

1 **PLANNING, CONSERVATION & PARKS COMMITTEE**

2
3 Public Agency Center
4 West Bend, WI

March 5, 2008
1: 55 p.m.

5
6 Present: John W. Stern, Donald J. Berchem, Melvin K. Ewert, and Mark T. McCune.

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8 Excused: Daniel Knodl and Charlene S. Brady.

9
10 Absent: Kenneth W. Brandt

11
12 Also present: Administrator Paul Mueller, Assistant Administrator for Planning Debora Sielski, Land
13 Resource Manager Phil Gaudet, County Board Administrative Assistant Linda Dora, and Deputy Clerk
14 Patty Hoerig.

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16 Chairman Stern called the meeting to order.

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18 **1864 TIMMERS LLC – NW ¼ AND SW ¼, SEC. 32, TOWN OF WEST BEND – REQUEST FOR A**
19 **SANITARY VARIANCE (ADDRESS: 5151 TIMMERS BAY ROAD, WEST BEND –**
20 **COMMERCIAL HOLDING TANKS)**

21 Appearance: Jack Enea, Schloemer Law Office, and Don Thoma, Accurate Surveying and Engineering

22
23 Mr. Gaudet presented a request for a holding tank with an approximate 3,400 gallons per day wastewater
24 load for a commercial operation (Timmers Restaurant) on Big Cedar Lake in the Town of West Bend. The
25 site plan shows the existing buildings, buildings to be removed, and the proposed addition and the proposed
26 holding tank located west of the existing buildings. A soil test has been conducted on the property and
27 shows soils suitable for an A+4 type mound system. There is additional area on the property that has not
28 been tested that could provide for more soil absorption. It is Staff's opinion that a holding tank is not
29 necessary for this proposal because there is mound type system area available and more property area that
30 could be tested and provide for soil absorption.

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32 Mr. Enea stated that the terms of a conservation easement are restricting the property for the construction of
33 a mound type system.

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35 Moved by Mr. McCune, to approve the sanitary variance for 1864 Timmers LLC, NW ¼ and SW ¼,
36 Section 32 in the Town of West Bend. Motion died for lack of a second.

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38 Moved by Mr. Berchem, seconded by Mr. Ewert to table the sanitary variance request to allow the
39 applicant to bring in a proposal that will split off kitchen grease and waste and research alternative plans for
40 a mound system. Motion carried with Mr. McCune voting no.

41
42 **PUBLIC HEARING**

43 **1864 TIMMERS, LLC (GEORGE E. & JUDITH A. PRESCOTT), NW ¼ AND SW ¼, SEC. 32,**
44 **TOWN OF WEST BEND – CONDITIONAL USE PERMIT FOR EXCAVATING, FILLING OR**
45 **GRADING IN A SHORELAND ZONING DISTRICT (ADDRESS: 5151 TIMMERS BAY ROAD,**
46 **WEST BEND – EXCEEDING IMPERVIOUS AREA OF 15,000 SQUARE FEET FOR PARKING**
47 **AREA, WALKWAY AREA, BUILDIG ADDITION AND HOLDING TANKS).**

48 Appearance: Jack Enea, Schloemer Law Office and Don Thoma, Accurate Surveying and Engineering

49
50 Ms. Hoerig read the Notice of Public Hearing. Mr. Gaudet presented a plat map indicating the location of
51 the proposed project. This proposed project involves more than 15,000 square feet of additional

1 impervious area to the site. The area where the work is being done is over 300 feet from lake. Staff has no
2 concerns with the runoff from the impervious area into the lake, however, there is a concern with the storm
3 water management plan as designed due to the possibility it may increase sediment discharge into the
4 wetlands. Mr. Stern opened the public hearing and comments were heard. Mr. Stern closed the public
5 hearing
6

7 Moved by Mr. McCune, seconded by Mr. Ewert to approve the conditional use permit for excavating,
8 filling or grading in a Shoreland Zoning District, address 5151 Timmers Bay Road in the Town of West
9 Bend, subject to the applicant submitting a revised storm water management plan to Staff by March 31,
10 2008, that would address sediment discharge into the wetlands. Motion carried.
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12 **OBJECTING AUTHORITY SUBDIVISION**
13 **WRENWOOD, NW ¼, NE ¼, SE ¼, SW ¼, SEC. 23 – VILLAGE OF GERMANTOWN –**
14 **OBJECTING AUTHORITY – PRELIMINARY PLAT REVIEW, 139 LOTS (CARITY LAND**
15 **CORPORATION – DEVELOPER)**

16 Appearance: Bill Carity, Developer
17

18 Mr. Gaudet presented a preliminary plat map of the location of the subdivision in the Village of
19 Germantown. This is a 139 lot proposed subdivision with 10 outlots. There are two sections to the
20 proposed subdivision, one to the north and one to the south with road access. The subdivision will be
21 served by municipal sewer and water. There are wetland areas and a stream on the property. Staff is
22 requesting the developer to contact the Department of Natural Resources (DNR) and Army Corps of
23 Engineers (ACE) to address the wetland and navigable stream issues, a proposed 10' wide pedestrian path
24 that appears to be encroaching into the wetlands, and Highway Department review of the proposed road
25 accesses. Mr. Carity presented a plan to address the wetland and navigable stream issues raised by Staff.
26

27 Moved by Mr. McCune, seconded by Mr. Berchem to have no objections to the subdivision development,
28 subject to the Developer providing DNR and ACE permit approvals and Highway Department review of
29 the proposed road accesses. Motion carried.
30

31 **RECONSIDERATION OF WETLAND DELINEATION WINTER S. HESS, 3236 TWIN CREEKS**
32 **ROAD, JACKSON – REQUEST FOR THE COMMITTEE TO RECONSIDER ITS PENDING**
33 **RECOMMENDATION TO THE COUNTY BOARD THAT THE BOARD ADOPT THE REVISED**
34 **WETLAND DELINEATION PROPOSAL EFFECTING SECTION 29, T10 NR20E, TOWN OF**
35 **JACKSON, WASHINGTON COUNTY**

36 Appearance: Winter Hess
37

38 Mr. Hess presented maps of his property as surveyed in 2005 when the home was built and showed the
39 proposed changes as of the February 20, 2008, Public Hearing. Mr. Hess purchased the home in March of
40 2007, with the intention of adding a deck and/or patio. Mr. Hess is requesting the Committee reconsider its
41 pending recommendation to the County Board so he can have full use of his back yard.
42

43 Mr. Gaudet stated Mr. Hess has four options: 1) have a new wetland delineation conducted, 2) have the
44 DNR conduct a Navigable Stream study, 3) request a variance to the setback through the Board of
45 Adjustment, and 4) present a plan to meet the setback requirements.
46

47 Moved by Mr. McCune, seconded by Mr. Berchem to remove Lot 3 of Twin Creek Subdivision in Section
48 29, Town of Jackson from the revised wetland delineation proposal to be presented to the County Board,
49 subject to Mr. Hess obtaining a new wetland delineation within 180 days of this date, or the original
50 recommendation from the staff will go forward to the County Board. Motion carried.

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DIVISION REPORTS:

Land Use Division – Phillip Gaudet

- Permit Activity
- Chapter 23 Revisions
- Wisconsin Fund
- Map Modernization Project – Floodplain

Administration Division – Joanne Wagner

- Office Activities Update

Golf and Parks Division – Mike Kactro

- Clubhouse and Site Projects
- Golf Course Projects and Staffing
- Golf Course Business
- Park Projects and Staffing
- Park Business

Moved by Mr. Ewert, seconded by Mr. Berchem to approve the Land Use Division, Administration Division and Golf and Parks Division reports as presented. Motion carried.

The meeting recessed at 3:50 p.m. and reconvened at 3:55 p.m.

CLOSED SESSION

Moved by Mr. Berchem, seconded by Mr. Ewert to convene into closed session at 3:55 p.m. pursuant to Section 19.85(1)(g), Wisconsin Statutes to confer with legal counsel for the governing body who is rendering oral or written advice relating to the strategies to be adopted with respect to litigation in which it is or likely to become involved, specifically Hilltop Associates, LLC (Asset Development Group, Inc.), use of commercial holding tank without a variance and enforcement thereof in Section 19, Village of Germantown, SE ¼, Hilltop Highlands and Brookside Meadows." Motion carried unanimously by roll call vote.

OPEN SESSION

Moved by Mr. McCune, seconded by Mr. Ewert to return to open session at 4:17 p.m. Motion carried unanimously by roll call vote.

MINUTES

A correction was noted in the February 20, 2008, minutes on Page 5, Line 26, "Ttown". Moved by Mr. McCune, seconded by Mr. Ewert to approve the minutes of January 9, 2008, as presented and February 20, 2008, as corrected. Motion carried.

PLANNING DIVISION

REVIEW AND CONSIDER APPROVAL OF DRAFT CHAPTER XV – IMPLEMENTATION

Moved by Mr. Ewert, seconded by Mr. Berchem to approve Chapter XV-Implementation draft with the changes discussed. Motion carried with Mr. McCune voting No.

REVIEW AND CONSIDER APPROVAL OF DRAFT CHAPTER XVI – SUMMARY

Moved by Mr. Ewert, seconded by Mr. Berchem to approve Chapter XVI – Summary draft with the changes discussed. Motion carried with Mr. McCune voting No.

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CONSIDERATION OF APPROVAL OF DRAFT RESOLUTION TO AUTHORIZE PARTICIPATION IN THE WASHINGTON COUNTY MULTI-JURISDICTIONAL DISPUTE RESOLUTION PANEL

Ms. Sielski distributed the draft resolution that authorizes Washington County the execution of an Intergovernmental Agreement to participate in the Washington County Multi-Jurisdictional dispute resolution panel. The Committee reviewed the resolution and requested revisions to the final paragraph pertaining to the Multi-Jurisdictional Dispute Panel appointment process.

Moved by Mr. Berchem, seconded by Mr. Ewert to approve the proposed Resolution - Participation in the Washington County Multi-Jurisdictional Dispute Resolution Panel as revised and forward to the County Board. Motion carried with Mr. McCune voting No.

CONSIDER APPROVAL OF FEES FOR WASHINGTON COUNTY MULTI-JURISDICTIONAL DISPUTE RESOLUTION PANEL

Moved by Mr. Ewert, seconded by Mr. Berchem to approve the Washington County Multi-Jurisdictional Dispute Resolution Panel fees as presented. Motion carried with Mr. McCune voting No.

REVIEW OF FINAL MAPS FOR TRANSPORTATION ELEMENT CHAPTER XI

Moved by Mr. McCune, seconded by Mr. Berchem to approve the final maps for the Transportation Element Chapter XI with the inclusion of the Town of Erin footnotes presented, and removal of the 2035 Washington County Jurisdictional Highway Systems Committee minutes from the Comprehensive Plan. Motion carried.

FUTURE AGENDA ITEMS:

No specific items for future meetings were presented.

ADJOURNMENT

Moved by Mr. McCune, seconded by Mr. Ewert to adjourn at 5:40 p.m. Motion carried.

Brenda J. Jaszewski, County Clerk