

**SAUK COUNTY BOARD OF SUPERVISORS
CONSERVATION, PLANNING, AND ZONING COMMITTEE
Thursday, October 27, 2015
County Board Room Gallery, Sauk County West Square Building**

Conservation, Planning, and Zoning (CPZ) Committee members present: J. Ashford, N. Johnson, D. Polivka, J. Fish, J. Dietz, E. Peterson.

Excused absence: None.

Others present: B. Cunningham, G. Templin, D. Lorenz, B. Michalek, B. Simmert, P. Peterson, M. Krueger. See registration slips public hearing attendees.

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

Adopt agenda: Motion by E. Peterson/D. Polivka to adopt the agenda. Motion carried, all in favor.

Adopt minutes of previous meetings– Motion by E. Peterson/N. Johnson to approve the October 8th CPZ Committee meeting minutes. Motion carried, all in favor.

Public Comment: Greg Georgeson appeared and spoke of camping issues. John Krueger appeared and questioned camping regulations.

Communications: Marty Krueger spoke of the need to place on the agenda the need to elect a Vice Chair due to the passing of Supervisor Lehman. He explained that the Chair becomes Chair and the need to elect a Chair and fill any vacancies.

Review and possible approval of the 2016 Wildlife Damage Program Budget – Phil Peterson. Phil Peterson appeared and explained the Wildlife Damage program and requested budget in the amount of \$8,572.00, which is a decrease from last year. Motion by D. Polivka/E. Peterson to approve the requested budget of \$8,572.00. Motion carried, all in favor.

Discussion and position action on 2016 Committee meeting schedule. Motion by N. Johnson/E Peterson to approve the meeting schedule with meetings starting at 9:00 a.m. and public hearings starting at 9:15 a.m. Motion carried, all in favor.

Discussion and possible action to approve the 10th Addendum to Lake View Estates Condominiums in S8, T10N, R7E, Town of Merrimac, Sauk County. Simmert appeared and explained the addendum request. Motion by D. Polivka/J. Fish to approve the 10th Addendum. Motion carried, all in favor.

Discussion and possible action to approve the 11th Addendum to Lake View Estates Condominiums in S8, T10N, R7E, Town of Merrimac, Sauk County. Simmert appeared and explained the addendum request. Motion by D. Polivka/J. Dietz to approve the 11th Addendum with the conditions to recognize SWS as an owner on the addendum and fulfill the land contract prior to the recording of the addendum, as well as receiving the Town of Merrimac approval prior to the recording. Motion carried, all in favor.

Discussion and possible action on a conditional use permit for a Planned Rural Development (PRD) lot for Tom and Jeanne Evert located in S8 and 24, T9N, R5E, Town of Troy, Sauk County, pursuant to Subchapter

IX, of the Sauk County Code of Ordinances. Simmert reviewed the request and information related to the PRD request and the correspondence from the Town of Troy, which needs further verification. Motion by E. Peterson/N. Johnson to approve the PRD with the condition that the Town of Troy approves the request. Motion carried, all in favor.

Discussion and possible action on a conditional use permit for a Planned Rural Development (PRD) lot for Dave Leatherberry located in Section 23, T12N. R6E, Town of Baraboo, Sauk County pursuant to Subchapter IX, of the Sauk County Code of Ordinances. Simmert explained the PRD request and background of the property. Motion by D. Polivka/J. Fish to approve both options in the PRD request. Motion carried, all in favor.

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. Discussion and possible action on petition #20-2015, granting of a Conditional Use Permit (CUP) pursuant to s.7.027(2)(i) to authorize the location and operation of an agricultural related business, located in a Resource Conservancy zoning district, Town of Baraboo, tax parcel 002-0096-00000, owned by Aron and Laura McReynolds.

Dave Lorenz appeared and provided the background and history of the request. He also reviewed the standards for the CUP to be approved, reviewed the photographs of the site, and any county conditions associated with the conditional use permit.

Polivka asked about the need for a CUP. Lorenz explained and reviewed the ordinance.

Aron McReynolds, applicant, appearing in favor of the request, stated reviewed the property, new construction for the business, retail center and products for sale, crop rotation, and farm tours and receptions for small family gatherings.

Steve Cohoon, appearing as interest may appear, representing the Town of Baraboo, stated he is the Coordinator for the Plan Commission and stated the Town has not seen any plans for the request and has requirements for this type of request.

The Committee asked for legal counsel.

Todd Liebman, Sauk County Corporation Counsel, appearing.

Ashford asked if the Town of Baraboo has not had a request before them for a CUP, can the County continue to work on the request and make a decision or should it go back to the Town.

Liebman stated that the Committee is not bound to be held by a Town decision, however, they can take the Town recommendation into account.

Brentt Michalek, Director of CPZ, stated that it is up to the applicant to contact the Town and apply to the Town for their permits and apply for necessary approvals for the Town.

Seeing as no one wished to speak on the hearing, Chair Ashford closed the public portion of the hearing at 10:20 a.m.

The committee discussed the need for the Town approval and approving and postponing based on the need for getting the Town approval.

Motion by D. Polivka/ J. Dietz to approve the Conditional Use Permit (CUP) to authorize the location and operation of an agricultural business, along with the conditions listed by the County. Motion carried, all in favor.

b. Discussion and possible action on petition #21-2015, granting of a Conditional Use Permit (CUP) pursuant to s.7.038(9) to authorize the location and operation of a proposed wireless internet tower, located in an agricultural zoning district, Town of Freedom, tax parcel 016-0096-00000, owned by Mark and Elaine Shimniok.

Dave Lorenz appeared and provided the background and history of the request. He also reviewed the standards for the CUP to be approved, reviewed the photographs of the site, and any county conditions associated with the conditional use permit.

Ken Franzen, Cloud 1, LLC, agent for the applicant, appearing in favor, gave a background and history of the company and briefly reviewed the location and site information.

Lori Cook, appearing as interest may appear, stated she owns property up to the ridge and does not understand where the access to the tower will be and questions where the road will be.

Franzen, reappearing, stated they are coming off of High Street near the watertank on the Shimniok property by easement.

Junior Gurgel, appearing in favor, stated he likes the technology and feels it is needed.

Seeing as no one wished to speak on the hearing, Chair Ashford closed the public portion of the hearing at 10:33 a.m.

The committee discussed and questioned whether there is an existing tower that can be used for collocation.

Franzen, reappearing, stated they are collocated on 14 existing towers and doesn't feel there are any towers close enough that they can use and mentioned that the State law says that this can't be economically burdensome and feels they have met both standards.

Johnson spoke of the backroom politics that the State law did for towers and that the CPZ Committee had towers go through the CUP process to make Tower requests open to the public and allow them to be brought forward and allow the neighbors to see this information.

Motion by E. Peterson/D. Polivka to approve the Conditional Use Permit (CUP) to authorize the location and operation of a wireless internet tower, along with the conditions listed by the County. Motion carried, all in favor.

c. Discussion and possible action on petition #22-2015, granting of a Conditional Use Permit (CUP) pursuant to s.7.038(9) to authorize the location and operation of a proposed wireless internet tower, located in an Exclusive Agricultural zoning district, Town of Excelsior, tax parcel 010-1138-00000, owned by David and Joy Carroll.

Dave Lorenz appeared and provided the background and history of the request. He also reviewed the standards for the CUP to be approved, reviewed the photographs of the site, a letter from the Town of LaValle

in support of the request with conditions requested to be placed on the CUP, and any county conditions associated with the conditional use permit.

Ken Franzen, Cloud 1, LLC, agent for the applicant, appearing in favor, gave a background and history of the company and briefly reviewed the location and site information and on this site will be hooking up to fiber optics.

Ray Boldings, BugTussel Wireless, stated they will be hooking up to county fiber optics on this site.

Junior Gurgel, appearing in favor of the request, stated his property adjoins this property.

Seeing as no one wished to speak on the hearing, Chair Ashford closed the public portion of the hearing at 10:45 a.m.

The committee discussed.

Motion by D. Polivka/J. Fish to approve the Conditional Use Permit (CUP) to authorize the location and operation of a wireless internet tower, along with the conditions listed by the County. Motion carried, all in favor.

d. Discussion and possible action on petition #23-2015, granting of a Conditional Use Permit (CUP) pursuant to s.7.038(9) to authorize the location and operation of a proposed wireless internet tower, located in an Exclusive Agricultural zoning district, Town of Ironton, tax parcel 022-0391-00000, owned by Ronald and Susanne Gardner.

Dave Lorenz appeared and provided the background and history of the request. He also reviewed the standards for the CUP to be approved, reviewed the photographs of the site, and any county conditions associated with the conditional use permit.

Ken Franzen, applicant, appearing, gave information about the site.

Polivka asked why the collocation and costs of the new tower are the same on all the site and requests before the committee. Franzen stated that is because they are all estimates.

Ray Boldings, appearing, spoke of the estimated costs and data sheets for each site are standard rates.

Seeing as no one wished to speak on the hearing, Chair Ashford closed the public portion of the hearing at 10:40 a.m.

The committee discussed.

Motion by D. Polivka/E. Peterson to approve the Conditional Use Permit (CUP) to authorize the location and operation of a wireless internet tower, along with the conditions listed by the County. Motion carried, all in favor.

e. Discussion and possible action on petition #24-2015, granting of a Conditional Use Permit (CUP) pursuant to s.7.038(9) to authorize the location and operation of a proposed wireless internet tower, located in an Exclusive Agricultural zoning district, Town of Troy, tax parcel 036-0782-00000, owned by LaNell Jaquish.

Dave Lorenz appeared and provided the background and history of the request. He also reviewed the standards for the CUP to be approved, reviewed the photographs of the site, and any county conditions associated with the conditional use permit.

Ken Franzen, appearing in favor, stated he did meet with the Town on this request and explained the specifics on this site.

Seeing as no one wished to speak on the hearing, Chair Ashford closed the public portion of the hearing at 11:00 a.m.

The committee discussed.

Motion by N. Johnson/E. Peterson to approve the Conditional Use Permit (CUP) to authorize the location and operation of a wireless internet tower, along with the conditions listed by the County. Motion carried, all in favor.

f. Discussion and possible action on petition #25-2015, granting of a Conditional Use Permit (CUP) pursuant to s.7.036(1)(h) to authorize the location and operation of a proposed bed and breakfast establishment, located in a Resource Conservancy zoning district, Town of Spring Green, tax parcel 032-1482-00000, owned by Shannon Porter.

Dave Lorenz appeared and provided the background and history of the request. He also reviewed the standards for the CUP to be approved, reviewed the photographs of the site, recommendations by the Town of Spring Green Plan Commission, and any county conditions associated with the conditional use permit.

Shannon Porter, applicant, appearing in favor of the request, stated that they would like to offer the extra rooms in their home as an alternative to a hotel, advertise online through Airbnb, spoke of a verification process, will be living in her home, and other standards she will have.

Peterson asked if guest information is shared with Spring Green tourism council. Porter stated they will provide a guest handbook, however they will not be providing personal information of their guest.

Ashford questioned the length of stay. Porter stated her length of stay is able to be monitored through Airbnb. She also stated that the Town required conditions with their approval.

Ashley Pfannenstiel, appearing in favor, stated she also lives at the property and are also running a pottery studio on the property and mentioned they are actively involved in the community and part of the Chamber of Commerce.

Sharon Stark, appearing as interest may appear, stated they share a lot line, and her concern is that the permit not be transferrable and just request that the applicants be present if their guests are present.

Seeing as no one wished to speak on the hearing, Chair Ashford closed the public portion of the hearing at 11:17 a.m.

The committee discussed.

Motion by D. Polivka/E. Peterson to approve the Conditional Use Permit (CUP) to authorize the location and operation of a bed and breakfast establishment, along with the conditions listed by the County. Motion carried, all in favor.

g. Discussion and possible action on petition #26-2015, a rezone from an Exclusive Agriculture to a Commercial zoning district and granting of a Conditional Use Permit (CUP) pursuant to s.7.038(8) to authorize the location and operation of a proposed water extraction and removal facility, Town of Troy, owned by Philip and Mary Hasheider.

Brian Simmert appeared and provided the background and history of the request. He also reviewed the standards for the CUP to be approved and any county conditions associated with the conditional use permit. He also informed the committee of the Town's filing of an extension.

Mary Hasheider, applicant, appearing in favor of the request, spoke of the family farm and history of the property, research of the water bottling and selling and feel it is harvesting a resource.

Philip Hasheider, applicant, appearing in favor of the request, spoke of the family farm and interest in their farm, the son taking over the family farm and operating the proposed water extraction facility.

Mark Hazelbaker, appearing in favor of the request, stated he is representing the Hasheiders on the request and presented a binder with materials in support of the Hasheiders' request and reviewed some of that information.

Jeff Kramer, appearing in favor of the request, stated he works for Sam's Well Drilling and installed the test well at the farm and applied for a high capacity well for the property through the DNR and it has not been approved yet and doesn't feel there are any other high capacity wells within 3 or 4 miles of them.

Peterson asked about the maximum gallons per minute on a high capacity well. Kramer explained.

Harleen Vorhes, appearing in opposition, stated that her family owns adjoining land and they are concerned about the level of ground water under their farm.

Ann Sprecher, appearing in opposition, stated they have a farm next to the site and are worried about taking water from the ground under everyone's farm.

Katherine Lohr, appearing in opposition, stated she owns the land closest to where the well has been drilled and she will be impacted by where the water will be taken from. The water will be taken from the land surrounding all these other properties not just the Hasheiders. She spoke of the comprehensive plan and preservation of the hamlet.

Brian Hanson, appearing in opposition, stated that he is the Chair of the Town of Troy Plan Commission and it has been turned down unanimously twice at two difference hearings. He spoke of water shortages all over the United States, water issues in other parts of Wisconsin and feels that this water extraction facility could impact neighboring wells. He also spoke of concern of truck traffic on the town roads. He spoke of the town comprehensive plan not allowing this facility.

Jeff Lohr, appearing in opposition, stated he is a neighbor to the applicant, and is also representing the Town Board, presenting a copy from the Town's comprehensive plan, spoke of commercial development being serviced by a State or County highway, as well as other issues related to the hamlet communities. He stated it will be on the Town agenda in two weeks.

Mary Hasheider, reappearing, stated she is aware of the town comprehensive plan and doesn't believe that it violates that plan. She spoke of the process they've followed.

Brian Simmert, reappearing, spoke of the noticing requirements at the county level.

Jeff Kramer, reappearing, spoke of the permit to the DNR.

Seeing as no one wished to speak on the hearing, Chair Ashford closed the public portion of the hearing at 12:30 p.m.

The committee discussed.

Motion by E. Peterson/D. Polivka to postpone a decision on Petition #26-2015. Motion carried, all in favor.

Next meetings of the Conservation, Planning, and Zoning Committee will be held on Thursday, November 12, 2015 at 9:00 a.m. and Tuesday, November 24, 2015, at 9:00 a.m. Motion by E. Peterson/D. Polivka to adjourn at 12:35 p.m. Motion carried, all members in favor.

Respectfully submitted,

Dennis Polivka, Secretary