

**BOARD OF ADJUSTMENT MINUTES
December 11, 2019**

PRESENT: Alan Kaltenberg, Darren Schroeder, Bernard Spink, Pat Beghin

STAFF: Lauren Ramirez – Office Administrator, Kurt Calkins – Director of Planning & Zoning, Kenneth Thiele – Senior Zoning & Sanitary Specialist

1:45 PM

1. Alan Kaltenberg calls the meeting to order
2. Certification of Open Meeting Law
3. A roll call was taken and a quorum was declared present
4. View Site(s)
5. Recess

3:05 PM

6. Alan Kaltenberg reconvened the meeting at 3:05
7. Confirmation of Certification of Open Meeting Law

Darren Schroeder reads in the Public Hearing Notice

8. Approval of Agenda

Motion by Pat Beghin to approve Agenda of December 11, 2019 Board of Adjustment Regular Meeting & Public Hearing.

**Seconded by Bernie Spink.
Motion carried unanimously.**

9. Minutes

Motion by Pat Beghin to approve Minutes of November 13, 2019 Board of Adjustment Regular Meeting & Public Hearing.

**Seconded by Darren Schroeder.
Motion carried unanimously.**

10. Public Hearing

Item I Variance Consideration – Non-Metallic Mineral Extraction Use, Duane Hohl, Petitioner & The Kraemer Company, LLC, Applicant – Town of Caledonia

Kenneth Thiele reviews Staff Report. He explains Duane Hohl purchased property in 1993. The property encompasses 34.73 acres all zoned A-1 Agriculture. In July of 1993 CUP 1993-046 was approved by the Board of Adjustment to conduct Gravel Extraction on tax parcel 11004-666 per Section 11.04(7)(b) of the Columbia County Zoning Ordinance. The original operator

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of that Gravel Extraction was Yahara Materials. The CUP was renewed in 1997 under permit 1997-028. In 2003, CUP 2003-043 was approved to expand the extraction site to tax parcel 11004-667 under Section 16-1-5 (b)(2)(b) of the Columbia County Zoning Ordinance. CUP 2013-025 was the last permit obtained by Yahara Materials, which approved the use of non-metallic mineral extraction for an additional 10 years.

He explains in 2001 the State of Wisconsin started regulating the reclamation of Non-Metallic Extraction sites under NR 135 Wisconsin Administrative Code. NR 135 required that Columbia County receive, review and approve reclamation permits for all Non-Metallic Mineral Extraction Sites in Columbia County. The purpose of a reclamation permit is to rehabilitate sites where Non-Metallic Mineral Extraction has occurred in order to promote the removal or reuse of non-metallic extraction refuse, removal of roads, replacement of top soil, stabilization of soil conditions, establishment of vegetation, control surface water flow and groundwater withdrawal, prevention of pollution, and development and restoration of plant, fish, and wildlife habitat. Additionally the permit promotes successful reclamation consistent with the ordinance per NR 135.01 of the Wisconsin Administrative Code. As a result of NR 135, Columbia County adopted Title 16-7, Non-Metallic Mining Reclamation in 2001. Columbia County would recodify the ordinance Title 16-600 in 2016. Reclamation permit CAL-04, referred to as Hohl, has been on-file and in good standing with the Planning & Zoning Department since 2004. Yahara Materials operated under the reclamation permit up until July 2019.

In July 2019 the reclamation permit was transferred to The Kramer Company, LLC. CUP 2019-054 was approved by the Planning & Zoning Committee for The Kramer Company LLC to expand the Non-Metallic Mineral Extraction site.

The Kramer Company LLC operates the Non-Metallic Extraction site on the William's property east of the current extraction site, tax parcels 11004-662 and 11004-672.A, under reclamation permit CAL-03, referred to as Williams. The Kramer Company LLC has been operating this site for more than 60 years. This is significant as it pre-dates the CUP requirement under Columbia County Zoning. The Town of Caledonia adopted Columbia County Zoning in 1962. The current ordinance in affect was adopted in 2014 with an amendment in 2019. Due to this extraction site being in existence prior to zoning, the site is considered a legal non-conforming use. As such this extraction site is permitted to mine right up to the property lines.

Per Section 16-125-250(D) of the Columbia County Zoning Ordinance the Non-Metallic Extraction site on Mr. Hohl's property must maintain a 50' setback from the property line. As The Kramer Company, LLC now operates both extraction sites they are requesting to mine up to the property line on Mr.

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Hohl's property as well. A variance is required to allow Non-Metallic Extraction up to the eastern property line of tax parcel 11004-667, and the northern property line of tax parcel 11004-672.

Al Kaltenberg asks if the petitioner or applicant has anything to add.

Bob Jewell, The Kraemer Co., is present and sworn in.
1480 Saint Luke Avenue
Plain, WI

Bob Jewell shows poster reviewing plans.

Bernie Spink asks Bob Jewell if leaving things how they are currently would be a safety issue.

Bob Jewell replies yes.

Al Kaltenberg asks if anyone is in favor of the petition. (no comments)

Al Kaltenberg asks if anyone is against the petition. (no comments)

Al Kaltenberg asks if anyone from the town is present

Jim Zamzo, Supervisor for Town of Caledonia is present and sworn in.
N5144 Messer Road
Merrimac, WI

Jim Zamzo explains that the Town hasn't reviewed proposal, as the Town of Caledonia opted out of reviewing Variances. He states that the one thing he himself, apart from the Town of Caledonia, asks the County to consider is in adoption of this, to go forward, that the elevation of this proposal would match adjoining land.

Kenneth Thiele explains that in their reclamation plan it outlines the 3:1 slope that would match adjoining land.

Al Kaltenberg asks if there are any others wishing to speak.

Al Kaltenberg closes the public hearing and opens discussion and deliberation for the Board of Adjustment members.

**Motion by Pat Beghin to approve variance for
"Non-Metallic Mineral Extraction Use" as presented, including the findings of
fact, conclusions, decisions and conditions of the Staff Report.**

Seconded by Bernie Spink.

Motion carried, unanimously.

Darren Schroeder – Yes, Bernie Spink – Yes, Al Kaltenberg – Yes,

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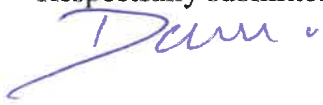
Pat Beghin – Yes

11. Adjourn Meeting

**Motion by Patrick Beghin to adjourn meeting.
Seconded by Al Kaltenberg.
Motion carried unanimously.**

Meeting adjourned at 3:25 PM.

Respectfully submitted,



Darren Schroeder, Secretary
Board of Adjustment



Recording Secretary
Lauren Ramirez, Office Administrator

cc: Board of Adjustment Members
County Clerk
Vern Gove, County Board Chair