

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, July 3, 2013**

CALL TO ORDER

Committee Chair Starshak 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 #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

Matt Kirkman, Code Enforcement Officer

Missy Sorenson, Code Enforcement Officer

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Henke/Reabe, unanimously carried, to approve the June 6, 2013, minutes.

PUBLIC APPEARANCES - None

PUBLIC COMMENT

Steve Anderson, N1318 County Road O, Markesan – Stated that his neighbor would like to buy 10 acres from him. The neighbor wants to build a shed to store his carpentry equipment. He'd like the ten acres for his kids. I was informed that there may be some zoning difficulties. The neighbor just wants to use it for his own use with no commercial use.

Starshak advised that he continue to work with the department to resolve any issues.

CORRESPONDENCE

Shute – Reported that he received an email from the Department of Agriculture, Keith Foyer, commenting on the budget. The state budget includes money for the Farmland Preservation Plan update grants. This committee was waiting to see if grant money would be available to cover 50% of the cost of upgrading the plan. Now that the budget question is answered, the committee may want to include further discussion on future agendas. Shute added that the other piece of correspondence is in regard to NR115. The Department of Natural Resources has proposed some changes to the rule that affects impervious surfaces, nonconforming structure standards, vegetative management, and some reporting standards. Copies of the proposed changes were given to the committee. The public hearing date and time is listed on the cover page of the handout. The proposal for the county's newly adopted shoreland protection ordinance included the future adoption of the impervious surface language by February, 2014. Given these new proposed changes, the county may have more amendments to the ordinance to include the DNR's recommendations. This will continue to be discussed at future meetings.

PURCHASES - None

CLAIMS

Claims totaling \$2,109.07 were submitted.

Motion by Moderow/Peters, unanimously carried, to approve the claims in the amount of \$309.07 (Land Use Planning & Zoning) and \$1,800.00 (Land Information) for payment.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

a. Permits, public hearings, etc.

Shute – Discussed the various aspects of the reports.

On a motion by Henke/Reabe, unanimously carried, the committee approved the reports.

DISCUSS REPORT PREPARED BY STAFF REGARDING ONLINE REPORTING BY PUMPERS OF SEPTIC MAINTENANCE

Starshak – Explained that this is being discussed because there is a question as to what happens if someone has their septic pumped, but then the pumper does not report it. An example would be if a pumper does not get paid for the service and then refuses to report it online until he gets paid. The landowner is ultimately responsible for getting this done but has no guarantee that it will be reported; there is somewhat of a gap in this process which causes a concern.

Sorenson – Reported that she only requires the pumping April through November. Property owners receive notice 30 days ahead of time. They have 30 days to get the septic pumped. The pumpers file online through the county website. No homeowners report; only pumpers have passwords. There are 10 questions that have to be answered by the pumper in the submission process. If the homeowners do not comply, it is referred to the corporation counsel. The majority of property owners will respond to the corporation counsel's letter and comply by scheduling pumping.

Starshak – If the homeowner has their septic system pumped, does not pay the pumping bill, and the plumber refuses to report the maintenance to the county, the county gets caught in the middle. The job is done, but the county can't prove it without going out and inspecting the system. There is this small gap.

The committee agreed that, at this time, this is not a big problem. It can be monitored and reported to the committee if it becomes an issue.

Sorenson stated that Gerald Stanuch, GIS Specialist for Green Lake County, has done an excellent job at taking the existing database and creating an online site for plumbers/pumpers to report maintenance.

2014 BUDGETS, LAND USE PLANNING & ZONING DEPARTMENT AND LAND INFORMATION OFFICE

Shute – The county board's directive is a zero increase in operating expenses. The proposed 2014 budget reflects that directive and includes a change per a discussion that occurred at the Land Information meeting. The Land Use Planning & Zoning Department's budget has, historically, included money that has funded (per the Land Information Plan) part of the wages

for the GIS Specialist. The Land Information Council is positioning to change that so that the Register of Deeds office retains that money and this department now has to budget increased funds for the GIS position. Another change in the budget includes Professional Services. Last year it jumped from \$5,000 to \$40,000 to include Farmland Preservation Planning and Comprehensive Planning. That money is in the current budget and at the end of this year, we should carry that over so that this money, along with the grant money, will be available in 2014 to do the updates. For budget purposes, the committee could go back to previous allocations of \$5,000. Surveying should be increased from \$1,000 to \$5,000. Everything else would remain the same. The revenue side of the budget changed somewhat by decreasing septic permits and GIS map sales along with the elimination of the funds that have been transferred from recording fees. The overall decrease would be \$35,500 for the Land Use Planning and Zoning Department. The personnel aspect of the budget will be worked out through other committees.

The other budget is the Land Information budget. The changes reflect discussions that were held in the Land Information Council meeting. On the expense side, GIS wages are listed as a \$25,000 contribution (funds for this expense item are from retained fees that the county collects from the Register of Deeds recording fees; the county keeps a portion of the fees and they are single-purpose dollars to be used for Land Information). This contribution dates back to 1995 where they used those dollars for that purpose of paying the GIS person's wages and benefits. The strategic funds, as listed on the budget, are GIS wage contributions that have been funded by the Register of Deeds fees. Two dollars of each document recorded have to be set aside for the specific purpose of getting information out on the internet. This could be land information or records modernization. Over the years, \$50,000 has been collected for that purpose. On the revenue side of the Land Information proposed budget, everything that is taken in is expended and there is no levy impact.

On a motion by Moderow/Peters, unanimously carried on roll call, to approve the proposed 2014 Land Use Planning & Zoning and Land Information budgets and submit them to the county clerk's office.

DISCUSS/APPROVE THE LAND INFORMATION GRANT APPLICATION

Shute – Last year the committee approved the Land Information grant for re-establishing quarter section work that is used by surveyors and engineers. The county has corners that are unidentified; they were originally identified in the government surveys in the 1830's and some of them have been taken care of and others, in more difficult areas like the Grand River Marsh and White River Marsh, have fallen by the wayside and are no longer identifiable. As part of our parcel mapping and GIS, we use these corners that have provided a good foundation for the mapping system. The Land Information Council, at their last meeting, reviewed a grant proposal that comes out of the Land Information Office which is the Land Use Planning & Zoning Department. Because it is part of this department, I am the one that writes the grant. When writing the grant, I proposed that three-fourths of the funds for corner sections, which is approximately \$16,000. The balance of the funds I proposed for the register of deeds for back scanning of documents. The Land Information Council reviewed the proposed application and modified the grant proposal to provide \$10,000 of the \$22,448 for quarter section corners, and the remainder of the funds for the register of deeds project. I would still like to do the original project of surveying 20 corners. Money has been carried over since 1998 for resolving the unidentified corner sections in the county. We would need to supplement the \$10,000 with department funds in order to do this project just as the register of deeds office has to supplement their project cost with their department funds. The Land Information Office ultimately approved

the proposed grant application with the noted changes. Reabe inquired as to how many corners are left to survey in the marsh area. Shute replied that there are approximately 350 throughout the county that are unidentified and need to be re-established.

On a motion by Reabe/Henke, unanimously carried, to approve the grant application.

LAND INFORMATION UPDATES

Starshak – Updated the committee by giving the following background on the Land Information Office. Land Information, at one time, had an empowered committee. They would make decisions and pass them on to the county board. In 2010, that committee turned into an advisory council per state statute. At that point, the committee did not require county board members; it invited people from the community to sit on the council. As part of the advisory committee, the Land Information Office had to be assigned somewhere and it could have been anywhere within the county; it was decided that Al Shute would be the Land Information Officer and it would be up to Al to update the records electronically and it would be part of the Land Use Planning and Zoning Department. That was the driving force for creating that committee. In 2010, after much debate, the committee somewhat backed off and it became a council because so much of the foundational work was established electronically and was moving forward. It did not need as much power to drive it as it did originally. The council could advise by using the electronic updates. Al would coordinate the efforts and to include writing the grants. What has happened more recently is that the Land Information Council had not met because things were running smoothly. With new people in office, they were now looking to Land Information for money to fund their projects; i.e. updating their records. The question has become whether or not this group is a “committee” or a “council.” If it’s a council, they don’t have the power to send resolutions to the county board. And, if this group is a council, who do they advise? Do they advise Al and this committee? Corporation Counsel Dan Hurst is in the process of researching these questions. Shute added that the phrases go out that the money is being spent for the Land Use Planning and Zoning Department expenses. These are not projects of the Land Use Planning and Zoning Department or of my personal preference. This project serves many departments and the taxpayers. According to articles in the newspaper and hearing people talk, this is being portrayed as moneys that have been diverted to projects in this department. While the projects have been beneficial to things in the department, the projects were selected years ago as part of a Land Information plan that were put into place. When I started in 1998, it was already decided by the Land Information Committee that the parcel mapping and the establishing section corners were the highest priorities of Land Information and Records Modernization. When I select projects, as the Land Information Office, I do not select them for the benefit of my department. I look at where is the greatest good and what the plan says. I also look at what has been established in the plan when moving forward. The plan drives what the projects are and not my personal preference.

Other updates include correspondence from Laura Polcyn which refers to recording fees and the base amount of grants. The committee agreed that they want to be kept apprised of the research being done by Corporation Counsel regarding the power of the “council.”

WORKSHOP – PROPOSED A-2 GENERAL AGRICULTURAL ZONING DISTRICT

Shute – Reported that he did attend the Town of Marquette’s town board meeting. Questions and concerns were discussed at that time. This committee has discussed changing some of the uses to conditional uses. Some of these issues still need to be discussed with Corporation Counsel. One issue that the Town of Marquette raised was allowing the duplex in the A-2 district. One felt that it was an invitation for rental property in that district. The original intent

was to provide housing for farm laborers and is listed as a permitted use. The committee discussed clarifying permitted duplexes and establishing a separate living unit that would trigger a conditional use permit. The Town of Marquette would like to see more of an open discussion for the workshop setting. The committee would like to include this as an agenda item for next month and move forward. The town board chairmen receive the agendas each month and are always welcome to attend.

No one was in attendance to offer public comments.

DEPARTMENT/COMMITTEE ACTIVITY

a. Agricultural Zoning Districts

Shute – Discussed previously.

b. Continued discussion on 25-foot setbacks

Shute – At the last meeting you asked me to research the statutes that the Town of Brooklyn utilized when changing some speed limits. These were shared with Corporation Counsel. I would ask that the committee understand that the whole discussion on the 25-foot setback was initiated as a result of the adoption of the Shoreland Zoning Ordinance. The committee, at that time, provided a standard/setback from the road to the structure for unzoned townships. We had a setback in the zoned township that was fine. The committee felt that having no setback, which NR115 (administrative rule) does not provide a streetyard setback. The committee felt that, by not having one, wasn't in the best interest of the public. The committee, at that time, felt that a 25-foot setback was reasonable for unzoned towns. The zoned towns were covered with 42' or 40'. These setbacks were established through the public hearing process and studied by the committees. There is probably an appropriate application of 25', but I want you to know that history that you're taking a standard or a number that was applied to unzoned towns that had nothing previously. This is not a number that has been tested to see if it would serve the public well. It was a number that was given to unzoned towns that had nothing previously. Moving forward, we're looking at different criteria; do we really want to change that setback? One town chairman, after discussion with him, stated that he's really not in favor of the change. There may be, in some instances, a proper application for this. I just don't know how this should be applied. Speed limit seems like a confusing standard to try to enforce a 25' setback.

The committee asked Shute to draft a letter inviting the town officials to attend a meeting to discuss the proposed setback change.

c. Discuss issue with non-conforming structures in the shoreland area

Starshak explained the concept of non-conforming structures in the shoreland area. Shute continued with a more detailed explanation using a recent variance request that was heard by the board of adjustment. The committee asked that Shute dovetail any possible changes with what the state is doing. They also asked that he report back to the board of adjustment the committee's discussion.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

- Continued discussion on the conditional uses for the A-2 District
- Continued discussion on 25-foot setbacks
- Continued discussion on non-conforming structures in the shoreland area

- POWTS installation process whereby owners sign affidavits; amend POWTS ordinance

b. Meeting dates

August 1, 2013

Business Meeting 4:30 p.m.

Public Hearing 6:00 p.m.

ADJOURN

On a motion by Moderow/Reabe, unanimously carried, the committee adjourned.

Time: 6:38 p.m.

RECORDED BY

Carole DeCramer

Committee Secretary

APPROVED ON:

August 1, 2013