

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Public Hearing Minutes – April 2, 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 6:00 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 Mueller/Sell, unanimously carried, to approve the amended 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: Duane & Marie Krueger **Site Address:** W3231 CTH S, Parcel #012-0189-0000, Part of the E½ of the NW¼ of the NW¼ of Section 11, T14N R12E, Town of Manchester, (±1.00 acre to be identified by certified survey map) **Explanation:** The owner/applicant is requesting a zoning change from A-1 Exclusive Agriculture District to R-1 Single Family Residence District.

a) Public Hearing

Sandy Braemer, W817 Leslie Lane, Representing Duane Krueger – Explained the proposed project and spoke in favor of the rezone request.

Public hearing closed.

b) Committee Discussion and Deliberation

The town board action form, submitted by the Town of Manchester, indicated that they did not object to the request.

The committee discussed the staff recommendation and was most concerned about the following:

- Proposal is not compatible with the Town's comprehensive plan as the future land use of this site is projected to be agricultural.
- An R-1 parcel would not be of suitable nature and character to the agriculturally zoned lands in close proximity to the subject site.

- Proposed zoning change would not be compatible with the surrounding land use and would create stricter setback requirements for the surrounding ag lands.
- Proposed zoning change would not be compatible with the overall scheme of the zoning map.

c) Committee Decision

Motion by Sell/Mueller to recommend approval of the rezone request as presented and forward to the county board for action. McConnell – nay, Mueller – nay, Sell – nay, Williams – aye. Motion denied.

d) Execute Determination Form/Ordinance

Item II: Owner: Daniel L. Egbert d/b/a Egbert Excavating, Inc. **Site Address:** NE Corner of Hwy 23 & Busse Road, Parcel #004-0307-0600, Lot 1 of Certified Survey Map 2301, Town of Brooklyn, (±.5 Acres) Section 15, T16N R13E **Explanation:** The owner/applicant is requesting a conditional use permit to add two storage units/buildings to match existing five buildings on adjacent property.

a) Public Hearing

Daniel Egbert, 1302 Lawson Drive, Green Lake – Explained the proposed request and spoke in favor of the conditional use request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed the town board action form submitted by the Town of Brooklyn. The town did not object to the request, but included an excerpt from the town meeting minutes that stated that the road must be a town road and built to town standards. The committee also discussed and agreed with the recommended conditions listed in the staff report, but asked that a ninth condition be added - a final drawing reflecting all of the conditions.

c) Committee Decision

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

- 1) **That the owner/applicant consults with the Land Conservation Department to**
 - a) **Determine through the scope of the proposed project, if any negative impact will occur to adjoining properties from stormwater produced on the subject site.**
 - b) **Create, if deemed necessary by the Land Conservation Department, a stormwater drainage plan that will address any stormwater issues on the subject site that will negatively impact an adjoining property.**
 - c) **Execute the stormwater drainage plan pursuant to standards developed with the Land Conservation Department.**
- 2) **That the owner/applicant submit a Landscape and Maintenance Plan for the entire complex indicating all landscaping and buffering showing berms, natural areas, plant type, location of plants and size of planting for review and approval by the Land Use Planning and Zoning Department; and that all approved landscaping be install within 12**

months of this approval; and that all dead and dying plants be replaced immediately with the same or similar plant species and size as per the original approval.

- 3) That the owner/applicant submits a revised building site plan prior to issuance of a Land Use Permit and the start of construction to identify any of the Town's and this committee's conditions of approval.
- 4) That the proposed "Future Road" as shown on the submitted site plan must be accepted as a town road by the Town of Brooklyn.
- 5) That dust control, approved by the Committee shall be provided.
- 6) No additional expansion of the operation or addition(s) to structures shall occur without review and approval through future Conditional Use Permit(s).
- 7) Outdoor lighting requirements, at a minimum, shall meet the setback and illumination standards as required by Chapter 350-23.
- 8) If applicable, proof that all necessary commercial Code requirements have been satisfied.
- 9) That the applicant/owner have a professional drawing of the proposal reflecting conditions listed above.

Motion carried.

The public hearing for this item was held on November 7, 2007.

Applicant: Green Lake County Land Use Planning and Zoning Committee Explanation: Request to amend code of Green Lake County, Chapter 350 Zoning Ordinance, Article X Violations and Penalties.

- a) Committee Discussion and Deliberation

The ordinance amendments were originally discussed at a public hearing on November 7, 2007. At that meeting, Attorneys Steve Sorenson and Jenna Walker requested a special meeting, held on January 15, 2008, giving the contractors another chance to discuss questions and concerns. Those comments are now incorporated into the proposed ordinance amendments.

- b) Committee Decision

Motion by Mueller/Williams, unanimously carried on roll call (4-ayes, 0-nays), to recommend approval of the Chapter 350 Zoning Ordinance, Article X Violations and Penalties amended ordinance to the county board. Motion carried.

- c) Execute Determination Form/Ordinance

The public hearing for this item was held on November 7, 2007.

Applicant: Green Lake County Land Use Planning and Zoning Committee Explanation: Request to amend code of Green Lake County, Chapter 338 Shoreland Protection Ordinance, Article XII Enforcement.

- a) Committee Discussion and Deliberation

The ordinance amendments were originally discussed at a public hearing on November 7, 2007. At that meeting, Attorneys Steve Sorenson and Jenna Walker requested a special meeting, held on January 15, 2008, giving the contractors another opportunity to discuss questions and concerns. Those comments are now incorporated into the proposed ordinance amendments.

- b) Committee Decision

Motion by Mueller/Sell, unanimously carried on roll call (4-ayes, 0-nays), to recommend approval of the Chapter 338 Shoreland Protection Ordinance, Article XII Enforcement amended ordinance to the county board. Motion carried.

- c) Execute Determination Form/Ordinance

APPEARANCES

Dennis Galatowitsch for discussion only (no action) of proposing an amendment to the zoning ordinance to allow for temporary real estate offices in new subdivisions.

Dennis Galatowitsch – Discussed with the committee the need to allow real estate offices in subdivisions. Since subdivisions are, typically, zoned R-1 Single Family Residence District, commercial activities (real estate offices) are not allowed. One suggestion would be a temporary conditional use. Mr. Galatowitsch will get more information to Al Shute and to the committee for further discussion.

DISCUSSION/ACTION: TOWN OF BROOKLYN – LINDENWOOD DEVELOPMENT PREDEVELOPMENT AGREEMENT

- a) Preliminary plat submittal

Shute – Made the committee aware that a preliminary plat was submitted on March 28th. The county deadline to make a decision is June 28, 2008. This will be on the committee's June 4th public hearing agenda. The Town of Brooklyn has approved the preliminary plat. Asked that the committee read the pre-development agreement between the Town of Brooklyn and Lindenwood. Some things point toward Green Lake County and may imply and specifically state expectations of the county.

Haase – Stated that the agreement itself does not affect the county. In doing research, didn't see anything wrong with the agreement between the town and Lindenwood. It doesn't affect the county.

- b) Pending City of Green Lake Annexation

Shute – Shared concern about the pending City of Green Lake annexation, but was directed that the annexation should not be an issue for the county.

- c) Timeline for possible variances, rezone and other approvals

Shute – Explained that the various requests (variances, rezone, plat approval) should be dealt with in an orderly fashion. It may take several public hearings as opposed to just one.

- d) Conflict of interest

Haase – There are no conflicts of interest as of now.

PUBLIC COMMENT

Attorney Steve Sorenson, Sorenson Law Office:

- Explained that he and Attorney Walker were in attendance because they knew the committee would be discussing the proposed zoning ordinance amendments. He expressed his appreciation for the opportunity to have worked with the committee on the amendments.
- Offered to send comments regarding sales offices in subdivisions.

- As you prepare for the June 4th public hearing for the preliminary plat, it would be helpful is if we got your information in advance so that we can organize and prepare our clients who will be speaking at that hearing.

Attorney Steve Wood, Chairman of the Joint Advisory Committee on Land Use Matters, Partnership of Green Lake Association, Sanitary District, DNR and others – Stated that his committee has had a meeting with the representatives of Lindenwood. They and an engineering firm have reviewed the plans and have responded by sending Lindenwood a memorandum and comments. The Joint Advisory Committee will continue to have a dialogue with the developers in order to produce greater protection for Big Green Lake, watershed, and neighboring properties.

CORRESPONDENCE - None

DEPARTMENT/COMMITTEE ACTIVITY

a) Ag Districts – Amendments. Handout/Action

Shute – Discussed the need to put “schools” back in the agricultural districts as a conditional use. There is no documentation as to why schools were taken out. Also discussed was the language regarding animal siting standards and commercial uses in agricultural districts.

Attorney Steve Sorenson – Commented that he has been working with municipalities in the Rosendale area regarding animal siting. Suggested that the committee consider contacting Mike Murray, State of Wisconsin Department of Agriculture Trade and Consumer Protection, to discuss the intricacies of animal siting. Regarding the definition of schools, be sure to define home schools. The courts define it very broadly.

GENERAL COMMITTEE DISCUSSION - None

NEXT MEETINGS DATES

- April 23, 2008 – Business Meeting – 6 p.m.
- May 7, 2008 – Public Hearing – 6 p.m. - Cancelled

ADJOURN

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

Time: 8:02 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

April 23, 2008