

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING COMMITTEE  
MEETING MINUTES  
Thursday, October 4, 2012  
Business Meeting – 4:30 p.m.  
Public Hearing – 6:00 p.m.**

**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.

Present: **Eugene Henke, Ben Moderow, Don Peters, Harley Reabe, Michael Starshak**

Absent:

Also Present: **Al Shute**, County Surveyor/Land Development Director  
**Carole DeCramer**, Committee Secretary  
**Daniel Sondalle**, Corporation Counsel

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

**Motion by Henke/Reabe, unanimously carried, to approve the September 6, 2012, minutes.**

**PUBLIC APPEARANCES** - None

**PUBLIC COMMENT**

Elmer Bock, W1618 County Road S – Discussed the dust problem with the neighboring business, Landmark Cooperative. He reported that they had concreted the drives, but there are still issues south of the railroad tracks. They're still not watering and the grain dust is unbearable. The noise is above 71-72 decibels with the elevator and the dryer. Without the dryer, it is 49 and the maximum should not be more than 40 decibels, as listed on the conditional use permit. Mr. Bock talked to the Senior Vice President of the company and asked if they had measured the decibels and that individual said they didn't have a need for a decimeter and the dust isn't that bad.

Attorney Sondalle advised that this be put on the next agenda to obtain more details. Representatives for Landmark Cooperative should be invited to attend.

Starshak directed Shute to call Landmark and discuss the concerns and to place this on the November agenda. He also asked that Mr. Bock follow up with Al Shute.

**CORRESPONDENCE**

- a. Correspondence to DNR Requesting Shoreland Zoning Ordinance Certificate of Compliance**

Shute – The county board enacted the proposed Shoreland Zoning Ordinance at their last meeting. As a result, information was submitted to the DNR requesting certification and that is now complete. A copy of the email from DNR representative, Mike Wenholz, confirming the certification was shared with the committee. If nothing else changes in the law, the impervious section of the ordinance will have to be added by and in effect by February 1, 2014. Starshak thanked Shute and Attorney Sondalle for their hard work in getting this back to the county board for final approval.

### **TOWN OF MANCHESTER – OPT OUT OF COUNTY ZONING**

Shute – Reported that he hasn't heard from the Town of Manchester.

Attorney Sondalle – Stated that he hasn't heard from the town attorney, Attorney Jon Wilsnack.

Starshak - Asked that Shute notify the Town of Manchester's officials and ask them to attend the next meeting to discuss this further.

**PURCHASES** - None

### **CLAIMS**

Claims totaling \$954.39 for Land Use Planning & Zoning and \$75.00 for Land Information were submitted (total \$1029.39).

**Motion by Peters/Reabe, unanimously carried, to approve the claims in the amount of \$1029.39 for payment.**

### **P&Z COMMITTEE 2013 MEETING CALENDAR**

Shute – When working on the committee's 2013 meeting calendar, it was discovered that the first Thursday of July is the 4<sup>th</sup>. The county clerk's office advised that either July 3<sup>rd</sup> or July 11<sup>th</sup> be an alternative meeting date for this committee.

**Motion by Henke/Peters, unanimously carried, to approve the 2013 Land Use Planning and Zoning calendar with the July meeting being changed from the Thursday the 4<sup>th</sup> to Wednesday the 3<sup>rd</sup> of July.**

### **APPROVAL OF DEPARTMENT ACTIVITY REPORTS**

#### **a. Permits, public hearings, etc.**

Shute – Discussed the various aspects of the activity report.

#### **b. Violations**

Attorney Sondalle – Reviewed the violation reports.

#### **c. Janik Update**

Shute – Discussed a letter from Attorney Jeff Haase regarding the services he provided on the Janik issue. Haase stated in his letter that no further work had been done on this issue and that he will not be sending an invoice to the county.

#### **d. Review/Approval of Committed and Restricted Funds**

Shute – Explained the committed and restricted funds for 2013.

**Motion by Reabe/Peters, unanimously carried, to approve the monthly reports and the committed and restricted funds.**

**DEPARTMENT/COMMITTEE ACTIVITY**

**a. Agricultural zoning districts**

Shute – Explained what he is proposing for the agricultural zoning districts. He also discussed the cottage industries that some of the communities would like to see approved. Additional information will be sent to committee members prior to the next meeting.

Starshak asked that the committee read the proposed amendments and discuss further at the next meeting.

**DISCUSS A RESOLUTION THAT WOULD BE PRESENTED FOR THE COUNTY BOARD SIGNATURES TO BE SENT TO STATE LEGISLATORS OUTLINING HOW THE MANDATED COMPREHENSIVE PLAN AND FARMLAND PRESERVATION PLAN UPDATES ARE HARDSHIPS FOR SMALL COUNTIES.**

Starshak explained how this has evolved. These are unfunded mandates that are extremely difficult for counties. The committee discussed at previous meetings the possibility of sending to legislators a resolution signed by all of the county board members.

After further discussion, it was agreed that the following bullet points should be a part of the proposed resolution:

- Based upon the budgetary concerns across the country, this is a tight fiscal time.
- Unfunded mandate ideas that the state has just finished the No Child Left Behind waiver. It might be timely, while the state has done that, to look at our level, since this represents more than 10% of the budget.
- There are not a lot of changes in our demographics.
- Small counties have fewer changes.

**LAND INFORMATION REQUEST FOR PROPOSALS – PUBLIC LAND SURVEY SYSTEM CORNER PROJECT**

Shute – Reported that he has consulted with Attorney Sondalle regarding what latitude he has to work with the surveyor that submitted a bid for this project. The owner of the company that submitted the bid, Jim Grothman, Grothman & Associates, stated that he would do the services and monument for 19 of the corners in the scope of the project. After giving him an overview of what is left to do in the county, as far as corner sections of that type, he said that he would carry that price forward as funds become available to the county to do that work.

**Motion by Reabe/Henke, unanimously carried, to authorize Al Shute to proceed to replace the 19 monuments as discussed.**

**WISCONSIN POWER & LIGHT COMMUNICATION TOWER LOCATED IN THE TOWN OF GREEN LAKE, CONDITIONAL USE PERMIT REVIEW**

Shute – The conditional use permit that was granted for a communication tower in 2011 was granted with the condition that the tower, if it fell, would not fall on a neighboring property. The company now wants to extend the tower to be 10’ taller and, if it fell now, would land on part of

a neighboring parcel. Is this something that needs to come back to the committee through a public hearing item?

Attorney Sondalle – It needs to come back as a public hearing item to amend the conditional use permit.

**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. (ANNUAL REVIEW FOR CODE ENFORCEMENT OFFICER MATT KIRKMAN**

**5:42 p.m. Motion by Henke/Reabe, unanimously carried on roll call (5-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. (Annual review for Code Enforcement Officer Matt Kirkman.)**

**RESUME INTO OPEN SESSION FOR FINDINGS OF CLOSED SESSION.**

**5:48 p.m. Motion by Peters/Reabe, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session for findings of closed session.**

**Findings:**

**Motion by Reabe/Henke, unanimously carried on roll call (5-ayes, 0-nays), to accept the evaluation for Matt Kirkman and have it forwarded to his personnel file.**

**FUTURE AGENDA ITEMS**

**a. Future Activities**

1. The Land Division Ordinance Amendments
2. Landmark Cooperative conditional use permit
3. Town of Manchester opting out of county zoning
4. Agricultural zoning districts
5. The resolution regarding the mandated comprehensive plan and farmland preservation plan updates
6. Statutory criteria for deciding public hearing requests

**NEXT MEETING DATE**

November 1, 2012

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

**5:50 p.m. Recess**

Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee at 6:01 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: Applicant:** Evergreen Island LLC **Agent:** Ralph W Pulver **General Legal Description:** W7186 Drager Road, Parcel #014-00323-0000, Lot 1 Certified Survey Map 92A, Section 31, T15N, R11E, Town of Marquette, ±1.5 acres **Explanation:** Conditional use permit request for construction of a 20'X40' accessory building.

### a) Public Hearing

Ralph Pulver, Evergreen Island LLC – Spoke in favor of the request.

Richard Pergande, W7194 Gregor Road, (adjoining property owner) – Spoke in favor of the request.

Public hearing closed.

### b) Committee Discussion and Deliberation

Shute – Discussed the WI-DNR comments regarding the request. Asked for clarification from the applicant as to whether or not the proposed building provides a 75' setback to the water.

Pulver – Yes, it's over 75'.

Shute – Inquired as to what types of things would be stored in the building, since the building is proposed to be elevated rather than at flood elevation.

Pulver – There are some flammable items, no propane, and it is proposed to be two feet above the flood elevation.

### c) Committee Decision

**On a motion by Reabe/Moderow, carried on roll call (5-ayes, 0-nays), to approve the conditional use permit for the construction of a 20' X 40' accessory building with the following conditions:**

- 1) **The 20' x 40' building shall be constructed with its lowest floor at or above the regional flood elevation (769.6ft – NGVD 29 Datum).**
- 2) **No provisions for human habitation within the proposed accessory structure.**
- 3) **Items/materials stored in the building that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood-protection elevation (771.6ft – NGVD 29 Datum).**
- 4) **A maximum number of 10 camping units shall be allowed on the subject site and no camping unit shall exceed 400sqft, or the maximum square-footage as allowed by the State Agency regulating campgrounds, whichever is smaller.**
- 5) **Proof of state and/or local approval of the campground from the Tri-County Environmental Health Consortium.**

- 6) Outdoor lighting installations are permitted in all yards, but no closer than three feet to an abutting property line, and shall be adequately shielded or hooded to prevent direct light; excessive glare or illumination is cast upon other properties.
- 7) No expansion or addition of structures and/or uses shall occur without review and approval through future Conditional Use permit(s).
- 8) The campground must meet all 12 provisions of Section 300-21 of the County Floodplain Zoning Ordinance (see below) if camping units are located in either flood fringe or floodway.
- 9) In addition to Section 300-21, a plan shall be submitted to the Land Use Planning & Zoning Department outlining the methods and personnel utilized to remove any and all mobile recreational vehicles, independent structures or other accessory structures from the floodplain that are not elevated and anchored per Sec. 300-29.L.

**§ 300-21. Public or private campgrounds.**

Public or private campgrounds shall have a low flood-damage potential and shall meet the following provisions:

- A. The campground is approved by the Department of Health and Family Services.
- B. A land use permit for the campground is issued by the County Land Use Planning and Zoning Department.
- C. The character of the river system and the elevation of the campground is such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.
- D. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- E. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in Subsection D, to remain in compliance with all applicable regulations, including those of the State Department of Health and Family Services and all other applicable regulations.
- F. Only camping units are allowed.
- G. The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- H. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- I. The County Land Use Planning and Zoning Department shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- J. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article IV, Floodway District, or Article V, Flood-Fringe District, for the floodplain district in which the structure is located.

- K. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.**
- L. All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.**

d) Execute Determination Form/Ordinance

**Item II: Applicant:** Gelhar Real Estate Investments LLC **Agents:** Attorneys Steven R Sorenson & Thomas W Moniz of Davis & Kuelthau SC **General Legal Description:** Part of the NE<sup>1</sup>/<sub>4</sub>, Section 10, T14N, R13E, Town of Mackford, being a strip of land 150 feet south of and parallel to the south railroad R/W, ±5.0 acres **Explanation:** Rezone from A-1 Exclusive Agriculture District to I-Industrial.

a) Public Hearing

Attorney Steve Sorenson, on behalf of Gelhar Real Estate Investments – Spoke in favor of the request.

Brian Olmen – DNI, Green Lake – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Starshak directed Shute to read through the criteria as listed in the staff report.

- a) Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands; and
- b) Will be designed, constructed, operated, and maintained so as to be harmonious, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and
- c) Will not be hazardous or disturbing to existing or future neighboring uses; and
- d) Will not be detrimental to property in the immediate vicinity or to the community as a whole; and
- e) Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and schools; and that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such service; and
- f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.

Henke – Stated that the Town of Mackford is in favor of the request.

Reabe – Reported that he and Don Peters attended the Wisconsin Counties Association conference and much was discussed regarding mines. Maps were displayed showing the various mines throughout the counties and it was obvious that Green Lake County has a great deal of potential for mining.

Starshak – The company is a good neighbor and good for the area. The Town of Mackford is in favor of it. The question is whether or not the request meets the criteria. It's agreed that there are many positive feelings; however, the reservation is that it doesn't clearly fit the criteria.

Peters – The committee needs to be consistent. Everyone agrees that Gelhar is a good neighbor, but if someone else comes in and wants to open a sand pit, and the committee has approved this one, they may not be great neighbors and a precedent has now been set.

c) Committee Decision

**On a motion by Henke/Reabe, carried on roll call (Henke – aye, Moderow – aye, Peters – aye, Reabe – aye, Starshak – nay), to recommend approval of the rezone request as presented and forward to County Board for final action.**

d) Execute Determination Form/Ordinance

**ADJOURN**

**The committee moved to adjourn.**

Time: 6:56 p.m.

**RECORDED BY**

Carole DeCramer  
Committee Secretary

**APPROVED ON:**

November 1, 2012