

8-21-2023

**Sanitation/Planning & Zoning/Dog Control**

Meeting called to order at 6:01 p.m. by James Kuhn in the Monroe County Board Assembly Room 1<sup>st</sup> Floor - Room #1200, 112 South Court Street.

Present: James Kuhn, Cedric Schnitzler, Todd Sparks, Mary Cook, and Zach Zebell.

Also Present: Alison Elliott-Sanitation, Zoning, Dog Control Director

**Possible Corrections and Approval of July 17, 2023 Meeting Minutes.**

Discussion was held.

A **motion** was made by Zach Zebell, seconded by Todd Sparks, to approve the minutes from the July 17, 2023 meeting. Motion carried: 5-0.

**Public Hearings:**

Application of Richard and Melodee Lujano for a **conditional use permit** for a small business- one-stall, auto repair shop, at 16170 Holiday Rd Tomah, WI in part of the NE ¼, NE ¼, Section 23, T17N, R1W, Town of Tomah, Parcel number 042-00617-2500, 1.78 acre parcel. The adjoining land use is agriculture and residential.

Richard Lujano was present and addressed the committee on his proposed application for CUP-small business, one-stall auto repair shop. He stated that his intent is to work on cars only, no trucks. Types of repairs would be oil changes, brake repairs, etc. It would be located in an existing 20'x30' building with a single stall and one hoist. This is a very part-time business for him as he is retired and just wanted something to do in his spare time.

Howard Hanson-Town of Tomah Chair spoke stating that the Town had no objection to the application. The Town did request the condition that it would be non-transferable to another owner. Howard mentioned the Town discussed with Mr. Lujano about limiting the number of customer vehicles on the property.

Discussion was held:

A **motion** was made by Zach Zebell, seconded by Mary Cook to approve the application for Richard and Melodee Lujano for a conditional use permit for a small business, one-stall auto repair shop with the conditions that the permit would be non-transferable to another owner and no more than five customer vehicles on the property at 16170 Holiday Rd. Tomah. Motion carried: 5-0.

Application for Heidi James for a **conditional use permit** to allow the use of a single manufactured home greater than 20 years old located at 28371 Grosbeak Ave, Tomah, in part of the NE ¼ of NW ¼, Section 6, T17N, R1E, in the Town of Oakdale, Tax Parcel ID# 030-00113-4800, 1.66 acres. The adjoining land use is residential.

Heidi James was present along with Georgeanne Murray who is helping her with the permitting process. Heidi stated that she moved the trailer in a few years ago around September of 2019. This trailer is a 1994 model and older than 20 years age limit allowed. That is why she is here tonight to request a conditional use permit. Heidi stated that the trailer was completely empty, just a shell and that she has been working on it for the past couple of years. She moved into the trailer towards the end of 2020. She has put in all new dry wall, flooring, kitchen cabinets, doors, etc. She presented pictures on her phone to the Committee. Heidi stated that she will be working on the appearance on the outside of the trailer next.

Several neighbors were in attendance and spoke with concerns. They were: Bob Singleton, Brian and Tammi Kostka. Concerns they had were:

8-21-2023

- 1) People have been living there for the past several years with no electricity, no water or septic.
- 2) Where has the waste materials been going all these years, concerned about contamination of their wells.
- 3) Why has nothing been done all these years until now?
- 4) The appearance of the trailer is not very attractive. Pictures on their phone were shown by one of the neighbors to several of the Committee members.

Alison stated that this issue was brought to the Sanitation and Zoning department approximately two years ago. There is a modern At-grade septic system on site. Heidi is working on getting permits for reconnection to this system.

Alison stated that when a house is replaced on a property permits are needed. These were not obtained at the time the house was moved onto the property. Zoning and Sanitation permits are issued through the County Sanitation and Zoning office which is why the CUP application is before the Committee. Once permits have been issued this property will be in compliance.

Alison stated that she received an email from the Town of Oakdale stating that Town is not opposed to approval of the conditional use permit for Heidi James.

Discussion was held:

A **motion** was made by Zach Zebell, seconded by Mary Cook, to approve the application for Heidi James for a conditional use permit to allow the use of a single manufactured home greater than 20 years old, with the condition that the sanitary permit be obtained and reconnection of septic system to be completed within 30 days, located at 28371 Grosbeck Ave. Tomah. Motion carried: 5-0

Application of Steve Waldner for a **conditional use permit** for a small business for sorting on property located at 8877 Ellsworth Rd in part of the SW ¼, SE ¼, Section 8, T18N, R1W, 3.05 acres in the Town of LaGrange, Tax Parcel ID# 020-00198-0000. The adjoining land use is agriculture.

Steve Waldner was present and addressed the Committee. Steve explained to the Committee about his sorting business. He stated that he has multiple dumpsters on site at various repair shops and large contractors that work on their own equipment. These companies dispose of parts in the dumpsters he provides. Once full he goes and picks up the dumpsters and brings them back to his site for processing. There are no drop offs at his site. He then breaks down and sorts the parts separating and removing copper, steel, stainless steel, cast iron, under carriage, tracks, etc. He started this business last fall in 2022.

Jeff Dauterman-neighbor to Mr. Waldner spoke to the Committee. He presented a written and oral testimony to the Committee stating that he is opposed to the CUP and is concerned with the precedent approval of this type of business would set. Other concerns he brought up included:

- 1) Lack of adherence to regulations
- 2) Water/air pollution
- 3) Locating a Salvage Yard in General Agriculture vs. an Industrial or Commercial area.
- 4) Solid and hazardous waste that may be generate from the site.
- 5) Decrease in value of neighboring properties.

Carol Mullen and Katy Mullen-neighboring property owners also spoke against the proposed CUP. Carol also had submitted written testimony to the zoning office. Carol stated that her family owns the acreage surrounding the Waldner property. Carol and her family object to this CUP for various reasons. Concerns she listed were:

- 1) The property is a mess and will only get worse.
- 2) Property values decreasing in the surrounding area. Currently we have beautiful hillsides, farm land, subdivisions, etc.
- 3) Contamination from run-off into our soils from various hazardous waste materials
- 4) Air quality, hazardous fumes from burning.

8-21-2023

5) Appropriateness of this type of business in this area vs. an area zoned industrial.

The Zoning office also received written testimony from the Wisconsin Department of Natural Resources (DNR) Storm Water Specialist-Leanne Hinke. Ms. Hinke stated that there are various permits that will need to be obtained by Mr. Waldner from the DNR to continue to operate this business.

- 1) Industrial Storm Water permit.
- 2) Recycling of Scrap and Waste Materials general permit.
- 3) Develop a Storm Water Pollution prevention Plan

These are just several of the guidelines and permits needed by the DNR if the applicant is approved for the Condition Use Permit for his small business-sorting-recycling.

Town of LaGrange was represented at the meeting by Town Chair-Brendan Smith, Town Board Supervisor-Loren Schleusener and Town of LaGrange Planning Commission Chair-Brock Bailey. Brendan felt that no homework was done by the property owner regarding what was needed for this type of business. He stated the property was a mess to begin with and only has progressively gotten worse. Brendan stated that the Town has taken several months and have conducted multiple meetings at the Planning Commission level as well as the Town Board meetings. Everyone has worked very hard to address the many concerns that have been brought up. The Town had submitted the Committee with recommended conditions they think need to be in place to address the concerns for this application.

Discussion was held.

Discussion included fencing issues as well as types of recycling materials that would be on the property and how and where it is sorted.

Another question the Town had was regarding Bonding. Chairman Jim Kuhn stated that the County has no authority to request bonding on conditional use permits unless specifically allowed under state law. The Town is concerned if Mr. Waldner would vacate the property they would have to clean up potential hazardous materials and waste, which could get very costly.

The Town and County Comprehensive Plan was mentioned. Discussion was held.

Steve Waldner addressed the Committee and stated that he does clean scrape material and states he doesn't want to get any bigger. He also stated that he was not aware that he needed zoning applications or permits for this type of business. He bought this business from another owner. The prior owner did not state that he needed any permits for this type of business.

Mr. Waldner stated that he currently has an excavator cleaning up the existing area where the barn was and wants to put up a hoop building over the existing cement barn floor. Then he could do all the sorting inside this building. Sorting on a cement floor would decrease the potential for ground contamination. He would also keep the scrape iron and dumpsters inside the building. He stated the size of the hoop building would be approximately 45' x 70'.

Alison stated that Mr. Waldner has another zoning application for an existing structure that is only 11 feet from the back property line. This does not meet the minimum 50foot setback. This structure needs to be brought into compliance before a conditional use permit could be issued or be one of the conditions if approved.

Steve was asked if he is currently operating his business. Steve stated that he is, he did not know he needed permits for this business and thought he was good to go.

Chairman Kuhn closed the public hearing portion of this application.

8-21-2023

Discussion was held:

A **motion** was made by Zach Zebell, seconded by Mary Cook to deny the application of Steve Waldner for a **conditional use permit** for a small business for sorting on property located at 8877 Ellsworth Rd in part of the SW ¼, SE ¼, Section 8, T18N, R1W, 3.05 acres in the Town of LaGrange due to inconsistency with surrounding land use.

Further discussion was held:

A **motion** was made by Todd Sparks, seconded by Cedric Schnitzler to postpone to the next Committee meeting, the Committee discussion and decision on the application of Steve Waldner for a **conditional use permit** for a small business for sorting on property located at 8877 Ellsworth Rd in part of the SW ¼, SE ¼, Section 8, T18N, R1W, 3.05 acres in the Town of LaGrange. Motion carried: 5-0.

**Sanitation & Zoning Dept Questions & Updates**

Alison informed the Committee that the current permit tracking computer program will no longer be supported within a year or so. Request For Proposals for a new permit tracking program will be going out later this year. This funding for this program is through the County Information Technology (IT) Department.

Alison informed the Committee the last sanitation maintenance reports for the year will be going out on September 1<sup>st</sup>.

Jim Kuhn and Zach Zebell informed the Committee that the Property and Maintenance Committee will be touring a building for possible relocation of the Sanitation/Zoning/Forestry/Parks/Land Information and IT departments.

**Dog Control Dept Questions & Updates**

Nothing at this time.

**Financial Report**

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

Discussion was held

**July 2023**

Department Vouchers		Interdepartmental Transfers		Credit Card Voucher	
Sanitation	1,385.61	Sanitation		Sanitation Credit	90.00
Zoning	137.88	Zoning		Zoning	80.90
Dog Control BOA	2,607.37	Dog Control		Dog Control LR	679.83
<b>Total</b>	<b>4,130.86</b>				<b>850.73</b>

Discussion was held

**Set Date for Next Meeting and Possible Agenda Items.**

The next meeting will be held Monday, October 16, 2023 (**NOTE: NO SEPTEMBER COMMITTEE MEETING**) and will start at 6:00 pm in the Monroe County Justice Center Monroe County Board Assembly Room 1<sup>st</sup> Floor - Room #1200, 112 South Court Street, Sparta, WI 54656. Agenda items: Public hearing on proposed zoning amendments for Monroe County Code of ordinance Charter 47, (2) CUP’s, postponed CUP-Steve Waldner.

8-21-2023

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

Meeting adjourned at 8:05 p.m.

*Recorded by Gretchen Jilek*

The minutes are not official until approved by the Zoning Committee at their next regular meeting.