

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, August 2, 2012
Business Meeting – 4:30 p.m.
Public Hearing – 6:00 p.m.**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 4:30 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: **Eugene Henke, Ben Moderow, Harley Reabe, Michael Starshak**

Absent: **Don Peters**

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Reabe/Henke, unanimously carried, to approve the corrected July 5, 2012, minutes.

PUBLIC APPEARANCES - None

PUBLIC COMMENT

Elmer Bock - W1618 County Road S – Stated that he was in attendance to complain about Landmark Services Co-op (a neighboring business). It has been hot and dry and the company is not watering their driveway to control dust. This makes for an extremely dusty neighborhood. He called the company and asked why they weren't doing something about it and was told that they are trying to water once a day. He suggested to the company that they do it more often during hot weather. Mr. Bock is concerned because soybeans start in a month and trucks will be in and out constantly causing more dust. He also commented that he felt Mr. Peters' most recent comment in the newspaper was a slap in the face to those in his neighborhood.

Corporation Counsel Dan Sondalle – Regarding the dust issue, the department has to call the company and discuss the conditions of their conditional use permit which included dust control measures. The committee agreed that this must be pursued and that the dust control should be implemented immediately.

Jim Fox, Town of Green Lake Chairman – Agreed with Mr. Bock in regard to the Peters' comment in the newspaper. The homes were located in Mr. Bock's neighborhood long before the business. It was a slap in the face to the people that live in that area.

CORRESPONDENCE - None

PURCHASES - None

CLAIMS

Claims totaling \$1,354.86 for Land Use Planning and Zoning, and \$16.50 for Land Information were submitted.

Motion by Reabe/Moderow, unanimously carried, to approve the claims in the amount of \$1,354.86 (Land Use Planning and Zoning) and \$16.50 (Land Information) for payment.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

a. Permits, public hearings, etc.

Shute – Discussed the various aspects of the activity report.

b. Violations

Attorney Sondalle – Letters have been sent to eight or nine new violators. There are six others on the report that will be made a priority.

Shute – Reported that, after last month's meeting, a letter was sent to Attorney Jeff Haase asking for his notes regarding the Janik violation that he had been working on as well as an invoice for his work. No invoice was submitted and the information that was sent to him originally is all that was returned.

Starshak – Asked that Shute write another letter asking for an invoice with a date certain or consider the case closed.

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

Shute – Regarding Land Information activities, each year a grant application is submitted to the Wisconsin Land Information Program. The grant amount is based on the register of deeds collected fees. This year the grant amount is approximately \$21,000 and the proposal is to identify and re-monument PLSS corners. These PLSS corners assist in parcel mapping for GIS. The department is hoping to complete 50 PLSS corners in the Town of Kingston area. Shute also reported that he is working on a request for proposal (RFP) that will be sent to three surveyors that typically do this type of work and have worked with the county in the past. The proposals will be shared with the committee for a final decision.

DEPARTMENT/COMMITTEE ACTIVITY

a. Shoreland Zoning Ordinance

Shute – Each of the committee members received a draft copy of the shoreland zoning ordinance that has been revised to exclude the impervious surface section. This draft is the result of meetings that occurred with Al Shute, Attorney Sondalle, Jack Meyers, Dave Richter, and Committee Chairman Starshak. Shute explained the changes and, after discussing the changes, the committee agreed that there should be a September public hearing. This would then be forwarded to the county board for their September meeting.

Attorney Sondalle suggested that the revised version be sent to all county board members. The committee agreed that the newly revised draft ordinance be sent to the county board members with a cover letter inviting them to attend the committee's September public hearing.

Motion by Reabe/Moderow, unanimously carried, to approve the proposed shoreland protection ordinance, as presented, and move to a September public hearing with the ultimate goal of sending it to the county board for their September meeting.

b. Nonmetallic Mining Fees

Shute – This was brought up by Peters who asked about impact fees last month. Counties cannot implement impact fees; only towns, cities, and villages are allowed to do that. When a company applies for a conditional use permit, staff sends the request information to departments like the Highway Department so that the county gets some feedback as to what conditions should be added to the conditional use permit. Often times the applicant is directed to work with the various departments. The towns are always asked for input as to what they feel would be appropriate conditions.

The committee agreed that this should be taken off of the agenda.

DISCUSS A RESOLUTION THAT WOULD BE PRESENTED FOR THE COUNTY BOARD SIGNATURES TO BE SENT TO STATE LEGISLATORS OUTLINING HOW THE MANDATED COMPREHENSIVE PLAN AND FARMLAND PRESERVATION PLAN UPDATES ARE HARDSHIPS FOR SMALL COUNTIES.

Starshak explained that at the previous month's meeting, Shute had advised the committee that mandated updates for the comprehensive plan and farmland preservation plan could cost between \$35,000 and \$50,000 for each of the updates. The committee asked that a resolution be drafted outlining the hardships that this causes for small counties. The resolution would be signed by the county board and forwarded to state legislators. The committee agreed that there are many solid reasons to ask for a waiver and that each committee member do their own research and be ready next month to compose the body of the resolution.

FUTURE AGENDA ITEMS

A. FUTURE ACTIVITIES

September agenda items: Land Information's request for proposal, the proposed shoreland protection ordinance public hearing, the resolution regarding the mandated comprehensive plan and farmland preservation plan updates, ordinance amendment for the agricultural districts.

NEXT MEETING DATE

September 6, 2012

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

5:30 p.m. Motion by Henke/Reabe, unanimously carried, to take a recess until 6:00 p.m.

Committee Chairman Starshak 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.

Lynn Miller, W2865 Carter Road – Explained that his community (Amish) had some issues obtaining conditional use permits for home-based businesses and that this started about three years ago. Several of the community members spoke to the Land Use Planning and Zoning Committee at that time and were told that the committee would begin to look at the agricultural districts section of the ordinance. It's been three years and we haven't heard anything. The community would like to know one way or another if this ordinance will be amended.

Shute – Mr. Miller is correct. At one time the agricultural districts were a priority, but then the committee delayed action for another priority. This is a subject that will need significant discussion and will involve all of the towns. The home-based businesses are something that is important to the Manchester community. It may not be embraced by the other towns. To be fair to Mr. Miller and the rest of the community, this needs to be scheduled and not bumped for other issues. There is a need to update the agricultural districts and the committee should start it and see it through to the end.

The committee agreed that this should be placed on the September agenda.

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/Applicant: Marc S & Karen J Jackowski **Site Address:** W3065 County Road S, Parcels #012-00448-0000 & #012-00487-0000, Part of the SE¹/₄ of Section 23 and part of the NE¹/₄ of Section 26, both parcels T14N, R12E, Town of Manchester, ±1.5 acres, To be identified by Certified Survey Map. **Explanation:** The applicants are requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District.

a) Public Hearing

Mark J. Jackowski, N1202 County Rad S - Spoke in favor of the request.

Lynn Miller, W2865 Carter Road – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – Under Statutory Criteria Chapter 91.48(1), land may be rezoned out of a farmland preservation zoning district (A-1 Exclusive Agriculture District), if all of the following are found after public hearing:

- 1) The land is better suited for a use not allowed in the farmland preservation zoning district.
- 2) The rezoning is consistent with any applicable comprehensive plan.
- 3) The rezoning is substantially consistent with the county certified farmland preservation plan.
- 4) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use.

Starshak asked for clarification from Attorney Sondalle as to whether or not all four criteria must be met. Sondalle advised that the applicant should meet all four criteria; sometimes the criteria is ambiguous.

The committee discussed the proposed R-4 zoning and asked Mr. Jackowski if he would be interested in waiting for that ordinance amendment. Mr. Jackowski said that, in order to do that, he would have to take more land out of production in order to meet the acreage requirement and he doesn't want to do that.

The Town of Manchester did not respond with any feedback/input.

c) Committee Decision

On a motion by Reabe/Moderow, carried on roll call (Henke-aye, Moderow-aye, Reabe-aye, Starshak-nay), 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: Alan D Vinz **Site Address:** West of Grand River Road & Cedar Hill Plat, Parcel #012-00330-0000, The W½ of the NE¼, Section 18, T14N, R12E, Town of Manchester, ±20 acres, To be identified by Certified Survey Map. **Explanation:** The applicant is requesting a rezone from A-1 Exclusive Agriculture District and RC Recreation District to A-2 General Agriculture District.

a) Public Hearing

Alan Vinz, W4729 Winding Lane – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – Under Statutory Criteria Chapter 91.48(1), land may be rezoned out of a farmland preservation zoning district (A-1 Exclusive Agriculture District), if all of the following are found after public hearing:

- 1) The land is better suited for a use not allowed in the farmland preservation zoning district.
- 2) The rezoning is consistent with any applicable comprehensive plan.
- 3) The rezoning is substantially consistent with the county certified farmland preservation plan.
- 4) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use.

Shute explained that he received a phone call from the surveyor that is working on this request. There is an encroachment issue whereby a 10-foot strip of Mr. Vinz's land has been encroached upon by the neighbor. If this rezone request is approved, that strip will have an A-2 General Agriculture District zoning attached to it. Attorney Sondalle advised that, if this request is approved, that the neighbor who will own the 10-foot strip request that it be rezoned to R-1 Single-family Residence District

because to match the zoning of the land it is now a part of. This would need to be a separate request from Mr. Vinz's request.

c) Committee Decision

On a motion by Henke/Reabe, 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: Green Lake County Land Use Planning & Zoning Department
Explanation: Proposed amendment to Ordinance 350.40, Article IV, R-3 Multiple Family Residence District. Amend this zoning district to include residential uses greater than single-family use.

a) Public Hearing

No comments.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed the changes that will occur with the ordinance amendment.

c) Committee Decision

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

d) Execute Determination Form/Ordinance

Item IV: Owner/Applicant: Green Lake County Land Use Planning & Zoning Department
Explanation: Proposed amendment to Ordinance 350.41, Article IV, R-4 Duplex (Two-Family Residence District. Delete standards of this district and create a rural residential district.

a) Public Hearing

No comments.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed what the ordinance amendments. Attorney Sondalle advised the committee that the proposed ordinance is in compliance with the comprehensive plan.

c) Committee Decision

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

d) Execute Determination Form/Ordinance

ADJOURN

Motion by Reabe/Moderow, unanimously carried, to adjourn.

Time: 6:48 p.m.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

September 6, 2012