

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting – 4:30 p.m.
Public Hearing Minutes – 6:00 p.m.
December 2, 2009**

CALL TO ORDER

Committee Chair Sue McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 4:30 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/Sell, unanimously carried, to approve the amended agenda. Motion carried.

APPROVAL OF MINUTES

Motion by Henke/Traxler, unanimously carried, to approve the November 4, 2009, minutes. Motion carried.

PUBLIC APPEARANCES – None

PUBLIC COMMENT

James Fox, Town of Green Lake Chairman – Inquired as to whether or not the county regulates how many urns are allowed per cemetery lot.

Henke – Stated that the Town of Mackford allows two urns per lot.

Shute – Explained that the Land Use Planning and Zoning Department does not regulate that.

CORRESPONDENCE – None

PURCHASES – None

CLAIMS

Claims totaling \$606.09 were submitted.

Motion by Traxler/Sell, unanimously carried, to approve the claims in the amount of \$606.09 for payment. Motion carried.

APPROVAL OF DEPARTMENT ACTIVITY REPORT

Motion by Sell/Erdmann, unanimously carried, to approve the October, 2009, monthly report. Motion carried.

DEPARTMENT/COMMITTEE ACTIVITY

- a. Agricultural Zoning Districts
- b. Rural Residential Zoning Districts

Shute requested that this discussion begin again at the January meeting.

GENERAL COMMITTEE DISCUSSION

- a. Such other matters as authorized by law

DISCUSSION, ACTION ON TOWN OF KINGSTON NORTH PINE AMISH CEMETERY.

**Motion by Henke/Traxler, unanimously carried, to forward to the County Board for action.
Motion carried.**

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)

**5:01 p.m. Motion by Erdmann/Sell, 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.**

RESUME INTO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION

5:44 p.m. Motion by Traxler/Henke, unanimously carried on roll call (5-ayes, 0-nays), to resume into open session. Motion carried.

5:45 p.m. Brief recess.

6:00 p.m. Meeting reconvened.

PUBLIC HEARING MATTERS

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

Committee Chair Sue McConnell reconvened the meeting of the Land Use Planning and Zoning Committee at 6:03 p.m. for public hearing items and read the rules of public hearing.

Item I: Owner/Applicant: Landmark Services Cooperative **Agent:** Mike Elders **Site Address:** Just east of W1649 CTH S, Parcel #010-00154-0000 - Part of the SW¹/₄ of the NW¹/₄, Section 9, T14N R13E in the Town of Mackford, (±1.53 Acres) **Explanation:** The owners/applicants are requesting a rezone from I-Industrial District to R-1 Single-Family Residence District.

- a) Public Hearing

Elmer Bock, W1618 CTH S – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

This was originally zoned Industrial in error years ago. A condition of their recently approved conditional use was that the error be corrected. The Town of Mackford did not object to the request.

c) Committee Decision

Motion by Henke/Erdmann, unanimously carried on roll call (5-ayes, 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 II: Owner/Applicant: Clarence Thiel & Mark Schneider **Agent:** Mark Schneider **Address:** W6160 Puckaway Road (Schneider) and W6129 Puckaway Road (Thiel), #014-00433-0000 (Schneider), #014-00459-0000 (Thiel), #014-00432-0000 (Thiel), Part of the NE¼ and SE¼ of Section 33, T15N R11E, Town of Marquette, ±76 acres. To be identified by Certified Survey Map. **Explanation:** The owners/applicants are requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District (±4.0 acres), A-2 General Agriculture District (±25.13 acres), and A-3 Light Agriculture District (±11.00 acres).

a) Public Hearing

Mark Schneider, W6160 Puckaway Road - Spoke in favor of the request.

Teresa Klawitter, N2279 Indian Mound Road, Dalton, in attendance with Clarence Thiel – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The Town of Marquette objected to part of the request. However, the Town of Marquette did not include a Town resolution with the Town Board Action Form.

Attorney Haase advised that this request be laid over until the Town of Marquette provides a resolution denying all of part of the request.

c) Committee Decision

Motion by Erdmann/Sell, to table this request until January 6th, to allow receipt of a resolution of denial from the Town of Marquette. Motion carried.

d) Execute Determination Form/Ordinance

Item III: Owner/Applicant: Jeffery T & Terry L Kling **Site Address:** Just north of CTH X, Parcel #012-00340-0000 – Part of the SW¼ of the SW¼, Section 18; Parcel #012-00358-0000 –

Part of the NW¼ of the NW¼, Section 19; Both parcels are in T14N R12E, Town of Manchester, (±1.08 Acres). To be identified by Certified Survey Map. **Explanation:** The owners/applicants are requesting a rezone from A-1 Exclusive Agriculture District to R-1 Single-Family Residence District.

- a) Public Hearing

Terry Kling, W4870 CTH X - Spoke in favor of the request.

Jeffery Kling, W4870 CTH X – Spoke in favor of the request.

Public hearing closed.

- b) Committee Discussion and Deliberation

- c) Committee Decision

Motion by Henke/Traxler, carried on a 3:2 roll call vote (Erdmann-nay, Henke-aye, McConnell-aye, Sell-nay, Traxler-aye), 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 IV: Applicant: Green Lake County Land Use Planning and Zoning Committee
Explanation: Request to amend Code of Green Lake County, Chapter 338 of the Shoreland Protection Ordinance. The purpose of the ordinance amendment is to clarify existing language that will better provide for consistent administration and enforcement of ARTICLE IX, relating to nonconforming uses and structures. These proposed standards are intended to meet the purpose and intent of the Shoreland Protection Ordinance.

- a) Public Hearing

Arnold Knight, Town of Kingston – Asked that shoreland be defined.

Traxler – Defined shoreland.

The committee explained that his question did not pertain to the proposed ordinance amendment.

Josh Schoemann, 336 N. Clinton Street, Princeton – Spoke in favor of the ordinance amendment.

Public hearing closed.

- b) Committee Discussion and Deliberation

- c) Committee Decision

Motion by Erdmann/McConnell, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the ordinance amendment and forward to the county board for action. Motion carried.

d) Execute Determination Form/Ordinance

Item V: Applicant: Green Lake County Land Use Planning and Zoning Committee
Explanation: Request to amend Code of Green Lake County, Chapter 350 of the Zoning Ordinance; more specifically to delete all of Section 350-43.2 wind energy facility standards and to delete from Section 350-77 appropriate wind energy facility definitions.

a) Public Hearing

James Fox, Town of Green Lake Chairman – Asked if the State of Wisconsin has any proposed regulations.

Shute – Explained that, once the State's standards are developed and adopted, the local governments may then take another look at developing their own regulations.

Todd Hudzinski – N4717 Wicks Landing Road, Princeton – Inquired as to how that applies to what we have. By eliminating this ordinance, does it open it up and we just wait for what the State has on their minimum?

Attorney Haase – Advised that the statute is out right now. It allows the counties to look out for the health and safety of its citizens

Public hearing closed.

b) Committee Discussion and Deliberation

c) Committee Decision

Motion by Henke/Sell, unanimously carried on roll call (5-ayes, 0-nays), to recommend approval of the ordinance amendment and forward to the county board for action. Motion carried.

d) Execute Determination Form/Ordinance

Item VI: Applicant: Green Lake County Land Use Planning and Zoning Committee
Explanation: Request to amend Code of Green Lake County, Chapter 300 of the Floodplain Zoning Ordinance. The purpose of this amendment is to update the map panels used for administration and enforcement of the Floodplain Zoning Ordinance and updated studies that affect the floodplain boundaries, to provide floodplain standards for areas annexed by cities and villages until the municipality adopts floodplain zoning standards, to add standards for nonconforming structures in floodway areas, and to provide standards and clarify current administration and enforcement of floodplain islands.

a) Public Hearing

No one commented.

Public hearing closed.

b) Committee Discussion and Deliberation

- c) Committee Decision

Motion by Traxler/Erdmann, unanimously carried on roll call (5-eyes, 0-nays), to recommend approval of the ordinance amendment and forward to the county board for action. Motion carried.

- d) Execute Determination Form/Ordinance

Item VII: Applicant: Green Lake County Land Use Planning and Zoning Committee
Explanation: Request to amend Code of Green Lake County, Chapter 350 of the Zoning Ordinance; more specifically to delete all of the existing sign regulations in ARTICLE V and replace it with new language.

- a) Public Hearing

No one commented.

Public hearing closed.

- b) Committee Discussion and Deliberation
- c) Committee Decision

Motion by Henke/Sell, unanimously carried on roll call (5-eyes, 0-nays), to recommend approval of the ordinance amendment and forward to the county board for action. Motion carried.

- d) Execute Determination Form/Ordinance

Item VIII: Applicant: Green Lake County Land Use Planning and Zoning Committee
Explanation: Request to amend Code of Green Lake County, Chapter 350 of the Zoning Ordinance; more specifically Section 350-27.F.(6); and Section 350-54.B.; and Section 350-65.C. and D; and Section 350-76.B.(1). The proposed ordinance amendments are intended to clarify and correct ordinance language that was affected by previous amendments.

- a) Public Hearing

No one commented.

Public hearing closed.

- b) Committee Discussion and Deliberation
- c) Committee Decision

Motion by Erdmann/Traxler, unanimously carried on roll call (5-eyes, 0-nays), to recommend approval of the ordinance amendment and forward to the county board for action. Motion carried.

- d) Execute Determination Form/Ordinance

NEXT MEETING DATE

January 6, 2010

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

ADJOURN

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

Time: 7:40 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

January 6, 2010