

Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2015-0532

Applicant (Agent):

Brian and Leah Thorp
W862 Froelich Road
Sullivan, WI 53178

Owner:

Henry and Iris Steffen
N326 Stewart Dr.
Ixonia, WI 53036

Filing Date: August 16, 2015

Re-scheduled Hearing Date: October 5, 2015

Location

PIN# 026-0916-3614-000; 026-0916-3614-002

Part of the SE ¼, NE ¼, Section 36, Town of Lebanon, the site address being N308 Stewart Dr.

Applicants Request

An application for a County Conditional Use Permit was made by the applicant in order they be allowed to transfer approximately 1/2-acres of land located within the A-1 Prime Agricultural Zoning District to an adjacent land owner to be used for non-farm residential use.

The applicants (Brian and Leah Thorp) own an approximate 1/2-acre lot located at N308 Steward Drive. The applicants would like to purchase approximately ½-acres of land from the adjacent owners (Henry and Iris Steffen) that is located along the north side of their lot to allow for the future installation of a replacement septic system.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Lebanon has adopted the County's Land Use Code.

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.
2. According to Section 3.7.4 of the Code, the Committee may authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for those conditional uses listed under Section 3.7.2 of this Code after review and a public hearing, provided that such conditional uses are in accordance with Section 2.3.6 of this Code and Wis. Stats. 91.46.

Land Use Code Provisions:

1. Section 3.7.2.D of the Land Use Code identifies new nonfarm single family residences and duplexes and proposals that convert a farm residence to a nonfarm residence through a change in occupancy as a conditional use in the A-1 Prime Agricultural Zoning District provided the proposal complies with the requirements listed in 3.7.2.D.1 through 3.7.2.D.3.

Purpose Statement

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.

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 0.5-acre parcel to be transferred to the adjacent land owner is located within the A-1 Prime Agricultural Zoning District.

The base farm tract contains 35.123-acres of land that are located within the A-1 Prime Agricultural Zoning District;

- 1.67-acres of land are available for non-farm residential use under Section 3.7.2.D.1 of the code.

The 0.5-acre parcel to be transferred to the adjacent land owner is not located within a wetland or floodplain.

The topography of the 0.5-acre parcel is gently rolling with slopes ranging from 0 to 6%;

Land Use for the 0.5-acres to be transferred is open space grass land.

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

Designated Archaeological Site: Yes No

Town Recommendation: Approve Deny No recommendation submitted

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 and 3.7.2.D of the Dodge County Land Use Code and with Chapter 91.46 of the Wisconsin State Statutes. The staff comments are listed in Exhibit A for the Committee review.

It is the staff's position that the project as proposed is in compliance with the applicable provisions of the Dodge County Land Use Code and the provisions of Chapter 91.46 of the Wisconsin State Statutes and the staff believes that the Committee can make the findings necessary under Section 2.3.6.F and 3.7.2.D of the code that are required to approve the Conditional Use Permit for this project. 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. A 1-lot certified survey map of the existing 0.5-acre lot owned by the adjacent land owner and 0.5-acre parcel to be transferred shall be approved and recorded prior to the final issuance of the conditional use permit.
2. The proposed parcel to be transferred shall not exceed 1.67-acres in area unless the parcel is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. The acreage of the proposed land to be transferred shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
4. 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 and 3.7.2 of the code. The staff comments are as follows:

Subsection 3.7 Is the proposed conditional use permit request in compliance with Chapter 91.46, Wisconsin State Statutes?

	<u>Complies</u>	<u>Potential Problem</u>	<u>N/A</u>
Proposed Use:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.7.2.D.1 Non-farm residential acreage ratio: <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none">• Acreage of Base Farm Tract: 35.123-acres;• Non-farm residential acreage: 0.5 acres;• Farm acreage remaining after project is completed: 34.623-acres;• The ratio of all “nonfarm residential acreage” to farm acreage: on the “base farm tract” shall not exceed 1 to 20 (0.05).<ul style="list-style-type: none">▪ Ratio of non-farm residential acreage to farm acreage: ½ to 34.623 or 0.01			
3.7.2.D.2 The total number of non-farm residential units on the base farm tract shall not exceed 4;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing non-farm residences on base farm tract:			
<ul style="list-style-type: none">• 0 - Number of existing non-farm residential units located on base farm tract;• 0 - Number of proposed non-farm residential units located on base farm tract;• 0 - Total number of non-farm residential units located on base farm tract;			
The total number of residential units of any kind on the base farm tract shall not exceed 5;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing residential units on base farm tract:			
<ul style="list-style-type: none">• 1 - Number of existing residential units located on base farm tract;• 0 - Number of proposed residential units located on base farm tract;• 1 - Total number of residential units located on base farm tract;			
3.7.2.D.3.a Location of the proposed lots: <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the proposed nonfarm residential lot convert cropland or “prime farmland” into non-farm use;			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			
3.7.2.D.3.b Location of the proposed lots: <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the location of the nonfarm residential lot significantly impair the current or future agricultural use of other “protected farmland”?			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			
Non-Farm Residential Cluster:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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);

- It is the staff's position that the proposed residential use 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 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 the proposal 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 are 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 the proposal will not have an adverse impact on the natural environment.

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 proposed use will not be located in 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 the proposed project complies with the applicable provisions of the code;

Dodge County Planning, Development and Parks Committee Decision

County Conditional Use Permit Application # 2015-0532

Applicant (Agent):

Brian and Leah Thorp
W862 Froelich Road
Sullivan, WI 53178

Owner:

Henry and Iris Steffen
N326 Stewart Dr.
Ixonia, WI 53036

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PIN# 026-0916-3614-000; 026-0916-3614-002

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Applicants Request

An application for a County Conditional Use Permit was made by the applicant in order they be allowed to transfer approximately 1/2-acres of land located within the A-1 Prime Agricultural Zoning District to an adjacent land owner to be used for non-farm residential use.

The applicants (Brian and Leah Thorp) own an approximate 1/2-acre lot located at N308 Steward Drive. The applicants would like to purchase approximately 1/2-acres of land from the adjacent owners (Henry and Iris Steffen) that is located along the north side of their lot to allow for the future installation of a replacement septic system.

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-1 Prime 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. A 1-lot certified survey map of the existing 0.5-acre lot owned by the adjacent land owner and 0.5-acre parcel to be transferred shall be approved and recorded prior to the final issuance of the conditional use permit.
2. The proposed parcel to be transferred shall not exceed 1.67-acres in area unless the parcel is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. The acreage of the proposed land to be transferred shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
4. The decision of the Committee is valid for one year.
5. 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
Randy Grebel	<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: _____



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

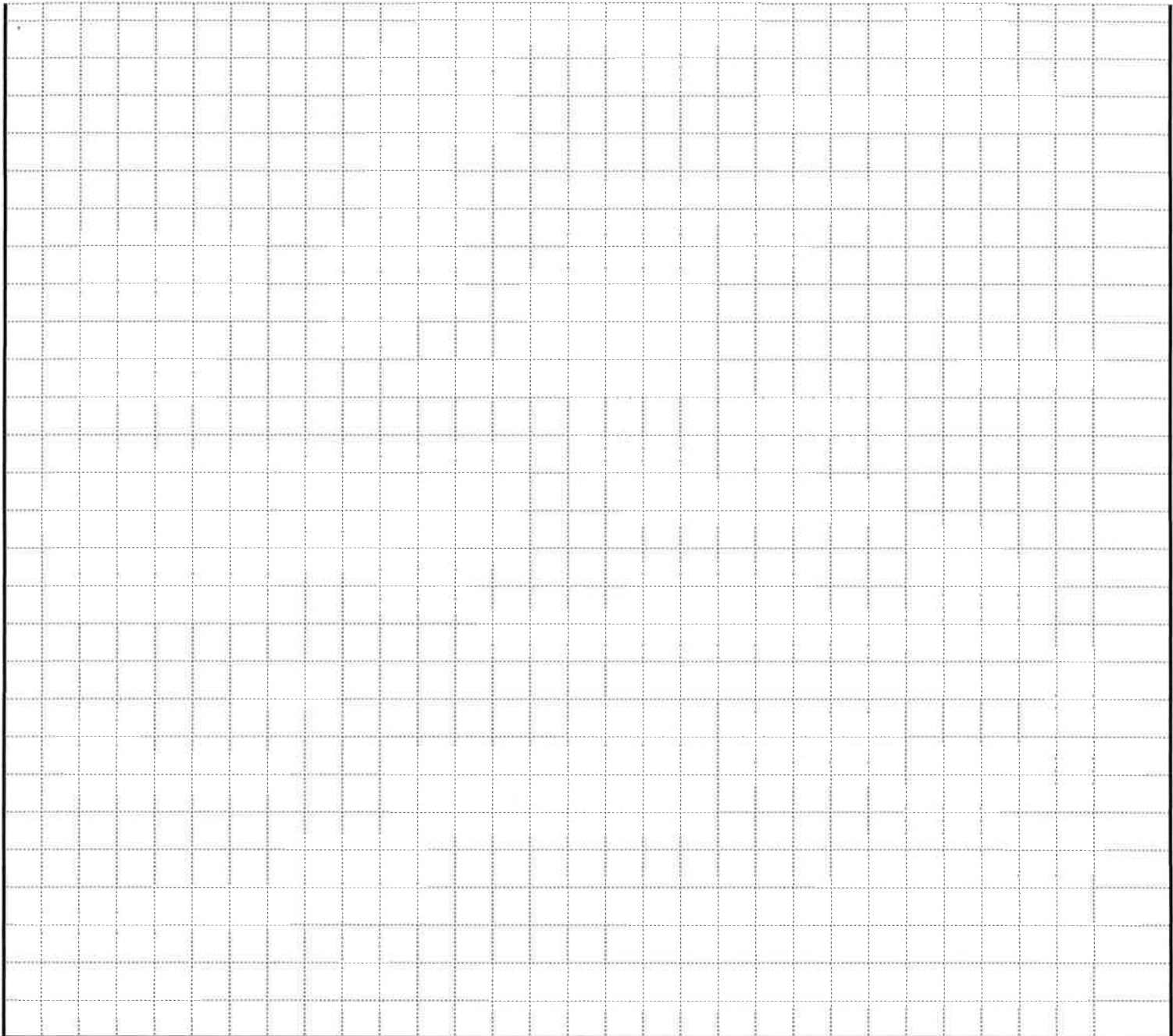
CONDITIONAL USE PERMIT APPLICATION

Application Fee: \$350 (After the Fact)	Activity No. 150532	Permit Issued Date
Please submit this application form with all of the required information. Application Date: 8/18/15	Application form and Receipt # 92781	
Project: _____	Use or Resource: _____	Sanitary Permit #: _____
Department: _____	Office: _____	Telephone: _____

and submit this application form, the applicable information listed in the "application checklist" for your proposed project and 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) Brian & Leah Thorp		Parcel Identification Number (PIN) 026-0916/3614-000/3614-002	
Street Address W 862 Froelich Rd		Town Lebenon	Town Section 9 16
City • State • ZipCode Sullivan WI 53178		1/4 Section 36	Acreege SEE ATTACH.
Property Owner (If different from applicant) Henry & Iris Steffen		Subdivision or CSM (Volume/Page/Lot)	
Street Address N3216 Stewart Dr.		Address Of Property (DO NOT include City/State/ZipCode) 308 + 310 N Stewart Dr.	
City • State • ZipCode Ixonia, WI 53036		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 checked="" type="checkbox"/> Vacant Property <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other _____		(Please check/complete all that apply below) <input type="checkbox"/> Non-Farm Residential Lot <input type="checkbox"/> Single Family Residence <input checked="" 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 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: Land expansion for future septic	
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 [Signature]		Date 8/18/15	
Daytime Contact Number (920) 593-2003			
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: _____	

SITE PLAN (SKETCH)



See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY				
BOA ID No.	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision
				<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
Notes/Stipulations:				
<i>8/21/15 Onsite for</i>				

APPLICATION FORM COMPLETION TIPS

Please use only blue or black ink to complete the application and site plan (sketch) — DO NOT USE PENCIL

Property Identification Number (PIN): The PIN can be found in the upper right-hand corner of the tax bill for the property. Alternatively, the PIN can also be found using the **Land Records Search Tool** (<http://dr1.co.dodge.wi.us/lrst/default.asp>) located on the Dodge County Website (www.co.dodge.wi.us) or by contacting the County Property Description Office (920) 386-3770 (propdesc@co.dodge.wi.us).

1456.56'

GOVERNMENT LOT 2

3614-000

35.123 ac

N326

3614-002

0.5 ACRES
NEW LOT
CSM TO BE
1.00 ACRES

120.72'	337.52'	3614-001	4/35	1.270 ac	127.8'
64'	344.97'	3641-001	4/299	1.640 ac	157.5'
184.97'	184.97'				157.5'
51.8'	356.17'				

#39 5/50

W2885 DAK RD

W2805

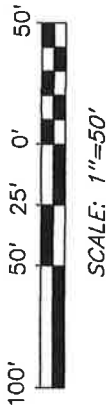
110	198
137.79	159
247.10	N308
124.97'	

STEWART DR

0.500

T 9

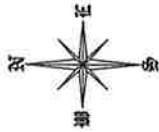
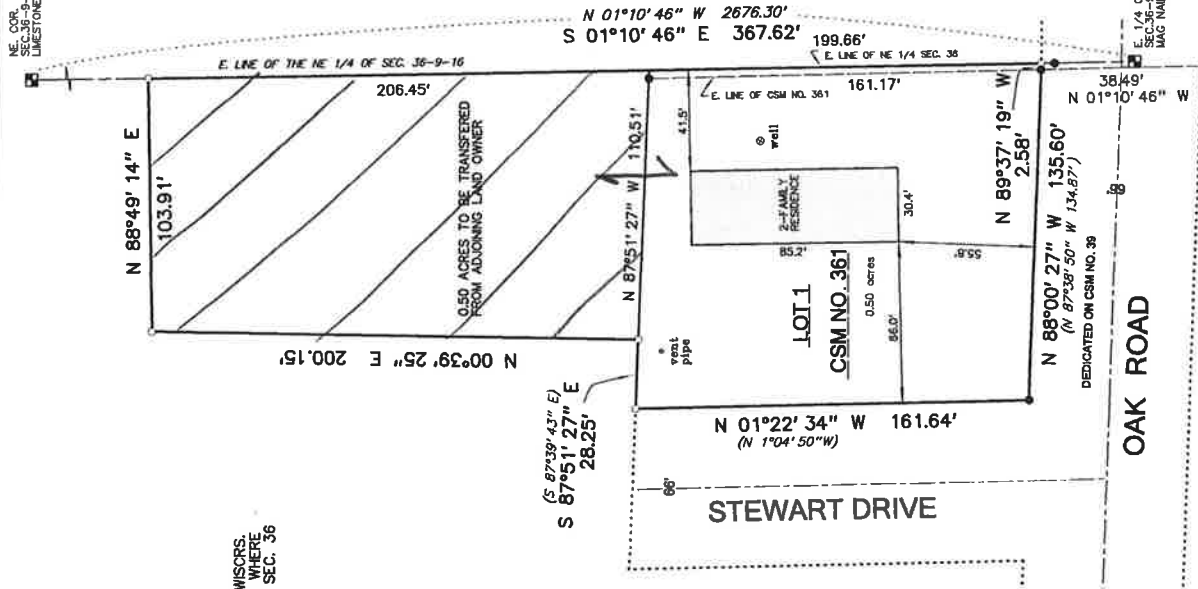
PRELIMINARY SURVEY FOR PROPOSED CERTIFIED SURVEY MAP



- - INDICATES 1" IRON PIPE FOUND
- - INDICATES 3/4" X 18" IRON ROD SET WEIGHING 1.5 LBS./FT.

Proposed Land Transfer

NE COR. SEC. 9-16 Limestone Monofound



BEARINGS ARE REFERENCED TO WISCONSIN DODGE CO. ZONE, NAD 83(2011) WHERE THE EAST LINE OF THE NE 1/4 SEC. 36 BEARS N 01°10'46" W

DESCRIPTION OF LANDS TO BE CONVEYED FROM ADJOINING LAND OWNER
 Part of Government Lot 2 in the Northeast 1/4 of Section 36, Town 9 North, Range 16 East, Town of Lebanon, Dodge County, Wisconsin, bounded and described as follows:
 Commencing at the East 1/4 corner of said Section; Thence North 01°10'46" West along the East line of said Northeast 1/4, 199.66 feet to the Point Of Beginning of the following description;
 Thence North 87°51'27" West, 110.51 feet to a point; Thence North 00°39'25" East, 200.15 feet to a point; Thence North 88°49'14" East, 103.91 feet to a point on the East line of said Northeast 1/4; Thence South 01°10'46" East along said east line, 206.45 feet to the point of beginning and containing 0.500 acres more or less. Also including lands between the East line of Certified Survey Map No. 361 as originally surveyed and the East line of the Northeast 1/4 of said Section 36 as now monumented.
 (Part of Tax key No. 026-0916-3614-000)

KW SURVEYING INC.
 785 PALMYRA STREET
 P.O. BOX 32
 SULLIVAN, WI. 53178
 (262)-599-5800

SURVEY PREPARED FOR: Brian & Leah Thorp

7/28/15

JOB NO. 1651



Proposed land transfer

STEWART DR

LEBANON

OAK RD

N



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



Proposed Land transfer

31-22-000

ASHIPPUN

31-23-001

31-14-002

31-14-000

LEBANON

ROW

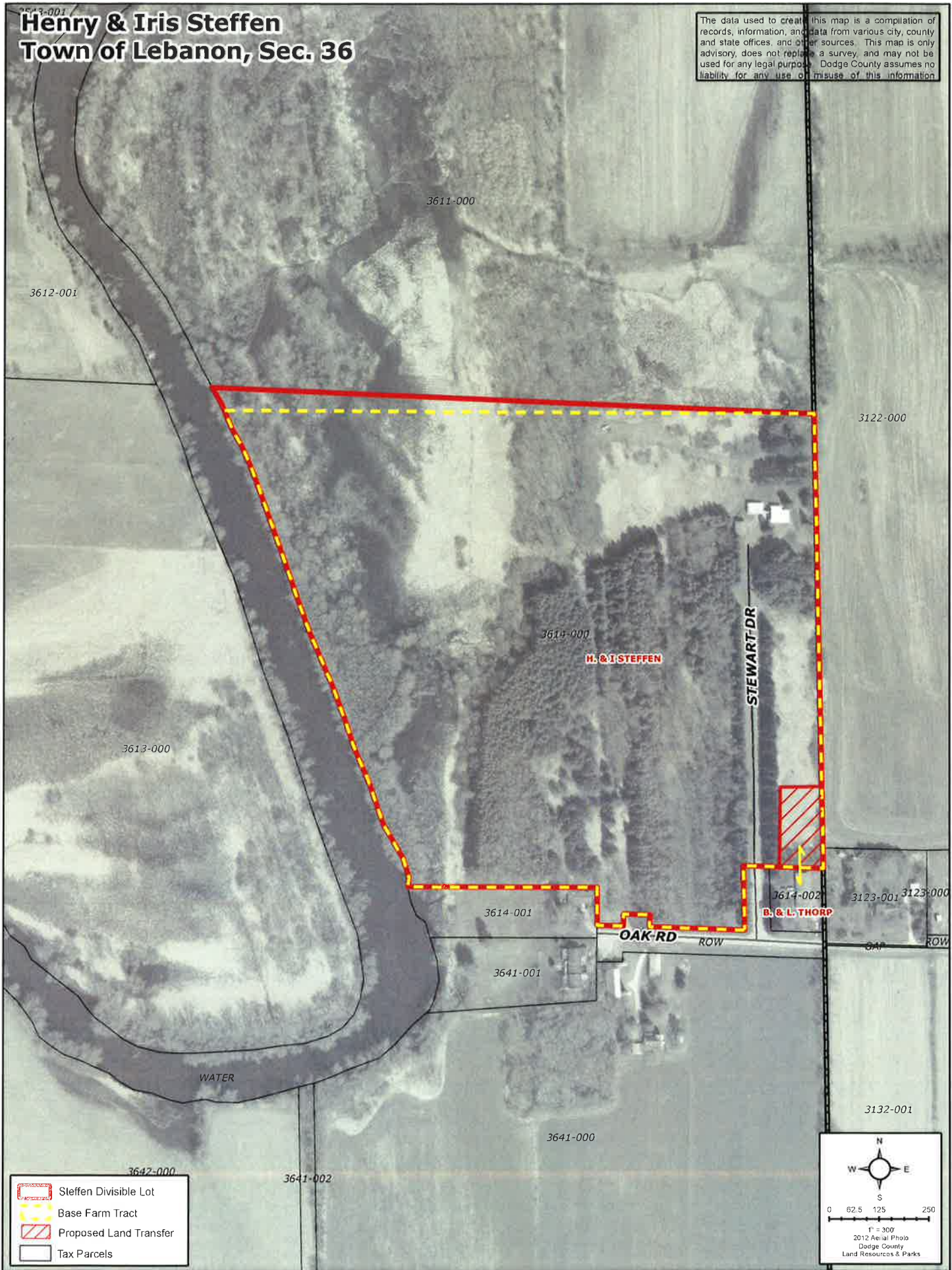
STEWART-DR



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

Henry & Iris Steffen Town of Lebanon, Sec. 36

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.



-  Steffen Divisible Lot
-  Base Farm Tract
-  Proposed Land Transfer
-  Tax Parcels

N
W E
S

0 62.5 125 250

1" = 300'
2012 Aerial Photo
Dodge County
Land Resources & Parks

Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2015-0552

Applicant (Agent):

Dustin Brunn
W7448 Hemlock Road
Beaver Dam, WI 53916

Owner:

Brunn Dairy Farms LLC
W7448 Hemlock Road
Beaver Dam, WI 53916

Filing Date: August 25, 2015

Hearing Date: October 5, 2015

Location

PIN# 044-1214-1343-000; 044-1214-1342-000; 044-1214-1341-000; 044-1214-1344-000;

Part of the SW ¼, SE ¼, Section 13, T12N, R14E, Town of Trenton, the site address being W7448 Hemlock Road.

Applicants Request

The applicant is requesting a Conditional Use Permit under the Dodge County Land Use Code to allow for the establishment of an animal confinement facility on this site within the A1 Prime Agricultural zoning district. The request is to allow a maximum of 998 animal units on this site.

Project Details

Brunn Dairy, LLC, is a dairy operation owned and managed by the Brunn family. The applicant is proposing to expand their existing dairy operation to 998 Animal Units (AU). To accommodate the increased herd size, a 107 ft. x 250 ft. freestall barn is being proposed. The barn will be located along the east side of the existing barn and milking parlor. Because of the proposed herd expansion, the number of animal units will exceed the State 500 AU threshold, a Wisconsin Department of Agriculture, Trade & Consumer Protection application for Local Approval of a New or Expanded Livestock Facility (ATCP 51) was submitted to the County for review on August 27, 2015.

The livestock siting application involves the completion of five main sections or worksheets including: (1) Animal Unit Calculation Worksheet, (2) Odor Management Worksheet, (3) Waste and Nutrient Worksheet, (4) Waste Storage Facilities Worksheet and (5) Runoff Management Worksheet. In addition, an Employee Training Plan and Environmental Incident Response Plan is also required as part of the application.

According to the nutrient management plan for this operation 100% of the waste generated at this facility is land spread. The existing manure storage reception tank at this facility has a one day holding capacity. A manure storage facility is being planned for the future. There are currently 432 acres accounted for in the nutrient management plan for land spreading and an additional 200 acres are scheduled for fall 2015/spring 2016 soil sampling after which the additional acreage could be utilized for spreading.

The majority of the runoff from the site flows into a waterway that is located along the south and east sides of the facilities on this site. The existing waterway is designated as an agricultural drainage ditch which is not considered a navigable waterway and therefore the waterway is not subject to the rules and restrictions that are in place for a protected water resource.

The odor management score for this facility was calculated at 541. The odor score was calculated to include the existing structures on this site, the proposed freestall barn and a future manure storage facility. A local government must approve a livestock facility with an odor score of 500 or more.

An employee training plan and an environmental incident and emergency response plan has been developed for the farm in accord with the Livestock siting application requirements.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Trenton has adopted the County's Land Use Code. The County also has Shoreland Jurisdiction over portions of this site as portions of the site are designated as wetlands according to the Wetland Inventory Maps listed in Section 2.2 of the Dodge County Land Use Code. The site is not designated as a floodplain.

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 3.7.2.A of the Land Use Code identifies "Animal Confinement Facilities with 500 or more animal units that meet the siting standards in Wis. Adm, Code Ch. 51, and other animal confinement facilities as a as a conditional use in the A-1 Prime Agriculture zoning district.
2. Subsection 6.2.11 states that in granting a conditional use permit for an animal confinement facility in the A-1 Prime Agriculture and A-2 General Agriculture zoning districts the rules, regulations and laws as set forth in Wisconsin Administrative Code Chapter ATCP 51 shall apply. All applicable rules, regulations, and laws as set forth in Wisconsin Administrative Code Chapter ATCP 51 are hereby adopted by reference and made part of this section as if fully set forth herein.
3. Subsection 12.2 of the Land Use Code defines Animal Confinement Facility as any livestock or poultry operation with 500 or more animal units that are used in the production of food, fiber, or other animal products or that will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period.

Purpose Statement

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.

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-1 Prime Agricultural Zoning District.

Portions of the property are also designated as wetlands.

The topography of the site is rolling with slopes ranging from 0 to 12%;

Land Use, Site: Dairy Farm Operation

Land Use, Area: Agricultural with scattered residences along Hemlock and Basswood Roads.

Designated Archaeological Site: Yes No

Town Recommendation: Approve Deny No recommendation submitted

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.

On September 14, 2015, Dodge County staff determined that the Brunn Dairy Farm LLC Livestock Facility Siting application was complete and that it met the requirements set forth in Wisconsin Administrative Code, Chapter 51 (ATCP 51).

In accord with ATCP 51 and Section 93.93 Wisconsin Statutes, if the applicant meets all the requirements in the livestock facility siting application, the Committee cannot deny the application. The Committee may only deny a livestock facility siting application in certain, limited situations.

It is the staff's position that the project is in compliance with the applicable provisions of the Dodge County Land Use Code, the provisions of ATCP 51 Wisconsin Administrative Code and Section 93.93 Wisconsin Statutes and the staff believes that the Committee will be able to make the findings necessary under Section 2.3.6.F of the code that are required to approve the Conditional Use Permit for this project. 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 applicant shall follow all terms/provisions/requirements set forth in the approved ATCP 51 Livestock Siting application.
2. If needed, all required permits/approvals from the Wisconsin Department of Natural Resources shall be obtained.
3. 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 998 Total Animal Units (AU), may require that a new or modified Conditional Use Permit (CUP) be approved.
4. A Dodge County Land Use Permit will be required for the proposed freestall barn.

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);

- It is the staff's position that if the project is constructed in compliance with the development standards 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 livestock facility is operated in accord with the proposed livestock siting application, the proposal will meet the ATCP 51 requirements and therefore the facility 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 the proposal 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 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 livestock facility is operated in accord with the proposed livestock siting application, the proposal will meet the ATCP 51 requirements and therefore the facility will not have a significant detrimental impact on the natural environment;

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 facility is not located in 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 the proposed project complies with the applicable provisions of the code.

Brunn Dairy, LLC

Conditional Use Permit Application

Compliance Advantage, LLC



Compiled by:

Compliance Advantage, LLC.

Bryan Ellefson

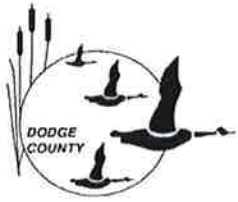
262-339-3629

PO Box 451

Kewaskum, WI 53040

ComplianceadvantageLLC@gmail.com

www.complianceadvantage-llc.com



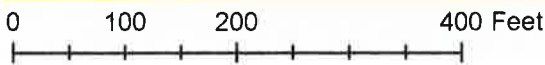
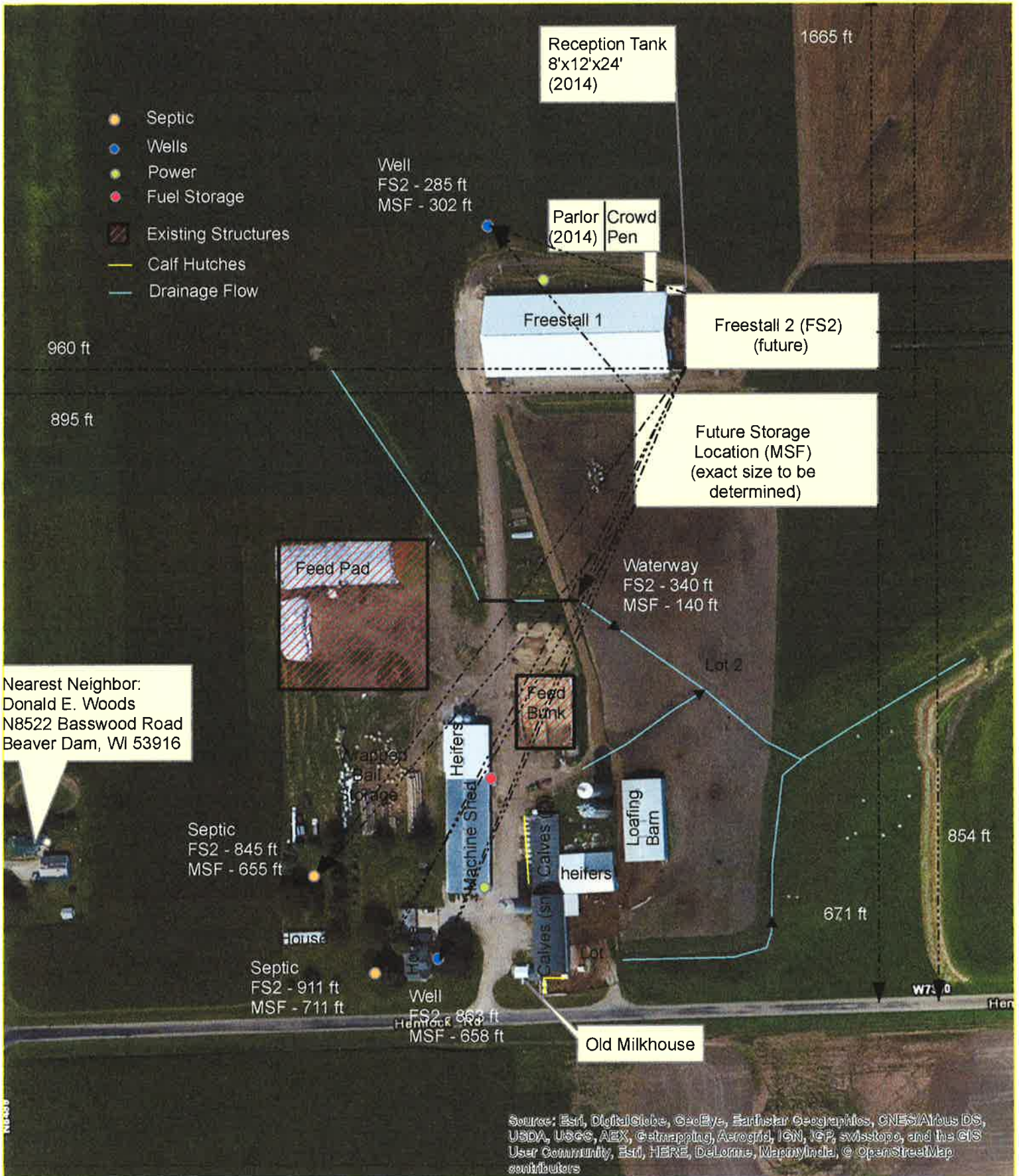
DODGE COUNTY
LAND RESOURCES & PARKS DEPARTMENT
 127 E. OAK STREET • JUNEAU, WI 53039
 PHONE: (920) 386-3700 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us
CONDITIONAL USE PERMIT APPLICATION
ANIMAL CONFINEMENT FACILITY

THIS AREA FOR OFFICE USE ONLY	
Activity No. 150552	Permit Issued Date
Application Date: 8/25/15	Receipt #:
	Sanitary Permit #:

Application Fee: \$500

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION			
Applicant (Agent) Dustin Brunn		Parcel Identification Number (PIN) 044-1214-1343-000			
Street Address W 7448 Hemlock Rd.		Town Trenton	T 12N	N 14E	R E
City • State • ZipCode Beaver Dam WI 53916		SW ^{1/4}	SE ^{1/4}	Section 13	Acreage 39.35
Property Owner (if different from applicant)		Subdivision or CSM (Volume/Page/Lot)			
Street Address		Address Of Property (DO NOT include City/State/ZipCode) W 7448 Hemlock Rd			
City • State • ZipCode		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
PROPERTY USE		PROPOSED PROJECT			
Current Use Of Property <input type="checkbox"/> Vacant Property <input type="checkbox"/> Single-Family Residential <input checked="" type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other _____		(Please check/complete ALL that apply below) <input type="checkbox"/> Pond <input checked="" type="checkbox"/> Barn or Other Animal Housing Facility <input type="checkbox"/> Filling <input type="checkbox"/> Manure or Waste Storage Facility <input type="checkbox"/> Grading <input type="checkbox"/> Machine Shed <input type="checkbox"/> Dredging <input type="checkbox"/> Animal Feed Storage Facility <input type="checkbox"/> Milking Parlor Other <u>Expand animal confinement facility to 998 animal units</u>			
Proposed Use of Property <input checked="" type="checkbox"/> Animal confinement facility Other _____					
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 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 Planning, Development 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>Boyan E. Nelson</u>		Date <u>8/25/15</u>			
Daytime Contact Number <u>(262) 339-3629</u>					
YOU ARE REQUIRED TO SUBMIT 4 COPIES OF THE COMPLETE APPLICATION, WORKSHEETS, MAPS AND OTHER ATTACHMENTS. YOU ARE NOT REQUIRED TO SUBMIT DUPLICATE COPIES OF ENGINEERING DESIGN SPECIFICATIONS.					
PLANNING, DEVELOPMENT & PARKS COMMITTEE ACTION					
Date of Decision _____		Decision _____			
Zoning District	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED		Land Use Administrator		
Overlay District			Date: _____		

Brunn Farms LLC - W7448 Hemlock Road - LUP Map



Brunn Dairy, LLC

Livestock Siting Application

Compliance Advantage, LLC



Compiled by:

Compliance Advantage, LLC.

Bryan Ellefson

262-339-3629

PO Box 451

Kewaskum, WI 53040

ComplianceadvantageLLC@gmail.com

www.complianceadvantage-llc.com

Introduction

Compliance Advantage, LLC has developed and provided, here in, a Livestock Siting Application on behalf of Brunn Dairy, LLC. The purpose of this application is to provide Dodge County with the information and application materials it needs to grant approval for additional animals following an expansion at Brunn Dairy, LLC. located in Dodge County, Wisconsin. This application is necessary under the Dodge County requirements for a conditional use permit. As required in the ordinance, the Wisconsin Department of Agricultural, Trade and Consumer Protection (WADTCP) Livestock Siting Application form and Worksheets for expanded livestock facilities are included in this package.

Site Description

Brunn Dairy, LLC is a medium sized dairy operation owned and managed by the Brunn family. The farm is located in Section 13, in the Town of Trenton, Dodge County. The mailing address and physical location for the farm is W7448 Hemlock Road, Beaver Dam, WI 53916.

The Brunn Dairy, LLC farm site consists of a series of existing animal housing structures identified on the site map. Freestall #1 (107 x 250), Parlor (70 x 75) a Crowd Pen (70 x 75) the original "old barns" is now purposed as a small calf housing "Calves (sm)" - (50 x 100) with an extension to the north housing larger calves "Calves (lg)" - (50 x 100); a mid-building wing to the east for heifers (50 x 70). Also onsite is a Loafing Barn (50 x 110); a heifer barn (75 x 60). Additional onsite structures include an 80 x 100 concrete feed bunk and a feed stacking pad (200 x 200). The old milk house was decommissioned when the new Parlor was built in 2014. No manure storage exists on the site at this time, there is however an 8 x 12 x 24 reception tank on the Northeast corner of Freestall 1.

As indicated in the cover letter, Brunn Dairy, LLC is proposing to add an additional freestall barn North of the Parlor and Crowd Pen. The new freestall barn would be the same dimensions as Freestall Barn 1.

A manure storage facility is being planned as well however the engineering has not been completed at this time. These planned features are indicated as "proposed" structures on the included site map; again the odor score was calculated to include these features at a maximum potential size to represent the full odor score result. All engineering related documentation, in addition to a new Land Use Permit Application, will be submitted for review and approval, prior to construction and under separate cover, when those materials are ready.

A CNMP was completed in 2015 and all areas of resource concern have been identified. While there is currently runoff from the farmstead to an agriculture drainage ditch adjacent and east of the farm, this is not "Waters of the State" and is therefore not subject to the rules and restrictions that are in place for protected water resources. Nevertheless, Brunn Dairy, LLC underwent the CNMP development process to obtain the necessary technical evaluations and open the door for potential financial resources to improve the overall condition of the farm, eliminate the potential impact to the ag drainage ditch and demonstrate their desire to have a successful farming operation with minimal water resource impacts. There is approximately 0.81 miles separation to the closest blue line represented on a USGS 7.5 minute quadrangle map north of the farmstead. The creek in question is unnamed on the Wisconsin

Department of Natural Resources Surface Water Data Viewer; again located approximately 4250 feet (8/10 of a mile) to the north of the farmstead.

The odor index was calculated using the separation distance from the nearest neighbor. The property at N8522 Basswood Road qualifies as the nearest neighbor. (see included map) The odor score measured to the closest impacted neighbor (Calculated Score 541) exceeds the minimum passing odor score of 500 (see worksheet 2 included).

The existing manure reception facility was constructed (2014) in accordance with NRCS Standard 313, the accepted standard of practice in place at the time of construction. Engineering was completed by Dodge County Land Conservation Department and copies of the available as-built documentation have been included with this application for a Livestock Siting License.

The feed storage area has been evaluated as part of the CNMP development process; because the farm makes a practice to harvest and store feed at approximately 63 to 64% moisture, the material stored is not considered to be high moisture feed. It is important to note that this farm does occasionally take sweet corn silage which is a high moisture product and is only stored in the east bunker of the feed bunker structure. As such the county approved the installation of an earthen leach reception pit immediately south of the east Feed Bunk to capture and allow for proper management of the sweetcorn silage leachate. Hay is routinely stacked to the West of the Machine Shed as indicate on the map and the Feed Pad (200 x 200) is a compacted screenings base upon which drier feeds like silage or haylage are stacked and covered with plastic and tires.

Maps

The following maps are provided for Christian Hill Dairy, LLC. Core maps were provided by Compliance Advantage, LLC with sue of ArcMap and the Dodge County GIS web utility. Contained in this application, and organized by type, the reviewer will find the following:

- 1000ft radius overlay of aerial Image of the subject farm
- 2 ft. topographic contour map
- 2500ft radius overlay of aerial image of the subject farm
- 2 mi. radius overlay of aerial image of the subject farm
- USGS topo contour overlay of aerial image of the subject farm
- Soils map overlay of aerial image of subject farm

Following the maps, the reviewer will find the odor score spreadsheet. The odor score spreadsheet was developed and calculated to reflect the specific farm feature(s) and relate those features to the nearest neighbor. Please note, the odor score spreadsheet indicates (top) the nearest neighbor referenced for odor score calculation.

Nutrient Management

A Nutrient Management Plan has been developed by Gerry Breitspecker of United Co-op, LLC on behalf of Brunn Dairy, LLC. The plan currently has 432 acres accounted for and an additional 200 acres are scheduled for fall 2015/spring 2016 soil sampling after which the additional acreage will be directly incorporated into the plan. Look for additional acreage detail in future Nutrient Management Updates.

Employee Training Plan

Brunn Dairy, LLC has developed an employee training plan in accordance with the WDATCP Livestock Siting Application requirements in an effort to provide employees with information and training on daily farm operations. The farm employs a few part time and temporary employees for occasional assistance with milking or field work, no full time employees beyond family/partners work for Brunn Dairy, LLC at this time. If fulltime employees ever become part of the Brunn Dairy, LLC operation, the farm has developed an Employee Training Program to assist with operations management. With a complete and approved Nutrient Management Plan; components of this Nutrient Management Plan will be incorporated into the training plan to assure employees assist in proper and accurate manure management and land application practices. While the majority of daily farm duties are carried out by family members, there are a few temporary outside employees however the turnover rate is low as the same temporary people are brought back on an as needed basis. New employees are put through a "hands on" training orientation as opposed to a more traditional classroom training setting.

Environmental Incident and Emergency Response Plan

An Environmental Incident and Emergency response Plan has been developed for the farm in accordance with the Livestock Siting Application Requirements. A copy is included in this application package. The plan will be used to ensure immediate action is taken in the event an incident occurs at Brunn Dairy, LLC. The plan was developed to address personal and operational response to overtopping events, spills, catastrophic failures, transport spills, runoff events and emergency mortality disposal. Records will be kept of all incidents that require an immediate response and/or implementation of this plan.

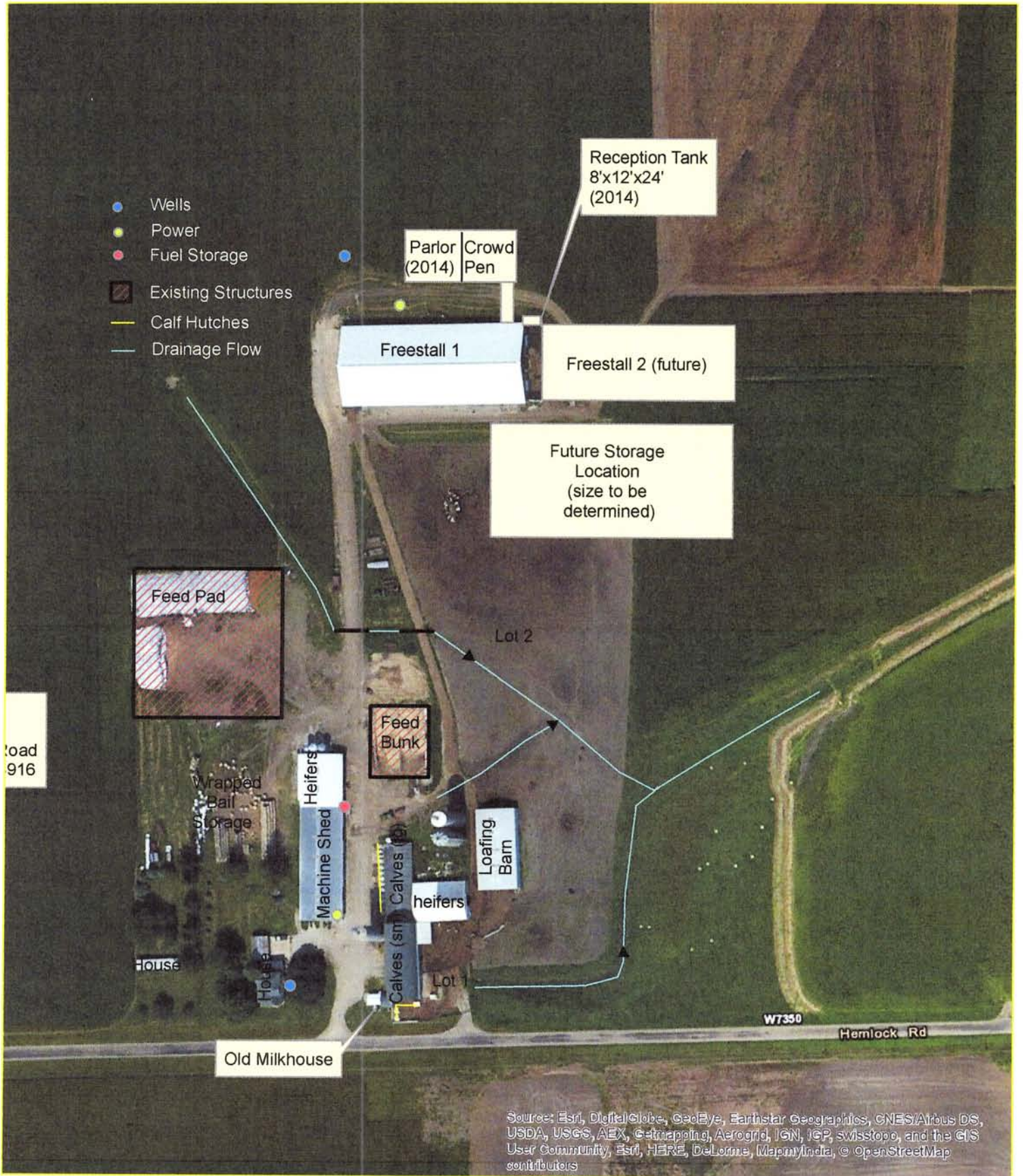
Odor Management Plan

An odor management plan was not developed for the operation as it was not determined to be necessary to achieve a passing odor score

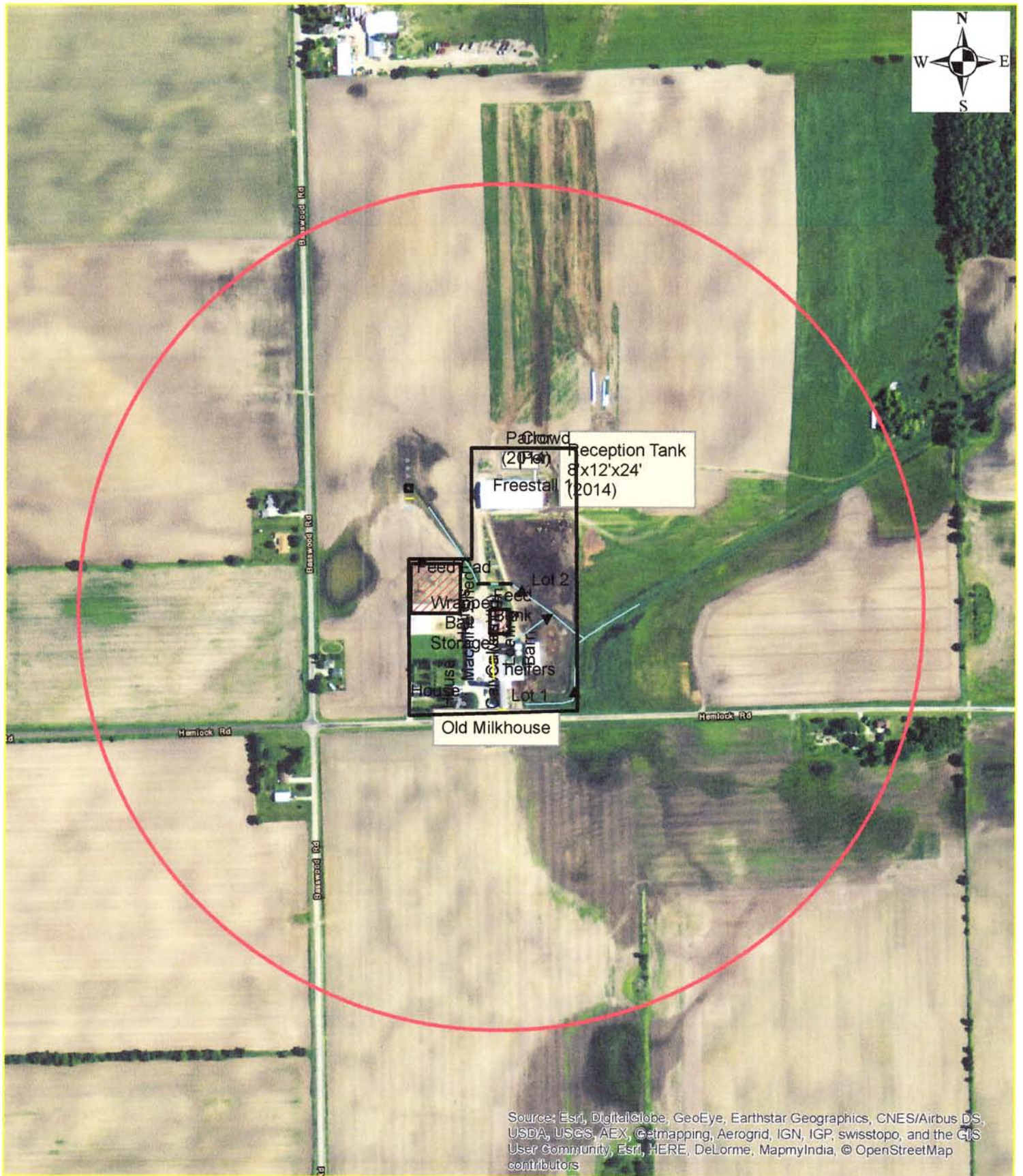
Brunn Farms LLC - W7448 Hemlock Road, Beaver Dam



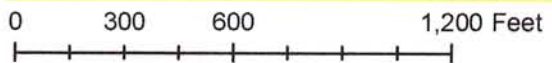
Brunn Farms LLC - W7448 Hemlock Road - Future Map



Brunn Farms LLC - W7448 Hemlock Road - 1000 ft. Radius



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors



Brunn Farms LLC - W7448 Hemlock Road - 2500 ft. Radius



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

0 500 1,000 2,000 Feet

Brunn Farms LLC - W7448 Hemlock Road - 2 mi. Radius

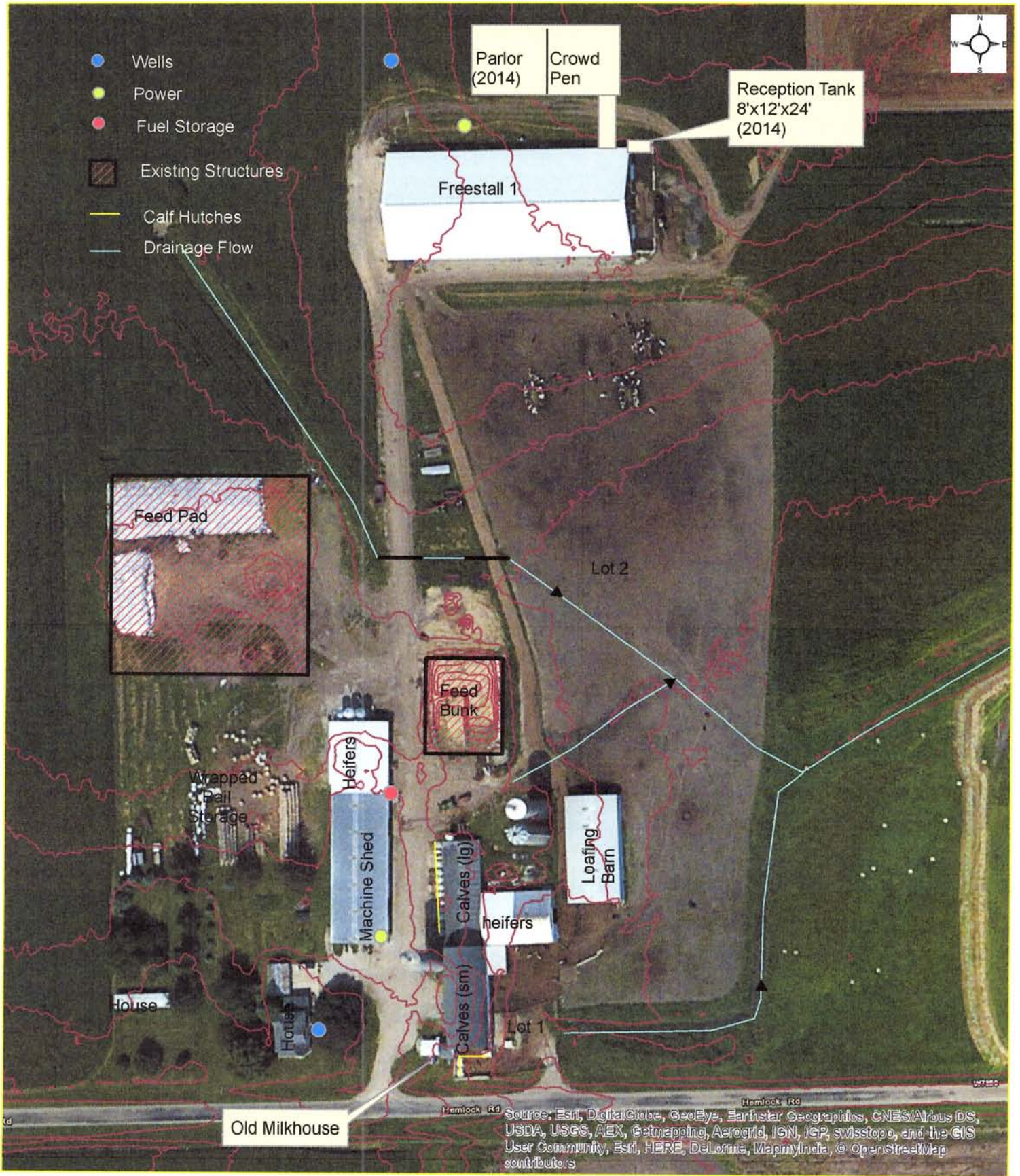


Crowd Reception Tank
Old Milkhouse

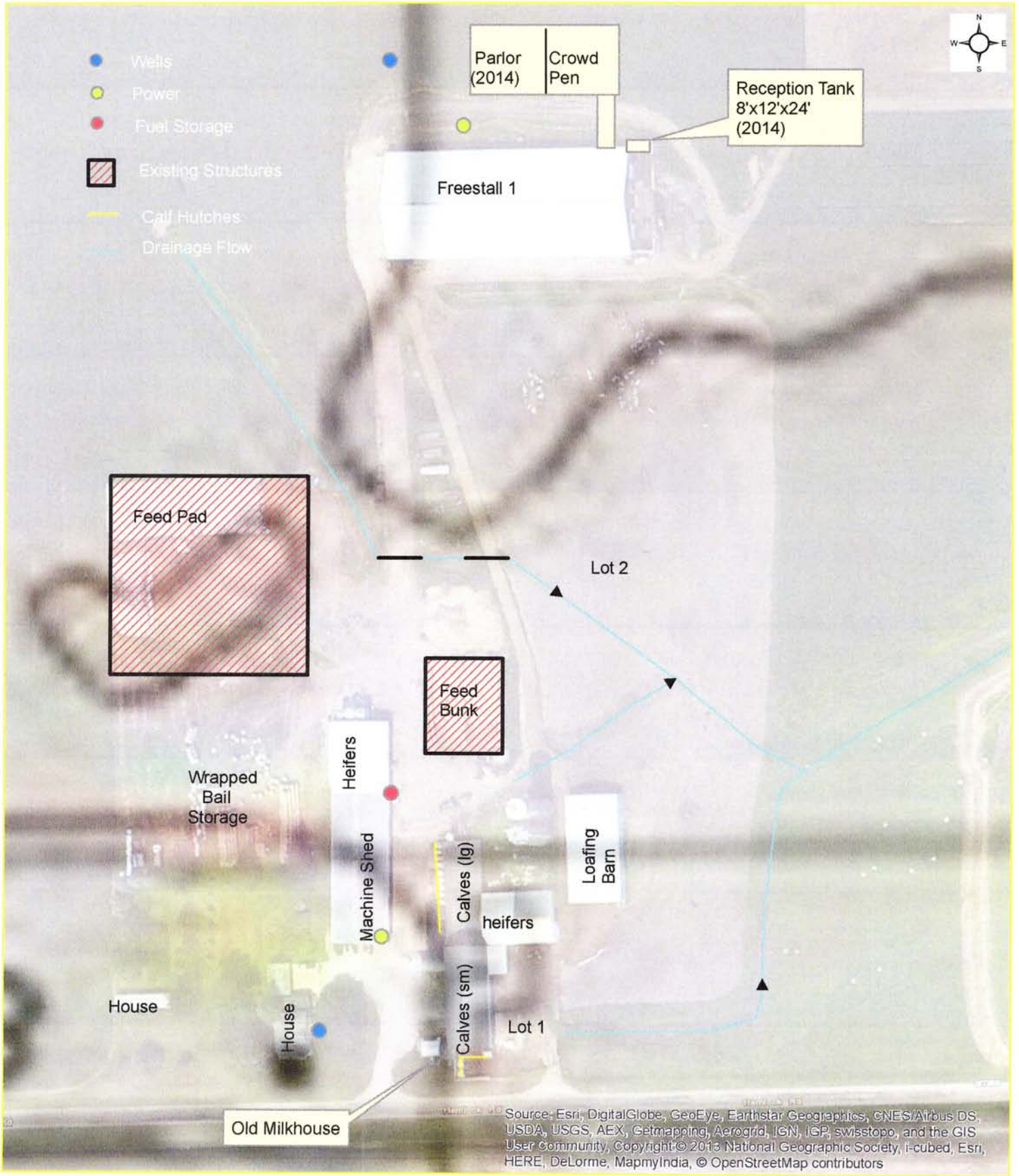
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

0 2,000 4,000 8,000 Feet

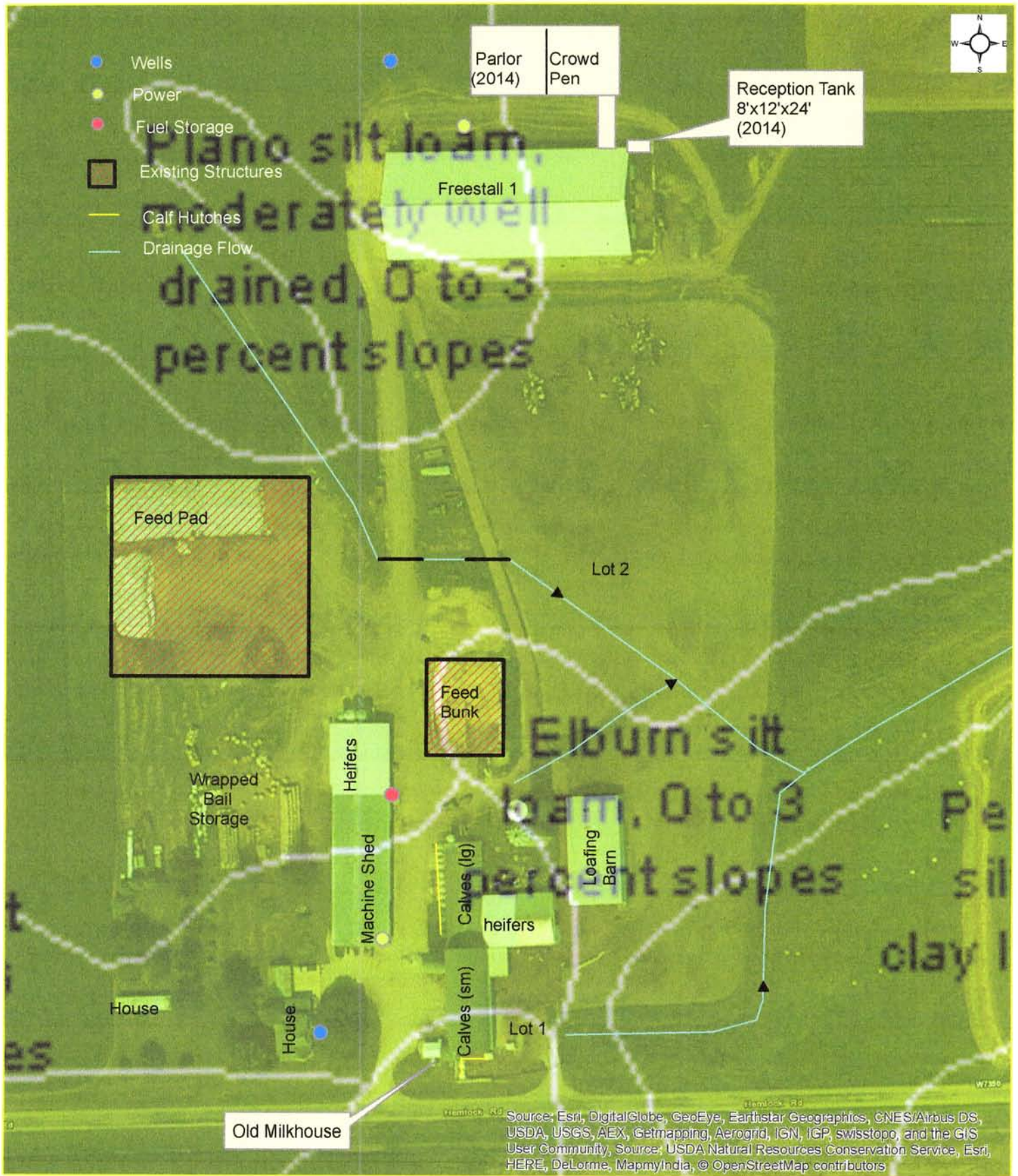
Brunn Farms LLC - W7448 Hemlock Road, Beaver Dam (2 ft. contours)




Brunn Farms LLC - W7448 Hemlock Road, Beaver Dam (topo)



Brunn Farms LLC - W7448 Hemlock Road, Beaver Dam (soils)



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arm-lwr-11/04 January, 2006			
 Wisconsin Department of Agriculture, Trade and Consumer Protection 2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911 Phone: (608) 224-4622 or (608) 224-4500			
Application for Local Approval		Wis. Statutes s. 93.90	
New or Expanded Livestock Facility		Wis. Adm. Code ch. ATCP 51	
1. Legal Name of Applicant (Business Entity): Brunn Dairy, LLC			
2. Type of Business Entity: check one			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Cooperative
<input type="checkbox"/> Trust	<input type="checkbox"/> Other	<input checked="" type="checkbox"/> LLC	
Describe:			
3. Other names, if any, under which applicant does business (list all):			
4. Contact Individual:		Name: Dustin Brunn	
Phone: 920-650-2222		E-mail: brunndairy88@gmail.com	
5. Business Address:		Street Address: W7448 Hemlock Road	
City/Village/Town: Beaver Dam		County: Dodge	State: WI Zip: 53916
6. Principal Owners or Officers (list if applicant is an entity other than an individual):			
Name: Duane Brunn		Title: Co Owner	Phone: 920-210-3106
Address: W7448 Hemlock Road		City: Beaver Dam	State: WI Zip: 53916
Name: Matt Brunn		Title: Co Owner	Phone: 920-319-0591
Address: W7452 Hemlock Road		City: Beaver Dam	State: WI Zip: 53916
Name: Dustin Brunn		Title: Co Owner	Phone: 920-650-2222
Address: 701 Columbia St.		City: Horicon	State: WI Zip: 53916
7. Description of Proposed Livestock Facility Dairy			
Check one: <input checked="" type="checkbox"/> New Livestock Facility		<input type="checkbox"/> Expanded Livestock Facility	Premises ID: 0072RQD
Address of Proposed Livestock Facility: W7448 Hemlock Road			
City/Village/Town: Trenton		County: Dodge	State: WI Zip: 53916
Town # 12N	Range # (E or W) 14E	Section # 13	¼ Section # SW of SE

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Application (continued)
<p>8. Total Animal Units</p> <p>Enter total <i>animal units</i> from worksheet 1:</p> <p>Total Animal Units: <u>998</u>. This is the maximum <i>livestock facility</i> size for which the applicant requests approval at this time.</p>
<p>9. Area Map of Livestock Facility</p> <p>Attach a scale map or aerial photo of the proposed <i>livestock facility</i> and surrounding area. The map or photo must be appropriately sized and marked, so that it clearly and legibly shows all of the following:</p> <ul style="list-style-type: none"> • All existing and proposed <i>livestock structures</i>. Label each <i>livestock structure</i> to show structure type, and whether existing or proposed. • The area lying within 2 miles of any of the <i>livestock structures</i>. Show all existing buildings, property lines, roadways, and navigable waters lying within that area. • All residences and <i>high use buildings</i> within 2500 ft. of any <i>livestock structure</i>. Show which (if any) of those buildings are owned by the applicant, or by persons who have agreed to exclude the buildings from the applicant's odor worksheet calculations. • Topographic lines at 10 ft. elevation intervals. • Map scale and north direction indicator.
<p>10. Site Map of Livestock Facility</p> <p>Attach a scale map or aerial photo of the proposed <i>livestock facility</i> site. The map or photo shall be appropriately sized and marked, so that it clearly and legibly shows all of the following:</p> <ul style="list-style-type: none"> • All existing and proposed <i>livestock structures</i>. Label each <i>livestock structure</i> to show structure type, and whether existing or proposed. • The area lying within 1,000 ft. of any of the <i>livestock structures</i>. Show all existing buildings, property lines, roadways, navigable waters, and known <i>karst features</i> within that area. • Topographic lines, at 2 ft. elevation intervals, for the area within 300 feet of the <i>livestock structures</i>. • Map scale and north direction indicator.
<p>11. Location of Livestock Structures</p> <p>The applicant certifies that:</p> <ul style="list-style-type: none"> • All <i>livestock structures</i> comply with applicable local property line and road setbacks (see <i>ATCP 51.12</i>). • All <i>waste storage structures</i> comply with setbacks in <i>ATCP 51.12(2)</i>. • All <i>livestock structures</i> comply with applicable local shoreland, wetland, and floodplain zoning ordinances (copies available from local government). • Wells comply with the Wisconsin well code (<i>NR 811</i> and <i>812</i>). <i>New or substantially altered livestock structures</i> are separated from existing wells (including neighbors' wells) by setback distances required in <i>NR 811</i> and <i>812</i>.

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arm-lwr-11/04 January 2006



Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911
Phone: (608) 224-4622 or (608) 224-4500

Worksheet 1 – Animal Units

Instructions: Use this worksheet to determine the number of *animal units* for which you request approval. You may request approval for a number that is large enough to accommodate current and potential future expansions. If the local government approves the requested number of *animal units*, that is the maximum number that you may keep for 90 days or more in any 12-month period. You may not exceed that number without additional approval.

To complete this worksheet:

1. Identify each type of *livestock* that you might keep at the proposed facility. Enter the maximum number of animals of each type that you might keep for at least 90 days in any 12-month period.
2. Multiply the number of animals of each type by the relevant Animal Unit Factor to obtain *animal units* of each type.
3. Sum the *animal units* for all *livestock* types to obtain the Total *Animal Units* for which you request approval.

	Livestock Type	Animal Unit Factor	Animal Units For Proposed Facility		
Example – Milking & Dry Cows			1.4 x	800	= 1120 AU
Dairy	Milking and Dry Cows	1.4	1.4 x	480	= 672
	Heifers (800 lbs. to 1200 lbs.)	1.1	1.1 x	245	= 269.5
Cattle	Heifers (400 lbs. to 800 lbs.)	0.6	0.6 x	80	= 48
	Calves (up to 400 lbs.)	0.2	0.2 x	40	= 8
Beef	Steers or Cows (600 lbs. to market)	1.0	1.0 x		=
	Calves (under 600 lbs.)	0.5	0.5 x		=
	Bulls (each)	1.4	1.4 x		=
Swine	Pigs (55 lbs. to market)	0.4	0.4 x		=
	Pigs (up to 55 lbs.)	0.1	0.1 x		=
	Sows (each)	0.4	0.4 x		=
	Boars (each)	0.5	0.5 x		=
Poultry	Layers (each)	0.01	0.01 x		=
	Broilers (each)	0.005	0.005 x		=
	Broilers – continuous overflow watering	0.01	0.01 x		=
	Layers or Broilers – liquid manure system	0.033	0.033 x		=
	Ducks – wet lot (each)	0.2	0.2 x		=
	Ducks – dry lot (each)	0.01	0.01 x		=
	Turkeys (each)	0.018	0.018 x		=
Sheep (each)		0.1	0.1 x		=
Goats (each)		0.1	0.1 x		=
Total Animal Units for Which Applicant Requests Approval			=	998	



Signature of Applicant or Authorized Representative

8-24-15
Date

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Arm-lwr-11/04 January 2006



Wisconsin Department of Agriculture, Trade and Consumer Protection
 2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911
 Phone: (608) 224-4622 or (608) 224-4500

Worksheet 2 – Odor Management

Instructions: This worksheet addresses odor from *livestock structures*. You are NOT required to complete this worksheet if any of the following apply (check box if applicable):

- I am requesting approval for a *new livestock facility* with fewer than 500 *animal units*.
- I am requesting approval for an *expanded livestock facility* with fewer than 1,000 *animal units*.
- All *livestock structures* will be at least 2500 ft. from the nearest affected neighbor.

If you checked any of the above boxes, just sign below and submit this page with your application. If you did NOT check any of the above boxes, you must complete this worksheet to calculate the odor score (Box 4) for your proposed *livestock facility*. To meet the odor management standard, you must have a total odor score of 500 or more.

If *livestock structures* are located in *clusters* that are separated by more than 750 feet, you may elect to complete a separate worksheet for each *cluster*. If you choose that option, each *cluster* must meet the odor management standard.

A complete worksheet must include Tables A and B. You may use a convenient automated spreadsheet in place of Tables A and B if you prefer (submit spreadsheet output instead of tables, results will be identical). However, you must still sign and submit this signature page. The spreadsheet is available at the *DATCP* website, <http://www.datcp.state.wi.us>.

TO COMPLETE THIS WORKSHEET, FOLLOW THESE STEPS:

Step 1: Complete Table A to determine the Predicted Odor from your *livestock structures*. Enter the Predicted Odor in Box 3 below (NOT Box 1).

Step 2: Complete Table B to determine your Separation Score. Enter your Separation Score in Box 1 below. (NOT Box 2).

Step 3: Enter your management credits in Box 2 (maximum 100 points). All applicants may enter 80 points for completing required incident response and employee training plans (described on page A-3). Applicants completing an optional odor management plan (described on page A-3), may add an additional 20 points. Applicants determine plan contents, as long as the plan addresses the required topics.

Step 4: Add Box 1 and Box 2. Subtract Box 3 and enter the total in Box 4. This is your Odor Score.

658	+	80	-	197	=	541
Box 1 Separation Score (from Step 2)		Box 2 Management Score (from Step 3)		Box 3 Predicted Odor (from Step 1)		Box 4 Odor Score

A local government must approve a *livestock facility* with an odor score of 500 or more (Box 4). You may add odor control practices to increase your odor score to 500 or more. A local government may approve, but is not required to approve, a *livestock facility* with an odor score less than 500 but not less than 470.


 Signature of Applicant or Authorized Representative

8-24-15
 Date

Location:

Nearest neighbor: N8522 Basswood Lane, Beaver Dam, WI 53916

1. Animal Housing

ID	Manure Management	Generation number	Occupied Area (Ft. ²)	Dist. to Nearest Neighbor (Ft.)	Control Practice	Reduction Factor	Control Practice	Reduction Factor	Predicted Odor
Freestall 1	Freestall - Dairy - Scraps (incl. Beef and Heifers on forage ration)	4	26,750	859	None	1	None	1	11
Freestall 2 (future)	Freestall - Dairy - Scraps (incl. Beef and Heifers on forage ration)	4	26,750	1,085	None	1	None	1	11
Heifers 1	Bedded Pack - Dairy and Beef	2	5,000	538	None	1	None	1	1
Heifers 2	Bedded Pack - Dairy and Beef	2	4,000	686	None	1	None	1	1
Calf Barn	Bedded Pack - Dairy and Beef	2	10,500	640	None	1	None	1	2
Loafing Barn	Bedded Pack - Dairy and Beef	2	6,250	772	None	1	None	1	1

2. Waste Storage

ID	Storage type	Generation number	Surface Area (Ft. ²)	Dist. to Nearest Neighbor (Ft.)	Control Practice	Reduction Factor	Control Practice	Reduction Factor	Predicted Odor
Reception Tank	Liquid storage - Short term (pit and tank) Open anaerobic	28	288	1,115	None	1	None	1	1
Manure Storage 1	Liquid storage - Long term (pit and tank) Open anaerobic	13	48,750	908	None	1	None	1	63

3. Animal Lots

ID	Lot type	Generation number	Surface Area (Ft. ²)	Dist. to Nearest Neighbor (Ft.)	Control Practice	Reduction Factor	Control Practice	Reduction Factor	Predicted Odor
Lot 1	Unpaved - Dairy/Beef/Sheep/Goats	6	8,000	710	None	1	None	1	5
Lot 2	Unpaved - Dairy/Beef/Sheep/Goats	6	168,000	770	None	1	None	1	101
3C									
3D									

4. Separation Distance

Weighted Distance to Neighbor	834
Direction of Nearest Neighbor	West
Adjusted Weighted Distance	1,084
Density (neighbors within 1,300 ft.)	Low

5. Management

Basic Management Plans	Required
Advanced Odor Management Plan? (optional)	No

Total Predicted Odor 197
 Separation Score 658
 Basic Management Score 80
 Advanced Management Score 0
 Odor Score 541

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TABLE A: Predicted Odor from Livestock Structures

Worksheet 2 (continued)

Instructions: Complete Table A. You must measure all structures in the same affected neighbor. If the nearest neighbor is not the same for all livestock structures, you will need to complete the table once for each case neighbor. Compare the "H" Total of the table for each neighbor. The neighbor that has the lowest weighted distance is considered your nearest affected neighbor, and you should use that table to complete the odor worksheet. Enter the Column F total on page A-6 in Box 3. Enter the Column G result on page A-8 in Table B, Step 1. Add lines or use additional sheet, if needed, to list all structures.

1. Animal Housing Areas – List each							
Column A Measure Management Type Enter your housing buildings and the related 4-letter code from Chart 2. You may exclude up to 1000 calf hutches and 4 structures less than the sq footage listed in Chart 2.	Column B Odor Generation Number From Chart 2	Column C Housing Area (ft ²) Use occupied animal area only. Exclude feed alleys, holding areas and milking parlors. Express in 10,000's. (Ex: 15,523 ft ² = 1.55)	Column D Odor Control Practice Codes List all that apply to each housing area, from Chart 3	Column E Multiplier for Odor Control Practice List all that apply to each from Chart 3. Enter "1" if none.	Column F Predicted Odor Multiply columns B, C, and E	Column G Distance to Nearest Affected Neighbor (ft) Measure from corner of the bldg to corner of the neighbor's bldg. Measure all to the same neighbor.	Column H Weighted Distance (ft.) Multiply columns F & G
1A.							
1B.							
1C.							
1D.							
1E.							
2. Waste Storage Facilities – List each							
Column A Waste Storage Type Enter 4-letter type code from Chart 2	Column B Odor Generation Number From Chart 2	Column C Exposed Surface Area Measure surface area (ft ²) when pit is filled to capacity, excluding freeboard. Enter in 10,000's. (Ex: 75,575 = 7.56)	Column D Odor Control Practice Codes List all that apply to each facility from Chart 3	Column E Multiplier for Odor Control Practice List all that apply to each from Chart 3. Enter "1" if none.	Column F Predicted Odor Multiply columns B, C, and E	Column G Distance to Nearest Affected Neighbor (ft) Measure from top inside edge to neighbor's bldg corner. Measure to the same neighbor.	Column H Weighted Distance (ft.) Multiply columns F & G
2A.							
2B.							
2C.							
2D.							
3. Animal Lots – List each							
Column A Animal Lot Type Enter 4-letter type code from Chart 2	Column B Odor Generation Number From Chart 2	Column C Animal Lot Area (ft ²) Enter in 10,000's (Ex: 7438 = .74)	Column D Odor Control Practice Codes List all that apply to each facility from Chart 3	Column E Multiplier for Odor Control Practice List all that apply to each from Chart 3. Enter "1" if none.	Column F Predicted Odor Multiply columns B, C, and E	Column G Distance to Nearest Affected Neighbor (ft) Measure from corner to corner. Measure all structures to the same neighbor.	Column H Weighted Distance (ft.) Multiply columns F & G
3A.							
3B.							
3C.							
					F Total	G = (H Total) ÷ (F Total)	H Total

Enter on page A-6, Box 3

Enter on page A-8, Table B, Step 1

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Worksheet 2 (continued)

Table B: Separation Score

INSTRUCTIONS	RESULTS																		
Step 1: Enter, at right, the result from Table A, Column G (page A-7).	Distance (ft.) to Nearest Affected Neighbor: _____																		
Step 2: Select multiplier based on the compass direction looking from the <i>livestock facility</i> to the nearest <i>affected neighbor</i> . Enter at right.	Multiplier: _____																		
<table border="1"> <thead> <tr> <th>Compass Direction</th> <th>Multiplier</th> </tr> </thead> <tbody> <tr><td>North</td><td>1.0</td></tr> <tr><td>Northeast</td><td>1.0</td></tr> <tr><td>East</td><td>1.1</td></tr> <tr><td>Southeast</td><td>1.2</td></tr> <tr><td>South</td><td>1.2</td></tr> <tr><td>Southwest</td><td>1.2</td></tr> <tr><td>West</td><td>1.3</td></tr> <tr><td>Northwest</td><td>1.1</td></tr> </tbody> </table>	Compass Direction	Multiplier	North	1.0	Northeast	1.0	East	1.1	Southeast	1.2	South	1.2	Southwest	1.2	West	1.3	Northwest	1.1	
Compass Direction	Multiplier																		
North	1.0																		
Northeast	1.0																		
East	1.1																		
Southeast	1.2																		
South	1.2																		
Southwest	1.2																		
West	1.3																		
Northwest	1.1																		
Step 3: Calculate wind-adjusted separation distance (Distance to nearest <i>affected neighbor</i> x multiplier). Enter at right.	Wind-Adjusted Separation Distance (ft.) _____																		
Step 4: Determine <i>affected neighbor</i> density and enter at right: <i>Low density</i> = No more than 5 residences and no <i>high-use buildings</i> within 1300 ft of each structure. <i>High density</i> = 6 or more residences or at least one <i>high-use building</i> within 1300 ft of each structure.	Low or High Density? _____																		
Step 5: Use results above and Chart 1 to find your Separation Score. Enter at right and on Page A-6 in Box 1 .	Separation Score																		

Chart 1: Separation Score

Wind-Adjusted Separation Distance (ft.)	Low Density	High Density
0-99	505	503
100-149	506	504
150-199	511	507
200-249	516	510
250-299	521	514
300-349	527	518
350-399	534	523
400-449	541	528
450-499	548	533
500-599	560	542
600-699	577	555
700-799	595	569
800-899	615	585
900-999	636	601
1000-1099	658	619
1100-1199	681	637
1200-1299	705	657
1300-1399	730	
1400-1499	756	
1500-1599	783	
1600-1699	810	
1700-1799	839	
1800-1899	868	
1900-1999	899	
2000-2099	930	
2100-2199	962	
2200-2299	994	
2300-2399	1027	
2400-2499	1061	
2500-2749	1123	
2750-2999	1214	
3000-3249	1309	

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Worksheet 2 (continued)

Chart 2: Odor Generation Numbers

Animal Housing Area Type	Housing/ Management Type Code	Manure Management Method	Odor Generation Number	Exempt Buildings Maximum Size (ft²) (May exclude up to 4)
Dairy Stanchion	DSDC	Daily to weekly cleaning	2	7500
Dairy Free Stall and Beef & Dairy Heifers (Forage Ration)	DBSS	Slatted floor (includes floor and pit below)	6	2500
	DBSC	Scrape	4	3500
	DBAF	Alley flush to storage	10	1500
	DBBP	Bedded pack	2	7500
Beef Finishing (High Energy Ration)	BFSF	Slatted floor (includes floor and pit below)	12	1000
	BFSC	Scrape	8	2000
	BFBP	Bedded pack	4	3500
Pork Gestation/ Farrow/Nursery	PGSF	Slatted floor (includes floor and pit below)	46	N/A
	PGPP	Pull plug to storage	22	N/A
Pork Finishing	PFSF	Slatted floor (includes floor and pit below)	34	N/A
	PFPP	Pull plug to storage	20	N/A
	PFSS	Scrape systems to storage	11	1500
	PFDB	Deep bedded	4	3500
Poultry	PBLT	Broiler (litter)	1	15000
	PDLQ	Ducks (liquid)	20	N/A
	PLAY	Layers	20	N/A
	PTDL	Turkey and Ducks (litter)	2	7500

Type Codes	Waste Storage Facility Types <i>Note: Storage under slatted floor is addressed under animal housing.</i>	Odor Generation Number
WSSS	Solid (stack)	2
WSLT	Long term (6 months or longer as determined in Column E of worksheet 3)	13
WSST	Short term (less than 6 months as determined in Column E of worksheet 3)	28

Animal Lot Codes	Animal Lot Types		Odor Generation Number
ALPV	Paved		4
UPDB	Unpaved	Dairy/Beef/Sheep/Goats	6
UPSW		Swine/Poultry	11

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Worksheet 2 (continued)

Chart 3: Odor Control Practices

Category	Practice Code	Practice Name (Practices must meet specifications on pages A-11 to A-13)	Multiplier*
Animal Housing Area			
A	A1	Diet manipulation	0.8
B (Choose only 1)	B1	Bio-filter	0.1
	B2	Vegetable oil sprinkling (for swine only)	0.4
	B3	Fresh water flush	0.4
	B4	Treated water flush	0.7
	B5	Air Dam (for swine only)	0.9
C	C1	Windbreak (includes man-made berms)	0.9
D	D1	Frequent cleaning of animal housing area	0.9
Waste Storage Facilities			
E (Choose only 1)	E1	Anaerobic digestion	0.2
	E2	Chemical or biological additives	0.8
	E3	Compost	0.2
	E4	Solids Separation and Reduction	0.6
	E5	Water Treatment	0.1
F (Choose only 1)	F1	Aeration	0.3
	F2	Bio-cover	0.4
	F3	Geotextile cover	0.5
	F4	Impermeable cover	0.1
	F5	Natural crust	0.3
	F6	Bottom fill	0.9
G	G1	Windbreak (includes man-made berms)	0.9
Animal Lots			
H (Choose only 1)	H1	Frequent cleaning of <i>animal lot</i>	0.4
	H2	Drag <i>animal lot</i>	0.5
I	I1	<i>Animal lot</i> moisture control	0.8
J	J1	Windbreak (includes man-made berms)	0.9

*Smaller multiplier = more odor controlled (e.g. a multiplier of 0.4 represents a 60% control).

Innovative Odor Control Practices (all odor sources):

You may take credit for odor control practices not listed in Chart 3 if *DATCP* pre-approves a multiplier for each of those practices. Follow the procedure in *ATCP 51.14(5)(c)* to obtain *DATCP* approval. If you obtain *DATCP* approval, you may include the approved practice and multiplier in odor worksheet calculations in the same manner as for odor control practices listed in Chart 3 (attach *DATCP* approval to your application).

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Worksheet 2 (continued)

Odor Control Practice Specifications

Odor control practices identified in Chart 3 must meet the following specifications:

Animal Housing

Diet manipulation (A1) – Limit protein in animal diet by one of the following means:

- Match nutrient supply with animal requirements.
- Formulate low-protein amino acid supplemented diets.
- Add phytase enzyme ingredients.
- Process ingredients in ways that limit protein content of processed feed.
- Use phase feeding.
- Use split sex feeding.
- Minimize feed wastage.

Bio-filter (B1) – Vent air from *animal housing areas* through a bio-filter consisting of compost and wood chips, mixed at a rate of 30:70 to 50:50 (ratio by weight of compost to wood chips). The mixture must be at least 40% moisture by weight. The bio-filter must be 10" to 18" thick, and must have an area of at least 50 to 85 sq. ft. per 1000 cu. ft. per minute (cfm) of airflow.

Vegetable oil sprinkling (B2) – Sprinkle vegetable oil on floors in *animal housing areas* (swine) each day. Apply oil at start-up rate of approximately 40 milliliters per square meter per day (mL/m²-day) in the first 1-2 days of each production cycle. During the remainder of each production cycle, apply oil at maintenance rate of 5 mL/m²-day. Avoid oil applications to pens near fans, to areas near heaters, and to areas surrounding feeders.

Fresh water flush (B3) – Use fresh water to flush manure from floors of *animal housing areas* into collection or *waste storage structures*. Flush at least 3 times a day, and more often if necessary, to prevent manure from drying and sticking to floors. Flush must be adequate to remove manure solids effectively.

Treated water flush (B4) – Use treated manure effluent to flush manure from floors of *animal housing areas* into collection or *waste storage structures*. Flush at least 3 times a day, and more often if necessary, to prevent manure from drying and sticking to floors. Flush with waste storage effluent treated by one of the following means:

- *Solids Separation and Reduction (see E4 below).*
- *Aeration (see F1 below).*
- *Anaerobic digestion (see E1 below).*

Air Dam (B5) – Erect and maintain a wall (typically a 10-foot x 10-foot pipe frame and tarpaulin) placed at the end of a swine-finishing building, immediately downwind of the exhaust to deflect air and odor plume. Replace material used for the barriers (tarpaulins on a frame of solid wood, for example) as needed, which may be from a few years to decades, depending on the material.

Windbreak (C1) – Maintain a solid or porous windbreak, 10 to 50 feet from the odor source, which reduces forward momentum of airflow and vertically disperses the odor plume. The length of a windbreak shall be at least half of the perimeter of the animal housing. A windbreak may be constructed of vegetation or other materials. Vegetation windbreaks must contain at least 3 rows of trees and shrubs, of both fast and slow-growing species, that are well suited for the site. Windbreaks must be designed and constructed according to NRCS Technical Guide Standard 380 (June, 2002).

Frequent cleaning of animal housing area (D1) – Scrape and remove manure from *animal housing areas* at least 3 times a day.

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Worksheet 2 (continued)

Waste Storage Facilities

Anaerobic digestion (E1) – Subject manure to managed biological decomposition within a sealed oxygen-free container (“digester”). Anaerobic digestion must meet design and operational standards necessary to achieve adequate odor control, including requirements for solids concentration, flow rates, retention time, and minimum temperatures. Systems must meet the following:

- *Plug flow digester.* Treats manure with a total solids concentration of 8 to 14%. Must be kept in the digester for at least 20 days at a temperature of 95° to 104° F. (35° to 40° C). The digester's ratio of flow path width to fluid depth must be between 3.5:1 and 5:1.
- *Complete mix digester.* Treats manure with a total solids concentration of 2.5 to 10%. Must be kept in the digester for at least 17 days at a temperature of 95° to 104° F. (35° to 40° C.). The digester must have appropriate mixing devices to ensure complete mixing.
- *Fixed film digester.* Treats manure with a total solids concentration of not more than 5%. Must be kept in the digester for 1 to 6 days at a temperature of 59° to 99° F. (15° to 39° C). Microbial support material must have at least 3-inch openings.
- *Other systems.* Use proprietary design and performance specifications that are commonly accepted and provide adequate odor mitigation.

Chemical or biological additives (E2) – Apply, to stored manure, chemical or biological additives that are scientifically proven to be effective in reducing odor from that manure when applied under applicable conditions and in applicable amounts.

Compost (E3) – Aerobically treat solid or semi-solid manure to create compost. Compost must have a carbon: nitrogen ratio of 25:1 to 40:1, and must consist of at least 40 to 60% moisture by weight. Composted material must be held at a temperature of more than 130° F. (54° C.) for more than 5 days.

Solids Separation and Reduction (E4) – Reduce the solid content of stored manure to an average of less than 2% solids through separation, multi-tiered pits or other means.

Water Treatment (E5) – Install and use a physical, chemical or biological process that removes the majority of contaminants from the waste stream, resulting in a liquid effluent meeting surface water discharge standards. The remaining solid fraction or sludge must be accounted for based on its form, and the management it is subject to.

Aeration (F1) – Use aeration equipment to maintain aerobic activity in stored manure. Aeration must maintain an average of 2 milligrams of dissolved oxygen per liter of manure stored in the upper foot of manure stored in the aerated structure between April and October.

Bio-cover (F2) – Cover the surface of waste storage structure with an 8” to 12” thick blanket of dry wheat, barley or good quality straw. The blanket must cover nearly all of the waste surface between the months of April and October. Add to the blanket as necessary (typically every 6 weeks to 4 months) to maintain the required cover.

Geotextile cover (F3) – Cover the surface of waste storage structure with a geotextile membrane that is at least 2.4 mm thick. The membrane must cover nearly all of waste surface between the months of April and October.

Impermeable cover (F4) – Cover the surface of waste storage structure with an impermeable barrier that prevents gas from escaping. Gas must be drawn off, and either treated or burned.

Natural crust (F5) – Maintain a natural crust of dry manure on the surface of stored manure. The natural crust must cover a substantial amount of the surface area of the stored manure, for most of the time between the months of April and October.

Bottom fill (F6) – Add manure to a liquid *manure storage structure* from the bottom so as to limit disturbance to the surface of the stored manure.

Windbreak (G1) – Maintain a solid or porous windbreak, 10 to 50 feet from the odor source, which reduces forward momentum of airflow and vertically disperses the odor plume. The length of a windbreak shall be at least half of the perimeter of the *waste storage facility*. A windbreak may be constructed of vegetation or other materials. Vegetation windbreaks must contain at least 3 rows of trees and shrubs, of both fast and slow-growing species, that are well suited for the site. Windbreaks must be designed and constructed according to *NRCS Technical Guide Standard 380* (June, 2002).

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Worksheet 2 (continued)

Animal Lots

Frequent cleaning of animal lot (H1) – Scrape and remove manure from *animal lot* surfaces at least once every 3 days. You may leave an undisturbed, compacted manure layer (1 to 2 inches thick) on the surface of unpaved *animal lots* to provide good surface sealing.

Drag animal lot (H2) – Drag manure in *animal lots* with harrow or disk at least once every 7 days during the months of April through October, to aerate and dry the manure.

Animal lot moisture control (I1) – Prevent runoff water from flowing onto *animal lots* from roofs and other surfaces. Use diversions or roof runoff systems identified in s. *ATCP 50.70* or *50.85*. *Animal lots* must have a grade of at least one percent to promote drainage and drying.

Windbreak (J1) – Maintain a solid or porous windbreak, 10 to 50 feet from the odor source, which reduces forward momentum of airflow and vertically disperses the odor plume. The length of a windbreak shall be at least half of the perimeter of the *animal lot*. A windbreak may be constructed of vegetation or other materials. Vegetation windbreaks must contain at least 3 rows of trees and shrubs, of both fast and slow-growing species, that are well suited for the site. Windbreaks must be designed and constructed according to *NRCS Technical Guide Standard 380* (June, 2002).

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Arm-lwr- 11/04 January 2006



Wisconsin Department of Agriculture, Trade and Consumer Protection

2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911
 Phone: (608) 224-4622 or (608) 224-4500

Worksheet 3 - Waste and Nutrient Management

Part A. Waste Generation and Storage Summary

Instructions: You must complete Parts A and B of this worksheet. If your *livestock facility* will have fewer than 500 *animal units* you may be exempt from Part C, depending on results of Part B. If Part C applies, it must be signed by a *qualified nutrient management planner* (you must also sign).

You are NOT required to complete this worksheet if you already hold a *WPDES permit* for the proposed *livestock facility* (for the same or greater number of *animal units*). Simply check the following box, sign at the bottom of this page, and include a copy of the *WPDES permit* with your application.

I enclose a copy of my *WPDES permit* in place of Worksheet 3.

Specify a single livestock type (dairy, beef, swine, etc.). *Use a separate worksheet for each livestock type.*

Livestock Type: Dairy

Description of Storage	Column A Waste Storage Capacity (Gallons or Tons)	Column B Source of Waste (Animal Waste, Wastewater, Leachate, etc.)	Column C Average Annual Volume of Waste Produced from Each Source (Gallons or Tons)	Column D Total Average Annual Volume Waste Produced (Gallons or Tons)	Column E Storage Duration in Days (Column A divided by Column D times 365 days)
Example: Unit 1 - lagoon	5,000,000 gallons	Animal waste	4,000,000 gallons	7,000,000 gallons	260 days
		Wastewater	1,000,000 gallons		
		Leachate	2,000,000 gallons		
Unit 1 Reception Tank	16000 gallons	Animal Waste		5,840,000 gallons	1 day
Unit 2					
Unit 3					

Applicant affirms that the information provided in Part A is accurate.

Dustin J. Brun

Signature of Applicant or Authorized Representative

8-24-15

Date

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Arm-lwr- 11/04 January 2006	Worksheet 3 (continued)
Part B – Land Base for Applying Nutrients	
1. Enter total <i>animal units</i> in proposed <i>livestock facility</i> (from worksheet 1): <u>998</u>	
2. What percentage of the waste from the <i>livestock facility</i> will be: a. Applied to land: <u>100</u> %. Attach map showing where waste will be applied to land. b. Processed and sold as commercial fertilizer, under a fertilizer license: <u>0</u> %. c. Disposed of in other ways: <u>0</u> %. Describe ways: _____	
3. Multiply the percent in line 2a by the number of <i>animal units</i> in line 1. Result (# of <i>animal units</i>): <u>998</u>	
4. Total acres of cropland currently available for land application (owned, rented, or landspreading agreement): <u>432</u>	
5. Divide # of acres in line 4 by # of <i>animal units</i> in line 3 to obtain ratio of acres to <i>animal units</i> : <u>0.432</u>	
6. Is the ratio in line 5 equal to or greater than the applicable ratio in Table 1? <u>No</u> If YES, and if the # of <i>animal units</i> in line 1 is less than 500, you need NOT complete Part C. Otherwise, complete Part C.	

Table 1: Acreage per Animal Unit

Animal Type	Acres per Animal Unit*
Dairy	1.5
Beef	1.5
Swine	1.0
Chickens/Ducks	2.5
Turkeys	5.5
Sheep/Goats	2.0

* NOTE: A *livestock facility* is NOT required to attain or exceed this ratio of acres to *animal units*. But IF your *livestock facility* will attain or exceed this ratio and will have fewer than 500 *animal units*, you need NOT complete Part C of this worksheet.

Applicant affirms that the information provided in Part B is accurate.



Signature of Applicant or Authorized Representative

8-24-15

Date

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		Worksheet 3 (continued)	
arm-lwr- 11/04 January 2006			
Part C – Nutrient Management Checklist			
Instructions: All applicants must submit this checklist unless exempted under Part A or B. The checklist is based on the NRCS Technical Guide Nutrient Management Standard 590 (September, 2005).			
County Name: <u>DODGE</u>	Date Submitted:	Township (T. <u>12N</u> (N.S.) – (R. <u>14</u> (E.W.))	
Cropland Acres: (owned, rented, or with manure spreading agreement) <u>432 acres</u>		Name of livestock operator submitting checklist: <u>DUSTIN BRUNN</u>	
		Yes	NA
1. Are the following field features identified on maps or aerial photos?			
a) Field location, soil survey map unit(s), field boundary, and field identification number.		✓	
b) Areas prohibited from receiving nutrient applications: Surface water, established concentrated flow channels with perennial cover, permanent non-harvested vegetative buffer, non-farmed wetlands, sinkholes, lands where established vegetation is not removed, nonmetallic mines, and fields eroding at a rate exceeding tolerable soil loss (T).		✓	
c) Areas within 50 ft of a potable drinking water well where mechanically-applied manure is prohibited.		✓	
d) Areas prohibited from receiving winter nutrient applications: Slopes > 9% (12% if contour-cropped); Surface Water Quality Management Area (SWQMA) defined as land within 1,000 ft of lakes and ponds or within 300 ft of perennial streams draining to these waters, unless manure is deposited through winter gleaning/pasturing of plant residue and not exceeding the N and P requirements of this standard.		✓	
e) Areas where winter applications are restricted unless effectively incorporated within 72 hours: Land contributing runoff within 200 ft upslope of direct conduits to groundwater such as a well, sinkhole, fractured bedrock at the surface, tile inlet, or nonmetallic mine.		✓	
f) Sites vulnerable to N leaching: Areas within 1,000 ft of a municipal well, and soils listed in Appendix 1 of the Conservation Planning Technical Note WI-1.		✓	
2. Are erosion controls implemented so the crop rotation will not exceed T on fields that receive nutrients according to the conservation plan or WI P Index model?			
		✓	
3. Check the methods below used to determine field soil nutrient levels:			
a) Soil samples were collected and analyzed within the last 4 years according to UW Publication A2100 recommendations.		✓	
b) For fields not meeting (a.) above, soil test phosphorus levels are assumed to be greater than 100 ppm soil test P. *			
c) For fields not meeting (a.) above, preliminary estimates of soil nutrients were determined using limited soil sampling (> 5 acre per sample) but analyzed by a DATCP certified laboratory. *			
*For fields with soil nutrient levels determined under (b) or (c), the applicant must collect and analyze soil samples meeting the requirements of A2100 within 12 months of siting approval, and revise the nutrient management plan accordingly.			
4. Using the field's predominant soil series and realistic yield goals, are planned nutrient application rates, timing, and methods of all forms of N, P, and K listed in the plan and consistent with UW Publication A2809, Soil Test Recommendations for Field, Vegetable and Fruit Crops, and the 590 standard?			
		✓	
5. Do manure production and collection estimates correspond to the acreage needed in the plan? Are manure application rates realistic for the calibrated equipment used?			
		✓	
6. Is a single phosphorus (P) assessment of either the P Index or soil test P management strategy uniformly applied to all fields within a tract?			
		✓	
7. Are areas of concentrated flow, resulting in reoccurring gullies, planned to be protected with perennial vegetative cover?			
		✓	
8. Will nutrient applications on non-frozen soil within the SWQMA comply with the following?			
a) Unincorporated liquid manure on unsaturated soils will be applied according to Table 1 of the 590 standard to minimize runoff.		✓	
b) One or more of the following practices will be used: 1) Install/maintain permanent vegetative buffers, or 2) Maintain greater than 30% crop residue or vegetative coverage on the surface after nutrient application, or 3) Incorporate nutrients leaving adequate residue to meet tolerable soil loss, or 4) Establish fall cover crops promptly following application.			
9. Is a narrative included which describes proposed manure collection, transportation, and application methods?			
		✓	

I certify that the documentation supporting this checklist is complete and accurate:

Signature of *Qualified Nutrient Management Planner*, other than applicant: *Dustin Brunn* CCA 350462
 (qualified by 1. NAICC-CPC, 2. ASA-CCA, 3. ASA-Professional Agronomist, 4. SSSA-Soil Scientist)

Signature of Applicant or Authorized Representative: *Dustin Brunn*

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Arm-lwr- 11/04 January 2006



Wisconsin Department of Agriculture, Trade and Consumer Protection
 2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911
 Phone: (608) 224-4622 or (608) 224-4500

Worksheet 4 – Waste Storage Facilities

Instructions: This worksheet must be signed by a registered professional engineer or *certified agricultural engineering practitioner*. This worksheet must identify every *waste storage facility* in the proposed *livestock facility* (including storage structures and transfer systems).

You are NOT required to complete this worksheet if you already hold a *WPDES permit* for the proposed *livestock facility* (for the same or greater number of *animal units*). Simply check the following box, sign at the bottom of this page, and include a copy of the *WPDES permit* with your application.

I enclose a copy of my *WPDES permit* in place of Worksheet 4.

New or Substantially Altered Facilities: Design specifications for the following *new* or *substantially altered waste storage facilities* comply with *NRCS Technical Guide Standards 313* (November, 2004) and *634* (November, 2004). [Identify each facility and attach design specifications for each facility.]

Existing Facilities Retained: The following *waste storage facilities* will continue in use without being *substantially altered*. Each facility meets one of the following:

The facility (list each facility _____) was constructed of concrete or steel or both, was constructed within the last 10 years according to then-existing *NRCS technical standards*, and shows no apparent signs of structural failure or significant leakage.

The facility (list each facility 12' x 24' x 8' reception tank) was constructed within the last 3 years according to then-existing *NRCS technical standards*, and shows no apparent signs of structural failure or significant leakage.
 (2013 design, 2014 as-built)

The facility (list each facility _____) was constructed to *NRCS technical standards* that existed at the time of construction, is in good condition and repair and shows no apparent signs of structural failure or significant leakage.

The facility (list each facility _____) is in good condition and repair, shows no apparent signs of structural failure or significant leakage, and is located on a site at which the soils and separation distances to groundwater comply with *NRCS Technical Guide Manure Storage Facility Standard 313, Table 1* (November, 2004).

The facility (list each facility _____) is in good condition and repair, shows no apparent signs of structural failure or significant leakage, is located entirely above ground, and is located on a site at which the soils comply with *NRCS Technical Guide Manure Storage Facility Standard 313, Table 5* (November, 2004).

Facilities To Be Abandoned: The following *waste storage facilities* will be closed according to a closure plan that complies with *NRCS Technical Guide Standard 360* (June, 2001). [Attach closure plan for each facility.]

Total Storage Capacity: The *waste storage facilities* in the proposed *livestock facility* have a combined useable storage capacity of 16,000 gallons or tons (cannot include required "freeboard" in useable capacity).



GAIL LISSE, P.E. #E-38179

Print Name of Engineer (include WI License No.) or *Certified Agricultural Engineering Practitioner*

Gail Lisse
 Signature of Engineer or Practitioner

8/6/2015
 Date

1763 Aspen Lane, Green Bay, WI 54303
 Name of Firm and Address

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Arm-lwr- 11/04 January 2006



Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911
Phone: (608) 224-4622 or (608) 224-4500

Worksheet 5 – Runoff Management

Instructions: This worksheet must be signed by a registered professional engineer or *certified agricultural engineering practitioner* (you must also sign). Signers attest to statements in this worksheet. You are responsible for compliance.

You are NOT required to complete this worksheet if you already hold a *WPDES permit* for the proposed *livestock facility* (for the same or greater number of *animal units*). Simply check the following box, sign at the bottom of this page, and include a copy of the *WPDES permit* with your application.

enclose a copy of my *WPDES permit* in place of Worksheet 5.

Animal Lots¹

1. New or Substantially Altered Animal Lots: All *new* or *substantially altered* *animal lots* will be constructed according to the attached design specifications that comply with *NRCS Technical Guide Standard 635* (January, 2002). [Identify *animal lots* and attach design specifications for each *animal lot*.]

2. Existing Animal Lots Near Surface Waters: The following *animal lots* are located within 300 feet of a stream² or 1,000 feet of a lake. According to the *BARNY runoff model*, each of these *animal lots* has (or with minor alterations³ will have) predicted average annual phosphorus runoff of less than 5 lbs. per year (measured at the end of the treatment area). Runoff does not discharge to any direct conduit to groundwater. [Identify *animal lots* and minor alterations if any.]

3. Other Existing Animal Lots: The following *animal lots* are NOT located within 300 feet of a stream² or 1,000 feet of a lake. According to the *BARNY runoff model*, each *animal lot* has (or with minor alterations³ will have), a treatment area that reduces phosphorus runoff to an average of less than 15 lbs. per year (measured at the end of the treatment area). Runoff does not discharge to any direct conduit to groundwater. [Identify *animal lots* and minor alterations if any.]

Feed Storage

industrial permit for sweet corn (factory) waste

1. General. The operator agrees to manage feed storage to prevent significant discharge of leachate or polluted runoff to waters of the state.

2. Existing Feed Storage (High Moisture Feed). Existing paved areas and bunkers that may be used to store or handle high moisture feed (70% or higher moisture content) will meet the following standards:

a) Surface water runoff will be diverted from entering the paved area or bunker.⁴

b) Surface discharge of leachate will be collected before it leaves any paved area or bunker, if the paved area covers more than one acre. Collected leachate will be stored and disposed of in a manner that prevents discharge to waters of the state.⁵

neither feed pad or bunker area is more than 1 acre

¹ Treat multiple lots as one *animal lot* if runoff from the *animals lots* drains to the same treatment area or if runoff from the *animal lot* treatment areas converges or reaches the same surface water within 200 feet of any of those treatment areas.

² Indicated by a solid or dashed blue line on a 1:24,000 scale USGS topographic map.

³ "Minor alterations" are repairs or improvements that do not result in a *substantially altered animal lot*. "Minor alterations" may include conservation practices such as runoff diversions, contouring, and planting vegetation.

⁴ Runoff may be diverted by means of earthen diversions, curbs, walls, gutters, waterways or other practices, as appropriate.

⁵ Use safe methods to dispose of collected leachate. For example, leachate may be transferred to *waste storage structures* and then applied to land at agronomic rates.

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Worksheet 5 (continued)

3. **New or Substantially Altered Feed Storage Structures (High Moisture Feed):** New or substantially altered feed storage structures (buildings, silos, bunkers or paved areas) used to store or handle high moisture feed (70% or higher moisture content) will be designed, constructed and maintained to the following standards [attach design specifications]:

- a) Surface water runoff will be diverted from entering the feed storage structure.¹
- b) Surface discharge of leachate will be collected before it leaves the feed storage structure.²
- c) The top of the feed storage structure floor will be at least 3 vertical feet from groundwater and bedrock.³
- d) Any feed storage structure with an area greater than 15,000 sq. ft. will have a subsurface drainage system to collect leachate that may leak through the structure floor. The subsurface drainage system must consist of drainfill material below the surface material, a tile drainage network designed to collect the leachate and deliver it to storage, and a subliner. The tile drainage network must, at a minimum, be installed at the perimeter of the structure only on the downgradient side(s). The sub-liner must, at a minimum, consist of one of the following:
 - Two feet of soil, either in place or installed, having a minimum of 50% fine soil particles (that pass a #200 soil sieve).
 - Two feet of soil, either in place or installed, having a minimum of 30% fine soil particles (that pass a #200 soil sieve) and a minimum PI (plasticity index) of 7.
 - A 40 mil liner of HDPE, EPDM or PVC.
 - A geosynthetic clay liner.
- e) Collected leachate will be stored and disposed of in a manner that prevents discharge to waters of the state.²

Nonpoint Pollution Standards

The livestock facility will be designed, constructed and maintained to do all of the following:

- 1. Divert runoff from contact with animal lots, waste storage facilities, paved feed storage areas or manure piles within 300 ft. of a stream or 1,000 ft. of a lake.
- 2. Avoid having any unconfined manure pile within 300 ft. of a stream or 1,000 ft. of a lake.
- 3. Prevent any overflow of waste storage facilities. N/A
- 4. Restrict livestock access to waters of the state, as necessary to maintain adequate vegetative cover on banks adjoining the water (this does not apply to properly designed, installed and maintained livestock or farm equipment crossings).

Large lot needs some work but not close to surface waters of the state



Justin D. Brunn
 Signature of Applicant or Authorized Representative 8-24-15
 Date

GAIL LISSE P.E. #E-38179
 Print Name of Engineer (include WI License No.) or Certified Practitioner

Gail Lisse
 Signature of Engineer or Practitioner 8-6-2015
 Date

1763 Aspen Lane, Green Bay, WI 54303
 Name of Firm and Address

¹ Runoff may be diverted by means of earthen diversions, curbs, walls, gutters, waterways or other practices, as appropriate.
² Use safe methods to dispose of collected leachate. For example, leachate may be transferred to waste storage and then applied to land at agronomic rates.
³ A tile system or curtain drain may be used to intercept lateral groundwater seepage, as necessary, to achieve the required distance to groundwater.

Brunn Farms LLC - W7448 Hemlock Road, Beaver Dam



Landowner: Brunn Dairy, LLC
 Date: 5/26/2015

Completed By: Compliance Advantage, LLC
 Comments: Site Visit 5/21; attached NMP

Identify each type of livestock that you might keep at the facility. Enter the maximum number of animals of each type that you might keep for at least 90 days in any 12-month period.

CURRENT NUMBER OF ANIMAL UNITS ON OPERATION	Number	Avg Weight	Equivalent 1000 lb animal	NR-243 Mixed Animals		NR-243 Non-Mixed Animals	
				Equiv. Factor	AU	Equiv. Factor	AU
Dairy Cattle							
Milking and Dry Cows	280	1600	448	1.4	392	1.43	280
Heifers (800 lbs. to 1200 lbs.)	180	1000	180	1.1	198		
Heifers (400 lbs. to 800 lbs.)	60	600	36	0.6	36	1	240
Beef and Dairy Calves (up to 400 lbs.)	40	200	8	0.2	8		
Steers or Cows (400 lbs. to market)				1		1	
Bulls (each)				1.4			
Veal Calves				0.5		1	
Swine				0.1		0.1	
Pigs (up to 55 lbs.)				0.4			
Pigs (55 lbs. to market)				0.4		0.4	
Sows (each)				0.5			
Boars (each)							
Poultry				0.01		0.012	
Layers (each) non-liquid manure system				0.005		0.008	
Broilers/Pullets (each) non-liquid manure system				0.033		0.033	
per bird - liquid manure system							
Ducks				0.2		0.2	
Ducks (each) liquid manure system				0.01		0.033	
Ducks (each) non-liquid manure system				0.018		0.018	
Turkeys (each)				0.1		0.1	
Sheep (each)				2		2	
Horses (each)							
Total Animal Units =				672	634		400.4
NR-243 AU calculation =							634

EXISTING BUFFER P OUTPUT (Based on BARNY)

Farmer: Brunn#1

Planner/Designer: Glisse

Date:

	Input	Output	
Closest City of similar climate:	1		1 Madison 2 Appleton 3 Wausau 4 Eau Claire
Paved lot area:	8,000	sq ft	
Earth lot area:	0	sq ft	
Animal Lot size:		8,000	sq ft
Is there a designed settling basin?	1		Yes= 1; No= 2
Animals on lot:	60 number	60 number	
Type of animal:	1	1	(Dairy = 1; Beef=2)
Ave. Animal Weight:	600 lbs	600 lbs	
Lot Use:	2		1= Heavy; 2=Med; 3= L

TRIBUTARY AREAS

Tributary area:	0	sq ft		sq ft	
Runoff Curve Number:				←	See RCN ta for typical va
Roof Trib. area:	3,900	sq ft			

34.8 lbs P per y
at downstream lot

Enter Existing Buffer Data:

Length:	300	ft	
Width:	40	ft	
Buffer area:			
Slope:	1	%	
c value	0.59		For c values see table below

P Output: 4.2 lb

EXISTING BUFFER P OUTPUT (Based on BARNY)

Farmer: Brunn #2

Planner/Designer: Glisse

Date:

	Input	Output	
Closest City of similar climate:	1		1 Madison 2 Appleton 3 Wausau 4 Eau Claire
Paved lot area:	0	sq ft	
Earth lot area:	168,000	sq ft	
Animal Lot size:		168,000 sq ft	
Is there a designed settling basin?	1		Yes= 1; No= 2
Animals on lot:	150 number	60 number	
Type of animal:	1	1	(Dairy = 1; Beef=2)
Ave. Animal Weight:	1,000 lbs	600 lbs	
Lot Use:	1		1= Heavy; 2=Med; 3= L

TRIBUTARY AREAS

Tributary area:	195,360	sq ft			
Runoff Curve Number:	85		sq ft	←	See RCN ta for typical va
Roof Trib. area:	sq ft				

131.3 lbs P per y
at downstream lot

Enter Existing Buffer Data:

Length:	300	ft			
Width:	40	ft			
Buffer area:					
Slope:	1	%			
c value	0.59		For c values see table below		

P Output: 59.7 lb



CONSTRUCTION PLAN

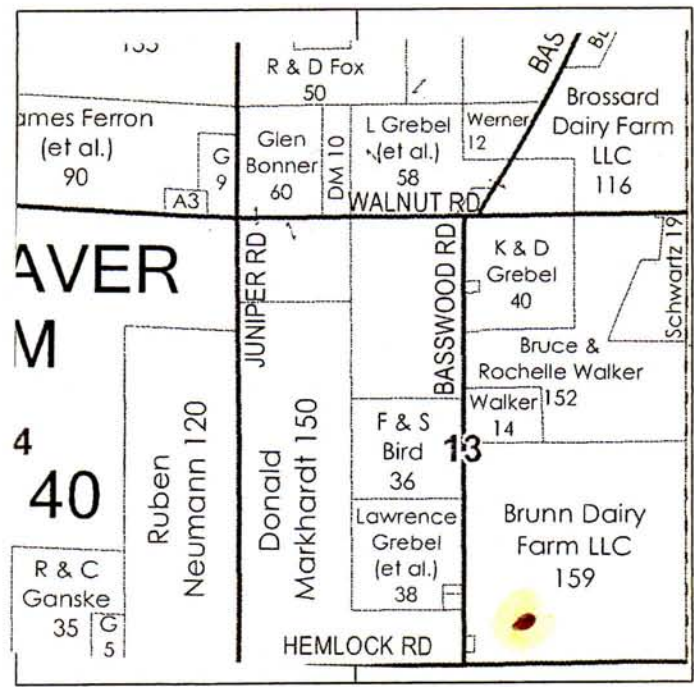
PRACTICE Waste Transfer (634)
 LANDOWNER Brunn Dairy Farm LLC
 ADDRESS W7448 Hemlock Rd Beaver Dam, WI. 53916
 LANDOWNER PHONE NO. 920-650-2222 COUNTY Dodge
 TOWNSHIP Trenton S T 12 N, R. 14 E/W Sec. 13
 FIELD OFFICE Auneau TELEPHONE NO. 386-3660

DIGGERS HOTLINE
Call 3 Work Days
Before You Dig!

Nationwide
811
Toll Free
1-800-242-8511

TDD
1-800-542-2289

Website
www.diggershotline.com



Not to
Scale

LOCATION MAP

NOTICE TO LANDOWNERS AND EXCAVATORS

Any representation made by the USDA, Natural Resources Conservation Service, or the Dodge County LCD, as to the approximate location or nonexistence of above or under ground hazards does not relieve the owner of the property or the excavator that is hired to complete construction, from notifying Diggers Hotline of the pending construction. You will be liable for damages resulting from construction activities.
 Call Diggers Hotline! Ticket Number _____

CONSTRUCTION DRAWINGS AND SPECIFICATIONS ACCEPTANCE

I have reviewed and understand the construction plans and specifications and agree to complete the work accordingly. Failure to meet these plans and specifications may jeopardize any continued NRCS technical assistance or program cost sharing applied for. I understand that it is my responsibility to secure all necessary permits and licenses, and to complete the work in accordance with all local, state, and federal laws. Modification of these construction plans or specifications must be approved by the NRCS before installation. I assume all responsibility for negotiations and contract agreements with the construction contractors.

Signed: Justin Brunn Date: 4-10-14
 Designed by: John E. Bohneck Date: 4 Nov 2013
 Checked by: David J. Brunn Date: 11-4-13
 Approved by: John E. Bohneck Date: 4 Nov 2013

The installed practices comply with applicable NRCS technical standards and specifications. The "redlined" construction plans (as-built drawings) reflect changes made during construction.

Construction Approved by: John E. Bohneck Date: 21 July 14

Job Approval Class III Sheet 1 of 8

ESTIMATED QUANTITIES

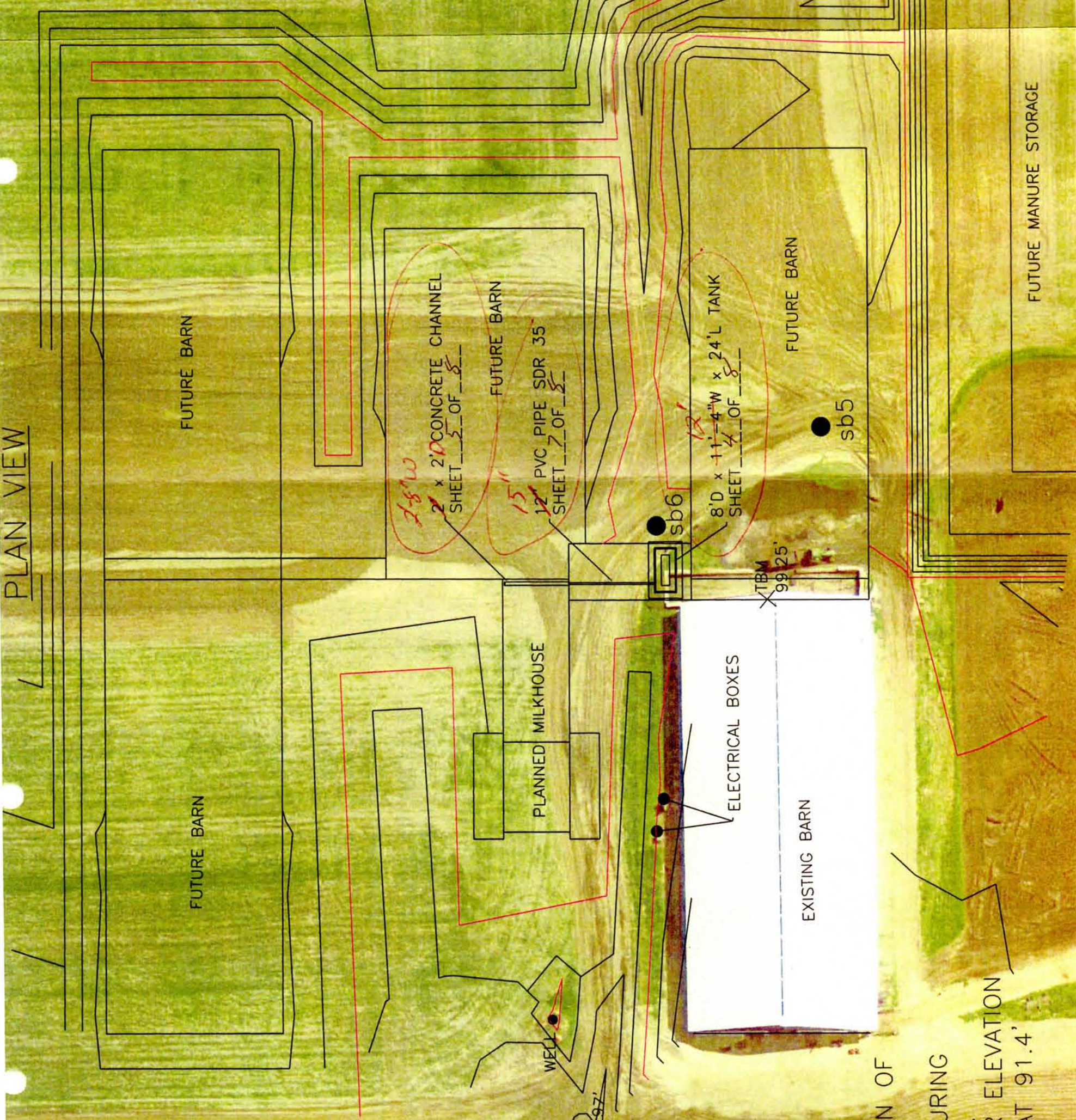
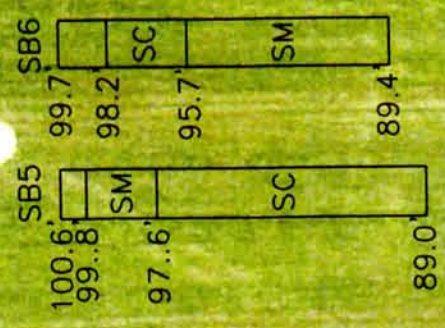
ITEM	UNIT	QUANTITY	SHEET NUMBER	WI. CONSTRUCTION SPEC. OR JOB SHEET NO.
Excavation	Cu. Yds	230	3, 4	W.C.S. # 2
Earth Fill	Cu. Yds	80	3, 4	W.C.S. # 3
Clear Stone	Cu. Yds	100	3, 4	
8' T-Wall	Ln. Ft	71'	3, 4	W.C.S. # 4
2'x2' Channel	Ln. Ft.	35'	3, 5	W.C.S. # 4
12" Pvc Pipe SDR 35	Ln. Ft.	50'	3, 7	W.C.S. # 15
5" Flatwork	Sq. Ft.	76	3, 6	W.C.S. # 4

ESTIMATED QUANTITIES

Brunis	
OWNER	
DODGE COUNTY LCC, WI.	
Designed: <i>T & B</i>	Checked: <i>DB</i>
SHEET 2 OF 8	

PLAN VIEW

NORTH



TBM = TOP OF CONCRETE ON NORTH EAST EDGE FEED ALLEY DOOR WAY.

EXACT LOCATION OF TANK TO BE DETERMINED DURING CONSTRUCTION. TOP OF FLOOR ELEVATION NO LOWER THAT 91.4'



OWNER
Braun

DODGE COUNTY LCC, WI.

Designed *AEB* Checked *DB*

SHEET 3 OF 8

BACKFILL DETAILS
SEE SHEET _____

CONDITIONS OF USE

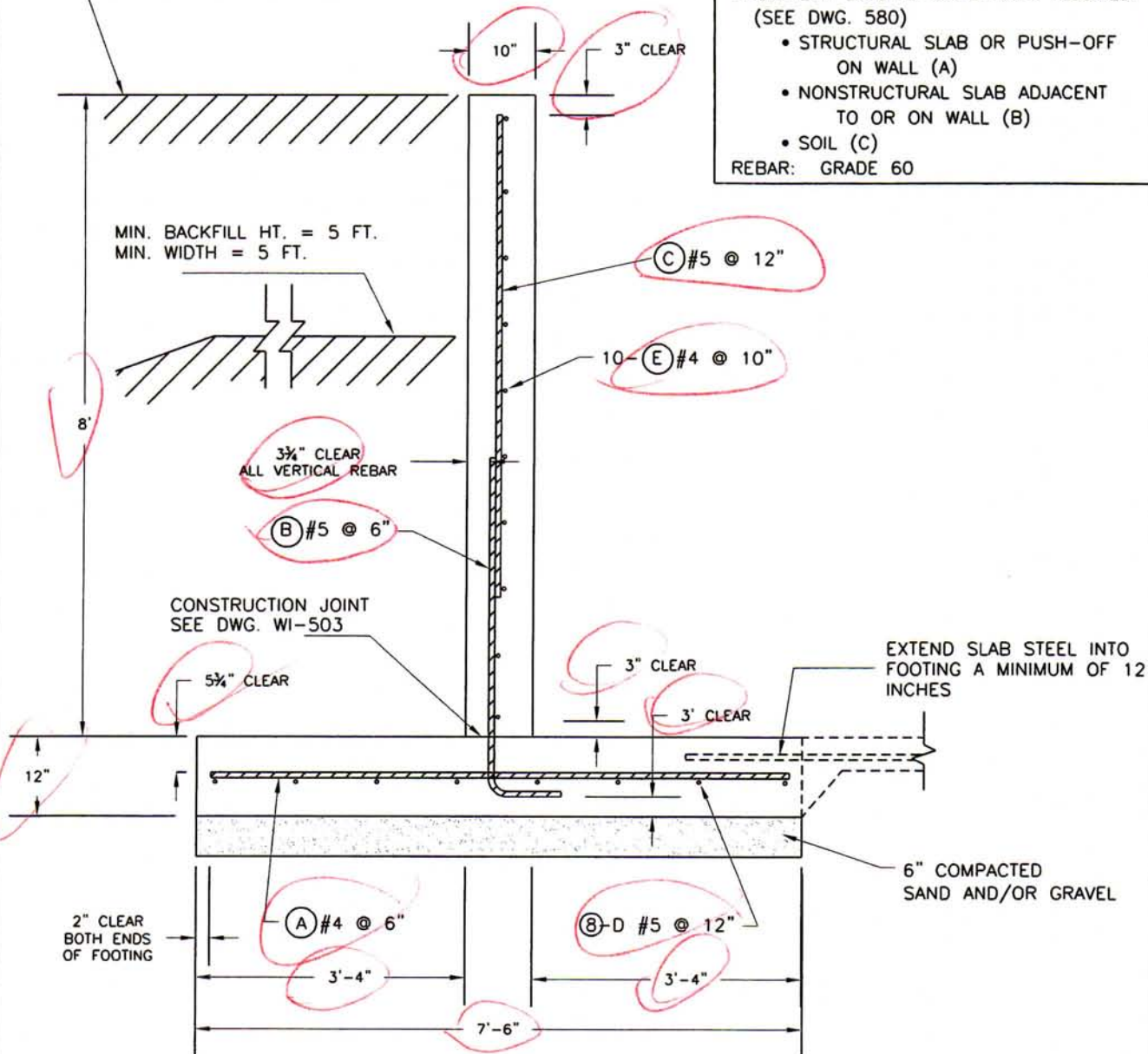
BACKFILL: 5 TO 8 FEET
LESS THAN 50% FINES ONLY
MACHINERY LOADING CONDITIONS ALLOWED:
(SEE DWG. 580)

- STRUCTURAL SLAB OR PUSH-OFF ON WALL (A)
- NONSTRUCTURAL SLAB ADJACENT TO OR ON WALL (B)
- SOIL (C)

REBAR: GRADE 60

MAX. BACKFILL HT. = 8 FT.

MIN. BACKFILL HT. = 5 FT.
MIN. WIDTH = 5 FT.



MATERIAL SPECIFICATIONS

CONCRETE & REBAR: WI CONST SPEC 4
SAND/GRAVEL: WI CONST SPEC 4
BACKFILL: WI CONST SPEC 204
BACKFILL SOURCE:
 EXCAVATION OF WALL AREA
 BORROW SITE
 IMPORTED MATERIALS *Clear Stone*

WALL SECTION

LINEAL FEET OF WALL 71



8-FOOT TEE WALL

CLIENT: Brown
COUNTY: Lodge

Designed <u>JEB</u>	Date <u>10/13</u>	File Name <u>WI-581</u>	Date <u>6/07</u>
Drawn _____	Checked <u>Jan B...</u>	Page 1 of 2	
Approved _____	Sheet 4 of 8		

DESIGN VALUES

EARTH BACKFILL: 60 PSF/FT, EQUIVALENT FLUID PRESSURE
 110 PCF (SOIL WEIGHT) AND <50% FINES
 MANURE: 65 PSF/FT, EQUIVALENT FLUID PRESSURE
 MACHINERY LOADING: 120 PSF EQUIV. FLUID PRESSURE
 REPRESENTING MACHINERY LOAD ON SOIL
 ULTIMATE STRENGTH DESIGN (ACI 318-99)
 CONCRETE STRENGTH: 3,500 PSI REBAR: GRADE 60
 COEFF. FRICTION (SOIL/CONCRETE) = 0.5
 MINIMUM SLIDING FACTOR OF SAFETY = 1.5
 WALL SLIDING RESTRAINT REQUIRED
 MINIMUM OVERTURNING FACTOR OF SAFETY = 2.0
 MIN. ALLOWABLE SUBGRADE BEARING CAPACITY = 2000 PSF
 VERTICAL WALL LOAD FOR SLABS BEARING ON WALL OR
 PUSH-OFFS = 1000 LBS./FT.
 NOT DESIGNED TO SUPPORT BUILDINGS OR ROOFS

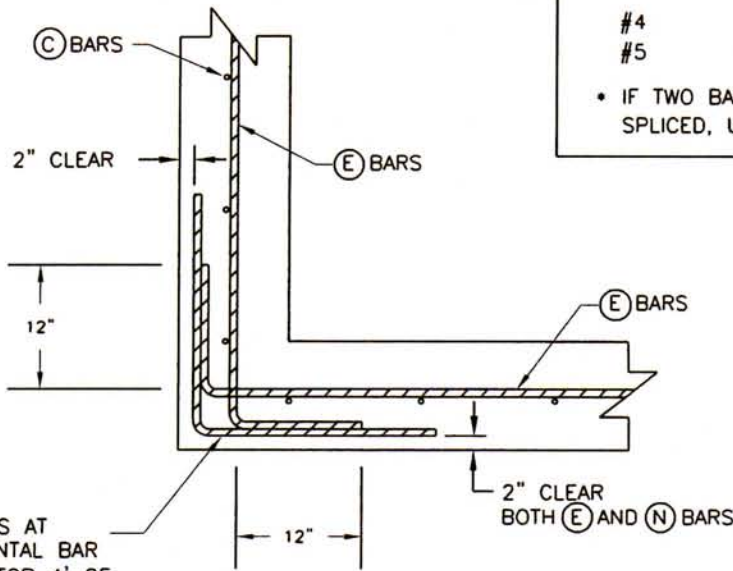
STEEL SCHEDULE (GRADE 60)

MARK	SIZE	TYPE	R	S	LENGTH
A	#4	STR	---	---	7'-2"
B	#5	2	4'-2"	10"	5'-0"
C	#5	STR	---	---	6'-0"
D	#5	STR	---	---	7' 1"
E	#4	STR	---	---	7' 1"
N	#4	2	2'-0"	2'-0"	4'-0"

STEEL DETAILS

BAR SIZE	BEND DIAMETER (D) INCHES	SPLICE LENGTH INCHES (MIN.) *
#4	3	16
#5	3-3/4	20

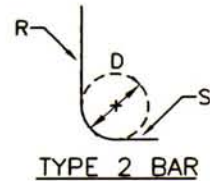
* IF TWO BARS OF DIFFERENT DIAMETER ARE SPLICED, USE THE LONGER SPLICE LENGTH.



PLACE (N) BARS AT EACH HORIZONTAL BAR LOCATION IN TOP 4' OF WALL ONLY. (5 (N) BARS TOTAL PER CORNER)

CORNER BAR SCHEMATIC

PLAN VIEW - TOP 4 FEET OF WALL SHOWN

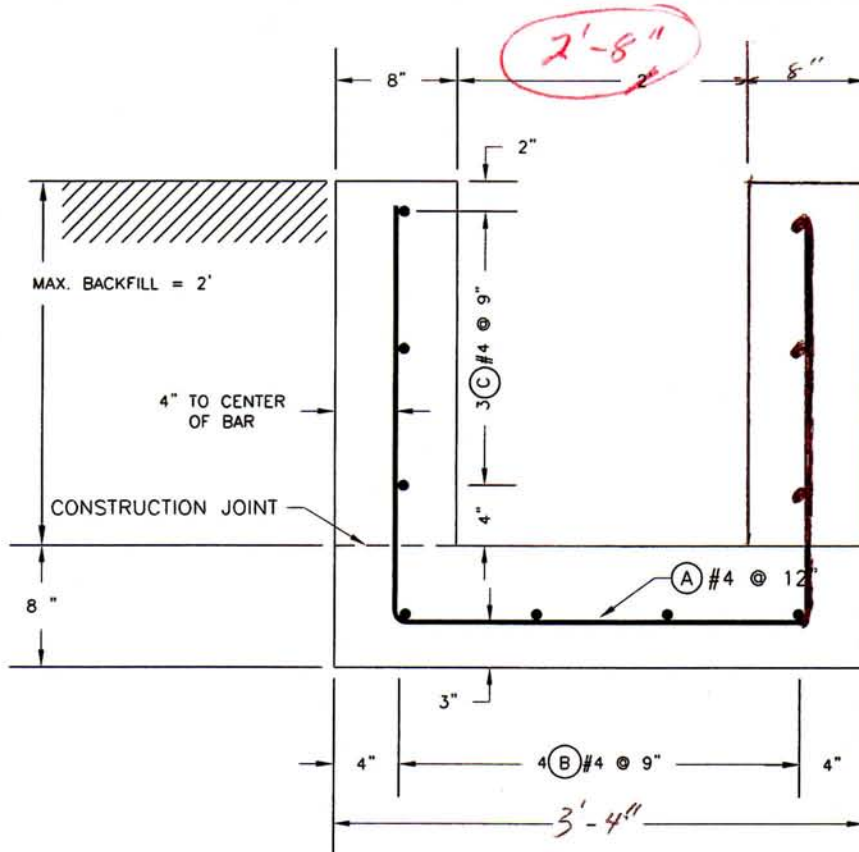


CORNER NOTES

1. PLACE FIRST VERTICAL BAR AT WALL CORNER OR NO FURTHER THAN ONE-HALF BAR SPACING FROM THE INSIDE CORNER.
2. HOOK CAN BE SEPARATE FROM (E) BARS, PROVIDED THAT MINIMUM LAP SPLICE OF 16" FOR #4 BARS IS MET.
3. SEE WALL SECTION FOR EXACT LOCATIONS OF (C) AND (E) BARS.

TOTAL LENGTH OF WALL 35' FT.

CONDITIONS OF USE
 BACKFILL = 0 TO 2 FEET
 NO SURCHARGE
 SOIL EFP = 75



SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

STEEL SCHEDULE

MARK	SIZE	QUAN	TYPE	R	S	LENGTH	TOTAL LENGTH
A	4	35	2	2'-3"	2'-3"	6'-9"	236'
B	4	4	STR	---	---	35'	140'
C	4	6	STR	---	---	35'	210'
L	4	6	2	2'-0"	2'-0"	4'-0"	24'
#4 BARS, TOTAL LENGTH						610'	

ESTIMATED QUANTITIES

CONCRETE (0.1708 CU.YDS./LIN.FT.) 6 CU.YDS.
 STEEL #4 (8.01 LBS./FT) 35 LBS.

- CONCRETE WILL MEET WISCONSIN SPEC 4 REQUIREMENTS.
- SUBSTITUTION OF GRADE 60 BARS IS PERMITTED.
- MINIMUM SPLICE LENGTH FOR MARK (B) AND (C) BARS IS 12"
- STEEL QUANTITY DOES NOT INCLUDE SPLICE LENGTHS.

MARK L BARS NOT SHOWN - SEE WALL CORNER DETAILS ON REVERSE SIDE.

NOTES:

1. CONSTRUCTION JOINT OPTIONS - SEE REVERSE SIDE.
2. DIMENSIONS ARE TO THE REINFORCING BAR SURFACE UNLESS OTHERWISE NOTED.
3. FOR RESTRAINING SLAB REQUIREMENTS - SEE REVERSE SIDE.
4. BACKFILL TO THE TOP OF THE WALL IS RECOMMENDED FOR FROST PROTECTION.



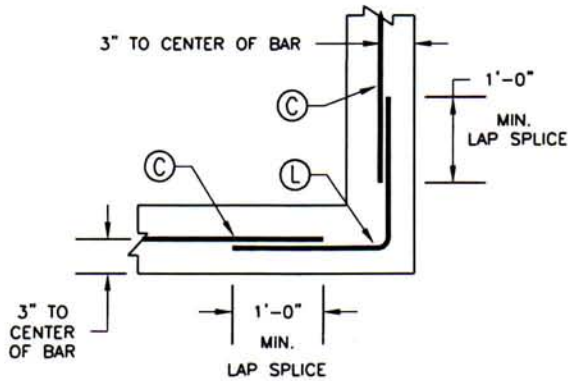
2-FOOT L WALL
 8" WALL THICKNESS

CLIENT: Braun
 COUNTY: Dodge

Designed JEB Date _____
 Drawn _____
 Checked JEB 4-7-14
 Approved _____

Drawing No. WI-523
 Date 6/07
 Sheet 5 of 8

CORNER DETAIL (PLAN VIEW)



CONSTRUCTION JOINT OPTIONS

1. IF SLAB AND WALL ARE POURED SEPARATELY, THE SLAB SURFACE MUST BE THOROUGHLY CLEANED WITH WATER AND A WIRE BRUSH. THE SURFACE OF THE JOINT SHALL BE KEPT MOIST FOR AT LEAST 1 HOUR PRIOR TO PLACEMENT OF NEW CONCRETE.
2. THE SLAB AND WALL MAY BE POURED AT THE SAME TIME ELIMINATING THE NEED FOR A CONSTRUCTION JOINT.

SLAB CORNER DETAILS	SEE WI-571
RESTRAINING SLAB OPTIONS	SEE WI-570

GENERAL DESIGN NOTES:

- DRAINAGE SHALL BE AWAY FROM THE WALL.
- THE MINIMUM WIDTH OF THE BACKFILL AGAINST THE WALL SHALL BE EQUAL TO OR GREATER THAN THE BACKFILL HEIGHT.
- MAXIMUM FOOTING CONTACT PRESSURE IS 510 psf/ft.

DESIGN STRENGTHS: WORKING STRESS DESIGN

- CONCRETE $f'_c = 3,500$ psi • STEEL $f_s = 20,000$ psi (GRADE 40)
- $f_c = 1,400$ psi

WALL DESIGN LOADING: 313 STANDARD – LATERAL EARTH PRESSURE VALUES, SEE SECTION IV OF THE FIELD OFFICE TECHNICAL GUIDE.

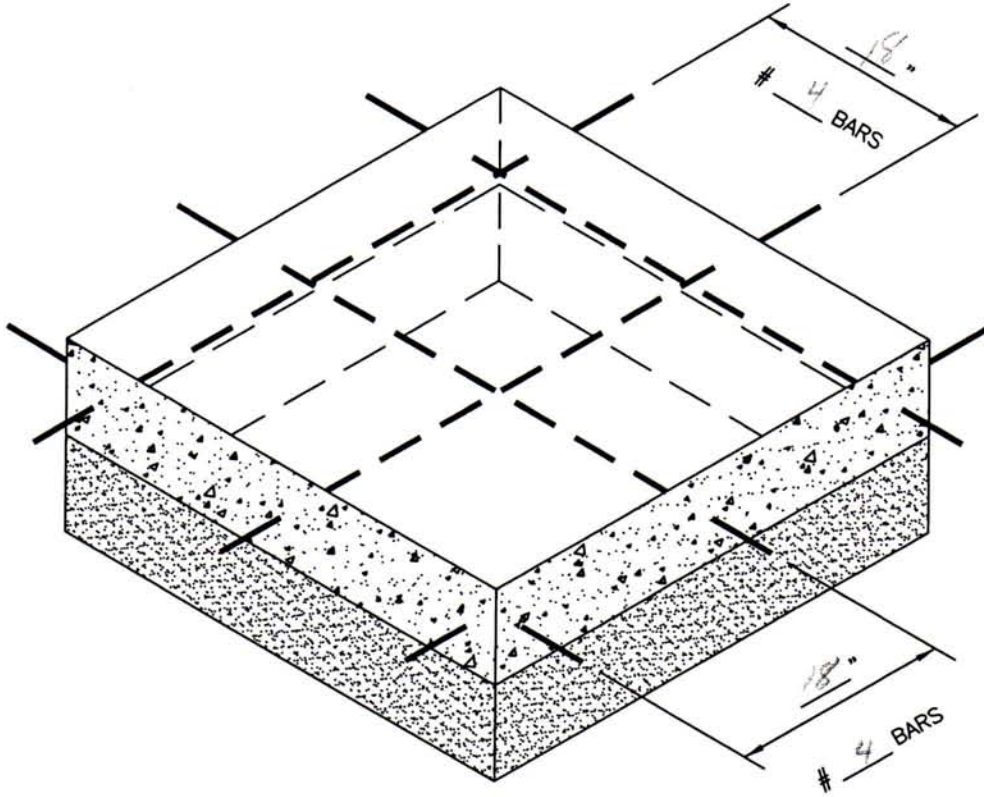
- MANURE LOAD INSIDE = 65 psf/ft.
- SOIL BACKFILL LOAD OUTSIDE = 75 psf/ft.
- NO SURCHARGE LOAD
- SOIL BACKFILL DENSITY = 110 pcf.

WALL RESTRAINT REQUIREMENTS:

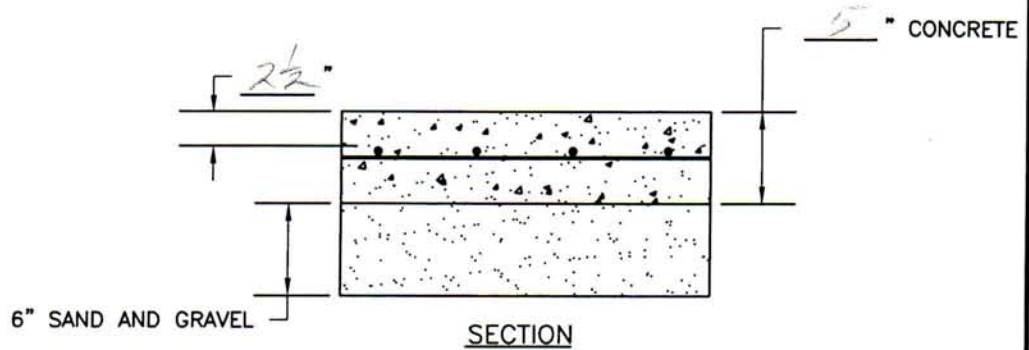
- 5" THICK SLAB, SAFETY FACTOR AGAINST SLIDING 1.5 MIN.

BACKFILL HEIGHT (OUTSIDE LOAD)	SLAB LENGTH NO INSIDE LOAD	SLAB LENGTH FULL INSIDE LOAD
2 FEET	6 FEET	NO SLAB
1 FOOT	NO SLAB	NO SLAB
0 FEET	NO SLAB	NO SLAB

THIS STANDARDIZED DESIGN MUST BE ADAPTED TO THE SPECIFIC SITE. IT WAS DEVELOPED IN COOPERATION WITH THE WISCONSIN DEPARTMENT OF AGRICULTURAL, TRADE AND CONSUMER PROTECTION. THE DESIGN FOLDER IS FILED AT THE NRCS STATE OFFICE, 8030 EXCELSIOR DRIVE, SUITE 200 MADISON, WI 53717-2906



ISOMETRIC VIEW



SECTION

QUANTITY ESTIMATES

CONCRETE WCS #4 _____ 3 CU. YDS.
 (WISCONSIN CONSTRUCTION SPECIFICATION)
 STEEL _____ 108 LBS. 40. FT.
 SAND/GRAVEL _____ CU. YDS.

NOTES:

- SEE SHEET ____ OF ____ FOR JOINT DETAILS.
- BAR SPLICES SHALL BE 12 INCHES MINIMUM.

fc = _____
 fy = _____
 REQUIRED SPLICE LENGTH = _____

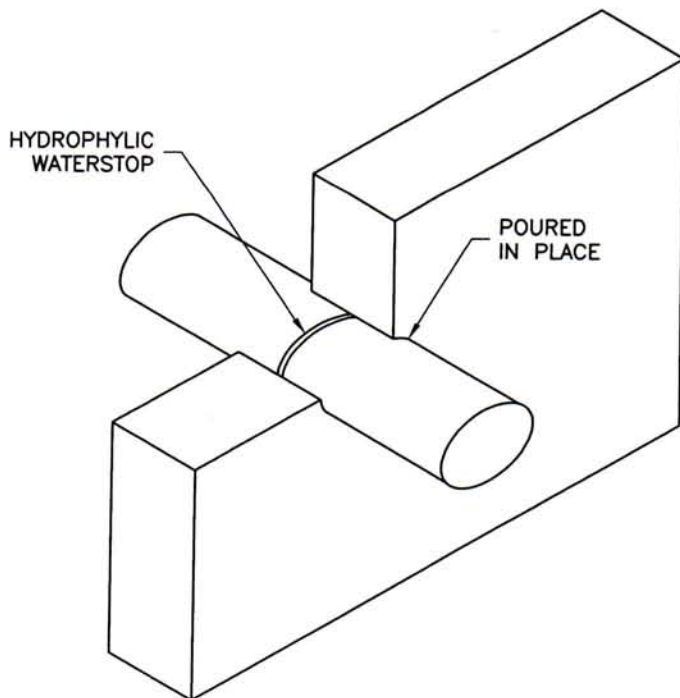
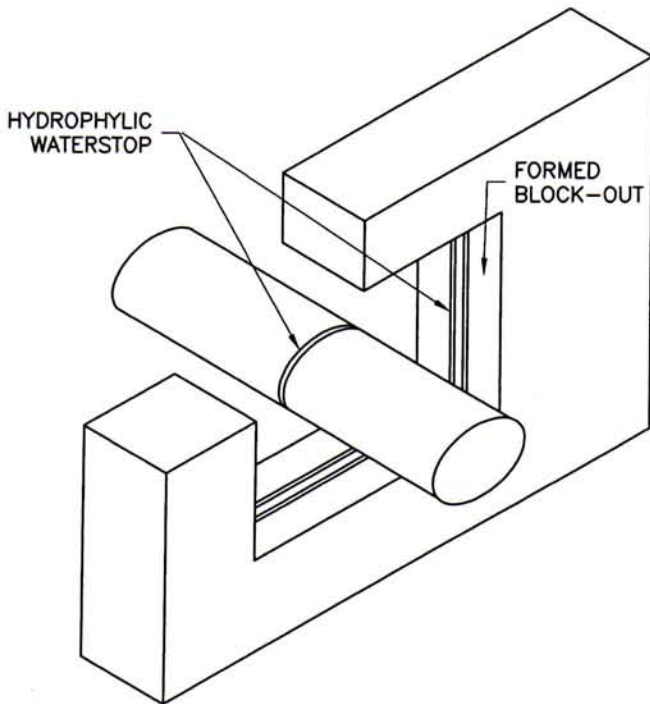


CONCRETE SLAB REINFORCEMENT
 DEFORMED STEEL

CLIENT: Brown
 COUNTY: Rodgers

Designed JLB Date 10/13
 Drawn _____
 Checked DOB 11/13
 Approved _____

File Name WI-565
 Date 9/10
 Sheet 6 of 8



CONSTRUCTION NOTES

1. THESE JOINT DRAWINGS ARE TO BE ADAPTED TO A SPECIFIC STRUCTURE OR SYSTEM. FOR THE JOINT LOCATION PLAN SEE SHEET _____.
2. WATERSTOP DIMENSIONS SHALL BE BASED ON MANUFACTURER'S REQUIREMENTS FOR MINIMUM COVER.
3. THE WATERSTOP SHALL BE APPLIED TO EVEN SURFACES, FREE OF DIRT, OIL, OR LAITANCE.
4. THE WATERSTOP MUST BE BONDED TO THE CONCRETE AND/OR PIPE PRIOR TO PLACEMENT OF ADJOINING CONCRETE.
5. THE MANUFACTURER'S INSTALLATION INSTRUCTIONS SHALL BE FOLLOWED FOR WATERSTOP SPLICING AND ADDITIONAL INSTALLATION REQUIREMENTS.



LIQUID TIGHT PIPE PENETRATIONS

CLIENT: Brunn
COUNTY: Rodgers

Designed: JEB Date: 10/13
Drawn: _____
Checked: JEB Date: 11/13
Approved: _____

File Name: WI-509 Date: 6/07

SEEDING DATES

CENTRAL ZONE

TIME PERIOD	DATES		TYPE OF SEEDING
Spring	April 15	through June 1	Permanent
Summer	June 2	through July 31	Temporary *
Late Summer	August 1	through August 21	Permanent
Fall	August 22	through October 15	Temporary *
Late Fall	November 1	through snow cover	Dormant
Winter	Snow cover	through April 14	Not Allowed

MATERIALS

Apply 80-85 lime at the rate of 2 tons per acre unless a soil test indicates otherwise.
 Apply 150 pounds per acre of 20-10-10 fertilizer unless a soil test indicates otherwise.

*Seed a temporary cover crop of Winter Wheat at a rate of 2 bushels/acre (120 pounds/acre).
 A permanent seeding shall be completed during the next acceptable time period following a temporary seeding.

MINIMUM PURE LIVE SEED (PLS) RATE PER ACRE AND TOTAL POUNDS OF SEED NEEDED

SEEDING MIX (DESIGN)	LOCATION ACRES	PLS RATE	TOTAL POUNDS
<u>6R</u>	<u>1.00</u>		
SPECIES	RATE	POUNDS	
Smooth Bromegrass	24.0	24.0	
Timothy	3.6	3.6	
Red Clover	2.4	2.4	

SEEDING MIX (AS-BUILT)	LOCATION ACRES	RATE	TOTAL POUNDS

¹ PLS = (% Germination x % Purity)
 * Companion Crop

ADDITION SEED PERCENTAGE: 20 %

SEEDBED PREPARATION

MAXIMUM ADDITIONAL SEED = 50%

During the recommended seeding periods, seedbed preparation shall immediately follow construction activities. Prepare a fine, firm seedbed to a minimum depth of 3 inches.

SEEDING

Inoculate legumes with the specific inoculum for the species in accordance with the manufacturer's recommendations. When using a hydroseeder, five times the recommended rate of inoculant shall be added to the hydroseeder. Inoculant shall not be mixed with liquid fertilizer. Seed grasses and legumes no more than 1/4 inch deep. Seed may be broadcast or drilled as appropriate to the site. Seeding shall be done prior to mulching, except for dormant seedings.

MULCHING

Mulch material shall be relatively free of disease, pesticides, chemicals, noxious weed seeds, and other pests and pathogens. Mulching shall be done immediately after seed bed preparation and seeding. Spread mulch uniformly and at the rate of 1.5-2.0 tons per acre (60-70 bales). This application results in a layer of 6 to 7 stems, and provides a minimum 70% ground cover. Some soil surface can be seen after the application. Crimping (disking), wood cellulose fiber, tackifiers, netting, pinning, or other acceptable methods of anchoring will be used if needed to hold the mulch in place. If other mulch materials are used, the rate of application shall meet the manufacturer's recommendations.

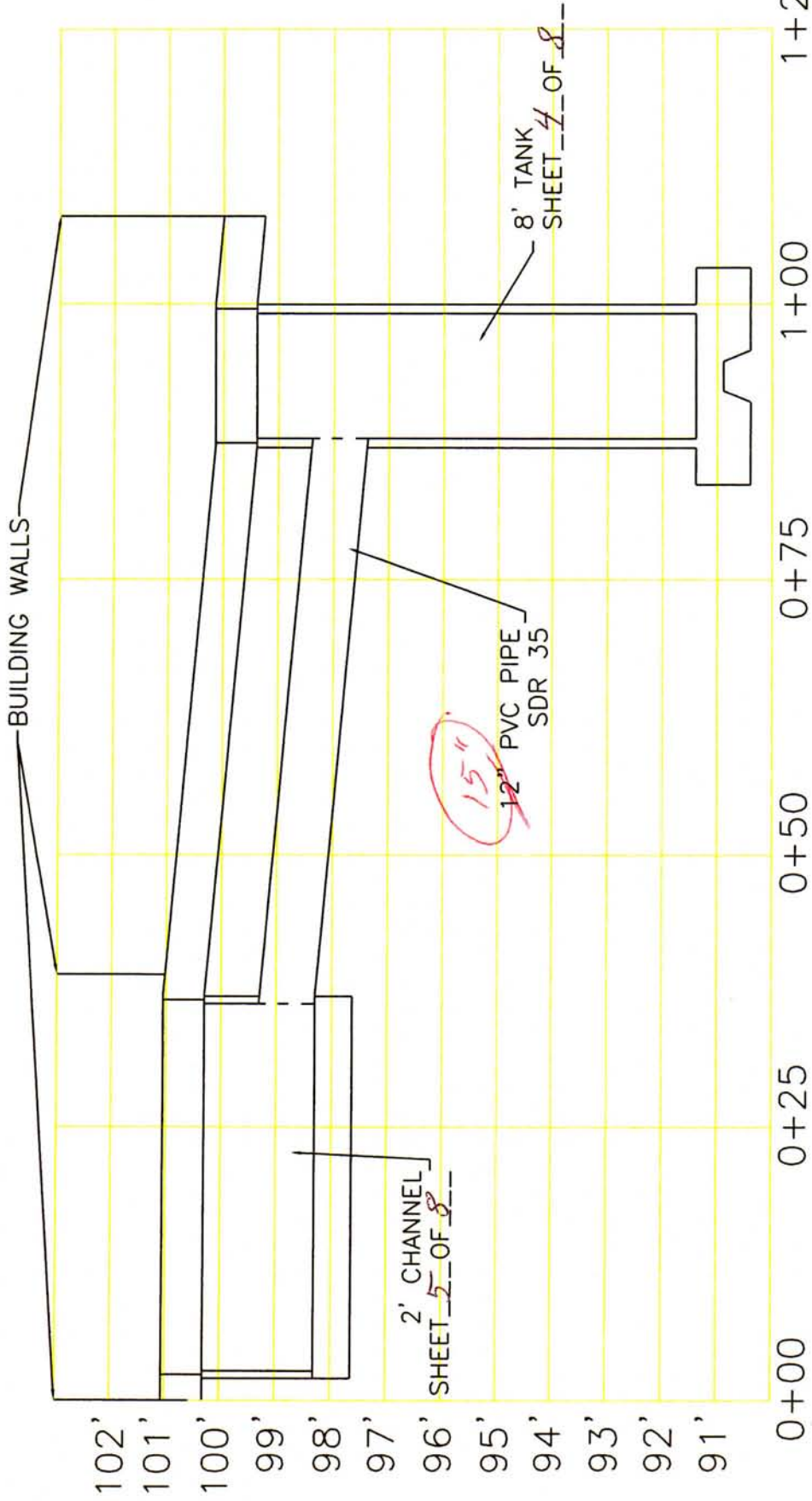


INTRODUCED SPECIES SEEDING ESTABLISHMENT

COOPERATOR Dustin Brunn
 COUNTY DODGE

Designed	<u>JEB</u>	Date	<u>11/4/13</u>	File Name
Drawn	<u>JEB</u>	Date	<u>11-4-13</u>	Drawing Name
Checked	<u>JEB</u>	Date	<u>11-4-13</u>	<u>WI-710SS 3/10</u>
Approved		Date		Sheet <u>8</u> of <u>8</u>

X-SECTION A-A



USE PIPE PENETRATION JOINTS
SHEET 7 OF 8

Brunna OWNER	
DODGE COUNTY	LCC, WI.
Designed <i>JFB</i>	Checked <i>DB</i>
SHEET	OF

Brunn Dairy, LLC.

Environmental Incident Response Plan

Owner\Operator: **Dustin Brunn**

Address: **W7448 Hemlock Road, Beaver Dam, WI 53916**

Legal Description: **Sec 13 T12N R14E**

Directions to Farm from Fire Department:

6.2 mi, 11 min

Beaver Dam Fire Dept.

205 South Lincoln Avenue, Beaver Dam, WI

(920) 887-4609

- Depart Beaver Dam Fire Dept. head North on S Lincoln Ave toward Washington St
Distance: 0.1 mi
- Turn right onto the 2nd cross street onto State Hwy 33 trunk E/WI-33 E/Park Ave.
Distance: 1.0 mi
 - Turn left to merge onto US-151 N
Distance: 3.3 mi.
 - Turn right onto Hemlock Rd.
Distance: 1.8 mi.

Farm Address: **W7448 Hemlock Rd,
Beaver Dam, WI 53916**

Contacts

Primary Farm Contacts:	Land	Mobile
Dustin Brunn (Owner/Operator/Manager)		920-650-2222
Duane Brunn (Co Owner/Manager)		920-210-3106
Farm Office (General)	n/a	

Emergency Responder	Name	Telephone
Fire/Rescue	Beaver Dame Fire Dept.	920-887-4609
Dodge County Sherriff Dept.	Sherriff Dale J. Schmidt	920-386--3726, non emergency
Veterinarian	Waupun Vet Service	920-324-3831
Manure Hauler	n/a	n/a
On Farm Equipment Operator	Farm Staff (all)	
Excavation Contractor	Schmitt Excavating	920-948-4067
Mortality Manager	Granite Stock Removal	920-566-2563
DNR Spill Hotline	-----	800-943-0003

Farm Staff Information		
Name	Address	Phone
Dustin Brunn <i>(Owner Operator)</i>	701 Columbia St., Horicon WI 53032	920-650-2222
Duane Brunn <i>(Emergency Contact)</i>	W7448 Hemlock Road, Beaver Dam, WI 53916	920-210-3106

Personal Injury / Fire / Emergency

Contacts

Fire/Rescue	911
Dustin Brunn	920-650-2222
Duane Brunn	920-210-3106

Emergency Information

Location

First Aid equipment	House, Office, Vet Room
Fire suppression equipment	House, Parlor, Calf Barn, Machine Shed
Hazardous/flammable materials on farm: (fuel, lubricants, bulk cleaning agents, etc)	Machine Shed, AST fuel tank storage, Farm Chemicals in Parlor Utility Room

Emergency Actions

1. Determine nature of emergency and type of assistance required
2. Call 911
3. Attempt to stabilize injured person without moving, unless necessary and safe to do so.
4. Start CPR, if necessary
5. Implement evacuation of people and livestock if appropriate
6. Identify potential locations of hazardous or flammable materials and notify emergency personnel when they arrive
7. Other...

Accidental Entry to Manure Storage or Transfer Facility

Contacts

Fire/Rescue	911
Dustin Brunn	920-650-2222
Duane Brunn	920-210-3106

Emergency Information

Rescue equipment location:	House and Parlor
First Aid equipment	House, Office, Vet Room

Emergency Actions

1. Call for help.
2. Shut off manure transfer pumps and agitators.
3. Locate and retrieve emergency rescue equipment and attempt to reach victim.
 - a. DO NOT enter confined area where manure gases could accumulate, unless you are trained and equipped with an appropriate respirator.
4. Start CPR if necessary
5. Call 911
6. Other

Manure Storage Overflow

Contacts

Dustin Brunn	Owner/Operator	620-650-2222
Manure Hauler	n/a	n/a
On Farm Equipment Operator	Farm Staff (all)	
Excavation Contractor	Schmitt Excavating	920-948-4067
Pumping Equipment Contractor	United Pumping and Septic	920-696-3500
Mortality Manager	Granite Stock Removal	920-566-2563
DNR Spill Hotline	-----	800-943-0003

Emergency Information

Slow or stop the flow

- Identify outlet and/or path of manure flow
- Use equipment bucket or tractor tire to impede flow, pile bedding, soil, waste feed or any other available bulking or absorbing agent in flow path to block and pool the manure
- Use nearest soil on farm to stop or slow flow
- If necessary, move down stream and construct additional temporary dikes to contain lost manure and prevent discharge to surface waters or wetlands

Emergency Actions

1. Contact Emergency Farm Coordinator
2. Stop the flow
3. Assess the situation and make appropriate calls for equipment and assistance
4. Notify DNR spill hot-line 800-943-0003
5. Begin Clean up
6. Call in necessary contractors and equipment
7. Construct temporary dikes, ahead of manure flow, to slow, stop or pool the liquid manure for collection and proper land application.
 - i. Dike/berm materials can include; soil, waste feed, dry manure, sand, silage, other readily available bulking or absorptive materials.
8. Collect pooled manure using pumping equipment, if manure is thicker as a result of the diking/damming material, a loader can be used.
9. Collect manure and contaminated soil from overflow area and from behind any temporary dikes. Land apply all materials on fields approved for manure application in the nutrient management plan. Apply at rates outlined in the nutrient management plan. Remove temporary dike(s) from the field and temporary from the manure storage facility berm.

Manure Storage Leakage

Leakage from base or sidewall, of a manure storage structure, is often seepage rather than flowing leaks.

Responses are as follows:

- Dig a small well or ditch to catch all seepage, install or place a submersible pump into the well or ditch and pump the liquid back into the storage structure.
- If holes are caused by burrowing animals, trap or otherwise remove the animals, fill holes and compact with clay-type soils.
- Other holes may be likewise temporarily plugged with clay soil.

Contact an engineer to develop a plan to permanently repair the facility and verify repairs are adequate.

Manure Storage Failure

Contacts

Dustin Brunn	Owner/Operator	620-650-2222
Manure Hauler	n/a	n/a
On Farm Equipment Operator	Farm Staff (all)	
Excavation Contractor	Schmitt Excavating	920-948-4067
Pumping Equipment Contractor	United Pumping and Septic	920-696-3500
Mortality Manager	Granite Stock Removal	920-566-2563
DNR Spill Hotline	-----	800-943-0003

Emergency Information

Slow or stop the flow!

- Front end loader is parked in the **Machine Shed**
- Use nearest soil on farm to stop or slow flow
- Place soil as dike, dam or emergency fill material
- Use equipment bucket or tractor tire to impede flow, pile bedding, soil, waste feed or any other available bulking or absorbing agent in flow path to block and pool the manure
- Identify path of lost manure
- Construct temporary dikes, in the flow path, to contain lost manure and prevent discharge to surface waters or wetlands

Emergency Actions

1. Contact Emergency Farm Coordinator
2. Stop the flow to the storage structure, turn off pumps, close valves etc.
3. Assess the situation and make appropriate calls for equipment and assistance.
4. Notify DNR spill hot-line 800-943-0003
5. Begin Clean up.
6. Call in necessary contractors and equipment.
7. Construct temporary dikes, ahead of manure flow, to slow, stop or pool the liquid manure for collection and proper land application.
 - i. Dike/berm materials can include; soil, waste feed, dry manure, sand, silage, other readily available bulking or absorptive materials.
8. Attempt to place fill material in area of dike failure.
9. Call manure hauler to bring agitation pump and tankers.
10. Place agitation pump in designated pumping location and begin loading tankers as soon as possible.

11. Land apply manure on fields approved for manure application in the nutrient management plan. Apply at established rates or transfer manure to neighbor for prearranged storage.
12. Collect manure from behind dikes and temporary dams using pumping equipment, if manure is thicker as a result of the diking/damming material, a loader can be used.
13. Land apply collected manure on approved fields and in accordance with the nutrient management plan.
14. Collect manure and contaminated soil from overflow area and from behind any temporary dikes. Land apply all materials on fields approved for manure application in the nutrient management plan. Apply at rates outlined in the nutrient management plan. Remove temporary dike(s) from the field and temporary from the manure storage facility berm.
15. Conduct engineering analysis of manure storage facility and develop repair plan. Obtain necessary approvals for repair plan.
16. Repair manure storage facility.
17. Document actions.
 - a. Date of failure
 - b. Calls made
 - c. Actions taken
 - d. Date of clean up
 - e. Date of repair beginning and completion

****Photo Document structural failure, clean-up efforts and repair efforts****

Manure Spill During Transport or Application

Contacts

Dustin Brunn	Owner/Operator	920-650-2222
Manure Hauler(s)	n/a	n/a
On Farm Equipment Operator	Farm Staff (all)	
Excavation Contractor	Schmitt Excavating	920-948-2563
DNR Spill Hotline	-----	800-943-0003

Emergency Information

- Identify location of the spill
- Determine clean up equipment needed – skid loader/front end loader, corn silage/bedding or water tanker, manure spreader.

Emergency Actions

1. Eliminate the source.
 - a. Stop manure application pumps
 - b. Close valves.
 - c. Separate pipes, create an air gap and stop the flow
 - d. Transfer manure/liquid to another basin or lagoon
2. Contain the Spill, if possible.
 - a. Create a containment dam in the field, ditch or stream.
 - b. In a field, use tillage equipment to slow or impede the flow.
 - c. Check for tile flows.
 - d. Construct temporary holding basin down slope to collect and transfer lost manure.
 - e. If possible, place soil over the point of seepage, ensuring that you do not drive over or compact the seepage point.
3. Assess the extent of the spill and note any obvious damages.
 - a. Did, or could, spill reach surface waters, well casings or other sensitive areas?
 - b. Estimate amount of manure released, document time of release.
4. Contact appropriate agencies, including sheriffs department if traffic control is needed.
5. Clean up spill and make repairs.
6. Evaluate damages, employee injuries, fish kills or property damage.
7. Land apply materials collected manure and contaminated soil on fields approved for manure application in the nutrient management plan. Apply at established rates.
8. Document and review actions taken to contain or minimize the spill.

Movement of Manure During or After Application

During land application, manure can begin to move laterally as a result of slope, over application, soil compaction, high soil moisture conditions or other unexpected conditions. If manure begins to move laterally, this can result in ponding on the field and/or runoff if the manure leaves the field it was applied on. Runoff of manure from land application sites must be prevented.

Emergency Actions

1. Stop land applying manure.
2. Assess needs and if necessary call for help.
3. Review steps listed for Manure Spill Emergency Actions
 - a. Eliminate the source.
 - i. Stop all spreading equipment
 - b. Mechanical Failure (Spreader Malfunction)
 - i. Return Spreader to farm
 - ii. Return to spill location with loader equipped tractor
 - iii. Collect and redistribute any concentrated manure that resulted from spill
 - iv. Document event and where recovered manure was landspread
 - c. Road Accident
 - i. Evaluate people involved (attend to personal safety first)
 1. Call for rescue services
 - a. 911
 - b. Police
 - c. Ambulance
 - d. Fire Department
 2. Confirm all people are attended to
 - ii. Remove equipment from road
 1. Flat bed
 2. Tow
 3. Return equipment to farm for repair/reconditioning
 - iii. Revisit site with loader equipped tractor
 1. Collect spilled manure
 2. Place collected manure in new spreader
 3. Scrape road clean
 4. Continue to field and properly land spread the material
 - iv. IF accident and spill occur during rain event do these additional steps
 1. Monitor for manure runoff from road
 2. If runoff is occurring, construct temporary holding basin in road ditch (down slope) to collect and transfer manure washed off road. (These steps can also be done if “washing” the road is required by local law enforcement)

3. Collect manure runoff and properly land apply properly
 4. Remove temporary structures and return ditch to original condition.
- d. Document the following
- i. Damages
 1. Physical
 2. Property
 3. Environmental
 4. Personal
 - ii. Actions taken to respond, contain and repair

Catastrophic Mortality Disposal

Contacts

Dustin Brunn (Owner/Operator/Manager)	920-650-2222
Duane Brunn (Emergency Coordinator)	920-210-3106
Waupun Animal Clinic (Veterinarian)	920-324-3831
Granite Stock Removal (Mortality Management)	920-566-2563
Schmitt Excavating	920-948-4067

Emergency Actions

1. Contact veterinarian if death is suspicious or animal displayed unusual symptoms.
2. Remove mortality from livestock production area. Place in designated mortality storage area (secure from scavenger's and having appropriate runoff controls).
3. Contact mortality disposal contractor to arrange pick up within 24 hours.
4. If directed by the State Veterinarian, implement disease outbreak procedures as required. This may include killing exposed animals, burning carcasses, and burial of ashes in the catastrophic mortality burial area.

Hazardous Material Spill

Contacts

Fire/Rescue/Hazardous Material Response Unit	911	
Dustin Brunn (Owner/Operator/Manager)	920-650-2222	
Duane Brunn (Emergency Coordinator)	920-210-3106	
DNR Hazardous Spill Hot Line		800-943-0003

Spill Information

First Aid equipment	House, Office, Vet Room
Fire suppression equipment	House, Parlor, Calf Barn, Machine Shed
Hazardous/flammable materials on farm: (fuel, lubricants, bulk cleaning agents, etc)	Machine Shed, AST fuel tank storage, Farm Chemicals in Parlor Utility Room
Personal Protection Equipment	House and Parlor

Emergency Actions

1. Identify the hazardous material that has been spilled.
2. Stop the flow, Turn off all pumps.
3. Assess need for safety equipment
4. Assess the situation and make all appropriate calls.
5. Flammable materials: Shut off power to the area from a remote location. Eliminate sources of ignition.
6. Evacuate people and livestock as appropriate.
7. Prevent hazardous materials from leaving spill site by constructing temporary dikes if necessary.
8. Once situation has been stabilized, collect hazardous material using approved methods and dispose of contaminated soil according to regulations.
9. Document all actions.

Emergency Accident Plan Incident Worksheet

Incident Date/Time:

Location:

People/Agencies Involved:

Type of Incident:

Worksheet completed by:

Signature: _____

Date Completed: _____

Odor Management

Contact

Dustin Brunn (Owner/Operator/Manager)	920-650-2222
Duane Brunn (Emergency Coordinator)	920-210-3106

Odor Monitoring Program Actions

1. After a complaint is placed, fill out odor monitoring worksheet. Include as much detail as possible.
2. Review activities to reduce odors:
 - a. Lot scraping schedule
 - i. Determine need and repeat cleaning if necessary
 - b. Manure stacking sites
 - i. Examine site and stack condition
 - c. Clean and maintain feed bunkers and associated areas
 - d. Arrange for timely mortality removal
3. Steps to establish working relationship with neighbors and community members:
 - a. Provide notice to neighbors prior to land application of manure
 - b. Avoid spreading manure during holidays and community events
 - c. Clean roads if operations have deposited manure or mud
 - d. Participate in local activities such as 4-H, dairy days or school events.
 - e. Host a community event, picnic or open house
4. Monitor effectiveness of odor control technologies by managers
 - a. Record amount of odor present as determined by managers
 - b. Number of complaints filed

Odor Monitoring Worksheet

Date complaint received: Time: Form completed by: _____

Complaint received from:

Address:

Phone number:

Comments:

Weather Conditions

Sunny Partly Cloudy Mostly Cloudy Overcast Hazy/Fog

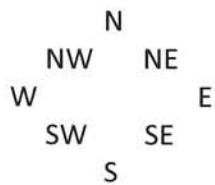
Temperature:

Relative humidity:

Precipitation:

None Fog Rain Sleet Snow

Wind Direction, blowing from:



Wind Speed:

Calm
Light breeze
Moderate
Strong

Odor Source:

Description:

Nuisance potential: Low Moderate High

Actions taken to reduce odor and address complaint:

Brunn Dairy, LLC

Employee Training Plan

Brunn Dairy, LLC

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Training Goals

This training plan will enable employees of Brunn Dairy, LLC and others to follow standards, procedures and practices to ensure that this livestock facility meets permit requirements and achieves other goals as indicated in this plan. Brunn Dairy, LLC is committed to complying with local and state rules and regulations that govern livestock operations in the State of Wisconsin. Additionally, Brunn Dairy, LLC is committed to providing a safe and efficient workplace for both employees and the local community.

Specifically, training is required as part of the local permit issued in accordance with ATCP 51, Wis. Admin. Code (local siting permit), and this plan.

Training Plan Overview:

- **Nutrient Management:** each employee will be trained to know how to utilize the nutrient management plan employed by Brunn Dairy, LLC. Each staff person will learn the following:
- **Odor Management:** each employee will be trained to observe locations of residential housing around a scheduled field as well as noting prevailing wind directions on and around the fields receiving manure to determine if there is a potential odor conflict.
- **Runoff Management:** each employee will be trained on what to look for when managing staging areas, landspreading manure and/or simply working around the farm. Runoff that reaches (discharges) waters of the state is a violation of many rules and regulations and the farm is required to prevent all discharges, take corrective actions should a discharge occur, document the event and report the event to the appropriate entities as outlined in the Emergency Action and Environmental Incident Response Plan (attached).
- **Manure and Waste Handling:** each employee will be trained in handling manure on and off the farm. This will focus on safe and effective manure collection and transport and landspreading.
- **Employee Safety:** each employee will be trained on personal safety awareness and response.
- **Environmental Incident Response:** each employee will be provided a copy of the response plan and will be made aware of the locations around the farm where these plans and their associated emergency contact numbers can be located.

Training Objectives:

The training program will enable employees and others to:

1. Understand and follow all standards, procedures and practices related to their assigned duties and tasks.
2. Understand basic permit requirements including more stringent local standards, and follow specific standards, procedures and practices to ensure compliance with these permits.
3. Receive current, science-based information to most effectively address key management issues, with specific focus on nutrient management, odor management, runoff management, manure and waste handling, employee safety, and environmental incident response.
4. Provide feedback concerning future training needs, and participate in the design of annual training activities.

Training Activities

To ensure continued farm operation, two ½ days annually will be scheduled. Each ½ day will bring in 50% of current staff for participation in, and completion of, the required training exercises. This will consist of lecture, PowerPoint presentations and handouts to inform and educate staff.

Requirements, standards, procedures and practices

Employees and others will be provided training on the requirements of the local siting permit as these relate to their assigned duties and tasks. They will learn the applicable standards, procedures and practices to ensure compliance with permit requirements. They also will learn other standards, procedures and practices that apply to the livestock facility as required by this training plan.

Training will cover the use of checklists and other tools used to inspect and monitor farm operations (see attached sample checklists)

The livestock operator will make available written documentation that describes permit requirements, standards, procedures and practices.

Training Content

Nutrient Management

- Identification of on farm Nutrient Manager
- How to use the plan to find the following critical information
 - Fields to be spread that day
 - Amounts to be spread on assigned field
 - Field boundary and setback identification
 - Monitoring, what to watch for and when
 - Documentation (before, during and after)
- Conservation Planning
- Recording and analyzing manure sample data
- General review of soil fertility, crop rotations and yields
 - As long as there is one assigned staff person responsible for nutrient management specifics, a general survey of the relevant information and details will be sufficient for unassigned farm staff

Odor Management

- Overview of odor, causes and basic control practices
- Actions to take to minimize odor generation
 - Frequent scraping and cleaning
 - Maintenance
- Actions to take when an employee receives an odor complaint
 - Who to contact
 - Documentation
 - Response

Manure and Waste Handling

- **General manure handling practices**
 - How to safely load the manure spreader
 - How to safely transport the loaded spreader
 - Safe field entry and exit
 - Preventing and/or clean up of manure on roadways
 - Other in-field practices
 - Starting and stopping applications
 - Applications on slopes
 - Actions to free stuck equipment
 - Equipment
 - Inspection
 - Monitoring
 - Calibration

- **General feed and leachate handling practices**

- Feed storage structure
 - Loading in and feeding out
 - Cleaning
 - Traffic areas
 - Pad
 - other
 - Maintenance
 - Leachate management
 - Observations
 - Landspreading
 - Documentation

Employee Safety

- Locations of personal safety equipment
 - First Aid
 - Fire
 - Other
- Safe vehicle/equipment operation and handling
- Safe animal handling
- Accident response and reporting
- Working in confined spaces
- Avoidance of dangerous conditions
- Maintaining fences, grates and protective areas

Environmental Incident Response

- Review attached plan with all staff

Runoff Management

- Observations: What to watch for and when
- How to respond
 - Emergency
 - Non-Emergency
 - Complaint
 - Documentation
- Review Local and State rules and regulations

Spill Response

- Observations: What to watch for and when
- How to respond
 - Emergency
 - Non-Emergency
 - Complaint
 - Documentation
- Review Local and State rules and regulations

Staff (to conduct training)

Owner/Operator/General Manager

- Dustin Brunn

Emergency Manager

- Dustin Brunn

Form and Frequency of Training

Managers

Managers will be trained on a continual basis as the operation is generally small and the owner and emergency manager are on-site at all times.

Farm Staff

All farm staff, other than managers, will be required to participate in ½ day summary training annually. This training event will occur annually and during a time of low farm activity. Training most likely to be scheduled for winter or late fall after harvest.

Training will include a complete review of each element as documented in the Training Content portion of this plan.

Topics covered will include Nutrient Management basics, how to find information, field and field boundary identification, setbacks, application rates etc. Odor management topics including causes and preventative actions to address odor issues, Manure and Waste handling to detail safe, effective and acceptable on farm, transport and in field handling practices. Environmental Incident response plan topics will include a full plan review as well as how to react to an incident, who to call and what to observe and record. Lastly, employee and workplace safety topics such as safe vehicle, equipment and animal handling practices, fire and emergency response reactions and on farm emergency equipment locations.

Training Presenters

At this time, Dustin (Owner/Operator/Manager) will conduct the required training or someone appointed directly by Mr. Brunn.

Recording Attendance

For each internal training session, attendance will be recorded using a sign-up sheet which will include the date of the training and the employees who attended. Similar methods will be used to verify other training received.

Feedback and Training Evaluation

Each employee will be asked to complete a brief survey, after the training is complete to provide trainer feedback and solicit suggestions for improvements to the training offerings.

Monthly Animal Lot Runoff Checklist

Farm: Lot ID:
Inspected by: Date:

	Yes	No	Corrective Action Taken/Planned
Solids collection location needs to be cleaned? (knee walls)			
Roof gutters clear, connected and functioning?			

Monthly Feed Storage Facility Checklist

Farm: Facility ID:
Inspected by: Date:
% moisture of feed placed in facility:

	Yes	No	Corrective Action Taken/Planned
Surface water diversion is operational?			
Feed is adequately stored/covered?			
Waste feed is properly stored?			

Manure Staging/Stacking Site Inspection Checklist

Farm: Site ID:
Inspected By: Date:

	Yes	No	Corrective Action Taken/Planned
Dead or stressed vegetation around pile?			
Runoff or channelized flow observed?			
Wet conditions limiting access to pile?			

**Land Resources and Parks Department
Staff Report**

Town of Beaver Dam Code Amendment

Applicant / Petitioner:

Town of Beaver Dam – Town Board
Attn. Kristine Klodowski
W8540 County Road W
Beaver Dam, WI 53916

Filing Date: September 17, 2015

Committee Review Date: October 5, 2015

Subject - Proposal

A petition to amend the text of the Town of Beaver Dam Zoning Ordinance has been submitted by the Town of Beaver Dam Town Board to the Dodge County Board of Supervisors for approval. The intent of the amendments are to bring the Town Ordinance into compliance with the current state and local regulations and to recreate the Town of Beaver Dam Zoning Ordinance as "Chapter 62 Zoning Code" in the Town of Beaver Dam Code of Ordinances. The amendments include a series of miscellaneous housekeeping amendments to clarify the definition of terms used in the Code, the update of the lists of permitted and conditional uses, the clarification of the required building setback requirements from the water, the removal of driveway regulations from the zoning code and the addition of Mobile tower facility siting overlay district regulations. The proposed modifications are as shown in Exhibit A and Exhibit B.

Land Use Code Provisions:

According to 60.62(3) Wisconsin Statutes, in counties having a county zoning ordinance, no Town zoning ordinance or amendment of a Town zoning ordinance may be adopted under this section unless approved by the county board. The Planning Committee is responsible for reviewing Town rezoning amendment requests and for recommending that the County Board of Supervisors approve or deny such petitions.

County Jurisdiction Limits

County Zoning:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Shoreland Protection Ordinance:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Floodplain Zoning Ordinance:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Non-Metallic Mining:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Subdivision:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Airport Zoning Ordinance:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

The adoption of the proposed amendments by the Town of Beaver Dam does not change or affect the enforcement of the applicable Dodge County Ordinance regulations within the Town of Beaver Dam. If the jurisdiction of the County and Town codes overlap, compliance with the most restrictive code regulation is required.

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 proposed Town code amendment petition for compliance with 60.62(3) Wisconsin Statutes and believes that the Town has followed the proper procedures listed in their Zoning Ordinance in order to approve the proposed code amendment. Therefore, staff recommends the committee report favorably on the town code amendment petition.

Dodge County Planning, Development and Parks Committee Decision

Town of Beaver Dam Code Amendment

Applicant / Petitioner:

Town of Beaver Dam – Town Board
Attn. Kristine Klodowski
W8540 County Road W
Beaver Dam, WI 53916

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CONCLUSIONS OF LAW

Based upon the facts presented in the application and by the County staff, the committee concludes that:

Does the application contain sufficient information necessary to make a decision on the Town Code Amendment petition?

- Yes
- No - The following additional information is required:

Is there sufficient evidence in the record to show that the town has followed the proper procedures in order to recommend approval of the town rezoning petition?

- Yes – According to the information on record in this matter, the Town has followed the proper procedures in order to approve the Town rezoning petition;
- No; based on the information submitted with the application, it appears that the town did not follow the proper procedures in approving the rezoning petition.

Comments

Motion by _____ to submit a (favorable / unfavorable) report to the County Board regarding the Town petition based upon the previously mentioned findings.

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
Randy Grebel	<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)

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____

RESOLUTION NO. 2015-7

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN

WHEREAS, Dodge County, a body corporate, under the laws of the State of Wisconsin, has adopted a comprehensive Zoning Ordinance which is in full force and effect, and WHEREAS, the Town Board of the Town of Beaver Dam has adopted a Town Zoning Ordinance for said town, the power to adopt a town zoning ordinance having been granted by a referendum vote of the electors of the Town of Beaver Dam at the time of a regular town meeting, and

WHEREAS, PURSUANT TO Section 60.62(3) of the Wisconsin Statutes, adoption and amendment of a town zoning ordinance by a town board is subject to approval of the county board in counties having a zoning ordinance in force and effect, and

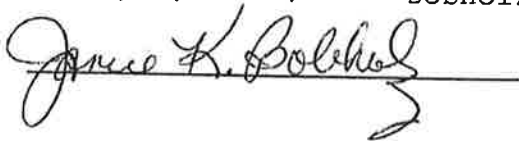
WHEREAS, a public hearing as to the proposed amendments to the zoning ordinance of the Town of Beaver Dam was held by the Plan Commission on January 26, 2015 upon which recommendations made by Town Board for amending the zoning code were approved. The Town Board at the February Board meeting approved a resolution to adopt the recommended amendments by reference with a "Code of Ordinances" at the March 10 board meeting. On March 10 Board meeting the "Code of ordinances," was on the agenda and after holding a hearing did adopt by voice vote "Ordinance 2015-1" enacting the "Code of Ordinances" by reference.

THEREFOR BE IT RESOLVED:

That the amendments to the Town Zoning Ordinance of the Town of Beaver Dam attached to and made a part of this resolution be and are hereby approved by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this 29 day of August, 2015.

County Supervisor; Janice Bobholz



County Supervisor; Mary Bobholz



TOWN OF BEAVER DAM

Dodge County, Wisconsin

2015 Adopted Ordinance amendments-August 18, 2015

The following chapters of the Town of Beaver Dam included herein are amended as follows;

Chapter 10- Property and Building Maintenance and Building Regulations

Section 10-5(b)(4) Commercial and industrial. Portions of state building code adopted. Chapters SPS COMM 361-365, Wisconsin Commercial Building Code, Chapters SPS COMM 375-379, Existing Buildings Code (Buildings Constructed Prior to 1914), and Chapter COMM 70, Historic Building Code are hereby adopted and made a part of this chapter with respect to those classes of buildings to which this building code specifically applies. Any future amendments, revisions, and modifications of said chapters incorporated herein, are intended to be made a part of this Code.

Chapter 22- Fire Prevention and Protection

Chapter 22. Article II is hereby deleted and recreated with the following Article II.

ARTICLE II. OUTDOOR BURNING, OPEN BURNING, AND BURNING OF REFUSE.

SECTION 1: PURPOSE

1.00 Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the **Town of Beaver Dam** due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

SECTION 2: APPLICABILITY

2.00 Applicability. This ordinance applies to all outdoor burning and refuse burning within the **Town of Beaver Dam, Dodge County, Wisconsin.** If a provision in the town ordinance covers a provision contained in the county ordinance, the town ordinance controls.

2.1. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.2. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this ordinance.

2.3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY

3.00 Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

4.00 Definitions.

4.1. "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

4.2. "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

4.3. "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

4.4. "Fire Chief" means the Chief of the City of Beaver Dam Fire Department] or other person authorized by the Fire Chief.

4.5. "Municipal Officials" means any Dodge County sheriff deputy or Town of Beaver Dam police department official.

4.6. "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

4.7. "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

4.8. "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

4.9. "Refuse" means any waste material except clean wood.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

5.00 General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the Town of Beaver Dam unless the burning is specifically permitted by this ordinance.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

6.00 Materials that may not be burned.

6.10 Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device

6.11. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

6.12. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

6.13. Asphalt and products containing asphalt.

6.14. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

6.15. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

6.16. Rubber including tires and synthetic rubber-like products.

6.17. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 11 of this ordinance.

SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS.

7.00 Burning leaves, brush, clean wood and other vegetative debris.

Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions

7.1. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

7.2. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

7.3. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

7.4. Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

7.5. Open burning of weeds or brush(trees) on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

7.6. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

7.7. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.

7.8. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.

7.9. Burning in emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.

7.10. Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under Section 11 of this ordinance.

7.11 Except for campfires, open burning under this section shall only be conducted at a location at least 200 feet from the nearest building which is not on the same property.

7.12. Except for campfires and permitted bonfires, open burning shall only be conducted during daylight hours.

7.13. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

7.14. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.

7.15. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 50 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

7.16. No open burning may be conducted on days when the Department of Natural Resources has declared an Air Quality Watch or Air Quality Advisory for ozone or fine particle pollution applicable to the Town of Beaver Dam.

SECTION 8: BURN BARRELS

A burn barrel may be used in the *Town of Beaver Dam* only in accordance with the following provisions:

8.1. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7 of this ordinance.

8.2. The burn barrel shall be located at least 50 feet from the nearest building that is on the same property as the burn barrel.

8.3. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

8.4. The burn barrel shall not serve a commercial enterprise.

8.5 Burn barrels shall be 250 feet or more from structures on adjoining properties.

SECTION 9: RESERVED

SECTION 10: FIRE DEPARTMENT PRACTICE BURNS

10.00 Notwithstanding sections 5 and 6 of this ordinance, the *City of Beaver Dam Fire Department* may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

SECTION 11: EXEMPTION FOR BURNING CERTAIN PAPERS

11.1. Notwithstanding Subsection 6.17 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance

11.2. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

11.3. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

11.4. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1-7.3, 7.6, and 7.11-7.15 of this ordinance.

SECTION 12: BURNING PERMITS

12.1. No person shall start or maintain any open burning of brush, leaves, grass, vegetative debris, or clean building material without notification of the intent by notifying and receiving permission of the Beaver Dam Fire Department.

12.2. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

12.3. When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

SECTION 13: Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION 14: RIGHT OF ENTRY AND INSPECTION

14.00 Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of the Town of Beaver Dam who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with sections 66.122 and 66.123, Wis. Stats.

SECTION 15: ENFORCEMENT AND PENALTIES

15.00 Enforcement and penalties.

15.1. The Fire Chief and or other designated municipal officials are authorized to enforce the provisions of this ordinance.

15.2. The penalty for violation of any portion of this ordinance shall be a forfeiture as provided for in Chapter 1-9 of the Town of Beaver Dam Ordinances plus the cost of prosecution. Penalties are doubled for second and subsequent offenses

22.51(d) all references to ~~Comm 10~~ to be deleted and replaced with SPS 310 Code compendium

Chapter 50.- Article IV, Division 2. Driveways of Chapter 62, is to be deleted and recreated in it's entirety in Chapter 50 as Article II.

CHAPTER 54

54.5(2) The rules of the state department of commerce contained in Wis Admin. Code. Ch SPS 381 – 385 ~~COMM 81-85~~

54.10(3) Suitability of land for private sewerage systems shall be determined in accordance with Wis. Admin. Code. Ch SPS 83. ~~Comm 83~~

54-142(b)(1)The development agreement shall require the sub divider to make an escrow deposit, or in lieu thereof, to furnish a performance bond or irrevocable letter of credit, the amount of deposit and the penal amount of the bond to be equal to ~~1+4 times~~ 120 percent of the town engineer's estimate of the total cost of the improvements to be furnished under the agreement, including the cost of inspection. The bond or letter of credit shall contain a statement indicating that it remains in full force and effect for a

minimum of 30 calendar days after a written notice of impending expiration sent by certified mail has been received by the town clerk. Surety bonds or other security

54-155 Where lots created and used for residential use abut lands zoned A-1 or A-2 G, a 30 20-foot wide green space buffer strip shall be provided adjacent to the A-1 or A-G 2 lands. ~~No buildings or other structures shall be permitted within the 30-20 foot buffer strip.~~ No ~~trees~~, bushes, shrubs, vines, or other woody vegetation shall be permitted in the ten feet of the strip abutting the agricultural lands, but are permitted in the remaining ~~20 10~~ feet. Trees are not permitted in the buffer area. This entire ~~30-20~~ foot buffer shall be part of the platted lots and but shall have an appropriate restriction lettered on the face of the plat. Buildings are permitted in the green space buffer strip but are to comply with all other rules and setback provisions of this code.

54-194(d)(1) Size. The maximum residential lot size in the A-1 and A-G 2 zoning districts shall be 1.5 ~~two~~ acres.

58. Traffic and Vehicles.

58-61 Thirty-five miles per hour. Delete all existing roads in this section and replace with the following:

Barak Drive,

Burns Road,

Business 151 from Lakecrest to CTH D,

CTH G west from Business 151 0.8 miles

Kellom Road

Lake Hills Dr

Madison Street

McKinley Beach Road from STH 33 to N. McKinley Beach Road

N Crystal Lake Rd from STH 33 to Prospect Rd

National Drive

Peachy Road

Prospect Rd (town limits to Lake Hills)

Raceway Road,

S. Crystal Lake Rd from STH 33 to 0.3 miles South

58-64. Twenty-five miles per hour; Add the following roads

Access Road

Concord Court

Gossfeld Lane

Hickory Springs Road

Prospect Road(city limits to N. Crystal lake Road)

N McKinley Beach Rd)(Oak Lane to end)

S Sunset Bay Dr

Shady Oak Lane

Sunset Bay Drive (STH 33 to S Sunset Point Road)

Sunset Blvd

62. Zoning

Sec 62-2 Jurisdiction

The jurisdiction of this Code shall include all land and waters within the boundaries of the Town of Beaver Dam lying outside the limits of incorporated cities and villages. In those areas under the jurisdiction of the Town of Beaver Dam Zoning Code and the Dodge County Shoreland Wetland Ordinance, both the zoning code and the County Shoreland Wetland Ordinance shall be in full effect and all requirements of both shall be met except as limited by § 60.62 (5) (c) Wis. Statutes.

62-5(5). Fee shall be in the amount as set by the town board by resolution from time to time.

62-7c). Floor Area. A one story single family dwelling, including manufactured homes located outside of a manufactured mobile home park, shall have.....

62.14 Animal ~~confinement~~ facility. Any livestock or poultry operation involving animals that are used in the production of food, fiber, or other animal products and will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period.

~~Animal unit. Animal unit has the following meaning that was given in §NR243.03(3). Wis Administrative code as of April 27, 2004.~~

“Animal unit” means a unit of measurement used to determine the total number of single animal types or combination of animal types, ~~as specified in § NR 243.11, Wis. Admin. Code,~~ as illustrated in the accompanying ANIMAL CALCULATION TABLE which are fed, confined, maintained, or stabled in an animal

feeding operation. The total number of animal units for a given type of animal shall be calculated by multiplying the number of animal units for each animal type for the appropriate equivalency factor from the following table, and summing the products. The number of combined animal units shall be the sum of the number of animal units for each animal type. For animal types not listed in the following table, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

~~Commercial egg production. An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 200 birds or more.~~

~~Commercial feed lot. An animal confinement facility or dairy farm used or designed for the feeding or holding of 200 or more animal units for a period of 30 days or more.~~

Dwelling. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, and or cabins. ~~or mobile homes~~

Farm consolidation: The combination of two or more farms to create a smaller number of farms. Allowing a parcel to be created by separating a farm building site from the adjoining farmland when a farm is purchased and combined into another ongoing farm operation having the same ownership All other requirements for a conditional use permit must be followed.

General farming. General farming shall include all agricultural uses except raising of livestock animals' confinement and the facilities necessary for their care. General farming shall not be considered the intended use of the property unless a 35 or more acre parcel exists or is proposed. Unless otherwise prohibited by district or general provision regulations of this chapter, existing parcels of less than 35 acres may be used for general farming purposes.

Livestock. Includes cattle, swine poultry, sheep, and goats.

Manufactured mobile-home lot. A parcel of land designed for the exclusive use of the occupants of a single manufactured mobile home.

Mobile Manufactured home park. A parcel of land under single ownership, which has been planned and improved for the placement of ~~mobile-manufactured homes for non-transient use~~ which will be occupied and used as a permanent residential dwelling versus as or for a campgrounds and camping.

Motor vehicle sales and service. . Sales and repairs to autos and light trucks used mainly for the transportation of people.

Truck Sales and Service; Sales and Service to vehicles used for the transportation and delivery of freight and commodities.

62.62(1)(a) ~~General Farming~~ Agricultural use.

62.62(2)(i) Farm Consolidation

1.The separation of farm residences or structures from the larger farm parcel may be allowed as a conditional use if it meets all of the following requirements:

- (a) The separation meets the definition of farm consolidation;
- (b) the residence or structures existed prior to the adoption of this Code;
- (c) the separated parcel shall be no larger than reasonably necessary to accommodate the proposed use or 5 acres;
- (d) the separation meets all of the standards applicable to conditional uses;
- (e) the created parcel must conform with all applicable regulations set forth in 62-7

62.63(3) yards: side: see section 62-7 (Structures used to house animals shall have a 100 foot minimum side yard).

62-64(a)(2) ~~General farming without animals~~

62.64(a)(3) Poultry. Limited to 10 chicken hens confined to a yard, pen, or structure.

62.65(b)(3) Manufactured Mobile home parks.

62-65(b)11. Child care. State license is required and must operate within corresponding requirements. Child care limited to in addition to those of the occupying family, seven children.

62-66(a)(1) ~~General farming without animals. 45 days?~~

62.66(b)(13) Gas stations or convenience stores.

62-67(a)(6) ~~General farming without animals.~~

62.67(b)(14) Truck Sales and Service

Old 62.67(b)(14) renumbered as 62.67(b)(15)

Old 62.67(b)(15) renumbered as 62.67(b)(16)

62-91(b) Only this section shall apply when granting a conditional use for an animal livestock facility in the A-1 prime agricultural and or A-2 general agricultural districts. The rules, regulations, and laws as set forth in Wisconsin Administrative Code Chapter ATCP 51 shall apply. All applicable rules, regulations, and laws as set forth in Wisconsin Administrative Code Chapter ATCP 51 are hereby adopted by reference and shall apply as if fully set forth herein. The fees for an animal livestock facility conditional use shall be set by resolution of the town board from time to time, however the fee may not exceed the \$1,000.00 maximum allowed as set forth in ATCP 51.

62.93. Except for an animal confinement facility, when ~~In~~ reviewing a Conditional Use Permit, the Town Plan Commission shall evaluate the proposed use on:

62.94 Except for an animal confinement facility, The Town Plan Commission may attach such conditions, in addition to those required elsewhere in this Code, that it deems necessary in furthering the purpose of this Code. Violation of any of these conditions shall be deemed a violation of this Code. Such conditions may include, without limitation because of specific enumeration, specifications for:

Sec 62-97. No Permit. Except for an animal confinement facility.

Sec 62-98(7). The screening provisions for ~~mobile~~ manufactured home parks are met.

Sec 62-98(d) ~~Mobile~~ Manufactured home parks. In granting a permit for the development or improvement of a manufactured mobile home park, the Plan Commission shall make the following determinations:

1. The Plan Commission shall determine that the Town Board has issued a License for the ~~mobile home~~ proposed park and that not more than three ~~mobile~~ park licenses exist in the Town as of the date on which the conditional use permit is considered.
2. The minimum size of a ~~mobile~~ park shall be ten (10) acres;
3. The maximum number of ~~mobile~~ manufactured homes shall be 10 per acre;

Section 62-123. Building setbacks from the water.

(1) There shall be setbacks both from the streets and the water

(2) All buildings and structures shall comply with the applicable required setbacks from navigable waters as listed in the Dodge County Shoreland Ordinance. ~~except piers, wharves and boat houses shall be set back at least 75 feet from all points along the normal highwater line and two feet above the normal highwater elevation unless otherwise specified by this chapter.~~

~~(3) The zoning administrator shall determine the normal high water elevation or line where not established.~~

~~(4) A setback from the water less than the setback required may be permitted where there are at least five existing main buildings within 500 feet of the proposed site that are built to less than the required setback. In such case the setback shall be the average of the nearest main building on each side of the proposed site or if there are no buildings on one side, the average of the setback from the main building on one side and the required setback~~

Article IV, Division 2. Driveways is deleted from Chapter 62 and recreated and renumbered in Chapter 50 as Article II and with the listed amendments;

Ordinance is adopted under the authority of state statues, §§66.0425 & 86.07.

~~62-151(b) 50.151(b) In the town R.O.W. no person shall improve, modify, or rework a driveway with the exception of routine maintenance, which changes the existing topography of the land without consulting the town inspector/engineer land use administrator to determine the applicability of whether obtaining a driveway permit is required. From the town board. Ordinary maintenance limited to repairing or replacing the existing surface may not require a permit From the Town board. If a permit is required, application forms and information can be obtained from the town clerk, or the land use administrator, or on the town's web-site. If a permit is require.~~

50.153(2). Where upon any town road, an abutting agriculturally used field is accessed from the road without a driveway, the town board may as determined upon inspection require an adequate driveway be

constructed for access to the field. If determined necessary, a field entrance driveway permit application will be required and is available from the Land Use Administrator.

50-154(2). Residential or business use driveway. The fee rate shall be established by the town board by resolution and listed in the town's fee schedule. Fees shall be paid prior to any construction of any new or modified driveway. The applicant.....

50-154(3). Field driveway permit. The fee rate shall be established by the town board by resolution and listed in the town's fee schedule. Fees shall be paid prior to any construction of any new or modified driveway.

50.161(b)the driveway passes pursuant to Wis. Stats ~~§66.60(6)~~ §66.60(16).

Chapter 62 Zoning. Article VI

62.213(2) On premises identification signs for residential subdivisions, parks, multi-family dwelling units, ~~mobile~~ manufactured home parks, industrial parks, schools, hospitals, churches, and for community identification not to exceed

62.285(1) Name and addresses of the appellant or applicant and all land owners within 300 feet of the parcel on which the appeal (variance) is requested for.

62.285 (4) Fee in the amount set by the town board by resolution

62.286 The Board of Appeals shall fix a reasonable time and place for the hearing, give a Class One notice thereof as provided in Code 985 of the Wis. Statutes. Notice of the hearing should be provided to the owner, applicant, all land owners within 300 feet of the parcel on which the variance is requested for, the zoning administrator, and the

Sec 62-311. **Is hereby recreated:** (a) The Plan Commission shall consist of seven regular members and two alternates appointed by the Town Board Chairperson, who shall also appoint the commission's chairman. All appointed members shall be approved by the Town Board. Five of the regular members and one of the alternates must be citizens of the town. Two of the regular and one of the alternates may be elected or appointed town officials. All members shall be persons of recognized experience and qualifications.

CHAPTER 63. ZONING OVERLAY DISTRICT IS HEREBY ADDED.

63. MOBILE TOWER SITING AND RADIO BROADCAST SERVICE FACILITY OVERLAY DISTRICT REGULATIONS

63.1 GENERAL

63.1.A Purpose

The purpose of the Mobile Tower Siting and Radio Broadcast Service Facility Overlay District Regulations is to regulate the following:

63.1. A.1 The siting and construction of any new mobile service support structure and facilities;

63.1. A.2 The substantial modification of an existing support structure and mobile service structure and mobile service facility (Class 1 Collocation);

63.1. A.3 The collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities (Class 2 Collocation).

63.1. A.4 The siting, placement, construction or modification of radio broadcast service facilities

63.1.B Intent

The intent of the Mobile Tower Siting and Radio Broadcast Service Facility Overlay District Regulations are:

63.1. B.1 To encourage the construction and location of mobile service facilities, mobile service support structures and radio broadcast service facilities in areas where the adverse impact on the environment, the community and the citizens of Town of Beaver Dam is minimized.

63.1.B.2 To maintain and ensure that a non-discriminatory, competitive and broad range of mobile services and high quality mobile service infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as the Town of Beaver Dam's police, fire, and emergency response network quickly, effectively and efficiently.

63.1. B.3 To provide a process of obtaining the necessary permits for mobile service facilities, support structures and radio broadcast service facilities while at the same time protecting the legitimate interests of the citizens of Town of Beaver Dam.

63.1. B.4 To encourage the use of alternative support structures, collocation of new antennas on existing support structures, and construction of support structures with the ability to locate three (3) or more providers.

63.1. B.5 To promote the public health, safety and general welfare of the Citizens of Town of Beaver Dam with the minimum practical regulation that is necessary to accomplish this objective.

63.1.C Applicability and Exemptions

63.1.C.1 The requirements of the Mobile Tower Siting and Radio Broadcast Services Overlay District Regulations shall apply to all towers, antennas, and other communication facilities in the Town of Beaver Dam Land Use Code in accordance with the authority granted by Section 59.69 of the Wisconsin Statutes.

63.1.C.2 Towers and antennas that are under 70 feet in height and are owned and operated by federally licensed amateur radio station operators or are receive-only antennas shall be exempt from these regulations .

63.1. C.3 Towers and antennas for which a permit has been properly issued by the Town prior to the effective date of this Code shall not be required to meet the requirements of this Code.

63.1. C.4 These overlay district regulations are not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, the regulations in this overlay district are not intended to regulate satellite dishes or antennas whose regulation is prohibited by Section 59.69(4d) or its successor sections of the Wisconsin State Statutes or as permitted by Federal Law.

63.1. C.5 Mobile services providing public information coverage of news events of a temporary or emergency nature are exempt from these regulations.

63.1. D Principal or Accessory Use

Towers and antennas 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 an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with zoning regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

63.1. E Definitions

All definitions contained within s. 66.0404(1) and 66.0406(1) Wisconsin Statutes are hereby incorporated in this Overlay District by reference.

63.2 ADMINISTRATION

63.2. A Permit Requirements

63.2. A.1 A conditional use permit shall be required for new support structures and facilities and for a Class 1 Collocation.

63.2. A.2 A land use permit shall be required for a Class 2 Collocation.

63.2. A.3 A conditional use permit shall be required for the placement, construction, or modification of radio broadcast service facilities.

63.2.B Application process for new mobile service support structures and facilities and for Class 1 Collocations.

63.2. B.1 All conditional use permit applications for new mobile service support structures and facilities and for Class 1 Collocation projects shall be submitted to the Land Use Administrator upon forms provided by the Department. Applications for a conditional use permit for new mobile service support structures and facilities and for Class 1 Collocation projects shall include the following:

63.2. B.1a The name, and business address of, and the contact individual for, the applicant.

63.2. B.1b The location of the proposed or affected support structure.

63.2. B.1c The location of the proposed mobile service facility.

63.2. B.1d If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

63.2.B.1e If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

63.2.B.1f If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile support structure that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

63.2. B.2 Completed Applications

If an applicant submits an application to the Department for a conditional use permit to engage in an activity described in this section of the Code, which contains all of the information required under this section, the Department shall consider the application complete. If the Department does not believe that the application is complete, the Department shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

63.2. B.3 Town Responsibilities

Within 90 days of receipt of a complete application, the Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Department may agree in writing to an extension of the 90 day period.

63.2. B.3a Review the application to determine whether the proposed project complies with all applicable aspects of the Code, subject to the limitations in this section. If the application is determined to be incomplete, the Land Use Administrator shall notify the developer/applicant of the application deficiencies and no further action shall be taken on the application until the required information is submitted and the application is determined to be complete.

63.2. B.3b The Land Use Administrator shall review each complete application in light of the approval Criteria of Section 2.3.6.F and shall provide a report to the Committee recommending approval, approval with conditions or denial of the application. Failure of the Land Use Administrator to provide a report to the Committee shall constitute a recommendation for approval of the application.

63.2. B.3c Public hearings for conditional use permit applications shall be held within 45 days of receipt by the Department of a complete application and shall receive written and published notice in accord with the applicable Wisconsin State Statutes and the general notice provisions of Section 2.2.6. In addition, the Land Use Administrator shall notify all property owners within 300 feet of the subject property boundary of the time, date and subject matter of the hearing. Furthermore, the Land Use Administrator shall notify the County Highway Department and/or the State Department of Transportation for any development within 500 feet of an existing or proposed right-of-way of freeways, expressways, interstate and

controlled access traffic-ways, and within 1,000 feet of an existing or proposed interchange or turning lane right-of-way and request a recommendation for proposed projects within their jurisdiction. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application. The 45 day time limit in which to hold the public hearing may be extended by written agreement with the applicant. The 45 day time limit in which to hold the public hearing may also be extended by the Committee when it has been determined by the Committee that the public hearing notice requirements in Section 2.2.6 for said hearing have not been met. In such instances, the Committee shall reschedule the public hearing for a date that is within 30 days of the date of determination by the Committee that the public hearing notice requirements in Section 2.2.6 were not met or within the time limit as extended by the written agreement with the applicant.

63.2. B.3.d Committee Review and Decision

The Committee shall hold a public hearing on the application and following the public hearing shall approve, approve with conditions or deny the conditional use permit application within 15 days after the public hearing based on the general approval criteria listed in 2.3.6.F of the Code subject to the limitations in this overlay district unless the time is extended by written agreement with the applicant. Failure of the Committee to take final action within 90 days of the receipt of a complete application or within the time as extended by agreement with the applicant shall constitute an approval of the conditional use permit as proposed.

63.2. B.3.d.1 Compliance with all other provisions of this Code, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses, subject to the limitations in this overlay district.

63.2. B.3.d.2 The Committee may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection 63.2.B.1f.

63.2. B.3.d.3 The Department shall notify the applicant, in writing, of the Committee's final decision. If the decision is to disapprove the application, the Department shall include with the written notification substantial evidence which supports the decision.

63.2. B.3.d.4 A party, who is aggrieved by the final decision of the Committee under this subsection, may bring an action in circuit court of Dodge county in which the proposed activity, which is the subject of the application, is to be located.

63.2. B.4 Factors Considered in Granting a Conditional Use Permits

The Committee shall consider the following factors in determining whether to issue a permit, although the Committee may waive or reduce the burden on the applicant of one or more of these criteria if the Committee concludes that the intent of this Code is better served thereby.

63.2. B.4.a Height of the proposed tower;

63.2. B.4.b Proximity of the tower to residential structures;

63.2. B.4.c Design of the tower, with particular reference to design characteristics that have the effect of accommodating other users.

63.2.B.4.e Proposed ingress and egress; and

63.2.B.4.f Availability of suitable existing towers and other structures.

63.2.B.5 Availability of Suitable Existing Towers or Other Structures

The Committee may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection 63.2.B.1f. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

63.2. B.5.a No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

63.2. B.5.b Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

63.2. B.5.c Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

63.2. B.5.d The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

63.2. B.5.e The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are economically burdensome.

63.2. B.5.f The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

63.2.C Application Process for Class 2 Collocation

63.2.C.1 All land use applications for Class 2 Collocation projects shall be submitted to the Land Use Administrator upon forms provided by the Department. Applications for a Class 2 Collocation project shall

include the following:

63.2.C.1.a The name, and business address of, and the contact individual for, the applicant.

63.2.C.1.b The location of the proposed or affected support structure.

63.2.C.1.c The location of the proposed mobile service facility.

63.2.C.2 Completed Applications

If an applicant submits an application to the Department for a land use permit to engage in a Class 2 collocation, which contains all of the information required under this subsection, the Department shall consider the application complete. If the Department does not believe that the application is complete, the Department shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

63.2.C.3 Town Responsibilities

Within 45 days of receipt of a complete application, the Land Use Administrator shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Department may agree in writing to an extension of the 45 day period.

63.2.C.3a Review the application to determine whether the proposed project complies with all applicable aspects of the Code, subject to the limitations in this section. If the application is determined to be incomplete, the Land Use Administrator shall notify the developer/applicant of the application deficiencies and no further action shall be taken on the application until the required information is submitted and the application is determined to be complete.

63.2.C.3.b Make a final decision whether to approve or disapprove the application.

63.2.C.3.c Notify the applicant, in writing, of its final decision.

63.2.C.3.d If the application is approved, issue the applicant the relevant permit.

63.2.C.3.e If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

63.2.C.3.f A party who is aggrieved by the final decision of the Land Use Administrator under this subsection, may bring action in the circuit court of the County in which the proposed activity, which is the subject of the application, is to be located.

63.2.D. Application process for the placement, construction or modification of a radio broadcast facility

63.2.D.1 A conditional use permit application for the placement, construction or modification of a radio broadcast facility shall be submitted to the Land Use Administrator upon forms provided by the Department. The application, review and decision procedures for the conditional use permit shall be in accord with Section 2.3.6 of the Land Use Code.

63.3 Development Standards

63.3.A General Design Requirements

63.3.A.1 Towers shall be painted with alternate bands of aviation orange and white paint in accordance with standards listed in Chapter 3, Marking Guidelines, of the FAA Federal Advisory Circular 70/7460-1, Obstruction, Marking and Lighting and subsequent revisions. The tower owner shall also be responsible

for repainting when the color changes noticeably or its effectiveness is reduced by scaling, oxidation, chipping, or layers of contamination.

63.3.A.2 At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

63.3.A.3 If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

63.3.A.4 Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

63.3.A.5 Towers and antennas shall not be used for displaying any advertising.

63.3.A.6 No tower shall exceed 500 feet in height.

63.3.B Federal Requirements

All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

63.3.C Accommodations of Other Users (Co-location)

63.3.C.1 Any proposed communication tower and tower site shall be designed, structurally, electrically and in all respects, to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least three additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

63.3.C.2 The holder of a permit for a tower shall allow co-location for at least three additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.

63.3.D Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a permit is required; provided, however, that the Committee may reduce the standard setbacks and separation requirements if the intent of this section would be better served thereby.

63.3.D.1 Communication towers and projecting aerials shall be located a minimum distance equal to the height of the tower from any residential structure.

63.3.D.2 Communication towers, including but not limited to radio and television transmission and relay towers, aerials, and observation towers, are exempt from the zoning district height requirements, however, no tower or any projecting aerial attached to the tower shall exceed 500 feet in height.

63.3.D.3 Guy wires, and accessory facilities must satisfy all applicable setback requirements of Chapter 5 of this Code.

63.3.D.4 Communication towers and projecting aerials shall be located a minimum distance equal to 1/3 the structure height from the side and rear lot line.

63.3.D.5 Communication towers and projecting aerials shall be located in accordance with the minimum setback distances required in Section 5.1.2.E for roads.

63.3.D.6 Communication towers that are located within the jurisdictional boundaries of the Town of Beaver Dam

Airport Zoning Ordinance shall not exceed the maximum airport height regulations

63.3.D.7 Setback Exception: Application of Set Back Fall Zone.

If an applicant provides the Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller fall zone area than the setback required in the Code, the smaller fall zone setback area shall be used as the setback requirement

unless the Department provides the applicant with substantial evidence that the engineering certification is flawed.

63.3.E Security Fencing

Tower sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.

63.3.F Landscaping

Tower facilities shall be landscaped with a buffer of plant material that effectively screens the base of the tower and the supporting facilities from direct view of the tower site from an adjacent property. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the security fencing. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

63.3.G Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. In such circumstances, the following shall apply:

63.3.G.1 The owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove said antenna and/or tower, including all supporting equipment and building(s), within 90 days of receipt of notice from the Land Use Administrator notifying the owner of such abandonment. If removal to the satisfaction of the Land Use Administrator does not occur within said 90 days, the Land Use Administrator may remove and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are 2 or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

63.3.G. 2 The applicant for a permit under this section shall submit a copy of a signed agreement between the property owner and the owner of the tower, antenna(s), and supporting equipment and building(s), detailing requirements for abandonment and subsequent removal based on the provisions of Section 63.3(G)(1). This agreement shall contain provisions binding said agreement on future property owner(s) and future owner(s) of a tower, antenna, and all supporting equipment and building(s).

63.3.H Limitations

With regard to an activity described in this Overlay District, the Town may not do any of the following:

63.3.H.1 Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

63.3.H.2 Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

63.3.H.3 Enact an ordinance prohibiting the placement of a mobile service structure in particular locations within the Town .

63.3.H.4 Charge a mobile radio service provider any recurring fee for an activity described in Section 63.2.B or 63.2.C.

63.3.H.5 Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

63.3.H.6 Disapprove an application to conduct an activity described under Section 63.2.B based solely on aesthetic concerns.

63.3.H.7 Disapprove an application to conduct a Class 2 collocation on aesthetic concerns.

63.3.H.8 Enact an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

63.3.H.9 Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the Town which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000.00 or less complies with this paragraph.

63.3.H.10 Prohibit the placement of emergency power systems.

63.3.H.11 Require the mobile service support structure be placed on property owned by the Town .

63.3.H.12 Disapprove an application based solely on the height of the mobile service structure or on whether the structure requires lighting.

- 63.3.H.13 Condition approval of such activities on the agreement of the structure or mobile service facility to provide space on or near the structure for the use of or by the Town at less than the market rate, or to provide the Town with other services via the structure or facilities at less than the market rate.
- 63.3.H.14 Limit the duration of any permit that is granted under this Overlay District.
- 63.3.H.15 Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
- 63.3.H.16 Disapprove an application based on an assessment by the Town of the suitability of other locations for conduction the activity.
- 63.3.H.17 Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
- 63.3.H.18 Consider an activity a substantial modification if a greater height is necessary to avoid interference with an existing antenna.
- 63.3.H.19 Consider an activity a substantial modification if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by Cable.
- 63.3.H.20 Limit the height of a mobile service support structure to under 200 feet.
- 63.3.H.21 Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the Town in connection with the Town's exercise of its authority to approve the application.
- 63.3.H.22 Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the Town to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a Town or an entity in which a Town has governance, competitive, economic, financial or other interest.

63.4 EFFECTIVE DATE OF THE PERMIT

- 63.4.A Conditional use permits and land use permits granted for mobile service support structures and facilities, class 1 collocation projects and class 2 collocation projects under Section 4.2.9.A.1 and 63.2.A.2 of this overlay district shall not expire.
- 63.4.B Conditional use permits granted for radio broadcast facilities under Section 4.2.9.A.3 shall expire one year after its effective date or at such alternative time specified in the approval process unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use established or the conditional use permit is renewed for a period not to exceed one year. A conditional use permit shall also expire upon termination of the project or if the rights granted by the permit are discontinued for 180 consecutive days.

TOWN OF BEAVER DAM CHAPTER 62 ZONING CODE

Adopted August 18, 2015

Chapter 17 deleted and recreated as Chapter 62

Chapter 62-ZONING

(First adopted August 21, 1979)

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Sec 62.1 INTRODUCTION

THE TOWN BOARD OF THE TOWN OF BEAVER DAM DOES ORDAIN AS FOLLOWS:

A CODE PROVIDING ZONING REGULATIONS FOR THE TOWN OF BEAVER DAM, DODGE COUNTY, WISCONSIN.

(1) Authority

These regulations are adopted under the authority granted by Section 60.62 of the Wisconsin State Statutes and amendments thereto. The Town Board of the Town of Beaver Dam, Dodge County, Wisconsin having been granted village powers pursuant to Section 60.10(2) of the Wisconsin State Statutes.

(2) Purpose

The purpose of this Code is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Town of Beaver Dam.

(3) Intent

It is the general intent of the Code to regulate and restrict the use and development of all structures, lands and water; to regulate and restrict lot coverage, population distribution and density, tree cutting, dredging and lagooning in shoreland areas and the size and location of all structures, so as to: lessen congestion, and promote safety from fire, flooding, panic and other danger; provide adequate light and air; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; promote safety and efficiency of highways; stabilize and protect property values; prevent water pollution; protect spawning grounds, fish and aquatic life and otherwise further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Town; and implement the Town's comprehensive plan and plan components. It is further intended to provide for the administration and enforcement of this Code and to provide penalties of its violation.

(4) Abrogation and Greater Restrictions

It is not intended by this Code to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, deed restrictions, agreement, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Code imposes greater restrictions, the provisions of this chapter shall govern.

(5) Interpretation

The provisions of this Code shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the Town, and shall not be deemed a limitation of repeal of any other power granted by the Wisconsin Statutes.

(6) Severability

If any section clause, provision or portion of this Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the remainder of this Code.

(7) Repeal

All other Ordinances or parts of Ordinances of the Town inconsistent or conflicting with this Code, to the extent of the inconsistency only, are hereby repealed.

(8) Title

Ordinance shall be known as, referred to, or cited as the "ZONING CODE, TOWN OF BEAVER DAM, DODGE COUNTY, WISCONSIN."

(9) Effective Date

This Code shall be effective after a public hearing, adoption by the Town Board, approval by the Dodge County Board of Supervisors and publication or posting as required by law.

GENERAL PROVISIONS

Sec 62-2 Jurisdiction

The jurisdiction of this Code shall include all land and waters within the boundaries of the Town of Beaver Dam lying outside the limits of incorporated cities and villages. In those areas under the jurisdiction of the Town of Beaver Dam Zoning Code and the Dodge County Shoreland Wetland Ordinance, both the zoning code and the Shoreland Wetland Ordinance shall be in full effect and all requirements of both shall be met except as limited by § 60.62 (5) (c) Wis. Statutes.

Sec 62-3 Compliance

No structure, land or water shall hereafter be used and no structure, or part thereof shall hereafter be located, erected, moved reconstructed, extended, enlarged, converted or structurally altered without a Building Permit and/or a Land Use Permit and without full compliance with the provisions of this Code and all other applicable Town, County and State regulations. Minor structures and normal repairs to existing structures of less than the value amount as set by the Town Board shall be exempt.

Where the terms and objectives of this Code have been substantially addressed and fulfilled by the Wisconsin Department of Natural Resources where concurrent jurisdiction with this Code exists, so as to avoid duplication of effort, the terms of this Code shall not be imposed. The concurrent jurisdiction with the Department of Natural Resources only includes land under specific jurisdiction of the Department of Natural Resources, Army Corp of Engineers and Dodge County.

Sec 62-4 Zoning Administrator

There is hereby created the office of Zoning Administrator for the Town of Beaver Dam. The Zoning Administrator shall have all the powers necessary to administer and enforce this Code.

The Zoning Administrator may enter at any reasonable time onto public or private lands to make a zoning inspection. If the Zoning Administrator finds that any of the provisions of this Code are being violated, he or she shall notify in writing the person responsible for such violation and order the action necessary to correct it. He or she shall order discontinuance of any illegal work being done; or shall take any other action authorized by the Code to insure compliance with or to prevent violation of its provisions.

Sec 62-5 Land Use Permits

Applications for a Land Use Permit shall be made to the Zoning Administrator on forms furnished by his or her office and shall include the following where applicable:

1. **Names and Addresses** of the applicant, owner of the site or agent for the owner.
2. **Description of the Subject Site** by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of occupants or employees; and the zoning district within which the subject site lies.
3. **Sketch** showing dimensions of the lot and locations of proposed and existing buildings from the lot lines, center line of abutting highways and the highwater mark of abutting water course.
4. **Additional Information** as may be required by the Zoning Administrator.
5. **Fee** in the amount as set by the Town Board by resolution from time to time.
6. Any application for a Land Use Permit shall be granted or denied in writing by the Zoning Administrator within forty-five (45) days. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. A Land Use Permit that is granted shall expire within twelve (12) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Code shall be null and void.

Sec 62-6 Certificate of Zoning Compliance

No land or building, or addition thereto, constructed after the effective date of this Code and no addition, alteration, reconstruction, extension, enlargement, conversion or structural alteration to a previously existing building shall be occupied or used for any purposes unless in conformity with the plans and specifications upon which the Land Use Permit was issued. A Certificate of Zoning Compliance may be issued by the Zoning Administrator upon request. Every Certificate of Zoning Compliance shall state that the use or occupancy complies with all the provisions of this Code.

(a) Application for Certificate of Zoning Compliance. Every application for Certificate of Zoning Compliance for a new use or change in use of land or building shall be made directly to the office of the Zoning Administrator on forms provided by his or her office.

(b) Issuance of Certificates of Zoning Compliance. No Certificate of Zoning Compliance for a building or portion thereof, constructed, after the effective date of this Code, shall be issued until construction is substantially completed, and the premises inspected and certified by the office of the Zoning Administrator to be in conformity with the plans and specifications upon which the Land Use Permit was issued.

(c) Issuance of Certificates of Nonconforming Uses. Any person, firm or corporation having a legal or equitable interest in a property which is nonconforming as to standards may require a Certificate of Zoning Compliance. The applicant shall present documentary proof that said use was a permitted use at the time it originated and was made nonconforming by the adoption of this Code or amendment thereto. After verifying the use in question is in fact a nonconforming use, the Zoning Administrator shall issue a Certificate of Zoning Compliance stating the use in question and the zoning of the property.

Sec 62-7 General Requirements

All Principal Structures shall be located on a lot; and only one residential principal structure shall be located, erected or moved onto a lot.

No Land Use Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that site from which the required dedication has not been secured.

(a). Minimum Lot Area and Width. Except as otherwise specifically required or permitted the minimum lot area shall be 40,000 square feet and a minimum lot width of 125 feet at the building setback line and 125 feet at the water's edge along a navigable waterway. Lots served by public sanitary sewer shall have a minimum lot area of 10,000 square feet and 80 feet of lot width at the building setback line.

(b). Side Yards. There shall be a side yard for each principal structure. For lots not served by public sanitary sewer, the minimum width of one side yard shall be 10 feet. The minimum aggregate width of both side yards shall be 25 feet. For lots served by public sanitary sewer, the minimum width of one side yard shall be 10 feet. The minimum aggregate width of both side yards shall be 20 feet. Side yards for substandard lots may be reduced to a minimum aggregate width of both side yards of 40 percent of the lot width and a minimum width of one side yard of 40 percent of the aggregate.

(c). Floor Area. A one story single family dwelling, including manufactured homes located outside of a manufactured home park, shall have at least 1,400 square feet of finished living area. A multi-story single family dwelling shall have a minimum of 1800 square feet of finished living area. All homes shall be placed on a permanent foundation. Multi-family single or multi-story dwellings shall have a minimum of 1200 sq. feet of finished living area per unit. All homes shall be placed on a permanent basement type foundation. Finished basement areas are not to be used for calculating finished living areas.

(d). New home building foundation requirement. It is hereby required that each new home constructed have at a minimum height, it's 1st floor sill plate two(2) feet above the finished road grade which it's home abuts. Documentation of this elevation shall be upon the site map sketch presented for approval of a building permit. The Town Board realizes in certain elevation situations this requirement would not be practical. In those instances the Town Land Use Administrator is authorized to waive this requirement. The waived requirement shall be substituted for a suitable elevation that will locate the new home as well as practical above surface or groundwater issues having the potential for flooding the basement area **and creating** the need for an extensive mechanical water evacuation system.

Sec 62-8 Use Restrictions

The following use restrictions and regulations shall apply:

(a) Principal Uses. Only those principal uses specified for a district, their essential services and the following uses shall be permitted in the district.

(b) Accessory Residential Uses and structures are permitted, but not until the residence is present or under construction. Residential accessory uses shall not involve the conduct of any business.

(c) Conditional Uses and their accessory uses are those which require review, public hearing and approval by the Town Plan Commission. The only conditional uses and structures permitted by this Code shall be those enumerated in the Schedule of District Regulations.

(d) Temporary Uses such as real estate field offices, roadside stands or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator through the issuance of a Certificate of Zoning Compliance for a period not to exceed six (6) months. This temporary certificate may be renewed semi-annually but in no case shall the effective time span of the Certificates exceed two years.

Sec 62-9 Reduction of Joint Use

No lot, yard, parking area, building area or other space shall be reduced in area or dimension, so as not to meet the provisions of this chapter.

Sec 62-10 Pet and Animal Regulations

In platted residential subdivisions no animals other than household pets shall be allowed.

In all zoning districts, household pets shall be allowed provided that not more than three (3) dogs are kept on any one premise. However, offspring of permitted household pets may be kept and sold from the premises for a period of up to six (6) months.

On parcels less than thirty-five (35) acres in area, the number of animals, excluding household pets, kept on any one premise shall not exceed the ratio of one animal unit for each acre of land owned or leased.

Sec 62-11 Violations

It shall be unlawful to construct any structure or building or to use any structure, building, land or water in violation of any of the provisions of this chapter. In case of any violation, the Town Plan Commission, Town Board, Zoning Administrator or any property owner who would specifically be damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Code.

Sec 62-12 Penalties

Any person, firm or corporation who fails to comply with the provisions of this Code shall upon conviction thereof, forfeit not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) and cost of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof, for a period not to exceed thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

Sec 62-13 Outdoor Storage of Inoperable Vehicles

Any motor vehicle that is without a current, valid license or which is incapable of being driven shall not be stored on any premises except in a properly authorized salvage yard, within an enclosed structure or unless it is not visible from a public road or adjacent dwelling. This provision shall apply to any vehicle subject to the above provisions regardless of when it was placed on the premises, but shall not apply to farm equipment.

The Dodge County Circuit Court may, upon the petition of and at the request of the Town, order removal of the violating vehicle(s), at Town expense. The Town shall then invoice the property owner for all such costs incurred. If that invoice is not paid within thirty (30) days, the Town may place the amount of the invoice on the tax rolls as special assessment against the property in question.

The Zoning Administrator may submit any such case in question to the Town Board for its determination.

Sec. 62-14 Definitions

For the purpose of this chapter, certain words and terms are defined as listed below. Also, words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

Accessory building or structure. A use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal structure.

Adult entertainment. Any business engaged in the sale or display of books, videos, and other materials of a pornographic nature offensive to a significant segment of the population. Included are live performances and movie theater showings of a pornographic nature. Gambling or wagering facilities are also defined as adult entertainment.

Agricultural use. Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 2831 to 2836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.

Animal facility. Any livestock or poultry operation involving animals that are used in the production of food, fiber, or other animal products and will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period.

"Animal unit" means a unit of measurement used to determine the total number of single animal types or combination of animal types, as illustrated in the accompanying ANIMAL CALCULATION TABLE which are fed, confined, maintained, or stabled in an animal feeding operation. The total number of animal units for a given type of animal shall be calculated by multiplying the number of animal units for each animal type for the appropriate equivalency factor from the following table, and summing the products. The number of combined animal units shall be the sum of the number of animal units for each animal type. For animal types not listed in the following table, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

Animal Calculation Table		
Number Equivalent to 500 Animal Units		
Number equivalent to 500 Animal units	Animal type	Animal Equivalency Factor
	Dairy Cattle:	
350	Milking and Dry Cows	1.4
455	Heifers (800 to 1200 lbs.)	1.1
835	Heifers (400 to 800 lbs.)	0.6
2500	Calves (under 400 lbs)	0.2
	Beef Cattle:	
500	Steers or Cows (600 lbs. to Mkt)	1.0
1000	Calves (under 600 lbs)	0.5
1000	Calves (under 600 lbs)	0.5
350	Bulls	1.4
	Swine:	

1250	Pigs (55lbs to mkt)	0.4
5000	Pigs (up to 55 lbs)	0.1
1250	Sows	0.4
1000	Boars	0.5
	Sheep:	
5000	Per Animal	0.1
	Horses:	
250	Per Animal	2.0
	Ducks:	
2500	Per Bird (Wet Lot)	0.2
50000	Per Bird (Dry Lot)	0.01
	Chickens:	
50000	Layers	0.01
100000	Boilers	0.005
50000	Boilers (continuous over Flow watering)	0.01
15000	Layers or Boilers (Liquid Manure System)	0.033
	Turkeys:	
27500	Per Bird	0.018
	Combined Animal Units:	
500	Calculated Total	

Arterial street. A public road or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

Automobile Repair. Repairs to autos and light trucks used mainly for the transportation of people.

Basements. Basements with frost-type footings, top of footing 4 feet below outside elevations, are to be constructed under the living area of a home. The basement shall be a minimum of 7 feet in height between the basement floors to the first floor sill. They may have finished living areas; however, these areas do not count toward the required minimum living area.

Building area. Total ground coverage in square feet of all buildings and structures including garages, carports and others attached or accessory structures.

Building height. The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

Conditional uses. Uses of a special nature as to make impractical their predetermination as a permitted use in a district.

Condominium. Property subject to a condominium declaration established under the authority of the condominium laws of the State of Wisconsin.

Corner lot. A lot abutting two or more streets at their intersection is a corner lot.

Density. The number of living units per acre allowable under the schedule of district regulations.

Duplex. A dwelling containing two dwelling units.

Dwelling. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, or cabins. However, a manufactured home would be.

Dwelling, multiple-family. A dwelling containing 3 or more dwelling units.

Dwelling, one-family. A dwelling containing one dwelling unit.

Dwelling unit. One or more rooms which are arranged, designed or used as living quarters for one family only.

Essential service. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

Family. Any number of persons related by blood, adoption, or marriage or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.

Farm consolidation. Creating a parcel by separating a farm building site from the adjoining farmland when the farm is purchased and combined into another ongoing farm operation having the same ownership. All other requirements for a conditional use permit must be observed.

Floor area. Area in square feet of all floors in a building including elevators and stairways, measured by the perimeter or outside walls multiplied by the number of floors, excluding basements.

Foundation. A wall that is below the frost line with a basement.

General farming. General farming shall include all agricultural uses except raising livestock or animals and the facilities necessary for their care. General farming shall not be considered the intended use of the property unless a 35 or more acre parcel exists or is proposed. Unless otherwise prohibited by district or general provision regulations of this chapter, existing parcels of less than 35 acres may be used for general farming purposes.

Livestock. Includes cattle, swine, poultry, sheep, and goats

Height. Overall height of the top of a structure, or top of any object of natural growth; when referring to a tower or other similar structure, the distance measured from ground level to the highest point on the tower or other similar structure, even if said highest point is an antenna.

Household pets. Animals commonly found in residences as pets, such as dogs, cats, songbirds and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs or other animals not commonly found in residences.

Junk yard. A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged or sold. Three or more unlicensed or inoperable vehicles on the same premises shall be evidence of operation of a junk yard. Old farm machinery located on an operating farm shall not be included within the meaning of a junk yard.

Kenel. The use of land, with related buildings or structures, for the commercial breeding, rearing, or boarding of more than 3 dogs.

Livestock. Includes cattle, swine, poultry, sheep, and goats

Loading area. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public road.

Lot. A parcel of land having frontage on a public road, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, parking area, and other space provisions of this chapter.

Lot lines and area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries under one ownership. Public roads and navigable waterways are considered lot dividers.

Lot width. The horizontal distance between side lot lines.

Manufactured homes; Any structure certified and labeled as a manufactured home under 42 U.S.C. 5401-5426, as may be amended, which is placed on a foundation and which, when erected on a site, has an area of at least 1,400 square feet of living area which is used as a single-family dwelling and which has a separate well and sanitary system.

Manufactured home lot. A parcel of land designed for the exclusive use of the occupants of a single mobile manufactured home.

Manufactured home park. A parcel of land under single ownership which has been planned and improved for the placement of manufactured homes which will be occupied and used as a permanent residential dwelling verses as or for a campground and camping.

Minor structures. A structure which is 100 square feet in area or less and is accessory to the principal use of the lot and fences under 4 feet in height.

Mobile home. A transportable structure, except a manufactured home, intended for human habitation, which by its inherent design may be moved from site to site as necessary; which may have an oversized width for normal traffic allowances and thereby require a special travel permit from state or county highway officials; and which may have its undercarriage removed to facilitate a better location on a slab, piers or foundation.

Motor vehicle sales and service. Sales, service, and repairs to autos, vans, and light trucks used mainly for the transportation of people.

Multifamily dwelling. A building such as a duplex, apartment, or condo where more than one dwelling unit is housed in a building with each dwelling unit having separate entrances, utilities, living quarters, bedrooms and bathroom facilities.

Nightclub or supper club. An establishment having an alcoholic license and serving primarily lunches and dinners prepared by a chef. Facilities of this type often have the ability to serve larger groups such as weddings, Christmas parties, and anniversaries.

Nonconforming uses or structures. Any structure, land or water, lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Restaurant. An establishment having dining facilities and a kitchen, serving breakfasts, lunches and dinners available from a menu, which are prepared on site.

Road. A public right-of-way intended to be used for passage or travel by motor vehicles.

Salvage yard. A parcel of land where waste material, inoperative vehicles and other machinery are collected, stored, and then processed for salvage and sold. Three or more unlicensed or inoperable vehicles on the same premises shall be evidence of operation of a salvage yard. Old farm machinery located on an operating farm shall not be included within the meaning of a salvage yard.

Sign. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made or known and which are used to advertise or promote an individual firm, association, corporation, profession, business, commodity, or product and which are visible from any public road or highway.

Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment, including all buildings.

Structural alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

Tavern. An establishment which has a proprietary liquor license granting it the legal ability to sell and serve alcoholic beverages to the public. A bar is usually present around which customers congregate. Food, if served, is usually prepared on a grill and of the short-order type.

Truck sales and service. Sales and service to vehicles used for the transportation and delivery of freight and commodities.

Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power and substations, static transformer stations, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

Yard, back. Only exists on lots having one street yard. Does not exist on a corner lot.

Yard, rear. A yard extending across the full width of the lot, the depth of which shall be the minimum distance between the rear lot line and the nearest point of the principal structure.

Yard, side. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the nearest point of the principal structure and the property line.

Yard, street. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. corner lots shall have two such yards.

Zoning administrator. The zoning administrator for the Town of Beaver Dam or such person designated to perform the duties of the zoning administrator.

ARTICLE II. ZONING DISTRICTS

Division 1. Generally

Sec 62-41 Establishment

For the purpose of this Code, the following primary use districts are hereby established within the Town of Beaver Dam.

Primary Use Districts

- 1.CO-Conservancy
- 2.A-1-Prime Agricultural
- 3.A-2-General Agricultural
- 4.R-1-Single Family Residential
- 5.R-2-Residential
- 6.C-1-Commercial
- 7.1-Industrial

Sec 62-42 Official Zoning Map

A certified copy of the Official Zoning Map is adopted and approved with the text of this Code. Said map and any certified amendments or changes thereto are as much a part of this Code as this text and shall have full force and effect on the adoption of this Chapter.

DIVISION 2.District Regulations

Sec 62-61 CO - Conservancy

The primary purpose of this district is for uses compatible with protecting, preserving and enhancing the lakes, rivers, wetlands, floodplains and other significant natural areas within the Town, such as wooded areas of environmental importance, archaeological sites of significant importance or other areas of which the public has interest in preserving.

Uses and structures may be subject to the Dodge County Shoreland Wetland and Floodplain Overlay Districts, where applicable.

(a) Permitted Uses

- (1) Agricultural use provided no farm buildings are constructed,
- (2) Harvesting of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds;
- (3) Hiking trails, bridle paths and walkways, including those built on pilings;
- (4) Hunting and fishing preserves, waterfowl blinds;
- (5) Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl and fish;
- (6) Piers and docks;
- (7) Sustained yield forestry;
- (8) Wildlife ponds

(b) Conditional Uses

- (1) Boat houses;
- (2) Dams;
- (3) Filling, drainage or dredging;
- (4) Parks, picnic areas, golf courses and similar uses;
- (5) Relocation of any watercourse;
- (6) Removal of top soil or peat;

(c) Area, Height and Yard Requirements

Lot: See Section 62-7

Height: 40 Feet Maximum, agricultural structures - see Sec. 62-181

Yards: Rear-Minimum 25 Feet

Side-See Section 62-7

All Conditional Use Permits to be granted only upon a finding by the Plan Commission that such use or structure will not restrict a floodway or destroy the storage capacity of a floodplain.

Sec 62-62 A-1 - Prime Agricultural District

The purpose of this district shall be to promote an area for agricultural uses on the best quality agricultural land.

(1) Permitted Uses

- (a) Agricultural use.
- (b) Animal Feeding Operations having less than 500 animal units.
- (c) Single family residences and accessory buildings existing as of the date of this amendment to the Code and additions thereto.

(2) Conditional Uses

- (a) Animal Feeding Operations with 500 or more animal units of types more fully described under "animal facilities" in definitions section of this chapter. Granting of the conditional use shall be subject to State of Wisconsin siting law outlined in ATCP 51.
- (b) Communication towers.
- (c) Greenhouses and plant nurseries.
- (d) Horse stables and riding arenas.
- (e) Livestock sales barns and stock yards.
- (f) Mineral extraction.
- (g) Single family dwellings for the farm operator.
- (h) Non-farm single family dwellings are limited to one detached lot per each owned qualifying contiguous 75 acre parcel, or if the bonus plan is implemented, five clustered and detached lots per each qualifying contiguous 75 acre parcel. Single Housing and accessory buildings are to be located in a site envelope approved by the Plan Commission not to exceed one and one-half (1.5) acres in size and detached from the 75 acre qualifying parcel. Regulations for the bonus plan are located in Sec. 62-186.

(1) When an individual owns land in the Town of Beaver Dam in addition to a qualifying parcel as in subsection 62-62(2)(h), the following shall apply:

- a. The purpose of this section is to concentrate housing in one area thereby keeping larger open areas better suited for agricultural uses.
- b. The total of all lands owned, contiguous or not, shall be used to determine a total increment number of 75-acre parcels.
- c. Total increment number shall be qualifying number of non-farm single-family residential uses to be conditionally allowed.
- d. All conditionally applied for and approved units shall be located on one 75-acre or multiple smaller parcels disregarding when applied for or approved.
- e. Where smaller parcels are used to site approved non-farm residential uses, all of the parcel must be fully parceled before another parcel shall be used for siting.
- f. When the bonus plan is used, the siting of approved units shall be as set forth in this section.
- g. All other requirements are as in subsection 62-62(2)(h)

i. Farm Consolidations

- 1. The separation of farm residences or structures from the larger farm parcel may be allowed as a conditional use if it meets all of the following requirements:
 - (a) The separation meets the definition of farm consolidation;
 - (b) The residence or structures existed prior to the adoption of this Code;

- (c) The separated parcel is no larger than reasonably necessary to accommodate the proposed use or 5 acres;
- (d) The separation meets all of the standards applicable to conditional uses;
- (e) The created parcel must conform with all applicable regulations set forth in Section 62-7

(3) Area, Height and Yard Requirements

Lot: Minimum 75 acres except uses which are conditionally allowed or result from farm consolidation shall conform to the minimum lot size requirement set forth in Section 62-7 For provisions regarding existing substandard size parcels, see Section 62-245.

Height: Forty feet maximum; agricultural structures-see section 62-181.

Yards:

Rear: Minimum 25 Feet

Side: See Section 62-7 (Structures used to house animals shall have a 100 foot minimum side yard).

Street: See Section 62-122.

Sec 62-63 A-2 - General Agricultural District

The purpose of this district shall be to promote an area for uses of a generally agricultural nature on lands of good agricultural quality.

(1) Permitted Uses

- a. Uses permitted in the A-1 Prime Agricultural District.

(2) Conditional Uses

- a. Aircraft landing fields and hangers.
- b. Campgrounds
- c. Dog kennels.
- d. Game farms.
- e. Golf Courses and driving ranges.
- f. Trap and skeet and sporting clay shooting facilities.
- g. Veterinary clinics.
- h. Custom farming services.
- i. Mink farms
- j. Rabbitry
- k. Trucking business for transportation of unprocessed agricultural products
- l. Uses conditionally allowed in the A-1 prime agricultural district
- m. Any similar use subject to the approval of the town board
- n. Nonfarm single family dwellings are limited to one created lot per each owned qualifying contiguous 35 acre parcel, or if the bonus plan is implemented, five lots created in a cluster per each owned qualifying contiguous 35 acres parcel. Single Housing and accessory buildings are to be located in a site envelope approved by the Plan Commission not to exceed one and one-half acres in area and detached from the 35 acre qualifying parcel. Regulations for the bonus plan are located section 62-186.
 - 1. When an individual owns land in the Town of Beaver Dam in addition to a qualifying parcel as in subsection 62-63(2)(n), the following shall apply:
 - a. The purpose of this section is to concentrate housing in one area thereby keeping larger open areas better suited for agricultural uses.
 - b. The total of all lands owned, contiguous or not, shall be used to determine a total increment number of 35 acre parcels.
 - c. Total increment number shall be qualifying number of non-farm single-family residential uses to be conditionally eligible to be allowed.

- d. When a landowner owns several parcels, all conditionally applied for and qualifying approved residential units shall be located on one parcel disregarding when applied for or approved until this one parcel being first used has all lots able to be created used.
- e. Where multiple parcels are used to qualify for the conditional use . using the smaller parcel for a home site is highly encouraged
- f. When the bonus plan is used, the siting of approved units shall be as set forth in this section.

(3)Area, Height and Yard Requirements

Lot: Minimum 35 acres except uses which are conditionally allowed, shall conform to the minimum lot size requirement set forth in Section 62-7

Height: 40 Feet Maximum, Agricultural Structures - See Section 62-181.

Yards:

Rear-Minimum 25 Feet

Side-See Section 62-7 and 62.62(3)

Street-See Section 62-122.

Sec 62-64 R-1 - Single Family Residential District

The primary purpose of this district shall be to promote an area of a generally exclusive single family residential nature.

(a). Permitted Uses

- 1. Single family dwellings and accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, provided that no such accessory buildings may be used as dwelling units;
- 2. General farming,
- 3. Poultry. Limited to 10 chicken hens confined to a yard, pen or structure.

(B). Conditional Uses

- 1.Churches, cemeteries.
- 2. Governmental and cultural uses such as fire and police stations, community centers, libraries, town halls, parks and playgrounds;
- 3. Home occupations, subject to the requirements in Section 62-98.
- 4. Golf courses.
- 5.Public, parochial and private elementary and secondary schools.
- 6.Utilities, excluding electrical power substations.
- 7.Any similar use subject to the approval of the Town Board.
- 8.Child care. State license is required and must operate within corresponding requirements. Child care limited to, in addition to those of the occupying family, three children.

C. Area, Height and Yard Requirements

Lot: Width and area of all lots to be determined in accordance with Section 62-7

Height: 40 Feet Maximum

Yards:Rear Minimum 25 Feet

Side: See Section 62-7 and Sec. 62-122

Street: See Section 62-122.

Sec 62-65R-2 – Two-Family and Multi-Family Residential District

The purpose of this district shall be to promote an area of a residential, agricultural and selected two family and multi-family residential uses.

(a). Permitted Uses

- 1.Uses permitted in the R-1 Single Family Residential District.

(b). Conditional Uses

- 1.Uses conditionally allowed in the R-1 Single Family Residential District.

2. Two family dwellings.
3. Manufactured home parks.
4. Planned unit developments.
5. Multi-family dwellings;
6. Bed and breakfast establishments.
7. Condominiums (Zero side yard lot lines are allowed between units).
8. Nursing homes and group housing.
9. Day care centers.
10. Any similar use subject to the approval of the Town Board.
11. Child care. State license is required and must operate within corresponding requirements.

C. Area, Height and Yard Requirements

Lot: Width and area of all lots to be determined in accordance with Section 62-7

Height: 40 Feet Maximum

Yards: Rear-Minimum 25 Feet

Side-See Section 62-7

Street-See Section 62-122

Sec 62-66. C-1 - Commercial District

The purpose of this district shall be to promote an area for retail and service oriented establishments.

A. Permitted Uses

1. General farming;
2. Parking lots;
3. Personal and business service establishments, excluding motor vehicle and farm equipment repair and adult entertainment businesses, with no more than 3,500 square feet of floor space;
4. Professional offices with no more than 3,500 square feet of floor space;
5. Retail businesses, excluding motor vehicle and farm equipment sales, with no more than 3,500 square feet of floor space;
6. Restaurants.

B. Conditional Uses

1. Retail businesses, professional offices and personal and business service establishments exceeding 3,500 square feet in floor space;
2. Contractors storage yard;
3. Farm equipment sales and service;
4. Hospitals, clinics and nursing homes;
5. Motor vehicle sales and service;
6. One Residential unit for the owner, commercial tenant, employee or caretaker located in the same building as the business;
7. Self-service storage facility;
8. Taverns.
9. Boat launching areas.
10. Use conditionally allowed in the R-1 Single Family Residential District.
11. Any similar use subject to the approval of the Town Board.
12. State licensed child care facility.
13. Gas stations and or convenience stores

C. Area, Height and Yard Requirements

Lot: Width and area of all lots to be determined in accordance with Section 62-7

Height: 40 Feet Maximum

Yards: Rear-Minimum 25 Feet

Side-See Section 62-7

D. Off-Street Parking Requirements

Off-street parking shall be provided in accordance with Section 62-126 of this chapter.

E. Site Plan Approval Requirement

To encourage a business use environment that is compatible with the character of the surrounding area, land use permits for permitted and conditional uses shall not be issued without prior review and approval or conditional approval of the site plan by the Plan Commission. Said review and approval shall be concerned with surrounding land uses, signs, general layout, building plans, building materials, ingress and egress, traffic congestion, parking, loading and unloading areas, screening and landscaping plans, waste management, lighting and provisions for utilities including surface drainage.

Sec 62-67 I-1 - Industrial District

The purpose of this district shall be to promote an area for manufacturing and industrial operations.

A. Permitted Uses

1. Automobile repair facilities;
2. Contractors office and/or storage yard;
3. Food storage warehouses;
4. Freight yards and trucking terminals;
5. Gas stations;
6. General farming
7. Governmental uses such as but not limited to, police or fire stations, community centers or buildings used for the storage or repair of road maintenance equipment;
8. Machinery sales, service and storage facilities;
9. Manufacturing establishments engaged in the fabrication, processing, assembly or packaging of a product which is not specified as a conditional use in the Industrial District;
10. Nurseries, greenhouses and landscaping businesses;
11. Parking lots;
12. Printing and publishing establishments;
13. Processing and packaging of food products;
14. Processing and packaging of recyclable materials;
15. Recycling collection point;
16. Retail sale of products if accessory to and in the same structure as the principal use.
17. Self-service storage facility;
18. Warehousing, except the storage of chemicals, explosives, flammables and radioactive materials;
19. Wholesale establishments;

B. Conditional Uses and Structures

1. Adult entertainment;
2. Airports, aircraft landing fields and hangars;
3. Dumps and waste disposal areas;
4. Feed mills, granaries and elevators;
5. Incinerators;
6. Manufacturing, processing, packaging or storage of chemicals, explosives, batteries, asphalt, cement, flammables, paint, poison, rubber, dyes, plastics and radioactive materials;
7. Mineral extraction, quarrying;
8. One single family residence or watchman's quarters per site for the owner or proprietor, caretaker/watchman and their family, which is incidental to a permitted or conditional use;
9. Planned unit developments;
10. Race tracks;

11. Salvage yards and storage of inoperable vehicles;
12. Sanitary landfill operations;
13. Sewage treatment facilities;
14. Truck sales and service.
15. Utilities, including electrical power substations;
16. Any similar use subject to the approval of the Town Board.

C. Area, Height and Yard Requirements

Lot Size: Width and area of all lots to be determined in accordance with Section 62-7

Height: Maximum 60 feet

Yards: Rear - Minimum 25 feet

Side - See Section 62-7

Street - See Section 62-122

D. Off-Street Parking Requirements

Off-street parking shall be provided in accordance with Section 62-126 of this Code.

E. Site Plan Approval Requirement

To encourage a business and industrial use environment that is compatible with the character of the surrounding area, land use permits for permitted and conditional uses shall not be issued without prior review and approval or conditional approval of the site plan by the Plan Commission.

Said review and approval shall be concerned with surrounding land uses, signs, general layout, building plans, building materials, ingress and egress, traffic congestion, parking, loading and unloading areas, screening and landscaping plans, lighting and provisions for utilities including surface drainage.

Article III. CONDITIONAL USES

62.91. Permit

A. Town Plan Commission may authorize the Zoning Administrator to issue a Conditional Use Permit for conditional uses after review and a public hearing, provided that such conditional uses or structures are in accordance with the purpose and intent of this Code and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the area.

B. Only this section shall apply when granting a conditional use for an animal livestock facility in the A-1 prime agricultural or A-2 general agricultural districts. The rules, regulations, and laws as set forth in Wisconsin Administrative Code Chapter ATCP 51 are hereby adopted by reference and shall apply as if fully set forth herein. The fees for an animal livestock facility conditional use shall be set by resolution of the town board from time to time, however the fee may not exceed the \$1,000.00 maximum allowed as set forth in ATCP 51.

62.92 Application

Applications for Conditional Use Permits shall be made to the Zoning Administrator on forms provided by him or her. Such applications shall be forwarded to the Plan Commission by the Zoning Administrator with the owner(s) and applicant signatures. Such applications shall include where applicable;

(1) Names and Addresses of the applicant and owner(s) of the site, architect, professional engineer, contractor and all property owners within 300 feet.

(2) Description of the Subject Site by lot, block and recorded subdivision, certified survey map number or y metes and bounds; address of the subject site; type of structure; number of employees; proposed operation or use of the structure or site; and the zoning dbistrict within which the subject site lies.

(3) Sketch showing all of the information required under Section 62-5 for a Land Use Permit and existing and proposed landscaping.

(4) Additional Information as may be required by the Plan Commission or by the Zoning Administrator.

(5) Fee in the amount as set by the Town Board.

62-93 Review and Approval

Except for an animal confinement facility, when reviewing a Conditional Use Permit, the Town Plan Commission shall evaluate the proposed use on:

1. The maintenance of safe and healthful conditions;
2. The prevention and control of water pollution including sedimentation;
3. Existing topographic and drainage features and vegetation cover on the site;
4. The location of the site with respect to floodplains and floodways of rivers or streams;
5. The erosion potential of the site based upon degree and direction of the slope, soil type and vegetation cover;
6. The location of the site with respect to existing or future access roads;
7. The need of the proposed use for a shoreline location;
8. Its compatibility with use on adjacent land;
9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal system;
10. Structures or improvements within the prime agricultural district shall be consistent with agricultural uses.

Sec 62-94 Conditions

Except for an animal confinement facility, The Town Plan Commission may attach such conditions, in addition to those required elsewhere in this Code, that it deems necessary in furthering the purpose of this Code. Violation of any of these conditions shall be deemed a violation of this Code. Such conditions may include, without limitation because of specific enumeration, specifications for:

type of shore cover;

increased setback and yards;

specified sewage disposal and water supply facilities;

landscaping and planting screens or fencing;

hours of operations;

operational control;

sureties;

deed restrictions;

locations of piers, docks, parking and signs;

type of construction or any other requirement necessary to fulfill the purpose and intent of this Code.

In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a Land Use Permit, the following information:

1. A plan of the areas showing contours, soil types, highwater mark, groundwater conditions, bedrock, slope and vegetative covers.
2. Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;

3. Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
4. Specifications for areas of proposed filling, grading or dredging;
5. Other pertinent information necessary to determine if the proposed use meets the requirements of this Code.

The Town Plan Commission in evaluating each application may request assistance from other local, county, state or federal agencies.

Sec 62-95 Public Hearings

Public hearings on applications shall be held by Town Plan Commission. There shall be a published Class One (1) notice as provided in Code 985 of the Wisconsin Statutes. The Commission shall notify all property owners within 300 feet of the parcel upon which the application is for as listed by the developer in the original application of the time, date and subject matter of the hearing.

Sec 62-96 Compliance

Compliance with all other provisions of this Code, such as lot width and areas, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses except as modified by this Section.

Sec 62-97 No Permit.

Except for an animal confinement facility.

- (a) No permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, odors, noise, vibration, lighting, health hazards or possibility of accidents.
- (b) The existing owner shall notify the Zoning Administrator at the time of a change of ownership for any business currently operating under a conditional use permit. The Plan commission shall review the existing conditional use permit for that business to insure compliance with this chapter. The Plan Commission reserves the right to place additional conditions on that business at that time.
- (c) if a use for which a conditional use permit was issued is discontinued for a period of 12 months, a new conditional use permit shall be required for such use to operate again, except for residences that were issued a conditional use permit.

Sec 62-98 Uses

(a) Campgrounds Prior to granting a permit for the development or improvement of a campground the Town Plan Commission shall make the following determinations:

1. The minimum size of a campground shall be five (5) acres.
2. The maximum number of campsites shall be fifteen (15) per acre.
3. Minimum dimensions of a campsite shall be twenty-five (25) feet wide by forty (40) feet long.
4. There shall be one (1) automobile parking space for each campsite.
5. In addition to the requirements of Section 62-122 of this Code, there shall be a minimum yard setback of forty (40) feet from all exterior lot lines of the campground.
6. It shall conform to the requirements of Code 78, Wisconsin Administrative Code which shall apply until amended and then apply as amended.
7. The screening provisions for manufactured home parks are met.

(b) Filling, Draining or Dredging Of Wetlands in a Conservancy Zoning District

The applicant shall submit the following information with an application for a permit to the Town Plan Commission:

1. Plans for the project prepared by a registered engineer showing and including the following:
 - a. a description of the general and specific nature and extent of the project;
 - b. a scaled, accurate map of the area of the project showing contours if appropriate, soil types, highwater marks, nature of vegetative cover and specification of the location and extent of proposed filling, dredging and/or drainage.
2. An impact study which includes an assessment of the impact of the project on:
 - a. wildlife on the site as well as in the general area;
 - b. erosion, sedimentation, siltation, drainage and water quality on the site as well as in the general area;
 - c. flood storage and water retention capacity;
 - d. vegetation;
 - e. scientific, educational and historic values on the site and/or in the area; and,
 - f. a thorough statement of the need and justification to drain, fill and/or dredge the wetland in question.

A copy of all submitted information shall immediately be sent to the local office of the Department of Natural Resources along with a request for comment. The Plan Commission shall await the Department of Natural Resources reply for fifteen (15) days before making a decision.

(c) Home Occupations

In granting a conditional use permit for a home occupation, the Plan Commission shall make the following determinations:

1. The home occupation is secondary to the residential use of the premises and no more than 25% of the total floor area of the dwelling unit is devoted to such use.
2. The home occupation is totally contained within the residence and does not include any outside storage or use of accessory buildings.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the principal building.
4. The use may not increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
5. The use shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
6. No use shall create noise, dust, vibration, odors, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy exists.
7. The home occupation shall employ no nonresident employees.
8. There shall be no stock in trade kept or commodities sold, other than incidental supplies necessary for and consumed in the conduct of such home occupation.

(d) Manufactured Home Parks. In granting a permit for the development or improvement of a manufactured home park, the Plan Commission shall make the following determinations:

1. The Plan Commission shall determine that the Town Board has issued a License for the proposed park and that not more than three park licenses exist in the Town as of the date on which the conditional use permit is considered.

2. The minimum size of a park shall be ten (10) acres;
3. The maximum number of manufactured homes shall be 10 per acre;
4. Unless adequately screened by existing vegetative cover it shall be screened by: a temporary planting of fast growing materials, capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar; and a permanent evergreen planting, such as White or Norway Pine, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.
5. No home site shall be rented for a period of less than 30 days;
6. In addition to the requirements of Section 17.5.2 of this Code, there shall be a minimum yard setback of forty (40) feet from all lot lines of the park;
7. All drives, parking areas and walkways shall be hard surfaces;
8. It shall conform to the requirements of Code H77, Wisconsin Administrative Code which shall apply until amended and then apply as amended, except where the provisions of this Code are stricter;
9. Minimum dimensions of a home site shall be fifty (50) feet wide by eighty-five (85) feet long;
10. Each home shall be situated on a site so that there is a minimum of 15 feet of yard space between the home and each adjacent site;
11. "Skirting", fire resistant material enclosing all area between the lower edge of the outside walls of a home and the ground, shall be installed on each home within one hundred twenty (120) days after placement on a site;
12. There shall be two (2) surfaced automobile parking spaces for each home.

(e) Planned Unit Development

Planned unit developments (PUD) are allowed as conditional uses in all zoning districts except in any Agricultural District, the R-1 Single Family District and the Conservancy District. PUD is intended to permit the development of planned developments containing not less than five (5) contiguous acres under one ownership or control.

Within such planned communities, the location of all residential, commercial, industrial, governmental uses, school sites, parks, playgrounds, recreation areas, parking areas and other open spaces shall be controlled in such a manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another.

1. The procedure for obtaining a permit for the development of a PUD shall be as outlined in Sections 62-91, 62-92, and 62-93 of this Chapter, except that the following requirements shall also apply;
 - a. The applicant shall provide proof that the site under consideration contains a minimum land area of not less than five (5) acres under one ownership or control. Additional land area may be added to an existing PUD if it is adjacent or forms a logical addition to an existing PUD. The procedure for an addition shall be the same as if an original application was filed, and all of the requirements of this article shall apply except the minimum acreage requirement of ten (10) acres.
 - b. The applicant shall furnish twelve (12) copies of a preliminary plan, prepared or certified by a surveyor or engineer duly authorized by the State to practice as such, showing the proposed general layout, the general location of the various types of land uses, the proposed densities of population in the residential areas, a major thoroughfare plan, a public utility plan if public utilities are proposed or required, a storm drainage plan and a plan showing the location of recreation spaces, parks, schools and other public or community uses.
 - c. Following approval of the preliminary plan by the Town Plan Commission, the applicant shall furnish twelve (12) copies of the final plan prepared or certified by a surveyor or engineer duly authorized by the State to practice as such, showing the layout of all major and local thoroughfares and local streets, the location of all buildings, parking areas, pedestrian ways, utility easements, lot lines, open spaces, parks, recreation areas, school sites, playgrounds, the proposed use of all buildings and the metes and

bounds of all dedicated areas and lots. The applicant shall also furnish a proposed deed of dedication including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between buildings. The applicant shall furnish a deed, or deeds, to land determined by the Town to be needed for public elementary and intermediate school purposes. When the final plan and deed of dedication have been approved by the Town Plan Commission as being in conformity with this section and with any changes or requirements of the Town Plan Commission on the preliminary plan it shall be approved for recordation and recorded. Thereafter, no modification may be made in any final plan except by an amended final plan submitted in accordance with this Code.

2. In granting a permit for the development of a PUD the Town Plan Commission shall make the following determinations:
 - a. That the uses shall be as shown on the preliminary plans as required by Section 62-94
 - b. That the location of all structures and designated building envelopes shall be as shown on the final plans as required by Section 62-94 Building envelopes must be protected by adequate covenants, running with the land, conveyances or dedications; The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. Open spaces between structures shall be protected where necessary by adequate covenants, running with the land, conveyances or dedications. There shall be no minimum lot size, no minimum setback lines, and no minimum lot width in a PUD.
 - c. That the owner and contractors have been bonded to make the required improvements within a reasonable length of time.

(f) Residential Uses In The Agricultural Districts (A-1 and A-2)

In granting a Conditional Use Permit for residential uses in the Agricultural Districts, the Commission shall make the following determinations:

1. The proposed residential uses will not adversely affect agricultural operations in surrounding areas or be situated that future inhabitants of such residence might adversely be affected by agricultural operations in surrounding areas;
2. That the site(s) of the proposed residential uses are not well suited for agricultural use by virtue of wooded areas, topography, shape of parcel, soil characteristics, and similar factors;
3. That the site(s) proposed for residential use is particularly well suited for such use as indicated by rolling topography, wooded areas, soil types, vistas, proximity to lakes or streams, or other similar factors, proximity to school bus routes, traffic access and safety and adequacy of area schools to accommodate increased enrollment that might result from such development.
4. The proposed residential use would be in conformance with the Town of Beaver Dam Comprehensive Plan.

Article IV. SETBACKS, ACCESS AND OFF-STREET PARKING

62-121 Highway and Road Setbacks

For the purpose of determining the distance structures shall be setback from highways and roads, the following setbacks shall apply unless the yard regulations or modifications in this Code allow a lesser yard or setback requirement.

Underground structures not capable of being used as foundations for future above ground structures may be placed between the setback line and the road or highway.

This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the sectors at intersections shall be obstructed.

62-122. Highway and Road Setback Distances

The setback distance shall be as follows:

- (1) **Town Roads, except urbanized sections** - Minimum seventy-five (75) feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever distance is greater.
- (2) **State or County Highways, except urbanized sections** - Minimum one hundred (100) feet from the centerline of the highway or sixty-seven (67) feet from the edge of the right-of-way, whichever distance is greater.
- (3) **Urbanized roads or highways** - Minimum 60 feet from the centerline of the road or highway or 27 feet from the edge of the right-of-way, whichever distance is greater. The following listed roads or sections of roads/highways are the current urbanized roads of the Town.
 - a. CTH D beginning at the Union Pacific RR easterly 550 feet.
 - b. CTH D or S. Madison Street, beginning at the city (town) limits southwesterly 1550 feet.
 - c. North Crystal Lake Road, at the junction of STH 33 northerly 280 feet.
 - d. STH 33, beginning at the junction with N. Crystal Lake Road westerly along the northerly side, 1630 feet.
 - e. All of Airport Road, Golfview Terrace, Hubert Drive, McKinley Beach Road, Oak Lane Road, S. Sunset Point Road, Sunset Point Road, and Sunset Boulevard.
 - f. CTY G, from STH 151 westerly 2323 feet to CTH D.
 - g. CTH D, from CTH G southwesterly 1743 feet.
 - h. STH 33, at the north city (town) limits of Beaver Dam, northwesterly to McKinley Beach Road.

62-123. Building Setbacks for lots or properties that abut on navigable from the water.

All buildings and structures shall comply with the applicable County Shoreland setbacks from navigable water.

62-124. Loading Requirements

In all districts adequate loading areas shall be provided so that all vehicle loading, maneuvering or unloading does not project into traffic lanes.

62-125. Reserved.

62-126. Off-Street Parking

Each use shall provide the following minimum off-street parking spaces. Each parking space shall be at least two hundred (200) square feet in area.

- (1). **Convenience Stores** - One (1) space for each two hundred (200) square feet of floor area; plus two (2) spaces for each gas pump.

- (2). **Dwellings** - Two (2) spaces for each dwelling unit.
- (3). **Industrial Uses and Warehouses** - One (1) space for each employee on the premises at a maximum employment on the main shift.
- (4). **Motels and Resorts** - One (1) space for each unit.
- (5). **Restaurants, Taverns and Similar Establishments** - One (1) space for each fifty (50) square feet of floor space devoted to patrons.
- (6). **Retail Business and Service Establishments** - One (1) space for each two hundred (200) square feet of floor area.

Any Use Not Specifically Named - shall be assigned to the most appropriate classification by the Plan Commission.

Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.

Location of off-street parking shall be on the same lot as the principal use, or on a lot adjacent to the principal use.

ARTICLE V. MODIFICATIONS AND MEASUREMENTS

Sec 62-181 Height

The district height limitations stated elsewhere in this Code may be exceeded, but such modification shall be in accord with the following:

- (1) **Agricultural Structures**, such as barns, silos, and windmills shall not exceed in height their distance from the nearest lot line.
- (2) **Architectural Projections**, such as spires, belfries, parapet walls, domes, flues, and chimneys, are exempt from the height limitations of this Code.
- (3). **Communication Structures**, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line. In addition, no tower or structure or any projecting aerial shall exceed 500 feet in height in any area of the Town.
- (4). **Essential Services**, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Code.
- (5). **Public or Semi-Public Facilities** such as schools, churches, hospitals, monuments, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet.
- (6). **Special Structures**, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks, and flag poles, are exempt from the height limitations of this Code.

Sec 62-182 Yards

The yard requirements stated elsewhere in this Code may be modified as follows:

- (1). **Architectural Projections**, such as chimney flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.

- (2). **Accessory Uses and Detached Accessory Structures** located in platted subdivisions or on lots less than two acres in area are permitted in the rear and side yards of all lots. When located in a side yard, they shall be not closer to the lot line than the minimum required side yard for the principal structure and in any case they shall not be closer than 10 feet to the principal structure, shall not exceed 20 feet in height, shall not occupy more than 10 % of the rear yard area, and shall not be closer than three (3) feet to any lot line.
- (3). **Trees and Shrubs** are exempt from the yard requirements except when abutting an A-1 or A-2 district then subsection 54-155 shall apply.
- (4). **Uncovered stairs**, landings and fire escapes may project into any yard, but not to exceed 6 feet and not closer than 3 feet to any lot line.
- (5). **Residential fences** are permitted on property lines but shall not exceed a height of six feet in the rear or side yard, shall not exceed a height of four feet in the street yard and shall not be closer than two feet to any public right-of-way.
- (6). **Security fences** in Industrial or Commercial zoned areas are permitted on the property lines but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (7). **Essential Service** facilities such as surface, overhead, and underground facilities but not including any buildings, towers, or antennas, may be located within any required setback on the condition that the owner of such facilities within any setback that abuts a street shall remove all construction, additions, and replacements of these facilities at the owner's expense, when necessary for the improvement of the road, street, or highway.

Sec 62-183 Additions

Additions in the street yards to existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

Sec 62-184 Average Street Yards

The required street yards may be decreased to an average of the street yards of the abutting structures on each side, if within two hundred (200) feet of the proposed structure. However, in no case shall a structure be allowed within the road right-of-way.

Sec 62-185 Density Calculation in the A-1 and A-2 Agricultural Zoning Districts

Density is calculated by dividing the number of proposed dwelling units on a site by the gross area of the lot. For the purposes of calculating residential density of development, the areas lying within the bed of lakes, ponds or streams and existing road right-of-ways within a site shall be excluded in the gross area of the lot.

The original lot acreage will be divided by the required density standard to determine the number of lots available to be created. If the resulting quotient is a whole number, the owner may create that number of lots. Fractions do not count towards an additional lot.

The Plan Commission may require that a restriction be placed on the certified survey map or be a deed restriction, which would not allow further divisions of the remaining land after the maximum allowed density on the property, is reached.

Sec 62-186 Bonus Density Plan

- (a) Purpose. The intent of the open space subdivision is to provide an optional method of residential development that allows development at the normal density and yet have a lesser percentage of the property contained within individual lots than in a conventional subdivision. This will maintain rural character, protect agriculture, preserve open space, and protect environmentally sensitive areas.
- (b) Eligibility. Qualifying developments up to 5 lots within the A-1 Prime Agricultural and A-2 General Agricultural Zoning Districts may obtain a waiver of the maximum density allowed in the underlying base zoning district and of platting requirements if the development is consistent with the Town's Comprehensive Plan and all of the following conditions are met:
- (1). The parcel to be developed must contain at least 75 acres if located in the A-1 Prime Agricultural District or at least 35 acres if located in the A-2 General Agricultural District, or a proportionate number of acres if partially located in both districts.
 - (2). The units must be located to minimize adverse impacts on any prime agricultural land, sensitive areas, and wildlife habitats;
 - (3). The units must be clustered to preserve at least 70 percent of the site in agriculture or open space;
 - (4). At least 65 acres of a parcel located in the A-1 Prime Agricultural District or at least 25 acres of a parcel located in the A-2 General Agricultural District, or a proportionate number of acres if partially located in both districts, shall be permanently deed restricted for agricultural or open space use.
 - (5). Prior to construction of the units, such agricultural land or open space shall be permanently preserved by the recording of a conservation easement or deed restriction, subject to Plan Commission decision.
 - (6). At least one of the proposed lots, in addition to the remaining parcel, shall exceed 1.5 acres in size.
 - (7). The units must be reasonably buffered from adjacent agricultural uses.
 - (8). The proposal shall dedicate a new town road built to town road standards, and all proposed lots shall front on the proposed new road.
 - (9). The units may share a common waste disposal system, if minimum lot size reductions are proposed.
 - (10). Maximum lot sizes shall be limited to 1.5 acres.
- (c). Lot Size and Design
- (1) Lot Sizes Reduced lot sizes, down to 32,000 square feet, may be approved by the Plan Commission. Minimum lot size requirements shall be based on adopted area plans, facility adequacy, site-specific conditions, and the need, if any, to protect adjacent agricultural operations.
 - (2) Flexible Lot Size. Flexibility in lot size is encouraged to be sensitive to the natural environment, adapt to the natural topography of the site, accommodate the mix of residential land uses and housing types proposed, and be compatible with agriculture and other existing uses.

(3) Open Space. To the greatest degree possible, the protected open space shall include any prime agricultural lands and shall be located in areas adjacent to existing agricultural operations.

(4).Open Space View. To the maximum extent feasible, home sites should be located so as not to impede views to open space from public rights-of-way.

(5) Location of Clustered Lots Clustering shall not result in more than 5 clustered lots adjacent to one another, unless the Plan Commission determines that clustering more units together is appropriate as in 62-62(2)(h)1., or 62-63(2)(n)1., to ensure consistency with the Town's Comprehensive Plan. Each group of clustered lots shall be separated from one another by protected open space.

(6) Natural Areas and Natural Buffer Areas. New structures shall not be located in the middle of natural areas containing predominantly woods, brush, or grasslands, but near the edge of such areas to leave the largest practicable area of undisturbed wildlife habitat while still shielding the new structure from public view. In addition, new structures shall not be located within narrow strands of trees, grasslands, or brush lands that act as links between 2 or more larger areas of forest, grasslands, or brush lands.

(d) Development Areas. Development areas shall contain residential and related land uses, roads, and parking areas, and may contain a portion of the required open space. Agricultural uses and environmentally sensitive areas shall not be included in the development area of a cluster subdivision.

(e) General Approval Criteria for Density Bonuses. Density Bonuses may be approved by the Plan Commission upon consideration of the following factors:

(1). The proposed cluster subdivision would be consistent with the Town Comprehensive Plan or plan components.

(2). The proposed residential development would be consistent with the character of the area.

(3). Proposed residential uses would not conflict with surrounding land uses.

(4). The proposed cluster subdivision would be adequately spaced from other cluster subdivisions.

(5). The proposed site is suitable for a clustered residential subdivision in terms of sanitary systems, road access, utilities, and other essential services.

(6). Soil conditions, hydrology, and topography are suitable to accommodate the proposed cluster subdivision.

(7). The proposed cluster subdivision would not have a detrimental effect on natural resources, sensitive natural areas, or views of important natural areas.

Article VI. **SIGNS**

Sec 62-211 Permit Required

No signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without obtaining a sign permit, except those signs allowed under Section 62-212

Sec 62-212 Signs Allowed in all Zoning Districts without a Sign Permit

The following signs are allowed in all zoning districts without a sign permit, but are subject to the following regulations:

- (1) Signs Over Show Windows or Doors of a Nonconforming Business Establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed thirty-two (32) square feet in display area on all sides for any one farm.
- (3) Real Estate Signs not to exceed eight (8) square feet in display area on any one side nor sixteen (16) square feet in display area on all sides which advertise the sale, rental or lease of the premises upon which said signs are temporarily located and limited to one such sign for each premises.
- (4) Name, Occupation and Warning Signs not to exceed four (4) square feet in display area on any one side nor eight (8) square feet in display area on all sides; limited to one such sign for each premises.
- (5) Bulletin Boards of public, charitable or religious institutions, not to exceed twelve (12) square feet in display area on all sides; limited to one such sign for each premises.
- (6) Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (7) Official Signs, such as traffic control, parking restrictions, information and notices.
- (8) **Temporary Signs** or banners are permitted when authorized by the Zoning Administrator for a period not to exceed 45 days.

No Such Sign mentioned in this Section shall be located closer than two (2) feet from any public road right-of-way or exceed ten (10) feet in height. These requirements shall not apply to Official Signs.

Sec 62-213 Signs Allowed in all Zoning Districts with a Sign Permit

The following signs are allowed in all zoning districts providing a sign permit has been issued and shall be located a minimum of forty (40) feet from the edge of the traveled way or two (2) feet from the road right-of-way, whichever distance is greater:

- (1) **Off-Premise Directional Signs** which contain only the name of the establishment, logo or directional information useful to the traveler in locating the site, such as mileage, route numbers or exit numbers providing that:
 - a. No more than two such signs relating to any one establishment shall be
 - b. Such sign shall be located within five (5) air miles of the subject site.
 - c. No two directional signs facing the same direction of travel shall be spaced less than one mile apart. However, more than one sign may be placed on the same support provided the total square footage does not exceed the allowable area.
 - d. No such sign shall be located within three hundred (300) feet of a highway interchange, intersection at grade, rest area or wayside.
 - e. No such sign shall exceed ten (10) feet in height.
 - f. No such sign or signs in aggregate if facing the same direction of travel, shall exceed twelve (12) square feet in display area.

- (2) **On-Premise Identification Signs** for residential subdivisions, parks, multi-family dwelling units, manufactured home parks, industrial parks, schools, hospitals, churches, and for community identification not to exceed twenty-four (24) square feet in display area on all sides; limited to one such sign for each premises; and shall indicate only the name and/or address of the premises, logo, slogan, motto or other information pertinent to identifying the premises. Community identification signs may include service club organization symbols as part of the sign.
- (3) **Temporary Development Signs** for residential subdivisions and commercial and industrial developments not to exceed 64 square feet in display area on any one side which advertise the sale or lease of the premises on which the sign is temporarily located and limited to one sign for each premises.

Sec 62-214 Signs Permitted in the Commercial and Industrial Districts

The following signs are permitted in the Industrial and Commercial Districts with a permit and are subject to the following regulations:

- (1) **Wall Signs** placed against the exterior walls of buildings shall not extend more than twelve inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in display area for any one premise, and shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (2) **Projecting Signs** fastened to, suspended from, or supported by buildings shall not exceed one hundred (100) square feet in display area on all sides for any one premises; shall not extend more than six (6) feet in any direction; shall not be less than ten (10) feet from any side or rear lot line; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley.
- (3) **Ground Signs**, limited to one sign for each premises; shall not exceed twenty (20) feet in height; shall not be located closer to the road right-of-way than twenty-seven (27) feet; shall meet all side and rear yard setback requirements; and shall not exceed one hundred (100) square feet in display area on any one side nor two hundred (200) square feet in display area on all sides.
- (4) **Window Signs** shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
- (5) Combinations of any of the above signs shall meet all the requirements for the individual sign.

Sec 62-215 Development Standards

(1) Determining Area of Signs

The area of a sign shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign, including the border and trim, but excluding supports.

- (2) **Traffic.** Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or traffic devices. No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public or private ways.

(3) Moving, Flashing or Video Signs

No sign shall be erected which has any flashing or moving parts except those giving public service information such as time, date, temperature, weather, or similar information.

(4) Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Code may be continued although the use, size, or location does not conform to the provisions of this Code. However, it shall be deemed a nonconforming use or structure and the provisions of Section 62-243 shall apply.

(5) Signs Not In Use

Signs which advertise or identify a business or similar activity must be removed within sixty (60) days of the date said business or similar activity ceases operation or vacates the premises. The removal of the sign shall be the responsibility of the owner of the property on which the sign is located.

(6) Sign Location

No sign mentioned in Article VI shall be located in, on or above a public road right-of-way or navigable body of water, except for Official Signs.

Article VII. NONCONFORMING USES, STRUCTURES AND LOTS

Sec 62-241_Existing Nonconforming Uses

The lawful nonconforming use of a structure, land or water, existing at the time of the adoption or amendment of this Code may be continued although the use does not conform with the provisions of this Code; however, only the portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Code.

Total Lifetime Structural Repairs or Alterations, shall not exceed fifty (50) percent of the municipality's assessed value of the original structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Code.

Sec 62-242 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water, shall conform to the provisions of this Code. When a nonconforming use is damaged by fire, explosion, flood, or and other event to the extent of more than fifty (50) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Code.

Sec 62-243_Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Code may be continued although its size or location does not conform with the lot width, lot area, yard, height, setback, parking and loading, and access provisions of this Code.

Additions and Enlargements to existing nonconforming structures are permitted and shall conform with the required buildings setback lines along roads, water and highways and the yard, height, parking, loading and access provisions of this Code.

Existing Nonconforming Structures which are damaged or destroyed by fire, explosion, flood or any other event, may be reconstructed and in so far as is practicable shall conform with the required building setback lines along streets and highways and the yard, height, parking, loading and access provisions of this Code.

Sec 62-244 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive

nonconforming use for an existing nonconforming use the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.

Sec 62-245 Vacant Substandard Lots

In any zoning district, except the Commercial and Industrial District, a single family dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Code subject to the following requirements:

- a. The lot must be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the area requirements of this Code;
- b. The lot must be at least fifty (50) feet wide and seven thousand five hundred (7,500) square feet in area;
- c. All the dimensional requirements of this Code shall be complied with in so far as practical, as determined by the Plan Commission.

ARTICLE VIII BOARD OF APPEALS

Sec. 62-281 Establishment; terms; and members

(a) *Established.* There is hereby established a board of appeals for the town for the purpose of hearing appeals, applications for variances, and exceptions to the provisions of the Code of the Town of Beaver Dam.

(b) *Composition of the board.*

(1) Five residents of the town shall be appointed to the board by the town chairman and confirmed by the town board.

(2) Two members of the board may be members of the town board.

(3) Two residents of the town shall be appointed to the board as alternates by the town chairman and confirmed by the town board and shall act when a regular member is absent or refuses to vote.

(4) *Chairman.* The town chairman shall designate a member of the board its chairman.

(c) *Oaths.* Official oaths shall be taken by all members in accordance with Wis. Stats. §19.01 within 10 days of appointment.

(d) *Terms.* Terms of appointments shall be for 3 years with approximately one-third of the members' terms appointed each year and expiring each year.

(e) *Training.* It shall be required that to maintain membership on the board of appeals, each member shall participate in one training exercise per year. The training may be at a Wis-Line site, WTA officials meeting, attending a county board of adjustment meeting, attending a local training exercise, or requesting literature for board of appeals members from the town clerk. Without participating in a training exercise, the member is eligible to be dismissed from the board of appeals.

(f) *Vacancies.* Vacancies shall be filled for the expired term in the same manner as appointments for a full term.

(g) *Absences.* Board of appeals members may only have 3 unexcused absences per year from scheduled meetings so as to maintain membership on the commission.

(h) *Per diems.* Board of appeals members and alternates shall be compensated for scheduled meetings

so attended with a per diem as set by section 2-6 of this Code. Additional meetings attended for review, education, and/or research may be paid as a per diem to a member when approved by the

town board. In addition, mileage caused from transportation to meetings shall be compensated for as set by the state.

(i) *Land use administrator.* The zoning administrator shall attend all meetings for the purpose of providing technical assistance when requested by board.

(j) *Secretary.* A secretary shall be appointed by the board of appeals to record all actions and decisions of the board. These records shall be filed in the offices of the Town of Beaver Dam. Compensation for the secretary if other than a board of appeals member shall be set by resolution of the town board from time to time.

Sec. 62-282 Organization

The board of appeals shall organize and adopt rules of procedure in conformance to Wis. Stats. §62.23(7)(e)1-15.

Sec. 62-283 Rules

(a) The board of appeals shall meet at the call of the chairperson, and at such other times as the board of appeals may determine, at a fixed time and place.

(b) All meetings of the board of appeals shall be open to the public unless properly convened into closed session.

(c) Any public hearings which the board of appeals is required to hold shall be held in the town hall or other place convenient to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address or other commonly known means of identification, shall be included in the notice given of such hearing. Other matters upon which the board of appeals is required to act may also be heard to any such hearing provided that no undue hardship is created for any appellant by reason of the location of such hearing, and provided further that such matters are included in the notice given of such hearing.

(d) The board of appeals secretary shall keep minutes of each meeting and its proceedings, Documenting a record of all actions, the reasons for the board's determination, and its finding of fact showing the vote of each attending member upon each question, or if absent or failing to vote, indicating such fact. These records shall be immediately filed in the office of the board of appeals and shall be a public record.

(e) Reserved.

(f) The board of appeals may adopt such other rules as are necessary to carry into effect the regulations of the town board.

(g) In the case of all appeals, the board of appeals may call upon the town board, plan commission or zoning administrator for all information pertinent to the decision appealed from.

Sec. 62-284 Powers

The board of appeals shall have the following powers:

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by administrative official in the enforcement of this chapter.

To hear and decide special exception to the terms of the code upon which such board is required to pass under this chapter.

To authorize upon appeal in specific cases such variances from the terms of the code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the code will result in practical difficulty or unnecessary hardship, so that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done.

The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

The board may reverse, affirm, or wholly or partly modify the requirements appealed from and may issue or direct the issuance of a permit.

The board may request assistance from other town or county officers, departments, commissions and boards.

The chairperson may administer oaths and compel the attendance of witnesses.

Sec. 62-285 Appeals and applications

Appeals from the decision of the zoning administrator, plan commission or the town board concerning the literal enforcement of this chapter may be made by any person aggrieved or by an officer, department, board or bureau of the town. Such appeals shall be filed with the secretary and the officer from whom the appeal is taken within 30 days after the date of written notice of the decision or order of the zoning administrator or the town board. Applications may be made by the owner or lessee of the structure, land or water to be effected at any time and shall be filed with the zoning administrator. Such appeals and applications shall include the following:

- (1) Names and addresses of the appellant or applicant and all land owners within 300 feet of the parcel on which the appeal(variance) is requested for.
- (2) Sketch showing all the information required under section 62-5 for a land use permit. When deemed necessary by the land use administrator or the board of appeals, the plot plan shall be required to be prepared to scale by a registered surveyor licensed by the State of Wisconsin.
- (3) Additional information which was required for the decision appealed from or may be required by the board of appeals.
- (4) Fee in the amount as set by the town board by resolution.

Sec. 62-286 Hearings

The board of appeals shall fix a reasonable time and place for the hearing, give a Class 1 notice thereof as provided in Code 985 of the Wisconsin Statutes. Notice of the hearing should be provided to the owner, the applicant, all land owners within 300 feet of the parcel upon where the appeal(variance) is requested for, the zoning administrator, and the town board. At the hearing the applicant or the appellant may appear in person, by agent, or by attorney.

Sec. 62-287 Decisions

The board of appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the board's decision to the appellant or applicant, the zoning administrator and the town board.

Conditions may be placed upon any land use permit ordered or authorized by this board.

The concurring vote of 4 members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in this chapter. The grounds of every such determination shall be stated.

Variances granted and unused, and/or if their use is discontinued for 12 months, shall become null and void as if never granted.

Variance granted prior to the adoption of this ordinance (March 10, 2009) shall become null and void, as if never granted, if unused anytime for a 12-month period after the effective date of this ordinance's adoption, (March 10, 2009) being its publication date.

Sec. 62-288 Review by court of record

Any person or persons aggrieved by any decision of the board of appeals may commence an action seeking the remedy available by certiorari. Such action shall be commenced within 30 days after the filing of the decision in the office of the board of appeals.

Sec. 62-289 Per diems

Members of the board of appeals shall be compensated for scheduled meetings so attended with a per diem as set by resolution from time to time by the town board. Additional meetings attended for review and or research may be paid as a per diem to a member when approved by the town board. In addition, mileage caused from transportation to meetings shall be compensated for as set by the state.

ARTICLE IX. PLAN COMMISSION

Sec 62-311 Composition

(a) The Plan Commission shall consist of seven regular members and two alternates appointed by the Town Board Chairperson, who shall also choose the commission's chairman. All appointed members shall be approved by the Town Board. Five of the regular members and one of the alternates must be citizens of the town. Two of the regular and one of the alternates may be elected or appointed town officials. All members shall be persons of recognized experience and qualifications.

(b) Members of the Commission shall be appointed to hold office for a period of three years. Appointments shall be made by the Town Board Chairperson during the month of April or at any other time if a vacancy occurs during the middle of a term.

(c) Per diems. Members and alternate members of the plan commission shall be compensated for scheduled meetings so attended with a per diem as set forth in section 2-6 of this Code. Additional unscheduled meetings attended for review, education or research may be paid as a per diem to a member when approved by the town board. In addition, mileage caused from transportation to meetings shall be compensated for as set by the state.

(d) Absences. To maintain membership, plan commission members shall not have more than 3 unexcused absences per year from scheduled meetings

(e) Training. To maintain membership on the plan commission, it shall be required that each member participate in one training exercise per year. The training may be at a Wis-Line site, WTA officials meeting, attending a county plan commission meeting, local plan commission training exercise, or request plan commission reference material through the town clerk. (Amend. of 1-10-2006; Amend of 3-10-2009)

Sec 62-312 Rules and Organization

The Plan Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. Such record shall be a public record. Meetings of the Commission shall be held at the call of the chairperson and at such other times as the Commission may determine. The Plan Commission shall have the power and authority to employ experts and a staff.

Sec 62-313 Functions

The Plan Commission shall have the following functions and duties:

1. To make and adopt a comprehensive plan for the physical development of the Town.
2. To authorize the Zoning Administrator to issue a conditional use permit in accordance with article III.
3. To make a recommendation to the Town Board on any petition to amend this Code or change the district boundaries.
4. Administer the provisions as provided for in chapter 54, subdivisions, of this code

ARTICLE X. CHANGES AND AMENDMENTS

Sec 62-331 Authority

Whenever the public necessity, convenience, health, safety or general welfare require, the Town Board may by Ordinance, change the district boundaries or amend, change or supplement the regulations established by this Code or amendments thereto in accordance with Section 62.23(7) of the Wisconsin Statutes.

Such Change or Amendment shall be subject to the review and recommendation of the Town Plan Commission.

Sec 62-332 Initiation

A petition for amendment may be made by any property owner in the area to be affected by the amendment, by the Town Board or by the Town Plan Commission.

Sec 62-333 Petitions for Amendment

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, who shall refer them to the Town Plan Commission. Such petitions shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

(1) Plot Plan draw to a scale of one (1) inch equals a hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within five hundred (500) feet of the area proposed to be rezoned is required. The town board or plan commission may at their request require the plot plan be prepared to scale by a registered surveyor licensed by the State of Wisconsin.

(2) Owners' Names and Addresses of all properties lying within three hundred (300) feet of the area proposed to be rezoned.

(3) **Additional Information** required by the Town Plan Commission or the Town Board.

(4) **Fee** in the amount as set by the Town Board by resolution from time to time.

Sec 62-334 Hearings and Board Action

1. The Town Plan Commission shall hold a public hearing upon each petition. Notice of the time and place of such a hearing shall be given by publication in the Town of a Class Two (2) Notice, under Code 985 of the Wisconsin Statutes. Notice of the hearing should be provided to the owner, applicant, all owners of property within 300 feet of the subject site, the Zoning Administrator and the Town Board.
2. Recommendations, as soon as possible after the public hearing the Town Plan Commission shall act on such petition either approving, modifying or disapproving the petition. The recommendation shall be made in writing to the Town Board.
3. Action by the Town Board. After careful consideration of the Town Plan Commission recommendations, the Town Board shall vote on the passage of the proposed change or amendment.
4. Approval by the County Board. After approval by the Town Board, the County Board shall approve the proposed change or amendment to become effective.

Sec 62-335 Protest

In case of a protest against an amendment proposed duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the land included in such proposed amendment, or by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the Board voting on the proposed change.

Sec 62-336. Per Diems.

Members of the Plan Commission shall be compensated for scheduled meetings so attended with a per diem as set by resolution from time to time by the town board. Additional unscheduled meetings attended for review and or research may be paid as a per diem to a member when approved by the town board. In addition, mileage caused from transportation to meetings shall be compensated for as set by the State.

ARTICLE XI. PERFORMANCE STANDARDS

Sec 62-361 Manner of conducting activities, violations.

- (1) All activities involving the production, processing, cleaning, testing or repair of materials, goods or products shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor, glare, or heat detrimental to the public health, safety, comfort or general welfare of the immediate neighborhood or community.
- (2) A violation of this section which is so flagrant as to constitute a potential nuisance shall be the subject of a nuisance action brought by the Town' attorney on behalf of the Town.

CHAPTER 63. MOBILE TOWER SITING AND RADIO BROADCAST SERVICE FACILITY OVERLAY DISTRICT REGULATIONS

63.1 General

63.1.A Purpose

The purpose of the Mobile Tower Siting and Radio Broadcast Service Facility Overlay District Regulations is to regulate the following:

63.1. A.1 The siting and construction of any new mobile service support structure and facilities;

63.1. A.2 The substantial modification of an existing support structure and mobile service structure and mobile service facility (Class 1 Collocation);

63.1. A.3 The collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities (Class 2 Collocation).

63.1. A.4 The siting, placement, construction or modification of radio broadcast service facilities

63.1.B Intent

The intent of the Mobile Tower Siting and Radio Broadcast Service Facility Overlay District Regulations are:

63.1. B.1 To encourage the construction and location of mobile service facilities, mobile service support structures and radio broadcast service facilities in areas where the adverse impact on the environment, the community and the citizens of Town of Beaver Dam is minimized.

63.1.B.2 To maintain and ensure that a non-discriminatory, competitive and broad range of mobile services and high quality mobile service infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as the Town of Beaver Dam's police, fire, and emergency response network quickly, effectively and efficiently.

63.1. B.3 To provide a process of obtaining the necessary permits for mobile service facilities, support structures and radio broadcast service facilities while at the same time protecting the legitimate interests of the citizens of Town of Beaver Dam.

63.1. B.4 To encourage the use of alternative support structures, collocation of new antennas on existing support structures, and construction of support structures with the ability to locate three (3) or more providers.

63.1. B.5 To promote the public health, safety and general welfare of the Citizens of Town of Beaver Dam with the minimum practical regulation that is necessary to accomplish this objective.

63.1.C Applicability and Exemptions

63.1.C.1 The requirements of the Mobile Tower Siting and Radio Broadcast Services Overlay District Regulations shall apply to all towers, antennas, and other communication facilities in the Town of Beaver Dam Land Use Code in accordance with the authority granted by Section 59.69 of the Wisconsin Statutes.

63.1.C.2 Towers and antennas that are under 70 feet in height and are owned and operated by federally licensed amateur radio station operators or are receive-only antennas shall be exempt from these regulations .

63.1. C.3 Towers and antennas for which a permit has been properly issued by the Town prior to the effective date of this Code shall not be required to meet the requirements of this Code.

63.1. C.4 These overlay district regulations are not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, the regulations in this overlay district are not intended to regulate satellite dishes or antennas whose regulation is prohibited by Section 59.69(4d) or its successor sections of the Wisconsin State Statutes or as permitted by Federal Law.

63.1. C.5 Mobile services providing public information coverage of news events of a temporary or emergency nature are exempt from these regulations.

63.1. D Principal or Accessory Use

Towers and antennas 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 an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with zoning regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

63.1. E Definitions

All definitions contained within s. 66.0404(1) and 66.0406(1) Wisconsin Statutes are hereby incorporated in this Overlay District by reference.

63.2 Administration

63.2. A Permit Requirements

63.2. A.1 A conditional use permit shall be required for new support structures and facilities and for a Class 1 Collocation.

63.2. A.2 A land use permit shall be required for a Class 2 Collocation.

63.2. A.3 A conditional use permit shall be required for the placement, construction, or modification of radio broadcast service facilities.

63.2.B Application process for new mobile service support structures and facilities and for Class 1 Collocations.

63.2. B.1 All conditional use permit applications for new mobile service support structures and facilities and for Class 1 Collocation projects shall be submitted to the Land Use Administrator upon forms provided by the Department. Applications for a conditional use permit for new mobile service support structures and facilities and for Class 1 Collocation projects shall include the following:

63.2. B.1a The name, and business address of, and the contact individual for, the applicant.

63.2. B.1b The location of the proposed or affected support structure.

63.2. B.1c The location of the proposed mobile service facility.

63.2. B.1d If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

63.2.B.1e If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

63.2.B.1f If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile support structure that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

63.2. B.2 Completed Applications

If an applicant submits an application to the Department for a conditional use permit to engage in an activity described in this section of the Code, which contains all of the information required under this section, the Department shall consider the application complete. If the Department does not believe that the application is complete, the Department shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

63.2. B.3 Town Responsibilities

Within 90 days of receipt of a complete application, the Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Department may agree in writing to an extension of the 90 day period.

63.2. B.3a Review the application to determine whether the proposed project complies with all applicable aspects of the Code, subject to the limitations in this section. If the application is determined to be incomplete, the Land Use Administrator shall notify the developer/applicant of the application deficiencies and no further action shall be taken on the application until the required information is submitted and the application is determined to be complete.

63.2. B.3b The Land Use Administrator shall review each complete application in light of the approval Criteria of Section 2.3.6.F and shall provide a report to the Committee recommending approval, approval with conditions or denial of the application. Failure of the Land Use Administrator to provide a report to the Committee shall constitute a recommendation for approval of the application.

63.2. B.3c Public hearings for conditional use permit applications shall be held within 45 days of receipt by the Department of a complete application and shall receive written and published notice in accord with the applicable Wisconsin State Statutes and the general notice provisions of Section 2.2.6. In addition, the Land Use Administrator shall notify all property owners within 300 feet of the subject property boundary of the time, date and subject matter of the hearing. Furthermore, the Land Use Administrator shall notify the County Highway Department and/or the State Department of Transportation for any development within 500 feet of an existing or proposed right-of-way of freeways, expressways, interstate and controlled access traffic-ways, and within 1,000 feet of an existing or proposed interchange or turning lane right-of-way and request a recommendation for proposed projects within their jurisdiction. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application. The 45 day time limit in which to hold the public hearing may be extended by written agreement with the applicant. The 45 day time limit in which to hold the public hearing may also be extended by the Committee when it has been determined by the Committee that the public hearing notice requirements in Section 2.2.6 for said hearing have not been met. In such instances, the Committee shall reschedule the public hearing for a date that is within 30 days of the date of determination by the Committee that the public hearing notice requirements in Section 2.2.6 were not met or within the time limit as extended by the written agreement with the applicant.

63.2. B.3.d Committee Review and Decision

The Committee shall hold a public hearing on the application and following the public hearing shall approve, approve with conditions or deny the conditional use permit application within 15 days after the public hearing based on the general approval criteria listed in 2.3.6.F of the Code subject to the limitations in this overlay district unless the time is extended by written agreement with the applicant. Failure of the Committee to take final action within 90 days of the receipt of a complete application or within the time as extended by agreement with the applicant shall constitute an approval of the conditional use permit as proposed.

63.2. B.3.d.1 Compliance with all other provisions of this Code, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses, subject to the limitations in this overlay district.

63.2. B.3.d.2 The Committee may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection 63.2.B.1f.

63.2. B.3.d.3 The Department shall notify the applicant, in writing, of the Committee's final decision. If the decision is to disapprove the application, the Department shall include with the written notification substantial evidence which supports the decision.

63.2. B.3.d.4 A party, who is aggrieved by the final decision of the Committee under this subsection, may bring an action in circuit court of Dodge county in which the proposed activity, which is the subject of the application, is to be located.

63.2. B.4 Factors Considered in Granting a Conditional Use Permits

The Committee shall consider the following factors in determining whether to issue a permit, although the Committee may waive or reduce the burden on the applicant of one or more of these criteria if the Committee concludes that the intent of this Code is better served thereby.

63.2. B.4.a Height of the proposed tower;

63.2. B.4.b Proximity of the tower to residential structures;

63.2. B.4.c Design of the tower, with particular reference to design characteristics that have the effect of accommodating other users.

63.2.B.4.e Proposed ingress and egress; and

63.2.B.4.f Availability of suitable existing towers and other structures.

63.2.B.5 Availability of Suitable Existing Towers or Other Structures

The Committee may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection 63.2.B.1f. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

63.2. B.5.a No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

63.2. B.5.b Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

63.2. B.5.c Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

63.2. B.5.d The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

63.2. B.5e The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are economically burdensome.

63.2. B.5.f The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

63.2.C Application Process for Class 2 Collocation

63.2.C.1 All land use applications for Class 2 Collocation projects shall be submitted to the Land Use Administrator upon forms provided by the Department. Applications for a Class 2 Collocation project shall include the following:

63.2.C.1.a The name, and business address of, and the contact individual for, the applicant.

63.2.C.1.b The location of the proposed or affected support structure.

63.2.C.1.c The location of the proposed mobile service facility.

63.2.C.2 Completed Applications

If an applicant submits an application to the Department for a land use permit to engage in a Class 2 collocation, which contains all of the information required under this subsection, the Department shall consider the application complete. If the Department does not believe that the application is complete, the Department shall notify the applicant in writing, within

5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

63.2.C.3 Town Responsibilities

Within 45 days of receipt of a complete application, the Land Use Administrator shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Department may agree in writing to an extension of the 45 day period.

63.2.C.3a Review the application to determine whether the proposed project complies with all applicable aspects of the Code, subject to the limitations in this section. If the application is determined to be incomplete, the Land Use Administrator shall notify the developer/applicant of the application deficiencies and no further action shall be taken on the application until the required information is submitted and the application is determined to be complete.

63.2.C.3.b Make a final decision whether to approve or disapprove the application.

63.2.C.3.c Notify the applicant, in writing, of its final decision.

63.2.C.3.d If the application is approved, issue the applicant the relevant permit.

63.2.C.3.e If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

63.2.C.3.f A party who is aggrieved by the final decision of the Land Use Administrator under this subsection, may bring action in the circuit court of the County in which the proposed activity, which is the subject of the application, is to be located.

63.2.D. Application process for the placement, construction or modification of a radio broadcast facility

63.2.D.1 A conditional use permit application for the placement, construction or modification of a radio broadcast facility shall be submitted to the Land Use Administrator upon forms provided by the Department. The application, review and decision procedures for the conditional use permit shall be in accord with Section 2.3.6 of the Land Use Code.

63.3 Development Standards

63.3.A General Design Requirements

63.3.A.1 Towers shall be painted with alternate bands of aviation orange and white paint in accordance with standards listed in Chapter 3, Marking Guidelines, of the FAA Federal Advisory Circular 70/7460-1, Obstruction, Marking and Lighting and subsequent revisions. The tower owner shall also be responsible for repainting when the color changes noticeably or its effectiveness is reduced by scaling, oxidation, chipping, or layers of contamination.

63.3.A.2 At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

63.3.A.3 If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

63.3.A.4 Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

63.3.A.5 Towers and antennas shall not be used for displaying any advertising.

63.3.A.6 No tower shall exceed 500 feet in height.

63.3.B Federal Requirements

All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

63.3.C Accommodations of Other Users (Co-location)

63.3.C.1 Any proposed communication tower and tower site shall be designed, structurally, electrically and in all respects, to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least three additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

63.3.C.2 The holder of a permit for a tower shall allow co-location for at least three additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.

63.3.D Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a permit is required; provided, however, that the Committee may reduce the standard setbacks and separation requirements if the intent of this section would be better served thereby.

63.3.D.1 Communication towers and projecting aerials shall be located a minimum distance equal to the height of the tower from any residential structure.

63.3.D.2 Communication towers, including but not limited to radio and television transmission and relay towers, aerials, and observation towers, are exempt from the zoning district height requirements, however, no tower or any projecting aerial attached to the tower shall exceed 500 feet in height.

63.3.D.3 Guy wires, and accessory facilities must satisfy all applicable setback requirements of Chapter 5 of this Code.

63.3.D.4 Communication towers and projecting aerials shall be located a minimum distance equal to 1/3 the structure height from the side and rear lot line.

63.3.D.5 Communication towers and projecting aerials shall be located in accordance with the minimum setback distances required in Section 5.1.2.E for roads.

63.3.D.6 Communication towers that are located within the jurisdictional boundaries of the Town of Beaver Dam Airport Zoning Ordinance shall not exceed the maximum airport height regulations

63.3.D.7 Setback Exception: Application of Set Back Fall Zone.

If an applicant provides the Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller fall zone area than the setback required in the Code, the smaller fall zone setback area shall be used as the setback requirement unless the Department provides the applicant with substantial evidence that the engineering certification is flawed.

63.3.E Security Fencing

Tower sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.

63.3.F Landscaping

Tower facilities shall be landscaped with a buffer of plant material that effectively screens the base of the tower and the supporting facilities from direct view of the tower site from an adjacent property. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the security fencing. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

63.3.G Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. In such circumstances, the following shall apply:

63.3.G.1 The owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove said antenna and/or tower, including all supporting equipment and building(s), within 90 days of receipt of notice from the Land Use Administrator notifying the owner of such abandonment. If removal to the satisfaction of the Land Use Administrator does not occur within said 90 days, the Land Use Administrator may remove and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are 2 or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

63.3.G. 2 The applicant for a permit under this section shall submit a copy of a signed agreement between the property owner and the owner of the tower, antenna(s), and supporting equipment and building(s), detailing requirements for abandonment and subsequent removal based on the provisions of Section 63.3(G)(1). This agreement shall contain provisions binding said agreement on future property owner(s) and future owner(s) of a tower, antenna, and all supporting equipment and building(s).

63.3.H Limitations

With regard to an activity described in this Overlay District, the Town may not do any of the following:

63.3.H.1 Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

63.3.H.2 Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

63.3.H.3 Enact an ordinance prohibiting the placement of a mobile service structure in particular locations within the Town

63.3.H.4 Charge a mobile radio service provider any recurring fee for an activity described in Section 63.2.B or 63.2.C.

63.3.H.5 Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

63.3.H.6 Disapprove an application to conduct an activity described under Section 63.2.B based solely on aesthetic concerns.

63.3.H.7 Disapprove an application to conduct a Class 2 collocation on aesthetic concerns.

63.3.H.8 Enact an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

63.3.H.9 Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the Town which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000.00 or less complies with this paragraph.

63.3.H.10 Prohibit the placement of emergency power systems.

63.3.H.11 Require the mobile service support structure be placed on property owned by the Town .

63.3.H.12 Disapprove an application based solely on the height of the mobile service structure or on whether the structure requires lighting.

63.3.H.13 Condition approval of such activities on the agreement of the structure or mobile service facility to provide space on or near the structure for the use of or by the Town at less than the market rate, or to provide the Town with other services via the structure or facilities at less than the market rate.

63.3.H.14 Limit the duration of any permit that is granted under this Overlay District.

63.3.H.15 Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

63.3.H.16 Disapprove an application based on an assessment by the Town of the suitability of other locations for conducting the activity.

63.3.H.17 Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

63.3.H.18 Consider an activity a substantial modification if a greater height is necessary to avoid interference with an existing antenna.

63.3.H.19 Consider an activity a substantial modification if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by Cable.

63.3.H.20 Limit the height of a mobile service support structure to under 200 feet.

63.3.H.21 Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the Town in connection with the Town's exercise of its authority to approve the application.

63.3.H.22 Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the Town to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a Town or an entity in which a Town has governance, competitive, economic, financial or other interest.

63.4 Effective Date of the Permit

63.2.A Conditional use permits and land use permits granted for mobile service support structures and facilities, class 1 collocation projects and class 2 collocation projects under Section 4.2.9.A.1 and 63.2.A.2 of this overlay district shall not expire.

63.2.B Conditional use permits granted for radio broadcast facilities under Section 4.2.9.A.3 shall expire one year after its effective date or at such alternative time specified in the approval process unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use established or the conditional use permit is renewed for a period not to exceed one year. A conditional use permit shall also expire upon termination of the project or if the rights granted by the permit are discontinued for 180 consecutive days.

Land Resources and Parks Department Staff Report

Town Rezoning Petition # 2015-0618

Owner:

RRP LLC
%Aanteck Inc.
N7212 Farwell Road
P.O. Box 635
Beaver Dam, WI 53916

Filing Date: September 15, 2015

Committee Review Date: October 5, 2015

PIN# 004-1114-0311-019; 004-1114-0312-017; 004-1114-0312-018;

Site Location:

Part of the NE ¼, Section 3, T11N, R14E, Town of Beaver Dam, Dodge County, Wisconsin
Site Address: N7212 Farwell Road.

Applicants Request

A petition to rezone approximately 2.657-acres of land from the C-1 Commercial Zoning District to the I-1 Industrial Zoning District has been submitted by the Town of Beaver Dam Town Board to the Dodge County Board of Supervisors for approval.

Land Use Code Provisions:

According to 60.62(3) Wisconsin Statutes, in counties having a county zoning ordinance, no Town zoning ordinance or amendment of a Town zoning ordinance may be adopted under this section unless approved by the county board. The Planning Committee is responsible for reviewing Town rezoning amendment requests and for recommending that the County Board of Supervisors approve or deny such petitions.

Physical Features of Site

The features of the property that relate to the granting or denial of the rezoning petition are as follows:

The proposed lots are not located within the County's Zoning Jurisdiction.

The topography of the site is rolling with slopes ranging from 0 to 12%;

Land Use, Site: Business

Land Use, Area: A mixture of small commercial businesses and residential homes.

Designated Archaeological Site: Yes No

The proposal is consistent with the Dodge County Comprehensive Plan:

- The site is designated as industrial according to the County's Future Land Use Map.

The proposal is consistent with the Town of Beaver Dam Comprehensive Plan:

- The site is designated as Industrial.

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.

Town Rezoning Petition

The staff believes that the Town Board has followed the proper procedures outlined in their Zoning Ordinance in order to approve the rezoning request. In addition, the proposed rezoning petition is consistent with the County's Comprehensive Plan as the site is designated as Industrial. Therefore, staff recommends the committee report favorably on the town rezoning petition.

Dodge County Planning, Development and Parks Committee Decision

Town Rezoning Petition # 2015-0618

Owner:

RRP LLC
%Aanteck Inc.
N7212 Farwell Road
P.O. Box 635
Beaver Dam, WI 53916

Filing Date: September 15, 2015

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CONCLUSIONS OF LAW

Based upon the facts presented in the application and by the County staff, the committee concludes that:

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

- Yes
- No - The following additional information is required:

Is there sufficient evidence in the record to show that the town has followed the proper procedures in order to recommend approval of the town rezoning petition?

- Yes – According to the information on record in this matter, the Town has followed the proper procedures in order to approve the Town rezoning petition;
- No; based on the information submitted with the application, it appears that the town did not follow the proper procedures in approving the rezoning petition.

Comments

Motion by _____ to submit a (favorable / unfavorable) recommendation to the County Board regarding the town rezoning petition based upon the previously mentioned findings.

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
Randy Grebel	<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)

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____

RESOLUTION NO. _____

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN

Members:

WHEREAS, Dodge County, a body corporate, under the laws of the State of Wisconsin, has adopted a comprehensive Zoning Ordinance which is in full force and effect, and

WHEREAS, the Town Board of the Town of Beaver Dam has adopted a Town Zoning Ordinance for said town, the power to adopt a town zoning ordinance having been granted by a referendum vote of the electors of the Town of Beaver Dam at the time of a regular annual town meeting, and

WHEREAS, pursuant to Section 60.62(3) of the Wisconsin Statutes, adoption and amendment of a town zoning ordinance by a town board is subject to approval of the county board in counties having a zoning ordinance in force and effect, and

WHEREAS, a public hearing as to the proposed amendment to the Town Zoning Ordinance of the Town of Beaver Dam was held by the Plan Commission of the Town of Beaver Dam on March 30, 2015 and the proposed amendment to the Zoning Ordinance of the Town of Beaver Dam having been adopted by the Town Board of the Town of Beaver Dam on June 9, 2015,

THEREFORE BE IT RESOLVED:

That the amendment to the Town Zoning Ordinance of the Town of Beaver Dam attached to and made a part of this resolution be and hereby is approved by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this ____ day of _____, 2015.



County Board Supervisor

February 27 2015

RRP, LLC
N7212 Farwell Rd
P.O. Box 635
Beaver Dam WI 53916

Town of Beaver Dam
W8540 County Road W
Beaver Dam, WI 53916

I, Paul Brey representing RRP, LLC would like to Petition the Town of Beaver Dam to rezone 3 properties from Commercial 1 to Industrial 1.

I have included the parcel/pin number and a map showing the description and location of the three properties.

I also have included a check for 350.00 dollars for rezoning.

Sincerely,

A handwritten signature in black ink, appearing to be 'Paul Brey', written in a cursive style.

Paul Brey

Member

City of BEAVER DAM

SEE SHEET 44-34

PROSPECT RD

SEE SHEET 34-0223

SEE SHEET 34-0222

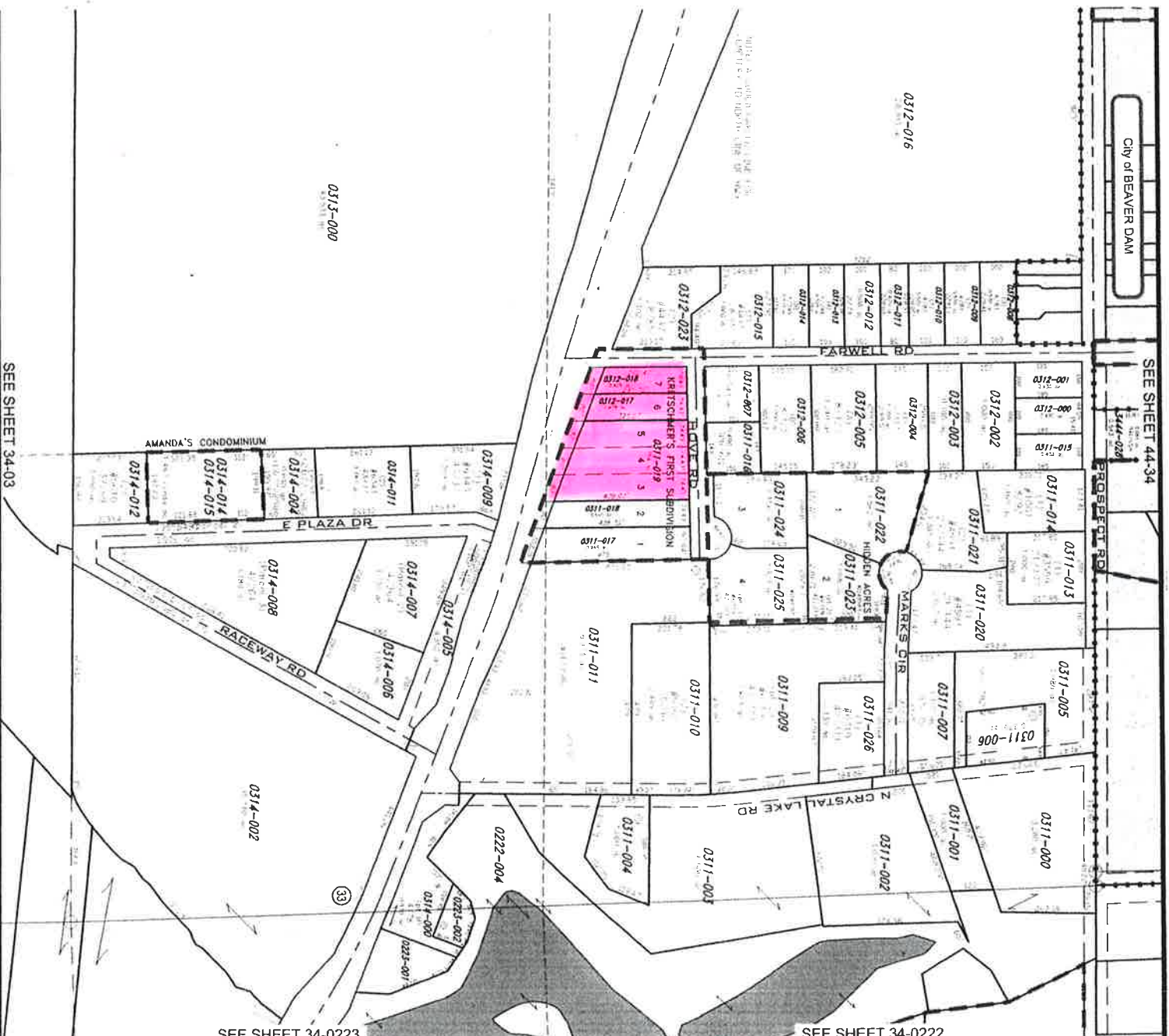
SEE SHEET 34-03

SEE SHEET 34-0310

Town of BEAVER DAM NE 1/4 SECTION 3 T11N-R14E

004-1114-

- 0311-000 CITY OF BEAVER DAM
- 0311-001 CITY OF BEAVER DAM
- 0311-002 CITY OF BEAVER DAM
- 0311-003 CITY OF BEAVER DAM
- 0311-004 ROBERT L FRISKI +
- 0311-005 KENNETH G BERREIS +
- 0311-006 GERALD E WOLFFRAM
- 0311-007 JAMES J RIEGE +
- 0311-008 MARK B HANSEN
- 0311-010 NEW LIFE PENITENTIAL CHURCH
- 0311-011 KOPSELL REAL ESTATE LLC
- 0312-004 JAMES F NEUBAUER +
- 0312-005 SCHWANTES TRUST
- 0312-006 RUDY A RUSH +
- 0312-007 ROBERT G SONNEMAN
- 0312-008 JEANETTE NEUDORF
- 0312-009 DEREK SCHNEITER
- 0312-010 LESLIE A ZIESKE +
- 0312-011 GREGORY G STEIL +
- 0312-012 CAROL W MILLER
- 0312-013 PATRICIA K LARBEAU
- 0312-014 ERDMANN ENTERPRISES LLC
- 0312-015 TIMOTHY CANE
- 0312-016 OAKWOOD CEMETERY
- 0312-017 RRP LLC
- 0312-018 RRP LLC
- 0312-023 G R LENSING OF BEAVER DAM LLC
- 0313-000 OAKWOOD CEMETERY
- 0314-000 JOHN C LUNDE +
- 0314-002 UNITED COOPERATIVE
- 0314-004 MARK GREINERT +
- 0314-005 TOWN OF BEAVER DAM
- 0314-006 BERNARD L NOWICKI +
- 0314-007 MIDWEST FITNESS LLC
- 0314-008 STATE OF WISCONSIN DOT
- 0314-009 JOHN S HENRY III +
- 0314-011 BEAVER DAM SELF STORAGE LLC
- 0314-012 JEFF LEWKE
- 0314-014 ROCKIN T & D LLC
- 0314-015 JAYSTONE PROPERTIES LLC



Prepared by
Land Resources & Parks Department
Mapping Division

This map was prepared for the use of the local assessor in accordance with Chapter 70.05, Wisconsin Statutes. All information contained herein is advisory only. Map accuracy is limited to the quality of the data obtained from other public records. This map is not a substitute for an accurate field survey.

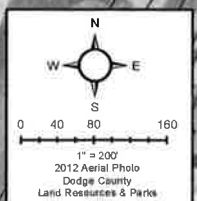
JANUARY 2013
WATER: prior 2012
AERIAL: Spring 2012
34-0310

RRP LLC Beaver Dam, Sec. 3 (1114)

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 constitute a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



RRP LLC Property
 Area to be Rezoned (C-1 to I-1)



Land Resources and Parks Department Staff Report

Town Rezoning Petition # 2015-0572

Owner:

Neil Stippich
N6008 County Road G
Beaver Dam, WI 53916

Filing Date: September 1, 2015

Committee Review Date: October 5, 2015

Property Location

PIN# 032-1114-2834-000; 032-1114-2831-000; 032-1114-2832-000; 004-1114-2824-000;
Part of the SE ¼, SW ¼, Section 28, T11N, R14E, Town of Lowell, the site address being W8766 Chapel Road.

Applicants Request

A petition to rezone 25-acres of land from the AG1 General Agriculture Zoning District to the RC1 Rural Cluster Residential Zoning District has been submitted by the Town of Lowell Town Board to the Dodge County Board of Supervisors for approval. The applicant intends to create an approximate 2.8-acre lot at this location which will contain an existing residence and accessory buildings for non-farm residential use. The remaining approximate 157 acres will remain in agricultural use at this time.

Land Use Code Provisions:

According to 60.62(3) Wisconsin Statutes, in counties having a county zoning ordinance, no Town zoning ordinance or amendment of a Town zoning ordinance may be adopted under this section unless approved by the county board. The Planning Committee is responsible for reviewing Town rezoning amendment requests and for recommending that the County Board of Supervisors approve or deny such petitions.

Physical Features of Site

The features of the property that relate to the granting or denial of the rezoning petition are as follows:

The proposed lots are not located within the County's Zoning Jurisdiction.

Portions of the property to be rezoned are located within the County's Shoreland Jurisdiction.

Portions of the property to be rezoned are located within the Wetland District.

The property is not located within the floodplain.

The topography of the site is rolling with slopes ranging from 0 to 12%;

Land Use, Site: Residential and agricultural.

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

The County's Density Standards do not apply;

Town Purpose Statements

The purpose of the AG-1 General Agriculture District is to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production and maintain the existing rural character. If agricultural land is developed for residential purposes, it shall follow the RC-1 regulations.

The purpose of the RC-1 Rural Cluster Residential Overlay District is to provide for single-family residential development clustered in small groups in order to preserve the rural and natural environment. The residential density standard in this district is 1 housing unit per 25-acres.

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.

Town Rezoning Petition

The staff has reviewed the proposed Town rezoning petition for compliance with 60.62(3) Wisconsin Statutes and believes that the Town has followed the proper procedures in order to approve the rezoning petition. Therefore, staff recommends the committee report favorably on the town rezoning petition.

Dodge County Planning, Development and Parks Committee Decision

Town Rezoning Petition # 2015-0572

Owner:

Neil Stippich
N6008 County Road G
Beaver Dam, WI 53916

Filing Date: September 1, 2015

Committee Review Date: October 5, 2015

Property Location

PIN# 032-1114-2834-000; 032-1114-2831-000; 032-1114-2832-000; 004-1114-2824-000;
Part of the SE ¼, SW ¼, Section 28, T11N, R14E, Town of Lowell, the site address being W8766 Chapel Road.

Applicants Request

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CONCLUSIONS OF LAW

Based upon the facts presented in the application and by the County staff, the committee concludes that:

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

- Yes
- No - The following additional information is required:

Is there sufficient evidence in the record to show that the town has followed the proper procedures in order to recommend approval of the town rezoning petition?

- Yes – According to the information on record in this matter, the Town has followed the proper procedures in order to approve the Town rezoning petition;
- No; based on the information submitted with the application, it appears that the town did not follow the proper procedures in approving the rezoning petition.

Comments

Motion by _____ to submit a (favorable / unfavorable) recommendation to the County Board regarding the town rezoning petition based upon the previously mentioned findings.

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
Randy Grebel	<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)

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____

RESOLUTION # _____

TO THE HONORABLE BOARD OF SUPERVISORS
OF DODGE COUNTY, WISCONSIN

WHEREAS, Dodge County, a corporate body under the laws of the State of Wisconsin, has adopted a Comprehensive Zoning Code which is full force and effect; and

WHEREAS, the Town Board of the Town of Lowell has amended the Town of Lowell Zoning Code, the power to adopt and amend the Zoning Code having been granted pursuant to Section 60.62, Wisconsin Statutes, which grants Towns authorized to exercise village powers the ability to adopt and amend a Zoning Code under Section 61.35 and Section 62.23, Wisconsin Statutes; and

WHEREAS, pursuant to Section 60.62(3), Wisconsin Statutes, the amendment of a Town Zoning Code by a Town Board is subject to approval of the County Board in counties having a Comprehensive Zoning Code in full force and effect; and

WHEREAS, a public hearing of a proposed amendment to the Town of Lowell Zoning Code official Zoning District Map was held before the Lowell Town Board on August 4, 2015; and

WHEREAS, the proposed Zoning district map amendment to the Town of Lowell Zoning Code was adopted by Ordinance by the Lowell Town Board on August 11, 2015, as set forth and attached hereto as "Exhibit A";

THEREFORE, BE IT RESOLVED, that the amendment to the Town of Lowell Zoning Code as represented by "Exhibit A" attached hereto and made a part of this Resolution be and hereby are APPROVED, by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this _____ day of _____, 201__.



Joe Marsik, County Supervisor

ORDINANCE NO. 2015-4

**AN ORDINANCE AMENDING THE ZONING CODE
TOWN OF LOWELL, DODGE COUNTY, WISCONSIN**

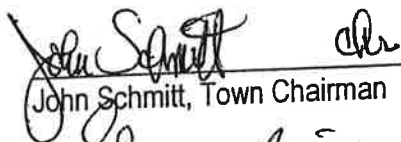
**ASSIGNMENT OF RC-1: RURAL RESIDENTIAL OVERLAY ZONING DISTRICT TO
A 25 +/- ACRES FOR THE NEAL STIPPICH PROPERTY**

- WHEREAS,** The Town of Lowell, Dodge County, Wisconsin, is authorized by Wisconsin Statutes Sec. 61.35 and Sec. 62.23(7) to adopt and amend a zoning code for the purpose of promoting the health, safety, morals or the general welfare of the community; and
- WHEREAS,** The Town of Lowell Town Board adopted the current Town of Lowell Zoning Code, Title 13 of the Town Code of Ordinances, in 2004 (as amended in February, 2011); and
- WHEREAS,** Article M of Section 13 of the Town of Lowell Zoning Code authorizes the Town Board to consider petitions to make changes to the zoning district boundaries as applied to property within the town subject to the review and recommendation of the Plan Commission; and
- WHEREAS,** A zoning petition to amend the Official Zoning District Map in the Town of Lowell Zoning Code was filed with the Town by assigning the RC-1: Rural Residential Overlay Zoning District to a 25 +/- acre parcel owned by Neal Stippich as more accurately described and presented in Exhibit "A" hereto; and
- WHEREAS,** The Town of Lowell Plan Commission conducted a public hearing on August 4, 2015, for purposes of soliciting comments from Town of Lowell residents, property owners and affected persons concerning the petition; and
- WHEREAS,** The Town of Lowell Plan Commission did, on August 4, 2015, recommend to the Town Board that the zoning petition be granted; with the restriction the sheds as presented be removed before the CSM is approved by the Town; and
- WHEREAS,** The Town Board did, at a meeting held on August 11, 2015, determine that the zoning petition is consistent with the adopted Town of Lowell 2020 Comprehensive Plan, purpose and intent of the Zoning and Subdivision Code, good zoning and land development practices, and furthers the general welfare of the Town;

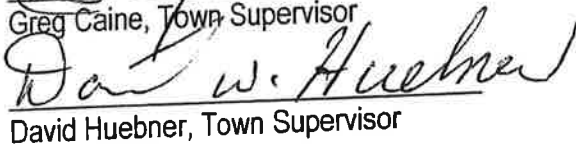
**NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF LOWELL, DODGE COUNTY,
WISCONSIN, ORDAINS AS FOLLOWS:**

- Section 1. Adoption.
The zoning petition to amend the official Zoning District Map in the Town of Lowell Zoning Code by assigning the RC-1: Rural Residential Overlay Zoning District to a 25 +/- acre property as described and presented in Exhibit "A" hereto is granted.
- Section 2. Effective Date.
This ORDINANCE shall take effect upon APPROVAL by the Dodge County Board of Supervisors and restriction approved by

Town Board, Town of Lowell, Dodge County, Wisconsin


John Schmitt, Town Chairman


Greg Caine, Town Supervisor


David Huebner, Town Supervisor

ATTEST:


Theresa Firari, Town Clerk

EXHIBIT "A"

Legal Description
Neal Stippich

Parts of SE1/4 SW1/4 of Section 28, T11N-R14E, Town of Lowell, Dodge County, Wisconsin, being a parent parcel of 40.294 acres.

Neal Stippich Town of Lowell, Sec. 28 (1114)

The data used to create this map is a compilation of records, information, and data from various city, town, 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.



-  Stippich Property
-  Area to be Rezoned (AG1 to RC-1)

N
W E
S

0 105 210 420

1" = 500'
2012 Aerial Photo
Dodge County
Land Resources & Parks

**DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE
MINUTES
September 21, 2015**

The Dodge County Planning, Development and Parks Committee met on September 21, 2015 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, Randy Grebel and Janice Bobholz. Members Excused Allen Behl and Joseph Marsik. The staff present at the request of the Chairman were Bill Ehlenbeck 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 two public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements. Giebel also noted that due to an error in the publishing of the hearing notice for the Brian Thorp, and Henry and Iris Steffen conditional use permit request in the Town of Lebanon, the hearing was rescheduled for October 5, 2015 at 7:00 PM.

The agenda was reviewed. Motion Bobholz to allow the Chairperson to go out of order as needed to efficiently conduct the meeting. Second by Grebel. Motion carried.

TOWN REZONING REQUEST

Patricia Lauersdorf – NE ¼, SW ¼, Section 32, T11N, R14E, Town of Lowell - Petition to rezone approximately 30-acres of land from the AG-1 General Agricultural Zoning District to the RC-1 Rural Residential Zoning District under the Town of Lowell Zoning Ordinance has been submitted to the Dodge County Board of Supervisors for approval. County Board Recommendation

Motion by Bobholz to submit a favorable recommendation to the County Board on the request of Patricia Lauersdorf, to rezone approximately 30-acres of land from the AG-1 General Agricultural Zoning District to the RC-1 Rural Residential Zoning District under the Town of Lowell Zoning Ordinance.

Second by Grebel Vote 3-0 Motion carried.

TOWN AMENDMENT REQUEST

Town of Williamstown Town Board – A petition to amend the text of the Town of Williamstown Zoning Ordinance has been submitted by the Town of Williamstown Town Board to the County Board of Supervisors for approval. The intent of the changes is to amend or clarify certain provisions and definitions used in the Town Zoning Ordinance. The petition includes the modification of the penalty provisions of the Ordinance, adds "Cemeteries" as a conditional use in the Agricultural Zoning District, makes a correction to the code references regarding "outlier" parcels and redefines the term "livestock". County Board Recommendation

Motion by Schaefer to submit a favorable recommendation to the County Board on the petition to amend the text of the Town of Williamstown Zoning Ordinance as described in Exhibit A.

Second by Grebel Vote 3-0 Motion carried.

The hearing procedures were read into the record.

PUBLIC HEARING

Brian and Leah Thorp, agents for Henry and Iris Steffen - SE ¼, NE ¼, Section 36, Town of Lebanon, the site address being N310 Steward Drive. Due to an error in the publishing of the hearing notice, the public hearing for Brian Thorp, agent for Henry and Iris Steffen was rescheduled for October 5, 2015 at 7:00 PM.

PUBLIC HEARING

New Frontier Land Surveying, agent for Mike Zimmerman – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of an approximate 1-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The property is located in part of the SE ¼, SE ¼, Section 5, T12N, R14E, Town of Trenton, the site address being W8996 Breezy Point Road.

Motion by Grebel to approve the conditional use permit request to allow for the creation of an approximate 1-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 1.9-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 constructed 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:
 - 044-1214-0544-000
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 Bobholz Vote 3-0 Motion carried.

PUBLIC HEARING

Peter and Cynthia McFarland – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow the establishment of an animal confinement facility within the A-1 Prime Agricultural Zoning District with a maximum 998 animal units on this site. The property is located in part of SE ¼, NE ¼, Section 36, T09N, R14E, Town of Shields, the site address being N302 County Road K.

Motion by Schaefer to approve the conditional use permit to allow the establishment of an animal confinement facility within the A-1 Prime Agricultural Zoning District with a maximum 998 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. It shall be the responsibility of the applicant to obtain all other Federal, State and/or local municipality permits and approvals that may be required for the proposed operation on this site.
3. Any significant change to the existing or proposed facilities for this operation, any modification or addition of manure storage facilities and any future expansion of the facility that would exceed 998 Total Animal Units (AU), may require that a new or modified Conditional Use Permit (CUP) be approved.
4. The applicant shall obtain a Dodge County Land Use Permit for the proposed addition to the existing barn prior to the construction of the addition.

Second by Grebel Vote 3-0 Motion carried.

ADMINISTRATIVE BUSINESS

Parks

1. Astico Park update
Bill Ehlenbeck provided the Committee with an update on the cleanup for Astico Park. Bill indicated that the park was opened for camping on Labor Day weekend and has been full on weekends since this date. A portion of the park remains closed as the tree cleanup continues. DNR forester walked through the park and marked additional trees for removal. The contracts for both vendors were extended to accommodate the additional tree removal. The roofing projects for the pit toilet and the pump house were completed. The only remaining projects are the reconstruction of the shelter and the cemetery fence that were damaged in the storm. A 2016 budget sheet for the parks was reviewed with the Committee. The trail system for the park will be reviewed and some of the logging roads may be used to re-route the trails at the park. A grant request for \$10,000.00 was submitted to the DNR for forestry projects at Astico to include inventory and planting of trees. The construction of a second dump station is being considered for the park to alleviate the long wait times on weekends. The brochure for Fall Fest was distributed to the Committee.
2. Request to carryover sales tax funds for Trail rehab project
The trail rehab project in this year's budget will not be done this year due to lack of a matching grant. The project is now planned for next year. Finance Department recommended the funding for the project be placed within the 2016 budget rather than going through carryover requests since the funding has been approved and the project hasn't changed. Therefore no carryover request is needed from the Committee.

OTHER BUSINESS

1. The minutes from the August 17, 2015 meeting were reviewed by the Committee.

Motion by Grebel to approve the minutes as written.

Second by Bobholz Vote:3-0 Motion carried.

2. No Committee Member Reports

3. No additional Per Diems

Motion by order of the Chair to adjourn the meeting.

Meeting adjourned at 8:05 p.m.

Respectfully Submitted,

Allen Behl, Secretary

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