

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, June 7, 2012
Business Meeting – 4:30 p.m.
Public Hearing – 6:00 p.m.**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 4:31 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: **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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Henke/Reabe, unanimously carried, to approve the May 3, 2012, minutes.

PUBLIC APPEARANCES

a. Elmer Bock – Landmark Services Cooperative

Elmer Bock, W1618 County Road S – Stated that, at the last planning and zoning committee meeting, the committee approved a driveway for Landmark Services that is located on a residentially-zoned lot. He questioned the legality of that approval and why that parcel was not included as part of the request.

Shute showed on the overhead projector where the road is located. Also explained how it is currently being used and will continue to be used for ingress and egress.

Corporation Counsel Sondalle – Advised that the driveway is owned by Landmark and is being used for a driveway. There is no need to rezone the parcel and this shouldn't be an issue.

Starshak – Reiterated that, if there was a commercial structure being built, there would be an issue. Under the current rules, there is no issue because it is an existing road. Regarding Bock's comment about it not being part of the original request, it was shown as part of the site plan.

b. Roger Field – Zoning's correlation with economic development in Green Lake County

Roger Field, Chairman of the Green Lake County Economic Development Corporation, W1348 County Road AA – Explained that the economic development corporation (EDC) has been working on a strategic plan for the future and has been looking at different options and proposals. There appears to be an issue with people's perception of zoning. The EDC would

like to have combined meetings with this committee in order to better help residents with zoning issues or with their perception of zoning. The EDC is looking to increase economic development within the county. Going forward, the EDC would like to communicate with this committee to understand where they are headed.

Mr. Field introduced past EDC chairman Phil Baranowski, past member Margaret Whirry, and current member Harley Reabe.

Henke – Asked about the budget for the tri-county EDC and related that to the railroad consortium.

Peters - Suggested that the planning and zoning committee meetings are a good conduit to have the joint meeting and that Mr. Fields should contact the Land Use Planning and Zoning Department to be placed on the agenda.

Reabe – Stated that there are potentials and the county has to land some of those potentials. We still have unemployed in the area.

Starshak – Commented that it is important to educate people about the process. The committee recently approved a conditional use permit for a Green Lake County resident who will now be able to start/expand a truck motor repair shop on his property.

Jim Fox, Town of Green Lake Chairman – Expressed that it is good that the two committees are communicating.

c. Gary & Renee Whirry – conditional use permit discussion

Renee Whirry, N2865 Cedar Road, Cedar Hill Farm – Explained that they have a wedding and banquet business out of an existing barn. They need clarification on some of the conditions on the conditional use permit that was granted 2/1/12. They understood that they need an inspection by a commercial inspector because they thought this is what the committee was asking them to do. Two inspections were completed by a mechanical engineer, based on commercial code. The report is not back yet. They also had a building inspection done by an architectural engineer. Is this enough? The zoning office says we need to go through Safety and Buildings for a state review. With another business located in another county, they have said that we don't need a state review. This county appears to be asking us to do more than the state. This business brings in over 100 people per weekend, mostly from out of state, which helps surrounding businesses. The state review would cost approximately \$13,000 and an additional \$6,000 for what the county appears to be asking. If both need to be done, this business may have to shut down. The bottom line – is it necessary to go through the state review when the state is not requiring it, or is an inspection that comes out the same basis good enough?

Shute – Explained that he reviewed the minutes (audio) and said that he hoped they didn't misunderstand that the county was not asking for more than the state. The condition that staff offered to the committee is one that has been used in other conditional use permits. The committee asked for some documentation that can be placed in the file that the business addressed that condition. If the department, at the state level, is not requiring state approval, the committee is looking for something that can be placed in the file.

Peters – Asked if a holding tank is permissible.

Shute – If the soils are suitable for a mound or conventional system, that is what the ordinance requires.

Starshak – If there is nothing that the committee can decide on at this time, the Whirrys should work with the department to complete the requirements.

Sondalle – The committee has made the decision. The Whirrys should see if they can get something for the file. If not, put it back on the agenda.

Shute – The Whirrys have had the inspections completed and will probably present those to cover #4 on the conditional use permit. This committee never required that inspection. What was required is some documentation from Commerce that the Whirrys were working with them for approvals, if required. The question is now whether staff should accept the walk-through inspection reports in place of the Department of Commerce's saying whether or not they need approval. Based on the conditions, as stated at the February, 2012, meeting, it was stated that it should come from the Department of Commerce.

Whirry – That would only come from a state review and they won't give any documentation for something they don't require.

Moderow – Stated that, since she has documentation from General Engineering, there shouldn't be a problem. The building has been inspected.

Shute – Asked that Mrs. Whirry get the name and number of the state individual to him so that he can verify the information.

Whirry – Said that she wants to make sure that they're being treated the same as everyone else that is seasonal and has requested a conditional use permit.

Shute – Explained that nobody, especially the Planning and Zoning Department, is suggesting that the business be shut down. This needs to be clear. Staff had pressure from the Whirrys to get on the February agenda. The application was accepted without documentation just to get them on that agenda. They wanted to get on early in the year so that they could begin working to get things completed before their season began. A friendly reminder was sent to the Whirrys asking where they were in the process. At this point, the department needs the state contact name and number that informed Mrs. Whirry that they don't need a state inspection.

Starshak asked that this be placed on next month's agenda.

PUBLIC COMMENT

Ron Triemstra, W926 Woodland Circle – Explained that he attended the May county board meeting in order to explain to the county board the ramifications of not adopting the proposed shoreland protection ordinance (it has been tabled by the county board). He, personally, has spent \$150 for a land use permit that has been denied, \$375 for a variance to the existing shoreland ordinance, over \$800 on engineering fees to develop an alternate mitigation plan, and it's estimated that, if the mitigation plan is accepted, it will cost approximately \$2,000-\$2,500 to

install the proposed mitigation system. The total estimated cost is \$3,500 to \$4,000 for a \$14,000 addition. It's out of proportion. If the proposed shoreland protection ordinance had been adopted, none of this would be necessary.

CORRESPONDENCE

a. Gregg Cygnar – Little Green Lake Protection and Rehabilitation District correspondence

Shute – Shared a letter that the department received from Gregg Cygnar, Chairman of the Little Green Lake Protection and Rehabilitation District. Early in 2011, the district contacted staff to investigate a strip of septic systems along the shore of Little Green Lake to determine whether or not there were failing systems. It's not this department's job to do routine inspections and make determinations. The department has communicated this with the district and with the district's attorney. This will be communicated again with Mr. Cygnar and the district's attorney.

b. Unpaid leave – Alan Shute

Shute – Requested that he be granted a week of unpaid leave in August.

Motion by Henke/Reabe, unanimously carried, to approve a week of unpaid leave in August for Alan Shute.

PURCHASES

a. Plotter for GIS

Peters – Spoke with Al (Shute) two to three weeks ago. It is the county's policy to purchase maintenance agreements. The money is budgeted and there should be no problem with the purchase. This includes a one-year warrantee with a three-year maintenance contract.

Motion by Peters/Henke, unanimously carried, to purchase the GIS plotter and maintenance contract in a timely fashion.

CLAIMS

Claims totaling \$930.27 for Land Use Planning and Zoning were submitted.

Motion by Reabe/Henke, unanimously carried, to approve the claims in the amount of \$930.27 for payment.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

a. Permits, public hearings, etc.

Shute – Discussed the various aspects of the activity report.

b. Violations

(1) Janik property, Town of Green Lake – status of violation

Sondalle – Advised that he has a conflict with this and cannot be a part of any discussion with the committee.

Shute – The department needs direction on how to proceed with this violation. This was given to the Assistant Corporation Counsel Jeff Haase in June, 2011. When Attorney Sondalle took over for Attorney Haase, because of Sondalle's conflict of interest, it was given back to Haase to

pursue. He, initially, sent correspondence to the Janiks, gave them 30 days to respond, but then never pursued it after the 30-day deadline (April 26, 2012). Staff has called, left messages, sent letters, and emails for an update. Marge Bostelmann contacted Attorney Haase and he informed her he was waiting for a response from the Janiks' attorney.

Peters – Suggested that staff send a letter to Attorney Haase to advise him to cease and desist with further action. Staff should wait until the county hires a full-time corporation counsel to handle this.

Motion by Peters/Reabe, unanimously carried, to send correspondence to Attorney Haase asking that he stop further action on this issue and return all paperwork to the county. The committee will not pursue this issue with the Janiks until the county has a list of outside attorneys.

Motion by Henke/Moderow, unanimously carried, to approve the April, 2012, monthly reports.

DEPARTMENT/COMMITTEE ACTIVITY

a. Shoreland Zoning Ordinance

Reabe – Asked if the proposed ordinance is still under the county board control?

Sondalle – The county board has to put it on the agenda and then bring it back to the committee.

Reabe – There are three things that can happen: no action, act on it, or send it back to committee.

Starshak – We've had a lot of public interest in this proposed ordinance. There is enough public interest to revive this and send it back to committee and put it up for approval.

b. R-3 Multiple Family Residence District

c. R-4 Rural Residential District

Shute – Shared copies of proposed R-3/R-4 Districts. These new districts would be placed in the agricultural districts. This is the proposal to get a larger transitional residential area, three to eight acres to satisfy some of the rezone issues the committee is confronted with now. The committee should review the permitted uses that are listed. The R-4 district is a residential district with some agricultural allowances in it. It is ideally placed in an agricultural environment in the midst of agricultural areas. Some other counties have these districts created already. In the R-3 district, there are multiple family districts now. This proposed ordinance amending would put multiple family in one zoning district. The existing districts (R-3 and R-4) would now be an R-3 district. The rural residential district is proposed R-4.

Attorney Sondalle – Advised that the committee move this to a public hearing.

Motion by Peters/Reabe, unanimously carried, to move the proposed R-3/R-4 ordinance amendment to an August 2nd public hearing.

d. Wind Turbines

Attorney Sondalle – The new regulations that were put on hold in March, 2011, are now in the works. The county has to decide whether or not the wind energy ordinance should be re-enacted. The PSC passed Chapter 128 of the Administrative Code and that states what has to be in the ordinance. The county cannot be more restrictive.

Starshak – Explained the uncertainties of wind energy and how important it is for the committee to examine those.

Fox – Stated that wind turbines are a good thing, but they have their place. Whether it's a large dairy or wind turbines, each enterprise has its drawbacks.

Attorney Sondalle – From the time the county receives an application for the placement of a wind turbine, the committee has four months to create an ordinance.

Shute – It wouldn't be that difficult because the PSC states what is allowed in the ordinance.

e. 2013 Budget

Shute – The Finance Committee directed that there be a zero increase of operational costs. The Personnel Committee is looking at salaries and benefits. Last year, the professional service lines on this department's budget were severely cut. The comprehensive plan update is required in 2013. Estimates for doing this for county comp plans can run from \$40,000 to \$65,000. We have to figure out how to address that cost. Money set aside to date is \$26,000. In 2014, the Farmland Preservation Plan has to be updated. The estimated cost for that plan is \$50,000 to \$75,000. The two plans could run \$100,000 or more and we have set aside \$26,000.

The committee talked about sharing information with other municipalities. Peters suggested that Shute talk with Marge Bostelmann since this is too large of an item to come out of the planning and zoning budget.

CLOSED SESSION PER WISCONSIN STATE STATUTE 1985(1)(g) CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED.

A. CRAIG MUENCHOW PROPERTY – TOWN OF GREEN LAKE

Motion by Peters/Henke, unanimously carried on roll call (5-ayes, 0-nays), to move to closed session per Wisconsin State Statute 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

A. Craig Muenchow Property – Town of Green Lake

RESUME INTO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION

Motion by Reabe/Starshak, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session.

Findings:

Corporation Counsel presented a summary of the Muenchow/Schmidt issue. Corporation Counsel informed the committee that he asked County Clerk Marge Bostelmann to forward a summary of a meeting with Craig and Amy Muenchow to the county's insurance carrier. Corporation Counsel's recommendation is to wait for a response from the insurance carrier.

FUTURE AGENDA ITEMS

A. FUTURE ACTIVITIES

Items to be placed on the next agenda should include the shoreland protection ordinance. Peters stated that open-pit mining has a huge, sometimes negative, effect on the county and suggested that the fee structure be re-examined by the committee. Shute explained that this is why, when the committee is reviewing conditional use permits for mining, the town and highway department are notified so that applicable conditions can be applied to the permit. Shute explained that the department has lost staff and negotiated with the DNR to be able to use aerial photography for reporting purposes rather than having staff going on site to inspect mines. Reabe suggested that a call to the DNR regarding appropriate fees may be appropriate. Starshak asked that impact fees be explored possibly by the department. Shute explained that any dollars generated by mining are single-purpose dollars and need to stay in the mining program.

NEXT MEETING DATE

July 5, 2012

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

6:00 p.m. Motion by Peters/Moderow, unanimously carried, to take a five-minute break.

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 6:10 p.m. for public hearing items and read the rules of public hearing.

Item I: Owner/Applicant: Kathleen R Holl **Site Address:** W3539 Yunker Road, Parcel #012-00660-0000, Part of the NW¼, Section 34, T14N, R12E, Town of Manchester, ±19.39 acres

Explanation: The applicant is requesting a rezone from A-1 Exclusive Agriculture District to A-2 General Agriculture District.

a) Public Hearing

Kathleen R Holl, W3539 Yunker Road – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – Explained that this rezone, if approved, would bring this 20-acre lot into compliance and resolve the violation. The use of the land will remain agricultural.

Starshak – Discussed with the committee, attorney, and Shute the four criteria listed in the staff report and found that the request fit the prerequisites.

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 II: Owner/Applicant: Landmark Services Cooperative **Agent:** Mike Elder **Site Address:** W1649 County Road S, Parcel #010-00153-0100, Part of the NW¹/₄, Section 9, T14N, R13E, Town of Mackford, ±1.58 acres **Explanation:** Rescind conditional use permit, approved August 5, 2009, to store and distribute flammable and combustible liquids in existing above ground storage tanks including a new 30,000 gallon propane tank.

a) Public Hearing

Mike Elder, Landmark Services, 1401 Landmark Drive, Cottage Grove, WI - Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

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

- 1) The Land Use Planning & Zoning Committee action to rescind the 2009 CUP is subject to Committee approval of a new CUP, and the applicant agreeing and complying with the new CUP and any conditions attached thereto for the expansion of the existing operation, per public hearing request, Item IIA, of this meeting.**

d) Execute Determination Form/Ordinance

Item IIA: Owner/Applicant: Landmark Services Cooperative **Agent:** Mike Elder **Site Address:** W1649 County Road S, Parcel #010-00153-0100, Part of the NW¹/₄, Section 9, T14N, R13E, Town of Mackford, ±1.58 acres **Explanation:** The owner/applicant is requesting a conditional use permit for the existing combustible/flammable liquid storage and distribution operation as well as to expand their propane storage capacity by adding an additional 30,000 gallon propane tank.

a) Public Hearing

Mike Elder, Landmark Services, 1401 Landmark Drive, Cottage Grove, WI - Spoke in favor of the request.

Elmer Bock, W1618 County Road S – Spoke against the request.

Shute – Explained why the request is being presented the way it is. There have been fence and sign issues in the past along with the way tanks were placed on the property. This is an opportunity to start over and look at everything.

Peters – This is a perfect opportunity to ask them to securely fence any tank that is 1,000 gallons or less.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

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

- 1) 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).**
- 2) Must comply with Wisconsin Department of Commerce and all other applicable storage tank regulations.**
- 3) All outdoor lighting installations must 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) Adequate dust control measures, to include paved entrance and exit drives, shall be taken due to vehicular traffic to and from this site.**
- 5) Evidence of an updated disaster/emergency control plan shall be submitted prior to Land Use Permit issuance.**
- 6) Any propane tanks, used for distributing propane to Landmark’s customers, be stored in a locked fenced enclosure and screened along the roadside of the enclosure.**

d) Execute Determination Form/Ordinance

ADJOURN

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

Time: 7:35 p.m.

RECORDED BY

4:30 p.m. – 6:00 p.m.

Carole DeCramer

Committee Secretary

6:00 p.m. – 7:35 p.m.

Alan K. Shute

Land Use Development Director/County Surveyor

APPROVED ON:

July 5, 2012