

GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting Minutes – September 26, 2007 – 6:00 p.m.

CALL TO ORDER

Committee Chair Sue McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 6:00 p.m. in the Green Lake County Courthouse, County Board Room, Green Lake, Wisconsin. The requirements of the open meeting law were certified as being met.

Present: **Orville Biesenthal, Sue McConnell, Gus Mueller, Howard Sell, Wallace Williams**

Absent:

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Sell/Mueller, unanimously carried, to approve the minutes of August 22, 2007, and September 5, 2007. Motion carried.

PUBLIC APPEARANCES – None

PUBLIC COMMENT – None

CORRESPONDENCE

Shute – The county clerk gave me four resolutions from the 2007 Conference for the Wisconsin Counties Association and asked that this committee review them to see if they relate to land use planning and zoning. I don't think any of the resolutions are pertinent to this department. No action taken by committee.

PURCHASES – None

CLAIMS

Claims totaling \$885.13 were submitted.

Motion by Williams/Sell, unanimously carried, to approve the claims in the amount of \$885.13 for payment. Motion carried.

APPROVAL OF DEPARTMENT ACTIVITY REPORT – AUGUST, 2007

Motion by Biesenthal/Williams, unanimously carried, to approve the August report. Motion carried.

DEPARTMENT/COMMITTEE ACTIVITY

- a. **Work on agricultural districts, amend.**

b. Work on wind energy systems standards.

Shute – The priority has shifted from amending the zoning ordinance A-1 district to working on an ordinance for the wind energy systems. I have prepared a preliminary draft and would like to review it one more time before giving it to Attorney Haase for his review. This committee may be reviewing it in November. The attorneys for Florida Power and Light would also like an opportunity to review the proposed ordinance.

c. Review enforcement standards for zoning and shoreland ordinances.

Shute – The enforcement standards for the shoreland ordinance should correspond to the zoning ordinance enforcement standards. Please review the amendments that I have given you; this item will be placed on the October 3rd agenda for further discussion.

GENERAL COMMITTEE DISCUSSION

a. Such other matters as authorized by law

Shute – Update on the Grand River Cooperative: Matt (Kirkman) is still working with the general manager, Terry Zimdars. I have obtained clarification on all of those state administrative rules relating to the Department of Agriculture, Department of Commerce, Wisconsin Department of Natural Resources, and Green Lake County Land Conservation. Some of the conditions that this committee discussed at the public hearing for Grand River Co-op are things that the other governmental entities require as part of their permit process. Dust, for example, is regulated by the Department of Agriculture. I am recommending that this committee not concern themselves with some of the proposed conditions discussed at the public hearing because those will require separate state permits or approvals. Staff will provide the committee with a list of suggested conditions such as lighting and fencing.

McConnell – What happened at the last Board of Adjustment?

Shute – We had three items on September 21st. One of the items was the American Baptist Assembly. They applied for a variance to allow a 7-foot setback for their rental shed. They tore down what they had and then built a larger, new structure. It was all done without a permit. The board denied that request. Staff will be monitoring that to make sure the building is moved to a compliant location. The second item was a conventional ranch home, 40 feet from Oakwood Beach Road and 35 feet from Circle Drive, 13 feet from the back lot line with the deck, and eight feet from the side yard setback. The board modified the request and denied all but the dining room and kitchen expansion. That created a 13-foot setback from the lot line instead of the required 25 feet. The last one was also on Oakwood Beach Road and had an existing, older cottage structure on it, 43 feet from the lake, with a detached garage 5 feet from the road right-of-way. The proposal was to remove the house and garage and build a new house. The board did grant them the variance for the structure that was presented with the 15-foot setback from the road right-of-way. Two conditions were included with the variance.

Shute - The board of adjustment talked about having full-time counsel. Their last public hearing was a good example. They were not represented and there was information presented that wasn't necessarily correct. The board is becoming nervous about the fact that they're not represented legally. More and more the applicants are bringing attorneys to the public hearings. It's not fair to the board and it's not fair to the ordinances to allow attorneys to come in and go through this process unchallenged.

Mueller – How do we correct that? Hire a third attorney?

Shute – I don't know. I just want you to know that this is some of the discussion that is going on with the board of adjustment.

Haase – John (Selsing) and I have talked about this. If there is an attorney on the other side, they'll be all over me saying I can't represent both the department and the board of adjustment. It makes more sense for me to represent the department since I work more closely with them. I'm talking to other counties to see how they handle their situations. I'm getting information together.

McConnell – In this case, it wouldn't help to have a full-time attorney because he or she wouldn't be able to represent both staff and the board. I would suggest hiring an attorney for whenever the board of adjustment needs representation.

Shute – That's the catch. We never know when they need an attorney.

Helmer – Where does the money come from to pay for the attorney?

Shute – That also becomes an issue, the financial side.

McConnell – Charge an additional fee to the people who are requesting it.

Shute – Maybe that's the solution. We raised our fees to cover staff time and publication costs that keep rising. We have a lot of research to do on this but I wanted you to know that the board has been concerned about it.

Nancy Hill, Green Lake Association Executive Director – Al (Shute) is absolutely right. The attorney, Steve Sorenson, at the last meeting really intimidated the board and it started out at the field inspection. He was directing them about what they should be looking at. Staff (Matt Kirkman) tried to stop that and Attorney Sorenson shook his finger at him. I don't know how you deal with intimidation right out in the field where, ordinarily, the attorney would be right in this room, but not out in the field. That's a disservice to the board of adjustment. I wholeheartedly favor raising the fees to cover the cost of hiring an attorney to represent the board who understands the criteria.

Shute – There is no requirement that the board has to visit the site as a group. This is the first time that we've been confronted with this situation. To avoid this problem, staff could video the site or take pictures for the board members. We'll continue to do research on this and keep you informed.

NEXT MEETINGS DATES

October 3, 2007 – Public Hearing – 6 pm

October 24, 2007 – Business Meeting – 6 pm

ADJOURN

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

Time: 7:22 p.m.

Recorded by:
Carole DeCramer
Committee Secretary

APPROVED:
October 24, 2007