



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, August 6, 2020.

Packet Pages:

- 2-3 Agenda
- 4-5 Draft meeting minutes from July 2, 2020
- 6-8 Financial reports for June, 2020
- 9-11 Permit Reports
- 12-14 Violation reports
- 15-16 Public Hearing Notice
- 17-24 **Item I: Owner:** Egbert Excavating, Inc. **Applicant:** Dan Egbert **General legal description:** Parcel #004-00356-0000, part of the SE¼ of Section 16, T16N, R13E, ±3.3 acres, W1302 N Lawson Dr., Town of Brooklyn. **Request:** Rezone ±0.7 acres from A-1 Farmland Preservation District to I Industrial District and ±2.6 acres from A-1 Farmland Preservation District to NRC Natural Resources Conservancy District. To be identified by certified survey map.
- 25-32 **Item II: Owner:** Egbert Excavating, Inc. **Agent:** Dan Egbert **General legal description:** Parcel #004-00356-0000, part of the SE¼ of Section 16, T16N, R13E, ±3.3 acres, W1302 N Lawson Dr., Town of Brooklyn. **Request:** Conditional Use Permit for an existing excavating business including expansion of contractor's yard for equipment storage.
- 33-38 **Item III. Owner:** Schwandt Children Real Estate LLC **Agent:** Brian Schwandt **General legal description:** Parcel # 012-00262-0300, part of the NE¼ of Section 15, T14N, R12E, ±1.08 acres, N1638 Madison St., Town of Manchester. **Request:** Conditional Use Permit for the parking and storage of vehicles associated with a towing and recovery business.
- 39-47 **Item IV. Applicant:** Green Lake County Land Use Planning & Zoning Committee **Explanation:** The Committee is requesting amendments to the code of Green Lake County, Chapter 350, Zoning Ordinance; more specifically, to amend the dwelling design standards, permitted uses in the Single-Family, Single-Family Mobile Home, Multiple-Family Residence Districts, as well as the Rural Residential District, building setback distance in platted subdivisions, structures permitted within street setbacks, and the definition of principle structure. Also to include a new standards regulating solar panel arrays.
- 48-71 **Item V. Applicant:** Green Lake County Land Use Planning & Zoning .Committee **Explanation:** The Committee is requesting the repeal and recreation of Chapter 334, Private Sewage Systems Ordinance, of the Code of Green Lake County.

If you have questions or need additional information,
please contact the Land Use Planning & Zoning Department at (920) 294-4156.



GREEN LAKE COUNTY LAND USE PLANNING & ZONING

Matt Kirkman
Director

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

Planning & Zoning Committee Meeting Notice

Date: August 6, 2020 Time: 4:30 PM
Location: Government Center, County Board Room, 571 County Road A, Green Lake WI

AMENDED AGENDA 8/3/20

Committee Members

Curt Talma,
Chairman

Bill Boutwell

Chuck Buss

Don Lenz

Harley Reabe

Keith Hess, Alternate

Sue Kiener, Secretary

1. Call to Order
2. Pledge of Allegiance
3. Certification of Open Meeting Law
4. Approval of Minutes: 7/2/2020
5. Public comments: 3-minute limit
6. Public Appearances
7. Department activity reports
 - a. Financial reports
 - b. Land use & septic permits
 - c. Violation reports
8. Department/Committee activity
 - a. Staff update
 - b. 2021 Budget discussion
 - c. Reconsider decision from February 6, 2020, to hold hearing on Robin's Nest Resort Conditional Use Permit complaint
 - d. Discuss the use of shipping containers as a mini-warehouse use in the C-2, Extensive Commercial Zoning District

5:15 p. m. Public Hearing

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Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance, should contact the Land Use Planning & Zoning office, no later than 3 days before date of the meeting.



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

*Matt Kirkman
Director*

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

- 9. Future committee activities
 - a. Future agenda items
 - b. Meeting date: September 3, 2020
(Business meeting 4:30 p.m., Public hearing 5:15 p.m.)
- 10. Adjourn

To Join this Zoom Meeting

Click link for audio & video

<https://zoom.us/j/93427619310?pwd=OE1iWHIGVmkvcmhYQ29sTU9WaWlhdz09>

Or by phone for audio

Dial by your location (1-301-715-8592) US

Meeting ID: 934 2761 9310

Password: 253937

Kindly arrange to be present, if unable to do so, please notify our office. Sincerely, Sue Kiener, Secretary

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**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, July 2, 2020**

CALL TO ORDER

Planning & Zoning Chairman Curt Talma called the meeting of the Land Use Planning and Zoning Committee to order at 4:30 p.m. in the Green Lake County Government Center, County Board Room #0902, Green Lake, WI. The requirements of the open meeting law were certified as being met. Public access was provided.

Present: Curt Talma, Bill Boutwell, Chuck Buss, Don Lenz, Harley Reabe, Keith Hess (alternate)

Absent: None

**Also Present: Matt Kirkman, Land Use Planning and Zoning Director
Sue Kiener, Secretary**

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Motion/second (Reabe/Lenz) to approve the minutes of the May 7, 2020 meeting with no additions or corrections. Motion carried with no negative vote.

DEPARTMENT ACTIVITY REPORTS

a. Financial reports

Matt Kirkman gave an overview and explanation of May financial reports.

b. Permits

Matt Kirkman gave an update of land use and septic permits for May.

c. Violations

Matt Kirkman provided information on the status of current violations.

DEPARTMENT/COMMITTEE ACTIVITY

a. Staff Update

Matt Kirkman introduced Kiener as the new Administrative Assistant and that he is pleased with her performance, and also stated that the new Land Use Specialist, Aaron Ogle will be starting mid-July.

b. Proposed Zoning Ordinance Amendment

Kirkman explained the changes that he proposed, with no objections from the committee

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items – please forward to Kirkman or Kiener.

b. Next meeting date – August 6, 2020

Business meeting – 4:30 p.m.

Public hearing – 5:30 p.m.

ADJOURN

Chair Talma adjourned the meeting at 5:26 PM.

Respectfully submitted,

Sue Kiener.
Secretary

DRAFT

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

FEES RECEIVED	JUNE				YEAR-TO-DATE				BUDGET	
	2019		2020		2019		2020		2020	
	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS										
Total Monthly Issued Permits	12	7,550	28	6,900	66	18,200	90	\$ 20,000	\$ 34,800	57%
SANITARY PERMITS (POWTS)										
Total Monthly Issued Permits	7	1,830	9	2,670	13	3,380	47	\$ 12,810	\$ 22,695	56%
NON-METALLIC MINING PERMITS										
Annual Permit Fees	-	-	-	\$ -	-	-	5	\$ 9,600	\$ 15,300	63%
BOARD OF ADJUSTMENT										
Special Exception	-	-	-	-	-	-	-	-	-	-
Variances	-	-	2	750	2	750	4	1,500	-	-
Appeals	-	-	-	-	-	-	-	-	-	-
Total	-	\$ -	2	\$ 750	2	\$ 750	4	\$ 1,500	\$ 1,500	100%
PLANNING & ZONING COMMITTEE										
Zoning Change	-	-	1	375	-	-	3	1,125	-	-
Conditional Use Permits	1	375	-	-	2	750	2	750	-	-
Variance	-	-	-	-	-	-	-	-	-	-
Total	1	\$ 375	1	\$ 375	2	\$ 750	5	\$ 1,875	\$ 8,625	22%
MISC.										
Wisconsin Fund	-	-	-	-	-	-	1	100	-	-
Fines & Forfeitures	-	-	3	3,400	-	-	11	6,800	-	-
Total	-	\$ -	3	\$ 3,400	-	\$ -	12	\$ 6,900	-	-
SURVEYOR										
Certified Survey Maps	7	1,215	1	165	12	1,905	23	4,065	6,000	
Preliminary and Final Plats	-	-	-	-	-	-	-	-	-	-
Applied Funds: County Surveyor	-	112	-	-	-	157	-	-	9,500	
Total	7	\$ 1,327	1	\$ 165	12	\$ 2,062	23	\$ 4,065	\$ 15,500	26%
GIS (Geographic Information System)										
Map Sales	-	-	-	-	-	30	-	-	180	
Land Records Transfer	-	-	-	-	-	-	-	-	25,000	
Land Information Grant	-	-	-	-	-	-	-	-	10,000	
Total	-	\$ -	-	\$ -	-	\$ 30	-	\$ -	\$ 35,180	0%
GRAND TOTAL										
	27	11,082	44	14,260	95	25,172	186	56,750	\$ 133,600	
									Total	42%

GREEN LAKE COUNTY

For 06/01/20 - 06/30/20

Revenue Summary Report

FJRES01A

Periods 06 - 06

Land Use & Zoning Month End Revenue

MER100-10-P&Z

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
10 Land Use Planning and Zoning					
20-100-10-44400-000-000 Land Use Permits	34,800.00	6,900.00	20,000.00	14,800.00	57.47
20-100-10-44400-001-000 BOA Public Hearing	1,500.00	750.00	1,500.00	.00	100.00
20-100-10-44400-002-000 PZ Public Hearing	8,625.00	375.00	1,875.00	6,750.00	21.74
20-100-10-44409-000-000 Non-Metallic Mining	30,300.00	.00	10,305.00	19,995.00	34.01
20-100-10-44410-000-000 Sanitary Permits	22,695.00	2,670.00	12,810.00	9,885.00	56.44
20-100-10-44411-000-000 Wisconsin Fund Applications	.00	.00	100.00	-100.00	.00
20-100-10-45110-000-000 Fines & Forfeitures	.00	3,400.00	6,800.00	-6,800.00	.00
20-100-10-46131-001-000 GIS Map Sales	180.00	.00	.00	180.00	.00
20-100-10-46131-002-000 Strategic Fund	10,000.00	.00	.00	10,000.00	.00
20-100-10-46762-000-000 Certified Survey Maps	6,000.00	165.00	4,065.00	1,935.00	67.75
20-100-10-47411-000-000 Interdepartment transfer/Land Records	25,000.00	.00	.00	25,000.00	.00
20-100-10-49320-000-000 Applied Funds	19,000.00	.00	.00	19,000.00	.00
10 Land Use Planning and Zoning	158,100.00	14,260.00	57,455.00	100,645.00	36.34

For 06/01/20 - 06/30/20

Expenditure Summary Report

FJEXS01A

Periods 06 - 06

Land Use & Zoning Month End Expenses

MEE100-10-P&Z

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
10 Land Use Planning and Zoning						
53610 Code Enforcement						
20-100-10-53610-110-000 Salaries	306,001.00	.00	20,730.14	120,720.39	185,280.61	39.45
20-100-10-53610-125-000 Overtime	.00	.00	19.41	19.41	-19.41	.00
20-100-10-53610-140-000 Meeting Payments	1,225.00	.00	.00	.00	1,225.00	.00
20-100-10-53610-151-000 Social Security	23,432.00	.00	1,527.42	10,113.16	13,318.84	43.16
20-100-10-53610-153-000 Ret. Employer Share	20,677.00	.00	1,190.11	8,911.03	11,765.97	43.10
20-100-10-53610-154-000 Health Insurance	56,744.00	.00	3,263.10	26,906.40	29,837.60	47.42
20-100-10-53610-155-000 Life Insurance	610.00	.00	28.62	134.12	475.88	21.99
20-100-10-53610-210-002 Professional Services-SRV	9,500.00	.00	500.00	3,700.00	5,800.00	38.95
20-100-10-53610-210-003 Miscellaneous Fees	300.00	.00	.00	375.00	-75.00	125.00
20-100-10-53610-225-000 Phone Service	576.00	.00	48.29	428.05	147.95	74.31
20-100-10-53610-242-000 Print Management	1,180.00	.00	11.39	187.03	992.97	15.85
20-100-10-53610-307-000 Training	380.00	.00	40.00	316.43	63.57	83.27
20-100-10-53610-310-000 Office Supplies	2,762.00	.00	87.23	260.01	2,501.99	9.41
20-100-10-53610-312-000 Field Supplies	200.00	.00	.00	10.09	189.91	5.05
20-100-10-53610-320-000 Publications-BOA Public Hearing	750.00	.00	.00	603.00	147.00	80.40
20-100-10-53610-320-001 Publications-PZ Public Hearing	3,000.00	.00	.00	569.00	2,431.00	18.97
20-100-10-53610-321-000 Seminars	655.00	.00	.00	647.88	7.12	98.91
20-100-10-53610-324-000 Member Dues	100.00	.00	.00	100.00	.00	100.00
20-100-10-53610-330-000 Travel	492.00	.00	.00	.00	492.00	.00
20-100-10-53610-352-000 Vehicle Maintenance	638.00	.00	19.79	147.52	490.48	23.12
53610 Code Enforcement	429,222.00	.00	27,465.50	174,148.52	255,073.48	40.57
10 Land Use Planning and Zoning	429,222.00	.00	27,465.50	174,148.52	255,073.48	40.57

Land Use Permits: 6/1/2020 - 6/30/2020

Permit Number	Parcel Number	Site Address	Application Date	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
12380	004021010000	N5434 SHORE DR	01/31/2019	06/08/2020	RANDALL R & ARLENE Z JOHNSON	14000	Land Disturbing Activity - Vegetative Buffer/Mitigation	37.5 ft depth less 30% for VAC	Accessory Structure - Detached Deck/Patio	8ft radius fire pit patio, approx. 200sqft.
12568	016014090000	W5572 OXBOW TRL	04/30/2020	06/26/2020	ELLIOTTA POLLASCH, LINDAR POLLASCH	30000	Accessory Structure - Detached Garage	New garage	Accessory Structure - Boathouse	New shed/boathouse in shoreyard
12584	006007580000	W3058 BLACKBIRD POINT DR	04/20/2020	06/01/2020	DENNIS B & JANIS M QUERNEMOEN	21592.52	Accessory Structure - Detached Deck/Patio	286sqft patio on south side of home, at grade, constructed of permeable pavers		
12600	006020800000	W2354 OAKWOOD AVE	05/14/2020	06/03/2020	THE KOHN REVOCABLE TRUST	184496	Accessory Structure - Detached Garage	Proposed 246sqft of residential living space. This garage is maxed out for residential living space! 20% of 1232 is 246sqft.		
12613	012000730000	W3818 HERITAGE RD	06/01/2020	06/02/2020	DANIEL A & MARY E BONTRAGER	45000		Machine Shed		
12614	012006930101	N445 STATE ROAD 73	06/02/2020	06/02/2020	BRENDAK LINK, DARRENA KRUEGER	80000	Accessory Structure - Detached Garage	Garage/shop		
12615	014009230000	W6350 LAKEVIEW DR N	06/02/2020	06/02/2020	DONALD R & DIANN E PERGANDE	90000	Additions / Alterations - Addition/Alteration to Principal Structure	Addition to lower level and second story above entire. Removing Deck for IMS.	Additions / Alterations - Addition/Alteration to Principal Structure	Covered entry, net 46sqft.
12616	012006220300	W4481 COUNTY ROAD GG	06/02/2020	06/03/2020	CANAAN PROPERTIES INC	450	Accessory Structure - Sign	4'x6' sign		
12617	010006630000	W1602 COUNTY ROAD AW	06/02/2020	06/03/2020	MICHAELJ WESTHUIS, PATRICIAA WESTHUIS	5000	Accessory Structure - Storage Buildings	Storage area for wood and trailers		
12618	012002440000	N1546 COUNTY ROAD S	06/03/2020	06/03/2020	ANDREWJ SCHROCK, RUBYG SCHROCK	60000	Principal Structure - Single Family	2 Bedroom House		
12619	004004430300	W2354 STATE ROAD 23	06/03/2020	06/03/2020	JULI REALTY LLC	35000	Accessory Structure - Detached Garage	Garage	Principal Structure - Commercial / Industrial	Mobile Home
12621	004010900000	N5589 COUNTY ROAD A	06/04/2020	06/04/2020	BRIAN D & JODI LTIMLER OLMEN REVOCABLE TRUST OF 2005	51600	Land Disturbing Activity - Filling	Fill to occur in the exempt area of the primary shoreland buffer to build a boathouse and establish stable grades associated with meeting flood-fringe requirements. MEK	Accessory Structure - Boathouse	Flood-fringe project. Also owner needs to infiltrate the 384sqft of IMS from boathouse. Plan on file with affidavit. MEK
12622	004008410300	W3184 PRINCETON RD	06/04/2020	06/04/2020	CARIEF HOOD, DAVIDS HOOD	900	Accessory Structure - Accessory Structure	6ft x 8ft Shed		
12624	006012260000	W2090 TULETA HILL RD	06/05/2020	06/05/2020	ERIC FELIX QUANDT TRUST	900	Accessory Structure - Accessory Structure	Bike Storage Shed		
12625	006002790300	W903 CENTER RD	06/08/2020	06/08/2020	BENJAMINR DREWS, KIMBERLYA DREWS	28000	Additions / Alterations - Addition/Alteration to Principal Structure	Attached Garage		
12626	004000720100	N7162 SPRINGBROOK RD	06/08/2020	06/08/2020	BILLY J & CHARLOTTE N BROWN	4000	Accessory Structure - Storage Buildings	Metal Storage Shed		
12629	016016050000	W5344 OXBOW TRL	06/08/2020	06/08/2020	C&S PRECISION SIDING & WINDOWS LLC	3000	Accessory Structure - Storage Buildings	Shed for Tractor, etc.		
12630	014004020000	W6866 JOLIN RD	05/26/2020	06/09/2020	PHYLISI JONES, RONNIEK JONES	1250	Accessory Structure - Storage Buildings	Shed		
12631	002002750000	W1194 COUNTY ROAD V	06/10/2020	06/10/2020	PETER J & PAULA J TROCHINSKI	25000	Accessory Structure - Detached Garage			
12633	016003950000	N4680 RADTKE RD	06/11/2020	06/11/2020	KIRSTENA WENGELER, WILLIAMA WENGELER	500	Accessory Structure - Stairs/Walkway	5ft Walkway within 75ft of OHWM, 7-8ft wide beyond		
12635	006010650000	W1325 SPRING GROVE RD	06/16/2020	06/16/2020	SOUTHSHORE TERRACE HOME OWNERS ASSOC INC	8000	Principal Structure - Single Family	Bathroom Addition		
12636	006016490000	N5159 FOREST GLEN BEACH RD	06/17/2020	06/17/2020	KRISTINE M ROEPSCH	5000	Accessory Structure - Boathouse	Replace Foundation		
12637	006010510000	W1370 SPRING GROVE RD	06/17/2020	06/17/2020	KC MEAD GREEN LAKE LLC	30000	Land Disturbing Activity - Filling	Berm w/ re-vegetation of disturbed area and French Drain (no tile connection to channel).		
12639	004014390100	N5647 HICKORY HILL LN	06/22/2020	06/22/2020	BEVERLYANN STAMM, JAMESBARRETT STAMM	2000	Accessory Structure - Storage Buildings	She Shed		
12641	014000410000	N2676 COUNTY ROAD H	06/24/2020	06/24/2020	JERRY J & KAREN E STELLMACHER	4500	Accessory Structure - Attached Deck/Patio			

12642	006016870000	W1178 SPRING GROVE RD	06/24/2020	06/24/2020	D DIANE SEIDEL TRUST	50000	Accessory Structure - Stairs/Walkway	Replace existing much wider walkway with narrow version. IMS equals out.	Accessory Structure - Detached Deck/Patio	Replace Existing Patio 300sqft
12643	016010320000	No Address Available	06/24/2020	06/24/2020	CAVANAGH FAMILY TRUST	95000	Accessory Structure - Detached Garage	Storage Shed/ Shop		
12644	004001510000	No Address Available	06/25/2020	06/25/2020	DUWAYNEW PISCHKE, LINDAJ PISCHKE	15000	Accessory Structure - Storage Buildings	Storage shed, with overhang over the door		
12645	004007280602	W2347 CARPENTER LN	06/25/2020	06/25/2020	THOMASW JOHNSTON DECLARATION OF TRUST, THOMAS W & EDITH B JOHNSTON TRUST	25000	Accessory Structure - Detached Deck/Patio	Patio /Firepit 550sqft, Also Patio beyond south Deck 62sqft, Trash Enclosure 108sqft.		
12646	004005360000	N5814 COUNTY ROAD A	06/25/2020	06/25/2020	GREG A & ALICIA A KELMA	3400	Accessory Structure - Detached Deck/Patio	493sqft Concrete Patio	Accessory Structure - Fence	Privacy Fence
12648	012005410000	N594 COUNTY ROAD M	06/30/2020	06/30/2020	MARILYN SCHROCK, SAMUELJ SCHROCK	30000		Dairy Barn		
12649	002005330102	No Address Available	06/30/2020	06/30/2020	KARENK MIRR, WILLIAMJ MIRR	210000	Accessory Structure - Detached Garage		Principal Structure - Single Family	2 Bedroom House

Sanitary Permits: 6/1/2020 - 6/30/2020

Sanitary Permit	Parcel Number	Site Address	Owners	Date Issued	Permit Type	System Type	Additional Explanation	Permit Fee \$ (County)	Permit Fee \$ (DSPS)
202024042	016011060000	N4713 OAK RD	JACK R & SANDRA J KARLOVICH FAMILY TRUST	06/01/2020	Replacement System	Mound	3 Bedroom	280	100
202024043	002005510101	W1900 DEAD END RD	CAROLJEAN REINDL TRUST, RICHARDLEE REINDL TRUST	06/01/2020	New System	Conventional (Non-Pressurized In-Ground)	Shop with Living Space, Designed as 2 bedroom home	280	100
202024044	012002440000	N1546 COUNTY ROAD S	ANDREWJ SCHROCK, RUBYG SCHROCK	06/02/2020	New System	Conventional (Non-Pressurized In-Ground)	5 Bedroom House	280	100
202024045	004004430300	W2354 State Rd 23	JULI REALITY	06/03/2020	Reconnect	Conventional (Non-Pressurized In-Ground)	Mobile Lot 115	280	0
202024046	016009020000	W5535 RESORT LN	DARRELLJ KRENZ	06/04/2020	Replacement System	Holding Tank	2 Bedroom House	355	100
202024047	020005170200	N9337 MURPHY RD	BRAYDENJ MORIARTY	06/15/2020	New System	Conventional (Non-Pressurized In-Ground)	Personal Shop	280	100
202024048	008004750000	W6545 STATE ROAD 44	STEVEN A & BEVERLY J MC ELROY	06/16/2020	Replacement System	Conventional (Non-Pressurized In-Ground)	3 Bedroom House	280	100
202024049	008002730300	W5320 COUNTY RD FF	SAMUEL AND RUBY MILLER	06/16/2020	Replacement System	Conventional (Non-Pressurized In-Ground)	5 Bedroom House	280	100
202024050	020000130100	N9511 N FOUNTAIN RD	RICHARD & LOUISE SEAMAN	06/17/2020	Replacement Tank Only	Conventional (Non-Pressurized In-Ground)	3 Bedroom House	150	0
202024051	002004010100	W1221 COUNTY ROAD V	ALYSSAL LIND, JACOB L NOVAK	06/17/2020	Replacement System	Conventional (Non-Pressurized In-Ground)	4 Bedroom House	280	100
202024052	016014200000	W5632 OXBOW TRL	ELLENM DANGERS, JASONE DANGERS	06/23/2020	Replacement System	Conventional (Non-Pressurized In-Ground)	3 Bedroom	280	100
202024053	206010720200	No Address Available	DANIELR BOHN, SONIAL WASNIAK BOHN	06/26/2020	New System	Mound	3 Bedrooms	280	100
202024054	002005330102	No Address Available	KARENK MIRR, WILLIAMJ MIRR	06/30/2020	New System	Conventional (Non-Pressurized In-Ground)	3 Bedroom	280	100
Total:								3585	1100

* There are additional properties associated with the permit

Land Use & Shoreland Violations

First Notice:						
Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date
2007690000	N9666 WILDFLOWER LN	VAN BUREN KEITH A & VIKKI	12551	Junk	Unregistered vehicles Lumber pile Skid Steer	12/13/2019
6005420200	N3047 E LITTLE GREEN RD	SARGENT REVOCABLE LIVING TRUST SANDRA LYNN	12525	Zoning	350-65 no LUP for new structure; Update 11/2019: Was scheduled to be removed by May 1 2020.	10/24/2019
10001500100	No Address Available	WALKER DALE A; WALKER LISA A	12523	Zoning	350-65: LUP for new structure	10/23/2019
14000010000	N2797 COUNTY ROAD B	SWANKE GARY L & LINDA A	12534	Junk	Tires Pallets Unregistered truck Junk/ inoperable machinery (non-farm) containers plastic tarps	10/10/2019
16003500300	W3690 BEYERS COVE RD	HERBOLSHEIMER BRAD ; HERBOLSHEIMER LARA	12521	Shoreland	Violation of 338-32: structure within shoreland setback of 75ft; Met with owner 11/22/19; rec'd documents from DNR 2/12/20. On schedule for compliance by end of summer 2020.	10/23/2019
Second Notice:						
Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date
4003560000		EGBERT EXCAVATING INC	12225	Zoning	Update 10/15/19: Not able to obtain flood model. Will be removing items and fill from mapped floodway.	4/5/2018
10001430000	N1914 COUNTY ROAD AS	SLR PROPERTIES LLC	12522	Junk	350-14D: junk stacked and piled on property; Progress observed June 10th. Still need to get out there again.	10/23/2019
14003500000	W6592 PUCKAWAY RD	SMITH WESLEY E	12443	Shoreland	added a pea gravel patio at shore; violation of 338-37 vegetated buffer activities 338-40 land disturbing activities and 338-32 as patios are not exempt from 75ft setback; Has until May to submit plan for revegetation at	8/22/2019
Sent to Corp Counsel:						
Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Violation Date

POWTS Violations

	002= Town of Berlin 004= Town of Brooklyn 006=Town of Green Lake 008=Town of Kingston 010= Town of Mackford 012= Town of Manchester 014= Town of Marquette 016= Town of Princeton 018= Town of Saint Marie 020= Town of Seneca 154=Village of Marquette 206= City of Berlin 271= City of Princeton						
Open Violation- Notice Sent	Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Action Taken
	002001310200	N9205 32ND DR	HOPPA JOSEPH A	114931	POWTS Failure	Dug into mound with an excavator	New Permit
	004002320000	N6698 COUNTY ROAD PP	BENNETT GLEN J & CAROLYN M	281	POWTS Violation	Possible cesspool.	New Permit
	004003150200	W1002 STATE ROAD 23 49	COACHLITE GREEN LAKE LLC	200924016	POWTS Violation	Tank overfull and discharging to ground surface.	New Permit
	004006900200	W2005 IRVING PARK RD	BRIGHT BETH CHIER; CHIER BRADLEY ; CHIER DEAN	10024647	POWTS Failure	Probable surface discharge.	New Permit
	018000570000	W3602 PINE RD	BREWER DOUGLAS & SALLY	258	POWTS Failure	Tank unsound	
	02002110000	N8725 WHITE RIDGE RD	BEDNAREK DAVID ; BLOCK KELIE J	131	POWTS Failure	Tank unsound	
	004006170200	N5458 BROOKLYN G RD	SMITH REVOCABLE TRUST ELMER WILLIAM & BARE	424039	POWTS Violation	Tank failure not structurally sound. HAVE NEW SAN PERMIT	New Permit
	014001180000	W5690 RIVERVIEW DR	METZGER ANTHONY	26790	POWTS Failure	Tank Failure	New Permit
	014001720000	W5156 PINE RD N	HEINECKE RANDAL R ET AL	26724	POWTS Failure	Tank Failure	Working with Contractor
	014002350000	W5621 PINE RD S	SCHULTZ NATHAN E	1969	POWTS Failure	Tank Failure	Working with Contractor
	014008340000	W4052 COUNTY ROAD H	NOWATZSKI KATHY A	1424052	POWTS Failure	Tank Failure	
	016001150100	W4564 STATE ROAD 23 73	WEBER RICHARD W	1624105	POWTS Failure	Tank Failure	New Permit
	016008010300	N5591 LOCK RD	CALAMITA MICHAEL J	37516	POWTS Violation	Tank overfull and discharging to ground surface.	New Permit
	016009230000	N4898 RAY SHORTER RD	PROG ROD-GUN CLUB	10024252	POWTS Violation	Tank not structurally sound.	Working with Contractor
	016010950000	N4659 OAK RD	CARCHESI ANTHONY M; CARCHESI CAROL L	369	POWTS Violation	Tank unsound	New Permit
	016010990000	N4683 OAK RD	OETH JAMES F & ELIZABETH A	1624093	POWTS Violation	Tank failure not structurally sound. HAS NEW SANITARY PE	New Permit
	016014050000	W5552 OXBOW TRL	ULLENBERG EDEL M; ULLENBERG LOUIS R	18136	POWTS Violation	Tank failure not structurally sound.	System to be abandoned
	018000850000	W4224 HUCKLEBERRY RD	DEIBERT BRUCE ; DEIBERT DEBORAH L	56	POWTS Violation	Tank Failure- Working with Egbert Excavating who is having	Working with Contractor
	018001790100	W3988 COUNTY ROAD J	DUGENSKA STEVEN M & BARBARA	267	POWTS Failure	Tank not structurally sound.	New Permit
	018005690300	N6999 STATE ROAD 73	FERTIG WALTER	21127	POWTS Failure	Tank Failure	New Permit
Open Violation- Final Notice							
	Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Action Taken
	004007640100	W598 COUNTY ROAD K	ARNETVEIT AMY L; ARNETVEIT ERIK R	6296	POWTS Violation	Tank failure not structurally sound.	Working with Contractor
	006001350000	N4474 LAKEVIEW RD	BERLOWSKI ZIER BRENDA ; ZIER GREGORY	18201	POWTS Violation	Tank failure not structurally sound. NEW PERMIT	New Permit
	004003760200	N6215 N LAWSON DR	SCHULTZ GINNY L	424032	POWTS Violation	Tank failure not structurally sound.	Working with Contractor
	004005930000	N5691 BROOKLYN G RD	HARVEY RICHARD A & JOYCE M	424036	POWTS Failure	Tank Failure. NEW PERMIT	New Permit
	008006240000	W6458 E PINE ST	GRIFFIN ANNETTE K	824050	POWTS Violation	Water is seeping out the top of Holding tank into owners ya	Complying with letter
	014005330000	N3946 STATE ROAD 73	WHITE KELLY L & DIANE	264853	POWTS Violation	Surface Discharge of Effluent	Working with Contractor
	014005820000	N4075 WICKS LNDG	FROST REVOCABLE TRUST WM & PATRICIA ET AL	1424039	POWTS Violation	Tank failure not structurally sound.	
	016002120000	W4289 STATE ROAD 23 73	WANASEK RUSSELL G & WENDY R	366	POWTS Violation	Tank failure not structurally sound.	
	016005790000	W5482 LOSINSKI RD	WEGNER JAMES M	692	POWTS Violation	Tank failure not structurally sound.	New Permit
	016006000000	N6415 OTTO RD	MANTHEY LUCILLE	1624053	POWTS Violation	Tank failure not structurally sound.	New Permit
	016007700000	W5897 STATE ROAD 23	HAZELWOOD WANETTA ET AL	26752	POWTS Failure	Tank Failure	Working with Contractor
	016007980500	N5588 LOCK RD	KUJAC THOMAS	1624077	POWTS Violation	Tank overfull and discharging to ground surface.	New Permit
	016009070000	W5507 BEND RD	ZELENSKI SANDRA L	1624083	POWTS Violation	Tank failure not structurally sound.	Working with Contractor
	016009090200	N5096 KUHARSKI RD	SCHWEDER DOWE & LORI J	21032	POWTS Violation	Tank overfull and discharging to ground surface. NEW PERM	New Permit
	016010920000	N4643 OAK RD	HILLS IRREVOCABLE TRUST	1624092	POWTS Violation	Tank failure not structurally sound. NEW PERMIT	New Permit
	016016820000	N6153 PLEASANT DR	MORGAN ARLENE	313	POWTS Violation	Tank unsound	New Permit
	154000890000	150 W 2ND ST	KOERNER KENNETH A & JEAN A	593	POWTS Failure	Probable surface discharge. NEW PERMIT	New Permit
	271007420000	742 E TWIN OAKS CT	SCHAEFER KEVIN T; SCHAEFER PATRICIA A	15706	POWTS Violation	Overflow Not Resolved	New Permit
Corporation Counsel							
	Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description	Action Taken

004010220000	N6162 N LAWSON DR	GERIG BRITTNY J; GERIG JAMES D	200724075	Failure to Maintain POWTS		
012001530000	W3816 GRAND RIVER RD	BENDER DOMINIC	375	Failure to Maintain POWTS		
016016710000	N6188 PLEASANT DR	READING NICHOLAS R	13290	Failure to Maintain POWTS		

NOTICE OF PUBLIC HEARING

The Green Lake County Land Use Planning and Zoning Committee will hold a public hearing in County Board Room #0902 of the Green Lake County Government Center, 571 County Road A, Green Lake, WI, on Thursday, August 6, 2020, at 5:15 p.m. to consider the following requests:

Item I: Owner: Egbert Excavating, Inc. **Applicant:** Dan Egbert **General legal description:** Parcel #004-00356-0000, part of the SE¼ of Section 16, T16N, R13E, ±3.3 acres, W1302 N Lawson Dr., Town of Brooklyn. **Request:** Rezone ±0.7 acres from A-1 Farmland Preservation District to I Industrial District and ±2.6 acres from A-1 Farmland Preservation District to NRC Natural Resources Conservancy District. To be identified by certified survey map.

Item II: Owner: Egbert Excavating, Inc. **Agent:** Dan Egbert **General legal description:** Parcel #004-00356-0000, part of the SE¼ of Section 16, T16N, R13E, ±3.3 acres, W1302 N Lawson Dr., Town of Brooklyn. **Request:** Conditional Use Permit for an existing excavating business including expansion of contractor's yard for equipment storage.

Item III. Owner: Schwandt Children Real Estate LLC **Agent:** Brian Schwandt **General legal description:** Parcel # 012-00262-0300, part of the NE¼ of Section 15, T14N, R12E, ±1.08 acres, N1638 Madison St., Town of Manchester. **Request:** Conditional Use Permit for the parking and storage of vehicles associated with a towing and recovery business.

Item IV. Applicant: Green Lake County Land Use Planning & Zoning Committee **Explanation:** The Committee is requesting amendments to the code of Green Lake County, Chapter 350, Zoning Ordinance; more specifically, to amend the dwelling design standards, permitted uses in the Single-Family, Single-Family Mobile Home, Multiple-Family Residence Districts, as well as the Rural Residential District, building setback distance in platted subdivisions, structures permitted within street setbacks, and the definition of principle structure. Also to include a new standards regulating solar panel arrays.

Item V. Applicant: Green Lake County Land Use Planning & Zoning .Committee **Explanation:** The Committee is requesting the repeal and recreation of Chapter 334, Private Sewage Systems Ordinance, of the Code of Green Lake County.

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: July 23, 2020

NOTICE OF PUBLIC HEARING

The Land Use Planning and Zoning Committee of *Green Lake County* will hold a public hearing in #0902 of the Government Center, 571 County Road A, Green Lake, WI, on *Thursday, August 6, 2020, at 5:15 p.m.* to consider the following items:

Item I: Owner: Egbert Excavating, Inc. **Site:** W1302 N. Lawson Dr., Town of Brooklyn. **Request:** Rezone ±0.7 acres from A-1 Farmland Preservation to I Industrial and ±2.6 acres from A-1 Farmland Preservation to NRC Natural Resources Conservancy.

Item II: Owner: Egbert Excavating, Inc. **Site:** W1302 N. Lawson Dr., Town of Brooklyn. **Request:** Conditional Use Permit for an existing excavating business including expansion of contractor's yard for equipment storage.

Item III: Owner: Schwandt Children Real Estate LLC. **Site:** N1638 Madison St., Town Of Manchester. **Request:** Conditional Use Permit for the parking and storage of vehicles associated with a towing and recovery business.

Item IV. Applicant: Land Use Planning & Zoning Committee **Explanation:** The Committee is requesting amendments to Sections 350-19.C and 350-43.2 of Chapter 350, Zoning Ordinance, of the Code of Green Lake County.

Item V. Applicant: Land Use Planning & Zoning Committee **Explanation:** The Committee is requesting the repeal and recreation of Chapter 334, Private Sewage Systems Ordinance, of the Code of Green Lake County.

On July 23, 2020 the full text of the Notice of Public Hearing was published in Berlin Journal Newspapers and is available for viewing at the Berlin Journal, at www.co.green-lake.wi.us, at www.wisconsinpublicnotice.org and the public meeting notices board at the Green Lake County Court Government Center.

Publish: July 30, 2020

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

August 6, 2020

ITEM I: ZONING CHANGE

OWNER:

Egbert Excavating, Inc.

APPLICANTS:

Dan Egbert, owner

REQUEST: The owner/applicant is requesting a zoning change from A-1 Farmland Preservation (± 3.3 acres) to I Industrial district (± 0.7 acres) and NRC Natural Resources Conservancy district (± 2.6 acres).

PARCEL NUMBER / LOCATION: The parcel subject to this request is 004-00356-0000, part of the SE $\frac{1}{4}$ of Section 16, T16N, R13E, Town of Brooklyn. The side proposed for zoning change is located north of the Egbert Excavating main office at W1302 N Lawson Drive.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcel subject to this request is A-1 Farmland Preservation district. Lands owned by the owner/applicant to the south are zoned I Industrial district, as well as other Industrial district zoned lands to the southeast and across Berlin Rd to the west. Commercial lands are to the south, with A-1 Farmland Preservation district lands immediately adjacent to the east (Green Lake Sanitary District fish rearing facility) and north (Puchyan River outflow with wetlands and floodway district designation). There is a remnant residential area (R-1 Single Family Residence, approximately 15 parcels) to the southwest of the subject site, from before N Lawson Drive was truncated by the Highway 23/Puchyan River bridge DOT project. The Green Lake County Farmland Preservation Plan identifies the land under consideration for this zoning change to be in an area of Nonagricultural Development.

ADDITIONAL INFORMATION / ANALYSIS: Historically, the old railroad that ran from the east county line through Green Lake and over to Princeton was part of this property. The dilapidated concrete bridge supports crossing the Puchyan River are still present on the site.

Aerial photos from November 1937 show the area subject to this rezone request as undeveloped wetlands / non-cropped areas to the north of the railroad tracks. Additional aerial photos from 1973, 1980, 1992 and through to 2015 all indicate this property has not been used for any purpose other than vacant lands adjacent to the Puchyan River.

The owner/applicant would like to use the ± 0.7 acres of proposed Industrial district lands to expand the parking and storage area of their contractor yard. They intend on having it be a gravel area and not pave the yard for storage of equipment and project materials, similar to how the rest of their property to the south is currently used.

There is navigable waterway immediately adjacent to the west (Puchyan River) as well as a navigable waterway to the north, which is an outlet from an artesian well that services the fish hatchery. Therefore, this property is subject to County Shoreland Zoning ordinance.

The majority of this parcel is floodway on the adopted and effective map model. The designation of floodway is the most dangerous zone of the floodplain, being the areas where engineering data indicates will be swiftly moving water during flood events. For this reason, the ± 2.6 acres is requested to be zoned to NRC Natural Resource Conservancy, as no useable means can be made of the lot that is west of the Puchyan River.

STATUTORY CRITERIA PER 91.48(1): Land may be rezoned out of a farmland preservation zoning district if all of the following are found after public hearing: **(Staff comments in bold)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. **The lands subject to this request have never been used for a productive agricultural use. They have remained as wetlands and/or grassed areas adjacent to the Puchyan River as far back as the County has aerial records. There is no active crop fields or pasturelands adjacent to this property, and the floodplain zone designation of floodway severely limits the permitted uses of these lands. Based on the information provided by the applicant and available guidance documents, there has not been a productive use of this land, there is not enough acreage to meet the minimum area requirements of the district, and therefore this land appears to meet the criteria of being better suited to a different zoning district.**
- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone appears consistent with the county's comprehensive plan. A goal for industrial development is to encourage industry to locate in designated areas. This neighborhood has been an industry hub since the incorporation of Green Lake County; the railroad once had a depot here and currently concrete and excavation businesses are located here. The proximity to the HWY 23/49 interchange is incredibly valuable from this point of view, to allow the larger vehicles to merge safely with traffic.**
- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the county certified Farmland Preservation Plan is to maintain the integrity and viability of county agriculture...without damaging the economic and social environment or the natural resources..." It is staff's belief that the request does not harm the resource, as Shoreland Zoning and Floodplain Zoning ordinances require preservation of vegetated buffer strips and limits on how close fill may be placed to the river. Further, the rezone to NRC of the west half of the parcel further protects the resource. It is staff's belief this rezone request does not negatively impact the integrity or viability of county agriculture.**
- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or are legally restricted to agricultural use. **The property has not been used for agricultural production nor any intended use of the A-1 zoning district. It appears there is no reduction in lands that have been in productive agricultural use.**

TOWN OF BROOKLYN: An Action Form requesting the Town's input related to this zoning change request was mailed to the Town Clerk on February 7, 2020. On March 10, 2020 the Town of Brooklyn held a public hearing and did not object to and approved of this zoning change.

Please type or use black ink

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

GENERAL APPLICATION

Fee \$375 (paid) (not refundable) Date 1/27/2020
Zone Change from A-1 to I and NRC
Conditional Use Permit for _____
Other _____

PROPERTY OWNER / APPLICANT (1)

Name Egbert Excavating, Inc.
Mailing Address PO Box 462, Green Lake, WI 54941
Phone Number 920-294-6668
Signature Daniel E. Egbert Date 12/20/19

PROPERTY OWNER / APPLICANT (2)

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

PROPERTY INFORMATION

Town of Brooklyn Parcel Number(s) 004-00356-0000
Acres 3.3 Lot _____ Block _____ Subdivision _____
Section 16 Town 16 North Range 13 East
Location of Property North of W 1302 N Lawson Dr
Legal Description See attached legal description

Current Zoning Classification A-1 Farmland Preservation Current Use of Property _____

Detailed Description of Proposed Use construction storage yard - gravel surface (no pavement) ± 0.7 acres to I, ± 2.6 acres to NRC.

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

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

A strip of land 66 feet in width extending over and across part of the Northeast Quarter of the Southeast Quarter of Section 16, Township 16 North, Range 13 East, said strip of land being 33 feet in width on each side of the centerline of the main track (now removed) of the Shohoygan and Fond du Lac Railroad Company (now Chicago and North Western Transportation Company), lying Easterly of the East line of former Hwy No. 49. MORE PARTICULARLY DESCRIBED AS: Commencing at the intersection of the centerline of the main track (now removed) and the East line of that Public Road (formerly Highway No. 49), thence South along the East line of said roadway 33 feet to the point of beginning, thence North along the East line of said roadway 66 feet, thence Easterly parallel to the center line of said railway, a distance of 332 feet, thence South, perpendicular to the center line of said railway 66 feet, thence Westerly and parallel to the center line of said railway to the point of beginning.

A part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Township 16 North, Range 13 East described as follows: Commencing at the Northeast corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, thence west to the center of old State Highway 49, now know as Berlin Road, thence Southerly along the center of Berlin Road to the North line of the right of way of the Chicago Northwestern Railroad Co., thence Easterly along North line of said right of way to a point on section line south of place of beginning, thence North to the place of beginning.

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



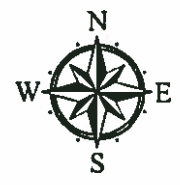
Green Lake County

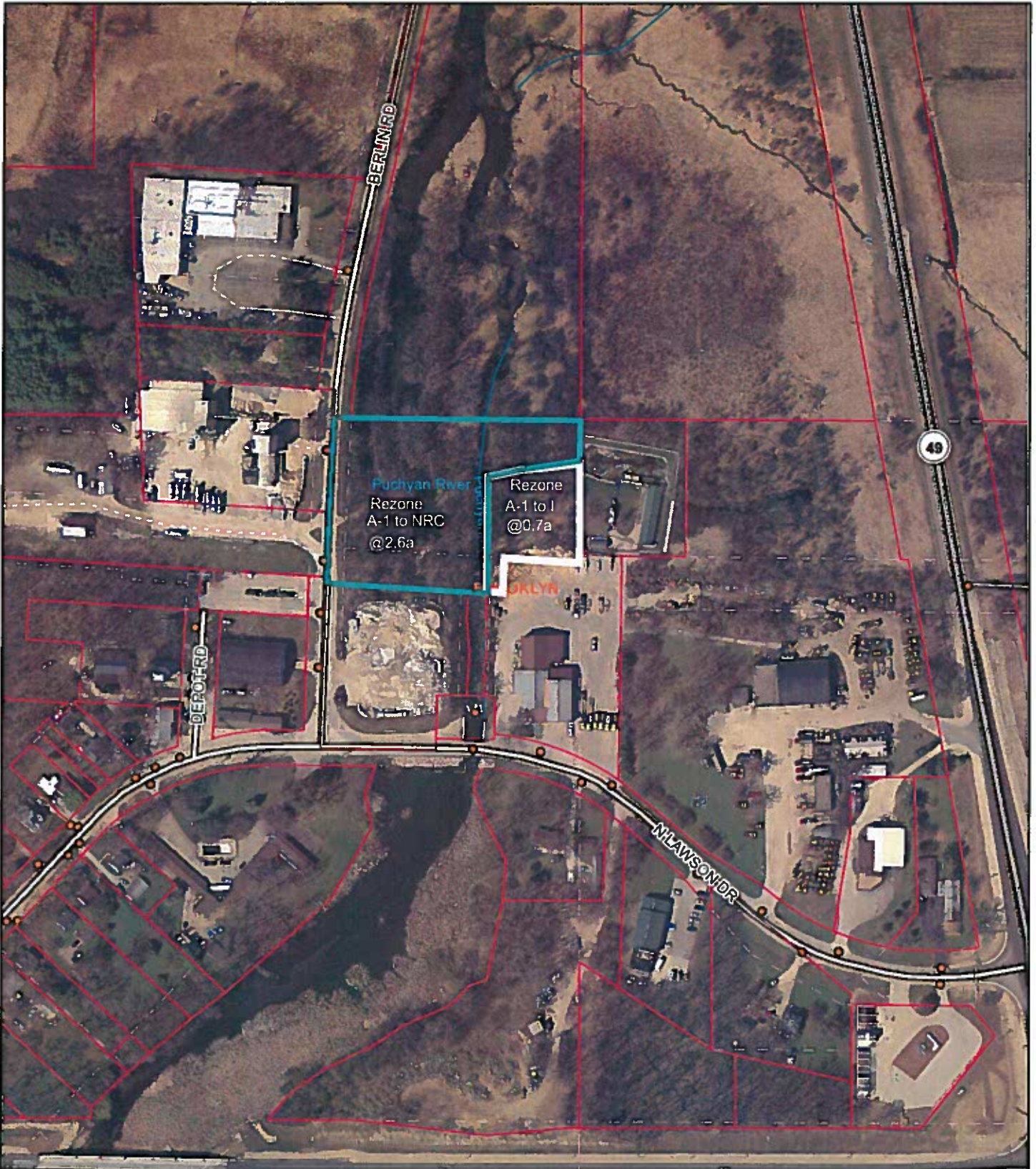
1 inch = 100 feet

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

GIS Viewer Map
 Green Lake County, WI

Rezoning Application Site Plan





Green Lake County

1 inch = 259 feet

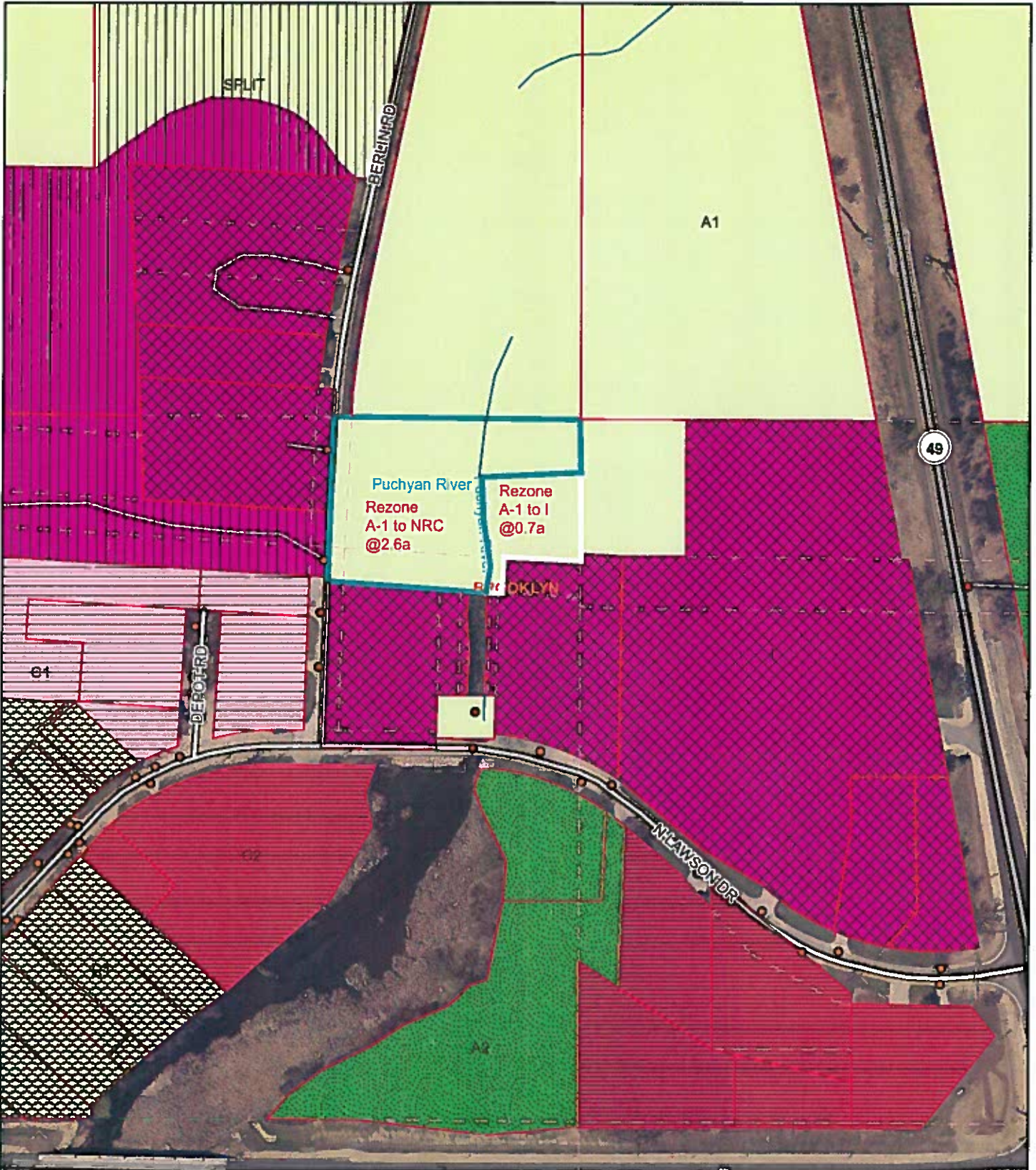
Geographic Information System (GIS)
<https://gis.co.green-lake.wi.us/>

Egbert Rezone Request
 Green Lake County, WI

Note:

Time: 10:49:59 AM
 Date: 2/5/2020





Green Lake County

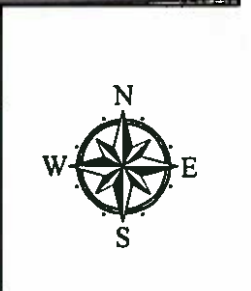
1 inch = 259 feet

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

Egbert Rezone Request
 Green Lake County, WI

Note:

Time: 11:00:13 AM
 Date: 2/5/2020



TOWN BOARD ACTION

Rezone Request

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Brooklyn, County of Green Lake, took the following action on MARCH 10 2020.

Does not object to and approves of X

No action taken _____

Objects to and requests denial of _____

Reason(s) for objection _____

**** NOTE: If denial – please enclose Town Resolution of Denial.**

Owner/Applicant: Egbert Excavating, Inc., Dan Egbert

Site Location: North of W1302 N Lawson Drive, Town of Brooklyn

General legal description: Parcel #004-00356-0000, part of the SE¼ of Section 16, T16N, R13E, ±3.3 acres.

Request: Rezone ±0.7 acres from A-1 Farmland Preservation District to I Industrial District and ±2.6 acres from A-1 Farmland Preservation District to NRC Natural Resources Conservancy District. To be identified by certified survey map.

Planned public hearing date for the above requests: April 2, 2020

Mike West
Town Representative

MARCH 10 - 2020
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: March 20, 2020

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

August 6, 2020

ITEM II: CONDITIONAL USE PERMIT (CUP)

OWNER:

Egbert Excavating, Inc.

APPLICANT:

Dan Egbert, owner

REQUEST: The owner is requesting a conditional use permit for expansion of outside contractor storage yard on lands located north of the existing business office and workshop.

PARCEL NUMBER / LOCATION: The parcel subject to this request is 004-00356-0000, part of the SE ¼ of Section 16, T16N, R13E, Town of Brooklyn. The side proposed for zoning change is located north of the Egbert Excavating main office at W1302 N Lawson Drive.

EXISTING ZONING AND USES OF ADJACENT AREA: As in the previous item's staff report, the use of lands in this neighborhood are mostly industrial and commercial in nature, with residential to the southwest, and vacant wetlands to the north. A fish hatchery is located directly east of the subject site.

ADDITIONAL INFORMATION / ANALYSIS: The owner/applicant would like to use the ±0.7 acres of proposed Industrial district lands to expand the parking and storage area of their contractor yard. They intend on having it be a gravel area and not pave the yard for storage of equipment and project materials, similar to how the rest of their property to the south is currently used.

GENERAL CRITERIA FOR REVIEW OF CONDITIONAL USE REQUESTS:

- a) Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands; and
- b) Will be designed, constructed, operated, and maintained so as to be harmonious, be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and
- c) Will not be hazardous or disturbing to existing or future neighboring uses; and
- d) Will not be detrimental to property in the immediate vicinity or to the community as a whole; and
- e) Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and schools; the persons or agencies responsible for the establishment of the proposed use shall be able to provide, adequately, any such service; and
- f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.

COUNTY STAFF COMMENTS: This request should be reviewed by the Committee to determine if it meets the general criteria for review as listed above. If the Committee wishes to approve this request, the following conditions may be appropriate:

1. The conditional use permit shall be contingent upon the rezone request approval and the recording of the Certified Survey Map combining the business properties.
2. 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).
3. Outside storage of materials and other items must be limited to the designated area on the CUP site plan.
4. Storage of materials must comply with standards listed in Chapter 350, Zoning Ordinance.
5. All accessory equipment stored on site must be in workable condition.
6. All construction materials stored on site must be suitable for future use.
7. Storage of construction debris and other material not suitable for future use is prohibited.
8. Anything stored on site that does not meet the above conditions must be stored within an enclosed structure.

9. The parking lot area waterward of the floodway is to be restored, by removing the gravel and stone parking lot materials and filling the area with clean fill to match the County's 2010 LiDAR (2 foot contours) data.
10. An After-the-fact land use permit shall be issued for the construction of the contractor storage yard and the restoration of the floodway area (see condition #9 above).
11. Within 8 months of conditional approval of this request, the owner must install and maintain a vegetative buffer along the Puchyan River and along the waterway flowing from the fish facility
12. 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.
13. Storage of materials must comply with standards listed in Chapter 300, Floodplain Zoning Ordinance.

TOWN OF BROOKLYN: An Action Form requesting the Town's input related to this zoning change request was mailed to the Town Clerk on February 7, 2020. On March 10, 2020 the Town of Brooklyn held a public hearing and did not object to and approved of the conditional use permit request.

Please type or use black ink

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

GENERAL APPLICATION

Fee \$375 (paid) (not refundable)

Date 1/27/2020

Zone Change from _____ to _____

Conditional Use Permit for Parking lot storage area, overflow from existing property

Other Existing excavation business including above expansion.

PROPERTY OWNER / APPLICANT (1)

Name Egbert Excavating, Inc.

Mailing Address PO Box 462, Green Lake, WI 54941

Phone Number 920-294-6668

Signature Daniel E. Egbert Date 12/20/19

PROPERTY OWNER / APPLICANT (2)

Name _____

Mailing Address _____

Phone Number _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Brooklyn Parcel Number(s) 004-00356-0000

Acres 3.3 Lot _____ Block _____ Subdivision _____

Section 16 Town 16 North Range 13 East

Location of Property North of W 1302 N Lawson Dr

Legal Description See attached legal description

Current Zoning Classification A-1 Farmland Preservation Current Use of Property _____

Detailed Description of Proposed Use Construction storage yard - gravel surface (no pavement)

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

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

A strip of land 66 feet in width extending over and across part of the Northeast Quarter of the Southeast Quarter of Section 16, Township 16 North, Range 13 East, said strip of land being 33 feet in width on each side of the centerline of the main track (now removed) of the Shoboygan and Fond du Lac Railroad Company (now Chicago and North Western Transportation Company), lying Easterly of the East line of former Hwy No. 49. MORE PARTICULARLY DESCRIBED AS: Commencing at the intersection of the centerline of the main track (now removed) and the East line of that Public Road (formerly Highway No. 49), thence South along the East line of said roadway 33 feet to the point of beginning, thence North along the East line of said roadway 66 feet, thence Easterly parallel to the center line of said railway, a distance of 332 feet, thence South, perpendicular to the center line of said railway 66 feet, thence Westerly and parallel to the center line of said railway to the point of beginning.

A part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Township 16 North, Range 13 East described as follows: Commencing at the Northeast corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, thence west to the center of old State Highway 49, now know as Berlin Road, thence Southerly along the center of Berlin Road to the North line of the right of way of the Chicago Northwestern Railroad Co., thence Easterly along North line of said right of way to a point on section line south of place of beginning, thence North to the place of beginning.

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

Egbert Excavating, Inc.

W1302 North Lawson Drive
Green Lake, Wisconsin 54941
Phone (920) 294-6668, Fax (920) 294-3055
egbertexc@centurytel.net

January 22, 2020

Egbert Excavating, Inc. is a family business that was founded in 1978 by Daniel Egbert. The company was started because Dan simply has a passion for this industry and it started small with one truck and one employee when he was 23 years young. In the last 42 years Egbert Excavating has been in business it has grown to employee 13 people and an additional owner, Dan's son, Nick Egbert. With the ownership expansion and knowledge we have been able to expand our work load and work types to include many different types of jobs such as residential, commercial, agricultural, excavating, grading, demolition, septic systems, sewer and water, storm detention utilities, and shoreline / rip rap work. Egbert Excavating also does work on driveways, parking lots, as well as snow plowing in the winter. Aside from types of work we do offsite we also produce sand and aggregate material that we use on our jobsites and that is purchased by our consumers, some of which is stored at our facility in bins.

As Egbert's has expanded and grown in the last 42 years it has required more equipment to get jobs done properly and this means needing more space to store our equipment, attachments, sewer pipe and manholes, plus snow plows, and landscape materials.

Egbert Excavating is honored to be a thriving business in Green Lake, Wisconsin and we plan on being in business for many years to come and so with this in mind our future plans may include employing more people and therefore taking on more work and/or bigger jobs in the surrounding areas. We are a growing company with limited space at our facility to store the required equipment and materials that we need.

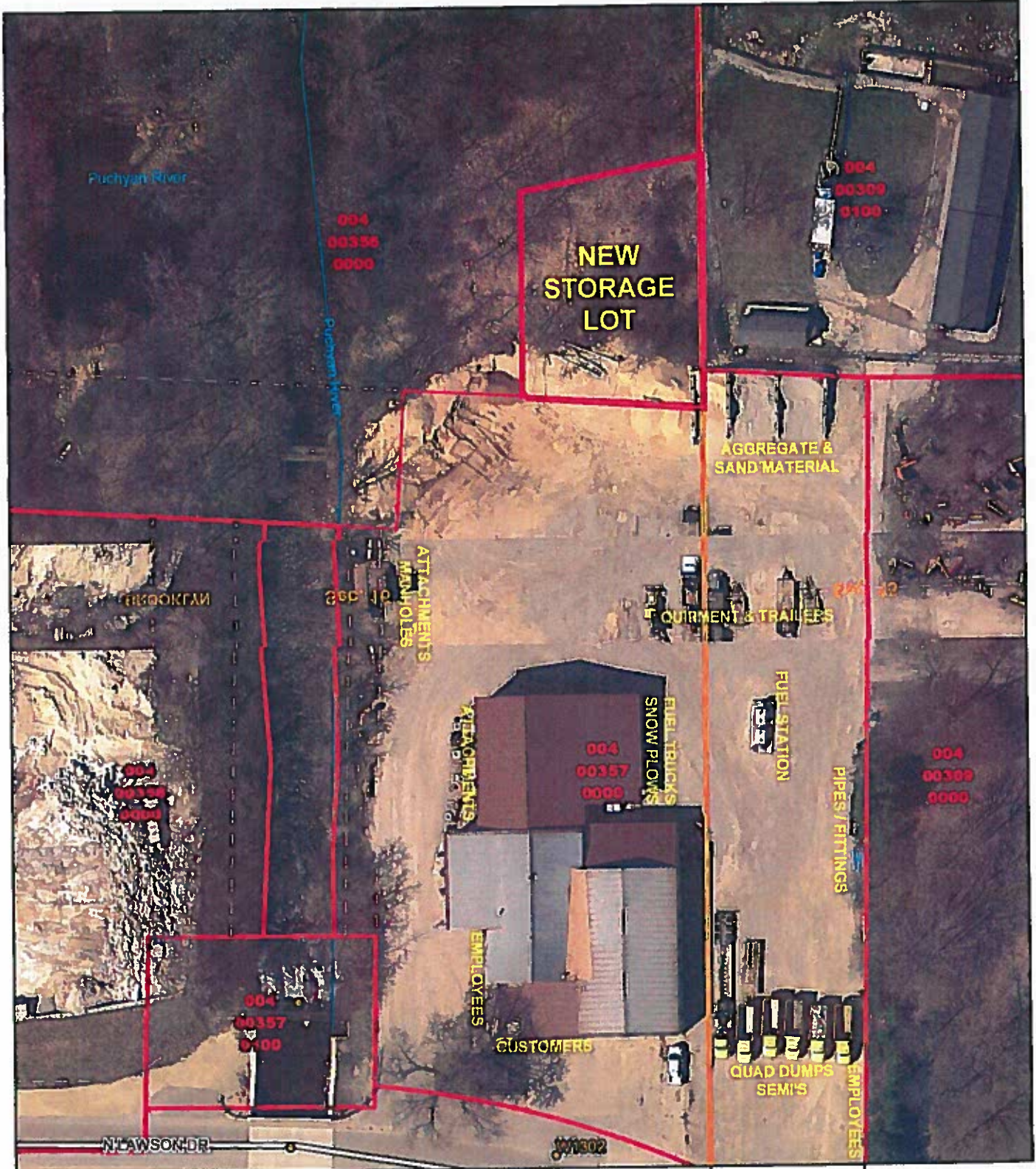
You will see in the attached site plan the parcels that Egbert Excavating owns and how we currently utilize our space. We have strategically organized designated spaces for our aggregate and sand materials, a fueling station, pipes / fittings, equipment / machinery, attachments / manholes, snow plows, dump trucks, fuel trucks, employee vehicles, and a small space for customer parking. It is extremely necessary to have things laid out this way for our business to stay organized and for our daily operations to run as smoothly and efficiently as possible.

Please feel free to contact us with any additional questions you may have.

Sincerely,



Daniel Egbert – President
Egbert Excavating, Inc.



Green Lake County

 1 inch = 65 feet

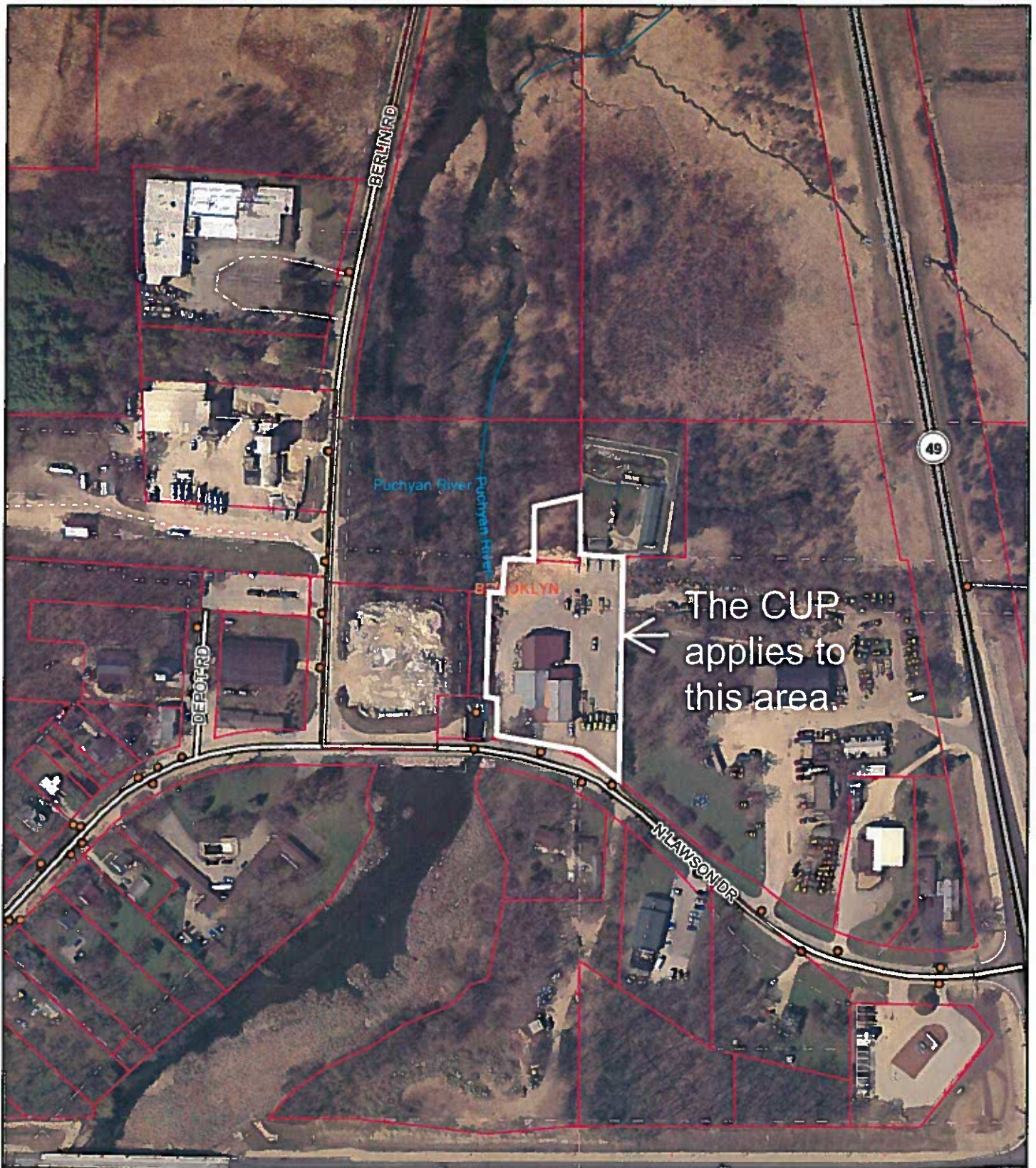
 Geographic Information System (GIS)
<https://gis.co.green-lake.wi.us/>

GIS Viewer Map
 Green Lake County, WI

Time: 7:00:00 AM
 Date: 1/27/2020

Note:






Green Lake County

1 inch = 259 feet

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

Egbert CUP Request
 Green Lake County, WI

Note:

Time: 11:13:44 AM
 Date: 2/5/2020



TOWN BOARD ACTION

Conditional Use Permit Request

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Brooklyn, County of Green Lake, took the following action on March 10, 2020.

Does not object to and approves of X

No action taken _____

Objects to and requests denial of _____

Reason(s) for objection _____

**** NOTE: If denial – please enclose Town Resolution of Denial.**

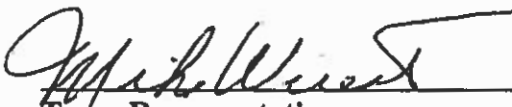
Owner/Applicant: Egbert Excavating, Inc., Dan Egbert

Site Location: W1302 N Lawson Drive, Town of Brooklyn

General legal description: Parcel #004-00357-0000 and part of parcel #004-00356-0000, located in the SE¼ of Section 16 and SW¼ of Section 15, T16N, R13E, ±2.75 acres.

Request: Conditional Use Permit for existing excavating business including expansion of contractor’s yard for equipment storage.

Planned public hearing date for the above request: April 2, 2020



Town Representative

March 10 2020
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: March 20, 2020

Land Use Planning and Zoning Committee Staff Report

Public Hearing

August 6, 2020

Item III: Conditional Use Permit (CUP)

Owner:

Schwandt Children Real Estate LLC

Applicant:

Brian Schwandt (10-51 Towing and Recovery)

Request: The owner/applicant is requesting a conditional use permit to allow for the parking and storage of vehicles on the property associated with a towing and recovery business.

Parcel Number/ Location: The request affects parcel 012-00262-0300 (±1.08 acres) located in the NE ¼ of the NE ¼ of Section 15, T14N, R12E. Town of Manchester. The site address is N1638 Madison St.

Existing Zoning and Uses of Adjacent Area: The subject site is currently zoned as I-Industrial. Neighboring properties to the northeast are zoned as R1, Single-Family Residence District. Properties to the northwest are zoned as C2, Extensive Commercial District. The neighboring property to the east is zoned as Industrial. The properties to the south and west are zoned as R1, Single-Family Residence District.

In addition to general zoning, the property abuts the Grand River, so there is Shoreland Zoning as well as Floodplain zoning associated with the property. Furthermore, the bulk of the parcel is designated by FEMA as floodway. As a result the property can only be used commercially or industrially as a loading or parking area.

Additional Information/Analysis: The property has been zoned Industrial as far back as 1973 and had been used as a grain mill. In 1973 a permit was approved for the addition of a commercial corn dryer and two metal storage bins. In 1978 and 1979 a few more storage bins were built. In 1982 a scale house and some more storage bins were added to the property.

The buildings were not built on the parcel as it looks today. Currently most the storage bins are on the neighbors to the east property which is also industrially zoned. The scale house and storage building were built on what was once planned to be a town road to the north. Currently the only building on this parcel is the dilapidated and unused grain mill. The owner/applicant plans on taking down the mill.

The owner/applicant is requesting use of this property for the storage of vehicles from their towing and recovery company (10-51 Towing and Recovery). They have been in business for 12 years and currently have two shops, one located in Ripon and another shop located in Beaver Dam, Wisconsin. The applicant would like to use this property as they already own it and it is zoned as industrial. Prior to storing vehicles here, the applicant plans to drain all the fluids out of each vehicle at one of their other shops. This site would be open year round, 24 hours a day and would only take overflow vehicles from both the shops. The vehicles would then be taken off the

property and taken somewhere else to either be scrapped or repaired. The owner/applicant does not plan on adding any new buildings to the property.

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 following criteria are to be used by the committee when making conditional use permit decisions:

General Criteria for Review of Conditional Use Requests:

- a) Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands; and a) Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands; and
- b) Will be designed, constructed, operated, and maintained so as to be harmonious, be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and
- c) Will not be hazardous or disturbing to existing or future neighboring uses; and
- d) Will not be detrimental to property in the immediate vicinity or to the community as a whole; and
- e) Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and schools; the persons or agencies responsible for the establishment of the proposed use shall be able to provide, adequately, any such service; and
- f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.

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

- 1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
- 2. All vehicles must be drained of any fluids prior to being stored on this property.
- 3. Vehicle parking and storage shall be confined to only the areas designated on the application's site plan.
- 4. Prior to CUP approval, the applicant shall submit a certificate of survey of the property affected by this request. The COS shall indicate all lot lines, structures, driveways, waterways, extent of floodplain, public road, OHWM and any encroachments.
- 5. Due to the Floodway designation, fill cannot be allowed or even permitted on the property unless the standards of the Floodplain Zoning Ordinance are met.

Town of Manchester: An Action Form requesting the Town's input related to this conditional use permit request was emailed to the Town Clerk on July 7, 2020

Please type or use black ink

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

GENERAL APPLICATION

Fee 375.00 (not refundable)

Date 2-21-20

Zone Change from _____ to _____

Conditional Use Permit for Towing & Storage

Other _____

PROPERTY OWNER / APPLICANT

Name Brian Schwandt (10-51 Towing & Recovery)

Mailing Address N 7263 State Rd 44/49 Ripon WI 54971

Phone Number 920-229-1051

Signature [Signature] Date 2-21-20

AGENT IF OTHER THAN OWNER

Name _____

Mailing Address _____

Phone Number _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Manchester Parcel Number 012-00262-0300 Acres _____

Lot _____ Block _____ Subdivision _____

Section _____ Town _____ North Range _____ East

Location of Property N 1638 Madison St Manchester

Legal Description COM AT INTER. OF MADISON & FRONT STS. S TO S LINE OF THE NE 1/4 OF THE NE 1/4 OF THE 1/4 SEC 15; E TO A POINT 30R W OF E LN OF SD 1/4 - 1/4 ETC. RECD V 246 P 599; F.X.C. PARCEL 202.

Current Zoning Classification Commercial Current Use of Property Feed mill

Detailed Description of Proposed Use Towing & Storage

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

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



P2P-010 (04/09)

Conditional use permit application Narrative

Along with filling out the general application the conditional use permit also requires a narrative. This narrative should address the following questions:

What is the applicants/ businesses history? 25 years Machine Shop
12 years Towing & Recovery

What is the history of the property/ current use? None (old feedmill)

What is the property going to be used for? Include an operation and/or maintenance plan. Including when, during the year, will the property be used. Also describe the proposed business activity.

Towing & Storage

What will be done with the current structures, if any? Feed mill will be torn down starting this spring 2020

Will any new structures be built? If yes, then what will they be used for? No

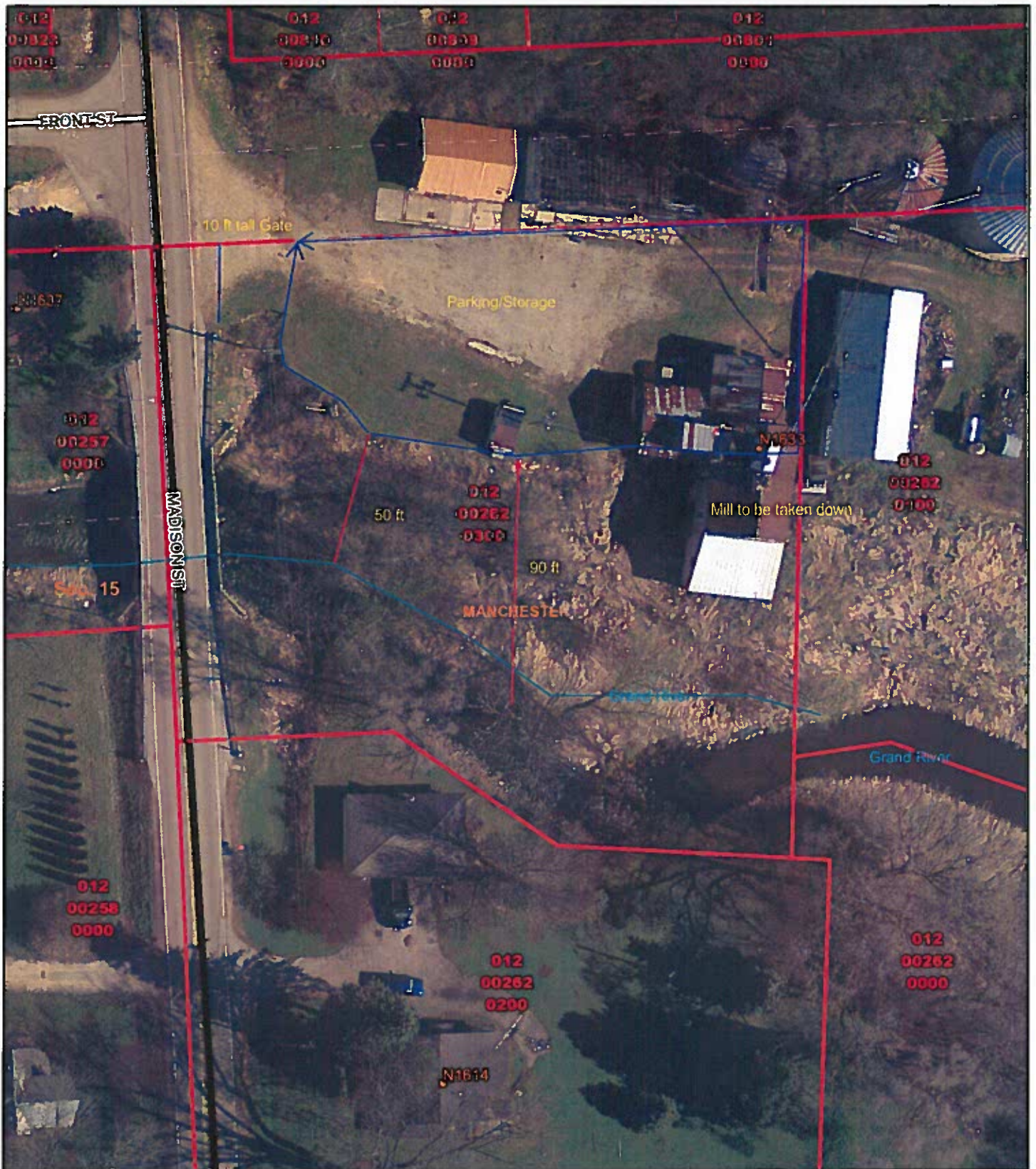
What hazards or concerns may your proposed use pose to neighboring properties and the community as a whole? How can those concerns be addressed? None

What will be done to protect the human and environmental health of the surrounding area from this use? All Kivels will be drained from vehicles so there should be no environmental concerns

Why was this property chosen for this business activity, or how will this benefit the community by being located on this property? I own the property

How would this business activity meet goals and objectives of the County's Comprehensive Plan? Meets Goal 5 "to encourage commercial .. industry to locate in planned / designated areas."

Along with answering these questions, a detailed site plan showing the current location of all structures and driveways is required along with a scaled site plan showing the proposed uses of the property. If needed, include areas for outdoor storage of materials, parking, septic system location, well, etc.



Green Lake County

1 inch = 50 feet

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

GIS Viewer Map
 Green Lake County, WI

Time: 3:07:10 PM
 Date: 3/17/2020

Note:

Brian Edwards

Call Edwards

3/17/2020



TOWN BOARD ACTION

Conditional Use Permit Request

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Manchester, County of Green Lake, took the following action on –
(Date) July 13, 2020.

Owner/Applicant: Brian Schwandt (10-51 Towing & Recovery)

Site Location: N1638 Madison St., Manchester

General legal description: Parcel #012-00262-0300; part of the NE¼ of Section 15, T14N, R12E, ±1.08 acres

Request: Conditional Use Permit for the parking and storage of vehicles associated with a towing and recovery business.

Planned public hearing date for the above requests: August 6, 2020

Town Does Not object to and Approves of request

No action taken

Objects to and requests denial of request

NOTE: If denial – please enclose Town Resolution of denial

- Reason(s) for objection:

We have notified Mr. Schwandt of the health and Safety issues regarding his property several times with no action on his part.

The board would be willing to approve the permit only with a guarantee that the old miss would be demolished and the installation of a fence around the vehicles or a limit of vehicles stored

Town Representative Carrine Spueger, Clerk **Date Signed** 7/15/2020

NOTES: The town does not wish to have a dump site for cars within the township. The property area has had an issue with rodents in the past and we need to rid the problem with the old mill.

Please return this form to the Land Use Planning & Zoning Office by: July 17, 2020

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

August 6, 2020

ITEM IV: ZONING ORDINANCE AMENDMENT

REQUEST: The Green Lake County Land Use Planning and Zoning Department is requesting an amendment to the Code of Green Lake County, Chapter 350 of the Zoning Ordinance; more specifically to amend dwelling design standards, permitted uses in the Single-Family, Single-Family Mobile Home, Multiple-Family Residence Districts, as well as the Rural Residential District, building setback distance in platted subdivisions, structures permitted within street setbacks, and the definition of principle structure. Also to include a new standards regulating solar panel arrays.

ADDITIONAL INFORMATION / ANALYSIS: The current zoning ordinance does not distinguish between smaller solar panels mounted to posts from much larger installations. A strict interpretation of the ordinance standards would consider ground-mounted solar panel arrays to be “structures” and therefore must be located outside of required setbacks and a land use permit is required for their installation.

The Committee determined any solar array larger in area than a 4 ft x 8 ft sheet of plywood would be regulated. And since the maximum height for a privacy fence is 8 feet the Committee determined that the maximum height of a solar panel array would also be 8 feet. Arrays that are less than or equal to these dimensions would not require a land use permit and would be allowed in the side, street and rear yard setbacks.

In addition to the new ordinance standards described above, this ordinance amendment

- Inserts language into the residential zoning districts that prohibits the use of shipping / storage containers or parts thereof, from being used as a residence or as an accessory structure.
- Changes in the street yard setback for structures in platted subdivisions from 40 feet to 30 feet. This change seemed appropriate as subdivision plats are only found on Town Roads with slower and less frequent traffic.
- Allows for uncovered landings and steps, less than 24 inches above adjacent grade that provide ingress and egress to and from a nonconforming single-family dwelling, to be constructed in the highway setback. This provision allows for safe access to legal nonconforming homes that were built before the current building setbacks were adopted.
- Allows for retaining / decorative walls to be allowed in the street yard, side yard and rear yard with a minimum zero foot setback.
- There are deletions related to allowing a two-family dwelling in the Single-family Residence district and the deletion of the phrase “including structures attached or structures constructed in a manner that are utilized as if they were attached.”

SUMMARY: This ordinance amendment addresses the solar panel array issue raised in 2019 as well as several other issues that have been identified by the property owners of Green Lake County. These changes will continue the orderly administration and enforcement of property development within the County, without negatively impacting property owners.

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, certain property owners and other like them will be at a disadvantage when it comes to providing adequate ingress and egress to their homes. Furthermore, property owners in residential areas will be subject to their neighbors locating shipping containers on their property to be used residentially or for storage. Without these amendments the Land Use Planning & Zoning Department would be compelled, by existing ordinance standards, to require land use permits for all solar panel arrays even those mounted to buildings.

ORDINANCE NO. -2020

Amending Chapter 350 - Zoning

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 18th day of August 2020, does ordain as follows:

Roll Call on Ordinance No. -2020

Submitted by Land Use Planning & Zoning Committee:

Ayes , Nays , Absent , Abstain

Passed and Enacted/Rejected this DATE
day of MONTH, 2020.

Curt Talma, Chair

William Boutwell, Vice-chair

County Board Chairman

Harley Reabe

ATTEST: County Clerk
Approve as to Form:

Charles Buss

Corporation Counsel

Don Lenz

1
2 **NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY**
3 **OF GREEN LAKE DOES ORDAIN AS FOLLOWS:**

4 Section 1. Green Lake County Ordinance, No. 146-76, as amended through Ord, No.
5 790-03, and as subsequently amended.

6
7 § 350-17 Dwelling design and construction.

8 A. All dwellings and buildings as defined and permitted by this chapter shall conform
9 to the following. They shall:

10 (1) Be attached to a permanent foundation meeting the requirements of the State of
11 Wisconsin Uniform Dwelling Code provisions in such a manner as to comply with
12 standards for vertical loading, uplift and lateral forces and so designed and constructed
13 that the floor elevation is reasonably compatible with other dwellings in the area.

14 (2) Have a first-story minimum area of 800 square feet and be not less than 20 feet in
15 their smallest horizontal dimension, exclusive of attached garage, carport or open deck.

16 (3) Have any wheels, axles, hitches, tow bars and other equipment necessary for
17 transporting on streets or highways removed when the structure is placed on the
18 foundation.

19 (4) Be constructed in accordance with accepted construction practices and building
20 codes. In no case shall a shipping or storage container(s), or parts thereof, be used as a
21 dwelling.

22
23 § 350-19 Height regulations.

24 C. Height exceptions. Farm buildings not for human habitation; chimneys; cooling
25 towers; roof-mounted solar panel arrays ; elevator bulkheads; fire towers; monuments;
26 penthouses; stacks; scenery lofts; tanks; water towers; ornamental towers; spires;
27 wireless, television or broadcasting towers; masts or aerials; telephone, telegraph and
28 power transmission poles and lines; and microwave radio relay structures and necessary
29 mechanical appurtenances are hereby excepted from the height regulations of this chapter
30 and may be erected in accordance with other regulations or ordinances of Green Lake
31 County.

32
33 § 350-38 R-1 Single-Family Residence District.

34 A. Permitted uses.

35 (1) ~~Single-family dwellings, provided that the Board of Adjustment may permit the~~
36 ~~conversion of any single family dwelling existing on the effective date of this chapter to~~
37 ~~house not more than two families.~~ Trailers and mobile homes may not be used for
38 dwellings except as specifically permitted by this chapter.

39 E. Accessory building structures. The total combined footprint area allowed for
40 attached and detached accessory building structures shall not exceed 10% of the land
41 area, excluding any road right-of-way. Each accessory building structure shall satisfy all of
42 the following standards: [Added 2-15-2011 by Ord. No. 989-2011]

43 (1) Setbacks: same as principal structure.

- 44 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls
45 above the ground floor ceiling joist, unless attached to the dwelling unit. Ground floor
46 sidewalls shall not exceed 15 feet in height.
- 47 (3) Area: 1,500 square foot maximum footprint (ground floor).
- 48 (4) Volume: 25,000 cubic feet maximum volume.
- 49 (5) Human habitation of a detached accessory building structure may be allowed,
50 however shall be limited to 20% of the footprint area or 300 square feet, whichever is less.
51 This standard shall apply to only one detached accessory building structure per lot or
52 parcel.
- 53 (6) In no case is a shipping or storage container(s) to be utilized as a residential
54 accessory building structure.

55 § 350-39 R-2 Single-Family Mobile Home Residence District.

56 F. Accessory building structures. The total combined footprint area allowed for
57 attached and detached accessory building structures shall not exceed 10% of the
58 land area, excluding any road right-of-way. Each accessory building structure shall
59 satisfy all of the following standards: **[Added 2-15-2011 by Ord. No. 989-2011;**
60 **amended 11-14-2017 by Ord. No. 22-2017]**

- 61 (1) Setbacks: same as principal structure.
- 62 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls
63 above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 15 feet
64 in height.
- 65 (3) Area: 1,500 square foot maximum footprint (ground floor).
- 66 (4) Volume: 25,000 cubic feet maximum volume.
- 67 (5) Human habitation of a detached accessory building structure may be allowed;
68 however it shall be limited to 20% of the footprint area or 300 square feet,
69 whichever is less. This standard shall apply to only one detached accessory
70 building structure per lot or parcel.
- 71 (6) In no case is a shipping or storage container(s) to be utilized as a residential
72 accessory building structure.

73

74 § 350-40 R-3 Multiple-Family Residence District.

75 E. Accessory structure standards. Each unit of a multiple-family dwelling residence
76 shall be allowed one attached and one detached accessory building structure. In no
77 case shall the total combined footprint area of all accessory building structures for

78 the units exceed 10% of the lot or parcel area, excluding any road right-of-way.
79 Each detached accessory building structure shall satisfy all of the following
80 standards: [Amended 3-19-2019 by Ord. No. 2-2019]

- 81 (1) Setbacks: same as principal structure.
- 82 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls
83 above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 15 feet
84 in height.
- 85 (3) Area: 600 square foot maximum footprint (ground floor).
- 86 (4) Volume: 10,000 cubic feet maximum volume.
- 87 (5) In no case is a shipping or storage container(s) to be utilized as a residential
88 accessory building structure.

89 § 350-41 R-4 Rural Residential District.

90 E. Accessory structure standards. The total combined footprint area allowed for
91 attached and detached accessory building structures shall not exceed 10% of the
92 land area, excluding any road right-of-way. An accessory building structure shall
93 satisfy all of the following standards:

- 94 (1) Setbacks: same as principal structure.
- 95 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls
96 above the ground floor ceiling joist, unless attached to the dwelling unit. Ground
97 floor sidewalls shall not exceed 15 feet in height.
- 98 (3) Area: 1,500 square foot maximum footprint (ground floor).
- 99 (4) Volume: 25,000 cubic feet maximum volume.
- 100 (5) Human habitation of a detached accessory building structure may be allowed,
101 however shall be limited to 20% of the footprint area or 300 square feet, whichever
102 is less. This standard shall apply to only one detached accessory building structure
103 per lot or parcel.
- 104 (6) In no case is a shipping or storage container(s) to be utilized as a residential
105 accessory building structure.

106 § 350-43.2 (Reserved) Solar Panel Arrays shall comply with the following:

- 107 (1) Ground-mounted solar panel arrays that can exceed 8 feet in adjusted height

108 (lowest adjacent grade to maximum vertical extent) or have a solar panel surface
109 area greater than 32 square feet must be authorized by a land use permit and are
110 required to meet all the required setback set forth in this chapter.

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

113 (3) Roof-mounted solar panel arrays are not subject to Section 350-19 and 350-20
114 of this chapter and are exempt from the land use permit requirement under Section
115 350-65.

116 § 350-50 Setback distances.

117 [Amended 8-19-2014 by Ord. No. 1092-2014]

118 Except as otherwise provided in the specific zoning district, the distances from the
119 center line, as defined by § 350-49 of this article, or from the front line to the
120 setback line shall be as provided by the following subsections. Whenever a
121 highway is improved to a classification requiring a greater setback distance than
122 that required by this chapter prior to such improvement, the setback distance shall
123 not be affected by such improvement. In cases where the provisions of this section
124 may be interpreted to provide for different setback distances, the greater setback
125 distance shall prevail, but this regulation shall not apply to streets in platted
126 subdivisions.

127 A. Along highways generally. The setback distance from the center line or right-of-way
128 line, at any point, for the respective classes of highways shall be as follows:
129 [Amended 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019]

Highway Classification	Setback From Center	Setback From Street
	Line	Lot Line
	(feet)	(feet)
State trunk highways	110	Not less than 67
County trunk highways	75	Not less than 40
Town roads, except in platted subdivisions	75	Not less than 40
Streets in platted subdivisions		3040

130

131 § 350-52 Structures permitted within setback lines.

132 A. The following kinds of structures may be placed between the setback lines and the
133 highway:

134 (1) Open fences, height not to exceed 4 feet (adjacent grade to maximum vertical
135 extent).

136 (8) Uncovered landings and steps, not exceeding 24 inches in height from adjacent
137 grade, the sole purpose of which is to provide ingress to and egress from a non-
138 conforming single-family dwelling to the highway setback. In these cases, these
139 structures shall be constructed to meet the minimum standards set forth in SPS
140 321.04, Wis. Admin. Code.

141 (9) Retaining and decorative landscape walls may be allowed in the street yard, side
142 yard and rear yard with a minimum zero foot setback.

143 § 350-57 Review and revocation of conditional use permits.

144 [Amended 11-14-2017 by Ord. No. 22-2017]

145 A. The Land Use Planning and Zoning Committee shall retain continuing jurisdiction
146 over all conditional uses for the purpose of resolving complaints against all
147 previously approved conditional uses. Such authority shall be in addition to the
148 enforcement authority of the Land Use Planning and Zoning Department to order
149 the removal or discontinuance of any unauthorized alterations of an approved
150 conditional use and the elimination, removal or discontinuance of any violation of a
151 condition imposed prior to or after approval, or violation of any other provision of
152 this chapter.

153 B. Complaint procedure. Upon written complaint by any citizen or official, the Land
154 Use Planning and Zoning Committee shall initially determine whether said
155 complaint indicates a reasonable probability that the subject conditional use is in
156 violation ~~or either~~ of either the purpose and intent of this chapter, a condition of
157 approval or other requirement imposed hereunder. Upon reaching a positive initial
158 determination, a hearing shall be held upon notice. Any person may appear at such
159 hearing and testify in person or be represented by an agent or attorney. The Land
160 Use Planning and Zoning Committee may, in order to bring the subject conditional
161 use into compliance with the standards set forth in this chapter or conditions
162 previously imposed by the Land Use Planning and Zoning Committee, modify
163 existing conditions upon such use and impose additional reasonable conditions
164 upon the subject conditional use. Additionally, the offending party may be subjected

165 to a forfeiture as set forth in Article X. In the event that no reasonable modification
166 of such conditional use can be made, the Land Use Planning and Zoning
167 Committee may revoke the subject conditional approval and direct the Land Use
168 Planning and Zoning Department and Corporation Counsel to seek the elimination
169 of the subject use. Following any such hearing, the decision of the Land Use
170 Planning and Zoning Committee shall be furnished to the current owner of the
171 conditional use, in writing, stating the reasons therefor. An appeal from a decision
172 of the Land Use Planning and Zoning Committee under this section may be taken
173 to the Board of Adjustment.

174 §350-77 Word usage and definitions

175 PRINCIPAL STRUCTURE

176 The main or primary structure on a land area that is utilized for the property's principal
177 use, ~~including structures attached or structures constructed in a manner that are~~
178 ~~utilized as if they were attached.~~

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

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

183 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
184 repealed.

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

August 6, 2020

ITEM V: Repeal and Recreate Private Sewage Systems Ordinance

REQUEST: The Green Lake County Land Use Planning and Zoning Department is requesting to repeal and recreate Chapter 334, Private Sewage Systems Ordinance, of the Code of Green Lake County, to remain in compliance with current Department of Safety and Professional Services (DSPS) requirements as well as to codify the POWTS maintenance program.

ADDITIONAL INFORMATION / ANALYSIS: The Private Sewage Systems Ordinance was first adopted in 1980. In 2000 this ordinance was updated to account for the many changes due to Administrative Rule Comm 83. It's been 20 years and many new administrative rule changes and requirements are needed to be made. Staff created a new ordinance that includes all of the applicable Administrative rule requirements and processes that are currently not adopted by local ordinance. This ordinance includes all of the recent Administrative Rule updates as well as it codifies the County's Private On-site Wastewater Treatment System (POWTS) maintenance program as well as an enforcement section.

The Green Lake County Land Use Planning and Zoning Department strongly suggests the Land Use Planning and Zoning Committee recommend adoption of the proposed amendment to the County Board. This amendment will allow Green Lake County to better administer and enforce these standards that are designed to protect, ground water, surface water and drinking water for the citizens of Green Lake County. Attached is a copy of the proposed ordinance amendments.

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

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

* In the event that these amendments are not adopted, the County would be less able to administer and enforce laws applicable to private on-site wastewater treatment systems (POWTS). The result would be more failed septic systems remaining in service and continued degradation of ground and surface waters.

ORDINANCE NO. -2020

Repealing and Recreating Ch. 334 – Sewage Systems, Private

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 18th day of August 2020, does ordain as follows:

- 1 **WHEREAS**, the Land Use Planning and Zoning Committee has reviewed the
- 2 recommendations of the Land Use Planning and Zoning Department and finds that the
- 3 Ch. 334 – Sewage Systems, Private as currently written requires a comprehensive
- 4 revision.

Roll Call on Ordinance No. -2020

Submitted by Land Use Planning and Zoning Committee:

Ayes , Nays , Absent , Abstain

Passed and Enacted/Rejected this 18th day of August, 2020.

Curt Talma, Chair

William Boutwell, Vice-chair

County Board Chairman

Chuck Buss

ATTEST: County Clerk
Approve as to Form:

Don Lenz

Corporation Counsel

Harley Reabe

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

8 Section 1. Green Lake County Ordinance, Chapter 334, Sewage Systems, Private is
9 hereby repealed and recreated as follows:

10 **CHAPTER 334 - PRIVATE SEWAGE SYSTEMS ORDINANCE**

11
12 **334-1 Statutory Authorization**

13 **334-2 Purpose**

14 **334-3 Jurisdiction**

15 **334-4 Administration**

16 **334-5 General Provisions**

17 **334-6 Installations Prohibited**

18 **334-7 Soil and Site Evaluations**

19 **334-8 Sanitary Permits and Applications**

20 **334-9 Reconnections**

21 **334-10 Construction Affecting Wastewater Flow or Contaminant Load**

22 **334-11 Construction Not Affecting Wastewater Flow or Contaminant Load**

23 **334-12 Permit Fees**

24 **334-13 POWTS Maintenance Program**

25 **334-14 Non-Plumbing Sanitation Systems**

26 **334-15 Holding Tanks**

27 **334-16 Inspections**

28 **334-17 Violations, Penalties, Remedial Action, Enforcement**

29 **334-18 Subdivision Plats**

30 **334-19 Definitions**

31
32 **334-1 Statutory Authorization.**

33
34 This Chapter is adopted pursuant to the authority contained in §§ 59.70(5),
35 66.0703, 145.19(1b), 145.20, , and 254.59(2) Wis. Stats. and Wis. Admin. Code SPS
36 Chs. 381, 382, 383, 384, 385, and 391.

37
38 **334-2 Purpose.**

39
40 This Chapter is adopted for the purpose of promoting and protecting the public
41 health, safety, prosperity and general welfare and to further the maintenance of safe
42 and healthful conditions for the people and communities within the County. This
43 Chapter is intended to ensure the proper siting, design, construction, installation,
44 inspection, and maintenance of all private on-site wastewater treatment systems so
45 as to protect the health of the citizens of the County. As unforeseen circumstances
46 arise which are not specifically covered, the basic principles enumerated in this
47 Chapter shall serve to define the intent.

48
49 **334-3 Jurisdiction.**

50
51 This Chapter shall apply throughout the unincorporated areas of the County,
52 including all lands and waters, and shall apply to those incorporated areas of the
53 County which have not adopted and do not adopt their own sanitary code or Code.
54

55 **334-4 Administration.**
56

57 A. This Chapter incorporates by reference the following rules, regulations,
58 and laws, as set forth in the Wisconsin State Statutes and the Wisconsin
59 Administration Code: §§ 59.70(5), 281, 145, 146 and 968.10, Wis. Stats.; SPS 381,
60 SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391, NR 113 and NR 116
61 Administrative Code, as amended. These rules, regulations, and laws shall apply until
62 amended or renumbered and then shall apply as amended or renumbered.
63

64 B. The Land Use Planning and Zoning Department (hereinafter
65 “*Department*”) under direction of the Land Use Planning and Zoning Director
66 (hereinafter “*Director*”) shall be responsible for the administration and enforcement of
67 this Chapter. The responsibilities of the Department may be delegated by the Director
68 to personnel employed by the County.
69

70 C. The Director or their designee(s) shall have the following duties and
71 power:
72

- 73 1. Administer provisions of Wisconsin Fund Grant Program as
74 required by Wisconsin State Statutes and Wisconsin
75 Administrative Code.
- 76 2. Advise applicants as to the provisions of this Chapter and assist
77 them in preparing permit applications.
- 78 3. Review and approve plans for private on-site wastewater
79 treatment and sanitation systems that treat domestic wastewater.
- 80 4. Issue or deny permits and inspect properties for compliance with
81 this Chapter.
- 82 5. Keep records of all permits issued, inspections made, work
83 approved and other official actions.
- 84 6. Have access to any structure or premises between 8:00 a.m. and
85 6:00 p.m. for the purpose of performing duties. Application for
86 and issuance of a sanitary permit shall constitute permission by
87 the owner for said access.
- 88 7. Report violations of this Chapter to the Planning and Zoning
89 Committee and the Corporation Counsel.
- 90 8. Upon reasonable cause or question as to proper compliance,
91 revoke any permit issued under this Chapter and require
92 cessation of any construction, alteration or use of any building
93 which is in violation of the provisions of this Chapter until
94 compliance with this Chapter or all applicable State Statutes and
95 Codes is obtained.

- 96 9. Order any person owning, using, operating or installing a POWTS
97 to modify, repair, replace or return the POWTS to a safe and
98 sanitary condition if they find the POWTS defective, unsanitary,
99 malfunctioning or otherwise in violation of this Chapter or other
100 applicable state regulations.
101

102 **334-5 General Provisions.**
103

104 **A. Public Sewer.** All plumbing fixtures shall be connected to a public
105 sewer where available. Determination of whether a sewer is available shall be made by
106 the local sanitary district. Where such a public sewer system is not available, a private
107 sewage system shall be used.
108

109 **B. Allowable Use.** Private sewage systems or other treatment tank and
110 effluent disposal systems shall be constructed when no public sewer is available to the
111 property to be served. Unless otherwise specifically approved by the Department, the
112 wastewater disposal system of each building shall be entirely separate from and
113 independent of that of any other structure or building. A private sewage system may
114 be owned by the property owner or by a special purpose district. The use of a
115 common system will be subject to the same plan review procedures as for systems
116 serving public buildings.
117

118 **C. Floodplain.** Any private sewage system, or portion(s) thereof, installed
119 within a floodplain shall comply with all applicable requirements of Wisconsin
120 Administrative Code NR 116 and Chapter 300.
121

122 **D. Abandonment of Private Sewage Systems.**
123

- 124 1. All unused treatment tanks, settling chambers, dosing chambers
125 and seepage pits shall have the contents removed and disposed
126 of in accordance with the requirements of Wisconsin
127 Administrative Code NR 113, or acts amendatory thereto. The top
128 or entire tank shall be removed and the remaining portion of the
129 tank or excavation shall be immediately filled with soil material of
130 similar characteristics to that of which exists on the property.
131

132 **E. Failing System.**
133

- 134 1. When a failing or malfunctioning private sewage system is
135 identified, the sewage disposal system shall be corrected or its
136 use discontinued within that period of time required by
137 Department order, but in no case shall this time period be
138 extended beyond one (1) year of the notification of failure or
139 malfunction. Health and safety hazards shall be abated
140 immediately.
141 2. If any part of a system has failed, the entire system shall be

142 evaluated for compliance with existing codes and this Chapter.
143

144 **F. Domestic Waste.** All water-carried wastes derived from ordinary human
145 living uses shall enter the septic or treatment tank unless otherwise specifically
146 exempted by the State or this Chapter.
147

148 **G. A Non-plumbing Sanitation System.** A non-plumbing sanitation
149 system may be permitted only when the structure or premises served by the system is
150 not provided with any type of indoor plumbing system. If plumbing is installed in the
151 structure a private on-site wastewater treatment system shall be installed prior to the
152 connection of water service.
153

154 **H. Cesspools.** The use of a cesspool is prohibited.
155

156 **I. Industrial Waste / Non-Domestic Waste.** The Department of Natural
157 Resources shall be contacted in regard to the treatment and disposal of all industrial
158 or non-domestic wastes including those combined with domestic waste.
159

160 **J. Clear Water.** The discharge of surface rain or other clear water into a
161 private sewage system is prohibited, except that water softener or iron filter discharge
162 may enter a private on-site wastewater treatment system.
163

164 **K. Uniform numbering.** Prior to any sanitary permit for new construction
165 being issued, the Department shall require the applicant to obtain a fire number under
166 Article II of Ch. 217 "Road Names and Building Numbers" of the Code of Green Lake
167 County.
168

169 **334-6 Installations Prohibited.**

170
171 **A.** Installation of a holding tank is prohibited if any other type of private on-
172 site wastewater treatment system (POWTS) permitted by SPS 383, Wisconsin
173 Administrative Code, is to be utilized except for those treatment components
174 enumerated as 1, 2, 3 and 4 of Table 383.04- 1 of the Wisconsin Administrative Code. A
175 sanitary permit for the installation of any septic system, which designates a holding
176 tank as a replacement system, shall not be used unless a Soil or Site Evaluation
177 determines that the property is unsuitable for any other type of system permitted by
178 SPS 383, Wisconsin Administrative Code.
179

180 **B.** Installation of a holding tank is prohibited for new construction as
181 provided by Section 383.32(2)(a)1 SPS 383, Wisconsin Administrative Code with the
182 following exceptions:
183

- 184 1. Systems in an area where a sanitary district has been formed.
- 185 2. Holdings tanks to service dwellings or structures that replace
186 dwellings, which existed on April 21, 1992.
- 187 3. Holdings tanks to serve municipal public facilities.

188 4. Exemptions per Section 334-15.A.3 where the design wastewater
189 flow is less than 150 gallons per day.

190
191 C. Installation of a constructed wetland is prohibited as a POWTS
192 treatment component as required under Section 383.32(2)(a)2 SPS 383, Wisconsin
193 Administrative Code.

194
195 D. Installation of an evapotranspiration bed as a POWTS treatment
196 component is prohibited as required under Section 383.32(2)(a)3 SPS 383, Wisconsin
197 Administrative Code.

198
199 **334-7 Soil and Site Evaluations.**

200
201 A. Soil and site evaluations shall be done prior to the issuance of a sanitary
202 permit as specified in and in compliance with SPS 383 and SPS 385, Wisconsin
203 Administrative Code.

204
205 B. A soil evaluation shall be conducted by a State certified soil tester or
206 professional soil scientist on all sites regardless of the type of POWTS planned to
207 serve the parcel, unless it can be demonstrated, to the satisfaction of the Department,
208 that sufficient area does not exist for a POWTS, which utilizes in- situ soil.

209
210 C. At least one soil pit, large enough to enter and allow visual evaluation of
211 the in-situ soil profile, shall be constructed for each proposed soil absorption area.

212
213 D. Department site evaluation or verification of the proposed absorption
214 area may be required prior to issuance of a sanitary permit.

215
216 E. Preliminary soil and site evaluations may be required before the creation
217 of new lots by means of a certified survey map or subdivision plat, as defined in the
218 Chapter 315 of the Code of Green Lake County, if review of data, including but not
219 limited to, the County Soil Survey, site and soil evaluations on neighboring lands, and
220 familiarity of the area, indicate that the lots intended may only be served by a holding
221 tank.

222
223 F. New lots that can only be served by systems enumerated as 1., 2., 3.,
224 and 4., of Table 383.04-1 of the Wisconsin Administrative Code, may at the discretion
225 of the Department, be required to have the suitable area delineated on the resultant
226 certified survey map or plat.

227
228 **334-8 Sanitary Permits and Applications.**

229
230 A. **Permits.**

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232 1. Every POWTS and non-plumbing sanitation system shall require a
233 separate application and permit.

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2. A sanitary permit shall be obtained by the property owner, his agent or contractor, or in the name of the property owner, prior to the start of construction of any structure, which requires a POWTS or non-plumbing sanitation system.
 3. A sanitary permit shall be obtained by the owner, his agent or contractor, before any POWTS may be installed, enlarged or altered.
 4. No master plumber or master plumber-restricted shall install a POWTS holding or treatment component unless the property owner holds a valid sanitary permit.
 5. A County sanitary permit shall be obtained prior to the reconnection of a POWTS, which has been disconnected from a structure.
 6. A County sanitary permit shall be obtained prior to constructing or erecting a non-plumbing sanitation system.
 7. The permit card issued by the Department shall serve as a notice to the observer that a sanitary permit has been issued for the respective property.
 8. The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the parcel at all phases of construction.
 9. The permit card shall not be removed until the POWTS or non-plumbing sanitation system has been installed, inspected, and approved by the Department.

259 **B. Application Requirements.**

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1. The sanitary permit application shall include the following information which shall be furnished by the applicant on forms provided by the Department along with applicable fees:
 - a. Names and address of the applicant (owner of the property) and the plumber employed (where applicable).
 - b. Legal description of the property.
 - c. All lot dimensions.
 - d. Building use (single family, duplex, etc.) and/or any other information required by the Department pertaining to projected wastewater output.
 - e. Soil and Site Evaluation report.
 - f. System plans conforming to Section 334-8(C).
 - g. Appropriate system management and maintenance agreements and contracts.
 - h. Copies of any recorded documents required under this Chapter.
 - i. When any official State action is required, an original copy of the official action shall accompany this application.
 - j. Any other information requested by the Land Use Planning &

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Zoning Department.

2. Where required, the following documents must be recorded with the County Register of Deeds as an attachment to the property deed prior to the issuance of a sanitary permit:
 - a. Maintenance agreements or contracts, when recording of such is required by Wisconsin Administrative Code SPS 383 and/or this Chapter.
 - b. When a POWTS, or parts thereof, are located on a different parcel than the structure it serves, an appropriate easement must be recorded.
 - c. POWTS per capita sizing affidavit for existing systems that is permitted to remain in use under SPS 383, SPS 384, Wisconsin Administrative Code and this Chapter.
3. The Department reserves the right to require floodplain and/or wetland delineation for a building site or POWTS area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.
4. The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

C. Plans.

1. System plans shall be submitted for approval to the Land Use Planning & Zoning Department or to the State in accordance with SPS 383, Wisconsin Administrative Code. Plans shall comply with SPS 383, Wisconsin Administrative Code, and this Chapter.
2. Plans submitted shall be clear, legible, and include the original system plan as well as two copies.
3. Plans shall include the following items:
 - a. The name of the property owner and a legal description of the site.
 - b. Estimated daily wastewater flow and design wastewater flow.
 - c. A detailed plot plan, dimensioned or drawn to scale, on paper no smaller than eight and one half (8 ½) inches by eleven (11) inches in size. The plot plan shall delineate the lot size and location of all existing and proposed: POWTS, building sewers, private interceptor main sewers, wells, water mains or water services, buildings, lot lines, swimming pools, navigable waters, replacement system areas, location of building to be served or proposed building location, the benchmark established on the Soil and Site Evaluation Report, and accesses and associated public roadways. Adjoining properties shall be checked to insure that horizontal setback parameters in SPS 383, Wisconsin

326 Administrative Code are met. All separating distances shall
327 be clearly shown on plot plan. Plot plans shall include a
328 north arrow.

- 329 d. Details and configuration layouts depicting how the system
330 is to be constructed.
- 331 e. Systems utilizing an effluent pump shall include pump
332 curve and model information.
- 333 f. Effluent filter information; manufacturer, model,
334 manufacturer recommended maintenance interval.
- 335 g. A description of a contingency plan in the event the
336 POWTS fails and cannot be repaired.
- 337 h. Sufficient supporting information to determine whether the
338 proposed design, installation and management of the
339 proposed POWTS or modification to an existing POWTS
340 complies with SPS 383, Wisconsin Administrative Code,
341 and this Chapter.
- 342 i. Plan shall be signed or sealed as specified in SPS 383,
343 Wisconsin Administrative Code.
- 344 j. A copy of the approved plans shall be maintained at the
345 construction site until the POWTS installation is
346 completed, inspected and accepted. The plans shall be
347 made available to the Land Use Planning & Zoning
348 Department or State upon request.
- 349 k. A modification to the design of a POWTS, which has been
350 previously approved shall be submitted to the Land Use
351 Planning & Zoning Department or the State as specified in
352 SPS 383, Wisconsin Administrative Code. Plan revisions
353 must be approved prior to system installation.

354
355 **D. Permit Expiration.**
356

- 357 1. A sanitary permit for a system which has not been installed,
358 modified or reconnected shall expire two (2) years after the date
359 of issuance.
- 360 2. Permits may be renewed prior to the expiration date. Written
361 application to the Land Use Planning & Zoning Department is
362 required and the renewal shall require an additional fee.
- 363 3. The renewal shall be based on State code and the County Code
364 requirements in effect at the time that the request for renewal is
365 made.
- 366 4. Changes in Code or Chapter requirements may impede the
367 renewal.
- 368 5. The owner or his agent prior to beginning construction shall
369 obtain a new sanitary permit if a sanitary permit has expired.

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371 **E. Permit Transfer.**

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1. Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:
 - a. The applicable State transfer form shall be submitted to the Department.
 - b. Transfer fee shall be included with the request.
 - c. The Land Use Planning & Zoning Department shall issue a new sanitary permit card upon approval of transfer.
 - d. Transfer of owner shall not affect the expiration date or the renewal requirements.

F. Change of Plumbers.

1. When an owner wishes to change plumbers on a valid sanitary permit the following items must be submitted to the Land Use Planning & Zoning Department prior to the installation of the POWTS:
 - a. A sanitary permit application signed by the new plumber.
 - b. Sanitary permit transfer fee.
 - c. A new system plan, which meets the requirements of Section 334-8 (C) unless the existing plan bears a stamp of a licensed plumbing designer.
 - d. The Land Use Planning & Zoning Department shall issue a new sanitary permit, and permit card upon approval of transfer.
 - e. Change of plumbers shall not affect the expiration date or renewal requirements.

G. Permit Denial.

1. When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code, or this Chapter have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the plumber, landowner, and when appropriate DSPS and the County Corporation Counsel.
2. In the event that a sanitary permit is denied the property owner has the right to appeal the denial decision or request a variance.

334-9 Reconnections.

- A.** A reconnection permit shall be obtained prior to:
1. Construction of a structure to be connected to an existing POWTS.
 2. Disconnection of a structure from an existing POWTS and

- 418 connection of another structure to the system, except as permitted
419 under Section 334-9(C).
- 420 3. Rebuilding a structure that is connected to a POWTS.
- 421
- 422 **B.** Prior to issuing a reconnection permit, the existing POWTS shall be
423 evaluated to:
- 424
- 425 1. Determine if the existing system is functioning properly. A
426 licensed plumber's signed statement regarding the condition of
427 the system and all its components shall be provided.
- 428 2. Determine if it will be capable of handling the proposed
429 wastewater flow and contaminant load from the building to be
430 served.
- 431 3. Determine that all minimum setback requirements of SPS 383,
432 Wisconsin Administrative Code, will be maintained.
- 433
- 434 **C.** Application for a reconnection permit shall include the following:
- 435
- 436 1. All items in Section 334-8(B)(1 (a-d)).
- 437 2. In cases where the existing POWTS was installed based on soil
438 percolation rate or an insufficient soil test, soil boring data shall
439 be provided that documents suitable soil conditions exist to a
440 depth of not less than two (2) feet above groundwater or bedrock
441 for POWTS installed prior to December 1, 1969, and at least
442 three (3) feet above the ground water or bedrock for POWTS
443 installed on or after December 1, 1969.
- 444 3. Appropriate agreements and contracts for system management
445 and maintenance.
- 446 4. A report by a licensed plumber, certified septage servicing
447 operator or POWTS inspector relative to the condition, capacities,
448 baffles, and manhole covers for any existing treatment or holding
449 tanks.
- 450 5. A report provided by a licensed plumber or POWTS inspector
451 relative to the condition and capacities of all other system
452 components and verifying that the system is not failed.
- 453 6. Complete plans as specified under Section 334-8(C) for any
454 system components, which will be modified or replaced.
- 455 7. A plot plan, as specified under Section 334-8(C)(3)(c) for any
456 system components that are existing and intended for utilization.
- 457 8. When reconnecting to a system, that has a design flow capacity
458 below the design flow calculated by number of bedrooms, is
459 permitted under Wisconsin Administrative Code, a "POWTS Per
460 Capita Sizing" affidavit must be recorded in the County Register of
461 Deeds Office.
- 462 9. All systems shall be inspected by the Department at the time of
463 reconnection, prior to backfilling to insure that the proper

464 materials and methods are being used.

465
466 **334-10 Construction Affecting Wastewater Flow or Contaminant Load.**

467
468 A. An increase in wastewater flow or contaminant load due to new
469 construction shall be considered to take place when one of the following occurs:

- 470
471 1. There is an increase in the number of bedrooms.
472 2. In public buildings, facilities or places of employment, when there
473 is a proposed change in occupancy of the structure; or the
474 proposed modification affects either the type or number of
475 plumbing appliances, fixtures or devices discharging to the
476 system.

477
478 B. Prior to commencing the construction of an addition to or modification of
479 a structure, which will increase wastewater flow or contaminant load to an existing
480 POWTS the owner(s) of the property shall:

- 481
482 1. Possess a sanitary permit to construct a new POWTS or modify
483 the existing system to accommodate the increase; or
484 2. Provide the following to the Department:
485 a. Documentation that a POWTS of adequate capability and
486 capacity to accommodate the increase already exists to
487 serve the structure, as specified in SPS 383;
488 b. Documentation showing that the location of the proposed
489 construction conforms to the applicable setback distances
490 to all of the existing POWTS components; and
491 c. Documentation specified under Section 334-9(D)(2-5).
492 3. If the existing POWTS is found to be undersized, construction of
493 the building addition or modification shall not be permitted until a
494 new sanitary permit has been issued that will accommodate the
495 increased wastewater flow derived from the building addition.

496
497 **334-11 Construction Not Affecting Wastewater Flow or Contaminant Load.**

498
499 Prior to commencing construction of any structure or addition to a structure on a
500 site where there exists a POWTS the owner or agent shall determine that the proposed
501 construction conforms with all applicable setbacks of SPS 383, Wis. Admin. Code.

502
503 **334-12 Permit Fees.**

504
505 Fees shall be established to defray the costs of administering this Chapter.
506 Permit fees shall be established by the Land Use Planning and Zoning Committee
507 and shall be included in the County Fee Schedule. Permit fees shall take effect
508 following approval of the County Board and may be periodically adjusted as deemed
509 necessary by the Land Use Planning and Zoning Committee.

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- A. The fee for a sanitary permit shall be as follows:
 - 1. At-grade system: \$380
 - 2. Conventional (In-ground Gravity) system: \$380
 - 3. Conventional (In-ground Gravity) system with Lift: \$380
 - 4. Holding Tank: \$455
 - 5. In-ground Pressure system: \$380
 - 6. Mound System: \$380
 - 7. Vault Privy: \$380
 - 8. Minor repair / modification: \$150
 - 9. Reconnection: \$150
 - 10. Composting or Incinerating Toilet: \$150
 - 11. Pretreatment Unit: \$75
 - 12. Agent Status (County) review: \$75
 - 13. Renewal fee: \$75
 - 14. Transfer of sanitary permit between plumbers: \$75
 - 15. Transfer of sanitary permit between owners: \$300
 - 16. After-the-fact fee: Double the initial filing fee

B. An additional fee of \$100 shall be collected by the Land Use Planning & Zoning Department for systems that have a design wastewater flow of over 5,000 gallons per day; further an additional \$100 shall be collected for each additional 5,000 gallons flow per day, above the first 5,000 gallons per day.

C. A fee of \$100 shall be collect by the Land Use Planning & Zoning Department to monitor groundwater levels (when required as per SPS 385.60(3), Wis. Adm. Code.

D. The above sanitary permit fees include the State fee and WNDR surcharge. The above fees will be automatically adjusted concurrently with each State adjustment, whenever the State of Wisconsin changes its permit fees (See section SPS 2.67)

E. The county may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any twelve-month period.

F. The Land Use Planning & Zoning Department shall forward the required portion of the sanitary permit fee to the Department of Safety and Professional Services.

334-13 POWTS Maintenance Program.

A. As required under Wisconsin Administrative Code SPS 383.255, the County hereby establishes a POWTS maintenance program for the purpose of inventorying and monitoring the location and maintenance events of POWTS located within the County.

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1. Every three (3) years, after a sanitary permit has been issued and the POWTS has been installed or after an existing POWTS has been added to the POWTS maintenance program, the owner of a POWTS shall contract with a POWTS maintenance provider to inspect and maintain their POWTS.
2. The inspection and maintenance shall:
 - a. Be reported to the Department by way of the “POWTS Reporting – File Reports Here” link on the Department’s webpage or <https://ascent.co.green-lake.wi.us/PermitManagement/Permit/Permit>.
 - b. Be reported within 30 days of the inspection and maintenance.
 - c. Address the prompted questions applicable to the POWTS system being inspected and maintained.
 - d. Include the volume (in gallons) that the licensed septic pumper removed from the tank or if the tank was less than one-third (1/3) full of sludge and scum.
 - e. Indicate, that after a visual inspection had been done of the in-situ soil treatment component, there is no wastewater ponding on the surface of the ground.
 - f. Indicate that all wastewater from the structure is discharging to the POWTS.
3. Every three years, the Department shall provide to the owner of the POWTS a First Notice POWTS Maintenance Reminder Card. The POWTS owner shall have 30 days from the postmark of the first notice to complete their POWTS maintenance obligation.
4. If the POWTS owner fails to complete POWTS maintenance as required in §334-13.A.(1) the Department shall provide the POWTS owner with a Final Notice POWTS Maintenance Reminder Card. The POWTS owner shall have 30 days from the postmark of the final notice to complete their POWTS maintenance obligation.
5. If the POWTS owner fails to complete POWTS maintenance as required in §334-13.A.(1) the Department shall provide the POWTS owner with a notice of violation letter. The POWTS owner shall have 15 days from the postmark of the notice of violation letter to complete their POWTS maintenance obligation.
6. If the POWTS owner fails to complete POWTS maintenance as required in §334-13.A.(1) the Department will turn over the violation to Corporation Counsel who will use all appropriate legal remedies to resolve the violation.
7. Service providers that report more than 30 days after the POWTS inspection and maintenance will be tracked and after three late

602 reports the service provider may be referred to DSPS.
603 8. Upon sale of the property, the owner shall provide written
604 notification of the maintenance program to the buyer.
605 9. In addition to 334-13.A.(1), any master plumber, master plumber
606 restricted, or POWTS service provider or POWTS inspector that
607 performs work on or services a POWTS shall report the event by
608 way of the "POWTS Reporting – File Reports Here" link on the
609 Department's webpage.
610

611 **B.** Pursuant to Wis. Stats. §145.20(4), the County may assess the owner of
612 a private onsite wastewater treatment system (POWTS) located within Green Lake
613 County for costs related to the pumping of a septic or holding tank. The County shall
614 make the assessment in the same manner that a city, village or town makes an
615 assessment under Ch. 66.0703 Wis. Stats.
616

617 **334-14 Non-Plumbing Sanitation Systems.**
618

619 **A.** Except as provided herein, a County sanitary permit with the proper fee
620 is required for the construction and/or installation of a non-plumbing sanitation system.
621

622 **B.** Portable restrooms may be utilized for municipal purposes for the public
623 benefit on public property or for temporary purposes on private property. For the
624 purpose of this ordinance standard, "temporary" shall mean the following: For
625 temporary gatherings, festivals and similar activities, a period of 30 consecutive days
626 or less. For use at any construction site, the duration of the construction plus two
627 weeks. A sanitary permit is not required for a portable restroom.
628

629 **C.** Non-plumbing sanitation systems, with the exception of composting or
630 incinerating toilets, shall be located according to the following minimum setbacks:
631

- 632 1. Ten (10) feet from dwellings.
- 633 2. Fifty (50) feet from wells.
- 634 3. Seventy-five (75) feet from the ordinary high-water mark of a
635 lake, stream or river.
- 636 4. Privies and other structures associated with non-plumbing
637 sanitation systems shall be located ten (10) feet from lot lines or
638 the applicable setback for the Zoning District in which it is located,
639 whichever is greater.
640

641 **D.** Non-plumbing sanitation systems shall be constructed in conformance
642 with SPS 391, Wisconsin Administrative Code, and the following requirements:
643

- 644 1. Foundations shall be of concrete or masonry.
- 645 2. Vaults shall extend at least six (6) inches above the surrounding
646 grade.
- 647 3. All privy structure openings shall be screened and all doors shall

648 be self- closing. Ventilators shall be provided for the vault and
649 extend not less than one (1) foot above the roof and be provided
650 with an effective ventilating hood.

- 651 4. Vaults shall be watertight and constructed of materials that are
652 able to be buried and that meet the applicable provisions of
653 Wisconsin Administrative Code SPS 384.
654 5. Pit privies require a Soil and Site Evaluation in accordance with
655 Wisconsin Administrative Code SPS 385.

656 **334-15 Holding Tanks**

657 **A.** Sewage holding tanks are prohibited, with the following exceptions:

- 658
659
660
661 1. No other private sewage system permitted by SPS 383, Wis.
662 Admin. Code, may be installed on the subject property.
663 2. The subject property is located within an existing sanitary district
664 or municipal sewer district and the district provides written
665 verification that the subject property will be served by its public
666 sewer system within five years of the date of sanitary permit
667 issuance. The property owner shall record an affidavit with the
668 Green Lake County Register of Deeds stating that if sewer
669 service is not available within five years of the date of sanitary
670 permit issuance, the holding tank will be replaced with another
671 POWTS permitted by SPS 383, Wis. Admin. Code.
672 3. Holding tanks serving a design wastewater flow of less than 150
673 gallons per day. The property owner shall record an affidavit with
674 the Green Lake County Register of Deeds stating that if the
675 design wastewater flow increases to equal or exceed 150 gallons
676 per day, the holding tank will be replaced with another POWTS
677 system permitted by SPS 383, Wis. Admin. Code.
678

679 **B.** All holding tanks shall be equipped with functioning locking devices and
680 high water alarms. In cases where the Department finds the locking devices and/or
681 high water alarms missing or not functioning properly, the Department shall order
682 them to be replaced.

683
684 **C.** Servicing or pumping of a holding tank shall occur when the wastewater
685 in the tank reaches a level of one (1) foot below the inlet invert of the tank(s).
686

687 **D.** The service provider shall report any holding tank maintenance
688 performed every time the holding tank is pumped / serviced /maintained by way of the
689 POWTS Reporting – File Reports Here” link located on the Department’s webpage or:
690 <https://ascent.co.green-lake.wi.us/PermitManagement/Permit/Permit> .
691

692 **E.** Any holding tank which discharges sewage to the ground surface,
693 including intentional discharges and discharges caused by neglect, shall be

694 considered a failing POWTS which will need to be remediated to remain in
695 compliance with the requirements of the State Code and this Chapter. This may
696 include, by Department order, the installation of a water meter with remote reading
697 device to monitor pumping compliance.

698
699 F. The use of a camping unit transfer container as a POWTS holding tank
700 component shall be restricted to a campground permitted by the Wisconsin
701 Department of Health Services under DHS 178, Wis. Admin. Code.

702
703 **334-16 Inspections.**

704
705 A. Notice for final inspection shall be given to the Department for all
706 POWTS installed, modified, or reconnected.

707
708 B. The plumber shall be responsible for scheduling installation inspections
709 with the Department no later than 24 hours in advance on the business day prior to
710 the day of installation.

711
712 C. The entire system shall be left completely open until inspected and
713 accepted.

714
715 D. The plumber in charge shall provide the necessary apparatus,
716 equipment and assistance for a proper inspection. Inadequate equipment may result
717 in a delay of the completion of the inspection.

718
719 E. The Department reserves the right to require additional inspections if it
720 is determined that they are necessary to ensure compliance with Wisconsin
721 Administrative Code and this Chapter.

722
723 F. When a specific test is required by the product approval division of the
724 State, or as a condition of approval by the State or Department, the installer shall
725 provide notice to the Department at least twenty-four (24) hours prior to performing
726 the test, and will provide documentation of the results if requested by the Department.

727
728 G. All non-plumbing sanitation systems shall be inspected for compliance
729 with SPS 391 Wisconsin Administrative Code and this Chapter.

730
731 H. The property owner shall notify the Department for inspection
732 immediately after the non-plumbing sanitation system has been constructed or
733 installed.

734
735 I. Mound and At-Grade systems shall be inspected by the Department at
736 the time of plowing, at the completion of the distribution piping installation and after all
737 work is completed.

738
739 J. Inspections of Sand Filters, Drip-line Effluent Dispersal and

740 experimental systems shall be scheduled as follows:

- 741
- 742 1. The plumber installing the system shall coordinate any
 - 743 preconstruction meetings.
 - 744 2. The plumber installing the system shall notify the Department
 - 745 forty-eight
 - 746 (48) hours prior to the beginning of the installation to schedule
 - 747 inspections and shall notify the State if required as a condition of
 - 748 plan approval.
 - 749 3. The Department reserves the right to request as many inspections
 - 750 as deemed necessary to insure proper installation of the system.
 - 751

752 **334-17 Violations, Penalties, Remedial Action, Enforcement.**

753

754 **A. Investigation of alleged violations.** Any violation of the provisions of

755 this chapter shall be deemed unlawful and a public nuisance. When necessary, to

756 determine compliance with this chapter, the Land Use Planning and Zoning

757 Department shall investigate alleged violations. After confirmation that a violation

758 exists, the Land Use Planning and Zoning Department shall pursue compliance of the

759 violation and enforce the provisions of this chapter.

760

761 **B. Violations and Penalties; Citations.**

- 762 1. Any violation of the provisions of this chapter by or under the
- 763 direction of the landowner shall be brought into compliance upon
- 764 notification by the Land Use Planning and Zoning Department or
- 765 the Land Use Planning and Zoning Committee or the County
- 766 Corporation Counsel.
- 767 2. The County Corporation Counsel shall have the authority to use all
- 768 legal remedies necessary to enforce the provisions of this
- 769 chapter. After consultation with the Land Use Planning and
- 770 Zoning Department and/or the Land Use Planning and Zoning
- 771 Committee, the Corporation Counsel shall determine which legal
- 772 remedy or legal remedies are in order to enforce the provisions of
- 773 this chapter.
- 774 3. Each day that the violation exists, after receiving notice of the
- 775 violation from the Land Use Planning & Zoning Department by
- 776 certified or registered mail, or personal service per Ch. 801.11
- 777 Wis. Stats, shall constitute a separate offense.
- 778 **a.** Any landowner who violates or refuses to comply with any
- 779 of the provisions of this chapter shall be subject to a
- 780 forfeiture of not less than \$50 nor more than \$500 per
- 781 offense, together with the taxable costs of action.
- 782 **b.** A landowner may request an extension to a deadline for
- 783 compliance as set by the Department. The request for
- 784 extension must be made in writing and include the
- 785 following information: parcel number, address, current

786 owner information, reference within the ordinance(s) of
787 existing violations, number of days the extension is being
788 requested for, enforceable compliance schedule / time
789 frame, if any other existing violations on the property have
790 been resolved, and other pertinent information.

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

797
798 **C. Stop-work Orders.**

- 799 1. *No sanitary permit obtained.* When the Land Use Planning and
800 Zoning Department is notified or becomes aware of any activity in
801 violation of the provisions of this chapter by or under the direction
802 of the landowner that requires issuance of a sanitary permit
803 pursuant to this chapter, and such a permit has not been
804 obtained, the Land Use Planning and Zoning Department may
805 issue a stop-work order requiring any such activity to be
806 immediately stopped and enjoined.
- 807 2. *Sanitary permit obtained.* When the Land Use Planning and
808 Zoning Department is notified or becomes aware of any activity in
809 violation of the provisions of this chapter by or under the direction
810 of the landowner for which a sanitary permit was issued and the
811 actual activity deviates from that sanitary permit, the Land Use
812 Planning and Zoning Department may issue a stop-work order
813 requiring the activity to be immediately stopped and enjoined.
- 814 3. The stop-work order shall be mailed to the subject landowner's
815 property tax bill mailing address or the mailing address as stated
816 on the sanitary permit application and/or to any person signing
817 the sanitary permit application.
- 818 4. The stop-work order card issued and posted by the Land Use
819 Planning and Zoning Department shall be posted at the subject
820 site in plain view from a non-trespass location off the subject
821 property. A stop-work order card shall remain posted until
822 compliance of the violation occurs. In the event that a stop-work
823 order has been removed from its posted location by persons
824 other than Department staff, the property owner(s) and/or other
825 agents, upon conviction, shall be subject to a \$300 fine plus court
826 costs. The fine shall increase by \$300 after each offense and be
827 cumulative. For example: \$300 first offense, \$600 for second
828 offense, \$900 for third offense, and so on. If a property owner
829 removes a stop work order sign three times they shall be subject
830 to \$1800 (\$300 + \$600 + \$900) in fines plus court costs.
- 831 5. An action filed pursuant to the Board of Adjustment or to any court

832 shall stop work during and until the final outcome of the action
833 has been reached or until so ordered by a Court of appropriate
834 jurisdiction.
835

836 **D. Injunctions.** Every violation of this chapter is a public nuisance, and the
837 creation thereof may be enjoined and the maintenance thereof abated pursuant to
838 § 59.69(11), Wis. Stats.
839

840 **E. Emergency conditions.** Whenever the Land Use Planning and Zoning
841 Department finds that an emergency exists such as sudden, unexpected occurrences,
842 or combinations thereof, unforeseen conditions or circumstances at the time beyond a
843 landowner's control, adverse weather conditions, meeting a timetable which requires
844 immediate action to protect the public health, safety, and welfare, the Land Use
845 Planning and Zoning Department may, without notice or hearing, issue an order citing
846 the existence of such emergency and may require that such action be taken as may
847 be deemed necessary to meet the emergency. The Land Use Planning and Zoning
848 Department shall notify the Chairperson of the Land Use Planning and Zoning
849 Committee within 24 hours of such situations. Notwithstanding any other provisions of
850 this chapter, such order shall become effective immediately. Any person to whom
851 such order is directed shall comply therewith immediately. Appeals or challenges to
852 emergency orders may be brought to the Board of Adjustment after emergency
853 conditions have ceased.
854

855 **334-18. Subdivision Plats.** To protect the public health, all subdivision plats
856 (preliminary and final) as regulated by Chapter 315, "Land Division & Subdivision"
857 shall identify the primary and a replacement soil absorption areas for proper on-site
858 wastewater treatment for all lots not served by a public sewer. In addition,

- 859 A. Data for all soil tests shall be submitted to the County on DSPS form
860 SBD-8330 (R04/15) or any future revisions. The form shall be signed
861 and dated by a state certified soil tester.
- 862 B. The County may conduct field investigations to verify, but limited to,
863 depth to soil mottles, groundwater, and bedrock, soil texture and
864 structure and land slope.
- 865 C. At least two (2) soil pits, large enough to enter and allow visual
866 evaluation of the in-situ soil profile, shall be constructed for each
867 proposed soil absorption area.
- 868 D. The County may require the monitoring of groundwater levels for
869 proposed subdivisions where the in situ soil has been altered.
- 870 E. The soil absorption (and replacement area) for each subdivision lot not
871 served by a public sewer, shall be of sufficient area to treat a design
872 wastewater flow of 450 gallons per day.
- 873 F. Where individual subdivision lots are to be served by a community
874 wastewater treatment system, the submitted preliminary and final plats
875 shall clearly explain and identify the location of the system's components
876 and the lots being served. Furthermore:
 - 877 1. Any community system shall be designed to accommodate a

- 878 minimum design wastewater flow of 450 gallons per day and a
879 restriction shall be included on
- 880 2. All components of a community wastewater treatment system
881 shall be owned and maintained by a special purpose district,
 - 882 3. All components of a community wastewater treatment system
883 shall be accessible through easements, public rights-of-way or
884 ownership.
 - 885 4. Community systems shall be submitted to and approved by DSPTS
886 and/or the WNDR prior to final plat approval by the County.

887
888 **334-19. Definitions.**

889 C. **Buildings.** See structure.

890 D. **Department.** The County Land Use Planning and Zoning Department.

891
892 E. **Director.** The Land Use Planning & Zoning Director.

893
894 F. **Failing Private Sewage System** A failing private on-site wastewater
895 treatment system is one which causes or results in any of the following
896 conditions:

897 (1) The discharge of sewage into surface water or groundwater.

898 (2) The introduction of sewage into zones of saturation which adversely
899 affects the operation of a private on-site wastewater treatment system.

900 (3) The discharge of sewage to a drain tile or into zones of bedrock.

901 (4) The discharge of sewage to the surface of the ground.

902 (5) The failure to accept sewage discharges and back up of sewage into
903 the structure served by the private on-site wastewater treatment system.

904 See Wis. Stat. § 145.245(4). In addition, a holding tank which discharges
905 sewage to the ground surface, including intentional discharges and
906 discharges caused by neglect, shall be considered a failing private
907 sewage system.

908
909 G. **Human Habitation.** The act of occupying a structure as a dwelling or
910 sleeping place, whether intermittently or as a primary residence.

911
912 H. **Non-Plumbing Sanitation System.** Sanitation systems and devices
913 within the scope of SPS 391, Wisconsin Administrative Code, which are approved
914 alternatives to water carried waste plumbing fixtures and drain systems; including but
915 not limited to, incinerating toilets, composting toilets and privies.

916
917 I. **Plumber.** A person licensed by the State as a Master Plumber or
918 Master Plumber- Restricted Services.

919
920 J. **POWTS.** Private on-site wastewater treatment system.

921
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923

924 **K. Private On-Site Wastewater Treatment System.** Also referred to as a
925 “*sewage system*”, mean a sewage treatment and disposal system serving a single
926 structure with a septic tank and soil absorption field located on the same parcel as the
927 structure. This term also means an alternative sewage system approved by the
928 Department of Safety and Professional Services including a substitute for the septic
929 tank or soil absorption field, a holding tank, a system serving more than one structure
930 or a system located on a different parcel than the structure. A private on-site
931 wastewater treatment system may be owned by the property owner or by a special
932 purpose district. See § 145.01(12), Wis. Stats.

933
934 **L. Privy-Pit.** A privy with earthen sidewalls and/or bottom constructed in
935 accordance with applicable sections of Wisconsin Administrative Code and this
936 Chapter.

937
938 **M. Privy-Vault.** A privy with a subsurface storage chamber that is water
939 tight and has a minimum capacity of two hundred (200) gallons.

940
941 **N. Rebuilt.** The construction which takes place after a structure is
942 demolished or damaged in excess of fifty percent (50%) or greater of its equalized
943 value at the time it is demolished or damaged.

944
945 **O. Sanitary Permit.** A permit issued by the Department for the installation
946 of or reconnection to a private on-site wastewater treatment system or non-plumbing
947 sanitation pursuant to Chapter 145, Wis. Stats.

948 **P. Septage.** See sewage.

949
950 **Q. Septic Tank.** An anaerobic treatment tank.

951
952 **R. Servicing Provider.** An individual or business licensed by the State of
953 Wisconsin as a master plumber, master plumber-restricted service, septage pumper
954 or POWTS maintainer.

955
956 **S. Sewage.** The liquid and liquid carried wastes created in and to be
957 conducted away from residences, businesses, industries, public buildings, and other
958 buildings in which people live, stay or work.

959
960 **T. State.** The Wisconsin Department of Safety and Professional Services.

961
962 **U. Structure.** Anything constructed or erected the use of, which requires
963 location in or on the premises, or any other attachment to something having a
964 permanent location on the ground. Included are items that may have been designed
965 as transportable or as a vehicle, but stand in seasonal or permanent locations for
966 storage or human habitation, which may include but are not limited to; truck campers,
967 travel trailers, park or model units, buses and motor homes.

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969

970

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

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

975 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
976 repealed.