

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, December 1, 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, Susan McConnell, Don Peters, Thomas Traxler, Jr.**

Absent: **Eugene Henke**

Also Present: **Al Shute**, County Surveyor/Land Development Director
Jeff Haase, Assistant Corporation Counsel
Carole DeCramer, Committee Secretary

APPROVAL OF AGENDA

Motion by Traxler/Peters, unanimously carried, to approve the amended agenda.

APPROVAL OF MINUTES

Motion by Traxler/Peters, unanimously carried, to approve the November 3, 2011, minutes.

PUBLIC APPEARANCES

a. Discuss Landmark Services conditional use permit

Shute - Elmer Bock, a neighbor of Landmark, appeared in the spring regarding things that were happening on the Landmark Services site, i.e. small propane tanks being stored, and an issue with the sign. The committee asked that Mr. Bock contact our office to be placed on the agenda in December which is also the time for the two-year review of the conditional use permit.

Elmer Bock, W1618 County Road S – The sign issue has been handled. As far as the small tanks, I'm wondering if they can still have them there. It wasn't in the original conditional use permit. They were given permission for the one large tank only. They're also storing tanks on the adjacent property.

McConnell – I don't think we can regulate what they're doing with small tanks. What we will do is look into this and get back to you since this is not an action item. This is just a general item on the agenda.

Bock – I'm confused. I thought this was the meeting when they would get reviewed.

McConnell – We'll put this on the agenda for next month and check into it.

Shute – Looking at the minutes from a year ago, the committee at that time discussed and considered those issues and agreed that the large tank location wasn't a problem, that fencing

should be placed in front of the small storage tanks, and the fencing proposal would be left to Landmark. The company agreed to take down the new sign and put up a code-compliant sign, and all of this would be reviewed in a year, which is December, 2011. None of these changes went through a public hearing. Jeff (Assistant Corporation Counsel Jeff Haase) indicated that the documentation in the minutes of the committee's discussion would be sufficient to deal with those changes. Since that's what happened, then the committee required fencing at that meeting and fencing hasn't occurred, although the tanks have been moved. Mr. Bock is wondering if the small tanks are allowed at all on the site. Maybe that should have been part of the original conditional use permit that the committee reviewed and took action on.

Peters – It doesn't make sense to put up fencing where there are no longer tanks.

Bock – They moved them around to the back, but what I'm getting at is how did they get approval for small tanks when this wasn't part of the original request?

Shute – The committee needs to deal with whether or not this should be part of a public hearing process.

McConnell – I'd like you to put this on next month's agenda (January 5, 2012) and check into the minutes from last year.

The committee directed Attorney Haase to do research as to whether or not a public hearing should have been held prior to changing the original conditional use permit.

b. Tim Tank; regarding deer stand

Jeremiah Tank, speaking on behalf of his father, Tim Tank, property owner of land that is located on County Road K, across from Twin Lakes - Explained that they have a large deer stand that is built on tree stumps. It is 12'X16' and is 25' high. It's a two-acre parcel and was built to accommodate handicapped relatives that use it.

McConnell – What is the issue with it?

Jeremiah Tank – It was built without a permit. The Zoning Department said that we need a permit for an accessory building, but it's not an accessory building, it's a deer stand. We don't do anything but hunt out of it.

Shute – The issue is whether or not it's a deer stand. It's 12'X16' with a deck on it. There's a wood heater in it. In my opinion, it doesn't relate to a deer stand. Jim Fox, Town of Green Lake, brought this to our attention. We looked into it and it didn't appear to be a deer stand. I need the committee to make a decision on this.

Peters – Do we get permits for tree houses?

Shute – Yes.

Traxler – We can't discuss this because it's under *Appearances* on the agenda.

Shute – It's on the agenda so you can discuss it.

Jim Fox, Town of Green Lake Chairman – I had several complaints on this. It's a two-story deer stand. They have to drive through the ditch to get there. It doesn't fit my definition of a regular deer stand.

McConnell – I'd like to look into this more and put this on next month's agenda.

Shute – If this is considered a deer stand, they wouldn't be required to get a permit.

McConnell – I would like this brought back next month.

Traxler – I'm a deer hunter and would like to view this. I would like permission to go out, look at it, and photograph it.

Jeremiah Tank – I guess, yes.

Haase – I will do research on this for the next meeting.

PUBLIC COMMENT

Thomas Kloosterboer, W2684 Oakwood Beach Road, Markesan – Asked the committee why they are trying to be the first county in the state to approve NR115. There should be an economic impact study done to find out the ramifications of this ordinance. Let larger counties battle out the legal ramifications of it. The second issue is wind energy. Green Lake County has a tremendous amount of prairie that could be used for wind turbines. As green initiative, we should be exploring this. The committee talks about putting on a moratorium without knowing the economic impact. You're telling farmers that they can't enter into a lease agreement without knowing what kind of revenue the turbines generate. Contact other counties to see what's going on.

Mike Wuest, Town of Brooklyn Chairman – This committee has short changed the town on their notification timeline and it doesn't give us time to have a plan commission meeting. You've cut your deadline by two weeks and this doesn't give us proper time to get our agendas out. We have to publish a plan commission meeting and then a town meeting. We have an issue tonight (Green Lake Bank/Tamburrino) whereby we were not able to respond because you did not properly notice the town. There is so much infighting and goofing off that you're getting nothing done. You deleted zoning classifications and you haven't notified the towns properly to say aye or nay on that. You have so many nonconforming lots and you haven't updated the rural residential districts in the zoning ordinance to deal with these lots. That's been going on a couple of years.

McConnell – Explained that realtors and builders put pressure on the committee to extend the deadline two weeks.

Wuest – Our plan commission is the first Thursday. The new deadline makes it impossible to make these deadlines.

Shute – I forewarned the committee about this. The Town of Brooklyn is one of the earliest for meeting deadlines because they have two meetings for each item.

Wuest – You have to go back to the way it was. You’re not doing due diligence to the towns.

McConnell – We had pressure from the county board chair to change it. As far as the rural residential districts go, every time we start to look at that, something else comes up.

Wuest – You’ve been at it for two years. How do we regulate our ordinances under your county zoning when we have no classifications to put this stuff into? You need to put this on the agenda to get it back to the way it was.

Shute – The problem is not the meeting date, it’s the deadline date for making public hearing applications.

Wuest – Why are you guys doing all of this infighting? Why don’t you get things done?

McConnell – We are working with ordinances that are thirty and forty years old. There are organizations and individuals who are working against this department and committee. We’ve been trying to keep up with changes, but it’s difficult, because there are people working against us in our own organization.

Wuest – If this committee can’t do anything about it, maybe the town has to opt out of county zoning. It’s more of a possibility now.

The deadline date was discussed further under *General Committee Discussion*.

DISCUSS/ACTION ON COMMITTEE’S 11/15/11 SPECIAL MEETING PER DIEM/MILEAGE

Motion by McConnell/Traxler, unanimously carried, to approve the per diem and mileage for the 11/15/11 special meeting.

LIME RIDGE FARMS/A. F. GELHAR COMPANY, INC. – APPROVE RECLAMATION PLANT, PLANT LIST

After discussing the plant list submitted by A. F. Gelhar Company, Inc., it was decided that Table One is fine, but Table Two must be changed. They’ve listed seeds and they need to be plugs. Traxler, who has expertise in this area, explained why plugs should be used instead of seeds. Also, plant plugs must be planted to provide for a mid-range density on the mine safety shelf. Shute will get back to the company and explain what the committee has decided. This will be brought back in January.

CORRESPONDENCE

Shute – The committee directed Shute to invite Mary Lou Neubauer (City of Berlin) and Bob Bahn (Town of Berlin) to the January meeting. A letter will be sent to the two of them inviting them to the next meeting. Traxler asked that Shute send a copy of correspondence to committee members.

PURCHASES - None

CLAIMS

Claims totaling \$1,365.10 were submitted.

Motion by Gende/Traxler, unanimously carried, to approve the claims in the amount of \$1,365.10 for payment.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

Shute – Discussed the various aspects of the activity report.

Motion by Traxler/Gende, unanimously carried, to approve the October, 2011, monthly reports.

DEPARTMENT/COMMITTEE ACTIVITY

a. Agricultural Districts

Shute – I have nothing to give you tonight; my only comment is, if the department was going to prioritize, I would suggest working on the rural residential district. It probably is, by delaying, a burden in some cases where people can't get the zoning change or classification that is compatible with ag lands. The rural residential would be designed to do that. The committee asked that this be brought back in January.

b. Wind Energy Ordinance

Haase – I have received several calls from various people, including Dr. Kloosterboer. Some are in favor and some are not. Green Lake County is not in a position to draft a wind energy ordinance because we don't have the state guidelines. We can't do anything about it because the statute says that they should provide us with guidelines and the State of Wisconsin hasn't done that. Until we get legislative action or adoption of an administrative rule, we shouldn't put up wind energy systems in Green Lake County. Shute added that Haase is speaking about the zoned townships of the county. If a company comes in and goes to any of the four unzoned townships, they can put towers up if the conditions suite them.

Peters – We are damned if we do and damned if we don't. Under public comment, we were told that we're rushing through the shoreland ordinance, we haven't thought about it, and we're just a bunch of morons sitting up here. With the wind energy, damn the torpedoes. You can't have it both ways. It's unbelievable. We try to change the meeting (application deadline) to make us user friendly so we can speed things through. What happens now? We have a town that wants to pull out of county zoning. I have never in my adult life sat on a committee or anything like this where we are absolutely wrong in everything we do. We make no one happy; no one wants zoning. If it suits you fine, if it doesn't, then to hell with it. People think wind mills are great but they don't want one on their front yard. It really is unbelievable. The shoreline thing, we don't want that, but rush right through the wind mills and put one in someone's front yard. It's all about number one. To sit here and waste my time is getting ludicrous. We're talking about addressing the rural residential districts and having public hearings. We spent a year and a half on the shoreland ordinance and we didn't get that right? People are saying we don't need it and want it. At some point, I'm going to make a motion to table that and let the WI-DNR put an

ordinance in place and, hopefully, it will be more stringent than what we were going to put in place.

Traxler – We spent a lot of time and money on the wind energy ordinance. I think, based on what Jeff (Haase) has said, we stay out of it until we have guidelines.

Haase – We need guidance before we adopt anything.

Motion by Traxler/Gende, unanimously carried, to table any action on wind energy until the state provides guidelines.

The committee will direct staff when to bring this back to the committee.

c. Proposed shoreland zoning ordinance

Shute – There is a WI-DNR representative that is willing to come here to talk about NR115 and the county's proposed shoreland ordinance. The committee agreed that they would like a DNR representative to come in February, 2012, to answer the public's questions. This will be published in the paper. This should be on a night that is just dedicated to this topic.

Traxler – I want the public to be able to come and ask the DNR any question they want regarding NR115. It's been said that Al Shute, Tom Traxler, and Sue McConnell are trying to rush this through. That's not true; it's simply propaganda.

Gende – Why did the DNR extend the deadline to 2014? Were there uncertainties that came up? I concur that 2013 is a good time to start looking at it.

McConnell – It's become apparent through letter-writing campaigns that there are questions. Let's get the answers for their questions.

Shute – To answer John's (Gende) question, the DNR extended the deadline because they felt that counties having limited staff would not meet the deadline. Also, statewide there was a request for an economic impact study to be done. The DNR has hired an economic impact specialist to generate an economic impact statement. This is a state-wide study.

Peters – I just don't believe the county board will pass this in 2012. I think it would be better to have the DNR come in when it gets closer to the deadline (2014).

Traxler – The more people that we can bring forward to ask questions, the better. They can ask technical questions that we're not exactly sure about. The DNR can step forward and provide answers. I will not accept nasty-gram letters saying that Tom Traxler, Al Shute, and Sue McConnell are trying to push this through. That is not true. We had many workshops on this and no one showed up. We did a lot of work on this. I don't have a problem waiting. If the public wants to wait until the last minute and then the DNR has a thumb on it, that concerns me. I don't like the way the DNR works. It could be more restrictive than what we have.

Peters – I'm not saying that it's good or bad, if we have hearings after the first of the year and we bring it to the full board, I don't believe it will pass. I think it's been too time consuming and we need to put it on a back burner.

Peters and Gende felt that it would be best to wait with everything until the 2014 deadline was closer. McConnell and Traxler agreed that the DNR should attend a meeting in February, 2012, for the purpose of answering the public's and county board's questions on shoreland zoning.

Shute will arrange the meeting with the WI-DNR representative for February.

6:01 p.m. – Five minute recess.

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 6:08 p.m. for public hearing items and read the rules of public hearing.

Item I: Owner/Applicant: Dennis L Page **Site Address:** County Road F, Parcel #002-00466-0000, Part of Lot 3, Certified Survey Map 3202, Section 25 and 26, T17N, R13E, Town of Berlin, ±17.5 acres. To be identified by Certified Survey Map. **Explanation:** The applicant is requesting a rezone from A-1 Exclusive Agriculture District to A-2 General Agriculture District.

a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – The Town of Berlin did not object to this request.

Traxler – This is my district. I left a message from Town of Berlin Chairman Bob Bahn to find out how the town feels about this request. I did not receive a response.

c) Committee Decision

On a motion by McConnell/Gende, unanimously carried on roll call (4-eyes, 0-nays), to recommend approval of the rezone request as presented and forward to the County Board for final action.

d) Execute Determination Form/Ordinance

Item II: Owner/Applicant: Nancy K Vandervelde **Site Address:** Sandstone Avenue, Parcel #006-01022-1100, #006-01022-1101, #006-01022-1102, Lots 1-3 Certified Survey Map 1655, including easement, Section 32, T16N, R13E, Town of Green Lake, ±3.179 acres. **Explanation:** The applicant is requesting a variance to Section 315-34.A. of the County Land Division Ordinance

and 338-13.A. of the County Shoreland Protection Ordinance to allow the modification of lot lines between three (3) adjacent lots.

a) Public Hearing

Nancy K. Vanderveld, N6498 State Road 49, Green Lake – Spoke in favor of the request.

Jim Fox, Town of Green Lake Chairman – Inquired as to why the Town of Green Lake did not receive a Town Board Action form for this request.

Shute – This is a variance request and the ordinance does not have the same notification process as for rezones and conditional use permit requests. Your clerk should have received a packet of information regarding this request; however, it did not include the Town Board Action form.

Fox – We’re not objecting to it. The Town of Green Lake just does not want to create lots that don’t have road accesses.

Shute – Explained that in most variance cases, staff looks at alternatives to make a better situation or a more compliant site. Staff did some sketching for this request and there are other options. Maybe this needs to be looked at a little bit more.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed the criteria for determining a variance and agreed that the land is somewhat unique, the hardship is not self-created, and that it would not harm the public. Shute added that, by granting a variance, density would not increase. Each home would be located on a separate lot.

c) Committee Decision

On a motion by McConnell/Gende, unanimously carried on roll call (4-eyes, 0-nays), to approve the variance request as submitted with the following condition:

- 1. That a Certified Survey Map be prepared for the three proposed lots in accordance with the County Land Division and Shoreland Protection Ordinance standards, as submitted with this request.**

d) Execute Determination Form/Ordinance

Item III: Owner/Applicant: James Hein, Lenita Hein, William Hein **Site Address:** N466 County Road M, Parcel #012-00621-0000, Part of the NE¼ of the NW¼ of Section 32, T14N, R12E, Town of Manchester, ± 2.0 acres. To be identified by Certified Survey Map. **Explanation:** The applicants are requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District.

a) Public Hearing

James Hein, N466 County Road M - Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee agreed that this request did fit into the Town of Manchester's comprehensive plan.

c) Committee Decision

On a motion by Peters/Traxler, unanimously carried on roll call (4-eyes, 0-nays), to recommend approval of the rezone request as presented and forward to the County Board for final action.

d) Execute Determination Form/Ordinance

Item IV: Owner/Applicant: Green Lake Bank, David & Amy Tamburrino **Agent:** Attorney Thomas A Lorenson of Kubasta, Rathjen, Bickford & Lorenson **Site Address:** N5529 County Road A, Parcel #004-02001-0000, 004-02002-0000, 004-02003-0000, 004-02004-0000, Carvers Cove Condominium Units 1-4, part of Government Lots 1 and 2, Section 27, T16N, R13E, Town of Brooklyn, ± 1.3 acres. **Explanation:** The applicants are requesting a variance to Section 338-13 B and C of the Shoreland Protection Ordinance to create two lots that will not provide the required 100' of lot width.

a) Public Hearing

Attorney Thomas Lorenson, Kubasta, Rathjen, Bickford & Lorenson, P.O. Box 808, Wautoma - Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee noted that there was no response from the Town of Brooklyn.

Shute reported that Attorney Steve Sorenson called prior to the meeting to say that he is representing Mr. Nienhouse, a neighbor of the applicants, and, if additional lands are needed to make this parcel code compliant, he would have land available to sell them.

McConnell – This is a positive move and I'm not opposed to it.

Traxler – The Town of Brooklyn didn't have an opportunity to weigh in on this so the committee will take the responsibility.

Motion by Gende to table this request until the Town of Brooklyn has an opportunity to respond. Motion rescinded by Gende.

Motion by Traxler/McConnell, to give the Town of Brooklyn thirty days to respond.

Shute – Thirty days would still not be enough for the Town of Brooklyn to respond.

Lorenson – A postponement would affect the Tamburrinos because they can't refinance or sell until a decision is made by this committee. The bank would also like to get this done as soon as possible.

Peters – Stated that the Town of Brooklyn had every opportunity to comment about these requests but chose not to. He further stated that the banker is sitting at this meeting waiting for an answer and the committee owes him an answer, too. Delaying this is affecting the bank and the Tamburrinos.

Gende – Agreed with Peters in that the town had a chance to voice their opinion and the committee should make a decision now.

McConnell rescinded her second to Traxler's motion to allow the Town of Brooklyn thirty days to respond and asked if there was a second to the motion. Motion died for lack of a second.

c) Committee Decision

On a motion by McConnell/Peters, unanimously carried on roll call (4-eyes, 0-nays), to approve the variance request as submitted with the following conditions:

- 1. The owners successfully rezone the subject site from RC (Recreational District) to R-1, (Single-Family Residence District).**
- 2. The owners successfully have the P & Z Committee rescind the conditional use permit, approved by the P& Z Committee on April 5, 2006, allowing for a four (4) building planned unit development (PUD).**
- 3. That a Certified Survey Map be prepared for the two (2) proposed lots in accordance with the County Land Division and Shoreland Protection Ordinance standards, as submitted with this request.**

d) Execute Determination Form/Ordinance

Item V: Owner/Applicant: Green Lake Bank, David & Amy Tamburrino **Agent:** Attorney Thomas A Lorenson of Kubasta, Rathjen, Bickford & Lorenson **Site Address:** N5529 County Road A, Parcel #004-02001-0000, 004-02002-0000, 004-02003-0000, 004-02004-0000, Carvers Cove Condominium Units 1-4, part of Government Lots 1 and 2, Section 27, T16N, R13E, Town of Brooklyn, ± 1.3 acres. **Explanation:** The applicants are requesting a rezone from RC Recreation District to R-1 Single-Family Residence District.

a) Public Hearing

Attorney Thomas Lorenson, Kubasta, Rathjen, Bickford & Lorenson, P.O. Box 808, Wautoma - Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Traxler – Expressed continued concern about the lack of response from the Town of Brooklyn.

c) Committee Decision

On a motion by Peters/Gende, unanimously carried on roll call (4-eyes, 0-nays), to recommend approval of the rezone request as presented and forward to the County Board for final action.

d) Execute Determination Form/Ordinance

Item VI: Owner/Applicant: Green Lake Bank, David & Amy Tamburrino **Agent:** Attorney Thomas A Lorensen of Kubasta, Rathjen, Bickford & Lorensen **Site Address** N5529 County Road A, Parcel #004-02001-0000, 004-02002-0000, 004-02003-0000, 004-02004-0000, Carvers Cove Condominium Units 1-4, part of Government Lots 1 and 2, Section 27, T16N, R13E, Town of Brooklyn, ± 1.3 acres. **Explanation:** The applicants are requesting that the conditional use permit be rescinded.

a) Public Hearing

Attorney Thomas Lorensen, Kubasta, Rathjen, Bickford & Lorensen, P.O. Box 808, Wautoma - Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Traxler – Noted that he has concerns about the nonresponse of the Town of Brooklyn.

c) Committee Decision

On a motion by McConnell/Traxler, unanimously carried on roll call (5-eyes, 0-nays), to rescind the conditional use permit.

d) Execute Determination Form/Ordinance

GENERAL COMMITTEE DISCUSSION

a. Such other matters as authorized by law

b. Future activities

The committee discussed changing the deadline date for public hearing requests and directed staff to change it back to the first business day of each month beginning January, 2012.

Shute discussed how *Appearances* on the agenda was handled at this meeting.

NEXT MEETING DATE

January 5, 2012

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

ADJOURN

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

Time: 7:32 p.m.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

January 5, 2012