bomberg asked for a motion to approve the agenda, **motion by Supervisor Johnson to approve the agenda, second by Supervisor Steber, vote five (5) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg asked for a motion on the minutes of the meeting and public hearing conducted on May 4, 2016. **Motion by Supervisor L. Neuens to approve the minutes of the meeting and public hearing conducted on May 4, 2016, second by Supervisor Steber, vote five (5) ayes, zero (0) nays, motion carried.**

There were no persons wishing to address the committee on other zoning related concerns.

The current bills were reviewed as presented and recommended to the Audit and Budget Committee for approval. **Motion by Supervisor Johnson to approve the bills and recommend to Audit and Budget for approval, second by Supervisor Steber, vote five (5) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced ***Public Hearing CUP-20160002,*** request Conditional Use Permit under the Florence County Comprehensive Zoning Ordinance, Chapter 10, Subchapter 1, Section 3.15, G., (6) request to construct four duplexes under multi-family dwellings with attached one car garage for each dwelling unit on a 3 ½ acre parcel in an open forest zone. Part of GL 2, AKA Parcel A of Eagle Ridge Development, Section 05, Township 39 North, Range 19 East, Town of Florence, Florence County, WI. Property address is US Hwy 2. Request submitted by Michael Jacobson.

There was no written or oral correspondence. Mr. Jacobson explained there will be four one story duplexes, each living unit will have 2 bedrooms and 1 ½ bath. He was meeting with a plumber to design the sanitary system. He is undecided as to whether each building will have its own well or shared well. Wolosyn asked if he was proposing to place the duplexes far enough apart should they ever need to be parceled off in the future. Mr. Jacobson said he didn't think the duplexes could be parceled off, if anything, they could be turned into condominiums. Wolosyn asked if he was going to place deed covenants as far as control of grass, vehicles, etc.

Mr. Jacobson explained there will be parking spaces for three cars per unit, plus the garage. He would be managing the units as far as the lawn service and snow removal. His current plan is to rent the duplexes. If in the future they were to become condominiums, there would be restrictions in the condominium agreement. Wolosyn would recommend approval. **Motion by Supervisor Steber to approve CUP-20160002 request to construct four duplexes under multi-family dwellings in an open forest zone, second by Supervisor Johnson, vote five (5) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced ***Public Hearing CUP-20160003,*** request Conditional Use Permit under Section 3.20, G., (24) of the Comprehensive Zoning Ordinance, meeting the requirements of Chapter 13, Section 15.10, New Mines, to operate a non-metallic mining site. Property is SW, SE, lying East of STH 101, Section 12, Township 39 North, Range 17 East, Town of Fern, Florence County, WI. Property address is 4148 STH 101. Request submitted by the Town of Florence.

There was no written or oral correspondence. The applicant, being the Town of Florence, meets all the requirements for a non-metallic mine. The siting of the mine falls within a zone that would allow this type of activity. The town provides a line item in their budget for financial assurance to cover the cost of reclamation, if needed.

Greg Siebold raised the point that the application appears to be a forty, in reality is approximately 36 acres. As he understands it is not a short forty, it is 36 acres because Hwy 101 abuts along the west side of it. There is a small pre-existing portion that was sold off to another owner on the opposite side, due to a division at some point this became 36 acres, instead of 40 acres. The ordinance for a conditional use permit, for quarrying, requires at least a forty acre parcel. This may be an issue with regard to the other conditional use permit that is requested. If you look at the Open Forest (OF-1) District has to be a minimum area of forty acres, Section 3.12, G. (17). Wolosyn explained that there is an Open Forest (OF-2) for five acres also, regardless of whether this falls in the 40 acre open forest zone as we called it, or five acres, the activity is permitted in the open forest zone. The property for this request is zoned agricultural as listed in the application.

As far as conditions, Wolosyn asked Mr. Tim Bomberg, Town of Florence Chairman if the town had any operating hours to offer. Mr. Bomberg said the normal operating hours for the town, the only time outside of normal work hours would be the case of an emergency wash out situation. The committee agreed there is no need to condition operating hours as the towns are working a scheduled work day, this is not a public pit. Mr. Bomberg noted, the plan is to leave at least four rows of trees along STH 101 and Elm road to create a berm from the road and neighboring properties. The top dirt on the active area will be pushed up and reseeded to help protect with erosion in the pit area. Wolosyn would recommend approval with the stipulations just stated by Mr. Bomberg, Town Chairman, with regard to trees and erosion protection. **Motion by Supervisor Johnson to approve CUP-20160003 request to operate non-metallic mining site with the conditions that at least four rows of trees remain along STH 101 and Elm road to act as a berm and that measures are taken to protect erosion of the pit, second by Supervisor Neuens, vote five (5) ayes, zero (0) nays, motion carried.**

At this time, Chairperson Bomberg stepped down and turned the meeting over to Vice-Chairperson Steber due to a conflict of interest. Let the record show that Chairperson Bomberg will abstain from voting on CUP-20160004.

Vice-Chairperson Steber announced ***Public Hearing CUP-20160004,*** request Conditional Use Permit under Section 3.13, G., (12) of the Comprehensive Zoning Ordinance, meeting the requirements of Chapter 13, Section 15.10, New Mines, to operate a non-metallic mining site. Part of E ½ of NW, SW AKA Parcel 7 of Sea Lion Lake Lands, Section 12, Township 39 North, Range 17 East, Town of Fern, Florence County, WI. Property address is 4263 South Shore Drive. Request submitted by McCoy's Gravel & Excavating LLC.

Wolosyn reported there are several pieces of correspondence and contacts on this hearing, and several different communications. However he went on to explain the history of the pit which dated back to July 25, 2001 when the automatic permit was issued. In 2004 prior to the reclamation permit being required, and at the request of the property owner, Mr. Craig Haevers, the pit was GPS'd and found to be less than one acre, which did not require a permit any longer.

Since then, there has been some activity on the site which brings up a lot of correspondence. Wolosyn then read a letter from Henry F. McRoberts, Attorney at Law, representing the McCoys, the letter was addressed to Ms. Kim Haevers. In the letter is stated that on May 13, 2016, you advised the McCoy's that you are requiring them to vacate the said gravel pit and that any further road work (for Sea Lion lake Road Association) will be placed out on bid to local contractors. In honoring you request, please be advised that McCoy's will proceed as follows. Remove any and all equipment and after removal will no longer access the said gravel pit, will no longer assume any responsibility and/or liability for said gravel pit, will not perform any further work (road or otherwise) for you and/or Sea Lion Lake Road Association; and will not proceed with the conditional use permit scheduled before the Planning & Zoning Committee on June 1, 2016. Wolosyn then asked, are the McCoy's withdrawing the conditional use permit? Jessica McCoy stated yes, they wish to withdraw Conditional Use Permit CUP-20160004. Wolosyn then asked Ms. Kim Haevers if she is willing to take the permit over and reclaim the site. Ms. Haevers stated no, there is no material being taken out of there and there is no mining going on, nothing is happening, so there is no permit needed. Wolosyn informed her there is a permit needed because you have exceeded one full acre in size. The site must be restored to the standards of the reclamation requirements of the ordinance. The best result for the reclamation would be to plant red pine trees. Until the site falls below one acre, a permit is required. Ms. Haevers was offered to take over the McCoy's permit and reclaim the site.

Many of the persons in attendance spoke on the matter in one way or the other. The wishes are to restore the road back to the standard road requirements.

There was also many letters of correspondence received in opposition to continue the non-metallic mine, however, due to the withdrawal of the permit by the McCoy's the letters will not be read. The letters of opposition will become part of the meeting tonight. The names of the persons in opposition who sent letters are; Megan Andersen, Lloyd & Kathleen Lujan, Tal & Sara Goodchild, Patrick Bell, Susan Waldbuesser, Matt Kastell & Scott Sieckman, Byron & Sue Christensen, Paul Gobster, Rachel Dickhut, Kathleen Dickhut, Matt Dickhut, Donna Dickhut, Joseph Bichler, Mary Ann Pieters & Sandra Rauch, Jesus and Jo Vasquez, Jim Bowen, Joel Jensen, Dirk Jensen, Christopher Jensen, Erik Jensen, Tad Dziondziak, Michael & Judy (Dziondziak) Sosnovske, Jon & Kristen Dziondziak, Ken & Melodee Stepleton, Berit Helledy and Joan & Curt Spears. A voluntary statement was received from Kim Haevers revoking her permission to the McCoys to establish a gravel pit on her property.

With the understanding by Ms. Haevers to accept the reclamation permit with the following staged conditions. Restore the road back to standard road requirements so it is passable, the site needs to be sloped , this is to be accomplished within three months, by the fall of 2016, and trees must be planted in the spring of 2017 for final reclamation. **Motion by Supervisor Johnson to approve the reclamation permit only, with the following staged conditions, restore the road back to standard road requirements so it is passable, the site needs to be sloped , this is to be accomplished within three months, by the fall of 2016, and the trees must be planted in the spring of 2017 for final reclamation, second by Supervisor Neuens, vote four (4) ayes, zero (0) nays, motion carried. Chairperson Bomberg abstained from voting.**

Under Administrator concerns. Wolosyn had a request from the Land Information office to get the scanning done in the Register of Deeds office. A request to provide extra hours to Laurie Boren and Donna Liebergen will be presented to the Personnel Committee.

Future agenda items include one public hearing for July 6th.

Motion by Supervisor Johnson to adjourn, second by Supervisor J. Neuens, vote five (5) ayes, zero (0) nays, motion carried.

Respectfully submitted,

Rich Wolosyn
Zoning Administrator

RW/tk