

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting & Public Hearing Minutes – April 1, 2009 – 4:30 p.m.**

CALL TO ORDER

Committee Chair Sue McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 4:30 p.m. in the Green Lake County Courthouse, County Board Room, Green Lake, Wis. The requirements of the open meeting law were certified as being met.

Present: **Roberta Erdmann, Eugene Henke, Susan McConnell, Howard Sell, Thomas Traxler, Jr.**

Absent:

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Erdmann/Traxler, unanimously carried, to approve the February 26, 2009, and March 4, 2009, minutes. Motion carried.

PUBLIC APPEARANCES – None

PUBLIC COMMENT – None

CORRESPONDENCE – None

PURCHASES – None

CLAIMS

Claims totaling \$791.65 were submitted.

Motion by Traxler/Sell, unanimously carried, to approve the claims in the amount of \$791.65 for payment. Motion carried.

APPROVAL OF DEPARTMENT ACTIVITY REPORT

Motion by Erdmann/McConnell, unanimously carried, to approve the February, 2009, monthly report. Motion carried.

DEPARTMENT/COMMITTEE ACTIVITY

- a) **Agricultural Zoning Districts**
- b) **Rural Residential Zoning Districts**

Shute – The governor’s budget as proposed would affect the Farmland Preservation Program. The state has also had a Working Land’s Program that they’ve been pushing for 3-6 months. It has a definite impact on the Farmland Preservation Program. As we’re trying to catch up with amending our ordinance and the existing laws, the legislature is also trying to amend the laws. This may be a good time to amend our ordinance because we’ll have the cutting edge changes and we can be there with any changes that come from the governor and legislature.

The committee discussed having a point system for the number of animals and anything over that number would need a conditional use.

GENERAL COMMITTEE DISCUSSION

- a. Such other matters as authorized by law**
- b. Future activities**

McConnell – Inquired about the status of the stormwater plan for the Estates of Lawsonia plat. Stated that the developers are appearing at the Town of Brooklyn meeting tonight. They are scheduled for the county review/approval on May 6th.

McConnell - The City of Green Lake is asking for a bike trail around the new courthouse complex. They want the trail to encompass the whole area. Shouldn’t this be the time where Land Conservation and/or Planning and Zoning gets involved because of the drainage with so many acres? It seems that an engineer or surveyor should go out there and lay the parameters on how water is going to flow.

Shute – This should have been addressed in the beginning of the project through the DNR. The watershed would have been considered when discussing the building site.

CLOSED SESSION PER WISCONSIN STATE STATUTE 19.85 (1)(G) CONFERRING WITH LEGAL COUNSEL REGARDING LITIGATION, WHICH THE COUNTY IS INVOLVED AND/OR IS LIKELY TO BECOME INVOLVED. (DISCUSSION OF LEGAL ISSUES), AND 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).

5:39 p.m. Motion by Erdmann/Henke, unanimously carried on roll call (5-ayes, 0-nays), to move to closed session per Wisconsin State Statute 19.85(1)(g) Conferring with legal counsel regarding litigation, which the county is involved and/or is likely to become involved and 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. Motion carried.

5:59 p.m. Motion by Sell/McConnell, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session. Motion carried.

Findings:

Motion by Erdmann/Sell, unanimously carried, to allow Mr. Radtke to have his property rezoned back to the original zoning and there will be no charge for that procedure. Motion carried.

Motion by Erdmann/Henke, unanimously carried, to approve the evaluation for the code enforcement officer and send it to the personnel file. Motion carried.

6:00 p.m. Meeting reconvened.

PUBLIC HEARING MATTERS

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

Item I: Owner/Applicant: Michels Materials, Bob Bingen, Division Manager **Agent:** Northeast Asphalt, Inc., Ted Helleckson, Project Manager **Site Address:** South Gate Rd, Parcel #012-00301-0000 (NE¼ of the SW¼), #012-00302-0000 (NW¼ of the SW¼), #012-00306-0000 (NW¼ of the SE¼), all parcels in Section 16, T14N R12E, Town of Manchester (±120.00 Acres) **Explanation:** The owner/agents are requesting a conditional use for the placement of a temporary portable asphalt mixing facility for the 2009 construction season.

- a) Public Hearing

Ted Helleckson, Northeast Asphalt - Spoke in favor of the request.

Public hearing closed.

- b) Committee Discussion and Deliberation

Henke – At the last Highway Committee meeting, we discussed this. The highway has a couple of roads they need to work on and this would save them money.

Traxler – Staff comments are in favor of this.

McConnell read the recommended conditions from the staff report.

Shute – The town board action form states that they do not object; however, they request that the company adhere to the weight limits. They also asked that Class B roads not be used.

- c) Committee Decision

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

- 1) No additional expansion or addition of the structures and/or uses shall occur without review and approval through future Conditional Use Permit(s).**
- 2) The hours of operation of the portable asphalt mixing facility shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday.**

- 3) Prior to placement of the asphalt mixing facility the owner or applicant shall contact the Planning and Zoning Department as to time and date when the temporary facility will be placed on, or removed, from the site.
- 4) Prior to expiration of the Conditional Use Permit all equipment associated with the portable asphalt mixing facility shall be removed from the site.
- 5) This conditional use permit expires 1 year from the date of approval per county zoning ordinance.
- 6) Dust control measures must be addressed during transportation of materials for driveways and/or access points.
- 7) Town road weight limits must be adhered to as part of this permit; Class B roads may not be used.

Motion carried.

- d) Execute Determination Form/Ordinance

Item II: Owner/Applicant: Alan & Nancy Zastrow, Marsha Durst **Site Address:** W2134 CTH AW, Parcel #010-00622-0000 (Zastrow), SE¼ of the SE¼ Exc CSM 1545 V60, #010-00622-0100 (Durst), Lot 1 Certified Survey Map 1545 V6, both parcels Section 31, T14N R13E, Town of Mackford, (±11.5 Acres) **Explanation:** The owner/applicants are requesting a rezone from A-1 Exclusive Agriculture District to A-3 Light Agriculture District.

- a) Public Hearing

Alan Zastrow, Markesan, WI – Spoke in favor of the request.

Public hearing closed.

- b) Committee Discussion and Deliberation

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

Erdmann – Informed Mr. Zastrow that there may be tax implications if the rezone is approved and land is removed from the farmland program.

Traxler – Staff comments are in favor of this.

- c) Committee Decision

Motion by Henke/Traxler, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the rezone request as presented and forward to the county board for action. Motion carried.

- d) Execute Determination Form/Ordinance

Item III: Owner/Applicant: Jodi Timler Olmen & Brian Olmen **Site Address:** W905 Sunnyside Rd, Parcel #004-00533-0400, Lot 1 of Certified Survey Map 625 V3 (±1.09 Acres), and Parcel #004-00533-0500, Lot 1 of Certified Survey Map 2479 V11(±2.0 Acres), Both parcels in Section 22, T16N

R13E, Town of Brooklyn **Explanation:** The owner/applicants are requesting a rezone from A-3 Light Agriculture District to R-1 Single-Family Residence District.

- a) Public Hearing

Dennis Green, Ripon Land Surveying - Spoke in favor of the request.

Brian Olmen, W905 Sunnyside Road – Spoke in favor of the request.

McConnell noted that the Town of Brooklyn approved of this request.

Public hearing closed.

- b) Committee Discussion and Deliberation

Erdmann – Asked Mr. Olmen about the comment he made wanting to keep his parcel zoned A-3.

Olmen – Replied that, in order to divide the land and sell it, he has to rezone it. He'd prefer to keep it A-3 in the event he and his wife decided to buy a horse.

- c) Committee Decision

Motion by Henke/Erdmann, unanimously carried on roll call (5-eyes, 0-nays), to recommend approval of the rezone request as presented and forward to the county board for action. Motion carried. Motion carried.

- d) Execute Determination Form/Ordinance

LANDMARK SERVICES CO-OP (FORMERLY GRAND RIVER CO-OP) CONDITIONAL USE REQUEST - THIS ITEM WAS LAID OVER FROM THE OCTOBER 3, 2007, PUBLIC HEARING.

- b) Committee Discussion and Deliberation

Mike Hinz, 501 CTH M, Pickett, former Chairman of the Board, currently on board for Landmark Services – Spoke in favor of the request.

Shute – Explained the progression and history of the request.

Erdmann – Read the six recommended conditions listed in the staff report. Asked that the name on the site plan be corrected. Stated that she appreciates any company in Green Lake County that is holding their own and expanding.

- c) Committee Decision

Motion by Erdmann/Traxler, unanimously carried on roll call (5-eyes, 0-nays), to approve the conditional use request with the following six conditions:

- 1) No further expansion or addition of structures shall occur without review and approval through future conditional use permit(s).
- 2) That all outdoor lighting installations be located no closer than three feet to an abutting property line, and shall be adequately shielded or hooded so that no direct light, excessive glare or illumination is cast upon other properties.
- 3) Adequate dust control measures be taken due to vehicular traffic to and from this site.
- 4) The survey dated April 9, 2008 be revised showing the 100 year floodway based on the adopted Green Lake County Flood Insurance Study from 1976.
- 5) The survey dated April 9, 2008 be revised showing any and all wetland boundaries located on the subject site.
- 6) The Survey dated April 9, 2008 be revised showing Landmark Services Co-op instead of Grand River Co-op as the property owner.

Motion carried.

- d) Execute Determination Form/Ordinance

NEXT MEETING DATE

May 6, 2009

- Business Meeting 4:30 p.m.
- Public Hearing 6:00 p.m.

ADJOURN

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

Time: 6:49 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

May 6, 2009