

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, MARCH 1, 2018 1:00 P.M.**

CALL TO ORDER

Mr. Morris, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Richard Morris James Siepmann Robert Peregrine
 William Mitchell Bonnie Morris

Members Absent: William Maslowski

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Kathy Brady, Support Staff Supervisor
 Duane Grimm, Park System Manager
 Rebekah Leto, Senior Land Use Specialist

Guests Present: Patricia Downing: 2A Thomas and Patricia Downing
 Jack Gaudion: 3A Jack Gaudion, The Legend at Merrill Hills
 Laurie Longtine: 3A Jack Gaudion, The Legend at Merrill Hills
 Gary Lake: ZT-1861, Town of Brookfield Board
 Erica Savary: CU-1436C and PO-17-OCOT-20 Pepper Hill Farm
 Eric Griedl: CU-1436C and PO-17-OCOT-20 Pepper Hill Farm
 Carl Hahn: CU-1436C and PO-17-OCOT-20 Pepper Hill Farm
 Sasha and Jason Darby: CU-1614 and PO-16-OCOT-02 Mapleton Barn

CORRESPONDENCE: Public comment received March 1, 2018, from Lori Longtine.

MEETING APPROVAL: None.

MINUTES: None.

PUBLIC COMMENT: None.

SCHEDULED MATTERS

- 1:00 p.m. **Consideration of the Year 2018 Requests for Amendments to the Comprehensive Development Plan for Waukesha County.**

- **2A - Thomas and Patricia Downing**, W293 N7882 Camp Whitcomb Road, Hartland, WI 53029, request a portion of the property located in part of the W ½ and the NE ¼ of Section 14, T8N, R18E, Town of Merton (Tax Key No. MRTT 0341.977), be amended from the Primary Environmental Corridor category to the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit), to allow for a second residence on the property as part of a Planned Unit Development.

Mr. Fruth indicated the following persons spoke at the February 22, 2018, Public Hearing:

- Thomas and Patricia Downing, petitioner.
- Ken Dragotta, neighbor, who asked questions regarding the preservation of wetlands on the south portion of the property, to which Mr. Fruth indicated they are preserved by zoning and State Law because it is a mapped wetland. In addition, the petitioners are volunteering a conservation easement for additional protection.

Mr. Fruth said the amendment would only cover a portion of the property to recognize the disturbed area of the site and modify the Environmental Corridor boundary to allow the second residence to be created. He noted the Planning and Zoning Division Staff is recommending approval of the request. The approval would result in a good outcome from a natural resource perspective with assurances of long-term preservation of the woods and wetland on the property. In addition, the petitioners have agreed to a single pier access point for both residences.

Chairperson Morris explained that Mr. Siepmann was not present at the February 22, 2018, meeting/public hearing. However, he was able to listen to the digital recordings of the meeting, so he would be able to participate in the discussion and voting for today's agenda matters.

Mr. Mitchell commended the petitioners for the cleanup and preservation of their land.

After discussion, Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **2B - The Waukesha County Park and Planning Commission**, 515 West Moreland Blvd., Waukesha, WI 53188, requests property owned by the Richard H. Simmons Revocable Living Trust Dated 12/23/14, W335 N8435 Stone Bank Road, Oconomowoc, WI 53066-9719, located in part of the NW ¼ of Section 7, T8N, R18E, Town of Merton (Tax Key No. MRTT 0314.998), be amended from the Rural Density and Other Agricultural Land and Isolated Natural Resource Area categories to the Farmland Preservation category (35 acres of area per dwelling unit or greater), with the Isolated Natural Resource Area to be placed in the Environmental Corridor Overlay category.

Mr. Fruth explained that the request is to amend the category for a single property, located in the Town of Merton to the Farmland Preservation category. The property contains both tilled acreage and acreage which has been planted in evergreen type vegetation. The proposal will allow the petitioner to become eligible for Farmland Preservation programs and the associated credits. The State Department of Agriculture worked with the Planning and Zoning Division Staff in coming up with a solution for the petitioner.

After discussion, Mr. Peregrine moved, seconded by Mrs. Morris and carried unanimously for approval, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **3A - Jack Gaudion, representing The Legend at Merrill Hills, LLC**, 1325 E. Bristlecone Drive, Hartland, WI 53029, requests property located in part of the SE ¼ of Section 18, T6N, R19E, Town of Waukesha (Tax Key No. 1368.978.003), be amended from the Recreational category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to accommodate a Planned Unit Development containing 33 single-family homes within a gated golf course community.

Mr. Fruth indicated the following persons spoke at the February 22, 2018, Public Hearing and briefly summarized the public hearing comments:

- Lori Barton, representing the Estate of Gerald C. Barton, and lands located to the south. There was a question of survey accuracy. He described that the Barton's surveyor did not have a legal description that the other surveyor working on behalf of the developer had in his possession. The two surveyors have communicated which may have resolved part of the issue. He noted there is still a slight discrepancy regarding the property lines, but is not material to the Land Use Plan amendment. Property line disputes should be addressed when the lands are platted. The request will result in a Condominium Plat and the Town of Waukesha should reach out and communicate with both surveyors to try to come to an agreement.
- Attorney Kevin Bublitz, representing the Estate of Gerald C. Barton, submitted written comment expressing concerns regarding vegetation removal as a result of survey boundary discrepancies.
- Lori Longtine, property owner on Oak Knoll Drive, submitted written correspondence shortly before today's meeting. He noted the correspondence was copied and distributed to the Park and Planning Commission. She also spoke at the public hearing and expressed the following concerns:
 - The process had failed her neighbors and herself.
 - She was not opposed to the idea of the development but objected to several aspects, including drainage issues relating to the existing driving range.
 - The parcel acquired for proposed emergency access via Oak Knoll Drive.
- Shaun Malarkey, Town of Waukesha Planner spoke about the issues that were raised by the neighbors. He indicated that the Town followed all of the proper procedures, and conducted a lengthy public hearing accepting testimony.
- Peter Urlacher, adjacent property owner, expressed concerns regarding standing water on his property, high groundwater in the area, noted there were large areas of wetland in the area and that the Isolated Natural Resource Area is important for wildlife.
- Ron Agen, adjacent property owner to the southeast expressed the following concerns:
 - He identified that extensive drain tiling had been done on the property and he wanted it to be known.
 - Concerns regarding high groundwater and additional runoff adversely affecting septic systems.
 - All the property owners along Oak Knoll Drive had signed a petition against access to the development being provided via Oak Knoll Road. Mr. Fruth clarified that originally two (2) accesses (in two different directions) were to serve the development. The latest Concept Plan

proposes the sole residential access being from Sun Valley Trail and the parcel on Oak Knoll Drive would be for emergency access only.

- Concerns relative to developers on the Town of Waukesha Board having imbalanced views.
- He approved of the gated community concept with large lots.
- He also submitted written correspondence expressing concerns regarding tree cutting and wildlife impact.

- Dyann Harp, submitted written correspondence objecting to the proposed Land Use Plan Amendment.

Mr. Fruth indicated that all written public hearing comments are attached to the “Staff Report and Recommendation” as Exhibit “C”. He summarized the concerns mentioned as generally being related to surface water drainage and high groundwater in the area.

Mr. Fruth stated at the February 22, 2018, Public Hearing, Staff from the Waukesha County Land Resources Division (LRD) spoke about the challenging drainage conditions that exist currently in the surrounding neighborhoods. The Planning and Zoning Division Staff has spent a considerable amount of time speaking with the LRD to make sure all concerns are fully understood and that all of the comments were shared. LRD Staff indicated that many of the offsite issues could potentially be improved if the proposed stormwater management plan for the development is implemented properly. LRD also indicated that offsite runoff could be reduced through the use of infiltration basins proposed on the site. Mr. Fruth further explained that stormwater details are relevant to discuss at the plan amendment stage, however, the proposed request is for the appropriate land use category for the property. Mr. Fruth pointed out the existing Land Use categories on surrounding properties. He stated that properties to the west and east are in the Low Density Residential category and Isolated Natural Resource Area (INRA) is located in the southeast corner of the property. The petitioner’s proposal preserves the INRA, however, a limited amount of area would be encroached upon to place septic systems on the fringe edges of the wooded area. In addition, the Waukesha County Environmental Health Division Staff has indicated the proposal may result in only a few trees being lost on one (1) lot.

Mr. Fruth mentioned that preservation areas are being proposed on the back portions of the private lots. The septic systems being proposed reduce the overall area needed for a mound system by approximately one-half and the preservation proposal for the INRA is consistent with local and regional plans. He noted that the single-family condominium form of development brings forward housing diversity consistent with the recommendations of the regional housing plan. The Planning and Zoning Division Staff is recommending approval of the request with two (2) conditions. One, that the property be developed as a Planned Unit Development and in conformance with the Concept Plan (Exhibit “A” of the Staff Report and Recommendation). The other condition is that the INRA be protected in conformance with Exhibit “B” of the Staff Report and Recommendation.

Mr. Mitchell referenced the drainage concerns of the adjacent properties (caused by the practice/driving range) and wanted to know if there was a way to address/offer more assurances with stronger language and recourse for the neighbors. He further explained that he visited the Schroeder property and over a week after a heavy rain, their yard was still flooded. In addition, he commented that the gated condominium development is a plus for the area, however, he understood the site is very challenging and would like to help the neighbors with their current negative impacts of the site.

Mr. Fruth replied, the reason a condition was not included is that the Waukesha County Stormwater Ordinance applies to these types of situations and deals with the issues mentioned and State requirements. Staff felt that it was not necessary to re-state something that is already required by the County Ordinance. In addition, a preliminary Stormwater Management Plan has been approved. A final plan has not yet been submitted. Mr. Mitchell asked if the current golf practice range was reviewed under the Stormwater Ordinance, because if it did, it failed in that regard. He wanted to make sure everyone involved is held accountable if the project develops. Mr. Fruth responded that he was unsure of the history of the property.

Mr. Peregrine asked why the discussion so involved with the developmental issues of the project, when in fact, the Commission's role is to review and approve a land use plan designation. He added that it seems the Commission is being steered in the direction of the ultimate decision regarding the approval of the development. He recognized that the issues being raised are important, however, the Town of Waukesha can revise the information in the "Staff Report and Recommendation." Mr. Siepmann stated that the Commission is not approving the layout. Mr. Mitchell said the information being provided would have an impact on the land use change. Mr. Siepmann added that the County will look at the development with the same scrutiny as the Town at another level beyond the Commission's decision. He did not think it was the responsibility of the County in their ordinance, to create a complete repair of the drainage conditions in the neighborhood. Most developers would attempt to repair as much as they can, however, allowing the development to proceed may not fix all of the problems. Chairperson Morris agreed, and added that the new development should not enhance the current drainage problems. Mr. Mitchell said the neighbors have water and drainage problems now and do not want additional issues with the new development. Mr. Fruth clarified that the Town of Waukesha has general zoning authority over this property and it is not located within County Shoreland jurisdiction. There is a County Stormwater Ordinance administered by the LRD, which applies to the entire Town of Waukesha. The County stormwater review will cover this site and there needs to be communication between Town zoning staff, Town planning staff and the County LRD staff regarding the review of the project.

After discussion, Mrs. Morris moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- ***3B - The Town of Waukesha Board***, W250 S3567 Center Road, Waukesha, WI 53189, requests properties located in part of the SE ¼ of Section 7, T6N, R19E, Town of Waukesha (Tax Key No.'s WAKT 1324.990, WAKT 1324.990.002 and WAKT 1324.990.003), be amended from the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit) to the Commercial and Office Park category, to expand the planned commercial area in the vicinity of Green Lane.

Mr. Fruth indicated that adjacent properties include commercial to the east, a church, a residential property in between Mudjackers Inc. and the church, and the three (3) properties subject to the request, which are located immediately west and south of the area planned for commercial. The Town and County Land Use Plans differ on the land use designation. Although the Town is the petitioner for the request, it was precipitated by the westerly property owner who approached the Town, filed a rezone and Site Plan/Plan of Operation application, and is operating a commercial business as a secondary use to his residential use on the property. There is a large area of Environmental Corridor on the west part of the property. Several persons spoke or provided written comment at the public hearing and the comments are summarized below:

- Mr. Kawatski, owner of the middle parcel subject to the request submitted two (2) written comments in opposition of the request and expressed the following concerns:
 - All three (3) residences included in the Town's request are well kept up and are not near the end of their useful life.
 - The surrounding area is environmentally sensitive.
 - He expressed frustration with the contractor business operating without permits on the parcel located immediately to the west.
 - The large driveway serving the contractor's operation was constructed within the Environmental Corridor.

- Mr. Fuller, adjacent neighbor to the west spoke in opposition of the request and expressed the following concerns:
 - Handling of pesticides, fertilizers and salt on the property.
 - He distributed several photos of water that was a bright, neon green color in a pond on his property, and felt it was due to the improper handling of the above-mentioned materials.
 - The owner of the west parcel was in violation of the residential zoning.
 - Concerns for his children and pets getting sick because of the polluted water in the pond on his property.
 - Hardwood trees have been clear-cut on the west parcel, soils compacted around mature trees and a garage constructed had not been sided after six (6) months.
 - The illegal business operation on the west parcel should be shut down.

- Diane Wisnieski, owner of the east parcel spoke in opposition of the subject request and expressed the following concerns:
 - Confirmed that her property is predominantly her family's home and she operates a small bakery from the home, which generates a small amount of traffic.
 - In opposition of the land use designation being changed to the Commercial category because of the potential increase in land value, taxes, etc.
 - Green Lane is in very poor condition and felt the Waukesha West Bypass changes could negatively affect her business.

- Shaun Mularkey, Town of Waukesha Planner mentioned the following comments:
 - The rezoning request for the west parcel had been denied by the Town for lack of sufficient information.
 - Clarified that the hearing was for a County Plan Amendment, not the previously denied rezoning request.

- Deanna and Brian Schirmacher, submitted written comments in opposition of the request, expressing the following concern:
 - Increased noise, light and the reduced quality of life.

- Robert Hartmann, submitted written comments in opposition of the request, expressing the following concerns:
 - Additional runoff and damage to his property
 - The new owner of the west parcel had constructed a pond within a conservancy portion of his parcel.

At the public hearing, Mr. Fruth noted that he had asked Mr. Mularkey if he was aware of allegations relative to pesticides, fertilizers, etc., to which Mr. Mularkey stated he was not aware of the concerns. In addition, Mr. Fruth indicated that the Planning and Zoning Staff was not aware of any of the allegations. The Waukesha County Environmental Health Division advised that the Department of Agriculture, Trade and Consumer Protection (DATCP) could potentially get involved in this type of matter if necessary. The LRD staff indicated that the disturbance which occurred should have triggered a County Land Disturbance Permit at a minimum. The LRD staff would like to contact the property owner and visit the property to investigate the issues and see if there is a violation issue and how it could be resolved.

Mr. Fruth explained that there is currently business zoning on the middle and easterly parcel. The decision regarding the County Land Use plan designation should not be influenced by zoning but rather how the land is used. The properties are used mostly for residential. As you travel west and to the south on Green Lane (past the church and Mudjackers), the rest are all residential homes with improved properties. Two of the three property owners do not want the Commercial designation and all of the speakers were opposed. Green Lane is a very narrow roadway and not in good condition and cannot handle additional traffic. The Planning and Zoning Division staff is recommending that it would be more timely to entertain a plan amendment if there were a broader vision for this area (Neighborhood Plan) and/or, a type of use that could live in harmony with the surrounding residential neighbors. At present there is someone operating a business without permits and potentially violating several local and County rules. Therefore, the Planning and Zoning Division Staff is recommending denial of the request.

After discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for denial, in accordance with the “Staff Report and Recommendation”.

- ***4 - The Waukesha County Park and Planning Commission***, 515 W. Moreland Blvd., Waukesha, WI 53188, requests a comprehensive amendment to the Waukesha County Park and Open Space Plan, which is Appendix A of the Comprehensive Development Plan for Waukesha County. The proposed updated Park and Open Space Plan, associated maps, and a summary of the proposed amendments can be viewed online at <https://www.waukeshacounty.gov/landandparks/park-system/park-and-open-space-plan/>.

Mr. Grimm, Park System Manger, introduced himself and indicated that Exhibit A3 (Three year Maintenance Plan) was removed because it was not part of the Park and Open Space Plan and is part of the County’s Annual Budget.

Mr. Fruth indicated that a public informational meeting was held and attended by approximately 25 persons where several comments were made regarding:

- **Tributaries to the Mukwonago River (Jericho Creek) and tributaries to Eagle Spring Lake:** Mr. Fruth said the intent is that those types of waterways which are not part of the Plan now will be revisited at some point when there is a broader look at greenway compatibility.
- **Tarrmann Fund:** Mr. Grimm that indicated a few years ago, the Waukesha County Board decided to cap the Tarrmann Fund, and reduce the annual amount allocated for purchases to \$500,000. Over the past 10 to 12 years purchases were normally not over the \$500,000 mark and any amount over \$500,000 would require County Board approval.

Mr. Fruth clarified that the reference to “acres of proposed County owned land” was removed because it was difficult at a countywide scale to have full confidence in a precise number, as lands are being redesignated for land conservancy organization acquisitions, other units of government, etc.

Mr. Peregrine asked, in the future, if updates are being proposed to the Park and Open Space Plan, that the Park and Planning Commission is expected to take action on, the Commission members be provided a copy of the plan, well in advance, to review. At the public hearing, two (2) copies of the plan were passed around the table during a presentation. It was hard to make an intelligent decision on such a detailed and complicated plan. Mr. Fruth said that it was a large update and there was a dedicated website created for the project, with a link to materials in the public hearing notice. He noted that Staff is willing to produce hard copies for those who prefer that format upon request.

After discussion, Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **ZT-1861 (Town of Brookfield Board) Town of Brookfield**

Mr. Fruth indicated the request is for a text amendment to the Town of Brookfield Zoning Code relating to mobile tower siting regulations (Matter tabled from the February 22, 2018, meeting).

Mr. Fruth indicated that the Town is making adjustments in order to come into compliance with the State law regarding permitting requirements for cell towers. The law states that units of government have very little authority with reviewing the placement and improvement of cell towers. They are not allowed to regulate what type of zoning district or where the towers can be placed. He stated that the County’s Codes have not yet been similarly updated. The cell tower owners are to do a self-report on the proliferation of towers, provide documentation that they have looked in the area and demonstrate that they cannot co-locate on another tower.

Mr. Lake, Town of Brookfield, said the text amendment is addressing 30-year old provisions within the Town Code, which are technologically and legally obsolete. A recent cell tower application was received at the Town regarding a cell tower. The Town Attorney mirrored the State Statute and proposed the text amendment that is being considered at today’s meeting.

Mr. Peregrine stated that a few years ago in the Town of Oconomowoc a cell tower was proposed on a hill along C.T.H. “K” overlooking the bypass. There were two (2) public hearings and the residents brought in several commercial pilots who spoke against the tower because it would be a serious impediment to normal navigational routes approaching the small airport to the east. The Town Plan Commission ultimately denied the request based on that reasoning and how pilots are trained as to which way to turn when they are landing and which way to turn when taking off. He wondered if the existence of the proposed Town of Brookfield text amendment could trump a hazardous safety concern. Mr. Mitchell added the FAA usually could.

Mr. Fruth stated there is a Waukesha County Airport Height Limitation Ordinance, which applies to the Waukesha County Airport, but he was unsure about the smaller airports within the County. If there is not a height protection around a specific airfield, there is nothing within the telecommunications law that prohibits a community from adopting an airport height limitation ordinance.

After discussion, Mr. Siepmann moved, seconded by Mrs. Morris and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.

• **SZ-1862 (Thomas and Patricia Downing) Town of Merton, Section 14**

Mr. Fruth pointed out the location of the property at W293 N7882 Camp Whitcomb Road in the Town of Merton on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural and EC Environmental Corridor Overlay Districts to the A-1 Agricultural District.

Mr. Fruth indicated the rezone request is relative to the Land Use Plan amendment request (2B-Town of Merton) heard earlier in the meeting. He reviewed the conditions of the rezone:

- The Land Use Plan amendment shall be adopted by the Waukesha County Board prior to the rezone being effective.
- The area proposed to be preserved be set aside in a Conservation Easement.
- The pier arrangement be a single point of access and the details be included within the Conservation Easement.

After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCU-1644 (Thomas and Patricia Downing) Town of Merton, Section 14**

Mr. Fruth pointed out the location of the property at W293 N7882 Camp Whitcomb Road in the Town of Merton on the aerial photograph. He indicated the request is for a Planned Unit Development consisting of two single-family residences on the same property.

Mr. Fruth indicated the request is related to the Land Use Plan amendment (2B-Town of Merton and rezone SZ-1862).

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU-1614 (Mapleton Barn) Town of Oconomowoc, Section 2**

Mr. Fruth pointed out the location of the property at W359 N9370 Brown Street in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a two-year review of Mapleton Barn and to increase number of special events.

Ms. Leto, Senior Land Use Specialist, indicated the petitioners have been in operation since 2016. All aspects of the Site Plan have been incorporated which were originally proposed (parking, ADA entrance, dumpster, etc.) and they have incorporated a natural area of native prairie plants. Future plans include remodeling the shed for a dressing room for bridal parties and to increase the number of events. They were originally approved for 10 events in the first year of operation, 35 events in 2017, and are requesting 50 events per season. The Fire Department made an error when determining the occupancy limit for the barn. It was set at 150 persons and they have now increased it to 175 persons. The Town

recommended approval of the request modifying two (2) conditions of the original approval (the business would no longer be on a trial basis and no longer have to come back for an annual review and the number of events would be increased to 50 per season).

Mr. Darby said the motivation for increasing the number of events is to incorporate non-wedding type events (bridal showers, family or class reunions and smaller type parties).

Mr. Mitchell asked if there were any negative issues with the operation, to which Ms. Leto replied, “No, and the petitioners have been complying with the conditions of approval.” Chairperson Morris asked if there was an updated map showing the parking improvement and handicap parking? Mr. Fruth pointed out the area in question on the aerial photograph. Mr. Darby added it is located on the northeast corner, and the acre to the south of the parking lot is the natural prairie grass area intended to filter any runoff. Ms. Darby pointed out the location of the driveway and handicap parking on the aerial photograph. Mr. Peregrine asked if 41 parking spots was enough for 175 people? Ms. Darby replied, yes, and added that some events hire shuttles to bring guests, some rent school buses, and there have been no parking issues. Chairperson Morris asked what is considered a season for the business? Ms. Darby replied, May through October. Mr. Darby further added that the barn is not insulated for cold weather. Mrs. Morris asked if the number of guests should be revised in Condition No. 3 from 150 to 175? Ms. Leto replied, “Yes.” She added that they were just notified by the Fire Department about the change two days ago. The Commission agreed with the revision.

After discussion, Mr. Peregrine moved, seconded by Mr. Mitchell, and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum” with a revision to Condition No. 3 which will now read:

3. *No more than 175 guests shall be allowed at any one time in the barn and on the premises without prior Town and County approval. The Town Building Inspector and/or the local fire department shall confirm the maximum occupancy of the structures and any more restrictive number imposed by either entity shall prevail if lower than 175 persons.*

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PO-16-OCOT-02 (Mapleton Barn) Town of Oconomowoc Section 2**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1614) listed above.

After a brief discussion, Mr. Siepmann moved, seconded by Mrs. Morris, and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum” with a revision to Condition No. 3 which will now read:

3. *No more than 175 guests shall be allowed at any one time in the barn and on the premises without prior Town and County approval. The Town Building Inspector and/or the local fire department shall confirm the maximum occupancy of the structures and any more restrictive number imposed by either entity shall prevail if lower than 175 persons.*

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU-1436C (Pepper Hill Farm, LLC) Town of Oconomowoc, Section 8**

Mr. Fruth pointed out the location of the property at W389 N8640 Pennsylvania Street in the Town of Oconomowoc on the aerial photograph. He indicated the request is to modify the existing Conditional Use Permit to increase the maximum number of horses from thirty-five (35) to forty-five (45) horses. (Matter tabled from the November 16, 2017 meeting).

Ms. Leto said the matter was tabled at the November Park and Planning Commission meeting due to the owners being absent at the meeting. The Commission asked the Planning and Zoning Division Staff to contact the petitioner and advise them that the Park and Planning Commission would like a new Manure Management Plan prepared and submitted for the proposed increase to 45 horses. The Commission emphasized that the operation is limited to 35 horses until, or unless a new Conditional Use Permit is issued.

Ms. Savary and Mr. Griedl introduced themselves as the owners of Pepper Hill Farms. In addition, she introduced Mr. Hahn who is assisting them with their Manure Management Plan.

Ms. Leto reminded the Commission there were several complaints regarding the business in August 2017, listed below:

- The operation was not following the conditions of the Conditional Use.
- Too many horses on the property.
- The Manure Management Plan was not being followed.

Ms. Leto explained that the petitioners have been working with the LRD Staff and as the process continued, it was decided it was out of the scope of what they normally handle. The LRD staff suggested the petitioners hire a professional to prepare a Nutrient Management Plan rather than a Manure Management Plan. Ms. Leto noted the petitioners have taken the following steps so far:

- Contacted a professional to develop a Nutrient Management Plan to be in compliance with State Standards.
- An agreement was formed with a landscape business to remove manure from the property no less than once every 30 days as necessary, but at least once every 30 days.
- Manure was removed which was placed in the compost strip which was placed on the neighbor's property.
- The petitioners began spreading manure on the south 29 acres of cropland.

Ms. Savary said they have met with Mr. Hahn from Insight FS who is certified to do a Nutrient Management Plan. He visited the property and discussed ways to implement the plan, do soil testing once the ground thaws to see how much manure can be spread on the 29 acres of cropland, suggested that the manure be stacked during the summer on what was the compost manure strip and a combination of having it removed once the summer was over and then spreading on the cropland once the crops are gone. In addition, there is also a landscaping company that takes some of the manure and uses it for composting. She explained that a surveyor visited the property in November 2017 and marked all of the lot lines and they are currently staked with temporary stakes. Once the ground thaws, permanent fence posts will be placed on the corners, so it is clearly marked.

Ms. Leto stated the Planning and Zoning Division is recommending approval of the request with conditions. In addition, the Town of Oconomowoc asked that the Conditional Use be reviewed in May 2018. Mr. Peregrine asked if an amended Declaration of Restrictions is being required? Ms. Leto

confirmed that the petitioners would need to record a new Declaration of Restrictions with the updated conditions with an implementation date of June 15, 2018.

Mr. Siepmann recalled there were issues with the neighbors because the manure was spread onto their property. He asked if the issues have calmed down and been resolved with the neighbors? Mr. Gruell said if the neighbors had just talked to them about the issues they would have apologized and fixed the problems. Ms. Leto added that since the manure has been cleaned up she has not heard any more complaints from the neighbor. Mr. Siepmann asked where on the property the manure is going to be stockpiled? Ms. Savary pointed out the location on the aerial photograph, the corner closest to the road where there is easy access.

After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PO-17-OCOT-20 (Pepper Hill Farm LLC) Town of Oconomowoc Section 8**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1436C) listed above. (Matter tabled at the November 16, 2017, meeting).

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Siepmann to adjourn at 2:37 p.m.

Respectfully submitted,

William Mitchell

William Mitchell
Secretary

WM:kb

(PLEASE FILL OUT COMPLETELY AND PLEASE PRINT. THANK YOU.)

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
JACK GAUDION	118 LEGEND WAY WALES 53183	262-613-7305	MEADOW HILLS DEV	SAME
Patricia Downing	W293 N1882 Camp Whitcomb Rd	262 370 2129	C.U., Rezone	Self
GARY LAKE	645 N. JANACEK RD	262-796-3790	T. OF BROOKFIELD	
ERICA SAVARY	W389 N8640 Pennsylvania St.	262-442-2331	Pepper Hill Farm	Self
Eric Grull	W384 W8640 Pennsylvania St. S-3066	262-391-4013	Pepper Hill Farm	Self
CARL HAHN	222 E PUERNER ST. JEFFERSON, WI 53549	920-342-0732	PEPPER HILL FARM	Self CONSULTANT
Laurie Longline	W271 S3581 Oak Knoll Dr Waukesha 53185		Newill Hills ^{County} FFA	
RICHARD SCORCIOS	W335 N8235 STONEBANK RD ^{OCEAN HOLLOW}	262-966-2508	FARMLAND PRESERVATION	PETITIONER