

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
August 23, 2017

Chairperson Harlan Hebbe, called the meeting of the Plan Commission to order at 6:30 pm. Other Plan Commission members present included Ryan Burnett, Tom Steele, Laura McGucken, Jim Hampton, Jay Wittman, and Ann Lucas. Also present were Community Development Director, Steve Kunst, and Building Inspector / Assistant Zoning Administrator, Paul Kufahl.

MINUTES:

Motion by Tom Steele, second by Ann Lucas to approve the minutes of the August 9, 2017 Plan Commission meeting as presented. Motion carried 7-0.

PUBLIC HEARINGS:

- a. *Charles Janssen, applicant, requests conditional use approval for a nonmetallic mine (sand) at the property addressed 7408 Bittersweet Road. Parcel #34.212807.016.000.00.00. Per RMMC Section 17.056(7)(d) – Extraction Use. Docket #2017-27.*

Community Development Director, Steve Kunst, introduced the request by establishing the site location and indicating the proposed 130,000 cubic yard sand extraction process would disturb approximately 5.45 acres with an eventual 3.6-acre pond after reclamation.

Lane Loveland, Land Use Specialist for Marathon County, gave a presentation to the Plan Commission describing the project boundaries, reclamation plan review process, financial assurance procedures, and site inspection requirements. Loveland highlighted boundary staking is very important so the activity area is well defined and the financial assurance which they require is enough to cover the reclamation.

Kunst then reviewed the extraction use standards as found within the Town's Zoning Ordinance, noting this meeting is a joint public hearing with Marathon County, so they are able to approve the reclamation plan upon the Town's zoning approval. Kunst also noted the only area of concern from an activity area setback and bufferyard is the northwest corner of the property adjacent to an existing single-family residence.

Plan Commissioners discussed the potential impact to the neighboring property due to the proposed setback and vegetative buffer, agreeing the berm installation along with the existing trees would constitute an adequate visual buffer; however, some members were still concerned about the reduced activity area setback.

Tom Meier, applicant representative, presented a detailed plan of the anticipated operation and final reclamation. Because of the site topography, Meier indicated they plan to start at the

southern end of the activity area and reclaim it as they move north. The project will begin with a topsoil berm along the southern boundary and northwest corner of the activity area which will be seeded in a cover crop. As the project moves north, they will continue to add to the perimeter berm so the site is self-contained creating no additional stormwater runoff concerns to the nearby wetlands. Meier indicated the final reclamation of the site would result in a wildlife and fish pond of varying depths designed to maximize diversity. Meier cited the DOT / Jarvis Ponds on Swallow Lane as examples of the finished product.

Commissioner Wittman questioned if the Plan Commission can condition the duration of the activity and verified the estimated quantity of material to be extracted as 130,000 cubic yards, noting this volume would result in an estimated 6,500 truckloads or about 1,100-1,200 a year for the duration of the project. Kunst added the Commission can condition the duration.

Chairman Hebbe opened the hearing for public comment at 7:19pm.

Greg Bardonner, 3205 Goldenrod Rd, noted he was concerned about the roads being able to withstand the increased heavy truck traffic, the hours of operation causing nuisance noise for the surrounding area, and potential effects to private well water.

Kunst noted the Town's Nuisance Noise ordinance currently defines 7:00am to 8:30pm as the acceptable activity times, but hours of operation are something that can be a condition of approval. Meier noted weekend operation would be likely depending on the type of project requiring their sand.

Meier also indicated access to the site and the majority of transportation routes will be on a County highway which is designed to support heavy vehicle traffic. Meier then noted, if site traffic causes damage to the roadway, the permit holder is responsible for repair. Loveland confirmed County Highways are designed for this type of traffic. Meier explained because they do not plan to pump any water from the site it should not create a problem with neighboring well water.

After feedback on the above items, Bardonner questioned the seasonality of the activity, thickness of topsoil, and enforcement mechanism related to the duration of the project.

Meier stated there would be very minimal use in the winter months, that there is about one foot of topsoil, and he proposed setting a six (6) year limit with a chance to bring the item back to Plan Commission for review, if necessary.

Kurt and Pam Ostmann, 3107 Goldenrod Rd, were generally in favor of the project, citing the long-term aesthetic benefits to be created. They did indicate concern about the duration of the project, the potential for dirt on roadways, and dust created onsite. After Meier's response, they noted they were in favor of the proposed review process as noted earlier.

Meier stated they will have a breaker rock drive access from Bittersweet Road to minimize soil tracking onto Bittersweet Road/County Road KK and if the site does begin to create dust issues, they will water the travel routes on site.

Plan Commission members asked if there would be dewatering on site, where current groundwater levels are, if there were signed vendors for the material, and how conditional uses work with property succession.

Meier indicated they only plan to stockpile material and would not have a dewatering process and that there are no signed vendors/operators at this point. Additionally, he stated the current groundwater level on the south end of the activity area is about six (6) feet and the north end is at 15 feet. Kunst noted a Conditional Use runs with the land and does not change with ownership.

Commissioners had additional discussion regarding the 300' activity area setback deciding it needed to be met until a variance has been granted or the ordinance is changed.

Chairman Hebbe closed the Public Hearing at 8:04 pm.

Motion by Jay Wittman, seconded by Tom Steele, to recommend approval of the conditional use request for an Extraction Use at the property addressed 7408 Bittersweet Road, subject to the following conditions.

- **Hours of Operation to be limited to 7:00am to 7:30pm, Monday thru Friday, 7:00am to 12:00pm on Saturdays, and no operations on Sunday.**
- **Comply with the 300' lot line setback to all activity areas until a variance is granted or the ordinance has been changed.**
- **Project duration limited to six (6) years with Plan Commission review after 5 years to assess progress and possible modification of timeline. Dates are to be based on the date of Town Board approval.**

Motion Carried 7-0

b. Keith Krejci, owner, requests General Development Plan and Precise Implementation Plan approval as part a rezoning of the property legally described as part of the SW ¼ of the SW ¼ - Lot 3 & 4, CS Volume 83, Page 43 (#17386), Document #1713140, Section 17, from Estate Residential-1 to Unified Development District to allow for a nonmetallic mine (granite). Parcel #34.172807.011.004.00.000. Per RMMC Section 17.233 – Unified Development District Procedures. Docket #2017-28.

Community Development Director Kunst introduced the request by establishing the site location and indicating the proposed 50,000 cubic yard gravel extraction would disturb approximately 4.7 acres with an eventual 2.4-acre pond after reclamation. Kunst noted the applicant has

indicated a five-year timeline with hours of operation from 7:00am to 7:00pm, Monday through Friday, and occasional Saturday hours of 7:00am to 12:00pm. Kunst reviewed the Extraction Use Standards noting the traditional bufferyard requirements to the property adjacent to the west and the 300' setback to the activity area are not be met with this proposal.

Jim Hampton asked how a rezone to a Unified Development District would affect the property. Kunst indicated it adds some additional control and oversight by the Town, but allows the applicant some flexibility to typical zoning standards. Kunst noted, if approved, the permitted uses for the property would be only those as approved with general development and precise implementation plans (single-family dwelling and pond/extraction use, as conditioned).

Lane Loveland, Land Use Specialist for Marathon County, gave a presentation describing the project boundaries, reclamation plan and reiterated the financial assurance procedures and site inspection requirements. Dan Higginbotham, applicant representative, gave some site-specific information noting the site slopes north to south and the wetland areas to the east have been delineated. He also noted test holes indicated gravel to at least 25' in depth with no accurate measurement to groundwater depths because of seasonal fluctuations.

Ann Lucas discussed the number of existing mines and if there can be too many. Loveland noted economics will likely dictate how many mines are proposed. Kunst indicated less than one percent of the Town's existing land use is non-metallic mining.

Chairman Hebbe and Ryan Burnett asked the applicants if they plan to reclaim as they go and if they have a buyer for the material. Higginbotham noted the mine will be used by PGA, Inc and they are hoping to have completed in one to two years, but are giving themselves a five-year maximum, at which time they will reclaim what they have and move on.

Chairman Hebbe opened the public hearing for comment at 8:40 pm, and closed it with no public comment at 8:42pm.

Laura McGucken asked for clarification on the location of the activity area to review the setbacks. Higginbotham provided Commission members with a plan noting those setbacks. The absence of a buffer with the neighboring residential property created some discussion, with members deciding that a berm and vegetation would not help because of the homes elevation and there was limited exposure to other residents because of the low housing density.

Motion by Tom Steele, second by Ann Lucas, to recommend approval of the General Development Plan and Precise Implementation Plan approval as part a rezoning of the property legally described as part of the SW ¼ of the SW ¼ - Lot 3 & 4, CS Volume 83, Page 43 (#17386), Document #1713140, Section 17, from Estate Residential-1 to Unified Development District to allow for a nonmetallic mine, subject to the following modifications:

- **Hours of Operation to be limited to 7:00am to 7:30pm, Monday thru Friday, 7:00am to 12:00pm on Saturdays, and no operations on Sunday.**

- **Project duration limited to 5 years with Plan Commission review after 5 years to assess progress and possible extension of timeline. Dates are to be based on the date of Town Board approval.**

Motion Carried 7-0

OLD BUSINESS:

- a. Discussion and possible action on an amended Landscape Plan for People's State Bank at the property addressed 2904 Rib Mountain Drive. Parcel #34.102807.002.013.00.00. Docket #2017-19.

Community Development Director Kunst People's State Bank and their landscaping company resubmitted a landscaping plan for approval because of an error in counting existing landscape points. Kunst identified the areas on the plan in which the quantity of plantings is proposed to be decreased and also noted the overall landscape point total would be approximately 90 points less than previously approved.

Additionally, Kunst indicated if Plan Commission felt comfortable with the new plan, it could be approved at staff level, but if there was concern with the decreased plantings the Commission has the authority to deny or modify the proposed plan. In general, Commission members felt comfortable with the new plan indicating it was an improvement to an existing site condition and staff approval was sufficient.

CORRESPONDENCE / QUESTIONS / TOWN BOARD UPDATE:

- Kunst indicated the Judge will be making a ruling on the Town's lawsuit regarding the Rural Addressing project by the end of the month.
- The next Plan Commission meeting will likely be a working Comprehensive Plan meeting to review three new chapters and receive the revisions to the previous chapters reviewed.
- Kunst noted the Town owned properties at the intersection of South Mountain Rd. and Rib Mountain Dr. are in the process of being sold and will likely result in two new single-family residences.
- Commissioners living near the new Royal Ridge Subdivision development indicated road cleanup is currently insufficient and asked if there is a way to mandate additional cleanup efforts or if the Town will use their equipment. Kunst that the Public Works Department will likely use their street cleaning equipment and bill the developer. Also, Commissioners asked for better

communication from the Sanitary District when they plan to flush the public water lines because it creates off-colored water in surrounding homes water supplies.

PUBLIC COMMENT: None

ADJOURN:

Motion by Ann Lucas, second by Tom Steele to adjourn the Plan Commission Meeting. Motion carried 7-0. Meeting adjourned at 9:04 pm.

Respectfully Submitted,

Paul Kufahl, Building Inspector / Assistant Zoning Administrator