

1 **PLANNING, CONSERVATION & PARKS COMMITTEE**

2
3 PAC
4 West Bend, WI

May 9, 2007
1:32 p.m.

5
6 Present: John W. Stern, Donald J. Berchem, Kenneth W. Brandt, Melvin K. Ewert, Daniel R. Knodl,
7 and Mark T. McCune.

8
9 Excused: Charlene S. Brady.

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11 Also present: Administrator Paul Mueller, Land Resources Manager Phil Gaudet, Senior Technician
12 Paul Sebo, Administrative Coordinator Doug Johnson, (arrived at 2:09 p.m.), and County Clerk Brenda
13 Jaszewski.

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15 Chairperson Stern called the meeting to order and read the Affidavit of Posting.

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17 **PUBLIC HEARING**

18 **Bruce R. and Sandra J. Muckerheide, SW 1/4, Sec. 5, Town of Trenton – Conditional Use Permit**
19 **for excavating, filling or grading in an impervious area greater than 15,000 square feet in a**
20 **Shoreland Zoning District (address: 7040 Trenton Road, West Bend – storage sheds).**

21 Appearance: Bruce R. Muckerheide

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23 Mr. Gaudet presented the plat map and stated the proposed project is for the construction of five storage
24 sheds in an impervious area greater than 15,000 square feet. A conditional use permit is required
25 because the proposed buildings will be within the shoreland district. This area became part of the
26 shoreland district when the county amended the maps last year. Prior to amending the maps, the area
27 was not located within the shoreland district and therefore, the owner was not required to obtain
28 approval from this Committee. The owners obtained all of the proper permits from the Town of Trenton
29 when the original plan was prepared. Mr. Gaudet stated staff has no objections to the proposed project.

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31 Mr. Stern opened the public hearing. Comments were heard from Mr. Muckerheide. Mr. Stern closed
32 the public hearing.

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34 Moved by Mr. McCune, seconded by Mr. Brandt to approve the condition use permit for Bruce R. and
35 Sandra J. Muckerheide in the Town of Trenton. Motion carried.

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37 Mr. Paul Sebo left at 1:45 p.m.

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39 **OBJECTING AUTHORITY SUBDIVISION**

40 **Creekside Addition 2, Part of Government Lot 6, SW 1/4, Sec. 18, City of West Bend – Final Plat**
41 **Review – 41 lots (MLG/West Bend, LLC, Owner).**

42 Appearance: Daniel C. Scardino

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44 Mr. Gaudet stated staff has no concerns regarding this proposed subdivision.

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46 Moved by Mr. McCune, seconded by Mr. Knodl to have no objections to the Creekside Addition 2 Final
47 Plat in the City of West Bend. Motion carried.

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49 **CONDITIONAL USE PERMITS**

1 **Suzanne M. Gonring and John R. Gundrum, SW 1/4, Sec. 20, Town of West Bend – Conditional**
2 **Use Permit for excavating, filling or grading in a Shoreland Zoning District (address: 5836 West**
3 **Lake Drive, West Bend – new retaining walls within setback to Ordinary Highwater Mark).**

4 Appearance: Suzanne Gonring and Russ Krebs

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6 Mr. Stern has recued himself from the discussion and decision on this matter, as he is a neighbor of the
7 individuals requesting the conditional use permit.

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9 Mr. Gaudet presented the map showing the proposed project, which is to replace the current retaining
10 walls. Mr. Gaudet stated staff has no objections provided the following conditions are met:

- 11
12 1. The new retaining walls are no higher than four feet.
13 2. The retaining walls are screened with vegetation.

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15 Moved by Mr. Brandt, seconded by Mr. Ewert to approve the conditional use permit for Suzanne M.
16 Gonring and John R. Gundrum in the Town of West Bend provided the two conditions listed above are
17 met. Motion carried.

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19 **Lang Golf Company LLC, c/o Robert Lang, SW 1/4, NW 1/4, and NE 1/4, NW 1/4, and W 1/2, Sec.**
20 **18, Town of Erin – Conditional Use Permit for excavating, filling or grading in a**
21 **Shoreland/Wetland/Floodplain Zoning District (7190 Cork Lane – golf course, parking lot and**
22 **driveway, clubhouse, maintenance area and building, pond, barns, shelters).**

23 Appearance: Planning & Parks Land Use Inspector David Zuern, Robert Lang, and Keir Peckham

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25 Mr. Zuern presented the map showing the two areas of concern. The first is the cutting of vegetation
26 within 50 feet of the Ordinary High Water Mark (OHWM) of the Ashippun River without permits, and
27 the second is a separate area within wetlands that was filled. In September of 2005, this committee
28 postponed action until staff received recommendations from the DNR for the vegetation
29 removal/restoration plan. Mr. Zuern stated staff now has a letter with the response from the DNR on the
30 cutting of vegetation issue and recommends approval based on a restoration plan approved by the DNR
31 and SEWRPC with a condition that the only vegetation cutting/removal in the 50' buffer to the OHWM
32 is of the invasive species and that the 50' buffer is not maintained fairway or rough. The July 3, 2006
33 DNR letter states a three year management plan with six month review and written refinements by a
34 wetland and plant biologist be submitted September and March to all government bodies, including
35 SEWRPC, Washington County, Army Corps of Engineers and the DNR for review.

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37 Moved by Mr. McCune, seconded by Mr. Berchem to approve the vegetation removal/restoration plan
38 approved the DNR, per staff recommendation. Motion carried.

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40 Mr. Gaudet stated the second issue relating to the filling of the wetland and installation of a culvert in
41 the wetland is not permitted by Chapter 23 of the County Code and staff recommends denial of the
42 conditional use permit. The DNR has issued a permit for the fill and culvert, however, the County is
43 more restrictive and has no provision in our Code to allow it. The proper procedure would be to have
44 the owner appeal a denial to the Board of Adjustment or to petition for modification of the zoning, but
45 the DNR has acknowledged the area is a wetland. Staff recommends the fill be removed and the
46 wetland restored. The owner could install a bridge or boardwalk to span the wetland area.

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48 The Committee discussed the possibility of changing our code to allow for the filling within a wetland
49 district and Mr. Mueller stated this would require approval from the DNR.

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Moved by Mr. McCune, seconded by Mr. Ewert to have staff investigate the possibility of changing County Code, investigate if the change could be exclusively for recreational use zoned areas, investigate using mitigation, and to hold in abeyance, any enforcement action on restoration of the wetland until at least December 1, 2007. Motion carried.

COUNTY PARK SYSTEM TOUR

The county park tour for Committee members will be May 30, 2007.

Mr. Stern recessed the meeting at 2:36 p.m. and reconvened at 2:38 p.m.

MINUTES

Moved by Mr. Brandt, seconded by Mr. Ewert to approve the minutes of April 25, 2007. Motion carried.

CLOSED SESSION

Moved by Mr. Brandt, seconded by Mr. Knodl to move into closed session at 2:40 p.m. for the purpose of discussing a performance evaluation. This session will be closed pursuant to Wisconsin Statute Section 19.85(1)(c): “Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.” For the purpose of conducting the annual evaluation for the Administrator. Motion carried unanimously by roll call vote.

OPEN SESSION

Moved by Mr. Knodl, seconded by Mr. Berchem to return to open session at 3:45 p.m. Motion carried unanimously by roll call vote.

ADJOURNMENT

Moved by Mr. Knodl, seconded by Mr. Brandt to adjourn at 3:46 p.m. Motion carried.

Brenda J. Jaszewski, County Clerk