



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

The following documents are included in the packet for the Land Use Planning & Zoning Committee meeting on Thursday, December 2, 2021.

Packet Pages:

- 2-3 Agenda
- 4-6 Draft Meeting Minutes from November 4, 2021
- 7-9 Financial Reports for October
- 10-12 Permit Reports for October
- 13-14 Violation Reports
- 15 Public Hearing Notice
- 16-117 Public Hearing Items

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.

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.

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.

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.

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.

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.

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.

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

**Date: December 2, 2021 Time: 4:30 PM
Location: Government Center, County Board Room, 571 County Road A, Green Lake WI**

AGENDA 12/02/2021

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: 11/4/2021
5. Public Comments: 3 minute limit
6. Department Activity Reports
 - a. Financial reports
 - b. Land use & septic permits
 - c. Violation reports
7. 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

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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.

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.

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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 bathhouses, stairways and walkways, retaining walls, fences as well as near-shore land disturbing activities.

8. Future committee activities

- a. Future agenda items
 - b. Meeting date: January 6, 2022
9. 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: Dec 2, 2021 04:30 PM Central Time (US and Canada)

Join Zoom Meeting:

<https://us06web.zoom.us/j/84716741850?pwd=eXphMzZleWxQL2tHOTI4VUVvSFdZdz09>

Meeting ID: 847 1674 1850

Passcode: 121086

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 346 248 7799 US (Houston)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)

Find your local number: <https://us06web.zoom.us/u/kpFFkCZKv>

Kindly arrange to be present, if unable to do so, please notify our office. Sincerely, Matt Kirkman, Director

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, November 4, 2021**

CALL TO ORDER

Planning & Zoning Chair Curt Talma called the meeting of the Land Use Planning and Zoning Committee to order at 4:48 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, 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 (Lenz/Boutwell) to approve the minutes of the October 7, 2021 meeting. Motion carried with no negative vote.

PUBLIC COMMENTS:

John Taylor of Lakeshore Custom Builders would like the committee to consider dormers as an option for boat house construction/design.

DEPARTMENT ACTIVITY REPORTS

- a. **Financial reports**
P&Z Director Matt Kirkman gave an update on the September expenses and revenues.
- b. **Permits**
Matt Kirkman stated there were 16 land use permits and 8 sanitary permits in September.
- c. **Violations**
Matt Kirkman outlined the current land use violations as well as the POWTS violations.

RECESS 4:59PM: **Motion/second (Reabe/Buss)** to recess at 4:59PM. Motion carried with no negative vote.

PUBLIC HEARING – 5:00PM

Chair Talma read the rules for the Public Hearing

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.

- a. Public Testimony/Comment: Chair Talma called for public input. No comments or testimony. 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. The Town of Marquette did not return the town board action form as requested.
- c. Committee Decision: ***Motion/second (Buss/Reabe)*** to approve the rezone request as presented and forward to County Board for final approval.
Motion carried with no negative vote.

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.

- a. Public Testimony/Comment: Chair Talma called for public input. No comments or testimony. 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 (Lenz/Reabe)*** to approve the rezone request as presented. To be forwarded to County Board for final approval.
Motion carried with no negative vote.

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.

- a. Public Testimony/Comment: Chair Talma called for public input. No comments or testimony. Chair Talma closed the Public Hearing.
- b. Committee Discussion & Deliberation: Matt Kirkman presented the Staff Report. All criteria for CUP has been met. The Town of Manchester did not return the town board action form as requested.
- c. Committee Decision: ***Motion/second (Lenz/Boutwell)*** to approve the CUP request as presented and 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 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.
Motion carried with no negative vote.

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.

- d. Public Testimony/Comment: Chair Talma called for public input. Don Peters of W3972 Heritage Road directed a question to the IMEG engineer present via zoom. **Motion/second (Boutwell/Buss)** made a motion to suspend the rules to allow for Peters to ask questions to IMEG representative. Motion carried with no negative vote.

Don Peters asks the IMEG representative multiple questions with which the representative responds to and explains in more detail the study provided to the committee.

Tyler Sell of N2353 Hilltop Rd spoke against the conditional use permit request.

Cletus Bontrager of W3805 Heritage Rd spoke in favor of the conditional use permit request.

Rodger Sell of W3878 North Rd spoke against the conditional use permit request.

Chuck Buss, board member, commented that the zoning ordinance does not allow for dog kennels in A-1, Farmland Preservation District.

Matt Kirkman, Planning & Zoning Department Director, clarified that the application was submitted before the amended zoning ordinance went into effect on September 30, 2021 and therefore was accepted and put before the committee.

Mr. Wright of IMEG made supporting comments in favor of the conditional use permit request, referencing the studies done.

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. The Town of Manchester did not return the town board action form as requested.
- f. Committee Decision: **Motion/second (Buss/Boutwell)** to deny the CUP request as presented on the reason that it will have a negative effect upon the general welfare of the occupants of the surrounding lands and that it will be detrimental to the property in the immediate vicinity. I believe it will reduce property values.

Motion carried with no negative vote.

Motion/second (Buss, Lenz) to come out of recess at 5:54 PM and discuss meeting agenda item #7.

Motion carried with no negative vote.

PROPOSED SHORELAND ZONING ORDINANCE AMENDMENTS:

Matt Kirkman outlined the proposed changes to the ordinance.

SIGN KDR WOODWORKING LLC CUP SIGNATURE PAGE:

Signed the approved CUP from March 4, 2021.

FUTURE COMMITTEE ACTIVITIES

- a. Future agenda items – Voting on Shoreland Zoning Ordinance Amendments.
- b. Next meeting date – December 2nd, 2021

ADJOURN

Chair Talma adjourned the meeting at 6:44PM.

Respectfully submitted,

Karen Werlein, Land Use Planning Coordinator

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

FEES RECEIVED	OCTOBER				YEAR-TO-DATE				BUDGET	
	2020		2021		2020		2021		2021	
	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS										
Total Monthly Issued Permits	21	5,000	19	5,150	175	38,800	198	\$ 59,700	\$ 40,000	149%
SANITARY PERMITS (POWTS)										
Total Monthly Issued Permits	15	4,320	14	4,145	86	23,815	92	\$ 26,105	\$ 26,000	100%
NON-METALLIC MINING PERMITS										
Annual Permit Fees	-	-	-	\$ -	5	9,600	5	\$ 15,000	\$ 15,300	98%
BOARD OF ADJUSTMENT										
Special Exception	-	-	-	-	-	-	-	-	-	-
Variances	-	-	-	-	5	1,875	2	750	-	-
Appeals	-	-	-	-	-	-	-	-	-	-
Total	-	\$ -	-	\$ -	5	\$ 1,875	2	\$ 750	\$ 1,875	40%
PLANNING & ZONING COMMITTEE										
Zoning Change	-	-	-	-	5	1,875	18	6,750	-	-
Conditional Use Permits	2	750	1	375	5	1,875	12	4,500	-	-
Variance	-	-	-	-	-	-	-	-	-	-
Total	2	\$ 750	1	\$ 375	10	\$ 3,750	30	\$ 11,250	\$ 8,250	136%
MISC.										
Wisconsin Fund	-	-	-	-	1	100	-	-	-	-
Fines & Forfeitures	2	250	1	107	14	7,250	5	804	-	-
Total	2	\$ 250	1	\$ 107	15	\$ 7,350	5	\$ 804	-	-
SURVEYOR										
Certified Survey Maps	3	525	4	675	35	6,135	37	6,870	6,500	-
Preliminary and Final Plats	-	-	-	-	-	-	-	-	-	-
Applied Funds: County Surveyor	-	-	-	-	-	-	1	9,500	9,500	-
Total	3	\$ 525	4	\$ 675	35	\$ 6,135	38	\$ 16,205	\$ 16,000	105%
GIS (Geographic Information System)										
Map Sales	-	-	-	-	-	-	1	30	-	-
Land Records Transfer	-	-	-	-	-	-	-	-	25,000	-
Land Information Grant	-	-	-	-	-	-	-	-	10,000	-
Total	-	\$ -	-	\$ -	-	\$ -	1	\$ 30	\$ 35,000	0%
GRAND TOTAL										
	43	10,845	39	10,452	331	91,325	371	129,844	\$ 142,425	
									Total	90%

GREEN LAKE COUNTY

For 10/01/21 - 10/31/21

Revenue Summary Report

FJRES01A

Periods 10 - 10

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	5,000.00	59,500.00	-19,500.00	148.75
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	375.00	10,875.00	-2,625.00	131.82
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	4,145.00	26,105.00	-105.00	100.40
21-100-10-45110-000-000 Fines & Forfeitures	.00	107.00	859.00	-859.00	.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	675.00	6,870.00	-370.00	105.69
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	10,302.00	115,384.00	17,541.00	86.80

For 10/01/21 - 10/31/21

Expenditure Summary Report

FJEXS01A

Periods 10 - 10

Land Use & Zoning Month End Expenses

MEE100-10-P&Z

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
10 Land Use Planning and Zoning						
53610 Code Enforcement						
21-100-10-53610-110-000 Salaries	309,000.00	.00	23,267.36	221,284.72	87,715.28	71.61
21-100-10-53610-140-000 Meeting Payments	1,425.00	.00	.00	225.00	1,200.00	15.79
21-100-10-53610-151-000 Social Security	23,641.00	.00	1,697.27	16,817.06	6,823.94	71.14
21-100-10-53610-153-000 Ret. Employer Share	20,861.00	.00	1,570.54	15,556.99	5,304.01	74.57
21-100-10-53610-154-000 Health Insurance	50,590.00	.00	4,988.62	46,822.10	3,767.90	92.55
21-100-10-53610-155-000 Life Insurance	276.00	.00	26.71	248.45	27.55	90.02
21-100-10-53610-210-002 Professional Services-SRV	9,500.00	.00	1,700.00	6,550.00	2,950.00	68.95
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	522.39	53.61	90.69
21-100-10-53610-242-000 Print Management	300.00	.00	22.16	165.24	134.76	55.08
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	45.10	534.09	115.91	82.17
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	354.00	2,314.00	436.00	84.15
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	.00	69.82	680.18	9.31
21-100-10-53610-352-000 Vehicle Maintenance	638.00	.00	64.20	441.76	196.24	69.24
53610 Code Enforcement	423,987.00	.00	33,778.96	313,040.65	110,946.35	73.83
10 Land Use Planning and Zoning	423,987.00	.00	33,778.96	313,040.65	110,946.35	73.83

Land Use Permits: 10/1/2021 - 10/31/2021

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
12976	002001280100	N9259 32ND DR	10/04/2021	TERRENCE DUKET	\$50,000.00	Storage Buildings	Personal Storage building associated with the single family residence.		

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
12921	004004700600	N6071 KILLDEER LN	10/15/2021	LYN MEILAHN	\$65,000.00	Detached Garage	1,152 square foot garage	Apron and Driveway connection. Appx 550sqft	
12975	004013470000	W3083 ORCHARD AVE	10/05/2021	GLENN W & DIANE R QUAIVER LIVNG TRUST	\$125,000.00	Retaining Walls	Retaining wall on West Lot line and SE side of home. 2ft wide on bottom and 5" wide on top.	Stairs/Walkway/Land Disturbing Activity	Walkway to the lake./ Impervious surface treatment(8 infiltrator quick 4 chambers)
12978	004007550100	N4994 COUNTY ROAD A	10/06/2021	WHITE CREEK FARM LLC	\$285,000.00	Principal Structure	2,240 squ.ft. 3 bedroom SFD	Accessory Structures	Attached 1,365squ.ft. Garage, attached deck/patio
12980	004009491400	W2948 BUTTERNUT LN	10/07/2021	RICHARD B & DEBORAH L LEECH 2007 REVOCABLE TRUST	\$45,000.00	Detached Deck/Patio	Shoreline Deck. Replace existing deck.	Attached Deck/Patio	Western Deck/Stairs and Western deck
12997	004017580000	N5988 LOST CREEK RD	10/25/2021	THOMAS J & KATHY A MCCARTHY TRUST	\$55,000.00	Detached Garage	900 squ.ft. Garage	Detached Deck/Patio	10'x30' Roofed Patio
13001	004021360000	No Address Available	10/26/2021	JOSEPH COLLARD	\$450,000.00	Principal Structure	3 bedroom SFD	Accessory Structures	Screen porch, attached garage, covered patio,
13003	004010040100	W2209 HICKORY RD	10/28/2021	SARA GRAY	\$125,000.00	Addition/Alteration to Principal Structure	Residential addition to home. Bathrooms, laundry, and closet.		

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
12979	006007740000	W3110 BLACKBIRD POINT DR	10/07/2021	BLACKBIRD POINT LLC	\$180,000.00	Addition/alteration to principal structure	26ft average grade to the peak after addition	Accessory Structures	Street Side Porch and a lakeside porch
12982	006005360100	N3198 LAKE SHORE DR	10/13/2021	ALVIN J & SUZANNE N GOETZ	\$9,400.00	Accessory Structure	Storage shed.		
13002	006007600000	W3074 BLACKBIRD POINT DR	10/28/2021	JASON PETERSON	\$20,000.00	Accessory Structure - Attached Deck/Patio	Replace existing patio.	Accessory Structure - Stairs/Walkway	Walkway to lake within 75ft. Walkway goes from addition to the patio which is legal nonconforming to the shoreland setback.
13004	006010220704	W1736 WHITE CIR	10/29/2021	WILLIAM BARKER	\$1,500,000.00	Principal Structure	SFD 4 bedroom and 4 bath. Includes 4 season "treehouse."	Accessory Structures/ IMS treatment plan	Porch, attached garage, attached deck, boathouse, walkway, driveway

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
12985	012000930000	N2194 HILLTOP RD	10/15/2021	RUBY BEECHY	\$125,000.00	Principal Structure - Single Family			
12992	012005690100	N860 SALEMVILLE RD	10/20/2021	WILMER SCHMUCKER	\$20,000.00	Accessory Structure - Other	Dog Kennel holding 4 adult dogs.		
13000	012001660000	W3561 STATE ROAD 44	10/26/2021	EZRA E & MINERVA J PETERSHEIM	\$1,500.00	Accessory Structure - Agricultural Building	12' Diameter Silo		
13005	012003770000	W4472 COUNTY ROAD X	10/29/2021	HARLEY A & MIRIAM J BEECHY	\$45,000.00	Accessory Structure - Agricultural Building	42'X88' Tool/storage Shed		

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
12984	014008880000	N4067 GRACE ST	10/15/2021	ROBERT KAMPS	\$990.00	Accessory Structure - Fence	Partial chain-link and partial privacy (wood).		

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
12977	016015380000	N4376 S LAKESHORE DR	10/06/2021	REGINA TEN PAS	\$11,000.00	Accessory Structure	Closed Style Fence.	Accessory Structure	Open Style Fence
12981	016013240000	W3601 S PARKWAY	10/08/2021	NASCA FAMILY TRUST	\$121,250.00	Accessory Structures	Entrance to basement (storm cellar doors), attached garage	Additions/Alterations	Bathroom and Mudroom Addition.
12983	016004700100	N4493 BIRCH LN	10/14/2021	WI WATERFRONT PROPERTIES LLC	\$25,000.00	Driveway	Gravel Driveway. See site plan.	Accessory Structure - Stairs/Walkway	New stairs over existing stairs.
12991	016015380000	N4376 S LAKESHORE DR	10/20/2021	REGINA TEN PAS	\$97,000.00	Accessory Structure	Detached garage with habitable space above.		

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

October Estimated Cost: \$3,356,140.00
YTD Estimated Cost: \$37,223,260.00

Sanitary Permits: 10/5/2021 - 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)
202124085	006010220704	W1736 WHITE CIR	WILLIAM BARKER	10/05/2021	New System	Conventional (Non-Pressurized In-Ground)	Daniel Egbert	4 Bedroom House	280	100
202124086	004007550100	N4994 COUNTY ROAD A	WHITE CREEK FARM LLC	10/06/2021	New System	Mound	Jeffrey Novak	3 Bedroom House	280	100
202124087	020002200100	N9024 COUNTY ROAD D	JACOB A & DEBORAH J STOBBE	10/13/2021	Replacement System	Conventional (Non-Pressurized In-Ground)	William Thoma	2 Bedroom	280	100
202124088	006016120000	W1644 SANDSTONE AVE	ROBYN WINDSOR	10/14/2021	New System-Change of Plumbers	Conventional (Non-Pressurized In-Ground)	Daniel Egbert	6 Bedroom	75	0
202124089	008001390500	W6053 COUNTY ROAD B	STEVE SOENKSEN	10/14/2021	Reconnect	Conventional (Non-Pressurized In-Ground)	Patrick Hughes	2 Bedroom	280	0
202124090	012000930000	N2194 Hilltop Rd	AMOS BEECHY	10/15/2021	Reconnect	Conventional (Non-Pressurized In-Ground)	Ben Kinas	3 Bedroom House	280	0
202124091	016009340200	W6191 LUECK LN	ACCURATE CONTROL INC	10/15/2021	Replacement System	Mound	Jeremiah Storer	3 Bedroom House	280	100
202124092	018001770500	W4121 PINE RD	KIM A SCHUELKE	10/18/2021	Replacement System	Conventional (Non-Pressurized In-Ground)	Ben Kinas	2 Bedroom House	280	100
202124093	020000640000	W3698 COUNTY ROAD E	DAVID A & LINDA S NITZ	10/25/2021	Replacement System	Mound with Pre-Treatment	Ben Kinas	4 Bedroom	355	100
202124094	008002530100	N1294 COUNTY ROAD FFF	JOSEPH YODER	10/28/2021	New System	Holding Tank	Hoffmann Plumbing	Shop Convenience Bathroom	355	100
202124095	004009170100	W2955 HILLSIDE RD	KELLY FRANCIS	10/28/2021	New System	Conventional (Non-Pressurized In-Ground)	Ben Kinas	6 Bedroom House	280	100
Total:									3025	800

* There are additional properties associated with the permit

Land Use Violation Report

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. UPDATE 10/29/21 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 UPDATE 10/29/21 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. Update 10/15/21: 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
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
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. Update 10/15/21: 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. Update 05/15/2022 was the date determined by LUPZ dept. to have violation resolved.	6/14/2021
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
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

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. UPDATE 10/29/21:LUP issued. To be resolved once project is complete. UPDATE 11/10/21: Egbert will contact LUPZ dept. once restoration is complete. LUP issued for after-the-fact work that was done.	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. Update 10/15/21: Blooms N Scapes has solved the wall issue on the downslope side, Dept. still waiting one one layer of bricks to be removed on upslope side so it looses the wall function and becomes landscaping. Update: VIO to be resolved by 11/12/2021 according to Blooms N Scapes.	7/1/2021
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. Update 10/15/21: second violation letter sent for contractors yard in R-1	6/15/2021

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 injunctive 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. Update 10/29/21: Court date Nov. 22 Update 11/10/21: Pavers were removed but the base which is part of the patio is still in place.	10/29/2020

POWTS Violation Report

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	Has new permit app
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	

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, December 2nd, 2021, at 5:00 p.m.** to consider the following requests:

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.

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.

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.

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.

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.

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.

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.

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: November 18, 2021

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT
PUBLIC HEARING

December 2, 2021

ITEM I: CONDITIONAL USE PERMIT

OWNER:
Timothy Mast
Carolyn Mast

APPLICANT:
Same

REQUEST: The owner/applicant is requesting a Conditional Use Permit to allow for a dog kennel as an agricultural accessory use.

PARCEL NUMBER / LOCATION: Parcel number 012-00572-0101; located in the NW¼ of the NE¼ Section 30, T14N, R12E, Town of Manchester, Green Lake County. The location of the site is W4651 Winding Ln and is ± 5 acres in size.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning for the parcel referenced above is A-1, Farmland Preservation District. All of the lands surrounding the subject parcel are also zoned A-1, Farmland Preservation District. The predominant use of the land surrounding the site is devoted to agricultural purposes.

PER SECTION 350-27A(2)(b) ZONING ORDINANCE: A business, activity, or enterprise, whether or not associated with an agricultural use, can be allowed as a conditional use if the activity occurs within a building that is primarily used for agriculture. The proposed use will meet this ordinance requirement as the agricultural use of the building will be over 50% if the conditional use is approved.

ADDITIONAL INFORMATION / ANALYSIS: The applicant is proposing a building addition in which 48'x79' section and a 33'x38' of the building will be devoted to the dog kennel/breeding facility use and a 38'x12' section will be used as kennel storage. There will also be a 60'x125' outdoor exercise area. The current building is 151'x 48' in the narrowest dimension and is used agriculturally as a horse barn and ag storage. The proposed dog kennel use would be for breeding, whelping, raising, feeding, and the eventual sale of the dogs. The main kennel will have twenty-eight pens each sized 5'x16' and will hold three adult dogs each. Every dog would be exercised outside at least thirty minutes each day. The applicant is USDA and State licensed to breed and sell dogs which will be sold directly to pet shops or brokers. This will be a year-round operation. Wastewater from the cleaning/maintenance of the dog kennel building will be managed as part of State standards. The noise will be minimized by an engineered IMEG noise abatement plan (see packet).

Currently, the subject site is used agriculturally mainly for pasture. There is a farm residence and other agricultural buildings located on the referenced parcel. The owner has been living on the property for 7 years and since ownership it has always been used agriculturally. The proposed dog kennel use meets goal #5 of the Comprehensive Plan placing compatible service and employment opportunities with existing uses. The use is not inconsistent with goals #1, #2, and #3 which are to preserve rural character, water resources, and farmland.

It is the charge of the Planning & Zoning Committee to determine if this request meets the intended purpose of the Green Lake County Zoning Ordinance and, if so necessary, to apply any conditions that will ensure that this use will meet the general criteria (a-f) below.

GENERAL STANDARDS FOR REVIEW OF CONDITIONAL USE REQUESTS: When reviewing a conditional use permit, the Committee shall take into consideration, among other things, the recommendation of the affected town and the particular facts and circumstances of each proposed use in terms of the following standards:

- a) If an applicant meets or agrees to meet all of the requirements specified in this chapter and any conditions imposed by the Committee, based on substantial evidence, the Committee shall grant the conditional use permit.
- b) Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- c) The requirements and conditions must be reasonable and, to the extent practicable, measurable, and may include conditions such as the permit's duration, transfer, or renewal.
- d) The applicant must demonstrate that the application and all requirements and conditions related to the conditional use, are or shall be satisfied, and supported by substantial evidence. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.

Substantial evidence is defined as: facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

No conditional use permit shall be approved or approved with conditions by the Committee unless it shall find the conditional use:

- 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, and 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, schools, and that the persons or agencies responsible for the establishments 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 standards of a conditional use permit as listed above. If the Committee is proposing 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 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].

TOWN OF MANCHESTER: An Action Form requesting the Town of Manchester's input related to this conditional use permit request was emailed to the Town Clerk on October 14th, 2021. The town held a meeting on 11/8/2021 and did not object and recommended approval of this request with a note. Note: The town was encouraged to approve this conditional use permit by the noise control report. The town approval is contingent on the applicant following that plan.

Fee Received (Non-Refundable) \$375.00

Date 9-16-21

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 Timothy Mast

Mailing Address W4651 Winding LN Cambria WI 53923

Phone Number _____ Email _____

Signature Timothy Mast Date 9-16-21

AGENT IF OTHER THAN OWNER

Name _____

Mailing Address _____

Phone Number _____ Email _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Manchester Location of Property W4651 Winding LN

Section 30 Town 14 N Range 12 E

Affected Parcel Number(s) 012-00572-0101 Affected Acres 5

Subdivision _____ Lot _____ Block _____

CSM 2573 Lot 1 or COS _____

Legal Description W4651 Winding LN

Current Zoning Classification Aggriculture (A-1)

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

home, farm field,

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? Property is used for raising horses, boarding horses, as horse pasture as a farm residence and one small dog kennel building. Wish to add a new dog kennel building to replace smaller building currently used as dog kennel. Also to create an exercise pen. Kennel will be in same building as primary ag. use (Farm Equipment and hay storage use).
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. ± 150 ft x 95 ft of the property will be set aside for this use.

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

- History of dog kennel use is about 3 years.
- Owner has lived on property for 7 years. Property used for horses + pasture with a farm residence.
- The proposed use would be to allow the breeding, birthing, raising, maintenance, feeding, and eventual sales of dog breeds.
- Current dog kennel operation is licensed by the State and County. Plan is to have 28 pens that are 5' x 16' in area. Each pen would have up to 3 dogs per pen. Dogs would spend most of day in pen with at least 30 minutes spent in exercise area. ~~Sometime~~ ~~the~~ ~~dogs~~ ~~will~~ ~~be~~ ~~outside~~ ~~most~~ ~~of~~ ~~the~~ ~~day.~~ Dogs would be sold to a broker who then sells the dogs to pet shops. All kennel related duties/responsibilities will be done by Tim Mast or Sandy. No employees planned. This is a year round operation.
- New building 124' x 48' will be built to shelter/house the dogs. (Primary Ag Use). Also to build a 45' x 75' dog exercise area.
- Wastewater generated from cleaning/maintenance will be ~~part of~~ managed as part of DATCP's license.

OPERATIONAL PLAN NARRATIVE (continued)

• Noise from kennel operation will be minimized by distance to neighbors as well as wind breaks nearby → See IMEG Plan

• Property is in a rural setting surrounded by open space. Location ideal for raising dogs.

• Use meets Goal #5 of Comp Plan placing compatible services + employment opportunities with existing uses. The use is not inconsistent with Goals #1 + #2 + #3 which are to preserve rural character, water resources, and farmland.

Year round

• In ~~Summer~~ dog ~~tooth~~ would get 1/2 hour to an hour of exercise

48'

Kennel

79'

3612 sq. '

18'

Mechanical

180 sq. '

10'

Kennel

Timothy Mast

~~1774~~ sq. '

1254

4-29-21

33'

Kennel Storage

456 sq. '

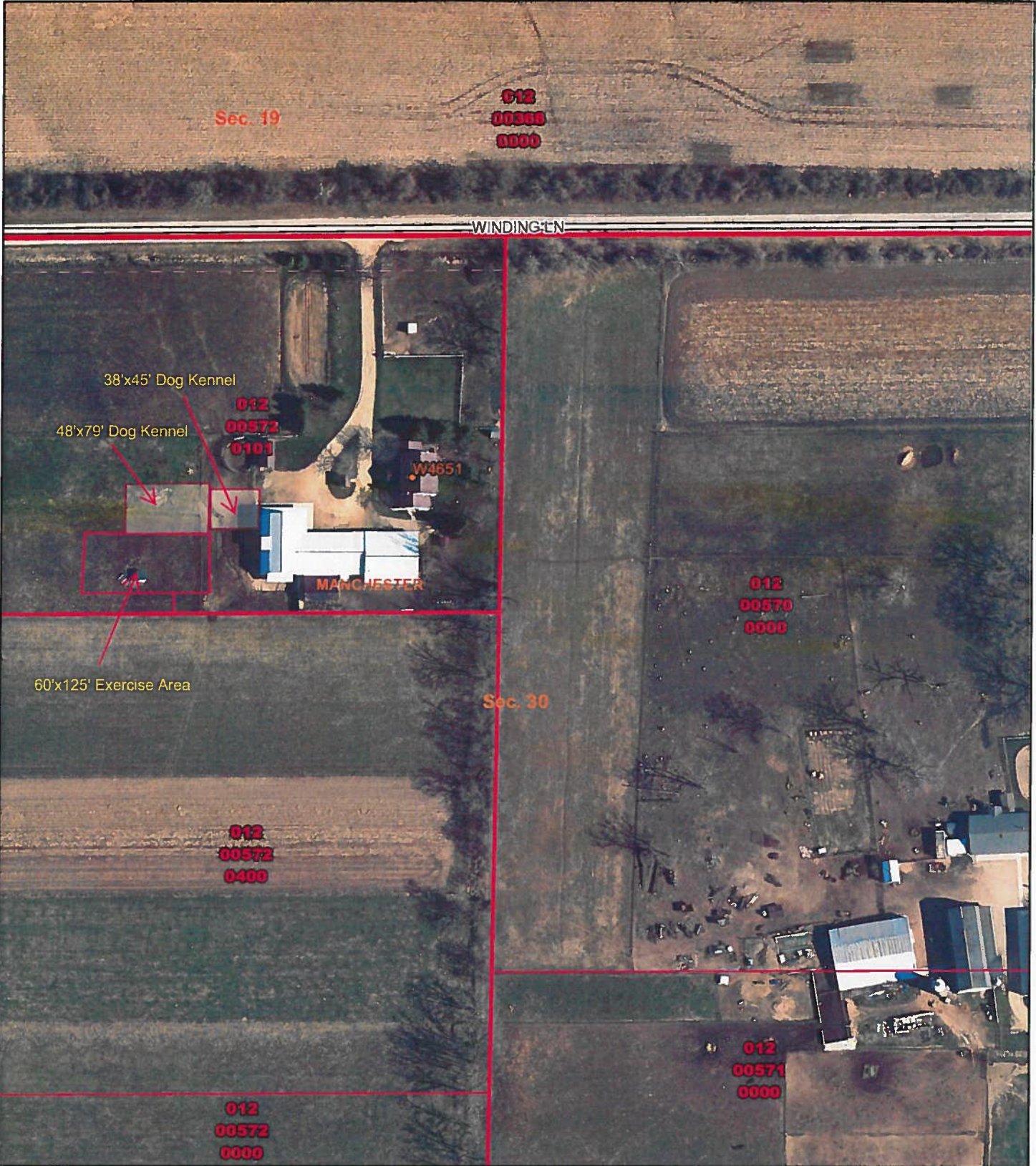
12'

Overhang

304 sq. '

8'

38'



Green Lake County

1 inch = 130 feet

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

GIS Viewer Map
 Green Lake County, WI

Time: 3:47:49 PM
 Date: 9/16/2021

Note:





Mast Animal Building Noise Study

- **Cambria, Wisconsin**
- **Sept 24, 2021**



Acoustic/Noise Plan

W 4651 Winding Way Ln.
Cambria, Wisconsin 53923

A. Executive Summary

1. IMEG Inc., a professional services consulting firm, was asked to provide a noise planning study to enable the owner Mr. Timothy Mast, to assess potential noise for a new kennel building. 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 measured a similar kennel and assessed the planned building, projected the noise over distances and made recommendations for a noise plan.
2. 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 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 that noise is kept at a low level and under any future ordinance provision. A permanently enclosed building is not necessary if the plan is closely followed. This benefits the animal health as well.
 3. Generally, IMEG finds the current operators for the facility responsive, open to comment and most willing to consider best steps that will help the community nearby, and where there is no known noise ordinance in place.
 4. We found that noise inside the building will not exceed any OSHA noise guidelines (85 dBA for 8 hours, 1 hour exposure if 100 dBA), and therefore interior noise is not a consideration for the health of an occupant nor the animals.
3. The owner is making his presentation to the County for their consideration. 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.
4. 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 agricultural and 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 surrounding area.

5. Further, the noise can be defined as "whatever is not wanted. " This is a subjective goal and often misunderstood. We suggest this should be recognized by all parties if mutual success is to be the goal.
6. 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 and provide professional opinion to establish reasonable, best practices. IMEG will standby for follow-up comments and willing to answer questions and support the owner's presentation to the County (date TBD). Typical standards are also cited herein.
7. In sum, IMEG concludes that the noise 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, which is considered not loud, but noticeable. This level is when dogs are outside the building and without a plan in place. The noise plan will reduce this further, as noted and puts the effect of noise significantly lower than any ordinance would typically call for in our opinion.
 1. This 38 dBA level is over approximately 1/2 mile away from the source. This 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 daytime and as low as 45-50 dBA at night. For reference, a 36 dBA level at 3200 feet is therefore considered about 1/2 as loud as most nighttime noise ordinances in the US when the plan is not enacted, and animals are not in the exercise yard. Further, two dozen animals would all have to barking at the exact same instant which is improbable and does not occur normally. Single continuous barks, even from a small pack of animals outside will be about 2 dBA lower, or 34 dBA on average. This is a low level by most standards.
 2. We summarize that noise would be mostly not heard during the night and heard at the ambient noise level of the local site when outside, for limited periods of time during the day without a noise plan in place. In all cases, the kennel noise would be 1/2 to 1/4 as loud as any noise ordinance might cite.
 3. The noise plan can offer another 3-6 dB and more likely 10 dBA added reduction to those numbers cited above. This is considered quiet.



4. This level 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 of a very quiet office. While not the same type of noise as a dog bark, (see below for subjective definition), 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 quieter with the noise plan in place.
5. This means 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 in our experience.

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 conditions. The Study uses a common and well-known method characterized as "source path receiver". This means knowing the source first, then adding calculations for multiple active animals becomes a starting point.

Next, we assessed the path of the source noise over local topography. See attached map. This includes predicting the attenuation (decibels/dBA) of the source noise inside and through the kennel building to its weakest exit point. This residual noise then projects through openings and thinner barriers. Then level is then assessed for outside distances where it reduces 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 more important to consider as the first line of defense. A building with separate rooms inside is also beneficial, as was found on this project. Fences were also considered and are not first choice, (fences block little noise unless they are very tall and solid).

Planned Action: IMEG has recommended eastern 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 and might be noisy. A draft sketch of the building has also been discussed with Mr. Mast to identify other openings that are important, including outside exercise fencing with visual barriers, that is offset from his current building, (see map).

Planned Action: Any leak is a major contributor to noise. Those facing the nearest receptors are more 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 if not planned for. Doors facing the nearest receptors have leaks. IMEG recommends solid compression double flap door seals by Pemko Inc. or equal by Zero Inc. as barrier improvements. Other weatherstrip methods are good, as long as the gaps are minimized, and solid seals are used. This includes door bottom seals to keep cracks, crevices, gaps, and openings to under 1/2-inch opening. This is important on those building sides facing the closer or any more concerned residence. This leak prevention also includes:

1. Source noise windows with perimeter roping or insulation is recommended at the gap of each window facing receptors. All door frames should be weather sealed and caulked around the frame.
2. Any louver or fan exhaust should be oriented away from the nearest receptors. Should fans be required or already be in place a fan guard or shroud with a 1-inch-thick absorbent lining on its inside can be used to absorb some sound leaking though the fan opening. The depth of such a fan guard should be at least 12-16 inches, when possible, to allow enough surface area to absorb sound at the frequency of interest.
3. Doors should remain closed when possible
4. Ventilation should exit to the opposite sides of the east side of the building.
5. Exercise yards could have rotating smaller populations, to reduce large numbers in the open areas. Fencing used does not have to be tall but should be a screening fence to lower distraction to the animals is suggested.

Next, as sound travels and reduces along the paths with more distance, more attenuation and more high frequency level is also lost. This is a standard calculation in science called the common inverse square law and allows for an added minus 6 dB per doubling of any distance. Further attenuation happens by frequency, (Hz.) such that higher pitched or higher frequency noise is absorbed first at a higher rate too. 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 yelp will become softer and muffled due to distance.

After considering the building layout for barriers, the noise level is projected onto nearest residences, and called the noise 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.

This "plan" with its hierarchy of recommendations means a successful plan identifies the closest sensitive neighbor first, then solves for the conditions that can increase noise. Focusing on those recommendations can abate noise to a normal noise level for the surrounding site in our professional opinion.



Further, the principal leaks of the building are those that point directly to the nearest concerned neighbor and are the places to act first. It is acknowledged that some nearby receptors or receivers may also be more sensitive to some noises more than others. 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 be considered annoying by sensitive listeners. This means the owner and the Study plan and predict a point of view for a "reasonable" person as a best practice reference and the averages are important.

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 is often defined as "whatever is unwanted" and this loudness often supersedes the physics of sound, science, and its measure by decibels (dB). While the science is well known, it is often misapplied subjectively to meet relative goals that are not the same between parties. But this subjectivity is also an acoustical attribute that can be accounted for statistically. A key here is to use 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.
 2. As an example, 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 7:00AM cited where an added amount of noise abatement is considered. This is often cited as 5 dB or even as much as 10 dB more to account for human sensitivity during the quiet night. A 10 dB reduction for noise is considered one half as loud from whatever the noise is referenced too. So, a 55 dBA nighttime level for an ordinance ca be improved with an added 5 dBA night penalty during sleeping hours and the level effectively drops to 50 for those night hours as a result.
 3. Planned Action: The operators of the kennel have discussed when noise happens now, and how they could reduce some occurrence to midday or later in in the morning.
 4. Good care for animals also means exercise outside of the building (and the building barrier), midday. We find the owner desirable to offer good care and consider outside exercise conditions that are limited to best times where annoyance is not as 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.



D. Technical Findings

Actual baseline dog barking was measured carefully with a calibrated meter meeting ANSI standard. A single noise number averaged for many dogs can be stated as 66 dBA +/- 3 dBA at 50 feet and during active animal exercise. Noise levels with more distance are then projected for residences farther away.

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.

<u>Position:</u>	<u>Max./peak (dBA)</u>	<u>Ave. 1 min</u>	<u>50 feet (no peaks)</u>
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- Exercise/Kennel 5 ft; 10-20 dogs:

	<u>90-105</u>	<u>85-95</u>	<u>68 +/- 5 dB</u>
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- Above/50 ft; for 1 dog: 78-83

	<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
--	--------

- Planned Action in place/1600 feet (approx. 1/4 mile):

	<u>30-33 dBA</u>
--	------------------

1. This (dBA) is a "like term" found in the literature and would be admissible in municipal hearings across the US for comparisons or for future noise ordinance use.
2. 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.
3. The owner is planning for approximately 30 animals with potential expansion. 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, but never doubles.



4. Other Planned Action:

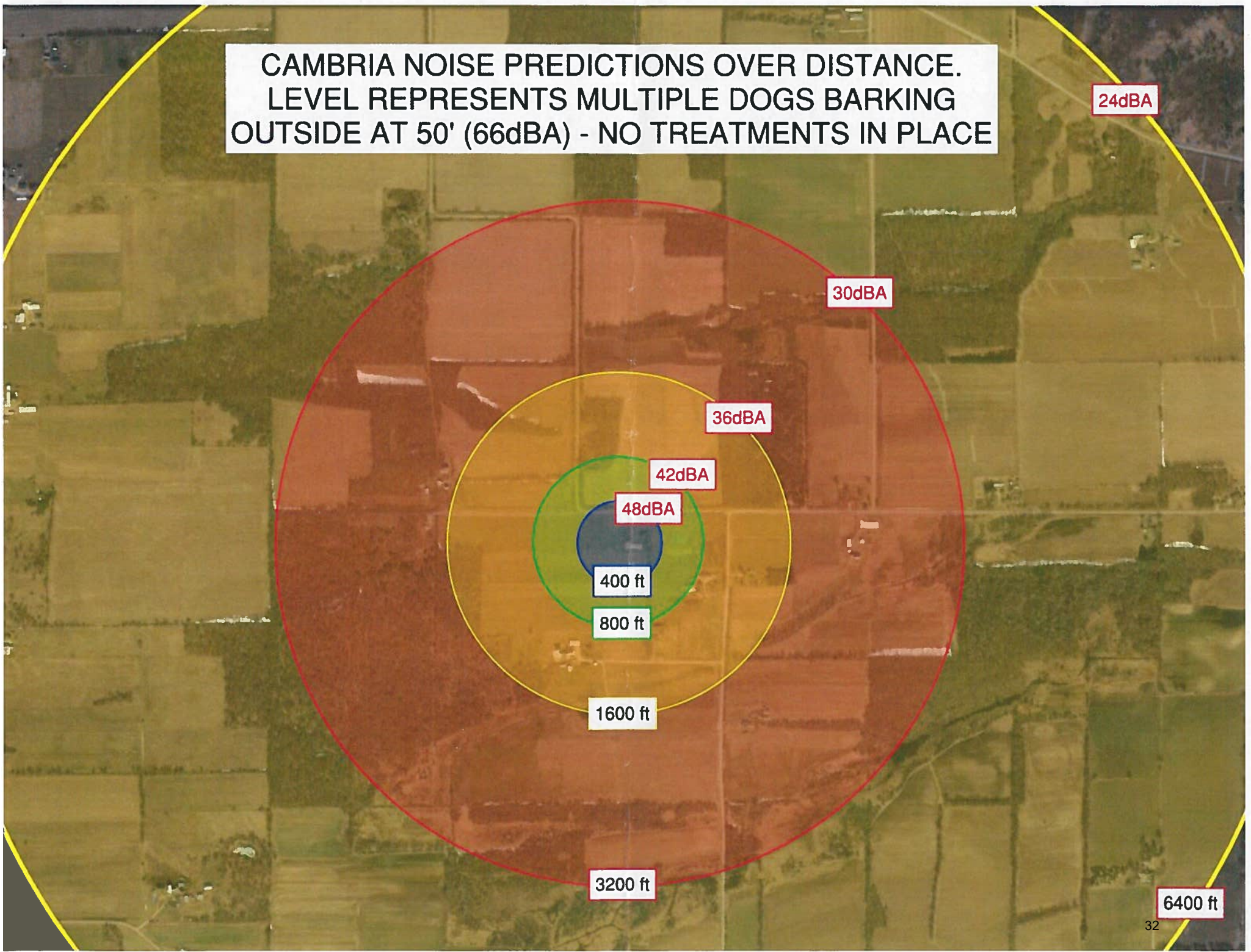
- a. Feeding can be moved to later in the AM to lower annoyance.
- b. Feeding inside the building is best and recommended, to attenuate noise escaping outside from excited animals.
- c. The building has absorption inside and barriers help this condition before noise emanates outside.
- d. Chain link or open weave fencing is not a noise barrier. However, lowering distraction that causes barking is a benefit. We recommend simple inexpensive fence strips inserted in open weave chain link to keep animals from being distracted by passersby, traffic or horses. This visual barrier reduces annoyance and the duration of noise events.
 - 1) Fence height is not important for noise. A 5-foot barrier is likely the most needed if noise is the only consideration.
 - 2) Fences of other materials will not be a significant noise barrier, unless the noise source or dog is directly against the fence and the fence is solid with no seams.

E. Measurements and References.

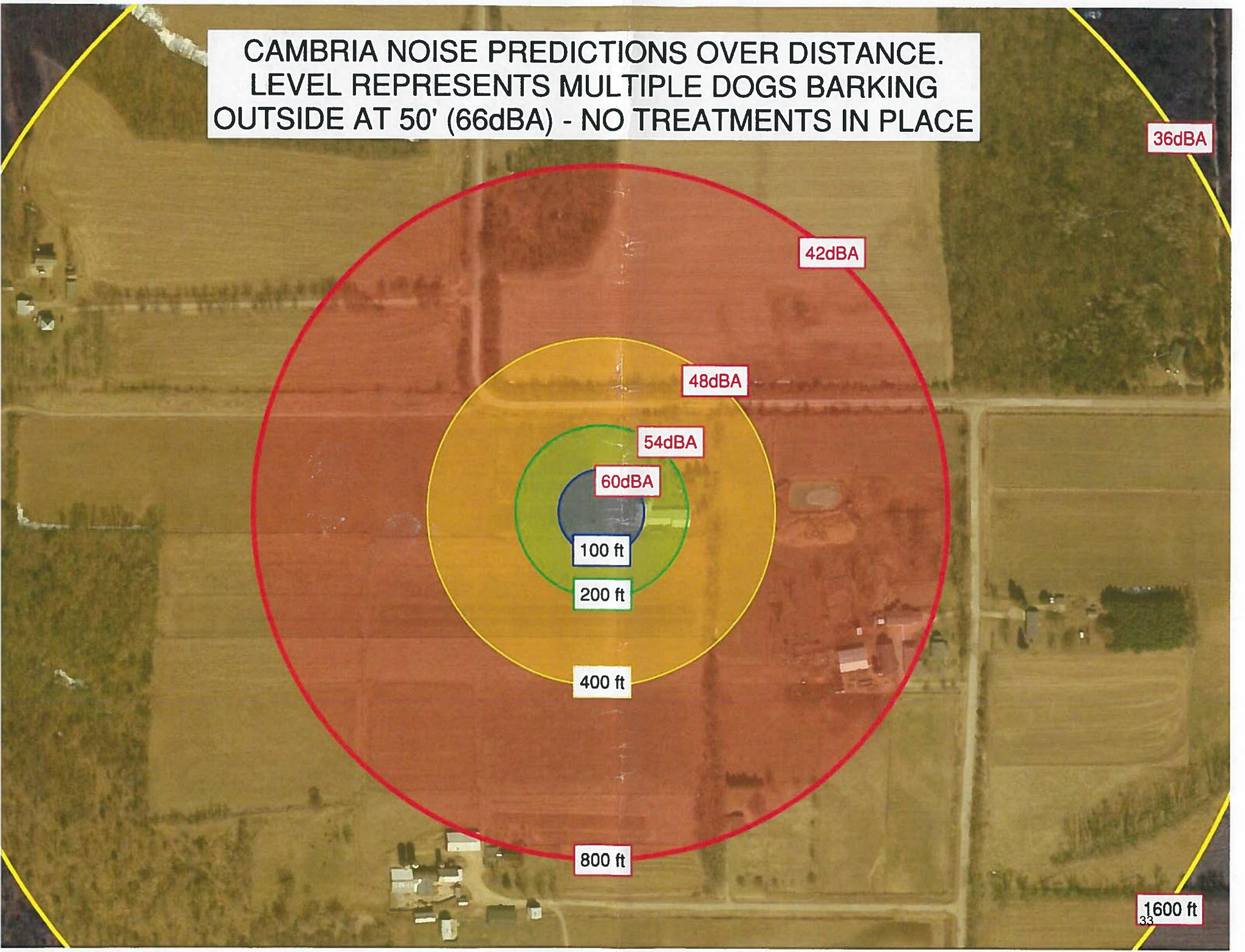
1. Sound levels were measured on other kennels with outside exercise and a similar population. Measurement was taken 5 feet outside a kennel fence line, 20 feet from sources with full open doors and at 50 feet too. These allow noise with distance and time to be accurate. This measurement is also typical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



CAMBRIA NOISE PREDICTIONS OVER DISTANCE.
LEVEL REPRESENTS MULTIPLE DOGS BARKING
OUTSIDE AT 50' (66dBA) - NO TREATMENTS IN PLACE



CAMBRIA NOISE PREDICTIONS OVER DISTANCE.
LEVEL REPRESENTS MULTIPLE DOGS BARKING
OUTSIDE AT 50' (66dBA) - NO TREATMENTS IN PLACE



36dBA

42dBA

48dBA

54dBA

60dBA

100 ft

200 ft

400 ft

800 ft

1600 ft

TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Manchester, County of Green Lake, took the following action on –
(Date) 11/8/2021.

Owner/Applicant: 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.

Planned public hearing date for the above requests: December 2, 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:

Corrine Krueger
Town Representative

11/8/21
Date Signed

NOTES: The town was encouraged to approve by the Noise Control Report.

Their approval is contingent on the applicant following that plan.

Please return this form to the Land Use Planning & Zoning Office by: **November 19, 2021**

ITEM II: CONDITIONAL USE PERMIT

OWNER:
Daniel Bontrager

APPLICANT:
Wayne Bontrager

REQUEST: The owner/applicant is requesting a Conditional Use Permit to allow for a dog kennel as an agricultural accessory use.

PARCEL NUMBER / LOCATION: Parcel number 012-00073-0000; located in the SE¼ of Section 4, T14N, R12E, Town of Manchester, Green Lake County. The location of the site is W3818 Heritage Road and is just shy of 40 acres in size.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning for the parcel referenced above is A-1, Farmland Preservation District. All of the lands surrounding the subject parcel are also zoned A-1, Farmland Preservation District. The predominant use of the land surrounding the site is devoted to agricultural purposes.

PER SECTION 350-27A(2)(b) ZONING ORDINANCE: A business, activity, or enterprise, whether or not associated with an agricultural use, can be allowed as a conditional use if the activity occurs within a building that is primarily used for agriculture. The proposed use will meet this ordinance requirement as the agricultural use of the building will be over 50% if the conditional use is approved.

ADDITIONAL INFORMATION / ANALYSIS: The applicant is proposing a building in which 24ft x 25ft of the building will be devoted to the dog kennel/breeding facility use. The other portion of the building which is 16ft x 38ft will be a horse barn (the horse barn does not require a conditional use permit). The dog area will also have dog runs that will be two 5.5ft x 24ft areas on both sides of the building. The building would be accompanied by an approximate 100ft by 100ft exercise/play area for the dogs. The proposed dog kennel use would be for breeding, whelping, raising, feeding, and the eventual sale of the dogs. The dog kennel building will have 8 adult dog pens which have “runs” that allow access to fresh air when desired and are built to USDA/State standards. There will be 20-28 adult dogs. There will be 10 whelping pens which do not have runs but will be let out a minimum of two times per day. Weather dependent, the dogs will have access to the exercise and play area. The applicant is USDA and State licensed to breed and sell dogs which will be sold directly to pet shops or brokers. This will be a year-round operation and a licensed veterinarian will “vet-check” every dog that is sold. The applicant has been involved in the dog kennel use for two years and all kennel related duties/responsibilities will be done by the applicant and family. There is no plan to hire any employees. Wastewater from the cleaning/maintenance of the dog kennel building will be managed as part of State standards. The noise will be minimized by an engineered IMEG noise abatement plan (see packet). The IMEG plan shows that without a noise abatement plan at a radius of 400ft from the dog kennel/breeding use that the noise level is approximately 48dBA and no homes are within that 400ft radius. According to Yale University’s Environmental Health and Safety, the environmental noise comparison chart shows that a household refrigerator is 55dBA. The noise abatement plan is designed to lower the noise by 3dBA-6dBA and possibly up to 10dBA.

Currently, the subject site is used agriculturally consisting of crop fields and greenhouses. There is a farm residence and other agricultural buildings located on the referenced parcel. The owner has been living on the property for 23 years and since ownership it has always been used agriculturally. The proposed dog kennel use meets goal #5 of the Comprehensive Plan placing compatible service and employment opportunities with existing uses. The use is not inconsistent with goals #1, #2, and #3 which are to preserve rural character, water resources, and farmland.

It is the charge of the Planning & Zoning Committee to determine if this request meets the intended purpose of the Green Lake County Zoning Ordinance and, if so necessary, to apply any conditions that will ensure that this use will meet the general criteria (a-f) below.

GENERAL STANDARDS FOR REVIEW OF CONDITIONAL USE REQUESTS: When reviewing a conditional use permit, the Committee shall take into consideration, among other things, the recommendation of the affected town and the particular facts and circumstances of each proposed use in terms of the following standards:

- a) If an applicant meets or agrees to meet all of the requirements specified in this chapter and any conditions imposed by the Committee, based on substantial evidence, the Committee shall grant the conditional use permit.
- b) Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- c) The requirements and conditions must be reasonable and, to the extent practicable, measureable, and may include conditions such as the permit's duration, transfer, or renewal.
- d) The applicant must demonstrate that the application and all requirements and conditions related to the conditional use, are or shall be satisfied, and supported by substantial evidence. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.

Substantial evidence is defined as: facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

No conditional use permit shall be approved or approved with conditions by the Committee unless it shall find the conditional use:

- 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, and 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, schools, and that the persons or agencies responsible for the establishments 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 standards of a conditional use permit as listed above. If the Committee is proposing 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 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 ordinances 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].

TOWN OF MANCHESTER: An Action Form requesting the Town of Manchester’s input related to this conditional use permit request was emailed to the Town Clerk on October 14th, 2021. The town held a meeting on 11/8/2021 and did not object and recommended approval of this request with a note. Note: The town was encouraged to approve this conditional use permit by the noise control report. The town approval is contingent on the applicant following that plan.

Fee Received (Non-Refundable) \$ 375.00

Date 9/28/21

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 Daniel A. Bontrager (property owner) Wayne D. Bontrager (applicant)

Mailing Address W3818 Heritage Rd. Markesan WI. 53946

Phone Number N/A Email N/A

Signature Wayne Bontrager Date 9-28-21

AGENT IF OTHER THAN OWNER

Name _____

Mailing Address _____

Phone Number _____ Email _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Manchester Location of Property W3818 Heritage Rd

Section 4 Town 14 N Range 12 E

Affected Parcel Number(s) 012-00073-0000 Affected Acres 10,864 sqft

Subdivision _____ Lot _____ Block kernel + exercise area

CSM ~~00000~~ Lot _____ or COS _____

Legal Description _____

Current Zoning Classification A1

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

Home, Ag buildings, Greenhouses, Woods, Crop fields, Livestock.

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. Under roof dog area is 24' x 25', dog runs under open skies (no roof) will be (2) 5.5' x 24 areas.

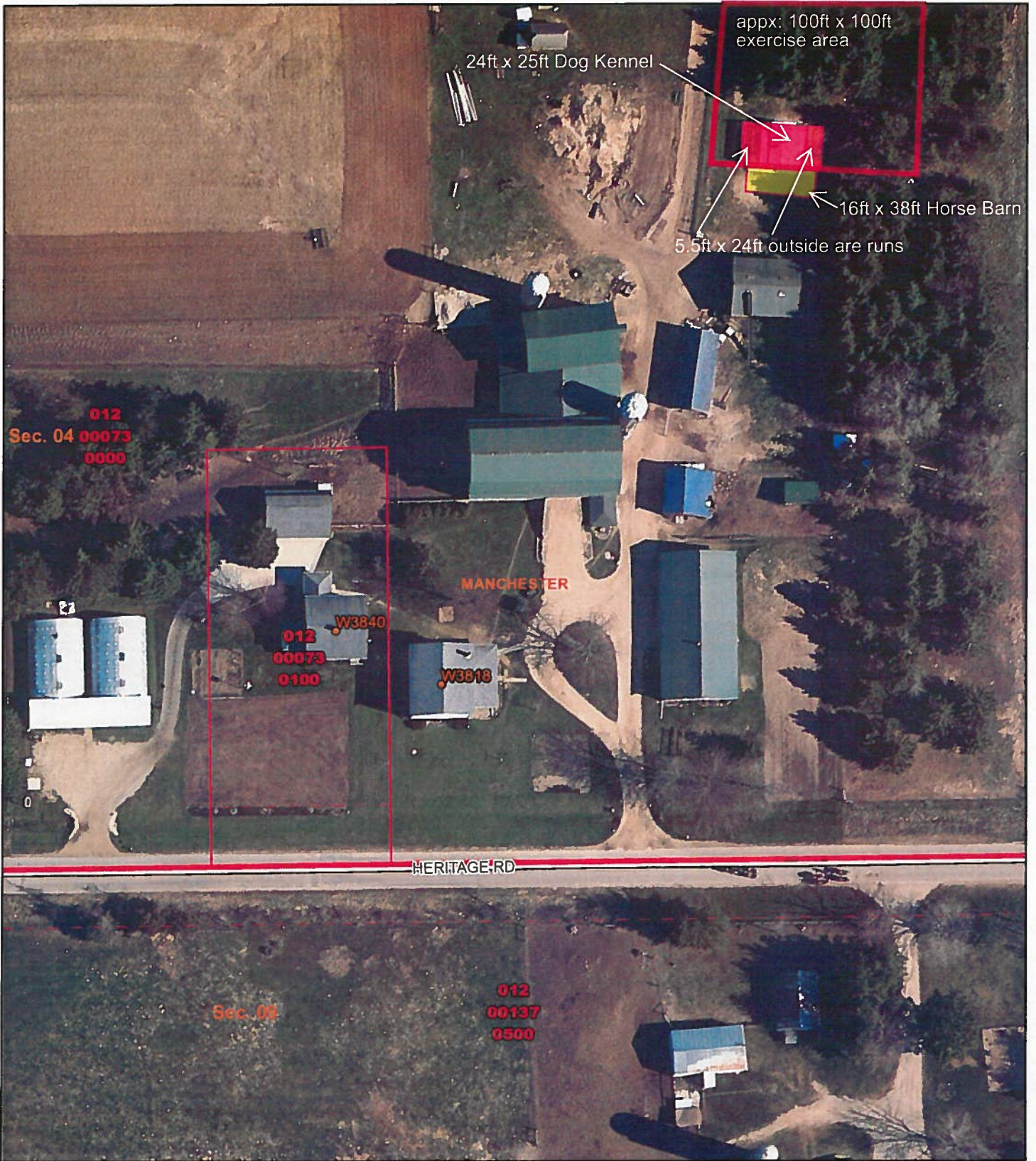
If this box is checked, provide the following information:
Proposed use has additional minimum development standards in Section _____.
Explain how your proposal meets or exceeds these requirements.

OPERATIONAL PLAN NARRATIVE

- Licensed through the State and USDA & 2 years in business
- Property history has been agricultural and is used agriculturally. Greenhouse, ag buildings, crop fields, and residence.
- Proposed use would be 20-28 adult dogs, 8 outside runs that connect to 8 inside pens, 10 whelping pens that are separate from adult dog pens/runs.
- Dogs sold to a broker or pet store. All dogs are vet checked according to State and USDA standards.
- Dog Kennel / breeding use will be year round, hours of work vary based upon chores and attention needed but typical work hours are from 7am to 6pm.
- horse barn will be attached to dog kennel / breeding area. 600sqft of covered dog use area, 264sqft of uncovered dog use area, 608sqft of horse barn. More than 50% agricultural use of building.
- Worked with IMEG to design noise abatement plan. See plan details.
- Compost /decompose dog waste.

OPERATIONAL PLAN NARRATIVE (continued)

- Property is owned by applicants father and the dog kennel is in a rural / agricultural setting.
- No outside of family employment.
- Privacy fence blocks in exercise area, $\pm 100' \times 100'$ exercise area
- Dog Kennel / breeding building 600sqft + 264sqft (inside + outside) already exist. The new building (horse barn) is what would be added onto the Kennel area to have an agricultural use (over 50%) of the building.



Green Lake County

1 inch = 76 feet

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

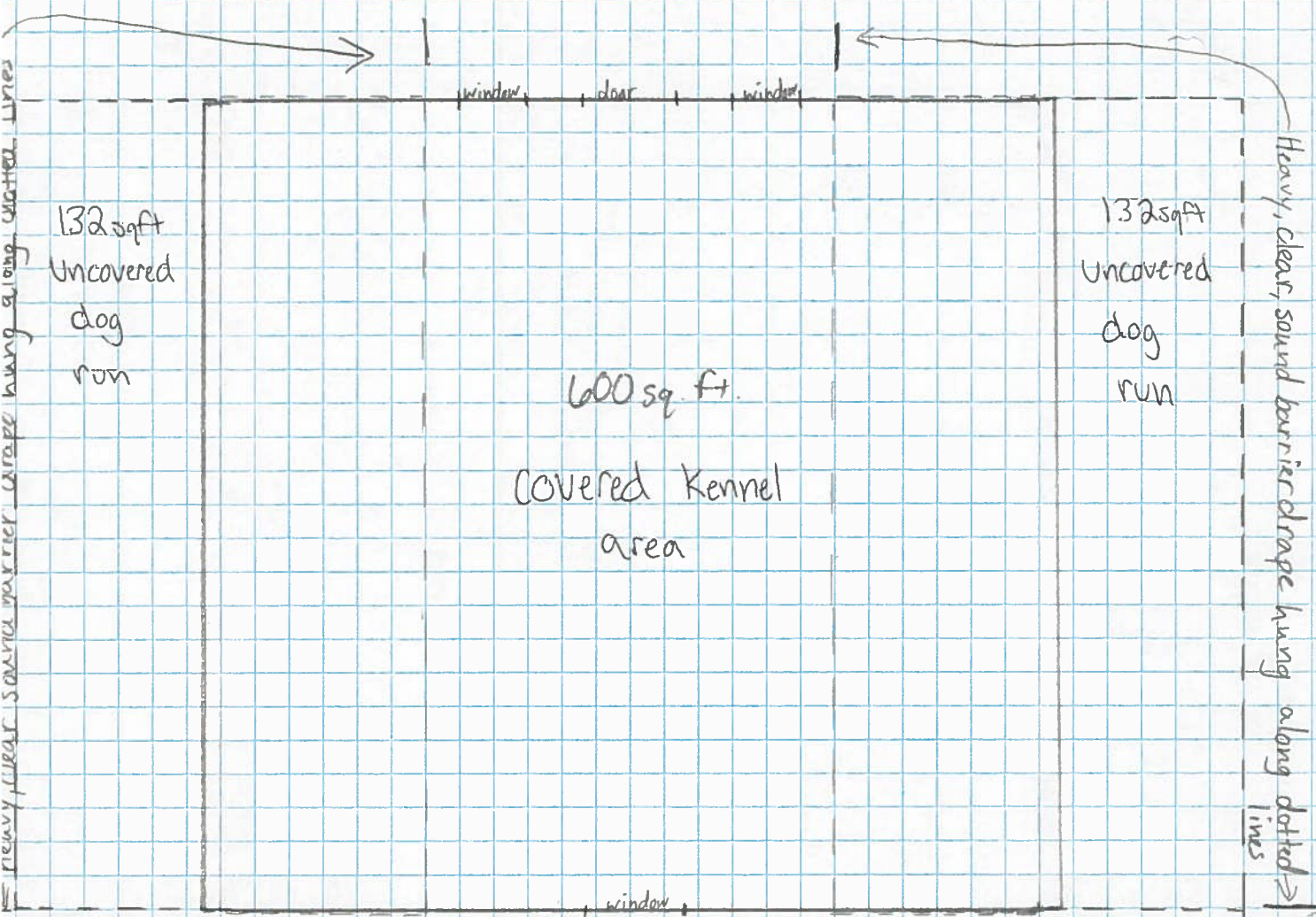
GIS Viewer Map
 Green Lake County, WI

Time: 9:04:48 AM
 Date: 9/28/2021

Note:



- North -



heavy, clear, sound barrier drapery hung along dotted lines

Heavy, clear, sound barrier drapery hung along dotted lines

132 sqft
Uncovered
dog
run

132 sqft
Uncovered
dog
run

600 sq. ft.
Covered Kennel
area

608 sq. ft.
Horse Barn

16'

38'



Animal Noise Study

W 3818 Heritage Road

Markesan, Wisconsin

- **Sept 24, 2021**



Acoustic/Noise Plan

W 3818 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 also 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. Wayne Bontrager.
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 agricultural and 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 surrounding area.

6. Further, 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 also 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. This is considered not loud but is noticeable. Further, the noise plan offered 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 and represents when the dogs are outside, and the plan is not enacted. This mapping occurs when animals are in the exercise yard. 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 20-28 animals with potential expansion. 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, but never doubles.
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.

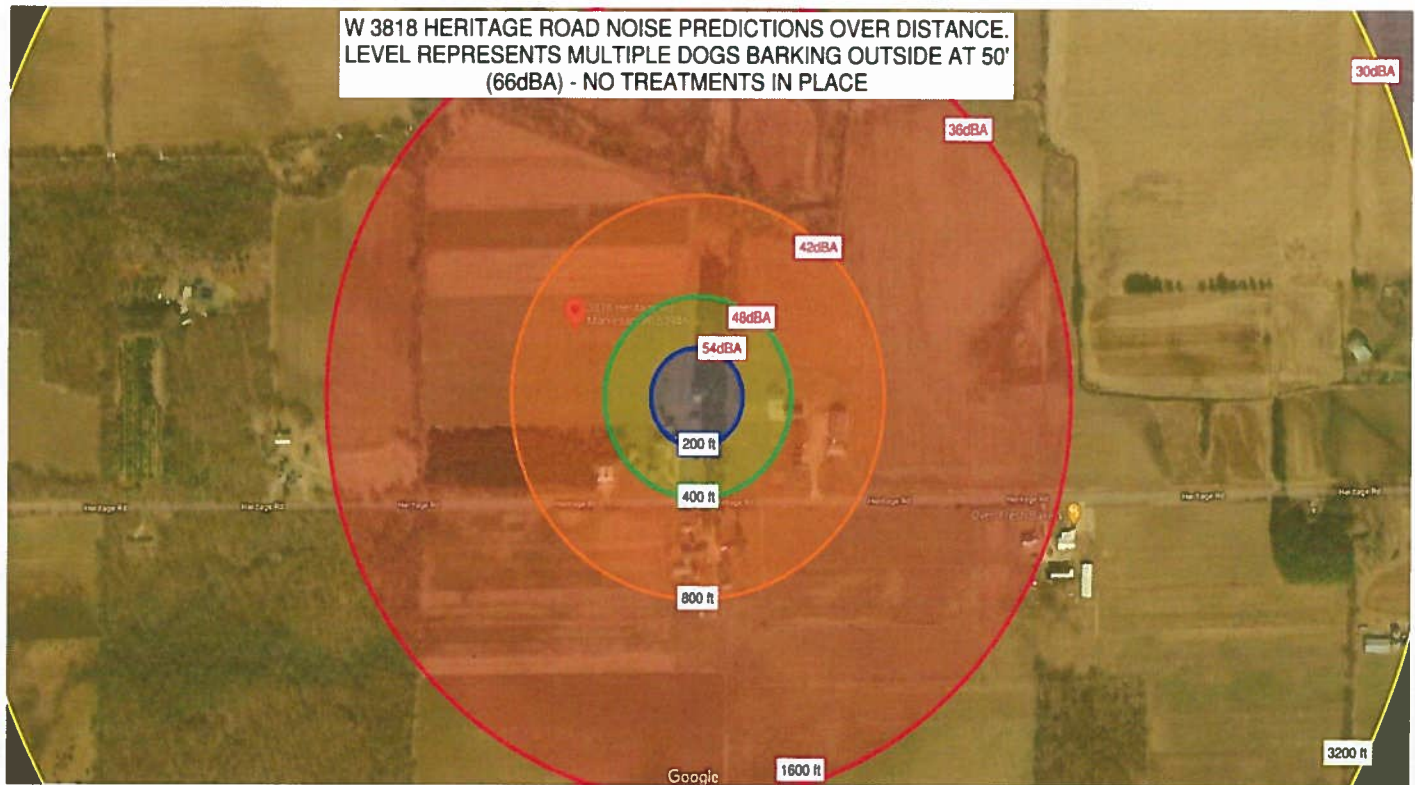
1. Sound levels were measured on other kennels with outside exercise and a similar population. Measurement was taken 5 feet outside a kennel fence line, 20 feet from sources with full open doors and at 50 feet too. These allow noise with distance and



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 NTL 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:





Animal Noise Study - Appendix 1

W 3818 Heritage Road

Markesan, Wisconsin

- **Sept 27, 2021**



Acoustic/Noise Plan

W 3818 Heritage Road

Appendix 1 - Noise Abatement Option - Exercise Yard Fence Barrier

1. On page 4, item #7, the reports states:
2. *"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"*
3. For this building at 3818 Heritage Road, the nature of the current (red) building does allow for a barrier fence to be built and improve noise control, in lieu of a slat insert that is a visual barrier only. This solid barrier would still lower distraction to animals in the yard but also act as a solid barrier to noise, (rated for STC 21 minimum or STC 25-26 for thicker 1/2 lb. variety).
 1. This noise barrier metric (STC 21) is the same metric specified for a federal highway concrete barrier wall used along US interstates. It is thin, but also very heavy, weighting in at about 1/4 to 1/2 lb./ft². This means the fence supports would have to be improved over a standard fence to support the material and any wind loads. A thicker and heavier material (STC 25-26 @ 1/2 lb.) would be less likely to be torn from dogs abrading the material on the inside.
 2. This mostly works well only when the noise source is very close to the fence line, such as multiple dogs energized by running and barking along the actual fence. This key here is "close" by the animal to the fence. The dog is in the "acoustic shadow" where noise is more easily blocked and does not have the added distance to bend over the top of the fence. This barrier also acts as a visual barrier too.
 3. Product is available in solid sheets, reinforced sheets, black and occasionally in clear versions. Product has many names but is always as sheet goods roll and is technically called "Mass Loaded Vinyl". It is usually marketed as plastic "sheet lead". In truth the product is a simple 1/8-inch-thick barrier material that arrives in flexible rolls and sports a very heavy 1/2 lb./ft² for STC 26 rated material. This

solid plastic barrier could be attached to a fence line and would add additional noise shielding to that fence for animals running along the line of the fence.

4. For installation, the material could be purchased as a sample first and the mechanical mounting method would have to be determined on site. Washers or another strip banding would likely be used to secure it.
5. Typical product is available from several sources and is usually thicker than needed, STC 26 1/4 inch thick. We believe thinner and lighter MLV fabric could be considered as:
 - 1) Kinetics Noise Control, KNM series, STC 21 1/8 inch thick.
 - 2) Note, it is often available only in 1/2 STC 25-26 product. It is harder to find when in 1/4 lb. STC 21 versions. Shipping is also higher due to its inherent weight.
6. Kinetic Noise Control is in Columbus Ohio. Links include:

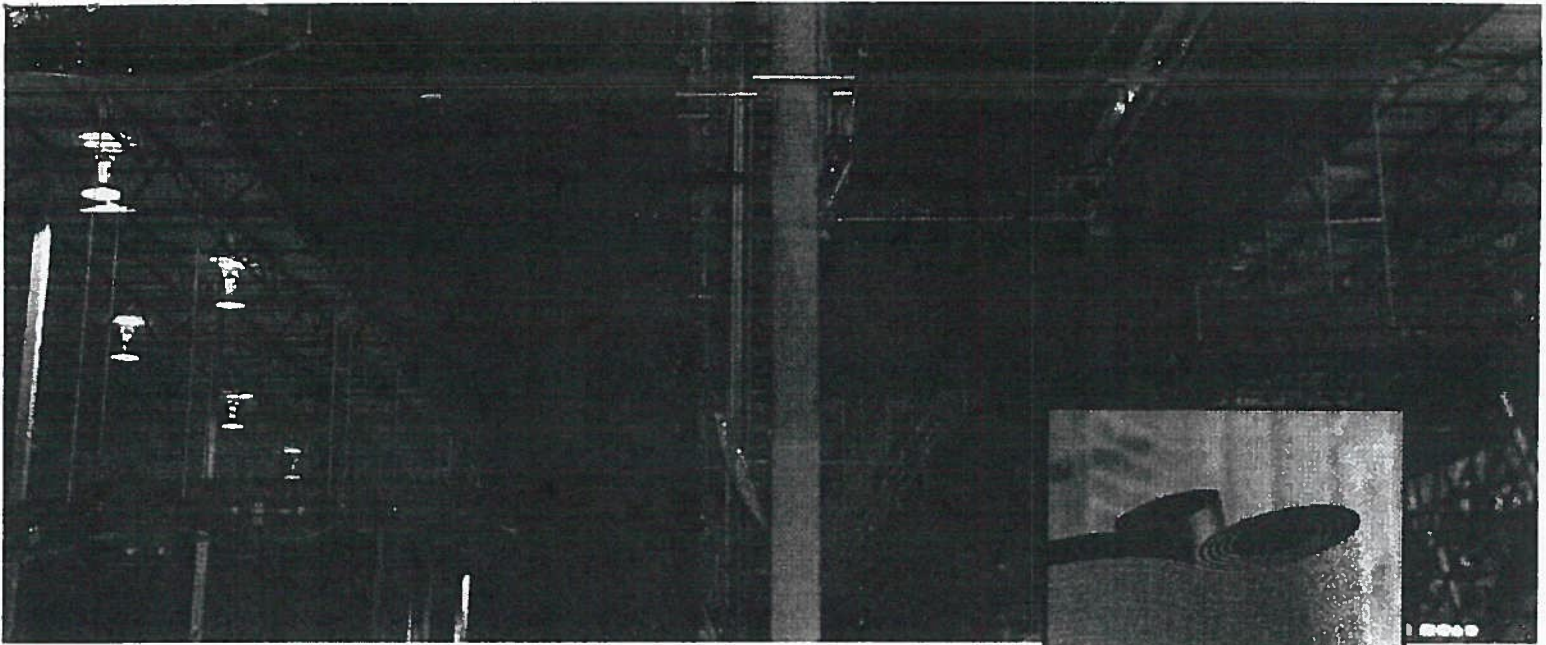
<https://kineticsnoise.com/downloads/data-sheets/knm.pdf>

<https://kineticsnoise.com/downloads/data-sheets/knm.pdf>



W 3818 HERITAGE ROAD NOISE PREDICTIONS OVER DISTANCE.
LEVEL REPRESENTS MULTIPLE DOGS BARKING OUTSIDE AT 50'
(66dBA) - NO TREATMENTS IN PLACE





KINETICS® KNM MASS LOADED BARRIER

Description

Kinetics KNM is a mass-loaded, limp, vinyl barrier material. KNM barriers are used for enclosing noise sources, either draped around equipment, process piping, suspended between equipment and quiet areas, or lagged to the equipment casing. Easy to cut and install. Available as KNM-B, KNM-RB, and KNM-C.

KNM-B

Limp barrier material, unreinforced and loaded with barium sulphate. Available in 0.50 psf (2.44 kg/m²), 1.00 psf (4.88 kg/m²), and 2.0 psf (9.76 kg/m²).

KNM-RB

Limp barrier material, reinforced with a fiberglass screen, and loaded with barium sulphate. Available in 0.50 psf (2.44 kg/m²) and 1.00 psf (4.88 kg/m²).

KNM-C

Clearview barrier material, very limp, tough, water clear, nonloaded and non-reinforced. Available in 0.50 psf (2.44 kg/m²) and 1.00 psf (4.88 kg/m²).

See more product details on page 2.

Application

Industrial process piping acoustic wrap
Acoustic liner for machinery covers
Wall and door septum
Enclosing noise sources
Suspended between equipment and quiet areas
Rooftop curb noise barrier

KNM-C clearview noise barriers are recommended for use in applications where it is necessary to maintain visual contact, yet achieve a high degree of noise reduction.

Specification

Barrier material shall meet the sound transmission loss and physical properties performance and the flammability standards listed in this brochure.

Barrier material shall be resistant to water, oils, weak acids, alkalis, and fungi, and have excellent weather resistance.

Barrier material to be Model KNM by Kinetics Noise Control, Inc.

Sound Transmission Loss, dB

ASTM E90-09: Tested as free hanging barrier

Product	125	250	500	1000	2000	4000	STC
KNM-50C	11	12	15	20	26	32	21
KNM-50B	11	12	15	20	26	32	21
KNM-50RB	11	12	15	20	26	32	21
KNM-100C	16	16	21	26	32	36	26
KNM-100B	16	16	21	26	32	36	26
KNM-100RB	16	16	21	26	32	36	26
KNM-200B	21	22	27	32	37	42	31

KNM-50B

Limp barrier material, unreinforced and loaded with barium sulphate.

- Weight: 0.5 psf (2.44 kg/m²)
- Nominal Thickness: 0.05" (1.25 mm)
- Color: Black
- 54-inch x 20-yard (1372 mm x 18.2 m) rolls

KNM-100B — FIRE RATED

Limp barrier material, unreinforced and loaded with barium sulphate.

- Weight: 1.0 psf (4.88 kg/m²)
- Nominal Thickness: 0.10" (2.50 mm)
- Color: Black
- 54-inch x 20-yard (1372 mm x 18.2 m) rolls

Fire Testing per ASTM E84-15b

- Class A
- Flame Spread: 15
- Smoke Developed: 300

KNM-200B

Limp barrier material, unreinforced and loaded with barium sulphate.

- Weight: 2.0 psf (9.76 kg/m²)
- Nominal Thickness: 0.20" (5.00 mm)
- Color: Black
- 47.5-inch x 10-yard (1206 mm x 9.1 m) rolls

KNM-50RB

Limp barrier material, reinforced with a fiberglass screen, and loaded with barium sulphate.

- Weight: 0.5 psf (2.44 kg/m²)
- Nominal Thickness: 0.05" (1.25mm)
- Color: Light Tan
- 54-inch x 20-yard (1372 mm x 18.2 m) rolls.

KNM-100RB

Limp barrier material, reinforced with a fiberglass screen, and loaded with barium sulphate.

- Weight: 1.0 psf (4.88 kg/m²)
- Nominal Thickness: 0.10" (2.50mm)
- Color: Grey
- 54-inch x 20-yard (1372 mm x 18.2 m) rolls.

KNM-50C

Clearview barrier material, nonloaded and non-reinforced. Very limp, tough and water clear.

- Weight: 0.5 psf (2.44 kg/m²)
- Nominal Thickness: 0.05" (1.25mm)
- Color: Clear
- 48-inch x 20-yard (1219 mm x 18.2 m) rolls.

KNM-100C

Clearview barrier material, nonloaded and non-reinforced. Very limp, tough and water clear.

- Weight: 1.0 psf (4.88 kg/m²)
- Nominal Thickness: 0.10" (2.50mm)
- Color: Clear
- 48-inch x 20-yard (1219 mm x 18.2 m) rolls.



kineticsnoise.com/knm
sales@kineticsnoise.com
1-800-959-1229

TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Manchester, County of Green Lake, took the following action on –
(Date) 11/8/2021.

Owner/Applicant: Daniel & Mary Bontrager / Wayne Bontrager

Site Location: W3818 Heritage Road

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.

Planned public hearing date for the above requests: December 2, 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:* COMMENTS

The town was encouraged to approve by the Noise Control Report.
Their approval is contingent on the applicant following that plan.

Corinne Krueger
Town Representative

11/8/21
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: **November 19, 2021**

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

December 2, 2021

ITEM IV: ZONING CHANGE

OWNER:

Hargrave Family Irrevocable Trust

APPLICANT:

Robert Hargrave

REQUEST: The owner is requesting a zoning change from A-1, Farmland Preservation District to R-4, Rural Residence District parcels, ±3.0 acres

PARCEL NUMBER / LOCATION: The affected parcel number is 002-00523-0000 which is located in the SW¼ of the NE¼ Section 28, T17N, R13E, Town of Berlin. The site proposed for the zoning change is located at W1470 County Road AA.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcel referenced above is A-1, Farmland Preservation District. The lands surrounding this parcel are zoned as A-1 to the North, West, and South and are zoned A-2, General Agriculture to the East. There is also on property to the southwest that is zoned as R-4, Rural Residential. All the lands appear to mainly be used agriculturally with some residences scattered about.

ADDITIONAL INFORMATION / ANALYSIS: Currently the proposed parcel has a house, barn/shed, and garage on the property. Historically the house has been used as a farm residence. Most of the parcel has been farmed however due to a ±0.42-acre waterway on the west side and rocky soils and steep slopes on the east side most of the proposed parcel has been difficult to farm. There is also an irrigation line that runs across most of the proposed parcel that starts on the parcel to the west.

There are two soil types on this property that fall under two soil classes. One of the soil classes is Class II soils which makes up ±2.45 acres of the proposed parcel, however ±0.42 acres are covered by a waterway/drainage. Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices. The second class of soils is Class III Soils. Class III soils take up 0.57 acres of the proposed parcel. Class III soils have severe limitations that reduce the choice of plants, require special conservation practices, or both. The main limitations for agricultural use for this property would be the waterway/drainage on the western half of the parcel and the rocky steeper slopes on the east side of the parcel.

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 soil survey shows that most of the proposed parcel does have suitable soils with very few limitations for growing crops, however the waterway/drainage on the west side and the rocky and steep slopes to the east of the parcel makes it difficult to grow crops. Due to the waterway and steep slopes this proposed parcel does have a risk towards erosion and runoff.

- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is consistent with the county's comprehensive plan as it upholds the goals and objectives, most prominently the goal to preserve the rural characteristic of the county. Section 350-41 of the County Zoning Ordinance states that the R-4 district is intended to provide for limited rural residential use development, require large residential land areas to maintain the rural character, and accommodate uses that are not urban in nature.**

- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the county certified Farmland Preservation Plan is to maintain the integrity and viability of county agriculture...without damaging the economic and social environment or the natural resources..." Due to R-4's uses being complimentary and not in conflict with agricultural lands and uses, it is staff's belief that the request does not negatively impact the integrity or viability of county agriculture and is, therefore, substantially consistent with the county's certified Farmland Preservation Plan.**

- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or are legally restricted to agricultural use. **The R-4, Rural Residential District is intended to provide for limited rural residential use development, but also require a larger area to maintain the rural character and accommodate uses like light agriculture. The R-4 district is intended to not impair or limit future agricultural use of surrounding parcels.**

TOWN OF BERLIN: An Action Form requesting the Town's input related to this zoning change request was sent to the Town Clerk on October 14th, 2021. At their November 15th meeting the Town Board did not object to and did recommended approval of this request.



GIS Viewer Map
Green Lake County, WI

Time: 9:04:35 AM
Date: 11/18/2021

Note:



Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
571 County Road A
Green Lake, WI 54941
(920) 294-4156

GENERAL APPLICATION

Fee \$ 375 (not refundable) ^{pkw}

Date 9-23-21

Zone Change from A-1 to R-4

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT (1)

Name Hargrave Family Irrevocable Trust

Mailing Address W1470 County Rd AA Berlin WI 54923

Phone Number 920-290-0394

Signature Robert J. Hargrave Date 9-23-21

PROPERTY OWNER / APPLICANT (2)

Name _____

Mailing Address _____

Phone Number _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Berlin Parcel Number(s) 002-00523-0000

Acres 3 of 20 Lot _____ Block _____ Subdivision _____

Section 28 Town _____ North Range _____ East

Location of Property W1470 County Rd AA Berlin WI 54923

Legal Description _____

W 1/2 of SW 1/4 of the NE 1/4 Sec 28

Current Zoning Classification A-1 Current Use of Property Ag and Residential

Detailed Description of Proposed Use Use will not change

See Attachment

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

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

Hargrave Family Irrevocable Trust Application

Description of Use

The intent of this application is twofold, #1 honor the late Karen and Larry Hargrave in keeping the residence and land in the family. #2 Minimize any disturbance in the current farming practices of the property.

In the effort to do so, the family would like to remove the residence from A-1 to R-4. This would achieve the goal with the least amount of disturbance or acreage removed from farming, also helping the Farmland Preservation Program. (See Exhibit #1a&b) The actual use of the property **will not change** and the new prospective owners (Richard Hargrave & house owner Bryan Hargrave) will set up a life time farm use for the irrigation pivot in the deeds/title for the properties. Much of the property is already used as a residence and is in grass or lawn. The property to the east is currently listed as class 2 soils, very rocky, used as a farming lane, snowmobile trail and garden last year. It is difficult to farm properly because of its size & shape and cannot be irrigated. The property to the west is low with a repaired waterway running through that produces poor crops and is not irrigated. Some years the water way is left in natural vegetation for erosion control. (See Exhibit #2)

Note this entire area is currently listed as "Residential" use and has over 15 Residences within ½ mile radius. (See Exhibit 3a&b) It would be unproductive to break out anymore good land other than 3 lesser quality acres proposed in an effort to **preserve** farm land.

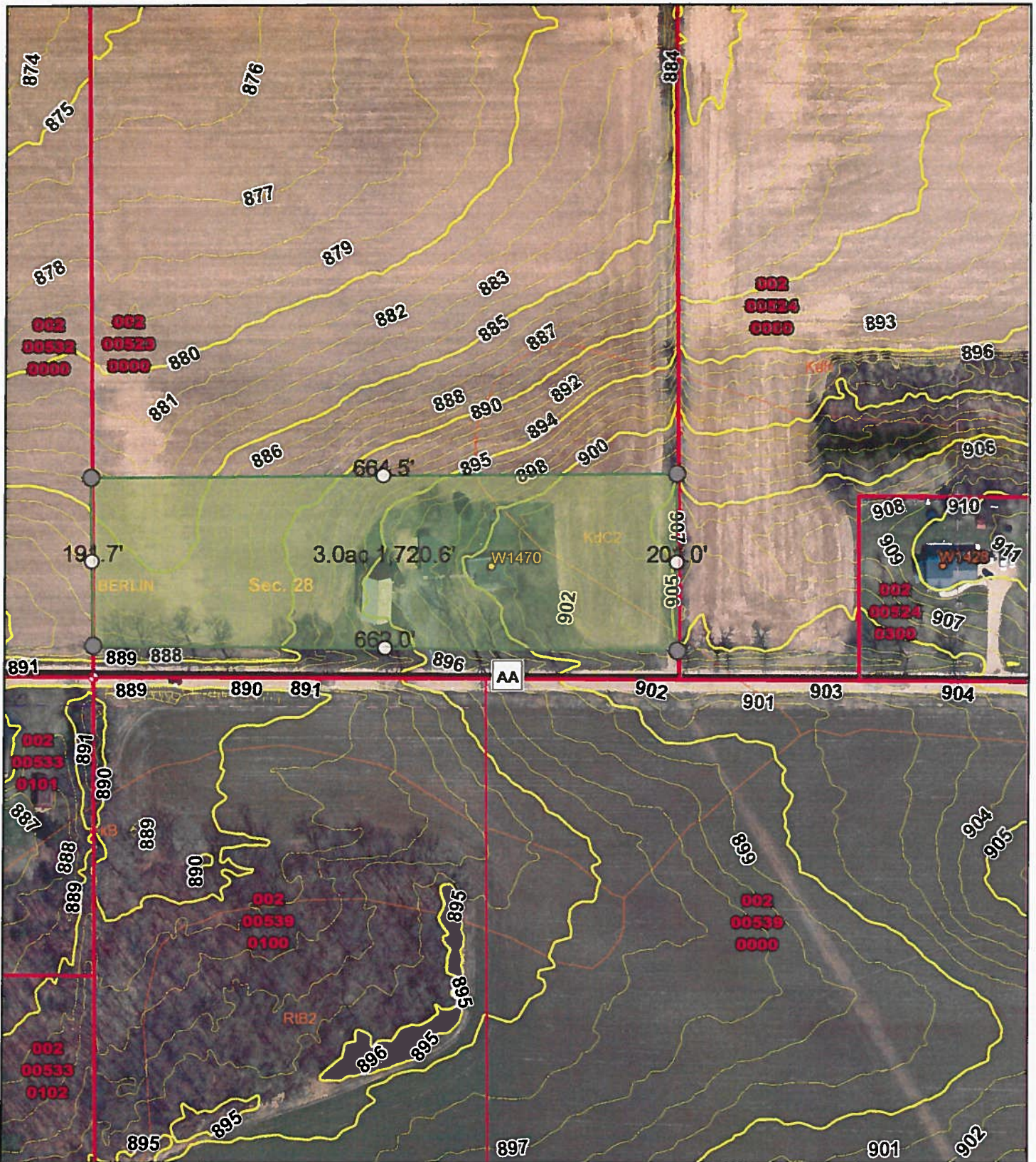
I have also attached photos of the property showing details and current vegetation growth issues.

Thank you for your consideration and feel free to contact us with any additional questions.

Regards,

The Hargrave Family Trust (Richard Hargrave, Robert Hargrave, Lisa Meier & Lon Hargrave)

Exhibit 1a



Green Lake County

1 inch = 155 feet

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

Hargrave Concept

Green Lake County, WI

Time: 1:42:21 PM
 Date: 9/3/2021

Note:



Bryan Hargrave Property 3 Acr
Green Lake County, WI

Floodplain Zoning Districts
02-03-2010

- MAP NUMBER 55047C0<PANEL>C
- Floodway ZONE AE
 - Flood-Fringe ZONE AE
 - General Floodplain ZONE A
- areas not A or AE are ZONE X
- Map Panel
 - Cross Section
 - Flood Water Surface Elevation

- Zoning Districts**
- A-1 Farmland Preservation
 - A-2 General Agriculture
 - C-1 General Commercial
 - C-2 Extensive Commercial
 - I Industrial
 - M-1 Mineral Extraction
 - M-2 Sanitary Landfill
 - NRC Natural Resource Conservancy
 - R-1 Single Family Residence
 - R-2 Single Family Mobile Home Residence
 - R-3 Multiple Family Residence
 - R-4 Rural Residential
 - RC Recreation
 - AO Adult Orientated Establishment
 - UNZ Unzoned
 - MUN Municipality
 - SPLIT Split Zoning
 - PEND Map Update Pending

- Land Use**
- Agriculture
 - Commercial
 - Industrial
 - Mixed Use
 - Public
 - Residential
- 
- 

- Base Map**
- Parcel
 - Address
 - City Village Town
 - Section
 - State Road
 - County Road
 - City Village Town Road
 - Private Road
 - Lake River
 - River Stream

Time: 3:28:52 PM
Date: 9/21/2021
1 inch = 107 feet



Note:

Exhibit #2



Soils Green Lake County, WI

Floodplain Zoning Districts 02-03-2010

MAP NUMBER 55047C0<PANEL>C

- Floodway ZONE AE
- Flood-Fringe ZONE AE
- General Floodplain ZONE A
- areas not A or AE are ZONE X
- Map Panel
- Cross Section
- Flood Water Surface Elevation

Zoning Districts

- A-1 Farmland Preservation
- A-2 General Agriculture
- C-1 General Commercial
- C-2 Extensive Commercial
- I Industrial
- M-1 Mineral Extraction
- M-2 Sanitary Landfill
- NRC Natural Resource Conservancy
- R-1 Single Family Residence
- R-2 Single Family Mobile Home Residence
- R-3 Multiple Family Residence
- R-4 Rural Residential
- RC Recreation
- AO Adult Oriented Establishment
- UN2 Unzoned
- MUN Municipality
- SPLIT Split Zoning
- PEND Map Update Pending

Land Use

- Agriculture
- Commercial
- Industrial
- Mixed Use
- Public
- Residential



Base Map

- Parcel
- Address
- City Village Town
- Section
- State Road
- County Road
- City Village Town Road
- Private Road
- Lake River
- River Stream

Time: 10:25:49 AM

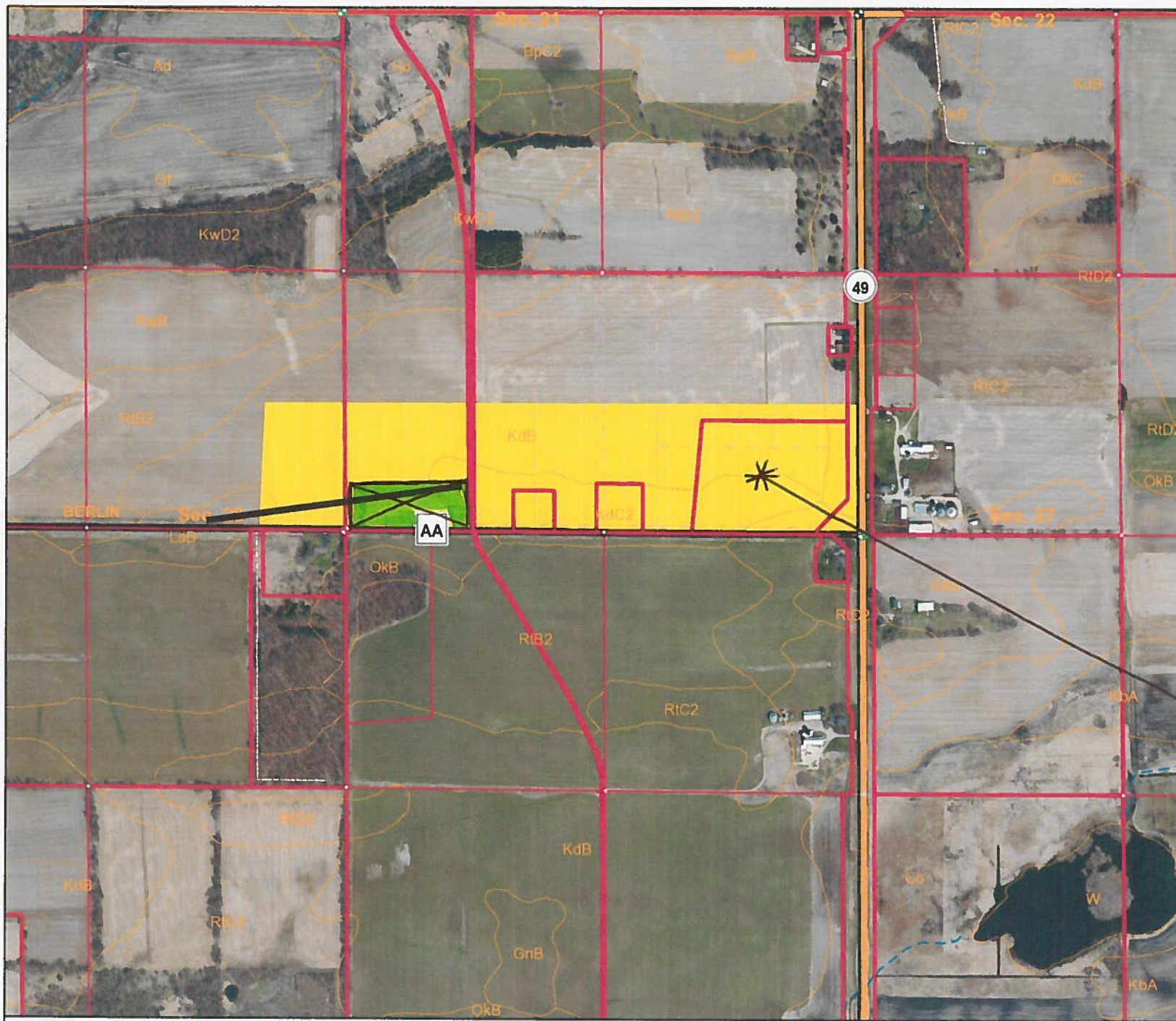
Date: 9/29/2021

1 inch = 89 feet



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

Exhibit #3a



Land use and Soils Green Lake County, WI

Floodplain Zoning Districts 02-03-2010

- MAP NUMBER 55047C0<PANEL>C
- Floodway ZONE AE
 - Flood-Fringe ZONE AE
 - General Floodplain ZONE A
- areas not A or AE are ZONE X
- Map Panel
 - Cross Section
 - Flood Water Surface Elevation

Zoning Districts

- A-1 Farmland Preservation
- A-2 General Agriculture
- C-1 General Commercial
- C-2 Extensive Commercial
- I Industrial
- M-1 Mineral Extraction
- M-2 Sanitary Landfill
- NRC Natural Resource Conservancy
- R-1 Single Family Residence
- R-2 Single Family Mobile Home Residence
- R-3 Multiple Family Residence
- R-4 Rural Residential
- RC Recreation
- AO Adult Oriented Establishment
- UNZ Unzoned
- MUN Municipality
- SPLIT Split Zoning
- PEND Map Update Pending

Land Use

- Agriculture
- Commercial
- Industrial
- Mixed Use
- Public
- Residential



Base Map

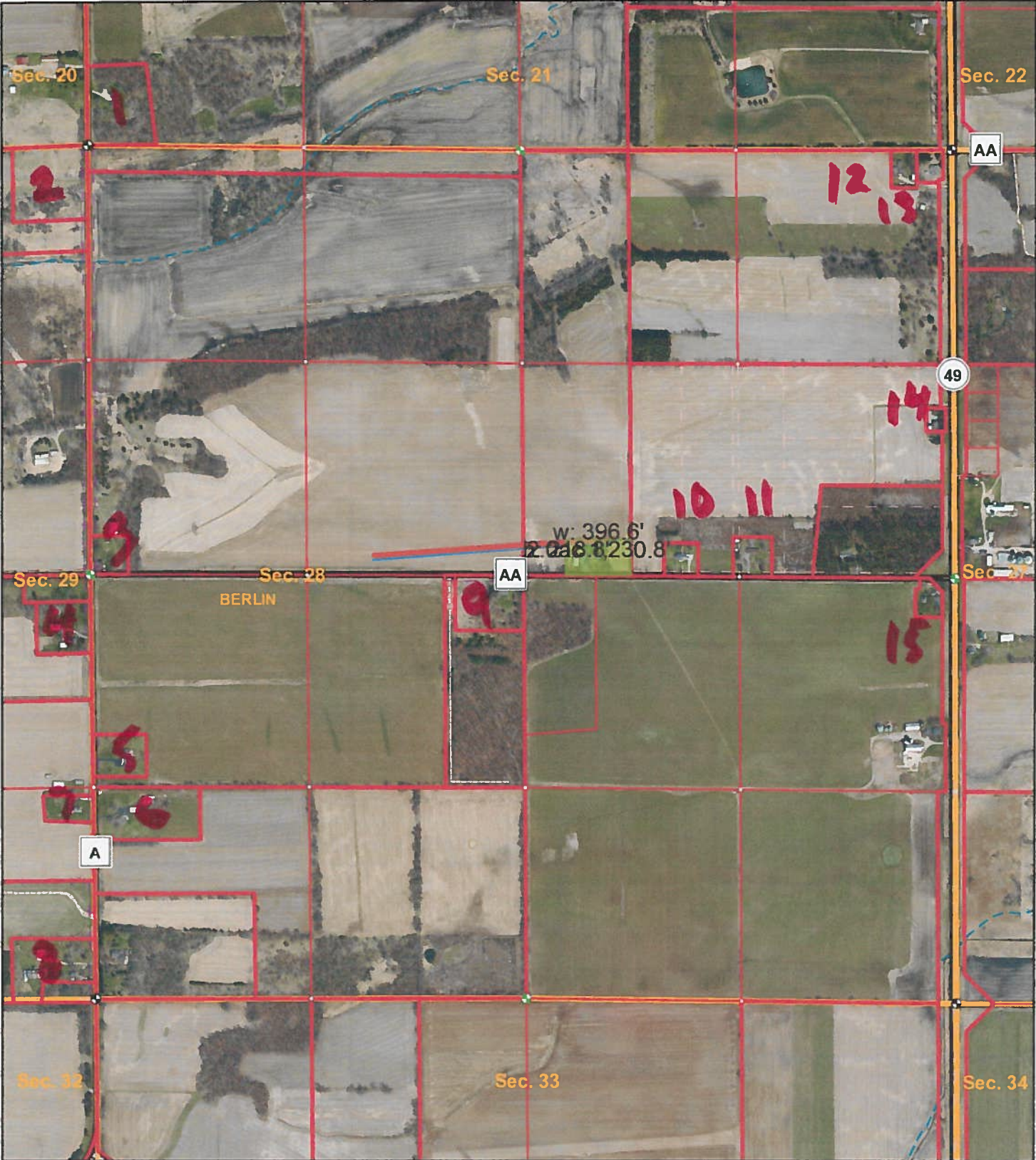
- Parcel
- Address
- City Village Town
- Section
- State Road
- County Road
- City Village Town Road
- Private Road
- Lake River
- River Stream

Time: 2:10:40 PM
Date: 9/22/2021
1 inch = 714 feet



Note:

Exhibit #3b



Green Lake County

1 inch = 853 feet

Geographic Information System (GIS)
<http://gis.greenlake.wi.us/>

GIS Viewer Map
 Green Lake County, WI

Note:

Time: 12:10:51 PM
 Date: 9/3/2021





0210903_150456_HDR.jpg

East looking North



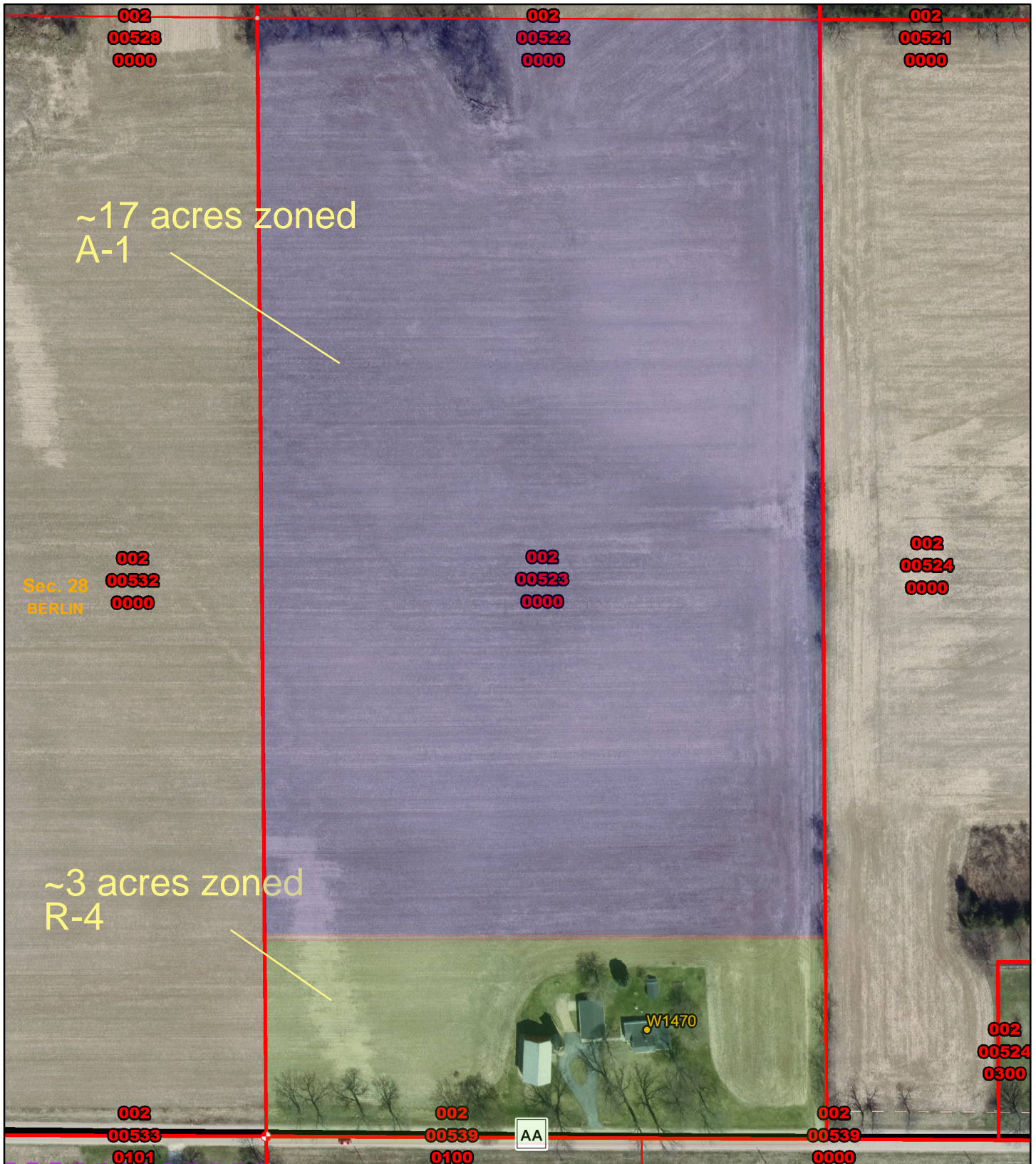
West looking West

0210903_150251.jpg



210903_150151_HDR.jpg

West looking S-West



Green Lake
County

1 inch = 162 feet

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

GIS Viewer Map
 Green Lake County, WI

Time: 9:13:39 AM
 Date: 10/13/2021

Note:
Rezone ~3 acres from A-1 to R-4



Hargrave Family Irrevocable Trust

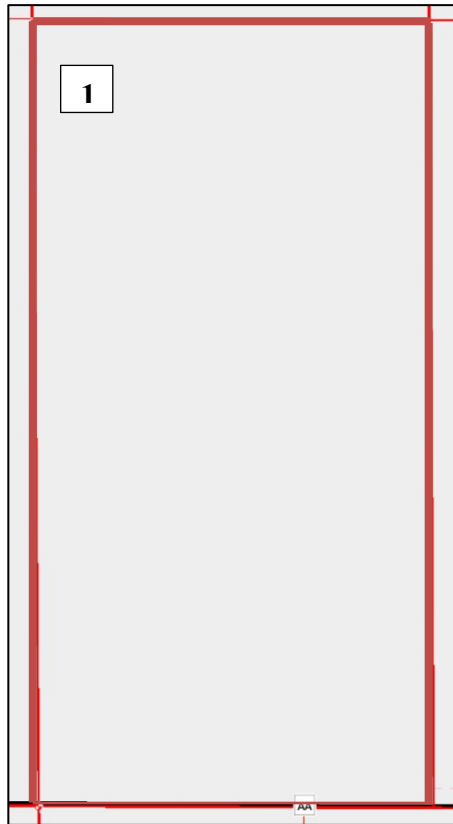
Town of Berlin

W1470 Cty. Rd. AA, Parcel #002-00523-0000

Part of the NE $\frac{1}{4}$ of Section 28, T17N, R13E

Existing Configuration

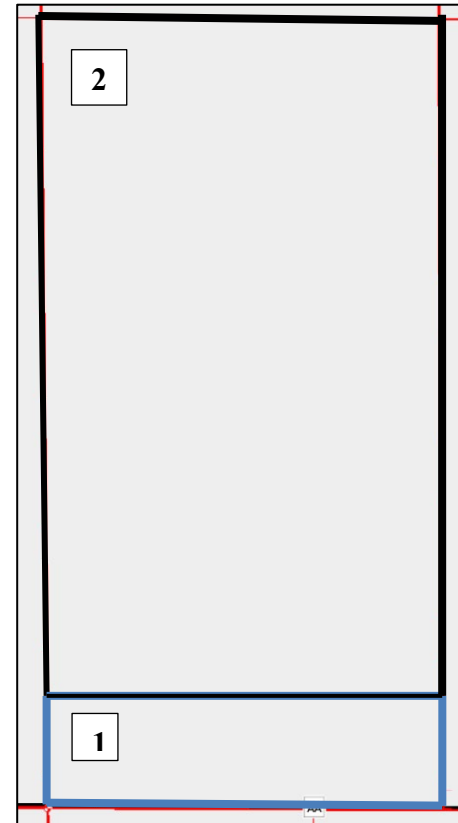
1 = ±20 acre parcel zoned A-1, Farmland Preservation District



Proposed Configuration

1 = ±3 acre parcel zoned R-4, Rural Residential District

2 = ±17 acre parcel zoned A-1, Farmland Preservation District



TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Berlin, County of Green Lake, took the following action on --(Date)

Nov. 15, 2021

Owner/Applicant: 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.

Planned public hearing date for the above requests: December 2, 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:

Brenda Muehley
Town Representative

11/15/2021
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: **November 19, 2021**

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

December 2, 2021

ITEM IV: ZONING CHANGE

OWNER:

Robert & Catherine Hargrave
Richard & Carla Hargrave

APPLICANT:

Same

REQUEST: The owner is requesting a zoning change from R-1, Single Family Residence District and A-1, Farmland Preservation District to R-4, Rural Residence District parcels, +3.0 acres

PARCEL NUMBER / LOCATION: The affected parcel numbers are 002-00534-0100 and 002-00534-0000 which are located in the southwest quarter of Section 28, T17N, R13E, Town of Berlin. The site proposed for the zoning change is located at N7812 County Road A.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcels referenced above are R-1, Single Family Residence District (±2 acres) and A-1, Farmland Preservation District (+1 acre out of the ±38 acres). The lands surrounding these parcels are primarily A-1, Farmland Preservation District with two R-4, Rural Residence District and one A-2, General Agriculture District parcel. These parcels do not fall within shoreland, wetland, or floodplain jurisdiction.

ADDITIONAL INFORMATION / ANALYSIS: The affected parcels make up ±2.2 acres of residential (home and lawn) and ±0.8 acres agricultural field. The residential home is found on the R-1 zoned parcel (002-00534-0100) parcel and ±0.5 acres of the A-1 parcel that is being proposed in the rezone is residential lawn. The ±0.8 acres of agricultural field is located entirely on the A-1 zoned parcel (002-00534-0000 parcel). The ±0.5 acres of residential lawn that is located on the A-1 zoned parcel south of the home was used for access to the field over 20 years ago. There is a better access to the field a few hundred yards to the north which is why the old access to the south is residential lawn. If the rezone is approved, the use of the property will stay residential but will give more room to build a future 1,500sqft storage shed.

The soils on this property fall between class II which is defined as “soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices” and class III which is defined as “soils have severe limitations that reduce the choice of plants, require special conservation practices, or both” Approximately 90% of the proposed parcel being rezoned out of A-1 are class II soils with the remaining 10% class III. Soils are not considered when rezoning out of R-1 zoned land. See soil details below:

Kidder fine sandy loam (KdB), 0 to 2 percent slopes occupy approximately 90% of the A-1 zoned parcel in this rezone request. According to **Soil Survey of Green Lake County, Wisconsin** this soil is suited for all the farm and vegetable crops commonly grown in the county. Rotamer sandy loam (RtC2), 6 to 12 percent slopes occupy approximately 10% of the A-1 zoned parcel in this rezone request. This soil type when managed properly is suitable for all the farm crops commonly grown in the county.

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 soil survey found that a vast majority of the soils on the subject A-1 parcel have minor limitations for growing crops and vegetables. Based on the soil analysis and distance greater than 1,500ft from shoreland jurisdiction, it appears the land is in a relatively good location for agricultural practices. Based on the current and historic use (over the last 20 years), it appears approximately 40% of the A-1 zoned parcel subject to this rezone request is used residentially (lawn). The lawn is something that could be turned over into crops or vegetables relatively easy. While our soil map shows higher quality soils to the east and lower quality soils to the north, the applicant said the A-1 land to the east is in fact harder to grow crops than to the north of the home over years of experience on-site. It would be more beneficial to take A-1 land from east of the home than the north from an agricultural standpoint as the crops grow better north of the home than directly east.**

- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is consistent with the county's comprehensive plan as it upholds the goals and objectives, most prominently the goal to preserve the rural characteristic of the county. Section 350-41 of the County Zoning Ordinance states that the R-4 district is intended to provide for limited rural residential use development, require large residential land areas to maintain the rural character, and accommodate uses that are not urban in nature.**

- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the county certified Farmland Preservation Plan is to maintain the integrity and viability of county agriculture...without damaging the economic and social environment or the natural resources..." Due to R-4's uses being complimentary and not in conflict with agricultural lands and uses, it is staff's belief that the request does not negatively impact the integrity or viability of county agriculture and is, therefore, substantially consistent with the county's certified Farmland Preservation Plan.**

- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or are legally restricted to agricultural use. **The R-4, Rural Residential District is intended to provide for limited rural residential use development, but also require a larger area to maintain the rural character and accommodate uses like light agriculture. The R-4 district is intended to not impair or limit future agricultural use of surrounding parcels.**

TOWN OF BERLIN: An Action Form requesting the Town's input related to this zoning change request was sent to the Town Clerk on October 14th, 2021. At their November 15th meeting the Town Board did not object to and did recommended approval of this request.

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
571 County Road A
Green Lake, WI 54941
(920) 294-4156

GENERAL APPLICATION

Fee \$ 375 (not refundable)

Date Sept 29, 2021

Zone Change from R-1^{1/2} to R-4

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT (1)

Name Robert F. + Catherine Hargrave
Mailing Address N7812 CTY Rd A Berlin WI 54923
Phone Number 920-290-0394
Signature Robert F. Hargrave Date 9-29-21

PROPERTY OWNER / APPLICANT (2)

Name Richard + Carla Hargrave
Mailing Address N4154 Moody Lake Rd Sarona, WI 54870
Phone Number 920-573-2231
Signature Richard Hargrave Date 9-29-21

PROPERTY INFORMATION

Town of Berlin Parcel Number(s) 002-00534-0100
002-00534-0000
Acres 2 / 38 Lot 1 Block _____ Subdivision _____
Section 28 Town Berlin North Range _____ East _____
Location of Property N7812 CTY Rd A Berlin
Legal Description _____

Lot 1 Certified Map 2252 V10 SEC 28
NW 1/4 OF THE SOUTHWEST 1/4 SEC 28 EXC LOT 1 CSM 2252 V10
Current Zoning Classification R1 / A1 Current Use of Property Residential

Detailed Description of Proposed Use Same No change Residential
Long term add a 1500 sq storage shed

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

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

Robert & Catherine Hargrave Rezoning Application Summary

This 2 acre parcel was positioned so the family farm had access to the field. It is no longer needed as there is better access a few 100 yards to the north. The land south has not been planted for over 20 years and is currently lawn. Cathy and I will be purchasing this additional 1 acre from my brother and his wife to clean up the corner. There will be no changes in the current use, farming and residential/lawn.

Thank you,

Rob & Cathy

Rick & Carla

Rob & Cathy Hargrave Property 3
Green Lake County, WI

Floodplain Zoning Districts
02-03-2010

- MAP NUMBER 55047C0<PANEL>C
- Floodway ZONE AE
 - Flood-Fringe ZONE AE
 - General Floodplain ZONE A
- areas not A or AE are ZONE X
- Map Panel
 - Cross Section
 - Flood Water Surface Elevation

Zoning Districts

- A-1 Farmland Preservation
- A-2 General Agriculture
- C-1 General Commercial
- C-2 Extensive Commercial
- I Industrial
- M-1 Mineral Extraction
- M-2 Sanitary Landfill
- NRC Natural Resource Conservancy
- R-1 Single Family Residence
- R-2 Single Family Mobile Home Residence
- R-3 Multiple Family Residence
- R-4 Rural Residential
- RC Recreation
- AO Adult Orientated Establishment
- UNZ Unzoned
- MUN Municipality
- SPLIT Split Zoning
- PEND Map Update Pending

Land Use

- Agriculture
- Commercial
- Industrial
- Mixed Use
- Public
- Residential



Base Map

- Parcel
- Address
- City Village Town
- Section
- State Road
- County Road
- City Village Town Road
- Private Road
- Lake River
- River Stream

Time: 3:57:36 PM

Date: 9/21/2021

1 inch = 107 feet



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



Note:



Green Lake County

1 inch = 256 feet

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

GIS Viewer Map
 Green Lake County, WI

Time: 9:43:46 AM
 Date: 10/13/2021

Note:

Rezone ~3 acres from R-1 and A-1 to R-4



Robert & Catherine Hargrave, Richard & Carla Hargrave

Town of Berlin

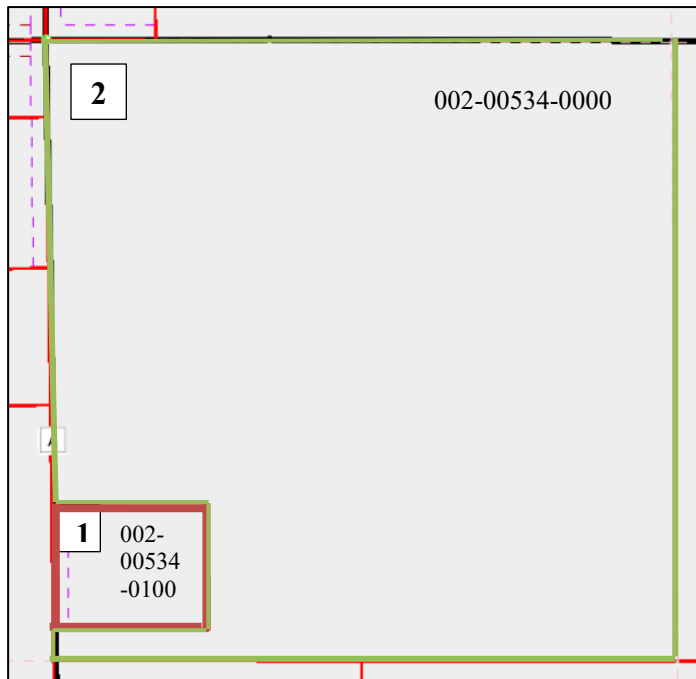
N7812 Cty.Rd. A Parcel #002-00534-0000, -0100

Part of the SW ¼ of Section 28, T17N, R13E

Existing Configuration

1 = 2 acre parcel zoned R-1, Single-Family Residence District

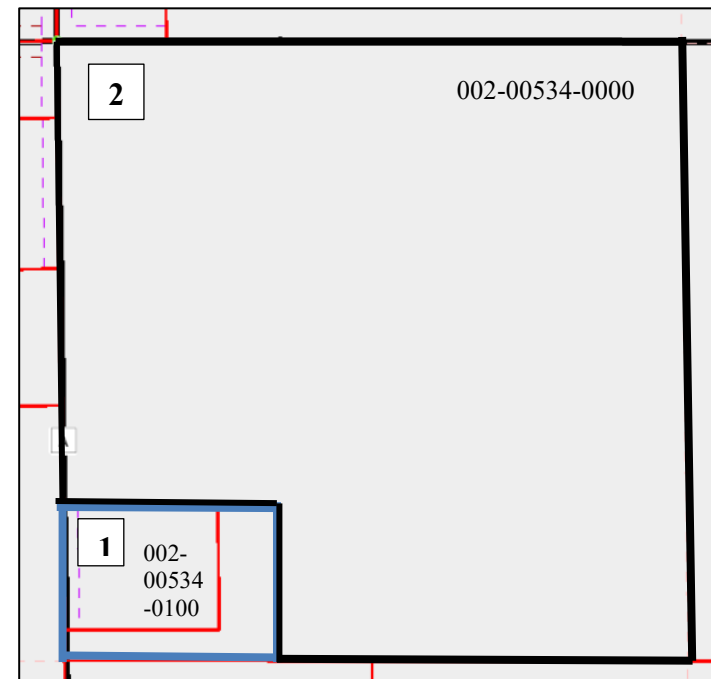
2 = 38 acre parcel zoned A-1, Farmland Preservation District.



Proposed Configuration

1 = 3 acre parcel zoned R-4, Rural Residential District

2 = 37 acre parcel zoned A-1, Farmland Preservation District.



TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Berlin, County of Green Lake, took the following action on --(Date)
Nov. 15, 2021.

Owner/Applicant: Robert & Catherine Hargrave, Richard & Carla Hargrave

Site Location: N7812 Cty Rd A

General legal description: Parcel 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 Residential District, and 1 acre from A-1, Farmland Preservation District, to R-4, Rural Residential District. To be identified by certified survey map.

Planned public hearing date for the above requests: December 2, 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:

Brandia Muckley
Town Representative

11/15/21
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: November 19, 2021

Land Use Planning and Zoning Committee Staff Report

Public Hearing

December 2, 2021

Item V: 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.

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. There will also be two outdoor storage areas for logs and lumber. One area will be roughly 200’x180’ for log storage and the other area will be roughly 62’x72’ for the storage of cut boards.

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.

Substantial evidence is defined as: facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

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. All outdoor storage of logs and lumber will only be done in the designated areas shown on the site plan.

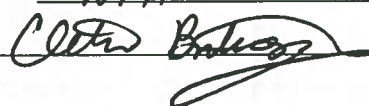
TOWN OF MANCHESTER: An Action Form requesting the Town's input related to this zoning change request was emailed to the Town Clerk on September 14th, 2021. During the Town's meeting on 11/8/2021 they did not object to and approved of the request

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 ft² → Sawmill
Subdivision _____ Lot _____ Block _____
CSM 3596 Lot 1 or COS _____
Legal Description _____

8500 ft² → Dog Kennel

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/scrap will be chipped into mulch
- Sawmills fit well with Ag. properties



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:



TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Manchester, County of Green Lake, took the following action on –
(Date) 11/8/2021.

Owner/Applicant: Cletus & Alma Bontrager

Site Location: W3805 Heritage Rd., Markesan

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 agricultural accessory use.

Planned public hearing date for the above requests: December 2nd, 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:

Corrine Krueger
Town Representative

11/8/2021
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: **November 12, 2021**

Land Use Planning and Zoning Committee Staff Report

Public Hearing

December 2, 2021

Item VI: Conditional Use Permit (CUP)

Owners:

Cletus & Alma Bontrager

Applicant:

Same

Request: The owners/applicant are requesting a conditional use permit to operate 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. The properties in this area are primarily used for growing agricultural crops.

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 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.

Substantial evidence is defined as: facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

COUNTY STAFF COMMENTS: This request should be reviewed by the Committee to determine if it meets the standards of a conditional use permit as listed above. If the Committee is proposing 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 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 ordinances 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].

TOWN OF MANCHESTER: An Action Form requesting the Town of Manchester’s input related to this conditional use permit request was emailed to the Town Clerk on September 14th, 2021. The town held a meeting on 11/8/2021 and did not object and recommended approval of this request with a note. Note: The town was encouraged to approve this conditional use permit by the noise control report. The town approval is contingent on the applicant following that plan.

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 *Cletus Bontrager* 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 ft² → Sawmill
8500 ft² → 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

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

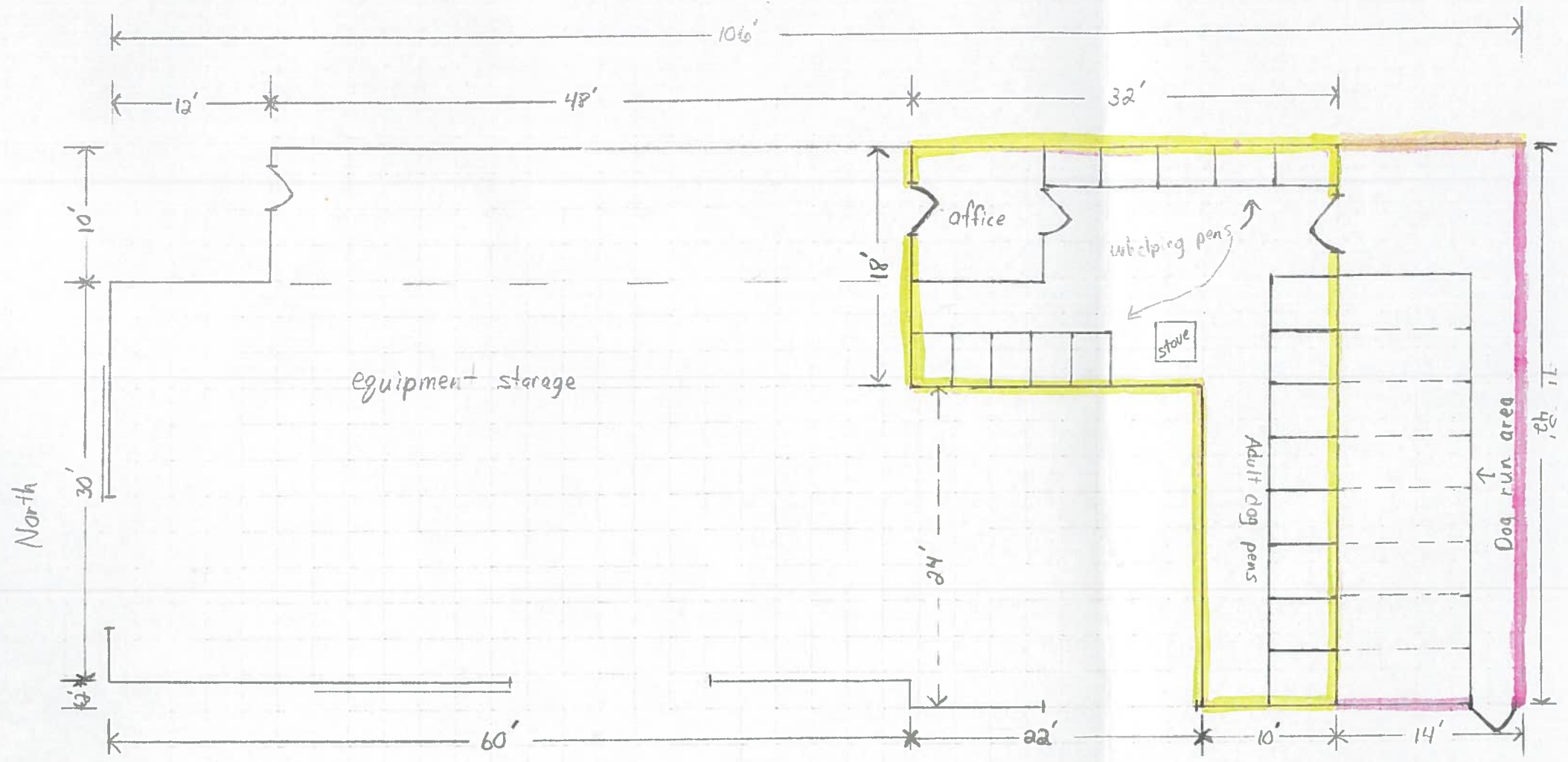
Time: 3:14:51 PM
 Date: 9/1/2021

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



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



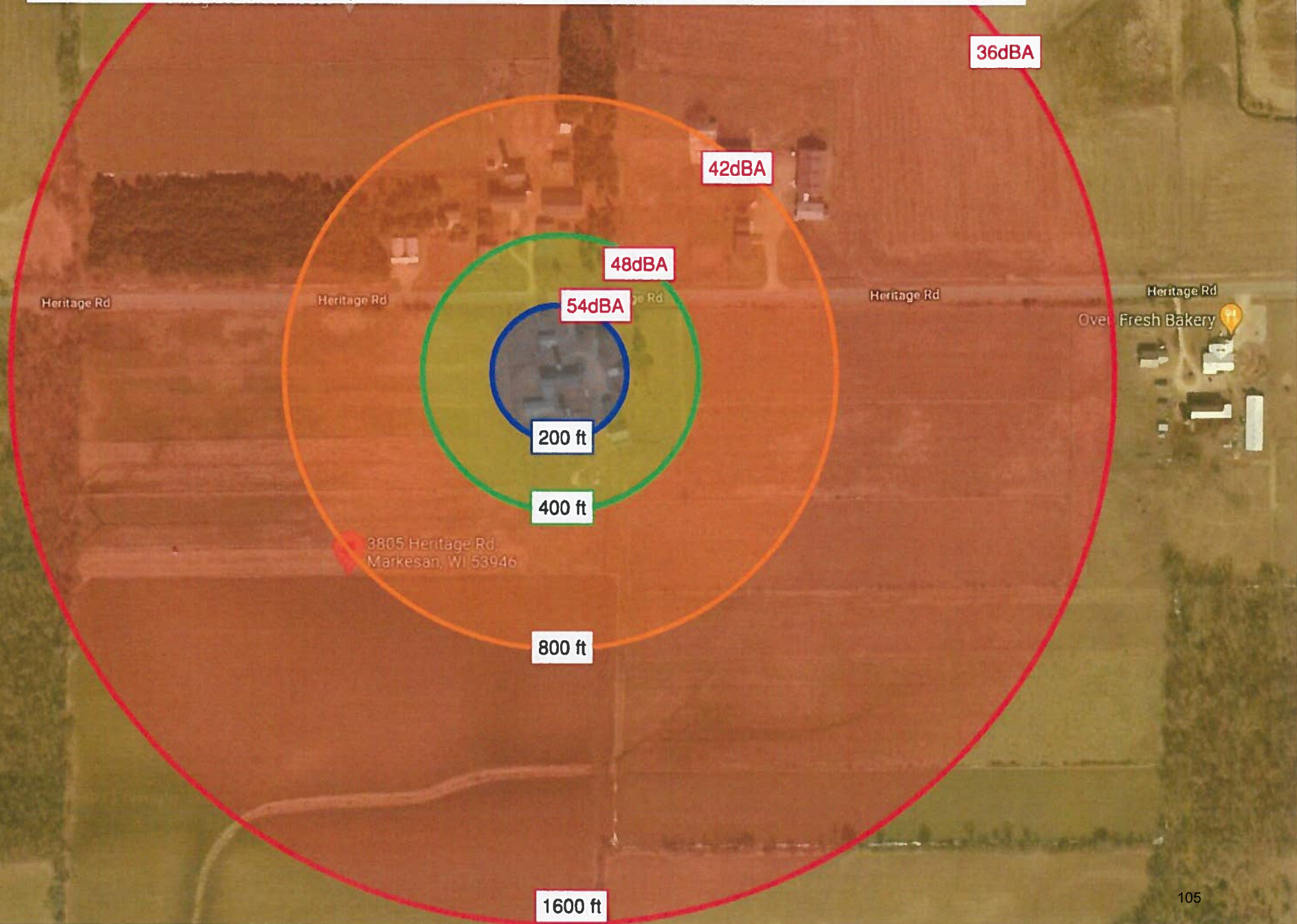
time to be accurate. This measurement is also typical of a measurement by enforcement and relates well for cautionary planning purposes of this Study.

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**



TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Manchester, County of Green Lake, took the following action on –
(Date) 11/8/2021.

Owner/Applicant: Cletus & Alma Bontrager

Site Location: W3805 Heritage Rd., Markesan

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.

Planned public hearing date for the above requests: December 2nd, 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:

Corrine Krueger
Town Representative

11/8/2021
Date Signed

NOTES: The town was encouraged to approve this Conditional Use Permit by the Noise Control Report. The town approval is contingent on the applicant following that plan.

Please return this form to the Land Use Planning & Zoning Office by: **November 12, 2021**

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

December 2, 2021

ITEM VII: Shoreland Zoning Ordinance Amendment

REQUEST: The Green Lake County Land Use Planning and Zoning Department is requesting an amendment 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. These changes are intended to uphold the purpose and intent of the ordinance.

ADDITIONAL INFORMATION / ANALYSIS: In September of 2016, the County Board adopted a new Shoreland Zoning Ordinance as required by the State of Wisconsin and as approved by the Wisconsin Department of Natural Resources (WDNR). In November of 2019, the County Board adopted an update that was designed to make administration and enforcement simpler and more understandable. After working with the revised ordinance for two years, several areas of concern were identified. The bulk of the issues with the current ordinance were related to near-shore land disturbing activities.

This Department has received numerous complaints this season related to lake water quality, excessive aquatic vegetation and algae growth, and nonexistent construction site erosion control measures being implemented. In order to meet the purpose and intent of the Shoreland Zoning ordinance, several ordinance amendments were proposed.

The Wisconsin Department of Natural Resources (WDNR) has reviewed the attached ordinance language and has approved it for adoption. Attached is a copy of the proposed ordinance amendments.

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

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

* In the event that these amendments are not adopted, the ordinance would remain as currently adopted.

Land Use Planning and Zoning Staff feels that the proposed amendments to the Shoreland Zoning Ordinance will further the purpose and intent of the ordinance by furthering the maintenance of safe and healthful conditions, preventing water pollution, protecting spawning grounds, controlling building sites, controlling the placement of structures and preserving and restoring shoreland vegetation and natural scenic beauty. .

ORDINANCE NO. -2021

Amending Ch. 338 – Shoreland Zoning, Ordinance 20-2016

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 21st day of December 2021, does ordain as follows:

- 1 **WHEREAS**, an amendment is necessary to update the County’s Zoning Ordinance.

Roll Call on Ordinance No. -2021

Submitted by Land Use Planning & Zoning Committee:

Ayes , Nays , Absent , Abstain

Passed and Enacted/Rejected this 21st day of December, 2021.

Curt Talma, Chair

William Boutwell, Vice-chair

County Board Chairman

Harley Reabe

ATTEST: County Clerk
Approve as to Form:

Charles Buss

Corporation Counsel

Don Lenz

2 **NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY**
3 **OF GREEN LAKE DOES ORDAIN AS FOLLOWS:**

4 Section 1. Green Lake County Ordinance, No. 20-2016 adopted by the Green Lake
5 County Board of Supervisors on September 20, 2016 and as amended from time-to-time
6 is here by amended as follows (additions are in underline, deletions are in ~~strikeout~~):
7

8 Proposed Amendments to Chapter 338, Shoreland Zoning Ordinance December 2, 2021
9

10 **Article VI: Building Setbacks, Amendments as follows:**

11 **§ 338-32** Building setbacks.

12 Permitted building setbacks shall be established to conform to health, safety and
13 welfare requirements, preserve natural beauty, reduce flood hazards, and avoid water
14 pollution.

15 A. Shoreland setbacks. Unless exempt under § **338-32A(1)**, or reduced under § **338-**
16 **32B**, a setback of 75 feet from the ordinary high-water mark of any navigable
17 waters to the nearest part of a building or structure shall be required for all buildings
18 and structures. **[Amended 11-12-2019 by Ord. No. 18-2019]**

19 (1) Exempt structures. Per § 59.692(1n)(d), Wis. Stats., all of the following structures
20 are exempt from the shoreland setback standards in § **338-32A**:

21 (a) Boathouses located entirely above the ordinary high-water mark and entirely within
22 the access and viewing corridor that do not contain plumbing and are not used for
23 human habitation. All boathouses shall adhere to the following conditions:

24 [1] The construction or placement of boathouses below the ordinary high-water mark
25 of any navigable waters shall be prohibited.

26 [2] Boathouses shall be designed and constructed solely for the storage of watercraft
27 and related equipment.

28 [3] One boathouse is permitted on a lot or parcel as an accessory structure.

29 [4] Boathouses shall be designed and constructed to not destabilize the existing slope.
30 Final grades must be at a slope that is naturally stable, depending on soil type. All
31 boathouse construction projects that require land disturbing activities shall be
32 authorized in accordance with Section 338-41 of this chapter.

33 [5] Boathouses shall be constructed in conformity with local floodplain zoning
34 standards. Fill, elevation surveys, or other documentation may be required within

- 35 180 days of permit issuance, per § 300-38B(4).
- 36 [6] Boathouses shall be one story with sidewalls not exceeding 10 feet in height and a
37 footprint entirely within the access and viewing corridor of the vegetative buffer. The
38 footprint is not to exceed 16 feet in width by 24 feet in depth, with the width running
39 parallel to the shore.
- 40 [7] Boathouse roofs shall be designed with a pitched roof having a minimum slope of
41 2/12, a maximum slope of 6/12, and in no case shall be designed for use as a deck,
42 observation platform, or for other similar uses. Dormers are allowed so long as the
43 dormer's height does not exceed the height of the main ridge line of the boathouse.
44 One cupola, no greater than 30 inches in length and width, is allowed on the main
45 ridge line. Parapet walls are not allowed.
- 46 [8] Earth-toned color shall be required for all exterior surfaces of a boathouse. For the
47 purpose of this chapter, the color white is an earth-toned color.
- 48 [9] The boathouse's main door shall face the water- and shall be at least 50% of the
49 width (measured running parallel to the shore) of the boathouse.
- 50 [10] Any features the Department considers inconsistent with the use of the structure
51 exclusively as a boathouse are not permitted. Examples may include but not be
52 limited to patio doors, fireplaces, decks, and living quarters.
- 53 [11] Per § 59.692(1o), Wis. Stats., the roof of an existing boathouse may be used as a
54 deck, provided that the boathouse has a flat roof, has no side walls or screened
55 walls, and has a railing that meets Department of Safety and Professional Services
56 standards.
- 57 [12] No boathouse ~~shall have any wall, door, or access opening~~ shall be more than 1/3
58 transparent or translucent.
- 59 [13] Boathouse roof overhangs shall not project more than 24 inches out from the
60 boathouse side wall.
- 61 (b) Open-sided and screened structures, such as gazebos, decks, patios, and screen
62 houses in the shoreland setback area that satisfy the following requirements in
63 § 59.692(1v), Wis. Stats.
- 64 [1] The part of the structure that is nearest to the water is located at least 35 feet
65 landward from the ordinary high-water mark.
- 66 [2] The floor area of all the structures in the shoreland setback area will not exceed

67 200 square feet. In calculating this square footage, boathouses shall be excluded.

68 [3] The structure that is the subject of the request for special zoning permission has no
69 sides or has open or screened sides.

70 [4] The County must approve a plan that will be implemented by the owner of the
71 property to preserve or establish a vegetative buffer zone that covers at least 70%
72 of the half of the shoreland setback area that is nearest to the water. Note: The
73 statutory requirements under § 59.692(1v), Wis. Stats., which require the
74 establishment of a vegetative buffer for the construction of open-sided structures
75 are not superseded by § 59.692(1f)(a).

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

82 [~~5~~] ~~The structure must be freestanding and more than five feet from a principal~~
83 ~~structure.~~

84 [~~5~~6] An enforceable obligation shall be evidenced by an instrument recorded affidavit
85 must be filed with the Register of Deeds prior to the issuance of a land use permit.
86 This instrument shall include an implementation schedule construction and
87 enforceable obligation on the property owner to establish and maintain the
88 shoreland vegetative buffer zone. acknowledging the limitations on vegetation.

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

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

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

- 101 [1] The structure shall be located within the access and viewing corridor and designed
102 so as to minimize earth disturbing activities and shoreline vegetation removal
103 ~~during construction.~~
- 104 [2] The structure shall not exceed a maximum of 60 inches in width, including railings,
105 and shall not branch out within the shoreland setback. Landings, as part of the
106 shoreline access system, shall be limited to a maximum of 40 square feet and no
107 more than 60 inches wide.
- 108 [3] Railings are permitted only where required by safety concerns, state statutes, or
109 state regulations.
- 110 [4] Canopies and/or roofs on such structures are prohibited.
- 111 [5] A ~~S~~stairways shall be supported on piles or footings rather than being excavated
112 from erodible soils, steep slopes, or similar conditions of concern.
- 113 [6] A walkway and associated stairs, excavated from underlying soils, is allowed on
114 slopes no greater than 25% to provide pedestrian access to the shoreline.
- 115 ~~[6] The structure shall be limited to a maximum of 60 inches in width, including railings.~~
116 ~~Landings as part of the shoreline access system shall be limited to a maximum of~~
117 ~~40 square feet and no more than 60 inches wide.~~
- 118 [7] Standards for removal of shoreline vegetation shall be complied with, per Article
119 **VII.**
- 120 [8] In cases of steep slopes, a rail system (i.e., tram or lift) in addition to a stairway,
121 shall be permitted as long as the rail system is mounted to or immediately adjacent
122 to the existing stairway and can be located entirely within the viewing access and
123 viewing corridor per § **338-37B.**
- 124 (f) Devices or systems used to treat runoff from impervious surfaces.
- 125 (2) Existing Exempt Structures. Per § 59.692(1k)(a)2m, Wis. Stats., existing exempt
126 structure may be maintained, repaired, replaced, restored, rebuilt, and remodeled
127 provided the activity does not expand the footprint and does not go beyond the
128 three-dimensional building envelope of the existing structure. The expansion of a
129 structure beyond the existing footprint may be permitted if the expansion is
130 necessary to comply with applicable state and federal requirements. Note: Section
131 59.692(1k)(a)2m, Wis. Stats., prohibits counties from requiring any approval or
132 imposing any fee or mitigation requirement for the activities specified in § **338-**
133 **32A(2).** However, it is important to note that property owners may be required to

134 obtain permits or approvals and counties may impose fees under ordinances
135 adopted pursuant to other statutory requirements, such as floodplain zoning,
136 general zoning, sanitary codes, building codes, or even stormwater erosion control.

137 B. Reduced principal structure setback (§ 59.692(1n), Wis. Stats.). A setback less
138 than the seventy-five-foot required setback from the ordinary high-water mark shall
139 be permitted for a proposed principal structure and shall be determined as follows:

140 (1) Where there are existing principal structures in both directions, the setback shall
141 equal the average of the distances the two existing principal structures are set back
142 from the ordinary high-water mark, provided that all of the following are met:

143 (a) Both of the existing principal structures are located on an adjacent lot to the
144 proposed principal structure.

145 (b) Both of the existing principal structures are located within 250 feet of the proposed
146 principal structure and are the closest structure.

147 (c) Both of the existing principal structures are located less than 75 feet from the
148 ordinary high-water mark.

149 (d) The average setback shall not be reduced to less than 35 feet from the ordinary
150 high-water mark of any navigable water.

151 (e) Note: § 59.692(1d)(a), Wis. Stats., requires counties to adopt the standards
152 consistent with § **338-32B(1)** for reducing the shoreland setback.

153 (2) Functional appurtenances that are accessory structures, such as open porches or
154 decks, that are attached to the proposed principal structure and proposed at time of
155 permit application, must comply with the reduced principal structure setback but
156 shall not be used in the calculation of the reduced principal structure setback.

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

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

160 (1) Side yard: twelve-foot minimum for lots at least 85 feet wide.

161 (2) Side yard: ten-foot minimum for lots less than 85 feet wide.

162 (3) Street yard: twenty-five-foot minimum.

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

165 (-4-5) Walkways no more than 36 inches wide and driveways shall be exempt from
166 § **338-32C(1)** through **(3)**. This does not exempt these structures from § **338-32A**,
167 or other standards of this chapter. **[Added 11-12-2019 by Ord. No. 18-2019]**

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

170 (1) All fences, no greater than eight feet in height, may be allowed along any lot line
171 excluding the street right-of-way line and the side lot lines within the street-yard
172 setback.

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

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

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

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

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

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

189 **Article VIII: Land Disturbing Activity, Amendments as follows:**

190 **§ 338-40** Land disturbing activity.
191 **[Amended 11-12-2019 by Ord. No. 18-2019]**

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

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

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

202 **§ 338-41** General standards.
203 **[Amended 11-12-2019 by Ord. No. 18-2019]**

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

207 A. It is not done within the shoreland vegetative buffer zone unless necessary for
208 allowed vegetative activities, establishing or expanding the vegetative buffer, ~~or for~~
209 the construction of an exempt structure, to remove retaining walls to re-establish
210 natural grade, or to repair natural shoreline damage. Natural shoreline damage
211 must be repaired within 1 year of the damaging event.

212 B. It is done in a manner designed to minimize erosion, sedimentation, and
213 impairment of fish and wildlife habitat.

214 C. Filling, grading, lagooning, dredging, ditching, or excavating in a Shoreland-
215 Wetland District meets the requirements of § **338-18B** and **C** of this chapter.

216 D. All applicable federal, state, and local authority is obtained in addition to a permit
217 under this chapter.

218 E. Any fill placed in the shoreland area is protected against erosion by the use of
219 riprap, vegetative cover, or a bulkhead.

220 F. The sSlopes for the project site are less than ~~400~~50% (1:~~24~~). Land disturbing
221 activities in the shoreland area where the slope is equal to or greater than ~~400~~50%
222 (1:~~24~~) are prohibited.

223 G. For land disturbing activities that are on slopes less than 50% but greater than
224 12%, the land use permit shall not be issued until a construction site erosion control
225 permit, designed in accordance with Section 284-8.B. and 284-9.B thru D of the
226 County's Construction Site Erosion Control and Stormwater Management
227 Ordinance, is obtained by the property owner from the Land Conservation
228 Department.

229 H. For land disturbing activities that are on slopes less than 12%, the land use permit
230 shall not be issued until a construction site erosion control permit, designed in

231 accordance with Section 284-8.B.(1 thru 5) and 284-9.A of the County's
232 Construction Site Erosion Control and Stormwater Management Ordinance, is
233 obtained by the property owner from the Land Conservation Department.

234 **§ 338-44** ~~(Reserved)~~ Permit not required.

235 A. Shoreline protection projects, which include land disturbing activities, authorized by
236 a State permit.

237 B. Nonstructural projects, which include land disturbing activities, approved by County
238 Land Conservation Department to remedy significant existing erosion problems
239 may be allowed without a land use permit.

240 **Article IX: Impervious Surfaces, Amendments as follows:**

241 **§ 338-49** Treated impervious surfaces.

242 D. Where reference is made to a rain garden, the rain garden shall be designed,
243 installed, and maintained in accordance with Wisconsin DNR Publication, PUB-WT-776-
244 2018, "Rain Gardens: A Guide for Homeowners and Landscapers."

245 **§ 338-50** Existing impervious surfaces.

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

249 A. Maintain and repair the existing impervious surfaces;

250 B. Replace existing impervious surfaces with similar surfaces within the three-
251 dimensional space of the structure ~~existing building envelope~~;

252 **Article XII: Mitigation, Amendments as follows:**

253 **§ 338-60** Mitigation.

254 When a land use permit, issued under this chapter, requires mitigation according to
255 **§ 338-32A(2)** and §§ **338-48** and **338-58**, the property owner must submit a complete
256 permit application that includes a mitigation plan.

257 E. Where reference is made to a rain garden, the rain garden shall be designed,
258 installed, and maintained in accordance with Wisconsin DNR Publication, PUB-WT-
259 776-2018, "Rain Gardens: A Guide for Homeowners and Landscapers ~~how to~~
260 ~~manual for homeowners.~~ **[Amended 11-12-2019 by Ord. No. 18-2019]**

261 **Article XVII: Definitions, Amendments as follows:**

262 **§ 338-78** Definitions.

263 ACCESS AND VIEWING CORRIDOR

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

267 PLUMBING

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

273 REMODEL

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

276 Section 2. This ordinance shall become effective upon passage and publication.

277 Section 3. The repeal and recreation of any section herein shall not have any effect on
278 existing litigation and shall not operate as an abatement of any action or proceeding then
279 pending or by virtue of the repealed sections.

280 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
281 repealed.