

ORDINANCE NO. 41-2018

COPIED

Relating to an Amendment to the Green Lake County Farmland Preservation Plan

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 18th day of December 2018, does ordain as follows:

1 WHEREAS, the City of Berlin's extraterritorial zoning jurisdiction is scheduled to sunset
2 effective 11:59 p.m. on December 31, 2018; and,

3 WHEREAS, the County Board of Supervisors of Green Lake County adopted on
4 February 16, 2016 a comprehensive plan that incorporated the Green Lake County
5 Farmland Preservation Plan or any subsequent amendments thereto; and,

6
7 WHEREAS, pursuant to Wis. Stat. 91.18, Green Lake County is authorized to amend a
8 farmland preservation plan, and proposes to amend the farmland preservation maps for
9 the amendments for the Town of Berlin due to the change in the extraterritorial zoning
10 jurisdiction for the City of Berlin; and,

11 WHEREAS, the Wisconsin Department of Agriculture, Trade and Consumer Protection
12 ("DATCP"), certified the County's 2015 farmland preservation plan with an expiration
13 date of December 31, 2025; and,

Roll Call on Ordinance No. 41-2018

Submitted by Land Use Planning
and Zoning Committee:

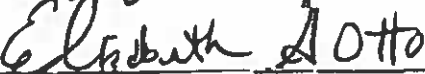
Ayes 17, Nays 0, Absent 2, Abstain 0

Passed and Enacted / ~~Rejected~~ this 18th
day of December 2018.


Robert Lyon, Chair


Parley Beabe, Vice-Chair


County Board Chairman


Elizabeth Otto

ATTEST: County Clerk
Approves as to Form:


Corporation Counsel

William Boutwell

Curt Talma


Peter Wallace

15 **WHEREAS, DATCP must certify any amendments to the farmland preservation plan,**
16 **including any map amendments; and,**

17 **WHEREAS, DATCP certified the proposed map amendment for the Town of Berlin, on**
18 **October 25, 2018, with an expiration of December 31, 2025.**

19
20 **NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY**
21 **OF GREEN LAKE DOES ORDAIN AS FOLLOWS:**

22 **SECTION 1: The Green Lake County Board of Supervisors of Green Lake County,**
23 **Wisconsin, does, by enactment of this ordinance, formally adopts the Proposed 2018**
24 **Farmland Preservation Plan map for the Town of Berlin attached hereto, pursuant to Wis.**
25 **Stat. 66.1001(4)(c), and as an addendum to the Green Lake County Comprehensive Plan**
26 **2015.**

27 **SECTION 2: The Green Lake County Board of Supervisors of Green Lake County,**
28 **Wisconsin, does, by enactment of this ordinance, amends the Green Lake County**
29 **Comprehensive Plan 2015 and the Green Lake County Farmland Preservation Plan by**
30 **replacing the Farmland Preservation Plan maps of the Town of Berlin.**

31
32 **SECTION 3: All ordinances or parts of ordinances inconsistent with or in contradiction of**
33 **the provisions of this Ordinance are hereby repealed.**

34 **SECTION 4: A copy of the amended Farmland Preservation Plan maps shall be**
35 **distributed according to Wis. Stat. §66.1001(4)(b).**

36 **SECTION 5: This ordinance shall take effect on January 1, 2019, upon passage by a**
37 **majority vote of the members-elect of the Green Lake County Board of Supervisors and**
38 **publication as required by law.**

NOTICE OF PUBLIC HEARING

The Land Use Planning and Zoning Committee of *Green Lake County* will hold a public hearing in County Board Room #0902 of the Government Center, 571 County Road A, Green Lake, WI, on *Thursday, December 6, 2018, at 6:00 p.m.* to consider the following item:

Item: Applicant: Green Lake County Land Use Planning & Zoning Committee **Explanation:** Green Lake County wishes to amend the Comprehensive Plan's *Farmland Preservation Map* affecting the Town of Berlin. For more detailed information regarding the above amendments, please contact Land Use Planning & Zoning Director Matt Kirkman at (920) 294-4175.

To view the Comprehensive Plan's Farmland Preservation Plan Map amendments:

- Go to www.co.green-lake.wi.us
- Click on Departments
- Click on Land Use Planning & Zoning
- Right column under *Downloads*
- Click on Comprehensive Plan's *Farmland Preservation Map* Amendments 12/06/18

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 1, 2018

NOTICE OF PUBLIC HEARING

The Land Use Planning and Zoning Committee of *Green Lake County* will hold a public hearing in County Board Room #0902 of the Government Center, 571 County Road A, Green Lake, WI, on *Thursday, December 6, 2018, at 6:00 p.m.* to consider the following items:

Item I: Owners/Applicants: Cory J & Traci M Campnell **General legal description:** County Road GG & Ingelhart Rd, Parcel #012-00583-0201 (±4.5 acres), Part of the SW¼ of Section 30, T14N R12E, Town of Manchester. **Request:** Rezone ±4.5 acres from A-1 Farmland Preservation District to R-4 Rural Residential District.

Item II: Owners/Applicants: Richard L & Carla Ann Hargrave **General legal description:** W620 Miller Rd, Parcel #006-00420-0200 (±46.5 acres), Part of the NE¼ of Section 23, T15N R13E, Town of Green Lake. **Request:** Rezone ±3.6 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be determined by Certified Survey Map.

Item III: Owner/Applicant: Green Lake County – Highway Department, Tyrone Johnson, Highway Commissioner **General legal description:** N1906 State Road 73, Parcel #012-00161-0000 (±2.25 acres), Part of the NE¼ of Section 10, T14N R12E, Town of Manchester. **Request:** Conditional use permit request to replace a cold storage facility.

Item IV: Applicant: Green Lake County Land Use Planning & Zoning Committee **Explanation:** Green Lake County wishes to amend the Comprehensive Plan's *Farmland Preservation Plan Map* affecting the Town of Berlin. For more detailed information regarding the above amendments, please contact Land Use Planning & Zoning Director Matt Kirkman at (920) 294-4175.

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Item V: Applicant: Green Lake County Land Use Planning & Zoning Committee **Explanation:** The committee is requesting an amendment to the Code of Green Lake County, Chapter 350 of the Zoning Ordinance; more specifically, to amend the zoning map affecting the Town of Berlin. For more detailed information regarding the above amendments, please contact Land Use Planning & Zoning Director Matt Kirkman at (920) 294-4175.

To view the Town of Berlin proposed zoning Map amendments:

- Go to www.co.green-lake.wi.us
- Click on Departments
- Click on Land Use Planning & Zoning
- Under Downloads, click on Town of Berlin – Proposed Zoning Map 12/06/18

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 22 & November 29, 2018

STATE OF WISCONSIN }
Green Lake County } ss.

Scott Mundro being duly sworn, doth depose and say that he (she) is an authorized representative of the Berlin Journal, a newspaper published at Berlin, a representative of government of said State, and that an advertisement of which the annexed is a true copy, taken from said paper, was

NOTICE OF PUBLIC HEARING

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 Click on Land Use Planning & Zoning
 Right column under *Downloads*
 Click on *Comprehensive Plan's Farmland Preservation Map Amendments 12/06/18*

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Publish: November 1, 2018

November 1, 2018

Scott Mundro (Title)

fore me this 1st day of

July 23, 2019

Notary Public

August 23, 2019

Times 1 Notary Fees \$ 1.00

Printers Fees 141.75

Extra Copies _____

Total \$ 142.75

(Seal)

Received Payment _____

Filed _____

PROOF OF PUBLICATION

STATE OF WISCONSIN
GREEN LAKE COUNTY
 IN THE MATTER OF _____

STATE OF WISCONSIN }
Green Lake County } ss.

Scott Mundro

being duly

sworn, doth depose and say that he (she) is an authorized representative

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Publish: November 22 & 29, 2018

OF PUBLICATION

a newspaper published at Berlin, a representative of said State, and that an advertisement is a true copy, taken from said paper, was

November 22, 2018

November 29, 2018

Scott Mundro

(Title)

to before me this 29th day of

Tracy K. Hallas
Notary Public.

August 23, 2019

No. Times 2 Notary Fees \$ 1.00

Printers Fees 567.00

Extra Copies _____

Total \$ 568.00

IN THE MATTER OF

GREEN LAKE COUNTY

STATE OF WISCONSIN

STATE OF WISCONSIN }
Green Lake County } ss.

Scott Mundro being duly sworn, doth depose and say that he (she) is an authorized representative of the Berlin Journal, a newspaper published at Berlin, a representative of government of said State, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on

December 27, 2018



(Signed) Scott Mundro
Editor (Title)

Subscribed and sworn to before me this 27th day of December 2018

Jacq Kallas
Notary Public

My Commission expires August 23, 2019

No. Lines 205 No. Times 1 Notary Fees \$ 1.00

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PROOF OF PUBLICATION

GREEN LAKE COUNTY
IN THE MATTER OF
STATE OF WISCONSIN

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

December 6, 2018

ITEM IV: COMPREHENSIVE PLAN AMENDMENT

APPLICANT:

Green Lake County, Land Use Planning & Zoning Committee

REQUEST: The Land Use Planning & Zoning Committee is requesting an amendment to the County's comprehensive plan's farmland preservation plan map as it relates to the Town of Berlin.

PARCEL NUMBER / LOCATION: The parcels affected by this proposed amendment are in the Town of Berlin's, soon to be dissolved, extra-territorial zoning authority (ETZA), as well as other non-ETZA parcels, as identified by the attached map.

ADDITIONAL INFORMATION / ANALYSIS: The Department of Agriculture, Trade and Consumer Protection (DATCP) certified the update to the Farmland Preservation Plan in 2016, and the County Board adopted it as part of its comprehensive plan. On January 2, 2019, the City of Berlin's extra-territorial zoning authority (ETZA) will dissolve. Since the Town of Berlin adopted the County zoning ordinance back in 1984, the zoning jurisdiction of these 632 parcels falls back to Green Lake County. This comprehensive plan amendment paves the way for the County to assign its zoning districts to these current ETZA parcels.

In addition to the current ETZA parcels being assigned new zoning districts, the Land Use Planning and Zoning Department identified 176 non-ETZA parcels in the Town of Berlin that could benefit from being assigned to another zoning district. Of these, about a third of property owners chose to have their parcels rezoned to more appropriate and conforming zoning districts. This comprehensive plan amendment paves the way for these parcels to be rezoned by zoning map amendment.

These non-ETZA parcels along with the 632 current ETZA parcels had to be planned for and mapped. The property owners were notified of the map amendment project, they were given ample opportunity to submit their input, and many contacted the Department. Ultimately, a proposed Farmland Preservation Plan Map for the Town of Berlin was created. As this new map differs from the map included in the current Farmland Preservation Plan, DATCP had to recertify the new farmland preservation plan map for the Town of Berlin. The Department received recertification from DATCP on October 25, 2018.

This comprehensive plan amendment "sets the stage" for the next step of adopting a new zoning map for the Town of Berlin. When the Committee and County Board review the proposed zoning map amendment, represented by the new zoning map, the proposed zoning will be consistent with the comprehensive and farmland preservation plans. Rezones and zoning map amendments should only be approved when they are consistent with these planning documents.

SUGGESTED CRITERIA: When considering a request for an amendment to a comprehensive plan, it may be helpful to examine the following criteria:

1. The proposed change would be more consistent with the comprehensive plan's existing goals, objectives, and policies.
2. The proposed change would be more consistent with the Farmland Preservation Plan's goals, objectives, and strategies.
3. The proposed change would better fit the predominant uses and development pattern in the surrounding area.
4. Conditions in the area have changed sufficiently to warrant the proposed amendment (either map or text amendment).

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

- 1) The County comprehensive plan's goal is to preserve farmland and the rural characteristics of the county. The County achieves this through the guidance afforded by the Farmland Preservation Plan. The mapping changes being proposed herein increase the total amount of acreage identified as "Farmland Preservation Areas" thus furthering the accomplishment of this goal.
- 2) This comprehensive plan amendment is consistent with the Farmland Preservation Plan's goal of preserving farmland as more farmland would be identified as "Farmland Preservation Areas."
- 3) The proposed changes to the Farmland Preservation Plan's map represent outreach and agreements between the Land Use Planning & Zoning Department and the property owners. It is the Department's position that these changes create a better fit to the agricultural or agriculturally related uses of the affected parcels and the surrounding area.
- 4) The City of Berlin's ETZA will sunset on January 2, 2019, effectively dissolving their zoning authority over 632 parcels in the Town of Berlin. Therefore, conditions have changed sufficiently to warrant the proposed amendment.

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.

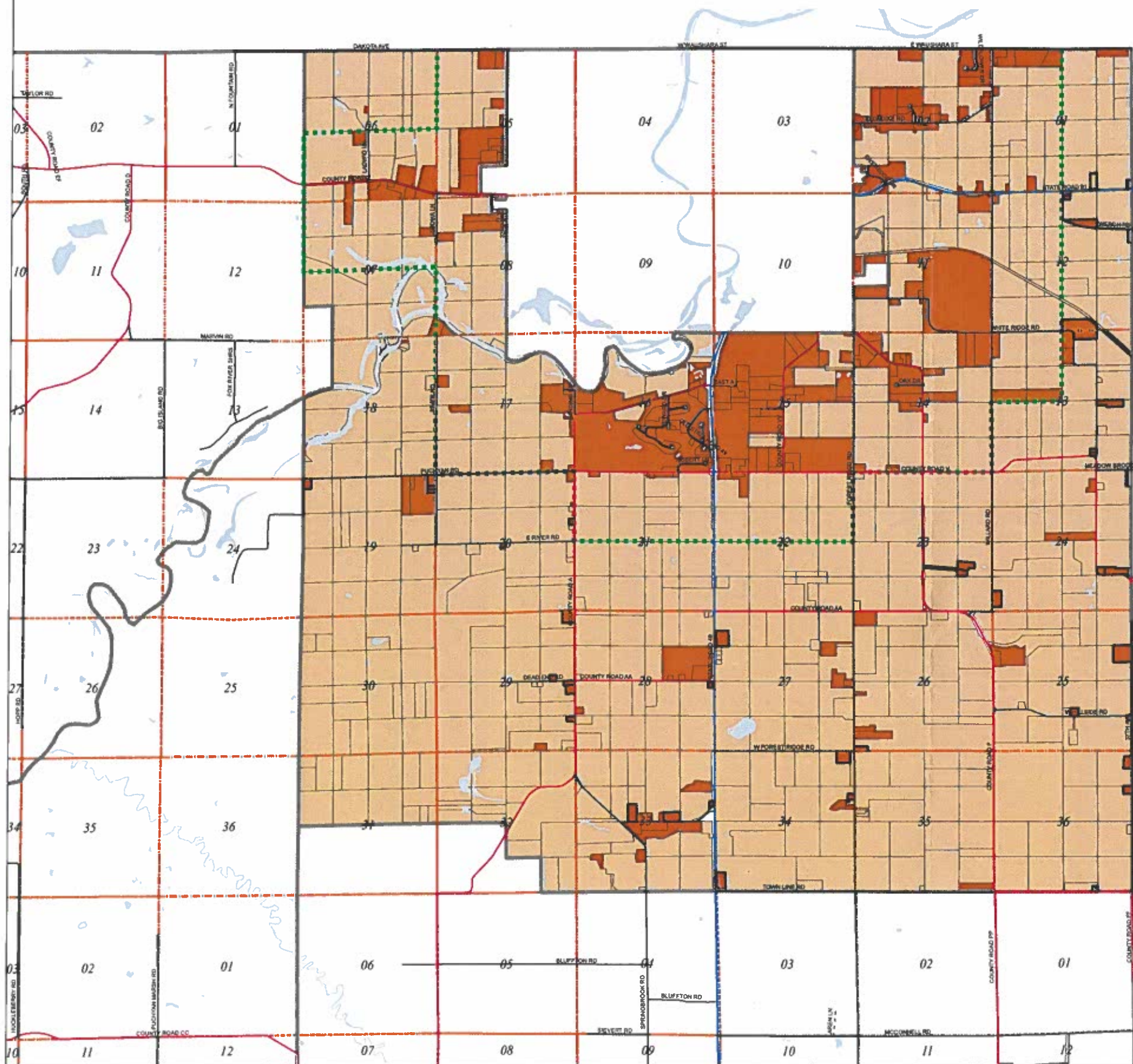
* In the event that these amendments are not adopted, owners of property currently within the City of Berlin's extra-territorial zoning authority (ETZA) will be delayed in having their land zoned under County zoning. Any delay will not allow the Land Use Planning and Zoning Department to obtain a zoning designation for these parcels. Without a zoning designation, it will be impossible to issue a land use permit for parcel improvements.

TOWN INPUT: An Action Form requesting Town of Berlin's input was mailed on November 8, 2019. Town input will be addressed at the public hearing by the Land Use Planning & Zoning Committee.

Town of Berlin
Green Lake County, Wisconsin

Farmland Preservation Plan

DATCP Submitted June 25, 2015
 DATCP Certification July 10, 2015
 Green Lake County Adoption February 16, 2016
 DATCP Amendment Submittal September 1, 2017
 Effective January 1, 2019

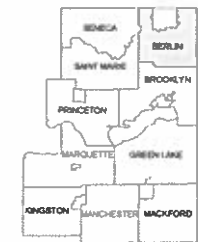


- Farmland Preservation Areas**
- Areas of Agricultural Use and Agriculture Related Use
- Nonagricultural Development Areas**
- Areas of Nonagricultural Development

Note: The Farmland Preservation Maps supersede the Future Land Use Map of Green Lake County Comprehensive Plan when inconsistencies exist regarding nonagricultural development.

Map Features

- Roads**
- State
 - County
 - Local
 - Private
 - Railroad
- Extraterritorial Jurisdiction
 - Municipal Boundary
 - Section Line
 - Parcel Line
 - Waterbody



The base map was created with data from the Green Lake County Land Use Planning and Zoning Department.

Martenson & Eisele, Inc.

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 Menasha, WI 54952
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 info@martenson-eisele.com
 920.731.0381 1.800.236.0381
 Legend2018.mxd_October 16, 2018

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