

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Public Hearing Minutes – September 5, 2007 – 6:00 p.m.**

CALL TO ORDER

Vice Committee Chair Wallace Williams called the meeting of the Land Use Planning and Zoning Committee to order at 6:07 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: Orville Biesenthal, Gus Mueller, Howard Sell, Wallace Williams

Absent: Susan McConnell

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

APPROVAL OF AGENDA

Motion by Biesenthal/Mueller, unanimously carried, to approve the agenda. Motion carried.

PUBLIC HEARING MATTERS

Vice Committee Chair Williams read the Rules of Order.

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

Item I: Owners: Grand River Cooperative – Michael Hinz, President **Applicant:** Terry Zimdars
Site Address: W1705 CTH S, Parcel #010-0168-0000, Lot 1 CSM 246, V1 Sec 8 also a R/W; also Com at the SW Cor of CSM 246 then S18°W120; S60°E3256.70'; N155', N60°W205.94' to POB and that part of NW¼ SW¼ Sec 9 and the NE¼ SE¼ Sec 8 lying N of Grand River & S of RR R/W V227 P565 exc Parcel 168.1 of Section 3, Section 9, T14N R13E, in the Town of Mackford **Explanation:** The owner is requesting a conditional use permit for fertilizer storage and blending, seed and herbicide storage, and grain storage and handling.

a) Public Hearing

Eugene Henke, W1039 Lake Maria Road, Markesan, WI, Town of Mackford Supervisor – Appearing on behalf of the Town of Mackford. The town is in favor of the request.

Elmer Bock, W1618 CTH S, Markesan, WI, (adjoining property owner) – Questioned why, when the building is two-thirds complete, the co-op is before the committee now. Also shared concerns about dust. Stated that the co-op representatives agreed to build a fence around the property and that didn't happen.

Terry Zimdars, W13404 Carter Road, Ripon, Grand River General Manager – Explained the need for the expansion/request. Stated that they're open to suggestions and want to be good neighbors.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – Addressed Mr. Bock’s concerns regarding why building can occur before the conditional use request is decided - the building and the activity are permitted uses. The purpose of the conditional use is to review the site and determine additional regulations for areas that need to be addressed; i.e. dust control, lighting, fencing, driveway, ingress and egress. Tom Jonker, Green Lake County Land Conservation, stated that they will require a permit per the erosion control ordinance. He also has concerns regarding an action plan for chemical spills. Jennifer Huffman, WI-DNR, advised Jonker that she will also require a stormwater management permit.

Zimdars – There is an action plan that is filed annually with the county, the fire department, and the state. We are working with Land Conservation and the DNR on erosion control. A storm sewer permit is not needed, but do need to work on an erosion control plan. This is being done by an engineering firm from Madison. Some of the dust should be eliminated by adding to the rail spur to receive more products by rail. In the spring, they wet down the driveway. Also explained the procedure for containing a chemical spill.

Shute – Recommended that the committee add as a condition a detailed site plan.

Bock – Reiterated his concern regarding the dust. More concerned with the dust created by loading and unloading the grain than the driveway dust.

Shute – Suggested that the committee lay this request over for a month in order to look into fencing, screening, landscaping, reserved open space, lighting, hours of operation, dust control, reviewing the operation in twelve months, drainage, audio testing, and the detailed site plan. Additional conditions are listed in the staff report.

c) Committee Decision

Motion by Mueller/Sell, unanimously carried, to lay this request over for a month. Motion carried.

d) Execute Determination Form/Ordinance

Item II: Owners: Thomas A Steffen et al **Applicant:** Keith J Valentyne **Site Address:** N2285 Tichora Road, Part of Parcel #010-0077-0000 and Part of #010-0076-0200, Located in Part of the NE¼ of the SW¼ and Part of the SE¼ of the NW¼, Section 4, T14N R13E, Town of Mackford **Explanation:** The owner and applicant are requesting a zoning change of .30 acres more or less from A-1 Exclusive Agriculture District to R-2 Single-Family Mobile Home Residence District to enlarge an existing R-2 zoning district. Lot to be identified by Certified Survey Map.

a) Public Hearing

Keith Valentyne, Carow Land Surveyor, Appleton, WI – Surveyor for the project; found that the trailer is a half a foot over the line. Propose to follow the top of the slope along the creek and add that land to the parcel to make it conforming. Would add deed restriction so it can’t be split again.

Eugene Henke, W1039 Lake Maria Road, Markesan, WI, Town of Mackford Supervisor – Spoke in favor of the request on behalf of the Town of Mackford.

Tom Steffen, N2285 Tichora Road – Landowner speaking in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – Reminded the committee that deed restrictions are not enforced by this department.

Haase – Expressed concern about enforcing a deed restriction.

Shute – Suggested that the committee recommend to the county board that the boundary be modified to shift the boundaries to the north and create a new 39,000 square foot parcel.

Dan Steffen – Stated that modifying the boundary would take out the driveway.

Tom Steffen – Said that this would only add to the surveying costs. This would have to come before this board again for a double dwelling.

Helmer – Informed Mr. Steffen that rezoning a parcel doesn't work that way. Once it's rezoned, the property owner has the control.

c) Committee Decision

Motion by Sell/Mueller, unanimously carried on roll call (4-eyes, 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: Owners: Leslie Schwartz, Gigi Schwartz, Tanya Schwartz **Site Address:** N4855 County Rd AK, Part of Parcel #006-0038-0100, Com 40.46' W; 9.84' N87°W; & 33.12' S of the NE Cor Sec 3: Thence S 551.39'; S 852.68'; N62°W 141.81'; N23°W 469.38' as rec'd V329 P432 & 433 Exc CSM 2237 V10, Section 3, T15N R13E, Town of Green Lake, (±52.403 Acres) **Explanation:** The owners are requesting a zoning change of 10 acres from A-1 Exclusive Agriculture to A-3 Light Agriculture District, to be identified by Certified Survey Map.

a) Public Hearing

Randy Roper, W14310 Prairie Road, Ripon, WI – Husband of Tanya Schwartz, speaking in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

Motion by Mueller/Biesenthal, unanimously carried on roll call (4-eyes, 0-nays), to recommend approval of the rezone request as presented and forward to the county board for action. Motion carried.

e) Execute Determination Form/Ordinance

Item IV: Owners: Daniel A & Mary E Bontrager **Agent:** Arnold Knight **Site Address:** W3818 Heritage Road, Parcel #012-0072-0000, NW¼ of the SE¼ Sec 4 (±40.00 acres); 012-0073-0000, SW¼ of the SE¼ Sec 4 Exc CSM 3061 Lying Therein, (±39.460 acres); 012-0072-0100, Lot 1 Certified Survey Map 3061 V16, (±0.535 acres), all parcels in the Town of Manchester, T14N R12E. **Explanation:** The owners are requesting a conditional use permit to allow for a second single-family dwelling for caretakers and/or laborers engaged in a permitted use.

a) Public Hearing

Arnold Knight, Agent – W4966 State Road 44, Markesan – Speaking on behalf of the Bontragers, explained that the family proposes to combine two parcels to enable their home and the grandparents' home to be connected with a breezeway. It's the custom of the Amish to care for their aging parents.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – Reminded the committee that, at Mr. Knight's urging, the committee discussed grandparent houses a year ago and made the decision to continue the enforcement and administration of the ordinance as it was written (each lot is entitled to one residential structure). Stated that he didn't think the committee could approve this request given what was decided a year ago.

Haase – Reiterated that the request is in violation of the ordinance. It's a great concept, but could potentially become a problem with having two homes on one property.

Shute – If you want this concept, then duplex zoning is the appropriate zoning for this. It meets the definition of a two-family dwelling.

Williams – Questioned whether or not you can have a house for farm laborers.

Shute – There are provisions for caretakers and laborers, but I don't think family members fall into that definition. They could apply for duplex zoning. It would have to be approved by the town and then come back to this committee. If approved, the boundary line could be eliminated and the two homes could be connected.

Mueller – I would recommend leaving it as it is right now, but give them instructions that they could apply for duplex zoning.

c) Committee Decision

Motion by Mueller/Sell, unanimously carried on roll call (4-eyes, 0-nays) to deny the conditional use request but request that they consider a duplex rezone. Motion carried.

e) Execute Determination Form/Ordinance

PUBLIC COMMENT

Nancy Hill – W1399 Spring Grove Road - As I recall, earlier in the year, the committee had an unofficial policy of reading through the staff reports as you were making your decision so the public would understand better how you arrive at your decision. I would like to see that implemented again.

Jim Fox, Town of Green Lake Chairman – These meetings and town meetings are getting so bad in what people are asking you almost have to leave your heart at home when making decisions. I sympathize with you.

Mueller – As a society we're becoming more aware that we have to take care of the old people like me. If you can do it within your family and just put up a little grape arbor and call it a day, that's fine. Ten years ago when they drew up this great plan up, that wasn't quite so bad. Everything was going to be solved by retirement and Uncle Sam and all sorts of money for everybody. It hasn't worked out that way. If we can grab up a retiring couple or a disabled couple and give them this type of support, maybe it's time to make an opening for that. Green Lake County could be the county of misfits.

Williams – I think that the comprehensive plan should be overhauled. I don't know which way it would go.

Fox – I read in the paper that Madison is thinking about combining counties. I hope that Green Lake County doesn't go that route. If we would do away with Green Lake County and have to go elsewhere for all of this information, think of the burden it would put on our taxpayers. There is so much information just on the building permits that we get from here. I would like to know when the wind energy issue is coming. Enter this with an open mind; it's pollution-free energy.

CORRESPONDENCE

Shute – One thing that came in today is the Nancy Hill letter announcing the joint advisory committee on land use matters. It's a partnership of the Green Lake Association, the Green Lake Sanitary District, the Wisconsin Department of Natural Resources, and other interested individuals. They're looking to get involved in land use matters as far as providing comment, look at ordinances, provide comment as to areas of the ordinances that need clarification, and spot loopholes for us. We'll gladly accept their assistance.

FUTURE DEPARTMENT/COMMITTEE ACTIVITY - None

GENERAL COMMITTEE DISCUSSION - None

NEXT MEETINGS DATES

September 26, 2007 – Business Meeting – 6 p.m.

October 3, 2007 – Public Hearing – 6 p.m.

ADJOURN

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

Time: 7:59 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

September 26, 2007