

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

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
Orrin Helmer, County Board Chairman**

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Erdmann/Henke, unanimously carried, to approve the October 7, 2009, minutes. Motion carried.

PUBLIC APPEARANCES – None

PUBLIC COMMENT – None

CORRESPONDENCE

a. Review/Approve 2010 Calendar

Motion by Sell/Traxler, unanimously carried, to approve the 2010 Calendar. Motion carried.

Shute explained that he received an email from Charlie Marks this afternoon regarding a discussion he has had with a builder, Jim Meyer. Mr. Meyer has a project involving an existing house that is located within the newly approved Estates of Lawsonia. The house has a failing septic system. They made application for a new septic system; however, this department can't accept that application because the Sanitary District has authorized public sewer in that area that is now a part of the Estates of Lawsonia Final Plat and the Sanitary District. Mr. Marks was informed that a POWTS permit can not be issued. Mr. Marks stated that the Sanitary District has an agreement with the owners to provide public sewer to only part of the lots in the development and that area is not one of them. This department will maintain its position that a permit for that request can not be issued.

The committee discussed the possibility of the Sanitary District allowing a holding tank for that failing POWTS and then taking on the responsibility for that tank.

PURCHASES – None

CLAIMS

Claims totaling \$826.08 were submitted.

Motion by Traxler/Henke, unanimously carried, to approve the claims in the amount of \$826.08 for payment. Motion carried.

APPROVAL OF DEPARTMENT ACTIVITY REPORT

Motion by Henke/Sell, unanimously carried, to approve the September, 2009, monthly report. Motion carried.

DEPARTMENT/COMMITTEE ACTIVITY

- a. **Agricultural Zoning Districts**
- b. **Rural Residential Zoning Districts**
- c. **Shoreland Nonconforming District**
- d. **Sign Regulations**
- e. **Floodplain Ordinance**
- f. **Wind Energy Standards**
- g. **Shoreland Nonconforming Standards**

The committee discussed the proposed ordinance amendments and whether or not the ordinances would be ready for the December 2nd public hearing.

McConnell – Reported that she has been contacted by two Alliant Energy representatives. Alliant has purchased the wind farm that was proposed for Green Lake County. The representatives have suggested that the county keep the existing wind energy ordinance. They have been invited to attend the January committee meeting for further discussion.

Haase – Advised that the committee should delete the wind energy ordinance, but hold on to it for reference.

GENERAL COMMITTEE DISCUSSION

- a. **Such other matters as authorized by law**

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) AND WISCONSIN STATE STATUTE 19.85(1)(C) CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY. (ANNUAL EVALUATION FOR GIS SPECIALIST)

5:46 p.m. Motion by Erdmann/McConnell, 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 of legal issues) and Wisconsin State Statute 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. (Annual evaluation for GIS Specialist). Motion carried.

RESUME INTO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION

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

Motion by McConnell/Henke, unanimously carried, to approve the personnel evaluation for the GIS Specialist and send it to the personnel file. Motion carried.

5:55 p.m. Recess.

6:00 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.

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

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

The committee agreed that, since the request has changed from the original submittal, a conditional use permit is no longer needed.

Item I: Owner/Applicant: Sean Engebretson **Site Address:** W1643 Lakeview Rd, Parcel #006-00071-0000 - Lot 1 Certified Survey Map 2917 V15; Section 4, T15N R13E in the Town of Green Lake, (±.586 Acres) **Explanation:** The owner is requesting a rezone from C-1/C-2 General and Extensive Commercial Districts to R-1 Single-Family Residence District.

- a) Public Hearing

Attorney Jenna Walker, Sorenson Law Office – 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

The committee agreed that it would appear to be more advantageous to rezone it residential than leave it zoned commercial.

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 II: Owner/Applicant: Kenneth & LaDean Pollesch **Site Address:** W1899 Hickory Dr, Parcel #010-00355-0000 - Part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and Parcel #010-00363-0000 - Part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; Both parcels in Section 17, T14N R13E in the Town of Mackford; area proposed for rezoning is 6.0 acres. To be identified by Certified Survey Map. **Explanation:** The owners are requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District.

a) Public Hearing

Kenneth Pollesch, W1899 Hickory Drive – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed with Mr. Pollesch the reasons for wanting to rezone the parcel to R-1 Single-Family Residence District. The committee explained that, even though the Town of Mackford did not oppose the request, it is not compatible with the Town's comprehensive plan. The residential zoning does not fit within the area. The existing buildings are not typical buildings for residential use. The committee suggested that Mr. Pollesch consider another agricultural zoning district that would still allow him to sell off a portion of his land. Mr. Pollesch stated that he did not understand that when discussing the options with his surveyor. He asked to withdraw the residential rezone request. The committee agreed that Mr. Pollesch should be allowed to withdraw his request and submit another rezone request without an additional fee. This will be scheduled for the January, 2010, public hearing.

c) Committee Decision

d) Execute Determination Form/Ordinance

Item III: Owner/Applicant: Colaska Production Co. **Agent:** Hidden Rock Investment, LLC **Site Address:** North of Utley Quarry Road, Parcels #006-00709-000 and #006-00717-000, Part of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 36, T15N R13E, Town of Green Lake, (\pm 44.5 acres) **Explanation:** The owner/applicant is requesting a conditional use permit for non-metallic mining.

a) Public Hearing

Patrick Madden, Attorney for Hidden Rock Investment, LLC – Spoke in favor of the request.

Sue Courter, Geologist for the Applicant – Spoke in favor of the request.

Steve Sorenson, Attorney for Colaska Production Co. – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The Town of Green Lake does not oppose the conditional use permit request.

c) Committee Decision

On a motion by Erdmann/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use permit request with the following conditions:

- 1) All activity will follow Chapter NR 135, Wisconsin Administrative Code and the Green Lake County Non Metallic Mining ordinance. An approved reclamation plan will need to be on file prior to any mining activity.**
- 2) That the applicant meets all state and/or County storm water and erosion control standards.**
- 3) That all other applicable laws, ordinances and regulations, related to this type of mining activity be satisfied.**
- 4) No additional expansion of the operation shall occur without review and approval through future Conditional Use permit(s).**
- 5) The proposed mining area to maintain a setback of 100 feet to neighboring lot lines.**
- 6) Warning signs advertising “active quarry” should be placed on berms and/or along property line.**
- 7) Specify dust control measures that will be implemented to keep dust and debris from becoming a nuisance.**
- 8) Blasting, if any, is to occur between 7:00 am and 5:00 pm; no crushing beyond 9:00 pm.**

Motion carried.

d) Execute Determination Form/Ordinance

NEXT MEETING DATE

December 2, 2009

– Business Meeting 4:30 p.m.

– Public Hearing 6:00 p.m.

ADJOURN

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

Time: 7:30 p.m.

Recorded by Carole DeCramer

Committee Secretary

APPROVED ON:

December 2, 2009

Planning & Zoning Committee

Business Meeting & Public Hearing Minutes 11/04/09