

**Sauk County Planning, Zoning and Land Records Committee Meeting**  
**January 25, 2011**

**Committee Members Present:** Lehman, Ashford, Gaalswyk, Halfen, Nobs

**Committee Members Absent:** None.

**Others Present:** Mark Steward, Gina Templin, Brian Simmert, Kelly Felton, Brent Bailey, Pat Dederick, Tim Stone and others. See registration slips for those in attendance of the public hearing.

Chair Lehman called the meeting to order and compliance with the open meeting law was certified.

Motion by Halfen, seconded by Ashford to adopt the amended agenda as provided. Motion carried 5-0.

Motion by Nobs, seconded by Halfen to approve the minutes of the January 13, 2011 meeting. Motion carried 4-0 with Gaalswyk abstaining.

**Public Comment:** None

**Communications:**

Steward spoke of letter regarding Leatherberry quarry asking for definitions on what maintenance is.

**Departmental Report: Mapping**

Felton provided an update from the Mapping Department. She presented the department report and reviewed with the committee.

Lehman asked about census data. Felton advised.

Halfen asked if the numbers provided were end of January or end of December. Felton stated all numbers are through the end of December.

Motion by Ashford, seconded by Gaalswyk to approve the vouchers in the amount of \$1,735.00. Motion carried 5-0.

**Departmental Report: Register of Deeds**

Bailey appeared and presented the monthly report. He reviewed the budget numbers for year end and adjustments he made for the 2011 budget. He then spoke of training coming up with the State Central Department that will drastically change the way the department will do many things.

Ashford asked about the State having the county records. Bailey state that it is all digital now, and that the State has always had a copy of the records. With the update all records will be held within the State database and the record will be generated right from there, which will eliminate the paper

records. He also stated that within 5-10 years, he sees the county's being out of the vital records and will be fully done by the state.

Motion by Halfen, seconded by Gaalswyk, to approve the vouchers in the amount of \$5,165.27. Motion carried 5-0.

#### **Departmental Update: Surveyor**

Surveyor not present at this time.

#### **Departmental Update: Planning & Zoning**

Steward reviewed vouchers. Presented were the final 2010 vouchers and vouchers for the month of January 2011.

Motion by Judy Ashford, seconded by Halfen, to approve the vouchers for December of 2010 for \$287.13. Motion carried 5-0.

Motion by Ashford, seconded by Halfen, to approve the vouchers for January 2011. Motion carried 5-0.

Discussion and possible action on a resolution supporting the Town of Fairfield application for an Agriculture Enterprise Area. Tim Stone, Mike Stanek and Brian Simmert appeared and reviewed district map for the proposed AEA. Gaalswyk asked about the process of getting interested parties and of speaking to farmers/land owners in their district about an AEA. Stanek spoke of having a meeting to discuss with landowners and the town representatives with Stanek/Simmert. Stone spoke of the meetings, the interest and the process that has taken place thus far.

Lehman asked about entering into an agreement in an AEA. Stanek stated that was correct and the AEA identifies an area, a boundary. He stated that the only way to claim a credit is to be within the AEA.

Lehman asked about the 1,000 acre rule and if it has to be contiguous or can owners with several areas apply. Stanek stated that all property has to be within the boundary lines. He then spoke of the state regulations.

Motion by Gaalswyk, seconded by Ashford, to approve the resolution for the AEA in the Town of Fairfield. Motion carried 5-0.

#### ***Departmental Report: Surveyor***

Surveyor now present. Dederick appeared and presented vouchers for remaining 2010. He reviewed the line items and what they meant as well as the adjustments for 2011 budget. Motion by Halfen, seconded by Ashford to approve the vouchers in the amount of \$1,500. Motion carried 5-0.

#### **Continuing with Departmental Report/Planning & Zoning**

Steward then reviewed the discussion and action on the Administrative Support Specialist. He spoke of the need and the duties and roles for this position. He spoke of the possibly of part time versus full time.

Gaalswyk asked about Land Conservation Department having admin staff and possible duties could be shared and asked if that is being considered when asking for part time versus full time. Steward stated he has considered that which is why he is only looking at part time.

Halfen asked what is budgeted. Steward stated that he has budgeted a full time position.

Motion by Gaalswyk, seconded by Halfen to support the Administrative Support position in a part time role. Motion carried 5-0.

**Public Hearing: To begin at approximately 10:00 a.m. - Committee to consider and take possible action at the conclusion.**

**a. Petition 1-2011.** A petition to amend Chapter 7, the Sauk County Zoning Ordinance, to permit, by special exception, non metallic mining operations in the following zoning district: Exclusive Agriculture, Agriculture, Resource Conservancy 35 and Resource Conservancy 5.

Simmert presented staff report and background and history of the zoning change. He explained *the* proposed amendment will simplify the procedural process to establish or expand existing mineral extraction operations and allow said operations and exemption from the conversion fee otherwise required when rezoning out of the Exclusive Agricultural Zoning District. He also stated that the removal of the short term mineral extraction permit option and replace it with a permit based on operations of less than 1-acre will cause Chapter 7 to be consistent with Wisconsin Statutes and Sauk County's Non metallic Mining Reclamation Ordinance. He concluded with the staff recommendation approval of Petition 11-2011, an amendment to Chapter 7 Sauk County Zoning Ordinance

Gaalswyk asked if there is a history of short term mining. He also asked about the Spring Green areas where farmers are taking off knolls and how this affects them. Simmert stated there are very few short term mining under 1 acre. The Spring Green property owners have been before the committee previously and have rezoned and gone through the process, so they will not be affected by this, as their land is already rezoned.

Ashford spoke of the changes to the ordinance and feel they are removing some protections from non metallic mining with the removal of the rezoning process and what can be done to replace that loss of protection. Simmert stated if you remove the rezone process, there is still the special exception process that requires a public hearing and noticing requirements and the references in the state statutes. He also spoke of the steps the department takes on noticing above what the stats require.

Ashford stated they have no forum. Simmert stated they still have a forum through the benefit of the Board of Adjustment. He stated the way it is written right now, if it is not rezoned you can't take it to the Board of Adjustment.

Ashford stated that the Board of Adjustment would rely on what the committee did in regards to a rezone and is worried that they will lose that advice. She asked if there is anything in the re-write that would prevent the Baraboo mining request from coming back. Simmert stated it would still offer the process, but not prohibit it. The rezone process is one of the two part process to consider land uses such as that quarry request.

Halfen asked if the 1 acre includes the stockpiles and the yards with the equipment. Simmert stated it does include that.

Nobs stated he is concerned taking the public out of one hearing and not giving them the chance to speak and is not comfortable leaving it up to the Board of Adjustments and doesn't feel that gives the public a fair opportunity to voice their opinions.

Lehman asked in spring green if there was a 5 acre sand knob, they would still need Board of Adjustment approval. Simmert stated that is correct.

Bob Jewell, the Kramer Co., appearing in favor of the request, spoke of the public hearing opportunities. He spoke of the town level and the plan commission public hearing, then a town board public hearing and then onto the county. He then spoke of agricultural lands and what takes place after a nonmetallic mining site is reclaimed. He then addressed the rezoning conversion fee, which could be a costly expense, could be up to \$30,000- \$40,000 to do first before you even know if you have a permit. You pay this fee regardless of getting the approval.

Halfen asked if they are talking only 1 acre, then the conversion fee is a mute issue. The committee verified the rezoning conversion fee is for all sites if it is rezoned, no matter what the acreage is. Simmert confirmed that the ordinance addresses two separate issues - one for the rezoning and one for short term mining, which is under 1 acre, only needing a land use permit and following those regulations.

Lehman spoke of the criticism of meetings held during the day and town commissions and board meetings are held during the evening, which allows for opportunity whether it is day or night.

Richard Marino, the Kramer Co., appearing in favor of the request, spoke of the ordinance is an update and some change of the existing ordinance which needs to be done to make it in compliance with what is taking place today, rather than what has happened in the past. He spoke of the conversion fee and burden it places on the land owner. He also spoke of bonding and reclamation requirements. He then discussed the rezone process and hears from towns in that they rezone back to what the original rezoning was prior to the mining site, and the new ordinance gives you the

opportunity to have that and still gives you the public input and the protections with a special exception permit.

Sharon Terry, appearing in opposition, stated that the zoning amendment would allow nonmetallic mining to exist in more districts without a rezoning change. She then spoke of the purpose of the exclusive Ag district, per the Sauk County Zoning Ordinance, as well as the purpose of Resource Conservancy District 35 and 5 and that the public should be more involved in the process and request that they deny or take no action on this petition.

Lehman asked about the impact on farmers and the products they use that comes from quarries. Terry spoke of the stone ridge quarry and that it would be cheaper to have the source closer to the highway 12 process, and inquired about property in port Edwards, and the local mining companies providing material to hurricane Katrina areas.

Warren Terry, appearing in opposition, stated that zoning ordinances are meant for protections and allowing certain things and feels that they are bypassing much of the protections and feels allowing large mining uses in other zoning districts is wrong and should not be allowed and does not fit the definition of these districts. He also speaks of notification of such public hearings is not provided within the amendment.

Nobs asked if he is looking for mining only for agricultural use. Terry stated he sees the benefit for the 1 acre or less sites as amended in the ordinance proposal.

Nobs asked if quarries should only be used for Ag use. Terry stated no, but they should only be allowed in agricultural zoned land, as allowing a mine in the other zoning districts is not ok.

Nobs asked how the industry can continue without allowing mines to take place and get those materials for roads, building, etc. Terry stated they can continue where they are allowed, but not in these other zoning districts without having to go through the rezone process which will allow people to voice their opinion in support or opposition to the request.

Karen Filus, appearing in opposition, stated that because it will affect all townships, she asks that it be postponed until all town chairs understand what the change will mean and feels this zoning change is in conflict with comprehensive plans. She feels a zoning ordinance change is bad timing due to the merger of the department with the planning, zoning and land conversation department. She also stated this benefits the commercial mining, but not individual land owners.

Lehman asked when the Town's were noticed. Simmert stated that they were sent by certified mail the first week of January.

Wayne Johansen, appearing in opposition, stated that notifying parties of interest is not defined in the ordinance amendment and request that it be done. He spoke of the challenge of quarries and mines and where they go and shouldn't go and if the county could work with them as to where a

quarry would fit the best and would affect fewer people rather than allowing it all over. He then spoke of the conversion fee and if the quarry is not activated they should be allowed to get some of that fee back.

Nobs asked about 5 miles notice on the quarries and stated that Johansen lives within 5 miles of the Rock Springs quarry and the land has not been affected by that quarry. Johansen stated that they should just be made aware of it whether or not they will be affected by it.

Nobs asked about the Village of Rock Springs living with the quarry in their back yard. Johansen stated that the quarry was there before him and can't relate to the history of it, but if they are looking at lands in the future, it needs to be addressed. He feels the tourists are here because of the bluffs and feels that if you remove them that would be a negative.

Steve Cohoon, representing the Town of Baraboo, stated that he feels some concerns have been addressed, but the special exception from the county does not have enough teeth in it and feels several things have been passed by the Board of Adjustment without a town acknowledgement form. He also spoke of the Town of Baraboo not wanting any large mining, only short term, small extractions. He stated he is not against allowing some mining, but feels there should be more voice in the special exception with the town acknowledgement form and when that comes from the Town with the public opinion, those have been overturned by the Board. He then spoke of the conversion fee and feels that won't be taken away from the farmers just because they asked to have it done. He stated that the Town does not want long term non metallic mining in Exclusive Ag, RC5 or RC35 and that is the zoning they asked for.

Nobs asked about the gravel pit on Fox Hill Road and if it is in the town of Baraboo. Cohoon stated it is in the Town of Baraboo and it has been there for several years and is not a new one and came before comprehensive planning. He stated that pit was allowed in the comprehensive plan that way and explained the zoning of the Town of Baraboo. He also stated this does not have to pertain to the Town of Baraboo.

Randy Puttkamer, representing the Town of Baraboo, appearing in opposition, stated that he commends planning and zoning on the 1 acre provisions and looking ahead and acknowledging that fact. He spoke of concerns he has and questions why no rezone is necessary and in their comprehensive plan, RC35 and allowable uses is how they created their plan. He stated the Town of Baraboo is not "against mining" as they have many pits located within their town and deemed those areas for mining in their comprehensive plan. He asked about the notification of neighboring landowners and feels that it is very important to have that requirement. He then addressed fees from DATCP not going to what it is suppose to go for, as well as the working lands information and the need to preserve areas in Sauk County that makes it unique. Farmland Preservation program fizzled and repayment was never addressed when land was taken out of it, but now there is payment to be made through conversion fees when a rezoning takes place. He then addressed AEA and we

are 50 years behind everyone else because they are not afraid to preserve land. He is not ok with doing away with the conversion fees.

Peter Murray, stated he is a County Board Supervisor from District 11, appearing in opposition, stated this petition is very confusion and asks about the speed of the ordinance and the Town of Excelsior asking for a specific change to be made and feels this request is based on big business. He spoke of eliminating the notification of people involved, the comprehensive plan of the county relating to agricultural and natural resources, natural scenic beauty and feels none of that is protected. He asked for no renewal to be allowed and the conversion fee that is imposed should be changed at the state level. He then spoke of the combination of departments and the petition should be dealt with once the department has been put into place. He feels that planning and zoning allows development, but the conservation department prohibits development. He spoke of development and increasing everyone's taxes due to servicing the development. He asked the committee to reject the ordinance amendment.

Jason Terry, appearing in opposition, stated that he hasn't had a lot of time to educate himself on the amendment and feels that it takes a lot of the power and decision making from the local people and the townships and feels that it is based on the large corporations versus the farmers. If it was to help the farmers out why is there so much interest for the large mining corporations.

Steve Blakeslee, appearing in opposition, stated there are two separate issues, the rezoning and short term mineral extraction. He feels that the mines can stay open indefinitely and spoke of the wetland project he did along Highway 136. He stated it is impossible to operate on 1 acre. He suggested short term mining be only topsoil and sand and limit the site to 5 acres and be reclaimed within 1 year. He feels the permit could be \$100 and be issued for 2 years, and stated that it should be accompanied by a \$500 bond in the form of cash or cd's. He stated it is essential to his business.

Bob Jewell, reappearing, stated that he would like to respectfully disagree with comments previously made. He spoke of mining reserves and the best rock are located in Exclusive Ag lands have your best materials. He then addressed protections of different areas and spoke of the highway 12 project and the state and county's limited certain areas and they could not be touched.

Gene Filus, appearing in opposition, stated that he feels the towns didn't receive information early enough. Simmert clarified that the Town's were provided notice in early January and the registration cards were received by the Department.

Filus was concerned with the urgency and feels this is pushed through because people are losing their jobs. He feels land is being chopped up by business men and feels they are destroying everything.

Lehman closed the public hearing at 11:30

Gaalswyk stated he wants to move to approve, and did not agree with many things that were said in opposition and feels he agrees with the staff making the changes to clean up the process. He does not feel that this benefits just the huge corporations, as well as the idea of keeping land in Excl ag and rc 35 preserves those land, but the committee is often rezoning lands out of those districts and have never restored them back to the original district. He spoke of the public hearings and the opportunity for them at the town and feels one hearing with the county is adequate.

Ashford stated she felt the decision should be postponed and there is a lot of confusion on the Committee's part as well as the public and is not sure what the affect of this ordinance may be. She is not opposed to the ordinance, but feels the staff should take into account some of the concerns the public has.

Halfen stated spoke of agricultural purpose being restored, however if you cut down the bluff, how do you put that back. He stated he is still concerned with the noticing of neighbors and feels it is absolutely necessary and feels that a 5 mile radius is necessary. He stated the biggest issue is that this is moving way to fast and if the Township have not had time to review then we are moving too fast.

Nobs stated that his concerns are similar to that of Halfen and is not prepared to vote in favor, but would vote to postpone. His biggest concern is the notification of neighbors and feels that needs to be addressed.

Lehman spoke of the conversion fee imposed by the state for a year, and it hasn't been a big rush and could have been run through last January. He also spoke of his concern of noticing land owners and the 1 acre size and possibly look at an alternate.

Motion by Halfen, seconded by Ashford, to postpone action until some details can be worked out and the Town's have an opportunity to provide feedback. Motion carried 4-1 with Gaalswyk in opposition.

Motion by Ashford, seconded by Lehman to adjourn.

Next meeting date: February 10, 2011.

Respectfully submitted,

Joel Gaalswyk



