Chairman Willingham called the meeting of the Rusk County Zoning Committee to order at 5:42 P.M. in the Law Enforcement Center at the Rusk County Courthouse. Members present were: David Willingham, Phil Schneider, Karl Fisher, Kathy Mai and Tom Costello. Staff present: CeCe Tesky and Yvonne Johnson.

Motion by Schneider/Costello to approve the 11-08-2011 minutes. Motion carried.

Motion by Mai/Schneider to pay the bills. Motion carried.

LIDAR: Everything except the contours has been completed. The DNR is using the LiDAR data to redo the floodplain maps for Rusk County. Kucera has submitted a bill, but we haven’t yet received the data that the billing was for. We have received the accuracy reports.

2011 Budget: Revenues are down. Reviewed the LiDAR expenses. Committee recommended having budget updates quarterly.

CSM review: 1 lot map in the town of Dewey for Wendt. Meets the minimum lot size requirements and the surveyor has done his review. Motion by Costello/Fisher to approve the map with the surveyor recommended corrections. Motion carried.

At 6:00 P.M. Chairman Willingham stated they would deliberate on the CSP transload facility request. The public hearing was held on November 8, 2011. The comment period was kept open until this meeting for written comments to be submitted. Public comment would not be taken at this meeting. Tesky stated she has received 5 letters since the public hearing and copies of those letters were given to the committee. Tesky also received some additional documents related to the fair housing act, a homeowner’s disability, and a draft document of a study done on mining for the DNR. Those items were also distributed to the committee. Items that were submitted that had personally identifying information were noted but on recommendation of Corporate Counsel, were not included in the public record.

Tesky reported that she, along with Willingham and Mai, attended a mining seminar sponsored by the Wisconsin Counties Association. Tesky contacted Kathy Jorgensen from the DOT and Kathy stated she is working with CSP on the access to the property. The DOT would require a type B1 intersection and the access would be at least 500’ from the existing residential driveway on the same side of the road. Tesky also stated she did research on the rail crossing time limits which are regulated under Chapter 192 WI STATS. There is a 10 minute time limit. NR415 is where particulate emissions would be regulated.

Tesky has researched other sand load facilities. These facilities are also drying plants so they are slightly different than the trans-load facility proposed here. The sand being hauled into Rusk County would be washed and would be hauled wet. Use of belly dump trucks and unloading into a covered area would help reduce sand tracking, dust and noise.

The committee reviewed the draft decision form. The committee reviewed the findings of fact and the conclusions of law. The committee reviewed the order and determination which
included 19 possible conditions. There was a lengthy discussion regarding the conditions. Changes were made to the following conditions listed on the draft document: #1, #5, #6, #7, #8, #13, #15. Deleted #17. Added condition: That the applicant maintain their property value assurance agreement with neighboring land owners, as part of CSP’s agreement submitted at the time of application. Motion by Fisher/Costello to approve the conditional use request with the conditions as discussed and amended. Motion carried with Schneider voting no.

Fisher asked that the committee to review the sideyard setback requirements for a home on a lot ≥100’ in the shoreland zoning code. Rusk County’s code requires a 35’ total sideyard. Fisher compared with Barron and Chippewa County and their setback is 20’. Brief discussion followed regarding competing with neighboring counties for buyers, performance standards, and other possible changes or updates that may be looked into. Issue to be on future agenda.

Willingham adjourned the meeting at 9:27 P.M.

Yvonne Johnson
Assistant Zoning Administrator