

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING COMMITTEE  
MEETING MINUTES  
Thursday, January 3, 2013  
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 Hurst**, Corporation Counsel

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

**Motion by Henke/Reabe, unanimously carried, to approve the December 6, 2012, minutes.**

**JASON VALERIUS, MSA – DISCUSS MANDATED UPDATES FOR FARMLAND PRESERVATION AND COMPREHENSIVE PLANNING**

Jason Valerius, MSA – The county has a need to update the farmland preservation plan and the comprehensive plan. According to the statutes passed in 1999, all municipalities needed to have a comprehensive plan in place by 2010 and then updated every ten years. Green Lake County adopted a comprehensive plan in 2002 so, per the letter of the law, it should have been updated in 2012. Green Lake County is beyond that. In practice, there aren't many issues with that. The way you would have a problem is if you make a decision, someone aggrieves it, the county is sued, and you have an outdated plan. The county is liable. So far, that hasn't happened. On the comprehensive plan, our recommendation would be that you get an update onto your schedule. That would entail a collection and insertion with up-to-date census data. Most importantly would be a review of the land use maps, existing and future. This would include the activity over the past ten years.

The other item is the farmland preservation plan. The legislation requires you to update and recertify. The tax credits now range from \$5 to \$10 per acre. The deadline to update is December 31, 2014. The funding assistance for this is gone and the future for any funding is uncertain. If it would be restored, the county could get up to \$30,000 or 50% of the cost. If it would be available, we would suggest that these two projects be done together. The farmland preservation update needs more of an effort. The comprehensive plan wouldn't require as much. The land use plans will be affected by the farmland preservation plan discussions. A suggestion would be to start the whole process the second half of 2013, allowing the county to divide the effort into two budget years. The whole process will take approximately eighteen

months. If funding isn't available to assist with the farmland preservation and you're expected to do it on your own, based on what has happened so far, there's a chance you can negotiate an extension for the farmland preservation recertification for a year. The comprehensive plan deadline is passed; you're at risk, but it's probably a low risk. For right now, the best course would be to hold tight and see what happens with the grant program and begin both projects later this year.

Peters – Could you give us a ballpark figure?

Valerius – The farmland preservation plan and comprehensive plan updates can be completed, generally, for approximately \$50,000 each. If both plans updates occur at the same time, the comprehensive plan by itself would be around \$40,000. The farmland preservation plan updates have been receiving grant money for half the cost up to a \$30,000 maximum. By doing them together, \$70,000-\$90,000 would be a reasonable guess. In addition to receiving any grant funds, the plan updates could be scheduled over two budget years to smooth the financial impact.

Peters – With grant money, we could pay \$50,000 out of pocket?

Valerius – Yes.

Reabe – Do the towns need to update as well?

Valerius – Yes.

Peters – Would the county incur more costs for towns that haven't been reviewed?

Valerius – It's the county's responsibility to maintain their own plan.

Henke – The Town of Mackford is mostly A-1 Exclusive Agriculture. What do we do every time someone wants to rezone a parcel?

Valerius – The way it works is that, if you think it should be rezoned, you amend your plan and then you do the rezone. The other option is that you loosen what is allowed. That has changed with the new legislation. There is a little more flexibility with what is being allowed in these areas. Ag-related businesses are now being allowed and they were not before. We would expect that the process of farmland preservation plan updating would also lead to county zoning code updates as well. The county's zoning ordinance land uses would have to match what the state legislature allows for land uses.

Starshak – Working on the plans at the same time would make sense financially and also because they overlap. The idea of carrying it over two budgets is appealing. The other option is asking for an extension. If need be, the committee can ask for an extension.

## **PUBLIC APPEARANCES**

Elmer Bock, W1618 County Road S – Appeared to discuss the dust and noise issues he and his neighbors have experienced with Landmark Services Cooperative. In the receiving shed, there should be doors and they have told someone that they will not be installing doors. It will be nice if they put the noise suppressants on the fans.

Mike Elders, Landmark Services Cooperative – Stated that he has sent letters to the chair of the committee, the most recent dated January 2, 2013. Clarified that Landmark has not been found in violation of the conditional use permit conditions. As a good neighbor, Landmark is trying to find solutions to some of the issues brought to the committee by Mr. Bock. The contractor will begin work next week on the noise suppression. The special blankets will absorb and suppress some of the noise. In regard to the dust, as part of the conditional use permit, the paving has occurred. That would have addressed most of the dust issues. The company feels that the issues are being addressed. The results are not yet known because it's not a common problem.

Peters – What are the plans for dust collection?

Elders – The doors will be installed next week.

Bock – Questioned the noise level and if that would be different in the middle of the night.

Peters – The suppression devices should be installed by the February meeting. An update would be helpful.

Starshak thanked both parties for appearing at the meetings, Al Shute for making a site visit, and Mike Elders for taking steps to work on the neighbors' issues. He asked that this be placed again on the February agenda for an update.

**PUBLIC COMMENT** - None

### **CORRESPONDENCE**

Shute – Shared a brochure from the UW-Extension office regarding Wis-Line seminars. Committee members are invited to attend those sessions that interest them.

### **TOWN OF MANCHESTER – OPT OUT OF COUNTY ZONING**

Shute – Reported that Attorney Sondalle told him that he has not heard anything from the town or their attorney.

Starshak directed Shute to take this off of the agenda until the Town of Manchester has responded.

**PURCHASES** - None

### **CLAIMS**

Claims totaling \$1,097.16 were submitted.

**Motion by Peters/Reabe, unanimously carried, to approve the claims in the amount of \$1,097.16 for payment.**

### **APPROVAL OF DEPARTMENT ACTIVITY REPORTS**

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

Shute – Discussed the various aspects of the reports.

### **DEPARTMENT/COMMITTEE ACTIVITY**

**a. Land Division Ordinance Amendments**

Shute – There are areas in the county where land division ordinances overlap. Each ordinance could accomplish the same thing. The Town of Brooklyn and the City of Berlin (ETZA) are areas where the county land division ordinance overlaps. An amendment would give county jurisdiction except where another municipality has jurisdiction. Another issue dealt with road frontage and access. Right now, you cannot create parcels with easements; a property owner has to have ownership and frontage of 66’. Prior to the current ordinance standards, parcels could be created with easements. Attorney Sondalle suggested that the county go back to that. The other component is that the Department of Transportation and the way they’re proceeding with their projects; they’re limiting access points.

Reabe – The access could be put in a vulnerable location where the person entering the highway doesn’t have visibility.

Shute - That was another area we’re looking to amend. It would revert back to the 2000 standard to allow creation of parcels with access by easement. We could go page by page at the next meeting.

Starshak – There are significant changes in the amended ordinance and it would be good to have everyone have a chance to read through it. This needs to be reviewed page by page. This will be placed on next month’s agenda.

**FUTURE AGENDA ITEMS**

**a. Future Activities**

- 1. Land Division Ordinance review

**NEXT MEETING DATE**

February 7, 2013

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

**5:42 p.m. Recess.**

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:** Duane Kuglin **Agent:** Nathan Ward, Buell Consulting, SBA Towers IV, LLC  
**General Legal Description:** N4099 State Road 73, Part of Parcel #014-00543-0000, located in the NE¼, Section 16, T15N, R12E, Town of Marquette, ±.24.92 acres **Request:** Conditional use permit request to construct a 260-foot tall communications tower and associated ground equipment and structures.

- a) Public Hearing

Nathan Ward, Buell Consulting, representing Duane Kuglin – Spoke in favor of the request.

Reabe – If the tower were to fall to the north or northeast, would it come in contact with the buildings?

Buell – The tower would fold over on itself; it is designed to not tip over.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed with Mr. Buell what the tower would be used for and its other capabilities. There is a benefit to Green Lake County because of the better service for Verizon customers. The company would like to get the county up to baseline coverage and 4G capability. Peters reminded everyone that a disadvantage is for those in the area who use aerial spraying for their crops. Crop dusters will not fly near towers.

c) Committee Decision

**On a motion by Henke/Moderow, 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 SBA Towers IV, LLC 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.
- 2) Submit a tower failure report.

d) Execute Determination Form/Ordinance

**Item II: Applicant:** Gelhar Real Estate Investments LLC **Agents:** Attorneys Steven R Sorenson & Thomas W Moniz of Davis & Kuelthau SC **General Legal Description:** Parcel #010-00182-0200 & #010-00183-0100, Part of the NE¼, Section 10, T14N, R13E, Town of Mackford, being a strip of land 150 feet south of and parallel to the south railroad R/W, ±5.0 acres **Explanation:** Conditional use permit request for a truck-to-railroad transload facility.

a) Public Hearing

Attorney Steven R. Sorenson, 479 Gold Hill Court, Green Lake – Spoke in favor of the request.

Henke – The Town of Mackford is in favor of it.

Peters – This should involve a road agreement with Green Lake County.

Green Lake County Highway Commissioner Amy Brooks – The road work was a temporary fix on S. They did undercutting and a thin overlay. The remainder of the work needing to be done is add base gravel, pulverize the road, and add surface. The work is not completed yet. I feel that the Highway Committee concerns would be fine with the road agreement and possible aid. A possible passing lane may need to be added.

Sorenson – We’ve worked with the highway department for four years.

More discussion involved a disagreement as to whether or not there was a road agreement in place. Attorney Sorenson insisted that there was an agreement. Corporation Counsel Hurst advised that there was not an agreement and that listing a highway agreement as a condition of approval would be appropriate.

Brian Olmen – DNI, Green Lake, appeared on behalf of Gelhar Real Estate Investments, LLC – Spoke in favor of the request.

Robert Benske, 387 Scott Street, Green Lake, appeared on behalf of Gelhar Real Estate Investments, LLC – Spoke in favor of the request.

Sorenson asked why no one had questioned or asked for a new highway agreement before the meeting. Reabe advised that the installation of permanent lighting would be a good idea.

Public hearing closed.

b) Committee Discussion and Deliberation

Peters – Realistically, with federal stimulus money, the county put \$1.2 million in the county bridge on County Road A. County Road S is a mile from County Road A, a mile from County Road S to Mackford Hill. You're looking at a significant amount of dollars. I would certainly be more comfortable if we required a road agreement as a condition of the conditional use permit. If there is no highway agreement, you are going against the advice of corporation counsel.

The committee discussed the three recommended conditions in the staff report with the possible addition of a fourth (the road agreement). Henke and Reabe stated that they agreed with Attorney Sorenson.

c) Committee Decision

**On a motion by Reabe/Henke, carried on roll call (3-eyes, 2-nays: Henke-aye, Moderow-aye, Peters-nay, Reabe-aye, Starshak-nay), to approve the conditional use permit request as presented with the following conditions:**

- 1) **No additional expansion or addition of structures and/or uses shall occur without review and approval through future Conditional Use Permit(s).**
- 2) **The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any "development" related to this industrial operation.**
- 3) **Signage shall comply with Section 350-43. Signs. of the Green Lake County Zoning Ordinance.**

d) Execute Determination Form/Ordinance

**Item III: Applicant:** Jon & Randall Laper **General Legal Description:** W540 Center Road, Parcel #006-00251-0100 and #006-00251-0200, Lot 1 Certified Survey Map 3387 and part of the NE¼, Section 14, T15N, R13E, Town of Green Lake, ±3.013 acres **Request:** Rezone 2 acres from R-1 Single-Family Residence District to R-4 Rural Residential District, and 1.013 acres from A-1 Exclusive Agriculture District to R-4 Rural Residential District.

b) Public Hearing

Tony Dolgner, Century 21, Ripon, representing the applicants – Spoke in favor of the request.

Ronald Wagner, W504 Center Road – Questioned how many animals are allowed on an R-4 zoned parcel.

Shute – There is no limit and explained the past committee’s rationale for creating the R-4 Rural Residence District and permitting an unlimited number of animals.

Wagner – Expressed his concern about a large number of animals on small parcels.

David Wilke, W326 Center Road – Expressed concern about mixing residential use with agricultural use. It appears that the committee amends the ordinance as people want to change things.

Public hearing closed.

b) Committee Discussion and Deliberation

The Town of Green Lake did not object to the request.

c) Committee Decision

**On a motion by Moderow/Reabe, carried on roll call (5-ayes, 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 Peters/Moderow, unanimously carried, the committee adjourned.**

Time: 7:11 p.m.

**RECORDED BY**

Carole DeCramer  
Committee Secretary

**APPROVED ON:**

February 7, 2013  
March 7, 2013 (approval of amended Jason Valerius comments)