



Proceedings of Green County Board of Supervisors

JANUARY 13, 2004

Thomas L. Daly, Chair, called the meeting to order. The Clerk read the roll with 26 present, and 5 excused being Grossen, Guth, Dalton, Timm, and Gomer.

The Board recited the Pledge of Allegiance. Motion by Wickline, seconded by Mandel to approve the minutes of the December 9, 2003 meeting. Motion carried by a unanimous voice vote.

An update on the status of the Badger State Trail was given by Dana White Quam, Wisconsin Department of Natural Resources.

An update on the status of the county's Smart Growth planning process was given by Ron Niemann, Southwestern Regional Planning Commission and Sarah Burgert, UW-Extension.

RESOLUTION 1-1-04

Resolution Approving Solid Waste Disposal Contract (Over \$75,000)

WHEREAS, County Code Section 1-11-2 entitled COUNTY PURCHASES AND CONTRACTS, provides for review, approval and execution of all county contracts and purchases necessary to carry out approved budget operations; and

WHEREAS, Section 1-11-2(A)(4) states: Cost or price in excess of seventy-five thousand dollars (\$75,000.00), recommendation by the appropriate department head and the supervisory committee to the full County Board and approval by the full Board before the purchase is made. Execution of the contract documents shall be by the Green County Board Chair and the appropriate committee chairperson, after the document has been reviewed by the Green County Corporation Counsel.

NOW, THEREFORE, BE IT RESOLVED by the Green County Board of Supervisors, in legal session assembled, that the Board approve the recommendation of the Solid Waste Management Board for the contracting of services with the following agency for a five (5) year period from 2004 through 2009: **City of Janesville for Disposal of Solid Waste: \$17.00 per ton in 2004 with annual increases not to exceed five percent (5%) and a minimum of 10,000 tons annually.**

[Green County has averaged approximately 14,600 tons of waste per year for the past 3 years, and at a rate of \$17.00 per ton equals an estimated \$248,200 disposal cost for 2004.]

SIGNED: THE SOLID WASTE MANAGEMENT BOARD:

Nate Klassy, Chair Sam Gomer
Donna Douglas, Vice-Chair Gary Keegan
Steve Stettler Harvey Mandel
William Wellnitz Roger Carolan
Richard Vogel

REVIEWED AND APPROVED BY:

Nate Klassy Thomas L. Daly
Solid Waste Management Board Chair County Board Chair
William Morgan

Corporation Counsel
Motion by Mandel, seconded by Stettler to adopt Resolution 1-1-04. Motion carried by a unanimous voice vote.

RESOLUTION 1-2-04

Resolution Authorizing Land Records Grant Application

WHEREAS, the Green County Board established the Land Records Committee in May, 1990, to participate in the Land Records Program; and

WHEREAS, the Green County Land Records Committee has developed and reviewed a proposal for a grant-in-aid project to be submitted for the modernization of the land records of Green County; and

WHEREAS, the Green County Board has approved a plan for county-wide land records modernization.

NOW, THEREFORE, BE IT RESOLVED, by the Green County Board of Supervisors in legal session assembled, that the Board does hereby authorize the Green County Land Records Committee to apply to the State of Wisconsin for a 2004 Grant Award pursuant to Chapter ADM 47.05, Wis. Admin. Code; and

BE IT FURTHER RESOLVED that the Board does authorize Sherri Hawkins, the Land Information Officer, to sign the application on behalf of the Green County Board.

SIGNED: LAND RECORDS COMMITTEE:

Art Carter, Chair Sue Disch, Vice-Chair
Mary Alice Hart Russ Torkelson
Steve Scheppele

Motion by Carter, seconded by Torkelson to adopt Resolution 1-2-04. Motion carried by a unanimous voice vote.

RESOLUTION 1-3-04

Resolution Approving Human Services Contracts (Over \$75,000)

WHEREAS, County Code Section 1-11-2, entitled COUNTY PURCHASES AND CONTRACTS, provides for review, approval and execution of all County contracts and purchases necessary to carry out approved budget operations; and

WHEREAS, Section 1-11-2(A)(4) STATES: Cost or price in excess of seventy-five thousand dollars (\$75,000.00), recommendation by the appropriate department head and the supervisory committee to the full County Board with approval by the full Board before the purchase is made. Execution of the contract documents shall be by the Green County Board Chair and the appropriate Committee Chairperson, after the document has been reviewed by the Green County Corporation Counsel.

NOW, THEREFORE, BE IT RESOLVED by the Green County Board of Supervisors, in legal session assembled, that the Board approve the recommendation of the Human Services Board for the contracting of services with the following agencies for the contract year 2004:

1. Abilities, Inc.	Residential	\$213,588.00
2. Access Transit	Transportation	\$223,984.00
3. Applewood	Residential	\$88,608.00
4. Brotoloc	Residential	\$116,561.40
5. Caring Hearts	Supportive Home Care	\$460,249.62
6. Clinicare - Wyalusing	Residential	\$90,530.95
7. Collinwood CBRF	Residential	\$124,200.00
8. Community Living Arrangements	Residential/Daily Living Skills	\$274,642.56
9. Cornerstone CBRF	Residential/Daily Living Skills	\$157,896.00
10. Dunganvin	Residential	\$191,436.00
11. Friends of Eric	Residential	\$114,054.72
12. Greenco Industries, Inc.	Sheltered Workshop	\$455,468.25
13. Greenco Supportive Living	Residential	\$407,674.20
14. Heartsong CBRF	Residential	\$88,092.00
15. Hoffman House	Meals	\$101,669.15
16. Mercy Options CCI	Residential	\$114,180.00
17. Norris Adolescent Center	Residential	\$233,600.00
18. Orion	Family Services	\$136,059.00
19. Preferred Living	Supportive Home Care	\$920,159.95
20. REM Wisconsin	Residential/Work Related Services	\$173,760.00
21. REM II Wisconsin, Inc.	Residential/Daily Living Skills	\$82,304.88
22. Wis. Early Autism Project	Therapy	\$125,774.10

SIGNED: GREEN COUNTY HUMAN SERVICES BOARD:

Mary Alice Hart, Chair Art Carter
Herb Hanson, Vice-Chair Dennis Dalton
Joe Cousin Lee Kirsch
Jo Lynn Goff Sandy Horn
Christensen

REVIEWED AND APPROVED BY:

Mary Alice Hart, Chair Thomas L. Daly
Human Services Board County Board Chair
William Morgan

Corporation Counsel
Motion by Hart, seconded by Hanson to adopt Resolution 1-3-04. Motion carried by a unanimous voice vote.

ORDINANCE 04-0101

Zoning Code Changes

WHEREAS, the Green County Land Use and Zoning Committee is charged with the study and development of zoning and land use programs for Green County; and

WHEREAS, at the request of the Zoning Administrator, the Green County Land Use and Zoning Committee has reviewed the Green County Code with regard to zoning, subdivision and sanitary regulations; and

WHEREAS, after having received input from Northern Environmental Technologies, who has been hired to administer the Nonmetallic Mining Reclamation Ordinance, the Green County Land Use and Zoning Committee has determined that certain clarifications are appropriate with regard to said Ordinance.

WHEREAS, the Green County Land Use and Zoning Committee has determined that the code is in need of updating.

NOW, THEREFORE, BE IT ORDAINED by the Green County Board of Supervisors, in legal session assembled, that the following additions, deletions and corrections be made to Title 4, Title 9 and Title 10 of the Green County Code.

4-3-4-2: COUNTY SIGN REGULATIONS

In the unincorporated areas of Green County not controlled by Section 4-3-4-1 of this Chapter, the following regulations shall apply:

D. General provisions for signing:

6. No sign shall hereafter be located, erected, moved, constructed, extended, enlarged, converted or structurally altered without a building permit, excepting those signs included through other provisions of this Title. The fee for said permit shall be as follows: specified in 4-6-1-4.A.4. (Ord. 04-0101, 01/13/04)

a. Ten dollars (\$10.00) for a sign up to fifty (50) square feet in gross area.
b. Fifteen dollars (\$15.00) for a sign that is larger than fifty (50) square feet in gross area. (Ord. 07-1220)

4-5-2-5: IMPROVEMENTS

Before final approval of any plat the subdivider may install required street and utility improvements or if such improvements are not installed at the time that the final plat is submitted for approval, the subdivider shall, before recording the plat, enter into a contract with the County agreeing to install the required improvements and shall file with said contract a surety bond meeting the approval of the District Attorney Corporation Counsel as a guarantee that such improvements will be completed by the subdivider or his/her subcontractors not later than one year from the date of recording of the plat or later if specified. One week prior to the time each improvement is to be installed and upon its completion, the subdivider must notify the County Planning Agency so that adequate inspections can be made. (Ord. 04-0101, 01/13/04)

A. Public Streets:

4. Sales of Lands Abutting on Private Way: No person shall sell any parcel of land of five (5) acres or less in size, located outside the corporate limits of a municipality, if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or County. (Ord. 04-0101, 01/13/04)

4-6-1-4: FEES

A fee shall be paid to the Zoning Department by each applicant at the time of the issuance of a permit and shall be remitted to the County Treasurer. Any fees which are remitted to the Zoning Department are not refundable for any reason.

A. Zoning Permits:

2. Additions to existing residential structures of all types, including but not limited to construction such as additional living space, garage, sunroom, enclosed or open porch or deck. Each separate component to be constructed requires a separate permit:

- a. 100 square feet or more of enclosed area \$200.00
- b. 99 square feet or less of enclosed area \$100.00
- c. Open porch or deck (no side walls or screens) of any size \$ 75.00

(Ord. 04-0101, 01/13/04)

4-6-4: DEFINITIONS

CAMP GROUNDS: Any premises established for overnight habitation by persons using equipment designed for the purpose of temporary camping and for which whether or not a fee is charged. (Ord. 04-0101, 01/13/04)

CENTERLINE: For the purposes of determining setbacks, the centerline shall be the physical center of the total roadway in that portion of the roadway nearest to the structure. The centerline shall be one-half of the total paved roadway on a perpendicular line closest to the structure.

For the purposes of this definition, a gravel road shall be measured in the same way as a paved road. The middle shall be determined by measuring the gravel at the greatest extent at a point located nearest to the subject property.

In those cases where the subject property borders a multi-lane roadway, the centerline shall be determined by measuring to the physical center of the traveled portion of the two lanes nearest the subject property. (Ord. 03-0201, 2/11/03)

Where setback violations to roads are documented, it shall be unlawful to physically alter the road width or location of the road edges as a means to bring the property into compliance. (Ord. 04-0101, 01/13/04)

4-8-2: GENERAL PROVISIONS

B. District Boundaries: The boundary of the Floodplain Districts including the Floodway, Flood Fringe and other Floodplain Districts, shall be those areas designated as flood plains or A Zones in the Appendix attached to Ordinance 89-810 and on the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the corresponding profiles from the Flood Insurance Study for Green County. These maps dated September 15, 1983, and the revised map panel Number 30 dated September 18, 1986, are the Official Floodplain Zoning Maps for the County and have been approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA) and are on file in the office of the County Zoning Administrator. Data from an encroachment analysis for the Legler School Branch Creek floodway, in the E1/2 of Section 21, T4N-R7E, Town of New Glarus, which was approved by the DNR, is incorporated in the Green County Floodplain ordinance. The data, referenced by county application #2003-572, includes a Floodplain map dated 11/30/2001 and titled "Hydraulic Analysis Layout, 100-year Floodplain Delineation," Legler School Branch, Green County, WI; Flood profiles dated 11/30/2001 and titled "100-year Flood Profile, Legler School Branch," and Floodway data table dated 11/30/2001 and titled "Floodway Data, Legler School Branch." If more than one map is referenced, the regional flood profiles shall govern boundary discrepancies according to subsection B-2 hereof. (Ord. 04-0101, 01/13/04)

4-10-5: GENERAL REQUIREMENTS

E. All wireless communication facilities must be adequately insured for injury and property damage. Proof of insurance with the county named as an additional insured a certificate of insurance issued to Green County shall be provided. A letter of credit, bond, or such other financial assurance, in at least the amount of \$10,000.00, shall be filed with the County to provide for removal of a wireless communication facility and site restoration in the event that removal should be required. (Ord. 04-0101, 01/13/04)

9-2-15-1: MAINTENANCE AND MANAGEMENT

A. All private sewage systems shall be managed and maintained in accordance with Comm. 83 and 84 83.84 and 87, Wis. Admin. Code, and this ordinance. Only state-licensed master plumbers, POWTS inspectors and POWTS maintainers shall provide the maintenance and/or service on all systems. Licensed tank pumpers may report the condition of an existing tank only; but may not provide a maintenance report on any other POWTS component or soil absorption system unless specifically state-licensed to do so. (Ord. 04-0101, 01/13/04)

10-3-3-2: EXISTING MINES

The operator of any nonmetallic mining site that submits an automatic permit application in conformance with §10-3-1-2 shall submit the financial assurance required by §10-3-1-2 no later than April 30, 2004. The financial assurance shall be specified in conjunction with the reclamation plan required by §10-3-21. (Ord. 04-0101, 01/13/04)

10-3-4-4: PROCEDURES FOR CONDUCTING A PUBLIC HEARING

If a public informational hearing as set forth in Section NR 135.20(2) is requested and there is no opportunity for a zoning-related hearing on the nonmetallic mine site, the following procedure shall be followed. A representative or representatives of Green County and/or its designee shall conduct the hearing. The public informational hearing shall be conducted for the purpose of explaining and receiving comment from persons described in Section NR 135.20(2)(b)1 on the nature, feasibility, and effects of the proposed reclamation. The subject matter and testimony at the hearing shall be limited to the reclamation of the nonmetallic mine site.

A representative of Green County or its designee shall briefly summarize the reclamation plan. The owner and/or operator submitting the reclamation plan will then be given the opportunity to comment on the reclamation plan. The public will then have the opportunity to ask questions and comment on the reclamation plan. Questions and comments from the public shall be limited to a reasonable amount of time designated by the representative of Green County or its designee.

Green County or its designee shall review the comments made at the public informational hearing. If Green County or its designee determines that revisions to the reclamation plan are warranted based on public comment and testimony, the owner and/or operator submitting the reclamation plan shall be given a reasonable amount of time designated Green County or its designee to revise the reclamation plan. (Ord. 04-0101, 01/13/04)

SIGNED: LAND USE AND ZONING COMMITTEE

Harvey Mandel, Chair Herb Hanson, Vice-Chair
Dan Karlen Jeff Thomm
Nancy Zweifel

Motion by Mandel, seconded by Karlen to adopt Ordinance 04-0101. Motion carried by a unanimous voice vote.

ORDINANCE 04-0102

Addition of Wind Generators Ordinance

WHEREAS, the Green County Land Use and Zoning Committee is charged with the study and development of zoning and land use programs for Green County; and

WHEREAS, at the request of the Zoning Administrator, the Green County Land Use and Zoning Committee has reviewed the Green County Land Use Ordinance; and

WHEREAS, the Green County Land Use and Zoning Committee has determined that the code is in need of updating.

NOW, THEREFORE, BE IT ORDAINED by the Green County Board of Supervisors, in legal session assembled, that the Green County Code is hereby amended to include Title 4, Chapter 11, as follows:

CHAPTER 11

WIND GENERATORS ORDINANCE

SECTION:

4-11-1:	Wind Energy System Overlay District
4-11-1-1:	Purpose
4-11-1-2:	Statement of Intent
4-11-1-3:	Applicability
4-11-1-4:	Principal or Accessory Use
4-11-2:	Administration
4-11-2-1:	Permits for Wind Energy Systems
4-11-2-2:	Conditional Use Permit Applications
4-11-2-3:	Expiration of Conditional Use Permit
4-11-2-4:	Preservation of Rights
4-11-3:	Development Standards
4-11-3-1:	Aesthetics and Lighting
4-11-3-2:	Requirements
4-11-3-3:	Setbacks and Separation
4-11-3-4:	Signal Interference
4-11-3-5:	Security Fencing
4-11-3-6:	Removal of Abandoned WES Facilities
4-11-1:	WIND ENERGY SYSTEM OVERLAY DISTRICT
4-11-1-1:	PURPOSE

The purpose of this Overlay District is to promote the health, safety, property value, aesthetics and general welfare of the County by establishing a program to ensure the effective regulation and restriction of wind energy system facilities in Green County.

4-11-1-2: STATEMENT OF INTENT

The purpose of this Overlay District is to establish minimum standards for the siting of wind energy system towers and related facilities. The intent of this Overlay District is to:

- A. Encourage the location of Wind Energy System (WES) facilities in nonresidential areas,
- B. Encourage owners of WES facilities to locate them in areas where the adverse impact on the community, surrounding properties, natural resources, migratory birds, raptors and other wildlife are minimal,
- C. Encourage owners of WES facilities to locate and configure them in a way that minimizes the adverse visual impact, and
- D. Protect owners of WES facilities from impermissible interference and blockage of wind.

4-11-1-3: APPLICABILITY

A. The jurisdiction of this Wind Energy System Overlay District shall include those areas that are subject to the County zoning regulations contained within this Code.

B. Personal Wind Energy Systems that have nameplate capacity less than ten kilowatts and are under 75 feet in total height are exempt from the conditional use provisions of this Overlay District. Personal Wind Energy Systems shall be limited to one for each property and shall be setback a distance equal to the total height from the nearest property line. All other wind energy systems shall require a land use permit and conditional use permit in accordance with Subsection 4-11-2.

C. WES facilities for which a required permit has been properly issued prior to the effective date of this amendment shall not be required to meet the requirements of this Overlay District. However, no structural alteration to an existing WES facility shall be allowed without full compliance with these requirements.

4-11-1-4: PRINCIPAL OR ACCESSORY USE

WES may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a WES on such lot. For purposes of determining whether the installation of a WES complies with setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the WES may be located on leased parcels within such lots. WES that are constructed and installed in accordance with the provisions of this Code shall not be deemed to constitute the expansion of a nonconforming use or structure.

4-11-2: ADMINISTRATION

4-11-2-1: PERMITS FOR WIND ENERGY SYSTEMS

No WES shall be constructed, located, installed, reconstructed, enlarged, or relocated, including the placement of additional buildings or other supporting equipment used in connection with said WES, without first obtaining a Land Use Permit and Conditional Use Permit. The Board of Adjustment may authorize the Zoning Administrator to issue a Land Use Permit for a WES after a Conditional Use Permit is issued pursuant to the procedures set forth in Subsection 4-8-7.F. of this Code and this subsection.

4-11-2-2: CONDITIONAL USE PERMIT APPLICATIONS

Applications for Conditional Use permits under this section shall be submitted to the Green County Zoning Department in accordance with Subsection 4-6-1-2.

Factors Considered in Granting Permits

The Board of Adjustment shall consider the following factors in determining whether the granting of the Conditional Use Permit will not unreasonably interfere with the orderly land use and development plans of the County and that the benefits to the applicant and the public will exceed any burdens. The Board of Adjustment may waive or reduce the burden on the applicant of one or more of these factors if the Board of Adjustment concludes that the purpose and intent of this Code are better served thereby.

- a) Proximity of the WES facility to residential structures and residential zoning district boundaries; or areas identified for future residential use within a local comprehensive plan or the Green County Plan.
- b) Nature of uses on adjacent and nearby properties.
- c) Surrounding topography.
- d) Surrounding tree coverage and foliage.
- e) Design of the WES with particular reference to design characteristics that may reduce or

