

Land Resources and Parks Department Staff Report

Town Rezoning Petition # 2016-0593

Owner:

Scott and Ann Larsen
W462 Zion Church Road
Theresa, WI 53091

Filing Date: August 31, 2016

Committee Review Date: September 12, 2016

Property Location

PIN# 042-1217-2533-000

Lot 2 CSM 5293, being part of SW ¼ of the SW ¼ and part of the SE ¼ of the SW ¼, Section 25, Town of Theresa, the site address being W462 Zion Church Road.

Applicants Request

A petition to rezone approximately 16.3-acres of land from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval. The proposed 16.3-acre parcel will contain an existing residence and wetland area which is intended for non-farm residential use. The remaining 21.3-acres will remain in the A-1 Farmland Preservation District and will be used for agricultural use.

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 area to be rezoned is 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: Residential, agricultural and open space wetlands.

Land Use, Area: Agricultural with scattered residences along Zion Church Road and STH 175.

Designated Archaeological Site: Yes No

The proposal is consistent with the Dodge County Comprehensive Plan:

- The majority of the site to be rezoned is designated as agricultural according to the County's Future Land Use Map which can include a limited amount of residential development, but where the predominant land use would be agricultural in nature.
- A portion of the area to be rezoned is designated as conservancy. This wetland area will remain in open space recreational use.

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 majority of the site to be rezoned is designated as general agriculture which may allow for limited residential development. Therefore, staff recommends the committee report favorably on the town rezoning petition.

Dodge County Planning, Development and Parks Committee Decision

Town Rezoning Petition # 2016-0593

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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
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: _____



Petition to Amend the Zoning Ordinance
(Rezoning)
Town of Theresa – Dodge County, Wisconsin

160593

Contact Information (please print)

Name of Petitioner: NEW FRONTIER LAND SURVEYING

Mailing Address of Petitioner: P.O. Box 576 BEAVER DAM, WI 53916

Daytime Phone Number: 920-296-3905 Evening Phone Number: 920-296-5905

Name of Owner: SCOTT & ANN LARSON

Mailing Address of Owner: W 462 ZION CHURCH RD.

Daytime Phone Number: _____ Evening Phone Number: _____

Property Information

Property Currently Zoned: A-1 Tax Key Number: 042-1217-2533-000

Current Use of Property: AG/RESIDENTIAL

Requested Zoning: LOT 1(A-1)/LOT 2(A-2)

Legal Description of Property Involved (description must come from deed):

LOT 2 CSM No. 5293 BEING PART OF THE SW 1/4-SW 1/4 E
PART OF THE SE 1/4-SW 1/4, SEC. 25

In the event the application is granted, the applicant intends to make the following use of the above described land (describe use in detail):

LOT 1 - AG USE

LOT 2 - RESIDENTIAL, MARSH, WOODS. (CATTLE)

List of Names and Complete Mailing Addresses of all Abutting and Opposite Property Owners:

1. ROGER & LONA SARASEN
N 7785 ST. H '175' THERESA WI 53091
2. PATRICK & JOAN WILSON
W 534 ZION CHURCH RD. THERESA WI 53091
3. ROBERT & JOE SEZZLER
W 501 ZION CHURCH RD. THERESA WI 53091
4. TM SCHMIDT & SONS INC.
N 8133 Joyce Rd. THERESA WI 53091
5. JOHN S. RECON
11556 Coal Creek Heights Dr. Golden, Co. 80403
6. PAUL ATKINSON
W 478 ZION CHURCH RD. THERESA WI 53091
7. _____

Submittal Fees and Requirements

The following must be submitted with the Rezoning Application:

1. Rezoning Fee of \$275 plus Administrative Fee of \$50 **Total \$325**
2. Ten Copies of the Application
3. Ten Copies of the Site Plan (drawn to scale 1") showing the following:
 - a) Boundaries and Dimensions of the Property
 - b) Location and Dimensions of all Existing and Proposed Buildings
 - c) Use of all Existing and Proposed Buildings
 - d) Use of all Properties Within 300 Feet of the Land Proposed for a Conditional Use

Signatures

By the execution of this application, applicant hereby authorizes the Town of Theresa or its agents to enter upon the property for the purpose of inspection. Petitioner/Owner agrees to be in full compliance with the provisions of the Theresa Zoning Ordinance and all other applicable Town, County, and State regulations.

Signature of Petitioner:  Date: 7-27-16

Signature of Owner: _____ Date: _____
(If different than Petitioner)

Send Applications to: Diane Steger, Town Clerk ♦ W783 West Bend Rd ♦ Theresa, WI 53091
920-488-2033 ♦ townoftheresa@yahoo.com

Questions to: Dennis Fleischer, Land Use Administrator ♦ 608-515-6263 ♦ dennisf@seniorhelpers.com

For Office Use Only Application Number: _____

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

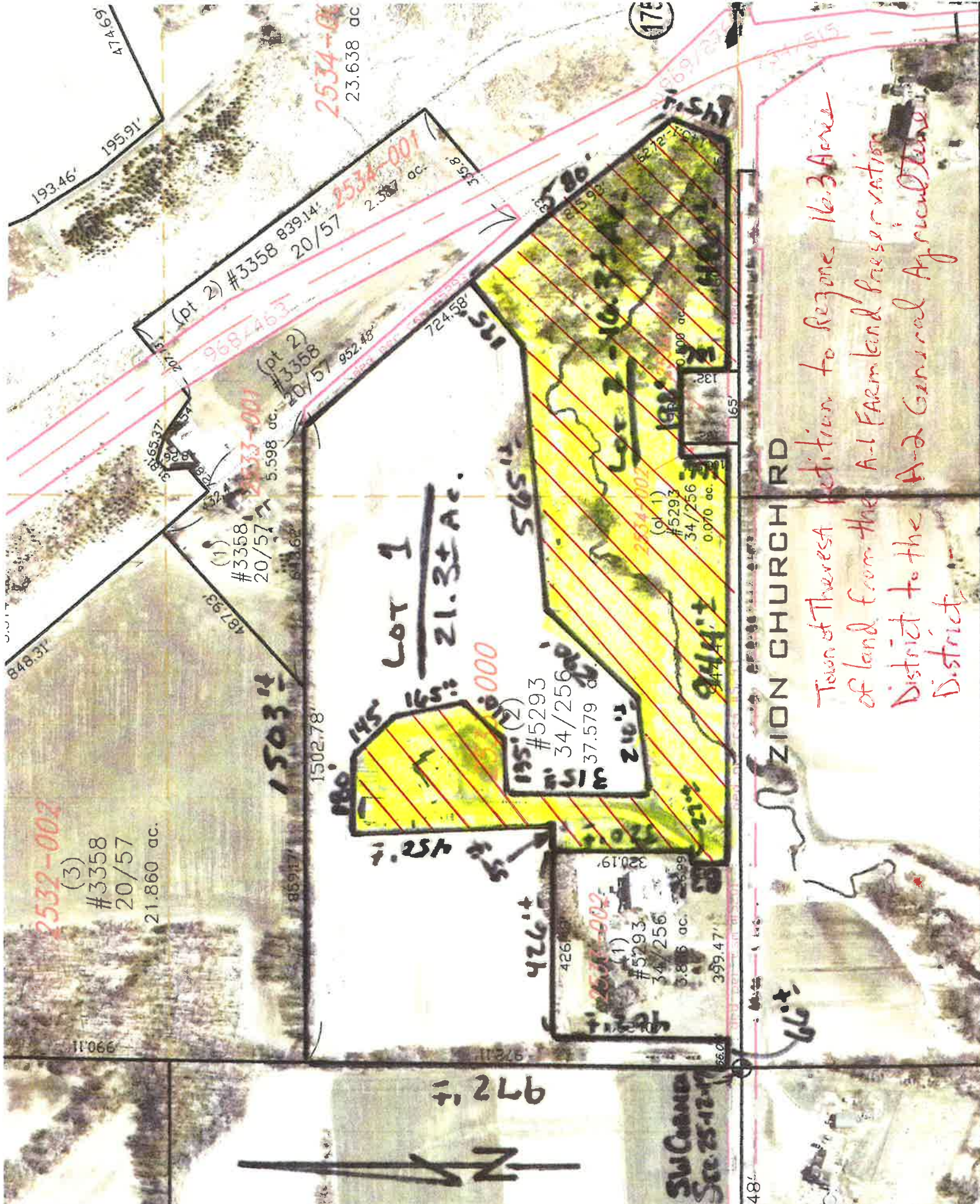
WHEREAS, pursuant to Section 60.62(3) of the Wisconsin Statutes adoption and amendment of a town zoning ordinance by a town board is subject to approval of the county board in counties having a zoning ordinance in force and effect, and

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 August 17th, 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 September 6th, 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.

Dodge County Board Supervisor



Town of Theresa petition to Rezone 16.3 Acres
of land from the A-1 Farmland Preservation
District to the A-2 General Agricultural
District.



48'

SwCamp
Sec. 25-12

972'

426'

7.25'

1503'

1502.78'

LOT 1
21.3± AC.

195'

#5293
34/256
37.579 ac.

210'

(9/1)
#5293
34/256
0.070 ac.

944'

ZION CHURCH RD

48'

(17)

414.69'

195.91'

193.46'

87.6537'

207.02'

87.6537'

207.02'

87.6537'

207.02'

87.6537'

207.02'

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207.02'

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207.02'

87.6537'

207.02'

87.6537'

207.02'



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

THIS AREA FOR OFFICE USE ONLY	
Activity No. 16532	Application Date: 8/5/14
Receipt #: 898844	

REZONING PETITION

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

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION			
Petitioner (Agent) James Grosnick		Parcel Identification Number (PIN) 026-0916-0643-000			
Street Address N2126 Trestle Rd		Town Lebanon	T 09	N 16	R E 16
City • State • ZipCode Watertown, WI 53098		Section 6	1/4 SW	1/4 SE	Acreege 3.5
Property Owner (If different from petitioner)		Subdivision or CSM (Volume/Page/Lot)			
Street Address		Address Of Property (DO NOT include City/State/ZipCode) N2184 County Road EM			
City • State • ZipCode		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

CONTACT PERSON

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

Name _____ Daytime Phone (_____) _____ - _____

PROPOSED REZONING

Current Zoning District A-1 Prime Agricultural	Proposed Zoning District A-2 General Agricultural
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Reason For Rezoning

To allow the creation of a non-farm residential lot

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

CERTIFICATE

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

Signature [Signature] Date 8-5-16
 Daytime Contact Number (920) 285 - 7280

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆



PROFESSIONAL SERVICES

TRANSPORTATION • MUNICIPAL
DEVELOPMENT • ENVIRONMENTAL

201 Corporate Drive Beaver Dam, WI 53918
920-887-4242 1-800-552-6330 Fax: 920-887-4250
© MSA PROFESSIONAL SERVICES

PROJECT NO.

DRAWN BY:

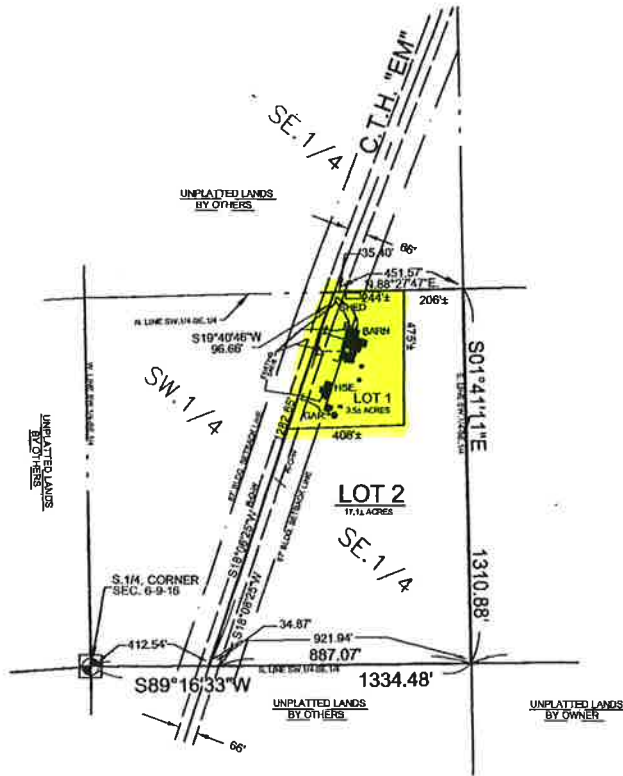
CHECKED BY:

FILE:

SHEET NO.

LETTER-OF-INTENT

LANDS BEING LOT 2 OF CERTIFIED SURVEY MAP NO. 6620 AS RECORDED IN VOLUME 45 OF CERTIFIED SURVEYS ON PAGE 59 IN THE DODGE COUNTY REGISTER OF DEEDS OFFICE AND BEING PART OF THE SW.1/4 OF THE SE.1/4 OF SECTION 6, T.9N., R.16E., TOWN OF LEBANON, DODGE COUNTY, WISCONSIN.



CLIENT:

JAMES GROSENICK
N2126 TRESTLE ROAD
WATERTOWN, WI 53088

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 liability for any use or misuse of this product.



Dodge County Land Resources & Parks

General		Floodplain/Wetland		COUNTY ZONING	
Urbanized Roads	Floodplain (May 19th 2014)	PLANNED UNIT DEVELOPMENT	GENERAL COMMERCIAL		
Soils	Flood Storage Areas (2014)	HARTFORD EXTRATERRITORIAL	EXTENSIVE COMMERCIAL		
Airport Ordinance 3-Mile Buffer	DNR Wetland (2006)	GENERAL AGRICULTURAL	LIGHT INDUSTRIAL		
Sewer Service Areas	DNR Wetland Points (2006)	PRIME AGRICULTURAL	INDUSTRIAL		
Elevation Contours (2' & 10')	Shoreland Zoning	ONE FAMILY RESIDENTIAL	CITY OR VILLAGE		
WI Historical Society	Lake/Pond/Slough Buffer	TWO FAMILY RESIDENTIAL	RIGHT OF WAY		
Historic Structures	Lakes/Ponds/Sloughs	MULTI-FAMILY RESIDENTIAL	WATERBODY		
Archaeological Sites	Rivers/Streams/Creeks				
Survey Areas	Horicon Marsh (860' Contour)				

*Portion to rezone approximately 3.5 Acres
 from A-1 Prime Agricultural to A-2 General
 Agricultural zoning District.*

Date: 8/8/2016

Land Resources and Parks Department Staff Report

County Rezoning Petition # 2016-0532

Filing Date: August 5, 2016

Hearing Date: September 12, 2016

Applicant / Owner:

James Grosenick
N2126 Trestle Road
Watertown, WI 53098

Location:

PIN# 026-0916-0643-000

Property Location: Lot 2, CSM 6620, located in part of the SW ¼ SE ¼, Section 6, Town of Lebanon, the site address being N2184 County Road EM.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 3.5-acres of land from the A-1 Prime Agricultural zoning district to the A-2 General Agricultural zoning district under the Dodge County Land Use Code in order to allow for the creation of an approximate 3.5-acre non-farm residential lot at this location. The proposed 3.5-acre lot will contain an existing residence, barn and accessory buildings. The remaining approximate 17+acres are intended for agricultural use.

Land Use Code Provisions

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

Purpose Statements

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

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

Physical Features of Site

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

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

The County has Shoreland Jurisdiction over portions of the 17.1-acre remnant lot.

- The lots are not designated as wetlands.

The County has Floodplain jurisdiction over portions of the 17.1-acre lot.

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

Land Use, Site: Residential and agricultural.

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

Designated Archaeological Site: Yes No

Density Standards

- The base farm tract for this property contains 20.6-acres within the A-1 Prime Agriculture Zoning District. The Code would allow a maximum of 0.98-acres for non-farm residential use under the conditional use permit process. Therefore, in this case, rezoning is required to allow for the creation of a 3.5-acre nonfarm residential lot at this location.

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

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

Town Recommendation

The Town Board has submitted a recommendation to the Department approving the request.

STAFF ADVISORY:

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

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

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

Exhibit A

2.3.4.I Approval Criteria

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

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

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

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

- It is the staff's position that the proposed rezoning petition and minor land division request will not place an unreasonable burden on the ability of the Town to provide adequate public facilities or services;

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

- It is the staff's position that if the creation of a non-farm residential lot to contain the existing residence and outbuildings as proposed will not have an unreasonable adverse effect on surrounding properties or the environment;

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

- It is the staff's position that the area to be rezoned contains an existing residence and put buildings and no additional development is planned at this time. Therefore, the project as proposed will not cause unreasonable soil erosion;

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

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

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

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

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

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

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

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

- It is the staff's position that the proposed lot contains existing residence and farm buildings and is suited for residential use. No agricultural land will be taken out of production as a result of this rezoning petition.

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

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

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

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

2.3.4.J Approval by Affected Town Boards

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

- The Town Board has submitted a recommendation to the Department approving the request.

Dodge County Planning, Development and Parks Committee Decision

County Rezoning Petition # 2016-0532
Filing Date: August 5, 2016
Hearing Date: September 12, 2016

Applicant / Owner:
James Grosenick
N2126 Trestle Road
Watertown, WI 53098

Location:
PIN# 026-0916-0643-000
Property Location: Lot 2, CSM 6620, located in part of the SW ¼ SE ¼, Section 6, Town of Lebanon, the site address being N2184 County Road EM.

Applicants Request
A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 3.5-acres of land from the A-1 Prime Agricultural zoning district to the A-2 General Agricultural zoning district under the Dodge County Land Use Code in order to allow for the creation of an approximate 3.5-acre non-farm residential lot at this location. The proposed 3.5-acre lot will contain an existing residence, barn and accessory buildings. The remaining approximate 17+acres are intended for agricultural use.

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

2.3.4.1 Approval Criteria

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

(Yes / No);
Comments _____

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

(Yes / No);
Comments _____

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

(Yes / No);
Comments _____

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

(Yes / No);

Comments

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

(Yes / No);

Comments

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

(Yes / No);

Comments

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

(Yes / No)

Comments

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

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

(Residential / Agricultural)

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

Comments

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

(Yes / No)

Comments

2.3.4.I.8.c Will the rezoning substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;

(Yes / No)

Comments

2.3.4.J Approval by Affected Town Boards

Has the Town submitted a recommendation regarding this request?

(Yes / No)

Comments

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

Yes;

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

Committee Action

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

(Yes / No)

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

Motion second _____

Vote

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

Motion (Carried / Denied)

ORDER AND DETERMINATION – REZONING PETITION

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

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

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



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

THIS AREA FOR OFFICE USE ONLY	
Activity No. 16532	Application Date: 8/5/14
Receipt #: 898848	

REZONING PETITION

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

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION			
Petitioner (Agent) James Grosnick		Parcel Identification Number (PIN) 026-0916-0643-000			
Street Address N2126 Trestle Rd		Town Lebanon	T 09	N 16	R E
City • State • ZipCode Watertown, WI 53098		Section 6	1/4 SW	1/4 SE	Acreage 3.5
Property Owner (if different from petitioner)		Subdivision or CSM (Volume/Page/Lot)			
Street Address		Address Of Property (DO NOT include City/State/ZipCode) N2184 County Road EM			
City • State • ZipCode		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

CONTACT PERSON

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

Name _____ Daytime Phone (_____) _____ - _____

PROPOSED REZONING

Current Zoning District A-1 Prime Agricultural	Proposed Zoning District A-2 General Agricultural
---	--

Reason For Rezoning

To allow the creation of a non-farm residential lot

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

CERTIFICATE

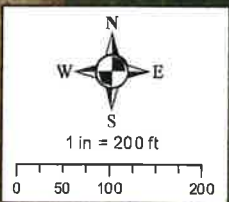
I, the undersigned, hereby petition to rezone the aforementioned property and certify that all the information both above and attached is true and correct to the best of my knowledge.

Signature [Signature] Date 8-5-16

Daytime Contact Number (920) 285-7280

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆

The data used to create this map is a compilation of various public records, information, and data from various sources. It is not intended to be used for any legal purpose. Dodge County is not responsible for any use or misuse of this information.



Dodge County Land Resources & Parks

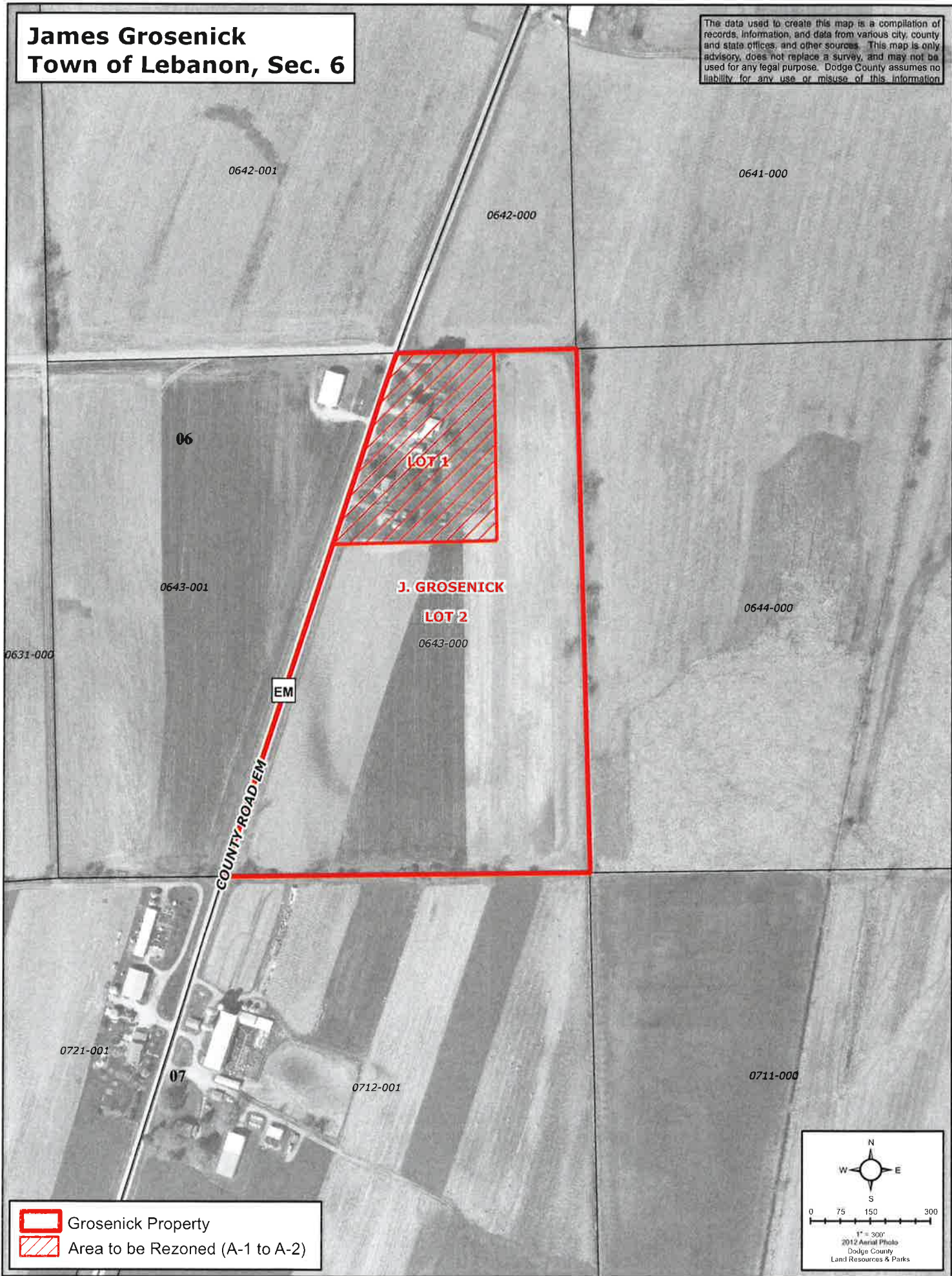
<p>General</p> <ul style="list-style-type: none"> Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Elevation Contours (2' & 10') <p>WI Historical Society</p> <ul style="list-style-type: none"> Historic Structures Archaeological Sites Survey Areas 	<p>Floodplain/Wetland</p> <ul style="list-style-type: none"> Floodplain (May 19th 2014) Flood Storage Areas (2014) DNR Wetland (2006) DNR Wetland Points (2006) <p>Shoreland Zoning</p> <ul style="list-style-type: none"> Lake/Pond/Slough Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks Horicon Marsh (860' Contour) 	<p>COUNTY ZONING</p> <ul style="list-style-type: none"> PLANNED UNIT DEVELOPMENT HARTFORD EXTRATERRITORIAL GENERAL AGRICULTURAL PRIME AGRICULTURAL ONE FAMILY RESIDENTIAL TWO FAMILY RESIDENTIAL MULTI-FAMILY RESIDENTIAL GENERAL COMMERCIAL EXTENSIVE COMMERCIAL LIGHT INDUSTRIAL INDUSTRIAL CITY OR VILLAGE RIGHT OF WAY WATERBODY
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*Portion to rezone approximately 3.5 Acres
 from A-1 Prime Agricultural to A-2 General
 Agricultural Zoning District.*

Date: 8/8/2016

**James Grosenick
Town of Lebanon, Sec. 6**

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.



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

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

Land Resources and Parks Department Staff Report

County Petition # 2016-0541

Filing Date: August 10, 2016

Hearing Date: September 12, 2016

Applicant (Agent):

Town of Hustisford Town Clerk
Attn. Kay Robel
N4322 Rich-Glo Lane
Iron Ridge, WI 53035

Town of Hustisford Town Chairman
Attn. Lee Miller
W3436 Oaklawn Rd
Iron Ridge, WI 53035

Location

Town of Hustisford

Applicants Request

On August 10, 2016, the Town of Hustisford filed a resolution with the Dodge County Clerk with a request to adopt the County's Land Use Code regulations for the Town of Hustisford. The Town Board of Hustisford has been working with the Dodge County Land Resources and Parks Department staff in the development of a zoning map for the Town of Hustisford under the County Land Use Code as part of this process. The proposed zoning map divides the Town of Hustisford community into different zoning districts based on the Town of Hustisford and the Dodge County Comprehensive plan objectives, the future land use map features of the Comprehensive Plan, existing land uses, land suitability factors, environmental protection features, economic factors and other locally determined land use objectives.

In order to facilitate the orderly development of the lands in the Town of Hustisford, the Town of Hustisford Town Board has submitted a petition to create an official County Zoning Map for the Town of Hustisford under the Land Use Code, Dodge County, Wisconsin, as described in Exhibit A.

Land Use Code Provisions

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

Purpose Statements

The purpose of the official zoning map is to designate the location and boundaries of the various zoning districts for the Towns that have adopted County Zoning.

STAFF ADVISORY:

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

The staff has reviewed the petition for compliance with the approval criteria listed in Section 2.3.4.1 and the staff comments are listed in Exhibit A for review by the committee.

The proposed zoning map was approved by the Town of Hustisford Town Board on August 4, 2016. A resolution to adopt the County Land Use Code regulations was also filed by the Town of Hustisford Town Board with the Dodge County Clerk on August 10, 2016. The Department of Agriculture, Trade and Consumer Protection has certified the proposed zoning map under the County's Land Use Code. Landowners in the Town will be eligible to participate in the Farmland Preservation Program and to collect the program's tax credits.

The staff believes that the committee can make the findings necessary under Section 2.3.4.1 of the code in order to submit a favorable recommendation to the County Board.

Staff Review Comments – Rezoning Petition:

The staff has reviewed the petition for compliance with the approval criteria listed in Section 2.3.4.I of the Code and the staff has the following comments:

2.3.4.I Approval Criteria

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

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

- It is the staff's position that there will be adequate public facilities and services to support the future development within the Town of Hustisford based on the proposed zoning district boundaries;

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

- It is the staff's position that the future development within the Town of Hustisford that is based on the proposed zoning district boundaries will not place an unreasonable burden on the ability of the Town to provide adequate public facilities or services for the properties in the Town of Hustisford;

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

- It is the staff's position that if the properties are developed in accord with code provisions for the zoning district boundaries established by this zoning map, the projects will not have an unreasonable adverse effect on surrounding properties or the environment;

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

- It is the staff's position that the proposed zoning district boundaries encompass areas that are suitable for development and if the land is developed in accord with the land use code provisions for the proposed zoning district boundaries, the properties will not will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.

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

- It is the staff's position that the proposed zoning district boundaries are consistent with the Dodge County Comprehensive Plan and the stated purposes of the Code.
- It is the staff position that the proposal is consistent with the Farmland Preservation Plan.

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

- It is the staff's position that the proposed zoning district boundaries will not result in spot rezoning.

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

- It is the staff's position that amendment of the County's Official Zoning Map to include zoning district boundaries for the Town of Hustisford is the minimum action necessary to accomplish the intent of the petition;

2.3.4.J Approval by Affected Town Boards

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

- The Town Board has submitted a resolution to the Dodge County Board of Supervisors adopting the Dodge County Land Use Code. The proposed zoning map was also approved by the Town of Hustisford Town Board as part of the process to adopt the County Land Use Code.

Dodge County Planning, Development and Parks Committee Decision

County Petition # 2016-0541
Filing Date: August 10, 2016
Hearing Date: September 12, 2016

Applicant (Agent):
Town of Hustisford Town Clerk
Attn. Kay Robel
N4322 Rich-Glo Lane
Iron Ridge, WI 53035

Town of Hustisford Town Chairman
Attn. Lee Miller
W3436 Oaklawn Rd
Iron Ridge, WI 53035

Location
Town of Hustisford

Applicants Request
On August 10, 2016, the Town of Hustisford filed a resolution with the Dodge County Clerk with a request to adopt the County's Land Use Code regulations for the Town of Hustisford. The Town Board of Hustisford has been working with the Dodge County Land Resources and Parks Department staff in the development of a zoning map for the Town of Hustisford under the County Land Use Code as part of this process. The proposed zoning map divides the Town of Hustisford community into different zoning districts based on the Town of Hustisford and the Dodge County Comprehensive plan objectives, the future land use map features of the Comprehensive Plan, existing land uses, land suitability factors, environmental protection features, economic factors and other locally determined land use objectives.

In order to facilitate the orderly development of the lands in the Town of Hustisford, the Town of Hustisford Town Board has submitted a petition to create an official County Zoning Map for the Town of Hustisford under the Land Use Code, Dodge County, Wisconsin, as described in Exhibit A.

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

2.3.4.1 Approval Criteria

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

(Yes / No);
Comments

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

(Yes / No);
Comments

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

(Yes / No);
Comments

2.3.4.1.4 Will the development of the land in the Town of Hustisford based on the proposed zoning map cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas?

(Yes / No);
Comments

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

(Yes / No);
Comments

2.3.4.1.6 Will the proposed town zoning map be used to legitimize, or "spot zone," a nonconforming use or structures?

(Yes / No);
Comments

2.3.4.1.7 Is the creation of the town zoning map the minimum action necessary to accomplish the intent of the petition?

(Yes / No)
Comments

2.3.4.J Approval by Affected Town Boards

Has the Town submitted a recommendation regarding this request?

(Yes / No)

Comments

Does the application contain sufficient information necessary to make a decision on adoption of the town zoning map?

Yes;

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

Committee Action

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

(Yes / No)

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

Motion second _____

Vote

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

Motion (Carried / Denied)

ORDER AND DETERMINATION – REZONING PETITION

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

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

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____

RESOLUTION

RECEIVED
IN THE OFFICE OF
COUNTY CLERK

No. 4003-16

AUG 10 2016

TO ADOPT THE DODGE COUNTY ZONING ORDINANCE (LAND USE CODE) WHILE RETAINING THE TOWN OF HUSTISFORD'S LAND DIVISION ORDINANCE

WHEREAS, at the meeting of the Town of Hustisford on August 4, 2016 2016, the Town approved the adoption of the Dodge County Zoning Ordinance (Land Use Code) with the provision that the Town of Hustisford will retain its Land Division Ordinance currently in place; and

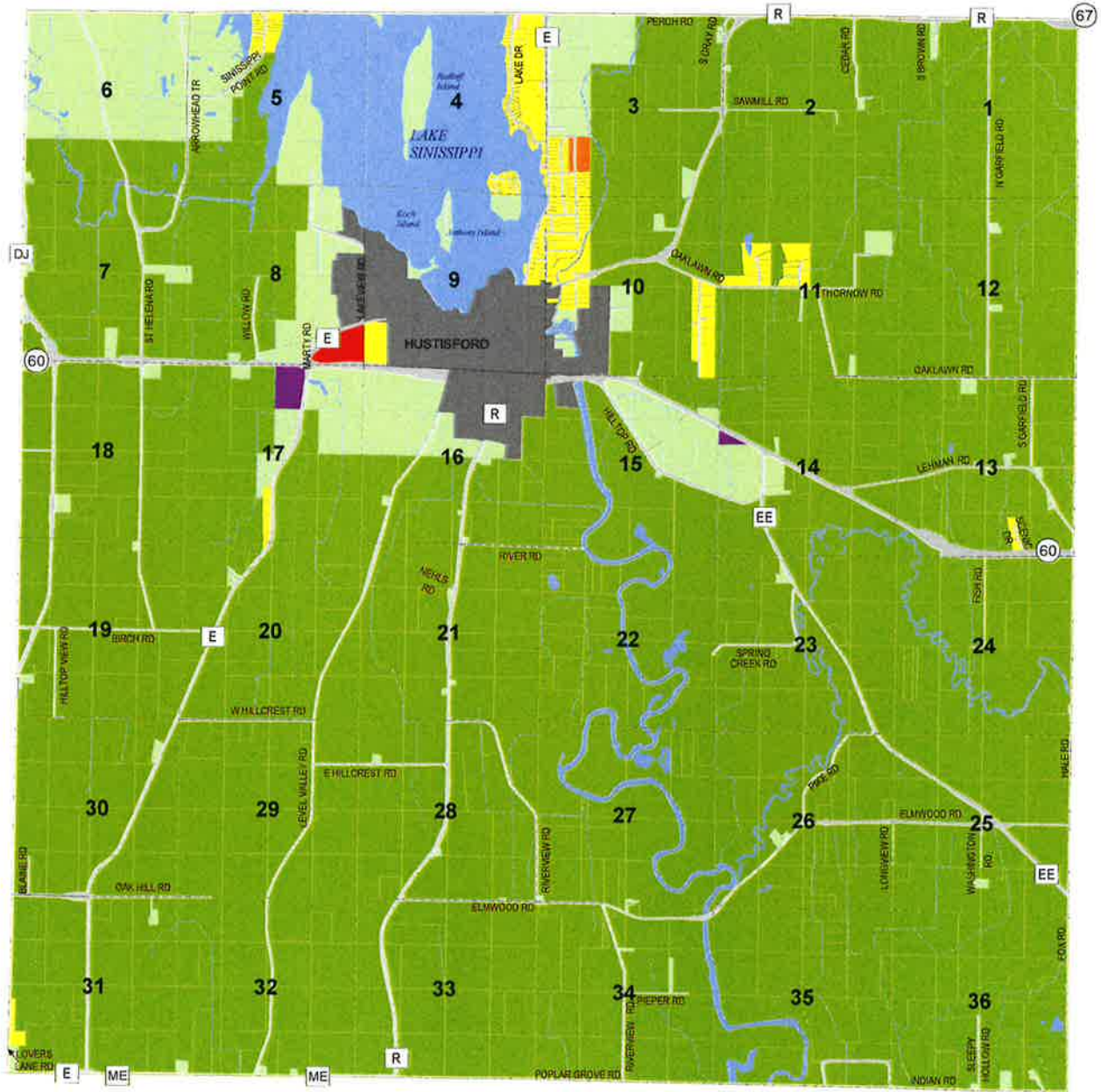
WHEREAS, the Department of Agriculture, Trade and Consumer Protection has certified the new zoning map for the Town of Hustisford under the proposed Dodge County Zoning Ordinance which shall become effective following approval by the Dodge County Board;

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Hustisford hereby approves and adopts the Dodge County Zoning Ordinance (Land Use Code) effective upon approval by the Dodge County Board of the zoning map for the Town of Hustisford. However, the Town building regulations as set forth in Chapter 8 and the Town subdivision and land division regulations as set forth in Chapter 10 shall remain in place as is.
2. That following approval of this Resolution:
 - (a) A certified copy of this Resolution shall be promptly filed with the County Clerk for Dodge County, Wisconsin; and
 - (b) A copy shall also be provided to the Manager of Planning and Economic Development, Dodge County Land Resources and Parks Department.

County Zoning Town of Hustisford, Dodge County, Wisconsin

DRAFT

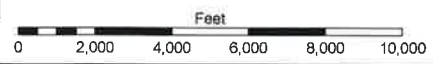


Legend		Zoning	
	U.S. Highway		A-1 Prime Agricultural
	State Highway		A-2 General Agricultural
	County Highway		C-1 General Commercial
	Town Road		C-2 Extensive Commercial
	Railroad		I-1 Light Industrial
	Town Boundary		I-2 Industrial
	Section Line		R-1 Single Family Residential
	Tax Parcel Boundary		R-2 Two Family Residential
	Municipalities		R-3 Multi-Family Residential
	Waterbody		
	Road Right-of-Way		
	Rivers and Streams		
	Intermittent Stream		



Adopted:
Last Updated:

Dodge County
Land Resources and Parks
Department



Source: Dodge County Land Resources and Parks Department, February 2016
Map Created: February 2016

**DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE
MINUTES
August 15, 2016**

The Dodge County Planning, Development and Parks Committee met on August 15, 2016 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

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

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

The agenda was reviewed.

Motion by Joseph Marsik to approve the agenda and allow the Chairperson to go out of order as needed to efficiently conduct the meeting. Second: William Muche Motion carried.

The hearing procedures were read into the record.

ADMINISTRATIVE BUSINESS

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

Motion by William Muche to approve the minutes as written.

Second by Joseph Marsik Vote: 3-0 Motion carried.

PUBLIC HEARING

David Buck - Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow the establishment of a Self-Service Storage facility within the A-2 General Agricultural Zoning District. The site is located in part of the SW ¼ of the SE ¼, Section 2, Town of Lomira, the site address being W626 County Road KK.

Motion by William Muche to approve the conditional use permit request subject to the following conditions:

1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health and safety or general welfare of the immediate neighborhood or community.
2. It shall be the responsibility of the applicant to obtain all Federal, State and/or local municipality permits and approvals that may be required for the construction and operation of the proposed self-storage facility on this site.
3. A land use permit shall be obtained by the developer for the proposed self-storage buildings prior to beginning any construction of the buildings on this site.

4. A landscaping buffering plan designed in accord with Section 8.6.4 and 8.6.7 of the Code shall be submitted to the Department for review and approval prior to the issuance of the conditional use permit and prior to beginning construction on this site.
5. All exterior lighting shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties. A lighting plan shall be submitted to the Department for review and approval prior to the issuance of the land use permit for the proposed buildings.
6. A stormwater management and erosion control plan designed in accord with Section 7.9 of the Code shall be submitted to the Department for review and approval prior to beginning construction on this site and prior to the issuance of the conditional use permit.
7. Any significant change to or expansion of the business operation and/or of its facilities may require that a new Conditional Use Permit be obtained.
8. The decision of the Committee is valid for one year.

Second by Joseph Marsik Vote 3-0 Motion carried.

PUBLIC HEARING

James Otterson, agent for Mark Ladwig - Petition to rezone approximately 3.5-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 of the NW ¼, Section 5, Town of Calamus, the site address being W11514 County Road FW.

Motion by Joseph Marsik to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 3.535-acres of land from the A-1 Prime Agricultural zoning district to the A-2 General Agricultural zoning district to allow for the creation of a non-farm residential lot at this location.

Second by William Muche Vote 3-0 Motion carried.

PUBLIC HEARING

Jason Otto, agent for Donald Babbitt – Petition to rezone approximately 14.988 acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District under the Land Use Code, Dodge County, Wisconsin to allow the construction of a non-farm residence on this lot. The property is located in part of the SW ¼ of the SE ¼, Section 19, Town of Lebanon.

Motion by William Muche to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 14.988 acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District to allow the construction of a non-farm residence on this lot.

Second by Joseph Marsik Vote 3-0 Motion carried.

ADMINISTRATIVE BUSINESS

No Committee Member Reports

No Additional Per Diems

Motion by order of the chairperson to adjourn the meeting.

Motion carried.

Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Thomas Schaefer, Chairman

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