

**GREEN LAKE COUNTY**  
**LAND USE PLANNING AND ZONING COMMITTEE MEETING MINUTES**  
**Thursday, February 2, 2012**  
**Business Meeting – 4:30 p.m.**  
**Public Hearing – 6:00 p.m.**

**CALL TO ORDER**

Committee Chair McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 4:37 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: **John Gende, Eugene Henke, Susan McConnell, Don Peters, Thomas Traxler, Jr.**

Absent:

Also Present: **Al Shute**, County Surveyor/Land Development Director  
**Attorney Dan Sondalle**, Interim Corporation Counsel  
**Carole DeCramer**, Committee Secretary

**APPROVAL OF AGENDA**

**Motion by Traxler/Peters, unanimously carried, to approve the amended agenda.**

**APPROVAL OF MINUTES**

**Motion by Peters/Henke, unanimously carried, to approve the January 5, 2012, corrected minutes.**

**PUBLIC APPEARANCES** - None

**PUBLIC COMMENT** - None

**CORRESPONDENCE**

**a. Review written opinion of Corporation Counsel related to conditional use permit for Landmark Services**

Sondalle reported that he had reviewed the minutes, correspondence, and other information regarding the Landmark Services conditional use permit. He stated that the law is unclear as is the county ordinance in regard to what must be done when modifying a conditional use permit. In his opinion, when modifying a conditional use permit, it would be best to have a public hearing which would include notifying the adjoining property owners. After further discussion with the committee, it was decided that this will be discussed again at the March 1<sup>st</sup> meeting with the possibility of a public hearing to follow for an annual review of the Landmark Services conditional use permit. Shute asked the committee if, when a conditional use permit is reviewed, the company has to pay an additional fee. This will be placed on the March agenda. Sondalle was asked if the committee can leverage an approved first conditional use permit to deny a second conditional use permit, if the company has not followed conditions of the first. Sondalle answered that he has to think about that.

Other correspondence:

Shute: Reminded the committee that the last of the Wisline series will occur on February 8<sup>th</sup>. The committee is welcome to attend. A copy of the proposed budget committed funds (carryovers) for the Planning and Zoning Department and Land Information was shared with the committee. The deadline for getting these to the County Clerk is February 16<sup>th</sup>. The committee will review the numbers and discuss again at the March meeting. Changes, if any, will then be given to the clerk's office.

**PURCHASES** - None

**CLAIMS**

Claims totaling \$548.88 were submitted.

**Land Use Planning & Zoning Department Claims**

**Motion by Traxler/Peters, unanimously carried, to approve the corrected claims in the amount of \$159.41 (2011) and \$548.88 (2012) for payment.**

**Land Information Claims**

**Motion by Henke/Gende, unanimously carried, to approve the corrected claims in the amount of \$35,925.00.**

**APPROVAL OF DEPARTMENT ACTIVITY REPORTS**

**a. Permits, public hearings, etc.**

Shute – Discussed the various aspects of the activity report.

**b. Violation reports**

Sondalle – Letters have been sent for POWTS violations. If residents do not respond within the allotted time, legal action will be taken. Land use violations are being discussed with staff as to how to proceed.

**Motion by Gende/Peters, unanimously carried, to approve the December, 2011, monthly and violation reports.**

**DEPARTMENT/COMMITTEE ACTIVITY**

**a. Agricultural Districts**

Shute – Stated that he would like to meet with Attorney Sondalle to get his opinion on some of the proposed zoning district changes.

**b. Proposed Shoreland Zoning Ordinance**

McConnell – Stated that she was pleased with the informational meeting that was held the previous night. Mike Wenzholz (DNR) and Lynn Markham (UW-Stevens Point, Land Use Center) did an excellent job of presenting facts and answering questions. The committee learned, as a result of the meeting, that the county's proposed shoreland zoning ordinance is one of the better plans that has been reviewed by the state.

Traxler – Explained to the committee that he feels it is extremely important to get the proposed ordinance back to the county board for approval because, with the election in April, the Planning and Zoning Committee could have new members and would have to start all over again. This committee has worked for a year and a half on this ordinance and it would be time wasted if a new committee had to start from scratch.

Henke – Said that he was initially in favor of it until it got to the county board in December. County board supervisors had questions at that time and he felt that those questions should be addressed before adopting the ordinance. The questions have now been answered and he is now ready to move this forward.

Margaret Whirry (County Board Supervisor) – Reminded the committee that the only thing objectionable (referring to the previous night’s meeting) were the points to get from 15% impervious surface to 30%. She suggested that the committee look at those again.

Gende – Stated that he, too, voted for it at the committee level, but then voted no at the county board meeting. There were supervisors with questions and the questions needed to be answered. After the special informational meeting, the questions were answered and the proposed ordinance should now be moved to the county board for final approval.

Peters – If there are things about the proposed ordinance that we find are not working out, it can always be amended. One interesting point from the previous night was the fact that surface runoff can be engineered.

The committee agreed that the proposed ordinance should move forward and that they would like Al Shute and Attorney Sondalle to be present for the county board meeting when the ordinance is presented for final approval.

**Motion by Traxler/Peters, unanimously carried, to move the proposed shoreland protection ordinance to the county board for final approval.**

**c. Rural Residential Zoning Districts**

Shute – Passed out to each committee member a rough draft of this ordinance. One of the objects of amending the ordinance is to create a bridge from a half acre to an acre parcel. This will be discussed again at the March meeting.

**GENERAL COMMITTEE DISCUSSION**

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

**b. Future activities agenda items**

Items for next month’s agenda: committed funds (carryovers), fees for public hearings, rural residential zoning districts, Landmark Services Conditional Use Permit, the proposed shoreland protection ordinance, and the job description for the County Surveyor/Land Use Development Director.

**c. Wind energy**

Peters – Stated that, back in 2011, had had asked Attorney Haase to check with Calumet County regarding a moratorium on wind turbines. He said that he knew that there was a senate bill proposed to allow municipalities to establish minimum districts for wind turbines. Peters shared copies of an article about Brown County asking the state for damages as a result of health problems caused by wind turbines. Sondalle added that the bill has not yet been passed and that he would like to review the material for further discussion in March.

**CLOSED SESSION PER WISCONSIN STATE STATUTE 19.85(1)(C) CONSIDERING EMPLOYMENT, PROMOTION, COMPENWATION OR PERFORMANCE**

**EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY.**

**a. Annual review for County Surveyor/Land Development Director**

**6:50 p.m. Motion by Traxler/Gende, unanimously carried on roll call (5-ayes, 0-nays), to move to closed session per 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 County Surveyor/Land Development Director)**

**RESUME INTO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION**

**7:35 p.m. Motion by Gende/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session.**

**Findings:**

**McConnell:**

The committee has approved and accepted the employee evaluation for Al Shute as presented and will forward to the Personnel Committee for their review.

**On a motion by Traxler/Henke, unanimously carried, to accept the personnel evaluation as presented and forward to the Personnel Committee.**

**NEXT MEETING DATE**

March 1, 2012

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

**6:06 p.m. Five-minute recess.**

**PUBLIC HEARING ITEMS**

*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 6:12 p.m. for public hearing items and read the rules of public hearing.

Shute – The department received an email from Landmark Services Cooperative asking to withdraw their Items I and II.

**Item I: Owner/Applicant:** Dale Lohrey **Agent:** Landmark Services Cooperative **Site Address:** County Roads A and S, Parcels #010-00140-0000 & #010-00146-0000, Part of the NE¼, Section 9, T14N, R13E, Town of Mackford, ±16.34 acres **Explanation:** The applicant is requesting a rezone from A-1 Exclusive Agriculture District to I-Industrial.

**Item II: Owner/Applicant:** Dale Lohrey **Agent:** Landmark Services Cooperative **Site Address:** County Roads A and S, Parcels #010-00140-0000 & #010-00146-0000, Part of the NE¼,

Section 9, T14N, R13E, Town of Mackford, ±16.34 acres **Explanation:** The applicant is requesting a conditional use permit for grain receiving, drying, storage, and shipping.

**Item III: Owner/Applicant:** Gary and Renee Whirry, Whirry Properties, LLC **Site Address:** N2865 Cedar Road, Part of Lot 1 of Certified Survey Map 2729 and part of the NE¼, Section 3, T14N R11E, Town of Marquette, ±4.981 acres. **Explanation:** The applicant is requesting a conditional use permit for a dance hall and other similar events.

a) Public Hearing

Gary Renee, N2865 Cedar Road, Renee (also in attendance) – Spoke in favor of the request.

Betty Whirry, Cedar Road - Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – The Town of Marquette responded that they do not object to this request.

The committee reviewed the list of staff comments/conditions; each was discussed at length. Also discussed were the general criteria (items a-f as listed in the staff report) for granting a conditional use permit. The committee acknowledged that the applicants had met the standards.

c) Committee Decision

**On a motion by Henke/Traxler, unanimously carried on roll call, the conditional use permit request was approved with the following conditions:**

- 1) Additional Land Use permits could be required for other ancillary structures.**
- 2) A land use permit shall be required for a sign. One freestanding sign shall be allowed with a maximum message area of 32 square feet and a minimum setback of 10 feet from the road right-of-way.**
- 3) Only the subject site shall be illuminated, and the lighting shall occur with no direct glare affecting adjoining properties (low-wattage and low-to-the-ground path style).**
- 4) Proof that compliance with commercial Building Code requirements for structures that are the subject of this request is being pursued by the landowner.**
- 5) POWTS requirements must be satisfied at any and all applicable level(s) of governmental regulation.**
- 6) The existing POWTS system serving the single-family dwelling must be identified and effectively protected against compaction and harm resulting from vehicular traffic.**

d) Execute Determination Form/Ordinance

**Item IV: Owner/Applicant:** Kirk and Vicki Ermatinger **Site Address:** N5383 Brooklyn G Road, part of Lot 1 of Certified Survey Map 3213, Section 25, T16N, R13E, Town of Brooklyn, ±10 acres. **Explanation:** The applicant is requesting a rezone from A-1 Exclusive Agriculture District to A-3 Light Agriculture District.

a) Public Hearing

Kirk Ermatinger, N5383 Brooklyn G Road (Vicki Ermatinger also in attendance) - Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – The Town of Brooklyn responded that they do not object to the request.

The committee reviewed the criteria (items a-d as listed in the staff report) and found that the request did not violate the standards.

c) Committee Decision

**On a motion by Traxler/Gende, unanimously carried, to recommend approval of the rezone request as presented and forward to County Board for final action.**

d) Execute Determination Form/Ordinance

**ADJOURN**

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

Time: 7:39 p.m.

**RECORDED BY**

Carole DeCramer  
Committee Secretary

**APPROVED ON:**

March 1, 2012