



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, March 5, 2020.

Packet Pages:

- 1-2 **Amended** Agenda
- 3-6 Draft meeting minutes from December 5, 2019
- 7 Financial report for January 2020
- 8-9 Permit Reports
- 10-12 Violation reports
- 13-25 A-1 & A-2 Permitted Uses for Camper Discussion
- 26 Nonbuilding Structures proposed language Re: Solar Arrays
- 27-45 Private Sewage Ordinance - Proposed
- 46 Public Hearing Notice

47-57 **Item I: Owner:** Mary A. Kallas, **General legal description:** W2525 Princeton Road, Parcel #004-00853-0400, NE¼ of Section 24, T16N, R13E, Excluding Certified Survey Map 3074 and Certified Survey Map 3676; Town of Brooklyn. **Request:** Rezone ±4.1 acres from A-2 General Agriculture District to R-4 Rural Residential District, to be identified by certified survey map.

58-66 **Item II: Owner:** Kathleen Mae Egbert **Agent:** Dan Egbert **General legal description:** North of Thomas Road, Parcel #006-00033-0000, E½ of the SE¼ of the SW¼ of Section 2, T15N, R13E, Town of Green Lake. **Request:** Review, update, modify and/or revoke a 2009 Conditional Use Permit for the expansion of a non-metallic mining operation, including crushing and processing of limestone aggregate.

If you have questions or need additional information, please contact the
Land Use Planning & Zoning Department at (920) 294-4156.



GREEN LAKE COUNTY

Land Use Planning & Zoning Committee

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

Date: Thursday, March 5, 2020 Time: 4:30 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
Email address: zoning@co.green-lake.wi.us

Amended Agenda 2-26-2020

1. Call to Order
2. Pledge of Allegiance
3. Certification of Open Meeting Law
4. Minutes: 2/6/20
5. Public comments: 3-minute limit
6. Public appearances
7. Department activity reports
 - a. Financial reports for January
 - b. Land use & septic permits for January
 - c. Violation reports
8. Department/Committee activity
 - a. Discuss amending the zoning ordinance to allow recreational dwellings
 - b. Discuss amending the zoning ordinance to allow a reduced street yard setback for certain subdivision lots.
 - c. Discuss camper storage and use as well as boat storage on agriculturally zoned parcels.
 - d. Discuss certain non-building structures as to whether the zoning ordinance requires a permit.
 - e. Private Sewage Ordinance updates
 - f. Staff Update
 - g. Discuss refunding rezone application fee for recent rezone that was not approved.
9. County Surveyor Contract Expiration / Renewal

5:30 p.m. Public Hearing

Item I: Owner: Mary A. Kallas, **General legal description:** W2525 Princeton Road, Parcel #004-00853-0400, NE¼ of Section 24, T16N, R13E, Excluding Certified Survey Map 3074 and Certified Survey Map 3676; Town of Brooklyn. **Request:** Rezone ±4.1 acres from A-2 General Agriculture District to R-4 Rural Residential District, to be identified by certified survey map.

- a. Public Testimony/Comment: 10-minute time limit
- b. Committee Discussion & Deliberation
- c. Committee Decision
- d. Execute Ordinance/Determination Form

Item II: Owner: Kathleen Mae Egbert **Agent:** Dan Egbert **General legal description:** North of Thomas Road, Parcel #006-00033-0000, E½ of the SE¼ of the SW¼ of Section 2, T15N, R13E, Town of Green Lake. **Request:** Review, update, modify and/or revoke a 2009 Conditional Use Permit for the expansion of a non-metallic mining operation, including crushing and processing of limestone aggregate.

- a. Public Testimony/Comment: 10-minute time limit
 - b. Committee Discussion & Deliberation
 - c. Committee Decision
 - d. Execute Ordinance/Determination Form
9. Future committee activities
- a. Future agenda items
 - b. Meeting date: April 2, 2020
Business meeting 4:30 p.m. - Public hearing 5:30 p.m.

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, February 6, 2019**

CALL TO ORDER

Vice Chair Reabe called the meeting of the Land Use Planning and Zoning Committee to order at 1:30 p.m. in the Green Lake County Government Center, County Board Room #0902, Green Lake, WI. The requirements of the open meeting law were certified as being met.

PLEDGE OF ALLEGIANCE

Present: William Boutwell, Harley Reabe, Curt Talma, Peter Wallace

Absent: Robert Lyon

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

Liz Otto, County Clerk

Dawn N. Klockow, Corporation Counsel

Caleb Edwards, Krista Kamke – Planning and Zoning Department

APPROVAL OF MINUTES

Motion/second (Wallace/Talma) to approve the minutes of the 12/05/19 meeting with no additions or corrections. Motion carried with no negative vote.

PUBLIC COMMENT

- Matt Roehsler, owner of property at W7098 Puckaway Road, spoke regarding #9 on the agenda (Robin's Nest Resort conditional use permit complaint and recommendation).
- Jim Stellmacher, Town of Marquette Chair, spoke regarding the Scott Heilman request for a setback variance.

APPEARANCES

a. John Loberg – Hunting cabins \geq 500sqft

John Loberg, N5942 Killdeer Lane, spoke requesting a change in the zoning ordinance to allow for structures under 800 square feet. He cited an example of a hunting cabin. This will be placed on the March agenda for further discussion.

b. Scott Heilman – Setbacks for residential properties

Scott Heilman, N4045 Grace St., requested a change from a 40 ft. setback to a 25 ft. setback for his property. Heilman handed out certified survey maps to the committee. This will be placed on the March agenda for further discussion.

c. Robert Winat of the Wisconsin Department of Transportation submitted a deed for a corrected setback on a state highway. No action taken.

DEPARTMENT ACTIVITY REPORTS

a. Financial reports

Kirkman discussed the monthly financial reports, land use permits, and sanitary permits reports for the months of November and December.

b. Permits

Kirkman explained the list of issued land use and sanitary permits for the months of November and December.

c. Violations

The committee discussed land use and septic violations. Kirkman and Corporation Counsel Dawn Klockow updated the committee on the 28 case filings for septic violations.

d. 2019 Annual Report

Kirkman submitted the 2019 annual report. *Motion/second (Boutwell/Wallace)* to accept the report and forward to County Board. Motion carried with no negative vote.

DEPARTMENT/COMMITTEE ACTIVITY

a. Discuss camper and boat storage on agriculturally-zoned parcels

Kirkman stated the pros and cons of changing the zoning ordinance in regard to allowing camper and boat storage. Discussion held on enforcement, permitting, etc. This will be placed on the March agenda for further discussion.

b. Discuss certain non-building structures as to whether the zoning ordinance requires a permit

Kirkman gave examples of structures which don't currently require a permit such as LP tanks, flag poles, outdoor wood-burning sheds, etc. He recommends establishing a size limit. The committee directed Kirkman to provide some guidelines for the March meeting.

c. Private Sewage Ordinance updates

Kirkman submitted a preliminary updated ordinance for committee review. Discussion held. Kirkman gave an overview of the changes and new insertions. This will be put on the March agenda for further discussion.

Motion/second (Boutwell/Talma) to recess at 2:55 to allow for the Public Hearing at 3:00. Motion carried with no negative vote.

3:02 p.m. Reconvened for the public hearing.

PUBLIC HEARING ITEMS

Item I: Owner: Robert Glenn Herrmann Estate, **Agent:** Gerald L. Herrmann, Personal Representative
General legal description: N6639 Valley View Dr, Parcel #004-00222-0700, Lot 1 Certified Survey Map 1190 excluding Lot 1 Certified Survey Map 2035; Part of the SW¼ and SE¼ of Section 11, T16N, R13E; Town of Brooklyn. **Request:** Rezone request from A-2 General Agriculture District to R-1 Single-Family Residence District, to be identified by certified survey map.

- a. Public Testimony/Comment: 10-minute time limit - none
- b. Committee Discussion & Deliberation – Kirkman provided staff comments regarding the rezone criteria. All criteria met. The Town of Brooklyn recommends approval.
- c. Committee Decision – *Motion/second (Boutwell/Talma)* to approve the rezone request as presented and forward to County Board for final action. Motion carried with no negative vote.

Item II: Owner/Applicant: Scott O Sommers **General legal description:** N2992 County Road B H, Parcel #014-00767-0000, Part of the SW¼ of Section 30, T15N, R12E, ±40 acres, Town of Marquette. **Request:**

Rezone ±3.9 acres from A-1 Farmland Preservation District to R-4 Rural Residential District, to be identified by certified survey map.

- a. Public Testimony/Comment: 10-minute time limit - none
- b. Committee Discussion & Deliberation – Kirkman provided the background and staff comments regarding rezone criteria. The Town of Marquette recommends approval. Kirkman recommends denial due to statutory land use guidelines not met.
- c. Committee Decision – *Motion/second (Boutwell/Wallace)* to approve the rezone request as presented and forward to County Board for final action. Motion defeated with no affirmative vote.

Item III: Owner/Applicant: Beuthin Family Recreational Trust - Larry E Beuthin **Agent:** Cloud 1, LLC - Jay Wendt, Representative **General legal description:** N4145 Lakeview Rd, Parcel #006-00127-0000 (±45.8 acre parcel), Part of the SE¼ of Section 7, T15N, R13E, Town of Green Lake, ±2.5 affected acres. **Request:** Conditional use permit request for a communication facility tower with a mobile service facility.

- a. Public Testimony/Comment: 10-minute time limit – Jay Wendt of Bugtussel Wireless stated he is available for any questions.
- b. Committee Discussion & Deliberation – Kirkman stated the application is complete and bonding has been processed. The State of Wisconsin has determined that these projects are pre-approved as long as they are compliant.
- c. Committee Decision – *Motion/second (Wallace/Talma)* to approve the conditional use permit request as presented with the following conditions:
 1. All of the provisions of the County Zoning Ordinance and State Statutes shall be adhered to by the owners/applicant.
 2. A permit bond in the amount of \$20,000 shall be provided to the Land Use Planning & Zoning Department, prior to Land Use Permit issuance, which obligates the applicant to restore the subject site back to pre-development conditions in the event that the tower is taken out of service for a period of time exceeding 1 year.
 3. The owners/applicant shall apply for and have been issued a fire number for the subject site prior to land use permit issuance.
 4. Change the affidavit to correct parcel number. Motion carried with no negative vote.

Public hearing closed at 3:35 PM.

Regular meeting resumed at 3:36 PM

ROBIN'S NEST RESORT CONDITIONAL USE PERMIT COMPLAINT AND RECOMMENDATION

Kirkman stated this involves Item #16 of the conditional use permit requiring a vegetative buffer between the Robin's Nest Resort property and surrounding properties. *Motion/second (Wallace/Boutwell)* to suspend the rules to allow Don Dysland to speak. Motion carried with no negative vote. Dysland, the owner of Robin's Nest Resort, outlined his efforts to maintain the buffer over the last 4 years with little success. He also stated there were no guidelines set on height, etc. *Motion/second (Talma/Wallace)* to allow Matt Roehsler to speak. Motion carried with no negative vote. Roehsler stated his property value has decreased \$30,000 due to the trailer park. He is requesting the conditional use permit be revisited and a timeframe given to meet the

guidelines. Discussion held. *Motion/second (Wallace/Boutwell)* to set a hearing pertaining to this matter. Motion carried with no negative vote. All parties will be notified when the date is determined.

SET CASH DEPOSIT AMOUNTS FOR ORDINANCE

Corporation Counsel Dawn Klockow stated she is requesting cash deposit amounts for citations issued for ordinance violations.

- Non-metallic Mining §323-35 – *Motion/second (Wallace/Boutwell)* to set cash deposit at \$500.00 for the first violation and \$2,500 for subsequent violations. Motion carried with no negative vote.
- Floodplain Zoning §300-46 – *Motion/second (Talma/Boutwell)* to set cash deposit at \$50.00. Motion carried with no negative vote.
- Land Division and Subdivision §315-51 – *Motion/second (Talma/Boutwell)* to set cash deposit at \$50.00. Motion carried with no negative vote.
- Shoreland Zoning §338-71 – *Motion/second (Wallace/Talma)* to set cash deposit at \$250.00. Motion carried with no negative vote.
- Zoning §350-69 – *Motion/second (Boutwell/Wallace)* to set cash deposit at \$250.00 per citation. Motion carried with no negative vote.
- Sewage Systems, Private §334-8 – *Motion/second (Talma/Boutwell)* to set cash deposit at \$200.00 per citation. Motion carried with no negative vote.

LINE ITEM TRANSFER

Motion/second (Boutwell/Talma) to approve a line item transfer from salaries to phone service in the amount of \$268.00 to set up a phone tree due to a staff reduction. Motion carried with no negative vote.

STAFF UPDATE

Kirkman informed the committee of the January 31, 2020 retirement of Administrative Assistant Carole DeCramer. He stated that replacement options are being considered and has a meeting scheduled with the County Administrator on February 13 to discuss the options.

VIOLATION NOTICE – FORFEITURE ACCRUAL POLICY

Kirkman stated that Corporation Counsel Klockow recommended a written policy to follow regarding violation notice procedures. Discussion held. *Motion/second (Boutwell/Talma)* to approve the policy as submitted. Motion carried with no negative vote.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

b. Next meeting date

March 5, 2020

Business meeting – 4:30 p.m.

Public hearing – 5:15 p.m.

ADJOURN

4:40 p.m. Meeting adjourned.

Respectfully submitted,

Liz Otto
County Clerk

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

FEES RECEIVED	JANUARY				YEAR-TO-DATE				BUDGET	
	2019		2020		2019		2020		2020	
	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS										
Total Monthly Issued Permits	2	300	9	2,250	2	300	9	\$ 2,250	\$ 34,800	6%
SANITARY PERMITS (POWTS)										
Total Monthly Issued Permits	5	1,270	10	2,800	5	1,270	10	\$ 2,800	\$ 22,695	12%
NON-METALLIC MINING PERMITS										
Annual Permit Fees	15	13,800	1	\$ 700	15	\$ 13,800	1	\$ 700	\$ 15,300	5%
BOARD OF ADJUSTMENT										
Special Exception	-	-	-	-	-	-	-	-	-	-
Variances	-	-	2	750	-	-	2	750	-	-
Appeals	-	-	-	-	-	-	-	-	-	-
Total	-	\$ -	2	\$ 750	-	\$ -	2	\$ 750	\$ 1,500	50%
PLANNING & ZONING COMMITTEE										
Zoning Change	3	1,125	-	-	3	1,125	-	-	-	-
Conditional Use Permits	1	375	-	-	1	375	-	-	-	-
Variance	-	-	-	-	-	-	-	-	-	-
Total	4	\$ 1,500	-	\$ -	4	\$ 1,500	-	\$ -	\$ 8,625	0%
MISC.										
Wisconsin Fund	-	-	1	100	-	-	1	100	-	-
Fees & Forfeitures	-	-	-	-	-	-	-	-	-	-
Total	-	\$ -	1	\$ 100	-	\$ -	1	\$ 100	-	-
SURVEYOR										
Certified Survey Maps	-	-	1	165	-	-	1	165	6,000	-
Preliminary and Final Plats	-	-	-	-	-	-	-	-	-	-
Applied Funds: County Surveyor	-	-	-	-	-	-	-	-	9,500	-
Total	-	\$ -	1	\$ 165	-	\$ -	1	\$ 165	\$ 15,500	1%
GIS (Geographic Information System)										
Map Sales	-	-	-	-	-	-	-	-	180	-
Land Records Transfer	-	-	-	-	-	-	-	-	25,000	-
Land Information Grant	-	-	-	-	-	-	-	-	10,000	-
Total	-	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 35,180	0%
GRAND TOTAL										
	26	16,870	24	6,765	26	16,870	24	6,765	\$ 133,600	
									Total	5%

Land Use Permits: 1/1/2020 - 1/31/2020

Permit Number	Parcel Number	Site Address	Application Date	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
12528	014003380000	W6544 PUCKAWAY RD	10/25/2019	01/17/2020	JAMESW BLOUNT, SARAH S BLOUNT	280000	Principal Structure - Single Family	New SFD with attached/covered porches; crawl space below		
12502	004007280601	W2347 CARPENTER LN	10/02/2019	01/14/2020	THOMAS W & EDITH B JOHNSTON TRUST	750000	Accessory Structure - Attached Deck/Patio	Replace and enlarge porch on north side of home	Accessory Structure - Attached Deck/Patio	Replace deck railing on all deck/porch areas
12553	006016500000	N5163 FOREST GLEN BEACH RD	11/27/2019	01/03/2020	ELIZABETHA EWING, KURT J STEINHAGEN	1500	Accessory Structure - Accessory Structure	Greenhouse / "she shed"		
12555	014007770000	N2898 COUNTY ROAD BH	01/16/2020	01/16/2020	JILL M SOMMERS, SCOTTO SOMMERS	80000	Accessory Structure - Agricultural Building	Steel pole shed		
12556	016015800000	N4854 N LAKESHORE DR	01/20/2020	01/20/2020	DANIEL P CURRAN DECLARATION OF TRUST, MARYALICE CURRAN DECLARATION OF TRUST	50000	Additions / Alterations - Addition/Alteration to Principal Structure	17x11.25 addition to home	Land Disturbing Activity - Impervious Surface Treatment Device	Infiltration basin on south side of house
12557	006007670000	W3084 BLACKBIRD POINT DR	01/17/2020	01/20/2020	FREDRICK R & RUTH E MARTIN	65000	Additions / Alterations - Addition/Alteration to Principal Structure	Addition to lake side of home		
12559	006001010000	W2204 OAKWOOD AVE	01/17/2020	01/24/2020	JAMES E MICELI	15000	Additions / Alterations - Addition/Alteration to Principal Structure	Remove masonry chimney	Additions / Alterations - Addition/Alteration to Principal Structure	Remove sky lights
12560	006013890000	W2184 MELMAR DR	01/23/2020	01/23/2020	JANEE STRELOW, ROBERT B STRELOW	900	Additions / Alterations - Addition/Alteration to Principal Structure	Remodel door framing and windows - replace existing window and move door	Additions / Alterations - Addition/Alteration to Principal Structure	Replace (7) windows with new in larger/taller format

Land Use Permits Payments Report

Permit Number	Application Number	Parcel Number	Payment Type	Fee Type	Amount	Payment Received
12559	15310	006001010000	Check	Permit Fee	150.0000	1/23/2020
12558	15309	014009670000	Check	Permit Fee	400.0000	1/22/2020
12556	15307	016015800000	Check	Permit Fee	150.0000	1/20/2020
12555	15306	014007770000	Check	Permit Fee	150.0000	1/16/2020
12553	15304	006016500000	Check	Permit Fee	150.0000	1/15/2020
12502	15245	004007280601	Check	Permit Fee	900.0000	1/2/2020

Total Money Order:	\$0.00
Total Credit:	\$0.00
Total Check:	\$1,900.00
Total Cash:	\$0.00
Grand Total:	\$1,900.00

Sanitary Permits: 1/1/2020 - 1/31/2020

Sanitary Permit	Parcel Number	Site Address	Owners	Date Issued	Permit Type	System Type	Plumber Name	Additional Explanation	Permit Fee \$ (County)	Permit Fee \$ (DPS)
202024002	016002630100	N5071 COUNTY ROAD D	JAMES R & NANCY J GOHAM	01/03/2020	Replacement System	Conventional (Non-Pressurized In-Ground)	Jeffrey Novak	4 Bedroom	280	100
202024003	004007280601	W2347 CARPENTER LN	THOMAS W & EDITH B JOHNSTON TRUST	01/03/2020	Replacement System	Holding Tank	Jeffrey Novak	10 Bedroom	355	100
202024004	002001310200	N9205 32ND DR	JOSEPHA HOPPA	01/09/2020	Replacement System	Mound	Daniel Pollesch	3 Bedroom	280	100
202024005	004005170100	W974 SUNNYSIDE RD	THOMASR BARYL	01/09/2020	Replacement System	Conventional (Non-Pressurized In-Ground)	Daniel Pollesch	3 Bedroom	280	100
202024006	016004360100	N4579 FOX RIVER DR	RODNEY C & LOIS M GROSS JOINT REVOCABLE TRUST	01/09/2020	Replacement System	Mound	Daniel Pollesch	3 Bedroom	280	100
202024007	016007980500	N5588 LOCK RD	THOMAS KUJAC	01/09/2020	Replacement System	Conventional (Non-Pressurized In-Ground)	Daniel Pollesch	3 Bedroom Farmhouse	280	100
202024008	271007420000	742 E TWIN OAKS CT	KEVINT SCHAEFER, PATRICIAA SCHAEFER	01/15/2020	Replacement System	Conventional (Non-Pressurized In-Ground)	Daniel Pollesch	3 Bedroom	280	100
202024009	016005790000	W5482 LOSINSKI RD	JAMES M WEGNER	01/03/2020	Replacement Tank Only	Conventional (Non-Pressurized In-Ground)	Babcock, S	2 Bedroom	150	0
202024010	016006000000	N6415 OTTO RD	LUCILLE MANTHEY	01/22/2020	Replacement System	Conventional (Non-Pressurized In-Ground)	Daniel Pollesch	2 Bedroom	280	100
202024011	014009670000	N3167 OAK RD	JOSHUA ROHDE, SAMANTHA ROHDE	01/29/2020	New System	In-Ground Pressure	Jeramiah Storer	3 Bedroom	280	100
Total:									2745	900

* There are additional properties associated with the permit



Land Use Violations - 3/5/2020

Open Violations - Notice Sent:						
Parcel Number	Site Address	Owner Name	Vio Type	Violation Description	Vio Date	# Vios
002-00131-0200	N9205 32ND DR	HOPPA JOSEPH A	Zoning	Storage of semi trailers on property in violation of permitted uses within the R-4 district (350-41 lists permitted/conditional uses).	11/19/2019	2
002-00431-0100	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 up property.	11/14/2018	1
002-00769-0000	N9666 WILDFLOWER LN	VAN BUREN KEITH A & VIKKI	Junk	Unregistered vehicles Lumber pile Skid Steer	12/13/2019	1
004-00436-0100	W2399 PRINCETON RD	CORY LARSON SABRA E	Junk	Two junk cars one chest freezer Collapsed chicken coop and multiple junk piles	10/2/2019	1
004-00998-0000	N5568 OLD OAK LN	NAVTA JODI M; SCHULZ RYAN W	Shoreland	Unpermitted deck is too close to septic tank; SPS 383.43(8)(i) requires minimum of 5ft setback from closest point of septic tank. Deck has been installed over portions of existing tank. Variance not yet submitted to DSPS as of 2/13/2020.	9/4/2019	2
006-00542-0200	N3047 E LITTLE GREEN RD	SARGENT REVOCABLE LIVING TRUST SANDRA LYNN	Zoning	350-65 no LUP for new structure; Update 11/2019: Will remove by May 1 2020.	10/24/2019	3
010-00143-0000	N1914 COUNTY ROAD AS	SLR PROPERTIES LLC	Junk	350-14D: junk stacked and piled on property; Need progress by end of Feb or will send to CC.	10/23/2019	1
010-00150-0100	No Address Available	WALKER DALE A; WALKER LISA A	Zoning	350-65: LUP for new structure	10/23/2019	2
014-00001-0000	N2797 COUNTY ROAD B	SWANKE GARY L & LINDA A	Junk	Tires Pallets Unregistered truck Junk/ inoperable machinery (non-farm) containers plastic tarps	10/10/2019	1
014-00194-0100	W5016 CHERRY RD	MIELKE KRISTEN L; MIELKE RAYMOND J	Zoning	Section 350-27A. states that camping is not an allowed use in the A-1 zoning district.	10/8/2019	1
016-01217-0000	N4162 S LAKESHORE DR	COLE DIANE LISA; PETRASEK MELANIE COLE	Shoreland	BOA - request for new variance; violation of 338-69: expansion of a variance-authorized structure outside the footprint.	10/25/2019	1
016-00350-0300	W3690 BEYERS COVE RD	HERBOLSHEIMER BRAD ; HERBOLSHEIMER LARA	Shoreland	Violation of 338-32: structure within shoreland setback of 75ft; Met with owner 11/22/19; rec'd documents from DNR 2/12/20. Under review.	10/23/2019	2

Open Violations - Final Notice Sent:						
Parcel Number	Site Address	Owner Name	Vio Type	Violation Description	Vio Date	# Vios
004-00356-0000		EGBERT EXCAVATING INC	Zoning	Update 10/15/19: Not able to obtain flood model. Will be removing items and fill from mapped floodway.	4/5/2018	3
014-00350-0000	W6592 PUCKAWAY RD	SMITH WESLEY E	Shoreland	added a pea gravel patio at shore; violation of 338-37 vegetated buffer activities 338-40 land disturbing act	8/22/2019	3

Sent to Corporation Counsel						
Parcel Number	Site Address	Owner Name	Vio Type	Violation Description	Vio Date	# Vios
004-00728-0601	W2347 CARPENTER LN	JOHNSTON TRUST THOMAS W & EDITH B	Zoning	Construction without LUP; need IMS plan and recorded agreement to issue LUP	11/19/2019	2
016-00769-0000	W5913 STATE ROAD 23	CRIVELLO DEREK A	Shoreland	338-63A and 300-38B: LUP for structure; will be removing by spring.	10/23/2019	3

Open Violation- Notice Sent		002= Town of Berlin 004= Town of Brooklyn 006=Town of Green Lake 008=Town of Kingston 010= Town of Mackford 012= Town of Manchester 014= Town of Marquette 016= Town of Princeton 018= Town of Saint Marie 020= Town of Seneca 154=Village of Marquette 206= City of Berlin 271= City of Princeton					
Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date	Action Taken
002-00131-0200	N9205 32ND DR	HOPPA JOSEPH A	114931	POWTS Failure	Dug into mound with an excavator	7/19/2019	New Permit
002-00211-0000	N8725 WHITE RIDGE RD	BEDNAREK DAVID ; BLOCK KELIE J	131	POWTS Failure	Tank unsound	11/14/2019	
004-00232-0000	N6698 COUNTY ROAD PP	BENNETT GLEN J & CAROLYN M	281	POWTS Violation	Possible cesspool.	9/7/2018	New Permit
004-00315-0200	W1002 STATE ROAD 23 49	COACHLITE GREEN LAKE LLC	200924016	POWTS Violation	Tank overfull and discharging to ground surface.	11/6/2017	
004-00690-0200	W2005 IRVING PARK RD	BRIGHT BETH CHIER; CHIER BRADLEY ; CHIER DEAN ; CHIER TRACI	10024647	POWTS Failure	Probable surface discharge.	11/7/2019	New Permit
004-00366-0000	N6261 N LAWSON DR	BARANOWSKI LINDA J	424030	POWTS Failure	Tank Failure	5/9/2019	New Permit
004-00193-0000	N6640 STATE ROAD 49	ELLIS MELANIE ; MIRR NATHAN	201624045	POWTS Failure	Tank Failure	10/16/2019	Working with Contractor
004-00617-0200	N5458 BROOKLYN G RD	SMITH REVOCABLE TRUST ELMER WILLIAM & BARBARA ANN	424039	POWTS Violation	Tank failure not structurally sound.	10/3/2018	New Permit
014-00118-0000	W5690 RIVERVIEW DR	METZGER ANTHONY	26790	POWTS Failure	Tank Failure	11/5/2019	
014-00172-0000	W5156 PINE RD N	HEINECKE RANDAL R ET AL	26724	POWTS Failure	Tank Failure	11/8/2019	
014-00235-0000	W5621 PINE RD S	SCHULTZ NATHAN E	1969	POWTS Failure	Tank Failure	3/18/2019	Working with Contractor
014-00834-0000	W4052 COUNTY ROAD H	NOWATZSKI KATHY A	1424052	POWTS Failure	Tank Failure	11/5/2019	
016-00115-0100	W4564 STATE ROAD 23 73	WEBER RICHARD W	1624105	POWTS Failure	Tank Failure	9/18/2018	New Permit
016-00801-0300	N5591 LOCK RD	CALAMITA MICHAEL J	37516	POWTS Violation	Tank overfull and discharging to ground surface.	9/29/2017	New Permit
016-00923-0000	N4898 RAY SHORTER RD	PROG ROD-GUN CLUB	10024252	POWTS Violation	Tank not structurally sound.	7/5/2019	
016-01095-0000	N4659 OAK RD	CARCHESI ANTHONY M; CARCHESI CAROL L	369	POWTS Violation	Tank unsound	10/22/2019	New Permit
016-01099-0000	N4683 OAK RD	OETH JAMES F & ELIZABETH A	1624093	POWTS Violation	Tank failure not structurally sound.	8/23/2018	New Permit
016-01405-0000	W5552 OXBOW TRL	ULLENBERG EDEL M; ULLENBERG LOUIS R	18136	POWTS Violation	Tank failure not structurally sound.	8/30/2018	Working with Contractor
018-00057-0000	W3602 PINE RD	BREWER DOUGLAS & SALLY	258	POWTS Failure	Tank unsound	10/11/2019	
018-00085-0000	W4224 HUCKLEBERRY RD	DEIBERT BRUCE ; DEIBERT DEBORAH L	56	POWTS Violation	Tank failure	11/19/2019	Working with Contractor
018-00179-0100	W3988 COUNTY ROAD J	DUGENSKE STEVEN M & BARBARA	267	POWTS Failure	Tank not structurally sound.	6/13/2019	
018-00569-0300	N6999 STATE ROAD 73	FERTIG WALTER	21127	POWTS Failure	Tank Failure	10/2/2019	Working with Contractor
154-00229-0000	210 W FRONT ST	ACN TRUST	15424024	POWTS Violation	Probable surface discharge.	4/4/2019	New Permit

Open Violations- Final Notice							
Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date	Action Taken
271-00742-0000	742 E TWIN OAKS CT	SCHAEFER KEVIN T; SCHAEFER PATRICIA A	15706	POWTS Violation	Overflow Not Resolved	7/12/2019	New Permit
004-00319-0200	W1049 STATE ROAD 23 49	ABEL RADENE M; BENZ GARY W	303	POWTS Violation	Tank failure not structurally sound.	10/17/2018	Working with Contractor
004-00764-0100	W598 COUNTY ROAD K	ARNETVEIT AMY L; ARNETVEIT ERIK R	6296	POWTS Violation	Tank failure not structurally sound.	10/17/2018	Working with Contractor
004-00376-0200	N6215 N LAWSON DR	SCHULTZ GINNY L	424032	POWTS Violation	Tank failure not structurally sound.	10/29/2018	Working with Contractor
004-00593-0000	N5691 BROOKLYN G RD	HARVEY RICHARD A & JOYCE M	424036	POWTS Failure	Tank Failure.	8/5/2019	New Permit
006-00135-0000	N4474 LAKEVIEW RD	BERLOWSKI ZIER BRENDA ; ZIER GREGORY	18201	POWTS Violation	Tank failure not structurally sound.	11/2/2018	New Permit
008-00624-0000	W6458 E PINE ST	GRIFFIN ANNETTE K	824050	POWTS Violation	Water is seeping out the top of the tank into owners yard	9/10/2019	Complying with Letters
014-00533-0000	N3946 STATE ROAD 73	WHITE KELLY L & DIANE	264853	POWTS Violation	Surface Discharge of Effluent	1/16/2019	Working with Contractor
014-00582-0000	N4075 WICKS LNDG	FROST REVOCABLE TRUST WM & PATRICIA ET AL	1424039	POWTS Violation	Tank failure not structurally sound.	7/17/2018	Unable to send letters
016-00212-0000	W4289 STATE ROAD 23 73	WANASEK RUSSELL G & WENDY R	366	POWTS Violation	Tank failure not structurally sound.	6/26/2018	
016-00383-0000	N4843 STATE ROAD 73	HAAS JAMIE ; HACKBARTH KELLY ; HORZEWSKI TAMI ; KITTELSON LEE ; C	346	POWTS Failure	Tank Failure.	4/30/2019	New Permit
016-00579-0000	W5482 LOSINSKI RD	WEGNER JAMES M	692	POWTS Violation	Tank failure not structurally sound.	9/5/2017	New Permit
016-00600-0000	N6415 OTTO RD	MANTHEY LUCILLE	1624053	POWTS Violation	Tank failure not structurally sound.	11/7/2018	New Permit
016-00770-0000	W5897 STATE ROAD 23	HAZELWOOD WANETTA ET AL	26752	POWTS Failure	Tank Failure	8/13/2019	Working with Contractor
016-00798-0500	N5588 LOCK RD	KUJAC THOMAS	1624077	POWTS Violation	Tank overfull and discharging to ground surface.	10/2/2019	New Permit
016-00907-0000	W5507 BEND RD	ZELENSKI SANDRA L	1624083	POWTS Violation	Tank failure not structurally sound.	11/2/2018	Working with Contractor
016-00909-0200	N5096 KUHARSKI RD	SCHWEDER DOWE & LORI J	21032	POWTS Violation	Tank overfull and discharging to ground surface. NEW PER	9/11/2018	Working with Contractor
016-01092-0000	N4643 OAK RD	HILLS IRREVOCABLE TRUST	1624092	POWTS Violation	Tank failure not structurally sound.	10/5/2018	New Permit
016-01682-0000	N6153 PLEASANT DR	MORGAN ARLENE	313	POWTS Violation	Tank unsound	10/10/2019	New Permit
154-00089-0000	150 W 2ND ST	KOERNER KENNETH A & JEAN A	593	POWTS Failure	Probable surface discharge.	4/9/2019	New Permit

Violations sent to Corporation Council

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date
206-01758-0000	271 MCKITTRICK ST	NEWTON JERRY G	20624022	Failure to Maintain POWTS		9/19/2019
002-00083-0101	N9542 LADWIG LN	REAGAN LAWRENCE & CYNTHIA	398132	Failure to Maintain POWTS		9/19/2019
002-00237-1100	N8841 COUNTY ROAD F	WORTH BILLY JOE & WENDY J	363326	Failure to Maintain POWTS		9/19/2019
002-00381-0000	W1561 COUNTY ROAD V	EAGEN MICHAEL J	200724085	Failure to Maintain POWTS		9/19/2019
004-00881-0000	N5479 COUNTY ROAD T	HOFFMAN LUCILLE	424047	Failure to Maintain POWTS		9/19/2019
004-01022-0000	N6162 N LAWSON DR	GERIG BRITTNY J; GERIG JAMES D	200724075	Failure to Maintain POWTS		9/19/2019
006-00163-0000	N4443 HORNER RD	4 PAR LLC	221502	Failure to Maintain POWTS		9/19/2019
006-00899-0100	W3188 COUNTY ROAD B	SCHNEIDERMAN ROBERT D	126309	Failure to Maintain POWTS		9/19/2019
006-01247-0000	N3087 LAKE SHORE DR	HIDDLESTON JOHN B & SHIRLEY J	139355	Failure to Maintain POWTS		9/19/2019
012-00153-0000	W3816 GRAND RIVER RD	BENDER DOMINIC	375	Failure to Maintain POWTS		9/19/2019
012-00441-0100	W3296 COUNTY ROAD X	SILGMAN WILLIAM A	1224018	Failure to Maintain POWTS		9/19/2019
012-00441-0100	W3296 COUNTY ROAD X	SILGMAN WILLIAM A	1224018	Failure to Maintain POWTS		9/19/2019
012-00569-0100	N860 SALEMVILLE RD	SCHMUCKER MARILYN ; SCHMUCKER WILMER	30246	Failure to Maintain POWTS		9/19/2019
014-00348-0000	W6582 PUCKAWAY RD	BRAUNSCHWEIG JASON C; BRAUNSCHWEIG VICTORIA A	4668	Failure to Maintain POWTS		9/19/2019
014-00575-0000	N4091 WICKS LNDG	ZODROW RICHARD G	1424036	POWTS Violation	Tank failure not structurally sound.	7/17/2018
016-00201-0100	N5431 STATE ROAD 73	SWANSON ROGER V	1624022	POWTS Violation	Tank failure not structurally sound.	12/17/2018
016-00262-0600	N5193 COUNTY ROAD D	MARCOE ELYSE A	1624026	Failure to Maintain POWTS		9/19/2019
016-00318-0200	W3624 COUNTY ROAD T	KUTZ DENNIS R	1624033	Failure to Maintain POWTS		9/19/2019
016-00414-0200	N4596 COUNTY ROAD D	SMITS BROS LLC	242654	Failure to Maintain POWTS		9/19/2019
016-00555-0000	N6682 COUNTY ROAD Y	SWANKE RICHARD S	1624049	Failure to Maintain POWTS		9/19/2019
016-00573-0100	W5510 LOSINSKI RD	SWANKE RICHARD S	114911	Failure to Maintain POWTS		9/19/2019
016-00577-0000	N6675 STATE ROAD 73	SWANKE RICHARD S	99877	Failure to Maintain POWTS		9/19/2019
016-00758-0000	No Address Available	SPELL PAUL & LAKIE M	264742	Failure to Maintain POWTS		9/19/2019
016-00902-0000	W5535 RESORT LN	KRENZ DARRELL J; KRENZ MARCHITA A	297	Failure to Maintain POWTS		9/19/2019
016-01671-0000	N6188 PLEASANT DR	READING NICHOLAS R	13290	Failure to Maintain POWTS		9/19/2019
018-00204-0000	W3390 COUNTY ROAD J	SCHULTZ BERNARD J JR	273	POWTS Failure	Tank unsound	9/5/2019
154-00186-0000	328 E FRONT ST	ORTEGA ELIZABETH ; ORTEGA JUAN M; QUIROGA CESAR ARMANDO	202968	Failure to Maintain POWTS		9/19/2019
154-00230-0000	210 LAKE ST	RICKERMAN LEE ALLEN L & TRUDY K	15424025	Failure to Maintain POWTS		9/19/2019

Discussion related to Campers in Ag Zoned Districts.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 350-27 A-1 Farmland Preservation District.

[Amended 6-17-2008 by Ord. No. 935-08; 2-15-2011 by Ord. No. 989-2011; 11-14-2017 by Ord. No. 22-2017]

- A. Purpose. The purpose of this district is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland and to allow participation in the state's farmland preservation program. Land zoned under this district must comply with the following:
- (1) Permitted uses:
 - (a) Agricultural uses. See Subsection D for agricultural use definitions.
 - (b) Not including the specified accessory uses identified in Subsection A(2), other accessory uses, including the farm residence. See Subsection D for "accessory use" definition.
 - (c) Upon prior notification to the county, transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.
 - (d) [Subsection A(1)(c) acknowledges that state or federal law may sometimes preempt local authority to restrict the siting of certain facilities. It does not purport to determine which state or federal actions are preemptive. It merely says that if state or federal action is preemptive, no local permit is required and there is no need to rezone the site out of the farmland preservation district. Uses covered by Subsection A(1)(c) might include, for example, state and federal highways, federally mandated pipelines, and energy generation and transmission facilities whose location and design are specifically mandated by the Wisconsin Public Service Commission pursuant to a certificate of convenience and necessity.]
 - (e) Undeveloped natural resource and open space areas.
 - (f) Nonfarm residences built prior to January 1, 2014.
 - (2) Conditional uses:
 - (a) Agriculture-related uses. (See Subsection D for "agriculture-related use" definition.)
 - (b) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - [1] It is conducted on a farm by an owner or operator of that farm.
 - [2] It requires no buildings, structures, or improvements other than those described in Subsection D(1) and (3) of the definition of "accessory use."
 - [3] The total cumulative hours worked by paid employees, excluding the owner(s), shall not exceed 160 hours per week.

- [4] It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- (c) Upon prior notification to the County, transportation, communication, pipeline, electric transmission, utility, or drainage uses, facilities for the generation from sunlight, wind, coal or natural gas, if all the following apply:
 - [1] The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - [2] The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - [3] The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - [4] The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - [5] Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (d) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
 - [1] The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - [2] The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - [3] The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - [4] The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - [5] Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (e) Nonmetallic mineral extraction, if all of the following apply:
 - [1] The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under § 295.14, Wis. Stats. (including all applicable provisions of this chapter), and with any applicable requirements of the Wisconsin Department of Natural Resources concerning the restoration of nonmetallic mining sites.
 - [2] The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

- [3] The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
- [4] The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
- [5] The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- [6] The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
- [7] Compliance with Chapter 323 (Nonmetallic Mining Reclamation).
- (f) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.
- (g) Private airport or air strip qualifying as an accessory use under § 91.01(1), Wis. Stats.
- (h) Dog kennels qualifying as an accessory use under § 91.01(1), Wis. Stats.
- (i) Game farms/shooting preserves qualifying as an accessory use under § 91.01(1)(b), Wis. Stats. To meet the definition of agricultural use, the game birds or cervids must be raised on the farm for release for hunting.
- (j) Shooting ranges meeting the requirements in § 91.01(1)(d), Wis. Stats.
- (k) Manure storage systems. (Please note that permits for manure storage systems are subject to § ATCP 50.56 and Ch. ATCP 51, Wis. Adm. Code.)
- (l) Slaughtering of livestock from the A-1 District.
- (m) Processing agricultural by-products or wastes received directly from farms, including farms in the A-1 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.

- (3) Area, height and setback requirements:
 - (a) Dimensional standards: A lot or parcel shall have no less than 8 acres of contiguous land area.
 - (b) All principal structures shall be on a lot consistent with the principal use permitted on such lot by the 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.

(c) Principal structure setback and height standards.

[1] Street yard setback:

[a] State trunk road rights-of-way: 67 feet minimum.

[b] All other public road rights-of-way: 40 feet minimum.

[2] Rear yard setback: 25 feet minimum.

[3] Side yard setback: 12 feet minimum.

[4] Structure height, dwelling structure: 35 feet.

(d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:

[1] Setbacks: same as principal structure.

[2] Height: none.

[3] Structure footprint area: none.

[4] Volume: none.

[5] Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

B. Rezoning land out of the A-1 Farmland Preservation Zoning District. Land may be rezoned out of the A-1 Farmland Preservation Zoning District if the County, through their review and recommendation, and after a public hearing, finds that all of the following apply:

(1) The land is better suited for a use not allowed in the A-1 Farmland Preservation Zoning District.

(2) The rezoning is consistent with the Green Lake County Comprehensive Plan.

(3) The rezoning is substantially consistent with the Green Lake County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of zoning.

(4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(5) Note: The above Subsection B(1) through (4) does not apply to any of the following situations:

(a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and

Consumer Protection under Ch. 91, Wis. Stats.

- (b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Green Lake County farmland preservation plan map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- C. Certification of ordinance and amendments by DATCP.
 - (1) This Zoning Ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) in order for owners of land that is zoned A-1 Farmland Preservation in the Green Lake County to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program.
 - (2) Green Lake County shall notify DATCP of any amendments as required by § 91.36(8), Wis. Stats.
 - (3) Green Lake County shall notify DATCP by March 1 annually of any acres rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres as required by §§ 91.48(2) and 91.48(3), Wis. Stats.
- D. Farmland preservation definitions. For the purposes of § 350-27 of this chapter, the following definitions shall be used. Please see § 350-77 for conventional zoning district definitions.

ACCESSORY USE

Within the A-1 Zoning District, any of the following land uses on a farm:

- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - (a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - (b) A facility used to keep livestock on the farm.
 - (c) A facility used to store or process inputs primarily for agricultural uses on the farm.
 - (d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - (e) A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 - (f) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - (g) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- (2) An activity or business operation that is an integral part of or incidental to an agricultural use.

- (3) A farm residence, including normal residential appurtenances.
- (4) Any other use that DATCP, by rule, identifies as an accessory use.

AGRICULTURAL USE

Any of the following activities conducted for the purpose of producing an income or livelihood:

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod, or Christmas tree production.
- (5) Floriculture.
- (6) Aquaculture.
- (7) Fur farming.
- (8) Forest management.
- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (10) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

AGRICULTURE-RELATED USE

An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes. In addition, any use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use. An "agriculture-related use" must be primary (not just incidentally) related to agriculture, and must have a direct connection to agriculture uses in the A-1 Zoning District.

CERTIFIED FARMLAND PRESERVATION PLAN

A farmland preservation plan that is certified as determined under § 91.12, Wis. Stats.

CERTIFIED FARMLAND PRESERVATION ZONING ORDINANCE

A zoning ordinance that is certified as determined under § 91.32, Wis. Stats.

COMMON OWNERSHIP

- (1) Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

- (2) Land is deemed to be under "common ownership," for purposes of this chapter, if it is all owned by the same individual, married couple, joint tenants, and tenants in common, corporation, LLC, partnership, estate or trust. If land parcels are owned by separate legal entities, but those legal entities are all wholly owned by exactly the same person or persons, those land parcels are deemed to be under "common ownership" for purposes of this chapter.

CONDITIONAL USES

Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses as used in the A-1 Farmland Preservation Zoning District must meet the requirements of § 91.46, Wis. Stats.

CONTIGUOUS

Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.

FARM

- (1) All land under common ownership that is primarily devoted to agricultural use. For the purpose of this definition, land is deemed to be primarily devoted to agricultural use if the following apply:
 - (a) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use; or
 - (b) A majority (greater than 50%) of the land is in agricultural use.
- (2) In determining whether land is in agricultural use for purposes of the definition of "agricultural use," a zoning authority may consider how the land is classified for property tax purposes. (See Ch. Tax 18, Wis. Adm. Code.)

FARM RESIDENCE

- (1) A single-family or two-family residence that is the only residential structure on the farm or is occupied by any of the following:
 - (a) An owner or operator of the farm.
 - (b) A parent or child of an owner or operator of the farm.
 - (c) An individual who earns more than 50% of his or her gross income from the farm.
- (2) To qualify as a "farm residence," a residence must be located on a "farm." If a farm owner deeds off a residential parcel to another person (even if that person is the farm owner's parent, child or employee), the separately owned parcel is no longer part of the original "farm." A residence built on that parcel does not qualify as a "farm residence" unless the parcel qualifies as a "farm" in its own right.

GROSS FARM REVENUES

Gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the landowner.

LIVESTOCK

Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

NONCONFORMING USES OR STRUCTURES

Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter which does not conform to the regulations of this chapter. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

NONFARM RESIDENCE

Any residence other than a farm residence.

OPEN SPACE PARCEL

A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

PERSON

An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

PROTECTED FARMLAND

Land that is any of following:

- (1) Land that is located in the A-1 Farmland Preservation Zoning District certified under Ch. 91, Wis. Stats.
- (2) Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
- (3) Covered by an agricultural conservation easement under § 93.73, Wis. Stats.
- (4) Otherwise legally protected from nonagricultural development.

§ 350-28 A-2 General Agriculture District.

[Amended 6-17-2008 by Ord. No. 935-08; 2-15-2011 by Ord. No. 989-2011; 10-15-2013 by Ord. No. 1070-2013; 11-14-2017 by Ord. No. 22-2017]

- A. Purpose. This agricultural district is intended to preserve and enhance land for agricultural uses. This district's uses and standards are designed to implement comprehensive plan goals by encouraging agricultural uses of various sizes in areas where soil and other conditions are best suited to these agricultural pursuits, and controlling residential development to avoid conflict with agricultural uses. This district is generally compatible with other agricultural districts where varying levels of agricultural uses and open space uses are permitted and supported by the comprehensive plan, such as, but not limited to, A-1 Farmland Preservation and R-4 Rural Residential. The best use of these lands is

agricultural.

- (1) Permitted uses. Those uses permitted in this district shall be agricultural and those that are consistent with agricultural uses.
 - (a) Accessory structure/use, agricultural.
 - (b) Accessory structure/use, residential.
 - (c) Accessory structure/use, temporary.
 - (d) Beekeeping.
 - (e) Crops, cash.
 - (f) Crops, field.
 - (g) Dairying.
 - (h) Dwelling, single-family.
 - (i) Egg production.
 - (j) Farm, sod.
 - (k) Farm, tree.
 - (l) Floriculture.
 - (m) Forestry.
 - (n) Grazing.
 - (o) Greenhouse, accessory to permitted use.
 - (p) Home occupation when established in a residential dwelling unit; all of the following shall apply:
 - [1] Shall be located in the place of permanent residency; and
 - [2] Is incidental to the residential occupancy; and
 - [3] Is limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and
 - [4] That no mechanical equipment is used other than such as is permissible for typical residential purposes; and
 - [5] There is no emission of odor, gas, smoke, dust, or noise that will be detrimental to the character of the neighborhood; and

- [6] That no person outside the immediate resident family operates such home occupation; and
- [7] A sign per § 350-43B(3) is allowed.
- (q) Horticulture.
- (r) Livestock, raising/keeping.
- (s) Nursery, aquatic.
- (t) Nursery, plant.
- (u) Orchard.
- (v) Paddocks.
- (w) Professional home office when established in a residential dwelling unit; all of the following shall apply:
 - [1] Located in the practitioner's place of permanent residency; and
 - [2] Is incidental to the residential occupancy, limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and
 - [3] A sign per § 350-43B(3) is allowed; and
 - [4] One person that is not a member of the resident family may be employed on the premises.
- (x) Riding stable, personal.
- (y) Roadside stand of less than 300 square feet in area as a temporary structure not wholly enclosed for the sale of produce grown on the premises. One stand allowed per premises.
- (z) Signs per § 350-43.
 - (aa) Trail, biking.
 - (bb) Trail, hiking.
 - (cc) Trail, horse.
 - (dd) Trail, nature.
 - (ee) Trail, recreation.
 - (ff) Utility, local service lines/structures.
 - (gg) Viticulture.
 - (hh) All permitted uses described in § 350-27, Farmland Preservation District.

- (2) Conditional uses. Conditions and standards for a conditional use permit are set forth in Chapter 350, Article VII, Conditional Use Permits.
- (a) Air landing field, agricultural landowner use.
 - (b) Animal clinic.
 - (c) Animal hospital.
 - (d) Animal kennel.
 - (e) Animal shelter.
 - (f) Animal veterinary clinic.
 - (g) Cemetery.
 - (h) Churches and religious structures.
 - (i) Dwelling for caretaker/laborer(s), may be multiple units.
 - (j) Farm, fish.
 - (k) Farm, fur.
 - (l) Farm, game.
 - (m) Farm implement sales/repair/service.
 - (n) Feed lot over 100 animals.
 - (o) Fish pond, commercial.
 - (p) Greenhouse, commercial retail.
 - (q) Livestock auction/sales facility.
 - (r) Lumber yard.
 - (s) Municipal buildings including administrative offices, meeting hall and any municipal accessory structure.
 - (t) Radio or television broadcasting studio.
 - (u) Railroad depot/station.
 - (v) Riding stable with boarding/stabling, commercial.
 - (w) Sawmill.

- (x) Schools.
- (y) Sewage disposal plant.
- (z) Tower and appurtenances, communication or relay.
- (aa) Utility substation/other structure, public.
- (bb) Utility transmission lines, not regulated by the Public Service Commission.
- (cc) RV and boat storage for rental.
- (dd) Yard and landscaping services.
- (ee) All conditional uses listed in § 350-27, Farmland Preservation District.
- (3) Area, height and setback requirements.
 - (a) A lot or parcel shall have no less than eight acres of contiguous land area.
 - (b) All principal structures shall be on a lot consistent with the principal use permitted on such lot by the 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.

- (c) Principal structure setback and height standards.
 - [1] Street yard setback:
 - [a] State trunk road rights-of-way: 67 feet minimum.
 - [b] All other public road rights-of-way: 40 feet minimum.
 - [2] Rear yard setback: 25 feet minimum.
 - [3] Side yard setback: 12 feet minimum.
 - [4] Structure height, dwelling structure: 35 feet.
- (d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:
 - [1] Setbacks: same as principal structure.
 - [2] Height: none.
 - [3] Structure footprint area: none.

[4] Structure volume: none.

[5] Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

§ 350-19 Height regulations.

- A. Except as otherwise provided in this chapter, the maximum height of any building hereafter erected, moved or structurally altered shall be 35 feet (see definition "structure height"), not to exceed 2 1/2 stories, regardless of the district in which such building is, or is to be, located. [Amended 11-14-2017 by Ord. No. 22-2017]
- B. Churches, schools, hospitals, sanatoriums and other public/quasi-public buildings may be erected to a height not exceeding 60 feet nor five stories, provided that the street, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- C. Height exceptions. Farm buildings not for human habitation; chimneys; cooling towers; **roof-mounted solar panel arrays**, elevator bulkheads; fire towers; monuments; penthouses; stacks; scenery lofts; tanks; water towers; ornamental towers; spires; wireless, television or broadcasting towers; masts or aerials; telephone, telegraph and power transmission poles and lines; and microwave radio relay structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of Green Lake County.

§ 350-43.2 Solar Panel Arrays shall comply with the following:

- (1) Ground-mounted solar panel arrays that exceed 8 feet in height (ground surface to maximum vertical extent) and have a surface area greater than 32 square feet must be authorized by a land use permit and are required to meet all the required setbacks set forth in this chapter.**
- (2) Ground-mounted solar panel arrays shall not exceed 25 feet in height (ground surface to maximum vertical extent).**
- (3) Roof-mounted solar panel arrays are not subject to Section 350-19 and 350-20 of this chapter and are exempt from the land use permit requirement under Section 350-65.**

CHAPTER 334 - PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM

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334-1 Statutory Authorization.

This Chapter is adopted pursuant to the authority contained in §§ 59.70(5), 66.0703, 145.19(1b), 145.20, and 254.59(2) Wis. Stats. and Wis. Admin. Code SPS Chs. 381, 382, 383, 384, 385, and 391.

334-2 Purpose.

This Chapter is adopted for the purpose of promoting and protecting the public health, safety, prosperity and general welfare and to further the maintenance of safe and healthful conditions for the people and communities within the County. This Chapter is intended to ensure the proper siting, design, construction, installation, inspection, and maintenance of all private on-site wastewater treatment systems so as to protect the health of the citizens of the County. As unforeseen circumstances arise which are not specifically covered, the basic principles enumerated in this Chapter shall serve to define the intent.

334-3 Jurisdiction.

This Chapter shall apply throughout the unincorporated areas of the County, including all lands and waters, and shall apply to those incorporated areas of the County which have not adopted and do not adopt their own sanitary code or Code.

334-4 Administration.

A. This Chapter incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin State Statutes and the Wisconsin Administration Code: §§ 59.70(5), 281, 145, 146 and 968.10, Wis. Stats.; SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391, NR 113 and NR 116 Administrative Code, as amended. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

B. The Land Use Planning and Zoning Department (hereinafter “*Department*”) under direction of the Land Use Planning and Zoning Director (hereinafter “*Director*”) shall be responsible for the administration and enforcement of this Chapter. The responsibilities of the Department may be delegated by the Director to personnel employed by the County.

C. The Director or their designee(s) shall have the following duties and power:

1. Administer provisions of Wisconsin Fund Grant Program as required by Wisconsin State Statutes and Wisconsin Administrative Code.
2. Advise applicants as to the provisions of this Chapter and assist them in preparing permit applications.
3. Review and approve plans for private on-site wastewater treatment and sanitation systems that treat domestic wastewater.
4. Issue or deny permits and inspect properties for compliance with this Chapter.
5. Keep records of all permits issued, inspections made, work approved and other official actions.
6. Have access to any structure or premises between 8:00 a.m. and 6:00 p.m. for the purpose of performing duties. Application for and issuance of a sanitary permit shall constitute permission by the owner for said access.
7. Report violations of this Chapter to the Planning and Zoning Committee and the Corporation Counsel.
8. Upon reasonable cause or question as to proper compliance, revoke any permit issued under this Chapter and require cessation of any construction, alteration or use of any building which is in violation of the provisions of this Chapter until compliance with this Chapter or all applicable State Statutes and Codes is obtained.
9. Order any person owning, using, operating or installing a POWTS to modify, repair, replace or return the POWTS to a safe and sanitary condition if they find the POWTS defective, unsanitary, malfunctioning or otherwise in violation of this Chapter or other applicable state regulations.

334-5 General Provisions.

A. Public Sewer. All plumbing fixtures shall be connected to a public sewer where available. Determination of whether a sewer is available shall be made by the local sanitary district. Where such a public sewer system is not available, a private sewage system shall be used.

B. Allowable Use. Private sewage systems or other treatment tank and effluent disposal systems shall be constructed when no public sewer is available to the property to be served. Unless otherwise specifically approved by the Department, the wastewater disposal system of each building shall be entirely separate from and independent of that of any other structure or building.

A private sewage system may be owned by the property owner or by a special purpose district. The use of a common system will be subject to the same plan review procedures as for systems serving public buildings.

C. Floodplain. Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of Wisconsin Administrative Code NR 116 and Chapter 300.

D. Abandonment of Private Sewage Systems.

1. POWTS that have not been used for one year or longer shall be considered abandoned. In order to be used again, the abandoned system must comply with SPS Ch. 383.03 Wis. Admin. Code. In some cases, this will require replacement of the system with a more appropriate system.
2. All unused treatment tanks, settling chambers, dosing chambers and seepage pits shall have the contents removed and disposed of in accordance with the requirements of Wisconsin Administrative Code NR 113, or acts amendatory thereto. The top or entire tank shall be removed and the remaining portion of the tank or excavation shall be immediately filled with soil material of similar characteristics to that of which exists on the property.

E. Failing System.

1. When a failing or malfunctioning private sewage system is identified, the sewage disposal system shall be corrected or its use discontinued within that period of time required by Department order, but in no case shall this time period be extended beyond one (1) year of the notification of failure or malfunction. Health and safety hazards shall be abated immediately.
2. If any part of a system has failed, the entire system shall be evaluated for compliance with existing codes and this Chapter.

F. Domestic Waste. All water-carried wastes derived from ordinary human living uses shall enter the septic or treatment tank unless otherwise specifically exempted by the State or this Chapter.

G. A Non-plumbing Sanitation System. A non-plumbing sanitation system may be permitted only when the structure or premises served by the system is not provided with any type of indoor plumbing system. If plumbing is installed in the structure a private on-site wastewater treatment system shall be installed prior to the connection of water service.

H. Cesspools. The use of a cesspool is prohibited.

I. Industrial Waste. The Department of Natural Resources shall be contacted in regard to the treatment and disposal of all industrial wastes including those combined with domestic waste.

J. Clear Water. The discharge of surface rain or other clear water into a private sewage system is prohibited, except that water softener or iron filter discharge may enter a private

on-site wastewater treatment system.

K. Uniform numbering. Prior to any sanitary permit for new construction being issued, the Department shall require the applicant to obtain a fire number under Article II of Ch. 217 “Road Names and Building Numbers” of the Code of Green Lake County.

334-6 Installations Prohibited.

A. Installation of a holding tank is prohibited if any other type of private on-site wastewater treatment system (POWTS) permitted by SPS 383, Wisconsin Administrative Code, is to be utilized except for those treatment components enumerated as 1, 2, 3 and 4 of Table 383.04-1 of the Wisconsin Administrative Code. A sanitary permit for the installation of any septic system, which designates a holding tank as a replacement system, shall not be used unless a Soil or Site Evaluation determines that the property is unsuitable for any other type of system permitted by SPS 383, Wisconsin Administrative Code.

B. Installation of a holding tank is prohibited for new construction as provided by Section 383.32(2)(a)1 SPS 383, Wisconsin Administrative Code with the following exceptions:

1. Systems in an area where a sanitary district has been formed.
2. Holdings tanks to service dwellings or structures that replace dwellings, which existed on April 21, 1992.
3. Holdings tanks to serve municipal public facilities.
4. Exemptions per Section 334-15.A.3 where the design wastewater flow is less than 150 gallons per day.

C. Installation of a constructed wetland is prohibited as a POWTS treatment component as required under Section 383.32(2)(a)2 SPS 383, Wisconsin Administrative Code.

D. Installation of an evapotranspiration bed as a POWTS treatment component is prohibited as required under Section 383.32(2)(a)3 SPS 383, Wisconsin Administrative Code.

334-7 Soil and Site Evaluations.

A. Soil and site evaluations shall be done prior to the issuance of a sanitary permit as specified in and in compliance with SPS 383 and SPS 385, Wisconsin Administrative Code.

B. A soil evaluation shall be conducted by a State certified soil tester on all sites regardless of the type of POWTS planned to serve the parcel, unless it can be demonstrated, to the satisfaction of the Department, that sufficient area does not exist for a POWTS, which utilizes in-situ soil.

C. At least two (2) soil pits, large enough to enter and allow visual evaluation of the in-situ soil profile, shall be constructed for each proposed soil absorption area.

D. Department site evaluation or verification of the proposed absorption area may be required prior to issuance of a sanitary permit.

E. Preliminary soil and site evaluations may be required before the creation of new lots by means of a certified survey map or subdivision plat, as defined in the Chapter 315 of the Code of Green Lake County, if review of data, including but not limited to, the County Soil Survey, site and soil evaluations on neighboring lands, and familiarity of the area, indicate that the lots intended may only be served by a holding tank.

F. New lots that can only be served by systems enumerated as 1., 2., 3., and 4., of Table 383.04-1 of the Wisconsin Administrative Code, may at the discretion of the Department, be required to have the suitable area delineated on the resultant certified survey map or plat.

334-8 Sanitary Permits and Applications.

A. Permits.

1. Every POWTS and non-plumbing sanitation system shall require a separate application and permit.
2. A sanitary permit shall be obtained by the property owner, his agent or contractor, or in the name of the property owner, prior to the start of construction of any structure, which requires a POWTS or non-plumbing sanitation system.
3. A sanitary permit shall be obtained by the owner, his agent or contractor, before any POWTS may be installed, enlarged or altered.
4. No master plumber or master plumber-restricted shall install a POWTS holding or treatment component unless the property owner holds a valid sanitary permit.
5. A County sanitary permit shall be obtained prior to the reconnection of a POWTS, which has been disconnected from a structure.
6. A County sanitary permit shall be obtained prior to constructing or erecting a non-plumbing sanitation system.
7. The permit card issued by the Department shall serve as a notice to the observer that a sanitary permit has been issued for the respective property.
8. The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the parcel at all phases of construction.
9. The permit card shall not be removed until the POWTS or non-plumbing sanitation system has been installed, inspected, and approved by the Department.

B. Application Requirements.

1. The sanitary permit application shall include the following information which shall be furnished by the applicant on forms provided by the Department along with applicable fees:
 - a. Names and address of the applicant (owner of the property) and the plumber employed (where applicable).
 - b. Legal description of the property.
 - c. All lot dimensions.

- d. Building use (single family, duplex, etc.) and/or any other information required by the Department pertaining to projected wastewater output.
 - e. Soil and Site Evaluation report.
 - f. System plans conforming to Section 334-8(C).
 - g. Appropriate system management and maintenance agreements and contracts.
 - h. Copies of any recorded documents required under this Chapter.
 - i. When any official State action is required, an original copy of the official action shall accompany this application.
 - j. Any other information requested by the Land Use Planning & Zoning Department.
2. Where required, the following documents must be recorded with the County Register of Deeds as an attachment to the property deed prior to the issuance of a sanitary permit:
- a. Maintenance agreements or contracts, when recording of such is required by Wisconsin Administrative Code SPS 383 and/or this Chapter.
 - b. When a POWTS, or parts thereof, are located on a different parcel than the structure it serves, an appropriate easement must be recorded.
 - c. POWTS per capita sizing affidavit for existing systems that is permitted to remain in use under SPS 383, SPS 384, Wisconsin Administrative Code and this Chapter.
3. The Department reserves the right to require floodplain and/or wetland delineation for a building site or POWTS area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.
4. The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

C. Plans.

- 1. System plans shall be submitted for approval to the Land Use Planning & Zoning Department or to the State in accordance with SPS 383, Wisconsin Administrative Code. Plans shall comply with SPS 383, Wisconsin Administrative Code, and this Chapter.
- 2. Plans submitted shall be clear, legible, and include the original system plan as well as two copies.
- 3. Plans shall include the following items:
 - a. The name of the property owner and a legal description of the site.
 - b. Estimated daily wastewater flow and design wastewater flow.
 - c. A detailed plot plan, dimensioned or drawn to scale, on paper no smaller than eight and one half (8 ½) inches by eleven (11) inches in size. The plot plan shall delineate the lot size and location of all existing and proposed: POWTS, building sewers, private interceptor main sewers, wells, water mains or water services, buildings, lot

lines, swimming pools, navigable waters, replacement system areas, location of building to be served or proposed building location, the benchmark established on the Soil and Site Evaluation Report, and accesses and associated public roadways. Adjoining properties shall be checked to insure that horizontal setback parameters in SPS 383, Wisconsin Administrative Code are met. All separating distances shall be clearly shown on plot plan. Plot plans shall include a north arrow.

- d. Details and configuration layouts depicting how the system is to be constructed.
- e. Systems utilizing an effluent pump shall include pump curve and model information.
- f. Effluent filter information; manufacturer, model, manufacturer recommended maintenance interval.
- g. A description of a contingency plan in the event the POWTS fails and cannot be repaired.
- h. Sufficient supporting information to determine whether the proposed design, installation and management of the proposed POWTS or modification to an existing POWTS complies with SPS 383, Wisconsin Administrative Code, and this Chapter.
- i. Plan shall be signed or sealed as specified in SPS 383, Wisconsin Administrative Code.
- j. A copy of the approved plans shall be maintained at the construction site until the POWTS installation is completed, inspected and accepted. The plans shall be made available to the Land Use Planning & Zoning Department or State upon request.
- k. A modification to the design of a POWTS, which has been previously approved shall be submitted to the Land Use Planning & Zoning Department or the State as specified in SPS 383, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation.

D. Permit Expiration.

- 1. A sanitary permit for a system which has not been installed, modified or reconnected shall expire two (2) years after the date of issuance.
- 2. Permits may be renewed prior to the expiration date. Written application to the Land Use Planning & Zoning Department is required and the renewal shall require an additional fee.
- 3. The renewal shall be based on State code and the County Code requirements in effect at the time that the request for renewal is made.
- 4. Changes in Code or Chapter requirements may impede the renewal.
- 5. The owner or his agent prior to beginning construction shall obtain a new sanitary permit if a sanitary permit has expired.

E. Permit Transfer.

1. Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:
 - a. The applicable State transfer form shall be submitted to the Department.
 - b. Transfer fee shall be included with the request.
 - c. The Land Use Planning & Zoning Department shall issue a new sanitary permit card upon approval of transfer.
 - d. Transfer of owner shall not affect the expiration date or the renewal requirements.

F. Change of Plumbers.

1. When an owner wishes to change plumbers on a valid sanitary permit the following items must be submitted to the Land Use Planning & Zoning Department prior to the installation of the POWTS:
 - a. A sanitary permit application signed by the new plumber.
 - b. Sanitary permit transfer fee.
 - c. A new system plan, which meets the requirements of Section 334-8 (C) unless the existing plan bears a stamp of a licensed plumbing designer.
 - d. Change of plumbers shall not affect the expiration date or renewal requirements.

G. Permit Denial.

1. When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code, or this Chapter have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the plumber, landowner, and when appropriate DPCS and the County Corporation Counsel.
2. In the event that a sanitary permit is denied the property owner has the right to appeal the denial decision or request a variance.

334-9 Reconnections.

A. A reconnection permit shall be obtained prior to:

1. Construction of a structure to be connected to an existing POWTS.
2. Disconnection of a structure from an existing POWTS and connection of another structure to the system, except as permitted under Section 334-9(C).
3. Rebuilding a structure that is connected to a POWTS.

B. Prior to issuing a reconnection permit, the existing POWTS shall be evaluated to:

1. Determine if the existing system is functioning properly. A licensed plumber's signed statement regarding the condition of the system and all its components shall be provided.

2. Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
3. Determine that all minimum setback requirements of SPS 383, Wisconsin Administrative Code, will be maintained.

C. Application for a County reconnection permit shall include the following:

1. All items in Section 334-8(B)(1 (a-d)).
2. In cases where the existing POWTS was installed based on soil percolation rate or an insufficient soil test, soil boring data shall be provided that documents suitable soil conditions exist to a depth of not less than two (2) feet above groundwater or bedrock for POWTS installed prior to December 1, 1969, and at least three (3) feet above the ground water or bedrock for POWTS installed on or after December 1, 1969.
3. Appropriate agreements and contracts for system management and maintenance.
4. A report by a licensed plumber, certified septage servicing operator or POWTS inspector relative to the condition, capacities, baffles, and manhole covers for any existing treatment or holding tanks.
5. A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not failed.
6. Complete plans as specified under Section 334-8(C) for any system components, which will be modified or replaced.
7. A plot plan, as specified under Section 334-8(C)(3)(c) for any system components that are existing and intended for utilization.
8. When reconnection to an undersized system is permitted under Wisconsin Administrative Code, an affidavit for the use of the undersized system must be recorded in the County Register of Deeds Office.
9. All systems shall be inspected by the Department at the time of reconnection, prior to backfilling to insure that the proper materials and methods are being used.

334-10 Construction Affecting Wastewater Flow or Contaminant Load.

A. An increase in wastewater flow or contaminant load due to new construction shall be considered to take place when one of the following occurs:

1. There is an increase in the number of bedrooms.
2. In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system.

B. Prior to commencing the construction of an addition to or modification of a structure, which will increase wastewater flow or contaminant load to an existing POWTS the owner(s) of the property shall:

1. Possess a sanitary permit to construct a new POWTS or modify the existing system to accommodate the increase; or
2. Provide the following to the Department:
 - a. Documentation that a POWTS of adequate capability and capacity to accommodate the increase already exists to serve the structure, as specified in SPS 383;
 - b. Documentation showing that the location of the proposed construction conforms to the applicable setback distances to all of the existing POWTS components; and
 - c. Documentation specified under Section 334-9(D)(2-5).
3. If the existing POWTS is found to be undersized, construction of the building addition or modification shall not be permitted until a new sanitary permit has been issued that will accommodate the increased wastewater flow derived from the building addition.

334-11 Construction Not Affecting Wastewater Flow or Contaminant Load.

Prior to commencing construction of any structure or addition to a structure on a site where there exists a POWTS the owner or agent shall determine that the proposed construction conforms with all applicable setbacks of SPS 383, Wis. Admin. Code.

334-12 Permit Fees.

Fees shall be established to defray the costs of administering this Chapter. Permit fees shall be established by the Land Use Planning and Zoning Committee and shall be included in the County Fee Schedule. Permit fees shall take effect following approval of the County Board and may be periodically adjusted as deemed necessary by the Land Use Planning and Zoning Committee.

- A. The fee for a sanitary permit shall be as follows:
 1. At-grade system: \$380
 2. Conventional (In-ground Gravity) system: \$380
 3. Conventional (In-ground Gravity) system with Lift: \$380
 4. Holding Tank: \$455
 5. In-ground Pressure system: \$380
 6. Mound System: \$380
 7. Vault Privy: \$380
 8. Minor repair / modification: \$150
 9. Pretreatment Unit: \$75
 10. Agent Status (County) review: \$75
 11. Renewal fee: \$75
 12. Transfer of sanitary permit between plumbers: \$75
 13. Transfer of sanitary permit between owners: \$300
 14. After-the-fact fee: Double the initial filing fee

B. An additional fee of \$100 shall be collected by the Land Use Planning & Zoning Department for systems that have a design wastewater flow of over 5,000 gallons per day; further an additional \$100 shall be collected for each additional 5,000 gallons flow per day,

above the first 5,000 gallons per day.

C. A fee of \$100 shall be collect by the Land Use Planning & Zoning Department to monitor groundwater levels (when required as per SPS 385.60(3), Wis. Adm. Code.

D. The above sanitary permit fees include the State fee and WNDR surcharge. The above fees will be automatically adjusted concurrently with each State adjustment, whenever the State of Wisconsin changes its permit fees (See section SPS 2.67)

E. The county may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any twelve-month period.

F. The Land Use Planning & Zoning Department shall forward the required portion of the sanitary permit fee to the Department of Safety and Professional Services.

334-13 POWTS Maintenance Program.

A. As required under Wisconsin Administrative Code SPS 383.255, the County hereby establishes a POWTS maintenance program for the purpose of inventorying and monitoring the location and maintenance events of POWTS located within the County.

1. Every three (3) years, after a sanitary permit has been issued and the POWTS has been installed or after an existing POWTS has been added to the POWTS maintenance program, the owner of a POWTS shall contract with a POWTS maintenance provider to inspect and maintain their POWTS.
2. The inspection and maintenance shall:
 - a. Be reported to the Department by way of the “POWTS Reporting – File Reports Here” link on the Department’s webpage or <https://ascent.co.green-lake.wi.us/PermitManagement/Permit/Permit>.
 - b. Be reported within 30 days of the inspection and maintenance.
 - c. Address the prompted questions applicable to the POWTS system being inspected and maintained.
 - d. Include the volume (in gallons) that the licensed septic pumper removed from the tank or if the tank was less than one-third (1/3) full of sludge and scum.
 - e. Indicate, that after a visual inspection had been done of the in-situ soil treatment component, there is no wastewater ponding on the surface of the ground.
 - f. Indicate that all wastewater from the structure is discharging to the POWTS.
3. Every three years, the Department shall provide to the owner of the POWTS a First Notice POWTS Maintenance Reminder Card. The POWTS owner shall have 60 days from the postmark of the first notice to complete their POWTS maintenance obligation.
4. If the POWTS owner fails to complete POWTS maintenance as required in §334-13.A.(1) the Department shall provide the POWTS owner with a Final Notice POWTS Maintenance Reminder Card. The POWTS owner shall have 30 days from the postmark of the final notice to complete their

POWTS maintenance obligation.

5. If the POWTS owner fails to complete POWTS maintenance as required in §334-13.A.(1) the Department shall provide the POWTS owner with a notice of violation letter. The POWTS owner shall have 15 days from the postmark of the notice of violation letter to complete their POWTS maintenance obligation.
6. If the POWTS owner fails to complete POWTS maintenance as required in §334-13.A.(1) the Department will turn over the violation to Corporation Counsel who will use all appropriate legal remedies to resolve the violation.
7. Service providers that report more than 30 days after the POWTS inspection and maintenance will be tracked and after three late reports the service provider shall be referred to DSPS.
8. Upon sale of the property, the owner shall provide written notification of the maintenance program to the buyer.
9. In addition to 334-13.A.(1), any master plumber, master plumber restricted, or POWTS service provider or POWTS inspector that performs work on or services a POWTS shall report the event by way of the “POWTS Reporting – File Reports Here” link on the Department’s webpage.

B. Pursuant to Wis. Stats. §145.20(4), the County may assess the owner of a private onsite wastewater treatment system (POWTS) located within Green Lake County for costs related to the pumping of a septic or holding tank. The County shall make the assessment in the same manner that a city, village or town makes an assessment under Ch. 66.0703 Wis. Stats.

C. Pursuant to Ch. 66.0703 the County shall assess the owner of each private on-site wastewater treatment system located within Green Lake an annual fee as a special assessment. The assessment fees shall be used to administer and enforce the POWTS maintenance program. The level of assessment shall be established by resolution of the Green Lake County Board of Supervisors pursuant to Statute.

334-14 Non-Plumbing Sanitation Systems.

A. Except as provided herein, a County sanitary permit with the proper fee is required for the construction and/or installation of a non-plumbing sanitation system.

B. Portable restrooms may be utilized for temporary purposes only. For the purpose of this ordinance standard, “temporary” shall mean the following: For temporary gatherings, festivals and similar activities, a period of 30 consecutive days or less. For use at any construction site, the duration of the construction plus two weeks. A sanitary permit is not required for a portable restroom.

C. Non-plumbing sanitation systems shall be located according to the following minimum setbacks:

1. Ten (10) feet from dwellings.
2. Fifty (50) feet from wells.
3. Seventy-five (75) feet from the ordinary high-water mark of a lake, stream or river.

4. Privies and other structures associated with non-plumbing sanitation systems shall be located ten (10) feet from lot lines or the applicable setback for the Zoning District in which it is located, whichever is greater.

D. Non-plumbing sanitation systems shall be constructed in conformance with SPS 391, Wisconsin Administrative Code, and the following requirements:

1. Foundations shall be of concrete or masonry.
2. Vaults shall extend at least six (6) inches above the surrounding grade.
3. All privy structure openings shall be screened and all doors shall be self-closing. Ventilators shall be provided for the vault and extend not less than one (1) foot above the roof and be provided with an effective ventilating hood.
4. Vaults shall be watertight and constructed of materials that are able to be buried and that meet the applicable provisions of Wisconsin Administrative Code SPS 384.
5. Pit privies require a Soil and Site Evaluation in accordance with Wisconsin Administrative Code SPS 385.

334-15 Holding Tanks

A. Sewage holding tanks are prohibited, with the following exceptions:

1. No other private sewage system permitted by SPS 383, Wis. Admin. Code, may be installed on the subject property.
2. The subject property is located within an existing sanitary district or municipal sewer district and the district provides written verification that the subject property will be served by its public sewer system within five years of the date of sanitary permit issuance. The property owner shall record an affidavit with the Green Lake County Register of Deeds stating that if sewer service is not available within five years of the date of sanitary permit issuance, the holding tank will be replaced with another POWTS permitted by SPS 383, Wis. Admin. Code.
3. Holding tanks serving a design wastewater flow of less than 150 gallons per day. The property owner shall record an affidavit with the Green Lake County Register of Deeds stating that if the design wastewater flow increases to equal or exceed 150 gallons per day, the holding tank will be replaced with another POWTS system permitted by SPS 383, Wis. Admin. Code.

B. All holding tanks shall be equipped with functioning locking devices and high water alarms. In cases where the Department finds the locking devices and/or high water alarms missing or not functioning properly, the Department shall order them to be replaced.

C. Servicing or pumping of a holding tank shall occur when the wastewater in the tank reaches a level of one (1) foot below the inlet invert of the tank(s).

D. The service provider shall report any holding tank maintenance performed every time the holding tank is pumped / serviced /maintained by way of the POWTS Reporting – File Reports Here” link located on the Department’s webpage or:
<https://ascent.co.green-lake.wi.us/PermitManagement/Permit/Permit> .

E. Any holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing POWTS which will need to be remediated to remain in compliance with the requirements of the State Code and this Chapter. This may include, by Department order, the installation of a water meter with remote reading device to monitor pumping compliance.

F. The use of a camping unit transfer container as a POWTS holding tank component shall be restricted to a campground permitted by the Wisconsin Department of Health Services under DHS 178, Wis. Admin. Code.

334-16 Inspections.

A. Notice for final inspection shall be given to the Department for all POWTS installed, modified, or reconnected.

B. The plumber shall be responsible for scheduling installation inspections with the Department no later than 24 hours in advance on the business day prior to the day of installation.

C. The entire system shall be left completely open until inspected and accepted.

D. The plumber in charge shall provide the necessary apparatus, equipment and assistance for a proper inspection. Inadequate equipment may result in a delay of the completion of the inspection.

E. The Department reserves the right to require additional inspections if it is determined that they are necessary to ensure compliance with Wisconsin Administrative Code and this Chapter.

F. When a specific test is required by the product approval division of the State, or as a condition of approval by the State or Department, the installer shall provide notice to the Department at least twenty-four (24) hours prior to performing the test, and will provide documentation of the results if requested by the Department.

G. All non-plumbing sanitation systems shall be inspected for compliance with SPS 391 Wisconsin Administrative Code and this Chapter.

H. The property owner shall notify the Department for inspection immediately after the non-plumbing sanitation system has been constructed or installed.

I. Mound and At-Grade systems shall be inspected by the Department at the time of plowing, at the completion of the distribution piping installation and after all work is completed.

J. Inspections of Sand Filters, Drip-line Effluent Dispersal and experimental systems shall be scheduled as follows:

1. The plumber installing the system shall coordinate any preconstruction meetings.
2. The plumber installing the system shall notify the Department forty-eight (48) hours prior to the beginning of the installation to schedule inspections and shall notify the State if required as a condition of plan approval.
3. The Department reserves the right to request as many inspections as deemed necessary to insure proper installation of the system.

334-17 Violations, Penalties, Remedial Action, Enforcement.

A. Investigation of alleged violations. Any violation of the provisions of this chapter shall be deemed unlawful and a public nuisance. When necessary, to determine compliance with this chapter, the Land Use Planning and Zoning Department shall investigate alleged violations. After confirmation that a violation exists, the Land Use Planning and Zoning Department shall pursue compliance of the violation and enforce the provisions of this chapter.

B. Violations and Penalties; Citations.

1. Any violation of the provisions of this chapter by or under the direction of the landowner shall be brought into compliance upon notification by the Land Use Planning and Zoning Department or the Land Use Planning and Zoning Committee or the County Corporation Counsel.
2. The County Corporation Counsel shall have the authority to use all legal remedies necessary to enforce the provisions of this chapter. After consultation with the Land Use Planning and Zoning Department and/or the Land Use Planning and Zoning Committee, the Corporation Counsel shall determine which legal remedy or legal remedies are in order to enforce the provisions of this chapter.
3. Each day that the violation exists, after receiving notice of the violation from the Land Use Planning & Zoning Department by certified or registered mail, or personal service per Ch. 801.11 Wis. Stats, shall constitute a separate offense.
 - a. Any landowner who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than \$50 nor more than \$500 per offense, together with the taxable costs of action.
 - b. A landowner may request an extension to a deadline for compliance as set by the Department. The request for extension must be made in writing and include the following information: parcel number, address, current owner information, reference within the ordinance(s) of existing violations, number of days the extension is being requested for, enforceable compliance schedule / time frame, if any other existing violations on the property have been resolved, and other pertinent information.
4. In addition to the Corporation Counsel having the authority to enforce the



provisions of this chapter per Subsection **B** above, the designated staff of the Land Use Planning and Zoning Department shall have the authority to and may prepare, sign, and issue citations in order to commence action to achieve compliance with the provisions of this chapter.

C. Stop-work Orders.

1. *No sanitary permit obtained.* When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner that requires issuance of a sanitary permit pursuant to this chapter, and such a permit has not been obtained, the Land Use Planning and Zoning Department may issue a stop-work order requiring any such activity to be immediately stopped and enjoined.
2. *Sanitary permit obtained.* When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner for which a sanitary permit was issued and the actual activity deviates from that sanitary permit, the Land Use Planning and Zoning Department may issue a stop-work order requiring the activity to be immediately stopped and enjoined.
3. The stop-work order shall be mailed to the subject landowner's property tax bill mailing address or the mailing address as stated on the sanitary permit application and/or to any person signing the sanitary permit application.
4. The stop-work order card issued and posted by the Land Use Planning and Zoning Department shall be posted at the subject site in plain view from a non-trespass location off the subject property. A stop-work order card shall remain posted until compliance of the violation occurs. In the event that a stop-work order has been removed from its posted location by persons other than Department staff, the property owner(s) and/or other agents, upon conviction, shall be subject to a \$300 fine plus court costs. The fine shall increase by \$300 after each offense and be cumulative. For example: \$300 first offense, \$600 for second offense, \$900 for third offense, and so on. If a property owner removes a stop work order sign three times they shall be subject to \$1800 (\$300 + \$600 + \$900) in fines plus court costs.
5. An action filed pursuant to the Board of Adjustment or to any court shall stop work during and until the final outcome of the action has been reached or until so ordered by a Court of appropriate jurisdiction.

D. Injunctions. Every violation of this chapter is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof abated pursuant to § 59.69(11), Wis. Stats.

E. Emergency conditions. Whenever the Land Use Planning and Zoning Department finds that an emergency exists such as sudden, unexpected occurrences, or combinations thereof, unforeseen conditions or circumstances at the time beyond a landowner's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety, and welfare, the Land Use Planning and Zoning Department may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The Land Use Planning and Zoning Department

shall notify the Chairperson of the Land Use Planning and Zoning Committee within 24 hours of such situations. Notwithstanding any other provisions of this chapter, such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought to the Board of Adjustment after emergency conditions have ceased.

334-18. Subdivision Plats. To protect the public health, all subdivision plats (preliminary and final) as regulated by Chapter 315, “Land Division & Subdivision” shall identify the primary and a replacement soil absorption areas for proper on-site wastewater treatment for all lots not served by a public sewer. In addition,

- A. Data for all soil tests shall be submitted to the County on DSPS form SBD-8330 (R04/15) or any future revisions. The form shall be signed and dated by a state certified soil tester.
- B. The County may conduct field investigations to verify, but limited to, depth to soil mottles, groundwater, and bedrock, soil texture and structure and land slope.
- C. At least two (2) soil pits, large enough to enter and allow visual evaluation of the in-situ soil profile, shall be constructed for each proposed soil absorption area.
- D. The County may require the monitoring of groundwater levels for proposed subdivisions where the in situ soil has been altered.
- E. The soil absorption (and replacement area) for each subdivision lot not served by a public sewer, shall be of sufficient area to treat a design wastewater flow of 450 gallons per day.
- F. Where individual subdivision lots are to be served by a community wastewater treatment system, the submitted preliminary and final plats shall clearly explain and identify the location of the system’s components and the lots being served. Furthermore:
 - 1. Any community system shall be designed to accommodate a minimum design wastewater flow of 450 gallons per day and a restriction shall be included on
 - 2. All components of a community wastewater treatment system shall be owned and maintained by a special purpose district,
 - 3. All components of a community wastewater treatment system shall be accessible through easements, public rights-of-way or ownership.
 - 4. Community systems shall be submitted to and approved by DSPS and/or the WNDR prior to final plat approval by the County.

334-19. Definitions.

- C. **Buildings.** See structure.
- D. **Department.** The County Land Use Planning and Zoning Department.
- E. **Director.** The Land Use Planning & Zoning Director.
- F. **Failing Private Sewage System** A failing private on-site wastewater treatment system is one which causes or results in any of the following conditions:
 - (1) The discharge of sewage into surface water or groundwater.
 - (2) The introduction of sewage into zones of saturation which adversely affects the

operation of a private on-site wastewater treatment system.

(3) The discharge of sewage to a drain tile or into zones of bedrock.

(4) The discharge of sewage to the surface of the ground.

(5) The failure to accept sewage discharges and back up of sewage into the structure served by the private on-site wastewater treatment system. See Wis. Stat. § 145.245(4). In addition, a holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

G. Human Habitation. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a primary residence.

H. Non-Plumbing Sanitation System. Sanitation systems and devices within the scope of SPS 391, Wisconsin Administrative Code, which are approved alternatives to water carried waste plumbing fixtures and drain systems; including but not limited to, incinerating toilets, composting toilets and privies.

I. Plumber. A person licensed by the State as a Master Plumber or Master Plumber-Restricted Services.

J. POWTS. Private on-site wastewater treatment system.

K. Private On-Site Wastewater Treatment System. Also referred to as a “*sewage system*”, mean a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Safety and Professional Services including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private on-site wastewater treatment system may be owned by the property owner or by a special purpose district. See § 145.01(12), Wis. Stats.

L. Privy-Pit. A privy with earthen sidewalls and/or bottom constructed in accordance with applicable sections of Wisconsin Administrative Code and this Chapter.

M. Privy-Vault. A privy with a subsurface storage chamber that is water tight and has a minimum capacity of two hundred (200) gallons.

N. Rebuilt. The construction which takes place after a structure is demolished or damaged in excess of fifty percent (50%) or greater of its equalized value at the time it is demolished or damaged.

O. Sanitary Permit. A permit issued by the Department for the installation of or reconnection to a private on-site wastewater treatment system or non-plumbing sanitation pursuant to Chapter 145, Wis. Stats.

P. Septage. See sewage.

- Q. Septic Tank.** An anaerobic treatment tank.
- R. Servicing Provider.** An individual or business licensed by the State of Wisconsin as a master plumber, master plumber-restricted service, septage pumper or POWTS maintainer.
- S. Sewage.** The liquid and liquid carried wastes created in and to be conducted away from residences, businesses, industries, public buildings, and other buildings in which people live, stay or work.
- T. State.** The Wisconsin Department of Safety and Professional Services.
- U. Structure.** Anything constructed or erected the use of, which requires location in or on the premises, or any other attachment to something having a permanent location on the ground. Included are items that may have been designed as transportable or as a vehicle, but stand in seasonal or permanent locations for storage or human habitation, which may include but are not limited to; truck campers, travel trailers, park or model units, buses and motor homes.

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, March 5, 2020, at 5:30 p.m.* to consider the following items:

Item I: Owner: Mary A. Kallas, **General legal description:** W2525 Princeton Road, Parcel #004-00853-0400, NE¼ of Section 24, T16N, R13E, Excluding Certified Survey Map 3074 and Certified Survey Map 3676; Town of Brooklyn. **Request:** Rezone ±4.1 acres from A-2 General Agriculture District to R-4 Rural Residential District, to be identified by certified survey map.

Item II: Owner: Kathleen Mae Egbert **Agent:** Dan Egbert **General legal description:** North of Thomas Road, Parcel #006-00033-0000, E½ of the SE¼ of the SW¼ of Section 2, T15N, R13E, Town of Green Lake. **Request:** Review, update, modify and/or revoke a 2009 Conditional Use Permit for the expansion of a non-metallic mining operation, including crushing and processing of limestone aggregate.

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: February 20, 2020 & February 27, 2020

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

March 5, 2020

ITEM I: ZONING CHANGE

OWNER:

Mary Kallas

APPLICANT:

Same

REQUEST: The applicant is requesting a zoning change of ±4.15 acres from A-2 General Agriculture District to R-4, Rural Residential District.

PARCEL NUMBER / LOCATION: The affected parcel number is 004-00853-0400, located in the NE quarter of Section 24, T16N, R12E, Town of Brooklyn. The sites proposed for zoning change are located at W2525 Princeton Rd.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the -0400 parcel is A-2 General Agriculture District. It is located north of State Road 23 and west of County Road A, at the corner of Princeton Rd and Saint Marie Rd. The land to the west is zoned R-4 Rural Residential District (rezoned from A-2 to R-4 in 2018), with other R-4 zoned lands in the neighborhood. There are lands to the south zoned A-2, General Agriculture District. Aside from these parcels, all other lands surrounding this parcel are zoned A-1 Farmland Preservation District.

The Green Lake County Farmland Preservation Plan identifies the land under consideration for this zoning change to be in an Area of Non-Agricultural Development. The property is outside the jurisdiction of the Shoreland Zoning Ordinance and Floodplain Zoning Ordinance, and has no inventoried wetlands.

ADDITIONAL INFORMATION / ANALYSIS: After separating the previous farmstead from the 40 acres in 2018, the owner now wishes to build a small home on the acreage proposed for rezone to R-4 Rural Residential District, and sell the remnant A-2 General Agriculture lands to the neighbor to the south. That neighbor owns lands currently zoned A-2 General Agriculture.

According to the owner, the lands proposed for rezone were not historically productive when in active agricultural rotation, and have since been planted with trees for aid in soil retention. Soil survey indicates fine sands and loamy fine sands are present on the subject site, with these soil types displaying low available water capacity, rapid permeability, and low natural fertility due to low organic matter content in the surface layer. To gain a productive yearly yield, soil survey indicates irrigation is required, as well as pairing with fertilization and protection from soil blowing.

SUGGESTED ZONING CHANGE CRITERIA: When considering a request for zoning change, recent court cases have cited the following decision-making criteria:

- a) consistency with long-range planning (comprehensive plan)
- b) nature and character of parcel
- c) use of surrounding land
- d) overall scheme of zoning map
- e) consideration of interest of public health, morals, and safety
- f) promote public welfare, convenience, and general prosperity

STAFF COMMENTS: The following county staff comments are based on the previously-stated criteria:

- a) **The request is consistent with the County Comprehensive Plan's goal to preserve the rural character of the county by protecting farmlands and encouraging cluster development of similar land uses. There is no reduction in lands that have been used agriculturally.**
- b) **The nature and character of the parcel: The parcel was used for some agricultural crops in the past, but proved itself to be a difficult site without heavy management. Those cropped areas have since been converted to a pine tree plantation. The existing structures on the property will be used by the owner, and a house will be added to the property in the near future, if the rezone request is granted.**
- c) **The surrounding lands are used for rural residences and some actively managed farmlands. This proposed rural residence fits the surround land use.**
- d) **The overall scheme of the zoning map is heavily influenced by agriculture, with all of the larger surrounding lands being zoned and used for farmland. In the immediate vicinity, there is use as rural residences. This proposal matches these uses. Use of the lands indicate that this area is not easily productive farmland, and should therefore be used in a less intensive manner. Wildlife habitat is abundant.**
- e) **The Comprehensive Plan lists policies to meet the goal of accommodating non-farm growth while not straining natural resources of the County. One such policy is to minimize productive land lost to non-agricultural development. As the lands subject to this request are not productive, this request meets this goal of the plan.**
- f) **It would appear the request is consistent with community goals relating to public health, morals, and safety as well as the public welfare, convenience, and general prosperity.**

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 January 10, 2020. The Town Board did not object to and recommends approval of this zoning change request.

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 10/21/2019

Zone Change from A-2 General Agriculture to R-4 Rural Residential

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT (1)

Name: Mary A. Kallas

Mailing Address: 2500 Havenwood Drive, Unit G, Oshkosh, WI 54904

Phone Number: (920) 294-0262

Signature Mary A. Kallas

Date 10-10-19

PROPERTY OWNER / APPLICANT (2)

Name _____

Mailing Address _____

Phone Number _____

Signature _____

Date _____

PROPERTY INFORMATION:

Town of: Brooklyn Parcel Number: #004-00853-0400 Acres: 24.73

Section: 24 Town: 16 Range: 12 East

Location of Property: W2525 Princeton Road

Legal Description: NE 1/4 of the NE 1/4 of Section 24, Excluding CSM3676

Current Zoning Classification: A-2 General Agriculture District Current Use of Property: Forest and open natural spaces

Detailed Description of Proposed Use: Hunting lands, forest and open natural space

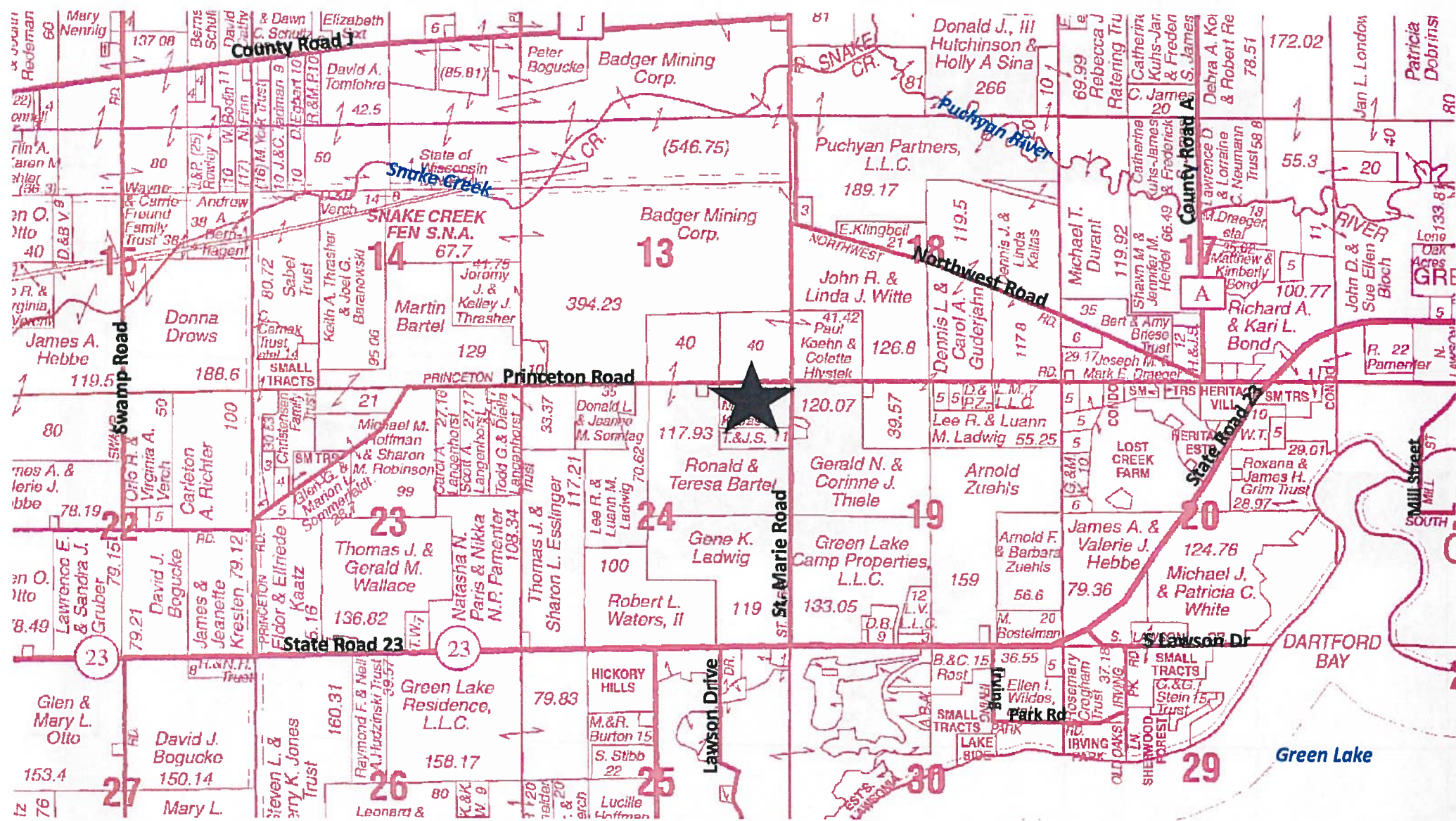
PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

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

Mary A. Kallas – Town of Brooklyn

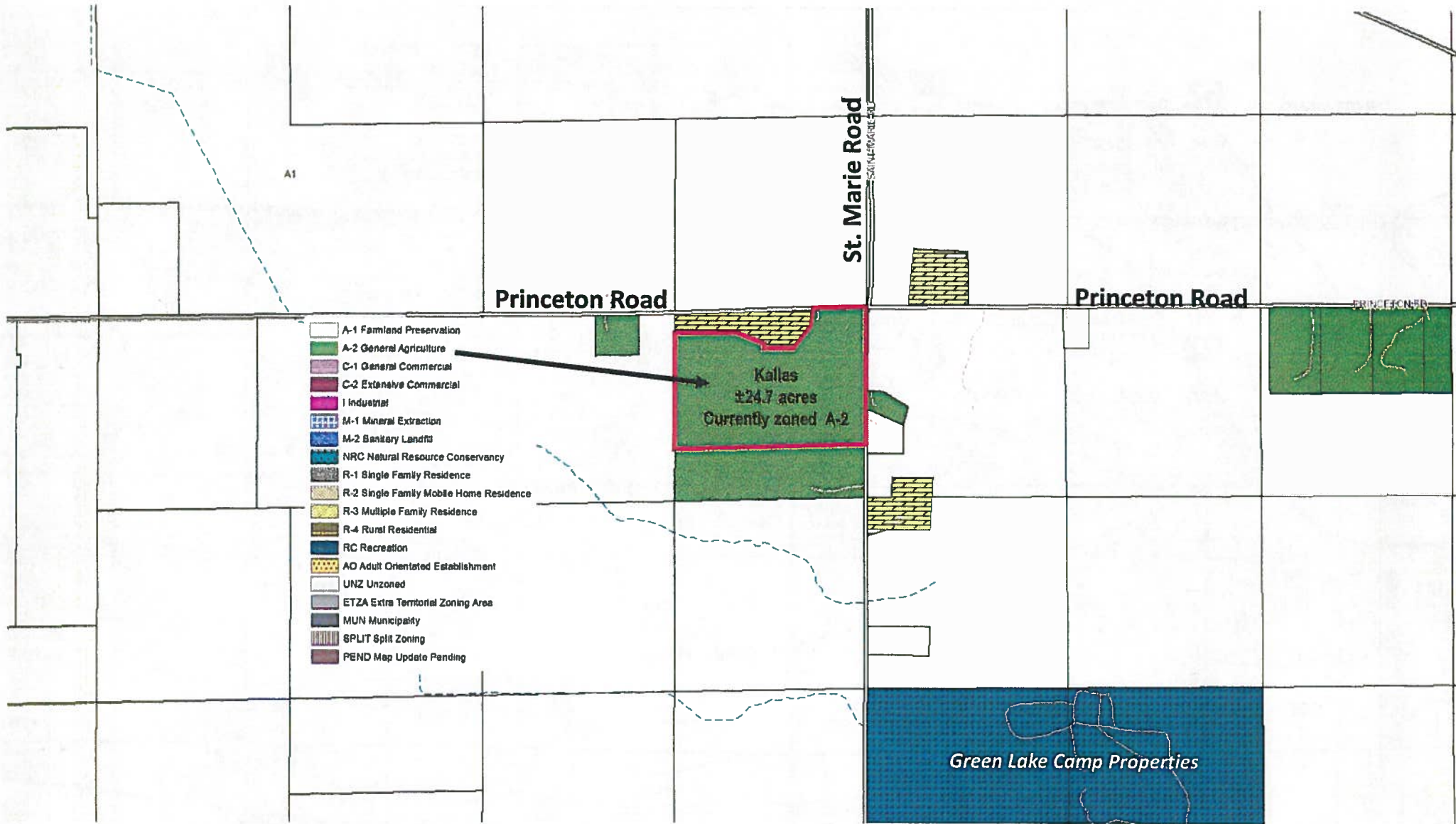
W2525 Princeton Road, #004-00853-0400, Part of the NE¼ of Section 24, ±24.7 acres

Rezone request from A-2 General Agriculture District to R-4 Rural Residential District



Green Lake County Land Use Planning & Zoning Committee Public Hearing 03/05/20

Mary A. Kallas – Town of Brooklyn
W2525 Princeton Road, #004-00853-0400, Part of the NE¼ of Section 24, ±24.7 acres
Rezone request from A-2 General Agriculture District to R-4 Rural Residential District



CONCEPT PLAN

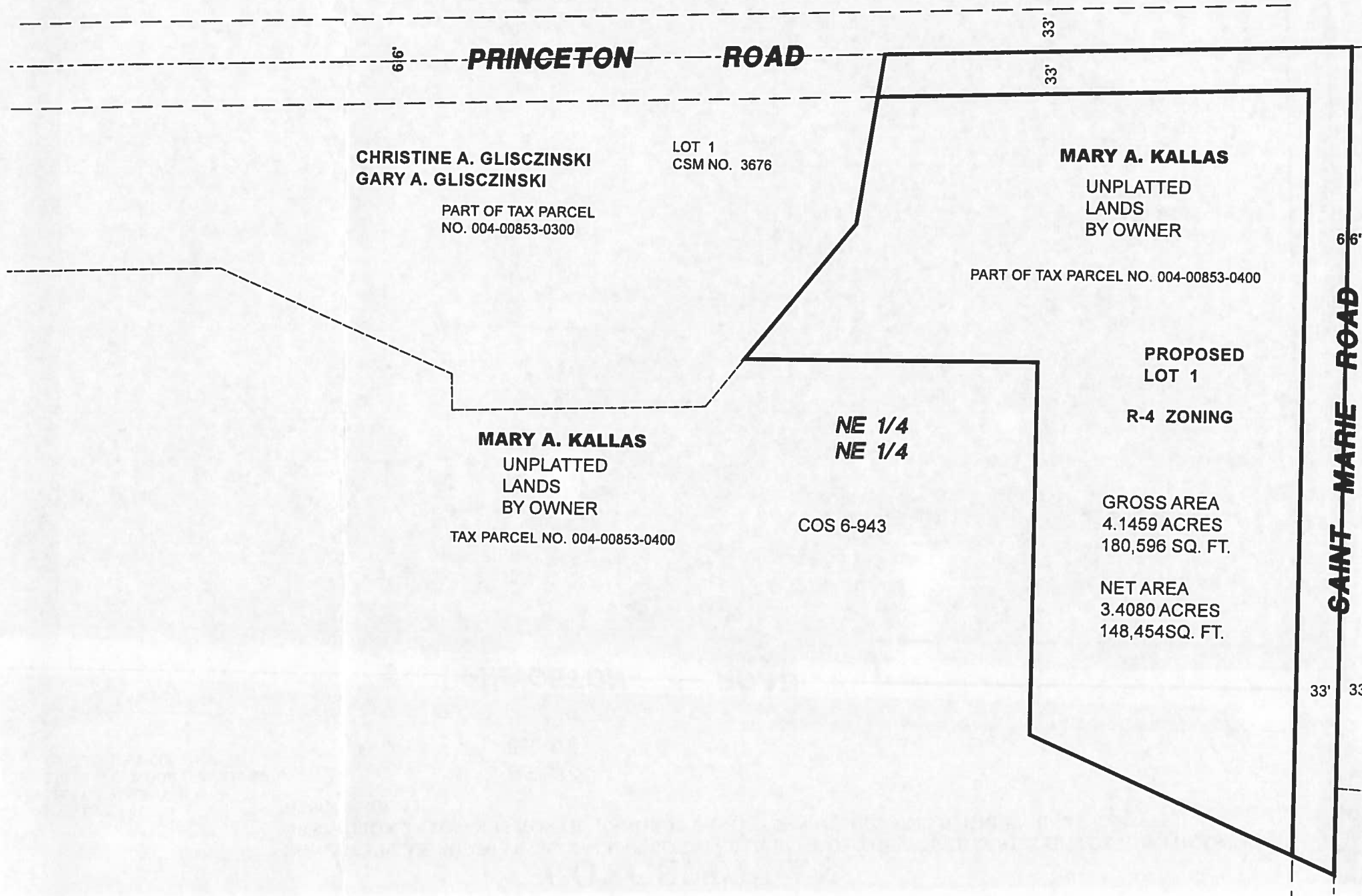
CONCEPT PLAN FOR MARY A. KALLAS LOCATED IN PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 16 NORTH, RANGE 12 EAST, TOWN OF BROOKLYN, GREEN LAKE COUNTY, WISCONSIN.

OWNER(S)
 MARY A. KALLAS
 2500 HAVENWOOD DRIVE UNIT "G"
 OSHKOSH, WISCONSIN 54904

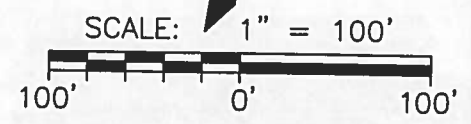
SE 1/4
SE 1/4



GREEN LAKE SURVEYING COMPANY
 P.O. BOX 131
 Green Lake, Wisconsin 54941
 Phone: (920) 294-6666
 survey@greenlakesurveyingcompany.com
 www.greenlakesurveyingcompany.com



Donald W. Lenz
 DONALD W. LENZ - WI P.L.S. No. S-2003
 Dated this 31st Day of October 2019



LOT 1
 CSM NO. 1776

52

FILE NAME: G8805-21 con2.dwg

Job Number: G8805-241612-21

CONCEPT PLAN

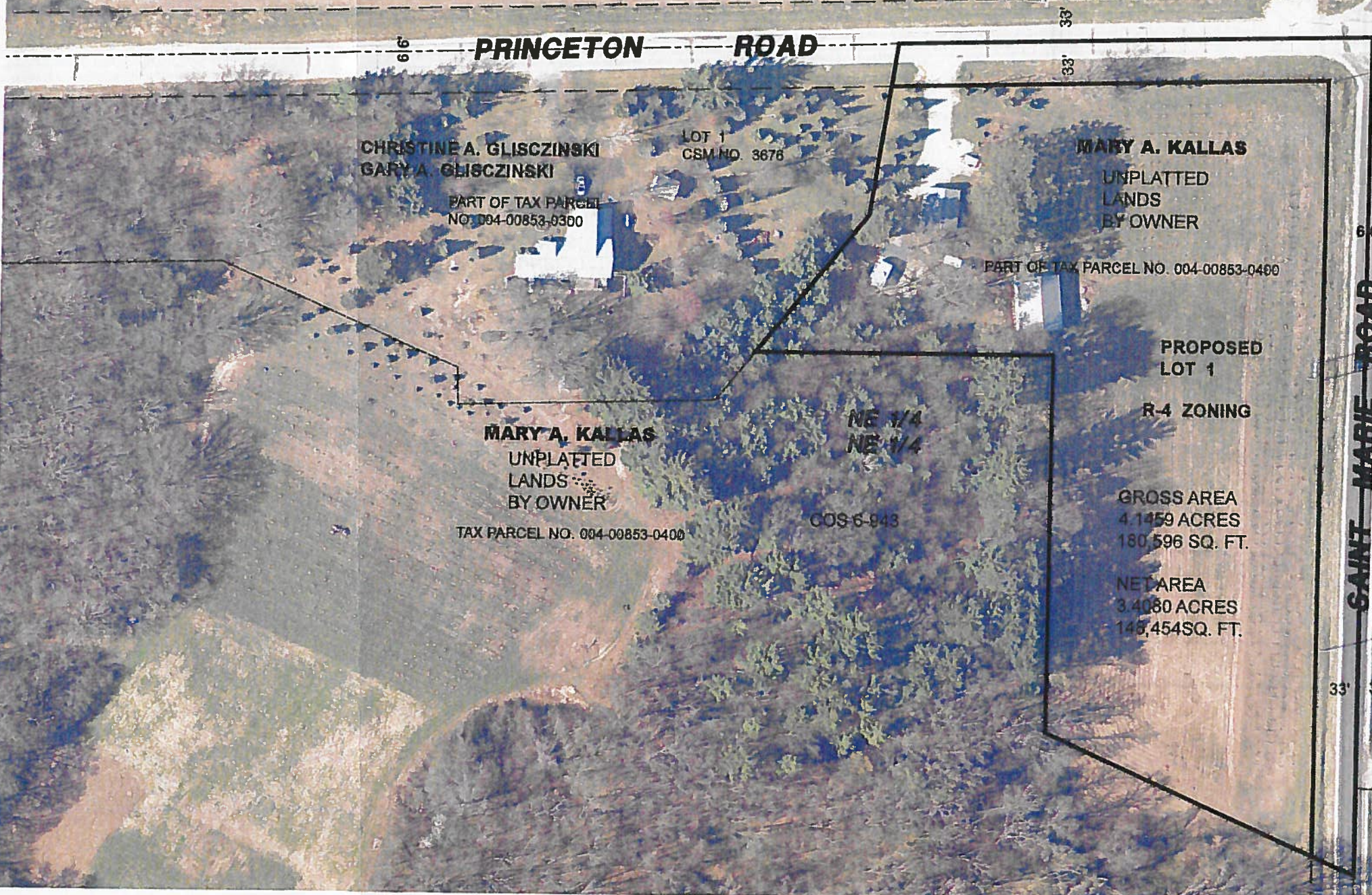
CONCEPT PLAN FOR MARY A. KALLAS LOCATED IN PART OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWN 16 NORTH, RANGE 12 EAST, TOWN OF BROOKLYN, GREEN LAKE COUNTY, WISCONSIN.

OWNER(S)
MARY A. KALLAS
2500 HAVENWOOD DRIVE UNIT "G"
OSHKOSH, WISCONSIN 54904

SE 1/4
SE 1/4



GREEN LAKE SURVEYING COMPANY
P.O. BOX 131
Green Lake, Wisconsin 54941
Phone: (920) 294-6666
survey@greenlakesurveyingcompany.com
www.greenlakesurveyingcompany.com



Donald W. Lenz
DONALD W. LENZ - WI P.L.S. No. S-2003
Dated this 31st Day of October 2019



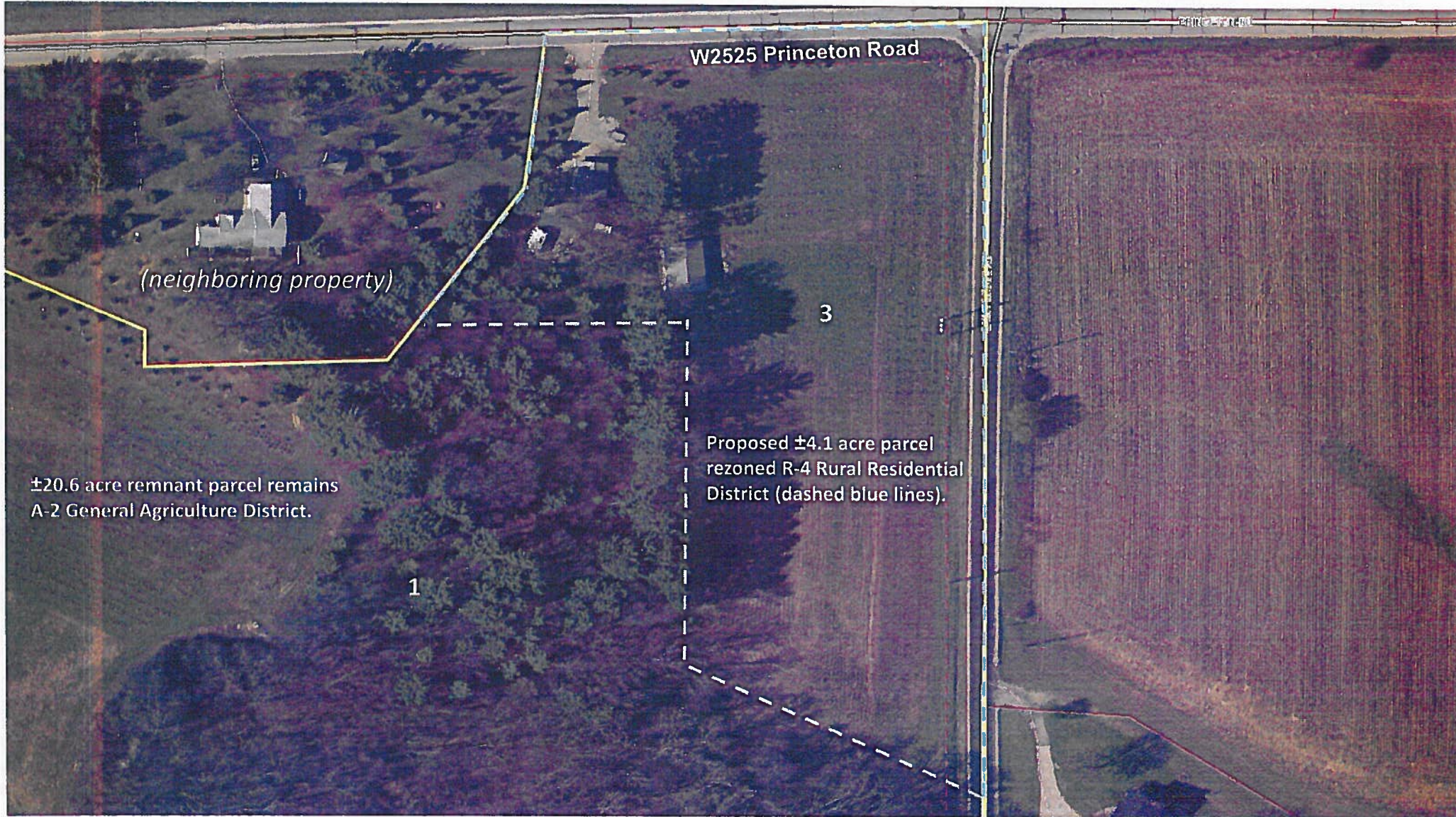
LOT 1
CSM NO. 1776

Mary A. Kallas – Town of Brooklyn
W2525 Princeton Road, #004-00853-0400, Part of the NE¼ of Section 24, ±24.7 acres
Rezone request from A-2 General Agriculture District to R-4 Rural Residential District



2 = Proposed ±4.1 acre parcel (blue dashed lines),
rezone from A-2 General Agriculture District to R-4 Rural Residential District.
1 = ±20.6 acre remnant parcel, remains A-2 General Agriculture District.

Mary A. Kallas – Town of Brooklyn
W2525 Princeton Road, #004-00853-0400, Part of the NE¼ of Section 24, ±24.7 acres
Rezone request from A-2 General Agriculture District to R-4 Rural Residential District

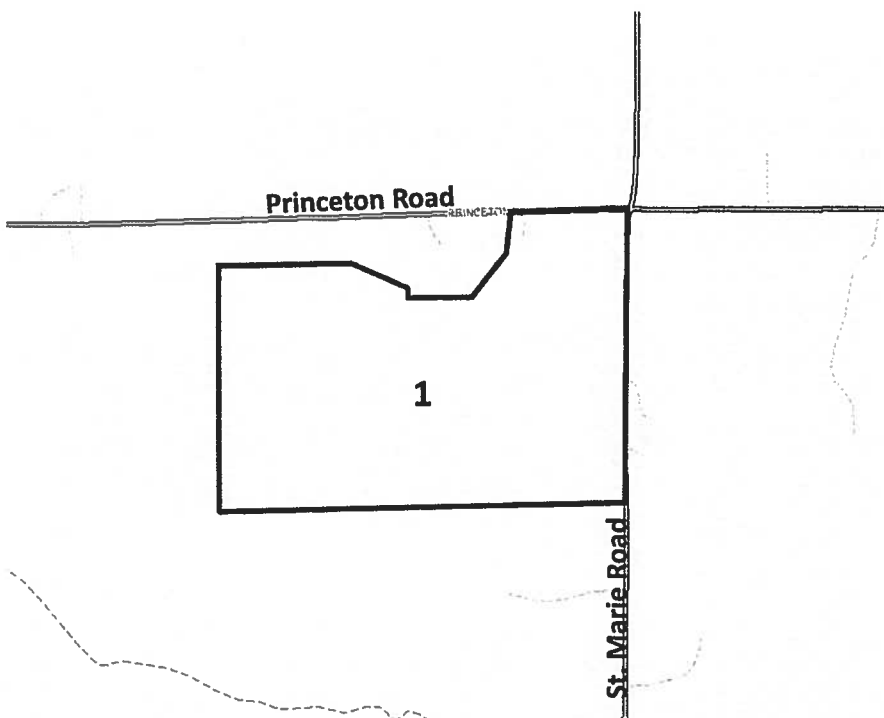


Mary A. Kallas – Town of Brooklyn

**W2525 Princeton Road, #004-00853-0400, Part of the NE¼ of Section 24, ±24.7 acres
Rezone request from A-2 General Agriculture District to R-4 Rural Residential District**

Existing configuration:

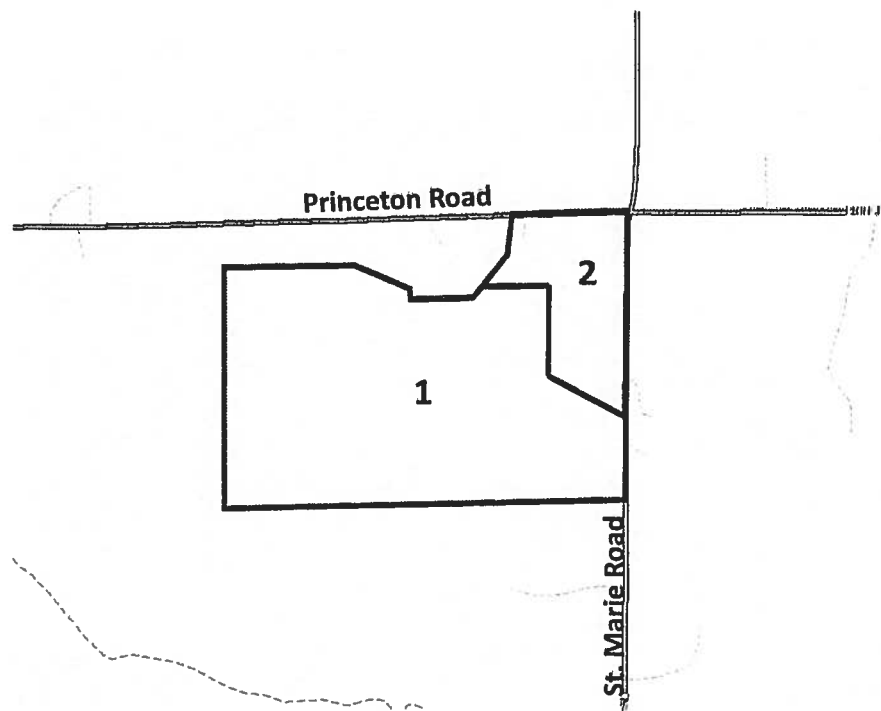
**1 = ±24.7 acre parcel zoned
A-2 General Agriculture District.**



Proposed configuration:

**1 = ±20.6 acre remnant parcel remains
A-2 General Agriculture District.**

**2 = Newly created ±4.1 acre parcel zoned
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 Brooklyn, County of Green Lake, took the following action on Dec 10, 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: Mary A. Kallas

Site Location: W2525 Princeton Road, Town of Brooklyn

General legal description: Parcel #004-00853-0400, NE¼ of Section 24, T16N, R12E, Excluding Certified Survey Map 3074 and Certified Survey Map 3676, ±24.7 acres.

Request: Rezone ±4.1 acres from A-2 General Agriculture District to R-4 Rural Residential District.

Planned public hearing date for the above requests: March 5, 2020

[Signature]
Town Represe

Dec 10, 2019
Date Signed

NOTES: _____

_____ COUNTY MADE

_____ MISTAKE SHOULD

_____ BE A-2 NOT

Please return

A-1
[Signature]

ing Office by: February 21, 2020

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

March 5, 2020

ITEM II: CONDITIONAL USE PERMIT (CUP)

OWNERS:

Kathleen Mae Egbert

APPLICANT:

Egbert Excavating, Inc. - Daniel Egbert

REQUEST: To review, update, modify and/or revoke a 2009 conditional use permit (CUP) for the expansion of a non-metallic mining operation, including the crushing and processing of limestone aggregate. The Land Use Planning and Zoning Committee determined that a complaint received regarding the mining operation is valid and that the conditional use permit approved in 2009 needs to be reviewed.

PARCEL NUMBER / LOCATION: The request affects parcel 006-00033-0000, located in the SW¼ of Section 2, T15N, R13E, Town of Green Lake, ±20.00 acres.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning for this site is M-1 Mineral Extraction District. The parcel to the west is also zoned M-1 District. A majority of the zoning surrounding the area is A-1, Farmland Preservation District, with the predominant use of the land being agricultural.

ADDITIONAL INFORMATION / ANALYSIS: The original conditional use permit was granted on December 7, 1994, to allow for the operation of a non-metallic mine, to be limited to the northern 10 acres. Dan Egbert submitted a letter during that meeting that stated all excavation and stockpiles would maintain a 100-foot setback to all lot lines. On March 5, 2008, a Conditional Use Permit was approved by the Planning and Zoning Committee to expand the nonmetallic mining use to the southern 10 acres of the subject property. Within the year, no significant work was performed; therefore, the applicant was required by ordinance to reapply for a conditional use permit. On August 5, 2009, a conditional use permit was reapplied for and approved.

The specific mining operation is crushing limestone bedrock into gravel. Blasting is required to loosen the bedrock. No equipment is permanent at this site. Crushers and loaders are brought in when the material is removed from the mine.

The surrounding properties are predominantly agricultural fields that appear to be planted in crops. There are no homes along the property lines at this time.

An inspection by Land Use Planning and Zoning staff conducted on May 15, 2019, had found that the condition regarding a 100-foot setback from the lot lines was not followed. It was found that, on the east lot line, the pit is about 50 feet away. The lot to the east is currently zoned as A-1. On the west lot line the pit is about 55 feet away. The lot to the west is currently zoned as M-1. The north and south lot lines have maintained the required 100-foot setback. These setbacks were also verified by GPS through a drone flight.

The inspection also found that very little of the mined area has been reclaimed. According to the reclamation plan, as a new phase was mined the topsoil from the new phase would be put

into the previous phase area. Currently the mine operator is working on phase five (5) and only a portion of phase one (1) has been reclaimed.

Currently, the mine operator is in violation of condition one. The committee should review and determine if they should change the conditional use permit, require the 100-foot setback to be re-established, or revoke the permit.

Additionally, through this review process, it has been discovered that the mine operator is in violation of condition two. The committee should review and determine if they should change the conditional use permit, require the reclamation plan to be followed before any new mining begins, or revoke the permit.

GENERAL CRITERIA FOR REVIEW OF CONDITIONAL USE REQUESTS:

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

COUNTY STAFF COMMENTS: This request should be reviewed by the Committee to determine if it meets the standards of the conditional use permit as listed above. Conditions 1 through 10 below are from the 2009 Conditional Use Permit approval.

- 1) The proposed mining area to maintain a setback of 100 feet to the east, west, and south lot lines. A berm eight feet high, minimum, shall be created along those lot lines outside the required yard areas.
- 2) Reclamation of the northern portion of subject site to begin in accordance with the approved Non-metallic Mining Reclamation Plan.
- 3) The Irrevocable Letter of Credit on file in the Planning and Zoning Department will need to be amended to cover the new mining acreage.
- 4) Warning signs advertising "active quarry" should be placed on berms and/or along property line.
- 5) Blasting is to occur between 7:00 am and 5:00 pm; no crushing beyond 9:00 p.m.
- 6) All activity will follow Chapter NR 135, Wisconsin Administrative Code and the Green Lake County Non-metallic Mining Reclamation ordinance.
- 7) No additional expansion of the operation shall occur without review and approval through future Conditional Use Permit(s).
- 8) Specify dust control measures that will be implemented to keep dust and debris from becoming a nuisance; maintain drain tile as long as the mining operation remains on site.

- 9) That a narrative be provided describing the operation, listing equipment, machinery and structures to be used, and source quantity and disposition of water to be used. Also, a map of the site showing existing contours, trees, proposed and existing access roads, and depths of proposed excavations.
- 10) A gate is to be installed by September 5, 2009.

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
571 County Road A
Green Lake, WI 54941

GENERAL APPLICATION

Fee 375.00 (not refundable)

Date 11/25/19

Zone Change from to

Conditional Use Permit for Egbert Excavating, Inc CUP Review as it relates to Non-
Other metallic Mining activities at the Pahl Quarry #19

PROPERTY OWNER / APPLICANT

Name Kathleen Egbert
Mailing Address P.O. Box 657, Green Lake, WI 54941
Phone Number (920) 294-6408
Signature _____ Date _____

AGENT IF OTHER THAN OWNER

Name Dan Egbert
Mailing Address W1302 N. Lawson Drive, Green Lake, WI 54941
Phone Number (920) 294-6668
Signature [Signature] Date 11-25-19

PROPERTY INFORMATION

Town of Green Lake Parcel Number 006-00633-6000 Acres 20 a
Lot Block Subdivision
Section 2 Town 15 North Range 13 East
Location of Property _____
Legal Description East 1/2 of the SE 1/4 of the SW 1/4

Current Zoning Classification M1 Current Use of Property gravel pit

Detailed Description of Proposed Use: Non metallic mining of limestone, including
crushing and processing of limestone aggregate.

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

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



Green Lake County

1 inch = 284 feet

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

GIS Viewer Map
 Green Lake County, WI

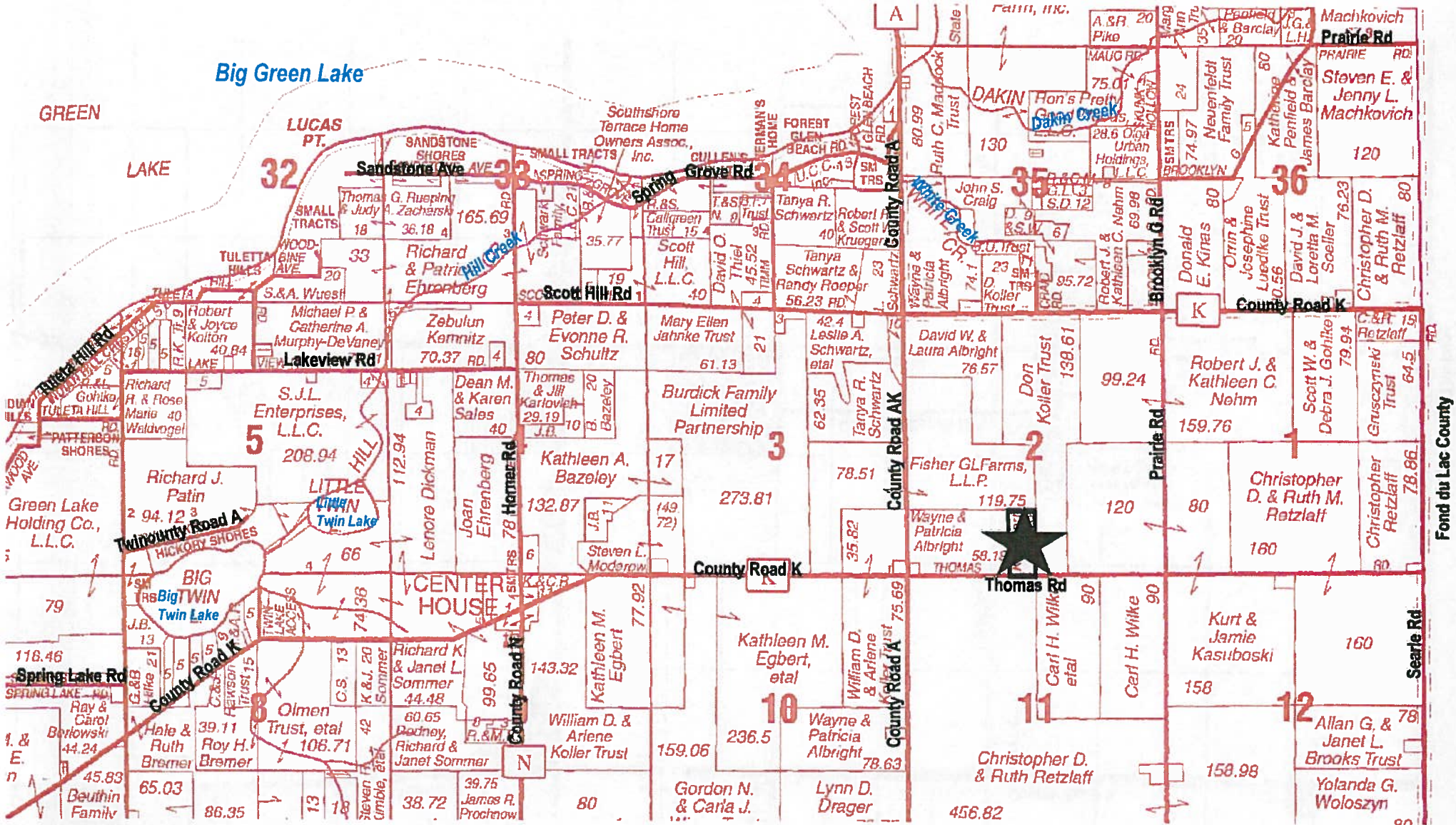
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Note:



Owner: Kathleen Mae Egbert Agent: Daniel Egbert, Egbert Excavating, Inc.

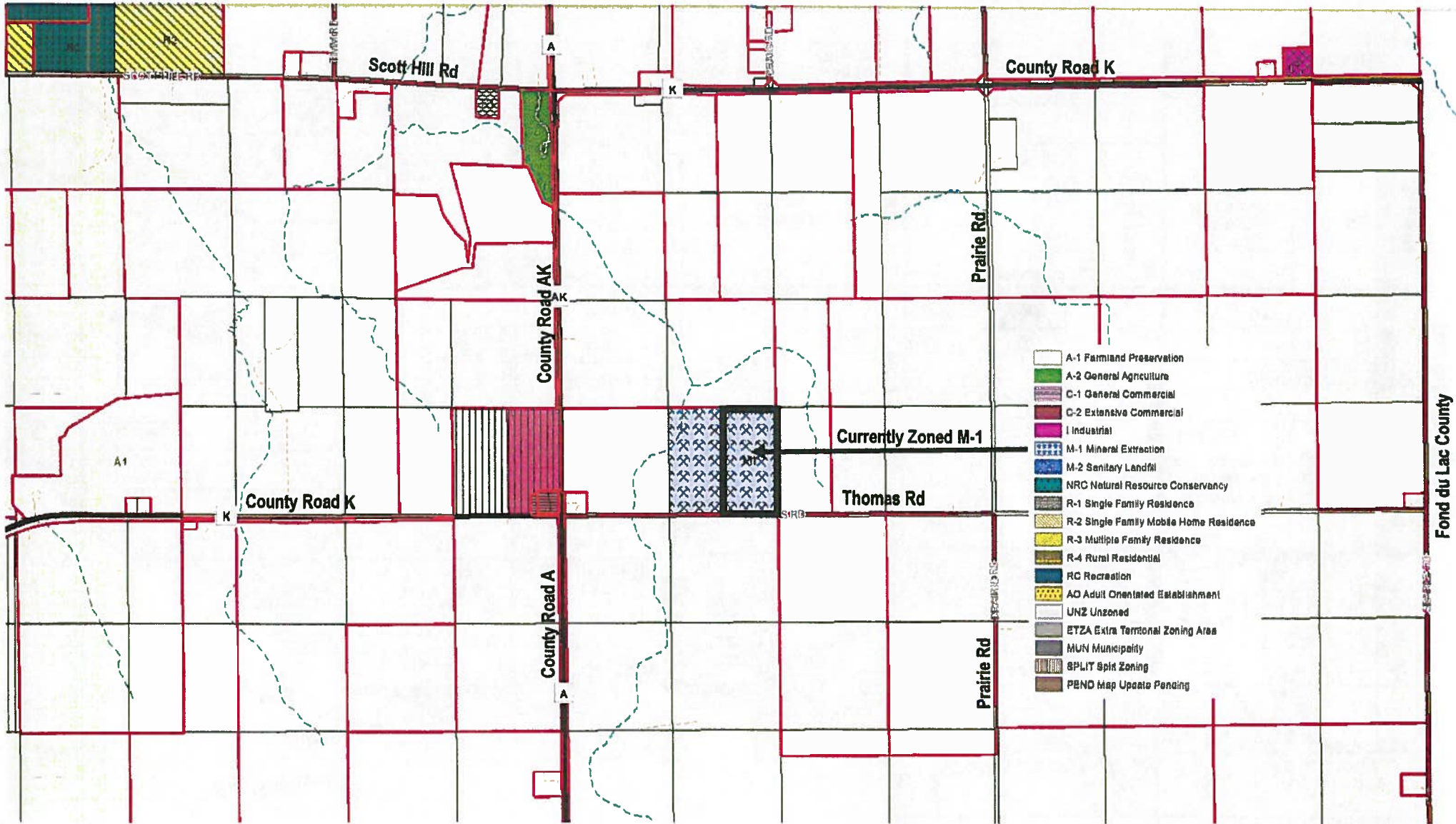
**Thomas Rd (.4 miles east of County Road A), Parcel #006-00033-0000, Part of the SW¼ of Section 2, T15N, R13E, (± 20-acre parcel), Town of Green Lake
Review 2009 conditional use permit (expansion of a non-metallic mining operation).**



Green Lake County Land Use Planning & Zoning Committee Public Hearing 03/05/20

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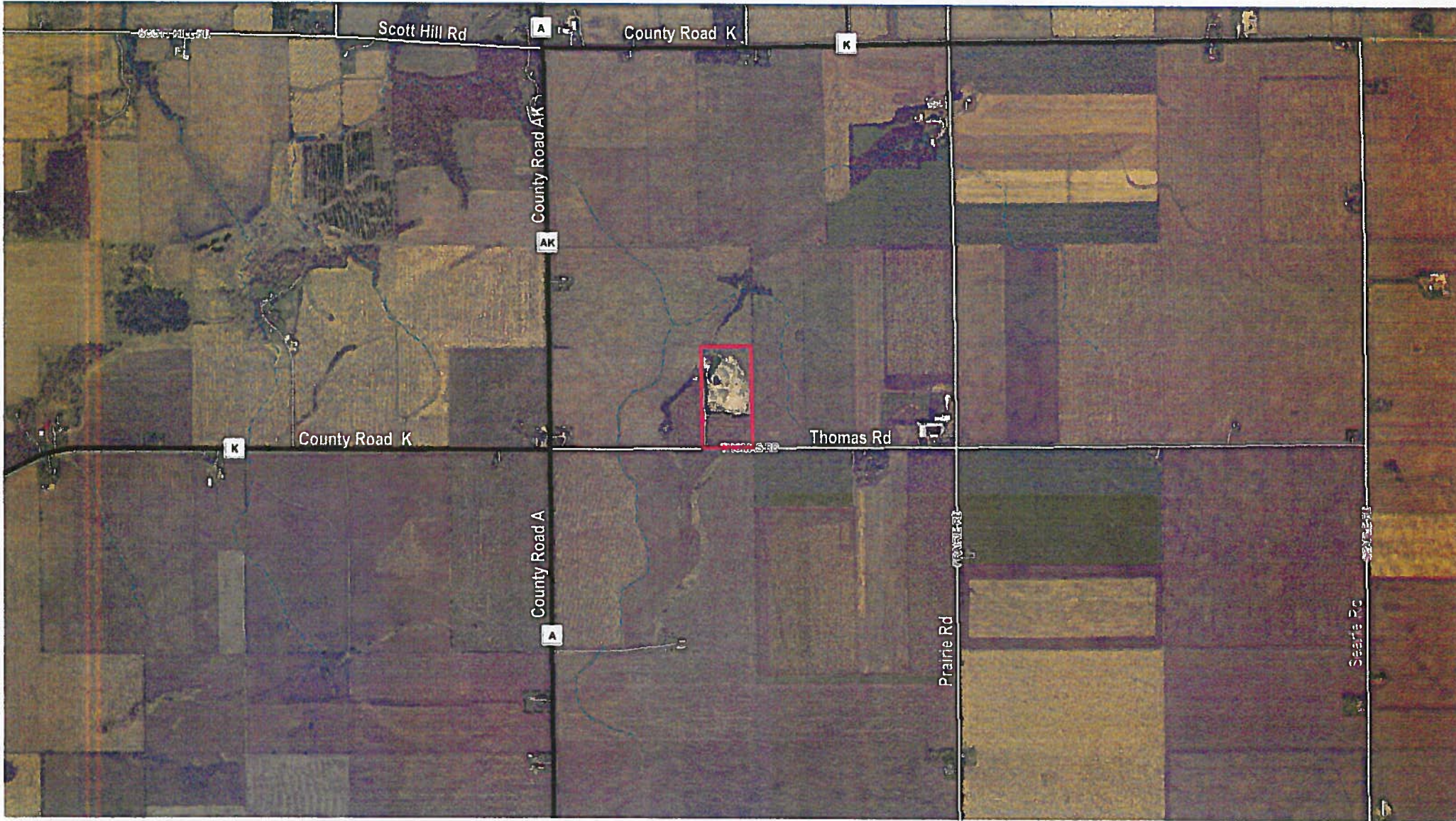
**Thomas Rd (.4 miles east of County Road A), Parcel #006-00033-0000, Part of the SW¼ of Section 2, T15N, R13E, (± 20-acre parcel), Town of Green Lake
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