

**SAUK COUNTY BOARD OF SUPERVISORS
CONSERVATION, PLANNING, AND ZONING COMMITTEE
Tuesday, May 23, 2017
County Board Room/Gallery, Sauk County West Square Building**

Conservation, Planning, and Zoning (CPZ) Committee members present: D. Polivka, E. Peterson, C. Spencer, J. Ashford, J. Dietz, M. Flint, C. Pettersen, S. Laubscher.

Absent: None.

Others present: L. Wilson, B. Simmert, G. Templin, D. Lorenz. See registration slips for those in attendance for public hearing.

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

Adopt agenda: Motion by E. Peterson/C. Spencer to adopt the agenda as presented. Motion carried, all in favor.

Motion by S. Laubscher/J. Ashford to approve the May 11th CPZ Committee meeting minutes. Motion carried, all in favor.

Public Comment:
None.

Communications:
Polivka spoke of a thank you card to the committee from the family of Rosemary Singletary. Peterson spoke of a communication from Ballweg's regarding the rezoning in the Town of Troy.

Discussion and possible action on a Conditional Use Permit from Planned Rural Development (PRD) of two lots for Melvin & Doris Lohr located in Sections 16 and 17, T10N, R6E, Town of Sumpter, Sauk County, pursuant to Subchapter IX, of the Sauk County Zoning Code of Ordinances. Simmert appeared and spoke of the request from Melvin and Doris Lohr for the purpose of splitting lots for sale. He spoke of the PRD easement on the 40 that the lots are being split from and the 40 to the south. He also explained that the Town of Sumpter still needs to review and approve the split. Motion by C. Spencer/J. Ashford to approve the request for a Conditional Use Permit for a PRD, based on the approval of the Town of Sumpter. Motion carried 5-0.

Public hearing: To begin at approximately 9:15 a.m. (Committee to consider and take possible action at the conclusion of the respective hearing.)

a. Discussion and possible action on Petition #9-2017, granting of a Conditional Use Permit (CUP) pursuant to s. 7.039(5) for a kennel. Said conditional use is located in the Town of LaValle, Sauk County, Wisconsin.

Lorenz appeared and provided the background and history of the property and petitioner's request as well as photos of the property. He spoke of the need to be 1,000 feet from the nearest residence and confirmed that the nearest residence is about 50 feet shy of the setback requirement. The applicant has applied for a variance to that setback distance. He concluded with conditions requested to be placed on the CUP.

Mary Osgood, applicant, appearing in favor of the request, spoke of the treatment/therapy dogs that they raise and the service they provide. She spoke of the in home socializing and raising of therapy dogs and the need for the conditional use to raise more than 1 liter per year. She also stated that they have been inspected and licensed by the State.

Ronald Rabuck, appearing as interest may appear, owns River Bottom Kennels, stated he doesn't want another boarding kennel 200 yards away from his house, but he has no problem with the breeding. He stated they have been good neighbors.

Seeing as no one else wished to appear, Chair Polivka closed the public portion of the hearing at 9:30 a.m., and the committee deliberated.

Peterson asked if there is the difference between a kennel that conducts breeding versus boarding. Lorenz read the definition of a kennel. He stated the committee could restrict the uses if they choose.

Spencer asked how many females they have. Osgood stated they have two and their dogs are raised in their home with their family. She stated that they do not board them outside.

Spencer asked about the group out east that takes the dogs. Osgood explained it is a non-profit organization that purchases the dogs and explained the service they provide.

Motion by E. Peterson/C. Spencer to approve the Conditional Use Permit to authorize the location of a kennel, subject to the applicant receiving a variance from the Board of Adjustment. Motion carried, all in favor.

b. Discussion and possible action on Petition #10-2017, granting of a Conditional Use Permit (CUP) pursuant to s. 7.040(4) mini-warehousing facility and s.7.030(2) storage yard. Said conditional use is located in the Town of LaValle, Sauk County, Wisconsin.

Lorenz appeared and provided the background and history of the property and petitioner's request as well as photos of the property. He spoke of communication from the DOT requiring a change of use access permit, which is needed yet. He confirmed the Department received documentation from the Township recommending approval as well as conditions requested be placed on the CUP.

Jerry Maj, applicant, appearing in favor, stated he has owned the property since 2006. He stated that moved the landscaping business to the Dells and uses the property for storage only, and would like to use the storage and mini warehouses as a new use to help pay for the taxes on the property.

Seeing as no one else wished to appear, Chair Polivka closed the public portion of the hearing at 9:45 a.m., and the committee deliberated.

Motion by J. Ashford/J. Dietz to approve the Conditional Use Permit to authorize the location of a mini warehouse and storage yard, subject to receiving a change of use access permit from the DOT and subject to all conditions of the ordinance being met. Motion carried, all in favor.

Peterson asked about the requirement for screening in the ordinance. Wilson explained the ordinance.

c. Discussion and possible action on Petition #11-2017, granting of a Conditional Use Permit (CUP) pursuant to s. 7.040(3) wood fabrication business. Said conditional use is located in the Town of Bear Creek, Sauk County, Wisconsin.

Lorenz appeared and provided the background and history of the property and petitioner's request, as well as photos of the property. He confirmed the Department has not received any documentation from the Township, as well as conditions they requested be placed on the CUP.

Ashford asked if this request came before. Lorenz stated it has not.

Samuel Borntrager, appearing in favor of the request, stated that they want something for their boys to do and work at home. He indicated that at the present time it will be for just the family. He stated he wasn't aware that he missed a step somewhere with the Town. He stated that wood would be shipped by 5th wheel and truck and said he will respect road limits.

Spencer asked how old the boys are. Borntrager stated his boys are 20, 21 and 13.

Dietz asked if he is bringing in lumber. Borntrager stated he is bringing in lumber and is not sawing. Borntrager stated he estimated 2-3 semi's a month maybe.

Pat McCluskey, appearing in opposition, stated he is a neighbor to the applicant. He stated the Town of Bear Creek Comprehensive Plan states that the plan does not permit a commercial type of development in that area and it directs this type of development to certain areas. He also spoke of the location of where this is proposed to be is highly visible from a nearby Chapel that is sacred to many people in the area.

Jacob McCluskey, appearing in opposition, stated he is a neighbor and groundskeeper for the Chapel that is located near the proposed lumber mill. He spoke of the religious establishment that is located nearby and the fact that use does not comply with the Town of Bear Creek Comprehensive Plan. He concluded that the operation is going to take away from the natural and religious aesthetic of the area.

Rick Schmidt, Boardman and Clark, representing Komandoski's, appearing in opposition of the request, stated his clients are neighbors to the applicant. He spoke of the slopes and the proposed request being located on top of a ridge. He also spoke of the Town's Comprehensive Plan and the request not meeting the intent of the Comprehensive Plan as well as not meeting the County's Comprehensive Plan. He explained that the roads are close to single lane and will not be able to handle the type of traffic that this use will bring. He also mentioned that the Town said they would approve the request as long as there were no complaints from the neighbors; however, there are many neighbors in opposition.

Stan Komandowski, appearing in opposition of the request, spoke of the road conditions, traffic use and the operation staying in the family. He spoke of how he found out about the request and stated that the factory structure is being built as he speaks today. He asked that the committee request that the Zoning office put a stop work order on the factory structure.

Jean Berlin, County Board Supervisor, District 22, appearing in opposition, stated this is very disturbing and understands that the people there treasure their culture and appreciate the tranquility and aesthetic value and understands that the applicant needs to make a living. She understands the neighbors concern with following the property channels to get approval to build and it appears there was failure in following the process. The topography of the land, infrastructure of the roads, and having Chapel Hill/Lady of the Shrine as a religious area should be protected. Commercial uses should be near commercial uses and they need to conform with the comprehensive plan and listening to the consensus of the constituents. She would request that the committee listen and keep the uses as is.

Mary Ellen McCluskey, appearing in opposition, stated that the Town Comprehensive plan says that there is to be no commercial development in Bear Creek Township and it is to be ag value added or cottage industry, which predated the existing county ordinance, which now is called Home Based business. She said she cannot speak to why the Town did what they did, but was told by a Town member that she was to go to Baraboo.

Dietz asked if the Town said they were just going to push it over to the County. McCluskey said the Town's initial reaction was they wanted to hear from neighbors, and then there must have been some discussion and then later they made a decision to approve. When people found out, they asked town board members what happened and we were told to go Baraboo.

Spencer asked if the McCluskey's plan on having special lodging permit for Larry's house. McCluskey stated they would be heard at the next Board of Adjustment hearing. Spencer asked how far away that is located. McCluskey explained.

Dietz asked if the Planning Commission was bypassed. McCluskey stated she understands it only came to the Town Board.

Seeing as no one else wished to appear, Chair Polivka closed the public portion of the hearing at 10:25 a.m., and the committee deliberated.

Peterson stated he would like to send the request back to the Town.

Polivka stated the Town has already approved it.

Spencer asked what the Borntragers options are if the request gets voted down. Lorenz stated they have a permit for a residence and barn and they have started construction on all of those. Their options are they can farm the property.

Polivka asked if they have started construction on the truss plant. Lorenz stated they have started site prep, but doesn't believe they have started the foundation for the truss plant.

Motion by C. Spencer/D. Polivka to approve the location of a truss plant, subject to all conditions of the ordinance being met. Motion carried with Dietz in opposition.

d. Discussion and possible action on Petition #12-2017, a petition to consider a rezone from an Exclusive Agriculture to an Agriculture zoning district pursuant to s. 7.150 Ordinance Amendments of the Sauk County Zoning Ordinance. Said rezone is located in the Town of Prairie du Sac, Sauk County, Wisconsin.

Lisa Wilson appeared and provided a history and background of the request, reviewed the violation history on the site, as well as a recommendation from the WisDOT for a State Historical Society review.

Tim Geoghegan, applicant, appearing as interest may appear, stated the site will be used for bedding sand for dairy cows. He explained the operation and buildings on site. He stated the entire site has been surveyed by the County Surveyor. He stated the site was originally a DOT project and the contractor did not close it. He stated that the sand was used onsite and will not be used for fill sand and bedding sand.

Seeing as no one else wished to appear, Chair Polivka closed the public portion of the hearing at 9:35 a.m., and the committee deliberated.

Motion by J. Ashford/E. Peterson to approve the rezone from Exclusive Agriculture to an Agriculture Zoning District for the purpose of seeking a Special Exception Permit for non-metallic mining, subject to all conditions of the ordinance being met. Motion carried, all in favor.

e. Discussion and possible action on Petition #13-2017, a petition to consider a rezone from an Exclusive Agriculture to a Rural Community zoning district pursuant to s.7.150 Ordinance amendments of the Sauk County Zoning Ordinance; and a petition to consider a conditional use pursuant to s. 7.031(2) and s. 7.035(3) for an outdoor recreational facility and eating establishment with alcohol, liquor, or malt beverages. Said rezone/conditional use is located in the Town of Troy, Sauk County, Wisconsin.

Lisa Wilson appeared and reviewed the background and history on the property and request. She confirmed that the Town of Troy has approved the rezone request, but has no communication regarding the CUP request.

Peterson asked if the Town's approval is required for the CUP. Wilson explained the ordinance.

Dale Sprecher, applicant, appearing in favor of the request, he is a partner in the campground, which has been in the family for years and used for many community events. He explained the zoning on the campground.

Polivka questioned that the use will remain the same, and the applicant was simply coming into compliance with the zoning. Sprecher stated that is correct.

Spencer asked what the tax status of the property is. Sprecher stated they pay real estate taxes on the property.

Seeing as no one else wished to appear, Chair Polivka closed the public portion of the hearing at 10:55 a.m., and the committee deliberated.

Motion by C. Spencer/E. Peterson to approve the rezoning from Exclusive Ag to Rural Community and a Conditional Use Permit for the purpose of an outdoor recreational facility and eating establishment with alcohol, liquor, or malt beverages. Motion carried, all in favor.

Next meetings of the Conservation, Planning, and Zoning Committee will be held on Thursday, June 8^h, 2017, at 9:00 a.m. and Tuesday, June 27th, 2017 at 9:00 a.m. Motion by J. Ashford/C. Spencer to adjourn at 10:56 a.m. Motion carried, all in favor.

Respectfully submitted,

Judy Ashford, Secretary