

Resolution

In August of 1980 the Dodge County Board of Supervisors authorized County participation in the Wisconsin Fund Grant Program. This program is a State funded grant assistance program designed to reimburse residential homeowners and small businesses a portion of the costs associated with the rehabilitation or replacement of an existing, failed private septic system.

In 2019, we had 3 requests for financial assistance through the Wisconsin Fund Private Onsite Wastewater Treatment System Replacement Financial Assistance Program seeking a total of \$18,450 in grant funds. The request for the state grant funds was approved for the full amount.

The County has requested a payment of the grant covering the total grant payout for the following participant. The grant amount to be received by the County is \$6364.80. The staff requests payout of the following grants upon receipt of the grant money from the State:

<u>OWNER</u>	<u>TOWN</u>	<u>GRANT AMOUNT</u>	<u>System Type</u>
Janet M Lang	Lowell	\$6364.80	Non-Pressurized In-ground

Total Payment Request: \$6364.80

Motion by: _____ to authorize the Wisconsin Fund Grant Payments.

Second by: _____

Vote:

Motion Carried

**DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE
MINUTES
November 18, 2019**

The Dodge County Land Resources and Parks Committee met on November 18, 2019 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 Joseph Marsik, William Muche, Tom Schaefer and Jeff Schmitt. Members excused were Larry Schraufnagel. The staff present at the request of the Chairman were Bill Ehlenbeck and Joseph Giebel. Corporation Counsel Kim Nass, Assistant Corporation Counsel Sean Donohue and David Addison were also present.

No other County Board members were in attendance.

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 hearing procedures were read into the record.

PUBLIC HEARING

Brent and Shannon Huizenga, agents for Grand Mack Sunny Creek Farms LLC – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of an approximate 2 to 3-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The property is located in part of the SE ¼ of the SE ¼, Section 18, Town of Fox Lake, the site address being N11009 Wiersma Road.

Motion by Jeff Schmitt to approve the conditional use permit to allow for the creation of an approximate 2 to 3-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 7.9-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. The lot lines for the proposed 2-3-acre lot shall be modified so that the lot contains direct access onto Wiersma Road.
4. 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;
5. 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;
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:

- 018-1313-1841-000; 018-1313-1732-000; 108-1313-1844-001; 018-1313-1844-000; 018-1313-1843-001; 018-1313-1843-001; 018-1313-1842-000;
7. 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;
 8. The decision of the Committee is valid for one year.

Second by William Muche Vote 5-0 Motion carried.

PLANNING AND ECONOMIC DEVELOPMENT

Report-Mayville Hotel Revolving Loan-Horicon Bank v. Mayville Hotel, LLC, Case No. 19CV199.

Assistant Corporation Counsel Sean Donohue provided the Committee with an update on the status of the Mayville Hotel Revolving Loan-Horicon Bank v. Mayville Hotel, LLC, Case No. 19CV199.

BEAVER DAM LAKE DISTRICT

- A. Review, Discuss, Consider petition, public hearing comments, written submissions, hearing transcript.

Corporation Counsel Kim Nass, Bill Ehlenbeck and Dave Addison were present to answer any questions from the Committee. Kim Nass provided the Committee with an updated draft outline for the report for the Committee’s consideration. The changes to the draft outline included a summary of the written statements submitted and a summary of the public hearing testimony along with minor format changes. Kim also provided the Committee with draft resolutions for both ordering and denying the Establishment of the Beaver Dam Lake District for review by the Committee.

- B. Review, Discuss, Consider the preparation of the Committee report to County Board.

Kim Nass discussed the preparation of the Committee report and discussed the contents that should be in the report for review by the Board. Kim explained that the report needs to contain certain findings of the Committee to support the decision of the Committee to order or deny the creation of the Lake District.

- C. Review, Discuss, Consider the Draft Resolution to County Board.

The Committee asked Kim to make certain changes to the report and to bring back the updated report at the December 2, 2019 Committee meeting for further discussion and consideration.

PARK SYSTEM

- A. Consider, discuss and take action on Nitschke Mounds Park Master Plan proposal.

Bill Ehlenbeck reviewed the Nitschke Mounds Park Master Plan proposal from MSA Professional Services. The proposal would involve a public input process for improvements and potential facilities for Nitschke Mounds Park. Specifically, staff is looking for ideas and

recommendations regarding the future use of the 16-acre field on the west side of the park adjacent to the Wild Goose Trail. Staff is working with Corporation Counsel on the final terms of the proposal.

Motion by Joseph Marsik to move forward with the proposal.

Second by Jeff Schmitt Vote: 5-0 Motion carried.

B. Consider, discuss and take action on Ledge Park Timber Plan proposal.

Bill Ehlenbeck provided the committee with an update on the Ledge Park Timber Plan proposal. Natural Resources Innovations Firm would be hired to assess what needs to be done and to mark the timber in the park to be harvested. The plan is to harvest for a combination of forest health, aesthetics, hazards removal and some revenue. The proposal is based on 45 acres to be assessed and marked. The firm would also be hired to manage the timber harvest sales and administration on a commission basis. Staff is working with Corporation Counsel on the final terms of the proposal.

Motion by Jeff Schmitt to move forward with the proposal.

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

OTHER BUSINESS

1. The minutes from the November 4, 2019 meeting were reviewed by the Committee.

Motion by William Muche to approve the minutes as written.

Second by Jeff Schmitt Vote: 5-0 Motion carried.

2. No Committee Member Reports

3. No additional Per Diems

Motion by order of the Chairman to adjourn the meeting.

Meeting adjourned at 8:40 P.M.

Respectfully Submitted,

Joseph Marsik, Secretary

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

Land Resources and Parks Department Staff Report

County Rezoning Petition # 2019-0999

Filing Date: October 29, 2019

Hearing Date: December 2, 2019

Applicant (Agent):

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

Owner:

Louise Feucht
W2223 Farmersville RD
Mayville, WI 53050

Location

PIN#: 030-1317-3112-000; 030-1317-3112-000;

Location: Part of the NW ¼ of the NE ¼, Section 31, Town of Lomira, the site address being W2223 Farmersville Road

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 2.1-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. The 2.1-acre lot contains an existing residence which is intended for residential use. The remaining 47+acres will be retained 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 Lomira 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 this site.

- Portions of the property are designated as wetlands.
- The proposed 2.1-acre lot is not designated as wetlands.

The proposed lots are not located within the County's Floodplain jurisdiction.

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 Farmersville Road and a non-metallic mining site to the north.

Designated Archaeological Site: Yes No

Density Standards

The base farm tract for this property originally contained 58.220-acres within the A-1 Prime Agriculture Zoning District. The Code allowed for a maximum of 2.771-acres to be used for non-farm residential use under the conditional use permit process from the base farm tract. On May 17, 2016, a 9.0-acre lot was created from the base farm tract. Therefore, in this case, rezoning is required to allow for the creation of a 2.1-acre nonfarm residential lot at this location.

Town Recommendation

The Town Board has submitted a recommendation to the Department approving the rezoning petition and minor land division request.

STAFF ADVISORY:

This staff advisory is only advice to the Land Resources 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

2.3.4.1 Approval Criteria

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- It is the staff's position that the land is suited for residential use.

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

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

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

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

2.3.4.J Approval by Affected Town Boards

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

- The Town Board has submitted a recommendation to the Department approving the rezoning petition and minor land division request.

Dodge County Planning, Development and Parks Committee Decision

County Rezoning Petition # 2019-0999

Filing Date: October 29, 2019

Hearing Date: December 2, 2019

Applicant (Agent):

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

Owner:

Louise Feucht
W2223 Farmersville RD
Mayville, WI 53050

Location

PIN#: 030-1317-3112-000; 030-1317-3112-000;

Location: Part of the NW ¼ of the NE ¼, Section 31, Town of Lomira, the site address being W2223 Farmersville Road

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 2.1-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. The 2.1-acre lot contains an existing residence which is intended for residential use. The remaining 47+acres will be retained 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.I Approval Criteria

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

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 / N/A);

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 / N/A);

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 / N/A);

Comments

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

(Yes / No / N/A);

Comments

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

(Yes / No / N/A);

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.I.8.b Is the rezoning petition substantially consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan;

(Yes / No / N/A);

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 / N/A);

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

Joseph Marsik	<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
Jeff Schmitt	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Larry Schraufnagel	<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 Land Resources 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

REZONING PETITION

THIS AREA FOR OFFICE USE ONLY	
Activity No. 190999	Application Date: 10-29-19
	Receipt #: 620487

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

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION			
Petitioner (Agent) New Frontierland Surveying		Parcel Identification Number (PIN) 050-1317-3112-000			
Street Address P.O. Box 576 234 S. Spring St		Town Lemira	T 13	N 17	R 17
City • State • Zip Code Beaver Dam, WI 53816		Section 31	1/4 NW	1/4 NE	Acres 49 ±
Property Owner (if different from petitioner) Louise Feucht		Subdivision or CSM (Volume/Page/Lot) N/A			
Street Address W 2223 Farmersville Rd		Address Of Property (DO NOT include City/State/Zip Code) W 2223 FARMERSVILLE RD			
City • State • Zip Code Mayville, WI 53050		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 **Mark Tomaszek** Daytime Phone **(920) 885-3904**

PROPOSED REZONING

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

**SEPARATE house from farmland
 sons to get farmland**

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

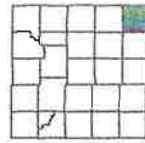
CERTIFICATE

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.

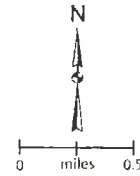
Signature **[Signature]** Date **9-26-19**

Daytime Contact Number **(920) 885-3904**

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆

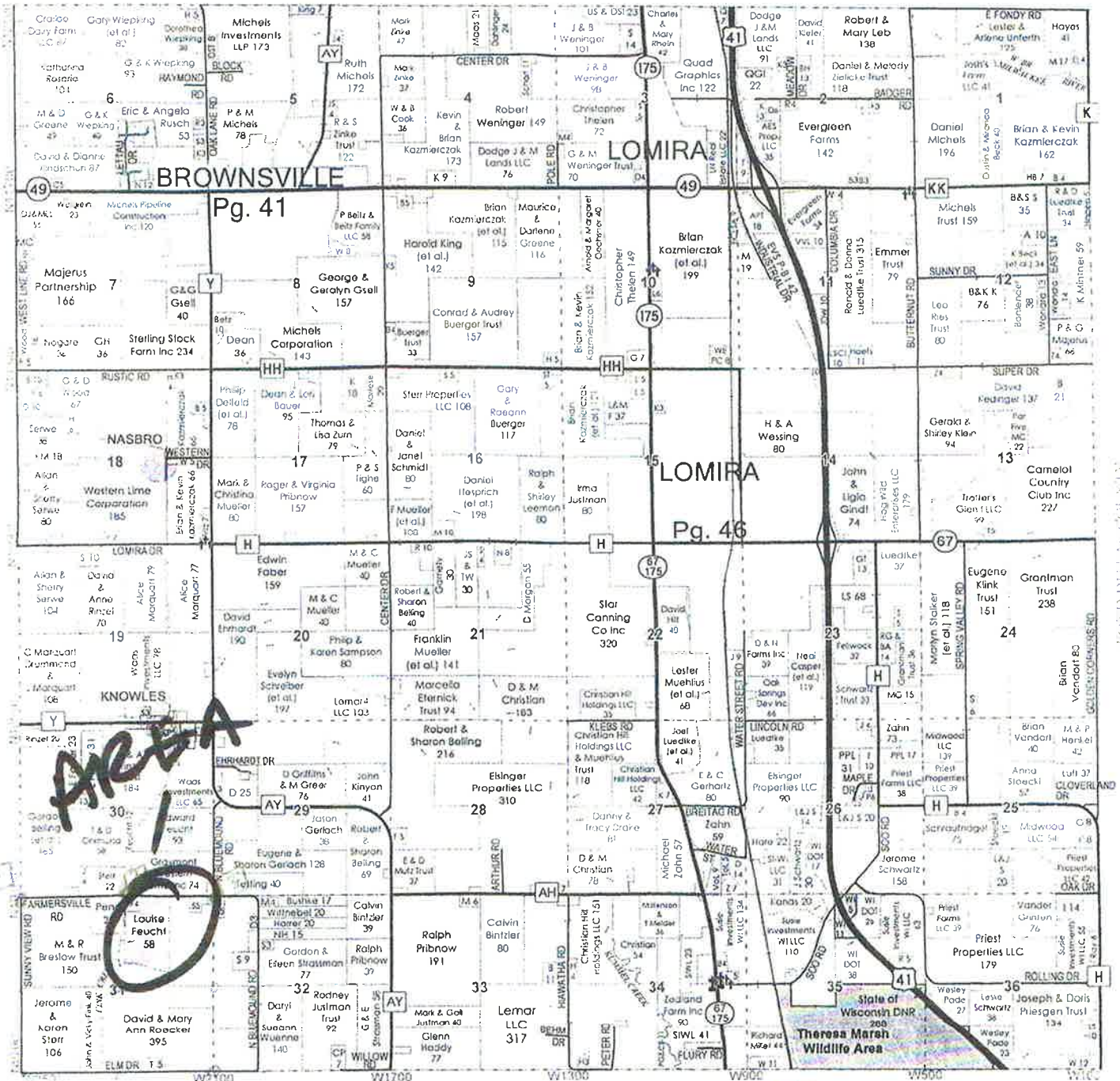


FOND DU LAC COUNTY



030-1317-3112-000

10Ac



See THERESA Page 33

The maps and acreages presented are representations intended to be a general reference to the public. They are not intended for legal, survey, or other related uses, and are advisory only. Dodge County assumes no liability for any use or misuse of this information. For the full disclaimer please see page 1.

ewil

LBetz@townoflomira.com

030

Check the new online Land Records Search Tool for the latest parcel info!



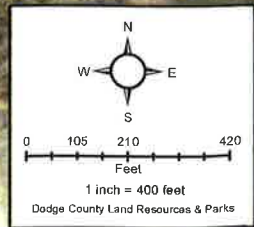
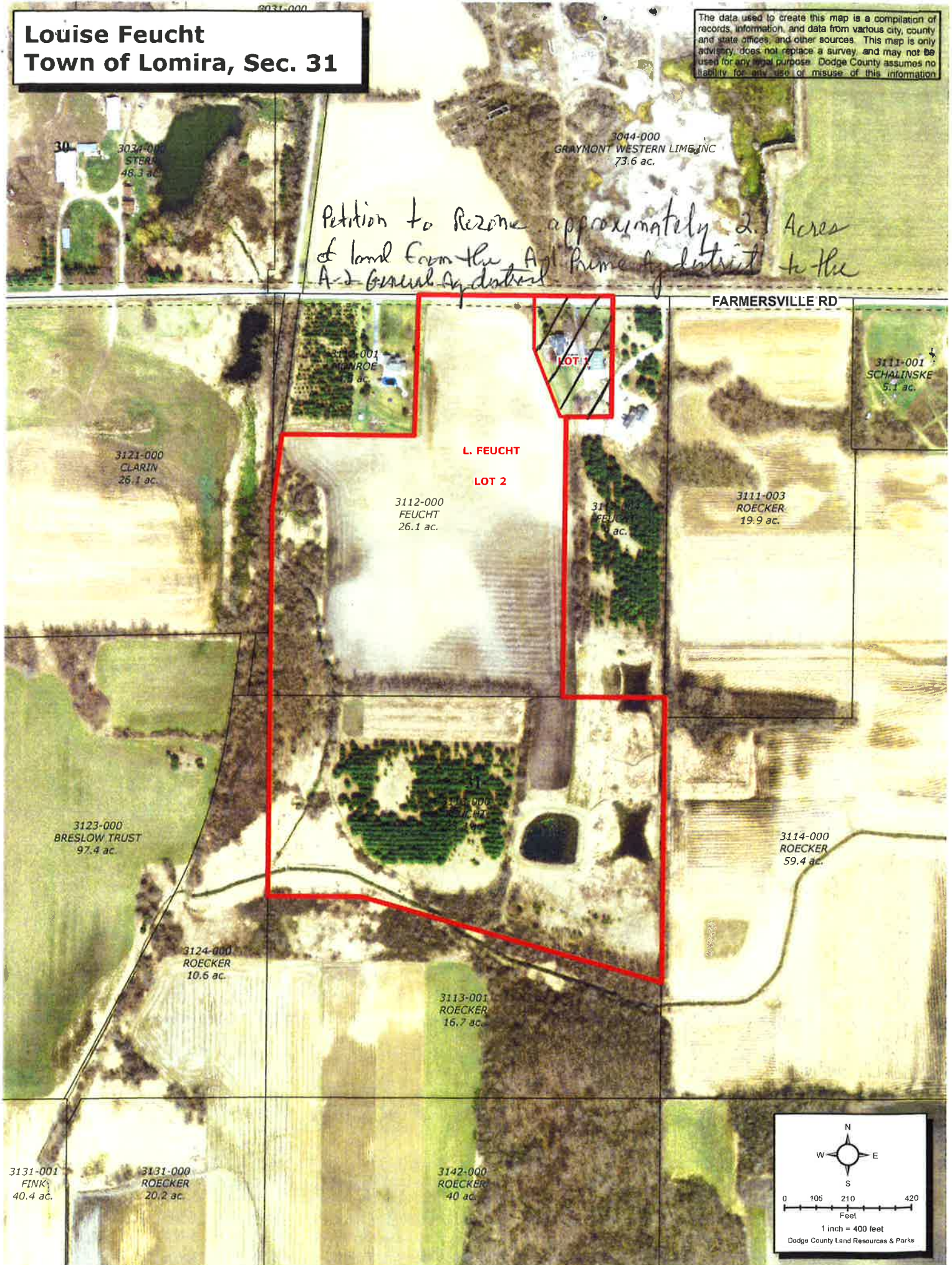
www.co.dodge.wi.us

Dodge County Web Map www.co.dodge.wi.us

Louise Feucht Town of Lomira, 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.

*Petition to Rezone approximately 2.1 Acres
of land from the Ag Prime A-1 district to the
A-2 General Agriculture district.*



W/4 Sec 31
N/4 Sec 31

FARMERSVILLE

FARMERSVILLE
875'±

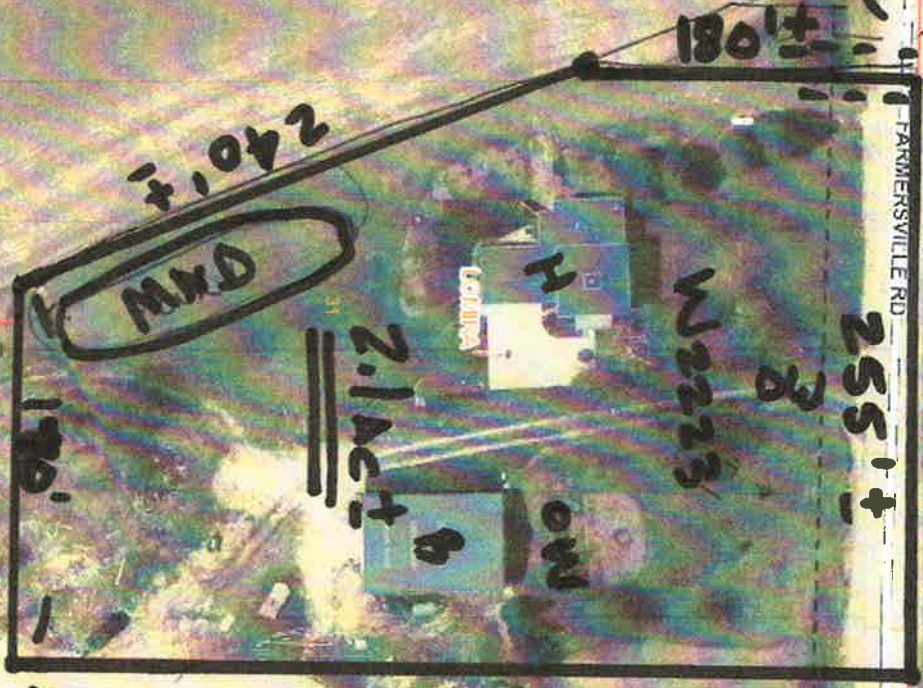
Wild Co
Sec 31

73,592 AC

20,085 AC

DW (Sward)

FARMERSVILLE RD



2.1 ac ±

Road
153.8'±

N/4 Sec 31

3172-004

3172-003



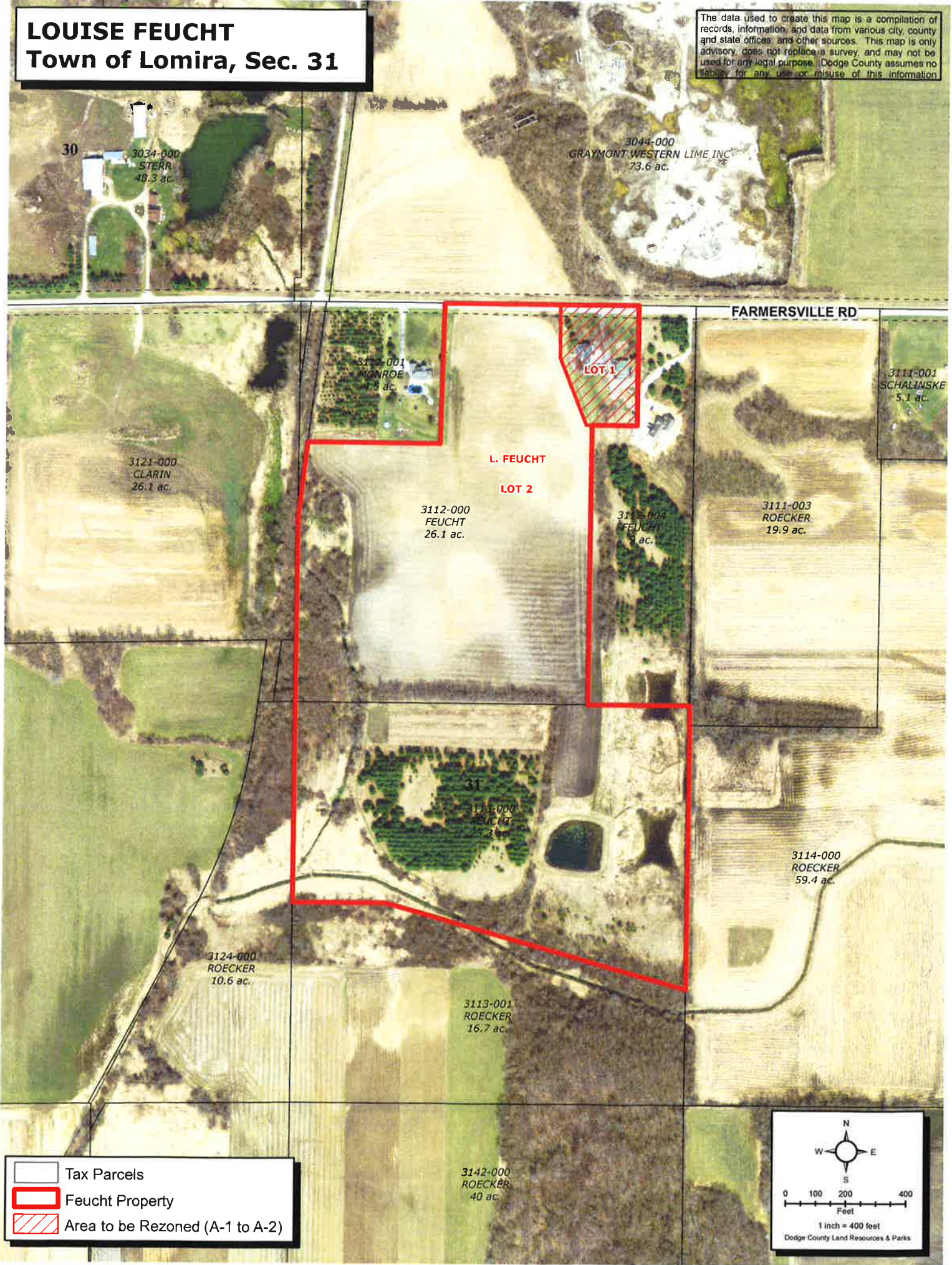
DISCLAIMER: This map is not warranted to be accurate, current, or complete and the user assumes all responsibility for its use.




CSM # 7087

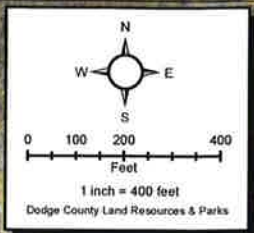
LOUISE FEUCHT

Town of Lomira, Sec. 31

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-  Tax Parcels
-  Feucht Property
-  Area to be Rezoned (A-1 to A-2)



Land Resources and Parks Department

Staff Report

County Conditional Use Permit Application # 2019-1009

Filing Date: October 31, 2019

Hearing Date: December 2, 2019

Applicant (Agent):

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

Owner:

James and Lisa Rohr
W11650 Canada Island RD
Randolph, WI 53956

Location

PIN #: 018-1313-2033-000; 018-1313-2034-000; 018-1313-2043-000;

Location: Part of the SW ¼ of the SW ¼, Section 20, T13N, R13E, Town of Fox Lake, the site address being W11650 Canada Island RD

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow for the creation of an approximate 1.5-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The 1.5-acre lot will contain an existing residence which is intended for non-farm residential use. The remaining 110+acres will remain in agricultural and open space recreational use.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Fox Lake 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 County has Zoning Jurisdiction over this site as the Town of Fox Lake 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 property.

- The majority of the 110+acre remnant lot are designated as wetlands.
- The proposed 1.5-acre lot is not designated as wetlands.

County has Floodplain jurisdiction over portions of the 110+acre lot.

- The majority of the 110+acre remnant lands are designated as floodplain.
- The 1.5-acre lot is not designated as a floodplain.

The base farm tract contains approximately 112-acres that are located within the A-1 Prime Agricultural Zoning District;

- 5.3-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 18%;

Land Use, Site: Residential and open space recreational.

Land Use, Area: Agricultural, open space recreational and scattered residential.

Designated Archaeological Site: Yes No

Town Recommendation: Approve Deny No recommendation submitted

STAFF ADVISORY:

This staff advisory is only advice to the Land Resources 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 5.3-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 1.5-acre 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: 018-1313-2033-000; 018-1313-2034-000; 018-1313-2043-000;
6. The owner and subsequent owners of the 1.5-acre 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 shall expire one year after the decision is filed with the Department.

“EXHIBIT A”

Staff Review Comments

The staff has reviewed the proposal for compliance with the criteria listed in Section 2.3.6.F and 3.7.2 of the code. The staff comments are as follows:

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

	<u>Complies</u>	<u>Potential Problem</u>	<u>N/A</u>
Proposed Use:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.7.2.D.1 Non-farm residential acreage ratio: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none">• Acreage of Base Farm Tract: 112 acres;• Non-farm residential acreage: 1.5 acres;• Farm acreage remaining after project is completed: 110.5 acres;• The ratio of all “nonfarm residential acreage” to farm acreage: on the “base farm tract” shall not exceed 1 to 20 (0.05).<ul style="list-style-type: none">▪ Ratio of non-farm residential acreage to farm acreage: 1 to 74 or 0.01			
3.7.2.D.2 The total number of non-farm residential units on the base farm tract shall not exceed 4; <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing non-farm residences on base farm tract:			
<ul style="list-style-type: none">• 0 - Number of existing non-farm residential units located on base farm tract;• 1 - Number of proposed non-farm residential units located on base farm tract;• 1 - Total number of non-farm residential units located on base farm tract;			
The total number of residential units of any kind on the base farm tract shall not exceed 5; <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
Existing residential units on base farm tract:			
<ul style="list-style-type: none">• 1 - Number of existing residential units located on base farm tract;• 0 - Number of proposed residential units located on base farm tract;• 1 - Total number of residential units located on base farm tract;			
3.7.2.D.3.a Location of the proposed lots: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the proposed nonfarm residential lot convert cropland or “prime farmland” into non-farm use;			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			
3.7.2.D.3.b Location of the proposed lots: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the location of the nonfarm residential lot significantly impair the current or future agricultural use of other “protected farmland”?			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			
Non-Farm Residential Cluster:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- It is the staff's position that the existing residential use will be compatible with the adjacent uses;

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

- It is the staff's position that the proposal will not have a significant detrimental impact on the adjacent properties or the community;

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

- It is the staff's position that the proposal will not have an adverse impact on the value of other property in the area;

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

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

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

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

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

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

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

- It is the staff's position that proposed use will not be located in any hazard areas.

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

- It is the staff's position that the proposed project complies with the applicable provisions of the code;

Dodge County Land Resources and Parks Committee Decision

County Conditional Use Permit Application # 2019-1009

Filing Date: October 31, 2019

Hearing Date: December 2, 2019

Applicant (Agent):

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

Owner:

James and Lisa Rohr
W11650 Canada Island RD
Randolph, WI 53956

Location

PIN #: 018-1313-2033-000; 018-1313-2034-000; 018-1313-2043-000;

Location: Part of the SW ¼ of the SW ¼, Section 20, T13N, R13E, Town of Fox Lake, the site address being W11650 Canada Island RD

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow for the creation of an approximate 1.5-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The 1.5-acre lot will contain an existing residence which is intended for non-farm residential use. The remaining 110+acres will remain in agricultural and open space recreational use.

County Jurisdiction

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

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?

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?

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 and operating characteristics? (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No / Not Applicable)

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

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

(Yes / No/ Not Applicable)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes/No)

1. The 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 5.3-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 1.5-acre 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: 018-1313-2033-000; 018-1313-2034-000; 018-1313-2043-000;
6. The owner and subsequent owners of the 1.5-acre 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 shall expire one year after the decision is filed with the Department.

Others

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

Joseph Marsik	<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
Jeff Schmitt	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Larry Schraufnagel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Tom Schaefer - Chairman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

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

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

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

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

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

If a conditional use permit is denied, the applicant may appeal the decision to the circuit court under the procedures contained in s. 59.694(10) Wis. Stats.

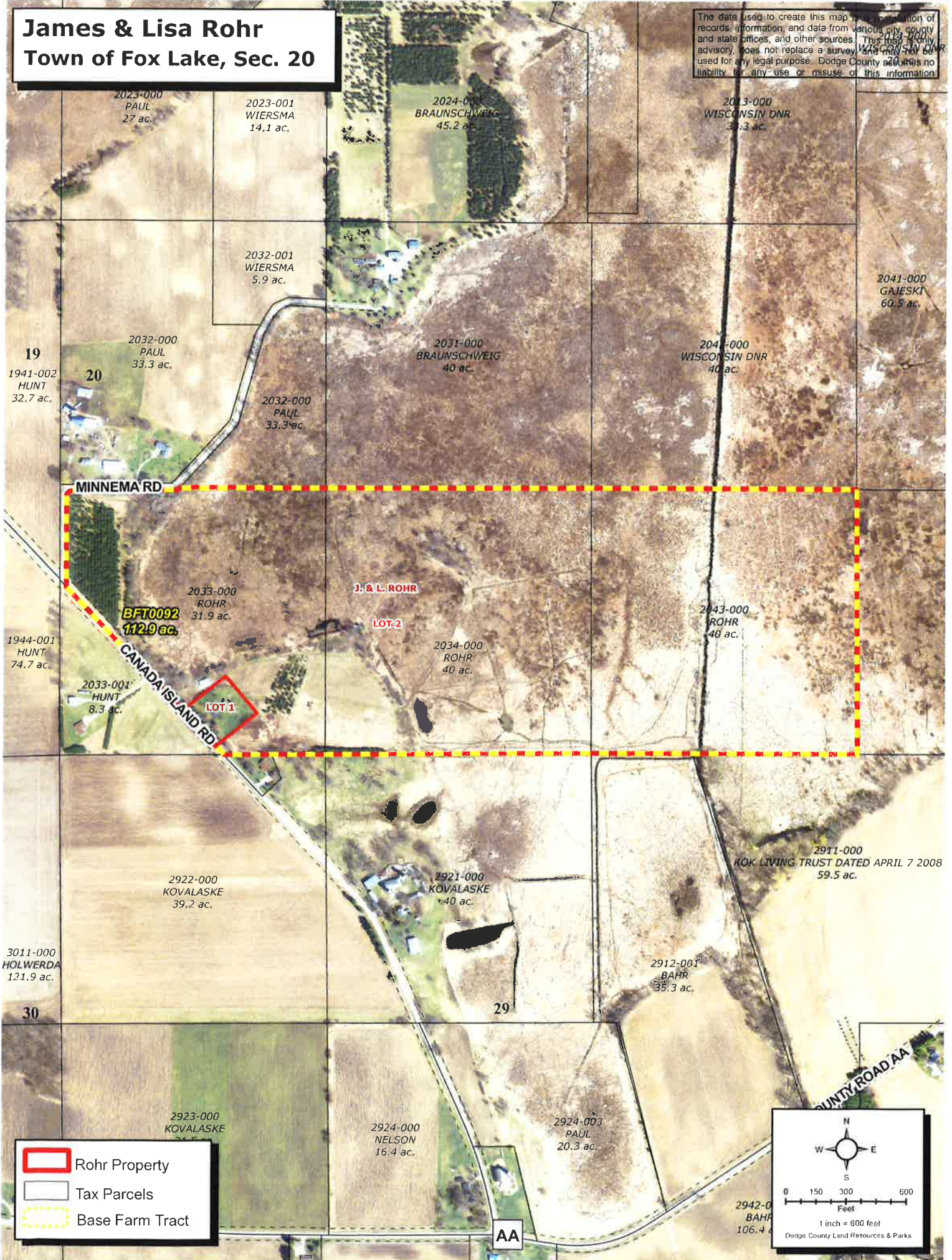
Dodge County Land Resources and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____ Filed: _____

James & Lisa Rohr Town of Fox Lake, Sec. 20

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 adds no liability for any use or misuse of this information.



- Rohr Property
- Tax Parcels
- Base Farm Tract

0 150 300 600
Feet
1 inch = 600 feet
Dodge County Land Resources & Parks



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. 191009	Permit Issued Date
Application Date: 10/31/19	Receipt #: 620493
	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) New Frontier Land Surveying	Parcel Identification Number (PIN) 018-1313-2033-000
Street Address P.O. Box 576	Town Fox Lake
City • State • Zip Code BEAVER DAM, WI 53916	T 13 N R 13 E
Property Owner (If different from applicant) JIM ROHR / LISA ROHR	Section 20 Acres 112± Lot (Block) 1.5±
Street Address W 11650 Canada Island Rd	Subdivision or CSM (Volume/Page/Lot) N/A
City • State • Zip Code Randolph, WI 53956	Address Of Property (DO NOT include City/State/Zip Code) W 11650 Canada Island Rd
	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

(3) PROPERTY USE	(4) PROPOSED PROJECT
Current Use Of Property <input type="checkbox"/> Vacant Property <i>Huntingland</i> <input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other <u>Divorce</u>	(Please check/complete all that apply below) <input 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: <u>Same</u>
DNR Notice DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.	

(5) CERTIFICATE

I, the undersigned, hereby apply for a Conditional Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that I have read the DNR Notice shown above. I affirm that all work performed will be done in accordance with the Dodge County Land Use Code and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for purposes of obtaining information pertinent to my application request and to conduct land use code inspections.

Signature [Signature] Date 10/28/19

Daytime Contact Number (920) 885-3904

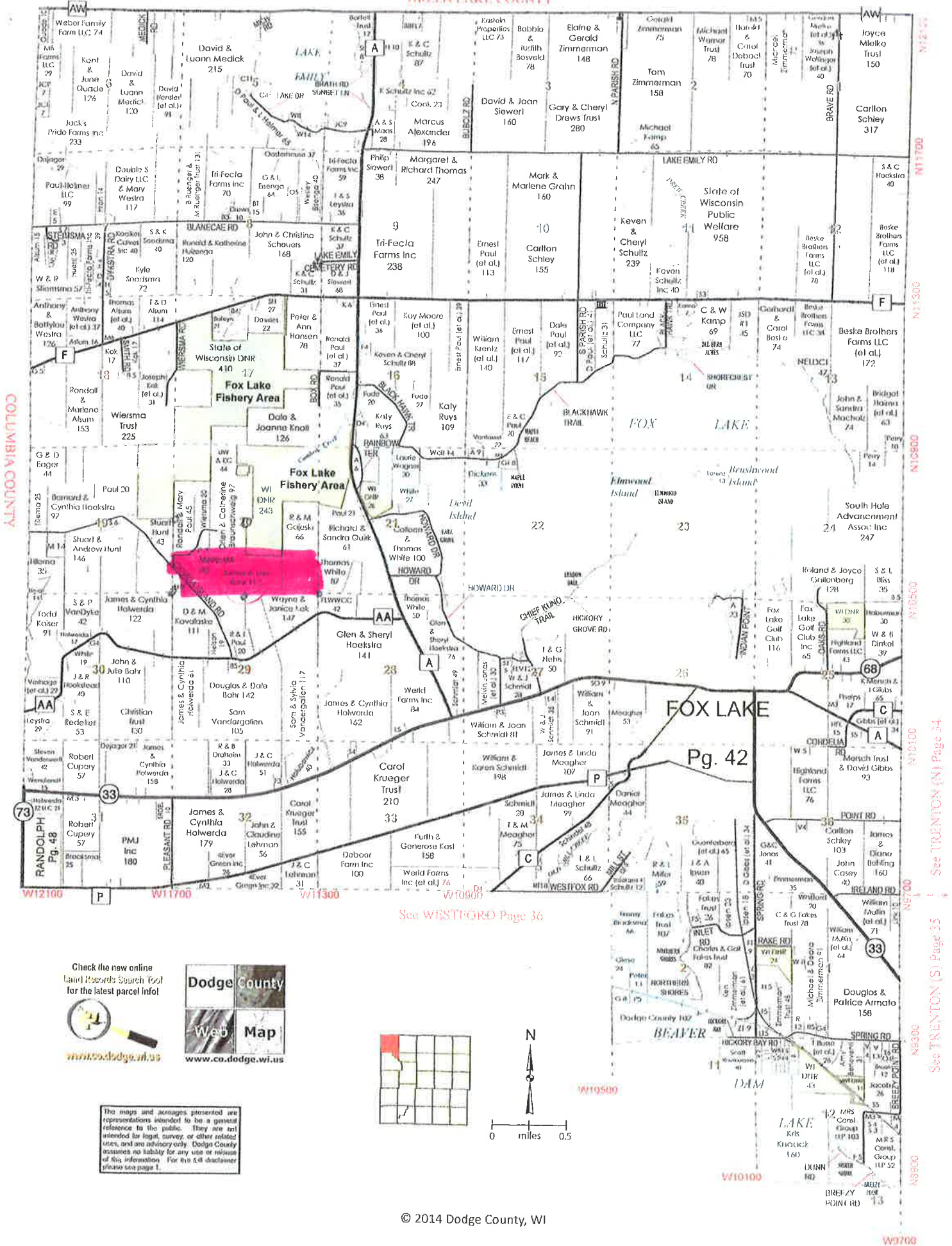
AREA BELOW THIS LINE FOR OFFICE USE ONLY

PLANNING, DEVELOPMENT & PARKS COMMITTEE ACTION

Date of Decision _____ Decision _____

<input type="checkbox"/> APPROVED	CONDITIONS	Land Resources and Parks Department
<input type="checkbox"/> DENIED		
		Date: _____

GREEN LAKE COUNTY



COLUMBIA COUNTY

Section numbers: N12500, N11700, N11500, N10800, N10500, N10100, N9700, N9300, N8900, N8500, N8100, N7700, N7300, N6900, N6500, N6100, N5700, N5300, N4900, N4500, N4100, N3700, N3300, N2900, N2500, N2100, N1700, N1300, N900, N500, N100, N10, N1, N11, N12, N13, N14, N15, N16, N17, N18, N19, N20, N21, N22, N23, N24, N25, N26, N27, N28, N29, N30, N31, N32, N33, N34, N35, N36, N37, N38, N39, N40, N41, N42, N43, N44, N45, N46, N47, N48, N49, N50, N51, N52, N53, N54, N55, N56, N57, N58, N59, N60, N61, N62, N63, N64, N65, N66, N67, N68, N69, N70, N71, N72, N73, N74, N75, N76, N77, N78, N79, N80, N81, N82, N83, N84, N85, N86, N87, N88, N89, N90, N91, N92, N93, N94, N95, N96, N97, N98, N99, N100, N101, N102, N103, N104, N105, N106, N107, N108, N109, N110, N111, N112, N113, N114, N115, N116, N117, N118, N119, N120, N121, N122, N123, N124, N125, N126, N127, N128, N129, N130, N131, N132, N133, N134, N135, N136, N137, N138, N139, N140, N141, N142, N143, N144, N145, N146, N147, N148, N149, N150, 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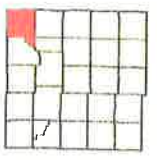
See WESTFORD Page 36

See TRENTON (N) Page 34
See TRENTON (S) Page 35

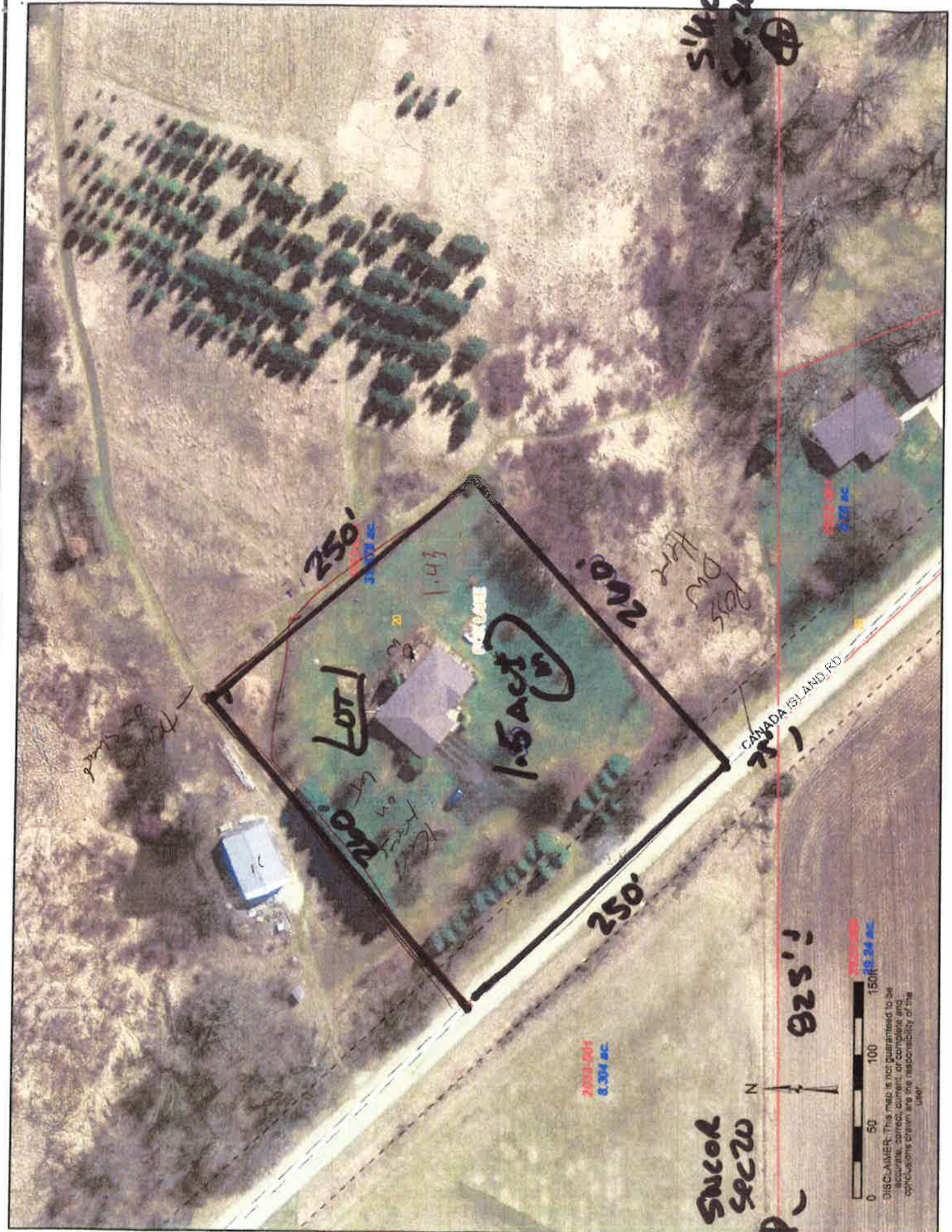
Check the new online Land Records Search Tool for the latest parcel info!

www.co.dodge.wi.us

Dodge County
Web Map
www.co.dodge.wi.us



The maps and acreages presented are representations intended to be a general reference to the public. They are not intended for legal survey, or other related uses, and are advisory only. Dodge County assumes no liability for any use or misuse of this information. For the full disclaimer please see page 1.



SILVER
2025

2025-001

250'

LOT 1

1.5 ACRES

200'

2025-002

CANADA ISLAND RD

250'

2025-001
8.304 ac

825'

2025-002
8.304 ac



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



Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2019-1007

Filing Date: October 31, 2019

Hearing Date: December 2, 2019

Applicant (Agent):

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

Owner

Mark Pilsner and Marie Northup
W5155 Fox Rd
Juneau, WI 53039

Location

PIN #: 034-1115-1334-000; 034-1115-1343-008; 2421-000; 1342-000; 1331-000;

Location: Part of the SE ¼ of the SW ¼, Section 13, Town of Oak Grove, the site address being N6149 St. Helena Road.

Applicants Request

The applicant owns approximately 142-acres at this location with land located along the east and west sides of St. Helena Road. An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow for the creation of an approximate 1.3-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District along the west side of St. Helena Road. An application for a minor land division request was also submitted by the applicant with a request to create an approximate 18-acre lot along the east side of St. Helena Road for open space recreational use. The 1.3-acre lot contains a residence which is intended for residential use. The 18-acre lot contains accessory buildings and wetlands which are intended for open space recreational use. The remaining 122+acres will remain in agricultural use.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Oak Grove 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.
2. Section 3.7.1.F of the Land Use Code identifies proposals that create lands for natural resource and open space uses as an allowed use in the A-1 Prime Agricultural Zoning District.

Purpose Statement

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

Physical Features of Site

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

The site is located within the A-1 Prime Agricultural Zoning District.

The County has Shoreland Jurisdiction over portions of the property.

- Portions of the 18-acre lot are designated as wetlands.
- The proposed 1.3-acre lot is not designated as wetlands.

Portions of the remnant lands are located within the County's Floodplain jurisdiction.

The base farm tract contains 142.116-acres that are located within the A-1 Prime Agricultural Zoning District;

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

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

Land Use, Site: Residential and agricultural.

Land Use, Area: Agricultural with scattered residences along County Road S and St. Helena Road.

Designated Archaeological Site: Yes No

Town Recommendation: Approve Deny No recommendation submitted

STAFF ADVISORY:

This staff advisory is only advice to the Land Resources 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 lots from the County and local municipalities if required, prior to the creation of these lots;
2. The 18-acre lot shall remain in agricultural or open space use only and no residential structures shall be located on this lot unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District and all required approvals are obtained.
3. The proposed 1.3-acre non-farm residential lot shall not exceed 6.76-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
4. Only one single family residential unit may be located on the proposed 1.3-acre non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
5. 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;
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:
 - 034-1115-1334-000; 034-1115-1343-008; 2421-000; 1342-000; 1331-000;
7. 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;
8. The decision of the Committee shall expire one year after the decision is filed with the Department.

“EXHIBIT A”

Staff Review Comments

The staff has reviewed the proposal for compliance with the criteria listed in Section 2.3.6.F and 3.7.2 of the code. The staff comments are as follows:

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

	<u>Complies</u>	<u>Potential Problem</u>	<u>N/A</u>
Proposed Use:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.7.2.D.1 Non-farm residential acreage ratio: <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none">• Acreage of Base Farm Tract: 142.116 acres;• Non-farm residential acreage: 1.3 acres;• Farm acreage remaining after project is completed: 140.816 acres;• The ratio of all “nonfarm residential acreage” to farm acreage: on the “base farm tract” shall not exceed 1 to 20 (0.05).<ul style="list-style-type: none">▪ Ratio of non-farm residential acreage to farm acreage: 1 to 108 or 0.009			
3.7.2.D.2 The total number of non-farm residential units on the base farm tract shall not exceed 4;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing non-farm residences on base farm tract:			
<ul style="list-style-type: none">• 0 - Number of existing non-farm residential units located on base farm tract;• 1 - Number of proposed non-farm residential units located on base farm tract;• 1 - Total number of non-farm residential units located on base farm tract;			
The total number of residential units of any kind on the base farm tract shall not exceed 5;			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing residential units on base farm tract:			
<ul style="list-style-type: none">• 1 - Number of existing residential units located on base farm tract;• 0 - Number of proposed residential units located on base farm tract;• 1 - Total number of residential units located on base farm tract;			
3.7.2.D.3.a Location of the proposed lots: <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the proposed nonfarm residential lot convert cropland or “prime farmland” into non-farm use;			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			
3.7.2.D.3.b Location of the proposed lots: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the location of the nonfarm residential lot significantly impair the current or future agricultural use of other “protected farmland”?			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			
Non-Farm Residential Cluster:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- It is the staff's position that the existing residential use will be compatible with the adjacent uses;

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

- It is the staff's position that the proposal will not have a significant detrimental impact on the adjacent properties or the community;

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

- It is the staff's position that the proposal will not have an adverse impact on the value of other property in the area;

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

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

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

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

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

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

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

- It is the staff's position that proposed use will not be located in any hazard areas.

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

- It is the staff's position that the proposed project complies with the applicable provisions of the code;

Dodge County Land Resources and Parks Committee Decision

County Conditional Use Permit Application # 2019-1007

Filing Date: October 31, 2019

Hearing Date: December 2, 2019

Applicant (Agent):

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

Owner

Mark Pilsner and Marie Northup
W5155 Fox Rd
Juneau, WI 53039

Location

PIN #: 034-1115-1334-000; 034-1115-1343-008; 2421-000; 1342-000; 1331-000;
Location: Part of the SE ¼ of the SW ¼, Section 13, Town of Oak Grove, the site address being N6149 St. Helena Road.

Applicants Request

The applicant owns approximately 142-acres at this location with land located along the east and west sides of St. Helena Road. An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow for the creation of an approximate 1.3-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District along the west side of St. Helena Road. An application for a minor land division request was also submitted by the applicant with a request to create an approximate 18-acre lot along the east side of St. Helena Road for open space recreational use. The 1.3-acre lot contains a residence which is intended for residential use. The 18-acre lot contains accessory buildings and wetlands which are intended for open space recreational use. The remaining 122+acres will remain in agricultural use.

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

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?

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?

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 and operating characteristics? (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No / Not Applicable)

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

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

(Yes / No/ Not Applicable)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes/No)

1. The applicant shall obtain the required land division approvals for the proposed lots from the County and local municipalities if required, prior to the creation of these lots;
2. The 18-acre lot shall remain in agricultural or open space use only and no residential structures shall be located on this lot unless the lot is successfully rezoned into a zoning district which allows additional residential units at this location.
3. The proposed 1.3-acre non-farm residential lot shall not exceed 6.76-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
4. Only one single family residential unit may be located on the proposed 1.3-acre non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
5. 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;
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 - 034-1115-1334-000; 034-1115-1343-008; 2421-000; 1342-000; 1331-000;
7. 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;
8. The decision of the Committee shall expire one year after the decision is filed with the Department.

Others

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

Joseph Marsik	<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
Jeff Schmitt	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Larry Schraufnagel	<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
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. 191007	Permit Issued Date
Application Date: 10/31/19	Receipt #: 620493
	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) New Frontier Land Surveying	Parcel Identification Number (PIN) 034-1115-1334-000; 1343-008	
Street Address P.O. Box 576	Town OAK GROVE	T N R E 11 15
City • State • Zip Code BEAVER DAM WI 53916	1/4 1/4 Section SE SW 13	Acreage Lot (Block) 65 203
Property Owner (if different from applicant) MARK PILSNER	Subdivision or CSM (Volume/Page/Lot) N/A	
Street Address W 5155 FOX	Address Of Property (DO NOT include City/State/Zip Code) N 6179 ST. HELENA RD	
City • State • Zip Code JUNEAU WI 53039	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

(3) PROPERTY USE	(4) PROPOSED PROJECT
<p>Current Use Of Property</p> <input checked="" type="checkbox"/> Vacant Property <input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other <u>Brother/Sister owners split farm</u>	<p>(Please check/complete all that apply below)</p> <input checked="" type="checkbox"/> Non-Farm Residential Lot <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Two-Family Residence <input type="checkbox"/> Multi-Family Residence <input type="checkbox"/> Tavern or Restaurant <input type="checkbox"/> Professional Office <input type="checkbox"/> Non-Metallic Mine/Quarry <input type="checkbox"/> Wind Tower <input type="checkbox"/> Create/Expand Business <input type="checkbox"/> Wildlife Pond > 2-acres <input type="checkbox"/> Wireless Communications Tower <input type="checkbox"/> Contractor's Offices and Storage Yards <input type="checkbox"/> Filling, Grading or Dredging in the Shoreland District Other: <u>OPEN SPACE HOW TO BE USED</u> <u>SOL TO BUY FENCE</u>
<p>DNR Notice</p> <p>DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.</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 **[Signature]** Date **10/25/19**
 Daytime Contact Number **(920) 885-3704**

AREA BELOW THIS LINE FOR OFFICE USE ONLY

PLANNING, DEVELOPMENT & PARKS COMMITTEE ACTION

Date of Decision _____ Decision _____

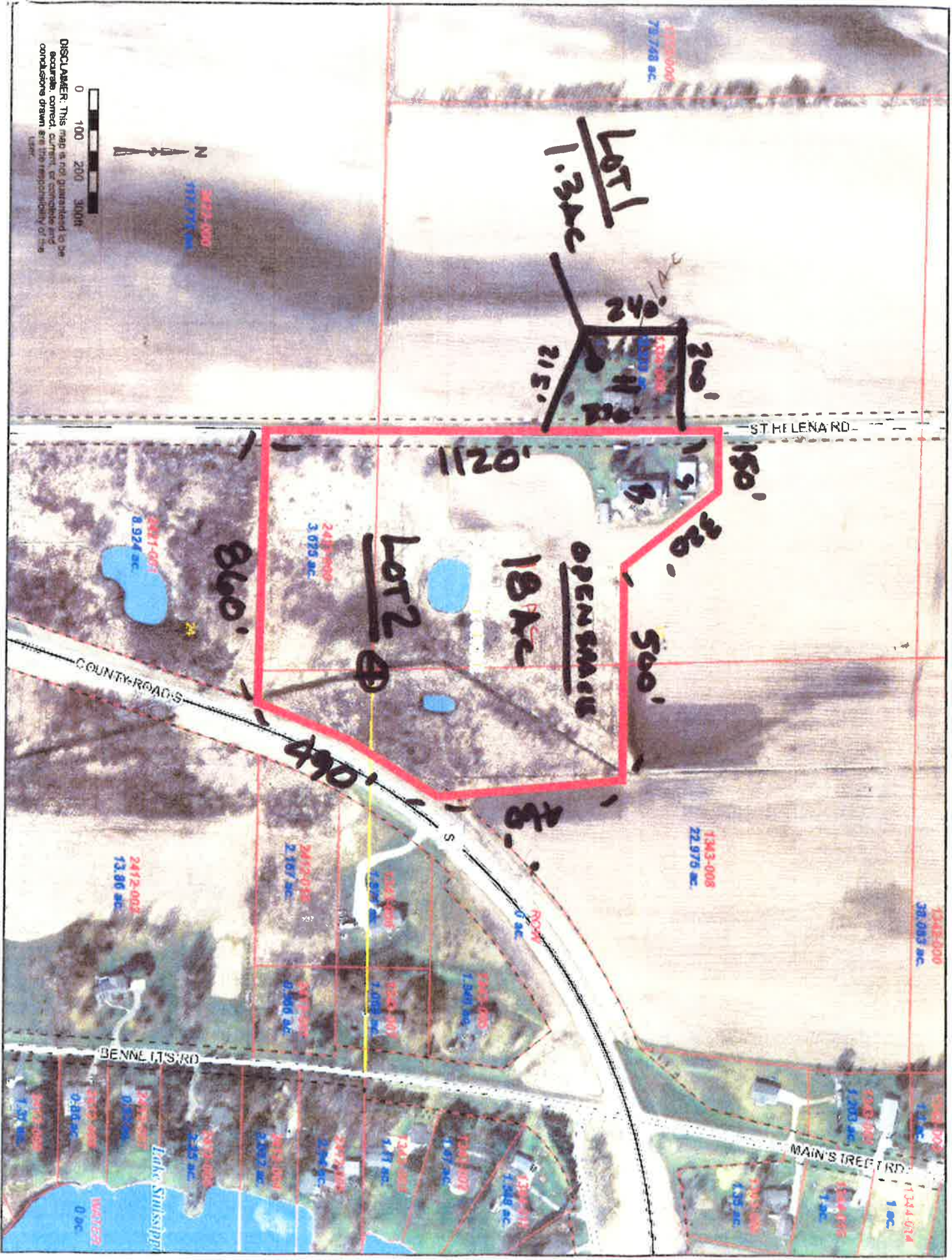
- APPROVED
- DENIED

CONDITIONS

Land Resources and Parks Department

Date: _____

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



LOT 1
1.3 ac

LOT 2
18 ac

OPENSMAU

ST HELENA RD

COUNTY ROAD 5

BENNETT'S RD

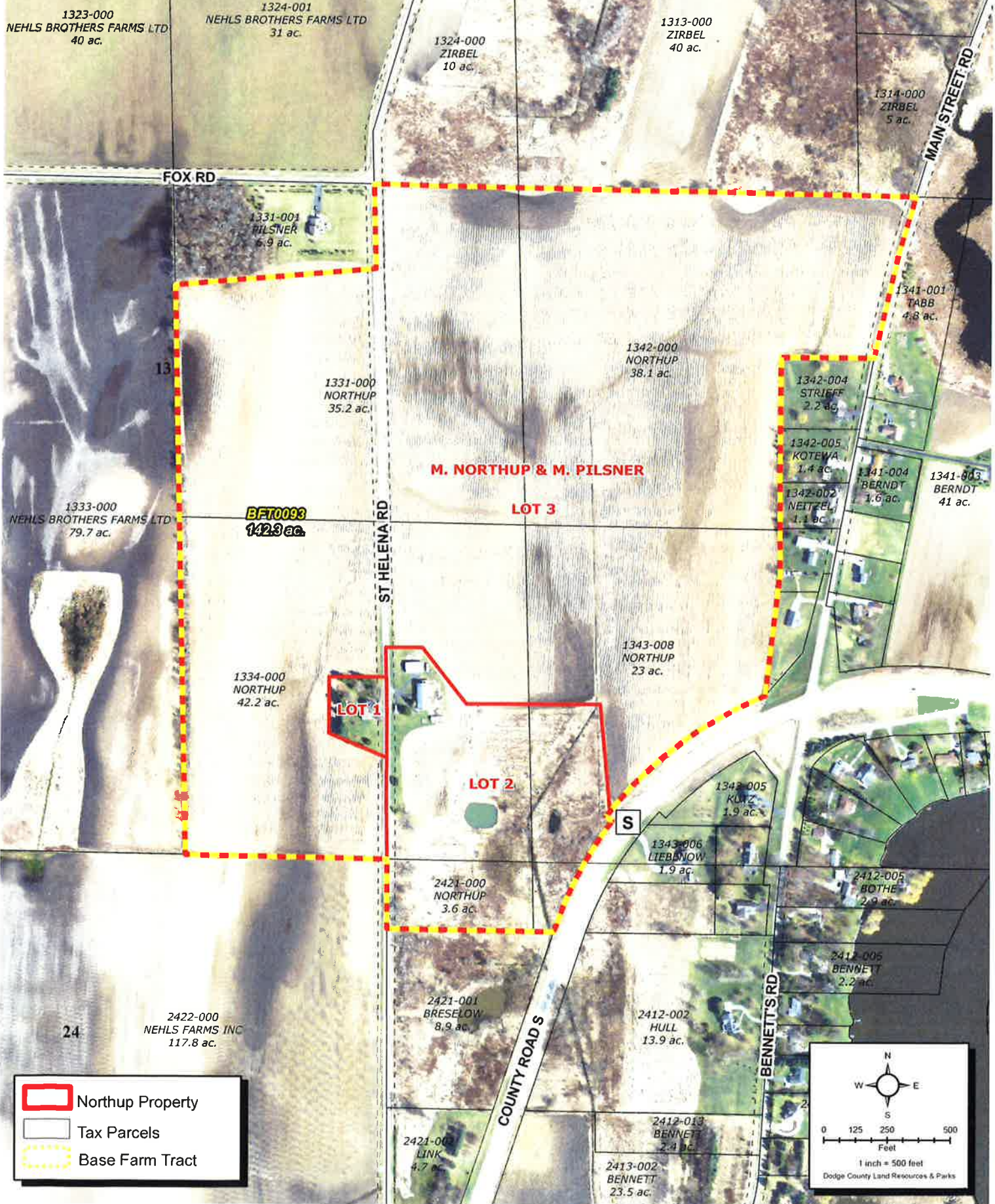
MAIN STREET RD

near

Marie Northup & Mark Pilsner

Town of Oak Grove, Sec. 13

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.



- Northup Property
- Tax Parcels
- Base Farm Tract

N

W E

S

0 125 250 500

Feet

1 inch = 500 feet

Dodge County Land Resources & Parks

Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2019-1008

Filing Date: October 31, 2019

Hearing Date: December 2, 2019

Applicant (Agent):

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

Owner:

Royce and Elaine Cox Revocable Trust
W6495 County Road S
Juneau, WI 53039

Location

PIN #: 034-1115-2911-000; 034-1115-2912-000; 034-1115-2922-000;

Location: Part of the NE ¼ of the NE ¼, Section 29, Town of Oak Grove, the site address being N5641 State Road 26.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow for the creation of an approximate 1.7-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The proposed 1.7-acre lot will contain an existing residence and accessory buildings which are intended for residential use. The remaining 154+acres will remain in agricultural use.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Oak Grove 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 County has Zoning Jurisdiction over this site as the Town of Oak Grove 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 remnant lands.

- Portions of the 154+acre remnant lands are designated as wetlands.
- The proposed 1.7-acre lot is not designated as wetlands.

County has Floodplain jurisdiction over portions of the remnant lands.

- Portions of the 154+acre remnant lands are designated as floodplain.
- The proposed 1.7-acre lot is not designated as floodplain

The base farm tract contains 156.321-acres that are located within the A-1 Prime Agricultural Zoning District;

- 7.4-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 STH 26 and County Road S.

Designated Archaeological Site: Yes No

Town Recommendation: Approve Deny No recommendation submitted

City of Juneau Recommendation: Approve Deny No recommendation submitted

STAFF ADVISORY:

This staff advisory is only advice to the Land Resources 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 7.4-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 1.7-acre 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:
 - 034-1115-2911-000; 034-1115-2912-000; 034-1115-2922-000
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 shall expire one year after the decision is filed with the Department.

“EXHIBIT A”

Staff Review Comments

The staff has reviewed the proposal for compliance with the criteria listed in Section 2.3.6.F and 3.7.2 of the code. The staff comments are as follows:

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

	<u>Complies</u>	<u>Potential Problem</u>	<u>N/A</u>
Proposed Use:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.7.2.D.1 Non-farm residential acreage ratio: <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none">• Acreage of Base Farm Tract: 156.321 acres;• Non-farm residential acreage: 1.7 acres;• Farm acreage remaining after project is completed: 154.621 acres;• The ratio of all “nonfarm residential acreage” to farm acreage: on the “base farm tract” shall not exceed 1 to 20 (0.05).<ul style="list-style-type: none">▪ Ratio of non-farm residential acreage to farm acreage: 1 to 90.9 or 0.01			
3.7.2.D.2 The total number of non-farm residential units on the base farm tract shall not exceed 4;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing non-farm residences on base farm tract:			
<ul style="list-style-type: none">• 0 - Number of existing non-farm residential units located on base farm tract;• 1 - Number of proposed non-farm residential units located on base farm tract;• 1 - Total number of non-farm residential units located on base farm tract;			
The total number of residential units of any kind on the base farm tract shall not exceed 5;			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing residential units on base farm tract:			
<ul style="list-style-type: none">• 1 - Number of existing residential units located on base farm tract;• 0 - Number of proposed residential units located on base farm tract;• 1 - Total number of residential units located on base farm tract;			
3.7.2.D.3.a Location of the proposed lots: <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the proposed nonfarm residential lot convert cropland or “prime farmland” into non-farm use;			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			
3.7.2.D.3.b Location of the proposed lots: <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the location of the nonfarm residential lot significantly impair the current or future agricultural use of other “protected farmland”?			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			
Non-Farm Residential Cluster:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- It is the staff's position that the proposed residential use will be compatible with the adjacent uses;

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

- It is the staff's position that the proposal will not have a significant detrimental impact on the adjacent properties or the community;

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

- It is the staff's position that the proposal will not have an adverse impact on the value of other property in the area;

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

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

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

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

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

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

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

- It is the staff's position that proposed use will not be located in any hazard areas.

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

- It is the staff's position that the proposed project complies with the applicable provisions of the code;

Dodge County Land Resources and Parks Committee Decision

County Conditional Use Permit Application # 2019-1008

Filing Date: October 31, 2019

Hearing Date: December 2, 2019

Applicant (Agent):

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

Owner:

Royce and Elaine Cox Revocable Trust
W6495 County Road S
Juneau, WI 53039

Location

PIN #: 034-1115-2911-000; 034-1115-2912-000; 034-1115-2922-000;

Location: Part of the NE ¼ of the NE ¼, Section 29, Town of Oak Grove, the site address being N5641 State Road 26.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow for the creation of an approximate 1.7-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The proposed 1.7-acre lot will contain an existing residence and accessory buildings which are intended for residential use. The remaining 154+acres will remain in agricultural use.

County Jurisdiction

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

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?

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?

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 and operating characteristics? (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No / Not Applicable)

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

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

(Yes / No/ Not Applicable)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes/No)

1. The 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 7.4-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
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7. The decision of the Committee shall expire one year after the decision is filed with the Department.

Others

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

Joseph Marsik	<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
Jeff Schmitt	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Larry Schraufnagel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Tom Schaefer - Chairman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

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

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

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

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

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

If a conditional use permit is denied, the applicant may appeal the decision to the circuit court under the procedures contained in s. 59.694(10) Wis. Stats.

Dodge County Land Resources and Parks Committee

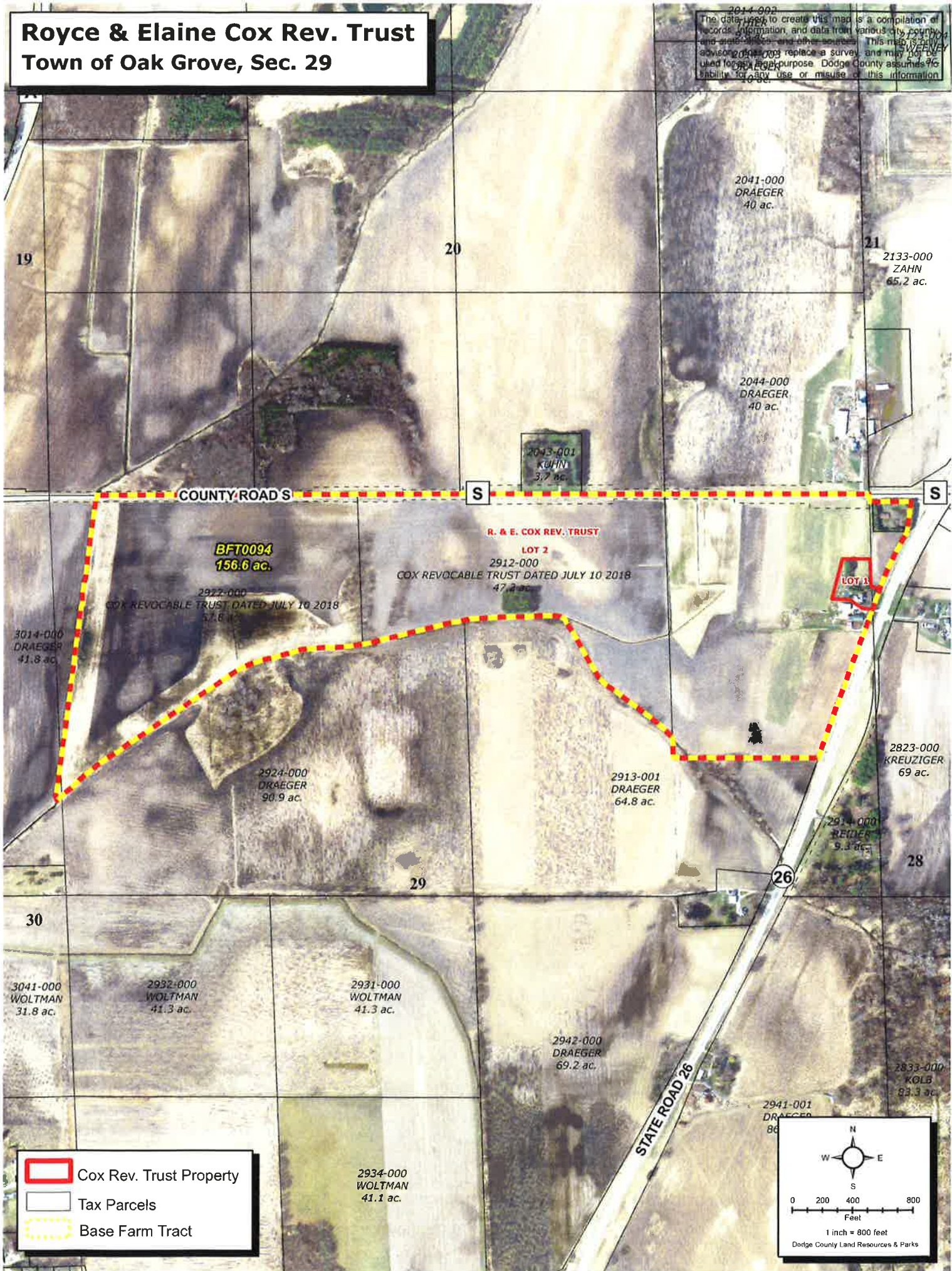
Signed _____ Attest _____
Chairperson Secretary

Dated: _____ Filed: _____

Royce & Elaine Cox Rev. Trust

Town of Oak Grove, Sec. 29

2014-002
 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 and 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.



- Cox Rev. Trust Property
- Tax Parcels
- Base Farm Tract

N
W E
S

0 200 400 800
Feet

1 inch = 800 feet
Dodge County Land Resources & Parks



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. 191008	Permit Issued Date
Application Date: 10/31/19	Receipt #: 620493
	Sanitary Permit #:

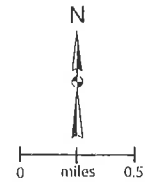
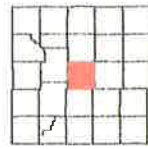
Application Fee: \$350 (After the Fact Application Fee - \$700)

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.].

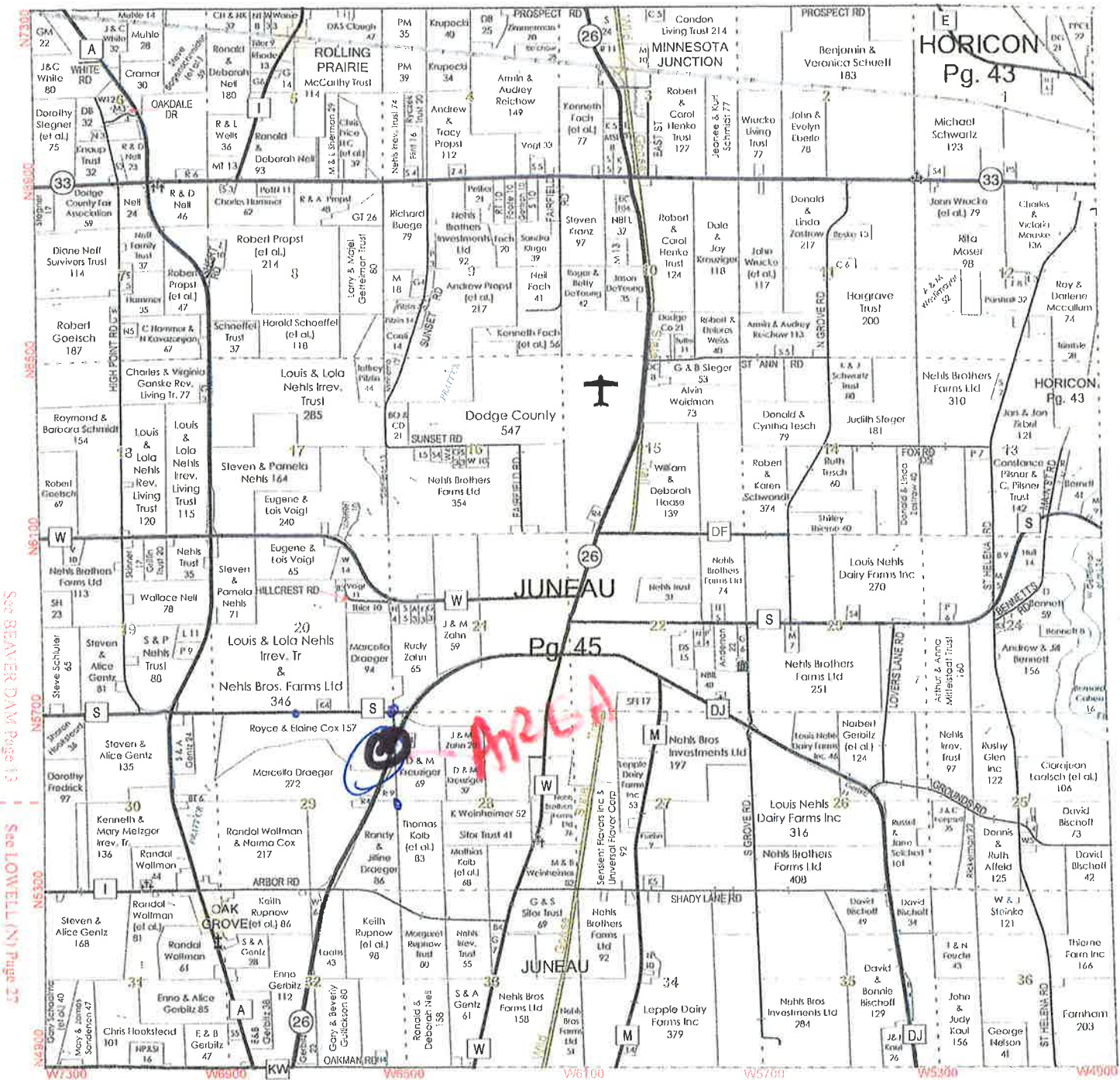
(1) NAMES & MAILING ADDRESSES		(2) PROPERTY DESCRIPTION	
Applicant (Agent) <i>New Frontier Land Surveying</i>		Parcel Identification Number (PIN) <i>034-1115-2911-000;</i>	
Street Address <i>P.O. Box 576</i>		Town <i>Oak Grove</i>	T N R E <i>11 15</i>
City • State • Zip Code <i>BEAVER DAM, WI 53516</i>		1/4 Section <i>NE NE 29</i>	Acreage Lot (Block) <i>157 2.0</i>
Property Owner (If different from applicant) <i>Royce Cox</i>		Subdivision or CSM (Volume/Page/Lot) <i>N/A</i>	
Street Address <i>W 6495 CTH "S"</i>		Address Of Property (DO NOT include City/State/Zip Code) <i>N 5641 STH "26"</i>	
City • State • Zip Code <i>JUNEAU, WI 53039</i>		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(3) PROPERTY USE		(4) PROPOSED PROJECT	
Current Use Of Property <input type="checkbox"/> Vacant Property <input type="checkbox"/> Single-Family Residential <input checked="" type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other _____		(Please check/complete all that apply below) <input 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: <i>Son to buy Farm House</i> <i>currently live here</i>	
DNR Notice			
DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.			
(5) CERTIFICATE			
I, the undersigned, hereby apply for a Conditional Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that I have read the DNR Notice shown above. I affirm that all work performed will be done in accordance with the Dodge County Land Use Code and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for purposes of obtaining information pertinent to my application request and to conduct land use code inspections.			
Signature <i>[Signature]</i>		Date <i>10/25/19</i>	
Daytime Contact Number (920) <i>885-3904</i>			
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: _____	

OAK GROVE

T.11N. R.15E.



See BURNETT Page 14



See BEAVER DAM Page 13

See LOWELL (N) Page 27

See HUBBARD Page 22

See CLYMAN Page 17

The maps and acreages presented are representations intended to be a general reference to the public. They are not intended for legal survey, or other related uses, and are advisory only. Dodge County assumes no liability for any use or misuse of this information. For the full disclaimer please see page 1.

Land Information

Search Tool

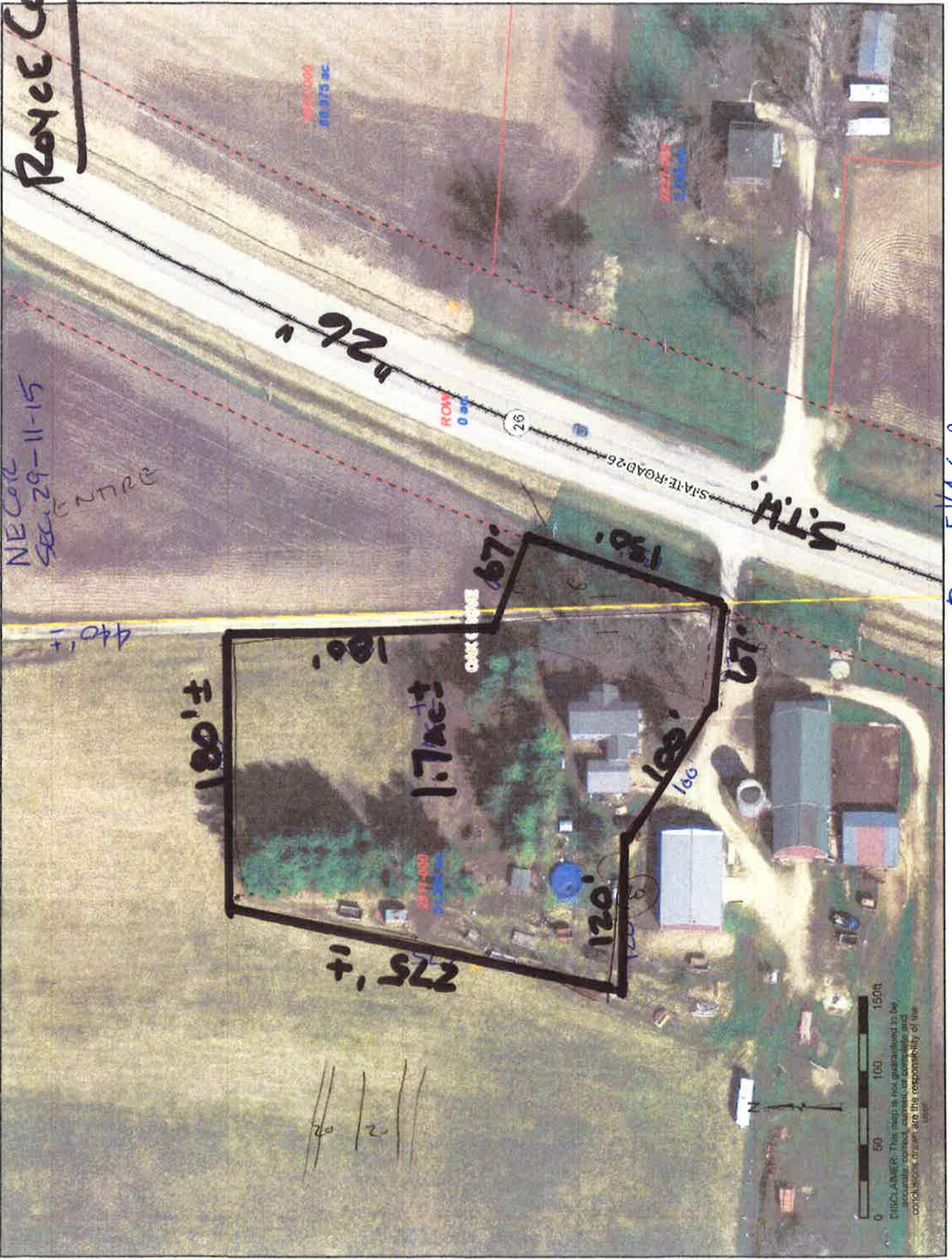
Dodge County

Web Map

Royce Cox

NE Corner
SEC. 29-11-15
CENTRE

E/4 Cor
SEC. 29-11-15



226'

ROW
0.36'

26

STATE ROAD 26

5TH

OAK GROVE

180' ±

1.7 Acre ±

275' ±

167'

120'

166'

167'

150'

160'

440' ±

2
2

0 50 100 150ft

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