

**SAUK COUNTY BOARD OF SUPERVISORS
CONSERVATION, PLANNING, AND ZONING COMMITTEE
Tuesday, November 28, 2017
County Board Room, Sauk County West Square Building**

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

Absent: C. Pettersen (gave prior notice).

Others present: L. Wilson, G. Templin, B. Simmert, M. Krueger. 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 J. Ashford/C. Spencer to adopt the agenda as provided. Motion carried, all in favor.

Adopt minutes: Motion by M. Flint/C. Spencer to approve the November 9th CPZ Committee meeting minutes. Motion carried, all in favor.

Election of Vice Chair: Motion by Flint to nominate Spencer, seconded by Ashford. Motion by Laubscher to close nominations. Motion carried to elect C. Spencer as Vice Chair.

Public Comment:

Jason Bergman, Loganville Wisconsin, wanted to talk about the buildings on the County Farm and offered an option to repair one of the buildings at the county farm if he is awarded the lease. He asked to speak under that agenda item. The committee agreed to allow him to speak during that agenda item.

Communications:

Wilson spoke of about the Clean Sweep numbers, where the participants were from, and the numbers of items received. She confirmed this information was provided on Granicus.

Discussion and possible action on resolution authorizing the Director of Conservation, Planning and Zoning to submit Multi-Discharger Variance Application to the Wisconsin Department of Natural Resources. Wilson explained the resolution and work that would be done if the grant were to be awarded. Wilson stated that for the first year, the funding amount keeps changing drastically; however, we would like to have our application into the DNR. Motion by M. Flint/J. Ashford to authorize the proposed resolution. 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 11-2017. A petition to consider a conditional use permit pursuant to s7.040(3) for a wood fabrication business. Said conditional use is located in the Town of Bear Creek, Sauk County Wisconsin. Land to be affected by the proposed conditional use are located in Section 4, T10N, R3E, Town of Bear

Creek and further described in Petition 11-2017.

Wilson, Director of Conservation, Planning and Zoning, appeared and provided a background and history of the request. She reviewed the conditions that the Town of Bear Creek requested to be added if the Committee chose to approve the request, as well as the conditions that the Department requested to be added should the use be approved.

Samuel Borntrager, applicant, appearing in favor of the request, stated that the review from Wilson covered the request very well, however, he would request that the conditions from the Town on the delivery time be modified due to his inability to control the trucks schedule.

Flint asked if there is any problem moving the phone booth. Borntrager stated it is already moved.

Flint asked where the shipments would come from. Borntrager stated he is unsure where his supplier would come from at this point, but could from as far as Chicago.

Eileen Eberle, appearing in favor of the request, stated she welcomes all newcomers and businesses, and read a statement in support of the request.

Sheila Carver, Treasurer for the Town of Bear Creek, stated that the Board favors economic development and supports the request for the conditional use permit. Carver read a statement in support.

Kathy Dwyer, appearing in favor of the request, stated her family owns the property directly across from the proposed wood fabrication business and has received cooperation from the applicant from the time they started the application. She approves of the request and feels he has done everything required of him for this request. She feels as a large agricultural producer, they use larger equipment that may use the roadway more than he will. She spoke of the benefits of small business and growth in the area and the modification of the delivery schedule in the conditions requested.

John Bontrager, appearing in favor of the request, stated that the Amish small businesses are a win/win for the community and he feels that they fit with the local comprehensive plan.

Marty McCluskey, Town Chair of Bear Creek, confirmed the Town's recommendation of approval and confirmed that he agrees that the delivery times can be modified.

Flint asked if they have to go back to the Town Board to be approved. McCluskey stated it does not.

Michael Lardy, appearing in favor of the request, stated his family owns property neighboring the property. They support the request and feel they are good neighbors. He doesn't agree with the restrictions being suggested.

Mary Ellen McCluskey, appearing in opposition, stated she has no stake in the property or those who worked on the property. She provided the committee with copies of the Town of Bear Creek Plan, a copy of Chapter 7 regarding CUPs, referred to 7.007, and 7.026 use table regarding primary standards.

Dietz asked if the ordinance is the guidance of the Town, and if this request is out of the line. Dietz questioned if the ordinance should supersede opinion. Mary Ellen McCluskey stated she feels this request violates the Town plan and ordinance.

Dietz asked what the Town plan says. Mary Ellen McCluskey stated that this clearly isn't a home based business and the town plan refers to a cottage industry. She referred to the definitions of ag and ag related.

Patrick McCluskey, appearing in opposition, stated that he is strongly offended by anyone suggesting that anything racist is going on. He is one of the people that circulated the petition in the Town and all information was truthful. He spoke of the farm machinery that uses the road. The proposed CUP is not in compliance with the town plan or ordinance and he is upset that Town officials have disregarded all the work done on those plan. He feels the road is not suitable for commercial traffic and also spoke about the safety issues of Chapel Rd and County Highway G.

Stan Komendowski, appearing in opposition, stated that he believes the change in decision done by the Board of Adjustment is a denial and feels that the a new application cannot be submitted for 365 days. He believes a reversal is in fact a denial. He presented a timeline of the Borntrager appeal since the BOA decision. He provided a written copy of his comments to Wilson for inclusion in the record.

Colleen Komendowski, appearing in opposition, spoke about the safety of the structure, no fire or water safety measures in the building, the quality of the product that is sold to the public and spoke of SBCA specifications and substandard practices taking place at this business.

Seeing as no one else wished to speak, Chair Polivka closed the public portion of the public hearing at 10:02 a.m. and went into deliberation.

Flint asked Wilson about the agricultural use. Wilson stated she cannot testify as to what the Town of Bear Creek's comprehensive plan says or how it is interpreted. Wilson stated that the use is allowed in Agricultural Zoning District with a Conditional Use permit.

Flint asked if the Zoning supersedes the comprehensive plan. Wilson stated that the Town's recommendation is just that and the Committee is not bound by their recommendation. She also explained that there is a State Statute that does speak to the level of importance of the town's comprehensive plans; and a conditional use is not required to be consistent with it.

Flint asked about the safety of the intersection. Wilson stated she was on site with Simmert, however, she did not specifically look at the intersection.

Polivka then asked the committee to review the finding of facts criteria statements.

Polivka asked about item #2a: Flint stated that there is testimony from neighbors of the surrounding properties who do not feel the use is detrimental or would endanger their safety or general welfare. Dietz spoke of about the road safety. Polivka spoke about the use of farm equipment. Flint confirmed there are no issues with surrounding lands. Ashford spoke of the fact that the proposed use is on the end of a dead end road.

Polivka asked about item #2b: Flint spoke of the buildings that are well kept and clean. He stated that the Town building inspector permitted it and is in charge of the inspections, so the Board has to assume it is in compliance. Polivka stated he has been on sight and feel the property is well kept and in character with the general vicinity. The committee agrees the use meets 2b.

Polivka asked about item #3a. Polivka stated Wilson testified that the staff reviewed the site and they were working on the vegetative cover and plantings. The committee agrees they meet #3a.

Polivka asked about item #3b. The committee determined they did not view any issues with water pollution or issues with floodplain or wetlands in the area.

Polivka asked about item #3c: He confirmed the disposal of waste wood. Spencer asked if a plan has been submitted. Polivka asked the applicant to return and verify if they have a plan for the disposal of waste wood. Borntrager, reappearing, stated they would not have outside burning and would allow people to come and pick up wood for use in outdoor/indoor furnaces. Polivka confirmed this wood is not treated. Spencer asked if the wood could be used in the home and if the shop was heated. Borntrager confirmed there is water in the shop and he has in floor heat.

Spencer asked when the trusses are completed, where would they be stored. Borntrager was not sure and feels he can store a couple order inside, but in the spring when the road bans are on, he may need something stored outside on a limited basis.

Spencer asked how many trusses are need to fill an order. Borntrager stated he would like to stay with pole barn orders.

Flint spoke of outside storage area not being an issue.

Spencer asked how he is going to submit a plan for waste use.

Borntrager stated that he would figure it out.

Polivka asked the committee about #3d – Polivka stated it is evident that they have access. Spencer asked about any issues coming onto Highway G. Polivka stated he did not see any when he was out visiting the area. The committee did not see any access issues.

Polivka asked about item #3e – Spencer talked about the road being a dead end. The committee confirmed no issues with ingress and egress.

Polivka asked about item #3f – He then spoke of the area available for trucks to pull off the road and turn around, not causing issues with traffic flow. The committee confirmed no issues with traffic flow.

The committee reviewed item #4 – The committee confirmed testimony showed products and good will be produced on premise.

Flint requested the committee address the delivery times that were requested by the Town. Spencer agreed that the delivery times be modified. Polivka spoke of transportation of a product and running into truckers' hours of operation.

Spencer spoke of being at the chapel on Memorial Day and no one was there.

Dietz stated he admires the Amish and their work ethic and he stated that the comprehensive plan is the ordinance of the Town and they should comply with it. Dietz did not believe they were following it. If they ignore their ordinance, then the door is open for anyone.

Polivka stated the comprehensive plan is not an ordinance, it is a document for guidance, which can change as time goes on. He also referred to guidance given by the State that that a comprehensive plan doesn't need to provide consistency with a Conditional Use permit.

Flint asked if they remove item 14f from the recommended conditions. Flint asked Borntrager for information on delivery schedule.

Borntrager, reappearing, stated he will let his delivery drivers know when deliveries can be made, however, if he had daylight hours, he would like to be able to unload them if they are there.

Motion by M. Flint/C. Spencer to approve the Conditional Use Permit for a wood fabrication business, with all conditions recommended, outside of Condition 14f to be removed – delivery times, by the Town of Bear Creek and the Conservation, Planning and Zoning Department. Motion carried, 5-1 with Dietz in opposition.

The committee recessed for 5 minutes.

Discussion and action on County Farm and Health Care Center Cropland/Pasture Land Leases

a. Resolution authorizing the Director of Conservation, Planning and Zoning to Execute a Crop Land Rental Agreement at the Sauk County Farm. Wilson reviewed the cropland rental agreement lease.

Motion by J. Ashford/C. Spencer to approve the resolution. Motion carried, all in favor.

b. Resolution authorizing the Director of Conservation, Planning and Zoning to execute a Crop Land Lease Agreement at the Sauk County Health Care Center. Wilson reviewed the cropland lease agreement at the Heath Care Center. She did mention the current study at the Health Care Center and the reimbursement if the cropland is taken out of production. Motion by M. Flint/C. Spencer to approve the lease agreement at the Heath Care Center. Motion carried, all in favor.

c. Resolution authorizing the Director of Conservation, Planning and zoning to execute a Pasture Lease Agreement at the Sauk County Farm. Wilson reviewed. Motion by M. Flint/J. Ashford to approve the lease agreement. Motion carried, all in favor.

Discussion and possible action on County Farm Building/Demolition RFB Update. Wilson appeared and spoke of the information provided by the Highway Department for work that they could assist with. Pat Gavinski, Sauk County Highway Commission, appeared and explained the quote and project.

Jason Bergman spoke about the pole shed that exists at the county farm and suggested that he repair the pole shed at his expense, providing he gets free use of it for the term of the contract/lease that was just approved. Gavinski stated the shed is fairly easy to tear down or fix, but is unsure how it would affect the insurance claim.

Spencer and Polivka confirmed that Jason would carry the insurance for the work being done. Bergman stated he would.

Motion by M. Flint/C. Spencer that Bergman be allowed to rebuild and repair the machine shed, at his cost, with free use of said shed for the term of the lease, contingent on insurance allowing it and a contract by Corporation Counsel and CPZ Director. This also authorizes the CPZ Director to authorize the work to proceed. Motion carried, all in favor.

Highway Department quote is to go to the Highway and Parks committee the first meeting in December, as well as provide to the information to the Property and Insurance Committee and then readdressed on December 14th with the CPZ Committee.

Discussion and possible action on a Conditional Use Permit for a Conditional Use Permit for a Planned Rural Development (PRD) of a lot for Steven Hillmer and Patricia Liston, located in Section 21, T11N, R6E, Town of Sumpter, Sauk County, pursuant to Subchapter IX, of the Sauk County Zoning Code of Ordinance. Simmert appeared and reviewed the Conditional Use Permit and verified that the Town of Sumpter still approve the PRD lot, it does meet the ordinance and the staff recommends approval. Motion by C. Spencer/J. Ashford to approve the Conditional Use Permit with the condition that it is approved by the Town of Sumpter. Motion carried, all in favor.

Discussion and possible action on a Conditional Use Permit for a Conditional Use Permit for a Planned Rural Development (PRD) of a lot for Leslie Repka, located in Section 1, T11N, R4E, Town of Westfield, Sauk County, pursuant to Subchapter IX, of the Sauk County Zoning Code of Ordinance. Simmert appeared and reviewed the Conditional Use Permit and stated he is waiting for verification that the Town of Westfield has approved the PRD lot, it does meet the ordinance and the staff recommends approval. Motion by M. Flint/J. Dietz to approve the Conditional Use Permit for a PRD lot for Leslie Repka. Motion carried, all in favor.

Discussion and possible action on a Conditional Use Permit to construct a residence in Exclusive Agriculture for Corey Noltner and Stacey Ambort location in Section 3, T10N, R5E, Town of Honey Creek, Sauk County, pursuant to Sauk Co. Code 7.074(3), of the Sauk County Code of Ordinances. Simmert reviewed the history and background of the request and confirmed it meets all requirements. Motion by J. Ashford/M. Flint to approve the request. Motion carried, all in favor.

Review and discussion on proposed amendment package to Chapter 7 Sauk County Zoning Ordinance. Simmert reviewed proposed ordinance changes. Committee took issue with the proposed kennel changes. They suggested Simmert reach out to reputable breeders and get assistance with the language and then come back to committee with it. Simmert continued to review proposed ordinance amendments.

Next meetings of the Conservation, Planning, and Zoning Committee will be held on Thursday, December 14th at 9:00 a.m. and Tuesday, December 26th, 2017 at 9:00 a.m. The committee has decided to not hold a meeting on the 26th. Motion by M. Flint/J. Ashford to adjourn at 11:50 a.m. Motion carried, all in favor.

Respectfully submitted,

Judy Ashford, Secretary