

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES –SEPTEMBER 15, 2016**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:30 a.m. on the Gelhar Symco Prop LLC and Waupaca Foundry Inc property, Town of Union and the CSM DVLPT Inc property, Town of Helvetia.

Chm. Penney called the meeting to order at: 9:40 a.m. with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present.

W. Wilfuer moved and T. Murphy seconded the motion to approve the agenda as presented. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 9:43 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Jason Snyder, Deputy Zoning Administrator read the names of persons notified of the hearing for **Gelhar Symco Prop LLC and Waupaca Foundry Inc:** Located in the E ½ of the SW ¼ and the SE ¼ of Sec. 13, Town of Union, lying along Dennison Road, Fire Number E7040, Waupaca County, Wisconsin; for an Amendment to their current Conditional Use Permits (CP-008-13 & CP-005-16) for the purpose of combining them into one (1) Conditional Use Permit for a Non-Metallic Mineral Extraction in an AE (Agriculture Enterprise) District and PVRF (Private Recreation and Forestry) District on approximately 239 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jason Snyder, Deputy Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Attorney Steven Sorenson was sworn in to testify. Attorney Sorenson is representing Gelhar Symco Properties LLC and Waupaca Foundry Inc. Attorney Sorenson said at the request of Waupaca County Planning and Zoning Department the property owners agree to combine the existing two (2) Conditional Use Permits with the conditions.

Ryan Brown, Planning & Zoning Director, said combining the two (2) Conditional Use Permits the conditions will be current with the Ordinance. Ryan Brown, Planning & Zoning Director, went through the changes of the conditions.

Chm. Penney called three times for any testimony in favor to the application. There was none.

Chm. Penney called three times for any testimony in opposition to the application. There was none.

Jason Snyder, Deputy Zoning Administrator, read one (1) letter from the Town of Union recommending approval of the application.

Ryan Brown, Planning & Zoning Director, said the Planning & Zoning Office recommends approval of the application.

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D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Union Planning Commission and the Town Board of Union was in favor of the application and there was no opposition presented at the hearing. The following conditions **MUST** be met:

1. The nearest edge of all buildings, structures, and surface activity areas, including pit edges, shall be located a minimum of 500 feet from all property lines.
2. To prevent tracking of mud onto public roads, access driveways shall be paved within 150 feet of public roads.
3. All public roads shall be kept free of mud, debris, and dust by sweeping or other means as necessary, or as requested by the town.
4. Access to the site shall be only through point designated as entrances on the site/operations plan; such access points shall be secured when the site is not in operation.
5. On-site bulk fuel storage areas and appropriate places for fueling of equipment (e.g., above the water table) shall be located to minimize the potential for groundwater contamination and in accordance with the Wisconsin Administrative Code and Wisconsin State Statutes.
6. All trucks, excavation, and processing equipment shall have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The use of "white noise" back up alarms will be required to further minimize noise levels.
7. The average operating noise level at the property line of the non-metallic mining site shall not exceed 75 decibels.
8. Unless the extraction site is inaccessible, the area of extraction shall be completely enclosed by a safety fence or maintained at a slope not to exceed 3:1.
9. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
10. The operation does not substantially impair or limit the current or future use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
11. The use of berms will be utilized to properly screen the operation. Also, there will be screening on the West property line with trees.
12. Lighting at the site must stay within the property. Lights cannot be pointed upwards or away from the property site.
13. The actively mined area will not exceed 20 acres.
14. Waste water control will be covered by the DNR permit.
15. No other material from a different location may be processed at this site.
16. A. F. Gelhar will be required to comply with a "MEMORANDUM REGARDING WELL AGREEMENT" dated August 27, 2012 that was addressed to the Town of Union Planning Commission and Town Board. Requested changes to this agreement include an addition to the second paragraph stating that "Where permission is given, A.F. Gelhar Co. Inc. and agreement with the Town Board, will arrange for an independent third party professional inspector to test the production and draw down in wells within 3000 foot radius of the quarry. In the sixth paragraph the 2000 foot radius should be changed to 3000 foot radius. If problems occur with water tests in the mine, then A. F. Gelhar must retest surrounding wells within a 5000 foot radius of the mine quarry. The base agreement without these revisions is attached as Exhibit A.

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17. A. F. Gelhar will be required to comply with the "ROAD USE AGREEMENT" that was submitted to the town as a draft. Under section (1) of the agreement, clauses have been added that states engine braking is not allowed, speed limits on Dennison Road (45 mph) to County O and a \$200,000 irrevocable letter of credit from a bank for the same amount should be posted for maintenance and repair of Dennison Road. No sand truck traffic will be allowed on Shady Lane. All trucks leaving the sand mine with sand must be covered or enclosed. The original draft of the Road Agreement is attached as Exhibit 13. The mine operator will also be required to develop a "Road Use Agreement" with the Waupaca County Highway Department prior to any work being done.
18. Air monitoring will be regulated by the DNR permit.
19. A full hydrologic study by an independent third party hydrologist (agreed upon by A.F. Gelhar and the Waupaca County Planning & Zoning Committee) including groundwater modeling will be performed before operations can begin.
20. The mine operator shall limit normal hours of operation on-site to 16 hours a day (6:00am — 10:00pm) Monday - Friday. The operation of the mine between the hours of 10:00pm and 6:00am, weekends and holidays will be minimized to only the extent necessary to provide material to foundries, allow for proper security and comply with all existing mining laws. Any requests for exceptions, (operation outside stated hours of operation due to a natural disaster or emergency repair work) shall be made to the Waupaca County Planning and Zoning Director.
21. Property value protection for area residents that are located adjacent to the non-metallic mining property will be provided. This protection will have a baseline property value determined prior to operation of the mine by having two (2) independent appraisals done and use the average of those. This will be the value that A.F. Gelhar, Inc. will provide for the property owner once the property has been on the market in excess of 6 months without selling. They will need to pay 10 percent higher than the market value that was determined and within a quarter (¼) mile of the property; those homes would also be included.
22. The use of flocculants (acrylamides) will not be used in the operation of this non-metallic mine without prior consent of the Waupaca County Planning and Zoning Committee.
23. The sale of sand to the hydrofracking industry from this non-metallic mine will not be allowed.
24. Use of a sprinkler system on the material on site will be required to minimize fugitive dust.
25. Have a Nutrient Management Program for agricultural land on the site.
26. There will be a review of the conditional use permit after one year of operation. Any additional reviews will be determined at the Waupaca County Planning and Zoning Committee's discretion.

Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 9:55 a.m. The motion was carried.

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The second public hearing was called to order at 9:56 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Jason Snyder, Deputy Zoning Administrator read the names of persons notified of the hearing for **CSM DVLPT Inc:** Located in part of the E ½ of the SE ¼ of Sec. 11, Town of Helvetia, lying along County Highway E, Fire Number N9097, Waupaca County, Wisconsin; for an after the fact Conditional Use Permit application for a structure to be used for human habitation that doesn't meet the 22 foot minimum width requirement in a PVRF (Private Recreation and Forestry) District on approximately 28 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jason Snyder, Deputy Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Jason Snyder, Deputy Zoning Administrator, said the applicant notified the Planning & Zoning Department that they would be out of state and unable to attend the hearing. Mr. Snyder said they would like to continue the hearing to the next Planning and Zoning public hearing on October 20, 2016.

D. Kussmann moved and T. Murphy seconded the motion to **POSTPONE** the application for Conditional Use Permit application due to the following: The applicant was unable to attend the public hearing. The public hearing for this Conditional Use Permit application will be continued at the next scheduled Planning and Zoning Committee meeting. J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to postpone the permit. The motion was carried.

DIRECTOR'S REPORT:

- Junk violation enforcement

DISCUSSION & POSSIBLE ACTION:

- Wisconsin County Code Administrator Conference scheduling
- Scheduling upcoming meetings

The next Planning and Zoning Committee meeting has been scheduled for October 20, 2016.

W. Wilfuer moved and T. Murphy seconded the motion to adjourn the meeting at 10:30 a.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk