

Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2016-0463

Applicant /Owner:

David Buck
N3331 Oak Center Road
Oakfield, WI 53065

Filing Date: July 11, 2016

Hearing Date: August 15, 2016

Location

PIN# 030-1317-0243-001

Lot 2, CSM 5088 in V33, P 35 located in part of the SW ¼ of the SE ¼, Section 2, Town of Lomira, the site address being W626 County Road KK.

Applicants Request

An application for a County Conditional Use Permit was made by the applicant in order they be allowed to establish a Self-Service Storage facility within the A-2 General Agricultural Zoning District.

Project Details

The applicant is proposing to construct a self-service storage unit facility on this site. The business will be a family run business initially, with an eventual general manager position to be put into place once the business is fully operational. The facility will include up to 10 self-service storage buildings on this site ranging in size from 30' X 130' to 40' X 140'. The proposed building plan is to construct these building over a 3-year period as demand dictates. The floor plans for these structures will be simple in design and the individual storage units will range in size from 5' X 10' to 10' X 20' or larger if requested. The rental transactions and agreements will be conducted by phone and computer off site. Business hours will not be restricted to specific time frames per day. Outside lighting will consist of security lighting directly on the walls of the structures at approximate 40' intervals. A security camera system may also be installed based on a security study of the facility. An office space may constructed in the future in one of the buildings if needed and a sanitary system will be installed at that time to serve the office space. One identification sign is being planned for the facility at this time which will be constructed and located in accord with the Land Use Code provisions.

No hazardous waste materials will be allowed to be stored on this site.

The existing trees along the west side of the property will be used to screen the facility from the adjacent residence. There are also existing trees along the roadside to provide screening along the road. No additional plans have been submitted for planting of additional buffer areas.

No stormwater management plans were submitted with the application at this time.

Landscaping will include removal of top soil to be replaced with a clay base, with an additional 6" of ¾" washed gravel as a base for driveways and flatwork with the surface water pitched to prevent pooling or erosion.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Lomira has adopted the County's Land Use Code. The site is located within the A-2 General Agricultural zoning district.

Review Criteria

1. Subsections 2.3.6.A through 2.3.6.H of the Land Use Code details procedural matters, the approval criteria and the form for the conditional use permit application. The Committee shall authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for conditional uses after review and a public hearing, provided that such conditional uses or structure are found to be in accordance with the purpose and intent of this Code and the approval criteria provided in Section 2.3.6.F and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

Land Use Code Provisions:

1. Section 3.6 and Table 3.6-1 of the Land Use Code identifies "Self-Service Storage" uses as a conditional use in the A-2 General Agricultural Zoning District.
2. Section 6.2.4 requires that any commercial development conditionally allowed in the A-2 District shall be subject to the following standards:
 - The development shall be appropriately screened from any adjoining road or property.
 - Traffic generated, lights, noise, or hours of operation shall not have a significant adverse impact on opposite or abutting property owners.

Purpose Statement

The purpose of the A-2 General Agricultural Zoning District is to promote areas for agriculture which are transitional, allowing for expansion of urban areas limited to rural residential development, and the conversion of agricultural land to other related uses, subject to appropriate standards.

Physical Features of Site

The features of the proposed construction and property that relate to the granting or denial of the conditional use permit request are as follows:

The site is located within the A-2 General Agricultural Zoning District.

The topography of the site is nearly level with slopes ranging from 0 to 3%;

Land Use, Site: Residential and agricultural.

Land Use, Area: Residential to the west and southwest and agricultural to the north, east and west.

Designated Archaeological Site: Yes No

No specific design or project information was submitted with regard to the landscaping, buffer yard, screening or sign standards of the code at this time. The project will be required to comply with all of the applicable development standards for this commercial project.

No stormwater management or erosion control plans were submitted at this time for this project. The applicant will be required to comply with the stormwater management and erosion control requirements of the code for this project. The stormwater management and erosion control plans will be required to be submitted for review and approval prior to beginning any construction on this site.

Town Recommendation: Approve Deny

- No recommendation submitted as of August 5, 2016

STAFF ADVISORY:

This staff advisory is only advice to the Planning, Development and Parks Committee. The Committee may or may not consider the advice of the staff and decision making authority is vested in the Committee only.

The staff has reviewed the proposal for compliance with the criteria listed in Sections 2.3.6.F of the code. The staff comments are listed in Exhibit A for review by the committee.

It is the staff's position that if the facility is designed and constructed in compliance with all of the applicable development standards, screening and buffer yard requirements and with the stormwater management and erosion control provisions of the code, the proposal will be compatible with the adjacent uses. It is also the staff's position that sufficient screening should be provided along the west and southwest sides of the facility in order to provide a buffer between the proposed facility and the existing residences located in this area.

If approved with the following conditions, the staff believes that the project will not have an adverse effect on the adjacent land owners, the community or the environment and the proposal will be consistent with the purpose and intent of the Code:

CONDITIONS:

1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health and safety or general welfare of the immediate neighborhood or community.
2. It shall be the responsibility of the applicant to obtain all Federal, State and/or local municipality permits and approvals that may be required for the construction and operation of the proposed self-storage facility on this site.
3. A land use permit shall be obtained by the developer for the proposed self-storage buildings prior to beginning any construction of the buildings on this site.
4. A landscaping buffering plan designed in accord with Section 8.6.4 and 8.6.7 of the Code shall be submitted to the Department for review and approval prior to the issuance of the conditional use permit and prior to beginning construction on this site.
5. All exterior lighting shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties. A lighting plan shall be submitted to the Department for review and approval prior to the issuance of the land use permit for the proposed buildings.
6. A stormwater management and erosion control plan designed in accord with Section 7.9 of the Code shall be submitted to the Department for review and approval prior to beginning construction on this site and prior to the issuance of the conditional use permit.
7. Any significant change to or expansion of the business operation and/or of its facilities may require that a new Conditional Use Permit be obtained.
8. The decision of the Committee is valid for one year.

EXHIBIT A

Staff Review Comments

The staff has reviewed the proposal for compliance with the criteria listed in Section 2.3.6.F of the code. The staff comments are as follows:

2.3.6.F.2 Is the project compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

- No stormwater management or erosion control plans were submitted with the conditional use permit application. This information will be submitted with the land use permit application if the conditional use permit is approved.
- It is the staff's position that if the project is constructed in compliance with all of the development standards, screening and buffer yard requirements and with the stormwater management and erosion control provisions of the code, the proposal will be compatible with the adjacent uses;

2.3.6.F.3 Will the proposed use be significantly detrimental to the public health, safety, and welfare?

- It is the staff's position that if the project is constructed in compliance with the development standards of the code and sufficient screening or buffer yards are provided along the west and southwest sides of the facility, the proposal will not have a significant detrimental impact on the adjacent properties or the community;

2.3.6.F.4 Will the project cause substantial diminution in value of other property in the neighborhood in which it is to be located;

- It is the staff's position that if the project is designed and constructed in compliance with the development standards of the code and sufficient screening or buffer yards are provided along the west and southwest sides of the facility, it is the staff's position that the project will not have an adverse impact on the value of other property in the area;

2.3.6.F.5 Are public safety, transportation and utility facilities and services available to serve the subject property while maintaining sufficient levels of service for existing development?

- It is the staff's position that there are adequate public facilities to serve the property;

2.3.6.F.6 Are there adequate assurances of continuing maintenance for the project?

- It is the staff's position that there will be adequate assurances of continuing maintenance for the project.

2.3.6.F.7 Will any significant adverse impacts on the natural environment be mitigated to the maximum practical extent?

- It is the staff's position that if the project is constructed in compliance with all of the development standards, screening and buffer yard requirements and with the stormwater management and erosion control provisions of the code, any significant adverse impacts on the natural environment be mitigated to the maximum practical extent.

2.3.6.F.8 The proposed use will not be located in any hazard areas, including floodplains, floodways, etc., unless any potential danger is mitigated to the maximum extent possible, and to the satisfaction of the Wisconsin Department of Natural Resources;

- It is the staff's position that the proposed project is not located within any hazard areas.

2.3.6.F.1 Does the proposed project comply with all applicable provisions of this Code;

- It is the staff's position that if the project is constructed in compliance with all of the development standards, screening and buffer yard requirements and with the stormwater management and erosion control provisions of the code, the proposed facility will comply with the applicable provisions of the code.

Dodge County Planning, Development and Parks Committee Decision

County Conditional Use Permit Application # 2016-0463

Applicant /Owner:

David Buck
N3331 Oak Center Road
Oakfield, WI 53065

Filing Date: July 11, 2016

Hearing Date: August 15, 2016

Location

PIN# 030-1317-0243-001

Lot 2, CSM 5088 in V33, P 35 located in part of the SW ¼ of the SE ¼, Section 2, Town of Lomira, the site address being W626 County Road KK.

Applicants Request

An application for a County Conditional Use Permit was made by the applicant in order they be allowed to establish a Self-Service Storage facility within the A-2 General Agricultural Zoning District.

CONCLUSIONS OF LAW

Based on the facts presented in the application and at the public hearing the Committee concludes that:

2.3.6.F General Approval Criteria for Conditional Use Permits

Conditional Use Permits shall be approved by the Committee if they find that all of the following criteria have been met:

2.3.6.F.2 Is the project compatible with adjacent uses in terms of scale, site design, operating characteristics? (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

(Yes / No)

If not, what measures can be taken to mitigate any potential conflicts?

2.3.6.F.3 Will the proposed use be significantly detrimental to the public health, safety, and welfare?

(Yes / No)

If yes, what measures can be taken to mitigate the potential detrimental impacts?

2.3.6.F.4 Will the project cause substantial decrease in value of other property in the neighborhood in which it is to be located;

(Yes / No)

If yes, what measures can be taken to mitigate the decrease in the value of the properties?

2.3.6.F.5 Are public safety, transportation and utility facilities and services available to serve the subject property while maintaining sufficient levels of service for existing development?

(Yes / No / Not Applicable)

If not, what can be done to ensure facilities and services will be available?

2.3.6.F.6 Are there adequate assurances of continuing maintenance for the project?

(Yes / No/ Not Applicable)

If no, what measures can be taken to ensure continued maintenance?

2.3.6.F.7 Will there be any significant adverse impacts on the natural environment that require mitigation?

(Yes / No)

If yes, what measures can be taken to mitigate the potential adverse impacts on the environment?

2.3.6.F.8 Is the project located in any hazard areas? (floodplains, floodways, steep slopes, etc)

(Yes / No)

If yes, are there any measures that need to be taken to mitigate any potential dangers?

2.3.6.F.1 Does the proposed project comply with all applicable provisions of this Code for the A-2 General Agricultural Zoning District?

(Yes / No)

If not, what changes must be made to bring the project into compliance with the code?

Are any conditions for approval needed in this case to mitigate any potential adverse impacts on the adjacent properties, the environment or the community?

(Yes/No)

1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health and safety or general welfare of the immediate neighborhood or community.
2. It shall be the responsibility of the applicant to obtain all Federal, State and/or local municipality permits and approvals that may be required for the construction and operation of the proposed self-storage facility on this site.
3. A land use permit shall be obtained by the developer for the proposed self-storage buildings prior to beginning any construction of the buildings on this site.
4. A landscaping buffering plan designed in accord with Section 8.6.4 and 8.6.7 of the Code shall be submitted to the Department for review and approval prior to the issuance of the conditional use permit and prior to beginning construction on this site.
5. All exterior lighting shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties. A lighting plan shall be submitted to the Department for review and approval prior to the issuance of the land use permit for the proposed buildings.
6. A stormwater management and erosion control plan designed in accord with Section 7.9 of the Code shall be submitted to the Department for review and approval prior to beginning construction on this site and prior to the issuance of the conditional use permit.
7. Any significant change to or expansion of the business operation and/or of its facilities may require that a new Conditional Use Permit be obtained.
8. The decision of the Committee is valid for one year.

Others

Does the committee believe that the Conditional Use Permit Request meets the approval criteria in Section 2.3.6.F of the County Land Use Code? (Yes / No)

Motion by _____ to approve the conditional use permit request based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Allen Behl	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Janice Bobholz	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Muche	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Joseph Marsik	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Tom Schaefer - Chairman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the committee

- Granted preliminary approval of the conditional use permit subject to the conditions listed above and the Land Use Administrator is directed to issue a conditional use permit incorporating the decision of this Committee.
- Granted the conditional use permit request as proposed and the Land Use Administrator is directed to issue a conditional use permit incorporating the decision of this Committee.
- Denied the conditional use permit request as proposed. The committee finds that the proposal does not meet the following approval criteria of the code:

Expiration of Approval Any order issued by the Committee requiring a Zoning official to issue a conditional use permit shall become void after one year unless the applicant or appellant shall have met the conditions of approval for such permit and a conditional use permit has been issued by the Zoning official within such time, provided, that the time may be extended when so specified by the Committee.

Revocation. This order may be revoked by the Committee in accord with Section 11.4.4 of the Dodge County Land Use Code after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by any person or their agent aggrieved by this decision or by any officer, department, board or bureau of the County, or by any affected town board. Such appeals shall be filed with the Dodge County Land Resources and Parks Department or the review and decision making body from whom the appeal is taken within 30 days after the date of written notice of the decision or order of the review and decision making body. The County assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____ Filed: _____



DODGE COUNTY
LAND RESOURCES & PARKS DEPARTMENT
 127 E. OAK STREET • JUNEAU, WI 53039
 PHONE: (920) 386-3700 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us

CONDITIONAL USE PERMIT APPLICATION

THIS AREA FOR OFFICE USE ONLY	
Activity No. 160463	Permit Issued Date
Application Date: 7-11-16	Receipt #: CC
	Sanitary Permit #:

Application Fee: \$350 (After the Fact Application Fee - \$700)

Please complete page 1 and 2 of this application form and submit the application form with all of the required information listed in the "Application Checklist" for your project. PRINT OR TYPE. Use blue or black ink, do not use pencil. The Dodge County Land Resources and Parks Department will not consider your application unless you complete and submit this application form, the applicable information listed in the "application checklist" for your proposed project and the application fee. Personally identifiable information on this form will not be used for any other purpose, but it must be made available to requesters under Wisconsin's open records law [s.19.31-19.39, Wis. Stats.].

(1) NAMES & MAILING ADDRESSES		(2) PROPERTY DESCRIPTION			
Applicant (Agent) DAVID BUCK		Parcel Identification Number (PIN) 030-1317-0243-001 AND PART OF 030-1317-0293-000			
Street Address N3331 OAK CENTER RD		Town LOMIRA	T	N	R
City • State • ZipCode OAKFIELD, WI 53065		1/4	1/4	Section 2	Acreage 3.591
Property Owner (if different from applicant)		Subdivision or CSM (Volume/Page/Lot)			
Street Address		Address Of Property (DO NOT include City/State/ZipCode) W626 COUNTY HIGHWAY KK			
City • State • ZipCode		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
(3) PROPERTY USE		(4) PROPOSED PROJECT			
Current Use Of Property <input type="checkbox"/> Vacant Property <input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other <u>RESURFACE UNINHABITABLE</u>		(Please check/complete all that apply below) <input type="checkbox"/> Non-Farm Residential Lot <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Two-Family Residence <input type="checkbox"/> Multi-Family Residence <input type="checkbox"/> Tavern or Restaurant <input type="checkbox"/> Professional Office <input type="checkbox"/> Non-Metallic Mine/Quarry <input type="checkbox"/> Wind Tower <input checked="" type="checkbox"/> Create/Expand Business <input type="checkbox"/> Wildlife Pond > 2-acres <input type="checkbox"/> Wireless Communications Tower <input type="checkbox"/> Contractor's Offices and Storage Yards <input type="checkbox"/> Filling, Grading or Dredging in the Shoreland District Other: <u>STORAGE UNIT COMPLEX</u>			
DNR Notice					
DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.					
(5) CERTIFICATE					
I, the undersigned, hereby apply for a Conditional Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that I have read the DNR Notice shown above. I affirm that all work performed will be done in accordance with the Dodge County Land Use Code and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for purposes of obtaining information pertinent to my application request and to conduct land use code inspections.					
Signature <u>[Signature]</u>		Date <u>7/11/2016</u>			
Daytime Contact Number <u>(920) 251-0310</u>					
AREA BELOW THIS LINE FOR OFFICE USE ONLY					
PLANNING, DEVELOPMENT & PARKS COMMITTEE ACTION Date of Decision _____ Decision _____					
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	CONDITIONS	Land Resources and Parks Department _____ Date: _____			

CONDITIONAL LAND USE PERMIT DESCRIPTION AND DETAIL

TO; Dodge County Land resources and Parks Dept.

July 17th, 2016

SUBMITTED BY; David P. Buck
N3331 Oak Center Rd
Oakfield, WI 53065
(920) 251-0310

RE; Construction of Storage unit Complex
Town of Lomira, Dodge County Wi.

The subject property, Parcel # 0243-001, consists of 3.591 acres of land, relatively square in shape, located in the Town of Lomira, Dodge County WI.

The mailing address is W626 CTY HWY KK Lomira, Wi 53048.(See attachments for legal description of subject property).

No streams, lakes, or wetlands exist on, or near the subject property. The elevation is high in contrast to the surrounding lay of the land. (Please refer to topographic map)

A well exists on the property, and it's location is identified on the dimensional drawing and description of the property. 2 buildings also exist on the property, and will be demolished and removed. The buildings consist of a home, and an old garage, both of which are in utter disrepair. (Refer to GIS map for location on property).

The proposed building plan will encompass a (3) year span in time to complete, with an intended time frame of 40' of linear structure per month, which is is not literal, but (general) in the aspect of time frame.

The floor plans for these structures are relatively simple in design because of the structures intended purpose. The finished product will include (10) structures in totality, (refer to dimensional drawing for placement and individual size)

Because this is a storage unit complex, rental transactions and agreements will be conducted primarily by phone and computer, I.E., payment, contract, leasing, etc.. Actual business hours will not consist of specific time frames per day. The business will be a family run business initially, with an eventual general manager position to be put in place once the business is fully operational.

Outside lighting will consist of security lighting directly on the structures, on approximate 40' intervals, coupled with a security camera system to be determined by a security specialist.

In the event that on office space is created on the property in the future, a plan will be submitted at that time, which would, in all likely hood, include a holding tank type of sanitation system, but is not included in the proposal before you as of this time

Marketing signs or their location are not yet established, although one sign identifying the storage facility would be placed at the property entrance. (refer to scale drawing)

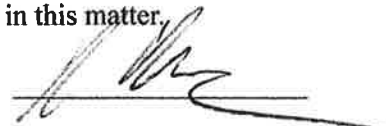
No hazardous waste materials will be allowed on the property.

A buffering plan is in place with a line of pine trees being planted along the west side of the property on 10' centers. The easement line of the property roadside already has established trees in place, consisting of box elder, silver maple lilac and ash.

And lastly, landscaping will include removal of top soil to be replaced with clay base, with an additional 6" of 3/4" washed gravel as base for drives and flatwork with pitching to run central to driveways, and disbursing water runoff symetrically throughout the complex, so as not to create pooling or erosion.

Thank you for your consideration in this matter.

Sincerely, David P. Buck



PLAT OF SURVEY -
BEING A PART OF THE SW 1/4 OF THE SE 1/4
SECTION 2, T. 13 N. - R. 17 E.
DODGE COUNTY, WISCONSIN

SURVEYORS CERTIFICATE

I, Eric S. Freiberg, Professional Land Surveyor of the State of Wisconsin, hereby certify that by the direction of David Buck, I have surveyed and mapped the parcel of land as described below and that the survey complies with Chapter A-E7 & Chapter A-E8 of Wisconsin Laws relating to the practice of land surveying.

That I have marked the corners or boundaries of said parcels on the ground by locating and setting corner markers as shown on the map being a parcel of land being located in the Southwest 1/4 and of the Southeast 1/4 of Section 2, in T. 13 N. - R. 17 E., Town of Lomira, Dodge County, Wisconsin, being more particularly described as follows:

Commencing at the Southeast 1/4 of said Section 2; thence North 89°-22'-25" West along the South line of the Southeast 1/4 of said Section 2, 1320.65 feet to the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 2 and being the Point of Beginning; thence continuing North 89°-22'-25" West along said South line 59.58 feet to the Southeast corner of Certified Survey Map No. 5088 as recorded in Volume 33 Pages 35-36 of the Dodge County Register of Deeds Office; thence North 00°-32'-25" West along the East line of said Certified Survey Map No. 5088, 439.28 feet to the Northeast corner of said Certified Survey Map No. 5088; thence South 89°-22'-25" East along the Easterly extension of the North line of said Certified Survey Map No. 5088, 57.59 feet to said East line of the Southwest 1/4 of the Southeast 1/4; thence South 00°-48'-01" West along said East line, 439.32 feet to the Point of Beginning and containing 0.591 Acres (25,729 Square Feet) of land more or less and being subject any assessments or restrictions of record.



Eric S. Freiberg
Eric S. Freiberg
PLS No. 2488

ET SURVEYING, INC.

632 Leighton Blvd.
Fond du Lac, WI 54925
Phone: (608) 923-4087

PROJECT: PLAT OF SURVEY
V626 CTH 700

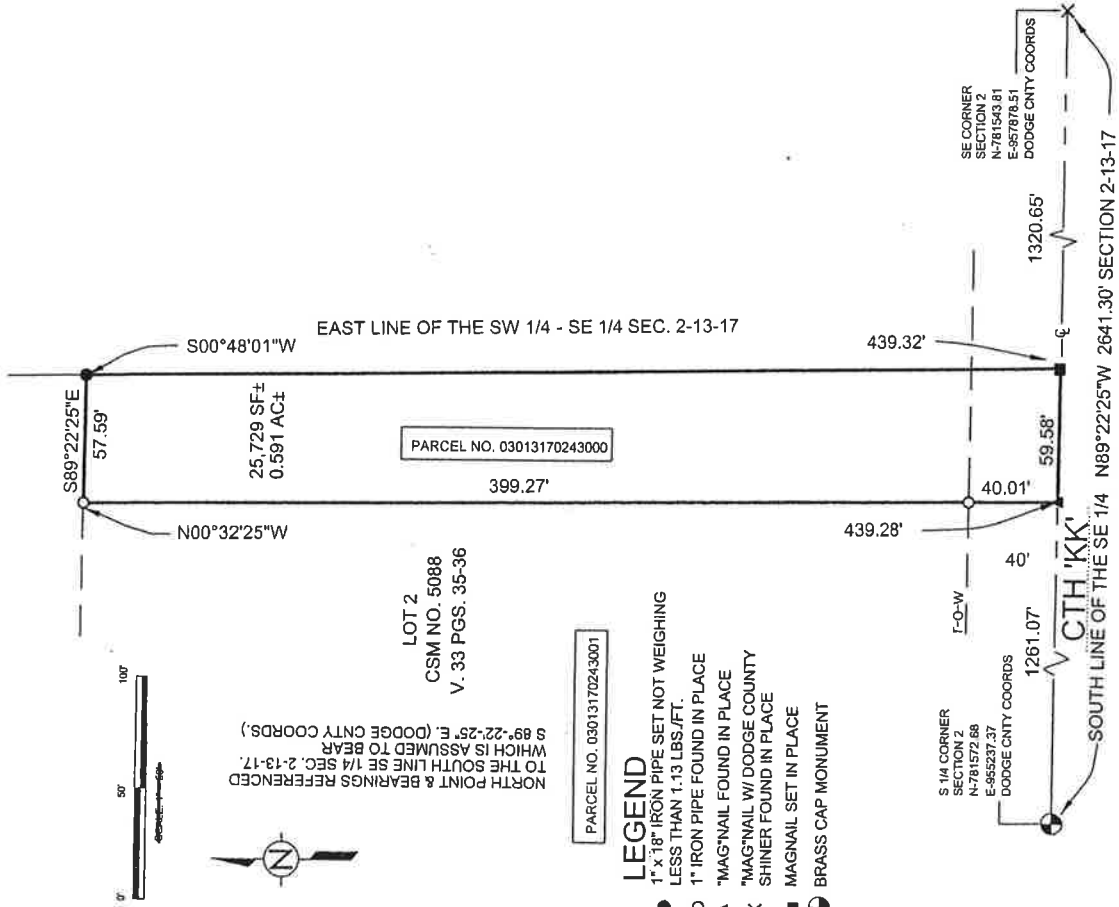
OWNER: BUCK/VEERGEDA FARMS

FIELD WORK: 06-22-16 DRAWN BY: EF

DRAWN DATE: 06-22-16

SJTB NO.

FILE: p14d16ctbuck



Dodge County, WI

Legend

- Parcels
- Parcel Labels
- Cities and Villages
- Towns
- Sections
- State Roads
- County Roads
- Federal Roads
- Interstates
- Centerline
- Lakes and Rivers
- Horton Marsh
- Surrounding Counties
- 2012 Ortho Photo
- Parcel_1
- Parcel_2
- Parcel_3



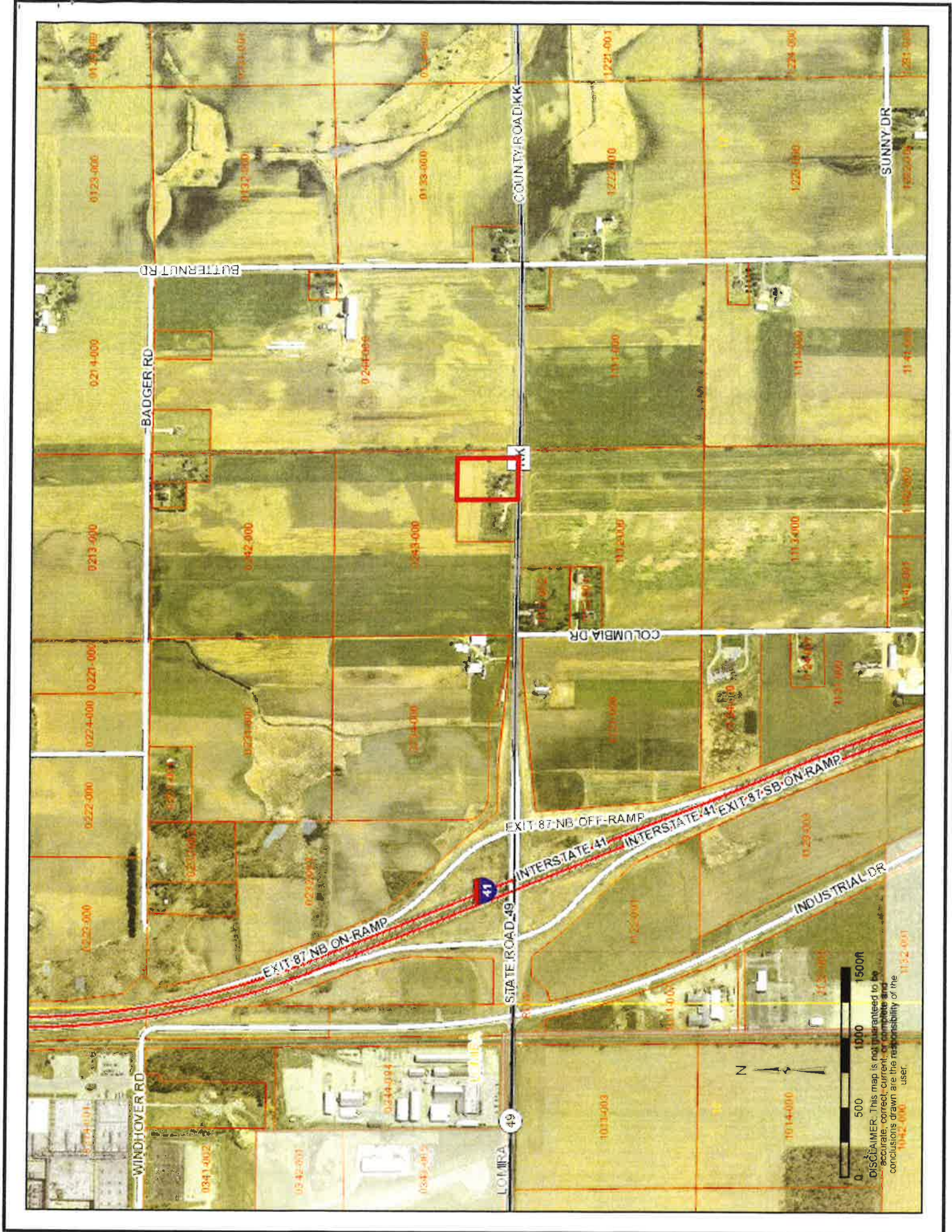
DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Parcel	
Map File	2012_Ortho_Photo
Map Date	08/27/18 8:14 AM
Map Scale	



SUBJECT PROPERTY 3.0 ACRES

ADDITIONAL LAND PURCHASE...
711116
3.91 ACRES



0 500 1000 1500ft
DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

**David & Kristi Buck
Town of Lomria, Sec. 2**

The data used to create this map is a compilation of records, information, and data from various city, county and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.

0242-000

0243-000

02

0244-000

D. & K. BUCK

0243-002

0243-001

COUNTY ROAD KK

KK

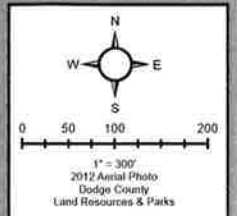
1112-002

11

1112-000

1111-000

1112-001



Land Resources and Parks Department Staff Report

County Rezoning Petition # 2016-0485

Filing Date: July 18, 2016

Hearing Date: August 15, 2016

Applicant (Agent):

James Otterson
179 Stark Street
Randolph, WI 53956

Owner:

Mark Ladwig
W11514 County Road FW
Randolph, WI 53956

Location

PIN# 008-1113-0521-001

Part of the NE ¼, NW ¼, Section 5, Town of Calamus

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 3.535-acres of land from the A-1 Prime Agricultural zoning district to the A-2 General Agricultural zoning district under the Dodge County Land Use Code in order to allow for the creation of a non-farm residential lot at this location. The remaining approximate 34-acres of land will remain in agricultural use.

Land Use Code Provisions

1. Subsections 2.3.4.A through 2.3.4.J of the Land Use Code details procedural matters, the approval criteria and the form for the petition. The Committee must hold a public hearing and report to the County Board. The role of the Town boards in the process is also outlined in this section.
2. Subsection 2.3.4.B states that a petition for rezoning may be made by any property owner in the area to be affected by the rezoning.

Purpose Statements

The purpose of the A-1 Prime Agricultural Zoning District is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland, allow participation in the state's farmland preservation program, and accommodate changing practices in the agricultural industry, subject to appropriate standards.

The purpose of the A-2 General Agricultural Zoning District is to promote areas for agriculture which are transitional, allowing for expansion of urban areas limited to rural residential development, and the conversion of agricultural land to other related uses, subject to appropriate standards.

Physical Features of Site

The features of the proposed construction and property that relate to the rezoning request are as follows:

The County has Zoning Jurisdiction over this site as the Town of Calamus has adopted the County's Land Use Code. The site is located within the A-1 Prime Agricultural Zoning District.

The County has Shoreland jurisdiction over portions of the proposed lot.

A portion of the 3.535-acre lot is designated as a wetland.

The property is not designated as floodplain.

The topography of the site is rolling with slopes ranging from 0 to 18%;

Land Use, Site: Agricultural and residential.

Land Use, Area: Agricultural with scattered residences along County Road FW.

Designated Archaeological Site: Yes No

Density Standards

The base farm tract for this property contains 39.286-acres within the A-1 Prime Agriculture Zoning District. The Code would allow a maximum of 1.87-acres for non-farm residential use under the conditional use permit process. Therefore, in this case, rezoning is required to allow for the creation of a 3.535-acre nonfarm residential lot at this location.

The proposal is consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan:

- The site is designated as agricultural according to the County's Future Land Use Map which can include a limited amount of residential development, but where the predominant land use would be agricultural in nature.

Town Recommendation

A recommendation has not been forwarded to the Department regarding this petition as of August 5, 2016.

STAFF ADVISORY:

This staff advisory is only advice to the Planning, Development and Parks Committee. The Committee may or may not consider the advice of the staff and decision making authority is vested in the Committee only.

The staff has reviewed the petition for compliance with the approval criteria listed in Section 2.3.4.I of the Code with Chapter 91.48 of the Wisconsin State Statutes. The staff comments are listed in Exhibit A for the Committee review.

The staff believes that the committee can make the findings necessary under Section 2.3.4.I of the code and Chapter 91.48 of the Wisconsin State Statutes in order to submit a favorable recommendation to the County Board for this proposal.

Exhibit A

2.3.4.I Approval Criteria

In acting on a rezoning petition, the County Board of Supervisors shall consider the stated purpose of the proposed zoning district and shall approve the rezoning petition only if it finds that:

2.3.4.I.1 Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

- It is the staff's position that there are adequate public facilities and services to serve the proposed lots;

2.3.4.I.2 Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them;

- It is the staff's position that the proposed development project will not place an unreasonable burden on the ability of the Town to provide adequate public facilities or services;

2.3.4.I.3 The proposed development will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife, and vegetation;

- It is the staff's position that if the proposed lot is developed in accord with the Land Use Code provisions, the development project will not have an unreasonable adverse effect on surrounding properties or the environment;

2.3.4.I.4 The land proposed for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;

- It is the staff's position that the area to be rezoned is suitable for development and if the land is developed in accord with the land use code provisions, the project will not cause unreasonable soil erosion. No land is being taken out of agricultural production as a result of this project;

2.3.4.I.5 The proposed rezoning is consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan and the stated purposes of this Code;

- It is the staff's position that the proposal is consistent with the Dodge County Comprehensive Plan as the site is designated as agricultural according to the County's Future Land Use Map which can include a limited amount of residential development, but where the predominant land use would be agricultural in nature.
- It is the staff position that the proposal is consistent with the Farmland Preservation Plan.

2.3.4.I.6 The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure;

- It is the staff's position that the proposed rezoning is consistent with the County's Future Land Use Map as this site is designated as agriculture. Therefore it is the staff's position that the proposed rezoning will not result in spot rezoning.

2.3.4.I.7 The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.

- It is the staff's position that the proposed rezoning is the minimum action necessary to accomplish the intent of the petition;

2.3.4.I.8 For all proposed rezoning petitions that will remove land from the A-1 Prime Agricultural Zoning District, the following additional findings shall be made:

2.3.4.I.8.a The land is better suited for a use not allowed in the A-1 Prime Agricultural Zoning District;

- It is the staff's position that the land is better suited for a use that is not allowed within the A-1 District.

2.3.4.I.8.b The rezoning is substantially consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan;

- The property is designated as agricultural according to the County's Future Land Use Map and therefore it is the staff's position that the proposed rezoning is substantially consistent with the Dodge County Comprehensive Plan and the Farmland Preservation plan;

2.3.4.I.8.c The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;

- It is the staff's position that the proposed rezoning will not substantially impair or limit the current or future agricultural use of the adjacent parcels;

2.3.4.J Approval by Affected Town Boards

Approval of rezoning petitions by affected town boards shall occur pursuant to the procedures set forth in Section 2.2.15.

- A recommendation has not been forwarded to the Department regarding this petition as of August 5, 2016.

Dodge County Planning, Development and Parks Committee Decision

County Rezoning Petition # 2016-0485

Filing Date: July 18, 2016

Hearing Date: August 15, 2016

Applicant (Agent):

James Otterson
179 Stark Street
Randolph, WI 53956

Owner:

Mark Ladwig
W11514 County Road FW
Randolph, WI 53956

Location

PIN# 008-1113-0521-001
Part of the NE ¼, NW ¼, Section 5, Town of Calamus

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 3.535-acres of land from the A-1 Prime Agricultural zoning district to the A-2 General Agricultural zoning district under the Dodge County Land Use Code in order to allow for the creation of a non-farm residential lot at this location. The remaining approximate 35.7+acres of land will remain in agricultural use.

CONCLUSIONS OF LAW

Based upon the facts presented in the application and at the public hearing the committee concludes that:

2.3.4.1 Approval Criteria

2.3.4.1.1 Are there adequate public facilities and services available to serve the subject property while maintaining adequate levels of service to existing development? (sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable)

(Yes / No);
Comments

2.3.4.1.2 Will the provision of public facilities to this project place an unreasonable burden on the ability of affected local units of government to provide them?

(Yes / No);
Comments

2.3.4.1.3 Will the proposed development result in significant adverse impacts upon surrounding properties or the natural environment? (air, water, noise, stormwater management, soils, wildlife, and vegetation)

(Yes / No);

Comments

2.3.4.1.4 Will the development of this land cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas?

(Yes / No);

Comments

2.3.4.1.5 Is the proposal consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan and the stated purposes of this Code?

(Yes / No);

Comments

2.3.4.1.6 Will the proposed rezoning be used to legitimize, or "spot zone," a nonconforming use or structure?

(Yes / No);

Comments

2.3.4.1.7 Is the proposed rezoning the minimum action necessary to accomplish the intent of the petition?

(Yes / No)

Comments

2.3.4.1.8 For all proposed rezoning petitions that will remove land from the A-1 Prime Agricultural Zoning District, the following additional findings shall be made:

2.3.4.1.8.a Does the Committee believe that the land to be rezoned is better suited for residential use or for agricultural use?

(Residential / Agricultural)

If the land to be rezoned is better suited for agricultural use, are there other areas on this property that would be better suited for the proposed residential use?

Comments

2.3.4.1.8.b Is the rezoning petition substantially consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan;

(Yes / No)

Comments

2.3.4.1.8.c Will the rezoning substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;

(Yes / No)

Comments

2.3.4.J Approval by Affected Town Boards

Has the Town submitted a recommendation regarding this request?

(Yes / No)

Comments

Does the application contain sufficient information necessary to make a decision on the rezoning petition?

Yes;

No - the following additional information is needed before a decision can be made:

Committee Action

Based upon the facts presented in the application and at the public hearing, does the committee believe that the criteria in Section 2.3.4.I can be met for this proposal?

(Yes / No)

Motion by _____ to submit a (favorable / unfavorable) recommendation to the County Board of Supervisors on the rezoning petition as proposed.

Motion second _____

Vote

Allen Behl	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Janice Bobholz	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Muche	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Joseph Marsik	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Tom Schaefer - Chairman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION – REZONING PETITION

On the basis of the above findings of fact, conclusions of law and the record in this rezoning matter, the committee:

- shall provide a favorable recommendation to the County Board on the rezoning petition as proposed. An ordinance shall also be drafted effectuating the recommendation of the committee and said ordinance shall be submitted to the Board for approval;
- shall provide a favorable recommendation to the County Board on the proposed rezoning petition as modified by the committee. An ordinance shall also be drafted effectuating the recommendation of the committee and said ordinance shall be submitted to the Board for approval;
- shall provide an unfavorable recommendation to the County Board on the rezoning petition as proposed;
- shall provide a "No Recommendation" to the County Board on the proposed rezoning petition as proposed;

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



DODGE COUNTY
 LAND RESOURCES & PARKS DEPARTMENT
 127 E. OAK STREET • JUNEAU, WI 53039
 PHONE: (920) 386-3700 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us

τ THIS AREA FOR OFFICE USE ONLY τ	
Activity No. 160485	Application Date: 7-18-16
	Receipt #: 898816

REZONING PETITION

Petition Fee: \$350 (Payable to Dodge County)

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION			
Petitioner (Agent) James Otterson		Parcel Identification Number (PIN) 008-1113-0521-001			
Street Address 179 Stark St		Town Calamus	T 11	N 13	R E
City • State • ZipCode Randolph WI 53956		Section 5	1/4 NE	1/4 NW	Acreeage 3.535
Property Owner (if different from petitioner) Mark Lading		Subdivision or CSM (Volume/Page/Lot)			
Street Address W11514 CTH FW		Address Of Property (DO NOT include City/State/ZipCode) Hwy FW			
City • State • ZipCode Randolph, WI 53956		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

CONTACT PERSON

Name and daytime phone number (include area code) of a person we can contact if we have any questions about your petition.

Name Jim OTTERSON Daytime Phone (920) 382 - 0882

PROPOSED REZONING

Current Zoning District <u>A-1 Prime Agriculture</u>	Proposed Zoning District <u>A-2 General Agriculture</u>
---	--

Reason For Rezoning

To allow the creation of a non-farm residential lot

Please complete the site map on the reverse side of this sheet.

CERTIFICATE

I, the undersigned, hereby petition to rezone the aforementioned property and certify that all the information both above and attached is true and correct to the best of my knowledge.

Signature James Otterson Date July 18 16
 Daytime Contact Number (920) 382 - 0882

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆

As prepared by:
GROTHMAN & ASSOCIATES S.C.
 LAND SURVEYORS
 625 EAST SLIFER STREET, P.O. BOX 373 PORTAGE, WI. 53801
 PHONE: PORTAGE: (808) 742-7768 SAUC: (808) 644-8677
 FAX: (808) 742-0434 E-MAIL: surveying@grothman.com
 (RED LOGO REPRESENTS THE ORIGINAL MAP)

SEAL:
 WISCONSIN
 SCOTT P. HEWITT
 S-2229
 PORTAGE
 LAND SURVEYOR
 5/20/16
 6-7-16

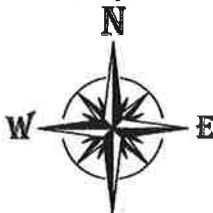
G & A FILE NO. 516-257
 DRAFTED BY: B. ANDERSON
 CHECKED BY: SPH
 PROJ. 1015-616
 DWG. 516-257 SHEET 1 OF 2

DODGE COUNTY CERTIFIED SURVEY MAP NO. _____
GENERAL LOCATION

Volume _____ Page _____

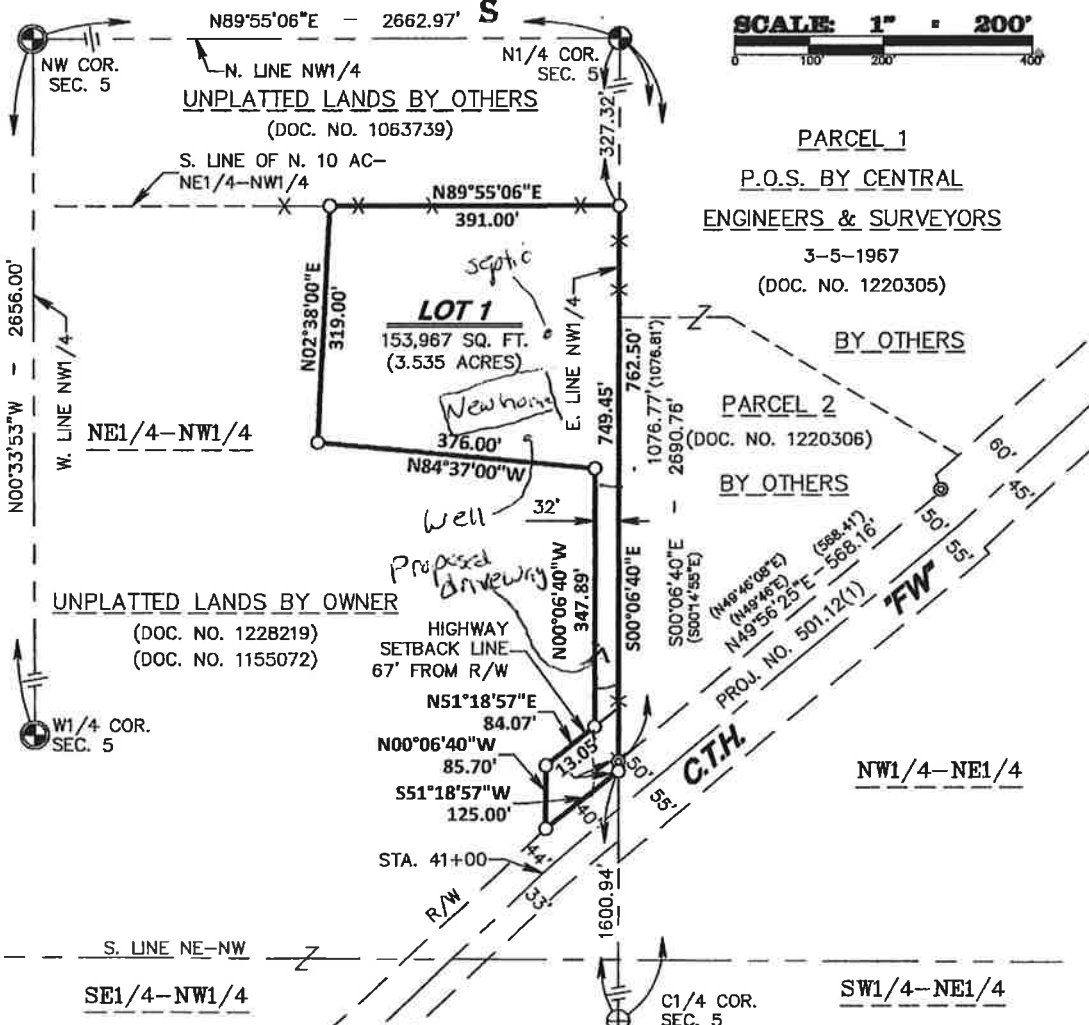
BEING A PART OF THE NE1/4 OF THE NW1/4, SECTION 5, T. 11 N, R. 13 E, TOWN OF CALAMUS, DODGE COUNTY, WISCONSIN

BASIS OF BEARINGS: IS THE NORTH LINE OF THE NW1/4 WHICH BEARS N89°55'06"E, AS REFERENCED TO GRID NORTH, DODGE COUNTY COORDINATE SYSTEM, NAD83(91).



- LEGEND**
- 3/4" X 24" IRON ROD SET (WT. = 1.5 LBS. / L.F.)
 - ⊙ 1" IRON PIPE FND.
 - ⊕ A1B BERNTSEN MON. FND.
 - ⊕ W1B BERNTSEN MON. FND.
 - ⊕ GEAR HEAD ON AXLE SHAFT FND.
 - () PREVIOUS SURVEY OR RECORD INFO.

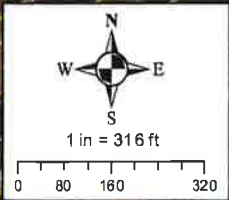
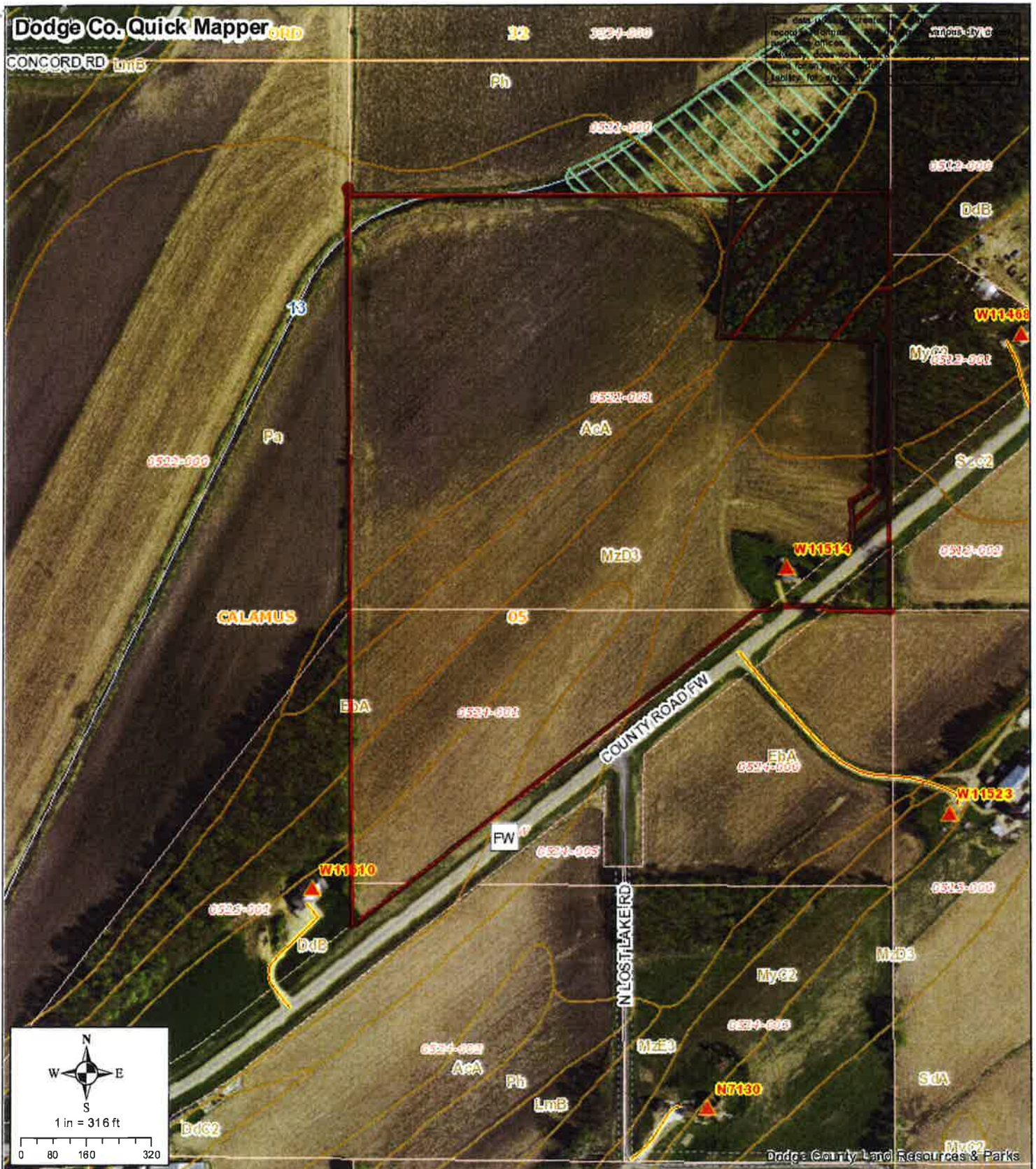
SCALE: 1" = 200'
 0 100 200 400



OWNER: MARK LADWIG
 W11514 C.T.H. "FW"
 RANDOLPH, WI 53956

CLIENT: CHAD DINKEL
 133 RANDOLPH ST.
 RANDOLPH, WI 53956

CONCORD RD LmB



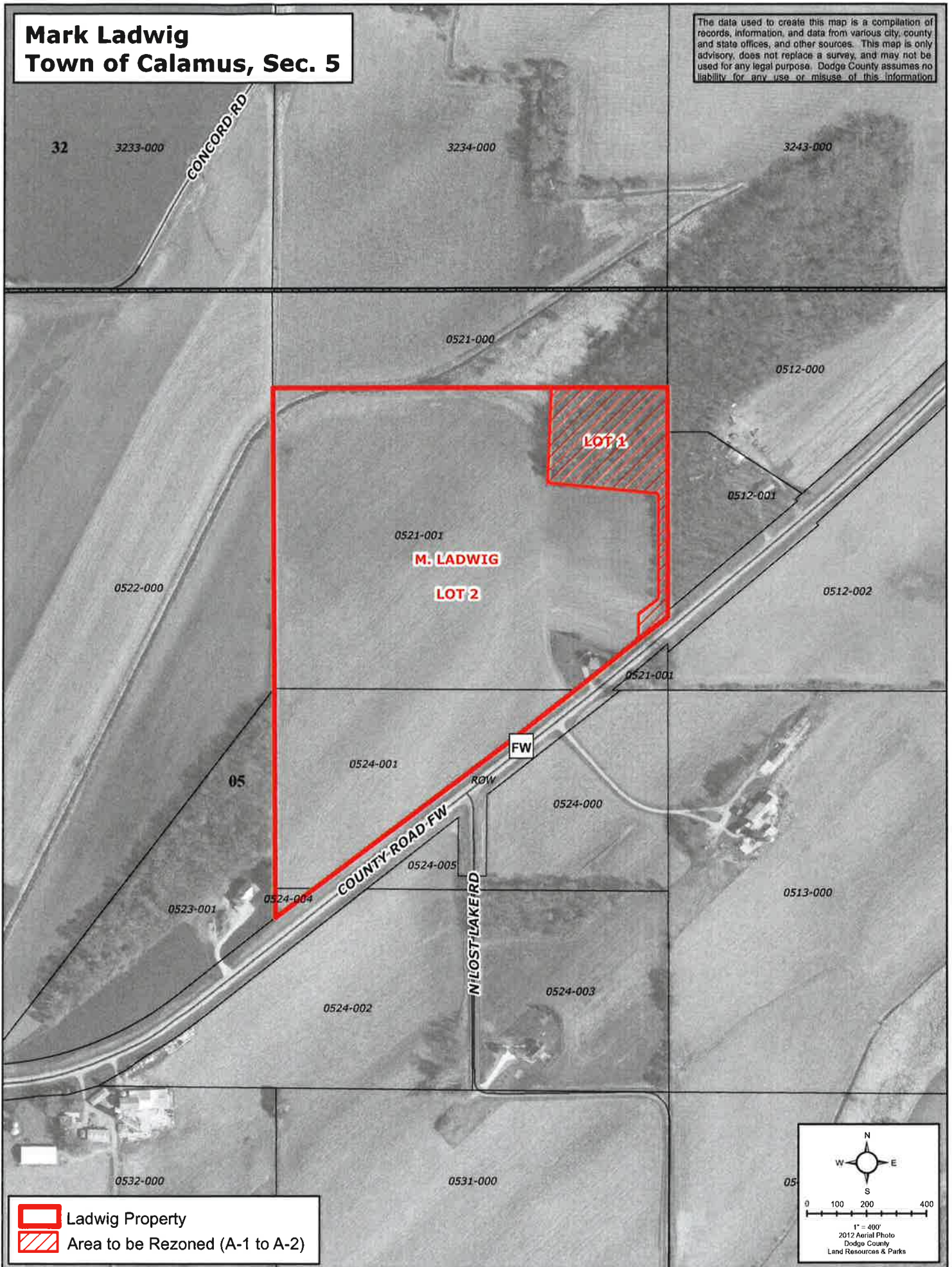
Dodge County Land Resources & Parks

- | | | | |
|---|---|--|---|
| <p>General</p> <ul style="list-style-type: none"> Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Elevation Contours (2' & 10') <p>WI Historical Society</p> <ul style="list-style-type: none"> Historic Structures Archaeological Sites Survey Areas | <p>Floodplain/Wetland</p> <ul style="list-style-type: none"> Floodplain (May 19th 2014) Flood Storage Areas (2014) DNR Wetland (2006) DNR Wetland Points (2006) <p>Shoreland Zoning</p> <ul style="list-style-type: none"> Lake/Pond/Slough Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks Horicon Marsh (860' Contour) | <p>COUNTY ZONING</p> <ul style="list-style-type: none"> PLANNED UNIT DEVELOPMENT HARTFORD EXTRATERRITORIAL GENERAL AGRICULTURAL PRIME AGRICULTURAL ONE FAMILY RESIDENTIAL TWO FAMILY RESIDENTIAL MULTI-FAMILY RESIDENTIAL | <ul style="list-style-type: none"> GENERAL COMMERCIAL EXTENSIVE COMMERCIAL LIGHT INDUSTRIAL INDUSTRIAL CITY OR VILLAGE RIGHT OF WAY WATERBODY |
|---|---|--|---|

Petition to rezone 3.5 Acres from
 A-1 Prime Agriculture to A-2 General
 Agriculture
 Date: 7/12/2016

Mark Ladwig Town of Calamus, Sec. 5

The data used to create this map is a compilation of records, information, and data from various city, county and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



-  Ladwig Property
-  Area to be Rezoned (A-1 to A-2)

0 100 200 400

1" = 400'
2012 Aerial Photo
Dodge County
Land Resources & Parks

Land Resources and Parks Department Staff Report

County Rezoning Petition # 2016-0477

Filing Date: July 14, 2016

Hearing Date: August 15, 2016

Applicant (Agent):

Jason Otto
812 N. Water Street
Watertown, WI 53098

Owner:

Donald and Joan Babbitt
1105 Center Street
Watertown, WI 53098

Location

PIN# 026-0916-1943-000

Part of the SW ¼, SE ¼, Section 19, T09N, R16E, Town of Lebanon.

Applicants Request

A rezoning petition has been submitted by Jason Otto, agent for Donald Babbitt in order he be allowed to rezone approximately 14.988 acres of land from the A-1 Prime Agricultural zoning district to the A-2 General Agricultural zoning district under the Dodge County Land Use Code to allow for the construction of a non-farm residence on this lot.

Land Use Code Provisions

1. Subsections 2.3.4.A through 2.3.4.J of the Land Use Code details procedural matters, the approval criteria and the form for the petition. The Committee must hold a public hearing and report to the County Board. The role of the Town boards in the process is also outlined in this section.
2. Subsection 2.3.4.B states that a petition for rezoning may be made by any property owner in the area to be affected by the rezoning.

Purpose Statements

The purpose of the A-1 Prime Agricultural Zoning District is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland, allow participation in the state's farmland preservation program, and accommodate changing practices in the agricultural industry, subject to appropriate standards.

The purpose of the A-2 General Agricultural Zoning District is to promote areas for agriculture which are transitional, allowing for expansion of urban areas limited to rural residential development, and the conversion of agricultural land to other related uses, subject to appropriate standards.

Physical Features of Site

The features of the proposed construction and property that relate to the rezoning request are as follows:

The County has Zoning Jurisdiction over this site as the Town of Lebanon has adopted the County's Land Use Code. The site is located within the A-1 Prime Agricultural Zoning District.

According to County records, the following restriction is shown on the certified survey map for this lot: "Lot 2 is intended for agricultural purposes only and no residential structures can be constructed on it."

- The applicant has submitted a request to remove said restriction from Lot 2, CSM 4393 in order to allow for the construction of a residence on this lot.

The site is not located within the County's Shoreland District.

The site is not located within the Floodplain District.

The topography of the site is rolling with slopes ranging from 0 to 18%.

Land Use, Site: Agricultural.

Land Use, Area: Agricultural with scattered residences along Scofield Road.

Designated Archaeological Site: Yes No

Density Standards

The base farm tract for this property contains 14.98-acres within the A-1 Prime Agriculture Zoning District. The Code would allow a maximum of 0.71-acres for non-farm residential use under the conditional use permit process. It is the staff's position that the agricultural use only restriction on this lot must be released and the property is required to be rezoned out of the A-1 Prime Agricultural zoning district in order to allow for the construction of a non-farm residence on this lot.

The proposal is consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan:

- The site is designated as agricultural according to the County's Future Land Use Map which can include a limited amount of residential development, but where the predominant land use would be agricultural in nature.

Town Recommendation

No recommendation has been submitted from the Town as of August 5, 2016.

STAFF ADVISORY:

This staff advisory is only advice to the Planning, Development and Parks Committee. The Committee may or may not consider the advice of the staff and decision making authority is vested in the Committee only.

The staff has reviewed the petition for compliance with the approval criteria listed in Section 2.3.4.1 of the Code with Chapter 91.48 of the Wisconsin State Statutes. The staff comments are listed in Exhibit A for the Committee review.

The staff believes that the committee will be able to make the findings necessary under Section 2.3.4.1 of the code and Chapter 91.48 of the Wisconsin State Statutes in order to release the agricultural use only restriction on this lot and to submit a favorable recommendation to the County Board for the rezoning request.

Exhibit A

2.3.4.1 Approval Criteria

In acting on a rezoning petition, the County Board of Supervisors shall consider the stated purpose of the proposed zoning district and shall approve the rezoning petition only if it finds that:

2.3.4.1.1 Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

- It is the staff's position that there are adequate public facilities and services to serve the proposed lot.

2.3.4.1.2 Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them;

- It is the staff's position that the proposed development project will not place an unreasonable burden on the ability of the Town to provide adequate public facilities or services.

2.3.4.1.3 The proposed development will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife, and vegetation;

- It is the staff's position that if the proposed lot is developed in accord with the Land Use Code provisions, the development project will not have an unreasonable adverse effect on surrounding properties or the environment.

2.3.4.1.4 The land proposed for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;

- It is the staff's position that the area to be rezoned is suitable for development and if the land is developed in accord with the land use code provisions, the project will not cause unreasonable soil erosion.

2.3.4.1.5 The proposed rezoning is consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan and the stated purposes of this Code;

- It is the staff's position that the proposal is consistent with the Dodge County Comprehensive Plan as the site is designated as agricultural according to the County's Future Land Use Map which can include a limited amount of residential development, but where the predominant land use would be agricultural in nature.
- It is the staff position that the proposal is consistent with the Farmland Preservation Plan.

2.3.4.1.6 The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure;

- It is the staff's position that the proposed rezoning is consistent with the County's Future Land Use Map as this site is designated as agriculture. Therefore it is the staff's position that the proposed rezoning will not result in spot rezoning.

2.3.4.1.7 The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.

- It is the staff's position that the proposed rezoning is the minimum action necessary to accomplish the intent of the petition.

2.3.4.1.8 For all proposed rezoning petitions that will remove land from the A-1 Prime Agricultural Zoning District, the following additional findings shall be made:

2.3.4.1.8.a The land is better suited for a use not allowed in the A-1 Prime Agricultural Zoning District;

- It is the staff's position that the land is suitable for agricultural use.

2.3.4.1.8.b The rezoning is substantially consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan;

- The property is designated as agriculture according to the County's Future Land Use Map and therefore it is the staff's position that the proposed rezoning is substantially consistent with the Dodge County Comprehensive Plan and the Farmland Preservation plan.

2.3.4.1.8.c The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;

- It is the staff's position that the proposed rezoning will not substantially impair or limit the current or future agricultural use of the adjacent parcels.

2.3.4.J Approval by Affected Town Boards

Approval of rezoning petitions by affected town boards shall occur pursuant to the procedures set forth in Section 2.2.15.

- A recommendation has not been forwarded to the Department regarding this petition as of August 5, 2016.

Dodge County Planning, Development and Parks Committee Decision

County Rezoning Petition # 2016-0477
Filing Date: July 14, 2016
Hearing Date: August 15, 2016

Applicant (Agent):
Jason Otto
812 N. Water Street
Watertown, WI 53098

Owner:
Donald and Joan Babbitt
1105 Center Street
Watertown, WI 53098

Location
PIN# 026-0916-1943-000
Part of the SW ¼, SE ¼, Section 19, T09N, R16E, Town of Lebanon.

Applicants Request
A rezoning petition has been submitted by Jason Otto, agent for Donald Babbitt in order he be allowed to rezone approximately 14.988 acres of land from the A-1 Prime Agricultural zoning district to the A-2 General Agricultural zoning district under the Dodge County Land Use Code to allow for the construction of a non-farm residence on this lot.

CONCLUSIONS OF LAW
Based upon the facts presented in the application and at the public hearing the committee concludes that:

2.3.4.I Approval Criteria

2.3.4.I.1 Are there adequate public facilities and services available to serve the subject property while maintaining adequate levels of service to existing development? (sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable)

(Yes / No);
Comments _____

2.3.4.I.2 Will the provision of public facilities to this project place an unreasonable burden on the ability of affected local units of government to provide them?

(Yes / No);
Comments _____

2.3.4.I.3 Will the proposed development result in significant adverse impacts upon surrounding properties or the natural environment? (air, water, noise, stormwater management, soils, wildlife, and vegetation)

(Yes / No);
Comments

2.3.4.I.4 Will the development of this land cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas?

(Yes / No);
Comments

2.3.4.I.5 Is the proposal consistent with the Dodge County Comprehensive Plan and Agricultural Preservation Plan and the stated purposes of this Code?

(Yes / No);
Comments

2.3.4.I.6 Will the proposed rezoning be used to legitimize, or "spot zone," a nonconforming use or structure?

(Yes / No);
Comments

2.3.4.I.7 Is the proposed rezoning the minimum action necessary to accomplish the intent of the petition?

(Yes / No)
Comments

2.3.4.J Approval by Affected Town Boards

Has the Town submitted a recommendation regarding this request?

(Yes / No)
Comments

Does the application contain sufficient information necessary to make a decision on the rezoning petition?

- Yes;
- No - the following additional information is needed before a decision can be made:

Committee Action

Based upon the facts presented in the application and at the public hearing, does the committee believe that the criteria in Section 2.3.4.I can be met for this proposal?

(Yes / No)

Motion by _____ to submit a (favorable / unfavorable) recommendation to the County Board of Supervisors on the rezoning petition as proposed.

Motion second _____

Vote

Allen Behl	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Janice Bubholz	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Muche	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Joseph Marsik	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Tom Schaefer - Chairman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION – REZONING PETITION

On the basis of the above findings of fact, conclusions of law and the record in this rezoning matter, the committee:

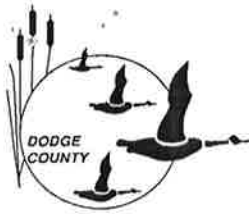
- shall provide a favorable recommendation to the County Board on the rezoning petition as proposed. An ordinance shall also be drafted effectuating the recommendation of the committee and said ordinance shall be submitted to the Board for approval;
- shall provide a favorable recommendation to the County Board on the proposed rezoning petition as modified by the committee. An ordinance shall also be drafted effectuating the recommendation of the committee and said ordinance shall be submitted to the Board for approval;
- shall provide an unfavorable recommendation to the County Board on the rezoning petition as proposed;
- shall provide a "No Recommendation" to the County Board on the proposed rezoning petition as proposed;

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



DODGE COUNTY
 LAND RESOURCES & PARKS DEPARTMENT
 127 E. OAK STREET • JUNEAU, WI 53039
 PHONE: (920) 386-3700 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us

THIS AREA FOR OFFICE USE ONLY	
Activity No. 160477	Application Date: 7/14/16
	Receipt #: 898808

REZONING PETITION

Petition Fee: \$350 (Payable to Dodge County)

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION			
Petitioner (Agent) Jason Otto		Parcel Identification Number (PIN) 026-0916-1943-000			
Street Address 812 N. Water Street		Town Lebanon	T 9	N 16	R E 16
City • State • ZipCode Watertown WI 53098		Section 19	1/4 SW	1/4 SE	Acreage 14.988
Property Owner (If different from petitioner) Donald Babbitt		Subdivision or CSM (Volume/Page/Lot)			
Street Address 1105 Center St		Address Of Property (DO NOT include City/State/ZipCode) Scotfield Rd			
City • State • ZipCode Watertown WI 53098		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

CONTACT PERSON

Name and daytime phone number (include area code) of a person we can contact if we have any questions about your petition.

Name Jason Otto Daytime Phone (920) 248-4713

PROPOSED REZONING

Current Zoning District <u>A-1 Prime Agriculture</u>	Proposed Zoning District <u>A-2 General Agriculture</u>
---	--

Reason For Rezoning

To allow the construction of a residence on this lot

Please complete the site map on the reverse side of this sheet.

CERTIFICATE

I, the undersigned, hereby petition to rezone the aforementioned property and certify that all the information both above and attached is true and correct to the best of my knowledge.














Signature [Signature] Date 7-13-16

Daytime Contact Number (920) 248-4713

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆


Dodge County, WI

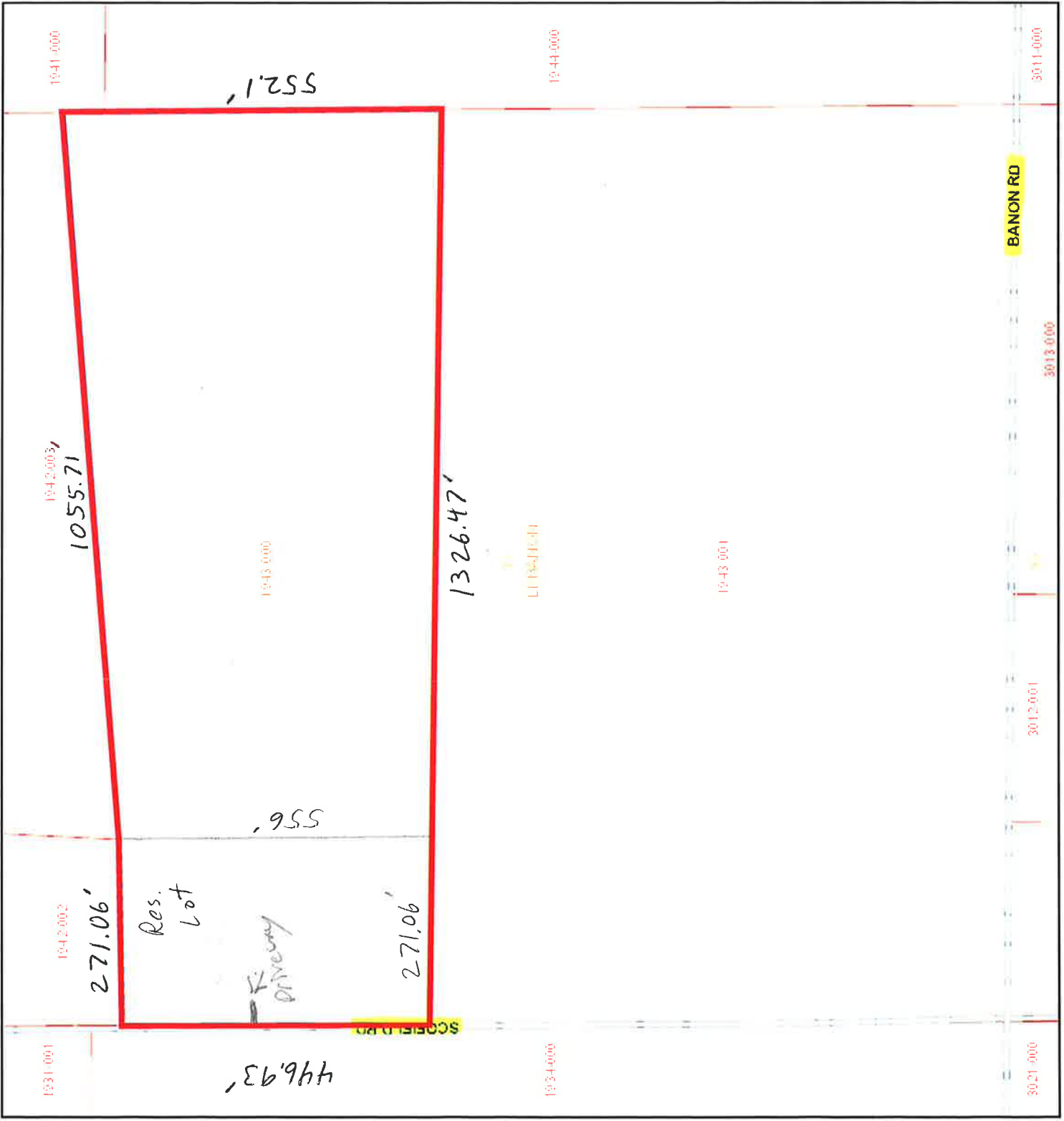
Legend

-  Parcels
-  Parcel Labels
-  Cities and Villages
-  Towns
-  Sections
-  State Roads
-  County Roads
-  Federal Roads
-  Interstates
-  Centerline
-  Lakes and Rivers
-  Horizon Marsh
-  Surrounding Counties



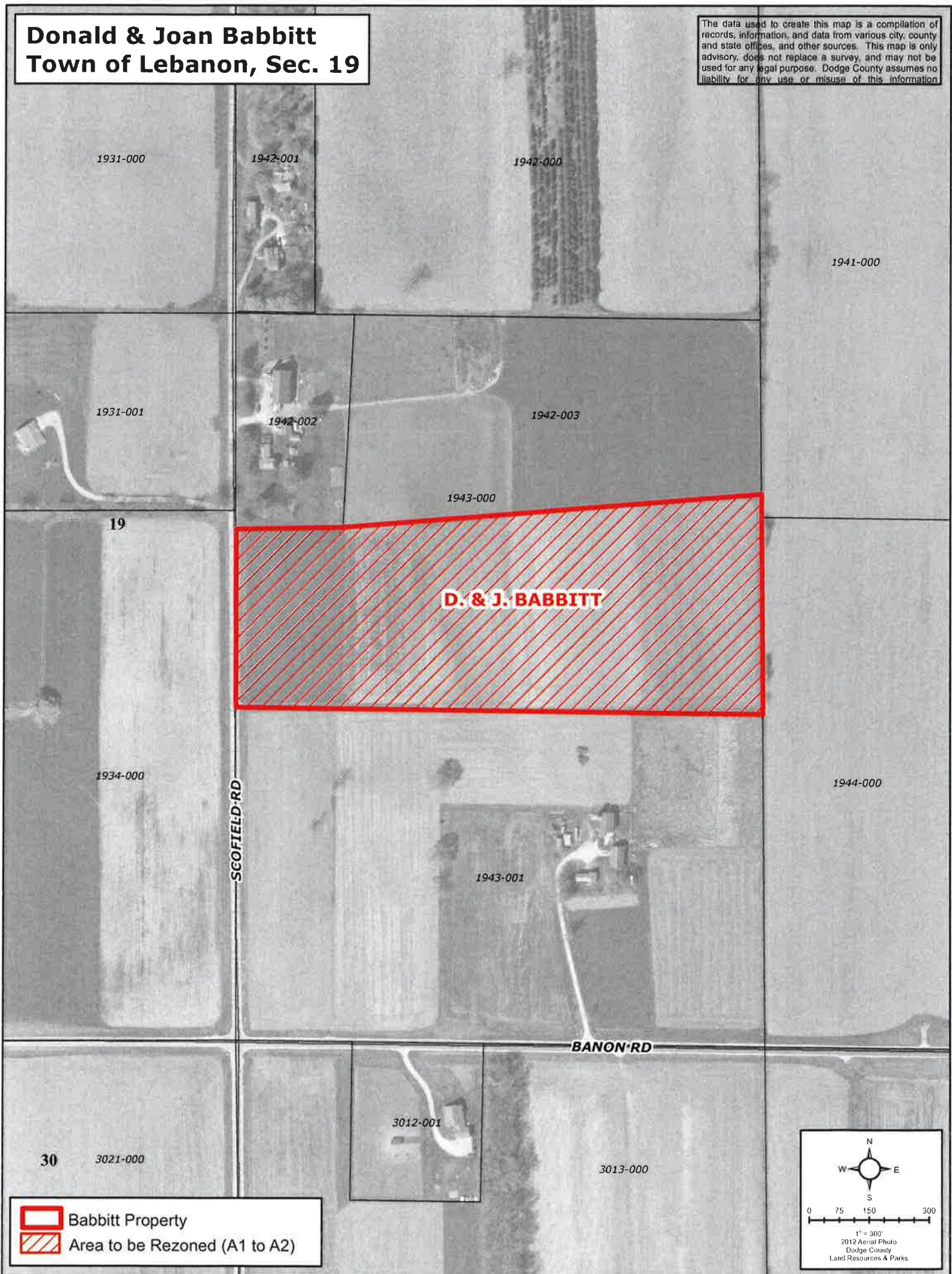
DISCLAIMER: This map is not guaranteed to be accurate, current, or complete and conclusions drawn are the responsibility of the user.

	
Author:	
Date Printed:	07/26/16 11:50 AM
Source:	



Donald & Joan Babbitt Town of Lebanon, Sec. 19

The data used to create this map is a compilation of records, information, and data from various city, county and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



-  Babbitt Property
-  Area to be Rezoned (A1 to A2)

N
W E
S
0 75 150 300
1" = 300'
2012 Aerial Photo
Dodge County
Land Resources & Parks

DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE
MINUTES
August 1, 2016

The Dodge County Planning, Development and Parks Committee met on August 1, 2016 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Tom Schaefer, Allen Behl, William Muche, Joseph Marsik and Janice Bobholz. The staff present at the request of the Chairman were Joyce Fiacco, Bill Ehlenbeck, Dean Perlick and Joseph Giebel.

The Chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Mr. Giebel noted that the meeting was properly noticed in accord with the open meeting law and noted that the required notices for the public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements.

The agenda was reviewed.

Motion by Janice Bobholz to approve the agenda and allow the Chairperson to go out of order as needed to efficiently conduct the meeting. Second: Allen Behl Motion carried.

COMMITTEE REVIEW OF PENDING CONDITIONAL USE PERMIT

1. **William Kirchberg, agent for Kirchberg Trust** - Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of an approximate 3.7-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The property is located in part of the NE ¼, SW ¼, Section 34, Town of Calamus, the site address being W10797 County Road S. Decision laid over from June 20, 2016.

Motion by Joseph Marsik to approve the conditional use permit to allow for the creation of an approximate 3.7-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District subject to the following conditions:

1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
2. The proposed non-farm residential lot shall not exceed 3.7-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be located on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 008-1113-3431-000; 008-1113-3434-000;
6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use

Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;

7. The decision of the Committee is valid for one year.

Second by Bill Muche Vote 5-0 Motion carried.

ADMINISTRATIVE BUSINESS

Economic Development

1. **Southeastern Wisconsin Regional Planning Commission** - Cooperative Agreement Relative to Transportation Planning Services in that Portion of Dodge County Included in the West Bend Urbanized Area. Review and recommendation to Dodge County Board of Supervisors.

The Committee was informed that the Southeastern Wisconsin Regional Planning Commission is the regional planning agency for infrastructure and land use for the seven-county region of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties. This Commission is also the designated Metropolitan Planning Organization for transportation planning for the urbanized areas within Southeastern Wisconsin, including West Bend. The adjusted West Bend urbanized area extends into Dodge County, with almost all of the adjusted urbanized area being located within the City of Hartford

Being designated as an urbanized area brings with it Federal requirements for metropolitan, or area wide transportation planning and programming for the urbanized area. These requirements must be met in order for Federal highway and transit funds to continue to be used for local, as well as county and State transportation improvement projects within the urbanized area.

Since a portion of Dodge County is included in the West Bend Urbanized area, the Commission is seeking a cooperative agreement with Dodge County relative to the conduct of necessary transportation planning activities, thereby ensuring that Federal Transportation funding for highways, transit, or other transportation improvements are available for use in the Dodge County portion of the West Bend urbanized area.

The Committee was given a copy of the proposed cooperative agreement and authorizes the Chairman of the Dodge County Board of Supervisors and the Dodge County Clerk to sign, on behalf of Dodge County, the Cooperative Agreement. The resolution also authorizes the Dodge County Highway Commissioner, or his designee, as the individual to serve as liaison with the Commission.

Motion by Joseph Marsik to recommend approval of the cooperative agreement as proposed.

Second by Janice Bobholz Vote: 5-0 Motion carried.

2. Review Revolving Loan Fund Application – Beaver Dam Cold Storage, LLC.

Dean Perlick provided the Committee with information on a proposed revolving loan fund loan request for Beaver Dam Cold Storage LLC in the amount of \$400,000.00. The loan proceeds would be used to help purchase refrigeration equipment needed for the new facility. At least 13 new full time jobs would be created. Up to 37 new jobs would be created if you calculate the number of new jobs based on the current employment at their existing facility in Beaver Dam. The new Beaver Dam Cold Storage Facility would be constructed in the 151 Business Park in Beaver Dam. The facility will be the only Safe Quality Foods warehouse in Wisconsin. Length of the loan to be 10 years, amortized on a 20 year basis. Interest to be fixed at 3.5%. Collateral would be 2nd position on all real estate owned by Greg and Jean Barnett. Interest only payments will begin after the closing date. Full loan payment will begin 12 months after the loan closing date.

Motion by Bill Muche to submit a resolution to the County Board supporting this loan agreement.

Second by Allen Behl Vote: 5-0 Motion carried.

The hearing procedures were read into the record.

PUBLIC HEARING

Anthony Brossard, agent for Brossard Dairy Farm LLC – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow an animal confinement facility within the A-1 Prime Agricultural Zoning District with a maximum of 775 animal units on this site. The property is located in part of NE¼, SE¼, Section 12, T12N, R14E, Town of Trenton, the site address being N9044 Basswood Road.

Motion by Bill Muche to approve the request for a conditional use permit to allow an animal confinement facility within the A-1 Prime Agricultural Zoning District with a maximum of 775 animal units on this site subject to the following conditions:

1. The applicant shall follow all terms/provisions/requirements set forth in the approved ATCP 51 Livestock Siting application.
2. Any significant change to the existing or proposed facilities for this operation, any modification or addition of manure storage facilities on this site and any future expansion of the facility that would exceed 775 Total Animal Units (AU), may require that a new or modified Conditional Use Permit (CUP) be approved.

Second by Allen Behl Vote 5-0 Motion carried.

PUBLIC HEARING

Robert Koch, agent for St. Peters Evangelical Lutheran Church – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to bring the church and school use of the property into compliance with the Code in order to allow the construction of a replacement garage on said property. The site is located in part of the SE ¼, NE ¼, Section 31, Town of Oak Grove, the site address being N5180 County Road A

Motion by Janice Bobholz to approve the conditional use permit to bring the church and school use of the property into compliance with the Code in order to allow the construction of a replacement garage on said property subject to the following conditions:

1. The use of the property shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health and safety or general welfare of the immediate neighborhood or community;
2. The use of the property shall be operated in accord with the narrative submitted with the Conditional Use Permit application;
3. There shall be no on-street parking along County Road A;
4. All exterior lighting shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties;
5. A County Land Use permit shall be obtained for the proposed replacement garage prior to beginning construction on the garage;
6. Any significant change to or expansion of church and school facilities on this site may require that a new Conditional Use Permit be obtained.
7. The decision of the Committee is valid for one year.

Second by Joseph Marsik Vote 5-0 Motion carried.

COMMITTEE REVIEW OF PENDING CONDITIONAL USE PERMIT

Dodge County Drainage Board, agent for Eugene and Lois Voigt – Request for a Conditional Use Permit under the Shoreland Protection Ordinance, Dodge County, Wisconsin to allow filling, grading or dredging on the bed of a navigable waterway (Pratt Creek) associated with the installation of a 36” diameter non-perforated pipe to replace an existing 24” diameter perforated drain tile at this location in order to maintain the existing agricultural drainage in this area. The property is located in part of the NE ¼, NE ¼, Section 20, Town of Oak Grove

Motion by Joseph Marsik to approve a conditional use permit to allow filling, grading or dredging on the bed of a navigable waterway (Pratt Creek) associated with the installation of a 36” diameter non-perforated pipe to replace an existing 24” diameter perforated drain tile at this location in order to maintain the existing agricultural drainage in this area subject to the following conditions:

1. It shall be the responsibility of the applicant to obtain all permits or approvals that may be required (e.g., Wisconsin Department of Natural Resources and/or U.S. Army Corps of Engineers) for the proposed project.
2. All disturbed areas shall be leveled and graded (as needed) and seeded to permanent vegetation as soon as possible to prevent erosion of silt/sediment into the waterway.
3. The proposed project shall not obstruct flow and shall not increase the regional flood height.
4. All erosion control measures required by the applicable Federal, State, County and Local codes shall be in place and shall be maintained throughout the duration of the project in accordance with Best Management Practices.
5. All work shall be done in accord with the plans and specifications submitted on June 13, 2016.
6. The decision of the Committee is valid for one year.

Second by Bill Muche Vote 4-1 (Bobholz) Motion carried.

TOWN REZONING REQUEST

1. **Frank Verhunce Jr.** – Part of the SE ¼, SW ¼, Section 34, Town of Theresa, Dodge County, Wisconsin, the site address being W1186 Hochheim Road. Petition to rezone approximately 5-acres of land under the Town of Theresa Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval. Committee review and recommendation to the County Board.

Motion by Bill Muche to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 5-acres of land under the Town of Theresa Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District.

Second by Allen Behl Vote 5-0 Motion carried.

2. **JM Schmidt & Sons Inc.** – Part of the SE ¼, SW ¼, Section 34, Town of Theresa, Dodge County, Wisconsin, the site address being N7383 County Road P. Petition to rezone approximately 1.67-acres of land under the Town of Theresa Zoning Ordinance, from the A-2 General Agricultural Zoning District to the A-1 Farmland Preservation Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval. Committee review and recommendation to the County Board.

Motion by Joseph Marsik to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 1.67-acres of land under the Town of Theresa Zoning Ordinance, from the A-2 General Agricultural Zoning District to the A-1 Farmland Preservation Zoning District.

Second by Janice Bobholz Vote 5-0 Motion carried.

3. **Kenneth and Joanne Schultz** – Part of the NW ¼, SW ¼, Section 1, T10N, R14E, Town of Lowell, Dodge County, Wisconsin, along the southeast side of Wick Road. Petition to rezone approximately 2 to 3 acres of land under the Town of Lowell Zoning Ordinance, from the AG General Agricultural Zoning District to the RC1 Rural Cluster Residential Overlay Zoning District has been submitted by the Town of Lowell Town Board to the Dodge County Board of Supervisors for approval. Committee review and recommendation to the County Board.

Motion by Allen Behl to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 2 to 3 acres of land under the Town of Lowell Zoning Ordinance, from the AG General Agricultural Zoning District to the RC1 Rural Cluster Residential Overlay Zoning District.

Second by Janice Bobholz Vote 5-0 Motion carried.

4. **Craig and Sally Shoemaker** – Part of the SE ¼, SE ¼, Section 27, T11N, R14E, Town of Lowell, Dodge County, Wisconsin, the site address being W8088 Chapel Road. Petition to rezone approximately 25.02-acres of land under the Town of Lowell Zoning Ordinance, from the AG General Agricultural Zoning District to the RC1 Rural Cluster Residential Overlay Zoning District has been submitted by the Town of Lowell Town

Board to the Dodge County Board of Supervisors for approval. Committee review and recommendation to the County Board

Motion by Joseph Marsik to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 25.02-acres of land under the Town of Lowell Zoning Ordinance, from the AG General Agricultural Zoning District to the RC1 Rural Cluster Residential Overlay Zoning District.

Second by Bill Muche Vote 5-0 Motion carried.

PARK SYSTEM

1. Parks Report;

Bill Ehlenbeck provided the committee with an update on the current park revenue and the vehicle counts for the parks.

Bill provided the committee with an update on the Gold Star Trail fundraising status.

Bill informed the Committee that a decision was made by the Friends of the Parks group that the group will no longer hold the Winterfest fundraising event due to volunteer burnout and logistic struggles due to weather. The group will continue to have the Fall Fest fundraising event and will try to incorporate some of the Winterfest activities at this event.

2. Consider, discuss and take action on request to approve new seasonal park position.

A resolution requesting the creation of one new, part-time, seasonal, benefited position of Parks Crew Leader was presented to the Committee for review.

Motion by Janice Bobholz to support the resolution to create the position as proposed.

Second by Joseph Marsik Vote 5-0 Motion carried.

3. Consider, discuss and take action on request to adjust wage structure for seasonal park employees.

Withdrawn from consideration at this time. Staff will be working with other County Departments and the HR Department to put forth a joint proposal for other Non-Classified, Non-Represented employees for 2017 implementation

OTHER BUSINESS

1. The minutes from the July 11, 2016 meeting were reviewed by the Committee.

Motion by Janie Bobholz to approve the minutes as written.

Second by Bill Muche Vote: 5-0 Motion carried.

2. No Committee Member Reports

3. No additional Per Diems

4. Update on the Town of Fox Lake's Adoption of County Zoning.

Mr. Giebel informed the Committee that the Town of Fox Lake is in the process of adopting County Zoning. The staff will be working with the Town Board to create a zoning boundary map for the Town. When the zoning map is completed a petition will be forwarded to the Committee and the County Board to adopt the new zoning map.

Motion by order of the Chairperson to adjourn the meeting.
Motion carried.

Meeting adjourned at 9:26 p.m.

Respectfully Submitted,

Allen Behl, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.