

## MINUTES

The Iron County Comprehensive Planning/Land and Zoning Committee met at the Courthouse on Tuesday May 20, 2014. The meeting was called to order at 3:00pm by Chairman Kichak. Proper Publication was established.

Committee members present: Jim Kichak, Vic Ouimette, Brad Matson, and George Nasi. Also present was Zoning Admn Bergman and Joe Pinardi County Board Chairman.

Motion by Nasi/Matson to approve the minutes from 4/22/14; carried 4-0.

Conditional Use Hearing – Donald and Theresa Ladubec – Allow the issuance of an annual permit for a Recreational Vehicle in an RR-1 (Residential Recreation) zoned District, part of Sec. 25, T41N, R3E, Town of Sherman, (site address is 2586W Bearskull Road). Town board approval was not received. Motion by Matson/Nasi to table until Town approval is received; carried 4-0.

Conditional Use Hearing – Iron County Forestry – Allow the operation of a non-metallic mine site in an F-1 (Forestry) zoned District, part of the W ½ of the SE ¼ and the E ½ of the SW ¼, Sec. 17, T46N, R1W, Town of Gurney, (site address is Falls Road). The Public questioned if this project would alter hydrology or neighboring landowner wells. Admn Bergman explained that the DNR will need to be contacted. The DNR will look at the site and determine if any additional permits are needed. The Zoning Committee can put the condition in place that all DNR and State requirements need to be met. The application also states that the most area that will ever be disturbed at one time is 15 acres. That means when they reach 15 acres they will start reclaiming the area that is no longer being used. Kichak added that most forestry pits are open to town use. A member of the public asked if the parcel is 55 acres or is it larger and that is the size of the gravel pit area. Bergman responded that the parcel is larger than 55 acres. A member of the public asked if notification was sent to the neighbors. Bergman responded that this is a conditional use which is a class 1 notification, this means we give one weeks' notice and we send it to our public newspaper. Town board approval was not received. Motion by Ouimette/Nasi to table until Town approval is received; carried 4-0.

Conditional Use Hearing – Robert Glembin – Allow the construction of a 40' x 30' accessory building in an RR-1 (Residential Recreation) zoned District, part of the SE ¼ of the SW ¼, Sec. 28, T43N, R3E, Town of Mercer, (site address is 5359 Otter Run Lane). Town board approval was not received. Motion by Matson/Nasi to table until Town approval is received; carried 4-0.

Rezone Hearing – William Scheels – Rezone from an A-1 (Agriculture) zoned District to an R-3 (Rural Residential) zoned District, part of the NE ¼ of the NE ¼ and part of GV Lot 1, Sec. 31, T44N, R4E, Town of Oma, (site address is 2145W County Highway G). A member of the public asked if there was suitable access to split the property.

Bregman explained that there was. Town board approval was received. Motion by Nasi/Ouimette to approve; carried 4-0.

Annual Report – Motion by Matson/Nasi to move the annual report onto the County Board; carried 4-0.

Discussion of use of recreational vehicles in Agricultural zoned property – Admn Bergman stated that he had not received and questions or updates on the matter. He asked the committee if they would like the matter to remain on the agenda. Kichak asked it be taken off the agenda until something new comes up.

Review draft of cell tower ordinance – Bergman explained that the state has placed a new ordinance to seemingly create a level playing field for cell towers. The draft has been reviewed by Michael Pope, and this is for the Zoning Committee to take a preliminary look. Kichak asked if there was an ability to restrict location and closeness to other towers. Bergman explained that the state ordinance does not allow local governments to determine placement, they do recommend co-location of towers. Nasi asked if most towers are on private land or owned by the company. Bergman said it varies. Matson asked if the towns also need to take a look at their ordinance. Bergman suggested that it would be best for townships to take a look in case the current ordinance in place is now non-conforming.

Review first draft of metallic mining ordinance – Bergman presented the first draft of the metallic mining ordinance to the committee. He explained that is a PUD ordinance using the Town of Nashville as an example. Jaekels drafted the ordinance and would like comments and concerns from the committee so they can be taken into account. Matson asked about the local agreement and how the local agreement and PUD work together. Bergman explained that the local agreement goes beyond zoning and land use, which is why the PUD is reliant on the local agreement. Matson commented that we should make sure that things are not redundant or missed between the two. Bergman stated that that is why the flexibility of a PUD is beneficial. Ouimette asked why a PUD instead of a land use ordinance and if Iron County has ever had any PUDs in the past. Bergman responded that Iron County does have PUDs as an option but at this time they are only for residential purposes. The PUD option has never been used in this county for industrial or mining, but there are not many other options for mining. Ouimette asked if we did not go with a PUD how would we handle the permitting of the mine. Bergman explained that the PUD puts all functions of the mine into one basic plan. If we only include it in the land use ordinance we would then need to issue conditional uses, variances, and building permits for every project the company does. With a PUD we look at the project as a whole and how it functions together. Ouimette commented that the pro to not having a PUD is that we would have a say in every individual permit. He also questioned the safeguard of a PUD if it is only presented once, how do we check on what is going on from day to day. Bergman explained that Jaekels may be able to answer that question specifically. Ouimette asked if the County

bears all cost for this process. Bergman stated that there is a permit fee, but the cost to the county is much bigger than the permit fee. Ouimette responded that we should look into grant possibilities. Bergman explained that most grant money is given for future projects, but the ordinance process is currently underway and the cost is definitely a concern. Ouimette asked if the PUD was for both private land and County land. Bergman stated that the PUD would be for all of the land impacted by the project.

Discussion of non-metallic mining inactive status – Bergman presented that from his research he found that in NR 135 a non-metallic mine site needs to prove that it was inactive for the entire year prior to gain inactive status. Bergman asked the committee to decide between the option to leave the ordinance as it is so if a non-metallic mine site were to go inactive it is necessary for the reclamation process to begin, or put a fee for inactive status in place. The committee suggested we leave the ordinance the way it is and the only way for a non-metallic mine site to go inactive is if they choose to reclaim. Motion by Nasi/Matson to keep the existing ordinance in place; carried 4-0.

Administrators Report – Admn Bergman did not have anything to report at this meeting.

Public Comment – A member of the public asked how specific the PUD ordinance will be. Bergman responded that it is a county wide ordinance but it allows each project to be planned individually. A member of the public asked when the company negotiations would start. Bergman answered that the ordinance needs to be accepted and then there is a pre negotiation process.

Bills – Motion by Ouimette/Matson to approve the bills.

Next meeting – Tuesday, June 17, 2014 at 3:00pm.

Motion by Nasi/Matson to adjourn.