

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting & Public Hearing Minutes – May 6, 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 4:30 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
Jeff Haase, Assistant Corporation Counsel

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Erdmann/Traxler, unanimously carried, to approve the April 1, 2009, minutes with a correction on page 5 (Green Lake Company will be corrected to read Green Lake County). Motion carried.

PUBLIC APPEARANCES

Lynn Miller – Discuss allowing home-based smaller businesses in agricultural districts by variance or conditional use versus rezoning.

Lynn Miller, W2865 Carter Road, representing the Amish Community – Discussed with the committee the possibility of allowing small, home-based businesses using conditional uses rather than the rezone process. This was also discussed with the Town of Manchester Board. The Amish community would like to open this up for discussion with the committee.

Samuel Mast, N2184 CTH B, representing the Amish Community – In addition to what Lynn (Miller) has said, I would like to mention that most of us live on farms, some on smaller farms, and there seems to be ample opportunity to have varieties of small business going on in our homes. What would it take to work out something with the County to regulate all of this? Instead of working against each other, we'd like to work together which is what our whole idea is. If we could have a conditional use that would fit each situation in itself, and when that business would change, the conditional use would go away and you would be regulating the next one that moved in. We have a concern, when we think of our community as a whole; we feel that these small businesses are part of our lifestyle and, therefore, we would gladly try to keep our people within our community instead of sending them out.

Erdmann – What do you mean by small businesses?

Miller – Cabinet shops, cabinet doors, bakeries, engine repair shops, grocery store, and small welding repair shops. Our idea of doing this through a conditional use versus a rezone, when someone changes

their mind or moves away, you don't have a commercial chunk of property. It would have to be looked at the same way as the zoning. Each case would have to be presented on its own.

Erdmann – With the existing businesses, what is the average number of employees?

Mast – The average is 2-4.

McConnell – In looking back, it seems like we have a long list of conditional uses that are in place now; these things that you mention seem to fit in that list. I can recall a couple of instances where a couple of them were denied for not very good reasons. One was a furniture stripping business and it was denied because of the chemicals involved. It didn't seem fair. What you're requesting seems reasonable to me because you want people to stay in your community. It's more efficient to work out of a home.

Traxler – I agree with that, too.

Henke – I do, too. It would save rezoning. With a conditional use request, when one person leaves, that would be the end of it.

Shute – You could use a sun-set date so that the use stays just with that landowner until they transfer or sell the property.

Miller – What we're asking for is what we use to do but now we can't. Correct?

Shute – You're talking about the amendment to the agricultural districts.

Miller – Conditional uses were being allowed for a secondary income to an ag operation. What we're asking for is not that. We're talking about small acreages, one or two people being able to work at home; it's not a complement to an ag operation. It's their living.

McConnell – It seems to me that Ag 2 and 3 allowed these conditions, but Ag 1 did not. Then we get into that acreage thing. That does fit into what we're looking at right now. You are correct. A farmer is in a commercial business. That is his livelihood. It doesn't matter if he has ten acres or 400 acres; it's a commercial undertaking.

Don Peters, N3972 Heritage Road – I would ask this committee to take into consideration traffic, whether it's automobile traffic or heavy truck traffic. On my road, there is a greenhouse, which I don't have a problem with even though Saturday it was a complete traffic jam. I couldn't get into Markesan without delay. And there is constant truck traffic. When they talk bakeries or other things, they're painting with a pretty broad stroke and I think you need to narrow this down and make some parameters if you're going to approve these at-home businesses that employ 2-3 people. You'll need very strict guidelines for these businesses. There is a bakery on the other side of Kingston and, from what I've heard, it's quite a traffic jam. You need to pay attention to people who have moved into or lived in this area a long time. It is disturbing their lifestyle, which is a peaceful, tranquil, agricultural lifestyle. I can understand that these people want to expand their businesses, but please don't put my investment in the middle of a strip mall.

Henke – We’re all going through that. I live on a road with a big dairy. Last year I had 700 semis and 600 manure trailers that went by my place.

Peters – I realize that there are factory farms and I don’t agree with what they do.

McConnell – We have to keep in mind that this is an agricultural-based county followed by tourism and the bulk of the income in the county comes from agricultural. As the industry and world is changing very rapidly around us, we need to keep the base focus of the economy as it has been for more than 100 years. That’s not to say that there aren’t growing pains. When people move from the city to the country, they have to accept the fact that there is agriculture around them which means noise from tractors, smells from animals, traffic on the roads from milk trucks or heavy equipment. At certain times of the year, those things take precedence because that is what the land is used for. We have to keep that in mind when we’re looking at things like this. I think there is a very strong movement or maybe a re-alignment of thinking that we do want small farmers to be in business. We would prefer to see small farmers, people with 100 cows versus 5,000 cows. It’s a real kind of balance that we’re trying hard to deal with. This county’s basis is agriculture and it’s going to stay that way, I believe, and I think it needs to stay that way. Peace and quiet in the country is expected and understood, but with that comes the tilling of the land. It’s not always quiet or smells good.

Peters – I understand that, but I also feel that there are adequate areas, both in industrial parks and retail spaces in Green Lake County, that can provide ample opportunity for business. It seems to me that it doesn’t seem quite right that if I build a house I should be able to pursue a business there automatically.

McConnell – I think the gentlemen here are asking us to look at ways that will fit in with keeping the neighborhoods peacefully interacting. That is what our discussion is about.

Peters – My opening statement is you can’t paint the canvas with a broad brush. You look at every one of these on an individual basis and I think you have to take the adjacent landowners’ opinions into consideration as far as traffic situations and different things. I really think that everyone has a right to peacefully co-exist with the habitat they are familiar with and I don’t think it’s right for a neighbor to change things and affect their neighbor.

Henke – I live in the southern end of the county. You have to realize what these people have done for the southern end of the county and for the Townships of Manchester and Mackford. They’ve done a lot. They’ve got a lot of new buildings and a lot of new houses and farms. They’ve brought lots of tax money. You have to look at that, too. There are advantages that are coming from these small farms. I live in Mackford Township and there it’s just the opposite. We’ve lost evaluation because it’s the big farms now and we don’t have buildings anymore.

McConnell – Gene (Henke) has a good point. I think there can be a peaceful co-existence between a resident who has just a home and a small business that is home-based. You have to accept the fact that to move a business from your home to go into town and rent a space or buy a building and then travel back and forth is expensive and maybe not as efficient. There are all kinds of other things that come into play. If your family is there, raising children, it’s better for them to be at home. If parents are gone from their farm to be in town at their place of business, these people have a different type of lifestyle than we do, and they do their business at home. Their families are at home; their children are schooled in their communities.

Peters - So we should make exceptions because their lifestyle is different than mine?

McConnell – I don't think that they're asking for us to make exceptions. They're asking us to come up with ways that they can be more home-based and be able to earn a living on their farmsteads.

Erdmann – As more and more people are leaving the large manufacturing concerns, losing their jobs basically, they're going to be looking to small businesses to supplement their income and to pay for their family expenses. I can see more and more of small businesses coming forward. It's a sign of the times.

Traxler – Is there a direct or indirect impact on you?

Peters - I see you tabled the boat landing issue; how are you going to administer this? Whose job is it going to be to see how many employees there are and if the business meets the criteria for the planning and zoning committee? Are we going to have to hire people? Whose job is it to oversee this?

Gary Berghammer, Town of Manchester Supervisor – A large part of our community is Amish and it's growing faster than any other part of our community and the Board does recognize the fact that we do need to address the needs of the Amish. They're entitled to the same rights and abilities to do some things and we have many people within our township that do have or want home-based businesses and they're not necessarily Amish. My next door neighbor has a bait shop. There are many more people than you realize. Maybe unfairly, the Amish get more exposure. We had a very candid meeting with Al (Shute) a few weeks ago and we do see the need that we have to re-write our comprehensive plan. Personally, I think our comprehensive plan, of which I was on the Board at the time and was a big part of it, was written in a vacuum and I think there was some attempt from Al's (Shute) predecessor to sort of shape the entire county into a similar plan. That doesn't apply anymore and it most definitely doesn't apply to the south and southwest part of the county. You have 2-3 townships that have very different needs now. We are going to, as a Board, look at getting someone to assist us in re-writing our comprehensive plan. We're going to pin Al (Shute) down and involve him so that it fits the county and doesn't leave you, the zoning board, or the neighbors, as in Don's (Peters) case, we do need to fit it to everyone's needs. We do need to fit it in such a way that it does fit both sides. The Amish do have a need and have an ability to have home-based businesses. Don's (Peters) concern is that we have a way to control it so that it doesn't become another business. Unfortunately, I think there was a situation next to Don where one business became another business and got to be a much larger and industrialized business. From both sides we need to have some control and honesty that what we say we're going to do, we do. I think Lynn (Miller) is very clear on that. We need to have that understanding. As a Board, I would be inclined to say that could we have a conditional land use that commercializes some of that property that is going to be the business and there, too, we want a sun set whereby the next landowner has to re-apply. That's where we need some of Al's (Shute) assistance. If there is a commercial attachment to it, it's fair to say the tax base is different, and perhaps justifiably so if it is a business, but at the same time, like Lynn said, there are some where it will be their only business and in other cases, it's a business that's associated with the farm. I want to give our town board opinion that we do need to get some ability for them to do it and, at the same time, have some controls on it. We'll work with Al and with a consultant to re-write our comprehensive plan.

Henke – Mr. Peters, I was wondering how long you have lived where you are living now?

Peters – What difference does that make? Are you trying to say that I'm not local?

Henke – No. I'm wondering if you've lived there your whole life.

Peters – I lived in Waupun where I had a business for 30 years and then I wanted to live in the country for peace and quiet. I go to the Salemville Cheese Factory and buy cheese, I have saws that I had an Amish man do work on. I think we have to look very closely at how it impacts other people whether it's traffic or whatever. Town roads are not made for heavy traffic. You need to look closely at how it impacts the neighbors.

Henke – There were Amish living there when you moved there, right?

Peters – No, there were no businesses there when I moved there. Now I've got a metal fabricating shop, green house, and a woodworking shop.

Miller – I would definitely agree with Don Peters that we can't paint it with a broad brush. That's not what we're asking for. We're not asking to be allowed to go and build any kind of building that we want and have any kind of business that we want. We are asking to, basically, have the same opportunity as when we come in and ask for a rezoning. I think we already have the people in place for that. It's like Gary (Berghammer) said. It's going to have to involve some honesty. If issues come up, I would like to say that I would be available to talk to. I've known Al (Shute) long enough; I've worked with him. I've known and worked with Missy. I'm comfortable and I hope they would be, too.

Erdmann – I also don't think this is an unreasonable request and I agree with Don (Peters) so that it does not expand to a commercial operation. I know for a fact that in my city, Berlin, we have gentlemen that do welding repair, we have gentlemen that do overhead door installation, we have gentlemen who do small engine repair, we have a home decorator, we have a candle-making operation, we have a dress maker. All of these people are home businesses within the City of Berlin. I know there are more; these are just recent articles that I wrote so I know about them. I truly believe that as this economy evolves, we are going to have more people looking to share their abilities as a business because they can't work for a large corporation any more. We need to do some work on this. We can't make a decision tonight, obviously. We'll need Jeff's (Haase) help in formulating some of the wording, but it sounds to me that most of the board is amenable to at least looking at it and making a change to our zoning code

Miller – When we still lived in Indiana, we moved here ten and a half years ago, I was involved with Elkhart County, and they did requests like this through variances and conditional uses. A good example was my youngest brother who wanted to do a welding shop and it was quite intense. He lived in a set of old farm buildings. They allowed him to take the milking part of the barn and he raised the roof and put taller walls in so he could do his operation, but they asked him to make it blend in with the barn which I was able to do the job for him and it just looks like an addition to the barn. That's why I say each case needs to be looked at separately. We don't want a big commercial-looking building setting by itself in an ag district and that's not what we're asking for.

Erdmann – That’s why I like the conditional use because then the Planning and Zoning Committee puts the conditions on each operation as it comes forward. You just can’t start something and then expect it to go. You would have to get a permit first.

McConnell – There is a year time period set for review. If things don’t go right, neighbors have a chance to come in and say that there are problems and it can be reviewed. We do have the tools in place to look at this and the ability to craft something that would work and I very much agree that each potential case should be looked at individually and its merits weighed, and have it move forward. We’re capable of doing that.

Peters – In closing, my neighbors and I would not like an unincorporated business village on our road. You need to look at how many businesses are on a road. I would not want three or four more heavy vehicle-oriented businesses on my road. There are a lot of things you need to look at.

Henke – We’re all in the same boat.

Peters – What do you mean, we’re all in the same boat?

Henke – I live on a county road and I’m telling you I have a lot of traffic. Things have changed. It’s different than it was 30 years ago.

Peters – Then why do we have a Planning & Zoning Committee if you’re going to just let everybody do whatever they want? I’m asking for some rules and regulations and taking into consideration maybe a spacing of businesses rather than all in one location.

McConnell – I think that’s what we’re beginning to look at here and I think we can accomplish that. Life is constantly changing.

Peters – Trust me, I’m almost 60. I know how things are changing.

McConnell – That’s what life is about. It has changed. I’ve lived in this county for 30 years. Traffic on CTH K is much heavier than it was 30 years ago. That’s the reality. The county needs to have a healthy tax base and we need to have citizens that are capable and able to be a business and support themselves and their family. It just makes for a healthier county overall. To encourage small business is a good idea and I agree with what Bobbie (Erdmann) said previously. Things are changing and we have to change with them and adapt ourselves and be able to move ahead. If not, we will be left behind in the dust. It’s a fact of life. Our whole world is changing in many different ways and we can’t escape it and we’re all involved in it. We have to make the best of it. It’s a great thing to have people that care about their families and want to support their families and support the community as well. It takes a lot of courage for these gentlemen to come here and be willing to talk about their ideas and want to be honest about what they’re asking. I think we owe it to them to at least consider their request.

Henke – It would be very little different than the farmer really because most of them are family operations. There are 2-3 working there. It isn’t much different than the agricultural farms. It would take just as many people doing agriculture as what you’re doing with these businesses.

Erdmann – Do you farm as well as operate the businesses?

Miller – The place we were able to buy, the farmland was all sold off and we got a complete set of farm buildings with five acres. I grew up in a metal-working shop, very much an industrial metal-working shop. After we moved up here, I guess you could say it was in my blood. I started making some plant hangers and things. I'd take some to auctions and some to greenhouses and I still do that. I had to ask Bruce Roskom. He said not to put out a big sign and don't make it look commercial. Just keep doing what you're doing. If I need to do something at this point, I'd be willing to do that. What I have now is a delivery of steel, maybe 2-3 times a year to try to get a large order. It gives the boys work after school. It gives them goals. My 14-year old is learning to cut things out and bend things out and weld things together. I would be willing to let the elders here emphasize my point that that is exactly what we're looking for. We're looking to have our children have a purpose in life. We do enough hangers and they get tired of what they're doing. I want them to have that. Doing that gets them to be responsible.

Traxler – Structure.

McConnell – Every parent wants that for their child. They need to grow and be encouraged. My husband does welding and mechanics and I have three sons and they learned a lot about it from their dad in the garage. That's what we all need to do.

Henke – If we had more of that, we'd all be better off.

Erdmann – What is the next step?

Shute – Even though Lynn (Miller), Samuel (Mast), and two of the elders from the Amish community are here to talk about this, we have to keep in mind equal enforcement. We're not gearing ordinance amendments because Lynn and his community came before us. They did come in and initiate it and I give them a lot of credit for that, too, but whatever we develop, it has to be a county-wide concept. It has to be applicable to everyone. The other thing is the idea of a conditional use permit. The conditional use is a great tool and allows you to put conditions on a use. The basic premise of a conditional use is if we have a bakery in an agricultural district, as a conditional use, the bakery is permitted flat out. Even though it's under a separate list in the ordinance that says conditional uses, it's permitted, the only difference is, this committee reviews it and determines if additional conditions to that use at that site are needed for health, safety, and general welfare. Whatever list of uses you create in these districts as conditional, it's not a matter of you denying anything because you can't deny the use, you can only add conditions to help protect the surrounding environment. Be careful as we generate that list of uses. Everything that Lynn named off, and I'm sure there are other things that happen in your community that aren't to this intensity, but everything on here for zoning purposes is a commercial activity. It's not like these are home-based businesses. For the most part, these don't operate in the residence like a real estate office where you can dedicate part of your house for running your business. Maybe "home-based business" isn't the right terminology for it.

Miller – It's not "house-based." It's "home-based."

Shute – Home being the property and not the building.

Miller – Yes.

Erdmann – I can see most of these being done in a garage, except for the bakery. In fact, a lot of this stuff we've done in our garage, except build cabinets because we're terrible builders.

Shute – I do see a change. In my time as the director, I do see more emphasis of people wanting to have more flexibility with their property and that's fine, but we can't have a planning and zoning staff that you direct to enforce a set of ordinances and then say that it's OK to do this and we never change our ordinances. If that's the direction you want the county to go, you need to take those ordinances and bring them up to whatever vision the towns and county officials have for Green Lake County. I'm not saying that we should cash it all in and throw everything away because zoning works. What we're talking about tonight, having things with a conditional use, is really kind of watering down zoning because the concept of zoning and categorizing things in certain areas is a concept that works and works well. You don't get the animosities between neighbors. If you get the wrong uses next to each other, a conditional use won't necessarily prevent those bad feelings. You'll have a site that has a conditional use and you'll put 20 conditions on it and think all is well, but you'll still have a conflict with the neighboring use because you're really not in zoning anymore; you're in something between nothing and zoning. We have to be careful as we move forward to understand the concepts that Lynn and his group are presenting and how they impact county wide to the towns that aren't here tonight asking for this. We've got five other towns that the county zoning ordinances represent that are not here asking for this tonight. And they will definitely be affected. You can't write the ordinance any other way other than to cover everybody.

Traxler – I agree with that.

McConnell – I agree, too. How do we proceed to move this forward?

Shute – I think we need immense amount of workshops before we bring anything before a public hearing.

Berghammer – I do agree with Al (Shute). The sooner you involve the towns, the better. We may have a better idea of the pulse of the people. We need protection and guidelines.

After further discussion, the committee agreed that an additional meeting would be necessary to hold a workshop for the committee to discuss this further. The workshop will be held on Wednesday, May 27th, 4:30 p.m. in the County Board Room. It may be necessary for the committee to have a couple of special meetings and then include the towns in subsequent meetings.

PUBLIC COMMENT – None

CORRESPONDENCE

Shute – The committee members were given, at the last county board meeting, a packet of information regarding Farmland Preservation. Tonight I am giving you a copy of a letter that was generated by the Wisconsin County Code Administrators and then a copy of the letter which is a response from the Department of Agriculture, which is a response to that letter indicating things they wouldn't mind changing. This is just information about how the process is moving along.

PURCHASES – None

CLAIMS

Claims totaling \$534.86 were submitted.

Motion by Traxler/Erdmann, unanimously carried, to approve the claims in the amount of \$534.86 for payment. Motion carried.

APPROVAL OF DEPARTMENT ACTIVITY REPORT

Motion by Erdmann/Henke, unanimously carried, to approve the March, 2009, monthly report. Motion carried.

DEPARTMENT/COMMITTEE ACTIVITY

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

Shute – This will be discussed more next month.

GENERAL COMMITTEE DISCUSSION

- a. **Such other matters as authorized by law**
- b. **Future activities**

Erdmann – In the minutes, one of the conditions for Landmark Services was that we receive an updated survey. Did you get that?

Shute – That is something that we track. That file will be considered active until we get that survey from them.

McConnell – Is it appropriate to have payment for the three supervisors that attended the mediation meeting in Ripon last month?

Haase – Advised that it be placed on the next agenda for approval.

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)

5:40 p.m. Motion by Erdmann/Sell, 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.

5:54 p.m. Motion by Henke/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session. Motion carried.

5:55 p.m. Ten minute recess.

6:05 p.m. Meeting reconvened.

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: Lonnie & Kathy Hargrave **Site Address:** W606 Miller Rd, Parcel #006-00420-0100 Com 363' (M/L) S of NW Cor of NE $\frac{1}{4}$ NE $\frac{1}{4}$; SW'LY 592.70'; S to S Ln of NW/NE; E to SE Cor of NW $\frac{1}{4}$ NE $\frac{1}{4}$; N to beg; 006-00421-0100 Com at SE Cor of SW $\frac{1}{4}$ of NE $\frac{1}{4}$: W 224.96'; N 129.79'; NE'LY 127.29'; N 35.96'; NW'LY 109.91'; N 65.06'; W 270'; N to N Ln at SW of NE; E to NE Cor of SW of NE; S to beg. Both parcels in Section 23, T15N R13E, Town of Green Lake (\pm 20.4 Acres) **Explanation:** The owners are requesting a rezone from A-1 Exclusive Agriculture District to A-2 General Agriculture District.

- a) Public Hearing

Rick Hargrave, Berlin, WI – Spoke in favor of the request.

James Fox, Town of Green Lake Chairman - Spoke in favor of the request.

Public hearing closed.

- b) Committee Discussion and Deliberation

Henke – Pointed out the error in the staff report. It should read Town of Green Lake and not Town of Manchester.

Shute – This was non-conforming as it existed. The zone change would make it smaller. It is better to get it cleaned up and correct the zoning.

- c) Committee Decision

Motion by Erdmann/Henke, unanimously carried on roll call (5-ayes, 0-nays), unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the rezone request as presented and forward to the county board for action. Motion carried.

- d) Execute Determination Form/Ordinance

Item II: Owner: Lawsonia, Inc. and American Baptist Assembly c/o Ken Giacoletto **Agent:** Davel Engineering, Inc. **Tax Parcel # and Description:** Parcel numbers for Lawsonia, Inc. - 004-1776-0000, and 004-1777-0000. Parcel numbers for American Baptist Assembly – 004-0724-0000, 004-1780-0000, 004-0725-0100, 004-0728-0000, 004-0728-1600, 004-0728-1400, 004-0728-1300, 004-0731-0000, 004-0732-0000, 004-0872-0000. All parcels located in Section 25, T16N R12E, and Section 30, T16N R13E, Town of Brooklyn **Location of Premises Affected:** Generally located south of State Road 23, site known as Green Lake Conference Center **Explanation:** Final Plat for Estates of Lawsonia

- a) Public Hearing

Ted Dominowski, Neenah, WI, Lindenwood Development – Spoke in favor of approving the final plat since all of the conditions have now been fulfilled.

Erdmann – Regarding your restrictive covenants, on page 2, the last item #5, minimum floor area and design, you state no three-story dwellings shall be permitted. Do you mean three stories above grade? You might want to indicate that because some people have walk-out basements which would only give them one floor.

Doug Cruzan, Lindenwood Development – That would be correct; it would be three stories above street grade. We should probably change that.

Erdmann – When you do your final paper, you might want to add three stories above grade. Item #11 on page 3; I'm confused about that even being in the covenants. If the developer is the exclusive builder, in my side-room experience with a construction company for almost 40 years, it's been my experience that the contractor is responsible for making sure that construction waste and trash and the dumpster is taken care of, not the landowner. And until that property is turned over to that person as a completed building, the contractors and subcontractors are responsible for taking care of the trash. I can't imagine someone who is buying one of your lots from outside this area having to drive up there everyday to make sure that everyone cleaned up after themselves, which is what your covenants are stating.

Cruzan – I don't think it's so much that, Bobbie (Erdmann). I think where I was going with this was ultimately, the homeowner is in charge of his contractors. There is a way for that to change; they can opt out of that and buy out of that. Therefore there may be a situation where there may be another builder out there if they're not keeping the sites the way we would like to see them. As a member of the Homeowner Association, they are ultimately responsible for them.

Dominowski – Typically, you are right, the contractor is responsible for maintaining that site.

Erdmann – You might want to reconsider how you word that because that's the way I read it the first time through. And then on page 10, top of the page, it says these homeowners will be billed and shall pay for services provided as well as for an access fee. Is this something that should have been taken out when you changed to public roads, because if you have public roads, you can't have an access fee.

Dominowski – That is something that is there from when the roads were private.

Erdmann – You might want to make sure that you have that removed. My last question, on that same page, the parliamentarian in me can't understand how you come up with your quorum. I can't understand that statement. The full members holding a majority of the votes that may be cast at any meeting shall constitute a quorum at any meeting. I think you want to re-word that to just a simple majority of the members present. I've read it three times and I keep coming up with if you have 45 members active at a meeting, if a majority of those 45 members aren't there, you won't have a quorum.

Dominowski – We will address that with legal counsel who is not here this evening.

Erdmann - I'm trying to protect the people who will be there later on. We have one other issue that was pointed out to us from staff with Lot 8. Did you do anything with re-configuring that because it does not conform.

Cruzan- John (Davel Engineering) will re-draw that and we'll submit it when we submit the final plat.

Shute – I'm assuming all of those cosmetic things will be taken care of. We had a grocery list like we did with the preliminary plat.

Traxler – So you have a punch list running on that?

Shute – Yes, and some maps highlighted that were sent to John (Davel).

McConnell – I would ask Al (Shute) if all requirements have been fulfilled as Mr. Dominowski stated?

Shute – The conditions of the preliminary plat have all been fulfilled except, under approvals of all entities of jurisdiction that are able to sign the plat, I haven't heard from John (Davel) that the State approval has come through for plat review.

Cruzan – We're expecting that this week or early next week.

Shute – There are three entities: the county, the town, and the state plat review. We do have the town. Everything other than that item has been addressed. There are a couple of things we need to re-visit. During the preliminary plat, we visited the issue of Lots 73 and 89, which were lots that were part of a zoning change request. The back parts of the lots spilled into the recreational area. I brought it up at the preliminary plat that we now have two lots that are out of character with the rest of the development. I questioned whether Lot 73 even has a buildable area based on your first floor square foot standards that are in your protective covenants. You may be able to configure something that would fit in there.

Cruzan – On either end of those lots, you can make a buildable area there.

McConnell – On both lots?

Dominowski – Yes. 89 is larger than 73. You can't in the center of the lot; you need to put it on the side of the lots.

Shute – I sent the final plat to the Sheriff's Department for the road naming and fire number ordinance. They had a problem with two of the road names and that has been corrected. When you get down by Carpenter Lane, just north of Carpenter Lane going east, there is a Woodland Court that will now be Chestnut Court. Going to the west, the longer cul de sac that was Woodland Terrace, that will now be Eagles Roost Lane. That took care of the road names. Fire numbers I worked with the GIS specialist and I gave you a map tonight. We went through and assigned fire numbers to all lots. I asked John Davel if he could provide the county with a stripped down map, taking off all the bearings, distances, and survey information, and just have the lot configurations with the lot number and the fire number on it. We would then provide those to the Sheriff's Department, administrator of the fire numbers, and then our office. Typically lots have gas, electric, and cable TV easements, and it was strange to see a

development without those. John (Davel) said that, meeting with the utility company, resulted in all utilities being in the public right of ways. There was an easement that will be needed for some aeration pumps in one of the ponds, but that will be a private Homeowners Association type easement. That's great. Nothing on the lots that the people will have to worry about. All of the utilities are out in the road right of ways. The substandard width of Lot 8, I made Jim (Sehloff, Davel surveyor) aware of that. I'm assuming that will be taken care of. There are some cosmetic things on the certificate page for Sue (McConnell) to sign. Just some of the proper references for the different committees and certificates and I sent that to Jim (Sehloff) already.

McConnell – You mentioned Lot 8; will that be put at 100 feet then by just shifting that line a bit?

Shute – I think that's what happened. I think someone in their drawing picked a wrong point because that total distance along the lake for Outlot 2 and Lot 8, the total distance is the same on the preliminary plat as it is on the final. It's just that on the final, Lot 8 is 89.57 instead of 100. The total distance was there; I'm assuming they will just shift that line to the northeast and pick up their 100 and Outlot 2 will be 119 and that will be identical to the preliminary plat. Lastly, since the approval of the preliminary plat, I got together with our Land Conservation Director and we've talked about the concern regarding Outlot 2 and the wetland area. In your preliminary decision, you decided that it would stay with the homeowners and not be a public dedication, but I told Jim (Hebbe, Land Conservation Director) that I would present to the committee one last time so that you have a chance to reflect on it. Those dedications don't have to go to the Parks Department. They're not the only entity in the county that can receive land and maintain land, especially in this case where you have a wetland which is part of the drainage system, the water purification system, as it flows into Green Lake. That's what our Land Conservation Department is all about. In the future, remember that a lot sitting on the lake that is a wetland can be a public dedication to Green Lake County and not only for the purpose of a park but for other things that the county does like drainage and stormwater management is one of those. I don't know, legally, where you stand. I don't know if you could change your minds tonight. These are just some observations that I accumulated as I reviewed and talked to different ones about the final plat.

McConnell – I would say in regard to Outlot 2, I believe it was the committee's intention to let that be in its natural state. Nothing should be built there and that it was accessible to the public, meaning the homeowners or people visiting at the assembly. Foot traffic is appropriate, but foot traffic is what it should be limited to. I noticed in the covenants that swimming, wading, canoes, and boats would be appropriate there. I think canoes are appropriate. I'm sure there won't be a boat launch site there. That wouldn't be feasible.

Dominowski – Nothing structural.

Traxler – So leave it as a natural green space.

McConnell – That's what the committee wanted to see.

Shute – Restrictive covenants are civil. If there is something going on there that you have an issue with, we can't regulate through a shoreland ordinance, it's out of our hands. If the county has the land, we have flexibility.

McConnell – It's something to keep in mind.

c) Committee Decision

Motion by McConnell/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the final plat with the following conditions:

- 1) That the owner/developer obtain all other necessary approvals, if needed, from other entities of jurisdiction such as but not limited to State of Wisconsin, Plat Review and Town of Brooklyn.**
- 2) That Lot 8 be redesigned to reflect a compliant lot width pursuant to the County Shoreland Protection Ordinance.**
- 3) That the final plat be updated to reflect changes based on County staff review.**
- 4) That the developer shall provide a map of road names and proposed fire numbers assigned to each lot by the County staff.**

Motion carried.

d) Execute Determination Form/Ordinance

NEXT MEETING DATE

May 27, 2009

- Business Meeting 4:30 p.m.
- Public Hearing 6:00 p.m.

ADJOURN

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

Time: 6:45 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

June 3, 2009