

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, September 5, 2013**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 4:32 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

Carole DeCramer, Committee Secretary

Dan Hurst, Corporation Counsel

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion by Reabe/Moderow, unanimously carried, to move #15 *Introduce/Discuss topic of deep high capacity irrigation wells on the agenda to after #8 Public Comment and to approve the amended agenda.*

APPROVAL OF MINUTES

Motion by Moderow/Peters, unanimously carried, to approve the August 1, 2013, minutes.

PUBLIC APPEARANCES - None

PUBLIC COMMENT

Phil Anastasi, Town of Marquette Chairman – Reported that the Town of Marquette, at the July town meeting, discussed the street-yard setback that the Land Use Planning & Zoning Committee is currently discussing. There was not a consensus; some were enthusiastically in favor of it and others were more cautious and concerned about the ramifications of such a change. Given that, the Town of Marquette’s perspective is noncommittal with an attitude of “wait and see how things develop.”

Starshak advised Mr. Anastasi that this subject will be discussed in greater length further down the agenda (#19 b. Continued discussion on 25-foot setbacks). Starshak stated that the committee appreciates the Town of Marquette’s feedback.

INTRODUCE/DISCUSS TOPIC OF DEEP HIGH CAPACITY IRRIGATION WELLS

Starshak explained that he asked that this subject be placed on the agenda for committee discussion. It is something that the county needs to be aware of.

Jim Hebbe, Green Lake County Land Conservationist – Handed out information on high capacity wells in Green Lake County. Historically, from 1935-2013, Green Lake County now has 183 high capacity wells of which 60% are used agriculturally. Nearly half (86) wells have been

constructed in the past 10 years. The noticeable trend is that this need for the wells is fairly recent. Twenty percent (39) of the wells have been constructed in the past 5 years, of which 75% are used agriculturally. In Green Lake County, the average depth for a high capacity well is 290 feet. To make a comparison, the number of regular, low-capacity, residential wells dug since 1988 is 2,410. Those wells average about 20 gallons of water per minute. On the high capacity agricultural wells, water usage is rated for about 1,000 gallons per minute. It takes 50 home/residential wells to equal one agricultural high capacity well. The agricultural high capacity well will pull a large amount of water in a shorter amount of time versus a home well. Hebbe explained that the graphs demonstrated the number of high capacity wells in each of the Green Lake County townships. The Town of Berlin has the most at 40, the Town of Brooklyn has 38 followed by the rest of the townships. The number one county in the State of Wisconsin for high capacity wells is Portage County with 1,335. They have a high capacity well for every 384 acres of land. Green Lake County has one well for every 1,221 acres of land. A list of all of the high capacity wells in Green Lake County was provided to the committee members. The committee should be aware of a Supreme Court ruling whereby the Department of Natural Resources (DNR) was advised that they need to consider the cumulative effects of permitting wells and this has never been done by the DNR because they have not wanted to be involved in the complex water laws and, historically, Wisconsin has had plenty of water. Hebbe suggested that including this information on the county's GIS site might be a good idea. The county should be concerned about groundwater quality. This is something that can influence property values like it has already in Calumet County. Rural water consumers should have their water tested annually.

WORKSHOP – PROPOSED A-2 GENERAL AGRICULTURAL ZONING DISTRICT
Shute – Staff is prepared for an October 3rd public hearing.

Anastasi – At the Town of Marquette's recent comprehensive planning meeting, there was a lengthy discussion concerning Section 315-28 A.(2) #9 Dwelling, two-family (duplex). In the town's comprehensive plan, there is no mention of duplexes. What many asked was where did this language come from? It was not in the prior A-2 or A-3 Districts.

CORRESPONDENCE - None

PURCHASES - None

CLAIMS

Claims totaling \$1,644.19 were submitted.

Motion by Reabe/Henke, unanimously carried, to approve the claims in the amount of \$1,644.19 for payment.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

- a. Permits, public hearings, etc.
- b. Violations

Shute – Discussed the various aspects of the reports.

LAND INFORMATION UPDATES

A. LAND INFORMATION COMMITTEE/COUNCIL HISTORY BY CORPORATION COUNSEL DAN HURST

Starshak – A packet of information was given to each of the committee members prior to the last meeting regarding historical information pertaining to the Land Information Council. This was prepared by Corporation Counsel Dan Hurst. The committee was encouraged to revisit the packet of information as things develop in Land Information.

REQUEST FOR CARRYOVER FUNDS – PLSS CORNER PROJECT

Shute – Handed out a map of the county showing the proposed 2013 PLSS corner project. This was discussed with the surveyor who has been working on the previous project, Jim Grothman, and he has offered to extend his price for another year, which is a benefit to the county. There is grant money through the Land Information program of \$10,000 for this survey work.

Motion by Henke/Reabe, unanimously carried, to take \$6,000 in carryover funds to be used for the corner section surveying.

The committee asked Shute to prepare a map showing those corners that still need to be surveyed county-wide.

DISCUSS SUPERVISOR DAVID RICHTER CORRESPONDENCE

Starshak – County Board Supervisor David Richter sent each of the committee members a letter telling them that he disagreed with a recent Board of Adjustment public hearing discussion. He stated that he’s not sure what this committee can do to help.

Corporation Counsel Dan Hurst – Advised that this committee does not have jurisdiction over the Board of Adjustment. They are a quasi-judicial group.

Reabe – Mr. Richter’s next step would be to appeal the decision through the court system.

Peters – Reiterated that there is no need to comment on this since it is out of this committee’s jurisdiction.

Starshak – The committee will accept the letter as “FYI.”

DISCUSS TOWN OF MARQUETTE CHAIR PHIL ANASTASI CORRESPONDENCE IN REGARD TO A-2 AGRICULTURAL ZONING DISTRICT

Anastasi – Stated that he is disappointed that the county is working on the plan updates later than sooner, but understands the county’s budget constraints.

DEPARTMENT/COMMITTEE ACTIVITY

a. Agricultural Zoning Districts – A-2 zoning ordinance amendment

Shute – Staff has prepared this for the October 3rd public hearing.

b. Continued discussion on 25-foot setbacks

Shute – Prior to the last meeting, invitations were sent out to the towns explaining the topic and inviting the town board members or anyone else to tonight’s meeting to see what the opinions are regarding the 25’ setback issue.

Ron Triemstra, W926 Woodland Circle, Town of Brooklyn Supervisor – Spoke in favor of the 25’ setback but only in the shoreland/wetland district. There are restrictions by the WI-DNR regarding the ordinary high water mark. A person has to give up 50’ to build on the water. The normal setback is 25’. Suggested, to give relief for people who are trapped in these situations, that the committee reduce the setback to 25’. This would give riparian property owners a little more room to build.

Reabe – Agreed with Mr. Triemstra. It increases the tax base.

Peters – Asked Shute about any negative impact of changing the setback. The setback has always been an issue. The problem is if you change it to 25’, someone will want something less than that. You can’t accommodate everyone.

Henke – People want to build bigger and better houses.

Shute – There are safety issues with buildings closer to the roads. When using Mr. Triemstra’s concept, shoreland/wetland areas are 1,000 feet from a lake and 300 feet from a river or stream. We don’t seem to get to criteria that fit the different situations that would be encountered.

Starshak – Directed Shute to present something at the next meeting that lists the pros and cons of changing the setback. Cautioned the committee to not chase after tax revenue because governments don’t tend to make the wisest use of that money. However, on the side of the private land owner, the committee needs to enumerate the pros and cons to make an informed decision. Another workshop should be scheduled for next month (November 7th).

Jim Fox, Town of Green Lake Chairman – If the residents aren’t happy, they hire an attorney and move on.

Shute asked for clarification for compiling the pros and cons. Starshak asked that he include, for example on the “pros” side, public input, utilization of property values, updating older properties that need maintenance, and revenue to the county. Shute stated that there still needs to be criteria listing specific areas for this to be enforced. Peters agreed that there may need to be a uniform number. Waterfront properties could be one of the criteria.

c. Private Sewage Ordinance; amend to delete maintenance affidavit

Shute – Staff has prepared this for the October 3rd public hearing.

d. NR115 updates, if any

Shute – The Wisconsin Department of Natural Resources (DNR) has completed its listening sessions and is finalizing a time period this week or next week for written comments. They will summarize, publish, and then announce what they have come up with for rule changes. This committee needs to have something to the county board by November or December.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

1. The Comprehensive Plan & Farmland Preservation Plan consultant – Jason Valerius, MSA
2. Shoreland Zoning Ordinance amendment
3. High Capacity Wells

4. 25-foot setback ordinance amendment
5. Estates of Lawsonia – The approved subdivision plat with conditions; appears that the one condition about protective covenants regarding an outlot “remaining a green open space” has been changed without coming before this committee.

b. Meeting dates

November 7, 2013

Business Meeting 4:30 p.m.

Public Hearing 6:00 p.m.

5:59 p.m. Recess until 6:05 p.m.

Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee at 6:00 p.m. for public hearing items and read the rules of public hearing.

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: Christian & Vera Burkholder **Agent:** Steven Bontrager **General Legal Description:** Hilltop Road, Parcel #012-00120-0100 (±5.8 acres), Being Lot 2 Certified Survey Map 3195 located in Section 8, T14N R12E, Town of Manchester **Explanation:** Rezone from R-1 Single-Family Residence District to R-4 Rural Residential District.

- a) Public Hearing

No one appeared.

Shute – Explained what the applicants/agent are proposing to do with the rezoned land.

Public hearing closed.

- b) Committee Discussion and Deliberation

- c) Committee Decision

On a motion by Peters/Reabe, 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: Owners/Applicants: Brian & Janeen Zimmermann Living Trust **General Legal Description:** W5847 Puckaway Rd, Parcel #014-00474-0000 & #014-00481-0200 (±13.1 acres), Part of the SW¼ and part of the SE¼ of Section 34, T15N R11E, Town of Marquette **Explanation:** Rezone from A-1 Exclusive Agriculture District to A-3 Light Agriculture District.

- a) Public Hearing

No one appeared.

Shute – Explained the applicants’ proposed plans for the rezoned lands.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

On a motion by Reabe/Henke, carried on roll call (5-eyes, 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 III: Owners/Applicants: Scott & Diana Schulz **General Legal Description:** W3723 County Rd X, Parcel #012-00407-0000 (±13.4 acres), Part of the SE¼ of Section 21, T14N R12E, Town of Manchester **Explanation:** Rezone from A-1 Exclusive Agriculture District to A-3 Light Agriculture District and R-4 Rural Residential District.

a) Public Hearing

Scott Schultz, W3723 County Road X – Spoke in favor of the request.

Shute – Explained that this request meets the statutory criteria.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

On a motion by Henke/Moderow, carried on roll call, to recommend approval of the rezone request as presented and forward to County Board for final action.

d) Execute Determination Form/Ordinance

Item IV: Owner/Applicant: Leo Fiegel Trust; James Fiegel, Trustee **General Legal Description:** W842 Utley Rd, Parcel #006-00692-0000 (±40 acres), Part of the NW¼ of Section 35, T15N R13E, Town of Green Lake **Explanation:** Conditional use permit request for the location of a single-family mobile home for one farm laborer.

a) Public Hearing

Shute – Explained the existing zoning and what is allowed in that district.

Jim Fiegel, W1096 State Road 44- Spoke in favor of the request.

b) Committee Discussion and Deliberation

c) Committee Decision

On a motion by Reabe/Moderow, unanimously carried on roll call, to recommend approval of 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. The use described in this request shall only be allowed by the current landowners of the agricultural operation on this subject site and said use shall terminate upon sale or transfer of the property. The termination of the use shall leave no evidence of said use.**

d) Execute Determination Form/Ordinance

ADJOURN

On a motion by Henke/Peters, unanimously carried, the committee adjourned.

Time: 6:25 p.m.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

October 3, 2013