



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, February 6, 2025.

Packet Pages:

- 3 Agenda
- 4-5 Draft Meeting Minutes from 1/2/25
- 6-7 Financial Reports for December 2024
- 8-11 Land Use & Sanitary Reports for December 2024
- 12-13 Violation Status Reports
- 14-22 County Surveyor Agreement
- 23 Public Hearing Notice
- 24-34 **Item #1: Owner:** Nicholas Johnson, **Location:** N2901 Cedar Road, **Parcel:** 014-00482-0100. **Legal Description:** SE ¼ of SW ¼ and SW ¼ of SE ¼, located in Section 34, T15N, R11E, Town of Marquette, ±35.0 acres. **Request:** The owners are requesting a rezone from A1, Farmland Preservation District, to A2, General Agriculture District.
- 35-44 **Item #2: Owner:** Corneal Troyer, **Location:** N2853 Nicolet Road, **Parcel:** 014-00513-0000. **Legal Description:** Lot 1 of CSM 1473 V6, located in Section 36, T15N, R11E, Town of Marquette, ±1.0 acres. **Request:** The owners are requesting a rezone from R2, Single-Family Mobile Home Residence, to R4, Rural Residential District.
- 45-61 **Item #3: Owner:** David Roy Santee, **Location:** N6264 N. Lawson Drive, **Parcel:** 004-00375-0100. **Legal Description:** NE ¼ of SE ¼, located in Section 16, T16N, R13E, Town of Brooklyn, ±2.9 acres. **Request:** The owners are requesting a Conditional Use Permit to re-establish a motel use and to re-establish a single-family residential use for the owner of the commercial use.
- 62-85 **Item #4: Owner:** S&L Holdings WI, LLC., **Agent:** Lee Garro, **Location:** Highway 23 & 49, **Parcel:** 004-00314-0201. **Legal Description:** Lot 1 of CSM 3979, located in Section 15, T16N, R13E, Town of Brooklyn, ±3.88 acres. **Request:** The Green Lake County Land Use Planning & Zoning Committee determined, at their December 5, 2024, public meeting, that there is a reasonable probability that S&L Holdings WI, LLC, is in violation of their Conditional Use Permit. The committee will address the violation(s) at the February 6, 2025, meeting.

86-137 **Item #5: Applicants:** Green Lake County Land Use Planning & Zoning Committee,
Request: The committee is requesting an amendment to Chapter 350, Zoning Ordinance of the Code of Green Lake County, more specifically to establish local regulations on the installation and use of wind and solar energy systems.



GREEN LAKE COUNTY
LAND USE PLANNING & ZONING DEPARTMENT

Matt Kirkman
Director

Office: 920-294-4156
FAX: 920-294-4198

Land Use Planning & Zoning Committee Meeting Notice

Date: Thursday, February 6, 2025, Time: 9:00 AM
Green Lake County Government Center, County Board Room
571 County Rd A, Green Lake WI

*Amended*AGENDA

Committee
Members

Chuck Buss-chair
Bill Boutwell-vice chair
Curt Talma
Gene Thom
Sue Wendt

Secretary: Karissa Block

Virtual attendance at meetings is optional. If technical difficulties arise, there may be instances when remote access may be compromised. If there is a quorum attending in person, the meeting will proceed as scheduled.

This agenda gives notice of a meeting of the Land Use Planning and Zoning Committee. It is possible that individual members of other governing bodies of Green Lake County government may attend this meeting for informative purposes. Members of the Green Lake County Board of Supervisors or its committees may be present for informative purposes but will not take any formal action. A majority or a negative quorum of the members of the Green Lake County Board of Supervisors and/or any of its committees may be present at this meeting. See State ex rel. Badke v. Vill. Bd. of Vill. of Greendale, 173 Wis.2d 553, 578, 494 N.W. 2d 408 (1993).

1. Call to Order
 2. Certification of Open Meeting Law
 3. Pledge of Allegiance
 4. Minutes of 1/2/2025
 5. *Public Appearance: Attorney Steve Sorenson - *Detached* Garages
 6. Department Activity Reports
 - a) Financial Reports
 - b) Land Use & Septic permits
 - c) Violation reports
 7. Farmland Preservation Plan Subcommittee Update
 8. County Surveyor Agreement
 9. Public Comment (3 minute limit)
 10. Public Hearing: (Not to begin before 9:30 AM)
- Each item below will consist of:
- a) Public Testimony/Comment: 3-minute time limit
 - b) Committee Discussion & Deliberation
 - c) Committee Decision
 - d) Execute Ordinance/Determination Form

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11. Committee Discussion
 - a) Future Meeting Dates: March 6, 2025 @ 9:00am
 - b) Future Agenda items for action & discussion
12. Adjourn

Microsoft Teams meeting: This meeting will be conducted through in person attendance or audio/visual communication. Remote access can be obtained through the Microsoft Teams link on the agenda posted on the County website’s Events Calendar:

Microsoft Teams meeting
Join on your computer, mobile app or room device
[Click here to join the meeting](#)
Meeting ID: 296 349 313 972
Passcode: 9VUWqS
[Download Teams](#) | [Join on the web](#)
Or call in (audio only)
[+1 920-515-0745,,516863131#](#) United States, Green Bay
Phone Conference ID: 516 863 131#
[Find a local number](#) | [Reset PIN](#)
Please accept at your earliest convenience. Thank you!
[Learn More](#) | [Help](#) | [Meeting options](#) | [Legal](#)

Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance, should contact the County Clerk’s Office, 294-4005, not later than 3 days before date of the meeting.
Green Lake County is an Equal Employment Opportunity Employer-571 County Road A, Green Lake, WI 54941 [www.greenlakecountywi.gov](#)

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, January 2, 2025**

CALL TO ORDER

Planning & Zoning Chair Chuck Buss called the meeting of the Land Use Planning and Zoning Committee to order at 9:00AM 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. The Pledge of Allegiance was recited.

Present: **Bill Boutwell, Curt Talma (Remote), Chuck Buss, Gene Thom (Remote), Sue Wendt**

Also Present: **Matt Kirkman**, Land Use Planning and Zoning Director; **Karissa Block**, Deputy County Clerk; **Ryan Schinke**, Land Use Coordinator/Technician; **Noah Brown**, Land Use and Shoreland Specialist; **Maxwell Richards**, Land Use and POWTS Specialist; **Kenneth Stephani** (9:02AM), Finance Director; **Tami Toth** (Remote at 9:05AM), Legal Assistant; **Stefanie Meeker** (Remote), Real Property Lister

APPROVAL OF MINUTES

Motion/second (Boutwell/Wendt) to approve the minutes of the 12/5/2024 meeting. Motion carried with no negative vote.

DEPARTMENT ACTIVITY REPORTS

- Financial Reports – Kirkman reviewed Financial Reports found in the packet. Total stands at 83%.
- Land Use & Septic Permits – November 2024 Estimated Cost is \$2,378,400. 2024 YTD Estimated Cost is \$58,525,790.00
- Violation Reports – Land Use Planning & Zoning Department gave on update on Violation Reports

FARMLAND PRESERVATION PLAN COMMITTEE UPDATE

First Farmland Preservation meeting will be on January 27th. Public comments will be allowed at the beginning of the meeting. There will also be meetings in February and March.

PROPOSED ZONING ORDINANCE AMENDMENT – WIND ENERGY AND SOLAR ENERGY SYSTEMS

Kirkman went over Benefits of a Wind Energy Systems Ordinance, found in the packet. Discussion held. The committee agreed to allow the Planning and Zoning department to move forward with this into next months meeting.

COUNTY SURVEYOR UPDATE

Kirkman and Corporation Counsel are working together with GEC to come up with a plan.

2025 ORTHOPHOTO UPDATE

The Orthophoto gets updated every 5 years. The 2025 Orthophoto will have a better resolution.

PUBLIC COMMENT (15 MINUTES TOTAL / 3 MINUTE LIMIT)

-none

COMMITTEE DISCUSSION

- a. Next meeting date – February 6, 2025 @ 9:00AM
- b. Future agenda items for action & discussion
 - i. CUP complaint hearing S&L Holdings WI LLC
 - ii. Resume consideration of David Santee CUP
 - iii. Wind Energy & Solar Energy Systems update

ADJOURN

Chair Buss adjourned the meeting at 9:55AM

Respectfully submitted,

Karissa Block
Deputy County Clerk

For 12/01/24 - 12/31/24

Expenditure Summary Report

FJEXS01A

Periods 12 - 12

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						
24-100-10-53610-110-000 Salaries	319,530.00	.00	25,099.20	307,507.02	12,022.98	96.24
24-100-10-53610-140-000 Meeting Payments	940.00	.00	239.30	1,177.36	-237.36	125.25
24-100-10-53610-151-000 Social Security	24,446.00	.00	1,867.49	23,411.95	1,034.05	95.77
24-100-10-53610-153-000 Ret. Employer Share	22,050.00	.00	1,731.86	22,058.85	-8.85	100.04
24-100-10-53610-154-000 Health Insurance	109,362.00	.00	7,253.36	73,460.64	35,901.36	67.17
24-100-10-53610-155-000 Life Insurance	524.00	.00	47.43	563.41	-39.41	107.52
24-100-10-53610-210-002 Professional Services	9,500.00	.00	.00	8,237.50	1,262.50	86.71
24-100-10-53610-218-000 VIOLATION NOTICE SERVICE	300.00	.00	.00	.00	300.00	.00
24-100-10-53610-225-000 Phone Service	870.00	.00	59.07	596.03	273.97	68.51
24-100-10-53610-242-000 Print Management	300.00	.00	.00	340.95	-40.95	113.65
24-100-10-53610-307-000 Training	940.00	.00	.00	910.90	29.10	96.90
24-100-10-53610-310-000 Office Supplies	990.00	.00	177.99	922.38	67.62	93.17
24-100-10-53610-312-000 Field Supplies	200.00	.00	.00	59.33	140.67	29.67
24-100-10-53610-312-001 Non-Metallic Mining Expense	.00	.00	.00	1,749.00	-1,749.00	.00
24-100-10-53610-320-000 Publications-BOA Public Hearing	600.00	.00	116.00	3,524.70	-2,924.70	**
24-100-10-53610-320-001 Publications-PZ Public Hearing	3,000.00	.00	.00	2,499.00	501.00	83.30
24-100-10-53610-321-000 Seminars	930.00	.00	.00	885.00	45.00	95.16
24-100-10-53610-324-000 Member Dues	130.00	.00	.00	170.90	-40.90	131.46
24-100-10-53610-330-000 Travel	750.00	.00	294.00	793.80	-43.80	105.84
24-100-10-53610-352-000 Vehicle Maintenance	838.00	.00	230.81	685.24	152.76	81.77
53610 Code Enforcement	496,200.00	.00	37,116.51	449,553.96	46,646.04	90.60
10 Land Use Planning and Zoning	496,200.00	.00	37,116.51	449,553.96	46,646.04	90.60

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

FEES RECEIVED	DECEMBER				YEAR-TO-DATE				BUDGET	
	2023		2024		2023		2024		2024	
	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS										
Total Monthly Issued Permits	7	2,650	5	3,100	239	56,900	236	\$ 76,950	\$ 60,000	128%
SANITARY PERMITS (POWTS)										
Total Monthly Issued Permits	8	2,010	2	560	77	21,210	79	\$ 24,470	\$ 26,000	94%
NON-METALLIC MINING PERMITS										
Annual Permit Fees	-	-	-	\$ -	18	15,650	7	\$ 14,005	\$ 15,200	92%
BOARD OF ADJUSTMENT										
Special Exception	-	-	-	-	-	-	-	-	-	
Variances	-	-	-	-	2	750	5	1,875	-	
Appeals	-	-	-	-	1	375	-	-	-	
Total	-	\$ -	-	\$ -	3	\$ 1,125	5	\$ 1,875	\$ 1,500	125%
PLANNING & ZONING COMMITTEE										
Zoning Change	1	375	-	-	10	3,750	10	3,750	-	
Conditional Use Permits	1	375	-	-	14	5,250	5	1,875	-	
Variance	-	-	-	-	2	900	-	-	-	
Total	2	\$ 750	-	\$ -	26	\$ 9,900	15	\$ 5,625	\$ 8,525	66%
MISC.										
Wisconsin Fund	-	-	-	-	-	-	1	50	-	
Fines & Forfeitures	2	400		700	10	1,400		8,940	-	
Total	2	\$ 400	-	\$ 700	10	\$ 1,400	1	\$ 8,990	-	
SURVEYOR										
Certified Survey Maps	4	660	3	540	38	6,570	39	7,020	6,500	
Preliminary and Final Plats	-	-	-	-	-	-	-	-	-	
Applied Funds: County Surveyor	-	-	-	-	1	9,500	-	-	9,500	
Total	4	\$ 660	3	\$ 540	39	\$ 16,070	39	\$ 7,020	\$ 16,000	44%
GIS (Geographic Information System)										
Map Sales	-	-	-	-	1	15	-	-	-	
Land Records Transfer	-	25,000	-	-	-	25,000	-	25,000	25,000	
Land Information Grant	-	10,000	-	-	-	10,000	-	10,000	10,000	
Total	-	\$ 35,000	-	\$ -	1	\$ 35,015	-	\$ 35,000	\$ 35,000	100%
GRAND TOTAL	23	41,470	10	4,900	413	157,270	382	173,935	\$ 162,225	
									Total	107%

Land Use Permits: 12/1/2024 - 12/31/2024

Town of Berlin

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13846	N8473 COUNTY ROAD A	12/09/2024	JENNIFERL KRAUSE, NICKOLASA KRAUSE	5000	Accessory Structure - Shed	Movable metal shed on timbers		

Town of Brooklyn

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13845	N5668 COUNTY ROAD A	12/04/2024	JEFFREYM ANDREWS	16000	Accessory Structure - Retaining Walls		Accessory Structure - Shed	
13847	W2095 NORTHWEST RD	12/10/2024	CRYSTALM ABENDROTH, DERIKM ABENDROTH	985000	Accessory Structure - Porch	Front Porch	Accessory Structure - Attached Deck/Patio	Patio
13848	N5530 SHORE DR	12/18/2024	LINDSEY THORN, WESLEY PRATO	1300269	Accessory Structure - Porch	Front Stoop	Accessory Structure - Porch	Screen Porch

Town of Green Lake

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13850	W1644 SANDSTONE AVE	12/23/2024	WINDSOR REVOCABLE TRUST	56700	Land Disturbing Activity - Grading	Filling and Grading done in association of house demo		

Town of Kingston

Permit 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	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	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 Marquette

Permit 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 Princeton

Permit 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 Saint Marie

Permit 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 Seneca

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

December 2023 Estimated Cost \$1,317,589.00

2023 YTD Estimated Cost \$44,700,976.00

December 2024 Estimated Cost: \$2,362,969.00

2024 YTD Estimated Cost: \$60,888,759.00

Sanitary Permits: 12/1/2024 - 12/31/2024

Sanitary Permit	County Permit	Parcel Number	Site Address	Owners	Date Issued	Permit Type	System Type	Plumber Name	Additional Permit Type	Final Insp Date	Ind Site Dsgn	Additional Explanation	County Fee	DSPS FEE	Total Cost to Applicant
202424169		004004040200	W2095 NORTHWEST RD	CRYSTALM ABENDROTH, DERIKM ABENDROTH	12/10/2024	New System	Conventional (Non-Pressurized In-Ground)	Anthony Thoma		01/02/1900	No	3 bedroom house	\$ 280.00	\$ 100.00	\$ 380.00
202424170		016016450000	W5244 OXBOW TRL	BARBARA TARKIAINEN, DAVID MC CURDY, DONALD MC CURDY	12/30/2024	Replacement System	Conventional (Non-Pressurized In-Ground)	Anthony Thoma		01/02/1900	No	3 bedroom house	\$ 280.00	\$ 100.00	\$ 380.00

Total \$ 560.00 \$ 200.00 \$ 760.00

Total Sanitary Permits Issued 12/1/2024 - 12/31/2024

System Type	Total Count	New System Total Count	Replacement System Total Count	Revision Total Count
Conventional (Non-Pressurized In-Ground)	2	1	1	0
Grand Total	2	1	1	0

Total Sanitary Permits Inspected 12/1/2024 - 12/31/2024

System Type	Total Count	New System Total Count	Replacement System Total Count	Revision Total Count
Conventional (Non-Pressurized In-Ground)	7	2	5	0
Holding Tank	1	1	0	0
Mound	1	0	1	0
Grand Total	9	3	6	0

Land Use Violations Report
January 2025

First Notice

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description
012005160100	N879 Lane 7	William H Bontrager	13855	Zoning	Structures without land use permit and structure within street yard setback
004018310000	W1715 North Street	William J Riebe Living Trust	13775	Zoning	Construction within the sideyard setback
002000910000		Tim Drover	13669	Zoning	Tires, boats, trash, potentially a dwelling?

Second Notice

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description
018002970000		Jonathan Marquart	13827	Shoreland	Development in floodplain without determination of floodway vs flood fringe and no LUP
004009170100	W2955 Hillside Road	John Francis	13736	Shoreland	Retaining wall built within shoreland setback, without a land use permit, and wall is greater than six feet not designed by a professional engineer.
006001160102	W2498 Oakwood Avenue	Orazio Pollina	13826	Shoreland	Retaining walls within shoreland setback and no LUP for structures

Sent to Corp. Counsel

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description
004003750100	N6264 N lawson Dr	David Santee	13356	Zoning	Establishing a residence without a conditional use permit on C-2 parcel.
004003750100	N6264 N Lawson Dr	David Santee	13460	Zoning	Operating a long term rental in a zoning district that does not allow long term rentals as an allowed use.
020004510000, 020004550000	Hopp Road Right of way	Hopp	13395	Floodplain	Installed three sets of three culverts in 2008 without WDNR or County Zoning approval. Resolution is to remove all three sets of culverts to restore natural flooding conditions. Update: Joe said he would work with the Town's attorney to draft a legal letter to Mike Arrowhead of Walleyes for Tomorrow. The letter would be worded in such a way that Walleyes for Tomorrow will be responsible for removing the culvert sets on both parcels.
014001810000	N4356 PINE RD E	PAUL PETERSEN	13618	Zoning	3 Recreational Campers in A-1, Farmland Preservation District
008004680000	W6502 STATE ROAD 44	Carolee Miller	13533	Shoreland	No LUP and building within the shoreland setback. Certified Mailing -unclaimed resent through S.O.
006016860000	W1172 Spring Grove Road	Lizbeth Olsen	13745	Zoning	Fence built without LUP and is not open style or 4 feet in height when within the streetyard setback

Monthly Violations Resolved
3

YTD Violations Resolved
3

Resolved

002003570000	N8473 County Road A	Jennifer Krause	12588	Zoning	Construction od a second shed without a permit next to existing shed
006010680000	N5010 Horner Road	Richard & Patricia Ehrenberg	13849	Zoning	Building without a land use permit
014004860000	W5352 Puckaway Road	Daniel Kohn	13842	Zoning	Shipping Container without a permit

POWTS FAILURE REPORT 1/29/2025

Open					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
1800271000	N6431 River Road	Dennis F Jensen	1624109	System likely not installed to plumbing code, will be investigated more in spring. Owner plans to replace/abandon system.	11/25/2024
006001630000	N4443 HORNER RD	4 PAR LLC	199425	CST and Plumber will be submitting a new sanitary permit soon. Have been in talks with DSPS and county staff.	10/29/2024
18005670100	N6930 State Road 73	Zrinsky Family Irrevocable Trust	201624036	System filled in with sand, new permit number 202524001, cannot install system till spring	12/9/2024
Notice Sent					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
14003290100	W7270 Puckaway Road	Ocean Housing LLC	38043	Failing drainfield, pumps, and metal tank.	1/10/2025
Final Notice Sent					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
None					
Sent To Corp Counsel					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
008004020000	W6712 PARK VIEW LN	; YODER DOROTHY ; YODER WILBUR ; YODER WILLIAM	00824056	Illegally installed holding tank of some kind. Has new sanitary permit 202424137 installed for new house, waiting on POWTS abandonment.	5/17/2024
016000090000	N6123 SWAMP RD	HEBBE JAMES A	01624006	Tank not Watertight tank repairs ongoing.	4/26/2022
016000900100	N5771 COUNTY ROAD D	ARNESON COURTNEY L	201724075	Drain field failure	6/24/2024
016004630000	N4487 MAPLE LN	KLEIN JUSTIN T	58848	Tank not Watertight	8/5/2022
016004790100	N4185 WICKS LNDG	CLANCY PATRICK J; CLANCY ROBERT J; CLANCY SOWLE COLLEEN	01624043	Illegal holding tank and plumbing	3/31/2020
016008320000	N5528 COUNTY ROAD T	WEIR LAVERNE J	01624079	Tank not Watertight, drywell structurally compromised	12/12/2023
016009230000	N4922 RAY SHORTER RD	PROG ROD-GUN CLUB	010024256	Tank Failure	5/29/2021
018006720200	N7506 STATE ROAD 73	CLEMENTS JR CECIL D	000148246	Drain field failure	4/30/2024
020002500400	W2635 FOX RIVER SHRS E	CONN HAROLD A; CONN LEONARD R; CONN MARY	000037515	Tank has roots growing into it. No longer watertight or structurally sound. discharging effluent to the groundwater table.	5/21/2024
154000570000	145 SHERMAN AVE	LOESL CYNTHIA MARIE; LYSY DEBORAH	15424008	Tank Failure	9/20/2024
016009230000	W5894 WALTER WILLIAMS RD	PROG ROD-GUN CLUB	202324057	Watertline issue to be resolved in spring.	10/21/2024

*AGREEMENT BETWEEN GREEN LAKE COUNTY
AND
GENERAL ENGINEERING COMPANY*

This Agreement (hereinafter referred to as “Agreement”), is entered into by and between Green Lake County (hereinafter referred to as “County”), with its principal place of business and county seat at 571 County Road A, Green Lake, Wisconsin, 54941, and General Engineering Company with its corporate office located at 916 Silver Lake Drive, PO Box 340, Portage, Wisconsin, 53901.

WHEREAS, Surveyor has a great deal of knowledge and expertise in the area of surveying and is a Wisconsin professional surveyor; and,

WHEREAS, County wishes to avail itself of Surveyor’s talents, advice and abilities during the term of Agreement and Surveyor is willing to offer such services as a County Surveyor upon the terms and conditions set forth herein;

NOW THEREFORE, in consideration of the promises contained herein, and intending to be legally bound, the parties hereto agree as follows:

1. During the term hereof, County hereby engages Surveyor, and Surveyor hereby agrees to serve County as County Surveyor. Surveyor shall be available to work at reasonable times and for reasonable periods of time to perform such consultation as is required by County. Surveyor shall furnish all materials, equipment, vehicles, supplies and incidentals necessary to complete the work.
2. Surveyor shall travel on the business of County whenever reasonably requested to do so, provided such travel is not unreasonably burdensome. Surveyor shall generally endeavor to improve the business of County during the term of Agreement.

3. Surveyor shall maintain at his expense, Wisconsin professional surveyor accreditation and provide proof of same to County.
4. County will provide office space, a computer and internet access for use by the Surveyor to hold office hours while performing work for County. County will provide an email address, fax and telephone number for communication with Surveyor for matters related to County. Surveyor shall set office hours for performing work for County, to answer questions and serve the public. Surveyor shall abide by all County policies on the use of County equipment and resources.
5. Surveyor shall carry out the duties and responsibilities of Wis Stat. §59.20(2)(c) and other requirements provided by law, including but not limited to the following:
 - a) Execute and/or oversee land survey activity, maintain survey records and any other duties and responsibilities mandated by Wis Stat. § 59.45.
 - b) In a timely manner, catalog and file certified survey records, certified U.S. public land survey monument records and section summary sheets, as submitted by surveyors.
 - c) Coordinate the perpetuation of Public Land Survey System (PLSS) corner locations in preparation for proposed construction and other activities, including street and highway construction activities that would otherwise lead to destruction of corner monuments and loss of true corner locations.
 - d) Receive requests for PLSS re-monumentation and maintenance, review same and authorize, if appropriate. No self-authorization will be permitted. Keep records of all PLSS re-monumentation and maintenance requests.
 - e) Serve in advisory capacity for county departments in regard to ordinance revisions that affect land subdivision practices in the county, provide guidance pertaining to general land surveying practices and answer questions regarding certified survey map and subdivision plat review.

- f) Serve on the Land Information Council as the designated surveyor member.
- g) Conduct a minimum of (2) hours of regular posted office hours per week.
- h) Respond to questions and requests from customers regarding survey records.
- i) Attend Land Use, Planning and Zoning Committee meetings when requested by the committee and semi-annually submit an activity report to the committee.
- j) Provide annual budget guidance, direction and advice to the Land Use, Planning and Zoning Director regarding budget line items that relate to the County Surveyor budget, beginning with the 2026 budget and all years thereafter.
- k) Provide guidance, direction, advice and assistance as needed regarding duties and/or projects performed by the Land Use, Planning and Zoning Department.
- l) Review survey maps and subdivision plats submitted for review to the Land Use, Planning and Zoning Department and the Office of Register of Deeds.
- m) Work cooperatively and harmoniously with any entity seeking information, assistance or direction of land surveying laws, codes and/or ordinances enforced by the County Surveyor through the Land Use, Planning and Zoning Department.
- n) Interact with County's Land Information Program to maintain a modern indexing and retrieval system for survey records filed, pursuant to Wis Stat. § 59.45.
- o) Fulfill requirements of the Public Survey System Perpetuation Policy, beginning January 1, 2026.

6. Term and termination

- a. The Agreement shall commence upon the execution of this document and terminate two (2) years from the date of signature. The County may extend an option to renew this contract for two-year increments, subject to paragraph b. below.
- b. Either party may for any reason and upon thirty (30) days' written notice to the other party, elect to terminate the Agreement. If terminated, Surveyor shall be paid for satisfactory completion of work to the date of termination.

7. Surveyor shall submit a monthly invoice detailing work completed for that month and will be paid within forty-five (45) days of receipt of the invoice. County Surveyor payment is set at a rate of ~~\$50.00~~ **\$75.00** per hour to include: support; staff; survey equipment; surveyor software and mileage to perform services required. Any work requiring more than one surveyor and/or person shall be pre-approved of by the Land Use, Planning and Zoning Director and payment shall be at a rate to be agreed upon by both parties.
8. It is mutually understood and agreed, and it is the intent of all parties hereto, that an independent contractor relationship be, and is hereby established under the terms and conditions of Agreement. Surveyor shall remain an independent contractor under Agreement. All employees of Surveyor, or its subcontractors, shall remain employees of Surveyor and shall not become employees of County under Agreement. No tenure, rights or benefits, including worker's compensation, unemployment insurance, medical care, sick leave, vacation leave, severance pay, withholding taxes, or other benefits available to County's employees, shall accrue to Surveyor or its employees performing services under this Agreement.

9. Surveyor agrees at all times during the term of Agreement to indemnify, save harmless and defend County, its boards, officers, employees and/or representatives against any and all liability, losses, damages, costs or expenses, which County, its boards, officers, employees and/or representatives may sustain, incur, or be required to pay by reason of bodily injury, personal injury, property damage, or other cause of actions of whatsoever nature or kind, arising out of, or as a result of any negligent failure to act in connection with Surveyor occupying, furnishing services or goods required to be provided. However, provisions of this section shall not apply to liabilities, losses, charges, costs and/or expenses caused by, or resulting from, the acts or omissions of County, its agencies, boards, officers, employees and/or representatives.
10. Surveyor agrees to obtain the following and provide County with copies of certificates of insurance indicating that the specified amounts of coverage are in effect:
- a) Statutory workers compensation insurance if required under Wisconsin Statutes;
 - b) General liability insurance coverage with a minimum policy limit of \$1,000,000.00;
 - c) Auto liability insurance of no less than \$100,000.00 per person/\$300,000.00 per accident/\$50,000.00 property and \$1,000.00 medical coverage if passengers are transported;
 - d) Professional errors and omissions insurance with a minimum policy limit of \$1,000,000.00.

County shall be given thirty (30) days advance notice of cancellation, modification or non-renewal of any such policy during the term of this Agreement.

11. All land survey maps, files, records and any and all related field records, survey information, or work product generated as part of Agreement, shall be the property of County. Surveyor shall respond to demands for records pursuant to Wis Stat. § 59.45 when holding office hours and shall collect such fees as may be set by County. With regard to other open records requests, Surveyor shall not be deemed the records custodian but shall assist County in responding to such requests. All completed work product shall be stored in the County Surveyor's Office, located in the Land Use, Planning and Zoning Department.
12. Agreement may be executed in one, or more counterparts, each of which shall be considered an original and all of which taken together, shall be considered one and the same instruments, with electronic signatures having the same legally binding effect as original signatures.
13. All notices, demands, certificates, or other communications under Agreement, shall be deemed given to all parties when hand delivered or sent via United States Postal Service as indicated below:

To County: Green Lake County Clerk
 571 County Road A
 Green Lake, WI 54941

With a copy to: Green Lake County Corporation Counsel
 571 County Road A
 Green Lake, WI 54941

And a copy to: Administrator/County Board Chair/Etc.
 571 County Road A
 Green Lake, WI 54941

To Surveyor: General Engineering Company
PO Box 340
Portage, WI 53901

14. All state law or local ordinances insofar as applicable to municipal contracts, shall be and hereby are, specifically made a part of Agreement. Surveyor agrees to comply with all applicable federal and state laws, rules and regulations in performing the work required under Agreement.
15. Surveyor may appoint a deputy surveyor by filing a certificate with County Clerk. The deputy surveyor's duties and rate of pay shall be the same as the duties and rate of pay herein, and the deputy surveyor shall perform said duties in the event that Surveyor has a conflict of interest.
16. Agreement is to be construed as if both parties had drafted it jointly, as opposed to being construed against a party because it was responsible for drafting one or more provisions of Agreement.
17. Agreement shall inure to the benefit of and be binding upon both parties and their respective successors, assigns, heirs and personal representative. Except as specifically provided herein, Surveyor may not assign Agreement or any interest in Agreement by operation of law or otherwise, without the prior written consent of County. There shall be no third-party beneficiaries to Agreement.
18. It is understood and agreed upon that County shall have the right to assign Agreement by operation of law or otherwise, to any successor, to all or substantially all of its assets and business by dissolution, merger, consolidation, transfer of assets or otherwise, or to any direct or indirect subsidiary of County.

19. Agreement shall be interpreted under the laws of the State of Wisconsin.

Venue for any legal proceedings relating to Agreement shall be Green Lake County, Wisconsin.

20. Agents executing Agreement are duly authorized representatives of their respective entities and are executing such documents and binding their respective entities to the representations, warranties and duties contained herein.

21. No modifications or additions to this Agreement and no waiver of the terms and conditions shall be effective unless it is in writing and duly executed by both parties hereto.

22. Both parties waive all rights to trial by jury in any action, proceeding, claim, or counterclaim brought by either party against the other on any matter whatsoever arising out of, in connection with, or related to Agreement.

23. Should Agreement provisions be held to be invalid, illegal, or unenforceable, the validity, legality and enforceability of the remaining provisions shall in no way be affected or impaired.

24. The waiver, or failure of either party to exercise in any respect any right provided in Agreement, shall not be deemed a waiver of any other right or remedy to which the party may be entitled.

25. County is an Equal Opportunity, Affirmative Action Employer and requires the same of independent contractors. There shall be no discrimination against any employee who is employed by Surveyor in the performance of their services to be performed under this Agreement, or against any applicant for such employment because of sex, race, religion, color, or national origin.

This provision shall include, but not limited to: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensations, and selection for training, including apprenticeship.

26. No language in Agreement constitutes as a waiver of County's sovereign immunity or notice of claim procedures, as set forth in Chapter 893 of the Wisconsin Statutes, or any other protections afforded to County by law.

GREEN LAKE COUNTY

David Abendroth
Green Lake County Board Chairman

DATE

GENERAL ENGINEERING COMPANY

Registered Agent

DATE

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, February 6, 2025, at 9:30 a.m.** to consider the following requests:

Item #1: Owner: Nicholas Johnson, **Location:** N2901 Cedar Road, **Parcel:** 014-00482-0100. **Legal Description:** SE ¼ of SW ¼ and SW ¼ of SE ¼, located in Section 34, T15N, R11E, Town of Marquette, ±35.0 acres. **Request:** The owners are requesting a rezone from A1, Farmland Preservation District, to A2, General Agriculture District.

Item #2: Owner: Corneal Troyer, **Location:** N2853 Nicolet Road, **Parcel:** 014-00513-0000. **Legal Description:** Lot 1 of CSM 1473 V6, located in Section 36, T15N, R11E, Town of Marquette, ±1.0 acres. **Request:** The owners are requesting a rezone from R2, Single-Family Mobile Home Residence District, to R4, Rural Residential District.

Item #3: Owner: David Roy Santee, **Location:** N6264 N. Lawson Drive, **Parcel:** 004-00375-0100. **Legal Description:** NE ¼ of SE ¼, located in Section 16, T16N, R13E, Town of Brooklyn, ±2.9 acres. **Request:** The owners are requesting a Conditional Use Permit to re-establish a motel use and to re-establish a single-family residential use for the owner of the commercial use.

Item #4: Owner: S&L Holdings WI, LLC. **Agent:** Lee Garro, **Location:** Highway 23 & 49, **Parcel:** 004-00314-0201. **Legal Description:** Lot 1 of CSM 3979, located in Section 15, T16N, R13E, Town of Brooklyn, ±3.88 acres. **Request:** The Green Lake County Land Use Planning & Zoning Committee determined, at their December 5, 2024, public meeting, that there is a reasonable probability that S&L Holdings WI, LLC, is in violation of their Conditional Use Permit. The Committee will address the violation(s) at the February 6, 2025, meeting.

Item #5: Applicants: Green Lake County Land Use Planning & Zoning Committee, **Request:** The committee is requesting an amendment to Chapter 350, Zoning Ordinance of the Code of Green Lake County, more specifically to establish local regulations on the installation and use of wind and solar energy systems.

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: January 23, 2025

Item #1:

Owner: Nicholas Johnson, **Location:** N2901 Cedar Road, **Parcel:** 014-00482-0100. **Legal Description:** SE ¼ of SW ¼ and SW ¼ of SE ¼, located in Section 34, T15N, R11E, Town of Marquette, ±35.0 acres. **Request:** The owners are requesting a rezone from A1, Farmland Preservation District, to A2, General Agriculture District.

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

February 6, 2025

ITEM I: ZONING CHANGE

OWNER:

Nicholas Johnson

APPLICANT:

Same

REQUEST: The owner is requesting a zoning change for ±35.15 acres from A-1, Farmland Preservation District, to A-2, General Agriculture District.

PARCEL NUMBER / LOCATION: The request affects parcel number 014-00482-0100 (±35.15 acres). The parcel is located in the SE ¼ of the SW ¼ and the SW ¼ of the SE ¼ Section 34, T15N, R11E, Town of Marquette. The site address for the zoning change is N2901 Cedar Rd.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of parcel 014-00482-0100 is A-1 Farmland Preservation and is used recreationally as hunting land. All the surrounding parcels are zoned A-1 Farmland Preservation. Some of the surrounding parcels are used for agriculture and rural residential use whereas other parcels are mostly wetlands which limit them to primarily recreational uses.

All (±35.15 acres) but about 2.74 acres of the parcel are WI DNR mapped wetlands. A large portion of the property falls under shoreland zoning due to nearby wetland ponds. The proposed rezone area does not fall within floodplain jurisdiction.

ADDITIONAL INFORMATION / ANALYSIS: The current use of the proposed rezone area has been recreational. The intention is to establish a residence on the southeastern corner of the parcel while maintaining the recreational use of the remainder 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. **About ±32.41 acres of this parcel are mapped as wetlands and have never been farmed. Farming these lands would require drainage of WI DNR mapped wetlands. It is clear that that lands are not suited to agriculture. The remaining ±2.74 acres of uplands have not been farmed and have no crop history. It is less clear that the upland area would be better suited as a site for a new home. When examined as a whole (±32.41 acres), the wetlands being 92% of the parcel could allow for this criterion to be met.**
- 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 of the comprehensive plan, most prominently the goal to preserve the rural characteristic of**

the county. Section 350-41 of the County Zoning Ordinance states that the A-2 district is intended to preserve and enhance land for agricultural uses.

- 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 A-2’s uses being agricultural in nature 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 A-2, General Agriculture District is intended to preserve and enhance land for agricultural uses. The A-2 district is intended not to impair or limit future agricultural use of surrounding parcels.**

TOWN OF MARQUETTE: An Action Form requesting the Town’s input related to this zoning change request was sent to the Town Clerk on 12/12/2024. At their meeting the Town Board did not object to and approves the request.

Please type or use black ink

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

GENERAL APPLICATION

Fee \$375 (not refundable)
Zone Change from A-1 to A-2

Date 11/14/24

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT

Name Nicholas Johnson
Mailing Address W3046 County Road Y Lemira WI 53048
Phone Number 262-483-3476
Signature Me Date 11/14/24

AGENT IF OTHER THAN OWNER

Name _____
Mailing Address _____
Phone Number _____
Signature _____ Date _____

PROPERTY INFORMATION

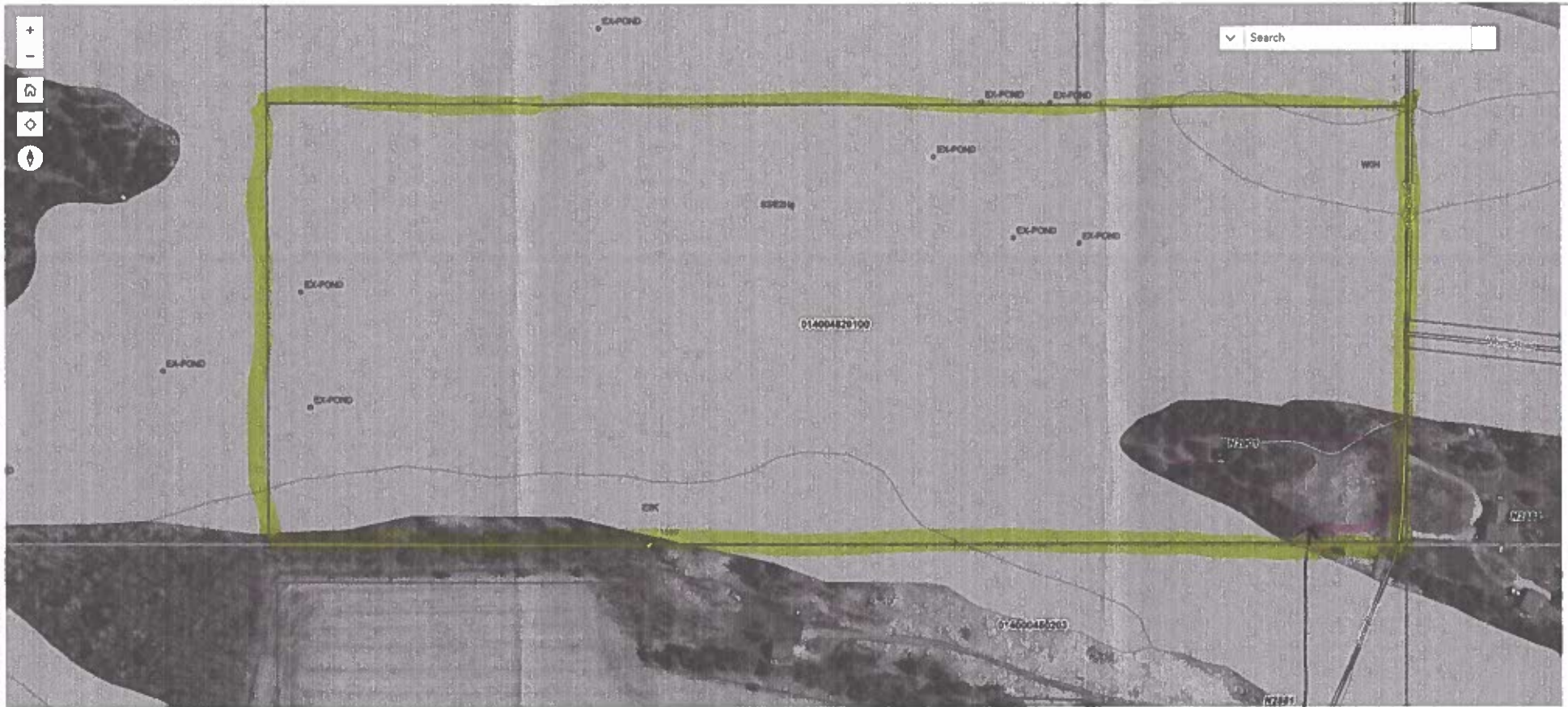
Town of Marquette Parcel Number 014 00482 0100 Acres 35
Lot N Block 2901 Subdivision Cedar Road
Section 34 Town 15 North Range 11 East
Location of Property N2901 Cedar Road Markesan WI 53946
Legal Description THAT PARCEL DESC V762 PG80

Current Zoning Classification A-1 Current Use of Property Recreation/Hunting


Detailed Description of Proposed Use _____
Would like to prepare SE corner for eventual auxiliary structure/pole barn
in addition to possibly home site. A-1 zoning limits this
as most of acreage is wetlands which makes agricultural use
not possible.

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change \$375
Conditional Use Permit \$375.00
Variance \$375.00
Special Exception \$375.00
NMM Reclamation Permit \$450

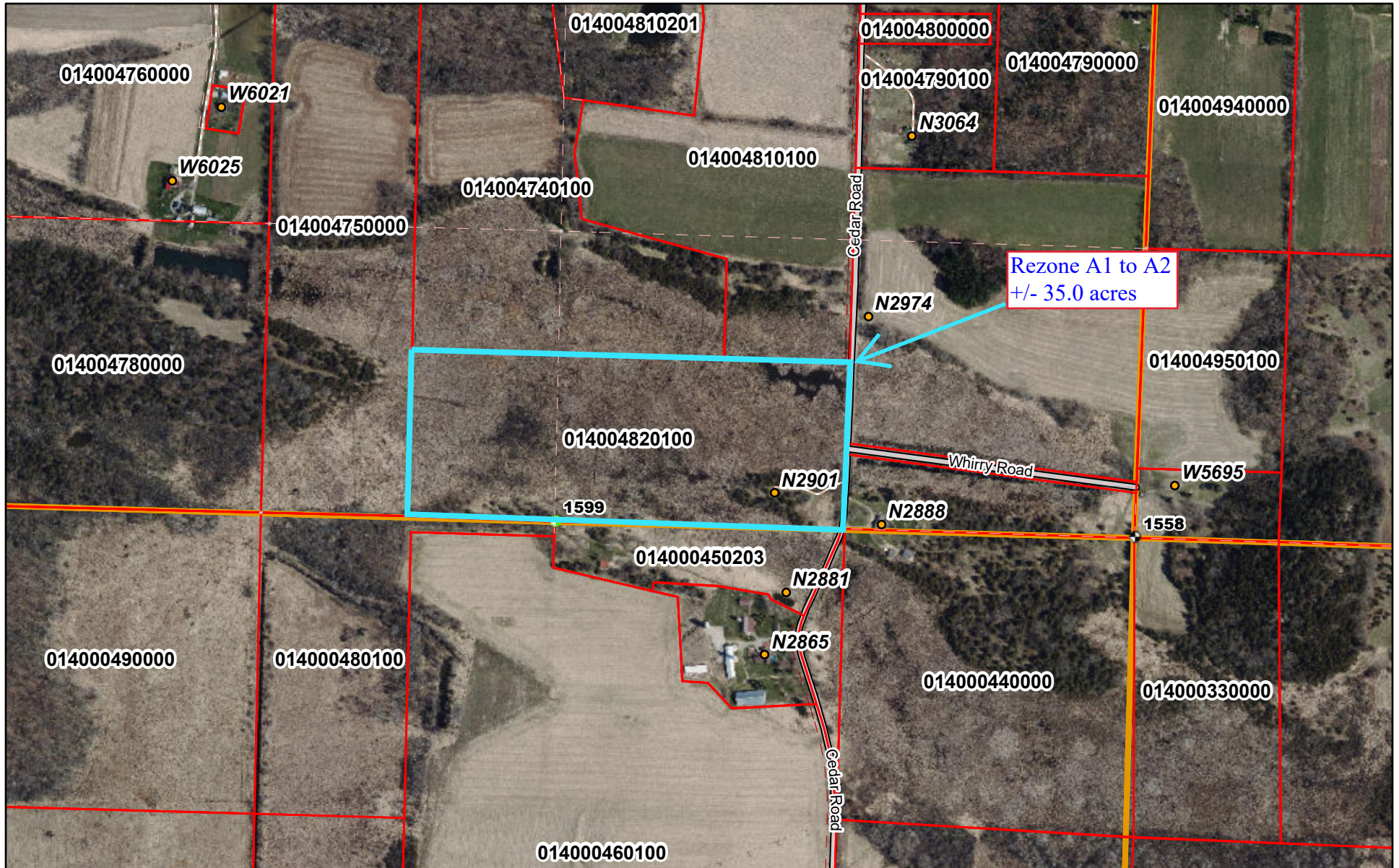


site intended for Development
for auxillary structure and/or home
in future

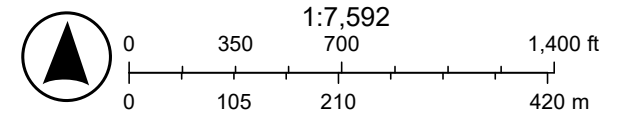
 : Property outline

Grey : Wetlands delineation

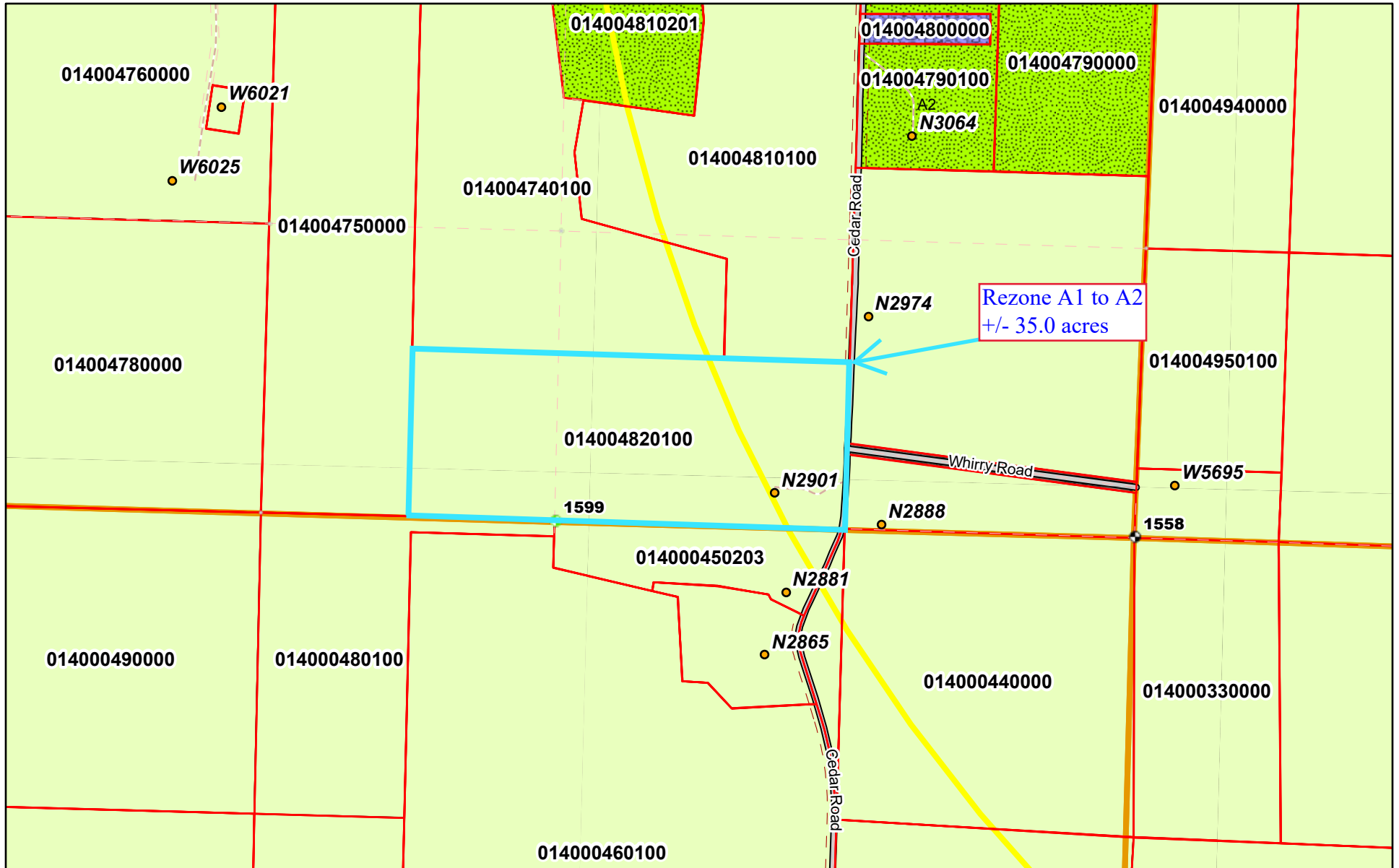
Johnson Rezone Aerial Map



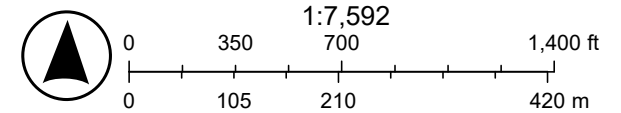
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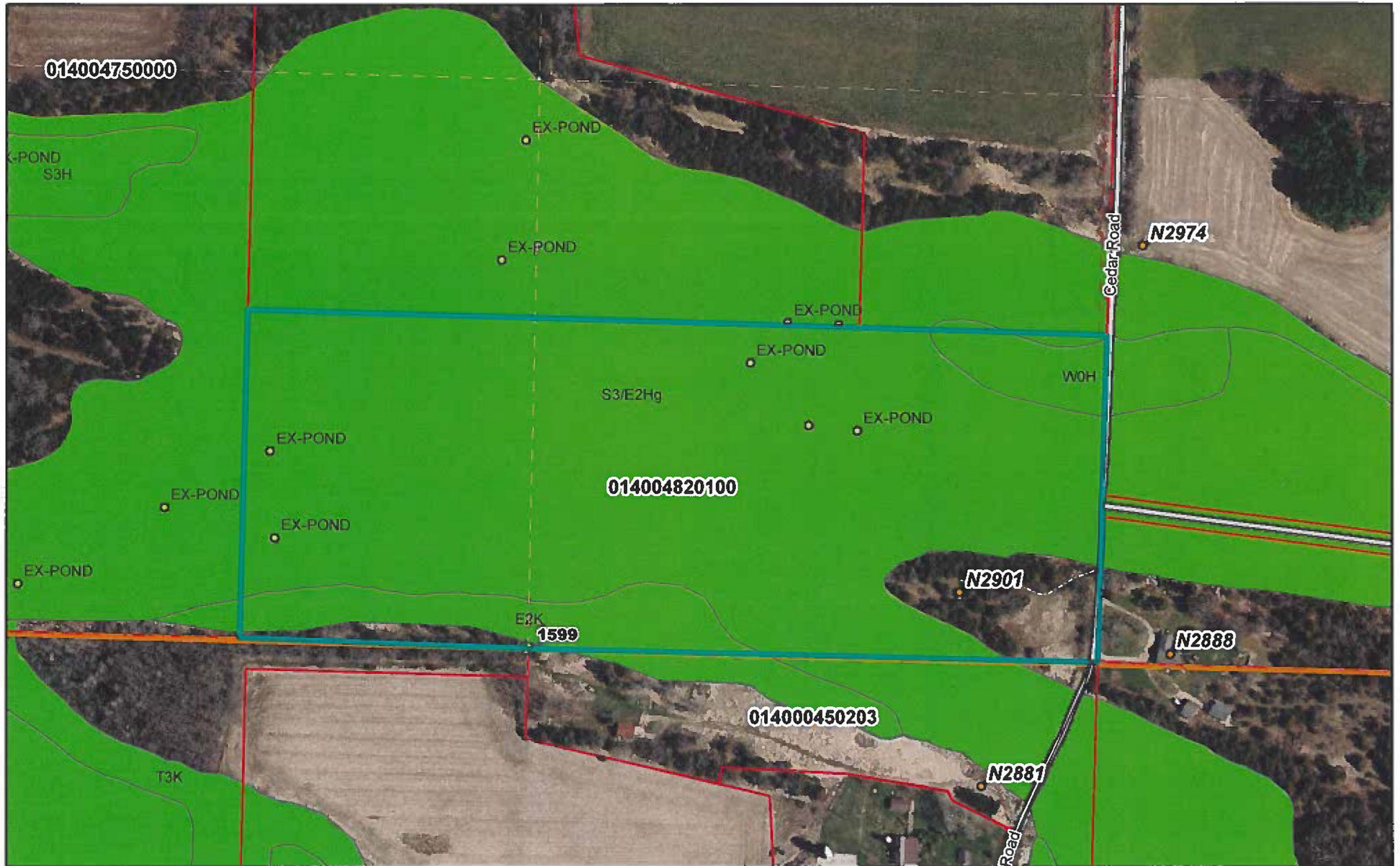
Johnson Zoning Map



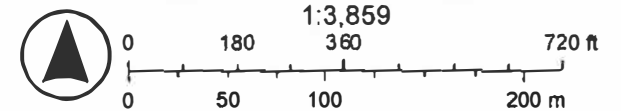
12/4/2024, 10:53:44 AM



GIS Viewer Map-Wetlands



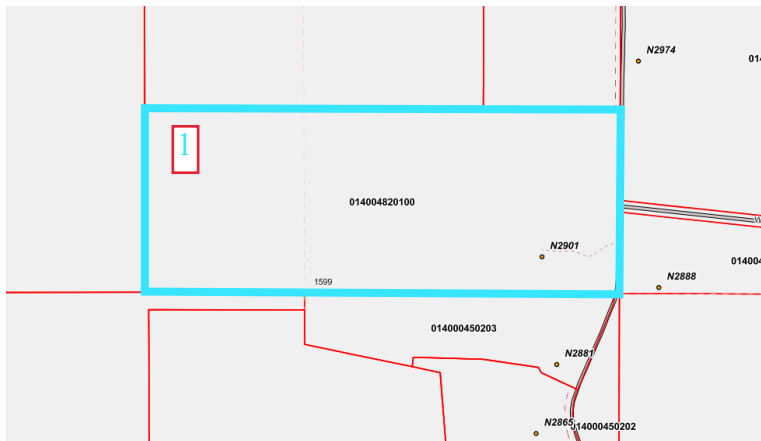
11/19/2024, 2:22:09 PM



**Nicholas Johnson
Town of Marquette
N2901 Cedar Road, Parcel #014-00482-0100
That Parcel Desc V762 PG80, Section 34, T15N, R11E**

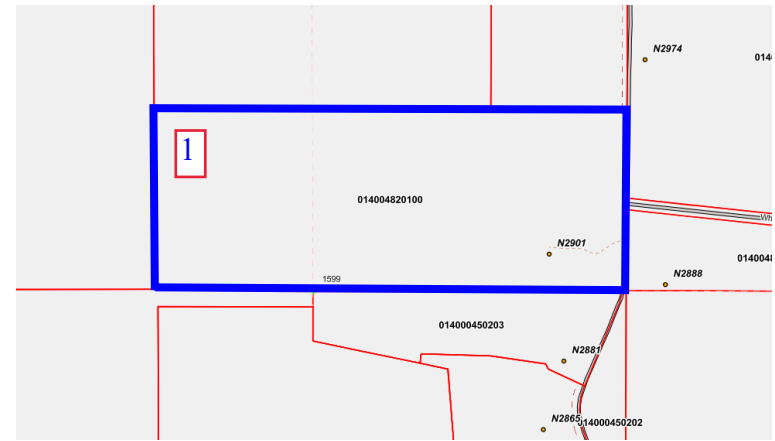
Existing Configuration

1 = 35.0-acre parcel zoned A1, Farmland Preservation District.



Proposed Configuration

1 = 35.0-acre parcel zoned A2, General Agriculture District.



Land Use Planning & Zoning Public Hearing 2/6/2025

TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Marquette, County of Green Lake, took the following action on –

(Date) 1/9/2025

Owner/Applicant: Nicholas Johnson

Site Location: N2901 Cedar Road

General legal description: Parcel #014-00482-0100, That Parcel Desc V762 PG80, located in Section 34, T15N, R11E, Town of Marquette, ±35.0 acres

Request: Rezone ±35.0 acres zoned A1, Farmland Preservation District, to A2, General Agriculture District.

Planned public hearing date for the above requests: February 6, 2025

☒ **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.

If no action taken – please include reason for inaction.

- Reason(s) for objection/inaction:

Brittney Fredericks
Town Representative

1/9/2025
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: **January 24, 2025**

ORDINANCE NO. -2025

**Relating to: Rezone in the Town of Marquette
Owner: Nicholas Johnson**

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting begun on the 18th of February 2025, does ordain as follows:

NOW, THEREFORE, BE IT ORDAINED that the Green Lake County Zoning Ordinance, Chapter 350 as amended, Article IV Zoning Districts, Section 350-26 Official Map, as relates to the Town of Marquette, shall be amended as follows:

Owner: Nicholas Johnson, **Location:** N2901 Cedar Road, **Parcel:** 014-00482-0100. **Legal Description:** SE ¼ of SW ¼ and SW ¼ of SE ¼ , located in Section 34, T15N, R11E, Town of Marquette, ±.35.0 acres. **Request:** The owners are requesting a rezone from A1, Farmland Preservation District, to A2, General Agriculture District.

BE IT FURTHER ORDAINED, that this ordinance shall become effective upon passage and publication.

Roll Call on Ordinance No. -2025

Submitted by Land Use Planning &
Zoning Committee:

Ayes , Nays , Absent , Abstain

Passed and Adopted/Rejected this 18th
Day of February 2025.

Chuck Buss, Chair

William Boutwell, Vice Chair

County Board Chairman

Sue Wendt

ATTEST: County Clerk
Approve as to Form:

Gene Thom

Jeffrey Mann , Corporation Counsel

Curt Talma

Item #2:

Owner: Corneal Troyer, **Location:** N2853 Nicolet Road, **Parcel:** 014-00513-0000. **Legal Description:** Lot 1 of CSM 1473 V6, located in Section 36, T15N, R11E, Town of Marquette, ±1.0 acres. **Request:** The owners are requesting a rezone from R2, Single-Family Mobile Home Residence District, to R4, Rural Residential District.

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

February 6, 2025

ITEM II: ZONING CHANGE

OWNER:

Corneal E and Carolyn A Troyer

APPLICANT:

Same as Owner

REQUEST: The owners are requesting a zoning change for ±1 acre from R-2, Single Family Mobile Home Residence District, to R-4, Rural Residential District.

PARCEL NUMBER / LOCATION: The request affects parcel number 014-00513-0000 (±1 acre). The parcel is located in the SE ¼ of the SW ¼ Section 36, T15N, R11E, Town of Marquette. The parcel is Lot 1 of Certified Survey Map 1473 V6 SEC 36.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of parcel 014-00513-0000 is R-2 Single Family Mobile Home Residence District and is used residentially. To the North the adjacent parcel is zoned R-4 Rural Residential District and is utilized residentially. To the South approximately 400 feet one parcel is zoned R-2 Single Family Mobile Home Residence District and is used residentially. Most surrounding parcels are zoned A-1 Farmland Preservation and are used for agriculture and rural residential use. The property is approximately 0.6 miles due South of the Village of Marquette. The property does not contain any wetlands and does not fall under shoreland or floodplain zoning jurisdiction. All the soils on the parcel are classified as type 3 soils.

ADDITIONAL INFORMATION / ANALYSIS: The current use of the proposed rezone area is residential with an older mobile home as the principal structure. The owners intend to combine parcel 014-00513-0000 with the adjacent parcel 014-00511-0201 through Certified Survey Map. The owners then intend to build a new residence on the newly created lot. The applicants intend to remove the existing mobile home located on parcel 014-00513-0000 following completion of the new home's construction. The proposed Certified Survey Map would additionally bring parcel 014-00511-0201 into conformity with the sizing requirements for the R-4 Rural Residential District.

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

The amendment is consistent with community land use plan (comprehensive plan). **The proposed rezone is consistent with the county's comprehensive plan as the future land use map shows this area as residentially used.**

The amendment will not be detrimental to property in the immediate vicinity or to the community as a whole. **The property has been used residentially for over 30 years and has not been detrimental to surrounding properties in that time. Aerial imagery shows a farmhouse on the parcel going back to 1937.**

The amendment will not have a significant adverse impact on the natural environment (i.e., air, water, noise, stormwater management, soils, wildlife, vegetation, etc.), or the impact could be mitigated by management practices on the site or in the immediate vicinity. **There would not be any increase to adverse impacts on the natural environment as the use will stay the same that is has been. Any impacts that may be created in the future could be mitigated.**

The amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services (i.e., highways, streets, water, sewage, drainage, schools, emergency services, etc.). **This rezone will not have a significant adverse effect on public facilities or services as it has been used residentially for over 30 years and has been adequately served during that period.**

The amendment allows a more viable transition to planned land uses on adjacent properties than the current zoning designation. **The amendment will allow a more viable transition to planned land uses on adjacent properties as the R-4 Rural Residential District is better suited to allow agricultural activities on adjacent properties.**

The amendment will not result in inappropriate spot-zoning (i.e., use is inconsistent with surrounding properties and serves only a private, rather than public interests). **As there is only one other R-4 Rural Residential parcel within 1.5 miles of the proposed rezone one could argue that this rezone is spot zoning. However, the future land use map would neutralize that argument.**

TOWN OF MARQUETTE: An Action Form requesting the Town's input related to this zoning change request was sent to the Town Clerk. At their meeting the Town Board did not object and approved of the rezone.

Please type or use black ink

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

GENERAL APPLICATION

Fee \$375.00 (not refundable)

Date 11-25-24

Zone Change from R2 to R4

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT

Name Corneal and Carolyn Troyer

Mailing Address N2853 Nicolet Rd

Phone Number _____

Signature Corneal C. Troyer Date 11-25-24

AGENT IF OTHER THAN OWNER

Name _____

Mailing Address _____

Phone Number _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Marquette Parcel Number 014-00513-0000 Acres 1

Lot 1 Block _____ CSM 1473 V6 Sec 36

Section 36 Town 15 North Range 11 East

Location of Property N2853 Nicolet Rd

Legal Description Lot 1 Certified Survey Map 1473 V6 SEC 36

Current Zoning Classification R2 Current Use of Property Residential

Detailed Description of Proposed Use Rezoning this property and then
Combine it with parcel to the North (014-00511-0201)
Combined configuration would be ± 3.33 acres.

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

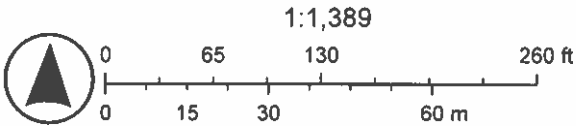
Fees: Zone Change \$375
Conditional Use Permit \$375.00
Variance \$375.00
Special Exception \$375.00

PZP-010 (04/09)

GIS Viewer



11/25/2024, 1:23:57 PM



014005070000

014005150000

014005140000

N2979

B And H

014005080000

Rezone R2 to R4
+/- 1.0 acres

014005110100

014005160100

N2875

N2856

014005130000

014005160200

014005170000

463

N2811

W5080

014005120000

466

W5095

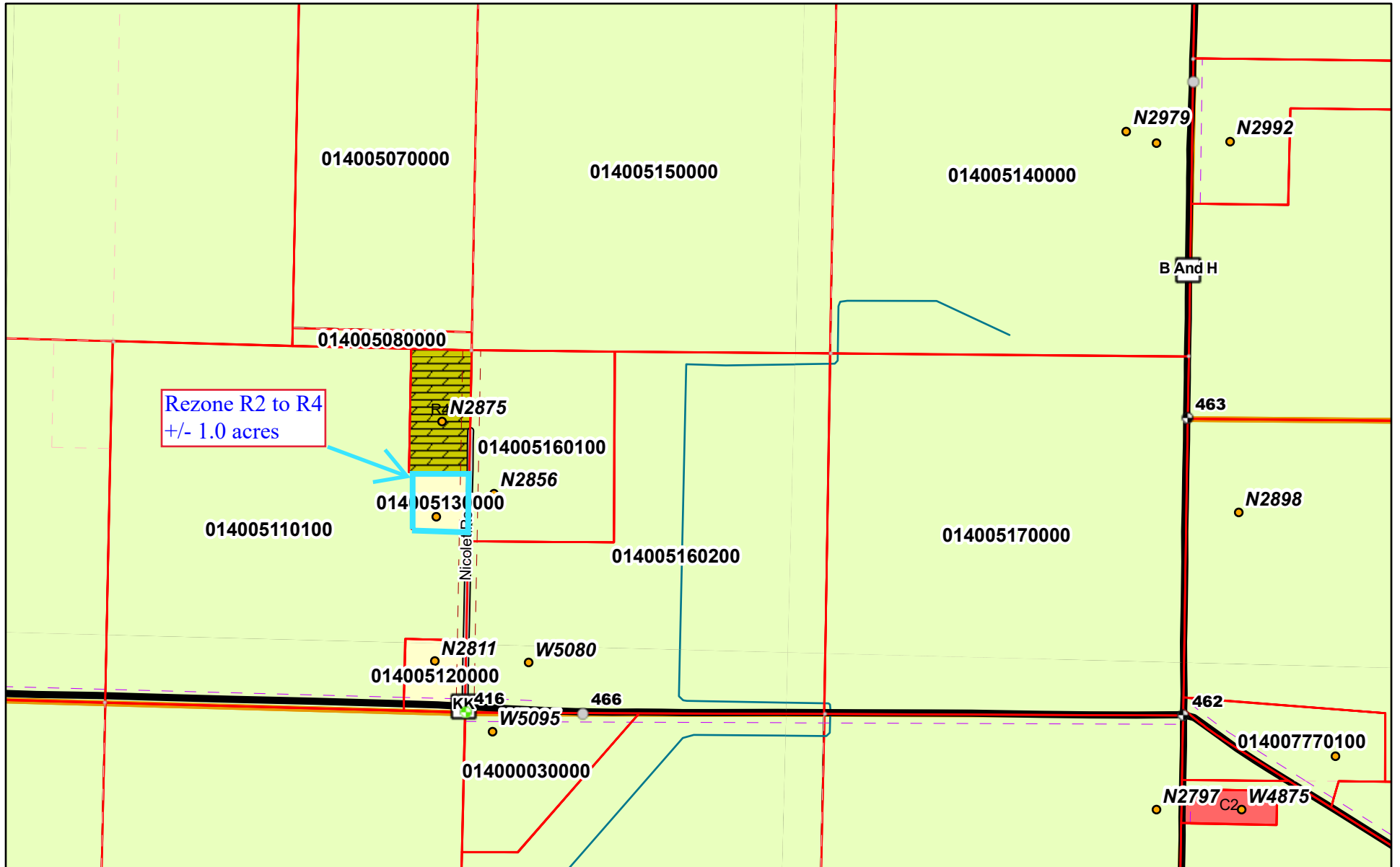
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462

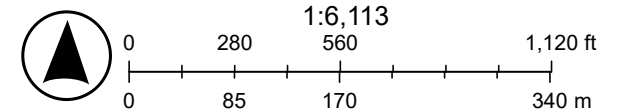
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KK416

Troyer Zoning Map



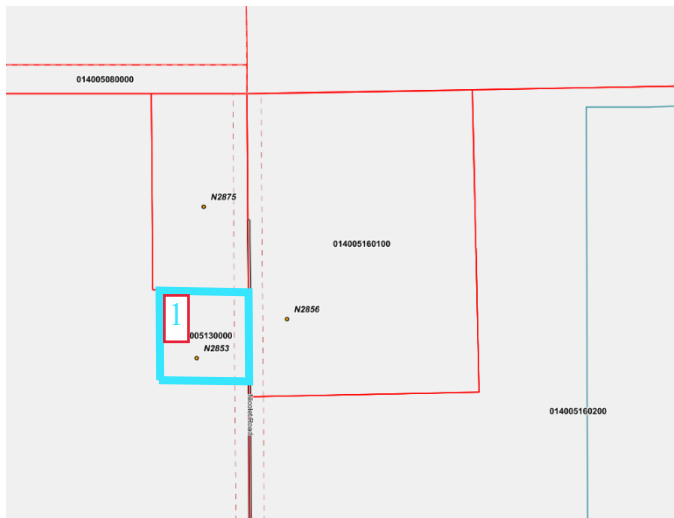
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**Corneal Troyer
Town of Marquette
N2853 Nicolet Road, Parcel #014-00513-0000
Lot 1 of CSM 1473 V6, Section 36, T15N, R11E**

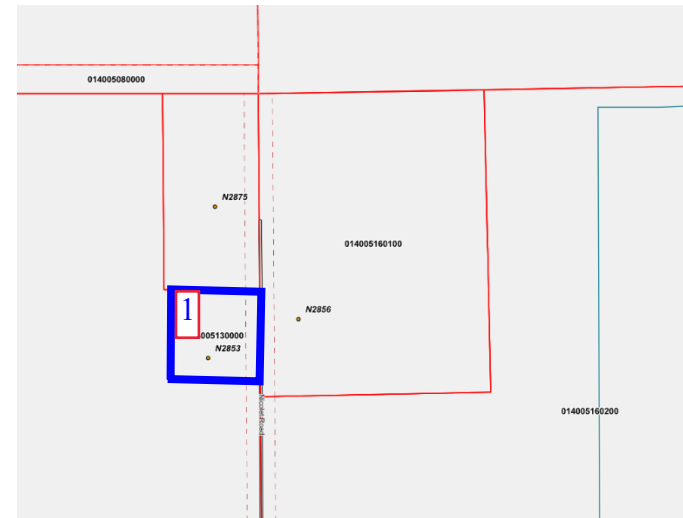
Existing Configuration

1 = 1.0-acre parcel zoned R2, Single-Family Mobile Home Residence District.



Proposed Configuration

1 = 1.0-acre parcel zoned R4, Rural Residential District.



Land Use Planning & Zoning Public Hearing 2/6/2025

TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Marquette, County of Green Lake, took the following action on –

(Date) 1/9/2025.

Owner/Applicant: Corneal Troyer

Site Location: N2853 Nicolet Road

General legal description: Parcel #014-00513-0000, Lot 1 of CSM 1473 V6, located in Section 36, T15N, R11E, Town of Marquette, ±1.0 acres

Request: Rezone ±1.0 acres zoned R2, Single-Family Mobile Home Residence District, to R4, Rural Residential District.

Planned public hearing date for the above requests: February 6, 2025

☒ **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.

If no action taken – please include reason for inaction.

- Reason(s) for objection/inaction:

Bethany Fredrick
Town Representative

1/9/2025
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: **January 24, 2025**

ORDINANCE NO. -2025

Relating to: Rezone in the Town of Marquette
Owner: Corneal Troyer

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting begun on the 18th of February 2025, does ordain as follows:

- 1 **NOW, THEREFORE, BE IT ORDAINED** that the Green Lake County Zoning Ordinance,
2 Chapter 350 as amended, Article IV Zoning Districts, Section 350-26 Official Map, as
3 relates to the Town of Marquette, shall be amended as follows:
4
5 **Owner:** Corneal Troyer, **Location:** N2853 Nicolet Road, **Parcel:** 014-00513-0000. **Legal**
6 **Description:** Lot 1 of CSM 1473 V6, located in Section 36, T15N, R11E, Town of
7 Marquette, ±.1.0 acres. **Request:** The owners are requesting a rezone from R2, Single-
8 Family Mobile Home Residence District, to R4, Rural Residential District.
- 9 **BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon passage
10 and publication.

Roll Call on Ordinance No. -2025

Submitted by Land Use Planning &
Zoning Committee:

Ayes , Nays , Absent , Abstain

Passed and Adopted/Rejected this 18th
Day of February 2025.

Chuck Buss, Chair

William Boutwell, Vice Chair

County Board Chairman

Sue Wendt

ATTEST: County Clerk
Approve as to Form:

Gene Thom

Jeffrey Mann , Corporation Counsel

Curt Talma

Item #3:

Owner: David Roy Santee, **Location:** N6264 N. Lawson Drive, **Parcel:** 004-00375-0100. **Legal Description:** NE $\frac{1}{4}$ of SE $\frac{1}{4}$, located in Section 16, T16N, R13E, Town of Brooklyn, ± 2.9 acres. **Request:** The owners are requesting a Conditional Use Permit to re-establish a motel use and to re-establish a single-family residential use for the owner of the commercial use.

Land Use Planning and Zoning Committee Staff Report

Public Hearing

February 6, 2025

Item III: Conditional Use Permit (CUP) - Reconsideration

Owner:

David Roy Santee

Applicant:

Same

Request: The owner/applicant is requesting a reconsideration of a conditional use permit application to re-establish a motel use as well as to re-establish a residence for the owner/operator of a commercial use.

Parcel Number/ Location: The request affects parcel 004-00375-0100 (±2.9 acres). The parcel is located in the NE ¼ of the SE ¼ of Section 16, T16N, R13E, Town of Brooklyn. The site address is N6264 N Lawson Dr.

Existing Zoning and Uses of Adjacent Area: The parcel 004-00375-0100 is zoned C-2, Extensive Commercial District. The property was being used as motel until a fire occurred in February of 2022. To the East, the property is bordered by the Puchyan River. The parcels to the West and Southwest are zoned R-1, Single-Family Residence District. To the North across N Lawson Dr the parcels are zoned C-1, General Commercial District and I, Industrial District. This area has a number of different zoning districts.

Additional Information/Analysis: The property was established in 1949 as a motel. At that time, there was no zoning ordinance in place. The Town of Brooklyn has since adopted the County Zoning Ordinance that requires a conditional use permit to operate a motel use. Consequently, the Dartford Inn was considered a legal nonconforming use. The current owner has been operating the motel since 2007. The motel accommodated guests for a few days or weeks to the entire summer season. The motel has a current total of 10 rooms to be rented out with a live-in suite of 2 bedrooms for the owner. The newly installed septic system is sized for 10 motel rooms, a 1 bedroom house, a 2 bedroom house, and 2 employees.

The motel is broken up into five “buildings” with buildings 1, 4, and 5 consisting of guest rooms. Building 2 houses utilities and the motel lobby as well as access to the owner’s residence. Building 3 was severely damaged in the February 2022 fire. The most westerly portion of Building 3 was salvageable and will be utilized as the motel’s kitchen. The remainder of Building 3 will be constructed as a covered pavilion. There is also a garage on the property that is to be used by the owner for business and personal storage.

Due to the fire and aftermath that followed, there was a lapse of over a year where the motel use did not occur. This discontinuation resulted in the non-conforming status of the motel being lost. Presently, in order to re-establish both the motel use as well as the residential use for the owner of the commercial use, a new CUP is required. The owner stated that he

envision the motel reopening on May 1, 2025. From that day forward the motel is planned to operate May 1st to December 1st on an annual basis.

The Committee had heard this request on February 1, 2024. The Committee chose to postpone action on the request until you had taken the following actions:

1. 2023 taxes have been paid in full.
2. Forfeiture regarding Case Number 23FO142 to be paid in full.
3. The shipping container shall be either permitted by the Land Use Planning & Zoning Department or removed from the property.
4. Any repairs to the buildings shall first be permitted by the Land Use Planning & Zoning Department.
5. The portable rest room is allowed on the property during construction activity; however, it shall be removed from the property if construction activity ceases.
6. All “junk” as described in Section 350-16. A. in public view or observable from a neighboring property shall be removed from the property or shall be placed within the garage, permitted shipping container or any of the buildings 1 thru 5.
7. The property shall be free of any violations (new or existing) that would not be resolved through your CUP application and the CUP approval process.

Action items #1 thru #6 have been resolved. Action item #7 above was recently resolved (12-5-2024) with the replacement of the failing POWTS under sanitary permit number #202424167.

General Standards for Review of Conditional Use Requests: It is important that the Committee maintain the purpose and intent of the County Zoning Ordinance when reviewing and approving a request of this nature. 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 standards found in Section 350-56 “Review of permit application; standards and conditions” of the County Zoning Ordinance. The Committee need not consider requirements that would apply to the local Town, other County, State or Federal entities of jurisdiction.

County Staff Comments: This request should be reviewed by the Committee to determine if it meets the general criteria for review as cited above. If the Committee wishes to approve this request, the following conditions may be appropriate:

1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
2. That the owners/applicants are responsible for obtaining permits and licenses from any other regulatory agency, if required.
3. That the owner/applicant apply for and receive a Land Use Permit prior to making any changes authorized through this conditional use permit approval process.
4. The POWTS for building 4 shall be replaced before the building may be rented or used as a residence.

5. In accordance with item 1 above, an update to this conditional use permit, shall be approved in order for Building 4 to be utilized for any purpose.
6. Fire safety inspection by the Green Lake/Brooklyn Fire Dept. personnel.
7. Electrical and plumbing inspection to meet code requirements will take place prior to opening the hotel.
8. All payments shall be satisfied with the Town and Green Lake County.

Town of Brooklyn: The Town Board Action request for the Conditional Use Permit was sent to the Town Clerk on December 20, 2024. At their January 14th, 2025 meeting the Town Board recommended approval of the CUP request with the following conditions.

9. Require 2024 taxes to have been paid in full.
10. The shipping container currently on site at the property to be removed; or permitted by the Town and Green Lake County
11. All repairs to the building shall have a permit issued by the Town and Green Lake County.
12. No portable restrooms will be allowed on the property. Portable restrooms will be allowed only if construction by a qualified builder is taking place at the time the portable is on site.
13. All junk as described in Town ordinance 2014-01; junk and unlicensed vehicles must be out of public view from neighboring property, placed under cover, in a building, or be removed from the property.
14. The property must have all new, existing, or previous violations resolved before any permits are issued by the Town or County. This includes building; land use or CUP permits.
15. No additional construction to the current structure will take place without approval of permits or future CUPS.
16. The owner is responsible for obtaining all permits and licenses from other outside agencies as required.
17. The owner must apply for and receive approval from the Town and/or County for any CUP changes that are not stated in the original CUP.
18. All POWTS are up-to-date and all payments are satisfied with the Town, County, and any professional contracts.
19. Fire safety inspection by GL/Brooklyn Fire Dept. personnel, electrical and plumbing/septic inspection to meet code requirements will take place prior to opening the hotel.



Land Use Planning & Zoning Department

County Government Center
571 County Road A
Green Lake, WI 54941-8630

Phone 920-294-4156 Website: <http://www.co.green-lake.wi.us/>

Land Development Code Enforcement County Surveyor GIS Land Information

APPLICATION FOR CONDITIONAL USE PERMIT

The purpose of the conditional use permit process is to utilize the minimum review standards of the zoning ordinance (Green Lake County Code Chapter 350, Section 56) to determine the effect of the proposed use on the neighborhood and suitability of proposed development at the proposed location. Conditions are added to the request to minimize any impacts to the surrounding properties, if the request is consistent with the adopted Green Lake County Comprehensive Plan.

Prior to the Department accepting the application, the following items need to be completed and/or provided by the owner or applicant:

- ☐ Consultation with the staff in the Land Use Planning & Zoning Department
- ☐ Application completely filled out, including property information, legal description, and detailed description of proposed use
- ☐ Detailed site plan on paper not larger than 11" x 17", drawn to scale and including location of: lot lines, all building and structures with dimensions, all components of private onsite wastewater treatment systems like septic tanks and drain fields, public and private roads including access easements, navigable waterbodies, well location, and the setback distances between all the above
- ☐ Fee as set by the Committee for a public hearing item

OPERATIONAL PLAN NARRATIVE

The operational plan is intended to address all components of the business, from establishment through to present operation. This narrative should be two or more paragraphs that address the following questions, from the perspective of the proposed use:

- What is the history of the business and/or applicant?
- What is the history of the property and its current use?
- Describe in detail the proposed use of the property.
- If applicable, include an operation and/or maintenance plan.
- When will the property be used? (Seasonally? Set daily hours?)
- What will be done with the current structures, if any?
- Will any new structures be built? If yes, how will they be used and where will they be located?
- What hazards, concerns, or disruptions may your proposed use pose to neighboring properties and the community as a whole? How can those concerns be addressed?
- What will be done to protect the human and environmental health of the surrounding area from negative impacts of this use?
- Why was this property chosen for this business activity? How will this use benefit the community by being located on this specific property?
- How would this business activity meet goals and objectives of the County's Comprehensive Plan? (This will be clear after meeting with Department staff prior to submitting the Conditional Use Permit application, as required above.)

Fee Received (Non-Refundable) 375.⁰⁰

Date 11-27-23

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 David Roy Santee

Mailing Address 16264 N. Lawson Dr., Green Lake, WI 54941

Phone Number (920) 369-0009 Email dave_santee@yahoo.com

Signature [Signature] Date 11-27-23

AGENT IF OTHER THAN OWNER

Name _____

Mailing Address _____

Phone Number _____ Email _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Brooklyn Location of Property 16264 N. Lawson Dr.

Section 16 Town 16 N Range 13 E

Affected Parcel Number(s) 004-00375-0100 Affected Acres 12.9

Subdivision — Lot — Block —

CSM — Lot — or COS —

Legal Description See attached Exhibit A

Current Zoning Classification C2 Extensive Commercial

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

Property has been used as a motel for 73 years (1949). In Feb. of 2022 a fire occurred and the motel closed. Now the owner would like to re-open the motel. Due to the establishment of the motel prior to County Zoning a conditional use permit is necessary.

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? Re-establish motel 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. entire parcel covered under this CUP application.

☐ 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

See a Hached narrative.

The Dartford Inn is a motel that was established in 1949 in the Town of Brooklyn, Green Lake County, WI. Prior to the motel, the property was utilized as the Brooklyn Mill. David Roy Santee has been the owner of the motel since 2007 (16 years). Prior to 2007 Mr. Santee had many years of experience in hotel and restaurant management.

As stated the property had been utilized as a motel business since 1949. That motel business has been the common use of renting a guest room for a few days to a couple weeks during that time. Additionally, the motel has four guest rooms that are set up for seasonal stays. Many families in the past would rent one of these rooms to stay for the entire summer season. More recently, the motel has been filling a role in the community for people with jobs who are waiting for apartments to come available. Agencies like ADVOCAP utilize the motel for this purpose. The motel will only have one or two of these customers at a time and they will stay for less than 60 days.

The motel's operation will be that they would open for business on May 1st and close on December 1st. During this time period the motel would be utilized 24 hours a day 7 days a week as is normal with motel uses. Outside of this the only use of the property will be for the owner's residence.

There are a total of 14 motel guest rooms. There are 9 in the west wing (Building 1), there are 4 in the east wing (Building 4) and there is a cabin suite (Building 5). The owner's residence consists of a 5 bedroom dwelling (approximately 3000sqft). Also, part of Building 2 is the motel's lobby, utility room, motel laundry, and front porch. Building 3 was destroyed in the 2022 fire. The proposed plan is to not replace Building 3 with additional guest rooms. Rather the space will be converted into a covered pavilion / patio. There is a 18ft x 18ft portion of Building 3 that was able to be saved. That portion is planned to be turned into a kitchen that will serve customers continental breakfast. The only other building on the property is a 5 car detached garage. The garage will continue to be used by the owner for business and personal storage.

As far as hazards, concerns, or disruptions the proposed use might have on neighboring properties, the proposed use is the same use as had been established on the property since 1949. So neighboring property owners are accustomed to the motel use.

The proposed pavilion /patio will not add additional hard surface to the property and thus will not add to stormwater running off the property and eventually into the Puchyan River. Further, the septic systems on the property are sized for 30 rooms and the proposed use is for 14 guestrooms so we are at less than half the existing septic system's original design. Hyler Septic Service inspected the existing system in July of 2023 and Hyler stated the system was operating as designed.

In 1949 this property was chosen for the motel use because it was along the highway and it was a half of a block from the train station. Additional considerations were its proximity to the Puchyan River which would allow recreational options for renters. When the motel is completely renovated / restored it will continue to benefit the community as an affordable lodging option, especially for families w/ children.

The proposed use is consistent with the County's comprehensive plan as well as with the County's zoning map. The property is zoned C2, Extensive Commercial district and the motel use is an allowed use in this

district with a conditional use permit. Placing uses in zoning districts where those uses are and can be effectively administered and enforced meets the goal and objectives of the County's plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Roy Santee', written over a horizontal line.

David Roy Santee

N6264 N. Lawson Dr.

Green Lake, Wi 54941

“A parcel of land situated in the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section 16, Township 16 North, Range 13 East described as follows: Commencing at a point on the Southerly line of the Green Lake-Ripon highway two hundred sixty-two and five tenths (262.5) feet Northeasterly from the most Northerly corner of “Riverside Park” according to the recorded plat thereof; thence Southeasterly parallel with the Northeasterly line of said “Riverside Park” one hundred sixty-eight (168) feet, thence Southwesterly at right angles eighty-two and five tenths (82.5) feet, thence Southeasterly at right angles and parallel with the Northeasterly line of said “Riverside Park” to a point one hundred eighty (180) feet more or less North fifty degrees thirty minutes (50 degrees 30’) East of the most Easterly corner of said “Riverside Park”, thence North fifty degrees thirty minutes (50 degrees 30’) East two hundred eighteen and ninety-seven hundredths (218.97) feet more or less, thence North thirty degrees (30 degrees) east one hundred twenty-six and six hundredths (126.06) feet, thence north six degrees (6 degrees) East to the Southerly line of said highway, thence Southwesterly along the Southerly line of said highway to the point of beginning.”

ALSO: A parcel of land which is located in Section 16, Township 16 North, Range 13 East and more particularly described as follows: Beginning at a point one hundred eighty feet N 50 degrees 30’ E of the Southeast corner of Lot 19 of “Riverside Park”; thence continuing N 50 degrees 30’ E, two hundred eighteen and ninety-seven one hundredths feet (218.97) to a point; thence N 30 degrees E one and ninety-one one hundredths chains (1.91) to a point; thence N 6 degrees E, two and seventy five one hundredth (2.75) chains to the center of Highway 23; thence S 47 degrees 10’ E to the low water mark of the Puchyan River; thence Southwesterly at the low water mark along the Northwest bank of the Puchyan River to a point S 47 degrees 10’ E of the point of beginning; thence N 47 degrees 10’ W to the point of beginning.

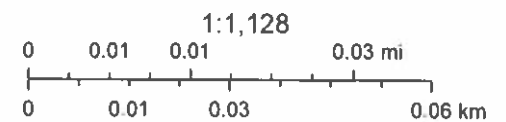
All above lands lying and being the in Town of Brooklyn, Green Lake County, Wisconsin.

*** * * End * * ***

Address Section TaxParcel

alr

11-27-22

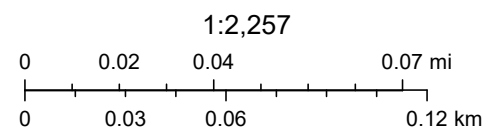


Santee CUP Aerial Map 2020

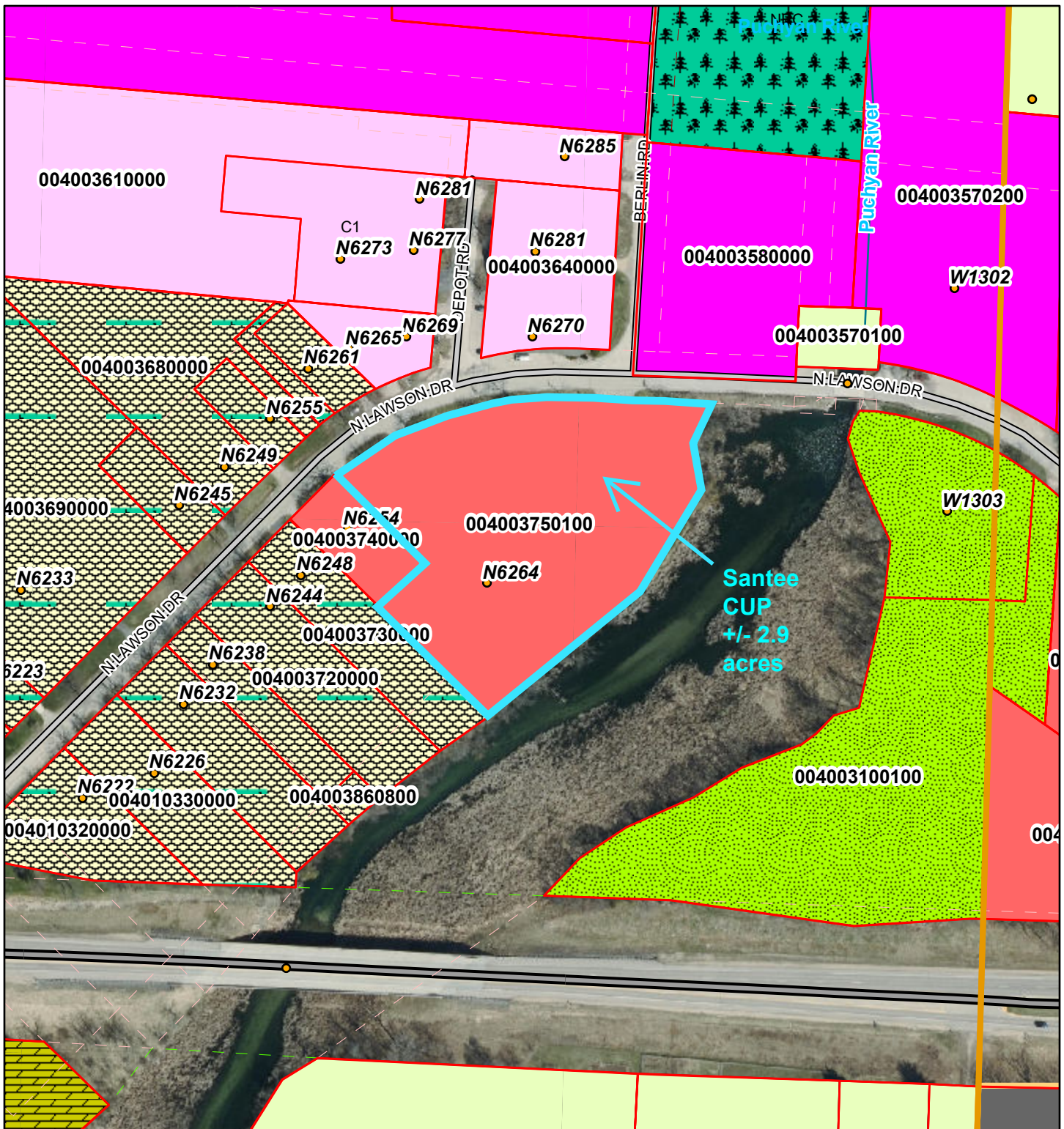


12/12/2023, 10:04:28 AM

- Address
- Section
- Corner
- SUB
- TaxParcel

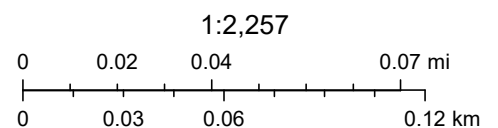


Santee CUP Zoning Map 2020



12/12/2023, 10:19:45 AM

- Address
- Section
- Corner
- SUB
- TaxParcel



TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Brooklyn, County of Green Lake, took the following action on –

(Date) 1-14-25.

Owner/Applicant: David Roy Santee

Site Location: N6264 N. Lawson Drive

General legal description: Parcel 004-00375-0100, Town of Brooklyn, ±2.9 acres

Request: Resume Consideration of Conditional Use Permit to re-establish motel use.

Planned public hearing date for the above requests: February 6, 2025

☒ **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.

If no action taken – please include reason for inaction.

- Reason(s) for objection/inaction:


Town Representative

1-15-25
Date Signed

NOTES: See ATTACHED

Please return this form to the Land Use Planning & Zoning Office by: **January 24, 2025**

For Brooklyn Town Meeting, January 14, 2025
 From Brooklyn Plan Commission, January 9, 2025

Regarding: Resume Consideration CUP application from D.R. Santee to re-establish motel use
 At N6264 N. Lawson Dr., Green Lake in the Town of Brooklyn

The Brooklyn Plan Commission reviewed the proposal to resume CUP application for applicant
 David R. Santee on January 9, 2025.

The original request was received by Green Lake County on Nov. 27, 2023.

The Commission is in favor of the CUP based on the history of the proposed hotel, its
 significance in the community and looking ahead to future needs for recreation & lodging
 facilities within the Town. We recommend approval of the CUP, based on the following
 conditions and any additional items that may be specified by Green Lake County.

1. Require 2024 taxes to have been paid in full.
2. The shipping container currently on site at the property to be removed; or permitted by the
 Town & Green Lake County.
3. All repairs to the building shall have a permit issued by the Town & Green Lake County.
4. No portable restrooms will be allowed on the property. Portable restroom will be allowed
 only if construction by a qualified builder is taking place at the time the portable is on site.
5. All junk as described in Town Ordinance 2014-01; junk & unlicensed vehicles must be out
 of public view from neighboring property, placed under cover, in a building; or be removed
 from the property.
6. The property must have all new, existing, or previous violations resolved before any permits
 are issued by the Town or County. This includes building; land use or CUP permits.
7. No additional construction to the current structure will take place without approval of
 permits or future CUPs.
8. The owner is responsible for obtaining all permits and licenses from other outside agencies
 as required.
9. The owner must apply for and receive approval from the Town and/or County for any CUP
 changes that are not stated in the original CUP.
10. All POWTS are up-to-date and all payments are satisfied with the Town, County, and any
 professional contracts.
11. Fire safety inspection by GL/Brooklyn Fire Dept. personnel, electrical and plumbing/septic
 inspection to meet code requirements will take place prior to opening the hotel.

Ordinance, 2014-01 - (passed 5/13/2014)

From Chapter 129-6 - Junk

Scrap metal, metal alloy, wood, concrete, or synthetic or organic material or any junked,
 inoperative, unlicensed or unregistered vehicle, structure, equipment, furniture, appliance, or
 machinery, or any part thereof. 'Junk' includes refuse, used tires, parts or dismantled buildings,
 agricultural use equipment not in useable condition, etc. ...

GREEN LAKE COUNTY
Conditional Use Permit

DETERMINATION OF THE LAND USE PLANNING AND ZONING COMMITTEE

Public Hearing Date: February 6, 2025

Owner: David Roy Santee

Agent: Same

Parcels: #004-00375-0100, N6264 North Lawson Drive, Town of Brooklyn.

Request: Conditional Use Permit to re-establish a motel use and to re-establish a single-family residential use for the owner of the commercial use.

Land Use Planning and Zoning Committee:

Chuck Buss, Chair

Sue Wendt

William Boutwell, Vice Chair

Curt Talma

Gene Thom

Date signed: February 6, 2025

Committee vote: Ayes ____ Nays ____ Abstain ____ Absent ____

- ☐ **Approve**
 ☒ **With the conditions (listed on page 2)**
☐ **Deny.**
☐ **Modify as follows:**

Conditions of Approval:

General 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. That the owners/applicants are responsible for obtaining permits and licenses from any other regulatory agency, if required.
3. That the owner/applicant apply for and receive a Land Use Permit prior to making any changes authorized through this conditional use permit approval process.
4. The POWTS for building 4 shall be replaced before the building may be rented or used as a residence.
5. In accordance with item 1 above, an update to this conditional use permit, shall be approved in order for Building 4 to be utilized for any purpose.
6. Fire safety inspection by the Green Lake/Brooklyn Fire Dept. personnel.
7. Electrical and plumbing inspection to meet code requirements will take place prior to opening the hotel.
8. All payments shall be satisfied with the Town and Green Lake County.

Town of Brooklyn:

9. Require 2024 taxes to have been paid in full.
10. The shipping container currently on site at the property to be removed; or permitted by the Town and Green Lake County.
11. All repairs to the building shall have a permit issued by the Town and Green Lake County.
12. No portable restrooms will be allowed on the property. Portable restrooms will be allowed only if construction by a qualified builder is taking place at the time the portable is on site.
13. All junk as described in Town ordinance 2014-01; junk and unlicensed vehicles must be out of public view from neighboring property, placed under cover, in a building, or be removed from the property.
14. The property must have all new, existing, or previous violations resolved before any permits are issued by the Town or County. This includes building; land use or CUP permits.
15. No additional construction to the current structure will take place without approval of permits or future CUPs.
16. The owner is responsible for obtaining all permits and licenses from other outside agencies as required.
17. The owner must apply for and receive approval from the Town and/or County for any CUP changes that are not stated in the original CUP.
18. All POWTS are up-to-date, and all payments are satisfied with the Town, County, and any professional contracts.
19. Fire safety inspection by GL/Brooklyn Fire Dept. personnel, electrical, and plumbing/septic inspection to meet code requirements will take place prior to opening the hotel.

Item #4:

Owner: S&L Holdings WI, LLC. **Agent:** Lee Garro, **Location:** Highway 23 & 49, **Parcel:** 004-00314-0201. **Legal Description:** Lot 1 of CSM 3979, located in Section 15, T16N, R13E, Town of Brooklyn, ±3.88 acres. **Request:** The Green Lake County Land Use Planning & Zoning Committee determined, at their December 5, 2024, public meeting, that there is a reasonable probability that S&L Holdings WI, LLC, is in violation of their Conditional Use Permit. The Committee will address the violation(s) at the February 6, 2025, meeting.

Land Use Planning and Zoning Committee Staff Report

Public Hearing

February 6, 2024

Item IV: Conditional Use Permit (CUP) - Review

Owner:

S&L Holdings WI LLC

Applicant:

Lee Garro

Request: The owner/applicant had requested a conditional use permit for a boat storage building, individual storage units, and a sales office. This CUP was approved July 11th, 2024 and has had a complaint alleged against the operation of the CUP.

Parcel Number/ Location: The original request affected parcels 004-003144-0200, -0300, -0400, and -0510 (±3.88 acres). The original parcels were combined together due to condition #5 of the approved CUP. The new affected parcel is 004-00314-0201. The parcel is in the SE ¼ of the SW ¼ of Section 15, T16N, R13E, Town of Brooklyn. The site is located south of State Highway 23 and 49.

Existing Zoning and Uses of Adjacent Area: The parcel referenced above is zoned C-2, Extensive Commercial District and makes up ±3.88 acres. The property currently is undeveloped and used as farm fields. Parcels to the east are zoned as A-1, Farmland Preservation District and used as farmland. The properties to the south are zoned by the City of Green Lake. The parcels to the south are used as farmland and commercially as a gas station and grocery store. The property to the west is zoned as R-1, Single-Family Residence District with a house on it. To the north across the highway, the properties are zoned as C-2 and used commercially.

Additional Information/Analysis:

The following information was part of the July CUP's "Additional Information/Analysis staff report:

The applicant wants to build a stackable boat storage building. The original CUP application proposes a 250ft x 120ft building footprint with a height of 37 feet. However, the first site plan provided proposes this building to be 300ft long by 80ft deep. A follow-up email from the applicant reduced this building to be 180ft long by 80ft deep. The applicant stated that the building will start as 180ft long and 80ft wide but through future additions the building would be 250ft long by 125ft wide. The applicant plans to increase the size through a lean to roof structure to provide an under-roof showroom. The applicant has been made aware that the maximum height allowable by the zoning ordinance is 35ft. It would be important for the LUP&Z Committee to nail down the exact dimensions of this building prior to deciding on this CUP. A new document was submitted on May 30th showing an updated size of this building to be 180ft x 120ft with a peak height of 32 feet. This was updated to provide the LUP&Z Committee the correct proposed size of the building.

The applicant also proposed 16 storage units (24ftx50ft) in one storage building that is 384ftx50ft. The updated site plan from May 30th also adds a peak height of 18 feet for this building. Each unit would have a garage door and a service door. The new updated plan shows an elevation view of both storage buildings.

The applicant is also requesting a sales office for Sterling Marina and Rentals and a sales office for the applicant's wife to utilize as a real estate office. The site plan is unclear as to where the sales office and real estate office would be located. The LUP&Z Committee may want to obtain clarification on the location of the sales office and real estate office prior to deciding on this CUP. It was explained to the applicant that a floorplan would be beneficial as well as elevation views of the other three sides of the buildings per the LUP&Z Committee Chairman's recommendation, however the applicant urged that this new updated site plan submittal satisfies what the LUP&Z Committee had asked for during the meeting postponing this CUP.

The final ask for this CUP application is a proposed sign (see site plan) which would need to meet the ordinance standards listed in 350-43.

Additional Information/Analysis: (New)

This CUP is being brought up again due to a complaint from the Town of Brooklyn. The complaint alleges a violation of conditions 1, 2, and 10. The complaint alleges storing of wood in large piles on the property as well as having piles of asphalt on the property. The complaint was heard by the Committee December 5th, 2024. During that meeting the applicant mentioned that plan to heat a building with firewood which was never previously discussed or told to Committee. The applicant also stated that the asphalt piles were going to be used as gravel for the driveway/parking lot. Also, at the original approval hearing the site plan showed no locations for storing firewood and this would need to be discussed by the Committee to either modify the CUP approval and conditions to allow the new use of firewood processing and storing or keep the CUP approval the same and have the applicant remove the added firewood. It should also be noted that the Committee requested plans for the future buildings and no plans have ever been presented.

Mr. Garro has stated that the original building that was planned for this site could not meet the required snow load specifications, so he is no planning to build a similar sized building on-site that will meet commercial building code. Furthermore, Mr. Garro would like to clarify the allowed uses under this CUP. His application requested a CUP to allow for reselling of various items including boats, equipment, tractors, cars, semis, trailers, ATVs, UTVs, bikes, PWCs, etc., but this Committee seemed to only approve the boat storage building, the individual storage units and the sales office. Committee clarification here is also requested.

General Standards for Review of Conditional Use Requests: It is important that the Committee maintain the purpose and intent of the County Zoning Ordinance when reviewing and approving a request of this nature. 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 standards found in Section 350-56 "Review of permit application; standards and conditions" of the County Zoning Ordinance. The Committee need not consider requirements that would apply to the local Town, other County, State or Federal entities of jurisdiction.

County Staff Comments: This request was reviewed by the Committee to determine if it meets the general criteria for review as listed above. The Committee approved this request, 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. No outside storage of materials and other items is allowed.
3. An "As-Built" certificate of survey shall be provided to the Land Use Planning & Zoning Department within one year of project completion. The certificate of survey shall show all existing buildings, building setback dimensions to lot lines, all access locations, electrical distribution equipment, easements, and any stormwater management appurtenances.
4. Any outdoor lighting shall comply with Section 350-23 of the County Zoning Ordinance.
5. Prior to construction all parcels must be combined into a single parcel through a CSM.
6. A fire number application must be applied for and issued before Land Use Permit approval.
7. The applicant must obtain a Land Use Permit before any building construction starts.
8. No buildings shall be taller than 35 feet at peak height.
9. Also prior to land use permit issuance, documentation shall be provided to the LUP&Z Department indicating that the owner/applicant has applied for a stormwater and erosion control permit from WDNR.

Town of Brooklyn: In the original hearing of this Cup the Town Board Action request for the Conditional Use Permit was sent to the Town Clerk on March 13, 2024. The Town Board took no action on this request. However, on May 6, 2024, the Town Chairman (Mike Wuest), submitted a document, on Town of Brooklyn letterhead, requesting that the following conditions be attached to S&L Holdings, WI, LLC conditional use permit.

10. All items /materials shall be stored within the building(s) authorized under this CUP application.
11. A copy of the State-approved commercial building plans shall be provided to the LUP& Z Department prior to land use permit issuance.
12. This CUP may be ultimately revoked in accordance with Section 350-57 of the County Zoning Ordinance.
13. The DOT be contacted about a right turn lane be installed to the entrance when the Highway 23 is done next year and approved.

In addition to the above Town Conditions, the Town of Brooklyn Chairman on June 26, 2024, requested the following additional conditions:

14. Detailed site plan showing all setbacks and lot lines.
15. Commercial building plans previewed by the Town Building Inspector and the State for approval.
16. Approval from the County and State for proposed signs.

The Town of Brooklyn was sent a new Town board Action request on December 12, 2024. The Town Board requests that the Committee revoke this CUP and address the other issues and concerns with a new CUP. The Town Board requests this after the Town Plan Commission reviewed the CUP request. The Brooklyn Plan Commission believes the applicant is in violation of conditions #1, #2, #10. The Plan Commission questions progress made towards other conditions listed in the CUP, specifically #6, #7, #9, #13, #14, #15. Condition #14 had been met as a site plan was provided but with a change to CUP approvals a new site plan should be required. As far as LUP& Z Department staff is aware, the other conditions listed by the Brooklyn Plan Commission have had no progress done or no progress has been reported to the Department.



Land Use Planning & Zoning Department

County Government Center
571 County Road A
Green Lake, WI 54941-8630

Phone 920-294-4156 Website: <http://www.co.green-lake.wi.us/>

Land Development Code Enforcement County Surveyor GIS Land Information

APPLICATION FOR CONDITIONAL USE PERMIT

The purpose of the conditional use permit process is to utilize the minimum review standards of the zoning ordinance (Green Lake County Code Chapter 350, Section 56) to determine the effect of the proposed use on the neighborhood and suitability of proposed development at the proposed location. Conditions are added to the request to minimize any impacts to the surrounding properties, if the request is consistent with the adopted Green Lake County Comprehensive Plan.

Prior to the Department accepting the application, the following items need to be completed and/or provided by the owner or applicant:

- ☐ Consultation with the staff in the Land Use Planning & Zoning Department
- ☐ Application completely filled out, including property information, legal description, and detailed description of proposed use
- ☐ Detailed site plan on paper not larger than 11" x 17", drawn to scale and including location of: lot lines, all building and structures with dimensions, all components of private onsite wastewater treatment systems like septic tanks and drain fields, public and private roads including access easements, navigable waterbodies, well location, and the setback distances between all the above
- ☐ Fee as set by the Committee for a public hearing item

OPERATIONAL PLAN NARRATIVE

The operational plan is intended to address all components of the business, from establishment through to present operation. This narrative should be two or more paragraphs that address the following questions, from the perspective of the proposed use:

- What is the history of the business and/or applicant?
- What is the history of the property and its current use?
- Describe in detail the proposed use of the property.
- If applicable, include an operation and/or maintenance plan.
- When will the property be used? (Seasonally? Set daily hours?)
- What will be done with the current structures, if any?
- Will any new structures be built? If yes, how will they be used and where will they be located?
- What hazards, concerns, or disruptions may your proposed use pose to neighboring properties and the community as a whole? How can those concerns be addressed?
- What will be done to protect the human and environmental health of the surrounding area from negative impacts of this use?
- Why was this property chosen for this business activity? How will this use benefit the community by being located on this specific property?
- ~~How would this business activity meet goals and objectives of the County's Comprehensive Plan? (This will be clear after meeting with Department staff prior to submitting the Conditional Use Permit application, as required above.)~~

answer in person

Fee Received (Non-Refundable) _____

Date 2/15/24

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 S & L Holding
Mailing Address P O Box 436 Green Lake
Phone Number 920-294-3000 Email Lee.garro@gmail.com
Signature Lee Garro Date 2/15/24

AGENT IF OTHER THAN OWNER

Name _____
Mailing Address _____
Phone Number _____ Email _____
Signature _____ Date _____

PROPERTY INFORMATION

Town of Brooklyn Location of Property _____
Section 15 Town 16 N Range 13 E
Affected Parcel Number(s) 004003140200-0300-0400-0501 Affected Acres 3.88
Subdivision _____ Lot _____ Block _____
CSM 1202 Lot 2,3,4, outlot or COS _____
Legal Description Lot 2, Lot 3, Lot 4, outlot #1. of
CSM 1202

Current Zoning Classification Business / Industrial

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

Farm Land until I bought it, currently selling
boats and other various items

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?

① boat storage building 120' wide x 250' long, ② individual storage units 24' x 50' total of 16 condensed in one building 384' x 50'. ③ reselling various items Boats, Equipment, tractors, cars, semis, trailers, Atv, Utv, Bikes, p.u.c. Etc...

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

☐ If this box is checked, provide the following information:

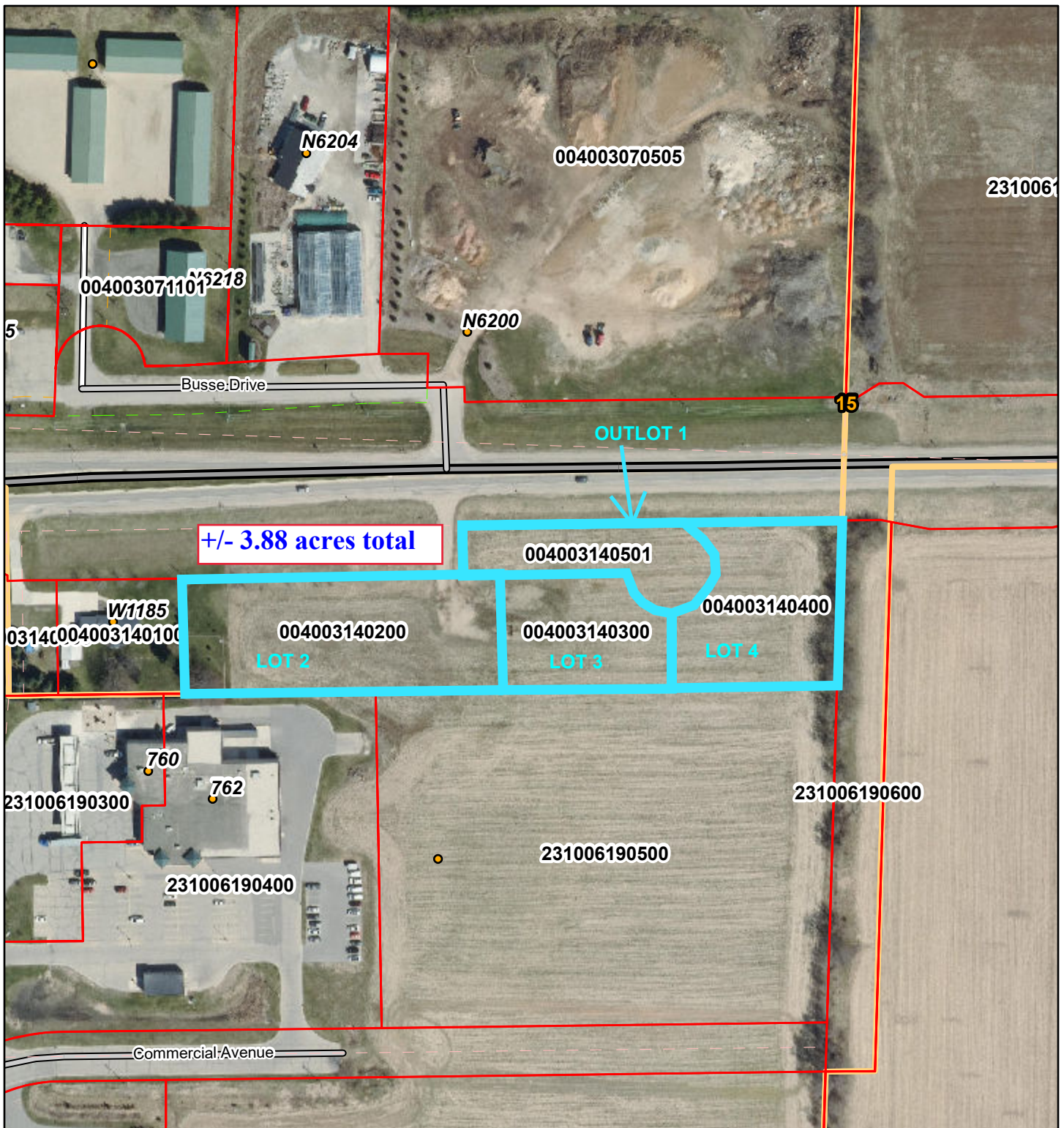
Proposed use has additional minimum development standards in Section _____

Explain how your proposal meets or exceeds these requirements.

OPERATIONAL PLAN NARRATIVE

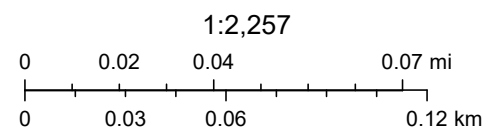
- * 4 light pole towers & 10 building wall pack lights for security lights.
- * condor storage units as per set back rules starting from West heading east dimensions 384' ft long & 50' ft deep with 16 garage doors & 16 walk doors 3' wide facing the North (Absolutely No garbage or debris will ever be allowed to be left on site.)
- * Boat storage building location #3 for Sterling Marina & Rentals which is also a company owned by Lee Garra dimensions are 250' ft long x 120' wide with a height of 37' ft tall at the peak
- * Sales office for Sterling Marina & Rentals / B.g power sports
small sales office for my wife to sell real estate

S&L Holding CUP Aerial Map 2020

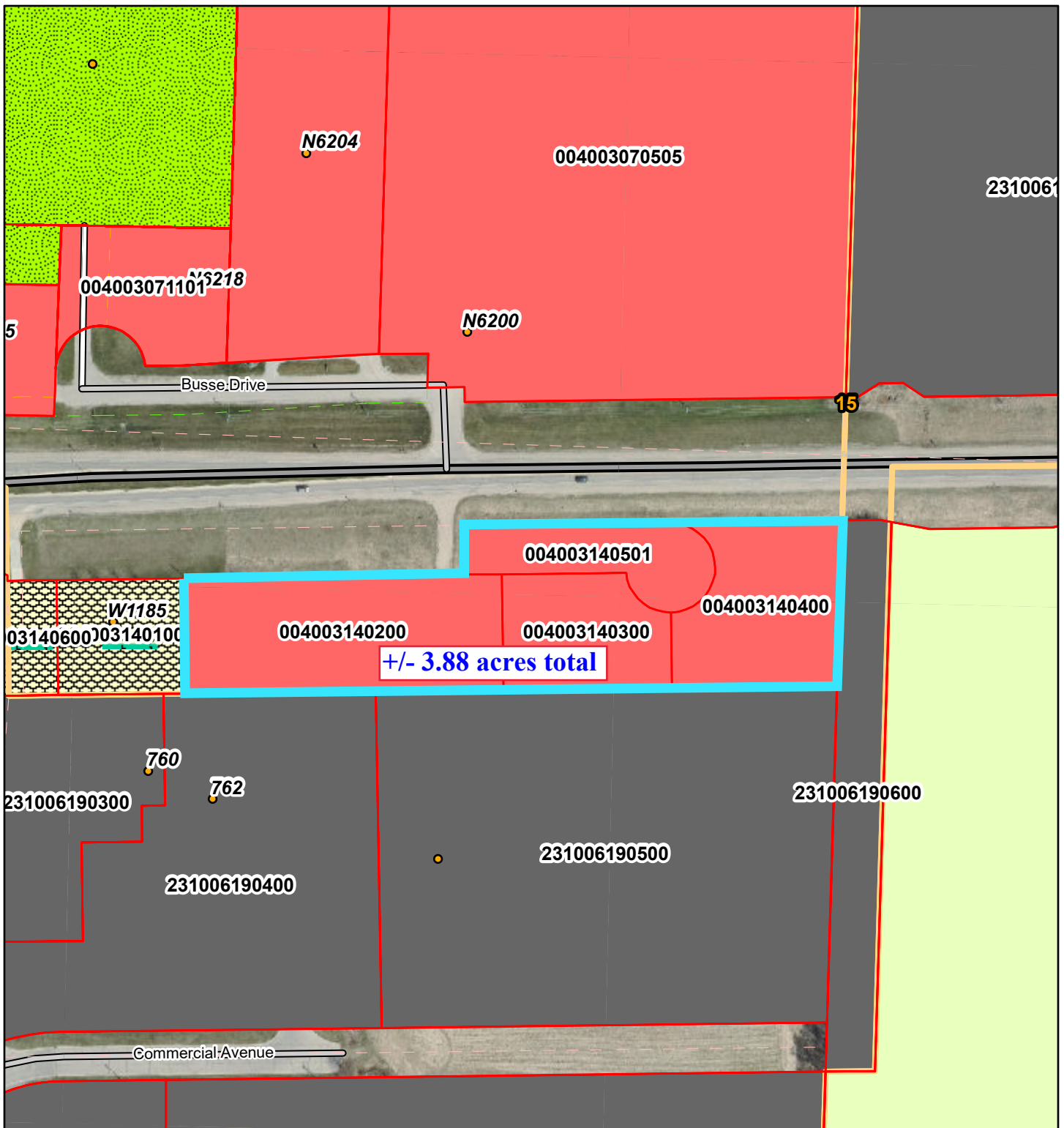


3/6/2024, 12:22:11 PM

- Address
- Section
- Corner
- SUB
- TaxParcel

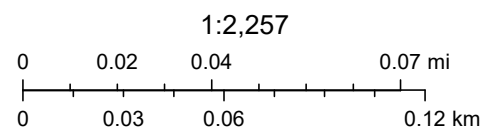


S & L Holding CUP Zoning Map



3/6/2024, 12:47:34 PM

- Address
- Section
- Corner
- SUB
- TaxParcel

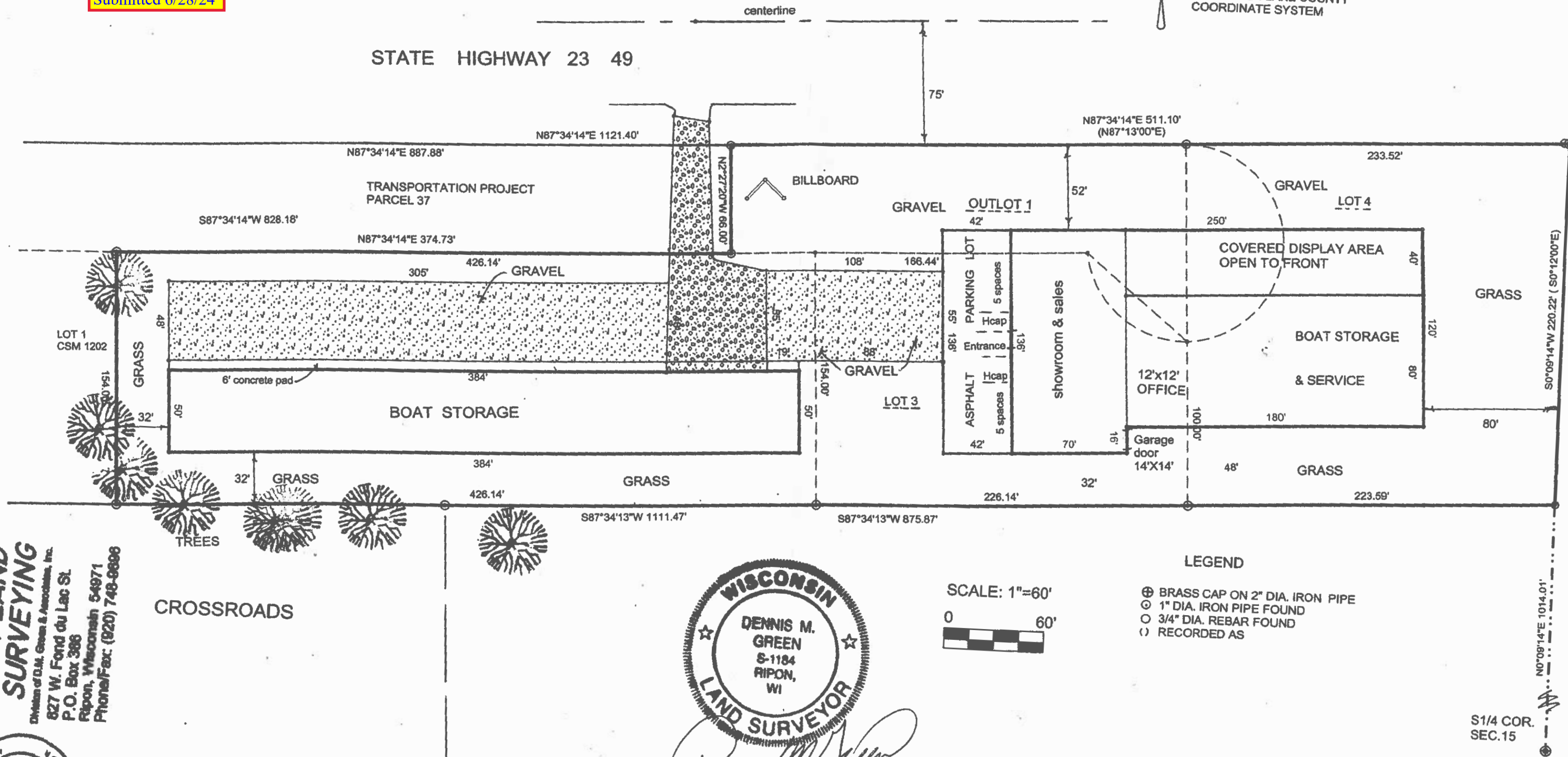


SITE PLAN FOR OFFICE AND STORAGE BUILDING
FOR S&L HOLDINGS LOCATED IN PART OF CERTIFIED
SURVEY MAP NUMBER 1202 LOCATED IN SE1/4 OF
THE SW1/4 OF SECTION 15, T.16N., R.13E., TOWN OF
BROOKLYN, GREEN LAKE COUNTY, WISCONSIN.

Submitted 6/28/24

BEARINGS REFERENCED TO THE
EAST LINE OF THE SW1/4 OF
SECTION 15 BEING N0°09'14"E AS
PER GREEN LAKE COUNTY
COORDINATE SYSTEM

STATE HIGHWAY 23 49



CROSSROADS



SCALE: 1"=60'
0 60'

LEGEND

- ⊕ BRASS CAP ON 2" DIA. IRON PIPE
- 1" DIA. IRON PIPE FOUND
- 3/4" DIA. REBAR FOUND
- () RECORDED AS

S1/4 COR.
SEC.15

COMPLAINT FORM

Date 11-19-24	Time : <input type="checkbox"/> am <input type="checkbox"/> pm	Type of Complaint <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> In Writing <input type="checkbox"/> Other
COMPLAINANT INFORMATION		ALLEGED VIOLATOR INFORMATION
Name(s) Town of Brooklyn - Mike Wuest - Town Chairman	Name(s) S+L Holdings LLC , Lee Garro	
Mailing Address N5988 County Rd A	Mailing Address P.O. Box 436	
City, State, Zip Green Lake, WI 54941	City, State, Zip Green Lake, WI 54941	
Telephone Number (920) 294-6600	Telephone Number 920 294-3000	
Will provide affidavit/testimony if needed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permission to enter complainant's property if needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Alleged violator is: <input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Other
LOCATION OF ALLEGED VIOLATION		
Tax ID # 004-00314-0200; 0300, -0400, +0501	Location — ¼, — ¼, S 15 . T 16 N.R 13 E	
Site Address State Hwy 23 + 49	Lot # out 1, 2, 3, 4	Block # —
Zoning District C-2 w/ CUP (2024)	Subdivision or CSM 1202	
<input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Town Brooklyn		
DESCRIPTION OF ALLEGED VIOLATION		
Observed several truckloads of trees dumped and piled on property that was restricted by CUP for this and any other materials stored on the property to be stored within the buildings authorized under the CUP application.		
Mike Wuest Town Chair		
NOTES 11-19-24		

Name/Subject

S+L Holdings Complaint

Tax ID #

004-00314-0200, -0300, -0400, + -0501

NOTES

INSPECTION SKETCH



FINDINGS OF INVESTIGATION

Next Action

Signature

Date

GREEN LAKE COUNTY

INSPECTION REPORT

Land Use Planning & Zoning
571 County Road A
Green Lake, WI 54941
Phone: (920) 294-4156

Property Owner S and L Holdings LLC		Contractor/Builder	
Site Address State RD 23		Tax ID # 004-00314-0201	
City, State, Zip, Township TBY		Land Use Permit #	Permit Card Posted? <input type="checkbox"/> Yes <input type="checkbox"/> No
Date 11-19-24	Time 3 : 20 <input type="checkbox"/> am <input checked="" type="checkbox"/> pm	Witnesses Noah Brown, Max Richards	

NOTES

A complaint was alleged that the landowner was using the property in a way that does not follow the conditions listed in the CUP LUP2 Staff stopped out on site and noticed numerous piles of tree trunks and piles of what appeared to be crushed asphalt.

SKETCH



Inspection Type

- ☐ Wall Form
- ☐ Final
- ☒ Complaint
- ☐ Violation
- ☐ Other _____

Setbacks Measured

Front (1) _____
Front (2) _____
Side (1) _____
Side (2) _____
Rear _____
Shore _____
Length _____
Width _____
Height _____

Status

- ☐ Compliant
- ☐ Violation
- ☐ Re-Inspection Req'd

Inspector's Signature _____

Date _____

11-19-24



Kirkman, Matt

From: Kirkman, Matt
Sent: Thursday, November 21, 2024 9:15 AM
To: lee.garro@gmail.com
Subject: Wood pile
Attachments: 071124 S&L Holdings TBY CUP Approval.pdf

Lee,
Please review your CUP approval letter (attached). Specifically, focus on conditions 1, 2, and 10. It is quite early in the process to have your CUP reviewed and potentially revoked. The LUP & Z Committee has a public meeting on Thursday, December 5th. It is this Department's duty to present to the Committee this new use of your property. If they feel that your new use is a violation of any of the CUP conditions (again see 1, 2, & 10), a public hearing will be scheduled. At that meeting the LUP&Z Committee could add new conditions or even revoke your CUP for "boat storage building, individual storage units and a sales office".

If you want to avoid this conflict, I would suggest you remove the wood piles from your commercial lot prior to the December 5th meeting. You can always request an update to your CUP to add the outdoor wood-burning use including the external storage of wood (woodpile) or even a wood storage building.

Please let me know what your plan of action will be.

Matthew E. Kirkman
Director
Land Use Planning & Zoning Department
Green Lake County
Wisconsin
mkirkman@greenlakecountywi.gov



Land Use Planning & Zoning Department

County Government Center
571 County Road A
Green Lake, WI 54941

Phone 920-294-4156 Website: www.greenlakecountywi.gov

Land Development Code Enforcement County Surveyor GIS Land Information

July 17, 2024

S&L Holdings WI, LLC
Lee Garro
PO Box 436
Green Lake, WI 54941

Re: Conditional Use Permit request for parcels **#004-00314-0200, -0300, -0400, & -0501.**

On July 11, 2024, the Green Lake County Planning & Zoning Committee considered the Conditional Use Permit (CUP) request that you applied for on 02/15/2024. The Committee's decision was to **conditionally approve** your CUP request regarding:

Item #3: Owner: S&L Holdings WI, LLC, **Agent:** Lee Garro, **Location:** Highway 23 & 49, **Parcels:** 004-00314-0200, -0300, -0400, & -0501, **Legal Description:** Lots 2,3,4 and Outlot 1 of CSM 1202, located in Section 15, T16N, R13E, Town of Brooklyn, ±3.88 acres **Request:** The owners are requesting a Conditional Use Permit for a boat storage building, individual storage units, and a sales office.

The conditions applicable to this CUP are as follows:

General 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. No outside storage of materials and other items is allowed.
3. An "As-Built" certificate of survey shall be provided to the Land Use Planning & Zoning Department within one year of the project completion. The certificate of survey shall show all existing buildings, building setback dimensions to lot lines, all access locations, electrical distribution equipment, easements, and any stormwater management appurtenances.
4. Any outdoor lighting shall comply with Section 350-23 of the County Zoning Ordinance.
5. Prior to construction, all parcels must be combined into a single parcel through a CSM.
6. A fire number application must be applied for and issued before Land Use Permit approval.
7. The applicant must obtain a Land Use Permit before any building construction starts.
8. No buildings shall be taller than 35 feet at peak height.
9. Also prior to land use permit issuance, documentation shall be provided to the Land Use Planning & Zoning Department indicating that the owner/applicant has applied for a stormwater and erosion control permit from WDNR.

Town of Brooklyn Conditions:

10. All items/materials shall be stored within the building(s) authorized under this CUP application.
11. A copy of the State-approved commercial building plans shall be provided to the Land Use Planning & Zoning Department prior to land use permit issuance.
12. This CUP may ultimately be revoked in accordance with Section 350-57 of the County Zoning Ordinance.
13. The DOT be contacted about a right turn lane being installed to the entrance when Highway 23 is done next year and approved.
14. Detailed site plan showing all setbacks and lot lines.
15. Commercial building plans previewed by the Town Building Inspector and the State for approval.
16. Approval from the County and State for proposed signs.

Additional Committee Conditions:

17. A vegetative screen shall be planted along the east and west lot lines of the new CSM lot (see #5 above) to provide privacy to neighboring property owners.
18. Floor plans shall be submitted to the Land Use Planning & Zoning Department prior to land use permit issuance.

If you have questions, please feel free to contact the Land Use Planning & Zoning Department.

Sincerely,

Ryan Schinke

Ryan Schinke
Land Use Planning & Zoning Department

CC: Kathleen Morris, Town of Brooklyn Clerk
Mike Wuest, Town of Brooklyn Chairman

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, December 5, 2024**

CALL TO ORDER

Planning & Zoning Chair Chuck Buss called the meeting of the Land Use Planning and Zoning Committee to order at 9:00AM 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. The Pledge of Allegiance was recited.

Present: **Bill Boutwell, Curt Talma, Chuck Buss, Gene Thom, Sue Wendt**

Also Present: **Matt Kirkman**, Land Use Planning and Zoning Director; **Karissa Block**, Deputy County Clerk; **Jeff Mann**, Corporation Counsel; **Ryan Schinke**, Land Use Coordinator/Technician; **Noah Brown**, Land Use and Shoreland Specialist; **Maxwell Richards**, Land Use and POWTS Specialist; **Kenneth Stephani**, Finance Director

APPROVAL OF MINUTES

Motion/second (Boutwell/Thom) to approve the minutes of the 11/07/2024 meeting. Motion carried with no negative vote.

DEPARTMENT ACTIVITY REPORTS

- Financial Reports
 - Land Use & Septic Permits
 - Violation Reports
- Discussion held. Mann gave an update on Violation Reports.

ADMINISTRATIVE POLICY PLSS PERPETUATION

The Committee approved the PLSS Perpetuation Policy and asked Kirkman to include PLSS Perpetuation as a County Surveyor contracted responsibility.

FARMLAND PRESERVATION PLAN COMMITTEE UPDATE

The first Farmland Preservation Plan Committee meeting will be January 27th, 2025. Kirkman stated that the meeting will be open to the public with a public comment at the start of the meeting.

PROPOSED ZONING ORDINANCE AMENDMENT – WIND ENERGY SYSTEMS

The Planning and Zoning Department would like this to be an official ordinance by February 2025. The committee agreed to move forward with this item as integrated zoning ordinance standards as opposed to a stand-alone ordinance.

APPROVE 2025 LAND USE PLANNING & ZONING COMMITTEE CALENDAR

The April meeting date needs to be moved to April 3rd. There will be no meeting in July 2025, however, if something comes up, they will host a special meeting.

PER SECTION 350-57, REVIEW COMPLAINT REGARDING S&L HOLDINGS, LLC

Kirkman explained the steps taken to review a complaint. An inspection was done at the property by the Planning and Zoning department.

Motion/second (Buss/Thom) to suspend the rules to allow the public to speak. Motion carried with no negative vote.

Lee Garro, S&L Holdings LLC – commented on item #10.

Discussion held. Garro will move the wood pile and the committee will hold a hearing to move forward.

Motion/second (Thom/Boutwell) to review the original CUP and hold a public hearing. Motion carried with no negative vote.

PUBLIC COMMENT (15 MINUTES TOTAL / 3 MINUTE LIMIT)

Phillip Anastasi, W6766 Hill St – commented on item #7.

COMMITTEE DISCUSSION

- a. Next meeting date – January 2, 2025 @ 9:00AM
- b. Future agenda items for action & discussion

ADJOURN

Chair Buss adjourned the meeting at 10:06AM.

Respectfully submitted,

Karissa Block
Deputy County Clerk

TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Brooklyn, County of Green Lake, took the following action on –

(Date) 1-14-25.

Owner/Applicant: S&L Holdings WI LLC, /Lee Garro

Site Location: Highway 23 & 49

General legal description: Lot 1 of CSM 3979, Town of Brooklyn, ±3.88 acres.

Request: The Green Lake County Land Use Planning & Zoning Committee determined, at their December 5, 2024, public meeting, that there is a reasonable probability that S&L Holdings WI, LLC, is in violation of their conditional use permit. The Committee will address the violation(s) at the below meeting date. The Committee would appreciate the Town of Brooklyn's comments as it relates to this matter.

Planned public hearing date for the above requests: February 6, 2025

Town's Comments/Concerns directed to the Land Use Planning & Zoning Committee:

IN HIS PROPOSAL IT IS STATED THAT HE WANTS
TO SELL VARIOUS OTHER ITEMS TRUCKS, CARS,
ATV, UTV'S, ETC- THAT HAS NOT BEEN ADDRESSED
IN THE CUP. THE TOWN IS REQUESTING THAT
THE P+Z COMMITTEE REVOKE THIS CUP AND
ADDRESS THE OTHER ISSUES WITH A NEW CUP
SEE ATTACHED SHEET AND VIOLATION'S

Mich. Wuest
Town Representative

1-15-25
Date Signed

Please return this form to the Land Use Planning & Zoning Office by: **January 24, 2025**

For Brooklyn Town Meeting, January 14, 2025
 From Brooklyn Plan Commission meeting, January 9, 2025

In regard to: CUP application for Lee Garro (S&L Holdings)

First approval from GL Cty. P&Z Committee July 11, 2024 -

Permit was approved 'with conditions' consisting of several outlots, 3.88 acres.
 Original request is for: boat storage building, individual storage units, and a 'sales office'.

Conditions: (Ten conditions were required by GL Cty.)

1. NO additional expansion or additions and/or uses relating to this CUP without review & approval through future cup(s).
2. NO outside storage of materials or items allowed.
5. Prior to construction, all parcels MUST be combined into a single parcel through a CSM.
6. A fire number application MUST be applied for and issued before Land Use Permit approval.
7. Applicant MUST obtain a Land Use permit before any building construction starts.
9. Prior to land use permit issuance, documentation SHALL be provided to the LUPZ Dept. Indicating that owner/applicant has applied for stormwater & erosion control permit from WDNR.

Town of Brooklyn Conditions:

10. ALL items/materials SHALL be stored within the building(s) as authorized by this CUP.
11. A copy of the State-approved commercial building plans SHALL be provided to the LUPZ Dept. prior to land use permit issuance.
12. This CUP MAY ULTIMATELY BE REVOKED in accordance with Section 350-57 of the County Zoning Ordinance.
13. The DOT MUST be contacted regarding a right turn lane being installed to the entrance of the property when Highway 23 is under construction in 2025, AND BE APPROVED. IT IS NOW 2025.
14. Detailed site plan showing all setbacks & lot lines.
15. Commercial building plans reviewed by Town Building Inspector and the State of WI for approval.

November 11, 2024 communication from LUPZ to applicant state that Condition #1, 2, & 10 appear to be in violation of the cup. Also, on 11/21 Chairman Wuest sends e-mail to the applicant noting that wood has been piling up on the site and is in violation of the cup.

Asks that it be removed by December 5, 2024, or risk that the CUP be revoked.

As of January 9, 2025, Brooklyn Plan commission members note that logs are still piled up and additional things have accumulated on the site.

As of January 8, 2025 the following has been left on the site: Several shore stations, pier sections, pile of wooden pallets, semi cab with flat bed trailer attached, large yellow construction 'low boy', empty open semi trailer, piles of uncut lumber/poles. A small 'for sale' sign, and election sign from last November. This is all visible from across the lot on Hwy. 23.

It is the opinion of the Brooklyn Plan commission that the applicant is in violation of conditions #1, #2, #10. Additionally, we would ask if any movement has been made to #5? The Town has no record of a fire number being applied for - #6, #7; and conditions #13, #14 & 15.

It is the recommendation of Brooklyn Plan Commission to revoke this CUP.

GREEN LAKE COUNTY
Conditional Use Permit

DETERMINATION OF THE LAND USE PLANNING AND ZONING COMMITTEE

Public Hearing Date: February 6, 2025

Owner: S&L Holdings WI, LLC.

Agent: Lee Garro

Parcels: #004-00314-0201, Highway 23 & 49, Town of Brooklyn.

Request: Review and possible revocation of Conditional Use Permit for a boat storage building, individual storage units, and a sales office, issued to S&L Holdings WI, LLC on July 11, 2024.

Land Use Planning and Zoning Committee:

Chuck Buss, Chair

Sue Wendt

William Boutwell, Vice Chair

Curt Talma

Gene Thom

Date signed: February 6, 2025

Committee vote: Ayes ____ Nays ____ Abstain ____ Absent ____

☐ **No changes to current CUP (see conditions listed on page 2):**

☐ **Revoke CUP**

☐ **Modify current CUP as follows:**

Conditions of Approval:

General 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. No outside storage of materials and other items is allowed.
3. An "As-Built" certificate of survey shall be provided to the Land Use Planning & Zoning Department within one year of the project completion. The certificate of survey shall show all existing buildings, building setback dimensions to lot lines, all access locations, electrical distribution equipment, easements, and any stormwater management appurtenances.
4. Any outdoor lighting shall comply with Section 350-23 of the County Zoning Ordinance.
5. Prior to construction, all parcels must be combined into a single parcel through a CSM.
6. A fire number application must be applied for and issued before Land Use Permit approval.
7. The applicant must obtain a Land Use Permit before any building construction starts.
8. No buildings shall be taller than 35 feet at peak height.
9. Also prior to land use permit issuance, documentation shall be provided to the LUP&Z Department indicating that the owner/applicant has applied for a stormwater and erosion control permit from WDNR.

Town of Brooklyn Conditions:

10. All items/materials shall be stored within the building(s) authorized under this CUP application.
11. A copy of the State-approved commercial building plans shall be provided to the LUP&Z Department prior to land use permit issuance.
12. This CUP may ultimately be revoked in accordance with Section 350-57 of the County Zoning Ordinance.
13. The DOT be contacted about a right turn lane be installed to the entrance when Highway 23 is done next year and approved.
14. Detailed site plan showing all setbacks and lot lines.
15. Commercial building plans previewed by the Town Building Inspector and the State for approval.
16. Approval from the County and State for proposed signs.

Additional Committee Conditions:

17. A vegetative screen shall be planted along the east and west lot lines of the new CSM lot (see # 5 above) to provide privacy to neighboring property owners.
18. Floor plans shall be submitted to the Land Use Planning & Zoning Department prior to land use permit issuance.

Item #5:

Applicants: Green Lake County Land Use Planning & Zoning Committee, **Request:** The committee is requesting an amendment to Chapter 350, Zoning Ordinance of the Code of Green Lake County, more specifically to establish local regulations on the installation and use of wind and solar energy systems.

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

February 6, 2025

ITEM V: 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 350 of the Zoning Ordinance; more specifically to add zoning ordinance standards that would regulate the siting of wind and solar energy systems.

ADDITIONAL INFORMATION / ANALYSIS: On April 18th, 2023 the Green Lake County Board of Supervisors adopted Resolution Number 7-2023 that recommended revisions to State Renewable Energy Contract Regulations. The resolution states that the State's regulatory limitations on counties leave property owners obligated to be encumbered and liable by and for these installations. Further, counties being restricted from enforcing density and footprint standards as well as system decommissioning will have a deleterious effect on county residents, agricultural land and production, and impact waters of the State.

The above resolution complains that PSC128 Wis. Admin Code and Chapter 66.0401 Wis. Stats. restricts a county's ability to prohibit wind and solar energy systems. The complaints are well-founded. However, it is also clear that absent local wind and solar energy systems siting ordinance standards, the deleterious effects described above are much more pronounced. See attached (insert benefits of wind and solar energy siting ordinance standards)

In addition, by adopting zoning ordinance standards, concerns about negative impacts to neighboring land owners, agricultural land capabilities and impacts to streams and lakes due to stormwater runoff can be minimized. Furthermore, the proposed amendment includes a public hearing requirement where the public can be noticed and informed as to details of the proposed renewable energy system. Finally, having a solid set of standards in place will have the effect of deterring less reputable renewable energy companies from choosing Green Lake County.

SUMMARY: As discussed and approved at the Land Use Planning & Zoning Committee's December meeting these ordinance standards are being proposed as a zoning ordinance amendment. This means that the amendment will impact the six zoned towns of Berlin, Brooklyn, Green Lake, Mackford, Manchester, and Marquette. This ordinance amendment would provide these town residents the level of protection that PSC128 allows which is not possible without wind or solar energy system siting ordinance standards in place. Please refer to the benefits document attached.

The Land Use Planning & Zoning Department does not see a downside to adopting this amendment. Adopting this zoning ordinance amendment will not have the effect of prohibiting wind and solar energy systems, however the amendment will serve to best

preserve and protect public health and safety if a wind or solar energy system were to be proposed in these zoned towns.

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, wind and solar energy systems proposed in the zoned towns of Green Lake County, will be minimally regulated / restricted. Only the mandatory requirements of PSC128 would apply to wind energy systems which basically requires the wind energy system owner to notice the County of the wind energy system and to decommission the wind energy system. There would be no limitations on solar energy system other than Section 350-43.2 which deals with small residential (mostly) solar installations. This zoning ordinance amendment serves to preserve and protect both properties utilized for the wind and solar energy systems and the nonparticipating properties nearby including environmentally sensitive areas like Green Lake.

ORDINANCE NO. -2025

Amending Green Lake County Chapter 350. Zoning

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the ____ day of ____, 2025, does ordain as follows:

1 **WHEREAS**, the Land Use Planning & Zoning Committee has deemed it advantageous
2 to the citizens of and visitors to Green Lake County to adopt zoning ordinance
3 regulations that address wind and solar energy system siting, and

4 **WHEREAS**, the Land Use Planning & Zoning Committee has proposed these zoning
5 ordinance amendments in accordance with Chapter 66.0401 Wis. Stats. and
6 Administrative Code Chapter PSC 128, that serves to preserve or protect the public
7 health or safety, does not significantly increase the cost of the system or significantly
8 decrease its efficiency, and allows for an alternative system of comparable cost and
9 efficiency, and

10 **WHEREAS**, the Land Use Planning & Zoning Committee has deemed that adoption of
11 these zoning ordinance standards will help mitigate negative impacts to neighboring
12 land owners, agricultural land capabilities, and lakes and streams. Further, the zoning
13 ordinance amendment will establish a public hearing requirement that will provide the
14 public the opportunity to be informed about the siting of these systems.
15

16 Fiscal note is not applicable.

Roll Call on Ordinance No. -2025

Submitted by Land Planning & Zoning
Committee:

Ayes , Nays , Absent , Abstain

Passed and Enacted/Rejected this ____
day of ____, 2025.

Chuck Buss, Chair

Bill Boutwell, Vice Chair

County Board Chairman

Curt Talma

ATTEST: County Clerk
Approve as to Form:

Gene Thom

Corporation Counsel

Sue Wendt

NOW, THEREFORE, BE IT ORDAINED, that the ordinance shall be amended as follows:

350-19 Height Regulations

C. Height exceptions. Farm buildings not for human habitation; chimneys; cooling towers; ~~roof-mounted~~ solar panel arrays; **wind turbines**; elevator bulkheads; fire towers; monuments; penthouses; stacks; scenery lofts; tanks; water towers; ornamental towers; spires; wireless, television or broadcasting towers; masts or aerials; telephone, telegraph and power transmission poles and lines; and microwave radio relay structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of Green Lake County.
[Amended 8-18-2020 by Ord. No. 9-2020]

350-20 Side and rear yard regulations

F. **Wind energy facilities may have yard setbacks waived.**

350-31 NRC Natural Resource Conservancy District

B. Permitted uses

- 22. Wind energy systems**
- 23. Small solar energy systems**

350-32 C-1 General Commercial District

A. Permitted uses

- 7. Wind energy systems under 1 MW**
- 8. Small solar energy systems**

350-34 I Industrial District

A. Permitted uses.

- 1.** Any use permitted in the C-2 Extensive Commercial District, except residential, educational or institutional uses.
- 2. Solar and wind energy systems**

350-35 M-1 Mineral Extraction District

A. Permitted uses.

- 1. Solar and wind energy systems**
- 2. All other uses in this district are conditional uses.**

51 **350-36 M-2 Sanitary Landfill District**

52 **A. Permitted uses.**

- 53 1. Solar and wind energy systems
54 2. All other uses in this district are conditional uses.

55 **350-37 RC Recreation District**

- 56
57 **B. Permitted uses.** ~~Recreational activities, such as:~~
58 5. Solar and wind energy systems

59 **350-38 R-1 Single-Family Residence District**

60 **A. Permitted uses:**

- 61 8. Wind energy systems under 1 MW
62 9. Small solar energy systems

63 **350-40 R-3 Multiple-Family Residence District**

64 **A. Permitted uses**

- 65 18. Wind energy systems under 1MW
66 19. Small solar energy systems

67 **350-41 R-4 Rural Residential District**

68 **A. Permitted uses**

- 69 18. Wind energy systems under 1MW
70 19. Small solar energy systems

71 **350-44 Fences**

72
73 ~~**§ 350-43.2 Solar panels. [1]**~~

74 ~~[Added 8-18-2020 by Ord. No. 9-2020]~~

75 ~~Solar panel arrays shall comply with the following:~~

76 ~~A.~~

77 ~~Ground-mounted solar panel arrays that can exceed eight feet in adjusted height~~
78 ~~(lowest adjacent grade to maximum vertical extent) or have a solar panel surface area~~

~~greater than 32 square feet must be authorized by a land use permit and are required to meet all the required setback set forth in this chapter.~~

~~B.~~

~~Ground-mounted solar panel arrays shall not exceed 25 feet in height (lowest adjacent grade to maximum vertical extent).~~

~~C.~~

~~Roof-mounted solar panel arrays are not subject to §§ 350-19 and 350-20 of this chapter and are exempt from the land use permit requirement under § 350-65.~~

~~[4]~~

~~Editor's Note: Former § 350-43.2, Wind energy facilities, added 12-16-2008 by Ord. No. 942-08, was repealed 12-15-2009 by Ord. No. 969-2009~~

350-45 Driveways and walkways

350-46 Mobile tower siting regulations

350-47 Solar and Wind Energy Systems

A. Wind energy systems

1.) Purpose Statement

The purpose of this ordinance is to incorporate and adopt the requirements of § 66.0401, Wis Stats, and Wis. Admin. Code Ch. PSC 128 as a local ordinance and to establish local regulations on the installation and use of wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost and efficiency.

2.) Land Use Permit

A. Wind energy systems shall require a land use permit prior to installing, constructing, or modifying the wind energy system.

1. Land use permits for wind energy systems shall be valid until 90 days after the system commences operation.
2. Land use permits for wind energy systems shall expire if construction of the wind energy system is not commenced within 24 months of the date of permit issuance.

- 111 B. A land use permit may not be issued to install, construct, or modify a wind energy
112 system in a township under county zoning unless the system is included in a
113 department approved wind energy system application.

114 3.) Pre-Application

- 115 A. A pre application notice must be filed at least 90 days before an owner files an
116 application to construct a large wind energy system. For applications to construct
117 a wind turbine with a maximum blade tip height exceeding 600 feet the owner
118 shall provide written notice of the wind energy system to the Wisconsin Public
119 Service Commission at least 180 days before the owner files the application.
- 120 1. The owner shall use commercially reasonable methods to provide written
121 notice of the planned large wind energy system to the following:
 - 122 A. Landowners within one mile of a planned wind turbine host
123 property.
 - 124 B. The department and any towns, villages, or cities within which the
125 wind energy system may be located.
 - 126 C. Emergency first responders and air ambulance service providers
127 serving a political subdivision within which the wind energy
128 system may be located.
 - 129 D. The Wisconsin Department of Transportation
 - 130 E. The Wisconsin Public Service Commission
 - 131 F. The Wisconsin Department of Natural Resources
 - 132 G. The Wisconsin Department of Agriculture, Trade and Consumer
133 Protection
 - 134 H. The Office of the Deputy Under Secretary of the U.S. Department
135 of Defense.
 - 136 2. A pre application notice shall be filed at least 60 days before an owner
137 files an application to construct a small wind energy system and the notice
138 shall be provided only to adjacent landowners and the department.
 - 139 3. Pre application notices for wind energy systems shall include the
140 following:
 - 141 A. A complete description of the wind energy system including the
142 number and size of the planned wind turbines
 - 143 B. A map showing the planned location of all the wind energy system
144 facilities
 - 145 C. Contact information for the owner
 - 146 D. A list of all potential permits or approvals the owner anticipates
147 may be necessary for the construction of the wind energy system
 - 148 E. Whether the owner is requesting a joint application review
149 process and the name of each political subdivision that may
150 participate in the joint review process.

4.) Real Property Provisions

A.) Easement recording required

1. A wind energy system easement or wind access easement shall be recorded under § 706, Wis. Stats. A wind energy system easement or wind access easement shall include the term of the easement and a full legal description of the property subject to the easement.

B.) Wind Lease and Waiver Provisions

2. A wind energy system lease and any waiver of noise or shadow flicker requirements shall hold harmless and indemnify the real property owner for all of the following:
 - a. Any violation of federal, state or local law by the owner of the wind energy system.
 - b. Any damages or bodily injury caused by the construction, operation or decommissioning of the wind energy system.

5.) Existing Property uses

A.) Land Use and Commercial Enterprises

1. An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 mile of a proposed wind turbine site if the land use or commercial enterprise exists when the owner gives their pre-application notice, or if complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date the owner gives their pre-application notice.
 - a. For small wind energy systems, only adjacent non-participating properties are required to be accommodated.

B.) Agricultural Use

2. An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.

6.) Siting Criteria

A.) Setback distance and height requirements

1. An owner shall design and construct a large wind energy system using the wind turbine setback distances shown in Table 1.

Table 1

Setback Description	Setback Distance
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

2. An owner shall design and construct a small wind energy system using the wind turbine setback distances shown in Table 2.

Table 2

Setback Description	Setback Distance
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

3. An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the

permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.

4. An owner shall work with the department and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
5. The owner of a nonparticipating residence or occupied community building may waive the applicable large wind energy system wind turbine setback distances in Table 1 for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distance in Tables 1 from a nonparticipating property line.
6. The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the applicable small wind energy system turbine setback distances in Table 2.

7.) Noise

A.) Planning

1. The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives their pre-application notice, or for which complete publicly available plans for construction are on file with the department within 30 days of the date on which the owner gives their pre-application notice.
2. An owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
3. An owner shall design a wind energy system to comply with the noise limits of this chapter under planned operating conditions.

B.) Noise Limits

1. Except as provided in PSC 128.14(4)(b), PSC 128.14(4)(c), and PSC 128.14(5), an owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
2. In the event audible noise due to wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This paragraph does not apply to sound the wind energy system produces under normal operating conditions.

C.) Compliance

1. If an owner uses sound level measurements to evaluate compliance with this section at a nonparticipating residence or occupied community building, those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take

228 additional measurements to evaluate compliance in addition to those specified by
229 this section.

- 230 2. Upon receipt of a complaint regarding a violation of the noise limits of this
231 chapter, an owner shall test for compliance with the noise limits of this chapter.
232 The department or a monitoring committee established by the department under
233 this chapter may not require additional testing to show compliance with the noise
234 limits of this chapter if the owner has provided the results of an accurate test
235 conducted within 2 years of the date of the complaint showing that the wind
236 energy system is in compliance with the noise limits of this chapter at the location
237 relating to the complaint.
- 238 3. Methods available for the owner to comply shall include operational curtailment
239 of one or more wind turbines. Upon receipt of a complaint about a noise under
240 PSC 128.14(3)(b), the owner shall use operational curtailment to eliminate the
241 noise until the owner permanently corrects the problem.
- 242 4. An owner shall evaluate compliance with the noise limits of this chapter as part of
243 pre- and post-construction noise studies. An owner shall conduct pre- and
244 post-construction noise studies under the most current version of the noise
245 measurement protocol as described in PSC 128.50 (2).
 - 246 a. Small wind energy systems are exempt from the pre- and post-
247 construction noise study requirement.

248 D.) Waiver

- 249 1. Upon request by an owner of a wind energy system, an owner of an affected
250 nonparticipating residence or occupied community building may relieve the
251 owner of the wind energy system of the requirement to meet any of the noise
252 limits of this chapter at the affected residence or occupied community building by
253 written contract with the wind energy system owner. Unless otherwise provided in
254 a contract signed by an owner of an affected nonparticipating residence or
255 occupied community building, a waiver by an owner of an affected
256 nonparticipating residence or occupied community building is an encumbrance
257 on the real property, runs with the land until the wind energy system is
258 decommissioned, and shall be recorded under § 706, Wis. Stats.

259 E.) Notification

- 260 1. Before entering into a contract to waive the noise limits of this chapter, an owner
261 of a wind energy system shall provide written notice of the requirements of PSC
262 128.14 to the owner of an affected nonparticipating residence or occupied
263 community building.
- 264 2. Before the initial operation of the wind energy system, an owner of a wind energy
265 system shall provide notice of the requirements of PSC 128.14 to an owner of a
266 nonparticipating residence or occupied community building within 0.5 mile of a
267 constructed wind turbine that has not entered into a contract to waive the noise
268 limits of this chapter.

- a. Small wind energy systems shall only be required to provide notice to each adjacent nonparticipating residence or occupied community building.

8.) Shadow Flicker

A.) Planning

1. The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives their pre-application notice, or for which complete publicly available plans for construction are on file with the department within 30 days of the date on which the owner gives their pre-application notice.
2. An owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.
3. An owner shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a wind energy system and shall design the wind energy system so that computer modeling indicates that no nonparticipating residence or occupied community building will experience more than 30 hours per year of shadow flicker under planned operating conditions.
 - a. Small wind energy systems are not required to utilize any computer modeling of shadow flicker.

B.) Shadow Flicker Limits

1. An owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with the shadow flicker requirements of this chapter.

C.) Shadow Flicker Mitigation

1. An owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
2. An owner shall provide reasonable shadow flicker mitigation at the owner's expense for a nonparticipating residence or occupied community building experiencing 20 hours or more per year of shadow flicker.
3. An owner shall model shadow flicker, and a nonparticipating residence or occupied community building is eligible for mitigation if computer modeling shows that shadow flicker at the nonparticipating residence or occupied community building will be 20 hours or more per year. An owner of a nonparticipating residence or occupied community building is not required to document the actual hours per year of shadow flicker if modeling indicates the nonparticipating

residence or occupied community building is eligible for mitigation. A nonparticipating residence or occupied community building that experiences 20 hours or more per year of shadow flicker based on records kept by the resident of a nonparticipating residence or the occupant of an occupied community building shall also be eligible for mitigation.

4. An owner may provide shadow flicker mitigation for any residence or occupied community building in addition to the mitigation required under PSC 128.15(3)(b).
5. The requirement under PSC 128.15(3)(b) to mitigate shadow flicker applies when the owner receives a complaint or request for mitigation regarding shadow flicker for an eligible nonparticipating residence or occupied community building. If shadow flicker mitigation is required, the owner of the wind energy system shall allow the owner of the nonparticipating residence or occupied community building to choose a preferred reasonable mitigation technique, including installation of blinds or plantings at the wind energy system owner's expense.
6. Small wind energy systems are exempt from the requirements to provide shadow flicker mitigation to a non-participating residence or occupied community building.

D.) Waiver

1. Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of a requirement under PSC 128.15(2) or PSC 128.15(3)(b) at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and shall be recorded under § 706, Wis. Stats.

E.) Notification

1. Before entering into a contract to waive shadow flicker limits, a wind energy system owner shall provide notice of the requirements of PSC 128.15 to individual owners of an affected nonparticipating residence or occupied community building.
2. Before the initial operation of the wind energy system, a wind energy system owner shall provide notice of the requirements of PSC 128.15 to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract to waive shadow flicker limits.
3. Small wind energy systems are exempt from shadow flicker notification requirements.

9.) Signal Interference

349 A.) Planning

- 350 1. Except as provided in 350-47(A)(9)(D), the signal interference requirements in
351 this section apply to commercial communications and personal communications
352 in use when the wind energy system begins operation.
- 353 2. An owner shall use reasonable efforts to avoid causing interference with
354 commercial communications and personal communications to the extent
355 practicable.
- 356 3. An owner may not construct wind energy system facilities within existing
357 line-of-sight communication paths that are used by government or military
358 entities to provide services essential to protect public safety. An owner must
359 provide information showing that wind turbines and other wind energy system
360 facilities will be in compliance with this requirement.

361 B.) Commercial Communications Interference Mitigation

- 362 1. An owner shall use reasonable and commercially available technology to mitigate
363 interference caused by a wind energy system with commercial communications
364 in use when a wind energy system begins operation. Before implementing
365 mitigation measures, the owner shall consult with affected parties regarding the
366 preferred mitigation solution for commercial communications interference
367 problems. Except as provided in 350-47(A)(9)(D), an owner shall mitigate
368 commercial communications interference caused by the wind energy system by
369 making the affected party's preferred reasonable mitigation solution effective until
370 either the wind energy system is decommissioned or the communication is no
371 longer in use, whichever is earlier.
- 372 2. Small wind energy systems are exempt from the requirement to provide
373 commercial communication interference mitigation.

374 C.) Personal Communications Interference Mitigation

- 375 1. An owner shall use reasonable and commercially available technology to mitigate
376 interference with personal communications in use when a wind energy system
377 begins operation caused by a wind energy system. An owner must use
378 reasonable and commercially available technology to mitigate interference with
379 personal communications that were not in use when the wind energy system
380 began commercial operation, if a wind energy system is causing the interference
381 and the interference occurs at a location at least 0.5 mile from a wind turbine.
- 382 2. Before implementing mitigation measures, the owner shall consult with affected
383 parties regarding the preferred mitigation solution for personal communications
384 interference problems. Except as provided in 350-47(A)(9)(D), an owner shall
385 mitigate personal communications interference caused by the wind energy
386 system by making the affected party's preferred reasonable mitigation solution
387 effective until either the wind energy system is decommissioned or the
388 communication is no longer in use, whichever is earlier.
- 389 3. Small wind energy systems are exempt from the requirement to provide personal
390 communication interference mitigation.

391 **D.) Mitigation Protocol**

- 392 1. An owner shall implement a new technology solution that becomes commercially
393 available before the wind energy system is decommissioned to address
394 interference for which mitigation is required under this chapter and for which the
395 original mitigation solution is only partially effective.
396 a. This process shall follow protocols established under PSC 128.50(2)
397 b. Small wind energy systems are exempt from this new technology
398 requirement.

399 **10.) Stray Voltage**

400 **A.) Testing Required**

- 401 1. An owner shall work with the local electric distribution company to test for stray
402 voltage at all dairy and confined animal operations within 0.5 mile of a wind
403 energy system facility pursuant to the stray voltage protocol established by the
404 commission before any wind energy system construction activity that may
405 interfere with testing commences and again after construction of the wind energy
406 system is completed, except as otherwise specified by commission staff under
407 PSC 128.17(1)(b).
408 2. Before any testing under PSC 128.17(1)(a) begins, an owner shall work with
409 commission staff to determine the manner in which stray voltage testing will be
410 conducted and on which properties. The electric distribution company serving a
411 dairy or confined animal operation where testing is required under PSC
412 128.17(1)(a) shall conduct or arrange to conduct all required testing at the
413 expense of the owner.

414 **B.) Results of Testing**

- 415 1. An owner and the electric distribution company shall provide to commission staff
416 the results of all stray voltage testing in writing.

417 **C.) Requirements to rectify problems**

- 418 1. An owner shall work with the electric distribution company and farm owner to
419 rectify any stray voltage problems attributable to the construction and operation
420 of the wind energy system, in compliance with the commission's stray voltage
421 protocol.

422 **11.) Construction and operation**

423 **A.) Physical characteristics**

- 424 1. An owner may not display advertising material or signage other than warnings,
425 equipment information, or indicia of ownership on a wind turbine. An owner may
426 not attach any flag, decorative sign, streamers, pennants, ribbons, spinners,
427 fluttering, or revolving devices to a wind turbine. An owner may attach a safety
428 feature or wind monitoring device to a wind turbine.

2. An owner shall ensure that a wind turbine has a conventional or unobtrusive finish.
3. An owner shall install lighting at a wind energy system that complies with standards established by the Federal Aviation Administration. An owner must use applicable shielding or control systems approved by the Federal Aviation Administration to reduce visibility of lighting to individuals on the ground.
4. An owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.
5. An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
6. An owner shall place appropriate warning signage on or at the base of each wind turbine.
7. An owner shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind energy system. An owner shall post these signs at every intersection of a wind energy system access road with a public road and at each wind turbine location.
 - a. Small wind energy systems are exempt from this signage requirement
8. An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.

B.) Electrical standards

1. An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and PSC 114 and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.
2. An owner shall construct collector circuit facilities for a wind energy system underground to the extent practicable.
 - a. Small wind energy systems are not required to construct collector circuit facilities underground.
3. An owner shall establish an inspection schedule for all overhead collector circuits to ensure that third-party facilities, including cable television and telecommunications cables, are not attached or bonded to overhead collector circuit grounding. If third-party facilities are found attached to the overhead collector facilities, the owner shall ensure that the third-party facilities are promptly removed.
 - a. Small wind energy systems are exempt from the requirement to inspect for and remove third party facilities.

C.) Construction, operation, and maintenance standards

1. An owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.

2. An owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its wind energy facilities in order to minimize soil compaction, protect the topsoil, prevent topsoil mixing, and avoid and repair any damage to drainage systems on agricultural land.
 - a. Small wind energy systems are exempt from this requirement.
3. An owner shall describe the applicable best practices that it intends to use in the placement, construction, operation, and maintenance of its wind energy facilities in its application.
 - a. Small wind energy systems are exempt from this requirement.
4. Except for the area physically occupied by the wind energy system facilities, an owner shall restore the topography, soils and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
 - a. Small wind energy systems are exempt from this requirement.
5. An owner shall carry general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation or decommissioning of the wind energy system and shall include turbine host property owners as additional insured persons on the policy.
 - a. Small wind energy systems are exempt from this requirement

D.) Emergency Procedure

1. An owner shall notify the department of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.
2. An owner shall establish and maintain a liaison with each political subdivision within which its wind energy systems facilities are located and with fire, police, and other appropriate first responders serving the wind energy system to create emergency plans that include all of the following:
 - a. A list of the types of wind energy system emergencies that require notification to the department within 24 hours of the wind energy system emergency.
 - b. Current emergency contact information for first responders and for the wind energy system owner, including names and phone numbers.
 - c. Procedures for handling different types of wind energy system emergencies, including written procedures that provide for shutting down the wind energy system or a portion of the system as appropriate.
 - d. Duties and responsibilities of the owner and of first responders in the event of a wind energy system emergency.
 - e. An emergency evacuation plan for the area within 0.5 mile of any wind energy system facility, including the location of alternate landing zones for emergency services aircraft.

3. The owner shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.
4. The owner shall distribute current and revised copies of the emergency plan to the following:
 - a. The department
 - b. Green Lake County sheriff's office
 - c. Green Lake County Emergency Management Department
 - d. Clerk for any town, city or village within which its wind energy systems facilities are located or that are within one-half mile of any of its wind energy systems facilities.
 - e. Any fire, police, or other first responder identified by the county's emergency management director or the clerk of any city, village, or town who has received a copy of the owner's emergency plans.
5. An owner shall provide annual training for the county's emergency management department, sheriff's department, and any other fire, police, or other first responder identified in the owner's emergency plans. An owner shall provide at least 8 hours of training during each calendar year and is responsible for all direct training costs.
6. An owner of a wind energy system shall do all of the following:
 - a. Furnish its operator, supervisors and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established under this section to ensure compliance with those procedures.
 - b. Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.
7. If an owner is required to implement its emergency plans as the result of a wind energy system emergency, it shall conduct a review of employee activities to determine whether the procedures were effectively followed. The owner shall provide the county's emergency management director with a copy of its review. If the review results in any changes to its emergency plans, the owner shall distribute the revised emergency plans.
8. Small wind energy systems are exempt from the following emergency procedure requirements:
 - a. An owner of a small wind energy system is not required to establish and maintain a liaison within political subdivisions and with fire, police, and other appropriate first responders serving the wind energy system.
 - b. The owner of a small wind energy system is not required to create emergency plans.
 - c. An owner of a small wind energy system is not required to review emergency plans.

- d. The owner of a small wind energy system is not required to distribute copies of an emergency plan to the department, fire, police, and other first responders.
- e. The owner of a small wind energy system is not required to provide annual training for fire, police, or first responders.
- f. An owner of a small wind energy system is not required to create, distribute, review or train on any emergency procedures.

12.) Decommissioning

A.) Requirement to Decommission

1. An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.
2. A large wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 360-day period.
3. Upon application by the owner, and except when the department finds the owner is not capable of returning the wind energy system to service with a reasonable time, the department shall grant an extension of the time period for returning the large wind energy system to service by one or more additional 180 day periods if the owner demonstrates it is likely the large wind energy system will operate again in the future and any of the following occur:
 - a. The owner submits a plan to the department that demonstrates an ongoing good faith effort to return the large wind energy system to service and outlines the steps and schedule for returning the large wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the large wind energy system facilities as necessary to generate electricity.
 - b. The owner demonstrates that the large wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.
 - c. The owner demonstrates that the large wind energy system is being used for educational purposes.
4. The department may deny a request for an extension if the large wind energy system has not generated any electricity for a continuous period of 540 days or more and the department finds that the owner is not capable of returning the wind energy system to service within a reasonable period of time.
5. A large wind energy system is irrebuttably presumed to be at the end of its useful life if the wind energy system generates no electricity for a period of 540 days and any of the following occur:
 - a. The owner does not request an extension of the time period for returning the large wind energy system to service.
 - b. The department denies a request for an extension and any appeal rights have expired.

6. A small wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 540-day period.
7. When decommissioning is required, the owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.
8. If the owner fails to remove a wind energy system and reclaim the site, the department may remove or cause the removal of the wind energy system and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

B.) Decommissioning Review

1. An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its wind energy systems facilities are located when a wind energy system approved by the department has been decommissioned and removed.
2. The department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by this chapter and whether the owner has complied with its site restoration obligation in this chapter.
3. The owner shall cooperate with the department by participating in the decommissioning review process.

C.) Financial Responsibility

1. The owner of a large wind energy system with a nameplate capacity of one megawatt or larger shall maintain proof of the owner's ability to fund the actual and necessary cost to decommission the large wind energy system and shall ensure the availability of funds necessary for decommissioning throughout the expected life of the large wind energy system and through to completion of the decommissioning activities.
 - a. An owner shall provide financial assurance for the actual and necessary cost to decommission the large wind energy system before commencing major civil construction activities such as blasting or foundation construction at the large wind energy system site.
2. An owner may comply with financial assurance requirements by choosing to provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances.
3. Financial assurance shall place the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the large wind energy system until such time as the county determines that the large wind energy system has been decommissioned or the county approves the release of the funds, whichever occurs first. The financial

assurance must also provide that the county may access the funds for the purpose of decommissioning the large wind energy system if the owner does not decommission the system when decommissioning is required.

4. An owner shall provide the county with 3 estimates of the actual and necessary cost to decommission the large wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the department. The amount of financial assurance required by the county will be the average of the 3 estimates.
5. The department may periodically request information from the owner regarding industry costs for decommissioning the large wind energy system. If the department finds that the future anticipated cost to decommission the large wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this section, the department may correspondingly increase or decrease the amount of financial assurance required. The department may not adjust the financial assurance under more often than once in a 5-year period.
6. The department may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.
7. Small wind energy systems shall be exempt from the requirement to meet financial assurance requirements for decommissioning the system.

D.) Site Restoration

1. Except as provided in PSC128.19(4)(b), if a wind energy system was constructed on land owned by a person other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
 - a. Small wind energy systems are not required to restore property to preconstruction conditions.
2. If a wind energy system was constructed on a brownfield, as defined in §238.13 (1)(a), Wis. Stats., the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in §238.13 (1)(d), Wis. Stats.
 - a. Small wind energy systems are not required to restore the property to eliminate the effects caused by the small wind energy system.

E.) Decommissioning Completeness

1. An owner shall file a notice of decommissioning completion with the department and the commission when a wind energy system approved by the department has been decommissioned and removed.

2. Within 360 days of receiving a notice of decommissioning, the department shall determine whether the owner has satisfied the applicable decommissioning requirements.

13.) Application

A.) Application requirements

1. An owner shall file an application to construct a wind energy system with the department.

B.) Contents of an application

1. An owner shall complete and file an application with the department that includes all of the following:
 - a. Wind energy system description and maps showing the locations of all proposed wind energy facilities.
 - b. Technical description of wind turbines and wind turbine sites.
 - c. Timeline and process for constructing the wind energy system.
 - d. Information regarding anticipated impact of the wind energy system on local infrastructure.
 - e. Information regarding noise anticipated to be attributable to the wind energy system.
 - f. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
 - g. Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 mile of the wind energy system.
 - h. Information regarding the anticipated effects of the wind energy system on airports and airspace.
 - i. Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
 - j. A list of all state and federal permits required to construct and operate the wind energy system.
 - k. Information regarding the planned use and modification of roads within the political subdivision during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
 - l. A copy of all emergency plans developed in collaboration with appropriate first responders and political subdivisions. An owner may file plans using confidential filing procedures as necessary.
 - i. Small wind energy systems are not required to provide emergency plans.
 - m. A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with the decommissioning requirements of this chapter.

- i. Small wind energy systems are not required to submit a decommissioning and site restoration plan.
 - n. A representative copy of all notices issued under PSC 128.30(5) and PSC 128.105 (1) (a) and 128.42 (1).
 - o. Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.
- 2. Any document or paper filed or otherwise submitted by an owner or any other interested party that relates to an application must be 8-1/2 x 11 inches in size. A person who wishes to submit a paper that is larger than 8-1/2 x 11 inches in size shall also submit a reduced copy that is 8-1/2 x 11-inches in size.

C.) Accuracy of Information

- 1. The owner shall ensure that information contained in an application is accurate.

D.) Duplicate copies

- 1. Each copy of the application shall include all documents, drawings, maps, worksheets, and other materials that are included in the original application.
- 2. The owner shall submit 10 physical copies of the application to the department and one copy of the application to the clerk of each town in which any wind energy system facility is located.
- 3. The owner shall submit 1 digital copy of the application to the department in a format that is acceptable to the department.

E.) Notice to Property Owners and Residents

- 1. On the same day an owner files an application for a wind energy system, the owner shall, under § 66.0401(4)(a)3, Wis. Stats., use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility.
 - a. Written notice of the filing of the application shall be provided by the owner only to property owners and residents located adjacent to the small wind energy system.
- 2. The notification shall include all of the following:
 - a. A complete description of the wind energy system, including the number and size of the wind turbines.
 - b. A map showing the locations of all proposed wind energy system facilities.
 - c. The proposed timeline for construction and operation of the wind energy system.
 - d. Locations where the application is available for public review.
 - e. Owner contact information.
- 3. After the department receives an application for a wind energy system, a notice under § 66.0401(4)(a)1, Wis. Stats shall be published. The notice shall include:
 - a. A brief description of the proposed wind energy system and its proposed location
 - b. The locations where the application is available for public review.

- c. The method and time period for the submission of public comments to the department.
- d. The approximate schedule for review of the application by the department

F.) Public Participation

1. The department shall make an application for a wind energy system available for public review at a local library and at the Green Lake County Government Center (571 County Road A, Green Lake, WI, 54941) and may post copies at other publicly accessible locations. The department shall also provide public access to the application electronically.
2. The department shall hold a public hearing during the initial 90-day application review period for the purpose of receiving public comments and to inform the public about a proposed large solar energy system. The first meeting shall be noticed under § 985.07(2), Wis. Stats. Additional meetings may be held and shall be noticed under § 985.07(1), Wis. Stats or § 985.07(2), Wis. Stats.
3. Written comments shall be mailed, hand delivered, or emailed to the department.

G.) Joint Application Review

1. If the wind energy system is proposed to be located in more than one political subdivision with jurisdiction over the wind energy system, the political subdivisions involved may conduct a joint application review process on their own motion or upon request. If an owner requests a joint application review, the owner shall include the request in its pre application notice the department. If the owner requests a joint application review process, the political subdivisions involved shall approve or deny this request within 60 days of receipt of the owner's notice of intent to file an application.
2. Except as provided in § 66.0401(4)(a)2, Wis. Stats., if the department elects to conduct a joint application review process, the process shall be consistent with this chapter and the political subdivisions shall establish the process within 90 days of the date the political subdivisions receive the owner's notice of intent to file an application. The department may follow the review process of another political subdivision for purposes of conducting a joint application review process concurrently with the other political subdivision. If a joint application review process is adopted, the owner shall file the joint-review process application with all of the political subdivisions participating in the joint review process.

14.) Application Completeness

A.) Complete Applications

1. An application is complete if it meets the content requirements of this chapter and PSC128.50 (1).
2. The department shall determine the completeness of an application and shall notify the owner in writing of the completeness determination, no later than 45

days after the day the application is filed. An application is considered filed the day the owner notifies the department in writing that all the application materials have been filed. If the department determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.

3. An owner may file a supplement to an application that the department has determined to be incomplete. There is no limit to the number of times that an owner may re-file an application. For incomplete applications, the owner shall provide additional information as specified in the notice determining the application is incomplete.
4. An additional 45-day completeness review period shall begin the day after the department receives responses to all items identified in the notice determining the application is incomplete.
 - a. If the owner fails to provide additional information specified in the notice of an incomplete application within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to payment of new applicable fees.
5. If the department does not make a completeness determination within the applicable review period, the application is considered to be complete.

B.) Requests for additional information

1. The department may request additional information necessary to understand the wind energy system after determining that an application is complete.
 - a. An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.

15.) Application Review

A.) Conditions for approval

1. An owner shall provide information about whether it has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the wind energy system from any federal or state agency and whether the owner has incorporated the non-binding recommendation into the design of the wind energy system.
 - a. Small wind energy systems are not required to provide this information.
2. An owner shall cooperate with any study of the effects of wind energy systems that is coordinated by a state agency.
 - a. Small wind energy systems are not required to cooperate with studies coordinated by a state agency.
3. An owner shall offer an agreement to the owner of a nonparticipating residence, if the residence is located within one-half mile of a constructed wind turbine, that includes the following initial annual monetary compensation of \$600 for 1 turbine located within one-half mile of a nonparticipating residence, \$800 for two turbines

located within one-half mile of a nonparticipating residence, and \$1,000 for 3 or more turbines located within one-half mile of a nonparticipating residence.

- a. The initial annual monetary compensation under this section shall apply to agreements entered into in 2011. For agreements entered into in 2012 and thereafter, the initial annual amounts shall increase each year by the greater of two percent or the increase in the Consumer Price Index, as described in §196.374 (5) (bm) 2, Wis. Stats.
 - b. An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under this ordinance or PSC 128 and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under this ordinance or PSC 128.
 - c. Small wind energy systems are exempt from this compensation requirement to a non-participating residence.
6. An owner shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within one-half mile of a constructed wind turbine if the farm operator demonstrates all of the following:
- a) Substantial evidence of a history, before the wind energy system owner gives its pre application notice, of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans, or sweet corn on all or part of the farm field located within one-half mile of a constructed wind turbine.
 - b) A material reduction in potato, pea, snap bean, or sweet corn production or a material increase in application costs on all or part of a farm field located within one-half mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.
 - c) Small wind energy systems are exempt from this compensation requirement to a farm operator.
4. An owner shall submit a copy of all necessary state and federal permits and approvals to the county within 30 days of the owner's receipt of any permit or approval that was not provided with the owner's application.
5. An owner shall, on or before January 31 of each year, file an annual report with the department documenting the operation and maintenance of the wind energy system during the previous calendar year.
- a. Small wind energy systems are not required to submit an annual report to the department.
6. An owner shall provide proof it has met all required financial assurance requirements of this chapter.

B.) Decision by the department

1. Once the owner is notified the application is complete, the department shall have 90 days to approve or deny the application. A written decision to approve or deny the application shall be provided to the owner and the commission.

2. The review period may be extended upon written notice to the applicant for one or more of the following reasons: but the total time for all extensions may not exceed 90 days:
 - a. Up to 45 days if additional information is needed.
 - b. Up to 90 days if the owner makes a material modification to the application.
 - c. Up to 90 days for other good cause specified in writing.
3. If the department fails to act within the 90 days, or within any extended time period, the application will be considered approved.

C.) Application Approval

1. The department shall provide the owner a duplicate original of the decision. The owner shall record the duplicate original with the Green Lake County Register of Deeds.
2. A written record of the decision shall be kept by the department until at least 7 years after the system is decommissioned.

D.) Application Denial

1. A written decision shall specify the reason(s) for denial.
2. A written record of the decision shall be kept by the department for at least 7 years after the decision to deny is issued.

E.) Records

1. The record of a department decision shall include:
 - a. The approved application and all additions or amendments to the application.
 - b. A representative copy of all notices issued under PSC 128.105(1), 128.30(5), and 128.42(1)
 - c. A record of any public meetings and any hearings related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.
 - d. Copies of any correspondence or evidentiary material that the department considered in relation to the application, including copies of all written public comments.
 - e. Minutes of any Green Lake County, board, council or committee meetings held to consider or act on the application.
 - f. A copy of the written decision to grant or deny the application.
 - g. Other materials that the department prepared to document its decision-making process.
 - h. A copy of any ordinance cited in or applicable to the decision.

16.) Change in Ownership

- 921 A. An owner shall provide the department with notice of any change in ownership of
922 the wind energy system on or before the effective date of the change.
923 B. A notice of change in ownership of the wind energy system shall include
924 information showing that the applicable financial responsibility requirements will
925 be met following the change in ownership.

926 **17.) Costs and Fees**

- 927 A. An owner shall pay at least 50% of the application review fee prior to the
928 department decision to approve or deny the application.
929 1. The department shall give written notice to the owner of its intent to
930 require 50% payment of the application review fee.
931 i. Notice shall be given within 10 days of the date the application is
932 deemed complete.
933 ii. The notice shall contain an estimate of the fee.
934 B. An owner shall not be required to pay a minimum of 50% of the application
935 review fee if the department fails to give written notice to the owner within 10
936 days of the date the application is deemed complete.
937 C. The small wind energy system application review fee shall be \$1000.
938 D. The large wind energy system application review fee shall be \$1500.

939 **20.) Post Construction Requirement**

- 940 A. Within 90 days of the date a wind energy system commences operation, the
941 owner shall file with the department and the Wisconsin Public Service
942 Commission an as-built description of the wind energy system, an accurate map
943 of the wind energy system showing the location of all wind energy system
944 facilities, geographic information system information showing the location of all
945 wind energy system facilities and current information identifying the owner of the
946 wind energy system.
947 B. An owner shall in the filings under this subsection label each wind turbine
948 location with a unique identifier consistent with the information posted at the wind
949 turbine location under PSC 128.18 (1)(g).
950 C. Small wind energy systems are exempt from the post construction filing
951 requirement.

952 **21.) Modifications to an Approved Wind Energy Facility**

- 953 A. Material Change
954 1. An owner may not make a material change in the approved design, location or
955 construction of a wind energy system without the prior written approval of the
956 department.
957 2. An owner shall submit an application for a material change to an approved wind
958 energy system to the department.

- a. An application for a material change shall contain information necessary to understand the material change.
- b. An application for a material change is subject to PSC 128.30 (1), (3) to (5), (6) (a) and (b), and (7) and PSC 128.31 to PSC 128.34.

B. Review Limited

1. The department may not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.
2. The department may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

22.) Compliance Monitoring

A.) Monitoring Procedure

1. An owner shall maintain a maintenance log for each wind turbine. The log must contain the following information regarding any maintenance performed on the wind turbine:
 - a. Date and time maintenance was performed.
 - b. Nature of the maintenance performed.
 - c. Reason for the maintenance.
2. An owner shall, at the owner's expense, provide the department with a copy of the maintenance log for each wind turbine for each month within 5 calendar days after the end of the month.

B.) Third Party Construction Inspector

1. The department may contract with a third-party inspector to monitor and report to the department regarding the owner's compliance with permit requirements during construction and operation.
2. The inspector monitoring compliance shall also report to a state permitting authority upon the state permitting authority's request.
3. The inspector shall make monthly written reports to the department.
4. The owner shall reimburse the department for the actual and necessary cost of the inspector.

C.) Small wind energy system exemption

1. Small wind energy systems shall be exempt from 350-47(A)(22)-

23.) Consultants

- A. The department is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this section.
- B. The corporation counsel is authorized to contract with outside attorneys to perform necessary services in connection with this section.

24.) Complaints

A.) Making a complaint

1. An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this chapter.
2. A complaint shall be made first to the owner of the wind energy system pursuant to a complaint resolution process developed by the owner.
3. A complainant may petition the department for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.
 - a. The petition for review must be filed with the department within 90 days of the date of the original complaint.
 - b. The petition must include the following:
 1. Name, address, and telephone number of the person filing the petition.
 2. Copy of the original complaint to the owner.
 3. Copy of the owner's initial response.
 4. Statement describing the unresolved complaint.
 5. Statement describing the desired remedy.
 6. Any other information the complainant deems relevant to the complaint.
 7. Notarized signature of the person filing the petition.
 - c. The department shall forward a copy of the petition to the owner by certified mail within 10 days of the department's receipt of the petition.
4. The department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
 - a. The department may retain such consultants or experts as it deems necessary to complete its review.
 - b. The department's decision is subject to review under §66.0401 (5), Wis. Stats.

B.) Complaint Resolution

1. An owner shall use reasonable efforts to resolve complaints regarding a wind energy system and shall investigate complaints regarding a wind energy system at the owner's expense.
2. Upon receipt of a complaint, an owner shall provide the complainant with a copy of the notice described in 350-47(A)(26). Within 30 days of receiving a complaint, an owner shall provide an initial response to the complainant.
 - a. Small energy systems are exempt from the notice and response requirements.
 - b. The response must include the following:
 1. Name, address, and telephone number of the person filing the response.
 2. Statement describing the actions taken by the owner in response to the complaint.

3. Statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved.
 4. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 5. Any other information the owner deems relevant to the complaint.
 6. Notarized signature of the person filing the response
3. An owner shall make a good faith effort to resolve complaints within 45 days of receiving a complaint. An owner shall notify the department of complaints that have not been resolved within 45 days of the date the owner received the original complaint.
 - a. Small wind energy systems are exempt from the requirements to resolve complaints in 45 days or to notify the department of unresolved complaints within 45 days.
 - b. The notice must include the following:
 1. Name, address, and telephone number of the person filing the notice.
 2. Statement describing the actions taken by the owner in response to the complaint.
 3. Statement of the reasons why the complaint remains unresolved.
 4. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 5. Any other information the owner deems relevant to the complaint.
 6. Notarized signature of the person filing the answer.
 4. An owner shall maintain a log of all complaints received regarding the wind energy system. The owner shall include in the log the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of a complaint log monthly, at no cost, to the department. An owner shall make any complaint log available to the commission upon request.
 - a. Small wind energy systems are exempt from the requirement to keep a log of all complaints.
 5. An owner shall develop a complaint resolution process that is consistent with PSC 128.40(2).
 - a. An owner shall, before construction of a wind energy system begins, provide the department with a written copy of the owner's complaint resolution process. An owner shall provide the department with a written copy of any changes to the complaint resolution process at least 30 days prior to implementing the change
 - b. Small wind energy systems are not required to develop a complaint resolution process.

25.) Monitoring Committee

1081 **A.) Committee**

- 1082 1. The department may establish a monitoring committee to oversee resolution of
1083 complaints regarding a large wind energy system. A monitoring committee shall
1084 include on the committee a member who is a local employee of an owner of a
1085 large wind energy system and, if in existence, at least one nonparticipating
1086 landowner residing in the Green Lake County within 0.5 mile of a wind turbine
1087 that is located in the Green Lake County.
1088 a. A committee may not be created to monitor a small wind energy system.

1089 **B.) Duties**

- 1090 1. A monitoring committee may do any of the following:
1091 a. Maintain a record of all complaints brought to it.
1092 b. Require the owner to provide the committee with information regarding the
1093 owner's response to any complaint forwarded to the owner by the
1094 committee.
1095 c. Recommend to the department a reasonable resolution to a complaint
1096 based upon the information gathered by the committee.

1097 **C.) Multiple Jurisdictions**

- 1098 1. If a wind energy system is located in more than one political subdivision with
1099 jurisdiction over the wind energy system and multiple political subdivisions decide
1100 to establish a monitoring committee, the political subdivisions shall jointly
1101 establish a single monitoring committee to oversee resolution of complaints
1102 regarding the wind energy system.

1103 **26.) Notice to Property Owners**

1104 **A.) Notice of process for making complaints**

- 1105 1. Before construction of a wind energy system begins, an owner shall provide
1106 written notice of the process for making complaints and obtaining mitigation
1107 measures to all residents and landowners within 0.5 mile of any wind energy
1108 system facility. An owner shall include in the notice the requirements for
1109 submitting a complaint to the owner, a petition for review to the department, and
1110 an appeal to the commission, and shall include a contact person and telephone
1111 number for the owner for receipt of complaints or concerns during construction,
1112 operation, maintenance and decommissioning.
1113 2. Small wind energy systems are exempt from this notification requirement.

1114 **B.) Notice to the department**

- 1115 1. An owner shall, before construction of a wind energy system begins, provide the
1116 department with a copy of the notice issued to property owners, along with a list
1117 showing the name and address of each person to whom the notice was sent and
1118 a list showing the name and address of each political subdivision to which the
1119 notice was sent.

- 1120 2. An owner shall, before construction of a wind energy system begins, file with the
1121 department the name and telephone number of the owner's contact person for
1122 receipt of complaints or concerns during construction, operation, maintenance,
1123 and decommissioning. The owner shall keep the name and telephone number of
1124 the contact person on file with the department current.
1125 3. Small wind energy systems are exempt from this notification requirement.

1126
1127 B. Roof and Wall mounted solar energy systems

- 1128 1. Roof-mounted and wall mounted solar energy systems are exempt from the land use
1129 permit requirements under 350-65 except for ground mounted features.
1130 2. Roof mounted and wall mounted solar energy systems exceeding 10 feet in elevation
1131 above the existing roof elevation shall require a CUP.
1132 3. Roof mounted and wall mounted solar energy systems extending over 10 feet beyond
1133 the existing structure walls shall require a CUP.

1134 C. Small ground mounted solar energy systems

- 1135 1. Ground-mounted solar panel arrays that exceed eight feet in adjusted height (lowest
1136 adjacent grade to maximum vertical extent) or have a collector surface area greater
1137 than 55 square feet must be authorized by a land use permit and are required to meet
1138 all the required setbacks set forth in 350-20 and 350-50
1139 2. Ground-mounted small scale solar energy systems exceeding 25 feet in adjusted
1140 height shall require a CUP (lowest adjacent grade to maximum vertical extent).

1141 D. Large ground mounted solar energy systems

1142 1.) *Purpose Statement*

1143 The purpose of this ordinance is to incorporate and adopt the requirements of §
1144 66.0401, Wis Stats. as a local ordinance and to establish local regulations on the
1145 installation and use of large solar energy systems that serves to preserve or protect the
1146 public health or safety, does not significantly increase the cost of the system or
1147 significantly decrease its efficiency, or allows for an alternative system of comparable
1148 cost and efficiency.

1149 2.) *Land Use Permit*

- 1150 A. Large solar energy systems shall require a land use permit prior to installing,
1151 constructing, or modifying the large solar energy system.
1152 a. Land use permits for large solar energy systems shall be valid until 90
1153 days after the system commences operation.
1154 b. Land use permits for large solar energy systems shall expire if
1155 construction of the solar energy system is not commenced within 24
1156 months of the date of permit issuance.

1157 3.) *Existing Property uses*

1158 A.) *Agricultural Use*

- 1159 1. An owner shall design a large solar energy system to reasonably minimize the
1160 conversion of land from agricultural use.

2. To the extent feasible and practical, use existing agricultural land for both agriculture and electricity. Possible options include but are not limited to:
 - a. Planting and maintaining pollinator-friendly native plant species and reduced herbicide applications.
 - b. Grazing of livestock such as cattle, sheep, goats, and or chickens.
 - c. Planting of shade tolerant crops.

4.) *Siting Criteria*

A.) Setback distance and height requirements

1. An owner shall design and construct a large solar energy system using the setback distances listed in chapter 350-20 and 350-50.
2. An owner shall work with the department and owners of participating and nonparticipating properties to site a large solar energy system to minimize individual hardships.
3. Battery energy storage systems over 1 MWh shall not be located within 150 feet of a nonparticipating-residence or well.

5.) *Noise*

A.) Planning

1. An owner shall design the proposed large solar energy system to minimize noise at a residence or occupied community building to a threshold no greater than 50 decibels during daytime hours or 45 decibels during nighttime hours.

6.) *Stray Voltage*

A.) Testing Required

1. An owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a large solar energy system facility pursuant to the stray voltage protocol established by the commission before any solar energy system construction activity that may interfere with testing commences and again after construction of the solar energy system is completed.
2. Before any testing, an owner shall work with commission staff to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required shall conduct or arrange to conduct all required testing at the expense of the owner.

B.) Results of Testing

1. An owner and the electric distribution company shall provide to commission staff the results of all stray voltage testing in writing.

C.) Requirements to rectify problems

1. An owner shall work with the electric distribution company and farm owner to rectify any stray voltage problems attributable to the construction and operation of the large solar energy system, in compliance with the commission's stray voltage protocol.

7.) Construction and operation

A.) Physical characteristics

1. An owner shall ensure that all large solar energy system facility access doors, gates, and electrical equipment are locked when authorized personnel are not present.
2. An owner shall place appropriate warning signage on or at the entrance of each large solar energy system facility.
3. An owner shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the large solar energy system. An owner shall post these signs at every intersection of a solar energy system access road with a public road.
4. An owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a large solar energy system. An owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a large solar energy system. An owner may attach a safety feature to a large solar energy system.
5. All lighting at a large solar energy system shall be installed in compliance with standards established by 350-23.

B.) Electrical standards

1. An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and PSC 114 and shall construct, maintain, and operate all large solar energy system facilities in a manner that complies with the national electrical code.

C.) Construction, operation, and maintenance standards

1. An owner shall construct, operate, repair, maintain and replace large solar energy system facilities as needed to keep the large solar energy system in good repair and operating condition and in a manner that protects individuals from injury.
2. An owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its large solar energy facilities in order to minimize soil compaction, protect the topsoil, prevent topsoil mixing, and avoid and repair any damage to drainage systems on agricultural land.
3. An owner shall describe the applicable best practices that it intends to use in the placement, construction, operation, and maintenance of its large solar energy facilities in its application.
4. Except for the area physically occupied by the large solar energy system facilities, an owner shall restore the topography, soils and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
5. An owner shall carry general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation or

decommissioning of the large solar energy system and shall include host property owners as additional insured persons on the policy.

D.) Emergency Procedure

1. An owner shall notify the department of the occurrence and nature of a large solar energy system emergency within 24 hours of the large solar energy system emergency.
2. An owner shall establish and maintain a liaison with each political subdivision within which its large solar energy systems facilities are located and with fire, police, and other appropriate first responders serving the large solar energy system to create emergency plans that include all of the following:
 - a. A list of the types of large solar energy system emergencies that require notification to the department within 24 hours of the large solar energy system emergency.
 - b. Current emergency contact information for first responders and for the large solar energy system owner, including names and phone numbers.
 - c. Procedures for handling different types of large solar energy system emergencies, including written procedures that provide for shutting down the large solar energy system or a portion of the system as appropriate.
 - d. Duties and responsibilities of the owner and of first responders in the event of a large solar energy system emergency.
 - e. An emergency evacuation plan for the area within 0.5 mile of any large solar energy system facility, including the location of alternate landing zones for emergency services aircraft.
3. The owner shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.
4. The owner shall distribute current and revised copies of the emergency plan to the following:
 - a. The department
 - b. Green Lake County Sheriff's Office
 - c. Green Lake County Emergency Management Department
 - d. Clerk for any town, city or village within which its large solar energy systems facilities are located or that are within one-half mile of any of its large solar energy systems facilities.
 - e. Any fire, police, or other first responder identified by the county's emergency management director or the clerk of any city, village, or town who has received a copy of the owner's emergency plans.
5. An owner shall provide annual training for the county's emergency management department, sheriff's department, and any other fire, police, or other first responder identified in the owner's emergency plans.
6. An owner of a large solar energy system shall do all of the following:

- 1286 a. Furnish its operator, supervisors and employees who are responsible for
1287 emergency action a copy of the current edition of the emergency
1288 procedures established under this section to ensure compliance with
1289 those procedures.
- 1290 b. Train the appropriate operating personnel to ensure they have knowledge
1291 of the emergency procedures and verify that the training is effective.
- 1292 7. If an owner is required to implement its emergency plans as the result of a large
1293 solar energy system emergency, it shall conduct a review of employee activities
1294 to determine whether the procedures were effectively followed. The owner shall
1295 provide the county's emergency management director with a copy of its review. If
1296 the review results in any changes to its emergency plans, the owner shall
1297 redistribute the revised emergency plans.
- 1298 *8.) Decommissioning*
- 1299 *A.) Requirement to Decommission*
- 1300 1. An owner of a large solar energy system shall decommission and remove the
1301 large solar energy system when the system is at the end of its useful life.
- 1302 2. A large solar energy system is presumed to be at the end of its useful life if the
1303 large solar energy system generates no electricity for a continuous 360-day
1304 period.
- 1305 3. Upon application by the owner, and except when the department finds the owner
1306 is not capable of returning the large solar energy system to service with a
1307 reasonable time, the department shall grant an extension of the time period for
1308 returning the large solar energy system to service by one or more additional 180
1309 day periods if the owner demonstrates it is likely the large solar energy system
1310 will operate again in the future and any of the following occur:
- 1311 a. The owner submits a plan to the department that demonstrates an
1312 ongoing good faith effort to return the large solar energy system to service
1313 and outlines the steps and schedule for returning the large solar energy
1314 system to service in a reasonable period of time, including by repairing or
1315 replacing the large solar energy system facilities as necessary to generate
1316 electricity.
- 1317 b. The owner demonstrates that the large solar energy system is part of a
1318 prototype or other demonstration project being used for ongoing research
1319 or development purposes.
- 1320 c. The owner demonstrates that the large solar energy system is being used
1321 for educational purposes.
- 1322 4. The department may deny a request for an extension if the large solar energy
1323 system has not generated any electricity for a continuous period of 540 days or
1324 more and the department finds that the owner is not capable of returning the
1325 large solar energy system to service within a reasonable period of time.

5. A large solar energy system is irrebuttably presumed to be at the end of its useful life if the large solar energy system generates no electricity for a period of 540 days and any of the following occur:
 - a. The owner does not request an extension of the time period for returning the large solar energy system to service.
 - b. The department denies a request for an extension and any appeal rights have expired.
6. When decommissioning is required, the owner shall begin decommissioning within 360 days after the large solar energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the large solar energy system within 540 days after the large solar energy system has reached the end of its useful life.
7. If the owner fails to remove a large solar energy system and reclaim the site, the department may remove or cause the removal of the large solar energy system and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

B.) Decommissioning Review

1. An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its large solar energy systems facilities are located when a large solar energy system approved by the department has been decommissioned and removed.
2. The department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the large solar energy system as required by this chapter and whether the owner has complied with its site restoration obligation in this chapter.
3. The owner shall cooperate with the department by participating in the decommissioning review process.
4. Within 360 days of receiving a notice of decommissioning, the department shall determine whether the owner has satisfied the applicable decommissioning requirements.

C.) Financial Responsibility

1. The owner of a large solar energy system shall maintain proof of the owner's ability to fund the actual and necessary cost to decommission the large solar energy system and shall ensure the availability of funds necessary for decommissioning throughout the expected life of the large solar energy system and through to completion of the decommissioning activities.
 - a. An owner shall provide financial assurance for the actual and necessary cost to decommission the large solar energy system before commencing major civil construction.
2. An owner may comply with financial assurance requirements by choosing to provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances.

3. Financial assurance shall place the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the large solar energy system until such time as the county determines that the large solar energy system has been decommissioned or the county approves the release of the funds, whichever occurs first. The financial assurance must also provide that the county may access the funds for the purpose of decommissioning the large solar energy system if the owner does not decommission the system when decommissioning is required.
4. An owner shall provide the county with 3 estimates of the actual and necessary cost to decommission the large solar energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the department. The amount of financial assurance required by the county will be the average of the 3 estimates.
5. The department may periodically request information from the owner regarding industry costs for decommissioning the large solar energy system. If the department finds that the future anticipated cost to decommission the large solar energy system is at least 10 percent more or less than the amount of financial assurance provided under this section, the department may correspondingly increase or decrease the amount of financial assurance required. The department may not adjust the financial assurance under more often than once in a 5-year period.
6. The department may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

D.) Site Restoration

1. If a large solar energy system was constructed on land owned by a person other than the owner of the large solar energy system, the owner of the large solar energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
2. If a large solar energy system was constructed on a brownfield, as defined in §238.13 (1)(a), Wis. Stats., the owner shall restore the property to eliminate effects caused by the large solar energy system, except for the effects of environmental remediation activities, as defined in §238.13 (1)(d), Wis. Stats.

9.) Application

A.) Application requirements

1. An owner shall file an application to construct a large solar energy system with the department.

B.) Contents of an application

1. An owner shall complete and file an application with the department that includes all of the following:

- a. Large Solar energy system description and maps showing the locations of all proposed large solar energy facilities.
 - b. Technical description of large solar energy system facilities.
 - c. Timeline and process for constructing the large solar energy system.
 - d. Information regarding anticipated impact of the large solar energy system on local infrastructure.
 - e. Information regarding noise anticipated to be attributable to the large solar energy system.
 - f. Information regarding the anticipated effects of the large solar energy system on existing land uses within 0.5 mile of the large solar energy system.
 - g. A list of all state and federal permits required to construct and operate the large solar energy system.
 - h. Information regarding the planned use and modification of roads within the political subdivision during the construction, operation, and decommissioning of the large solar energy system, including a process for assessing road damage caused by large solar energy system activities and for conducting road repairs at the owner's expense.
 - i. A copy of all emergency plans developed in collaboration with appropriate first responders and political subdivisions. An owner may file plans using confidential filing procedures as necessary.
 - j. A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with the decommissioning requirements of this chapter.
 - k. A representative copy of all notices issued
 - l. Any other information necessary to understand the construction, operation or decommissioning of the proposed large solar energy system.
2. Any document or paper filed or otherwise submitted by an owner or any other interested party that relates to an application must be 8-1/2 x 11 inches in size. A person who wishes to submit a paper that is larger than 8-1/2 x 11 inches in size shall also submit a reduced copy that is 8-1/2 x 11-inches in size.

C.) Accuracy of Information

1. The owner shall ensure that information contained in an application is accurate.

D.) Duplicate copies

1. Each copy of the application shall include all documents, drawings, maps, worksheets, and other materials that are included in the original application.
2. The owner shall submit 10 physical copies of the application to the department and one copy of the application to the clerk of each town in which any large solar energy system facility is located.
3. The owner shall submit 1 digital copy of the application to the department in a format that is acceptable to the department.

1452 F.) Public Participation

- 1453 1. The department shall make an application for a large solar energy system
1454 available for public review at the Green Lake County Government Center (571
1455 County Road A, Green Lake, WI, 54941) and may post copies at other publicly
1456 accessible locations. The department shall also provide public access to the
1457 application electronically.
- 1458 2. The department shall hold a public hearing during the initial 90-day application
1459 review period for the purpose of receiving public comments and to inform the
1460 public about a proposed large solar energy system. The first meeting shall be
1461 noticed under § 985.07(2), Wis. Stats. Additional meetings may be held and shall
1462 be noticed under § 985.07(1), Wis. Stats or § 985.07(2), Wis. Stats.
- 1463 3. Written comments shall be mailed, hand delivered, or emailed to the department.

1464 G.) Joint Application Review

- 1465 1. If the large solar energy system is proposed to be located in more than one
1466 political subdivision with jurisdiction over the large solar energy system, the
1467 political subdivisions involved may conduct a joint application review process on
1468 their own motion or upon request. If an owner requests a joint application review,
1469 the owner shall include the request in its application notice the department. If the
1470 owner requests a joint application review process, the political subdivisions
1471 involved shall approve or deny this request within 60 days of receipt of the
1472 owner's application.
- 1473 2. Except as provided in § 66.0401(4)(a)2, Wis. Stats., if the department elects to
1474 conduct a joint application review process, the process shall be consistent with
1475 this chapter and the political subdivisions shall establish the process within 90
1476 days of the date the political subdivisions receive the owner's application. The
1477 department may follow the review process of another political subdivision for
1478 purposes of conducting a joint application review process concurrently with the
1479 other political subdivision. If a joint application review process is adopted, the
1480 owner shall file the joint-review process application with all of the political
1481 subdivisions participating in the joint review process.

1482 10.) Application Completeness

1483 A.) Complete Applications

- 1484 1. An application is complete if it meets the content requirements of this chapter
- 1485 2. The department shall determine the completeness of an application and shall
1486 notify the owner in writing of the completeness determination, no later than 45
1487 days after the day the application is filed. An application is considered filed the
1488 day the owner notifies the department in writing that all the application materials
1489 have been filed. If the department determines that the application is incomplete,
1490 the notice provided to the owner shall state the reasons for the determination.
- 1491 3. An owner may file a supplement to an application that the department has
1492 determined to be incomplete. There is no limit to the number of times that an
1493 owner may re-file an application. For incomplete applications, the owner shall

provide additional information as specified in the notice determining the application is incomplete.

4. An additional 45-day completeness review period shall begin the day after the department receives responses to all items identified in the notice determining the application is incomplete.
 - a. If the owner fails to provide additional information specified in the notice of an incomplete application within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to payment of new applicable fees.
5. If the department does not make a completeness determination within the applicable review period, the application is considered to be complete.

B.) Requests for additional information

1. The department may request additional information necessary to understand the solar energy system after determining that an application is complete.
 - a. An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.

A.) Application completeness

1. Upon receiving an application, the department shall determine whether it is complete and, no later than 45 days after the application is filed, notify the applicant about the determination.
2. After receiving the application for approval, the department shall publish a class 1 notice, under § 985.07(1), Wis. Stats, stating that an application for approval has been filed with the department.

11.) Application Review

A.) Conditions for approval

1. An owner shall provide information about whether it has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the large solar energy system from any federal or state agency and whether the owner has incorporated the non-binding recommendation into the design of the large solar energy system.
2. An owner shall cooperate with any study of the effects of large solar energy systems that is coordinated by a state agency.
3. An owner shall submit a copy of all necessary state and federal permits and approvals to the county within 30 days of the owner's receipt of any permit or approval that was not provided with the owner's application.
4. An owner shall, on or before January 31 of each year, file an annual report with the department documenting the operation and maintenance of the large solar energy system during the previous calendar year.

5. An owner shall provide proof it has met all required financial assurance requirements of this chapter.

B.) Decision by the department

1. Once the owner is notified the application is complete, the department shall have 90 days to approve or deny the application. A written decision to approve or deny the application shall be provided to the owner and the commission.
2. The review period may be extended upon written notice to the applicant for one or more of the following reasons: but the total time for all extensions may not exceed 90 days:
 - a. Up to 45 days if additional information is needed.
 - b. Up to 90 days if the owner makes a material modification to the application.
 - c. Up to 90 days for other good cause specified in writing.
3. If the department fails to act within the 90 days, or within any extended time period, the application shall be considered approved.

C.) Application Approval

1. The department shall provide the owner a duplicate original of the decision. The owner shall record the duplicate original with the Green Lake County Register of Deeds.
2. A written record of the decision shall be kept by the department until at least 7 years after the system is decommissioned.

D.) Application Denial

1. A written decision shall specify the reason(s) for denial.
2. A written record of the decision shall be kept by the department for at least 7 years after the decision to deny is issued.

E.) Records

1. The record of a department decision shall include:
 - a. The approved application and all additions or amendments to the application.
 - b. A representative copy of all notices
 - c. A record of any public meetings and any hearings related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.
 - d. Copies of any correspondence or evidentiary material that the department considered in relation to the application, including copies of all written public comments.
 - e. Minutes of any Green Lake County, board, council or committee meetings held to consider or act on the application.
 - f. A copy of the written decision to grant or deny the application.
 - g. Other materials that the department prepared to document its decision-making process.

h. A copy of any ordinance cited in or applicable to the decision.

12.) Change in Ownership

A. An owner shall provide the department with notice of any change in ownership of the large solar energy system on or before the effective date of the change.

B. A notice of change in ownership of the large solar energy system shall include information showing that the applicable financial responsibility requirements will be met following the change in ownership.

13.) Costs and Fees

A. An owner shall pay a large solar energy system application review fee of \$1000 prior to the department decision to approve or deny the application.

14.) Post Construction Requirement

A. Within 90 days of the date a large solar energy system commences operation, the owner shall file with the department and the Wisconsin Public Service Commission an as-built description of the large solar energy system, an accurate map of the large solar energy system showing the location of all large solar energy system facilities, geographic information system information showing the location of all large solar energy system facilities and current information identifying the owner of the large solar energy system.

15.) Modifications to an Approved Solar Energy Facility

A. Material Change

1. An owner may not make a material change in the approved design, location or construction of a large solar energy system without the prior written approval of the department.

2. An owner shall submit an application for a material change to an approved large solar energy system to the department.

a. An application for a material change shall contain information necessary to understand the material change.

B. Review Limited

1. The department may not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.

2. The department may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved large solar energy system.

16.) Compliance Monitoring

A.) Monitoring Procedure

1. An owner shall maintain a maintenance log for the large solar energy system. The log must be submitted to the department annually. The log must contain the following information regarding any maintenance performed on the large solar energy system:

a. Date and time maintenance was performed.

b. Nature of the maintenance performed.

c. Reason for the maintenance.

1618 B.) Third Party Construction Inspector

- 1619 1. The department may contract with a third-party inspector to monitor and report to
- 1620 the department regarding the owner's compliance with permit requirements
- 1621 during construction and operation.
- 1622 2. The inspector monitoring compliance shall also report to a state permitting
- 1623 authority upon the state permitting authority's request.
- 1624 3. The inspector shall make monthly written reports to the department.
- 1625 4. The owner shall reimburse the department for the actual and necessary cost of
- 1626 the inspector.

1627 17.) Consultants

- 1628 A. The department is authorized to contract with one or more engineers,
- 1629 environmental specialists, planners, and other consultants and experts to
- 1630 perform necessary services in connection with this section.
- 1631 B. The corporation counsel is authorized to contract with outside attorneys to
- 1632 perform necessary services in connection with this section.
- 1633 C. The owner shall reimburse the department for the actual and necessary cost of
- 1634 the consultants.

1635 18.) Complaints

1636 A.) Making a complaint

- 1637 1. An aggrieved person may make a complaint regarding failure by an owner to
- 1638 comply with an obligation under this chapter.
- 1639 2. A complaint shall be made first to the owner of the large solar energy system
- 1640 pursuant to a complaint resolution process developed by the owner.
- 1641 3. A complainant may petition the department for review of a complaint that is not
- 1642 resolved within 45 days of the day the owner receives the original complaint.
 - 1643 a. The petition for review must be filed with the department within 90 days of
 - 1644 the date of the original complaint.
 - 1645 b. The petition must include the following:
 - 1646 i. Name, address, and telephone number of the person filing the
 - 1647 petition.
 - 1648 ii. Copy of the original complaint to the owner.
 - 1649 iii. Copy of the owner's initial response.
 - 1650 iv. Statement describing the unresolved complaint.
 - 1651 v. Statement describing the desired remedy.
 - 1652 vi. Any other information the complainant deems relevant to the
 - 1653 complaint.
 - 1654 vii. Notarized signature of the person filing the petition.
 - 1655 c. The department shall forward a copy of the petition to the owner by
 - 1656 certified mail within 10 days of the department's receipt of the petition.
- 1657 4. The department shall issue a written decision and may take such enforcement
- 1658 action as it deems appropriate with respect to the complaint.

- a. The department may retain such consultants or experts as it deems necessary to complete its review.
- b. The department's decision is subject to review under §66.0401 (5), Wis. Stats.

B.) Complaint Resolution

- 1. An owner shall use reasonable efforts to resolve complaints regarding a large solar energy system and shall investigate complaints regarding a large solar energy system at the owner's expense.
 - i. Within 30 days of receiving a complaint, an owner shall provide an initial response to the complainant.
 - a. The response must include the following:
 - i. Name, address, and telephone number of the person filing the response.
 - ii. Statement describing the actions taken by the owner in response to the complaint.
 - iii. Statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved.
 - iv. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 - v. Any other information the owner deems relevant to the complaint.
 - vi. Notarized signature of the person filing the response
 - j. An owner shall make a good faith effort to resolve complaints within 45 days of receiving a complaint. An owner shall notify the department of complaints that have not been resolved within 45 days of the date the owner received the original complaint.
 - a. The notice must include the following:
 - i. Name, address, and telephone number of the person filing the notice.
 - ii. Statement describing the actions taken by the owner in response to the complaint.
 - iii. Statement of the reasons why the complaint remains unresolved.
 - iv. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 - v. Any other information the owner deems relevant to the complaint.
 - vi. Notarized signature of the person filing the answer.
 - k. An owner shall maintain a log of all complaints received regarding the large solar energy system. The owner shall include in the log the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of a complaint log monthly, at no cost, to the department. An owner shall make any complaint log available to the commission upon request.
 - l. An owner shall develop a complaint resolution process

- a. An owner shall, before construction of a large solar energy system begins, provide the department with a written copy of the owner's complaint resolution process. An owner shall provide the department with a written copy of any changes to the complaint resolution process at least 30 days prior to implementing the change

19.) Notice to Property Owners

A.) Notice of process for making complaints

1. Before construction of a large solar energy system begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any large solar energy system facility. An owner shall include in the notice the requirements for submitting a complaint to the owner, a petition for review to the department, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.

B.) Notice to the department

1. An owner shall, before construction of a large solar energy system begins, provide the department with a copy of the notice issued along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.
2. An owner shall, before construction of a large solar energy system begins, file with the department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the department current.

E. Definitions

Battery energy storage system (BESS)- An electrochemical device that charges, or collects, energy from the electric grid or a generation facility, stores that energy, and then discharges that energy at a later time to provide electricity or other electric grid services.

Commercial communications- includes communications used by government and military entities for emergency purposes, licensed amateur radio service, and non-emergency communications used by agricultural, business, government, and military entities including aviation radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight, microwave, personal communications service, weather radar, and wireless internet service.

Commission- means the Wisconsin Public Service Commission

Collector surface- means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, supports and mounting hardware.

Daytime hours- the hours beginning at 6:00 a.m. standard time and ending at 10:00 p.m. standard time daily.

Decommissioning- means removal of all of the following:

1. The above ground portion of a wind or solar energy system, including wind turbines, solar collectors, and related facilities, except for access roads if removal has been waived by the property owner.
2. All below ground facilities, except the following
 - a. Underground collector circuit facilities
 - b. Those portions of concrete structures 4 feet or more below grade.

Department - means the Green Lake County Land Use Planning and Zoning Department

Director - means the director of the Green Lake County Land Use Planning and Zoning Department.

DNR- means the Wisconsin Department of Natural Resources

Impermissible interference- means the blockage of wind from a wind energy system or solar energy from a collector surface or proposed collector surface for which a permit has been granted under this section if such blockage is by any structure or vegetation on property, an owner of which was notified under §66.0403(3)(b), Wis. Stats.

“Impermissible interference” does not include:

1. Blockage by a narrow protrusion, including but not limited to a pole or wire, which does not substantially interfere with absorption of solar energy by a solar collector or does not substantially block wind from a wind energy system.
2. Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date the last notice is mailed or delivered under §66.0403(3)(b), Wis. Stats.
3. Blockage by any vegetation planted before the date the last notice is mailed or delivered under §66.0403(3)(b)

Large solar system- means a solar energy system with a combined collector surface area over 2500 square feet and an energy capacity of under 100 MW.

Large wind energy system- has a capacity of less than 100 megawatts but more than a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

Maximum blade tip height- means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, “maximum blade tip height” means the actual hub height plus the blade length.

Nameplate capacity- means the nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.

Nighttime hours- The hours beginning at 10:00 p.m. standard time and ending at 6:00 a.m. standard time daily.

Nonparticipating property- means real property that is not a participating property.

Nonparticipating residence- means a residence located on nonparticipating property.

Occupied community building- means a school, church, or similar place of worship, daycare facility, or public library.

Owner- means

1. person with a direct ownership interest in a wind or solar energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind or solar energy system.
2. At the time a wind or solar energy system is being developed, a person who is acting as a wind or solar energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind or solar energy system, regardless of whether the person will own or operate the wind or solar energy system.

Participating property- means any of the following

1. A turbine or solar energy system host property.
2. Real property that is the subject of an agreement that does all of the following.
 - a. Provides for the payment of monetary compensation to the landowner from an owner regardless of whether any part of a wind or solar energy system is constructed on the property.
 - b. Specifies in writing any waiver of a requirement or right under this chapter and that the landowner's acceptance of payment establishes the landowner's property as a participating property.

Participating residence – means a residence located on participating property

Personal communications- includes wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.

Political subdivision- has the meaning given in § 66.0401(1e)(c), Wis. Stats.

Residence- means an occupied primary or secondary personal residence including a manufactured home as defined in § 101.91(2), Wis. Stats., a hospital, community-based residential facility, residential care apartment complex or similar facility, or a nursing home. "Residence" includes a temporarily unoccupied primary or secondary personal residence. "Residence" does not include any of the following:

1. A recreational vehicle as defined in § 340.01(48r), Wis. Stats., notwithstanding the length of the vehicle.
2. A camping trailer as defined in § 340.01(6m), Wis. Stats.
3. A permanently abandoned personal residence.

PSC 128- means Wis. Admin. Code Ch. PSC 128, Wind Energy Systems.

Shadow flicker- means a pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

Small solar energy system- means a solar energy system with a combined collector surface area under 2500 square feet.

Small wind energy system- means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

Solar access easement- means a written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the solar resource on another property.

Solar collector- means a device, structure or a part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

Solar energy- means direct radiant energy received from the sun.

Solar energy system- means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. This system includes battery energy storage systems.

Solar energy system easement- means a written document that creates a legal interest in real property that permits an owner to place, construct or operate a solar energy system facility on the property.

Solar energy system emergency- means a condition or situation at a solar energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to solar energy system facilities

solar energy system lease- means a written agreement between a landowner and an owner that establishes the terms and conditions associated with the placement, construction or operation of a solar energy system facility on a landowner's property.

Solar energy system facility- means any component of a solar energy system, such as a solar collector, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.

Standard time- means the solar time of the ninetieth meridian west of Greenwich.

Turbine host property- means real property on which at least one wind turbine is located.

Wind access easement- means a written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the wind resource on another property.

Wind energy system- has the meaning given in § 66.0403(1)(m), Wis. Stats., and is used to convert wind energy to electrical energy.

Wind energy system easement- means a written document that creates a legal interest in real property that permits an owner to place, construct or operate a wind turbine or other wind energy system facility on the property.

Wind energy system emergency- means a condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.

Wind energy system facility- means any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.

Wind energy system lease- means a written agreement between a landowner and an owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner's property.

1877 **BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon passage
1878 and publication.