

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, May 4, 2017**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 5:15 p.m. in the Green Lake County Government Center, County Board Room, Green Lake, WI. The requirements of the open meeting law were certified as being met.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: **Robert Lyon, Harley Reabe, Rich Slate (5:49 p.m.), Michael Starshak, Peter Wallace**

Absent:

Also Present: **Matt Kirkman, Land Use Planning and Zoning Director
Missy Sorenson, Code Enforcement Officer
Krista Kamke, Code Enforcement Officer
Carole DeCramer, Committee Secretary
Daniel Sondalle, Assistant Corporation Counsel**

APPROVAL OF AGENDA

Motion by Wallace/Lyon, unanimously carried, to approve the amended agenda.

APPROVAL OF MINUTES

Motion by Reabe/Wallace, unanimously carried, to approve the minutes of 04/06/17.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE

Kirkman – At last month’s meetings, the committee and county board approved the Shoreland Zoning Ordinance revision. All approval documentation has been sent to Dale Rezabek, WI-DNR. An email was received from Mr. Rezabek stating that the Green Lake County Shoreland Zoning Ordinance is now certified and in full compliance.

DEPARTMENT ACTIVITY REPORTS

a. Permits and Others

Kirkman explained the monthly financial reports for the month of March.

b. Violations

Kirkman discussed the list of land use violations. Sorenson discussed the list of septic violations. Assistant Corporation Counsel Sondalle commended the department on decreasing the number of land use and septic violations.

DEPARTMENT/COMMITTEE ACTIVITY

a. Farmland Preservation Zoning District update

Kirkman – The Farmland Preservation Zoning District updates have been merged with Chapter 350 Zoning Ordinance updates. An overhead presentation of the proposed changes were discussed and why the changes are occurring. The majority of the proposed changes have been discussed at previous committee meetings. On this particular version, the appendix is not included. The committee agreed that it would be a good idea to delete the appendix. The next step is to forward the ordinance and maps to the consultant, Ken Jaworski, Martenson & Eisele, and he will review and forward everything to DATCP for the State’s review.

Kamke – Reported that there were, originally, approximately 200 split-zoned parcels. One hundred eighty-five split-zoned parcels have been resolved; there are fifteen parcels that property owners have, so far, chosen to leave as is.

Slate asked that the committee receive a clean *pdf* copy of the ordinance.

The committee directed Kirkman to forward the amendments and maps to the consultant, Ken Jaworski.

b. Other Proposed Zoning Ordinance amendments

Discussion of the amendments were included under a. Farmland Preservation Zoning District update.

c. Stormwater and Erosion Control Ordinance update

Kirkman – Reported that, while he is working on the erosion control portion of the ordinance, Paul Gunderson, Green Lake County Land Conservationist, continues to work on the stormwater portion of the ordinance. This will be discussed at future committee meetings.

d. Permit tracking software update

Kirkman – At a recent seminar, a group of users of the permit tracking software met for a discussion regarding the ins and outs of the program. On May 12th, the company is holding a formal training for Green Lake County departments that will be utilizing the software. The full system will be in place by the June 1st committee meeting.

e. Administrative policy review of “Treated Impervious Surfaces”

Kirkman – Explained the possibility of creating an administrative policy for treated impervious surfaces. A handout with the following proposed policy was discussed:

Treated impervious surfaces provide for impervious surfaces that can be documented to show that stormwater runoff is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems, to be excluded from the impervious surfaces calculations under Section 338-46.

A property owner is entitled to this exception only when a sufficient (appropriately sized) treatment system or treatment device is treating the runoff from the impervious surface. To qualify for the exemption, property owners shall submit a complete land use permit application to be reviewed by the Land Use Planning & Zoning Department. The application shall include the following:

Rain Gardens (Only)

- 1) Land use permit application per Section 338.63.B. of the Green Lake County Shoreland Zoning Ordinance.*
- 2) Rain Garden shall be designed per Section 338.60.E. of the Shoreland Zoning Ordinance.*
- 3) A rain garden specific site plan, indicating and illustrating sizing and design calculations, site and soil characteristics, rain garden distance to downspout, and rain garden dimensions as well as a planting layout.*
- 4) An implementation and maintenance schedule for the property owner to establish and maintain the rain garden as well as an enforceable obligation.*
- 5) The enforceable obligation shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the land use permit.*

For All Other Devices or Systems

- 1) Land use permit application per Section 338.63.B. of the Green Lake County Shoreland Zoning Ordinance.*
- 2) Calculations showing how much runoff is coming from the impervious surface area. Applicants are to use a two-year, 24-hour rainfall event appropriate for Green Lake County.*
- 3) Documentation that the run-off from the impervious surface is being treated by a proposed treatment system or treatment devices shall be submitted by a professional engineer, landscape architect, or other qualified professional.*
- 4) An implementation and maintenance schedule for the property owner to establish and maintain the treatment system or treatment devices as well as an enforceable obligation.*
- 5) The enforceable obligation shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the land use permit.*

Kirkman further explained that the committee could amend the Shoreland Zoning Ordinance to include the specifics of designing an infiltration system to NRCS (Natural Resource Conservation Service) or Land Conservation standards, or adopt an administrative policy like the one above. The administrative policy seems to be the best way to handle this rather than adding 2-3 pages to the ordinance. Staff would determine if the surfaces are treated according to standards rather than having the specifics spelled out in the ordinance.

Starshak suggested bringing in some of the local conservancy groups for input. Kirkman said that he would consult with Charlie Marks, Green Lake Sanitary District. If the committee decides to approve an administrative policy, the ordinance may have to be amended to include the policy.

Motion by Lyon/Wallace, unanimously carried, to instruct the department to move in the direction of adding the NRCS language to the ordinance and develop an internal administrative policy that links to it.

5:28 p.m. The committee recessed for 5 minutes prior to the public hearing.

6:33 p.m. The committee reconvened.

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: MEU Holdings WI V LLC **Agent:** Andrea Roschke, von Briesen & Roger, SC **General legal description:** N5660 County Road A, Parcel #004-00647-0000, Lot 1 Certified Survey Map 2170, Part of Government Lot 3 of Section 27, T16N, R13E, Town of Brooklyn, ±20.301 acres **Request:** Comprehensive Plan amendment to the *Future Land Use Map*.

a) Public hearing

Andrea Roschke, von Briesen & Roger, SC, 411 E. Wisconsin Street, Milwaukee - Spoke in favor of the request.

Public hearing closed

b) Committee Discussion & Deliberation

Kirkman read through the list of criteria and staff's opinion on meeting the prerequisites. The Town of Brooklyn approved the request.

c) Committee Decision

On a motion by Slate/Lyon, unanimously carried on roll call (5-ayes, 0-nays), to approve the Comprehensive Plan amendment to the *Future Land Use Map* and forward to the county board of final action.

Item II: Owner: MEU Holdings WI V LLC **Agent:** Andrea Roschke, von Briesen & Roger, S.C. **General legal description:** N5660 County Road A, Parcel #004-00647-0000, Lot 1 Certified Survey Map 2170, Part of Government Lot 3 of Section 27, T16N, R13E, Town of Brooklyn, ±20.301 acres **Request:** Rezone request from C-1 General Commercial District and A-2 General Agriculture District to R-4 Rural Residential District and A-2 General Agriculture District.

- a) Public Hearing

Andrea Roschke, von Briesen & Roger, SC, 411 E. Wisconsin Street, Milwaukee - Spoke in favor of the request.

Public hearing closed

- b) Committee Discussion & Deliberation

Kirkman read through the list of criteria and staff's opinion on meeting the prerequisites. The Town of Brooklyn approved the request. A letter from von Briesen & Roger, SC was referenced explaining that the existing building is in the process of being removed. The boat lifts are also removed from the property.

- b) Committee Decision

On a motion by Slate/Reabe, unanimously carried on roll call (5-eyes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

Item III: Owner: William Kuhfuss **General legal description:** W1759 Prairie Dr, Parcel #010-00587-0200, Lot 1 Certified Survey Map 3001, Part of the SE¼ of Section 29, T14N, R13E, Town of Mackford, ±10.0 acres **Request:** Conditional Use Permit request for a single-family dwelling for a caretaker.

- a) Public Hearing

Sharon Kuhfuss, W1759 Prairie Drive – Spoke in favor of the request.

Public hearing closed

- b) Committee Discussion & Deliberation

Kirkman explained the request and how it meets the criteria of the ordinance. The list of staff-recommended conditions was also read. The Town of Mackford approved the request.

- b) Committee Decision

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

- 1) A land use permit is required before any new construction starts.
- 2) The maximum number of dwellings shall be limited to the two existing homes unless future Conditional Use permits and/or zoning changes allow for additional structures.
- 3) The approved dwelling shall be occupied only by caretakers and/or laborers responsible to the onsite farm, and shall not be left unoccupied for a period exceeding six (6) consecutive months in any one (1) year period.
- 4) The existing single-family dwelling on parcel 010-00587-0200 shall only be occupied by the farm owner or the immediate family of the farm owner.
- 5) If violations are found to any of the approved conditions of this permit, or if the zoning and/or use of the land is changed to contradict the intended purpose of

the approved permit, the owner(s) of the identified property shall be required to make the necessary modifications to the structures and/or deed to comply with the provisions of Chapter 350 of the Green Lake County Zoning Ordinance.

Item IV: Owner: Cristine C. Hess **Agent:** David H. Jacob, PLS – Jacob Land Surveying, LLC **General legal description:** N7737 County Road A, Parcel #002-00564-0100, Lot 1 Certified Survey Map 3310, Part of the SE¼ of Section 29 and Part of the NE¼ of Section 32, T17N, R13E, Town of Berlin, ±37.483 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential District, ±3.0 acres.

a) Public Hearing

Cristine Hess, N7737 County Road A – Spoke in favor of the request.

Public hearing closed

b) Committee Discussion & Deliberation

Kamke explained the request and how it meets the criteria of the ordinance. The list of staff-recommended conditions was also read. The Town of Berlin approved the request.

b) Committee Decision

On a motion by Slate/Wallace, unanimously carried on roll call (5 -eyes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

- Mobile home requirements – provide legal opinion for the R-2 zoning district
- Farmland Preservation Zoning District update
- Other Zoning Ordinance amendments
- Stormwater and Erosion Control Ordinance
- Live permit tracking update
- Contractor seminar update

b. Meeting Date

July 6, 2017

Business meeting – 5:15 p.m.

Public hearing – 6:30 p.m.

ADJOURN

7:08 p.m. The meeting adjourned.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

June 1, 2017