

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, April 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 4:31 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.

Present: **John Gende, Eugene Henke, Susan McConnell, Don Peters**

Absent: **Thomas Traxler, Jr.**

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES – None at this time.

PUBLIC APPEARANCES - None

PUBLIC COMMENT

Jim Fox, Town of Green Lake Chairman – Stated that he and others he has talked to are worried about the water supply for generations to come. With all of the non-metallic mining that is being done in the county, he asked if the committee has thought about how the water will be purified if marshlands are being eaten up by sandpits. Mr. Fox also commented about how farming is changing in this county and the committee should consider wind energy.

Al Shute, County Surveyor/Land Development Director – Expressed his appreciation to the committee for serving as supervisors, especially serving on this committee. He stated that he appreciated the opportunity to work with every one of them and wished them the best in the future.

CORRESPONDENCE - None

PURCHASES - None

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

a. Permits, public hearings, etc.

Shute – Discussed the various aspects of the activity report.

Motion by Henke/Peters, unanimously carried, to approve the February, 2012, monthly reports.

DEPARTMENT/COMMITTEE ACTIVITY

a. Agricultural Districts

The committee discussed how important it is for the new committee to make the agricultural districts a priority. Attorney Sondalle agreed with them and added that there are holes in the code right now that must be amended.

b. Proposed Shoreland Zoning Ordinance

The committee reviewed what happened at the last county board meeting and agreed that the proposed shoreland zoning ordinance should be moved to the county board again.

Motion by Peters/ Henke, unanimously carried on roll call, to approve the shoreland protection ordinance amendment, to accept the adjustments to the two pages, and forward to the county board for final action on April 17th.

c. Rural Residential Zoning Districts

The permitted uses for the R-4 district were discussed. As a result, Shute will prepare a draft copy of the proposed ordinance for the next meeting. McConnell added that this committee has spent a significant amount of time on this proposed ordinance amendment and that the general format seems to be acceptable.

FUTURE AGENDA ITEMS

The committee asked that the following be placed on the next agenda: agricultural districts, rural residential districts, shoreland protection ordinance, wind energy.

NEXT MEETING DATE

May 3, 2012

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

5:52 p.m. Recess.

6:01 p.m. Reconvene.

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 6:01 p.m. for public hearing items and read the rules of public hearing.

Item I: Owner/Applicant: Jay & Jenifer Parker **Site Address:** N1206 County Road Q, Parcel #010-00493-0000, Part of the NW¹/₄, Section 24, T14N, R13E, Town of Mackford, ±1.1 acres

Explanation: The applicant is requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District.

a) Public Hearing

Jay Parker, N1220 N. Brave Road, Town of Mackford – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Attorney Sondalle – Stated that the staff report speaks for itself regarding criteria; the request should be consistent with the Town of Mackford comprehensive plan.

Henke (also the Town of Mackford Chairman) – The Town of Mackford did not have a problem with this request.

Shute – Explained that the Town of Mackford updated their comprehensive plan and that this request is consistent with their plan.

c) Committee Decision

On a motion by Henke/Peters, unanimously carried on roll call (4-eyes, 0-nays), to recommend approval of the rezone request as presented and forward to County Board for final action.

d) Execute Determination Form/Ordinance

Item II: Owner/Applicant: Jon & Randall Laper **Site Address:** W540 Center Road, Parcel #006-00251-0000, Part of the NE¼, Section 14, T15N, R13E, Town of Green Lake, ±2.0 acres
Explanation: The applicant is requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District.

a) Public Hearing

Randy Laper, W1368 Reeds Corner Road, Ripon – Spoke in favor of the request.

Allan Brooks, W774 Center Road – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – The Town Action Form stated that the town did not object to the request. The Town of Green Lake has not updated their comprehensive plan. When you look at the plan and proposed zoning, this request is not consistent with the plan.

Attorney Sondalle – The Town of Green Lake is not objecting; but it's not consistent with their comp plan.

Jim Fox, Town of Green Lake Chairman – We think this is the best use of that property.

c) Committee Decision

On a motion by Peters/Gende, unanimously carried on roll call (4-eyes, 0-nays), 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: Byron Lewis, Silver Creek Ventures LLC **Agent:** Brennan Lewis
Site Address: W780 State Road 23, Parcel #004-00280-0400 (±.97 acres) and #004-00280-0500 (±.48 acres), Lots 1-3 Certified Survey Map 292A, Section 14, T16N, R13E, Town of Brooklyn
Explanation: The applicant is requesting a conditional use permit for a small-scale used auto sales business.

a) Public Hearing

Brennan Lewis, W780 State Road 23 – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Attorney Sondalle – Advised the committee to refer to the staff report with the four recommended conditions.

c) Committee Decision

On a motion by Peters/Henke, unanimously carried on roll call (4-eyes, 0-nays), to approve the conditional use permit request, as presented, with the following conditions:

- 1) **No on-site servicing of vehicles related to this use shall occur without review and approval through future Conditional Use Permit(s).**
- 2) **The owner/applicant shall apply for and receive a County Land Use Permit for activities requiring said permit related to this commercial operation.**
- 3) **Signage shall be combined and comply with Section 350-43 Signs, of the Green Lake County Zoning Ordinance. New signage will require a Land Use Permit.**
- 4) **There shall be no more than 4 vehicles total for display and storage at any time. Display of vehicles shall be no closer to the road right-of-way than the existing building structure.**

d) Execute Determination Form/Ordinance

Item IV: Owner/Applicant: Steven Eckert **Site Address:** W2176 County Road X, Parcel #010-00391-0100, Part of the NE¹/₄, Section 19, T14N, R13E, Town of Mackford, ±10 acres.
Explanation: The applicant is requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District.

a) Public Hearing

Steven Eckert, W2087 County Road I/O – Spoke in favor of the request.

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

Public hearing closed.

b) Committee Discussion and Deliberation

The committee agreed that there would be a large area of R-1 land that could be turned into a development. Peters suggested that this not be approved, but the applicant come back after the rural residential districts are approved and re-apply at that time. He asked that the fee, if any, be waived for this individual.

c) Committee Decision

On a motion by Gende/McConnell, to recommend approval of the rezone request as presented and forward to County Board for final action (Gende – nay, Henke – aye, McConnell – nay, Peters – nay). Motion failed (1-3).

d) Execute Determination Form/Ordinance

Item V: Owner/Applicant: Steven Eckert **Site Address:** W2087 County Road I/O, Parcel #010-00366-0000, Part of the NW¼ of Section 17 and the NE¼ of Section 18, T14N, R13E, Town of Mackford, ±3 acres. **Explanation:** The applicant is requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District.

a) Public Hearing

Steven Eckert, W2087 County Road I/O – Spoke in favor of the request.

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

Brian Schulz, 540 Mill Street, Dalton – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – Explained that the concern is not as great for subdividing this property because they don't have the required 66' of frontage to support additional lots.

c) Committee Decision

On a motion by Henke/McConnell, unanimously carried on roll call (4-ayes, 0-nayes), to recommend approval of the rezone request as presented and forward to County Board for final action.

d) Execute Determination Form/Ordinance

Item VI: Owner/Applicant: Richard R Ebert **Site Address:** Puckaway Road, Parcel #014-00288-0000, Part of Government Lot 2 lying south of the river, Section 31, T15N, R11E, Town of Marquette, ±1.1 acres. **Explanation:** The applicant is requesting a rezone from R-1 Single-Family Residence District to RC Recreation District.

a) Public Hearing

Richard R. Ebert, W7007 Puckaway Road - Spoke in favor of the request.

Donald Dysland, W340 N4867 Road O, Nashotah - Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – The Town of Marquette did not object and recommends approval. The consistency issue is a major item with regard to that entire area. When you look at this area, it is more of a recreational land use.

c) Committee Decision

On a motion by McConnell/Henke, unanimously carried on roll call (4-eyes, 0-nays), to recommend approval of the rezone request as presented and forward to County Board for final action.

d) Execute Determination Form/Ordinance

Item VII: Owner/Applicant: Robins Nest Resort LLC, Don Dysland **Site Address:** Puckaway Road, Parcel #014-00289-0000, Part of Government Lot 2 lying south of the river, Section 31, T15N, R11E, Town of Marquette, ±7.6 acres. **Explanation:** Rescind existing conditional use permit for a campground.

a) Public Hearing

Donald Dysland, W340 N4867 Road O, Nashotah - Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee agreed that this would be a good idea.

c) Committee Decision

On a motion by Henke/McConnell, unanimously carried on roll call (4-eyes, 0-nays), to rescind the existing conditional use permit with the following condition:

1. That the existing Conditional Use Permit, approved in 2009, only be rescinded in the event that the rezone and conditional use permit requests, of April 5, 2012, are approved.

d) Execute Determination Form/Ordinance

Item VIII: Owner/Applicant: Richard R Ebert and Robins Nest Resort LLC, Don Dysland **Site Address:** Part of parcel #014-00288-0000 (Ebert) and parcel #014-00289-0000 (Robins Nest Resort LLC). Both parcels located in Government Lot 2, lying south of the river, Section 31, T15N, R11E, Town of Marquette, ±8.7 total acres. **Explanation:** The applicant is requesting a conditional use permit for an expansion of an RV campground.

a) Public Hearing

Donald Dysland, W340 N4867 Road O, Nashotah - Spoke in favor of the request.

Gail Harter, W7076 Puckaway Road – Stated that she’s not really against the request, but would like to ask that a buffer be put in constructed, whether it’s trees or a berm, something that would contain the noise from the campground.

Dysland – In five years, we’ve never had an issue or a noise complaint.

Harter – I would agree; however, if there is no buffer, there may be more noise.

Dysland – We would gladly work with the neighbors to curtail noise.

Public hearing closed.

b) Committee Discussion and Deliberation

Attorney Sondalle – Advised the committee to refer to the county staff report with conditions.

Shute – Added that the committee can address the buffer issue, if they wish, or let the two parties try to come to a resolution.

c) Committee Decision

On a motion by Henke/Gende, unanimously carried on roll call (4-ayes 0-nays), to approve the conditional use permit with the following conditions:

- 1) Each camping unit shall not exceed 400 square feet or the maximum square footage as allowed by the State regulations for a camping unit, whichever is smaller.
- 2) Evidence of approval from the appropriate State and/or local regulatory agency for the campground expansion.
- 3) Effective dust control measures shall be provided for entrances and internal roads within the campground.

- 4) **An independent structure such as a deck, landing/stairway, not to exceed 200 square feet in area shall be allowed. Also, one non-permanent storage structure per unit, not to exceed 50 square feet in area shall be allowed. All of the above require a one-time land use permit per unit.**
- 5) **That all existing camping units sites along with any utility service hook-ups located in the floodway be removed from the floodway before December 1, 2015.**
- 6) **The campground landowner shall provide, within 60 days of approval of this request, an updated comprehensive site plan for the entire area contained in this request. Said plan shall be received, reviewed and approved by the Land Use Planning and Zoning Department and supersede any prior plan approvals for this campground operation. A land use permit shall be issued based on the 2009 CUP site plan of record and the site plan submitted in this request until the updated site plan is approved. The plan shall be professionally prepared to scale and accurately show:**
 - **The camping unit sites approved based on CUP granted in 2009. These sites shall be based on the 2009 density ratio of 2,800 square feet (40' x 70') per camping unit site.**
 - **The camping unit sites approved based on this CUP. These sites shall be based on the density ratio of 4,000 square feet (50' x 80') per camping unit site.**
 - **Identify camping unit sites by number and identify roads, river and north arrow.**
 - **Floodway and Flood Fringe boundaries along with adequate storage area for any personal property removed during a flood event.**
 - **POWTS detail such as tank, vents, etc.**
- 7) **Preparation and recording of a Certified Survey Map for the new property boundary.**
- 8) **Any expansion or structural alterations of existing building structures (non-camping units) shall require review and approval by the Land Use Planning and Zoning Committee.**
- 9) **The campground must meet all 12 provisions of Section 300-21. of the County Floodplain Zoning Ordinance including annual update of Emergency Evacuation Plan which is due for 2012. (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 flood-proofed to the flood protection elevation.

d) Execute Determination Form/Ordinance

Item IX: Owner/Applicant: Brian L Schulz **Site Address:** N2305 Marquette Road, Parcel #012-00100-0000 and #012-00101-0000, Part of the NE¼ and SE¼, Section 6, T14N, R12E, Town of Manchester, ±10 acres. **Explanation:** The applicant is requesting a rezone from A-1 Exclusive Agriculture District to A-3 Light Agriculture District.

a) Public Hearing

Brian Schulz, 540 Mill Street, Dalton – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – Advised that the Town of Manchester approved of the request and that the land cannot be developed further because the minimum lot size is ten acres for that zoning district.

c) Committee Decision

On a motion by Peters/Gende, unanimously carried on roll call (4-eyes, 0-eyes), to recommend approval of the rezone request as presented and forward to County Board for final action.

d) Execute Determination Form/Ordinance

Item X: Owner/Applicant: Marian Housey, Proscarian Farm, LLC **Site Address:** N617 Proscarian Road, Parcel #0012-00543-0000, Part of the SE¼ of Section 28, T14N, R12E, Town of Manchester, ±3.61 acres. **Explanation:** The applicant is requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District.

a) Public Hearing

Marian Housey, N83 W14349 Menomonee Avenue, Menomonee Falls - Spoke in favor of the request.

Lynn McCann, W149N8320 Norman Drive, Menomonee Falls – Spoke in favor of the request.

Brian Schulz, 540 Mill Street, Dalton – Spoke in favor of the request.

Jason Valerius, MSA, Madison, representing the Williams Family – Shared a copy of a letter outlining reasons why the rezone should not be approved.

Jeff Jones, N8579 Wiersma Drive, Cambria - Spoke against the request.

Bill MacFarland, 83rd Street, Wauwatosa - Spoke against the request.

Irene Williams, 2420 Skyline Drive, West Bend – Spoke against the request.

Bart Williams, 2420 Skyline Drive, West Bend - Spoke against the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – The Town of Manchester did not object to this request.

Peters – There’s a house under construction out there?

Housey – It’s one homestead and will stay one homestead. I didn’t want it incorporated in with the tillable soil. It’s an historic thing. I’m not trying to be a bad citizen and stick more homes on it. I would like to oversee the area and make it more attractive.

Shute – Mrs. Housey’s intent is to preserve these acres as one parcel. There’s no pressure to do this immediately. This would be a perfect fit for the proposed rural residential district. This may just be a perfect opportunity to deny this request and rezone this to R-4 rural residential when the district becomes available.

Mrs. Housey stated that she could wait for that to happen.

Peters – In the event there would be a fee to do that, the fee should be waived.

c) Committee Decision

On a motion by McConnell/Gende, to recommend approval of the rezone request as presented and forward to County Board for final action (Gende – nay, Henke – nay, McConnell – nay, Peters – nay). Motion failed (0-4).

d) Execute Determination Form/Ordinance

ADJOURN

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

Time: 8:09 p.m.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

May 3, 2012