

**SAUK COUNTY BOARD OF SUPERVISORS
CONSERVATION, PLANNING, AND ZONING COMMITTEE
Tuesday, August 22, 2017
County Board Room, Sauk County West Square Building**

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

Absent: S. Laubscher.

Others present: L. Wilson, G. Templin, Pat Dederich. See registration slips for others present.

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 C. Pettersen/M. Flint to adopt the amended agenda with the change to the next meeting dates. Motion carried, all in favor.

M. Flint noted that he was at the meeting and would like to be added as present. Motion by M. Flint/J. Ashford to approve the amended August 10th CPZ Committee meeting minutes. Motion carried, all in favor.

Public Comment:
None.

Communications:
Wilson spoke of the Department working on amendments to Chapter 7.

County Surveyor

- a. Department report. Dederich provided a departmental report. He also spoke of the Great Sauk Trail paving work to be done and monumentation work that he would be doing with that project as well as the work on the Bypass.
- b. Review and approval of vouchers. Dederich provided vouchers in the amount of \$1,300.00. Motion by M. Flint/E. Peterson to approve vouchers in the amount of \$1,300.00. Motion carried, all in favor.

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. Petition 16-2017. A petition to consider a conditional use permit pursuant to s7.040(3)(i) a wood fabrication business. Lands affected by the proposed conditional use are located in the NW ¼ of the NW ¼, Section 2, T10N, R3E, Town of Bear Creek, Tax parcel 004-0392-00000 and 004-0393-00000, owned by Nelson Yoder.

Lisa Wilson, Director, Conservation, Planning and Zoning appeared and spoke of receiving documentation from the Town of Bear Creek. She spoke of the original hearing being postponed for decision.

Marty McCluskey, Town of Bear Creek Chair, appearing in favor, stated that the Town Board and Plan Commission approved the request at the July meeting. He stated the immediate adjacent land owners at the meeting were not in objection, but asked that the permit be non-transferrable.

Flint asked about when the report was filed with CPZ why the application was not filled out correctly. McCluskey stated that the form that was filled out was the obligation of the applicant. Wilson provided clarification on the form that was used.

Eileen Eberle, Town of Bear Creek Chair, appearing in favor, provided copies of the Town minutes and copies of the Plan Commission report showing the request was approved.

Mary Ellen McCluskey, appearing as interest may appear, stated that when the applicant was here in July, he stated he started his business in 2013 and she feels he is grandfathered. She also spoke of the Town meeting via email and questioned the legality of it. However, normally they meet the 3rd Thursday of the month. She stated that the Town Plan is an ordinance and the County ordinance states if the use doesn't comply with the Town plan, the use should be denied.

Flint asked if the town's plan states the use shall be exclusively agricultural use only or can be partial agricultural use. McCluskey spoke of the definitions of agricultural uses from the Sauk County's zoning ordinance since the town's plan does not provide definitions.

Stan Komendowski, appear as interest may appear, spoke of the Plan Commission meeting dated July 6th, as well as requesting open records relating to permits for Mr. Yoder. He also spoke of another meeting held at the Town.

Flint asked if he was for or against the request. Komendowski stated he is against the request.

Marty McCluskey, reappearing, stated Mr. Yoder is intending to run a small family run shop and verified there was a motion made, seconded and passed at the July 11th meeting.

Pettersen asked if everything in Bear Creek is farming. McCluskey stated there is not much farming, but trucking outfits, a quarry, lodging houses.

Wilson, reappearing.

Polivka asked if the permits are in order. Wilson stated that Mr. Yoder has no permits. She explained that Mr. Yoder's property was found to be non-compliant and there would be debate as to if the business were legally established under the previous ordinance. Wilson noted that there were several buildings constructed without permits, which will need to be brought into compliance.

Polivka verified that the conditions requested are covering the items that need to still be addressed. Wilson stated that is correct. She also explained the difference between a Home Based Business and the request that Mr. Yoder is asking for.

Dietz asked about the uses for a Home Based Business. Wilson explained.

Spencer asked, to Wilson's knowledge, have the 6 conditional use criteria been met. He also asked if there is a problem with traffic congestion. Wilson stated the applicant stated he will have limited trucking to the property.

Mary Ann McCluskey, reappearing, stated that the neighbor that has testified that he has no issues, is a non-resident land owner. She also spoke of the board being required to make written findings. She also asked how the committee can issue a CUP that violates the Town ordinance.

Seeing as no one else wished to speak, Chair Polivka closed the public portion of the public hearing at 10:00 a.m. and went into deliberation.

Spencer stated that the committee has reviewed the criteria for a CUP and once all issues have been rectified, there is no reason that the property cannot move forward with the CUP and use, as requested. Polivka spoke of the business in the County, criteria of the CUP, and no objections by the Town.

Flint spoke of the applicant not being in compliance and have been assured by the CPZ Director that he will be required to come into compliance before operation begins. He believes the request meets the requirements of the CUP, once all the issues have been addressed. Motion by M. Flint/C. Spencer to approve the CUP for a wood fabrication business, conditioned on the applicant meeting all conditions recommended by CPZ. Motion carried, 6-0, with Dietz abstaining.

Next meetings of the Conservation, Planning, and Zoning Committee will be held on Thursday, September 14th at 9:00 a.m. and Tuesday, September 26th, 2017 at 2:00 p.m., with the CPZ Committee Conservation Field Trip scheduled for Monday, September 18th at 9 a.m. beginning at the County Farm.

Motion by J. Ashford/E Peterson to adjourn at 10:05 a.m. Motion carried, all in favor.

Respectfully submitted,

Judy Ashford, Secretary