

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting & Public Hearing Minutes – July 2, 2008 – 4:30 p.m.**

CALL TO ORDER

Committee Chair Sue McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 4:30 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: **Roberta Erdmann, Eugene Henke, Susan McConnell, Howard Sell,
Thomas Traxler, Jr.**

Absent:

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

APPROVAL OF MINUTES – None

PUBLIC APPEARANCES – None

PUBLIC COMMENT – None

CORRESPONDENCE

a. Draft correspondence to Corporation Counsel John Selsing

Shute handed out a draft letter to Attorney John Selsing regarding appointing Assistant Corporation Counsel Jeff Haase as counsel for the Board of Adjustment. The committee would have to approve of legal counsel for staff if that need should arise.

Motion by Erdmann/Traxler, unanimously carried, to accept the proposed letter and send it to Corporation Counsel John Selsing. Motion carried.

b. Draft budget and report to Finance Committee

A draft copy of the budget report for the finance committee was shared with the committee. Duties and services provided were reviewed as well as revenue and expenses. The 2009 department budget will continue to be reviewed and discussed.

c. Estates of Lawsonia; copies of correspondence to Committee

The committee was given copies of letters and emails to and from Davel Engineering, the engineering company for the Estates of Lawsonia that have been sent and received since the last meeting.

Shute informed the committee that he received a copy of a letter from the Wisconsin Department of Natural Resources, addressed to County Board Chairman Orrin Helmer, regarding the recent flooding. The letter was a reminder to Green Lake County to enforce the floodplain ordinance that relates back to

the national flood insurance program. The county will receive applications for permits for anyone that had flood damage. The department will inspect those properties and determine substantial damage, which is over 50% of a property's assessed value. Other standards for flood proofing will then be required.

PURCHASES – None

CLAIMS

Claims totaling \$960.85 were submitted.

Motion by Traxler/Sell, unanimously carried, to approve the claims in the amount of \$960.85 for payment. Motion carried.

APPROVAL OF DEPARTMENT ACTIVITY REPORT – None

DEPARTMENT/COMMITTEE ACTIVITY

a. Fees for public hearing applications

Shute will continue to research what other counties are charging and will report back at the next meeting.

b. Staff recommends creating a definition ordinance

A more critical priority is amending the agricultural districts. Staff recommends work begin on this area of the ordinance before the definition ordinance. The committee agreed.

GENERAL COMMITTEE DISCUSSION

a. Such other matters as authorized by law

b. Future activities

NEXT MEETING DATE

August 6, 2008

– Business Meeting 4:30 p.m.

– Public Hearing 6:00 p.m.

RECESSED AT 5:49 P.M.

RECONVENED AT 6:00

6:00 P.M. - 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: Town of Manchester **Site Address:** Grand River Road west of State Highway 44/73, Parcel #012-0176-0100, Lot 1 Certified Survey Map 2837, Section 10, T14N, R12E, Town of Manchester (± 2.00 Acres) **Explanation:** The owner/applicant is requesting a reconsideration

of a conditional use permit approved on April 3, 2002, to allow only the expansion of an existing cemetery.

- a) Public Hearing

Wallace Williams, Chairman of the Town of Manchester – Spoke in favor of the request.

Corrine Krueger, Town of Manchester Clerk – Spoke in favor of the request.

Public hearing closed.

- b) Committee Discussion and Deliberation
- c) Committee Decision

Motion by Traxler/Henke, unanimously carried on roll call (5-ayes, 0-nays), to delete the existing cemetery portion and limit the approval to only the expansion of the existing cemetery. Motion carried.

- d) Execute Determination Form/Ordinance

Item II: Owner: Aaron Schmucker **Site Address:** W3884 Grand River Rd, Parcel #012-0152-0000, Located in the SE¼ of Section 9, T14N R12E, Town of Manchester, (± 34.787 Acres) **Explanation:** The owner/applicant is requesting a conditional use permit for a commercial bulk food and bent and dent store.

- a) Public Hearing

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

Judith Shank, W4295 Grand River Road, Manchester – Spoke in favor of the request.

Public hearing closed.

- b) Committee Discussion and Deliberation
- c) Committee Decision

Motion by Henke/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the conditional use request with the following conditions:

- 1) **The commercial operation shall be a secondary use only, with the agricultural use being the principal use of the site.**
- 2) **The commercial use can only be owned and operated by an owner of the agricultural operation that resides on the site.**
- 3) **Any buildings proposed for the commercial use shall be easily convertible to an agricultural use.**
- 4) **Only one sign in support of the commercial use is allowed per site and shall be limited to 12 square feet as identified in Section 5.0 Sign Regulations type 3, of the County Zoning Ordinance.**
- 5) **All building/structure standards of the agricultural district shall apply.**

In addition:

- 6) **That the owner/applicant apply for and receive a County Land Use Permit prior to commencing any work related to this commercial operation.**
- 7) **That the owner/applicant is responsible for obtaining permits from any other regulatory agency, if required.**
- 8) **No additional expansion of the proposed operational structures or uses shall occur without review and approval through future Conditional Use Permit(s).**
- 9) **That a deed restriction be filed in the County Register of Deeds Office stating that, the commercial use described in this request can only be owned and operated by the current landowners of the agricultural operation on this subject site and said commercial use shall terminate upon sale or transfer of the property.**

Motion carried.

Item III: Owner: Wilbur Bontrager **Agent:** Arnold Knight **Site Address:** N2127 Marquette Road, Parcels #012-0103-0100 and #012-0104-0100, Located in the SE¼, Section 6, T14N, R12E, Town of Manchester, (± 40.00 Acres) **Explanation:** The owner/applicant is requesting a conditional use permit for the construction of a parochial school.

a) Public Hearing

Arnold Knight, W4066 State Road 44, Markesan, WI – Spoke in favor of the request.

Public hearing closed.

Motion by Erdmann/Henke, unanimously carried, to suspend the rules to allow the committee to ask Mr. Knight questions regarding the request. Motion carried.

The committee discussed ingress, egress, outdoor facilities, and parking.

Motion by McConnell/Traxler, unanimously carried, to suspend the rules to allow the committee to ask Harley Bontrager questions. Motion carried.

The committee discussed with Mr. Bontrager the importance of removing the old house from the property before a land use permit can be issued for the school. The removal of the old house would be in fulfillment of a permit that was issued three years ago.

Harley Bontrager, W4376 State Road 44, Markesan, Chairman of the School Committee – Questioned the committee as to why the school committee would be responsible for the house removal when Wilbur Bontrager was the individual who obtained the original land use permit for the new house and was suppose to remove the old one.

The committee maintained that the old house must be removed before the school could be built.

Public hearing closed.

c) Committee Decision

Motion by Traxler/Erdmann, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use request 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 existing vacant two story single family dwelling shall be removed immediately before any conditional use permit is granted.**
- 3) The proposed school be listed with the Wisconsin Department of Public Instruction and registered with the State of Wisconsin School System.**
- 4) That a deed restriction be filed in the County Register of Deeds Office stating that, the school use described in this request can only be owned and operated by the current landowners of the agricultural operation on this subject site and said school use and conditional use permit shall terminate upon sale or transfer of the property.**
- 5) That the owner/applicant is responsible for obtaining permits from any other regulatory agency, if required.**
- 6) That the owner/applicant apply for and receive a County Land Use Permit prior to commencing any work related to this school construction project.**

Motion carried.

PUBLIC COMMENT - None

ADJOURN

Meeting adjourned at 7:14 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

August 6, 2008