

**SAUK COUNTY BOARD OF SUPERVISORS
CONSERVATION, PLANNING, AND ZONING COMMITTEE
Tuesday, March 27, 2018
County Board Room/Gallery, Sauk County West Square Building**

Conservation, Planning, and Zoning (CPZ) Committee members present: D. Polivka, J. Ashford, J. Dietz, C. Spencer, S. Laubscher (arrived 9:02).

Absent: M. Flint, C Pettersen (excused)

Others present: L. Wilson, G. Templin, B. Simmert, K. Felton, M. Krueger (via phone)

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 amended agenda: Motion by J. Ashford/C. Spencer to adopt the amended agenda as presented. Motion carried, all in favor.

Adopt minutes: Motion by C. Spencer/J. Dietz to approve the March 8, 2018 CPZ Committee meeting minutes. Motion carried, all in favor.

Public Comment:
None.

Communications:
None.

Discussion and possible action on Parks Department to CPZ Oversight Krueger appeared via phone. He discussed the possible move of the Park Department to the CPZ Oversight Committee. He stated the Highway Committee believes the Parks Department should remain under their oversight.

Ashford asked for more reasoning as to why the change is being requested. Krueger explained that the CPZ and Parks departments work closely together in the work that they do and the conservation practices that are done in conjunction with parks projects and on parks property. Krueger reminded the committee that the suggestion is and should be considered for functional reasons and not territorial.

Polivka spoke of the work that CPZ does with the Parks Department such as the dams, trails, etc., and can see where it does fit, but doesn't want to get into a turf war with the Highway Committee. He hopes everyone can sit down and discuss it with an open mind.

Dietz stated there is a natural synergy between conservation and parks where there is no synergy between highways and park, particularly owning all this acreage and the work being done. He doesn't believe there should be a turf war.

Spencer agrees with Dietz and it seems natural to him that conservation and parks fits together better than highway and parks do.

Polivka feels something can be worked out. Krueger asked if there was any concern of overburdening the committee or making meetings longer. Polivka stated there is a consensus of the committee that they are willing to discuss it and consider it. Krueger talked about possible options going forward.

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 04-2018. A petition to consider a conditional use permit pursuant to s7.036(1)(i) for a bed and breakfast establishment. Said conditional use is located in the Town of LaValle, Sauk County. Lands affected by the proposed conditional use are located in the SE ¼, of the NE ¼, Section 20, 13N, R3E, Town of LaValle, and as further described in Petition 04-2018. Tax parcel identification number 024-0519-00000, and owned by Brent Yauchler.

Lisa Wilson, Director, Conservation, Planning and Zoning, appeared to provide the background and history of the request for the committee.

Polivka asked if there are any concerns with runoff and disturbance. Wilson stated we have not received any complaints and the staff have no concerns with runoff or issues with the surrounding wetlands or floodplain.

Polivka asked about the ingress/egress. Wilson stated they do have an ingress/egress easement of which the document has been attached.

Brent Yauchler, applicant, appearing in favor, stated that they are applying for the CUP in order to comply with the requirements due to transferring ownership and his mother lives on the property and runs the Bed and Breakfast.

Spencer asked if he plans to continue to live at his current residence rather than at the subject property. Yauchler stated he is unsure if he plans to live offsite, however, for now it is his mom's home.

Seeing as no one else wished to speak, Polivka closed the public testimony portion of the hearing at approximately 9:33 a.m. and the Committee went into deliberation.

Polivka reviewed the Finding of Facts with the committee and noted that the applicant specifically has met each item. Polivka then reviewed the secondary standards with the committee.

Motion by J Ashford/J Dietz to approve the CUP the continued use of a Bed and Breakfast, with the recommend condition from Conservation, Planning and Zoning Department. Motion carried, all in favor.

b. Petition 05-2018. A petition to consider a conditional use permit pursuant to s7.040(3)(i) for a sewing fabrication business. Said conditional use is located in the Town of Bear Creek, Sauk County. Lands affected by the proposed conditional use are located in the SE ¼, of the SE ¼, Section 3, 10N, R3E, Town of Bear Creek, and as further described in Petition 05-2018. Tax parcel identification number 004-0429-00000, and owned by John Bontrager.

Lisa Wilson, Director, Conservation, Planning and Zoning, appeared to provide the background and history of the request for the committee as well as recommended conditions if the cup is granted. She then reviewed the conditions requested by the Town of Bear Creek, if the conditional use permit is approved by the committee.

Polivka asked about seeding that would need to be done. Wilson explained.

Spencer asked if this comparable use determination establishes a . Wilson stated future requests would still have to go through the process and be verified that they are a similar use.

John Bontrager, applicant, appearing in favor of the request, stated the use was started 4 years ago and due to growth, it has evolved. They are now required to obtain a CUP in order to add onto the business.

Spencer asked if he resides at the location. Bontrager stated he does live there.

Marty McCluskey, appearing as interest may appear, stated the Bear Creek Plan Commission and Town Board approved the request with conditions.

Spencer asked about similar situations and whether or not it is out of compliance with town plans and if there are any concerns. McCluskey stated it is concerning, but the plan was done in 2008 and feels they are going through the process now to make revisions and it is the county's decision.

Kathy Dwyer, appearing in favor, stated that they are the adjacent landowners to the applicants and they are supportive to the business. She thanked the Town and County for being open to other options to farming.

Seeing as no one else wished to speak, Polivka closed the public testimony portion of the hearing at approximately 9:52 a.m. and went into deliberation.

Polivka reviewed the Finding of Facts with the committee and determined the applicant has specifically met each one. Polivka then reviewed the secondary standards with the committee.

Bontrager asked about conditions from the Town of Bear Creek Plan Commission and the requirement that it meet state code.

Wilson explained that the County does not enforce building code; and the applicant would need to work with the Town and/or the state to determine what permits and requirements must be met.

McCluskey stated the inspection is similar to others, however, the building permit is to make sure structures get on the tax rolls. However, in the language on the CUP, it states all state, county, local permits are required to grant this. However, as far as the township, they have concerns on the number of people being employed and if higher standards are required.

Motion by J Ashford/C Spencer to approve the CUP for a sewing fabrication business, with the recommended conditions from Conservation, Planning and Zoning Department and the Town of Bear Creek, removing the requirement to enforce state code on the building permit. Motion carried, all in favor.

c. Petition 06-2018. A petition to consider a conditional use permit pursuant to s7.027(10)(i) for a sawmill. Said conditional use is located in the Town of Baraboo, Sauk County. Lands affected by the proposed conditional use are located in the NW ¼, of the SE ¼, Section 28, 12N, R6E, Town of Baraboo, and as further described in Petition 06-2018. Tax parcel identification number 002-0887-00000, and owned by Dan Parsons.

Lisa Wilson, Director, Conservation, Planning and Zoning, appeared to provide the background and history of the request for the committee. She also provided written correspondence from Steve and Cheryllynn Wilkins regarding concerns they have with the proposed use.

John Crowley, appearing as interest may appear, stated he is an adjacent neighbor and is concerned by the potential truck traffic, noise complaints, and was not aware that it was even being considered by the Township. He requested that the committee consider the impact on their quality of life.

Dan Parsons, applicant, appearing in favor of the request, stated that the farm has always had a sawmill, but if they leave it more than 10 days they need a CUP. He explained that they would like to leave it set up so that if they need to use it, they could do so. He stated they have no intention of making a commercial use out of it and would only be for personal use on their farm.

Spencer asked in the last year how much they operated the sawmill. Parson stated only 1 day.

Spencer asked about only using it for farm use/personal use. Wilson stated once the CUP is issued, they are allowed to use it. Spencer stated he is concerned about opening up the use and the addressing the neighbors' concerns.

Jolene Crowley, appearing as interest may appear, stated she is an adjacent owner and she is concerned about what is going to come down the road. Although the applicant has stated he is a dairy farmer, she has never seen any cattle other than young stock and concerned about a larger logging company taking place.

Michael Parson, appearing in favor of the request, stated he lives on site, and when the 4 lane highway went through they cleared about 8-10 acres of hardwoods and it was stacked and they sawed them into log length so that they can cut them, burn the wood, etc. They have no intention of clear cutting trees to make more wood, the intention is to set it up to use it when they need it and to use it when they have time.

Wilson reappearing spoke of the secondary standards that speaks of hours of operations and no commercial sales and the specification provided by the applicant. Wilson stated that the Committee in making findings had the opportunity to specify that no commercial sales are allowed, it is for personal use only. Wilson stated that should the applicant chose to conduct commercial sales, it would be considered an expansion of the CUP and would require a new application.

Parsons, reappeared to address questions from the Committee.

Spencer asked if he would be opposed if they cannot operate more than 2 consecutive days during the week. Parsons stated he would be ok with that. Polivka stated he would be concerned with that and would hate to restrict them. Polivka verified they agree to no commercial sales. Parsons agreed they would have no commercial sales and it would be for personal use only.

John Crowley, reappearing, stated he respects the word of the Parsons and if this is what they are going to do, then he believes that is what they are going to do and has no further objections.

Seeing as no one else wished to speak, Polivka closed the public testimony portion of the hearing at approximately 10:40 a.m. and went into deliberation.

Polivka reviewed the Finding of Facts with the committee and each are specifically met. Polivka then reviewed the secondary standards with the committee.

Motion by C Spencer/J Ashford to approve the CUP for a small sawmill business, with the recommended condition from Conservation, Planning and Zoning Department, and that no commercial sales allowed be allowed, as the sawmill is for personal use only. Motion carried, all in favor.

d. Petition 07-2018. A petition to consider a conditional use permit pursuant to s.7.038(9)(i) for a mobile tower siting. Said conditional use is located in the Town of LaValle, Sauk County. Lands affected by the proposed conditional use are located in the SE ¼, of the NE ¼, Section 26, 13N, R3E, Town of LaValle, and as further described in Petition 07-2018. Tax parcel identification number 024-0713-00000, and owned by the Mihlbauer family.

Lisa Wilson, Director, Conservation, Planning and Zoning, appeared to provide the background and history of the request for the committee, as well as any recommendations if the CUP is approved.

Ken Franzen, Bug Tussel, agent for the applicant, appearing in favor of the request, stated that the tower will be a 199' free standing tower and include Bug Tussel internet, AT&T cellular and First Net. Franzen stated that the FAA and FCC reports take about 180 days and can come afterwards. He addressed the location, the lighting and based on AirNav, if the tower is under 200' it won't have to be lit.

Polivka asked if this is the site listed as the "Sauk County Panhandle". Franzen stated that one is located in Wonewoc.

Spencer stated he felt they all should be lit. Franzen stated that most lights cause issues with neighbors.

Polivka questioned if Franzen understood the conditions recommended by staff.

Franzen stated that he understood and what adhere and provide information as requested.

Seeing as no one else wished to speak, Polivka closed the public testimony portion of the hearing at approximately 10:55 a.m. and went into deliberation.

Polivka reviewed the Finding of Facts with the committee showing they specifically met each one. Polivka then reviewed the secondary standards with the committee.

Motion by C Spencer/J Dietz to approve the CUP for a mobile tower siting unit/facility, with the recommend conditions from Conservation, Planning and Zoning Department. Motion carried, all in favor.

Land Records

a. Department Report. Felton reviewed the department report.

b. Vouchers. Felton reviewed vouchers in the amount of \$495.84. Motion by C Spencer/S Laubscher to approve vouchers in the amount of \$495.84. Motion carried, all in favor.

Discussion and possible action on County Farm Building removal Wilson reviewed the proposal of the Highway Department to move forward on the demolition of the county farm buildings damaged by the storm in 2017. She reviewed the amount of funds provided by the insurance coverage and the amount that could be provided by contracted services. Motion by J Dietz/S Laubscher to proceed with the Sauk County Highway Department to provide the demolition services at the Sauk County Farm. Motion carried, all in favor.

Discussion and possible action on an amendment to the Town of Merrimac Zoning Ordinance pursuant Wis. Stat §60.10(2)(c) Simmert appeared and provided the background to the Merrimac Zoning Ordinance update and reviewed the information submitted by the Town of Merrimac. Polivka asked if there was any reason why the committee should not consider it. Simmert stated he didn't see any reason to deny the request. Motion by J Ashford/C Spencer to approve an amendment to the Town of Merrimac Zoning Ordinance. Motion carried, all in favor.

Discussion and possible action on a conditional use permit for a Planned Rural Development (PRD) lot for Yoder at al c/o Brandon Wikman located in Section 36, T10N. R3E, Town of Franklin, Sauk County, pursuant to Subchapter IX, of the Sauk County Code of Ordinances

Simmert appeared and provided a background and history on the PRD lot for Yoder/Wikman located in the Town of Franklin. He also confirmed that the lot meets the conversion rate allowed, with no concern with erosion or water issues, adequate facilities/utilities and road access. Motion by J Dietz/C Spencer to approve the PRD/CUP with the conditions recommended by CPZ. Motion carried, all in favor.

Discussion and possible action on a conditional use permit for a Planned Rural Development (PRD) lot for Larry & Linda Wiese c/o Matt Filus located in Section 14, T11N. R4E, Town of Westfield, Sauk County, pursuant to Subchapter IX, of the Sauk County Code of Ordinances

Simmert reviewed the background and history of the PRD lot for Wiese located in the Town of Westfield. He verified the conditions seem to be met and the conversion rate has been met, and has been approved by the Town of Westfield. Motion by J Dietz/C Spencer to approve the PRD/CUP with the conditions recommended by CPZ. Motion carried, all in favor.

Next meetings of the Conservation, Planning, and Zoning Committee will be held on Thursday, April 12th and Tuesday, April 27th at 9:00 a.m. Motion by C Spencer/C Pettersen to adjourn the meeting at 10:35 a.m. Motion carried, all in favor.

Respectfully submitted,

Judy Ashford, Secretary