

MINUTES
PORTAGE COUNTY BOARD OF ADJUSTMENT
JUNE 23, 2022

Call to Order

Chairman Jazdzewski called the Portage County Board of Adjustment (BOA) to order at 4:00 pm in Conference Rooms 1 & 2, County Annex, Stevens Point, Wisconsin.

Roll Call

Stewart called the roll. Members present included John Jazdzewski, Don Rusch, Dennis Meis, James Garbe, James Hopp, and Mike Pagel (Alternate).

Staff present included Tim Reed, Chris Mrdutt, Emmett Simkowski, and Gayle Stewart, Planning and Zoning Department. Also present was David Hickethier, Portage County Deputy Corporation Counsel. Present via computer was David Ray, Portage County Corporation Counsel.

Others present in person: Beverly & Eric Buechner, Matthew Lepke-Kwik Trip, Chris Brooks, Attorney Patrick Arendt, Edward Sankey, Richard Duerr, Royce Rossier, Mike Schoenholz, Mark Anderson, Colton Kissinger, Richard Pingel, Sandra Troyanoski, Chris & Kim Klitzman, Bart Adams, Cody Knutson, Mike Langlois, Zac Langlois, Debbie Sniadajewski, Barry Jacowski, Scott Soik, Sara & Matt Bella, Brittany Knutson, Karissa & Scott Sankey.

Others present remotely: Matt Jacowski.

Pledge Allegiance to the Flag

Garbe led the Pledge.

Board of Adjustment Procedures

Jazdzewski explained the meeting was properly advertised by a class 2 notice in the local newspaper and explained the functions of the BOA by reading the Portage County BOA Function Introduction. Jazdzewski stated testimony and questions should be addressed during the public hearing portion of the meeting and anyone wanting to speak should sign in at this time.

At this time, Garbe recused himself from the hearings, and explained his reasoning for doing so. Garbe left the table and Mike Pagel joined the table.

Public Hearings and Decisions

KT Real Estate Holdings LLC, Owner, LaCrosse Sign Group, Agent (PET-2022-008)

The KT Real Estate Holdings LLC, Owner, LaCrosse Sign Group, Agent, Special Exception request from the provisions of Portage County Zoning Ordinance sections 7.1.4.3 (C)(8)(a) to construct an 80-foot-tall sign for Kwik Trip gas station, in the C4, Highway Commercial District, Town of Plover, Parcel #030230835-15.23, was opened by Jazdzewski.

Mrdutt explained the request adding because the sign is over 30' tall, BOA approval is needed.

Matthew Lepke, Project Manager for Signage for Kwik Trip, was sworn in by Jazdzewski and detailed the request. Lepke said they will be replacing an older sign with a new sign approximately 80' in height. The old sign will be removed once the new sign is installed. Brief discussion amongst Lepke and BOA. There being no further discussion, Lepke was excused. Jazdzewski asked if any members of the public wanted to speak on this matter; it was noted there was none. Jazdzewski closed testimony and opened deliberations.

Special Exception Standards were read by Rusch.

The Board is Required to Evaluate the Effect of the Proposed Use Under 7.1.6.5(D)(2)(b)(1) in Order to Approve the Petition

- (a) The maintenance of safe and healthful conditions;
- (b) The prevention and control of water pollution including sedimentation;
- (c) Existing topographic and drainage features and vegetative cover on the site;
- (d) The location of the site with respect to floodplains and floodways of rivers or streams;
- (e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover;

- (f) The location of the site with respect to existing or future access roads;
- (g) The need of the proposed use for a shoreland location;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The amount of liquid wastes to be generated and the adequacy of the proposed disposal system;
- (j) Location factors under which domestic uses shall be generally preferred, uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source, and use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility;
- (k) The importance of the services provided by the proposed facility to the community;
- (l) The availability of alternative locations;
- (m) Such other factors as are relevant to the purposes of this Ordinance.

The Board is Required to Find All of the Following Conditions under 7.1.6.5(D)(2)(c) in Order to Approve the Petition

- (1) The use would not substantially harm the public health, safety, and general welfare, and would not be contrary to State Law or Administrative Code;
- (2) The use would be consistent with surrounding uses and the neighborhood would not be injured thereby;
- (3) The use is consistent with this Ordinance and any County or municipal plan which is based on historic, geographic, and socio-economic facts.

The Board May Attach Any of the Following Conditions Under 7.1.6.5(E)(2) in Order to Further the Purposes of this Ordinance

- (a) Type of shore cover.
- (b) Increased setbacks and yards.
- (c) Specified sewage disposal and water supply facilities.
- (d) Landscaping and planting screens.
- (e) Period of operation.
- (f) Operation control.
- (g) Sureties.
- (h) Deed restrictions.
- (i) Location of piers, docks, parking, and signs.
- (j) Requirement for construction of channel modification, dikes, levees, and other protection measures.

It was noted some of the standards included do not apply to this request. Rusch said this request complies with the Ordinance. It was noted this is more of a relocation on the same property and the new sign is only 3' higher than the existing sign. Additionally, it was noted there are no visual obstacles. There being no additional discussion, Jazdzewski closed deliberations and asked for a motion to approve, deny, or postpone the request.

Motion by Meis to approve the request as submitted with the following conditions:

- 1. Must obtain a Portage County Zoning Permit.
- 2. The maximum height of the sign is 80 feet.
- 3. The existing 77-foot-tall pylon sign must be removed.
- 4. The sign must be approved by the WI DOT.

Motion to approve seconded by Hopp. Motion to approve passed 5-0 by voice vote.

Eric & Beverly Buechner, Owners (PET-2022-010)

The Eric & Beverly Buechner, Owners, Special Exception request from the provisions of Portage County Zoning Ordinance sections 7.1.3.3(C)(2) to construct a 24 foot by 24 foot detached garage, 24 foot tall, that is 4 feet taller than the 20 foot tall, permitted height for accessory buildings, in the Recreational Zoning District, Town of Alban, Parcel #002251012-13.04A, was opened by Jazdzewski.

Mrdutt explained the request and said that the Recreational Zoning District follows the Residential Zoning District language. The maximum height allowed for accessory buildings is 20' and this request is to exceed that.

Beverly Buechner and Eric Buechner were sworn in by Jazdzewski and detailed their request. Discussion amongst BOA and Buechners; setbacks were discussed. The Town of Alban recommended a 20' setback, and

the Buechners are requesting 16'. Discussion on the lot width and how this affects the setback when they want to eventually build a home. Mrdutt read the recommendations from the Town of Alban letter. There being no additional discussion, the Buechners were excused. Jazdzewski asked if any members of the public wanted to speak on this matter; it was noted there was none. Jazdzewski closed testimony and opened deliberations.

Special Exception Standards were read by Rusch.

The Board is Required to Evaluate the Effect of the Proposed Use Under 7.1.6.5(D)(2)(b)(1) in Order to Approve the Petition

- (a) The maintenance of safe and healthful conditions;
- (f) The location of the site with respect to existing or future access roads;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (k) The importance of the services provided by the proposed facility to the community;
- (l) The availability of alternative locations;
- (n) Such other factors as are relevant to the purposes of this Ordinance.

The Board is Required to Find All of the Following Conditions under 7.1.6.5(D)(2)(c) in Order to Approve the Petition

- (1) The use would not substantially harm the public health, safety, and general welfare, and would not be contrary to State Law or Administrative Code;
- (2) The use would be consistent with surrounding uses and the neighborhood would not be injured thereby;
- (3) The use is consistent with this Ordinance and any County or municipal plan which is based on historic, geographic, and socio-economic facts.

The Board May Attach Any of the Following Conditions Under 7.1.6.5(E)(2) in Order to Further the Purposes of this Ordinance

- (b) Increased setbacks and yards.
- (c) Specified sewage disposal and water supply facilities.
- (d) Landscaping and planting screens.
- (e) Period of operation.
- (f) Operation control.
- (g) Sureties.
- (h) Deed restrictions.

Discussion amongst BOA. It was noted the proposed building will not block anyone's view and will meet all setbacks. There being no further discussion, Jazdzewski closed deliberations and asked for a motion to approve, deny, or postpone the request.

Motion by Hopp to approve the request as submitted, with the following conditions:

- 1. Must obtain a Portage County Zoning Permit.
- 2. Must obtain a Portage County Stormwater Permit.
- 3. The building cannot exceed 25 feet in height.
- 4. The building should be setback at least 16 feet from side property lines.
- 5. The POWT's system located on the property shall be evaluated for compliance with the Portage County POWT's Ordinance.

Motion to approve seconded by Pagel. Motion to approve passed 5-0 by voice vote.

Ridgewood Campground Inc., Thomas & Shari Aleksy, Michael Langlois, Owners (PET-2022-009)

The Ridgewood Campground Inc., Thomas & Shari Aleksy, Michael Langlois, Owners, Variance request from Portage County Shoreland Ordinance Section 7.7.5.1 to have campsites within 35 feet of the Ordinary High-Water Mark of the Wisconsin River and Halladay Creek, and Special Exception request from the provisions of the Portage County Zoning Ordinance Section 7.1.3.1(C)(6) & (19), and Portage County Shoreland Zoning Ordinance Section 7.7.5.2(A), to expand a campground, associated uses, and mobile home park, in the A4 General Agricultural Zoning District, Town of Plover, Parcel numbers: 030230725HS-01.09; 030230725HS-02.04; and 030230725HS-02.03, was opened by Jazdzewski.

Mrdutt explained the request is for a campground expansion; the existing campground was approved by BOA in 1972. Mrdutt explained in order to ask for the special exception for the expansion of the campground, mobile home park, and associated uses, the property must be in compliance with the Portage County Zoning Ordinance. Mrdutt read from Portage County Zoning Ordinance Section 7.1.6.2(A)(2)(g). Mrdutt said the Zoning Department's position is that this language allows them to seek a variance or special exception if it brings a property into compliance. The original BOA decision in 1972 established a condition that stated the campsites have to be 35' off the Wisconsin River and Hallady Creek. As the campground has been developed over time, the sites are closer. BOA members conducted an on-site which showed the sites are right up against the water. In order to bring the property into compliance, a variance needs to be obtained to bring those 16 campsites into compliance and following the previous BOA condition. Once in compliance, the request for a Special Exception to expand the campground, mobile home park, and associated campground uses can move forward. The first step is to discuss the variance.

Jazdzewski said in this case, the variance and special exception requests will be heard separately. If the variance is not granted, they will not move forward with the special exception request.

Jazdzewski swore in Attorney Patrick Arendt and Zach Langlois. Arendt gave his version of the history of the campground and explained his reasoning for believing a variance is not required in this situation. Lengthy discussion ensued on whether a variance is required, what the actual request is, and possible solutions to remedy the violation.

David Hickethier, Portage County Deputy Corporation Counsel, was sworn in by Jazdzewski. Hickethier said there were several assertions made within the packet and offered to BOA a clarification of the case and the County's perspective based on his legal expertise. Hickethier reminded BOA that these decisions can be appealed, and one factor is based on if the Board proceeded on the correct theory of law. David Ray, Portage County Corporation Counsel, said he had nothing additional to add to Hickethier's comments.

Jazdzewski swore in Mike Langlois; lengthy discussion ensued.

Jazdzewski asked if any members of the public wanted to speak on this matter. The following people were sworn in and expressed their opinions on the variance request:

- Royce Rossier; supports request.
- Mark Anderson, Resources Manager for Consolidated Water Power Company; clarified statements made earlier.
- Chris Brooks; supports request.
- Rex Rossier; supports request.

Additional lengthy discussion. Additional members of the public wanted to speak on this matter. The following people were sworn in and expressed their opinions on the variance request:

- Scott Soik, County Board Supervisor, District 19. Soik explained his support for the request.
- Additional discussion amongst BOA members and Mike and Zach Langlois.
- Barry Jacowski, Vice-Chair Portage County Planning and Zoning Committee. Jacowski expressed the full support of the Portage County Planning and Zoning Committee for this request.
- It was noted there was nobody online or phone wishing to speak on this matter at this time.

There being no further testimony on the variance, Jazdzewski closed testimony and opened deliberations. Variance Standards read by Rusch. Additional comments listed below.

The Board is Required to Evaluate the Effect of the Proposed Use Under 7.7.12.3(D)(3)(a)(1) in Order to Grant the Variance. The pertinent subsections are as follows:

- (a) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power, in passing upon petitions, to authorize such variance from the terms of this Ordinance.
- (b) Required Evaluations. In passing upon variances, the Board of Adjustment shall make the evaluations required when passing upon special exceptions, where appropriate.
- (c) Required Findings. No variance shall be granted by the Board of Adjustment unless it finds the following conditions exist:
 1. Granting the variance would not be contrary to the public interest, State Law or Administrative Code, the spirit of the Ordinance would be observed, and substantial justice done;

2. The use is permitted in the Ordinance;
3. The hardship is due to special conditions unique to the property, rather than considerations personal to the property owner.
4. Granting the variance would not be detrimental to surrounding landowners;
5. Hardship is not created by any person having interest in the property;
6. A property owner bears the burden of proving unnecessary hardship by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome;
7. The request represents the minimum relief necessary to relieve unnecessary burdens.

The Board May Attach Any of the Following Conditions Under 7.7.12.3(E)(2) in Order to Further the Purposes of this Ordinance

- (a) Type of shore cover.
- (b) Increased setbacks and yards.
- (c) Specified sewage disposal and water supply facilities.
- (d) Landscaping and planting screens.
- (e) Period of operation.
- (f) Operation control.
- (g) Sureties.
- (h) Deed restrictions.
- (i) Location of piers, docks, parking and signs.
- (j) Requirements for construction of channel modification, dikes, levees and other protection measures.
- (l) The following shoreland protection measures and conservation standards may be required without limitation because of specific enumeration.
 - (1) The smallest amount of bare ground be exposed for as short a time as feasible;
 - (2) Temporary ground cover such as mulch be used and permanent cover such as sod be planted;
 - (3) Diversions, silting basins, terrace and other methods to trap sediment be used;
 - (4) Lagooning be conducted in such a manner as to avoid creation of fish trap conditions;
 - (5) Fill is stabilized according to accepted engineering standards;
 - (6) Fill will not restrict a floodway or destroy the storage capacity of a floodplain;
 - (7) Sides of channels or artificial watercourses be stabilized to prevent slumping;
 - (8) Sides of channels or artificial watercourses be constructed with side slopes of three units horizontal distance to one unit vertical or flatter, unless bulkheads or riprapping are provided.

Discussion; the following was noted:

- Jazdzewski said they need a variance that would allow staff to work with the owners of Ridgewood Campground to protect the border next to the water. This will be required so the request for a special exception can move forward.
- Hickethier said this would be more of an agreement to agree which would be kicking the can down the road in some respects. Hickethier reminded BOA they need to consider a variance with conditions that are subject to inspection and perhaps enforcement. He encourages BOA to associate conditions with the variance that can then be worked on.
- Mike Langlois discussed riprap and said there is a procedure which is covered by the Department of Natural Resources (DNR). He does not believe technical expertise is needed to understand how to apply the riprap. He believes BOA can just say they need to install riprap within the next three years and be done in compliance with how it's supposed to be installed, according to the DNR. Jazdzewski does not want to get over simplistic. Rusch said this could be tied to the DNR.
- Meis discussed what the Board is required to consider with a hardship; the hardship is not created by any person. Meis stated this was created; the original condition was not followed. He doesn't believe they can get around that one. He explained that every variance criteria is required to grant the variance. Jazdzewski said this would be giving a variance for another way to get there and they are looking to protect the shoreline. Jazdzewski said it was noted earlier that there is very little variance with the water unless there would be a dam failure. Meis again reiterated the hardship cannot be created by any person and it was created because the original condition was not followed from the beginning. Jazdzewski believes they have not gotten to a point where they cannot really change it without doing a lot of personal harm. He added the harm would not be to the original owners; it would harm the tenants of the campground.

- Arendt added his client did not buy a business; it was not an LLC he purchased. He said the person that created this was Arthur Langlois, not Michael Langlois. He is not the person that created this issue; he bought the property as is.
- Michael Langlois said his father never discussed this with him and he didn't know anything about it until 2017. He added things were so different back then and asked if his father really violated anything. He discussed issues and how his father did things in the past and how there could have been unknown agreements with Town officials in the past. Jazdzewski agreed but said that was then, this is now. Langlois said a situation created this, not any individual person. He gave a brief explanation of the past situation and how he does not feel his family and current tenants should be held accountable for things done in the past. He is asking for a variance that allows them to protect the shoreline and he believes the only way to do that is through riprap. Langlois said BOA needs to be careful how they say this, so they don't end up where they are now. He said they are willing to invest the capital to install riprap to solve the problem created by somebody else. Jazdzewski said this is an oversite perhaps, but it is the current situation.
- Hopp asked staff's opinion on possible conditions in regard to the variance. Mrdutt said riprap is good for bank stabilization. It's not the preferred or ideal way to do a shoreline restoration but on rivers and places where they have fluctuating waters, they are very limited. He said bio-bags would probably not work in this area and for that use. He believes they are limited to rock. It would help prevent erosion, but it will not bring back the ability to have a good shoreline for aquatic life. Riprap is nowhere near as good as other natural vegetation, but it does prevent erosion. He added it is a step in the right direction. Hopp said this is what they are mostly concerned about.

Motion by Hopp to approve the request for a variance, with proper permitting and cooperation with the DNR and Portage County on putting riprap along the shoreline to protect it. Jazdzewski asked about any conditions like monitoring and Hopp said this would be up to the County and DNR with their permits. He added he would put a timeline of three years to have this done. Pagel added if docks are removed, any gap in the riprap would then be filled. Hopp agreed this would have to be done so it is riprap the entire way.

Motion to approve seconded by Rusch. Jazdzewski said the motion is to grant the variance with the condition of riprap being installed and properly permitted and must be completed in a period of three years. Hopp agreed with the clarification. Motion to approve the variance passed 4-1 by roll call vote, with Meis voting nay.

Jazdzewski called for a brief recess at 6:40 pm before discussing the special exception. Meeting called back to order at 6:52 pm.

Jazdzewski opened the hearing for the Special Exception request from the provisions of the Portage County Zoning Ordinance Section 7.1.3.1(C)(6) & (19), and Portage County Shoreland Zoning Ordinance Section 7.7.5.2(A), to expand a campground, associated uses, and mobile home park, in the A4 General Agricultural Zoning District, Town of Plover, Parcel numbers: 030230725HS-01.09; 030230725HS-02.04; and 030230725HS-02.03.

Mrdutt explained the request and said there will be different phases of the project. The first phase is the expansion of the campground. This would add a swimming pond and other structures. Mrdutt noted members were handed an updated project map showing phases one and two. Mrdutt said phase two is discussion around the harbor with proposed slips. The harbor would be considered as associated use to the campground. The design for phases one and two also utilizes the other two properties in the request. Development in the shoreland area would consist of group campsites for employees and a parking area for people that want to use the Sandbar pontoon.

Jazdzewski reminded people they are still sworn in. Lengthy discussion; Arendt gave a history of the parcels that were originally approved for the campground, how many mobile home sites were approved, and explained what the expansion would consist of. They want relatively small park model homes that would be certified both as a modular home and a park model home. Arendt added they also want to build a harbor and explained in detail the reasoning and justification for that request. Arendt detailed the amenities that will be available in the campground. Lengthy discussion on the following topics; timeframe for the different phases and number and location of sites with park models.

Jazdzewski asked if any members of the public wanted to speak on this matter. There was lengthy discussion amongst Mark Anderson, Resources Manager for Consolidated Water Power Company (CWPO) and BOA members regarding CWPO's assessment of the request; what it entails, potential impacts, and how they will be

involved because there is a substantial part of the property that falls within Federal Energy Regulatory Commission (FERC) project boundaries. He noted there are certain conditions that FERC can require as a federal entity with certain authorities they can impose. Additional discussion amongst BOA members and others regarding the proposed harbor and issues that may arise relating to water flow. Anderson was excused.

Jazdzewski asked if any members of the public wanted to speak on this matter. The following people were sworn in and expressed their opinions on the special exception request:

- Bart Adams, area property owner; supports request, however, has concerns relating to proximity to property lines, aesthetics, excessive traffic, septic systems, groundwater, alcohol, very busy boating situation, and operational control. Discussion with BOA members and Adams regarding his concerns as well as possible fencing and/or berms to alleviate some concerns. Mrdutt also discussed vegetative screening provisions.
- Colton Kissinger, adjacent property owner; expressed concerns regarding traffic, additional boats, additional campers, and related safety issues. Langlois explained the type of camp atmosphere they intend to have. Additional discussion with input from Mrdutt regarding vegetative screening standards. Kissinger reiterated he supports the request, as long as it does not affect his land or safety of his family.
- Sandra Troyanoski, area property owner; submitted and read a statement expressing concerns related to environment, traffic, security, and time frame for completion of the project. Jazdzewski explained what conditions could be put on a request such as this.
- Carissa Scott, area property owner; supports the campground providing different benefits and revenue for the community and campground; however, she expressed concerns about benefits to the six surrounding neighbors and if they will have to rent to be able to use the amenities, as well as concerns about her property value and taxes. Lengthy discussion regarding possible future access to the amenities by the public. Mrdutt spoke briefly on the safe harbor issue. He added if it is an associated use to the campground, it cannot be opened up to the public; that would then be considered a marina or commercial use. Additional discussion with Scott regarding her concerns.
- Chris Klitzman, adjacent property owner; said he has had no issues with the campground. Klitzman believes they have managed the campground very well and will address any issues that come up.
- Sara Bella, resident in the far side of the subdivision; stated she has the same concerns expressed by others. Her main concern is the road issue and the ability to handle extra weight and traffic, as well as the lack of stop signs on the roads. Additional discussion regarding noise and the use of buffers.
- Carol Klitzman, adjacent property owner; she has been friends with the Langlois family for a long time. She feels they are good neighbors.
- Cody Knutson, surrounding property owner; expressed concerns regarding lifestyle and hardships created for the neighbors, traffic, safety for his child playing outside, lack of signage on roads, upkeep of roads due to increased traffic, increase in noise and loss of privacy, vehicle speed, wildlife habitation, property value, appearance of subdivision, size of proposed buffer/berm, contamination concerns related to well and septic, and permitting.

There was nobody online wanting to speak on this matter, and it was noted no correspondence was received that needed to be read into the record.

Bart Adams asked what follow-up looks like after this request is approved and permits are issued. Jazdzewski explained that several agencies and departments will be involved and there will be conditions attached to the approval. Mrdutt referenced the fact sheet from the packet and explained what criteria BOA can use to set and review conditions. Jazdzewski read the conditions suggested in the staff memo. Discussion amongst Mrdutt and BOA members regarding suggested changes to some conditions.

There was additional discussion on the number of campsites that will have park models that can be used year-round as well as trees located on the north side of River Ridge Circle and whether they will stay or be removed.

Arendt discussed the proposed condition that will require all Federal and State permits to be issued prior to a zoning permit for the harbor. He said some of the permits required at the Federal and State level require a zoning permit to be issued and they don't want to be in a catch 22 situation. Mrdutt suggested they could word the proposed condition to require that Federal and State permits be on-file with the Planning and Zoning Department.

There was discussion on whether nightly, weekly, and monthly rental of campsites could be excluded from the approval; Mrdutt said BOA is allowed to put conditions on operational control. Langlois explained their target market is not nightly or weekly campers, but he would prefer not to have that restriction.

Lengthy discussion on a possible condition to maintain vegetation on property that has been mowed for 20 years and the BOA's authority to do so.

Discussion amongst Hopp and others regarding what can be done for the neighbors to alleviate their concerns, including possibly keeping them informed of construction and what is going on with the property.

Jazdzewski closed testimony and opened deliberations.

Pagel said his only concern is planting trees on a buffer; he suggests they plant dense vegetation instead of trees on a berm. Discussion on this and other committee members agreed with the suggestion.

Special Exception Standards read by Rusch.

The Board is Required to Evaluate the Effect of the Proposed Use Under 7.1.6.5(D)(2)(b)(1) in Order to Approve the Petition

- (a) The maintenance of safe and healthful conditions;
- (b) The prevention and control of water pollution including sedimentation;
- (c) Existing topographic and drainage features and vegetative cover on the site;
- (d) The location of the site with respect to floodplains and floodways of rivers or streams;
- (e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover;
- (f) The location of the site with respect to existing or future access roads;
- (g) The need of the proposed use for a shoreland location;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The amount of liquid wastes to be generated and the adequacy of the proposed disposal system;
- (j) Location factors under which domestic uses shall be generally preferred, uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source, and use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility;
- (k) The importance of the services provided by the proposed facility to the community;
- (l) The availability of alternative locations;
- (m) Such other factors as are relevant to the purposes of this Ordinance.

The Board is Required to Find All of the Following Conditions under 7.1.6.5(D)(3)(c) in Order to Approve the Petition

- (1) The use would not substantially harm the public health, safety, and general welfare, and would not be contrary to State Law or Administrative Code;
- (2) The use would be consistent with surrounding uses and the neighborhood would not be injured thereby;
- (3) The use is consistent with this Ordinance and any County or municipal plan which is based on historic, geographic, and socio-economic facts.

The Board May Attach Any of the Following Conditions Under 7.1.6.5(E)(2) in Order to Further the Purposes of this Ordinance

- (a) Type of shore cover.
- (b) Increased setbacks and yards.
- (c) Specified sewage disposal and water supply facilities.
- (d) Landscaping and planting screens.
- (e) Period of operation.
- (f) Operation control.
- (g) Sureties.
- (h) Deed restrictions.
- (i) Location of piers, docks, parking and signs.
- (j) Requirement for construction of channel modification, dikes, levees and other protection measures.
- (k) The following shoreland protection measures and conservation standards may be required without limitation because of specific enumeration;
 - (1) The smallest amount of bare ground be exposed for as short a time as feasible;
 - (2) Temporary ground cover such as mulch be used and permanent cover such as sod be planted;
 - (3) Diversions, silting basins, terrace and other methods to trap sediment be used;
 - (4) Lagooning be conducted in such a manner as to avoid creation of fish trap conditions;

- (5) Fill is stabilized according to accepted engineering standards;
- (6) Fill will not restrict a floodway or destroy the storage capacity of a floodplain;
- (7) Sides of channels or artificial watercourses be stabilized to prevent slumping;
- (8) Sides of channels or artificial watercourses be constructed with side slopes of three units horizontal distance to one unit vertical or flatter unless bulkheads or riprapping are provided.

Nothing additional noted. Jazdzewski asked for a motion to approve, deny, or postpone the request. Motion by Jazdzewski to approve the request for a special exception, with the following conditions:

1. Obtain a Portage County Zoning Permit for Phase 1.
2. Obtain a Portage County Sanitary Permit prior to the issuance of a Zoning Permit.
3. A Stormwater and Construction Site Erosion Control Plan must be approved by the Portage County Land and Water Conservation Division prior to the issuance of a Zoning Permit.
4. A Flood Warning Procedure document must be approved by the Planning and Zoning Committee and submitted to the Portage County Planning and Zoning Department to satisfy 7.6.2.4 of the Portage County Floodplain Ordinance prior to the issuance of a Zoning Permit.
5. Provide number of piers proposed based on DNR approval.
6. Obtain a WI-DNR Stormwater Permit prior to the start of construction.
7. All private employee campsites must be at least 75' from the OHWM of the Wisconsin River.
8. Guest Parking for the "Sand Bar" Pontoon must be clearly identified and must be at least 75' from the OHWM of the Wisconsin River.
9. This approval includes the Variance to allow 16 campsites within 35' of the Wisconsin River/Halladay Creek.
10. This approval includes a Special Exception for 202 public campsites that can be used for year-round manufactured home sites, includes 8 employee campsites, and the construction of a harbor.
11. A Portage County Zoning Permit is required for Phase 2.
12. A Construction Site Erosion Plan must be approved prior to the issuance of a Zoning Permit for Phase 2.
13. All permits required by State and Federal agencies to construct the harbor must be on file with the Planning and Zoning Department before a Zoning Permit is obtained. This will be worked out with Planning and Zoning. Mrdutt said this needs to be enforceable and it would be more appropriate to state the applications are on file with the Department. Pagel clarified cross out "before the zoning permit is obtained."
14. The 35' foot primary vegetative buffer along the Wisconsin River on parcel 030230725HS-02.04 needs to be maintained in natural vegetation and cannot be mowed until the viewing and access corridor is established.
15. All-natural vegetation along the Wisconsin River and Halladay Creek that currently exists needs to be maintained in a natural state.
16. All licenses required by Portage County Health and Human Services must be submitted to the Portage County Planning and Zoning Department.
17. Parcels 030230725HS-01.09; HS-02.04; & HS-02.03 need to be combined into one Certified Survey Map.
18. Navigational aids pertaining to harbor entrance and exit are to be installed and maintained by the petitioners.
19. A 25' wide buffer, part dirt mound and part vegetative plantings, is to be established and maintained per County regulations.

Discussion amongst Arendt and BOA members on which parcels the buffer needs to be established. Jazdzewski agreed this condition could read the 19' buffers on the drawing are to be 25'. Stewart asked for clarification and per Jazdzewski:

25' wide buffer to be maintained as per County Ordinance. That buffer to be part dirt mound, part vegetative plantings; need to work with the Planning and Zoning Department. Pagel clarified this applies to the area currently identified on the map as a 19' berm.

20. There is to be a review of concerns as time progresses to keep the neighbors informed of ongoing development and construction. This is to consist of the petitioners informing the neighbors, as well as the Portage County Planning and Zoning Department, in writing.

Jazdzewski added condition #13 should include the safe harbor is not to be open to the general public.

Motion to approve seconded by Rusch. Motion to approve the special exception passed 4-1 by roll call vote, with Meis voting nay.

Approval of Minutes from February 21, 2022, meeting.

Rusch moved to approve the minutes of February 21, 2022; Hopp seconded. There being no discussion, motion to approve passed 5-0 by voice vote.

Approval of Minutes from March 14, 2022, meeting.

Meis moved to approve the minutes of March 14, 2022; Hopp seconded. There being no discussion, motion to approve passed 5-0 by voice vote.

Discussion/Possible Action Regarding Special Meetings (Portage County Ordinance 3.1.47 & 3.1.48)

- Request for Special Meeting Attendance
- Approval of Attendance of Special Meetings
- Special Meeting Attendance Reports – None

Motion by Hopp, second by Rusch, to approve Attendance of Special meetings for Jazdzewski and Meis. Motion to approve passed 5-0 by voice vote.

Correspondence/Updates from Staff

No complete applications received for July; no meeting that month.

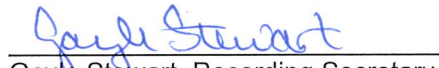
Next Meeting Date

Tentative, August 15, 2022.

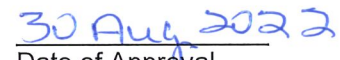
Adjournment

Motion to adjourn by Pagel, second by Hopp. Motion to adjourn passed by voice vote. Meeting adjourned at 9:25 pm.

Respectfully submitted,


Gayle Stewart, Recording Secretary


James Garbe, BOA Secretary


Date of Approval