



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, May 2, 2019.

Packet Pages:

1 **AMENDED AGENDA - 04/29/19 cd**

2-6 Draft meeting minutes from April 10, 2019

7-9 Financial reports for March

10-11 Permits issued in March

12 Land use violations

13 Public Hearing Notice

14-30 **Item I: 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 R12 E, 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.

31-33 **Item II: 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.



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, May 2, 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

***AMENDED AGENDA 04/29/19 cd**

1. Call to Order
2. Pledge of Allegiance
3. Certification of Open Meeting Law
4. Minutes: 04/10/19
5. Public comments: 3-minute limit
6. Public appearances
7. Correspondence
8. Department activity reports
 - a. Financial reports for March
 - b. Permits for March
 - c. Violation report
9. Department/Committee activity
 - a. Staff update
 - *b. Three-minute limit for public hearing testimony**
 - b. Amendments to Chapter 338 Shoreland Zoning Ordinance
 - c. Amendments to Chapter 350 Zoning Ordinance
10. Future committee activities
 - a. Future agenda items
 - b. Meeting date: June 6, 2019
Business meeting 5:15 p.m. - Public hearing 6:00 p.m.

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.

6:00 p.m. Public Hearing

Item I: 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. Committee Discussion & Deliberation
- b. Committee Decision
- c. Execute ordinance/determination form

Item II: 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. Committee Discussion & Deliberation
- b. Committee Decision
- c. Execute ordinance/determination form

11. Adjourn

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Wednesday, April 10, 2019**

CALL TO ORDER

Chair Lyon called the meeting of the Land Use Planning and Zoning Committee to order at 5:30 p.m. in the Green Lake County Government Center, UW-Extension Training Room, Green Lake, WI. The requirements of the open meeting law were certified as being met.

PLEDGE OF ALLEGIANCE

Present: **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
Dawn N. Klockow, Corporation Counsel**

APPROVAL OF MINUTES

Motion by Reabe/Boutwell, unanimously carried, to approve the 03/07/19 minutes.

PUBLIC COMMENT - None

PUBLIC APPEARANCES

Ben Moderow, Town of Green Lake Chairman – Dilapidated and uninhabitable buildings

Mr. Moderow spoke to the committee about parcels located in the Town of Green Lake that are beyond repair and have become safety issues and health hazards. One of the properties has an above-ground swimming pool that a deer jumped into and drowned. Currently, these types of situations are not covered under the zoning ordinance. Mr. Moderow inquired as to whether or not this would be something that the committee would consider addressing as a zoning ordinance amendment.

The committee directed Kirkman to contact other counties to see how they cover these types of situations. Kirkman will report back at the May 2nd meeting. Kirkman will check with the Health Unit to see what can be done about the swimming pool.

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 months of February.

c. Violations

The committee discussed land use violations and septic violations. Kirkman explained that there is not a report for septic violations due to the fact that suspected violations must be verified by

staff before being considered a legitimate violation. Staff is figuring out a process for the verification of the complaints.

DEPARTMENT/COMMITTEE ACTIVITY

a. Notice of Budgetary Adjustment – Land Information

Kirkman – Explained that the budgetary adjustment form is a tool to adjust for unanticipated revenue or expense increases or decreases. This particular adjustment form is for the Land Information office and is in the amount of \$37,500.00. The reason for the adjustment is that the 2018 grant project extended into 2019. The funds are half state grant and half federal grant. This is for the planned ten year update to the elevation map of the entire county used for hydrological analysis, flood mapping, water and soil erosion conservation, etc.

Motion by Boutwell/Wallace, unanimously carried, to approve the Notice of Budgetary Adjustment and forward to the county clerk for further action.

b. Staff update

Kirkman explained that the vacant code enforcement job has been offered to one of the applicants. The committee will be notified as soon as he finds out whether or not the applicant accepted the county's offer.

c. Amendments to Chapter 338 Shoreland Zoning

Since there was not ample time to continue the review from last month's meeting, Kirkman suggested that the committee consider a special meeting to just discuss the proposed shoreland zoning ordinance amendments. The committee agreed. Possible meeting dates will be sent out to the committee members.

d. Amendment to Chapter 350 Zoning Ordinance – Minimum acreage for Farmland Preservation Zoning District

Kirkman suggested that the minimum acreage for the Farmland Preservation Zoning District be adjusted from fifteen acres to eight acres. The committee directed Kirkman to prepare this amendment for a public hearing at the May 2nd meeting.

e. Uniform Dwelling Code Inspections for the Towns of Princeton and St. Marie

1. Letter from the Department of Safety and Professional Services dated 3/27/19

Kirkman received a letter from Lenny Kanter, UDC Engineering Consultant for the Department of Safety and Professional Services (DPS). Mr. Kanter explained that DPS has now assumed direct responsibility for plan review and inspection duties for new one and two family dwellings being built in the towns of Mackford, Princeton, and Saint Marie. Because these municipalities have exercised their right to not adopt the UDC for these dwellings, the enforcement service defers to DPS. It is possible for the county to assume jurisdiction of the UDC for these towns by either having certified staff do the enforcement or contracting with a local individual or inspection agency that holds the required credentials. Kirkman will be doing more research on this and will report back to the committee. The hope is that each Town will adopt their own UDC ordinance.

6:18 p.m. Recessed the business meeting for the public hearing.

PUBLIC HEARING ITEMS

The committee and attendees moved to the county board room (#0902) for the public hearing portion of the meeting.

Item I: Owners/Applicants: AEC Island, LLC – Paul Schwandt & Dan Timm

General legal description: W1702 North Street, Town of Brooklyn, Parcel #004-00410-0502 (±5.72 acres); Part of the SE¼, Section 17, T16N, R13E **Request:** Conditional use permit request for a contractor’s yard, engine performance business, mini-warehousing, and 3 leased storage buildings.

a. Public hearing

Paul Schwandt, 605 W. Caroline Street, Markesan – Spoke in favor of the request.

Public hearing closed.

b. Committee discussion and deliberation

Kirkman – Read the conditional use permit criteria and conditions as presented in the staff report as well as the recommended nine conditions. The Town of Brooklyn approved the request with conditions.

c. Committee decision

Motion by Reabe/Boutwell, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use permit request with the following conditions:

1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
2. If on-site lighting is proposed, only the subject site shall be illuminated, and the lighting shall occur with no direct glare affecting adjoining properties or adjacent traffic (low-wattage and low-to-the-ground path style).
3. Outside storage of materials and other items must be limited to the designated area on the CUP site plan.
4. Storage of materials must comply with standards listed in Chapter 350, Zoning Ordinance, of the Code of Green Lake County. *This implies that no vehicles without proper registration may be stored on the property, unless fully enclosed in a structure. Similarly, no materials or equipment shall be stacked or stored in a manner that shall be of such character as to adversely affect the property values and general desirability of the neighborhood.*
5. All motor vehicles stored on site must be in roadway worthy condition and have current WDOT registration.
6. All accessory equipment stored on site must be in workable condition.
7. All construction materials stored on site must be suitable for future use.
8. Storage of construction debris and other material not suitable for future use is prohibited.
9. Anything stored on site that does not meet the above conditions must be stored within an enclosed structure.

Item II: Owner/Applicant: Manchester Rod & Gun Club, Dale Justmann **General legal description:** Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester, and Parcel #012-00285-0000, Lot 2 CSM1659 (±18

acres), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester **Request:** Request to rezone ±19 acres from I-Industrial District and A-1 Farmland Preservation District to RC-Recreation District.

a. Public hearing

No one appeared.

Public hearing closed.

b. Committee discussion and deliberation

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

c. Committee decision

Motion by Boutwell/Reabe, 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.

Item III: Owner/Applicant: Manchester Rod & Gun Club, Dale Justmann **General legal description:** Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester, and Parcel #012-00285-0000, Lot 2 CSM1659 (±18 acres), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester **Request:** Conditional Use Permit request for a rod and gun club and related activities.

a. Public hearing

Paul Schwandt, 605 W. Caroline Street, Markesan – As an adjoining property owner, Mr. Schwandt did not speak for or against the request. He asked that the committee enforce the conditions of the permit.

Public hearing closed.

b. Committee discussion and deliberation

Kirkman – Read the conditional use permit request criteria and conditions as presented in the staff report. The Town of Manchester approved the request.

Chair Lyon commented that he has concerns about range safety and the physical barriers providing physical safety for the participants and adjoining neighbors. He would like to list another condition that the club meet the safety requirements as set forth in the state statutes.

Kirkman responded that the barriers have to be designed to be high enough to absorb all errant shots.

c. Committee decision

Motion by Wallace/Reabe, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use permit request with the following conditions:

- 1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).**

2. **If on-site lighting is proposed, only the subject site shall be illuminated, and the lighting shall occur with no direct glare affecting adjoining properties or adjacent traffic.**
3. **The conditional use approval is contingent upon the rezone being approved by the County Board on April 16th.**
4. **The ranges shall meet the safety requirements as set forth in the state statutes.**

Item IV: Owners/Applicants: Charles Edwin Hutchinson, Holly Ann Sina, Donald John Hutchinson, III **General legal description:** County Road J, Parcels #004-00137-0000, #004-00142-0000, #004-00141-0000, ±120 acres, Part of the SW¼ and SE¼ of Section 7, T16N R13E, Town of Brooklyn **Request:** The owners are requesting a zoning change from A-1, Farmland Preservation District to R-4, Rural Residential District, in order to ultimately create three lots no larger than 5.9 acres by certified survey map.

a. Public hearing

Don Hutchinson, W5861 Hillcrest Drive, La Crosse, WI – Spoke in favor of the request.

Sandy Thompson, 660 E. Woodland Road, Lake Forest, IL – Spoke against the request.

Attorney Steven Sorenson, 479 Golf Hill Court, Green Lake, WI, representing Sandy Thompson – Spoke against the request.

Public hearing closed.

b. Committee discussion and deliberation

Kirkman – Read the rezone criteria as presented in the staff report. The Town of Brooklyn approved the request.

c. Committee decision

Motion by Talma/Reabe, carried on a 4:1 vote, to approve the rezone request as presented and forward to the county board for final action.

Boutwell – aye, Lyon – nay, Reabe – aye, Talma – aye, Wallace – aye.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

b. Next meeting date

May 2, 2019

Business meeting – 5:15 p.m.

Public hearing – 6:00 p.m.

ADJOURN

7:40 p.m. Meeting adjourned.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

**GREEN LAKE COUNTY
LAND USE PLANNING ZONING DEPARTMENT**

FEES RECEIVED		MARCH				YEAR-TO-DATE				BUDGET	
		2018		2019		2018		2019		2019	
		NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS											
Residential	New	-	-	-	-	1	150	3	1,000	-	
	Alterations	9	2,550	2	300	11	2,850	4	750	-	
Commercial	New	-	-	-	-	-	-	-	-	-	
	Alterations	1	150	-	-	2	300	-	-	-	
Agricultural	New	1	150	1	300	2	550	3	600	-	
	Alterations	-	-	-	-	-	-	-	-	-	
Other	New	-	-	-	-	-	-	1	-	-	
	Alterations	-	-	-	-	-	-	-	-	-	
Other	New	-	-	-	-	-	-	-	-	-	
	Alterations	-	-	-	-	-	-	-	-	-	
Misc.	Denied/Refunded	-	-	-	-	-	-	-	-	-	
	Permit Renewals	-	-	-	-	-	-	-	-	-	
Total		11	\$ 2,850	3	\$ 600	16	\$ 3,850	11	\$ 2,350	\$ 34,800	7%
SANITARY PERMITS (POWTS)											
Residential	New	1	280	-	-	2	560	2	560	-	
	Replacement	1	280	2	560	5	1,400	9	2,615	-	
	Reconnect	1	280	-	-	1	280	1	280	-	
	Modify	-	-	-	-	-	-	-	-	-	
	Repairs	-	-	-	-	-	-	-	-	-	
	Additional Fees	-	-	-	-	-	-	-	-	-	
Commercial	New	-	-	-	-	-	-	-	-	-	
	Replacement	-	-	-	-	-	-	-	-	-	
	Reconnect	-	-	-	-	-	-	-	-	-	
	Modify	-	-	-	-	-	-	-	-	-	
	Additional Fees	-	-	-	-	-	-	-	-	-	
Total		3	\$ 840	2	\$ 560	8	\$ 2,240	12	\$ 3,455	\$ 24,600	14%
NON-METALLIC MINING PERMITS											
Annual Permit Fees		-	-	-	-	18	15,300	18	15,300	-	
Total		-	\$ -	-	\$ -	18	\$ 15,300	18	\$ 15,300	\$ 15,300	100%
BOARD OF ADJUSTMENT											
Special Exception		-	-	-	-	-	-	-	-	-	
Variances		1	375	-	-	2	750	1	375	-	
Appeals		-	-	-	-	-	-	-	-	-	
Total		1	\$ 375	-	\$ -	2	\$ 750	1	\$ 375	\$ 1,500	25%
PLANNING & ZONING COMMITTEE											
Zoning Change		2	750	2	750	5	1,875	6	2,250	-	
Conditional Use Permits		1	375	-	-	1	375	2	750	-	
Variance		-	-	-	-	-	-	-	-	-	
Total		3	\$ 1,125	2	\$ 750	6	\$ 2,250	8	\$ 3,000	\$ 8,625	35%
MISC.											
Rental Weatherization		-	-	-	-	-	-	-	-	-	
Wisconsin Fund		-	-	-	-	-	-	-	-	-	
Applied Funds - Code Enforcement		-	-	-	-	-	-	-	-	-	
Fees & Forfeitures		-	-	-	-	-	-	1	700	-	
Total		-	\$ -	-	\$ -	-	\$ -	-	\$ 700	\$ -	0%
SURVEYOR											
Certified Survey Maps		3	525	1	165	-	-	5	840	6,000	
Preliminary Plats		-	-	-	-	9	1,530	-	-	-	
Final Plats		-	-	-	-	-	-	-	-	-	
Applied Funds: County Surveyor		-	-	-	-	-	-	-	-	9,500	
Applied Funds: Special Survey Projects		-	-	-	-	-	-	-	-	15,000	
Total		3	\$ 525	1	\$ 165	9	\$ 1,530	5	\$ 840	\$ 30,500	3%
GIS (Geographic Information System)											
Map Sales		-	-	-	25	-	10	-	25	200	
Land Records Transfer		-	4,025	-	-	-	8,905	-	-	24,500	
Land Information Grant		-	-	-	-	-	-	-	-	9,080	
Total		-	\$ 4,025	-	\$ 25	-	\$ 8,915	-	\$ 25	\$ 33,780	0%
GRAND TOTAL											
GRAND TOTAL		21	9,740	8	2,100	59	34,835	55	26,045	\$ 149,105	17%
										Total	17%

Revenue Summary Report

Land Use & Zoning Month End Revenue

MER100-10-P&Z

<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					
19-100-10-44400-000-000 Land Use Permits	34,800.00	600.00	2,350.00	32,450.00	6.75
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	3,000.00	5,625.00	34.78
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	560.00	3,455.00	21,145.00	14.04
19-100-10-45110-000-000 Fines & Forfeitures	.00	.00	700.00	-700.00	.00
19-100-10-46131-001-000 GIS Map Sales	200.00	25.00	25.00	175.00	12.50
19-100-10-46131-002-000 Strategic Fund	9,080.00	.00	.00	9,080.00	.00
19-100-10-46762-000-000 Certified Survey Maps	6,000.00	165.00	840.00	5,160.00	14.00
19-100-10-47411-000-000 Interdepartment transfer/Land Records	24,500.00	.00	.00	24,500.00	.00
19-100-10-49320-000-000 Applied Funds	24,500.00	.00	.00	24,500.00	.00
10 Land Use Planning and Zoning	149,105.00	2,100.00	26,045.00	123,060.00	17.47

For 03/01/19 03/31/19

Expenditure Summary Report

FJEXS01A

Periods 03 03

Land Use & Zoning Month End Expenses

MEE100-10-P&Z

<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>
10 Land Use Planning and Zoning						
53610 Code Enforcement						
19-100-10-53610-110-000 Salaries	295,708.00	.00	17,987.20	51,919.68	243,788.32	17.56
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	1,303.40	5,180.63	17,444.37	22.90
19-100-10-53610-153-000 Ret. Employer Share	19,372.00	.00	1,178.18	4,636.35	14,735.65	23.93
19-100-10-53610-154-000 Health Insurance	61,985.00	.00	4,469.44	14,100.34	47,884.66	22.75
19-100-10-53610-155-000 Life Insurance	589.00	.00	44.73	138.51	450.49	23.52
19-100-10-53610-210-002 Professional Services-SRV	9,500.00	.00	500.00	1,650.00	7,850.00	17.37
19-100-10-53610-210-003 Miscellaneous Fees	300.00	.00	.00	.00	300.00	.00
19-100-10-53610-242-000 Print Management	500.00	.00	306.41	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	60.70	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	655.00	.00	125.00	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	38.20	84.98	53.02	61.58
53610 Code Enforcement	421,136.00	.00	26,013.26	79,078.35	342,057.65	18.78
10 Land Use Planning and Zoning	421,136.00	.00	26,013.26	79,078.35	342,057.65	18.78

Land Use Permits: 03/01/19 - 03/31/19



Parcel #	Town	Site Address	Owner Name	Permit Fee	Estimated Cost	Project
002-00053-0000	Berlin	W607 Klondike Rd	Chris A Krebs	300.00	120,000.00	Pole building for ag use
006-00834-0000	Green Lake	N4130 Hess Rd	Tyrel Pretz	150.00	80,000.00	Attached garage; laundry room, master bath, closet
004-00280-0200	Brooklyn	W736 State Road 23 49	David W Long	150.00	24,000.00	Detached garage

Sanitary Permits: 03/01/19 - 03/31/19



Parcel #	Town	Site Address	Owners	Permit Fee	Permit Type
004-00480-0300	Brooklyn	W1962 S Lawson Drive	Lawrence J Gaffney 2002 Rev Trust	\$ 280.00	Replacement System
154-00133-0000	Village of Marquette	136 S Dodges Avenue	Anthony & Lisa Deiss	\$ 280.00	Replacement System
Totals				\$ 560.00	

Land Use Violation Report 05/02/19



Status	Town	Site Address	Owner Name	Vio Type	Violation Description	Vio Date	# of Vios
Open	Berlin	N8230 County Road F	THIEL TAMARA L	Junk	350-14 D and 350-21 C and D: Junk and 12 unregistered vehicles present. HHS working on cleaning	11/14/2018	1
Open	Brooklyn	N5736 Spaulding Hill Rd	THRESHER MICHAEL P	Junk	350-14 D. - Appliances and furniture sitting in yard; Working on inventory of items remaining to pair	5/24/2018	1
Open	Brooklyn	N Lawson St	EGBERT EXCAVATING INC	Zoning	Expansion of a use which requires new conditional use permit; Has started application for CUP and	4/5/2018	3
Open	Green Lake	W2056 Melmar Dr	BRDA NANCY J/DAVID R TRUSTS	Shoreland	Decorative fence panels installed in 75ft shoreland setback as close as 20ft from OHWM.	2/11/2019	1
Open	Marquette	W5499 Puckaway Rd	MILLER ELLA H/ GLEN L	Zoning	No LUP on file for new barn building	2/11/2019	1
Open	Marquette	W5302 Pine N Rd	SIMON BETHANY A; SIMON TYLER D	Zoning	350-65 A - No LUP for privy structure	2/1/2019	1
Open	Marquette	Cherry Rd	MIELKE KRISTEN L/RAYMOND J	Zoning	Alleged camping use on lands zoned for farmland preservation	2/11/2019	1
NOV sent	Brooklyn	W557 Badtke Ln	KLUGE PAMELA MAYE	Zoning	350-65 A. - No LUP issued for building addition. Need ATF fee.	2/1/2019	1
NOV sent	Brooklyn	N5434 Shore Dr	JOHNSON RANDALL R/ARLENE Z	Shoreland	338-63 and 338-32 A. - no permit obtained for a structure within the 75ft setback. Update 2-7-19: d	1/31/2019	1
FNOV sent	Brooklyn	W575 State Road 23 49	PRIEBE ROGER JR/DENISE	Zoning	350-43 B and I - setbacks from highway ROW and setbacks between advertising signs are not met	12/18/2018	1
FNOV sent	Green Lake	W2220 Spring Lake Rd	HARDER JAMES A/JANET K	Zoning	350-38. D. (2) Survey recorded combining lots shed does not meet rear setback.	11/29/2018	1
CC	Marquette	W6853 Puckaway Rd	HUTTON-OKPALAEKE MATTHEW U	Zoning	Violation resolved; CC pursuing forfeiture (1/17/19).	8/13/2018	1

Open = Open Violation
NOV = Notice of Violation
FNOV = Final Notice of Violation
CC = Corporation Counsel

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, May 2, 2019, at 6:00 p.m.* to consider the following items:

Item I: Owner: 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 R12 E, 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.

Item II: 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 350-27(3)(a) adjusting the minimum acreage in the A-1 Farmland Preservation District from 15 acres to 8 acres.

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: April 18 & April 25, 2019

ITEM I: ZONING CHANGE

OWNER:

William Bontrager

APPLICANT:

same

REQUEST: The owners are requesting a zoning change from A-1, Farmland Preservation District to R-4, Rural Residential District, to create one 6.09 acre lot by certified survey map.

PARCEL NUMBER / LOCATION: The affected parcel numbers are 012-00396-0100 and 012-00398-0100, located in the NW¼ and the SW¼ of Section 21, T14N, R12E, Town of Manchester. The site proposed for zoning change is located along County Road X.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcels affected by the proposed rezone is A-1 Farmland Preservation District. The adjacent lands to the north are also zoned A-1, Farmland Preservation District with the predominant use of the land being a mixture of undeveloped (river & wetlands) as well as agricultural. To the south are lands zoned A-2, General Agriculture District, and R-4 Rural Residential District with use of those lands matching agricultural and rural residence use.

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 55047C0187C, all lands under consideration for this request are located outside the floodway, even though the Lower Grand River runs through the east side of the larger parcel. The Wisconsin Wetland Inventory does not identify any mapped wetlands on either parcel. These parcels do fall under the Shoreland Zoning jurisdiction, as they are within 300ft of a navigable river/stream.

ADDITIONAL INFORMATION / ANALYSIS: The owner plans to combine the two parcels by certified survey map. The owner has determined the R-4, Rural Residential zoning district to best match the buyer's proposed use for a new home.

There are 6.09 acres proposed to be rezoned from A-1 to R-4. There is currently no home on the property, and some of the farm buildings have been removed. The use of the property is currently storage for the owner, and has not been used agriculturally for several years.

*Soil Analysis: A property's soils indicate its potential for agricultural production. If the soils are ideal, it would **not be advisable** to change the zoning to a zoning district that would not be completely utilized for agricultural production.*

Of the 6.09 acres proposed to be rezoned, the soil survey maps indicate 4.6 acres to be Palm muck soil type, which is usually found with little to no elevation in floodplains and drainage ways. In muck soil types, there is typically difficulty growing crops which rely on well-draining soils, so some root vegetables are indicated as the ideal crop if the area is to be farmed. The soil survey for Green Lake County identifies this soil type as ideal for wetland wildlife habitat and occasionally unimproved pasture areas when drainage is not present. A review of historic photos shows a progression of stream widening and apparent shallowing over this property, indicating a loading of sediments into the Lower Grand River. It is the opinion of the Department that removing these lands from active farm/animal disturbance would contribute to

better soil retention on site by allowing the streambanks to be revegetated, forming a buffer at the water's edge.

The remaining 1.49 acres are identified as a Kidder fine sandy loam with low (2-6%) slopes. This soil type is usually found with underlying till (gravel and boulders), but is identified as being suitable for all farm and vegetable crops grown in the county. This soil type is present where the old home was, and where the driveway and access to the property are located. Although the soils appear to be good, this area has not historically been used for crops.

These soils do present limitations in cultivating crops, namely the lack of drainage for these soil types. The use of the property in the past for agricultural pursuits relied on livestock for farming uses and utilized a growing greenhouse, not the land itself.

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 animal disturbance at the water's edge promotes phosphorus and nitrogen loading and soil loss through erosion into the Lower Grand River. More productive agricultural uses are limited by soil type, leaving less productive options like unimproved pasture areas. Other uses (i.e. Industrial, Commercial, Residential subdivision) also do not represent uses better suited. However, the low density, residential use along with non-"farm" agricultural uses allowed in the R-4 zoning district would be better suited to these lands.**
- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is consistent with the county's comprehensive plan as it upholds the goals and objectives, most prominently the goal to preserve the rural characteristic of the county. Section 350-41 of the County Zoning Ordinance states that the R-4 district is intended to provide for limited rural residential use development, require a large residential lands area to maintain the rural character, and to accommodate uses that are not urban in nature. This request is not considered inconsistent with the comprehensive plan.**
- 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...without damaging the economic and social environment or the natural resources..." Due to the marginality of these soils for crop production, 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 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 existing large buildings will allow for the property to be used agriculturally if the buyer wants to, but also allows flexibility to utilize these buildings for other accessory uses. This does not inhibit surrounding properties from continuing the agricultural uses present.**

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 March 1, 2019. The Town of Manchester met on March 11, 2019 and recommended the rezone be approved.

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 2-14-19

Zone Change from A-1 to R-4

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT (1)

Name William H. Bontroger

Mailing Address W879 Lane #7 Hwy. X.

Phone Number _____

Signature William H. Bontroger Date 2-14-19

PROPERTY OWNER / APPLICANT (2)

Name _____

Mailing Address _____

Phone Number _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Manchester Parcel Number(s) 012-00396-0100 and 012-00398-0100

Acres ±6 Lot -- Block -- Subdivision --

Section 21 Town 14 North Range 12 East

Location of Property W3986 County Road X

Legal Description Lot One (1) and Outlot One (1) of CSM 2880 and Lot One (1) of CSM 1925; all being in the NW 1/4 and SW 1/4 of Section 21, T14N, R12E, Township of Manchester, Green Lake County, Wisconsin

Current Zoning Classification A-1 Farmland Preservation Current Use of Property Personal Storage

Detailed Description of Proposed Use Want to sell property for new owner to build a home and have agricultural uses.

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



Green Lake County

1 inch = 100 feet

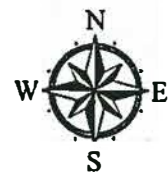
Geographic Information System (GIS)
<https://gis.co.green-lake.wi.us/>

GIS Viewer Map
Green Lake County, WI

Time: 11:02:46 AM
Date: 2/5/2019

Note: Combined ±6.09 acres, total of ±5.46 acres without ROW area

Request to combine both parcels and rezone from A-1 to R-4





LOT 1
6.09 ACRES

MANCHESTER

012
00398
0100

Sec. 21

W3986

012
00398
0100

W3986 X

012
00398
0000

012
00398
0400



1 Inch = 100 feet



Geographic Information System (GIS)
<https://gis.co.green-lake.wi.us/>

William Bontrager Rezone Exhibit
Green Lake County, WI

Time: 7:41:40 AM
Date: 2/18/2019

Note: Rezone from A-1 to R-4. Located in Sec. 21, Town of Manchester

**BEING LOT 1, CSM 1925, LOT 1 AND OUTLOT 1,
CSM 2880.**



FOR INTERNAL USE ONLY - REGISTER OF DEEDS OFFICE

*Land Contract Legal Description

Parcel 1

Lot One (1) and Outlot One (1) of Certified Survey Map No. 2880 dated May 16, 2003, and recorded in the office of the Register of Deeds for Green Lake County, Wisconsin on June 3, 2003 at 10:30 A.M. in Volume 14 of Certified Survey Maps on Page 2880; located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, T14N, R12E, Town of Manchester, Green Lake County, Wisconsin.

Tax Key No. 012-00396-0100

Parcel 2

Lot One (1) of Certified Survey Map No. 1925 dated May 11, 1992 and recorded in the office of the Register of Deeds for Green Lake County, Wisconsin on May 19, 1992 at 10:35 A.M. in Volume 8 of Certified Survey Maps on Page 1925; located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, T14N, R12E, Township of Manchester, Green Lake County, Wisconsin.

Tax Key No. 012-00398-0100

CERTIFIED SURVEY MAP

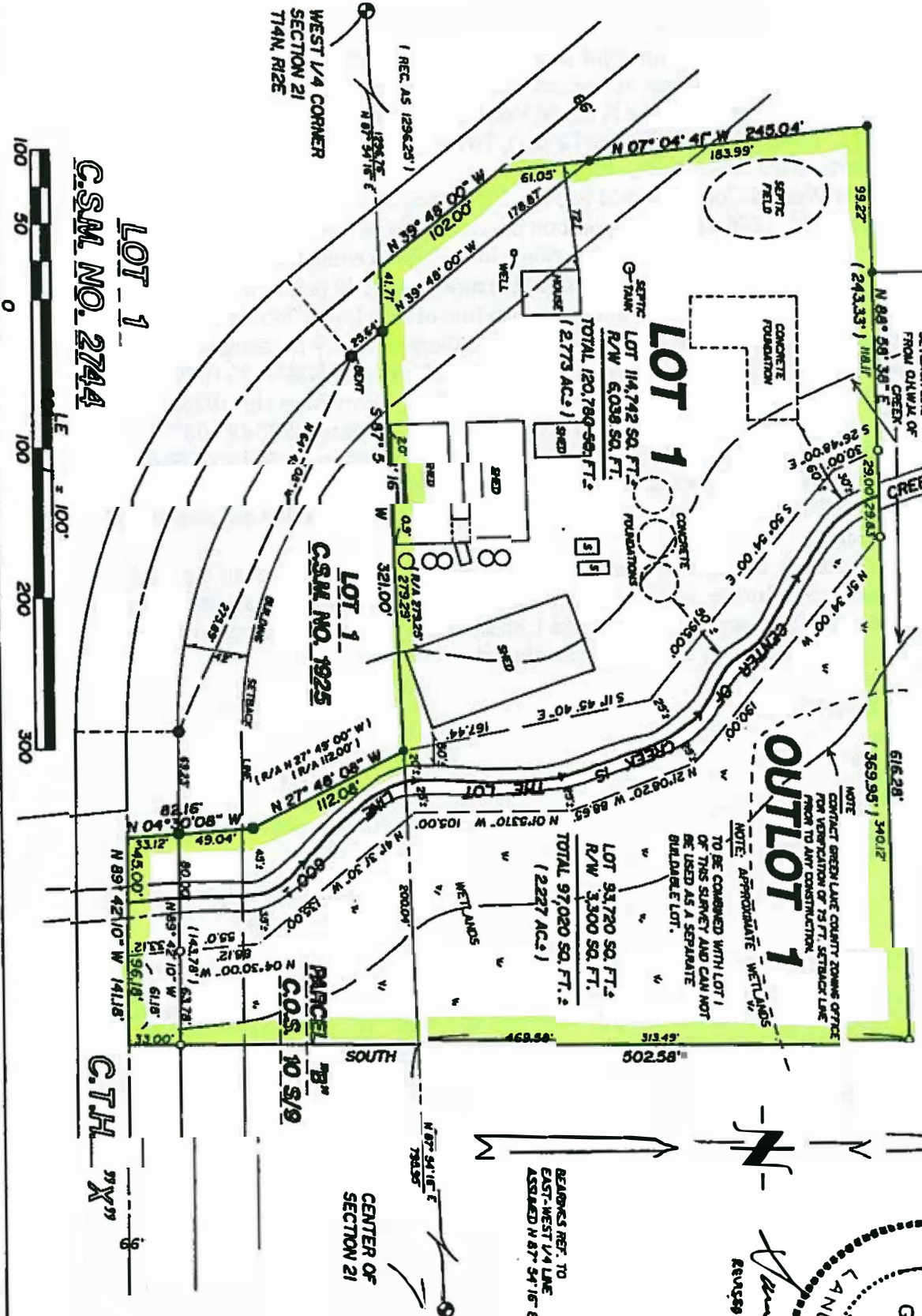
CERTIFIED SURVEY MAP FOR STEVEN AND TAMI EISENGA, LOCATED IN THE SW 1/4 OF THE NW 1/4, THE SE 1/4 OF THE NW 1/4 AND IN THE NE 1/4 OF THE SW 1/4 OF SECTION 21, T14N, R12E, TOWN OF MANCHESTER, GREEN LAKE COUNTY, WISCONSIN.

GREEN LAKE COUNTY CERTIFIED SURVEY MAP NO. 2880 VOLUME 14 PAGE 2880

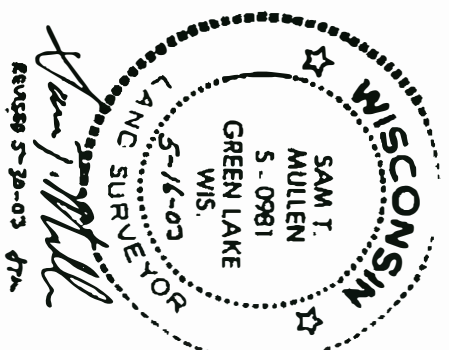
LOT 2
C.S.M. NO. 1925
(COS. 10-773)

NOTE
 THIS DIVISION IS PERMITTED IN
 PUBLIC LAND PRESERVATION DISTRICT
 UNDER FARM CONSULTATION
 ORDINANCE NO. 4.11(F) &

- LEGEND**
- 2" IRON PIPE/BRASS CAP FOUND
 - 1" IRON PIPE FOUND
 - 3/4" REBAR FOUND
 - 3/4" x 24" REBAR/CAP SET (1.5 LB./FT.)



LOT 1
C.S.M. NO. 2744



GREEN LAKE SURVEYING CO.
 P.O. Box 131
 Green Lake, Wisconsin 54941
 Phone: (920) 294-6666



CERTIFIED SURVEY MAP

CERTIFIED SURVEY MAP FOR STEVEN AND TAMI EISENGA,
LOCATED IN THE SW ¼ OF THE NW ¼, THE SE ¼ OF THE NW ¼
AND IN THE NE ¼ OF THE SW ¼ OF SECTION 21, T14N, R12E,
TOWN OF MANCHESTER, GREEN LAKE COUNTY, WISCONSIN.

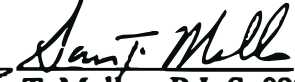
SURVEYOR'S CERTIFICATE

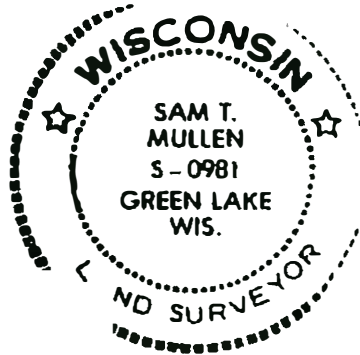
I, Sam T. Mullen, Registered Land Surveyor of the State of Wisconsin, hereby certify that I have at the order of Steven and Tami Eisenga, as owners thereof, surveyed lands located in the Southwest ¼ of the Northwest ¼, the Southeast ¼ of the Northwest ¼ and in the Northeast ¼ of the Southwest ¼ of Section 21, Town 14 North, Range 12 East, Town of Manchester, Green Lake County, Wisconsin; being more particularly described as follows:

Commencing at the West ¼ Corner of said Section 21; thence N87°-54'-16"E along the East-West Quarter line of Section 21 1296.76 ft. to a point on the centerline of County Trunk Highway "X" and the northwest corner of Lot 1 of Certified Survey Map No. 1925 and being the Point of Beginning; thence N39°-48'-00"W along said centerline 102.00 ft. to the most southerly point on Lot 2 of Certified Survey Map No. 1925; thence N07°-04'-41"W along the east line of said Lot 2 245.04 ft.; thence N88°-58'-38"E along the south line of said Lot 2 and extension thereof 616.28 ft.; thence South 502.58 ft. to a point on the centerline of County Trunk Highway "X"; thence N89°-42'-10"W along said centerline 141.18 ft. to the southeast corner of Lot 1 of Certified Survey Map No. 1925; thence traversing along the boundary of said Lot 1 N04°-30'-08"W 82.16 ft.; thence N27°-48'-08"W 112.08 ft.; thence S87°-54'-16"W 321.00 ft. to the end of said traverse and to the Point of Beginning, containing 217,797 sq.ft. (5.000 acres); being subject to a 33 ft. in width road right-of-way easement for County Trunk Highway "X", as shown on the survey; also being subject to all other easements and restrictions of record, if any.

I further certify that such survey is a correct representation of all exterior boundaries of the land surveyed and the division thereof made, and that I have fully complied with the provisions of Section 236.34 of the Wisconsin State Statutes and Green Lake County Subdivision Ordinances in surveying and mapping the same, to the best of my knowledge and belief.

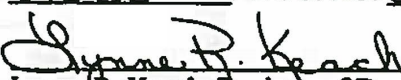
GREEN LAKE SURVEYING CO.
Green Lake, Wisconsin


Sam T. Mullen, R.L.S. 0981
Dated this 16th day of May, 2003.



THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED THIS 2 DAY OF June, 2003 BY AUTHORITY OF THE GREEN LAKE COUNTY LAND USE PLANNING & ZONING COMMITTEE

RECEIVED FOR RECORDING THIS 3rd DAY OF June, 2003, AT 10:30 O'CLOCK IN THE A.M. AND RECORDED IN VOLUME 14 OF CERTIFIED SURVEY MAPS OF GREEN LAKE COUNTY ON PAGE

2880 . DOC. NO. CSM2880

Lynne R. Keach, Register of Deeds


Committee Representative

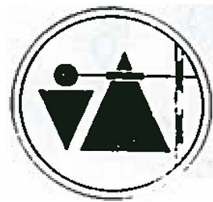
GREEN LAKE

COUNTY

CERTIFIED SURVEY MAP NO. 2880

VOLUME 14

PAGE 2880A



GREEN LAKE SURVEYING CO.
P.O. Box 131
Green Lake, Wisconsin 54941
Phone: (920) 294-6666

D. M. GREEN & ASSOCIATES, Inc.

111 South Main Street, Pardeeville, WI 53954



Engineering and Surveying
Phone 608-429-2085

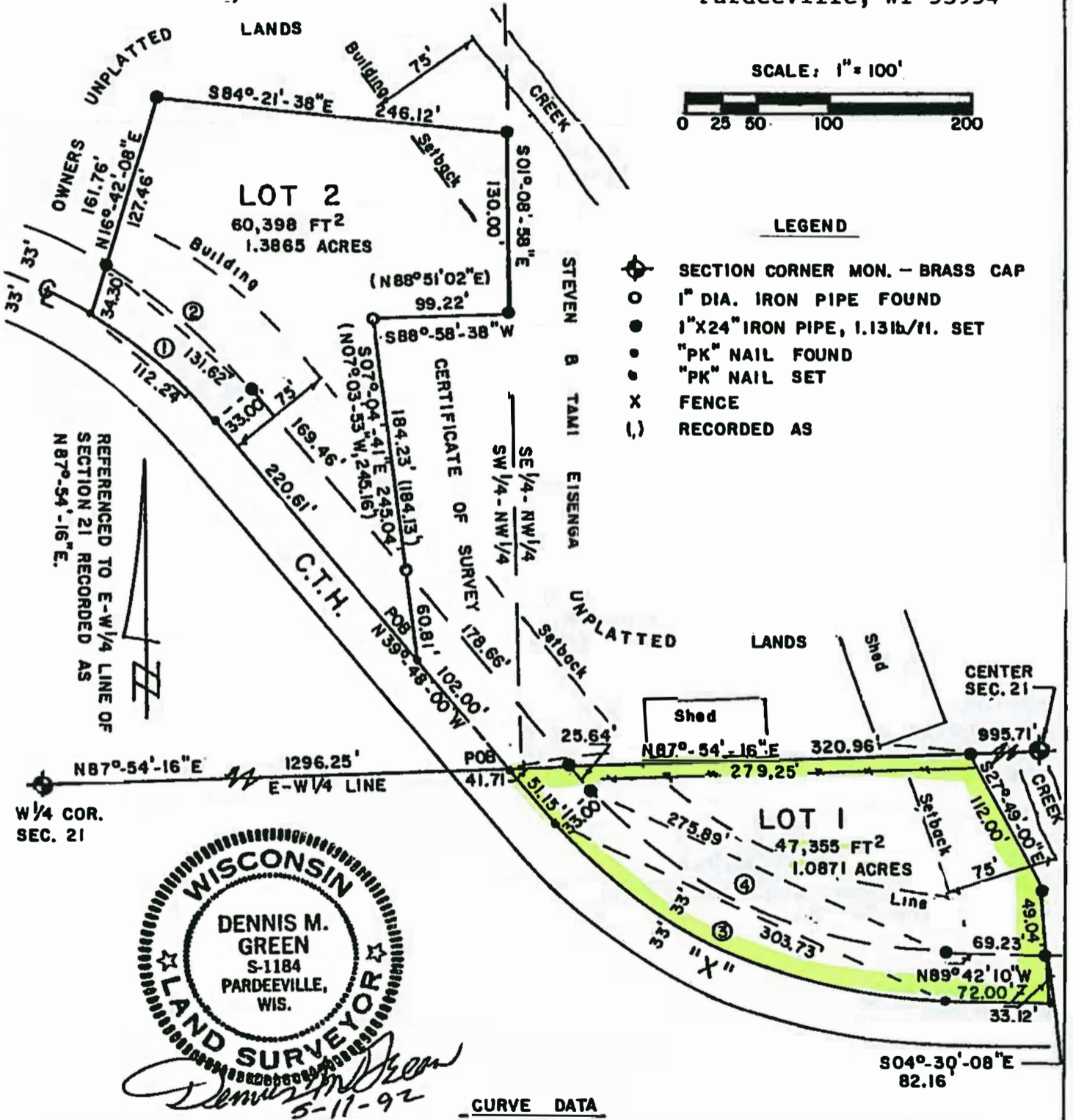
CERTIFIED SURVEY MAP NUMBER 1925

VOLUME NUMBER 8 PAGE 1925

LOCATED IN THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 21, T.14N., R.12E., TOWNSHIP OF MANCHESTER, GREEN LAKE COUNTY, WISCONSIN.

OWNER: Lawrence Busse
Rt. 2 Hwy. "X"
Markesan, WI 53946

SURVEYOR: D.M. Green & Assoc., Inc.
111 S. Main St.
Pardeeville, WI 53954



CURVE DATA

CURVE	RADIUS	INTERNAL ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	TANGENT OUT
①	380'	16°-59'-08"	N48°-17'-35"W	112.24'	112.65'	N56°-47'-08"W
②	413'	18°-20'-16"	N48°-58'-09"W	131.62'	132.18'	N58°-08'-16"W
③	360'	49°-54'-10"	N64°-45'-05"W	303.73'	313.55'	
④	327'	49°-54'-10"	N64°-45'-05"W	275.89'	284.81'	

1925

D. M. GREEN & ASSOCIATES, Inc.

111 South Main Street, Pardeeville, WI 53954



Engineering and Surveying
Phone 608-429-2085

CERTIFIED SURVEY MAP NUMBER 1225

VOLUME NUMBER 8 PAGE 1225A

LOCATED IN THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 21, T.14N., R.12E., TOWNSHIP OF MANCHESTER, GREEN LAKE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Dennis M. Green, Registered Land Surveyor, do hereby certify that under the direction of Steven Eisenga, I have surveyed and mapped the following parcel of land located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, T.14N., R.12E., Township of Manchester, Green Lake County, Wisconsin being more particularly described as follows:

Commencing at the W $\frac{1}{4}$ corner of said Section 21; thence N87°-54'-16"E along the E-W $\frac{1}{4}$ line of said Section 21, 1296.25 feet to the point of beginning of Lot 1; thence N87°-54'-16"E along the E-W $\frac{1}{4}$ line of said Section 21, 320.96 feet; thence S27°-49'-00"E, 112.00 feet; thence S04°-30'-08"E, 82.16 feet; thence N89°-42'-10"W along the centerline of C.T.H. "X", 72.00 feet; thence continue along said centerline being a curve to the right having a radius of 360.00 feet and whose chord being 303.73 feet in length bears N64°-45'-05"W an arc distance of 313.55 feet; thence continue along said centerline N39°-48'-00"W, 51.15 feet to the point of beginning of Lot 1; thence N39°-48'00"W, 102.00 feet to the point of beginning of Lot 2; thence N39°-48'00"W along said centerline, 220.61 feet; thence along a centerline curve to the left having a radius of 380.00 feet and whose chord being 112.24 feet in length bears N48°-17'-35"W an arc distance of 112.65 feet; thence N16°-42'-08"E, 161.76 feet; thence S84°-21'-38"E, 246.12 feet; thence S01°-08'-58"E, 130.00 feet; thence S88°-58'-38"W, along the North line of Richards Certificate of Survey 99.22 feet; thence S07°-04'-41"E along the West line of said Certificate of Survey, 245.04 feet to the point of beginning of Lot 2. Lot 1 contains 47,355 square feet or 1.0971 acres. Lot 2 contains 60,398 square feet or 1.3865 acres. Both Lot 1 and Lot 2 subject to a 33 foot wide roadway easement for C.T.H. "X". All bearings referenced to the E-W $\frac{1}{4}$ line of said Section 21 recorded as N87°-54'-16"E.

I further certify that the within drawing is a correct representation of the boundaries surveyed and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and Green Lake County Subdivision Ordinances and that this survey is correct to the best of my knowledge and belief.

Dennis M. Green, Registered Land Surveyor
Certificate S-1184
-May 11, 1992



Register of Deeds Office
Green Lake County, Wis.

Received for record this 19th day of
May A. D. 1992 at 10:35 o'clock
A. M. and recorded in Vol. 8 of
C.S.M.'s on page 1225

Shirley A. Velasco
Register of Deeds
my own copy, Deputy

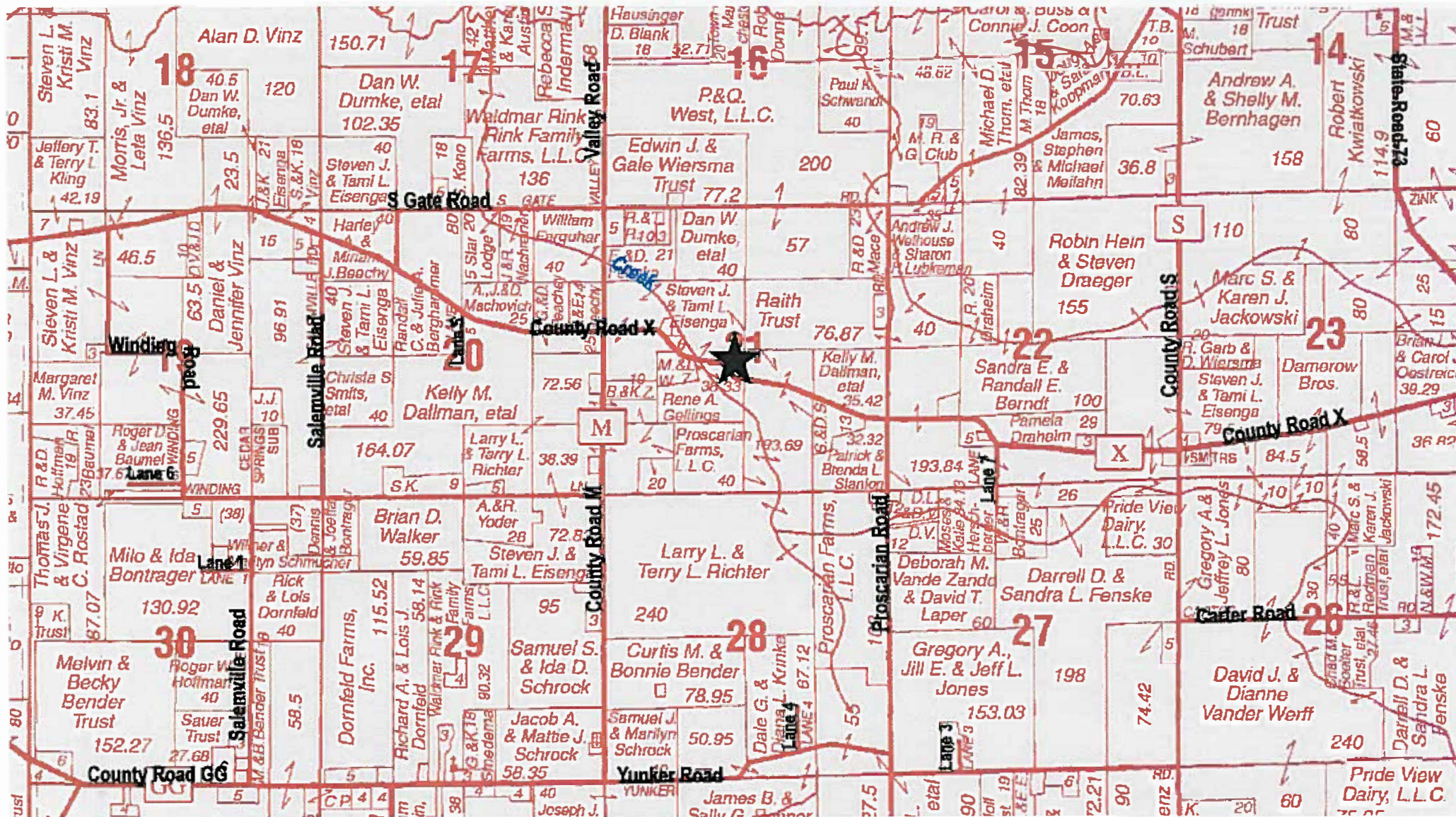
Approved for recording per Green Lake
County Zoning Committee Action of
May 19, 1992

James Injevski, Zoning Administrator

1225A

Owners: William H. & Rosetta L. Bontrager – Town of Manchester

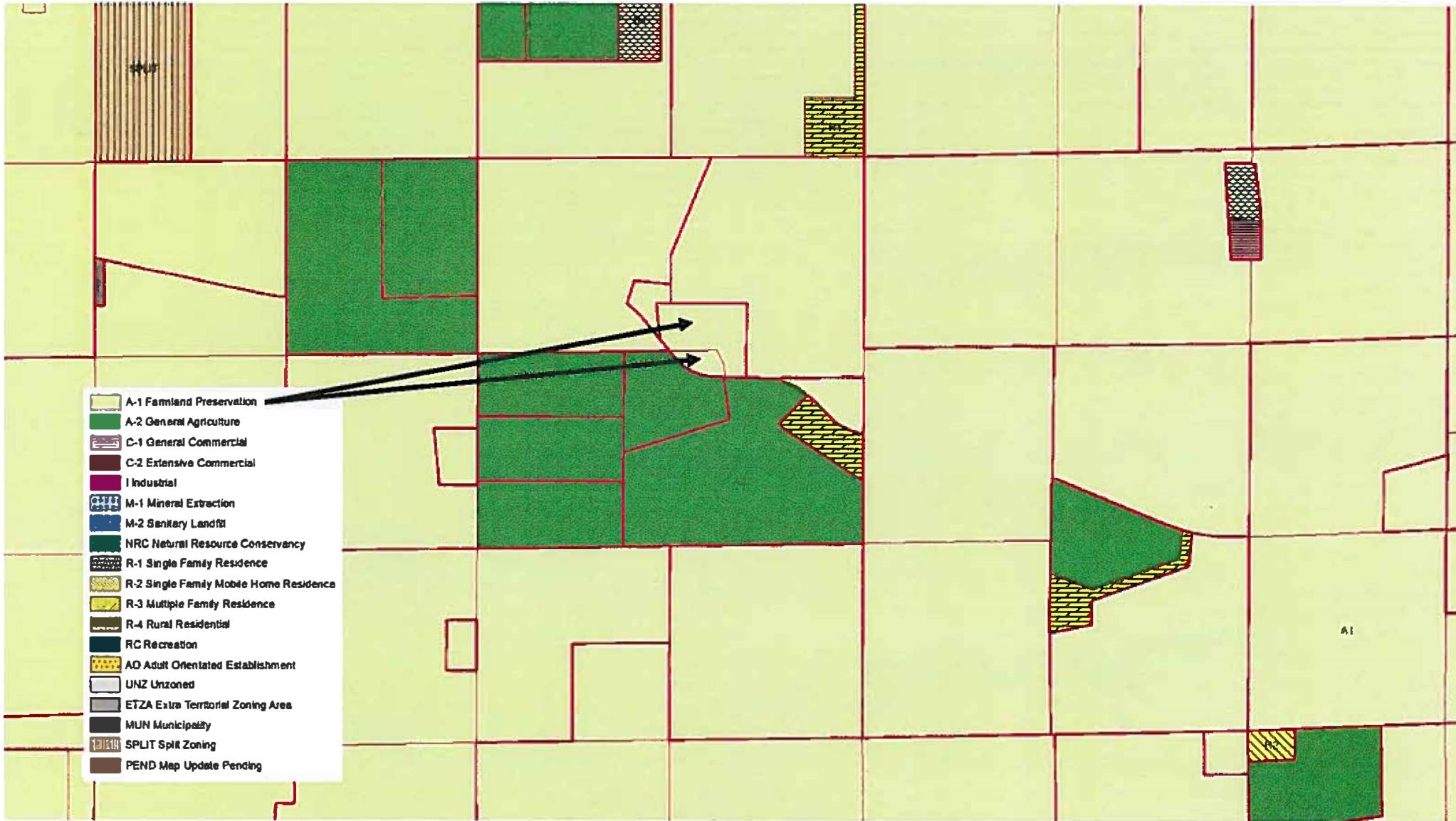
W3986 County Road X, Parcel #012-00396-0100 (±5.0 acres), Part of the SW¼ and NW¼, Lot 1 & Outlot 1 Certified Survey Map 2880;
Parcel #012-00398-0100 (±1.09 acres), Part of the SW¼, Lot 1 Certified Survey Map 1925; both parcels located in Section 21, T14N, R12E
Request to rezone ±6.09 acres from A-1 Farmland Preservation District to R-4 Rural Residential District.



Owners: William H. & Rosetta L. Bontrager – Town of Manchester

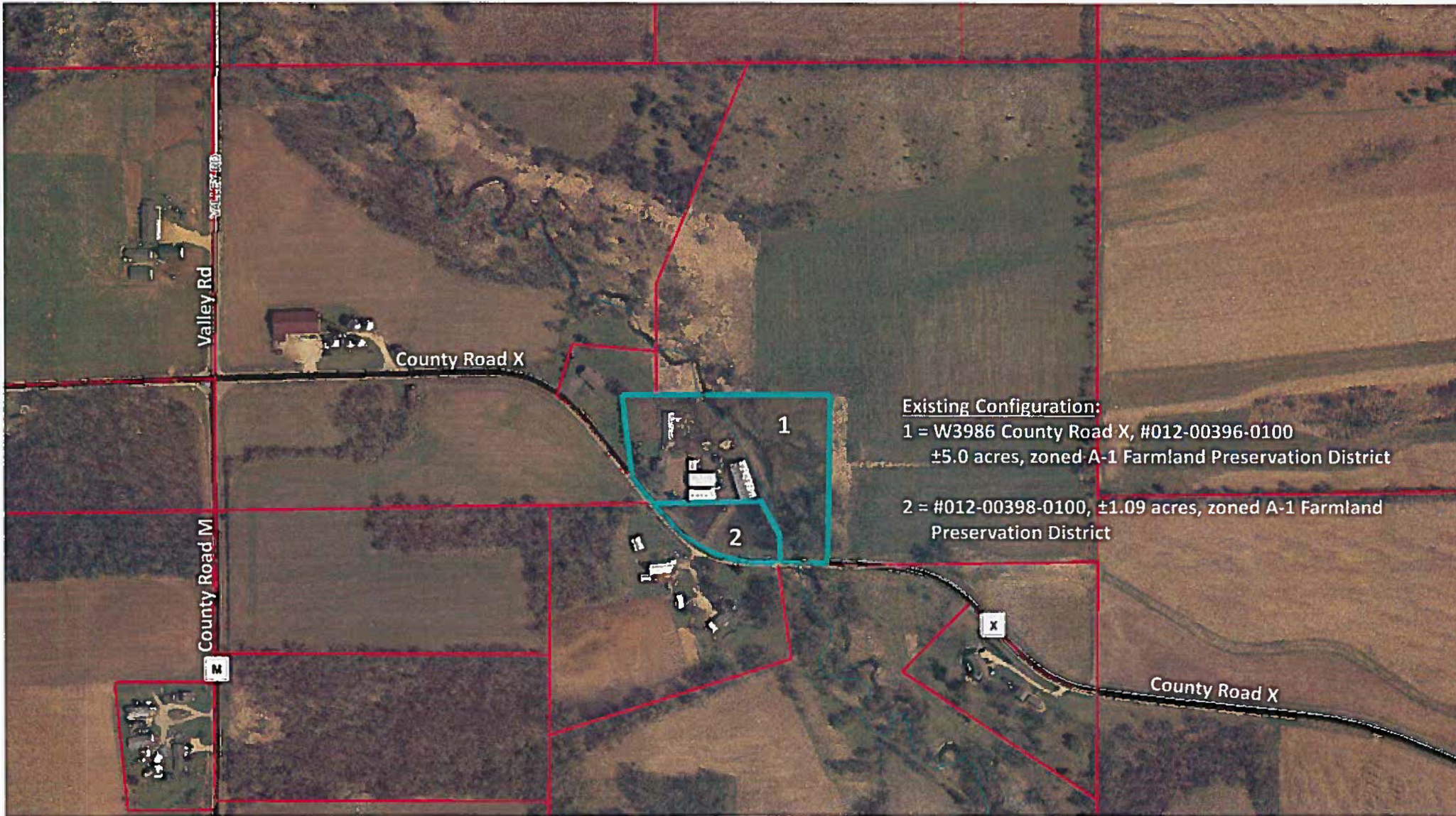
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Owners: William H. & Rosetta L. Bontrager – Town of Manchester

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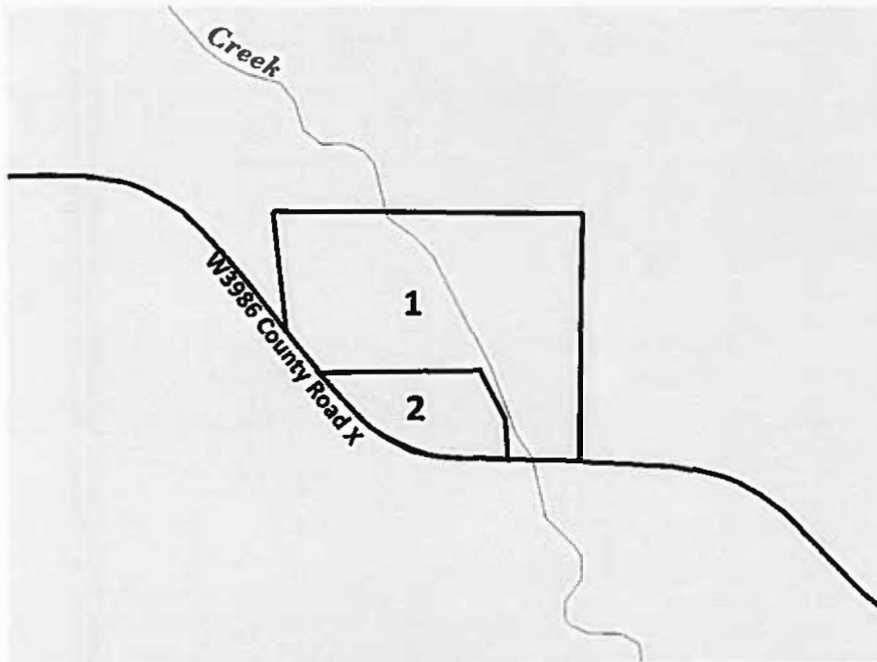


Owners: William H. & Rosetta L. Bontrager – Town of Manchester
W3986 County Road X, Parcel #012-00396-0100 (±5.0 acres), Lot 1 & Outlot 1 Certified Survey Map 2880;
Parcel #012-00398-0100 (±1.09 acres), Lot 1 Certified Survey Map 1925; both parcels located in Section 21, T14N, R12E
Request to rezone ±6.09 acres from A-1 Farmland Preservation District to R-4 Rural Residential District.

Existing Configuration:

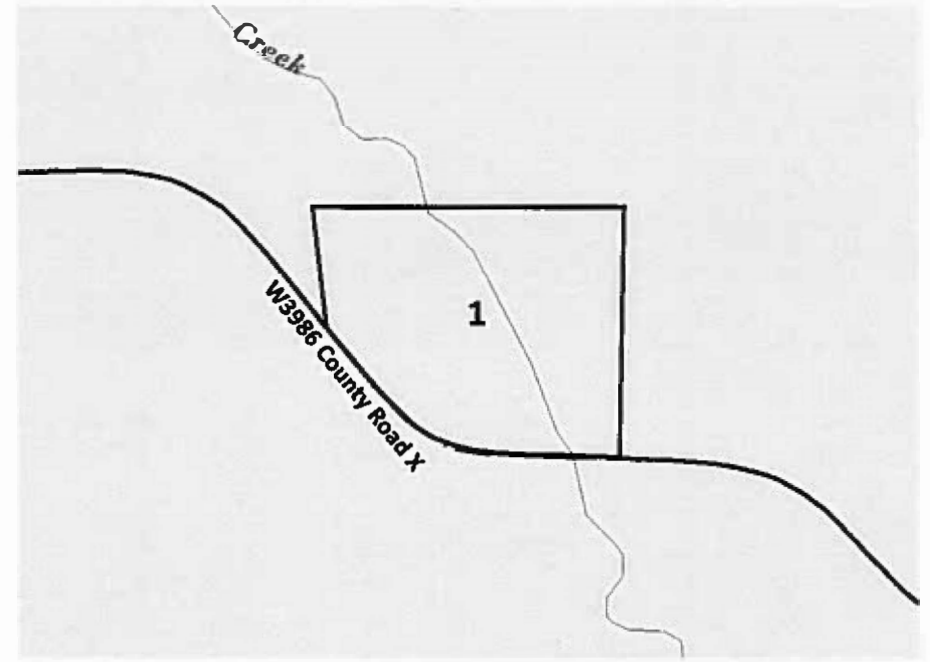
**1 = W3986 County Road X, #012-00396-0100
±5.0 acres, zoned A-1 Farmland Preservation District**

**2 = #012-00398-0100, ±1.09 acres, zoned A-1 Farmland
Preservation District**



Proposed Configuration:

**1 = W3986 County Road X
±6.09 acres, rezoned to R-4 Rural Residential District**



TOWN BOARD ACTION

Rezone Request

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Manchester, County of Green Lake, took the following action on MARCH 11, 2019 .

Does not object to and approves of x

No action taken

Objects to and requests denial of

Reason(s) for objection _____

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

Owner/Applicant: William H. & Rosetta L. Bontrager

Site Location: W3986 County Road X

General legal description: 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 R12 E, 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.

Planned public hearing date: May 2, 2019

 Carrine Krueger, Clerk
Town Representative

 3/11/2019
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: April 22, 2019

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

May 2, 2019

ITEM II: ORDINANCE AMENDMENT Minimum A-1 Parcel Size

REQUEST: The Green Lake County Land Use Planning and Zoning Department is requesting an amendment to the Code of Green Lake County, Chapter 350 of the Zoning Ordinance; more specifically to amend Section 350-27.A(3)(a) adjusting the A-1, Farmland Preservation district's minimum acreage from 15 acres to 8 acres.

ADDITIONAL INFORMATION / ANALYSIS: The Farmland Preservation Plan (adopted February of 2016) was designed and based on 8-acre minimum Farmland Preservation zoned parcels. When the subsequent Farmland Preservation ordinance was being written, the Land Use Planning and Zoning Department recommended an 8-acre minimum for this zoning district. At the time, without fully understanding the criteria for rezoning lands out of Farmland Preservation zoning, the Committee decided to adopt a 15-acre minimum instead of the recommended 8 acres. Their reasoning, per the August 4, 2016 audio tape, hinged upon a need to maintain A-2, General Agriculture District as a buffer zoning district that would have the effect of making it harder for property owners to rezone from Farmland Preservation District all the way down to Rural Residential District.

After putting the Farmland Preservation Zoning Ordinance into practice, the Land Use Planning and Zoning Department and Committee have experienced difficulties in identifying the rationale that would support any rezone from Farmland Preservation District to the General Agriculture District. This is because all of the uses allowed in the Farmland Preservation District are allowed in the General Agriculture District. This makes it extremely difficult to meet the first criterion necessary to rezone land out of the Farmland Preservation District. That criterion states that the "land is better suited for a use not allowed in the A-1, Farmland Preservation Zoning District." So, if all of the uses in the Farmland Preservation District are allowed in the General Agriculture District, it is impossible to meet this criterion and, therefore, impossible to rezone from Farmland Preservation to General Agriculture. The "protective measure" that the previous Land Use Planning and Zoning Committee seemingly established was rendered obsolete as soon as the farmland preservation ordinance was adopted.

In addition to resolving the conflict described above, adjusting the minimum acreage standard to 8 acres will have the effect of reducing the amount of lands that are rezoned out of Farmland Preservation zoning. Past practice was that proposed land divisions of Farmland Preservation zoned lands, that would create a parcel or a remnant parcel less than 15 acres, would have to be rezoned out of the Farmland Preservation zoning district. With this change, fewer calls for rezone will be necessary.

Furthermore, there are many parcels of land that have been rezoned to General Agricultural for the reasons just-stated. These parcels would be eligible to be rezoned

back into the Farmland Preservation District either by individual action or by consolidated map amendment. The added lands to the Farmland Preservation Zoning District will not only buttress Green Lake County's ration of Farmland Preservation Lands to Non-Farmlands, but every acre added to the Farmland Preservation district has the potential to provide a tax credit to its owner. Effectively returning tax dollars to the citizens of Green Lake County.

Summary: In order to coordinate the minimum acreages between the Farmland Preservation Plan and the Farmland Preservation Ordinance, to reduce the amount of lands unnecessarily being rezoned out of Farmland preservation zoning district, to add the potential that new lands would be rezoned into the Farmland Preservation District and provide property owners additional tax credits, the Land Use Planning & Zoning Department recommends that the following language be adopted. Attached is a copy of the proposed ordinance amendments.

STAFF COMMENTS: The Land Use Planning and Zoning Committee has several options in this regard and they are as follows:

- Forward onto the County Board with recommendation to adopt as proposed.
- Hold another public hearing to take additional public comment.
- *Reject as proposed.

* In the event that these amendments are not adopted, certain property owners wishing to subdivide lands would be subject to rezoning out of the Farmland Preservation Zoning District unnecessarily and, as a result, would receive a reduction in Farmland Preservation tax credits. Also, when a property owner initiates a rezone or when the County proposes zoning changes via map amendments, parcels zoned General Agriculture under 15 acres in size would not be eligible to be rezoned into the Farmland Preservation District.

Proposed Zoning Ordinance Amendment

- 408 [6] The owner agrees to restore the land to agricultural use, consistent with any required reclamation
409 plan, when extraction is completed.
- 410 [7] Compliance with Chapter 323 (Nonmetallic Mining Reclamation).
- 411 (f) Oil and gas exploration or production that is licensed by the Department of Natural Resources under
412 Subchapter II of Chapter 295, Wisconsin Statutes.
- 413 (g) Private airport or air strip qualifying as an accessory use under § 91.01(1), Wis. Stats.
- 414 (h) Dog kennels qualifying as an accessory use under § 91.01(1), Wis. Stats.
- 415 (i) Game farms/shooting preserves qualifying as an accessory use under § 91.01(1)(b), Wis. Stats. To
416 meet the definition of agricultural use, the game birds or cervids must be raised on the farm for
417 release for hunting.
- 418 (j) Shooting ranges meeting the requirements in § 91.01(1)(d), Wis. Stats.
- 419 (k) Manure storage systems. (Please note that permits for manure storage systems are subject to § ATCP
420 50.56 and Ch. ATCP 51, Wis. Adm. Code.)
- 421 (l) Slaughtering of livestock from the A-1 District.
- 422 (m) Processing agricultural by-products or wastes received directly from farms, including farms in the A-
423 I District.

Note: The County may issue a conditional use permit for a proposed land use not identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, the County shall determine, in writing, that the proposed use meets applicable conditions under this section. The County may issue the permit subject to conditions designed to carry out the purposes of this chapter.

- 424 (3) Area, height and setback requirements:
- 425 (a) Dimensional standards: A lot or parcel shall have no less than ~~1.58~~ acres of contiguous land area. Formatted: Strikethrough, Highlight
- 426 (b) All principal structures shall be on a lot consistent with the principal use permitted on such lot by the
427 regulations of the district in which it is located.

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

- 428 (c) Principal structure setback and height standards.
- 429 [1] Street yard setback:
- 430 [a] State trunk road rights-of-way: 67 feet minimum.
- 431 [b] All other public road rights-of-way: 40 feet minimum.
- 432 [2] Rear yard setback: 25 feet minimum.
- 433 [3] Side yard setback: 12 feet minimum.
- 434 [4] Structure height, dwelling structure: 35 feet.