

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Public Hearing Minutes – March 5, 2008 – 6:00 p.m.**

CALL TO ORDER

Committee Chair Sue McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 6:02 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: **Sue McConnell, Gus Mueller, Howard Sell, Wallace Williams**

Absent: **Orville Biesenthal**

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 Williams/Sell, unanimously carried, to approve the agenda. Motion carried.

PUBLIC HEARING MATTERS

Committee Chair McConnell read the Rules of Order.

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

Item I: Owner/Applicant: Ernest Schlabach **Site Address:** W3774 Heritage Rd, Parcel #012-00074-0100, Lot 1 of Certified Survey Map 1411 that lies in the SE ¼ of the SE ¼, Section 4, T14N R12E, Town of Manchester, (±5.00 Acres) **Explanation:** The owner/applicant is requesting a conditional use permit to expand an existing furniture warehouse in an agricultural district.

a) Public Hearing

Arnold Knight, W4966 State Road 44, Markesan, WI – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed the town action form that was returned by the Town of Manchester. The town does not object to the request; however, they feel that it may be appropriate to rezone the parcel to commercial since it is a commercial use. The committee agreed that rezoning the parcel to commercial would not be appropriate. The committee would be able to control the use through a conditional use.

Motion by Williams/McConnell, unanimously carried, to suspend the rules to allow Mr. Knight and Mr. Schlabach to speak. Motion carried.

Knight – Mr. Schlabach has concerns about other types of woodworking.

Ernest Schlabach, W3774 Heritage Road, Markesan, WI – If I decide to diversify and start building sheds for other income, would I have to apply for another conditional use?

Shute – Yes, once you start venturing off into another area.

c) Committee Decision

Motion by Sell/Mueller, unanimously carried on roll call (4-eyes, 0-nays), to approve the conditional use permit to expand an existing furniture warehouse in an agricultural district 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) The commercial use can only be owned and operated by the current owner of the agricultural operation that resides on the site and said use shall terminate upon sale of property.**

Motion carried.

d) Execute Determination Form/Ordinance

Item II: Owner: Kathleen Egbert and Wayne & Patricia Albright **Applicant:** Egbert Excavating, Inc. **Site Address:** Thomas Road, Parcel #006-0033-0000 (Egbert), The E½ of the SE¼ of the SW¼, (±20.00 Acres), and Parcel #006-0032-0000 (Albright), Part of the W½ of the SE¼ of the SW¼, (±15.00 Acres) Both parcels in Section 2, T15N R13E, Town of Green Lake **Explanation:** The owners/applicant are requesting a rezone from A-1 Exclusive Agricultural District to M-1 Mineral Extraction District.

a) Public Hearing

Dan Egbert, Egbert Excavating, Lawson Drive – Explained the project, speaking in favor of the request.

Jim Fox, Town of Green Lake Chairman – Spoke on behalf of the Town of Green Lake in favor of the request.

Don Koller, Adjoining Property Owner – Spoke against the request.

Shute – The committee received comments from the following:

Tom Fisher, adjoining property owner sent an email voicing concerns.

Attorney Mark Slake, representing Don Koller, sent a letter voicing concerns.

Jim Hebbe, Green Lake County Land Conservationist, submitted a letter listing concerns.

The committee discussed each of the letters. Also discussed was what is and is not regulated by the Wisconsin Department of Natural Resources.

Public hearing closed.

b) Committee Discussion and Deliberation

The depth of the quarry was discussed and who regulates that. Mr. Egbert was asked if this is regulated to a specific point.

Motion by McConnell/Howard, unanimously carried, to suspend the rules to allow Mr. Egbert to answer questions. Motion carried.

Egbert – The depth is not regulated; there is no maximum depth. Reminded the committee that no other mine operator is limited to 40’.

c) Committee Decision

Motion by McConnell/Sell, carried on a 3-1 vote (McConnell – aye; Mueller – abstain; Sell – aye; Williams – aye), to recommend approval of the rezone request as presented and forward to the county board for action. Motion carried.

CONDITIONAL USE REQUEST HELD OVER FROM THE JANUARY 2, 2008, PUBLIC HEARING:

Owner: Kathleen Egbert Applicant: Egbert Excavating, Inc. Site Address: Thomas Road, Parcel #006-0033-0000, Being part of the SW¼, Section 2, T15N R13E, Town of Green Lake (±10.00 Acres) Explanation: The owner/applicant is requesting a conditional use permit to expand a non-metallic mining operation to the southern 10 acres of the current site.

a) Committee Discussion and Deliberation

McConnell – We have some concerns about the berms being too close to the property lines, Mr. Fisher’s letter about the signs and the gate, Mr. Koller’s concern about sloping the banks so that someone could walk down it and not fall, and questions submitted by the Land Conservation Department. By being zoned M-1, there will be standards that must be followed.

Shute – There will be some M-1 standards, but not many. The 100’ setback is a standard within the mining district, but I think the way that district is set up is that a lot of the site requirements and restrictions are typically imposed through the conditional use process.

Shute read through the list of conditions that staff proposed and the committee discussed each condition.

Motion by McConnell/Sell, unanimously carried, to suspend the rules to allow Mr. Egbert to talk. Motion carried.

Egbert – Suggested that the committee give him a 6-month period to hire Davel Engineering to make plans. No dirt would be moved until the county gets the engineered plans. Egbert assured Mr. Koller that he would back berm up 25’ as good faith effort. By the end of the next construction season, will slope the east wall down.

Shute – By October 1st, we would have a modified reclamation plan on file, and a new plan on file based on the latest concept of what you want to do. Another condition that may be beneficial to everyone is proof of the lot line. It would be appropriate and beneficial that a registered land surveyor

stake the lot line between Egbert and Koller and put in additional stakes at the limits of the excavation area.

b) Committee Decision

Motion by Mueller/Williams, unanimously carried on roll call (4-ayes, 0-nays), to approve the conditional use request with the following conditions:

- 1) **The proposed mining area to maintain a setback of 100 feet to the east, west and south lot lines. A berm eight feet high, minimum, shall be created along those lot lines outside a 12-foot side yard area and 42-foot front yard area.**
- 2) **Reclamation of the northern portion of subject site to begin in accordance with the approved Non-Metallic Mining Reclamation Plan by October 1, 2008.**
- 3) **The Irrevocable Letter of Credit on file in the Planning and Zoning Department will need to be amended to cover the changes to mining acreage for the 2009 permit renewal.**
- 4) **Ten warning signs, 24”X24”, advertising “active quarry” shall be placed along property lines of the 20-acre quarry operation.**
- 5) **Blasting is to occur between 7:00 a.m. and 5:00 p.m., Monday through Friday.**
- 6) **All activity will follow Chapter NR 135, Wisconsin Administrative Code and the Green Lake County Non-Metallic Mining reclamation ordinance.**
- 7) **No additional expansion of the operation shall occur without review and approval through future Conditional Use permit(s).**
- 8) **Dust control measures shall continue as currently in place and be implemented to keep dust and debris from becoming a nuisance.**
- 9) **That a narrative be provided describing the operation, listing equipment, machinery and structures to be used and source quantity and disposition of water to be used. Also, a map of the site showing existing contours, trees, proposed and existing access roads and depths of proposed excavations.**
- 10) **That a registered land surveyor stake the lot line between Egbert and Koller at the lot corners and with intermittent points between corners on line, and set stakes at the limits of the excavation area.**
- 11) **This conditional use approval is contingent upon the County Board approving the rezone request on March 18, 2008.**

Motion carried.

c) Execute Determination Form/Ordinance

DISCUSSION, ACTION ON THE TOWN OF MANCHESTER CEMETERY PLAT

Shute – Updated the committee on the meeting he had with Assistant Corporation Counsel Jeff Haase regarding the Town of Manchester cemetery plat. Attorney Haase is in agreement that there is an official action on record made by the committee at the time of the public hearing. It was originally heard as a public hearing item and will have to be heard as a public hearing item again. In order to modify the original decision, the Town of Manchester will have to apply for a conditional use for a cemetery expansion. The staff report will identify the need to modify the original decision.

Motion by Mueller/Sell, unanimously carried on roll call (4-ayes, 0-nays), to require the Town of Manchester to apply for a Conditional Use Permit to modify the previous Conditional Use

Permit decision of May, 2002, to expand an existing cemetery and that the filing fee of \$375 be waived for such submittal. Motion carried.

PUBLIC COMMENT

Jim Fox – Regarding the berms, some of the mines have them well-manicured. There are no noxious weeds and they mow them. You don't want a berm with rocks hanging out.

Shute – We have no way of enforcing that. Don't you have a weed inspector?

Fox – Yes.

Shute – Then that would be the responsibility of that individual.

CORRESPONDENCE

Shute – One of the ABA residents, Dick Martens, has written you a letter regarding planned development.

DEPARTMENT/COMMITTEE ACTIVITY - None

GENERAL COMMITTEE DISCUSSION

McConnell – Gus (Mueller) called my office today and wanted to discuss tonight the Keith and Carol Myers air strip rezone. I made the decision to request that this be placed on the next business meeting agenda allowing time for Al (Shute) to prepare maps for the committee, and Jeff (Haase) to review the papers.

Haase – Would you like John (Selsing) here for that discussion?

The committee said that they would like Attorney Selsing at that meeting.

SUCH OTHER MATTERS AS AUTHORIZED BY LAW - None

NEXT MEETINGS DATES

March 26, 2008 – Business Meeting – 6 p.m.

April 2, 2008 – Public Hearing – 6 p.m.

ADJOURN

Motion by Mueller/McConnell, unanimously carried, to adjourn. Motion carried.

Time: 8:28 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

March 26, 2008