

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, JUNE 18, 2020 1:00 P.M.**

Due to COVID-19, the meeting was conducted virtually via the Microsoft Teams application and phone access was also available. The meeting was open to the public and individuals were invited to participate via telephone or Microsoft Teams.

CALL TO ORDER

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

Commission

Members Present: Robert Peregrine (via Microsoft Teams)
Richard Morris (via Microsoft Teams)
James Siepmann (via Microsoft Teams)
William Mitchell (via Microsoft Teams)
Thomas Michalski (via Microsoft Teams)
William Maslowski (via Microsoft Teams)

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager (via Microsoft Teams)
Sandy Scherer, Senior Planner (via Microsoft Teams)
Ben Greenberg, Senior Land Use Specialist (via Microsoft Teams)
Kathy Brady, Support Staff Supervisor (via Microsoft Teams)

Mr. Fruth asked the Commission members if they were agreeable to the Planning Staff e-signing the expense sheets and ordinance signature sheets from today's meeting for them. The Commission agreed.

CORRESPONDENCE None

MEETING APPROVAL None

MINUTES Approval of the March 19, 2020, Minutes

After discussion, Mr. Mitchell moved, seconded by Mr. Morris and carried by a vote of 5-0 (Mr. Maslowski abstained from voting as he did not attend the meeting) for approval, of the March 19, 2020, Minutes as presented.

PUBLIC COMMENT

Susan Sorrentino asked if there was anyone from the public who was attending today's virtual meeting by telephone? Mr. Fruth responded, some of the Park and Planning Commissioners, no one from the public. He went on to identify meeting participants.

- **RZ61 (Text Amendments to the Waukesha County Shoreland and Floodland Protection Ordinance)**

Mr. Fruth explained the request is to amend the text of the Waukesha County Shoreland and Floodland Protection Ordinance relating to animal keeping regulations and to modernize various other miscellaneous code provisions.

Mr. Fruth indicated the public hearing was held for this matter on March 19, 2020 and a number of persons spoke on this matter. This request was precipitated due to several requests received by the Planning and Zoning Division Staff regarding backyard chicken keeping on smaller parcels of land. In addition, the text amendments include general animal provisions as there were inconsistencies between zoning districts in the County's Ordinances. He noted that staff has revised proposed ordinance language in response to comments received at hearing. He explained that text has been modified to defer to the Town of Eagle horse and livestock provisions for those parcels located within the shoreland jurisdictional area of Eagle. This will ensure that Eagle residents can keep one horse per acre even for lots less than three acres in size. Mr. Fruth explained that although several speakers at the hearing believed that this has long been the standard in all areas of Eagle, since 1995, shoreland areas of Eagle were limited to one horse for the first three acres of land. Staff feels confident that this revision addresses the concern raised at hearing recently.

Mr. Fruth also noted that one person offered a comment at hearing about beekeeping and the Town of Mukwonago sent a letter after the close of public hearing suggesting beekeeping changes be considered relative to smaller lots. Mr. Fruth noted that because the sentiment of the participating towns early in the process was to not adjust beekeeping language in a significant way and because no comments from towns were received regarding this issue during the months when town comments were sought, staff has not prepared beekeeping language at this time. However, staff is not opposed to considering this issue further in subsequent amendments. He noted that the county has had nuisance complaints in recent years regarding beekeeping practices. Ms. Scherer, Senior Planner, did note that beekeeping requirements are proposed to be reduced from five acres to three acres in the last couple of districts that have not yet been reduced down to a three acre minimum requirement.

Ms. Scherer added that in addition to chicken keeping and the standardization of livestock keeping for the Town of Eagle, previously the County's Ordinance indicated one head of livestock or 20 poultry for the first three acres, and then one head of livestock or 20 additional poultry for every acre thereafter. The proposed text amendments change the language to one head of livestock and 20 poultry for the first three acres and one head of livestock and 20 additional poultry for every acre thereafter.

Ms. Scherer explained that in addition to the proposed animal amendments, other miscellaneous text amendments are being proposed as listed below:

- Delete the C-1 Conservancy District and the EC Environmental Corridor District and all references from the ordinances and revising all references to those zoning districts to the C-1 Conservancy Overlay District and the EC Environmental Corridor Overlay Districts. The overlay zoning districts were phased in over the past few years, and are no longer mapped, and can be removed.
- Delete the R-1a District from the Waukesha County Zoning Code as properties are no longer mapped and can be removed.
- Incorporate minor changes per the Wisconsin Department of Natural Resources requirements, to shore setback averaging language (Section 3(h)(2)(i)) of the Waukesha County Shoreland and Floodland Protection Ordinance.
- Revise farm signage provisions to allow for signs with a maximum of 20 square feet in area on farms of at least 35 acres in the various districts where signage is currently limited to small nameplates.
- Revise the "permitted use" language for the districts where private use greenhouses are permitted to clarify that nurseries, which are defined as containing sales activities, are not authorized in those districts.

- Modify the requirements for the timeframe for town conditional use recommendations and the conditional use notice mailing method. The first change would allow a town plan commission 45 days to advance a recommendation to the county rather than the 30 days that are currently specified in the Zoning Code in order to match the Shoreland Ordinance. This extended timeframe better accommodates town meeting schedules. In addition, the second change would make all references to the mailing of conditional use certified mail to state first class mail, which would resolve inconsistencies within the Shoreland Ordinance.
- Allow the wall height of boathouses from twelve feet to eleven feet (requested by the Town of Delafield).
- Currently nurseries are allowed to have sale activities within residential districts. The proposed amendments state that nurseries are not allowed in those districts.

Mr. Fruth clarified that Ms. Scherer did a considerable amount of research regarding the animal amendments. A modification of note since the public hearing is that the County is prepared to match the Town's code and to recognize the availability of equine trails within the Kettle Moraine State Forest which is a unique environment. He added that the proposed animal text amendments loosen the regulations and give citizens the opportunity to follow the trend of chicken keeping and brings consistency to the animal regulations while providing even greater flexibility to Eagle residents regarding keeping of horses.

Chairperson Peregrine commented that the Planning and Zoning Division staff did a good job on these amendments. There were no comments from the Commission or the public on this matter.

After discussion, Mr. Morris moved, seconded by Mr. Mitchell and carried unanimously for approval, in accordance with the "Staff Report and Recommendation".

- **RZ62 (Text Amendments to the Waukesha County Zoning Code)**

Mr. Fruth explained the request is to amend the text of the Waukesha County Zoning Code relating to animal keeping regulations and to modernize various other miscellaneous code provisions.

Mr. Fruth indicated that the proposed amendments are only applicable in the non-shoreland areas of the Towns of Oconomowoc and Ottawa. The amendments match the miscellaneous provisions discussed earlier in RZ61 (above) with the exception that shoreland related matters are not carried forward in this set of amendments.

Chairperson Peregrine asked if there were any comments from the Commission or the public on these amendments and there was none.

After discussion, Mr. Michalski moved, seconded by Mr. Siepmann and carried unanimously for approval, in accordance with the "Staff Report and Recommendation".

- **CU42 (HAWS/Shallock Foundation) Town of Delafield, Section 31**

Mr. Fruth pointed out the location of the property at W330 S1205 Kettle Moraine Drive in the Town of Delafield on the aerial photograph. He indicated the request is for conditional use approval for a campus dedicated to education in humane values including animal training classes, day camps, special events and limited keeping of animals on site.

Mr. Siepmann recused himself from voting on this matter due to a possible conflict of interest.

Mr. Fruth indicated that the property consists of three tax key parcels located west of CTH C and north of STH 18. The southerly parcel contains a pond, pole barn and residence. A wooded area is located north of the improvements. He explained that the request is for a number of animal related educational type uses, including offering classes for training animals, educating new or current pet owners, a day camp for children, conduct fundraisers, have a business office onsite, a caretaker quarters and a future pet cemetery and private dog park. They would like to house up to 25 dogs, 20 cats, 10 horses, 25 fowl, 10 goats or sheep and other occasional animals. Proposed site improvements include updating the restroom facilities by expanding and making them ADA accessible and a new septic facility to accommodate the new anticipated larger group sizes. At the public hearing, there were concerns expressed regarding noise from barking dogs, unsupervised public access on the north end of the property and increased traffic, although there was broad support for the proposed use of the property.

Ms. Olenik, Executive Director from HAWS indicated there is a need for humane education and bringing it back to the school system for children. She stated they had met with the neighbors and Town to discuss the project. Chairperson Peregrine asked if there were any questions or issues with the Staff Report and Recommendation? Ms. Olenik replied her only comment was that from the usage stand point they would like to open up and start in a small capacity prior to the installation of the parking lot. Mr. Fruth commented that at the public hearing, the issue of beginning to operate in a smaller capacity was discussed. The Site Plan included in the packet shows the improvement plan for the parking lot area. The petitioners would like to be able to operate ahead of the parking improvements being done. Ms. Olenik stated there would be small groups of children on site in the fall but she was referring to adult dog training classes to start now to generate income to cover the expenses. She indicated there would be approximately six participants along with staff at different times throughout the day. Mr. Fruth noted there were discussions with the Town regarding when the parking lot area would be done, but he did not see any reference to an early use operation in the Town's Conditional Use. He asked if she had approached the Town on this subject? Ms. Bonniwell, Shallock Foundation, responded the issue was mentioned at the most recent Town Board meeting and they indicated it was acceptable to them if the County agreed. Mr. Fruth said he considered it to be low impact if there were approximately six participants and a condition could be added to the Staff Report and Recommendation providing this accommodation if the Waukesha County Department of Public Works and the town find it acceptable. Chairperson Peregrine clarified it would be an early use provision, to which Mr. Fruth agreed. He asked if there was a particular date that the parking lot must be installed by? Ms. Olenik stated that in the Town's Conditional Use Order, Page 2, D, it states that small events can be accommodated with the existing parking facilities provided approval from the Waukesha County Department of Public Works is received and the Fire Department determines that the parking configuration provides adequate emergency services access. Mr. Fruth said the Town's condition could be added to the County's Conditional Use Permit by reference.

Mr. McFarland gave an overview of the parking lot area. He presented a preliminary site plan showing the current and future configuration and capacity of the proposed parking area. The timeframe for the parking lot construction would depend on what capacity the Shallock Center has currently. The construction plan brings the parking area and building up to ADA and commercial codes by adding egress paths and exit ways to the barn, adding bathrooms as well as the addition of a septic system to support the occupant load.

Chairperson Peregrine asked Mr. Fruth if the language in Condition No. 8 of the Staff Report could be revised to include small events and the parking lot completion date? Mr. Fruth expressed concerns as to the definition of a small event, how many attendees, etc. He asked if the Town of Delafield detailed any

information on small events? Ms. Olenik replied, that they would need to notify the Town and are to have no more than one event per month with groups between 50 and 150 persons maximum. Before the new parking area is completed she indicated there would be no more than 25 persons maximum. She clarified that currently there are 12 parking stalls and other parking spots near the house and barn (no parking on the grass). Mr. Fruth said that language could be added to Condition No. 8 stating that “small events are allowed before the new parking lot is constructed, accommodating no more than 12 vehicles, subject to the Waukesha County Department of Public Works and the Town of Delafield authorizing the same.” The Commission and petitioner agreed.

Mr. Mitchell asked if there was any requirement for manure control since there will be livestock on site? Ms. Olenik replied, in the Town of Delafield proposal, small animal waste (dogs/cats) would be bagged and removed. In addition, the waste/manure from larger animals would be spread on the fields on site where it would be spread into the soil. She clarified there would be no cows or pigs onsite. Mr. Fruth proposed a condition be added requiring a small animal waste management plan and manure management plan for larger livestock be reviewed and approved by the Waukesha County Land Resources Division. The Commission agreed.

After discussion, Mr. Mitchell moved, seconded by Mr. Michalski and carried by a vote of 5-0 (Mr. Siepmann recused himself due to a conflict of interest) for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with revisions to Condition No. 8 and an added Condition No. 13, which will now read:

- 8. Minor subsequent proposed changes to site plan elements or operational details may be authorized by Site Plan/Plan of Operation. Major changes, as determined by the County Planning and Zoning Division shall require a Conditional Use amendment.*

In addition, small events are allowed before the new parking lot is constructed, accommodating no more than 12 vehicles, subject to the Waukesha County Department of Public Works and the Town of Delafield authorizing the same.

- 13. A small animal waste management plan shall be submitted to the Waukesha County Planning and Zoning Division for review and approval. Prior to the keeping of livestock on the property, a manure management plan must be prepared by the petitioner and be reviewed and approved by the Waukesha County Land Resources Division.*

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.

- **SP101 (HAWES/Shallock Foundation) Town of Delafield, Section 31**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU42) listed above.

Mr. Fruth indicated that the Site Plan/Plan of Operation requires that more details be brought forward, specifically with reference to the private dog park and pet cemetery.

After discussion, Mr. Morris moved, seconded by Mr. Mitchell and carried by a vote of 5-0 (Mr. Siepmann recused himself due to a conflict of interest) for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with revisions to Condition No. 8 and an added Condition No. 13, which will now read:

8. *Minor subsequent proposed changes to site plan elements or operational details may be authorized by Site Plan/Plan of Operation. Major changes, as determined by the County Planning & Zoning Division shall require a Conditional Use amendment.*

In addition, small events are allowed before the new parking lot is constructed, accommodating no more than 12 vehicles, subject to the Waukesha County Department of Public Works and the Town of Delafield authorizing the same.

13. *A small animal waste management plan shall be submitted to the Waukesha County Planning & Zoning Division for review and approval. Prior to the keeping of livestock on the property, a manure management plan must be prepared by the petitioner and be reviewed and approved by the Waukesha County Land Resources Division.*

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. Mitchell moved, seconded by Mr. Morris to adjourn at 1:47 p.m.

Respectfully submitted,

James Siepmann

James Siepmann
Secretary

JF:kb