

**- GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting & Public Hearing Minutes – September 3, 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 4:35 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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Henke/Sell, unanimously carried, to approve the minutes of August 6, 2008. Motion carried.

PUBLIC APPEARANCES – None

PUBLIC COMMENT

Attorney Richard Martins, 1034 Belleforte, Oak Park, IL – Asked to speak about the newly revised changes for the Estates of Lawsonia preliminary plat.

McConnell – Explained that the public hearing for this issue was held in June. If Attorney Martins is allowed to speak, everyone will have to be given the same opportunity. The committee is here to make a decision. Respectfully asked that comments not be given on this issue.

Another individual (no name or address given) asked a question regarding ordinances on bike paths.

McConnell – No ordinances are in place at this time; however, discussions have taken place.

Tom Johnston, 21 Woodgate Drive, Burr Ridge, IL – Asked if he could make short comments relating to the Lindenwood Development (Estates of Lawsonia).

McConnell – It wouldn't be fair to let one individual comment without letting the rest speak. Reiterated that the public hearing for this issue was held in June.

Edith Johnson, 21 Woodgate Drive, Burr Ridge, IL – Requested that the committee allow the school district to speak because that information was not made available at the June hearing.

Attorney Jeff Haase – Advised the committee that they had made it clear that comments on the development would not be taken.

McConnell – Stated that the decision has been made to not hear comments on the Estates of Lawsonia.

FARMLAND PRESERVATION AGREEMENT – DONALD J. & LORRAINE BOGUCKE LIVING TRUST, TOWN OF PRINCETON, PARCEL NUMBER: 016-00172-0000 (39.77 ACRES), SECTION 27, NW1/4 OF THE NE1/4

Shute – Explained that this is a request by landowners in an unzoned town (Princeton) that would like to participate in the Farmland Preservation program for tax credits. As a requirement, they must have an agreement with the State of Wisconsin. One of the steps is that the Land Conservation Committee reviews the request and either recommends approval or denial to the County Board. The Planning and Zoning Committee is also required to review the request and make a recommendation to the County Board. The County Board will take the final action, on behalf of the county, and the department staff will forward to Madison where the agreement will be completed.

Motion by Erdmann/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the Donald J. and Lorraine Bogucke Living Trust request to the County Board. Motion carried.

FARMLAND PRESERVATION AGREEMENT – BOGUCKE FAMILY TRUST, TOWN OF PRINCETON, PARCEL NUMBERS: 016-00168-0000 (40 ACRES), SECTION 22, NW1/4 OF THE SE1/4; 016-00169-0000 (40 ACRES), SECTION 22, SW1/4 OF THE SE1/4; 016-00171-0100 (31 ACRES), SECTION 27, NE1/4 OF THE NE1/4; 016-00173-0000, (40 ACRES), SECTION 27, SW1/4 OF THE NE1/4; 016-00174-0000 (40 ACRES), SECTION 27, SE1/4 OF THE NE1/4.

Motion by Henke/Sell, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the Bogucke Family Trust request to the County Board. Motion carried.

TOWN OF MANCHESTER CEMETERY PLAT REVIEW AND RECOMMENDATION TO COUNTY BOARD: GRAND RIVER ROAD WEST OF STATE HIGHWAY 44/73, PARCEL #012-0176-0100, LOT 1 CSM 2837, SECTION 10, T14N, R12E, (± 2.00 ACRES)

Shute – This is an item that doesn't require a public hearing. It's referred to in the land division ordinance that the division of cemetery parcels must comply with Chapter 157. In the past, the committee has been directed by Corporation Counsel to review the proposed plat for compliance with Chapter 157 as best the committee can ascertain that. I've created a staff report that is sent to the County Board with the proposed cemetery plat. It appears to comply with all aspects of Chapter 157 except that there is a provision that cemetery plats are required to be a minimum of 20 acres; the statute says there are exceptions to this requirement. I have informed the surveyor and the town that research needs to be done to see if they are exempt from that requirement. That information should be made available to the County Board prior to them taking final action. That is noted in the staff report that will go to the County Board with the plat. Based on our ordinances and past procedure, there is no review for the committee; you are the mechanism to forward it on to the County Board for final action.

Motion by Henke/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to move the Town of Manchester Cemetery Plat on to the County Board with the stipulation that they address the 20-acre issue. Motion carried.

CORRESPONDENCE

Shute – No other correspondence other than the letters that the committee received regarding the Estates of Lawsonia.

PURCHASES

a. Discussion/Action color photo copier

Shute – I made an inquiry with the purchasing department on how long we should continue to see the service man. She felt that we may be at a point where we should be looking at replacing that copier. I am proposing a color copier. The initiation of GIS into our county government is a document producing process where all documents come out in color. In order to get the layers of information, colors are used to identify that information. Two sales reps have been contacted and they're saying that to print from computer to printer, if it's old style jet style, one 8.5 x 11 print is about 93 cents per page. If done on a laser, it's approximately mid 40 cents per page. A photocopier gets it down to 6-7 cents per page. The low range is \$5600 and the high is \$7900. The money is allocated in a carryover account (capital equipment). I need to check to-date funds to see if there are funds to cover all of it.

The committee discussed maintenance and lease agreements. This will continue to be a future agenda item.

CLAIMS - None

2009 BUDGET

Shute – The proposed 2009 budget was discussed a month ago and no formal action was taken because it was only in draft format. The budget I presented represented a few changes to clarify things with regard to positions that the County Board had approved and one being the GIS position. In 1998, the County Board approved that position as part of the Planning and Zoning Department responsible to the Director and to the Planning and Zoning Committee for disciplinary action and evaluations. I proposed bringing that position from another part of the budget, that being Land Information, into the Planning and Zoning budget where it was originally approved and identified to be. I wanted to make the committee aware that the way I presented the budget to you in July or August isn't the way you'll see the position listed in the final budget. I was told that the GIS position will remain in the Land Information budget and there will not be those changes made in the budget.

McConnell – According to a letter, the auditor felt that you were correct in making the change.

Shute – I don't think the auditor felt it was his place to direct the county on how it should be set up.

APPROVAL OF DEPARTMENT ACTIVITY REPORT

Motion by Erdmann/Sell, unanimously carried, to approve the July report. Motion carried.

DEPARTMENT/COMMITTEE ACTIVITY

a. **Subdivision model home/sales office in Residential District as a conditional use**

Shute – The committee has discussed adding a model home/sales office to the residential district. Suggested holding a work shop for this in October and then a public hearing in November.

Erdmann – Questioned as to why this is only being added to the R-1 districts.

Shute – Responded that he will research that.

GENERAL COMMITTEE DISCUSSION

- a. Such other matters as authorized by law
- b. Future activities

CLOSED SESSION PER WISCONSIN STATE STATUTE 19.85 (1)(G) CONFERRING WITH LEGAL COUNSEL REGARDING LITIGATION, WHICH THE COUNTY IS INVOLVED AND/OR IS LIKELY TO BECOME INVOLVED. (DISCUSSION OF LEGAL ISSUES AND REPORT OF VIOLATIONS BY LEGAL COUNSEL)

5:23 p.m. Motion by Sell/Erdmann, unanimously carried on roll call (5-eyes, 0-nays), to adjourn into closed session per Wisconsin State Statute 19.85(1)(g) Conferring with legal counsel regarding litigation, which the county is involved and/or is likely to become involved. Motion carried.

RESUME INTO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION.

6:08 p.m. Motion by Henke/Erdmann, unanimously carried on roll call (5 eyes, 0 nays), to resume into open session. Motion carried.

6:00 P.M. - PUBLIC HEARING MATTERS

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

DISCUSS/TAKE ACTION ON THE ESTATES OF LAWSONIA PRELIMINARY PLAT. (PUBLIC HEARING FOR THIS ITEM WAS HELD 6/4/08)

b. Committee Discussion and Deliberation

Shute – Since the June 4th meeting, the committee got together and made a formal request, formal in that they narrowed down the items that they wanted from the developer in addition to all the other materials that have been submitted, and that request included a draft of the protective covenants, explaining the land use regulations to be imposed on the preliminary plat and, ultimately, the final plat development, and also asked the developer to submit proposal for providing the not-to-exceed ten percent of the plat area for open space pursuant to the land division ordinance. That was in correspondence that I sent to Davel Engineering at the direction of this committee. In that correspondence, I asked Davel, based on this being some of the final information this committee was looking for, that it would be appropriate to prepare a revised preliminary plat showing the concept of the ten percent and also reflecting some of the changes that were discussed at the public hearing. Example – public roads notation on the preliminary plat, also the zoning changes were not approved which meant the parts of the development that they wanted to bump out and create lots into lands that were zoned recreational would not be developed in the appropriate zoning district. I recommended that they modify their plat boundary to show this. I forwarded that information to the engineer and a copy to the developers and received a packet of information that I forwarded to the committee. In that packet of information that was received from Davel Engineering included a proposal for dedication of public green spaces, a draft of the protective covenants, and a four-page preliminary plat that was updated. The protective covenants is a document that creates regulation between developers and the landowners. It's not a document that is enforceable by a county regulatory agency. If there are standards to be met like a stormwater management plan, generally Land Conservation Department will secure their own agreements for that maintenance. Likewise with Planning and Zoning, if we have issues that are not

part of a protective covenant. The protective covenants are something in addition to local regulations that developers can use. I looked through it and there are some references to the County. Most of it focuses on the stormwater management aspects of the development. This is a draft and not the final version. The other item you asked for was a proposal concept of how the developers intended to meet the standard for open space. The other items they addressed were the public roads. The roads will be dedicated to the public. That should set the basis that these roads, when received at final plat, will be offered to the local jurisdiction as public roads. The denial of the zoning changes affected several lots within the development. It was my recommendation in my letter to the engineer and developers to remove not only areas that didn't get rezoned but the rest of the lot. There were questions raised about sanitary facilities and private sewage. I talked to Charlie Marks and his information to me was that they had their agreements to move forward and were working on the plans.

Committee members Henke, Erdmann, Traxler, and Sell expressed concern that the developers did not allow enough green space for a development of this size. Erdmann commented that they can not use the Green Lake Conference Center's green space to fulfill their obligation. McConnell stated that it was unanimous that there is not enough green space allowed on the preliminary plat. Erdmann also discussed the protective covenants and her concern that there was not enough time spent on them and that they're not up to date. She questioned the mandatory membership in the association. Henke questioned the status of the cul de sacs.

Motion by Erdmann/Sell, unanimously carried, to suspend the rules to allow John Davel to speak. Motion carried.

c. Committee Decision

The committee's options are as follows: 1) approve the preliminary plat as is, 2) deny the preliminary plat, and 3) approve with conditions. The committee agreed that the green space is an issue that needs to be resolved. They would like to see between six and eight acres dedicated for green space. Laying over the decision for 30 days would give the school district time to decide if they are willing to take responsibility for the green space. Attorney Robert Duimstra, representing the developers, argued that they would like to see the committee approve the plat at this time with the green space as a condition of approval. If the developers do not agree to the 30-day extension, the committee will have to make a decision now. The committee and the developers ultimately decided to meet in two weeks (September 17th) which will allow the school and developers time to resolve the green space issue. Attorney Steve Sorenson, Sorenson Law Office, raised the point that the public has a right to respond; this is not just between the committee and the developers. Attorney Martins asked when any documents would be ready for review; as a constituent he would like time to be able to contact committee members to express his feelings.

7:50 p.m. Motion by Traxler/Henke, unanimously carried, to recess. Motion carried.

Reconvened at 8:12 p.m.

CONTINUATION OF ITEM II FROM AUGUST 6, 2008, PUBLIC HEARING FOR WIND ENERGY FACILITIES.

b. Committee Discussion and Deliberation

McConnell – The committee has received a copy of the proposed ordinance. This latest version has incorporated many of the ideas and suggestions that were brought to the committee by Florida Power and Light.

The committee reviewed and discussed the entire ordinance. This will be discussed again at the October meeting.

Jim Fox, Town of Green Lake Chairman – The county has to change the land use under the wind turbines.

Shute – The turbines will be allowed in any zoning district except mining, sanitary land fills, and resource conservancy districts. They can be in agricultural, commercial, and residential districts.

Jim Hebbe, Green Lake County Land Conservationist – Expressed concern about neighboring farmers' ability to spray fields if wind turbines are in the vicinity.

Ted Weissman, Florida Power and Light – Stated that the revisions that the committee just agreed upon are still not workable. The proposed ordinance will not promote wind farms.

NEXT MEETING DATE

October 1, 2008

– Business Meeting 4:30 p.m.

– Public Hearing 6:00 p.m.

ADJOURN

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

Time: 9:35 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

November 5, 2008