

## **Buffalo County Minutes**

**Committee/Board:** Zoning Committee

**Date of Meeting:** March 2, 2016

**Electronic and Hardcopy Filing Date:** March 7, 2015

The meeting was called to order at 2:00 p.m. by chairperson Nettie Rosenow. Roll Call showed that Nettie Rosenow, John Kriesel, Lou Anne Roby and Dennis Youngbauer were all present.

Others present for all or part of the public meeting include Mike Owecke, Zoning Administrator, Julie Lindstrom, Zoning Administrative Assistant, Peter Fletcher and Dave Bonifas from Mississippi River Regional Planning, Kevin Cassidy, Candy Anderson, Fred Weber. Others may have been there that did not sign in.

Minutes are summarized as follows:

Minutes from the February 3, 2016 Public Meeting. Motion by Mr. Kriesel, seconded by Ms. Roby to approve the minutes from the February 3, 2016 Zoning Committee meeting as presented. All in favor. Carried.

Public Comments Regarding Posted Agenda Items. Kevin Cassidy talked about the Conditional Use Permit application submitted by Milestone Materials, Agenda Item #6 and expressed concern whether you could have two operating conditional use permits on the same piece of property and concern that it could create undo circumstances for the neighbors.

UDC (Uniform Dwelling Code) Building Inspections – Contract for Services. Fred Weber was in attendance and asked to address the committee and give a short presentation. Mr. Weber reported that he issued twenty-eight building permits in Buffalo County in 2015, up two from 2014 and four from 2013, which is similar to what is happening in other counties; there are no major changes in the State of WI UDC Law; 2017 Code Books have not been issued yet; no changes in how he does his work in the county.

Mr. Rosenow questioned and Mr. Weber stated that he would like to continue as UDC inspector in Buffalo County.

Copies of the contract for services between Mr. Weber and Buffalo County were mailed to the committee members to review prior to the meeting. Contract for services was reviewed. Discussion was held on language regarding who sets the fees. Mr. Owecke stated that by language in the UDC Ordinance, fees are set by the County Board of Supervisors. Mr. Owecke continued by saying that because the fee schedule is approved by resolution from the Zoning Committee, Mr. Weber would have an opportunity for input in the fee schedule when the Zoning Committee approves the resolution. Suggestions were made for language change to indicate that Mr. Weber has some input in the fee schedule and it was decided that language would be added to the contract that the fee schedule would be reviewed by the committee. Mr. Weber was more comfortable with that contract language change.

Ms. Hansen, County Administrative Coordinator was in attendance and stated that the contract would not need to go to the County Board for approval, however there was no agenda item to address the resolution for the fee schedule that is currently in place, the committee cannot take action on the fee schedule at this meeting; will need another meeting to approve a resolution with the fee schedule. Motion by Mr. Kriesel, seconded by Ms. Roby to approve the contract for services between Weber Inspections and Buffalo County. All in favor. Carried.

Fees for UDC Inspection were discussed. Fees have changed since a resolution establishing fees was adopted in 2004. An updated resolution will need to be approved by the Zoning Committee and forwarded to the County Board to reflect the current inspection fees. Mr. Weber explained there are only three changes in fees, from the current fee schedule, which are basic fees.

Ms. Rosenow questioned and learned that Mr. Weber charges the same fees in all the municipalities he works with. Motion by Mr. Kriesel, seconded by Mr. Youngbauer to approve the fee schedule. All in favor. Carried.

Mr. Weber stated that he would like to meet with the Zoning Committee on an annual basis in November.

Comprehensive Revision of the Buffalo County Zoning Ordinance. Mr. Fletcher and Mr. Bonifas from Mississippi River Regional Planning were in attendance for this agenda item. A draft copy of the Zoning Ordinance modifications was available following the last Zoning Committee meeting and the meeting between Mr. Owecke and Mr. Fletcher, when they met on February 18<sup>th</sup>.

Mr. Fletcher explained the conflict with language in the draft ordinance and the WI Agricultural Siting Law, which was adopted in 2006 and how it limits local units of government ability to regulate feed lots. Less than 500 animal units (AU) is recognized as a permitted use and must meet the requirements of the State Agricultural Siting Law. Mr. Fletcher explained that the Agricultural Siting Law limits on how strict a local unit of government can be; the setback for confinement facilities, 0-1000 AU is 100 feet from a property line; 1000 AU or more goes to 200 feet from a property line; manure storage structures have their own setbacks. Mr. Fletcher continued by saying if the county chooses to require conditional use permit on new or expanding feedlots they would need to get certified approval from DATCP; when a county begins to regulate, DATCP refers to it as a siting ordinance. Mr. Fletcher stated that with the Agricultural Siting Law, and if you create an ordinance with a conditional use request, if the applicant meets all the requirements of the ordinance, no matter what opposition there is to the permit, you have to issue the permit. Discussion was held. Mr. Fletcher stated when a farm exceeds 1000 AU, they are regulated by the state as a concentrated animal feeding operation (CAFO).

Ms. Roby questioned whether there was anything the county could do to protect health issues, such as groundwater and Mr. Bonifas stated that according to the state, you can restrict beyond the law, if you can prove health issues, but you must use scientific facts.

It was the consensus to remove from the draft ordinance, language that references feedlots with AU.

Mr. Fletcher also talked about Administrative Conditional Use in the ANR-40 District only; the state requires a conditional use permit with a public hearing for each new home with a non-farm dwelling designation in the ANR-40 District. Mr. Fletcher continued by saying that he requested from DATCP that the county could issue an Administrative Conditional Use if the applicant can

meet all of the requirements, the Zoning Administrator could certify approval to issue a permit without holding a public hearing as long as Administrative Conditional Use is okay with the County Corporation Counsel.

Mr. Owecke stated that Administrative Conditional Use would be defined and only used by definition and would just be used in the ANR-40 for non-farm dwellings.

Ms. Rosenow questioned and Mr. Fletcher stated he has heard of Administrative Conditional Use; it is a local issue; it is an option.

Additional edits to the draft ordinance were explained by Mr. Fletcher and Mr. Bonifas and reviewed with the committee.

Mr. Fletcher explained that in some cases, a particular land use in a district may require a separate chapter in the ordinance to provide detail of the requirement and restrictions for the land use.

Mr. Fletcher reminded the committee that this is a draft and will be a draft until final approval.

Mr. Fletcher stated that the next step is to take the draft districts to the Towns for review of the districts and explain to them that they have an opportunity to identify on their Town map what Zoning Districts they want to use and where they could be located based on their Town Land Use Plan and land uses in their Town.

Ms. Rosenow questioned and Mr. Fletcher stated that a place for a Town to start would be with their existing and future land use map from their Land Use Plan.

Ms. Roby questioned and Mr. Fletcher stated he and Mr. Bonifas would like to meet with individual Towns for the first go-around.

Discussion was held on the process to gather the necessary information from each Town. Mr. Fletcher stated he would like to do it outside a regular Town Board Meeting.

It was the consensus that Mr. Fletcher and Mr. Bonifas would initially meet with one person from a Town; Zoning staff will work with Mr. Fletcher and/or Mr. Bonifas to schedule the meetings. Meetings with the Towns will be scheduled over the next couple months and Mr. Fletcher and Mr. Bonifas will come back to the May Zoning Committee meeting with an update of the Town meetings.

No date was set for the next Zoning Committee meeting at this time.

Milestone Materials Application for Conditional Use Permit. Ms. Candy Anderson, geologist with Mathy Milestone working on the project was in attendance and asked to address the committee. Mr. Owecke explained that the committee is just to deem the application as being complete and ready to send to the Town and Highway Department for review.

- Mr. Owecke stated that the application is in the final (third) revision, which is the document that was sent to the committee for review. Mr. Owecke stated the current mine was permitted in 1991; most product is used for road building; a lot in Buffalo County; limestone only.

- Ms. Rosenow questioned and Mr. Owecke is talking about the current Mathy quarry also known as the Mondovi quarry.
- Ms. Anderson stated that the 1991 permit is for the Mondovi quarry. Ms. Anderson explained that in 1996 American Materials leased a 40-acre parcel from Segerstrom, but existing Mondovi quarry had plenty of reserves and the company never needed to go after or open it up for any reason. In 2004 Mathy purchased Milestone. In 2015 re-leased the original forty and the forty Segerstrom bought from Edna Moy. Ms. Anderson continued by saying that the resource at the existing facility is starting to become depleted and that is why they are coming back to ask for a conditional use for the limestone.
- Ms. Rosenow questioned parcels of land that Mathy owns above Segerstrom that has never been mined.
- Ms. Anderson pointed out on an aerial photo what Milestone owns and explained that there is very little product at this area in question.
- Ms. Rosenow questioned an old quarry when they go to Segerstrom's.
- Ms. Anderson stated that property belongs to Segerstrom's; it was mined many, many years ago; they had a lease on the property, but never mined it, because they didn't need the product and they will mine it now.
- Mr. Owecke pointed out on the aerial photography their existing mine and one of the forty's of Segerstrom that they would move into.
- Ms. Roby questioned a location on the map and whether that is where the exposed bluff is.
- Ms. Anderson explained that Milestone will just take the limestone off and reclaim behind into pastures as final land use; they have nothing to do with the sand part of it.
- Ms. Roby questioned the permit inclusion about possibly mining sand down the road
- Ms. Anderson stated that Milestone is only interested in the limestone for road building.
- Ms. Rosenow questioned whether there was anything in Segerstrom's present CUP that would preclude Milestone from coming in and mining the rock now without a new conditional use permit.
- Ms. Anderson stated they had talked about that and the limestone would have to come off anyway, but Milestone felt they wanted to operate on their own merit with a separate company with their own conditions and work with the county directly instead of operating under an existing conditional use permit.
- Ms. Anderson stated that Milestone felt that would be the best for the company to have their own permit.
- Mr. Kriesel suggested that it would eliminate getting tangled up with someone else's permit.
- Ms. Rosenow questioned what would happen if the sand mining takes off and they want to come in and start mining sand.
- Ms. Anderson stated that Milestone would have to work with Segerstrom closely, especially if the sand mining takes off; Milestone may need to store product at the site if it can't be processed.
- Ms. Roby questioned whether there were any agreements in place should the sand mining take off and how they would handle mining both products together.
- Ms. Anderson stated they did not have any agreement in place to address this.
- Ms. Rosenow questioned how Buffalo White Sands came into the picture as a Lessor.
- Ms. Anderson stated they always had the lease on the one forty.
- Ms. Anderson went on to say that she never followed the lease process over the years; Buffalo White Sands currently has a lease on the same forty that Milestone does.

- Ms. Anderson continued by saying that she has not seen the lease with Buffalo White Sands, but her understanding is that Buffalo White Sands is going to waste the limestone product, where Milestone have a use for it to build roads in the county.
- Mr. Youngbauer stated that one company has the lease for the sand and Milestone has a lease for the rock; just two different leases on the same property for two different materials.
- Ms. Roby questioned hours of operation.
- Ms. Anderson explained that with Milestone's current hours of operation, a lot of times the DOT requires work to be done at night, so there are times when that is done at the existing site now; probably not running a whole twenty-four hours.
- Ms. Anderson continued by saying that if the need were to come, Milestone would like to be able to continue what they are already doing.
- Mr. Owecke explained that Milestone only has equipment operating at their mine periodically; maybe three times a year; the mine would be open; trucks would be coming in to get material, but not necessarily processing product.
- Ms. Roby questioned bright lights and blasting in the middle of the night.
- Ms. Anderson stated absolutely not.
- Mr. Youngbauer suggested that they only process the amount of product they will sell.
- Ms. Anderson stated that at certain times of the year, a lot of product gets used for hot mix asphalt. If they run low in the fall and they have a crusher available they may bring one in and crush some for spring; usually crush what they need so they do not have a huge amount of inventory; this is a seasonal operation based on local projects and a lot of it goes on the interstate.
- Ms. Roby questioned compliance inspections whether they are completed by the county.
- Mr. Owecke state they would be done with a 3<sup>rd</sup> party professional.
- Ms. Roby questioned truck loads and average daily loads.
- Mr. Owecke explained that the hours are very varied depending on the time of year and how many road building projects are going on.
- Ms. Roby questioned two hundred loads a day June through October maximum amount and whether that is ever reached.
- Ms. Anderson explained that is a lot of trucks if there is a lot of work, however there are years when they don't move material because there is no work and then times when there are only a few trucks and a real busy time would require them to need that many trucks; moving of product depends on where the work is.
- Ms. Roby stated her concern and why she is asking is on the impact to the community because nonmetallic mining activity has always discussed truck traffic.
- Mr. Owecke stated that the mine enters on to a state highway, now a county or town road and travels state highways.
- Ms. Roby stated that she understands, but she still has to answer questions to people about the mining at the site.
- Ms. Anderson stated that if there were four hundred trucks it would probably be only for one or two week period of time; project specific; would not be on-going.
- Ms. Rosenow stated that her concerns did not have anything to do with the company; her concerns have to do with two conditional use permits on the same property; two reclamation plans and two conditional use permits to monitor because of staff workload and public confusion about who is doing what at the site.
- Ms. Rosenow also expressed concern about the leases on the property that the committee does not have information about.

- Ms. Anderson explained that it was discussed in detail, both with or without a new conditional use permit.
- Ms. Rosenow stated that the committee needs to do what is best for the county.
- Ms. Rosenow expressed concern for cooperation between the two conditional use permits and the conditions on the first conditional use permit and additional conditions on the second conditional use permit; sand mining versus limestone quarry and the short time to mine sand versus long time to mine the rock. This may be a problem in the future.
- Ms. Rosenow also expressed concern over potential lack of management at the site right now.
- Mr. Owecke stated that he works with Mr. Dick Lowater as a site contact and Mr. Lowater has been very responsive to his questions.
- Ms. Roby questioned the possibility of an agreement between the two operators on how to handle a situation should one arise.
- Mr. Owecke suggested that could be something that the Board of Adjustment could request in their review.

Discussion was held. Additional discussion was held regarding the road entrance to the mine site and Ms. Anderson agreed that there has been some additional blacktop near the road entrance to the mine and stated that Milestone has worked with the DOT to put in a turn lane on the state highway.

Motion by Mr. Kriesel, seconded by Mr. Youngbauer to state that this is a complete application and forward to the Town of Mondovi and the Highway Department for their review and opportunity to comment. All in favor. Carried.

Zoning Administrator Comments/Report. Mr. Owecke reported that the reclamation plan for the Buck Ridge Quarry was approved by Carrie Olson, County Conservationist and will go to public notice for request for a public hearing. Mr. Youngbauer questioned and Mr. Owecke stated that someone will need to request a public hearing, otherwise the county is not required to hold a hearing for the reclamation plan.

Chairpersons Comments/Report. Ms. Rosenow thanked Mr. Youngbauer for his loyal service to the Committee and wished him well; he has been on the Zoning Committee for four years and chose not to run for county board in the upcoming spring election. Mr. Youngbauer stated that it has been a learning experience.

The meeting was adjourned at 3:40 p.m.

Recording Secretary  
Julie Lindstrom  
Buffalo County Zoning