

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, April 3, 2014**

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, Harley Reabe, Michael Starshak**

Absent: **Don Peters**

Also Present: **Matt Kirkman**, Code Enforcement Officer
Missy Sorenson, Code Enforcement Officer
Carole DeCramer, Committee Secretary
Dan 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 Moderow/Reabe, unanimously carried, to approve the March 6, 2014, minutes.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE - None

PURCHASES - None

CLAIMS

Claims totaling \$976.73 were submitted.

Motion by Reabe/Henke, unanimously carried, to approve for payment the claims in the amount of \$976.73.

DISCUSS/ACTION REFUNDING PERMIT FEES FOR THE GREEN LAKE AREA ANIMAL SHELTER'S EXPANSION PROJECT

Kirkman – Explained that the animal shelter has paid for a sanitary permit fee as well as a land use permit. It was requested at the last meeting that refunding these fees be placed on this agenda. Since Al Shute is absent tonight, Kirkman shared Shute's opinion on this which is to be careful about refunding fees for a not-for-profit business; i.e., if you do it for one, you really need to do the same for all. Kirkman stated that he agrees with Shute's opinion in that it's difficult to pick and choose who gets charged fees.

Reabe – Explained his position that the shelter has done many great things for the community including replacing dog catchers in the townships.

Starshak – Shared his opinion that it can be problematic in that others will expect the same benefit.

Attorney Sondalle – Advised that the committee needs to be careful to not cherry-pick who they will charge and not charge.

Moderow – Stated that he would rather not waive these fees because of potential problems and is fine with waiving the public hearing fee previously.

The general consensus was that the fees not be waived.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

a. Permits, public hearings, etc.

b. Violations

Kirkman – Discussed the various aspects of the financial reports.

Sondalle – Discussed the violations.

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

DEPARTMENT/COMMITTEE ACTIVITY

a. NR115 updates, if any. Shoreland zoning ordinance amendment

Kirkman – Reported that there is new information regarding this issue. At the State level, nothing will happen until next year. The new language will not be available until that time.

b. Farmland Preservation Plan and Comprehensive Plan updates

Sorenson – Reported that the steering committee has been selected and approved by the county board. A public information meeting has been scheduled for April 23rd.

c. Discuss zoning ordinance amendment – official maps

This will be placed on next month's agenda.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

- zoning ordinance amendment - official maps
- high capacity wells
- wind turbines

b. Meeting dates

May 1, 2014

Business Meeting 4:30 p.m.

Public Hearing 6:00 p.m.

4:58 p.m. Recess until 6:00 p.m.

Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee at 6:00 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/Applicant: Egbert Excavating, Daniel Egbert **Agent:** Stuart Muché **General Legal Description:** Parcel Number #004-00307-0503, Busse Road, Lot 2, Certified Survey Map 3284, Part of the SW¼ of Section 15, T16N R13E, Town of Brooklyn, ±2.69 acres. **Explanation:** Conditional use permit request for a greenhouse as part of a landscape center.

a) Public Hearing

Dan Egbert, Egbert Excavating, Green Lake – Spoke in favor of the request.

Joe Norton, N6284 State Road 49 – Spoke in favor of the request.

John Paynter – Representing Stuart Muché – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Missy Sorenson – Explained why a conditional use permit is required. It is the proposed greenhouse that triggered the request and not the landscape center; the landscape is a permitted use.

Attorney Sondalle – Referred committee to the staff report regarding the criteria and staff comments.

Reabe – The Town of Brooklyn approved the request.

Sorenson – Suggested adequate screening for the northern portion of the property as a possible condition.

c) Committee Decision

On a motion by Reabe/Henke, carried on roll call (4-eyes, 0-nays), to recommend approval of the conditional use permit request as presented with the following conditions:

- 1) No additional expansion or addition of the greenhouses shall occur without review and approval through future Conditional Use Permit(s).**
- 2) The owner/applicant shall apply for and receive a Sanitary Permit and County Land Use Permit prior to commencing any development.**
- 3) Any new signage shall comply with Section 350-43. Signs. of the Green Lake County Zoning Ordinance.**
- 4) Evidence that compliance with commercial Building Code requirements for structures that are the subject of this request is being pursued by the landowner, if applicable.**
- 5) That the applicant meets all State and/or County storm water and erosion control standards.**

d) Execute Determination Form/Ordinance

Item II: Owners/Applicants: Salemville Cheese Cooperative and Duane Mast **General Legal Descriptions:** County Road GG, Parcel Number #012-00622-0100, Lot 1, Certified Survey Map 3463, Part of the NW¼ of Section 32, T14N, R12E, Town of Manchester, ±10.00 acres (Salemville); W4403 County Road GG, Parcel Number #012-00594-0100, Part of the NW¼, Section 32, T14N, R12E, Town of Manchester, ±1.0 acre (Mast), **Explanations:** Rezone ±3.0 acres from A-2 General Agriculture to Industrial, and ±7.0 acres from General Agriculture to R-4 Rural Residential (Salemville); Rezone ±1.0 acre from A-1 Exclusive Agriculture to R-4 Rural Residential (Mast).

a) Public Hearing

Attorney Sondalle announced that he has a conflict with public hearing Items II and III and will not participate in the discussion. He proceeded to remove himself from his seat and sat in the back of the room.

Scott Hewitt, Grothman & Associates, representing Salemville Cooperative – Spoke in favor of the request.

Attorney William Gergen, Gergen Gergen & Pretto, SC, 105 Front St., Beaver Dam, representing Gerald Sauer (adjoining property owner) – Explained his client’s position and concerns regarding the request.

Thomas Sugars, Thomas Design, Inc., N9568 Winnebago Park Road, Fond du Lac - Spoke in favor of the request.

Bill Kinas, N6205 N. Lawson Drive, Green Lake, Kinas Excavating – Spoke in favor of the request.

Nelson Schrock, Representing Salemville Cooperative, Operations Management – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed the comments and concerns that were expressed during the public hearing portion of the meeting and took those into consideration when deliberating.

c) Committee Decision

On a motion by Moderow/Henke, carried on roll call (4-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 III: Owner/Applicant: Canaan Properties, Stan Harris **General Legal Description:** W4481 County Road GG, Parcel Numbers #012-00594-0100 and part of #012-00622-0100, Part of Lot 1, Certified Survey Map 3463, Part of the NW¼ of Section 32, T14N R12E, Town of Manchester, ±11.58 acres. **Explanation:** Conditional use permit request for Salemville Cheese Cooperative plant expansion.

a) Public Hearing

Attorney William Gergen, Gergen Gergen & Pretto, SC, 105 Front St., Beaver Dam, representing Gerald Sauer (adjoining property owner) – Explained his client’s position and concerns regarding the request.

Thomas Sugars, Thomas Design, Inc., N9568 Winnebago Park Road, Fond du Lac - Spoke in favor of the request.

Nelson Schrock, Representing Salemville Cooperative, Operations Management – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee considered the testimony when deliberating and agreed that additional conditions to those listed in the staff report were necessary. Conditions #7-9 were added to the list. Number nine, in particular, the committee felt should alleviate the concerns of Mr. Sauer.

c) Committee Decision

On a motion by Reabe/Henke, carried on roll call (4-eyes, 0-nays), to recommend approval of the conditional use permit request as presented with the following conditions:

- 1) The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any “development” related to this industrial operation.**
- 2) Adequate dust control measures be taken due to vehicular traffic to and from this site as well as during unloading and loading of dry materials.**
- 3) 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.**
- 4) Evidence that compliance with commercial Building Code requirements for structures that are the subject of this request is being pursued by the landowner.**
- 5) No expansion of existing use through expanding existing structures, additional structures and/or expanding the activity area shall occur without review and approval through future Conditional Use Permit(s).**
- 6) The septic system (POWTS) be evaluated for compliance with Chapter 383, Wis. Administrative Code. If the POWTS is not sufficient for the required daily wastewater flow, the owner/applicant shall bring the POWTS into compliance.**
- 7) Written confirmation from WDNR that the existing ridge and furrow waste water system is adequate for the proposed expansion and, if not, evidence that a permit has been issued for a code compliant system be submitted to the Green Lake County Land Use Planning and Zoning Department prior to issuance of a land use permit.**
- 8) A stormwater management plan and a maintenance schedule shall be approved by Green Lake County Land Conservation Department and shall be submitted to the Green Lake County Land Use Planning and Zoning Department prior to land use permit issuance.**
- 9) A written complaint in regard to abnormally wet field conditions from an adjacent property owner will trigger review by the Green Lake County Land Conservation Department (LCD) and, if impact confirmed, the applicant shall implement an LCD-approved mitigation plan that will resolve the issue.**

d) Execute Determination Form/Ordinance

Attorney Sondalle returned to his seat at 7:31 p.m.

Item IV: Owner/Applicant: Green Lake County Land Use Planning & Zoning Committee
Explanation: Zoning Chapter §350-38 R-1 Single-Family Residence District, §350-39 R-2 Single-Family Mobile Home Residence District, and §350-40 R-3 Multiple-Family Residential District. All zoning districts stated above shall be amended to provide for a street-yard setback of 25 feet on riparian (having frontage on water) lots and parcels and that front on a public Town road right-of-way.

a) Public Hearing

Kathleen Moore, W6710 Marin Drive, Markesan – Stated that she finds several contradictions in the proposed ordinance and would ask that the committee not approve the amended ordinance until those are cleaned up.

Phil Anastasi, W6766 Hill Street, Markesan – Asked that the committee take the time to clean up the language before further action.

Stan Arnetveit, Design Specialty Builders, Green Lake – Stated that he thinks it's a good ordinance and wants to see it approved.

Ron Triemstra, W926 Woodland Circle, Green Lake – Stated that he thinks it's a good idea to adopt the amended ordinance, but if there is language that needs to be cleared up, that should happen before approving it.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee agreed that, based on the testimony, there are questions regarding some of the language and it needs to be cleaned up and brought back in a month or two. There is support for it, but there are also question marks, too.

c) Committee Decision

Motion by Reabe/Henke, unanimously carried, to suspend action on the proposed ordinance and bring it back to the committee for further discussion.

ADJOURN

7:56 p.m. Chairman Starshak adjourned the meeting.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

May 1, 2014