

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, January 5, 2017**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 5:16 p.m. in the Green Lake County Government Center, County Board Room, Green Lake, WI. The requirements of the open meeting law were certified as being met.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Robert Lyon, Harley Reabe, Rich Slate, Michael Starshak, Peter Wallace

Absent:

**Also Present: Matt Kirkman, Land Use Planning and Zoning Director
Missy Sorenson, Code Enforcement Officer
Krista Kamke, Code Enforcement Officer
Carole DeCramer, Committee Secretary
Dawn Klockow, Corporation Counsel**

APPROVAL OF AGENDA

Motion by Slate/Reabe, unanimously carried, to approve the amended agenda.

APPROVAL OF MINUTES

Motion by Slate/Wallace, unanimously carried, to approve the minutes of 12/1/16.

ELECTION OF COMMITTEE VICE CHAIR

On a motion by Reabe/Wallace, unanimously carried, to elect Robert Lyon as Committee Vice Chair.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE

WisLine for Land Use Planning and Zoning, January 18th

Kirkman shared and explained a brochure regarding land use, planning, and zoning teleconferences offered by the UW-Extension. Committee members are invited to attend. The first teleconference is scheduled for January 18th and is titled *Ethics and Open Government Laws for Planning Body Members*. The second teleconference is *Insights on Recent Changes to Wisconsin Land Use Law* and the third is *Case Law and Legislative Update*.

DEPARTMENT ACTIVITY REPORTS

a. Permits and Others

Kirkman explained the monthly financial reports for the month of December.

b. Violations

Kirkman discussed the list of land use violations. Sorenson explained that the violations that are on the septic violations report are all pumping violations.

DEPARTMENT/COMMITTEE ACTIVITY

a. Exclusive Agriculture Zoning District Update

Kirkman reviewed why the county is going through the Exclusive Agriculture Zoning District update. The county is given a year to bring the ordinance in line with the Farmland Preservation Plan. The update has to be completed by the end of 2017.

Ken Jaworski, Martenson & Eisele – There are two components to this process: 1) the text, and 2) the mapping portion that coincide with the Farmland Preservation Plan.

The committee discussed whether they would prefer using permitted uses or conditional uses for accessory uses. Starshak, Wallace, Reabe, and Lyon stated that they would prefer the conditional uses. The committee would have a little more oversight as to how it would be organized/setup. Slate stated that he feels the ordinance should be less restrictive. There should be less government oversight.

Motion by Lyon/Wallace, carried on a 4-1 voice vote (Slate – nay), to make D(4) conditional uses. See below.

Proposed 350-27 A-1 Farmland Preservation Zoning District

- (4) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - (a) It is conducted on a farm by an owner or operator of that farm.
 - (b) It requires no buildings, structures, or improvements other than those described in par. (1) or (3).
 - (c) It employs no more than 4 full-time employees annually.
 - (d) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

Motion by Slate/Reabe, unanimously carried, to strike (3)(c)(ii). See below.

Proposed 350-27 A-1 Farmland Preservation Zoning District

- (3) Area, Height and Yard Requirements:
 - (c) Dimensional standards

- (ii) ~~Width. The land area shall have a minimum width of 300 feet. The dimensions within the road right(s) of way shall not be included for the standards of this subsection.~~

Kirkman went on to discuss the proposed maps. He explained that there are split-zoned parcels that must be resolved. The committee directed Kirkman to go ahead with his plan to contact the six zoned towns and those property owners with the split-zoned parcels.

b. Stormwater and Erosion Control Ordinance Update

Kirkman explained that Land Conservation has approached him regarding giving the Land Use Planning and Zoning Department the Stormwater and Erosion Control Ordinance. This may be problematic in that the department may not have staff enough to take that on. Starshak asked that Kirkman meet with Land Conservationist Paul Gunderson to work out a cost analysis for this proposal and present it at the February meeting.

c. Board of Adjustment 12/16/16 Decision Update – Zodang, LLC

Kirkman explained the process that Zodang, LLC followed when applying for a variance from the Board of Adjustment. There was, originally, some confusion for the applicant when dealing with the Department of Transportation. That was resolved and the Board of Adjustment, ultimately, granted the variance request.

COUNTY SURVEYOR POSITION UPDATE

Kirkman – A meeting with County Administrator Cathy Schmit and Corporation Counsel Dawn Klockow is scheduled for tomorrow for further discussion on the contract.

6:26 p.m. The committee recessed until 6:30 p.m.

6:30 p.m. Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee for public hearing items and read the rules of public hearing.

PUBLIC HEARING ITEMS

Audio of committee discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.

Item I: Owner: James M. Slepicka, Sr. & Sandra K. Slepicka **General legal description:** W6842 Jolin Rd, Parcel #014-00408-0000, Lot 3 Certified Survey Map 501, Part of Government Lot 4, Section 32, T15N, R11E, Town of Marquette **Request:** Rezone from R-2 Single-Family Mobile Home District to R-1 Single-Family Residence District.

- a) Public Hearing

John Lueck, 216 S. South Street, Kingston – Questioned what the Slepickas' intent is and thought the Slepickas were buying land in the opposite direction

of what they are. Kirkman explained the request and resolved Mr. Lueck's confusion.

James M. Slepicka, Sr., W6842 Jolin Road – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman explained the request. The Town of Marquette approved the request.

c) Committee Decision

On a motion by Slate/Reabe, unanimously carried on roll call (5-eyes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

Item II: Owner: William E. & Jeanette M. Krebs **General legal description:** N7545 Forest Ridge Rd, Parcel #002-00651-0000, #002-00652-0000, #002-00652-0200, Part of the NE¼, Section 34, T17N, R13E, Town of Berlin **Request:** Rezone from A-2 General Agriculture to R-4 Rural Residential (±5 acres) and A-1 Exclusive Agriculture (±3 acres).

a) Public Hearing

William Krebs, N7545 Forest Ridge Road – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion & Deliberation

Sorenson explained the request. The Town of Berlin approved the request.

c) Committee Decision

On a motion by Slate/Reabe, unanimously carried on roll call (5-eyes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

The committee continued with the business meeting, closed session.

6:45 p.m. CLOSED SESSION PER WISCONSIN STATE STATUTE 19.85(1)(g) CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED. RE: POSSIBLE LITIGATION REGARDING A LAND USE VIOLATION.

On a motion by Starshak/Slate, unanimously carried on roll call (5-eyes, 0-nays), to move to closed session per Wisconsin State Statute 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be

adopted by the body with respect to litigation in which it is or is likely to become involved.
Re: Possible litigation regarding a land use violation.

RECONVENE TO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION

7:10 p.m. Slate asked to be excused.

7:16 p.m. On a motion by Reabe/Lyon, unanimously carried on roll call (5-ayes, 0-nays, to reconvene to open session.

Findings of closed session:

Corporation Counsel will do more research on the issue and keep the committee apprised.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

- Exclusive Agriculture Zoning District Update
- Stormwater and Erosion Control Ordinance Update

b. Meeting Date

February 2, 2017

Business meeting – 5:15 p.m.

Public hearing – 6:30 p.m.

ADJOURN

7:18 p.m. On a motion by Wallace/Lyon, unanimously carried, the meeting adjourned.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

February 2, 2017