

**RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE
SUMMARY MINUTES - MONDAY, APRIL 15, 2019 - 6:00 P.M.**

Ives Grove Office Complex Auditorium
14200 Washington Avenue, Sturtevant, WI 53177

(NOTE: Audio recording from Racine County is available upon request. These minutes are intended as a summary of actions taken by the Committee and do not include verbatim or detailed accounts of all comments made by staff, the Committee and members of the general public present at the meeting.)

Committee present: David Cooke, Kay Buske, Bob Grove, Tom Hincz, Monte Osterman, Tom Pringle, Tom Roanhouse

Youth in Governance
Representatives: Evan Schlicht, Hailey Stoltenberg

Staff present: Brian Jensen, Development Services Superintendent
Sean Maiter, Development Services Specialist

Also present: John Serketich, Assistant Corporation Counsel

Chairman Cooke called the April 15, 2019 Racine County Economic Development and Land Use Planning Committee Public Hearing and Committee meeting to order at 6:00 pm. He introduced the Committee and staff and explained public hearing and meeting procedures. Following are the agenda items and the Committee's actions.

PUBLIC HEARING

1. Arthur & Eileen Naber
6:03
7:10

Amendment of Land Use Plan from the plan designation of Residential-Sewered to Commercial.

Rezone ±3.38 acres of property from R-3 Suburban Residential District (Sewered) to B-3 Commercial Service District; 1225 Brown's Lake Drive; Sec. 22, T3N, R19E, **Town of Burlington** (Parcel Id. No. 002031922020020)

For informational purposes only:

The purpose of this Land Use Plan amendment and rezone is to establish proper zoning and land use designation for future construction of a veterinary clinic.

Brian Jensen reviewed the petition and public hearing testimony using text and maps.

Arthur Naber was present to answer questions from the Committee. In response to a question from Supervisor Osterman, Naber indicated that construction will be scheduled at some time in the future, possibly next year.

SPEAKING IN FAVOR

- William Korducki, an adjacent property owner who stated he was also speaking on behalf of additional neighboring property owners, expressed support of the proposed rezoning for the intention of constructing a veterinary clinic, but would oppose any possible future rezoning of the corner property on Plank Road and South Brown's Lake Drive for commercial use.

COMMUNICATIONS

- The Town of Burlington approved the petition.

STAFF RECOMMENDATION(S)

Staff recommends approval, as the Town of Burlington has approved the petition and it is compatible with surrounding uses in this area.

DECISION

SUPERVISOR PRINGLE MOVED, seconded by Supervisor Buske, to approve the Land Use Plan amendment and the rezone petition, as the Town of Burlington recommended approval and the proposed rezoning is compatible with surrounding zoning and uses.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

2. Kim Ellis, Owner
6:09 Jennifer Wallace, Agent
7:12

Conditional Use to operate a horse-boarding facility, known as Honey Creek Stables, including a riding arena, up to six (6) shelters, 26 stalls, and 15-20 pasture boarded horses (total of 40-50 horses on the property) and future use of the upstairs barn area as residential quarters; located in the A-1 Farmland Preservation District; 35111 Hill Valley Drive; Sec. 30, T4N, R19E, **Town of Waterford** (Parcel Id. No. 016041930010030)

Brian Jensen reviewed the petition and public hearing testimony using text and maps.

Neither the owner, agent, nor any other representative for the applicants appeared at the public hearing tonight.

COMMUNICATIONS

- The Town of Waterford asked that if the petition is approved, conditions be left in order to allow input from the Town.
- An anonymous complaint was received by the Development Services Office stating that the horse-boarding operation started before approvals from the Town and the County were granted. (Jensen noted that if it's determined that the operation started prior to receiving approvals, a quadruple zoning permit fee would be imposed.)

STAFF RECOMMENDATION(S)

Staff recommends laying over the petition, as the applicant(s) did not appear at tonight's public hearing. In order to placed on the next available EDLUPC agenda, the applicant must submit a written request to do so and will be responsible for the cost of re-publication of the petition.

DECISION

SUPERVISOR GROVE MOVED, seconded by Supervisor Pringle to lay over the petition, as neither the agent, the applicant, nor anyone on behalf of the owner or agent, was present at tonight's public hearing.

Discussion followed. Supervisor Roanhouse asked for clarification of the lay over process. Jensen explained that the applicant must file a written request with the Development Services Office and pay the re-publication fee for the legal notice before being placed on the next available EDLUPC agenda. In effect, the public hearing process will begin anew. Supervisor Osterman noted that there is some indication that a horse-boarding operation is already being conducted on this property. He questioned what will occur between now

and the time the petition is placed on a future agenda. Supervisor Hincz requested that staff visit the site to investigate during the interim.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

3. Richard Zarate
6:12
7:14

Conditional Use to change occupancy of the existing auto sales showroom and prep building; relocate existing auto sales, with auto repair remaining in the existing pole barn; and allow outside storage/parking of vehicles for auto auction business; located in the B-3 Commercial Service District and the M-3 Heavy Industrial District; 355 27th Street; Sec. 1, T4N, R21E, **Town of Raymond** (Parcel Id. No. 012042101005000)

Jensen reviewed the petition and public hearing testimony using text and maps. There have been many approvals granted for uses on this site, seven in total, dating back to 2006. Zarate took over this site from Valenti Auto Sales in 2012. There are surrounding commercial and manufacturing uses in this area.

Richard Zarate was present tonight to answer questions from the Committee. Supervisor Osterman asked if the property is currently being used for Manheim overflow parking. Zarate replied that there has been overflow parking on the property for approximately 1 ½ years. In response to a question from Supervisor Grove, Zarate stated that access to the parking area will be from the Manheim property.

COMMUNICATIONS

- The Town of Raymond Plan Commission and Town Board approved this request as presented at their last meeting.

STAFF RECOMMENDATION(S)

Staff recommends approval, as the use appears to fit with other uses in this area. If approved, a quadruple zoning permit fee will be imposed, because the parking area was developed and occupied without approval from the County or Raymond.

DECISION

SUPERVISOR GROVE MOVED, seconded by Supervisor Pringle, to approve the petition, with staff recommendations and subject to standard conditions, as the use appears/does not comply with all other provisions of Chapter 20, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards; and based on the other things going on in the area, the proposed use appears to fit with the uses in the district..

Discussion followed. Supervisor Grove questioned the Village of Caledonia's role in exercising extra-territorial rights now that Raymond has incorporated as a village. Jensen commented that the question of extra-territorial rights will more than likely be handled by the village attorneys.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

4. 6:17 7:16	Jose & Maria Mora Attorney Rodney Carter & Jaime Mora, Agents	<u>Conditional Use</u> to park two (2) quad-axle dump trucks in an existing pole barn; located in the A-2 General Farming & Residential District II; 8761 W. Seven Mile Road; Sec. 9, T4N, R21E, Town of Raymond (Parcel Id. No. 012042109003050)
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Jensen reviewed the petition and public hearing testimony using text and maps. A conditional use to park two dump trucks in the existing pole barn was denied by the EDLUPC on January 16, 2017, as the use is not in accordance with the purpose and intent of Chapter 20 and is harmful to public health, safety, and welfare and there are single-family residential uses in this immediate area. A notice of violation and citation were issued to the applicants in January of 2019 and a court date is set for later this month. This request will be placed on the Village of Raymond's April 22, 2019, agenda.

Jaime Mora and Attorney Rodney Carter were present tonight to answer questions from the Committee. Attorney Carter offered a brief history of the property. He stated that he has a letter in his possession to add to the record that is from a neighbor in the immediate vicinity supporting the petition. Supervisor Grove asked if there are any other trucks that will use the property, noting that in the past there have been other trucks on the property. Mora acknowledged that there have been other trucks on the property in the past; however, he didn't know that it was a violation and he has since made changes. Attorney Carter stated that if the petition is approved, the applicant will abide by any conditions established by the Committee. Supervisor Hincz asked what type of business operates from this site. Mora stated that his family business is related to trucking and the trucks haul construction materials. Supervisor Osterman questioned the applicant about past parking on the property. He then asked for clarification of any maintenance that will be done on the vehicles. Mora stated that minor, non-invasive repairs will be done--no oil changes, no disposal of fluids. He further stated that the trucks will generally be empty when coming in and going out of the property. Supervisor Roanhouse questioned the five-employee/two-truck ratio referenced in the applicant's submittal. Mora explained that there are five trucks in his company, but this site will be used to store only two trucks. Supervisor Cooke confirmed with the applicant that his parents reside in Oak Creek, he resides in Greendale, and the current renter of the home is not a member of his staff. Supervisor Cooke asked for an explanation regarding Attorney Carter's statement that maintenance is currently being done on the trucks that are on the property. Mora replied that it is his understanding that there may be the presence of dump trucks onsite if they're not on there on a permanent basis.

STAFF RECOMMENDATION(S)

Staff recommends denial of the petition, as the proposed use does not meet the purpose and intent of Chapter 20, in part, given the fact that the commercial vehicles are not utilized or parked by the occupant on the property; the proposed use does not fit with the uses in the district (the use appears to be a trucking terminal which is not allowed in the A-2 zoning district).

DECISION

SUPERVISOR PRINGLE MOVED, seconded by Supervisor Grove, to deny the conditional use petition, as this use is harmful, offensive, or otherwise adverse to the property values in the County and its communities; and based on other things going on in the area, the proposed use does not appear to fit with the uses in the district and there are single-family residential uses in this immediate area and this proposal does not meet the minimum ordinance criteria of the trucks operated by an occupant of the property.

Question from Supervisor Roanhouse: In reply to a question from Supervisor Roanhouse, Jensen stated that Raymond has not acted on this petition.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

5. Austin J. Duerr
6:31 Timmy D. Duerr, Applicant
7:18

Conditional Use to occupy the existing building with a stump removal business (Affordable Stump Removal, LLC) and allow residential quarters to occupy fifty (50) percent or less of the total floor space of the structure; located in the B-3 Commercial Service District; 8221 Big Bend Road; Sec. 1, T4N, R19E, **Town of Waterford** (Parcel Id. No. 016041901075000)

Jensen reviewed the petition and public hearing testimony using text and maps. This commercial property is serviced by municipal sewer. No employees, no clients at the office, and no outside parking are being proposed. Maintenance of equipment will be performed in the garage area. The applicants are proposing to occupy less than 50% of the existing building with residential use, which is allowed by the County Zoning Ordinance.

Tim Duerr was present tonight to answer questions from the Committee. In response to a question from Supervisor Osterman, Duerr stated that his business is solely a stump grinding business - no tree cutting, no producing firewood. Maintenance is limited to upkeep of equipment, such as lubricating machines and sharpening blades.

COMMUNICATIONS

- The Town of Waterford asked that if the petition is approved, conditions be left in order to allow input from the Town.

STAFF RECOMMENDATION(S)

Staff recommends approval of the petition, as the proposed use is in accordance with the purpose and intent of Chapter 20, it's not hazardous or harmful to the County and its communities, and it appears to be allowed by underlying zoning.

DECISION

SUPERVISOR BUSKE MOVED, seconded by Supervisor Pringle, to approve the conditional use petition, with staff recommendations and subject to standard conditions, as this use is not hazardous, harmful, offensive, or otherwise adverse to the property values in the County and its communities; and based on other things going on in the area, the proposed use appears to fit with the uses in this district..

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

6. Javco Realty, LLP
6:35 Josh Obert, Cleary Building
7:19 Corp., Agent

Conditional Use to construct and utilize a ±4,970 sq.-ft. commercial building; located in the B-5 Highway Business District; directly west of 3873 27th St.; Sec. 25, T4N, R21E, **Town of Raymond** (Parcel Id. No. 012042125031001)

Jensen reviewed the petition and public hearing testimony using text and maps. The proposed building will be used for rent/lease purposes. This parcel was created by a recent reconstruction of the Frontage Road. If approved, this unsewered parcel will require installation of a private onsite wastewater treatment system (POWTS), the permit for which would be issued by the Development Services Office.

Josh Obert, Cleary Building, was present tonight to answer questions from the Committee.

COMMUNICATIONS

- The request is scheduled for consideration at the Town of Raymond Plan Commission and Board meeting on April 22, 2019, meeting.

STAFF RECOMMENDATION(S)

Staff recommends approval of the petition, with the condition that future occupants must obtain either conditional use or site plan approval from the EDLUPC.

DECISION

SUPERVISOR OSTERMAN MOVED, seconded by Supervisor Pringle, to approve the conditional use petition, with staff recommendations and subject to standard conditions, as this use appears to comply with all other provisions of Chapter 20, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards; and based on the other things going on in the area, the proposed use appears to fit with the uses in the district.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

7. Taylor & Erin Rose
6:43
7:20

Conditional Use to park and store a mini-excavator, skid loader, and dump truck in an existing attached garage; located in the A-2 General Farming & Residential District II; 8431 Big Bend Road; Sec. 1, T4N, R19E, **Town of Waterford** (Parcel Id. Nos. 016041901-034200, -034201)

Jensen reviewed the petition and public hearing testimony using text and maps. A Notice of Zoning Violation was issued to the applicants in January of 2019. Jensen commented that the applicants have been very receptive to working with staff and forthright in their efforts to correct the zoning violation on this property. No additional structures or the presence of employees on the site are proposed. The equipment occasionally brought onsite will be used for the purpose of continuing maintenance of the property and making improvements. Equipment will be stored inside the existing garage. Some mapped environmental corridor exists on the westerly portion of the property. Jensen provided a brief history of the property, noting that the residence on the property was constructed in 2018 and is served by a private onsite wastewater treatment system.

Taylor Rose was present tonight to answer questions from the Committee. Rose indicated that he sold the large excavator that had been parked onsite and replaced it with a mini-excavator that may now be parked inside. In response to a question from Supervisor Hincz, Jensen stated that he is not aware of the existence of any wetlands on this property. Rose stated that he believes a small sliver of land in back of the parcel may be located in the 100-year floodplain, but there are no wetlands on the property. In response to a question from Supervisor Buske, the applicant stated that maintenance on vehicles will be performed in the existing 50' x 80' pole barn and fluids will be taken offsite for disposal.

SPEAKING IN OPPOSITION OF THE PETITION

- Mark Whorley (Whorley Storage, LLC, 8427 Big Bend Road) and Attorney Michael Schrober

submitted three written objections to the petition in which concerns were stated that included utilizing the easement on the Whorley B-3 zoned property to move equipment in and out of the Rose property and “overburdening an easement”, possible enforcement problems and safety issues, and past conduct and activities of the applicant.

COMMUNICATIONS

- The Town of Waterford asked that if the petition is approved, conditions be left in order to allow input from the Town.
- Written support of this proposal from eleven area property owners has been received and is on file with the Development Services Office.

STAFF RECOMMENDATION(S)

Staff recommends approval of the conditional use petition, as the proposed use appears to comply with the purpose and intent of Chapter 20 and the equipment will be utilized to make improvements to the owners’ property; this use appears not be harmful or hazardous to the County and its communities; and it appears to be permitted by underlying zoning in the district.

DECISION

SUPERVISOR PRINGLE MOVED, seconded by Supervisor Osterman to approve the conditional use petition, with staff recommendations and subject to standard conditions, as this use appears to be permitted by underlying zoning, and based on the other things going on in the area, the proposed use appears to fit with the uses in the district.

Discussion followed. Supervisor Grove commented about the existing gravel driveway and asked about the likelihood of allowing the installation of a new driveway that he believes is needed in order to better service the equipment that will be required to clean up the property. He stated that he doesn’t believe this will be an ongoing activity or become a construction yard. Jensen noted that the reason for the existing driveway easement was due to the number of State highway access points when the lot was split. He stated that the BOA granted a variance for the easement to service both parcels. He further stated that a new driveway would require WisDOT approval. Supervisor Osterman agreed with Supervisor Grove concerning the need for a new driveway, commenting that the applicants don’t have many other options as they work toward cleaning up the property.

YOUTH REPRESENTATIVES’ ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

7:05 **SUPERVISOR GROVE MOVED, seconded by Supervisor Hincz, to close the public hearing.**
Motion carried unanimously. VOTE: 7/0

COMMITTEE MEETING

PLEASE NOTE: While the following agenda items are up for discussion and action before the Committee and the Committee may ask questions of the petitioners or affected neighbors, this portion of the agenda is a committee meeting and not a public hearing, and public hearing testimony may not be taken. All are welcome to attend.

1. Decisions on preceding petitions

2. Review, discussion & possible approval of the March 18, 2019, summary minutes
7:25

SUPERVISOR PRINGLE MOVED, seconded by Supervisor Grove, to approve the March 18, 2019, summary minutes. Supervisor Osterman suggested an amendment to the minutes under Public Hearing Item 2, Page 2, Michael and Valerie Iverson/Big Bend Vape and CBD, to delete the wording, “in opposition of the petition”, and replace with “in concern of the petition” under the communication from the Town of Waterford Chief Matthew Johnson. Supervisor Hincz stated that the Chief was in opposition and the conditional use petition was denied by the Town of Waterford.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye
Youth Representative Stoltenberg: aye

Motion carried. VOTE: 6/1, with Hincz dissenting

3. Burlington Union High School District
7:27 Daniel Bobock, Applicant
Site Plan Review for expansion of the existing school forest parking lot for temporary parking of buses during events; located in the P-2 Recreational Park District; 7850 S. English Settlement Avenue; Sec. 13, R2N, R19E, **Town of Burlington** (Parcel Id. No. 002021913010000)

Jensen reviewed the petition. The property is approximately 159 acres in size and the proposed parking lot will be approximately 5000 square feet in area. The additional lot will be used for parking school buses and there will be no permanent structures or vehicles located on the site. A site plan was approved for this site in 2004 for a shelter.

STAFF RECOMMENDATION(S)

Staff recommends approval of the petition as submitted.

DECISION

SUPERVISOR PRINGLE MOVED, seconded by Supervisor Buske, to approve the petition, with staff recommendations and subject to standard conditions.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye
Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

4. Clearwater Acres, LLP
7:29 Payne & Dolan, Inc., Applicant
Site Plan Review to continue a non-metallic mining operation (sand & gravel), including earthmoving, crushing, washing, sorting, sizing, stockpiling, transportation and reclamation; located in the M-4 Quarrying District; 6745 Northwest Circle; Secs. 16 & 17, T4N, R19E, **Town of Waterford** (Parcel Id. Nos. 0160419-16003000, -17001000, 17007000, -17008000)

Jensen reviewed the petition. The property was rezoned and conditional use approval granted in April of 2017. To date, no complaints have been filed concerning the nonmetallic operation. The County Conservationist and staff met with the applicant at the site. The applicant is ready to begin the extraction process. The financial assurance bond on file is sufficient and still in effect.

STAFF RECOMMENDATION(S)

Staff recommends approval for a two-year renewal of the nonmetallic mining operation as presented.

DECISION

SUPERVISOR PRINGLE MOVED, seconded by Supervisor Grove, to approve the petition, with staff recommendations and subject to standard conditions.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

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|------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. | Self Storage Consultants, LLC | <u>Site Plan Review</u> to construct two 40' x 140' self-storage units |
| 7:30 | Jerry Seubert, Applicant | located in the M-3 Heavy Industrial District; 2941 S. 27 th Street;
Sec. 24, T4N, R21E, Town of Raymond (Parcel Id. No. 012042124029000) |

Jensen reviewed the petition. This site is approximately 1.67 acres in size and is located south of Five Mile Road on the Frontage Road. Previous approval for self-storage buildings were granted by the EDLUPC in 2013; however, the buildings were never constructed. This petition mirrors the 2013 submittal. Numerous approvals have been received in the past, with initial approval granted in November of 1986, followed by three subsequent site plan approvals. Jensen noted that this request may require extra-territorial review by the Village of Caledonia.

STAFF RECOMMENDATION(S)

Staff recommends approval of the petition as presented.

DECISION

SUPERVISOR GROVE MOVED, seconded by Supervisor Pringle, to approve the petition, with staff recommendations and subject to standard conditions. Supervisor Hincz, asked if there are any drainage issues on this property. Jensen stated that staff isn't aware of there being any drainage issues and that Raymond has authority over drainage matters.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

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|------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. | Arthur & Linda Lechner | <u>Site Plan Review</u> to occupy an existing commercial building |
| 7:33 | Joseph Hren, Agent | and site with used sales; located in the B-3 Commercial Service
District; 23629 Durand Avenue; Sec. 27, T3N, R20E, Town of
Dover (Parcel Id. No. 006032027018000) |

Jensen reviewed the petition. Conditional use for auto sales on this site was granted by the EDLUPC in February of 2003. Per the submitted application, no changes from the 2003 operation plan or building modifications are proposed.

STAFF RECOMMENDATION(S)

Staff recommends approval of the petition, with all applicable conditions of the 2003 approval remaining in effect.

DECISION

SUPERVISOR PRINGLE MOVED, seconded by Supervisor Buske, to approve the petition, with staff recommendations and subject to standard conditions.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

7. Staff update of nonmetallic mining operations at the Beck pit operated by Cornerstone Pavers, LLC, Chris Cape.

Jensen provided background information and a brief summary of staff's findings concerning operations at this site. Jensen then turned the discussion over to Sean Maiter, Development Services Specialist. Using PowerPoint slides, Maiter reviewed his site investigation findings and illustrated the 200-foot extraction boundary approved by the EDLUPC in 2017. Referring to photographs of the property taken on March 27 and April 3 of this year, as well as descriptive diagrams, Maiter stated that in his estimation extraction occurred beyond the approved 200-foot extraction limit. Photos subsequently taken on April 5, at the same location where previous photos were taken, revealed backfilling and grading had occurred after the previous site inspection. Jensen provided an overview of steps taken by staff and the revocation process timeline itself. He stated that the March 27 onsite compliance check found numerous deviations from the 2017 approved plan and conditional use permit. On March 28, a Notice of Violation-Corrections Orders, including orders to immediately stop all mining and mining extraction activities on the property, was issued to Chris Cape and Richard Beck by Julie Anderson, Director of the Public Works and Development Services Department. The next step in compliance/correction would be revocation of the conditional use permit, the process for which would be initiated by a motion by the EDLUPC. The matter would then be placed on the next available EDLUPC agenda as a public hearing item.

Staff recommends proceeding with revocation of the conditional use permit for nonmetallic mining operations at the Beck pit.

DECISION

SUPERVISOR OSTERMAN MOVED, seconded by Supervisor Pringle, to initiate the revocation process. **Discussion followed.** Supervisor Osterman asked if there would be any circumstances under which deviation from the approved plan would be acceptable. Jensen replied in the negative. Supervisor Osterman questioned whether the bond on file, based on the October 2017 plan submitted to and approved by the EDLUPC, will be an adequate amount given the evidence of violations. Supervisor Grove commented that given the timeline, he believes there is no other option but to revoke the permit. Supervisor Roanhouse questioned who would be responsible if the existing bond isn't sufficient, the owner or the mining operator. Assistant Corporation Counsel John Serketich indicated that at this point it potentially would be both owner and operator. Supervisor Osterman raised the question of whether or not the bond will remain in effect if the company declares bankruptcy. Attorney Serketich replied that he suspects that the bond is a separate issue

outside of the bankruptcy issue. Supervisor Roanhouse added that the bond is in the County's custody and he believes it would, therefore, not be in the jurisdiction of bankruptcy court. Supervisor Cooke asked what recourse there would be to immediately close the facility while the revocation process is underway. Attorney

Serketich indicated that this would require a separate action through the court system as an injunction. Supervisor Cooke recommends that Corporation Counsel look into petitioning the court for an injunction. Supervisor Hincz asked about the property owner's liability and responsibility in this matter. Attorney Serketich stated that there may be separate contractual agreements and that the owner and his counsel would have to address this question.

Supervisor Osterman amended his motion to initiate the revocation process, including a court-ordered injunction to cease work and prohibit any further activity on this site. The seconder of the motion had no objection to the amendment.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Amended motion carried unanimously. VOTE: 7/0

8. Review, discussion, & possible action on referrals from the Racine County Board of Supervisors
8:00

SUPERVISOR GROVE MOVED, seconded by Supervisor Pringle, to receive and file referrals from the County Board as presented.

YOUTH REPRESENTATIVES' ADVISORY VOTES:

Youth Representative Schlicht: aye

Youth Representative Stoltenberg: aye

Motion carried unanimously. VOTE: 7/0

9. Other business as authorized by law
8:01

There will not be a meeting of the EDLUPC on Monday, May 6, 2019. The May 20, 2019, public hearing will remain as scheduled.

10. Adjourn
8:02

There being no further business, **SUPERVISOR GROVE MOVED, seconded by Supervisor Pringle**, to adjourn at 8:02 p.m. **Motion carried unanimously. VOTE: 7/0**