

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
MEETING MINUTES
Thursday, December 6, 2012
Business Meeting – 4:30 p.m.
Public Hearing – 6:00 p.m.**

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.

Present: **Eugene Henke, Ben Moderow, Don Peters, Harley Reabe, Michael Starshak**

Absent:

Also Present: **Al Shute**, County Surveyor/Land Development Director
Carole DeCramer, Committee Secretary
Daniel Sondalle, Corporation Counsel

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Peters/Reabe, unanimously carried, to approve the November 1, 2012, minutes.

PUBLIC APPEARANCES

Elmer Bock, W1618 County Road S – Commented that, at the last meeting, Moderow stated that he lives within 200 feet of a drying bin. Bock felt that Moderow was not comparing apples to apples. Bock also commented that, after reading what Landmark provided to the county, they claim that they are distributing 6,000 gallons of water four to five times per day to control dust. That would be 24,000-30,000 gallons of water per day and that is impossible. The day after the last committee meeting, there was no water distribution at all and dust was flying everywhere. As far as the decibels, it started with the town board's public hearing for the conditional use permit request. At that meeting, Landmark representatives stated that the noise would not exceed 40 decibels and people could stand right next to the dryer and talk. Now they're talking about the noise being 75-80 decibels. It's still 50% over what it should be. Landmark agreed to it and now it's not good enough for them. As far as the dust, they've been unloading grain without a dust collector.

Starshak – Clarified that Landmark was not supposed to go 40 decibels over the ambient noise level.

Mike Elder, Landmark Services Cooperative – From the last meeting, Landmark was directed to look at something for noise suppression even though the company is within the noise level allowed by the conditional use permit. A handout was provided to each of the committee members that shows what the company has been thinking about and working on for noise suppression. The only thing that was available from industry, in regard to noise from fans, is the GSI website that has information about a grain dryer fan. Estimates are being obtained from a

contractor for this possibility. It is, specifically, for a grain dryer, but the contractor thought it could be modified to work with grain bin fans. A second contractor is looking into the possibility of manufacturing a surrounding for the fan similar to what GSI has. It would be surrounded on both sides (front and top). The one concern is that the surround would impact the performance of the fan. It has to be able to draw air in. The third option is the possibility of a barrier wall that is parallel to the railroad tracks that would, hopefully, reflect and/or absorb the noise. The contractor said that it wouldn't be until the end of the year before they could start fabricating these things on site. They will have to be on scaffolding or ladders when they're working on this.

Reabe – Questioned whether or not the panels are solid or have sound continuation material on them.

Elders – Landmark is looking at using galvanized to see if it would deflect the sound waves.

Reabe – Suggested that they contact Mill Cut in the Menominee Falls area.

Moderow – Inquired as to the type of fans that are being used, centrifugal or old-blade style.

Elders – Centrifugal fans.

Peters – What was the amount of water you stated you used?

Bock – They stated that they use 24,000-30,000 gallons per day.

Peters – Asked Elders if Landmark has its own well. How do they procure 30,000 gallons of water each day?

Elders – It's more like a 1,500 gallon tank so it's more like 6,000 gallons. This is information that was received from the site manager. It's what he indicated they are doing.

Attorney Sondalle – Suggested that the company follow up with what is on the handout. If it comes to a standoff, the committee may want to think about a revocation proceeding.

Reabe – Inquired as to whether or not the county would need to hire a professional to quantify decibel readings.

Sondalle – Yes.

Henke – If Landmark is willing to work with us, it is OK. They shouldn't be waiting until a day before the meeting and then start working on it.

Elders – Landmark representatives have been working on this for the past month.

Reabe – Suggested that the company employ an acoustical person; Landmark may be wasting a lot of money here. This should be done right the first time. UW-Wisconsin may be a good resource. They may have people on staff that could help with this.

Elders – Stated that he takes exception to the perception that this was thrown together overnight. This has been worked on for the past month. Noise suppression in this business is not common. The committee asked the company to work on this and present something at this meeting.

Starshak – This was not the impression that he got; it is, obviously, something that was not just thrown together at the last minute. This will be placed on the January agenda.

Bock – The walls won't help because they won't be 100 feet high. Are we going for 40 decibels over ambient?

Starshak – Agreed that the 40 decibels would be added to the ambient noise.

Sondalle – The committee is in agreement and has determined that the 40 decibels would be in addition to the ambient noise.

Starshak – There is progress being made by the company attempting to do something about this.

Bock – Does not agree that the Landmark noise should be in addition to the ambient noise.

Peters – Common sense dictates that ambient noise would be in addition to the Landmark noise.

Starshak – The committee will continue to work with Mr. Bock and Landmark Services to resolve the issues.

PUBLIC COMMENT - None

CORRESPONDENCE - None

TOWN OF MANCHESTER – OPT OUT OF COUNTY ZONING

Attorney Sondalle – Reported that he is talking with the town's attorney, Jon Wilsnack. It's really up to the town as to how they want to proceed. Basically, there are no changes at this time.

PURCHASES - None

CLAIMS

Claims totaling \$1,225.22 for Land Use Planning & Zoning and \$1,200.00 for Land Information Council were submitted.

Motion by Henke/Moderow, unanimously carried, to approve the claims in the amount of \$2,425.22 for payment.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

a. Permits, public hearings, etc.

Shute – Discussed the various aspects of the activity report.

b. Violations

Attorney Sondalle – Reviewed the violation reports.

DEPARTMENT/COMMITTEE ACTIVITY

a. Agricultural zoning districts

The committee discussed the cottage industry section of the proposed agricultural zoning districts. The general consensus was that the towns should be consulted and given 90 days to give opinions on the proposed list of cottage industries. Shute was directed to send the list of industries for the A-2 zoning district to each of the unzoned towns with a letter explaining the proposed ordinance and ask for input, including the addition of new industries. The committee would like to hear what other uses and conditional use permits the towns would like to see. This issue will be discussed again after the responses are received (approximately three months). The committee talked about ways to put the onus of the decision making more on the town in which the request is located than on the county.

The committee also discussed the possibility of recording conditional use permits as they are granted. Attorney Sondalle advised that this is something that should be required each time a conditional use permit is approved.

b. Land Division Ordinance amendments

Shute gave each of the committee members a copy of the proposed land division ordinance and an overview of what is included in the amendments. This will be placed on the January agenda.

c. Committee approval of Certified Survey Map per 236.45(1) Wis. Stats.

Motion by Reabe/Henke, unanimously carried on roll call (5-ayes, 0-nays) to approve the certified survey map as submitted.

COMMITTEE DISCUSSION RELATED TO STANDARDS TO BE APPLIED TO ZONING REQUESTS (ZONING AMENDMENTS AND CONDITIONAL USE PERMITS)

Shute reported that he and Attorney Sondalle have worked on the town board action form that would involve the town giving the committee an indication that they've looked at their comp plan when making a decision on rezone and conditional use permit requests.

Starshak explained that his intent, when requesting this be placed on the agenda, was to discuss the Land Use Planning & Zoning Committee's use of applying the criteria/standards when making decisions because, at times, decisions are made contrary to the standards.

Sondalle – The issue is whether or not a request is consistent with the comprehensive plan. It's difficult because the town approves requests, whether or not it is consistent with their plan, and then gets upset with this committee when it isn't approved because it isn't consistent with the comp plan. The towns do not have the money to constantly amend their comprehensive plans and, yet, they want the development. By amending the town board action form to include a resolution whereby they approve or deny the request, the county would have more to hang their hat on. What the towns could do is to hold a public hearing to amend the comprehensive plan at the same public hearing that the town is hearing a rezone or conditional use permit request.

FUTURE AGENDA ITEMS

a. Future Activities

1. Land division ordinance
2. Jason Valerius, MSA – discuss farmland preservation and comprehensive plan updates
3. Landmark Services/Elmer Bock

DISCUSS TIMELINE FOR AMENDING ORDINANCE FOR ROAD SETBACKS

Shute – At the time the committee approved the 25’ setback from the road as part of the shoreland zoning ordinance, Stan and Eric Arnetveit requested that the committee consider amending the zoning ordinance to include the same 25’ setback. In zoned towns, the setback from the roads is 40’ or 42’. They would like the setback to be consistent.

Reabe – The problem is that different roads may require different setbacks. Safety on busier roads may be an issue.

Peters suggested that Shute look into what other counties have for setbacks.

This will be placed on the March agenda.

NEXT MEETING DATE

January 3, 2013

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

Motion by Reabe/Henke, unanimously carried, to recess.

5:58 p.m. Recess

Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee at 6:07 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: Owner: Lewe & Sharon Jossart **Applicant:** Alan D. Vinz **General Legal Description:** Part of Parcel #012-00330-0000, located in the NE¼ of the NE¼, Section 18, T14N, R12E, Town of Manchester, west of Lot 10 Cedar Hill Plat, ±.15 acres **Request:** Rezone request from A-2 General Agriculture District to R-1 Single-Family Residence District.

a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

On a motion by Reabe/Peters, 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: Applicant: Wisconsin Power & Light Company **Agent:** Brian Cooke **General Legal Description:** W2598 County Road H; Parcel #006-01006-0200, Lot 1 Certified Survey Map 3345, Part of the NE¼, Section 36, T15N, R12E, Town of Green Lake, ±10.0 acres **Request:** Modification of their current conditional use permit to include an increase in the height of proposed telecommunications tower from 325ft to 335ft as well as other site plan modifications.

a) Public Hearing

Brian Cooke, Alliant Energy, 4902 N. Biltmore Lane, Madison – Spoke in favor of the request.

Shute – This was brought back because the original conditional use permit had included the fall zone. The additional 10’ that the company wants to add to the tower would put it slightly over. Their engineers have submitted information on how the tower would collapse.

Cooke – According to the engineers, if there is a failure, the buckling would occur and it wouldn’t fall over straight and encroach on adjacent properties.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

The committee asked questions regarding meters that transmit and/or receive signals. Mr. Cooke responded that there will be meters that transmit and receive. All of the users of the site would need to have FCC licensing. Towers are shared across the southern half of the state. There is a process for leasing space to other users and evaluating their frequencies.

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

- 1) **An “as built” certificate of survey to be completed by WP&L upon completion of work including (but not limited to) the locations of all lot lines, driveways, the tower site (and other structures) and adjacent public roads.**

d) Execute Determination Form/Ordinance

ADJOURN

On a motion by Peters/Reabe, unanimously carried, the committee adjourned.

Time: 7:05 p.m.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

January 3, 2013