



# GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

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The following documents are included in the packet for the Land Use Planning & Zoning Committee meeting on Thursday, November 4th, 2021.

Packet Pages:

- 2 Agenda
- 3-5 Draft Meeting Minutes from October 7, 2021
- 6-8 Financial Reports for September
- 9-11 Permit Reports for September
- 12-13 Violation Reports
- 14-27 Proposed Shoreland Ordinance Amendments
- 29 Public Hearing Notice
- 30-86 Public Hearing Items

**Item I: Owner:** Arlene Mason **POA:** Jim Lampman **Agent:** Randy Douglas of Badger Engineering **Site location:** W3946 Cty Rd H **General legal description:** Parcel 014-00835-0000 part of the NW1/4 of S33, T15N, R12E, Town of Marquette, 40 acres **Request:** Rezone ±7 acres from A-1, Farmland Preservation District & C-2, Extensive Commercial District, to I, Industrial District. To be identified by certified survey map.

**Item II: Owner:** Thomas & Jane Willett **Site location:** N6205 Busse Dr. **General legal description:** Parcel 004-00307-0100, part of the SW1/4 of S15, T16N, R13E, Town of Brooklyn, 1.6 acres **Request:** Rezone 1.6 acres from A-2, General Agricultural District, to C-2, Extensive Commercial District.

**Item III: Owner:** Andrew & Ruby Schrock **Site location:** N1546 Cty Rd S **General legal description:** Parcel 012-00244-0000, part of the NW1/4 of S14, T14N, R12E, Town of Manchester, ±18 acres **Request:** Conditional Use Permit to operate a wood finishing business as an agricultural accessory use.

**Item IV: Owner:** Cletus & Alma Bontrager **Site location:** W3805 Heritage Rd **General legal description:** Parcel 012-00137-0500 part of the NW1/4 of S9, T14N, R12E, Town of Manchester, 21.15 acres **Request:** CUP to operate a sawmill and dog kennel as an agricultural accessory use.

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

**Land Use Planning & Zoning Committee  
Meeting Notice**

**Date: November 4, 2021 Time: 4:30 PM  
Location: Government Center, County Board Room, 571 County Road A, Green Lake WI**

**AGENDA 11/04/2021**

**Committee Members**

*Curt Talma,  
Chairman*

*Bill Boutwell*

*Chuck Buss*

*Don Lenz*

*Harley  
Reabe*

*Keith Hess,  
Alternate*

*Karen  
Werlein,  
Secretary*

1. Call to Order
2. Pledge of Allegiance
3. Certification of Open Meeting Law
4. Approval of Minutes: 10/7/2021
5. Public Comments: 3 minute limit
6. Department Activity Reports
  - a. Financial reports
  - b. Land use & septic permits
  - c. Violation reports
7. Proposed Shoreland Zoning Ordinance Amendments
8. Sign KDR Woodworking LLC CUP Signature Page
9. Public Hearing: (Not to begin before 5:00 PM)  
Each Item below will consist of:
  - a. Public Testimony/Comment: 10-minute time limit
  - b. Committee Discussion & Deliberation
  - c. Committee Decision
  - d. Execute Ordinance/Determination Form

**Item I: Owner:** Arlene Mason **POA:** Jim Lampman **Agent:** Randy Douglas of Badger Engineering **Site location:** W3946 Cty Rd H **General legal description:** Parcel 014-00835-0000 part of the NW1/4 of S33, T15N, R12E, Town of Marquette, 40 acres **Request:** Rezone ±7 acres from A-1, Farmland Preservation District & C-2, Extensive Commercial District, to I, Industrial District. To be identified by certified survey map.

**Item II: Owner:** Thomas & Jane Willett **Site location:** N6205 Busse Dr. **General legal description:** Parcel 004-00307-0100, part of the SW1/4 of S15, T16N, R13E, Town of Brooklyn, 1.6 acres **Request:** Rezone 1.6 acres from A-2, General Agricultural District, to C-2, Extensive Commercial District.

**Item III: Owner:** Andrew & Ruby Schrock **Site location:** N1546 Cty Rd S **General legal description:** Parcel 012-00244-0000, part of the NW1/4 of S14, T14N, R12E, Town of Manchester, ±18 acres **Request:** Conditional Use Permit to operate a wood finishing business as an agricultural accessory use.

**Item IV: Owner:** Cletus & Alma Bontrager **Site location:** W3805 Heritage Rd **General legal description:** Parcel 012-00137-0500 part of the NW1/4 of S9, T14N, R12E, Town of Manchester, 21.15 acres **Request:** CUP to operate a sawmill and dog kennel as an agricultural accessory use.

10. Future committee activities
  - a. Future agenda items
  - b. Meeting date: December 2, 2021
11. Adjourn

Due to the COVID-19 pandemic, this meeting will be conducted through in person attendance (6 ft. social distancing and face masks required) or audio/visual communication. Remote access can be obtained through the following link:

Topic: Land Use Planning & Zoning Committee Meeting  
Time: Time: Nov 4, 2021 04:30 PM Central Time (US and Canada)

Join Zoom Meeting:

<https://us06web.zoom.us/j/88970266178?pwd=TXZ0S3NTR3c3dStpRi9HZGZBdzJnUT09>

Meeting ID: 889 7026 6178

Passcode: 830713

Dial by your location

+1 312 626 6799 US (Chicago)

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING  
COMMITTEE MEETING MINUTES  
Thursday, October 7, 2021**

**CALL TO ORDER**

Planning & Zoning Chair Curt Talma called the meeting of the Land Use Planning and Zoning Committee to order at 4:30 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. Public access was available via remote programming as well as in person.

**Present:** Don Lenz, Harley Reabe(Zoom), Curt Talma, Chuck Buss, Bill Boutwell, Dawn Klockow  
Corporation Counsel(Zoom)

**Absent:**

**Also Present:** Matt Kirkman, Land Use Planning and Zoning Director, Karen Werlein, Land Use Coordinator

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVAL OF MINUTES**

***Motion/second (Buss/Boutwell)*** to approve the minutes of the September 2nd, 2021 meeting. Motion carried with no negative vote.

**Public Comments:**

No public comments

**DEPARTMENT ACTIVITY REPORTS**

a. **Financial reports**

P&Z Director Matt Kirkman gave an update on the August expenses and revenues.

b. **Permits**

Matt Kirkman stated there were 17 land use permits and 11 sanitary permits in August.

c. **Violations**

Matt Kirkman outlined the current land use violations as well as the POWTS violations.

**DOG KENNEL VIDEO TOUR**

Matt Kirkman detailed the current dog breeding facility of Cletus Bontrager.

**RECESS 4:50PM:** ***Motion/second (Lenz/Boutwell)*** to recess at 4:50PM. Motion carried with no negative vote.

**PUBLIC HEARING – 5:00PM** ***Motion/second (Boutwell/Lenz)*** to come back into session to conduct the public hearing.

Chair Talma read the rules for the Public Hearing

Don Lenz excused himself from the meeting at 5:01PM due to a conflict of interest with public hearing item one and two.

**Item I: Owners:** Christopher & Lyn Meilahn **Site location:** N6071 Killdeer Ln **General legal description:** Parcel 004-00470-0600, part of the NW1/4 of S20, T16N, R13E, Town of Brooklyn, 2 acres **Request:** Rezone 2 acres from R-3, Multiple-Family Residence District, to R-1, Single-Family Residence District.

- a. Public Testimony/Comment: Chair Talma called for public input. Chris Meilahn of N6071 Killdeer Ln spoke in favor of the rezone. Chair Talma closed the Public Hearing.
- b. Committee Discussion & Deliberation: Kirkman presented the Staff Report regarding the rezone request. All criteria for rezone has been met and the Town of Brooklyn approves of the request.
- c. Committee Decision: **Motion/second (Reabe/Boutwell)** to approve the rezone request as presented and forward to County Board for final approval. Motion carried with no negative vote.

**Item II: Owner:** Wingate Barraclough & Stephan F. Krentz **Site location:** 32<sup>nd</sup> Dr. **General legal description:** Parcels 002-00061-0300, -0400, -0500, -0600, part of the NW1/4 of S5, T17N, R13E, Town of Berlin, ±14 acres **Request:** Rezone ±1.9 acres from A-1, Farmland Preservation District, to R-4, Rural Residential District and ±1.2 acres from R-1, Single-Family Residence District, to R-4, Rural Residential District. To be identified by certified survey map.

- a. Public Testimony/Comment: Chair Talma called for public input. Wingate Barraclough of 464 Hillside Dr. spoke in favor of the rezone. Stephan Krentz of W561 Cumberland Ave. spoke in favor of the rezone. Chair Talma closed the Public Hearing.
- b. Committee Discussion & Deliberation: Matt Kirkman presented the Staff Report. All criteria for rezone has been met and the Town of Berlin approves of the request.
- c. Committee Decision: **Motion/second (Boutwell/Buss)** to approve the rezone request as presented. To be forwarded to County Board for final approval. Motion carried with no negative vote.

Don Lenz returned to the meeting at 5:23PM.

**Item III: Owner:** Farm & Hills Real Estate LLC **Agent:** Steven R. Sorenson **Site location:** W766 Sunnyside Rd **General legal description:** Parcel 004-00559-1000, part of the NW1/4 of S23, T16N, R13E, Town of Brooklyn, ±28.56 acres **Request:** Rezone ±10.9 acres from A-1, Farmland Preservation District, to A-2, General Agriculture District. To be identified by certified survey map.

- a. Public Testimony/Comment: Chair Talma called for public input. Steve Sorenson of 479 Golf Hill Ct. spoke in favor of the rezone request. He added that this parcel has had a history of two types of land usage: agriculture and building/storage. Chair Talma closed the Public Hearing.
- b. Committee Discussion & Deliberation: Matt Kirkman presented the Staff Report. All criteria for rezone has been met and the Town of Brooklyn approves of the request.

- c. Committee Decision: ***Motion/second (Reabe/Boutwell)*** to approve the rezone request as presented. To be forwarded to County Board for approval.  
Motion carried with no negative vote.

**Item IV: Owner:** Farm & Hills Real Estate LLC **Agent:** Steven R. Sorenson **Site location:** W766 Sunnyside Rd  
**General legal description:** Parcel 004-00559-1000, part of the NW1/4 of S23, T16N, R13E, Town of Brooklyn, ±28.56 acres **Request:** CUP for RV and boat storage for rent within existing buildings.

- d. Public Testimony/Comment: Chair Talma called for public input. Steve Sorenson of 479 Golf Hill Ct. spoke in favor of the CUP request. Chair Talma closed the Public Hearing.
- e. Committee Discussion & Deliberation: Matt Kirkman presented the Staff Report. All criteria for the conditional use permit has been met and the Town of Brooklyn approves of the request.
- f. Committee Decision: ***Motion/second (Buss/Reabe)*** to approve the CUP request as presented and with the following conditions:
  1. The property must be rezoned to A-2, General Agriculture District.
  2. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
  3. No outside storage of materials and other items is allowed.
  4. Any outdoor lighting shall comply with Section 350-23 of the County Zoning Ordinance.Motion carried with no negative vote.

#### **FUTURE COMMITTEE ACTIVITIES**

- a. **Future agenda items – Four public hearing items and discussion on the Shoreland Zoning Ordinance.**
- b. **Next meeting date – November 4<sup>th</sup>, 2021**

#### **ADJOURN**

Chair Talma adjourned the meeting at 5:50PM.

**Respectfully submitted,**

**Karen Werlein, Land Use Planning Coordinator**

FEES RECEIVED	SEPTEMBER				YEAR-TO-DATE				BUDGET	
	2020		2021		2020		2021		2021	
	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
<b>LAND USE PERMITS</b>										
Total Monthly Issued Permits	21	3,650	16	4,370	154	33,800	179	\$ 54,500	\$ 40,000	136%
<b>SANITARY PERMITS (POWTS)</b>										
Total Monthly Issued Permits	7	1,850	8	2,185	71	19,495	78	\$ 21,960	\$ 26,000	84%
<b>NON-METALLIC MINING PERMITS</b>										
Annual Permit Fees	-	-	-	\$ -	5	9,600	5	\$ 15,000	\$ 15,300	98%
<b>BOARD OF ADJUSTMENT</b>										
Special Exception	-	-	-	-	-	-	-	-	-	-
Variances	-	-	-	-	5	1,875	2	750	-	-
Appeals	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	-	\$ -	-	\$ -	5	\$ 1,875	2	\$ 750	\$ 1,875	40%
<b>PLANNING &amp; ZONING COMMITTEE</b>										
Zoning Change	-	-	2	750	5	1,875	18	6,750	-	-
Conditional Use Permits	1	375	3	1,125	3	1,125	11	4,125	-	-
Variance	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	1	\$ 375	5	\$ 1,875	8	\$ 3,000	29	\$ 10,875	\$ 8,250	132%
<b>MISC.</b>										
Wisconsin Fund	-	-	-	-	1	100	-	-	-	-
Fines & Forfeitures	-	-	1	250	12	7,000	4	697	-	-
<b>Total</b>	-	\$ -	1	\$ 250	13	\$ 7,100	4	\$ 697	-	-
<b>SURVEYOR</b>										
Certified Survey Maps	3	540	6	1,200	32	5,610	33	6,195	6,500	-
Preliminary and Final Plats	-	-	-	-	-	-	-	-	-	-
Applied Funds: County Surveyor	-	-	-	-	-	-	1	9,500	9,500	-
<b>Total</b>	3	\$ 540	6	\$ 1,200	32	\$ 5,610	34	\$ 15,530	\$ 16,000	97%
<b>GIS (Geographic Information System)</b>										
Map Sales	-	-	-	-	-	-	1	30	-	-
Land Records Transfer	-	-	-	-	-	-	-	-	25,000	-
Land Information Grant	-	-	-	-	-	-	-	-	10,000	-
<b>Total</b>	-	\$ -	-	\$ -	-	\$ -	1	\$ 30	\$ 35,000	0%
<b>GRAND TOTAL</b>	32	6,415	36	9,880	288	80,480	332	119,342	\$ 142,425	
									<b>Total</b>	<b>83%</b>

For 09/01/21 - 09/30/21

Revenue Summary Report

FJRES01A

Periods 09 - 09

Land Use & Zoning Month End Revenue

MER100-10-P&Z

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
10 Land Use Planning and Zoning					
21-100-10-44400-000-000 Land Use Permits	40,000.00	4,370.00	54,500.00	-14,500.00	136.25
21-100-10-44400-001-000 BOA Public Hearing	1,875.00	.00	375.00	1,500.00	20.00
21-100-10-44400-002-000 PZ Public Hearing	8,250.00	1,875.00	10,500.00	-2,250.00	127.27
21-100-10-44409-000-000 Non-Metallic Mining	15,300.00	.00	10,800.00	4,500.00	70.59
21-100-10-44410-000-000 Sanitary Permits	26,000.00	2,185.00	21,960.00	4,040.00	84.46
21-100-10-45110-000-000 Fines & Forfeitures	.00	250.00	752.00	-752.00	.00
21-100-10-46131-002-000 Strategic Fund	10,000.00	.00	.00	10,000.00	.00
21-100-10-46762-000-000 Certified Survey Maps	6,500.00	1,200.00	6,195.00	305.00	95.31
21-100-10-47411-000-000 Interdepartment transfer/Land Records	25,000.00	.00	.00	25,000.00	.00
10 Land Use Planning and Zoning	132,925.00	9,880.00	105,082.00	27,843.00	79.05

For 09/01/21 - 09/30/21

Expenditure Summary Report

FJEXS01A

Periods 09 - 09

Land Use & Zoning Month End Expenses

MEE100-10-P&Z

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
<b>10 Land Use Planning and Zoning</b>						
<b>53610 Code Enforcement</b>						
21-100-10-53610-110-000 Salaries	309,000.00	.00	23,624.00	198,017.36	110,982.64	64.08
21-100-10-53610-140-000 Meeting Payments	1,425.00	.00	225.00	225.00	1,200.00	15.79
21-100-10-53610-151-000 Social Security	23,641.00	.00	1,724.55	15,119.79	8,521.21	63.96
21-100-10-53610-153-000 Ret. Employer Share	20,861.00	.00	1,594.62	13,986.45	6,874.55	67.05
21-100-10-53610-154-000 Health Insurance	50,590.00	.00	4,988.62	41,833.48	8,756.52	82.69
21-100-10-53610-155-000 Life Insurance	276.00	.00	26.71	221.74	54.26	80.34
21-100-10-53610-210-002 Professional Services-SRV	9,500.00	.00	900.00	4,850.00	4,650.00	51.05
21-100-10-53610-210-003 Miscellaneous Fees	300.00	.00	.00	-56.20	356.20	-18.73
21-100-10-53610-225-000 Phone Service	576.00	.00	43.00	479.39	96.61	83.23
21-100-10-53610-242-000 Print Management	300.00	.00	26.75	143.08	156.92	47.69
21-100-10-53610-307-000 Training	750.00	.00	.00	882.94	-132.94	117.73
21-100-10-53610-310-000 Office Supplies	650.00	.00	.00	488.99	161.01	75.23
21-100-10-53610-312-000 Field Supplies	200.00	.00	.00	52.04	147.96	26.02
21-100-10-53610-320-000 Publications-BOA Public Hearing	750.00	.00	.00	510.25	239.75	68.03
21-100-10-53610-320-001 Publications-PZ Public Hearing	2,750.00	.00	442.00	1,960.00	790.00	71.27
21-100-10-53610-321-000 Seminars	930.00	.00	.00	.00	930.00	.00
21-100-10-53610-324-000 Member Dues	100.00	.00	.00	100.00	.00	100.00
21-100-10-53610-330-000 Travel	750.00	.00	61.82	69.82	680.18	9.31
21-100-10-53610-352-000 Vehicle Maintenance	638.00	.00	64.20	377.56	260.44	59.18
<b>53610 Code Enforcement</b>	<b>423,987.00</b>	<b>.00</b>	<b>33,721.27</b>	<b>279,261.69</b>	<b>144,725.31</b>	<b>65.87</b>
<b>10 Land Use Planning and Zoning</b>	<b>423,987.00</b>	<b>.00</b>	<b>33,721.27</b>	<b>279,261.69</b>	<b>144,725.31</b>	<b>65.87</b>



## Land Use Permits: 9/1/2021 - 9/30/2021

### Town of Berlin

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
12966	002003070300	N8760 LANDING RD	09/13/2021	SAMANTHA ROGERS	\$100.00	Addition/Alteration to Accessory Structure	Lean to shed roof addition to detached garage.		

### Town of Brooklyn

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
12969	004000530100	W590 MCCONNELL RD	09/22/2021	JOSHUA NOVITSKE	\$75,000.00	Storage Buildings	Storage shed/ garage		
12970	004002370100	N6635 COUNTY ROAD PP	09/23/2021	MARISSA KASUBOSKI	\$10,000.00	Addition/Alteration to Principal Structure	Bonus room addition above existing attached garage. No new land will be disturbed.		
12973	004009690000	W1181 ILLINOIS AVE	09/29/2021	THOMAS MERRITT	\$13,000.00	parking area	Parking Area outside of 300 ft.		
12962	004009320100	N5350 SHORE DR	09/08/2021	DAVID & KATHLEEN CULLEN RESTATED TRUST	\$15,000.00	Detached Deck/Patio	Replacing concrete patio around pool.		

### Town of Green Lake

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
12972	006014580000	W2592 OAKWOOD BEACH RD	09/24/2021	KEITH A TRUST STOHLGREN	\$1,800.00	Fence	Fenced in area adjacent to home.		
12971	006014820000	W2680 OAKWOOD BEACH RD	09/23/2021	GREGG & TRACY BREWSTER LIVING TRUST	\$5,500.00	Land Disturbing Activity - Filling	Filling to create a flat grass area for sitting and then tapering the slope to be naturally stable.		
12965	006002660100	N3749 PRAIRIE RD	09/13/2021	MERLE A & BONNIE J STRELOW REVOCABLE TRUST	\$1,500.00	Addition/Alteration to Principal Structure	Converting Deck into three season room		

### Town of Kingston

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
NONE									

### Town of Mackford

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
NONE									

### Town of Manchester

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
12960	012006270300	N272 COUNTY ROAD M	09/02/2021	SARAH WEAVER	\$35,000.00	Addition/Alteration to Principal Structure	Kitchen Addition, with Front Door Stoop		
12961	012006510100	N216 JONES RD	09/07/2021	RODNEY & JUDIE WITTHUN LIVING TRUST	\$4,000.00	Storage Buildings	Storage Shed		
12974	012001250000	W4376 STATE ROAD 44	09/30/2021	HARLEY BONTRAGER	\$140,000.00	Addition/Alteration to Principal Structure	Living room, bedroom, kitchen addition	Addition/Alteration to Principal Structure	Wash house

### Town of Marquette

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
12924	014005110201	N2875 NICOLET RD	07/19/2021	ROGER SWANKE	\$65,000.00	Single Family Home	One Bedroom House		
12963	014003730000, et al.	W6630 MARINE CT	09/09/2021	THREE FOUR FIVE LLC, et al	\$19,240.00	Filling/grading	Road repair. Total Area disturbed in the FF is @31,442sqft		

### Town of Princeton

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
12950	016011940000	N4260 S LAKESHORE DR	08/24/2021	PATRICK LAPER TRUST	\$395,000.00	Single Family Home	SFD 3-bedroom 3.5-bath.	Stairs/Walkway	Stairs from kitchen to outside.
12968	016003921000	N4622 WILDWOOD LN	09/21/2021	JILL JACKSON SCHWANKE	\$100,000.00	Accessory Structure - Porch	Covered porch attached to storage building.	Accessory Structure	Storage building and woodshop.

### Town of Saint Marie

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
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None

**Town of Seneca**

Permit Number	Parcel Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
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None

August Estimated Cost:           \$880,140.00  
**YTD Estimated Cost:           \$33,867,120.00**

## Sanitary Permits: 9/1/2021 - 10/31/2021

Sanitary Permit	Parcel Number	Site Address	Owners	Date Issued	Permit Type	System Type	Plumber Name	Additional Explanation	Permit Fee \$ (County)	Permit Fee \$ (DSPS)
202124073	006010410101	W1484 SPRING GROVE RD	STEPHEN KENNEDY	09/01/2021	New System	Conventional (Non-Pressurized In-Ground)	Jeffrey Novak	W1480 Sandstone Ave- 4 Bedroom House	280	100
202124074	012006900100	N480 STATE ROAD 73	LEITZKE PROPERTIES LLC	09/07/2021	Replacement System	Conventional (Non-Pressurized In-Ground)	Jeremiah Storer	3 Bedroom House	280	100
202124075	014005110201	W2875 NICOLET RD	ROGER SWANKE	09/15/2021	Reconnect	Conventional (Non-Pressurized In-Ground)	Jeffrey Novak	1 Bedroom House	280	0
202124076	206017280200	732 NW CUMBERLAND ST	TROY R JOHNSON	09/16/2021	Replacement System	Conventional (Non-Pressurized In-Ground)	Ben Kinas	3 Bedrooms	280	100
202124077	206012660000	451 DARTFORD ST	ROSE DEHN	09/17/2021	Replacement System	Mound	Jeffrey Novak	3 Bedroom House	280	100
202124078	006016040000	W1576 SANDSTONE AVE	EUGENIA WHELIHAN REVOCABLE TRUST	09/20/2021	Replacement System	Conventional (Non-Pressurized In-Ground)	Ben Kinas	For W1576 Sandstone Ave	280	100
202124079	008003590100	N976 COUNTY RD H	ALVA BONTRAGER	09/20/2021	Reconnect	Conventional (Non-Pressurized In-Ground)	Allen Logan	3 Bedroom House	280	0
202124080	008003500200	W5808 STATE ROAD 44	SUE MILLER	09/28/2021	New System- Change of Plumbers	Conventional (Non-Pressurized In-Ground)	Hoffmann Plumbing	5 Bedroom House	75	0
202124081	004001940000	N6694 STATE ROAD 49	VERA SODA	09/30/2021	Repair	Conventional (Non-Pressurized In-Ground)	Ben Kinas	Tank lid replaced	150	0
202124082	006002560000	W766 CENTER RD	ALLAN G & JANET L BROOKS REVOCABLE TRUST	10/01/2021	Replacement System	Conventional (Non-Pressurized In-Ground)	Jeremiah Storer	For W766 Center Rd	280	100
202124083	004010900000	N5589 COUNTY ROAD A	BRIAN D & JODI L OLMEN REVOCABLE TRUST OF 2005	10/04/2021	Replacement System	Conventional (Non-Pressurized In-Ground)	Ben Kinas	7 Bedroom House	280	100
202124084	012000890000	N2258 HILLTOP RD	MARKESAN PROPERTIES OF GREEN LAKE LLC	10/04/2021	New System	Mound	Lichtfeld, T	C and C Shop- 30 Employees	280	100
<b>Total:</b>									3025	800

\* There are additional properties associated with the permit

**First Notice**

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date
012001370500	W3805 Heritage Rd.	Cletus Bontrager	12944	Zoning	Operating a sawmill in A-1 zoning without a conditinal use permit. <b>UPDATE 10/29/21</b> Public hearing November 4th.	8/13/2021
012000740000	None available	Paul Mast	12945	Zoning	Operating a wood finishing/staining business in A-1 zoning without the building having a primary agricultural use and an approved CUP <b>UPDATE 10/29/21</b> Buiding is dedeed to Mast. New violation letter to be sent for need of conditional use permit.	8/13/2021
014002770000	N3361 Hickory Point Rd	Millers Reort	12967	Zoning	Failure to obtain LUP for addition to structure, placement of a structure, placement of a camper with metal shelter covering the top, placement of a storage tent.	10/13/2021
014001780000	N4474 Pine Rd E	Sammie Smith	12964	Zoning	Camper on A-1 zoned property	9/10/2021
004013410000	W3039 Orchard Ave	Kathleen Kuhlman	12956	Zoning	Hot tub placed without obtaining a permit and it is in the side yard set back. <b>Update 10/15/21:</b> Heard through another contractor that the hot tub was planned to be moved to the other side of the home after purchasing the neighboring lot.	8/30/2021
012000730000	W3818 Heritage Rd	Daniel Bontrager	12925	Zoning	Operating a dog kennel in A-1 without a CUP. UPDATE 9/30/21 Public hearing December 2nd	7/21/2021
02001280100	N9259 32nd Drive	Terrence Ducket	12796	Zoning	Junk Materials (mainly wood and lumber). Junk not allowed in C-2 District. <b>Update 10/15/21:</b> a Land Use Permit was issued for a building which materials/junk would be stored in and out of sight.	8/9/2021
012005720101	W4651 Winding Ln	Timothy Mast	12913	Zoning	Operating a dog kennel without a conditional use permit in A-1 zoning. Public Hearing December 2nd.	7/7/2021
004002221100	No address available	Troy Weir	12996	Zoning	RV on A2 zoned property	10/22/2021
010003910200	W2194 Cty Rd X	David Cotterill	12995	Zoning/Vehicles	Three Structures built without permits (Barn/cabin, Shipping Container, Shed) Violation of Chapter 350-65. Shipping Container on Residential Property. Violation of Chapter 350-41. One GMC Yukon and one Truck with a snow plow- Both unlicensed/inoperable	10/22/2021

**Second Notice**

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date
04003560000	No Address Available	Egbert Excavating Inc.	12225	Zoning	Update 12/15/20: Egbert working with surveyor to document filled areas as not significant and create the new CSM. UPDATE 6/24/21: Surveyor to submit CSM and floodplain elevations by 7/12/21. UPDATE 8/25/21: Waiting for additional detail UPDATE 9/30/21 Waiting on land use permit application. <b>UPDATE 10/29/21:</b> :LUP issued. To be resolved once project is complete.	4/5/2018
006014820000	W2680 Oakwood Beach Rd.	Gregg and Tracy Brewster	12917	Shoreland	Retaining walls inside of 75ft of the OHWM which created an area that was filled to create a flat grass fire ring area inside of 75ft of the OHWM. The dimensions were approximately a 16ft diameter area from the edge of the retaining wall area. Update: Brewsters working with Steve Sorenson (attorney) and also trying to get it resolved ASAP. UPDATE 8/18: second violation letter sent. UPDATE 9/30/21 LUP issued. To be resolved once project is complete.	7/1/2021
006010910000	W1210 Spring Grove Rd.	Sanjay & Kristin Hill	12918	Shoreland	Stairway within 75ft of the OHWM is greater than 60" (72") and the landing is greater than 40sqft (120sqft). No land use permit was issued for this. UPDATE: 7/12/21 violation letter sent UPDATE 8/18/21: Second violation letter sent. Owners have contractor set up for October. <b>Update 10/15/2021:</b> Kris Hill said the violation will be resolved by the end of October.	6/15/2021
014009790000	N3129 Lakevie Drive W	James & Shawn Sanders	12912	Zoning	Aaron was able to view a few items that would indicate a contractors yard and something not allowed in the R-1 District. Aaron walked up the driveway to obtain permission to look at property and was asked to leave by the owner. What can be seen in the photos taken from the road are as follows: dump truck, wood chipper, bucket lift, mini front end loader and skid steer, attachments for mini front end loader and skid steer. Update: 7/8/21 violation letter sent. UPDATE: 8/18/21 Sanders said he might build structure to store equipment. <b>Update 10/15/21:</b> second violation letter sent for contractors yard in R-1	6/25/2021
004002860200	W599 State Rd. 23&49	Arland Kirst	12926	Zoning	Operating a dog kennel/breeding facility in C2 zoning wich does not allow for this use at all. UPDATE 9/30/21 Owner has removed dogs. Will schedule inspection	7/21/2021
006007780000	W3140 Blackbird Point L	Max & Kelly Rawson	12905	Shoreland	Complaint received on 5-24-21. Complaint letter sent on 6-7-21. Office meeting on 6-14-21, confirmed the complaint that the shoreland vegetative buffer zone was removed and planted back into grass. Violation of Shoreland Mitigation Agreement (Doc #386377) and thus a violation of the Shoreland Zoning Ordinance. UPDATE 9/30/21 Waiting on plans from contractor. <b>Update 10/15/21:</b> Badger Engineering has come up with an impervious surface treatment plan for the site, it did not appear to be completed and the Dept. has not yet approved the plan.	6/14/2021

**Corporation Counsel**

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date
016011960000	N4250 S LAKESHORE DR	Spicer Andrew G & Doris E	12744	Shoreland	A patio visible and entirely within the 75' shoreland setback. Final notice was sent out 12/07/2020. Update 2/28/2021: Corp. Counsel has sent a citation for building without a permit. If that does not resolve the violation an injuctive action will be made. UPDATE 6/24/2021: The patio must be removed by July 31st according to corporation counsel. UPDATE 8/23/21: patio not removed. Court hearing in October. <b>Update 10/29/21:</b> Court date Nov. 22	10/29/2020

**First Notice:**

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Additional Information
004009950000	N5552 OLD OAK LN	PAFF FREDERICKA	10024391	POWTS Failure	System is a Cesspool	Possibly working with Novak Exc.
018005690300	N6999 State Rd. 73	WALTER FERTIG	21127	POWTS Failure	Tank failure	Has new permit app
016008010300	N5591 Lock Rd	TAMI CALAMITA	37516	POWTS Failure	Tank overflow	Permit expired 7/21

**Second Notice:**

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Additional Information
002002110000	N8725 WHITE RIDGE RD	BLOCK KELIE	131	POWTS Failure	Tank not watertight	
004008730000	W2692 ABBEY DR	AMERICAN BAPTIST ASSEMBLY	10024028	POWTS Failure	System is a Cesspool	Working with contractor. Will replace
004008740000	N5533 LAWSON DR	AMERICAN BAPTIST ASSEMBLY	398126	POWTS Failure	Tank not watertight	Working with a contractor. Will replace
006010220701	W1740 SANDSTONE AVE	WOOD SIMON	159178	POWTS Failure	Tank not watertight	Email from Pollesch. Plan to abandon system
006016040000	W1576 SANDSTONE AVE	WHELIHAN REVOCABLE TRUST EUGENIA	10024566	POWTS Failure	System is a Cesspool	Has new permit app
014001720000	W5156 PINE RD N	HEINECKE RANDAL R ET AL	26724	POWTS Failure	Tank not watertight	Working with Contractor. Waiting on soil test
014002350000	W5621 PINE RD S	SCHULTZ NATHAN	1969	POWTS Failure	Tank not watertight	Has new permit app
014008340000	W4052 COUNTY ROAD H	NOWATZSKI KATHY	1424052	POWTS Failure	Tank not watertight	
016001550100	W3464 OLD GREEN LAKE RD	HOME OF DIVINE MERCY INC	175	POWTS Failure	Tank not watertight	Talked with Richard Voss. Will abandon system
016002370000	N5549 COUNTY ROAD W	MILLIS NICHOLE	26761	POWTS Failure	Tank not watertight	Has new permit app
016002620600	N5193 COUNTY ROAD D	MARCOE ELYSE	1624026	POWTS Failure	Tank not watertight	Talked with owner. Will have neighbor(plumber) look at it.
016006780100	N5973 CANAL ST	WILSON SAVANNAH	25526	POWTS Failure	Tank not watertight	Permit expired 4/21
016007700000	W5897 STATE ROAD 23	HAZELWOOD WANETTA ET AL	26752	POWTS Failure	Tank not watertight	Talked with owner. Not known to be working with contractor
016014660000	W4827 CRADLE RD	KAVANAUGH FAMILY LLC	284	POWTS Failure	Tank not watertight	House is being renovated. No Plumbing inside currently
018000570000	W3602 PINE RD	BREWER DOUGLAS & SALLY	258	POWTS Failure	Tank not watertight	Working with Novak. Planning to install new system
018002040000	W3390 COUNTY ROAD J	SCHULTZ BERNARD J JR	273	POWTS Failure	Tank not watertight	Has new permit app
154000890000	150 W 2md St	KENNETH & JEAN KOERNER	593	POWTS Failure	probable surface discharge	Permit app expires 12/21
006001350000	N4474 LAKEVIEW DR.	GREGORY ZIER	18201	POWTS Failure	Tank failure	Permit app expires 12/21

**Corp Counsel**

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Additional Information
016009230000	W5880 WALTER WILLIAMS RD	PROG ROD-GUN CLUB	1002450	POWTS Failure	Tank unsound	
016009230000	W5886 WALTER WILLIAMS RD	PROG ROD-GUN CLUB	10024249	POWTS Failure	Tank failure	
016009230000	N4922 RAY SHORTER RD	PROG ROD-GUN CLUB	10024256	POWTS Failure	Tank failure	
016009230000	N4914 RAY SHORTER RD	PROG ROD-GUN CLUB	1002457	POWTS Failure	Tank failure	
016009230000	N4904 RAY SHORTER RD	PROG ROD-GUN CLUB	10024259	POWTS Failure	Tank compromised	
016009230000	W5894 WALTER WILLIAMS RD	PROG ROD-GUN CLUB	10024095	POWTS Failure	Tank unsound	
016009230000	N4939 RAY SHORTER RD	PROG ROD-GUN CLUB	10024523	POWTS Failure	Tank failure	
206017580000	271 MCKITTRICK ST	JERRY NEWTON	14075	Failure to maintain	Failure to maintain POWTS	

**Land Use Planning & Zoning Committee  
Meeting Notice**

**Date: November 4, 2021 Time: 4:30 PM  
Location: Government Center, County Board Room, 571 County Road A, Green Lake WI**

**AGENDA 11/04/2021**

**Committee Members**

*Curt Talma,  
Chairman*

*Bill Boutwell*

*Chuck Buss*

*Don Lenz*

*Harley  
Reabe*

*Keith Hess,  
Alternate*

*Karen  
Werlein,  
Secretary*

1. Call to Order
2. Pledge of Allegiance
3. Certification of Open Meeting Law
4. Approval of Minutes: 10/7/2021
5. Public Comments: 3 minute limit
6. Department Activity Reports
  - a. Financial reports
  - b. Land use & septic permits
  - c. Violation reports
7. Proposed Shoreland Zoning Ordinance Amendments
8. Sign KDR Woodworking LLC CUP Signature Page
9. Public Hearing: (Not to begin before 5:00 PM)  
Each Item below will consist of:
  - a. Public Testimony/Comment: 10-minute time limit
  - b. Committee Discussion & Deliberation
  - c. Committee Decision
  - d. Execute Ordinance/Determination Form

**Item I: Owner:** Arlene Mason **POA:** Jim Lampman **Agent:** Randy Douglas of Badger Engineering **Site location:** W3946 Cty Rd H **General legal description:** Parcel 014-00835-0000 part of the NW1/4 of S33, T15N, R12E, Town of Marquette, 40 acres **Request:** Rezone ±7 acres from A-1, Farmland Preservation District & C-2, Extensive Commercial District, to I, Industrial District. To be identified by certified survey map.

**Item II: Owner:** Thomas & Jane Willett **Site location:** N6205 Busse Dr. **General legal description:** Parcel 004-00307-0100, part of the SW1/4 of S15, T16N, R13E, Town of Brooklyn, 1.6 acres **Request:** Rezone 1.6 acres from A-2, General Agricultural District, to C-2, Extensive Commercial District.

**Item III: Owner:** Andrew & Ruby Schrock **Site location:** N1546 Cty Rd S **General legal description:** Parcel 012-00244-0000, part of the NW1/4 of S14, T14N, R12E, Town of Manchester, ±18 acres **Request:** Conditional Use Permit to operate a wood finishing business as an agricultural accessory use.

**Item IV: Owner:** Cletus & Alma Bontrager **Site location:** W3805 Heritage Rd **General legal description:** Parcel 012-00137-0500 part of the NW1/4 of S9, T14N, R12E, Town of Manchester, 21.15 acres **Request:** CUP to operate a sawmill and dog kennel as an agricultural accessory use.

10. Future committee activities
  - a. Future agenda items
  - b. Meeting date: December 2, 2021
11. Adjourn

Due to the COVID-19 pandemic, this meeting will be conducted through in person attendance (6 ft. social distancing and face masks required) or audio/visual communication. Remote access can be obtained through the following link:

Topic: Land Use Planning & Zoning Committee Meeting  
Time: Time: Nov 4, 2021 04:30 PM Central Time (US and Canada)

Join Zoom Meeting:

<https://us06web.zoom.us/j/88970266178?pwd=TXZ0S3NTR3c3dStpRi9HZGZBdzJnUT09>

Meeting ID: 889 7026 6178

Passcode: 830713

Dial by your location

+1 312 626 6799 US (Chicago)

at a slope that is naturally stable, depending on soil type.

- [5] Boathouses shall be constructed in conformity with local floodplain zoning standards. Fill, elevation surveys, or other documentation may be required within 180 days of permit issuance, per § 300-38B(4).
  - [6] Boathouses shall be one story with sidewalls not exceeding 10 feet in height and a footprint entirely within the access and viewing corridor of the vegetative buffer. The footprint is not to exceed 16 feet in width by 24 feet in depth, with the width running parallel to the shore.
  - [7] Boathouse roofs shall be designed with a pitched roof having a minimum slope of 2/12, a maximum slope of 6/12, and in no case shall be designed for use as a deck, observation platform, or for other similar uses. Parapet walls are not allowed.
  - [8] Earth-toned color shall be required for all exterior surfaces of a boathouse. For the purpose of this chapter, the color white is an earth-toned color.
  - [9] The boathouse's main door shall face the water: and shall be at least 50% of the width (measured running parallel to the shore) of the boathouse.
  - [10] Any features the Department considers inconsistent with the use of the structure exclusively as a boathouse are not permitted. Examples may include but not be limited to patio doors, fireplaces, decks, and living quarters.
  - [11] Per § 59.692(1o), Wis. Stats., the roof of an existing boathouse may be used as a deck, provided that the boathouse has a flat roof, has no side walls or screened walls, and has a railing that meets Department of Safety and Professional Services standards.
  - [12] No boathouse shall have any wall, door, or access opening shall be more than 1/3 transparent or translucent.
  - [13] Boathouse roof overhangs shall not project more than 24 inches out from the boathouse side wall.
  - [14] All boathouse construction projects that require land disturbing activities shall be authorized in accordance with Section 338-41 of this chapter.
- (b) Open-sided and screened structures, such as gazebos, decks, patios, and screen houses in the shoreland setback area that satisfy the following requirements in § 59.692(1v), Wis. Stats.
- [1] The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.
  - [2] The floor area of all the structures in the shoreland setback area will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded.
  - [3] The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
  - [4] The County must approve a plan that will be implemented by the owner of the property to preserve or

**Commented [KM1]:** These walls are used on super steep slopes that would retain hill slopes. If the slopes are that steep that a parapet wall is necessary, then the LDA section likely prohibits the LDA associated with the boathouse.

**Commented [KM2]:** Adding white as a color option for boathouses. This has become the trim color of choice for most property owners.

**Commented [KM3]:** Fear that these boathouses will be used as more than a storage building, so the larger main door helps mitigate this concern. Envision a 16ft wide boathouse, with only a 36" lakeside door.

**Commented [KM4]:** Transparent requires objects to be distinctly seen. Translucent only requires the ability to pass light. We are trying limit the residential use of these buildings. This helps.

**Commented [KM5]:** It made sense to link the boathouse section with the land disturbing activity section so that the reader can easily understand the requirements in place for boathouse construction.

establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water. Note: The statutory requirements under § 59.692(1v), Wis. Stats., which require the establishment of a vegetative buffer for the construction of open-sided structures are not superseded by § 59.692(1f)(a).

Note: Where reference is made to a shoreland vegetative buffer zone, the buffer shall be designed in accordance with NRCS Interim Standard No. 643A and NRCS Wisconsin Biology Technical Note 1: Shoreland Habitat. In cases where these standards provide options, the Land Use Planning and Zoning Department shall make the determination which option is most appropriate in the design and execution of the project.

**Commented [KM6]:** Needed buffer standards. As of right now, this ordinance standard is not linked to any design criteria.

~~[5] The structure must be freestanding and more than five feet from a principal structure.~~

**Commented [KM7]:** Eliminated as this is more restrictive than Statutes.

~~[56] An enforceable obligation shall be evidenced by an instrument recorded affidavit must be filed with the Register of Deeds prior to the issuance of a land use permit. This instrument shall include an implementation schedule construction and enforceable obligation on the property owner to establish and maintain the shoreland vegetative buffer zone. acknowledging the limitations on vegetation.~~

**Commented [KM8]:** Added consistent wording from other parts of the ordinance.

(c) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are two meters or less in diameter.

(d) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with Ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control stormwater runoff from the structure.

(e) ~~One A~~ walkway, stairway or rail system is allowed per lot or parcel. Walkways, stairways or rail systems are exempt from Section 338-41.F thru H. of this chapter. A walkway, stairway or rail system shall be permitted, provided:

**Commented [KM9]:** Clears up the confusion whether multiple access ways to the waterfrontage are allowed. Also, exempts these access structures from being prohibited due to steeper slopes.

[1] The structure shall be located within the access and viewing corridor and designed so as to minimize earth disturbing activities and shoreline vegetation removal ~~during construction.~~

**Commented [KM10]:** Bringing the ordinance up to match historical department policy.

[2] The structure shall not exceed a maximum of 60 inches in width and shall not branch out within the shoreland setback.

**Commented [KM11]:** Clarifies that a walkway or stairway within 75ft of the OHWM has to go from the extent of the shoreland setback to the OHWM without any stop off points like a patio, deck, gazebo, or boathouse.

[3] Railings are permitted only where required by safety concerns, state statutes, or state regulations.

[4] Canopies and/or roofs on such structures are prohibited.

[5] ~~A S~~stairways shall be supported on piles or footings rather than being excavated from erodible soils, steep slopes, or similar conditions of concern.

[6] A walkway and associated stairs is allowed on slopes no greater than 25% to provide pedestrian access to the shoreline.

**Commented [KM12]:** In order to protect the waters of the State, it is necessary to limit walkways as these projects significantly increase the levels of land disturbing activity nearest these waters. Stairways are always allowed as an option and are safer as stairways have railings, where walkways typically do not.



[76] The ~~structure-walkway, stairway or rail system~~ shall be limited to a maximum of 60 inches in width, including railings. Landings as part of the shoreline access system shall be limited to a maximum of 40 square feet and no more than 60 inches wide.

[87] Standards for removal of shoreline vegetation shall be complied with, per Article VII.

[98] In cases of steep slopes, a rail system (i.e., tram or lift) in addition to a stairway, shall be permitted as long as the rail system is mounted to or immediately adjacent to the existing stairway and can be located entirely within the ~~viewing access~~ and ~~viewing~~ corridor per § 338-37B.

Commented [KM13]: Installing proper and defined terminology.

- (f) Devices or systems used to treat runoff from impervious surfaces.
- (2) Existing Exempt Structures. Per § 59.692(1k)(a)2m, Wis. Stats., existing exempt structure may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. The expansion of a structure beyond the existing footprint may be permitted if the expansion is necessary to comply with applicable state and federal requirements. Note: Section 59.692(1k)(a)2m, Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in § 338-32A(2). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.
- B. Reduced principal structure setback (§ 59.692(1n), Wis. Stats.). A setback less than the seventy-five-foot required setback from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows:
- (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark, provided that all of the following are met:
- (a) Both of the existing principal structures are located on an adjacent lot to the proposed principal structure.
- (b) Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.
- (c) Both of the existing principal structures are located less than 75 feet from the ordinary high-water mark.
- (d) The average setback shall not be reduced to less than 35 feet from the ordinary high-water mark of any navigable water.
- (e) Note: § 59.692(1d)(a), Wis. Stats., requires counties to adopt the standards consistent with § 338-32B(1) for reducing the shoreland setback.
- (2) Functional appurtenances that are accessory structures, such as open porches or decks, that are attached to the proposed principal structure and proposed at time of permit application, must comply with the

reduced principal structure setback but shall not be used in the calculation of the reduced principal structure setback. [Added 11-12-2019 by Ord. No. 18-2019]

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

- (1) Side yard: twelve-foot minimum for lots at least 85 feet wide.
- (2) Side yard: ten-foot minimum for lots less than 85 feet wide.
- (3) Street yard: twenty-five-foot minimum.

(4) Rear yard: None. In the case of corner lots, the rear yard shall be the opposite the shorter of the two street frontages.

(4)(5) Walkways no more than 36 inches wide and driveways shall be exempt from § 338-32C(1) through (3). This does not exempt these structures from § 338-32A, or other standards of this chapter. [Added 11-12-2019 by Ord. No. 18-2019]

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

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

(3) Open style agricultural fences, no greater than eight feet in height, are allowed without a land use permit.

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

- (1) Retaining and decorative/landscape walls may be allowed in the street-yard, side-yard and rear-yard with a minimum zero setback.

(2) Retaining walls, greater than six (6) feet in height, shall be designed by a professional engineer. Stamped engineered plans shall be submitted to the Land Use Planning & Zoning Department as part of the land use permit application.

F. In addition to the shoreland setback standard in Subsection A and B above, roof overhangs may project no more than 12 inches into a required side and/or street setback. No projections are allowed into the setback as required in Subsection A. [Added 11-12-2019 by Ord. No. 18-2019]

**§ 338-33 Floodplain structures.**

[Amended 11-12-2019 by Ord. No. 18-2019]

Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any

**Commented [KM14]:** There is no way to determine rear or side yards without this language. We have been using the zoning ordinance's definitions, which is problematic.

**Commented [KM15]:** Adding to be consistent with the Zoning Ordinance.

**Commented [KM16]:** Seemed to be a good idea that these taller retaining walls are properly designed and constructed. Waukesha and Burnett Counties already do this. Most others require this administratively.

applicable floodplain zoning ordinance. Fill, elevation surveys, or other documentation may be required within 180 days of land use permit issuance, per § 300-38B(4).

§ 338-34 through § 338-35. (Reserved)

## Article VII Vegetation

### § 338-36 Purpose.

To protect natural scenic beauty, fish and wildlife habitat, and water quality, this article shall regulate removal of vegetation in shoreland areas, consistent with the following: The standards of this chapter shall consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments, and nutrients.

### § 338-37 Vegetative buffer zone.

To protect water quality, fish and wildlife habitat, and natural scenic beauty, and to promote preservation and restoration of native vegetation, there shall be designated land that extends from the ordinary high-water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows.

- A. Routine maintenance of vegetation.
- B. Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per § 59.692(1f)(b), Wis. Stats., the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.
- C. Removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in § NR 1.25(2)(b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.
- D. Removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable, not to exceed nine months from date of vegetation removal. **[Amended 11-12-2019 by Ord. No. 18-2019]**
- (1) A site visit by the Department or photos of the site provided by an owner or agent must be received by the Department prior to vegetation removal. A site visit or photos from an owner or agent must be provided after the vegetation has been replanted, within the timeframe specified above. Submitted photos must be digitally date stamped.
- E. Additional vegetation management activities in the vegetative buffer zone may be allowed by permit. The permit issued under this subsection shall require that all management activities comply with detailed plans approved by the County and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area, as evidenced by an instrument recorded in the Office of the Register of Deeds prior to land use permit issuance.

- F. Removal of a shoreland vegetative buffer zone that was originally installed under a contract with the Land Conservation Department's "Green Lake County Buffer Program" is allowed once the contact period of 25 years has expired. This contract program provides farmers with payments for setting aside a portion(s) of their tillable acres near perennial and intermittent streams as well as agricultural drainage ditches.

**Commented [KM17]:** Without this provision, farmers and other land owners will have little interest in this buffer program. Presently, the ordinance requires that once the farmer removes the buffer, the farmer receives a violation from LUP&Z Department.

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

§ 338-38 through § 338-39. (Reserved)

## Article VIII Land Disturbing Activity

§ 338-40 Land disturbing activity.  
[Amended 11-12-2019 by Ord. No. 18-2019]

Filling, grading, lagooning, dredging, ditching, and excavating may be permitted only in accordance with the provisions of § NR 115.04, Wis. Adm. Code, the requirements of Ch. 30, Wis. Stats., and other state and federal laws where applicable, and only if done in a manner designed to improve natural scenic beauty and minimize erosion, sedimentation, and impairment of fish and wildlife habitat.

~~A. Shoreline protection activities authorized by a state permit may be allowed without a land use permit.~~

~~B. Nonstructural projects approved by County Land Conservation Department to remedy significant existing erosion problems may be exempt from land use permitting requirements.~~

**Commented [KM18]:** Just made more sense to create a section on exemptions rather than where it was.

§ 338-41 General standards.  
[Amended 11-12-2019 by Ord. No. 18-2019]

The filling, grading, lagooning, dredging, ditching, or excavating of any lands in the shoreland area requires a land use permit, unless otherwise exempt in this chapter. A project may be permitted in the shoreland area provided that:

- A. It is not done within the shoreland vegetative buffer zone unless necessary for allowed vegetative activities, establishing or expanding the vegetative buffer, ~~or~~ for the construction of an exempt structure, to remove retaining walls to re-establish natural grade, or to repair natural shoreline damage. Natural shoreline damage must be repaired within 1 year of the damaging event.
- B. It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
- C. Filling, grading, lagooning, dredging, ditching, or excavating in a Shoreland-Wetland District meets the requirements of § 338-18B and C of this chapter.
- D. All applicable federal, state, and local authority is obtained in addition to a permit under this chapter.
- E. Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover, or a bulkhead.

**Commented [KM19]:** Just a couple situations that seem permissible and that would help out property owners.

F. The Sslopes for the project site are less than ~~40~~50% (1:~~2~~4). Land disturbing activities in the shoreland area where the slope is equal to or greater than ~~40~~50% (1:~~2~~4) are prohibited.

**Commented [KM20]:** Slopes steep than 1 ft of rise to 2 feet of run are not naturally stable and even with construction site erosion control, will fail and harm the lake.

G. For land disturbing activities that are on slopes less than 50% but greater than 12%, the land use permit shall not be issued until a construction site erosion control permit, designed in accordance with Section 284-8.B. and 284-9.B thru D of the County's Construction Site Erosion Control and Stormwater Management Ordinance, is obtained by the property owner from the Land Conservation Department.

**Commented [KM21]:** The erosion control related to these LDAs has been tough to get contractors and property owners to think about. This provision gets them thinking about the erosion issues before they obtain their LUP. Also the design of the erosion control is beefed-up based on the specific ordinance sections cited.

H. For land disturbing activities that are on slopes less than 12%, the land use permit shall not be issued until a construction site erosion control permit, designed in accordance with Section 284-8.B.(1 thru 5) and 284-9.A of the County's Construction Site Erosion Control and Stormwater Management Ordinance, is obtained by the property owner from the Land Conservation Department.

**Commented [KM22]:** Seems like a good idea. Be great for this to be thought out prior to building the project.

**§ 338-42 Permit required.**

[Amended 11-12-2019 by Ord. No. 18-2019]

A. For any land disturbing activity ~~of any on a riparian lot or parcel and a non-riparian lot or parcel that is located entirely within 300 feet area which is within 300 feet landward~~ of the ordinary high-water mark of navigable water, a land use permit is required. Land disturbing activity includes but is not limited to filling, grading, lagooning, dredging, ditching, and excavating.

**Commented [KM23]:** Consistent with applicable IMS standards. Eliminates portions of non-riparian lots or parcels within 300ft from LDA standards.

(1) A land use permit may be approved based upon:

(a) A stormwater management, erosion control, grading, and revegetation plan.

(b) Findings that the land disturbing activity will not result in:

[1] Impairment of natural wetland functions.

[2] Erosion or sedimentation to navigable water.

[3] Impairment of aquatic life.

[4] Unnecessary loss of native appearance or natural beauty of the shoreland.

[5] Restricting flood flows.

[6] Reducing the storage capacity of the floodplain.

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

(1) Where a DNR permit has been issued which meets the substantial concerns of this article, no land use permit will be required, unless this article is more restrictive.

**§ 338-43 Permit conditions.**

[Amended 11-12-2019 by Ord. No. 18-2019]

In granting a permit under § 338-42, the County shall attach the following conditions, where appropriate, in addition to those provisions specified in § 338-63 or 338-64.

- A. The smallest amount of bare ground shall be exposed for as short a time as feasible.
- B. Temporary ground cover (such as mulch or jute netting) shall be used continually until permanent vegetative cover shall be established.
- C. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to contain soil and sediment and prevent it from leaving the project site.
- D. Lagoons shall be constructed to avoid fish trap conditions.
- E. Fill and excavations shall be stabilized according to soil type and accepted nonengineered and engineering standards as required by the Land Use Planning and Zoning Department.
- F. Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- G. Channels or artificial watercourses shall be constructed with side slopes of two units horizontal distance to one unit vertical or flatter. The side slopes shall be promptly vegetated, unless bulkheads or riprap are provided.
- H. On-site inspections may be required prior to excavation, during construction, and upon project completion. A completed application for land use permit authorizes the Department to visit and inspect the project site prior to permit issuance, during permit validity, and up to six months after permit expiration for compliance with the conditions of the permit and terms of this chapter.
- I. Any other conditions intended to protect shorelines and minimize erosion, sedimentation, and the impairment of fish and wildlife habitat.

§ 338-44 ~~(Reserved)~~ Permit not required.

- A. Shoreline protection projects, which include land disturbing activities, authorized by a State permit.
- B. Nonstructural projects, which include land disturbing activities, approved by County Land Conservation Department to remedy significant existing erosion problems may be allowed without a land use permit.

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## Article IX Impervious Surfaces

### § 338-45 Purpose.

Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. Impervious surface standards of this chapter shall apply to the construction, reconstruction, expansion, replacement, or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

infiltration basins, rain gardens, bioswales, or other engineered systems.

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

B. Note: The provisions in § 338-49 are an exemption from the impervious surface standards and, as such, should be construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device, or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with § 338-49 will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device, or internally drained area, the impervious surface is no longer exempt under § 338-49. [Amended 11-12-2019 by Ord. No. 18-2019]

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

- (1) Calculations showing how much runoff is coming from the impervious surface area.
- (2) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area.
- (3) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area.
- (a) The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the land use permit.

D. Where reference is made to a rain garden, the rain garden shall be designed, installed, and maintained in accordance with Wisconsin DNR Publication, PUB-WT-776-2018, "Rain Gardens: A Guide for Homeowners and Landscapers."

Commented [KM24]: Needed a rain garden design standard in this section as well.

#### § 338-50 Existing impervious surfaces.

For existing impervious surfaces that were lawfully placed when constructed but do not comply with the impervious surface standard in § 338-47 or the maximum impervious surface standard in § 338-48, the property owner may do any of the following:

- A. Maintain and repair the existing impervious surfaces;
- B. Replace existing impervious surfaces with similar surfaces within the three-dimensional space of the structure existing building envelope;
- C. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the County Shoreland Zoning Ordinance, and the impervious surface meets the applicable setback requirements in this chapter. [Amended 11-12-2019 by

Commented [KM25]: Decks, patios, etc, are not buildings and thusly are not covered under this standard. So this small change resolves this issue.

**Ord. No. 18-2019]**

D. Note: The impervious surface standards in this section (changed to reflect Ch. NR 115, Wis. Adm. Code) shall not be construed to supersede other provisions in the County Shoreland Zoning Ordinance. **[Amended 11-12-2019 by Ord. No. 18-2019]**

(1) All of the provisions of the County Shoreland Zoning Ordinance still apply to new or existing development.

**§ 338-51 (Reserved)**

**Article X  
Height**

**§ 338-52 Height.**

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

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

[Image]

**§ 338-53 (Reserved)**

**Article XI  
Nonconforming Uses and Structures**

**§ 338-54 Discontinued nonconforming use.**

If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure, or property shall conform to this chapter.

**§ 338-55 Maintenance, repair, replacement, or vertical expansion of nonconforming structures.**

- A. An existing structure that was lawfully placed when constructed but does not comply with the required setbacks, per §§ 338-32 and 338-33, may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but does not comply with the required shoreland setback, may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level, as provided in § 338-52B. Expansion of a structure may be allowed beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

B. Note:

**Commented [KM26]:** There is no amendment here, however, we should add a definition for the term "remodel". This would clear up any confusion here. From the definition, the exterior shape of an existing nonconforming structure could be changed subject to the existing footprint.



- (7) Stormwater management that will infiltrate the peak flow discharge of stormwater runoff on a lot or parcel, for a two-year rainfall event, into a rain garden(s) for conditions stated below. Other infiltration methods may be used as approved by the Land Use Planning and Zoning Department.
- (a) Two points: Stormwater management practice that will infiltrate all the stormwater runoff from the impervious surface of principal building structure(s).
- (b) Three points: Stormwater management practice that will infiltrate all the stormwater runoff from the impervious surface of principal building structure(s) and any accessory building structure(s).
- (c) Four points: Stormwater management practice that will infiltrate the stormwater runoff from all the impervious surface(s).
- C. Types of development requiring mitigation measures are as follows:
- (1) Impervious surface development. Any of the following levels of impervious surface area, based on the standards of Article IX, shall provide mitigation measures having the following number of mitigation points. **[Amended 11-12-2019 by Ord. No. 18-2019]**
- (a) Three mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 15% and up to and including 20%.
- (b) Four mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 20% and up to and including 25%.
- (c) Five mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 25% and up to and including 30%.
- (2) Lateral expansion of a nonconforming principal structure per § 338-56 shall require a mitigation plan that includes any mitigation measures listed in § 338-60B having a minimum of one point.
- (3) Replacement or relocation of a nonconforming principal structure per § 338-58 shall require a mitigation plan that includes any mitigation measures listed in § 338-60B having a minimum of two points.
- D. Where reference is made to a shoreland vegetative buffer zone, the buffer shall be designed in accordance with NRCS Interim Standard No. 643A and NRCS Wisconsin Biology Technical Note 1: Shoreland Habitat. In cases where these standards provide options, the Land Use Planning and Zoning Department shall make the determination which option is most appropriate in the design and execution of the project.
- E. Where reference is made to a rain garden, the rain garden shall be designed, installed, and maintained in accordance with Wisconsin DNR Publication, PUB-WT-776-2018, "Rain Gardens: A [Guide for Homeowners and Landscapers](#) ~~show to manual for homeowners.~~" **[Amended 11-12-2019 by Ord. No. 18-2019]**
- F. Where the Land Use Planning and Zoning Department determines a lot or parcel has excessive

- C. All public hearing items listed above, postponed at the request of the applicant prior to public hearing: \$250.

§ 338-77 (Reserved)

**Article XVII  
Definitions**

§ 338-78 **Definitions.**

- A. For the purpose of administering and enforcing this chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.
- B. The following terms or words used in this chapter mean:

**ACCESS AND VIEWING CORRIDOR**

A strip of vegetated land that allows safe pedestrian access to the shore extending waterward from the 75 foot shoreland building setback through the vegetative buffer zone.

**Commented [KM27]:** This corridor would only be 35ft deep without this change. Policy has always been 75feet to the OHWM

**AFTER-THE-FACT PERMIT**

A land use permit that was issued for a development on a date after the development had already commenced, was under construction, or was completed. The fee for an after-the-fact permit is double the standard land use permit fee [see § 338-76A(1)].

[Added 11-12-2019 by Ord. No. 18-2019]

**BOATHOUSE**

A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls, or any combination of these structural parts.

**BUILDING ENVELOPE**

The three-dimensional space within which a structure is built.

**COUNTY ZONING AGENCY**

That committee or commission created or designated by the County Board under § 59.69(2)(a), Wis. Stats, to act in all matters pertaining to County planning and zoning. In Green Lake County, this body shall be known as the Land Use Planning and Zoning Committee.

**DEER STAND**

Open or enclosed platforms used by hunters. The platforms are secured to trees (or free standing) in order to elevate the hunter and give him (or her) a better vantage point.

**DEPARTMENT**

The Department of Natural Resources.

**DEVELOPMENT**

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

#### PARCEL

An area of contiguous land having a boundary description duly recorded in the Register of Deeds office that identifies the boundaries of that specific parcel.

#### PLUMBING

A system of pipes, drains, fittings, valves, valve assemblies, and devices installed in a building for the distribution of water for drinking, heating and washing, and the removal of waterborne wastes and the skilled trade of working with pipes, tubing and plumbing fixtures in such systems. For the purpose of this chapter, plumbing includes piping, and associated fixtures that convey gases as well as liquids.

Commented [KM28]: Needed a definition to clarify that gas plumbing is also not allowed within boathouses.

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#### REGIONAL FLOOD

A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

#### REMODEL

The process where an existing structure undergoes structural reorganization, alteration or renewal without increasing the existing structure's footprint.

Commented [KM29]: This definition applies to existing nonconforming structures. The ordinance states that an existing NC structure may be "remodeled" so long as the structure's footprint is not expanded. This definition clearly states that exterior changes to a building structure would be allowed.

#### ROUTINE MAINTENANCE OF VEGETATION

Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

#### SETBACK

The horizontal distance between a structure and an established lot line.

[Added 11-12-2019 by Ord. No. 18-2019]

- (1) **SETBACK, SHORELAND** See "shoreland area."
- (2) **SETBACK, SIDE** The open land area between the adjacent side lot line and the nearest point of the structure and extending from the street yard to the rear or shore yard.
- (3) **SETBACK, STREET** The open land area across the full width of the property between the street lot line and the nearest point of the structure.

#### SHORELAND

Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

#### SHORELAND AREA/SHORELAND SETBACK

Also known as the "shoreland setback area" in § 59.692(1)(bn), Wis. Stats., means an area in a

**Land Use Planning & Zoning Committee  
Meeting Notice**

**Date: November 4, 2021 Time: 4:30 PM  
Location: Government Center, County Board Room, 571 County Road A, Green Lake WI**

**AGENDA 11/04/2021**

**Committee Members**

*Curt Talma,  
Chairman*

*Bill Boutwell*

*Chuck Buss*

*Don Lenz*

*Harley  
Reabe*

*Keith Hess,  
Alternate*

*Karen  
Werlein,  
Secretary*

1. Call to Order
2. Pledge of Allegiance
3. Certification of Open Meeting Law
4. Approval of Minutes: 10/7/2021
5. Public Comments: 3 minute limit
6. Department Activity Reports
  - a. Financial reports
  - b. Land use & septic permits
  - c. Violation reports
7. Proposed Shoreland Zoning Ordinance Amendments
8. Sign KDR Woodworking LLC CUP Signature Page
9. Public Hearing: (Not to begin before 5:00 PM)

Each Item below will consist of:

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

**Item I: Owner:** Arlene Mason **POA:** Jim Lampman **Agent:** Randy Douglas of Badger Engineering **Site location:** W3946 Cty Rd H **General legal description:** Parcel 014-00835-0000 part of the NW1/4 of S33, T15N, R12E, Town of Marquette, 40 acres **Request:** Rezone ±7 acres from A-1, Farmland Preservation District & C-2, Extensive Commercial District, to I, Industrial District. To be identified by certified survey map.

**Item II: Owner:** Thomas & Jane Willett **Site location:** N6205 Busse Dr. **General legal description:** Parcel 004-00307-0100, part of the SW1/4 of S15, T16N, R13E, Town of Brooklyn, 1.6 acres **Request:** Rezone 1.6 acres from A-2, General Agricultural District, to C-2, Extensive Commercial District.

**Item III: Owner:** Andrew & Ruby Schrock **Site location:** N1546 Cty Rd S **General legal description:** Parcel 012-00244-0000, part of the NW1/4 of S14, T14N, R12E, Town of Manchester, ±18 acres **Request:** Conditional Use Permit to operate a wood finishing business as an agricultural accessory use.

**Item IV: Owner:** Cletus & Alma Bontrager **Site location:** W3805 Heritage Rd **General legal description:** Parcel 012-00137-0500 part of the NW1/4 of S9, T14N, R12E, Town of Manchester, 21.15 acres **Request:** CUP to operate a sawmill and dog kennel as an agricultural accessory use.

10. Future committee activities
  - a. Future agenda items
  - b. Meeting date: December 2, 2021
11. Adjourn

Due to the COVID-19 pandemic, this meeting will be conducted through in person attendance (6 ft. social distancing and face masks required) or audio/visual communication. Remote access can be obtained through the following link:

Topic: Land Use Planning & Zoning Committee Meeting  
Time: Time: Nov 4, 2021 04:30 PM Central Time (US and Canada)

Join Zoom Meeting:

<https://us06web.zoom.us/j/88970266178?pwd=TXZ0S3NTR3c3dStpRi9HZGZBdzJnUT09>

Meeting ID: 889 7026 6178

Passcode: 830713

Dial by your location

+1 312 626 6799 US (Chicago)

## NOTICE OF PUBLIC HEARING

The Green Lake County Land Use Planning and Zoning Committee will hold a public hearing in County Board Room #0902 of the Green Lake County Government Center, 571 County Road A, Green Lake, WI, on Thursday, November 4th, 2021, at 5:00 p.m. to consider the following requests:

**Item I: Owner:** Arlene Mason **POA:** Jim Lampman **Agent:** Randy Douglas of Badger Engineering  
**Site location:** W3946 Cty Rd H **General legal description:** Parcel 014-00835-0000 part of the NW1/4 of S33, T15N, R12E, Town of Marquette, 40 acres **Request:** Rezone ±7 acres from A-1, Farmland Preservation District & C-2, Extensive Commercial District, to I, Industrial District. To be identified by certified survey map.

**Item II: Owner:** Thomas & Jane Willett **Site location:** N6205 Busse Dr. **General legal description:** Parcel 004-00307-0100, part of the SW1/4 of S15, T16N, R13E, Town of Brooklyn, 1.6 acres **Request:** Rezone 1.6 acres from A-2, General Agricultural District, to C-2, Extensive Commercial District.

**Item III: Owner:** Andrew & Ruby Schrock **Site location:** N1546 Cty Rd S **General legal description:** Parcel 012-00244-0000, part of the NW1/4 of S14, T14N, R12E, Town of Manchester, ±18 acres **Request:** Conditional Use Permit to operate a wood finishing business as an agricultural accessory use.

**Item IV: Owner:** Cletus & Alma Bontrager **Site location:** W3805 Heritage Rd **General legal description:** Parcel 012-00137-0500 part of the NW1/4 of S9, T14N, R12E, Town of Manchester, 21.15 acres **Request:** CUP to operate a sawmill and dog kennel as an agricultural accessory use.

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: October 21, 2021*

# LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

November 4, 2021

## ITEM I: ZONING CHANGE

### OWNER:

Arlene Mason / Barricade Flasher

### APPLICANT:

Barricade Flasher / Badger Engineering

**REQUEST:** The owner is requesting a zoning change from being Split Zoned, ±2.4 acres C-2, Extensive Commercial District and ±4.6 acres A-1, Farmland Preservation District to I, Industrial District, ±7.0 acres

**PARCEL NUMBER / LOCATION:** The affected parcel number is 014-00835-0000 which is located in the northwest quarter of Section 33, T15N, R12E, Town of Marquette. The site proposed for the zoning change is located at W3946 County Road H.

**EXISTING ZONING AND USES OF ADJACENT AREA:** The current zoning of the parcel referenced above is Split Zoned. The current use of the proposed parcel according to the applicant is light industrial use. The lands surrounding this proposed parcel in every direction are zoned A-1, Farmland Preservation District. The lands surrounding the proposed parcel all appear to be used agriculturally. ±0.8 acres of the proposed parcel referenced above fall within shoreland jurisdiction of Heart Lake (WDNR rearing station which is publically accessible land).

**ADDITIONAL INFORMATION / ANALYSIS:** Barricade Flasher Services provide traffic control services in the State of Wisconsin. The intent of this rezone is to create two conforming parcels by dissolving one split zoned parcel. Barricade Flasher would like to expand a building and parking area, raze the existing farmhouse, consolidate existing equipment and supplies near the manufacturing facility, construct a security and screening fence, and entrance improvements and enhancements. For a land use permit to be issued and for a conditional use permit to be approved for these improvements, rezoning of the manufacturing and storage area to (I) Industrial is necessary.

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

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. The soils associated with this parcel are about 30% Type 3 and 70% Type 2. Normally this would be the death nail to any attempt to rezone out of A-1. However, the parcel being rezoned has been utilized for a light industrial use for decades. The soils have been converted to parking areas, storage areas, driveways, buildings, and other improvements associated with the industrial use. The amount of effort that would be required to ever obtain a productive crop off of these lands, not to mention the necessity to close or relocate the existing business, would be extreme. For these reasons alone, the land, after being converted as described, is not well suited to agriculture and thusly better suited to the existing use.
- b) The rezoning is consistent with any applicable comprehensive plan. **A goal of the comprehensive plan preserves the rural character of the County. This goal**

helps to guide the County to deny rezone applications in cases where a significant amount of productive farmland is proposed to be converted into an industrial, commercial or even residential use. Preservation of the rural character of the County is a requirement of the comprehensive plan. This rezone request proposes to properly zone lands that have been used industrially for decades. It is not the intent of this rezone to further diminish the rural character of the County. Another goal is to preserve and protect water resources such as lakes, rivers, streams, and groundwater. Here again the adjacent water resources are representative of the adjacent light industrial use. The consequence of the rezone would not result in further degradation to the water resource. Any other industrial use would be highly regulated not only through a future CUP process, but also by the WDNR. Another goal is to attract service and employment opportunities that are compatible with existing and future land uses. The current light industrial use will continue to attract these opportunities and not further the incompatibility inherent between agricultural and industrial uses. Other goals of the plan include infrastructure, cooperation, and economic development which should not be affected by the rezone.

- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the county certified Farmland Preservation Plan is to maintain the integrity and viability of county agriculture...without damaging the economic and social environment or the natural resources...** As explained in “b” above, staff cannot see any realized degradation to the integrity or viability county agriculture or to the social or natural environment by properly zoning lands in light industrial use.
  
- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or are legally restricted to agricultural use. **Here again, the request is not to create an industrial use where an agricultural use had been. Had this been the case this criterion could not be met, and the request should be denied. The request is to resolve a zoning / use discrepancy on the subject site. Properly zoning a parcel of land where a light industrial use is occurring, and has occurred for decades, should not impair or limit adjacent agricultural uses. The current use may be compatible and not limiting to agricultural pursuits nearby, but the vast array of other industrial activities allowed by CUP in this zoning district may not be as compatible. The Committee has to weigh this out as an issue in order to approve this request. All of the industrial uses allowed in the Industrial zoning district are only allowed by conditional use permit, so the Committee will have oversight over any industrial use that would occur on this parcel.**

**TOWN OF MARQUETTE:** An Action Form requesting the Town’s input related to this zoning change request was sent to the Town Clerk on 9/14/2021.

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 (not refundable)

Date 08/31/21

Zone Change from Split Zoning to Industrial District

Conditional Use Permit for \_\_\_\_\_

Other \_\_\_\_\_

**PROPERTY OWNER / APPLICANT**

Name: Arlene Mason / Barricade Flasher Service

Mailing Address: 6610 South 13th Street, Oak Creek, WI 53154

Phone Number: (414) 764-1790

Signature *Jim Larson* Date 9-1-21

**AGENT IF OTHER THAN OWNER**

Name: Badger Engineering & Construction, LLC

Mailing Address: 1432 Country Club Lane, Watertown, WI 53098

Phone Number 920.229.7128

Signature *Randy C. Douglas* Date 07/21/21

**PROPERTY INFORMATION**

Town of Marquette Parcel Number 014-00835-0000 Acres 40

Lot \_\_\_ Block \_\_\_ Subdivision \_\_\_\_\_

Section 33 Town 15 North Range 12 East

Location of Property W 394th County Rd H

Legal Description SE-NW, Sect. 33, T15N, R12E

Current Zoning Classification Split Current Use of Property Light Industrial

Detailed Description of Proposed Use Consolidate, improve and expand existing facility (see report).

**PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION**

Fees: Zone Change \$375  
Conditional Use Permit \$375.00  
Variance \$375.00  
Special Exception \$375.00PZP-010 (04/09)





Green Lake County

1 inch = 310 feet

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

**Arlene Mason**  
 Green Lake County, WI

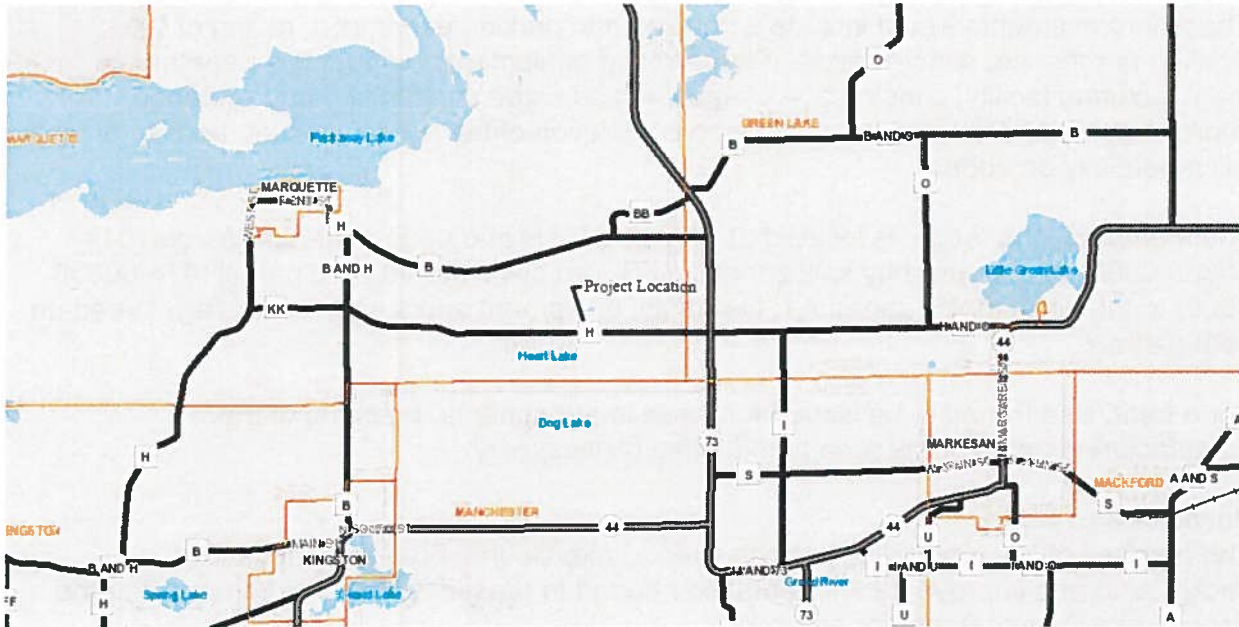
Time: 1:19:37 PM  
 Date: 8/11/2021

Note:  
**Rezoned ~7 acres from A-1 and C-2 to I**



# FACILITY REVIEW AND IMPROVEMENT PLAN

## Barricade Flasher Service W3946 CTH H Markesan, WI



Badger Engineering & Construction, LLC.

1432 Country Club Lane, Watertown, WI 53098  
920.229.7128 BadgerEngineeringWI@gmail.com

## **Executive Summary**

### **Project History and Overview**

Barricade Flasher Service (BFS) is a family-owned business that provides traffic control services in the State of Wisconsin. They have facilities in Oak Creek, Mazomanie and Markesan. The Markesan facility employs 12 full time employees and has been a part of the area for the last 58 years.

The owners of the company are looking to expand and improve the Markesan location. These improvements would include a building and parking expansion, razing of the existing farmhouse, consolidation of the existing equipment and supplies near the manufacturing facility, construction of security and screening fencing and entrance improvements and enhancements. Upon completion of the improvements, additional staff will potentially be added.

The manufacturing facility is located at W3946 CTH H and upon a 40-acre parcel (014-00835-0000) that is currently split zoned. BFS also owns the 40-acre parcel (014-00830-0000) to the north that is zoned A1. Currently, equipment and supply trailers are stored on both parcels.

For a Land Use Permit to be issued for these improvements, rezoning of the manufacturing and storage area to industrial is necessary.

### **Purpose and Need**

The purpose of the report is to provide Green Lake County Staff with the facility background and improvement information needed to present the rezoning request to the Green Lake County Board for approval.

## Facility Overview



Historically, the Markesan, Barricade Flasher Service (BFS) Facility, manufactured traffic signage constructed of plywood (cut to size and painted), angle iron (cut to size, punched and painted), sheeting with retro reflective materials and finished by screen printing with a border and message.

The process has been updated and simplified by purchasing aluminum signs that have been sheeted and then messaged by application of vinyl adhesive lettering. This produces much less waste, and no hazardous materials are used.

The facility also has a sandbag production area that is being modernized with robotics.

All the manufacturing is completed indoors and under controlled and monitored conditions. Trailer maintenance and light repair is performed in the shop, but all vehicle maintenance is performed by area providers. No hazardous waste is stored on the site.

The facility buildings include an office, a manufacturing and assembly area, indoor storage building, sandbag production building, maintenance shop and a stand-alone storage building. Additional structures include the original farmhouse (to be razed) and a rock wellhouse (dated 1903) that will be refurbished as part of the facility improvement project.

Additional materials storage is contained within the semi-trailers parked onsite. Future facility improvements will include a cold storage building to store much of these materials.

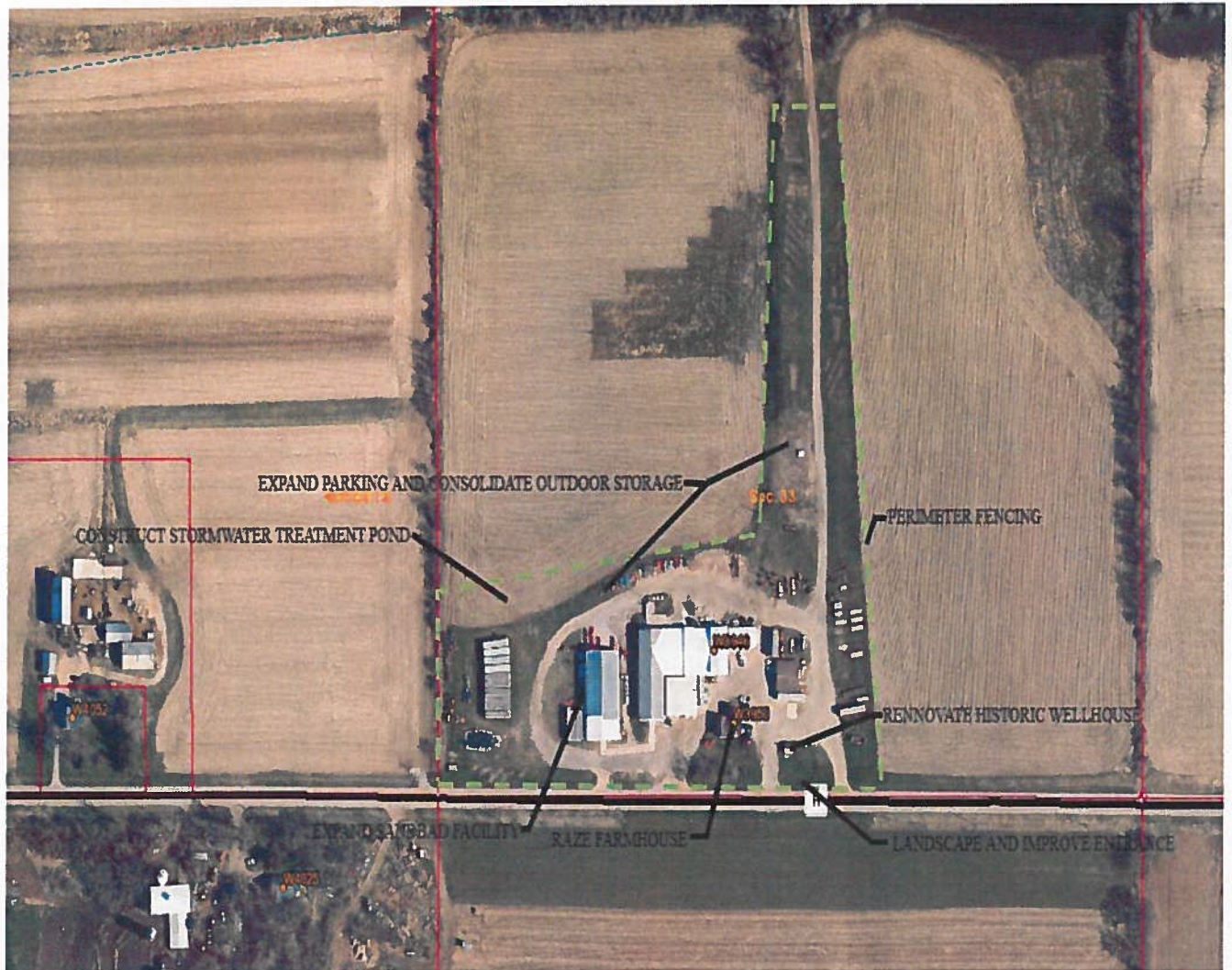
If rezoning is approved, BFS will –

- Expand and consolidate parking on the facility site. This will include removal of the semi-trailers currently stored on the north forty acres to a fenced area within the rezoned parcel, expand the gravel parking area west of the sandbag building and provide a stormwater treatment pond to accommodate runoff from impervious surfaces.
- Provide perimeter security and privacy fencing as approved by Green Lake County that will enclose the entire rezoned parcel.
- Raze the existing farmhouse, abandon the non-conforming well and install a new drilled well to service the facility.
- Renovate the existing historic wellhouse and provide landscaping improvements to the entrance area.
- Future plans include expansion of the sandbag facility and construction of a new indoor storage facility.

**Existing Site Map**



## Proposed Facility Improvements



### Existing Sign Manufacturing Area

Signs are assembled indoors, under controlled conditions and of pre-manufactured components. Some light fabrication occurs.



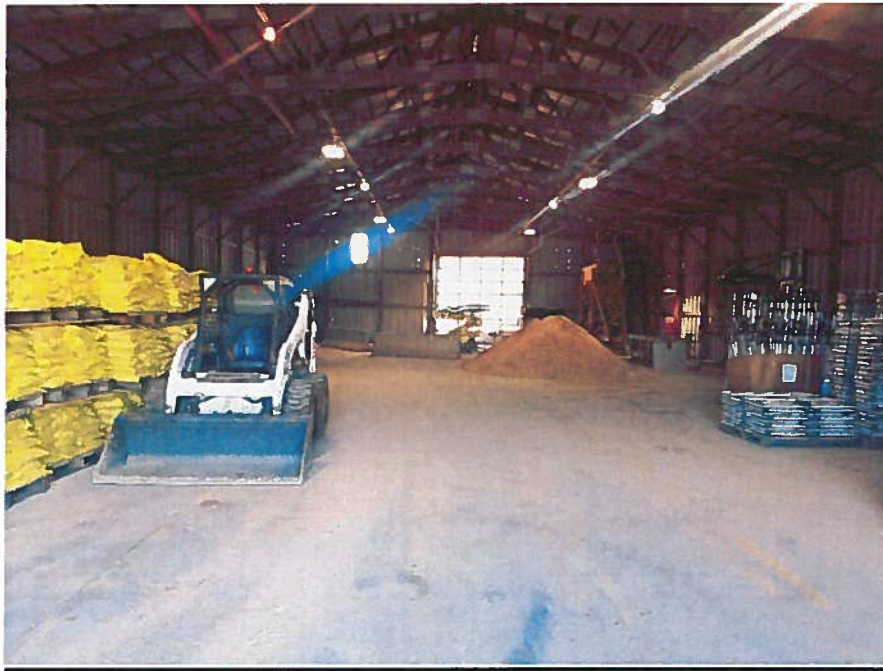
### Existing Sign Manufacturing Component Storage Area

Components are stored indoors and in racks.



### Existing Sandbag Production Building





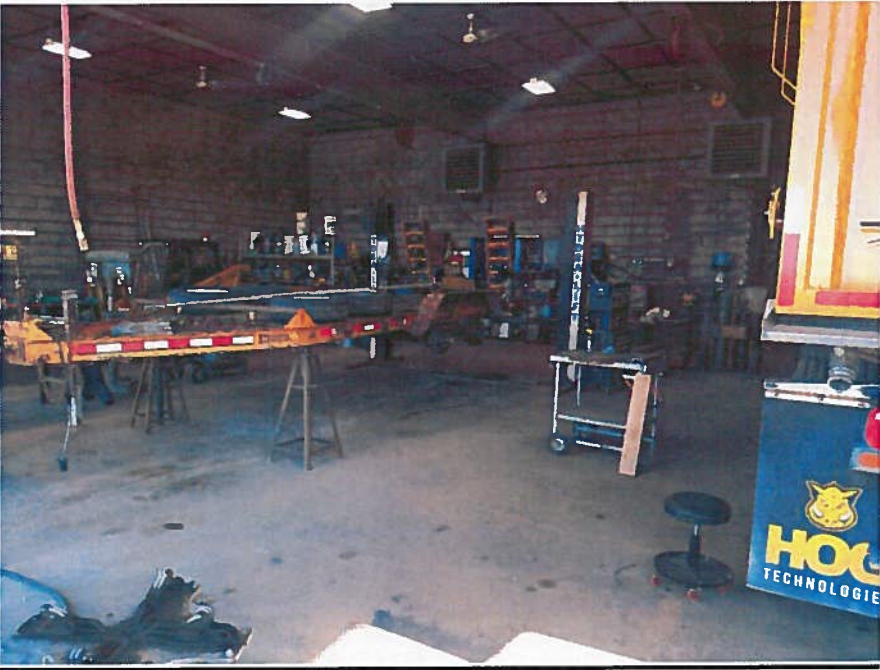
**Existing Sandbag Robotics**



**Maintenance Area - Only light maintenance occurs.**



**Existing Shop**





**Existing farmhouse to be razed**

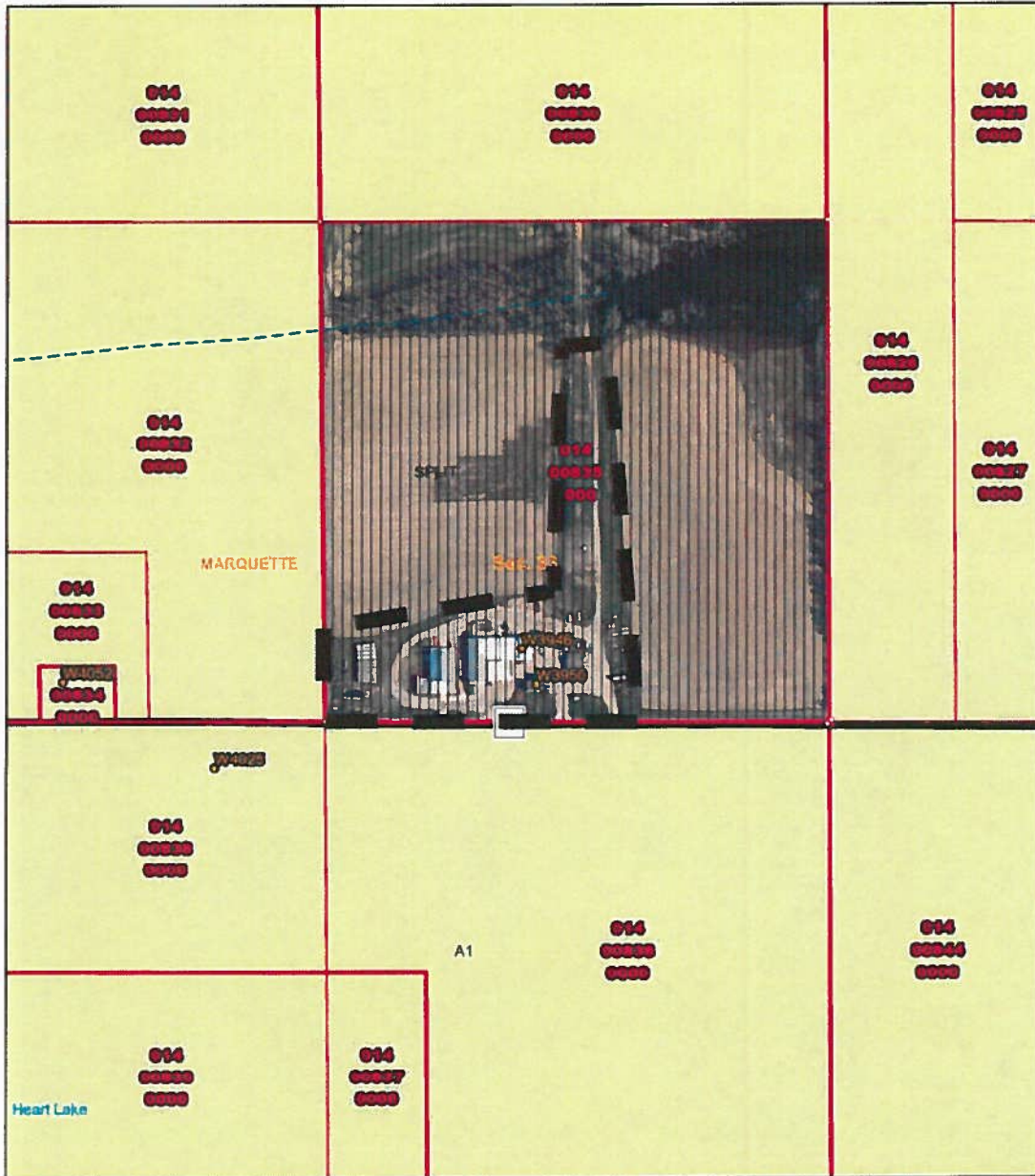




**Existing Wellhouse**





 <p>Green Lake County</p> <p>1 inch = 367 feet</p> <p>Geographic Information System (GIS)  <a href="https://gis.co.green-lake.wi.us/">https://gis.co.green-lake.wi.us/</a></p>	<p><b>PROPERTY LINES WITHIN 1000 FT</b></p> <p>Green Lake County, WI</p>		<p>Time: 4:52:49 PM</p> <p>Date: 7/20/2021</p>
	<p>Note</p>		




 <p>Green Lake County</p> <p>1 inch = 367 feet</p> <p>Geographic Information System (GIS)  <a href="https://gis.co.green-lake.wi.us/">https://gis.co.green-lake.wi.us/</a></p>	<p align="center"><b>ZONING DISTRICTS</b>  <i>Green Lake County, WI</i></p> <p>Note:</p>	<p>Time 4:56:28 PM  Date 7/20/2021</p>	
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 <p>1 inch = 367 feet</p> <p>Geographic Information System (GIS)  <a href="https://gis.co.green-lake.wi.us/">https://gis.co.green-lake.wi.us/</a></p>	<b>CURRENT LAND USE</b> Green Lake County, WI		Time: 4:58:56 PM Date: 7/20/2021
	Note:		






 <p>Green Lake County</p> <p>1 inch = 367 feet</p> <p>Geographic Information System (GIS)  <a href="https://gis.co.green-lake.wi.us/">https://gis.co.green-lake.wi.us/</a></p>	<p><b>TOPO 1 FT</b>          Green Lake County, WI</p> <p>Note</p>	<p>Time 5:02:24 PM          Date 7/20/2021</p>
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 <p>Green Lake County</p> <p>1 inch = 367 feet</p> <p>Geographic Information System (GIS)  <a href="https://gis.co.green-lake.wi.us/">https://gis.co.green-lake.wi.us/</a></p>	<b>SURFACE WATERS - WETLAND - FLOOD</b> Green Lake County, WI		Time 5 05 59 PM Date 7/20/2021
	Note:		





**TOWN OF MARQUETTE**  
Parcel: 014-00833-0000

Tax Report: More Info  
Zoning: A1 Zoning Description  
Legal Acres: 8.33  
Estimated Acres: 8.33  
First Name: ROBIN R & ANN M  
Last Name: HEIN REVOCABLE TRUST  
Name 2:  
Site Address:  
Legal Desc: COM AT INTER CL CTH "H" & W LN SEC 33. RUN E 871', N 450', W 871', S 450' TO BEG EXC PCL TO N NOWATZSKI RECD V200 P593

**TOWN OF MARQUETTE**  
Parcel: 014-00835-0000

Tax Report: More Info  
Zoning: SPLIT Zoning Description  
Legal Acres: 40.00  
Estimated Acres: 40.91  
First Name: ARLENE  
Last Name: MASON  
Name 2:  
Site Address: W3946 COUNTY ROAD H  
Legal Desc: SE1/4 OF THE NW1/4 SEC 33

**TOWN OF MARQUETTE**  
Parcel: 014-00826-0000

Tax Report: More Info  
Zoning: A1 Zoning Description  
Legal Acres: 20.00  
Estimated Acres: 20.49  
First Name: STEVEN F & NANCY J  
Last Name: STELLMACHER  
Name 2:  
Site Address:  
Legal Desc: A STRIP OF LAND 20R WIDE ON THE W SIDE OF THE W1/2 OF THE NE1/4 SEC 33

**TOWN OF MARQUETTE**  
Parcel: 014-00838-0000



Tax Report: More Info  
Zoning: A1 Zoning Description  
Legal Acres: 19.00  
Estimated Acres: 19.43  
First Name: JAMES R & MARCEDA A  
Last Name: STELLMACHER  
Name 2:  
Site Address: W4025 COUNTY ROAD H  
Legal Desc: THE N1/2 OF THE NW1/4 OF THE SW1/4 SEC 33 EXC THE W 4R

**TOWN OF MARQUETTE**  
Parcel: 014-00836-0000

Tax Report: More Info  
Zoning: A1 Zoning Description  
Legal Acres: 36.00  
Estimated Acres: 36.77  
First Name: JAMES R & MARCEDA A  
Last Name: STELLMACHER  
Name 2:  
Site Address:  
Legal Desc: NE1/4 OF THE SW1/4 SEC 33 EXC THE W 18R OF THE SW1/4 THEREOF

**TOWN OF MARQUETTE**  
Parcel: 014-00844-0000

Tax Report: More Info  
Zoning: A1 Zoning Description  
Legal Acres: 46.00  
Estimated Acres: 46.82  
First Name: STEVEN F & NANCY J  
Last Name: STELLMACHER  
Name 2:  
Site Address:  
Legal Desc: NW1/4 OF THE SE1/4 EXC THE S 4 ACRES IN THE SE1/4 OF THE NW1/4 & THE NW1/4 OF THE SW1/4 OF THE SE1/4 SEC 33 SUB TO ESMT

 <p><b>GREEN LAKE COUNTY</b></p> <p>1 inch = 367 feet</p> <p>Geographic Information System (GIS) <a href="https://gis.co.green-lake.wi.us/">https://gis.co.green-lake.wi.us/</a></p>	<p><b>PINS AND PARCEL OWNERS ADJACENT PROPERTIES</b></p> <p><i>Green Lake County, WI</i></p>		<p>Time 5:09:23 PM Date 7/20/2021</p>
	<p>Note:</p>		

**List of the property identification numbers (PINs) and owners (and their mailing addresses)  
of all parcels adjacent to the parcel(s) making up the proposed development site.**

TOWN OF MARQUETTE  
**Parcel:** 014-00832-0000

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**Tax Report:** [More Info](#)  
**Zoning:** A1 [Zoning Description](#)  
**Legal Acres:** 30.01  
**Estimated Acres:** 31.79  
**First Name:** ROBIN R & ANN M  
**Last Name:** HEIN REVOCABLE TRUST  
**Name 2:**  
**Site Address:**  
**Legal Desc:** SW1/4 OF THE NW1/4 SEC 33: EXC COM WHERE CTH "H" INTER W LN SEC 33: RUN E 871'; N 450'; W 871'; S ON W LN 450' TO BEG

TOWN OF MARQUETTE  
**Parcel:** 014-00838-0000

---

**Tax Report:** [More Info](#)  
**Zoning:** A1 [Zoning Description](#)  
**Legal Acres:** 19.00  
**Estimated Acres:** 19.43  
**First Name:** JAMES R & MARCEDA A  
**Last Name:** STELLMACHER  
**Name 2:**  
**Site Address:** W4025 COUNTY ROAD H  
**Legal Desc:** THE N1/2 OF THE NW1/4 OF THE SW1/4 SEC 33 EXC THE W 4R

TOWN OF MARQUETTE  
**Parcel:** 014-00836-0000

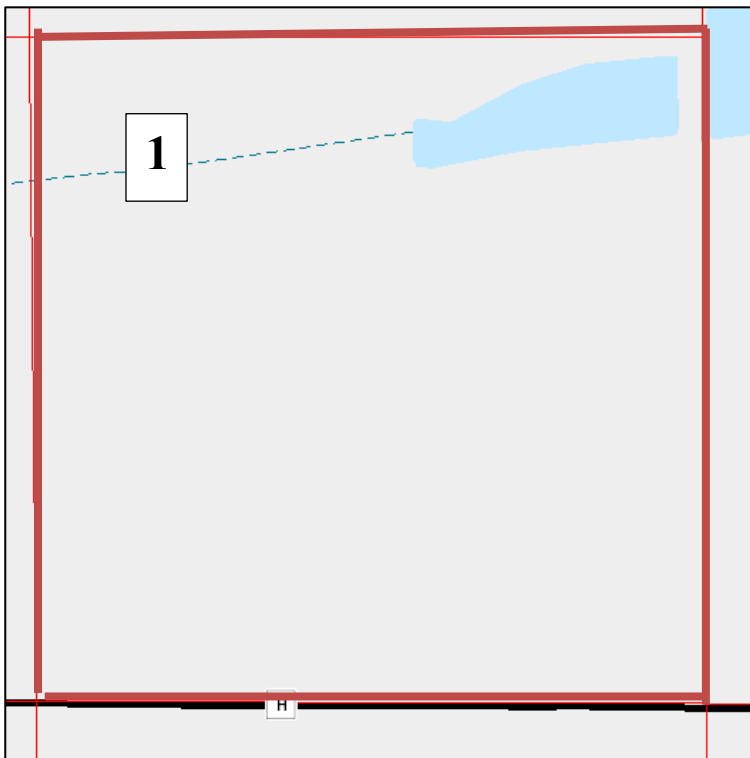
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**Tax Report:** [More Info](#)  
**Zoning:** A1 [Zoning Description](#)  
**Legal Acres:** 36.00  
**Estimated Acres:** 36.77  
**First Name:** JAMES R & MARCEDA A

**Owner: Arlene Mason, POA: Jim Lampman**  
**Agent: Randy Douglas - Town of Marquette**  
**W3946 Cty. Rd. H, Parcel #014-00835-0000,**  
**Part of the NW1/4 of Section 33, T15N, R12E**

**Existing Configuration**

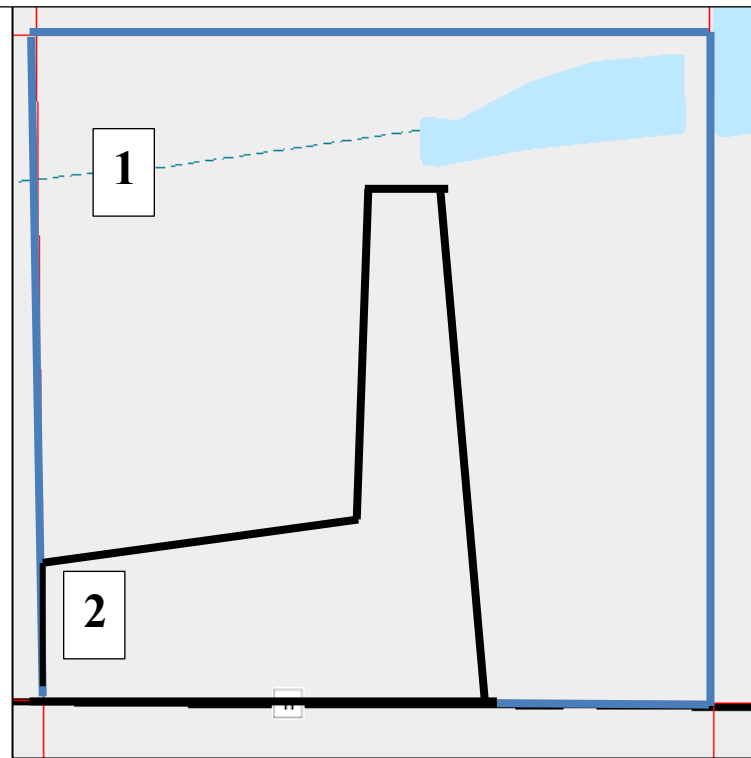
1 = 40 acre parcel split-zoned A-1, Farmland Preservation District and C-2, Extensive Commercial District



**Proposed Configuration**

1 = Newly created ±33 acre parcel zoned A-1, Farmland Preservation District

2 = Newly created ±7 acre parcel zoned I, Industrial District



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<sup>00</sup> (not refundable)

Date 8/17/21

Zone Change from A2 to C2

Conditional Use Permit for \_\_\_\_\_

Other \_\_\_\_\_

**PROPERTY OWNER / APPLICANT**

Name Thomas Willett

Mailing Address N 3531 Brooklyn C

Phone Number 920 948-3445

Signature [Signature] Date 12-13-21

**AGENT IF OTHER THAN OWNER**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PROPERTY INFORMATION**

Town of Brooklyn Parcel Number 004-00307-0109 Acres ±1.60

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Section 15 Town 16 North Range 13 East

Location of Property N6205 Busse Dr

Legal Description Medical Clinic

Lots 1 and 2 CSM 1141 V4 (A res lot ± CSM 252) Sec 15.

Current Zoning Classification A2 Current Use of Property Medical Clinic

Detailed Description of Proposed Use \_\_\_\_\_

**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

# LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

November 4, 2021

## ITEM II: ZONING CHANGE

**OWNER:**

Thomas & Jane Willett

**APPLICANT:**

Thomas Willett

**REQUEST:** The owner is requesting a zoning change from A-2, General Agriculture District to C-2, Extensive Commercial District, ±1.6 acres

**PARCEL NUMBER / LOCATION:** The affected parcel number is 004-00307-0100 which is located in the southwest quarter of Section 15, T16N, R13E, Town of Brooklyn. The site proposed for the zoning change is located at N6205 Busse Dr.

**EXISTING ZONING AND USES OF ADJACENT AREA:** The current zoning of the parcel referenced above is A-2, General Agriculture District. The lands surrounding this parcel north of Highway 23/49 are zoned A-2 and C-2. The parcels south across Highway 23/49 are zoned C-2, R-1, Single Family Residence District, and a City of Green Lake municipal parcel. The parcel referenced above does not fall within shoreland, wetland, or floodplain jurisdiction.

**ADDITIONAL INFORMATION / ANALYSIS:** The current use of the property is a medical clinic. The application did not specify the reasoning behind the rezone or any additional information. It is possible the intention of the rezone is to have a properly zoned parcel based upon its current use. A medical clinic is allowed in the C-2 District and would allow for future expansion.

**REZONING CRITERIA PER §350-75.A.:** Land may be rezoned if all of the following are found after public hearing: **(Staff comments in bold)**

The amendment is consistent with community land use plan (comprehensive plan). **The proposed rezone is consistent with the county's comprehensive plan as it would promote commercial development in areas that are suitable for commercial purposes and compatible with neighboring uses.**

The amendment will not be detrimental to property in the immediate vicinity or to the community as a whole. **The property has not been used agriculturally for over 25 years. In 1995 a land use permit for a medical clinic was issued. Rezoning to C-2 should not be detrimental to property in the immediate vicinity as it has already been used commercially for 25 years.**

The amendment will not have a significant adverse impact on the natural environment (i.e., air, water, noise, stormwater management, soils, wildlife, vegetation, etc.), or the impact could be mitigated by management practices on the site or in the immediate vicinity. **By allowing for extensive commercial uses on the parcel, the permitted uses should not have significant adverse impacts on air, water, noise, stormwater management, soils, wildlife, vegetation, etc. Conditional uses allowed in the extensive commercial district would be**

**reviewed by the planning and zoning committee where impacts on the natural environment can be limited.**

The amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services (i.e., highways, streets, water, sewage, drainage, schools, emergency services, etc.). **Rezoning a parcel from A-2 to C-2 could adversely impact the ability to provide adequate public facilities or services but infrastructure to access the parcel is already present. The building has been around for 25 years and has access to water, sewage treatment, emergency services, etc.**

The amendment allows a more viable transition to planned land uses on adjacent properties than the current zoning designation. **The historic use of the parcel has also been commercial for over 25 years. The proposed location for an A-2 to C-2 rezone is not located in a rural setting surrounded by agricultural lands or rural residences. The parcel is situated between a state highway and other non-residential buildings and would allow for economic growth via how the C-2 parcel is used compared to ±1.6 acres of farmland (which once again has been historically used commercially).**

The amendment will not result in inappropriate spot-zoning (i.e., use is inconsistent with surrounding properties and serves only a private, rather than public interests). **Spot-zoning would not be an issue as there is already a mix of agriculture, single family, commercial, and industrial zoned parcels all within close proximity to the parcel referenced above. Commercial and agricultural use are the most common development near the parcel referenced above.**

**TOWN OF BROOKLYN:** An Action Form requesting the Town's input related to this zoning change request was sent to the Town Clerk on 9/14/2021. The town did not object and did recommend approval of this request. Administratively resolved.



Green Lake County

1 inch = 65 feet

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

**GIS Viewer Map**  
 Green Lake County, WI

Time: 1:38:53 PM  
 Date: 8/17/2021

Note: **Rezone 1.60 acres from A-2, General Agriculture District, to C-2, Extensive Commercial District**

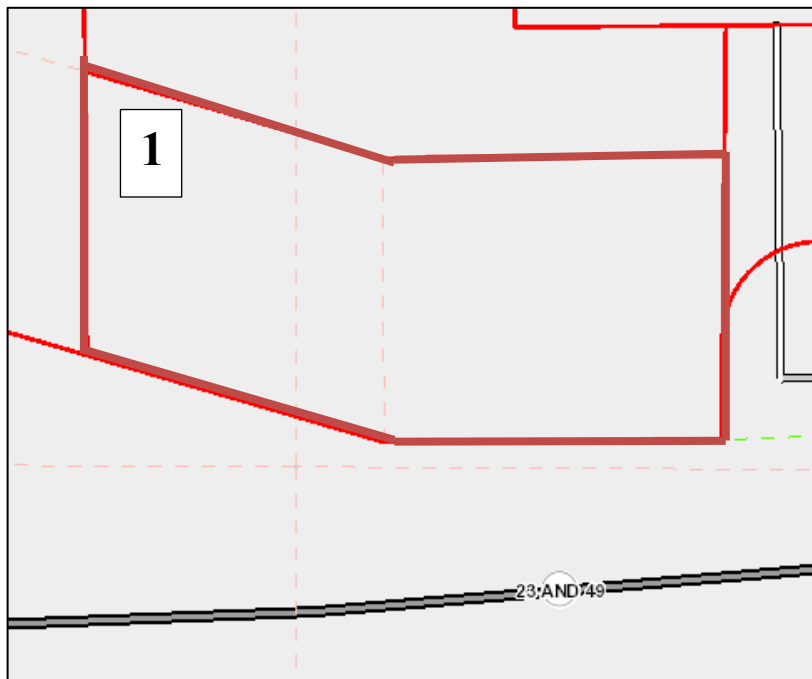




**Thomas & Jane Willett – Town of Brooklyn  
N6205 Busse Dr., Parcel #004-00307-0100,  
Part of the SW ¼ of Section 15, T16N, R13E**

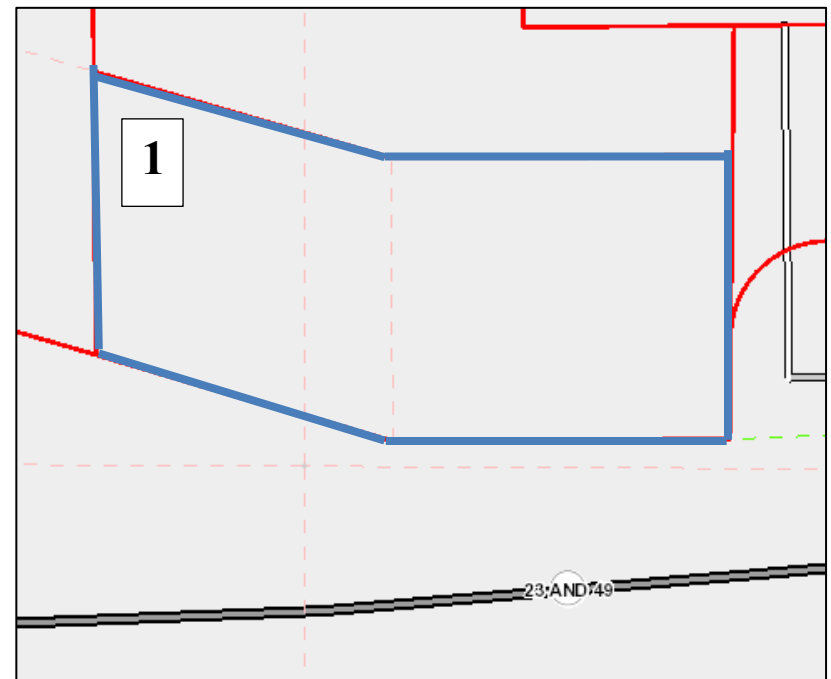
**Existing Configuration**

**1** = ±1.6 acre parcel zoned A-2, General Agricultural District.



**Proposed Configuration**

**1** = ±1.6 acre parcel zoned C-2, Extensive Commercial District.



# TOWN BOARD ACTION

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~~  
(Date) \_\_\_\_\_.

**Owner/Applicant:** Thomas & Jane Willett

**Site Location:** N6205 Busse Dr., Green Lake

**General legal description:** Parcel 004-00307-0100, part of the SW 1/4 of S15, T16N, R13E, Town of Brooklyn, 1.6 acres

**Request:** Rezone 1.6 acres from A-2, General Agricultural District, to C-2, Extensive Commercial District.

**Planned public hearing date for the above requests:** November 4, 2021

**Town Does Not object to and Approves of request**

**No action taken**

**Objects to and requests denial of request**

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

- Reason(s) for objection:

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*Mike West*  
Town Representative

10-20-21  
Date Signed

NOTES: Administrative Resolved

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Please return this form to the Land Use Planning & Zoning Office by: **October 22nd, 2021**

294-2198 FAX

# LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

November 4, 2021

## ITEM III: CONDITIONAL USE PERMIT (CUP)

### OWNER:

Andrew & Ruby Schrock

### APPLICANT:

Same

**REQUEST:** The owner/ applicant is requesting a conditional use permit to operate a wood finishing business as an agricultural accessory use.

**PARCEL NUMBER / LOCATION:** The affected parcel number is 012-00244-0000, located in the SW ¼ of the NW ¼ of Section 14, T14N, R12E, and Town of Manchester. The site proposed for the CUP is located at N1546 County Road S

**EXISTING ZONING AND USES OF ADJACENT AREA:** The current zoning of the subject parcel is A-1, Farmland Preservation District. The adjacent lands to the east and north are zoned A-1. The lands to the south and west are zoned as R-1 and R-3. The proposed property does fall under the Shoreland Zoning Ordinance, and the Floodplain Zoning Ordinance

**ADDITIONAL INFORMATION / ANALYSIS:** Under the current A-1 Zoning a business could not be operated in a building on this property unless more than 50% of that building was dedicated towards an Agricultural use. The newly proposed building would be 26'x36' and have two stories. The second story would be used for hay and Ag storage and most of the first floor will be used for the wood finishing business. Historically the property has sat empty until a year ago when the current owner built a house, woodshed, and pump house on the property. Currently there are horses and chickens on the property as well. The proposed wood finishing business would be operated year round Monday to Friday from 8:00 am to 4:00 pm. Any leftover hazardous waste (unused wood finish, stain...) would properly disposed of either during the county clean sweep or taken to a hazardous waste site. The owner estimates that at most 20 gallons of unused/extra finish and stain may be accumulated over a year.

### **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 provide, adequately, 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 general criteria for review as listed above. If the Committee wishes to approve this request, the following conditions may be appropriate:

1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
2. All materials and other wood finishing equipment shall be stocked, piled, or stored in a building. No waste materials from the woodworking shop shall be stacked, piled or strewn about on the subject site.
3. The newly proposed building must be primarily used and designed towards agricultural uses.

**TOWN OF MANCHESTER**: An Action Form requesting the Town's input related to this zoning change request was emailed to the Town Clerk on September 14<sup>th</sup>, 2021.

Fee Received (Non-Refundable) 375

Date 8/23/21

By signing and submitting this completed application with public hearing fee, the applicant or agent requests the Land Use Planning & Zoning Committee consider the conditional use permit request at the next available public hearing.

**PROPERTY OWNER / APPLICANT**

Name Andrew J. Schwartz

Mailing Address N 1546 Cty S Markesan WI 53946

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Signature Andy Schwartz Date 8-23-21

**AGENT IF OTHER THAN OWNER**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PROPERTY INFORMATION**

Town of Manchester Location of Property N1546 Cty S

Section 14 Town 14 N Range 12 E

Affected Parcel Number(s) 012-00244-0000 Affected Acres ≈ 1000 ft<sup>2</sup>

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

CSM \_\_\_\_\_ Lot \_\_\_\_\_ or COS \_\_\_\_\_

Legal Description \_\_\_\_\_

↳ see Attached Deed copy

Current Zoning Classification A-1

Present Use of Property: (List all current uses and improvements, i.e. home, store, farm field, wooded, etc.)

House / Residence, woodshed, Pump house, Mainly used as Residence, but does have horses and chickens

**PROPOSAL** - Use separate or additional sheet(s) IF necessary

If this application is for a use that will be contained to a part of the parcel, specify the exact dimensions of the affected area. \_\_\_\_\_

If this box is checked, provide the following information:

Proposed use has additional minimum development standards in Section \_\_\_\_\_.  
Explain how your proposal meets or exceeds these requirements.

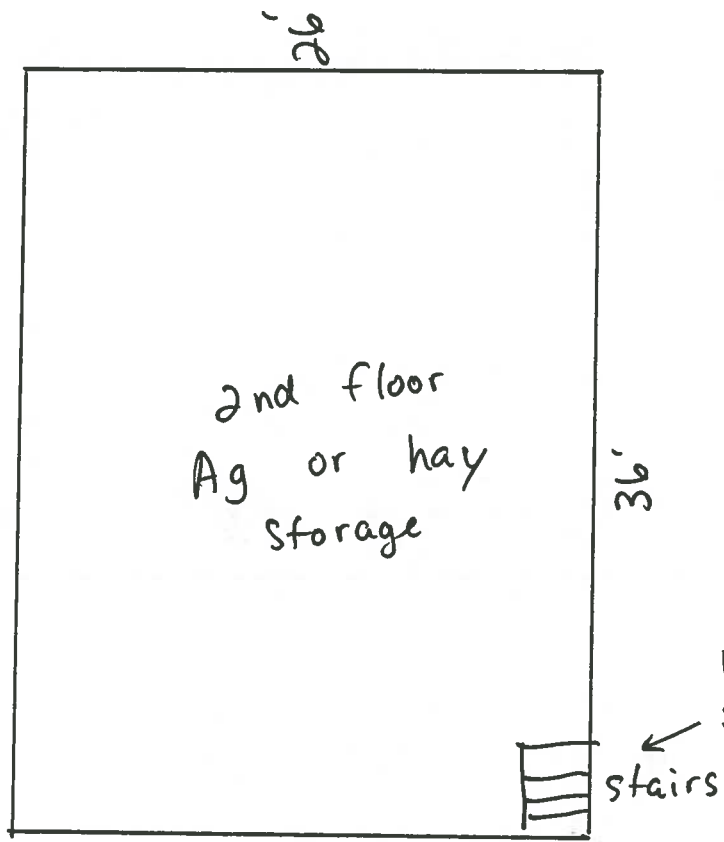
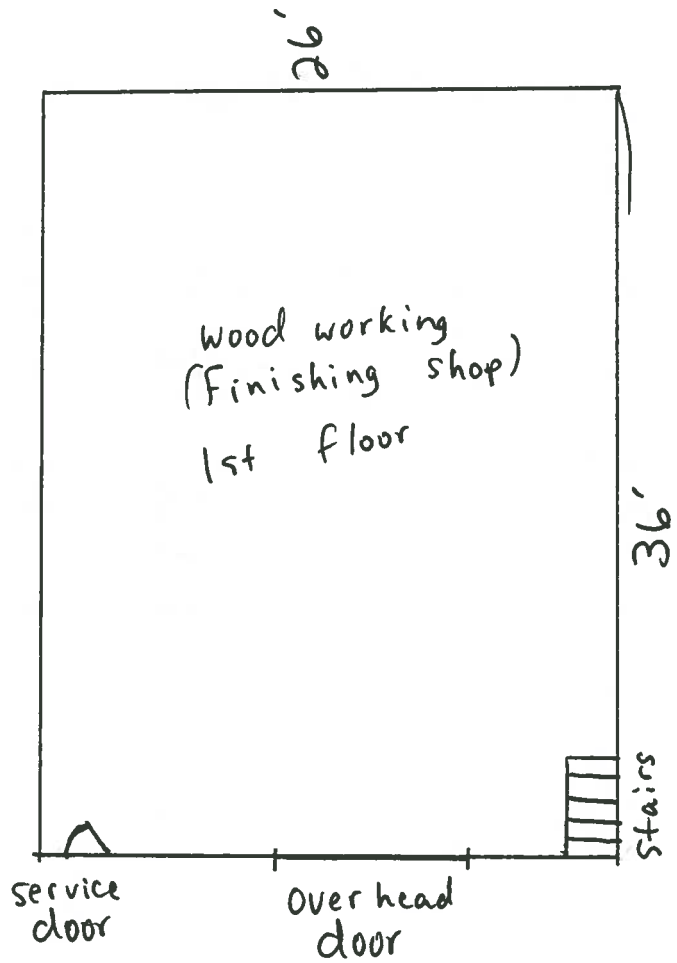
**OPERATIONAL PLAN NARRATIVE**

- property was kept empty and used as a natural area / bought the property a year ago
- historically it's been used as a natural area residence and light agricultural use
- Put up building for woodfinishing business ~~and ag~~ on first floor and ag storage on 2nd floor
- Take product in from customers. Stain and finish the product and send it to customer again.
- Normal business hours year around. 8<sup>AM</sup>-4<sup>PM</sup> Mon thru Fri.
- New 26 X 36 shed
- It will be used as a shop/ag storage combo.
- We Not a plan in place but plan to work with another woodworking shop or work with Waste Management to dispose of hazardous waste. Or Collect in container until clean sweep and dispose of it there.

— Waste will be contained and then disposed of at clean sweep or waste management.

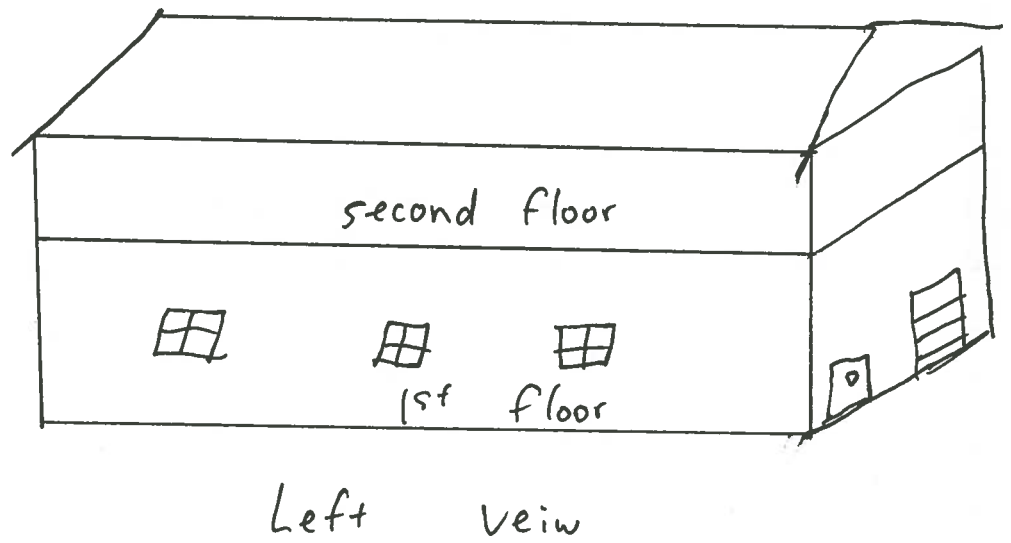
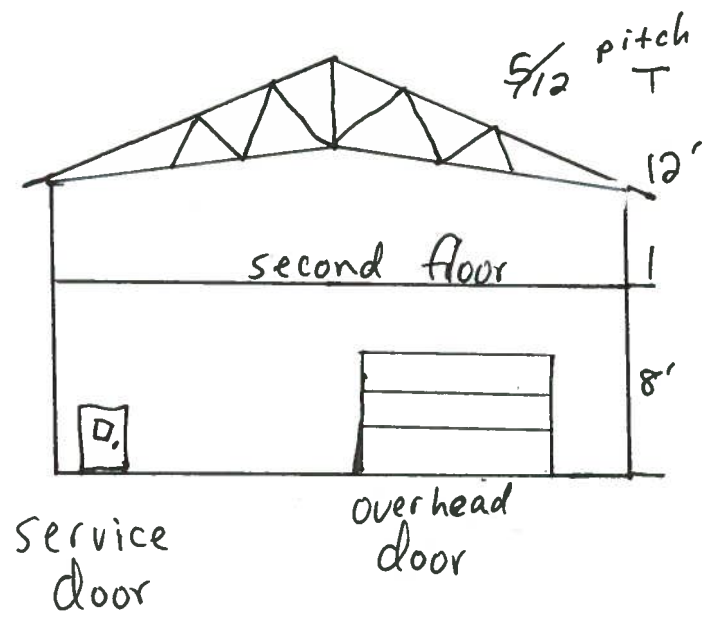
— Because I own it and live there, it will add this service to the area. And I will be working at home.

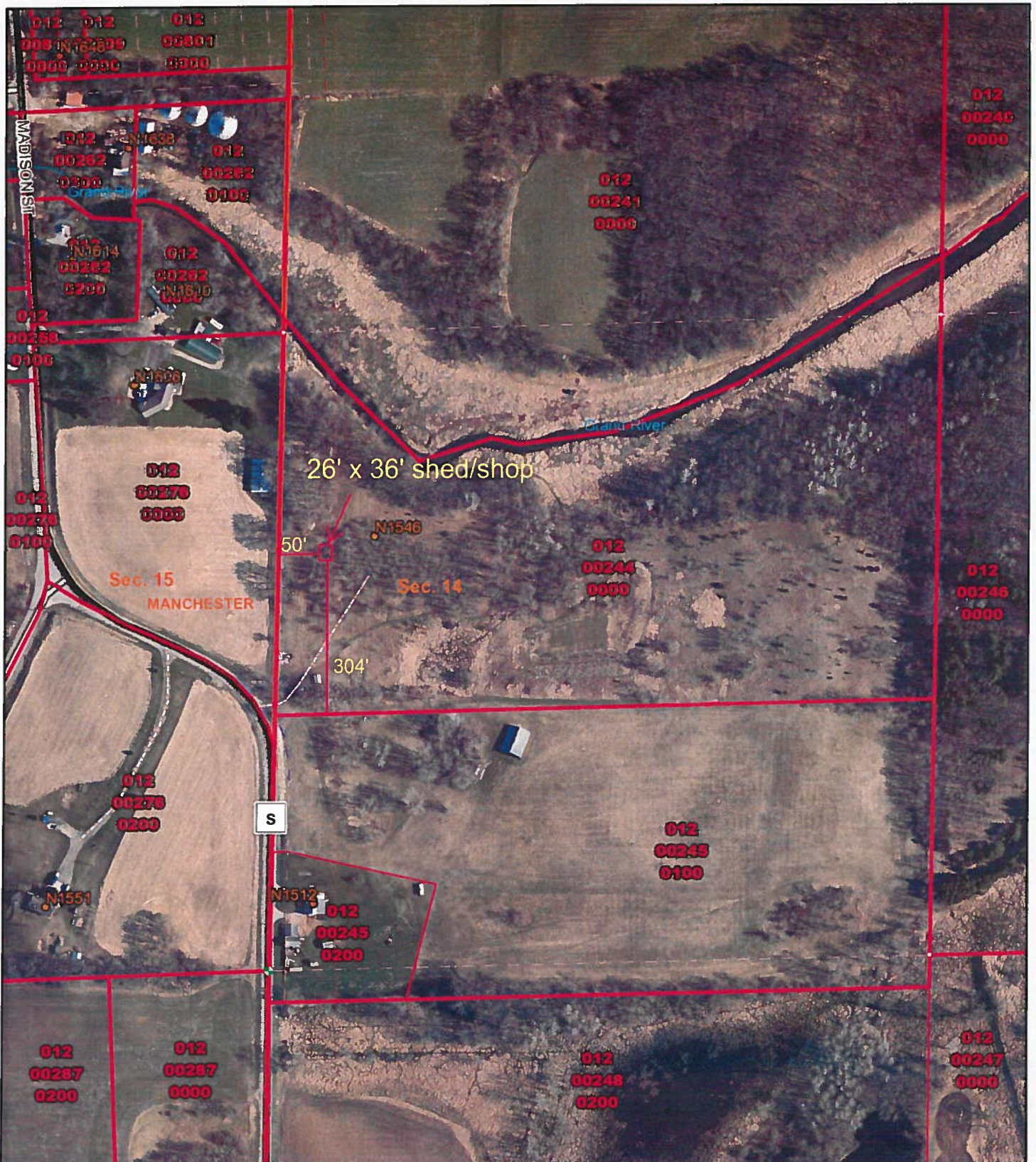
— Expects at most 20 Gallons of Hazardous per year, Plans on using most the Stain/Finish



area under stairs  
used for ag tools  
storage







Green Lake County

1 inch = 281 feet

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

**GIS Viewer Map**  
 Green Lake County, WI

Time: 9:46:24 AM  
 Date: 8/20/2021

Note:

*Andy Schwuchs*



## Land Use Planning and Zoning Committee Staff Report

Public Hearing

November 4, 2021

### Item IV: Conditional Use Permit (CUP)

**Owners:**

Cletus & Alma Bontrager

**Applicant:**

Same

**Request:** The owners/applicant are requesting a conditional use permit to operate a sawmill as an agricultural related use and a dog kennel as agricultural accessory use.

**Parcel Number/ Location:** The request affects parcel 012-00137-0500 (±21.15 acres) located in the NE ¼ of the NW ¼ of Section 9, T14N, R12E, Town of Manchester. The site address is W3805 Heritage Rd.

**Existing Zoning and Uses of Adjacent Area:** The subject site is currently zoned as A1- Farmland Preservation District. All of the surrounding properties are zoned as A-1. Flood plain and shore land zoning do not apply to this property

**Additional Information/Analysis:** This site has been used agriculturally for at least the last 30 years. There is one house and a few Ag buildings on the property. Currently a sawmill is located inside one of the barns and a “dog kennel” has been setup in another barn.

The sawmill that the owner proposes will run Monday- Saturday from 6:00 AM to 6:00 PM and will be used to cut logs into boards. There also would be an outdoor storage area for logs and another storage area for cut lumber. Since a sawmill is considered an Agricultural related use it does not need to be located in a building that is designed and used primarily as an agricultural use. All the logs are brought in before the road restrictions start on heritage road and the sawdust will be used as animal bedding and is later composted.

The dog kennel will normally be operated between 6:00 AM to 6:00 PM every day excluding special circumstances. The facility will have roughly 38 adult dogs and the puppies will be sold to pet stores and brokers. There may be roughly 100 dogs onsite at a time including puppies and adult dogs depending on the litter size. Roughly 100 puppies will be sold a year from this facility. Cletus Bontrager does have current DATCP and USDA licenses to operate a dog breeding facility. Since a dog breeding facility is not considered an agricultural use the building that the dog breeding facility is located must be primarily used agriculturally. The barn that contains the dog breeding facility is 4,300 Square feet in size. The dog kennels takes up around 1,900 square feet. The applicant has also obtained a sound abatement plan from IMEG to address any sound nuisances created by the dogs.

**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 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 provide, adequately, 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 general criteria for review as listed above. If the Committee wishes to approve this request, the following conditions may be appropriate:

1. No additional expansion or addition of structures relating to the conditional use permit for the sawmill shall occur without review and approval through future conditional use permit(s).
2. Hours of operation / manufacturing shall occur between 6:00am and 6:00pm Monday thru Saturday.
3. If on-site lighting is proposed, only the subject sites shall be illuminated, and the lighting shall occur with no direct glare affecting adjoining properties or adjacent traffic.
4. The property owner to provide documentation from IMEG to the Green Lake County Land Use Planning & Zoning Department that all sound abatement practices and procedures per the IMEG sound abatement plan have been installed and implemented within 60 days of this public hearing.
5. The owner must maintain any licenses required by DATCP and the USDA regarding dog breeding facilities.
6. The proposed dog kennel use identifies the location, the structure size, the number of dog pens, whelping pens, dog run size and the total number of adult dogs and puppies authorized under this conditional use permit. The expansion of any of the above is prohibited.
7. The owner/applicant shall apply for and receive a County "After-the fact" Land Use Permit for the dog kennel and the sawmill.
8. In accordance with Section 350-57 of the County Zoning ordinance any citizen or official may submit a complaint to the Land Use Planning and Zoning Department. In the event that this CUP is revoked, the use authorized herein shall be eliminated from the property

and any subsequent CUP approval will be subject to the ordinances standards in place at that time.

9. The operator authorized herein shall maintain compliance with ATCP 16. In the event that the property is found to be in violation of ATCP 16, Section 350-57 of the County ordinance may be enforced and ultimately this CUP may be revoked.
10. The operator authorized herein is required to obtain and show proof that they are licensed with the USDA APHIS and Wisconsin DATCP
11. The operator authorized herein shall follow the Animal Welfare Act [United States Code, Title 7 (Agriculture), Chapter 54 (Transportation, Sale, and Handling of Certain Animals), Sections 2131– 2159]; and the Animal Welfare Regulations [Code of Federal Regulations, Title 9 (Animals and Animal Products), Chapter 1 (Animal and Plant Health Inspection Service, Department of Agriculture), Subchapter A (Animal Welfare), Parts 1–4].

**TOWN OF MANCHESTER:** An Action Form requesting the Town's input related to this zoning change request was emailed to the Town Clerk on September 14<sup>th</sup>, 2021.

Fee Received (Non-Refundable) 375.00

Date 3


By signing and submitting this completed application with public hearing fee, the applicant or agent requests the Land Use Planning & Zoning Committee consider the conditional use permit request at the next available public hearing.

**PROPERTY OWNER / APPLICANT**

Name Cletus D. Bontrager

Mailing Address W3805 Heritage Rd. Markeson, WI. 53946

Phone Number N/A. Email N/A.

Signature  Date 9-1-21

**AGENT IF OTHER THAN OWNER**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PROPERTY INFORMATION**

Town of Manchester Location of Property W3805 Heritage Rd.

Section 9 Town 14 N Range 12 E

Affected Parcel Number(s) 012-00137-0500 Affected Acres 19,300 ft<sup>2</sup> → Sawmill  
8500 ft<sup>2</sup> → Dog Kennel

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

CSM 3596 Lot 1 or COS \_\_\_\_\_

Legal Description \_\_\_\_\_

Current Zoning Classification A-1

Present Use of Property: (List all current uses and improvements, i.e. home, store, farm field, wooded, etc.)

Home, Livestock, Agricultural

# Sawmill

## PROPOSAL - Use separate or additional sheet(s) IF necessary

Describe **specifically** the nature of this request (List all proposed uses of the parcel.) What do you plan to do?

Operate a Sawmill

If this application is for a use that will be contained to a part of the parcel, specify the exact dimensions of the affected area.

↳ see Site plan

If this box is checked, provide the following information:

Proposed use has additional minimum development standards in Section \_\_\_\_\_.

Explain how your proposal meets or exceeds these requirements.

## OPERATIONAL PLAN NARRATIVE

- Owner lived here for 7 years and mostly raised livestock and did ag. activities
- Mostly Ag. use
- Operate a Sawmill
- Buy logs and cut them to whatever orders they have. They also do custom orders
- Part of Ag building is converted to the sawmill area
- No new structures
- Noise, Truck traffic
- Inside ↳ Logs are brought in before the weight restrictions take place
- Any sawdust is used for bedding or made in compost, wood Edgings/scraps will be chipped into mulch
- Sawmills fit well with Ag. Properties

Fee Received (Non-Refundable) \_\_\_\_\_

Date \_\_\_\_\_


By signing and submitting this completed application with public hearing fee, the applicant or agent requests the Land Use Planning & Zoning Committee consider the conditional use permit request at the next available public hearing.

**PROPERTY OWNER / APPLICANT**

Name Cletus D. Bontrager

Mailing Address W3805 Heritage Rd. Markeson, WI. 53946

Phone Number N/A. Email N/A.

Signature  Date 9-1-21

**AGENT IF OTHER THAN OWNER**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PROPERTY INFORMATION**

Town of Manchester Location of Property W3805 Heritage Rd.

Section 9 Town 14 N Range 12 E

Affected Parcel Number(s) 012-00137-0500 Affected Acres 19,300 ft<sup>2</sup> → Sawmill  
8500 ft<sup>2</sup> → Dog Kennel

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

CSM 3596 Lot 1 or COS \_\_\_\_\_

Legal Description \_\_\_\_\_

Current Zoning Classification A-1

Present Use of Property: (List all current uses and improvements, i.e. home, store, farm field, wooded, etc.)  
Home, Livestock, Agriculture



# Dog kennel

## PROPOSAL - Use separate or additional sheet(s) IF necessary

Describe **specifically** the nature of this request (List all proposed uses of the parcel.) What do you plan to do?

Dog kennel / Dog breeding facility

If this application is for a use that will be contained to a part of the parcel, specify the exact dimensions of the affected area.

↳ See site plan

If this box is checked, provide the following information:

Proposed use has additional minimum development standards in Section \_\_\_\_\_.

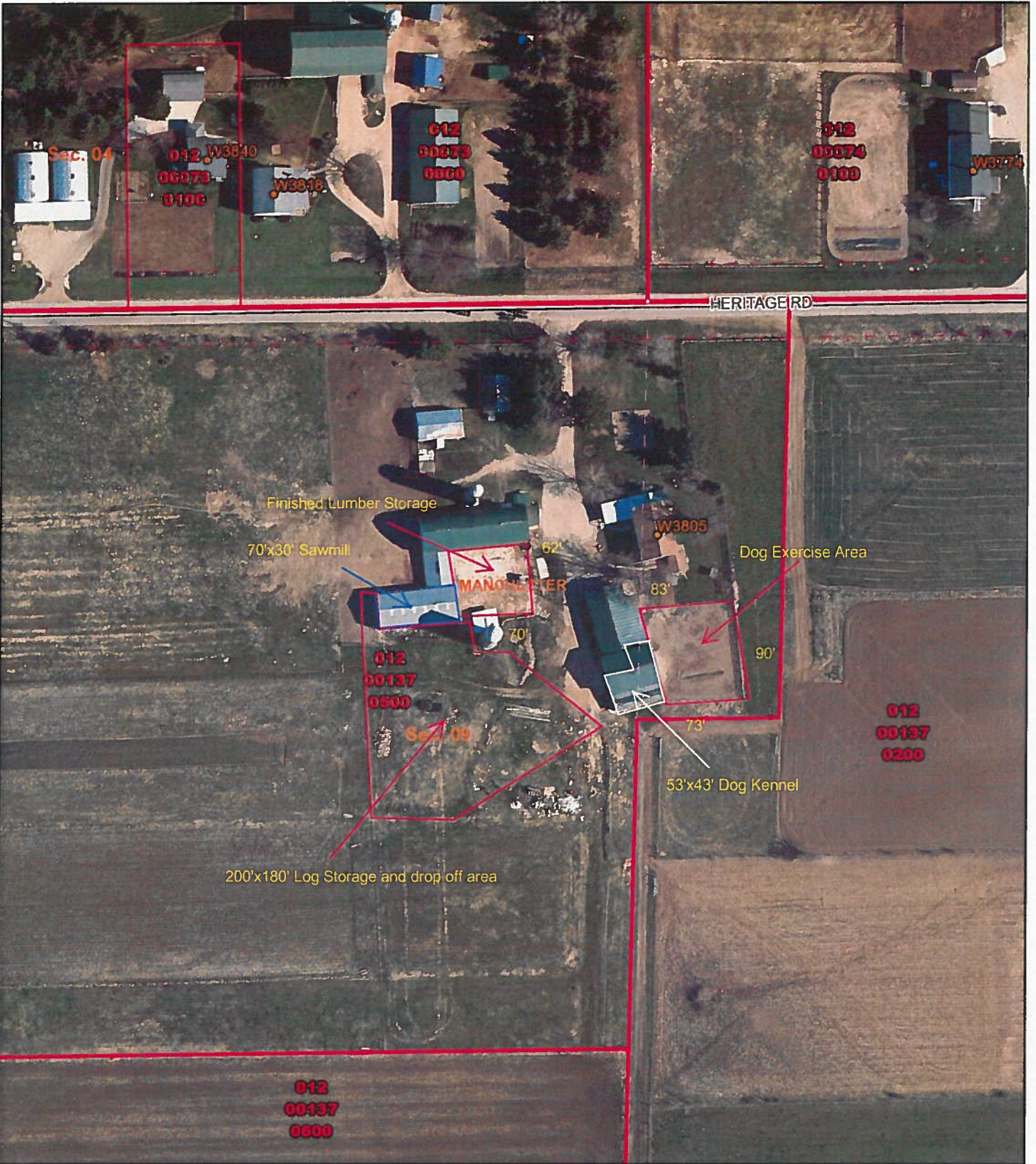
Explain how your proposal meets or exceeds these requirements.

## OPERATIONAL PLAN NARRATIVE

- Cletus has DATCAP license and State/USDA License to operate ~~kennel~~ Kennel and has been in the business for one year.
- Mostly used Agriculturally historically with a Residence
- Currently 38 adult dogs and dogs are sold to pet stores and brokers. Before they are sold all dogs have a Vet check them and each dog has it's own records. Breeding Stock gets Vet checked at least once a year. All dogs on vaccine, deworming, and grooming schedules. Owner/operators cannot put down a dog unless no other vets are available and they have permission from the vet to put it down. Retired dogs are either sold or put out to adoption. Sell around 100 puppies per year. ~~At~~ Will usually have 100 dogs on site at once including puppies + adults
- Used Year round, ~~used~~ Hours of work between 6am - 6 PM unless dogs need attention

**OPERATIONAL PLAN NARRATIVE (continued)**

- Current Ag building will partially be converted to the dog kennel
- No New Structures
- Working with IMEG to come up with noise abatement plan.  
For waste wood shavings are used as bedding and waste is collected in the bedding which is then piled and left to decompose/compost
- Compost/decompose dog waste
- Property is ~~owned~~ owned by applicant and the dog kennel is related to an agricultural/rural setting. Created chores for kids. Provides an area for people to get dogs



Green Lake County

1 inch = 121 feet

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

### GIS Viewer Map

Green Lake County, WI

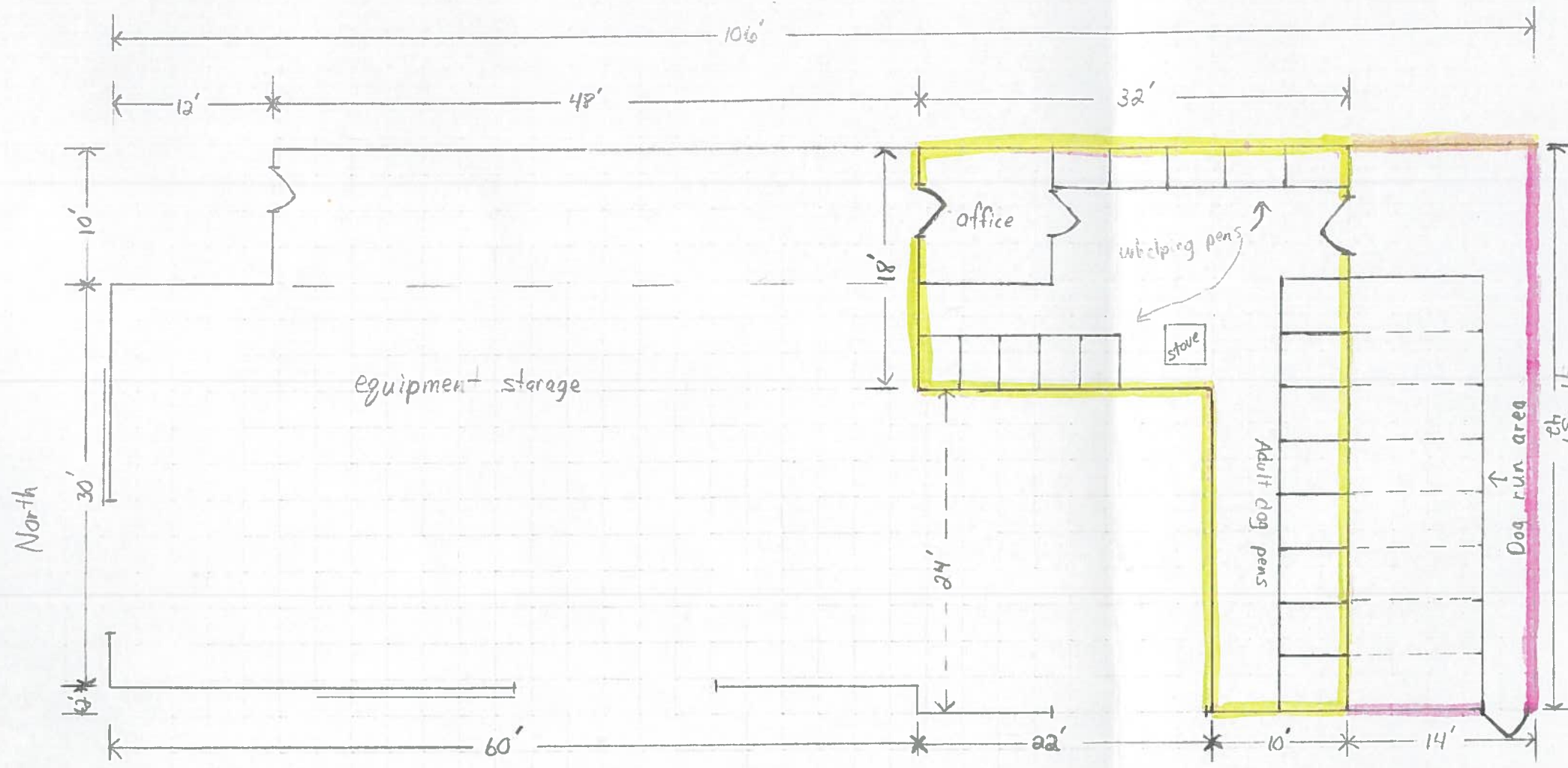
Time: 3:14:51 PM  
 Date: 9/1/2021

Note:



# Floor Plan For Cletus Bantreger's Dog Breeding Facility

East



"Heated area is under 8' high loft in a 16' High sidewall shed"

3/32" scale

"Highlighted area is actual dog breeding facility." Adult dogs have access to unheated run area at all times.

West

- = unheated area
- = Heated area



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# **Animal Noise Study**

**W 3805 Heritage Road**

**Markesan, Wisconsin**

- **Sept 24, 2021**



## Acoustic/Noise Plan

W 3805 Heritage Road

### **Executive Summary**

1. IMEG Inc., a professional services consulting firm, was asked to provide a noise planning study to enable the owner to assess potential noise for a kennel building.
2. IMEG is a professional consultant specializing in noise and acoustics nationwide and provides this "plan for review" as requested by the owner and at the suggestion of the County. IMEG has measured a similar kennel in similar conditions and assessed the site building. We have projected the noise over distance with animals both inside and outside. These are our recommendations for a noise plan, reviewed with the property owner, Mr. Cletus Bontrager at the above address.
3. There is no known noise ordinance governing the area of study. As such, the sole purpose of this Study is:
  1. At the request of the owner and for his implementation.
  2. To offer a "best practices" plan with predictable results that can be considered for the benefit of the area residences. The net result is noise kept at a low level. A fully enclosed building design is not necessary in our opinion if the plan is closely followed. This also benefits the animals at the site.
  3. Generally, IMEG finds the current operators for the facility responsive, open to comment and most willing to consider best steps that help the community nearby, despite the fact there is no known noise ordinance in place.
4. The owner is making his presentation to the County for their consideration. The implementation is the sole responsibility of the owner. This plan offers a strong understanding of the conditions, a hierarchy of good steps that are most effective, and various recommendations that can reduce potential noise.
5. Noise "proofing" or eradicating ALL noise is not an objective nor considered a reasonable goal by any standard, particularly with non-urban background noise like agriculture or farming where ambient noise is already quiet. Noise can be reduced and controlled with planning but will also remain evident on occasion in a quiet area.

6. Noise can be defined as "whatever is not wanted". This is subjective and often misunderstood. As noise is a subjective issue, this needs to be recognized by all parties in our experience if mutual success is the goal.
7. IMEG is an independent, objective professional services company with degreed and certified professionals working full time in acoustics & noise abatement across the US. We are also members of professional societies including the Acoustical Society of America. IMEG is solely a design & engineering firm with no incentive to offer for sale any one method, product, or abatement installation. We recommend professional opinions to establish reasonable, best practices. IMEG will standby for follow-up comments and is willing to answer questions and support the owner's presentation to the County (date TBD/video conferencing available).
8. In sum, IMEG concludes that the noise loudness expected at nearby residences, if 1600 feet away or farther, should be less than 36-38 dBA on average for a full exercise yard of 20 dogs where they are outside, and no plan is in place. This is considered not loud but is noticeable. Further, the noise plan will reduce this further to a lower noise level.
  1. This 36-38 dBA level would be considered approximately 1/4 mile away from the source. Mapping attached show other levels at other distances too. This mid-thirty range or level is well under the level of most any noise ordinance, and which are often cited near 55-65 dBA as the max level permitted in the daytime, and as low as 45-50 dBA at night. This is a factor of approximately 1/2 to 1/4 as loud, with distance.
    - 1) For reference, a 36 dBA level at 3200 feet is considered about 1/2 as loud as most nighttime noise ordinances in the US. This represents when the dogs are outside, and the plan is not enacted. This occurs when animals are in the exercise yard outside the barrier of the building. Further, two dozen animals would have to be barking exactly at the same time, which does not occur in our observations. Single barks, even from a small pack of animals will be about 2 dBA lower, or 34 dBA on average at the referenced distance. See map for other distances and levels.
  2. We summarize that noise would be mostly not heard during the night. For daytime expectations with animals in the exercise yard and no plan in place, the noise would be near the usual ambient noise level of the local site or slightly above. The offered noise plan will reduce this significantly. In all cases, the kennel noise would be 1/2 to 1/4 as loud as any noise ordinance might cite with no plan in place, and lower still with the plan in place.
  3. The noise plan can offer at least 3-6 dB and up to 10 dBA added reduction to those numbers cited above, i.e. without the plan in place.



4. These resulting levels might also be comparable to a flock of crows or songbirds, a modest speed breeze rustling leaves or car traffic at a distance. It is also the level inside a quiet office. While not the same type of noise as a dog bark, (see below for subjective impacts), and while distant barking will in fact be heard occasionally, the kennel noise levels with dogs outside should be roughly comparable to the normal ambient background noise of the nearby area and even more quiet with the noise plan in place.
5. We can summarize the conditions with the statement, the potential noise would not be overbearing or considered excessive and would not be cited by most any noise ordinance, whether by objective or subjective evaluation. Therefore, the noise plan offered is a good neighbor policy operating well under any potential noise ordinance that might be cited in the future.

B. **Methods:**

The Study is based on known conditions in similar circumstances with dog kennels, other county noise ordinances, acoustics best practices, and is typical of other property owners considering kennels, as well as other municipal authorities interested in similar noise conditions. The Study uses a common and well-known method characterized as "source path receiver". This means knowing the **source** first and adding calculations for multiple active animals at the source becomes the starting point.

Next, we assessed the **path** of the source noise over local topography. See attached map for loudness drops with distances. This includes predicting the attenuation of the source noise inside the building and through the kennel walls, to its weakest exit point or leak. The residual noise projects through openings and thinner barriers best. That level is then calculated and assessed for distance, as it reduces even further.

This attenuation with distance is key. It is controlled by topography, seasonal attributes such as foliage, and variables such as wind and temperature, as well as mass and stiffness of an assembly. So, while masonry assemblies with mass might be better than a thin window, the windows, vents, and doors are most important to consider as the first line of defense for the plan. A building with separate rooms inside is also beneficial. Fences were also considered and are not first choice, (fences normally block little noise unless they are very tall and solid).

**Planned Action:** IMEG has recommended windows facing the nearest concerned residences be improved first, with an additional window insert, like a storm window. This adds a critical airspace or void between two panes of glass and can add another 20 dB of abatement to the building when animals inside are being fed or are active. A draft sketch supplied by the owner has also been discussed to identify openings that are important, including outside exercise fencing with visual barriers added to keep distractions to the animal at a minimum.





Planned Action: Any leak is a major contributor to noise. Those facing the nearest receptors are most important. A 1% leak, such as often found at the perimeter of a door frame, can be a 20 dB leak, causing 4x's more noise. For doors facing the nearest receptors IMEG recommends solid compression double flap door seals by Pemko Inc. or equal by Zero Inc. as barrier improvement. This includes door bottom solid seals to keep cracks, crevices, gaps, and openings to under 1/2-inch opening. This is important on building sides facing any concerned residence. Leak prevention also includes:

1. Source windows: Provide with perimeter roping or insulation at any gap of each window facing the receptor(s).
2. All door frames should be weather sealed and caulked around the frame.
3. Any louver or fan exhaust should be oriented away from the nearest receptors. Should fans be required or be in place, a fan guard with a 1-inch-thick absorbent lining on its inside can be used to absorb some sound leaking through the fan opening. The depth of such a fan guard should be at least 12-16 inches when possible, to allow enough shroud surface area to absorb sound at the frequency of interest.
4. Doors should remain closed when possible
5. Ventilation should exit to the opposite sides of the receptor.
6. Exercise yards could have rotating smaller populations, to reduce large numbers in the open areas.
7. Fencing does not have to be tall but should offer screening to lower distraction to the animals that might cause noise. A fence is not the first line of defense as a noise barrier, unless very tall and very solid and this is not likely the case for this condition. Therefore, the fence could be as low as 4-5 feet high.

Next, as sound travels and reduces along the paths with more distance, more attenuation occurs, and even more high frequency level is abated. This is a standard calculation in science called the common inverse square law and allows another minus 6 dB per doubling of any distance. Further attenuation happens by frequency, (Hz.) such that higher pitched or higher frequency noise is absorbed at a higher rate as well. This means animals barking at a more annoying higher pitch are also attenuated more for any distance. The longer the distance the more attenuation that occurs. A sharp high-pitched yelp will become softer and muffled due to distance.

After considering the building layout for barriers and leaks with the owner, the noise level is projected onto near residences, and called the noise level for a receiver/receptor. This level is assessed for loudness and with further planning, more abatement takes place for improvement.



This results in a projection of loudness expected for receptors at any distance needed. While wind and temperature can change the expected results, these projections can be considered typical.

This “plan” with its hierarchy of recommendations means a successful plan identifies the closest sensitive neighbor first, then solves for leak conditions to those sites first. The principal leaks of the building are those that point directly to the nearest concerned neighbor and are the places to act first, as well as the exercise yard location.

It is acknowledged that some nearby receptors or receivers may also be more sensitive to some noise. And some people just hear better! While noise level can be objectively predicted and compared to known standards, the subjective loudness of even a low-level noise can be considered annoying by sensitive listeners. This means the owner and this Study only plan or predict a point of view for a “reasonable” person as a best practice and typical only.

C. **Sound Becoming Subjective Noise. (to Some).**

1. Sound becomes noise when it is heard by a human and a subjective judgement is made. Noise then becomes defined as “whatever is unwanted” and this often supersedes the physics of sound, science, and its measure by decibels (dB). So, while the science is well known, it is often misapplied subjectively by the public to meet relative goals that are not the same between parties. But this subjectivity also has an acoustical attribute that can be accounted for statistically. The key is to use definitions for averaged noise over time.

1. For example, an operation where excited and hungry animals are active outdoors or late at night, might be a concern. But if operations can accommodate hours when receptors are not as likely to be sleeping soundly, this can become part of the plan for abatement and the subjective impact or opinion of noise is diminished as a result.

2. Further, common noise ordinances across the US apply a “night penalty” to noise between late hours and early morning hours. We often see 10:00 pm to 7:00 AM cited where an added amount of noise abatement is considered. This is often cited as 5 dB or 10 dB lower, to account for human sensitivity and lower ambient noise during a quiet night. A 10 dB reduction for noise is considered one half as loud from whatever the noise is referenced too. Therefore, a 55 dBA daytime level for an ordinance can be improved with an added 5-10 dBA night penalty during sleeping hours. This day level at 55 effectively drops to 50 or 45 dBA (LeqA), for night hours as a result. This illustrates how noise recommendations can account for subjective conditions.



3. Planned Action: The operators of the kennel have discussed when noise happens currently and how they could reduce some occurrences. For example, feeding time might shift to later in the morning and exercise in staged or smaller groups to the midday.
4. Good care for animals also means exercise outside of the building (and the building barrier). We find the owner desirable to offer good care and consider outside exercise conditions that are limited to better times where annoyance is not prevalent. We also understand the owner is willing to adjust exercise time duration in a balanced way to minimize annoyance while maintaining the health of the animal population.
5. The level of noise inside the building was considered. The level of concern would be 85 dBA if for 8 hours, according to OSHA. If the level is louder, the exposure time is short. A 100 dBA level is allowed for 1 hour for example. We do not find the noise level inside the building expected to meet these considerations and while the County as inquired about this, we offer an opinion that there is little to no health concerns to the occupants or the animals.

D. Technical Findings

Actual baseline dog barking was measured carefully with a calibrated meter meeting ANSI standards for this type of use. A single noise number averaged for many dogs can be stated as 66 dBA +/- 3 dBA at 50 feet and during active animal exercise, and with no noise plan in place. Noise levels with more distance are then projected for residences farther away using this level as a reference.

<u>Position:</u>	<u>Max./peak (dBA)</u>	<u>Ave. 1 min</u>	<u>50 feet (no peaks)</u>
• Exercise/Kennel 5 ft; 10-20 dogs:	<u>90-105</u>	<u>85-95</u>	<u>68 +/- 5 dB</u>
• Above/50 ft; for 1 dog:	<u>78-83</u>	<u>72-74</u>	<u>66 +/- 3 dB</u>
• Inside/open door (20ft)	60	53-56	44-54
• No Planned Actions @ 800 ft.			42 dBA
• No Planned Actions @ 1600 ft.			36 dBA
• <u>Planned Action in place/1600 feet (approx. 1/4 mile):</u>			<u>30-33 dBA</u>

1. Multiple dogs barking at the exact same instant do raise the level but only somewhat as indicated. More dogs mostly increase duration, not loudness. This



fact is considered in the IMEG evaluation. We have attributed a higher level for multiple dogs in the outside exercise areas to predict noise level, based on real conditions and onsite observation.

2. The owner is planning for approximately 35-45 animals. Again, quantity doesn't increase the noise level as much as expected unless all animals bark at the very exact same instant which is not reasonable. Noise builds a few dB only, but never doubles with twice the number of animals.
3. It is important that a weighting factor be applied to all measurements and projections, called A weighting. This well recognized factor is how humans hear. It compares frequency (Hz.) to loudness level (dBA). Dogs bark in the mid-range of human hearing approximately 400 Hz to 3,000 Hz., which is significant for the objectivity of this Planning Study. As noted, higher frequency attenuates with distance more rapidly and the source noise (the bark), is mostly devoid of bass type noise at the nearest receptors.
4. This (dBA) is a "like term". It is found in the literature and would be admissible in municipal hearings across the US for comparisons or for future noise ordinance use.
5. Other Planned Action:
  - a. Feeding can be moved to later in the AM to lower annoyance.
  - b. Feeding inside the building is recommended, to attenuate noise escaping outside from excited animals.
  - c. The building has absorption and barriers inside to help this condition before noise emanates outside. Therefore, level are not an OSHA consideration in our opinion.
    - 1) Chain link or open weave fencing is not a noise barrier. However, lowering distraction of animals is a benefit. Fence height is not important for noise, but for visual barrier.
    - 2) Fences of other materials will not be a significant noise barrier, unless the noise source or dog is directly against the fence.
    - 3) We recommend simple inexpensive fence strips inserted in open weave chain link to keep animals from being distracted by passersby and traffic or other horses and vehicle. This visual barrier reduces annoyance and duration of noise events.

E. Measurements and References.

1. Sound levels were measured on other kennels with outside exercise and a similar population. Measurement was taken 5 feet outside a kennel fence line, 20 feet from sources with full open doors and at 50 feet too. These allow noise with distance and



time to be accurate. This measurement is also typical of a measurement by enforcement and relates well for cautionary planning purposes of this Study.

2. Calibrated measurements were taken with an NTI sound level meter, Studio Six software-based analyzer and #SF101 1/2-inch calibrated microphone referenced to ISO standards
3. References include "Practical Guide to Noise and Vibration Control for HVAC Systems"
4. ASHRAE Chapter 48. Guide for Noise and Vibration.
5. "Architectural Acoustics" - Marshall Long

MAP of level with distances:



**W 3805 HERITAGE ROAD NOISE PREDICTIONS OVER DISTANCE.  
LEVEL REPRESENTS MULTIPLE DOGS BARKING OUTSIDE AT 50'  
(66dBA) - NO TREATMENTS IN PLACE**

