

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, May 3, 2012
Business Meeting – 4:30 p.m.
Public Hearing – 6:00 p.m.**

CALL TO ORDER

Land Use Planning and Zoning Director Al Shute called the meeting of the Land Use Planning and Zoning Committee to order at 4:30 p.m. in the Green Lake County Government Center, County Board Room, Green Lake, Wis. The requirements of the open meeting law were certified as being met.

Present: **Eugene Henke, Ben Moderow, Don Peters, Harley Reabe, Michael Starshak**

Absent:

Also Present: **Al Shute**, County Surveyor/Land Development Director
Carole DeCramer, Committee Secretary
Daniel Sondalle, Corporation Counsel
Jack Meyers, County Board Chair

APPROVAL OF AGENDA

Motion by Reabe/Henke, unanimously carried, to approve the amended agenda.

ELECT COMMITTEE CHAIR AND VICE CHAIR

Nominations for Committee Chair:

Don Peters nominated Michael Starshak for Committee Chair. Nominations closed.

Motion by Henke/Reabe, unanimously carried, to cast a unanimous ballot for Michael Starshak as Committee Chair. Motion carried.

Nominations for Committee Vice Chair:

Michael Starshak nominated Don Peters for Committee Vice Chair. Nominations closed.

Motion by Reabe/Henke to cast a unanimous ballot for Don Peters as Committee Vice Chair. Motion carried.

APPROVAL OF MINUTES

Motion by Henke/Peters, unanimously carried, to approve the March 1st, March 8th, and April 5th minutes.

PUBLIC APPEARANCES - None

PUBLIC COMMENT

Steve Eckert, W2176 County Road X – Asked the committee to consider the proposed R-4 rural residential district. This new district would help him and many others separate farm buildings from farm land.

CORRESPONDENCE

a. Request for unpaid leave; five days in August, 2012, for Al Shute.
Shute – Explained plans are not yet solidified so the request is withdrawn.

PURCHASES

a. Replace plotter for GIS

Shute – Reported that, as part of the GIS function, large formatted maps are printed. The existing plotter that is used for this function is ten years old. The plotter needs to be replaced and the IT Department is in support of this purchase. The funds for this purchase would come from the Land Information Fund; these dollars are single-purpose dollars and can only be used for Land Information functions. The dollars that would be used to purchase the plotter are not part of the tax levy.

The main concern for the committee was the maintenance contract fee that is approximately 30% of the total price of the plotter. Peters stated that he would talk to Bill Hutchinson, IT Director, about the maintenance contract. Starshak told Shute that he was pleased that money had been set aside each year for a purchase of this size and that there would be money left over should the purchase be approved.

Attorney Sondalle inquired as to whether or not this was a single vendor. Shute replied that he would have to check with Hutchinson.

The final consensus was that this should be placed on the June agenda after Peters has had an opportunity to talk to Bill Hutchinson.

Motion by Peters/Reabe, unanimously carried, to table this request until the June 7th meeting.

CLAIMS

Claims totaling \$1,328.69 for Land Use Planning and Zoning, and \$308.96 for Land Information were submitted.

The committee discussed employees coming to meetings to report on training sessions that they have attended. It was ultimately decided that a written report to the department director would suffice. If the committee deems that it is something they would like to hear more about, the employee can then attend a meeting for further discussion.

Motion by Henke/Moderow, unanimously carried, to approve the claims in the amount of \$1,328.69 (Land Use Planning and Zoning) and \$308.96 (Land Information) for payment.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

a. Permits, public hearings, etc.

Shute – Discussed the various aspects of the activity report.

Attorney Sondalle - Discussed the violation reports and reported that there will be hearings next week on septic violations. There may be a need to start lawsuits with some of the land use violations.

Motion by Peters/Henke, unanimously carried, to approve the March, 2012, monthly reports.

Shute – Reported that the department recently updated the septic pumping notices to include a form that property owners will give to the maintenance provider. After the provider gathers the

information about a given septic system, the provider will then enter the information at the county website electronically. This new system replaces a decades-old post card reporting system.

DEPARTMENT/COMMITTEE ACTIVITY

a. Agricultural Zoning Districts

b. Shoreland Zoning Ordinance

Shute – The department needs committee direction at this time in regard to how to proceed with the proposed shoreland zoning ordinance. The county board tabled the approval of the ordinance until further notice. It should be taken off of the table and brought back to this committee.

Sondalle – Advised that someone on the county board would have to make a motion to refer it back to the committee.

Peters – Stated that the ordinance should be brought back to the committee, but then the committee should just sit on it until it's mandated.

Shute – Replied that he respects Peters' comments and decision; however, there are contractors and residents who are waiting for this ordinance to pass before they can begin their projects. There are at least eight contractors waiting for this new ordinance. There are also three violations that would go away if the ordinance would be adopted. Fourteen recently issued permits were scrutinized to see if they would have been issued using the proposed shoreland ordinance standards. All fourteen would have met the proposed standards and would have been issued.

c. R-3 Multiple Family Residence District

d. R-4 Rural Residential District

Shute - R-4 is a district that was proposed to the committee to be the transition district from residential to agriculture. The smallest agricultural district right now is 10 acres. The transition district would create a lot size that is residential in nature; however, there will still be opportunities to experience agricultural activities. The proposed minimum lot size is three acres and the maximum size is eight acres. This would allow people to separate land from buildings. Peters asked that the current draft of this ordinance be sent to the new committee members and that this be placed on the June agenda for further discussion.

e. Personal Wind Turbine

Shute – Dr. Tom Willett, owner of Crossroads, called and asked about personal wind turbines. The committee directed Shute to contact other counties to see what ordinances they have in place. This should be placed on the June agenda for further discussion.

FUTURE AGENDA ITEMS

a. Future Activities

Peters reminded Attorney Sondalle that the committee would like to hear about his research on wind turbine moratoriums. This will also be placed on the June agenda.

b. Interest in Training

Shute explained that training sessions are offered by the UW-Stevens Point Land Use Center. He will check to see what their availability is for those interested in a training session. Attorney Sondalle strongly suggested that the committee members consider doing this. Those interested should contact Shute.

CLOSED SESSION PER WISCONSIN STATE STATUTE 1985(1)(C) CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY (CODE ENFORCEMENT OFFICER MISSY SORENSON)

7:24 p.m. Motion by Henke/Reabe, 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. (Code Enforcement Officer Missy Sorenson)

DeCramer was excused from the closed session and Shute took minutes.

RESUME INTO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION

7:34 p.m. Motion by Peters/Reabe, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session.

Motion by Henke/Reabe, unanimously carried, to accept the performance evaluation and move to the employee's personnel file.

NEXT MEETING DATE

June 7, 2012

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

Motion by Henke/Reabe, unanimously carried, to take a 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 Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee at 6:09 p.m. for public hearing items and read the rules of public hearing.

Item I: Owner/Applicant: Landmark Services Cooperative **Agent:** Brad Gjermo, Chief Operations Officer **Site Address:** W1705 County Road S, Parcel #010-00168-0000, Part of the SW¼, Section 9, T14N, R13E, Town of Mackford, ±11.4 acres **Explanation:** Rescind conditional use permit, approved April 1, 2009, to operate a facility where fertilizer is blended, stored, and distributed, and where seed, grain, herbicide, and pesticide is stored and distributed.

a) Public Hearing

Brad Gjermo, Chief Operations Officer, Landmark Services Cooperative – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Attorney Sondalle reminded the committee that this request is conditioned upon the approval of Item IA.

c) Committee Decision

On a motion by Henke/Moderow, unanimously carried, to approve rescinding the April 1, 2009, conditional use permit to operate a facility where fertilizer is blended, stored, and distributed, and where seed, grain, herbicide, and pesticide is stored and distributed.

d) Execute Determination Form/Ordinance

Item IA: Owner/Applicant: Landmark Services Cooperative **Agent:** Brad Gjermo, Chief Operations Officer **Site Address:** W1705 County Road S, Parcel #010-00168-0000, Part of the SW¼, Section 9, T14N, R13E, Town of Mackford, ±11.4 acres **Explanation:** The owner/applicant is requesting a conditional use permit for expansion of an existing grain drying and storage operation to add two 315,000 bushel storage bins, a 71,000 bushel grain bin, a tower-style grain dryer, a building with scale and receiving pits, and other related grain elevator legs, and handling equipment.

a) Public Hearing

Brad Gjermo and Randy Kyle, representing Landmark Services Cooperative – Both spoke in favor of the request.

Elmer Bock, S1618 County Road S – Stated that the road that is proposed will run through a residentially-zoned lot, which is across from his house. He also stated that he thought Landmark needed state-approved plans. Believes that the noise level will be above 40dB.

Jon Laper, W712 State Road 44 – Spoke in favor of the request.

Dan Pollesch, W1598 County Road S – Expressed concerns about dust, traffic, and noise. He also questioned the zoning classification of his property (Shute told him that the department would continue to work with him on the zoning question).

Public hearing closed.

b) Committee Discussion and Deliberation

Reabe asked about the 40dB level and Gjermo assured the committee that the cumulative level of all fans, etc., would not be above 40dB.

Peters discussed the WI-DNR email that expressed drainage concerns and the proximity of the river to the site. Also stated that, after visiting the site, he has concerns about the dust related to the yard itself.

Gjermeo stated that they could apply any number of products to the dust. Kyle said that water is the best way to abate the problem.

Attorney Sondalle referred the committee to the criteria listed on the staff report.

Reabe inquired as to whether or not the Highway Safety Commission would be able to post new signs regarding Jake brakes and a lower speed limit. Henke replied that there had been trouble with these issues before and the company instructed their drivers and it seemed to alleviate the problem. Reabe also stated that he feels there should be paving. The paving may help with DNR concerns.

Shute explained that the Highway Department received all of the information regarding this request and no one responded with questions or concerns. He also reported that the Town of Mackford approved this request.

c) Committee Decision

On a motion by Reabe/Henke, unanimously carried on roll call (5-aye, 0-nay), to approve the conditional use permit with the following conditions:

- 1. The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any “development” related to this industrial operation.**
- 2. Adequate dust control measures be taken, due to vehicular traffic to and from this site as well as during unloading and loading of dry materials. Ingress (entrance) to and egress (exit) from the subject site shall be paved between County Road S to the mainline of the railroad.**
- 3. That all outdoor lighting installations be located no closer than three feet to an abutting property line, and shall be adequately shielded or hooded so that no direct light, excessive glare or illumination is cast upon other properties.**
- 4. Evidence that compliance with commercial building code requirements for structures that are the subject of this request is being pursued by the landowner.**
- 5. No expansion of existing use through expanding existing structures, additional structures and/or expanding the activity area shall occur without review and approval through future conditional use permit(s).**
- 6. The noise produced by the grain drying operation shall not exceed 40dB when measured outside and adjacent to the nearest single family dwelling.**

d) Execute Determination Form/Ordinance

Item II: Owner/Applicant: Jason & Crystal Hunt **Site Address:** N1165 Proscarian Road, Parcel #012-00393-0100, Part of the NE¼ of Section 21, and part of the NW¼ of Section 22, T14N, R12E, Town of Manchester, ±3.1 acres **Explanation:** The owners/applicants are requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District and C-2 Extensive Commercial District.

a) Public Hearing

Jason Hunt, N1165 Proscarian Road – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Peters reported that he looked at the property and talked with Mr. Hunt. He found no reason to not approve the request. They're just adding on to an existing shop.

Shute reminded the committee that this would not provide for good agricultural use.

c) Committee Decision

On a motion by Peters/Moderow, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the rezone request as presented and forward to County Board for final action.

d) Execute Determination Form/Ordinance

Item III: Owner/Applicant: Jason & Crystal Hunt **Site Address:** N1165 Proscarian Road, Parcel #012-00393-0100, Part of the NE¼ of Section 21, and part of the NW¼ of Section 22, T14N, R12E, Town of Manchester, ±3.1 acres **Explanation:** The owners/applicants are requesting a conditional use permit for an auto/semi repair operation.

a) Public Hearing

Jason Hunt, N1165 Proscarian Road – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Attorney Sondalle reminded the committee of the criteria and conditions listed in the staff report.

c) Committee Decision

On a motion by Reabe/Moderow, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use permit with the following conditions:

- 1. The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any “development” related to this operation.**
- 2. Per §350-23, outdoor lighting installations shall be adequately shielded or hooded so that no direct light, excessive glare or illumination is cast upon other properties.**
- 3. Evidence that compliance with commercial Building Code requirements for structures that are the subject to this request are being pursued by the landowner.**
- 4. Areas used to park inoperable equipment shall be identified and adequately screened from view (i.e. fencing, vegetation, etc.).**

5. **No expansion of existing use through expanding existing structures, additional structures and/or expanding the activity area shall occur without review and approval through future Conditional Use Permit(s).**
6. **That the Conditional Use Permit approval is subject to County Board enactment of a proposed C-2 Extensive Commercial zoning district.**

d) Execute Determination Form/Ordinance

ADJOURN

Motion by Peters/Henke, unanimously carried, to adjourn.

Time: 7:35 p.m.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

June 7, 2012