



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

June 2, 2016

The following documents are included in the packet for the Land Use Planning & Zoning Committee meeting on Thursday, June 2, 2016:

Packet Pages:

1-2. **Amended Agenda** - amended 05/31/16

3-58. Draft meeting minutes from 05/05/16 59-63.

Monthly reports

64-65. April land use permits

66. April sanitary septic permits

67. Acronym sheet

68. Public hearing notice

69-79. Item I: Richard Waldvogel/Thomas A. Graff rezone request

80-90. Item II: Dukelow Farms, Inc./Timothy N. & Kim T. Graff rezone request

91-99. Item III: Daniel & Jennifer Vinz rezone request

100-111. Item IV: Marjorie E. Lind/Ryan A. Dobbs rezone request

Information added to meeting packet 5/27/16:

112. Claims

113. Land use violation report

114. Sanitation violation report

115-169. Draft Shoreland Protection Ordinance

170-174. Draft cell tower siting language

175-177. Department merger information (minutes from the Land Conservation committee meeting)

178-181. Land Use Planning & Zoning Director job description

182-183. Resolution Relating to Restructuring the Land Use Planning & Zoning Department as it Relates to the Director and County Surveyor

184-185. Four-point analysis for filling vacancies – Land Use Planning & Zoning Director

Information added to meeting packet 5/31/16:

186-188. Code Enforcement Officer job description



GREEN LAKE COUNTY
Land Use Planning & Zoning Committee

Michael Starshak, Chairman Ben Moderow, Vice Chair
Robert Lyon Harley Reabe Rich Slate

- * **AMENDED AGENDA** (amended 05/27/16)
- ** **AMENDED AGENDA** (amended 05/31/16)

Date: Thursday, June 2, 2016 Time: 4:30 p.m.
Government Center, West Wing, Lower Level, County Board Room
All line items are subject to any and all action by this committee, unless noted.

1. Call to order
2. Pledge of Allegiance
3. Certification of open meeting law
4. Roll call
5. Approval of agenda
6. Approval of 05/05/16 minutes
7. Public comments – 3 minute limit
8. Public appearances
 - ***a. Kristen Annoye & Kassiani Walejko, Town of Brooklyn, related to allowing chickens in R-1, Single-Family Residence District**
9. Correspondence
10. Purchases
11. Claims
12. Department activity reports
 - a. Permits & others
 - b. Violation reports
13. Department/Committee Activity
 - a. Update on shoreland zoning ordinance
 - b. Cell tower siting language
 - c. Exclusive agriculture zoning district update
 1. Consultant quotes
 - d. ~~Agricultural Enterprise Zoning Areas—5 minute informational video and post video discussion~~
 - e. Permit tracking software update
 - f. Possible merging of departments: Land Use Planning & Zoning and Land Conservation
 - ***g. Land Use Planning & Zoning Director vacancy review**
 - **~~**h. Resolution Relating to Restructuring the Land use Planning & Zoning Department as it Relates to the Director and County Surveyor**~~
 - **~~**i. Land Use Planning & Zoning Director job description**~~
 - ****h. Land Use Planning & Zoning Director job description**
 - ****i. Resolution Relating to Restructuring the Land Use Planning & Zoning Department as it relates to the Director and County Surveyor**
 - ****j. Code Enforcement Officer job description review**
 - ****k. Fill vacant code enforcement officer position if Land Use Planning & Zoning Director is filled internally**
 - ****l. Staff shortage: summer intern**
- ****14. Closed session per Wis. Stat. s. 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Re: This closed session is in reference to a recent Board of Adjustment decision which may adversely affect the County.**
- ****15. Reconvene to open session for findings of closed session.**
16. Future Committee Activities
 - a. Future agenda items
 - b. Meeting date(s)
July 7, 2016
Business meeting 4:30 p.m.
Public hearing 5:30 p.m.

5:30 p.m. Public Hearing

Item I: Owners: Richard R. Waldvogel **Agent:** Thomas A. Graff **General legal description:** W2015 Center Road, Parcels #006-00310-0100, #006-00311-0000, #006-00313-0000, Part of the SW¼ of Section 17, T15N, R13E, Town of Green Lake, ±11.3 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to A-2 General Agriculture District.

- a) Public Hearing
- b) Committee Discussion & Deliberation
- c) Committee Decision
- d) Execute Determination Form/Ordinance

Item II: Owners: Dukelow Farms, Inc. – Richard Dukelow and Timothy N. & Kim T. Graff **Agents:** Timothy N. & Kim T. Graff **General legal description:** W2188 County Road X, Parcel Numbers #006-00348-0100 & #006-00348-0200, Lot 1 Certified Survey Map 2452, Part of the NE¼ of Section 19, T15N, R13E, Town of Green Lake, ±4.0 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential

- a) Public Hearing
- b) Committee Discussion & Deliberation
- c) Committee Decision
- d) Execute Determination Form/Ordinance

Item III: Owners: Daniel & Jennifer Vinz **General legal description:** W4644 County Road X, Parcel #0012-00345-0000, A part of the SE¼ of Section 18, T14N, R12E, Town of Manchester, ±23.5 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential District (±3.00 not to include right-of-way) and A-2 General Agriculture District (±20.5 acres).

- a) Public Hearing
- b) Committee Discussion & Deliberation
- c) Committee Decision
- d) Execute Determination Form/Ordinance

Item IV: Owner: Marjorie E. Lind **Agent:** Ryan A. Dobbs **General legal description:** White Ridge Road, Parcels #002-00209-0000, #002-00214-0000, #002-00215-0000, & #002-00216-0000, Part of the NE¼ of Section 13, T17, R13E, Town of Berlin **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential

- a) Public Hearing
- b) Committee Discussion & Deliberation
- c) Committee Decision
- d) Execute Determination Form/Ordinance

18. Adjourn

Note: The meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance should contact Carole DeCramer at (920) 294-4156 prior to noon the day before the meeting.

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, May 5, 2016**

CALL TO ORDER

Interim Land Development Director Matt Kirkman called the meeting of the Land Use Planning and Zoning Committee to order at 4:33 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: **Robert Lyon, Ben Moderow, Harley Reabe, Rich Slate, Michael Starshak**

Absent:

Also Present: **Missy Sorenson**, Code Enforcement Officer
Matt Kirkman, Interim Department Head/Code Enforcement Officer
Dan Sondalle, Assistant Corporation Counsel
Carole DeCramer, Committee Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion by Reabe/Slate, unanimously carried, to approve the amended agenda.

APPROVAL OF MINUTES

Motion by Slate/Moderow, unanimously carried, to approve the corrected minutes of 03/29/16 and 03/31/16, and the minutes of 04/07/16.

ELECTION OF COMMITTEE CHAIR

Kirkman called for nominations for Committee Chair. Slate nominated Ben Moderow for Committee Chair. Moderow respectfully declined.

Reabe nominated Michael Starshak for Committee Chair. Nominations closed.

Reabe/Slate, unanimously carried, to cast a unanimous ballot for Michael Starshak for Committee Chair.

Kirkman handed the gavel to Starshak.

ELECTION OF COMMITTEE VICE CHAIR

Starshak called for nominations for Committee Vice Chair. Slate nominated Ben Moderow for Committee Vice-Chair. Nominations closed.

Reabe/Slate, unanimously carried, to cast a unanimous ballot for Ben Moderow as Committee Vice Chair.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE

a. Correspondence from Jerry Smart regarding the county Surveyor position

Jerry Smart, Marquette County Surveyor, sent the county clerk an email explaining that he was retiring from Marquette County the beginning of 2017. At that time, he would work on a part-time basis for the Counties of Marquette and Waushara. He would also be interested in working for Green Lake County in whatever capacity he is needed.

Since Mr. Smart was in attendance, Chair Starshak asked Mr. Smart to introduce himself to the committee. Mr. Smart reiterated what he had written in the email and asked that the committee keep him in mind when hiring.

PURCHASES - None

CLAIMS

Claims totaling \$446.49 were submitted.

Motion by Reabe/Moderow, unanimously carried, to approve for payment the claims in the amount of \$446.49.

INTERIM COUNTY SURVEYOR

a. Per diem rate for interim county surveyor

Kirkman explained that Don Lenz was required to attend the Land Information Council meeting. Lenz was not sure if he would be paid the \$50 per hour, as the contract states, or if per diems were paid for meeting attendance. After discussing the options, the committee agreed on a \$50 per diem.

On a motion by Slate/Reabe, unanimously carried on roll call, the committee approved a \$50 per diem per requested meeting for the Interim County Surveyor.

b. Statutory duties of the county surveyor/interim county surveyor

Kirkman explained that Corporation Counsel Klockow had researched the statutory duties of a county surveyor. That written opinion was shared with the committee members. The committee members will utilize the information for future discussion.

DEPARTMENT ACTIVITY REPORTS

a. Permits & others

Kirkman – Discussed the monthly financials and the land use permits.

Sorenson – Discussed the monthly sanitary permits. The committee asked her to explain the septic system reimbursement that shows up on the report.

b. Violations

Kirkman and Sorenson – Discussed the land use and sanitary violation reports.

c. Comprehensive Plan and Farmland Preservation Plan Summaries

Kirkman reported the following:

- At the last meeting, the committee asked if the invoice listed on the claims form was the final bill from Martenson & Eisele. After researching, Kirkman assured the committee that the consultants are now paid in full.
- Kirkman shared an email he received from Scott Karel, Department of Agriculture, Trade & Consumer Protection, regarding the Green Lake County Farmland Preservation Plan that was recently

updated. The email included the new order certifying the plan through December, 2025. Since the plan has already been adopted by the Green Lake County Board, the certification is now complete. The committee asked that a copy of the order be emailed to each of them.

Ken Jaworski, Martenson & Eisele, presented each of the committee members with an 11”X17” summary of the plans’ process. The department received a framed version of the summary. Jaworski stated that it was a token of his appreciation of all of the hard work and good direction.

DEPARTMENT/COMMITTEE ACTIVITY

a. Update on shoreland zoning ordinance

Kirkman reported that AB582 was signed into law. The committee now needs to incorporate AB582 into the WI – DNR model ordinance that also incorporated 167 and Act 55. This is something that will be worked on and brought back to the committee for further discussion. Assistant Corporation Counsel added that the changes also include impervious surfaces, which the committee had chosen not to adopt at the time. The deadline for updating the shoreland zoning ordinance is October, 2016. It would have to go before the County Board for final approval in September.

b. Cell tower siting language

Kirkman – At last month’s meeting, the committee asked that, for this meeting, a quick overview be prepared for the committee. A few years ago, the State of Wisconsin adopted 66.0404 that deals with the location of cell towers. They included some things that the cell tower companies requested. The companies asked that, if the counties don’t have certain criteria in their ordinances, they are not required to apply for permits for these structures. The reason why this is important is because Green Lake County would want some regulation in locating cell towers. There are some things that the committee should consider adopting in the cell tower siting language that could help protect the public interest.

The committee asked that this be placed on next month’s agenda so that they have time to review the proposed language.

c. Exclusive Agriculture Zoning District Update

1. Martenson & Eisele quote for update

Kirkman – Ken Jaworski, Martenson & Eisele, was contacted regarding a price for assisting the county with this project. He provided a number, but it was more of a time and materials quote. The committee may be interested in obtaining a second quote for this project.

Starshak asked Kirkman if he had a preference as to the consultant heading the project or if the department wants to do this. Kirkman replied that contracting with a consultant would be the best option. Kirkman was directed to obtain two quotes and report back at the next committee meeting.

d. Agricultural Enterprise Zoning Areas – 5-minute informational video

The audio on the video was not working so the committee asked that this be placed on the next agenda.

e. Discussion only on merging of departments: Land Use Planning & Zoning and Land Conservation

Because of time constraints, the committee asked that this be discussed at the conclusion of the public hearing.

f. Discuss permit tracking software opportunity

Kirkman explained that the department attended a meeting that Land Conservation arranged to learn more about a software program that enables the department to track permits. Kirkman asked the committee for permission to look into this type of software further and possibly obtain competitive bids. Starshak asked that he work with Land Conservation to look at competitive bids and come back to the committee.

Joy Waterbury, County Board Supervisor – Suggested that staff work with IT, Bill Hutchinson, when researching this possibility.

5:27 p.m. On a motion by Reabe/Lyon, unanimously carried, the committee recessed until 5:30 p.m.

5:30 p.m. Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee 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: Owners: Dale & Georgia Schreiber **Agent:** Dick Severson **General legal description:** N2004 Old County Road AS, Parcels 010-00139-0000 & 010-00145-0000, Part of the NE¼ of Section 9, T14N, R13E, Town of Mackford, total affected acres ±18 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to A-2 General Agriculture District and R-4 Rural Residential.

a) Public Hearing

Georgia Schreiber, N2004 Old County Road AS - Spoke in favor of the request.

Dick Severson, N3496 State Road 73 – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman reviewed the request and reported that the request is consistent with the County's comprehensive plan, and the Town of Mackford did not object to the request.

c) Committee Decision

On a motion by Reabe/Slate, unanimously carried on roll call (5-ayes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

d) Execute Determination Form/Ordinance

Item II: Owners: Canaan Properties, Stan Harris **Agent:** Nelson Schrock **General legal description:** W4481 County Road GG, Parcel 012-00622-0300, Part of the NE¼ of Section 31, T14N, R12E, Town of Manchester **Request:** Conditional use permit request for the expansion of an existing cheese plant.

a) Public Hearing

Tom Sugars, Architect and Director of the Canaan Properties project, Thomas Design Architect, Fond du Lac, WI – Spoke in favor of the request; addressed what is being done to mitigate the in regard to the nine recommended conditions listed in the staff report.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman reviewed the request and reported that the Town of Manchester did not object to the request.

c) Committee Decision

On a motion by Slate/Moderow, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use permit as presented with the conditions as set forth in the staff report:

- 1) **The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any “development” related to this industrial operation.**
- 2) **Adequate dust control measures be taken due to vehicular traffic to and from this site as well as during unloading and loading of dry materials.**
- 3) **That all outdoor lighting installations be located no closer than three feet to an abutting property line, and shall be adequately shielded or hooded so that no direct light, excessive glare, or illumination is cast upon other properties.**
- 4) **Evidence that compliance with commercial building code requirements for structures that are the subject of this request is being pursued by the landowner.**
- 5) **No expansion of existing use through expanding existing structures, additional structures and/or expanding the activity area shall occur without review and approval through future Conditional Use Permit(s).**
- 6) **The septic system (POWTS) be evaluated for compliance with Chapter 383, Wis. Administrative Code. If the POWTS is not sufficient for the required daily wastewater flow, the owner/applicant shall bring the POWTS into compliance.**
- 7) **Written confirmation from the WDNR that the existing ridge & furrow wastewater treatment system is adequate for the proposed expansion and if not, evidence that a permit has been issued for a code-compliant system be submitted to the Green Lake County Land Use Planning & Zoning Department prior to issuance of a land use permit.**
- 8) **A stormwater management plan and a maintenance schedule shall be approved by Green Lake County Land Conservation Department and shall be submitted to the Green Lake County Land Use Planning & Zoning Department prior to land use permit issuance.**
- 9) **A written complaint in regards to abnormally wet field conditions from and adjacent property owner will trigger review by the Green Lake County Land Conservation Department (LCD) and, if an impact is confirmed, the owner / applicant shall implement an LCD-approved mitigation plan that will resolve the issue.**

d) Execute Determination Form/Ordinance

Item III: Owner: Robin’s Nest Resorts, LLC **Agent:** Don Dysland **General legal description:** Parcels #014-00288-0104 & #014-00288-0105, being Lots 3 & 4 of Certified Survey Map 3424, All located in Gov’t Lot 2, lying south of the river, located on Puckaway Rd in Section 31, T15N, R11E,

Town of Marquette, ±5.1 acres **Request:** Rezone request from R-1 Single-Family Residence District to RC Recreational District.

a) Public Hearing – *Continued from the 02/04/16 public hearing*
Bill Wiedenbeck, W6976 Puckaway Road – Spoke against the request. Provided a timeline of his request to rezone his property (Exhibit A).

Ken Jarvis, W6980 Puckaway Road - Spoke against the request. Provided a written summary of why the requests should be denied (Exhibit B). Also provided a copy of an article from the *Journal of Real Estate Finance and Economics* regarding the impact of mobile home parks on the value of single-family homes (Exhibit C).

Don Waldrop, W6988 Puckaway Road – Spoke against the request. Provided a written summary of a summary of conflicts with the requests (Exhibit D).

Kathleen Moore, W6710 Marine Drive – Spoke against the request. She was asked by the Town of Marquette to assist them in their comprehensive plan updating process in 2013. A copy of the list she created for areas that should be addressed was shared with the committee (Exhibit E). The area that Mr. Dysland purchased and now wants to rezone was on that list as an area that the Town needed to discuss. The Town chose not to address the zoning of that area, and the property owner chose not to attend those meetings as well.

Gail Harter, W7076 Puckaway Road – Spoke against the request.

Randy Schmidt, W6990 Puckaway Road – Spoke for the request.

Rod Huber, W7004 Puckaway Road – Spoke for the request.

Matt Roehsler, W7098 Puckaway Road – Spoke against the request.

Richard Ebert, W7007 Puckaway Road – Spoke for the request.

James Harter, W7076 Puckaway Road – Spoke against the request.

Suzanne Dysland, W340N4867 Road O, Nashotah, WI – Spoke for the request.

Joe Curzio, Chicago, member of the Robin’s Nest community – Spoke for the request.

Joe Schultz, St. Francis, WI, member of the Robin’s Nest community – Spoke for the request.

Greg Albright, Milwaukee, WI – Spoke for the request.

Don Dysland, W340N4867 Road O, Nashotah – Spoke for the request.

Christopher Roehsler, W7098 Puckaway Road – Spoke against the request.

Christopher Schlessinger, Sr., member of the Robin’s Nest community – Spoke for the request.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman – Discussed the list of decision-making criteria that the committee should consider when hearing a rezone request. The list consists of the following:

1. Consistency with long-range planning (comprehensive plan)

The committee, in the past, has looked at the Town's Comprehensive Plan to see if the request is consistent with the Town's comprehensive plan. After reviewing this practice with Corporation Counsel Klockow, it made sense to discontinue the review of the Town's Comprehensive Plan because the Town does that. It made more sense to review the County's Comprehensive Plan for consistency. After comparing Robin's Nest Resorts rezone request with the County's Comprehensive Plan, staff and corporation counsel found it to be consistent.

Assistant Corporation Counsel Dan Sondalle asked if Klockow had a written opinion regarding the above. Kirkman advised that she had provided that to the committee via email.

2. Nature and character of parcel

After studying the area, staff believes the nature and character of the parcel are conducive to the RV campground use. The area that is proposed to be rezoned is not located in the floodplain and would allow the campground more space to locate camping units in case of a flood.

3. Use of surrounding lands

The use of the surrounding lands appears to be seasonal/residential. Residential and recreational uses tend to be conflicting land uses; however, there have been few to no complaints about the campground use under the current owner. Priority must be given to maintaining, by conditional use permit, the cohesive existence of the existing uses.

4. Overall scheme or zoning map

There appears to me a mix of residential and recreational zoning. The proposed rezone request is consistent with that scheme.

5. Consideration of interest of public health, morals, and safety

The RV campground has operated for years just north of this location. The addition of more lands incorporated into this activity should not negatively impact the public health, morals, and safety. On the contrary, the subject site is out of the floodplain and would provide the campground with additional space to relocate camping units in the floodplain or in case of flood.

6. Promote public welfare, convenience, and general prosperity

The public welfare, convenience, and general prosperity is tied to a cohesive existence that are, traditionally, incompatible uses that have, under the current owner, managed to defy that trend. The committee, with the help of the conditional use permit, can help to maintain this cohesiveness.

c) Committee Decision

Starshak asked for committee comments.

Slate read the following statement (Exhibit F):

There is a lot of negative talk; however, it's important to remember that there are many others who also made their voices heard by electing a town board to look out for the Citizens' and the Township's best interests.

I support the zoning change request and here are some of my reasons:

- Last February, the Town Board Chairman asked for and was granted more time for the Township to re-examine the previously approved action.
- From my understanding, the additional time and extra meetings did not change the Town Board's mind.
- The campground was first established in the 1950's and there was potential to expand because the whole area was zoned Recreational.
- Since then, the campground expanded at least two times without any reported problems.
- By all accounts, the campground is a very good benefit for the area.
- There are not records of any code violations, noise or nuisance complaints, or complaints that the campground facilities or the trailers are in bad shape.
- It sounds like those using the campground love it and keep coming back because it is a nice, clean, and quiet place to get away from the big, congested city.
- As a resident of Southern Green Lake County, I can understand why people come to the area to relax.
- We have great fishing, wonderful people, hospitality; it's just a great place to bring up children and for families.
- It is also very important to remember the campground gives back!
- The campground pays its fair share in taxes and other fees, which have significantly increased over the last 65 years.
- The campground also plays an important part of Green Lake County and State of Wisconsin's growing tourism industry.
- Additional people will help contribute and strengthen our Local, County, and State economies.
- Finally, on a more personal note, I believe this committee should not create red tape for businesses that follow the rules and want to make the best use of their property.
- Planning and Zoning, at its core, should encourage and help regulate how a parcel of land may be used as well as to look out for the public's best interest, health, safety, and well-being.
- Conditions placed on a property should regulate building site plans and placement and size of structures, not dictate how business should be conducted.
- There are way too many other State, County, and Local regulations doing that already.

Reabe - Stated that he felt Rich (Slate) did a good job expressing his feelings as well.

Starshak - It is important that the public show up for these meetings and express their feelings and concerns. It's also important for the public to have the facts. Many times there are discussions about things like this and we find out later that some of them were assumptions or rumors. This particular development has come before us and a lot of concerns were raised that the public did not have the opportunity to voice their concerns to the local government so this committee did send it back to the Town of Marquette to give them an opportunity for local residents to voice their concerns within their community. As Committee Member Slate said, the committee here doesn't judge certain values. We have things that we look at, we defer to our department, our professionals to see if it's in line with the State and County regulations, and then we make a judgement based on those things with input from the public. I want to assure all of you that we have heard your concerns and we will deliberate on this appropriately.

On a motion by Slate/Reabe to approve the rezone request as presented and forward to the county board for final action.

Further discussion:

Moderow - Asked Assistant Corporation Counsel Sondalle's opinion on the whole issue with the rezone request being consistent with the Town of Marquette Comprehensive Plan and the County Comprehensive Plan.

Sondalle - Corporation Counsel Dawn Klockow has rendered a written opinion that she provided to the staff and committee members.

Starshak - Reiterated that Corporation Counsel did look at this request and found it not to be inconsistent with the County Comprehensive Plan. It's also important to remember that the Comprehensive Plan is an advisory document.

Sondalle advised the committee to have her written opinion included with the record (Exhibit G). The committee agreed.

The motion was carried on a 4:1 roll call vote (Lyon - abstain, Moderow - aye, Reabe - aye, Slate - aye, Starshak - aye)

d) Execute Determination Form/Ordinance

Item IV: Owner: Robin's Nest Resorts, LLC **Agent:** Don Dysland **General legal description:** Parcel #014-00289-0100, being Lot 1 of Certified Survey Map 3410, and Parcels #014-00288-0104 & #014-00288-0105, being Lots 3 & 4 of Certified Survey 3424, all located in part of Gov't Lot 2, lying south of the river, located at W7004 Puckaway Rd in Section 31, T15N, R11E, Town of Marquette, ±13.87 acres **Request:** Conditional use permit request to expand an RV campground.

a) Public Hearing - *Continued from the 02/04/16 public hearing*

Kathleen Moore, W6710 Marine Drive - Stated that, in her opinion, the application is not complete. Spoke against the request.

Ken Jarvis, W6980 Puckaway Road - Spoke against the request.

Don Waldrop, W6988 Puckaway Road - Spoke against the request.

Don Dysland, W340N4867 Road O, Nashotah - Spoke for the request.

Suzanne Dysland, W340N4867 Road O, Nashotah - Spoke for the request.

Gail Harter, W7076 Puckaway Road - Spoke against the request.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman gave a summary of the request. The campground will have a maximum of 74 sites. He will be allowed to expand into the newly rezoned area. The committee has the final say as to how many sites, but 74 sites seem like a logical number. The submitted narrative is the owner's explanation as to what new things he wants to do with this property. The committee should also consider the following general criteria for review of conditional use permit requests as listed in the staff report:

1. Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands; and
2. Will be designed, constructed, operated, and maintained so as to be harmonious, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and
3. Will not be hazardous or disturbing to existing or future neighboring uses; and
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole; and
5. Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and schools; and that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such service; and
6. Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.

Per Starshak's request, Kirkman also reviewed the recommended conditions listed in the staff report:

1. Each camping unit shall not exceed 400 square feet or the maximum square footage as allowed by the State regulations for a camping unit, whichever is smaller.
2. Evidence of approval from the appropriate State and/or local regulatory agency for the campground expansion.
3. Effective dust control measures shall be provided for entrances and internal roads within the campground.
4. An independent structure such as a deck, landing/stairway, not to exceed 200 square feet in area shall be allowed. Also, one non-permanent storage structure per unit, not to exceed 50 square feet in area shall be allowed. All of the above require a one-time land use permit per unit.
5. That all existing camping units, except the westerly two camping units, along with any utility service hook-ups located in the floodway be removed from the floodway before December 1, 2015; the westerly two camping units, along with any utility service hook-ups, located in the floodway, be removed from the floodway by December 31, 2016.
6. The campground owner shall provide within 60 days of the CUP approval, an updated comprehensive site plan for the entire campground area. Said plan shall be received, reviewed and approved by the Land Use Planning & Zoning Department and supersede any prior plan approvals for this campground operation. The plan shall be professionally prepared to scale and accurately show:

- The camping unit sites approved by the 2009 CUP. These sites shall be based on the 2009 density ratio of 2,800sqft (40'x 70') per camping unit site.
 - The camping unit sites approved by the 2012 CUP. These sites shall be 4,000qft (50'x 80') per camping unit site.
 - Identify camping unit sites by number and identify roads, river, and north arrow.
 - Floodway and flood-fringe boundaries along with adequate storage area for any personal property removed during a flood event.
 - POWTS detail such as tank, vents, etc.
7. Preparation and recording of a Certified Survey Map for the new property boundary to include all lands regulated by this CUP.
 8. Any expansion or structural alterations of existing building structures (non-camping units) shall require review and approval by the Land Use Planning and Zoning Committee.
 9. The campground must meet all 12 provisions of Section 300-21. of the County Floodplain Zoning Ordinance including annual update of Emergency Evacuation Plan which is due for 2015.
 10. The dwelling expansion must meet all applicable ordinance standards including Section 300-18, Article V and Article VII of the County Floodplain Zoning Ordinance.
 11. In the event that the Emergency Evacuation Plan is executed prior to December 31, 2016, no camping units may be allowed to return to the floodway.
 12. The vacated camping unit sites (floodway) may only be used for temporary camping, not to exceed 10 consecutive days, and shall not be connected to utilities (i.e. electricity, water, and wastewater.)

If the Committee moves to approve this request the following conditions may be appropriate:

13. The updated comprehensive site plan shall include all camping unit sites approved by this request. The dimensions of each site shall be described on the plan as well as each site shall be numbered. Also, the plan shall identify all new roads, accesses, parking areas, and vegetative screening.
14. The conditional use permit request approval would be contingent upon the county board's final approval of the rezone request.

Kirkman added that the Town of Marquette submitted a town board action form regarding their decision on the request. They did not object to the request; however, they did have a condition that stated the following: *The Town Board recommends not to exceed 74 units total. Also recommends putting up privacy fence starting on Puckaway Road set back 150' north 8' high and then strongly suggest to proceed further north to right-of-way, go east 150'.*

Assistant Corporation Counsel Sondalle reminded the committee about the criteria listed in the staff report (a-f), as pointed out by Kirkman,

Reabe questioned whether or not the county has received the campground's emergency evacuation plan for 2015. Kirkman replied that it was received.

The committee discussed an emergency egress. After careful consideration, the committee asked that a 15th condition be added as follows: An emergency driveway access shall be provided to carry through the westerly access road, as shown on the applicant's concept plan, to Puckaway Road, subject to Town approval. Gating shall be permitted.

Motion by Slate/Reabe, unanimously carried, to suspend the rules to allow the public to comment.

Gail Harter, W7076 Puckaway Road – The Town did recommend that a fence be erected but I'm not seeing that in the staff report.

The committee discussed the Town-recommended fence versus a vegetative buffer. Moderow stated that he feels that a vegetative buffer is much more appealing.

Ken Jarvis, W6980 Puckaway Road – Asked that the committee consider a vegetative buffer on the east side as well.

Don Waldrop, W6988 Puckaway Road – Agreed with Mr. Jarvis. A site and sound barrier would help reduce noise.

Christopher Roehsler, W7098 Puckaway Road - Asked that the campground have more than just a vegetative buffer.

Don Dysland, W340N4867 Road O, Nashotah – Stated that he is willing to sit down and talk about the buffer but it needs to be reasonable.

Moderow – Prefer to see a vegetative buffer as opposed to a fence.

Reabe - Agreed with Moderow. It should be an evergreen that is full year round and should grow to a minimum height of 5'.

Condition 16 would read: A vegetative screen, as proposed on the applicant's conditional use permit concept plan, shall be established to grow to a minimum of 5 feet in height and must retain its foliage year round.

Bill Wiedenbeck, W6965 Puckaway Road – Would like the same barrier on the east side as is required on the west side.

Rod Huber, W7004 Puckaway Road, manager of the campground - There have not been noise complaints in the previous 10 years. Consider that when considering these barriers.

Don Dysland, W340N4867 Road O, Nashotah – Asked that the buffer installation be proportional to the number of sites that go in at one time. Unsure of the number of trees that the committee is requiring.

The committee agreed that he should plant the buffer as he adds campsites. The buffer does not have to be planted at 5'; they have to grow to be at least 5'. The committee also agreed that there should not be a time limit of 5 years. It should be open-ended.

Kirkman reminded the committee that this won't all happen within the year. It could take as long as 6 years. The committee could add a condition that limits the campground to 74 sites maximum; 24 new sites shall be allowed to be installed over the course of the next five years.

After further discussion, the committee agreed that Condition 17 would read: This conditional use permit allows for a total of 74 camping unit sites on the subject property. The additional 24 camping unit sites are to be established over time with no sunset date.

Julie Waldrop, W6988 Puckaway Road – Reiterated that the same buffer is needed on the east side.

Moderow suggested that the east side buffer be planted as he expands the campground.

Sondalle questioned the exact location of the buffer and asked that it be described so he understands it.

Reabe – Suggested that the buffer on the east line be developed at the completion of Lots 71-76.

The committee agreed that Condition 18 would read: A vegetative screen along the east property line, from the building setback to the existing fence line, shall be established at the completion of any of sites 71-76 as shown on the applicant's conditional use permit concept plan. Size requirements are the same as those listed in Condition 16.

Don Dysland, W340N4867 Road O, Nashotah – Asked for clarification on the trees and whether he has to plant 5' trees or they have to grow to a minimum of 5'.

Reabe explained to Mr. Dysland that he can plant seedlings if he wants; they just have to grow to a minimum height of 5'.

When asked how many or how close they will be planted, the committee stated that they don't get that specific. The applicant is required to create a screen with a minimum height.

Joy Waterbury, Green Lake County Supervisor – Asked if Lot 77 would be developed before the other lots.

Starshak responded that, on the concept plan, it would be Lots 71-76.

Ken Jarvis, W6980 Puckaway Road – Asked for clarification on the language "of completion of."

Starshak stated that, once he completes any of Lots 71-76, the vegetative screen must be established.

c) Committee Decision

On a motion by Slate/Moderow, carried unanimously on roll call (5-ayes, 0-nays), to approve the conditional use permit request with the following 18 conditions:

- 1. Each camping unit shall not exceed 400 square feet or the maximum square footage as allowed by the State regulations for a camping unit, whichever is smaller.**

2. Evidence of approval from the appropriate State and/or local regulatory agency for the campground expansion.
3. Effective dust control measures shall be provided for entrances and internal roads within the campground.
4. An independent structure such as a deck, landing/stairway, not to exceed 200 square feet in area shall be allowed. Also, one non-permanent storage structure per unit, not to exceed 50 square feet in area shall be allowed. All of the above require a one-time land use permit per unit.
5. That all existing camping units, except the westerly two camping units, along with any utility service hook-ups located in the floodway be removed from the floodway before December 1, 2015; the westerly two camping units, along with any utility service hook-ups, located in the floodway, be removed from the floodway by December 31, 2016.
6. The campground owner shall provide within 60 days of the conditional use permit approval, an updated comprehensive site plan for the entire campground area. Said plan shall be received, reviewed and approved by the Land Use Planning & Zoning Department and supersede any prior plan approvals for this campground operation. The plan shall be professionally prepared to scale and accurately show:
 - The camping unit sites approved by the 2009 CUP. These sites shall be based on the 2009 density ratio of 2,800sqft (40'x 70') per camping unit site.
 - The camping unit sites approved by the 2012 CUP. These sites shall be 4,000qft (50'x 80') per camping unit site.
 - Identify camping unit sites by number and identify roads, river, and north arrow.
 - Floodway and flood-fringe boundaries along with adequate storage area for any personal property removed during a flood event.
 - POWTS detail such as tank, vents, etc.
7. Preparation and recording of a Certified Survey Map for the new property boundary to include all lands regulated by this CUP.
8. Any expansion or structural alterations of existing building structures (non-camping units) shall require review and approval by the Land Use Planning and Zoning Committee.
9. The campground must meet all 12 provisions of Section 300-21. of the County Floodplain Zoning Ordinance including annual update of Emergency Evacuation Plan which is due for 2015.
10. The dwelling expansion must meet all applicable ordinance standards including Section 300-18, Article V and Article VII of the County Floodplain Zoning Ordinance.
11. In the event that the Emergency Evacuation Plan is executed prior to December 31, 2016, no camping units may be allowed to return to the floodway.
12. The vacated camping unit sites (floodway) may only be used for temporary camping, not to exceed 10 consecutive days, and shall not be connected to utilities (i.e. electricity, water, and wastewater.)

13. The updated comprehensive site plan shall include all camping unit sites approved by this request. The dimensions of each site shall be described on the plan as well as each site shall be numbered. Also, the plan shall identify all new roads, accesses, parking areas, and vegetative screening.
14. The conditional use permit request approval would be contingent upon the county board's final approval of the rezone request.
15. An emergency driveway access shall be provided to carry through the westerly access road, as shown on the applicant's conditional use permit concept plan, to Puckaway Road, subject to Town approval. Gating shall be permitted.
16. A vegetative screen, as proposed on the applicant's conditional use permit concept plan, shall be established to grow to a minimum of 5 feet in height and must retain its foliage year round.
17. This conditional use permit allows for a total of 74 camping unit sites on the subject property. The additional 24 camping unit sites are to be established over time with no sunset date.
18. A vegetative screen along the east property line, from the building setback to the existing fence line, shall be established at the completion of any of sites 71-76 as shown on the applicant's conditional use permit concept plan. The requirements are the same as those listed in Condition 16.

d) Execute Determination Form/Ordinance

8:10 p.m. Upon the completion of the public hearing, the committee resumed with the rest of the business portion of the meeting.

DEPARTMENT/COMMITTEE ACTIVITY

e. Discussion only on merging of departments: Land Use Planning & Zoning and Land Conservation

Kirkman asked for some direction as to what he and Paul Gunderson, Land Conservation, should be doing for next month's meeting.

Starshak – Give the committee a list of pros and cons in summary form. A great financial analysis is not necessary.

Gunderson – We don't know the structure so that's hard to do. I will be bringing this up at the Land Conservation committee meeting. With two new committee members, this should be discussed again I want their opinions. I will then meet with Matt and create a summary.

Moderow – Whatever we do, we need to move this along rather than kicking this down the road every month.

Reabe – Put dollar values on your concepts. That means something, too.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

1. Exclusive Ag Zoning District update and quotes
2. Shoreland Protection Ordinance
3. Cell Tower Siting Zoning Ordinance Section

4. Land Use Planning Department/Land Conservation Department merger

b. Meeting dates

June 2, 2016

Business Meeting 4:30 p.m.

Public Hearing 5:30 p.m.

ADJOURN

8:16 p.m. The meeting was adjourned.

RECORDED BY

Carole DeCramer, Committee Secretary

APPROVED ON:

DRAFT

MY NAME IS BILL WIEDENBECK

I OWN 29 ACRES ON THE EAST SIDE OF ROBINS NEST PROPERTY.

TIME LINE OF ZONING EVENTS 1989 TO 2016

DATE 3/16/1989 TO 11/30/2001

I HAD MY 29 ACRES SURVEYED AND PLANS DRAWN FOR A 22 MOBILE HOME SITE
I HAD A MEETING WITH GREEN LAKE ZONING INSPECTOR TERRY OCHS.
I WAS TOLD THAT MY ZONED PROPERTY WAS R1 AND COULD NOT BE
DEVELOPED
AS A MOBILE HOME SITE.

I ASKED ABOUT THE MOBILE PARK NEXT TO MY PROPERTY TERRY OCHS
EXPLAINED THAT IT WAS R1 ZONED, AND IN VIOLATION OF THE ZONING CODE.
TERRY OCHS AS A OFFICER OF GREEN LAKE COUNTY ASSURED ME THAT THAT
THERE WOULD NEVER BE ANY MORE THAN 40 SITES AND THE PROPERTY AND
WAS BEING SITED FOR CODE VIOLATIONS.

DATE 4/26/2002

BEING ASSURED BY TERRY OCHS THAT THE MOBILE HOME PARK WOULD NOT
EXPAND. I STARTED CONSTRUCTION OF MY FIRST R1 SINGLE FAMILY HOME.

DATE 7/3/2002

MS. IWANSKI APPLIED FOR ZONING CHANGE FROM R1 TO RC RECREATION
DISTRICT. IT FAILED TO PASS.

DATE 8/20/2002

MS. IWANSKY RECEIVED A CONDITIONAL USE PERMIT
THIS PERMIT DOES NOT ALLOW ANY REPLACEMENT OF EXISTING MOBILE
HOMES OR THE ADDITION OF ANY MOBILE HOMES

DATE 10/02/2002

THOMAS ROEHSLER REQUEST TO REPLACE A MOBILE HOME ON HIS PROPERTY
WAS DENIED. THE GREEN LAKE COUNTY BOARDS REASONS AS FOLLOWS
1- SPOT ZONING VIOLATES SOUND PRINCIPALS
2- INDIVIDUALS SEEK TO HAVE PROPERTY REZONED FOR THERE PRIVATE USE
3- USUALLY THE AMOUNT OF LAND IS SMALL AND LIMITED TO ONE OR TWO

Re: Robin's Nest Resorts
Rezone & CUP Requests

Presented by
Bill Wiedenbeck
05-05-16
Exhibit A

OWNERSHIPS.

4- THE PROPOSED RE ZONING WOULD GIVE PRIVILEGES NOT GENERALLY EXTENDED TO PROPERTY SIMILARLY LOCATED IN THE AREA (MY PROPERTY) (TOM ROEHSLER PROPERTY)

5- APPLICATIONS USUALLY SHOW LITTLE OR NO EVIDENCE OF , OR, INTEREST IN CONSIDERATION OF THE GENERAL WELFARE OF THE PUBLIC, THE EFFECT ON SURROUNDING PROPERTY WHETHER ALL USES PERMITTED IN CLASSIFICATION SOUGHT ARE APPROPRIATE IN THE LOCATION PROPOSED , OR CONFORMITY TO THE COMPREHENSIVE PLAN OR TO COMPREHENSIVE PLANNING PRINCIPALS, AND CLEARLY FALLS WITHIN DEFINITION OF SPOT ZONING.

I BELIEVE GREEN LAKE COUNTY REASONS ABOVE FIT ROBIN'S NEST APPLICATIONS.

DATE 5/15/2007

DON DSYLAND BOUGHT THE 40 SITE MOBILE HOME SITE. CHANGED NAME OF PROPERTY FROM RIVERS END RESORT TO ROBIN'S NEST RESORT LLC.

DATE 9/30/2008

ROBIN'S NEST SUBMITTED APPLICATION FOR 10 RV SITES AND 8 TENT SITES. ALSO; REQUESTED EXEMPTION TO THE RULE THAT DOESN'T ALLOW REPLACEMENT OF EXISTING MOBILE HOMES. THIS VIOLATES THE ASSURANCE I RECEIVED FROM A GREEN LAKE COUNTRY ZONING OFFICER TERRY OCHS THAT THERE WOULD NOT BE A EXPANSION ON THIS PROPERTY. THUS GIVING FAVOR TO ROBIN'S NEST OVER ME AND TOM ROEHSLER PROPERTY, THAT WAS DENIED

DATE 1/31/2012

ROBIN'S NEST SUBMITTED APPLICATION FOR 10 MORE RV SITES THIS ALSO VIOLATES CONDITIONAL USE PERMIT AND MY ASSURANCE FROM TERRY OCHS.

DATE 11/30/2015

ROBIN'S NEST SUBMITTED APPLICATION FOR 24 MORE RV/RC SITES. THIS ALSO VIOLATES THE CONDITIONAL USE PERMIT, ALSO THAT TERRY OCHS ASSURING ME OF NO FURTHER EXPANSION.

BECAUSE OF LIMITED NOTICE TO THE LAND OWNERS IN THE AREA I MAILED OUT NOTICES ABOUT ROBIN'S NEST APPLICATION TO EXPAND TO 24

MORE MOBILE HOME AND RV SITES.

49 NEIGHBORS RESPONDED AGAINST THIS EXPANSION WITH E-MAIL AND PHONE CALLS

THIS IS A LIST OF THE NAMES

Brian Zimmerman Kathleen Moore James Harter Kristin Marwitz Phil Anastasi Mark Miller Cheryl Jarvis Don Waldrop George Corris Nicole Carlon Novadine Chase Crystal Miller Kerry Keller Darlene McClain Tom Herbert Corrine Wiedenbeck Tonia Anderson Brian Wadman Jeff Kimber Susan Nelson Janis Holly Julie Waldrop Gail Harter Ken Jarvis Bob Mucka Kyle Miller Julie Mathias Dennis Page Deb Wadman Ron Anderson Lauren Detzle Louise Casarotto Joan Dutzle Laurie Miller John Casarotto Bill Wiedenbeck George Corris Keith Kimber Peter Muchke Kay Muchke Dave Holly Tom Roehlsler Jane Dionne John Dionne Ben Chase Jaris Holly Lucy Pagan Dave Holly Joy Waterbury

FOR ALL THE REASONS ABOVE I AND ALL MY NEIGHBORS REQUEST, NOT ONLY THAT YOU TURN DOWN THE 24 ADDITIONAL MOBILE HOMES SITE, BUT THAT GREEN LAKE COUNTY REVIEW AND REVOKE THE 2008 AND 2012 ADDITIONAL SITES AND ENFORCE AND APPLY THE 2002 CONDITIONAL USE PROVISION. GREEN LAKE COUNTY LAND USE AND ZONING HAS VIOLATED AND HAS NOT ENFORCED THE COMPREHENSIVE PLAN. THUS GIVING FAVOR TO ROBIN'S NEST LCC / DON DYSLAND, OVER MY SELF AND THOMAS ROEHSLER . IT ALSO OPENS THE FLOOD GATES TO FURTHER VIOLATION OF THE COMPREHENSIVE PLAN.

THANK YOU FOR YOUR TIME

BILL WIEDENBECK

Approval of the Robins Nest Rezone Request
Would Violate Wisconsin Law

Wis. Stat. 66.1001 (3) **Ordinances that must be consistent with comprehensive plans**

Except as provided in sub. (3m), **beginning on January 1, 2010, if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit's comprehensive plan:**

- (g) Official mapping ordinances enacted or amended under 62.23 (6).
- (h) Local subdivision ordinances enacted or amended under s. 236.45 or 236.46.
- (j) County zoning ordinances enacted or amended under s. 59.69.**
- (k) City or village zoning ordinances enacted or amended under s.62.23 (7).
- (L) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.
- (q) Shorelands or wetlands in shorelands zoning ordinances enacted or amended under s. 59.692, 61.351, 61.353, 62.231, or 62.233.

Exhibit 1

Re: Robin's Nest Resorts
Rezone & CUP Requests

Exhibit B
Presented by Ken Jarvis
05-05-16

2002 Rezone Request From R2 to R1 Was Denied

Same Reasoning Should Be Applied As To The Current Request

The Green Lake County Board denied the Roehsler 2002 request to rezone his property from R1 to R2 and reasoned as follows:

1. When parcels are zoned contrary to their current uses, it indicates that the Town and/or County want those properties to eventually be used as they are zoned. (Bruce Roskom—Planning and Zoning Director)
2. The County and other entities should not overrule the community unless there is a compelling reason. (Roskom)
3. When an area is zoned R1, people who later build in the neighborhood are counting on the region remaining R1. (Gary)
4. The introduction of a mobile home in an area that either is, or will become, primarily single family site-built dwellings, will create a negative impact on property values in this area.
5. If through comprehensive planning the Town chooses to identify the Roehsler area for mobile homes, this request would be legitimate. Board suggested that the committee should deny until the Town's comprehensive plan is completed and then the request can be resubmitted. (Roskom)

Summary

Approval of the rezone should be denied because:

1. Approval would violate Wisconsin Statutory Law
2. Approval would be contrary to the Attorney General's Opinion letter of June 22, 2010
3. Like reasoning should be used here that was used to deny a similar rezone request in 2002
4. The Town must amend its comprehensive plan first, and then can legitimately address the Robins Nest rezone request

Exhibit 3



A Housing Price Model with Endogenous Externality Location: A Study of Mobile Home Parks

HENRY J. MUNNEKE

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Abstract

This research explores the impact of mobile home parks on the value of single-family homes. This is the first study that empirically analyzes the effect of mobile home parks on property values. The empirical methodology used attempts to address the potential identification problem that exists within this study; it is possible that mobile home parks are located in areas of relatively lower land values or next to other land uses that impact property values. To address this identification problem, mobile home park locations are treated as endogenous within the model and the mobile home parks are identified as being located in residential or non-residential areas. The results suggest a negative effect on the selling price of single-family dwellings in close proximity to mobile home parks located in residential areas.

Key Words: externalities, housing values, mobile home parks, location.

The study of the effects of externalities, both positive and negative, on the value of single-family dwellings is well documented. The study of non-conforming uses covers a wide range of topics, from the negative effect of air pollution (Nourse, 1970; Nelson, 1978; and Harrison and Rubinfeld, 1978), to crime (Buck et al., 1991 and Hellman and Narroff, 1979) and zoning (Jud, 1980). However, many studies deal with property issues that are less macro than those previously mentioned. These studies tend to look at non-conforming uses on a "micro" level, such as the impact of churches (Quang Do et al., 1994), golf courses (Quang Do et al., 1995), traffic (Hughes and Sirmans, 1992), shopping centers (Colwell et al., 1985), and high rise office buildings (Thibodeau, 1990). A study by Wang et al. (1991) extended the study of externalities to a single land use classification. Their study looks at the impact of residential rental properties on the value of single-family dwellings. The current study examines the impact of mobile home parks¹ on the value of single-family dwellings in East Baton Rouge Parish, Louisiana.

The market for mobile homes makes up a significant portion of the new home market in the U.S. During 1995, more than one out of every three new homes (comprised of single-family dwellings and mobile homes) built or placed in the U.S. was a mobile home.² Numerous zoning ordinance disputes and court cases involving mobile homes, or

Re: Robin's Nest Resorts
Rezone & CUP Requests

Exhibit C
Presented by
Ken Jarvis
05-05-16 IC

“manufactured housing”, arise annually because of community and individual beliefs that the nearby existence of such housing generates a negative price effect on neighboring properties. Although conventional wisdom leads one to believe in the existence of an externality due to a mobile home park, no rigorous empirical evidence supports this hypothesis. Zoning decisions are often derived and court cases are usually settled based on ad hoc valuation calculations or even persuasive emotional arguments. Planners must consider and respond to proposals for development of mobile home parks and would benefit from rigorous empirical evidence testing this externality hypothesis. The purpose of this study is to provide an objective examination of the effects of mobile home parks on nearby property values, and if found, the degree to which it impacts the value of single-family residences.

In a study such as this, problems of identification are always an issue. Is the measured effect truly measuring the desired (targeted) effect? In order to address the effect of other land uses that may be located near mobile home parks, each park has been classified as located in a residential or non-residential area and estimates are provided for the effect of each type of park. It may also be possible that mobile home parks are located in areas of low land values. To address this potential problem, the house price model has been estimated using a two step procedure with endogenous externality location.

The paper is organized as follows: the first section provides a brief description of the data employed in the study. A description of the empirical methodology employed and the functional form of the models are described in the next sections, respectively, followed by a discussion of the empirical results. The paper closes with a summary of the results and conclusions are offered.

1. Data

The current study is an analysis of the impact of proximity to mobile home parks on the value of single-family dwellings in East Baton Rouge Parish, Louisiana. The East Baton Rouge Parish contains 58 mobile home parks within an area of approximately 454 square miles. The addresses for the mobile home parks were collected from the Department of Public Works for the parish. The Department of Public Works maintains files on individual mobile home parks to expedite the issuance of permits. Permits are issued when a new mobile home is placed inside the parish limits, the ownership of a mobile home within the park changes, or the tenant status of the property changes. The sales transactions of the single-family dwellings were collected from the sold portion of the MLS (Multiple Listing Service) during the period from January 1990 through December 1994. In addition to the MLS data, information from the 1990 census has been utilized. Census data were merged with the MLS data using zip codes.

The working data set contains 3,025 observations consisting of numerous site, structural, location, and market characteristics. The initial data set was purged of observations with incomplete information, inconsistencies in the reported data such as conflicting location identifiers, and indicators of transactions that were other than an arm's length transaction.³ The (X,Y) coordinates for each detached single-family sale and all

mobile home parks were obtained using Graphical Information System (GIS) software (ArcView II and ArcInfo), allowing the straight-line distance between points to be easily estimated. Descriptive statistics for the full sample (3,025), for the sub-sample of properties located within one-half mile of the nearest mobile home park (402), and the sub-sample of properties located more than one-half mile from the nearest mobile home park (2,623) are presented in Table 1.

Comparing the two sub-samples reveals that the lot size and the average size of the improvements of homes located within one-half mile of the nearest mobile home park

Table 1. Descriptive statistics.

Variable		Full Sample		$UMHP > 0.5$		$UMHP \leq 0.5$	
		Mean	Std	Mean	Std	Mean	Std
<i>SPRICE</i>	Selling price	84842	48950	88716	50792	59562	21494
<i>PSFLA</i>	Price per square foot of living area	44.286	11.730	45.300	11.891	37.668	7.900
<i>LOT</i>	Lot area measured in sq. ft.	16877	34649	17477	36681	12963	15438
<i>LIVAREA</i>	Living area measured in sq. ft.	1852	635	1893	647	1580	460
<i>OTHAREA</i>	Total sq. ft. of improvements - <i>LIVAREA</i>	645	335	665	339	512	279
<i>AGE</i>	Age of improvements	18.413	11.587	18.240	11.814	19.537	9.917
<i>FIREPLACE</i>	1 if at least one fireplace present, else 0	0.629	0.483	0.650	0.477	0.495	0.501
<i>CENAIR</i>	1 if central AC present, else 0	0.925	0.263	0.900	0.300	0.929	0.2572
<i>UCBD</i>	Distance to the CBD (miles)	8.347	3.157	8.365	3.200	8.233	2.861
<i>UROAD</i>	Distance to nearest major intersection	2.790	2.353	2.716	2.307	3.275	2.590
<i>USHOP</i>	Distance to nearest shopping center (miles)	1.031	1.077	1.005	1.053	1.198	1.210
<i>UAIR</i>	Distance to airport (miles)	8.568	3.334	8.922	3.177	6.260	3.417
<i>UMHP</i>	Distance to nearest mobile home park	1.350	0.742	1.508	0.668	0.322	0.118
<i>D#MHP</i>	1 if number of MHPs within 0.50 mile > 1, else 0	0.042	0.200			0.313	0.464
<i>RING25</i>	1 if $0.00 < UMHP \leq 0.25$, else 0	0.021	0.144			0.159	0.366
<i>RING50</i>	1 if $0.25 < UMHP \leq 0.50$, else 0	0.054	0.225			0.430	0.491
<i>RES</i>	1 if $UMHP \leq 0.5$ & MHP in residential area, else 0	0.075	0.263			0.562	0.497
<i>TENANT</i>	1 if tenant occupied at time of sale, else 0	0.076	0.265	0.075	0.264	0.082	0.275
<i>VACANT</i>	1 if vacant at time of sale, else 0	0.261	0.440	0.257	0.437	0.291	0.455

Table 1. (continued)

Variable		Full Sample		UMHP > 0.5		UMHP ≤ 0.5	
		Mean	Std	Mean	Std	Mean	Std
<i>DOM</i>	Number of days on the market	78.715	67.125	77.807	66.873	84.644	68.538
<i>D90</i>	1 if sold in 1990, else 0	0.197	0.398	0.200	0.400	0.177	0.382
<i>D91</i>	1 if sold in 1991, else 0	0.179	0.383	0.179	0.383	0.179	0.384
<i>D92</i>	1 if sold in 1992, else 0	0.193	0.395	0.191	0.393	0.201	0.402
<i>D93</i>	1 if sold in 1993, else 0	0.225	0.418	0.225	0.418	0.224	0.417
<i>D94</i>	1 if sold in 1994, else 0	0.207	0.405	0.205	0.404	0.219	0.414
<i>URBAN</i>	Percentage of urban households by zip code	88.805	20.825	89.079	20.719	87.017	21.448
<i>INCOME</i>	Median household income by zip code	33937	8252	34473	8269	30438	7230
<i>AREA01</i>	(See figure 1)	0.123		0.125		0.114	
<i>AREA02</i>	(See figure 1)	0.013		0.007		0.050	
<i>AREA03</i>	(See figure 1)	0.090		0.101		0.017	
<i>AREA04</i>	(See figure 1)	0.092		0.096		0.062	
<i>AREA05</i>	(See figure 1)	0.025		0.026		0.017	
<i>AREA06</i>	(See figure 1)	0.195		0.224		0.010	
<i>AREA07</i>	(See figure 1)	0.113		0.105		0.167	
<i>AREA08</i>	(See figure 1)	0.110		0.109		0.119	
<i>AREA09</i>	(See figure 1)	0.030		0.018		0.109	
<i>AREA10</i>	(See figure 1)	0.009		0.009		0.010	
<i>AREA11</i>	(See figure 1)	0.003		0.002		0.007	
<i>AREA12</i>	(See figure 1)	0.093		0.079		0.182	
<i>AREA13</i>	(See figure 1)	0.021		0.021		0.022	
<i>AREA14</i>	(See figure 1)	0.033		0.030		0.050	
<i>AREA15</i>	(See figure 1)	0.050		0.048		0.062	
<i>OBS</i>		3025		2623		402	

(MHP) are less than those of properties located elsewhere. The location statistics indicate that, on average, houses within one-half mile of a mobile home park are located farther from major traffic intersections and closer to the airport than homes located at greater distances from mobile home parks.

2. Empirical Methodology

A general house price model used in this type of study can be written:⁴

$$\ln(P_i) = \beta x_i + \mu r_i + \varepsilon_i \quad (1)$$

where P_i is the selling price of the i th parcel and x_i is a vector of explanatory variables containing location, site, structural, and market characteristics that affect a property's value. The vector r_i contains neighborhood characteristics and measures of proximity to mobile home parks used to estimate the external effect of mobile home parks on the selling

price of single-family dwellings. The error term, ε_i , is generally assumed to follow a normal distribution with mean 0 and variance σ_ε^2 .

The current study attempts to address issues associated with the measurement of μ in equation (1). The first issue deals with the proximity of mobile home parks to non-residential uses. It is possible that mobile home parks are located next to non-residential land uses and that the measured impact is due to this proximity. In order to address this issue, each mobile home park was visited and categorized as residential or non-residential according to the land use types surrounding the park. A park is categorized as residential if three sides surrounding the park consist of vacant land or strictly residential properties. The fourth side was allowed to have what the authors considered low impact land uses, such as a small single story office building, doctor's office, tree farm, or convenience store.

The second measurement issue deals with the underlying dynamics of the market for land. In the case of mobile home parks, it is possible that mobile home parks are located in areas of relatively lower land values. Thus, an increase in value as the distance from a mobile home park increases may be driven by the fact that the mobile home parks are located in areas of low land values. If data are available on prices before and after the placement of a mobile home park, hedonic price equations can be estimated for the time period before and after the placement and the results can be compared. Colwell et al. (1985) use this general framework to estimate the impact of a shopping center on single-family dwellings. The study was hampered by the lack of shopping center placements observed. However, the authors' approach avoids the potential identification problems associated with this type of study.

In the absence of before and after data, as in the current study, a two-stage model is constructed which incorporates the factor of the location of mobile home parks in the estimation of the external effect of the mobile home park. This approach is similar to the one used by McMillen and McDonald (1991). In their paper, the authors argue that if land values are used in making zoning decisions, there is a potential bias in the estimation of the land price equation. Thus, the authors estimate a land price equation for each land use with endogenous zoning. It is possible that land values also play a role in the placement of mobile home parks (i.e., they are located/placed in areas of relatively lower land values). Thus, the house price equation is estimated with endogenous park location. The model presented in the remaining portion of this section is offered as an alternative to merely acknowledging the identification problem associated with estimating equation (1).

The decision associated with locating a mobile home park can be written as:

$$\Psi_i = \delta(V_i^N - V_i^A) + \omega q_i - \xi_i \quad (2)$$

where V_i^N is the land value of the i th parcel if it were located *near* a MHP, V_i^A is the land value of the i th parcel if it were located *away* from a MHP, the vector q_i represents other potential factors associated with the decision to locate a park and ξ_i is the error term. A parcel is *near* a mobile home park (located within a λ_{MHP} mile radius of a mobile home park), if $\Psi_i > 0$ and is located *away* from an area containing a mobile home park if $\Psi_i < 0$. Therefore, δ is hypothesized to be less than zero. Stated in other words, the probability that

a parcel is located within λ_{MHP} miles of a mobile home park is expected to increase as land values outside of the area increase relative to those within. The total price equation for vacant land can be written as:

$$V_i^K = \kappa_K y_{Ki} + v_{Ki} \quad K = N, A \quad (3)$$

where V_i^K is the value of the i th parcel of land, y_{Ki} is a vector of variables containing location information, neighborhood characteristics, and intra-parcel information excluding structural characteristics, and v_{Ki} is the error term. Substituting equation (3) into equation (2) leads to the reduced-form probit equation:

$$\Psi_i = \theta z_i - \eta_i \quad (4)$$

where θ_i is a vector of coefficients, z_i is the union of the explanatory variables in y_{Ki} and q_i , and $\eta_i = \xi_i - \delta(v_{Ni} - v_{Ai})$.

To incorporate the mobile home park location into the estimation of the impact of a mobile home park on single-family dwellings, the sample is divided into two categories: properties located within one-half mile of a mobile home park and the remaining properties. Note that merely estimating the house price equation for properties located near mobile home parks may produce biased estimates. More specifically, the conditional expectation of the error term in the house price equation for properties located near a mobile home park is:

$$E(\varepsilon_{Ni} | \Psi_i > 0) = -\sigma_{\varepsilon_N \eta} \left(\frac{\phi(\theta z_i)}{\Phi(\theta z_i)} \right). \quad (5)$$

This term is potentially different from zero. Thus, simply estimating the effect of one property type on another, based only on transactions in close proximity, may lead to biased estimates. To circumvent this problem, the error term in the relevant house price equation is redefined so that the conditional expectation of its newly defined error term is zero. Therefore, we can rewrite the house price equation given proximity to a mobile home park ($\Psi_i > 0$) as:

$$\begin{aligned} \ln(P_i^N) &= \beta_N x_{Ni} + \mu_i - \sigma_{\varepsilon_N \eta} \left(\frac{\phi(\theta z_i)}{\Phi(\theta z_i)} \right) + \varepsilon_{Ni} + \sigma_{\varepsilon_N \eta} \left(\frac{\phi(\theta z_i)}{\Phi(\theta z_i)} \right) \\ &= \beta_N x_{Ni} + \mu_i - \sigma_{\varepsilon_N \eta} \left(\frac{\phi(\theta z_i)}{\Phi(\theta z_i)} \right) + \tau_{Ni} \\ &= \beta_N x_{Ni} + \mu_i - \sigma_{\varepsilon_N \eta} W_{Ni} + \tau_{Ni} \end{aligned} \quad (6)$$

where $E(\tau_{Ni} | \Psi_i > 0) = 0$, $W_{Ni} = \frac{\phi(\theta z_i)}{\Phi(\theta z_i)}$, $\sigma_{\varepsilon_N \eta}$ is the covariance between ε_{Ni} and η , ϕ is the standard normal density function, and Φ is the cumulative density function. This

estimation procedure is analogous to the procedure used to correct for sample selection bias.⁵

To estimate the house price equation using the two step procedure, the location equation is estimated using a probit model and the estimates from this model are used to generate the correction variable, W_{Ni} . This correction variable is then substituted into the pricing equation resulting in consistent estimates in the house price equation. The introduction of an estimated explanatory variable into the price equation leads to a bias in the estimated standard errors of the coefficients. A procedure implemented by Lee et al. (1980) and reiterated by Maddala (1983) is used to obtain a corrected asymptotic covariance matrix.

3. The Model

The first step in the two step procedure is the estimation of the probit model using the full sample. The reduced-form probit, equation (4), is estimated using land characteristics and other potential factors leading to the presence of a mobile home park. It is important to recall that the absence of data on land transactions precludes the estimation of equation (2) and a direct test of the relative land value hypothesis. Even though land values are not readily observable in the data set, the MLS data contain land and location characteristics which are determinants of land value. Thus, it is possible to estimate the reduced-form probit model represented in equation (4).

Numerous location characteristics (discussed below), as well as neighborhood and intra-parcel characteristics are present in the estimation of the reduced-form probit. The intra-parcel characteristics are measured by the lot area of the property, while the neighborhood characteristics are measured by the age of the improvements. The reduced-form probit model contains two census variables, one representing the percentage of urban households (as defined by the census) within a zip code area and the other representing the median household income within a zip code area. The probit model also includes variables representing the distance to the nearest major shopping center with a total number of square feet greater than 14,000, distances to the nearest major intersection, and distances to the CBD. Recall that the model predicts the probability that a single-family dwelling is located *near* a mobile home park and is estimated over the full sample.

The estimated house price equation can be written as:

$$\ln(P_i^N) = \beta_N x_{Ni} + \mu r_i - \sigma_{\epsilon_N \eta} W_{Ni} + \tau_{Ni}. \quad (7)$$

Recall that the vector x_i represents the *core* of explanatory variables which traditionally includes location, site, structural, and market characteristics that affect a property's value and vector r_i contains measures of proximity to mobile home parks. Several structural variables are included to capture the effect of the number of square feet contained in the improvements. The variable *LIVAREA* represents the number of square feet of living area and the variable *OTHAREA* represents the quantity of other areas contained in the structure, such as the area devoted to storage, garage, and carports. These variables are

entered into the model in the logarithmic form, after 1 has been added to their value (i.e., $\ln(LIVAREA + 1)$ and $\ln(OTHAREA + 1)$). The benefit of using this form is that it allows a logarithmic function to be used even if the variable contains values of zero, as is the case with *OTHAREA*. In addition, as the number of square feet in the structure approaches zero, the total value of the property approaches the value of vacant land, and it is not unrealistically driven to zero, as would be the case if the one was not added to the area term.⁶ The quality of a structure may be reflected by the presence of a fireplace and/or the absence of central air conditioning. A single-family dwelling listed on the MLS is categorized as tenant occupied, owner occupied, or vacant. Variables representing the categories of tenant occupied and vacant are entered into the model. If a single-family dwelling is occupied by a tenant, it may indicate the home is in the later stage of its life cycle and/or receives a lower level of maintenance, thus the quality may be lower. The age of the structure (in years) and a higher ordered variable of age (AGE^2) are also entered into the model.

An increasing amount of empirical literature recognizes the existence of a non-proportional pricing relationship between value and lot area (for example, see Colwell and Munneke (1997, 1999), McMillen and McDonald (1991), and Thornes and McMillen (1997)). A non-proportional relationship between value and lot area exists when the cost of assembling or subdividing parcels is introduced. This effect is discussed in Colwell and Sirmans (1978, 1980). By entering lot area into the model in the natural logarithm form, it is possible to test for non-proportional pricing. If the estimated coefficient is significantly different than one, a non-proportional pricing relationship exists.⁷

The market effects are measured using a series of time dummy variables and the number of days the property was on the market before its sale. The time series dummies are annual dummy variables representing the year in which the *i*th sale occurred.

Numerous location characteristics have been constructed to capture the effect of location on the price of a single-family dwelling. The parish was divided into fifteen geographical regions each represented by a dichotomous variable. With the exception of the north Baton Rouge area, these areas were defined using the local MLS areas. Note that major traffic arteries tend to encompass the MLS areas. In the north Baton Rouge area, the location variables were constructed to capture the influence of the areas that contain the cities of Zachary (*AREA15*), Baker (*AREA12*), and Greenwell Springs (*AREA14*). A fourth northern outer area, identified as *AREA13*, falls entirely within the East Baton Rouge Parish, but entirely outside of all city limits. Figure 1 depicts the geographic areas that the variables represent.

Several other location variables are included in the model. A location variable representing the distance to the CBD in miles is included. The location of the CBD is defined as the location of the Bank One Towers. The variable representing the distance to the nearest major intersection, $\lambda_{RING_{ROAD}}$, measures the price effect within a λ_{ROAD} mile radius of the nearest major intersection. More specifically, $\lambda_{RING_{ROAD}}$ equals $(UROAD - \lambda_{ROAD})$ if $UROAD \leq \lambda_{ROAD}$ and equals zero if $UROAD > \lambda_{ROAD}$ where $UROAD$ is the distance to the nearest major intersection. Note that as the distance to the nearest major intersection increases, $(UROAD - \lambda_{ROAD})$ increases. Therefore the coefficient on this variable would be positive if prices increase with increased distance



Figure 1.

and negative if prices fall with distance. Note that using $(UROAD - \hat{\lambda}_{ROAD})$ as the distance measure of this local effect allows the price surface to be continuous at the point where $\hat{\lambda}_{ROAD} = UROAD$ rather than having a discontinuity at this point, as is the case if $UROAD$ is used in place of $(UROAD - \hat{\lambda}_{ROAD})$ in the definition of $\hat{\lambda}RING_{ROAD}$. The variable measuring the impact of the Baton Rouge airport and a second variable representing proximity to a shopping center are also constructed in this manner: $\hat{\lambda}RING_{AIR}$ and $\hat{\lambda}RING_{SHOP}$, respectively.

The second step in the two step procedure is to substitute the correction variable into the house pricing equation, and estimate this price equation over the sub-sample of properties located near a mobile home park. The addition of the correction variable results in consistent estimates of the house price equation. Two separate models are constructed in an attempt to measure the external effect of mobile home parks on single-family dwellings. The first model uses the vector of *core* variables, x_i , and a series of dummy variables based on the distance the SFD is from the nearest mobile home park. A second externality

variable, $D\#MHP$, is used to measure the impact of additional mobile homes in close proximity to the SFD. This variable is a dichotomous variable that equals 1 if the number of mobile home parks within λ_{MHP} miles of a SFD is greater than one, and 0 otherwise.

The second model uses a piecewise linear approach to measure the external effect of mobile home parks. More specifically, the measure utilized is a spline function of degree one and smoothness zero (i.e., not smooth at the knots) applied over a spatial interval of distance. This function can be written as:⁸

$$\pi_1 \lambda RINGS_1 + \pi_2 \lambda RINGS_2 + \dots + \pi_k \lambda RINGS_k \quad (8)$$

where $\lambda RINGS_m$ equals $(UMHP - S_m)$ if $UMHP \leq S_m$ and equals zero if $UMHP > S_m$ for $m = 1, 2, \dots, k$. The term $UMHP$ represents the distance to the nearest mobile home park and the term S_m represents the location of each knot including the boundary λ_{MHP} . Note that $S_1 = \lambda_{MHP}$ and that the knots are labeled right to left starting with the boundary knot λ_{MHP} (i.e., M increases as distance decreases). For example, assume that $\lambda_{MHP} = 0.5$ miles and the slope is allowed to change (i.e., a knot) at one tenth of a mile and two tenths of a mile from the nearest mobile home park. Then $S_1 = \lambda_{MHP} = 0.5$, $S_2 = 0.2$ and $S_3 = 0.1$. The resulting estimates of the slope from 0 to 0.1 miles from the nearest mobile home park would be $\pi_1 + \pi_2 + \pi_3$. From 0.1 to 0.2 miles the slope would be $\pi_1 + \pi_2$, and from 0.2 to λ_{MHP} the slope would be π_1 . An F statistic was constructed and used to determine if these slopes are significantly different from zero. Note that $(UMHP - S_m)$ increases to the value of zero over each subinterval. Thus, a positive slope on $\lambda RINGS_m$ would indicate a negative externality, while a negative slope indicates a positive externality. The variable $D\#MHP$ is also included in this model in an attempt to measure the impact of the number of mobile home parks that lie within λ_{MHP} miles. It is possible that the price level at the boundary (λ_{MHP}) for SFDs surrounding mobile home parks in residential areas and non-residential areas may vary. To incorporate this possibility, the variable $(1 - RES)$ has been entered into the model. This variable is defined as 1 if the mobile home park is surrounded by non-residential land uses ($RES = 0$), 0 otherwise.

4. Results

The results of the reduced-form probit model provide some interesting insights into mobile home park locations. The results of the probit model are presented in Table 2. Note that the dependent variable in each model is coded 1 if $UMHP \leq \lambda_{MHP}$ miles, 0 otherwise. The term λ_{MHP} represents the limit of the definition of *near* a mobile home park. The effect of mobile home parks, much like the effect of other land uses on single-family dwellings, is believed to be a fraction of a mile rather than miles. Therefore, *near* a mobile home park is arbitrarily defined as a distance less than one-half mile ($\lambda_{MHP} = 0.5$). A likelihood ratio was used to test the null hypothesis that all of the slope coefficients are equal to zero. This null hypothesis is rejected based on the likelihood ratio test statistic reported in Table 2.

The results of the probit model indicate that single-family dwellings located farther from the CBD have a greater probability of being located near a mobile home park.

Table 2. Estimation results of the reduced-form probit model.

Variables		Variables (Continued)	
<i>Intercept</i>	-0.8139 (0.39)	<i>AREA02</i>	1.5054 (6.77)
<i>UCBD</i>	0.1536 (4.77)	<i>AREA03</i>	-0.6742 (3.11)
Distance to the CBD (miles)		(See figure 1)	
<i>AGE</i>	0.0068 (1.59)	<i>AREA04</i>	-0.1166 (0.40)
Age of improvements (yrs.)		(See figure 1)	
$\ln(\text{LOT})$	-0.4077 (5.82)	<i>AREA05</i>	-0.0380 (0.13)
Natural log. of lot area (sq ft)		(See figure 1)	
$\lambda RING_{AIR}$	-1.2837 (1.98)	<i>AREA06</i>	-1.5292 (4.12)
$\lambda RING_{AIR} = \begin{cases} (U_{AIR} - 2); & \text{if } U_{AIR} \leq 2 \\ 0; & \text{if } U_{AIR} > 2 \end{cases}$		(See figure 1)	
$\lambda RING_{ROAD}$	1.2408 (4.79)	<i>AREA07</i>	0.1950 (0.78)
$\lambda RING_{ROAD} = \begin{cases} (U_{ROAD} - 1); & \text{if } U_{ROAD} \leq 1 \\ 0; & \text{if } U_{ROAD} > 1 \end{cases}$		(See figure 1)	
$\lambda RING_{SHOP}$	0.5090 (3.43)	<i>AREA08</i>	-0.2695 (1.07)
$\lambda RING_{SHOP} = \begin{cases} (U_{SHOP} - 1); & \text{if } U_{SHOP} \leq 1 \\ 0; & \text{if } U_{SHOP} > 1 \end{cases}$		(See figure 1)	
<i>URBAN</i>	0.0357 (1.87)	<i>AREA09</i>	0.8629 (4.33)
% of urban households by zip code		(See figure 1)	
<i>INCOME</i>	-0.2968 (3.00)	<i>AREA10</i>	-0.3783 (1.00)
Median household income by zip code (\$10,000)		(See figure 1)	
<i>D91</i>	0.0323 (0.30)	<i>AREA11</i>	-0.1660 (0.32)
1 if sold in 1991, else 0		(See figure 1)	
<i>D92</i>	0.1170 (1.10)	<i>AREA12</i>	0.6678 (1.61)
1 if sold in 1992, else 0		(See figure 1)	
<i>D93</i>	-0.0328 (0.32)	<i>AREA13</i>	1.8548 (1.61)
1 if sold in 1993, else 0		(See figure 1)	
<i>D94</i>	-0.0561 (0.54)	<i>AREA14</i>	2.1366 (1.48)
1 if sold in 1994, else 0		(See figure 1)	
		<i>AREA15</i>	0.8437 (0.90)
		Likelihood Ratio	453.82
		$2[L(\theta) - L(0)]$	

Note: The absolute values of the *t*-values are presented in parentheses. The dependent variable in the probit equals one if $UMHP \leq 0.5$, zero if $UMHP > 0.5$.

However, parcels with larger lot sizes lead to a lower probability. An increase in the distance from both major intersections and shopping centers leads to an increase in the probability of a mobile home park being located in the area, measured over a one mile radius. An increase in the distance from the airport decreases the probability of being located near a park, measured over a two mile radius. The median income of the surrounding households is found to have a significant impact on the probability of a SFD being located near a mobile home park. As the median income increases, the probability of a close proximity to a mobile home park decreases. Two of the four areas along the southern border of the parish (*AREA03* and *AREA06*) are found to have a negative impact on the probability of proximity to a mobile home park. The remaining two areas have negative coefficients but are not statistically different from zero. These areas are known for their high levels of residential growth and expensive homes. Single-family dwellings

located in areas *AREA02* and *AREA09* have an increased probability of being located near a mobile home park. The remaining areas do not show a statistical impact on the probability of proximity to a mobile home park.

The estimation results for each of the housing price models are presented in Table 3. Many of the core variables possess their expected sign, although not all are significant at the 5% level. Each model has an \bar{R}^2 of approximately 86%.

The proximity of a single-family dwelling to the CBD is not found to have a significant effect on value. This result may be attributable to the recognition of non-proportional pricing with respect to lot area. Colwell and Munneke (1997) show that the recognition of nonlinear land prices leads to a decline in the measured price gradient. In their study, allowing for non linear land prices greatly reduced the measured rate of price decline with distance, although it was not eliminated. A second possible factor leading to the insignificance of this coefficient may be the presence of numerous other measures of location. Increased proximity to the Baton Rouge airport and to major intersections was

Table 3. Estimation results of the house price models.

	Model 1	Model 2		Model 1 (con't)	Model 2 (con't)
<i>Intercept</i>	4.2352 (13.62)	4.1652 (13.38)	<i>AREA02</i>	0.1490 (0.97)	0.1637 (1.07)
<i>UCBD</i>	-0.0133	-0.0178	<i>AREA03</i>	0.5991	0.6005
Distance to the CBD (miles)	(0.67)	(0.90)	(See Figure 1)	(3.59)	(3.56)
<i>AGE</i>	-0.0093	0.0102	<i>AREA04</i>	0.1890	0.173
Age of Improvements (yrs.)	(2.71)	(3.01)	(See Figure 1)	(1.61)	(1.85)
<i>AGE²/1000</i>	0.6271 (0.89)	0.8012 (1.16)	<i>AREA05</i>	0.4275 (4.62)	0.4462 (4.78)
<i>Ln(LOT)</i>	0.1473	0.1474	<i>AREA06</i>	0.3865	0.4529
Natural log. of lot area (sq ft)	(3.19)	(3.16)	(See Figure 1)	(1.15)	(1.34)
<i>Ln(LIVAREA + 1)</i>	0.7220 (19.27)	0.7325 (19.64)	<i>AREA07</i>	0.3347 (4.04)	0.3706 (4.46)
<i>Ln(OTHAREA + 1)</i>	0.0260 (4.70)	0.0244 (4.42)	<i>AREA08</i>	0.2518 (2.60)	0.2733 (2.81)
<i>DOM/1000</i>	-0.1631	-0.1878	<i>AREA09</i>	-0.0597	-0.0430
Days On Market (DOM)	(1.61)	(1.87)	(See Figure 1)	(0.83)	(0.60)
<i>FIREPLACE</i>	0.0287	0.0328	<i>AREA10</i>	0.1346	0.1560
Presence of fireplace	(1.64)	(1.88)	(See Figure 1)	(0.92)	(1.06)
<i>TENANT</i>	-0.1111	-0.1085	<i>AREA11</i>	0.0348	0.1098
Tenant occupied	(4.28)	(4.22)	(See Figure 1)	(0.25)	(0.71)
<i>VACANT</i>	-0.0621	-0.0667	<i>AREA12</i>	0.1170	0.1541
Vacant at time of sale	(3.91)	(4.24)	(See Figure 1)	(1.50)	(1.96)
<i>CENAIR</i>	0.0740	0.0775	<i>AREA13</i>	0.2356	0.2563
Centrak AC present	(2.47)	(2.55)	(See Figure 1)	(1.87)	(2.03)
<i>D91</i>	0.0398	0.0387	<i>AREA14</i>	0.1924	0.2474
1 if sold in 1991, else 0	(1.56)	(1.52)	(See Figure 1)	(1.16)	(1.49)
<i>D92</i>	0.0673	0.0670	<i>AREA15</i>	0.3130	0.3601
1 if sold in 1992, else 0	(2.48)	(2.48)	(See Figure 1)	(1.78)	(2.05)
<i>D93</i>	0.1223	0.1248			
1 if sold in 1993, else 0	(4.94)	(5.04)			
<i>D94</i>	0.2168	0.2198			
1 if sol in 1994, else 0	(8.49)	(8.56)			

Table 3. (continued)

	Model 1 (con't)	Model 2 (con't)		Model 1 (con't)	Model 2 (con't)
$\lambda RING_{AIR}$	0.1458 (0.57)	0.2405 (0.94)	$\lambda RING50*RES$		-0.1587 (1.11)
$\lambda RING_{AIR} = \begin{cases} (UAIR - 2); \text{if } UAIR \leq 2 \\ 0; \text{if } UAIR > 2 \end{cases}$			$\lambda RING50_i = \begin{cases} (UMHP - 0.50); \text{if } UMHP \leq 0.50 \\ 0; \text{if } UMHP > 0.50 \end{cases}$		
$\lambda RING_{ROAD}$	0.0122 (0.07)	0.0036 (0.02)	$\lambda RING27*RES$		0.5855 (2.19)
$\lambda RING_{ROAD} = \begin{cases} (UROAD - 1); \text{if } UROAD \leq 1 \\ 0; \text{if } UROAD > 1 \end{cases}$			$\lambda RING27_i = \begin{cases} (UMHP - 0.27); \text{if } UMHP \leq 2 \\ 0; \text{if } UMHP > 2 \end{cases}$		
$D\#MHP$	-0.0078 (0.44)	-0.0019 (0.11)	$\lambda RING50*(1RES)$		0.2427 (2.19)
$D\#MHP = \begin{cases} 1; \text{if the number of MHPs within a } \\ 0.5 \text{ mile radius of the } i\text{th parcel} > 1 \\ 0; \text{if the } i\text{th parcel} = 1 \end{cases}$			$\lambda RING50_i = \begin{cases} (UMHP - 0.50); \text{if } UMHP \leq 0.50 \\ 0; \text{if } UMHP > 0.50 \end{cases}$		
(1-RES)		0.0611 (1.70)	$\lambda RING18*(1-RES)$		-3.0341 (2.83)
$RES = \begin{cases} 1; \text{if the } i\text{th parcel is located near a } \\ \text{MHP in a residential area} \\ 0; \text{if the } i\text{th parcel is located near a } \\ \text{MHP in a non-residential area} \end{cases}$			$\lambda RING18_i = \begin{cases} (UMHP - 0.18); \text{if } UMHP \leq 0.18 \\ 0; \text{if } UMHP > 0.18 \end{cases}$		
$RING25*RES$	-0.0489 (2.08)		$\lambda RING10*(1-RES)$		5.6217 (1.57)
$RING25_i = \begin{cases} 1; \text{if } UMHP \leq 0.25 \\ 0; \text{if } UMHP > 0.25 \end{cases}$			$\lambda RING10_i = \begin{cases} (UMHP - 0.10); \text{if } UMHP \leq 0.10 \\ 0; \text{if } UMHP > 0.10 \end{cases}$		
$RING25*(1-RES)$	-0.0120 (0.39)		W_N	-0.1214 (0.89)	-0.1277 (0.94)
$RING50*(1-RES)$	0.0121 (0.45)		Correction variable		
$RING50_i = \begin{cases} 1; \text{if } 0.25 UMHP < 0.50 \\ 0; \text{if } UMHP > 0.25 \end{cases}$			Adj R-sq	0.8567	0.8590
			Observations	402	402

*Note: The absolute values of the t -values ($H_0: \beta=0$) are presented in parentheses; the corrected standard errors are used in calculating the t -values of the consistent price equations

13C

not found to have a significant effect on the value of single-family dwellings near mobile home parks. It should be noted that only nine transactions in the sample were properties located near a mobile home park and within two miles of the airport. The geographical dichotomous variables indicate that *AREA03*, *AREA05*, *AREA07*, and *AREA08* offer statistically significant premiums relative to the omitted central Baton Rouge area. These results are consistent across Models 1 and 2. Location in *AREA03* offers the greatest premium and is also an area that was found to have a negative influence on the probability of mobile home parks being located in this area. The premiums associated with *AREA05*, *AREA07*, and *AREA08* may be due, in part, to their proximity to interstates and highways that offer convenient access to other areas within the Baton Rouge area, as well as the central Baton Rouge area. In the second model, three of the four northern areas (*AREA12*, *AREA13*, and *AREA15*) are positive and statistically significant, each indicating a location premium. Note that two of these areas (*AREA12* and *AREA15*) contain small towns.

As expected, lot area, living area, and the other improvement areas are found to have a positive effect on value. The estimated coefficient on the lot area variable is significantly different from one in each model, indicating that the relationship between the value and its lot area, in this sample, is non-proportional. The estimated magnitude of the coefficient on lot area is less than one, indicating a concave relationship exists between the value of the property and its lot area. The estimated coefficient on the living area variable is significantly different from one, indicating a concave pricing relationship between price and living area within this sample. The estimated coefficient on the variable representing the area of improvements not attributable to living area also exhibits a concave relationship between the value of the property and itself.

The results of the quality variables are overall consistent with expectations. The age of a property is found to have a negative impact on the value of a single-family dwelling. Note that the coefficient on AGE^2 is not found to be statistically significant in either model. The coefficient on the variable representing the presence of a fireplace is not statistically significant. The presence of central air-conditioning is found to lead to a statistically significant price premium for properties located within a one-half mile radius of the nearest mobile home park (approximately a 7.5% to 8% premium).⁹

The occupancy of the house, as well as housing tenancy are found to affect the price at which a property will sell. A home that is vacant at the time of sale is found to sell at a significant discount (approximately 6.5 to 8.5%). A property is also found to sell at a significant discount (approximately 10.5%) when the property is non-owner occupied. Houses that remain on the market for a longer period of time are found to command lower prices, although this effect is not statistically significant at the 5% level in either model.

Over the study period, nominal prices of properties located within a one-half mile radius of a mobile home park are found to be increasing, as indicated by the annual dummy variables. Note that the coefficients on the time variables are statistically significant, with the exception of the 1991 variable.

The first model attempts to measure the impact of the proximity of single-family dwellings to mobile home parks by including the interaction variables $RING25 * RES$, $RING25 * (1 - RES)$, and $RING50 * (1 - RES)$. The variable *RING25* is coded 1 if the SFD falls within 0.25 miles of a mobile home park, 0 otherwise. The variable *RING50* is coded

1 if the SFD falls between 0.25 and 0.50 miles of a mobile home park, 0 otherwise. Recall that the mobile home parks have been classified as residential (*RES*) or nonresidential ($1 - RES$) by the land uses surrounding the park. As can be seen in Table 2, values are found to be lower with increased proximity to mobile home parks found in residential areas. In fact, being located within 0.25 miles of a mobile home park is found to lead to approximately a 5% decline in the value of the single-family dwelling relative to properties located within 0.25 to 0.5 miles of a mobile home park in a residential area. The coefficients of the interaction variables for mobile home parks located in commercial areas are statistically insignificant in this model. The coefficient on the variable representing the presence of at least one additional mobile home park within 0.5 miles of the dwelling is also statistically insignificant.

The second model attempts to measure the effect of proximity to mobile home parks using a piecewise linear approach. The second model differs from the first by the replacement of the dichotomous externality proxy variables with continuous measures. These measures, in contrast to the dichotomous variables, allow intra-interval variation in price as distance changes. Recall that a spline function is used to estimate the external influence. Since theory on externalities offers little help on placement of the spline knots, a stepwise approach was used to select the location of the knots. The initial model specification consisted of the core explanatory variables, two externality variables, ($1 - RES$) and *D#MHP*, as well as a series of knot variables for each mobile home park type, $\lambda RINGS_m \cdot S_m$, was defined at intervals of one-hundredth of a mile over the range of 0.10 to 0.45 miles from a mobile home park and also included a variable representing the outer boundary of the study at 0.5 miles. The core variables, variable ($1 - RES$) and variable *D#MHP*, as well as the two variables representing the knot at the outer bound of the study for each mobile home park type (i.e., $S_1 = 0.5$) were fixed to remain in the model. A stepwise procedure was implemented that allowed the elimination and possible reintroduction of the remaining knot variables based on producing an F-statistic significant at a 0.10 significance level. The procedure resulted in the addition of two knots to the series of externality variables for properties close to mobile home parks in non-residential areas and one additional variable (knot) for properties located near residential properties beyond the boundary knot used for each mobile home park type.

The effect of proximity to mobile home parks in a residential area is measured using a piecewise linear approach with knots at 0.27 and 0.50, which results in two line segments within the interval from 0 to 0.50 mile. The coefficient measuring the impact of distance on housing prices over the 0.27 to 0.50 segment, $\lambda RING50 \cdot RES$, is not found to be significantly different from zero. The significance of the second knot variable, $\lambda RING27 \cdot RES$, indicates that there is a significant change in the slope between the two intervals. The effect of proximity to a mobile home park on value over the 0 to 0.27 segment is found by adding the coefficients over the two intervals. An F-statistic is generated using the corrected covariance matrix to test the null hypothesis that the sum of these two coefficients equals zero. This procedure yields an F-statistic of 4.647. This test suggests that the sum of these parameters is significantly different from zero at a 5% significance level. This, coupled with the positive sign of the coefficient, indicates that the value of a single-family dwelling increases as distance from a mobile home park increases

over the range of 0 to 0.27 miles in residential areas, *ceteris paribus*. More specifically, the results indicate an approximate 12% increase in house price over the 0 to 0.27 segment for mobile home parks located in residential areas.

Three knots ($S_m = 0.10, 0.18, \text{ and } 0.50$) are used to measure the effect of proximity to mobile home parks in a non-residential area. Over the 0.18 to 0.5 mile segment, as distance to the nearest mobile home park located in a non-residential area increases, the prices of single-family dwellings are found to increase. This result is indicated by the positive and significant coefficient on $\lambda RING50^*(1 - RES)$. The slope over the range of distances from 0.10 and 0.18 miles is significantly different from that over the interval of 0.18 to 0.50 miles, as indicated by the significant coefficient on the knot variable, $\lambda RING18^*(1 - RES)$. The sum of the parameters on the variables representing the 0.10 to 0.18 segment and the 0.18 to 0.50 segment is negative. An F test is performed to test the null hypothesis that the sum of these two coefficients equals zero, yielding an F-statistic of 7.281. This clearly leads to the rejection of the null hypothesis and indicates that as distance increases over the range of distances from 0.10 and 0.18 miles to the nearest mobile home park, values decrease. The coefficient on the third knot variable representing the range in close proximity to mobile home parks (0 to 0.10 miles) is not statistically significant, indicating that the slope of this interval is not significantly different from the slope over the 0.10 to 0.18 segment. To examine the effect of proximity to a mobile home park on value over the 0 to 0.10 segment, an F test with a null hypothesis that the sum of the three interval parameters equals zero is performed. This test yields an F-statistic of 1.057, indicating the null hypothesis cannot be rejected. In summary, for the parks classified as non-residential, values are found to decrease over the interval from 0.10 to 0.18 and then increase over the interval of 0.18 to 0.50 as distance to the nearest mobile home park located in a non-residential area increases. These non-residential results are clouded by the identification problem discussed earlier; are the measured results due to proximity to the mobile home park or non-residential land uses in close proximity to the park? The pattern of the effect is, in fact, quite similar to the measured impact on the value of single-family dwellings to shopping centers in the Baton Rouge area, as reported in Glascock et al. (1996). Glascock et al. (1996) report values that exhibit an initial increase in the properties surrounding the shopping center (not found in the current study) followed by a decline and subsequently by a second interval of increase. Given this similarity and the vastly different results between the residential and non-residential areas, it appears necessary to divide the parks into residential and non-residential areas in an effort to more closely estimate the true effects of mobile home parks.

5. Conclusion

The empirical work in this study is an attempt to provide evidence of an external effect of mobile home parks on the value of single-family dwellings. To the authors' knowledge, this is the first attempt to measure this externality. The empirical results of this study are based on a sample of 3,025 single-family dwelling sales in East Baton Rouge Parish, Louisiana. The models are constructed in a manner to address the potential problem of

identification. Mobile home parks are defined as being located in residential or non-residential areas, and the models are estimated with endogenous park location. The results support the existence of an external effect for single-family dwellings located near mobile home parks in residential areas. More specifically, the value of single-family dwellings is adversely affected by their close proximity to mobile home parks in these areas.

The overall results are consistent with previous house price studies, but also provide several other interesting results. A non-proportional pricing relationship between the value of a property and its lot area is found to exist. The presence of a non-linear relationship between price and living area, as well as price and other areas (carport, garage, etc) are found. A dwelling occupied by a tenant is found to sell for a significant discount. A dwelling that is vacant at the time of the sale is also found to command a lower selling price. Over the last three years of the study period, the results indicate that Baton Rouge experienced a substantial increase in the nominal price of housing.

Acknowledgments

The authors would like to thank Peter F. Colwell, John L. Glascock, and the anonymous referees for their helpful comments and suggestions. Hong-Lie Qiu, currently at the University of California at Los Angeles, provided assistance with the GIS on earlier versions of this paper. The authors would also like to thank the Greater Baton Rouge Association of REALTORS[®] for supplying the MLS data and the LSU Real Estate Research Institute for financial support. Any remaining errors and omissions are wholly the responsibility of the authors.

Notes

1. The term "mobile home park" is used to refer to a collection of "mobile homes" which has a particular meaning under the HUD code (usually pre-1976 built homes). Recently built homes (post-1976), of this type are usually called "manufactured homes". The term "mobile home park" is used because the majority of parks in Baton Rouge contained "Mobile Home Park" in their name.
2. Source: *U.S. Housing Market Conditions*, 3rd Quarter, 1995, tables 5 and 6, pp. 53–54. Annualized using July 1995 data.
3. Properties that were on the market less than one and one-half weeks (10 days) or more than one year were not included in this study.
4. For simplicity, the equations presented in this section of the paper are assumed to take a linear form.
5. A similar argument can be made for the estimation of the price equation for properties not located near mobile home parks. The resulting price equation can be written as:

$$\begin{aligned}\ln(P_i^A) &= \beta_A X_{Ai} + \sigma_{v,A,\eta} \left(\frac{\phi(\theta z_i)}{1 - \Phi(\theta z_i)} \right) + \tau_{Ai} \\ &= \beta_A X_{Ai} + \sigma_{v,A,\eta} W_{Ai} + \tau_{Ai}\end{aligned}$$

where

$$E(\tau_{Ai} | \Psi_i < 0) = 0, W_{Ai} = \frac{\phi(\theta z_i)}{1 - \Phi(\theta z_i)} \cdot \sigma_{\varepsilon_{Ai}}$$

is the covariance between ε_{Ai} and η .

6. If $P = LAND^\beta (IMPROVEMENTS + 1)^\gamma$ then as $IMPROVEMENTS$ approaches zero, P approaches the value of land.
7. Note that the work by Thornes and McMillen (1997) used a semiparametric method of estimating the relationship between value and lot area. Their work reveals that nonlinear prices exist and that the simple approach (like the one used in the current study) produces results very similar to the more complex semiparametric approach.
8. To be consistent with the method used to measure the local effects of major intersections, shopping centers, and the airport, the spline function measuring the effect of mobile home parks was defined using the same method. However, since only properties located within one-half mile of a mobile home park were used in the estimation and given the functional form used, one could substitute $UMHP$ in place of $(UMHP - S_m)$ which would result in the same estimated parameter. Note that if the equation had been estimated over the entire sample, the method described in equation (8) allows the price surface to be continuous at the point where $\lambda_{MHP} = UMHP$ rather than having a discontinuity at this point, as is the case if $UMHP$ is used in place of $(UMHP - S_m)$ in the definition of $\lambda RINGS_m$.
9. The percentage change in the dependent variable from a change in the value of a dummy variable is found using the relationships $e^\chi - 1$ if $\chi > 0$ and $1 - e^\chi$ if $\chi < 0$ (see Kennedy, 1981).

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Town of Marquette Comprehensive Plan
Summary of Conflicts: Robin's Nest Zoning Change & Conditional Use Permit

A. Defining a Comprehensive Plan

Page 1 – When a town develops and adopts a comprehensive plan it has officially made a statement of the local government's policy regarding the physical development of the community.

Comprehensive plans are policy oriented.

Page 2 – The comprehensive plan is designed to serve as a long-range planning guide to the physical development of a community. It establishes the policy parameters within which local land use operates. The plan... should not be modified to simply respond to an individual property owner's desire to reach a higher level of development intensity that the plan would not otherwise allow.

B. Planning in the Town of Marquette & Green Lake County

The "Smart Growth" Comprehensive Plan for the Town of Marquette 2014 update is part of a larger multi-jurisdictional planning effort currently being conducted throughout Green Lake County. The Town of Marquette being one cog of a much larger effort will be a part of the countywide planning efforts.

Both the Town of Marquette and the Green Lake County Comprehensive Plans must follow the guidelines set forth in the State of Wisconsin's Smart Growth Planning legislation that was enacted in 1999.

We believe Robin's Nest LLC's Zoning & Conditional Use Permit (CUP) requests are in direct conflict with the Town of Marquette's Comprehensive Plan for the following reasons:

Page 5 – Vision for the Town

Commercial and industrial land uses... are planned carefully to minimize their impact on the ecosystem and infrastructure.

The Town recognizes that many elements of growth need to be dealt with fairly and consistently, some of these elements are:

- The need to protect the natural resources, scenic beauty, and the community's rural identity.
- The right of property owners not to be unduly harmed by nearby land uses.
- The right of property owners to develop their parcels ***while following the Town's Comprehensive Plan and Zoning.***

Conflict: The campground expansion will adversely impact the property values of neighboring properties and will negatively impact the rural identity of the Puckaway Road community. It also has the strong potential to negatively impact the surrounding natural resources (waste management, boat

Re: Robin's Nest Resorts
Rezone & CUP Requests

Exhibit D
05-05-16
Presented Don Waldrop
ID

Town of Marquette Comprehensive Plan
Summary of Conflicts: Robin's Nest Zoning Change & Conditional Use Permit

traffic and mooring, shoreline erosion, emergency vehicle access, etc.) unless these risks are addressed through a comprehensive site plan which Mr. Dysland has failed to produce.

Page 6-7 – Land Use Goals

Conflict: We believe the proposed campground expansion is in direct conflict with the following Town of Marquette Land Use Goals

The Town established the following long-term goals for land use and development:

- Preserve the rural character.

Conflict: A campground expansion does not preserve the rural character of the township.

- Protect the natural resources

Conflict: See the concerns mentioned under Vision for Town – Page 5.

- Farmland Preservation

Conflicts:

- Although this land is currently zoned R-1, it has historically been used for and taxed based on its use for agricultural purposes.
- **Page 15** of the plan states, "Agriculture plays an important role in the economic, cultural and social framework of the Town of Marquette. Once agricultural land is developed or replaced by another use, it cannot easily be returned to agricultural production."
- Farmland Preservation is also identified as "one of the most important items to be accomplished" on **Page 16** of the Town's comprehensive plan.

- Residential Development.

Conflict: This land is currently zoned as Residential (R-1). The proposed zoning change is for Recreational (RC).

- Commercial and Industrial Development

Conflicts:

- This section states that, "*Commercial and industrial uses shall be encouraged to locate on County and State highways.*"
- **Page 40 – Land Use** reads as follows, "*The growth in commercial and industrial development is targeted for areas in and around the cities, which have the infrastructure in place to service these businesses.*"

- Transportation – "*Balance traffic flow and safety issues with community quality of life and the rural residential character of the Town.*"

Conflicts:

- The three (3) different site expansion counts identified in the packet received from Green Lake County (74 sites – Land Use Planning & Zoning Committee Staff Report, 89 sites – Robin's Nest Concept Plan & 100 sites – 12/1/15 CUP Letter from Dysland to the

Town of Marquette Comprehensive Plan
Summary of Conflicts: Robin's Nest Zoning Change & Conditional Use Permit

Green Lake Land Use Planning & Zoning Committee), represent a 50% to 100% increase in traffic entering and leaving the area.

- Page 33 of the plan reads as follows: *"Puckaway Rd. on the West End of the Township has increased motor vehicle travel in recent years. It is a major collector route for residents. The data collected on Puckaway Road from County H to Cedar Road the week of July 4, 2013 was 5000 vehicles."* Puckaway Road is currently in need of repairs and has been an agenda topic at recent Town of Marquette meetings. The increase traffic from the proposed campground expansion would be from vehicles hauling camping trailers and boats.
- The campground currently has only one gravel driveway used as an entrance/exit.
- Utilities & Facilities
 - Conflicts:
 - Mr. Dysland has not submitted a comprehensive site plan verifying that the current waste management (constructed in 1989) and well system have the capacity to handle the 50% to 100% increase in usage that will come from the proposed expansion.
 - The need for a comprehensive plan is also supported by the following statement from **Open Space Uses (Page 15)** which reads, *"Private recreational uses shall be allowed on a case by case basis with no designation of predetermined sites on the Town Plan as long as they meet zoning and sanitation requirements."*

Page 36 – Fire & Rescue

Fire protection is provided by the Marquette Fire & Rescue Squad, Inc.

Conflict: The campground currently has a single gravel road that serves as both the entrance and exit for the campground. The Town of Marquette is in the process of purchasing a new larger capacity pumper truck. Mr. Dysland has not submitted a comprehensive site plan that address the load bearing capacity of the existing roads or proposed new roads within the campground and whether or not they have the capacity to handle to new Town of Marquette fire engine.

Summary of Conflicts:

Page 41 – The 'Smart Growth' Comprehensive Planning legislation adopted in 1999 provides a definition and guidelines for local comprehensive planning. This law, known as Act 9, greatly expanded state-level expectations for local and county planning.

Broadly speaking, State criteria now include:

- The preservation of productive forest and agricultural lands

Town of Marquette Comprehensive Plan
Summary of Conflicts: Robin's Nest Zoning Change & Conditional Use Permit

- Adequate sewer and water facilities to serve existing and future growth and minimize impacts on ground and surface water, and on soil
- Preserve environmentally sensitive areas as defined by N. R. 121
- Beginning on January 1, 2010, any regulation, program, or action of a local governmental unit that affects land use shall be consistent with the local comprehensive plan

The Town of Marquette, through this planning process, has identified the following criteria:

- Maximize the protection of environmentally sensitive areas and drainage corridors. This will minimize the loss of soil and degradation to surface water
- Minimize the co-location or adjacent location of incompatible land uses
- Minimize the loss of natural area and open space around the rivers and streams

Criteria for the location of commercial development:

- Locate development adjacent to other compatible uses, adjacent to the existing commercial areas in the Village
- Direct future commercial growth away from environmentally sensitive areas
- Minimize impact on Town infrastructure (Roads)

Page 43 – Future Residential Development

The largest part of the Town's future growth in terms of buildings and acreage will be invested in single-family housing. In order to minimize open space impacts, the Town should seek to guide housing development close to existing residential areas and when possible adjacent to future commercial areas.

Page 46-48 – Goals and Objectives

- Goal: Ensure that the natural resources of the Town, specifically the rivers, streams, wetlands, and marshes are preserved in their natural condition and protected from development pressures.
- Goal: Identify, preserve and protect the Town's quality farmland.
- Goal: Promote residential development in areas that are designated and suitable for residential purposes and are compatible with neighboring uses.
- Goal: Establish and maintain a safe, orderly, and efficient transportation system. Balance traffic flow and safety issues with community quality of life and the rural residential character of the Town.

2013 TOWN OF MARQUETTE PLAN UPDATE

General Updates to include 2010 Census Information, Projections and Population

- **Items committee should be prepared to discuss at August 29 2013 meeting.**

Page	Issues to be Addressed
2	I Add County 2013 Update Language
*5	Review Vision for Town
*6	Review Land Use Goals
*13	Vegetative Cover Review
*15	Review Open Space Uses
17	Review %'s
*18	Review Farm Programs
19-21	Update Populations Figures 2&3
22-25	Upgrade population Projections Figures 4-13
26	Upgrade Housing Characteristics Figures 14-19
30	Housing Upgrades
33	Labor Trends Updates Figure 20
35	Labor Projections
*36	Update Traffic Counts Figure 22
*37	Review Road Quality and Maintenance
*40-41	Review Public Facilities
*42	Update Current Land Uses and Census Data
*43	Review and Update Business List

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Re: Robin's Nest Resorts
Rezone & CUP Requests

Presented by
Kathleen Moore 05-05-16
Exhibit E
1E

- 43 Update Housing
- 44 Update Charts
- *45 Review Future Land Use Criteria
- *46 Review Future Land Use Patterns - Ag Values
- 47 Update Intergovernmental Cooperation Green Lake Plan Update
- *48-52 Review Objectives

Map Updates

- Map 4 Add Town Hall
- Map 5 Land Use
- Map 6 Zoning Map A-2
- Map 7 Future Land Uses

Map Issues

- Ebert Land Campground Expansion
- Gun Club
- Barricade Flasher
- Miller Campground and Tavern
- Wards
- Greenhouses
- Trucking Operations
- Baumann's Meats
- Amish Businesses

Agenda Town of Marquette Comprehensive Plan

April 29, 2014 10:00 a.m.

Town of Marquette Hall

1. Call Meeting to Order

2. Review changes to text made at last meeting Pages 5, 41, 51 and 52.

3. Committee members should come prepared to discuss and review charts and statistics. Committee members should have notes about conclusions and text changes so the committee can have a discussion and come to a consensus about text changes to existing Plan. Items for discussion

Page 19. Figures 2 and 3

Page 20 Figures 4 and 5

Page 21 Figures 6 and other Population Characteristics

Page 22 Figures 7 and 8

Page 23 Figure 9

Page 24 Figures 10-12 Committee needs to come consensus of all projections

Page 26 Figures 14 and 15 Discuss Housing Inventory Changes

Page 26 Figure 16

Page 27 Figure 18

Page 29 Figure 19 and Median Household Income Chart

Page 30 Text on Housing needs and affordability

Page33 Figure 20

Page 34 Removal of Figure 21

Page 35 Discuss Labor Projection Chart

Page 36 Figure 22

Page 44 Discuss Figure 27 Projections and Land Use Projections and Page 45 Future Land Use

Page 47 Intergovernmental Cooperation

Page 49-52 Goals and Objectives

Page 52 Implementation and Action Planning

4. Discuss Map Changes

5. Set next meeting date and hearing process.

There is a lot of negative talk; however it's important to remember that there are many others, who also made their voices heard by electing a town board to look out for the Citizen's and the Township's best interests.

I support the zoning change request and here are some of my reasons:

Last February, the Town Board Chairman asked for and was granted, more time for the Township to re-examine the previously approved action.

From my understanding, the additional time and extra meetings did not change the Town Board's mind.

The campground was first established in the 1950's and there was potential to expand, because the whole area was zoned Recreational.

Since then, the campground expanded at least two times, without any reported problems.

By all accounts the campground is a very good benefit for the area.

There are no records of any code violations, noise or nuisance complaints; or complaints that the campground facilities or the trailers are in bad shape.

It sounds like that those using the campground love it and keep coming back because it is a nice, clean and quiet place to get away from the big, congested city.

As a resident of Southern Green Lake County, I can understand why people come to the area to relax;

We have great fishing, wonderful people, hospitality; it's just a great place to bring up children and for families.

Re: Robin's Nest Resorts
Rezone & CUP Requests

Read / Presented by
Rich Slate 05-05-16
Exhibit F

It is also very important to remember the campground gives back!

The campground pays its fair share in taxes and other fees, which have significantly increased over the last 65 years.

The proposed changes will provide a boost to the tax base; that will not only benefit the Lake District, the Township and the County, but also the citizens and taxpayers too.

The campground also plays an important part of Green Lake County and State of Wisconsin's growing tourism industry.

Additional people will help contribute and strengthen our Local, County and State economies.

Finally on a more personal note, I believe this committee should not create red tape for businesses that follow the rules and want to make the best use of their property.

Planning and Zoning, at its core, should encourage and help regulate how a parcel of land may be used; as well as to look out for the public's best interest, health, safety and well-being.

Conditions placed on a property should regulate building site plans and placement and size of structures, not dictate how business should be conducted.

There are way too many other State, County and Local regulations doing that already.

I make a motion to approve the rezoning request for parcels 014-00288-0104 & 105 from R-1 Single Family back to RC Recreational Land.



GREEN LAKE COUNTY
OFFICE OF CORPORATION COUNSEL

Dawn N. Klockow
Corporation Counsel

Office: 920-294-4067
FAX: 920-294-4069

MEMORANDUM

TO: Matthew Kirkman
FROM: Dawn N. Klockow *DK*
DATE: April 15, 2016
RE: Comprehensive Plan Question

Matt,

On March 16, 2016, you posed the following question and request for advice,

The Land Use Planning & Zoning Department is seeking your legal opinion on the question of whether the comprehensive plan's maps (specifically the future land use map) are simply a supplement (having no determinative value) to the comprehensive plan... whereby these maps are not to be relied upon (whole or in part) in making zoning change decisions. Or are these maps (specifically the future land use map) a graphic representation of the objective, goals and policies described in the comprehensive plan text and thus must be used when it comes to land use decisions like rezones.

The short answer to your question is that a comprehensive plan is advisory and not a regulation by itself; however, rezoning decisions must be consistent with the comprehensive plan. "Consistent with" a comprehensive plan means that changes in zoning "furthers or does not contradict the objectives, goals, and policies contained" within the comprehensive plan. The legislature left out the use of maps as part of the definition of "consistent with" and therefore, maps should be considered as, what you labeled, a "graphic representation of the objective, goals and policies described within the plan." Therefore, maps are a component of a comprehensive plan, and rezoning decisions should be made after looking at the long-range planning, the nature and character of the parcel, the use of the

surrounding land and the overall zoning scheme for the county. Maps may be instructive to the committee for looking at the overall zoning scheme. Finally, the County zoning map is the primary mechanism for implementing the Future Land Use Map in the County's comprehensive plan. Since zoning is a legislative function, the committee has the discretion to rezone, provided the rezone is not entirely inconsistent with the comprehensive plan, and based upon facts, logic and proper legal standards. Considering the various goals and objectives within the comprehensive plan, a rezone would have to completely and totally benefit a property owner and provide no benefit to the public for the rezone to be inconsistent with the comprehensive plan.

I. A COMPREHENSIVE PLAN IS ADVISORY AND IS NOT A REGULATION.

A comprehensive plan is merely advisory and a guide to community development.¹ The Wisconsin Supreme Court has held that “the purpose of a comprehensive plan is to provide an orderly method of land use regulation in the community.”² Case law further recognizes that a comprehensive plan “is a general plan to control and direct the use and development in a municipality . . . by dividing it into districts according to the present and potential use of the property.”³

Furthermore, a comprehensive plan is not a law unto itself. “The enactment of a comprehensive plan by ordinance does not make the comprehensive plan by itself a regulation.”⁴ Wis. Stat. §66.1001(2m) was created by 2009 WI ACT 372. The Legislative Reference Bureau analysis contained in the introductory note to the Act and the drafting notes make it clear that the legislature wanted to clarify that a comprehensive plan was not regulatory and kept its status as a guiding document under statute and case law mentioned previously. Additional support for the conclusion that a comprehensive plan is advisory is found in Wis. Stat. §59.69(3)(d) which states in part, “the development plan shall serve as a guide for public and private actions and decisions to assure the development of public and private property in appropriate relationships.” (A development plan is considered a comprehensive plan under §66.1001.)

¹ *Step Now Citizens Group v. Town of Utica Planning & Zoning Committee*, 2003 WI APP 109, ¶36, 264 Wis. 2d 662, 663 N.W.2d 833 (WI App. 2003).

² *Bell v. City of Elkhorn*, 122 Wis.3d 558, 566-576, 364 N.W.2d 144, 148 (1985).

³ *Step Now Citizens Group*, 2003 WI App at ¶38.

⁴ Wis. Stat. §66.1001(2m).

**II. ALTHOUGH THE COMPREHENSIVE PLAN IS ADVISORY,
COUNTY ZONING AND RE-ZONING ACTIONS MUST BE
CONSISTENT WITH THE COMPREHENSIVE PLAN.**

The Wisconsin Court of Appeals in the *Step Now Citizens Group* case acknowledged that after January 1, 2010, any action affecting land must be consistent with a comprehensive plan. But at the time the case was decided, in 2003, Wis. Stat. §66.1001 did not contain a definition of “consistent with”.⁵ The lack of a definition probably led to the enactment of 2009 WI Act 372 where the Wisconsin Legislature amended §66.1001 and added a definition of “consistent with” which now means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”⁶

In order to determine the legislature’s intent for adding a definition for the term “consistent with” I researched 2009 WI Act 372, including the drafting notes and other communications between the Legislative Reference Bureau attorneys and the bill sponsors. A December 29, 2009, legislative drafting note to 2009 WI Act 372, brought to the attention of Senator Pat Kreitlow, that the definition of “consistent with” did not contain the other elements of a comprehensive plan which also includes “maps and programs.” The proposed definition just included “objectives, goals and policies.” The legislative drafting attorney asked for clarification why the bill’s sponsors were leaving out “maps and programs” in the proposed definition. I was unable to find a response in the drafting files, but the final version did not include “maps and programs” in the definition, so the fact that these terms were left out indicates that the Legislature did so intentionally. This is interesting because each of the required elements of a comprehensive plan, except for two, require “a compilation of objectives, policies, goals, map and programs” for that particular element of the plan.⁷

As you know, zoning is a legislative function.⁸ Within that legislative function, the legislative body, in our case, the Land Use, Planning and Zoning Committee, has discretion to rezone a parcel. Legislative discretion means “judgment based on (1) facts of record, (2) logic, and (3) application of proper legal standards.”⁹ And, when a zoning authority is contemplating rezoning, the rezone

⁵ *Step Now Citizens Group*, 2003 WI APP at ¶ 46.

⁶ Wis. Stat. §66.1001(1)(am). “Consistent with’ means furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”

⁷ Wis. Stat. §66.1001(2)(b)-(h).

⁸ *Quinn v. Town of Dodgeville*, 122 Wis.2d 570, 578, 364 N.W.2d 149, 154 (1985).

⁹ *Step Now Citizens Group*, 2003 WI App at ¶36.

should be consistent with long-range planning and be based upon considerations that affect the community as a whole.¹⁰ In considering whether a rezone is consistent with long-range planning, i.e. a comprehensive plan, courts will look at several factors such as the nature and character of a parcel, the use of the surrounding land and the overall scheme or zoning plan.¹¹ All of these factors are contained within the comprehensive plan and in each rezone case the committee should be considering these factors. Special attention should be made when a rezone may result in “spot zoning.” Spot zoning is not illegal *per se* in Wisconsin, and has been called both a way to provide flexibility within a comprehensive plan and also the opposite of planned zoning.¹² It should only be allowed where the public will benefit and not solely benefit the property owner.¹³

Specifically looking at the rezone request for the Robin’s Nest Resort, the Green Lake County Comprehensive Plan has several goals and objectives which could support the requested rezone, without relying solely on the zoning map. One goal and objective of the Comprehensive Plan is Local and Regional Economic Development, which includes “welcome[ing] and support[ing] tourism as an important component of the local and regional economy.”¹⁴ The Parks and Recreation Plan, which was incorporated by reference into the Comprehensive Plan¹⁵, includes “the encourage[ment of] the development of high quality private campgrounds to meet future needs” for the “recreational needs generated by tourism and seasonal residents.”

III. GREEN LAKE COUNTY’S ZONING MAP IS THE PRIMARY WAY THE FUTURE LAND USE MAP IN THE COMPREHENSIVE PLAN WILL BE IMPLEMENTED.

The statutory definition of “consistent with” has purposely left out a requirement that any zoning decision be consistent with maps contained within the comprehensive plan. Our comprehensive plan specifically states that the county’s “zoning map will be the primary implementation of the Future Land Use Map found within” the plan.¹⁶

The land use element of a comprehensive plan is only one of several elements

¹⁰ Bell, 122 Wis.2d at 567.

¹¹ *Step Now Citizens Group*, 2003 WI App at ¶30.

¹² *Step Now Citizens Group*, 2003 WI App at ¶28

¹³ *Bell*, 122 Wis.2d at 568.

¹⁴ Green Lake County Comprehensive Plan, p. 1-4.

¹⁵ Green Lake County Comprehensive Plan, p. 6-3.

¹⁶ Green Lake County Comprehensive Plan, p. P-7.

that are meant to work together for future planning for the County. The land use element of a comprehensive plan, Wis. Stat. §66.1001(2)(h), requires maps that show current and future land uses, and maps must show: (1) productive agricultural soils; (2) natural limitations for building site development; (3) flood plains, wetlands and other environmentally sensitive lands; and (4) boundaries of areas where public utilities and community facilities are provided or will be provided for in the future. In my opinion these maps show desirable areas or undesirable areas for future building but they are not a zoning regulation under the law. Therefore, I believe the zoning map takes precedence over the Future Land Use Map for rezoning decisions.

Based on all of the above, it is my legal conclusion that any zoning decision does not need to be consistent with the maps contained within the comprehensive plan, but the comprehensive plan as a whole as the Future Land Use Map is a graphic representation of the comprehensive plan's goals and objectives. The committee should take into consideration the current zoning map for the County to determine if spot zoning will occur and to make sure that the rezone is consistent with and does not contradict future planning.

If this legal memorandum opinion does not answer your question, if I misinterpreted your question, or you need further assistance in this matter, please contact me to discuss further.

FEES RECEIVED		April				YEAR TO DATE				BUDGET
		2015		2016		2015		2016		2016
		NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	
LAND USE PERMITS										
Residential	New	14	2,250	2	850	25	3,600	12	2,950	-
	Alterations	12	1,700	9	1,250	26	3,400	15	2,100	-
Commercial	New	-	-	-	-	1	300	4	600	-
	Alterations	-	-	-	-	1	300	-	-	-
Agricultural	New	9	2,050	1	150	14	2,750	3	450	-
	Alterations	2	300	-	-	3	450	-	-	-
Other	New	-	-	-	-	-	-	-	-	-
	Alterations	-	-	-	-	-	-	-	-	-
Other	New	-	-	-	-	-	-	-	-	-
	Alterations	-	-	-	-	-	-	-	-	-
Misc.	Denied/Refunded	-	-	-	-	-	-	-	-	-
	Permit Renewals	-	-	-	-	-	-	-	-	-
Total		37	\$ 6,300	12	\$ 2,250	70	\$ 10,800	34	\$ 6,100	\$ 25,000
SANITARY PERMITS (POWTS)										
Residential	New	5	1,475	-	-	6	1,755	3	840	-
	Replacement	4	1,120	3	840	8	2,315	9	2,595	-
	Reconnect	-	-	-	-	1	280	-	-	-
	Modify	2	300	-	-	3	450	-	-	-
	Repairs	-	-	-	-	-	-	-	-	-
	Additional Fees	-	-	-	-	-	-	-	-	-
Commercial	New	1	355	1	355	1	355	1	355	-
	Replacement	-	-	-	-	-	-	-	-	-
	Reconnect	-	-	-	-	-	-	-	-	-
	Modify	-	-	-	-	-	-	-	-	-
	Additional Fees	-	-	-	-	-	-	-	-	-
Total		12	\$ 3,250	4	\$ 1,195	19	\$ 5,155	13	\$ 3,790	\$ 15,000
NON-METALLIC MINING PERMITS										
Annual Permit Fees		-	-	-	-	18	14,300	18	14,300	-
Total		-	\$ -	-	\$ -	18	\$ 14,300	18	\$ 14,300	\$ -
BOARD OF ADJUSTMENT										
Special Exception		-	-	-	-	-	-	-	-	-
Variances		1	375	1	375	1	375	2	750	-
Appeals		-	-	-	-	-	-	-	-	-
Total		1	\$ 375	1	\$ 375	1	\$ 375	2	\$ 750	\$ 2,000
PLANNING & ZONING COMMITTEE										
Zoning Change		-	-	5	1,875	1	375	8	3,000	-
Conditional Use Permits		-	-	-	-	-	-	1	375	-
Variances/Amendments		-	-	-	-	-	-	-	-	-
Total		-	\$ -	5	\$ 1,875	1	\$ 375	9	\$ 3,375	\$ 5,000
MISC.										
Rental Weatherization		2	50	-	-	5	150	2	50	500
Wisconsin Fund		-	-	-	-	-	-	-	-	500
Applied Funds - Code Enforcement		-	-	-	9,045	-	-	-	10,518	-
Total		2	\$ 50	-	\$ 9,045	5	\$ 150	-	\$ 10,568	\$ 1,000
SURVEYOR										
Certified Survey Maps		6	1,050	1	165	8	1,380	10	1,710	4,000
Preliminary Plats		-	-	-	-	-	-	-	-	-
Final Plats		-	-	-	-	-	-	-	-	-
Total		6	\$ 1,050	1	\$ 165	8	\$ 1,380	10	\$ 1,710	\$ 4,000
GIS (Geographic Information System)										
Map Sales		-	-	-	-	-	15	-	50	500
Land Records Transfer		-	2,048	-	2,032	-	8,408	-	8,528	25,000
Total		-	\$ 2,048	-	\$ 2,032	-	\$ 8,423	-	\$ 8,578	\$ 25,500
GRAND TOTAL		58	13,073	23	16,937	122	40,958	86	49,171	\$ 77,500

For 04/01/16 - 04/30/16

Revenue Summary Report

FJRES01A

Periods 04 - 04

Land Use & Zoning Month End Revenue

MER100-10-SHUTE

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
10 Land Use Planning and Zoning					
16-100-10-43589-000-000 Rental Weatherization	500.00	.00	50.00	450.00	10.00
16-100-10-44400-000-000 Land Use Permits	25,000.00	2,250.00	6,100.00	18,900.00	24.40
16-100-10-44400-001-000 BOA Public Hearing	2,000.00	375.00	750.00	1,250.00	37.50
16-100-10-44400-002-000 PZ Public Hearing	5,000.00	1,875.00	3,375.00	1,625.00	67.50
16-100-10-44409-000-000 Non-Metallic Mining	.00	.00	14,300.00	-14,300.00	.00
16-100-10-44410-000-000 Sanitary Permits	15,000.00	1,195.00	3,790.00	11,210.00	25.27
16-100-10-44411-000-000 Wisconsin Fund Applications	500.00	.00	.00	500.00	.00
16-100-10-46131-001-000 GIS Map Sales	500.00	.00	50.00	450.00	10.00
16-100-10-46762-000-000 Certified Survey Maps	4,000.00	165.00	1,710.00	2,290.00	42.75
16-100-10-47411-000-000 Interdepartment transfer/Land Records	25,000.00	.00	.00	25,000.00	.00
16-101-10-49320-000-000 Applied Funds Code Enforcement	197,385.31	9,044.56	10,517.61	186,867.70	5.33
10 Land Use Planning and Zoning	274,885.31	14,904.56	40,642.61	234,242.70	14.79

For 04/01/16 - 04/30/16

Expenditure Summary Report

FJEXS01A

Periods 04 - 04

Land Use & Zoning Month End Expenses

MEE100-10-SHUTE

Account No/Description	Adjusted Budget	Y-T-D Encumb	Period Expended	Y-T-D Expended	Available Balance	Percent Used
10 Land Use Planning and Zoning						
53610 Code Enforcement						
16-100-10-53610-110-000 Salaries	290,700.80	.00	56,918.40	117,408.20	173,292.60	40.39
16-100-10-53610-140-000 Meeting Payments	1,000.00	.00	.00	.00	1,000.00	.00
16-100-10-53610-151-000 Social Security	22,238.61	.00	4,338.86	10,178.75	12,059.86	45.77
16-100-10-53610-153-000 Ret. Employer Share	19,186.25	.00	1,301.06	6,402.15	12,784.10	33.37
16-100-10-53610-154-000 Health Insurance	47,888.58	.00	2,434.28	17,276.60	30,611.98	36.08
16-100-10-53610-155-000 Life Insurance	885.24	.00	34.57	255.88	629.36	28.91
16-100-10-53610-210-001 Professional Services-LD	5,000.00	.00	.00	.00	5,000.00	.00
16-100-10-53610-210-002 Professional Services-SRV	5,000.00	.00	.00	.00	5,000.00	.00
16-100-10-53610-210-003 Professional Services - GIS	1,000.00	.00	.00	.00	1,000.00	.00
16-100-10-53610-310-000 Office Supplies	200.00	.00	.00	85.00	115.00	42.50
16-100-10-53610-312-000 Field Supplies	300.00	.00	.00	.00	300.00	.00
16-100-10-53610-320-000 Publications-BOA Public Hearing	1,000.00	.00	.00	317.00	683.00	31.70
16-100-10-53610-320-001 Publications-PZ Public Hearing	1,500.00	.00	238.00	753.50	746.50	50.23
16-100-10-53610-321-000 Seminars	1,000.00	99.00	.00	493.00	408.00	59.20
16-100-10-53610-324-000 Member Dues	500.00	.00	.00	340.00	160.00	68.00
16-100-10-53610-330-000 Travel	1,000.00	.00	.00	135.54	864.46	13.55
16-100-10-53610-352-000 Vehicle Maintenance	1,000.00	.00	.00	90.57	909.43	9.06
16-100-10-53610-810-000 Capital Equipment-CEO Vehicle Purchase	2,000.00	.00	.00	.00	2,000.00	.00
53610 Code Enforcement	401,399.48	99.00	65,265.17	153,736.19	247,564.29	38.32
53610 Code Enforcement						
16-101-10-53610-999-000 Carryover Non-Metallic Mining	62,862.00	.00	.00	.00	62,862.00	.00
16-101-10-53610-999-001 Carryover Code Enforcement Veh Purchase	25,907.20	.00	.00	.00	25,907.20	.00
16-101-10-53610-999-004 Professional Services	108,616.11	.00	.00	812.45	107,803.66	.75
53610 Code Enforcement	197,385.31	.00	.00	812.45	196,572.86	.41
10 Land Use Planning and Zoning	598,784.79	99.00	65,265.17	154,548.64	444,137.15	25.83

GREEN LAKE COUNTY

For 04/01/16 - 04/30/16

Revenue Summary Report

FJRES01A

Periods 04 - 04

Land Use & Zoning Month End Revenue

MER100-20-SHUTE

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
20 GIS					
16-100-20-43691-000-000 Land Info Bd Grant	75,000.00	.00	71,912.00	3,088.00	95.88
16-100-20-43691-301-000 WLIP Education Grant	1,000.00	.00	1,000.00	.00	100.00
16-100-20-43691-301-001 WLIP Strategic Grant	50,000.00	.00	.00	50,000.00	.00
16-100-20-46131-000-000 County Land Records	25,000.00	2,032.00	8,528.00	16,472.00	34.11
20 GIS	151,000.00	2,032.00	81,440.00	69,560.00	53.93

GREEN LAKE COUNTY

For 04/01/16 - 04/30/16

Expenditure Summary Report

FJEXS01A

Periods 04 - 04

Land Use & Zoning Month End Expenses

MEE100-20-SHUTE

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
20 GIS						
100 General Fund						
16-100-20-51711-120-000 GIS Specialist Wage Cont Interdept Trans	25,000.00	.00	.00	.00	25,000.00	.00
16-100-20-51711-240-000 WLIP Base Grant	75,000.00	.00	.00	11,852.00	63,148.00	15.80
16-100-20-51711-246-000 WLIP Education Grant	1,000.00	.00	.00	565.36	434.64	56.54
16-100-20-51711-301-000 WLIP Strategic Grant	50,000.00	.00	.00	.00	50,000.00	.00
100 General Fund	151,000.00	.00	.00	12,417.36	138,582.64	8.22
20 GIS	151,000.00	.00	.00	12,417.36	138,582.64	8.22

Land Use Permits April 2016

<i>Mncp</i>	<i>Last Name</i>	<i>First Name</i>	<i>Site Address</i>	<i>Prn/Acc</i>	<i>New/Alt</i>	<i>Res/Com/Ag</i>	<i>Project Cost</i>	<i>LUP Fee</i>
<i>TBY</i>								
	McConnell	Dennis	N6647 Valley View Dr	Acc	Alt	Res	\$7,500.00	\$150.00
	Goodspeed	David/Elizabeth	N4970 Peacock Ln	Prn	Alt	Res	\$92,500.00	\$150.00
<i>Summary for 'Mncp' = TBY (2 detail records)</i>								
Sum							<i>\$100,000.00</i>	<i>\$300.00</i>
Standard							<i>10.68%</i>	<i>13.33%</i>
<i>TGL</i>								
	Beottcher	Robert	N3170 Lakeshore Dr	Prn	Alt	Res	\$2,100.00	\$150.00
	KC Mead Green Lake LLC		W1370 Spring Grove Rd	Acc	Alt	Res	\$5,000.00	\$150.00
	Ewing/Steinhagen	Elizabeth/Kurt	N5163 Forest Glen Beach	Acc	Alt	Res	\$650.00	\$50.00
	Black	Tim/Jennifer	W2004 Tuleta Hills Rd	Prn	Alt	Res	\$84,000.00	\$150.00
<i>Summary for 'Mncp' = TGL (4 detail records)</i>								
Sum							<i>\$91,750.00</i>	<i>\$500.00</i>
Standard							<i>9.80%</i>	<i>22.22%</i>
<i>TMC</i>								
	Meilahn	Steve	W1514 Hickory Dr	Acc	New	Ag	\$98,000.00	\$150.00
<i>Summary for 'Mncp' = TMC (1 detail record)</i>								
Sum							<i>\$98,000.00</i>	<i>\$150.00</i>
Standard							<i>10.47%</i>	<i>6.67%</i>
<i>TMN</i>								
	Blank	Diane	N1526 Valley Road	Prn	Alt	Res	\$14,458.00	\$150.00
<i>Summary for 'Mncp' = TMN (1 detail record)</i>								
Sum							<i>\$14,458.00</i>	<i>\$150.00</i>
Standard							<i>1.54%</i>	<i>6.67%</i>
<i>TPR</i>								
	Kneesel	Elizabeth	N4867 N Lakeshore Dr	Prn	Alt	Res	\$6,000.00	\$150.00
	Arthur & Janice Bauman Rev.		N4179 Oak Rd	Acc	Alt	Res	\$6,000.00	\$150.00

<i>Mncp</i>	<i>Last Name</i>	<i>First Name</i>	<i>Site Address</i>	<i>Prn/Acc</i>	<i>New/Alt</i>	<i>Res/Com/Ag</i>	<i>Project Cost</i>	<i>LUP Fee</i>
	Semler	Steven/Kathleen	N4486 S Lakeshore Dr	Prn	New	Res	\$525,000.00	\$700.00
	Urban	Martin	N4548 Lill Ave	Acc	New	Res	\$95,000.00	\$150.00
<i>Summary for 'Mncp' = TPR (4 detail records)</i>								
Sum							\$632,000.00	\$1,150.00
Standard							67.51%	51.11%
Grand Total							\$936,208.00	\$2,250.00

Sanitary Permits April 2016

<i>Mncp Code</i>	<i>New/Repl</i>	<i>Last Name</i>	<i>First Name</i>	<i>Site Address</i>	<i>Structure</i>	<i>Prmt Fee</i>
<i>TBE</i>						
	Repl	Kwidzinski	Shawn	N9682 Wildflower Ln	single fam frame exist	\$280.00
<i>Summary for 'Mncp Code' = TBE (1 detail record)</i>						
Sum						\$280.00
Standard						23.43%
<i>TKG</i>						
	Repl	Haven	C. Wallace	N2202 CTH B (west system)	multi fam exist	\$280.00
	Repl	Haven	C. Wallace	N2202 CTH B (east system)	multi fam exist	\$280.00
<i>Summary for 'Mncp Code' = TKG (2 detail records)</i>						
Sum						\$560.00
Standard						46.86%
<i>TPR</i>						
	New	Rod & Gun Club	Princeton	N5579 Lock Rd	shop	\$355.00
<i>Summary for 'Mncp Code' = TPR (1 detail record)</i>						
Sum						\$355.00
Standard						29.71%
Grand Total						\$1,195.00

You will find many acronyms on each of the monthly reports. This key will, hopefully, aid you in deciphering the abbreviations that staff uses.

Municipalities are abbreviated using three letters:

**CBE = City of Berlin
CGL = City of Green Lake
CMS = City of Markesan
CPR = City of Princeton
VKG = Village of Kingston
VMQ = Village of Marquette
TBE = Town of Berlin
TGL = Town of Green Lake**

**TBY = Town of Brooklyn
TKG = Town of Kingston
TMC = Town of Mackford
TMN = Town of Manchester
TMQ = Town of Marquette
TPR = Town of Princeton
TST = Town of St. Marie
TSE = Town of Seneca**

Other abbreviations:

**Prn = principal structure
Acc = accessory structure
Alt = alterations
Res = residential
Com = commercial
Ag = agricultural
Repl = replace
Recn = reconnect
LUP = land use permit
Mncp or Muni = municipality
WRP = wetland restoration project
Fam = family**

NOTICE OF PUBLIC HEARING

The Land Use Planning and Zoning Committee of *Green Lake County* will hold a public hearing in County Board Room #0902 of the Government Center, 571 County Road A, Green Lake, WI, on *Thursday, June 2, 2016, at 5:30 p.m.* to consider the following items:

Item I: Owners: Richard R. Waldvogel **Agent:** Thomas A. Graff **General legal description:** W2015 Center Road, Parcels #006-00310-0100, #006-00311-0000, #006-00313-0000, Part of the SW¼ of Section 17, T15N, R13E, Town of Green Lake, ±11.3 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to A-2 General Agriculture District.

Item II: Owners: Dukelow Farms, Inc. – Richard Dukelow and Timothy N. & Kim T. Graff **Agents:** Timothy N. & Kim T. Graff **General legal description:** W2188 County Road X, Parcel Numbers #006-00348-0100 & #006-00348-0200, Lot 1 Certified Survey Map 2452, Part of the NE¼ of Section 19, T15N, R13E, Town of Green Lake, ±4.0 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential

Item III: Owners: Daniel & Jennifer Vinz **General legal description:** W4644 County Road X, Parcel ##012-00345-0000, A part of the SE¼ of Section 18, T14N, R12E, Town of Manchester, ±23.5 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential District (±3.00 not to include right-of-way) and A-2 General Agriculture District (±20.5 acres).

Item IV: Owner: Marjorie E. Lind **Agent:** Ryan A. Dobbs **General legal description:** White Ridge Road, Parcels #002-00209-0000, #002-00214-0000, #002-00215-0000, & #002-00216-0000, Part of the NE¼ of Section 13, T17, R13E, Town of Berlin **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential

All interested persons wishing to be heard at the public hearing are invited to attend. For further detailed information concerning this notice and for information related to the outcome of public hearing items, contact the Green Lake County **Land Use Planning and Zoning Department** at (920) 294-4156.

*Publish: May 19, 2016
May 26, 2016*

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT
PUBLIC HEARING

June 2, 2016

ITEM I: ZONING CHANGE

OWNER:
Richard Waldvogel

APPLICANT:
Thomas A. Graff

REQUEST: The owner and applicant are requesting a zoning change from A-1 Exclusive Agriculture District to A-2 General Agriculture District.

PARCEL NUMBER / LOCATION: Affected parcel numbers 006-00310-0000, 006-00311-0000 and 006-00313-0000, located in part of the SW¼ of Section 17, T15N, R13E, Town of Green Lake. These properties are located at W2015 Center Road. The affected acreage is ±88.26 acres, however, ±11.3 acres are proposed to be rezoned.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcels in question is A-1, Exclusive Agriculture District. The zoning of the surrounding lands is also A-1 and the predominant use is agricultural.

According to Flood Boundary and Floodway Map Panel 55047C0140C, the lands under consideration for this request are not considered floodplain. Roy Creek drains the subject property from east to west. Lands abutting Roy Creek are considered “shorelands” and are, therefore, under the jurisdiction of the Shoreland Zoning Ordinance. There are wetlands associated with Roy Creek on the subject property as well. It is especially important that agricultural activities authorized by this rezone do not impair these resources that eventually drain into an already impaired Green Lake.

ADDITIONAL INFORMATION / ANALYSIS: In March, Thomas and Tim Graff sold the subject acres to Richard Waldvogel. Presently, the Graffs would like to purchase ±11.3 acres back from Richard Waldvogel. In order to do so, the ±11.3 acres must be rezoned to A-2 General Agriculture District, as the current A-1 Exclusive Agriculture District has a 35-acre minimum lot size requirement.

The Graff’s application for rezone indicates that they would like to continue farming on a small scale and, therefore, need to rezone to the A-2 General Agriculture District. Furthermore, all of their buildings, structures, and other agriculture-related areas are concentrated on the designated ±11.3 acres. There is a manure storage basin that requires attention. There is a grassed waterway that needs to be regraded and revegetated. And there is a livestock sediment basin with filter screens that have been taken out of service. These are areas of concern and should be addressed prior to rezone. Staff will visit the site prior to June 2, 2016, to determine if any resolutions to these concerns have been made.

The County’s comprehensive plan designates the future land use of this area to be agricultural.

STATUTORY CRITERIA PER 91.48(1): Land may be rezoned out of a farmland preservation zoning district (A-1 Exclusive Agriculture District in Green Lake County) if all of the following are found after public hearing: **(Staff comments in bold type)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. **The goal of the County Comprehensive Plan and the County Farmland Preservation Plan is to preserve and protect quality agricultural lands. This request does preserve and protect lands as the new zoning classification allows for light agricultural uses.**
- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is consistent with the County’s comprehensive plan as the future land use is projected to be agricultural. However, the County’s comprehensive plan also indicates a desire to preserve and protect areas of natural resource significance, like Roy Creek and Green Lake.**
- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the County certified farmland preservation plan is to maintain the integrity and viability of County agriculture. It is staff’s belief that the request does not negatively impact the integrity or viability of county agriculture and is, therefore, substantially consistent with the County’s certified farmland preservation plan so long as an emphasis is made, as required by the farmland preservation plan, to protect natural resources like Roy Creek and Green Lake.**
- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use. **A-2 General Agriculture District lands are agricultural lands and, therefore, should not impair or limit future agricultural uses of surrounding parcels. However, best management practices in place on the site need to be re-implemented or animal waste will find its way into Roy Creek and ultimately Green Lake.**

TOWN OF GREEN LAKE: An Action Form requesting Town of Green Lake’s input related to this zoning change request was mailed to the Town Clerk on April 8, 2016. The Action Form was returned on May 2, 2016, stating that the Town of Green Lake does not object to and approves the rezone request so long as “Graffs hold up their end of the contract and fix what needs to be fixed per County.”

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
492 Hill St, PO Box 3188
Green Lake, WI 54941

GENERAL APPLICATION

Fee 375.00 ^{C4126} (not refundable)

Date 4-1-2016

Zone Change from A-1 to A-2

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT

Name Richard R. Waldvogel

Mailing Address N3791 Roy Creek Rd, Markesan WI 53946

Phone Number _____

Signature Richard Waldvogel Date 3-30-16

AGENT IF OTHER THAN OWNER

Name Thomas A. Graff

Mailing Address W2015 Center Road, Markesan WI 53946

Phone Number (920) 229-5123

Signature Thomas A. Graff Date 3-30-16

PROPERTY INFORMATION

Town of Green Lake Parcel Number 006-00310-0000 Acres 11.3

Lot - Block - Subdivision -
006-00311-0000
006-00313-0000

Section 17 Town 15 North Range 13 East

Location of Property W2015 Center Road (adjacent to - South + West)

Legal Description Part of the SW 1/4 of Section 17, T15N, R13E
Town of Green Lake, Green Lake County, WI

Current Zoning Classification A-1 Current Use of Property Ag

Detailed Description of Proposed Use Tim + Tom Graff have downsized their farming business, and have sold off a portion of their lands to R. Waldvogel. Now Tim + Tom Graff have negotiated w/ R. Waldvogel to buy back some land enough to still do some agricultural uses.

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change \$375
Conditional Use Permit \$375.00
Variance \$375.00
Special Exception \$375.00

CERTIFIED SURVEY MAP FOR THOMAS AND TIMOTHY GRAFF LOCATED IN THE NW 1/4 OF SW 1/4 OF SECTION 17, T.15N., R.13.E., TOWN OF GREEN LAKE, GREEN LAKE COUNTY, WISCONSIN.

BEARINGS REFERENCED TO THE SOUTH LINE OF CSM 1136 RECORDED AS S89°42'00"W.

SCALE: 1" = 200'



LEGEND

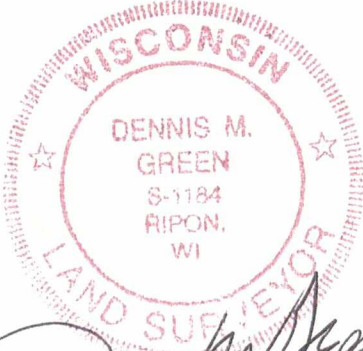
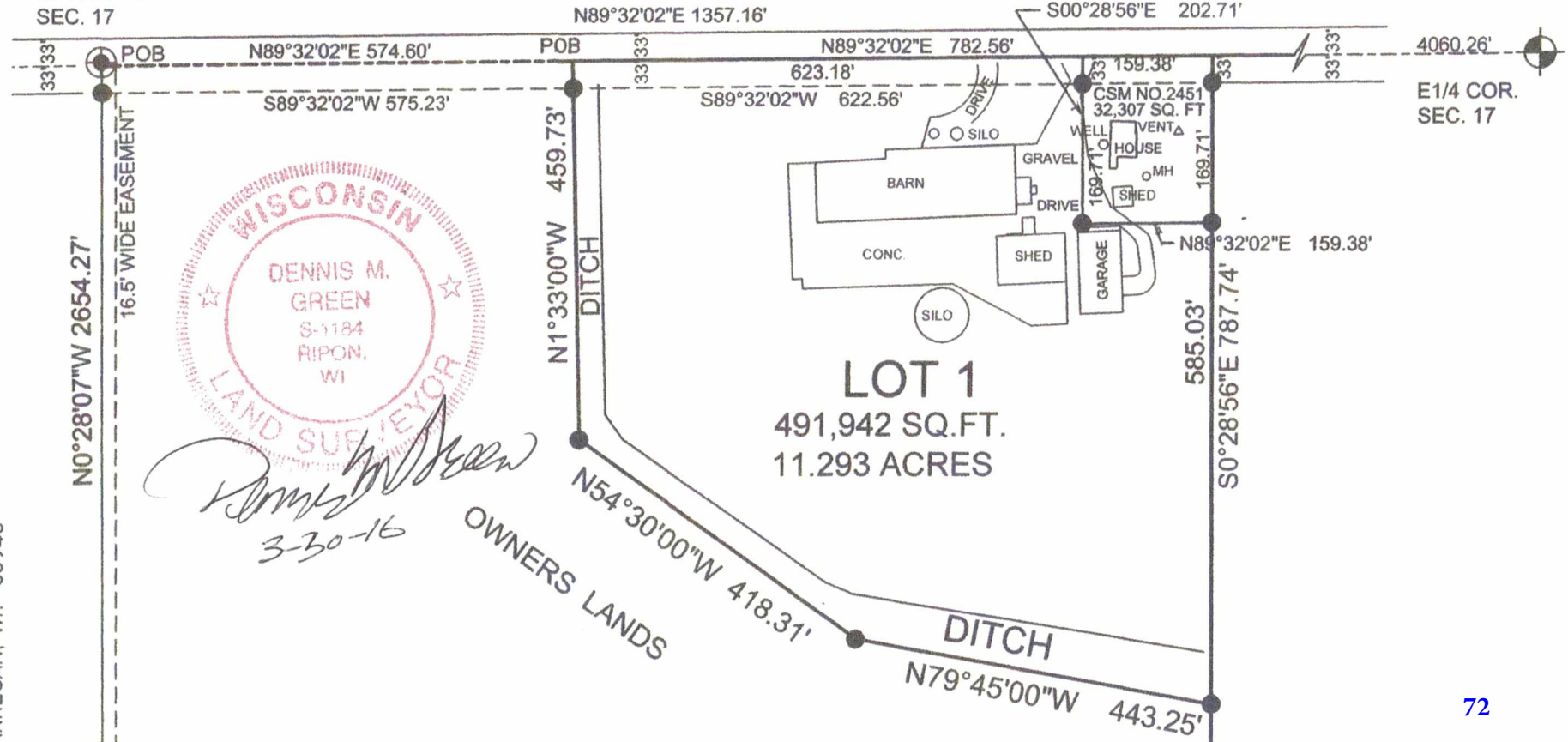
- ⊙ SECTION CORNER MONUMENT
2" IRON PIPE WITH BRASS CAP FOUND
- ⊕ SECTION CORNER MONUMENT "PK" NAIL FOUND
- 1" DIA. IRON PIPE FOUND
- 3/4" X 24" IRON REBAR, 1.50 LB/FT SET
- △ "PK" NAIL FOUND

PURPOSE: TO DIVIDE FARM BUILDINGS FROM FARM WORKLAND.



W1/4 COR.
SEC. 17

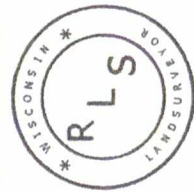
CENTER ROAD



Dennis M. Green
3-30-16

RIPON LAND SURVEYING

Division of D.M. Green & Associates, Inc.
827 W. Fond du Lac St.
P.O. Box 386
Ripon, Wisconsin 54971
Phone/Fax: (920) 748-9696



CERTIFIED SURVEY MAP

OWNERS: THOMAS AND TIMOTHY GRAFF
W2015 CENTER ROAD
MARKESAN, WI. 53946



RIPON LAND SURVEYING

827 W. Fond du Lac St.
Ripon, Wisconsin 54971
Phone (920) 748-9696

CERTIFIED SURVEY MAP

CERTIFIED SURVEY MAP FOR
THOMAS A. GRAFF AND TIMOTHY
GRAFF LOCATED IN THE NW¼ OF
THE SW¼ OF SECTION 17, T.15N.,
R.13E., TOWN OF GREEN LAKE,
GREEN LAKE COUNTY, WISCONSIN.

GREEN LAKE

COUNTY

CERTIFIED SURVEY MAP NO.

VOLUME

PAGE

SURVEYOR'S CERTIFICATE

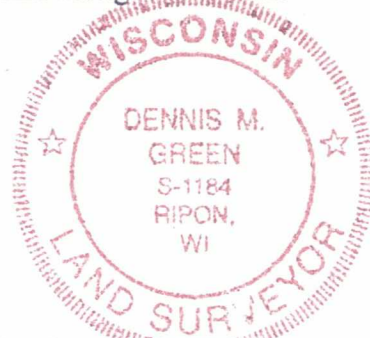
I, Dennis M. Green, Professional Land Surveyor in the State of Wisconsin, hereby certify that by the order of Thomas A. Graff, I have surveyed, divided, monumented and mapped lands located in the NW¼ of the SW¼ of Section 17, T.15N., R.13E., Town of Green Lake, Green Lake County, Wisconsin being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 17; thence N89°-32'-02"E along the North line of the SW¼ of said Section 17, 574.60 feet to the Point of Beginning; thence N89°-32'-02"E along said North line, 623.18 feet; thence S00°-28'-56"E, 202.71 feet; thence N89°-32'-02"E, 159.38 feet; thence S00°-28'-56"E along the East line of the W½ of the SW¼ of said Section 17, 585.03 feet; thence N79°-45'-00"W along South side of ditch, 443.25 feet; thence N54°-30'-00"W along South side of ditch, 418.31 feet; thence N01°-33'-00"W along West side of ditch, 459.73 feet to the Point of Beginning. Said parcel contains 491,942 square feet or 11.293 acres. Said parcel subject to 33.00 foot Right of Way for Center Road over the North side thereof. All bearings referenced to the North line of the SW¼ of Section 17 bearing N89°-32'-02"E from County Coordinates.

I further certify that the within survey is a correct representation of the boundaries surveyed, divided, monumented and mapped and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, Green lake County land Division Ordinance and that this survey is correct to the best of my knowledge and belief.

RIPON LAND SURVEYING
Ripon, Wisconsin

Dennis M. Green, P.L.S. 1184
Dated this 30th day of March, 2016



GREEN LAKE COUNTY LAND USE PLANNING AND ZONING COMMITTEE

STATE OF WISCONSIN)

SS

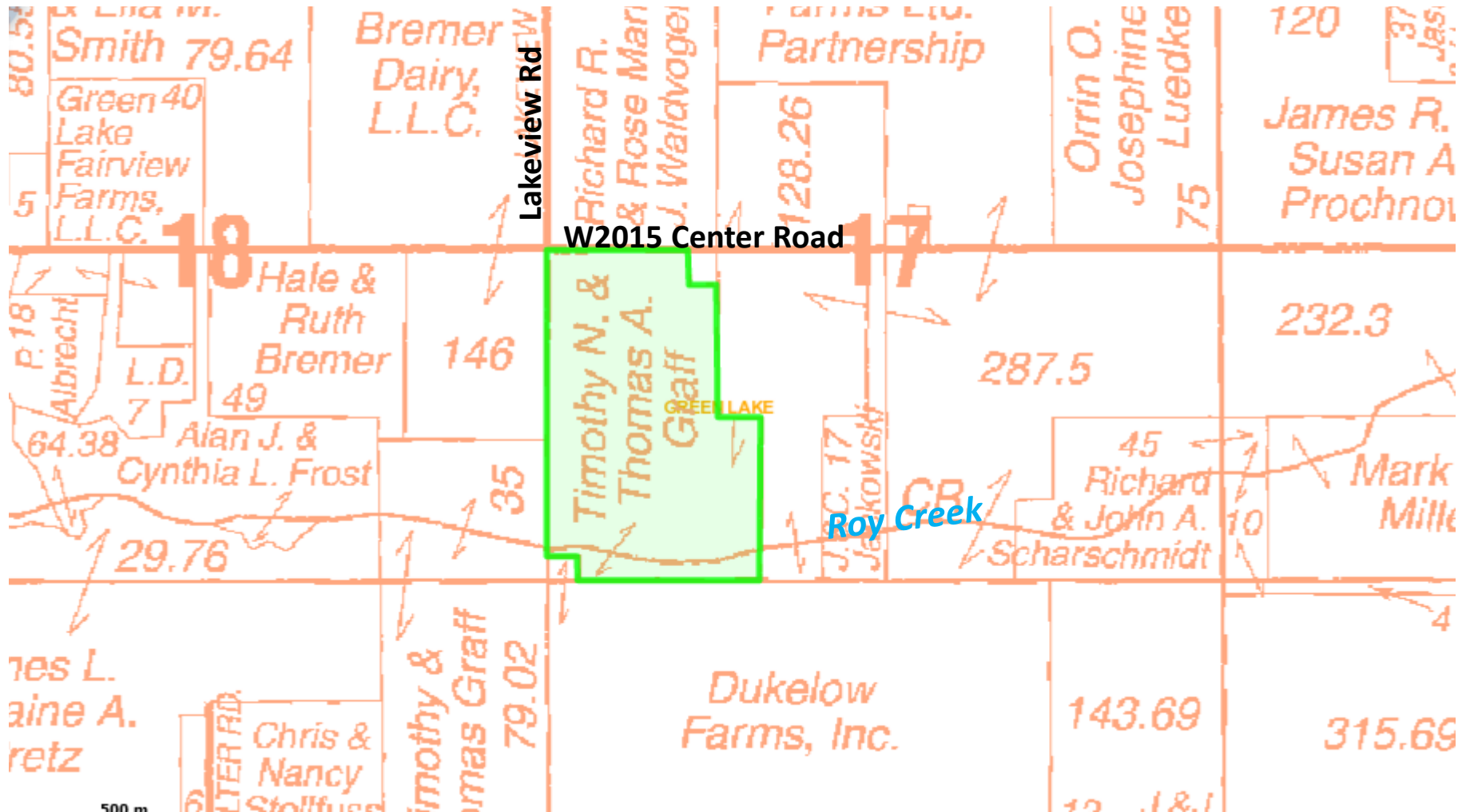
GREEN LAKE COUNTY)

This Certified Survey Map is hereby approved this ____ day of _____, 2016 by the Authority of the Green Lake County Land Use Planning and Zoning Committee.

By: _____
Committee Representative

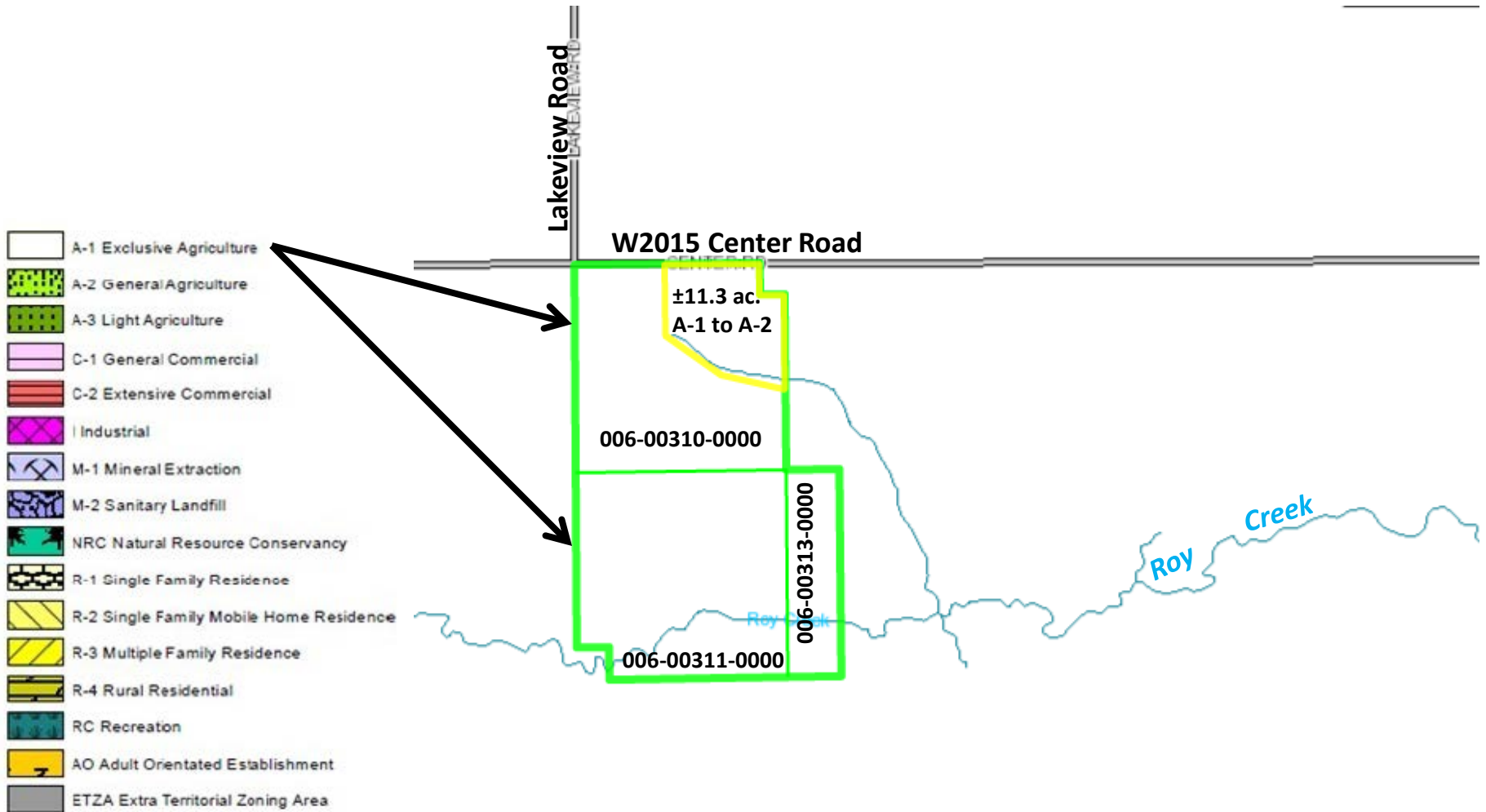
Owner: Richard R. Waldvogel Agent: Thomas A. Graff

**W2015 Center Road, Town of Green Lake, Part of the SW¼ of Section 17, T15N, R13E,
Parcels 006-00310-0000, 006-00311-0000, 006-00313-0000 , ±11.3 acres
Rezone request from A-1 Exclusive Agriculture to A-2 General Agriculture**

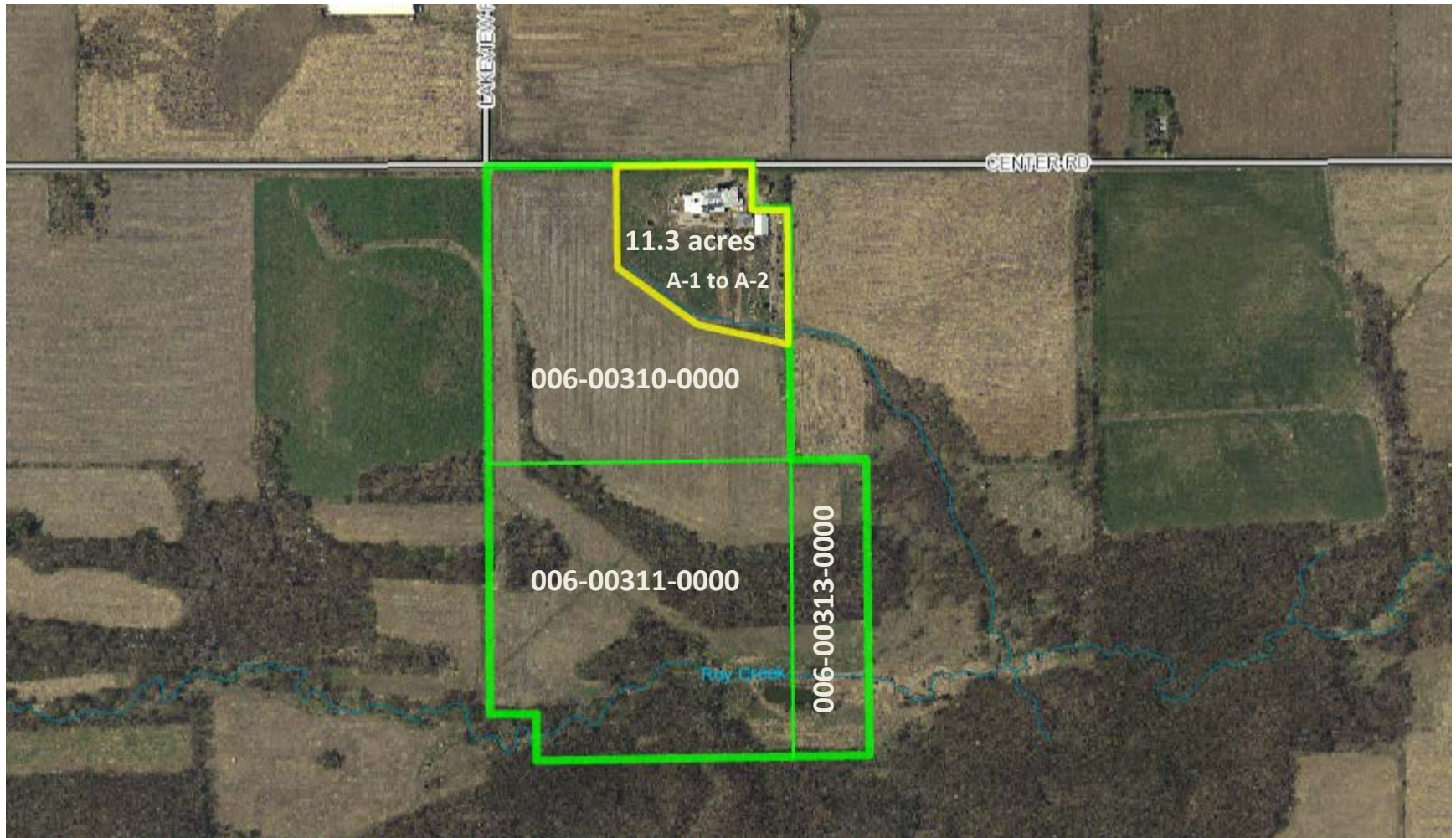


Owner: Richard R. Waldvogel Agent: Thomas A. Graff

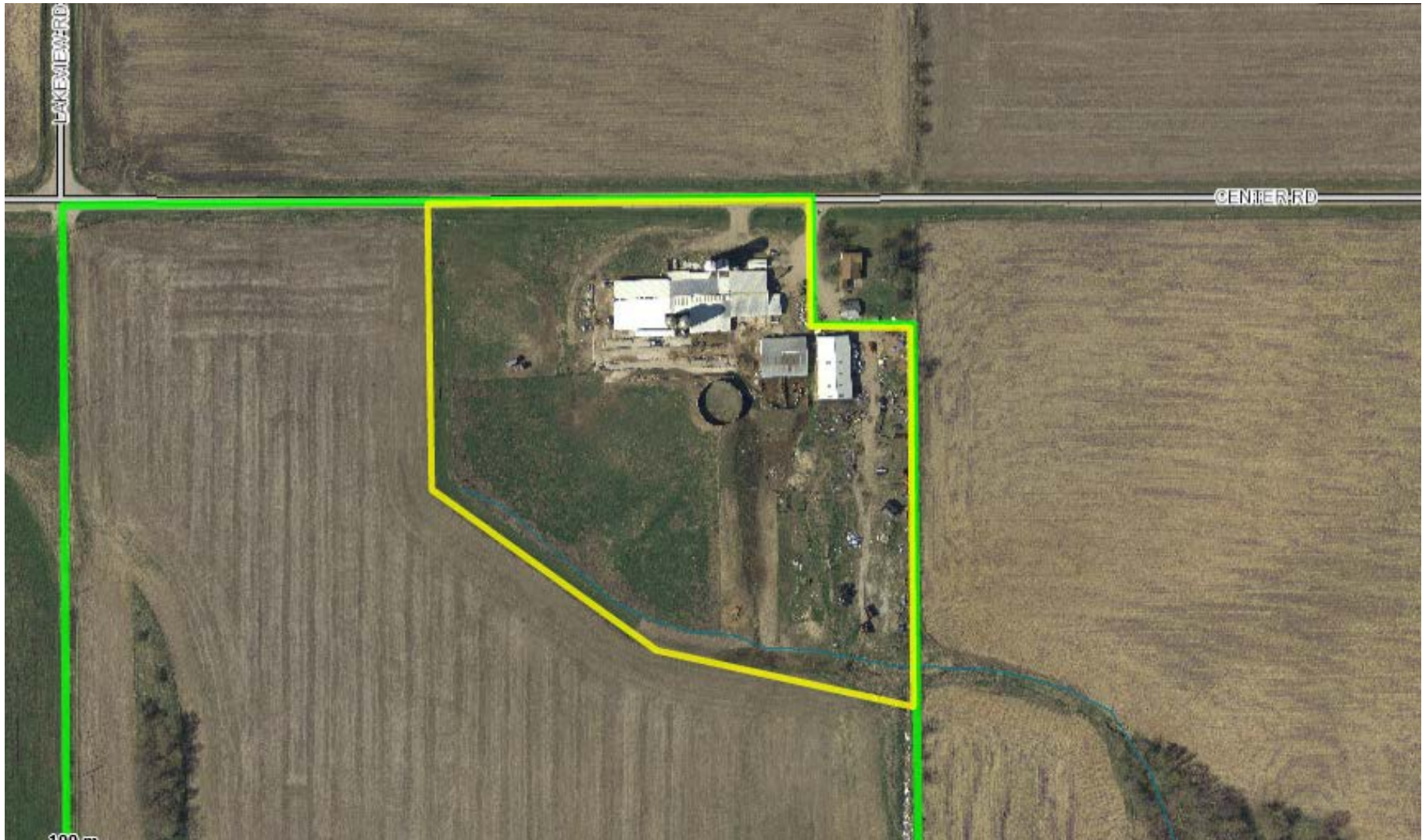
**W2015 Center Road, Town of Green Lake, Part of the SW¼ of Section 17, T15N, R13E,
Parcels 006-00310-0000, 006-00311-0000, 006-00313-0000 , ±11.3 acres
Rezone request from A-1 Exclusive Agriculture to A-2 General Agriculture**



Owner: Richard R. Waldvogel Agent: Thomas A. Graff
W2015 Center Road, Town of Green Lake, Part of the SW¹/₄ of Section 17, T15N, R13E,
Parcels 006-00310-0000, 006-00311-0000, 006-00313-0000 , ±11.3 acres
Rezone request from A-1 Exclusive Agriculture to A-2 General Agriculture



Owner: Richard R. Waldvogel Agent: Thomas A. Graff
W2015 Center Road, Town of Green Lake, Part of the SW¼ of Section 17, T15N, R13E,
Parcels 006-00310-0000, 006-00311-0000, 006-00313-0000 , ±11.3 acres
Rezone request from A-1 Exclusive Agriculture to A-2 General Agriculture

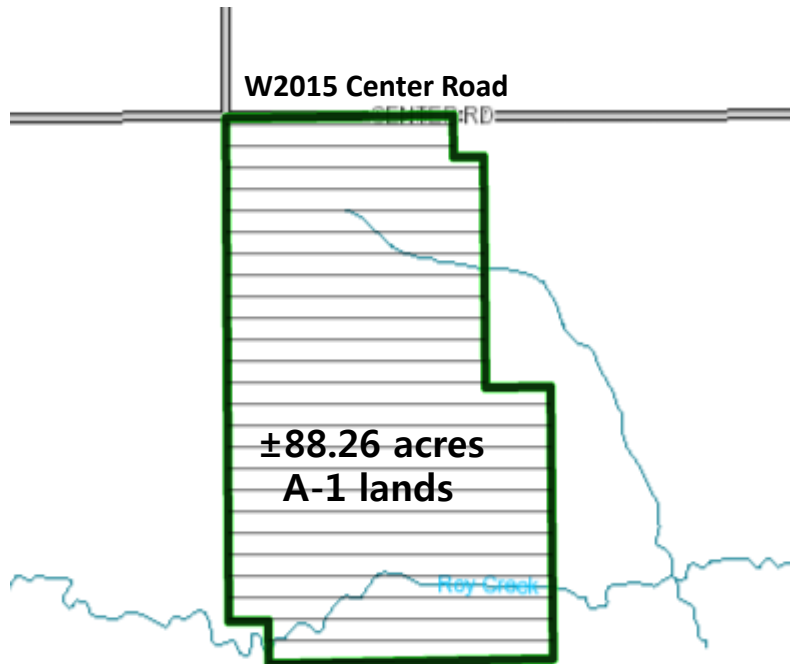


Owner: Richard R. Waldvogel Agent: Thomas A. Graff

**W2015 Center Road, Town of Green Lake, Part of the SW¹/₄ of Section 17, T15N, R13E,
Parcels 006-00310-0000, 006-00311-0000, 006-00313-0000 , ±11.3 acres
Rezone request from A-1 Exclusive Agriculture to A-2 General Agriculture**

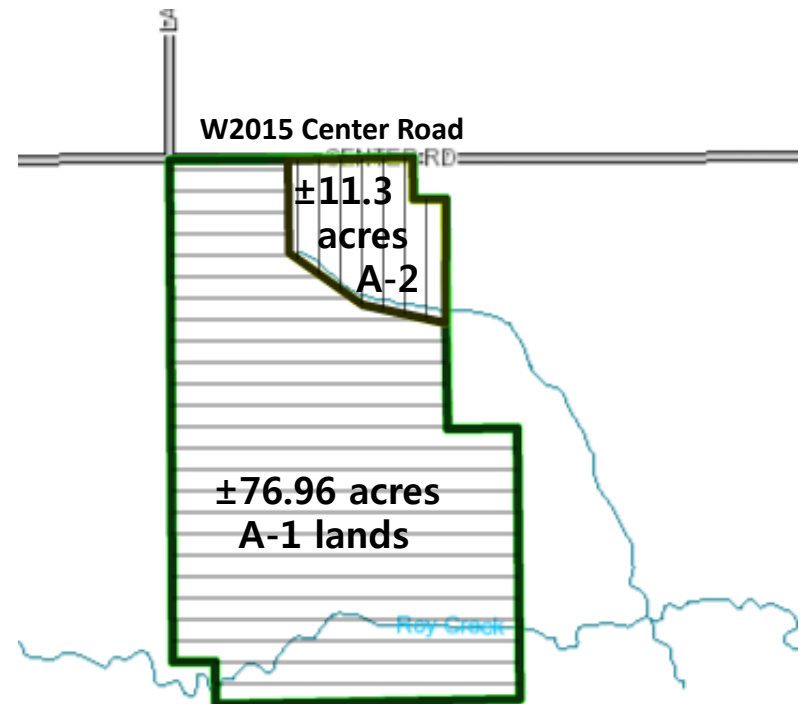
Existing Configuration:

**±88.26 acres of A-1
Exclusive Agriculture lands**



Proposed Configuration:

**±11.3 acres of A-2 General Agriculture lands;
the remnant parcel remains A-1 Exclusive
Agriculture lands**



TOWN BOARD ACTION

Rezone Request

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Green Lake, County of Green Lake, took the following action on May 2, 2016.

Does not object to and approves of

No action taken _____

Objects to and requests denial of _____

Reason(s) for objection _____

**** NOTE: If denial – please enclose Town Resolution of Denial.**

Owners: Richard R. Waldvogel

Agent: Thomas A. Graff

General legal description: Part of the SW¼ of Section 17, T15N, R13E, Town of Green Lake, ±11.3 acres

Affected parcel numbers: #006-00310-0100, #006-00311-0000, #006-00313-0000

Location of request: W2015 Center Road

Planned public hearing date: June 2, 2016

Request: Rezone request from A-1 Exclusive Agriculture District to A-2 General Agriculture District.

Jennifer R. Muehl
Town Representative

5/2/16
Date Signed

NOTES: Town Board approves rezone request as long as Graff's fix what needs to be done per County Agreement.

Please return this form to the Land Use Planning Office by: May 23, 2016

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT
PUBLIC HEARING

June 2, 2016

ITEM II: ZONING CHANGE

OWNERS:

Dukelow Farms, Inc. & Timothy N. & Kim T. Graff

APPLICANT:

Timothy N. & Kim T. Graff

REQUEST: The owners and applicants are requesting a zoning change from A-1 Exclusive Agriculture District to R-4 Rural Residential District.

PARCEL NUMBER / LOCATION: Affected parcel numbers 006-00348-0200 and 006-00348-0100, being all of lot 1 of CSM 2452 and part of the NE¼ of Section 19, T15N, R13E, Town of Green Lake. These properties are located at W2188 County Road B. The affected acreage is ±60.43 acres; however, ±4 total acres are proposed to be rezoned.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcels in question is A-1 Exclusive Agriculture District. The zoning of the surrounding lands is also A-1 and the predominant use is agricultural.

According to Flood Boundary and Floodway Map Panel 55047C0140C, the lands under consideration for this request are not considered floodplain.

ADDITIONAL INFORMATION / ANALYSIS: In March, Thomas and Tim Graff sold the subject acres to Dukelow Farms, Inc. Presently, Timothy and Kim Graff would like to purchase ±3.02 acres back from Dukelow Farms, Inc. In order to do so the ±3.02 acres from Dukelow Farms, Inc. and the 0.98 acres of Timothy and Kim Graff's must be rezoned to R-4 Rural Residential District, as the current A-1 Exclusive Agriculture District has a 35-acre minimum lot size requirement.

The Graffs' application for rezone indicates that they would like to continue farming on a small scale and, therefore, need to rezone to the R-4 Rural Residential District. Furthermore, several outbuildings and other structures are located on the additional acreage from Dukelow Farms, Inc.

The County's comprehensive plan designates the future land use of this area to be agricultural.

STATUTORY CRITERIA PER 91.48(1): Land may be rezoned out of a farmland preservation zoning district (A-1 Exclusive Agriculture District in Green Lake County) if all of the following are found after public hearing: **(Staff comments in bold type)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. **The goal of the County Comprehensive Plan and the County Farmland Preservation Plan is to preserve and protect quality agricultural lands. This request does preserve and protect lands as the new zoning classification allows for light agricultural uses.**
- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is consistent with the County comprehensive plan as the future land use is projected to be agricultural.**

- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the County certified farmland preservation plan is to maintain the integrity and viability of County agriculture. It is staff's belief that the request does not negatively impact the integrity or viability of county agriculture and is, therefore, substantially consistent with the County's certified farmland preservation plan.**

- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use. **R-4 Rural Residential District lands are designated as agricultural lands and, therefore, will not impair or limit future agricultural uses of surrounding parcels.**

TOWN OF GREEN LAKE: An Action Form requesting Town of Green Lake's input related to this zoning change request was mailed to the Town Clerk on April 8, 2016. The Action Form was returned on May 2, 2016, stating that the Town of Green Lake does not object to and approves the rezone.

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
492 Hill St, PO Box 3188
Green Lake, WI 54941

GENERAL APPLICATION

Fee 375.00 ^{C4126} (not refundable)

Date 4-1-2016

Zone Change from A-1 to R-4

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT

Name Dukelow Farms Inc (Richard Dukelow)

Mailing Address W2026 County Road B, Malesan, WI 53946

Phone Number _____

Signature Richard M. Dukelows Date 3/30/16

AGENT IF OTHER THAN OWNER

Name Timothy N. + Kim T. Graff

Mailing Address W2188 County Road B., Malesan, WI 53946

Phone Number (920) 229-0942

Signature Tim Graff Date 3-30-16

PROPERTY INFORMATION

Town of Green Lake Affected Parcel Number(s) 006-00348-0200 Affected Acres ± 4.0
006-00348-0100

Lot _____ Block _____ Subdivision _____

Section 19 Town 15 North Range 13 East

Location of Property W2188 County Road B

Legal Description all of lot 1 of CSM 2452 and part of the NE 1/4 of Section 19, T15N, R13E, Town of Green Lake, Green Lake County, WI.

Current Zoning Classification A-1 Current Use of Property Res./Ag

Detailed Description of Proposed Use Tim Graff has downsized his farming operation and has sold off a portion to Richard Dukelow. Presently, Tim Graff has negotiated w/ Dukelow Farms Inc to buy back enough acreage to create a code-conforming parcel if this rezone is approved. Property will still be able to be used for light ag.

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change \$375
Conditional Use Permit \$375.00
Variance \$375.00
Special Exception \$375.00

CERTIFIED SURVEY MAP FOR TIMOTHY & KIM GRAFF LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 19, T.15N., R.13.E., TOWN OF GREEN LAKE, GREEN LAKE COUNTY, WISCONSIN.

BEARINGS REFERENCED TO THE SOUTH LINE OF THE NE 1/4 OF SECTION 19 BEING S89°22'17"W FROM COUNTY COORDINATES.

SCALE: 1" = 200'



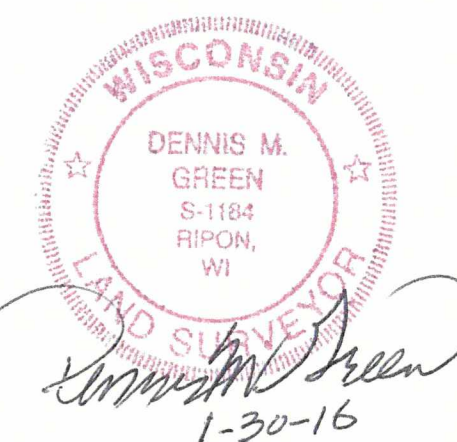
OWNER: TIMOTHY AND KIM GRAFF
W2188 C.T.H. ROAD "B"
MARKESAN, WI. 53946

PURPOSE: TO DIVIDE BUILDINGS FROM FARM LAND



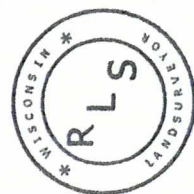
LEGEND

- ⊕ SECTION CORNER MONUMENT
2" IRON PIPE WITH BRASS CAP FOUND
- ⊙ SECTION CORNER MONUMENT "PK" NAIL FOUND
- 1" DIA. IRON PIPE FOUND
- 3/4" X 24" IRON REBAR, 1.50 LB/FT SET
- △ "PK" NAIL FOUND



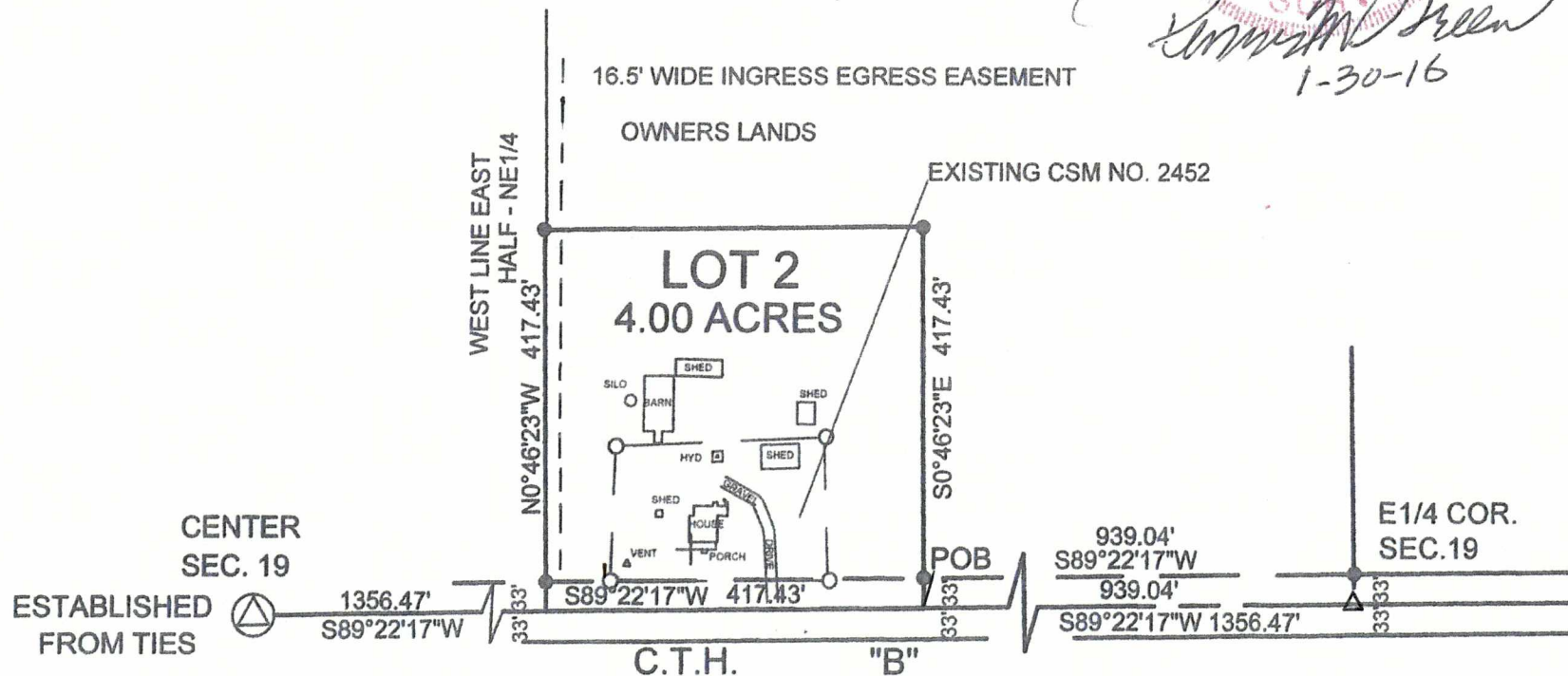
RIPON LAND SURVEYING

Division of D.M. Green & Associates, Inc.
827 W. Fond du Lac St.
P.O. Box 386
Ripon, Wisconsin 54971
Phone/Fax: (920) 748-9696



CERTIFIED SURVEY MAP

OWNER: TIMOTHY & KIM GRAFF
W2188 CTY RD B
MARKESAN, WI. 53946





RIPON LAND SURVEYING

827 W. Fond du Lac St.
Ripon, Wisconsin 54971
Phone (920) 748-9696

CERTIFIED SURVEY MAP

CERTIFIED SURVEY MAP FOR
TIMOTHY N. GRAFF LOCATED
IN THE SE¼ OF THE NE¼ OF
SECTION 19, T.15N., R.13E., TOWN OF
GREEN LAKE, GREEN LAKE
COUNTY, WISCONSIN.

GREEN LAKE COUNTY CERTIFIED SURVEY MAP NO. VOLUME PAGE

SURVEYOR'S CERTIFICATE

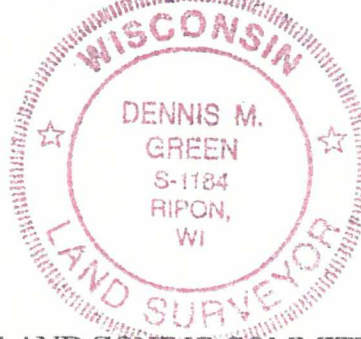
I, Dennis M. Green, Professional Land Surveyor in the State of Wisconsin, hereby certify that by the order of Timothy N. Graff, I have surveyed, divided, monumented and mapped lands located in the SE¼ of the NE¼ of Section 19, T.15N., R.13E., Town of Green Lake, Green Lake County, Wisconsin being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 19; thence S89°-22'-17"W along the South line of the NE¼ of said Section 19, 939.04 feet to the Point of Beginning; thence S89°-22'-17"W along said South line, 417.43 feet; thence N00°-46'-23"W along the West line of the E½ of the NE¼ of said Section 19, 417.43 feet; thence N89°-22'-17"E, 417.43 feet; thence S00°-46'-23"E, 417.43 feet to the Point of Beginning. Said parcel contains 174,247 square feet or 4.000 acres. Said parcel subject to 33.00 foot Right of Way over the South side thereof for C.T.H. B. All bearings referenced to the East line of the NE¼ of Section 19 bearing N01°-06'-40"W from County Coordinates.

I further certify that the within survey is a correct representation of the boundaries surveyed, divided, monumented and mapped and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, Green lake County land Division Ordinance and that this survey is correct to the best of my knowledge and belief.

RIPON LAND SURVEYING
Ripon, Wisconsin

Dennis M. Green, P.L.S. 1184
Dated this 30th day of January, 2016



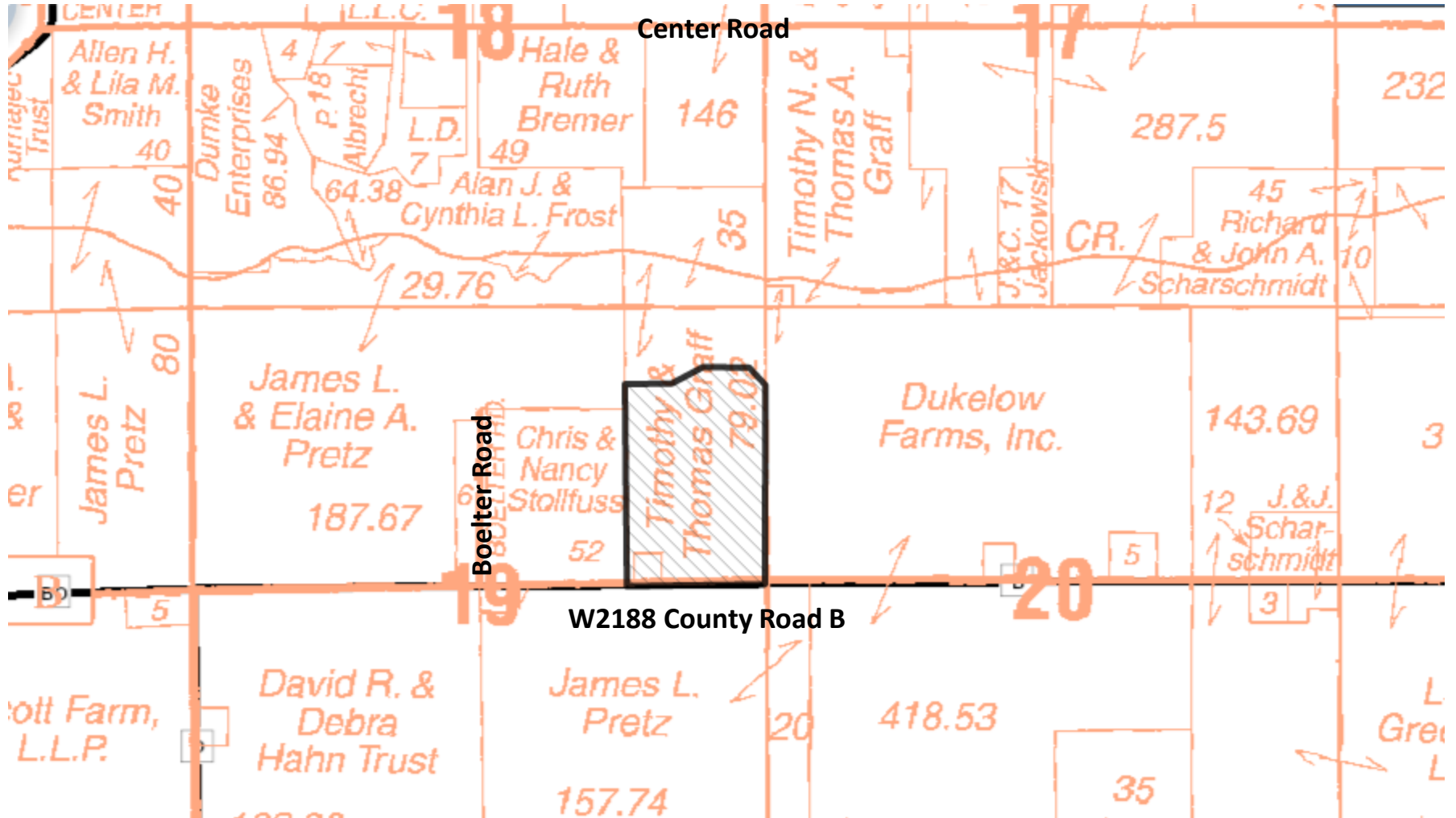
GREEN LAKE COUNTY LAND USE PLANNING AND ZONING COMMITTEE

STATE OF WISCONSIN) SS
GREEN LAKE COUNTY)

This Certified Survey Map is hereby approved this ____ day of _____, 2016 by the Authority of the Green Lake County Land Use Planning and Zoning Committee.

By: _____
Committee Representative

Owner: Dukelow Farms, Inc. – Richard Dukelow Owners/Agents: Timothy N. & Kim T. Graff
 W2188 County Road B, Town of Green Lake, Part of the NE ¼ of Section 19, T15N, R13E
 Parcel 006-00348-0200 & 006-00348-0100, ±4.0 acres
 Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential

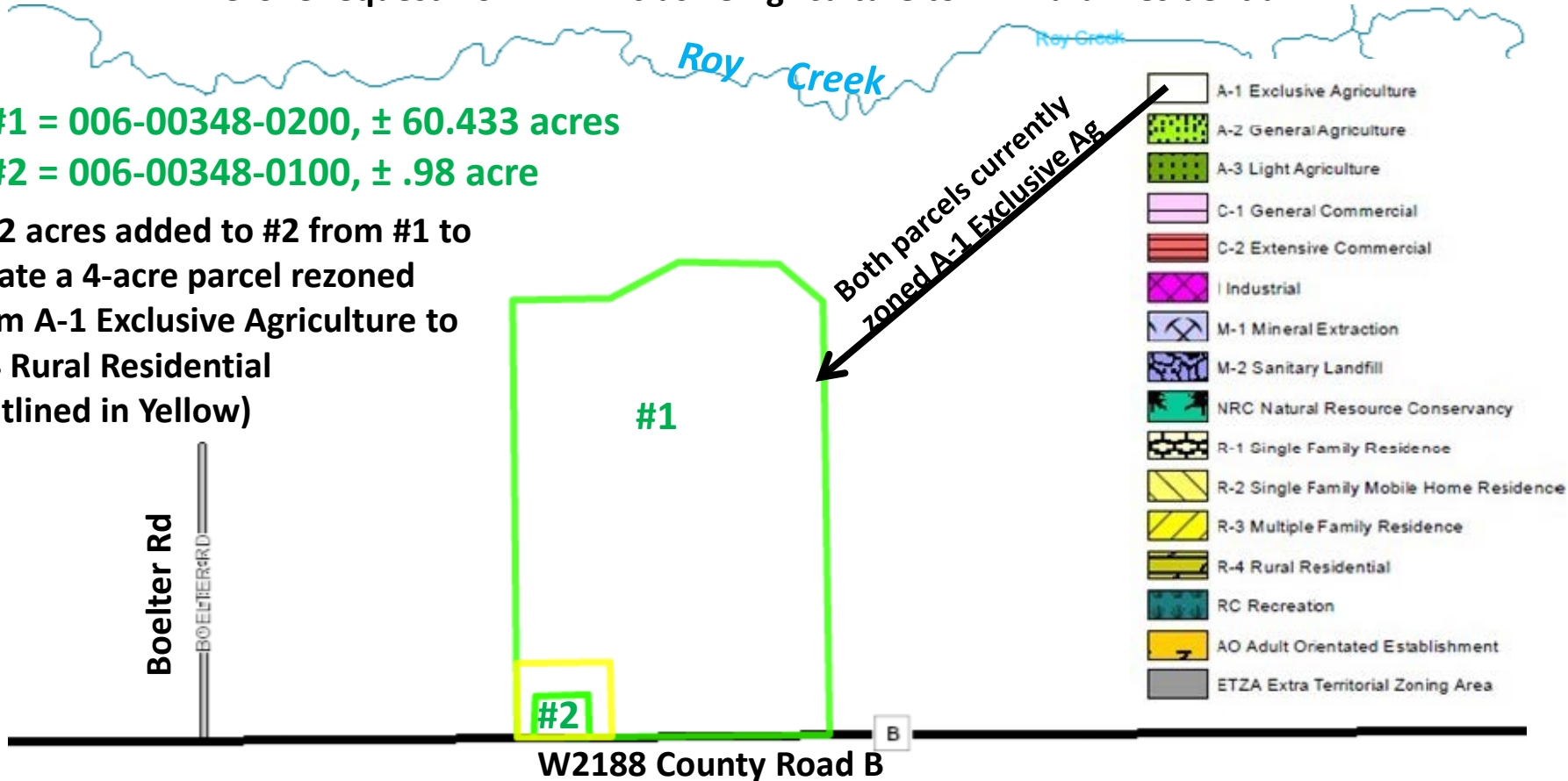


Owner: Dukelow Farms, Inc. – Richard Dukelow Owners/Agents: Timothy N. & Kim T. Graff
 W2188 County Road B, Town of Green Lake, Part of the NE ¼ of Section 19, T15N, R13E
 Parcel 006-00348-0200 & 006-00348-0100, ±4.0 acres

Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential

#1 = 006-00348-0200, ± 60.433 acres
 #2 = 006-00348-0100, ± .98 acre

3.02 acres added to #2 from #1 to
 create a 4-acre parcel rezoned
 from A-1 Exclusive Agriculture to
 R-4 Rural Residential
 (outlined in Yellow)



Owner: Dukelow Farms, Inc. – Richard Dukelow Owners/Agents: Timothy N. & Kim T. Graff
W2188 County Road B, Town of Green Lake, Part of the NE ¼ of Section 19, T15N, R13E
Parcel 006-00348-0200 & 006-00348-0100, ±4.0 acres
Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential

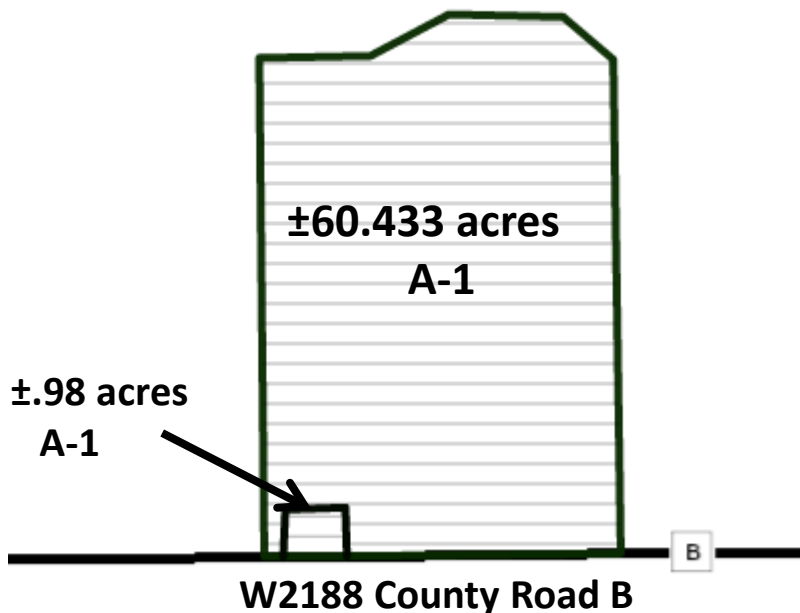


Owner: Dukelow Farms, Inc. – Richard Dukelow Owners/Agents: Timothy N. & Kim T. Graff
W2188 County Road B, Town of Green Lake, Part of the NE ¼ of Section 19, T15N, R13E
Parcel 006-00348-0200 & 006-00348-0100, ±4.0 acres
Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential

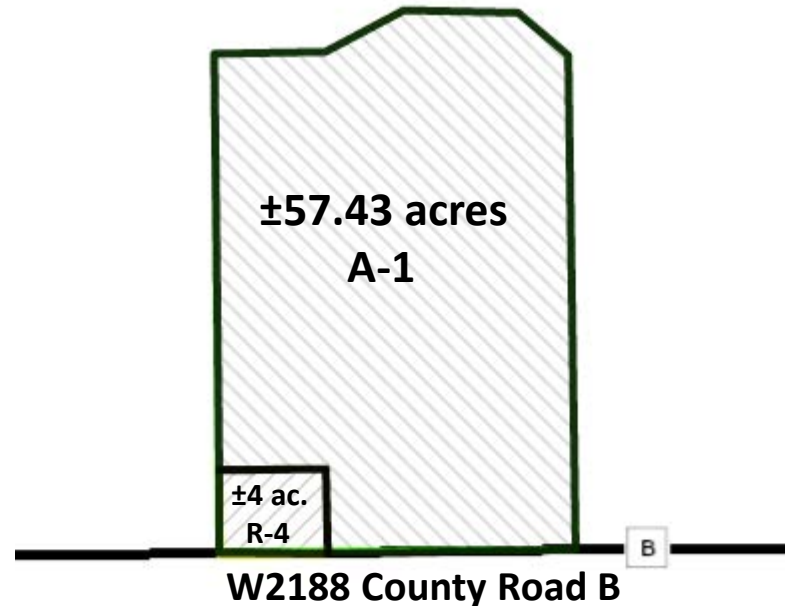


Owner: Dukelow Farms, Inc. – Richard Dukelow Owners/Agents: Timothy N. & Kim T. Graff
W2188 County Road B, Town of Green Lake, Part of the NE ¼ of Section 19, T15N, R13E
Parcel 006-00348-0200 & 006-00348-0100, ±4.0 acres
Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential

Existing Configuration:
±60.433 acres of A-1 Exclusive
Agriculture lands



Proposed Configuration:
±4 acres of R-4 Rural Residential lands
and ±57 acres remain A-1 Exclusive
Agriculture lands



TOWN BOARD ACTION

Rezone Request

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Green Lake, County of Green Lake, took the following action on May 2, 2016.

Does not object to and approves of ✓

No action taken _____

Objects to and requests denial of _____

Reason(s) for objection _____

**** NOTE: If denial – please enclose Town Resolution of Denial.**

Owners: Dukelow Farms, Inc. – Richard Dukelow and Timothy N. & Kim T. Graff

Agents: Timothy N. & Kim T. Graff

General legal description: Lot 1 Certified Survey Map 2452, Part of the NE¼ of Section 19, T15N, R13E, Town of Green Lake, ±4.0 acres

Affected parcel numbers: #006-00348-0100, #006-00348-0200

Location of request: W2188 County Road X

Planned public hearing date: June 2, 2016

Request: Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential

Jennifer Porwoc
Town Representative

5/2/16
Date Signed

Please return this form to the _____

ITEM III: ZONING CHANGE

OWNERS:

Daniel & Jennifer Vinz

APPLICANTS:

same

REQUEST: The owners/applicants are requesting a zoning change from A-1 Exclusive Agriculture District to A-2 General Agriculture District and R-4 Rural Residence District.

PARCEL NUMBER / LOCATION: The owners' parcel number is 012-00345-0000, located in the SE¼, Section 18, T14N, R12E, Town of Manchester. The site proposed for zoning change is located at W4644 County Road X.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcel in question is A-1 Exclusive Agriculture District and lands surrounding the subject site are also A-1, with the predominant use of the land being agricultural. There is a small R-1 Single-family Residence lot to the west of this site.

The Green Lake County Farmland Preservation Plan identifies the land under consideration for this zoning change to be in a Farmland Preservation Area. The predominant soils on the proposed lot are GnB and SnC2 (Grellton fine sandy loam and Sisson loam with slopes ranging from 6% to 12%). These soils are suitable for all the farm and vegetable crops grown in the county.

According to Flood Boundary and Floodway Map Panel 55047C0186C, all lands under consideration for this request are located out of the general floodplain. There is a small creek that runs along the northern lot line, placing this site under the Shoreland Protection ordinance. There are wetlands located in the northern portion of the subject site as well.

ADDITIONAL INFORMATION / ANALYSIS: The owner would like to rezone a ±3.0 acre lot to R-4, Rural Residential district. The remaining ±20.5 acres would need to be rezoned to A-2, General Agriculture. The owners/applicants would like to sell off the smaller lot and keep the larger lot for agricultural purposes.

The Green Lake County's comprehensive plan map designates the future land use of this area to be predominantly agricultural.

STATUTORY CRITERIA PER 91.48(1): Land may be rezoned out of a farmland preservation zoning district (A-1 Exclusive Agriculture District in Green Lake County) if all of the following are found after public hearing: **(Staff comments in bold type)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. **The goal of the County's Comprehensive Plan and the County Farmland Preservation Plan is to preserve and protect quality agricultural lands. This request does preserve and protect lands as the R-4 zoning classification allows for light agricultural uses and the A-2 classification allows for general agricultural uses.**

- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is consistent with the County’s comprehensive plan as the future land use is projected to be agricultural.**
- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the County certified farmland preservation plan is to maintain the integrity and viability of county agriculture. It is staff’s belief that the request does not negatively impact the integrity or viability of county agriculture and is, therefore, substantially consistent with the County’s certified farmland preservation plan.**
- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use. **The R-4, Rural Residential District is intended to provide for limited rural residential use development, but also require a larger area to maintain the rural character and to accommodate uses like light agriculture. The R-4 district is intended not to impair or limit future agricultural use of surrounding parcels. Furthermore, the A-2, General Agriculture District allows the property to remain in a zoning district that allows agricultural uses; therefore, it will not impair or limit current or future agricultural use.**

TOWN OF MANCHESTER: An Action Form requesting the Town of Manchester’s input related to this zoning change request was mailed to the Town Clerk on April 8, 2016.

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
492 Hill St, PO Box 3188
Green Lake, WI 54941

GENERAL APPLICATION

Fee \$375 (not refundable)

Date 3-31-16

Zone Change from A1 to R4 + A2

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT

Name Daniel Vinz + Jennifer Vinz

Mailing Address W4661 CTY X Markesan WI 53946

Phone Number 608-617-6796

Signature [Signature] Date 3/31/16

AGENT IF OTHER THAN OWNER

Name same

Mailing Address _____

Phone Number _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Manchester Parcel Number 012 00345 0000 Acres 3 ± 23.5

Lot _____ Block _____ Subdivision _____

Section 18 Town 14 North Range 12 East

Location of Property W4644 CTYX

Legal Description Part of the SE 1/4 of Section 18, T14N, R12E.

Current Zoning Classification A1 Current Use of Property Ag + Rec

Detailed Description of Proposed Use Owner lives across the street. Selling house on subject site to a family member. Rezone of 3.0 acres, not including right-of-way, to R-4 required.

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change \$375
Conditional Use Permit \$375.00
Variance \$375.00
Special Exception \$375.00

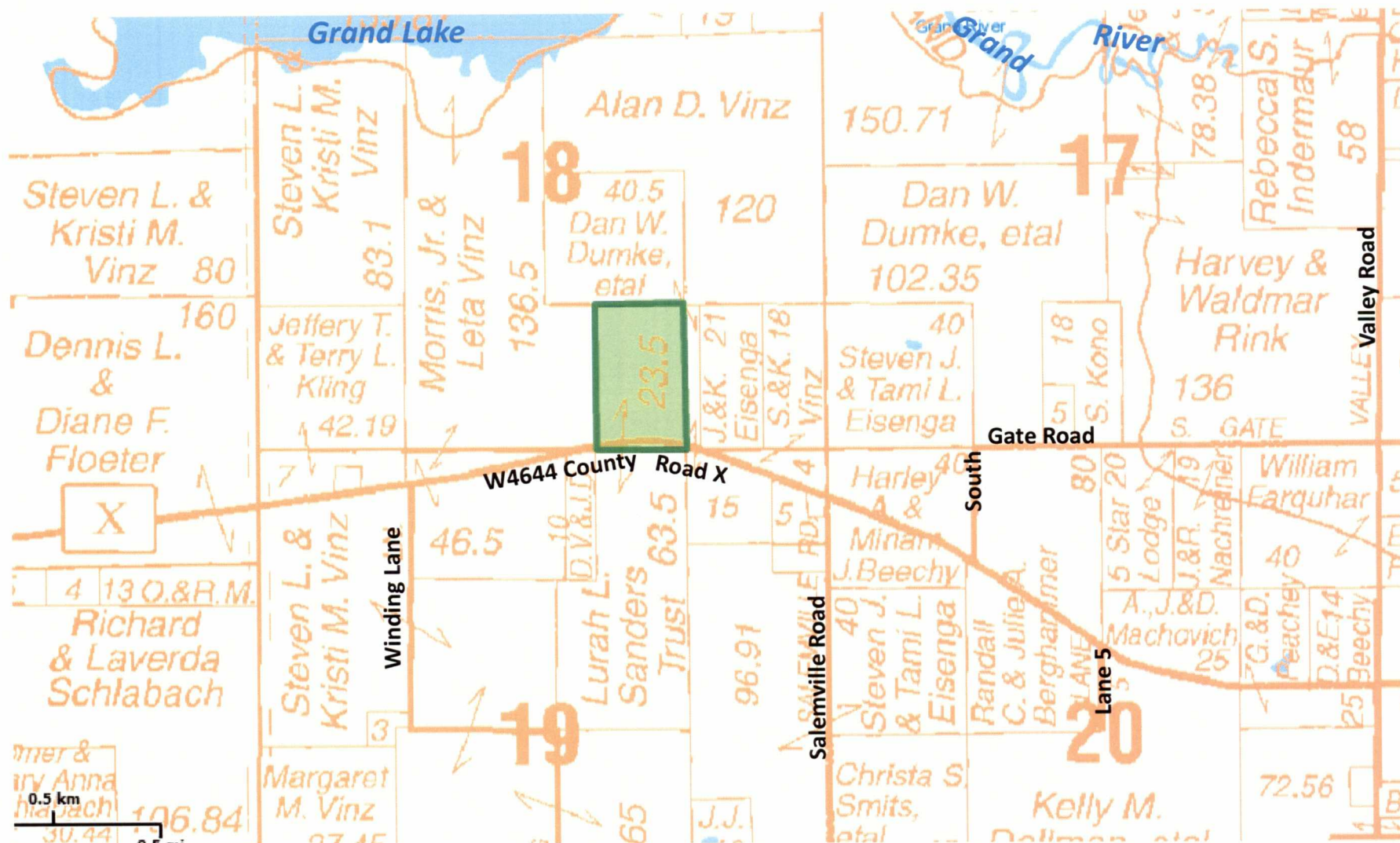
Vinz Proposed Rezone

Green Lake County, WI



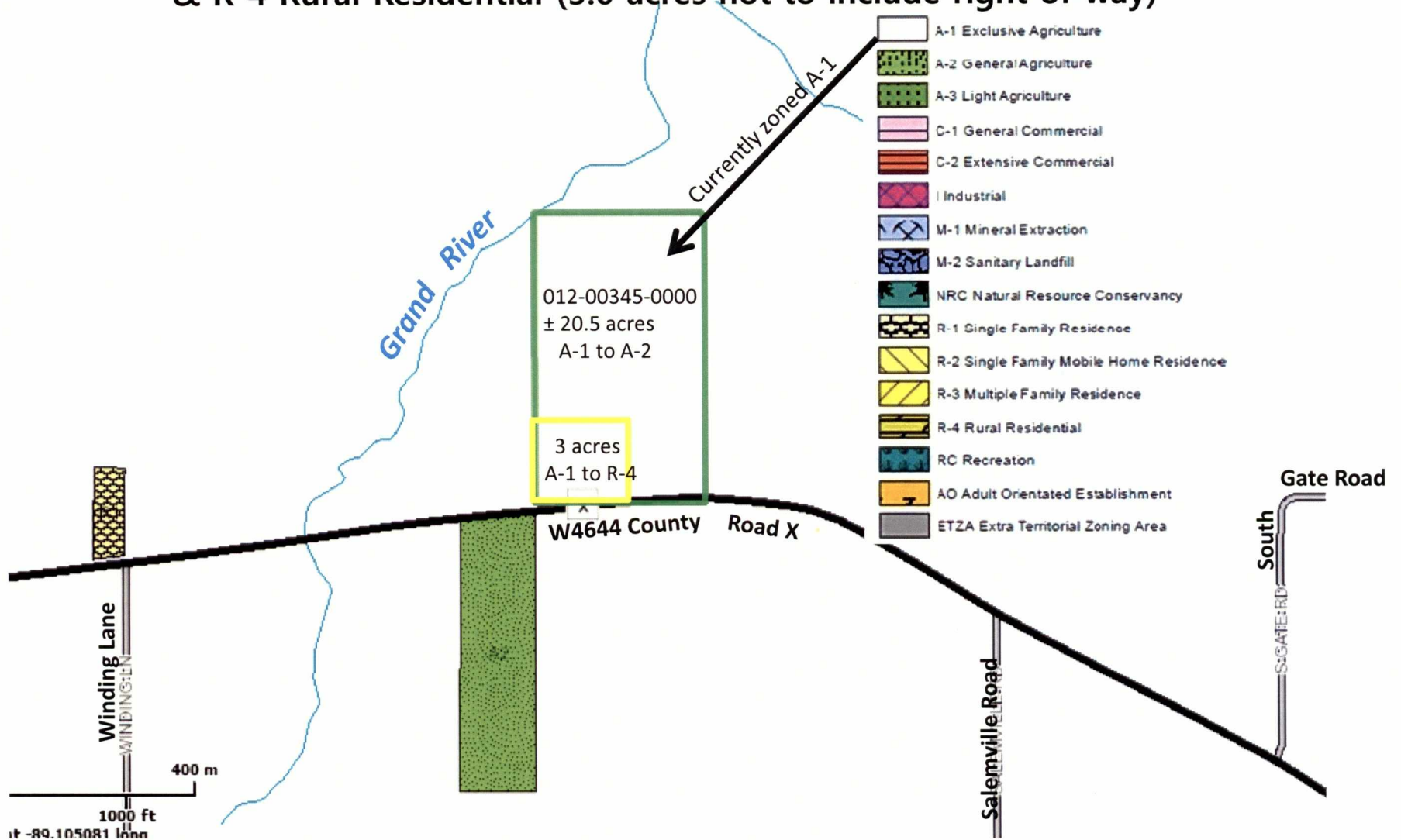
GIS Viewer Map. Green Lake County, WI. Mon Apr 4 2016 03:31:41 PM.

Owners: Daniel & Jennifer Vinz W4644 County Road X
Town of Manchester, Part of the SE¼ of Section 18, T14N, R12E, Parcel #012-00345-0000
Rezone request from A-1 Exclusive Agriculture to A-2 General Agriculture (±20.5 acres)
& R-4 Rural Residential (3.0 acres not to include right-of-way)



Land Use Planning & Zoning Public Hearing 06/02/16

Owners: Daniel & Jennifer Vinz W4644 County Road X
Town of Manchester, Part of the SE¹/₄ of Section 18, T14N, R12E, Parcel #012-00345-0000
Rezone request from A-1 Exclusive Agriculture to A-2 General Agriculture (±20.5 acres)
& R-4 Rural Residential (3.0 acres not to include right-of-way)



Land Use Planning & Zoning Public Hearing 06/02/16

Owners: Daniel & Jennifer Vinz W4644 County Road X
Town of Manchester, Part of the SE¼ of Section 18, T14N, R12E, Parcel #012-00345-0000
Rezone request from A-1 Exclusive Agriculture to A-2 General Agriculture (±20.5 acres)
& R-4 Rural Residential (3.0 acres not to include right-of-way)



Land Use Planning & Zoning Public Hearing 06/02/16

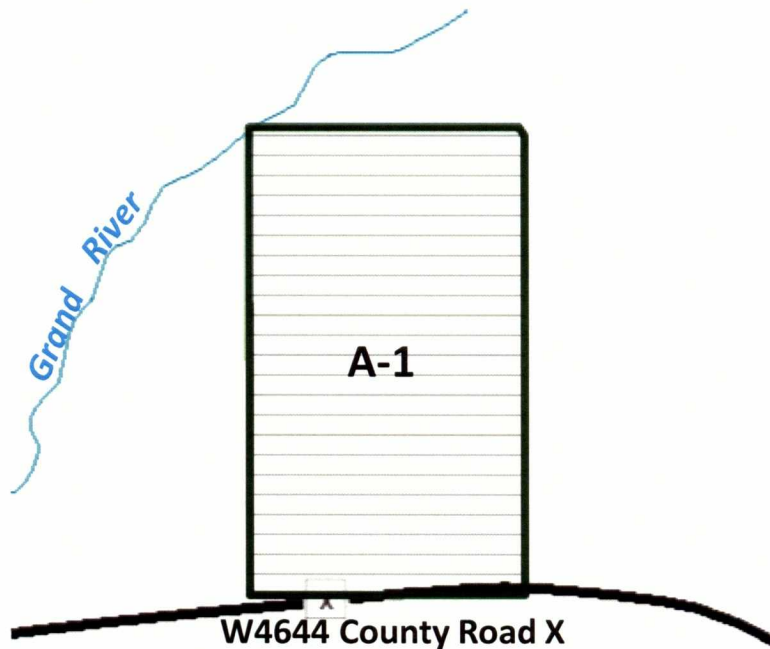
Owners: Daniel & Jennifer Vinz W4644 County Road X
Town of Manchester, Part of the SE $\frac{1}{4}$ of Section 18, T14N, R12E, Parcel #012-00345-0000
Rezone request from A-1 Exclusive Agriculture to A-2 General Agriculture (\pm 20.5 acres)
& R-4 Rural Residential (3.0 acres not to include right-of-way)



Owners: Daniel & Jennifer Vinz W4644 County Road X
Town of Manchester, Part of the SE¹/₄ of Section 18, T14N, R12E, Parcel #012-00345-0000
Rezone request from A-1 Exclusive Agriculture to A-2 General Agriculture (±20.5 acres)
& R-4 Rural Residential (3.00 acres not to include right-of-way)

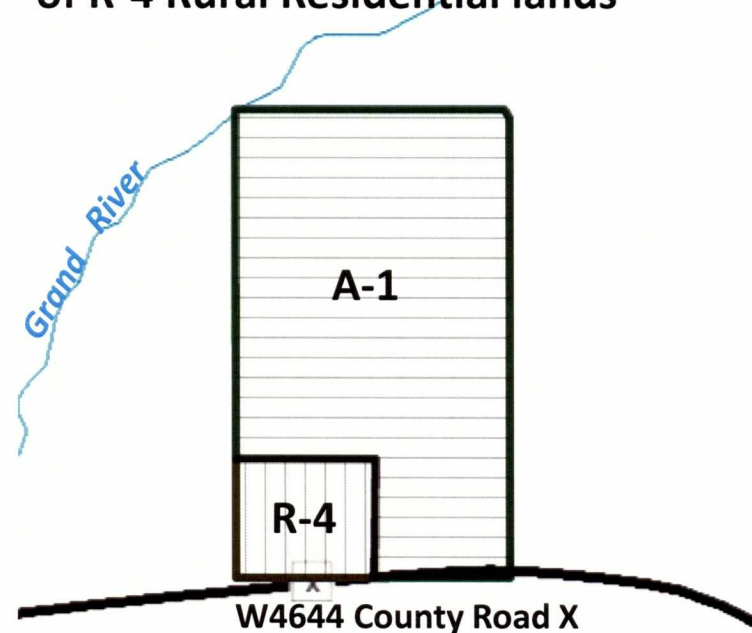
Existing Configuration:

**±23.5 acres of A-1 Exclusive
Agriculture lands**



Proposed Configuration:

**±20.5 acres of A-2 General
Agriculture lands and 3.0 acres
(not to include right-of-way)
of R-4 Rural Residential lands**



ITEM IV: ZONING CHANGE

OWNERS:

Marjorie E. Lind

APPLICANTS:

Ryan A. Dobbs

REQUEST: The owner and applicant are requesting a zoning change from A-1 Exclusive Agriculture District to R-4 Rural Residential District, ±7.31 acres

PARCEL NUMBER / LOCATION: The owner's parcel numbers are 002-00209-0000, 002-00214-0000, 002-00215-0000, and 002-00216-0000, located in the NE¼, Section 13, T17N, R13E, Town of Berlin. The site proposed for zoning change is located on White Ridge Road.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcel in question is A-1 Exclusive Agriculture District and lands surrounding the subject site are also A-1, with the predominant use of the land being agricultural. The majority of the applicant's land falls in the City of Berlin's ETZA zoning.

The Green Lake County Farmland Preservation Plan identifies the land under consideration for this zoning change to be in a Farmland Preservation Area. The predominant soils on the proposed lot are KdB (Kidder fine sandy loam with slopes ranging from 2% to 6%). These soils are suitable for all farm and vegetable crops grown in the county.

According to Flood Boundary and Floodway Map Panel 55047C0060C, all lands under consideration for this request are located out of the general floodplain.

ADDITIONAL INFORMATION / ANALYSIS: The owner would like to rezone the ±7.31 acres to R-4, Rural Residential. The applicant plans to purchase the new lot and build a single-family dwelling in the future. The remaining acres will remain in A-1, Exclusive Agriculture zoning.

Green Lake County's comprehensive plan map designates the future land use of this area to be predominantly agricultural.

STATUTORY CRITERIA PER 91.48(1): Land may be rezoned out of a farmland preservation zoning district (A-1 Exclusive Agriculture District in Green Lake County) if all of the following are found after public hearing: **(Staff comments in bold type)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. **The goal of the County's Comprehensive Plan and the County Farmland Preservation Plan is to preserve and protect quality agricultural lands. This request does preserve and protect lands as the new zoning classification allows for light agricultural uses.**
- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is consistent with the County's Comprehensive Plan as the future land use is projected to be agricultural.**

- c) The rezoning is substantially consistent with the County certified Farmland Preservation Plan. **The overall goal of the County certified Farmland Preservation Plan is to maintain the integrity and viability of county agriculture. It is staff's belief that the request does not negatively impact the integrity or viability of county agriculture and is, therefore, substantially consistent with the County's certified Farmland Preservation Plan.**

- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use. **This request allows the property to remain in a zoning district that allows agricultural uses; therefore, it will not impair or limit current or future agricultural use.**

TOWN OF BERLIN: An Action Form requesting the Town of Berlin's input related to this zoning change request was mailed to the Town Clerk on April 8, 2016.

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
571 County Road A
P.O. Box 3188 - mailing
Green Lake, WI 54941

GENERAL APPLICATION

Fee 375.00 (not refundable) Date 04/01/2016
Zone Change from A-1 to R-4
Conditional Use Permit for _____
Other _____

PROPERTY OWNER / APPLICANT

Name MARJORIE E. LIND
Mailing Address W270 WHITE RIDGE ROAD, BERLIN, WI 54923
Phone Number (920) 361-0893
Signature Marjorie E. Lind Date 04/01/2016

AGENT IF OTHER THAN OWNER

Name RYAN A. DOBBS
Mailing Address W2236 GENTRY DRIVE, APT. #7, KAUKAUNA, WI 54130
Phone Number (608) 604-8001
Signature Ryan Dobbs Date 04/01/2016

PROPERTY INFORMATION

Town of BERLIN Parcel Number 002-00209-0000 Acres 7.31
Lot — Block — Subdivision —
Section 13 Town 17 North Range 13 East
Location of Property White Ridge Road
Legal Description part of the NW 1/4 of the NE 1/4 of Section 13, Town 17 North, Range 13 East, Town of Berlin.

Current Zoning Classification A-1 Current Use of Property Ag

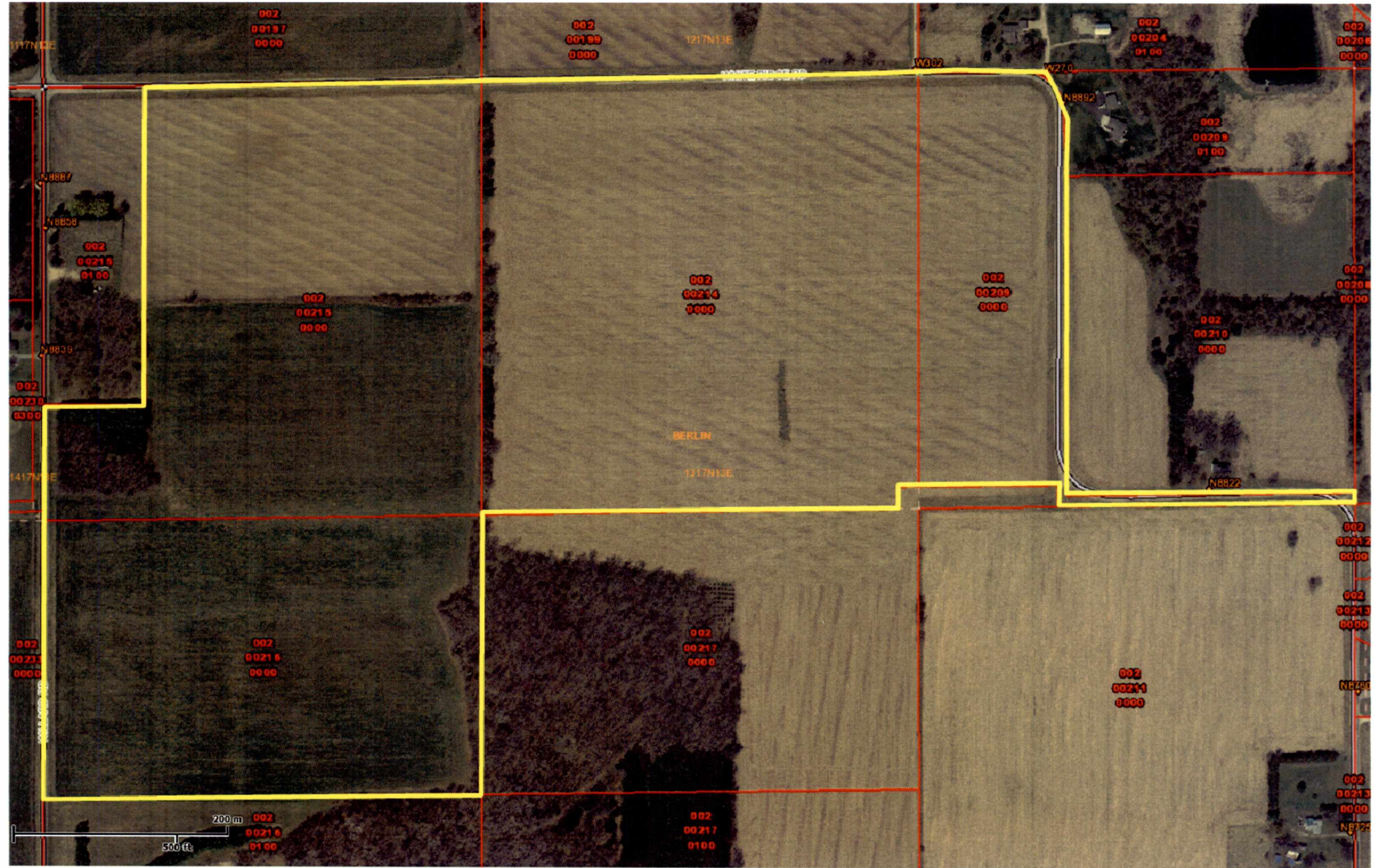
Detailed Description of Proposed Use Need to cut out land to build single family dwelling. May use 1-2 acres for house, remaining lands will stay in cropland.

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change \$375
Conditional Use Permit \$375.00
Variance \$375.00
Special Exception \$375.00

Lind, Marjorie (Ownership) TBE

Green Lake County, WI

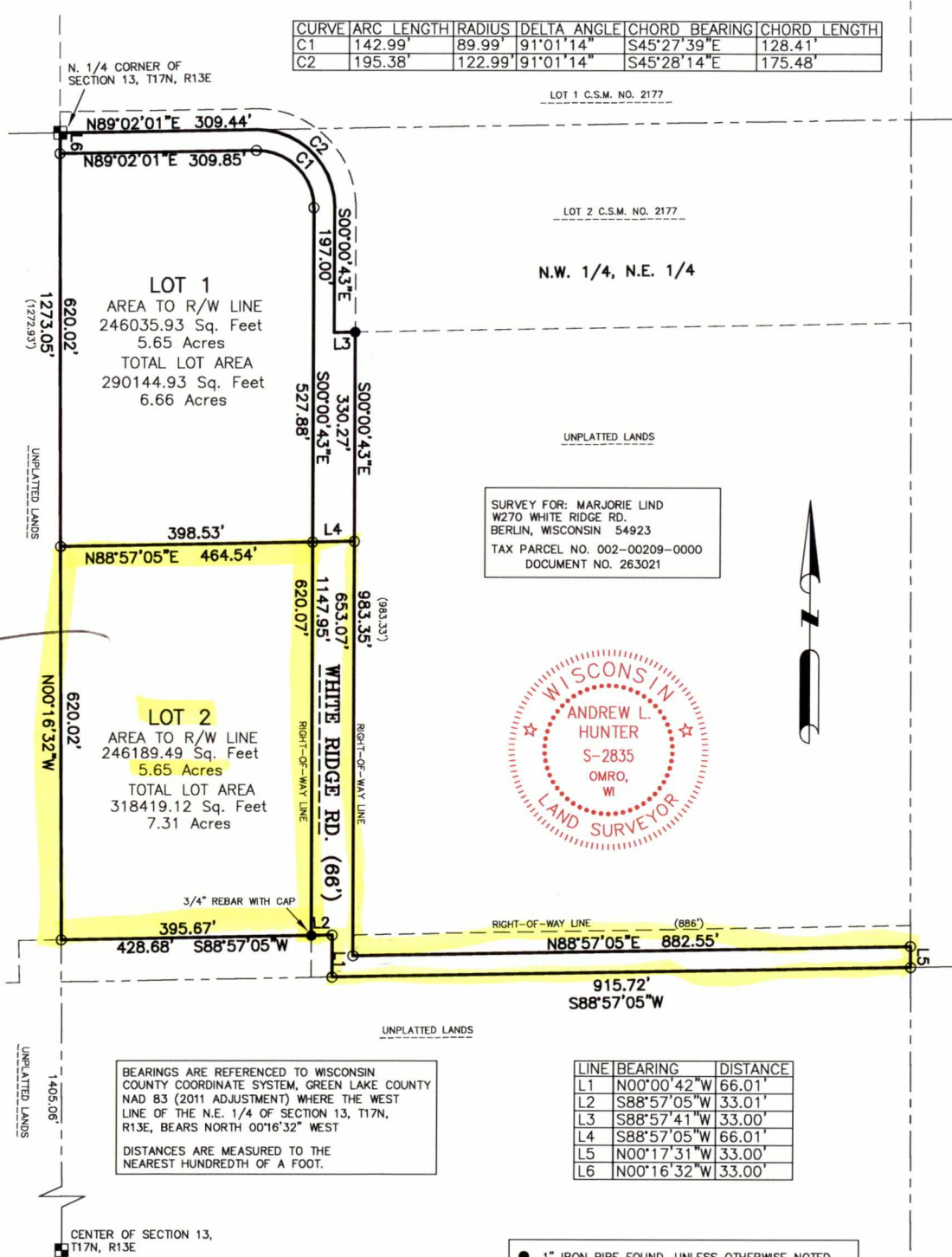


GIS Viewer Map. Green Lake County, WI. Mon Apr 4 2016 10:57:13 AM.

CERTIFIED SURVEY MAP NO. _____ SHEET OF _____

PART OF THE N.W. 1/4 OF THE N.E. 1/4, SECTION 13, TOWN 17 NORTH, RANGE 13 EAST, TOWN OF BERLIN, GREEN LAKE COUNTY, WISCONSIN.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	142.99'	89.99'	91°01'14"	S45°27'39"E	128.41'
C2	195.38'	122.99'	91°01'14"	S45°28'14"E	175.48'



A-1 to R-4



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATE SYSTEM, GREEN LAKE COUNTY NAD 83 (2011 ADJUSTMENT) WHERE THE WEST LINE OF THE N.E. 1/4 OF SECTION 13, T17N, R13E, BEARS NORTH 00°16'32" WEST
DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

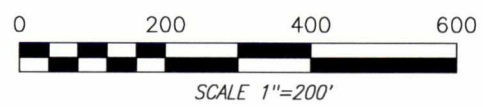
LINE	BEARING	DISTANCE
L1	N00°00'42"W	66.01'
L2	S88°57'05"W	33.01'
L3	S88°57'41"W	33.00'
L4	S88°57'05"W	66.01'
L5	N00°17'31"W	33.00'
L6	N00°16'32"W	33.00'

03/25/2016
PROJECT 5298A
SHEET 1 OF 3

Wisconsin LAND SURVEYING INC.
Professional Service You Can Trust

5020 LEONARD POINT RD. OSHKOSH, WI 54904
www.wisconsinlandsurveying.com (920)410-7744

- 1" IRON PIPE FOUND, UNLESS OTHERWISE NOTED
- 1" x 18" IRON PIPE SET, WEIGHING NOT LESS THAN 1.13 LBS. PER LINEAL FOOT



CERTIFIED SURVEY MAP NO. _____ SHEET ___ OF ___

PART OF THE N.W. 1/4 OF THE N.E. 1/4, SECTION 13, TOWN 17 NORTH, RANGE 13 EAST, TOWN OF BERLIN, GREEN LAKE COUNTY, WISCONSIN.

**SURVEYORS CERTIFICATE
STATE OF WISCONSIN)
:SS
WINNEBAGO COUNTY)**

I, ANDREW HUNTER, Wisconsin Professional Land Surveyor do hereby certify;

THAT I have surveyed, divided and mapped part of the N.W. 1/4 of the N.E. 1/4, Section 13, Town 17 North, Range 13 East, Town of Berlin, Green Lake County, Wisconsin; which is bound and described as follows;

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 13; THENCE NORTH 89°02'01" EAST ALONG THE NORTH LINE OF THE SAID N.W. 1/4, N.E. 1/4, 309.44 FEET; THENCE SOUTHEASTERLY 195.38 FEET ALONG THE WEST LINE OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2177 AND THE ARC OF A CURVE TO THE RIGHT, WHOSE RADIUS IS 122.99 FEET AND WHOSE CHORD BEARS SOUTH 45°28'14" EAST 175.48 FEET; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 00°00'43" EAST 197.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 88°57'41" EAST ALONG THE SOUTH LINE OF SAID LOT 2, 24.74 TO THE WEST LINE OF LANDS DESCRIBED IN DOC. NO. 357886; THENCE SOUTH 00°17'31" EAST ALONG SAID WEST LINE, 983.27 FEET TO THE SOUTH LINE OF LANDS DESCRIBED IN DOC. NO. 357886; THENCE NORTH 88°57'05" EAST ALONG SAID SOUTH LINE, 886.00 FEET TO THE EAST LINE OF SAID N.W. 1/4, N.E. 1/4; THENCE SOUTH 00°17'31" EAST ALONG SAID EAST LINE, 33.00 FEET TO THE SOUTHEAST CORNER OF SAID N.W. 1/4, N.E. 1/4; THENCE SOUTH 88°57'05" WEST ALONG THE SOUTH LINE OF SAID N.W. 1/4, N.E. 1/4, 915.72 FEET TO LANDS DESCRIBED IN DOC. NO. 314798; THENCE NORTH 00°00'43" WEST ALONG THE EAST LINE OF SAID DESCRIBED LANDS, 66.01 FEET; THENCE SOUTH 88°57'05" WEST ALONG THE NORTH LINE OF SAID DESCRIBED LANDS, 428.68 FEET TO A POINT ON THE WEST LINE OF SAID N.W. 1/4, N.E. 1/4; THENCE NORTH 00°16'32" WEST ALONG SAID WEST LINE, 1273.04 FEET TO THE POINT OF BEGINNING. SAID PARCELS CONTAINS 602809.97 SQUARE FEET (13.84 ACRES) AND IS SUBJECT TO ALL EXISTING EASEMENTS AND RESTRICTIONS OF RECORD.

THAT this Certified Survey Map is contained wholly within parcel number 002-00209-0000 being the property described in the following recorded instrument: Document No. 314769.

THAT I have made this survey by the direction of Marjorie Lind, owner of said land.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Land Subdivision Ordinance of Green Lake County.

DATE

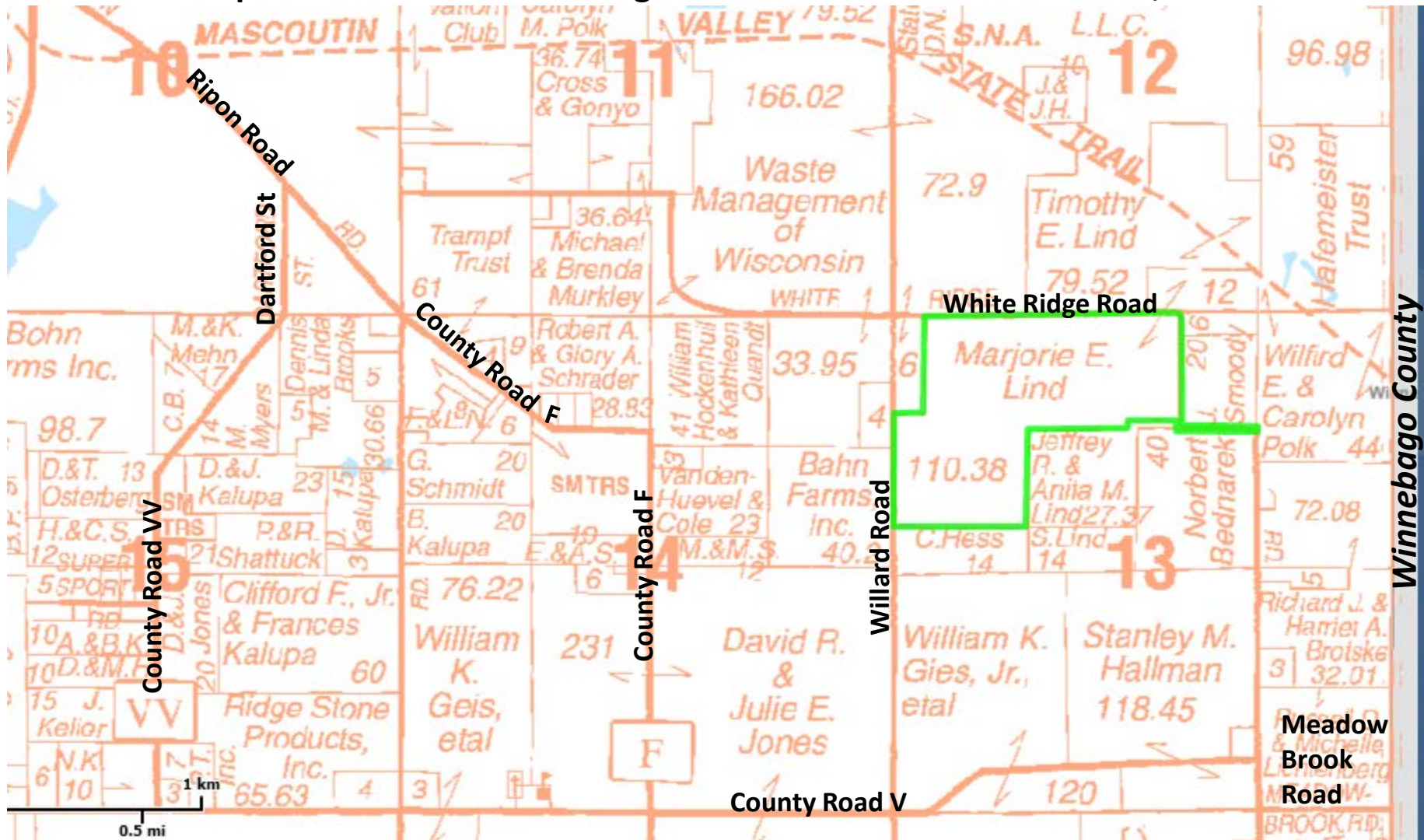
Andrew L. Hunter, Wisconsin
Professional Land Surveyor S-2835

Owner: Marjorie E. Lind Agent: Ryan A. Dobbs

White Ridge Road, Part of the NE¼ of Section 13, T17N, R13E, Town of Berlin

Parcel #002-00209-0000, #002-00214-0000, #002-00215-0000, #002-00216-0000

Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential, ±7.31 acres

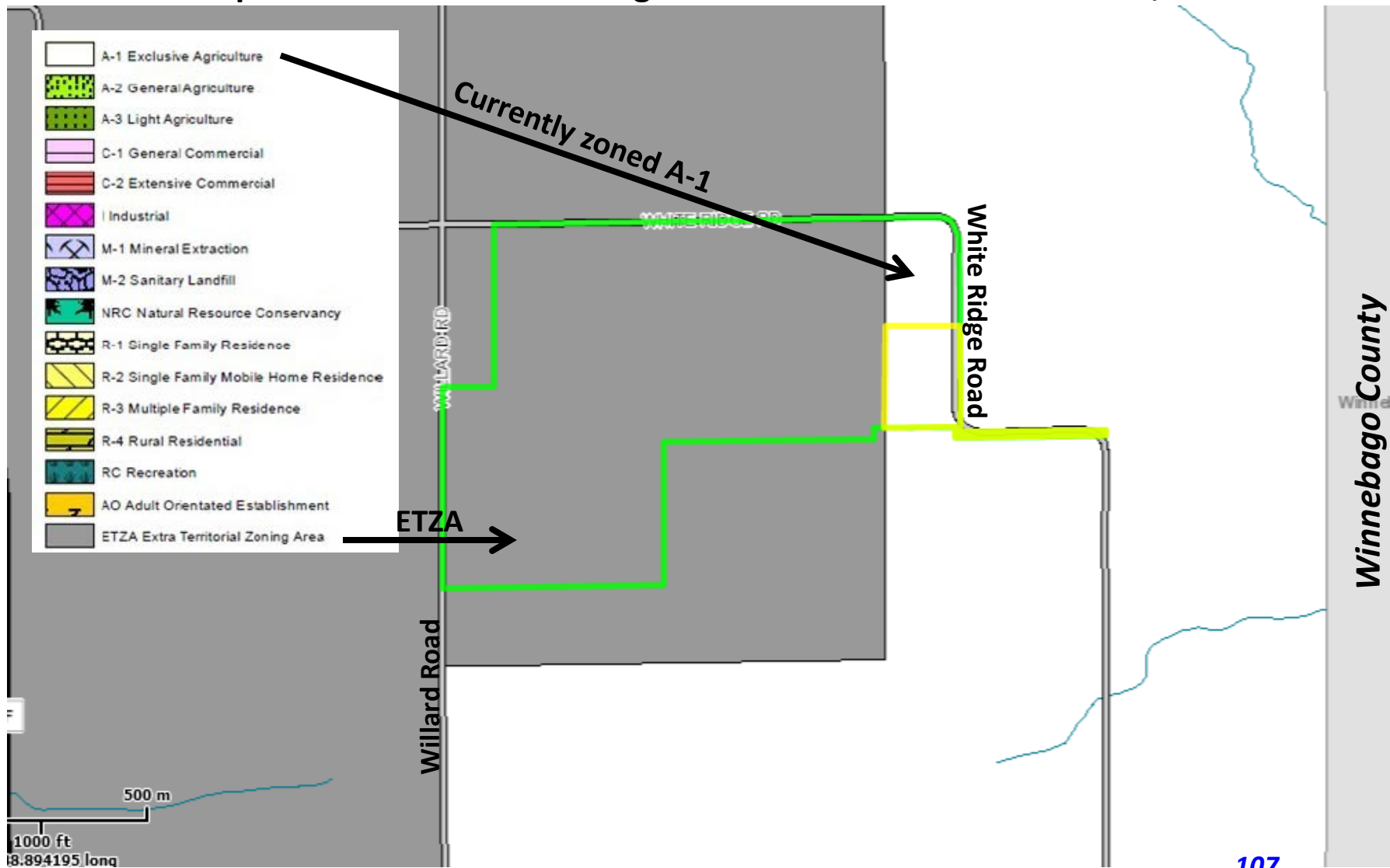


Owner: Marjorie E. Lind Agent: Ryan A. Dobbs

White Ridge Road, Part of the NE¼ of Section 13, T17N, R13E, Town of Berlin

Parcel #002-00209-0000, #002-00214-0000, #002-00215-0000, #002-00216-0000

Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential, ±7.31 acres

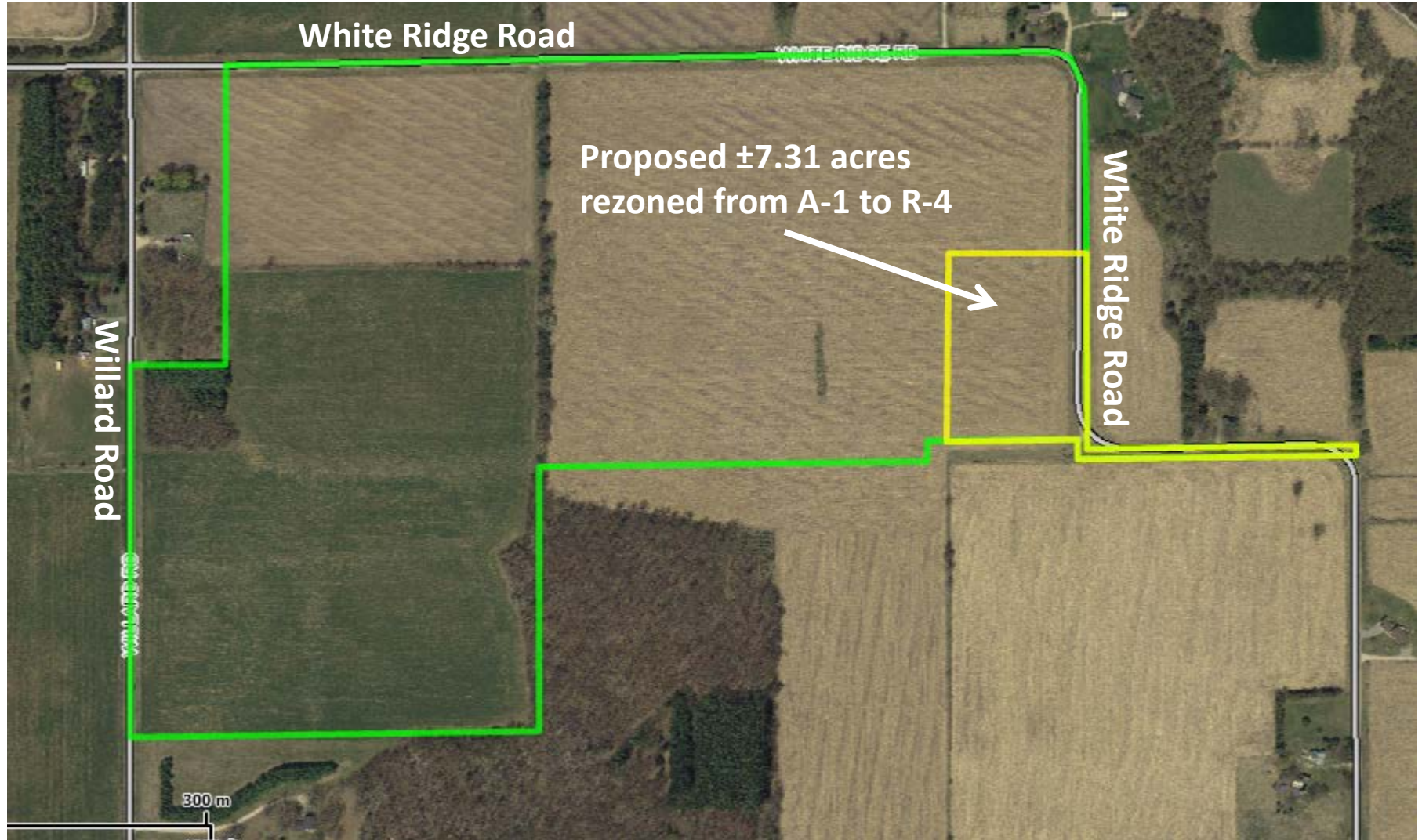


Owner: Marjorie E. Lind Agent: Ryan A. Dobbs

White Ridge Road, Part of the NE¼ of Section 13, T17N, R13E, Town of Berlin

Parcel #002-00209-0000, #002-00214-0000, #002-00215-0000, #002-00216-0000

Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential, ±7.31 acres

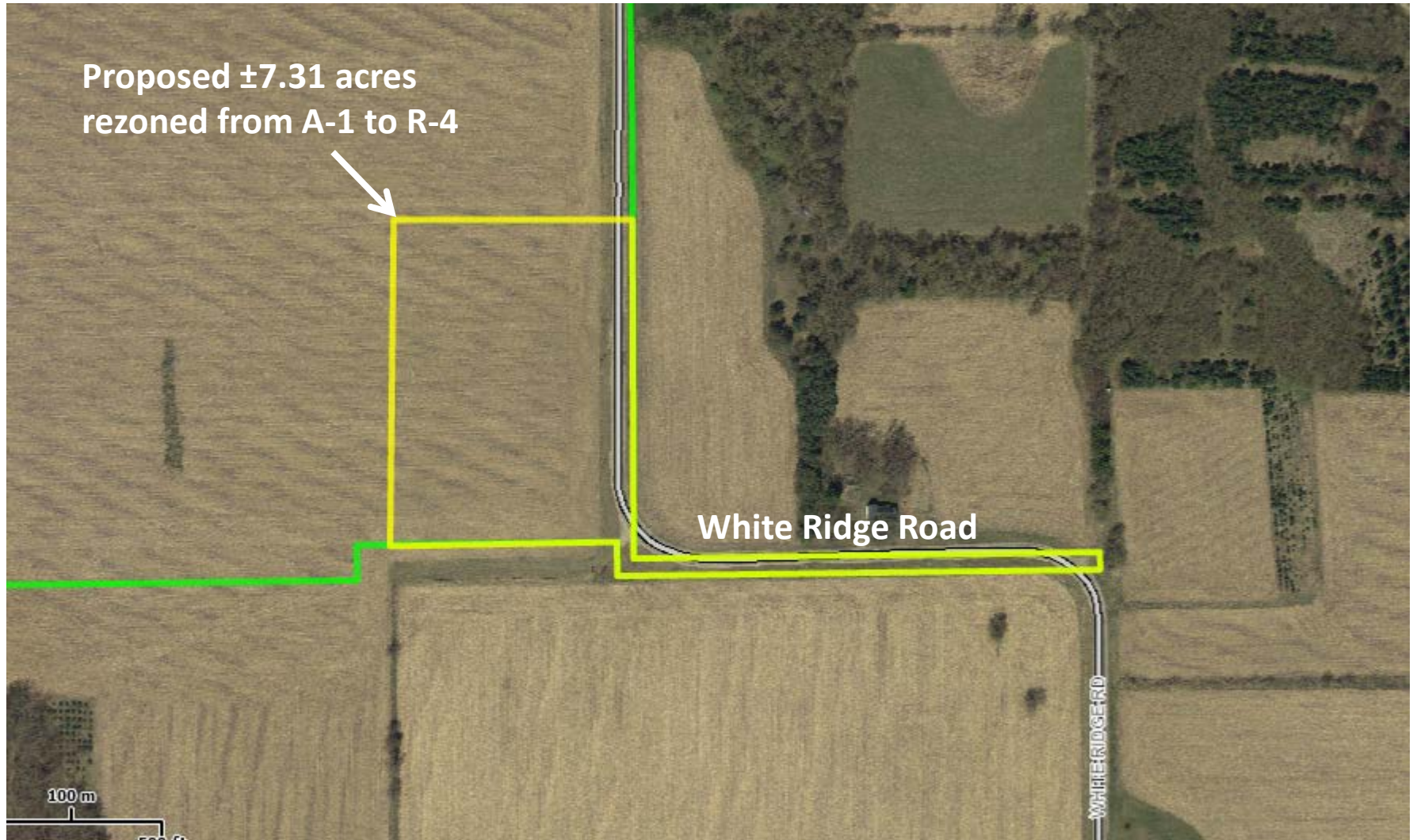


Owner: Marjorie E. Lind Agent: Ryan A. Dobbs

White Ridge Road, Part of the NE¼ of Section 13, T17N, R13E, Town of Berlin

Parcel #002-00209-0000, #002-00214-0000, #002-00215-0000, #002-00216-0000

Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential, ±7.31 acres

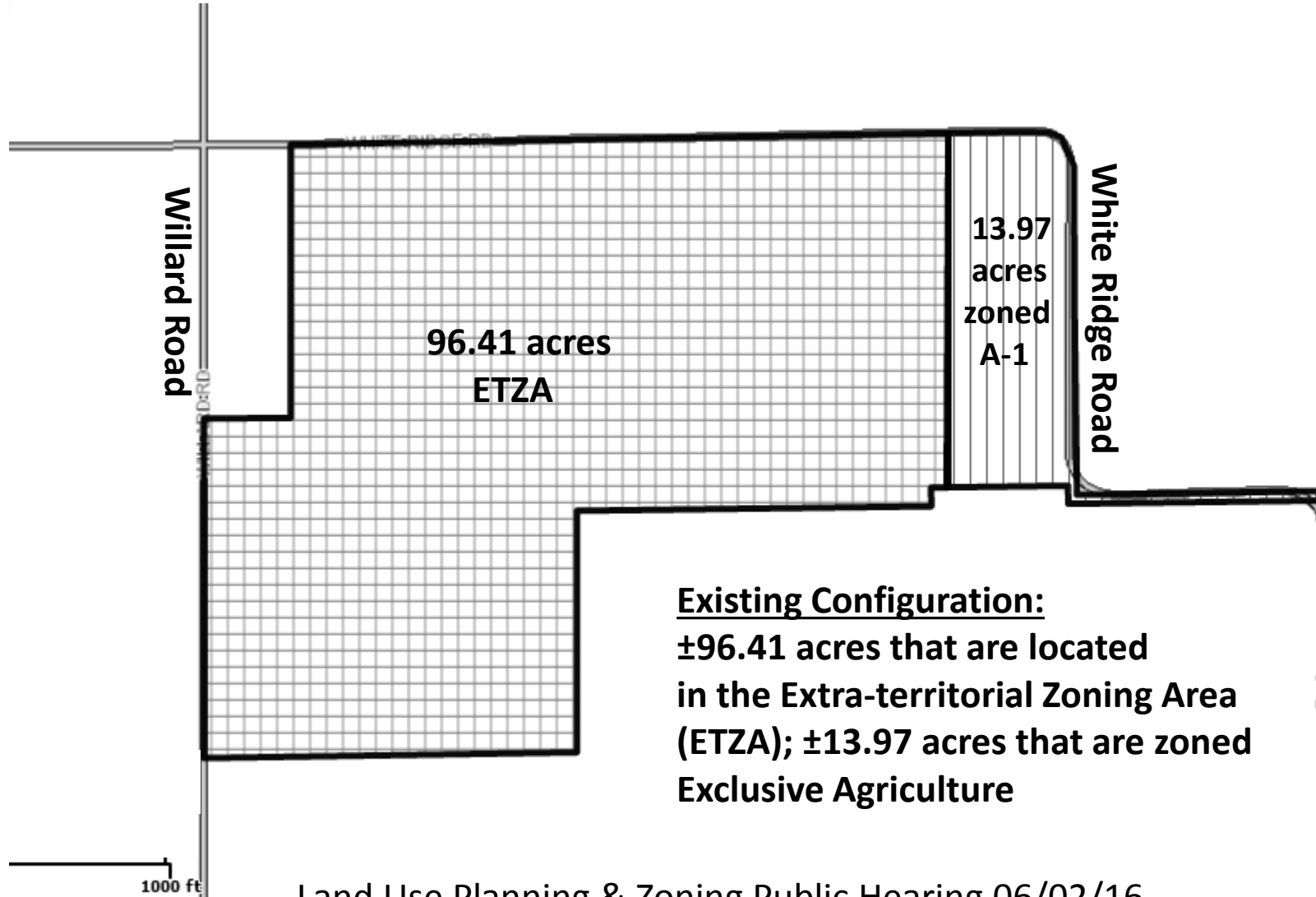


Owner: Marjorie E. Lind Agent: Ryan A. Dobbs

White Ridge Road, Part of the NE¼ of Section 13, T17N, R13E, Town of Berlin

Parcel #002-00209-0000, #002-00214-0000, #002-00215-0000, #002-00216-0000

Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential, ±7.31 acres



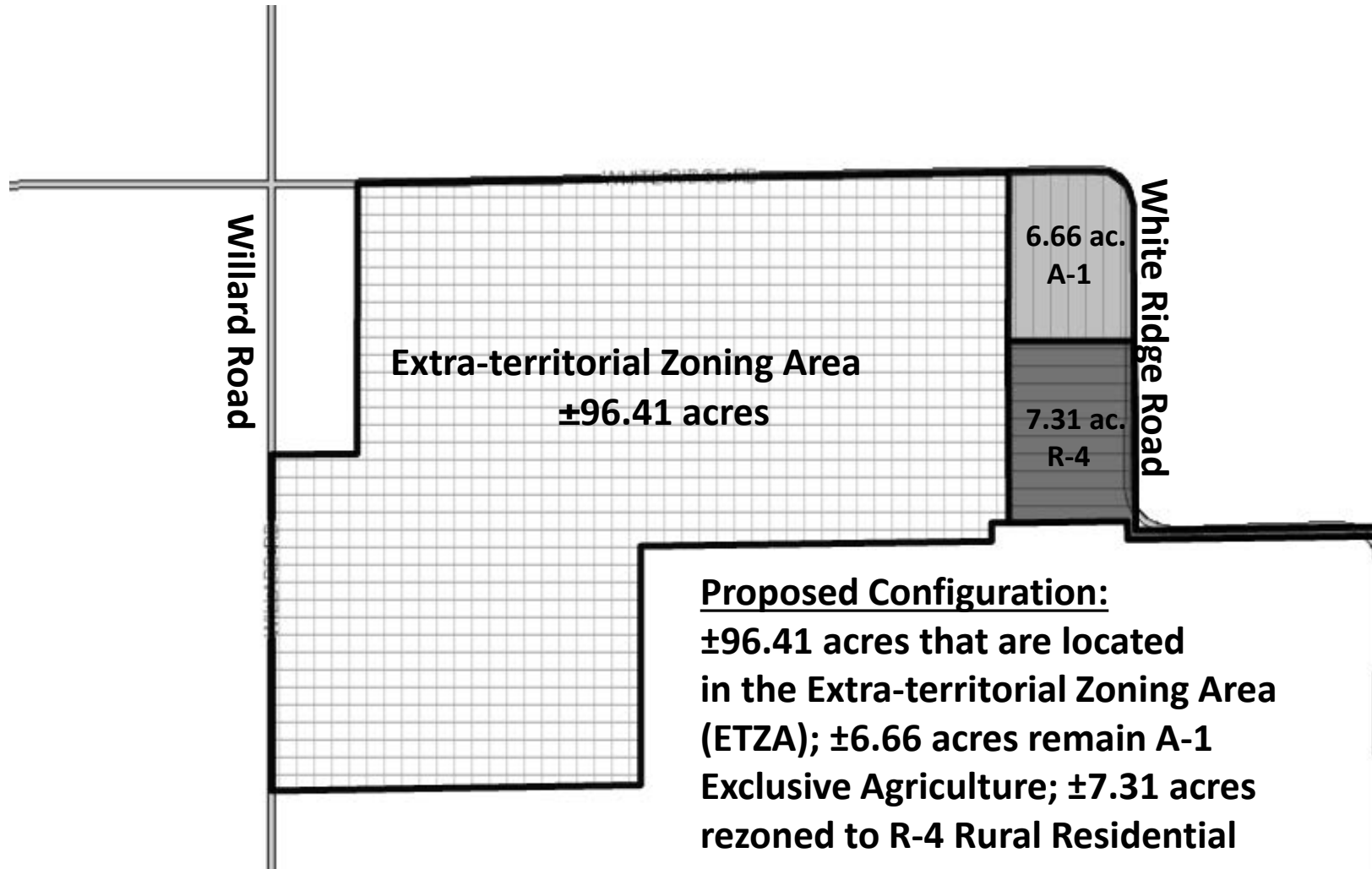
Existing Configuration:
±96.41 acres that are located
in the Extra-territorial Zoning Area
(ETZA); ±13.97 acres that are zoned
Exclusive Agriculture

Owner: Marjorie E. Lind Agent: Ryan A. Dobbs

White Ridge Road, Part of the NE¼ of Section 13, T17N, R13E, Town of Berlin

Parcel #002-00209-0000, #002-00214-0000, #002-00215-0000, #002-00216-0000

Rezone request from A-1 Exclusive Agriculture to R-4 Rural Residential, ±7.31 acres



GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
May 5, 2016

We, the undersigned members of the Land Use Planning and Zoning Committee, Green Lake County Board of Supervisors, have of this date reviewed the below listed *Claims for Payment* as indicated:

Matt E. Kirkman Inspector Certification Renewal	16-100-10-53610-324-000	40.00
Berlin Journal Board of Adjustment Public Hearing Notice 04/15/16 Public Hearing Notice 05/20/16	16-100-10-53610-320-000	277.50 284.50
Berlin Journal P&Z Public Hearing Notice 05/05/16	16-100-10-53610-320-001	406.00
D M Green & Associates, Inc. Dennis Green, RLS CSM Review Fee	16-100-10-53610-210-002	200.00
Green Lake Surveying Company Don Lenz, RLS 1 hr Land Information meeting	16-100-10-53610-210-002	50.00
Ronald J. Triemstra Bd of Adj Meeting 1/15/16 Meeting \$45, Mileage \$.60	16-100-10-53610-140-000	45.60
Kathleen Moore Bd of Adj Meeting 5/20/16 Meeting \$45, Mileage \$27	16-100-10-53610-140-000	72.00
Janice Hardesty Bd of Adj Meeting 5/20/16 Meeting \$45, Mileage \$11.34	16-100-10-53610-140-000	56.34
John Gende Bd of Adj Meeting 1/15/16 Meeting \$45, Mileage \$7.67	16-100-10-53610-140-000	52.67
Nancy Hill Bd of Adj Meetings 1/15/16 & 5/20/16 Meetings \$90, Mileage \$5.40	16-100-10-53610-140-000	95.40
<u>Total Claims</u>		<u>\$1,580.01</u>

Michael Starshak, Committee Chair

Harley Reabe

Robert Lyon

Rich Slate

Ben Moderow

Land Use Violations and Citations

<i>Mncp</i>	<i>First Name</i>	<i>Last Name</i>	<i>Site Address</i>	<i>Notice</i>	<i>Corp Counsel</i>	<i>Disposition</i>	<i>Violation Notes</i>
<i>TBY</i>							
		Yukon Storage et al.	W1734 North St	10/5/2015			No LUP for Mini-Warehousing Expansion, Needs CUP, Update(3-18-16) @ Atty S.Sorenson's office, CUP app. forthcoming.
	Keith A	Meyer	N6640 County Road PP	1/22/2010	2/17/2010		Subdivided lands without CSM and proper rezone (Update 3-8-16) Summons & Complaint served 3-5-16.
<i>TGL</i>							
	George A.	Dallas	W1144 Spring Grove Rd	3/17/2016			Outdoor Lighting Violation. Three (3) fixtures trained on westerly neighbor.
<i>TMC</i>							
	Randall/Deborah	Schure	Schure Rd	4/5/2010			Land division without CSM or rezone. C.Counsel to resolve after Meyer violation or if lot sizes are amended in A-1 District.
<i>TPR</i>							
	Rebecca/Charles	Van Scyoc	N4322 S Lakeshore Dr	1/4/2016			No LUP for Patio, Patio in 75ft setback (Update 4-13-16) FNOV sent. Owner to remove patio by May 2, 2016 or send to C.Counsel.

Sanitation Violation Report

<i>Mncp</i>	<i>Current First</i>	<i>Current Last</i>	<i>Site Address</i>	<i>Complaint Invest</i>	<i>Vio Notice</i>	<i>C Counsel</i>	<i>Disposition</i>	<i>Violation Notes</i>
<i>TBY</i>								
	Keith A	Meyer	N6640 CTH PP		7/1/2015	8/27/2015		Al's Pumping found a problem with the pump. Mr. Meyer called a plumber to fix. Gave him a two week extension.
<i>TPR</i>								
	Monina	Thatcher	N5818 Oak Tree Acr		11/5/2015	4/6/2016		
		MAS Rentals LLC	N5513 CTH C	8/11/2011	8/11/2011	12/29/2015		Emailed this week and he states he has a contractor lined up. Angie will send a letter stating he has one week.

Chapter 338

Shoreland Protection Ordinance

Green Lake County, Wisconsin

Related to structure

1.0	Article
338-15.	Section
338-66.A.	Subsection
338-10.(1)	Paragraph
338-35.(3)(a)	Subdivision
338-33.(1)(a)1.	Sub-paragraph
338-25.(2)(b)2.a.	not designated

Color Code

Black text is DNR Model Ordinance

Red text is Appendix Option from DNR Model Ordinance

Blue text is County P&Z Staff or current Ordinance

Green Text is Act 167 & Act 391

**ARTICLE III
General Provisions**

DRAFT

- §350-11. Findings; abatement of nuisances.
- §350-12. Jurisdiction.
- §350-13. Compliance required; number of buildings per lot; existing construction.
- §350-14. Nonconforming uses, structures and lots.
- §350-15. Accessory building structures.
- §350-16. (Reserved)
- §350-17. Dwelling design and construction.
- §350-18. Area Regulations.
- §350-19. Height regulations.
- §350-20. Front, side and rear yard regulations.**

- A. There shall be a side yard on each side of a **building structure** hereafter erected, moved or structurally altered.
- B. Except as otherwise provided in this ~~Chapter~~ **Section**, every **building structure** hereafter erected, moved or structurally altered ~~for residential purposes~~ shall provide the minimum side and rear yards as required by the following table for the district in which such building is, or is to be, located:

District	Each Side Yard (feet)	Rear Yard (feet)
Residential	12	25
Recreational	12	25
Agricultural	12	25
Conservancy	20	25
*Commercial	12	25
*Industrial	20	25

*Commercial and Industrial buildings are required to provide an additional setback 1.1 times their overall height.

- C. Except as otherwise provided in this ~~chapter~~ **Section**, every **building structure** hereafter erected, moved or structurally altered ~~for any purpose, except farm buildings not permanently fixed to the ground,~~ shall be set back from the adjoining highway or highways as required by Article VI, Highway Setback Lines.
- D. ~~No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space required for another building.~~
- E. Lots 85 feet in width and under shall have a side yard setback of 10 feet on both sides. Lots 85 feet through 100 feet in width shall be 12% of the lot width on both sides as a ~~minimum side yard setback. This amendment does not apply to code compliant established and existing structures and uses in effect as of April 30, 1995.~~

- ~~F. Where any building structure hereafter erected, moved or structurally altered is located within 200 feet of another building that fronts on the same highway, road or street and that has a setback of more or of less than that required by this chapter, the setback for the first said structure shall be the average of the setback provided for the second said structure and the setback required by this chapter, provide that no such setback need be greater than 1 ½ times the setback required by this chapter.~~
- G. **Except as otherwise provided in this ordinance,** No ~~building or structure~~ shall be erected or extended in a required yard, ~~except for an accessory building in a rear yard and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 12 inches.~~
- ~~H. Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet and into a required court not more than 3 ½ feet, provided they be so located not to obstruct light and ventilation.~~

ARTICLE V Nonbuilding Structures

§ 350-43. Signs ...

§ 350-44. **Mobile tower siting regulations**

The purpose of this section is to regulate by land use permit the siting and construction of any new mobile service support structure and facilities, Class 1 collocations (the substantial modification of an existing support structure and mobile service facilities), and Class 2 collocations (collocations that do not require the substantial modification of an existing support structure and mobile service facilities).

DEFINITIONS: All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

- A. Siting and construction of any new mobile service support structure and facilities and Class 1 collocations (substantial modifications to existing support structure and mobile support facilities)
- (1) The siting and construction of any new mobile service support structure and facilities as well as for Class 1 collocations (substantial modifications to existing support structure and mobile support facilities) are conditional uses in the areas subject to the provisions of this ordinance (See ARTICLE VII. Conditional Use Permits). A land use permit is also required.
 - (2) A land use permit application must be completed by any applicant and submitted to the Land Use Planning & Zoning Department. The application must contain the following information:
 - (a) The name and business address of, and the contact individual for, the applicant.

- (b) The location of the proposed or affected support structure.
 - (c) The location of the proposed mobile service facility.
 - (d) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (e) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (f) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (3) The Land Use Planning & Zoning Department will provide a permit application to any applicant, upon request.
- (4) If an applicant submits an application for a land use permit to engage in an activity described in this section, which contains all of the information required under this ordinance, the Land Use Planning & Zoning Department shall consider the application complete. If the Land Use Planning & Zoning Department does not believe that the application is complete, the Land Use Planning & Zoning Department shall notify the applicant in writing within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (5) Within 90 days of its receipt of a complete application, the Land Use Planning & Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Planning & Zoning Department may agree in writing to an extension of the 90 day period:
- (a) Review the application to determine whether it complies with all applicable ordinance standards.

- (b) Make a final decision whether to approve or disapprove the application.
 - (c) Notify the applicant, in writing, of its final decision.
 - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (6) The Land Use Planning & Zoning Department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (2)(f).
- (7) A fall zone setback 1.1 times the total height of the new mobile service support structure or any substantial modification (Class 1 collocation) shall be required.
- (8) If an applicant provides the Land Use Planning & Zoning Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in this ordinance, that zoning ordinance standards do not apply to such a structure unless the Land Use Planning & Zoning Department provides the applicant with substantial evidence that the engineering certification is flawed.
- (9) The fee for the land use permit is \$3000.

B. Class 2 Collocations

- (1) A land use permit is required for a Class 2 collocation. A Class 2 collocation is a permitted use in the areas subject to this chapter, but still requires the issuance of a land use permit.
- (2) A land use permit application must be completed by any applicant and submitted to the Land Use Planning & Zoning Department. The application must contain the following information:
- (a) The name and business address of, and the contact individual for, the applicant.
 - (b) The location of the proposed or affected support structure.
 - (c) The location of the proposed mobile service facility.
- (3) The Land Use Planning & Zoning Department will provide a land use permit application to any applicant upon request.
- (4) A Class 2 collocation is subject to the same requirements for the issuance of a

land use permit to which any other type of commercial development or land use development is subject.

- (5) If an applicant submits a land use permit application to the Land Use Planning & Zoning Department for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Land Use Planning & Zoning Department shall consider the application complete. If any of the required information is not in the application, the Land Use Planning & Zoning Department shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - (6) Within 45 days of its receipt of a complete application, the Land Use Planning & Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Planning & Zoning Department may agree in writing to an extension of the 45 day period:
 - a. Make a final decision whether to approve or disapprove the application.
 - b. Notify the applicant, in writing, of its final decision.
 - c. If the application is approved, issue the applicant the relevant permit.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
7. The fee for the permit is \$500.

Article XII Fee Schedule

§350-76. Fees [Amended 12-21-2004 by Ord. No. 822-04; 5-16-2006 by Ord. No. 861-06]

The following fees shall be paid to the Green Lake County Land Use Planning and Zoning Department at the time of application for each service requested as listed below to defray the cost of administration, investigation, advertising and processing:

- A. ~~Unless otherwise provided in this ordinance, the~~ land use permit fee shall be based on cost of construction value of project (labor included).

(1) Fee.

(continued)

Model County
SHORELAND PROTECTION ZONING ORDINANCE

Statutory References and Policy Options

Adjacent to each section of the Model, the Department has referenced where that section is located in NR 115 or in other Statutes and Codes. A County is not required to adopt these references in its ordinance, but may utilize the references for organizational purposes in ordinance development. Additionally, this document contains text referencing policy options in Appendix A. These policy options are not required under NR 115 or Ch. 59 of the Wisconsin Statutes, but are provided as suggestions for counties in the effective implementation of their shoreland protection zoning ordinance.

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Appendix A

Shoreland Zone Determination Criteria

Appendixes

- ~~A) Background Information Regarding Impervious Surfaces and General Suggestions for Implementing Impervious Surface Standards~~
- ~~B) Suggested Policy Options~~
- ~~C) Sample Affidavit and sample affidavit instructions~~

NOTICE AND HEARING REQUIRED

A Class 2 notice under ch. 985, Wis. Stats. is required prior to county adoption of a shoreland zoning ordinance and a public hearing. A Class 2 notice consists of publication of the hearing notice on 2 consecutive weeks, the last at least 7 days prior to the hearing. Notice to the Department of Natural Resources Shoreland-Wetland zoning program of the proposed hearing and language. A request and issuance of a certificate of compliance is also required prior to final adoption.

PREFACE

Revision Required

This Model Shoreland Zoning Ordinance is an update of the Wisconsin Shoreland Protection Ordinance developed by the Department of Natural Resources in December of 1967 and updated in 1985, in 2010, in 2014, and again in 2015. Initial revision was necessary when ch. NR 115, Wis. Adm. Code, was repealed and recreated in November 1980 to include wetland protection in shoreland areas. This model was written to assure compliance with the objectives of shoreland zoning enabling statutes 281.31 and 59.692 and to parallel as closely as possible the regulatory provisions of ch. NR 115, Wis. Adm. Code, and the statutory language reflected in Act 55.

Provisions Deleted

These modifications are necessary to accomplish the purpose and goals of NR 115 as published on October 1, 2014. This model is one way to meet the standards as adopted including relevant case laws. As experience and case law demands we will periodically modify this language to stay consistent with current standards.

Shoreland Wetland Provisions

NR 115 currently contains absolute standards for permitted uses in shoreland wetlands which cannot be made more or less restrictive. NR 115 does not prohibit counties to protect wetlands outside of the shoreland jurisdictional area.

Shoreland Zoning Standards

Previous shoreland zoning standards contained in NR 115 allowed counties to adopt more restrictive land use regulations, however Act 55 does not allow for a shoreland zoning ordinance to regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard. However, counties can continue to regulate a matter that is not regulated by a shoreland zoning standard.

Adopt the Model or Amend Your Existing Ordinance?

The adoption of this model ordinance will meet the required minimum standards contained in NR 115 and the maximum standards as required by Act 55, which may be found at <http://legis.wisconsin.gov/nr/code/nr/nr115.pdf> An existing ordinance may afford more effective shoreland management than what may be afforded by the model

by creating standards for areas of NR 115 and by addressing other matters that may be regulated. The model ordinance at minimum will need to be adopted in order to be in compliance.

ARTICLE 1.0

Introduction

SHORELAND PROTECTION ORDINANCE

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE

338-1. 1.1 Statutory authorization. This chapter ordinance is adopted pursuant to the authorization in ss. 59.692 Wis. Stats, to implement 59.692 and 281.31, Stats.

338-2. 1.2 Finding of Fact. Uncontrolled use of the shorelands and pollution of the navigable waters of Green Lake County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Green Lake County, Wisconsin.

338-3. 1.3 Purpose and Intent. NR115.04 For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this chapter ordinance has been established to:

- A. 1.31 Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
 - (1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
 - (2) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
 - (3) Controlling filling and grading to prevent soil erosion problems.
 - (4) Limiting impervious surfaces to control runoff which carries pollutants.

- B. 1.32 Protect spawning grounds, fish and aquatic life through:
 - (1) Preserving wetlands and other fish and aquatic habitat.
 - (2) Regulating pollution sources.
 - (3) Controlling shoreline alterations, dredging and lagooning.

- C. 1.33 Control building sites, placement of structures and land uses through:
 - (1) Prohibiting certain uses detrimental to the shoreland-wetlands.
 - (2) Setting minimum lot sizes and widths.
 - (3) Setting minimum building setbacks from waterways.
 - (4) Setting the maximum height of near shore structures.

- D. 1.34 Preserve and restore shoreland vegetation and natural scenic beauty through:
 - (1) Restricting the removal of natural shoreland cover.

- (2) Preventing shoreline encroachment by structures.
- (3) Controlling shoreland excavation and other earth moving activities.
- (4) Regulating the use and placement of boathouses and other structures.

338-4. 1.4 Title. This chapter shall be known, cited and referred to as the Shoreland Protection Ordinance for Green Lake County, Wisconsin.

338-5. Effective. This chapter shall be effective upon final adoption by the Green Lake County Board and publication as provided for in the Wisconsin Statutes. Prior to final adoption the Department shall issue a certificate of compliance for this chapter.

Any previously adopted versions of Chapter 338 shall be replaced with this chapter in their entirety upon the effective date of this chapter.

ARTICLE 2.0

General Provisions

2.0 GENERAL PROVISIONS:

338-6. 2.1 Areas to be regulated. Areas regulated by this chapter ordinance shall include all the lands, referred to herein as shorelands, in the unincorporated areas of Green Lake County which are:

- A. ~~2.11~~ Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. ~~(NR 115.03(8))~~ Navigability of lakes, ponds, or flowages in Green Lake County shall be determined based on criteria established in Appendix A of this chapter and revisions thereto.

See Policy Option in Appendix B ~~(Did not use)~~

- B. ~~2.12~~ Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. ~~(NR 115.03(8))~~ Navigability of rivers and streams in Green Lake County shall be determined based on criteria established in Appendix A of this chapter and revisions thereto.

See Policy Option in Appendix B ~~(Did not use)~~

- C. ~~2.13~~ The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Wis. Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, ~~local shoreland ordinances~~ this chapter. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to ~~local shoreland zoning ordinances~~ this chapter if s. 30.2022 (1), Wis. Stats., applies. ~~(NR 115.02)~~

Shoreland zoning requirements in annexed or incorporated areas are

provided in s. 61.353 and s. 62.233, Wis. Stats.

- D. ~~2.14~~ Determinations of navigability and ordinary high-water mark location shall initially be made by the [Land Use Planning and Zoning Department zoning administrator](#). When questions arise, the [Land Use Planning and Zoning Department zoning administrator](#) shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. [The County may work with surveyors with regards to s. 59.692\(1h\).](#)
- E. ~~2.15~~ Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this [chapter shoreland zoning ordinance](#) does not apply to:

(1) lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river;
- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(2) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

338-7. 2-2 Shoreland-Wetland maps. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this [chapter ordinance](#).

These maps may be viewed at:

<http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

These maps may also be viewed from the GIS Viewer at the County's website:

<http://gis.co.green-lake.wi.us/>

338-8. 2-3 Compliance. ~~(NR 115.04)~~ The use of any land, the size, shape and placement of lots [and parcels](#), the use, size, type and location of structures on lots [and parcels](#), the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots [and parcels](#), shall be in full compliance with the terms of this [chapter ordinance](#) and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this [chapter ordinance](#). [The property owner\(s\), builders and or the contractor\(s\) under the direction of the property owner\(s\)](#) are responsible for compliance with the terms of this [chapter ordinance](#).

338-9. 2-4 Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this [chapter ordinance](#) and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1) Wis. Stats., applies.

338-10. 2.5 Abrogation and greater restrictions. (~~s. 59.692(5) Wis. Stats.~~) **When more restrictive**, the provisions of this **chapter ordinance** supersede any provisions in a county zoning ordinance that solely relate to shorelands. **Therefore, In other words** if a zoning standard **of another ordinance** only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this **chapter ordinance** supersedes those provisions. However, where **another ordinance** adopted under a statute other than s. 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this **chapter ordinance**, ~~for example a floodplain ordinance~~, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

A. 2.51 (~~s. 59.692(2)(a), Wis. Stats.~~) This **chapter ordinance** shall not require approval or be subject to disapproval by any town or town board.

B. 2.52 (~~s. 59.692(2)(b), Wis. Stats.~~) If an existing town ordinance relating to shorelands is more restrictive than this **chapter ordinance** or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

C. 2.53 This **chapter ordinance** is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this **chapter ordinance** imposes greater restrictions, the provisions of this **chapter ordinance** shall prevail.

~~2.54 The following provisions of the County Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.~~

D. 2.55 (~~s. 59.692(1d)(b), Wis. Stats.~~) This **chapter ordinance** may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland **protection zoning** as described in section **338-3. 4-3** of this **chapter ordinance**,

E. 2.56 (~~s. 59.692(1k)(a)1., Wis. Stats.~~) Counties may not establish shoreland zoning standards in a shoreland **protection zoning** ordinance that requires any of the following:

(1) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

(2) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

F. (s.59.692(7), Stats) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

(1) The department issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281 or 283.

A "facility" means any property or equipment of a public utility, as defined in s.196.01(5), or a cooperative association organized under ch.185 for the purpose of producing or furnished heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat light or power.

338-11. 2-6 Interpretation. ~~(59-69(13))~~ In their interpretation and application, the provisions of this chapter ordinance shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this chapter ordinance is required by statute and a standard in chapter NR 115, Wis. Adm. Code, and where the chapter ordinance provision is unclear, the provision shall be interpreted in light of the statute and chapter NR 115 standards in effect on the date of the adoption of this chapter ordinance or in effect on the date of the most recent text amendment to this chapter ordinance.

338-12. 2-7 Severability. If any portion of this chapter ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter ordinance shall not be affected.

338-13. thru 338-15. Reserved

ARTICLE 3.0

Shoreland-Wetland District

~~3.0 SHORELAND-WETLAND DISTRICT. (NR 115.04)~~

338-16. 3-1 Designation. This district shall include all shorelands within the jurisdiction of this chapter ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as referenced in Section 338-7. ~~depicted on the Department of Natural Resources Surface Water Data Viewer.~~

See Note section in Appendix B. (Did not use)

~~3-1 Note: Be sure to include reference to the most recent version of the Wisconsin Wetland Inventory. Many counties have received new inventory data in the past several years but have not initiated an amendment to incorporate that into their ordinance. It is recommended that instead of making a specific reference to the year of the update that you make reference the Department of Natural Resources Surface Water Data Viewer for your mapping reference. It is also important to recognize that there is no specific reference to acreage and should not be referenced in ordinance text.~~

- A. ~~3-11~~ Locating Shoreland-Wetland boundaries. ~~(NR 115.04(b)2.note)~~ Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland land use zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable

period of time.

338-17. 3.2 Purpose. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

338-18. 3.3 Permitted uses. (~~NR 115.04(3)~~) The following uses shall be allowed, subject to general shoreland protection zoning regulations contained in this chapter ordinance, the provisions of chapters. 30, 31 and 281.36, Wis. Stats. and the provisions of other applicable local, state and federal laws:

- A. ~~3.34~~ Activities and uses which do not require the issuance of a land use zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under Subsections ~~338-18.A. 3.34~~ or ~~338-18.B. 3.32~~.
- (1) Hiking, fishing, trapping, hunting, swimming, and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The pasturing of livestock;
 - (4) The cultivation of agricultural crops;
 - (5) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - (6) The construction or maintenance of duck blinds.
- B. ~~3.32~~ Uses which do not require the issuance of a land use zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
- (1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - (2) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
 - (3) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction or maintenance of piers, docks or walkways built

on pilings, including limited excavating and filling necessary for such construction and maintenance; and

- (6) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

C. 3.33 Uses which require the issuance of a [land use zoning](#) permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

- (1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 - (a) The road cannot as a practical matter be located outside the wetland;
 - (b) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in [Subsection 338-20.B.3-52](#);
 - (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (d) Road construction activities are carried out in the immediate area of the roadbed only.
- (2) The construction or maintenance of nonresidential buildings, provided that:
 - (a) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - (b) The building cannot, as a practical matter, be located outside the wetland;
 - (c) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
 - (d) Only limited filling or excavating necessary to provide structural support for the building is authorized.
- (3) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
 - (a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under chapter 29, Wis. Stats., where applicable;
 - (b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in ~~section 3.33(1)(a)-(d)~~ [Subdivisions 338-18.C.\(1\)\(a\)-\(d\)](#) and;
 - (c) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor

education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

- (4) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
 - (a) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - (b) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in [Subsection 338-20.B. 3.52](#).

338-19. 3.4 Prohibited uses. ~~NR 115.04(4)~~ Any use not listed in [Subsections 338-18.A., 3.31, 3.32 338-18.B. or 338-18.C. 3.33](#) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this [chapter ordinance](#) in accordance with [Section 3.5 338-20.](#) of this [chapter ordinance](#) and s. 59.69(5)(e), Wis. Stats.

338-20. 3.5 Rezoning of lands in the Shoreland-Wetland District. ~~(NR 115.04(2))~~

- A. ~~3.51~~ For all proposed text and map amendments to the shoreland-wetland provisions of this [chapter ordinance](#), the appropriate office with the Department shall be provided with the following:
 - (1) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this [chapter ordinance](#), within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this [chapter ordinance](#) describing any proposed rezoning of a shoreland-wetland;
 - (2) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
 - (3) A copy of the [County Land Use Planning and Zoning Committee's zoning-agency's](#) findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
 - (4) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.
- B. ~~3.52~~ A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (1) Storm and flood water storage capacity;
 - (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another

area, or the flow of groundwater through a wetland;

- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreline protection against soil erosion;
- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf> .

- C. ~~3-53~~ If the Department notifies the [Land Use Planning and Zoning Committee](#) ~~county zoning agency~~ that a proposed text or map amendment to the shoreland-wetland provisions of this ~~chapter ordinance~~ may have a significant adverse impact upon any of the criteria listed in [Subsection 338-20.B. 3-52](#) of this ~~chapter ordinance~~, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6) adoption procedure is completed or otherwise terminated."

338-21. Reserved

ARTICLE 4.0

Land Division and Sanitary Regulations

~~4.0 LAND DIVISION REVIEW AND SANITARY REGULATIONS (NR 115.05(2))~~

338-22. 4.1 Land division review. ~~(NR 115.05(2))~~The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more [lots or](#) parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

- A. Hazards to the health, safety or welfare of future residents.
- B. Proper relationship to adjoining areas.
- C. Public access to navigable waters, as required by law.
- D. Adequate stormwater drainage facilities.
- E. Conformity to state law and administrative code provisions.

338-23. 4.2 Planned unit development (PUD). (NR 115.05(1)(a)4.)

- A. 4.21 Purpose. The Planned Unit Development is intended to permit smaller non-riparian lots and parcels where the physical layout of the lots and parcels is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots and parcels were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
- B. 4.22 REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT. The County Board may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
- (1) Area. The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
 - (2) Lots and parcels. Any proposed lot or parcel in the Planned Unit Development that does not meet the minimum size standards of Sections 338-27. 5.2 and 338-28. 5.3 shall be a non-riparian lot or parcel.
 - (3) Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot or parcel sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Vegetative shore cover provisions in Section 338-37. 7.2 shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

Note — Counties should be aware that the planned unit development standards, as written, grant back lot access (key holing) without applying frontage requirement standards to determine overall density. This comports to NR115.05(1)(a)4. Counties may optionally include requirements to limit overall density based upon minimum frontage standards as well. These types of developments may also be known as conservation subdivisions or planned residential development. The provisions of NR 115.05(1)(a)4.) apply to these types of developments where there may be a combination of a density bonus, smaller lot size and preservation of open space.

See Policy Options in Appendix B (See below)

- C. 4.23 The procedure for establishing a Planned Residential Unit Development district shall be as follows:
- (1) Petition. A petition setting forth all of the facts required in Subsection 4.22 338-23.B. shall be submitted to the county clerk with sufficient

copies to provide for distribution by the county clerk as required by Subsection 338-62.H. ~~43.1f.~~

- (2) Review and Hearing: The petition shall be submitted to the County Land Use Planning and Zoning Committee ~~zoning agency~~ established as required by s. 59.69(3)(d), Wis. Stats., which shall hold a public hearing and report to the county board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in Subsection 338-65.A. ~~43.42~~ of this chapter ordinance.

The Land Use Planning and Zoning Committee's ~~county zoning agency's~~ report to the county board shall reflect the recommendations of any federal, state or local agency with which the Land Use Planning and Zoning Committee ~~county zoning agency~~ consults.

- (3) Findings and Conditions of Approval. The county board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in Subsection 338-23.B. ~~4.22.~~ If the petition is granted in whole or part, the county board shall attach such written conditions to the approval as are required by and consistent with Subsection 338-23.B. ~~4.22.~~ The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone and open space requirements.
- (4) Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Subsection 338-23.B. ~~4.22~~ or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.

338-24. 4.3 Sanitary regulations. (NR 115.05(3)) Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

- A. Where public water supply systems are not available, private well construction shall be required to conform to chapter NR 812, Wis. Adm. Code.
- B. Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with chapter SPS Comm. 383, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Wis. Stats.

338-25. Reserved

ARTICLE 5.0

Lot and Parcel Size

5.0 MINIMUM LOT SIZE (NR 115.05(1))

338-26. 5.1 Purpose. (NR115.05(1)(a)) Minimum lot and parcel sizes in the shoreland area are shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

See Policy Option in Appendix B (See below)

- A. In calculating the minimum area or width of a lot or parcel, the beds of navigable waters shall not be included.

338-27. 5.2 Sewered lots and parcels. (NR 115.05(1)(a)1.) MINIMUM AREA AND WIDTH FOR EACH LOT OR PARCEL.

- A. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

See Policy Options in Appendix B (See below)

(1) The width shall be calculated by averaging the shortest horizontal measurements at the following 3 locations:

(a) The landward distance at the ordinary high water mark between the side boundary lines.

~~(b) The building setback line.~~

~~(b) One other location on the lot within 300 feet of the ordinary highwater mark.~~ Distances at any angle point along the side boundary line.

(c) The street/access boundary line.

(d) The rear boundary line, where applicable.

~~1. The width shall be calculated by averaging the measurements at the following locations:~~

~~a) The ordinary high water mark~~

~~b) The building setback line~~

~~c) The rear lot line~~

338-28. 5.3 Unsewered lots and parcels. (NR 115.05(1)(a)2.) MINIMUM AREA AND WIDTH FOR EACH LOT OR PARCEL.

- A. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

See Policy Options in Appendix B (See below)

(1) The width shall be calculated by averaging the shortest horizontal measurements at the following 3 locations:

(a) The landward distance at the ordinary high water mark between the side boundary lines.

~~(b) The building setback line.~~

~~(b) One other location on the lot within 300 feet of the ordinary highwater mark.~~ Distances at any angle point along the side boundary line.

(c) The street/access boundary line.

(d) The rear boundary line, where applicable.

~~1. The width shall be calculated by averaging the measurements at the following locations:~~

- ~~a) The ordinary high water mark~~
- ~~b) The building setback line~~
- ~~c) The rear lot line~~

338-29. 5.4 Substandard lots and parcels. ~~(NR 115.05(1)(a)3.)~~ A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- A. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- B. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- C. The substandard lot or parcel is developed to comply with all other ordinance requirements of this chapter.

Notes: The intent of this provision is to allow lots and parcels that were legally created that currently do not meet the minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots and parcels that have been reconfigured by a certified survey map or consolidated into one legal description with the register of deeds, which result in a larger (closer to conforming) lot or parcel should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated. Lots or parcels that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

338-30. 5.42 Other substandard lots and parcels. Except for lots which meet the requirements of Subsection 338-29. 5.4 a land use building permit for the improvement of a lot or parcel having lesser dimensions than those stated in Subsections 338-27. 5.2 and 338-28. 5.3 shall be issued only if a variance is granted by the board of adjustment.

338-31. Reserved

ARTICLE 6.0

Setbacks

~~6.0 BUILDING SETBACKS. (NR 115.05(1)(b)) Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.~~

338-32. Building Setbacks. Building setbacks shall be established to conform to health safety and welfare requirements.

- A. ~~6.1 Shoreland setbacks. (NR115.05(1)(b)1.)~~ Setbacks are established to

conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. Unless exempt under 338-32.B. 6.11, or reduced under 338-33. 6.2, a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

(1) ~~6.11~~ Exempt structures. (NR 115.05(1)(b)1m.) Per 59.692(1k)(a)(6), All of the following structures are exempt from the shoreland setback standards in ~~subd 6.4~~ Section 338-32.:

- (a) Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.
 - 1. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
 - 2. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
 - 3. One boathouse is permitted on a lot or parcel as an accessory structure.
 - 4. Boathouses shall not be constructed where the existing slope is more than 20%.
 - 5. Boathouses shall be constructed in conformity with local floodplain zoning standards.
 - 6. Boathouses shall not exceed be one story with sidewalls not exceeding 10 feet and a footprint within the access and viewing corridor of the vegetative buffer of 16 feet in the width by 24 feet in depth square feet in floor area.
 - 7. Boathouse roofs shall not be designed with a pitched roof having a maximum slope of 4/12 and in no case shall be designed for use as a deck, observation platform or for other similar uses.
 - 8. Earth toned color shall be required for all exterior surfaces of a boathouse.
 - 9. The main door shall face the water.
 - 10. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
 - 11. Per 59.692(1o) Stats, The roof of an existing boathouse may be used as a deck provided that the boathouse has a flat roof, has no side walls or screened walls and has a railing that meets Department of Safety and Professional Services standards.
- (b) Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Stats.
 - 1. The part of the structure that is nearest to the water is

- located at least 35 feet landward from the ordinary-high water mark.
2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
 3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 4. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

See Policy Option in Appendix B (see below)

Note: The statutory requirements under s. 59.692(1v) which require the establishment of a vegetative buffer for the construction of open sided structures is not superseded by s. 59.692(1f)(a).

5. The structure must be free standing and more than five-feet from a principal structure.
 6. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.
- (c) Fishing rafts that are authorized on the Wolf river and Mississippi river under s. 30.126, Stats.
 - (d) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
 - (e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with chapter SPS Comm. 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
 - (f) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.
 - (g) Devices or systems used to treat runoff from impervious surfaces.
- (2) Existing Exempt Structures. Per 59.692(1k)(a)2m, Stats. Existing exempt structure may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. The expansion of a structure beyond the existing footprint may be permitted if the expansion is necessary to comply with applicable state and federal requirements.

Note: Section 59.692(1k)(a)2m, Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 338-32.B. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted

pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

~~B. 6.2 Reduced principal structure setback. (NR 115.05(1)(b)1.) Existing development pattern means that principal structures exist within 250 feet of the proposed principal structure in both directions along the shoreline. Where there is an existing development pattern, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot of the proposed principal structure. The shoreland setback may not be reduced to less than 35 feet from the ordinary high water mark of any navigable waters. REDUCED PRINCIPAL STRUCTURE SETBACK. (s.59.692(1n), Stats) A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:~~

- (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - (a) Both of the existing principal structures are located on an adjacent lot to the proposed principal structure.
 - (b) Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
 - (c) Both of the existing principal structures are located less than 75' from the ordinary high water mark.
 - (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

Note: s. 59.692(1d)(a), Stats, requires counties to adopt the standards consistent with section 6.2(1) for reducing the shoreland setback.

C. In addition to the shoreland setback standards in A. and B. above, buildings and structures shall comply with the following setback standards.

- (1) Side yard: 12 foot minimum for lots at least 85 feet wide.
- (2) Side yard: 10 foot minimum for lots less than 85 feet wide.
- (3) Street yard: 25 foot minimum

D. In addition to the shoreland setback standard in A. & B. above, fences shall comply with the following:

- (1) All fences, no greater than 8 feet in height, may be allowed along any lot line excluding the street right-of-way line and the side lot lines within the street yard setback.
- (2) Open style fences (greater than 50% open space), no greater than 4 feet in height, may be allowed along the street right-of-way line and along side lot lines within the street yard setback.

E. In addition to the shoreland setback standard in A. & B. above, retaining walls shall comply with the following:

- (1) Retaining and decorative/landscape walls may be allowed in the street yard, side yard and rear yard with a minimum zero setback, however, are not allowed in the shoreland setback area.

338-33. 6.3 Floodplain structures. ~~(NR 115.05(1)(b)2.)~~ Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

338-34. and 338-35. Reserved

ARTICLE 7.0

Vegetation

7.0 VEGETATION ~~(NR 115.05(1)(e))~~

338-36. 7.1 Purpose. ~~(NR 115.05(1)(e)1.)~~ To protect natural scenic beauty, fish and wildlife habitat, and water quality, ~~a county~~ **this Article** shall regulate removal of vegetation in shoreland areas, consistent with the following: ~~The standards if this chapter shall~~ **county shall establish ordinance standards** that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

338-37. 7.2 ESTABLISHMENT OF A Vegetative buffer zone. ~~(NR 115.05(1)(e)2.)~~ To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, ~~there~~ **county ordinance** shall **be** designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows.

- A. The county may allow routine maintenance of vegetation.
- B. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Stats. the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the for the entire maximum width or shoreline frontage owned.
- C. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1.25 (2) (b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.
- D. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating

an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.

- E. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this **Subsection** ~~subd. par.~~ shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

Note: Section 59.692(1f)(a) prohibits counties from requiring a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, as part of a counties shoreland mitigation standards, the establishment or expansion of the vegetative buffer may remain an option.

See Policy Option in Appendix B (**Did not use.**)

338-38. and 338-39. Reserved

ARTICLE 8.0

Land Disturbing Activity

338-40. 8.0 Land disturbing activity. ~~FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING (NR115.05(1)(d))~~ Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of chapter 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

See Policy Option in Appendix B (**see below**)

338-41. 8.1 General standards. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under **Section 338-42. 8.2** may be permitted in the shoreland area provided that:

A. **8.11** It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

B. **8.12** Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of **Subsections 338-18.B. 3.32 and 338-18.C. 3.33** of this chapter ordinance.

C. **8.13** All applicable federal, state and local authority is obtained in addition to a permit under this **chapter ordinance**.

D. **8.14** Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

338-42. 8-2 Permit required. Except as provided in Section 338-43. 8-4, a permit is required:

A. 8-21 For any filling or grading of any area which is within 300 feet landward of the ordinary highwater mark of navigable water and which has surface drainage toward the water and on which there is either:

- (1) Any filling or grading on slopes of more than 20%.
- (2) Filling or grading of more than 1,000 sq. ft. on slopes of 12%-20%.
- (3) Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.

B. 8-22 For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary highwater mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

338-43. 8-4 Permit conditions. In granting a permit under Section 338-42. 8-2, the County shall attach the following conditions, where appropriate, in addition to those provisions specified in Sections 338-63. 13-2 or 338-65. 13-4.

A. 8-41 The smallest amount of bare ground shall be exposed for as short a time as feasible.

B. 8-42 Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

C. 8-43 Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

D. 8-44 Lagoons shall be constructed to avoid fish trap conditions.

E. 8-45 Fill shall be stabilized according to accepted engineering standards.

F. 8-46 Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

G. 8-47 Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

338-44. Reserved

ARTICLE 9.0

Impervious Surfaces

~~9.0 IMPERVIOUS SURFACE STANDARDS. (NR 115.05(1)(e))~~

338-45. 9-1 Purpose. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County Impervious surface standards of this chapter shall apply to the construction,

reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

338-46. 9.2 CALCULATION OF PERCENTAGE OF Impervious surface calculation. (NR 115.05(1)(e)1.) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in **Section 338-49. 9.5** shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

Note: NR 115.05(1)(e)1m. clarifies that if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc... on that portion of the lot or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

For properties that have **condominium ownership** been "condominiumized" the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

338-47. 9.3 GENERAL Impervious surface standard. (NR 115.05(1)(e)2.) Except as allowed in **Subsections 338-47.A. 9.31 through 338-49. 9.5** allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

A. 9.31 Impervious surface standard for highly developed shorelines. (NR 115.05(1)(e)2m.) The county at its discretion may adopt an ordinance for highly developed shorelines allowing up to 30% for residential land use and up to 40% for commercial, industrial or business land uses for lands that meets one of the following standards:

- (1) The highly developed shoreline is identified as an Urbanized Area or Urban Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January 31, 2013.
- (2) After conducting a hearing and receiving approval by the department of natural resources, the county has mapped additional areas of highly developed shorelines that are at least 500 feet in length and meet the one of the following criteria:
 - (a) The majority of the lots are developed with more than 30% of impervious surface area.
 - (b) Located on a lake served by a sewerage system as defined in NR

(c) The majority of the lots contain less than 20,000 square feet in area.

Note: Counties are not required under s. 59.692 to adopt the impervious surface standards for highly developed shorelines in [Subsection 338-47.A. 9-34](#) but are required to adopt the general impervious surface standard in [Section 338-47. 9-3](#).

338-48. 9.4 Maximum impervious surface. (~~NR 115.05(1)(e)3.~~) A property may exceed the impervious surface standard under [Section 338-47. 9-3](#) or [Subsection 338-47.A. 9-34](#) provided the following standards are met:

A. For properties where the general impervious surface standard applies under [Section 338-47. 9-3](#), a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

B. For properties on shorelands where the impervious surface standard for highly developed shorelines applies under [Subsection 338-47.A. 9-34](#), a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial or business land uses a property owner may have more than 40% impervious surface but not more than 60% impervious surface.

C. For properties that exceed the standard under [Section 338-47. 9-3](#) or [Subsection 338-47.A. 9-34](#) but do not exceed the maximum standard under [Subsections 338-48.A. 9.4\(1\)](#) or [338-48.B. 9.4\(2\)](#), a permit can be issued for development with a mitigation plan that meets the standards found in [Section Article 12.0](#).

Note: Counties that do not adopt the impervious surface standards for highly developed shorelines are not required to adopt [Subsection 338-48.B. 9.4\(2\)](#).

338-49. 9.5 Treated impervious surfaces. (~~NR115.05(1)(e)3m. and s. 59.692(1k)(a)1.e.~~) Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under [Section 338-46. 9-2](#).

A. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

B. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

Note: The provisions in [Section 338-49. 9-5](#) are an exemption from the impervious surface standards and as such should be read construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with [section 338-49. 9-5](#) will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under [section 338-49. 9-5](#).

See Policy Option in Appendix B (See below)

To qualify for the statutory exemption, property owners shall submit a complete land use permit application, that is reviewed and approved by the county Land Use Planning and Zoning Department. The application shall include the following:

- (1) Calculations showing how much runoff is coming from the impervious surface area.
- (2) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
- (3) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.

(a) The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the land use permit.

338-50. 9.6 Existing impervious surfaces. (NR 115.05(1)(e)4.) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in Section 338-47. 9.3 or the maximum impervious surface standard in section 338-48. 9.4, the property owner may do any of the following:

- A. maintain and repair the existing impervious surfaces;
- B. replace existing impervious surfaces with similar surfaces within the existing building envelope;
- C. relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland protection ordinance, and the impervious surface meets the applicable setback requirements in s. Wis. Admin. Code NR 115.05 (1) (b).

Note: The impervious surface standards in this paragraph (changed to reflect NR 115) ordinance shall not be construed to supersede other provisions in the county shoreland protection ordinance.

All of the provisions of the county shoreland protection ordinance still apply to new or existing development.

338-51. Reserved

ARTICLE 10.0

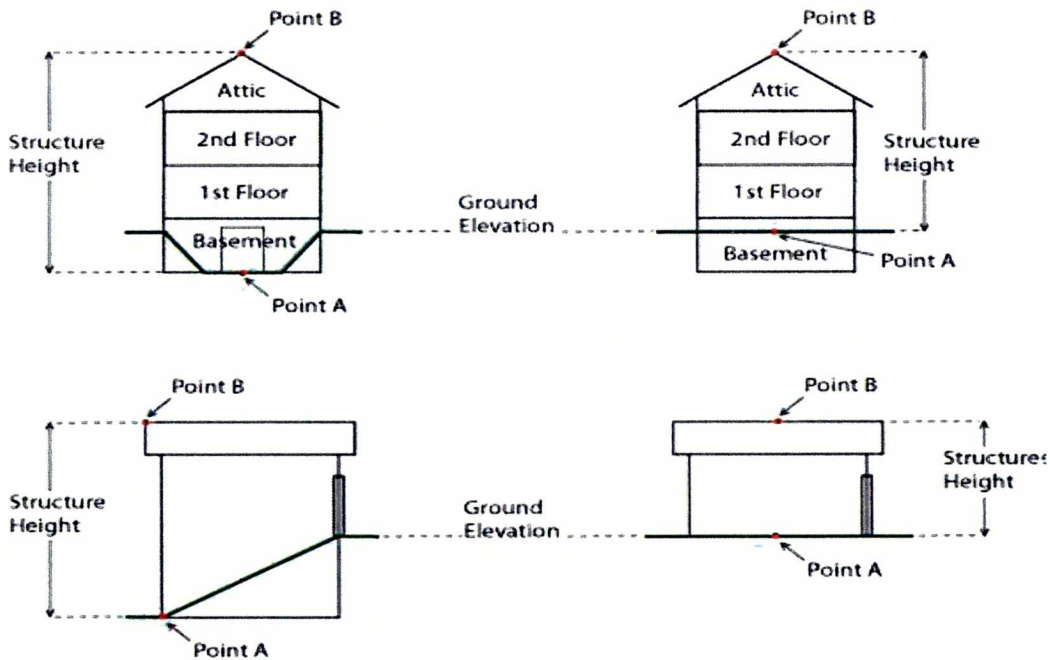
Height

338-52. 10.0 Height. (NR 115.05(1)(f)) To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a land use permit county may not be granted for permit any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

See Policy Option in Appendix B (See below)

A. The structure height for structures at or greater than 75 feet from the ordinary high water mark shall comply with the provisions of other applicable ordinance standards, if any.

B. Structure height within 75 feet of the ordinary high water mark of any navigable water is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the diagram below) to a line horizontal to the highest point of a structure excluding items attached to a structure such as but not limited to chimneys, ornamental towers, vents, television towers, and mechanical appurtenances (Point B in the diagram below), unless specified under other sections of this chapter.



338-53. Reserved

ARTICLE 11.0

Nonconforming Uses and Structures

11.0 ~~NONCONFORMING USES AND STRUCTURES.~~ (NR 115.05(1)(g))

338-54. ~~11.4 Discontinued nonconforming use. (NR 115.05(1)(g)3.)~~ If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance [this chapter](#).

338-55. ~~11.2 Maintenance, repair, replacment or vertical expansion of nonconforming structures. (s. 59.692(1k)(a)1.b. and d.)~~ An existing structure that was lawfully placed when constructed but that does not comply with the required

shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level, as provided in Subsection 338-52.B. Counties may allow Expansion of a structure may be allowed beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)1.b. and d. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in Section 338-57. 44.4. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

Note: NR115.05(1)(b)1m lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

338-56. 44.3 Lateral expansion of nonconforming principal structure within the setback. (NR 115.05(1)(g)5.1 An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Sections 338-32. 6.4 and 338-33. 6.2 may be expanded laterally, provided that all of the following requirements are met:

- A. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- B. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- C. lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- D. The Land Use Planning and Zoning Department county shall issue a permit that requires a mitigation plan that shall be approved by the Land Use Planning and Zoning Department county and implemented by the property owner by the date specified in the land use permit. The mitigation plan shall meet the standards found in Section Article 12.0.
- E. All other provisions of this chapter the shoreland ordinance shall be met.

338-57. 44.4 Expansion of a nonconforming principal structure beyond setback. (NR 115.05(1)(g)5m.) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Sections 338-32. 6.4 and 338-33. 6.2, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per Section 338-32. 6.4 or 338-33. 6.2 and that all other provisions of this chapter the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this Section paragraph, but may be required per section Article 9.0.

338-58. 44.5 Relocation of nonconforming principal structure. (NR 115.05(1)(g)6.4 An existing principal structure that was lawfully placed when constructed but that does not

comply with the required building setback per Sections 338-32. 6-1 and 338-33. 6-2 may be relocated on the property provided all of the following requirements are met:

- A. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- B. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- C. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- D. The Land Use Planning and Zoning Department county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per Section 338-32. 6-1.
- E. The Land Use Planning and Zoning Department county shall issue a permit that requires a mitigation plan that shall be approved by the Land Use Planning and Zoning Department county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section Article 12.0. include enforceable obligations of the property owner to establish or maintain measures that the Land Use Planning and Zoning Department county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
- F. All other provisions of this chapter the shoreland ordinance shall be met.

338-59. MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2. and (a)4.) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 338-59. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control

ARTICLE 12.0

Mitigation

~~338-60. 12.0 Mitigation. s. 59.692(1v), Stats., NR 115.05 (1)(e)3., (g)5., (g)6.)~~ When a land use permit ~~the county issued a permit under this chapter that requires mitigation according to Paragraph 338-32.A.(2) 6.11(2) and Sections 338-48. 9.4 and 338-58. 11.5, 11.7,~~ the property owner must submit a complete permit application that includes a mitigation plan.

A. The application shall be ~~that is~~ reviewed and approved by the County Land Use Planning and Zoning Department. The application shall include the following:

- (1) A scaled site plan that describes with images and notations the proposed mitigation measures
 - a) The mitigation site plan shall be designed and implemented to restore natural functions lost through development and human activities
 - b) The mitigation measures of the plan shall be proportional in scope to the impacts of development on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- (2) An implementation schedule stating the completion date of the mitigation measures. ~~and~~ Also, there shall be an enforceable obligation on the property owner to establish and maintain the mitigation measures.
 - a) The enforceable obligations shall be evidenced by an instrument, Shoreland Mitigation Agreement, recorded in the office of the Register of Deeds, prior to issuance of a land use permit.

See Policy Options in Appendix B
(Used current Green Lake County mitigation standards B. below)

NOTE Each county must select a mitigation system and codify that system in this ordinance that states the exact requirements. There are samples in Appendix C and there is a sample affidavit to the Register of Deeds in Appendix D. The department has developed mitigation recommendations to help guide the county as they develop the shoreland mitigation component of their ordinance. Those mitigation recommendations are available at <http://dnr.wi.gov/topic/ShorelandZoning/documents/MitigationRecommendations.pdf>.

B. The various types of development projects that require mitigation measures based on this chapter shall have options to mitigate the impacts of those development projects as provided herein. In cases where a development project impacts more than one type of development requiring mitigation, mitigation measures shall provide the total points for all affected types of development. The mitigation measures with corresponding mitigation points applicable to development projects requiring mitigation are as follows:

- (1) 3 Points; Creation or restoration of the shoreland vegetative buffer zone. The mitigation points and buffer depth may be modified if a lesser buffer depth is approved by the Land Use Planning and

Zoning Department, based on the scope of the development project.

(2) 1 Point; Each additional 500 square feet of native secondary vegetative shoreland buffer; after the shoreland vegetative buffer zone has been created or restored.

(3) 2 Points; Removal of each building structure having 200 square feet or more of impervious surface within the 75 foot shoreland setback area.

1 Points; Removal of each building structure having less than 200 square feet of impervious surface within the 75 foot shoreland setback area.

Removal area(s) landward of the shoreland vegetative buffer zone shall be restored and vegetated. Removal area(s) within the shoreland vegetative buffer zone shall be in accordance with D. below.

(4) 1 Point; Removal of each 200 square feet of impervious surface within 300 feet of the ordinary high water mark of navigable waters. Removal area(s) landward of the shoreland vegetative buffer zone shall be restored and vegetated. Removal area(s) within the shoreland vegetative buffer zone shall be in accordance with D. below.

(5) 1 Point; Removal of seawalls/bulkheads.

(5) 1 Point; Relocate access and viewing corridor to include boathouse. Vacated area(s) landward of the shoreland vegetative buffer zone shall be restored and vegetated. Vacated area(s) within the shoreland vegetative buffer zone shall be vegetated in accordance with D. below

(6) Stormwater management that will infiltrate the stormwater runoff on a lot or parcel, for a 2 year rainfall event, into a rain garden(s) for conditions stated below. Other infiltration methods may be used as approved by the Land Use Planning and Zoning Department.

(a) 2 Points; Stormwater management practice that will infiltrate all the stormwater runoff from the impervious surface of principal building structure(s).

(b) 3 Points; Stormwater management practice that will infiltrate all the stormwater runoff from the impervious surface of principal building structure(s) and any accessory building structure(s).

(c) 4 Points; Stormwater management practice that will infiltrate the stormwater runoff from all the impervious surface(s).

- C. Types of development requiring mitigation measures are as follows:
- (1) Impervious surface development. Any of the following levels of impervious surface area, based on the standards of Article 9.0 ~~§338-24~~, shall provide mitigation measures having the following number of mitigation points.
 - (a) 5 mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 15% and up to and including 20%.
 - (b) 6 mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 20% and up to and including 25%.
 - (c) 7 mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 25% and up to and including 30%.
 - (2) Vertical expansion of a nonconforming principal structure per Section 338-55. ~~§338-47.C.(3)~~ shall require a mitigation plan that includes any mitigation measures listed in Subsection 338-60.B. ~~338-48.B.~~ having a minimum of 1 point.
 - (3) Replacement or relocation of a nonconforming principal structure per Section 338-58. ~~§338-47.C.(4)~~ shall require a mitigation plan that includes any mitigation measures listed in Subsection 338-60.B. ~~338-48.B.~~ having a minimum of 2 points.
- C. Where reference is made to a shoreland vegetative buffer zone, the buffer shall be designed in accordance with NRCS Interim Standard No. 643A and NRCS Wisconsin Biology Technical Note 1: Shoreland Habitat. In cases where these standards provide options, the Land Use Planning and Zoning Department shall make the determination which option is most appropriate in the design and execution of the project.
- D. Where reference is made to a rain garden, the rain garden shall be designed, installed and maintained in accordance with Wis DNR Publication, PUB-WT-776 2003 "Rain Gardens: A how-to manual for homeowners".
- E. Where the Land Use Planning and Zoning Department determines a lot or parcel has excessive navigable water frontage for the purpose of a shoreland vegetative buffer installation, the Land Use Planning and Zoning Department may reduce the width of the shoreland vegetative buffer to no less than 100 feet.
- F. All development projects requiring mitigation measures on a lot or parcel having a POWTS (private onsite wastewater treatment system) shall be required to have the POWTS evaluated by a licensed plumber to determine condition and sizing compliance; and if needed the POWTS shall be

upgraded to comply with current applicable standards.

338-61. Reserved

ARTICLE 13.0

Administration

~~338-62. 13.0~~ Administrative provisions. (NR 115.23) Given the County has created a Land Use Planning and Zoning Department, and Land Use Planning and Zoning Committee, and Board of Adjustment to administer and enforce land use ordinances, these same officials shall also administer and enforce this chapter. These officials for the purpose of this shoreland protection ordinance ~~adopted by each county shall be responsible for require~~ all of the following:

- A. ~~The appointment of an administrator and such additional staff as the workload may require.~~
- B. ~~The creation of a zoning agency as authorized by s. 59.69, Stats., a board of adjustment as authorized by s. 59.694, Stats., and a county planning agency as defined in s. 236.02(1), Stats., and required by s. 59.692(3), Stats.~~
- C. A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the **Land Use Planning and Zoning Department** office of the county zoning administrator, unless prohibited by s. 59.692(1k), Stats.
- D. **Perform** regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of **this chapter** ordinance.
- E. **Establish** a variance procedure which authorizes the Board of Adjustment to grant such variance from the terms of **this chapter** ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland **protection zoning** ordinance, a literal enforcement of the provisions of **this chapter** ordinance will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland **protection zoning** ordinance.
- F. **Establish a** special exception (conditional use) procedure for uses presenting special problems.
- G. The county shall keep a complete record of all proceedings before the Board of Adjustment, and **Land Use Planning and Zoning Committee** ~~zoning agency and planning agency.~~
- H. Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under ~~Section~~ **Article 4.0**.
- I. Submission to the appropriate office of the Department, within 10 days after

grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of [this chapter](#) an ordinance.

- J. Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
- K. The establishment of appropriate penalties for violations of various provisions of this [chapter](#) ordinance, including forfeitures. Compliance with this [chapter](#) ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Stats.
- L. [Investigate and report violations of this chapter](#) ~~The for enforcement and/or prosecution of violations of the shoreland ordinance.~~
- M. ~~SHORELAND WETLAND MAP AMENDMENTS, (NR 115.04) Every petition for a shoreland wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued. (Same as 14.2)~~

See Policy Option in Appendix B ([Did not use, same as above](#))

338-63. [13.2 Permits.](#)

A. [13.21 WHEN REQUIRED.](#) Except where another section of this [chapter](#) ordinance specifically exempts certain types of development from this requirement, a land use permit shall be obtained from the Land Use Planning and Zoning Department, ~~zoning administrator~~ or Board of Adjustment, or Land Use Planning and Zoning Committee before any new development.

B. [13.22 APPLICATION.](#) An application for a land use permit shall be made to the Land Use Planning and Zoning Department ~~zoning administrator~~ upon forms furnished by the Land Use Planning and Zoning Department ~~county~~ and shall include for the purpose of proper enforcement of these regulations, the following information:

- (1) Name and address of applicant and property owner.
- (2) Legal description of the property and type of proposed use.
- (3) A to scale drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary high-water mark of any abutting waterways.
- (4) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.

- (5) Plans for appropriate mitigation when required.
- (6) Payment of the appropriate fee.
- (7) Additional information required by the zoning administrator Land Use Planning and Zoning Department.

C. ~~13.23~~ EXPIRATION OF PERMIT. A land use Zoning permit shall expire twelve (12) months from date issued if no substantial work has commenced.

D. ~~13.24~~ CERTIFICATES OF COMPLIANCE

E. ~~13.25~~ No land or building shall be occupied or used until a certificate of compliance is issued by the Land Use Planning and Zoning Department zoning administrator.

- (1) The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance chapter.
- (2) Application for such certificate shall be concurrent with the application for a land use zoning permit.
- (3) The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the land use zoning permit, if the building or premises or proposed use thereof conforms with all the provisions of this chapter ordinance.

F. ~~13.26~~ The Land Use Planning and Zoning Department zoning administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the county board.

G. ~~13.27~~ Upon written request from the owner, the Land Use Planning and Zoning Department zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance chapter, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter ordinance.

338-64. 13.3 Special Exception Permits (aka Conditional Use Permits).

A. ~~13.31~~ APPLICATION FOR A SPECIAL EXCEPTION PERMIT. Any use listed as a special exception in this chapter ordinance shall be permitted only after an application has been submitted to the Land Use Planning and Zoning Department zoning administrator and a special exception permit has been granted by the Board of Adjustment. To secure information upon which to base its determination, the Board of Adjustment may require the applicant to furnish, in addition to the information required for a zoning land use permit, the following information:

- (1) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and

vegetative cover.

- (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
- (3) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
- (4) Specifications for areas of proposed filling, grading, lagooning or dredging.
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this [chapter ordinance](#).
- (6) Rationale for why the proposed special exception meets all of the special exception criteria listed in this [chapter ordinance](#)

B. 13.32 NOTICE, PUBLIC HEARING AND DECISION. Before deciding whether to grant or deny an application for a special exception permit, the Board of Adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Board of Adjustment, shall be given as a Class 2 notice under chapter. 985, Wis. Stats. **Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Board of Adjustment shall state in writing the grounds for granting or denying a special exception permit.**

C. 13.33 STANDARDS APPLICABLE TO ALL SPECIAL EXCEPTIONS. In deciding a special exception application, the Board of Adjustment shall evaluate the effect of the proposed use upon:

- (1) The maintenance of safe and healthful conditions.
- (2) The prevention and control of water pollution including sedimentation.
- (3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- (4) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (5) The location of the site with respect to existing or future access roads.
- (6) The need of the proposed use for a shoreland location.
- (7) Its compatibility with uses on adjacent land.
- (8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- (9) Location factors under which:
 - (a) Domestic uses shall be generally preferred;
 - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc...maybe refer to the applicable part of their ordinance.

- D. ~~13.34~~ CONDITIONS ATTACHED TO SPECIAL EXCEPTIONS. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction.

Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this ~~chapter ordinance~~, as are necessary to further the purposes of this ~~chapter ordinance~~. Violations of any of these conditions shall be deemed a violation of this ~~chapter ordinance~~.

In granting a special exception permit, the Board of Adjustment may not impose conditions which are more restrictive than any of the specific standards in this ~~chapter ordinance~~. Where this ~~chapter ordinance~~ is silent as to the extent of restriction, the Board of Adjustment may impose any reasonable permit conditions to affect the purpose of this ~~chapter ordinance~~.

E. ~~13.35~~ RECORDING. When a special exception permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. **A copy of any decision on a special exception permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.**

F. ~~13.36~~ REVOCAION. Where the conditions of a special exception permit are violated, the special exception permit shall be revoked.

338-65. ~~13.4~~ Variances. The Board of Adjustment may grant upon appeal a variance from the standards of this ~~chapter ordinance~~ where an applicant convincingly demonstrates that:

- literal enforcement of the provisions of this ~~chapter ordinance~~ will result in unnecessary hardship on the applicant; and
- the hardship is due to special conditions unique to the property; and
- is not contrary to the public interest.

- A. ~~13.42~~ NOTICE, HEARING AND DECISION. (~~s. 59.694(6), Wis. Stats.~~) Before deciding on an application for a variance, the Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under chapter. 985, Wis. Stats. **Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Board of Adjustment shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department office within 10 days of the decision.**

338-66. ~~13.5~~ Board of Adjustment. (~~s. 59.694 Wis. Stats.~~) The ~~county executive, county administrator or chair of the County Board~~ shall appoint a Board of Adjustment consisting of ~~3 or 5 members~~ and ~~2 alternate members~~ under s. 59.694, Wis. Stats. The County Board shall adopt such rules for the conduct of the business of the Board

of Adjustment as required by s. 59.694(3), Wis. Stats.

A. ~~13.51~~ POWERS AND DUTIES. (s. 59.694 Wis. Stats.)

- (1) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by s. 59.694, Wis. Stats.
- (2) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this chapter ordinance.
- (3) It shall hear and decide applications for special exception permits pursuant to Section 338-64. ~~13.3.~~
- (4) It may grant a variance from the standards of this chapter ordinance pursuant to Section 338-65. ~~13.4.~~
- (5) In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in this chapter ordinance. Where this chapter ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to effect the purpose of this chapter ordinance.

B. ~~13.52~~ APPEALS TO THE BOARD. (~~s. 59.694 Wis. Stats.~~) Appeals to the Board of Adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Land Use Planning and Zoning Department ~~zoning administrator~~ or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the County Board, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Land Use Planning and Zoning Department ~~zoning administrator~~ or other officer whose decision is in question shall promptly transmit to the Board of Adjustment all the papers constituting the record concerning the matter appealed.

C. ~~13.53~~ HEARING APPEALS AND APPLICATIONS FOR VARIANCES AND SPECIAL EXCEPTION PERMITS. (s. 59.694(6), Wis. Stats.)

- (1) The Board of Adjustment shall fix a reasonable time for a hearing on the appeal or application. The Board of Adjustment shall give public notice thereof by publishing a Class 2 notice under chapter 985, Wis. Stats, specifying the date, time and place of the hearing and the matters to come before the Board of Adjustment. **Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate office of the Department at least 10 days prior to hearings on proposed shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations.**
- (2) A decision regarding the appeal or application shall be made as soon as practical. **Copies of all decisions on shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations shall be submitted to the appropriate office of the Department within 10 days after they are granted or denied.**
- (3) The final disposition of an appeal or application to the Board of Adjustment

shall be in the form of a written resolution or order signed by the chairman and secretary of the Board of Adjustment. Such resolution shall state the specific facts which are the basis of the Board of Adjustment determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

- (4) At the public hearing, any party may appear in person or by agent or by attorney.

338-67. Reserved

ARTICLE 14.0

Amendments

338-68. 14.0 Changes and Amendments. The County Board may from time to time, alter, supplement or change the regulations contained in this chapter ordinance in accordance with the requirements of s. 59.69(5)(e), Wis. Stats, chapter. NR 115, Wis. Adm. Code and this chapter ordinance where applicable.

A. 14.1 Amendments. Amendments to this chapter ordinance may be made on petition of any interested party as provided in s. 59.69(5), Wis. Stats.

B. 14.2 Shoreland Wetland map amendments. (NR 115.04) Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the Land Use Planning and Zoning Committee county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing.

(1) 14.22 A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

338-69. Reserved

ARTICLE 15.0

Enforcement

338-70. Investigation of alleged violations.

Any violation of the provisions of this chapter shall be deemed unlawful. When necessary, to determine compliance with this chapter, the Land Use Planning and Zoning Department shall investigate alleged violations. After confirmation that a violation exists, the Land Use Planning and Zoning Department shall pursue compliance of the violation.

338-71. Violations, penalties and citations.

- A. Any violation of the provisions of this chapter by or under the direction of the landowner shall be brought into compliance upon notification by the Land Use Planning and Zoning Department or the Land Use Planning and Zoning Committee or the County Corporation Counsel.
- B. The County Corporation Counsel shall have the authority to use all legal remedies necessary to pursue compliance with the provisions of this chapter. After consultation with the Land Use Planning and Zoning Department and/or the Land Use Planning and Zoning Committee, the Corporation Counsel shall determine which legal remedy or legal remedies are in order to pursue compliance with the provisions of this chapter.
- C. Any landowner who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than \$50 nor more than \$5,000 per offense, together with the taxable costs of action. Each day that the violation exists shall constitute a separate offense.
- D. In addition to the Corporation Counsel having the authority to pursue compliance per Subsection B above, the designated staff of the Land Use Planning and Zoning Department shall have the authority to and may prepare, sign and issue citations in order to commence action to achieve compliance with the provisions of this chapter.

338-72. Stop-work orders.

- A. No land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner that requires issuance of a land use permit pursuant to this chapter, and such a permit has not been obtained, the Land Use Planning and Zoning Department may issue a stop-work order requiring any such activity to be immediately stopped and enjoined.
- B. Land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner for which a land use permit was issued and the actual activity deviates from that land use permit, the Land Use Planning and Zoning Department may issue a stop-work order requiring the activity to be immediately stopped and enjoined.
- C. The stop-work order shall be mailed to the subject landowner's property tax bill mailing address or the mailing address as stated on the land use permit application and/or to any person signing the land use permit application.
- D. The stop-work order card issued and posted by the Land Use Planning and Zoning Department shall be posted at the subject site in plain view from a non-trespass location off the subject property. A stop-work order card shall remain posted until compliance of the violation occurs.
- E. An action filed pursuant to the Board of Adjustment or to any court shall stop work during and until the final outcome of the action has been reached or until so ordered by a Court of appropriate jurisdiction.

338-73. Injunctions.

Every violation of this chapter is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof abated pursuant to § 59.69(11), Wis. Stats.

~~15.0 ENFORCEMENT AND PENALTIES (NR 115.05(4)(j)) Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator or the county zoning agency shall refer violations to the district attorney or corporation counsel who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to s. 59.69(11), Wis. Stats.~~

- ~~(1) — Penalty: Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall be subject to a forfeiture of not less than \$50.00 nor more than \$.00 for each violation plus the cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance and as such, forfeitures shall apply accordingly. The Zoning Administrator shall refer violations to the Corporation Counsel who shall prosecute violations.~~
- ~~(2) — Injunction: Any use or action which violates the provisions of this Ordinance shall be subject to a court injunction prohibiting such violation.~~
- ~~(3) — Responsibility for Compliance: It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this Ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any provision of this Ordinance will be notified in writing of such violation by the County Zoning Administrator or his designated Zoning Deputy. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Section 59.69(11), Wisconsin Statutes.~~
- ~~(4) — Suspension of Permit: Whenever the Zoning Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator, determines there are reasonable grounds for believing there is a violation of any provision of this Ordinance, the Zoning Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension~~

~~of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30 day period, an extension may be granted if reason of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin. The owner of record has the right to appeal any decision by the Zoning Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator or apply to the Vilas County Board of Adjustment for a Variance from the strict rule of this Ordinance within 30 days of receipt of a notice or order.~~

338- 74. Emergency Conditions: Whenever the **Land Use Planning and Zoning Department** ~~Zoning Administrator~~ finds that an emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond ~~a landowner's~~ **one's** control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and welfare, the **Land Use Planning and Zoning Department Administrator** may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The **Land Use Planning and Zoning Department Administrator** shall notify the Chairperson of the **Land Use Planning and Zoning Committee** within 24 hours of such situations. Notwithstanding any other provisions of this **chapter** Ordinance such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased, to the Board of Adjustment.

338-75. Reserved

ARTICLE 16.0

Fees

~~13.6 FEES. (ss. 59.69, 59.694, 59.696, 59.697, Wis. Stats.)~~The county board may, by resolution, adopt fees for the following:

- ~~(1) Zoning permits.~~
- ~~(2) Certificates of compliance.~~
- ~~(3) Planned Unit Development reviews.~~
- ~~(4) Public hearings.~~

- ~~(5) Legal notice publications.~~
- ~~(6) Special exception permits.~~
- ~~(7) Variances.~~
- ~~(8) Administrative appeals.~~
- ~~(9) Other duties as determined by the county board.~~

338-76. Fees.

A. The following fees shall be paid to Green Lake County at the Land Use Planning and Zoning Department at the time of application for each service requested as listed below to defray the cost of administration, investigation, advertising and processing. Land use permit fee is based on construction value of project:

(1) Fee.

Value of Project	Fee
\$0 to \$999	\$50
\$1,000 to \$99,999	\$150
\$100,000 to \$199,999	\$300
\$200,000 to \$299,999	\$400
\$300,000 to \$399,999	\$500
\$400,000 to \$499,999	\$600
\$500,000 to \$599,999	\$700
\$600,000 to \$699,999	\$800
\$700,000 to \$799,999	\$900
\$800,000 to \$899,999	\$1,000
\$900,000 or more	\$1,250

(2) Permit renewals are the same as the original fee.

(3) After-the-fact permit is double the above stated fee.

B. All public hearing items such as a variance, rezone, appeal, conditional use permit, ordinance amendment, planned unit development or special exception permit: \$375.

C. All public hearing items listed above, postponed at the request of the applicant prior to public hearing: \$250.

338-77. Reserved

ARTICLE 17.0

Definitions

See Policy Options in Appendix B

DNR suggestions – accessory structure, development, drainage system, footprint, lot, lot area, lot of record, substandard lot, variance.

P&Z Staff suggestion - parcel

14.0 DEFINITIONS:

338-78. 44.1 Definitions. For the purpose of administering and enforcing this chapter ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

A. 44.2 The following terms or words used in this chapter ordinance mean:

(1) Access and viewing corridor; (~~NR 115.03(1d)~~) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

(2) Boathouse; (~~NR 115.03(1h)~~) means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

(3) Building envelope; (~~NR 115.03(1p)~~) means the three dimensional space within which a structure is built. (~~Still used in Section 9— Impervious surface section~~)

(4) County zoning agency; (~~NR 115.03(2)~~) means that committee or commission created or designated by the county board under s. 59.69(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning. *In Green Lake County this body shall be known as the Land Use Planning and Zoning Committee.*

(5) Department; (~~NR 115.03(3)~~) means the Department of Natural Resources.

(6) Development; (~~NR 116.03(5)~~) means any man-made change to improved or unimproved real estate, including but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or substantial alterations to buildings, structures, or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition or extraction of materials.

(7) Drainage System; means one or more artificial ditches, tile drains, or

similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(8) Existing development pattern; ~~(NR 115.03(3m))~~ means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

(9) Floodplain; ~~(NR 115.03(4))~~ means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in chapter NR 116, Wis. Adm. Code.

(10) Footprint; means the land covered by a structure at ground level measured on a horizontal plane. The footprint of a structure ~~residence or building~~ includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) ~~having a single horizontal plane the footprint is bounded by the furthest portion of the structure projected to natural grade.~~

Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5.

(11) Generally accepted forestry management practices; ~~(NR 1.25(2)(b))~~ means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

(12) Impervious surface; ~~(NR 115.03(4g))~~ means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. ~~Roadways as defined in s.340-01(54), Wis. Adm. Code, or sidewalks as defined in 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.~~

(13) Lot; means an ~~area continuous parcel of land, that is part of a recorded subdivision plat, certified survey map, or other document using the platting process, that is identified by an assigned number or letter not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.~~

(14) Lot or Parcel Area; means the total square footage lying within the peripheral boundaries of a recorded lot or parcel boundary description, including the land over which easements have been granted. ~~area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but~~ The area of a lot or parcel does not include the area of any land below the ordinary high water mark of navigable waters.

(15) Lot or Parcel of Record; means an area of land, the description of

which is properly recorded with the County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations. The act of recording is the time at which a lot or parcel is created.

(16) Lot or Parcel, Substandard; means a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements for a new lot or parcel.

(17) Mitigation; (~~NR 115.03(4r)~~) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

(18) Navigable waters; (~~NR 115.03(5)~~) means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats, and chapter. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

- (1) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- (2) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

(19) Ordinary high-water mark; (~~NR 115.03(6)~~) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(20) Parcel; means an area of contiguous land having a boundary description duly recorded in the Register of Deeds office that identifies the boundaries of that specific parcel.

(21) Regional Flood; (~~NR 115.03(7)~~) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

(22) Routine maintenance of vegetation; (~~NR 115.03(7m)~~) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

(23) Shoreland; (~~NR 115.03(8)~~) means lands within the following distances

from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(24) Shoreland setback; also known as the "Shoreland setback area" in s. 59.692(1)(bn) means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.

(25) Shoreland-wetland district; (~~NR 115.03(9)~~) means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

(26) Special exception (conditional use); (~~NR 115.03(10)~~) means a use which is permitted by this ~~chapter ordinance~~ provided that certain conditions specified in this ~~chapter ordinance~~ are met and that a permit is granted by the board of adjustment or, where appropriate, the ~~land use~~ planning and zoning committee or county board.

(27) Structure; (~~s. 59.692(1)(e), Stats.~~) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.

(28) Structure, Accessory; means a subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts. (~~NR 118.03~~)

(29) Unnecessary hardship; (~~NR 115.03(11)~~) means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ~~chapter ordinance~~.

(30) Variance; means an authorization granted by the board of adjustment to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this ~~ordinance~~ ~~chapter~~.

(31) Wetlands; (~~NR 115.03(13)~~) means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Appendix A

Shoreland Zone Determinations		
Lakes, Ponds and Flowages	Navigability	Extent of Shoreland
Natural lake or pond with a defined bed and bank that is navigable-in-fact (including bodies of water called "sloughs" that are actually separate lakes or ponds)	Navigable and public	1000 feet from OHWM
Glacial pothole lake that is navigable-in-fact	Navigable and public	1000 feet from OHWM
Man-made agricultural pond that is navigable-in-fact and not connected to navigable waters*	Non-navigable and private	None
Man-made non-agricultural pond that is navigable-in-fact and connected to waterway that is navigable-in-fact	Navigable and public	1000 feet from OHWM
Man-made non-agricultural pond that is navigable-in-fact and constructed prior to 1963 revision of s. 30.19, Wis. Stats., with (a) no connection or (b) a non-navigable connection to waterway that is navigable-in-	Non-navigable and private*	None
Man-made non-agricultural pond that is navigable-in-fact and within 500 feet of the OHWM of a navigable waterway and made public as a condition of a Wis-DNR Chapter 30 permit.	Navigable and public	1000 feet from OHWM
Man-made non-agricultural pond that is navigable-in-fact, more than 500 feet from OHWM of waterway that is navigable-in-fact and is not connected to waterway	Non-navigable and private*	None
Flowage that is navigable-in-fact & created by a dam on a navigable waterway	Navigable and public	1000 feet from OHWM or floodplain
Flowage that is navigable-in-fact, created by a dam on a non-navigable waterway and authorized by s. 30.19, Wis. Stats.	Navigable and public	1000 feet from OHWM or floodplain
Flowage that is navigable-in-fact and created by a dam on a non-navigable waterway, but not authorized by s. 30.19, Wis. Stats.	Non-navigable and private*	None
Inner harbors, turning basins, waterways, slips and canals created by a municipality under s. 30.10, Wis. Stats., on a navigable lake, pond, or flowage	Navigable and public	1000 feet from OHWM or floodplain
Lake, pond or flowage that is navigable-in-fact and enclosed pursuant to s. 30.196, Wis. Stats.,	Navigable and public	1000 feet from OHVVM or floodplain

Shoreland Zone Determinations		
Rivers and Streams	Navigability	Extent of Shoreland
Natural stream with a defined bed and bank that is navigable-in-fact	Navigable and public	300 feet from OHWM or floodplain
Non-navigable stream	Non-navigable and private	None
Agricultural drainage ditch that is navigable-in-fact and has navigable stream history	Navigable and public	300 feet from OHWM or floodplain
Agricultural drainage ditch that is navigable-in-fact, no stream history and adjacent shoreland has structures	Naigable and public	300 feet from OHWM or floodplain
Agricultural drainage ditch that is navigable-in-fact, no stream history, and adjacent shoreland is maintained in non-structural agricultural uses	Non-navigable and private*	None
Non-agricultural drainage ditch or channel that is navigable-in-fact, constructed since the 1963 revision of s. 30.19, Wis. Stats., and ultimately connected to a navigable lake, pond, or flowage	Navigable and public	300 feet from OHWM or floodplain
Slough that is navigable-in-fact on a navigable stream	Navigable and public	300 feet from OHWM or floodplain
Inner harbors, turning basins, waterways, slips and canals created by a municipality under s. 30.10, Wis. Stats., on a navigable stream	Navigable and public	300 feet from OHWM or floodplain
Non-agricultural drainage ditch or channel that is navigable-in-fact, constructed since the 1963 revision of s. 30.19, Wis. Stats., and ultimately connected to a navigable stream	Navigable and public	300 feet from OHWM or floodplain
Stream that is navigable-in-fact and enclosed pursuant to s. 30.196, Wis. Stats.	Navigable and public	300 feet from OHWM or floodplain

**ARTICLE III
General Provisions**

DRAFT

- §350-11. Findings; abatement of nuisances.
- §350-12. Jurisdiction.
- §350-13. Compliance required; number of buildings per lot; existing construction.
- §350-14. Nonconforming uses, structures and lots.
- §350-15. Accessory building structures.
- §350-16. (Reserved)
- §350-17. Dwelling design and construction.
- §350-18. Area Regulations.
- §350-19. Height regulations.

§350-20. Front, side and rear yard regulations.

- A. There shall be a side yard on each side of a **building structure** hereafter erected, moved or structurally altered.
- B. Except as otherwise provided in this **Chapter Section**, every **building structure** hereafter erected, moved or structurally altered ~~for residential purposes~~ shall provide the minimum side and rear yards as required by the following table for the district in which such building is, or is to be, located:

District	Each Side Yard (feet)	Rear Yard (feet)
Residential	12	25
Recreational	12	25
Agricultural	12	25
Conservancy	20	25
*Commercial	12	25
*Industrial	20	25

***Commercial and Industrial buildings are required to provide an additional setback 1.1 times their overall height.**

- C. Except as otherwise provided in this **chapter Section**, every **building structure** hereafter erected, moved or structurally altered ~~for any purpose, except farm buildings not permanently fixed to the ground,~~ shall be set back from the adjoining highway or highways as required by Article VI, Highway Setback Lines.
- D. ~~No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space required for another building.~~
- E. Lots 85 feet in width and under shall have a side yard setback of 10 feet on both sides. ~~Lots 85 feet through 100 feet in width shall be 12% of the lot width on both sides as a minimum side yard setback. This amendment does not apply to code compliant established and existing structures and uses in effect as of April 30, 1995.~~

- ~~F. Where any building structure hereafter erected, moved or structurally altered is located within 200 feet of another building that fronts on the same highway, road or street and that has a setback of more or of less than that required by this chapter, the setback for the first said structure shall be the average of the setback provided for the second said structure and the setback required by this chapter, provide that no such setback need be greater than 1 ½ times the setback required by this chapter.~~
- G. **Except as otherwise provided in this ordinance,** No ~~building or structure~~ shall be erected or extended in a required yard, ~~except for an accessory building in a rear yard and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 12 inches.~~
- H. ~~Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet and into a required court not more than 3 ½ feet, provided they be so located not to obstruct light and ventilation.~~

ARTICLE V Nonbuilding Structures

§ 350-43. Signs ...

§ 350-44. **Mobile tower siting regulations**

The purpose of this section is to regulate by land use permit the siting and construction of any new mobile service support structure and facilities, Class 1 collocations (the substantial modification of an existing support structure and mobile service facilities), and Class 2 collocations (collocations that do not require the substantial modification of an existing support structure and mobile service facilities).

DEFINITIONS: All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

- A. Siting and construction of any new mobile service support structure and facilities and Class 1 collocations (substantial modifications to existing support structure and mobile support facilities)
- (1) The siting and construction of any new mobile service support structure and facilities as well as for Class 1 collocations (substantial modifications to existing support structure and mobile support facilities) are conditional uses in the areas subject to the provisions of this ordinance (See ARTICLE VII. Conditional Use Permits). A land use permit is also required.
 - (2) A land use permit application must be completed by any applicant and submitted to the Land Use Planning & Zoning Department. The application must contain the following information:
 - (a) The name and business address of, and the contact individual for, the applicant.

- (b) The location of the proposed or affected support structure.
 - (c) The location of the proposed mobile service facility.
 - (d) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (e) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (f) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (3) The Land Use Planning & Zoning Department will provide a permit application to any applicant, upon request.
- (4) If an applicant submits an application for a land use permit to engage in an activity described in this section, which contains all of the information required under this ordinance, the Land Use Planning & Zoning Department shall consider the application complete. If the Land Use Planning & Zoning Department does not believe that the application is complete, the Land Use Planning & Zoning Department shall notify the applicant in writing within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (5) Within 90 days of its receipt of a complete application, the Land Use Planning & Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Planning & Zoning Department may agree in writing to an extension of the 90 day period:
- (a) Review the application to determine whether it complies with all applicable ordinance standards.

- (b) Make a final decision whether to approve or disapprove the application.
 - (c) Notify the applicant, in writing, of its final decision.
 - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (6) The Land Use Planning & Zoning Department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (2)(f).
- (7) A fall zone setback 1.1 times the total height of the new mobile service support structure or any substantial modification (Class 1 collocation) shall be required.
- (8) If an applicant provides the Land Use Planning & Zoning Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in this ordinance, that zoning ordinance standards do not apply to such a structure unless the Land Use Planning & Zoning Department provides the applicant with substantial evidence that the engineering certification is flawed.
- (9) The fee for the land use permit is \$3000.

B. Class 2 Collocations

- (1) A land use permit is required for a Class 2 collocation. A Class 2 collocation is a permitted use in the areas subject to this chapter, but still requires the issuance of a land use permit.
- (2) A land use permit application must be completed by any applicant and submitted to the Land Use Planning & Zoning Department. The application must contain the following information:
- (a) The name and business address of, and the contact individual for, the applicant.
 - (b) The location of the proposed or affected support structure.
 - (c) The location of the proposed mobile service facility.
- (3) The Land Use Planning & Zoning Department will provide a land use permit application to any applicant upon request.
- (4) A Class 2 collocation is subject to the same requirements for the issuance of a

land use permit to which any other type of commercial development or land use development is subject.

- (5) If an applicant submits a land use permit application to the Land Use Planning & Zoning Department for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Land Use Planning & Zoning Department shall consider the application complete. If any of the required information is not in the application, the Land Use Planning & Zoning Department shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - (6) Within 45 days of its receipt of a complete application, the Land Use Planning & Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Planning & Zoning Department may agree in writing to an extension of the 45 day period:
 - a. Make a final decision whether to approve or disapprove the application.
 - b. Notify the applicant, in writing, of its final decision.
 - c. If the application is approved, issue the applicant the relevant permit.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
7. The fee for the permit is \$500.

**Article XII
Fee Schedule**

§350-76. Fees [Amended 12-21-2004 by Ord. No. 822-04; 5-16-2006 by Ord. No. 861-06]

The following fees shall be paid to the Green Lake County Land Use Planning and Zoning Department at the time of application for each service requested as listed below to defray the cost of administration, investigation, advertising and processing:

- A. ~~Unless otherwise provided in this ordinance, the~~ land use permit fee shall be based on cost of construction value of project (labor included).

(1) Fee.

(continued)



LAND CONSERVATION COMMITTEE
May 12, 2016 - MINUTES

The meeting of the Green Lake County Land Conservation Committee was called to order by Chairman Michael Stoddard at 9:00AM on May 12, 2016 in the Committee Room #0903 of the Green Lake County Government Center in Green Lake, WI. The requirements of the open meeting law were certified as being met. The Pledge of Allegiance was recited.

Present: David Richter, Chair
Katie Mehn
Patti Garro
Joanne Guden
Robert Schweder
Arnold Dahlke, Jr., FSA Member

Excused:

Staff Present: Paul Gunderson
Heidi Weishaar

Others Present: Harley Reabe
Robert Lyon
Tony Daley

AGENDA

Motion/second (Garro/ Guden) to approve the agenda as presented. Motion carried.

MINUTES

Motion/second (Guden/Schweder) to approve and file the April 14, 2016 meeting minutes with noted correction to the voucher amount. Motion carried.

PUBLIC COMMENTS

APPEARANCES

None

MONTHLY STAFF REPORT & UPCOMING PROJECTS

Written report was reviewed.

LAKE AND RIVER REPORT

Written report was reviewed.

DATCP/COUNTY COST-SHARE CONTRACTS

HOPPA, BRENDAN BROOKE ACRES LLC, WALDVOGEL, STEPHENS, GOEHRING, MICHELS

Motion/second (Guden/Dahlke) to approve cost-share contracts. Motion carried.

FPP NOTICES OF NON-COMPLIANCE ACTION

Gunderson explained the FPP program and what it means to either be “in compliance” or “out of compliance”. He wanted the landowners stated on public record that have been removed from the program and reported to the Department of Revenue.

Motion/Second (Garro/Guden) to accept the Voluntary Waiver of Rights from PAUL KILGORE, DOUG KASTENSCHMIDT, KIRK SCHULZ and the Notice of Noncompliance from ADAM BURK, THE BURK FAMILY LLC, and KIMBERLY BURK in regards to the Farmland Preservation tax credits. Motion carried.

SMITS BROTHERS NR243 GRANT

There was a motion passed in December 2015 regarding the use of Conservation funds to front the cost of this project prior to grant reimbursement. The project has been completed, thus Gunderson reminded the committee of this agreement to explain the \$150,000 check on the monthly voucher form.

DEPARTMENT MERGING DISCUSSION

Gunderson handed out a list of pros and cons, along with a cost comparison chart showing proposed merge.

Motion/Second (Guden/Garro) against merging the Land Conservation Department with Land Use Planning & Zoning. Richter wanted it noted for the record that a unanimous vote carried.

DEPARTMENT VACANCY

Gunderson explained the application process and invited any of the committee members interested to be part of the interviews.

SOIL CONSERVATION POSITION RE-CLASSIFICATION

Gunderson handed out revised proposed job descriptions and requirements. He clarified that although this re-classification does not benefit the current staff, it would put future applicants to Green Lake County in a better position for advancement versus losing quality people once they are trained.

Motion/second (Guden/Garro) to approve the Land Conservation re-classification of the Soil Conservationist job descriptions as proposed and pass to it on to Personnel Committee.

VOUCHERS

Motion/second (Garro/Schweder) to approve vouchers totaling \$ 155,316.63 as presented. Motion carried.

CORRESPONDENCE

COMMITTEE DISCUSSION

- Future Meeting Dates:
 - June 9, 2016 at 9:00AM in the Committee Room #0903 of the Green Lake County Government Center in Green Lake.
 - LWLWCA Meeting on May 20, 2016 at Grand Chute Town Hall in Appleton, WI. No LCC members can attend.

- Future Agenda items for action & discussion
 - Richter read an email from Jim Vandebrook regarding DNR regulation of high capacity wells. It will be put on the agenda for June with discussion and action as needed.

ADJOURN

Motion/second (Mehn/Garro) to adjourn at 10:50AM. Motion carried.

Respectfully submitted,

Heidi Weishaar
Recorder

DRAFT

GREEN LAKE COUNTY

POSITION DESCRIPTION

Title: ~~County Surveyor / Land Development Director~~ Land use Planning & Zoning Director

Department: Land Use Planning and Zoning

Location of Position: Green Lake County Government Center

Reports to: Land Use Planning and Zoning Committee

Purpose of Position: Under jurisdiction of the Land Use Planning and Zoning Committee this position will oversee, plan, direct/manage, and implements programs, policies, operations, and department staff. This will include but not be limited to functions of land development planning, zoning code administration and enforcement, geographic information systems (GIS), land information program, and County Surveyor. Service provided for these functions will be accomplished through production, oversight and communication. This is an exempt position and part of the County's management team pursuant to the Personnel Policies and Procedure Manual.

Land Development Director - Fundamental Job Duties and Responsibilities:

- Manage all personnel records, job descriptions, and execute hiring and discipline practices in accordance with policies and procedures established by the county board, for staff within the department.
- Manages and directs the functions, priorities, outcomes, and performance of department staff.
- Provides leadership to staff through goals and objectives, evaluations, and training to encourage independence and excellence in the delivery of services to the customer.
- Responsible oversight for the interpretation, presentation and advice for all public and private entities related to permit issuance, ordinance amendments, rezoning, conditional use permits, and variances with regard to the ordinances, codes and laws within the administration and enforcement parameters of the department.
- Oversee and interact as needed, regular updates of various County land use and other plans.
- Create/present updates for ordinances and regulations that as a result of changes in laws or at the initiation of the Land Use Planning and Zoning Committee are required.
- Monitor, prepare, recommend and present the annual departmental operating budget to the appropriate reviewing entities.
- Provides guidance, direction, advice, and assistance, as needed, to any entity having an interest in the activities of the department.
- Work cooperatively and harmoniously with any entity seeking information, assistance, or direction of laws, codes and ordinances enforced through this department.
- Responsible oversight for all activities of department staff involving a variety of functions through which services are provided.
- Provide assistance and support as needed for the Land Use Planning and Zoning Committee and Board of Adjustment meetings related to issues within the jurisdiction of the department, including attendance at meetings.

- Responsible oversight for the enforcement of violations of ordinances and regulations within the jurisdiction of this department to obtain compliance. This may require but not be limited to, interacting with the Corporation Counsel, mediation meetings, and court appearances.

County Surveyor – Fundamental Job Duties and Responsibilities: This position shall carry out the duties and responsibilities of Chapter 59.45 Wis. Stats. and other requirements provided by law or contained in this job description.

- Responsible for the interpretation, presentation and advice for all public and private entities, information related to land division ordinance standards and land surveying codes and laws within the enforcement parameters of the department.
- Execute and/or oversee land survey activity, maintain survey records and those other duties and responsibilities mandated by Chapter 59.45 of the Wis. Stats.
- Monitor, prepare, recommend, and present the annual operating budget to the appropriate reviewing entities for those line items that relate to the County Surveyor activities.
- Provide guidance, direction, advice, and assistance as needed to any entity having an interest in the activities of the County Surveyor function in the department.
- Review survey maps and subdivision plats.
- Work cooperatively and harmoniously with any entity seeking information, assistance, or direction of land surveying laws, codes and ordinances enforced by the County Surveyor through this department.
- Recommend to the department head enforcement of violations of the land surveying ordinances and regulations within the jurisdiction of this department to obtain compliance.
- Preserve and perpetuate the Public Land Survey System through accurate record keeping and certification, communication with various road jurisdictions that threaten corner monuments and the integrity of said system.
- Interact with the County's land information program to maintain a modern indexing and retrieval system for survey records filed pursuant to Chapter 59.45 Wis. Stats.

Land Information Office – Fundamental Job Duties and Responsibilities: Under jurisdiction of the Land Use Planning and Zoning Committee the Land Information Office has been designated by County Board resolution to be the Land Use Planning and Zoning Department. The Director of the Land Use Planning and Zoning department is responsible for the functions within it, and thereby responsible to execute and provide responsible oversight of land information activities and those other duties and responsibilities as mandated by Chapter 59.72 Wis. Stats.

At the time of County Board action, said resolution did not provide financial compensation for the employee executing the statutory requirements of this function, and the head of the department has fulfilled these responsibilities under those circumstances. The most appropriate place for this function is the Land Use Planning and Zoning department based on other functions within the department that are compatible with the land information function of land records modernization.

- Coordinate land information projects with other private and public entities.
- Develop and update, as necessary, a countywide Land Information Plan addressing land records modernization.
- Develop projects consistent with the Land Information Plan, funded through a Wisconsin Land Information Program grant, and the project approved by the Wisconsin Department of Administration.

Physical Demands of the Essential Functions: The physical demands are dispersed between sitting, walking, talking, hearing, using far and near vision, and handling objects. Some crouching, balancing, bending, twisting, kneeling, reaching, low to medium lifting up to 30 pounds, may be required.

~~Additionally, the County Surveyor position field activities may involve climbing, carrying up to 50 pound objects, and use of a 10 pound mall.~~

Working Conditions While Performing Essential Functions: Working conditions are, almost all time is spent indoors. Time spent outdoors is determined by the demands of the workload.

In cases where time is spent outdoors there could be exposure to wet and/or humid conditions and both cold and hot weather. Outdoor activities could involve high risk work situations such as working alone in areas of vehicular traffic, remote marsh, woodlots and agricultural areas. There is also possible exposure to infectious insects, plants, and animals.

Equipment Used to Perform Essential Functions: The predominant equipment used will be the desktop computer with applicable computer programs, calculator, drafting tools, measuring tools, digital camera, telephone, fax machine, or similar machines necessary to perform essential functions.

~~Additionally, equipment the County Surveyor may use includes, global positioning system, surveying total station, auto or manual leveling devices, electronic measuring devices, manual measuring tools, manual hand excavating tools.~~

Required Knowledge, Skills and Abilities:

- Ability to provide first line supervision by deciding the time, place and sequence of operations to accomplish goals and objectives of this department, which benefit the greatest number of users.
- Ability to utilize all technical resources available to make, design, enforcement or permitting decisions.
- Fundamental knowledge of county government and management structure, policies, and administrative processes.
- A broad base of knowledge about other entities with which the land information program interacts.
- Knowledge of products, programs and technical resources which may be applicable to the modernization of land records.
- Knowledge of and ability to provide review and analysis of ordinances, laws, and regulations to ascertain an appropriate and consistent outcome.

Qualifications Needed (Education, Experience, and Certification):

Land Development Director

Education: A high school diploma is required. A Bachelor Degree in **Natural Resources Management, Planning or related field is required.** directly related to the scope of duties and responsibilities of this position is required. **A Master's Degree in Natural Resources Management, Planning or related field is preferred.**

Experience: A minimum of 5 years working experience directly related to this position with supervisory experience that provides necessary knowledge, skills and abilities is required.

Certification: Must have a valid Wisconsin driver's license.

County Surveyor

Education: A high school diploma is required. A minimum of an Associate Degree in Land Surveying is required. Required to meet and be current with the mandatory continuing education requirements as provided in Chapter A-E 10 Wis. Admin. Code.

Experience: A minimum of 5 years working experience directly related to the duties and responsibilities of a County Surveyor as provided by Chapter 59.45 Wis. Stats.

A minimum of 5 years working experience and /or training in the related following fields: retracement and remonumentation of the Public Land Survey System, boundary restoration, geodetic computations, interpretation of boundary descriptions, mapping and analysis of record and physical evidence.

Certification: Must have a valid Wisconsin driver's license. Must be a registered land surveyor in the State of Wisconsin and meet all the minimum registration requirements as identified by Chapter 443 of the Wis. Stats.

Land Information Office

Education: A high school diploma is required. A minimum of an Associate Degree in a related field is required.

Experience: A minimum of 3 years working experience directly related to this position that provides necessary knowledge, skills and abilities is required.

Certification: Must have a valid Wisconsin driver's license.

This position description has been prepared to assist in defining job responsibilities, physical demands, working conditions and needed skills. It is not intended as a complete list of job duties, responsibilities and/or functions. This description is not intended to limit or modify the rights of any supervisor to assign, direct, and control the work of employees under their supervision. The county retains and reserves any and all rights to change, modify, amend, add to or delete from, any section of this document as it deems, in its judgment, to be proper.

RESOLUTION NO. __-2016

Relating to Restructuring the Land Use Planning and Zoning Department as it Relates to the Director and County Surveyor

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 21st day of June, 2016, does resolve as follows:

WHEREAS, on October 15, 1996, by Resolution Number 39-96 the County Board of Supervisors created the position of County Land Use Planning and Zoning Director; and,

WHEREAS, on June 15, 2004, by Resolution Number 22-2004 the County Board of Supervisors combined the position of County Land Use Planning and Zoning Director and the position of County Surveyor into one position of a County Surveyor/Land Development Director; and,

WHEREAS, through attrition the position of County Surveyor/Land Development Director has become vacant as of April 4, 2016; and,

WHEREAS, this position has been reviewed by the Interim Planning and Zoning Director, the Administrative Coordinator, the Land Use Planning and Zoning Committee, and the Personnel Committee; and,

Roll Call on Resolution No. -2016

Submitted by Land Use Planning and Zoning Committee

Aye __, Nay __, Absent __, Abstain __

Michael Starshak, Chair

Passed & Adopted/Rejected this _____
day of _____, 2016

Ben Moderow

County Board Chair

Robert Lyon

Attest: County Clerk
Approved as to form:

Harley Reabe

Corporation Counsel

WHEREAS, it is the recommendation of the above entities that the duties and responsibilities of the County Surveyor be separated from the duties of the Land Development Director and that the Land Development Director position revert to the Land Use Planning and Zoning Director; and,

WHEREAS, the Land Use Planning and Zoning Committee and the Personnel Committee have approved an updated job description for a Land Use Planning and Zoning Director.

NOW BE IT RESOLVED, that Resolution 22-2004 is hereby rescinded and the County Surveyor and Land Development Director shall be two separate positions.

NOW BE IT FURTHER RESOLVED, that the position of Land Development Director shall revert back to Land Use Planning and Zoning Director and the duties contained in the updated job description for a Land Use Planning and Zoning Director.

Interim Land Development Director's Comments

5-25-16

***This is simply an aide in sparking conversation....**

Process for Filling Vacancies:

Position: Land Use Planning & Zoning Director

Department: Land Use Planning & Zoning

- **Job Description:** Each job description must be reviewed at the time of the vacancy. This should include a review of the job duties and responsibilities; a review of the educational requirements and/or experience required in order to accomplish the tasks; and a review of the number of hours necessary to complete the tasks. When the review is completed, the position description should be revised, if appropriate, to reflect any newly designated change. A review of the Land Development Director's job duties and responsibilities was performed. The Committee determined that the County Surveyor functions would be "contracted out" and that the Land Development Director be renamed the Land Use Planning & Zoning Director. The Land Use Planning & Zoning Director position would oversee the entire Department including the County Surveyor.
 - As per the above, the job duties and responsibilities were adjusted so as to not include the County Surveyor functions.
 - The educational requirement of high school diploma was stricken as this was an obvious conclusion if a bachelor's degree in natural resources management; planning or related field is also required. Further, a Master's degree in natural resources management, planning or related field was added as a preferred educational qualification.
 - The job experience requirement of 5 years of direct experience seemed appropriate.
 - The Committee agreed that the Land Use Planning & Zoning Director needed to be a full-time position.
 - The Committee reviewed the position description and approved revisions.
- **Job Designation:** The designated classification of the position must be reviewed. If changes made to the position description reflect the need for less education and/or experience, or decreased responsibilities, the possibility exists that the position may be more appropriately paid at a lower level, resulting in a lower pay scale. The Committee agreed that, the previous County Surveyor / Land Development Director, was being fairly compensated in accordance with his years of service as both Land Development Director and County Surveyor (limited duties). However, based on the revised position description and in conjunction with the most recent wage classification study, the Committee believes there is significant opportunity to save taxpayer monies simply by hiring new with no declassification necessary.
- **Necessity:** The program or service provided by the position must be reviewed for continued need of that program or service. Usually, as time goes on, the need for the program or service provided by the position increases. However, occasionally, the demand for the service or program decreases or the service is provided through another source. It is imperative that the vacant position be justified in its continuance in terms of need, demand and the county's ability to

continue to provide the service. The Committee evaluated the need for this position and determined that the position is vital for the Department's success. The Committee agreed that there needs to be a "point person" in this Department that is responsible for knowing what needs to be done, when it needs to be completed, and who is the appropriate person to complete the task. Without the Land Use Planning & Zoning Director, there is no direction for the Department. This could lead to County being suspended from the National Flood Insurance Program (NFIP), WDNR enforcement of Shoreland Zoning regulations, elimination of grant funding for Department activities, abuse of the County Board adopted ordinances, etc. It is imperative that the taxpayer be assured that their property investments are secure (as can be) and, consequently, this position is highly valued.

- **Evaluation of Existing Staff: A review of existing staff and personnel must occur to determine the feasibility of whether the position tasks can be accomplished through other means.** In larger staffed departments, it may be possible the job duties could be distributed throughout the department, thus eliminating the need to re-fill the vacancy at a full-time level, but rather at a part-time level or not at all. In smaller staffed departments, the job duties might be able to be combined into another department with similar responsibilities, and required knowledge. The Committee agreed that, as a smaller department, there is no way that the duties of Land Use Planning & Zoning Director could be split amongst current department staff. This would confuse the cohesion of the current staff members and result in a department without a common vision.

The Committee also agreed that there is little to no advantage to consolidate the Land Use Planning & Zoning Department with the Land Conservation Department. Possibly a closer working relationship could result; however from talking to and observing staff, the two Departments already work very well together on the rare occasion when their workloads cross paths. Furthermore, the Committee was deterred from consolidation based on an economic analysis showing negative grant funding for Land Conservation staff and the reality of an overall Director of both departments as well as deputy directors. This reality, at a time where funding is being sourced to pay for a County Administrator, seemed irresponsible and unnecessary.

This analysis does not include the added duties and responsibilities that would come from taking over the Construction Site Erosion Control and Stormwater Management Ordinance from Land Conservation. This idea has been evaluated and proposed by the County Conservationist and makes sense. However, the additional field and office staff time will be a drain on our Department which will need to be monitored and potentially resolved at a future date. This is especially important as the "to be adopted" impervious surfaces standards in the revised Shoreland Protection Ordinance will add a host of new field duties to the code enforcement officer position.

GREEN LAKE COUNTY JOB DESCRIPTION

TITLE: CODE ENFORCEMENT OFFICER

DEPARTMENT: LAND USE PLANNING AND ZONING

LOCATION: GOVERNMENT CENTER

SUPERVISOR: COUNTY SURVEYOR / LAND DEVELOPMENT DIRECTOR
Land Use Planning & Zoning Director

SUMMARY:

Enforcement and administration of land use ordinances, regulations, and laws duly adopted within the jurisdiction of this department. This is a non-exempt 40 hour a week position

DUTIES AND RESPONSIBILITIES:

PRIMARY RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF GENERAL ZONING, SHORELAND ZONING, AND FLOODPLAIN ZONING ORDINANCES:

- Accepts land use permit applications for review, conducts inspections and may issue certificates of compliance in accordance with applicable ordinance standards;
- Accepts and investigates complaints; conducts field inspections; issues violations orders when appropriate; maintains contact with alleged violator to effect compliance; issues citations as needed. Appears in court when necessary to represent the County in matters related to ordinance violations.
- Conducts field and/or office investigations of matters pertaining to ordinances for zoning, shoreland, and floodplain standards and other similar issues to assist in their administration and enforcement.
- Conducts the initial contact with applicants for variance, rezoning, conditional use permits and special exception permits; reviews requests and inspects the sites; prepares staff reports; represents department at Land Use Planning and Zoning Committee or Board of Adjustment public hearings.
- Evaluates, interprets and enforces ordinances, other laws and regulations related to General Zoning, Shoreland Zoning, and Floodplain Zoning control.
- Develops and maintains databases, as needed.
- Other duties as assigned by the director of the department.

BACK-UP RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF NONMETALLIC MINING RECLAMATION, LAND DIVISION ORDINANCE AND PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS) ORDINANCES; AND WISCONSIN FUND PROGRAM:

- As it relates to POWTS, Nonmetallic Mining Reclamation, and Land Division ordinances, shall perform duties and responsibilities of items listed **as primary** above.
- Performs necessary office and field work for the Wisconsin Fund program.
- Accepts and reviews sanitary permit applications, conducts inspections and may issue certificates of compliance, ~~in accordance~~ or violation orders to insure compliance with applicable ordinance standards

SKILLS AND ABILITIES:

- Knowledge of local, state and federal laws, codes and regulations that pertain to the duties assigned, knowledge of environmental health and land use laws and principals
- ability to apply zoning/land use and sanitation codes to individual situations
- ability to obtain and interpret facts through inspection and investigation;
- ability to create accurate and well written reports that will be suitable for public record and as evidence in court actions
- ability to deal effectively with the public, other agencies and co-workers
- Familiarity with the use of Geographic Information Systems (GIS) is required.
- Skill in the use of general office equipment including but not limited to: computer workstation, calculator, drafting tools, measuring tools, digital camera, shovel, soil auger, bit driver, laser level, and grade rod, soil trawl, clinometers, telephone, fax machine, or similar machines necessary to perform essential functions.

QUALIFICATIONS:

EDUCATION: ~~A high school diploma is required.~~ A Bachelor degree in a closely related field to land use planning and zoning is required.

EXPERIENCE / JOB KNOWLEDGE: A minimum of 3 years working experience in zoning/land use, sanitation and code enforcement is required. Any combination of training, education and experience that prepares the individual for the responsibilities of this position will be considered. Must have a valid Wisconsin driver's license. Must be certified by the State of Wisconsin as a Soil Tester and POWTS Inspector, **or obtains their certification within 6 months.**

WORKING CONDITIONS:

PHYSICAL DEMANDS: Up to 75% of the time is spent talking, hearing, and handling objects. Activities done 85% of the time include walking, sitting, using far and near vision. Activities done 20% of the time include stooping, kneeling, climbing, reaching, low to medium lifting and carrying (10 to 50 lbs.), Occasional lifting/sliding of 150 pounds is required. Crouching, balancing, bending or twisting, would be required.

ENVIRONMENTAL DEMANDS: 25% of time is spent indoors and 75% of the time is spent outdoors and exposed to wet and/or humid conditions and both cold and hot weather.

This is a public service position, and employee is required to be courteous, cooperative and respectful at all times with the public and clients; also establishes and maintains a courteous and cooperative and respectful working relationship with other employees, supervisors and public officials.

This position description has been prepared to assist in defining job responsibilities, physical demands, working conditions and needed skills. It is not intended as a complete list of job duties, responsibilities and/or essential functions. This description is not intended to limit or modify the rights of any supervisor to assign, direct, and control the work of employees under supervision. The county retains and reserves any and all rights to change, modify, amend, add to or delete from, any section of this document as it deems, in its' judgment, to be proper.

January 2013

DRAFT