



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, September 3, 2026.

Packet Pages:

- 2 Agenda
- 3-4 Draft Meeting Minutes from 8/6/26
- 5-6 July Financial Reports
- 7-9 July Land Use & Sanitary Reports
- 10-11 Violation Status Reports
- 12 Public Hearing Notice
- 13-56 **Item #1: Applicants:** Green Lake County Land Use Planning & Zoning Committee, **Request:** The committee is requesting an amendment to Chapter 338, Shoreland Zoning Ordinance of the Code of Green Lake County, more specifically, to account for recent changes to the State Administrative Code.
- 57-79 **Item #2: Owner:** Steven Draeger & Robin Hein, **Agent:** Madelyn Koerner – WE Energies, **Location:** County Highway H, **Parcel:** 006-00980-0000, **Legal Description:** Part of the SE ¼ of the NE ¼ of Section 34, T15N, R12E, Town of Green Lake, ±.008 acres, **Request:** The owners are requesting a Conditional Use Permit for a gas regulator station and the necessary access to the easement area.



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, September 3, 2026, Time: 8:30 AM
Green Lake County Government Center, County Board Room
571 County Rd A, Green Lake WI

***Amended*AGENDA**

Committee Members

Charles Buss-Chair
William Boutwell-Vice Chair
Brian Floeter
LuAnn Mirr-Frank
Gene Thom

Secretary: Pam Dykstra

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 8/6/2026
 5. *Public Appearance: Mason Steffes – Signature Homes – regarding living space in attached garages
 6. Department Activity Reports
 - a) Financial Reports
 - b) Land Use & Septic permits
 - c) Violation reports
 7. Comprehensive Plan Update
 8. 2027 LUP&Z Department Restructure Proposal Status
 9. Public Comment (3-minute limit)
 10. Public Hearing: (Not to begin before 9:00 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

Item #1: Applicants: Green Lake County Land Use Planning & Zoning Committee, **Request:** The committee is requesting an amendment to Chapter 338, Shoreland Zoning Ordinance of the Code of Green Lake County.

Item #2: Owner: Steven Draeger & Robin Hein, **Agent:** Madelyn Koerner – WE Energies, **Location:** County Highway H, **Parcel:** 006-00980-0000, **Legal Description:** Part of the SE ¼ of the NE ¼ of Section 34, T15N, R12E, Town of Green Lake, ±.008 acres, **Request:** The owners are requesting a Conditional Use Permit for a gas regulator station and the necessary access to the easement area.

11. Committee Discussion
 - a) Future Meeting Dates: October 1, 2026 @ 8:30am
 - b) Future Agenda items for action & discussion
 - c) Public Hearing items in October – Weiler Rezone
12. Adjourn

Microsoft Teams meeting

Join: <https://teams.microsoft.com/meet/21820807371510?p=fxMDIYluliuwKJ9CtC>

Meeting ID: 218 208 073 715 10

Passcode: zT7F59xc

[Need help?](#) | [System reference](#)

Dial in by phone

[+1 920-515-0745,,254027144#](#) United States, Appleton

[Find a local number](#)

Phone conference ID: 254 027 144#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

Please accept at your earliest convenience. Thank you!

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, August 6, 2026**

CALL TO ORDER

Chair Charles Buss called the Planning & Zoning meeting to order at 8:30 AM 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: Gene Thom, Chuck Buss, LuAnn Mirr-Frank, Brian Floeter, Bill Boutwell

Absent:

Also Present: Pamala Dykstra, Deputy County Clerk; Jessica McLean, Treasurer; Stefanie Meeker, Real Property Lister/Deputy Treasurer; Gerald Stanuch, GIS Specialist/Land Information Officer; Noah Brown, Land Use and Shoreland Specialist; Matt Kirkman, Land Use Planning & Zoning Director; Jason Jerome, County Manager, Kayla Yonke, Finance Director (Remote 8:41 am); Renee Thiem-Korth, Register of Deeds (started remote at 8:48); Samantha Stobbe, County Clerk (remote)

APPROVAL OF MINUTES

Motion/second (Boutwell/Floeter) to approve the minutes of the 6/4/2026 meeting with no additions or corrections. Motion carried with no negative vote.

REGISTER OF DEEDS REPORT

Thiem-Korth went over report found in the packet. Discussion held.

REGISTER OF DEEDS 2027 BUDGET

Thiem-Korth went over report found in the packet. Jerome explained budget process. Discussion held.

LUP&Z DEPARTMENT RESTRUCTURE RESOLUTION

Motion/second (Thom/Floeter) to approve the resolution with no additions or corrections. Motion carried with no negative vote.

LAND USE PLANNING & ZONING AND LAND INFORMATION 2027 BUDGET

Kirkman went over reports found in the packet. Discussion held.

DEPARTMENT ACTIVITY REPORTS

- Financial Reports
- Land Use & Septic Permits
- Violation Reports

Kirkman went over reports found in the packet. Discussion held.

COMPREHENSIVE PLAN UPDATE

Kirkman is drafting a plan on the outcome of the surveys. Results will be presented at the next meeting.

PUBLIC COMMENT (3-MINUTE LIMIT)

Alysha from A Dog’s Tail LLC, discussed purchasing the property at N6205 Busse Dr. in Green Lake to expand her business and asked who she should contact.

PUBLIC HEARING: (NOT TO BEGIN BEFORE 9:00AM) - none

COMMITTEE DISCUSSION

- a. Next meeting date September 3rd, 2026 @ 8:30 AM
- b. Future agenda items for action & discussion
- c. Public Hearing items in September – WE Energies CUP

ADJOURN

Chair Buss adjourned the meeting at 9:11 AM.

Respectfully submitted,

Pamala Dykstra
Deputy County Clerk

DRAFT

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

FEES RECEIVED	JULY				YEAR-TO-DATE				BUDGET	
	2025		2026		2025		2026		2026	
	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS										
Total Monthly Issued Permits	14	2,950	15	2,800	143	33,450	110	\$ 29,850	\$ 60,000	50%
SANITARY PERMITS (POWTS)										
Total Monthly Issued Permits	6	1,905	6	1,680	38	10,070	38	\$ 12,025	\$ 26,000	46%
NON-METALLIC MINING PERMITS										
Annual Permit Fees	-	-	-	\$ -	15	13,000	9	\$ 16,265	\$ 16,300	100%
BOARD OF ADJUSTMENT										
Special Exception	-	-	-	-	-	-	-	-	-	
Variances	-	-	-	-	1	375	1	375	-	
Appeals	-	-	-	-	-	-	-	-	-	
Total	-	\$ -	-	\$ -	1	\$ 375	1	\$ 375	\$ 1,500	25%
PLANNING & ZONING COMMITTEE										
Zoning Change	-	-	-	-	8	3,000	3	1,125	-	
Conditional Use Permits	1	375	-	-	11	4,125	2	750	-	
Variance	-	-	-	-	1	450	-	-	-	
Total	1	\$ 375	-	\$ -	20	\$ 7,575	5	\$ 1,875	\$ 8,525	22%
MISC.										
Wisconsin Fund	-	-	-	-	-	-	-	-	-	
Farmland Preservation								6,652		
Fines & Forfeitures	1	50	-	-	4	850	7	1,450	-	
Total	1	\$ 50	-	\$ -	4	\$ 850	7	\$ 8,102	-	
SURVEYOR										
Certified Survey Maps	3	510	2	330	25	4,350	20	3,480	6,500	
Preliminary and Final Plats	-	-	-	-	-	-	-	-	-	
Total	3	\$ 510	2	\$ 330	25	\$ 4,350	20	\$ 3,480	\$ 6,500	54%
GIS (Geographic Information System)										
Map Sales	-	-	-	-	-	-	-	-	-	
Land Records Transfer	-	-	-	-	-	-	-	-	25,000	
Land Information Grant	-	-	-	-	-	-	-	-	10,000	
Total	-	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 35,000	0%
GRAND TOTAL										
									Total	47%

Report Description: MEE100-10-P&Z

Account Year: 26

Account Periods: 01 - 07

Dates: 01/01/2026 - 07/31/2026

Account Account Description	Original Budget	Adjusted Budget	YTD Encumbrance	Period Expended	YTD Expended	Available Balance	Percent
10 Land Use Planning and Zoning							
53610 Code Enforcement							
26-100-10-53610-110-000 Salaries	345,479.00	345,479.00	0.00	181,950.14	181,950.14	163,528.86	52.67
26-100-10-53610-140-000 Meeting Payments	655.00	655.00	0.00	407.00	407.00	248.00	62.14
26-100-10-53610-151-000 Social Security	26,429.00	26,429.00	0.00	14,410.54	14,410.54	12,018.46	54.53
26-100-10-53610-153-000 Ret. Employer Share	24,874.00	24,874.00	0.00	14,312.52	14,312.52	10,561.48	57.54
26-100-10-53610-154-000 Health Insurance	79,328.00	79,328.00	0.00	46,274.48	46,274.48	33,053.52	58.33
26-100-10-53610-155-000 Life Insurance	587.00	587.00	0.00	346.72	346.72	240.28	59.07
26-100-10-53610-210-002 Professional Services	17,100.00	17,100.00	0.00	6,618.75	6,618.75	10,481.25	38.71
26-100-10-53610-218-000 VIOLATION NOTICE SERVICE	300.00	300.00	0.00	0.00	0.00	300.00	0.00
26-100-10-53610-225-000 Phone Service	820.00	820.00	0.00	272.46	272.46	547.54	33.23
26-100-10-53610-242-000 Print Management	300.00	300.00	0.00	209.40	209.40	90.60	69.80
26-100-10-53610-307-000 Training	1,390.00	1,390.00	0.00	804.40	804.40	585.60	57.87
26-100-10-53610-310-000 Office Supplies	1,290.00	1,290.00	0.00	445.27	445.27	844.73	34.52
26-100-10-53610-311-000 Postage for Fines and Forfeiture	6,500.00	6,500.00	0.00	0.00	0.00	6,500.00	0.00
26-100-10-53610-312-000 Field Supplies	150.00	150.00	0.00	0.00	0.00	150.00	0.00
26-100-10-53610-312-001 Non-Metallic Mining Expense	22,525.00	47,525.00	0.00	26,539.20	26,539.20	20,985.80	55.84
26-100-10-53610-320-000 Publications-BOA Public Hearing	550.00	550.00	0.00	0.00	0.00	550.00	0.00
26-100-10-53610-320-001 Publications-PZ Public Hearing	3,000.00	3,000.00	0.00	1,066.00	1,066.00	1,934.00	35.53
26-100-10-53610-321-000 Seminars	1,200.00	1,200.00	0.00	600.00	600.00	600.00	50.00
26-100-10-53610-324-000 Member Dues	130.00	130.00	0.00	130.00	130.00	0.00	100.00
26-100-10-53610-330-000 Travel	1,260.00	1,260.00	0.00	1,021.79	1,021.79	238.21	81.09
26-100-10-53610-352-000 Vehicle Maintenance	700.00	700.00	0.00	254.41	254.41	445.59	36.34
53610 Code Enforcement	\$534,567.00	\$559,567.00	\$0.00	\$295,663.08	\$295,663.08	\$263,903.92	52.84
10 Land Use Planning and Zoning	\$534,567.00	\$559,567.00	\$0.00	\$295,663.08	\$295,663.08	\$263,903.92	52.84

Land Use Permits: 7/1/2026 - 7/31/2026

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
none								
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
14255	W2354 STATE ROAD 23	7/13/2026	JULI REALTY LLC	\$850.00	Accessory Structure - Accessory Structure (Carport)			
14260	W702 MEADOW DR	7/22/2026	DAVIDW HEIDEL LIVING TRUST	\$1,200.00	Accessory Structure - Attached Deck/Patio (relacing deck boards on current deck)			
14261	W610 MAUG RD	7/22/2026	SKUNK HOLLOW FARM INC	\$3,000.00	Accessory Structure - Fence (Dog Fence with Gates)			
14263	N5610 LAC VERDE CIR	7/23/2026	RACHEL KELLY, THOMAS KELLY	\$2,500.00	Accessory Structure - Attached Deck/Patio (Building new attached deck to west side of home)			
14266	N6364 FOREST RIDGE RD	7/24/2026	JASONC PICK, MARYJ PICK	\$130,000.00	Accessory Structure - Agricultural Building (Ladder frame pole building on concrete slab)			
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
14254	W1918 TULETA HILL RD	7/10/2026	MARK A & CELESTE C SCHALL	\$50,000.00	Additions / Alterations - Addition/Alteration to Accessory Structure (Lifting up and adding foundation to existing nonconforming cottage)			
14250	W687 COUNTY ROAD K	7/6/2026	WILLIAMJ KOLLER	\$15,000.00	Additions / Alterations - Addition/Alteration to Principal Structure (2nd Story Addition)			
14252	W1942 TULETA HILL RD	7/23/2026	DEAN A & CAROLE S SOTTER	\$90,000.00	Land Disturbing Activity - Impervious Surface Treatment Device (3'x2'x15' 3/4 in clear stone basin)			
14258	W1330 SPRING GROVE RD	7/17/2026	GEORGE & CAROLE ORESKOVIC	\$12,000.00	Land Disturbing Activity - Driveways (Replacing existing driveway in same footprint)			
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
14265	N283 PROSCARIAN RD	7/24/2026	TIMMY RAHN	\$52,428.00	Ag. Structure - Agricultural Building (Ag Shed to park tractor, etc. to maintain property.)			
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
14253	W5463 PUCKAWAY RD	7/9/2026	LLOYDL MILLER	\$140,000.00	Principal Structure - Single Family (SFD with porch and enclosed entryway)			
14267	W6458 LAKEVIEW DR N	7/27/2026	JEFFREY J & BETTY ANN SMITH F	\$8,000.00	Accessory Structure - Attached Deck/Patio (Patio)			
14268	W4572 COUNTY ROAD B	7/27/2026	KE JO FAMILY ENTERPRISES LLC	\$350,000.00	Principal Structure - Single Family (2 Bed SFD 1456 sqft total living space)			
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
14251	N4811 N LAKESHORE DR , N4815	7/6/2026	SHARIF FAUSEL TRUST, SHARIM	\$20,000.00	Accessory Structure - Fence (Chainlink fence with gate)			
14257	N4493 BIRCH LN	7/16/2026	ROCHELLEF FORD	\$10,000.00	Accessory Structure - Shed (Shed)			
14259	N4746 N LAKESHORE DR	7/17/2026	BYCZYNSKI LIVING TRUST	\$10,000.00	Accessory Structure - Stairs/Walkway (Stair system with 2 4'x8' landings)			
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								
July 2025 Estimated Cost \$1,485,115.00				July 2026 Estimated Cost:		\$894,978.00		
2025 YTD Estimated Cost \$21,599,430.00				2026 YTD Estimated Cost:		\$16,660,504.00		

Sanitary Permits: 7/1/2026 - 7/31/2026

Sanitary 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 Fee
202624034	004008430200	W3311 PRINCETON RD	TAYLOR WALLACE	07/13/2026	New System	Conventional (Non-Pressurized In-Ground)	Ben Kinas		01/02/1900	No	3 bed	280	100	380
202624037	016006220000	W5888 COUNTY ROAD J	BRYAN KAUTZER	07/10/2026	New System	Conventional (Non-Pressurized In-Ground)	Ben Kinas		01/02/1900	No	3 bedroom	280	100	380
202624038	004015340000	W692 MEADOW DR	BRENDAL DUZINSKE, DAVID F DUZINSKE	07/14/2026	Replacement System	Conventional (Non-Pressurized In-Ground)	Ben Kinas		07/27/2026	No	3 Bed	280	100	380
202624040	020000210100	N9482 N FOUNTAIN RD	HEIDIM BROWN, SCOTTD GREENING	07/30/2026	Replacement System	Mound	Marshall, R		01/02/1900	No	3 Bed Homes	280	100	380
202624041	016006920000	N5779 COUNTY ROAD T	MARY ANN CIESIELCZYK	07/20/2026	New System	Mound	Ben Kinas		01/02/1900	No	3 Bed SFD	280	100	380
202624043	002000610100	N9567 32ND DR	AIDEE LOPEZ GAYTAN, JOSEM RIVERA VENEGAS	07/28/2026	Replacement System	Conventional (Non-Pressurized In-Ground)	Anthony Thoma		01/02/1900	No	3 Bed	280	100	380
202624044	004015070000	N5763 LAKEVIEW DR	DANIELW DEVANEY, KELLYK DEVANEY	07/30/2026	New System	Conventional (Non-Pressurized In-Ground)	Ben Kinas		01/02/1900	No	3 bed	280	100	380
												1960	700	2660

Total Sanitary Permits Issued 7/1/2026 - 7/31/2026

System Type	Total Count	New System Total Count	Replacement System Total Count	Revision Total Count
Conventional (Non-Pressurized In-Ground)	5	3	2	0
Mound	1	1	0	0
Mound > 24"	1	0	1	0
Grand Total	7	4	3	0

Total Sanitary Permits Inspected 7/1/2026 - 7/31/2026

System Type	Total Count	New System Total Count	Replacement System Total Count	Revision Total Count
Conventional (Non-Pressurized In-Ground)	4	2	2	0
Holding Tank	2	1	1	0
Mound	1	0	1	0
Grand Total	7	3	4	0

Land Use Violations
Report August 2026

First Notice

<u>Parcel Number-Town</u>	<u>Site Address</u>	<u>Owner Name</u>	<u>Permit #</u>	<u>Violation Type</u>	<u>Violation Description</u>
006007550000-TGL	W3032 Longview Lane	Amanda Van Wie, William Van Wie	14221	Shoreland	Added a windao bar to boathouse. Violation of 338-32.A(1)(a)[10]
014008980000-TMQ	W6454 Lakeview Dr. North	Cheryl Desantis Revocable Trust, Emanuel Desantis Revocable Trust	14142	Shoreland	Structures built without a land use permit and patio built within shoreland setback, 1st notice reset-lost in mail

Second Notice

<u>Parcel Number-Town</u>	<u>Site Address</u>	<u>Owner Name</u>	<u>Permit #</u>	<u>Violation Type</u>	<u>Violation Description</u>
014003940200-TMQ	N3149 Central Ave	Jeffery Schwarting	14164	Zoning	Deck and sheds built without permit and sheds are located within setbacks-met with staff, working on LUP
014008990000-TMQ	W6458 Lakeview Dr. North	Jeffrey J. & Betty Ann Smith Revocable Living Trust	14143	Shoreland	Patio built within shoreland setback and without a land use permit, working on planting plan for gazebo rule
006002510101-TGL	W540 Center Road	Ronald Kasuboski	13912	Zoning	Vehicles and other junk on the property. Progress being made
002000910000-TBE	W2347 County Road F	Tim Drover	13669	Zoning	Tires, boats, trash, two mobile homes used as houses, multiple sheds. Owner has made progress to resolve the violation.

Sent to Corp. Counsel

<u>Parcel Number-Town</u>	<u>Site Address</u>	<u>Owner Name</u>	<u>Permit #</u>	<u>Violation Type</u>	<u>Violation Description</u>
002001280100-TBE	N9259 32nd Drive	Terrence Duket	14159	Zoning	Shed built without permit
004008480000-TBL	W2956 State Road 23	Natasha Paris & Nikka Pamenter	14074	Junk	• Motorized vehicles or motorized equipment of any type, if not currently capable of motorized operation including unlicensed and unregistered. (350-16-A (1)) • Vehicle parts. (350-16-A (3)) • Tires, with or without rims. (350-16-A (4)) • Scrap metal and interior appliances are not in use. (350-16-A (11))
002001280100-TBE	N9259 32nd Drive	Terrence Duket	13956	Junk	3 Piles if tires, Piles of unused wood and construction materials, 3 or more Trailers, 4 Campers, 1 potentially unusable van.
004003140201-TBY	W1141 State Road 23 &49	S&L Holdings WI LLC	14009	Zoning	Section 350-33 Permitted uses in C2. Using property for uses not allowed in C2. 1)Sales lot for boat and boat-related items. 2)Dumpsite for fill and logs. 3) Parking lot for commercial vehicles and boat lifts. <i>Intent is to have significant progress towards compliance by 6/10/26</i>

Monthly Violations Resolved
1

YTD Violations Resolved
11

Resolved	00600616000-TGL	N2806 Park Road	Craig Muenchow	14287	Zoning	Fence without a permit
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POWTS FAILURE REPORT 8/27/2026

Open					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
Notice Sent					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
Final Notice Sent					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
Sent To Corp Counsel					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
014004420000	N3211 OAK RD	BRYON MESSIG;LISA MESSIG	01424025	Tank Failure	7/22/2025
004011260000	W859 LAKESIDE DR	GRYSKE ANDREW A; GRYSKE SHANNON M	000026739	System installed into or within 2 feet of a zone of saturation	9/30/2024
004011270000	W849 LAKESIDE DR	NUSS JESSICA ; SUHAYSIK CHARLES	000139341	System installed into or within 2 feet of a zone of saturation	8/12/2024
016000900100	N5771 COUNTY ROAD D	ARNESON COURTNEY L	201724075	Drain field failure, new permit issued for repairs	6/24/2024
018006720200	N7506 STATE ROAD 73	CLEMENTS JR CECIL D	000148246	Drain field failure	4/30/2024
016008320000	N5528 COUNTY ROAD T	BARBARA MORRISON	01624079	Tank not Watertight, drywell structurally compromised	12/12/2023
Resolved					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
154000570000	145 SHERMAN AVE	LOESL CYNTHIA MARIE; LYSY DEBORAH	15424008	Tank Failure	9/20/2024

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, September 3, 2026, at 9:00 a.m.** to consider the following requests:

Item #1: Applicants: Green Lake County Land Use Planning & Zoning Committee, **Request:** The committee is requesting an amendment to Chapter 338, Shoreland Zoning Ordinance of the Code of Green Lake County, more specifically, to account for recent changes to the State Administrative Code.

Item #2: Owner: Steven Draeger & Robin Hein, **Agent:** Madelyn Koerner – WE Energies, **Location:** County Highway H, **Parcel:** 006-00980-0000, **Legal Description:** Part of the SE ¼ of NE ¼ of Section 34, T15N, R12E, Town of Green Lake, ±.008 acres, **Request:** The owners are requesting a Conditional Use Permit for a gas regulator station and the necessary access to the easement area.

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: August 20, 2026

Item #1:

Applicants: Green Lake County Land Use Planning & Zoning Committee, **Request:** The committee is requesting an amendment to Chapter 338, Shoreland Zoning Ordinance of the Code of Green Lake County, more specifically, to account for recent changes to the State Administrative Code.

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

September 3, 2026

ITEM I: Shoreland Zoning Ordinance Amendment

REQUEST: The Green Lake County Land Use Planning and Zoning Department is requesting an amendment to the Code of Green Lake County, Chapter 338 of the Shoreland Zoning Ordinance; more specifically, to adopt new language changes within § 59.692, Wis. Stats. and NR115 Wis. Adm. Code, in order to obtain a certificate of compliance from the Wisconsin Department of Natural Resources.

ADDITIONAL INFORMATION / ANALYSIS: In September of 2016, the County Board adopted a new Shoreland Zoning Ordinance. The 2016 ordinance is the current ordinance in place, with the exception of some amendments placed in 2017, 2019, 2021, and 2022. Presently, and due to recent statutory and administrative changes, the WDNR is requiring every county's shoreland zoning ordinance be in compliance with NR115 Wis. Adm. Code. Presently, Green Lake County has received preliminary approval of this revised ordinance. Once adopted the public notices of this ordinance adoption will be sent to WDNR for a certificate of compliance.

There were a handful of changes identified by the WDNR. A lot of the changes were adding Statute references or Admin Code references. A section that had a number of changes was Article III (Shoreland-Wetland District) which had changes relating to language clarification and clean-up as well as improvements on section ordering. Article IV (Land Division, Planned Unit Development, and Sanitary Regulations) had some additions /clarifications about Planned Unit Development and CUPs. Article V (Lot and Parcel Size) adds language about illegally created lots. Article VI (Building Setbacks) adds Admin Code and State Statute reference numbers, clarifying language and ordinance standards exempting fences from the shoreland setback in certain situations. Article VII adds clarifying language about the vegetative buffer zone. Article VIII (Land Disturbing Activity) adds some clarifying language and per WDNR removes 338-44. Article XI (Nonconforming Uses and Structures) adds a section specific to nonconforming uses within shoreland zoning and a section about violation standards when shoreland violations may not be enforced. There were also some definitions added and now many definitions show the State Statute or Admin Code from which the definition is derived.

While it seems like there are a lot of changes many are just wording changes that clarify ordinance standards better and make them less confusing to enforce. The major changes are the nonconforming uses section, fences allowed within the shoreland setback, shoreland-wetland district changes, and PUDs. Most of these major changes will rarely be used as these areas of the ordinance are not used much during the shoreland permitting process. As such many of our contractors that do work on riparian lots, or within the shoreland area, will not feel any changes to the standards of which they have become accustomed.

The Green Lake County Land Use Planning and Zoning Department strongly suggests the Land Use Planning and Zoning Committee recommend adoption of the proposed ordinance to the County Board. Adoption of this ordinance will help avoid complications and costs of administering and enforcing a non-WDNR compliant shoreland zoning ordinance. Not adopting this amendment risks the WDNR requiring Green Lake County to adopt the WDNR's model shoreland zoning ordinance which is not tailored to our county. Attached is a copy of the proposed ordinance with WDNR preapproved changes.

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

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

* In the event that these amendments are not adopted, the WDNR would be within statutory authority, Chapter NR115.06(3) Determination of Noncompliance, to adopt a compliant ordinance. Further, NR115.06(3)(d) allows the WDNR to recover all costs of any actions including its development or any WDNR consultant's development of a code-compliant ordinance. Land Use Planning and Zoning Staff are familiar with the WDNR's model ordinance and staff feels that the current Shoreland Zoning Ordinance has been modified to include everything required by WDNR under the WDNR's model ordinance and the new ordinance is intended to better address the needs and concerns of the Citizens of Green Lake County while maintaining compliance with WDNR.

ORDINANCE NO. -2026

ORDINANCE AMENDING CHAPTER 338, SHORELAND ZONING

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the ____ day of _____, 2026, does ordain as follows:

NOW, THEREFORE, BE IT ORDAINED, that the Green Lake County Code, Chapter 338, Shoreland Zoning, shall be amended as follows:

ARTICLE I
Introduction

§ 338-1. Statutory authorization.

This chapter is adopted pursuant to the authorization in § 59.692, Wis. Stats., to implement §§ 59.692 and 281.31, Wis. Stats.

§ 338-2. Finding of fact.

Uncontrolled use of the shorelands and pollution of the navigable waters of Green Lake County will adversely affect the public health, safety, convenience and general welfare, and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Green Lake County, Wisconsin.

Roll Call on Resolution No. -2026

Submitted by Land Use Planning & Committee:

Ayes , Nays , Absent , Abstain 0

Passed and Enacted/Rejected this ____ day of _____, 2026.

Charles Buss, Chair

William Boutwell, Vice Chair

County Board Chairman

Brian Floeter

ATTEST: County Clerk
Approve as to Form:

Gene Thom

Corporation Counsel

LuAnn Mirr-Frank

18 **§ 338-3. Purpose and intent.** (§ 281.31(1), Wis. Stats., § 59.692(1c), Wis. Stats., NR 115.01)

19
20 To promote and protect the public trust in navigable waters and to effect the purposes of § 281.31, Wis.
21 Stats., by aiding in the fulfillment of the state's role as trustee of its navigable waters; limiting the direct
22 and cumulative impacts of shoreland development; and promoting the public health, safety, convenience
23 and general welfare, this chapter has been established to: ~~For the purpose of promoting the public~~
24 ~~health, safety, convenience and welfare, and promote and protect the public trust in navigable~~
25 ~~waters, this chapter has been established to:~~

26 A. Further the maintenance of safe and healthful conditions and prevent and control water pollution
27 through:

28 (1) Limiting structures to those areas where soil and geological conditions will provide a safe
29 foundation.

30 (2) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment
31 systems.

32 (3) Controlling filling and grading to prevent soil erosion problems.

33 (4) Limiting impervious surfaces to control runoff which carries pollutants.

34 B. Protect spawning grounds, fish, and aquatic life through:

35 (1) Preserving wetlands and other fish and aquatic habitat.

36 (2) Regulating pollution sources.

37 (3) Controlling shoreline alterations, dredging, and lagooning.

38 C. Control building sites, placement of structures and land uses through:

39 (1) Prohibiting certain uses detrimental to the shoreland-wetlands.

40 (2) Setting minimum lot sizes and widths.

41 (3) Setting minimum building setbacks from property boundary lines and waterways.

42 (4) Setting the maximum height of near shore structures.

43 D. Preserve ~~and restore~~ shoreland vegetation and natural scenic beauty through:

44 (1) Restricting the removal of natural shoreland cover.

45 (2) Preventing shoreline encroachment by structures.

46 (3) Controlling shoreland excavation and other earth-moving activities.

47 (4) Regulating the use and placement of boathouses and other structures.

48
49
50 **§ 338-4. Title.**

51 This chapter shall be known, cited, and referred to as the "Shoreland Zoning Ordinance for Green Lake
52 County, Wisconsin."

53
54 **§ 338-5. When effective; repealer.**

55 A. This chapter shall be effective upon final adoption by the Green Lake County Board and publication

as provided for in the Wisconsin Statutes. ~~The Department issues a certificate of compliance after the ordinance has been adopted and all final documents are received. Prior to final adoption of this chapter, the County must receive a certificate of compliance from the Department.~~

- B. Any previously adopted versions of Chapter 338 shall be replaced with this chapter in its entirety upon the effective date of this chapter. ~~The Green Lake County Board shall repeal any previous versions of this chapter and replace with the current chapter simultaneously.~~

ARTICLE II General Provisions

§ 338-6. Areas to be regulated. (NR 115.02)

Areas regulated by this chapter shall include all the lands, referred to herein as "shorelands," in the unincorporated areas of Green Lake County which are:

- A. Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds, or flowages (NR 115.03(8)) or within 1,000 feet of the high-water mark of navigable glacial pothole lakes (59.692(1)(b)1). Navigability of lakes, ponds, or flowages in Green Lake County shall be determined based on criteria established in Appendix A of this chapter and revisions thereto.

(1) Glacial till lakes are glacial depressions filled with water – typically isolated from one another with respect to surface drainage. They accumulate water from precipitation, overland runoff, groundwater and lose water through evaporation and seepage to groundwater. Glacial till lakes are also known commonly as kettle lakes.

(2) Kettles are distinct, steep sided depressions left in an outwash plain or ground moraine resulting from the later melting of ice blocks buried by the outwash or till during deposition. Kettles can range in size from small bowls less than 100 feet across to large pits encompassing several acres. This definition is from the Wisconsin DOT Geotechnical Manual March 1, 2017.

- B. Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater (NR 115.03(8)). Navigability of rivers and streams in Green Lake County shall be determined based on criteria established in Appendix A of this chapter and revisions thereto.

- C. The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas unless specifically exempted by law. ~~All cities, villages, towns, counties, and, when § 13.48(13), Wis. Stats., applies, state agencies,~~ all cities, villages, towns, and counties are required to comply with, and obtain all necessary permits under, this chapter. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation are not subject to this chapter if § 30.2022(1m), Wis. Stats., applies. Shoreland zoning requirements in annexed or incorporated areas are provided in §§ 61.353 and 62.233, Wis. Stats.

- D. Determinations of navigability and ordinary high-water mark location shall initially be made by the Land Use Planning and Zoning Department. When questions arise, the Land Use Planning and Zoning Department shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The County may work with surveyors in regard to § 59.692(1h), Wis. Stats.

- E. Under § 281.31(2m), Wis. Stats., notwithstanding, any other provision of law or administrative rule promulgated thereunder, this chapter does not apply to:

- (1) Lands adjacent to farm drainage ditches if:
- (a) Such lands are not adjacent to a natural navigable stream or river;
 - (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (2) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

§ 338-7. Shoreland-Wetland maps.

The most recent version of the Wisconsin Wetland Inventory, as depicted on the Department of Natural Resources Surface Water Data Viewer, is made part of this chapter. These maps may be viewed at: <https://dnr.wi.gov/>, keyword search "Surface water data." These maps may also be viewed from the GIS Viewer at the County's website: <http://gis.co.green-lake.wi.us/>. <https://dnrmaps.wi.gov/H5/?Viewer=SWDV>

§ 338-8. Compliance.

The use of any land; the size, shape, and placement of lots and parcels; the use, size, type, and location of structures on lots and parcels; the installation and maintenance of water supply and ~~waste disposal facilities~~ private onsite wastewater treatment systems and public sanitary district waste facilities; the filling, grading, lagooning, dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots and parcels, shall be in full compliance with the terms of this chapter and other applicable local, state, or federal regulations. Buildings, and other structures, and land disturbances (including filling and grading, etc.) shall require a permit unless otherwise expressly excluded by a provision of this chapter. The property owner(s), or the contractor(s), under the direction of the property owner(s), are responsible for compliance with the terms of this chapter.

§ 338-9. Municipalities and state agencies regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. ~~State agencies are required to comply when § 13.48(13), Wis. Stats., applies.~~ The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.2022(1m), Wis. Stats., applies.

§ 338-10. Abrogation and greater restrictions. (§ 59.692(5), Wis. Stats.)

When more restrictive, the provisions of this chapter supersede any provisions in a County zoning ordinance that solely relate to shorelands. Therefore, if a zoning standard of another ordinance only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this chapter supersedes those provisions. However, where another ordinance adopted under a statute other than § 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

- A. (§ 59.692(2)(a), Wis. Stats.) This chapter shall not require approval or be subject to disapproval by any town or town board.
- B. (§ 59.692(2)(b), Wis. Stats.) If an existing town ordinance relating to shorelands is more restrictive than this chapter or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
- C. This chapter is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

- D. (§ 59.692(2)(c), Wis. Stats.) This chapter shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable, so far as practicable.
- E. (§ 59.692(1d)(b), Wis. Stats.) This chapter may establish standards to regulate matters that are not regulated by a shoreland zoning standard in Ch. NR 115, Wis. Adm. Code, but that further the purposes of shoreland zoning as described in § 338-3 of this chapter.
- F. (§ 59.692(1k)(a)3, Wis. Stats.) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
- (1) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibit or regulate outdoor lighting in shorelands, if the lighting is designed or intended for residential use.
 - (2) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- G. The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:
- (1) The Department issued all required permits or approvals authorizing the construction or maintenance under Ch. 30, 31, 281 or 283, Wis. Stats.
 - (a) Note: A "facility" means any property or equipment of a public utility, as defined in § 196.01(5), Wis. Stats., or a cooperative association organized under Ch. 185, Wis. Stats., for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

§ 338-11. Interpretation.

~~In their interpretation and application, the provisions of this chapter shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this chapter is required by statute and a standard in Ch. NR 115, Wis. Adm. Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the statute and Chapter NR 115 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.~~

§ 338-1211. Severability.

If any portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

§ 338-13338-12. through § 338-15. (Reserved)

ARTICLE III Shoreland-Wetland District

§ 338-16. Purpose.

This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty, and to control building and development in wetlands within the shoreland zone. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

192
193 **§ 338-17. Designation.**

194 This district shall include all wetlands on the most recent version of the Wisconsin Wetland Inventory as
195 referenced in § 338-7.

- 196 A. Locating Shoreland-Wetland boundaries. (NR 115.04(2)(b)2.note) Where an apparent discrepancy
197 exists between the Shoreland-Wetland District boundary shown on the Wisconsin Wetland Inventory
198 and actual field conditions, the County shall contact the Department to determine if the map is in error.
199 If the Department determines that a particular area was incorrectly mapped as wetland or meets the
200 wetland definition but was not shown as wetland on the map, the County shall have the authority to
201 immediately grant or deny a shoreland land use permit in accordance with the applicable regulations
202 based on the Department determination as to whether the area is wetland. In order to correct wetland
203 mapping errors on the official zoning map, an official zoning map amendment must be initiated within
204 a reasonable period of time.

205
206 **§ 338-16. Designation.**

207 This district shall include all shorelands within the jurisdiction of this chapter which are designated as
208 wetlands on the most recent version of the Wisconsin Wetland Inventory as referenced in § 338-7.

- 209 B. ~~Locating Shoreland Wetland boundaries. Where an apparent discrepancy exists between the~~
210 ~~Shoreland Wetland District boundary shown on the Wisconsin Wetland Inventory and actual field~~
211 ~~conditions, the County shall contact the Department to determine if the map is in error. If the~~
212 ~~Department determines that a particular area was incorrectly mapped as wetland or meets the wetland~~
213 ~~definition but was not shown as wetland on the map, the County shall have the authority to~~
214 ~~immediately grant or deny a shoreland land use permit in accordance with the applicable regulations~~
215 ~~based on the Department determination as to whether the area is wetland. In order to correct wetland~~
216 ~~mapping errors on the official zoning map, an official zoning map amendment must be initiated within~~
217 ~~a reasonable period of time.~~

218
219 **§ 338-17. Purpose.**

220 This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish
221 spawning grounds and wildlife habitat, to preserve shore cover and natural beauty, and to control building
222 and development in wetlands whenever possible. When development is permitted in a wetland, the
223 development should occur in a manner that minimizes adverse impacts upon the wetland.
224

225 **§ 338-18. Permitted Uses. (NR 115.04(3))**

226 NR 115 currently contains absolute standards for permitted uses in shoreland wetlands which cannot be
227 made more or less restrictive. NR 115 does not prohibit counties to protect wetlands outside of the shoreland
228 jurisdictional area.

229 The following uses shall be allowed subject to general shoreland protection regulations contained in this
230 chapter, the provisions of Chs. 30 and 31, and § 281.36, Wis. Stats., and the provisions of other applicable
231 local, state, and federal laws:

- 232 A. Activities and uses which do not require the issuance of a land use permit, but which must be carried
233 out without any filling, flooding, draining, dredging, ditching, tiling, or excavating ~~except as allowed~~
234 ~~under Subsections A or B:~~

235 (1) Hiking, fishing, trapping, hunting, swimming, and boating;

236 (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and

- tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- (3) The pasturing of livestock ~~and the construction and maintenance of livestock fences~~;
- (4) The cultivation of agricultural crops;
- (5) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
- (6) The construction or maintenance of ~~hunting~~ duck blinds.
- B. Uses which do not require the issuance of a land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
- ~~(1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;~~
- (1) The cultivation of cranberries including flooding, dike, and dam construction or ditching necessary for the growing and harvesting of cranberries;
- (2) The maintenance and repair of existing agricultural drainage systems, including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
- ~~(4) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;~~
- ~~(5) The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and~~
- (3) The maintenance, repair, replacement, or reconstruction of existing town and County highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- C. Uses which require the issuance of a land use permit and which ~~may include limited~~ **must be carried out without any** filling, flooding, draining, dredging, ditching, tiling, or excavating, ~~but only to the extent specifically provided below:~~
- (1) **The construction or maintenance of piers, docks, or walkways built on pilings.**
- ~~(2) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:~~
- ~~(a) The road cannot as a practical matter be located outside the wetland;~~
- ~~(b) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in § 338-20B;~~
- ~~(c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;~~
- ~~(d) Road construction activities are carried out in the immediate area of the roadbed only.~~
- (2) The construction or maintenance of nonresidential buildings, provided that:
- (a) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals; or ~~some other use permitted in the~~

~~Shoreland Wetland District; used solely for a purpose which is compatible for wetland preservation~~

- (b) The building cannot, as a practical matter, be located outside the wetland;
- (c) Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and
- ~~(d) Only limited filling or excavating necessary to provide structural support for the building is authorized.~~

(3) The establishment of public and private parks and recreation areas, **boat access sites**, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

- ~~(a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable;~~
- ~~(b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in § 338-18C(1)(a) through (d) and;~~
- ~~(c) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.~~

(a) **No filling is done**

(b) **Any private wildlife habitat area is used exclusively for that purpose.**

(c) **Any ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values. Any of these activities shall comply with the floodplain ordinance and secure all other required permits related to dike and dam construction.**

D. **Uses which require the issuance of a land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below**

(1) **The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:**

- (a) **The road cannot as a practical matter be located outside the wetland;**
- (b) **The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in § 338-20B;**
- (c) **The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;**
- (d) **Road construction activities are carried out in the immediate area of the roadbed only.**
- (e) **The construction of a road for silvicultural activities for temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.**

(2) The construction or maintenance of electric, gas, telephone, water and sewer transmission, and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members **provided that** ~~and the construction or maintenance of railroad lines provided that:~~

~~(a) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;~~

(a) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in § 338-20B.

(3) **The construction or maintenance of railroad line provided that:**

(a) **The railroad lines cannot, as a practical matter, be located outside the wetland;**

(b) **Such construction or maintenance is done in a manner designed to minimize flooding and adverse impact upon the natural functions of the wetland enumerated in § 338-20B.**

§ 338-19. Prohibited uses. (NR 115.04(4))

Any **activity or** use not listed in § 338-18A, ~~B or C~~ is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this chapter in accordance with § 338-20 of this chapter and § 59.69(5)(e), Wis. Stats.

§ 338-20. Rezoning of lands in the Shoreland-Wetland District. (NR 115.04(2))

A. ~~For all proposed text and map amendments to the shoreland-wetland provisions~~ **shoreland wetland rezoning requests** of this chapter, the appropriate office with the Department shall be provided with the following:

(1) A copy of every petition for a ~~text or map amendment to the shoreland-wetland provisions~~ **shoreland wetland rezoning request** of this chapter, within five days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this chapter describing any proposed rezoning of a shoreland-wetland;

(2) Written notice of the public hearing to be held on a proposed ~~amendment~~ **shoreland wetland rezoning request** at least 10 days prior to such hearing;

(3) A copy of the Land Use Planning and Zoning Committee's findings and recommendations on each proposed ~~amendment~~ **shoreland wetland rezoning request** within 10 days after the submission of those findings and recommendations to the County Board; and

(4) Written notice of the County Board's decision on the proposed ~~amendment~~ **shoreland wetland rezoning request** within 10 days after it is issued.

B. **(NR 115.04(2)(c)4)** A wetland, or a portion thereof in the Shoreland-Wetland District, shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

(1) Storm and flood water storage capacity;

(2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

(3) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;

(4) Shoreline protection against soil erosion;

(5) Fish spawning, breeding, nursery, or feeding grounds;

(6) Wildlife habitat; or

(7) ~~Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in § NR 103.04, Wis. Adm. Code, which can be accessed at the following website: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.~~ **Areas of special recreational, scenic, or scientific interest, including scarce wetland types.**

- C. **(NR 115.04(2)(c)9)** If the Department notifies the Land Use Planning and Zoning Committee that a proposed ~~text or map amendment to the shoreland wetland provisions~~ **shoreland wetland rezoning request** of this chapter may have a significant adverse impact upon any of the criteria listed in § 338-20B of this chapter, that ~~shoreland wetland rezone request amendment~~, if approved by the County Board, shall contain the following provision: "This **shoreland wetland rezoning amendment** shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this **shoreland wetland request amendment** is mailed to the Department of Natural Resources. During that thirty-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under § 59.692(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the § 59.692(6) adoption procedure is completed or otherwise terminated."

§ 338-21. (Reserved)

ARTICLE IV

Land Division, **Planned Unit Development and Sanitary Regulations**

§ 338-22. Land division review. (NR 115.05(2))

The County shall review, pursuant to § 236.45, Wis. Stats., all land divisions in shoreland areas which create three or more lots or parcels or building sites of five acres each or less within a five-year period. In such review all of the following factors shall be considered:

- A. Hazards to the health, safety, or welfare of future residents.
- B. Proper relationship to adjoining areas.
- C. Public access to navigable waters, as required by law.
- D. Adequate stormwater drainage facilities.
- E. Conformity to state law and administrative code provisions.

§ 338-23. Planned unit development (PUD). (NR 115.05(1)(a)4)

- A. Purpose. The planned unit development is intended to permit smaller nonriparian lots and parcels where the physical layout of the lots and parcels is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots and parcels were developed with the normal lot sizes and setbacks and without special conditions placed upon the planned unit development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
- B. Requirements for planned unit development. The County Board may at its discretion, upon its own motion or upon petition, approve a planned unit development overlay district upon finding, after a public hearing, that all of the following facts exist:
 - (1) Area. The area proposed for the planned unit development shall be at least two acres in size or have a minimum of 200 feet of frontage on a navigable water.

- (2) Lots and parcels. ~~Riparian lots need to meet the minimum size standards of § 338-27 and 338-28. Any proposed lot or parcel in the planned unit development that does not meet the minimum size standards of § 338-27 and 338-28 shall be a nonriparian lot or parcel. The Land Use Planning & Zoning Committee shall consider whether the proposed lot sizes and widths provide adequate building area after considerations of all setbacks and required impervious surface percentages are met as well as reviewing potential impacts to prevent pollution, erosion and impacts to natural scenic beauty.~~
- (3) Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a planned unit development the governing body shall consider whether proposed lot or parcel sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. ~~In exchange for the allowance of reduced non-riparian lots, the shoreland setback shall be greater than 75 feet from the ordinary high-water mark. Recommended setbacks of 100 – 150 feet from the ordinary highwater mark shall help offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty.~~ Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. ~~Vegetative shore cover provisions in § 338-37 shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development. The vegetative buffer on a lot within a proposed planned unit development shall be greater than 35 feet landward of the ordinary high-water mark. Recommended buffers of 50 -70 feet shall help offset the impacts of the reduced loss on habitat, water quality and natural scenic beauty. An increased vegetative buffer shall be a condition of approval. A condition of all planned residential unit development is the preservation of certain open space, preferably on the shoreland, in perpetuity. All impervious surface requirements shall be met. There is no relaxation for required impervious surface ratio maximums.~~
- (4) Note: Counties should be aware that the planned unit development standards, as written, grant back lot access (key holing) without applying frontage requirement standards to determine overall density. This comports to NR115.05(1)(a)4. Counties may optionally include requirements to limit overall density based upon minimum frontage standards as well. These types of developments may also be known as conservation subdivisions or planned residential development. The provisions of NR 115.05(1)(a)4 apply to these types of developments where there may be a combination of a density bonus, smaller lot size, and preservation of open space.

C. The procedure for establishing a Planned Residential Unit Development district shall be as follows:

- (1) Petition. A petition setting forth all of the facts required in § 338-23B shall be submitted to the County Clerk with sufficient copies to provide for distribution by the County Clerk as required by § 338-62H.
- (2) Review and Hearing: The petition shall be submitted to the County Land Use Planning and Zoning Committee established as required by § 59.69(3)(d), Wis. Stats., which shall hold a public hearing and report to the County Board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in § 338-65A, of this chapter. The Land Use Planning and Zoning Committee's report to the County Board shall reflect the recommendations of any federal, state, or local agency with which the Land Use Planning and Zoning Committee consults.
- (3) Findings and Conditions of Approval. The County Board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in § 338-23B. If the petition is granted in whole or part, the County Board shall attach such written conditions to the approval as are required by and consistent with § 338-23B. The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone, and open space requirements.

- (4) Planning studies. A landowner or petitioner may, at his own expense, develop the facts required to establish compliance with the provisions of § 338-23B or may be required to contribute funds to the County to defray all or part of the cost of such studies being undertaken by the County or any agency or person with whom the County contracts for such work.

D. Application and Permit Requirements

- (1) An application for a conditional use permit shall be required.
- (2) Information on the total area of the lot, to-scale map showing location and size of all proposed lots, any preserved open space, number and type of dwelling units, other buildings and other requested information to describe the project.
- (3) Proposed greater shoreland setback and greater vegetative buffer that offsets the development impacts for Committee consideration.
- (4) Location of shoreland-wetlands.
- (5) A recorded plat or certified survey map is required prior to any construction activities.
- (6) No construction activities shall commence without the issuance of a regular zoning permit for each structure.

§ 338-24. Sanitary regulations. (NR 115.05(3))

Each County shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

- A. Where public water supply systems are not available, private well construction shall be required to conform to Ch. NR 812, Wis. Adm. Code.
- B. Where a public sewage collection and treatment system is not available, design and construction of a private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with Ch. SPS 383, Wis. Adm. Code and after June 30, 1980, be governed by a private sewage system ordinance adopted by the County under § 59.70(5), Wis. Stats.

§ 338-25. (Reserved)

**ARTICLE V
Lot and Parcel Size**

§ 338-26. Purpose. (NR 115.05(1)(a))

Minimum lot and parcel sizes in the shoreland area are established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

- A. In calculating the minimum area or width of a lot or parcel, the beds of navigable waters shall not be included.

§ 338-27. Sewered lots and parcels. (NR 115.05(1)(a)1)

Minimum area and width for each lot or parcel.

- A. The minimum area shall be 10,000 square feet and the minimum average width shall be 65 feet with at least 65 feet of frontage width at the ordinary high-water mark.

- (1) The width shall be calculated by averaging the shortest horizontal measurements at the

following locations:

- (a) The landward distance at the ordinary high-water mark between the side boundary lines.
- (b) Distances at any angle point along the side boundary line.
- (c) The street/access boundary line.
- (d) The rear boundary line, where applicable.

§ 338-28. Unsewered lots and parcels. (NR 115.05(1)(a)2)

Minimum area and width for each lot or parcel.

- A. The minimum area shall be 20,000 square feet and the minimum average width shall be 100 feet with at least 100 feet of frontage width at the ordinary high-water mark.

- (1) The width shall be calculated by averaging the shortest horizontal measurements at the following locations:

- (a) The landward distance at the ordinary high-water mark between the side boundary lines.
- (b) Distances at any angle point along the side boundary line.
- (c) The street/access boundary line.
- (d) The rear boundary line, where applicable.

§ 338-29. Substandard lots and parcels. (NR 115.05(1)(a)3)

- A. A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current size requirements, may be used as a building site if all of the following apply:

- (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- (3) The substandard lot or parcel is developed to comply with all other requirements of this chapter.

Notes: The intent of this provision is to allow lots and parcels that were legally created that currently do not meet the minimum width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots and parcels that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds, which result in a larger (closer to conforming) lot or parcel, should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes, should be considered separate building sites and should not be considered consolidated. Lots or parcels that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

§ 338-30. Other substandard lots and parcels.

Except for lots which meet the requirements of § 338-29, a land use permit for the improvement of a lot or parcel having lesser dimensions than those stated in §§ 338-27 and 338-28 shall be issued only if a variance is granted by the Board of Adjustment.

§ 338-31. (Reserved) Illegally created lots.

An illegally created lot is one that was created in violation of the required minimum area and minimum average width requirements of the County's shoreland zoning ordinance at the time of creation. Illegally created lots shall not be used for construction purposes without the granting of a variance.

ARTICLE VI
**Building and Other
Structure Setbacks**

§ 338-32. Building and other structure setbacks. (NR 115.05(1)(b))

Permitted building setbacks ~~within the shoreland area have been~~ shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards, ~~and avoid~~ protect against water pollution, ~~and otherwise limit the direct and cumulative impacts of shoreland development of the adjacent water body.~~

A. Shoreland setbacks. (~~§ 59.692(1n)(am), Wis. Stats. and NR 115.05(1)(b)1~~) ~~Unless exempt under § 338-32A(1), or reduced under § 338-32B,~~ a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

(1) Exempt structures. Per § 59.692(1n)(d), Wis. Stats., ~~§ 59.692(1k)(a)(6), Wis. Stats., NR 115.05(1)(b)(1m)~~ all of the following structures are exempt from the shoreland setback standards in § 338-32A:

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

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

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

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

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

[4] Boathouses shall be constructed in conformity with local floodplain zoning standards. Fill, elevation surveys, or other documentation may be required within 180 days of permit issuance, per § 300-38B(4).

[5] Boathouses shall be one story with sidewalls not exceeding 10 feet in height and a footprint entirely within the access and viewing corridor of the vegetative buffer. The footprint is not to exceed 16 feet in width by 24 feet in depth, with the width running

parallel to the shore.

[6] Boathouse roofs shall be designed with a pitched roof having a minimum slope of 2/12, a maximum slope of 6/12, and in no case shall be designed for use as a deck, observation platform, or for other similar uses. Dormers are allowed so long as the dormer's height does not exceed the height of the main ridge line of the boathouse. One cupola, no greater than 30 inches in length and width, is allowed on the main ridge line. Parapet walls are not allowed.

[7] Earth-toned color shall be required for all exterior surfaces of a boathouse. For the purpose of this chapter, the color white is an earth-toned color.

[8] The boathouse's main door shall face the water and shall be at least 50% of the width (measured running parallel to the shore) of the boathouse.

[9] Any features the Department considers inconsistent with the use of the structure exclusively as a boathouse are not permitted. Examples may include but not be limited to patio doors, fireplaces, decks, and living quarters.

[10] Per § 59.692(1o), Wis. Stats., the roof of an existing boathouse may be used as a deck, provided that the boathouse has a flat roof, has no side walls or screened walls, and has a railing that meets Department of Safety and Professional Services standards.

[11] No boathouse wall, door, or access opening shall be more than 1/3 transparent or translucent.

[12] Boathouse roof overhangs shall not project more than 24 inches out from the boathouse side wall.

(b) **No side,** Open-sided and screened structures, such as gazebos, decks, patios, and screen houses in the shoreland setback area that satisfy the following requirements in § 59.692(1v), Wis. Stats.

[1] The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.

[2] The floor area of all the structures in the shoreland setback area will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded.

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

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

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

[5] An enforceable obligation shall be evidenced by an instrument recorded with the Register of Deeds prior to the issuance of a land use permit. This instrument shall include an implementation schedule and enforceable obligation on the property owner to establish and maintain the shoreland vegetative buffer zone.

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

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

(e) One walkway, stairway or rail system is allowed per lot or parcel **to provide pedestrian access to the shoreline**. Walkways, stairways or rail systems are exempt from § 338-41F through H of this chapter. A walkway, stairway or rail system shall be permitted, provided:

[1] The structure shall be located within the access and viewing corridor **and within the same width extending 75 feet through the shoreland setback** and designed so as to minimize earth disturbing activities and shoreline vegetation removal.

[2] The structure shall not exceed a maximum of 60 inches in width, including railings, and shall not branch out within the shoreland setback. Landings, as part of the shoreline access system, shall be limited to a maximum of 40 square feet and no more than 60 inches wide. **Landings are only allowed when necessary, as part of the shoreline access system.**

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

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

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

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

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

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

(f) Devices or systems used to treat runoff from impervious surfaces, **provided the requirements of § 59.692(1k)(a)6, Wis. Stats. and § 59.692(1k)(am)1, Wis. Stats., are met.**

(g) **A fence along a roadway that meets all of the following requirements:**

[1] Is not taller than 15 feet.

[2] Is located not less than 2 feet landward of the ordinary high-water mark.

[3] Is located entirely outside of a highway right-of-way.

[4] Is located not less than 10 feet from the edge of a roadway and not more than 40 feet from

the edge of a roadway or highway right-of-way, whichever is greater.

[5] Is generally perpendicular to the shoreline.

(h) A bridge for which the department has issued a permit under § 30.123, Wis. Stats.

- (2) **Maintenance, repair, or replacement of an existing exempt structure in the shoreland setback area.** ~~Existing Exempt Structures.~~ (§ 59.692(1k)(a)2m, § 59.692(1k)(a)6, § 59.692(1k)(b), and § 59.692(1k)(bm), Wis. Stats.) ~~Per § 59.692(1k)(a)2m, Wis. Stats., existing~~ Exempt structures may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. The expansion of a structure beyond the existing footprint may be permitted if the expansion is necessary to comply with applicable state and federal requirements. Note: Section 59.692(1k)(a)2m, Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in § 338-32A(2). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

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

- (1) Where there are existing principal structures in both directions **of the new proposed structure**, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark, provided that all of the following are met:
- (a) Both of the existing principal structures are located on an **immediately** adjacent lot to the **new** proposed principal structure.
 - (b) Both of the existing principal structures are located within 250 feet of the **new** proposed principal structure and are the closest **principal** structure **on their respective lots to the new proposed principal structure**.
 - (c) Both of the existing principal structures are located less than 75 feet from the ordinary high-water mark.
 - (d) The ~~average~~ **reduced principal** setback shall not be reduced to less than 35 feet from the ordinary high-water mark of any navigable water.
 - (e) Note: § 59.692(1d)(a), Wis. Stats., requires counties to adopt the standards consistent with § 338-32B(1) for reducing the shoreland setback.

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

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

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

- (2) Side yard: ten-foot minimum for lots less than 85 feet wide.
- (3) Street yard: twenty-five-foot minimum.
- (4) Rear yard: None. In the case of corner lots, the rear yard shall be the opposite the shorter of the two street frontages.
- (5) Walkways no more than 36 inches wide **in total width** and driveways shall be exempt from § 338-32C(1) through (3). This does not exempt these structures from § 338-32A, or other standards of this chapter.
- D. In addition to the shoreland setback ~~standard in Subsections A and B above~~, fences shall comply with the following **unless exempted in § 338-32A**:
- (1) All fences, no greater than eight feet in height, may be allowed along any lot line excluding the street right-of-way line and the side lot lines within the street-yard setback.
- (2) Open style fences (greater than 50% open space), no greater than four feet in height, may be allowed along the street right-of-way line and alongside lot lines within the street-yard setback.
- (3) Open style agricultural fences, no greater than eight feet in height, are allowed without a land use permit.
- E. In addition to the shoreland setback ~~standard in Subsections A and B above~~, retaining walls shall comply with the following:
- (1) Retaining and decorative/landscape walls may be allowed in the street-yard, side-yard and rear-yard with a minimum zero setback.
- (2) Retaining walls, greater than six feet in height, shall be designed by a professional engineer. Stamped engineered plans shall be submitted to the Land Use Planning and Zoning Department as part of the land use permit application.
- F. In addition to the shoreland setback ~~standard in Subsection A and B above~~, roof overhangs may project no more than 12 inches into a required side and/or street setback. No projections are allowed into the setback as required in Subsection A.
- G. Boat lifts, piers, docks, and other water dependent structures may be stored on undeveloped lots during months when weather conditions make the use and keeping of water dependent structures within water uncondusive and detrimental to aforementioned structures.**

§ 338-33. Floodplain structures. (NR 115.05(1)(b)2)

Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance. Fill, elevation surveys, or other documentation may be required within 180 days of land use permit issuance, per § 300-38B(4).

§ 338-34. through § 338-35. (Reserved)

ARTICLE VII Vegetation

§ 338-36. Purpose. (NR 115.05(1)(c)1)

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

quality, including soil erosion, and the flow of effluents, sediments, and nutrients.

§ 338-37. Vegetative buffer zone. (§ 59.692(1f)(b), Wis. Stats., NR 115.05(1)(c)2)

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

A. Routine maintenance of vegetation **which means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.**

B. Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. **Provided that the access and viewing corridor remains a strip of vegetated land for the purpose of providing safe pedestrian access to the shore through the vegetative buffer zone. The access and viewing corridor may be no more than 35% of the shoreline frontage but in no case, may it be less than 10 feet or greater than 200 feet of the shoreline frontage in its entirety. Per § 59.692(1f)(b), Wis. Stats., the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage.** The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.

(1) **Note: Regarding section 338-37B there is no prohibition for the establishment of an access and viewing corridor of less than 10 feet in width. The county may require a property owner to maintain a vegetative buffer zone that existed on July 14, 2015, in concert with the provisions of 338-37B.**

C. Removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in § NR 1.25(2)(b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

D. Removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area **with native species** as soon as practicable, not to exceed nine months from date of vegetation removal.

(1) A site visit by the Department or photos of the site provided by an owner or agent must be received by the Department prior to vegetation removal. A site visit or photos from an owner or agent must be provided after the vegetation has been replanted, within the timeframe specified above. Submitted photos must be digitally date stamped.

E. Additional vegetation management activities in the vegetative buffer zone may be allowed by permit. The permit issued under this subsection shall require that all management activities comply with detailed plans approved by the County and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area, as evidenced by an instrument recorded in the Office of the Register of Deeds prior to land use permit issuance.

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

§ 338-38. through § 338-39. (Reserved)

ARTICLE VIII
Land Disturbing Activity

§ 338-40. Land disturbing activity. (NR 115.05(1)(d))

To protect natural scenic beauty, fish and wildlife habitat, and water quality, filling, grading, lagooning, dredging, ditching, and excavating may be permitted only in accordance with the provisions of § NR 115.04, Wis. Adm. Code, the requirements of Ch. 30, Wis. Stats., and other state and federal laws where applicable, and only if done in a manner designed to improve natural scenic beauty and minimize erosion, sedimentation, and impairment of fish and wildlife habitat. Filling, grading, lagooning, dredging, ditching, and excavating may be authorized by permit according to § 338-41 and 338-42, and only if done in a manner that meets the purpose of this section.

§ 338-41. General standards.

The filling, grading, lagooning, dredging, ditching, or excavating of any lands in the shoreland area within 300 feet of the ordinary high-water mark requires a land use permit, unless otherwise exempt in this chapter. A project may be permitted in the shoreland area provided that:

- A. It is not done within the shoreland vegetative buffer zone unless necessary for allowed vegetative activities, establishing or expanding the vegetative buffer, the construction of an exempt structure, to remove retaining walls to re-establish natural grade, or to repair natural shoreline damage. Natural shoreline damage must be repaired within one year of the damaging event.
- B. It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
- C. Filling, grading, lagooning, dredging, ditching, or excavating in a Shoreland-Wetland District meets the requirements of § 338-18B and C of this chapter.
- D. All applicable federal, state, and local authority is obtained in addition to a permit under this chapter.
- E. Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover, ~~or a bulkhead~~, or stabilized in another acceptable and approved manner.
- F. The slopes for the project site are less than 50% (1:2). Land disturbing activities in the shoreland area where the slope is equal to or greater than 50% (1:2) are prohibited.
- G. For land disturbing activities that are on slopes less than 50% but greater than 12%, the land use permit shall not be issued until a construction site erosion control permit, designed in accordance with §§ 284-8B and 284-9B through D of the County's Construction Site Erosion Control and Stormwater Management Ordinance, is obtained by the property owner from the Land Conservation Department.]
- H. For land disturbing activities that are on slopes less than 12%, the land use permit shall not be issued until a construction site erosion control permit, designed in accordance with §§ 284-8B(1) through (5) and 284-9A of the County's Construction Site Erosion Control and Stormwater Management Ordinance, is obtained by the property owner from the Land Conservation Department.

§ 338-42. Permit required.

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

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

- (a) A stormwater management, erosion control, grading, and revegetation plan.
- (b) Findings that the land disturbing activity will not result in:
 - [1] Impairment of natural wetland functions.
 - [2] Erosion or sedimentation to navigable water.
 - [3] Impairment of aquatic life.
 - [4] Unnecessary loss of native appearance or natural beauty of the shoreland.
 - [5] Restricting flood flows.
 - [6] Reducing the storage capacity of the floodplain.

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

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

B. Driveways greater than 300 feet from the ordinary high-water mark are exempt from a land use permit. If a driveway starts in a location greater than 300 feet from the ordinary high-water mark and ends in a location closer to the ordinary high-water mark than 300 feet a land use permit is still required.

§ 338-43. Permit conditions.

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

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

881
882 **§ 338-44. ~~Permit not required.~~ Reserved**

883 ~~A. Shoreline protection projects, which include land disturbing activities, authorized by a state permit~~

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

887
888 **ARTICLE IX**
889 **Impervious Surfaces**
890

891 **§ 338-45. Purpose. (NR 115.05(1)(e))**

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

898
899 **§ 338-46. Impervious surface calculation. (NR 115.05(1)(e)1m and § 59.692(1k)(am)1, Wis. Stats.)**

900 A. Percentage of impervious surface shall be calculated by dividing the surface area of the existing and
901 proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary
902 high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious
903 surfaces described in § 338-49 shall be excluded from the calculation of impervious surface on the lot
904 or parcel. If an outlot lies between the ordinary high-water mark and the developable lot or parcel and
905 both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel
906 for the purposes of calculating the percentage of impervious surface.

907 B. Note: § NR 115.05(1)(e)1m, Wis. Adm. Code, clarifies that, if an outlot lies between the OHWM and
908 the developed lot or parcel and both are in common ownership, then the lot or parcel should be
909 considered one property for the purposes of calculating the percentage of impervious surfaces. If there
910 is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility,
911 town, or County, then the County should determine what level of control the property owner has over
912 that portion of the lot. Can the property owner place structures, such as shoreline protection, piers,
913 stairs, boathouses etc. on that portion of the lot, or does some other entity have control over
914 development? If a property owner has no or little say over construction on that portion of the lot, then
915 impervious surfaces on that portion of the lot should be calculated separately. For properties that have
916 condominium ownership, the impervious surface calculations apply to the entire property. The
917 property is still under one legal description and the proposed expansion to a unit is not the only
918 impervious surface calculated since the regulation states lot or parcel and not a unit. It will be
919 important to remember also that mitigation applies to the property as a whole and not just to the portion
920 of the frontage that might be in front of the unit impacted.

921 C. **Roadways defined in § 34.01(54), Wis. Stats, and sidewalks defined in § 340.01(58), Wis. Stats, shall**
922 **be excluded from the impervious surface calculation under this section. The roadways and sidewalks**
923 **of this section are only those as defined. The exclusion from the impervious surface calculation does**
924 **not apply to all driveways and sidewalks.**

925
926 **§ 338-47. Impervious surface standard. (NR 115.05(1)(e)2)**

927 Except as allowed in §§ 338-48 and 338-49, allow up to 15% impervious surface on the portion of a lot or

parcel that is within 300 feet of the ordinary high-water mark.

§ 338-48. Maximum impervious surface. (NR 115.05(1)(e)3)

A property may exceed the impervious surface standard under § 338-47, provided the following standards are met:

- A. For properties where the general impervious surface standard applies under § 338-47, a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
- B. For properties that exceed the standard under § 338-47 but do not exceed the maximum standard under § 338-48A, a permit can be issued for development with a mitigation plan that meets the standards found in Article XII.

§ 338-49. Treated impervious surfaces. (NR 115.05(1)(e)3m and § 59.692(1k)(am)1, Wis. Stats.)

- A. Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under § 338-46.

- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bioswales, or other engineered systems.
- (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

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

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

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

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

§ 338-50. Existing impervious surfaces. (NR 115.05(1)(e)4)

For existing impervious surfaces that were lawfully placed when constructed but do not comply with the

impervious surface standard in § 338-47 or the maximum impervious surface standard in § 338-48, the property owner may do any of the following:

- A. Maintain and repair the existing impervious surfaces;
- B. Replace existing impervious surfaces with similar surfaces within the ~~three-dimensional space~~ existing building envelope of the structure;
- C. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the County Shoreland Zoning Ordinance, and the impervious surface meets the applicable setback requirements in this chapter.
- D. Note: The impervious surface standards in this section (changed to reflect Ch. NR 115, Wis. Adm. Code) shall not be construed to supersede other provisions in the County Shoreland Zoning Ordinance.
 - (1) All of the provisions of the County Shoreland Zoning Ordinance still apply to new or existing development.

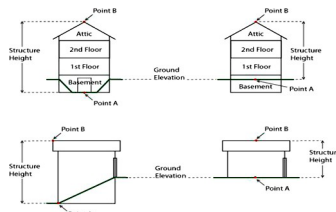
§ 338-51. (Reserved)

ARTICLE X Height

§ 338-52. Height. (NR 115.05(1)(f))

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

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



§ 338-53. (Reserved)

ARTICLE XI Nonconforming Uses and Structures

1011 **§ 338-54. ~~Discontinued nonconforming use.~~ Nonconforming Uses.** (NR 115.05(1)(g)1-3 and §
1012 59.69(10), Wis. Stats.)
1013

1014 A. This section applies to a use of a dwelling, building, or parcel of land that existed lawfully before the
1015 existing zoning ordinance was enacted or amended, but that does not conform to the allowed uses in the
1016 current ordinance. (§ 59.69(10)(ab), Wis. Stats.)

1017 (4) The continuance of the lawful use of any building, premises, structure, or fixture for any trade of
1018 industry for which such building, premises, structure, or fixture is used at the time that the ordinance
1019 takes effect may not be prohibited. (§ 59.69(10)(am), Wis. Stats. and NR 115.05(1)(g)1)

1020 (5) The alteration of, or addition to, or repair in excess of 50 percent of its assessed value of any existing
1021 building, premises, structure, or fixture for the purpose of carrying on any prohibited trade or new
1022 industry within the district where such buildings premises, structures, or fixtures are located may be
1023 prohibited. (§ 59.69(10)(am), Wis. Stats.)

1024 (6) The county may prohibit the continuance of the nonconforming use of a temporary structure. (NR
1025 115.05(1)(g)2)

1026 (7) If a nonconforming use is discontinued for a period of 12 months, any future use of the building,
1027 structure, or property shall conform to this chapter. (NR 115.05(1)(g)3)

1028 (8) A manufactured home community licensed under § 101.935, Wis. Stats., that is a nonconforming
1029 use continues to be a nonconforming use notwithstanding the occurrence of any of the following
1030 activities within the community: (§59.69(10)(at), Wis. Stats.)

1031 (a) Repair or replacement of homes.

1032 (b) Repair or replacement of infrastructure.
1033

1034 **§ 338-55. ~~Maintenance, repair, replacement, or vertical expansion of a~~ Nonconforming**
1035 **~~structures.~~ Structures.** (§ 59.692(1k)(a)2, 4, and (b), Wis. Stats.)
1036

1037 This section applies to an existing principal or accessory structure that was lawfully placed when
1038 constructed but that does not comply with the current required ordinary high water mark setback of a
1039 navigable waterway, street yard setback, or side yard setback.

1040 A. An existing structure that was lawfully placed when constructed but does not comply with the required
1041 shoreland setbacks, per §§ 338-32 and 338-33, may be maintained, repaired, replaced, restored, rebuilt,
1042 or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an
1043 existing structure that was lawfully placed when constructed but does not comply with the required
1044 shoreland setback, may be vertically expanded unless the vertical expansion would extend more than
1045 35 feet above grade level, as provided in § 338-52B. Expansion of a structure may be allowed beyond
1046 the existing footprint if the expansion is necessary to comply with applicable state or federal
1047 requirements.

1048 B. Note:

1049 (1) Section 59.692(1k)(a)1-b. and d.2,4 and (b)., Wis. Stats., prohibits counties from requiring any
1050 approval or imposing any fee or mitigation requirement for the activities specified in § 338-55.
1051 However, it is important to note that property owners may be required to obtain permits or
1052 approvals and counties may impose fees under ordinances adopted pursuant to other statutory
1053 requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even
1054 stormwater erosion control.

1055 (2) Section NR 115.05(1)(b)1m, Wis. Adm. Code, lists structures that are exempt from the shoreland

setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

§ 338-56. Lateral expansion of nonconforming principal structure within the setback. (NR 115.05(1)(g)5)

An existing principal structure that was lawfully placed when constructed but does not comply with the required building setback per §§ 338-32A and 338-33 may expand laterally, provided that all of the following requirements are met:

- A. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- B. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- C. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- D. The Land Use Planning and Zoning Department shall issue a permit that requires a mitigation plan that shall be approved by the Land Use Planning and Zoning Department and implemented by the property owner by the date specified in the land use permit. The mitigation plan shall meet the standards found in Article XII.
- E. All other provisions of this chapter shall be met.

§ 338-57. Expansion of a nonconforming principal structure beyond setback. (NR 115.05(1)(g)5m)

An existing principal structure that was lawfully placed when constructed but does not comply with the required building setback under §§ 338-32 and 338-33, may be expanded landward of the shoreland setback area horizontally or vertically, provided that the expanded area meets the building setback requirements per § 338-32 or 338-33 and that all other provisions of this chapter are met. A mitigation plan is not required solely for expansion under this section, but may be required per Article IX.

§ 338-58. Relocation of nonconforming principal structure. (NR 115.05(1)(g)6)

An existing principal structure that was lawfully placed when constructed but does not comply with the required ~~building~~ shoreland setback per §§ 338-32A and 338-33, may be relocated on the property provided all of the following requirements are met:

- A. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- B. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- C. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- D. The Land Use Planning and Zoning Department determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per § 338-32A.
- E. The Land Use Planning and Zoning Department shall issue a permit that requires a mitigation plan that shall be approved by the Land Use Planning and Zoning Department and implemented by the

property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Article XII and include enforceable obligations of the property owner to establish or maintain measures that the Land Use Planning and Zoning Department determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

F. All other provisions of this chapter shall be met.

§ 338-59. Maintenance, repair, replacement or vertical expansion of structures authorized by variance. (§ 59.692(1k)(a)2, 4, and (b), Wis. Stats.)

A. A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015, may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

B. Note: § 59.692(1k)(a)2, Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in § 338-59. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control. **Any conditions placed on a previously granted variance remain binding and thus may override allowances in § 338-59 in part or in whole depending on the specific details of the condition(s).**

§ 338-60. Maintenance, repair, replacement of a building or structure in violation of a county shoreland zoning ordinance that may not be enforced. ((§ 59.692(1t), Wis. Stats. and § 59.692(1k)(a)2.c, Wis. Stats.)

A. An enforcement action may not commence against a person who owns a building or structure that is in violation of a shoreland zoning standard or this shoreland zoning ordinance if it has been in place for more than ten years.

B. A building or structure that is in violation of a shoreland zoning standard or this shoreland zoning ordinance but has been in place for more than ten years may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the structure that is in violation. However, the structure may not be vertically or laterally expanded.

**ARTICLE XII
Mitigation**

§ 338-601. Mitigation. (NR 115.05 (1)(e)3c, (g)5d, (g)6e)

The purpose of mitigation is to establish and maintain measures adequate to offset the impacts of development on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. When a land use permit, issued under this chapter, requires mitigation according to § 338-32A(2) and §§ 338-48 and 338-58, the property owner must submit a complete permit application that includes a mitigation plan.

- 1148 A. The application shall be reviewed and approved by the County Land Use Planning and Zoning
1149 Department. The application shall include the following:
- 1150 (1) A scaled site plan that describes with images and notations the proposed mitigation measures:
- 1151 (a) The mitigation site plan shall be designed and implemented to restore natural functions lost
1152 through development and human activities.
- 1153 (b) The mitigation measures of the plan shall be proportional in scope to the impacts of
1154 development on water quality, near-shore aquatic habitat, upland wildlife habitat, and
1155 natural scenic beauty.
- 1156 (2) An implementation schedule stating the completion date of the mitigation measures. Also, there
1157 shall be an enforceable obligation on the property owner to establish and maintain the mitigation
1158 measures.
- 1159 (a) The enforceable obligations shall be evidenced by an instrument, shoreland mitigation
1160 agreement, recorded in the office of the Register of Deeds, prior to issuance of a land use
1161 permit.
- 1162 B. The various types of development projects that require mitigation measures based on this chapter shall
1163 have options to mitigate the impacts of those development projects as provided herein. In cases where
1164 a development project impacts more than one type of development requiring mitigation, mitigation
1165 measures shall provide the total points for all affected types of development. The mitigation measures
1166 with corresponding mitigation points applicable to development projects requiring mitigation are as
1167 follows:
- 1168 (1) Three points: Creation or restoration of the primary shoreland vegetative buffer zone, which is
1169 the area from the ordinary high-water mark to 35 feet landward. The mitigation points and buffer
1170 depth may be modified if a lesser buffer depth is approved by the Land Use Planning and Zoning
1171 Department, based on the scope of the development project.
- 1172 (2) One point: Each additional 500 square feet of native secondary vegetative shoreland buffer; after
1173 the shoreland vegetative buffer zone has been created or restored.
- 1174 (3) Removal of building structures: Removal area(s) landward of the shoreland vegetative buffer
1175 zone shall be restored and vegetated. Removal area(s) within the shoreland vegetative buffer
1176 zone shall be in accordance with Subsection D below.
- 1177 (a) Two points: Removal of each building structure having 200 square feet or more of
1178 impervious surface within the seventy-five-foot shoreland setback area.
- 1179 (b) One point: Removal of each building structure having less than 200 square feet of
1180 impervious surface within the seventy-five-foot shoreland setback area.
- 1181
- 1182 (4) One point: Removal of each 200 square feet of impervious surface within 300 feet of the ordinary
1183 high-water mark of navigable waters. Removal area(s) landward of the shoreland vegetative
1184 buffer zone shall be restored and vegetated. Removal area(s) within the shoreland vegetative
1185 buffer zone shall be in accordance with Subsection D below.
- 1186 (5) One point: Removal of seawalls/bulkheads.
- 1187 (6) One point: Relocate access and viewing corridor to include boathouse. Vacated area(s) landward
1188 of the shoreland vegetative buffer zone shall be restored and vegetated. Vacated area(s) within
1189 the shoreland vegetative buffer zone shall be vegetated in accordance with Subsection D below.
- 1190 (7) Stormwater management that will infiltrate the peak flow discharge of stormwater runoff on a

lot or parcel, for a two-year rainfall event, into a rain garden(s) for conditions stated below. Other infiltration methods may be used as approved by the Land Use Planning and Zoning Department.

(a) Two points: Stormwater management practice that will infiltrate all the stormwater runoff from the impervious surface of principal building structure(s).

(b) Three points: Stormwater management practice that will infiltrate all the stormwater runoff from the impervious surface of principal building structure(s) and any accessory building structure(s).

(c) Four points: Stormwater management practice that will infiltrate the stormwater runoff from all the impervious surface(s).

C. Types of development requiring mitigation measures are as follows:

(1) Impervious surface development. Any of the following levels of impervious surface area, based on the standards of Article IX, shall provide mitigation measures having the following number of mitigation points.

(a) Three mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 15% and up to and including 20%.

(b) Four mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 20% and up to and including 25%.

(c) Five mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 25% and up to and including 30%.

(2) Lateral expansion of a nonconforming principal structure per § 338-56 shall require a mitigation plan that includes any mitigation measures listed in § 338-60B having a minimum of one point.

(3) Replacement or relocation of a nonconforming principal structure per § 338-58 shall require a mitigation plan that includes any mitigation measures listed in § 338-60B having a minimum of two points.

- 1218
- 1219 D. Where reference is made to a shoreland vegetative buffer zone, the buffer shall be designed in
- 1220 accordance with NRCS Interim Standard No. 643A and NRCS Wisconsin Biology Technical Note 1:
- 1221 Shoreland Habitat. In cases where these standards provide options, the Land Use Planning and Zoning
- 1222 Department shall make the determination which option is most appropriate in the design and execution
- 1223 of the project.
- 1224
- 1225 E. Where reference is made to a rain garden, the rain garden shall be designed, installed, and maintained
- 1226 in accordance with Wisconsin DNR Publication, PUB-WT-776-2018, "Rain Gardens: A Guide for
- 1227 Homeowners and Landscapers."
- 1228
- 1229 F. Where the Land Use Planning and Zoning Department determines a lot or parcel has excessive
- 1230 navigable water frontage for the purpose of a shoreland vegetative buffer installation, the Land Use
- 1231 Planning and Zoning Department may reduce the width of the shoreland vegetative buffer to no less
- 1232 than 100 feet.
- 1233
- 1234 G. All development projects requiring mitigation measures on a lot or parcel having a POWTS (private
- 1235 onsite wastewater treatment system) shall be required to have the POWTS evaluated by a licensed
- 1236 plumber to determine condition and sizing compliance; and, if needed, the POWTS shall be upgraded
- 1237 to comply with current applicable standards.

1238 **§ 338-61. (Reserved)**

1239 **ARTICLE XIII**

1240 **Administration**

1241 **§ 338-62. Administrative provisions. (NR 115.05(4))**

1242 **In order to establish, maintain, implement, and enforce this shoreland zoning ordinance each of the**

1243 **following shall be required: The appointment of an administrator and such additional staff as the workload**

1244 **may require. The creation of a zoning agency as authorized by s. 59.69(2), Stats, a board of adjustment as**

1245 **authorized by s. 59.694, Stat., and a county planning agency as defined in s. 236.02(3), Stats, and required**

1246 **by s. 59.692(3), Stats.**

1247 Given the County has created a Land Use Planning and Zoning Department, and Land Use Planning and

1248 Zoning Committee, and Board of Adjustment to administer and enforce land use ordinances, these same

1249 officials shall also administer and enforce this chapter. These officials, for the purpose of this shoreland

1250 zoning ordinance, shall be responsible for all of the following:

- 1251 A. A system of permits for ~~all~~ **establishing uses, land disturbances**, new construction, development,
- 1252 reconstruction, structural alteration, or moving of buildings and structures. A copy of applications
- 1253 shall be required to be filed in the Land Use Planning and Zoning Department, unless prohibited by §
- 1254 59.692(1k), Wis. Stats.
- 1255
- 1256 B. Perform regular inspection of permitted work in progress to ~~insure~~ **ensure** conformity of the finished
- 1257 structures **or completed land disturbing activities** with the terms of this chapter.
- 1258
- 1259 C. Establish a variance procedure which authorizes the Board of Adjustment to grant such variance from
- 1260 the terms of this chapter as will not be contrary to the public interest where, owing to special conditions
- 1261 and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of this
- 1262 chapter will result in unnecessary hardship as long as the granting of a variance does not have the
- 1263 effect of granting or increasing any use of property which is prohibited in that zoning district by the
- 1264 shoreland zoning ordinance.
- 1265
- 1266 D. ~~Establish a special exception (conditional use permit) procedure for uses presenting special problems.~~

A conditional use permit (special exception permit) procedure in which a permit states that a use permitted as a conditional use (special exception) may be established, expanded, or enlarged subject to any conditions placed on the authorization and the provisions of this ordinance. The conditions (exceptions) should not be contradictory to the purposes of this ordinance as identified in section

- E. The County shall keep a complete record of all proceedings before the Board of Adjustment, and Land Use Planning and Zoning Committee.
- F. Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception, or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the County for review under Article IV.
- G. Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any decision on a variance, special exception, or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of this chapter.
- H. ~~Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.~~ Development and maintenance of an official map of all mapped zoning district boundaries, amendments, and recordings. The official map for the shoreland-wetland zoning district is the Wisconsin Wetland Inventory found on the Department's Surface Water Data Viewer.
- I. The establishment of appropriate penalties for violations of various provisions of this chapter, including forfeitures. Compliance with this chapter shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in § 59.69 (11), Wis. Stats.
- J. Investigate and report violations of this chapter for enforcement and/or prosecution.

§ 338-63. Permits.

- A. When required. Except where another section of this chapter specifically exempts certain types of development from this requirement, a land use permit shall be obtained from the Land Use Planning and Zoning Department, or Board of Adjustment, or Land Use Planning and Zoning Committee before any new development.
- B. Application. An application for a land use permit shall be made to the Land Use Planning and Zoning Department upon forms furnished by the Land Use Planning and Zoning Department and shall include for the purpose of proper enforcement of these regulations, the following information:
 - (1) Name and address of applicant and property owner.
 - (2) Legal description of the property and type of proposed use.
 - (3) A "to scale" drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways, and the ordinary high-water mark of any abutting waterways.
 - (4) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
 - (5) Plans for appropriate mitigation when required.
 - (6) Payment of the appropriate fee.
 - (7) Additional information required by the Land Use Planning and Zoning Department.
- C. Expiration of permit. A land use permit shall expire 12 months from date issued.

1306
1307 **§ 338-64. Special exception permits (conditional use permits).**

- 1308 A. Application for a special exception permit. Any use listed as a special exception in this chapter shall
1309 be permitted only after an application has been submitted to the Land Use Planning and Zoning
1310 Department and a special exception permit has been granted by the Board of Adjustment. To secure
1311 information upon which to base its determination, the Board of Adjustment may require the applicant
1312 to furnish, in addition to the information required for a land use permit, the following information:
- 1313 (1) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground
1314 water conditions, subsurface geology, and vegetative cover.
- 1315 (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space, and
1316 landscaping.
- 1317 (3) Plans of buildings, sewage disposal facilities, water supply systems, and arrangement of
1318 operations.
- 1319 (4) Specifications for areas of proposed filling, grading, lagooning or dredging.
- 1320 (5) Other pertinent information necessary to determine if the proposed use meets the requirements
1321 of this chapter.
- 1322 (6) Rationale for why the proposed special exception meets all of the special exception criteria
1323 listed in this chapter.
- 1324
- 1325 B. Notice, public hearing and decision. Before deciding whether to grant or deny an application for a
1326 special exception permit, the Board of Adjustment shall hold a public hearing. Notice of such public
1327 hearing, specifying the time, place and matters to come before the Board of Adjustment, shall be
1328 given as a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be provided to the appropriate
1329 office of the Department at least 10 days prior to the hearing. The Board of Adjustment shall state in
1330 writing the grounds for granting or denying a special exception permit.
- 1331 C. Standards applicable to all special exceptions. In deciding a special exception application, the Board
1332 of Adjustment shall evaluate the effect of the proposed use upon:
- 1333 (1) The maintenance of safe and healthful conditions.
- 1334 (2) The prevention and control of water pollution including sedimentation.
- 1335 (3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent
1336 properties due to altered surface water drainage.
- 1337 (4) The erosion potential of the site based upon degree and direction of slope, soil type, and
1338 vegetative cover.
- 1339 (5) The location of the site with respect to existing or future access roads.
- 1340 (6) The need of the proposed use for a shoreland location.
- 1341 (7) Its compatibility with uses on adjacent land.
- 1342 (8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal
1343 systems.
- 1344 (9) Location factors under which:
- 1345 (a) Domestic uses shall be generally preferred;

(b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;

(c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards, such as parking, noise, etc., may be referred to the applicable part of their ordinance.

D. Conditions attached to special exception. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking, and signs; and type of construction.

(1) Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this chapter, as are necessary to further the purposes of this chapter. Violations of any of these conditions shall be deemed a violation of this chapter.

(2) In granting a special exception permit, the Board of Adjustment may not impose conditions which are more restrictive than any of the specific standards in this chapter. Where this chapter is silent as to the extent of restriction, the Board of Adjustment may impose any reasonable permit conditions to affect the purpose of this chapter.

E. Recording. When a special exception permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use, and property so described. A copy of any decision on a special exception permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.

F. Revocation. Where the conditions of a special exception permit are violated, the special exception permit may be revoked.

§ 338-65. Variances.

A. The Board of Adjustment may grant upon appeal a variance from the standards of this chapter where an applicant convincingly demonstrates that:

(1) Literal enforcement of the provisions of this chapter will result in unnecessary hardship on the applicant; and

(2) The hardship is due to special conditions unique to the property; and

(3) Is not contrary to the public interest.

B. Notice, hearing, and decision. Before deciding on an application for a variance, the Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place, and matters of concern, shall be given a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Board of Adjustment shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department office within 10 days of the decision.

§ 338-66. Board of Adjustment.

The chair of the County Board shall appoint a Board of Adjustment consisting of three members and two alternate members under § 59.694, Wis. Stats. The County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by § 59.694(3), Wis. Stats.

A. Powers and duties (§ 59.694 Wis. Stats.).

- (1) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by § 59.694, Wis. Stats.
- (2) It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this chapter.
- (3) It shall hear and decide applications for special exception permits pursuant to Section 338-64.
- (4) It may grant a variance from the standards of this chapter pursuant to Section 338-65.
- (5) In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in this chapter. Where this chapter is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this chapter.
- B. Appeals to the Board. Appeals to the Board of Adjustment may be made by any person aggrieved of by an officer, department, board, or bureau of the County affected by any decision of the Land Use Planning and Zoning Department or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the County Board, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Land Use Planning and Zoning Department, or other officer whose decision is in question, shall promptly transmit to the Board of Adjustment all the papers constituting the record concerning the matter appealed.
- C. Hearing Appeals and Applications for Variances and Special Exception Permits. (§ 59.694(6), Wis. Stats.)
- (1) The Board of Adjustment shall fix a reasonable time for a hearing on the appeal or application. The Board of Adjustment shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wis. Stats, specifying the date, time, and place of the hearing and the matters to come before the Board of Adjustment. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate office of the Department at least 10 days prior to hearings on proposed shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations.
- (2) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations shall be submitted to the appropriate office of the Department within 10 days after they are granted or denied.
- (3) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board of Adjustment. Such resolution shall state the specific facts which are the basis of the Board of Adjustment determination and shall either affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- (4) At the public hearing, any party may appear in person or by agent or by attorney.

§ 338-67. (Reserved)

**ARTICLE XIV
Amendments**

1435
1436 **§ 338-68. Changes and amendments.**

1437 The County Board may, from time to time, alter, supplement, or change the regulations contained in this
1438 chapter in accordance with the requirements of § 59.69(5)(e), Wis. Stats, Ch. NR 115, Wis. Adm. Code and
1439 this chapter where applicable.

1440 A. Amendments. Amendments to this chapter may be made on petition of any interested party as provided
1441 in § 59.69(5), Wis. Stats.

1442 B. Shoreland-Wetland map amendments. Every petition for a Shoreland-Wetland map amendment filed
1443 with the County Clerk shall be referred to the Land Use Planning and Zoning Committee. A copy of
1444 each petition shall be provided to the appropriate office of the Department within five days of the
1445 filing of the petition with the County Clerk. Written notice of the public hearing to be held on a
1446 proposed amendment shall be provided to the appropriate office of the Department at least 10 days
1447 prior to the hearing.

1448 (1) A copy of the County Board's decision on each proposed amendment shall be forwarded to the
1449 appropriate office of the Department within 10 days after the decision is issued.

1450
1451 **§ 338-69. (Reserved)**

1452
1453 **ARTICLE XV**
1454 **Enforcement**
1455

1456 **§ 338-70. Investigation of alleged violations.**

1457 Any violation of the provisions of this chapter shall be deemed unlawful. When necessary, to determine
1458 compliance with this chapter, the Land Use Planning and Zoning Department shall investigate alleged
1459 violations. After confirmation that a violation exists, the Land Use Planning and Zoning Department shall
1460 pursue compliance of the violation and enforce the provisions of this chapter.

1461
1462 **§ 338-71. Violations and penalties; citations.**

1463 A. Any violation of the provisions of this chapter by or under the direction of the landowner shall be
1464 brought into compliance upon notification by the Land Use Planning and Zoning Department or the
1465 Land Use Planning and Zoning Committee or the County Corporation Counsel.

1466 B. The County Corporation Counsel shall have the authority to use all legal remedies necessary to enforce
1467 the provisions of this chapter. After consultation with the Land Use Planning and Zoning Department
1468 and/or the Land Use Planning and Zoning Committee, the Corporation Counsel shall determine which
1469 legal remedy or legal remedies are in order to enforce the provisions of this chapter.

1470 C. Each day that the violation exists, after receiving notice of the violation from the Land Use Planning
1471 and Zoning Department by certified or registered mail, or personal service per § 801.11, Wis. Stats.,
1472 shall constitute a separate offense.

1473 (1) Any landowner who violates or refuses to comply with any of the provisions of this chapter shall
1474 be subject to a forfeiture of not less than \$50 nor more than \$500 per offense, together with the
1475 taxable costs of action.

1476 (2) A landowner may request an extension to a deadline for compliance as set by the Department.
1477 The request for extension must be made in writing and include the following information: parcel
1478 number, address, current owner information, reference within the ordinance(s) of existing
1479 violations, number of days the extension is being requested for, enforceable compliance

schedule/time frame, if any, other existing violations on the property have been resolved, and other pertinent information.

- D. In addition to the Corporation Counsel having the authority to enforce the provisions of this chapter per Subsection B above, the designated staff of the Land Use Planning and Zoning Department shall have the authority to and may prepare, sign, and issue citations in order to commence action to achieve compliance with the provisions of this chapter.

§ 338-72. Stop-work orders.

- A. No land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner that requires issuance of a land use permit pursuant to this chapter, and such a permit has not been obtained, the Land Use Planning and Zoning Department may issue a stop-work order requiring any such activity to be immediately stopped and enjoined.
- B. Land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner for which a land use permit was issued and the actual activity deviates from that land use permit, the Land Use Planning and Zoning Department may issue a stop-work order requiring the activity to be immediately stopped and enjoined.
- C. The stop-work order shall be mailed to the subject landowner's property tax bill mailing address or the mailing address as stated on the land use permit application and/or to any person signing the land use permit application.
- D. The stop-work order card issued and posted by the Land Use Planning and Zoning Department shall be posted at the subject site in plain view from a nontrespass location off the subject property. A stop-work order card shall remain posted until compliance of the violation occurs. In the event that a stop-work order has been removed from its posted location by persons other than Department staff, the property owner(s) and/or other agents, upon conviction, shall be subject to a \$300 fine plus court costs. The fine shall increase by \$300 after each offense and be cumulative. For example: \$300 first offense, \$600 for second offense, \$900 for third offense, and so on. If a property owner removes a stop work order sign three times they shall be subject to \$1,800 (\$300 + \$600 + \$900) in fines plus court costs.
- E. An action filed pursuant to the Board of Adjustment or to any court shall stop work during and until the final outcome of the action has been reached or until so ordered by a Court of appropriate jurisdiction.

§ 338-73. Injunctions.

Every violation of this chapter is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof abated pursuant to § 59.69(11), Wis. Stats.

§ 338-74. Emergency conditions.

Whenever the Land Use Planning and Zoning Department finds that an emergency exists such as sudden, unexpected occurrences, or combinations thereof, unforeseen conditions or circumstances at the time beyond a landowner's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety, and welfare, the Land Use Planning and Zoning Department may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The Land Use Planning and Zoning Department shall notify the Chairperson of the Land Use Planning and Zoning Committee within 24 hours of such situations. Notwithstanding any other provisions of this chapter, such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or

challenges to emergency orders may be brought to the Board of Adjustment after emergency conditions have ceased.

§ 338-75. (Reserved)

ARTICLE XVI

Fees

§ 338-76. Fees.

A. The following fees shall be paid to Green Lake County at the Land Use Planning and Zoning Department at the time of application for each service requested as listed below to defray the cost of administration, investigation, advertising, and processing. Land use permit fee is based on construction value of project:

(1) Fee.

Value of Project	Fee
\$0 to \$999	\$50
\$1,000 to \$99,999	\$150
\$100,000 to \$199,999	\$300
\$200,000 to \$299,999	\$400
\$300,000 to \$399,999	\$500
\$400,000 to \$499,999	\$600
\$500,000 to \$599,999	\$700
\$600,000 to \$699,999	\$800
\$700,000 to \$799,999	\$900
\$800,000 to \$899,999	\$1,000
\$900,000 or more	\$1,250

(2) Permit renewals are the same as the original fee.

(3) After-the-fact permit is double the above-stated fee.

(4) Permit fees may be waived in cases where the Land Use Planning and Zoning Department determines the project(s) to be funded or conducted by federal, state, or local governmental bodies.

B. All public hearing items such as a variance, rezone, appeal, conditional use permit, ordinance amendment, planned unit development, or special exception permit: \$375.

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

§ 338-77. (Reserved)

ARTICLE XVII
Definitions

§ 338-78. Definitions.

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

B. The following terms or words used in this chapter mean:

ACCESS AND VIEWING CORRIDOR (NR 115.03(1d)) — A strip of vegetated land that allows safe pedestrian access to the shore ~~extending waterward from the seventy-five foot shoreland building setback~~ through the vegetative buffer zone.

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

BOATHOUSE (NR 115.03(1h)) — A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls, or any combination of these structural parts.

BUILDING ENVELOPE (NR 115.03(1p)) — The three-dimensional space within which a structure is built.

COUNTY ZONING AGENCY (NR 115.03(2)) — That committee or commission created or designated by the County Board under § 59.69(2)(a), Wis. Stats, to act in all matters pertaining to County planning and zoning. In Green Lake County, this body shall be known as the Land Use Planning and Zoning Committee.

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

DEPARTMENT (NR 115.03(3)) — The Department of Natural Resources.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or substantial alterations to buildings, structures, or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition, or extraction of materials.

DRAINAGE SYSTEM — One or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

EXISTING DEVELOPMENT PATTERN (NR 115.03(3m)) — That principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

FLOODPLAIN (NR 115.03(4)) — The land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Ch. NR 116, Wis. Adm. Code.

FOOTPRINT — The land covered by a structure at ground level measured on a horizontal plane. The footprint of a structure includes the horizontal plane bounded by the furthest exterior wall ~~and eave if present, projected to natural grade.~~ For

structures without walls (decks, stairways, patios, carports) having a single-horizontal plane, the footprint is bounded by the furthest portion of the structure projected to natural grade.

Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under Ch. NR 115, Wis. Adm. Code, and would need to follow Ch. NR 115.05(1)(g)5, Wis. Adm. Code.

GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES (NR 1.25(2)(b), Wis. Adm. Code) — Forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the Department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

HUNTING BLIND — A hunting blind (or hide) is an easily portable, cover device for hunters, designed to reduce the chance of detection. Not including deer stands.

IMPERVIOUS SURFACE (NR 115.03(4g)) — An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in § 340.01(54), Wis. Stats., or sidewalks as defined in § 340.01(58), Wis. Stats., are not considered impervious surfaces.

Note: "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively. "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

LAND DISTURBING ACTIVITY — Any man-made change of the land surface, the effect of which may alter the currently existing topography, or may expose soil and result in soil erosion from water or wind and the movement of sediments, including but not limited to filling, grading, lagooning, dredging, ditching, and excavating. Agricultural land uses, such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens, and harvesting of trees are not considered land disturbing activity if conducted outside the vegetative buffer zone. This definition applies to those lands outside of the designated Shoreland-Wetland District; see Article III for permitted uses of those designated lands.

LOT — An area of land that is ~~part of a recorded subdivision plat, certified survey map, or other document using the platting process, that is identified by an assigned number or letter~~ a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

LOT OR PARCEL AREA — The total square footage lying within the peripheral boundaries of a recorded lot or parcel boundary description, including the land over which easements have been granted. The area of a lot or parcel is measured on a horizontal plane and is bounded by the front, side, and real lot lines but does not include the area of any land below the ordinary high- water mark of navigable waters.

LOT OR PARCEL OF RECORD — An area of land, the description of which is properly recorded with the County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations. The act of recording is the time at which a lot or parcel is created.

LOT OR PARCEL, SUBSTANDARD — A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements

for a new lot or parcel.

MITIGATION (NR 115.03(4r)) — Balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.

NAVIGABLE WATERS (NR 115.03(5)) — Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under § 281.31(2)(~~dm~~), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under § 59.692, Wis. Stats., and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

- (1) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- (2) Artificially constructed drainage ditches, ponds, or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

ORDINARY HIGH-WATER MARK (NR 115.03(6)) — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

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

PATIO — A residential accessory structure, used as an outdoor space for leisure, dining, cooking, or similar use, that consists of a surface layer, including but not limited to concrete, pavers, bricks, tiles, asphalt or stone (e.g. flagstone, limestone, bluestone, slate, granite, gravel, stone screenings) and the supporting base layers extending subgrade to the underlying soil.

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

PREVIOUSLY DEVELOPED — A lot or parcel that was developed with a structure legally placed upon it.

REGIONAL FLOOD (NR 115.03(7)) — A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

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

ROUTINE MAINTENANCE OF VEGETATION (NR 115.03(7m)) — Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

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

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

1689 the street lot line and the nearest point of the structure.

1690 SHORELAND (NR 115.03(8)) — Lands within the following distances from the ordinary high-water
1691 mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream
1692 or to the landward side of the floodplain, whichever distance is greater.

1693 SHORELAND AREA/SHORELAND SETBACK — Also known as the "shoreland setback area" in
1694 § 59.692(1)(bn), Wis. Stats., means an area in a shoreland that is within a certain distance of the
1695 ordinary high-water mark in which the construction or placement of structures has been limited or
1696 prohibited under an ordinance enacted under § 59.692, Wis. Stats.

1697 SHORELAND-WETLAND DISTRICT — A zoning district, created as a part of a County zoning
1698 ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland
1699 inventory maps ~~prepared by the Department~~ as depicted on the Department of Natural Resources
1700 Surface Water Data Viewer.

1701 SPECIAL EXCEPTION (CONDITIONAL USE) (NR 115.03(10)) — A use which is permitted by
1702 this chapter provided that certain conditions specified in this chapter are met and that a permit is
1703 granted by the Board of Adjustment or, where appropriate, the Land Use Planning and Zoning
1704 Committee or County Board.

1705 STRUCTURE (§59.692(1)(e) Wis. Stats.) — A principal structure or any accessory structure
1706 including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch, or fire pit.

1707 STRUCTURE, ACCESSORY (§59.692(1)(e) Wis. Stats.) — A subordinate structure on the same
1708 property as the principal structure which is devoted to a use incidental to the principal use of the
1709 property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos,
1710 patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks,
1711 detached stairways, and lifts.

1712 SUBSTANDARD LOTS — A legally created lot or parcel that met minimum area and minimum
1713 average width requirements when created but does not meet current requirements for a new lot or
1714 parcel.

1715 UNNECESSARY HARDSHIP (NR 115.03(11)) — That circumstance where special conditions,
1716 which were not self- created, affect a particular property and make strict conformity with restrictions
1717 governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in
1718 light of the purposes of this chapter.

1719 VARIANCE — An authorization granted by the Board of Adjustment to construct, alter, or use a
1720 building, structure, or land in a manner that deviates from the dimensional standards of this chapter.

1721 VEGETATED BUFFER ZONE, SHORELAND — That nearshore area that extends 35 feet landward
1722 from the OHWM of navigable waters. This area contains a diverse mixture of native species that may
1723 include grasses, grass-like species, forbs, shrubs, and trees. It is either natural or is constructed in
1724 accordance with § 338-60D, and functions to attenuate, absorb and filter stormwater runoff prior to
1725 being introduced into navigable waters.

1726 WETLANDS (NR 115.03(13)) — Those areas where water is at, near, or above the land
1727 surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have
1728 soils indicative of wet conditions.

1729

1730 **BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon passage and
1731 publication.

Item #2:

Owner: Steven Draeger & Robin Hein, **Agent:** Madelyn Koerner- WE Energies, **Location:** County Highway H, **Parcel:** 006-00980-0000, **Legal Description:** Located in part of the SE ¼ of the NE ¼ of Section 34, T15N, R12E, Town of Green Lake, ±.008 acres, **Request:** The owners are requesting a Conditional Use Permit for a gas regulator station and the necessary access to the easement area.

Land Use Planning and Zoning Committee Staff Report

Public Hearing

September 3, 2026

Item II: Conditional Use Permit (CUP)

Owner:

Steven Draeger & Robin Hein

Applicant:

WE Energies – Madelyn Koerner

Request: The owner/applicant is requesting a gas regulator station and the necessary access to the easement area.

Parcel Number/ Location: The request affects part of parcel 006-00980-0000 (±0.07 acres). The ±35 acre parcel is located in the SE ¼ of the NE ¼ of Section 34, T15N, R12E, Town of Green Lake. The site is vacant land off County Rd A.

Existing Zoning and Uses of Adjacent Area: All parcels surrounding the parcel referenced above are zoned A1, Farmland Preservation District. Most of the surround lands are used as farms and farm fields but there are a few rural residences nearby.

Additional Information/Analysis: The ±35 acre parcel referenced above is zoned A1, Farmland Preservation District. Of the 35 or so acres the applicant would be looking to utilize only 0.07 acres for a gas regulator and access to the easement area. The gas regulator space would be a 10' x 35' area and the temporary construction access easement areas would be a 50' x 50' portion of the parcel. The applicant states that the gas regulator is needed at this site to decrease pressure of the current pipeline nearby to a pressure that is suitable for natural gas distribution. The applicant states that the gas regulator will meet the zoning setback from the county highway and the site will be used continuously after installation and maintained by WE Energies. Additionally, a security fence is planned to be placed to help reduce risks to the environment, current and neighboring properties, and the facility itself. This fence however will require a variance to be approved to be constructed as planned within the highway setback. This new gas regulator should reduce the cost of natural gas services to the customers within the community as well and being safer than the current facility nearby.

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).

Town of Green Lake: The Town Board Action request for the Conditional Use Permit was sent to the Town Clerk. At their town board meeting on July 1st, 2026, the Town of Green Lake did not object to and approved of the request.

TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Green Lake, County of Green Lake, took the following action on –
(Date) 7-13-2026.

Owner/Applicant: Steven Draeger & Robin Hein, **Agent:** Madelyn Koerner – WE Energies

Site Location: County Highway H

General legal description: Parcel #006-00980-0000, SE ¼ of the NE ¼, Section 34, T15N, R12E, Town of Green Lake, ± .008 acres

Request: CUP Application from WE Energies, for a gas regulator station and the necessary access to the easement area.

Planned public hearing date for the above requests: September 3, 2026

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

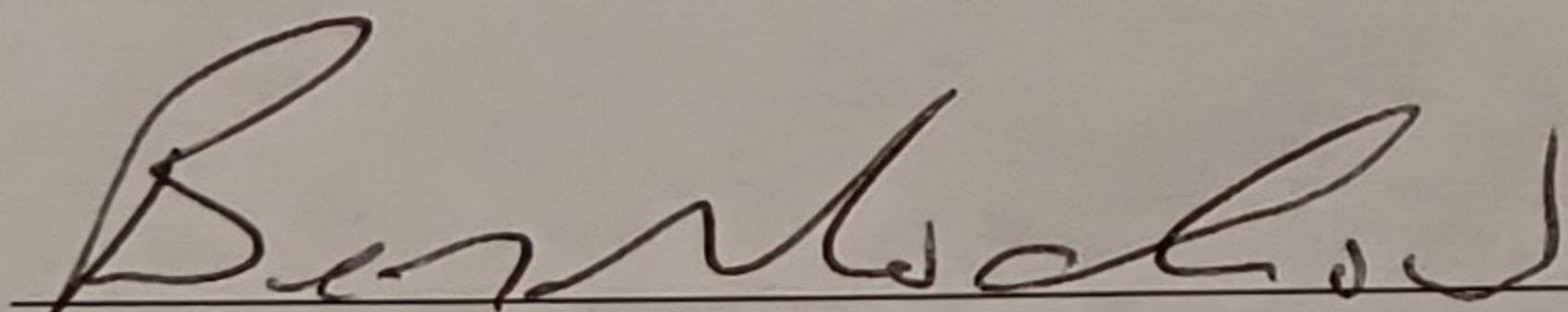
☐ **No action taken**

☐ **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

7-13-2026
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Department by: **August 21, 2026**



Land Use Planning & Zoning Department

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

Phone 920-294-4156 Website: <http://www.greenlakecountywi.gov>

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

Date 6/23/26

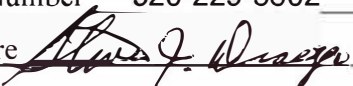
By signing and submitting this completed application with public hearing fee, the applicant or agent requests the Land Use Planning & Zoning Committee consider the conditional use permit request at the next available public hearing.

PROPERTY OWNER / APPLICANT

Name Steven Draeger & Robin Hein

Mailing Address N1810 County Road U, Markesan, WI 53946

Phone Number 920-229-5802 Email

Signature  Date 5/15/26

AGENT IF OTHER THAN OWNER

Name Madelyn Koerner on behalf of Wisconsin Gas LLC

Mailing Address 231 W Michigan St. PSB 277, Milwaukee, WI 53202

Phone Number 414-221-2197 Email madelyn.koerner@wecenergygroup.com

Signature  Date 6/23/2026

PROPERTY INFORMATION

Town of Green Lake Location of Property W of County HWY H & County HWY I intersection

Section 34 Town 15 N Range 12 E

Affected Parcel Number(s) 006-00980-0000 Affected Acres

Subdivision Lot Block

CSM Lot or COS

Legal Description The Southeast 1/4 of the Northeast 1/4 of Section 34, Township 15 North, Range 12 East, EXCEPTING
THEREFROM Lot 1 of Certified Survey Map No. 2338. Said land being in the Town of Green Lake, Green Lake County,
Wisconsin.

Current Zoning Classification A-1

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

Farmfield

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? Currently the land is being used for farming. We Energies will utilize a 10 feet by 35 feet portion of the parcel for a

gas regulator site and the necessary access and security measures around the site to provide gas services to the surrounding areas.

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. The Gas Regulator Site will be contained to 10' x 35' portion of the parcel. A temporary construction area of 50' x 50' will be utilized for the duration of construction to be released at completion of construction.

☐ 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

Wisconsin Gas LLC, a Wisconsin Limited Liability Company, doing business as We Energies is a utility company providing electric and gas services across the Midwest. We Energies has been granted a Gas Regulator Easement from Steven Draeger and Robin Hein, landowners of the property located off of County Hwy H in the Northeast 1/4 of Section 34, Township 15 N, Range 12 E, in the Town of Green Lake, Green Lake County, Wisconsin. The easement grants We Energies the rights to place a gas regulator site with necessary access and to take necessary security measures within the 10 foot by 35 foot easement area on the southeastern corner of the property. The gas regulator site will decrease the pressure of the nearby pipeline to a pressure suitable for distribution of gas to surrounding properties. This site will be used continuously after installation and will be maintained by We Energies.

This property is currently used as agricultural farmland. There are no other structures on this parcel. Nearby structures on other parcels will not be affected. The access point for agricultural equipment will be expanded to accommodate both We Energies vehicles and allow adequate space and access for agricultural equipment to maneuver around the gas facilities and access the arable land.

A security fence and gate will also be construct around the permanent easement area to prevent unauthorized access and tampering with the gas facilities. The fence and gate will be 7 feet in height. This security measure reduces the risk that the gas facility poses on the property itself, environment, and the neighboring properties. No other hazards, concerns, or disruptions are expected for the neighboring properties.

OPERATIONAL PLAN NARRATIVE (continued)

After discussion with other landowners, this location was chosen due to its minimal impact on a landowners'

homestead and farmland, proximity to the existing pipeline, landowners' willingness to work with We Energies, and existing

access point that could be expanded to accommodate both We Energies' and the landowners' needs.

GAS REGULATOR EASEMENT

This **GAS REGULATOR EASEMENT** (this "Easement") is made by **Robin Hein and Steven Draeger** ("Grantor") to **Wisconsin Gas LLC**, a **Wisconsin limited liability company, doing business as We Energies** ("Grantee"). Grantor and Grantee may be referred to individually as a "Party" or collectively as the "Parties."

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby conveys and grants to Grantee, its successors, and assigns, a permanent non-exclusive easement on, over, under, across, through, and upon a part of Grantor's property hereinafter referred to as the "Easement Area."

1. **Easement Area:** The Easement Area is described as an area ten (10) feet by thirty-five (35) feet for a gas regulator, being located in a part of the Northeast 1/4 of Section 24, Township 15 N, Range 12 E, in the Town of Green Lake, Green Lake County, Wisconsin (the "Easement Area").

The legal descriptions of Grantor's property (the "Grantor Property") and the Easement Area are set forth on the attached Exhibit "A." The location of the Easement Area is depicted on the attached Easement Description Map, marked Exhibit "B," both made a part hereof by this reference.

2. **Purpose:** This Easement gives, grants, and conveys unto Grantee, its successors, and assigns, subject to the limitations and reservations herein stated, the permanent and exclusive right, permission, and authority to lay, install, construct, maintain, operate, inspect, alter, replace, protect, test, extend, repair, reconstruct, relocate, enlarge, and remove or abandon a gas regulator or regulators together with and including, but not limited to, the necessary foundations, buildings, and structures, fencing, protective barriers, access driveway, piping, valves and associated appurtenances, regulators, filters, gas process heating equipment, remote power actuator facilities together with a power pole, antenna and associated communication equipment, and electric transformer, wires, cable, anchors and guy wires, riser equipment and power pedestals for electric service and metering, solar power panel facilities, and other related appurtenances under and above-ground of such design and material as Grantee may deem necessary in the construction and operation of a gas regulator and gas facilities by Grantee for the transmission and distribution of natural gas and all by-products thereof, or any liquids, gases, or substances which can or may be transported or distributed through a pipeline or pipelines, including customary growth and replacement thereof. With respect to the exclusive easement rights described in this Easement, Grantor agrees that neither Grantor nor any third party may install or construct any buildings, structures, improvements, or facilities (including, without limitation, any gas, electrical, telecommunication, fiber optic, or other utility facilities, except that utilities may be installed with Grantee's approval that provide service to the regulator) within the Easement Area.

Grantee may designate or otherwise appoint, assign, contract, and duly authorize other persons, firms, or corporations to perform, carry out and complete, in whole or in part, the activities and operations herein enumerated, as it deems necessary and convenient for the full enjoyment and use of the rights herein granted.

3. **Use and Access:** Grantee shall have all other rights and benefits necessary or convenient for the full enjoyment and use of the rights herein granted, including, but not limited to the right to remove and to clear all structures and obstructions such as, but not limited to, rocks, trees, brush, limbs, and fences which might interfere with the rights herein contained.

Grantor agrees that Grantee and its agents, contractors and employees shall have the free and full right to enter upon the Easement Area and adjacent portions of the Grantor Property, as necessary or convenient for the full enjoyment and use of the rights herein granted, for the purposes of ingress and

430311
RECORDED ON:
05/18/2026 01:52:16 PM

REC FEE: 30.00

RENEE A. THIEM-KORTH
REGISTER OF DEEDS
GREEN LAKE, WI
TRANSFER FEE:
EXEMPT #:
PAGES: 5

RETURN TO:

WE ENERGIES
Attn: Madelyn Koerner
231 W. Michigan Street, P277
Milwaukee, WI 53203

006-00980-0000
Parcel Identification Number

egress, performing survey work for civil, environmental, archaeological, cultural, and geotechnical reviews, including soil borings, wetland studies, and to perform other engineering studies and for other purposes consistent with this Easement.

4. **Structures and improvements:** Grantor covenants and agrees that no structures or above ground improvements, obstructions, or impediments, of whatever kind or nature will be constructed, placed, granted, or allowed within the Easement Area.
5. **Elevation:** Grantor covenants and agrees that the elevation of the existing ground surface of land within the Easement Area will not be altered by more than four (4) inches without the prior written consent of Grantee.
6. **Temporary Easement:** Grantee and its agents shall have the further right to use, for initial construction purposes only, a strip(s) of land as set forth on the attached Exhibit "A" and as shown on the attached Exhibit "B," as a temporary construction easement area. For non-wooded parcels, Grantor and Grantee agree that Grantee may at the time of construction extend the temporary easement area up to an additional twenty-five (25) feet on either side of the temporary construction easement area depicted on Exhibit "B." The temporary easement is for construction purposes only and shall terminate when the need therefor passes.
7. **Restoration:** Grantee agrees to restore or cause to have restored the Grantor Property, including damage to fencing, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, shrubs, branches, roots, or other landscaping, which may interfere with Grantee's use of the Easement Area.
8. **Ownership:** Grantor, its successors, assigns, heir, executors and administrators covenant and agree to and with Grantee, its successors and assigns, that at the time of the enrolling and delivery of this Easement, they are well seized of good and marketable title to the Grantor Property, and that the same are free and clear from all encumbrances that might materially adversely affect the rights of Grantee hereunder, except the mortgages of Badgerland Financial, FLCA and Compeer Financial, FCLA filed of record prior to the date of the recording of this instrument.
9. **Exercise of Rights:** The Parties agree that the complete exercise of the rights herein conveyed may be gradual and not fully exercised for some time in the future, and that none of the rights herein granted shall be lost by non-use for any length of time.
10. **Binding Effect:** The Easement shall be a covenant running with the land and shall be binding upon, and inure to the benefit of the Parties and their heirs, legal representatives, executors, administrators, devisees, legatees, successors or assigns. The rights herein granted to Grantee may be assigned in whole or in part by Grantee at any time.
11. **Non-Titled Spouse:** Any non-titled spouse signs below as Grantor for the purpose of releasing and waiving all rights he or she may hold under all applicable homestead exemption laws and all applicable marital property laws.

This ☐ is / ☒ is not] homestead property.

12. **Easement Review:** Grantor acknowledges receipt of materials, which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least five (5) days to review this easement document or voluntarily waives the five (5) day review period.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has executed this instrument this 18 day of May, 2026

GRANTOR: Robin Hein and Steven Draeger

By: [Signature]
(Signature)

Robin J. Hein
(Print Name)

By: [Signature]
(Signature)

Steven J. Draeger
(Print Name)

STATE OF WISCONSIN)
GreenLake COUNTY)SS

Personally came before me this 18 day of May, 2026, the above-named Robin J. Hein & Steven J. Draeger, known to me to be the person(s) who executed the foregoing instrument and acknowledged the same.

[Signature]
Notary Signature

Print Name: Kayla Glover

Notary Public, State of Wisconsin

My commission expires 6-20-29

[Notary Seal]



EXHIBIT A

LEGAL DESCRIPTION OF GRANTOR PROPERTY AND EASEMENT AREA

GRANTOR:
Steven Draeger
Robin Hein
N1810 County Road U
Markeson, WI. 53946

GRANTEE:
WISCONSIN GAS, LLC
D/B/A WE ENERGIES
231 W. MICHIGAN ST.
MILWAUKEE, WI. 53203

TAX PARCEL NO.
006009800000

PROPERTY DESCRIPTION

PARCEL NO. 006009800000

The Southeast 1/4 of the NE 1/4 of Section 34, T15N, R12E excepting therefrom Lot 1 of Certified Survey Map No. 2338.

10' x 35' REGULATOR EASEMENT

Part of the Southeast Quarter of the Northeast Quarter (SE 1/4 - NE 1/4) of Section 34, Township 15 North, Range 12 East, Town of Green Lake, Green Lake County, State of Wisconsin.

Commencing at the East Quarter corner of said Section 34, thence S 89°31'45" W, along the South line of the Northeast Quarter, 5.73 feet; thence N 0°28'15" W, 32.96 feet to the north line of CTH H and the Point of Beginning; thence S 89°07'28" W, 10.00 feet; thence N 0°51'59" W, 35.00 feet; thence N 89°07'28" E, 10.00 feet; thence S 0°51'59" E, 35.00 feet to the Point of Beginning.

Said easement contains 350 square feet/ 0.008 acres of land, more or less.

50' x 50' TEMPORARY LIMITED EASEMENT FOR CONSTRUCITON ACCESS

Part of the Southeast Quarter of the Northeast Quarter (SE 1/4 - NE 1/4) of Section 34, Township 15 North, Range 12 East, Town of Green Lake, Green Lake County, State of Wisconsin.

Commencing at the East Quarter corner of said Section 34, thence S 89°31'45" W, along the South line of the Northeast Quarter, 5.73 feet; thence N 0°28'15" W, 32.96 feet to the north line of CTH H; thence S 89°07'28" W, 10.00 feet to the Point of Beginning; thence S 89°07'28" W, 50.00 feet; thence N 0°51'59" W, 50.00 feet; thence N 89°07'28" E, 50.00 feet; thence S 0°51'59" E, 50.00 feet to the Point of Beginning.

Said easement contains 2500 square feet/ 0.057 acres of land, more or less.

(The temporary limited easement described hereon is to expire at completion of the project's construction.)

Property Address: Vacant Land off of County Road H, Markesan, WI 53946

Tax Key Number: 006-00980-0000

BEARINGS BASED ON
THE WISCONSIN COUNTY
COORDINATE SYSTEM
GREEN LAKE COUNTY

we energies



WR: 5164778

REVISIONS:

DATE: 04/15/2026

1. XXX/XXXX

SCALE: N/A

DRAWN BY: BLN

CHECKED: RJC

APPROVED: RJC

SHEET NUMBER:

1 of 2

GRANTOR:
Steven Draeger
Robin Hein
N1810 County Road U
Markeson, WI. 53946

TAX PARCEL NO.
006009800000

EXHIBIT B

REGULATOR EASEMENT

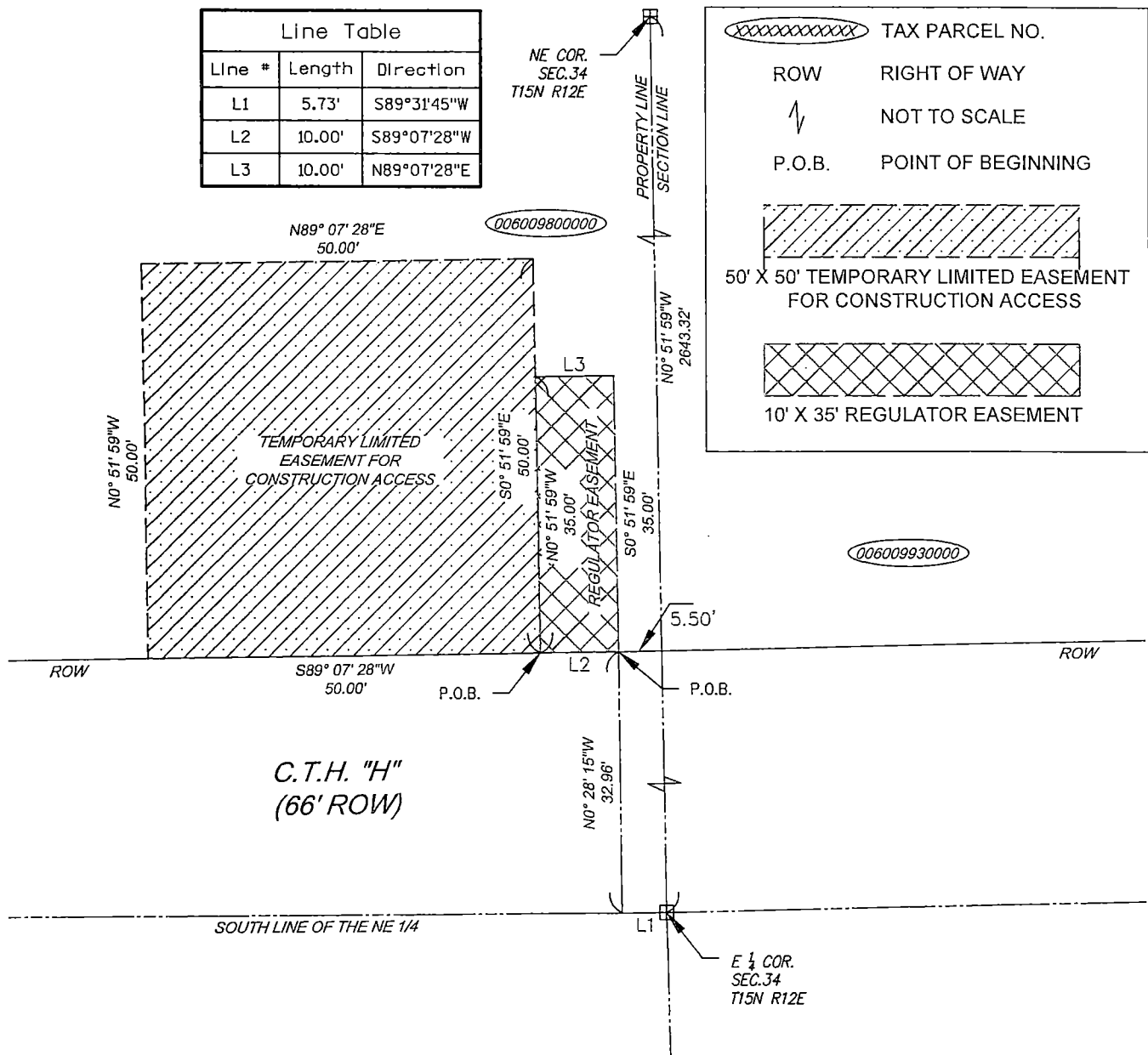
DESCRIPTION MAP

GRANTEE:
WISCONSIN GAS, LLC
D/B/A WE ENERGIES
231 W. MICHIGAN ST.
MILWAUKEE, WI. 53203

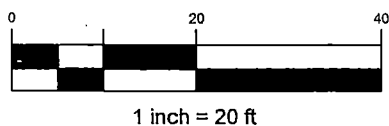
KEY

	TAX PARCEL NO.
ROW	RIGHT OF WAY
	NOT TO SCALE
P.O.B.	POINT OF BEGINNING
	50' X 50' TEMPORARY LIMITED EASEMENT FOR CONSTRUCTION ACCESS
	10' X 35' REGULATOR EASEMENT

Line Table		
Line #	Length	Direction
L1	5.73'	S89°31'45"W
L2	10.00'	S89°07'28"W
L3	10.00'	N89°07'28"E



GRAPHIC SCALE



PART OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF
SEC. 34, T15N, R12E,
TOWN OF GREEN LAKE, GREEN LAKE COUNTY,
WISCONSIN

BEARINGS BASED ON
THE WISCONSIN COUNTY
COORDINATE SYSTEM
GREEN LAKE COUNTY

we energies



WR: 5164778

REVISIONS:

DATE: 04/15/2026

1. X/X/XXXX

SCALE: 1" = 20'

DRAWN BY: BLN

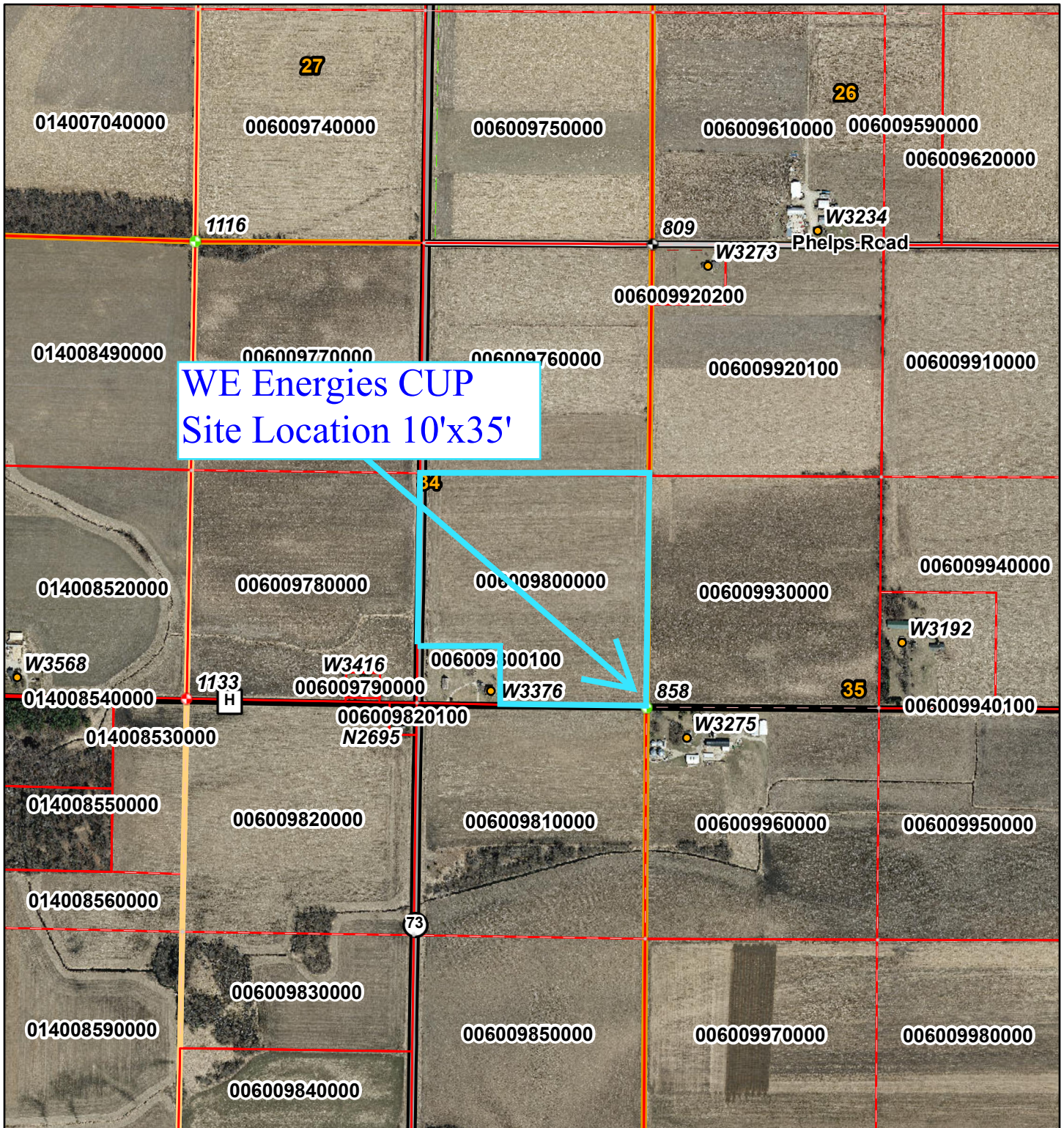
CHECKED: RJC

APPROVED: RJC

SHEET NUMBER:

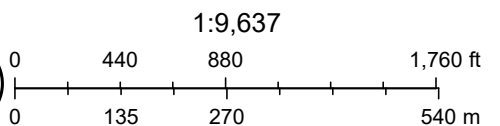
2 of 2

WE Energies CUP Aerial Map



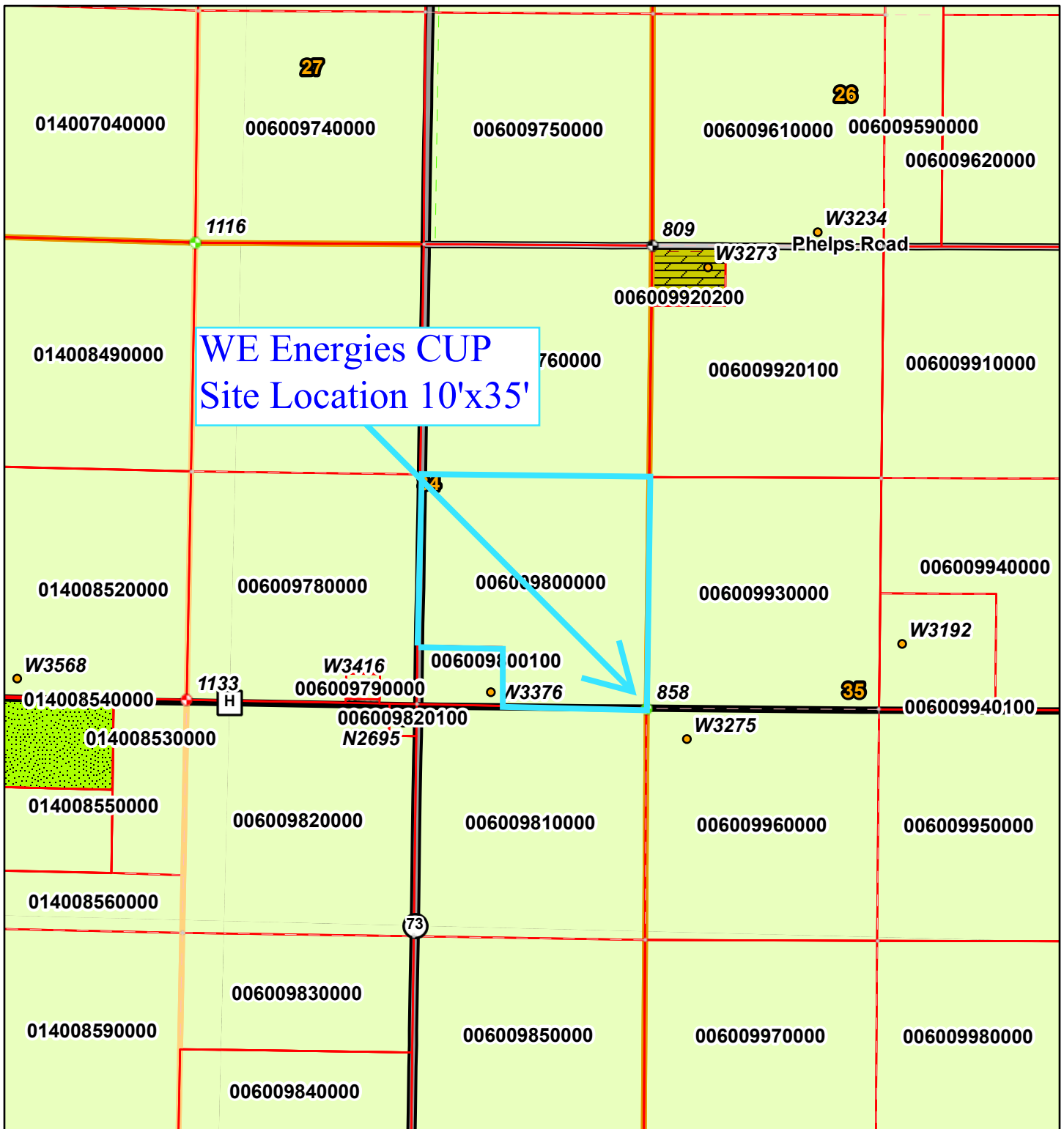
6/25/2026, 11:03:54 AM

- Address
- + QUARTER
- + CENTER
- + SUB
- TaxParcel
- Section
- SECTION



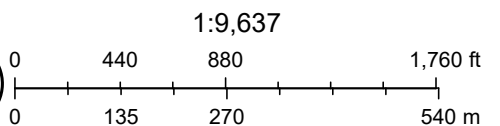
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

WE Energies CUP Zoning Map



6/25/2026, 11:08:53 AM

- Address
- QUARTER
- CENTER
- SECTION
- TaxParcel
- Section
- SUB



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

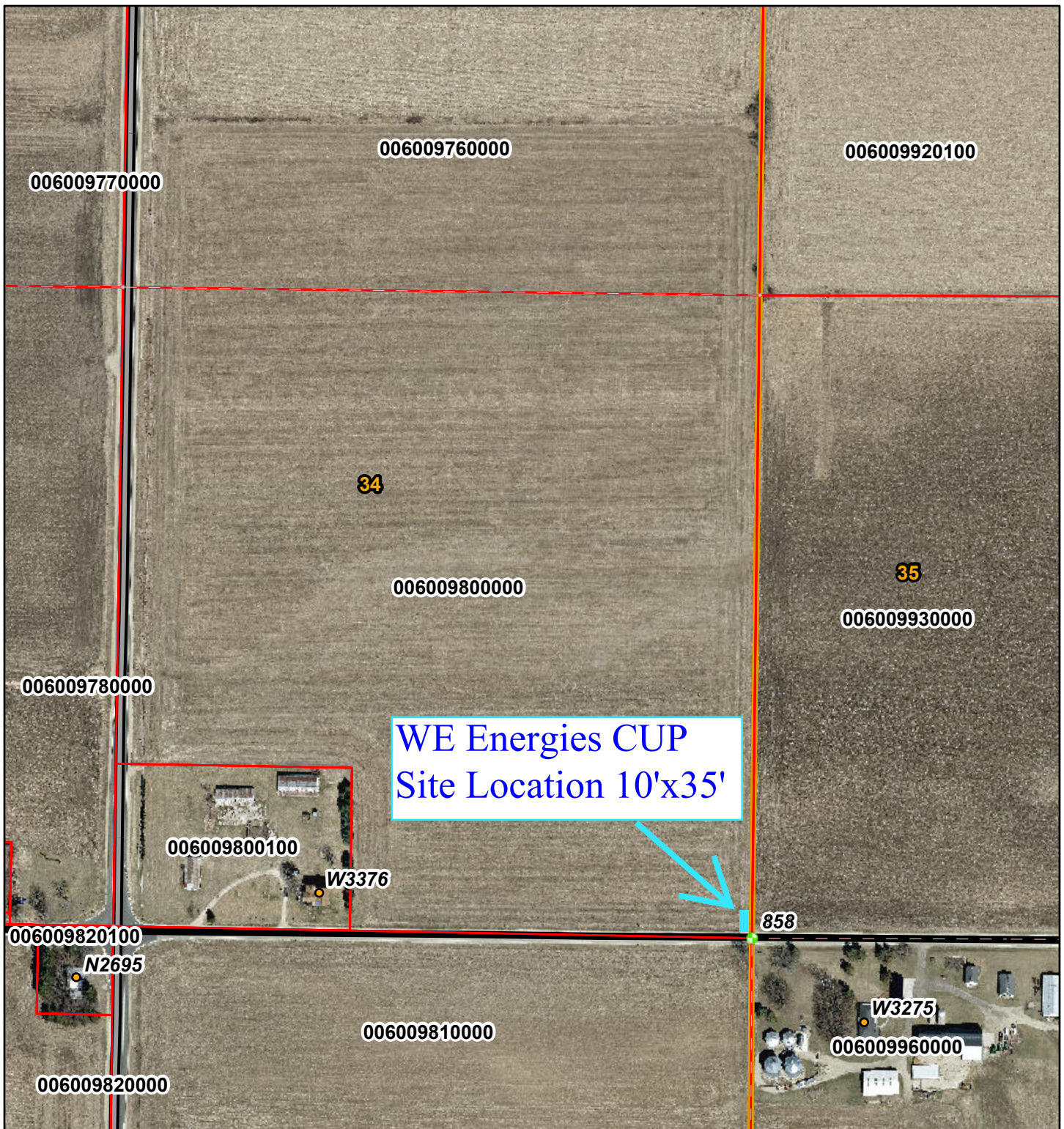


Green Lake County, WI Land Use Planning & Zoning

Zoning Ordinance Map Districts

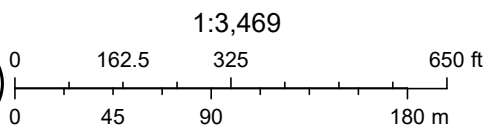
	A1 Farmland Preservation
	A2 General Agriculture
	C1 General Commercial
	C2 Extensive Commercial
	I Industrial
	M1 Mineral Extraction
	M2 Sanitary Landfill
	NRC Natural Resource Conservancy
	R1 Single Family Residence
	R2 Single Family Mobile Home Residence
	R3 Multiple Family Residence
	R4 Rural Residential
	RC Recreation
	AO Adult Orientated Establishment
	UNZ Unzoned
	MUN Municipality
	SPLIT Split Zoning
	PEND Map Update Pending

WE Energies CUP Aerial Map2

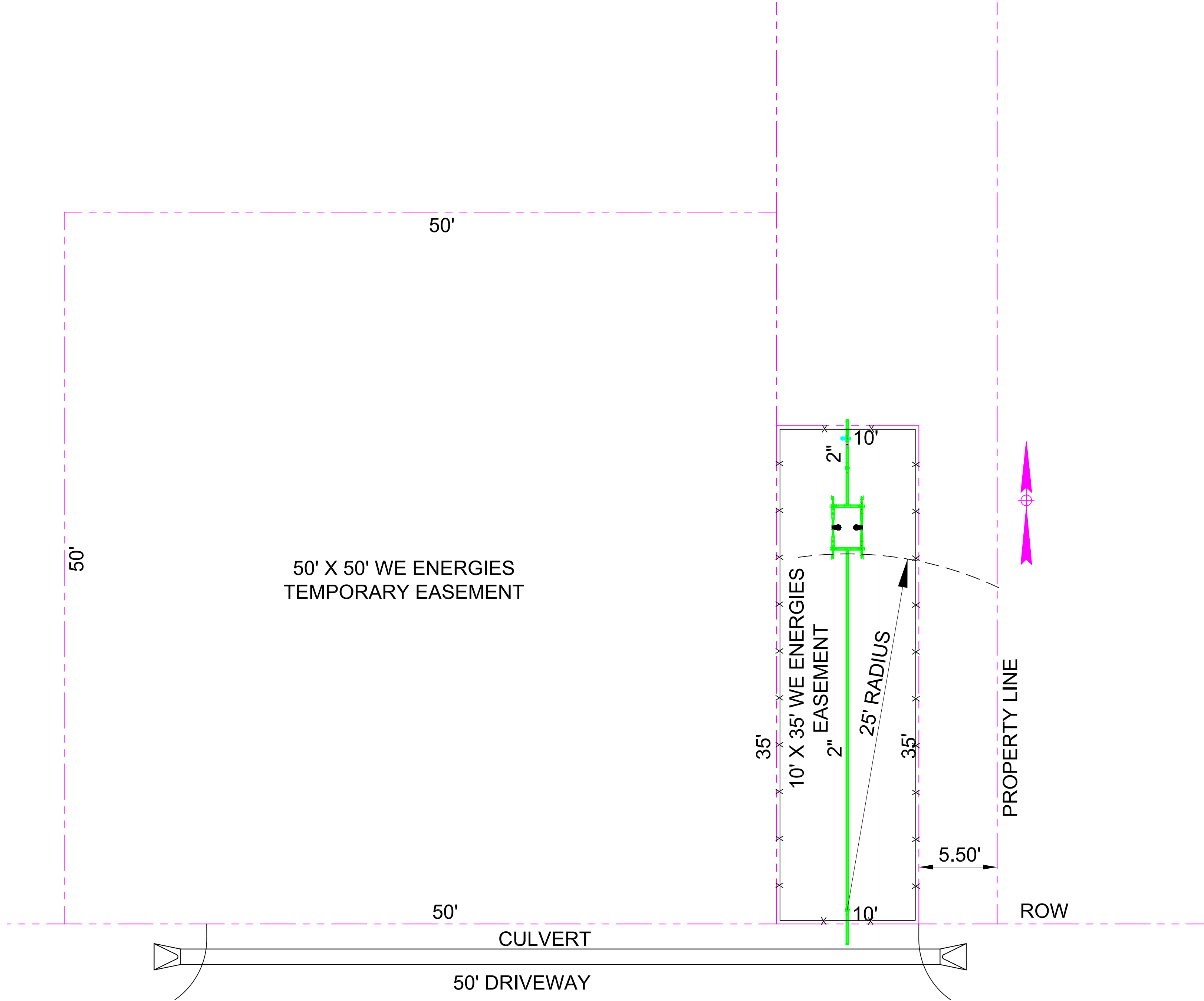


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- Address
- SUB
- Corner
- TaxParcel
- QUARTER
- Section



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



C.T.H. "H"

GENERAL NOTES:

- STATION PIPELINE COATING:
- PIPING, ABOVE GROUND INSTALLATION: ALL EXPOSED PIPE AND FITTINGS TO BE BLAST-CLEANED TO WHITE METAL, AND PAINTED WITH SHERWIN WILLIAMS DURA-PLATE 235 PRIMER AND HIGH SOLIDS POLYURETHANE TOPCOAT.
 - PIPING, VAULTS/PITS: ALL EXPOSED PIPE AND FITTINGS TO BE BLAST-CLEANED TO WHITE METAL, AND PAINTED WITH 2 COATS OF SHERWIN WILLIAMS DURA-PLATE 235.
 - RISERS: BLAST-CLEAN PIPE TO WHITE METAL 18" BELOW GRADE AND 18" ABOVE GRADE. COAT WITH PROTAL 7200 EPOXY (WARM TEMP. APPLIED) OR PROTAL 7125 EPOXY (COLD TEMP. APPLIED).
 - JOINT COATING: JOINTS TO BE COATED WITH DENSOTHERM HOT WRAP OR PROTAL 7200 EPOXY (WARM TEMP. APPLIED) OR PROTAL 7125 EPOXY (COLD TEMP. APPLIED).

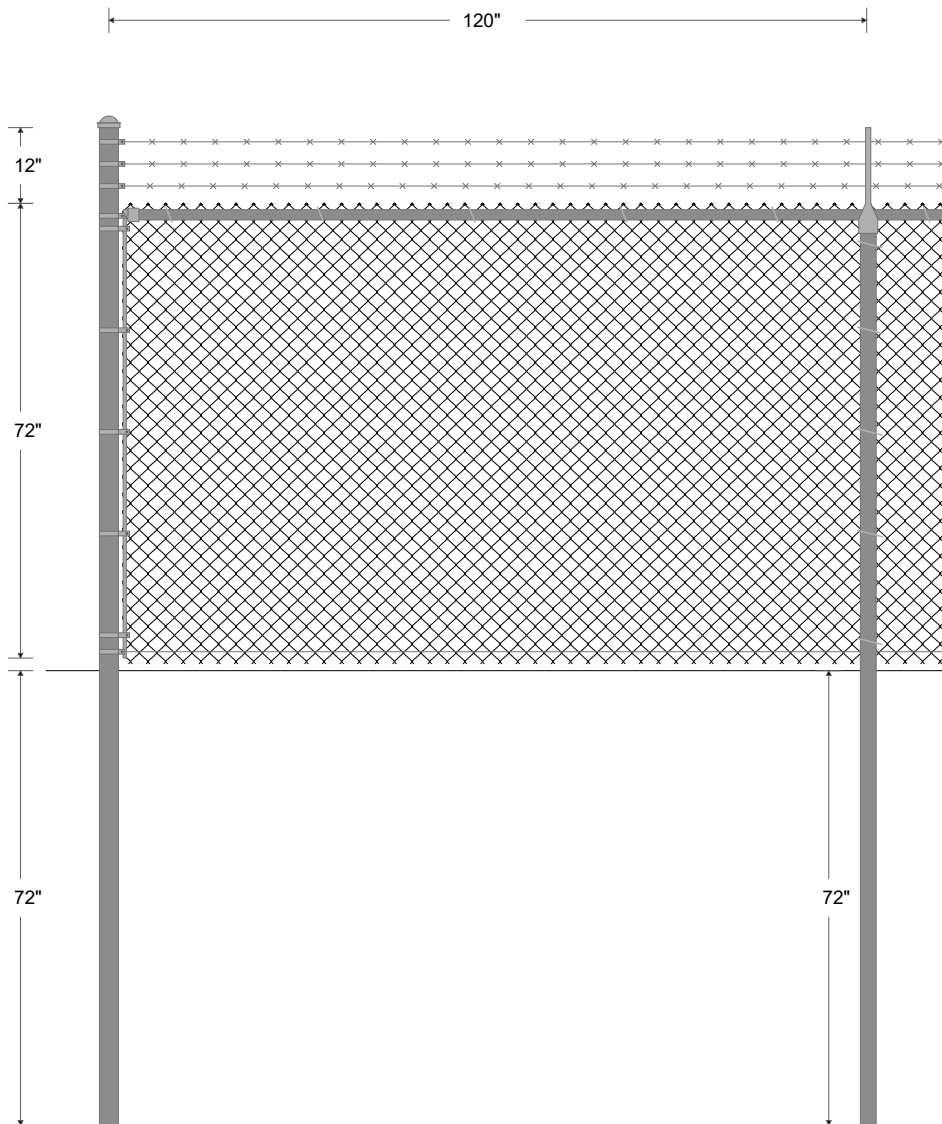
- PRESSURE TEST:
- PRESSURE TEST RANGE:
 - PRESSURE TEST MEDIUM:
 - PRESSURE TEST DURATION:
 - IS AN INTERMEDIATE PRESSURE TEST REQUIRED? (Y/N)
 - PRESSURE TEST SPECIFICATIONS FOR ACCESSORY FITTINGS (I.E. SAVE-A-VALVE, LINE STOPPER, ETC.):
 - LEAK TEST TO BE COMPLETED AT OPERATING PRESSURE

- WELD INSPECTION:
- 100% OF ALL BUTT-WELDS 2" AND LARGER SHALL BE NON-DESTRUCTIVE TESTED.
 - ALL WELDS TO BE VISUALLY INSPECTED.

- DOCUMENTATION:
- PROVIDE AS-BUILT DRAWING OF COMPLETE INSTALLATION TO GAS SYSTEM OPERATIONS DEPARTMENT, PEDC. WAUKESHA.

WE ENERGIES

REVISIONS			LOCATION AND ADDRESS	
DATE	DESCRIPTION	EDITED BY		
3/18/2026	#####	ANDREW LEE		
			2" PEANUT SET	
			AT	
			C.T.H. "H" TOWN OF GREEN LAKE	
I/O	Q-2115-105681	WR	DRAWN BY	DATE
		##	ANDREW LEE	3/18/2026
DO NOT SCALE THIS DRAWING. USE DIMENSIONS ONLY.			PROJECT NUMBER	
			SCALE	####
			1" = 5'-0"	####



72" tall Chainlink Fabric with Knuckle / Barb Selvage and 2" Mesh Size.

156" tall, 3" diameter Terminal Post Driven 6' Deep

144" tall, 2 1/2" diameter Line Post Driven 6' Deep

Top of Fence has 1 5/8" diameter Top Rail.

Bottom of Fence has Smooth Tension Wire.

3 Strands of Barb Wire with Extended Terminal Posts.

Line Post Spacing: Max of 120"

Tie Wire Spacing is every 24" on Rails.



Century Fence
14839 Lake Drive
Forest Lake, MN 55025
(651) 464-7373



Example Picture



Example Picture

GREEN LAKE COUNTY
Conditional Use Permit

DETERMINATION OF THE LAND USE PLANNING AND ZONING COMMITTEE

Public Hearing Date: September 3, 2026

Owner: Steven Draeger & Robin Hein

Agent: Madelyn Koerner – WE Energies

Parcel: #006-00980-0000, County Highway H, Town of Green Lake.

Request: Conditional Use Permit for a gas regulator station and the necessary access to the easement area.

Land Use Planning and Zoning Committee:

Charles Buss, Chair

Luann Mirr-Frank

William Boutwell, Vice Chair

Gene Thom

Brian Floeter

Date signed: September 3, 2026

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).