

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, September 6, 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, Don Peters, Harley Reabe, Michael Starshak**

Absent:

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

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 August 2, 2012, minutes.

PUBLIC APPEARANCES - None

PUBLIC COMMENT

Elmer Bock, W1618 County Road S – Expressed concern that Landmark Services is doing nothing to control the dust in his neighborhood. They're concreting one driveway now, but doing nothing for the rest of the operation. Asked if, when the grain operation begins, what can be done if the noise level exceeds 40 decibels.

Shute – Explained that, if the department received a complaint, the party that is making the accusation would have to prove that the decibel level is exceeding the level as stated on the conditional use permit.

Attorney Sondalle – The complainant must have evidence that the company is in violation of the conditional use permit. The due process procedure must be followed and then it's up to the committee as to whether or not they want to bring violation proceedings.

CORRESPONDENCE

a. Landmark Services conditional use permit update

Shute – The company is required to pave per the conditional use permit. After the last meeting, staff talked to the project representative and was told that the paving would be completed by the end of September.

TOWN OF MANCHESTER – OPT OUT OF COUNTY ZONING

Shute – The department has received correspondence from the Town of Manchester’s attorney, Jon Wilsnack regarding the town’s desire to opt out of county zoning in their township. Attorney Wilsnack is doing research on the farmland preservation credits and case law. They were not ready for tonight’s meeting and asked to be placed on next month’s agenda.

Attorney Sondalle – There is not much case law out there. If there’s a complete comprehensive revision, they may be able to do that. I don’t think what we’ve done is a comprehensive revision.

PURCHASES - None

CLAIMS

Claims totaling \$688.63 for Land Use Planning and Zoning were submitted.

Reabe asked Shute if he was aware that the county clerk was working with the *Berlin Journal* to reduce publication costs. Shute responded that all publications are reviewed by him in order to condense the legal descriptions.

Motion by Henke/Reabe, unanimously carried, to approve the claims in the amount of \$688.63 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 – Review the violation reports.

Shute – Reviewed the Janik violation status. As of the last meeting, the committee asked Shute to send Attorney Haase another registered letter. The post office attempted to deliver the letter three times and it was finally returned to Shute. This was discussed further with Marge Bostelmann, county clerk, who agreed to talk to Attorney Haase herself. Attorney Haase told Bostelmann that he had not done any work on the violation and that he would not be submitting an invoice.

After further discussion, the committee agreed that this was not acceptable and not how the county should be conducting business. This is an unresolved issue that needs closure and a letter from Attorney Haase stating such. Shute was directed to talk to the county clerk to see if she had ideas on how to communicate this to Attorney Haase.

2013 budget – Shute attended the Finance Committee meeting because of increase in professional services. In years past, the committee would call in departments that exceeded the directive, which is zero. The county clerk had listed all of the increases for the Finance Committee and our department was not called in for further discussion.

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

DEPARTMENT/COMMITTEE ACTIVITY

a. Agricultural zoning districts

Shute – This is the first time that this is back on the agenda for the purpose of becoming active. There is no draft copy as yet because direction is needed as to how the committee wants to proceed.

The committee asked that Shute have a draft copy of the proposed ordinance amendments ready for the next meeting. The towns will be invited to participate after that first meeting.

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.

At the previous meeting, the committee decided to draft a resolution that would outline their objections to the state-mandated farmland preservation plan update. The committee agreed at that time, that this update is extremely expensive for the county and wanted to present a resolution to the county board for their signatures that would be sent to state legislators. The purpose of this being on the current agenda is to come up with bullet points for the resolution.

It was agreed that the key point is that it is an unfunded mandate in a time when all municipalities are in a budget restraint. It is a cost return issue and the professionals in the department don't see significant changes in the county and, because of the lack of changes, the updates are unnecessary.

Attorney Sondalle – Advised that the committee wait for the Wisconsin Counties Association meeting to see if they can find out what other counties are doing. If they are drafting resolutions, it would be wise to request copies of those and use them for examples when drafting their own resolution. Bring the examples back to a committee meeting.

LAND INFORMATION REQUEST FOR PROPOSALS – PUBLIC LAND SURVEY SYSTEM CORNER PROJECT

Shute – Reported that the grant money that Land Information received, through the Register of Deeds collection of fees, will be used (as reported last month) for setting monuments within Green Lake County. A request for proposal was mailed to several area surveyors and only one responded. The goal was to get 40 corners done for \$21,000. By selecting the Grand River Marsh, the price was impacted quite a bit. This will be researched further and discussed again at next month's meeting.

FUTURE AGENDA ITEMS

A. FUTURE ACTIVITIES

Shute – The committee approved a conditional use permit for a communication tower in the Town of Green Lake on the Zuehls farm. A condition of the permit was that the tower provide a fall zone. Wisconsin Power & Light bought the property and put the tower in the center so if it fell, it wouldn't fall on neighboring property. They now want to add ten feet to the top of the tower. Because the condition of the permit was the tower had to fall on the property, should this come back to the committee?

Attorney Sondalle advised that this should be on next month's agenda.

Future agenda items:

- Town of Manchester– opt out of zoning
- Farmland preservation resolution
- Request for proposal for monumentation
- Agricultural districts
- The communication tower in the Town of Green Lake

NEXT MEETING DATE

October 4, 2012

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

5:44 p.m. Recess

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.

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: Green Lake County Land Use Planning & Zoning Committee

Explanation: Request to rescind the current Chapter 338 and adopt an updated Chapter 338 Shoreland Zoning Ordinance, Articles I-XIII. The purpose of the ordinance update is to meet the minimum state-wide shoreland zoning standards per Wisconsin Administrative Rule NR115.

a) Public Hearing

Raymond Salbego – W4196 Salbego Lane – Had questions regarding the pond on his farm and stated that he's opposed to zoning on ponds.

Shute advised Mr. Salbego to come to the office to further discuss what he can and cannot do on his property. Staff can help determine if his pond is considered navigable and subject to the ordinance.

Ron Triemstra, W926 Woodland Circle – Spoke in favor of the proposed ordinance. Explained to the committee that the new ordinance would help him with the issues he currently has with his Lake Puckaway property.

Dick Severson, N3508 State Road 73 – Stated that the Miller Pond by Terrace Shores Church has caused some issues because members of the church want to construct a garage and have been told they can't because of the pond. Would the new flowchart eliminate that problem?

Shute – That is a man-made pond and doesn't connect with any other navigable waters. The flowchart, as illustrated in the proposed ordinance, would deem that not in the jurisdiction of shoreland zoning.

Severson – Also asked about his own drainage ditch and whether or not that is considered navigable.

Shute – It is the hope that the proposed flowchart will be all-encompassing. It's better than what we have now.

Eric Arnetveit, N5702 Susan Street – Questioned the different setbacks for different towns. Some towns will have a 40' setback from the road and some will have a 25' setback.

Shute – When a property is located in a zoned town (Town of Berlin, Town of Brooklyn, Town of Green Lake, Town of Mackford, Town of Manchester, Town of Marquette), you have general zoning standards and shoreland zoning standards. In the zoning ordinance you may be a property on the lake in a zoned town and the setback from the road is 40'. Under the shoreland ordinance, it provides for a 25' setback. When you are located in one of the zoned townships, you are covered by both ordinances and the most restrictive standard applies, which is the 40' setback. In the unzoned towns (Town of Kingston, Town of Princeton, Town of Seneca, Town of St. Marie), you are only covered by the shoreland protection ordinance, which provides for a 25' setback. To change the 40' setback, someone or some entity would have to petition to change it. There needs to be a study and public hearings.

When asked by some of the committee members why there was not a consistent setback number, Shute explained that shoreland zoning is an overlay type of zoning that sits over the top of the whole county. It doesn't matter what was there first. The shoreland protection ordinance covers over the whole county. The new administrative rule did not deal with any setback from the road to the buildings. When the department proposed the first draft, it was the Shute's opinion that there are towns in the county that chose not to be zoned. They didn't want certain regulations imposed on their landowners. If they did, they would have gotten that from regular zoning. The shoreland protection ordinance is not something that deals with setbacks. If you have a property located in an unzoned township, you can build your garage at the front lot line. The same approach, when writing the draft shoreland protection ordinance, was taken. Shute thought that, if the town didn't want regulations in the street yard, the county shouldn't be imposing them and providing another setback to deal with. This was reviewed by the committee at that time, and they felt differently. The committee proposed a 25' setback from the street yard. They thought that was a reasonable number.

Severson – It's going to be confusing to the builder when going from one town to another. The setbacks should be consistent and not confusing.

Stan Arnetveit, W988 Woodland Circle – Expressed concern and confusion over the different setbacks for zoned and unzoned townships. Agreed with setbacks for state highways, but not for subdivisions. Also stated that the ordinance should be passed without the impervious section.

Jack Meyers, Green Lake County Chairman – In his three years as a county board supervisor, he has never received a call from someone who wanted zoning in District 1.

Ted Lange, 5601 Puckaway Road – Some people bought lots that are 30 years old. How do you enforce zoning with lots that sometimes appear to be unbuildable?

Attorney Sondalle – This can be accomplished with a variance request if the lot is unnecessarily burdensome.

Henke – Zoning should be more user-friendly. The committee should commit to making the setbacks consistent.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed further what can be done to make the setbacks consistent. The importance of adopting this proposed ordinance was also discussed. Starshak and Moderow reminded the committee about the land use permits that are waiting to be issued and the violations that will be resolved if the ordinance is adopted.

Peters stated that, if Supervisor Dave Richter is still against this ordinance, he would not vote to move it on to the county board.

Meyers replied that he and Richter met with Shute and Sondalle for the purpose of educating themselves on the details of the proposed ordinance. After the second meeting and Mr. Shute getting permission from the DNR to leave out the impervious section of the ordinance, he and Mr. Richter were more in favor of the ordinance.

c) Committee Decision

On a motion by Reabe/Henke, carried on roll call (5-eyes, 0-nays), to recommend approval of the proposed Shoreland Protection Ordinance 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: 6:57 p.m.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

October 4, 2012