

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, April 6, 2017**

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 (5:40 p.m.), 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 Reabe/Wallace, unanimously carried, to approve the agenda.

APPROVAL OF MINUTES

Motion by Lyon/Wallace, unanimously carried, to approve the minutes of 03/02/17.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE - None

DEPARTMENT ACTIVITY REPORTS

a. Permits and Others

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

b. Violations

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

DEPARTMENT/COMMITTEE ACTIVITY

a. Exclusive Agriculture Zoning District Update

Kirkman – The proposed ordinance language is complete. It will now go to Corporation Counsel Dawn Klockow to review and then Ken Jaworski, consultant for Martenson & Eisele. After those approvals, it will be placed on the agenda as a public hearing item.

Starshak asked Kirkman to summarize what changes have been made to date. Kirkman responded that the amendments have addressed inconsistencies within the A-1 Exclusive Agriculture District. The goal is to make the ordinance consistent with the Farmland Preservation District and the Farmland Preservation Plan.

Kamke reported that she is still in the process of resolving split-zoned parcels. After the revised version is made available to staff, a few businesses with split-zoned parcels will also be given the opportunity to resolve their zoning issues. If they choose to opt in, the rate for resolving all current split-zoned parcels will be 90%.

Kirkman said that he explained to GIS Specialist Gerald Stanuch that there are approximately 30 split-zoned parcels within the county that may not get resolved. Stauch replied that it would still work with parcel-based zoning. The resolution of split-zoned parcels also aids DATCP in the certification process.

5:40 p.m. Motion by Starshak to seat Rich Slate. Motion died for lack of a second after Corporation Counsel Dawn Klockow advised the committee that it is not necessary to make a motion to seat a committee member.

b. Additional zoning ordinance amendments

Kirkman reported that the existing zoning ordinance has changes/amendments that should be updated. Under Section 350.28.A., A-2 General Agriculture District, there is a reference to the zoning matrix (Appendix A). As part of the change to the zoning ordinance, Kirkman would like to eliminate the zoning matrix. The zoning matrix is more or less a secondary ordinance attached at the end. The matrix lists possible uses in the various zoning districts. Kirkman would like to delete this from the zoning ordinance because the matrix conflicts with the zoning ordinance in many cases and is hard to keep current. He would like to see staff make those decisions rather than have to keep up with the matrix. Currently, if the use isn't on the list, the request has to come before the committee. Starshak and Slate agreed that they would rather keep the matrix as part of the ordinance because committees and staff change and it would be difficult to remember why one use was permitted by a certain committee or zoning administrator and then, down the road, another committee/zoning administrator denied the same use. Slate stated that not having a matrix gives too much power to an ever-changing board. The matrix provides consistency. It is a bad precedent for the sitting committee to make the decision. Corporation Counsel Dawn Klockow advised that the decision makers can change, but there are options for appealing the committee decision or the zoning administrator's decision. There are checks and balances built into the system. This will be placed on the May 4th agenda for further discussion.

The committee also discussed flashing signs versus scrolling signs. There was a general consensus that the scrolling signs are, typically, smaller and less of a distraction. Kirkman will fashion the ordinance to include scrolling signs. Other proposed amendments were discussed most being housekeeping and formatting changes.

6:29 p.m. The committee recessed for the public hearing portion of the meeting.

6:33 p.m. The committee reconvened.

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: Landmark Services Cooperative **Agent:** Mike Elder, Chief Operating Officer
General legal description: W1646 County Road S, Parcel #010-00151-0100, Lot 1 Certified Survey Map 865, Part of the NW¼ of Section 09, T14N, R13E, Town of Mackford, ±6.0 acres
Request: Conditional use permit to install (2) 18,000 gallon and (1) 12,000 gallon anhydrous ammonia storage tanks, associated transfer station, vehicle scale, and to locate/park anhydrous ammonia nurse tanks on Industrial-zoned lands.

a) Public Hearing

Elmer Bock, W1618 County Road S, Markesan – Expressed concern about Landmark Services Cooperative moving the tanks closer to his home. Asked for assurance that the location that the committee approve is where they must place the tanks.

Steve Meilahn, N718 State Road 73, Markesan – Spoke in favor of the request.

Public hearing closed

b) Committee Discussion & Deliberation

Kirkman – Read a letter from Kinas Excavating stating that they are in favor of the request.

Kirkman explained that, in 2016, Landmark rezoned the property in order to have an office in that location. Now they're looking to relocate the anhydrous tanks. Regarding Mr. Bock's concern about tank movement, the tanks cannot be moved without coming back to the committee for permission. The Town of Mackford has approved the request.

Lyon had questions about how long the anhydrous stays in the tanks and Wallace had questions about fencing. Those questions were satisfactorily addressed by William Glover, Landmark Services Location Manager.

c) Committee Decision

On a motion by Slate/Reabe, unanimously carried on roll call (5-ayes, 0-nays), to approve the Conditional Use Permit request as presented with the following conditions:

- 1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).**
- 2. The owner/applicants shall apply for and receive a County Land Use Permit prior to commencing any development related to this request.**
- 3. Evidence that compliance with commercial building code requirements for the structures that are the subject of this request is being pursued by the landowner (if applicable) and shall be provided to the Land Use Planning & Zoning Department prior to land use permit issuance.**
- 4. In areas that are not paved, adequate dust control measures be taken so as to not allow unreasonable amounts of dust to escape the subject site.**
- 5. Where outside lighting fixtures are used, the lighting shall occur with no direct glare affecting adjoining properties (low-wattage and low-to-the-ground path style).**
- 6. Outside storage of LP tanks, fertilizer buggies, and trailers must be limited to the designated area on the CUP site plan.**
- 7. Landmark Services Cooperative to provide the Land Use Planning & Zoning Department with State approvals of anhydrous ammonia tank and transfer station installation prior to land use permit issuance.**
- 8. Landmark Service Cooperative to notify the Sherriff's Department, local Fire Department and Emergency Services of new anhydrous ammonia storage and distribution system installation.**

Item II: Owners: David D & Teresa L Wilke, Melissa Oliver **General legal description:** Utley Road & N2765 County Road Q, Parcels #006-00687-0000, #006-00688-0300, #006-00688-0200, Part of the NE¼ of Section 35, T15N, R13E, Town of Green Lake **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential District (±2.71 acres), and R-4 Rural Residential District to A-1 Exclusive Agriculture District (±1.04 acres).

- a) Public Hearing

David Wilke, W326 Center Road, Ripon – Spoke in favor of the request.

Public hearing closed

- b) Committee Discussion & Deliberation

Kamke read the criteria that must be considered when deciding this rezone request. The Town of Green Lake approved of the request.

- c) Committee Decision

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

Item III: Owners: Cletus D. & Alma R. Bontrager **General legal description:** W3805 Heritage Road, Parcel #012-00137-0100, Part of the NE¼ of Section 09, T14N, R12E, Town of Manchester, ±21.19 acres **Request:** Rezone from A-1 Exclusive Agriculture District to A-2 General Agriculture District.

a) Public Hearing

No one appeared

Public hearing closed

b) Committee Discussion & Deliberation

Kirkman explained the request and discussed the criteria that must be considered when deciding the rezone request. The Town of Manchester approved the request.

c) Committee Decision

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

Item IV: Applicant: Green Lake County Land Use Planning and Zoning Committee **Request:** Amend Code of Green Lake, Chapter 338 of the Shoreland Zoning Ordinance. The purpose of the ordinance amendment is to remove references to highly developed shorelines in order to obtain certification of compliance from the WI-DNR.

a) Public Hearing

No one appeared.

Public hearing closed

b) Committee Discussion & Deliberation

The proposed changes have been discussed at previous meetings and, since no one appeared to voice questions or concerns, the committee moved on to the motion.

c) Committee Decision

On a motion by Reabe/Lyon, unanimously carried on roll call (5-ayes, 0-nays), to approve the ordinance amendment as presented and forward to the county board for final action.

7:05 p.m. The public hearing portion of the meeting adjourned and the business meeting resumed.

DEPARTMENT ACTIVITY REPORTS

a. & b. discussed earlier in the meeting

c. Stormwater and Erosion Control Ordinance Update

Kirkman explained that he and Land Conservationist Paul Gunderson have gone through the ordinances and have compared them to other county ordinances (Fond du Lac, Winnebago, and Calumet counties). He and Gunderson took some of those ordinance ideas and merged them with the WI-DNR publication to create an Erosion Control Construction Site Ordinance that, potentially, the Land Use Planning and Zoning Department would enforce. The Land Conservation Department would enforce the Stormwater Ordinance. The next step is for both Gunderson and Kirkman to read through the proposed ordinance, decide what stays and what goes, and then provide language for the committee to review. Starshak asked if it would make sense to confer with the Green Lake Sanitary District. Kirkman will talk to Gunderson about that possibility.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

- Software update
- Zoning ordinance amendments
- Exclusive Agriculture Zoning District update
- Erosion control ordinance

b. Meeting Date

May 4, 2017

Business meeting – 5:15 p.m.

Public hearing – 6:30 p.m.

ADJOURN

7:14 p.m. On a motion by Lyon/Wallace, unanimously carried, the meeting adjourned.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

May 4, 2017