

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting – 4:30 p.m.
Public Hearing Minutes – 6:00 p.m.
August 5, 2009**

CALL TO ORDER

Committee Chair Sue McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 4:37 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 Erdmann/Sell, unanimously carried, to approve the amended agenda. Motion carried.

APPROVAL OF MINUTES

Motion by Henke/Traxler, unanimously carried, to approve the July 1, 2009, minutes. Motion carried.

PUBLIC APPEARANCES – None

PUBLIC COMMENT – None

CORRESPONDENCE

Shute:

- The Court of Appeals ruled on an ordinance in Calumet County regarding wind energy standards. Attorney Haase has been given a copy of the court case and I would request that he research the case to see where Green Lake County stands with its newly adopted ordinance. (Attorney Haase agreed to do that research.)
- FEMA has updated their flood hazard maps by taking the paper maps and creating an electronic version. The correspondence that was received said that the county will have a six-month compliance period. We have six months to adopt the maps, that means prior to February 3, 2010.
- As part of the upcoming negotiations for unions, Corporation Counsel John Selsing sent a letter to all of the department heads asking them to review the contracts and just give him ideas as to whether or not there are items that are confusing and could be tweaked somewhat for better understanding.
- The Land Use Planning and Zoning Department is one of the pilot departments that will participate in the initial LEAN training. Five staff members will be going through the training.

PURCHASES – None

CLAIMS

Claims totaling \$656.40 were submitted.

Motion by Erdmann/Henke, unanimously carried, to approve the claims in the amount of \$656.40 for payment. Motion carried.

APPROVAL OF DEPARTMENT ACTIVITY REPORT

Motion by Sell/Erdmann, unanimously carried, to approve the June, 2009, monthly report. Motion carried.

APPOINTMENT OF COUNTY SURVEYOR/LAND DEVELOPMENT DIRECTOR TO MONITOR UNION CONTRACT NEGOTIATIONS PER SECTION 9-35B. AND C., CODE OF GREEN LAKE COUNTY.

Shute – In the personnel section of the County Code, it provides “All committees shall have the authority to designate a member to monitor and give input to the Personnel Committee during negotiations...”. Based on Attorney Haase’s opinion, this could be a department head or the personnel director, but it would require this committee’s approval to do that.

Motion by Traxler/McConnell, unanimously carried on roll call (5-eyes, 0-nays), to appoint Al Shute to go to union negotiations to monitor for the Planning and Zoning Committee. Motion carried.

2010 BUDGET

Shute – Discussed what has happened to date regarding the department layoffs. Reiterated that the Land Use Planning and Zoning Department has an approximate \$37,000 revenue shortfall and an approximate \$10,000 GIS revenue shortfall, which is considered part of the Planning and Zoning Department’s. Shute was instructed to make up the shortfall within his budget and the only place to take it from was personnel. The proposed 2010 budget reflects the personnel cuts. Shute explained that he attended the Personnel Committee’s meeting and that they made a motion to layoff one full-time person and one full-time person, half-time. The bottom line, after combining the Planning and Zoning budget with elements of the Land Information budget is that we have a decrease to the county levy of \$13,700.

The committee discussed the action of the Personnel Committee to make a motion to layoff one and a half employees. McConnell stated that what bothers her is that Shute went to the Personnel Committee to give them a “heads up” of what was going on with the budget shortfall. That committee, without any further discussion of other options, made the decision to cut jobs. The discussion never made it to the Finance Committee. Traxler stated that he feels that, in order to make changes in the future, a letter should be sent to the Personnel Committee voicing the Planning and Zoning Committee’s objection to the Personnel Committee’s move/motion to layoff employees.

Motion by Erdmann/Traxler, unanimously carried on roll call (5-eyes, 0-nays), to have Committee Chair McConnell draft a letter to the Personnel Committee regarding the layoff of one of the Code Enforcement Officers. This will be reviewed at the September meeting. Motion carried.

Motion by McConnell/Henke, unanimously carried on roll call (5-eyes, 0-nays), to incorporate the Planning and Zoning elements of the GIS budget, as presented, into the Land Use Planning

and Zoning Dept. budget, and to approve the proposed 2010 budget as presented and forward to the Finance Committee. Motion carried.

DEPARTMENT/COMMITTEE ACTIVITY

- a. Agricultural Zoning Districts
- b. Rural Residential Zoning Districts
- c. Shoreland Non-conforming District
- d. Sign Regulations; citizen concerned about spacing and multiple signs at one location;

Shute – We did tweak the non-conforming structure section of the shoreland zoning ordinance quite a while back and Attorney Haase and I were able to get together to review that; he felt that it is ready for committee discussion. The other issue is the sign regulations. I did a rough draft on the sign ordinance, but Attorney Haase still needs to review it. These items will be placed on the September agenda.

GENERAL COMMITTEE DISCUSSION

- a. Such other matters as authorized by law

Henke – After the last meeting, I received a call regarding Mr. Soda’s request to sit up in front (in the county board seats) during the public hearing portion of the meeting. Mr. Soda was told by Mrs. McConnell that he could not; he would need to sit in the back with the rest of the audience. During that same meeting, Mr. Fox, Town of Green Lake Chairman, was allowed to sit in the front seats. The individual who called felt that Mr. Soda was treated unfairly.

The committee discussed who should be allowed to sit in the front seats. There was a general consensus that, since it is difficult for the public to hear the committee speak from the back seats, the front seats should be available to the public on a first-come first-serve basis.

Shute – The Safari needs maintenance that will be quite costly. Since we will be down one code enforcement officer, it may make sense to just get rid of that vehicle.

The committee directed Shute to check into the disposal of the Safari.

NEXT MEETING DATE

September 2, 2009

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

5:50 p.m. Motion by Henke/Traxler, unanimously carried, to recess until 6:00 p.m. Motion carried.

PUBLIC HEARING ITEMS

Committee Chair Sue McConnell reconvened the meeting of the Land Use Planning and Zoning Committee at 6:00 p.m. for public hearing items.

Discuss/take action on John D Hoppa and Stephanie B Buhrow conditional use permit request.(Public hearing for this item was held 6/3/09)

- b) Committee Discussion and Deliberation; continuation from June 3rd & July 1st, 2009

- c) Committee Decision
- d) Execute Determination Form

Shute received a letter from Stephanie Buhrow requesting that the Hoppa/Buhrow request be postponed until the September 2nd meeting.

Item I: Owner/Applicant: American Baptist Assembly **Site Address:** Parcel #004-00944-0000 and part of parcel #004-00946-0000 being part of Govt Lot 2 and part of Govt Lot 3 of Section 36, T16N R12E in the Town of Brooklyn, (±8.00 Acres) **Explanation:** The owner is requesting a variance to create a land area that will not have access to or frontage on a public road; whereas, Section 315-34.A. of the County Land Division Ordinance requires a newly created land area to have frontage on a public road as ownership access.

- a) Public Hearing

Paul Higgins, Vice President of Finance, W2511 State Highway 23 – Spoke in favor of the request.

- b) Committee Discussion and Deliberation

Henke – If the committee approves this, they can never build on this unless they come back before the committee.

McConnell – This property will be held in conservancy and will be accessible through the Baptist area nearby.

- c) Committee Decision

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

- 1) **That until a means of access is provided to a public road right-of-way an easement is created for the purpose of serving this site. This easement shall be recorded in the County Register of Deeds Office and a copy provided to the Land Use Planning and Zoning Department.**

Motion carried.

- d) Execute Determination Form/Ordinance

Item II: Owner: Gregory A Radtke **Site Address:** W3511 CTH B, Parcel #014-00700-0000 (± 11.5 Acres), A part of the NE¼ of the SW¼ of Section 27, T15N, R12E, Town of Marquette **Explanation:** The owner/applicant is requesting a zoning change from A-3 Light Agriculture District to A-1 Exclusive Agriculture District.

- a) Public Hearing

No public comment.

- b) Committee Discussion and Deliberation

Shute – Explained that this is a reversal of what was done a few months ago. For whatever reason, when this was rezoned to A-3, the transfer of this property could not be done from the parent to child. The proper thing to do is rezone it back to A-1.

c) Committee Decision

Motion by Sell/Henke, unanimously carried on roll call (5-eyes, 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 III: Owner/Applicant: Arthur E & Barbara A Meyer **Agent:** Kim & Steven Michaelson **Site Address:** W514 Town Line Rd, Part of Parcel #002-00983-0000, SE¼ of Section 35, T17N R13E, Town of Berlin (±10.0031 Acres) **Explanation:** The owner is requesting a rezone from A-1 Exclusive Agriculture District to A-3 Light Agriculture District.

a) Public Hearing

Kim Michealson, daughter of the applicant - Spoke in favor of the request.

b) Committee Discussion and Deliberation

c) Committee Decision

Motion by McConnell/Traxler, unanimously carried on roll call (5-eyes, 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 IV: Owner: Kathleen Egbert **Applicant:** Dan Egbert, Egbert Excavating, Inc. **Site Address:** North of Thomas Road, Parcel #006-0033-0000, Part of the E½ of the SE¼ of the SW¼, (±10.00 Acres), Section 2, T15N R13E, Town of Green Lake **Explanation:** The owner/applicant is requesting a conditional use permit for expansion of non-metallic mining of limestone, including crushing and processing of limestone aggregate.

a) Public Hearing

Dan Egbert, Egbert Excavating, W1302 Lawson Drive – Spoke in favor of the request.

Tom Fisher, neighbor to the north – Presented a list of concerns he has with the request.

b) Committee Discussion and Deliberation

McConnell – Stated that she would like to see the following properties on the list of monitored wells: Busse, Walker's, Kasuboski, Koller, Fisher, Albright, Downes.

The committee discussed the neighbors' concerns regarding crushing times, maintaining drain tile, and gates.

c) Committee Decision

Motion by Henke/Sell, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use permit request for expansion of non-metallic mining of limestone, including crushing and processing of limestone aggregate with the following conditions:

- 1) **The proposed mining area to maintain a setback of 100 feet to the east, west and south lot lines. A berm eight feet high, minimum, shall be created along those lot lines outside the required yard areas.**
- 2) **Reclamation of the northern portion of subject site to begin in accordance with the approved Non-Metallic Mining Reclamation Plan.**
- 3) **The Irrevocable Letter of Credit on file in the Planning and Zoning Department will need to be amended to cover the new mining acreage.**
- 4) **Warning signs advertising "active quarry" should be placed on berms and/or along property line.**
- 5) **Blasting is to occur between 7:00 a.m. and 5:00 p.m.; no crushing beyond 9:00 p.m.**
- 6) **All activity will follow Chapter NR 135, Wisconsin Administrative Code and the Green Lake County Non Metallic Mining ordinance.**
- 7) **No additional expansion of the operation shall occur without review and approval through future Conditional Use permit(s).**
- 8) **Specify dust control measures that will be implemented to keep dust and debris from becoming a nuisance; maintain drain tile as long as the mining operation remains on site.**
- 9) **That a narrative be provided describing the operation, listing equipment, machinery and structures to be used and source quantity and disposition of water to be used. Also, a map of the site showing existing contours, trees, proposed and existing access roads and depths of proposed excavations.**
- 10) **A gate is to be installed by September 5, 2009.**

Motion carried.

d) Execute Determination Form/Ordinance

Item V: Owner/Applicant: Evergreen Island, LLC – David Rowe **Site Address:** W7186 Drager Rd, Parcel #014-00323-0000, Lot 1 Certified Survey Map 92A V1 Section 31, T15N R11E, Town of Marquette, (±1.50 Acres) **Explanation:** The owner/applicant is requesting a rezone from R-1 Single Family Residence District to RC Recreation District.

a) Public Hearing

David Rowe, 334 E. Street, Poynette, one of nine couples that comprise the LLC – Spoke in favor of the request.

Cindy Rowe, 334 E. Street, Poynette – Spoke in favor of the request; read her response to the criteria listed in the staff report.

Robert Stanbury, 1705 Electric Park, Sycamore, IL – Spoke in favor of the request.

Richard Pergande, W11944 Pergande Road, Columbus – Spoke in favor of the request.

The committee also received a letter, signed by adjoining property owners, stating that they were in favor of the request. (*The letter is located in the parcel file.*)

b) Committee Discussion and Deliberation

Shute explained that the department became aware of this situation through the Public Health Department.

Through further discussion, the committee learned that this would be a private, family campground that will have, on average during the season, 6-8 campers from Friday to Sunday evenings. No campsites are ever rented for public use. Previously, the applicants had camped on a piece of property where they have a right-of-way for transporting cattle over to Zacharias Island. They purchased the property that they are now asking to be rezoned when the right-of-way became too crowded with campers and trucks. The neighbors appear to be happy with what they have done with the property because it had been in disrepair for a number of years.

c) Committee Decision

Motion by McConnell/Erdmann, unanimously carried on roll call (5-eyes, 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 VI: Owner/Applicant: Evergreen Island, LLC – David Rowe **Site Address:** W7186 Drager Rd, Parcel #014-00323-0000, Lot 1 Certified Survey Map 92A V1 Section 31, T15N R11E, Town of Marquette, (±1.50 Acres) **Explanation:** The owner/applicant is requesting a conditional use for a private, family campground.

a) Public Hearing

David Rowe, 334 E. Street, Poynette – Spoke in favor of the request.

Richard Pergande, W11944 Pergande Road, Columbus – Spoke in favor of the request.

b) Committee Discussion and Deliberation

The committee discussed the need for protecting the campers in the floodway.

c) Committee Decision

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

- 1) Each, of a maximum of ten camping units, shall not exceed 400 ft², or the maximum square footage as allowed by the State agency regulating campgrounds, whichever is smaller.**

- 2) **Proof of state and/or local approval of the campground from the Tri-County Environmental Health Consortium.**
- 3) **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.**
- 4) **No expansion or addition of structures and/or uses shall occur without review and approval through future Conditional Use permit(s).**
- 5) **That no mobile recreational vehicle camping units are located in the floodway.**
- 6) **The campground must meet all 12 provisions of Section 300-21 of the County Floodplain Zoning Ordinance (see below) if camping units are located in either flood fringe or floodway.**

§ 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.**

- 7) **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 Sec. 300-29.L.**
- 8) **Within 90 days of conditional use permit approval the property owner provide a professionally drawn 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.

The conditional use permit request approval is contingent upon the County Board’s final approval of the rezone request.

- d) Execute Determination Form/Ordinance

Recess – 7:27 p.m.

Reconvene 7:35 p.m.

Item VII: Owner/Applicant: Landmark Services Cooperative – Mike Elders **Site Address:** W1649 CTH S, Parcel #010-00153-0100, 0100, Part of the SW¼ of the NW¼ of Section 9, T14N R13E, Town of Mackford (±2.00 Acres) **Explanation:** The owner/applicant is requesting a rezone from R-1 Single Family Residence District to I-Industrial.

- a) Public Hearing

Mike Elder – Landmark Services Cooperative – Spoke in favor of the request.

John Laper, W712 State Rd 44 – Spoke in favor of the request.

Elmer Bock, W1618 CTH S - Spoke against the request.

Loretta Henke, W1680 CTH S - Spoke against the request.

Daniel Pollesch, W1598 CTH S - Spoke against the request.

Brenda Henke, 353 S. Main Street – Spoke against the request.

- b) Committee Discussion and Deliberation

The committee discussed the following concerns regarding the request: filling gas tanks, a written fire evacuation plan, fencing, state approvals, systematic inspections, an alternate location for the tanks.

c) Committee Decision

Motion by McConnell/Traxler, carried on a 3:2 vote (Erdmann-aye, Henke-nay, McConnell-aye, Sell-nay, Traxler-aye), 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 VIII: Owner/Applicant: Landmark Services Cooperative – Mike Elders **Site Address:** W1649 CTH S, Parcel #010-00153-0100, 0100, Part of the SW¼ of the NW¼ of Section 9, T14N R13E, Town of Mackford (±2.00 Acres) **Explanation:** The owner/applicant is requesting a conditional use permit for storage and distribution of flammable and combustible liquids in above-ground storage tanks.

a) Public Hearing

Mike Hinz, Former President of the Grand River Cooperative – Spoke in favor of the request.

John Laper, W712 State Rd 44 – Spoke in favor of the request.

Bob Carlson, Chief Operations Officer – Spoke in favor of the request.

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

Elmer Bock, W1618 CTH S - Spoke against the request.

Daniel Pollesch, W1598 CTH S - Spoke against the request.

Loretta Henke, W1680 CTH S - Spoke against the request.

b) Committee Discussion and Deliberation

The committee discussed the neighbors' safety concerns as well as the traffic and fencing issues.

c) Committee Decision

Motion by Erdmann/Traxler, carried on a 3:2 vote (Erdmann-aye, Henke-nay, McConnell-aye, Sell-nay, Traxler-aye), to approve the conditional use request with the following conditions:

- 1) No further expansion or addition of structures shall occur without review and approval of future Conditional Use Permit(s) and Land Use Permit(s).**
- 2) Must comply with Wisconsin Department of Commerce and all other applicable storage tank regulations.**
- 3) All outdoor lighting installations must be located no closer than three feet to an abutting property line and shall be adequately shielded or hooded so that no direct light, excessive glare or illumination is cast upon other properties.**
- 4) Adequate dust control measures shall be taken due to vehicular traffic to and from this site.**

- 5) A disaster/emergency control plan or evidence of such a plan shall be submitted as part of the conditional use permit approval.
- 6) The owners shall apply to rezone the parcel of land east of this request which was inadvertently rezoned and mapped Industrial. That rezone request shall be from Industrial to Residential-1 Single Family Residence District.
- 7) For one tank only.
- 8) The conditional use permit will be reviewed after one year's time.
- 9) Fencing to meet the safety requirements of the local fire and emergency services.

Motion carried.

The conditional use permit request approval is contingent upon the County Board's final approval of the rezone request.

- d) Execute Determination Form/Ordinance

Item IX: Owner/Applicant: Little Green Lake Protection & Rehabilitation District **Agent:** Green Lake County Land Conservation Department **Site Address:** Govt Lot 2 Exc Millers Lakeside 1st Add & Scharschmidts Plat; Also Exc CSM 667 & 1179 & Parcel 536.2, Section 29, T15N R13E, Town of Green Lake (±45.610 Acres) **Explanation:** The owner/applicant is requesting a floodplain map amendment.

- a) Public Hearing

Suzanne Goetz, N3198 Lakeshore Drive – Spoke against the request.

- b) Committee Discussion and Deliberation

Jim Hebbe, Green Lake County Land Conservationist – Explained the request and what happens with floods, particularly in this proposed area. If this area is approved as a floodplain area, people will not be able to build there in the future. It's a means of protecting people.

Traxler – Stated that he has been to the site and it is an outstanding project.

- c) Committee Decision

Motion by McConnell/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the floodplain map amendment as presented and forward to the county board for action. Motion carried.

ADJOURN

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

Time: 9:03 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:
September 2, 2009