

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING COMMITTEE  
Business Meeting & Public Hearing Minutes – November 5, 2008 – 4:30 p.m.**

**CALL TO ORDER**

Committee Chair Sue McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 4:34 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  
**Jeff Haase**, Assistant Corporation Counsel  
**Carole DeCramer**, Committee Secretary

**APPROVAL OF AGENDA**

**Motion by Traxler/Sell, unanimously carried, to approve the amended/corrected agenda (August 6<sup>th</sup> minutes were approved at a previous meeting and the approval of the 2009 calendar. Motion carried.**

**APPROVAL OF MINUTES**

**Motion by Erdmann/Henke, unanimously carried, to approve the September 3, September 17, and October 1, 2008, minutes. Motion carried.**

**PUBLIC APPEARANCES** – None

**PUBLIC COMMENT** – None

**CORRESPONDENCE**

- a) Approve the 2009 Calendar

**Motion by Sell/Erdmann, unanimously carried, to approve the 2009 Calendar. Motion carried.**

**PURCHASES**

- a) Continue discussion of color photo copier

**Motion by Erdmann/Henke, unanimously carried on roll call, to recommend approval of the color photo copier and forward to the Property & Insurance Committee. Motion carried.**

**CLAIMS**

Claims totaling \$1,637.04 were submitted.

**Motion by Traxler/Sell, unanimously carried, to approve the claims in the amount of \$1,637.04 for payment. Motion carried.**

**APPROVAL OF DEPARTMENT ACTIVITY REPORT**

**Motion by Henke/McConnell, unanimously carried, to approve the August and September reports. Motion carried.**

**DEPARTMENT/COMMITTEE ACTIVITY**

**a) Discuss next ordinance amendment**

The committee discussed ordinances that need to be reviewed. The list includes the farmland preservation ordinance and the agricultural zoning districts. Shute will start to work on a transitional zoning district between the half-acre residential district and ten-acre agricultural districts.

**GENERAL COMMITTEE DISCUSSION**

- a. Such other matters as authorized by law**
- b. Future activities**

**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 REVIEW FOR CODE ENFORCEMENT OFFICER AND GIS SPECIALIST).**

**5:33 p.m. Motion by Erdmann/Traxler, unanimously carried on roll call (5-eyes, 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. Motion carried.**

**5:45 p.m. Motion by Erdmann/Traxler, unanimously carried on roll call (5-eyes, 0-nays), to resume into open session. Motion carried.**

**Motion by Traxler/Sell, unanimously carried, to recess until 6:00 p.m. Motion carried.**

**PUBLIC HEARING MATTERS**

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

**Item I: Owner/Applicant:** Lloyd J & Loretta J Miller **Address:** W3114 and W3130 County Line Rd, Parcel #012-00685-0100 – Lot 1 Certified Survey Map 2609, Section 35, T14N, R12E, Town of Manchester (±10.0 Acres) **Explanation:** The applicant is requesting a conditional use permit to expand an existing woodworking shop.

- a) Public Hearing

Lloyd J. Miller, W3114 County Line Road, Randolph – 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 – Clarified permitted and conditional uses, and the 2002 rezone request and conditional use request. The reason for the conditional use today is for the expansion.

The Town of Manchester does not object to and approves this request.

c) Committee Decision

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

- 1) **No additional expansion or addition of the structures and/or uses shall occur without review and approval through future Conditional Use Permit(s).**
- 2) **That the owner/applicant apply for and receive a County Land Use Permit prior to commencing any work related to this construction project.**
- 3) **A commercial building permit, if required, will be needed to satisfy the State of Wisconsin commercial building regulations.**

**Motion carried.**

d) Execute Determination Form/Ordinance

**Item II: Owner/Applicant:** American Baptist Assembly Inc **Address:** W2511 State Rd 23, Parcel #004-00914-0000 – Part of Govt Lot 2, Except the west 1 rod and except Lot 1 of Certified Survey Map 2075, Section 35, T16N, R12E, Town of Brooklyn (± 5.0 Acres) **Explanation:** The applicant is requesting a zone change from A-3 Light Agricultural District to RC Recreational District.

a) Public Hearing

Paul Higgins, 815 S. Grove Street, Ripon, Employed by the American Baptist Assembly - Spoke in favor of the request.

Charlie Marks, Green Lake Sanitary District – Spoke in favor of the request.

Nancy Hill, W1399 Spring Grove Road – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Erdmann asked if it had the minimum acreage for recreational zoning and Shute responded that it did (.5 acre.). Shute also showed a map indicating other properties in the vicinity that the Sanitary District owns.

c) Committee Decision

**On a motion by Traxler/Sell, 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. Motion carried.**

d) Execute Determination Form/Ordinance

**Item III: Owner/Applicant:** American Baptist Assembly Inc **Address:** W2511 State Rd 23, Parcel #004-00914-0000 – Part of Govt Lot 2, Except the west 1 rod and except Lot 1 of Certified Survey Map 2075, Section 35, T16N, R12E, Town of Brooklyn (± 30.0 Acres) **Explanation:** The applicant is requesting a variance to create a land area that will not have access to or frontage on a public road. The Green Lake County Land Division Ordinance states that all newly created lots and land areas shall have a minimum of 66 feet of frontage on a public road and as ownership access.

a) Public Hearing

Brad Karol, W2623 Valley View, Green Lake, Employee of American Baptist Assembly - Spoke in favor of the request.

Charlie Marks, Green Lake Sanitary District, N5295 CTH TT, Princeton – Spoke in favor of the request.

Nancy Hill, Executive Director of the Green Lake Association, 506 Mill Street – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Erdmann questioned why the entire parcel will not be rezoned to RC.

**Motion by Erdmann/Sell, unanimously carried, to suspend the rules to allow Charlie Marks to speak. Motion carried.**

Marks – Explained that this property will never leave conservancy and will never be built on unless the State of Wisconsin folds. It is part of a conservancy foundation and the state wants the sanitary district to own it so that they can keep an eye on it. If the sanitary district would fold, it would go back to the state.

Shute – Stated that regardless of what the county zoning is, the state’s restrictive covenant would trump what zoning the county has.

c) Committee Decision

**On a motion by Traxler/Sell, unanimously carried on roll call (5-ayes, 0-nays) to approve the variance request with the following condition:**

**Motion carried.**

d) Execute Determination Form/Ordinance

**Item IV: Applicant:** Green Lake County Land Use Planning and Zoning Committee **Explanation:** Request to amend Code of Green Lake County, Chapter 350-38, 350-40, and 350-41 of the Zoning Ordinance (all residential). The purpose of the ordinance amendment is to expand the residential zoning district conditional uses to allow a model home/sales office in residential zoning districts as a conditional use permit if reviewed and approved by the Land Use Planning and Zoning Committee.

a) Public Hearing

No comments from the public.

There was a letter from Ted Dominowski in favor of the ordinance amendment.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed the need to have the model home/sales office in single-family as well as multi-family residence districts.

c) Committee Decision

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

d) Execute Determination Form/Ordinance

**Continuation:** Re-open the public hearing for wind energy facilities, being Item II of the August 6, 2008, Public Hearing agenda. An amendment to the Code of Green Lake County, Chapter 350 of the Zoning Ordinance.

b. Committee Discussion and Deliberation

Ted Weissman (Florida Power & Light), Fairfield, IA, and Attorney Paul Hoffman, Dousman, WI, attended to discuss their concerns with the proposed ordinance's setback distances, audible noise limitations, and financial guarantees.

Allan Brooks, W774 Center Road, Markesan – Stated that he would like the committee to look at this from an agricultural viewpoint. Expressed concern about the setback and whether or not 1.1 times the total length is enough of a setback. There should be some liability from the company to pay for damages to crops. Signal interference is another concern because of irrigation systems being operated by remote controls. Air turbulence could be a problem with aerial applicators not wanting to spray near the wind turbines.

Public hearing closed.

c. Committee Decision

**Motion by Erdmann/Traxler, unanimously carried, to suspend the rules to allow Mr. Weissman, Attorney Hoffman, and Mr. Brooks to answer questions. Motion carried.**

After further discussing the aforementioned issues the committee agreed that this should be placed on the agenda in December for another public hearing.

**NEXT MEETING DATE**

December 3, 2008

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

**ADJOURN**

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

Time: 8:52 p.m.

Recorded by Carole DeCramer  
Committee Secretary

**APPROVED ON:**

December 3, 2008