

POLK COUNTY BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING AND MEETING
8:30am, Tuesday, May 22, 2012
Polk County Government Center
100 Polk County Plaza; Balsam Lake, WI 54810

Notice is hereby given to the press and public that a meeting of the Polk County Board of Adjustment will be held at the above listed date, time, and location to transact business indicated on the agenda below. A quorum of the Board of Adjustment will be present. (Agenda not necessarily presented in this order)

AGENDA

Call to order and roll call

Approve agenda

Approve minutes from May 15, 2012

Recess at 8:45am to view sites

Reconvene at 10am

Consider reclamation plan for Olive Johnson proposed gravel pit. Property is located in part of the SW ¼ of the SE ¼, Section 35/T34N/R16W, town of Apple River

- Findings of Fact
- Conclusions of Law

Consider the following applications:

- MATHY CONSTRUCTION / MILESTONE MATERIALS request a Special Exception Permit to Section VIB5 of the Polk County Comprehensive Land Use Ordinance to establish a nonmetallic mine. Property affected is: E ½ of the SE ¼, and the SE ¼ of the SW ¼ and part of the NW ¼ of the NW ¼ of the SW ¼, all in Section 35/T34N/R16W, town of Apple River.
 - Findings of Fact
 - Conclusions of Law
- DUANE STONE requests a Special Exception Permit to Section VIB5 of the Polk County Comprehensive Land Use Ordinance and Article 8D8 of the Polk County Shoreland Protection Zoning Ordinance to establish a nonmetallic mine. Property affected is: NW ¼ of the NE ¼, Section 35/T34N/R16W, town of Apple River.
 - Findings of Fact
 - Conclusions of Law
- OLIVE JOHNSON requests a Special Exception Permit to Section VIB5 of the Polk County Comprehensive Land Use Ordinance to establish a nonmetallic mine. Property affected is: Part of the SW ¼ of the SE ¼, Section 35/T34N/R16W, town of Apple River.
 - Findings of Fact
 - Conclusions of Law
- The Board will also consider consolidating the operation times on three existing gravel pits. These pits were previously granted a Special Exception Permit with conditions. Mathy Construction is seeking a change in the operation conditions. The three gravel pits are located in: N ½ of the NW ¼ of Section 2/T33N/R16W, town of Lincoln; W ½ of the SW ¼ and the SW ¼ of the NE ¼ and the S ½ of the SE ¼ of the NW ¼, all in Section 35/T34N/R16W, town of Apple River.
 - Findings of Fact
 - Conclusions of Law

Adjourn

This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

Polk County Board of Adjustment Minutes*
Government Center; Balsam Lake, WI 54810

Date: May 22, 2012

Present: Gene Sollman, Chair; Marilyn Nehring, Vice Chair; Jeff Peterson, Secretary; Curtis Schmidt; Art Gillitzer

Also Present: Gary Spanel, Dana Frey, Gregg Westigard, Perry Atterholt, Candy Anderson, Mike Byrnes, Peter DeJardin, Lori Bodenner (Zoning secretary)

Chair Sollman called the meeting to order at 8:30 a.m. with a quorum present.

Motion (Schmidt/Gillitzer) to approve the agenda. Carried.

Motion (Nehring/Schmidt) to approve minutes of 5/15/12 as written. Carried.

The board recessed at 8:45 a.m. for site visits:

- Mathy/Stone/Johnson site visit @ 9:10 a.m.

The board reconvened at 10:42 a.m. County Administrator Dana Frey addressed the board to announce his reappointment of members Sollman and Nehring and alternate Wayne Shirley for another term. The following applications were considered:

- Reclamation plan for proposed Olive Johnson gravel pit. Property is located in part of the SW 1/4 of the SE 1/4, Section 35/T34N/R16W, town of Apple River.
 - Exhibits read into record.
 - Testimony / those sworn in: Candy Anderson, Peter Dijardin, Mike Byrnes
 - **Motion (Nehring/Schmidt)** to recommend approval of reclamation plan as presented.
 - Carried on unanimous voice vote.
- MATHY CONSTRUCTION / MILESTONE MINERALS request a Special Exception Permit to Section VIB5 of the Polk County Comprehensive Land Use Ordinance to establish a nonmetallic mine. Property affected is: E 1/2 of the SE1/4, and the SE 1/4 of the SW 1/4 and part of the NW 1/4 of the SW 1/4, all in Section 35/T34N/R16W, town of Apple River.
 - Testimony / those sworn in: Candy Anderson, Perry Atterholt
 - **Motion (Gillitzer/Nehring)** to grant with condition that all previously-imposed conditions continue in effect.
 - **Motion (Peterson/Gillitzer)** to amend by adding condition that applicant be held to operation plan and environmental considerations set forth in "Proposed Mains Crossing Properties Master Plan." Carried.
 - Main motion carried on unanimous voice vote.
- DUANE STONE requests a Special Exception Permit to Section VIB5 of the Polk County Comprehensive Land Use Ordinance and Article 8D8 of the Polk County Shoreland Protection Zoning Ordinance to establish a nonmetallic mine. Property affected is: NW 1/4 of the NE 1/4, Section 35/T34N/R16W, town of Apple River.

- Testimony / those sworn in: Candy Anderson
 - **Motion (Nehring/Schmidt)** to grant with condition that all previously-imposed conditions continue in effect.
 - **Motion (Peterson/Gillitzer)** to add condition that a 300' buffer of undisturbed land be maintained between mining operations and any pond or wetland. Carried
 - Main motion carried on unanimous voice vote.
- OLIVE JOHNSON requests a Special Exception Permit to Section VIB5 of the Polk County Comprehensive Land Use Ordinance to establish a nonmetallic mine. Property affected is: Part of the SW 1/4 of the SE 1/4, Section 35/T34N/R16W, town of Apple River.
 - Testimony / those sworn in: Candy Anderson
 - **Motion (Nehring/Gillitzer)** to grant with condition that all previously-imposed conditions continue in effect. Carried on unanimous voice vote.
- The Board considered a request to consolidate operation times at three previously permitted pits. The three pits in question are located as follows: N 1/2 of the NW 1/4 of Section 2/T33N/R16W, town of Lincoln; W 1/2 of the SW 1/4 and the SW 1/4 of the NE 1/4 and the S 1/2 of the SE 1/4 of the NW 1/4, all in Section 35/T34N/R16W, town of Apple River.
 - **Motion (Sollman/Gillitzer)** to grant as follows:
 - Hours of operation at Alan Johnson Pit are changed from daylight hours to 6 a.m. - 8 p.m. Monday - Saturday.
 - Hours of operation at Duane Stone Pit are changed from 5 a.m. - 8 p.m. Monday - Saturday to 6 a.m. - 8 p.m. Monday - Saturday.
 - Hours of operation at Ansel Johnson Pit are changed from unrestricted to 6 a.m. - 8 p.m. Monday - Saturday.
 - Motion carried on unanimous voice vote.

Motion (Gillitzer/Nehring) to adjourn. Carried. Meeting adjourned at 12:37 p.m.

Respectfully Submitted,

Jeff Peterson, Secretary

*THESE MINUTES ARE PENDING APPROVAL AT THE NEXT BOA MEETING.