

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting & Public Hearing Minutes – January 7, 2009 – 4:30 p.m.**

CALL TO ORDER

Committee Chair Sue McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 4:32 p.m. in the Green Lake County Courthouse, County Board Room, Green Lake, Wis. The requirements of the open meeting law were certified as being met.

Present: **Roberta Erdmann, Eugene Henke, Susan McConnell, Howard Sell, Thomas Traxler, Jr.**

Absent:

Also Present: **Al Shute**, County Surveyor/Land Development Director
Carole DeCramer, Committee Secretary

APPROVAL OF AGENDA

Motion by Henke/Sell, unanimously carried, to approve the agenda with the next meeting date changed to February 4, 2009. Motion carried.

APPROVAL OF MINUTES

Motion by Traxler/Henke, unanimously carried, to approve the December 3, 2008, minutes. Motion carried.

PUBLIC APPEARANCES – None

PUBLIC COMMENT – None

CORRESPONDENCE – None

PURCHASES

Shute:

At the meeting in December, the committee discussed purchasing a used, re-conditioned laser level that the department would use for checking grades for septic systems, transferring high water marks, and other land surveying uses. The company that is selling the level is located in Appleton and is asking \$650. The level is worth approximately \$1600. At the December meeting, the committee members were supportive of the purchase, but were unable to make a motion because the item was not listed on the agenda due to time constraints. The purchase was approved by the Property and Insurance Committee on December 6th with the contingency that the Planning and Zoning Committee make a formal motion at this meeting.

Motion by Erdman/Sell, unanimously carried, to approve the purchase of the laser level for \$650. Motion carried.

CLAIMS

Claims totaling \$7,241.69 (2008) and \$240.00 (2009) were submitted.

Motion by Erdmann/Henke, unanimously carried, to approve the claims in the amount of \$7,241.69 (2008) and \$240.00 (2009) for payment. Motion carried.

APPROVAL OF DEPARTMENT ACTIVITY REPORT

Motion by Erdmann/Sell, unanimously carried, to approve the November report. Motion carried.

DEPARTMENT/COMMITTEE ACTIVITY

- a) Agricultural Zoning Districts
- b) Rural Residential Zoning Districts

The committee discussed changing the existing agricultural districts to reflect two agricultural districts. The rural residential zoning district would start at three and a half acres and go to ten acres. The department is working on a draft and will present it at a future committee meeting.

GENERAL COMMITTEE DISCUSSION

- a. Such other matters as authorized by law

McConnell – Inquired about the Board of Adjustment public hearing items that are scheduled to be heard on January 16, 2009.

Shute – Stated that he does not have a sense as to how the Board of Adjustment feels about these requests.

- b. Future activities

5:35 p.m. Committee recessed

6:01 p.m. Committee reconvened.

CLOSED SESSION PER WISCONSIN STATE STATUTE 19.85 (1)(G) CONFERRING WITH LEGAL COUNSEL REGARDING LITIGATION, WHICH THE COUNTY IS INVOLVED AND/OR IS LIKELY TO BECOME INVOLVED. (DISCUSSION OF LEGAL ISSUES), AND 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. (ANNUAL REVIEW FOR CODE ENFORCEMENT OFFICER AND GIS SPECIALIST).

6:53 p.m. Motion by, Traxler/Henke, unanimously carried on roll call (5-ayes, 0-nays), to move to closed session per Wisconsin State Statute 19.85(1)(g) Conferring with legal counsel regarding litigation, which the county is involved and/or is likely to become involved. Motion carried.

7:28 p.m. Motion by Traxler/Erdmann, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session. Motion carried.

Findings of closed session: The Committee received materials to review for the February 4th meeting. Staff was directed to help the committee prepare for the next meeting.

PUBLIC HEARING MATTERS

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

Item I: Owner/Applicant: Donald E Dysland, Robin's Nest Resort, LLC **Address:** W7004 Puckaway Rd, Com NE Cor Lot 2 on S Shr of River; S on E Ln Govt Lot 2 607'; W at R/A 677'; N PAR to E Ln Lot 2 607' (M/L) to Low Water Mark of River; E'ly to Beg Exc R/W W/R/W & Exc W 65'; Sub to Esmt Section 31, T15N, R11E, Town of Marquette (±8.52 Acres) **Explanation:** The owner is requesting a review of an existing conditional use permit to allow the expansion of a recreational campground.

a) Public Hearing

Donald E. Dysland, Robin's Nest Resort, LLC, W340 N4867 Road O, Nashotah, WI – Owner of the property, spoke in favor of the request.

Randall Schmidt, N9904 CTH A, property owner on the east side – Spoke in favor of the request.

Rod Huber, W7004 Puckaway Road, Manager and Caretaker – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed the request including an email that was submitted by James Harter, a neighboring property owner (W7076 Puckaway Road), requesting that the committee consider a list of five concerns that he has with the request.

c) Committee Decision

Motion by Erdmann/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use request with the following conditions:

- 1) **Each camping unit shall not exceed 400 ft², or the maximum square footage as allowed by the State agency regulating campgrounds, whichever is smaller, except for the designated caretaker's unit.**
- 2) **Proof of state and/or local approval of the campground expansion from the appropriate regulatory agency.**
- 3) **Effective dust control measures shall be provided for all entrances and internal roads associated with campground expansion.**
- 4) **An independent structure, such as a deck or landing / stairway, not to exceed 200 square feet in area, used in conjunction with a camping unit be allowed with a Land Use Permit. Also, one, non-permanent independent accessory storage structure, not to exceed 50 square feet, shall be allowed per site.**

- 5) **Outdoor lighting installations are permitted in all yards, but no closer than three feet to an abutting property line, and shall be adequately shielded or hooded to prevent direct light, excessive glare or illumination is cast upon other properties.**
- 6) **No further expansion or addition of structures and/or uses shall occur without review and approval through future Conditional Use permit(s).**
- 7) **That all permanent camping units located in the floodway be removed from the floodway by December 1, 2015. This space may be used for moveable units or tents only. As they move out, they will not be replaced.**
- 8) **The campground must meet all 12 provisions of Section 300-21 of the County Floodplain Zoning Ordinance (see below)**

§ 300-21. Public or private campgrounds.

Public or private campgrounds shall have a low flood-damage potential and shall meet the following provisions:

- A. **The campground is approved by the Department of Health and Family Services.**
- B. **A land use permit for the campground is issued by the County Land Use Planning and Zoning Department.**
- C. **The character of the river system and the elevation of the campground is such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.**
- D. **There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.**
- E. **This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in Subsection D, to remain in compliance with all applicable regulations, including those of the State Department of Health and Family Services and all other applicable regulations.**
- F. **Only camping units are allowed.**
- G. **The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.**
- H. **All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.**
- I. **The County Land Use Planning and Zoning Department shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.**
- J. **All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article IV, Floodway District, or Article V, Flood-Fringe District, for the floodplain district in which the structure is located.**
- K. **The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.**
- L. **All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.**

- 9) In addition to Section 300-21, a plan shall be submitted to the Land Use Planning & Zoning Department outlining the methods and personnel utilized to remove any and all mobile recreational vehicles, independent structures or other accessory structures from the floodplain that are not elevated and anchored per Section 300-29.L.
- 10) Within 90 days of conditional use permit approval the property owner provide a comprehensive site plan, drawn to scale showing the:
- Location and dimensions of all existing buildings, structures (including fences)
 - Location and dimensions of all proposed camping unit sites
 - Dimensions and lot lines of the property
 - Location and names of abutting roads, rivers, streams, & North arrow
 - Floodway and Flood Fringe boundaries
 - POWTS detail such as tank, laterals, vents, etc.
 - Other information based on the conditions of approval

Motion carried.

d) Execute Determination Form/Ordinance

NEXT MEETING DATE

February 4, 2009

– Business Meeting 4:30 p.m.

– Public Hearing 6:00 p.m.

ADJOURN

Motion by Sell/Henke, unanimously carried, to adjourn. Motion carried.

Time: 7:29 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

February 4, 2009