

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING  
COMMITTEE MEETING MINUTES  
Thursday, February 6, 2019**

**CALL TO ORDER**

Vice Chair Reabe called the meeting of the Land Use Planning and Zoning Committee to order at 1:30 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.

**PLEDGE OF ALLEGIANCE**

Present: **William Boutwell, Harley Reabe, Curt Talma, Peter Wallace**

Absent: **Robert Lyon**

Also Present: **Matt Kirkman**, Land Use Planning and Zoning Director

**Liz Otto**, County Clerk

**Dawn N. Klockow**, Corporation Counsel

**Caleb Edwards, Krista Kamke** – Planning and Zoning Department

**APPROVAL OF MINUTES**

*Motion/second (Wallace/Talma)* to approve the minutes of the 12/05/19 meeting with no additions or corrections. Motion carried with no negative vote.

**PUBLIC COMMENT**

- Matt ~~Roehsler~~<sup>aisler</sup>, owner of property at W67098 Puckaway Road, spoke regarding #9 on the agenda (Robin's Nest Resort conditional use permit complaint and recommendation).
- Jim Stellmacher, Town of Marquette Chair, spoke regarding the Scott Heilman request for a setback variance.

**APPEARANCES**

**a. John Loberg – Hunting cabins  $\geq$  500sqft**

John Loberg, N5942 Killdeer Lane, spoke requesting a change in the zoning ordinance to allow for structures under 800 square feet. He cited an example of a hunting cabin. This will be placed on the March agenda for further discussion.

**b. Scott Heilman – Setbacks for residential properties**

Scott Heilman, N4045 Grace St., requested a change from a 40 ft. setback to a 25 ft. setback for his property. Heilman handed out certified survey maps to the committee. This will be placed on the March agenda for further discussion.

**c. Robert Winat** of the Wisconsin Department of Transportation submitted a deed for a corrected setback on a state highway. No action taken.

**DEPARTMENT ACTIVITY REPORTS**

**a. Financial reports**

Kirkman discussed the monthly financial reports, land use permits, and sanitary permits reports for the months of November and December.

**b. Permits**

Kirkman explained the list of issued land use and sanitary permits for the months of November and December.

**c. Violations**

The committee discussed land use and septic violations. Kirkman and Corporation Counsel Dawn Klockow updated the committee on the 28 case filings for septic violations.

**d. 2019 Annual Report**

Kirkman submitted the 2019 annual report. *Motion/second (Boutwell/Wallace)* to accept the report and forward to County Board. Motion carried with no negative vote.

**DEPARTMENT/COMMITTEE ACTIVITY**

**a. Discuss camper and boat storage on agriculturally-zoned parcels**

Kirkman stated the pros and cons of changing the zoning ordinance in regard to allowing camper and boat storage. Discussion held on enforcement, permitting, etc. This will be placed on the March agenda for further discussion.

**b. Discuss certain non-building structures as to whether the zoning ordinance requires a permit**

Kirkman gave examples of structures which don't currently require a permit such as LP tanks, flag poles, outdoor wood-burning sheds, etc. He recommends establishing a size limit. The committee directed Kirkman to provide some guidelines for the March meeting.

**c. Private Sewage Ordinance updates**

Kirkman submitted a preliminary updated ordinance for committee review. Discussion held. Kirkman gave an overview of the changes and new insertions. This will be put on the March agenda for further discussion.

*Motion/second (Boutwell/Talma)* to recess at 2:55 to allow for the Public Hearing at 3:00. Motion carried with no negative vote.

**3:02 p.m. Reconvened for the public hearing.**

**PUBLIC HEARING ITEMS**

**Item I: Owner:** Robert Glenn Herrmann Estate, **Agent:** Gerald L. Herrmann, Personal Representative  
**General legal description:** N6639 Valley View Dr, Parcel #004-00222-0700, Lot 1 Certified Survey Map 1190 excluding Lot 1 Certified Survey Map 2035; Part of the SW¼ and SE¼ of Section 11, T16N, R13E; Town of Brooklyn. **Request:** Rezone request from A-2 General Agriculture District to R-1 Single-Family Residence District, to be identified by certified survey map.

- a. Public Testimony/Comment: 10-minute time limit - none
- b. Committee Discussion & Deliberation – Kirkman provided staff comments regarding the rezone criteria. All criteria met. The Town of Brooklyn recommends approval.
- c. Committee Decision – *Motion/second (Boutwell/Talma)* to approve the rezone request as presented and forward to County Board for final action. Motion carried with no negative vote.

**Item II: Owner/Applicant:** Scott O Sommers **General legal description:** N2992 County Road B H, Parcel #014-00767-0000, Part of the SW¼ of Section 30, T15N, R12E, ±40 acres, Town of Marquette. **Request:**

Rezone ±3.9 acres from A-1 Farmland Preservation District to R-4 Rural Residential District, to be identified by certified survey map.

- a. Public Testimony/Comment: 10-minute time limit - none
- b. Committee Discussion & Deliberation – Kirkman provided the background and staff comments regarding rezone criteria. The Town of Marquette recommends approval. Kirkman recommends denial due to statutory land use guidelines not met.
- c. Committee Decision – *Motion/second (Boutwell/Wallace)* to approve the rezone request as presented and forward to County Board for final action. Motion defeated with no affirmative vote.

**Item III: Owner/Applicant:** Beuthin Family Recreational Trust - Larry E Beuthin **Agent:** Cloud 1, LLC - Jay Wendt, Representative **General legal description:** N4145 Lakeview Rd, Parcel #006-00127-0000 (±45.8 acre parcel), Part of the SE¼ of Section 7, T15N, R13E, Town of Green Lake, ±2.5 affected acres. **Request:** Conditional use permit request for a communication facility/tower with a mobile service facility.

- a. Public Testimony/Comment: 10-minute time limit – Jay Wendt of Bugtussel Wireless stated he is available for any questions.
- b. Committee Discussion & Deliberation – Kirkman stated the application is complete and bonding has been processed. The State of Wisconsin has determined that these projects are pre-approved as long as they are compliant.
- c. Committee Decision – *Motion/second (Wallace/Talma)* to approve the conditional use permit request as presented with the following conditions:
  1. All of the provisions of the County Zoning Ordinance and State Statutes shall be adhered to by the owners/applicant.
  2. A permit bond in the amount of \$20,000 shall be provided to the Land Use Planning & Zoning Department, prior to Land Use Permit issuance, which obligates the applicant to restore the subject site back to pre-development conditions in the event that the tower is taken out of service for a period of time exceeding 1 year.
  3. The owners/applicant shall apply for and have been issued a fire number for the subject site prior to land use permit issuance.
  4. Change the affidavit to correct parcel number. Motion carried with no negative vote.

**Public hearing closed at 3:35 PM.**

**Regular meeting resumed at 3:36 PM**

### **ROBIN'S NEST RESORT CONDITIONAL USE PERMIT COMPLAINT AND RECOMMENDATION**

Kirkman stated this involves Item #16 of the conditional use permit requiring a vegetative buffer between the Robin's Nest Resort property and surrounding properties. *Motion/second (Wallace/Boutwell)* to suspend the rules to allow Don D~~y~~<sup>i</sup>esland to speak. Motion carried with no negative vote. D~~y~~<sup>i</sup>esland, the owner of Robin's Nest Resort, outlined his efforts to maintain the buffer over the last 4 years with little success. He also stated there were no guidelines set on height, etc. *Motion/second (Talma/Wallace)* to allow Matt Roeh~~a~~<sup>i</sup>sler to speak. Motion carried with no negative vote. Roeh~~a~~<sup>i</sup>sler stated his property value has decreased \$30,000 due to the trailer park. He is requesting the conditional use permit be revisited and a timeframe given to meet

the guidelines. Discussion held. *Motion/second (Wallace/Boutwell)* to set a hearing pertaining to this matter. Motion carried with no negative vote. All parties will be notified when the date is determined.

### **SET CASH DEPOSIT AMOUNTS FOR ORDINANCE**

Corporation Counsel Dawn Klockow stated she is requesting cash deposit amounts for citations issued for ordinance violations.

- Non-metallic Mining §323-35 – *Motion/second (Wallace/Boutwell)* to set cash deposit at \$500.00 for the first violation and \$2,500 for subsequent violations. Motion carried with no negative vote.
- Floodplain Zoning §300-46 – *Motion/second (Talma/Boutwell)* to set cash deposit at \$50.00. Motion carried with no negative vote.
- Land Division and Subdivision §315-51 – *Motion/second (Talma/Boutwell)* to set cash deposit at \$50.00. Motion carried with no negative vote.
- Shoreland Zoning §338-71 – *Motion/second (Wallace/Talma)* to set cash deposit at \$250.00. Motion carried with no negative vote.
- Zoning §350-69 – *Motion/second (Boutwell/Wallace)* to set cash deposit at \$250.00 per citation. Motion carried with no negative vote.
- Sewage Systems, Private §334-8 – *Motion/second (Talma/Boutwell)* to set cash deposit at \$200.00 per citation. Motion carried with no negative vote.

### **LINE ITEM TRANSFER**

*Motion/second (Boutwell/Talma)* to approve a line item transfer from salaries to phone service in the amount of \$268.00 to set up a phone tree due to a staff reduction. Motion carried with no negative vote.

### **STAFF UPDATE**

Kirkman informed the committee of the January 31, 2020 retirement of Administrative Assistant Carole DeCramer. He stated that replacement options are being considered and has a meeting scheduled with the County Administrator on February 13 to discuss the options.

### **VIOLATION NOTICE – FORFEITURE ACCRUAL POLICY**

Kirkman stated that Corporation Counsel Klockow recommended a written policy to follow regarding violation notice procedures. Discussion held. *Motion/second (Boutwell/Talma)* to approve the policy as submitted. Motion carried with no negative vote.

### **FUTURE COMMITTEE ACTIVITIES**

#### **a. Future agenda items**

#### **b. Next meeting date**

March 5, 2020

Business meeting – 4:30 p.m.

Public hearing – 5:15 p.m.

### **ADJOURN**

**4:40 p.m. Meeting adjourned.**

**Respectfully submitted,**

**Liz Otto  
County Clerk**