

GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

The following documents are included in the packet for the Land Use Planning & Zoning Committee meeting on Thursday, June 6, 2019.

Packet Pages:

1	Agenda
2-4	Draft meeting minutes from May 2, 2019
5-7	Financial reports for April
8-9	Permits issued in April
10-11	Correspondence
12-13	Line Item Transfer Request
14	Public Hearing Notice

- 15-24 **Item I: Owner:** Mary L. Athanasiou, Personal Representative for the Estate of John P. Mirr **Site Location:** W1507 County Road AA, Parcel #002-00533-0100 (±14.9 acres); Part of the SW¹/₄ of Section 28, T17N, R13E, Town of Berlin **Request:** Rezone ±3.3 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be identified by certified survey map.
- 25-35 **Item II: Owner:** Michael T. Durant **Applicant:** Compass Surveying, LLC, Jeffrey S. Butzke, PLS **Site Location:** N6199 County Road A, Parcel #004-00398-0100 (±119.9 acres); Part of Certified Survey Map 3517, Section 17, T16N, R13E, Town of Brooklyn **Request:** Rezone ±4.29 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be identified by certified survey map.



GREEN LAKE COUNTY Land Use Planning & Zoning Committee

Robert Lyon, Chairman Harley Reabe, Committee Vice-Chair William Boutwell Curt Talma Peter Wallace

Land Use Planning & Zoning Committee Meeting Notice

Date: Thursday, June 6, 2019 Time: 5:15 p.m.
Green Lake County Government Center, Room #0902
571 County Road A, Green Lake, WI 54941
Office: (920) 294-4156 FAX: (920) 294-4198

Agenda

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Certification of Open Meeting Law
- 4. Minutes: 05/02/19 & 05/16/19
- 5. Public comments: 3-minute limit
- 6. Public appearances
- 7. Correspondence
 - a. Letter to the committee from the Green Lake Association re: 2019 events
- 8. Department activity reports
 - a. Financial reports for April
 - b. Permits for April
 - c. Violation report
- 9. Department/Committee activity
 - a. Request for Line Item Transfer
 - b. Staff undate
 - c. Amendments to Chapter 338 Shoreland Zoning Ordinance
- 10. Future committee activities
 - a. Future agenda items
 - Meeting date: August 1, 2019
 Business meeting 5:15 p.m. Public hearing 6:00 p.m.

6:00 p.m. Public Hearing

Item I: Owner: Mary L. Athanasiou, Personal Representative for the Estate of John P. Mirr **Site Location:** W1507 County Road AA, Parcel #002-00533-0100 (±14.9 acres); Part of the SW¼ of Section 28, T17N, R13E, Town of Berlin **Request:** Rezone ±3.3 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be identified by certified survey map.

- a. Committee Discussion & Deliberation
- b. Committee Decision
- c. Execute ordinance/determination form

Item II: Owner: Michael T. Durant **Applicant:** Compass Surveying, LLC, Jeffrey S. Butzke, PLS **Site Location:** N6199 County Road A, Parcel #004-00398-0100 (±119.9 acres); Part of Certified Survey Map 3517, Section 17, T16N, R13E, Town of Brooklyn **Request:** Rezone ±4.29 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be identified by certified survey map.

- a. Committee Discussion & Deliberation
- b. Committee Decision
- c. Execute ordinance/determination form

11. Adjourn

Please note:

Meeting area is accessible to the physically disabled. Anyone planning to attend, who needs visual or audio assistance, should contact the Land Use Planning & Zoning Dept. at 294-4156, no later than 3 days before the meeting.

GREEN LAKE COUNTY LAND USE PLANNING AND ZONING COMMITTEE MEETING MINUTES Thursday, May 2, 2019

CALL TO ORDER

Chairman Lyon called the meeting of the Land Use Planning and Zoning Committee to order at 5:16p.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.

PLEDGE OF ALLEGIANCE

<u>Present</u>: William Boutwell, Robert Lyon, Harley Reabe, Curt Talma, Peter Wallace

Absent:

Also Present: Matt Kirkman, Land Use Planning and Zoning Director

Krista Kamke, Code Enforcement Officer Carole DeCramer, Committee Secretary

Daniel Sondalle, Assistant Corporation Counsel

APPROVAL OF MINUTES

Motion by Boutwell/Reabe, unanimously carried, to approve the 4/10/19 minutes as corrected.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE - None

DEPARTMENT ACTIVITY REPORTS

a. Financial reports

Kirkman discussed the monthly financial reports, land use permits, and sanitary permits reports.

b. Permits

Kirkman explained the list of issued land use and sanitary permits for the month of March.

c. Violations

The committee discussed land use violations. Kirkman explained that, with the code enforcement position now being vacant for three months, staff has not had time to verify the POWTS violations.

DEPARTMENT/COMMITTEE ACTIVITY

a. Staff update

Kirkman – After the first round of interviews, the code enforcement officer position was offered to an individual but the negotiation process between the individual and the coordinator was unsuccessful. The position is now being posted/published for a second time.

b. Three-minute limit for public hearing testimony

Lyon explained that there may be a need to limit public hearing testimony.

Assistant Corporation Sondalle advised that Kirkman discuss this with Corporation Counsel Klockow before making a decision. He explained that the audience participants may want to talk more than three minutes. You can limit them to possibly ten minutes and then suspend the rules, if the committee so chooses, to allow individuals to talk longer. The committee directed Kirkman to discuss this with Corporation Counsel Klockow and bring back to the next meeting.

c. Amendments to Chapter 338 Shoreland Zoning

Kirkman – The proposed amendments to Chapter 338 Shoreland Zoning Ordinance will be discussed at a special meeting scheduled for Thursday, May 16th, at 4:30 p.m.

d. Amendment to Chapter 350 Zoning Ordinance

Kirkman reported that he did discuss with Corporation Counsel Klockow the request for the county to deal with dilapidated and rundown buildings. Klockow shared an opinion regarding that request and advised that the Land Use Planning and Zoning Department cannot be enforcing that type of ordinance. Kirkman will talk to her about releasing the detailed opinion.

Motion by Reabe/Boutwell, unanimously carried, to not release Corporation Counsel Dawn Klockow's opinion regarding the above without her permission.

6:03 p.m. Recessed the business meeting for the public hearing.

PUBLIC HEARING ITEMS

<u>Item I:</u> Owners/Applicants: William H & Rosetta L Bontrager General legal description: W3986 County Road X, Parcel #012-00396-0100 (±5.0 acres) being Lot 1 and Outlot 1 of Certified Survey Map 2880, and Parcel #012-00398-0100 (±1.09 acres) being Lot 1 of Certified Survey Map 1925 located in Section 21, T14N R12E, Town of Manchester Request: Rezone ±6.09 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be identified by certified survey map.

a. Public hearing

No one appeared.

Public hearing closed.

b. Committee discussion and deliberation

<u>Kirkman</u> – Read the rezone criteria as presented in the staff report. The Town of Manchester approved the request.

c. Committee decision

Motion by Reabe/Boutwell, 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.

<u>Item II</u>: Applicant: Green Lake County Land Use Planning & Zoning Committee Explanation: The committee is requesting an amendment to the Code of Green Lake County, Chapter 350, Zoning Ordinance; more specifically, to amend Section 350-27A.(3)(a) adjusting the minimum acreage in the A-1 Farmland Preservation District from 15 acres to 8 acres.

a. Public hearing

No one appeared.

Public hearing closed.

b. Committee discussion and deliberation

<u>Kirkman</u> – Read explained the ordinance amendment.

c. Committee decision

Motion by Boutwell/Talma, unanimously carried on roll call (5-ayes, 0-nays), to approve the proposed ordinance amendment to the Code of Green Lake County, Chapter 350, Zoning Ordinance; more specifically, to amend Section 350-27A.(3)(a) to adjust the minimum acreage in the A-1 Farmland Preservation District from 15 acres to 8 acres, and forward to the county board for final action.

FUTURE COMMITTEE ACTIVITIES

- a. Future agenda items
- b. Next meeting date

May 16, 4:30

June 6, 2019

Business meeting -5:15 p.m.

Public hearing – 6:00 p.m.

ADJOURN

6:28 p.m. Meeting adjourned.

RECORDED BY

Carole DeCramer

Committee Secretary

APPROVED ON:

GREEN LAKE COUNTY LAND USE PLANNING ZONING DEPARTMENT

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un Date 05/14/19 02:33 PM	GREEN LAKE COUNTY			Page No	
For 04/01/19 04/30/19	Revenue Summary Report			FJRES01A	_
Periods 04 - 04	Land Use & Zoning Month End Revenue		MER10	MER100-10-P&Z	
Account No/Description	Budget	Period Amount	Y-T-D Amount	Balance	Percent Received
10 Land Use Planning and Zoning					
19-100-10-44400-000-000 Land Use Permits	34,800.00	2,050.00	4,400.00	30,400.00	12.64
19-100-10-44400-001-000 BOA Public Hearing	1,500.00	00.	375.00	1,125.00	25.00
19=100~10~44400-002~000 PZ Public Hearing	8,625.00	750.00	3,750.00	4,875.00	43.48
19-100-10-44409-000-000 Non-Metallic Mining	15,300.00	00.	15,300.00	00.	100.00
19-100-10-44410-000-000 Sanitary Permits	24,600.00	1,755,00	5,210.00	19,390.00	21.18
19-100-10-45110-000-000 Fines & Forfeitures	00.	00.	700.00	-700.00	00.
19-100-10-46131-001-000 GIS Map Sales 19-100-10-46131-002-000 Strategic Fund	200.00	00.00	00.88	145.00	27.50
19-100-10-46762-000-000 Certified Survey Maps	00.000.9	1,050.00	1,890.00	4,110.00	31.50
19-100-10-47411-000-000 Interdepartment transfer/Land Records	24,500.00	00.	00.	24,500.00	. D0
19-100-10-49320-000-000 Applied Funds 10 Land Use Planning and Zoning	24,500.00	00.	31,680.00	24,500.00	.00

Run Date 05/14/19 02:36	16 PM	GREEN LAKE COUNTY	XI			Pag	Page No 1
For 04/01/19	04/30/19	Expenditure Summary Report	Report			ਭਾਤ	FJEXSO1A
Periods 04 04		Land Use & Zoning Month End Expenses	d Expenses			MEE100-10-P&Z	0-P&Z
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	gajuo						
53510 Code Enforcement							
000-011-01986-01-001-61	Salaries	295,708.00	00.	22,000.24	73,919.92	221,788.08	25.00
19-100-10-53610-140-000	Meeting Payments	1,425.00	00.	00.	00.	1,425.00	00.
19-100-10-53610-151-000	Social Security	22,625.00	00.	1,610.39	6,791.02	15,833.98	30.02
19-100-10-53610-153-000	Ret. Employer Share	19,372.00	00.	1,441.03	6,077.38	13,294.62	31.37
19-100-10-53610-154-000	Health Insurance	61,985.00	00.	4,469.44	18,569,78	43,415.22	29.96
19-100-10-53610-155-000	Life Insurance	589.00	00.	44.73	183.24	405.76	31.11
19-100-10-53610-210-002	Professional Services-SRV	00.005,6	00.	700.00	2,350.00	7,150.00	24.74
19-100-10-53610-210-003	Miscellaneous Fees	300.00	00.	375.00	375.00	-75.00	125.00
19-100-10-53610-242-000	Print Management	00.005	00.	00.	306.41	193.59	61.28
19-100-10-53610-307-000	Training	225.00	00.	00.	95.00	130.00	42.22
19-100-10-53610-310-000	Office Supplies	3,272.00	00.	00.	121.45	3,150.55	3.71
19-100-10-53610+312-000	Field Supplies	200.00	00.	00.	00.	200.00	00.
19-100-10-53610-320-000	Publications-BOA Public Hearing	750.00	00.	00.	325.00	425.00	43.33
19-100-10-53610-320-001	Publications-PZ Public Hearing	3,000.00	00.	00 ~	325.00	2,675.00	10.83
19-100-10-53610-321-000	Seminars	00.559	00.	00.	125.00	530.00	19.08
19-100-10-53610-324-000	Member Dues	100.00	00.	00.	70.00	30.00	70.00
19-100-10-53610-330-000	Travel	792.00	00.	00.	00.	792.00	00.
19-100-10-53610-352-000	Vehicle Maintenance	138.00	00.	00.	84.98	53.02	61.58
53610 Code Enforcement	cement	421,136.00	00.	30,640.83	109,719.18	311,416.82	26.05
10 Land Use Planning and Zoning	ning and Zoning	421,136.00	00.	30,640.83	109,719.18	311,416.82	26.05





Land UsePermits: 4/1/2019 - 4/30/2019

Breezeway w/roof to connect buildings Boathouse, deck/patio, retaining walls Bathroom/storage/kitchenette addition Platform & steps to access home Deck/patio/retaining walls/stairs \$ 270,000.00 Addition to office building **Project** Placement of tiny home Attached deck/patio **Detached garage** 165,000.00 Chicken building **Detached garage Garden shed** Porch 300.00 3,000.00 5,400.00 950.00 11,000.00 38,000.00 18,000.00 55,000.00 90,000,06 70,000.00 500.00 \$ 2,050.00 | \$ 727,150.00 **Project Cost** s ઝ 300.000 S S ↔ s ↔ ₩ ↔ Permit Fee 150.00 150.00 50.00 400.00 50.00 50.00 150.00 150.00 150.00 150.00 150.00 150.00 ↔ ↔ ₩ ₩ ₩ ₩ ↔ ₩ Brenda K Link/Darren A Krueger Ronda Stellmacher/Scott Davis Manchester Rod & Gun Club Cayce 2012 Revocable Trust Michael T/Denise M Glod Kelly R/Timothy A Riggs **Owner Name** Rogers Revocable Trust Marvin/Lydian Wengerd Kopplin & Kinas Co Inc Lamplighter MHC LLC Daniel J Gallaher John McMahon Joshua Jach Total W3336 County Road S Manchester W3975 County Road X N5710 County Road A N5681 County Road A W2354 State Road 23 W1266 N Lawson Dr N4602 Wildwood Ln N445 State Road 73 Site Address N2906 Tichora Rd W2066 Melmar Dr W3614 S Gate Rd W1167 Lillian St W2812 Kahl Rd Manchester 012-00693-0101 Manchester 006-01410-0000 Green Lake **Green Lake** 012-00056-0100 Manchester **Green Lake** 016-00392-1103 Princeton Town 004-01190-0100 Brooklyn Brooklyn 004-00545-0000 Brooklyn Brooklyn Brooklyn 004-00659-0000 012-00285-0000 004-00309-0000 012-00399-0000 006-00530-0100 004-00443-0300 006-01440-0000 Parcel Number



Sanitary Permits: 04/01/19 - 04/30/19

Parcel #	Town	Site Address	Owners	Pern	Permit Fee	Permit Type
008-00210-0000 Kingston	Kingston	W6952 Gillette Drive	Maynard M/Lorene Sue Mast	69	280.00	280.00 New System
154-00169-0000	Village of Marquette	225 Belle Court	Marc R Jahnke	₩.	280.00	280.00 Replacement
018-00188-0100 St. Marie	St. Marie	W3373 County Road CC	Jerome/Laura Huser	49	355.00	355.00 New System
206-01072-0100	City of Berlin	537 E Marquette Street	Richard/Linda DeKeyser	69	280.00	280.00 Replacement
016-00678-0100 Princeton	Princeton	N5973 Canal Street	Matthew Henning & Savannah Wilson	69	280.00	280.00 Replacement
004-00443-0300 Brooklyn	Brooklyn	W2354 State Road 23	Juli Realty LLC	φ.	280.00	280.00 Reconnect
			Totals	\$	\$ 1,755.00	

BOARD OF DIRECTORS

Kent DeLucenay, President
Retired Human Resources Executive

Gary Mecklenburg, Vice President Retired President and CEO, Northwestern Memorial Healthcare

Dick Martens, Treasurer Retired Attorney

Marc Blackman, Secretary CEO, Gold Eagle Co.

Deb BiermanRealtor, Adashun Jones Real Estate

Mathew Boerson
Owner and Operator, Boerson Farm

Rich Diemer Retired Economic Development Specialist

Jim Hebbe
Owner and Operator, Hebbe Farms,
and Former Land Conservation
Director, Green Lake County

Julie Jankowski
Co-Owner, Jankowski Construction, Ltd.

Bill Miner
Retired Environmental Consultant

Mike Regan Cofounder, TranzAct Technologies

Bob Wallace Retired Professor of Biology, Ripon College

STAFF

Stephanie Preliwitz
Executive Director

Joshua Schubring
Development Manager

Jennifer Fjelsted
Communication & Project Manager

May 7, 2019

The Honorable Carole DeCramer, Green Lake Co., Land Use Planning & Zoning Committee Secretary

Dear Committee Secretary DeCramer,

As an elected official within the Green Lake watershed—and with constituents who care about the quality of the lake and its over 140 miles of streams in Green Lake and Fond du Lac County—I want to extend a personal invitation for you and the Land Use Planning & Zoning Committee to attend one of the Green Lake Association's events this year (included below).

The subject of polluted water and related public health concerns are making recent headlines. We anticipate you get questions from your constituents about how you are responding. The Green Lake Association is making strides implementing solutions to these problems in collaboration with a multitude of partners, from the local to federal level. We want you to be informed, invested, and engaged in these local accomplishments.

The Green Lake Association represents over local 700 community and business members who have joined us in our mission to promote the conservation of Big Green Lake and its watershed with a singular focus on water quality.

Our current clean water initiatives include:

- Restoring a mile of eroding stream annually. This year we are focusing on Dakin Creek in an attempt to restore a native brook trout species, which has been missing from this degraded trout stream since the 1950s.
- Removing over 100,000 pounds of invasive carp to improve water clarity, reduce nutrient pollution, and prevent harmful algae blooms.
- Partnering with local farmers, including hosting the Conservation Field Day with the Green Lake County Farm Bureau, and the farm demonstration network we are launching with Pollack-Vu Dairy and the Natural Resources Conservation Department.

If your schedule allows, the Green Lake Association would be honored to have you attend one of our events that supports clean water in our community. I have included a calendar for your reference. Thank you for your time and your continued dedication to doing what is right for Wisconsin's residents.

Sincerely,

Jennifer A. Fjelsted
Communication & Project Manager, Green Lake Association

2019 Green Lake Association Events

As an elected official within the Green Lake watershed, we invite you to attend one of the Green Lake Association's events this summer.

Send your RSVP or any questions to Jennifer Fjelsted, Communication & Project Manager,

at lennifer@greenlakeassociation.com or (920) 294-6480.

Annual Meeting | Saturday, June 15, 2019

9:00 AM- 11:00 AM at Town Square, 492 Hill Street, Green Lake, Wisconsin, 54941

This is an event open to the community and geared toward Green Lake Association members. We discuss our 2018 progress report and our 2019 plans for cleaner water in Green Lake.

Coffee and light breakfast snacks served. Anticipated attendees: 50-70.

10th Annual Gala | Saturday, August 3, 2019

5:00 PM – 10:00 PM at Shoreline Boat Center Showroom, 509 Commercial Avenue, Green Lake, Wisconsin, 54941

Our annual fundraiser focuses on our pillar projects that improve and protect water quality in Big Green Lake through agricultural best management practices, stream restoration, and invasive species removal.

Cocktail hour and dinner served. Anticipated attendees: 250-300.

3rd Annual Conservation Field Day | Saturday, August 17, 2019 10:00 AM - 2:00 PM at Dukelow Farm, W2026 County Road B, Markesan, Wisconsin 53946

We bring farmers, shoreline owners, and community members together to talk about ways to improve water quality and soil health. This field day cultivates connection and cooperation in the Green Lake watershed.

Co-hosted with the Green Lake County Farm Bureau. Anticipated attendees: 50–80.



Jennifer Fjelsted | Communication & Project Manager Green Lake Association 492 Hill Street, Suite 205 PO Box 364 / Green Lake, WI 54941 (920) 294-6480 | office www.greenlakeassociation.com | web

REQUEST FOR LINE ITEM TRANSFER

								Office	Use Only
							No.		
Department:	Land Use Planning& Zoning	9					Date:		
Budget Year Amende		_							
	1	7							
From Account									
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Account #	Account Name	_	urrent Budget		sfer Amount	YTD Exp			ew Budget
19-100-10-53610-307-000		\$	225.00	\$	130.00	\$	95.00	\$	95.00
19-100-10-53610-312-000		\$	200.00	\$	24.00		_	\$	176.00
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Total Transfer				\$	308.00				
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	or Non-metallic Mining inspections								
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Nonmetallic Mining Tunds s	hould be used to administer and e	enforce	a county's non-r	netallic	mining progra	m.	_		
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Department Head Approv	al								
Governing Committee Ap	proval								
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f < \$500:									
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COUNTY ADMINISTRATO	R Approval:								202 17
f > \$500:									
Send to County Clerk's Office	ce								
222 to 202y 3.00 0 m									
FINANCE COMMITTEE AP	proval given on :		1-					N	
					Da	te		Re	evised 02/2017

Transfer

Purpose

To transfer budgeted expense/revenue amounts from one line item to another within the same budget so as not to exceed adopted budget.

Policy

A transfer of funds should be made prior to an individual line item balance exceeding the line item budget as adopted. No transactions should be posted to any budget line item if there are not adequate budgeted funds available to cover those transactions during that fiscal year.

In the event a department has insufficient line item budgeted funds available to cover the balance of proposed transactions, a transfer of budget funds from another individual line item within that department's budget to cover those transactions may be initiated with prior approval.

All transactions shall be charged to the appropriate revenue/expenditure account, not arbitrarily charged to accounts where unused budget funds are available.

Procedure

To initiate the line item transfer process, the department head shall notice the review, discussion & action of this completed and signed form on the next monthly meeting agenda of their committee of jurisdiction.

If the Line Item Transfer is approved by the committee of jurisdiction AND IS FOR AN AMOUNT OF \$500 OR LESS the signed copy of this form along with a copy of the meeting minutes shall be forwarded to the County Administrator for approval.

If the Line Item Transfer is approved by the committee of jurisdiction AND IS FOR AN AMOUNT OF \$500 OR MORE the signed copy of this form along with a copy of the meeting minutes shall be forwarded to the County Clerk to be noticed on the Finance Committee agenda for review, discussion and action.

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 6, 2019, at 6:00 p.m.* to consider the following items:

Item I: Owner: Mary L. Athanasiou, Personal Representative for the Estate of John P. Mirr **Site Location:** W1507 County Road AA, Parcel #002-00533-0100 (±14.9 acres); Part of the SW¹/₄ of Section 28, T17N, R13E, Town of Berlin **Request:** Rezone ±3.3 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be identified by certified survey map.

Item II: Owner: Michael T. Durant **Applicant:** Compass Surveying, LLC, Jeffrey S. Butzke, PLS **Site Location:** N6199 County Road A, Parcel #004-00398-0100 (±119.9 acres); Part of Certified Survey Map 3517, Section 17, T16N, R13E, Town of Brooklyn **Request:** Rezone ±4.29 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be identified by certified survey map.

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 23 & May 30, 2019

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING June 6, 2019

ITEM I: ZONING CHANGE

OWNER: APPLICANT:

John P. Mirr Mary L. Athanasiou, Estate Personal Rep.

REQUEST: The applicant is requesting a zoning change from A-1 Farmland Preservation District to R-4, Rural Residential District, ±3.3 acres.

PARCEL NUMBER / LOCATION: The affected parcel number is 002-00533-0100, located in the SW¼ of Section 28, T17N, R13E, Town of Berlin. The site proposed for zoning change is located at W1507 County Road AA.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcel subject to this request is A-1 Farmland Preservation District. Located between State Highway 49 and County Road A, this stretch of land is dominated by agriculturally zoned and used lands. There are A-2 General Agricultural lands to the northeast, and A-1 Farmland Preservation lands to the north, south, and west. Also, west along County Road A are R-4 Rural Residential lands and R-1 Single-Family Residence lands.

The Green Lake County Farmland Preservation Plan identifies the land under consideration for this zoning change to be in a Farmland Preservation Area.

According to Flood Boundary and Floodway Map Panel 55047C0065C, all lands under consideration for this request are located outside the floodplain. Wisconsin Wetland Inventory shows no mapped wetlands. This property falls outside the Shoreland Zoning jurisdiction.

<u>ADDITIONAL INFORMATION / ANALYSIS</u>: The representative of the estate plans to sell the rezoned portion of land, ±3.3 acres, containing a house with attached garage and two sheds. The remnant lot (±11.5 acres) will be purchased by the grandson of the late owner, and will retain the A-1 zoning, to be used as wooded field hunting land.

Soils Analysis: (OkB, 17831sqft, Okee loamy fine sand, KdB,113,060 sqft, Kidder fine sandy loam) Both soils are well-suited to agriculture in Green Lake County. Both soils require irrigation, are prone to organic matter depletion, and are subject to wind erosion, but overall not poor soils. There are no rivers, stream, lakes or wetlands that are down slope of these lands that would preclude them from being fully utilized for agricultural production. However, the lands associated with this rezone have been developed for rural residential use as opposed to agricultural use.

STATUTORY CRITERIA PER 91.48(1): Land may be rezoned out of a farmland preservation zoning district if all of the following are found after public hearing: **(Staff comments in bold)**

a) The land is better suited for a use not allowed in the farmland preservation zoning district. The use of lands under consideration for this rezone request have been used residentially and as open natural space since the home was built in 1981. Historic aerial photos from 1973 and 1980 show the land was used for crops then, but the 1992, 2000, 2005, 2011, and 2015 aerial photo records do not show any agricultural use on the property. While the farmland preservation zoning district allows for a

residence, the district requires the home be an accessory use to agricultural operations. As the land has not been used for crops in 25-30 years, and as there is not enough acreage to meet the A-1 Farmland Preservation district permitted uses, this land appears to meet the criteria of being better suited to a different zoning district.

- b) The rezoning is consistent with any applicable comprehensive plan. The proposed rezone is considered consistent with the county's comprehensive plan, as the request upholds the goal identified to encourage cluster development of similar land uses. There is no reduction in lands that have been used agriculturally.
- 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 are legally restricted to agricultural use. The parcels surrounding this property, identified above as being used predominantly for row crop, have not been negatively impacted in the last 25-30 years by the ±3.3 acres being used residentially. This request serves to match the existing use of the property to the established rural residential uses and zoning pattern present in this neighborhood.

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 5, 2019.

Please type or use black ink

Return to:

Green Lake County

Planning & Zoning Department

571 County Road A Green Lake, WI 54941

(920) 294-4156

GENERAL APPLICATION

Fee \$375(not refundable)	Date 3/26/2019
Zone Change from A-1 to R-4	
Conditional Use Permit for N/A	
Other N/A	
PROPERTY OWNER / APPLICANT (1)	
Name Mary L Athanasiou, Personal Representati	ve for the Estate of John P Mirr
Mailing Address 1810 Leonard Point Rd., Oshkos	sh, WI 54904
Phone Number 920.216.1610	
Signature Man & attomas	wr PR Date 3/26/19
PROPERTY OWNER / APPLICANT (2)	
Name	
Mailing Address	
Phone Number	
Signature	Date
PROPERTY INFORMATION	
Town of Berlin Parcel Numb	per(s) 002-00533-0100
Acres 14.89 Lot Block Subd	ivision
Section 28 Town 17 North Range 13	_East
Location of Property W1507 County Road AA	***
Legal Description See attached proposed CSM	
Current Zoning Classification A-I Farmland Preservation	Current Use of Property House and land
Detailed Description of Proposed Use Existing par	cel to be divided into two smaller parcels. One
parcel at approximately 3.3 acres to be zoned R4. T	his parcel has the home and sheds on it and will be
sold. The remaining 11.5 acres is wooded/field hun	ting land. This parcel will be purchased by grandson
of the estate. The territory 11.8 acre parcel	AND THE PROPERTY OF THE PROPERTY OF THE PARTY OF THE PART

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change \$375.00

Conditional Use Permit \$375.00 Special Exception \$375.00 Variance/Appeal \$375.00

CERTIFIED SURVEY MAP NO.

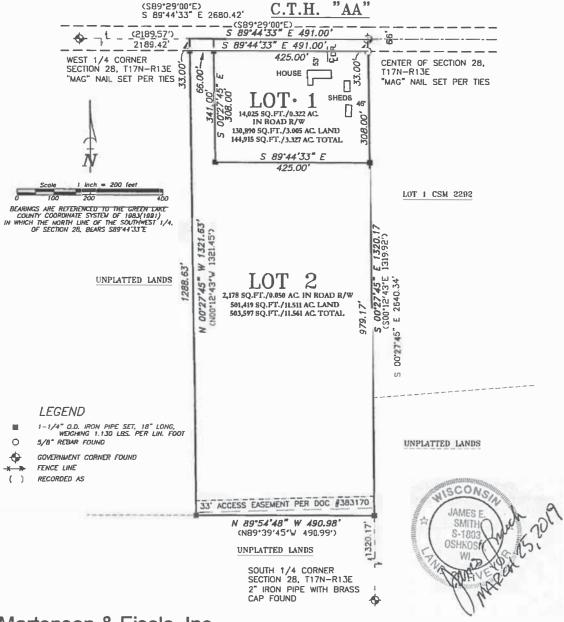
PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 13 EAST, TOWN OF BERLIN, GREEN LAKE COUNTY, WISCONSIN.

SURVEY FOR: KELLY MIRR 150 S. JOHNSON STREET BERLIN, WI 54923

NOTE:

75' SETBACK FROM THE CENTERLINE OF C.T.H. "AA"

THE PURPOSE OF THIS CSM IS TO DIVIDE OFF THE EXISTING BUILDINGS



Martenson & Eisele, Inc.



101 West Main Street Omro, W 54963 www.martenson-elsele.com P 920.685.6240 F 920.685.6340 Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 0-2274-002

FILE 2274002CSM SHEET 1 OF 2

This instrument was drafted by: 0SL

Certified Survey Map No. _

PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 13 EAST, TOWN OF BERLIN, GREEN LAKE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

PROJECT NO. _____ 0-2274-002

I, James E. Smith, Professional Land Surveyor, do hereby certify:

That I have surveyed, and mapped, at the direction of the Kelly Mirr, part of the Northeast 1/4 of the Southwest 1/4 of Section 28, Township 17 North Range 13 East, Town of Berlin, Green Lake County, Wisconsin, described as follows:

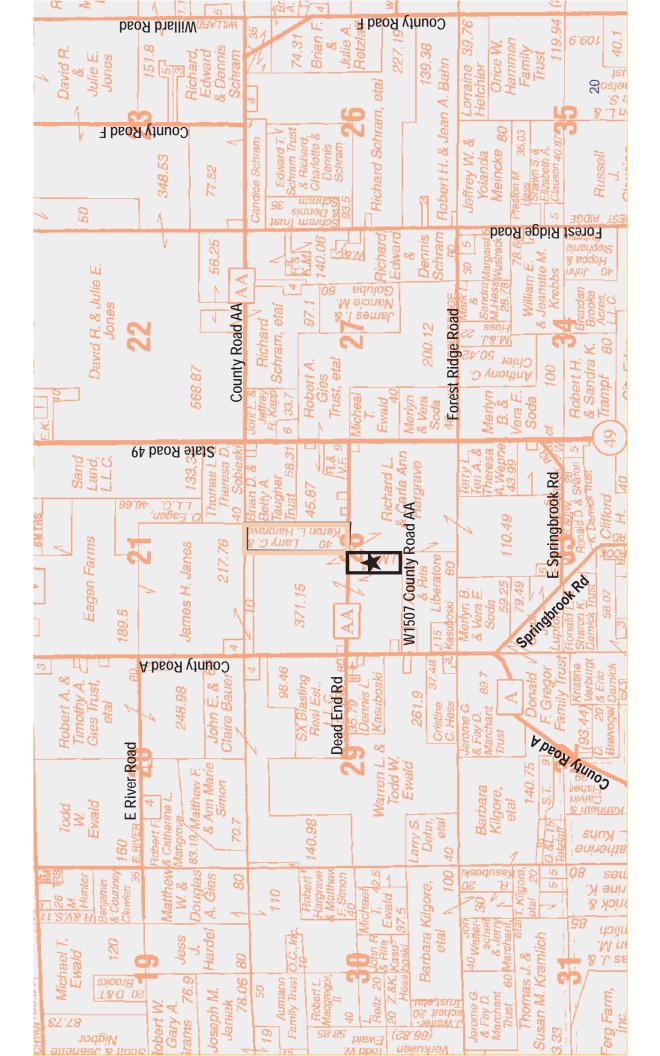
Commencing at the West 1/4 corner of said Section 28; thence South 89 degrees 44 minutes 33 seconds East 2189.42 feet, along the North line of the said Southwest 1/4, to the point of beginning; thence South 89 degrees 44 minutes 33 seconds East 491.00 feet, along the said North line; thence South 00 degrees 27 minutes 45 seconds East 1320.17 feet, along the East line of the said Southwest 1/4; thence North 89 degrees 54 minutes 48 seconds West 490.98 feet, along the South line of the said Northeast 1/4 of the Southwest 1/4; thence North 00 degrees 27 minutes 45 seconds West 1321.63 feet, to the point of beginning.

That I have fully complied with Chapter 236.34 of the Wisconsin Statutes in surveying, and mapping the same and the Green Lake County Land Division Ordinance and the Town of Berlin Land Division and Subdivision

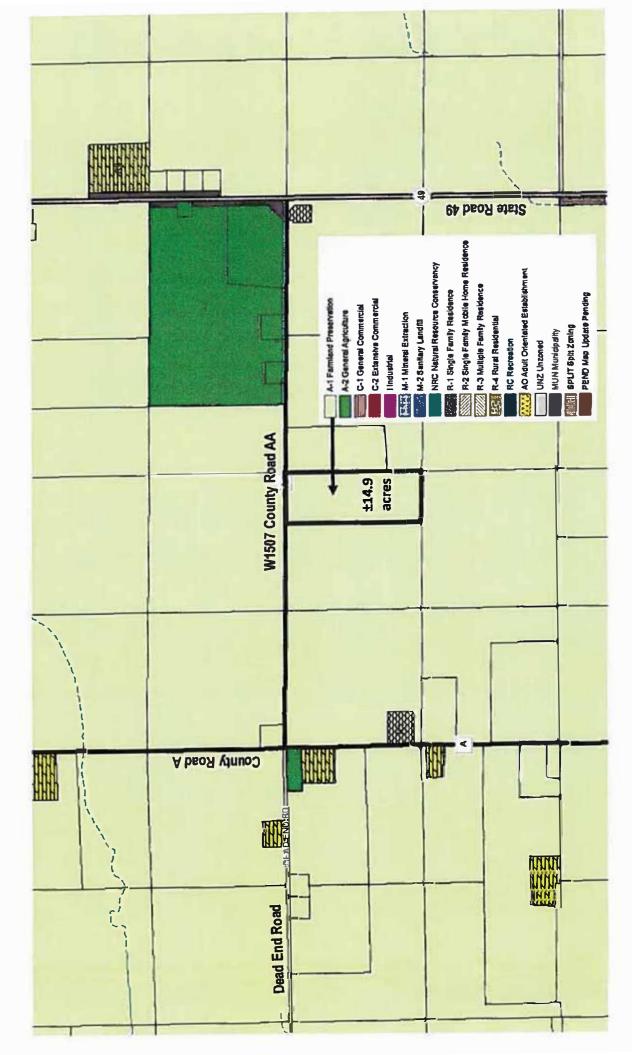
Ordinance. This map is a correct representation of all of the exterior boundaries of land surveyed and the division thereof

This map is a correct repre	Schranon of an or me	e exterior nonlinaries of	iand sinveyed and ii	ie division mereor.
Given under my hand this	day of Y	MARGL 2019.		MINTER CONSTANT
James E Smith, W. Lund S	urveyor, S-1803			JAMES E. SMITH S-1803 OSHKOSH, WI SURVE E Action
GREEN LAKE COUNTY Approved for recording as p			EE CERTIFICATE ad Zoning Committe	e Action
of	, 2019.	Committee Rep	resentative	_
OWNERS CERTIFICATI	_			
As owner, I the undersigned mapped all as shown and rep			e described to be su	rveyed, divided and
John P. Mirr Estate, Persona	d Representitive			Date
Si	tate of Wisconsin County))SS ()		
Personally came before the person who executed	the foregoing instrur	day of ment and acknowledge t	, 2019, the above on the same.	owner to me known to
	My (Commission Expires		

SHEET 2 of 2

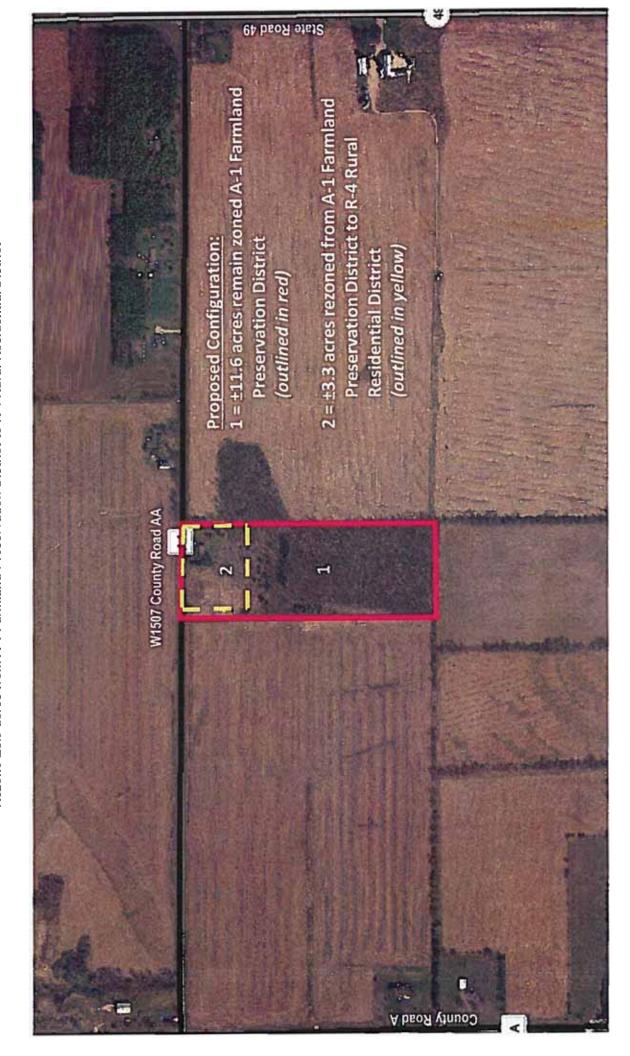


W1507 County Road AA, Town of Berlin, Parcel #002-00533-0100 (±14.9 acres); Part of the SW¼ of Section 28, T17N, R13E Owner: Mary L. Athanasiou, Personal Representative for the Estate of John P. Mirr Rezone ±3.3 acres from A-1 Farmland Preservation District to R-4 Rural Residential District



Green Lake County Land Use Planning & Zoning Committee Public Hearing 06/06/19

W1507 County Road AA, Town of Berlin, Parcel #002-00533-0100 (±14.9 acres); Part of the SW1/4 of Section 28, T17N, R13E Owner: Mary L. Athanasiou, Personal Representative for the Estate of John P. Mirr Rezone ±3.3 acres from A-1 Farmland Preservation District to R-4 Rural Residential District



Green Lake County Land Use Planning & Zoning Committee Public Hearing 06/06/19

W1507 County Road AA, Town of Berlin, Parcel #002-00533-0100 (±14.9 acres); Part of the SW1/2 of Section 28, T17N, R13E Owner: Mary L. Athanasiou, Personal Representative for the Estate of John P. Mirr Rezone ±3.3 acres from A-1 Farmland Preservation District to R-4 Rural Residential District



Green Lake County Land Use Planning & Zoning Committee Public Hearing 06/06/19

W1507 County Road AA, Town of Berlin, Parcel #002-00533-0100 (±14.9 acres); Part of the SW1/4 of Section 28, T17N, R13E Owner: Mary L. Athanasiou, Personal Representative for the Estate of John P. Mirr

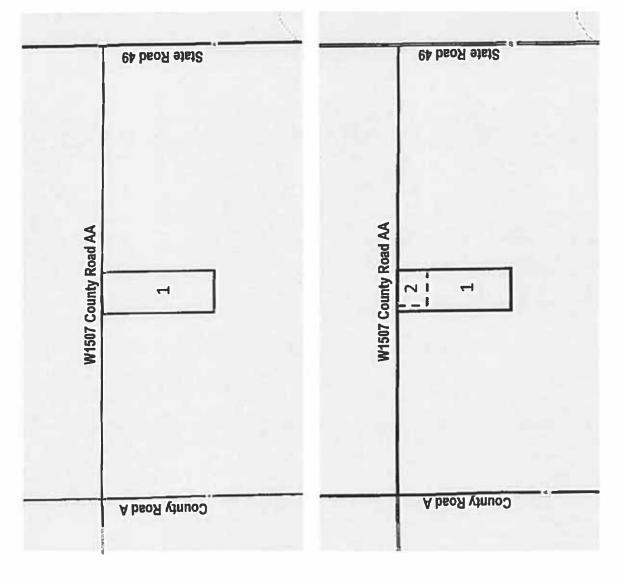
Rezone ±3,3 acres from A-1 Farmland Preservation District to R-4 Rural Residential District

Existing Configuration:

1 = ±14.9 acre parcel zoned A-1 Farmland Parcel #002-00533-0100 **Preservation District**

Proposed Configuration:

- 1 = ±11.6 acres remain zoned A-1 Farmland **Preservation District**
- 2 = ±3.3 acres rezoned from A-1 Farmland Preservation District to R-4 Rural **Residential District**



Green Lake County Land Use Planning & Zoning Committee Public Hearing 06/06/19

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING June 6, 2019

ITEM II: ZONING CHANGE

OWNER: APPLICANT:

Michael T. Durant Compass Surveying LLC, Jeffrey S. Butzke, PLS

REQUEST: The applicant is requesting a zoning change from A-1 Farmland Preservation District to R-4, Rural Residential District, ±4.29 acres.

PARCEL NUMBER / LOCATION: The affected parcel number is 004-00398-0100, located in the SW¼ of Section 17, T16N, R13E, Town of Brooklyn. The site proposed for zoning change is located at N6199 County Road A.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcel subject to this request is A-1 Farmland Preservation District. Located north of State Highway 23 and south of the Puchyan River, the lands surrounding this parcel are also zoned A-1 Farmland Preservation. To the east are split-zoned A-1 and C-2 lands, as well as a stretch of C-2 Extensive Commercial lands along the highways. This property is north of the Heritage Estates complex, a neighborhood of R-3 Multiple-Family Residence and R-4 Rural Residential District lands.

The Green Lake County Farmland Preservation Plan identifies the land under consideration for this zoning change to be in a Farmland Preservation Area.

For lands subject to this rezone request, there is no mapped floodplain, no inventoried wetlands, and no shoreland zoning jurisdiction. The lands not subject to this rezone request but part of the land division are unbuildable due to wetlands, general floodplain designations, and shoreland-wetland zoning criteria; said lands will be kept in the A-1 zoning district.

<u>ADDITIONAL INFORMATION / ANALYSIS</u>: The owner has an accepted offer to sell the rezoned portion of land, ±4.29 acres, containing a house with an attached garage. The remnant lot (±115.63 acres) will be split between the neighbor and the current owner, and will keep the A-1 zoning, to be used as open space lands reserved for hunting and recreation. Several ordinances and other jurisdictional restrictions prohibit construction on the remnant piece, outside of hunting blinds, stands, etc.

Soils Analysis: (KdB,152,460 sqft, Kidder fine sandy loam and GhA, 13,068 sqft, Granby loamy fine sand) KdB soils are well-suited to agriculture in Green Lake County, but require irrigation, are prone to organic matter depletion, and are subject to wind erosion. Granby soils are low lying and receive and hold runoff. These soils are not well-suited for agriculture unless tiled or drained. There are no rivers, stream, lakes or wetlands that are down slope of these lands that would preclude them from being fully utilized for agricultural production. However, the lands associated with this rezone have been developed for rural residential use as opposed to agricultural use.

STATUTORY CRITERIA PER 91.48(1): Land may be rezoned out of a farmland preservation zoning district if all of the following are found after public hearing: **(Staff comments in bold)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. The use of lands under consideration for this rezone request have been used residentially since 2014 and as fallow natural space since 1992. Historic aerial photos from 1992 and before show the land was used for crops, but the sales history indicate it was sold in November of 1992 and 2000, 2005, and 2011 photos show it was not being used for crop production, while 2015 aerial records show progress on the new house construction. Although the farmland preservation zoning district allows for a residence, the district requires the home be an accessory use to agricultural operations. As the land has not been used for crops in 25+ years, and as the subject area for this request does not contain enough acreage to meet the A-1 Farmland Preservation district permitted uses, this land appears to meet the criteria of being better suited to a different zoning district.
- b) The rezoning is consistent with any applicable comprehensive plan. The proposed rezone is considered consistent with the county's comprehensive plan, as the request upholds the goal identified to encourage cluster development of similar land uses and encourage development that utilizes existing networks (road, power, etc). This property is within 1,500ft of the state highway, and 1,000ft from the residential development west of the City of 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.
- 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 are legally restricted to agricultural use. The property has not been used for agricultural production since the early 1990s, so it appears there is no reduction in lands that have been in productive agricultural use. The remnant will remain in open space use.

TOWN OF BROOKLYN: An Action Form requesting the Town of Brooklyn's input related to this zoning change request was mailed to the Town Clerk on April 5, 2019. The Brooklyn Town Board did not object to and approved the rezone request as presented.

Return to:

Green Lake County

Planning & Zoning Department

571 County Road A Green Lake, WI 54941 (920) 294-4156

GENERAL APPLICATION

Zone Change from A-1 to R 4 Conditional Use Permit for Other	
Other	
PROPERTY OWNER / APPLICANT (1)	
Name Compass Surveying, LLC (Jeffrey S. Butzke, WI P.L.S. #S-2801) {Applicant}	
Mailing Address N3756 Hickory Road, Fond du Lac, WI 54937	
Phone Number (920) 517-1683 (Cell) / (920) 517-2417 (Office)	
Signature Date 4/1/2018	
PROPERTY OWNER / APPLICANT (2)	
Name Michael T. Durant {Property Owner}	
Mailing Address 1715 Crestview Drive, Oshkosh, WI 54904	
Phone Number (920) 642-3471	
Signature Muchallon Pura Date 4/1/2018	
PROPERTY INFORMATION	
Town of Brooklyn Parcel Number(s) A part of Parcel No. 004-00398-0100	
Acres 4.287 acres Lot 1 Block Subdivision A part of CSM #3517	
Section 17 Town 16 North Range 13 East	
Location of Property N6199 C. T.H. "A", Green Lake, WI 54941	
Legal Description Proposed Lot 1 of the attached Certified Survey Map. Also shown and described on t	ne
attached Zoning Exhibit and Zoning Description	
Current Zoning Classification A 1 Current Use of Property Single Family Residen	ial
Detailed Description of Proposed Use This rezoning is being requested for the creation of a 4.287 acres	ot
which is currently a Single Family Residential property. This lot is being split off of a much larger parc	el_
and is shown on the attached Certified Survey Map. The Zoning District being requested is the R-4 met	
A-1 district. The remaining lots of this proposed CSM are to remain in the A-1 district.	

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change \$375.00

Conditional Use Permit \$375.00 Special Exception \$375.00 Variance/Appeal \$375.00



RECORDED ON: 06/15/2015 02:25PM

REC FEE:

\$30.00

PG. 3517

CERTIFIED SURVEY MAP

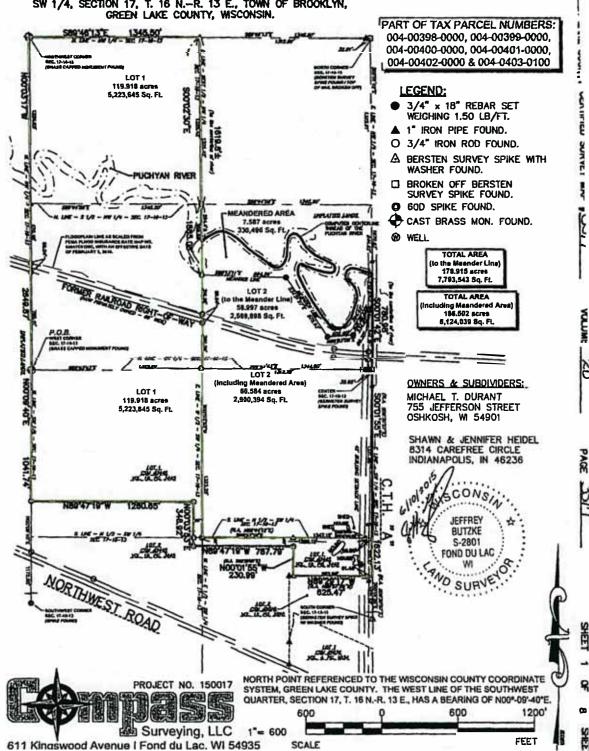
MICHAEL T. DURANT & SHAWN AND JENNIFER HEIDEL

LOT 1, CSM \$3445, VOL 19, PG. 3445 AND THE NW 1/4 OF THE NW 1/4, THE SW 1/4 OF THE NW 1/4, A PART OF THE SE 1/4 OF THE NW 1/4, A PART OF THE SW 1/4 OF THE SW 1/4, A PART OF THE SW 1/4 AND THE SW 1/4 OF THE SW 1/4, A PART OF SE 1/4 OF THE SW 1/4 AND THE NE 1/4 OF THE SW 1/4, SECTION 17, T. 16 N.—R. 13 E., TOWN OF BROOKLYN, GREEN LAKE COUNTY, WISCONSIN.

SARAH GUENTHER REGISTER OF DEEDS GREEN LAKE, WI TRANSFER FEE:

28

OF CSM



V01. 20



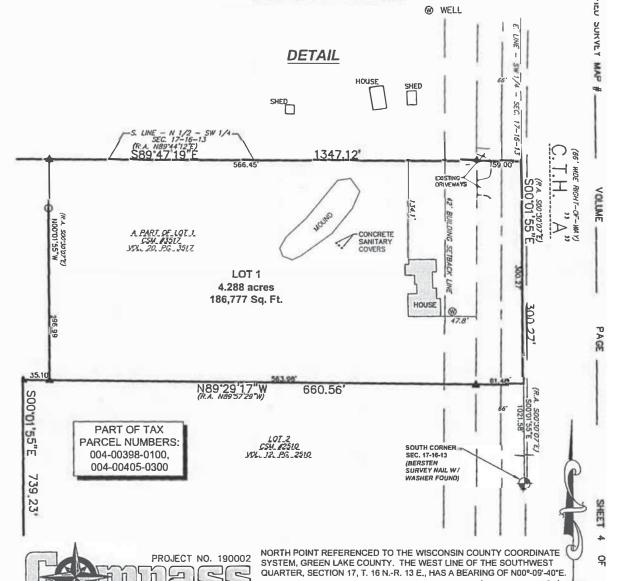
MICHAEL T. DURANT &

BERT & AMY BRIESE JOINT REVOCABLE TRUST
A RE-DIVISION OF LOT 2, CSM #3445, VOL 19, PG. 3445 AND A
RE-DIVISION OF LOT 1, CSM #3517, VOL. 20, PG. 3517, BEING A PART OF
THE SE 1/4 OF THE SW 1/4, A PART OF THE SW 1/4 OF THE SW 1/4,
THE NW 1/4 OF THE SW 1/4, THE SW 1/4 OF THE NW 1/4 AND THE NW
1/4 OF THE NW 1/4, SECTION 17, T. 16 N.-R. 13 E.,
TOWN OF BROOKLYN, GREEN LAKE COUNTY, WISCONSIN.

TOTAL AREA 154.918 acres 6,748,245 Sq. Ft.

LEGEND:

- 3/4" x 18" REBAR SET WEIGHING 1.50 LB/FT.
- ▲ 1" IRON PIPE FOUND.
- O 3/4" IRON ROD FOUND.
- Δ BERSTEN SURVEY SPIKE WITH WASHER FOUND.
- BROKEN OFF BERSTEN SURVEY SPIKE FOUND.
- @ 60D SPIKE FOUND.
- CAST BRASS MON. FOUND.



100'

SCALE

1"= 100'

5

Surveying, LLC

N3756 Hickory Road | Fond du Lac, WI 54937

200'

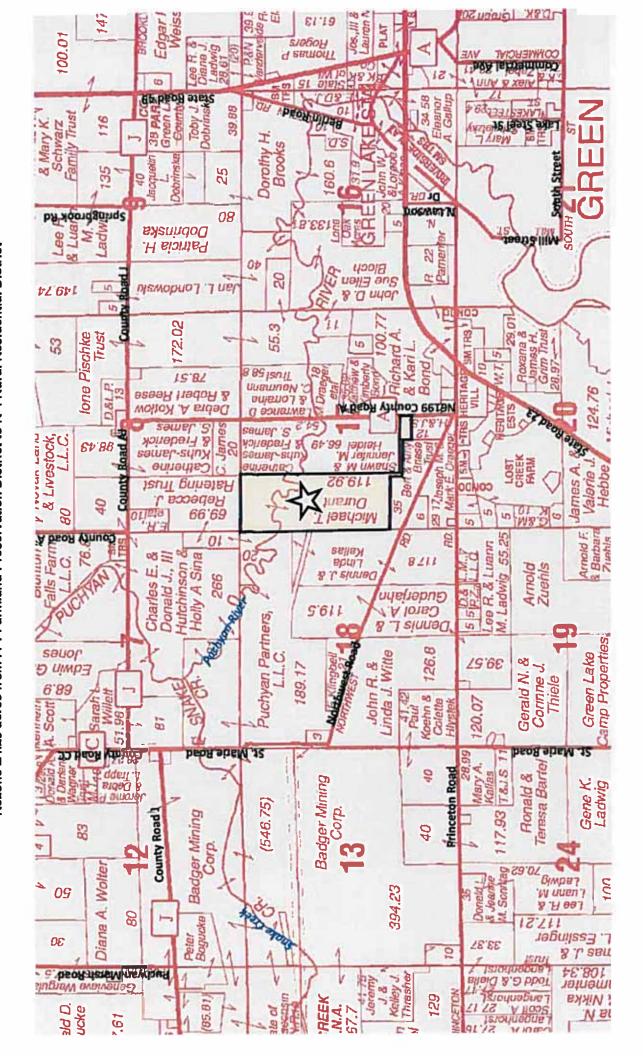
FEET

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STEETS

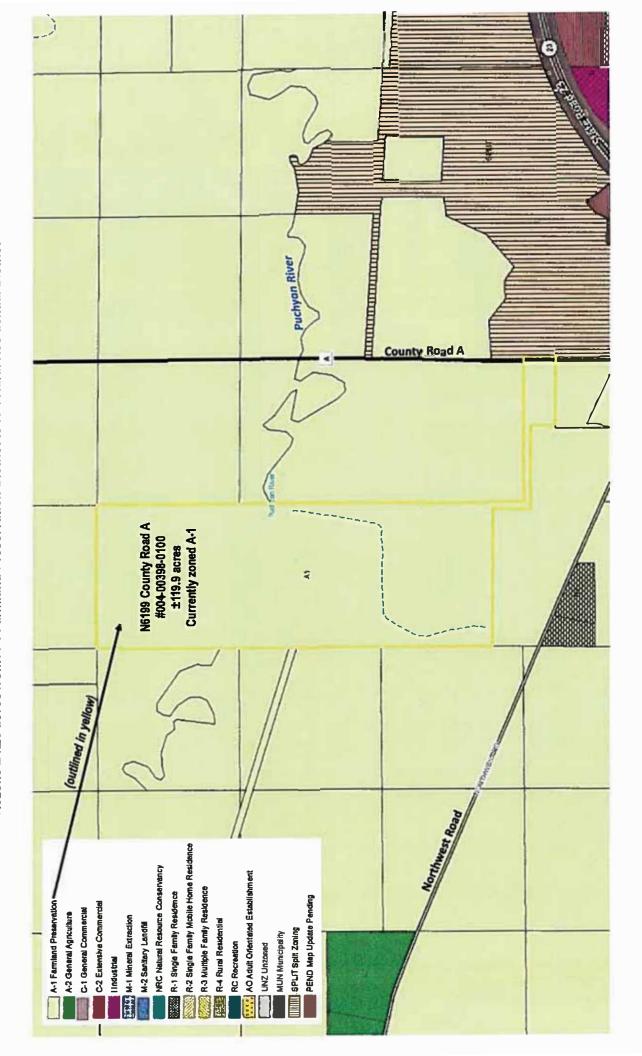
100'

N6199 County Road A, Town of Brooklyn, Parcel #004-00398-0100 (±119.9 acres); Part of Certified Survey Map 3517, Section 17, T16N, R13E Applicant: Compass Surveying, LLC, Jeffrey S. Butzke, PLS Rezone ±4.29 acres from A-1 Farmland Preservation District to R-4 Rural Residential District Owner: Michael T. Durant



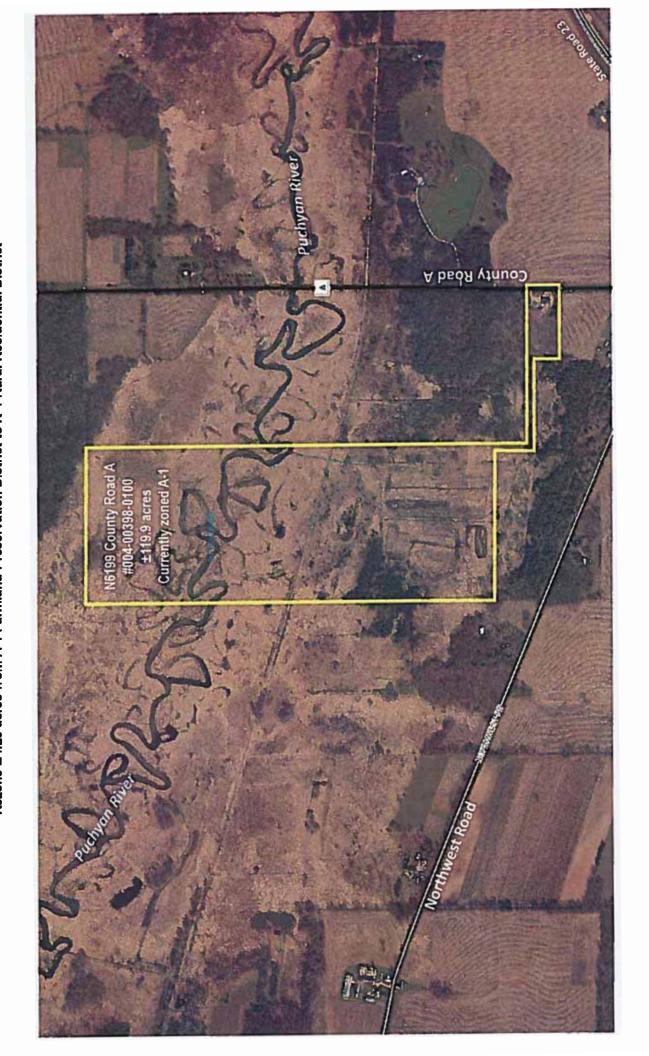
Green Lake County Land Use Planning & Zoning Committee Public Hearing 06/06/19

N6199 County Road A, Town of Brooklyn, Parcel #004-00398-0100 (±119.9 acres); Part of Certified Survey Map 3517, Section 17, T16N, R13E Owner: Michael T. Durant Applicant: Compass Surveying, LLC, Jeffrey S. Butzke, PLS Rezone ±4.29 acres from A-1 Farmland Preservation District to R-4 Rural Residential District



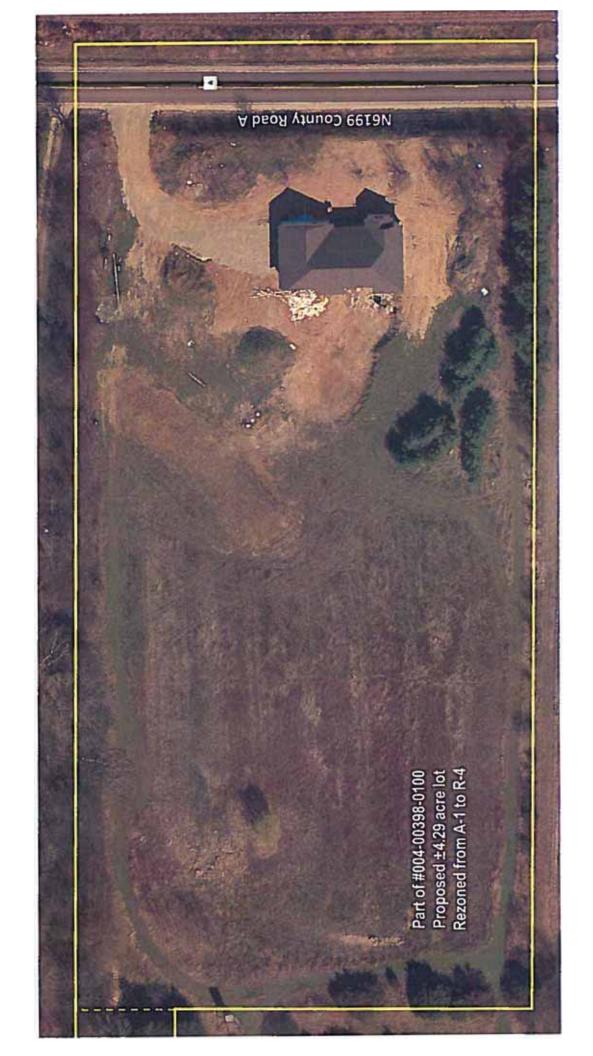
Green Lake County Land Use Planning & Zoning Committee Public Hearing 06/06/19

N6199 County Road A, Town of Brooklyn, Parcel #004-00398-0100 (±119.9 acres); Part of Certified Survey Map 3517, Section 17, T16N, R13E Owner: Michael T. Durant Applicant: Compass Surveying, LLC, Jeffrey S. Butzke, PLS Rezone ±4.29 acres from A-1 Farmland Preservation District to R-4 Rural Residential District



Green Lake County Land Use Planning & Zoning Committee Public Hearing 06/06/19

N6199 County Road A, Town of Brooklyn, Parcel #004-00398-0100 (±119.9 acres); Part of Certified Survey Map 3517, Section 17, T16N, R13E Owner: Michael T. Durant Applicant: Compass Surveying, LLC, Jeffrey S. Butzke, PLS Rezone ±4.29 acres from A-1 Farmland Preservation District to R-4 Rural Residential District



Green Lake County Land Use Planning & Zoning Committee Public Hearing 06/06/19

Owner: Michael T. Durant Applicant: Compass Surveying, LLC, Jeffrey S. Butzke, PLS

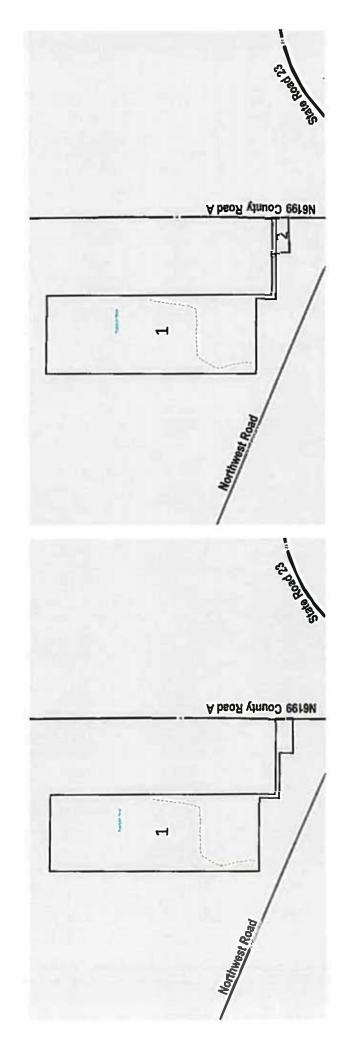
N6199 County Road A, Town of Brooklyn, Parcel #004-00398-0100 (±119.9 acres); Part of Certified Survey Map 3517, Section 17, T16N, R13E Rezone ±4.29 acres from A-1 Farmland Preservation District to R-4 Rural Residential District

Existing Configuration:

1 = ±119.9 acre parcel currently zoned A-1 Farmland Preservation District Parcel #004-00398-0100

Proposed Configuration:

- 1 = ±115.61 acre parcel remains zoned A-1 Farmland Preservation District
- 2 = ±4.29 acre parcel rezoned from A-1 Farmland Preservation District to R-4 Rural Residential District



Green Lake County Land Use Planning & Zoning Committee Public Hearing 06/06/19

TUWN BUARD ACTION

Rezone Request

Dear Land Use Planning and Zoning Committee: Please be advised that the Town Board of Brooklyn, County of Green Lake, took the following action on 14 - 1919. 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. Owner: Michael T. Durant Applicant: Compass Surveying, LLC, Jeffrey S. Butzke, PLS Site Location: N6199 County Road A General legal description: #004-00398-0100 (±119.9 acres); Part of Certified Survey Map 3517, Section 17, T16N, R13E, Town of Brooklyn. Request: Rezone ±4.29 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be identified by certified survey map. Planned public hearing date: June 6, 2019 Town Representative NOTES:

Please return this form to the Land Use Planning & Zoning Office by: May 15, 2019