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**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING  
COMMITTEE MEETING MINUTES  
Thursday, February 4, 2016**

**CALL TO ORDER**

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 4:32 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: Ben Moderow, Harley Reabe, Rich Slate (4:38 p.m.), Michael Starshak, Nick Toney**

**Absent:**

**Also Present: Al Shute, Land Use Planning & Zoning Director**

**Carole DeCramer, Committee Secretary**

**Missy Sorenson, Code Enforcement Officer**

**Matt Kirkman, Code Enforcement Officer**

**Dawn Klockow, Corporation Counsel**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**Motion by Moderow/Reabe, unanimously carried, to approve the agenda.**

**APPROVAL OF MINUTES**

**Motion by Reabe/Toney, unanimously carried, to approve the corrected January 7<sup>th</sup> minutes.**

**PUBLIC COMMENT - None**

**PUBLIC APPEARANCES - None**

**CORRESPONDENCE**

**Shute** – Explained the WisLine brochure that each committee member received regarding training seminars provided by UW-Extension. The sessions take place in the Extension’s conference room, second floor of the Government Center (West Addition) and includes the following: *Understanding Local Sign Codes* (January 20<sup>th</sup>), *Promoting Local Protection of Wetlands and Updates to the Shoreland Zoning Program* (February 17<sup>th</sup>), *Housing and the Community* (March 16<sup>th</sup>), *Community Vitality and Placemaking* (April 20<sup>th</sup>), and *Case Law and Legislative Update* (May 18<sup>th</sup>). The committee members are welcome to attend the sessions. These sessions may count as continuing education credit for staff members.

**PURCHASES - None**

**CLAIMS**

Claims totaling \$766.02 were submitted.

**Motion by Reabe/Moderow, unanimously carried, to approve for payment the claims in the amount of \$766.02.**

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**4:38 P.M. Motion by Moderow/Toney, unanimously carried, to seat Committee Member Slate.**

**DEPARTMENT ACTIVITY REPORTS**

**a. Permits & others**

Shute – Discussed the monthly reports.

Slate requested that these reports be sent with the meeting packet.

**b. Violations**

Shute, Sorenson, and Kirkman – Discussed the land use and sanitary violation reports.

**Motion by Reabe/Toney, unanimously carried, to approve the monthly activity reports.**

**DEPARTMENT/COMMITTEE ACTIVITY**

**a. Farmland Preservation Plan & Comprehensive Plan Updates**

**b. Shoreland Protection Ordinance**

Shute – The draft shoreland protection ordinance is complete, based on the DNR model ordinance, and the process that they ask we use, after the department completes the draft, is that it be forwarded to the DNR so they can do a courtesy review to make sure that everything is included. It then goes through the regular process that the department implements.

Reabe inquired about the setback and asked that Corporation Counsel look into that.

**FUTURE COMMITTEE ACTIVITIES**

**a. Future agenda items**

- Update on shoreland zoning
- Fees for the Robin's Nest Resorts, LLC requests

**b. Meeting dates**

March 3, 2016

Business Meeting 4:30 p.m.

Public Hearing 5:30 p.m.

**5:05 p.m. Recess until 5:30 p.m.**

**5:30 p.m. Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee for public hearing items and read the rules of public hearing.**

**PUBLIC HEARING ITEMS**

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

**Item I: Owner:** Robin's Nest Resorts, LLC **Agent:** Don Dysland **General legal description:** Parcels #014-00288-0104 & #014-00288-0105, being Lots 3 & 4 of Certified Survey Map 3424, All located in Gov't Lot 2, lying south of the river, located on Puckaway Rd in Section 31, T15N, R11E,

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Town of Marquette, ±5.1 acres **Request:** Rezone request from R-1 Single-Family Residence District to RC Recreational District.

a) Public Hearing

Don Dysland, Robin's Nest Resorts, LLC, W340 N4867 Road O, Nashotah, WI - Spoke in favor of the request.

Wilfred Wiedenbeck, W6580 State Road 60, Arlington, WI - Requested a delay for further study.

Dennis Page, W3692 County Road J, Montello, WI – Asked questions pertaining more to the conditional use permit request. (Mr. Page was advised by Chair Starshak that his questions would be answered during the second request hearing when the land use is discussed.)

Don Waldrop, W6988 Puckaway Road, Markesan, WI – Requested a delay for further study.

Julie Mathias, W6895 Puckaway Road, Markesan - Advised that this should be carefully considered and asked that the Town and County take the time to do this.

Randy Schmidt, W6990-W6998 Puckaway Road, Markesan, WI - Spoke in favor of the resort.

James Harter, W7076 Puckaway Road, Markesan, WI – Spoke against the request, referencing the Town of Marquette Comprehensive Plan. Requested a delay for further study.

Richard Pergande, W7194 Drager Road, Markesan, WI - Spoke in favor of the request.

Kristin Marwitz, W9075 Puckaway Road, Markesan, WI – Asked the difference between the recreational zoning and the residential zoning, and how this would affect property taxes.

Phil Anastasi, W6766 Hill Street, Town of Marquette – Advised that the notice for the Town of Marquette's January meeting did not give citizens ample time to prepare for the meeting and, consequently, the residents were not prepared for or not aware of the meeting. Recommended that the committee table the request until the July meeting and send the request back to the Town of Marquette. This will allow the Town to meet in June when the full-time and part-time residents are available and given an opportunity to speak.

Public hearing closed.

Kirkman – Summarized the staff report for this request. The Town's Comprehensive Plan is agricultural. Asked that the committee look at the staff comments in regard to recent court cases. The committee should follow criteria when considering zoning changes; i.e., consistency with long-range planning, nature and character of the parcel, use of surrounding land, overall scheme or zoning map, public health, morals and safety, promote public welfare, convenience, and general prosperity. On January 26<sup>th</sup>, the Town of Marquette did not object to and approved of the zoning request.

b) Committee Discussion & Deliberation

Slate – Directed to Mr. Dysland: It appears that they want to postpone. Would you object to this?

Dysland – I would prefer not to postpone it or, at least, shorten it.

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Reabe – It appears that there is a conflict with the Town’s Comprehensive Plan and its intended use. Suggested that this request go back to the Town of Marquette in order to give the citizens more of a chance for dialog with the citizens.

Toney and Moderow – Agreed with Reabe.

Starshak – The committee has had several emails regarding this request. The Town’s Comprehensive Plan talks about agriculture in this area. Already it’s not zoned according to the Comprehensive Plan. This brings up a question mark. There is concern about the development and the committee appreciates that everyone has shown up to voice concerns. It’s important that the public gets accurate information in order to make judgements on the requests. There have been a number of requests to delay this committee’s decision in order to send it back to the Town of Marquette in order for them to re-hear it and give them another opportunity. That decision would be up to this committee at this point.

c) Committee Decision

**Motion by Reabe to delay the Land Use Planning & Zoning Committee’s action on this request until the month of June. Motion died for lack of second.**

When asked by Slate what timeline would work best for him, Mr. Dysland stated that he’d be comfortable with this committee bringing the requests back for the May 5<sup>th</sup> meeting.

**Motion by Slate/Moderow, unanimously carried on roll call (5-ayes, 0-nays), to adjourn the hearing on the rezone request until the May 5<sup>th</sup> meeting.**

**Item II: Owner:** Robin’s Nest Resorts, LLC **Agent:** Don Dysland **General legal description:** Parcel #014-00289-0100, being Lot 1 of Certified Survey Map 3410, and Parcels #014-00288-0104 & #014-00288-0105, being Lots 3 & 4 of Certified Survey 3424, all located in part of Gov’t Lot 2, lying south of the river, located at W7004 Puckaway Rd in Section 31, T15N, R11E, Town of Marquette, ±13.87 acres **Request:** Conditional use permit request to expand an RV campground.

a) Public Hearing

The committee agreed that the conditional use permit request public hearing should be heard at the May meeting following the rezone request public hearing. This will give the Town of Marquette an opportunity to re-hear the request.

**On a motion by Reabe/Moderow, unanimously carried on roll call (5-ayes, 0-nays), to adjourn the public hearing for the conditional use permit request until the May 5<sup>th</sup> meeting.**

Green Lake County Supervisor Joy Waterbury - So far the committee has restricted the public hearing to the zoning request and now that is postponed. If that zoning request comes back unmodified, what becomes of the status of the conditional use permit request?

Starshak explained that, just like the rezone request, the conditional use permit request will also be adjourned until the May meeting.

Corporation Counsel Klockow, after reading Statute 59.69(5)e(4), advised the committee that the motion they made to adjourn this request until May, may not be appropriate. According to the statute, as soon

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as possible after the public hearing, the committee shall act on the petition either approving, modify and approving, or disproving it. You can only do one of these three things.

Slate questioned if the public hearing for the second question be called to order before the motion can be made to adjourn it until the May meeting. The committee agreed. Starshak then explained to the audience that they are welcome to express their concerns and ask questions; however, the public hearing for the conditional use permit request will be adjourned just like the rezone request public hearing.

**On a motion by Slate/Reabe, unanimously carried on roll call (5-ayes, 0-nays), to rescind the previous motion.**

The public hearing was called to order.

Don Waldrop, W6988 Puckaway Road, Markesan, WI – There are six families that are part of the Willow Cove Homeowners’ Association, of which he is a member. Would like to see a more comprehensive site plan with a smaller footprint for the campground, possible green space, and site and sound barriers.

James Stellmacher, W4025 County Road H, Markesan, WI, Town of Marquette Chairman - There will be a meeting, second Thursday in March. The Town would like Mr. Dysland and the Planning and Zoning Committee to attend.

Bob Muchka, W6848 Puckaway Road, Markesan, WI – Expressed concerns for the campground’s waste water management system. Requested that the DNR and Rural Water Association are contacted for their opinions on the impact of the campground expansion.

Faith Pergande, W7194 Drager Road, Markesan, WI – Spoke for the request.

Don Dysland, Robin’s Nest Resorts, LLC, W340 N4867 Road O, Nashotah, WI – Addressed many of the concerns and some of the misinformation that went out via letters and emails.

Public hearing adjourned.

- b) Committee Discussion & Deliberation
- c) Committee Decision

**Motion by Slate/Moderow, unanimously carried by roll call (5-ayes, 0-nays) to adjourn the public hearing until the May 5<sup>th</sup> meeting.**

**ADJOURN**

**6:18 p.m. The meeting was adjourned.**

**RECORDED BY**

Carole DeCramer, Committee Secretary

**APPROVED ON:**

March 3, 2016