

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting & Public Hearing Minutes – December 3, 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 4:30 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, Howard Sell**
Absent: **Roberta Erdmann, Thomas Traxler, Jr.**
Also Present: **Al Shute, County Surveyor/Land Development Director**
 Jeff Haase, Assistant Corporation Counsel
 Carole DeCramer, Committee Secretary
 Orrin Helmer, County Board Chair

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Henke/Sell, unanimously carried, to approve the November 5, 2008, minutes. Motion carried.

PUBLIC APPEARANCES

Arnold Knight – Discussion of “Grandpa Houses”

Arnold Knight – Explained that he has had discussions with several of his Amish neighbors regarding grandparent houses. The Amish community takes care of their grandparents by having them move into a house that is either located right next to their own home or they build an addition on to their home. The whole family tends to the grandparents and the grandparents help with child care, gardening, and other chores. Right now, county zoning looks as these additions as duplexes and the ordinance does not allow duplexes in the A-1 Exclusive Agricultural District. Additions may be built, but they can not have kitchens included. There is a need for this type of housing and the ordinance should be amended to include this type of house.

Shute – The language has been drafted as part of the ag districts revision, but they just need to be reviewed by this committee.

The committee agreed that this is an important issue and should be discussed again at the January meeting.

PUBLIC COMMENT – None

CORRESPONDENCE

PURCHASES

Shute:

- Updated the committee on the color copier. The Property and Insurance Committee approved the purchase; the copier will be purchased in December.
- The Code Enforcement Office is using a laser level that is about twenty-five years old right now. It malfunctions quite often and needs to be replaced. There is a re-conditioned auto laser for approximately \$650 through a surveyor equipment company. This will be placed on the January agenda for the committee's approval. Because the vendor will not hold this item if a buyer come along time is of the essence. Therefore this request will be forwarded to the Property and Insurance Committee's meeting the day prior to the Land Use Planning and Zoning Committee meeting with the verbal support of this purchase.

CLAIMS

Claims totaling \$1,169.73 were submitted.

Motion by Henke/Sell, unanimously carried, to approve the claims in the amount of \$1,169.73 for payment. Motion carried.

APPROVAL OF DEPARTMENT ACTIVITY REPORT

Motion by Sell/Henke, unanimously carried, to approve the October report. Motion carried.

DEPARTMENT/COMMITTEE ACTIVITY

a) Discuss next ordinance amendment

Shute – The agricultural districts and the transition district will both be placed on next month's agenda.

GENERAL COMMITTEE DISCUSSION

a. Such other matters as authorized by law

(1) Norman E. and Kathleen R. Holl rezone request from July 11, 2007; ordinance recommendation by the Land Use Planning & Zoning Committee to approve request and forward to the County Board

Attorney Haase – Briefed the committee on the Holl rezone request from July 11, 2007, where the Holls applied to rezone a portion of their property. At that time, Attorney Selsing determined that the vote required a $\frac{3}{4}$ County Board vote. It was denied. The Holl's legal counsel, Attorney Levy, has informed both Attorneys Selsing and Haase that their interpretation of needing the $\frac{3}{4}$ vote was wrong and provided case law that with which both Attorney Selsing and Attorney Haase agreed. They are now asking that the committee reconsider the request and send it on to the County Board for their reconsideration.

Arnold Knight – The Holls first wanted to rezone it to A-2 & A-3. This is just rezoning the ten-acre parcel.

Motion by McConnell/Henke, unanimously carried on roll call (3-eyes, 0-nays) to recommend approval and forward it to the County Board for reconsideration based upon new legal information. Motion carried.

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).

5:32 p.m. Motion by Sell/Henke, unanimously carried on roll call (3-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. Motion carried.

5:54 p.m. Motion by Henke/Sell, unanimously carried on roll call (3-ayes, 0-nays), to resume into open session. 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: Owners: Anthony F Jr & Arlene Barzano **Applicant:** Don Lenz, Green Lake Surveying Co. **Address:** N4543 & N4550 STH 73, Parcel #016-00391-0100 – Com in the Cen of HWY 4R S of the NE Cor of the SE¼ of SW¼ Sec 4 Run S 10.80CH; W 22CH; N 10.80CH; E 22CH to Beg, Section 4, T15N, R12E, Town of Princeton (± 23.76 Acres) **Explanation:** The owner is requesting a variance to create a lot with 60’ of frontage on a public road and access width.

a) Public Hearing

Don Lenz, Green Lake Surveying, representing Mr. and Mrs. Barzano – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – Explained the request and the problem with placing the driveway in a different location on that parcel. The Department of Transportation denied their request for another access because it would have been too close to the Town of Princeton’s access road that is located just north of the Barzano parcel.

c) Committee Decision

Motion by Sell/Henke, unanimously carried on roll call (3-ayes, 0-nays), to approve the variance request with the following conditions:

- 1) That the flagpole part of the lot be unbuildable and not contain any structures.**
- 2) Record an agreement for the POWTS on Lot 2 in the Register of Deeds office.**
- 3) That the two lots are created by a certified survey map.**

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

Bob Colton, Owner of 55 acres on W1942 Lakeview Road, farm to the east of the Weiss property – Offered comments on the effects of wind turbines stating concerns that were listed in the *Wisconsin State Farmer*. Potential negative effects include noise, flickering, and shadowing. Cautioned the committee to be extremely cautious in discussing the proposed ordinance. Asked that the committee make it difficult, if not impossible, to have the wind turbines.

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.

Public hearing closed.

c. Committee Decision

Motion by McConnell/Sell, unanimously carried on roll call (3-eyes, 0-nays), to recommend approval of the ordinance amendment with language changes to be proposed by Attorney Paul Hoffman and reviewed by Attorney Jeff Haase and Al Shute, Land Development Director, and forward to the county board for action.

Motion carried.

d. Execute Determination Form/Ordinance

NEXT MEETING DATE

January 7, 2009

– Business Meeting 4:30 p.m.

– Public Hearing 6:00 p.m.

ADJOURN

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

Time: 7:59 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

January 7, 2009