

GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE MEETING MINUTES
Thursday, November 3, 2011
Business Meeting – 4:30 p.m. - Public Hearing – 6:00 p.m.

CALL TO ORDER

Committee Chair McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 4:35 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: John Gende, Eugene Henke, Susan McConnell, Don Peters, 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.

APPROVAL OF MINUTES

Motion by Peters/Henke, unanimously carried, to approve the October 6, 2011, minutes.

PUBLIC APPEARANCES

Matt Kirkman, Planning and Zoning Department – Conference Report

Mr. Kirkman presented a report on the 2011 Wisconsin County Code Administrators annual conference that he attended in October.

PUBLIC COMMENT

Jim Fox, Town of Green Lake Chairman – Expressed that he has been trying to get the Planning and Zoning Committee to increase the side-yard setbacks for over twenty years. The side-yard setbacks are now between ten to twelve feet and need to be increased. There is a situation where a homeowner, who is building a new home on Big Green Lake, has a side-yard setback of ten feet. It is not enough space for the contractor to get through with equipment, so the contractor is trespassing on the adjoining property owner's land. Mr. Fox also asked if the county board had any idea what they would do with the old courthouse building. In regard to the first inquiry, the committee advised that trespassing is an issue for the Sheriff's Department and suggested that the neighbor call or get a representative to call for them. Regarding the old building question, Peters commented that, at the last Property and Insurance Committee meeting, the committee voted to heat the old building this winter.

CORRESPONDENCE

- A letter, dated 11/3/11, to Green Lake County Supervisors from Dan Priske was discussed. It was in regard to the Planning and Zoning violation reports and the number of violations listed on the Land Use Violation Report and the Septic Violation Report. He feels that the list is too long and that the violations are not being addressed. He asked

why there should be a zoning department if nothing is being enforced. Mr. Priske also stated that there is a need for a full-time corporation counsel.

- Peters received a letter from Donald Ahonen who stated that he feels that it is not necessary to adopt/amend the shoreland protection ordinance because the DNR is not requiring that it be adopted until 2014.
- Shute stated that, at the last county board meeting, the board voted to rescind the appointment of Sherwood Zink to the Board of Adjustment. The county clerk provided a copy of the letter that Dan Priske wrote to Mr. Zink.
- At the next county board meeting, November 8th, the agenda lists the re-appointment of Roger Ladwig to the Board of Adjustment. The procedure for interviewing a candidate was not used for this individual.
- Shute gave each committee member a copy of a UW-Extension brochure listing five WisLine presentations for which the department has registered. Committee members are welcome to attend one or all of the presentations.

PURCHASES - None

CLAIMS

Claims totaling \$774.59 were submitted.

Motion by Traxler/Gende, unanimously carried, to approve the claims in the amount of \$774.59 for payment.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

Shute – Discussed the various aspects of the activity report. When discussing the land use and septic violation reports, the committee asked Assistant Corporation Counsel Jeff Haase why it is taking so long to get some of these issues addressed. Haase responded that, as a part-time corporation counsel, he’s working, on average, 38 hours per week. He works Sundays and weekends and still does not have time to address zoning and septic issues. Health and Human Services is another of his departments and demands the most hours of the week. He also explained that the two departments that require the most time are Health and Human Services and Planning and Zoning. Those two departments were assigned to him by Corporation Counsel John Selsing. The committee members were in agreement that it may be a better idea for Haase to take one department and Selsing the other. Gende asked who assigned Haase the two departments and Haase replied that they were assigned by Selsing. Gende replied that the violation lists are long and what may be different from other counties is that some of the violations are years old. Gende said that the department is also losing credibility for enforcement. Traxler commented that he had visited Selsing during one of the days that he is scheduled to be in the courthouse. It was apparent that Selsing was not at all busy. Traxler added that he doesn’t know why both attorneys couldn’t be working on the violations, or why Haase couldn’t switch positions with Selsing.

Motion by Henke/Peters, unanimously carried, to approve the September, 2011, monthly reports.

DEPARTMENT/COMMITTEE ACTIVITY

- a. **Agricultural Districts**
- b. **Wind Energy Ordinance and this.**

Motion by Gende/Traxler, unanimously carried, to table the agricultural districts and wind energy ordinance until the December meeting.

ASSISTANT CORPORATION COUNSEL, REPORT FINDINGS OF RESEARCH FOR COMPREHENSIVE REVISION OF ZONING ORDINANCE

Haase – Reported that the way the committee has been amending the zoning ordinance is correct. There is a provision in the state statutes allowing a time period for the Towns to object to ordinance amendments. There is no limit on amendments and Green Lake County will not have to go through a complete comprehensive revision.

TOWN OF BROOKLYN DRI VEWAY; REZONE, CONDITIONAL USE PERMIT, AND CSM REVIEW FEES

Shute – The Certified Survey Map for the Town of Brooklyn was submitted for review. It has been reviewed and it's being held pending the rezone and conditional use permit update. It is the Town of Brooklyn Chairman Mike Wuest's opinion that the town should not have to pay for any of the county fees since the county required the Town of Brooklyn to incur the expense.

McConnell – Agreed that the Town of Brooklyn incurred a large expense because of the county's requirement for them to move the driveway. She recommended that the committee cooperate with the town and waive the fees.

Motion by Traxler/Henke, unanimously carried on roll call (5-ayes, 0-nays), to waive the fees for rezone and conditional use permit applications, and Certified Survey Map review and that, when recording the Certified Survey Map, the Register of Deeds should bill the Land Use Planning and Zoning Department.

Motion by Traxler/Gende, unanimously carried, to recess for five minutes.

GENERAL COMMITTEE DISCUSSION

- a. Such other matters as authorized by law
- b. Future activities
- c. 2012 Calendar

Items a. and b. were tabled until the December meeting.

On a motion by McConnell/Peters, unanimously carried, the committee approved the proposed 2012 Planning and Zoning Calendar.

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, ADMINISTRATIVE ASSISTANT, AND GIS SPECIALIST)

8:15 p.m. Motion by McConnell/Peters, 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, Administrative Assistant, and GIS Specialist.)

RESUME INTO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION

8:22 p.m. Motion by Traxler/Peters, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session.

Findings:

McConnell:

The committee has approved and accepted the employee evaluations as presented.

On a motion by Traxler/Henke, unanimously carried, to accept the personnel evaluations as presented and forward to each of their personnel files.

NEXT MEETING DATE

December 1, 2011

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

PUBLIC HEARING ITEMS

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

Committee Chair Sue McConnell reconvened the meeting of the Land Use Planning and Zoning Committee at 6:11 p.m. for public hearing items and read the rules of public hearing.

Item I: Owner/Applicant: Lime Ridge Farms, Inc., Donald Leider, President **Agent:** A. F. Gelhar Co., Inc., James Gelhar, President **Site Address:** Mackford Hill Road, Parcel #010-00204-0000 & #010-00205-0000, Part of the SW¼ of the SE¼, Section 10, T14N, R13E, Town of Mackford, ±65 acres. **Explanation:** The applicant is requesting a rezone from A1 Exclusive Agriculture District to M1 Mineral Extraction District.

a) Public Hearing

Attorney Tom Moniz, Davis Kuelthau, Attorneys at Law – Spoke in favor of the request.

Tom Pathke, Representative of A.F. Gelhar – Spoke in favor of the request.

JaNelle Merry, Bay Environmental, Engineering – Spoke in favor of the request.

Steve Meilhan, N718 State Road 73 – Spoke in favor of the request.

Loren Gaastra, W1490 Mackford Hill Road – Expressed concerns about traffic, hours of operation, noise, and what the truck traffic will do to the town road.

Carol Davis, W1290 Mackford Hill Road – Expressed concerns about the traffic on the hills and the need for posting speed limits, school bus traffic, and noise.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed the residents' concerns and asked questions of the attorney and representatives as to how those would be addressed. The Town of Mackford returned their Town Board Action form that was checked "No Action Taken." Henke, who is the Mackford Town Board Chairman, explained that the town wasn't against it but did have concerns regarding the town road. The general committee consensus was that this is not prime agricultural land and this would create jobs and revenue for the county.

c) Committee Decision

On a motion by Traxler/Peters, unanimously 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: Owner/Applicant: Lime Ridge Farms, Inc., Donald Leider, President **Agent:** A. F. Gelhar Co., Inc., James Gelhar, President **Site Address:** Mackford Hill Road, Parcel #010-00204-0000 & #010-00205-0000, Part of the SW¹/₄ of the SE¹/₄, Section 10, T14N, R13E, Town of Mackford, ±65 acres. **Explanation:** The applicant is requesting a conditional use permit for a non-metallic mining operation.

a) Public Hearing

Tom Pathke, Representative of A.F. Gelhar – Spoke in favor of the request. Stated that the company is hoping to operating twenty-four hours per day, seven days a week. The daily operations were explained.

Carol Davis, W1290 Mackford Hill Road – Inquired as to how much water will be used to bring up the sand and the affect it will have on neighboring wells.

Loren Gaastra, W1490 Mackford Hill Road – Stated that he did the math on the loads that will be taken out of the quarry and does not feel that it is necessary to operate 24/7. He feels that five days per week is sufficient; he could tolerate it during the weekdays, but would appreciate the quiet weekends.

Town of Mackford Chair Eugene Henke – Expressed concerns about the town road usage and mowing the burms.

Jim Fox, Town of Green Lake Chairman – Stated that things like mowing need to be addressed by the committee so that it doesn't all fall on the town.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee asked the representatives to address the various issues that were brought up by the adjoining property owners.

c) Committee Decision

Motion by Henke/Gende, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use request with the following conditions:

- 1) **All activity will follow Chapter NR 135, Wisconsin Administrative Code and the Green Lake County Non-Metallic Mining ordinance.**
- 2) **That the applicant meets all state and/or County storm water and erosion control standards.**
- 3) **That all other applicable laws, ordinances, approved reclamation plan, and regulations be satisfied.**
- 4) **No additional expansion of the operation shall occur without review and approval through future Conditional Use Permit(s).**
- 5) **The proposed mining area to maintain a setback of 100 feet to neighboring lot lines and road right-of-ways. A berm shall be created within those 100-foot setback areas (as stated in the reclamation plan).**
- 6) **The Financial Assurance will need to be on file in the Land Use Planning and Zoning Department before any work is to commence.**
- 7) **Warning signs advertising “active quarry” should be placed on berms and/or along property line.**
- 8) **Specify dust control measures that will be implemented to keep dust and debris from becoming a nuisance.**
- 9) **Blasting is to occur between 8:00 a.m. and 4:00 p.m.**
- 10) **Hours of operation as per reclamation plan.**
- 11) **The conditional use permit approval is contingent upon the County Board’s approval of the rezone request.**
- 12) **Review the conditional use permit one year from this approval.**
- 13) **Mow berm twice annually. A no-mow mix shall be used.**
- 14) **A native plant and seed list must be submitted to this committee for approval.**

d) Execute Determination Form/Ordinance

Item III: Owner/Applicant: Norbert, Lonn, & Mary Lou Zuehls Living Trust **Agent:** Brian Cooke, Wisconsin Power & Light **Site Address:** CTH H; Parcel #006-01006-0000, Part of the SE¼ of the NW¼, Section 36, T15N R12E, Town of Green Lake, ± 10 acres. **Explanation:** The applicants are requesting a rezone from A1 Exclusive Agriculture District to A3 Light Agriculture District.

a) Public Hearing

Brian Cooke, Alliant Energy – Spoke in favor of the request.

Jim Fox, Town of Green Lake Chairman – Spoke in favor of the request.

a) Public hearing closed.

b) Committee Discussion and Deliberation

The committee agreed that this was a pretty straight-forward request and that, with the proposed A-3 zoning, it would comply with the town's comprehensive plan. It's a sufficiently-sized parcel and the tower will not harm adjoining property owners.

c) Committee Decision

On a motion by Henke/Gende, unanimously 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 IV: Owner/Applicant: Norbert, Lon, & Mary Lou Zuehls Living Trust **Agent:** Brian Cooke, Wisconsin Power & Light **Site Address:** CTH H; Parcel #006-01006-0000, Part of the SE¼ of the NW¼, Section 36, T15N R12E, Town of Green Lake, ± 10 acres. **Explanation:** The applicants are requesting a conditional use permit for a telecommunication tower.

a) Public Hearing

Brian Cooke, Alliant Energy – Spoke in favor of the request.

Shute – The conditions listed in the staff report are based on what has been done with other towers.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee inquired as to why this tower was not coordinated with the county tower that was recently erected. Cooke stated that he had looked into that, but was told by the county Sheriff's Department that it wouldn't work.

c) Committee Decision

Motion by Henke/Gende, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use request with the following condition:

- 1) The conditional use permit approval is contingent upon the County Board's approval of the rezone request.**

d) Execute Determination Form/Ordinance

Item V: Applicant: Green Lake County Land Use Planning and Zoning Committee

Explanation: Request to rescind the current Chapter 338 and adopt an updated Chapter 338 Shoreland Zoning Ordinance, Articles I-XIII. The purpose of the ordinance update is to meet the minimum state-wide shoreland zoning standards per Wisconsin Administrative Rule NR115.

a) Public Hearing

No one attended the public hearing.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

On a motion by McConnell/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to recommend rescinding the current Chapter 338 and forward the updated Chapter 338 Shoreland Zoning Ordinance, Articles I-XIII to the County Board for final action.

d) Execute Determination Form/Ordinance

ADJOURN

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

Time: 8:23 p.m.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

December 1, 2011