

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting – 4:30 p.m.
September 1, 2010**

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: Eugene Henke, Susan McConnell, Rick Perr, Donald Peters, Thomas Traxler, Jr.

Absent:

Also Present: Al Shute, County Surveyor/Land Development Director
Carole DeCramer, Committee Secretary
Jeff Haase, Assistant Corporation Counsel
Dan Priske, County Board Chairman

APPROVAL OF AGENDA

Motion by Peters/Henke, unanimously carried, to amend the agenda to include Dr. Thomas Kloosterboer under Public Appearances.

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

APPROVAL OF MINUTES

Motion by Peters/Traxler, unanimously carried, to approve the August 4th, 2010, minutes.

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

PUBLIC APPEARANCES

Joann LaMire - Requested to be placed on the agenda; did not appear.

- 1. The Thomas Kloosterboer Appeal**
- 2. The comprehensive revision of the zoning ordinance and the process of selecting a consultant.**

Dr. Thomas Kloosterboer

Dr. Kloosterboer read a statement in response to the statement Sue McConnell read at the August 4th meeting. He asked that she retract the statements that she made at that time and apologize to him.

Following Dr. Kloosterboer's statement, Attorney Haase advised Chair McConnell not to respond due to possible legal regress.

4:36 p.m. Motion by Traxler/Peters, unanimously carried, to allow Mr. Perr to be seated.

PUBLIC COMMENT - None

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; REVIEW PENDING VIOLATION

4:37 p.m. Motion by Henke/Perr, 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. Discussion and review of pending legal issues and violations

RESUME INTO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION

5:40 p.m. Motion by Traxler/Perr, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session.

Findings:

McConnell – Requested that, on the next agenda, an item to create a procedure to be used for appointments to the Board of Adjustment in the future. (Applicable ordinances.)

Motion by Traxler/Henke, unanimously carried, to amend the appropriate ordinances to create a procedure for correctly appointment Board of Adjustment members.

CORRESPONDENCE

a. WCA Resolutions

Shute – Various counties are forwarding resolutions to the Wisconsin Counties Association annual convention. Several deal with the delaying implementation of the rezoning conversion fee until the county has the opportunity to update their Farmland Preservation Plan and adopt and get certified an A-1 Exclusive Agriculture Ordinance. There are a fair amount of counties, like Green Lake County, that have already adopted and come into compliance with the state statute with regard to conversion fees. You may want to give the county chairman some guidance when he attends the convention.

The committee's general consensus is to support the delay of the implementation of the conversion fee. The committee directed Shute to write a memo to the county chairman. Traxler will follow up with Shute.

McConnell mentioned the resolution the requests the suspension of the implementation of digital flood insurance rate maps created by FEMA. Shute explained that there are counties throughout the state with different levels of elevation data. The proposed resolution would help counties that have elevation data that is very general. The committee agreed that they would support that resolution.

b. Comprehensive Revision of County Zoning Ordinance; next step

Shute – MSA was here last month to discuss the comprehensive revision of the county zoning ordinance. Inquired as to whether the committee wants to pursue a comprehensive revision or continue with the "band-aid" approach.

The committee agreed that they are not able to amend the ordinances fast enough and that a comprehensive revision would be the best option. Shute suggested talking to the other companies again and ask if they would consider a more defined scope of service with staff doing some of the work.

McConnell – Starting in September, the Land Use Planning and Zoning Committee will go back to two meetings per month. The first Wednesday of each month will be a business meeting and public hearing; the fourth Wednesday of each month will strictly be a business meeting.

Shute – Gave each committee member a copy of a letter written by County Board Chairman Dan Priske, addressed to Al Shute, Matt Kirkman, Carole DeCramer, and the Board of Adjustment. Discussion followed.

PURCHASES - None

CLAIMS

Claims totaling \$625.00 were submitted.

Motion by Traxler/Peters, unanimously carried, to approve the claims in the amount of \$625.00 for payment.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

Permits/Violations/Budget

Shute – Discussed the various aspects of the report.

Motion by Traxler/McConnell, unanimously carried, to approve the July, 2010, monthly report.

DEPARTMENT/COMMITTEE ACTIVITY

- a. **Agricultural Zoning Districts**
- b. **Rural Residential Zoning Districts**
- c. **R-3 and R-4 Districts**
- d. **Shoreland Protection Ordinance**

Shute – A proposed timeline for amending the shoreland protection ordinance was shared with the committee. The discussion/review of Articles I-III will begin at the October 6th meeting.

2011 BUDGET

Shute – The Finance Committee is holding a special meeting and this is one of the departments that was asked to attend. Since 2004, this department has cut three positions. Perr asked if every department gets hit like this one. McConnell responded that it does not. Traxler stated that he thinks that things have to be balanced among the departments, especially the bigger departments. Peters asked if this wouldn't impact all departments. McConnell said that there were a couple of departments that were told that they would not have to appear before the Finance Committee. Perr responded that every department should be impacted equally. Traxler commented that he feels that the bigger departments should be able to take a bigger hit. Shute requested that committee comments be written on the proposed 2011 budget and returned to him.

GENERAL COMMITTEE DISCUSSION

- a. **Such other matters as authorized by law**
- b. **Future activities**
- c. **Waiver of filing fee on future agenda**

Shute – Attorney Michael Lehner asked to be placed on the agenda, under Appearances, for the purpose of discussing waiving fees for a rezone request for a property near the inlet. The landowner is James Mijatovich. His property is landlocked because it's divided by Silver Creek Inlet; it's zoned A-1. The part that is landlocked is not quite three acres and he wants to either sell or donate this piece to the Green Lake Conservancy.

NEXT MEETING DATE

October 6, 2010

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

PUBLIC HEARING MATTERS

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

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

Item I: Owner/Applicant: Wisconsin Department of Natural Resources, John E Nelson **Agent:** Mick Masters, Lake Puckaway P&R District **Site Address:** W7104 Drager Rd, Parcel #014-00303-0000, Located in the NW¼ of Section 31, T15N R11E, Town of Marquette, (±1.00 Acres)
Explanation: The applicant is requesting a rezone from R-1 Single Family Residence District to NRC Natural Resource Conservancy District.

a) Public Hearing

Phil Masack, Chairman of the Lake Puckaway P&R District, W741 Fox Court, Montello – Spoke in favor of the request.

Mick Masters, Lake Puckaway P&R District – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Traxler – Had concerns about locating a building and a well in the floodway.

Shute – This was investigated with the DNR. They are aware that there will be no buildings in the floodway. The well is regulated by the DNR. They have to meet the DNR criteria for placing a well in the floodway. Also, the Town of Marquette does not object to this request.

c) Committee Decision

Motion by Traxler/Perr, 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.

d) Execute Determination Form/Ordinance

Item II: Owner/Applicant: Wisconsin Department of Natural Resources, John E Nelson **Agent:** Mick Masters, Lake Puckaway P&R District **Site Address:** W7104 Drager Rd, Parcel #014-00303-0000, Located in the NW¼ of Section 31, T15N R11E, Town of Marquette, (±1.00 Acres)
Explanation: The applicant is requesting a conditional use permit for a fish hatchery.

a) Public Hearing

No further public comments.

Public hearing closed.

b) Committee Discussion and Deliberation

Traxler – Everything appears to be covered in the conditions listed in the staff report.

Shute – Suggested that the committee add the condition that the conditional use permit is contingent upon the final county board approval of the rezone request.

c) Committee Decision

Motion by Henke/Peters, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the conditional use request as presented with the following conditions:

- 1. The fish hatchery's components shall be modified to be "on wheels," so as all components are road ready and easily removed in the event of flooding.**
- 2. The shared access from Drager Road shall be maintained to be an access area only; no structures, material storage, or other items shall be allowed that may restrict movement/access in this area.**
- 3. Mechanical or utility equipment must be elevated or flood-proofed to or above the flood protection elevation.**
- 4. The time frame to utilize the subject site will be March 1 to June 30. The subject site to be completely vacant of structures, material storage, or other items at all other times.**
- 5. Outdoor lighting installations must be in compliance with Section 350-23 of the County Zoning Ordinance.**
- 6. The conditional use permit is contingent upon the County Board approval of the rezone request.**

d) Execute Determination Form/Ordinance

Item III: Owner/Applicant: Jan L Londowski, From the Land Art Festival **Site Address:** W1648 and W1601 CTH J, Parcel #004-00174-0000, NW¼ of the SW¼, Exc the E 330' of the N 957' (incl Lot 1 CSM 536 V2), ±32.75 Acres; Parcel #004-00170-0000, W½ of the NW¼ exc Lot 1 Certified Survey Map 798 & exc CSM 2931 V15, ±69.74 Acres, Both parcels in Section 9, T16N R13E, Town of Brooklyn **Explanation:** The applicant is requesting a conditional use permit for additional parking.

a) Public Hearing

Jan L. Londowski, From the Land Art Festival, W1601 and W1648 CTH J – Spoke in favor of the request. Also questioned why she needed to pay the conditional use permit request fee when this is just for additional parking.

Roger Ladwig, W1536 CTH J – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee agreed with Ms. Londowski and suggested that the county refund the \$375 fee.

Motion by Traxler/Perr, unanimously carried on roll call (5-ayes, 0-nays), to refund Jan Londowski the conditional use permit request fee of \$375.

c) Committee Decision

Motion by Henke/Peters, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the conditional use request as presented with the following conditions:

- 1. No additional expansion of the craft fair use without review and approval through future Conditional Use Permit(s).**
- 2. Shall be a secondary use only, with the agricultural use being the principal use of the site.**
- 3. The craft fair use shall be owned and operated by an owner of the agricultural operation that resides on the site and operated out of two buildings as proposed in the 2003 conditional use permit plan.**
- 4. Any building proposed for a craft fair use shall easily be converted to an agricultural use.**
- 5. Only one sign in support of the commercial use is allowed per site and shall be limited to 32 square feet and shall have a minimum setback of 10 feet from the right-of-way line. Maximum length of time for sign placement is 60 days prior to the activity through 15 days after the activity per Section 350-43 B (6) of the Zoning ordinance.**
- 6. That the owners/applicants coordinate with the County Sheriff's Department and/or Highway Department to ensure a safe pedestrian and vehicular environment.**
- 7. That the owners/applicants advise the Green Lake County Land Use Planning and Zoning Department of upcoming craft fairs a minimum of two weeks prior to the event.**
- 8. To allow parking on all property owned by applicant.**

d) Execute Determination Form/Ordinance

ADJOURN

Motion by Peters/Perr, unanimously carried, to adjourn.

Time: 7:28 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

October 6, 2010