

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, February 1, 2018**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 5:15 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
 Carole DeCramer, Committee Secretary
 Dawn N. 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 01/04/18.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE - None

DEPARTMENT ACTIVITY REPORTS

a. Permits and Others

Kirkman discussed the monthly financial reports, land use permits, and septic permits reports.

b. Violations

Kirkman discussed the list of land use violations and septic violations.

c. POWTS inventory & maintenance update

Kirkman – The septic inventory is on track. The Town of Princeton is 53% complete.

DEPARTMENT/COMMITTEE ACTIVITY

a. Floodplain Zoning Ordinance update

Kirkman – The committee was sent a copy of the next section of the proposed floodplain zoning ordinance amendment and began the discussion/review at *Article V Flood-Fringe District* and finished at *Article VIII Administration*.

b. 2020 Orthophoto, funding

Kirkman explained that GIS Specialist Gerald Stanuch is beginning work on the budget for the 2020 orthophoto project. Stanuch asked that this be brought to this committee's attention that, typically, a portion of the non-metallic mining is used to pay for this project. Non-metallic mining funds are single-purpose funds and can only be expended on non-metallic mining projects which would include the orthophoto project. Kirkman stated that the amount would be \$15,000.

Motion by Slate/Lyon, unanimously carried, to support taking \$15,000 from the non-metallic mining budget to put toward the orthophoto project.

Kirkman stated that the committee will approve the committed and carryover funds next month. More information will be available at that time.

Given that information, Slate/Lyon withdrew the aforementioned motion.

c. Request for line item transfer

Kirkman explained that Krista Kamke has soil and POWTS training available and he would like to pull money from another account to pay for the additional training. Missy Sorenson should be included in this training. Kirkman budgeted for the certification expenses, but not the training. He asked that the committee approve the *Request for Line Item Transfer* which would transfer \$600 from office supplies to training (\$466), vehicle maintenance (\$34), and travel (\$100).

Motion by Lyon/Reabe, unanimously carried, to approve the *Request for Line Item Transfer* form that will transfer \$600 from the Land Use Planning and Zoning Office Supplies account to Training (\$466), Vehicle Maintenance (\$34), and Travel (\$100).

d. Annual Report

The committee reviewed the annual report. Reabe suggested that Kirkman include the number of section corners that were completed in 2017. Reabe also questioned the County Road AW project and which department pays for that. Kirkman explained that the Highway Department pays for the corners that are destroyed during road construction. Starshak suggested that it would be good to disclose hurdles that the department resolved during the course of the year.

6:00 p.m. The committee recessed until 6:30 p.m.

6:30 p.m. The committee reconvened.

PUBLIC HEARING ITEMS

Audio of committee discussion is not available for the public hearing portion of the meeting due to a computer malfunction.

Item I: Owners/Applicants: William H & Martha Pickrell **Agent:** Jared Kohlenberg **General legal description:** W730 Sunnyside Rd, Parcel #004-00559-0000, Part of the NW¼ of Section 23, T16N, R13E, Town of Brooklyn **Request:** Rezone ±6.5 acres from A-1 Farmland Preservation District to R-4 Rural Residential District.

a) Public hearing

Charles Engel, N5946 Schwartz Lane – Expressed concerns regarding what the new owners want to do with the land.

Kirkman – Explained the request and that they are only rezoning 6.5 acres. The Town of Brooklyn did approve of the request.

Starshak – Explained that the R-4 Rural Residential District that has been requested is a bridge between the lands that are zoned agriculturally and the lands that are zoned/rezoned to a residential districts.

Rick Stobb, N6027 Schwartz Lane – Asked where the new house will be located on the remnant parcel and who would pay for new roads, if required.

Kirkman – Explained that, as long as setbacks are met, they can build where they want.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman – Explained the request and how it meets the criteria.

c) Committee Decision

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: Owners/Applicants: Ione Pischke Irrevocable Income Trust **Agent:** Sharon Timm, Trustee **General legal description:** W1773 County Road J, Parcel #004-00161-0000, Part of the SE¼ of Section 8, T16N, R13E, Town of Brooklyn **Request:** Rezone ±5.36 acres from A-1 Farmland Preservation District to R-4 Rural Residential District.

a) Public hearing

No one appeared.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman – Explained the request and how it meets the criteria. The Town of Brooklyn approved the request.

c) Committee Decision

Motion by Slate/ Wallace, 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 III: Owners/Applicants: Nolan Francis Wallenfang Revocable Inter Vivos Trust **Agent:** Nolan F Wallenfang, Trustee **General legal description:** W963 State Road 23 49, #004-00320-0300, Part of the SE¼ of Section 15, T16N, R13E, Town of Brooklyn **Request:** Rezone +3 acres from A-1 Farmland Preservation District to R-4 Rural Residential District.

a) Public hearing

No one appeared.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman – Explained the request and how it meets the criteria. The Town of Brooklyn approved the request.

c) Committee Decision

Motion by Reabe/Lyon, 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 IV: Owners/Applicants: Steven D & Irene E Dzbinski **General legal description:** N1096 & N1098 Pleasant Dr, #010-00464-0300, Lot 1 Certified Survey Map 3583 located in the SE¼ of Section 22, T14N, R13E, Town of Mackford **Request:** Rezone 1.27 acres from A-1 Farmland Preservation District to R-3 Multiple Family Residence District.

a) Public hearing

Steven Dzbinski, 398 Union Street, Green Lake – Explained the request.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman – Explained that the property is currently zoned A-1 Farmland Preservation District and the request is to rezone to R-3 Multiple-Family Residence District. There are no other R-3 zoned parcels in the area. For zoning, this area of the county is dominated by A-1 Farmland Preservation District. Multiple-family dwellings are not allowed in the A-1 District. This property transitioned to a multiple-family dwelling years ago without going through proper channels; i.e., rezone request. After this staff report was written, a guidance document from the corporation counsel was obtained that explained that this particular request could be considered an illegal spot-zone. This is not something that the committee should consider or support.

Reabe expressed concern that, if this request is approved, it sets a precedent for approving other spot-zone requests. Another concern would be that, since the R-3 requirement is 20,000 square feet, the applicant or future owners could build another building.

Slate – Inquired as to whether or not staff found the non-conforming multiple-family residence issue or did the property owner approach the department.

Kirkman – Stated that staff did not identify this. This multiple-family dwelling issue was not known until Mr. Dzbinski came in to the office.

Slate – If this is denied, will they need to tear this residence down?

Kirkman – If denied, staff would work with the property owner to bring the building into compliance, which is making sure that it's a single-family dwelling. The duplex use would have to go away. To bring it into compliance, staff would make sure the POWTS matches the use. There would have to be a recorded affidavit stating that it must be a single-family dwelling, the septic system would have to be upgraded, and modifications made to the interior of the building to make it a single-family dwelling.

Lyon – The building has been there forever. This is not compliant with A-1 zoning?

Kirkman – It would be less egregious to leave it zoned A-1 and record an affidavit for the single-family dwelling language on the deed.

Slate – The non-conforming status could muddy the waters when trying to get a loan.

Starshak – Inquired as to the possibility of combining the two lots.

Kirkman – There are different owners.

Slate – Asked whether farmland preservation credits were taken on this property.

Kirkman – In order to do that, they would have to meet the requirements.

Orlo Bierman, Adashun Jones Realty, Green Lake – Stated that this is a no-win situation. It has been a non-conforming duplex for the last 20 years. If somebody buys this and uses it as a single-family dwelling and rents the apartment, the zoning department can come in and stop it. The probability of this being developed into a multiple-family complex is low. It is not marketable now. The most practicable thing is to make it conforming. Arrangements have been made to correct the septic system. There is not a problem with an after-the-fact land use permit fee.

Kirkman – A single-family use is a permitted use in the A-1 district. It's usually accompanied by an agricultural use.

c) Committee Decision

Motion by Slate/Lyon to approve the rezone request as presented and forward to the county board for final action. Slate–aye, Lyon–aye, Reabe–nay, Starshak–nay, Wallace–nay.

Request denied.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

b. Meeting Date

March 1, 2018

Business meeting – 5:15 p.m.

Public hearing – 6:30 p.m.

ADJOURN

7:26 p.m. Meeting adjourned.

RECORDED BY

Carole DeCramer

Committee Secretary

APPROVED ON:

March 1, 2018