

County aims to take control of zoning to clear way for quarry

Written by KRISTYN HALBIG ZIEHM
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Proposed change angers town officials who have long fought gravel operation

Ozaukee County supervisors are expected to consider a measure next month that would allow them to rezone any county-owned land in a township — a measure that would clear the way for the Highway Department to mine gravel on a 35-acre Town of Saukville property the county bought last year.

That parcel, which is between Lakeland and Birchwood roads north of Highway 33 adjacent to the Highway Department's current quarry and hot mix plant, is currently zoned agricultural, and town officials warned last year that it does not meet their criteria for a mining operation.

County Board Chairman Lee Schlenvogt acknowledged Tuesday that the board's action is a direct result of the long-standing conflict between the county and town regarding mining.

"The big thing is we went and purchased more land in the township," he said. "You have to have it zoned so you can continue to produce gravel.

"There's an ongoing and active pit there. It's not like we're starting something new. We're just continuing the operation out there."

While the zoning measure would allow the county to use the land it recently purchased for a gravel pit, it may also put an end to a current controversy over the existing pit.

The town's Quarry Committee has notified the county its current mining operation off Lakeland Road violates town ordinances because it does not meet the 1,000-foot setback requirements for gravel extraction.

The pending County Board action has brought a swift reaction from Town Chairman Barbara Jobs, who is also a county supervisor.

"With all the scary things happening in our world, Town of Saukville residents will soon add living in fear of their Ozaukee County government," she wrote in a letter to Ozaukee Press.

The town has spent a lot of time working on its zoning code, Jobs said Tuesday, noting its mining and mineral extraction regulations have been in place for about 13 years.

"It was not something taken lightly," she said. "We have an extensive zoning ordinance, but now we could be losing the right to use it (for county-owned land).

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“This is counteracting our zoning code.”

All that work could be undone by one vote of the County Board, Jobs said, adding that a survey done in the 1990s showed 68% of town residents did not want any more mining in the township.

At one point there were eight gravel pits in the town, she said, and today, there are two small ones and the larger county pit.

If the County Board approves the code, Jobs said, the county could purchase other gravel-rich lands, such as a site on Highway 57 once planned for a gravel pit by Payne & Dolan, rezone it and then lease it to a private entity for mining.

Jobs said she was not surprised the County Board is contemplating this step. Town officials were wondering how the county planned to be able to use the parcel it bought from Jeff Opitz for \$300,000 last year.

It would have been more honest for the county to have enacted this ordinance before buying the land than to have waited a year and then taken the measure, Jobs said.

At least then, town residents would have known what they were in for, she said.

“Being open and forthright would have gone a long way,” Jobs said.

The town will review its legal options if the County Board approves the new zoning code, she added.

Jobs said all town officials should be wary of the measure, noting it applied to all county lands in townships.

“This opens the door to anything, anywhere the county would buy land,” she said. “Once they have control of zoning, the door is open.”

The County Board is expected to vote on the zoning ordinance at its May 1 meeting.

County officials note that state law allows them to establish zoning control over lands the county owns.

The control only applies to county-owned land, and only land in townships, said Andrew Struck, the county’s director of planning and parks.

“This offers more control and jurisdiction over county functions, and a little more oversight,” he said.

According to Struck, county-owned land will be in one of three zoning districts — parks and recreation, government and institutions, which would apply to the highway department offices

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and garages, and extractive districts.

Two conservation overlay districts are also part of the plan, Struck said.

The ordinance places county-owned lands in these districts as part of the zoning map.

“The properties themselves are staying largely in the same districts,” Struck said, noting most of these are consistent with town ordinances.

County Administrator Tom Meaux said the county is pondering the zoning measure as a way to protect taxpayers’ investment in property, buildings and equipment that is critical to the operations of county government.

“We are not considering countywide zoning but are proposing to follow the lead of our neighbors, Washington and Waukesha counties, with county zoning on county-owned property,” he said.

The measure affects only about 1.2% of the land in townships, he said, and less than 1% of land in the county.

The Town of Saukville would be most affected by the measure, Meaux said, noting that the county owned 3.6% of the land in the township, or about 750 acres. Almost 482 acres of that land is parks, while mineral extraction comprises almost 263 acres.

“Their numbers are higher comparatively, but over 96% of town land is unaffected,” Meaux noted.

Jobs, who pledged to vote against the measure, said the pending zoning action is just the latest reason town residents and officials don’t trust the county.

“There’s an arrogance in the county, and it’s not good for us people, especially those of us in the Town of Saukville,” she said. “If nothing else, they should have egg on their face for the way they treat the people of the Town of Saukville.”

But Schlenvogt said the county has a responsibility to all residents, not just those in the township.

“What people have to remember is we as a County Board represent 80,000-some people,” he said. “You have to do what’s best for everybody.”