

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, September 1, 2016**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 4:31 p.m. in the Green Lake County Government Center, County Board Room #0902, 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, Michael Starshak**

Absent: **Rich Slate**

Also Present: **Missy Sorenson**, Code Enforcement Officer

Matt Kirkman, Land Use Planning & Zoning Department Head

Carole DeCramer, Committee Secretary

Dawn Klockow, Corporation Counsel

APPROVAL OF AGENDA

Kirkman advised the committee that the individual listed in agenda item #13 emailed to request she be taken off of the agenda.

Motion by Reabe/Lyon, unanimously carried, to strike #13 from the agenda and approve the amended agenda.

APPROVAL OF MINUTES

Motion by Lyon/Reabe, unanimously carried, to approve the minutes of 08/04/16 with the modifications.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE

Kirkman reported that County Clerk Marge Bostelmann received an email from Jerry Smart, Registered Land Surveyor. Mr. Smart is interested in what is happening with the Green Lake County surveyor position and when the committee will begin to look into a permanent position.

The committee directed Kirkman to reply to Mr. Smart thanking him for his interest and informing him that this will be discussed further at a future date.

PURCHASES - None

CLAIMS

Claims totaling \$3,754.31 were submitted.

Motion by Reabe/Lyon, unanimously carried, to approve for payment the claims in the amount of \$3,754.31.

DEPARTMENT ACTIVITY REPORTS

a. Permits & others

Kirkman – Discussed the monthly financials and the permits.

b. Violations

Kirkman and Sorenson – Discussed the land use and sanitary violation reports.

Starshak commented that he appreciates staff efforts in getting the violations more current. Previously, there were violations that were years old and now the land use and septic violations are current.

Motion by Lyon/Reabe, unanimously carried, to approve the monthly reports.

DEPARTMENT/COMMITTEE ACTIVITY

a. Cell tower citing language

Kirkman – Advised the committee that, since the verbiage in the proposed cell tower citing ordinance has been discussed at previous meetings, he would like to prepare this for an October public hearing item.

Starshak asked that a summary sheet explaining the language be included. Kirkman stated that a staff report explaining the request will be a part of the request.

b. Exclusive Agriculture Zoning District Update

Kirkman led the discussion on the minimum size of A-1 Exclusive Agriculture and A-2 General Agriculture parcels in the zoned townships. Kirkman stated that Ken Jaworski, Martenson & Eisele consultant, suggested an eight-acre minimum. There was a general consensus that fifteen acres would be a better fit for Green Lake County for the A-1 Exclusive Agriculture lands, and the A-2 General Agriculture lands should be uncapped.

Also discussed was the procedure by which the committee will amend the comprehensive plans as rezone requests occur. There are a couple of options: 1) Amend the comprehensive plan at the same meeting that the rezone requests are considered; 2) Consider the rezone requests as usual, but only amend the comprehensive plan once a year. The committee agreed that the comprehensive plan should be amended at the same time the rezone requests are considered.

On a motion by Reabe/Lyon, unanimously carried on roll call (3-ayes, 0-nays, 1-absent), to reduce the size of the A-1 Exclusive Agriculture minimum lot size to fifteen acres or more.

Motion by Lyon/Reabe, unanimously carried on roll call (3-ayes, 0-nays, 1-absent), to implement a policy that a rezone request and a comprehensive plan amendment be considered at the same time.

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 PUNITIVE ACTION FOR LAND USE PERMIT VIOLATION.

AND

CLOSED SESSION PER WISCONSIN STATE STATUTE 19.85 (1)(C) CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY.

RE: THIS CLOSED SESSION RELATES TO OFFER OF EMPLOYMENT BENEFITS AND SALARY FOR CODE ENFORCEMENT OFFICER.

On a motion by Reabe/Lyon, unanimously carried on roll call (3-ayes, 0-nays, 1-absent), 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 punitive action for land use permit violation. AND Wisconsin Statute 19.85 (1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Re: This closed session relates to offer of employment benefits and salary for code enforcement officer.

RECONVENE TO OPEN SESSION FOR FINDINGS OF CLOSED SESSION.

On a motion by Lyon/Reabe, unanimously carried on roll call (3-ayes, 0-nays, 1-absent), to reconvene to open session for findings of closed session.

Findings of closed session: The committee will follow the recommendation of the department on the issues.

FUTURE COMMITTEE ACTIVITIES

- a. Future agenda items
 - County Surveyor position
 - Cell tower siting ordinance amendment
- b. Meeting dates
 - October 6, 2016
 - Business Meeting 4:30 p.m.
 - Public Hearing 5:30 p.m.

5:32 p.m. 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: Clyde Olson **Applicant:** Mike Elder, Landmark Services Cooperative **General legal description:** W1646 County Road S, Parcel ##010-00151-0100, Lot 1 Certified Survey Map 865, Section 9, T14N, R13E, Town of Mackford, ±6 acres **Request:** Rezone request from C-2 Extensive Commercial District to I-Industrial District.

- a) Public Hearing

Clyde Olson, 260 N. Main Street, Markesan - Spoke in favor of the request.

Carlton Schley, W10780 County Road F, Fox Lake - Spoke in favor of the request.

Elmer Bock, W1618 County Road S – Expressed concerns about the following: the storage of LP tanks, the possibility of storing anhydrous tanks on the property, hours of business, noise, and

discrepancies in the staff comments. (Mr. Bock was advised that these concerns will be considered when discussing the next item, which is the conditional use permit request.)

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman explained the request and read through the criteria list. The Town of Mackford recommended the request be approved.

c) Committee Decision

On a motion by Reabe/Lyon, unanimously carried on roll call (3-eyes, 0-nays, 1- absent), to approve the rezone request as presented and forward to the county board for final action.

d) Execute Determination Form/Ordinance

Item II: Owner: Clyde Olson **Applicant:** Mike Elder, Landmark Services Cooperative
General legal description: W1646 County Road S, Parcel ##010-00151-0100, Lot 1 Certified Survey Map 865, Section 9, T14N, R13E, Town of Mackford, ±6 acres **Request:** Conditional use permit request for an office, warehouse and equipment storage.

a) Public Hearing

No one commented.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman explained the request and read through the list of staff-suggested conditions. The Town of Mackford recommended the request be approved.

c) Committee Decision

On a motion by Lyon/Reabe, unanimously carried on roll call (3-eyes, 0-nays, 1-absent), 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, including the “potential scale” and the “potential ammonia storage tanks”, 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 be downward facing to reduce light pollution’s effect on adjoining properties.**

6. **Outside storage of LP tanks, fertilizer buggies, and trailers must be limited to the designated area on the CUP site plan.**
7. **The conditional use permit approval is contingent upon the County Board approval of the rezone request.**

d) Execute Determination Form/Ordinance

Item III: Owner/Applicant: Green Lake Camp Properties, LLC, John R. Pierce **General legal description:** State Road 23, Parcels #004-00441-0000 and #004-00442-0000, Part of the SW¼ of Section 19, T16N, R13E, Town of Brooklyn, ±79.73 acres **Request:** Conditional Use Permit request for a 38-site campground expansion.

a) Public Hearing

Denise Fisher, Lamplighter Village – Expressed concerns about the following: excessive noise (campers coming and going, kids, dogs). Suggested a curfew for campers.

Jerry Thiele N5996 St. Marie Road – Stated that he doesn't object to the rezone; however, he does have concerns about wood being taken from his property.

John R. Pierce – W2360 State Road 23 – Explained what he and his son, Greg Pierce, who is the general manager of the business, would like to accomplish with the proposed campground expansion.

Greg Pierce W2148 State Road 23 – Stated that the Pierce family has always been a good neighbor to the adjoining property owners. He also explained the campground rules.

Public hearing closed.

b) Committee Discussion & Deliberation

Sorenson explained the request and read through the conditions. The Town of Brooklyn approved the request.

c) Committee Decision

On a motion by Reabe/Lyon, unanimously carried on roll call (3-ayes, 0-nays, 1-absent), to approve the conditional use permit request as presented with the following conditions:

- 1) **No more than 38 camping sites shall be allowed as part of this conditional use request.**
- 2) **Each camping unit shall not exceed 400 ft², or the maximum square footage as allowed by the State agency regulating campgrounds, whichever is smaller.**
- 3) **If so required by the County Construction Site Erosion Control and Stormwater Management Ordinance, review and approval of an erosion control and stormwater management plan by the County Land Conservation Department will be required.**
- 4) **Proof of state and/or local approval of the campground expansion from the appropriate regulatory agency.**
- 5) **No further expansion or addition of structures and/or uses shall occur without review and approval through future conditional use permit(s).**
- 6) **POWTS requirements must be satisfied at any and all applicable level(s) of governmental regulation.**

- 7) Effective dust control measures shall be provided for all entrances and internal roads associated with campground expansion.
- 8) Where outside lighting fixtures are used, the lighting shall be downward facing to reduce light pollution's effect on adjoining properties.
- 9) No negative impact on the wetlands located north of the expansion site shall be allowed. Any proposed development within the wetland shall require approval from the appropriate regulatory agency or agencies.
- 10) Any independent structure, such as a deck, screened porch, and stairway and landing used in conjunction with the camping unit shall be allowed. Such structure shall not exceed 400 square feet or the square footage of the associated camping unit, whichever is less. Also, one independent accessory storage structure, not to exceed 50 square feet, shall be allowed per campsite. Within 30 days of the removal of the camping unit, the associated independent structures shall either be removed from the campsite or utilized by another camping unit.
- 11) Land use permits shall be obtained for all new structures.

d) Execute Determination Form/Ordinance

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 make the shoreland zoning ordinance consistent with NR115, Act 55, Act 167, and Act 391. Public Hearing

a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman explained the request. The Green Lake County Townships were sent the information and the department did not receive any questions or comments. The request was available to the public on the county website and the request was noticed in the newspaper for two weeks. No inquiries were received.

c) Committee Decision

On a motion by Lyon/Reabe, unanimously carried on roll call (3-ayes, 0-nays, 1-absent), to approve the shoreland zoning ordinance and forward to the county board for final action.

d) Execute Determination Form/Ordinance

ADJOURN

6:47 p.m. On a motion by Reabe/Lyon, unanimously carried, the meeting adjourned.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON: October 6, 2016