

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, October 6, 2016**

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.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: **Robert Lyon, Harley Reabe, Rich Slate (4:37 p.m.), Michael Starshak, Peter Wallace (5:20 p.m.)**

Absent:

Also Present: **Matt Kirkman, Land Use Planning & Zoning Department Head
Krista Kamke, Code Enforcement Officer
Carole DeCramer, Committee Secretary
Dawn Klockow, Corporation Counsel**

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Reabe/Lyon, unanimously carried, to approve the minutes of 09/01/16.

PUBLIC COMMENT - None

PUBLIC APPEARANCES

a. Matt Greget relating to variance fee

Mr. Greget did not appear.

CORRESPONDENCE - None

PURCHASES - None

CLAIMS

Claims totaling \$2,777.88 were submitted.

Motion by Reabe/Lyon, unanimously carried, to approve for payment the claims in the amount of \$2,777.88.

4:37 p.m. Motion by Lyon/Reabe to seat Rich Slate.

DEPARTMENT ACTIVITY REPORTS

a. Permits & others

Kirkman – Discussed the monthly financials and the permits.

Starshak questioned the difference in the number of sanitary permits issued in 2015 and 2016. The revenue is similar but there appears to be a discrepancy in the number of permits issued. Kirkman will research this and report back at the November meeting.

Corporation Counsel Klockow – Noncompliance letters for pumping septic systems were recently sent out so work will begin on those.

b. Violations

Kirkman – Discussed the land use and sanitary violation reports.

DEPARTMENT/COMMITTEE ACTIVITY

a. Exclusive Agriculture Zoning District Update

Kirkman – Reported that he has assigned Krista Kamke to the project of identifying parcels that don't conform to what DATCP wants to see; i.e., split-zoned parcels. When looking at these parcels, staff will examine into what district the parcel would fit. Letters will be sent with a rezone application and then the department will process as a map amendment. The map amendment is a big project in taking nonconforming parcels and turning them into code-compliant parcels. The first step is to identify those split-zoned parcels and then, secondly, identify parcels that are at least 15 acres and would now qualify for A-1 Exclusive Agriculture zoning.

b. Extend Martenson & Eisele contract to 12/01/17

Kirkman – Talked about the scope of the agriculture zoning district update project and how it may go beyond December, 2016. Requested a contract extension with Martenson & Eisele to December, 2017. No extra cost would be involved.

Motion by Slate to request extension of the Martenson & Eisele contract to 11/1/17.

Corporation Counsel Klockow advised that the committee cannot unilaterally decide this and that it must be negotiated with Ken Jaworski of Martenson & Eisele.

Motion died for lack of second.

The committee directed Kirkman to work with Klockow on the contract extension.

c. Update on permit tracking software

Kirkman – The Personnel and Insurance (P&I) Committee approved this and the money will come from the Land Information budget. Register of Deeds was allocated money for a planned project that has since been canceled. That money will now go toward the hardware server to accommodate the permit tracking software. The software is scheduled for installation on April 1st.

Lyon asked if this was the “Cadillac” of software. Kirkman responded that the company that sells this particular software is on the leading edge of this type of software.

Corporation Counsel Klockow stated that she has read through the contract for purchasing this software and has given her comments to the GIS Specialist, Jerry Stanuch. Kirkman should communicate with Stanuch regarding her comments.

d. Discuss department head office furniture

Kirkman – Shared a handout regarding a quote for the estimated cost of purchasing office furniture. The director’s office is being moved from the current location to, what is now, the conference room. The cabinets that are on the wall cannot be economically removed per the maintenance department. After talking to the county clerk and the maintenance department head, they felt that it would be wise to leave those items where they are and purchase new furniture at an estimated cost of \$2,200. There would not be installation fees because the maintenance department will install the new furniture. According to the county clerk’s office, the Land Use Planning and Zoning Department has saved \$15,000 this year in salaries. The department could use money from the capital equipment account to purchase the furniture and then replenish the capital account at the end of the year.

Starshak inquired as to why this purchase request would not go to the P&I Committee. Reabe stated that the amount that would trigger P&I approval is \$1,500. Because each of the items is under \$1,500, this would not need that committee’s approval. Starshak stated that this is one purchase from the same vendor and it shouldn’t matter if it’s three separate items each under \$1,500. Corporation Counsel Klockow offered to look over the proposed purchase to see if it should be forwarded to P&I.

Motion by Lyon/Reabe, unanimously carried, to approve the purchase with the understanding that Corporation Counsel review the quote and the possible need for this to go to the P&I Committee. If there is no need for the additional approval, the department should go ahead with the purchase.

Starshak added that, when a department “saves” money on salaries, benefits, or anything else, it doesn’t automatically justify additional spending. The correct term that should be used is ”re-allocation.” The term “saved” implies that, since there is a savings, there is now a reason for additional spending. This is a general weakness in government as a reason to spend.

COUNTY SURVEYOR POSITION

a. Discuss eliminating the full-time county surveyor position

Kirkman – At a previous meeting, the committee discussed eliminating the full-time county surveyor position and contract with a registered land surveyor(s) for the certified survey map reviews and other duties. Kirkman will meet with the Interim County Surveyor and the Interim Deputy County Surveyor next week to discuss how the current system is working. In Kirkman’s opinion, it is working well. The committee/county needs to make that change official.

Motion by Slate/Reabe, unanimously carried, to approve the elimination of the full-time county surveyor position and work with Corporation Counsel on a contract agreement that will include updating the county surveyor duties; effective contract date is January 1, 2017.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

- Ag zoning district update
- Martenson & Eisele contract extension update
- County Surveyor contract update

b. Meeting dates

November 3, 2016

Business Meeting 4:30 p.m.

Public Hearing 5:30 p.m. – no public hearing

5:20 p.m. Peter Wallace was seated.

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: Owner: Keith A. Meyer **Agent:** Steven R. Sorenson, Esquire **General legal description:** N6640 County Road PP, Parcel #004-00238-0300, Part of the SE¹/₄ of Section 12, T16N, R13E, Town of Brooklyn, ±7.0 acres **Request:** Rezone from A-1 Exclusive Agriculture to R-4 Rural Residential.

a) Public Hearing

Attorney Steven Sorenson, representing Keith Meyer (Mr. Meyer also in attendance) – Explained the request; spoke in favor of the rezone request.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman explained the request and read through the criteria list. The Town of Brooklyn recommended the request be approved.

c) Committee Decision

On a motion by Slate/Reabe, unanimously carried on roll call (5-ayes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

d) Execute Determination Form/Ordinance

Item II: Owner: Samuel S. & Ida D. Schrock **Applicant:** Eli Ray Schrock **General legal description:** North of N749 County Road M, Parcel #012-00552-0000 & #012-00565-0000, Part of the NE¹/₄ & SE¹/₄ of Section 29, T14N, R12E, Town of Manchester, ±95 acres **Request:** Conditional use permit request for a bulk food store.

a) Public Hearing

No spoke on the request.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman explained the request and read through the list of staff-suggested conditions. The Town of Manchester recommended the request be approved.

c) Committee Decision

On a motion by Slate/Lyon, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use permit request as presented with the following conditions:

- 1) **The commercial operation shall be a secondary use only, with the agricultural use being the principal use of the site.**
- 2) **The commercial use can only be owned and operated by an owner of the agricultural operation that resides on the site.**
- 3) **Any buildings proposed for the commercial use shall be easily convertible to an agricultural use.**
- 4) **Only one sign in support of the commercial use is allowed per site and shall be limited to 12 square feet.**
- 5) **All building/structure standards of the agricultural district shall apply.**
- 6) **That the owner/applicant apply for and receive a County Land Use Permit prior to commencing any work related to this commercial operation.**
- 7) **That the owner/applicant is responsible for obtaining permits from any other regulatory agency, if required.**
- 8) **No additional expansion of the proposed operational structures or uses shall occur without review and approval through future Conditional Use Permit(s).**

d) Execute Determination Form/Ordinance

Item III: Applicant: Green Lake County Land Use Planning and Zoning Committee **Request:** Amend Code of Green Lake, Chapter 350 of the Zoning Ordinance. The purpose of the ordinance amendment is to amend various sections of that section of the zoning ordinance to be consistent with Section 66.0404 Wis. Stats.

a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman – Explained that, in the past, Green Lake County had the power to regulate where a mobile (cell) tower site could be located. As a result of 66.0404 Wis. Stats., a county's ability to regulate mobile tower siting has been greatly reduced. There are provisions in 66.0404 Wis. Stats. that allow a county to regulate mobile tower siting to a lesser degree. These are as follows:

1. Limited ability to regulate siting of new mobile support structures and facilities as well as Class 1 collocations.
2. To adopt an application process which an applicant must complete to engage in the siting, construction or modification activity. The application process is also described in the law.
3. To require the applicant to submit an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation including a sworn statement attesting that collocation was not feasible.
4. To disapprove an application if the applicant refuses to evaluate the feasibility of collocation.
5. To require the applicant to provide an engineering certification showing that the mobile services support structure is designed to collapse within a smaller area than the setback or fall zone required in a zoning ordinance...
6. To require a land use permit for a Class 2 collocation, however there are zero regulatory standards to enforce here. GLC would just get a permit for reporting and tracking purposes.

7. To charge a mobile radio service provider a fee not to exceed \$500 for a Class 2 collocation, and up to \$3000 for a new tower or a Class 1 collocation.
8. To impose a surety requirement of up to \$20,000 if the tower falls into disuse.
9. To impose a fall zone area requirement for mobile support structures so long as there is no different requirement for other types of commercial structures.
10. To limit the height of a mobile support structure to no less than 200ft.

The committee discussed safety lights, which falls under the FAA jurisdiction, side yard setbacks, and fall zones. There was a general consensus that the proposed ordinance is consistent with state law and that it will create a public process whereby neighbors will be able to voice concerns and the permit for a cell tower could be denied.

c) Committee Decision

On a motion by Lyon/Wallace, unanimously carried on roll call (5-ayes, 0-nays), to approve the ordinance amendment and forward to the county board for final adoption.

d) Execute Determination Form/Ordinance

ADJOURN

6:03 p.m. Meeting adjourned.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

November 3, 2016