

September 18, 2018 Working Planning Commission Minutes

Royalton Township Working Planning Commission Meeting Minutes

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18 September 2018

Approved

6:32 p.m., 18 September 2018, Chair Leslie Orvis convened the Royalton Township working planning commission meeting with members Jeff Schlaeger, Priscilla Schneider, Duane Swanson, and Gary Valvoda present. Also present were Zoning Administrator John Kemen and Supervisor Wayne Olson. Approximately 12 public members also were present.

Michael Belland was present to distribute the results of soil boring tests on the proposed land splits off Church Road and Brunswick Road. He noted that all parcels showed positive results.

Member Schneider distributed drawings relating to the proposed sale of two parcels of land abutting Maple Shores Drive now owned by Dan Erhart. One parcel consists of 8.95 acres and the second parcel consists of 10.41 acres. The question at hand is can these two parcels, now one PID, be sold separately given Royalton's ordinance mandating a 10-acre minimum. Commission members asked whether or not these two parcels were within the platted Maple Shores Addition or not. Member Schneider will seek that answer to that question from the County Recorder before proceeding.

Chair Orvis then opened a discussion about the Wayde Lerbs commercial mining interim permit application. Clerk Swanson read two e-mails that had been received by the township: one from Fred Huff and the second from Elisa Mill. Chair Orvis read a letter from Mr. and Mrs. Huff that had been sent individually to all members of the commission. Chair Orvis also related his discussion with Kelly Schroeder at the courthouse, noting that a commercial mine would impact adjoining property owners' valuations and taxes but the specific impact is not known at this time.

Chair Orvis then went through the 18 points that he identified as remaining from the public hearing. Audience members participated in these discussions. 1). It is difficult to predict how many yards of sand/gravel could be mined. Approximately 12 acres would appear to be eligible for mining, with maybe 100,000 yards being extracted. No formal environmental assessment has been done to determine the mine's effect on the water table. The projected depth of the sand is

reported not to descend into the water table. 2-3). Substantial discussion surrounded the possibility that the state may take over the pit, as has occurred with others in the township. At present, the projected user of the pit is Dick Doenz, under a contract with the landowner. However, that relationship is governed only by the landowner-operator contract and is not subject to the jurisdiction of the township. The state can offer a counter proposal and take the sand by eminent domain if it desires. 4). Clean fill would include top soil and clay, but not concrete. 5) Dust control could be by watering truck if rain were insufficient. 6-7). Any damage to Frost Drive would be the responsibility of the landowner and/or contractor. 8). The township pays for town roads because that is a statutorily-mandated function of town government. It does not pay for roads that are not declared to be town roads and for which no state aid is forthcoming. 9-11). Land must be reclaimed, by the landowner/contractor, according to the township zoning ordinances in order to enhance safety and appearance. The pit will not be filled in completely to the original height, but the sides will be sloped and vegetation planted. 12-13). Should reclamation proceed on an as-one-goes basis? There is no provision in the current ordinance that mandates it. To enact such a mandate is a long process and would not affect this permit request. Mr. Doenz indicated that reclamation as one goes was a possibility in this instance; the commission may wish to consider adding this to the restrictions in the current request. 14). Frost Drive is the only exit from this pit. No other entrances will be created. After leaving Frost, distribution would be via county roads. 15). Currently, the only ordinance restriction is use from 7:00 a.m. to 7:00 p.m. Although Mr. Doenz has no plans to haul on Sundays, emergency situations may arise that might require occasional Sunday use. 16). Chair Orvis noted he had earlier addressed the valuation issue for adjacent property owners. 17). If this permit were granted, complaints about its implementation should be addressed to Royalton Township. 18). It was noted that 17 acres of land lie above the wetland. The public was encouraged to drive to the end of Frost Drive; the mine would be to the northwest of the end of the Frost Drive. It would not be directly north of Frost Drive.

Various members of the public expressed additional views, including thanking commission and board members for listening. Several again expressed concerns for the visual impact that might occur from their residences and be disruptive to their neighborhood. Clerk Swanson reported on a telephone conversation he had with a non-resident landowner who was concerned that fracking might be involved. Fracking is a different form of mining and is not conducive to the sand found in this mine. Chair Orvis noted that he would investigate with the Soil and Water Conservation District about potential ground water issues. With this statement, discussion on the commercial mining permit ceased.

Member Schneider asked about signage rules and regulations. Commission members reviewed the process for approving signage in conjunction with the township's sign ordinance. Off premise signs are not permitted and on-premise signs have been permitted as part of the conditional/interim use permit processes.

At 8:20 p.m., the meeting concluded.

Respectfully submitted:

Duane P. Swanson, Clerk/Member

Leslie Orvis, Chair/Member

Jeff Schlaeger, Member

Priscilla Schneider, Member

Gary Valvoda, Member