

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING COMMITTEE  
Business Meeting & Public Hearing Minutes – February 4, 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 4:32 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 Erdmann/Traxler, unanimously carried, to approve the amended agenda. Motion carried.**

**APPROVAL OF MINUTES**

**Motion by Henke/Sell, unanimously carried, to approve the January 7, 2009, minutes. Motion carried.**

**PUBLIC APPEARANCES** – None

**PUBLIC COMMENT** – None

**CORRESPONDENCE**

**a. Lindenwood Development, LLC**

Shute – I don't have anything beyond what you were given in closed session last month. I gave you Attorney Sutherland's letter because I didn't not know if you would be discussing this in open or closed session. With respect to the correspondence, I have had several requests for the Lindenwood correspondence. Based on Corporation Counsel's advice, I have not released any of that. I will need an opinion on that. Attorney Sutherland never intended his letter to be discussed in closed session. Lindenwood's was given to me stating that it was being submitted for closed session. That's the way it came to me and the committee decided to receive it in closed session. I need to know when I can release that.

Haase – I will check with Attorney Selsing and get back to you.

A brochure was given to each of the committee members regarding the board of adjustment training session on February 20<sup>th</sup>. Any interested committee members should let Shute know.

An article pertaining to how ordinances affect the Amish community was also given to each of the committee members. Shute explained that the department has a good relationship with the Amish community in Green Lake County.

**PURCHASES** – None

**CLAIMS**

Claims totaling \$1,346.12 were submitted.

**Motion by Traxler/Henke, unanimously carried, to approve the claims in the amount of \$1,346.12 for payment. Motion carried.**

**APPROVAL OF DEPARTMENT ACTIVITY REPORT, ANNUAL REPORT & CARRYOVER REPORT**

**Motion by Erdmann/Traxler, unanimously carried, to approve the monthly and activity report and the 2008 Annual Report and Carryover Report. Motion carried.**

**DEPARTMENT/COMMITTEE ACTIVITY**

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

A draft of the proposed agricultural district changes was given to each of the committee members. Included in the draft copy are sections highlighted in green. This is wording that the Department of Agriculture felt the ordinance was lacking in order to meet the Farmland Preservation Standards. Staff proposes creating two classes of agriculture: an exclusive ag district that would provide for the farmland preservation and tax relief program, and then take the existing Ag-2 and Ag-3 districts and combine them into one general-type agriculture. This will be discussed again after the committee has an opportunity to read the proposed ordinance.

**GENERAL COMMITTEE DISCUSSION**

- a. **Such other matters as authorized by law**
- b. **Future activities**
  - 1. **2010 Aerial Photo & Contour Mapping Project**

Shute – The aerial photography was last done in 2005. So many of the departments use it and have learned how beneficial this is for everyone. We would like to do this again in 2010. For just a snapshot of the ground it would cost \$32,000. Another component that we've been looking at is a FEMA-compliant two-foot contour data layer. Right now we have four-foot contouring. With the non-metallic mining money, Land Information money, and possibly Land Conservation money, a four-way split could be done of which the Planning and Zoning Department would pay two of the units. This department proposes two units because of the huge need for the product with the non-metallic mining. With this kind of resource, there is not a need to hire a staff person if current staff can check the mining conditions every five years using aerial photography. Land Information would pay a fourth and Land Conservation would possibly pay a fourth.

**Motion by Traxler/Sell, unanimously carried, to provide the funds, if available, to pay for two units (one-half) of the FEMA compliant two-foot contour mapping; Land Information will pay a quarter and Land Conservation will pay a quarter. Motion carried.**

5:49 p.m. Committee recessed

6:00 p.m. Committee 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:** Kathleen S. Hurka for the Estate of Glenn Mackey **Applicant:** Don W. Lenz, Green Lake Surveying Company **Address:** W3180 CTH K, Green Lake West Lot 1 CSM 2403 V11 Exc the W 8' Thereof (Res Outlot 1 & Pt Lot 1) Section 11, T15N, R12E, Town of Green Lake (± 2.15 Acres) **Explanation:** The owner is requesting a variance to create a lot that will not provide the required 100' of lot width.

a) Public Hearing

Don Lenz, Green Lake Surveying, Company, W1734 North Street, Green, surveyor on behalf of the Hurka family - Spoke in favor of the request.

Guy Hurka, speaking on behalf of the Glenn Mackey Estate – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute - Explained that the lots in the area are all greater than 100' in width; however, 92' is not that far off and would probably not negatively affect that area. Staff recommends four conditions listed in the staff report.

McConnell – Reminded the committee that a statement from Lynn Grout, realtor, was included in the meeting packets.

c) Committee Decision

**Motion by Henke/Traxler, unanimously carried on roll call (5-eyes, 0-nays), to approve the variance request with the following conditions:**

- 1. Modification to the existing single family dwelling shall be performed before the additional lot is created in order to meet ordinance standards and its footprint shall be brought back to grade and re-vegetated. A Land Use Permit for the modifications shall be required.**
- 2. The modification to the existing single family dwelling and verification of a code compliant side yard setback shall be verified and documented as part of the Certified Survey Map by a registered land surveyor.**
- 3. The two small existing non-conforming sheds along the east side of Lot 1 of CSM 2403 shall be moved to a code compliant location and the footprints shall be re-vegetated.**
- 4. A two-lot Certified Survey Map shall be prepared as presented in this request in accordance with the County Land Division Ordinance standards.**

**Motion Carried.**

d) Execute Determination Form/Ordinance

**Item II: Owner:** Lindenwood Development, LLC **Applicant:** Doug Crusan **Address:** W2301 Stone House Rd, That Portion of the Parcel Desc in V750 PG597 not lying in Sanitary District, Section 30, T16N, R13E, Town of Brooklyn (± 1.00 Acres) **Explanation:** The owner is requesting a conditional use permit to create a subdivision specific model home/sales office in a residential zoning district for the Estates of Lawsonia Subdivision.

a) Public Hearing

Doug Crusan – Greenville, WI, applicant – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Erdmann – Questioned if the request complies with the new ordinance and if the outdoor lighting and parking is in line.

Shute – Yes it complies and the parking and lighting would be included with the conditions.

c) Committee Decision

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

- 1) This Conditional Use Permit is not transferable and shall be reviewed two (2) years from the date of this approval by the Land Use Planning and Zoning Committee.**
- 2) Any addition or expansion of the structure or use of the structure as a subdivision specific model home/sales office is prohibited.**
- 3) The structure to be used as the model home/sales office shall return to a use as a single family dwelling immediately following the expiration of the Conditional Use Permit, unless said permit so extended by the Committee.**
- 4) The Conditional Use Permit is only applicable to those structures identified in this request.**
- 5) If approved, the proposed use shall not change the visual character of the site in a way that it could be viewed as anything other than a residential use. That means there shall be no items related to construction or other nonresidential items such as, but not limited to, vehicles, materials, equipment and job trailers being stored or placed on the premises of this Conditional Use Permit for a subdivision specific model home/sales office.**
- 6) Outdoor lighting installations shall be a building mounted residential style with adequately shielded or hooded to prevent direct light, excessive glare and illumination from being casted upon other properties.**
- 7) During the term of the Conditional Use Permit the subject site shall be allowed one non-lighted sign, Type 3 per § 350-46.C. of the County Zoning Ordinance. The sign shall be setback a minimum of 10 feet from all road right-of-ways and require a land use permit.**
- 8) Twelve parking stalls shall be created or made available to service this building as required per § 350-21.E.4. along with any handicap stalls as may be required by other entities of jurisdiction.**

**Motion carried.**

d) Execute Determination Form/Ordinance

**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 LAND DEVELOPMENT DIRECTOR AND CODE ENFORCEMENT OFFICER).**

**6:24 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. Motion carried.**

**7:41 p.m. Motion by Henke/Sell, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session. Motion carried.**

**Findings of closed session:**

**Motion by Erdmann/Traxler, unanimously carried, to approve the evaluations and send them to the personnel files. Motion carried.**

**A special meeting has been scheduled for the Estates of Lawsonia for the determination of the green space for the school district. The date is February 26<sup>th</sup>, 1:00 p.m.**

**NEXT MEETING DATE**

March 4, 2009

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

**ADJOURN**

**Motion by Sell/Erdmann, unanimously carried, to adjourn. Motion carried.**

Time: 7:44 p.m.

Recorded by Carole DeCramer  
Committee Secretary

**APPROVED ON:**

March 4, 2009