

**Land Resources and Parks Department  
Staff Report**

**Town Rezoning Petition # 2016-0289**

**Owner:**

JM Schmidt & Sons Inc.  
N8133 Doyle Road  
Theresa, WI 53091

**Filing Date: May 11, 2016**

**Committee Review Date: June 6, 2016**

**Property Location**

**PIN# 042-1217-3543-000; 042-1217-3513-000; 042-1217-3542-000;**

**Site Location:**

The SW ¼, NE ¼, the NW ¼, SE ¼, and part of the SW ¼, SE ¼, Section 35, Town of Theresa, Dodge County, Wisconsin, the site address being N7502 Doyle Road

**Request:**

A petition to rezone approximately 97.355-acres of land from the A-2 General Agriculture Zoning District to the A-1 Farmland Preservation Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval.

**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 6 to 18%;

Land Use, Site: Agricultural operation.

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

Designated Archaeological Site:    Yes             No

The proposal is consistent with the Dodge County Comprehensive Plan:

- The site is designated as agricultural according to the County's Future Land Use Map.

The proposal is not consistent with the Farmland Preservation Map as the site is designated as nonagricultural development.

- If the owner intends on requesting the Farmland Preservation Tax Credits for this property, they will be required to amend the Town and County's Comprehensive plan/Farmland Preservation Map to designate the area as agricultural.

**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. Therefore, staff recommends the committee report favorably on the town rezoning petition.

**Dodge County Planning, Development and Parks Committee Decision**

**Town Rezoning Petition # 2016-0289**

**Owner:**

JM Schmidt & Sons Inc.  
N8133 Doyle Road  
Theresa, WI 53091

**Filing Date: May 11, 2016**

**Committee Review Date: June 6, 2016**

**Property Location**

**PIN# 042-1217-3543-000; 042-1217-3513-000; 042-1217-3542-000;**

**Site Location:**

The SW ¼, NE ¼, the NW ¼, SE ¼, and part of the SW ¼, SE ¼, Section 35, Town of Theresa, Dodge County, Wisconsin, the site address being N7502 Doyle Road

**Request:**

A petition to rezone approximately 97.355-acres of land from the A-2 General Agriculture Zoning District to the A-1 Farmland Preservation Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval.

**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:

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**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

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

**Motion (Carried / Denied)**

Dodge County Planning, Development and Parks Committee

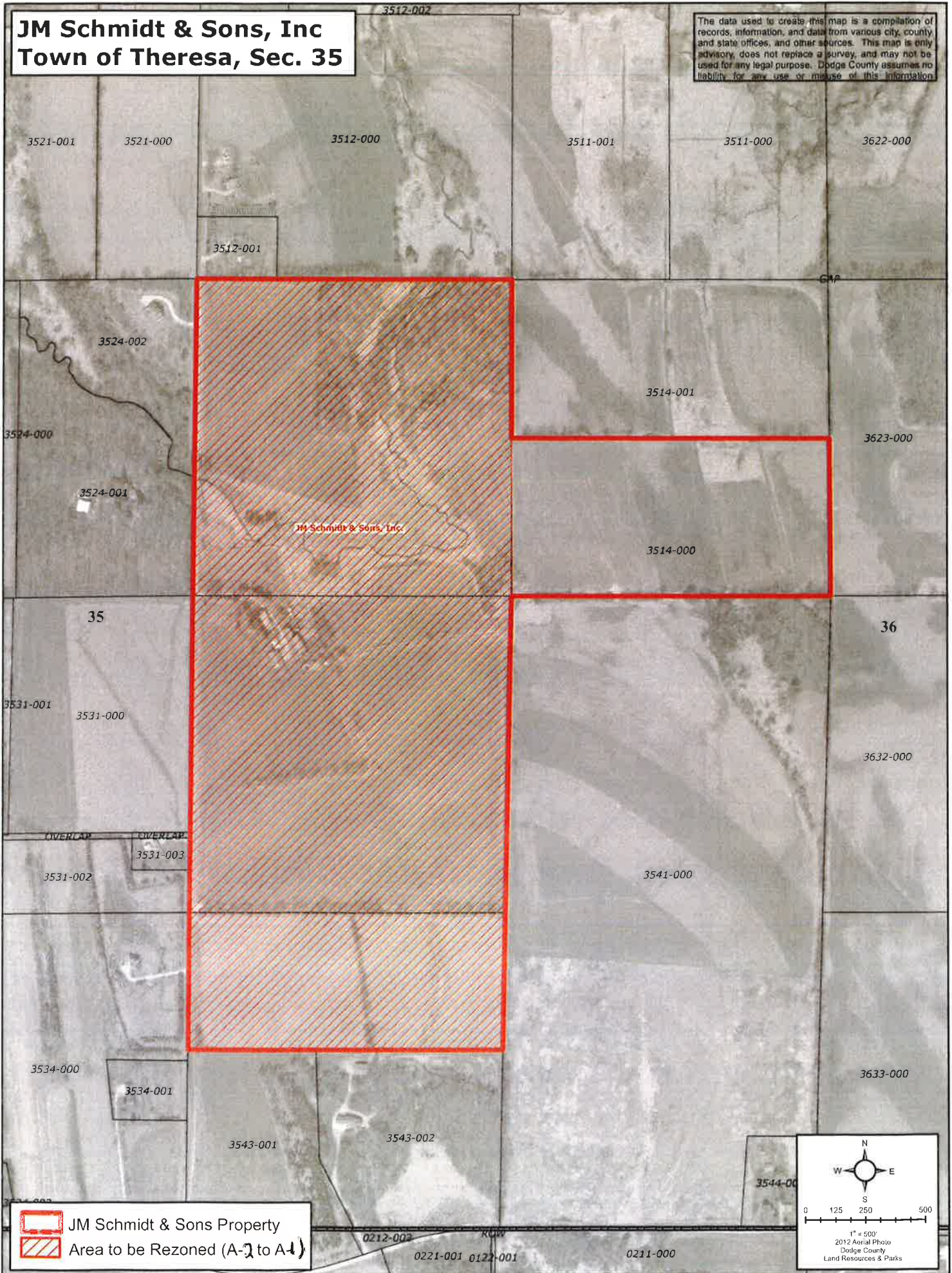
Signed \_\_\_\_\_ Attest \_\_\_\_\_  
Chairperson Secretary

Dated: \_\_\_\_\_

Filed: \_\_\_\_\_

# JM Schmidt & Sons, Inc Town of Theresa, Sec. 35

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.



-  JM Schmidt & Sons Property
-  Area to be Rezoned (A-2 to A-1)

0 125 250 500

1" = 500'  
2012 Aerial Photo  
Dodge County  
Land Resources & Parks

# Land Resources and Parks Department Staff Report

## Town Rezoning Petition # 2016-0291

### Applicant/ Owner:

JM Schmidt and Sons Inc.  
N8133 Doyle Road  
Theresa, WI 53091

### Site Location:

**PIN#** 042-1217-3622-000  
NW 1/4 NW 1/4, Section 36, T12N, R17E,  
Town of Theresa, Dodge County, Wisconsin  
Site Address: W433 Zion Church Road

### Request:

A petition to rezone approximately 40-acres of land from the A-2 General Agricultural Zoning District to the A-1 Farmland Preservation Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval in order to allow participation in the Farmland Preservation Program.

### 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 gently rolling with slopes ranging from 0 to 6%;

Land Use, Site: Agricultural and residential.

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

Designated Archaeological Site:    Yes             No

The proposal is consistent with the Dodge County Comprehensive Plan:

- The site is designated as agricultural according to the County's Future Land Use Map.

The proposal is not consistent with the Farmland Preservation Map as the site is designated as nonagricultural development.

- If the owner intends on requesting the Farmland Preservation Tax Credits for this property, they will be required to amend the Town and County's Comprehensive plan/Farmland Preservation Map to designate the area as agricultural.

The County's Density Standards do not apply;

**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. Therefore, staff recommends the committee report favorably on the town rezoning petition.

**Dodge County Planning, Development and Parks Committee Decision**

**Town Rezoning Petition # 2016-0291**

**Applicant/ Owner:**

JM Schmidt and Sons Inc.  
N8133 Doyle Road  
Theresa, WI 53091

**Site Location:**

**PIN#** 042-1217-3622-000  
NW 1/4 NW 1/4, Section 36, T12N, R17E,  
Town of Theresa, Dodge County, Wisconsin  
Site Address: W433 Zion Church Road

**Request:**

A petition to rezone approximately 40-acres of land from the A-2 General Agricultural Zoning District to the A-1 Farmland Preservation Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval in order to allow participation in the Farmland Preservation Program.

**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:

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**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

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

**Motion (Carried / Denied)**

Dodge County Planning, Development and Parks Committee

Signed \_\_\_\_\_ Attest \_\_\_\_\_  
Chairperson Secretary

Dated: \_\_\_\_\_

Filed: \_\_\_\_\_

**RESOLUTION #**

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, had adopted a comprehensive zoning ordinance which is in full force and effect, and

WHEREAS, the Town Board of the Town of Theresa 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 Theresa held 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 Theresa was held by the Town Plan Commission of the Town of Theresa on April 27<sup>th</sup>, 2016, the proposed amendment to the zoning ordinance of the Town of Theresa having been adopted by the Town Board of the Town of Theresa on May 2<sup>nd</sup>, 2016.

THEREFORE BE IT RESOLVED, that the amendment to the Town Zoning Ordinance of the Town of Theresa as represented by "the site map" 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 \_\_\_\_\_, 2016.

  
\_\_\_\_\_  
GERALD ADELMEYER, Supervisor

**Theresa Town Board      Regular Meeting      May 2, 2016**

The regular meeting of the Theresa Town Board was held on May 2, 2016 in the Theresa Town Hall. The agenda for this meeting was posted at the Town Hall Board, TSB Bank, Theresa Post Office and the Town website.

The meeting was called to order by Chairman Paul Christian at 7:30 p.m. The Pledge of Allegiance was recited. A motion was made by Supervisor Faye Beck and seconded by Supervisor Dale Dyer to approve the agenda. Motion carried. (3 ayes) The minutes of the April 4 meeting were read by the clerk. A motion was made by Supervisor Dyer and seconded by Supervisor Beck to approve the minutes. Motion carried (3 ayes). The clerk read the minutes of the April 7 Special Meeting. Supervisor Beck motioned to approve the minutes and Supervisor Dyer seconded. Motion carried (3 ayes)

**FINANCIAL**

The financial report was given by Treasurer Diane Koch. Budget status report was reviewed. Supervisor Dyer motioned to approve payment of the bills. Supervisor Beck seconded. Motion carried (3 ayes).

**PUBLIC FORUM/GUESTS**

Don Radeck wants everyone to be aware of the rising crime in the area. People need to lock their doors and watch and report unusual happenings in their neighborhoods.

**CORRESPONDENCE**

-Wis. Dept. of Transportation: Great Lakes Basin Transportation, Inc. proposes to construct and operate a new railroad into southern Wisconsin. This may or may not affect our municipality. Comments on this project are due June 15, 2016.

-AIDS Resource Center of WI: They are holding a cycling event, of which the route goes through portions of the Town on July 29. The route will follow McArthur Rd. to Hwy. AY to Zion Church Rd. and on to Madison Rd. They will take care of caution and directional signs, etc.

**UNFINISHED BUSINESS**

-Report on properties in violation of nuisance ordinance: There haven't been any updates from the owner of the property on Zion Church Rd., but Supervisor Dyer noted that they have removed many of the vehicles and it looks like they are working on cleaning up. The house and trailer on the property on West Bend Rd. have been razed and they are starting construction on a new house. There was a complaint about the old feed mill property in the Theresa Station being a terrible fire hazard. A letter will be sent.

**NEW BUSINESS**

-Discuss/Approve J.M. Schmidt & Sons Rezoning: Supervisor Dyer made a motion to approve the rezoning of the 40 acre parcel #042-1217-3622-000 from A-2 General Agriculture to A-1 Farmland Preservation. Supervisor Beck seconded the motion. Motion carried (3 ayes).

-Discuss updating Zoning Ordinance: The Plan Commission is working on updating the Ordinance. Diane Koch also explained that there was no provision in the ordinance allowing new construction of buildings under 960 sq. ft. so that will need to be changed.

-Discuss Theresa Lions' shelter project: They would like to build a shelter in the back of the Town Hall. This will be discussed further at next month's meeting.

-Discuss truck repairs: The truck is still at Burke Truck being repaired. It could cost \$8000 - \$9000.

-Discuss Mountain Rd. incident: Don Bonack explained that someone had plugged a culvert on Mountain Rd. with a piece of perfectly cut wood causing about seventy acres to flood. The water was chest high, so he had to devise a way to get the plug out safely. After discussion, a motion was made by Supervisor Beck to send a bill for \$200 to cover labor and equipment used. Motion was seconded by Supervisor Dyer. Motion carried (3 ayes).

-Highway Superintendent Report: Three culverts need to be replaced this year on South Bluemound Rd. so he will be working on that. Don also said that he turned in the salt bid last week.

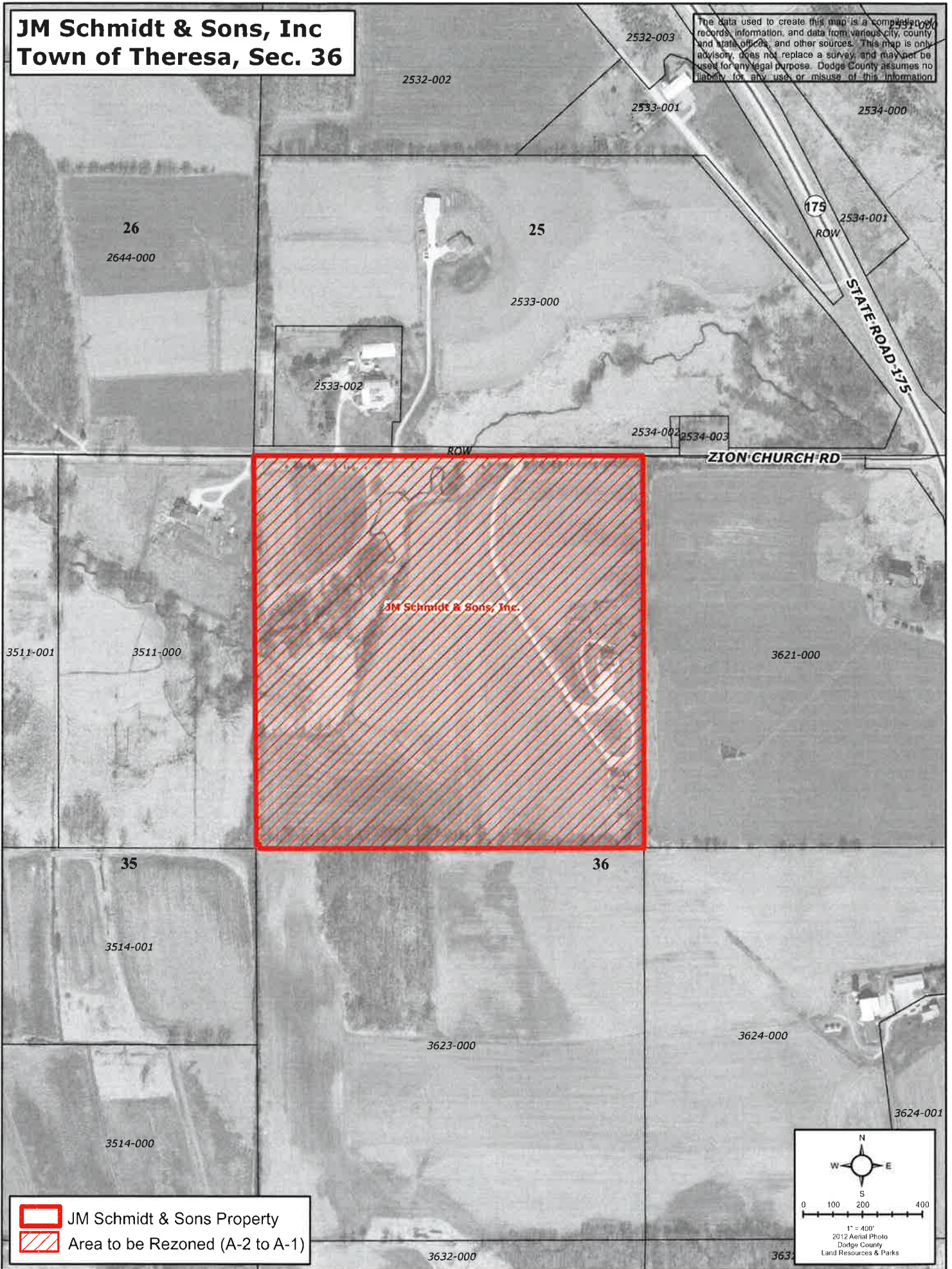
Supervisor Dyer made a motion to adjourn the meeting. Supervisor Beck seconded. Motion carried (3 ayes). The meeting was duly adjourned at 8:40 p.m.

Respectfully Submitted,  
Diane Steger



# JM Schmidt & Sons, Inc Town of Theresa, Sec. 36

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 JM Schmidt & Sons Property  
 Area to be Rezoned (A-2 to A-1)

N  
W E  
S  
0 100 200 400  
1" = 400'  
2012 Aerial Photo  
Dodge County  
Land Resources & Parks

# Land Resources and Parks Department

## Staff Report

### Town Rezoning Petition # 2016-0331

#### Owner:

Emmanuel Lutheran Church  
W630 Church Road  
Hartford, WI 53027

**Filing Date: May 23, 2016**

**Committee Review Date: June 6, 2016**

#### Property Location

PIN# 020-1117-1412-001

Property Location: Part of the NW ¼, NE ¼, Section 14, Town of Herman, the site address being W630 Church Road.

#### Applicants Request

A petition to rezone approximately 4.046-acres of land from the A-2 General Agriculture Zoning District to the R-2 General Residential Zoning District has been submitted by the Town of Herman Town Board to the Dodge County Board of Supervisors for approval in order to allow for the creation of an approximate 0.092-acre, 0.582-acre, 1.126-acre and a 2.224-acre lot at this location. The 2.224-acre lot contains a cemetery. The 1.126-acre lot contains an existing residence and accessory building which is intended for residential use. The 0.582-acre lot contains the existing church and the 0.092-acre lot contains an old school house.

#### 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 proposed lots are not located within the wetland or floodplain district.

The topography of the site is gently rolling with slopes ranging from 0 to 6%;

Land Use, Site: Church, School, Cemetery and residential.

Land Use, Area: Agricultural with scattered residences along STH "33" and Church road.

The County's Density Standards do not apply;

The proposal is not consistent with the Dodge County Comprehensive Plan:

- The site is designated as utilities and community services.
- The Dodge County Comprehensive Plan is not applicable in this case as the Town of Herman has not adopted the County's Land Use Code.

On May 21, 2015, the Dodge County Board of Adjustment approved a variance to allow for the creation of the 4-lots at this location.

**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. Therefore, staff recommends the committee report favorably on the town rezoning petition.

**Dodge County Planning, Development and Parks Committee Decision**

**Town Rezoning Petition # 2016-0331**

**Owner:**

Emmanuel Lutheran Church  
W630 Church Road  
Hartford, WI 53027

**Filing Date: May 23, 2016**

**Committee Review Date: June 6, 2016**

**Property Location**

PIN# 020-1117-1412-001

Property Location: Part of the NW ¼, NE ¼, Section 14, Town of Herman, the site address being W630 Church Road.

**Applicants Request**

A petition to rezone approximately 4.046-acres of land from the A-2 General Agriculture Zoning District to the R-2 General Residential Zoning District has been submitted by the Town of Herman Town Board to the Dodge County Board of Supervisors for approval in order to allow for the creation of an approximate 0.092-acre, 0.582-acre, 1.126-acre and a 2.224-acre lot at this location. The 2.224-acre lot contains a cemetery. The 1.126-acre lot contains an existing residence and accessory building which is intended for residential use. The 0.582-acre lot contains the existing church and the 0.092-acre lot contains an old school house.

**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:

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**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

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

**Motion (Carried / Denied)**

Dodge County Planning, Development and Parks Committee

Signed \_\_\_\_\_ Chairperson      Attest \_\_\_\_\_ Secretary

Dated: \_\_\_\_\_

Filed: \_\_\_\_\_

TOWN BOARD MEETING – MAY 19, 2015

TOWN OF HERMAN, DODGE COUNTY, WISCONSIN

Immediately following the adjournment of the Plan Commission meeting the Town of Herman Board met to consider the recommendations made by the Plan Commission and possibly act on them.

The meeting was called to order at 7:25pm with the following present: Chairperson Christ, Supervisor Ravanelli, Clerk Beine, and Zoning Administrator Greuel. Absent: Supervisor Justmann

Christ moved to approve the rezone application #2 by Emmanuel Lutheran Church to rezone 4.046 acres from A-2 General Agricultural District to R-2 General Residential under the Zoning Ordinance, Town of Herman, Dodge County, Wisconsin in the NW ¼ of the NE ¼ of Section 14, seconded by Ravanelli and carried. 2 ayes

Christ moved to approve the conditional use permit application #130 by Emmanuel Lutheran Church to create a planned unit development (PUD) under the Zoning Ordinance, Town of Herman, Dodge County, Wisconsin in the NW ¼ of the NE ¼ of Section 14 along with following any conditions set forth by the Dodge County Board of Adjustment or Dodge County Land Resources and Parks, seconded by Ravanelli and carried. 2 ayes

Christ made a motion to adjourn, seconded by Ravanelli and carried. 2 ayes The meeting was adjourned at 7:29pm

Diane Beine, Clerk



**RESOLUTION # \_\_\_\_\_**

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, had adopted a comprehensive zoning ordinance which is in full force and effect, and

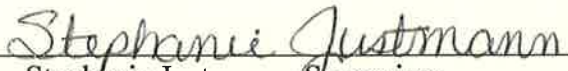
WHEREAS, the Town Board of the Town of Herman has adopted a Town Zoning Ordinance for said town, the power to adopt a Town Zoning Ordinance having been granted by a referendum vote of the electors of the Town of Herman held at the time of a regular annual town meeting, and

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

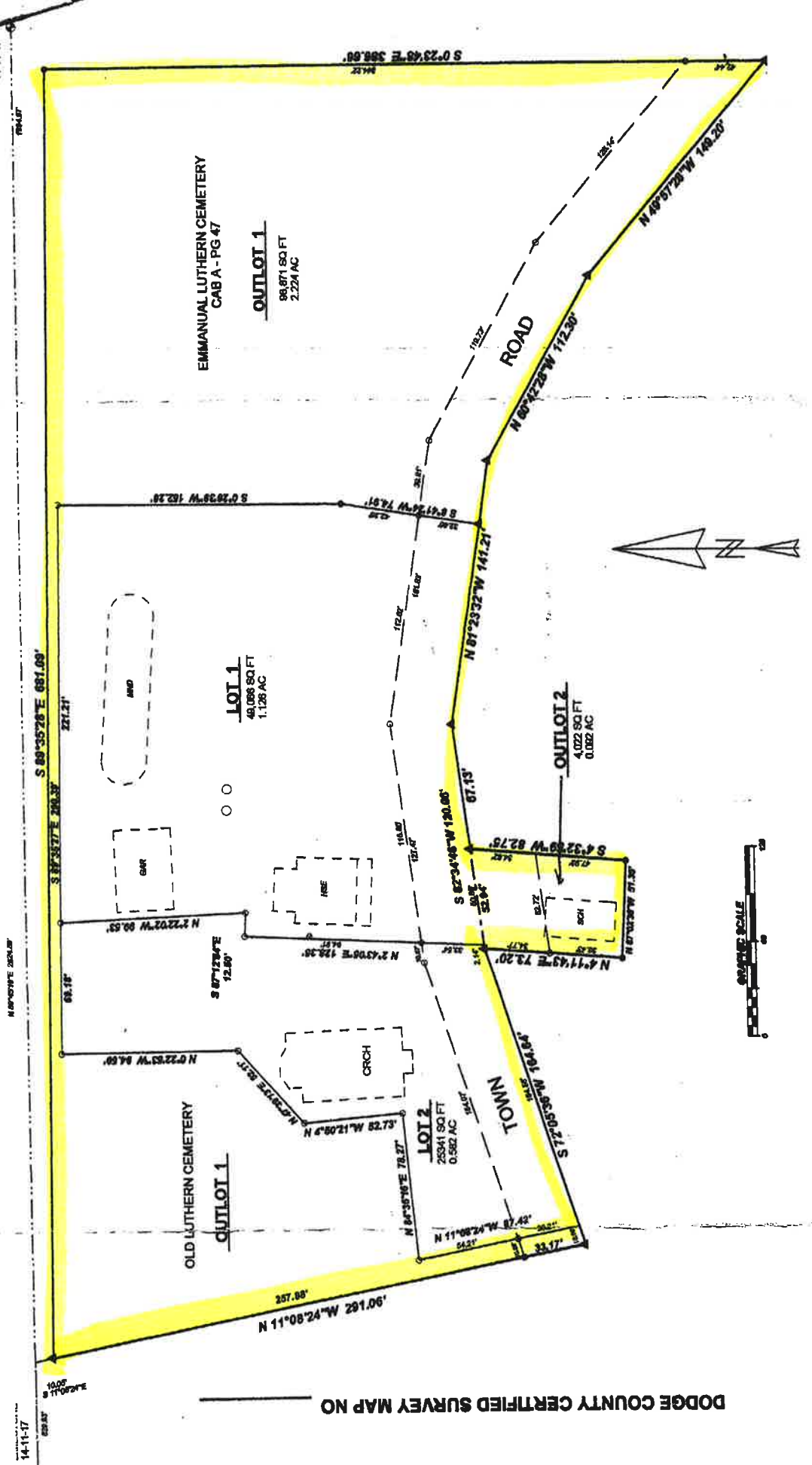
WHEREAS, a public hearing as to the proposed amendments to the Town Zoning Ordinance of the Town of Herman was held by the Town Plan Commission on May 19, 2015 having been adopted by the Town Board of the Town of Herman on May 19, 2015,

THEREFORE BE IT RESOLVED, that the revised Town Zoning Ordinance of the Town of Herman as represented by "Exhibit A" attached to 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 9th day of May, 2016.

  
Stephanie Justmann, Supervisor

DODGE COUNTY CERTIFIED SURVEY MAP NO

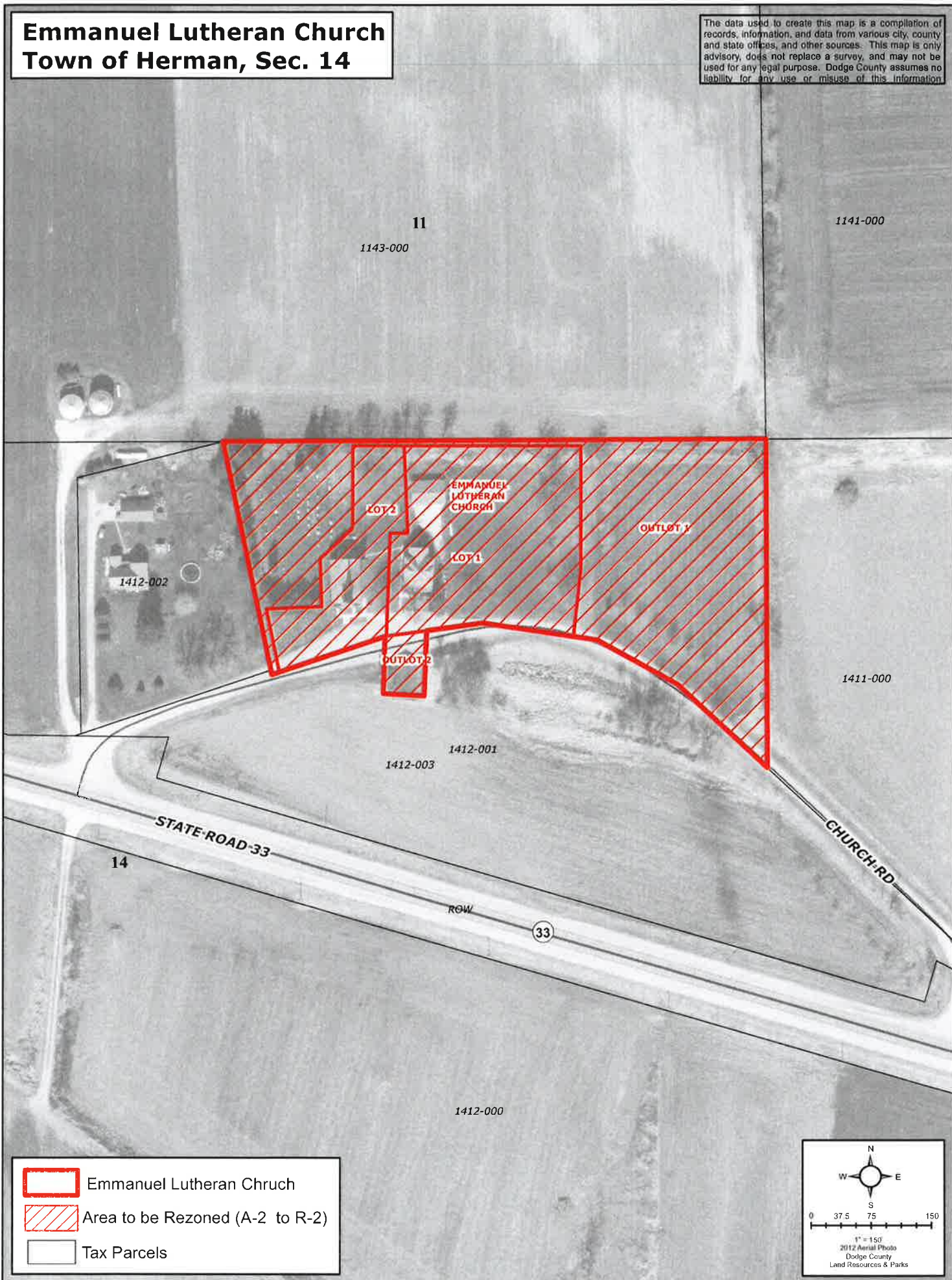





14-11-17

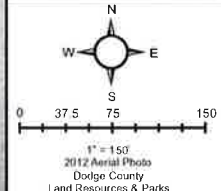
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# Emmanuel Lutheran Church Town of Herman, Sec. 14

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-  Emmanuel Lutheran Church
-  Area to be Rezoned (A-2 to R-2)
-  Tax Parcels



1" = 150'  
2012 Aerial Photo  
Dodge County  
Land Resources & Parks

**Land Resources and Parks Department  
Staff Report**

**Town Rezoning Petition # 2016-0332**

**Owner:**

St. Mary's Congregation  
N5092 County Road WS  
P. O. Box 43  
Woodland, WI 53099

**Filing Date: May 23, 2016**

**Committee Review Date: June 6, 2016**

**Property Location**

PIN# 020-1117-3132-002; 020-1117-3132-003; 020-1117-3132-013;

Property Location: Part of the NW ¼, SW ¼, Section 31, Town of Herman, the site address being N5092 County Road WS.

**Applicants Request**

A petition to rezone approximately 2.75-acres of land under the Town of Herman Zoning Ordinance, from the A-2 General Agriculture Zoning District to the R-2 General Residential Zoning District has been submitted by the Town of Herman Town Board to the Dodge County Board of Supervisors for in order to allow for the creation of a 1.75-acre and a 1-acre lot at this location.

**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 proposed lots are not located within the wetland or floodplain district.

The property is located within the sanitary district.

The topography of the site is gently rolling with slopes ranging from 0 to 6%;

Land Use, Site: Residential, cemetery, church and agricultural.

Land Use, Area: Agricultural to the north, east and west, residential and commercial to the south.

Designated Archaeological Site:    Yes             No

The County's Density Standards do not apply;

The proposal is not consistent with the Dodge County Comprehensive Plan as a portion of the property is designated as Utilities and Community Services and a portion of the property is designated as single family residential.

- The Dodge County Comprehensive Plan is not applicable in this case as the Town of Herman has not adopted the County's Land Use Code.

**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. Therefore, staff recommends the committee report favorably on the town rezoning petition.

**Dodge County Planning, Development and Parks Committee Decision**

**Town Rezoning Petition # 2016-0332**

**Owner:**

St. Mary's Congregation  
N5092 County Road WS  
P. O. Box 43  
Woodland, WI 53099

**Filing Date: May 23, 2016**

**Committee Review Date: June 6, 2016**

**Property Location**

PIN# 020-1117-3132-002; 020-1117-3132-003; 020-1117-3132-013;

Property Location: Part of the NW ¼, SW ¼, Section 31, Town of Herman, the site address being N5092 County Road WS.

**Applicants Request**

A petition to rezone approximately 2.75-acres of land under the Town of Herman Zoning Ordinance, from the A-2 General Agriculture Zoning District to the R-2 General Residential Zoning District has been submitted by the Town of Herman Town Board to the Dodge County Board of Supervisors for in order to allow for the creation of a 1.75-acre and a 1-acre lot at this location.

**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:

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**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

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

**Motion (Carried / Denied)**

Dodge County Planning, Development and Parks Committee

Signed \_\_\_\_\_ Attest \_\_\_\_\_  
Chairperson Secretary

Dated: \_\_\_\_\_

Filed: \_\_\_\_\_

**RESOLUTION # \_\_\_\_\_**

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, had adopted a comprehensive zoning ordinance which is in full force and effect, and

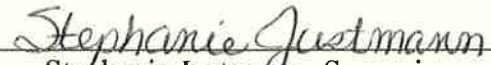
WHEREAS, the Town Board of the Town of Herman has adopted a Town Zoning Ordinance for said town, the power to adopt a Town Zoning Ordinance having been granted by a referendum vote of the electors of the Town of Herman held at the time of a regular annual town meeting, and

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 amendments to the Town Zoning Ordinance of the Town of Herman was held by the Town Plan Commission on April 20, 2016 having been adopted by the Town Board of the Town of Herman on April 20, 2016,

THEREFORE BE IT RESOLVED, that the revised Town Zoning Ordinance of the Town of Herman as represented by "Exhibit A" attached to 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 9th day of May, 2016.

  
\_\_\_\_\_  
Stephanie Justmann, Supervisor

TOWN BOARD MEETING – APRIL 20, 2016

TOWN OF HERMAN, DODGE COUNTY, WISCONSIN

Immediately following the adjournment of the Plan Commission meeting the Town of Herman Board met to consider the recommendations made by the Plan Commission and possibly act on them.

The meeting was called to order at 7:21pm with the following present: Chairperson Christ, Supervisors Justmann and Ravanelli, Clerk Beine, and Zoning Administrator Greuel.

Justmann made a motion to accept the agenda as printed, with a second by Ravanelli and carried. 3 ayes

Justmann moved to approve a minor land division and rezone application by St. Mary's Catholic Church to create and rezone a 1.75 acre parcel and a 1.0 acre parcel from an approximate 8 acre parcel in the A-2 General Agricultural District to R-2 General Residential under the Land Division & Development Ordinance, Chapter 251 and Zoning Ordinance, Chapter 384 Code of Ordinances, Town of Herman, Dodge County, Wisconsin in the NW ¼ of the SW¼ of Section 31, seconded by Ravanelli and carried. 3 ayes

Justmann moved to approve a minor land division application by Gehring View Farms LLC to create an agricultural parcel under the Land Division & Development Ordinance, Chapter 251, Code of Ordinances, Town of Herman, Dodge County, Wisconsin in the NE¼ and SE ¼ of the SW ¼ of Section 11 and the NE ¼ of the NW ¼ in Section 14, seconded by Ravanelli and carried. 3 ayes

Justmann made a motion to adjourn, seconded by Ravanelli and carried. 3 ayes The meeting was adjourned at 7:25pm

Diane Beine, Clerk



Rezoning Petition  
A-2 General Agriculture to R-2 General Residential

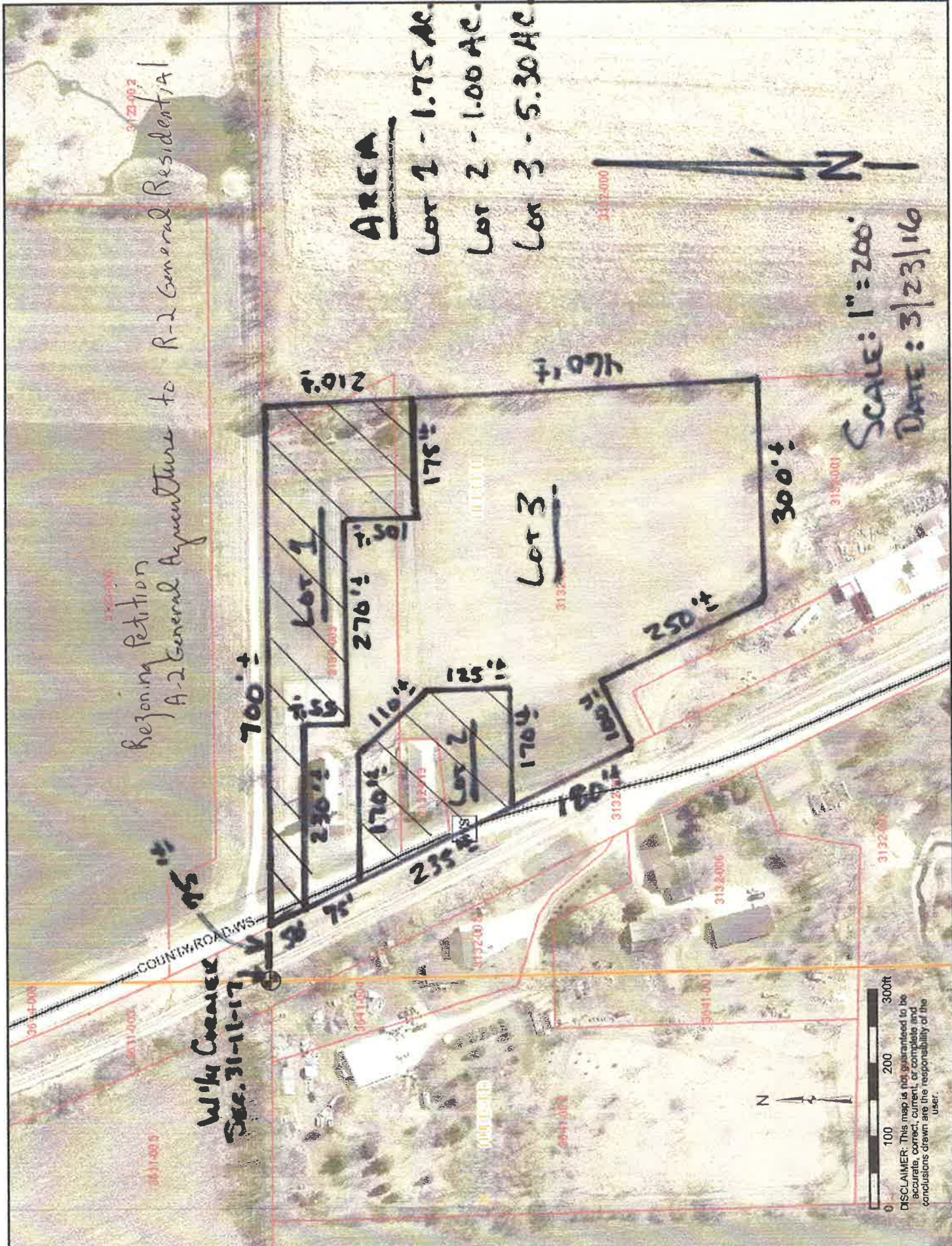
Wm Creever  
Dec. 31-11-17

AREA

Lot 1 - 1.75 AC.

Lot 2 - 1.00 AC.

Lot 3 - 5.30 AC.

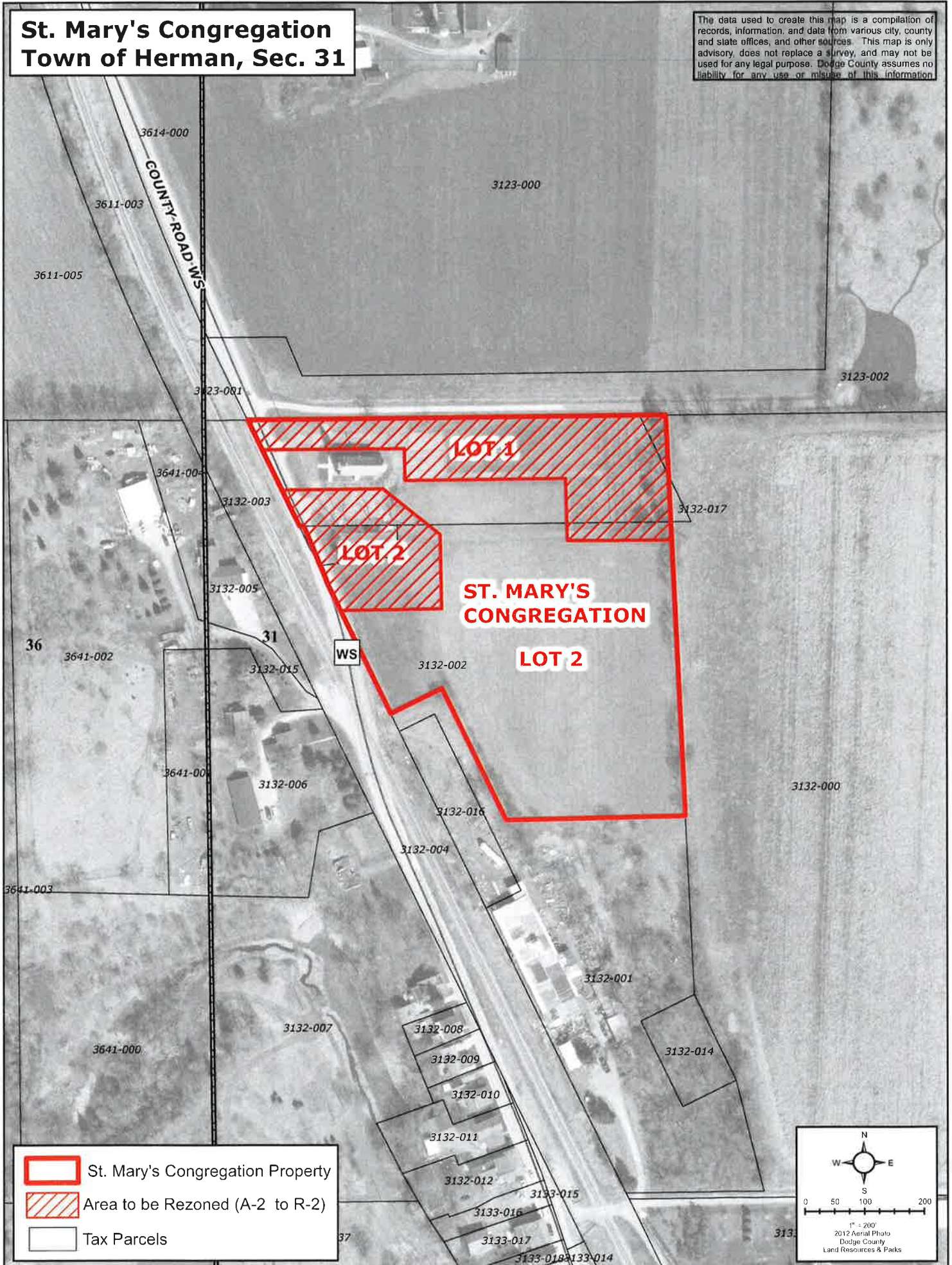


SCALE: 1" = 200'  
DATE: 3/23/16

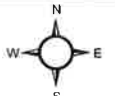
0 100 200 300ft  
DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

# St. Mary's Congregation Town of Herman, Sec. 31

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.



- St. Mary's Congregation Property
- Area to be Rezoned (A-2 to R-2)
- Tax Parcels



0 50 100 200

1" = 200'

2012 Aerial Photo  
Dodge County  
Land Resources & Parks

## Land Resources and Parks Department Staff Report

**County Conditional Use Permit Application # 2016-0259**

**Filing Date: May 4, 2016**

**Hearing Date: June 6, 2016**

**Applicant (Agent):**

New Frontier Land Surveying  
P.O. Box 576  
Beaver Dam, WI 53916

**Owner:**

Rudy Sennhenn Jr.  
122 Burchardt St.  
Beaver Dam, WI 53916

**Location:**

PIN# 014-1013-1412-000; 1413-000; 1431-000; 1442-000;

Property Location: Part of the NW ¼, NE ¼, Section 14, Town of Elba, the site address being N4072 County Road T.

**Applicants Request**

An application for a County Conditional Use Permit was made by the applicant in order they be allowed to create an approximate 6-acre single family nonfarm residential lot within the A-1 Prime Agricultural Zoning District.

The applicant owns approximately 160-acres at this location with approximately 1-acre along the west side of County Road T and 159-acres along the east side of County Road T. The request is to allow the creation of an approximate 6-acre and a 154-acre lot at this location. The 6-acre lot will include approximately 1-acre of land along the west side of County Road T and approximately 5-acres along the east side of County Road T. The proposed 5-acre parcel along the east side of County Road "T" contains a residence and accessory buildings which are intended for residential use. The 1-acre parcel along the west side of County Road T is vacant agricultural land which is intended for agricultural use only. The remaining 154-acres will remain in agricultural use.

**County Jurisdiction**

The County has Zoning Jurisdiction over this site as the Town of Elba 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 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 property is located within the A-1 Prime Agricultural Zoning District.

Portions of the 154-acre lot are designated as wetlands.

The proposed 6-acre lot does not contain wetlands.

The proposed lots are not located within the floodplain district.

The base farm tract contains 160-acres that are located within the A-1 Prime Agricultural Zoning District;

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

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 County Road T.

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. 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 7.619-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be located on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
  - 014-1013-1412-000; 014-1013-1413-000; 014-1013-1431-000; 014-1013-1442-000;
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.



**“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"/>
<b>3.7.2.D.1</b> Non-farm residential acreage ratio:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"><li>• Acreage of Base Farm Tract: 160 acres;</li><li>• Non-farm residential acreage: 6 acres;</li><li>• Farm acreage remaining after project is completed: 154 acres;</li><li>• 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"><li>▪ Ratio of non-farm residential acreage to farm acreage: 1 to 25.6 or 0.03</li></ul></li></ul>			
<b>3.7.2.D.2</b> 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"><li>• 0 - Number of existing non-farm residential units located on base farm tract;</li><li>• 1 - Number of proposed non-farm residential units located on base farm tract;</li><li>• 1 - Total number of non-farm residential units located on base farm tract;</li></ul>			
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"><li>• 1 - Number of existing residential units located on base farm tract;</li><li>• 0 - Number of proposed residential units located on base farm tract;</li><li>• 1 - Total number of residential units located on base farm tract;</li></ul>			
<b>3.7.2.D.3.a</b> Location of the proposed lots:	<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;			
<ul style="list-style-type: none"><li>○ The 1-acre lot along the west side of County Road T will remain in agricultural use.</li></ul>			
<b>3.7.2.D.3.b</b> Location of the proposed lots:	<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:

**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 lot 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 # 2016-0259**

**Filing Date: May 4, 2016**

**Hearing Date: June 6, 2016**

**Applicant (Agent):**

New Frontier Land Surveying  
P.O. Box 576  
Beaver Dam, WI 53916

**Owner:**

Rudy Sennhenn Jr.  
122 Burchardt St.  
Beaver Dam, WI 53916

**Location:**

PIN# 014-1013-1412-000; 1413-000; 1431-000; 1442-000;  
Property Location: Part of the NW ¼, NE ¼, Section 14, Town of Elba, the site address being N4072 County Road T.

**Applicants Request**

An application for a County Conditional Use Permit was made by the applicant in order they be allowed to create an approximate 6-acre single family nonfarm residential lot within the A-1 Prime Agricultural Zoning District.

The applicant owns approximately 160-acres at this location with approximately 1-acre along the west side of County Road T and 159-acres along the east side of County Road T. The request is to allow the creation of an approximate 6-acre and a 154-acre lot at this location. The 6-acre lot will include approximately 1-acre of land along the west side of County Road T and approximately 5-acres along the east side of County Road T. The proposed 5-acre parcel along the east side of County Road "T" contains a residence and accessory buildings which are intended for residential use. The 1-acre parcel along the west side of County Road T is vacant agricultural land which is intended for agricultural use only. The remaining 154-acres will remain in agricultural use.

**CONCLUSIONS OF LAW**

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

According to Section 3.7.2.D of the Land Use Code and Wisconsin State Statute 91.46, a proposal to convert a farm residence to a nonfarm residence through a change in occupancy can be approved if all of the following apply:

**3.7.2.D.1 Does the proposal meet the nonfarm residential acreage standards for the A-1 Prime Agricultural Zoning District?**

(Yes / No)

If no, the request shall be denied.

**3.7.2.D.2** Does the proposal meet the density standards for the A-1 Prime Agricultural Zoning District?

(Yes / No)

If no, the request shall be denied.

**3.7.2.D.3.a** Will the proposed nonfarm residential lot convert cropland or "prime farmland" into non-farm use;

(Yes / No)

If yes, are there reasonable alternative locations for the proposed lot that would convert less cropland or prime farmland into nonfarm residential use?

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**3.7.2.D.3.b** Will the location of the nonfarm residential lot significantly impair the current or future agricultural use of other "protected farmland"?

(Yes / No)

If yes, are there any mitigation measures that can be implemented in order to minimize the impact of the nonfarm residential use on the adjacent agricultural use?

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**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?

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**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?

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**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?

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**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?

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**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?

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**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?

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**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?

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

(Yes / No)

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

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

(Yes/No)

1. The 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 7.619-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be located on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
  - 014-1013-1412-000; 014-1013-1413-000; 014-1013-1431-000; 014-1013-1442-000;
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.

Others

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Does the committee believe that the Conditional Use Permit Request meets the approval criteria in Sections 2.3.6.F and 3.7.2.D of the County Land Use Code and the provisions of Wisconsin State Statute 91.46?

(Yes / No)

Motion by \_\_\_\_\_ to (approve / deny) the conditional use permit request based upon the previously mentioned findings and conditions.

Motion second \_\_\_\_\_

**Vote**

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

**Motion (Carried / Denied)**

**ORDER AND DETERMINATION**

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

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


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

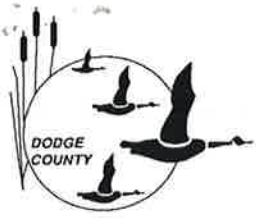
Revocation. This order may be revoked by the Committee in accord with Section 11.4.4 of the Dodge County Land Use Code after notice and opportunity to be heard for violation of any of the conditions imposed.

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

Dodge County Planning, Development and Parks Committee

Signed \_\_\_\_\_ Attest \_\_\_\_\_  
Chairperson Secretary

Dated: \_\_\_\_\_ Filed: \_\_\_\_\_



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

**CONDITIONAL USE PERMIT  
 APPLICATION**

THIS AREA FOR OFFICE USE ONLY	
Activity No. <b>160259</b>	Permit Issued Date <b>5-4-16</b>
Application Date:	Receipt #: <b>8981028</b>
	Sanitary Permit #:

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

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

(1) NAMES & MAILING ADDRESSES	(2) PROPERTY DESCRIPTION				
Applicant (Agent) <i>New Frontier Land Surveying</i>	Parcel Identification Number (PIN) <i>H12-000, 1442-000</i>				
Street Address <i>234 S Spring St.</i>	Town <i>EUCLA</i>	T <i>10</i>	N <i>13</i>	R	E
City • State • ZipCode <i>Beaver Dam WI 53916</i>	1/4 <i>W 1/2 NE 1/4 SW 1/4</i>	1/4	Section <i>14</i>	Acreage <i>160</i>	Lot (Block) <i>6</i>
Property Owner (If different from applicant) <i>Rudy Schmittens Jr.</i>	Subdivision or CSM (Volume/Page/Lot)				
Street Address <i>122 Buchanek St.</i>	Address Of Property (DO NOT include City/State/ZipCode) <i>N 4072 CTH 'T'</i>				
City • State • ZipCode <i>Beaver Dam WI 53916</i>	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

(3) PROPERTY USE	(4) PROPOSED PROJECT
<p align="center"><b>Current Use Of Property</b></p> <input type="checkbox"/> Vacant Property <input checked="" type="checkbox"/> Single-Family Residential <input checked="" type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other _____	<p align="center">(Please check/complete all that apply below)</p> <input checked="" type="checkbox"/> Non-Farm Residential Lot <input checked="" type="checkbox"/> Single Family Residence <input type="checkbox"/> Two-Family Residence <input type="checkbox"/> Multi-Family Residence <input type="checkbox"/> Tavern or Restaurant <input type="checkbox"/> Professional Office <input type="checkbox"/> Non-Metallic Mine/Quarry <input type="checkbox"/> Wind Tower <input 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: _____
<p align="center"><b>DNR Notice</b></p> <p><b>DNR NOTICE:</b> 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 (<a href="http://www.dnr.state.wi.us">www.dnr.state.wi.us</a>) or contact a Department of Natural Resources Service Center.</p>	

**(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 \_\_\_\_\_ Date *5/4/16*

Daytime Contact Number *(920) 296-3905*

**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: _____
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-BREYER RD

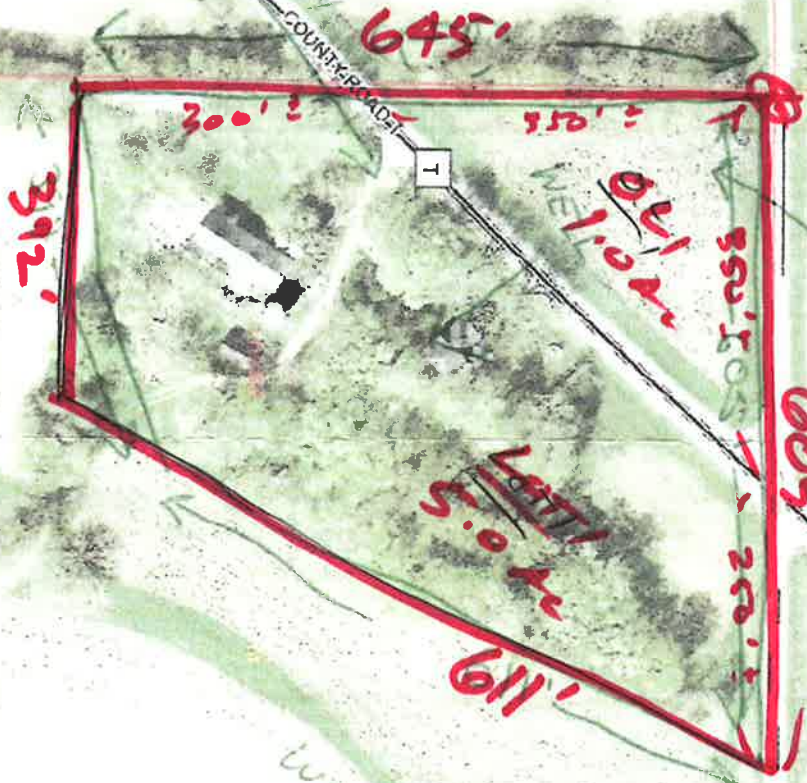
N 1/4 COR. P. 13  
SEC. 18 - T. 13

THIS PROPERTY

TO B MAUELEA OFF

MARIE T. SCHOMANN  
915 S. SHAWNEE ST.  
BEAVER DAM WI.  
53916

TOTAL  
6.04 AC





0 100 200 300ft

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

# Rudolph Sennhenn Town of Elba, Sec. 14

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.



-  Tax Parcels
-  Sennhenn Divisible Lot
-  Base Farm Tract

0 125 250 500  
1" = 500'  
2012 Aerial Photo  
Dodge County  
Land Resources & Parks

**DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE**  
**MINUTES**  
**May 16, 2016**

The Dodge County Planning, Development And Parks Committee met on May 16, 2016 at 7:00 p.m. on the 1<sup>st</sup> Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Tom Schaefer, Allen Behl, William Muche, Joseph Marsik and Janice Bobholz. The staff present at the request of the Chairman were Terry Ochs.

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

The agenda was reviewed and approved as posted.

**COMMITTEE BUSINESS**

1. Election of committee officers;

Motion by William Muche to nominate Tom Schaefer to the position of Chairman;

Second By: Joseph Marsik

Joseph Marsik moved to close nominations and to cast a unanimous ballot for Tom Schaefer

Second by Allen Behl

Vote: 4-0 Motion carried.

Motion by Allen Behl to nominate Joseph Marsik to the position of Vice-Chairman;

Second By: William Muche

William Muche moved to close nominations and to cast a unanimous ballot for Joseph Marsik

Second by Janice Bobholz

Vote: 4-0 Motion carried.

Motion by Janice Bobholz to nominate Allen Behl to the position of Secretary;

Second By: William Muche

William Muche moved to close nominations and to cast a unanimous ballot for Allen Behl

Second by Janice Bobholz

Vote: 4-0 Motion carried.

**PUBLIC HEARING**

**Jacob Land Surveying, LLC, agent for Merlene Hayes Trust and Jeff Hayes** – Application for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of an approximate 1.9-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The property is located in part of the NE ¼, NE ¼, Section 1, Town of Lomira, the site address being N11997 County Road K.

Motion by Joseph Marsik to approve the conditional use permit request to allow the creation of an approximate 1.9-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 1.96-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be located on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A “Notice of Zoning Limitations” document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the “base farm tract” which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
  - 030-1317-0111-000;
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 William Muche

Vote 5-0 Motion carried.

**PUBLIC HEARING**

**Lee Geschke** – Application for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of an approximate 1.57-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The property is located in part of the SW ¼, SW ¼, Section 27 and part of the NW ¼, NW ¼, Section 34, Town of Leroy.

Motion by William Muche to approve the conditional use permit to allow for the creation of an approximate 1.57-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 1.67-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. 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;
6. 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:  
028-1316-2733-001, 028-1316-3422-001;
7. The decision of the Committee is valid for one year.

Second by Janice Bobholz

Vote 5-0      Motion carried.

**PUBLIC HEARING**

**Scott Hewitt, agent for Betty Perry** to rezone approximately 20.5-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District under the Land Use Code, Dodge County, Wisconsin to allow for the creation of a non-farm residential lot on this site. The property is located in part of the NE ¼, NE ¼, Section 18, T13N, R14E, Town of Trenton, the site address being W9403 County Road F.

Motion by Allen Behl to submit a favorable recommendation to the County Board on the request to to rezone approximately 20.5-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District.

Second by William Muche

Vote 5-0 Motion carried.

### **TOWN REZONING REQUESTS**

**Steven Firari** – Part of the SW ¼, NE ¼, Section 22, Town of Portland, Dodge County, Wisconsin. Petition to rezone approximately 2-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District has been submitted by the Town of Portland Town Board to the Dodge County Board of Supervisors for approval. Committee review and recommendation to the County Board.

Motion by Janice Bobholz to submit a favorable recommendation to the County Board on the rezoning petition to rezone approximately 2-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District.

Second by Joseph Marsik

Vote 5-0 Motion carried.

### **PLANNING AND ECONOMIC DEVELOPMENT**

1. Discuss Glacial Heritage Development Partnership proposal between Jefferson County and Dodge County.

An informational sheet regarding the Glacial Heritage Development Partnership proposal between Jefferson County and Dodge County was presented to the Committee.

### **OTHER BUSINESS**

1. Bill Kasch- Provided Floodplain information on Windwood Estates. Floodplain study elevations vs. Flood Storage elevations boundaries. Bill Kasch would like to proceed with Flood Storage as it substantially reduces effected area. Committee believes that with proper determination and review by F.E.M.A. the Committee would be willing to review the affected area as properly delineated.
2. The minutes from the April 18, 2016 meeting were reviewed by the Committee.

Motion by Joseph Marsik to approve the minutes as written.

Second by Janice Bobholz

Vote: 5-0 Motion carried

3. No Committee Reports
4. No Additional Per Diems

Motion by Tom Schaefer to adjourn the meeting.

Meeting adjourned at 8:45 p.m.

Respectfully Submitted,

---

Allen Behl, Secretary

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