

GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE MEETING MINUTES
Thursday, January 5, 2012
Business Meeting – 4:30 p.m.
Public Hearing – 6:00 p.m.

CALL TO ORDER

Committee Chair McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 4:35 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.

Present: **Susan McConnell, Don Peters, Thomas Traxler, Jr.**

Absent: **John Gende, Eugene Henke**

Also Present: **Al Shute, County Surveyor/Land Development Director**
Attorney Michael Lehner, Interim Corporation Counsel
Carole DeCramer, Committee Secretary

APPROVAL OF AGENDA

Motion by Traxler/Peters, unanimously carried, to approve the amended agenda.

APPROVAL OF MINUTES

Motion by Peters/Traxler, unanimously carried, to approve the November 15 and December 1, 2011, minutes.

PUBLIC APPEARANCES

a. Discuss Landmark Services conditional use permit, Elmer Bock

Shute – Summarized what Mr. Bock is questioning regarding the Landmark Services conditional use permit. At the one-year review, the committee discussed three issues were determined by the department. The committee discussed and decided that the tank setback was not an issue to be pursued, the small tanks would be remedied by fences, that subsequently changed, but at that time it was the remedy. The third issue was the sign that didn't meet the ordinance standards and didn't have a permit. The committee directed the department to pursue the sign by getting the legal size and location and the company complied with that. At that one-year anniversary meeting, I questioned Assistant Corporation Counsel Jeff Haase about changes that the committee was making, modifying the approval. When asked if this was the correct way to handle modifications, Attorney Haase indicated that the minutes stating the modifications would be sufficient; a public hearing was not needed. Mr. Bock is questioning how all of these things can be changed without a public hearing when it wasn't part of original approval. Attorney Haase's advice was followed; the conditional use permit was modified without a public hearing, and the department got compliance on the sign. This is what Mr. Bock is questioning.

Elmer Bock, W1618 County Road S – Landmark Services used a setback of 5' rather than the 25' setback that was approved. They also store smaller tanks on the property, and that was never discussed. They seem to do what they want.

The committee discussed the issues and asked Corporation Counsel Mike Lehner what his opinion of all of this is. Lehner replied that, since he is hearing all of this for the first time, he

would like time to read through the ordinance and provide the committee with a written opinion. This will be placed on the February 2nd agenda.

b. Tim Tank; regarding deer stand

This item is a carryover from the December meeting where the committee decided that they needed more information before deciding whether or not the Tank deer stand was large enough to be considered an accessory building. Traxler stated that he had gone to the site to see the stand and would consider it to be a deer stand. After further discussion, the committee agreed that this is a deer stand and deer stands are not something that the committee wants the department to monitor.

PUBLIC COMMENT

Jim Fox, Town of Green Lake Chairman – Landmark Services did not place the large tank where they said they were going to. That happens with homes, too. What’s the use of having ordinances and then they come down here and you bend over backwards for them? I’ve heard residents say that we’ll go to zoning and they’ll grant variances anyway.

DISCUSS LEGAL REPRESENTATION FOR THE LAND USE PLANNING & ZONING COMMITTEE

McConnell – The committee has been without legal representative for some time and now we have Attorney Lehner, Lehner Law Office. We’ve been unclear in what direction we’re moving. I was under the understanding that we would hire someone full time.

Lehner – We’ve been appointed by the county as the interim corporation counsel. We plan on doing everything that a corporation counsel is supposed to do.

Peters – Looking at the list of citations/violations, to get interim corporation counsel involved would muddy the waters. Many of these violations are 3-5 years old. I would suggest putting them on hold for 3 months.

Shute– I have had a discussion with Attorney Dan Sondalle and did update him on the backlog of violations. We agreed that, at some point, we’ll sit down and review the files. It doesn’t benefit us to put it on hold for another day.

Traxler – Have you seen the violations (to Attorney Lehner)?

Lehner – It would be wise to go through them case by case. If we think there should be movement, we can help with that. It wouldn’t be wise to put this on hold.

LIME RIDGE FARMS/A. F. GELHAR COMPANY, INC. – APPROVE PLANT LIST CHANGES AS REQUESTED BY COMMITTEE WHICH IS PART OF THE RECLAMATION PLAN

Attorney Steve Sorenson, Sorenson Law Office – Explained to the committee the new pages that were submitted regarding plantings for the A. F. Gelhar Company, Inc. reclamation plan.

Motion by Traxler/McConnell, unanimously carried, to approve the new list of plantings with the extension of the live planting date of July 30th.

CORRESPONDENCE

a. Department emailed DNR regarding presence at February, 2012, meeting.

Shute – The WI-DNR has found an adequate substitute from the UW-Extension office in Stevens Point, Land Use Center. The special meeting is scheduled for February 1st, 5:00 p.m. The public will be invited to attend to discuss the proposed Shoreland Zoning Ordinance.

Attorney Sorenson suggested contacting Joy Waterbury and/or Mike Regan, who are associated with the Care Now organization. He also suggested contacting Sydney Rouse, who would be able to distribute the notice to area realtors.

b. Markesan State Bank, Shane Walker

McConnell – Explained that she received emails from a neighbor of Shane Walker and alleges that Mr. Walker is running an auto business out of his garage. This is a residential area and does not allow for commercial uses. The neighbor said that they have been dealing with this since 2006. Matt Kirkman, Code Enforcement Officer, has been to the site a number of times.

Shute – We talked to Mr. Walker and he does have a used auto sales business in the Town of Princeton. He was bringing vehicles home and vacuuming them. According to the complaints, he was also doing auto body work. We've had 2-3 visits with Mr. Walker explaining that he cannot have unlicensed vehicles on his property. He told us that he has the vehicles dropped off at his home and then takes them to his business in Princeton. The last complaint involved 6 vehicles. Again, he was told that he cannot do this. He explained that he is now looking in the Town of Kingston for a place to buy and operate sales. Between now and spring, he's working on that proposition. The department feels that the complaints were resolved; cars were gone and there is no activity in garages.

PURCHASES - None

MOTION TRAXLER FIVE MINUTES BREAK – SECOND PETERS.

CLAIMS

Claims totaling \$557.95 were submitted.

Motion by Peters/Traxler, unanimously carried, to approve the corrected claims in the amount of \$557.95 for payment.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

Shute – Discussed the various aspects of the activity report.

Motion by Traxler/McConnell, unanimously carried, to approve the November, 2011, monthly reports with the understanding that the violation reports were not discussed because the Corporation Counsel has not had a chance to review them. This will be discussed at the February 2nd meeting.

DEPARTMENT/COMMITTEE ACTIVITY

a. Agricultural Districts

This will be placed on next month's agenda.

b. Proposed Shoreland Zoning Ordinance

The committee decided that, before doing anything more with this ordinance, the information meeting on February 1st must occur.

c. Rural Residential Zoning Districts

GENERAL COMMITTEE DISCUSSION

a. Such other matters as authorized by law

b. Future activities

Traxler – Because this department is short a code enforcement officer, I would like to look into review Al Shute’s job description. He is able to perform backup duties and could take on some of these responsibilities. We may find that we need a third code enforcement officer.

Shute – Next month is my evaluation and I can include information in the evaluation packet that you will receive.

NEXT MEETING DATE

February 2, 2012

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

6:06 p.m. Five-minute recess.

PUBLIC HEARING ITEMS

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

Committee Chair Sue McConnell reconvened the meeting of the Land Use Planning and Zoning Committee at 6:06 p.m. for public hearing items and read the rules of public hearing.

Item I: Owner/Applicant: Helen L Ehrke Living Trust **Agent:** Lance Ehrke **Site Address:** N4079 Maple Rd, Parcel #014-00542-0000, A triangular parcel in the NE cor of the NE¼, Bounded on SW by HWY 73; on N by CTH K & E by town road exc road, Section 16, T15N, R12E, Town of Marquette, ± 4.752 acres **Explanation:** The applicant is requesting a conditional use permit for a storage building.

a) Public Hearing

Lance Ehrke, 18305 Benington Drive, Brookfield, WI - Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed and agreed that this request was reasonable.

c) Committee Decision

On a motion by Traxler/Peters, unanimously carried, to approve the conditional use permit request, as presented, with the following conditions:

- 1) **That the owner/applicant consults with the Land Conservation Department to**
 - **Determine through the scope of the proposed project, if any negative impact will occur to adjoining properties from stormwater produced on the subject site.**
 - **Create, if deemed necessary by the Land Conservation Department, a stormwater drainage plan that will address any stormwater issues on the subject site that will negatively impact an adjoining property.**
 - **Execute the stormwater drainage plan pursuant to standards developed with the Land Conservation Department.**
 - 2) **Outdoor lighting requirements, at a minimum, shall meet the setback and illumination standards as required by Chapter 350-23.**
 - 3) **If applicable, proof that all necessary commercial Code requirements have been satisfied.**
- d) Execute Determination Form/Ordinance

Item II: Owner/Applicant: Edward Workowski Living Trust (Lance Workowski) and Town of Brooklyn **Site Address:** N5988 County Road A, Parcel #004-00515-0100 and 004-00515-0000, Located in the NE¼ of Section 22, T16N R13E, Town of Brooklyn, ±1.2 acres. **Explanation:** Workowski Parcel - Rezone ±.61 acres from A-1 Exclusive Agriculture District to C-2 Extensive Commercial District. Town of Brooklyn Parcel – Rezone ±.65 acres from C-2 Extensive Commercial District to A-1 Exclusive Agriculture District.

- a) Public Hearing

No one appeared.

Public hearing closed.

- b) Committee Discussion and Deliberation

The committee agreed that this is necessary because of the Town of Brooklyn’s driveway situation.

- c) Committee Decision

On a motion by McConnell/Peters, unanimously carried, to recommend approval of the rezone request as presented and forward to County Board for final action.

- d) Execute Determination Form/Ordinance

Item III: Owner/Applicant: Edward Workowski Living Trust (Lance Workowski) and Town of Brooklyn **Site Address:** N5988 County Road A, Parcel #004-00515-0100 and 004-00515-0000, Located in the NE¼ of Section 22, T16N R13E, Town of Brooklyn, ±1.2 acres. **Explanation:** Update Conditional Use Permit to reflect boundary change to town hall property.

- a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

On a motion by Peters/Traxler, unanimously carried, to approve the conditional use permit request, as presented, with the following conditions:

- 1) Outlot 1 (0.65 acres) shall be combined with, appropriate deed restriction to the existing Workowski farm so that the end result is one contiguous land area.**
- 2) That a certified survey map be prepared for the new lots, in accordance with the County Land Division Ordinance standards, as submitted with this request.**
- 3) Approval of this request by the Planning and Zoning Committee shall be subject to County Board approval of the two (2) pending zoning changes involving the A-1, Exclusive Agriculture District, and the C-2, Extensive Commercial District.**
- 4) The conditions of the 2007 CUP remain in place per P&Z Committee approval.**

d) Execute Determination Form/Ordinance

ADJOURN

Motion by Peters/Traxler, unanimously carried, to adjourn.

Time: 7:05 p.m.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

February 2, 2012