

**SAUK COUNTY BOARD OF SUPERVISORS
LAND RESOURCES & ENVIRONMENT COMMITTEE
Tuesday, July 23 2019
County Board Room, Sauk County West Square Building**

Conservation, Planning, and Zoning (CPZ) Committee members present: J. Dietz (left the meeting at 1:00 p.m.), C. Spencer, M. Krueger (left the meeting at 12:30 p.m.), G. Johnson, C. Whitsell, B. Newport, R. Puttkamer, J. Berlin.

Absent: None.

Others present: L. Wilson, G. Templin, B. Simmert, C. Fowler, and M. Keenan.

At 9:01 a.m. Spencer 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. Berlin/C. Whitsell to adopt the agenda as presented. Motion carried, all in favor.

Adopt minutes: Motion by B. Newport/C. Whitsell to approve the June 25th LRE minutes with corrections. Motion carried, all in favor.

Public Comment:

Cindy Bartls appearing stated that she will be moving to Spring Green shortly and spoke to horrific conditions at the Guam Humane Society.

Kevin Lins appearing spoke about the fecal output and the responsibility of the committee.

Connie Hoppingjung appearing stated she lives approximately 1 mile from the facility stated she never sees more than 1 car a day and wants to know why someone isn't watching the facility better.

Communications:

None.

Discussion and possible action on Outside Agency Request for Conservation Congress for funding in 2020-Mike Rogers Rogers appeared and spoke of the involvement of the Conservation Congress in Sauk County. The committee reviewed the score sheet against the request. Motion by J. Berlin/R. Puttkamer to approve the Outside Agency Request for Conservation Congress for \$1,400 for the 2020 budget. Motion carried, all in favor.

Discussion and possible action on Outside Agency Request for Friends of the Baraboo River funding in 2020-Bev Vaillancourt. Murphy and Vaillancourt appeared and presented a packet of Mission and Goals for 2020, and requested funding of \$25,000 for the purpose of river clean up equipment, signage, contracting with AmeriCorps, promotional material and technology. Krueger asked if this request will continue to be a request in future years. Vaillancourt stated possibly, but doesn't know, as they need to figure out how to manage it and suggest it is a start. Berlin spoke in favor of the request. Johnson asked about the cleanup. Murphy spoke of the cleanup and hiring someone that has liability insurance due to the danger of the work. The committee reviewed the scoring sheet to review the request. Motion by G. Johnson/J. Berlin to approve the Outside Agency Request for Friends of the Baraboo River for \$25,000 for the 2020 budget year. Motion carried, all in favor.

Daniel Olson , Corporation Counsel appearing to review statutory standards and process requirements for the review of a Conditional Use Permit.

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

At this time, Chair Spencer advised the committee that he visited the site. Supervisor Johnson also advised the committee that he visited the site as well as sold his portion of a veterinary business to group of veterinarians that included the applicant 10 years ago. Spencer and Johnson stated that they would rely on information and testimony presented at the hearing and will be completely impartial.

Krueger requested of those present, to conduct themselves respectfully and peacefully as everyone speaks.

a. Petition 10-2019. A petition to consider a conditional use permit pursuant to s.7.039(5) for a Kennel operation proposed by Jill and Clinton Kane. Said conditional use is located in the Se ¼, of the SE ¼, Section 3, T8N, R3E, Town of Spring Green, Sauk County and as further described in Petition 06-2019. Tax parcel identification number 032-0115-00000 and owned by Dennis ad Lisa Hackl.

Fowler appeared and provided the history and background of the request. She reviewed the staff report, conditional use permit, ATCP information, lease agreement, possible expansion, proposed floor plan, new/updated waste plan and Town action. She also reviewed the current violation. She concluded with staff recommendations to be considered should the conditional use permit be approved.

Whitsell asked if the kennel was already operating. Fowler stated they were. Whitsell confirmed they started the kennel without authorization from the county. Fowler confirmed that is correct.

Peter Curran, Attorney, representing the applicant provided clarification on a number of Fowler's statements. Curran noted that some additional employees may be needed to assist with the operation. Curran noted that the modifications to their plans have been to address public and department concerns. Curran produced a contract document with Town and Country for service to the property.

Jill Kane explained the operation and stated that they did not intend to be out of compliance. Jill Kane stated that there was a misunderstanding regarding the age in which a dog is considered adult.

Clinton Kane, appearing in favor of the request, stated they have spoken to a septic hauler who would haul the waste to an approved facility, he just has not heard back.

Berlin asked if there were any violations prior to coming today. Curran stated they do have a violation, however no citations have been issued.

Krueger stated that the list of conditions and a lack of planning, particularly regarding to the animal waste seemed more reactive rather than proactive. Curran stated he is responding to the community and others trying to object to the facility and doesn't feel it should be held against the applicant. He then spoke about the change in the waste management and attempt to accommodate conditions.

Johnson asked why this request is being made. Jill Kane stated her background. Jill Kane noted the FDA requirement for testing on a large mammal before it will approve a new device or new medication. She feels that her and her husband are well qualified to provide this service.

Clinton Kane stated that they had conference calls with all the purchasers of all the dogs, if they were not terminal studies, how the pain will be treated, what dogs are adoptable, what studies are done, etc.

Whitsell asked if this is approved, how long will it take for them to get into compliance to meet the conditions by County staff.

Jill Kane stated that some conditions are already met. She also spoke of the need for a license from the state, as well as being in the process of working on the wastewater condition and hopes it is within a few weeks.

Berlin asked how many dogs are currently onsite. Kane stated 47 are onsite.

Berlin asked where they are located. Kane stated they were with them.

Berlin asked about the groundwater concern and asked where the wastewater and greywater is going now. Kane stated it is draining to a holding tank.

Berlin asked about the exercise of the dogs. Kane stated they do not go outside currently, however they do have exercise requirements. They do go outside of their kennels, just not outdoors.

Spencer asked about selling the dogs and what the condition of the dog has to be before it is sold. Kane stated that the dogs are required to be parasite free and “cleaner” than our average dog. Fecal samples are taken every 3 months that are sent to the suppliers prior to purchases, vaccinations and dewormed.

Whitsell asked who does the vet practice. Kane stated the USDA vet comes in on a yearly basis, and when the state license is obtained they will come in. She also stated local vets may come in and do a site assessment, however the routine day to day care will be done by herself. She also stated a Vet plan is on file with the USDA.

David Radel, appearing on behalf of the Town of Spring Green, spoke of the application for a kennel, but a facility to house dogs for medical research. He explained the process held by the Town and the research done by himself. He also spoke of contacting Senator Marklein in regards to Act 67.

Vicki Terpsra, appearing in favor of the request, stated she feels the application was accurate and the towns initial decision was made based on input by the Plan Commission that the application be approved. Terpsra stated the information was provided in April and she feels there was adequate opportunity to make the decision that was presented.

George Corrigan, appearing in opposition of the request, presented an email from the USDA stating the site is not a registered or approved site. He also spoke of the site being in violation and the use not being allowed under section 7.039. He also spoke of Act 67 and not being an allowed use.

Dave Radel, appearing in opposition, stated that 6 years ago he was diagnosed with a disease caused by nitrates in the water and there should be a study with what this can do to the groundwater and that should be considered besides just the medical research.

Marnie Polivka, appearing in opposition, stated the proposed facility is a couple miles down the road from her residence. She reviewed dates regarding the Kane’s facility and when they started the process. She spoke of the lack of thought put into their conditional use permit from the time they started with the USDA. She also spoke of the chapter 7 issues and the violations to the Town, County and USDA.

Dan Ouimet, appearing in opposition, provided a packet of information for the committee and how the application is not consistent with the comprehensive plan, and economic goals. He noted that the building needs to be renovated to commercial standards and this location is not to be zoned commercial. He noted that RC is to be woodlands and wildlife, yet the applicants don’t want to plant trees, wildlife is considered a detriment to the

applicants, as well as contamination to the adjacent local farm fields. He also asked about emergency plans, waste management plan, questioned the floodzone, and size of the dumpster.

Barb Ouimet, appearing in opposition, provided a packet of information, spoke of the pollutants the facility can provide, spoke of the geology, nitrates, bacteria, pathogen transmissible to humans. She read the statement she provided to the committee speaking of human health hazards for reasons that the committee should deny the request.

Nicole Peterson, appearing in opposition, spoke of the lack of honesty from the applicant and spoke of the testimony from the Kane's in the number of the dogs (47) versus the staff report from Fowler (66). She also spoke of the zoning district, RC and what the district implies, the lack of the benefit to the community, and the blatant disregard to starting operations by the Kane's.

Rebekah Klemm, Dane for Dogs, appearing in opposition, spoke of the applicant being in violation of Chapter 7, reason or denial of the application, a petition with over 400 signatures asking for new legislation that would result in denial for this permit. She spoke of Act 67, the intended use of a puppy mill, and the low standards of the facility. She spoke of legislative changes happening the federal level and changes happening at the UW and VA.

Megan Nicholson, Human Society of the United States, appearing in opposition of the request, spoke of the lives of the dogs, the poor job done by the USDA on enforcement and inspections, as well as redacting information on animal welfare reports. She spoke of advancements in technology that are superior to animal use.

Barb Ramsden, appearing in opposition, stated the property is in violation and is required to have an acceptable vegetation buffer, which it does not, and does not meet the criteria of 7.039. She stated it also does not meet the Town of Spring Green's comprehensive town plan and encourages the committee to listen to the residents in the Town of Spring Green. She spoke of Exhibit B and the economic viability is essential to the quality of life will depend on capitalizing on positives – this business does not fit, it also does not meet the RC district.

Pamela Mueller, appearing in opposition, stated they live ½ mile from the property and can already smell dog feces. She noted that the property is already in violation and they have a plan that they are already not following. She feels the dumpster is not appropriate, as the smell is going to be an issue, and they have a concern for the value of their property.

Patty Lomasney, appearing in opposition, stated he is worried about the contamination and the fact that the applicant has not followed any rules yet and does not believe that they will follow any rules. What about the feces that have been spread already. She spoke of the fact that they are farmers and they have rules they have to follow, why do these applicants not have to follow rules. She is worried about the effects on the children and community. She stated that many are fighting for their community where the applicants are fighting for a paycheck.

Leah Schuler, appearing in opposition, asked the committee to think about the people that are going to want to come to the county, and we will be known as the community that took a stand and denied this permit. She stated a shelter staff of 5 cannot take care of 20 dogs adequately, so how can a staff of 2 take care of 66. She asked if they don't have a permit at the Pearl Road facility, how many dogs can they have at their house.

Mikii Opahle, appearing in opposition, stated concerns with the inconsistencies and deception and the fact that they are operating without a license.

Barbara Pratt, appearing in opposition, stated she was a member of the Plan Commission previously with the prior owners and explained what took place. She spoke of meeting a need in the community for a commercial kennel for overnight boarding of personal pets, for residents or visitors.

Tom Saler, appearing in opposition, spoke of the problems with noise, pollution, strong smells, declining property values, and quality of life for Spring Green residents. He also spoke of the suffering and conditions of the dogs that takes place. He spoke of the lack of benefits in animal testing and cited research and quotes, as well as alternatives to dog testing.

Aaron Yarmel, appearing in opposition, stated he does academic research in ethics, spoke of medical research ethics and animal testing and general welfare concerns of the canine community. He spoke of research on the dogs.

Robin Polivka, appearing in opposition, stated that testimony was all about what the Kane were going to do, but if she wanted to build a house, she wouldn't be allowed to start without permits, yet the Kane's have done a lot of work without any permits from the Federal, State, County and local level. They have shown a total disregard for laws. Nowhere in the CUP information did it say they were doing a research breeding, they said they were doing "purpose bred dogs".

Kelly Hohneke, appearing in opposition, stated that the USDA defines what the Kane's are doing as laboratory animals must be licensed. She stated the Kane's are constantly stating they do have a license, yet they don't have a license, and didn't know they needed a license. She stated that the community has been left in the dark.

Chair Spencer asked Daniel to address the retail activity. Daniel provided guidance on the interpretation of subheadings in the zoning ordinance.

Dietz questioned if they would be prepared to vote on this issue today and if more research is necessary.

Seeing as no one else wishes to speak, the Chair closed the public portion of the hearing at 11:52 a.m. and went into deliberation.

The committee recessed for 5 minutes.

The committee reconvened at 12:03 p.m.

The committee reviewed the findings of fact form for conditional use standards and determined findings for each of the standards and criteria.

Motion by C. Whitsell/J. Dietz to approve the conditional use permit, with the recommended conditions by staff, with the correction to staff condition H. Motion carried, all in favor (6-0 with Krueger absent).

Dietz left the meeting (1:00 p.m.)

Discussion and possible action on a conditional use permit for two Planned Rural Development (PRD) lots for Terry Hanson, located in Section 24, T10N, R6E, Town of Sumpter, Sauk County, pursuant to Chapter 7, Subchapter IX, of the Sauk county Code of Ordinances.

Simmert reviewed the PRD history and background request, as well as the recommended approval by the Town of Sumpter. Motion by C. Whitsell/G. Johnson, to approve the PRD/CUP for Hanson. Motion carried, all in favor.

Review and approval of vouchers – Templin reviewed vouchers in the amount of \$6,943.96. Motion by G. Johnson/B. Newport to approve vouchers in the amount of \$6,943.96. Motion carried, all in favor.

Next meetings of the Conservation, Planning, and Zoning Committee will be held on Thursday, August 8th at Tuesday, August 27th, 2019, at 9:00 a.m..

Motion by G. Johnson/C. Whitsell to adjourn the meeting at 1:05 p.m. Motion carried, all in favor.

Respectfully submitted,

Glen Johnson, Secretary