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Sanitation/Planning & Zoning/Dog Control

Meeting called to order at 6:05 P.M. by Alan McCoy.

Present: Cedric Schnitzler, Alan McCoy, Jim Kuhn, Ron Luethe and Mary Cook

Also Present: Alison Elliott-Sanitation, Zoning, Dog Control Administrator, Amber Dvorak-Humane Officer and Jeff Leis-on-call-Humane Officer.

Possible Corrections and Approval of November 15, 2021 Meeting Minutes.

A **motion** was made by Jim Kuhn, seconded by Cedric Schnitzler to approve the minutes from the November 15, 2021 meeting. Motion carried: 5-0.

Dog Control

Kevin Huff Wolf Hybrid Foster Facility Resolution
Kevin Huff-Restricted animal permit

Alison explained to the Committee that the resolution is to continue the designation of Mr. Huff's facility as a Wolf Hybrid Foster Facility to house surrendered or confiscated wolf- hybrids for the year 2022. Alison explained that this needs to be renewed every year by Committee resolution.

A **motion** was made by Cedric Schnitzler, seconded by Mary Cook to approve the renewal for Kevin Huff's Wolf Hybrid Foster Facility. Motion carried: 5-0.

Kevin Huff-Restricted animal permit

Kevin Huff needs to renew the restricted animal permit annually. Jeff Leis-On-Call Humane Officer went out to Mr. Huff's property to do the required inspection on December 4, 2021. Jeff reported that Kevin Huff has a very respectable and very well maintained facility as always which meets the Wisconsin Department of Natural Resources requirements for this type of animal.

A **motion** was made by Mary Cook, and seconded by Jim Kuhn to approve the restricted animal permit for Kevin Huff. Motion carried: 5-0.

Public Hearing:

Application of Moses Borntreger for a **conditional use permit** for the purpose of constructing a two family dwelling at 18772 Island Rd, WI in part of the NE 1/4, SW 1/4, Section 32, T17N, R1E, Town of Oakdale, parcel number 030-00831-0000, 39.59 acre parcel. The adjoining land use is agriculture and residential.

Alison explained that Mr. Borntreger was not able to attend due to dairy/farming time and asked her to explain to the Committee his intent. Mr. Borntreger is applying to construct a two-family dwelling. He would like to add a breeze way between two existing homes to join them together which would require a conditional use permit. Mr. Borntreger has 40 acres which is enough acreage to allow him to have a two-family dwelling.

Alison received an email from the Town of Oakdale and they did not have any objection to this application.

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Discussion was held:

A **motion** was made by Ron Luethe, seconded by Jim Kuhn to approve the application of Moses Bornreger for a conditional use permit for the purpose of constructing a two family dwelling at 18772 Island Rd. Town of Oakdale. Motion carried: 5-0.

Application of Aaron Brooks for a **conditional use permit** for a small business to manufacture and sell soap and cosmetic products on property located at 16481 Hamden Rd, in part of the NE 1/4, SW 1/4, Section 20, T17N, R4W, Town of Sparta, parcel number 040-00571-2700, 1.7 acres. The adjoining land use agriculture & residential.

Mr. Brooks was present to address the Committee and public. Aaron explained that his wife Missy and he originally started this business 3-3 ½ years ago in their kitchen for fun and enjoyment. As time progressed others heard of their soap making and it grew into going to Farmer's Markets, and craft shows. Eventually this turned in a business for them and found out from the county (Alison) that they needed a conditional use permit to do this and that is why they are here tonight to apply for their permit.

Letter was received from the Town of Sparta and Planning Commission recommending approval with the condition that the permit be nontransferable.

Discussion was held:

A **motion** was made by Cedric Schnitzler, seconded by Mary Cook to approve the application, of Aaron Brooks for a conditional use permit for a small business to manufacture and sell soap and cosmetic products with the one condition of it being nontransferable on property located at 16481 Hamden Rd. Town of Sparta. Motion carried: 5-0.

Application of Gary and Kathy VonHaden for a **conditional use permit** for a small business to sell garden plants and repurposed/antiques on property located at 9998 Elk Rd, in part of the SW 1/4, SW 1/4, Section 18, T18N, R1W, Town of LaGrange, parcel number 020-00565-0000, 20.35 acres. The adjoining land use agriculture & residential.

Gary and Kathy VonHaden were not present for the meeting.

Alison explained to the Committee and public that this is another business that started out small several years ago and has grown and were not aware that they needed a conditional use permit.

They are a small business that sells garden plants and repurposed antiques.

John Guthrie, Town Chairman of LaGrange, was present. He stated that the Town does not have any objections to the application.

Discussion was held:

A **motion** was made by Mary Cook, seconded by Jim Kuhn to approve the application of Gary and Kathy VonHaden for a conditional use permit for a small business for garden plants and repurposed/antiques on property located at 9998 Elk Rd, Town of LaGrange. Motion carried: 5-0.

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Application of Tracy Schaitel for a **conditional use permit** for a small business for a Dog Daycare on property located at 8175 Idol Ave, in part of the SW 1/4, SW 1/4, Section 35, T17N, R4W, Town of Sparta, parcel number 040-01194-3000, 1.79 acres. The adjoining land use agriculture & residential.

Tracy was present to address the Committee and public. Tracy stated she would like to start a new business and was interested in a Doggie Daycare. She lives on Idol Ave, a dead end road. She has approximately 2 acres. The hours of operation would be Monday through Friday-days. No weekends, evenings or overnights. This would mainly be for people that are looking for someone to watch their dogs during the day while they are working. She will be the only person so she is looking at only taking approximately 10 dogs full time.

Tracy stated that she has not pursued anything further at this time but is looking at putting up a pole shed where the dogs would be. The building would be on the edge of her property.

A letter was received from the Town of Sparta that both the Town and the Planning Commission approved the application with the condition the permit would not be transferable.

The Committee asked if Tracy needed a Kennel license to run the doggie Daycare.

Alison explained that she would not need because it's a business. She is watching other dogs but does not own the dogs. All dogs need to have current rabies and license obtained by their owners.

The question was asked how this would be monitored that all dogs have updated rabies and licenses, if records were going to be kept and does the State get involved in this.

Amber Dvorak-Humane Officer spoke and said that the State does not monitor Doggie Daycare's and that conditions would need to be put on the conditional use permit to that effect. They do not monitor number of dogs, which could be changed by the business owner at any given time if not put as a condition. There basically are no regulations for Doggie Daycares.

The Committee asked Tracy where the proposed building site would be located. Tracy stated that the shed would be on the lot line on the opposite side of where her neighbor lives. The Committee asked what setbacks pertained to this parcel. Alison informed the Committee this property is zoned R3-Rural Residential. Minimum setbacks are: 15 feet from side property; 63 feet from the center of road and 40 feet from the back property line.

Jennifer Knoll- the neighbor next door to Tracy-spoke. She was happy to hear that Tracy stated that she was only going to have the Doggie Daycare hours during the day and not during the weekends or evenings. However, she questioned what would happen if Tracy decided to change those hours or number of dogs, how would this be regulated? Jennifer does have a concern about property value since she lives so close to her.

Discussion was held:

A **motion** was made by Ron Luethe, seconded by Jim Kuhn, to postpone the public hearing for Tracy Schaitel for a conditional use permit for a small business for a Dog Daycare on property located at 8175 Idol Ave, Town of Sparta until January 17th, 2022, to give Tracy more time to present to the Committee an updated version of her plans. The Committee would like to see where the building site would be located, hours of operation, number of dogs, and plans for how she would document proof of rabies, licenses, etc. Motion carried: 4 yes -1 no (Alan McCoy).

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Application of Sam E. Borntreger for a **conditional use permit** for a Dog Kennel at 20102 King Rd Wilton, WI in part of the NW1/4, NE 1/4, Section 12, T16N, R1W, Town of Wilton, parcel number 048-00239-0000, 23.4 acres. The adjoining land use is agriculture.

Sam Borntreger was present to address the Committee and public. Sam explained that he would like to apply for a kennel license for a breeding facility for 10 adult dogs.

Sam stated that he applied for the State Seller's permit several months ago but has not received the permit yet. The State has informed him they received his information but are extremely busy and would be contacting him to set up his on-site inspection when their schedule allows.

Jeff Leis-Humane officer, stated he has been out to Mr. Borntreger's site several times and he has been very compliant and is trying very hard to follow regulations and get the necessary permits needed for this facility.

There was discussion among the Committee regarding the Town of Wilton resolution and if the County is required to enforce it. Alison explained only the conditions placed on the permit by the Committee are enforceable by the County. The Town resolution would be enforced by the Town. The County cannot enforce a Town resolution.

Discussion was held:

A **motion** was made by Alan McCoy, seconded by Jim Kuhn to approve the application of Sam Borntreger for a conditional use permit for a Dog Kennel at 20102 King Rd Wilton, WI Town of Wilton with the following conditions; 1) That he must obtain and maintain a State Seller's License and 2) No more than 10 adult dogs (over five months old) licensed dogs may be kept on site. Motion carried: 5-0.

Application of Karl Hackbarth and Kyle Schmitz for a **conditional use permit** for a Sporting Clay Course/Trap and Skeet Shoot located at 12833 County Hwy XX, Norwalk, WI, in part of the E ½, Section 28, T16N, R3W, in the Town of Wells, 200 acres. The adjoining land use is woodland and agriculture.

Kyle and his wife Kristy were present. Kyle addressed the Committee and public. Kyle stated that he has been traveling a lot and that their goal was to start this business so that he could be home more with his family. Kyle stated he chose this property location due to the nature and paths to be able to walk in various directions. He originally submitted a map of the various station locations but stated he has revised this since his first presentation at the Town and will probably revise it again. He has eliminated the front station sites on the north 40 acres facing County Highway XX. He plans to have either golf carts or ATV's available for rent to get from one station to another if clients would like. The club house would offer prepackage food and possibly alcohol in the future. He outline his plans for times of the year the shooting facility would be open.

Kyle listed his top three objectives:

- 1) Safety: This is their number one priority. All targets are set. Shotguns only will be allowed on the range. They will have emergency access to stations. Fencing will enclose the areas of the cabin rentals. No alcohol would be served prior to shooting. No stations will be placed so that gunfire is directed towards a residence. They will have a safety plan in place.
- 2) Environment: Non-toxic shot. Only steel shot will be allowed. They have a plan to monitor the stations as needed to enforce this. Everyone will be checked before entering the stations and ammunition will be available for sale from them to help enforce the use of steel shot. They

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have a plan for shot clean-up in the Standard Operating Procedures and maintenance records will be kept.

- 3) Noise: Kyle stated that this is not your average gun shooting range. There will not be a constant shooting like at a rifle range or a skeet shoot. This will be a shot gun only and will consist of two shells. Kyle referenced the scientific studies he submitted in his application packet related to noise levels. He stated based on these calculations and the topography of site, noise should not be an issue. He also plans on building sound barriers at the stations. Sound tests will be done twice a year.

Kyle stated this business will allow clients to practice in a real life scenario so they can gain experience and improve their shooting ability as well as recruit new hunters to the sport. It would also bring more tourism to the community by providing a place where people can enjoy hiking, outdoor activity, rest and relaxation and enjoy a stay at the cabins. He stated that they would like to have educational classes for the first time shooters.

Committee had questions for Kyle regarding safety, the location of the stations and environmental impacts.

Committee asked for clarification on how many shells a shotgun holds and would be fired at once?

Kyle informed them that the stations would fire two clay targets at one time per person.

Committee asked lead vs steel shot and how this would be regulated and if a lead/steel-reclamation plan has been done and who would enforce this? Kyle stated he did not have a reclamation plan at this time. Type of ammo used would be regulated by offering it for sale and by checking the ammo the client bring in.

Another question was who was going to follow the groups from station to station (Ranger) and how many would be doing this? Kyle stated it would either be himself or someone else if he was needed in the office. But he would go out from time to time to check on the groups.

Committee questioned the placement of stations two of the stations indicated on the map that appeared to face each other. Kyle stated those two stations-would be 300 yards away and/or have proper back stop installed, however that was not set up yet. All stations will be at least 300 yards apart or make sure there is a back stop. (Hill-dirt pile)

The Committee asked if Kyle had specific maps to show where the station sites were going to be and the distances between the stations. Kyle did not have any specific map to show at this time. Just the general map that was submitted so far. Kyle stated the locations were subject to change.

Committee asked if anybody could shoot at this trap skeet shooting as Kyle had mentioned that this would be good experience for first time shooters. Kyle stated that everyone would have to show proof of hunter's safety course before being able to participate.

Committee brought up concerns regarding the use of alcohol on site. Kyle stated that drinking was not allowed but also mentioned that he is looking into having a bar on site in the future.

Kyle explained specifically how the skeet shooting worked. He explained a client would purchase a certain number of targets which would be released from the stations as they made their way along the path. He restated steel shot ammo would be available for purchase and that random checks will be made to make sure this was being used.

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The Committee stated they would like to see a blueprint of where the stations were going to be located and the distances indicated.

The floor was open for public comment.

Brian Pfaff-addressed the Committee and public. Brian stated that he has been an instructor for youth Skeet Shooting. Brian stated that the proposed clay shooting is totally different than the Sparta Gun Club that has been around since 1942. The Sparta Gun club has a schedule of Tuesdays 3-8 p.m. and every other Saturday and Sunday. Maybe 30 shooters a day. Rifle/pistols 500-1000 shots.

Another skeet shooting facility in the area, Woods and Meadows, in Warrens is open from April through August, 5 months. Approximately 200 shooters a day. There are only 2 houses in this area and cranberry marshes.

Brian stated he obtained information from professional realtors indicating a decrease in the value of homes near shooting ranges due to noise.

The proposed skeet shooting is only 266 yards from County Highway XX. Brian stated the Woods and Meadows facility has experienced falling debris further than 300 yards away from their stations due to people shooting the wrong ammo despite their efforts to regulate it.

Another concern is that Kyle has moved the original location of the trap houses and stated he could even move them again down the road. It is a concern if stations are moved. This could change directions and distances and could affect safety by potentially being too close to other shooters and cabins. Brian felt a map is needed to show where these trap stations will be located and need to be regulated. At the current time the proposed stations are at an elevation that is above neighboring properties.

Brian does not feel that the type of ammo, steel vs lead shot, should be self-regulated.

Brian referenced an email from Department of Natural Resources (DNR) manager **Brenda VonRuden** which recommended a Lead Remediation plan be done. Factors to consider include:
Shot proposed
Surface water in the area
Stated flat terrane is highly recommended for this type of shooting.
Reclamation process
Surface water flows which can wash lead into streams-waterways

Brian questioned how often is this going to be checked for compliance and who is going to regulate? State, DNR, county, etc.

George Mack-addressed the Committee and public. George spoke regarding the land value and safety for the Town of Wells.

He talked about the various decibels levels and at what level sound was considered harmful. National Institute for Occupational Safety and Health (NIOSH) states a harmful level is at 82decibels. Noise level testing was done on October 9th on neighboring properties. Dave Brooker, neighbor directly to the east, recorded 96 decibel's for a single shotgun shot, and 112 decibels for 4 shots using a12 gauge shot gun with shells containing 7.5 steel shot, the same being proposed for use at the facility. At the Schmitz residence to the north of the property the same shot recorded 85 decibels. (Leaves were still on the trees during the time of this testing).

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George stated that 129 people from the Town of Wells signed a petition opposed to this application. Everyone opposed to the selling of alcohol as well. Concerned about bar/alcohol with this type of business-guns/shooting and the safety of cabins.

He is concerned about the value of the properties in the area. He stated the Federal Housing Administration (FHA) and Housing and Urban Development (HUD) studies showed depreciation in land values near airports, power plants, train tracks, cemeteries, landfills and gun ranges. It was projected that the land adjacent to these types of uses could depreciate 10-20%. He was concerned that new residents will not want to move into the community and existing properties will lose value. Twenty-five people stated they plan on requesting reduced taxes to the Town board if their property values go down.

David Brooker; David addressed the Committee and public. David stated he lives adjacent to the proposed shooting range and has lived there for 44 years. David read part of the Monroe County Code of Ordinances as well as the County's Comprehensive Plan stating the purpose of the zoning code and goal of the Comprehensive Plan is to protect public health and safety, the intent is to preserve property values, prevent water pollution and restrict development of sites where uses are not compatible with the terrain.

He read from the Town of Wells Comprehensive Plan stating the goals of the plan are to protect public health and safety, reduce land use conflicts between development and other land uses, and to ensure compatible land uses.

David presented maps illustrating his concerns regarding potential surface water contamination due to steep slopes, natural springs that flow year round on the property and drainage ways that are full during spring storm events.

Using rough numbers of people projected to use the facility, number of days a year it will be open, the type of ammo and number of shots per person, David estimates that there will be 10 tons of pellets shot onto the property per year. He is concerned about the ability to have an effective reclamation plan due to the steep terrain and wooded vegetation of the site. He stated the proposed method of pellet removal, ATV with magnetic drag, will only work on relatively open areas such as the paths or disturb the site and create more runoff potential.

One map showed the proposed skeet shooting stations. David expressed concern that even the steel shot could be considered a pollutant under the Clean Water Act due to the volume that will be on this site and how the surface water runoff of the area carries pollutants to the wetland and trout stream on this site.

He mentioned that although noise can't be considered when placing conditions on the permit the applicants intent to grow evergreens will not work due to deer damage in the area and the length of time it would take for that type of tree to become an effective sound barrier.

David stated that Kyle was shooting a lot this past week and that the noise could be heard inside his house with windows closed. "It echo's in the valley".

David ended with two questions:

- 1) Who would benefit from the CUP? And 2) Is this truly beneficial to the community?

Randy Pfaff; Randy stated that maps of the stations are needed and have been asked for repeatedly at the Town level. These have not been provided or shown. He is concerned that Mr. Schmitz has changed the plan but still has no business plan and is against allowing any alcohol to be served on site.

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Jay Wells- He stated that he is a resident of the Wells and his wife Beth is on the Planning Commission. He expressed concerns for the community remaining rural stating that people move to the area wanting peace and quiet and have a desire to be surrounded by nature. He is concerned about the value of homes and how this would affect the community, etc. He stated that he realizes the comprehensive plan is not an enforceable ordinance but encourages the Committee to follow its recommendations.

Jeff Resinger-Just wanted to state that he lives near a shooting club and the value of his land did not depreciate so it's different for everyone and each location.

Ned Gatzke- Ned stated that he has been a resident in the Town of Wells for the past 43 years. He reminded the Committee that the Wells Comprehensive Plan was developed based on input from the residents of the Town and they put the emphasis on protecting "rural values". He stated that to most people rural values include living in a place where there is peace and quiet. He stated that noise is an issue.

He stated that neighboring land uses can depreciate your property value and assessment. This has happen to him and it can be done to request a decrease in taxes due to this.

Ron Luethel stated that there has been a lot of testimony and lots of material to process. However, he personally does not feel comfortable making a decision tonight.

A **motion** was made by Ron Luethel, seconded by Mary Cook to postpone the decision on the application of Karl Hackbarth and Kyle Schmitz for a **conditional use permit** for a Sporting Clay Course/Trap and Skeet Shoot located at 12833 County Hwy XX, Norwalk, WI, in part of the E ½ , Section 28, T16N, R3W, in the Town of Wells until the January 17, 2022 Committee meeting to have more time for the Committee to process the information presented, gather more information if need be and to consult Corporate Council.

The Committee asked if a lead reclamation plan had been done. Alison explained that this has not been done and that the applicant would need to contact Environmental Protection Agency (EPA) to find out what the process is to develop this type of plan.

Kathy Sullivan addressed the Committee and public. She stated she has lived in the community for 44 years and is a tax payer and should be able to say what they want about this application.

Dave Luke: Dave stated he does not live in the area but wanted to know if the public would be able to speak again at the next meeting. The answer was yes, they could take public comment.

Alison stated that Corporate Council will be at the January 17, 2022 meeting.

Cedric Schnitzler stated that the Public hearing has been done and heard tonight. Committee members can contact Corporate Council for guidance on questions from the public hearing that was presented tonight. Corporate council will also be at the January 17, 2022 meeting to answer any questions the Committee members have at that time.

Vote was taken on the **motion**. Motion carried: 5-0.

Office relocation:

Alison stated that at the last department head meeting they were told that bids for the sale of the property on County Highway B, including the current Sanitation & Zoning Office are due by the end of January. They will be reviewed by the Property and Purchasing Committee in February. We will know more about the situation in February what they propose for office relocation.

Sanitation & Zoning

**FEMA Floodplain Mitigation Grant
DNR municipal flood control grant**

Alison stated that the projects are not officially closed but getting closer.

Alison and Roxy Anderson, County Land Use Planner, will be giving a presentation at the February Climate Change Task Force meeting summarizing the FEMA buyout grant project.

Alison asked if the Committee would like to have a presentation done for both the Committee and County Board. The Committee felt this was something everyone would be interested in.

Financial Report

FINANCIAL REPORT - VOUCHERS - INTER-DEPARTMENTAL TRANSFERS – CREDIT CARD EXPENDITURES – LINE ITEM TRANSFERS – BUDGET ADJUSTMENTS

Budget adjustment request for the Sanitation Department 2021 budget to increase projected revenue line item by \$5,735 and Health Insurance expense line item to cover unanticipated expenses. Alison explained that the actual revenue brought in by the Sanitation Dept. was higher than budgeted for and the overage was enough to accommodate the increase in health insurance cost.

Budget adjustment request for the Zoning Department 2021 budget to transfer \$4.525 budget to increase projected revenue line item by \$5,735 and Health Insurance expense line item to cover unanticipated expenses. Alison explained that the actual revenue brought in by the Zoning Dept. was higher than budgeted for and the overage was enough to accommodate the increase in health insurance cost.

A **motion** was made by Jim Kuhn, seconded by Ron Luethe to approve the Budget Adjustments for both the Sanitation and Zoning 2021 budgets. Motion carried: 5-0.

Discussion was held.

November 2021

| Department Vouchers | | Interdepartmental Transfers | | Credit Card Voucher | |
|---------------------|-----------------|-----------------------------|--------------|---------------------|---------------|
| Sanitation | 25.00 | Sanitation | | Sanitation Credit | |
| Zoning | 453.17 | Zoning | | Zoning | 37.08 |
| Dog Control BOA | 716.28 28.32 | Dog Control | 88.44 | Dog Control | 194.52 |
| Total | 1,222.77 | | 88.44 | | 231.60 |

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Set Date for Next Meeting and Possible Agenda Items.

The next meeting will be held Monday, January 17, 2022 and will start at 6:00 pm at the American Legion Post 100 1116 Angelo Rd, Sparta, WI 54656. Agenda items: postponed conditional use permit decisions: Tracy Schaitel, Town of Sparta and Kyle Schmitz-Town of Wells.

A **motion** to adjourn was made by Cedric Schnitzler, seconded by Jim Kuhn. Motion carried: 5-0.

Meeting adjourned at 8:45.

Recorded by Gretchen Jilek