

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
April 24, 2019

Acting Chairperson Jay Wittman called the meeting of the Plan Commission to order at 6:02 pm. Other Plan Commission members present included Jim Hampton, Tom Steele, and Ryan Burnett. Harlan Hebbe was excused. Also present were Community Development Director, Steve Kunst and Building Inspector / Assistant Zoning Administrator, Paul Kufahl.

MINUTES:

Motion by Tom Steele, second by Jim Hampton to approve the minutes of the March 27, 2019 Plan Commission meeting. Motion carried 4-0.

PUBLIC HEARINGS:

- a. *American Asphalt, applicant, requests conditional use approval for a temporary asphalt plant at the property addressed 6703 South Mountain Road. Parcel #34.192807.002.002.00.00. Docket #2019-11*

Community Development Director, Steve Kunst indicated the applicant seeks conditional use approval for a temporary asphalt plant, similar to what was approved in 2008 and 2016, near the Town's yard waste site for the potential duration of May through July, with hours of operation of 6:00am to 7:00pm, Monday through Saturday.

Jay Wittman confirmed Saturday operations were included in the previous approvals. Kunst acknowledged they were. Ryan Burnett asked if Town road projects were taken into consideration with past approvals and if any current road projects may benefit from this approval. Kunst indicated the Town plans for road projects every year and the location of the proposed asphalt plant has the potential to help the Town complete road projects that may not have otherwise been completed this year.

Matt Eslinger, applicant representative, noted Marathon County has plans to resurface portions of County Road B and potentially portions of County Road KK, which makes the proposed location ideal for transportation to both locations. In addition to the County Road projects, he indicated there are plans for some other private work and they have spoken with the Town about some additional projects within Rib Mountain. Eslinger noted they would like to start operations near the end of May and should be completed with the County projects by the end of June.

Tom Steele asked if there are any concerns about air quality, to which Eslinger explained they have an air permit from the Wisconsin DNR and have passed all necessary stack testing. Eslinger also indicated they will use a dust suppressant on dirt road surfaces and work areas. Wittman asked if Marathon County has any oversight on the Town's decision and if there had been any complaints from residents during the previous two operations. Kunst indicated the County does not have any oversight and one complaint was received regarding operations starting too early. Kunst stated the applicant was made aware of the

resident's concerns and no complaints were received after that date. Steele asked if staff recommended any conditions. Kunst reviewed the conditions as presented in the agenda packet, noting they are the same conditions placed on the previous two approvals.

Wittman opened the Public Hearing at 6:10pm.

Kunst indicated he received an anonymous letter requesting the Commission limit the hours of operation during the week to the hours listed in the Town's Nuisance Noise Ordinance, which are 7:00am to 8:30pm.

The Public Hearing was closed at 6:13pm with no additional comment.

Motion by Jim Hampton, second by Tom Steele to recommend approval for the Conditional Use request for a temporary asphalt plant at the property addressed 6703 South Mountain Road, conditioned upon the following items:

- **Hours of operation to be limited to the proposed (6:00am – 7:00pm)**
- **Approval to be only for the asphalt season of the 2019 calendar year**
- **Trucking shall occur on County Trunk Highways whenever possible, in lieu of Town Roads.**
- **Materials (mud, spilled asphalt, etc.) tracked onto roadways shall be cleaned by the end of the working day.**

Motion carried 4-0

- b. Joe Schira, owner, requests conditional use approval for a Low-Density Animal Husbandry use at the property addressed 7509 Red Bud Road. Parcel #34.202807.011.003.00.00. Docket #2019-12*

Kunst noted the applicant seeks Conditional Use approval for a low-density husbandry use to allow the keeping of a mix of animals at their property near the south end of Red Bud Road. He indicated the landowner requests approval for up to 10 equines (e.g. horses), 20 bovines (e.g. beef cattle), 500 poultry (e.g. chickens/ducks), and 20 Bovidae (e.g. bison). Kunst also indicated the applicant holds approximately 93 acres in common ownership, meaning the maximum number of animal units capable of being considered is 93.

Neither the applicant nor a representative was in attendance to present the request; therefore, Commissioners chose to identify questions and concerns for the applicant to address at a future meeting and took public comment as part of the scheduled Public Hearing.

Wittman opened the Public Hearing at 6:25pm.

Charles Kirsch, 7402 Red Bud Rd, identified concerns about the following items: gunfire spooking animals, the ability of 93 acres to contain all of the animals proposed, the impact of grazing activities, potential for strong odors, and impact on resale of adjacent properties. He also stated he felt the request was for more than a hobby farm.

Gene Jacobsen, 7202 Blackberry South, cited previous experience living near a chicken farm and indicated odor concerns related to the keeping of chickens and its potential impact on recreational activities at Nine Mile Forest.

David Gisselman, 3207 Bluejay Lane, asked for clarification of the current zoning and the process by which a land owner would get approval of a “farm”, as well as any specific regulations that would need to be met.

Kris Lemke, 5301 Blackberry Drive, identified concerns about the potential for strong odors, attraction of additional wildlife, rodent attraction and management, impact on Nine Mile Recreational activities, and general safety related to unconfined animals.

The Public Hearing was closed at 6:34pm.

Plan Commissioners had the following questions and comments.

- Where will the animals be housed?
- What are the dimensions of the current detached buildings?
- Where will grains, hay, and feed be stored?
- What is the plan for wintering the animals?
- Describe the year-round operation of the farm?
- What is the plan for confinement of the animals?
- Will the processing of animals take place on or off premise?
- Is this a hobby or a commercial interest?
- What is the plan for waste disposal?
- The number of animals at a given time will likely be limited.
- The proposed quantities feel more like a commercial endeavor than a hobby.

Motion by Tom Steele, second by Ryan Burnett to table discussion of this item until a future meeting.

Motion carried 4-0

NEW BUSINESS:

- a. *Timothy Buchholz, applicant, requests a Pre-Application Conference for a potential conditional use application. Docket #2019-13*

Kunst noted the applicant seeks Plan Commission feedback on a potential ground mounted solar panel array as part of a new single-family residence within the Royal Ridge Estates subdivision. He indicated the array would potentially include 20 solar panels, consisting of two rows of 10 panels near the south end of the subject property and the Town Zoning Ordinance views ground mounted solar panels as a conditional use in all districts.

Tim Buchholz, applicant, noted they would like to purchase Lot 6 of Royal Ridge Estates to build a new single family home, and instead of clearing the lot of trees to allow for a roof mounted solar array, they would like to use a ground mounted system near the southern end of the property because the adjacent outlot, which contains the subdivisions stormwater facilities, is free of trees.

Jordan Kaiser of Northwind Renewable Energy indicated the array would be mounted on concrete ballasts in two racks creating a 35-foot wide by eight (8) foot deep and eight (8) foot tall impact area. Commissioners asked if the solar array would move with the sun, the size of the concrete ballasts, the designed wind speed of the racking system, if it was intended to only supply power for Lot 6, and if there are covenants restricting the use of solar panels within the subdivision.

The applicant and their representative indicated the array is fixed and does not track the sun, the four (4) concrete ballasts are approximately 36"x24"x18" and will support a design wind velocity of 125 miles per hour. Additionally, they noted the array is intended solely for Lot 6 and will be a grid-tie in system in which excess power is purchased back by the utility company at a prorated rate. They also indicated they have spoken with Bill Shnowske about the covenants, and he felt it reasonable to make an exception to remove some trees and place a solar array on the property.

Commissioners had the following comments for the applicant prior to a formal submittal.

- The use is generally acceptable given the limited amount of traffic and residences to whom it would be visible.
- They suggested to enhance the aesthetic around the base of the array to screen the concrete ballasts with shrubs, grasses, or grading.
- They suggested getting additional input from neighbors that will be notified as part of the conditional use process.

CORRESPONDENCE / QUESTIONS / TOWN BOARD UPDATE:

Countywide Addressing – Kunst noted the State Supreme Court has yet to make a decision and in speaking with the Town's attorney, they anticipate it may be an additional 60 days.

Town Board – Kunst indicated the Board approved all previously recommended items at the last meeting.

Commission Members – There are three (3) interested parties and are hopeful to begin filling positions in May. It was also noted residents, land owners, or business owners are allowed to hold a Plan Commission position, but it would be a Board decision to appoint non-residents.

Koletsky Property – Staff indicated they have received revised site plans for the property and hope to see a formal application soon.

Lilac Traffic Impact Analysis – Kunst noted Scott Turner, Streets and Park Superintendent, is coordinating with a third-party engineering firm on a draft traffic impact analysis report for Lilac Ave to help guide decision making in that area as it redevelops.

Daffodil and Tulip Construction Activity – Staff indicated the two lots under construction along Hummingbird Road at Daffodil and Tulip Lanes will be two new homes constructed by Habitat for Humanity.

Royal View Multi-Use Path – Kunst noted the deadline for paving of the Royal View path was amended to this spring, due to the wet conditions encountered last fall. He noted it should be paved at the same time as Strawberry Lane.

Swan Ave Road Work – Kunst indicated the Swan Avenue road project is likely to extend into next year because of the amount of utility relocations needed.

Phillips Gas Station – Commissioners asked if there was any insight into the potential sale of the Phillips Gas Station. Staff indicated they have not heard of any interested parties or the intent of the current owner.

PUBLIC COMMENT: None

ADJOURN:

Motion by Tom Steele, second by Ryan Burnett to adjourn the Plan Commission Meeting. Motion carried 4-0. Meeting adjourned at 7:16 pm.

Respectfully Submitted,

Paul Kufahl, Building Inspector / Assistant Zoning Administrator