

**SAUK COUNTY BOARD OF SUPERVISORS
LAND CONSERVATION and PLANNING, ZONING AND LAND RECORDS COMMITTEES
Thursday, July 12, 2012 – Room B30, West Square Building**

Conservation, Planning, and Zoning (CPZ) Committee members present: J. Ashford, J. Dietz, F. Halfen, J. Lehman, D. Nobs, D. Polivka, R. Puttkamer

Others present: C. Bongard, S. Cohoon, M. Cone, B. Cunningham, G. Dalhoff, N. Dillman, E. Geick, K. Kaul, J. Kessenich, D. Krueger, J. Krueger, P. Liston, B. Michalek, H. Moh, T. Monroe, N. Moy, T. Moy, M. Palm, T. Pinion, P. Pohle, S. Raschein, K. Schauf, B. Simmert, T. Stone, D. Thurow, J. Van Berkel, P. Wedekind, G. Wegner

At 9:00 a.m. Chair Lehman called the Conservation, Planning, and Zoning Committee to order and certified to be in compliance with the Open Meetings Law.

Adopt agenda: Motion by Ashford/Dietz to adopt the agenda with the possibility of postponing agenda items if necessary due to time restrictions. Motion carried, all members in favor.

Adopt minutes of previous meeting-June 13: Motion by Polivka/Ashford to adopt the minutes from the June 13 Conservation, Planning, and Zoning Committee meeting. Motion carried, all members in favor.

Public comment: None.

Communications:

a. Wisconsin Department of Natural Resources (DNR) communication: Michalek informed the Committee that three grants from the Knowles-Nelson Stewardship Program have tentatively been awarded to The Nature Conservancy for conservation and public recreational purposes in the Town of Honey Creek.

b. Save Our Unique Lands (SOUL) of the Kickapoo letter regarding American Transmission Company (ATC): Michalek briefed the Committee on the information received from SOUL regarding the transmission line and energy planning options.

c. Landowner letter regarding selling property located downstream from the Lake Redstone Dam: Michalek explained that the majority of the landowners had opted out of the buyout including this landowner. Since then the money has been reallocated to Clark Creek, now this landowner is interested in being bought out. Schauf informed the Committee that a request has been made to the Community Block Development Grant for new money; very slim chance to receive the grant.

d. Cunningham informed the Committee that 80 letters were mailed to landowners using steel tanks for their septic systems. The letter included steps for replacing the tanks and possible grant opportunities.

Clark Creek:

a. Clark Creek Project update: Joe Van Berkel presented background information on Clark Creek and a brief update of what is being done regarding purchasing three properties, etc.

b. Discussion and possible action on resolution for MSA and Inter-Fluve, Inc. engineering services for streambank stabilization: Van Berkel noted we are requesting the state to transfer funds and that the CPZ Director be given authority to enter into the contract for \$53,658. Currently funds end at the end of 2012 and are asking for an extension for another year. The Committee requested that Inter-Fluve do a presentation at a future committee meeting. There was discussion on the wood in the structures along the streams rotting away when above water and getting oxygen. Would like to see history where they have done the revetments and how long they last. There are preliminary estimates because there is not a design yet. Will only be approving the engineering portion for \$53,658. Michalek and possibly Van Berkel will be at the July 17 County Board meeting. Motion by Ashford/Halfen to approve the resolution. Motion carried, all in favor. This just leaves our options open; we do not need to sign the contract, but as we move toward the end of the year, we need to have options available to committee and staff. MSA will be hiring Inter-Fluve as a subcontractor.

c. Discussion and possible action on options for removal and disposal of houses purchased through Clark Creek Community Development Block Grant: Van Berkel discussed that we own two houses and are working toward the third using Department of Administration money. There was discussion if they will be able to burn the houses. Will attempt to sell the empty properties and will put a deed restriction on them to restrict rebuilding on them. They could be used for hunting. Committee recommended that Habitat for Humanity be contacted about taking the furnaces. Not worth putting the furnaces out on bid.

d. Discussion and possible action on practices designed to reduce peak flow: The DNR has rented the parcels south of Tower Road in the past but are slowly ending those leases. Wanted to build retention basins but DNR lacks the funding. Looking at prairie restoration and restoring some of the wetlands. There are approximately 30-40 acres involved to be converted. Stabilization is last option.

There was a five-minute recess. Halfen recused himself and was not present at the public hearing.

Public Hearing: To begin at approximately 10:00 a.m. (Committee to consider and take possible action at the conclusion of the respective hearing)

a. Petition 9-#2012 Rezone. A Petition by Mabel L. David c/o Norb Moy, agent to change the zoning of property from an Agricultural to a Commercial Zoning District. The land to be affected by the proposed rezone to Commercial is located in Section 3, T11N, R6E, Town of Baraboo. Said area to be rezoned contains 29.34 acres more or less.

Lehman called the public hearing to order at approximately 10:00 a.m. He explained the procedures for the public hearing and introduced the committee and staff members. Announcement was made to limit testimony to three minutes per individual.

Simmert appeared and presented a staff report and background on the rezone request from an Agricultural to a Commercial Zoning District. The proposed rezone appears to be consistent with the Town of Baraboo Comprehensive Plan, but the proposed land use does not appear to be consistent with the City of Baraboo's Planned Land Use Map. Additional handouts were distributed to the Committee members including a statement on behalf of the family, communication from Bekah Stelling, draft minutes on the proposed reuse, Tom Pinion's letter, the City of Baraboo's resolution, receipt of a site plan and stormwater plan with a mini-storage unit submitted to CPZ. A phone call was received from a citizen supporting the rezone.

Tim Moy, registering in favor, stated this is an opportunity to bring business to the city. Called attention to similar zoning around Sauk County. He states that his family has a good reputation in the community. He noted the City of Baraboo will argue this should be in an industrial park. The units will be marketed to the retail customer. Feel it is appropriate in this location. We are taking a large risk by doing this, and we need it to be financially feasible. We are not consuming that much land-only ten acres. We have followed the rules and should be allowed to move forward.

Norbert Moy, registering in favor, stated they talked to people at the City of Baraboo, and they said they did not have any properties available with appropriate zoning. Went to the Town of Baraboo, and they allowed us to proceed. Negotiated a price, filled out all the applications, and spent considerable funds. There were some storage units destroyed when the bypass went in. There is a demand for storage. The size of units we are proposing are not available in this area. We need a good location and think it is appropriate to be in a commercial setting.

Nobs questioned what they will look like and was informed they will be like the ones on Hwy. 33 & Hwy. 12.

Norbert Moy said they will be fenced, secure, and climate controlled.

Sherman Raschein, registering in favor, stated he has been involved in self storage for years, and they need a premier site. They will be fully gated and secure. Trying to fulfill a need that is not out there by being climate controlled. They will be upscale units. We need to have a location like this. The days of putting self-storage units in an industrial park are gone. Feel this is a perfect location.

Michael Cone, registering in favor, abstained from speaking at this time.

Pat Wedekind, registering in favor, did not wish to speak.

Terry Monroe, registering in favor, did not wish to speak.

Jennifer Krueger, registering in favor, did not wish to speak.

Gary Wegner, registering in favor, did not wish to speak.

Daunette Krueger, registering in favor, is the granddaughter of Mabel David. Commented on the excessive amount of taxes on the property which were always paid. Referenced the July 6 newspaper article on the city's vision and their fight against the sale. We strongly support the sale of this property. Located behind these units is room for residential since this project is only 6-9 acres.

Steve Cohoon, registering in favor, representing the Town of Baraboo and himself.

Tom Pinion, registering in opposition, is the City Engineer and is representing the City of Baraboo. Should not be focused on use. Previously sent a four-page email. Highlighted some of the points from email. The Town of Baraboo cannot provide the full range of services that will be needed. Storage units belong in industrial areas. This should be denied.

Nobs questioned why the City of Baraboo has not tried to annex this property.

Pinion stated the city cannot initiate annexation. It needs to be initiated by a landowner. The property owner has not requested annexation.

Nobs questioned why this area is not under Extra-Territorial (ET) Zoning Jurisdiction.

Pinion stated the City of Baraboo and Town of Baraboo do not have ET zoning.

Polivka questioned if it would be used as farm grounds.

Pinion stated it could if requested.

Polivka questioned the need for service.

Pinion stated the proposed use does not require services.

Lehman questioned isn't this use a service?

Pinion stated that is up to you to decide.

Kolleen Kaul, registering in opposition, is the property manager at Blackhawk Manor and is representing the community and owners in encouraging this to be denied. Our owners are opposed due to the location of units which will have a negative visual effect on the community. I also deal with people from all over the United States, and they come to the community not because of industry but because of Devil's Lake State Park and the beautiful environment. The draw to Baraboo is the residential flavor, the tourism, the environment. We are concerned about possible infestation of roaches that can affect the residential community. Statistics show that potential. Also concerned about the hawks, deer, etc.; a lot of nature is going to be spread out. She encouraged the committee to deny this request.

Nobs questioned how many deer and hawks go across Sysco.

Kaul stated that she is not concerned with Sysco. We even had a bear.

Michael Palm, registering in opposition, is the Mayor of City of Baraboo and is here on behalf of the Common Council. There was a resolution passed this past Tuesday. Think about South Boulevard as the main artery into the City of Baraboo. Affect the impressions on the character. Is this the best use for this parcel or are there other areas that are more appropriate. Palm formally presented the resolution (Committee members already had copies.)

Ashford asked what are the plans for South Boulevard?

Pinion stated it will be widened, a bike lane, and there are easements.

Polivka questioned why the city is opposed.

Palm stated it is not consistent with our Comprehensive Plan, and we believe there is a difference between storage and warehouse and what is allowed.

Nancy Dillman, registering in opposition, noted that aesthetics are not normally a concern when considering zoning. This may be the premier corridor to Baraboo. Downtown was bypassed, and we have coped with that. When the new bypass goes in, that may not be the case. We need to attract people off the bypass, and aesthetics are very important to draw them in.

Pat Liston, registering in opposition, entered his letter into the record which stated that this corridor needs to be kept uncluttered with these kinds of developments. This land has power, water and sewer available and question if storage units are the best use for this property. A problem with mini-storage units is they never go away.

Chuck Bongard, registering in opposition, on behalf of MSA Professional Services. You are being told by staff two separate issues. This is not best use of this land. Orderly development will be affected. Services as proposed at the north end of this will create a barrier for services in the future.

Ed Geick, registering in opposition, nothing to add.

Helfried Moh, registering in opposition, nothing to add.

Dennis Thurow, registering in opposition, on the city planning committee, nothing to add.

John Kessenich, registering as interest may appear. I use South Boulevard as the route to get people to downtown Baraboo. I hesitate to use it because it is ugly. As a business owner and citizen, I am part of Business Retention and Growth (BRAG). There was a marketing survey done which is available on the City of Baraboo's website. Read the portion about South Boulevard. It is up to you to decide. Do you need to set parameters? What direction do you want to go?

Gene Dalhoff, not stated how registering or appearing. I like to consider the long-term entrance to this community. We need to make our community more attractive for people to move to. All are the result of proactive planning. Consider if this is the best use of the property. Consider their vision as the gateway to the community. I am here representing myself today.

Tim Stone, registering as interest may appear. I came to talk about intergovernmental cooperation. I see an issue today. I don't see there is a conflict resolution. I am encouraging them to sit down and start discussing intergovernmental cooperation.

Mike Cone, registering in favor and representing my wife who just had surgery. The property has been listed for four years. Only one offer has been received and have had three different realtors. The bypass is going to totally ignore Baraboo. We have fought to get it closer. At the end of the year the bank will get this, and then the city will get it for a lot less than it is worth.

Dietz asked why didn't someone approach the city for annexing?

Cone stated Mabel David was approached years ago for industrial uses, and she did not want this.

Dietz asked if any buyers ever came forward and expressed interest in annexing.

Cone said not to his knowledge.

Seeing no one else wished to appear, Lehman closed the public hearing portion at 11:11 a.m.

Polivka raised questions about compatibility.

Michalek identified that this use is similar to a warehouse use; looked at past cases on this and past zoning administrators' interpretations of the use, commercial zoning is appropriate. Identified that much of our zoning is in rural areas of the county, and a zoning classification change to industrial for this type of use is not appropriate. The Township's plan for this area is commercial, the areas to the west and north of this property are identified as commercial and the city's own comprehensive plan identifies this area as business uses. The city's B-3 zoning is similar to our Commercial Zoning district. Michalek reminded the committee that the zoning is the only issue before the committee. The use and its appropriateness will be decided by the Board of Adjustment (BOA). Two cases, for example, before the BOA on this similar issue for storage units: the Bixby case was denied by the BOA, and the Bender case was approved as mini-self storage. In the Bender case it was determined by the BOA that it was appropriate to use that location as mini-storage.

Ashford stated she agreed with the next to the last speaker (Stone). This would not be here if both communities had worked together. Questioned why different total acres presented (29 acres and 68 acres). The proposed use is only 9 acres. Bothersome what is happening to the other 20 acres. Think the lack of intergovernmental cooperation is the problem.

Nobs stated we are here for the rezone.

Polivka questioned how much land is being sold at this time.

Cone stated originally selling the front 29 acres. They needed to purchase the entire 68 acres.

Polivka stated: they are buying 68 acres and requesting a rezone for 29 acres.

Ashford asked why they can't purchase 9 acres for commercial.

Cone stated that the City of Baraboo will not allow it.

Michalek noted if the committee were to decide to rezone, the BOA can make additional requirements on the storage units. This committee is to determine if the commercial use is the best use on this property and if now is the time to rezone. The use chosen by the property owner will either be a permitted use or a special exception. In this case if the property owners continue with the mini-warehousing/self storage, the use and layout will be reviewed and worked on by the BOA.

Polivka stated that the property is in the Town of Baraboo, and they have recommended it. I see no conflict. I believe we are providing a service. Opinions vary on what is the best use. I do believe property owners have the right to determine.

Motion by Polivka/Ashford to approve the rezone of the property.

Nobs stated we are deciding if it should be commercial, and it should be.

Dietz stated that the rights of the property owner need to be recognized. I think the property rights should supersede. This is a reality that someone owns this and has rights.

Polivka noted they are established in the community and look at a quality building.

Nobs just take a drive out through Wynsong. Quality work.

Lehman noted that the BOA can determine the use here.

Motion carried, all in favor. Will move forward to the County Board on Tuesday.

Review and possible approval of a workplan and public participation plan for the rewrite of the Farmland Preservation Plan: Will discuss at the July 24 meeting.

Discussion and report regarding Sauk County Clean Sweep Program: The amounts collected, costs, and workers at the June 2, 2012 event were presented. Committee questioned why not using the remaining landfill money that used to be available for Clean Sweeps. Michalek will check on this. Committee thought that it would be good to have a fall event and are aware that we may need to request additional budget money. Will do a report at the July County Board and at the August committee meeting.

Review and comment on Conservation, Planning, and Zoning 2013 budget: Postponed until the July 24 meeting.

Conservation, Planning, and Zoning Department

a. Department reports and updates: Postponed until the July 24 meeting.

b. Review and approval of vouchers: Postponed until the July 24 meeting.

Discussion and possible action to open Farm Service Agency Conservation Reserve Program (CRP) lands for emergency haying and grazing: Katie Pfeiffer, the new Sauk County Ag Agent, introduced herself. Norgard informed the Committee that Sauk County is 41 percent below normal precipitation for the most recent four full months plus July. He along with agronomists and Pfeiffer are working on the application materials for opening CRP lands for emergency haying and grazing. In general, the first crop hay was 80-85 percent of normal and the second crop was 60-65 percent normal. The county FSA Committee will convene within the next few days to submit a request to the state technical committee and then to Washington. Washington looks at several things. Emergency haying cannot happen until August 2 but grazing could occur before, if authorized. Motion by Polivka/Halfen supporting the FSA office in their efforts for emergency haying and grazing on CRP lands. Motion carried, all in favor.

Reports:

a. Natural Resources Conservation Service (NRCS) report: Jon Field is the acting District Conservationist (DC) for a month due to Brereton's retirement. Working through the hiring process for a new DC. There are new Environmental Quality Incentive Program (EQIP) cost sharing funds. Applying for some more stream work.

b. Farm Service Agency (FSA) report: Norgard reported that the acreage reporting is due by July 16 this year. Collecting data to send in reports for dry conditions. Waiting on new farm bill.

c. Foresters' report: None.

d. Economic Development Committee report: Polivka noted there will be a short meeting before the regular County Board meeting. Discussed that access from Ski Hi Road off of Hwy. 12 is creating concerns. Asking DOT to look at engineering to alleviate that problem. There is not an engineer available at this time at DOT.

e. Mirror Lake District report: Nobs stated they will meet next Wednesday at 4:00 p.m.

e. Lake Virginia Management District report: Nobs informed that their annual meeting is in September.

g. Lake Redstone Management District report: Dietz stated they want a letter of support for their aquatic plant management plan.

Next meeting of the Conservation, Planning, and Zoning Committee will be held on Tuesday, July 24, and Thursday, August 9, at 9:00 a.m.

Motion by Ashford/Polivka to adjourn at 12:08 p.m. Motion carried, all members in favor.

Respectfully submitted,

Don Nobs, Secretary