

**TOWN OF NEW GLARUS
PLAN COMMISSION MEETING
THURSDAY, AUGUST 15, 2024, 6:00 PM
AGENDA**

Join by Zoom: <https://us06web.zoom.us/j/86880738817?pwd=vNqJ6k1MfnvcAgPnU16XOtbBE8GgST.1>

Meeting ID: 868 8073 8817

Passcode: 051042

Dial by your location: 312 626 6799

New Glarus Town Hall
26 5th Avenue
New Glarus, WI 53574

DATE: Thursday, August 15, 2024
TIME: 6:00 PM

NOTICE IS HEREBY GIVEN that Town of New Glarus Plan Commission, County of Green, may act on the following matters if any required public hearing has been held:

1. Call to Order/Confirm Proper Proof of Posting
2. Approve Minutes from July 18, 2024
3. Town Board Discussion/Action Regarding Direction to Plan Commission for Comprehensive Plan
4. Town Board Discussion/Action Regarding Approval for Vierbicher to Produce Development Mapping for Six Sections Within the Village of New Glarus Extraterritorial Zoning Jurisdiction
5. Updates Regarding Transfer of Trails Grant Within STH 39 Property, Fencing Estimates, Site Visits of other Public Facilities, etc.
6. Continued Review of Sample Driveway Ordinances that Have Provisions for Field Drive Access and Farm Drive/Commercial Access
7. Review of Disch Land Division of Property Along Durst Road by Certified Survey Map Within the Village of New Glarus Agricultural Transition District
8. Staff Reports
 - a) Update on zoning change history for 4.0 acre parcel along STH 69
 - b) Neighbor exchange to be recorded by Certified Survey Map without deed restriction language
9. Adjourn

Pursuant to applicable law, notice is hereby given that a quorum or a majority of the New Glarus Town Board Members may attend this meeting. Information presented at this meeting may help form the rationale behind future actions that may be taken by the Town of New Glarus Board. Persons requiring additional services to participate in a public meeting may contact the Town Clerk for assistance: 608-527-2390.

Posted: 08/08/2024

New Glarus Town Hall
New Glarus Maintenance
New Glarus Post Office
<https://townofnewglarus.com/>

Chris Narveson, Chair
Town of New Glarus Plan Commission
Tim Schleeper, Plan Administration
John Wright, Clerk-Treasurer

TOWN OF NEW GLARUS
PLAN COMMISSION MEETING
THURSDAY, JULY 18, 2024
MINUTES

Members Attending: Chris Narveson (Chair), Robert Elkins, Mark Pernitz, John Ott, Craig Galhouse, and Reg Reis (arrived at 6:01 PM)

Absent: John Freitag

Also Attending: John Wright, Clerk-Treasurer; Tim Schleeper: contract planner from Vierbicher, and Ashley Haffner: Town of New Glarus resident (departed at 6:14 PM)

1. **Call to Order and Proof of Posting**: Chair Narveson called the meeting to order at 6:00 PM. Clerk-Treasurer Wright attested to the proper proof of posting.
2. **Approve Minutes from June 20, 2024**: Motion to approve the meeting minutes from June 20, 2024, as presented, was made by Commissioner Galhouse; seconded by Commissioner Elkins. Motion carried 5-0.
3. **Master Park Plan Adoption Update** – Chair Narveson reported that the Plan was approved at the July 10, 2024 Town Board meeting with amendments to accommodate interior trails in order to transfer the Wisconsin Department of Natural Resources Grant from the STH Highway 39 to Durst Road segment to the Town Park interior. Commissioner Ott noted that the potential residential cluster option lots are not included in the adopted Plan. Narveson stated the Plan can be amended once test holes determine the best location for municipal buildings. Narveson provided an update on the agreement between the Town and Village of New Glarus regarding the possible sale of the Town Hall. The offer to purchase is contingent upon the Village receiving the Flexible Facilities Program Grant. It was noted that discussions between the Town and Village will continue if the grant is not awarded, but the Town's Letter of Intent will be nullified. It was further reported that no firm decisions about the access to the Town property has been made (formerly Hayes Lane).
4. **Continued Discussion Regarding Standards for Commercial Development Within Chapter 110 Land Division and Subdivision** – The item was not added to the July 10, 2024 Town Board agenda for discussion or action in order to direct the Plan Commission to review the Town Comprehensive Plan for commercial opportunities, the sunset date of open space, etc. Without objection, the item will be referred to the Town Board for their August 14, 2024 meeting.
5. **Continued Discussion of a Portal to be Hosted on the Green County GIS Database with Possible Action to Recommend Estimate to Town Board for Approval** – Contract planner Schleeper reminded the group about the proposal from Vierbicher that he presented at the June 20, 2024 meeting to produce a map of the 35 Sections of the Town. Because action was deferred until this meeting, the proposed timeline for completion will be delayed until the Town Board approves this or another proposal. Schleeper stated the map resource, if approved, could be posted to the Town website and/or may be posted to the Green County GIS website if County agrees to host it. Commissioner Elkins asked who would update the map, if approved. Schleeper stated that it depended upon the approved format: if in the native GIS, then Vierbicher would update; if it is a static map posted to the Town website, then anyone who can amend Acrobat files would be able to make updates. There was a reminder that the history of land development is a resource that was developed by the Town and is organized in an Access database. The database has been maintained by Town staff and changes shared with Vierbicher.

Commissioner Galhouse wondered if a beta test would be possible in order for Plan Commission and Town Board members to review before the resource was posted live for public consumption. It was noted that this resource may save Town staff time answering development inquiries from residents, realtors, developers, etc. There followed a brief discussion of the probable impact upon development in the Village of New Glarus once a new water tower is erected. Chair Narveson asked if the members

would support a request for the Town Board to continue discussions with the Village of New Glarus Board regarding a cooperative boundary agreement. Potentially, such an agreement would simplify approval of developments within the Village's extraterritorial plat review jurisdiction. There was no opposition voiced. Commissioner Reis recounted the use of a disinterested third party (Mike Powers who served the State Assembly and Green County Board) in past negotiations with the Village, which Reis felt facilitated the process.

Motion to recommend for the Town Board to approve the expense for Vierbicher to develop the six Sections of the Town within the Village of New Glarus extraterritorial zoning jurisdiction as a pilot GIS map to graphically represent the remaining normal density development potential by Commissioner Galhouse; seconded by Commissioner Reis. Motion carried, 6-0. There followed a brief discussion that it is an applicant's obligation to prove development potential rather than that of the Town. Schleeper noted that in the City of Madison, applicants must present 60 years of title work as part of their petition to develop a property.

6. **Continued Review of Sample Driveway Ordinances that Have Provisions for Field Drive Access and Farm Drive/Commercial Access** – Although the online packet contains the current version of Chapter 36 and the proposed changes, paper copies had not been printed or inserted into tonight's packet. In spite of this limitation, Schleeper reported that he rearranged the existing chapter into three "chunks" in an effort to better organize the information. There followed a brief discussion of those who are seeking only an approved access and not approval of a driveway, leading to an improvement. As an example, some who are marketing residential lots feel an approved access will facilitate a sale. Commissioner Elkins expressed his concern that if the process for granting field access is made too difficult, no one will apply. It was noted that multiple entities may be driving into the same field, so finding who caused damage to the public way is made more difficult. It was further noted that an approved access for a future residential use lot does not guarantee that the driveway itself will be approved at a future date. It was stated that field access typically has lower standards for sight lines, which would be inappropriate for future access if developed for residential, commercial, or manufacturing purposes.

During the review of the proposed changes to Chapter 36, it was noted that the list of Town lanes did not include the entire current Town inventory with that designation. Those present discussed whether it would be better to list the entire inventory or not list any and only refer generally to public ways with this designation. There followed a discussion of the need in an update to the Town Comprehensive Plan to include a future roads map.

Motion to approve Vierbicher to the list all lanes in the draft revision of Chapter 36 to facilitate further discussion prior to attorney review by Commissioner Galhouse; seconded by Commissioner Reis. Motion carried, 6-0.

7. **Update on Zentner Road Development of Lot 2 of CSM 3452 with Cluster Potential: Neighbor Exchange** – Wright stated that the Town does not have approval authority over neighbor exchanges and that this was shared by the surveyor as a courtesy. This property was sold piecemeal by the Klossner family. Lot 1 was sold to the Andersons, which placed an open space deed restriction upon Lot 2 of CSM 3452 that was subsequently sold to the Steinich family, leaving a four cluster lot development potential available for Lot 2. According to surveyor Talarczyk, the owners of Lot 2 of CSM 3452 will be seeking to subdivide only three lots of cluster density at a date in the near future. By not developing a fourth cluster lot, the owners will avoid the need to build the shared driveway to a Town road standard.

8. **Inquiries/Staff Questions**

- a) Realtor inquiry regarding development potential of tax parcel 23024 0131.0200 containing approximately 127.560 acres – Clerk-Treasurer Wright reviewed his response to Realtor Dillon Muth regarding publicly available records that reflect the development potential of property without rendering a definitive determination. It was noted that the contiguous acreage at date of ordinance was comprised of two separate Certified Survey Lots (Lot 1 and Lot 2 of CSM 1576) that were

recorded pre-ordinance. Consequently, when Wright was the Deputy Clerk/Plan Administrator for the Town in the past, he created two development potential scenarios: one that calculated only the potential for Lot 1 and the other for the combined acreage for both lots. There followed a brief discussion with opinions aired, but no action due to the fact that no proposal has been presented to the Commission to consider.

- b) Question from Clerk-Treasurer about development potential for a single tax parcel composed of two Certified Survey Maps (CSMs) recorded prior to October 13, 1997 – Wright reported that this single tax parcel contains two separate lots defined pre-ordinance by CSM 171 and CSM 558. It was discovered when issuing a building permit when legal descriptions are reviewed by Town staff to ensure what is proposed conforms with local standards (e.g., not in deed-restricted open space, a lot that cannot fulfill setback standards, etc.). No action is necessary since the current owner has not presented a plan to develop Lot 1 of CSM 558.
 - c) Inquiry about development potential for parcel 23024 0255.0000 of 154.17 acres as defined as Lot 1 of Certified Survey Map 5695 – Wright reported that real estate agent Lexie Harris shared the recorded survey of the Hefty-Blum property discussed at previous meetings. Wright's response by email to Harris explains how normal and cluster density are determined mathematically. However, those calculations are not a definitive answer to development potential which must be determined by the Plan Commission, the Town Technical Review Committee, or by the contract planner from Vierbicher. The recorded survey contains 154.17 acres that were contiguous under single ownership at date of ordinance. The split computation created by the Town in 2008 assumed 153.00 acres as the basis for development. The difference in acreage does not change the assumed development potential by normal or cluster density.
 - d) Inquiry from individual prior to submitting an Offer to Purchase 6.7 Acres located on Pioneer Road to possibly Use as a Wedding Venue, Defined by Lot 2 of Certified Survey Map 985 – Wright reported that he received this inquiry by phone. However, he conducted a special assessment certification request for an adjacent parcel and included an email to his contact at Ekum Title in the packet about the challenges for both properties. Both are bisected by Pioneer Valley Creek and partially within Zone A as defined by FEMA flood insurance maps. Commissioner Galhouse stated that within the Agricultural District of Green County Zoning, a Conditional Use Permit could potentially be granted for a season event center between May 1 and October 31 annually. No action is necessary at this time. Instead, this and the following report illustrate the physical challenges of numerous lots within the Town with development potential.
 - e) Inquiry about parcel 23024 0018.3000 of 4.0 acres defined by metes and bounds – Wright responded to multiple inquiries about a parcel along STH 69 that had been zoned within the Commercial District in the past by Green County. The property is dominated by hydric soils that normally indicate a wetland, is bisected by Spring Valley Creek, and is mostly within Zone A of a FEMA defined floodplain. It is unknown whether the Wisconsin Department of Natural Resources would allow filling within this location to increase the utility of the property. No proposals have been received for the property, so no action is necessary.
9. **Adjourn** – Motion to adjourn by Commissioner Pernitz; seconded by Commissioner Elkins. Motion carried at 7:53PM. The next meeting will be held on August 15, 2024, at 6:00 PM.

Approved:

John Wright, Clerk-Treasurer

Chapter 36

DRIVEWAYS

[**HISTORY: Adopted by the Town Board of the Town of New Glarus 9-11-1995 by Ord. No. 94-2, as amended 6-9-1997. Subsequent amendments noted where applicable.**]

GENERAL REFERENCES

Building construction — See Ch. 15.

Fees — See Ch. 55.

Road excavations and obstructions — See Ch. 181.

§ 36-1 Statutory authority.

This chapter is adopted pursuant to the general police powers granted under § 61.34(1), Wis. Stats., and with specific authority under § 236.45, Wis. Stats.

§ 36-2 Purpose and applicability.

- A. The purpose of this chapter is to promote the public health, safety, and general welfare of the community and to enforce the goals and policies of the Town Board of the Town of New Glarus. These standards are designed to lessen erosion and drainage problems common to the terrain within the Town and allow efficient provision of emergency services, including fire prevention or protection and ambulance services.
- B. This chapter applies to construction or modification of private driveways located in the Town of New Glarus which provide access to buildings constructed or substantially modified after the effective date of this chapter.
- C. Within the Village of New Glarus ETZ area, applicable provisions of the Village's Zoning ordinance also apply, with the more restrictive provisions applying in the event of a difference between the Town's Driveway Ordinance and the Village's Zoning Ordinance. [Added 5-2-2012]

§ 36-3 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

DRIVEWAY

A road permitting vehicular access from a public highway to one or more dwelling units or commercial buildings located or to be constructed on adjacent lands.

§ 36-4 Permit required; erosion control plan.

- A. No person shall construct, improve or rework a driveway which changes the existing topography of the land without first obtaining a driveway or driveway access permit from the New Glarus Town of New Glarus Patrolperson or Town Board designee. Re-graveling of a previously constructed driveway does not constitute a change in the existing topography of the land. Prior to consideration of the application by the Town Board, the applicant shall submit to the Town of New Glarus Patrolperson or Town Board designee, an application and a driveway construction plan which shall accurately describe the location of the proposed driveway and the specifications required by § 36-5 of this chapter for the driveway's construction. [Amended 5-11-2022]
- B. Any proposed driveway construction or modification shall be accompanied by an erosion control plan

presented to the Town Patrolperson or Town Board designee prior to the issuance of a driveway permit. An erosion control plan shall include the driveway owner's intentions and timetable to reseed, mulch, ditch, place culvert(s), and carry out other erosion control measures, all of which shall be completed within 90 days after beginning driveway construction or modification. If an engineer's plan of the driveway is prepared according to the requirements of § 36-6 of this chapter, an erosion control plan shall specify only those measures which are not mentioned or required in the engineer's plan. **[Amended 5-11-2022]**

- C. Driveway permits will be valid for one year from date of issue. Reapplication for a permit will be required for any improvements not completed during the permit period. Reapplication permits will not be denied without reasonable cause.
- D. No building permit for new residential construction will be issued until the driveway is constructed according to the specifications of this chapter.
- E. All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures shall be subject to an inspection fee as established by the Town Board to be paid to the Town prior to the start of any construction on a new driveway and prior to the issuance of a building permit. An approved driveway shall be in place before a building permit can be issued. If the Town Patrolperson or Town Board designee determines that any part of the driveway may not comply to the standards of this chapter, the property owner must provide a certificate from a registered land surveyor or a professional engineer stating that the driveway does indeed meet the necessary requirements. **[Amended 12-4-2007 and 5-11-2022]**
- F. A refundable fee as established by the Town Board must be submitted with each driveway application. This fee may be in the form of personal check, surety bond, or cash bond. The fee or part thereof may not be refundable should there be damage to the Town road or other costs incurred by the Town of New Glarus by the construction of said driveway. **[Amended 12-4-2007]**
- G. A driveway access permit will be issued for the purpose of permitting vehicular access or other means of travel from a public highway to a private driveway, road, and field road for all persons seeking a building permit. All driveway specifications for construction in this chapter will apply. The applicant, who may be the owner, agent, or contractor, shall submit a location construction plan showing specifications, including grade, slope, width, and length of the driveway, and erosion control procedures. Said construction plan will specify completion dates for culvert placement, aggregate placement, erosion control procedures, and final application of a two-inch layer of gravel. If the aforementioned completion dates are not met, then a penalty as determined in § 36-8 will be assessed.

§ 36-5 Construction specifications.

- A. An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway which disturbs land with a grade of more than 20%, unless waived by the Town after Town Engineer's recommendation. **[Amended 5-2-2012]**
- B. Width; emergency access; materials. **[Amended 8-11-2021]**
 - (1) All driveways 250 feet or less in length shall be at least 14 feet in width. All driveways in excess of 250 feet shall be at least 16 feet in width. Driveways in excess of 500 linear feet shall install emergency access provisions per one of the standards in Subsection **B(1)(a)** or **(b)** below.
 - (a) The driveway shall have one pull-off lane erected for each additional 500 linear feet of length. Each pull-off lane shall be eight feet wide and 50 feet long and comply with all the standards for driveways. Pull-off lanes shall be strategically placed (i.e., for a 900-foot driveway, one pull-off lane would be located at approximately 450 feet).

- (b) The driveway shall be constructed to a continuous uniform twenty-foot width. No pull-off lanes are required for driveways constructed to a continuous twenty-foot width.
- (2) Driveways can be any solid surface. However, they must satisfy the minimum requirement of six inches of aggregate and two inches of gravel. Driveways shall be crowned to provide adequate drainage of water from the road surface.
- C. Each driveway shall have a culvert at the ditch line where the driveway meets the public road, unless waived by the Town Board. The culvert shall be at least 15 inches in diameter or of sufficient size so as to permit adequate drainage of the affected area. The length shall be determined by the Town Board; however, the minimum width of the driveway approach shall be 24 feet. Apron end walls shall be used on all culverts. **[Amended 10-19-1999]**
- D. A driveway which is at least 24 feet in length shall have a maximum grade of 5% at the point where the driveway enters onto a public road. A slight dip across the driveway shall be placed just before the culvert at the entrance to the public road to prevent debris from washing onto the public road.
- E. Ditches, roadway crowning, and culverts which provide acceptable drainage are required.
- F. The driveway's side banks shall be graded to a slope of no more than one foot of vertical rise in each three feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board.
- G. Curves in the driveway shall have an inside radius of not less than 36 feet.
- H. The maximum grade of the entire driveway or any given segment of the driveway shall not exceed 13%.
- I. The side banks shall be seeded promptly to control erosion.
- J. Once the construction of the driveway has begun, all specified erosion control measures, including retaining wall, ditching, culverts, crowning, and mulching and matting, shall be completed within 90 days.
- K. The driveway must have at least six inches of two-inch rock on the roadbed and covered with two inches of three-fourths-inch gravel unless the Town Board considers otherwise.
- L. All costs of the construction of the driveway, including the cost of the culverts and the engineer's plan, if required, shall be paid by the property owner requesting the driveway permit.
- M. A clear zone for emergency vehicles shall be maintained for the full length of all constructed driveways. Overhanging tree limbs, landscaping and other obstructions are not permitted within the clear zone. The clear zone shall be two feet wider than the constructed width of the driveway (one foot on each side of the driveway) with a minimum width of 18 feet. The clear zone shall be a minimum of 14 feet in height. The clear zone shall also be required for the full width of all pull-off areas constructed per § **36-5B(1)**. In cases where such a clearing would be environmentally damaging, the Town Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. **[Amended 8-11-2021]**
- N. The driveway must have a back out with a radius of at least 90° or a fifty-foot turning radius.
- O. The driveway must have an approach at the place where it intersects with the public road of at least 24 feet in width and an unobstructed view of at least 250 feet in each direction at that place unless the Town Board allows otherwise.
- P. Joint driveways will not be permitted without a joint driveway agreement establishing the proposed joint

driveway and the manner of its construction, maintenance, and use.

- Q. The maximum length of driveways for developments located immediately adjacent to the Village boundary shall be 2,600 feet and construction shall comply with § **36-5B**. Driveway length and construction in the balance of the ETZ area shall be in accordance with § **36-5B**. [**Added 5-2-2012**]
- R. Driveway locations within the ETZ areas shall be consistent with all applicable Town ordinances and with the Village of New Glarus' official map for planned roads within the ETZ. [**Added 5-2-2012**]

§ 36-6 Engineer's plan.

- A. The Town Board may require the applicant to obtain a plan prepared by a professional engineer licensed by the State of Wisconsin prior to the construction or modification of any proposed driveway. An engineer's plan is required:
 - (1) For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of 25% or greater, unless waived by the Town Board;
 - (2) For a driveway or segment of a driveway whose construction requires a retaining wall or other special erosion control measures as determined by the Town Board or its authorized representative; or
 - (3) When the Town Board requests a plan for reasonable cause.
- B. The engineer's plan will include the following:
 - (1) The precise location of the driveway or segment(s) of the driveway which requires an engineer's plan.
 - (2) Grade of the driveway showing no segments exceeding 13%.
 - (3) Location and structure of any retaining walls.
 - (4) Location and size of any culverts.
 - (5) Cross section of the driveway.
 - (6) Mulching, matting or other erosion control measures.
- C. When an engineer's plan is required, no construction of a driveway may commence until the engineer's plan is approved by the Town Board and a driveway permit is issued and, when applicable, any necessary approvals are obtained from Green County or the State of Wisconsin per § 86.07, Wis. Stats.
- D. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

§ 36-7 Existing driveways and field roads.

When washing or other conditions created by existing driveways or field roads become a potential hazard to a public road, the Town Board shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct a hazardous situation immediately (within 24 hours or less) upon notification shall be subject to the penalties of this chapter and shall be liable for any costs incurred by the Town of New Glarus to eliminate such hazard as provided in §§ 66.0627 and 66.0703, Wis. Stats. Problems of a nonemergency nature shall be corrected in 30 days.

§ 36-8 Violations and penalties.

- A. Should a driveway be constructed or modified in a way which violates the provisions of this chapter, the owner(s) of the land through which the driveway passes shall pay a forfeiture equal to three times the fee charged for the permit application, whether or not that fee has been paid. The owner(s) of the land shall also make the corrections indicated by the Town Board within a reasonable period of time

determined by the Town Board.

- B. If the owner(s) of the land through which the driveway passes does not make the required corrections within the time specified, the Town Board shall determine the cost of correcting violations of the provisions of this chapter, including, when necessary, the return of disturbed land to its original condition. The cost shall be paid to the Town by the owner(s) of the property through which the driveway passes, as provided in §§ 66.0627 and 66.0703, Wis. Stats.

§ 36-9 **Variances.**

- A. The Town Board shall have the discretion to impose higher standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.
- B. The Town Board may grant variances from the minimum standards of § **36-5** in situations where strict application of the minimum standards will result in practical difficulty or unnecessary hardship, provided that such a variance shall not be contrary to the public interest, health or safety.
- C. Application for such variance shall be in writing by the landowner(s) stating fully all facts and shall be supplemented with maps, plans or other additional data which may aid the Town Board in the analysis of the proposed variance. The conditions upon which the request for a variance is based shall be unique to the property and not applicable generally to other property. The conditions shall not be mere inconvenience, financial hardship or self-imposed hardship.
- D. Any costs incurred by the Town in the approval or denial of a proposed variance shall be reimbursed to the Town by the applicant(s) seeking the variance. This shall include but not be limited to additional engineering studies, attorney fees and/or per diems by Town Board members.
- E. The Town Board, if it approves a variance, shall do so by motion or resolution and by majority vote. The reasons for approval or denial of a variance shall be entered in the minutes of the Town Board, and the Town Clerk shall notify the applicant of the decision.
- F. Variances for driveways on lands within the ETZ areas may be granted if they do not impair the intent and purpose of this chapter, Town plans and the ETZ Ordinance. Variances may be granted if they are unique to the property, specific to the situation and not solely for economic basis. [**Amended 5-2-2012**]

Chapter 36

DRIVEWAYS

[HISTORY: Adopted by the Town Board of the Town of New Glarus 9-11-1995 by Ord. No. 94-2, as amended 6-9-1997. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 15.

Fees — See Ch. 55.

Road excavations and obstructions — See Ch. 181.

§ 36-1 Statutory authority.

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§ 36-2 Purpose and applicability.

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- B. This chapter applies to construction or modification of private driveways located in the Town of New Glarus which provide access to buildings constructed or substantially modified after the effective date of this chapter.
- C. Within the Village of New Glarus ETZ area, applicable provisions of the Village's Zoning ordinance also apply, with the more restrictive provisions applying in the event of a difference between the Town's Driveway Ordinance and the Village's Zoning Ordinance. [Added 5-2-2012]

§ 36-3 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

DRIVEWAY

A road permitting vehicular access from a public highway to one or more dwelling units or commercial buildings located or to be constructed on adjacent lands.

Any distinct path, road or other traveled way area of access from a public road in the Town access to an improvement on private property. A driveway can be classified as residential, agricultural, commercial, or industrial or municipal.

DRIVEWAY, RESIDENTIAL: A driveway connecting a public road providing access used for one single or multifamily, residential purposes only Improvement.

DRIVEWAY, AGRICULTURAL: A driveway connecting a public road that provides primary access to agricultural improvement/Improvements.

DRIVEWAY, COMMERCIAL, OR INDUSTRIAL OR MUNICIPAL: A driveway that connects a public

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road access provides access to commercial, or industrial or municipal use improvement/Improvements or property.

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DRIVEWAY, SHARED: A driveway from a public road access that is used for ingress and egress to between two (2) and four (4) parcels with an Improvement or fire number.

FIELD ROAD: A specified road or point area of access on a town road that that is used only for accessing a property for agricultural, forestry, land management, hunting, or similar purposes, and does not provide access to an Improvement. Field road access does not guarantee future conversion to a driveway access.

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IMPROVEMENT: In this ordinance, "an Improvement" is a residential dwelling unit, a building or structure used for a commercial or industrial, or municipal purposes business, or an agricultural building or structure not served by an existing residential, commercial, or industrial, or municipal driveway and which has a fire number or requires access for emergency services.

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PUBLIC ROAD ACCESS: The portion of a driveway, field road or Town Lane within the dedicated public right-of-way or within twenty-two (22) feet of the adjacent roadway edge, whichever is greater.

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TOWN LANE: An in-drive maintained by the Town originally intended to serve a single farm residence to provide emergency services availability. Any changes from the original use of Town lanes may require owner(s)/developer(s) to reconstruct the lane to meet current standards for driveways or Town Roads -as specified in this ordinance. Town Lanes include the following:

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- Dean Lane Ward Creek Lane
- Freitag Lane Morris Lane
- Gmur Lane Urban Lane
- Hustad Lane Tuttle Lane
- Kempfer Lane Kennebec Lane
- Peters Lane Marty Lane
- Streff Lane Statz Lane
- Ufken Lane Legler Valley Lane
- Yuan Lane Crawford Lane (Section 7)

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§ 36-4 Permit required; fees, plans, specifications required erosion control plan.

A. No person shall construct, improve or rework a driveway which changes the existing topography of the land without first obtaining a driveway or ~~driveway access permit~~ field road access permit- from the New Glarus Town of New Glarus Patrolperson or Town Board designee. New field road access permits will require review of the access site and design requirements for that access point (line of sight, culverts, drainage and percent of grade in the first 4522 feet of field road) Re-graveling of a previously constructed driveway or field road does not constitute a change in the existing topography of the land. Prior to consideration of the application by the Town Board, the applicant shall submit to the Town of New Glarus Patrolperson or Town Board designee, an application and a driveway or field road construction plan which shall accurately describe the location of the proposed driveway or field road, and the specifications required by § 36-5 of this chapter for the driveway's construction of the driveway or field road. [Amended 5-11-2022]

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B. Any proposed driveway construction or modification shall be accompanied by an erosion control plan presented to the Town Patrolperson or Town Board designee prior to the issuance of a driveway permit. An erosion control plan shall include the driveway owner's intentions and timetable to reseed, mulch, ditch, place culvert(s), and carry out other erosion control measures, all of which shall be completed within 90 days after beginning driveway construction or modification. If an engineer's plan of the driveway is prepared according to the requirements of § 36-6 of this chapter, an erosion control plan

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shall specify only those measures which are not mentioned or required in the engineer's plan. [Amended 5-11-2022]

- C. Driveway and field road access permits will be valid for one year from date of issue. Reapplication for a permit will be required for any improvements not completed during the permit period. Reapplication permits will not be denied without reasonable cause.
- D. No building permit for new residential, commercial, industrial or municipal construction will be issued until the driveway is constructed according to the specifications of this chapter.
- E. All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures improvements shall be subject to an inspection fee as established by the Town Board to be paid to the Town prior to the start of any construction on a new driveway and prior to the issuance of a building permit. ~~An approved driveway shall be in place before a building permit can be issued.~~ If the Town Patrolperson or Town Board designee determines that any part of the driveway may not comply to the standards of this chapter, the property owner must provide a certificate from a registered land surveyor or a professional engineer stating that the driveway does indeed meet the necessary requirements. [Amended 12-4-2007 and 5-11-2022]
- F. A refundable fee as established by the Town Board must be submitted with each driveway application. This fee may be in the form of personal check, surety bond, or cash bond. The fee or part thereof may not be refundable should there be damage to the Town road or other costs incurred by the Town of New Glarus by the construction of said driveway. [Amended 12-4-2007]
- G. A driveway access permit will be issued for the purpose of permitting vehicular access or other means of travel from a public highway to ~~a private driveway, road, and field road~~ an Improvement for all persons seeking a building permit. All ~~specifications for driveway~~ specifications for construction in this chapter will apply. The applicant, who may be the owner, agent, or contractor, shall submit a ~~location~~ construction plan showing the location, specifications, including grade, slope, width, and length of the driveway, and erosion control procedures/measures. Said construction plan will specify completion dates for culvert placement, aggregate placement, erosion control procedures, and final application of a two-inch layer of gravel. If the aforementioned completion dates are not met, then a penalty as determined in § 36-8 will be assessed.
- H. A field road access permit will be issued for the purpose of permitting vehicular access or other means of travel from a public highway to an adjacent property for agricultural, forestry, land management, hunting or similar purposes. All specifications for field road construction in this chapter shall apply. . The applicant, who may be the owner, agent, or contractor, shall submit a construction plan showing the location, specifications, grade, slope, width, and length of the field road, and erosion control measures. Said construction plan will specify completion dates for culvert placement, aggregate placement, erosion control procedures, and final application of a two-inch layer of gravel at the public road access. No fee is required for a field road access permit unless Chapter 36-7 or 36-8 apply.
- I. ~~Permits for shared, joint driveways will not be permitted issued without a joint driveway agreement establishing the proposed joint driveway and the manner of its construction, maintenance, and use.~~
- J. All costs of the construction of the driveway, including the cost of the culverts and the engineer's plan, if required, shall be paid by the property owner requesting the driveway permit.

§ 36-5 Construction specifications.

A. General Requirements

- (1.) An engineer's plan showing adequate erosion control measures is required for any segment of ~~the a~~

proposed driveway which disturbs land with a grade of more than 20%, unless waived by the Town after Town Engineer's recommendation. [Amended 5-2-2012]

(2.) Agricultural, Commercial, Industrial, Municipal, or combinations of uses for a driveway will be reviewed to determine if modifications of construction specifications or an Engineer's Plan are required to maintain safe and efficient access per section 36-2 of this ordinance.

(3.) Once the construction of a ~~the~~ driveway or field road has begun, all specified erosion control measures, including retaining wall, ditching, culverts, crowning, and mulching and matting, shall be completed within 90 days.

B. Public Road Access Construction Requirements~~Width; emergency access; materials. [Amended 8-11-2021]~~

(1.) Drainage: -Each public road access shall have a culvert at the ditch line where the driveway meets the public road, unless waived by the Town Board. The culvert shall be at least 15 inches in diameter or of sufficient size so as to pass the peak flow rate from a 10-year storm from drainage of the area tributary to the culvert. The length shall be determined by the Town Board; however, the minimum width of the public road access shall be as designated in this section. Apron end walls shall be used on all culverts. [Amended 10-19-1999]

(2.) Layout and Configuration:

(a.) The public road access ~~driveway must have an approach~~ have a width along the ~~at the place where it intersects with the public road~~ of at least 24 feet ~~in width~~ and an unobstructed view of at least 250 feet in each direction at that place unless the Town Board allows otherwise.

(b.) The public road access shall have a minimum total base thickness of 12-inches of crushed aggregate. The base shall consist of at least a 10-inch thickness of base aggregate dense 3-inch, with a two-inch thickness of base aggregate dense ¾-inch on the driveway surface unless the Town Board considers otherwise.

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(3.) Slopes and Grades

(a.) All public road accesses shall be graded in such a way that no stormwater directly discharges onto the roadway. The access point shall slope down, away from the roadway, for a minimum of five feet measured from the edge of the roadway and shall be pitched such that the lowest point of the access within the first 10 feet is a minimum of three inches lower in elevation than the lowest elevation along the abutting the roadway.

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(b.) The maximum permitted grade for any public access shall be 5% as measured perpendicular to the adjacent roadway.

C. Driveway Construction Requirements

(1.) Drainage:

(a.) Ditches, driveway crowning, and culverts which provide acceptable drainage between the public road access and the Improvements accessed by a driveway are required. Where a driveway crosses a drainageway, the Town Board may direct the applicant to conduct a hydrologic evaluation of the drainageway to confirm that appropriate culverts are planned to maintain emergency access to the Improvements served by the driveway.

(b.) Where a driveway crosses a navigable stream or drainage way subject to DNR permit requirements, the applicant shall provide a copy of the DNR permit approval with the Town driveway application form.

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(2.) Layout and Configuration

(1) (a.) All driveways 250 feet or less in length shall be at least 14 feet in width. All driveways in excess of 250 feet shall be at least 16 feet in width. Driveways in excess of 500 linear feet shall install emergency access provisions per one of the standards in Subsection ~~B(1)(a)~~ or ~~(b)~~ below. All driveways in excess of 500 linear feet shall also have a back out with a radius of 90-degrees or a turn-around with a radius of 50-feet installed within 100 feet of the Improvement.-

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(a) (i) The driveway shall have one pull-off lane erected for each additional 500 linear feet of length. Each pull-off lane shall be eight feet wide and 50 feet long and comply with all the standards for driveways. Pull-off lanes shall be strategically placed (i.e., for a 900-foot driveway, one pull-off lane would be located at approximately 450 feet).

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(a) (ii) The driveway shall be constructed to a continuous uniform twenty-foot width. No pull-off lanes are required for driveways constructed to a continuous twenty-foot width.

(b.2) Driveways can be any solid surface. However, they must satisfy the minimum base requirement of six inches of aggregate and two inches of gravel below. Driveways shall be crowned to provide adequate drainage of water from the road surface. The driveway base shall have a minimum total thickness of 12-inches of crushed aggregate. The base shall consist of at least a 10-inch thickness of base aggregate dense 3-inch, with a two-inch thickness of base aggregate dense ¾-inch on the driveway surface unless the Town Board considers otherwise.

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(c.) A clear zone for emergency vehicles shall be maintained for the full length of all constructed driveways. Overhanging tree limbs, landscaping and other obstructions are not permitted within the clear zone. The clear zone shall be two feet wider than the constructed width of the driveway (one foot on each side of the driveway) with a minimum width of 18 feet. The clear zone shall be a minimum of 14 feet in height. The clear zone shall also be required for the full width of all pull-off areas constructed per § 36-5B(1). In cases where such a clearing would be environmentally damaging, the Town Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. [Amended 8-11-2021]

C. Each driveway shall have a culvert at the ditch line where the driveway meets the public road, unless waived by the Town Board. The culvert shall be at least 15 inches in diameter or of sufficient size so as to permit adequate drainage of the affected area. The length shall be determined by the Town Board; however, the minimum width of the driveway approach shall be 24 feet. Apron end walls shall be used on all culverts. [Amended 10-19-1999]

D. A driveway which is at least 24 feet in length shall have a maximum grade of 5% at the point where the driveway enters onto a public road. A slight dip across the driveway shall be placed just before the culvert at the entrance to the public road to prevent debris from washing onto the public road.

E. Ditches, roadway crowning, and culverts which provide acceptable drainage are required.

F. The driveway's side banks shall be graded to a slope of no more than one foot of vertical rise in each three feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board.

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(d.)G. Curves in the driveway shall have an inside radius of not less than 36 feet.

(e.) The maximum length of driveways for developments located immediately adjacent to the Village boundary shall be 2,600 feet and construction shall comply with § 36-5B. Driveway length and construction in the balance of the ETZ area shall be in accordance with § 36-5B. [Added 5-2-2012]

(f.) Driveways within the ETZ areas shall be consistent with all applicable Town ordinances and with the Village of New Glarus' official map for planned roads within the ETZ. [Added 5-2-2012]

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(3.) Slopes and Grades

(a.)~~H.~~ The maximum grade of the entire driveway or any given segment of the driveway shall not exceed 13%.

(b.) The side banks of a driveway shall be graded to a slope of no more than one foot of vertical rise in each three feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board. The side banks shall be seeded promptly to control erosion.

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~~I. The side banks shall be seeded promptly to control erosion.~~

~~J. Once the construction of the driveway has begun, all specified erosion control measures, including retaining wall, ditching, culverts, crowning, and mulching and matting, shall be completed within 90 days.~~

~~K. The driveway must have at least six inches of two inch rock on the roadbed and covered with two inches of three fourths inch gravel unless the Town Board considers otherwise.~~

~~L. All costs of the construction of the driveway, including the cost of the culverts and the engineer's plan, if required, shall be paid by the property owner requesting the driveway permit.~~

~~M. A clear zone for emergency vehicles shall be maintained for the full length of all constructed driveways. Overhanging tree limbs, landscaping and other obstructions are not permitted within the clear zone. The clear zone shall be two feet wider than the constructed width of the driveway (one foot on each side of the driveway) with a minimum width of 18 feet. The clear zone shall be a minimum of 14 feet in height. The clear zone shall also be required for the full width of all pull-off areas constructed per § 36-5B(1). In cases where such a clearing would be environmentally damaging, the Town Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. [Amended 8-11-2021]~~

~~N. The driveway must have a back out with a radius of at least 90° or a fifty foot turning radius.~~

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~~O. The driveway must have an approach at the place where it intersects with the public road of at least 24 feet in width and an unobstructed view of at least 250 feet in each direction at that place unless the Town Board allows otherwise.~~

~~P. Joint driveways will not be permitted without a joint driveway agreement establishing the proposed joint driveway and the manner of its construction, maintenance, and use.~~

~~Q. The maximum length of driveways for developments located immediately adjacent to the Village boundary shall be 2,600 feet and construction shall comply with § 36-5B. Driveway length and construction in the balance of the ETZ area shall be in accordance with § 36-5B. [Added 5-2-2012]~~

~~R. Driveways locations within the ETZ areas shall be consistent with all applicable Town ordinances and with the Village of New Glarus' official map for planned roads within the ETZ. [Added 5-2-2012]~~

~~S. Agricultural, Commercial, Industrial, or combinations of uses for a driveway will be reviewed to~~

determine if modifications of construction specifications or Engineer's Plan are required to maintain safe and efficient access per section 36.2 of this ordinance.

T. Field Road Access Permits are required for all new or reworked field roads. Prior to consideration of the application by the Town Board, the applicant shall submit to the Town Clerk of New Glarus a field road access plan which shall accurately describe the location of the proposed access point and specifications as required in this section. No fee is required for a Field Road Access Permit unless chapter 36.7 or 36.8 apply.

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1. Siting criteria. An access point shall be located at a place where the grade of the adjacent land minimizes wash of surface water into Town road. The access point shall be located at a place where the oncoming vehicle traveling at the posted speed limit can see emerging vehicles.

2. Construction standards. Access points shall be constructed such that the portion of the field road adjacent to the town road paved surface slopes downward from the edge of the road with a slope sufficient to assure rain or snowmelt does not wash into the town road. Culverts may be required. Appropriate requirements for culverts and drive width will be determined with the advisement of the Town Planner or Town Board designee on a case-by-case basis.

D. Field Road Construction Requirements

(1.) Drainage: Field roads should not be constructed to concentrate runoff to the public right-of-way.

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(2.) Layout and Configuration: Field roads may be constructed as necessary to provide access for their intended use.

(3.) Slopes and Grades: Field roads that cross areas of 20% or greater slope may be required to complete and submit an engineers plan for approval.

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§ 36-6 Engineer's plan.

A. The Town Board may require the applicant to obtain a plan prepared by a professional engineer licensed by the State of Wisconsin prior to the construction or modification of any proposed driveway. An engineer's plan is required:

- (1) For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of 25% or greater, unless waived by the Town Board;
- (2) For a driveway or segment of a driveway whose construction requires a retaining wall or other special erosion control measures as determined by the Town Board or its authorized representative; or
- (3) When the Town Board requests a plan for reasonable cause.

B. The engineer's plan will include the following:

- (1) The precise location of the driveway or segment(s) of the driveway which requires an engineer's plan.
- (2) Grade of the driveway showing no segments exceeding 13% shown on a plan and profile view and drawn to a common engineering scale.
- (3) Location and structure of any retaining walls.
- (4) Location and size of any culverts, and the hydraulic basis for their size, slope and material of construction.

- (5) Cross section of the driveway.
- (6) Mulching, matting or other erosion control measures.
- C. When an engineer's plan is required, no construction of a driveway may commence until the engineer's plan is approved by the Town Board and a driveway permit is issued and, when applicable, any necessary approvals are obtained from Green County or the State of Wisconsin per § 86.07, Wis. Stats.
- D. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

E> Record Drawings of the completed improvements will be provided for review and approval by the Town Engineer or Town Designee prior to the Town issuing an occupancy permit for the Improvement. Record Drawings shall be sealed by a Professional Engineer or Land Surveyor attesting to the accuracy of the plan and it's conformance with this ordinance.

§ 36-7 Existing driveways and field roads.

When washing or other conditions created by existing driveways or field roads become a potential hazard to a public road, the Town Board shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct a hazardous situation immediately (within 24 hours or less) upon notification shall be subject to the penalties of this chapter and shall be liable for any costs incurred by the Town of New Glarus to eliminate such hazard as provided in §§ 66.0627 and 66.0703, Wis. Stats. Problems of a nonemergency nature shall be corrected in 30 days.

§ 36-8 Violations and penalties.

- A. Should a driveway be constructed or modified in a way which violates the provisions of this chapter, the owner(s) of the land through which the driveway passes shall pay a forfeiture equal to three times the fee charged for the permit application, whether or not that fee has been paid. The owner(s) of the land shall also make the corrections indicated by the Town Board within a reasonable period of time determined by the Town Board.
- B. If the owner(s) of the land through which the driveway passes does not make the required corrections within the time specified, the Town Board shall determine the cost of correcting violations of the provisions of this chapter, including, when necessary, the return of disturbed land to its original condition. The cost shall be paid to the Town by the owner(s) of the property through which the driveway passes, as provided in §§ 66.0627 and 66.0703, Wis. Stats.

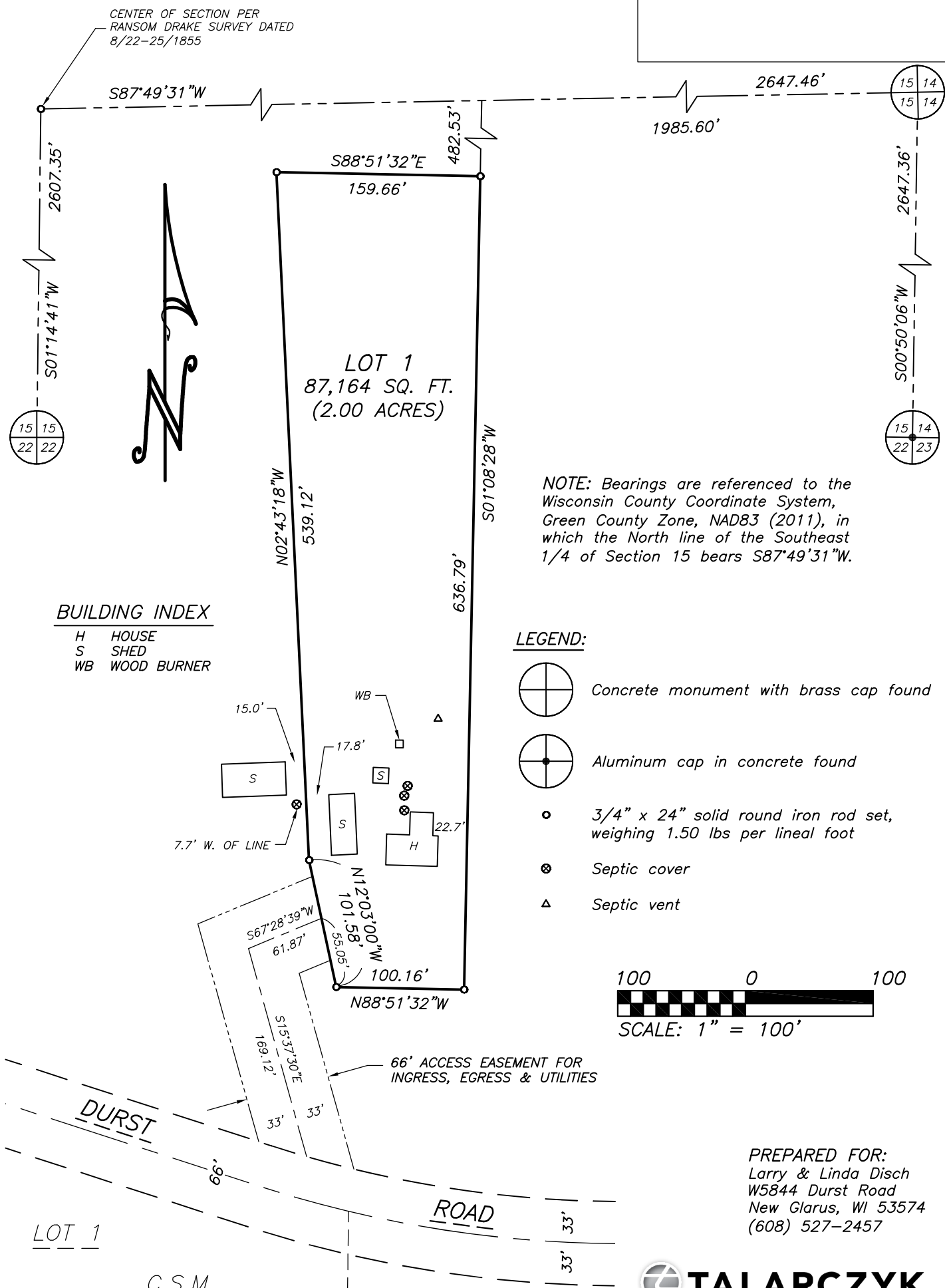
§ 36-9 Variances.

- A. The Town Board shall have the discretion to impose higher standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.
- B. The Town Board may grant variances from the minimum standards of § 36-5 in situations where strict application of the minimum standards will result in practical difficulty or unnecessary hardship, provided that such a variance shall not be contrary to the public interest, health or safety.
- C. Application for such variance shall be in writing by the landowner(s) stating fully all facts and shall be supplemented with maps, plans or other additional data which may aid the Town Board in the analysis of the proposed variance. The conditions upon which the request for a variance is based shall be unique to the property and not applicable generally to other property. The conditions shall not be mere inconvenience, financial hardship or self-imposed hardship.
- D. Any costs incurred by the Town in the approval or denial of a proposed variance shall be reimbursed to the Town by the applicant(s) seeking the variance. This shall include but not be limited to additional engineering studies, attorney fees and/or per diems by Town Board members.

- E. The Town Board, if it approves a variance, shall do so by motion or resolution and by majority vote. The reasons for approval or denial of a variance shall be entered in the minutes of the Town Board, and the Town Clerk shall notify the applicant of the decision.
- F. Variances for driveways on lands within the ETZ areas may be granted if they do not impair the intent and purpose of this chapter, Town plans and the ETZ Ordinance. Variances may be granted if they are unique to the property, specific to the situation and not solely for economic basis. **[Amended 5-2-2012]**

CERTIFIED SURVEY MAP No. _____

Part of the Northwest 1/4 of the Southeast 1/4 of Section 15,
Town 4 North, Range 7 East, Town of New Glarus, Green County,
Wisconsin.



VOL. _____ PAGE _____

JOB NO. 24039
POINTS 21125
DRWG. 24039_1
DRAWN BY MST

3761

SHEET 1 OF 3

PREPARED FOR:
Larry & Linda Disch
W5844 Durst Road
New Glarus, WI 53574
(608) 527-2457

TALARCZYK
LAND SURVEYS LLC
517 2nd Avenue
New Glarus, WI 53574
608-527-5216
www.talarczyk-surveys.com

CERTIFIED SURVEY MAP NO. _____

That part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin, bounded and described as follows:

Commencing at the East 1/4 corner of said Section 15; thence S87°49'31"W, 1985.60' to the Northeast corner of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 15; thence S01°08'28"W along the East line of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 15, 482.53' to the point of beginning; thence S01°08'28"W, 636.79'; thence N88°51'32"W, 100.16'; thence N12°03'00"W, 101.58'; thence N02°43'18"W, 539.12'; thence S88°51'32"E, 159.66' to the point of beginning; subject to any and all easements of record.

Also subject to and together with a 66' wide access easement in favor of Lot 1, located in the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin, whose centerline is described as follows:

Commencing at the East 1/4 corner of said Section 15; thence S87°49'31"W, 1985.60' to the Northeast corner of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 15; thence S01°08'28"W along the East line of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 15, 1119.32'; thence N88°51'32"W, 100.16'; thence N12°03'00"W, 55.05' to the point of beginning of the line being described; thence S67°28'39"W, 61.87'; thence S15°37'30"E, 169.12' to the Northerly right of way line of Durst Road and the end of the line being described.

I hereby certify that this survey is in compliance with Section 236.34 of the Wis. Statutes and the subdivision regulations of the Town of New Glarus, Village of New Glarus and Green County; and that under the direction of Larry & Linda Disch, I have surveyed, monumented, and mapped the lands described hereon; and that this map is a correct representation of all exterior boundaries of the land surveyed in accordance with the information provided.

July 22, 2024

Robert A. Talarczyk, P.L.S.

VOL. _____
PAGE _____

OWNER'S CERTIFICATE OF DEDICATION:

As owners, we hereby certify that we have caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented hereon. We also certify that this map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: Town of New Glarus; Village of New Glarus; Green County Land Use & Zoning Department.

WITNESS the hand and seal of said owners this _____ day of _____, 20_____.
In the presence of:

Larry J. Disch

Linda K. Disch

STATE OF WISCONSIN)

_____ COUNTY) SS

Personally came before me this _____ day of _____, 20_____, the above named Larry J. Disch and Linda K. Disch to me known to be the same persons who executed the foregoing instrument and acknowledged the same.

My commission expires _____.



517 2nd Avenue
New Glarus, WI 53574
608-527-5216
www.talarczyk-surveys.com

JOB NO. 24039
POINTS 21125
DRWG. 24039_1
DRAWN BY MST

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin.

TOWN APPROVAL: Approved for recording this _____ day of _____, 20____ by the Town of New Glarus.

Town Chairperson

VILLAGE APPROVAL: Approved for recording this _____ day of _____, 20____ by the Village of New Glarus.

Village Clerk

COUNTY APPROVAL CERTIFICATE: Approved for recording this _____ day of _____, 20____ by the Green County Land Use & Zoning Department.

Zoning Administrator

VOL. _____ PAGE _____

JOB NO. 24039
POINTS 21125
DRWG. 24039_1
DRAWN BY MST

August 5, 2024

Lauren Freeman
Village of New Glarus Administrator
Village Hall
319 2nd Street
New Glarus, WI 53574
(608) 527-5971

Re: Section 265-52 A, variance request

Dear Ms. Freeman,

On behalf of my clients, Larry and Linda Disch, I am requesting a variance to village ordinance 265-42 C. This section reads that, "Every lot shall front or abut on a public street." On my proposed Certified Survey Map dated, July 22nd, 2024, I am showing the proposed lot being accessed by a 66' wide access easement instead of the 66' of public street frontage. The reason for this request is that, according to the Dischs, the farmhouse drainfield falls in the area between the proposed Certified Survey Map and Durst Road, so they wish to continue owning it. The farmhouse sits to the NW of the proposed CSM. The drainfield is relatively old, and there is no surface evidence of its location.

Thank you for your attention to this matter.

Sincerely,



Robert A Talarczyk

Clerk Treasurer

From: Lauren Freeman <administrator@newglarusvillage.com>
Sent: Monday, August 5, 2024 3:27 PM
To: Robert Talarczyk
Cc: Clerk Treasurer; lldisch@tds.net
Subject: Re: Disch CSM

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Bob,

Thanks for submitting this variance request. Mark Roffers and I think keeping a septic drainfield on the same lot as the house it serves is a reasonable reason for a variance.

The only other item I'll mention that we recommend preparing and recording a shared driveway agreement between the two lots in conjunction with the CSM recording. I'll share that recommendation with the ETZ for their CSM approval.

Everything else looks good. I'll get that ETZ meeting scheduled and send along the meeting information soon.

Thanks!

Lauren Freeman
Village Administrator
Village of New Glarus
319 2nd Street, New Glarus, WI 53574
Office: 608-527-5971
Cell: 608-636-3651

From: Robert Talarczyk <bob@talarczyksurveys.com>
Sent: Monday, August 5, 2024 10:09 AM
To: Lauren Freeman <administrator@newglarusvillage.com>
Cc: Clerk Treasurer <clerk@townofnewglaruswi.gov>; lldisch@tds.net <lldisch@tds.net>
Subject: Re: Disch CSM

Hi Lauren,

According to the landowner, the farmhouse drainfield falls in the area between the proposed Certified Survey Map and Durst Road, so they wish to continue owning it. The farmhouse sits to the NW of the CSM. The drainfield is relatively old, and there is no surface evidence of its location. I did encourage the landowner to straighten this issue out before we did the survey because, per Mark's comments, I knew that the village wanted the lot to front on the public road. I was under the understanding that this was done. Attached is a variance request I have prepared for the Dischs.

Thanks.

Bob Talarczyk

Professional Land Surveyor

Talarczyk Land Surveys

517 2nd Avenue

New Glarus, WI 53574

608.527.5216 office

bob@talarczyksurveys.com

www.talarczyksurveys.com



On Mon, Aug 5, 2024 at 8:42 AM Lauren Freeman <administrator@newglarusvillage.com> wrote:

Good morning Bob,

Thanks for submitting this CSM for review. I will work on scheduling an ETZ meeting.

One question for you: the proposed lot does not front on a public street; can you please send a written request for a variation or exception to this requirement (as required under Section 265-52 A)? Such request should indicate what “extraordinary hardships or particular difficulties may result from strict compliance” with this street frontage requirement, and how the Village Board’s criteria for granting a waiver in Section 265-52 B would be met.

Thank you,

Lauren Freeman

Village Administrator

Village of New Glarus

319 2nd Street, New Glarus, WI 53574

Office: 608-527-5971

Cell: 608-636-3651

From: Robert Talarczyk <bob@talarczyksurveys.com>

Sent: Tuesday, July 23, 2024 9:44 AM

To: Lauren Freeman <administrator@newglarusvillage.com>; Clerk Treasurer <clerk@townofnewglaruswi.gov>

Cc: lldisch@tds.net <lldisch@tds.net>

Subject: Disch CSM

Lauren and John,

Attached is the pdf version of the Disch CSM, which I will be dropping off at your office.

Thanks.

Bob Talarczyk

Professional Land Surveyor

Talarczyk Land Surveys

517 2nd Avenue

New Glarus, WI 53574
608.527.5216 office
bob@talarczyksurveys.com
www.talarczyksurveys.com



APPLICATION FOR BUILDING OR LAND USE AND OCCUPANCY PERMIT

Green County Zoning Administration
P. O. Box 358 Monroe, WI 53566
Government Services Bldg. Room 116
N3150 Hwy 81 (608) 528-9423

Application number 211-98

Date July 16 19 98

Zoning Administrator: The undersigned hereby applies for a permit to do work herein described and located as shown on the reverse of this application and agrees that all work will be done in accordance with the zoning ordinance and all other ordinances of the County of Green and with all laws of the State of Wisconsin, applicable to said premises and with the information hereon.

X Charles Keppley, Sr. / Applicant +
Monroe Highfliers, Inc. Current / Proposed Owner: X Dennis J. Jorgensen
Owner/Agent The Monroe Clinic Inc

N9575 Hwy 69 Address 515 22nd Ave

New Glarus WI P. O. Monroe WI. 53566

608-527-5352 Phone 608-³²⁴328-1000

LOT NO. _____ BLOCK NO. _____ SUBDIVISION 4 acre parcel

DESCRIPTION: SW 1/4 of SE 1/4 SECTION 2 T 4 N-R 7 E

TOWNSHIP OF: New Glarus ROAD State Highway 69

PREMISES TO BE OCCUPIED OR STRUCTURE TO BE USED FOR: 23-024-0018.3000
Rezoning from Ag to Commercial

ZONING DISTRICT Ag CLASS OF CONSTRUCTION _____

SIZE: _____ FEET WIDE BY _____ FEET LONG. _____ SQ. FT. IN AREA

HEIGHT _____ FEET. NUMBER OF STORIES _____ ESTIMATED COST \$ _____

WORK CONSISTS OF: FEE \$ 150 public hearing fee pd 7-16-98

New structure _____

Addition _____

Repairs _____

Alteration _____

Moving _____

Wrecking _____

Other Petition to Rezone for
purpose of placement of billboard
sign. No buildings intended.

APPLICATION: APPROVED DENIED

CLAUSE _____

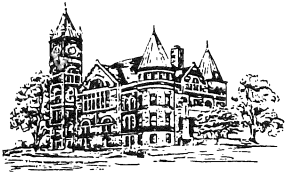
SIGNED: _____

ZONING ADMINISTRATOR

DATE OF INSPECTION: _____

DATE OF ISSUANCE: _____

PERMIT #



OFFICE OF
GREEN COUNTY CLERK
MICHAEL J. DOYLE

1016 16th AVENUE
GREEN COUNTY COURTHOUSE
MONROE, WISCONSIN 53566

SHERRI HAWKINS
DEPUTY CLERK

JUDY A. EVERSON
SECRETARY

608-328-9430
FAX: 608-328-2835

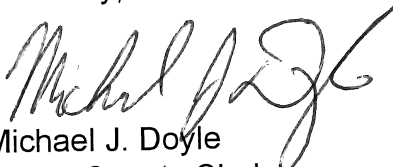
July 20, 1998

Diane Updike
Zoning Administrator
Pleasant View Complex
Monroe, WI 53566

Dear Diane:

I have received a request dated July 17, 1998, for a "Petition to Rezone" from The Monroe Clinic as agent for the Monroe Highfliers. Please proceed with the Public Hearing.

Sincerely,


Michael J. Doyle
Green County Clerk

MJD:jae

OFFICE OF

Green County Zoning Administrator

ZONING & LAND USE COMMITTEE

Thomas Daly
Donald Timm
Harvey Mandel
Herb Hanson
Mike Powers

Diane K. Updike, Zoning Administrator
Adam M. Wiegel, Assistant Zoning Administrator

Government Services Building - Room 115
N3150 Hwy 81 - P.O. Box 358, Monroe, WI 53566
Phone (608) 328-9423 - FAX (608) 328-9443

BOARD OF ADJUSTMENT

Kim Buehl
George Blakslee
Darlene Nuckles
Ted Fahey
Lloyd Lueschow

August 24, 1998

LEGAL NOTICE:

There will be a public hearing before the Green County Zoning and Land Use Committee relative to the rezoning of a parcel of land from Agricultural to the Commercial zoning district. The applicant and proposed landowner is The Monroe Clinic, Inc; and the current landowner is Monroe Highfliers, Inc. and is located in the SW 1/4 of the SE 1/4, Section 2, T4N-R7E, Town of New Glarus, on the west side of Highway 69. Rezoning is proposed by The Monroe Clinic, Inc. for the purpose of the placement of a billboard sign, with no buildings intended at this location. The public hearing will be held in Yodel Hall at the Government Services Building, N3150 Highway 81, Monroe, Wisconsin, on Wednesday, September 23, 1998 at 7:30 p.m. All those who are concerned or affected by such action are urged to attend.

GREEN COUNTY ZONING ADMINISTRATION



Diane K. Updike
Zoning Administrator

**MINUTES OF
GREEN COUNTY ZONING AND LAND USE COMMITTEE
WEDNESDAY, JULY 22, 1998**

1. CALL TO ORDER AND ROLL CALL

The regular monthly meeting of the Zoning and Land Use Committee was held in Yodel Hall at the Government Services Building near Monroe on Wednesday, July 22, 1998. At 7:30 p.m., the meeting was called to order by Chairman Daly. Roll call was taken and those members present were Thomas Daly, Donald Timm, Harvey Mandel and Herb Hanson. Mike Powers was absent. Donald Timm also represented the Clarno Town Board and Harvey Mandel also represented the Jefferson Town Board. Also present at the meeting were Diane Updike, Zoning Administrator; Exeter Town Board members William O'Connor, Ted Fahey and Roger Zweifel; Landowners Velvet Voegeli and Larry Kurschner; and Surveyor Richard Talarczyk.

2. CONSIDER THE MINUTES OF THE PREVIOUS MEETINGS

Motion by Mandel, second by Hanson to approve the minutes of the June 17, 1998 meeting. The motion carried by unanimous voice vote.

Motion by Timm, second by Hanson to approve the minutes of the July 7, 1998 meeting. The motion carried by unanimous voice vote.

Secretary Mandel signed both sets of approved minutes.

3. REVIEW APPLICATIONS FOR SUBDIVISIONS

a. #11-98. At the April 16, 1998 meeting, landowner Robert Kernen was granted preliminary approval on a subdivision plan prepared by Talarczyk & Associates calling for the creation of 59 new lots under 5 acres each in area, in section 13, Town of Exeter, south of Hwy 92 and west of County X, on land zoned agricultural, with access provided by County X (existing), and two new town roads, Hannah Road and Fonda Lane. It has now been reviewed by the required state agencies, and minor changes will be made based on the state review. It is now being returned to the County Zoning Committee for consideration of final approval. The original subdivision name, Sugar River Estates, duplicated another housing development in the Town of Exeter, so a new name, Green Meadows, has been selected. After a discussion period, Mandel made a motion that was seconded by Timm to grant final approval to the proposed subdivision, with the state's recommended minor changes. Roll call on the motion was as follows: Timm, aye; Mandel, aye; Hanson, aye; Powers, absent; Daly, aye. The motion carried, and Chairman Daly signed the approved application.

b. #22-98. Landowner Velvet Voegeli presented a certified survey map which was prepared by Talarczyk & Associates and filed on November 26, 1997, calling for the creation of 1 new lot under 5 acres in area, in section 22, Town of Clarno, north of Advance Road, on land zoned agricultural, with proposed access provided by Advance Road (existing). There is no objection by the Town of Clarno. After a discussion period, Mandel made a motion that was seconded by Hanson to approve the subdivision. Roll call on the motion was as follows: Mandel, aye; Hanson, aye; Powers, absent; Daly, aye; Timm, aye. The motion carried, and Chairman Daly signed the approved application.

c. #23-98. Landowner Larry Kurschner presented a preliminary plan prepared by Talarczyk & Associates, calling for the creation of 8 new lots under 5 each acres in area, in section 8, Town of York, south of Hwy 39 and north of Buckeye Road, on land zoned agricultural, with proposed access provided by a private road off Hwy 39. A development containing lots over five acres each in area is already existing on this private road. The landowner understands that potential buyers must be notified in writing that the lots are accessed by a private road; and in the future

if the private road is turned over to the Town of York, the residents must change their address to the new road name and purchase fire number signs at their expense. There has been no response by the Town of York. After a discussion period, Timm made a motion that was seconded by Mandel to approve the subdivision. Roll call on the motion was as follows: Hanson, aye; Powers, absent; Daly, aye; Timm, aye; Mandel, aye. The motion carried, Chairman Daly signed the approved application, and Updike signed the original certified survey maps.

d. #24-98. Surveyor Richard Talarczyk presented a proposed certified survey map which he prepared for landowner J. R. Jordan, calling for the creation of 4 new lots under 5 each acres in area, in section 2, Town of Jefferson, south of Hwy 11-81, north of Mill Street, and west of County S, on land zoned agricultural, with proposed access provided by Hwy 11-81, Mill Street and County S (existing). There is no objection by the Town of Jefferson. After a discussion period, Mandel made a motion that was seconded by Hanson to approve the subdivision. Roll call on the motion was as follows: Daly, aye; Timm, aye; Mandel, aye; Hanson, aye; Powers, absent. The motion carried, Chairman Daly signed the approved application, and Updike signed the original certified survey map.

4. SCHEDULE PUBLIC HEARING ON PETITION OF MONROE CLINIC TO REZONE PROPERTY
A discussion was held on the petition filed by The Monroe Clinic to rezone property in section 2, Town of New Glarus, from agricultural to commercial for the purpose of placement of a billboard sign (no buildings intended). The land is currently owned by Monroe Highfliers, Inc; and the applicant, The Monroe Clinic, is proposed to be the new owner if the necessary zoning and permits are obtained for the placement of the sign. Members questioned the status of the land if rezoning is approved, but the sign permit application is denied by the Department of Transportation. Motion by Daly, second by Mandel to table further action on the petition until next month, to allow an opportunity to request input from the Corporation Counsel on possible status of the land if rezoning is granted but a sign permit is denied. Roll call on the motion was as follows: Timm, aye; Mandel, aye; Hanson, aye; Powers, absent; Daly, aye. The motion carried.

5. UPDATE ON PLANS FOR RANDALL ARENDT ZONING PRESENTATION
Final details were discussed for the upcoming presentation in New Glarus on July 28 and 29, 1998. The presentation will be posted as meetings for the Zoning Committee and Board of Adjustment.

6. REVIEW SECOND QUARTER REPORT OF FIRE NUMBERS ASSIGNED
The second quarter report of fire numbers assigned in Green County was distributed.

7. CONSIDER CHANGE IN STYLE OF FIRE NUMBER SIGNS USED
Further discussion was held to determine if the style of fire numbers used in Green County should be changed. Durability was questioned on the reflective sheeting on new-style aluminum signs. It was suggested that two signs be made for each property, so that displaying them back-to-back would provide visibility approaching from both directions. Warranty and price information will be obtained and the matter will again be discussed at a future meeting.

8. UPDATE ON STATUS OF LEGAL PROSECUTION FOR VIOLATIONS
Concern has been expressed by Town officials, Board of Adjustment members, and Wisconsin Department of Commerce personnel over the need for more prompt legal prosecution of unresolved and ongoing violators of zoning and sanitation laws in Green County. After a discussion period, Daly made a motion that was seconded by Mandel that the Committee goes

on record in promoting reporting of violations of state and county zoning and sanitation codes by the Zoning and Health departments to the Corporation Counsel, with the expectation of immediate attention for the commencement of legal action; with the suggestion that Chairman Daly schedule a meeting to discuss this matter with Mr. Morgan. The motion carried by unanimous voice vote.

9. CONSIDER EDUCATIONAL VISITATION OF LARGE SCALE FARMS IN DANE COUNTY

It was decided that an educational visit to existing large scale farm facilities/operations in Dane County would be beneficial to Zoning Committee and Board of Adjustment members. Chairman Daly will work with the Zoning Department to schedule a date for the tour.

10. REVIEW DEPARTMENT OF COMMERCE AUDIT OF SANITARY PERMITS FOR 1997

Copies of the 1997 Department of Commerce Audit of Green County's Private Sewage Program were distributed and discussed. Motion by Hanson, second by Mandel to accept the report. Motion carried by unanimous voice vote.

11. AUDIT BILLS

Motion by Mandel, second by Hanson to approve the bills dated July 13, 1998, totaling \$4,615.92. The motion carried by unanimous voice vote and members signed the bills payable sheet (see attached).

12. OTHER OLD/UNFINISHED BUSINESS

Updike updated the Committee on the status of the secretarial position. Shirley Purdue was hired as a transfer employee from the Register of Deeds office, and began employment with the Zoning Department on July 1, 1998.

The Department of Commerce has announced a required training session for Private Onsite Wastewater Treatment System Inspectors on the construction inspection of aerobic unit and sand filter systems. The training will be held on August 18, 1998 in Waukesha. Adam Wiegel and Diane Updike are requesting approval to attend. Motion by Timm, second by Mandel to authorize attendance; and due to the travel distance, with approval for an overnight stay in Waukesha on August 17, 1998. The motion carried by unanimous voice vote.

13. SCHEDULE NEXT MEETING DATES

Arendt presentation at New Glarus High School Auditorium on Tuesday, July 28, 1998 at 6:00 p.m. and Wednesday, July 29, 1998 at 9:00 a.m.

Special meeting to discuss potential code changes for large scale farm operations on Monday, August 3, 1998 at 7:30 p.m. at Yodel Hall.

Next regular meeting on Wednesday, August 19, 1998 at 7:30 p.m. at Yodel Hall.

14. ASSOCIATED RELEVANT SUBJECT MATTER AND ADJOURNMENT

Motion by Timm, second by Mandel to adjourn. The motion carried by unanimous voice vote.

Harvey Mandel
Secretary


Diane Updike
Acting Secretary

**MINUTES OF
GREEN COUNTY ZONING AND LAND USE COMMITTEE
WEDNESDAY, AUGUST 19, 1998**

1. CALL TO ORDER AND ROLL CALL

The regular monthly meeting of the Zoning and Land Use Committee was held in Yodel Hall at the Government Services Building near Monroe on Wednesday, August 19, 1998. At 7:30 p.m., the meeting was called to order by Chairman Daly. Roll call was taken and those members present were Thomas Daly, Donald Timm, Harvey Mandel, Herb Hanson and Mike Powers. Also present at the meeting were Diane Updike, Zoning Administrator; Washington Town Board members Raland Ritschard and Eldon Grossen; Landowners and Agents John Marty, Alfred Lienhardt, Gary Elmer and Thomas Hilliard; and Surveyor Richard Talarczyk.

2. CONSIDER THE MINUTES OF THE PREVIOUS MEETINGS

Motion by Timm, second by Mandel to approve the minutes of the July 22, 1998 meeting. The motion carried by unanimous voice vote.

Motion by Mandel, second by Hanson to approve the minutes of the July 28 and 29, 1998 meetings. The motion carried by unanimous voice vote.

Motion by Mandel, second by Hanson to approve the minutes of the August 3, 1998 meeting. The motion carried by unanimous voice vote.

Motion by Hanson, second by Timm to approve the minutes of the August 12, 1998 meeting. The motion carried by unanimous voice vote.

Secretary Mandel signed all approved minutes.

3. REVIEW APPLICATIONS FOR SUBDIVISIONS

a. #25-98. Landowner John Marty presented a proposed certified survey map prepared by Talarczyk and Associates, Inc. calling for the creation of 1 new lot under 5 acres in area, in section 20, Town of New Glarus, north of Marty Rd, on land zoned agricultural, with proposed access provided by Marty Road (existing). John Freitag, Town of New Glarus Chairman, has faxed a memo stating the creation of the lot has been approved by the Town. After a discussion period, Hanson made a motion that was seconded by Mandel to approve the subdivision. Roll call on the motion was as follows: Mandel, aye; Hanson, aye; Powers, aye; Daly, aye; Timm, aye. The motion carried, Chairman Daly signed the approved application, and Updike signed the original certified survey map.

b. #26-98. Landowner Gary Elmer presented a proposed certified survey map prepared by Talarczyk and Associates, Inc. calling for the creation of 2 new lots under 5 each acres in area, in section 25, Town of York, north of County H, on land zoned agricultural, with proposed access provided by County H (existing). Town of York officials are not present, but Mr. Elmer stated the Town has indicated to him they have no objection to the subdivision. Mr. Elmer understands he must provide written notice to the purchaser of Lot #1 that there is no public road access to the lot. After a discussion period, Timm made a motion that was seconded by Mandel to approve the subdivision. Roll call on the motion was as follows: Hanson, aye; Powers, aye; Daly, aye; Timm, aye; Mandel, aye. The motion carried, Chairman Daly signed the approved application, and Updike signed the original certified survey map.

c. #27-98. Landowner Thomas Hilliard presented a proposed certified survey map prepared by Hasse Surveying calling for the creation of 4 new lots, 3 of which are under 5 each acres in area, in section 3, Town of Washington, west of County N, on land zoned agricultural, with

proposed access provided by County N (existing). The Town of Washington has no objection to the creation of the lots, since they meet current code. After a discussion period, Mandel made a motion that was seconded by Timm to approve the subdivision. Roll call on the motion was as follows: Powers, aye; Daly, aye; Timm, aye; Mandel, aye; Hanson, aye. The motion carried, and Chairman Daly signed the approved application.

d. ~~#28-98~~. Surveyor Richard Talarczyk presented a proposed certified survey map which he prepared for landowner Mike Nevil, calling for the creation of 2 new lots under 5 each acres in area, in section 28, Town of New Glarus, south and east of County H, on land zoned agricultural, with proposed access provided by County H (existing). John Freitag, Town of New Glarus Chairman, has faxed a memo stating that the enlargement of an existing lot and the creation of one new lot, as proposed, has been approved by the Town. After a discussion period, Hanson made a motion that was seconded by Mandel to approve the subdivision. Roll call on the motion was as follows: Daly, aye; Timm, aye; Mandel, aye; Hanson, aye; Powers, aye. The motion carried, Chairman Daly signed the approved application, and Updike signed the original certified survey map.

4. FURTHER DISCUSSION ON SCHEDULING A PUBLIC HEARING ON PETITION OF MONROE CLINIC TO REZONE PROPERTY

Further discussion was held on the petition filed by The Monroe Clinic to rezone property in section 2, Town of New Glarus, from agricultural to commercial for the purpose of placement of a billboard sign (no buildings intended). The land is currently owned by Monroe Highfliers, Inc; and the applicant, The Monroe Clinic, is proposed to be the new owner if the necessary zoning and permits are obtained for the placement of the sign. At last month's meeting, members questioned the status of the land if rezoning is approved, but the sign permit application is denied by the Department of Transportation, and the matter was tabled for a month to allow an opportunity to request input from the Corporation Counsel. Corporation Counsel Morgan has responded in a letter dated August 5, 1998, copies of which were distributed to the Committee. John Freitag, Town of New Glarus Chairman, has faxed a memo stating that the Town has no objection, with the understanding that the rezoning be only for the purposes of sign placement, and no other commercial reason or change of ownership. After a discussion period, Mandel made a motion that was seconded by Hanson to schedule the petition for public hearing. Roll call on the motion was as follows: Mandel, aye; Hanson, aye; Powers, aye; Daly, no; Timm, no. The motion carried by vote of 3 yes and 2 no. The public hearing will be held at the next regular meeting of the Zoning Committee, September 23, 1998 at 7:30 p.m. Notices are to be published in the county's official newspaper, the Brodhead Independent Register; and in addition, in the New Glarus Post-Messenger newspaper.

5. CONSIDER THE REQUEST OF TOM SLETTELAND TO ESTABLISH PUBLIC ROAD NAMES FOR ACCESS TO LOTS IN THE LONE OAK RIDGE DEVELOPMENT, SECTION 34, TOWN OF NEW GLARUS

Due to the fact that Mr. Sletteland is not present, and has not submitted proposed road names for his development, the Committee took no action.

6. DISCUSSION AND EVALUATION OF RANDALL ARENDT ZONING PRESENTATION, INCLUDING STATUS OF SPECIAL NON-LAPSING LAND USE PLANNING ACCOUNT, AND POSSIBLE FURTHER ACTION ON LAND USE PLANNING

**MINUTES OF
GREEN COUNTY ZONING AND LAND USE COMMITTEE
WEDNESDAY, SEPTEMBER 23, 1998**

1. CALL TO ORDER AND ROLL CALL

The regular monthly meeting of the Zoning and Land Use Committee was held in Yodel Hall at the Government Services Building near Monroe on Wednesday, September 23, 1998. At 7:30 p.m., the meeting was called to order by Chairman Daly. Roll call was taken and those members present were Thomas Daly, Donald Timm, Harvey Mandel, and Herb Hanson. Mike Powers was absent. Also present at the meeting were Diane Updike, Zoning Administrator; Washington Town Board member Eldon Grossen; Exeter Town Board members William O'Connor, Ted Fahey and Roger Zweifel; Landowners Dennis Tomczyk (representing The Monroe Clinic), Roland Stalter, Pete McDonald (representing Roland Stalter) and Paul Chapman; Surveyor Richard Talarczyk; and adjoining landowner Clinton Wilde.

2. CONSIDER THE MINUTES OF THE PREVIOUS MEETINGS

Motion by Hanson, second by Mandel to approve the minutes of the August 19, 1998 meeting. The motion carried by unanimous voice vote.
Motion by Timm, second by Mandel to approve the minutes of the August 31, 1998 meeting. The motion carried by unanimous voice vote.
Secretary Mandel signed both sets of approved minutes.

3. CONDUCT A PUBLIC HEARING

Chairman Daly called the MONROE CLINIC public hearing to order, stating that the purpose was to consider application #211-98, a petition filed by The Monroe Clinic, Inc, applicant and proposed landowner, for the rezoning of property currently owned by Monroe Highfliers, Inc. in section 2, Town of New Glarus, from agricultural to commercial, for the purpose of the placement of a billboard sign (no buildings intended). Roll call of the parties of interest was taken and present were applicant Dennis Tomczyk, representing The Monroe Clinic, Inc; and adjoining landowner Clinton Wilde. All other parties of interest were absent. For testimony and evidence presented at the public hearing, refer to cassette #64, side A, counter 270-532. Correspondence from the New Glarus Town Chairman was read into the record. It was agreed that if Department of Transportation approval is not received for the sign, and the project does not proceed as planned within one year, it will be brought back before the Committee for action to rezone the parcel back to agricultural. Motion by Timm, second by Hanson to approve the petition to rezone as presented. Roll call on the motion was as follows: Timm, aye; Mandel, aye; Hanson, aye; Powers, absent; Daly, aye. The motion carried. Motion by Mandel, second by Timm to recess the public hearing. The motion carried by unanimous voice vote.

4. ACTION AND RECOMMENDATION ON PROPOSED REZONING ORDINANCE 98-10-01

Ordinance 98-10-01, proposing a change in zoning according to the petition filed by The Monroe Clinic, Inc., was considered. Motion by Timm, second by Mandel to approve the proposed Ordinance calling for the rezoning of the property from agricultural to commercial, and forward the Ordinance to the full County Board for consideration, with the recommendation that it be approved. The motion carried by unanimous voice vote.

5. REVIEW APPLICATIONS FOR SUBDIVISIONS

a. #29-98. Landowner Ronald Stalter presented a proposed certified survey map prepared by John R. Karns calling for the creation of 2 new lots under 5 acres each in area, in section 12, Town of Exeter, east of County D and south of Hughes Road, on land zoned agricultural, with

proposed access provided by County D and/or Hughes Road (existing). The Exeter Town Board has no objection, with the understanding that access for both lots will be by Hughes Road; and with the agreement of the landowner that there will be no further division of the lots. Landowner Stalter has no objection and agrees to this stipulation. After a discussion period, Mandel made a motion that was seconded by Hanson to approve the subdivision, with the stipulation as agreed. Roll call on the motion was as follows: Mandel, aye; Hanson, aye; Powers, absent; Daly, aye; Timm, aye. The motion carried and Chairman Daly signed the approved application.

b. #30-98. Landowner Paul Chapman presented a preliminary plan prepared by Talarczyk and Associates, Inc. calling for the creation of 6 new lots under 5 acres each in area, in section 26, Town of New Glarus, south of County H, on land zoned agricultural, with proposed access provided by a private road off County H (existing). The Town of New Glarus Chairman has provided a memo stating the Town has no objection to the subdivision, and approval will be granted by the Town pending review by the Town's Engineer. After a discussion period, Hanson made a motion that was seconded by Mandel to approve the subdivision. Roll call on the motion was as follows: Hanson, aye; Powers, absent; Daly, aye; Timm, aye; Mandel, aye. The motion carried, Chairman Daly signed the approved application, and Updike signed the original certified survey map.

c. #31-98. Surveyor Richard Talarczyk presented a preliminary plan he has prepared on behalf of Landowner Mark Nortman calling for the creation of 6 new lots under 5 acres each in area, in section 19, Town of Washington, north and east of Highpoint Road, on land zoned agricultural, with proposed access provided by Highpoint Road (existing). The Town of Washington has concern over the terrain of the lots and the location of shared driveways, and a discussion was held. A letter was read by adjoining landowners Elwood and Carol Koch objecting to the subdivision. After a discussion period, Timm made a motion that was seconded by Mandel to approve the subdivision. Roll call on the motion was as follows: Powers, absent; Daly, aye; Timm, aye; Mandel, aye; Hanson, aye. The motion carried, Chairman Daly signed the approved application, and Updike signed the original certified survey map.

6. REVIEW OF DOT PROPOSED ACCESS CONTROL PROJECT ON HIGHWAY 69
Information was distributed and a discussion period was held on the Department of Transportation's proposed Access Control Project on Highway 69.
7. CONSIDER JOINT MEETING WITH HIGHWAY DEPARTMENT AND TOWN OFFICIALS REGARDING DRIVEWAYS
Concerns have been expressed regarding the issuance of driveway permits on County Trunk Highways, and whether there is a need for more uniformity between Towns. The Committee requests that Dallas Cecil, County Highway Commissioner, be invited to attend an upcoming meeting of the Zoning Committee to discuss the matter.
8. DISCUSS RENOVATIONS AND FUTURE LOCATIONS OF DEPARTMENTS
Upcoming renovations within the department, funded by Pleasant View operations, were discussed. Todd Jenson, County Conservationist, has proposed future renovation of the Agricultural Building to allow room for possible expansion or relocation for departments, including work in the Land Records area.
9. CONSIDER TRAVEL REQUEST
Motion by Mandel, second by Hanson to approve the request of Diane Updike and Adam Wiegel

to attend the fall conference of the Wisconsin County Code Administrators on October 28-30, 1998 at Cable, Wisconsin, at county expense. The motion carried by unanimous voice vote.

10. AUDIT BILLS

Motion by Timm, second by Mandel to approve the bills dated September 14, 1998, totaling \$2,931.88. The motion carried by unanimous voice vote and members signed the bills payable sheet (see attached).

11. OTHER OLD/UNFINISHED BUSINESS

Further discussion was held on fire number signs. A new vendor will be used, providing a cost savings to the department. It was agreed that in addition to the proposed upcoming ordinance change regarding the required display of fire number signs and a penalty for noncompliance, it should be unlawful to display a sign in the road right-of-way which names a private road, which would be confusing for emergency response.

A brief update was given on the 1999 Zoning Department budget, which has been submitted to the Finance Committee.

12. SCHEDULE NEXT MEETING DATES

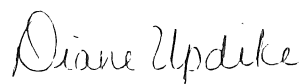
a. The special meeting to discuss potential code changes for large scale farm operations has been changed from September 28 to Tuesday, September 29, 1998 at 7:30 p.m. at Yodel Hall.

b. The next regular meeting will be on Wednesday, October 21, 1998 at 7:30 p.m. at Yodel Hall.

13. ASSOCIATED RELEVANT SUBJECT MATTER AND ADJOURNMENT

Motion by Mandel, second by Hanson to adjourn. The motion carried by unanimous voice vote.

Harvey Mandel
Secretary



Diane Updike
Acting Secretary

After the discussion period, Mandel made a motion that was seconded by Timm to accept the preliminary plan as presented, with the stipulation that Corporation Counsel Morgan is satisfied with the discussion held on concerns that need to be addressed, and that he is willing to work with the developer to come up with an acceptable resolution to each of the concerns, including the issue of financial assurances to guarantee the installation of roads and improvements; with an acceptable resolution to be reached prior to presentation to the Zoning Committee for consideration for final approval. Roll call on the motion was as follows: Hanson, aye; Powers, absent; Daly, aye; Timm, aye; Mandel, aye. The motion carried and Chairman Daly signed preliminary approval on the application.

c. #10-00. Landowner Russell Torkelson presented a proposed certified survey map prepared by Todd Hasse calling for the creation of 2 new lots under five acres each in area, located in section 10, Town of Washington, east of County N, on land zoned agricultural, with proposed access provided by an existing public road, County N, and private shared driveways off County N. There has been no response from the Washington Town Board. After a discussion period, Timm made a motion that was seconded by Mandel to approve the subdivision as presented, noting that pursuant to county code, the buyers of the lots be notified in writing that the lots have no public road access. Roll call on the motion was as follows: Daly, aye; Timm, aye; Mandel, aye; Hanson, aye; Powers, absent. The motion carried; Chairman Daly signed the approved application; and Updike signed the original certified survey map.

d. #11-00. Landowner Russell Torkelson presented a proposed certified survey map prepared by Todd Hasse calling for the creation of 3 new lots under five acres each in area, located in section 10, Town of Washington, east of County N, on land zoned agricultural, with proposed access provided by an existing public road, County N, and private shared driveways off County N. There has been no response from the Washington Town Board. After a discussion period, Mandel made a motion that was seconded by Hanson to approve the subdivision as presented, noting that pursuant to county code, the buyers of the lots be notified in writing that the lots have no public road access. Roll call on the motion was as follows: Timm, aye; Mandel, aye; Hanson, aye; Powers, absent; Daly, aye. The motion carried; Chairman Daly signed the approved application; and Updike signed the original certified survey map.

e. #12-00. Landowner Russell Torkelson presented a proposed certified survey map prepared by Todd Hasse calling for the creation of 4 new lots, one of which is under five acres in area, located in sections 3 and 10, Town of Washington, east of County N, on land zoned agricultural, with proposed access provided by an existing public road, County N, and private shared driveways off County N. There has been no response from the Washington Town Board. After a discussion period, Hanson made a motion that was seconded by Timm to approve the subdivision as presented, noting that pursuant to county code, the buyers of the lots be notified in writing that the lots have no public road access. Roll call on the motion was as follows: Mandel, aye; Hanson, aye; Powers, absent; Daly, aye; Timm, aye. The motion carried; Chairman Daly signed the approved application; and Updike signed the original certified survey map.

4. UPDATE ON REZONED MONROE CLINIC PARCEL

On October 20, 1998, The Monroe Clinic petitioned to rezone a 4 acre parcel of land in section 2, Town of New Glarus, from the Agricultural to Commercial zoning district, for the purpose of the installation of an advertising sign. The rezoning was granted with the understanding that if the proposed sign project did not proceed as planned within one year, the matter would be

brought back before the Zoning Committee for action to rezone the parcel back to agricultural. The Committee last discussed this matter on October 20, 1999, at which time it was rescheduled to this time for review. The sign has now been erected, but a representative of the Department of Transportation has indicated there may be a problem with the state permit, in that the applicant indicated their intentions to construct a building at this site rather than rezone for a sign use only. The Committee will again review this matter in a few months to check the status.

5. **CONSIDERATION OF TOWN OF EXETER'S REQUEST FOR EXCEPTION TO MORATORIUM**
A letter has been received from the Exeter Town Board requesting an exception to Moratorium 99-08-01, to allow an applicant to proceed with a proposed subdivision development. The Committee first discussed this request on March 22, 2000, and continued the discussion until this time, when Corporation Counsel Morgan could be present. Mr. Morgan indicated that the moratorium is the town's to defend, and the County would not be involved in responding to questions or defending the moratorium on the town's behalf, should legal action commence. After a discussion period, Timm made a motion that was seconded by Mandel to direct that a letter to be drafted to the Exeter Town Board, indicating that if a subdivision applicant has a written statement indicating that the Town of Exeter is excepting the moratorium for a specific application, the Zoning Department will then accept that application for Committee consideration. The motion carried by unanimous voice vote.

The Committee discussed a policy to be initiated by the Zoning Department to require subdivision applicants to first submit their plan to the town board for review, and obtain town board approval on a checklist for compliance with local ordinances, if any (such as a land division ordinance, moratorium, driveway, or road issue) prior to submission to the county for consideration. Corporation Counsel Morgan indicated that this policy can be directed by the Committee without the need for inclusion in the county zoning code. Motion by Timm, second by Mandel to establish the above policy. The motion carried by unanimous voice vote.

6. **REVIEW AND DISCUSSION OF LISTING OF UPCOMING ZONING PROJECTS**
A comprehensive listing of upcoming Zoning programs and projects was distributed and reviewed. Corporation Counsel Morgan's assistance will be required for drafting new codes and ordinances which are necessary.
7. **DISCUSSION OF STATUS OF ZONING VIOLATIONS**
At last month's meeting, the committee discussed the status of legal prosecution of ongoing zoning violations in the county, and at that time continued the discussion until a time when Corporation Counsel Morgan could be present. A continued discussion period was held with Mr. Morgan, who indicated that an attempt will be made by his office for cases to be resolved more timely in the future.
8. **DISCUSSION ON CHANGES TO COUNTY CONFINED ANIMAL FEEDLOT ORDINANCE**
Mr. Morgan distributed the proposed minor changes to the county's confined animal feedlot ordinance which were requested by the Committee. After the Committee is provided an opportunity for review, the matter will be discussed again at next month's meeting. If approved, the proposed minor changes can be combined with the other proposed miscellaneous zoning code changes which are under consideration.

**MINUTES OF
GREEN COUNTY ZONING AND LAND USE COMMITTEE
WEDNESDAY, OCTOBER 20, 1999**

1. CALL TO ORDER AND ROLL CALL

The regular meeting of the Zoning & Land Use Committee was held in Yodel Hall at the Government Services Building near Monroe on Wednesday, October 20, 1999. At 7:30 p.m., the meeting was called to order by Chairman Daly. Roll call was taken and those members present were Thomas Daly, Donald Timm, Harvey Mandel and Herb Hanson. Mike Powers was tardy. Also present at the meeting were Diane Updike, Zoning Administrator; Albany Town Board member Wesley Krupke; Decatur Town Board member Thomas TenEyck; and Landowner Randy Weeks.

2. CONSIDER THE MINUTES OF THE PREVIOUS MEETING

Motion by Mandel, second by Hanson to approve the minutes of the September 23, 1999 meeting. The motion carried by unanimous voice vote, and Secretary Mandel signed the approved minutes.

3. REVIEW APPLICATIONS FOR SUBDIVISIONS

a. #18-99. An application is on file from landowners Jim and Joe Dunphy requesting approval for a proposed plan prepared by Surveyor John Karns calling for the creation of 17 new lots under five acres each in area, located in sections 13 and 24, Town of Albany, west of Highway 59, on land zoned agricultural, with proposed access provided by three new town roads: Hammer Road, Boots Drive and Hi-Roller Circle. This subdivision was first considered by the Committee at their September 23, 1999 meeting, and was tabled due to incomplete information from the Department of Transportation regarding an acceptable access road off Highway 59; and Town of Albany objections that a cul-de-sac needs to be added to the end of Boots Drive, which may decrease the lot size for some lots. An amended plan has been filed, but neither the landowner nor the surveyor were present to address the Committee's concerns regarding details of a possible long-range future extension of Boots Drive, documentation of DOT approval for access off Highway 59, or verification that the applicants have formally met with the full Town Board to request approval of the proposed temporary cul-de-sac. Motion by Timm, second by Mandel that the matter be tabled until next month's meeting to notify the applicants of the Committee's questions and comments; and to allow them an opportunity to address the concerns and be present at the next meeting with a response.

b. #22-99. Landowner Randy Weeks presented a proposed plan prepared by Surveyor Richard Marks calling for the creation of 13 new lots under five acres each in area, located in section 9, Town of Decatur, east of County F, on land zoned agricultural, with proposed access provided by a proposed new town road, Woodland Drive. The Town of Decatur has no objection to the subdivision provided that the proposed public road be constructed to town specifications. After a discussion period, Timm made a motion that was seconded by Mandel to grant preliminary approval for the subdivision as presented. Final approval must be requested within six months. Roll call on the motion was as follows: Timm, aye; Mandel, aye; Hanson, aye; Powers, aye; Daly, aye. The motion carried, and Chairman Daly certified preliminary approval on the application.

4. UPDATE ON REZONED MONROE CLINIC PARCEL

A parcel of land in section 2, Town of New Glarus, was rezoned from agricultural to commercial on October 20, 1998, by the Monroe Clinic, for the proposed placement of an advertising sign.

The rezoning was granted with the understanding that if the proposed sign project did not proceed as planned within one year, the matter would be brought back before the Committee for action to rezone the parcel back to agricultural. The matter is being reviewed at this time because of the expiration of the one year time limit. The Monroe Clinic has provided a copy of the DOT sign permit which was granted on January 13, 1999; and has indicated that the Clinic is planning to erect their sign in the near future. Motion by Hanson, second by Mandel to extend the sign construction time for six additional months, with a further status review at that time. The motion carried by unanimous voice vote.

5. REVIEW PROPOSED LANGUAGE FOR VARIOUS ZONING CODE AMENDMENTS
A draft of various zoning code amendments was distributed and discussed. The Committee was reluctant to approve those language changes which involve land use issues without further study, input and discussion. The Board tabled further action on this matter until a later date.
6. FURTHER ACTION ON PROPOSED CODE LANGUAGE FOR CHANGES FOR LARGE SCALE FARMS AND ANIMAL MANURE STORAGE FACILITIES
The Board approved the most recent draft of proposed code language changes for large scale farms and animal manure storage facilities. A public hearing will be scheduled on the proposed changes for Wednesday, November 17, 1999 at 7:30 p.m. at the Auditorium of the Government Services Building, Monroe.
7. FURTHER ACTION ON PROPOSED CODE LANGUAGE FOR DRIVEWAYS
The Highway Committee and Commissioner have been working with Corporation Counsel Morgan on changes to the proposed driveway/access ordinance. In response to the request received from area fire chiefs, the Committee asked that they be notified that driveway standards are being addressed at the county level for minimum standards in County Trunk Highway right-of-way areas, and further local ordinances would have to be addressed at the town level.
- 7b. CLARIFICATION ON CODE LANGUAGE REGARDING GREENHOUSES
A discussion was held regarding the interpretation of county code language regarding greenhouses. The Committee felt that notwithstanding past interpretations of the code, their future intention as to the application of this code would be as follows:
Only greenhouses which do not conduct retail sales on their premises would be allowed on ag-zoned land without further permits. A conditional use permit or rezoning would be required for any greenhouse in which the point of sale or delivery of services is on the premises, in any form of retail activity; whether the activity is permanent or seasonal; whether the plants sold are grown or imported; whether or not decorative containers or items not manufactured or raised on the premises are also sold in addition to plants; whether the business is advertised or not; or if activity takes place within buildings in which the public is allowed to make purchases.
8. DISTRIBUTION OF THIRD QUARTER REPORT OF FIRE NUMBERS ASSIGNED
The third quarter report of fire number signs assigned in Green County was distributed.
9. AUDIT BILLS
The project for redrawing/updating zoning maps has been completed for \$1,200.00, the bid amount, which is less than the \$3,500.00 budgeted amount. Updike requested the Committee to transfer \$700.00 of the unused portion of these funds to apply to the purchase of a transit set for use in inspections. Motion by Mandel, second by Timm to approve the request. The

Green County Zoning and Land Use Committee - Wednesday, October 20, 1999 - Page 3

motion carried by unanimous voice vote. Finance Committee approval will also be necessary for the line-item transfer within the Zoning budget.

Motion by Mandel, second by Powers to approve the bills dated October 5, 1999, totaling \$4,458.94. The motion carried by unanimous voice vote and members signed the bills payable sheet (see attached).

10. OTHER OLD/UNFINISHED BUSINESS

Hans Sulzer appeared before the Board requesting information on the procedure to reconfigure lots and a roadway on an approved, recorded subdivision. The Committee advised that Mr. Sulzer would need to reapply with his new proposed plan for consideration of the proposed changes.

11. SCHEDULE NEXT MEETING DATE


The next regular meeting of the Committee was scheduled for Thursday, November 18, 1999 at 7:30 p.m. at Yodel Hall.

12. ASSOCIATED RELEVANT SUBJECT MATTER AND ADJOURNMENT

There were no further matters to be discussed by the Committee.

Motion by Hanson, second by Mandel to adjourn. The motion carried by unanimous voice vote.

Harvey Mandel
Secretary


Diane Updike
Acting Secretary

ORDINANCE 98-10-01

WHEREAS, the Green County Board of Supervisors has adopted the Green County Land Use and Zoning Ordinance; and

WHEREAS, the Green County Land Use and Zoning Committee has been petitioned to rezone a certain parcel of land from agricultural district to commercial district; and

WHEREAS, the Green County Land Use and Zoning Committee held a public hearing on the Petition on September 23, 1998, and has taken into consideration all of the testimony heard at such public hearing; and

WHEREAS, it is the recommendation of the Green County Land Use and Zoning Committee that the land area described below be rezoned from agricultural district to commercial district.

NOW, THEREFORE, BE IT ORDAINED by the Green County Board of Supervisors in legal session assembled, that the following described parcel of land be rezoned from the agricultural zoning district to the commercial zoning district, to-wit:

A four acre parcel in the N1/2 of the SW1/4 of the SE1/4 of Section 2, lying west of State Highway 69 as described in Vol. 160, Page 440 of Green County Register of Deeds, Green County, Wisconsin, excepting the north three rods thereof; all being in T4N, R7E, Town of New Glarus, Green County, Wisconsin.

and

BE IT FURTHER ORDAINED that this amendment shall not take effect until more than forty (40) days after the adoption of the Ordinance by the County Board unless the Town affected files a Resolution with the County Clerk approving the Ordinance, then said Ordinance shall become effective upon the filing of the Resolution of the Town approving the same with the County Clerk; and

BE IT FURTHER ORDAINED that this Ordinance shall be published in the official newspaper of the County.



Wisconsin Department of Transportation

January 13, 1999

The Monroe Clinic
515 22nd Avenue
Monroe, WI 53566

Transportation District 1
Real Estate Unit
2101 Wright Street
Madison, WI 53704

Telephone: (608)246-5367
FAX: (608)246-3819
E-Mail: (See below signature)

SUBJECT: Outdoor Advertising Sign (S.84.30) - PERMIT # 23-102819-99
Town of New Glarus
STH 69 - Green County

* * IMPORTANT INFORMATION REGARDING THE ATTACHED PERMIT * *

Enclosed is your approved State Permit for the signing it identifies and describes. The permit recognizes that this signing conforms to the requirements of Section 84.30 of the Wis. Statutes and to other administrative rules and laws currently applicable and effective.

This permit is effective until superseded or revoked.

The Department of Transportation does monitor the installation and maintenance of permitted signs. If we find that this permit application included misrepresentation or that the signing is otherwise in noncompliance with applicable regulations at the time of issuance, it may result in revocation of your permit.

Please contact me at (608)246-7906 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Roger Larson".

Roger Larson
Sign Permit Coordinator

roger.larson@dot.mail.state.wi.us

RL:ras000585

Enclosure

Applicant Instructions: Submit the following to the District Office identified in the block entitled, "Mail Completed Permit Application To:"

- A. 3 copies of this application with all entries completed down to broken line;
- B. 3 copies of a sign sketch illustrating the size (by dimensions), shape, color scheme and message of the proposed display;
- C. 3 copies of a site plan drawing, detailing sign positioning with respect to the highway, direction(s) of the sign's facing(s), and whether the display will be on a building or free standing. The location for On property signing shall be referenced (distance shown) to the nearest part of the building in which the activity is conducted or managed. Include on the drawing the locations of property lines and development features, such as customer parking lots;
- D. 1 copy of documentation from the jurisdictional zoning authority to prove how the property is zoned, include date current zoning was established. If no zoning has been assigned to the property, include a statement from the jurisdictional zoning authority to the effect that the land is unzoned;
- E. A check or money order (no cash) made payable to: Wisconsin Dept. of Transportation to cover the required permit fee. (See Item #6 on back.)

1. Highway No. State Highway 69	2. County Green	3. <input checked="" type="checkbox"/> Town <input type="checkbox"/> City <input type="checkbox"/> Village OF: New Glarus	4. Highway Side <input type="checkbox"/> North <input type="checkbox"/> East <input type="checkbox"/> South <input checked="" type="checkbox"/> West
5. Land zoning (proof supplied) Commercial	Date of zoning 10/20/98	6. Sign Location Sign to be located within the SW quarter of the SE quarter of Section Two	
Proposed sign meets all local zoning requirements <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Township Four North, Range Seven <input checked="" type="checkbox"/> East <input type="checkbox"/> West	
7. Distance between proposed sign site and nearest intersecting highway, road or street Eighty 4/90 West North of the centerline of State Highway 69 Sand Rock Road (Feet) (East, West, North, South) (Identify road measured from)			
8. Distance from the highway right of way line Eighteen (Feet)		9. Sign to face (compass direction) N.E.	10. Sign illumination <input type="checkbox"/> Steady light <input checked="" type="checkbox"/> No lights
11. Name and address of person or company who will install the sign if approved The Monroe Clinic Inc., 515 22nd Avenue, Monroe, WI 53566			12. Installer license number if none, so state. None

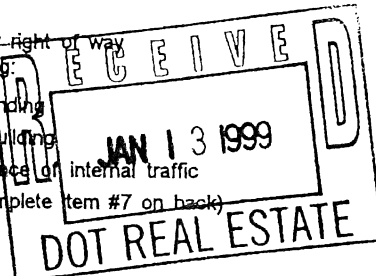
13. Sign Category

More than 660 feet from highway right of way
May apply to any of the following:

- On Advertised Property Free Standing
- On Advertised Property and on building
- On Advertised Property for guidance of internal traffic
- Off Advertised Property (Must complete item #7 on back)
- Service Club
- Religious Notice
- Sign on officially designated school bus stop shelter
Affidavit from school officials required

Directional as defined by Subsec. Trans. 201.05 Admin. Code
(Must complete item #7 on back)
If box is checked, advertiser sign below:

Official sign (City, Village, Town, County, State, official to be applicant)
If box is checked, official sign below:



15. Sign Type

Single Face "V" Type
 Back to Back Over Under
 Side by Side

16. Applicant Name The Monroe Clinic	Telephone 608-324-1000
Street Address 515 22nd Avenue	
City, State, Zip Monroe, WI 53566	
Mail Completed Permit Application To DOT District Office:	

The undersigned applicant requests permission to install and/or maintain signing as described.

X _____ (14. Advertiser OR Official Signature)

Jim Johnson _____ (17. Permit Applicant) 12.16.98 (Date)

PERMIT

Subject to compliance by the applicant with all requirements of s.84.30 Wis. Stats., with Ch. Trans. 201 Wis. Admin. Code, with other statutes and codes applying, and with all standard and special provisions on the reverse face or attached, permit approval is granted to authorize installation and maintenance of the specific advertising or informative display described at the precise location defined. This permit will expire one year after the Permit Issuance Date if the sign permitted here is not installed by that time, unless the Department has granted a time extension in response to written justifications.

Access from the travel lane or any interchange ramp of any Interstate highway or any other controlled access highway for the installation, maintenance or repair of the sign is expressly prohibited. **This Permit is Revocable.**

Completed by Wisconsin Department of Transportation:

R.P. Number 033 + 0.24	Sign Area (sq. ft.) 80	Check Number 174620	Fee Received \$20.00	Permit Issuance Date 1/13/99	Permit Number 23-102819-99
Record Number 000585					

By *Roger Larson* _____
(Approval for Director of Highway Operations)



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Revocation of an Off Premise
Advertising Sign Permit for The Monroe Clinic

Case No.: TR-01-0004

FINAL DECISION

By letters dated April 20 and May 2, 2000, the Department of Transportation notified The Monroe Clinic that it was revoking an outdoor advertising sign permit that it had granted on January 13, 1999, and ordered the sign removed. By letter dated May 26, 2000, Ellen Swan, Director-Community Relations for The Monroe Clinic, requested a hearing to review the Department's removal order. On January 4, 2001, the Department of Transportation referred the matter to the Division of Hearings and Appeals for hearing.

Pursuant to due notice telephone prehearing conferences were conducted on January 19, 2001 and February 5, 2001. During the February 5, 2001 prehearing conference, the parties stipulated that the documents attached to the Department of Transportation's January 4, 2001 letter accurately set forth the relevant facts in this matter. Accordingly, no evidentiary hearing was scheduled. The following schedule was established for the filing of written argument in this matter. The Monroe Clinic filed its legal argument on February 6, 2001. The Department filed its response brief on February 28, 2001. The Monroe Clinic was given an opportunity to file a reply brief; however, no reply was received.

In accordance with Wis. Stat. §§ 227.47 and 227.53(1)(c), the PARTIES to this proceeding are certified as follows:

The Monroe Clinic, by

Ellen Swan, Director-Community Relations
515 22nd Avenue
Monroe, WI 53566

Wisconsin Department of Transportation, by

Attorney Allyn Lepeska
Office of General Counsel
P. O. Box 7910
Madison, WI 53707-7910

The Administrative Law Judge issued a proposed decision on April 17, 2001. On April 23, 2001, the Department of Transportation filed a letter in support of the Proposed Decision. No other comments on the proposed decision were received. The Proposed Decision is adopted as the final decision in this matter.

FINDINGS OF FACT

The Administrator finds:

1. The outdoor advertising sign that is the subject of this matter is owned by The Monroe Clinic and is located adjacent to State Trunk Highway 69 (STH 69) 490 feet north of the intersection with Sand Rock Road in the Town of New Glarus, Green County. STH 69 is a federal aid primary highway

2. The Monroe Clinic applied to the Wisconsin Department of Transportation (Department) for an off-premise outdoor advertising permit to erect the subject sign on December 16, 1998. The sign was to be located on a four-acre parcel The Monroe Clinic purchased from the Monroe Highfliers, Inc. At the time The Monroe Clinic purchased the parcel it was zoned agricultural. The Monroe Clinic petitioned the Green County Zoning and Land Use Committee to rezone the parcel commercial. The minutes of the Green County Zoning and Land Use Committee and various correspondence from The Monroe Clinic unequivocally provide that the sole purpose of the requested rezoning was to make the parcel eligible for a state sign permit (minutes of Green County Zoning and Land Use Committee dated Wednesday, September 23, 1998).

In fact, The Monroe Clinic purchased the property with the contingency that it receive a sign permit from the Department. The agreement it had with the Monroe Highfliers, Inc., was that if The Monroe Clinic was unable to obtain a sign permit for the sign, the Monroe Highfliers, Inc. would repurchase the property and the zoning for the parcel could revert to agricultural (e.g. letter dated October 7, 1999 from Dennis J. Tomczyk of The Monroe Clinic to Diane Updike of the Green County Zoning Commission).

3. The Department issued the requested permit on January 13, 1999. On September 30, 1999, The Monroe Clinic requested an amendment to the permit. On October 15, 1999, the Department granted the requested amendment.

4. On April 20, 2000 and May 2, 2000, the Department notified The Monroe Clinic that it was revoking the permit for the subject sign. The Department revoked the permit because

the parcel on which the sign was located was not zoned as part of comprehensive zoning and was rezoned primarily to permit outdoor advertising structures.

5. The four-acre parcel on which the subject sign is located was rezoned for the sole purpose of making the site eligible for an off-premise outdoor advertising sign permit. Such rezoning is not recognized as zoning for outdoor advertising control purposes. The site is not eligible for an outdoor advertising sign permit and the permit issued by the Department must be revoked.

Discussion

The facts in this matter are straightforward. The Monroe Clinic admits that it petitioned to have the four-acre parcel it purchased from the Monroe Highfliers, Inc., rezoned for the sole purpose of making the site eligible for an outdoor advertising sign permit. The Monroe Clinic does not dispute the facts or argue the applicable law in this case. In its written argument, the Monroe Clinic states that it “acted in good faith throughout the process of purchasing land and making application for and erecting a sign on that land.” The Monroe Clinic further states that “[a]t no time throughout this process did any government agencies inform The Monroe Clinic that [its] actions were inappropriate or that [the] permit could be subject to revocation.”

There is no doubt that The Monroe Clinic acted in good faith throughout the process. In all the correspondence on file in this matter, The Monroe Clinic openly stated that it was seeking the zoning change in order to obtain a permit for an outdoor advertising sign. It is unfortunate that The Monroe Clinic was unaware that such rezoning would not be recognized for outdoor advertising control purposes. However, there is no evidence in the file that at the time the Department issued the permit anyone from the Department knew that The Monroe clinic had had the parcel rezoned for the purpose of making the site eligible for a sign permit. The Department also apparently acted in good faith throughout the process. The applicable law is clear. The four-acre parcel purchased by The Monroe Clinic is not eligible for an off-premise outdoor advertising permit. The permit issued by the Department must be revoked and the subject sign removed.

CONCLUSIONS OF LAW

The Administrator concludes:

1. The Monroe Clinic admits that it petitioned to have the parcel on which the subject sign is located rezoned from agricultural to commercial for the purpose of making the site eligible for an off-premise outdoor advertising permit. 23 CFR § 750.708(a) and (b) provides:

§ 750.708 Acceptance of state zoning.

(a) 23 U.S.C. 131(d) provide that signs “may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas . . . which are zoned industrial or commercial under authority of State law.” Section 131(d) further provides, “The States

shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act.”

(b) State and local zoning actions must be taken pursuant to the State’s zoning enabling statute or constitutional authority and in accordance therewith. Action which is not a part of comprehensive zoning and is created primarily to permit outdoor advertising structures, is not recognized as zoning for outdoor advertising control purposes.

Pursuant to 23 CFR § 750.708(b), the zoning change for the four-acre parcel on which the subject sign is located cannot be recognized for “outdoor advertising control purposes.” Accordingly, the original sign permit and the amended sign permit were issued in error and must be revoked.

2. Pursuant to Wis. Stat. §§ 84.30(18) and 227.43(1)(bg), the Division of Hearings and Appeals has the authority to issue the following order.

ORDER

The Administrator orders:

The Department of Transportation’s revocation of the permit for the subject sign owned by The Monroe Clinic and removal order for the subject sign is affirmed.

Dated at Madison, Wisconsin on May 21, 2001.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705-5400
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: _____

David H. Schwarz
Administrator

Clerk Treasurer

From: Clerk Treasurer
Sent: Thursday, July 25, 2024 10:02 AM
To: Clerk Treasurer
Cc: Deputy Clerk
Subject: 35 acre divisor

All,

A question arose regarding the 4.0 acre parcel on STH 69 that was zoned from the Agricultural District to the Commercial District in 1998 for which I provided a report at the July Plan Commission meeting.

I don't know if you are all aware, but Chapter 15 (now Chapter 110) that was adopted on October 13, 1997 had no minimum lot size specified and did not differentiate residential, commercial, or manufacturing use.

The amendment adopted on October 19, 1999 defined cluster development (and the restriction that is was intended for only residential use) and normal density as having a divisor of 35. The 85% open space restriction for cluster density was defined as was the 91% restriction for normal density.

While researching a completely different matter this morning, I came across this discussion in the November 8, 1998 Town Board minutes:

NOVEMBER 9, 1998 BOARD MEETING CONT.

CHAIRMAN'S REPORT; Dan Talarczyk contacted Freitag complaining about failure of his fence with the Ruth (Kent) Duerst property. A letter will be sent to Ruth Duerst.

Duane Pope stated to John Freitag that approval of subdivision plat implies approval of driveways. Our consensus was that driveways will still have to meet driveway ordinance specs. Hustad will check into.

Three requests/concerns were presented to Freitag previous to the meeting by Vierbichers & Assoc. Hustad will address their concern for water courses and drainage ditches-) 15-5-3 (d) the Land Division/Sub.Division Code.

Amendments to Land Division and Sub Division Code: The decision was made to publish the amendments the weeks of Nov. 16 and Nov. 23 and a hearing is scheduled for Nov. 30, 1998. A discussion of the definition of 1 lot per 35 acres took place. It was agreed that the intention of the Land Use Plan is to allow 1 lot only for each 35 acres owned.

TREASURER'S REPORT: Freitag moved to approve purchase of a short term treasurer's bond for tax collection.

ADJOURN: Freitag moved to adjourn. 2nd Smith. Adjourn.

Respectfully submitted,
Gregg Smith, Acting Clerk

When hired as the Deputy Clerk in 2006, I collected all available versions of Chapter 15 and Chapter 110. I have not seen a revision from November 30, 1998 and there are no minutes to indicate a public hearing on the matter was held.

John

John Wright
Town of New Glarus Clerk-Treasurer
(608) 527-2390

630065

29 - 136

Recorded

07/11/2024 12:40 PM

CYNTHIA A MEUDT

REGISTER OF DEEDS

GREEN COUNTY, WISCONSIN

30.00

CERTIFIED SURVEY MAP NO. 5702

Lot 1 of Certified Survey Map 640 (Vol. 2, Page 189) and other lands in the Southeast and Northeast 1/4s of the Northeast 1/4 of Section 21, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin.



1' E OF DOWN FEN.

1097.22'

1064.15'

LOT 1
334,907 SQ. FT.
(7.69 AC.) TOTAL
320,168 SQ. FT.
(7.35 AC.) TO R/W

LOT 1

C.S.M. 640

LOT 1
C.S.M. 3569

(N00°45'02"E)
N00°23'19"E

N85°46'12"W
446.62'

LEGLER VALLEY ROAD

446.62'
N85°46'12"W
(N86°09'31"W)

LOT 2

C.S.M. 3624

767.87'

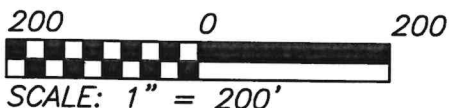
N00°23'19"E
(N00°45'02"E)



BUILDING INDEX

- G GARAGE
- H HOUSE
- S SHED

PREPARED FOR:
Nathan Ramsay
W6114 Legler Valley Rd
New Glarus, WI 53574
(608) 347-7477



JOB NO. 24123
POINTS 21125
DRWG. 24123_1
DRAWN BY CJW

SHEET 1 OF 2

TALARCZYK
LAND SURVEYS LLC
517 2nd Avenue
New Glarus, WI 53574
608-527-5216
www.talarczyk-surveys.com

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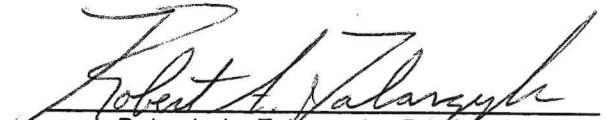
CERTIFIED SURVEY MAP NO. 5702

Lot 1 of Certified Survey Map 640 (Vol. 2, Page 189) and other lands in the Southeast and Northeast 1/4s of the Northeast 1/4 of Section 21, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin, bounded and described as follows:

Commencing at the East 1/4 corner of said Section 21; thence $N00^{\circ}23'19''E$ along the East line of Section 21, 767.87' to the centerline of Legler Valley Road and the point of beginning; thence $N85^{\circ}46'12''W$ along said centerline, 446.62'; thence $N00^{\circ}23'19''E$, 1097.22'; thence $S31^{\circ}19'15''E$, 847.81' to the East line of Section 21; thence $S00^{\circ}23'19''W$, 405.89' to the point of beginning; subject to a public road right of way as shown and to any and all easements of record.



I hereby certify that this survey is in compliance with Section 236.34 of the Wis. Statutes and the subdivision regulations of Town of New Glarus and Green County; and that under the direction of Nathan Ramsay, I have surveyed, monumented, and mapped the lands described hereon; and that this map is a correct representation of all exterior boundaries of the land surveyed in accordance with the information provided.

July 10, 2024


Robert A. Talarczyk, P.L.S.



LEGEND:

-  Cast aluminum monument found
-  Concrete monument with brass cap found
- 1-1/2" iron pipe found
- 3/4" solid round iron rod found
- 3/4" x 24" solid round iron rod set, weighing 1.50 lbs per lineal foot
- *— Fence
- ▲ Well
- △ Septic vent
- ⊗ Septic manhole

NOTES:

- 1.) Bearings are referenced to the Wisconsin County Coordinate System, Green County Zone, NAD83 (2011), in which the East line of the Northeast 1/4 of Section 21 bears $N00^{\circ}23'19''E$.
- 2.) Recorded data, when different than measured, is shown in parenthesis.
- 3.) This survey prepared to facilitate the sale of lands between adjoining landowners.

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JOB NO. 24123
POINTS 21125
DRWG. 24123_1
DRAWN BY CJW

SHEET 2 OF 2
630065


517 2nd Avenue
New Glarus, WI 53574
608-527-5216
www.talarczyksurveys.com

Clerk Treasurer

From: Clerk Treasurer
Sent: Thursday, July 25, 2024 7:13 AM
To: Michelle K. Hicks
Cc: Bob Talarczyk (bob@talarczyksurveys.com); Deputy Clerk; Chris Narveson; Chris Narveson ; Scott Jelle; Tom Okrie
Subject: RE: RUSH - SA Letter Request - Vacant Land - Legler Valley Road (3.69 acres) / 1124070061
Attachments: CSM_5702_Ramsay.pdf; Special Assessment Certification for Lot 1 CSM 5702.pdf

Michelle,

Please find attached my review of this property on an expedited basis.

When I spoke to the seller, I made him aware that if he did not place a deed restriction on the face of the CSM, it could create problems in the future if Green County Zoning and/or the Town of New Glarus receive a building permit. It is my understanding that Mr. Shotliff is not conveying building rights, so the sale of 3.69 acres is deed restricted open space per our local land division/subdivision ordinance. An affidavit of correction may need to be filed to make this restriction evident in order to avoid future complications.

I do not have a current assessment for this portion of the parent parcel. Our contract assessor may be able to split out that value, if requested.

Many thanks,
John

John Wright
Town of New Glarus Clerk-Treasurer
(608) 527-2390

From: Michelle K. Hicks <michelle@ekum.com>
Sent: Wednesday, July 24, 2024 10:44 AM
To: Clerk Treasurer <clerk@townofnewglaruswi.gov>
Cc: Ekum Abstract <ekum@ekum.com>
Subject: RUSH - SA Letter Request - Vacant Land - Legler Valley Road (3.69 acres) / 1124070061

Hello

Please see the attached SA Letter **RUSH** Request.
The estimated closing date is **July 31st**.

Nathan Ramsay & Anne Ballmann are the listed Buyer(s) on the OTP.

Please email the completed SA Letter to both michelle@ekum.com and ekum@ekum.com within 2 business days of receiving this request.

Have a Wonderful Day

Michelle K. Hicks
michelle@ekum.com

ekum@ekum.com

Ekum Title, LLC
113 W 8th Street
Monroe WI 53566
Phone (608) 328-8221
Fax (608) 328-8223

&
Lafayette Land Title Service, LLC
342 Main St,
Darlington, WI 53530
Phone (608) 776-3000

All Buyers and Sellers must bring a **valid** photo ID to closing.

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WARNING REGARDING FRAUDULENT FUNDING INSTRUCTIONS

Email hacking and fraud are on the rise to fraudulently misdirect funds. Please call our closing department immediately using contact information found from an independent source, such as the internet to verify any funding instructions received. We are not responsible for any wires sent by you to an incorrect bank account.