

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING COMMITTEE  
MEETING MINUTES  
Thursday, August 4, 2016**

**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.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Present: **Robert Lyon, Harley Reabe, Rich Slate, Michael Starshak**

Absent:

Also Present: **Missy Sorenson**, Code Enforcement Officer

**Matt Kirkman**, Interim Department Head/Code Enforcement Officer

**Carole DeCramer**, Committee Secretary

**Justin Sondalle**, Assistant Corporation Counsel

**APPROVAL OF AGENDA**

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

**4:34 p.m. Motion by Reabe/Lyon, unanimously carried, to seat Supervisor Rich Slate.**

**APPROVAL OF MINUTES**

**Motion by Lyon/Slate, unanimously carried, to approve the minutes of 07/07/16.**

**PUBLIC COMMENT**

Matt Greget and John Zodrow, W4713 State Road 23/73, Princeton – Mr. Greget explained an issue with the shoreland zoning ordinance and business signs that he and Mr. Zodrow would like to erect on their property on State Road 73. They want to construct two V-type billboards that they would like to locate as close to the road right-of-way as possible (66 feet from the centerline of the highway. WI-DOT has approved the site for the two signs, but they are unable to place the signs because of the current shoreland zoning ordinance which prohibits signage within the 25' setback area. They could apply for a variance from the Board of Adjustment; however, WI-DOT does not allow for variances. The only way that the signs would be allowed is for the 25' setback be removed from the shoreland ordinance.

The committee advised Mr. Greget and Mr. Zodrow of the public hearing that is scheduled for the shoreland ordinance amendment on September 1<sup>st</sup>. Kirkman will notify them about the agenda item.

**PUBLIC APPEARANCES** - None

**CORRESPONDENCE** - None

**PURCHASES** - None

## **CLAIMS**

Claims totaling \$553.50 were submitted.

**Motion by Slate/Lyon, unanimously carried, to approve for payment the claims in the amount of \$553.50.**

## **DEPARTMENT ACTIVITY REPORTS**

### **a. Permits & others**

Kirkman – Discussed the monthly financials and the permits.

### **b. Violations**

Kirkman and Sorenson – Discussed the land use and sanitary violation reports.

**Motion by Lyon/Slate, unanimously carried, to approve the monthly reports.**

## **KEN JAWORSKI, MARTENSON & EISELE**

### **a. Exclusive Agriculture Zoning District Update**

Jaworski – Reported that he and Kirkman met on July 14<sup>th</sup> to strategize about the exclusive agriculture zoning district update. There are seven action items that he asked the committee to provide direction:

1. The county has two options to adopt Farmland Preservation Zoning. Option A is to require property owners to rezone any lands that would be utilized for non-farm purposes. Option B is to allow non-farm lots to stay zoned A-1 and be surveyed off from a base farm tract, but must meet a density ratio established by DATCP.

The committee directed Mr. Jaworski to opt for Option A.

2. The county has options under option A to set a minimum acreage for lands that would be zoned A-1. Currently, Green Lake County has three agriculture districts: A-1 Exclusive Agriculture (proposed to be Farmland Preservation), A-2 General Agriculture, and R-4 Rural Residential. Kirkman suggested a minimum of eight acres for the proposed A-1 Farmland Preservation District.

The committee discussed concerns about the minimum requirement of eight acres for A-1 with, possibly, increasing that to fifteen acres. It was decided that more data is needed.

3. Presently, the A-1 zoning district is incorporated into the zoning ordinance and referenced throughout. An option is to create a subchapter that encompasses all things A-1 Farmland Preservation Zoning.

The committee agreed with this suggestion.

4. There are options in regard to the level of public participation in this process. The purpose would be to inform the public of the changes and allow for input before certification is obtained. We could hold a public information meeting prior to submitting the ordinance to DATCP, we could hold a public informational meeting during the DATCP review, and/or we could hold a public meeting after DATCP review. A public hearing is required by statute before the adoption of the final ordinance language.

The committee agreed that there should be two pre-DATCP meetings.

5. There will need to be a process to amend the Farmland Preservation Plan map whenever a land owner wants to designate land into the farmland preservation program. This is occurring in other counties like Dodge and Fond du Lac so this should be addressed sooner than later. DATCP certification is not contingent on this detail.

The committee agreed that an annual farmland preservation map update occur in October or November. This would eliminate multiple disruptive amendments occurring throughout the year.

6. This new and improved planning world now dictates that all inconsistent rezones not only include the rezone application, but a request to amend the comprehensive plan's future land use map, and in cases of farmland preservation, an additional amendment to the farmland preservation plan map may be required. The committee has a choice as to whether or not fees be charged for comprehensive plan and farmland preservation plan amendments. DATCP certification is not contingent on this detail. Kirkman suggested \$250 per plan amendment; the most a property owner would pay for a rezone request is \$875. Included in that fee would be the rezone request application, the comprehensive plan amendment, and the farmland preservation plan amendment.

The committee asked Kirkman to create a case study giving examples on how the proposed fee schedule would work. Include #7 in this study.

7. The current zoning ordinance includes the fee schedule. Counties and other municipalities are opting to have a county-wide fee schedule. The committee could decide to eliminate the fees in the ordinance and just reference the county's fee schedule in the proposed ordinance. DATCP certification is not contingent on this detail.

### 5:30 p.m. PUBLIC HEARING ITEMS

*Audio of committee discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.*

**Item I: Owners/Applicants:** Quality Aggregate, LLC, Jerome & Debra L. Trapp **General legal description:** W710 State Road 23/49, Parcel #004-00281-0000, Lot 1 Certified Survey Map 1712, Part of the SW<sup>1</sup>/<sub>4</sub> of Section 14, T16N, R13E, Town of Brooklyn, ±4.19 total affected acres **Request:** Rezone request from C-2 Extensive Commercial District to R-1 Single-Family Residence District, ±1.45 acres; ±2.74 acres will remain zoned C-2.

a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion & Deliberation

Sorenson explained the request. The Town of Brooklyn approved the request.

c) Committee Decision

**On a motion by Reabe/Slate, unanimously carried on roll call (3-ayes, 0-nays, 1-abstain), to approve the rezone request as presented and forward to the county board for final action.**

d) Execute Determination Form/Ordinance

**Item II: Owner/Applicant:** Yukon Storage, LLC – John Loberg **General legal description:** W1734 North Street, Parcel #004-00410-0600, Lot 1 Certified Survey Map 3541, Part of the SE¼ of Section 17, T16N, R13E, Town of Brooklyn, ±.4618 total affected acres **Request:** Conditional use permit request to expand a mini-warehouse building.

a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman explained the request. The Town of Brooklyn approved the request.

Included in the committee discussion was the possibility of punitive fees since the project was built before obtaining a land use permit, and was also built within the required setback. Any punitive action will be discussed at the September 1<sup>st</sup> committee meeting.

c) Committee Decision

**On a motion by Slate/Lyon, unanimously carried on roll call (4-ayes, 0-nays), to approve the conditional use permit request with the following conditions:**

- 1) **No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).**
- 2) **The owner/applicant shall apply for and receive an after-the-fact Land Use Permit to approve the addition and to approve the required alterations that will provide the required 12-foot side-yard setback.**
- 3) **Evidence that compliance with commercial building code requirements for the structures that are the subject of this request is being pursued by the landowner, if applicable, shall be provided to the Land Use Planning and Zoning Department prior to land use permit issuance.**
- 4) **Provide as-built survey to verify side yard setbacks have been met.**

d) Execute Determination Form/Ordinance

**5:52 p.m. The business portion of the meeting resumed.**

**b. Agricultural Enterprise Zoning Areas**

Jaworski – Explained the idea behind the agricultural enterprise zoning area. Contiguous land owners who are interested in this are allowed to increase their tax credit. This is something that would fit nicely into the four unzoned townships. It was also something that was recommended in both the newly adopted comprehensive plan and farmland preservation plan. DATCP provides ideas on how to promote the ag enterprise zoning areas. There are videos and other tutorials that are available. Public hearings are another way to educate the public. The committee can discuss how to generate interest in this idea.

**Motion by Reabe/Lyon, unanimously carried, to suspend the rules allowing Tom Jonker to speak.**

Tom Jonker, Green Lake County Land Conservation – Explained that he works with farmers on their nutrient management plans. His department works with farmers on designing plans for them. There have been a few farmers that have inquired about the ag enterprise areas, so there is some interest in it and have asked about the application process. When margins are tight, saving any amount of money helps.

The committee directed Kirkman to pursue this and get the information to Tony Daley, *Berlin Journal*.

### **DEPARTMENT/COMMITTEE ACTIVITY**

*Starshak moved Mr. DeMontmollin up on the agenda in order to allow him to get back to the county fair for animal judging.*

#### **e. John DeMontmollin, UW-Extension 4-H Youth Development Educator, permit fee**

DeMontmollin – Explained that the various 4-H clubs have erected welcome signs throughout the county and some are beginning to look pretty run down. He has asked the clubs to sponsor signs in their area. Since a permit is required for a sign, he has been working with Missy Sorenson on the location of the signs and checking into permits. He asked if the committee would waive the sign permit fee for the 4-H clubs.

**Motion by Slate/Lyon, unanimously carried, to waive the fees for the new and renovated 4-H welcome signs.**

#### **a . Chickens in residential zoning districts update**

Mike Wuest, Town of Brooklyn Chairman – Reported that the Town of Brooklyn is receiving complaints about chickens in residential areas.

Kirkman – Stated that there isn't anything new to report; he is waiting for the individuals who are requesting the ordinance be changed to allow chickens in residential areas to provide additional information.

#### **b. Update on shoreland zoning ordinance**

Kirkman – Went through the proposed changes with the committee.

**Motion by Reabe/Lyon, unanimously carried, to approve the proposed shoreland zoning ordinance and prepare to move it to a public hearing.**

**6:37 p.m. Slate was excused.**

#### **c. Cell tower citing language**

This will be discussed at the September 1st meeting.

#### **d. Permit tracking software update**

Kirkman – The departments involved with the permit tracking software are working through some things after talking with the GCS tracking software people. Another update will be provided at the September 1<sup>st</sup> meeting.

### **2017 BUDGET**

**Motion by Lyon/Reabe, unanimously carried, to approve the 2017 budget request.**

**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. RE: LAND USE PLANNING & ZONING DIRECTOR**

On a motion by Reabe/Lyon, unanimously carried on roll call (4-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. Re: Land Use Planning & Zoning Director

**RECONVENE TO OPEN SESSION FOR FINDINGS OF CLOSED SESSION.**

On a motion by Reabe/Lyon, unanimously carried on roll call (3-ayes, 0-nays, 1-absent), to reconvene to open session for findings of closed session.

Motion by Reabe/Lyon, unanimously carried, to hire Matt Kirkman for the position of Land Use Planning and Zoning Director with as starting pay of \$28.07/hour retroactive to the date he became interim director.

**FUTURE COMMITTEE ACTIVITIES**

**a. Future agenda items**

- Exclusive Agriculture Zoning District
- Agricultural Enterprise Zoning Areas
- Chickens in residential zoning districts
- Shoreland zoning ordinance public hearing
- Cell tower siting language
- Permit tracking software update

**b. Meeting dates**

September 1, 2016

Business Meeting 4:30 p.m.

Public Hearing 5:30 p.m.

**ADJOURN**

7:25 p.m. On a motion by Lyon/Reabe, unanimously carried, the meeting adjourned.

**RECORDED BY**

Carole DeCramer  
Committee Secretary

**APPROVED ON:**

September 1, 2016