

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING  
COMMITTEE MEETING MINUTES  
Thursday, December 2, 2021**

**CALL TO ORDER**

Planning & Zoning Chair Curt Talma called the meeting of the Land Use Planning and Zoning Committee to order at 4:31 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: **Harley Reabe, Curt Talma, Chuck Buss, Bill Boutwell, Dawn Klockow**, Corporation Counsel (Zoom)

Absent: **Don Lenz**

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 (Reabe/Buss)*** to approve the minutes of the November 4, 2021, meeting. Motion carried with no negative vote.

**PUBLIC COMMENTS:**

No public comments

**ARPA Funding:**

Matt Kirkman, went over ARPA possible funding requests for future programs and services.

**DEPARTMENT ACTIVITY REPORTS**

a. **Financial reports**

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

b. **Permits**

Matt Kirkman stated there were 19 land use permits and 14 sanitary permits in October.

c. **Violations**

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

***RECESS 4:43PM: Motion/second (Buss/Boutwell)*** to recess at 4:43PM. Motion carried with no negative vote.

***Motion/second (Reabe/Boutwell)*** to return to the Public Hearing at 5:00PM.

**PUBLIC HEARING – 5:00PM**

Chair Talma read the rules for the Public Hearing

**Item I: Owner:** Timothy & Carolyn Mast **Site location:** W4651 Winding Ln **General legal description:** Parcel 012-00572-0101, part of the NE1/4 of S30, T14N, R12E, Town of Manchester, 5 acres **Request:** CUP for a dog kennel as an agricultural accessory use.

a) **Public Testimony/Comment:** Chair Talma called for public input.

Rhonda Klecz of W4707 County Rd. C, Montello spoke for the approval of the conditional use permit (CUP) request.

Tim Mast of W4651 Winding Ln. spoke for the approval of the CUP request.  
Don Peters of W3972 Heritage Rd. spoke against the approval of the CUP request.  
Al Vinz, Town Chairman for Town of Manchester, spoke for approval of the CUP request.  
Samuel Mast of N971 Cty. Rd. HH spoke for the approval of the CUP request.  
Rodger Sell of W3878 North Rd. spoke against the approval of the CUP request.  
David Wright of IMEG, 8010 Englewood Rd, Indianapolis spoke for the approval of the CUP request.

Chair Talma closed the Public Hearing.

- b) Committee Discussion & Deliberation: Kirkman presented the Staff Report. All criteria for the conditional use permit to be considered by the Committee had been met. The Town of Manchester did not object to and approves of the request contingent on the applicant following their noise abatement plan.
- c) Committee Decision: **Motion/second (Reabe/Boutwell)** to approve the conditional use permit as presented. Roll call vote on motion to approve – Ayes-3(Boutwell, Reabe, Talma), Nays-1(Buss), Absent-1(Lenz)  
Motion carried.

**Item II: Owner:** Daniel & Mary Bontrager **Applicant:** Wayne Bontrager **Site location:** W3818 Heritage Rd **General legal description:** Parcel 012-00073-0000 part of the SE1/4 of S4, T14N, R12E, Town of Manchester, ±39.5 acres **Request:** CUP for a dog kennel as an agricultural accessory use.

- a) Public Testimony/Comment: Chair Talma called for public input.  
Don Peters of W3972 Heritage Rd. spoke against the approval of the CUP request.  
Tyler Sell of N2353 Hilltop Rd. spoke against the approval of the CUP request.  
Wayne Bontrager of W3818 Heritage Rd. spoke for the approval of the CUP request.  
Al Vinz, Town Chairman for Town of Manchester, spoke for approval of the CUP request.  
David Wright of IMEG, 8010 Englewood Rd. Indianapolis, spoke for the approval of the CUP request.  
Chair Talma closed the Public Hearing.
- b) Committee Discussion & Deliberation: Matt Kirkman presented the Staff Report. All criteria for the conditional use permit to be considered by the Committee had been met. The Town of Manchester did not object to and approves of the request contingent on the applicant following their noise abatement plan.
- c) Committee Decision: **Motion/second (Buss/Boutwell)** to deny the conditional use permit as presented. Roll call vote on motion to deny – Ayes-1(Buss), Nays-3(Boutwell, Talma, Reabe).  
Motion denied.

**Motion/second (Reabe/Boutwell)** to approve the conditional use permit as presented with the following conditions:

1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
2. All building/structure standards of the agriculture district shall apply.
3. All building/structure standards for dog kennels under USDA/State shall apply.
4. All USDA/State regulations for dog kennel use must be met.
5. If on-site lighting is proposed, only the subject site shall be illuminated, and the lighting shall occur with no direct glare affecting adjoining properties (low-wattage and low-to-the-ground path style).
6. Outside storage of materials and other items must be limited to the designated area on the CUP site plan.
7. The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any development related to this request.
8. The owner/applicant is responsible for obtaining permits from any other regulatory agency, if required.
9. In accordance with Section 350-57 of the County Zoning ordinance any citizen or official may submit a complaint to the Land Use Planning. 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 ordinance's standards in place at that time.

10. 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.
11. The operator authorized herein is required to obtain and show proof that they are licensed with the USDA APHIS and Wisconsin DATCP.
12. 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].

Roll call vote on motion to approve – Ayes-3(Boutwell, Reabe, Talma), Nays-1(Buss), Absent-1(Lenz)  
Motion carried.

**Motion/second (Reabe/Boutwell)** to reconsider item number one on the agenda. Motion carried with no negative vote.

**Motion/second (Reabe/Boutwell)** to make an amendment on the motion to include the following conditions:

1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
2. All building/structure standards of the agriculture district shall apply.
3. All building/structure standards for dog kennels under USDA/State shall apply.
4. All USDA/State regulations for dog kennel use must be met.
5. If on-site lighting is proposed, only the subject site shall be illuminated, and the lighting shall occur with no direct glare affecting adjoining properties (low-wattage and low-to-the-ground path style).
6. Outside storage of materials and other items must be limited to the designated area on the CUP site plan.
7. The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any development related to this request.
8. The owner/applicant is responsible for obtaining permits from any other regulatory agency, if required.
9. In accordance with Section 350-57 of the County Zoning ordinance any citizen or official may submit a complaint to the Land Use Planning. 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 ordinance's standards in place at that time.
10. 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.
11. The operator authorized herein is required to obtain and show proof that they are licensed with the USDA APHIS and Wisconsin DATCP.
12. 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].

**Roll call vote on motion to approve the amendment**– Ayes-3(Boutwell, Reabe, Talma), Nays-1(Buss), Absent-1(Lenz)  
Motion carried.

***Vote on motion as amended*** Roll call vote on motion to approve – Ayes-3(Boutwell, Reabe, Talma), Nays-1(Buss), Absent-1(Lenz)  
Motion carried.

**Item III: Owner:** Hargrave Family Irrevocable Trust **Site location:** W1470 Cty Rd AA **General legal description:** Parcel 002-00523-0000 part of the NE1/4 of S28, T17N, R13E, Town of Berlin, ±20 acres **Request:** Rezone ±3 acres from A-1, Farmland Preservation District, to R-4, Rural Residential District. To be identified by certified survey map.

- a) Public Testimony/Comment: Chair Talma called for public input. Robert Hargrave of N7812 Cty. Rd. A spoke for the approval of the rezone request. Chair Talma closed the Public Hearing.
- b) Committee Discussion & Deliberation: Matt Kirkman presented the Staff Report. All criteria for rezone had been met and the Town of Berlin approved of the request.
- c) Committee Decision: ***Motion/second (Buss/Reabe)*** to approve the rezone as presented. To be forwarded to County Board for final approval.  
Motion carried with no negative vote.

**Item IV: Owners:** Robert & Catherine Hargrave, Richard & Carla Hargrave **Site location:** N7812 Cty Rd A **General legal description:** Parcels 002-00534-0000, -0100 part of the SW1/4 of S28, T17N, R13E, Town of Berlin, 40 acres **Request:** Rezone 2 acres from R-1, Single-Family Residence District, and 1 acre from A-1, Farmland Preservation District, to R-4, Rural Residential District. To be identified by certified survey map.

- a) Public Testimony/Comment: Chair Talma called for public input. No public comment or testimony. Chair Talma closed the Public Hearing.
- b) Committee Discussion & Deliberation: Matt Kirkman presented the Staff Report. All criteria for the rezone had been met and the Town of Berlin approved of the request.
- c) Committee Decision: ***Motion/second (Buss/Boutwell)*** to approve the rezone request as presented. To be forwarded to County Board for final approval.  
Motion carried with no negative vote.

***Motion/second (Buss/Boutwell)*** to reconsider the CUP request for Cletus & Alma Bontrager from the 11/4/21 LUP&Z meeting. Motion carried with no negative vote.

**Item V: 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 as an agriculture-related use. This CUP was considered at the November 4, 2021, public hearing in conjunction with another CUP request and should have been considered separately. The committee may make a motion to reconsider the CUP.

- a) Public Testimony/Comment: Chair Talma called for public input. Cletus Bontrager of W3805 Heritage Rd. spoke for the approval of the CUP request. Chair Talma closed the Public Hearing.
- b) Committee Discussion & Deliberation: Matt Kirkman presented the Staff Report. All criteria for conditional use permit to be considered by the Committee had been met and Town of Manchester did not object and recommended approval of this request.

- c) Committee Decision: **Motion/second (Buss/Boutwell)** to approve the conditional use permit as presented with the following conditions:
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. All outdoor storage of logs and lumber will only be done in the designated areas shown on the site plan.
- Motion carried with no negative vote.

**Motion/second (Reabe/Boutwell)** to reconsider the CUP request for Cletus & Alma Bontrager from the 11/4/21 LUP&Z meeting. Roll call vote on motion to reconsider – Ayes-3(Boutwell, Reabe, Talma), Nays-1(Buss), Absent-1(Lenz).  
Motion carried.

**Item VI: 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 dog kennel as an agricultural accessory use. This CUP was considered at the November 4, 2021, public hearing in conjunction with another CUP request and should have been considered separately. The committee may make a motion to reconsider the CUP.

- a) Public Testimony/Comment: Chair Talma called for public input.  
Cletus Bontrager of W3805 Heritage Rd. spoke for the approval of the CUP request.  
Rodger Sell of W3878 North Rd. would like the committee to consider not allowing dog breeding facilities in the A-2 Zoning District.  
Tyler Sell of N2353 Hilltop Rd. commented that dog kennels are popping up all over the county.  
Don Peters of W3972 Heritage Rd. commented on the change of rural atmosphere.  
David Wright of 8010 Englewood, IN spoke for the approval of the CUP request.  
Chair Talma closed the Public Hearing.
- b) Committee Discussion & Deliberation: Matt Kirkman presented the Staff Report. All criteria for rezone to be considered by the Committee had been met and Town of Manchester did not object and recommended approval of this request contingent on the applicant following their noise abatement plan.
- c) Committee Decision: **Motion/second (Buss/no second)** to deny the conditional use permit as presented.  
Motion dies.

Committee Decision: **Motion/second (Reabe/Boutwell)** to approve the conditional use permit as presented with the following conditions:

1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
2. All building/structure standards of the agriculture district shall apply.
3. All building/structure standards for dog kennels under USDA/State shall apply.
4. All USDA/State regulations for dog kennel use must be met.
5. If on-site lighting is proposed, only the subject site shall be illuminated, and the lighting shall occur with no direct glare affecting adjoining properties (low-wattage and low-to-the-ground path style).
6. Outside storage of materials and other items must be limited to the designated area on the CUP site plan.
7. The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any development related to this request.
8. The owner/applicant is responsible for obtaining permits from any other regulatory agency, if required.

9. In accordance with Section 350-57 of the County Zoning ordinance any citizen or official may submit a complaint to the Land Use Planning. 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 ordinance's standards in place at that time.
10. 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.
11. The operator authorized herein is required to obtain and show proof that they are licensed with the USDA APHIS and Wisconsin DATCP.
12. 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].

Roll call vote on motion to approve – Ayes-3(Boutwell, Reabe, Talma), Nays-1(Buss), Absent-1(Lenz)  
Motion carried.

**Item VII: Applicant:** Green Lake County Land Use Planning & Zoning Committee **Explanation:** The Committee is requesting amendments to the Code of Green Lake County, Chapter 338, Shoreland Zoning Ordinance, more specifically to update allowances and restrictions related to boathouses, stairways and walkways, retaining walls, fences as well as near-shore land disturbing activities.

- a) Public Testimony/Comment: Chair Talma called for public input. No public comment or testimony. Chair Talma closed the Public Hearing.
- b) Committee Discussion & Deliberation: Matt Kirkman presented the Staff Report.
- c) Committee Decision: **Motion/second (Buss/Reabe)** to approve the ordinance changes to Chapter 338- Shoreland Zoning as presented and forward to County Board for final approval.  
Motion carried with no negative vote.

#### **FUTURE COMMITTEE ACTIVITIES**

- a. **Future agenda items** – ARPA funding requests
- b. **Next meeting date** – January 6, 2022

#### **ADJOURN**

Chair Talma adjourned the meeting at 6:20 PM.

**Respectfully submitted,**

**Karen Werlein, Land Use Planning Coordinator**