

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING  
COMMITTEE MEETING MINUTES  
Thursday, November 7, 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

**Dan Hurst**, Corporation Counsel

**Matt Kirkman**, Code Enforcement Officer

**Missy Sorenson**, Code Enforcement Officer

**Carole DeCramer**, Committee Secretary

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

**Motion by Reabe/Moderow, unanimously carried, to approve the corrected October 3, 2013, minutes.**

**PUBLIC APPEARANCES**

**a. Elmer Bock – Discuss Landmark Services activities**

Elmer Bock, W1618 County Road S – Discussed Landmark Services issues; i.e. dust and noise. Commented on the watering log and decibel readings. Stated that, when Landmark did water, it was when the traffic was slower and the watering wasn't done enough. In fact, there are times listed on the watering log when they didn't water at all. Reminded the committee that Landmark's original conditional use permit states "40 decibels." It doesn't say 40 decibels above ambient. At night, when the ambient noise is typically lower, it's still over 60 decibels.

Kirkman – Read that particular part of the conditions (#6) of the conditional use permit.

Hurst – Advised that he would interpret that as including ambient noise.

Henke – Shared that a month ago he was driving past Landmark and was shocked at the amount of dust and understands how the neighbors are upset about this.

Hurst – Advised that, if Mr. Bock's readings are correct, they're 27 decibels too high.

Starshak – Asked if this warrants the county investigating this further.

Reabe – Asked if it would be a good idea to have a third, neutral party take decibel readings.

Hurst – Read the section in the ordinance pertaining to complaints.

Kirkman – The committee should understand that the condition says grain drying operation. Does this include the bins?

Reabe – We have to find out if there were fans in the bins before the conditional use was approval.

Hurst – Advised that it needs to be measured at the nearest property.

Reabe asked if there was a need to utilize an outside source to determine the decibel levels of the operation. The general committee consensus was that Mr. Bock and Landmark Services have similar decibel readings. The committee ultimately agreed with Hurst that the dust and noise complaints have been filed properly and a hearing will be the next step. Shute will arrange the hearing as soon as possible.

**PUBLIC COMMENT** - None

**CORRESPONDENCE**

Shute – The Landmark correspondence, which was discussed earlier.

**PURCHASES** - None

**CLAIMS**

Claims totaling \$873.09 were submitted.

**Motion by Moderow/Henke, unanimously carried, to approve for payment the claims in the amount of \$873.09.**

**APPROVAL OF DEPARTMENT ACTIVITY REPORTS**

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

Shute and Hurst – Discussed the various aspects of the reports.

**Motion by Henke/Reabe, unanimously carried, to approve the monthly activity reports.**

**DISCUSSION OF POSSIBLE ORDINANCE CHANGE RELATED TO TOWERS**

Shute – What’s happening with towers is the same as wind siting and animal siting. In the governor’s budget, there was a section that dealt with siting towers and there were going to be some state standards and the counties could not be more restrictive than the state standards. Some counties are trying to amend their ordinance to make it a conditional use permit. It was presented that the FCC is becoming more restrictive with towers and the governor’s issue may become a moot point if the FCC imposes regulations. No one is in a hurry to make changes right now. Staff will continue to monitor how the regulations will play out and what the FCC does. If someone comes in for a tower permit, we would issue a land use permit for it.

**DEPARTMENT/COMMITTEE ACTIVITY**

- a. **Continued discussion on 25-foot setbacks**

Starshak – At the last meeting Al (Shute) provided a list of possible criteria for creating the 25-foot setback. There have been all kinds of suggestions on where and how to apply the criteria.

Reabe – It would nice to know what the NR115 updates will be.

The committee discussed the criteria further.

**On a motion by Reabe/Moderow, unanimously carried, to suspend the rules to allow Stan Arnetveit to speak.**

Stan Arnetveit, Design Specialty Builders – Spoke about the history of the various setbacks and explained why it is important to decrease the setback in residential districts to 25’.

The committee directed Shute to research the original ordinance setback language and who was on the committee at that time.

**b. NR115 updates, if any**

Shute – There are no updates at this time.

**c. Comprehensive Plan and Farmland Preservation Plan update**

Shute – Martensen & Eisele may be another possibility when considering updating the plans. Their initial estimate for updating the plans is \$10,000 less than what MSA has proposed. The representative from Martensen & Eisele will investigate the grant situation a little more. Shute was asked to bring more information to the next meeting.

**d. Outlot 2, Estates of Lawsonia; restrictive covenant issue update**

Shute – Reported that, after being directed by the committee to find out what “a little time” meant (as listed in the covenants), Corporation Counsel Hurst has defined that as 90 days. The Estates of Lawsonia is aware of this and has been working on those components.

**e. Continued discussion of high capacity wells**

Starshak – Reported that, when in Madison, he had an opportunity to speak with Luther Olsen and Joan Ballweg. They were happy to receive the information that this committee received from Land Conservation at a previous meeting. When the DNR is considering permits for the high capacity wells, they don’t look at the density of the wells, they only consider the applicant. They need to look at how many wells are drawing from a single aquifer.

**FUTURE COMMITTEE ACTIVITIES**

**a. Future agenda items**

- 25’ setbacks
- NR115 updates
- Comprehensive Plan and Farmland Preservation Plan updates
- Estates of Lawsonia, Outlot 2, restrictive covenant issue update

**b. Meeting dates**

December 5, 2013

Business Meeting 4:30 p.m.

Public Hearing 6:00 p.m.

**6:01 p.m. The committee took a short break before the public hearing reconvened at 6:08 p.m.**

Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee at 6:08 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:** Fred H & Beverly Marwitz and David F & Kelly A Marwitz  
**General Legal Description:** W3769 & W3677 State Road 44, Parcels #012-00150-0000 (Fred/Beverly Marwitz) and #012-00150-0100 (David/Kelly Marwitz), Part of the SE¼ of Section 9, T14N, R12E, Town of Manchester **Explanation:** Rezone from A-1 Exclusive Agriculture District to A-2 General Agriculture District (±24.10 acres) and A-3 Light Agriculture District (±14.42 acres)

a) Public Hearing

No one appeared to speak for or against the request.

Shute explained that, with the two public hearings scheduled for this meeting, both were initiated before the ordinance amendment that combined A-3 and A-2 zoning districts. The applications have been amended to request lands rezoned from A-1 to A-2.

Shute – The applicants want to reconfigure their lot sizes. The easterly parcel will become a larger lot with an existing home site. The request meets the criteria and the Town of Manchester approved the request.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

**On a motion by Reabe/Moderow, 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 II: Owners/Applicants:** Gerald E & Mary J Sauer **Agent:** Nelson Schrock, Salemville Cheese Co-op **General Legal Description:** Corner of County Roads GG & M, Parcel #012-00622-0000, Being a part of the NW¼ of Section 32, T14N, R12E, Town of Manchester **Explanation:** Rezone from A-1 Exclusive Agriculture District to A-3 Light Agriculture District (±10.0 acres)

a) Public Hearing

Scott Hewitt, RLS, Grothman & Associates, appearing on behalf of Gerald Sauer and Nelson Schrock  
- Spoke in favor of the request.

Nelson Schrock, Salemville Cheese Co-op – Spoke in favor of the request.

Shute – The ten acres, if approved, would continue to be used agriculturally until such time when the Co-op makes changes and needs different zoning and a conditional use permit.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

**On a motion by Peters/Reabe, 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

**ADJOURN**

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

Time: 6:21 p.m.

**RECORDED BY**

Carole DeCramer  
Committee Secretary

**APPROVED ON:**

12/05/13